

WOODFORD COUNTY ZONING BOARD OF APPEALS

Woodford County Board Room
6:00 P. M. Tuesday, March 23, 2021
Minutes

- Call to Order:

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

- Roll Call: Kim Holmes, Teresa Gauger, Jerry Lay, Dean Backer, and Marty Clinch were present.
Ms. Holmes declared a quorum present.
Others present: Erik Gibson

- Approval of minutes.

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

- Permit/Petition Extensions

- SUP Extension for 2018-22-S Spring Bay Solar 1 LLC – Borrego Solar

Ms. Samaroo noted that Borrego would like to request to extend the SUP by 15 months, they are hopeful that the state will pass legislation supporting further solar development this year. No changes have been made to the proposed project.

Motion to extend the SUP for 15 months made by Clinch, seconded by Gauger. *Motion Carried.*

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

#2021-02-V Metamora Township filed, February 10, 2021, by Andrew Martin for a variance in sign size to allow a 24 sq ft double sided sign an increase of 6.5 sq. ft, located in the Agriculture District (AG) on a 2.5 acre parcel, described as Lot M & Tract M-1 NW Corner, NW ¼, T27N-R2W Section 23 of the 3rd P.M. Woodford County, Illinois, and more commonly described as 1396 County Road 1200 E, Metamora, IL

- Swearing in and/or Affirmation: was completed for petition **2021-02-V**
Mr. Andrew Martin was affirmed in. Mr. Martin discussed that his existing sign is now ten years old and he would like to update it to an electronic message board sign. He noted he currently sells, installs and maintains these type signs and feels it would be appropriate to have his own size updated to current products. He noted the sign can automatically dim at night and can be shut off completely at night as well. Mr. Backer asked if the neighbors had any concerns. Mr. Martin and Ms. Jording noted they received no comments from the neighbors. No interested parties are filed.

Findings by the Zoning Board of Appeals for Petition 2021-02-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** (Affirmative) Other signs in the area, approval not based on any other signs.
- 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 special privileges have been conveyed. Justification presented.

- C. The ZBA has found that the reasons set forth in the application justify the granting of the Variance.** (Affirmative) Sufficient information granted in the presentation to support granting of the variance.
- 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) No concerns presented by neighboring property owner. Diming at night will minimize impact to motorists.
- 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 size is necessary allow presentation of desired information, sign will also provide public information such as time, temperature, etc.

Motion to approve petition 2021-02-V for a variance in sign size for Andrew Martin at 1396 County Road 1200 E. Metamora made by Lay, seconded by Backer.

Roll call vote: Teresa Gauger – *Yes*, Jerry Lay – *Yes*, Kim Holmes – *Yes*, Marty Clinch – *Yes*, Dean Backer – *Yes*, *Motion Carried*.

#2021-03-Z Montgomery Township filed, February 11, 2021, by Chad Wyss for a Map Amendment from Commercial District and Residential Single Family District (R-1) to Agriculture District (AG), located in the Commercial District and Residential Single Family District (R-1) on 30.02 acres, described as PT E1/2 S OF RR & N OF RT.150 T25N - R2W – Section 13 of the 3rd P.M. Woodford County, Illinois and PT NW1/4 S OF RR & N RT. 150 T25N - R1W – Section 18 of the 3rd P.M. Woodford County, Illinois, and more commonly described as 1400 and 1414 US Highway 150, Goodfield, Illinois.

- Swearing in and/or Affirmation: was completed for petition **2021-03-Z**
Mr. Chad Wyss was affirmed. Mr. Wyss discussed that his family has owned the ground since before zoning existed in the county. The ground has always been utilized for agriculture and will continue to be used for agriculture. The property is bordered on three sides by municipal zoned lots of unknown zoning. Ms. Holmes asked what the catalyst was for requesting this change. Ms. Jording explained that the Wyss family is working on dividing out the two existing farmsteads onto their own lots, it was during that process it was discovered the ground was zoned commercial and Residential. Ms. Jording also noted that the farmhouse at 1400 US 150 is on the portion of the ground currently zoned commercial making it a non-conforming structure. This re-zoning would bring the structure into a conforming use of the land. Mr. Wyss discussed that while the ground to the south is zoned Commercial and Heavy Industrial district it is owned by his father and currently farmed in row crop.

Findings by the Zoning Board of Appeals for Petition 2021-03-Z:

- A. Whether the proposed zoning district classification is consistent with the Woodford County Comprehensive Land Use Plan;** (Affirmative) Woodford County encourages Agriculture, and this zoning would be consistent with current surrounding uses.

- B. Whether there are any changed or changing conditions in the area affected that make the proposed rezoning necessary;** (Affirmative) Not re-zoning the property would restrict expansion on the existing dwelling in the commercial district.
- 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) The land has been used for agriculture since the 1950's and would continue to be used for Agriculture for the foreseeable future. No new infrastructure is needed.
- 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;** Current zoning and current use are incompatible. No change to vehicular traffic.
- F. Whether a reasonably viable economic use of the subject property will be denied if the proposed rezoning is not approved;** (Affirmative) Use is currently limited, re-zoning would allow the dwelling as a permitted use.
- G. Information submitted at the public hearing.** (Affirmative) Three sides of the property are in the village limits and have unknown zoning. The information presented by the petitioner was sufficient to recommend approval.

Motion to approve petition 2021-03-Z for a map amendment from Commercial & Residential Single Family (R-1) to Agriculture District (AG) at 1400 and 1414 US Hwy 150 Goodfield made by Gauger, seconded by Lay.

Roll call vote: Kim Holmes – *Yes*, Jerry Lay – *Yes*, Marty Clinch – *Yes*, Dean Backer – *Yes*, Teresa Gauger – *Yes*. *Motion Carried.*

#2021-04-V Springbay Township filed, February 19, 2021, by Lahood Brothers Construction on behalf of Robert & Carol Meyer for a variance in rear yard setback to reduce the principal structure setback to 10 ft. a reduction of 20 ft. located in the Residential Single Family District (R-1) on a 1.0 acre parcel, described as Tract C Mill Point Park Subdivision 2 T27N-R4W Section 23 of the 3rd P.M. Woodford County, Illinois, and more commonly described as 72 Millpoint Rd, East Peoria, Illinois.

- Swearing in and/or Affirmation: was completed for petition **2021-04-V** Mr. Joe Lahood, Mr. Robert Meyer and Ms. Carol Meyer were sworn in. Mr. Lahood explained that the intention was to split the accessory structure off of the lot with the new dwelling and consolidate it with the property to the north. He noted that the dwelling under construction if for the property owners developmentally disabled adult relatives, the owners intend to place the land and home into trust for those individuals. They expressed that there is concerns over liability of having the accessory structure on the property that will go into trust, it is also an unnecessary structure that would require maintenance and upkeep. Mr. Meyer noted they still utilize the structure to store mowers and equipment to maintain their own property immediately to the north at 1331 Valley View Dr. Mr. Lay asked if this was the minimum variance needed. Mr. Lahood explained that the accessory structure will keep 7 ft. side yard setback while the house has 10 ft. setback, he noted that the house could have up to 12 ft.

setback. Ms. Holmes expressed concern over the necessity of the request noting that if there is concern over the safety of having this structure on the same property simply dividing it out will not remedy the problem. The structure will still be 17 ft. from the new dwelling which still presents a potential hazard. She noted that the owners could potentially write into the trust provisions regarding care and use of the building.

Findings by the Zoning Board of Appeals for Petition 2021-04-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) no other non-conformities were considered for this petition.
- 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.** (Negative) Applicants own all the land around the property around this property. The lot is a currently conforming lot, the existing house is currently conforming, the decision to separate the shed was made after the dwelling was started. The timing of this request would grant a privilege to the applicant.
- C. The ZBA has found that the reasons set forth in the application justify the granting of the Variance.** (Negative) The reasoning presented doesn't justify the granting of this variance, the house was already placed and the problem has been self-created.
- 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.** (Negative) Not in harmony with the purpose and intent of the ordinance. The lot is currently conforming, granting this variance will take the structure out of compliance.
- 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.** (Negative) House has already been started, the changes desired is for personal inconvenience. The lot is currently conforming and granting this variance would take it out of compliance.

Motion to approve petition 2021-04-V for a variance in rear yard setback to reduce the the setback by 20 ft., leaving a 10ft. dwelling setback. For Robert and Carol Meyer at 72 Millpoint Ln. East Peoria made by Lay, seconded by Gauger.

Roll call vote: Jerry Lay – *No*, Marty Clinch – *Yes*, Dean Backer – *Yes*, Kim Holmes – *No*, Teresa Gauger – *No*. *Motion Failed.*

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- Other Business to Come Before the Board:
 - Update on previous months petition/s
All the petitions submitted to the County Board were approved.
 - Update on next month petition/s: Ms. Jording noted there are three petitions for next month.

- Public Input - None
- Executive Session – None
- Adjournment

Mr. Backer made the motion to adjourn at 7:35, 2nd by Mr. Clinch. *Motion Carried.*

Lisa Jording, Secretary

Kim Holmes, Chairman

Date