

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – January 8, 2020

MEMBERS PRESENT

Barb Lamont, Chair
Ron Grider
Adam Brown
Marcia Potrafka
Ed Leonard, Alternate Member #1

COUNTY PERSONNEL PRESENT

Jennifer Gunter, Planning & Zoning Director
Tracy Sumpter, Planning & Zoning

MEMBERS ABSENT

Blake Noland
Dennis Hughes, Alternate Member #2

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

MINUTES

Ed Leonard made the motion to approve December 4, 2019 minutes, seconded by Marcia Potrafka. All members present answering, Aye. Motion Carried (5-0).

OLD BUSINESS:

- 4.1 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**

Mrs. Gunter stated Zoning Board of Appeals approved this petition December 4, 2019, EEHW approved December 19, 2019 and it goes to full County Board January 9, 2020.

- 4.2 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**

Mrs. Gunter stated after the Zoning Board of Appeals hearing, Mr. Saltsman withdrew his petition.

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

NEW BUSINESS:

- 5.1 S-01-01-20 a petition filed by Robert & Aissa Norris requesting the renewal of a Special Use Permit to allow the holding of special events, such as; educational tours; wedding receptions; company picnics; and family reunions in (A-1) Agricultural Zoning. The property is commonly known as 990 S Meridian Ave, Niantic, IL 62551
PIN 06-11-19-100-002**

Aissa Norris
990 S Meridian Ave
Niantic, IL 62551

Mrs. Norris stated they are requesting an extension on their current special use permit to continue to do what they have been doing at the 1912 Barn. She stated they run roughly twenty events per year, some are non-profit, some are school field trips, picnics, weddings, they do a little with the Farm Progress Show. They work with about thirty-five vendors in Macon, Logan and Sangamon Counties who benefit from them running the venue. So far, it has gone pretty smoothly, they have not had any big bumps in the road. They are asking for a ten-year extension on the special use permit.

Chair Lamont asked if there had been any issues or concerns.

Mrs. Gunter stated no, she has not received any complaints on the property.

Ron Grider asked how long this has been there.

Mrs. Gunter stated it was originally issued November 13, 2014.

Mrs. Norris stated it goes fast. Initially, people just started asking them to do this and that is where they got started. They did not really intend to run a business. She stated it is really seasonal and they try to keep the historic perspective of the barn up. They do tours with that and they have a lot of groups who come out in the summer just to learn about the agriculture and history of the barn. She stated it used to be hemp farm, which is somewhat interesting. It was originally designed as that and you can still see the nails hanging in the ceiling where they used to hang and dry the hemp. She stated it is a neat field trip. The kids like to come and they have a little garden. She stated they have done fundraisers for Garfield and they camped out, the kids have a good time when they are out there. She stated the community has been really supportive to them. They have sponsored the local softball team for five years and they also do two not for profits per year. They let people come in and use the facility to raise money. They have done one for heart transplants, one for Teresa Miller Run and raised a \$10,000 scholarship for them. They try to contribute back.

Marcia Potrafka asked about the traffic flow, had there been any issues? She noticed on the North side near Long Point Road, there are “no parking” signs. She asked if they had parking along the road.

Mrs. Norris stated no, there is no parking along the road. She stated that was changed with the permit. She stated they do find it is difficult for the farmers, a couple of times the signs have been knocked down because their implements catch them, so the signs have kind of created a problem for the farmers. She stated they have plenty of space for their guest parking.

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

Petition: For a Special Use permit to allow the holding of special events, such as educational events; wedding/ receptions, company picnics, and family reunions.

Parcel Number: 06-11-19-100-002

Location: This property is commonly known as 990 S. Meridian Ave, Niantic, IL 62551 in Harristown Township.

Acreage: 6.370 Acres

Zoning: A-1 Agriculture

Finding of Facts

- This is a renewal for a Special Use permit that was originally issued on November 13, 2014 for a 2-year period and then renewed on December 10, 2015 for 5 years.
- Our office has not received any complaints on the property.
- 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. Therefor the Special Use Permit is needed because this property is zoned A-1 Agriculture.

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: While you may vote to recommend approval or denial of this petition, 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 or no more than 5 non-family members only.
3. Advertising sign regulations on the subject property shall comply with Macon County Zoning Ordinance.
4. Building permits shall be obtained as required.
5. There shall be no parking on the county roads for any events. Ample parking shall be provided to handle all events on the property.
6. All private water systems will need to be properly constructed, and tested yearly to ensure the supply is potable. If said property has events more than 60 days a year (does not have to be a consecutive 60 days), a Non-Community Public Water Supply application must be applied for through Illinois Department of Public Health.
7. If any food is prepared and served at said property, a food license will be required prior to the event. Licensed catering companies/businesses from certified kitchens will be approved.

8. 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.
9. Hours of operation for the business is 8:00 a.m. to 11:00 p.m., 7 days a week.
10. The maximum occupancy number for the property shall be 200 guests per event.
11. This Special Use Permit shall be for a 10 year period beginning February 13, 2020 and ending February 14, 2030.
12. The Special Use Permit holders are required to apply for a renewal of this special use permit on or before January 3, 2029. Upon a timely application being made, the Zoning Board of Appeals shall hear evidence and testimony regarding compliance with the terms of this special use permit and shall also consider all other relevant matters related to the issuance of a special use permit and recommend to the County Board whether the renewal should be granted or denied.

Mrs. Gunter stated the stipulations are the same as they had before; the only difference is the special use permit shall be for a ten-year period.

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

**5.2 S-02-01-20 a petition filed by Tim C. Duncan requesting the renewal of a Special Use Permit for the operation of a lawn mowing business and small retail counter for selling battery powered lawn equipment and light repair in (A-1) Agricultural Zoning. The property is commonly known as 3388 E. Boyd Road, Decatur, IL 62526
PIN 18-08-19-400-011**

Tim Duncan
3388 E Boyd Road
Decatur, IL 62526

Mr. Duncan stated this is a renewal; he has had the special use permit for two years now. It is primarily for the sale and service of robotic lawn mowers for Husqvarna battery powered equipment. There is a small shed on his property (which he pointed out on the map) which is where the showroom is. It is 10x7; he does not need much room for a little robot. He stated there is no effect on anything, he has not had any complaints that he is aware of.

Chair Lamont stated she has seen these running out by Mr. Duncan's property.

Mr. Duncan stated yes, they really work. They will mow anywhere from two acres or less on each unit depending on the battery capacity. He said he has a neighbor at the end of the road who has six of them and mows 8.5 acres with them.

Mrs. Gunter asked if they all run at the same time.

Mr. Duncan stated the machines are designed to mow about three times per week; the idea is that you have almost no clipping. You never see any discharge. He stated to a person, everyone gets addicted to their yard looking like a golf course, so they set them all to run 24/7. He stated one of the gentleman's mowers has over 8,000 mowing hours on it.

Mrs. Gunter stated she sees them running on that property frequently.

Mr. Duncan stated the neighbor has a sharp hill, part of the interstate overpass, and he was mowing this with his belly mower and almost rolled it a couple of times and wore the axels out on it and so the robot mows it and eliminates all of that.

Chair Lamont made the comment it is kind of like an outdoor Roomba.

Mr. Duncan stated yes, a little more sophisticated, as it uses GPS mapping.

Mr. Grider asked if they mow in a pattern.

Mr. Duncan stated they mow a random pattern every time, the idea is to train each blade of grass to stay vertical at 2.5" or less, unless you have tall fescue, there is a model that will mow at 3.5" or less. When that grass is vertical, that small clipping goes straight to the root so you end up with a smooth top all the time and the grass becomes healthier because you are feeding it. It eliminates a lot of fertilizer and things like that.

Mr. Duncan stated the only issue he had was a skittish motorcycle driver who thought the robot would come out into the road.

Chair Lamont asked if there had been any complaints with this special use permit.

Mrs. Gunter stated no, she has not received any complaints.

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

Petition: For a Special Use permit to operate a lawn mowing business and small retail counter for the selling of battery powered lawn equipment in (A-1) Agriculture Zoning.

Parcel Number: 18-08-19-400-011

Location: This property is commonly known as 3388 E. Boyd Road, Decatur, IL 62521 in Whitmore Township.

Acreage: 21.05 Acres

Zoning: A-1 Agricultural Zoning

Finding of Facts

- This is a renewal of a Special Use Permit that was issued on February 8, 2018.
- We have not received any complaints on the property.
- 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. Therefor the Special Use Permit was needed because this property is zoned A-1 Agricultural Zoning.

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.

3. Advertising sign regulations on the subject property shall comply with Macon County Zoning Ordinance.
4. Building permits shall be obtained as required.
5. 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.
6. Hours of operation for the business is 8:00 a.m. to 5:00 p.m. for 6 days a week.
7. This special use permit shall be for a 10 year period beginning February 13, 2020 and ending February 14, 2030.

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

**5.3 V-03-01-20 a petition filed by Marie Zelhart & Jeremy Durbin requesting a variance to change the required minimum lot size from 10 acres to 3 acres in (A-1) Agricultural Zoning. The property is located .5 miles East of Glasgow & School Roads.
PIN 01-01-24-100-006**

Dave Zelhart
6106 W Duroc Road
Maroa, IL

Mr. Zelhart stated him and his brothers own, along with their spouses, the 160 acres along School Road. This is an L-shaped piece of land and some may remember when the wind farm was built, the concrete plant was located on this property. He stated they have re-claimed most of the ground where the concrete plant was, it was all rock, and they left about 1.5 acres, which they plan to have a shed on. Mr. Zelhart's daughter and her husband Jeremy Durbin, would like to move from Downers Grove to here and build a new home on their ground. They are asking for a variance, they just did not feel that his daughter should have to buy an additional 7 acres, they would like to have 3 acres, but they did not feel they really needed to have 7 acres to take out of production or to cash rent or rent back to them to farm. They thought 3 acres would be ample for a building site on the 160 acres they own. They would like to see a variance for this. He stated he has checked with neighbors and his two brothers are fine with it. He said it seems to be fine with everyone he has called; they did not write a letter but gave him phone numbers to call if needed.

Marcia Potrafka asked if there should be something with the Health Department regarding well and septic.

Mrs. Gunter stated yes, that would all be covered when they apply for the building permit. She stated she could not issue a building permit until the Health Department signs off on the well and septic.

Mr. Zelhart stated the only questions people who had called him, because of the way the letter went out, and he understands it had to be written that way, but they were all asking if the 160 acres would be divided into 3 acres. He stated he understands, because as farmers, that is the last thing they want. He stated he would like to say he is glad the 10-acre minimum is required for most people to come out there and build a home. He stated having a daughter who has been raised on a farm and around livestock, she know this. He had asked his daughter if this would be a home they would only live in for a while and then move to another one. His daughter had assured him this would not be the case, and when he looked at the plans of the home, he could tell it would not be. He stated this is the plan and what they are requesting and if anyone had questions, he would be glad to answer them or if they had questions for his daughter Marie and her husband Jeremy, they are here as well.

Adam Brown asked if they had tried to dig a well yet.

Marie Zelhart stated there is already a well from the cement plant.

Adam Brown stated he went through a similar process and had to dig twelve separate times.

Marie Zelhart stated they looked at several different areas and because the well is there, is kind of how they decided on this.

Marcia Potrafka asked where the 3-acre lot for the home would be located.

Mr. Zelhart point this out on the map and added he would be happy to address any other questions.

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

Petition: For a Variance, requesting the required minimum lot size be changed from 10 acres to 3 acres in (A-1) Agricultural Zoning.

Parcel Number: 01-01-24-100-006

Location: This property is commonly located at .5 miles east of Glasgow and School Roads in Austin Township.

Zoning: A-1 Agricultural Zoning

Acreage: 156.30 Acres

Finding of Facts

- Petitioner wants to separate 3 acres from the existing 156.30 acres to build a new residence.
- The variance is needed to allow the minimum lot size to be reduced from 10 acres to 3 acres. Under the Macon County Zoning Ordinance, Section 155.183 states the minimum lot size for Agriculture is 10 acres.
- The petitioner does not want to divide off 10 acres and take additional acres out of crop production.
- The property is not located within the floodplain.

EFFECTS ON GENERAL WELFARE: None

EFFECTS ON NEARBY PROPERTY: None

EFFECT ON DEVELOPMENT OF SURROUNDING PROPERTY: None

ADEQUACY OF UTILITIES & FACILITIES: Correct

INGRESS & EGRESS: Already existing.

CONFORMITY TO REGULATIONS: With the passage of the Variance, the property will conform.

STAFF RECOMMENDATION: You may vote to approve or deny this petition, or amend as appropriate. Staff has been on site and Staff recommends approval for the required minimum lot size be changed from 10 acres to 3 acres in (A-1) Agricultural Zoning.

Marcia Potrafka made the motion to approve the petition, seconded by Adam Brown. All members present voting, Aye. Motion carried (5-0).

CITIZENS COMMENTS: None.

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

Mrs. Gunter stated we have two petitions for next month.

ADJOURNMENT: Ron Grider made the motion to adjourn; Marcia Potrafka seconded. All members present voting, Aye. Motion Carried. (5-0). Meeting adjourned at approximately 8:51 A.M.

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