

**MACON COUNTY ZONING BOARD OF APPEALS**

**HEARING MINUTES – JANUARY 4, 2023**

**MEMBERS PRESENT**

Barb Lamont, Chair  
Ron Grider  
Adam Brown  
Marcia Potrafka  
Clint Gorden, Alternate Member #1

**COUNTY PERSONNEL PRESENT**

Tracy Sumpter, Planning & Zoning Director  
Tammy Wilcox, County Administrator  
Crystal Hugger, County Board Secretary  
Hunter Jackson, Planning & Zoning Administrator  
Debra Kraft, County Board Member

**MEMBERS ABSENT**

Dennis Hughes  
Gary Hutchens, Alternate Member #2

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

**MINUTES**

Ron Grider made the motion to approve November 2, 2022 minutes, seconded by Marcia Potrafka. All members present answering, Aye. Motion Carried (5-0).

**OLD BUSINESS:**

- 4.1 S-01-11-22 a petition filed by Jackie Campbell (purchasing contract for deed from Tim Dowd) requesting a Special Use Permit to operate a trucking business in (A-1) Agricultural Zoning. The property is commonly known as 2595 Peru Road, Decatur, IL 62522. Blue Mound Township PIN: 02-11-26-300-017 \*WITHDRAWN\***

Ms. Sumpter stated this petition was withdrawn by the petitioner.

- 4.2 V-02-11-22 a petition filed by Lilly LePaul & Zachary Kistenfeger requesting a variance to change the required lot size from 1 acre to .9 acres in (R-1) Single Family Residential Zoning. The property is commonly known as 8795 Countryside Drive, Dalton City, IL. Mt. Zion Township PIN: 12-18-06-101-040**

Ms. Sumpter stated the ZBA Board approved this petition on November 2, 2022.

- 4.3 R-03-11-22 a petition filed by Advanced Disposal Services Solid Waste Midwest, LLC requesting to rezone approximately 3.75 acres from (R-4) Single Family Residential Zoning to (M-2) Heavy Industrial Zoning. The property is commonly known as 1025 S Bear Road, Decatur, IL 62522. Harristown Township PIN: 06-11-24-101-004**

Ms. Sumpter stated the ZBA Board approved this petition on November 2, 2022. The EEHW approved on November 17, 2022. The County Board approved on December 8, 2022.

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

**NEW BUSINESS:**

**5.1 S-01-01-23 a petition filed by Holly Mowry requesting renewal of a Special Use Permit to allow a bakery business in (RE-5) Single Family Estate Zoning. The property is commonly known as 4216 Bowman Road, Decatur, IL 62521 South Wheatland Township PIN: 17-16-05-100-005**

Holly Mowry  
4216 Bowman Rd.  
Decatur, IL 62521

Mrs. Mowry stated she has had a bakery at this location for at least 10 years. They were previously downtown then moved back home. It is just her baking by herself and there are no signs or advertisement, just word of mouth.

Barb Lamont asked if there were any questions.

Ron Grider asked if Holly brought free samples.

Holly Mowry stated she did not bring samples with her.

Marcia Potrafka asked about customers coming to her property. She was asking if there were any issues involved with that.

Holly Mowry stated there were no issues and she has maybe 5 people come by on a Saturday. They have great neighbors and she keeps it very small.

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

**Finding of Facts**

- This is a renewal of an existing special use permit for the property that was originally issued January 10, 2013 for a 10 year period.
- 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 RE-5 Single Family Estate Zoning.
- Our office has contacted Kathy Wade, Director of Environmental Health with Macon County Health Department who stated there are no issues with this business.
- Our office has received no complaints on this property.

EFFECTS ON GENERAL WELFARE: None

EFFECTS ON NEARBY PROPERTY: None

EFFECT ON DEVELOPMENT OF SURROUNDING PROPERTY: None

ADEQUACY OF UTILITIES & FACILITIES: Correct

INGRESS & EGRESS: No known issues.

CONFORMITY TO REGULATIONS: With the passage of the Special Use Permit 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** 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. Advertising sign regulations on the subject property shall comply with Macon County Zoning Ordinance.
3. Said property and all operations shall be in compliance at all times with all applicable federal, state, and local laws and regulations. Failure to be in compliance may result in the suspension or revocation of this special use permit.
4. The special use permit shall be for a 10 year period beginning February 9, 2023 and ending February 9, 2033.

Barb Lamont asked if there were any questions for Tracy.

Adam Brown made the motion to approve the petition, seconded by Marcia Potrafka. All members present voting, Aye. Motion carried (5-0).

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

Tracy Sumpter stated there would be no committee meetings in January so this petition will go straight to county board on February 9, 2023. Next month we have two petitions so far.

**ADJOURNMENT:** Marcia Potrafka made the motion to adjourn; Adam Brown seconded. All members present voting, Aye. Motion Carried. (5-0). Meeting adjourned at approximately 8:38 A.M.

*Minutes submitted by Hunter Jackson, Macon County Planning and Zoning Dept.*