

**MACON COUNTY ZONING BOARD OF APPEALS**

**HEARING MINUTES – December 4, 2019**

**MEMBERS PRESENT**

Barb Lamont, Chair  
Ron Grider  
Blake Noland  
Adam Brown  
Marcia Potrafka  
Ed Leonard, Alternate Member #1  
Dennis Hughes, Alternate Member #2

**COUNTY PERSONNEL PRESENT**

Jennifer Gunter, Planning & Zoning Director  
Tracy Sumpter, Planning & Zoning  
Debra Kraft, County Board Member  
Michael Baggett, Assistant State’s Attorney  
Kathy Wade, Director, Environmental Health

Chair Barb Lamont called the meeting to order at 8:30.

**MINUTES**

Blake Noland made the motion to approve November 6, 2019 minutes, seconded by Ron Grider. All members present answering, Aye. Motion Carried (5-0).

**OLD BUSINESS:**

- 4.1** V-01-11-19 a petition filed by Angi Cooper requesting a variance to change the required front setback from 35 feet to 20 feet in (R-1) Single Family Residential Zoning. The property is commonly known as 1909 W Ash Ave, Decatur, IL 62526  
PIN 07-07-28-301-005

Mrs. Gunter stated Zoning Board of Appeals approved this petition November 6, 2019.
- 4.2** V-02-11-19 a petition filed by David Corman requesting a variance to change the required road frontage from 190 feet to 20 feet in (A-1) Agricultural Zoning. The property is commonly known as Prairie View Road, Argenta, IL 62501  
PIN 14-08-25-127-010 \*\* WITHDRAWN \*\*
- 4.3** S-03-11-19 a petition filed by James Knierim requesting a special use permit for the operation of a trailer sales business in (A-1) Agricultural Zoning. The property is commonly known as 4480 W Elwin Road, Decatur, IL 62521  
PIN 02-15-01-200-012

Mrs. Gunter stated Zoning Board of Appeals approved this petition November 6, 2019, EEHW approved November 21, 2019 and it goes to full County Board December 12, 2019.

Chair Lamont asked for any persons wishing to speak today to please stand so she could swear them in.

**NEW BUSINESS:**

- 5.1 S-01-12-19 a petition filed by Toby Buhs requesting a special use permit for the operation of a trucking business in (R-4) Single Family Residential Zoning. The property is commonly known as 6361 Reas Bridge Road, Oakley, IL 62501  
PIN 14-08-34-300-026

Faith Wilson  
6361 Reas Bridge Road  
Oakley, IL 62501

Ms. Wilson stated she would like to start by introducing their family to the board. She feels like this question of having a special use permit and concern about decreasing property values is certainly not something that would ever be a part of what they would ask for. She stated Toby has been a Fleet Maintenance Director for the past 25 years with a company based just north of here. He has no plans to leave that job until he retires at the normal age, probably 20 years from now. He is responsible for the maintenance, compliance and safety of an entire fleet of vehicles as well as the management of a team of people. His safety and compliance record is flawless and he is a very valued employee. She stated their request for a special use permit is really simple. Toby spent the last year and a half rebuilding a truck, a project he started with their oldest son. He completed that project and that semi is currently sitting on their property, which is 5 acres, (she pointed the property out on the map). She said she knows the board members have probably driven past the property and notice it is not something that is easily visible. As far as concerns of the overall value of properties being diminished by this, it just is not part of their nature. They are both very hard working individuals and they have been contributors and supporters of this community for many years. She would like everyone to meet their family. They have five amazing children who are also great people. Their oldest daughter is a great mom to their two favorite and only grandkids. They absolutely love this property, hunting for frogs and fishing in the pond, even though they have only been here since December of last year, it has been a great opportunity to spend some quality time and they really love it. Their oldest son, TJ, was the greatest most motivated diesel mechanic she has ever seen. He was a fast learner and he worked side by side with his dad for many years. Their pond is now named TJ's fishing hole in honor of their oldest son. He was an amazing fisherman and would have loved to spend time spend time there. Ms. Wilson stated that he actually died 13 months to the day today and they miss him very much. The semi in question is actually named after their son. TJ's Enterprises. It was a project he and his dad worked on side by side and it is really special to them. Their next oldest son Tyler is a nurse at Froedert in Milwaukee. He specializes in Cystic Fibrosis and respiratory therapy. Connor, their youngest son is a police officer in Wautoma, WI. He has been a member of the National Guard and has served our country for 5 years. Their youngest daughter is finishing her senior year in nursing college. She is a scholarship athlete in a division 2 program, managing an incurable disease she was diagnosed with four years ago. She will truly change the world and find a cure for epilepsy. This is their family. They have three dogs, who are now their 4-legged kids. Two of them they have had for quite some time and the youngest

pup was their son's dog. They enjoy a fenced in property so they can keep them safe and out of other people's yards. She stated they are pretty sure this complaint came from a neighbor who they have experienced some issues with whose dogs were coming onto their property. They feel like this complaint is likely driven from that. She said giving an introduction to their family helps to understand they are contributing neighbors, they are not problematic. In fact, they actually went door to door visiting their neighbors to speak to them about coming here. She pointed these neighbors out on the map and noted the neighbors that had signed her petition. Their next-door neighbor (Judith Haws), they know she has written a letter opposing the permit. They also talked with a neighbor (Marcia) who was not interested in signing anything but said they have her full support and if anyone wished to talk with her, they were more than welcome to do so. She stated she has some things she would like to quickly address in regards to the four areas of concern.

She stated in order to show that the proposed use of the property would fit with the existing use of the property in this area, it is pretty simple. The truck is simply parked at the rear area of the property. It is not in an area that is visible or will be an eyesore. There really is no change in use to the property by parking a single semi-truck on the property and they are in full support of having this special permit specifically state that only one truck can be operated out of this particular area. Specifically tied to TJ's Enterprise so that there is no confusion and no risk that this will ever change. They do not have any desire to operate a full trucking company. In fact, his use of the truck this year, which supported ADM, Tate & Lyle and Topflight, as well as local farmers in the area, operated out of their driveway sixteen times. He went out, he went in. The maintenance is done at a separate location, which is covered and enclosed. They will not have additional traffic coming or going. During the times of use, the truck typically leaves around 6:00 or 6:15 am and returns about 6:30 pm. Concerns of lowering property values in the area: can you see it and can you hear it is what came to her mind. She stated you really cannot see it, it is parked far enough back on the property. She understands one individual, who wrote a letter, was concerned with safety due to the hill that is east of their property outside of the driveway. She said this is understandable but Toby has had his CDL for 25 years. He has never had a violation. He has been operating this type of equipment for more than half his life. He is very safe and safety is something that he deals with on a daily basis. She really does not feel safety will be a concern. She said due to visibility, they planted eight trees this year along the front property line. Their plan is to plant an additional ten trees as well as some grasses to not only block the wind but also improve the aesthetic value of the property. The special use permit indicates it is for a single truck, he is an owner, operator, sole proprietor, very simple. There will not be other ones. She is a little concerned that not having the special use permit will impact other people as well. They have a lot of people in the Oakley area who bring what would be considered a commercial motor vehicle, a service truck, a work truck home, they park it on their property, it is part of their livelihood. She stated this is not necessarily part of their livelihood right now, it is just something that is special to them, but she would hate to see other people impacted in that way that it would be negative and limit them and their ability to have a good paying job. She does not feel there will be any issue with traffic because the traffic increase just is not there. It is pulling out at a time when they really don't see a lot of traffic on the road, same with it returning. She stated if this were during a time when Caterpillar was releasing their employees or some of the other larger employers, she could see that being a concern, but that simply is not it. There is no real noise associated with starting a truck and driving it out of the

driveway. She feels that if Judy (neighbor) really had some concerns, she would have come and talked with them about it, if there was any type of noise issue. She stated they have a good relationship with her and she had concerns she would have let them know. She doubts Judy (neighbor) even knew the truck was parked there, or being used at all had this not come about. She stated they were told the highway commission had no issues with the truck entering and leaving the property. She would like to know if there are other concerns, and she would be happy to address them. She stated since moving in, they have greatly improved the property already. They have worked tirelessly. This property had been really neglected over at least the past 8 years. They have spent tireless hours saving trees, trimming trees, removing trees. They have brought in landscaping rock and put plantings in trying to bring back some improvements to the aesthetic value. She stated you really could not see the pond from the back yard, it was so overgrown. They hand by hand took down those little tiny trees and have been continuing to improve it. They would like to show that the use of the property would not create health or traffic hazards. She feels like they have addressed that. There was some concern about fuel on the property. She stated they buy fuel at the Pilot; it is just simply easier that way.

Chair Lamont asked if they have fuel storage on the property.

Ms. Wilson stated there is a small tank, but there is nothing in it. They have their lawnmower and things of that nature but it just really is not convenient. The other concern was the road and bridge limits. She stated Toby does not bring the semi home when loaded. It is not something he is interested in doing so the truck is not going over the bridge with excessive weight tied to it. She stated how this would be beneficial to the county: they are tax-paying residents, they are a good family who work in the county. The support that Topflight, ADM and Tate & Lyle and the farmers bring to this community is important to all of us and they are supporting that. The truck uses diesel, there are many taxes generated that are based on that. Parts and service needs support the local economy. Their house in Cerro Gordo that was purchased, which they currently have as a rental; it was a foreclosure that was not even livable. There were weeds in the front of the house that were as tall as the roof, trees growing out of the gutters. They improved that property and made it beautiful. It is now a valuable piece of property that generates more taxes and has another really good family with kids going to school living there. She stated they would not be the type of people who will have a bunch of junk in their yard or one truck will turn into more. She added it is just not who they are. She stated she hopes the board will consider accepting the special use permit, it is near and dear to their hearts. They are good people and appreciate the opportunity to share their story and ask for the permit.

Adam Brown asked if the semi-trailer also came home with the truck or is it stored at a separate location.

Ms. Wilson stated it does and they have enough room for him to pull in and turn around so he is exiting the property front facing every time. The trailer is simply parked right behind the truck.

Adam Brown asked if it was just one trailer.

Ms. Wilson stated they actually have two. The first trailer that was purchased, was actually for bringing in gravel. She stated their driveway was in bad shape so they did bring in some

loads of gravel to help improve that. It is also something they use to bring firewood to their house. Then they have what would be called a belly dump, which is the grain hauler used for agricultural purposes. The gravel trailer is not used very often but does sit on the property.

Mr. Baggett stated with respect to the tractor and the trailer, he asked if those are currently enclosed or are there plans for a structure. He asked if they had any type of garage or is it just parked out in the open.

Ms. Wilson stated it is parked out in the open.

Mr. Baggett stated back part of the property but open air.

Ms. Wilson stated yes.

Mr. Baggett stated he does not have any questions, but he would like to address the board before they take a vote.

Chair Lamont asked if there was anyone else who would like to comment on this matter.

There were no other comments.

Mr. Baggett stated as he listened to the presentation by Ms. Wilson and reviewed the petition for special use permit, he suddenly developed a concern that there is no need for a special use permit for the nature of what the petitioner is asking to do. He has reviewed the Macon County Code, the relevant portions of the zoning ordinance, and it is his opinion and he will so advise the board as their legal counsel, that he does not read the R-4 zoning restrictions as prohibiting the parking of a tractor-trailer on the property by the owner of the property. If it were more than one tractor, then absolutely, that is conduct of a business and violated the residential zoning requirements but he simply does not read the county's zoning ordinance to prohibit an owner/operator from parking his truck on his property when he is not hauling things. He stated he has reviewed the section of the code (155.117) which refers back to the R-1 permitted uses (155.115), again, he simply does not see anything in our code which prohibits a tractor trailer operator from parking his vehicle on his property when he is not using it. There may be load restrictions or weight restrictions with respect to the highway the property has ingress and egress from but that is not a matter of concern for the Zoning Board. That is a highway problem, an IDOT problem, it is not within the jurisdiction of this board, certainly not within the jurisdiction of the zoning ordinance. He stated he spoke with Mrs. Gunter about his concerns to make sure he was not missing anything before he advised the board and he thinks the advice given to the petitioner was to apply out of an abundance of caution because of the concerns that neighbors to the property have, ultimately, he finds the concerns of the neighbors are irrelevant if this is not a non permitted use or a use outside the scope of the zoning ordinance. He understands the neighbors may have concerns, and it is not that their concerns are not legitimate or founded, but he simply does not think they are within the parameters this board is allowed to concern itself with when advising the county board, whether to issue a special use permit, he just does not believe a special use permit is necessary for them to conduct the business in the manner they have testified here today. With that being said, the petition is before the board and he does think they should

act on it. Whether the board recommends approval or not to the full county board, is up to them, he thinks they are within their power to do what they want but this is his opinion today and he will so advise the county board before they consider and make final judgement. He does not think this is necessary and he would certainly yield to any questions any board members may have.

Ron Grider asked if that would also fall under “family” business in R-4 zoning.

Mr. Baggett stated with the situation described here, you have an owner/operator parking his business vehicle, it is no different than an electrician or a plumber who is operating a pick up truck professionally and parking it at his residence when he is done working for the day. He stated it is different only in the sense that there might be load restrictions or weight restrictions on the highway but that is not a matter of concern for this board. He stated if they were operating multiple trucks, then he thinks that would be the operation of business off the property which would definitely fall within the purview but he does not see this as the operation of a business except that he happens to be the owner of the truck he is parking and he just does not believe that is an un-permitted use under our zoning code.

Mrs. Gunter asked if we could withdrawal.

Mr. Baggett stated the petitioner can withdrawal if they so choose or otherwise they can proceed forward and press ahead and have the board make a decision as to whether to recommend approval or not to the county board. Again, he thinks they can do what they want and he understands the rationale behind applying for the permit out of an abundance of caution. His legal opinion, of course it is not a judicial opinion, but his legal opinion is that it is not necessary.

Chair Lamont and Ed Leonard said they thought the board should follow through with the vote.

Mrs. Gunter was called on to present her finding of facts.

Petition: For a Special Use permit for the operation of a trucking business in (R-4) Single Family Residential Zoning.

Parcel Number: 14-08-34-300-026

Location: This property is commonly known as 6361 Reas Bridge Road, Oakley, IL 62501 in Oakley Township.

Acreage: 5.0 Acres

Zoning: (R-4) Single Family Residential Zoning

### **Finding of Facts**

- The current owners of this property want to operate one semi-truck as a sole proprietor from this location. The landowners bought this property and started

parking there one semi on the property not realizing they needed a special use permit. Therefore, there will be no new activity than what is already there.

- *A special use permit is needed because the Macon County Zoning Ordinance (Section 155.008) defines a special use as a use, either private or public, which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts. Therefore the Special Use Permit was needed because this property is zoned R-4 Single Family Residential Zoning.*
- *The special use permit is also needed because in the Macon County Zoning Ordinance, home occupation Section four states: the home occupation must be confined to the principal structure and no accessory building shall be used for the home occupation.*
- Rea's Bridge Road is a County Road that is maintained by Bruce Bird at the Macon County Highway Department. After reaching out to Bruce, he stated he did not have any issues with the petition concerning the roads or bridges in that area.
- The Oakley Planning Commission and the Oakley Township Board met on November 18, 2019. The Oakley Planning Commission voted unanimously to approve the zoning but limited him to one semi. The Oakley Township Board voted 4-1 to approve the rezoning with limit of one semi.
- We have received two letters of opposition for the rezoning and one letter after the hearing had taken place.
- We received a petition with four signatures for the petition.
- There is no floodplain on the property.

EFFECTS ON GENERAL WELFARE: The establishment, maintenance, or operation of this Special Use will not be detrimental to or endanger the public health, safety, welfare, and morals.

EFFECTS ON NEARBY PROPERTY: The Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish and impair property values with the neighborhood.

EFFECT ON DEVELOPMENT OF SURROUNDING PROPERTY:  
The establishment of the Special Use Permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

ADEQUACY OF UTILITIES & FACILITIES: No known problems with required utilities and facilities.

INGRESS & EGRESS: No known problems with ingress and egress.

CONFORMITY TO REGULATIONS: With the passage of the Special Use Permit by the Macon County Board the property will conform.

STAFF RECOMMENDATION: You may vote to approve or deny this petition, or amend as appropriate. Staff has inspected the property and staff recommends **approval** with the following stipulations:

Stipulations:

1. This Special Use Permit constitutes a license issued to the named Petitioners only. This special use permit is not property nor does it convey any property right. This special use permit is, therefore, not assignable or transferable.
2. Employees shall be family members only and limited to one semi-truck.
3. Said property and all operations shall remain subject to all other applicable local, county, state, and federal regulations. Failure to do so will result in revocation of this special use permit and it will be effective immediately.
4. This special use permit shall be for a 2 year period beginning January 9, 2020 and ending January 13, 2022.

Ron Grider made the motion to approve the petition, seconded by Blake Noland. All members present voting, Aye. Motion carried (5-0).

**5.2** R-02-12-19 a petition filed by Tom Saltsman requesting to rezone approximately 1.23 acres from (R-2) Single Family Residential Zoning to (B-2) Commercial District Zoning. The property is located along Route 48 in Boody, Illinois.  
PIN 02-15-11-452-002

Tom Saltsman  
6019 N Main  
Boody, IL 62513

Mr. Saltsman stated this property has sadly been derelict for at least fifty years. As such, right now, it is actually a fire hazard. There are a lot of trees already down, a lot of trees standing up that are dead. People have come onto this property for probably decades; kids, adults, there is a geocache that used to be on the property. It is his hope that with establishing this, maybe that would not happen anymore. There are already cameras on the property, he has re-established part of the fencing. He knows there is an issue with the neighbor in exactly where the fence line



is, despite the fact he has the plat maps and has a rough idea himself, but in a few weeks, Survey Solutions is supposed to come out and survey the property. He stated at that point, there will be no issue as to where the lines are. In Boody, there are only two businesses other than the post office. He stated they used to have multiple businesses decades back and it has rather fallen by the wayside. There is no other property in the town that he believes would even be good for storage units, which is his plan, other than the school but the problem with the school is it is off the highway and you would have to go through town to get there, causing many traffic issues possibly. He believes this will fit in because based on his plan, other than from the highway or from the back of the property, which are both farmland areas, you will not be able to see anything on the property other than the back of the buildings and the trees he plans to re-plant. He does not think this would lower property values because it should look very nice. Not only the buildings themselves, but also the trees he plans to plant are fruit, berry, and silver berries, which he has heard are really nice looking and that will also be a benefit to the people in the area who wish to have their own fruit trees but only like maybe one peach tree or something like that.

Chair Lamont asked Mr. Saltsman to point out the property lines on the map.

He pointed the property lines out on the map and also showed where he would plan to put the office and the septic area.

Chair Lamont asked if he has water on the property.

Mr. Saltsman stated there is an old well on the property. It is in need of some repairs.

Chair Lamont asked if it is a usable well.

Mr. Saltsman stated it has not been used in decades, it could like be re-used. It has never been sealed off, until he got the property, there was not even a cap on it. There is a little bit of dirt in it. He believes it is usable but he does not know the condition of the water. If the water is not usable for drinking, he intends to buy bottled water.

Chair Lamont asked if he plans to have an office there, would he have somebody in the office.

Mr. Saltsman stated sometimes, that would be him at least for the next 15 to 20 years maybe. It is possible that if this becomes as good of a business as it could be, he may hire someone.

Chair Lamont stated if you are going to have an office, there is a need for restrooms and such.

Mr. Saltsman stated yes.

Chair Lamont asked what he is proposing to do with that.

Mr. Saltsman stated with his office roughly in the middle (he pointed the location of the office and new sewage field out on the map), which he stated is where the parking will be as well.

Chair Lamont asked if he would be installing a new septic tank and laterals.

Mr. Saltsman stated yes, that is the plan. There is no septic system in Boody. He also intends to talk to the railroad and put in a system for the rainwater so it would travel down the open stretches and flow off to the Northwest corner of the property because there is a large ditch back there. He has not talked to the railroad yet but hopefully they will be nice with that.

Chair Lamont asked about access to the property.

Mr. Saltsman stated there would probably be two access points. One likely for going in and one for possibly exiting. The pointed out the access point on the map.

Chair Lamont stated it was pretty non-existent when she visited the property.

Mr. Saltsman stated yes, there is a culver there right now that is big enough, he would need to put in a second culvert and be sure the culvert is strong enough.

Chair Lamont asked since he is on a state highway, are there any specifications required for the driveways, such as size or weights.

Mr. Saltsman stated he is not sure.

Mrs. Gunter stated since it abuts up to Route 48, which is maintained by IDOT, they would have to give him access to it. She stated she called IDOT and talked to Clint Bergbower who said they would require a commercial entrance to the property.

Mr. Saltsman stated that makes sense and he intended to have insurance by the time he opened up anyway.

Mrs. Gunter stated it has to have a commercial entrance, which means it has to be all concrete and that kind of thing. It cannot just be rocks and some culverts. It has to be put in by the state and approved by them.

Mr. Saltsman stated that is fine. He has a lot of work to do. He went on to say he does not think it will do anything to lower property values, if anything, it would probably raise property values. As for health hazards, he does not see any health hazard problems. As far as trash, he plans to have a dumpster in the far back corner.

Debra Kraft asked Mr. Saltsman to again point out on the map where he intends to put the septic system.

Mr. Saltsman pointed the location out on the map.

Debra Kraft asked if that is the same location as the drive.

Mr. Saltsman stated yes, roughly.

Debra Kraft stated she is 99.9% sure he cannot do that.

Kathy Wade, Director of Environmental Health, stated no, you cannot drive over the septic system.

Mr. Saltsman stated okay, luckily, this is not a straight plan.

Kathy Wade stated she would advise him to come to the Health Department to speak to them regarding what steps he will need to take in getting his septic application and permit turned in and they can also help him figure out the best location based on his soils.

Mr. Saltsman stated ok, glad this is not a strict plan.

Blake Noland asked if storage units require restrooms.

Chair Lamont stated she thinks only if they have an office.

Kathy Wade stated under the Public Sanitary Act, the Illinois Plumbing Code says yes, also the Public Sanitary Act says when you have a business you have to provide sewage and water.

Blake Noland asked if it is an office or just a storage unit.

Kathy Wade stated because it is a business and he will have that office there, that will be considered a business which means they will need to have potable water whether it is from the existing well being brought up to code or municipality water. Then it will also need to have a septic or municipality sewer.

Blake Noland asked if it is self-storage where there is no office and you let yourself in and out with no office...

Kathy Wade stated if no office, she does not believe there would have to be one.

Mr. Saltsman stated he might not build an office then. He then went on to explain the benefit to the county, it will likely eliminate or at least lower the amount of people who should not be going to the cemetery, people doing drugs, people trespassing, stuff like that. He stated as he is aware, there are a couple of place around town that people go to and they should not or they do activities they should not do.

Chair Lamont stated that has no point and does not affect this property.

Mr. Saltsman stated okay, he assumes it does because this property is derelict and with it not being derelict...he knows there are two small facilities in Blue Mound and Macon but also as far as he can tell, they have no room for expansion. He knows there are places in Decatur, large places in Decatur, but nothing else as far as he is aware in these small towns around here. He believes this would be a benefit to the county. The cemetery did have the possibility of getting this property and they decided not to due to the burden of dealing with the property. It is his hope this goes through. He knows there is a lot he has to figure out for sure but luckily, this is not a "I'm going to get this done in one year kind of project". This is going to take some time.

He stated it is his belief it will take a couple of decades to get it properly done. He stated luckily he probably has 40 to 60 years left of life so he has time to actually do this.

Chair Lamont asked if he had covered everything now. She thinks the board members may have some questions.

Mr. Saltsman stated okay, let's go to questions.

Ron Grider stated he thinks there are excessively many unanswered questions to even go on with this. He knows the septic will not fly, there has to be a state permit issued to have access to the property, which will be several thousand dollars just because he knows what they ask you to do. He stated right now he thinks right now there are just too many unanswered questions.

Chair Lamont stated kind of like the cart before the horse.

Mrs. Gunter stated she would like to address the setbacks. Setbacks in B-1, she is looking at section 155.183 in the zoning code, under B-1 the minimum front yard setback is 35 feet, the side is 5 feet and the rear is none, but when you throw it next to a residential property, where this property is located at, it is touching residential on three sides. Then the setbacks go farther, the minimum front setback is 60 feet from the front property line. She knows he will find the front line when he has it surveyed, but he will need to be 60 feet from the front property line, the side setback is 20 feet and the rear is 20 feet. She stated on a 1.23 acre lot, once you get the laterals and driveways in, that cuts down a lot.

Mr. Saltsman stated with that being said, he thinks he would remove the office to increase the space. He stated he was not aware the residential would reduce the setbacks. He still believes there is plenty of room because from his basic calculations, once this property is actually going, it could be over \$100,000 per year before taxes and stuff. He stated even if it did not produce anything like that, he would be quite happy with even \$20,000 per year to be honest.

Mrs. Gunter stated Mr. Saltsman had made a comment that this project would take a decade to do and that concerns her. She stated building permits, if you take them out and start the project within 6 months, they are only good for a year. She stated she could not keep issuing building permits year after year.

Mr. Saltsman stated he does not intend to build every building, or he does not intend to get the entire permit starting off. His intentions were to start with the small building, which is 90 feet, which now would have to be smaller. He stated he might actually do the whole length and the office that may not even be a thing at this point. He stated if this does not go through, he is concerned for the cemetery because he will have to build a house there and he believes that would possibly negatively impact the community. He does not want to but...

Mrs. Gunter asked why building a house would negatively impact the community.

Mr. Saltsman stated it is his current understanding that he can have farm animals on the property.

Mrs. Gunter stated she will tell him right now, he is zoned R-2 which is single family residential zoning, so farm animals...

Mr. Saltsman stated maybe he does not understand properly, but is he not allowed to have...at least by Decatur city law which is the only thing he has actually found currently. He knows the state law probably has some stuff, but he asked is he not allowed to have 4 sheep on this property as long as he is not selling them?

Mrs. Gunter stated no, they are livestock, they are farm animals.

Mr. Saltsman stated that is interesting, very interesting. He guesses he will not have that then.

Mr. Baggett stated he has to go to a grand jury setting in about 14 minutes and will need to leave momentarily. He wanted to address to the board and clerk, not necessarily in reference to what Mr. Saltsman is saying at this moment, but he does want to note he has spoken with Ms. Potrafka and due to her position with Blue Mound Township, she is abstaining from consideration on this matter, therefore, she is not asking questions and will not be asked to vote on it. He will email the clerk language that he believes should be used in the minutes. He wanted to put this on the record before he leaves. He stated he would happily yield to any quick questions the board may have for him before he needs to leave but unfortunately, he does need to get moving.

Chair Lamont asked if anyone had any questions for counsel before he leaves.

Ed Leonard asked if Ms. Potrafka abstains, would an alternate need to vote.

Mr. Baggett stated yes, the alternate would take her place. Everyone is here today so there will be a five-member vote. He told Mr. Saltsman he does not know how the board intends to vote on his petition, this is a petition for rezoning and will ultimately proceed to the county board in January. If the zoning board does deny his petition to rezone, he believes he can withdraw it before it reaches the county board, which would allow him to petition at any point within the next year. However, if the county board does ultimately deny his petition to rezone, he will be barred by law from re-applying for such a rezoning for at least one year after the denial. He said he would leave that to him, it is not legal advice; he just wanted him to know what the law says. He stated he is picking up there may be some confusion with respect to what laws govern. He can say that Mrs. Gunter has a copy of the Macon County Zoning Ordinance, which is the most pertinent set of laws that he should concern himself with, with respect to this property and what he is allowed to do on it.

Mr. Saltsman thanked Mr. Baggett and asked if anyone else had any questions.

There were no other questions.

Chair Lamont asked if there was anyone else who would like to speak on this matter.

Terry Young  
6449 S Route 48  
Boody, IL

Mr. Young stated he is the next door neighbor and owns two lots which he pointed out on the map. He stated he talked to Mr. Saltsman and asked him if he realized he owns part of the woods. He stated Mr. Saltsman did not have a clear understanding and neither did he until he pulled it up on online. He stated Mr. Saltsman had put a no trespassing sign in an area that is owned by him and Mr. Saltsman said he would move it. He stated he owns probably 15-20 yards in the back. He did not realize he owned quite that much. He stated he is all for people making money, he does not have a problem with that. He just did not know whether it would increase his taxes if this facility was built. He does not have the money to get it surveyed, so Mr. Saltsman would have to get it surveyed to make sure of the true property line. He stated he does not know what it would do as far as re-sale value of his home. He has been at this location for 9 years and has lived in Boody for 29 years. He used to live across the street from the post office. He stated these woods have been used for years by mushroom hunters; hunters take their beagles and run through and shoot rabbits, people dump garbage. It is in dis-repair and is pretty nasty in there. He pointed out an old foundation on the map, and there is a well, which is an open system type well. He stated his dad told him it has been filled in over the years, there is water in it but he is sure there is dirt at the bottom; there is no pump in it. It is just open. He stated when they got water from Macon, everybody had to get it plumbed in by plumbers when they offered it. Otherwise, it would cost you more later on down the line. He stated the only way to get water to this property is it should be plumbed in from the water main. He stated he is not against Mr. Saltsman having a business, but he would have to get the old foundation dug out and all the old stuff taken care of. He stated it would be quite a bit of money. He is not against it, he wishes he would have had the money, he knew it was for sale, but they wanted \$10,000 for 1.23 acres and he did not feel it was worth that. He has the two lots right next to it, why wouldn't he want it, however, he did not want to pay that kind of money. He did not figure he would have to worry about this because it is just woods. He stated he does not know if it would cause his property values to go down or resale value, he has no idea but his concerns are the time length of getting it done. He does not think Mr. Saltsman realizes how much money it will cost. There are quite a bit of things to get done. He did not know the setbacks; he had no idea until Mrs. Gunter read them earlier. He said Mr. Saltsman is losing property on all sides, he is not against it. He said he has talked to Mr. Saltsman and if it causes his taxes to go up, he is not all for that because he is not a rich man.

Mark Wolfer  
6503 Kallenbach Road  
Boody, IL

Mr. Wolfer stated he lives about a ½ mile south of the Boody water tower. He just wanted to know what the depth of the property is.

Mr. Saltsman stated other than the corner; it is roughly 267'x 201'

Chair Lamont asked if that is a concern.

Mr. Wolfer stated well if you take 80' off, he was curious, he just built a 500 unit mini storage in Macon, which was completed about 2 months ago. It was 25' wide and 500' long, by the time you take off all the dimensions, setbacks, you don't have a lot of room left for your drives and that kind of thing. He said that was just part of his concern.

Mrs. Gunter was called on to present her finding of facts.

Petition: For rezoning, approximate 1.23 acres from (R-2) Single Family Residential Zoning to (B-2) Commercial District Zoning.

Parcel Number: 02-15-11-452-002

Location: This property is located at along 6485 S. Route 48 in Blue Mound Township.

Acreage: 1.23 Acres

Zoning: R-2 Single Family Residential

### **Finding of Facts**

- This is a rezoning from (R-2) Single Family Residential Zoning to (B-2) Commercial District Zoning.
- The rezoning is needed for the construction of storage units. The Macon County Zoning Ordinance Section 155.136(B)(1)(l) states the permitted uses for public and private storage in (B-2) Commercial District Zoning.
- The surrounding properties are zoned: (R-2) Single Family Residential and (A-1) Agricultural Zoning to the north and northwest, (A-1) Agricultural Zoning and (R-2) Single Family Residential to the West and southwest. (R-2) Single Family Residential and (A-1) Agricultural zoning to the south and southeast. (R-2) Single Family Residential to the northeast.

EFFECTS ON GENERAL WELFARE: None

EFFECTS ON NEARBY PROPERTY: None

EFFECT ON DEVELOPMENT OF SURROUNDING PROPERTY: None

ADEQUACY OF UTILITIES & FACILITIES: Shall conform to Macon County Ordinance Rules and Regulations.

INGRESS & EGRESS: Adequate if used properly.

CONFORMITY TO REGULATIONS: With the passage of the rezoning by the Macon County Board, the property will conform.

STAFF RECOMMENDATION: While you may vote to recommend approval or denial of this petition, staff has inspected the property and staff recommends **denial** for rezoning, approximate 1.23 acres from (R-2) Single Family Residential Zoning to (B-2) Commercial District Zoning.

*Denial due to a lot of unanswered questions with septic, property lines, setbacks, water, and access.*

Mrs. Gunter added we are not against new businesses by no means at all but there are just a lot of unknowns on this. She stated the setbacks could be a killer on a project. She is also concerned with the time frame.

Adam Brown made the motion to deny the petition, seconded by Ron Grider. Blake Noland asked if he could abstain, he feels there are too many unknowns and he would rather have decisions figured out before you stop someone for doing something for a whole year. He stated he would rather abstain. Blake Noland: abstained, Ron Grider: aye, Adam Brown: aye, Ed Leonard: aye, Barb Lamont: aye. All members present voting, Aye. Motion to deny petition carried (4-0).

Board Member Marcia Potrafka did not take part in the consideration or decision on item 5.2.

Mrs. Gunter stated the petition would go to the other committees with a denial recommendation. She told Mr. Saltsman if he decides to withdraw the petition after this meeting, which he would need to submit in writing, then that would give him time to get his ducks in a row and get some more answers.

Mr. Saltsman asked if he could get a list of the specific questions.

Mrs. Gunter stated the minutes from the meeting will be posted and he can obtain a copy of them.

**CITIZENS COMMENTS:** None.

Chair Lamont asked Mrs. Gunter if the board has anything for next month.

Mrs. Gunter stated we have two special use petitions and one variance for next month.

**ADJOURNMENT:** Ed Leonard made the motion to adjourn; Marcia Potrafka seconded. All members present voting, Aye. Motion Carried. (5-0). Meeting adjourned at approximately 9:30 A.M.

*Minutes submitted by Tracy Sumpter, Macon County Planning and Zoning Dept.*



