

WOODFORD COUNTY ZONING BOARD OF APPEALS

Woodford County Board Room
1837 S. Main St. Eureka, IL
6:00 P. M. Tuesday, February 22, 2022

- Call to Order:

Ms. Gauger called the meeting to order at 6:00 pm

Mr. Clinch made a motion nominating Teresa Gauger as the temporary Chairman, seconded by Obery. *Motion Carried.*

- Roll Call: Teresa Gauger, John Obery, Marty Clinch, and Karen Krug were present.

Ms. Gauger declared a quorum present.

Others present: None

- Approval of minutes.

Motion to approve minutes as amended made by Clinch, seconded by Obery. *Motion Carried.*

- Swearing in/ Affirmation

- Presentation of Petitions

#2022-03-S Cazenovia Township filed November 23, 2021, by Tim Abney for a Special Use to operate a canine holding facility as the contracted Animal Control Warden, located in the (AG) Agriculture District, on 5 acres of a 9.67 acre tract owned by Robert Dubois, described as Part West 20 acres S ½, Section 32, T28N-R2W of the 3rd P.M. Woodford County, Illinois, and more commonly described 909 Black Partridge Rd. Metamora, Illinois.

Tim Abney was sworn in.

Mr. Abney explained that he is the Animal Control Warden for the County and will be using this property to house dogs until they are returned to their owners or sent to a rescue for re-homing.

The shed is 12 x 32 and will have kennel cages and outdoor runs. He noted that he averages 1-2 dogs during the week and more on the weekends. This property is ½ - ¾ mile from the nearest neighboring house and the shed was placed to best block the noise. This facility is for the entire Woodford County including municipalities. He discussed that he averages 40 calls per month and picks up on average 10 dogs.

He discussed the first goal is to get a dog back to the owner, if he is unable to locate the owner within 10 days then the dog is sent to a rescue for re-homing. Criminal cases require him to keep the dogs for longer. He uses Dr. Fraker in Bloomington for medical care and disposal as needed. The animal waste is bagged once a week and disposed of in the garbage.

Mr. Abney was asked what would happen if needs more room in 6 months. He noted that if the county expands animal control services they will likely build their own facility. Mr. Abney was asked about the property and building setup. He explained that his sister lives at the property and the building was situated to be behind a large pole building to block the noise. The dogs are housed in the building with fenced outdoor runs, the building will have heating and cooling for the dogs.

Findings by the Zoning Board of Appeals for Petition 2022-03-S:

- A. Will not be detrimental to the public health, safety, and welfare;** (Affirmative) A plan is in place for waste and disposal of animals as needed.
- 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) Testimony and documentation presented support the petition.

- C. **Will not be injurious to the district in which it shall be located;** (Affirmative) The Special Use is contained by a building and dog runs. The pens were specifically located to direct sound away from the neighbors.
- D. **Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the districts;** (Affirmative) Applicants family own 9 acres at the site, this will not impede the short or long term development of the area.
- E. **That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;** (Affirmative) Water, heat, and air will be provided. Traffic will be minimal.
- 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) Very little traffic involved, no obstruction to the public roads.
- G. **Is consistent with the Woodford County Comprehensive Land Use Plan.** (Affirmative) There is a need in Woodford County in the incorporated and unincorporated areas for these services.

Motion to approve petition 2022-03-S for Tim Abney for a canine holding facility as the contracted Animal Control Warden, located in the (AG) Agriculture District, on 5 acres of a 9.67 acre tract described as Part West 20 acres S ½, Section 32, T28N-R2W of the 3rd P.M. Woodford County, Illinois made by Krug, seconded by Obery.

Roll call vote: Karen Krug – *Yes*, John Obery – *Yes*, Teresa Gauger – *Yes*, Marty Clinch – *Yes. Motion Carried.*

#2022-05-V Greene Township filed January 20, 2022, by Triple V, Inc., owned by Steve and Dan Vogel, for a Variance to reduce the side yard setback from 30 ft. to 17.18 ft. a reduction of 12.82. ft and the reduction of the lot width at the building setback line from 200 ft. to +/-150 ft. a reduction of +/- 50 ft. to allow for a division of property with existing buildings located in the (AG) Agriculture District, on 2 acres, commonly described 1262 County Road 2125 E. Metamora, Illinois was published in the Woodford County Journal on February 3, 2022 and that all adjacent land owners within 250' were duly notified.

Mr. Dan Vogel was sworn in.

Mr. Vogel explained that this variance will allow the farm house and farm buildings to be split and both to be removed from the farm ground. There are currently no plans to build a house on the lot with the buildings. It was discussed that the farm buildings hold great value to the farm but not to many potential home buyers. The house holds great value on it's own. When asked if any of the neighbors are concerned with the request Mr. Vogel noted that most of the neighbors are family and have no concerns. Ms. Jording explained that there is no other way to divide the buildings from the home site, the division line was located to create the most compliance for both properties, the building lot will have a building setback line delineated on the plat so that when the larger building is removed or when other buildings are erected they will be constructed in compliance with the zoning regulations.

Findings by the Zoning Board of Appeals for Petition 2022-05-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) Testimony and documentation presented support approval, all the existing buildings are otherwise conforming.
- 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) This will allow the division to occur, all other aspects of the lot and buildings are in compliance.

- C. **The ZBA has found that the reasons set forth in the application justify the granting of the Variance.** (Affirmative) Allowing the division of the house and buildings will increase or at least stabilize the value of the properties.
- 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). The property will be broke into two lots, future buildings will be built in compliance with the regulations.
- 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) The testimony and documentation support the approval of the request.

Motion to approve petition 2022-05-V to reduce the side yard setback from 30 ft. to 17.18 ft. a reduction of 12.82. ft and the reduction of the lot width at the building setback line from 200 ft. to +/-150 ft. a reduction of +/- 50 ft. to allow for a division of property with existing buildings was made by Krug, seconded by Clinch. Roll call vote: John Obery- *Yes*, Teresa Gauger - *Yes*, Marty Clinch - *Yes*, Karen Krug - *Yes*. *Motion Carried.*

#2022-06-V Olio Township filed January 20, 2022, by Daniel & Glenna Rinckenberger for a Variance to reduce the road setback on Hillside Rd and Woodland Rd from 65 ft. to 45 ft. a reduction of 20. ft located in the (R-1) Residential Single Family District, on 1.6 acres, commonly described 1795 Hillside Rd. Congerville, Illinois was published in the Woodford County Journal on February 3, 2022 and that all adjacent land owners within 250' were duly notified.

Mr. Michael Rinckenberger was affirmed.

Mr. Rinckenberger explained that the lot in question is at the intersection of two roads, the setback for each road is 65 ft. from the centerline. Reducing the setback to 45 ft.. to the center of the road would allow for the construction of the house away for the gully located on the property and allow for appropriate land fall away from the house. It will also insure structural stability of the ground on which the house will sit. Ms. Jording noted that the Road commission had no issues with the application.

The roads have 60 ft. right-of-way. Mr. Rinckenberger noted that they have already applied for and received approval for the well and septic systems from the health department. There are currently no other building on the lot. Ms. Jording noted she received no inquiries, and no interested parties were filed.

Findings by the Zoning Board of Appeals for Petition 2022-06-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) Road visibility will be retained, this variance is needed due to the gully on the east side of the lot.
- 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) No existing structures are on the lot, the testimony and documentation presented support approval of the petition.
- C. **The ZBA has found that the reasons set forth in the application justify the granting of the Variance.** (Affirmative) Moving the house away from the gully is needed for safety. This placement will also protect property value and resale as structural issues could result if the home is not placed as requested.

- 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).** The neighbors have no concerns, the property has restrictions on where the house can be placed due to the lay of the land. Septic and well have already been approved.
- 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)** This is the least amount of variance needed to safety place a house on the lot.

Motion to approve petition 2022-06-V to reduce the road setback on Hillside Rd and Woodland Rd from 65 ft. to 45 ft. made by Krug, seconded by Clinch.

Roll call vote: Karen Krug – *Yes*, John Obery– *Yes*, Teresa Gauger – *Yes*, Marty Clinch – *Yes. Motion Carried.*

#2022-07-V Metamora Township filed January 21, 2022, by Lance Cowper for a Variance to increase the accessory structure size to 2,240 sq. ft. an increase of 917.2 sq ft over the footprint of the dwelling located in the (R-1) Residential Single Family District, on 1.5 acres, commonly described 1495 County Road 1050 E. Metamora, Illinois was published in the Woodford County Journal on February 3, 2022 and that all adjacent land owners within 250' were duly notified.

Mr. Lance Cowper was affirmed.

Mr. Cowper explained that this would add to a building that exists on the property, it was an addition to a 100 yr. old shed located at the edge of the property. He noted he would remove the 100 yr. old building and add onto the newer existing building. He noted there is no water or concrete at this time, only power. He will expand the existing building to the South and East.

He also noted that the existing building will be partially deconstructed, and he will re-use as much materials as possible when constructing the large building. Mr. Cowper noted he will run electric and have heat and concrete in the new building but no restrooms.

Ms. Jording noted that the removal of the 100 yr. old building will bring Mr. Cowper into compliance with setbacks.

Findings by the Zoning Board of Appeals for Petition 2022-07-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)** This is a conforming use and will improve property compared to the current structures.
- 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)** The testimony and documentation presented support the approval of the petition, the structure is otherwise conforming.
- C. The ZBA has found that the reasons set forth in the application justify the granting of the Variance. (Affirmative)** This will bring the property into compliance with the required setback.
- 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).** The property is surrounded by farm fields and in harmony with the area. The addition will be beneficial to the property.
- 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) The project will actually bring the structure into compliance with the setbacks.

Motion to approve 2022-07-V Variance to increase the accessory structure size to 2,240 sq. ft. an increase of 917.2 sq ft over the footprint of the dwelling made by Krug, seconded by Clinch.


Roll call vote: John Obery- *Yes*, Teresa Gauger - *Yes*, Marty Clinch - *Yes*, Karen Krug - *Yes. Motion Carried.*

Review of Executive session minutes -None

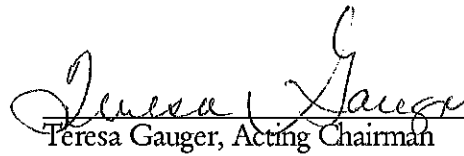
Other Business to Come Before the Board:

- Update on previous months petition/s - All petitions were approved
- Update on next month petition/s: Ms. Jording noted there is 1 variance and the Special Use sent back in November.
- Public Input - None
- Executive Session - None
- Adjournment

Mr. Clinch made the motion to adjourn at 7:05, 2nd by Mr. Obery. *Motion Carried.*



Lisa Jording, Secretary



Teresa Gauger, Acting Chairman

March 22, 2022
Date