

WOODFORD COUNTY ZONING BOARD OF APPEALS

Woodford County Board Room
1837 S. Main St. Eureka, IL
6:00 P. M. Tuesday, January 24, 2023

- Call to Order:

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

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

Ms. Gauger declared a quorum present.

Others present: Erik Gibson and Lisa Jording

- Approval of minutes.

November 22, 2022

Motion to approve minutes made by Clinch, seconded by Krug. *Motion Carried.*

- Swearing in/ Affirmation – Completed for each petition.

- Presentation of Petitions

#2023-01-S Greene Township filed November 29, 2022, by Josh Uphoff for a Special Use to allow a Construction Warehouse in the Agriculture District on 5.45 acres described as Tract K, NW ¼ Section 35, T27N – R1E of the 3rd P.M. Woodford County, Illinois, and more commonly described as 2421 County Road 1200 N El Paso, Illinois.

Mr. Josh Uphoff was sworn in.

Mr. Uphoff presented that he has a special-order construction business. For some of the vendors to sell to him require that he has a showroom and warehouse. He would use this for that purpose. Generally, the special-order items are delivered directly to the customers home but occasionally they would be brought to the warehouse. He noted that traffic is likely the largest concern, he does not expect a large amount of traffic to this location. He also stated that if road weight limits are on he does have a location in El Paso that he could utilize.

He noted that there is an AG building on the lot at this time that he uses for equipment storage, he would like to keep that structure to protect the equipment. It is a three-sided structure with no utilities.

Mr. Uphoff was asked about the current access to the property. He noted that the entrance is currently dirt, he would improve it with gravel, he discussed that the road commissioner did not see any concerns over the entrance. Mr. Clinch asked about electrical and other utilities. Mr. Uphoff noted that he will have electric but nothing else at this time. The long-term plan is to build a house on the property.

There are no concerns over the creek overflowing to the property, the location for the new structure is high and does not flood.

No interested parties.

Evidentiary portion of the hearing closed.

Findings by the Zoning Board of Appeals for Petition 2023-01-S:

- A. Will not be detrimental to the public health, safety, and welfare;** No neighbors responded, no concerns about traffic safety.
- 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;** Where the building will be located is away from the other houses, there is already a shed on the property. The existing shed keeps equipment out of the weather, this will not be injurious to the neighbors to have the second structure.
- C. Will not be injurious to the district in which it shall be located;** Will not be injurious to the

neighbors, will install driveway to support the semis.

- D. Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the districts;** Fields and subdivision surround the property. Placing the building at this location will likely improve the area and the lot.
- E. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;** Will have electricity, no water or septic will be installed. Access will be improved. The road commissioner had no concerns.
- 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;** The entrance will be improved; minimal truck traffic will be seen.
- G. Is consistent with the Woodford County Comprehensive Land Use Plan.** This will be a progressive use of the lot and will improve its use.

Motion to approve petition #2023-01-S for a Special Use to allow a Construction Warehouse in the Agriculture District on 5.45 acres described as described as 2421 County Road 1200 N El Paso, Illinois made by Krug, seconded by Clinch.

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

#2023-02-V Greene Township filed November 29, 2022, by Josh Uphoff for a Variance to allow a second structure on a lot with no dwelling in the Agriculture District on 5.45 acres described as Tract K, NW ¼ Section 35, T27N – R1E of the 3rd P.M. Woodford County, Illinois, and more commonly described as 2421 County Road 1200 N El Paso, Illinois.

Mr. Uphoff presented his petitions together, the board asked questions relating to the entire project at that time. The Findings of Fact were completed separately.

Findings by the Zoning Board of Appeals for Petition 2023-02-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.** A shed already exists, the new shed will improve the property.
- 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.** No special privilege.
- C. The ZBA has found that the reasons set forth in the application justify the granting of the Variance.** There is an existing building however the petitioner was willing to remove the existing structure to allow this building indicating the value of the new structure.
- 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.** The entrance will be widened, no neighbors in the immediate vicinity.
- 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.** No issue with the surrounding property.

Motion to approve petition #2023-02-V filed by Josh Uphoff for a Variance to allow a second structure on a lot with no dwelling in the Agriculture District on 5.45 acres described as 2421 County Road 1200 N El Paso, Illinois made by Krug, seconded by Clinch.

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

#2023-03-A County Wide filed, December 14, 2022, by the Conservation, Planning, and Zoning to amend the Woodford County Zoning Ordinance Section 15 - Light Industrial District, Section 16 - Heavy Industrial District, Section 17 - General Commercial District. These changes amend the permitted uses in the applicable districts.

Mr. Nick Miller, Chairman of Conservation, Planning and Zoning Committee was sworn in.

Mr. Miller presented that this change is the result of an issue discovered at the October ZBA. The ordinance does not allow agriculture in the Light industrial, Heavy Industrial and Commercial districts. We currently have lots in those zoning districts which are performing agriculture activities. This change would update the ordinance to reflect how we are operating.

Motion to approve petition 2023-03-A to amend the Woodford County Zoning Ordinance Section 15 - Light Industrial District, Section 16 - Heavy Industrial District, Section 17 - General Commercial District to add agriculture as a permitted use made by Krug, seconded by Clinch.

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

#2023-04-S Montgomery Township filed December 16, 2022, by FourFifteen, LLC. Owned by Aaron Williams for a Special Use to allow a Primitive Campground the Agriculture District on 8.66 acres described as a parcel in the NE Corner S ½ SE ¼ Section 6, T25N – R1W of the 3rd P.M. Woodford County, Illinois, and more commonly described as 415 Grimm Rd. Congerville, Illinois.

Mr. Aaron Williams was sworn in.

Mr. Williams presented his petition, questions were asked by the Zoning Board, Interested parties Ms. Kathy Zeid and Ms. Tammy Doubet. During Ms. Zeid's testimony Mr. Williams asked to withdraw his petition from consideration.

#2023-05-S Partridge Township filed December 21, 2022, by Joseph Fussner for a Special Use to allow a Home Occupation Type 2 which includes residential and commercial mowing and limited landscaping and tree services in the Conservation District on 9.68 acres described as part of Parcel A NE ¼ Section 14, T28N – R3W of the 3rd P.M. Woodford County, Illinois, and more commonly described as 688 Bricktown Rd. Lowpoint, Illinois.

Mr. Seth Uphoff, attorney for the petitioner was sworn in.

Mr. Uphoff presented that Mr. Fussner would like to have the ability to store business equipment at the home and stockpile landscape materials at the property to include the mulching of leaves and grass clippings.

He discussed that burning of materials brought in from off-site would not be allowed per state regulations, however natural debris from the property could be burned.

The special use would allow for overflow materials and seasonal storage at the property. The property is well maintained, and overall tidy. Mr. Fussner would like the ability to store overflow and stockpiling of materials.

A neighbor dispute is what brought the property to the attention of the county and this application is to get everything in order to resolve that dispute.

The storage would mainly be for off-season equipment like snow blades in the summer and mowers in the winter.

Mr. Uphoff discussed that Mr. Fussner has no intention of having the property be an eyesore to the neighborhood. There will be no additional traffic to the property.

The board asked if yard waste was being brought in from off site. Mr. Uphoff stated that Mr. Fussner will compost enough material for his own use in his personal garden from offsite materials.

Questions from Interested Parties.

Mr. Gerald Jenkins 684 Bricktown Rd. asked if Mr. Fussner could burn from other properties he owns.

Mr. Uphoff stated that would be up the County and Illinois Environmental Protection Agency (IEPA)

Ms. Teresa Jenkins 684 Bricktown Rd. asked is the area in the back that had been used for burning would be used only for compost now. Mr. Uphoff noted that the special use requested does not allow burning.

Ms. Sandy Blalock 677 Bricktown Rd. asked if Mr. Fussner would be bringing all the clippings from his mowing business. Mr. Uphoff stated he will not be bringing all of the clippings, just enough for compost for his own property.

Ms. Krug asked what the driver for the special use is since it appears the applicant has been operating the same way for some time. Mr. Uphoff discussed that a neighbor dispute brought the business use to the attention of the county. Ms. Jording noted that stockpiling requires a special use in all districts, this is the main driver for the special use.

Testimony from Interested Parties.

Mr. Gerald Jenkins was sworn in.

Mr. Jenkins explained he has lived on the farm for 76 years. He explained that for 13 years Mr. Fussner burned day and night, one year he kept track, and Mr. Fussner burned 5 months straight every day. Mr. Jenkins also provided letters from two other neighbors. He stated that the smoke has caused health and breathing problems. Mr. Jenkins asked what he should do if Mr. Fussner does burn. He was told to call the state or the county.

Ms. Teresa Jenkins was affirmed.

Ms. Jenkins reported that her only problem was burning, trucks are no problem.

Ms. Sandra Blalock was sworn in.

Ms. Blalock stated both she and her husband had submitted letters, their biggest concern is burning, it is noxious, and they must keep their windows closed. The smoke would hang over the neighborhood. She noted Mr. Fussner does keep his property nice, she hopes the truck traffic will not increase. She again reiterated that burning is her only issue, and she does not want it to resume.

Ms. Krug asked how far the burn area is from 684 Bricktown. It was measured on the map at 300 ft.

Ms. Krug asked if there was any intent for this to become more than overflow storage for the business. Mr. Uphoff noted that Mr. Fussner has a permanent business location in Washington that will remain the main location, there is no intention of this location becoming the primary business location.

Closing Statement from Applicant.

Mr. Uphoff discussed that the role of the board is to analyze the testimony given. That testimony is that the burning has not occurred for two years and is not planned to happen again. He stated Mr. Fussner has no intention to do any illegal burning on the property. Mr. Uphoff then reviewed the responses to the findings of fact that were provided in the application package. He noted that this is a conservation area, and the surrounding area is an agriculture area which this is in harmony with.

Evidentiary portion of the hearing closed.

Findings by the Zoning Board of Appeals for Petition 2023-05-S:

- A. Will not be detrimental to the public health, safety, and welfare;** Testimony was heard indicating it both was and was not safe. The type of storage being requested is allowed, stock piling of extra mulch will not be a detriment to health, safety, and welfare.
- 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;** This is compatible as far as what is allowed. Odor pollution is a concern. The Special Use request will not be injurious based on what is being requested.
- C. Will not be injurious to the district in which it shall be located;** Without burning activities as a part of this special use this finding is neutral.
- D. Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the districts;** This location should not become the primary site of the business. If this remains as overflow and seasonal storage, there will be no further development needed.
- E. Those adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;** No further development needed for the Special Use, all needed development is in place.

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; Minimal truck traffic is expected, these will be smaller commercial trucks, no concerns.

G. Is consistent with the Woodford County Comprehensive Land Use Plan. The main objective of the plan is that the land is used productively, Composting is a form of recycling and is a productive use of the land.

Motion to approve petition #2023-05-S for Joseph Fussner for a Special Use to allow a Home Occupation Type 2 which includes residential and commercial mowing and limited landscaping and stockpiling in the Conservation District on 9.68 acres commonly described as 688 Bricktown Rd. Lowpoint, Illinois made by Krug, seconded by Clinch.

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

- Other Business to Come Before the Board:
 - Update on previous months petition/s: None
 - Update on next month petition/s: One Special Use
- Public Input – None
- Adjournment

Mr. Clinch made the motion to adjourn at 9:00 p.m., 2nd by Ms. Krug. *Motion Carried.*

Lisa Jording, Secretary

Teresa Gauger, Acting Chairman

Date