

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – February 5, 2020

MEMBERS PRESENT

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

COUNTY PERSONNEL PRESENT

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

MEMBERS ABSENT

Dennis Hughes, Alternate Member #2

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

MINUTES

Blake Noland made the motion to approve December 4, 2019 minutes, seconded by Ed Leonard. All members present answering, Aye. Motion Carried (6-0).

OLD BUSINESS:

- 4.1 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**

Mrs. Gunter stated Zoning Board of Appeals approved this petition January 8, 2020, EEHW approved January 23, 2020 and it goes to full County Board February 5, 2020.

- 4.2 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**

Mrs. Gunter stated Zoning Board of Appeals approved this petition January 8, 2020, EEHW approved January 23, 2020 and it goes to full County Board February 5, 2020.

- 4.3 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**

Mrs. Gunter stated Zoning Board of Appeals approved this petition January 8, 2020.

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

NEW BUSINESS:

- 5.1 S-01-02-20 A petition filed by Keith & Diane Jenkins requesting the renewal of a Special Use Permit to allow a secondary residence on property where a primary residence already exists in (R-4) Single Family Residential Zoning. The property is commonly known as 999 Tohill Road, Decatur, IL 62521
PIN 17-12-35-252-003**

Diane Jenkins
999 Tohill Road
Decatur, IL 62521

Mrs. Jenkins stated she wants a renewal on a Special Use Permit. They have had it for 2 years. We have a pole barn we made into an apartment. We have received our certificate and it has been inspected. We would like to have it renewed and extended.

Chair Lamont asked the committee if they had any questions.

Marcia Potrafka asked if they have received any complaints on anything.

Mrs. Jenkins replied no.

Marcia Potrafka asked if she has passed all inspections with health department and things like that.

Mrs. Jenkins replied yes.

Ron Grider stated this is just a renewal correct.

Chair Lamont stated correct.

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

Petition: For a Special Use permit *renewal* to allow a secondary residence on property where a primary residence already exists in (R-4) Single Family Residential Zoning.

Parcel Number: 17-12-35-252-003

Location: This property is commonly known as 999 Tohill Road, Decatur, IL 62521 in South Wheatland Township.

Acreage: 3.79 Acres

Zoning: R-4 Single Family Residential Zoning

Finding of Facts

- This is a renewal of a Special Use Permit that was issued on April 12, 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.
- Received one letter of support for the petition.

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. Building permits shall be obtained as required.
3. In the event the property is sold or the current homeowners passing, the second residence will have to be removed from the property.
4. This special use permit shall be for a 10 year period beginning March 12, 2020 and ending March 14, 2030.

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

A letter was given to the petitioner stating when the next meetings will be held.

**5.2 R-02-02-20 a petition filed by Thomas Bowman requesting to rezone approximately 20.60 acres from (R-1) Single Family Residential Zoning to (RE-5) Single Family Estate Zoning. The property is commonly known as 3300 Salem School Road, Decatur, IL 62521
PIN: 09-13-34-100-008**

Thomas Bowman
3300 Salem School Road
Decatur, IL 62521

Mr. Bowman wants to rezone the property agriculture.

Mrs. Gunter stated he is going for RE-5 Single Family Estate for the keeping of livestock on the property. It will not be zoned agriculture it will be zoned Single Family Estate zoning.

Mr. Bowman stated there is a couple moving here from Champaign Urbana who just retired. They have purchased the property from him and they enjoy horses. So they have asked we have it rezoned so they can live there with their horses and have it zoned agricultural. He stated there are several properties in the area.

Randy Grigg, the realtor, prepared a document showing the zoning and acreage of surrounding property owners. This document was passed out to committee members.

Mr. Bowman stated there are other properties around the area that are already zoned agricultural.

Chair Lamont asked if there was a lane that went up to the property.

Mr. Bowman said there was an easement to the property along the long lane back off to 3300 Salem School Road.

Marcia Potrafka asked if any surrounding property owners have complained about the request or had questions about the request.

Mr. Bowman stated no one has asked any questions.

Mrs. Gunter stated the office has had a lot of phone calls inquiring about this but no one has been for or against it and they were just inquiry phone calls.

Randy Grigg
1314 Manor Drive
Decatur, IL 62526

He stated he is the real estate agent and he has been working with Tom to coordinate this property rezoning to RE-5. The only thing he wants to say is the ladies in the office have been more than helpful. He stated he has a lot of questions and works across the street and he comes over and takes up a lot of time. They have been helpful and he appreciates it.

Blake Noland asked if the board needs to make any statements about if they are going to put up fences to at least consult the zoning or how close they can put things to property lines. He feels that is always the next part of rezoning. People are not aware of distances or setbacks.

Mrs. Gunter stated that would all be addressed during the building permit being issued. If they do want to put up a barn it does have to be 75 feet from all property lines. As far as fencing, it can be on the property line just make sure you know where your property lines are located. The fence setbacks and regulations are all in the Macon County Zoning Ordinance.

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

Petition: For rezoning, approximate 20.60 acres from (R-1) Single Family Residential Zoning to (RE-5) Single Family Estate Zoning.

Parcel Number: 09-13-34-100-008

Location: This property is located at 3300 Salem School Road in Long Creek Township.

Acreage: 20.60 Acres

Zoning: R-1 Single Family Residential

Finding of Facts

- This is a rezoning from (R-1) Single Family Residential Zoning to (RE-5) Single Family Estate Zoning.
- The rezoning is needed for the keeping of livestock to conform to Macon County Zoning Regulations. The Macon County Zoning Ordinance Section 155.118 states the permitted uses in for parcels zoned (RE-5) Single Family Estate Zoning.
- The surrounding properties are zoned: (R-4) Single Family Residential to the West and Southwest, (A-1) Agricultural Zoning to the North, East and South.
- There is floodplain located in the middle of this property around the creek.

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 **approval** for rezoning, approximate 20.60 acres from (R-1) Single Family Residential Zoning to (RE-5) Single Family Estate Zoning.

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

A letter was given to the petitioner stating when the next meetings will be held.

CITIZENS COMMENTS: None.

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

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

ADJOURNMENT: Blake Noland made the motion to adjourn; Adam Brown seconded. All members present voting, Aye. Motion Carried. (5-0). Meeting adjourned at approximately 8:48 A.M.

Minutes submitted by Jennifer Gunter, Macon County Planning and Zoning Dept.