

**MACON COUNTY ZONING BOARD OF APPEALS**

**HEARING MINUTES – January 3, 2018**

**MEMBERS PRESENT**

Barb Lamont, Chairman  
Bill Koretke, Vice Chair  
Dennis Hughes, Alternate Member

**COUNTY PERSONNEL PRESENT**

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

**MEMBERS ABSENT**

Blake Noland  
Andy Freeland  
Ed Leonard, Alternate Member

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

**MINUTES**

Bill Koretke made the motion to approve the November 1, 2017 minutes, seconded by Dennis Hughes. All members present answering, Aye. Motion Carried (3-0).

**OLD BUSINESS:**

- 4.1 S-01-11-17 a petition filed by Hollie Burns for the renewal of a Special Use Permit to operate an animal grooming and pet photography business in (R-1) Single Family Residential Zoning. This property is commonly known as 2727 W. Rock Springs Road, Decatur, IL 62521  
PIN 17-12-29-100-006

Mrs. Gunter stated this was approved by ZBA November 1, 2017, EEHW passed it November 23, 2017 and it passed the County Board on December 7, 2017.

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

**NEW BUSINESS:**

- 5.1 S-01-01-18 a petition filed by Tim Duncan requesting a Special Use Permit to operate a lawn mowing business and small retail counter for the selling of battery powered lawn equipment in (A-1) Agricultural Zoning. This property is commonly known as 3388 E Boyd Road, Decatur, IL 62521  
PIN 18-08-19-400-011

Tim Duncan  
3388 E Boyd Rd

Decatur, IL 62521

Mr. Duncan stated this is not a traditional lawn mowing business; it is just a robotic mower. He passed a brochure around to the ZBA members. It is battery powered; it is 21x21 inches. The idea is to use all battery-powered equipment. Either sell to the customer or place one on their yard and charge them a weekly fee for their mowing just like a lawn care business does. It is a small unit that comes UPS or Fed Ex, there are no trucks involved. It can mow in the middle of the night, mow in the rain or storm, it does not matter. You wake up and your yard is done.

Mr. Koretke asked if they have to go out and install a perimeter fence.

Mr. Duncan stated there is a perimeter fence, which they install in the beginning and then you never touch it again.

Mr. Koretke asked if he has a service vehicle for that.

Mr. Duncan stated yes, it is a small van.

Mr. Koretke asked how many customers per day or week he expected.

Mr. Duncan stated with it being robotic and you do not have to be on the property, it is almost unlimited to except a couple times a month they would have to go in a do a little trimming where it would not reach.

Mr. Koretke asked so they are not coming to his residence.

Mr. Duncan stated no, the only reason they would come to his location is if they wanted to purchase one or for a demo. He stated there is no need to change anything on the property at all. He stated the mower runs off your cell phone; they can run 50 mowers from one cell phone.

Mr. Koretke asked Mr. Duncan to point out his property on the map.

Mrs. Gunter stated they had to get the special use request for all acres because we cannot just give a special use permit for just 2 acres on the property because then if they go outside of that 2 acres, where exactly is that 2 acres on the property. That is why we have to do it for the entire property acreage.

Mr. Duncan stated as he recalled, it was zoned that when he moved in and then when they built his parents' home next door, since they were deeding 1 acre, it had to be changed to residential and his property had to be zoned A-1. He stated it was special use for decades before. He stated he has no plans to get crazy with the property. The plan is to do what they are doing and retire.

Mr. Koretke asked why it was special use back then.

Mrs. Gunter stated back in the day they sometimes did special uses somewhat weird. She was not sure. She stated everything is current and conforming as the way it is right now.

Chair Lamont asked Mr. Duncan if he would be using an existing shed on his property for the business.

Mr. Duncan stated at the most, he might put up a small storage shed, maybe 10x10. Just something he can sell the mower from. He does not need much room.

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

Petition: For a Special Use permit to operate a lawn mowing business and small retail counter for the selling of battery powered lawn equipment in (A-1) Agriculture Zoning.

Parcel Number: 18-08-19-400-011

Location: This property is commonly known as 3388 E. Boyd Road, Decatur, IL 62521 in Whitmore Township.

Acreage: 21.05 Acres

Zoning: A-1 Agricultural Zoning

**Finding of Facts**

- The current owners of this property want to install a small retail counter for selling of battery powered lawn equipment.
- 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. Therefor the Special Use Permit was needed because this property is zoned A-1 Agricultural Zoning.
- There is no floodplain on the property.

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:

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. Employees shall be family members only.
3. Advertising sign regulations on the subject property shall comply with Macon County Zoning Ordinance.
4. Building permits shall be obtained as required.
5. 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.
6. Hours of operation for the business is 8:00 a.m. to 5:00 p.m. for 6 days a week.
7. This special use permit shall be for a 2 year period beginning February 8, 2018 and ending February 13, 2020.

Bill Koretke made the motion to approve the petition, seconded by Dennis Hughes. All members present voting, Aye. Motion carried (3-0).

- 5.2** V-02-01-18 a petition filed by Patricia Kates requesting the required front setback be changed from 35 feet to 24 feet in (R-1) Single Family Residential Zoning. This property is commonly known as 715 Tohill Place, Decatur, IL 62521  
PIN 17-12-35-328-003

Patricia Kates  
715 Tohill Place  
Decatur, IL 62521

Mrs. Kates stated she is requesting a variance. She stated they purchased the home in 1994 knowing it was small and wanting to make some additions of some sort. She wanted to either build an upstairs, downstairs, etc. On the North side of the house there is a well, on the West side there is no room because of the neighbors (setback) on the South she has a cistern and laterals and so the side yard is her only possibility to put things. She stated they had considered trying to put a garage/pole barn way back on the property but she wants to use it for parking her husband's truck. His truck is too tall for the garage she currently has. She stated he is a truck driver and is gone a lot so she occasionally drives the truck and would like it to be in the garage. She first thought of adding on to the existing garage, the problem with that is for the addition to be level with the garage, they would have to build up quite a bit because there is a drop off behind the garage. She stated while talking to contactors about this, the garage begins falling apart. The southeast corner had a crack in the floor and then the northeast corner started falling. She had people come in to bid redoing the ground work and all that stuff, and they decided the footing would need to be another foot deeper. The cost of concrete is up a lot right now. She stated they would have to take down the garage, re-do...anyway, talking almost \$40,000 to re-do the garage.

Chris Hutton (petitioner's son)

Mr. Hutton stated the reason the cost would be so high is that all of the concrete would have to be taken out. It is an old concrete pour, they would have to take the whole garage down, the whole foundation out which is 3 feet deep. They would have to do 3 ½ feet deep into the ground to build the footings and then come up. In doing so to get the footings basically like a house, they have to go 3 feet down which is going to add \$15,000 to \$20,000 because it will basically be a house foundation.

Mr. Koretke asked why wouldn't they just tear it down and start over.

Mrs. Kates stated because she does not have \$40,000.

Mr. Koretke stated he tore down a house for about \$8,000.

Mrs. Kates stated this is the building part of it also. In addition, they would have to build the ground up.

Mr. Koretke stated a lot more labor involved.

Mr. Hutton stated his mother's expansion project was to come out the backside of it another 20 feet and then the ground slopes away 8 feet from where it is currently at from the driveway. That would have to be built up as well as putting 3' footings in and then coming up to make it all

level to the backside of the garage. He said they are talking \$17,000 worth of concrete.

Mr. Koretke asked Mrs. Kates to tell them where she would like to put the new garage.

Mr. Hutton explained the layout on the map for the members. He stated the current setback is 35' from the front property line. In order to build the garage where they would like, they need to have the setback reduced to 24' from the front property line.

Mr. Koretke asked what they would be doing with the old garage.

Mr. Hutton stated they have hired a company to come in, drill all the holes, and lift it back up to where it should be and pump concrete. He stated it slid down about 1.5".

Mr. Koretke stated he just wanted to know if they would be keeping the current garage.

They stated yes.

Mr. Koretke asked if the upper garage is good.

They stated yes, it was just the foundation.

Mr. Hutton pointed out the specifics of the new garage on the map.

Mr. Koretke asked if it would meet their insurance/fire codes.

Mr. Hutton stated yes.

They would be putting up a 30x30 garage. This would save them from building way back on the property and having the cost of adding an additional driveway.

Mrs. Gunter confirmed they would be 15' from the side property line.

Mrs. Kates stated yes.

Mr. Hutton stated the neighbors buildings are on his mother's property. They just need the variance for the front property line set back.

Mr. Koretke asked where the utilities come in.

Mr. Hutton pointed this out on the map and stated he has already had JULIE come out and mark the utilities.

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

Petition:                      For a Variance, requesting the required front setback be changed from 35 feet to 24 feet in (R-1) Single Family Residential Zoning.

Parcel Number: 17-12-35-328-003

Location: This property is commonly known as 715 Tohill Place in South Wheatland Township.

Zoning: R-1 Single Family Residential

Acreage: 1.0 Acre

**Finding of Facts**

- Petitioner wants to build a garage with a front setback of 24 feet.
- The garage will not require a new driveway because they will enter the garage from the west.
- The variance is needed to allow the garage to be built closer to the front property line. Under the Macon County Zoning Ordinance, Section 155.183 states the front setback shall be 35 feet from the front property line in R-1 Single Family Residential Zoning.
- A letter from the South Wheatland Township Road Commissioner was received in our office. His concern was the location of the front property line, which was addressed by a site visit with the landowner. The Road Commissioner is also concerned with decreasing the existing parking area, it will increase parking on the street, which is not allowed due to the fact that this road is only 12 feet wide.
- 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: 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 a

variance for the front setback to be changed from 35 feet to 24 feet in (R-1) Single Family Residential Zoning.

Dennis Hughes made the motion to approve the petition, seconded by Bill Koretke. All members present voting, Aye. Motion carried (3-0).

Chair Lamont asked Mrs. Gunter if the board has anything for the next scheduled meeting. Mrs. Gunter stated we have one variance at this time.

ADJOURNMENT: Dennis Hughes made the motion to adjourn; Bill Koretke seconded. All members present voting, Aye. Motion Carried. (3-0). Meeting adjourned at approximately 8:53 A.M.

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