

**MACON COUNTY ZONING BOARD OF APPEALS**

**HEARING MINUTES – AUGUST 4, 2021**

**MEMBERS PRESENT**

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

**COUNTY PERSONNEL PRESENT**

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

**MEMBERS ABSENT**

Blake Noland  
Ed Leonard, Alternate Member #1

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

**MINUTES**

Adam Brown made the motion to approve July 7, 2021 minutes, seconded by Marcia Potrafka. All members present answering, Aye. Motion Carried (5-0).

**OLD BUSINESS:**

- 4.1 R-01-07-21 a petition filed by Phillip Pugsley requesting to rezone approximately 6.25 acres from (RE-5) Single Family Estate Zoning to (M-1) Light Industrial District Zoning. The property is located at 802 N. Moffett Lane, Decatur, IL 62526. PIN: 04-12-08-451-001**

Mrs. Gunter stated the Zoning Board of Appeals approved this petition July 7, 2021, EEHW approved July 22, 2021 and it goes to full County Board August 12, 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-01-08-21 a petition filed by Pamela Connor requesting a variance to change the required minimum lot size from 10 acres to not less than 1 acre in (A-1) Agricultural Zoning. This property is located at 10830 Connors Road, Argenta, IL 62501.**

Richard Flesch  
308 Windstone Drive  
Tolono, IL

Mr. Flesch stated he is Pamela Connor's son-in-law and will be representing her today. He stated she would like the variance for 1 acre because her health is failing her. She has bad arthritis, legs and arms are not working properly and is having a very difficult time getting around on the property. It is a pretty big house and she lives alone. She has fallen two times in the past three months and they have concerns about her safety. He stated her daughter lives in Las Vegas, he is getting ready to move to Florida so there is not a lot of support right now. He stated her daughter is still here, but she will be joining him in Florida in probably a year. They are trying to maintain the property the way it is. The easiest way to do that is to request a single acre with the house so they may keep the farm land in the family and continue farming. He stated this does not change anything, does not increase traffic, does not change any of the landscape. The property will maintain and stay the same as it has been. She has been there for twenty one years, her husband built the home for them, it is their dream home, but she just cannot stay there any longer.

Dan Cooper  
7119 E Emery Rd  
Argenta, IL

Mr. Cooper stated that when they looked at what Ms. Connor was requesting, he thinks they had confusion on what it specifically meant. They just wanted to hear if she was wanting to sell her property (where she lived) and the rest of the acreage that she owns stay agricultural. He stated that was their priority. They did not really know what a variance was or why the rezoning had to happen. He stated they were confused because they have sold property before and no rezoning or variance was needed. He asked why there needs to be a variance and rezoning on this when she could sell the property the way it is.

Mrs. Gunter stated she could explain this. Right now Ms. Connor's house is built on the whole 75 acres and is zoned agriculture. She is going for a variance, the term rezoning has been thrown in here and that is not correct, it is a variance. If she sells, that since she is zoned agriculture and the house was built after 1970, minimum lot size is 10 acres. She would have to divide off the house with 10 acres. Since the house is built after 1970 she needs the variance to go from 10 acres down to the 1 acre.

Mr. Cooper stated his house was built in 1976 and they did not have to do that.

Mrs. Gunter asked how many acres his home is on.

Mr. Cooper stated 2.75 acres.

Mrs. Gunter asked if there was an original farmstead before his home was built.

Mr. Cooper stated yes.

Mrs. Gunter stated that is correct then, he would not have needed to do a variance because there was an original farmstead on the property. The ordinance says that if a house is built before 1970, it is considered the original farmstead on the property so you can go ahead and divide off 1 acre without having to do a variance. If a house is built after 1970, then you would need the variance.

Mr. Cooper stated okay he understands, they just built a new house in place of the old one.

John Cooper  
1703 Church Crossing  
Monticello, IL

Mr. Cooper stated he thinks his issue has been resolved. His concern was they do not want the agricultural land in that area converted to housing developments. He stated it is some of the best agricultural land in the whole world and it is a lot better to produce crops than houses. That was his concern.

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: 05-03-26-300-001

Location: This property is located at 10830 Connors Road in Friends Creek Township.

Zoning: A-1 Agricultural Zoning

Acreage: Approx. 75.0 Acres

### **Finding of Facts**

- Petitioner wants to separate the house from the existing 75 acres of farmland.
- 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 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 2000.
- 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 not less than 1 acre in (A-1) Agricultural Zoning.

Ron Grider made the motion to approve the petition, seconded by Dennis Hughes. 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 one for next month.

**ADJOURNMENT:** Marcia Potrafka made the motion to adjourn; Adam Brown seconded. All members present voting, Aye. Motion Carried. (5-0). Meeting adjourned at approximately 8:40 A.M.

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