

**MACON COUNTY ZONING BOARD OF APPEALS**

**HEARING MINUTES – MAY 5, 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  
Debra Kraft, County Board Member

**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 March 3, 2021 minutes, seconded by Marcia Potrafka. All members present answering, Aye. Motion Carried (5-0).

**OLD BUSINESS:**

- 4.1** V-01-03-21 a petition filed by Mark & Christine Barringer requesting a variance to change the required side setback from 50 feet to 34 feet in (RE-5) Single Family Estate Zoning. The property is commonly known as: 3657 Heritage Road, Decatur, IL 62521  
PIN: 17-12-31-400-021

Mrs. Gunter stated the Zoning Board of Appeals approved this petition March 3, 2021

- 4.2** V-02-03-21 a petition filed by Steven A. Lewis requesting a variance to change the required road frontage of 60 feet to 20 feet for lots six (6), seven (7), and eight (8) in Summerfield Estates- Second Addition in (R-1) Single Family Residential Zoning. The property is commonly located on: Long Creek Road, directly north of the current Summerfield Estates Subdivision in Decatur, IL 62521  
PIN: 09-13-34-426-011

Mrs. Gunter stated the Zoning Board of Appeals approved this petition March 3, 2021

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

**NEW BUSINESS:**

- 5.1 R-01-05-21 a petition filed by United Contractors Midwest, Inc requesting to rezone approximately 10 acres from (A-1) Agricultural Zoning to (M-2) Heavy Industrial District Zoning. The property is located immediate adjacent to 3589 N. Route 121, Decatur, IL 62526  
PIN: Part of 07-07-30-200-011.**

Ed Flynn  
Attorney for petitioner  
Romano Building, Ste 240  
Decatur, IL

Mr. Flynn stated the petition is in regards to the United Contractors Midwest Asphalt plant on Bearsdale Road. They currently have zoned and are operating an asphalt plant, they own 40 acres there and they would like to expand their asphalt plant by another 10 acres. The legal standard the County follows and he agrees is the accurate standard, that the petitioner must show the use of the property would fit in with existing uses of the area, explain the proposed use would not lower the property values, show that the use will not create a health or traffic hazard and last but not least, explain any reason for your proposed use of the property would be beneficial to Macon County. He stated in response to those four issues, whether it fits in to the existing use, there is already an asphalt plant there, they are just looking to expand it by another 10 acres so they may enhance their business. The idea of lowering the property values, the majority of the area surrounding is farm land. Farm land values are set by the productivity of the property, not the surrounding issues so much to speak. He stated he cannot see any issues in which it would lower the property values. As far as a health hazard, it has been an existing batch plant for a number of years, there have not been any health or traffic problems there. As far as the benefit to Macon County, he can tell you he has done significant work in Macon County, which he actually represents Macon County in some issues on behalf of the States Attorney's Office. He stated as many are probably aware, Macon County is reliant upon a variety of sources of income; predominantly income tax. He stated he can say this is a county that has had...our population has either been stagnant or decreased for 30 consecutive years and the number of aging people in the community is increasing so our income tax revenue to the county is going down. The property taxes, because of some businesses that have closed and relocated corporate headquarters etc. our property tax EAV annually is going down. In regards to what this does for the community, it enhances the contractors ability for asphalt, it makes the plant more accessible to even out of county dollars such as Logan, Sangamon and Dewitt county are concerned. In a community that has been great for him to live in, he is proud to be a resident here; we do face some financial struggles and consequently an enhancement of this business is a benefit to Macon County. He thinks his client has fulfilled the requirements of the legal standard they are looking for and he is happy to answer any questions. If there are any objectors to the petition he would like the opportunity to respond to their concerns.

Blake Noland asked if there would be any changes to ingress or egress.

Mr. Flynn stated no.

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

Petition: For rezoning, approximate 10.0 acres from (A-1) Agricultural Zoning to (M-2) Heavy Industrial District Zoning.

Parcel Number: 07-07-30-200-011

Location: This property is located immediately adjacent to 3589 N. Route 121,  
Decatur, IL in Hickory Point Township.

Acreage: 10.00 acres

Zoning: A-1 Agricultural Zoning

### **Finding of Facts**

- This is a rezoning of 10.00 acres from (A-1) Agricultural Zoning to (M-2) Heavy Industrial District Zoning.
- The rezoning is needed for the property to be used for an asphalt plant. The existing neighboring plant wants to expand to the 10 acres to the west.
- The LESA (Land Evaluation Site Assessment) Report was done for the property totaling: 219.5. That score recommends the property remain in Agriculture. This report is done by our office when we are rezoning property from (A-1) Agricultural zoning to a non-agricultural use classification.
- In 2008, the company did their first expansion of the business. Now they are wanting to do another expansion of the asphalt company.
- The surrounding properties are zoned: (A-1) Agricultural Zoning to the North, west, and south, (M-2) Heavy Industrial Zoning to the East, and (RE-5) Single Family Estate Zoning to the northeast.
- 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 10.0 acres from (A-1) Agricultural Zoning to (M-2) Heavy Industrial District 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-02-05-21 a petition filed by Ethan Minich and William Thurston requesting a special use permit for a used car lot in (A-1) Agricultural Zoning. The property is located at 7192 Myers Road, Dalton City, IL 61925. PIN: 12-17-14-300-002**

Ethan Minich	William Thurston
155 Isabella Dr	7192 Myers Road
Decatur, IL 62521	Dalton City, IL

Mr. Minich stated they are requesting a special use permit for a car lot at 7192 Myers Road. He stated there are no effects on any surrounding property, there will be no negative effect on the farm ground or anyone else around, there is nobody else around actually. He stated the only thing they talked about was to make sure there was a good line of vision on the corner for the cars coming down Myers Road. He stated all of their cars will be behind the fence and they will be putting up a new building if they get approved.

Mr. Thurston stated it should not affect the stop sign, they will not have cars anywhere near the stop sign visibility for people pulling onto Highway 121 from Myers Road.

Mrs. Gunter asked if they would be cleaning the tree line.

Mr. Thurston stated yes, their fence line is full of brush, they will clean the whole tree line and put up a new fence and then rock it all. He stated this will be inside the fence, nowhere near the boulevard, or the stop sign or ditch at all, just inside his property line.

Marcia Potrafka asked where the new building would go on the property.

Mr. Minich pointed the location out on the map.

Marcia Potrafka stated there is an existing building on the property and asked if that would be demolished.

Mr. Minich stated no, that will stay.

Chair Lamont asked if they would have a repair shop in the building.

Mr. Minich stated no.

Chair Lamont asked Mr. Thurston if he lived in the house.

Mr. Thurston stated yes.

Chair Lamont stated they would need a separate address for the business.

Marcia Potrafka stated you cannot have a car lot office in a residence.

Mrs. Gunter stated yes, separate addresses, not separate parcels.

Mr. Thurston stated the new building would have the office in it.

Chair Lamont stated the whole car lot has to have a separate address than the house.

Mr. Thurston asked how they would go about that.

Mrs. Gunter stated they would just make a call to the Emergency Telephone System Board and they would issue an address.

Chair Lamont asked about water supply.

Mr. Minich stated they are on a well, he was assuming they would just hire a company and have them tap in...

Chair Lamont asked if the well is big enough and producing enough to sustain the business and the house.

Mr. Thurston stated it is existing, the basement of the house was part of a school originally. They built a one room school and it is apparently in a water vein or something because they have all the water you could ever use. In 1966 they built a ranch on the existing basement that was the school house. The well has never been an issue, they have even had instances where the kids left the hose on all night and all day and never ran out of water so they are in some type of vein or underground stream.

Blake Noland asked if they could rule on this if they do not have an address.

Mrs. Gunter stated yes because they will not get the address yet until they actually get the special

use permit. Right now they are just getting permission to do this and then they will proceed with the address and requirements from the State of Illinois.

Mr. Minich asked if the special use permit would have the new address on it.

Mrs. Gunter stated no, they would need to apply for that after the special use permit is approved by the County Board. She stated this will go on to EEHW Committee and then County Board and if the board approves it, then they would contact the Emergency Telephone System Board for a new address.

Mr. Minich stated if it is approved would they be able to get a form saying the new address....this is for the whole property...

Mrs. Gunter stated yes, the special use permit is for the parcel.

Ron Grider asked if you can have two addresses for one parcel.

Mrs. Gunter stated yes.

Adam Brown asked what the available space is on the lot, they mentioned putting up another shed and there are setback requirements from the property lines and he did not know if they had taken that into account.

Mr. Thurston stated he was wanting to know what the provision is. He stated they did go out with a tape measure and they should have plenty of space. It is 2.25 acres total and by their measurements they have plenty of room on all sides. He was not 100 percent sure how far he needed to be from the highway. He is assuming you go off the fence line, he...

Marcia Potrafka stated she thinks they would go from the center of the road.

Mrs. Gunter stated it goes from the property lines. They would need to find their property pins on that with it being on the right-of-way of a state highway, they will have setbacks also. She stated they need to find the property pins and measure off of those. With them being zoned agricultural, the setbacks are 50 feet from all property lines or if you are 60 feet from the front property line, which since they are on a corner, they need to be 60 feet from both Myers and Route 121, then you can be as close as 3 feet to the side and rear property lines.

Mr. Thurston stated they had located a pin and it is visible. The existing building he is assuming is on that criteria so it appears it will be perfectly fine.

Mrs. Gunter stated she does not know how long the existing building has been there so he should not assume it is correct. With it being so long ago, she is not sure when it was built and may not meet the current setback requirements.

Chair Lamont stated she does know they will need a separate septic tank for the business.

Mr. Minich stated that is doable and will have that installed at the same time they have the new

building installed.

Chair Lamont asked if there is just one driveway.

Mr. Thurston stated yes. It is a large driveway that comes off of Myers Road. He asked if it would be better to put in another driveway for the car lot.

Mrs. Gunter stated if they would access it from Route 121, that would need to be approved by the State of Illinois. She thinks if they went that route, it would cause some traffic congestion. If there are too many openings coming into the property it would be more susceptible for accidents.

Mr. Thurston agreed. He just did not know if it was required.

Chair Lamont stated she could not remember if it was a single lane driveway or double.

Mr. Thurston stated it is definitely double, probably about 40 feet wide.

Mr. Grider asked if the whole lot would be white rock.

Mr. Thurston stated so far they have put millings down with white rock over it so it is hard packed. They thought about maybe oil and chip in the future.

Mr. Grider asked if the property had to be lighted at night.

Blake Noland stated it is a State of Illinois requirement. He stated it would not be on this board, but through the licensing for the car dealership. It is based off the hours and you need lighting on your sign and then the hours have to be posted on the door.

Marcia Potrafka stated it seems like a lot of questions on this issue are for after approval or denial of this petition. She stated it seems like their legwork is after this goes through the process of being approved for the special use permit. She thinks a lot of the boards concerns are related to that as well.

Mr. Thurston stated he pays for a power pole that is facing his property and he also has LED lighting on the outbuilding and house.

Mr. Minich stated he does have the list of state requirements. They just could not go any further with any of that until they are approved for the special use permit.

Chair Lamont stated she feels like a lot of the reasons the board has questions is because they do not know, they rely on other people to know what they should.

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

Petition:                      For a Special Use permit for a used car lot in (A-1) Agriculture Zoning.

Parcel Number: 12-17-14-300-002  
Location: This property is commonly known as 7192 Myers Road, Dalton City, IL 61925 in Mt. Zion Township.  
Acreage: 1.0 Acres  
Zoning: A-1 Agricultural Zoning

**Finding of Facts**

- This is a Special Use Permit for a used car lot in (A-1) Agricultural zoning.
- A special use permit is needed because the Macon County Zoning Ordinance (Section 155.008) defines a special use as a use, either private or public, which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts. Therefor the Special Use Permit was needed because this property is zoned A-1 Agricultural Zoning.
- 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: Concerns on the location of the cars for sale vs. visibility of the intersection on Myers Road and State Route 121.

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 constitutes a license issued to the named Petitioners only. This special use permit is not property nor does it convey any property right. This special use permit is, therefore, not assignable or transferable.
2. Employees shall be limited to immediate landowner living on the premises and the partner.
3. Advertising sign regulations on the subject property shall comply with Macon County Zoning Ordinance.
4. Building permits shall be obtained as required.
5. Hours of operation for the business is 8:00 a.m. to 5:00 p.m. for 6 days a week.
6. Said property and all operations shall remain subject to all other applicable local, county, state, and federal regulations. Failure to do so will result in revocation of this special use permit and it will be effective immediately.
7. Special use permit is for a 2 year period. After that time, the permit may be renewed if approved. This special use permit expires: June 8, 2023.

Marcia Potrafka made the motion to approve the petition, seconded by Adam Brown. Blake Noland, Adam Brown, and Marcia Potrafka voting Aye, Barb Lamont and Ron Grider voting Nay. Motion carried (3-2).

**5.3 V-03-05-21 a petition filed by Tony Piraino requesting a variance to change the required front setback from 50 feet to 35 feet in (A-1) Agricultural Zoning. The property is located at 7447 North East Countyline Road, Oakley, IL 62501.  
PIN: 18-09-09-400-013**

Brittany Lamb  
1937 Dagmar Place  
Decatur, IL 62521

Ms. Lamb stated Mr. Piraino is currently out of town and she will be representing him today. She handed out packets to the board members that Mr. Piraino had put together.

Mrs. Gunter stated the packet will be entered as Exhibit A.

Ms. Lamb stated Mr. Piraino is looking at tearing down the existing barn and replacing it with a new one. Right now, the existing barn is already encroaching on the 50 foot front setback and he is wanting to extend it 5 feet further, closer to the road. If he goes the opposite direction, he would have to bring in dirt and do a lot of grading work which would obviously make the project a lot more expensive. His road is a dead end, there is a line of trees that will remain there between the road and his new barn. The current barn is 40 feet off the road, he is requesting 35 feet.

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 35 feet in (A-1) Agricultural Zoning.

Parcel Number: 18-09-09-400-013

Location: This property is commonly known as: 7447 North East Countyline Road, Oakley, IL 62501 in Whitmore Township.

Zoning: A-1 Agricultural Zoning

Acreage: 13.3 Acres

**Finding of Facts**

- Petitioner wants to change the required front setback from 50 feet to 35 feet to build a shed. There is an existing shed on the property that is in the same location. However, it has probably been there prior to building codes in Macon County.
- The variance is needed to allow the front setback to be reduced by 15 feet. Under the Macon County Zoning Ordinance, Section 155.183 states the front setback for (A-1) Agricultural Zoning is 50 feet.
- The property does have floodplain located on the north and west sides of the property. However, the new shed will not be constructed 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 front setback from 50 feet to 35 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).

**5.4 V-04-05-21 a petition filed by Julie Tilton Magana requesting a variance to change the required lot size from 10 acres to 2 acres, but not less than 1 acre in (A-1) Agricultural Zoning. The property is located at 8205 Bentonville Road, Decatur, IL 62521.  
PIN: 09-13-36-300-010**

Julie Magana  
8205 Bentonville Road  
Decatur, IL 62521

Ms. Magana stated she wanted to thank everyone for coming and wanted to especially thank Jennifer Gunter, Tracy Sumpter and Barb Lamont, they have been very good help to her. She also stated she has worked for many county officials and had a good time and she honors them all.

Ms. Magana stated she will be 62 in August and her husband has some medical issues. They would like to divide the house from the farm ground and keep the farm ground in the Tilton family. She stated there is a nephew lined up and if they can get things done, she thinks he will...the nephew that is farming it right now will be involved. She does not know how long they can hold on out there because as she said, her husband has issues and it will not be very long before they will have to get to a level house and maybe someone doing some of the work for them. She thanked the board for their time.

Marcia Potrafka asked her to verify that she is wanting to separate the house from the farm ground, and how much acreage would be with the house.

Ms. Magana stated she is thinking it is 1.2 acres.

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

Petition: For a Variance, to change the required lot size from 10 acres to 2 acres, but not less than 1 acre in (A-1) Agricultural Zoning.

Parcel Number: 09-13-36-300-010

Location: This property is located at 8205 Bentonville Road in Long Creek Township.

Zoning: A-1 Agricultural Zoning

Acreage: 17.0 Acres

**Finding of Facts**

- Petitioner wants to separate the house with approximate 2.0 acres from the existing 17 acres of farmland.
- The variance is needed to allow the minimum lot size to be reduced from 10 acres to 2 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 1976.
- 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 lot size from 10 acres to 2 acres, but not less than 1 acre in (A-1) Agricultural 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 we have two special use permits that are renewals. They were approved ten years ago and are up for renewal.

**ADJOURNMENT:** Marcia Potrafka made the motion to adjourn; Blake Noland seconded. All members present voting, Aye. Motion Carried. (5-0). Meeting adjourned at approximately 9:05 A.M.

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