

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – OCTOBER 6, 2021

MEMBERS PRESENT

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

COUNTY PERSONNEL PRESENT

Jennifer Gunter, Planning & Zoning Director
Tracy Sumpter, Planning & Zoning
Debra Kraft, Macon County Board Member

MEMBERS ABSENT

Marcia Potrafka
Blake Noland
Ed Leonard, Alternate Member #1

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

MINUTES

Dennis Hughes made the motion to approve September 1, 2021 minutes, seconded by Adam Brown. All members present answering, Aye. Motion Carried (4-0).

OLD BUSINESS:

- 4.1 S-01-09-21 a petition filed by Dennis & Tonya Brooks requesting renewal of a Special Use Permit for the operation of a sharpening business in (R-1) Single Family Residential Zoning. The property is located at 2914 S. Danny Drive, Decatur, IL 62521. PIN: 17-12-34-202-001**

Mrs. Gunter stated the Zoning Board of Appeals approved this petition September 1, 2021, EEHW approved September 23, 2021 and it will go to full County Board October 14, 2021.

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

NEW BUSINESS:

- 5.1 S-01-10-21 a petition filed by Stephen & Shannon Comer Jr requesting a Special Use Permit to allow a second residence on the property where a primary residence already exists in (R-4) Single Family Residential Zoning. The property is located at 5874 Apollo Drive, Decatur, IL 62521. PIN: 14-13-03-301-004.**

Stephen Comer
5874 Apollo Drive
Decatur, IL 62521

Mr. Comer stated he and his wife would like to put a tiny home or some other, possibly a mobile home on their property for his mother in law. She is 74 years old and it is getting harder for her to get around. They would like to be close to her so they can take care of her but still allow her to have her own space and some independence of her own. He stated his wife and mother in law have been looking at small units that are about 16x32, over 400 square feet. The manufacturer of this can design wider hallways for wheelchair accessibility if needed in the future. He stated the way he understood the special use permit, is if something would happen to her, then the home would need to be removed from the property.

Mrs. Gunter stated it is whatever the board approves as stipulations to the permit. She stated that is how they have normally done some of the others like this.

Mr. Grider asked if he was talking about more of a modular type home rather than a trailer.

Mr. Comer stated it is actually what they consider a tiny home, a very small foot step in it, the broadest you can get is roughly 16' wide by 40' long. It does have to be put on a foundation of some sort. They are still movable but does not have axels or wheels under it.

Mrs. Gunter asked where he would put it on the property.

Mr. Comer pointed this out on the map. The location would be to the north of his outbuilding. It would be driveway accessible for her and he could easily run power to it.

Chair Lamont asked if it would have its own septic system.

Mr. Comer stated yes, he would need to put another septic system in for it.

Chair Lamont asked if he had adequate water.

Mr. Comer stated yes, he has Long Creek water.

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

Petition: For a Special Use permit to allow a second residence on the property where a primary residence already exists in (R-4) Single Family Residential Zoning.

Parcel Number: 14-13-03-301-004

Location: This property is commonly known as 5874 Apollo Drive, Decatur, IL 62521 in Oakley Township.

Acreage: 9.7 Acres

Zoning: R-4 Single Family Residential Zoning

Finding of Facts

- 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 this particular district or districts.
- The Special use permit is needed because in the Macon County Zoning Ordinance Section 155.050, Titled: Number of Buildings on a Zoning Lot: Except in the case of planned developments, 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 secondary home will be required to have a full house like foundation under it. Per Macon County Zoning Ordinance Section 155.0148(c) (4).
- The Special Use will be temporary and is needed for keeping the parents close for care giving/ health reasons.
- Oakley Township Planning Commission and Oakley Township Board voted *approval* of the special use permit in Oakley Township.

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: No known problems with ingress and egress.

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:

1. The 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. With the passing of the current family members residing in the secondary home, the second home will be removed off the property.
3. Special use permit is for a 2-year period. After that time, the permit may be renewed if approved. The Special Use Permit will expire on November 9, 2023.

Adam Brown made the motion to approve the petition, seconded by Ron Grider. All members present voting, Aye. Motion carried (4-0).

5.2 S-02-10-21 a petition filed by Jill Bottrell requesting a renewal Special Use Permit for a pet boarding and grooming business in (A-1) Agricultural Zoning. The property is located at 9645 Boody Road, Macon, IL 62544. PIN: 15-15-35-200-005.

Jill Bottrell
9645 Boody Road
Macon, IL 62544

Ms. Bottrell stated she would like to renew her Special Use permit. She stated nothing has changed, everything is the same.

Mrs. Gunter stated her office has not received any concerns or complaints on this property.

Mr. Grider asked if this is just a renewal.

Mrs. Gunter confirmed saying it was approved two years ago and this is a renewal for ten years.

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

Petition: For a renewal of a Special Use permit for a pet boarding and grooming business in (A-1) Agriculture.

Parcel Number: 15-15-35-200-005

Location: This property is commonly known as 9645 Boody Road, Macon, IL 62544 in Pleasant View Township.

Acreage: 6.95 Acres

Zoning: A-1 – Agriculture

Finding of Facts

- This is a renewal of a Special Use Permit petition that was first issued to this landowner in 2019. The property has been a pet boarding and grooming facility for years.
- 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 this particular district or districts.
- The Planning & Zoning office has never been received any complaints on the property.

EFFECTS ON GENERAL WELFARE: The noise factor of barking dogs could be considered a nuisance under the Animal Control Ordinance which is handled at Macon County Animal Control.

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: No known problems with ingress and egress.

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 previously issued 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. The animal boarding facility be limited to 60 dogs and 12 cats.

3. Any retail sales be strictly limited to incidental pet items, only.
4. The sign be limited to 16 square feet per face.
5. Employees shall be limited to immediate family members living on the premises, plus no more than 4 outside employees working at the facility at any one time.
6. Normal hours of operation shall be limited to 8 A.M. to 5 P.M., seven (7) days per week.
7. This Special Use Permit shall be limited to 10 years and shall expire on November 13, 2031.

Ron Grider made the motion to approve the petition, seconded by Adam Brown. All members present voting, Aye. Motion carried (4-0).

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: Dennis Hughes made the motion to adjourn; Ron Grider seconded. All members present voting, Aye. Motion Carried. (4-0). Meeting adjourned at approximately 8:44 A.M.

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