

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – June 12, 2019

MEMBERS PRESENT

Barb Lamont, Chair
Andy Freeland
Blake Noland
Ron Grider
Dennis Hughes, Alternate Member
Ed Leonard, Alternate Member

COUNTY PERSONNEL PRESENT

Jennifer Gunter, Planning & Zoning Director
Tracy Sumpter, Planning & Zoning
Debra Kraft, County Board Member
Sheriff Antonio Brown
J. Thomas, Director ETSB

MEMBERS ABSENT

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

MINUTES

Ed Leonard made the motion to approve March 6, 2019 minutes, seconded by Blake Noland. All members present answering, Aye. Motion Carried (5-0).

OLD BUSINESS:

- 4.1 V-01-03-19 a petition filed by Adam Herbert requesting the required setback to house animals be changed from 75 feet to 60 feet in (A-1) Agricultural Zoning. The property is commonly known as 10651 Riley Road, Macon, IL 62544. PIN 16-20-04-200-004

Mrs. Gunter stated Zoning Board of Appeals approved the petition on March 6, 2019.

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

NEW BUSINESS:

- 5.1 S-01-06-19 a petition filed by Jill Bottrell requesting a Special Use Permit for a pet boarding and grooming business in (A-1) Agricultural Zoning. The property is commonly known as 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 continue the special use permit that has been used on this property in the past.

Mrs. Gunter addressed the ZBA members letting them know this was previously Delong's Bed and Biscuit. She stated Ms. Bottrell is the new owner and taking this over and keeping it as the same use.

Chair Lamont asked if there were any questions.

Mrs. Gunter asked Ms. Bottrell if she had purchased any additional land.

Ms. Bottrell stated she had not; it is the same as it was before.

Ed Leonard made the motion to approve the petition, seconded by Blake Noland. All members present voting, Aye. Motion carried (5-0).

Dennis Hughes pointed out we missed the presentation of finding of facts. At this time, Mrs. Gunter presented those.

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 new Special Use Permit petition for this landowner. The property is at the same location as the previous special use permit issued to Kristina DeLong for pet boarding and grooming.
- The special use permit is needed because of the 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 could 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 2 years and shall expire on July 8, 2021

She explained to Ms. Bottrell after the 2 years, she will apply for renewal and if approved,

normally it is a timeframe of 10 years.

Dennis Hughes asked if the petitioner is willing and able to abide by the stipulations.

Ms. Bottrell stated yes she is.

Chair Lamont gave Ms. Bottrell the information/dates for the next meetings.

Mrs. Gunter stated it is not mandatory for her to attend the next meetings, but she strongly suggests that she does in case board members have any questions.

5.2 R-02-06-19 a petition filed by Thomas Williams for rezoning approximately 1 acre from (R-1) Single Family Residential Zoning to (M-1) Light Industrial District. The property is located on South Taylorville Road, Decatur, IL.
PIN 17-12-28-151-002

Chair Lamont stated this petition has been withdrawn.

5.3 S-03-06-19 a petition filed by Macon County ETSB/Director J. Thomas requesting a Special Use Permit for the construction of a 350 foot antenna tower for the Central Illinois Regional Dispatch Center (9-1-1 Center) in (R-1) Single Family Residential Zoning. The property is commonly known as 2350 S Business Route 51, Decatur, IL 62521.
PIN 04-12-27-179-004

Jon Thomas
Director Macon County ETSB & Central IL Regional Dispatch Center
1078 W Rotary Way
Decatur, IL 62521

Mr. Thomas stated they are asking for a 350 foot tower for communications to improve their ability to reach out and give some redundancy on their ability to reach out, rural fire and several other issues for the tower. The communication tower will be located at 2350 S Business Route 51, it is adjacent to Rotary Park on the South side and residential area on the North side. The property has been for sale for years. Curvey Realtors out of Taylorville had the property and he believes it has been for sale for about 20 or 30 years. There has been some past interest in the property but there are restrictions; access from Route 51 has been restricted by the State, they will only allow access rights off of Route 51 for residential or farming. He stated he inquired to the state about their case; the State's concern is with the volume of traffic coming into that area crossing at that location. Mr. Thomas stated they would not be accessing the tower, initially for the build, but after the build they would only access as needed maintenance on the tower. Their intention is to build the tower in the front corner and then the back portion of the property, they would be looking to find some other use or eventually sell the property if there is an interest. He stated they would only be taking probably the south piece, if someone wanted to develop it residentially further back, it probably would not be a bad location for that. He stated the parcel is 7 acres, the tower site will be completed in a relatively short time period with the remainder of

the property would remain undisturbed. One of the things they would be doing is clearing off the property, right now it has a lot of brush on the front portion and some people have been accessing the back of it for dumping. There are some tires and bricks back there and they would try to get that cleaned up. The tower site would be in close proximity to the Central IL Regional Dispatch Center. They have been looking in the area for some other site, initially before they purchased this property, they wanted something a little closer than this but they were unable to find anything. He pointed out an area near the park which would be suitable for a tower, but is also suitable for commercial development, which is the intent for the property owners moving forward. He stated right now the property is overgrown with brush and weeds and served as a dumping area. There is not really any use, it has been sitting empty for several years. The construction of the tower will be engineered beyond the standard construction requirements for towers. It will be a communication tower and they will be relying on it so they want to make sure it stays up. The wind load for a tower in this area is about 90 mph, this tower will be 130 mph wind loaded tower. It will be substantially stronger than what is needed to meet requirements. He stated they have received FAA approval, the big issue there was the proximity to the airport. The location is just a little over 5 miles from the airport and the runway zone comes in just south of their building. FAA did look at that and they approved it. It is pending FCC approval right now for moving everything to it and once they get the FCC approval and the tower built, they would be able to start locating things. Their intention would be to move things off the top of the court house to that tower and then utilize the Jasper Street tower, the City's maintenance center, would be one tower they would have access to, and another one down there should one of them go down, they would be able to rely on the other one. It is just a redundancy, sometimes you may have problems, may get hit harder in one place and they would be able to switch back and forth between the two towers. The site will have no impact on the adjacent property owners, some of the other property owners may be interested in purchasing some of that property to maybe extend their yards. It will not impede any development in the area, most of the development areas are south of the property and the IDOT will not allow access for business on the property. They would have utility service on the property as well as generator power, and they would be improving the drainage. There is a little bit of water runoff and they want to make sure they keep the lot and entire area drained. He stated again, no regular traffic flow to or from the site. Ron Grider asked if the adjoining property owners don't want to purchase part of the property, how would anyone else access that area of the property.

Mr. Thomas said the tower would be on the south side (he pointed out on map) and there would be access on the north side or there is also a path, which runs on the east side of Lugari property to access the lot. He stated the path has probably been used to dump. That would probably have to be some type of right of way purchase. He stated he does not know that any of the neighbors are interested, he is just saying that would be a possibility. Otherwise, they would probably put it up for sale but they would not want to land lock it and try to sell it.

Keith Hackl
447 South Main Street
Warrensburg Fire Protection, Chief
Maintenance Division President Mutual Aid Box Arm Systems for Macon, Piatt and Dewitt

Mr. Hackl stated as Mr. Thomas said, this tower will be a big asset to them, as EMS, first responders or things of that nature, communications is always the biggest thing they have to deal with. The southern and western part of the county has always been an issue with them being able to receive pages from the dispatch center and being able to communicate through portables and things of that nature, this tower will give them that capability to be able to do so. One of the biggest things, their biggest fear, is not being able to get communications out if someone needs help. This tower will obviously help with that, the other thing; the tower that is on the County at this time has been up there for years. The structure is in bad shape and so they do need another site for a tower to be able to communicate and keep their services top notch in Macon County.

Shane Brandel
Deputy Chief of Police, City of Decatur
707 W Southside Drive
Decatur, IL

Mr. Brandel stated he is here to represent the Decatur Police Department in favor of this particular tower. He stated one issue in point that stands out to them is this tower will replace one of the other towers that they use. Currently, they operate on 3 towers, the City of Decatur and Decatur Police Department operates on about 15 radio channels so Decatur Police Department across the board will run on 15 channels, when one of those towers go down, the one that is their problem child, they are all forced onto 1 channel. The entire Decatur Police Department will operate on 1 channel. You could have 160 officers, if they end up mobilizing at some point, that is very difficult for them to do. Unfortunately that happens it seems to happen every time that it rains. He stated the point of this is, this tower goes up, Motorola will transfer their lines to the new tower, which will obviously make communications better for the Decatur Police Department and really for all law enforcement and first responders within the County. In terms of safety for first responders as well as the service they provide to the community will certainly benefit in that regard.

Antonio Brown
Macon County Sheriff
333 S Franklin Street
Decatur, IL 62523

Sheriff Brown stated he wanted to say their support as far as the Sheriff's office and emergency services to support this as well. With their Emergency Management Agencies, rural fire, etc., this is very integral as far as communications to make sure that the residents of Macon County are serviced properly and to make sure they are able to respond to emergencies. He just wanted to express their support as well.

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

Petition: For a Special Use permit for the construction of a 350 foot antenna tower for the Central Illinois Regional Dispatch Center (9-1-1 Center) in (R-1) Single Family Residential Zoning.

Parcel Number: 04-12-27-179-004

Location: This property is commonly known as 2350 S. Business Route 51, Decatur, IL 62521 in Decatur Township

Acreage: 7.45 Acres

Zoning: R-1 Single Family Residential Zoning

Finding of Facts

- The Macon County ETSB has purchased this property and wants to put a 350 foot antenna tower for the Central Illinois Regional Dispatch Center.
- A special use permit is needed because the Macon County Zoning Ordinance 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 R-1 Single Family Residential Zoning.
- Per the Macon County Telecommunications Towers and Antennas (Section 113.52) states the horizontal separation distance to the nearest principal residential building shall not be less than the height of the supporting structure, except that if the supporting structure exceeds 99 feet in height, the horizontal separation distance to the nearest principal building shall be at least 100 feet or 80% of the height of the supporting structure, whichever is greater.
- The Illinois Department of Transportation has restricted use access to this property. Therefore, there is limited uses by the State on what could be put on the property.
- 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 shall run with the land and not with the petitioner.
2. Building permits shall be obtained as required.
3. Said property and all operations shall remain subject to all other applicable local, county, state, and federal regulations.
4. This property shall be reviewed not more than ten years by the Macon County Zoning Director.

Blake Noland made the motion to approve the petition, seconded by Andy Freeland. All members present voting, Aye. Motion carried (5-0).

Chair Lamont gave Mr. Thomas information regarding the next meeting dates.

- 5.4** V-04-06-19 a petition filed by Timothy Reynolds requesting the required front setback be changed from 35 feet to 13 feet, the required side setback be changed from 10 feet to 3 feet and the required rear setback be changed from 40 feet to 3 feet in (R-2) Single Family Residential Zoning. The property is commonly known as 5725 North Street, Boody, IL 62514
PIN 02-15-11-277-004

Timothy Reynolds
5725 North Street
Boody, IL 62514

Mr. Reynolds stated he would like to build a new garage, they have elevation problems and every time it rains real bad it comes from across the street, flows into the middle of his garage. He stated his garage is falling apart and rotting. He pointed his garage out on the map and the flow of the rainwater. He stated it comes to his garage and then goes down to an abandoned alleyway. He wants to build the new garage back and 3 feet from the side and build it up about a foot, elevation wise. He wants to get the water out of his garage.

Chair Lamont asked if he wanted to add on to the back of the current garage.

Mr. Reynolds stated no, he would like to tear the whole garage down, build the elevation up about a foot, and go with a bigger garage.

Blake Noland asked Mr. Reynolds if the alleyway could sustain the water so that it does not impede on the neighbors.

Mr. Reynolds stated there was a meeting last night for the Town of Boody and they are looking into that. He stated last month we had all that rain and sump pumps were running plus they have City water no sewers or nothing and it is a drainage problem they have down there. Everybody's septic tanks are full. They get them pumped and a month later, they are full again. The meeting they had last night, this was discussed. He stated they (Boody) is supposed to be calling somebody in, a tile person or something and see what they can do there. He stated it is just the natural flow, the lay of the land. He pointed out on the map where his sump pump comes out of the house and he directed it to the street and it came straight back in front of his garage. He pointed out where his well is located and stated he tried to put it in the well but it still goes straight back to the alleyway. He said it is just the lay of the land.

Mrs. Gunter stated she had been to the site, there are no ditches out there, and they are small lots. It is hard to get the water out. She stated there is an outlet to go in the alleyway and kind of take it to the other ditch. She stated the landowners have been in conversations with the road commissioner out there, so there is some things in the works.

Ron Grider asked if the alleyway was actually abandoned or just not used as an alley.

Mr. Reynolds stated he is not sure how to explain, it was abandoned but somehow when they split the alleyway up he got half of the alley and his neighbor got half of the alley. He stated he does own it and has had it surveyed. It was a 16-foot alley, he got 8 feet, and his neighbor got 8 feet.

Andy Freeland asked the size of his current garage.

Mr. Reynolds stated 36x24.

Chair Lamont asked if this was just for personal use, no business.

Mr. Reynolds stated no business.

Rick Spellman
Main Street
Boody, IL

Mr. Spellman stated he lives straight west from Mr. Reynolds and pointed his property out on the map. He stated he also got 8 feet of the alleyway and pointed this out and was signed off on in 1979. He stated just like Mr. Reynolds said, the water does go that way. The only reason he is here, is when Mr. Reynolds was draining his sump pump, it was flooding out his yard and another neighbor's yard. They spray every year, the bugs are just crazy. He is afraid if Mr. Reynolds elevates the new garage, the water will continue to be even more on top of that. He understands Mr. Reynolds is having a hard time trying to figure out what to do with the sump pump water but it has caused everyone else in the immediate area problems and if he elevates the garage and that water to it, everyone will end up with more of a problem. He stated he does not really care what Mr. Reynolds puts up as long as it is within the guidelines and does not have a problem with Mr. Reynolds personally. He is just wondering what that will cause in the future. He stated there has been talk about the road commissioner coming through his yard with a pipe and he has laterals too close. If anything ever happened to that pipe, they will have to tear his yard back up. He stated if he wants to go through the alleyway, that is fine because that is far enough away but he doesn't know if he should fix his water problem first and figure that out before the garage gets built. He stated this would be his issue because if you add both sources of water together, that will be a lot more water than there already is. That is his only issue. He stated he does not know if 3 feet is an allocation, backed up to his property, he assumes Mr. Reynolds wants to go 3 feet from his property and 3 feet from the neighbor's property and he does not know if that will be up higher and closer, make more water come onto his property. There are just a lot of questions he has about that.

Marcia Potrafka
6208 S Boody Road
Blue Mound Township Supervisor

Ms. Potrafka stated she is only here to address the water issue. They have no opinion regarding the variance; it does not affect them in any way. They did have a township meeting last night and are aware there has been a long time drainage issue in that area. They have about 15 residents that live in the area who attended the meeting and were all told the same thing. First and foremost, the road district does not work on private property for any reason. Any drainage issues regarding crossing someone else's property is between the property owners and has nothing to do with the road district. Secondly, their highway commissioner has been in contact with an engineer and is waiting on a plan on how to best drain that area. There are two potential drainage avenues. One is to go along the property lines and drain west, the other one is to go north and then go east to existing township property and take it far enough to drain into the railroad ditch along Route 48 which could potentially be the best option. Again, they do not have plans, they are in the works. All the residents who attended have some kind of a drainage

issue but it is a private property issue, not a township issue and that is all she is here to clarify.

Mrs. Gunter stated the north end of Mr. Reynolds property is higher than the south end so how will they go up with water and make it go east when water runs down.

Ms. Potrafka stated she does not know, they do not have the plans yet from the engineer.

Mrs. Gunter stated the problem is that there are no ditches and it is flat.

Ms. Potrafka agreed and stated there are multiple utilities in the existing ditches so digging out the ditches from the road district point of view really is not an option to help with the drainage.

Chair Lamont stated so this has been existing for many years.

Ms. Potrafka agreed and said the drainage issue has been a problem for years and of course, we have had a lot of rain this year.

Mrs. Gunter would like to ask the petitioner a question. She asked Mr. Reynolds in his plans for the garage, assuming he will have gutters and downspouts, where does he plan to outlet those.

Mr. Reynolds stated he knows they have talked about the water issue, but that is the way the land goes. Where they go now is off the backside of the garage but still channel off to the alleyway.

Blake Noland asked Mrs. Gunter if on a variance can they add how the water is routed, as far as like a catch basin off the northwest corner because the issue is where the water is coming, if it is coming from the east to the west and cannot route it very easily north but if they are ruling on a variance of how the building is placed within the property and the need for building it up would cause potentially a water issue and the water issue cannot be figured out on the township side, it has to be done on private property side. Can a variance state water has to be re-directed either to a catch basin or through a drain to route it back a certain direction. He asked if that was something they can rule on or are they just strictly saying yea or nay on the variance.

Mrs. Gunter stated pretty much a variance is just for changing setbacks, as far as the storm water, that goes into the storm water ordinance that the ZBA does not have any ruling on. She enforces the storm water ordinance but in this case, it goes back to Illinois Drainage Law where you cannot purposely put your water on someone else's property. It has to go the natural flow of water, which is kind of how it is going now. The county does not enforce Illinois Drainage Law; it goes to civil suit between two people. She thinks there are other options they could do like the catch basin would be a good idea but that is not something ZBA can mandate.

Blake Noland asked if the variance could be pending the decisions made or findings by Boody since they are trying to decide what to do with the water. He feels like....

Mrs. Gunter stated this is on private property though.

Chair Lamont stated the ZBA has nothing to do with it.

Mrs. Gunter stated the unincorporated Boody just has around the roads and stuff, this is private property issues. When it goes to private property like this, it goes under Illinois Drainage Law and it goes to civil. The county's hands are tied a lot with storm water complaints like this.

Ron Grider stated he does not see where the catch basin would do any good unless they do some tile work to route the water to the north or to the west.

Mr. Reynolds said he talked to the road commissioner about putting a tile in, and pointed some locations out on the map. He stated the road commissioner is talking to people but that would be his only suggestion to do it rather than go through Mr. Spellman's yard.

Mrs. Gunter stated it is hard when these lots are small and they were incorporated before the zoning ordinance.

Blake Noland stated multiple people sent in letters of support for Mr. Reynolds, he asked the location of these people, are they the people sharing the area formerly known as alley because if everyone is on the same page, then you have a direct water path option to the west. He knows they cannot say in a stipulation that our variance is pending all 4 parties of the alley formerly known as alley to be able to route the water path.

Mr. Reynolds pointed out the locations of all landowners who sent letters of support.

Mrs. Gunter stated he had letters of support from everyone around him except Mr. Spellman.

Blake Noland would like to ask Mr. Spellman another question. He stated Mr. Spellman had said he was okay with Mr. Reynolds building the garage as long as more water was not being pushed on him. He asked Mr. Spellman if he was okay with the former alleyway being utilized to re-route the water as long as it is not close to his laterals.

Mr. Spellman stated today was the first he had heard the dimensions of the garage (57x40) he doesn't know exactly where Mr. Reynolds wants to start that or where it would end up but he thinks it would end up 3 feet from his property. He stated his main thing is as long as Mr. Reynolds falls within the guidelines like everyone else would have to. He stated if he wanted to build something, is he going to get the same leniency as far as...is everyone else going to get that same pat on the back if he decides to build something on his tiny lot. He stated he has been there since 2001, Mr. Reynolds parents lived in the house, and they had issues back then also. He stated Mr. Reynolds was pumping water here and there, which he understands; he also had problems he had to deal with. Mr. Spellman said he was pumping water to the road when he bought the house and the road commissioner came by and told him he could not do that anymore because it was putting ice on the road. The road commissioner proposed a \$3000 price tag to fix the problem and Mr. Spellman asked if there was an easier way. The road commissioner said he could dig under the road if Mr. Spellman would supply the material. That is what they did, the road was shut down for 2 hours and Mr. Spellman helped the road commissioner, problem solved, water now going to ditch across the street. He stated Mr. Reynolds could do that through his property if wants to but there is only one place to do it, between Mr. Reynolds fence and Mr.

Uhrich's fence. There is like 5 feet but it is full of trees.

Chair Lamont asked him to point out Uhrich's property.

Mrs. Gunter stated they are south of Spellman's property.

Mr. Spellman stated one tree has been removed and they are talking about removing more but then you have a root problem because the lay of the land runs straight to Main Street, downhill. He understands Mr. Reynolds hands are kind of tied but that is the only proposal he can make to let him use his land. He stated he did not even know it was his land until a few weeks ago. He stated if this would take of his problem, but someone would have to cut down all the trees, get rid of the roots to run the pipe. He stated he talked to the road commissioner and was told it is private property and they would not touch it. He said he did not know if Mr. Reynolds wanted to go through all of that but if he were to let him go through his yard and there was a problem, he cannot do that.

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

Petition: For a Variance, requesting the required front setback be changed from 35 feet to 13 feet, the required side setback be changed from 10 feet to 3 feet and the required rear setback be changed from 40 feet to 3 feet in (R-2) Single Family Residential Zoning.

Parcel Number: 02-15-11-277-004

Location: This property is commonly known as 5725 North Street in Blue Mound Township.

Zoning: R-2 Single Family Residential Zoning

Acreage: .28 Acre

Finding of Facts

- The current garage was damaged by the neighbor's garage fire. The current garage is a non-conforming structure due to the small lot sizes within the unincorporated limits of Boody.
- The variance is needed to allow the shed to be built closer to the front, side and rear property line. Under the Macon County Zoning Ordinance, Section 155.183 states setbacks for accessory structures.
- Submitted with the application was seven signatures from neighbors who were in favor of the variance.

- The current garage is in a low area on the lot and currently has drainage problems. I would suggest the new shed has gutters and downspouts with buried tiles to take the water away so no other properties are flooded.
- 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, requesting the required front setback be changed from 35 feet to 13 feet, the required side setback be changed from 10 feet to 3 feet and the required rear setback be changed from 40 feet to 3 feet in (R-2) Single Family Residential Zoning.

Andy Freeland asked Mrs. Gunter if one of her stipulations was the gutters and downspouts or was that just a suggestion.

Mrs. Gunter stated it was a suggestion. She would suggest the new garage have gutters and downspouts.

Andy Freeland asked if that could be a stipulation.

Mrs. Gunter stated they could not stipulate that in a variance because variances are only with property lines.

Chair Lamont stated all the lots in Boody are small and so most people would have to get a variance if they wanted to do something.

Mrs. Gunter agreed. That is why Mr. Reynolds had to get a variance, because he wants to re-build the garage. The garage is non-conforming right now and does not meet setbacks because of unincorporated Boody.

Ed Leonard made the motion to approve the petition, seconded by Andy Freeland. All members present voting, Aye. Motion carried (5-0).

Mrs. Gunter told Mr. Reynolds the next step would be to apply for the building permit. She also let him know that variance petitions do not go on to other meetings so this is a final decision today.

CITIZENS COMMENTS: None.

Chair Lamont asked Mrs. Gunter if the board has anything for next month.

Mrs. Gunter stated we have two for next month.

ADJOURNMENT: Blake Noland made the motion to adjourn; Andy Freeland seconded. All members present voting, Aye. Motion Carried. (5-0). Meeting adjourned at approximately 9:15 A.M.

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