

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – OCTOBER 4, 2023

MEMBERS PRESENT

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

COUNTY PERSONNEL PRESENT

Tracy Sumpter – Planning & Zoning
Amy McKinney – Environmental Management
Debra Kraft – County Board Member
Tamara Wilcox – County Administrator

MEMBERS ABSENT

Clint Gordon – Alternate Member #1

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

MINUTES

Mr. Grider made the motion to approve August 2, 2023 minutes, seconded by Ms. Potrafka. All members present answering, Aye. Motion Carried (5-0).

OLD BUSINESS:

- 5.1 S-01-08-23 a petition filed by Carmen Rivera requesting a Special Use Permit for the operation of an events venue facility in (R-2) Single Family Residential Zoning. The property is commonly known as 2749 Norwood Avenue, Decatur, Illinois.
Decatur Township PIN: 04-12-04-176-001**

Ms. Sumpter reported that ZBA recommended denial of this petition on August 2nd and the petitioner withdrew the application on August 3, 2023.

Ms. Lamont stated we have 2 (two) hearings today. She then asked that if anyone is wanting to speak on the petition to please all stand up to be sworn in at one time.

NEW BUSINESS:

- 5.1 S-01-10-23 a petition filed by Izaac Walton League of America requesting renewal of a Special Use Permit to allow the operation of a private campground in (R-1) Single Family Residential Zoning. The property is commonly known as 5179 Old Stagecoach Road, Oreana, Illinois.
Whitmore Township PIN: 18-08-22-300-007**

Ms. Lamont stated the first one is S-01-10-23, petition by Izaak Walton League to renew their special use permit for their camp ground.

Chair Lamont asked the person speaking for Izaak Walton League to state his name and address.

My name is Steve Wooten, President of Izaak Walton League Decatur Chapter. My address is 606 Carolina Avenue, Decatur Illinois 62522. We have occupied this property since 1971, have had a special use permit since then for a campground and request to get it renewed.

Chair Lamont asked how many campers they have there.

Mr. Wooten stated they are zoned for 50 sites, but have 24 occupied.

Chair Lamont asked how long the campground is in operation.

Mr. Wooten stated the campground is in operation from April 1st to October 31st. We have a custodian that lives on site year round, that's part of our agreement. We close the gate October 31st, we shut the power off to the west end and the water. We make sure the custodian has power and water. Other than that, May is our actual opening date, but we let them have April as an option.

Chair Lamont asked if anyone had any questions.

No questions.

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

A gentlemen from the public seating area approached the podium.

Chair Lamont asked him to state his name and address.

The gentlemen stated, my name is Daryl Bellville, I live at 5271 Old Stage Coach Rd. I own the property that borders Izaak Walton on the south side along the lane and on the west end also. As I understand this basically you folks are just looking to get renewal on what you've got as far as existing camping and rules etc.? I've owned my property there next to them for 40 years and it's kind of hard to believe that 10 years have gone by since we had this same discussion and last meeting. Basically, we both respect each other's properties. It's been very comfortable having them as neighbors and I guess what I'll say is what I said ten years ago, when they were applying for their county permit, you have been really good neighbors. They have helped me out several times and I've helped them out at times. I have some equipment that has helped them move some trees and things of that nature, and low and behold I had a tree fall once and about the third day after it fell on the front end of my property, I was going to go out and clean it up, I got all my equipment together, went out there and it was gone. They already cleaned it up. I really appreciate that. You've got an excellent maintenance man. So again, I guess what I'm trying to say is because they are good neighbors, I'm supporting what they are doing. I think it's a fine organization. That's all I have to say. Thank you very much.

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

Petition: A renewal of a Special Use Permit to allow the operation of a private campground in R-1 Single Family Residential District.

Parcel Number: 18-08-22-300-007

Location: 5179 Old Stage Coach Road in Whitmore Township.

Acreage: 30.89 Acres.

Zoning: R-1 Single Family Residential District

Finding of Facts

- This is a renewal of a special use permit that was issued in November 2013. The previous permit was for ten years and set to expire on November 14, 2023.
- No complaints have been received on the property.
- This Special Use Permit is just for the 30.89 Acres off of Old Stage Coach Road. The original Special Use Permit (1971) also included the 1.85 Acres containing parcel number 18- 08-22-300-006. This parcel was annexed into the City of Decatur in 2011. Therefore any special permits needed for camping would be obtained from the City of Decatur.

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

1. The premises shall have one permanent residence for custodial/security purposes.
2. The premises shall have adequate trash service and receptacles near the permanent residence to encourage proper disposal of litter.
3. The premises shall have a maximum of 50 camping sites at one time.
4. Each camping site shall observe a minimum setback of 10 feet from property lines.
5. Campers shall be restricted to occupancy between April 1st and October 31st annually.
6. Discharge of firearms on the premises shall be prohibited.
7. Hunting on the premises shall be prohibited.
8. The premises shall remain in conformance with all Macon County Ordinances.
9. The premises shall conform to all other applicable state and local laws and regulations.
10. Any activity on the premises that results in a disorderly conduct citation shall serve as a violation of the terms of this permit.
11. The Special Use Permit shall be limited to a period of 10 years and will expire on November 9, 2033.

Chair Lamont asked if anyone had any questions.

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

5.2 S-02-10-23 a petition filed by Stephen & Shannon Comer requesting renewal of 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 commonly known as 5874 Apollo Drive, Decatur, Illinois. Oakley Township PIN: 14-13-03-301-004

Chair Lamont stated the next one is S-02-10-23. A petition filed by Shannon Comer for Renewal of special use permit for a second residence allowed on the property.

Chair Lamont called Shannon Comer to the podium and asked her to state her name and address.

Ms. Comer stated my name is Shannon Comer, I live at 5874 Apollo Drive, over on the east side of town. We put a pre-built “shouse” or tiny house on the property for my mom. It has a slab foundation, it’s got a septic system. She’s the last one, we just lost rest of her family in the last month. I’m so grateful that she is there. Anyway, we are just asking for this renewal to keep her there.

Chair Lamont pointed out on the map where the property is located.

Chair Lamont then asked if there are any questions.

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

Petition: For renewal of 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 is complete and has had all required inspections. The home was 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.
- Our office has received no complaints on the property.
- 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 5-year period. After that time, the permit may be renewed if approved. The Special Use Permit will expire on November 9, 2028.

Chair Lamont asked if there are any questions.

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

Chair Lamont asked if there is anything for next month. Ms. Sumpter stated at this time we have no hearings for next month. She did talk to someone that said they might be turning one in, but they have until noon today.

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

ADJOURNMENT: Ms. Potrafka made the motion to adjourn; Mr. Brown seconded. All members present voting, Aye. Motion Carried. (5-0). Meeting adjourned at approximately 8:46 A.M.

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