

**MACON COUNTY ZONING BOARD OF APPEALS**

**HEARING MINUTES – August 7, 2019**

**MEMBERS PRESENT**

Barb Lamont, Chair  
Ron Grider  
Adam Brown  
Andy Freeland  
Blake Noland  
Dennis Hughes, Alternate Member #1

**COUNTY PERSONNEL PRESENT**

Jennifer Gunter, Planning & Zoning Director  
Tracy Sumpter, Planning & Zoning  
Debra Kraft, County Board Member

**MEMBERS ABSENT**

Ed Leonard, Alternate Member #1

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

**MINUTES**

Blake Noland made the motion to approve July 3, 2019 minutes, seconded by Ron Grider. All members present answering, Aye. Motion Carried (5-0).

**OLD BUSINESS:**

- 4.1** V-01-07-19 a petition filed by David Heil requesting the required front setback be changed from 35 feet to 14 feet in (R-1) Single Family Residential Zoning. The property is commonly known as 1951 N Sunnyside Road, Decatur, IL 62526 PIN 04-12-06-453-002

Mrs. Gunter stated Zoning Board of Appeals approved the petition on July 3, 2019.

- 4.2** V-02-07-19 a petition filed by Eric & Amanda Manon requesting the required side setback be changed from 50 feet to 30 feet in (RE-5) Single Family Estate Zoning. The property is commonly known as 1763 Ridlen Road, Macon, IL 62544 PIN 16-20-04-200-002

Mrs. Gunter stated Zoning Board of Appeals approved the petition on July 3, 2019.

**NEW BUSINESS:**

- 5.1** Vote for new vice chair of Zoning Board of Appeals.

Chair Lamont made a motion to appoint Ron Grider as Vice Chair, seconded by Blake Noland. All members present voting, Aye. Motion carried (4-0).

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

- 5.2** R-01-08-19 a petition filed by Michael Smith requesting to rezone approximately .23 acres from (A-1) Agricultural Zoning to (R-1) Single Family Residential Zoning. The property is commonly known as 8791 Bethel Road, Blue Mound, IL 62513  
PIN 15-15-28-100-010

Michael Smith  
1550 E 2500 N Road  
Blue Mound, IL 62513

Mr. Smith stated they are taking the old Bethel Church and making it a new church. They were informed that even though it has been a church since 1870, it would need to be rezoned due to when it was originally zoned, it was zoned incorrectly. He stated they have already been here so the board should have all kinds of information as far as a survey and other things. Mr. Smith pointed out on the map where a parking area has been installed, which is a lease from the cemetery. The parking lot runs along the west side of the church and they will make sure nobody parks on the roads. They also have an agreement that if they need more parking, they will be able to lease more land to the south.

Mr. Grider asked what the use of the building would be.

Mr. Smith stated it would be a church.

Mr. Grider stated they were here at an earlier time for something else.

Mr. Smith stated yes, for a coffee shop and beauty salon.

Mr. Grider asked if that was not in the plan anymore.

Mr. Smith stated no it is not, it will have to be a church because the coffee shop and beauty salon was voted down. He stated that is how when they said they would make it into a church; the zoning problem would need to be corrected. He said Mrs. Gunter did not say they could not have a church there, the zoning is just incorrect.

Mrs. Gunter stated the church has been there so long, prior to zoning so that is why it was zoned A-1 and now with the zoning ordinance, churches fall under R-1.

Chair Lamont stated she is glad that has been clarified because she did not know churches needed to be zoned R-1.

Mr. Smith stated the cemetery board did say the only thing they had a concern with it being R-1, is that it could become a residence. He asked if that is possible, he said they wanted to make sure that is something that could not happen.

Mrs. Gunter stated it is possible. There was one on Kenney Blacktop that was an old abandoned church and someone purchased and turned into a residence.

Mr. Smith stated it did not sit in a cemetery, correct.

Mrs. Gunter stated no, that one did not.

Mr. Smith stated that was the concern, along with himself, because they have been given this church to take care of and that is one of the things they want to make sure of. He stated he had somebody stop in and ask about it as a home. He stated he did not know if there was any way in the zoning they could put something to make the cemetery board feel better.

Mrs. Gunter stated in a rezoning, it goes with the land and there are no stipulations with that. A special use is the only thing that the board can pass stipulations for attached to that piece of land.

Mr. Smith stated they will go with the R-1 and he will do his due diligence to make sure that does not happen.

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

Petition: For rezoning, approximate .23 acres from (A-1) Agricultural Zoning to (R-1) Single Family Residential Zoning.

Parcel Number: 15-15-28-100-010

Location: This property is located on 8791 Bethel Road in Pleasant View Township.

Acreage: .23 Acres

Zoning: A-1 Agricultural Zoning

### **Finding of Facts**

- This is a rezoning from (A-1) Agricultural Zoning to (R-1) Single Family Residential Zoning.
- The property was used as a church prior to zoning regulations within Macon County. The property currently is zoned (A-1) Agricultural Zoning which is not a permitted use in that particular zoning classification. Which makes the use of the structure, non-

conforming when being used as a church. The Macon County Zoning Ordinance Section 155.069(e) states:

When a nonconforming use of a structure, or structure, and premises in combination, is discontinued or abandoned for six months the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;

- The rezoning is needed because the landowner wants to run a church on the property.
- The surrounding properties are zoned: (A-1) Agricultural Zoning to the north, south, east, and west.
- We have received 38 letters of support for the petition.
- 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: Shall conform to Macon County Ordinance Rules and Regulations.

INGRESS & EGRESS: Adequate if used properly.

CONFORMITY TO REGULATIONS: With the passage of the rezoning 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** of rezoning approximate .23 acres from (A-1) Agricultural Zoning to (R-1) Single Family Residential Zoning.

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

**5.3** V-02-08-19 a petition filed by Greg James Haarman requesting a variance to change the required road frontage from 60 feet to 50 feet in (R-1) Single Family Residential Zoning. The property is commonly known as 2197 Spring Lane, Decatur, IL 62521 PIN 17-12-28-176-001

Greg Haarman  
3240 E Chestnut Ave  
Decatur, IL 62526

Mr. Haarman stated the petition is in reference to 2197 Spring Lane, Decatur. He pointed out on the map where the road frontage is 50 feet on the property. He stated the county requires 60 feet road frontage to access the land, which creates a hardship for him, building a single family dwelling.

Mrs. Gunter asked Mr. Haarman if he had talked to the City of Decatur about what they would require on Spring Lane.

Mr. Haarman stated he pursued it a little bit, but he has not since the last time he talked to her.

Mrs. Gunter stated he definitely will want to talk with the city because it is their land.

Chair Lamont asked so what he needs to do with the city has nothing to do with this variance.

Mrs. Gunter stated that is correct.

Mr. Grider asked if Spring Lane dead ends at his property and it is only 50 feet wide and the County requires 60 feet.

Mrs. Gunter stated the county requires 60 feet road frontage to build a new home.

Mr. Noland stated the board could make an approval but it would also be on the city to approve as well to be able to get everything the way it needs to be.

Mrs. Gunter stated yes, the hearing today is just for road frontage, how he gets from Rock Drive to Spring Lane, that is on the landowner from the city because those are city roads, they have been annexed into the city and they are not ours.

Mr. Noland clarified, so the board is just ruling on that property and the entrance to that property.

Mrs. Gunter confirmed yes, he is going from the city into the county.

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

Petition: For a Variance, to change the required road frontage from 60 feet to 50 feet in (R-1) Single Family Residential Zoning.

Parcel Number: 17-12-28-176-001

Location: This property is commonly known as 2197 Spring Lane in South Macon Township.

Zoning: R-1 Single Family Residential Zoning

Acreage: 20.43 Acre

**Finding of Facts**

- Petitioner wants to build a new residence on this property.
- The variance is needed to allow road frontage access to the property. Under the Macon County Zoning Ordinance, Section 155.183 states the minimum lot width shall be 100 feet. However, in the Macon County Zoning Ordinance, under definition of a lot states for residential purposes, the lot shall abut on a street or place for at least 60% of the lot width.
- 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 with the approval of City of Decatur.

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, to change the required road frontage from 60 feet to 50 feet in (R-1) Single Family Residential Zoning.

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

**5.4** R-03-08-19 a petition filed by Tyler Smock requesting to rezone approximately 4.06 acres from (R-4) Single Family Residential Zoning to (RE-5) Single Family Estate Zoning. The property is commonly known as 7925 Fort Daniel Road, Decatur, IL 62521  
PIN 12-17-01-177-002

Tyler Smock  
2345 S Richmond Road  
Decatur, IL 62521

Mr. Smock stated his wife has grown up riding horses and they have been keeping an eye out for a home with some property so they could get some horses someday. He stated they looked at the zoning and realized it was R-1 and so he called the zoning office and was told it need to be RE-5 to be able to have horses. He said he thought they would go ahead and get it rezoned if possible and not just throw some horses out there.

Chair Lamont asked if the acreage is sufficient to support the horses.

Mrs. Gunter stated yes, minimum lot size for RE-5 is 2 acres. There are 4.06 acres on this property.

Terry Woodson  
7906 Whisper Ct  
Decatur, IL

Mr. Woodson stated he understands what the property zoning is, he looked it up. He stated is concern is that he is at the end of a cul-de-sac and next to Fort Daniels Conservation Area. He pointed his property out on the map. He asked with horses, what is the fencing and how far from the property line is the fence to be.

Mrs. Gunter stated the fence has to be on their property, they will need to locate the property pins and be sure the fence is on their property. As far as fencing in residential zoning, you cannot have any electrical fencing or barbed wire.

Mr. Woodson asked how many feet, would it be right on the property line or so many feet either side of the line.

Mrs. Gunter stated that would be a question for the landowner, she is not sure where fencing would be placed.

Mr. Smock stated basically, once they move there, it would be an option someday to get horses. He said it is not a guaranteed thing they will do, they just want to find the property to know they would have the option to have horses someday. He stated he would talk with the surrounding homeowners. He was thinking a fence had to be 8 feet or so from the property line.

Mrs. Gunter stated fencing can be right on the property line as long as it is on their side of the line. The county does not permit fencing; the only thing the county enforces is the height. If it is too tall, you would get a letter of violation.

Mr. Woodson stated he owned a property in Dalton City, and the property at that point was you had to be 7 feet from the property line.

Mrs. Gunter stated Dalton City is also in Moultrie County so they may have different rules.

Mr. Woodson confirmed in Macon County, it could be on the line.

Mrs. Gunter stated yes.

Mr. Woodson stated that was all he was concerned with.

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

Petition: For rezoning, approximate 4.06 acres from (R-4) Single Family Residential to (RE-5) Single Family Estate Zoning.

Parcel Number: 12-17-01-177-002

Location: This property is located at 7925 Fort Daniel Road in Mt. Zion Township.

Acreage: 4.06 Acres

Zoning: R-4 Single Family Residential

### **Finding of Facts**

- This is a rezoning from (R-4) Single Family Residential Zoning to (RE-5) Single Family Estate Zoning.
- The rezoning is needed for the keeping of livestock to conform to Macon County Zoning Regulations. The Macon County Zoning Ordinance Section 155.118 states the permitted uses in for parcels zoned (RE-5) Single Family Estate Zoning.
- The surrounding properties are zoned: (R-4) Single Family Residential to the north and east, (A-1) Agricultural Zoning to the South and west.
- There is floodplain located in the middle of this property around the creek.

EFFECTS ON GENERAL WELFARE: None

EFFECTS ON NEARBY PROPERTY: None

EFFECT ON DEVELOPMENT OF SURROUNDING PROPERTY: None

ADEQUACY OF UTILITIES & FACILITIES: Shall conform to Macon County Ordinance Rules and Regulations.

INGRESS & EGRESS: Adequate if used properly.

**CONFORMITY TO REGULATIONS:** With the passage of the rezoning 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** for rezoning, approximate 4.06 acres from (R-4) Single Family Residential to (RE-5) Single Family Estate Zoning.

Chair Lamont asked if a property zoned RE-5 and only has 2 acres, is it still big enough to have horses on.

Mrs. Gunter stated yes, that is minimum lot size for RE-5 in our zoning.

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

At this time, Mrs. Gunter informed Mr. Smock of the next meeting dates and locations.

**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, possibly three.

Chair Lamont stated she knows it is getting to be that time of year when they will be out in the fields. She asked the members to please contact Jennifer or Tracy if they are unable to attend a meeting.

**ADJOURNMENT:** Andy Freeland made the motion to adjourn; Blake Noland seconded. All members present voting, Aye. Motion Carried. (5-0). Meeting adjourned at approximately 8:55 A.M.

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