

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – JANUARY 6, 2021

MEMBERS PRESENT

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

COUNTY PERSONNEL PRESENT

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

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 December 2, 2020 minutes, seconded by Marcia Potrafka. All members present answering, Aye. Motion Carried (5-0).

OLD BUSINESS:

- 4.1** 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.
PIN: 07-07-28-476-003

Mrs. Gunter stated the Zoning Board of Appeals approved this petition December 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** R-01-01-21 a petition filed by Highpoint Ventures, LLC, purchasing contract for deed from ENR, LLC requesting to rezone approximately 8 acres from (M-1) Light Industrial Zoning to (RE-5) Single Family Estate Zoning. The property is commonly known as: 5680 N. Country Club Road, Decatur, IL 62521
PIN: 14-13-09-200-039

Zach Shields
10535 Gaither Road
Lovington, IL 61937

Mr. Shields stated he first wanted to thank Jennifer and Tracy, if everyone functioned as efficient as they do we would have no issues in society whatsoever, he was blown away by how helpful they were. People complain about a lot of things but this should not be one of them. He asked Blake if he had been out to the farm, Blake stated he drove out and looked at it for the purpose of this meeting. Mr. Shields stated that Adam had actually been out and painted fences on the property when they had Big Brother/Big Sister groups out several years ago. He stated it is a neat piece of property. He stated they have horses out there, Tony VanNatta helped them build a barn twelve to fifteen years ago. He stated the property had been owned by Harold McCool who was a welder and he had his welding shop there, they owned the property that has been sectioned off, his widow passed away a year or two ago and they resold it. They parceled it off and they had a partner who went in and established it as a place to bring city kids out and they did gardening, had ponies and a whole lot of other stuff. They tore down a house on the property that was a complete mess. At that point, when they started working out there it was a residential property. Their partner then moved to Wisconsin and Highpoint Ventures LLC agreed to lease it from him for ten years to do programming out there. He moved and they have another partner (ENR, LLC) Rich Spicer, who is retired from ADM and they are partners with him on the property. Mr. Shields and his wife are actually purchasing the property on a contract for deed from him. Mr. Spicer moved to Florida, his wife passed away and Mr. Shields informed Mr. Spicer this rezoning would be a good thing if they ever want to sell the property or if Mr. Shields just wanted to buy it from him and get a mortgage, they would probably want to look at that. He stated what really brought this to his attention was the neighbors (Mr. & Mrs. Walston) had sold their property. The Walston's called Mr. Shields in the fall and informed him they had a lot of offers on their place but nobody can get financing because it is zoned (M-1) Light Industrial and not residential. He stated that is when he called and began the process so it is zoned correctly and in particular, zoned for horses but also so that if they would sell it, people would be able to obtain financing. He stated they just want to align everything.

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

Mrs. Gunter stated she first wanted to say that there are horses on the property right now. It is not currently zoned for it. She is not sure how the previous zoning administrator had wrote the permit for the barn, but if he would want to sell the property and someone came in and said they would like to have horses on the property, they would have to call her office and she would have to inform them it is not a permitted use. However, the previous administrator had written the permit for the barn.

Ron Grider stated we cannot back out 20-30 years.

Mrs. Gunter stated that is correct, we are trying to go forward. If someone would want to run a business out there in that shed, it would have to go under a special use permit. This rezoning hearing is allowing them to be able to sell the property and not have issues with financing down the road.

Chair Lamont asked if this was the same as the Walston's petition.

Mrs. Gunter stated yes.

Petition: For rezoning, approximate 8 acres from (M-1) Light Industrial Zoning to (RE-5) Single Family Estate Zoning.

Parcel Number: 14-13-09-200-039

Location: This property is located at 5680 N. Country Club Road in Oakley Township.

Acreage: 8 Acres

Zoning: M-1 Light Industrial

Finding of Facts

- This is a rezoning from (M-1) Light Industrial 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 Oakley Planning Commission and the Oakley Township Board met on December 21, 2020 and both boards voted to recommend approval for the rezoning.
- The surrounding properties are zoned: (RE-5) Single Family Estate Zoning to the South, (M-1) Light Industrial Zoning to the East and West and (R-4) Single Family Residential Zoning to the North.
- 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 8 acres from (M-1) Light Industrial Zoning to (RE-5) Single Family Estate Zoning.

Ron Grider asked Mrs. Gunter if we are just correcting the zoning of the property and in the future if someone would want to run a business, that would be something separate.

Mrs. Gunter stated that is correct, that would be under a special use permit and the board would have stipulations on it and the county would have control over it.

Ron Grider made the motion to approve the petition, seconded by Adam Brown. 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 we currently have one.

ADJOURNMENT: Ron Grider made the motion to adjourn; Blake Noland seconded. All members present voting, Aye. Motion Carried. (5-0). Meeting adjourned at approximately 8:42 A.M.

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