

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – OCTOBER 7, 2020

MEMBERS PRESENT

Barb Lamont, Chair
Blake Noland
Ron Grider
Marcia Potrafka
Adam Brown (arrived 8:32)
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 September 2, 2020 minutes, seconded by Marcia Potrafka. All members present answering, Aye. Motion Carried (5-0).

OLD BUSINESS:

- 4.1** 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

Mrs. Gunter stated the Zoning Board of Appeals approved the petition September 2, 2020.

- 4.2** 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

Mrs. Gunter stated the Zoning Board of Appeals approved the petition September 2, 2020, EEHW approved September 24, 2020 and it goes to full county board October 8, 2020

- 4.3** 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

Mrs. Gunter stated the Zoning Board of Appeals approved the petition September 2, 2020, EEHW approved September 24, 2020 and it goes to full county board October 8, 2020

- 4.4** 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

Mrs. Gunter stated the Zoning Board of Appeals approved the petition September 2, 2020, EEHW approved September 24, 2020 and it goes to full county board October 8, 2020

- 4.5** 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)

Mrs. Gunter stated the Zoning Board of Appeals approved this petition September 2, 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-01-10-20 a petition filed by Kenneth & Heidi Schaub requesting a variance to change the required side setback from 50 feet to 13 feet in (A-1) Agricultural Zoning. The property is commonly known as 8548 Newburg Road, Argenta, IL 62501
PIN 05-03-25-378-003**

Kenneth Schaub
7865 Buttercup Road
Weldon, IL

Mr. Schaub stated he and his wife purchased her grandparents' home. It is currently 27 feet from

the property line, so it was already non-conforming when they purchased and it was grandfathered in. They are adding an addition of three rooms and a garage which will be a 14 feet extension past what is currently there. He stated they own the lot to the west and they will not be improving that lot.

Marcia Potrafka asked about the deck, she stated it looks as if it is on both lots according to his diagram.

Mr. Schaub stated no. He added that the lot to the west is actually in the Village of Argenta.

Mrs. Gunter asked him to confirm it was the lot to the west that is in the Village.

Mr. Schaub stated yes and pointed it out on the map.

Mrs. Gunter was called to give her finding of facts.

Petition: For a Variance, to change the required side setback from 50 feet to 13 feet in (A-1) Agricultural Zoning.
Parcel Number: 05-03-25-378-003
Location: This property is commonly known as: 8548 Newburg Road, Argenta, IL 62501 in Friends Creek Township.
Zoning: A-1 Agricultural Zoning
Acreage: 5.05 Acres

Finding of Facts

- Petitioner wants to change the required side setback from 50 feet to 13 feet to add on a room addition to the existing house.
- The variance is needed to allow the side setback to be reduced by 37 feet. Under the Macon County Zoning Ordinance, Section 155.183 states the side setback for (A-1) Agricultural Zoning is 50 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 side setback from 50 feet to 13 feet in (A-1) Agricultural Zoning.

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

**5.2 S-02-10-20 a petition filed by Oreana Solar, LLC, c/o Geronimo Energy requesting a Special Use Permit to allow the development and construction of a solar energy system on approximately 20 acres of an existing 80 acre tract of land and within a 2 year period, obtain a building permit and begin to establish the use in (A-1) Agricultural Zoning. The property is commonly known as 6816 N Brush College Road, Decatur, IL 62526
PIN 18-08-17-100-003**

Adam Brown was added to the roll.

Amber Miller
8400 Normandale Lake Blvd
Bloomington, MN 55437

Thank you very much for giving us this opportunity. Oreana Solar was previously approved in May 2018. We are looking to re-establish because the original project was weight listed as part of the IEPA block program. IEPA has been very slow on how to deal with these hanging projects. They just updated the guide book this spring for these projects. This project is located within Whitmore Township, in a A-1 district where it is an allowed use with a Special use permit and it is on 20 acres. The setbacks are all exceeded requirements of 50 feet from all side, rear and front setbacks. The County's requires at least 500 feet from the nearest residence and we will exceed that by over 1000 feet by the way the project is proposed. It is a 2 MW solar community project. One of the highlights of solar is that the conversion from tillable soil to a prairie style seed mix on the grass will increase infiltration, reduced storm water runoff, and increase bio diversity on the site. We see lots of critters on our sites, for example, badger, owls, turkey's and it doesn't matter if the fence is there. We do contribute to the tax base but we do not require an extension of utilities. We are a quite good neighbor, we don't create dust and odor and virtually noiseless.

Chair Lamont asked about if they have to get approval from the Highway department for access.

Mrs. Gunter stated that is one of their stipulations before they obtain a building permit is to get a road use agreement from the County Highway Department or the township road commissioner. Since this one is on a County Highway, they would have to work with Bruce Bird to obtain one.

Chair Lamont verified that it is the same size as the original. Ms. Miller confirmed it was.

Mrs. Miller stated they did check with IDNR and updated the Eco Cat to ensure there were no endangered species on the site.

Chair Lamont asked the committee if they had any questions. Mrs. Gunter was called for the finding of facts.

Petition: For a Special Use Permit to allow the development and construction of a solar energy system on approximately 20 acres of an existing 80 acre tract of land and within a 2 year period, obtain a building permit and begin to establish the use in (A-1) Agricultural Zoning.

Parcel Number: 18-08-17-100-003

Location: This property is commonly known as 6816 N. Brush College Road, Decatur, IL 62526 in Whitmore Township.

Acreage: 80 Acres

Zoning: A-1 Agricultural Zoning

Finding of Facts

- A special use permit is needed because the Macon County Zoning Ordinance (Section 155.185)(B)(1)(a) states a solar power plants and solar energy generation facilities, shall be permitted in the (A-1) Agricultural district as a special use.
- The application has been reviewed by Planning & Zoning staff and the plan meets the entire solar farm regulations stated in the Macon County Zoning Ordinance. (Section 155.185)
- 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 from Illiniwick Road.

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 does not constitute a license issued to the name Petitioner only. The Special Use Permit is intended to “run with the land.”
2. The Special Use Permit is assignable or transferable only upon the sale or transfer in ownership of the subject property.
3. Building permits shall be obtained from the Planning & Zoning Department as required.
4. Building permits will not be issued until a decommissioning bond is paid in full.
5. Said property and all operations shall be in compliance at all times with all applicable federal, state, and local laws and regulations. Failure to be in compliance may result in the suspension or revocation of this special use permit.
6. This Special Use Permit will be voided if a building permit is not pulled and construction has not begun within 2 years from the date of approval. This permit will be reviewed periodically for compliance as frequently as is deemed necessary by the Macon County Zoning Administrator, but not less frequently than once every ten (10) years.

Mrs. Gunter explained that the previous application had a lot of stipulations because the County had not passed a solar ordinance at the time. That is why there is not as many stipulations on this petition. Also we made it for a 2 year period this time so they can reapply in the lottery system.

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 V-03-10-20 a petition filed by Andrew & Allison Smith requesting a variance to reduce the required side setback from 50 feet to 10 feet in (RE-5) Single Family Estate Zoning. The property is commonly known as 4755 Bentonville Road, Decatur, IL 62521
PIN 09-13-32-426-003**

Allison Smith
4755 Bentonville Rd
Decatur, IL 62521

She stated they want to add on to their existing home and it will not be any closer than the existing house. It will just go farther back.

Chair Lamont asked so the house is probably grandfathered in and now you want to add an addition.

Mrs. Gunter explained that this property used to be zoned (R-1) Single Family Residential, but they wanted horses so they came in last year to get it rezoned to (RE-5) Single Family Estate Zoning. When they changed the zoning, that changed the setbacks from 10 to 50 feet. Now they are wanting to do a room addition, so the variance is needed for the setbacks to be closer.

Chair Lamont asked if the committee had any questions.

Mrs. Gunter was called on for the finding of facts.

Petition: For a Variance, to change the required side setback from 50 feet to 10 feet in (RE-5) Single Family Estate Zoning.

Parcel Number: 09-13-32-426-003

Location: This property is commonly known as: 4755 Bentonville Road, Decatur, IL 62521 in Long Creek Township.

Zoning: RE-5 Single Family Estate Zoning

Acreage: 5.0 Acres

Finding of Facts

- Petitioner wants to change the required side setback from 50 feet to 10 feet to build an addition onto the existing house.
- The variance is needed to allow the side setback to be reduced by 40 feet. Under the Macon County Zoning Ordinance, Section 155.183 states the side setback for (RE-5) Single Family Estate Zoning is 50 feet.
- This property was rezoned from (R-1) Single Family Residential to (RE-5) Single Family Estate zoning in November 2019, due to the landowner wanting horses on

the property. Along with that zoning, comes farther side setbacks. Therefore, the variance is needed for the side setbacks.

- 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** of the variance to change the required side setback from 50 feet to 10 feet in (RE-5) Single Family Estate Zoning.

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

CITIZEN'S REMARKS: There were no citizen remarks.

Chair Lamont asked if there is anything for next month.

Mrs. Gunter stated no.

ADJOURNMENT: Ron Grider made the motion to adjourn; Blake Noland seconded. All members present voting, Aye. Motion Carried. (5-0). Meeting adjourned at approximately 8:50 A.M.

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