

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – FEBRUARY 3, 2021

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 Member

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 January 6, 2021 minutes, seconded by Marcia Potrafka. All members present answering, Aye. Motion Carried (5-0).

OLD BUSINESS:

- 4.1 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

Mrs. Gunter stated the Zoning Board of Appeals approved this petition January 6, 2021, EEHW approved on January 28, 2021 and it will go to full County Board on February 11, 2021.

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

NEW BUSINESS:

- 5.1 V-01-02-21 a petition filed by David Davis requesting a variance to change the required minimum lot size from 10 acres to 2.7 acres in (A-1) Agricultural Zoning. The property is commonly known as: 4165 Shaw Road, Lovington, IL 61937
PIN: 12-18-05-200-004

David Davis
2658 County Road 950 East
Hammond, IL

Mr. Davis stated he purchased 40 acres which is 32 plus 10 from Pam Reeves. He would like to sell the house which would be 2.7 acres. It is existing, staked out and fenced off. He would like to change it from the required 10 acres to 2.7 acres more or less.

Mrs. Gunter asked if the remaining part of the farm ground would be added to the surrounding farm ground.

Mr. Davis stated the 32 acres was owned by Pam Reeves and the 10 acres was owned by Pam Reeves and her late husband. He owns it all now and would like it all to be one parcel minus the house.

Blake Noland asked if we are just ruling on making minimum lot size for A-1 to 2.7 acres.

Mr. Davis stated 2.7 acres, yes please.

Chair Lamont asked if he would be selling the house off....

Mr. Davis stated yes, he has a sale pending as long as this all goes through. He stated they have farmed it for 15 years.

Blake Noland asked if there would be any reason to rezone it to (RE-5).

Chair Lamont asked if the zoning would need to change from (A-1).

Mrs. Gunter stated no, this is just for the variance for them to be able to change from 10 acres to 2.7 acres. The 7 acres will continue to be zoned (A-1).

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

Petition: For a Variance, to change the required minimum lot size from 10 acres to approximately 2.7 acres in (A-1) Agricultural Zoning.

Parcel Number: 12-18-05-200-004

Location: This property is located at 4165 Shaw Road in Mt. Zion Township.

Zoning: A-1 Agricultural Zoning

Acreage: 10 Acres

Finding of Facts

- Petitioner wants to separate approximately 2.7 acres from the existing 10 acres and combine the remaining acreage to the surrounding farm ground that they own.
- The variance is needed to allow the minimum lot size to be reduced from 10 acres to 2.7 acres. Under the Macon County Zoning Ordinance, Section 155.183 states the minimum lot size for Agriculture is 10 acres.
- The petitioner cannot automatically reduce the lot size to one acre minimum because the house is not the original homestead and was not built prior to 1970.
- Per the Supervisor of Assessments records, the house was built in 1976.
- The petitioner does not want to take any more farm ground out of production.
- 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 for the variance to change the required minimum lot size from 10 acres to approximately 2.7 acres in (A-1) Agricultural 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** V-02-02-21 a petition filed by David W. Wilson and Kathy S Wilson, Trustees of the DWW Trust, requesting a variance to change the required minimum lot size from 10 acres to 2.16 acres in (A-1) Agricultural Zoning. The property is commonly known as: 3512 E. Walker Road, Macon, IL 62544
PIN: 11-21-05-400-006

Nancy Handegan
101 South State Street, Suite 102
Decatur, IL 62523

Ms. Handegan stated she represents David and Kathy Wilson who are also here today. Mr. and Mrs. Wilson will be moving to town. Mr. Wilson has retired and their home is surrounded by farmland he inherited, which they are relying on for their retirement income. We are requesting the reduction to 2.16 acres rather than the 10 acres in order to keep the very productive farmland in production.

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

Petition: For a Variance, to change the required minimum lot size from 10 acres to approximately 2.16 acres in (A-1) Agricultural Zoning.

Parcel Number: 11-21-05-400-006

Location: This property is located at 3512 E. Walker Road in Mt. Zion Township.

Zoning: A-1 Agricultural Zoning

Acreage: 76.64 Acres

Finding of Facts

- Petitioner wants to separate approximate 2.16 acres from the existing 76.64 acres of farmland.
- The variance is needed to allow the minimum lot size to be reduced from 10 acres to 2.16 acres. Under the Macon County Zoning Ordinance, Section 155.183 states the minimum lot size for Agriculture is 10 acres.
- The petitioner cannot automatically reduce the lot size to one acre minimum because the house was not built prior to 1970.
- Per the Supervisor of Assessment records, the house was built in 1985.
- The petitioner does not want to take any more farm ground out of production.
- 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 for the variance to change the required minimum lot size from 10 acres to approximately 2.16 acres in (A-1) Agricultural Zoning.

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-03-02-21 a petition filed by Paul Christensen requesting a variance to change the required minimum lot size from 10 acres to not less than 1 acre in (A-1) Agricultural Zoning. The property is commonly known as: 1706 Hilvety Road, Moweaqua, IL 62550
PIN: 16-20-13-400-004

Paul Christensen
1706 E Hilvety Rd
Moweaqua, IL 62550

Mr. Christensen stated he has 3.27 acres and there are actually 2 residences on the parcel. He stated he needs to split the parcel to conform with current codes. He pointed the property out on the map.

Chair Lamont asked if it would be split down the middle.

Mr. Christensen stated not quite but it would just go from 3.27 to 1.6 or whatever that is.

Adam Brown asked if someone is currently residing in the house, he noticed Mr. Christensen mentioned he is living in the shop area. He asked if the second residence was the shop area.

Mr. Christensen stated yes and it is very livable.

Adam Brown asked if he planned to build any other structures on the property.

Mr. Christensen stated it is very possible the tenant he currently has will purchase the whole property or part of the property, depending on how all this comes out today.

Adam Brown asked if there are separate driveways for the properties.

Mr. Christensen stated yes, there are separate driveways and he referenced them on the map.

Adam Brown asked if the shop has separate sewage or septic.

Mr. Christensen stated yes it does.

Chair Lamont asked if they have separate wells.

Mr. Christensen stated one well.

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

Petition: For a Variance, to change the required minimum lot size from 10 acres to not less than 1 acre in (A-1) Agricultural Zoning.

Parcel Number: 16-20-13-400-004

Location: This property is located at 1706 E. Hilvety Road in South Macon Township.

Zoning: A-1 Agricultural Zoning

Acreage: 3.27 Acres

Finding of Facts

- Petitioner wants to separate approximate 3.27 acres into two lots which is currently zoned (A-1) Agriculture.
- The reason the property needs to be split is there are currently two residences on this single property. Per the Macon County Zoning Ordinance, Section 155.050 states not more than one principal detached residential building shall be located on a zoning lot, nor shall a principal detached residential building be located on the same zoning lot with any other principal building.
- The variance is needed to allow the minimum lot size to be reduced from 10 acres to not less than 1 acre. Under the Macon County Zoning Ordinance, Section 155.183 states the minimum lot size for Agriculture is 10 acres.
- 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 for the variance to change the required minimum lot size from 10 acres to not less than 1 acre in (A-1) Agricultural Zoning.

Adam Brown made the motion to approve the petition, seconded by Marcia Potrafka. Noland, Brown, Hughes, Potrafka all voting, Aye. Lamont voting, Nay. Motion carried (4-1).

CITIZEN'S REMARKS: There were no citizen remarks.

Chair Lamont asked if there is anything for next month. Mrs. Gunter stated we currently have two variances.

ADJOURNMENT: Marcia Potrafka made the motion to adjourn; Blake Noland seconded. All members present voting, Aye. Motion Carried. (5-0). Meeting adjourned at approximately 8:47 A.M.

Minutes submitted by Jessie Smalley, Macon County Planning and Zoning Dept.