

**MACON COUNTY ZONING BOARD OF APPEALS**

**HEARING MINUTES – March 6, 2024**

**MEMBERS PRESENT**

Barb Lamont – Chair  
Ron Grider – Vice Chair  
Dennis Hughes  
Marcia Potrafka  
Gary Hutchens – Alternate Member #2

**COUNTY PERSONNEL PRESENT**

Tracy Sumpter – Planning & Zoning  
Amy McKinney – Environmental Management  
Tammy Wilcox – County Administrator  
Deb Kraft – County Board Member  
Grant Noland – County Board Member

**MEMBERS ABSENT**

Adam Brown  
Clint Gordon – Alternate Member #1

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

**MINUTES**

Ms. Potrafka made the motion to approve the January 3, 2024 minutes, seconded by Mr. Grider. All members present answering, Aye. Motion Carried (5-0).

**OLD BUSINESS:**

- 4.1 V-01-01-24 a petition filed by Teresa Cothren requesting a variance to reduce the required front setback from 35 feet to 15 feet in (B-2) Commercial Zoning. The property is commonly known as 5705 E William Street Road, Decatur, Illinois  
Long Creek Township PIN: 09-13-09-453-010**

Ms. Sumpter reported that ZBA approved this petition on January 3, 2024.

Chair Lamont stated we have 4 hearings today. She then asked that anyone wanting to speak on any of the hearings to please all stand up to be sworn in at one time.

**NEW BUSINESS:**

- 5.1 S-01-03-24 a petition filed by Scott & Claudia Cassidy requesting renewal of a Special Use Permit to allow the operation of a dog kennel in (R-1) Single Family Residential Zoning. The property is commonly known as 2285 Crossroads Road, Decatur, Illinois  
South Wheatland Township PIN: 17-12-30-100-022**

Scott and Claudia Cassidy approached the podium. Mr. Cassidy stated that they are seeking another ten (10) year special use permit renewal. They operate a dog training business. He stated

he believes ten (10) years is the limit on the paperwork and that he thinks that is within their reach so they would like to have another ten (10) years, and by that time, he will be ready to retire.

Chair Lamont asked if there have been any issues or complaints.

Mrs. Cassidy responded that they have not had any complaints. Then asked if any of the board member were familiar with the property or if they have driven by it. Then stated as you know just to the south of us there is thirty-two (32) acres that is all prairie grass, across the street is twenty-three (23) acres that just has trees, behind us is forest, we have one neighbor who sits directly in front of our house, she has dogs. We control our dogs, we don't let them bark, we never have more than ten (10) because we don't have the kennels or the trailer to transport them. We keep them quiet, we don't let them run wild, they have a fenced in airing yard, or if we don't put them in the airing yard we are with them. We don't even let our own dogs run wild, that's just our beliefs. We have never had a complaint, the whole neighborhood is very tidy. We have lived there for twenty plus years. As far as traffic, there is very little traffic because people will drop their dog off and leave them there for one month to one year depending on the training they want, mainly for hunting dogs for upland game and waterfowl. If they want to visit their dog, they go to the location where they are trained, which is usually southern Illinois or Kentucky. We just don't have much traffic, maybe a couple a month at most.

Mr. Grider asked how long Mr. & Mrs. Cassidy have been at that property.

Mr. Cassidy answered twenty (20) or twenty-one (21) years.

Chair Lamont asked how long they have had the business there.

Mr. Cassidy stated the kennel has been there fourteen (14) years, and there has been no complaints.

Mrs. Cassidy stated this is their third time getting/renewing the special use permit and that you cannot see any of it from the road.

Mr. Hutchens stated on their behalf they live on one of his township roads, they are excellent citizens and excellent neighbors. There is absolutely no issues there at all.

Mrs. Cassidy stated that in their neighborhood people have horses, goats, chicken. It is close to town but also like a rural neighborhood.

Chair Lamont asked if anyone had any questions. There were none.

Ms. Sumpter was called on to present the finding of facts.

Petition: For renewal of a Special Use permit to allow the operation of a dog kennel in (R-1) Single Family Residential Zoning.

Parcel Number: 17-12-30-100-022  
Location: This property is commonly known as 2285 Crossroads Road, Decatur, IL 62521 in South Wheatland Township.  
Acreage: 5 Acres  
Zoning: R-1 Single Family Residential Zoning

**Finding of Facts**

- Owner is seeking to renew the special use permit that was last issued in 2014. The original special use permit was issued in 2009.
- 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. Therefore the Special Use Permit is needed because this property is zoned R-1 Single Family Residential Zoning. Surrounding properties are zoned R-1 as well.
- The Planning & Zoning office has received no complaints on this property.
- 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: 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. 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. Upon petitioner's failure to secure or maintain a kennel operator license issued by the Illinois Department of Agriculture, Bureau of Animal Health and Welfare, this special use permit would expire immediately.
3. The number of animals kept at the kennel at any one time shall not exceed 10 dogs, inclusive of petitioner's personal pets.
4. Employees shall be limited to immediate family members living on the premises
5. The wholesale, retail and/or manufacturing of goods is prohibited on the subject property
6. Normal hours of operation shall be 8:00 a.m. – 5:00 p.m. Monday through Saturday.
7. 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.
8. This special use permit shall be for a 10 year period beginning April 11, 2024 and ending April 11, 2034.

Chair Lamont asked if there were any questions for Ms. Sumpter.

Mr. Grider made motion to approve, seconded by Ms. Potrafka. All members present voting, Aye. Motion carried (5-0).

Chair Lamont ask if there would be a problem with doing the last one on the agenda next since the next two were for the same petitioner. No one had a problem with that.

**5.4 V-04-03-24 a petition filed by Teresa Cothren requesting a variance to change the required minimum lot size from 1 acre to .39 acres m/l in (B-2) Zoning. The property is commonly known as 5705 E William Street Road, Decatur, Illinois  
Long Creek Township PIN: 09-13-09-453-010**

Teresa Cothren approached the podium. She stated why she wanted the variance. Upon further discussion Ms. Cothren made the decision to withdraw her petition for the variance due to concerns with required road frontage, ingress/egress, parcel size, and parcel zoning.

**5.2 S-02-03-24 a petition filed by Prairie Power, Inc. requesting a Special Use Permit to construct and operate an electrical power substation in (A-1) Agricultural Zoning. The property is located on Hilvety Road in Pleasant View Township.  
Pleasant View Township PIN: 15-19-15-300-005**

Daniel Hamilton, attorney with Brown, Hay, & Stevens in Springfield approached the podium. Mr. Hamilton stated he was at the hearing on behalf of Prairie Power Inc. Prairie Power is a Co-op, a non for profit corporation that has ten members that are all other Co-ops. One of its members is Shelby Electric. The way that Prairie Power works is, it provides for wholesale electricity sale to its member co-ops who then distribute it out to residential and commercial consumers in the areas where the co-ops operate. What we are asking for today is authority to build a new substation on the property on Hilvety Rd. That is going to be necessary in order to increase the supply and reliability of electricity for the Shelby Electric Co-op customers. Substations are a necessary part of the electrical grid, and this substation is required as part of an upgrade of the system in order to keep up with the demand. This particular location was selected for a couple of reasons, but generally substations are selected because they can only go in certain locations due to the existing infrastructure in the area. This site is directly adjacent to an Ameren substation, which is something that is necessary for this substation, it has to interconnect with the Ameren substation so it will be directly adjacent. The existing right of ways, lines, and substations in the electrical grid all determine where new substations can go. There are very few locations where this substation can be located, this one is the one that was selected. One thing I want to correct, in the petition we said the construction was going to start in April of 2024 with a fall of 2024 completion, due to some acquisition design and material delays they are looking more at fall 2024 for starting construction. We are actually asking for two things today, I know we are just talking about the special use right now, but most of this will apply to both the special use and the variance. I went through in the petition and we have identified how we can comply with all six (6) of the factors for the special use permit. I'm happy to go through those for in detail if you desire. I'm happy to answer any questions that you may have about the substation. Attached to our petition we did included a design of the substation that demonstrates how it's going to be laid out on the parcel. We also included a survey demonstrating how the property will be divided once this is approved and the sale occurs.

Chair Lamont asked if anyone had any questions. There were none.

Chair Lamont then asked if anyone would like to speak on this matter.

One gentleman stated he had questions.

Chair Lamont asked him to come to the podium state his name and address.

The gentleman stated, my name is Scott Younger and I live in Blue Mound. We have wells out in this area I believe, and I want to know where exactly it will go on Hilvety Road in accordance with our wells? The neighbors who own the property, Huttons, have raised a lot of concern that it was running over their house. I need to know if it's going to interfere with radio contact for our wells to kick on and off for the village or if it's going to cause me any issues.

Ms. Potrafka asked Mr. Younger which neighbors he was talking about?

Mr. Younger responded with the last name Hutton.

Ms. Sumpter stated he is not adjacent to or adjoining this property, he is actually up on Jackson Road, where the power lines go. Transmission lines, we do not regulate. Normally substations do not have to go through a special use permit, this does just because it's not considered a public utility. So the Zoning Board of Appeals would only be approving for them to be able to build the substation. The transmission lines unfortunately we don't control or regulate, so that is something that would have to be worked out between the owner and the company.

Mr. Younger stated I was just made aware of it and I have concerns because if we don't have water then we are going to be a ghost town.

Ms. Potrafka asked do you have wells that are close to this property.

Mr. Younger stated the well is on Huttons property and the transmission lines are apparently going to go over it. I have not seen where exactly these transmission lines are going, I was not made aware of any of this until a week ago. I'm not opposed to any progress, I just have to watch out for my side too.

Mr. Hamilton stood up and stated that at a base level I think we are talking about two different things. One is transmission line issue and one is a substation, what we are talking about here today is a substation. That's what's before the board. The transmission line issues are issues that are generally worked out separate and apart from any zoning matters especially when it comes to the location of the substation. So working with the property owners Prairie Power addresses these sorts of issues all the time, it's not normally a zoning factor.

Mr. Younger said he just needed some answers and left the meeting.

Ms. Sumpter was called on to present the finding of facts.

Petition: A Special Use Permit to construct and operate an electrical power substation in A-1 Agricultural zoning.

Parcel Number: Part of 15-19-15-300-005

Location: This property is commonly known as Hilvety Road, Pleasant View Township

Acreage: 7.463 acres more or less.

Zoning: A-1 Agriculture

### **Finding of Facts**

- The owner of this property is Kraft Farms Illinois LLC. The landowners are willing to sell Prairie Power, Inc. 7.463 acres of the 69.75 acres. This site is for the construction of an electrical substation.

- The substation is needed to continue the reliable transmission of electricity to its co-op members that distribute electricity to rural property owners throughout central Illinois.
- Under the Illinois Public Utilities Act Sec. 3-105, electric cooperatives are not defined as a Public Utility. Therefore, a special use permit is required.
- This property will need a variance to change the minimum lot size from 10 acres to 7.463 acres. However a minor subdivision is not needed because under the Plat Act a minor subdivision is not needed on 5 acres or more.
- All adjoining properties are zoned A-1 Agriculture.

EFFECTS ON GENERAL WELFARE: None

EFFECTS ON NEARBY PROPERTY: None

EFFECT ON DEVELOPMENT OF SURROUNDING PROPERTY: None

ADEQUACY OF UTILITIES & FACILITIES: Will conform

INGRESS & EGRESS: Will be established

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 in question and recommends **approval** of this petition with the following stipulations:

1. This special use permit does not constitute a license issued to the name Petitioners only. This Special Use Permit is intended to “run with the land.”
2. This Special Use Permit is assignable and/or transferable only upon the sale or transfer in ownership of the subject property.
3. Building permits shall be obtained as required.
4. Said property and all operations upon said property shall remain subject to all other applicable local, County, State, and Federal regulations.
5. The Special Use Permit will be voided if construction does not begin within 1 year of approval of said permit by the Macon County Board. This permit will be reviewed periodically for compliance as frequently as is deemed necessary by the Macon County Zoning Administrator.

Chair Lamont asked if there were any questions for Ms. Sumpter.

Ms. Potrafka asked if the special use permit the first time around usually has a two year renewal.

Ms. Sumpter replied usually on a special use permit yes, as far as running a business.

Ms. Potrafka made motion to approve, seconded by Mr. Grider. All members present voting, Aye. Motion carried (5-0).

**5.3 V-03-03-24 a petition filed by Prairie Power, Inc. requesting a variance to change the minimum lot size from 10 acres to 7.463 acres, a variance to change the maximum height from 60 feet to 70 feet and a variance to change the required rear setback from 50 feet to 25 feet in (A-1) Agricultural Zoning. The property is located on Hilvety Road in Pleasant View Township.  
Pleasant View Township PIN: 15-19-15-300-005**

Mr. Hamilton approached the podium again. He stated we need a couple of variances in order for this particular substation to fit the site plan. The first one is to reduce the minimum acreage from 10 acres to 7.463 acres. That will do a couple of things, first and foremost it will preserve agricultural land. If we were required to have 10 acres we would have 3 wasted acres that wasn't being farmed. Second, the limitation of the zoning ordinance is for 60 feet in height, for improvement this particular substation, in order to fulfill the needs that it is designed for would need to be 70 feet in height. The rear yard setback in order to accommodate the smaller acreage, we need to reduce from 50 feet to 25 feet. That will essentially be 25 feet from the fence, as was shown on the site plan. The improvements are well inside the fence. The actual machinery will be substantially back, just the fence will be 25 feet from the property line. Those are the two variances.

Chair Lamont asked if there are any questions.

Ms. Sumpter was called on to present the finding of facts.

Petition: A Variance for the minimum lot size to be changed from 10 acres to 7.463 acres in A-1 Agricultural Zoning. A variance to change the maximum height from 60 feet to 70 feet and a variance to change the required rear setback from 50 feet to 25 feet.

Parcel Number: Part of 15-19-15-300-005

Location: This property is commonly known as Hilvety Road, Pleasant View Township

Acreage: 7.463 acres.

Zoning: A-1 Agriculture



## Finding of Facts

- The owner of this property is Kraft Farms Illinois, LLC. The landowners are willing to sell Prairie Power, Inc. 7.463 acres of the 69.75 acres for the purpose of constructing a substation.
- The variance is needed to allow the minimum lot size be changed from 10 acres to 7.463 acres in A-1 Agricultural Zoning, the required rear setback be reduced from 50 feet to 25 feet and the maximum height be changed from 60 feet to 70 feet. Under the Macon County Zoning Ordinance, Section 155.183 states the rear setback for (A-1) Agricultural Zoning is 50 feet and minimum lot size is 10 acres. Macon County Zoning Ordinance, Section 155.184 states public, semipublic, public utility or public service buildings, hospitals, institutions, or schools where permitted may be erected to a height not exceeding 60 feet.
- A minor subdivision is not needed because under the Plat Act, a minor subdivision is not needed on 5 acres or more.
- There is no floodplain on the property.

EFFECTS ON GENERAL WELFARE: None

EFFECTS ON NEARBY PROPERTY: None

EFFECT ON DEVELOPMENT OF SURROUNDING PROPERTY: None

ADEQUACY OF UTILITIES & FACILITIES: Will conform

INGRESS & EGRESS: Will be established.

CONFORMITY TO REGULATIONS: With the passage of the Variances, the property will conform.

STAFF RECOMMENDATION: You may vote to approve or deny this petition, or amend as appropriate. Staff has inspected the property in question and recommends **approval** of the variance petitions.

Chair Lamont asked if there were any questions for Ms. Sumpter.

Ms. Potrafka made motion to approve, seconded by Mr. Grider. All members present voting, Aye. Motion carried (5-0).

Chair Lamont asked if there were any citizen comments. There were none.

Chair Lamont asked if there is anything for next month.

Ms. Sumpter stated we have three hearings at this time.

**CITIZEN'S REMARKS:** There were no further citizen remarks.

**ADJOURNMENT:** Ms. Potrafka made the motion to adjourn; Mr. Grider seconded. All members present voting, Aye. Motion Carried. (5-0).

Meeting adjourned at approximately 9:07 A.M.

*Minutes submitted by Amy McKinney, Macon County Planning and Zoning Dept.*