

WOODFORD COUNTY ZONING BOARD OF APPEALS

Woodford County

Woodford County Board Room
6:00 P. M. Tuesday, June 26, 2018

Minutes

1. Call to Order:

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

2. Roll Call: Jerry Smith, Teresa Gauger, Jerry Lay, Kim Holmes, and Curtis Heilman were present.
Chairman Smith declared a quorum present.

Others present: Doug Huser, Blake Parsons, Bryant Kempf

3. Approval of minutes for May 22, 2018.

Motion to approve made by Ms. Gauger, seconded by Ms. Holmes. *Motion Carried.*

4. Swearing in and/or affirmation- completed for each petition.

5. Petitions Submitted for Review:

- Swearing in and/or Affirmation: was completed for petition 2018-11-S

2018-11-S Cruger Township - Sol America Energy/George Mori for a Special Use to operate a 25 – 30 acre Solar Farm Energy System on a tract of land West/South West of Marshall Rd in Lakeview Acres Subdivision, Eureka, Illinois, located in the (AG) Agriculture District.

The notice was read, Swearing in and/or Affirmation: was completed for petition 2018-11-S.

Mr. Pete Corbett and Mr. Ryan Peters requested a continuance until the July 24, 2018 hearing, they presented proof that they notified the filed interested parties and stated their request was to allow for more time to engage with the surrounding property owners and city to hear and address their concerns.

Motion to approve the continuance made Ms. Holmes, seconded by Ms. Gauger.

Roll call vote: Teresa Gauger – *Yes*, Kim Holmes – *Yes*, Jerry Lay – *Yes*, Curtis Heilman – *Yes* Jerry Smith – *Yes*. *Motion carried.*

This motion will be placed on the docket for the July 24, 2018 ZBA Hearing.

- Swearing in and/or Affirmation: was completed for petition 2018-13-V

2018-13-V Worth Township - Tom Baker for a Variance in side yard setback to erect a shed in the Residential Single Family District, located on a 4.5 acre lot commonly described as 504 Justa Rd, Metamora, IL.

Mr. Baker was not present at the hearing, the members moved to the next petition and asked Ms. Jording to contact the petitioner and allow him to attend the next month's hearing if requested.

- Swearing in and/or Affirmation: was completed for petition 2018-14-V

2018-14-V Worth Township - Eric and Jaime Bystrom for a Variance in Road setback to erect a garage in the Residential Single Family District, located on a .92 acre lot commonly described as 1204 N. Old Trail Rd, East Peoria, IL.

Mr. Greg Smith presented the petition on behalf of Mr. and Ms. Bystrom. He discussed that the existing home is on a corner lot and due to the placement of the home and driveway this is the best location for the detached garage. The request is for a reduction from the required 65 ft. set back to a 45 ft. setback. The septic system is behind the house leaving the requested location. There is also an existing driveway which has a turnout to where this structure would be situated. Ms. Holmes asked the dimensions of the garage. It is 24 x 28, Mr. Smith indicated it will match the appearance of the home. Mr. Heilman asked about the septic setback, Mr. Smith indicated they would have sufficient setback from the septic field. Mr. Lay asked if there is a well on the property. Mr. Smith indicated he would verify the location of the well before construction begins.

Motion to approve petition 2018-14-V by Holmes approve with all findings in the affirmative, seconded by Lay:

Findings by the Zoning Board of Appeals for Petition 2018-14-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: Kim Holmes – *Yes*, Jerry Lay – *Yes*, Curtis Heilman – *Yes*, Jerry Smith – *Yes*, Teresa Gauger – *Yes*. *Motion carried.*

- Swearing in and/or Affirmation: was completed for petition 2018-15-V
2018-15-A County Wide - Conservation, Planning and Zoning Committee to amend Section 3 Glossary of Terms, Section 4 General Provisions, and Section 24 Special Use of the Woodford County Zoning Ordinance, amending regulations regarding accesses, abutment, road agreement requirements and fees.

Mr. Huser discussed that Conservation, Planning and Zoning Committee would be holding a joint meeting to present their requested changes and make adjustments and changes as needed. Mr. Parsons presented the requests individually to allow discussion. The first change is the addition of: 24-1400 Conditions D. All Special Uses shall be evaluated by the Road Authority to determine the necessity of a Road agreement, terms of the Road agreement shall be determined by the ZBA and Road Authority.

Mr. Lay asked if there would be standardized verbiage for the road agreement. Mr. Huser discussed that the Highway department is working on a standard road agreement so everyone is following the same standards. Mr. Huser discussed that they could not identify a specific trigger that would require the agreement, therefore the road authority would review all special uses to determine if the agreement is necessary. Mr. Kempf arrived and the C. P. & Z. committee called the joint meeting to order at 6:23. Ms. Holmes discussed that for special uses needing a road agreement that the road authority would bring the necessity for the road agreement to the ZBA, the ZBA would not define the terms of that agreement. Mr. Huser noted that the intent is for the ZBA to stipulate that there be a road agreement but not necessary dictate the terms, which would be determined by the road authority. The members discussed that they would like to use similar language to the Wind Farm section of the ordinance. Ms. Holmes recommended “All Special Uses shall be evaluated by the Road Authority to determine the necessity of a Road agreement. Said road agreement shall be in place prior to commencing the special use”. The C.P. & Z. committee approved the amended verbiage and presented it to the ZBA.

Ms. Gauger made a motion to accept and approve the amended language, seconded by Ms. Holmes. *Motion carried.*

Mr. Huser presented the next change, the addition of verbiage in 24-1200:
24-1200 Fee and Schedule

F. Special Use requests for Wind Energy Systems, Solar Energy Systems and Gravel Pits shall have a Court Reporter, arranged by the Zoning Office, in attendance at the Hearing. The applicant shall pay the actual cost of the Court Reporter.

Mr. Huser discussed that since the fees are lowered for Special Use applications, when petitions that tend to be contentious a court reporter should be used. Mr. Parsons noted that this change would allow the county to pass the cost of a court reporter to the petitioner. Ms. Gauger asked what would happen if other petitions are contentious how we would cover having a court reporter in those other instances. Ms. Jording discussed that the States Attorney indicated that they should have a finite list for what kind of petitions need a court reporter, if the decision is made by an individual it could lead to questions of fairness. Ms. Jording also indicated that if the Zoning office, County Board or ZBA felt a court reporter was necessary in other instances then the county could cover the cost. Ms. Holmes discussed that the secretary already has a lot to do during the hearing. Ms. Jording noted that the recorder could quit working or not pick up a statement. Mr. Parsons discussed that transcripts could be used in the future in the event of litigation or issues with the special use. It was discussed who would pay for the cost of the transcript if one was needed. Mr. Smith asked if the secretary would still take the minutes of the meeting. Mr. Parsons indicated that would still be in the secretary's duties. Ms. Holmes recommended adding the phrase "Cost of digital or printed transcripts shall be bore by the requestor". The C. P. & Z. committee approved the amended verbiage and presented it to the ZBA. Mr. Lay made a motion to accept and approve the amended language in 24-1200 F., seconded by Ms. Gauger. *Motion carried.*

Mr. Huser presented the language to change the definition of access. Mr. Huser discussed the reasoning behind the determination for the direct abutment, he discussed that the changes are an attempt to clean up the flag lots in the county and streamline the entrances and access issues. Mr. Huser discussed that Highway and Zoning had information duplicated in the subdivision code, they are removing those duplicated issues so there are not two offices with jurisdiction over the same information, he also noted that the 4 parcels on a shared drive restriction is being removed from both regulations. Mr. Huser discussed that the new definitions are designed to reduce the number of individual entrances to the public roads. He noted that when private road or street is utilized a road agreement would be required and recorded so there are standards in place. Mrs. Jording noted that having the road agreement in place from the plat process lets everyone understand before purchasing a lot or home what road maintenance requirements exist. Mr. Holmes discussed that she has seen instances where the rules have been ignored and there are 5-6 homes on a drive.

ACCESS

PRIVATE LANE – an un-named residential access for one Tract that is 20 ft. in width and has not been dedicated to the public, typically constructed in the typical manner of a gravel driveway, but may be further improved as desired.

SHARED-PRIVATE LANE – an un-named residential access for the benefit of two Tracts that has not been dedicated to the public, typically constructed in the typical manner of a gravel driveway, but may be further improved as desired. Each tract must have 20 ft. direct abutment to a public or private road or street.

PRIVATE ROAD OR STREET – a named residential access 60 ft. in width, with the required turn around if necessary, that has not been dedicated to the public, typically constructed in the typical manner of a gravel driveway, but may be further improved as desired. Must have a Road Maintenance agreement recorded during the subdivision process.

Ms. Holmes recommended that the definition verbiage be changes to read "...constructed in a manner typical of a gravel driveway"...

The C. P. & Z. committee approved the amended verbiage and presented it to the ZBA.

Ms. Gauger made a motion to accept and approve the amended language, seconded by Ms. Holmes. *Motion carried.*

Ms. Holmes recommended that the definition of "Lot" be used as the definition of "Tract" with the addition of the multiple tax ID's sentence.

Mr. Burditt asked to make a statement. Mr. Smith swore in Mr. Burditt.

Mr. Burditt stated he would like the ZBA to consider that they are removing the limit on the number of houses on a private road, he feels there should be some limit. Mr. Huser stated that the landowners will limit it to what they would like to see and maintain the road as they see fit.

Mr. Burditt stated that the glossary of terms already includes the definition of road, it may need to be changed. Mr. Burditt also discussed that in section 19 Planned Unit Development discussed roadways and may contradict the proposed language. He recommends that they review these items.

Mr. Huser noted that the Planned Unit Development is an entirely separate thing that they are not reviewing that at this time. Mr. Smith agreed.

Mr. Huser stated the comprehensive plan recommends finding alternate ways to fund roads and this accomplishes that recommendation.

Ms. Holmes stated that the 10 acres was changed to 6 acres. Mr. Smith asked if everyone understood. Mr. Holmes asked about the last sentence, indicating it was confusing.

4-1200. Construction and Use

E. No structure shall be constructed or erected on a lot or tract of land or moved to a lot or tract of land which does not abut a Public or Private Road. Each Tract shall have a minimum of 20 ft. direct abutment of access to a Public or Private Road. A minimum of twenty (20) foot of road frontage for each lot or parcel less than Six (6) acres and sixty (60) foot for each lot or parcel Six (6) acres or more shall be provided for any lot created.

Mrs. Holmes recommended changing the last sentence read “A minimum of twenty (20) foot of road frontage for each lot or parcel less than Six (6) acres and sixty (60) foot for each lot or parcel *that is* Six (6) acres or more *in size* shall be provided for any lot created.”

The C. P. & Z. committee approved the amended verbiage and presented it to the ZBA.

Mr. Lay made a motion to accept and approve the amended language, seconded by Ms. Gauger. *Motion carried.*

TRACT- a legally described, single piece of property as described on a Deed or Plat, may consist of multiple Parcel Identification Numbers (PIN) for tax purposes.

Ms. Holmes again recommended that the definition of “Lot” be utilized in the description of “tract” with the inclusion of the “may consist of multiple Parcel Identification Numbers (PIN) for tax purposes.”

Ms. Holmes recommended the definition of “tract” read as “TRACT – A parcel of land legally described or subdivided as a distinct portion or piece of land to be separately owned, used or developed, may consist of multiple Parcel Identification Numbers (PIN) for tax purposes.”

The C. P. & Z. committee approved the amended verbiage and presented it to the ZBA.

Ms. Gauger made a motion to accept and approve the amended language, seconded by Mr. Lay. *Motion carried.*

The C. P. & Z. committee adjourned.

Motion to approve petition 2018-15-A for changes to section 3, section 4, and section 24 of the Woodford County Zoning Ordinance made by Ms. Holmes, seconded by Mr. Lay:

Roll call vote: Kim Holmes – *Yes*, Jerry Lay – *Yes*, Curtis Heilman – *Yes*, Jerry Smith – *Yes*, Teresa Gauger – *Yes*. *Motion carried.*

6. Other Business to Come Before the Board:

- Update on next month petition/s – One petition has been filed, a variance, petition 2018-1-S will reappear on the docket.
The ZBA recommended that petition 2018-13-V be placed back on the docket for next month.
- ZBA By-Law discussion - (if necessary) – Ms. Jording asked for some clarification on the notice requirement, no changes were necessary.

7. Executive Session (if necessary) - None

8. Any action coming out of Executive Session

9. Adjournment

Ms. Holmes made the motion to adjourn at 7:55, 2nd by Mr. Lay. *Motion Carried.*

Lisa Jording, Secretary

Jerry Smith, Chairman

Date