

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – DECEMBER 2, 2020

MEMBERS PRESENT

Barb Lamont, Chair
Blake Noland
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
Kevin Bird, County Board

MEMBERS ABSENT

Ron Grider
Ed Leonard, Alternate Member #1

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

MINUTES

Blake Noland made the motion to approve October 7, 2020 minutes, seconded by Adam Brown. All members present answering, Aye. Motion Carried (5-0).

OLD BUSINESS:

- 4.1** 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

Mrs. Gunter stated the Zoning Board of Appeals approved this petition October 7, 2020.

- 4.2** 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

Mrs. Gunter stated the Zoning Board of Appeals approved this petition October 7, 2020, EEHW approved it October 22, 2020 and County Board approved November 12, 2020.

- 4.3** 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

Mrs. Gunter stated the Zoning Board of Appeals approved this petition October 7, 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-01-12-20 a petition filed by Ryan Porter requesting a variance to change the required road frontage from 60 feet to 40 feet in (R-1) Single Family Estate Zoning. The property is commonly known as 1240 W. Mound Road, Decatur, IL 62526.

Ryan Porter
1070 W Olive Street
Decatur, IL 62526

Mr. Porter stated he is wanting to build a home on this parcel. In order to get to the property, you have to cross another's property. He stated their easement is 40' x 681' to get to the property off of Mound Road. They are asking for the variance to stay at the 40' as it is right now and not have to change it to the required 60'.

Chair Lamont asked if this is just for the driveway.

Mr. Porter confirmed.

Blake Noland asked if this has been discussed with the property owner whose land is being crossed.

Mr. Porter stated yes.

Blake Noland asked if this person is present today.

Mr. Porter stated yes.

Mrs. Gunter stated according to the deed and the survey that was just done by Matt Cox, it shows the 40' easement that goes back there. It is also written in the deed that he has access to that property so it is not actually a landlocked property. She stated she is not agreeing with the way the maps are drawn by the County because it does not show that 40' but according to the current survey and deed, it is there.

Blake Noland asked Mr. Porter to point the easement out on the map.

Mrs. Gunter stated this is an existing lane that has been there for many years.

Adam Brown asked Mr. Porter if historically, this lane has been used to access the property, not any other property.

Mr. Porter confirmed.

Dennis Gibbs
3490 Klein Ave
Decatur, IL 62526

Mr. Gibbs stated he is the property owner and he wanted to point out that in regards to the standards for a variance. He stated when you come off of Mound Road, the property to the east is floodplain and the entrance right off of Mound Road there is a drainage ditch, so to expand that beyond the existing 40' would be a burden. Actually taking any additional land to the west would reduce the value of that property and the owner's use and enjoyment of that property.

Blake Noland stated to be clear, the variance is to be 40', not 60' so the answer to that question would be they are looking for it to remain narrower and so it would not impede and would not have to meet the county's requirement which is the 60'. He stated it is in favor of what Mr. Gibbs is talking about as in it will not be impeding or expanded onto anyone else's property.

Mr. Gibbs stated yes that is correct. He stated to expand it to the east you are getting into flood plain.

Blake Noland asked if this will need to be expanded to be able to complete construction. Mrs. Gunter was called to give her finding of facts. This would be a question for the property owner but you can still enter and access the property without expanding the culvert and the road access.

Both Mr. Porter and Mr. Gibbs stated yes.

Blake Noland stated he does not think this will be an issue of expanding on either side for access.

Mr. Gibbs stated he was just trying to demonstrate to the fact that expanding to 60' would be a burden in several respects.

Blake Noland stated this will keep that from happening.

Mr. Gibbs stated there are at least two other properties off Mound Road, 1364 & 1370 Mound Road, he has not measured them, but he knows one is less than 40' and the other is adjacent to a property he farms and it only has a single lane concrete driveway...

Chair Lamont stated if they are going to do something, they will have to do it because the only matter we are interested in today is 40’.

Mr. Gibbs stated okay, it just is not something out of the ordinary in the area. He stated he would like to suggest a condition that the entrance be un-impeded, right now there is a gate there. At some point when Mr. Porter gets his house built, they don’t want to have that; have the fire department held up because they can’t get through the gate.

Mrs. Gunter stated we do not really have any say over whether he has a gate on the property or not. She stated it is a valid point.

Mr. Gibbs stated the point is about health and safety.

Mrs. Gunter agreed but said that would be at Mr. Porter’s discretion. She stated that is not something the board rules on.

Mr. Luckenbill’s son explained to the board that his father (who owns the land in which the easement is located) cannot hear very well and at this time he would like to explain to him what is going on.

Mrs. Gunter confirmed to Mr. Luckenbill that the gate access is not something this board can rule on.

Lawrence Luckenbill
730 W Karen Ct
Decatur, IL 62526

Mr. Luckenbill pointed the lane and lot out on the map and stated Mr. Gibbs also has a lock on his gate and he cannot get past that. He said Mr. Gibbs is talking out of both sides of his mouth.

Blake Noland stated the only thing we can have at this meeting now is the width of the access. This is the only thing we can talk about and rule on. He stated how the access is gated, is not something we are here to discuss. We can only discuss the width of the access.

Mr. Luckenbill stated okay.

Blake Noland stated that is something the owners can discuss as a neighborhood. He asked if there were any more questions regarding the width of the access.

Mr. Luckenbill stated he and his wife purchased their piece of property and pointed this out on the map. He stated the easement goes 700’ across his property right now, so he is concerned about that.

Blake Noland stated so right now what has been discussed is they want to maintain the current access to what it is and no bigger.

Mr. Luckenbill stated he thinks it would suit Ryan and would tickle him to death. No problems.

Blake Noland stated okay we are all on the same page.

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

Petition: For a Variance, to change the required road frontage from 60 feet to 40 feet in (R-1) Single Family Residential Zoning.

Parcel Number: 07-07-28-476-003

Location: This property is commonly known as: 1240 W. Mound Road, Decatur, IL 62526 in Hickory Point Township.

Zoning: R-1 Single Family Residential Zoning

Acreage: 4.0 Acres

Finding of Facts

- Petitioner wants to change the required road frontage from 60 feet to 40 feet to build a house on the lot.
- The variance is needed to allow road frontage access to the adjoining property. Under the Macon County Zoning Ordinance, Section 155.183 states the minimum lot width shall be 100 feet. However, in the Macon County Zoning Ordinance, under definition of a lot states for residential purposes, the lot shall abut on a street or place for at least 60% of the lot width.
- The property where the house is located is not located within the floodplain only the driveway area.

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 road frontage from 60 feet to 40 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).

Mrs. Gunter informed Mr. Porter she will send out an approval letter today and when he is ready, he can bring in the building permit application.

Mr. Luckenbill asked if he could also get a copy of the letter.

Mrs. Gunter stated yes.

CITIZEN'S REMARKS: There were no citizen remarks.

Chair Lamont asked if there is anything for next month. Mrs. Gunter stated we have one. It is actually two hearings but same property owner.

Chair Lamont thanked the board members for their work this year.

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

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