

**MACON COUNTY ZONING BOARD OF APPEALS**

**HEARING MINUTES – March 4, 2020**

**MEMBERS PRESENT**

Barb Lamont, Chair  
Ron Grider  
Adam Brown  
Marcia Potrafka  
Blake Noland  
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

**MEMBERS ABSENT**

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

**MINUTES**

Blake Noland made the motion to approve February 5, 2020 minutes, seconded by Ed Leonard. All members present answering, Aye. Motion Carried (6-0).

**OLD BUSINESS:**

- 4.1 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**

Mrs. Gunter stated Zoning Board of Appeals approved this petition February 5, 2020, EEHW approved February 27, 2020 and it goes to full County Board March 12, 2020.

- 4.2 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**

Mrs. Gunter stated Zoning Board of Appeals approved this petition February 5, 2020, EEHW approved February 27, 2020 and it goes to full County Board March 12, 2020.

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

**NEW BUSINESS:**

**5.1 V-01-03-20 a petition filed by Dustin Dalluge requesting a variance to change the required front setback from 35 feet to 29 feet in (R-1) Single Family Residential Zoning. The property is commonly known as 1020 Rocket Drive, Mt Zion, IL 62549  
PIN 12-17-03-232-010**

Dustin Dalluge  
1020 Rocket Drive  
Mt Zion, IL 62549

Mr. Dalluge stated they would like to put a 14x40 addition on the north side of the home. He pointed out where their deck is located on the map and stated the addition would not extend past that. In order to do a standard 24x24 and keep the house a ranch, but his neighbor to the north have windows on that side and he pointed out that the neighbors addition is actually 3 inches from their property line. He stated he is trying to give the neighbors as much room as possible without blocking their side windows. He stated if they did the 24x24, it would actually block the neighbor's side windows and they would not be able to see down the street. He stated with the 14x40 addition, it just encroaches on the front property line a little further than expected.

Chair Lamont stated she had went to the property and noticed flags in his yard and the neighbor's yard.

Mr. Dalluge stated the flags in the neighbor's yard are actually his own property lines, this was a survey done by Mann Engineering. He stated the neighbor's fence sits approximately 6 feet over the property line onto his property. He stated they just do not want to encroach any further on that side. They want to give their neighbors' space and themselves space as well. He stated with the 2 story, it allows them to make a more modern looking home instead of continuing with the ranch style and hopefully update the neighborhood.

Adam Brown asked if there was any opposition from the neighbors.

Mr. Dalluge stated not that he is aware of.

Blake Noland asked if the variance is just for the front setback, not affecting the north side.

Mr. Dalluge stated yes, it is for the west side of the house. The new addition would only encroach on the front line to 29 feet. The house is sitting at 37 feet currently on that corner and the corner of the new addition would set at 29 feet off the front property line.

Ron Grider asked how far from the north property line they would be, he realizes the his property line is actually on the neighbor's lot.

Mr. Dalluge stated they are approximately 28 feet from that line right now. He stated they are going narrow with the addition just to gain square footage.

Mrs. Gunter stated they only need to be 10 feet from the north property line.

Ron Grider stated he is way beyond that requirement.

Mrs. Gunter stated you can see how the arc kind of goes and when we measure setbacks, we go by the front property lines, not the road. You can tell from looking at the map that Mr. Dalluge has more grass area to the road so it will not look like the addition is really close. She stated it is the same issue as in Boody, they were six feet, but then there was also another 10-15 feet to the road. She stated this is the same situation.

Mr. Dalluge stated it will not impair any vision coming around the road because of the way the road curves.

Ron Grider stated he hopes Mr. Dalluge's neighbor appreciates what he is doing for them.

Mr. Dalluge stated he believes she does, he does not think they realized when the house was built, how close to the line they were.

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

There were none.

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

Petition: For a Variance, to change the required front setback from 35 feet to 29 feet in (R-1) Single Family Residential Zoning.

Parcel Number: 12-17-03-232-010

Location: This property is commonly known as: 1020 Rocket Drive, Mt. Zion, IL 62549 in Mt. Zion Township.

Zoning: R-1 Single Family Residential Zoning

Acreage: 0.45 Acres

**Finding of Facts**

- Petitioner wants to change the required front setback from 35 feet to 29 feet to build a room addition onto the existing residence.

- The variance is needed to allow the front setback to be reduced by 6 feet. Under the Macon County Zoning Ordinance, Section 155.183 states the front setback for (R-1) Single Family Residential is 35 feet.
- 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** to change the required front setback from 35 feet to 29 feet in (R-1) Single Family Residential Zoning.

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

**5.2 R-02-03-20 a petition filed by Evergreen FS, Inc. requesting to rezone approximately 6.00 acres from (A-1) Agricultural Zoning to (M-2) Heavy Industrial District Zoning. The property is commonly known as 389 E School Road, Maroa, IL 61756 PIN 10-02-23-100-008 (part of)**

Bob Eichelberger  
 Evergreen FS  
 Bloomington, IL

Mr. Eichelberger stated the current property is located on the south side of East School Road, he stated everything is currently zoned M-2, when they added on their bulk petroleum several years ago, they went that direction. They have since acquired six more acres of farm ground, which is currently zoned A-1 and they would like to zone it to M-2 to not only match what they currently have, but to allow for the construction of a fertilizer storage building.

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

Petition: For rezoning, approximate 6.00 acres from (A-1) Agricultural Zoning to (M-2) Heavy Industrial District Zoning.

Parcel Number: 10-02-23-100-008  
Location: This property is located at 389 E. School Road in Maroa Township.  
Acreage: 6.0 +/- Acres part of 10-02-23-100-008  
Zoning: A-1 Agricultural Zoning

**Finding of Facts**

- This is a rezoning of 6.0 acres from (A-1) Agricultural Zoning to (M-2) Heavy Industrial District Zoning.
- The rezoning is needed due to Evergreen, FS, Inc. buying 6.0 acres for the expansion of the existing plant. The Macon County Zoning Ordinance Section 155.151 states the permitted uses for parcels zoned (M-2) Heavy Industrial District Zoning.
- The surrounding properties are zoned: (A-1) Agricultural Zoning to the North, South, East and West.
- There is no floodplain located on the property.

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 6.00 acres from (A-1) Agricultural Zoning to (M-2) Heavy Industrial District Zoning.

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

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

**5.3 V-03-03-20 a petition filed by Topflight Grain Coop Inc. requesting a variance to change the required side setback from 50 feet to 37 feet and the maximum height be changed from 35 feet to 155 feet in (A-1) Agricultural Zoning for the construction of a grain bin AND a variance to change the maximum height from 35 feet to 169 feet for the construction of two bean bins with legs. The property is commonly known as 594 Emery Road, Maroa, IL 61756  
PIN 10-02-35-100-017**

Chelsea White  
Topflight Grain  
593 Emery Road  
Maroa, IL 61756

Ms. White stated they want to build a fourth corn bin with 105' diameter, 2 bean bins, eliminating their temporary storage. With the location of the 2 bean bins, they will be adding a dump pit to eliminate temporary storage altogether. With a 4<sup>th</sup> corn bin, they will not need the temporary storage any longer.

Ron Grider asked if the bins are about the same size as what is already on the property.

Ms. White stated yes, all of them are 105' in diameter. The height is a little difference.

Chair Lamont asked if the height requirement is normally 35 feet.

Mrs. Gunter stated yes.

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

Petition: For a Variance, to change the required side setback from 50 feet to 37 feet and the maximum height be changed from 35 feet to 155 feet in (A-1) Agricultural Zoning for the construction of a grain bin and a variance to change the maximum height from 35 feet to 169 feet for the construction of two bean bins with legs.

Parcel Number: 10-02-35-100-017

Location: This property is commonly known as: 594 Emery Road, Maroa, IL 61756 in Maroa Township.

Zoning: A-1 Agricultural Zoning

Acreage: 9.79 Acres

**Finding of Facts**

- Petitioner wants to change the required side setback from 50 feet to 37 feet and the maximum height be changed from 35 feet to 155 feet for the grain bin.
- The other variance is to change the maximum height from 35 feet to 169 feet for the construction of two bean bins with legs.
- The variance is needed to allow the side and height setback to be reduced. Under the Macon County Zoning Ordinance, Section 155.183 states the side setback is 50 feet and the height setback is 35 feet in (A-1) Agricultural Zoning.
- 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** to change the required side setback from 50 feet to 37 feet and the maximum height be changed from 35 feet to 155 feet in (A-1) Agricultural Zoning for the construction of a grain bin and a variance to change the maximum height from 35 feet to 169 feet for the construction of two bean bins with legs.

Ron Grider stated Chair Lamont asked about the height of the other bins on the property, which means ZBA has approved all of them in the past.

Mrs. Gunter agreed saying they just want to build another one and they needed to come back for another variance. They have done a variance for all of the other bins.

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 potentially have two petitions if they are received by noon today.

Chair Lamont stated as she has went around to other counties, and has seen how their ZBA has operated; she stated this ZBA Board is doing an awesome job. Especially Jennifer. She just wanted to let everyone know they are appreciated and their professionalism.

Debra Kraft stated she would like to expand on that and say that she is proud of Macon County altogether. She goes to all the meetings in Springfield, the UCCI, she has met with other board chairs and talked about how their counties are run and we should be proud of the whole county. She would like to thank all for the job they do.

Chair Lamont thanked Debra for a job well done.

**ADJOURNMENT:** Ron Grider made the motion to adjourn; Marcia Potrafka seconded. All members present voting, Aye. Motion Carried. (5-0). Meeting adjourned at approximately 8:48 A.M.

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