

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – SEPTEMBER 2, 2020

MEMBERS PRESENT

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

COUNTY PERSONNEL PRESENT

Jennifer Gunter, Planning & Zoning Director
Tracy Sumpter, Planning & Zoning
Debra Kraft, County Board

MEMBERS ABSENT

Ed Leonard, Alternate Member #1

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

MINUTES

Blake Noland made the motion to approve July 1, 2020 minutes, seconded by Marcia Potrafka. All members present answering, Aye. Motion Carried (5-0).

OLD BUSINESS:

- 4.1** V-01-07-20 a petition filed by Carole Meyer requesting a variance to change the required minimum lot size from 10 acres to approximately 3 acres, but not less than 1 acre in (A-1) Agricultural Zoning. The property is commonly known as 7516 Nevada Road, Blue Mound, IL 62513
PIN 02-15-23-100-002

Mrs. Gunter stated Zoning Board of Appeals approved this petition July 1, 2020.

- 4.2** R-02-07-20 a petition filed by Suzanne Bloomfield requesting to rezone approximately 3 acres from (RE-5) Single Family Estate Zoning to (R-1) Single Family Residential Zoning. The property is commonly known as 1715 Heritage Road, Decatur, IL 62521
PIN 17-12-33-377-001

Mrs. Gunter stated Zoning Board of Appeals approved this petition July 1, 2020, EEHW approved July 23, 2020 and County Board approved it August 13, 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-01-09-20 a petition filed by Todd & Carol Havener requesting a variance to change the required rear setback from 40 feet to 34 feet in (R-1) Single Family Residential Zoning. The property is commonly known as 6520 Day Brook Drive, Decatur, IL 62521
PIN 09-13-27-451-057**

Todd Havener
292 S Joynt Road
Decatur, IL 62522

Mr. Havener stated he owns the lot at 6520 Daybrook, in Daybrook Estates in Long Creek. He pointed the property out on the map. He stated it is a developed neighborhood, the lot he is speaking of is a wide lot more so than deep. The required setback for building is 40 feet from the rear. The house they have designed will fit in that space but they would like a porch on the rear of the house which is 19 feet wide and 8 feet deep. In order to have the porch, they need a 6 foot variance. Instead of coming back 40 feet, they need to come back 34 feet from the rear property line. He stated the porch is not the entire width of the house and with the shape of the lot, part of the porch will actually be less than the 6 feet they are asking for. The 6 feet variance will be at the greatest point and it will taper off with the length of the porch. He stated as far as any disturbance to the neighbors, or depreciation in any value, he does not see how this would have any effect like that. He stated it is an established neighborhood, it will be a new house built. The covered porch is what they want and this is why they are here for the variance.

Marcia Potrafka asked where the house would be situated on the lot.

Mr. Havener stated the house would be pretty close to the North property line. He pointed the area out on the map.

Ron Grider asked how deep the lot is.

Mr. Havener stated it is not a square lot, one side is about 103 feet and the other side is about 130 feet. It is about 175 feet across the front and about 210 feet across the back. There will be a lot of space if there is any concern about laterals or a sewage system. There should not be any issue with space for laterals.

Chair Lamont asked if they are on well or will it be Long Creek water.

Mr. Havener stated it is Long Creek water but there will be a septic.

Melissa Franey
6448 Cypress Ct.
Decatur, IL 62521

Ms. Franey stated she is a neighbor and received a vague description and just did not know what was going on exactly. She pointed out on the map where her property is located. She stated they were worried it would be too close to the rear property line but now that she has seen where it will be, she has no concerns.

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

Petition: For a Variance, to change the required rear setback from 40 feet to 34 feet in (R-1) Single Family Residential Zoning.

Parcel Number: 09-13-27-451-057

Location: This property is commonly known as: 6520 Day Brook Drive, Decatur, IL 62521 in Long Creek Township.

Zoning: R-1 Single Family Residential Zoning

Acreage: 0.50 Acres

Finding of Facts

- Petitioner wants to change the required rear setback from 40 feet to 34 feet to build a house on the existing lot.
- The variance is needed to allow the rear setback to be reduced by 6 feet. Under the Macon County Zoning Ordinance, Section 155.183 states the rear setback for (R-1) Single Family Residential is 40 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 rear setback from 40 feet to 34 feet in (R-1) Single Family Residential Zoning.

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

**5.2 R-02-09-20 a petition filed by Lee & Cathy Walston requesting to rezone approximately 5.36 acres from (M-1) Light Industrial Zoning to (RE-5) Single Family Estate Zoning. The property is commonly known as 1835 N Bender Road, Decatur, IL 62521
PIN 14-13-09-200-040**

**5.3 R-03-09-20 a petition filed by Lee & Cathy Walston requesting to rezone approximately 4.96 acres from (M-1) Light Industrial Zoning to (RE-5) Single Family Estate Zoning. The property is commonly known as 1801 N Bender Road, Decatur, IL 62521
PIN 14-13-09-200-030**

Cathy Walston
1835 N Bender Road
Decatur, IL 62521

Mrs. Walston stated they recently retired and they are trying to downsize. Their house is 4 bedrooms and 2 baths on 5.36 acres. She pointed out the house and the outbuildings on the map. They had a building permit for the barn so they were able to have cattle. They had come to the office and were told in order to build the barn and have cattle, they had to combine 2 parcels into 1 parcel, which they did. She pointed out an additional property they own also (to the west) which is 4.96 acres. They are trying to rezone because what they found out when getting contracts for their house, with it being zoned M-1 instead of Residential, no lenders would lend on the contract because it is not zoned Residential. She stated they have already lost one contract, they have another contract now pending rezoning. She stated if it does not pass to be rezoned, they will lose the contract. She does have her realtor here also.

Bradd Stewart
613 N Lakeshore Dr
Decatur, IL 62521

Mr. Stewart stated he owns the property located at 5810 N Country Club Road which is diagonal across from the Walston property. He stated his question is, and he does not want to speak for everyone, but when he spoke at the Oakley meeting his main concern is not that there is a family going in there, if that is what it is and they want to have the land for one large parcel for a family, it is their land. He stated they are concerned about the census. He knows the City of Decatur, he is a small business owner, he has gone round and round and he knows the first step.....there is a lot of new stuff coming in, a lot of gas lines, he is worried, since there is access to come in from Country Club Road and also Bender Rd if the two properties are combined, he stated that is a subdivision, zoned M-1. The property right next door (which was pointed out on the map) and the property next to his property are also zoned M-1, light industrial. He stated that is a lot less palpable if you have large parcels of land and the city is really looking, because the census

is happening and Decatur is unfortunately shrinking horribly. The city has already gone far out west, the cannot really go any more towards Long Creek, the cannot go anymore north. He stated their area is where the city is looking to next. He is just trying to stop the area from becoming a subdivision within the next ten years. He stated if Tony Piraino, (Mr. & Mrs. Walston's realtor) can verify that this is for a single family, that they want to raise some farm stock, great, keep it as one large parcel to one family, single family dwelling with residential. He stated this is his main concern with all the new activity from Illinois Power, water slowly creeping in, which some people are for that, but he himself bought his property specifically for being outside of city limits, being able to do whatever hunting he desires, he knows his neighbors really like their hunting also. The area has been great for many years without any changes and his only questions are: 1. That it will be for a family, not subdivided up into anything and 2. If it was zoned light industrial, how long ago did the Walston's have the shed built for the cattle?

Mrs. Walston stated it was built in 2008.

Mr. Stewart stated so their home has been zoned since 2008, how did their insurance deal with that because if it is zoned industrial, he knows, he has dealt with a lot of real estate and they would immediately be made aware of that if they had insurance on the home and then they would let them know....because the same problem their buyer is having with the financing, they would have had that problem also unless they were grandfathered in due to previous owners.

Mrs. Walston stated they insured her whole property, the 10 acres, both properties. She said she has never had any problem with insurance.

Mr. Stewart asked why is there now a problem.

Mrs. Walston stated because nobody will lend a buyer money on a conventional loan with it being zoned M-1.

Mr. Stewart stated light industrial, because the house cannot be insured.

Mrs. Walston stated her house is insured, she is not sure how, but it is. She stated they have never had any problems with insurance or anything. They have lived there for 15 years and never had any problems. They got their building permit, they followed through with everything, they have insurance and no one has ever questioned it until the lender with the first contract denied lending because of M-1. She stated otherwise, they would have rezoned a long time ago if they knew they would have trouble.

Mrs. Gunter stated Mr. Stewart threw a whole lot of stuff out there. She wants to go back to the rezoning issue. She stated the property, if it gets rezoned, would be RE-5 Single Family Estate Zoning, minimum lot size of 2 acres. She stated she cannot predict the future, she cannot say....

Mr. Stewart stated that raises red flags, why can't it just be residential with dwelling. Then it will not be chopped up into many, it is just residential with M-1 but residential, it is the estate part that he thinks is planning for the future. He said if it cannot be cut up into anything smaller

than 2 acres, or did he misunderstand. He asked Mrs. Gunter if she was just saying....

Blake Noland stated he thinks what Mrs. Gunter is saying is that a lender's requirements are RE-5 to be able to lend, and Tony Piraino (realtor) will probably answer this question shortly. The buyer saying that their lender is only allowing RE-5 to lend for this property. He stated what their intention is, it is not the Zoning Board's decision, but the rezoning per lender's requirements is what they are making a decision on. He stated he understands where Mr. Stewart is going which is he would like to know what the potential could be, but the board's job in this meeting is not to make that decision, it is more to give the evaluation to provide it to the board to make the end decision. He stated the best case for this is to take in as much information as they can and then as it moves up in the meetings, Mr. Stewart can raise the next flag, mainly just by doing due diligence of what the next purchaser might be.

Mrs. Gunter stated that is correct, Single Family Estate Zoning is what RE-5 means, she is not trying to do anything else, that is what it means by this zoning ordinance.

Mr. Stewart stated he is zoned M-1 Residential as is most of all the neighbors, they are zoned Residential...

Chair Lamont asked if he means R-1

Mr. Stewart stated yes, R-1 residential with dwelling. If a specific reason of the financing is that it has to be for an estate....

Chair Lamont stated that has nothing to do with it, the only thing is, they have to be zoned residential no matter what it is, and M-1 has to go away. It does not matter what kind of residential zoning it is. She asked Mrs. Gunter if she was correct.

Mrs. Gunter stated that is correct.

Mr. Stewart stated so even M-1 in a residential area, he is zoned M-1 Residential with dwelling.

Mrs. Gunter stated he is zoned M-1, there is nothing in the ordinance that says M-1 Residential. She stated they are all in the same boat out there. What she is understanding from talking to different people is this was rezoned in the 60's, the county rezoned it because they wanted Ford Motor Company to come in. This did not happen, but there is Kopetz, Steve's Trucking, and some other industrial stuff out there. She thinks back in the day they were kind of hoping for this to expand and bring more industry to Macon County but it did not. Then the houses started going in and it kind of developed out there and that is where we are now. She stated even his house being zoned M-1, there is no M-1 and Residential zoning.

Mr. Stewart stated that is the thing, how it is zoned is exactly how it is on the plat, it is literally residential with dwelling.

Mrs. Gunter stated sometimes she has appraisers call or come in and sometimes they put the wrong things on there, it is not gold, what is gold is our zoning ordinance maps that have been

approved by the County Board members and that is what we go by. As far as Mr. Stewart saying he doesn't ever want a subdivision out there, she cannot speak for the people who are going to purchase it.

Mr. Stewart stated his only concern is, he has no problem with someone moving in there and they want to have a farm, which is perfect. One large parcel is a lot less likely to have the city want to come in.

Chair Lamont stated the M-1, Residential with dwelling that he is talking about, that is for assessing purposes. It is not for zoning.

Tony Piraino
7447 N East County Line Road
Oakley, IL

Mr. Piraino stated he would start with Mr. Stewart's biggest concern. He stated there is a family who is looking to move in as a residential, they will be a good neighbor to him. He stated he thinks this is Mr. Stewart's biggest concern so he can be rest assured that is what they are. He stated he does not have a crystal ball, he does not know what a future seller might want to do, but rest assured as well, that anything like that would need to be approved also. He stated if Mr. Stewart has a concern then, he could fight it at that time. He stated he would also tell Mr. Stewart that if he is also zoned M-1, he should find himself a good realtor and have them help him go through this process now because he doesn't want to run into this same issue if he ever wants to sell his property. He stated specifically RE-5, it does not have to be RE-5, and he is not sure how that came up, but anything residential. Municipal right now, there is house on it, you can get insurance on that. He stated obviously the Walston's have insurance. Every lender he has talked to cannot do a conventional loan on a house that is zoned municipal, it needs to be residential. RE-5 is ideal, as there are a lot of properties out there that have livestock, horses, pigs, chickens etc. It needs to be RE-5 for that. He stated you could do R-1 and possibly get away with having the animals but if a neighbor complained, then they would have to get rid of them, so zone it correctly now (RE-5) so they can have horses and livestock. He stated the buyers will be a good family, they are not planning to subdivide. If a future owner wants to do that, they will have to go through the process and neighbors can come complain at those meetings. He stated Mr. Stewart brought up a couple times making this one big parcel. That is not what is happening here, they are both being rezoned separately and will still be two parcels, they are both just going from municipal to RE-5, at least that is what they hope the board will approve.

Mrs. Gunter stated she is going to interrupt Mr. Piraino for a moment, he keeps saying municipal, but it is light industrial, M-1. She just wanted to make sure everyone understood and was on the same page.

Mr. Piraino stated yes, M-1 Light Industrial. He stated this is really for the benefit of the entire neighborhood. One buyer had to walk away, they wanted the house but they could not get a loan because of the M-1 zoning. The current buyers were willing to wait on the process to go through, which is a lengthy process, there are still two more meetings to go through. Luckily

they found patient buyers who are going to wait. He stated if this falls through, those buyers will not get the property. The Walston's still need to downsize, and what will happen? A pool of people who can buy that property has shrunk significantly. A cash buyer could buy it because they would not need to do a loan, or some unconventional method to get funding to buy the house which is a much smaller market so what will that do to the property value, to the tax base, to your neighborhood....so he would really encourage all to consider approving this today.

Mr. Stewart stated those are most of the questions he had.

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

Leroy Walston
1835 N Bender
Decatur, IL 62521

Mr. Walston stated when they purchased the property they were surrounded by people with cattle, horses everything like that. He did not understand the zoning, he ran cows there twice. They used it as a farm, he cleaned it up. It is more like a residential farmhouse just like all of the houses around it. He stated everyone has cattle and horses and he did not realize that technically you are not supposed to have stuff like that but everyone does, all around him. He stated it probably needs reversed so these people can legally have the animals. He stated the family purchasing his house, that is what they want to do, raise cows, just like he did, they want a farm family life and that is all they are wanting. He stated all this separating, legal, residential thing, he has no idea where that came from, that is not what this is all about. This is about a residential house...he stated he knows Mr. Stewart bought the property on the corner, he cleaned it up and did a good job and looks like he has hogs there on the property.

Mr. Stewart stated no he does not have hogs.

Mr. Walston asked him what those pens are for that he is building.

Mr. Stewart stated no livestock, right now they have a bunch of chickens and whole bunch of other things.

Mr. Walston stated yes, so he wants a farm life too, and he is great with that. He understands that, everyone around them has farm houses. He stated he has horses of Zach's on his property now because he helps take care of them. He stated the people wanting to buy his property are wanting to raise cattle too. He stated all of this about building houses, he has no idea where that came from. He stated it is a good quiet residential family area and probably all of the properties need to be changed to Residential Zoning so everyone can build and do what they want. Everyone that has cows and horses, technically are not supposed to have them.

Chair Lamont stated a lot of people, until something comes up, do not know they are not correct.

Mr. Walston agreed and said they did not know either.

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

Petition: For rezoning, approximate 5.36 acres from (M-1) Light Industrial Zoning to (RE-5) Single Family Estate Zoning.

Parcel Number: 14-13-09-200-040

Location: This property is located at 1835 N. Bender Road in Oakley Township.

Acreage: 5.36 acres

Zoning: M-1 Light Industrial Zoning

Finding of Facts

- This is a rezoning of 5.36 acres from (M-1) Light Industrial Zoning to (RE-5) Single Family Estate Zoning.
- The rezoning is needed for the keeping of animals. The Macon County Zoning Ordinance Section 155.118 states the permitted uses for parcels zoned (RE-5) Single Family Estate Zoning.
- This area was zoned (M-1) Light Industrial Zoning a long time ago probably because Kopetz Manufacturing used to be in the area and possible hope to bring other manufacturing to the area.
- The surrounding properties are zoned: (M-1) Light Industrial Zoning to the North, South, East and West.
- The Oakley Planning Commission and the Oakley Township Board met on August 17, 2020 and both boards voted to recommend approval for the rezoning.
- There is no floodplain 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 5.36 acres from (M-1) Light Industrial Zoning to (RE-5) Single Family Estate Zoning.

Mrs. Gunter stated staff also recommends approval on the 4.96 acres from (M-1) Light Industrial Zoning to (RE-5) Single Family Estate Zoning.

Debra Kraft asked if they would be rezoning both parcels.

Mrs. Gunter stated yes and pointed the parcels out on the map.

Debra Kraft stated she would recommend to do it all.

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

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

**5.4 R-04-09-20 a petition filed by Richard M. Thacker requesting to rezone approximately 9.87 acres from (A-1) Agricultural Zoning to (RE-5) Single Family Estate Zoning. The property is commonly known as 9025 Sefton Road, Lovington, IL 61937
PIN 12-18-07-400-001**

Richard Thacker
9025 Sefton Road
Lovington, IL

Mr. Thacker passed out a letter of support from his neighbor Brian Pinkston. He stated Brian was his only neighbor that received a letter informing him of the intent to rezone. He stated the reason he wants to rezone from (A-1) to (RE-5), he has two daughters that live in this area. He stated he is from Lawrence County area and both of his daughters moved to this area for jobs. One of his daughters works at Millikin, and both of his son in laws work at ADM. He said he believes they are here to stay so they moved up here about a year ago. He purchased this property about four years ago with the intent to....at that time he did not realize we had zoning and when he went back and looked it was on the real estate listing. He said he must have just glanced over that but his daughters would like to build a house out there. When he looked through the zoning ordinance the best he could, RE-5 seemed to fit their situation as they may want to have some chickens and things like that in the future. He has one daughter who is ready to build a house and the other one will probably be a couple years from now. He stated he has a print out from Google maps and he has drawn out how they would like to divide the land. He provided each board member with a copy. He stated he wanted two acres and he told his daughters they could have the other ground, they enjoy mowing more than he does. He stated this is his intent and he did ask the neighbors, Mr. Pinkston lives west of him and his other neighbors, Mr. & Mrs. Edwards, they chose not to write a letter but they did not have any issues with the rezoning. He believes he can check all the boxes that the board would ask, he does not

believe it would be any kind of traffic hazard, if anything he thinks it will help the other neighbor's properties value to increase. As far as the citizens of Macon County, he thinks it increases the tax roll.

Marcia Potrafka stated looking at his map it shows just dividing the property just in half, she thought he said he wanted two acres to himself.

Mr. Thacker verified yes, and pointed out on the drawing what part would be his. He said that makes about two 4 acre lots for his daughters. He stated it is an odd shaped piece of ground too, that was the best he could do on Google maps. He will hire a surveyor to put the finishing touches on it.

Ron Grider asked Mrs. Gunter to verify the board is rezoning the whole parcel.

Mrs. Gunter stated that is correct.

Ron Grider stated so later on if he divides it up...

Mrs. Gunter stated that would need approval from the EEHW committee.

Ron Grider stated he was just wondering because Mr. Thacker was talking about dividing it and the daughters getting certain areas, and he thought we were talking about the full parcel right now. We have nothing to do with the dividing of the land.

Mrs. Gunter stated that is correct, it is just showing what his intent is and EEHW would review the subdivision when it comes through.

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

Petition: For rezoning, approximate 9.87 acres from (A-1) Agricultural Zoning to (RE-5) Single Family Estate Zoning.

Parcel Number: 12-18-07-400-001

Location: This property is located at 9025 Sefton Road in Mt. Zion Township.

Acreage: 9.87 acres

Zoning: A-1 Agricultural Zoning

Finding of Facts

- This is a rezoning of 9.87 acres from (A-1) Agricultural Zoning to (RE-5) Single Family Estate Zoning.

- The rezoning is needed for the property to be divided into lots because with the current zoning of (A-1) Agricultural Zoning the minimum lot size is 10 acres. This regulation is stated in Section 155.183 of the Macon County Zoning Ordinance.
- The LESA (Land Evaluation Site Assessment) Report was done for the property totaling: 188.3. That score is in between the scale of marginal and retain in agriculture. This report is done by our office when we are rezoning property from (A-1) Agricultural zoning to a Residential zoning classification.
- The surrounding properties are zoned: (A-1) Agricultural Zoning to the North, south, east and west.
- 1 letter of support was recommended for the petition.
- There is no floodplain located on this 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 9.87 acres from (A-1) Agricultural Zoning to (RE-5) Single Family Estate Zoning.

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

5.5 V-05-09-20 a petition filed by the City of Macon requesting a variance to reduce the required front setback from 50' feet to 6.21 feet (Boody Road), the required side setback from 50 feet to 4.94 feet and the required rear setback from 50 feet to 6.99 feet in (A-1) Agricultural Zoning. The property is located on the Southeast corner of W Andrews Street and Boody Road. PIN 15-15-36-100-004 (part of)

Adam Brown informed Chair Lamont to avoid any potential conflict of interest, he would be abstaining from this discussion and vote.

Charlie Dunmire
655 N Woodcock
Macon, IL

Mr. Dunmire stated he is the responsible operator in charge for the City of Macon Water Dept. and also the responsible operator in charge for Boody Water Company. He stated they are getting ready to put a new well line in from their well field which is located at the corner of Andrews Street County Hwy 32 and Boody Road. They have an existing well house on the property, which he pointed out on the map, but if you have ever been out that way, the current well house sits in an existing fenced area and it sits on the corner closest to Andrews Street. They are basically moving it back probably 25 feet to the South inside the same fenced area. With the newer building and upgrades to their communications, it will stay inside the fenced area but there is a property line close enough and that is why they are here to get a variance. So they can legally put the building inside the fenced in area but still stay within the property. It is just too close to the property line of the field behind it. They are basically doing the upgrade to that while they are running a new line to town, they are increasing the diameter of the pipe. Right now with their existing, they are actually going under Andrews Street they are restricted down to 6 inch to 4 inch and back to 6 inch. Basically in doing this, they will have all the same size pipe coming all the way to the water treatment plant in Macon. He stated his engineers are here if anyone has any questions.

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

Petition: For a Variance, to change the required front setback from 50 feet to 6.21 (Boody Road), the required side setback from 50 feet to 4.94 feet and the rear setback for 50 feet to 6.99 feet in (A-1) Agricultural Zoning.

Parcel Number: 15-15-36-100-004 (part of)

Location: This property is commonly located at Southeast corner of West Andrews Street and Boody Road in Pleasant View Township.

Zoning: A-1 Agricultural Zoning

Acreage: 157.23 Acres

Finding of Facts

- Petitioner wants to change the required front setback from 50 feet to 6.21 (Boody Road), the required side setback from 50 feet to 4.94 feet and the rear setback for 50 feet to 6.99 feet.
- The variance is needed to allow the front setback to be reduced by 43.79 feet, side setback reduced by 45.06 feet and the rear setback reduced by 43.01 feet. Under the Macon County Zoning Ordinance, Section 155.183 states the setbacks for (A-1) Agricultural Zoning is 50 feet from all property lines.
- 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 50 feet to 6.21 (Boody Road), the required side setback from 50 feet to 4.94 feet and the rear setback for 50 feet to 6.99 feet in (A-1) Agricultural Zoning.

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

CITIZEN'S REMARKS: There were no citizen remarks.

Mrs. Gunter addressed the board stating we have one variance and a solar farm petition for next month. The solar farm petition is a renewal for the one in Oreana off of Illiniwick Road that was done 2 or 3 years ago. They emailed the petition application, and it is 99 pages long, she wanted to make sure the members have no objections if we email this application to save on postage and printing costs.

Chair Lamont asked if this is a new special use permit or just a renewal.

Mrs. Gunter stated it is in the same spot but she is not sure if it will be larger or not, she has not looked through the application yet.

ADJOURNMENT: Blake Noland made the motion to adjourn; Adam Brown seconded. All members present voting, Aye. Motion Carried. (5-0). Meeting adjourned at approximately 9:25 A.M.

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