

WOODFORD COUNTY ZONING BOARD OF APPEALS

Woodford County Board Room
6:00 P. M. Tuesday, April 23, 2019

Minutes

- Call to Order:

Mr. Smith called the meeting to order at 6:00 pm

- Roll Call: Jerry Smith, Teresa Gauger, Jerry Lay, and James Losher were present. Chairman Smith declared a quorum present.

Others present: Blake Parsons, Erik Gibson

- Approval of minutes for March 26, 2019.

Motion to approve October minutes made by Gauger, seconded by Lay. *Motion Carried*
Executive Session minutes for September 23, 2014, to keep confidential/make public.
Executive Session minutes for January 28, 2017, to keep confidential/make public.

Motion to approve and keep confidential the September 23, 2014 and January 28, 2017 minutes made by Gauger, seconded by Lay. *Motion Carried.*

- Swearing in and/or affirmation- completed for each petition.
- Petitions Submitted for Review:

2019-09-S Clayton Township filed March 16, 2019, by Roanoke Farmer's Association for a Special Use to install grain bins to expand the existing grain facility located in the Village of Benson, located in the (AG) Agriculture District, on a 3.44 acres \pm , part of NE $\frac{1}{4}$ S & E of RR & E $\frac{1}{2}$ SE $\frac{1}{4}$ BLK 33 of section 33, T28N -R1E of the 3rd P.M. Woodford County, Illinois and more commonly described as farm ground immediately east of the existing Roanoke Farms Association, Benson, Illinois.

- Swearing in and/or Affirmation: was completed for petition **2019-09-S**

Mr. Terry Bline of Roanoke Farmers presented that they would like to purchase an additional 3.4 acres and place a grain bin on the new property to expand the existing facility in the Village of Benson.

Mr. Chris Mullins was sworn in. Mr. Mullins discussed that the property is immediately behind his home. He discussed that bins moving to the east will put bins behind his home. Mr. Mullins asked the future plans for the bins. Mr. Bline discussed that the reason they purchased additional property would be to turn around. Mr. Mullins asked about the placement of trucks close to the base of the water tower. Mr. Mullins noted he is the Mayor of Benson and is concerned about the foundation of the water tower.

Mr. Daniel Small, Village Trustee was sworn in. Mr. Small asked if the new truck traffic would access Village roads. Mr. Bline noted he is not saying that. Mr. Small discussed that the Village is over spent on the road maintenance. He noted that there are infrastructure concerns over storm water.

Mr. Shawn Hanes was sworn in. Mr. Hanes noted that the trucks currently pass next to the park. Mr. Hanes asked what they would be doing to protect the kids in the park.

Mr. Mullins discussed that he was concerned about dust, he was concerned that introducing another bin would increase dust. He noted the fans are very loud, he noted that Roanoke Farmers has done a good job trying to help with these issues. He is concerned with these issues getting worse. He also noted that the Village just completed repairs to the water tower foundations and he is concerned with heavy trucks driving near it frequently. He also discussed that repainting the water tower is challenging with the proximity of the bins currently, he would like the new bin to be as far away from the water tower as possible.

Mr. Lay asked when Mr. Mullins purchased his home. He indicated approximately 1993. Mr. Lay asked how long the bins have been in their current location. He noted 5-6 years for the closest two, he noted most of

the other bins have been there since before 1993. Mr. Lay asked if he had any data on property values. Mr. Mullins noted that the last appraisal he had completed did note the proximity to the grain facility.

Ms. Gauger asked how much ground the village owns around the water tower. Mr. Mullins noted not much but they are working to vacate the street around it to have better protection for the tower foundation and the water main running underground.

Mr. Small discussed the expansion of the elevator over the last ten years. He noted this is an unfunded mandate to allow this expansion without restrictions. Mr. Small indicated that he felt restrictions or stipulations should be considered. Mr. Small presented a packet of information that detailed his concern over the cost of this expansion to the Village of Benson and the impact to the roads and community. Mr. Small noted that they have spent \$60,406.83 on road repairs on the three roads surrounding the elevator in the last five years. He noted that this was a deficit spending of \$46,079.57. He discussed the dust issues and the EPA requirements for dust mitigation. He also discussed that the facility has been reported for dust on four occasions in the last four years. He also provide photos in the one block radius of the elevator in the village of corn dust everywhere. He noted the traffic pattern directs all the trucks over streets with water lines and tiles under them.

Ms. Gauger and Mr. Loshier asked about the street maintenance costs presented. Mr. Small noted that these were for the last five years and only for the three roads around the elevator.

Mr. Blin asked how old and what material the water lines were made of. Mr. Small noted they are made of transite and they are aging. Mr. Mullins noted transite is some sort of fiber pipe [asbestos-cement] they started using it in the 1950s. Mr. Blin asked if it was fair to blame the truck traffic for the deterioration of the water pipes. Mr. Mullins noted that when they had to repair the pipes around the elevator the repairmen noted that the truck traffic was contributing from the vibrations. Mr. Small noted the same water mains exist all over town and the only repetitive repair locations are occurring on Front St. and State St., the two roads around the elevator with water mains.

Mr. Hanes presented photos taken in the last week to demonstrate the large shadows created by the bins in town. He noted that snow and ice buildup in those shaded areas throughout the winter. He noted that trucks do not always comply with stop signs on Front St. and this new bin could create additional traffic and shadow over the town.

Mr. Blin discussed that the bin added would not add additional traffic, the same quantity of grain will come in, the bin will allow the grain to be stored on site and be hauled out throughout the year instead of all during harvest. He noted the water retention would be required and they have already started working on that plan. He noted the fans on these bins would be away from town and the bin would not be closer to the water tower. Mr. Blin noted that while they have built many things over the last several years it was to replace old outdated structures. While they do have more bushel of storage there are no additional receiving locations. Mr. Blin noted that the taxes they have been paid in to the town is based on the assessments they have made.

Mr. Lay asked if any thought had been given on additional routes out of the town. Mr. Blin indicated they had not.

Motion to approve petition 2019-09-S made by Loshier, seconded by Lay:

Findings by the Zoning Board of Appeals for Petition 2019-09-S:

A. Will not be detrimental to the public health, safety, and welfare; (Neutral)

Mr. Lay noted that while the EPA had received complaints on the facility, no shutdowns or fines have been issued, he finds this as neutral.

B. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted. The applicant need not demonstrate

complete compatibility, but the applicant shall demonstrate reasonable efforts to minimize incompatibility; (Affirmative)

Ms. Gauger noted that the new bin is not moving any closer to town, this is in the affirmative.

- C. Will not be injurious to the district in which it shall be located;** (Affirmative)
- D. Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the districts;** (Affirmative)
- E. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;** (Affirmative)
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public roads;** (Affirmative)
- G. Is consistent with the Woodford County Comprehensive Land Use Plan.**(Affirmative)

Roll call vote: Jerry Smith – *No*, Teresa Gauger – *Yes*, Jerry Lay – *Yes*, James Loshier – *Yes*. *Motion carried.*

2019-10-Z Clayton Township filed March 16, 2019, by Roanoke Farmer's Association for a for a map amendment from Agriculture District (AG) to Heavy Industrial (I-2), on a 3.44 acres ±, part of NE ¼ S & E of RR & E ½ SE ¼ BLK 33 of section 33, T28N –R1E of the 3rd P.M. Woodford County, Illinois and more commonly described as farm ground immediately east of the existing Roanoke Farmers Association, Benson, Illinois.

- Swearing in and/or Affirmation: was completed for petition **2019-10-Z**

Mr. Terry Bline presented that they would like to rezone to allow the expansion as proposed in petition 2019-09-S.

Ms. Jording noted that the Map Amendment and the Special Use are not dependent on each other so this petition should be considered separately. She noted that coverage in Agriculture District is 8% and Coverage in Heavy Industrial is 40%. Ms. Gauger asked for clarification on if they do not receive a Map Amendment what happens. Ms. Jording noted that they would have to get a variance to exceed lot coverage of 8%. Mr. Smith clarified that they would have to get a building permit and meet all the other requirements of the district.

Mr. Chris Mullins asked for clarification on the lot coverage. Ms. Jording clarified the 8% vs 40%. Mr. Mullins asked if restrictions could be placed on the proximity to the water tower. Mr. Mullins noted that his concern is placement of heavy industry closer to the water tower and his home. He discussed the Mr. Bline has indicated they do not intend to build that direction but he would like something in writing to state that. Mr. Smith discussed that they cannot place restrictions on the Map Amendment, which is something that would have been placed on the Special Use.

Mr. Small asked what the current zoning around the parcel. Ms. Jording noted it is Agriculture. Mr. Small asked if this would be considered strip zoning according to the comprehensive plan. Mr. Smith indicated that the Zoning Board was not in charge of that plan. Mr. Small indicated that plan states that the County is not in favor of strip zoning. Ms. Jording noted that this issue comes up frequently, she discussed the property is adjacent to similar zoning in the village. Mr. Smith discussed that the Village determined they did not wish to annex the area and zone it commercial. The company then came to the County to change the zoning against the comprehensive plan and the County interest. Mr. Smith discussed that the zoning board does not have the authority to say that meets the comprehensive plan. Mr. Gibson discussed that the Zoning Board is ruling on the petitions and whether or not they are flush with the comprehensive plan. Mr. Gibson discussed that the board can consider the similar zoning in the Village. Mr. Small asked if the Special Use is still valid if the rezoning is approved. Ms. Jording noted that it would be since Special Use are issued to the

property and the company and is not dependent on the zoning. In some instance a rezoning can take a Special Use and turn it into a permitted use. In this instance a Special Use is required for Agriculture Related Services in all districts. Mr. Gibson clarified that they do not have the Special Use yet, they must be approved by the County Board first. Mr. Small noted he just wanted to ensure that his concerns on spot zoning was in the record. Mr. Gibson noted that his concern was on the record.

Mr. Hanes noted the proximity to the park they can build with the reduction in setback if the area is rezoned. He also asked about who to contact regarding the trucks running stop signs. Mr. Gibson noted the Sheriff's Department.

Mr. Thomas Janssen was sworn in. Mr. Janssen asked way the board did not address stipulation on the Special Use petition. Mr. Gibson noted he does not control what the board discusses. Mr. Janssen asked if there was a way for them to reconsider the Special Use. Mr. Gibson noted that the County Board could send the petition back for further consideration, he noted he did not believe they would allow input from the public on the petition at the County Board. Mr. Gibson noted the Zoning Board heard the petition and opted not to put stipulations on the Special Use. Mr. Janssen asked if the County Board could send the petition back and ask if they considered stipulations. Mr. Gibson noted they could.

Motion to approve petition 2019-10-Z by Roanoke Farmers for a Map Amendment from Agriculture to Heavy Industrial made by Gauger, seconded by Loshier:

Findings by the Zoning Board of Appeals for Petition 2019-10-Z:

- A. Whether the proposed zoning district classification is consistent with the Woodford County Comprehensive Land Use Plan;** (Affirmative)
- B. Whether there are any changed or changing conditions in the area affected that make the proposed rezoning necessary;** (Affirmative) Mr. Lay noted that the project can still be completed without the rezoning, he finds this in the (Negative).
- C. Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on the other properties in the immediate vicinity;** (Affirmative)
- D. Whether adequate infrastructure exists or can be provided to serve the uses that would be permitted on the property if it were rezoned;** (Affirmative)
- E. The impact the uses, which would be permitted if the property were rezoned, will have upon the volume of vehicular traffic in the vicinity;** (Affirmative) Ms. Gauger noted the same bushel of grain will be coming in regardless of the zoning.
- F. Whether a reasonably viable economic use of the subject property will be denied if the proposed rezoning is not approved;** (No)
- G. Information submitted at the public hearing.** (Affirmative)

Roll call vote: Teresa Gauger – *No*, Jerry Lay – *No*, James Loshier – *No*, Jerry Smith – *No*. *Motion Failed.*

2019-11-V Olio Township filed, March 15, 2018, by Nathan Bauman for a Variance to build a second structure on a property with no dwelling in the Agricultural District, located on 21.77 acres, Tract 4 NE ¼ Sec 19, T28N-R3W of the 3rd P.M. Woodford County, Illinois, and more commonly described as farm ground on the south side of County Road 800 N., 0.9 miles east of S. Main St. Eureka, Illinois.

- Swearing in and/or Affirmation: was completed for petition **2019-11-V**

Mr. Nate Bauman was sworn in and presented his petition to erect a second structure on a parcel with no dwelling. He noted the property already has a small 24 x 36 shed to maintain the property. He would like to add a second small cabin 14 x 36 for recreational use. There will be no running water or bathroom facilities. He noted that the combined square footage of the two sheds will be less than the 1800 Sq. Ft. shed size in the Agriculture district. Mr. Bauman noted they may build a home on the property in the future

Motion to approve petition 2019-11-V made by Lay, seconded by Loshier.

Findings by the Zoning Board of Appeals for Petition 2019-11-V:

- A. Non-conforming uses in the same district and permitted uses in other districts shall not be considered grounds for issuance of a variance. (Affirmative)**

- B. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands or structures in the same district. (Affirmative)**

- C. The ZBA has found that the reasons set forth in the application justify the granting of the variance. (Affirmative)**

- D. The ZBA finds that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. (Affirmative)**

- E. The variance requested is the least amount of variance required to allow the proposed structure on the existing lot, without regard to aesthetics or personal inconvenience to the property owner. (Affirmative)**

Roll call vote: Jerry Lay – *Yes*, James Loshier – *Yes*, Jerry Smith – *Yes*, Teresa Gauger – *Yes*. *Motion Carried.*

2019-12-V Worth Township filed, March 18, 2019, by Tyler Gilmour, for a Variance in allowable shed size in the (R-1) Residential Single Family District, located on 1 acre, Pt W ½ SE ¼ Section 28, T27N-R3W of the 3rd P.M. Woodford County, Illinois, and more commonly described as 203 Marchand Lane, Metamora, Illinois.

- Swearing in and/or Affirmation: was completed for petition **2019-12-V**
Mr. Tyler Gilmour was sworn in and presented his petition for a shed larger than the allowable size. He noted they have removed the home that was on the parcel and they intend to build the pole barn initially and then build a home in the future. He discussed the future layout of the property with the proposed structures on the property and noted that Marchand Lane is a private lane. Mr. Lay asked about the septic field. Mr. Gilmour noted that the existing system was removed as it was not a legal system and was undersized. Mr. Lay asked if there was sufficient room for the new septic system. Mr. Gilmour noted that they would place the system in the front yard and he has worked with the Health Department on the issue. Mr. Lay noted that all the findings were in the affirmative.

Motion to approve petition 2019-12-V by Gauger, seconded by Lay:

Findings by the Zoning Board of Appeals for Petition 2019-12-V:

- A. Non-conforming uses in the same district and permitted uses in other districts shall not be considered grounds for issuance of a variance. (Affirmative)**

- B. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands or structures in the same district. (Affirmative)**

C. The ZBA has found that the reasons set forth in the application justify the granting of the variance. (Affirmative)

D. The ZBA finds that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. (Affirmative)

E. The variance requested is the least amount of variance required to allow the proposed structure on the existing lot, without regard to aesthetics or personal inconvenience to the property owner. (Affirmative)

Roll call vote: James Losher – *Yes*, Jerry Smith – *Yes*, Teresa Gauger – *Yes*, Jerry Lay – *Yes*. *Motion Carried.*

2019-13-Z Montgomery Township filed March 21, 2019, by John A. Gross for a for a Map Amendment from Heavy Industrial District (I-2) to Agriculture District (AG), on a 3.44 acres ± & .9 acres, part of E ½, W ½, NE ¼ & NW ¼ sec 18, T25N –R1W of the 3rd P.M. Woodford County, Illinois and more commonly described as 1466 U.S. Highway 150, Goodfield, IL.

• Swearing in and/or Affirmation: was completed for petition **2019-13-Z**

Mr. Kevin Kuykendall attorney for Mr. Gross was sworn in and presented the petition. Mr. Kuykendall noted that the property is currently zoned Heavy Industrial and they would like it rezoned to Agriculture District. He noted that Mr. Gross purchased the property in 1990 and it was zoned Heavy Industrial at that time. He has moved and would like to sell the property, in order to allow potential buyers to obtain a residential mortgage the property would need to be rezoned. Mr. Smith asked how much property they are requesting to rezone. Mr. Kuykendall indicated 4.55 acres. Mr. Lay asked if there is any conflict with the existing use of the parcels. Ms. Jording noted they were currently utilized as residences.

Mr. Lay found all findings in the affirmative.

Motion to approve petition 2019-13-Z for a Map Amendment made by Losher, seconded by Lay:

Findings by the Zoning Board of Appeals for Petition 2019-13-Z:

A. Whether the proposed zoning district classification is consistent with the Woodford County Comprehensive Land Use Plan; (Affirmative)

B. Whether there are any changed or changing conditions in the area affected that make the proposed rezoning necessary; (Affirmative)

C. Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on the other properties in the immediate vicinity; (Affirmative)

D. Whether adequate infrastructure exists or can be provided to serve the uses that would be permitted on the property if it were rezoned; (Affirmative)

E. The impact the uses, which would be permitted if the property were rezoned, will have upon the volume of vehicular traffic in the vicinity; (Affirmative)

F. Whether a reasonably viable economic use of the subject property will be denied if the proposed rezoning is not approved; (Affirmative)

G. Information submitted at the public hearing. (Affirmative)

Roll call vote: Jerry Smith – *Yes*, Teresa Gauger – *Yes*, Jerry Lay – *Yes*, James Losher – *Yes*. *Motion carried.*

2019-14-S Panola Township filed March 21, 2019, by Donald G. Kingdon for a Special Use to operate a heliport in the Agriculture District (AG), on a 5 acre portion of parcels Part N ½ S ½ SE ¼ of section 26 T27N – R2E of the 3rd P.M. Woodford County, Illinois and Pt S1/2 of Section 26, T27N- R2E of the 3rd P.M. Woodford County, Illinois, and more commonly described as 1221 County Road 3100 E, El Paso, Illinois.

• **Swearing in and/or Affirmation:** was completed for petition **2019-14-S**

Mr. Donald Kingdon and Mr. Duane Kingdon were sworn in and presented the petition. Mr. Donald Kingdon presented that he would like to have a heliport to allow for the use of a helicopter for aerial spraying of his crops. He has been evaluated by the Illinois Department of Transportation Aeronautics division for preliminary site approval. He discussed that this will be a 100' x 100' turf area for landing and a single wind sock. Mr. Donald Kingdon noted they will be subject to IDOT regulations. Mr. Duane Kingdon noted that they have spoken to a helicopter pilot that sprays their fields and he noted he feels this will import safety and would also be usable as a life flight landing location. Mr. Lay asked how many helicopters would be on site, Mr. Kingdon indicated none would be stored on site. Mr. Lay asked if any fuel or new buildings were planned. Mr. Donald Kingdon indicated no fuel would be on site and no buildings would be erected in conjunction with the Special Use. Mr. Lay asked if any chemicals would be stored on site. Mr. Donald Kingdon noted there would be no chemicals stored for the heliport. Mr. Lay asked about the site drainage. Mr. Donald Kingdon noted that the site is mostly flat with field tile installed under the approximate location. Mr. Lay asked who owns the property around the site. Mr. Donald Kingdon noted that he owns the property to the land around the site and his sister owns the property across the road, he noted family owns much of the ground in the immediate area. Mr. Lay asked if this would be a private heliport with prior permission to use being required. Mr. Donald Kingdon indicated that was true. Mr. Lay asked if the heliport would be constructed and maintained in accordance with the standards and directives established by Department of Aeronautics (IDOT) and the FAA. Mr. Donald Kingdon indicated he would fine with that as that is the standard they feel they must maintain for safety.

Motion to approve petition 2019-14-S by Lay with the stipulation that the Heliport be constructed and maintained in accordance with the standards and directives established by Department of Aeronautics (IDOT) and/or the FAA, seconded by Gauger:

Findings by the Zoning Board of Appeals for Petition 2019-14-S:

- H. Will not be detrimental to the public health, safety, and welfare;** (Affirmative)
- I. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted. The applicant need not demonstrate complete compatibility, but the applicant shall demonstrate reasonable efforts to minimize incompatibility;** (Affirmative)
- J. Will not be injurious to the district in which it shall be located;** (Affirmative)
- K. Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the districts;** (Affirmative)
- L. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;** (Affirmative)
- M. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public roads;** (Affirmative)
- N. Is consistent with the Woodford County Comprehensive Land Use Plan.**(Affirmative)

Roll call vote: Teresa Gauger – *Yes*, Jerry Lay – *Yes*, James Losher – *Yes*, Jerry Smith – *Yes*. *Motion carried.*

- Other Business to Come Before the Board:
 - Update on previous months petition/s
Ms. Jording noted the Special Use was approved, the Variance did not require a permit.
 - Update on next month petition/s – May 28
Ms. Jording noted that there will be five petitions next month.
 - IACZO Seminar discussion: None
 - ZBA By-Law discussion - (if necessary) None

- Executive Session - None
 - Any action coming out of Executive Session

- Adjournment
Mr. Lay made the motion to adjourn at 8:22, 2nd by Ms. Gauger. *Motion Carried.*

Lisa Jording, Secretary

Jerry Smith, Chairman

Date