

## WOODFORD COUNTY ZONING BOARD OF APPEALS

Woodford County Board Room  
6:00 P. M. Tuesday, June 22, 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, John Obery

- Approval of minutes.

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

- Permit/Petition Extensions

- 17835-19 Timothy Martin SFD permit extension for 365 days to May 17, 2022

Mr. Martin was affirmed. Mr. Martin stated they have had some timeline setbacks due to some injuries and other medical issues. He requested 365 days extension.

Motion to grant a 365 day extension to May 17, 2022 made by Clinch, seconded by Backer. Roll call vote: Teresa Gauger – *Yes*, Jerry Lay – *Yes*, Kim Holmes – *Yes*, Marty Clinch – *Yes*, Dean Backer – *Yes*.  
*Motion Carried.*

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

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**#2021-12-V** Roanoke Township filed, April 28, 2021, by Matthew & Karla Aeschleman for a Variance in shed size to allow a 6,969 sq. ft., an increase of 5,169 sq. ft., located in the Agriculture District on a 2 acre parcel, described as Tract D in Aeschlemans Subdivision, E ½ SE ¼ Section 16, T27N – R1W of the 3<sup>rd</sup> P.M. Woodford County, Illinois, and more commonly described as vacant ground immediately north of 1431 County Road 1700 E, Roanoke, Illinois.

- Swearing in and/or Affirmation: was completed for petition **2021-12-V**

Mr. Aeschleman was Affirmed

Mr. Aeschleman presented that they are looking to construct this building to house and maintain their classic cars and personal vehicles. The property will not have a well but will have a rain water collection cistern which will provide water to operate a single restroom and wash vehicles. They will be installing a septic system. The Board asked about chemicals being used on site. Mr. Aeschleman noted that they will use soap and standard car cleaning products. No painting will be done on site but they will change oil in the vehicles, used oil will be properly disposed.

Ms. Holmes noted that this building covers 8% of the lot which does not allow for any other buildings to be constructed. Mr. Aeschleman acknowledged that this was the case and they had no plans to build any other structures on the property.

### Findings by the Zoning Board of Appeals for Petition 2021-12-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*) This is located in the Agriculture district, large sheds are common in this district.

- 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 privilege will be conferred.
- C. The ZBA has found that the reasons set forth in the application justify the granting of the Variance.** (Affirmative) The shed is needed for storage of equipment, it meets the 8% coverage restriction.
- 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) Will be beneficial to the neighborhood.
- 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) No concerns, the shed is the size required to store the items required.

Motion to approve petition 2021-12-V for a variance in shed size for Matthew & Karla Aeschleman located in the Agriculture District on a two acre parcel made by Gauger, seconded by Lay. Roll call vote: Kim Holmes – *Yes*, Jerry Lay – *Yes*, Dean Backer – *Yes*, Marty Clinch – *Yes*, Teresa Gauger – *Yes*. *Motion Carried.*

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**#2021-13-V** Olio Township filed, May 12, 2021, by Greg Newell for a variance in road setback to allow a setback of 25 ft. from the centerline of S. Adams Road, a reduction of 40 ft., located in the Residential Multi-Family (R-2) District on a .51 acre parcel, described as Part of Lot 59 Plat B SW ¼ Section 18, T26N-R1W of the 3<sup>rd</sup> P.M. Woodford County, Illinois, and more commonly described as 1620 S. Adams Rd. Eureka, Illinois

- Swearing in and/or Affirmation: was completed for petition **2021-13-V**

Mr. Greg Newell was sworn

Mr. Newell Explained that he is looking to place a new shed on his property. He removed an old dilapidated shed from the same approximate location. He noted that due to the angled placement of the home on the lot, the septic system, water lines and mature trees this is the only location to place the shed. The new shed will actually be further back from the road than the one he removed. Ms. Jording noted that the previous shed was on site when Mr. Newell purchased the house and the shed had not been properly permitted.

**Findings by the Zoning Board of Appeals for Petition 2021-13-V:**

- F. 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 not a non-conforming use.
- G. 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 privilege, this is improving the conditions of the lot by removing the illegal shed and legally placing and permitting new construction.

- H. The ZBA has found that the reasons set forth in the application justify the granting of the Variance.** (Affirmative) Due to the location of the septic there is only one placement option. The new structure will be further back than the previous one, improving conditions.
- I. 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 from the neighbors, this is an improvement over the previous structure.
- J. 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) Based on the testimony this is the least amount of variance required.

Motion to approve petition 2021-13-V for a decrease in road setback to allow a shed 25 ft from the centerline of S. Adams Rd made by Gauger, seconded by Clinch.

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

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**#2021-14-S** Worth Township filed, May 19, 2021, by James L. Kiesewetter for a Roadside vegetable/farm stand with signage, located in the Residential Single Family District on a 5.36 acre parcel, described as Part of E ½ (Ex. 0.80 AC R/W) Section 20, T27N-R3W of the 3<sup>rd</sup> P.M. Woodford County, Illinois, and more commonly described as 339 E. Townhall Rd. Metamora, Illinois.

- Swearing in and/or Affirmation: was completed for petition **2021-14-S** Mr. James Kiesewetter, Mr. Farrell Lord, Mr. Carl Strum and Mr. Ken Strum were sworn.

Mr. Kiesewetter explained that he is applying for a Home Occupation Type 2 Special Use in the Residential Single Family district to operate a Vegetable Farm stand. He noted this stand has been in operation for approximately 40 years and was operated by his mother initially. He stated this is a self-serve stand offering vegetable grown by himself and his wife. He noted it is all honor system payments, they have approximately 10 vehicles per day. He stated he also included two signs in his request one on Santa Fe and one on Townhall, they would be outside the ROW. The board asked about lighting. Mr. Kiesewetter noted that they have a few outdoor lights at the stand. He also noted they sell straw in the winter and are open approximately May-November depending on weather.

Mr. Farrell Lord spoke on behalf of himself as a neighbor and in his capacity as Township supervisor. He noted that Worth township has a large percentage of the county population and this stand is a great asset to the local residents. He noted he also spoke with the Worth Assessor and she saw no issue with the stand. The Township board voted unanimously in support of allowing the stand to continue. Mr. Lord noted there are no problems from a safety standpoint.

Mr. Ken Strum stated he has no concerns about the stand he is currently residing immediately across the street while he renovates his house just down the road. He noted this stand is a benefit to the area and some of its aging residents.

Mr. Carl Strum stated he lives immediately across the road from the farm stand, he has lived in the home for 60 years. He stated he can see the stand from his living room, he noted that lots of

people visit but typically only one – two at a time. They park in the driveway and the property is well kept, he has no complaints about the stand.

Ms. Jording noted a petition of support was also sent in with 118 signatures of local residents.

#### **Findings by the Zoning Board of Appeals for Petition 2020-14-S:**

- A. Will not be detrimental to the public health, safety, and welfare;** (Affirmative)  
According to testimony the stand offers vegetables and produce to families and senior citizens.
- 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) Stand has been on site and in operation for 40 yrs. Nothing injurious to properties in the vicinity.
- C. Will not be injurious to the district in which it shall be located;** (Affirmative)  
Gardens and hayfields in the area. Neighbors enjoy the stand. No parking has occurred on the road.
- D. Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the districts;** (Affirmative) No parking on the road, the signs will be placed outside the Right of way, the circle drive offers ideal traffic flow.
- E. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;** (Affirmative) The site offers plenty of access. No problems or concerns were heard in the testimony. No drainage problems are present.
- 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) There is a circle drive and no vehicles park on the road.
- G. Is consistent with the Woodford County Comprehensive Land Use Plan.** (Affirmative) Protecting Agriculture and encouraging small business is consistent with the plan.

Motion to approve petition 2021-14-S for a Special Use to operate a vegetable farm stand with two signs in accordance with 154.22.6.G made by Lay, seconded by Gauger.

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

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**#2021-15-Z Cruger Township** filed, May 21, 2021, by Austin Blunier for a Map Amendment to Heavy Industrial District, located in the Commercial District and Agriculture District on a 3.17 acre parcel, described as Lot 5 in E ½ Lot 7 in NE ½ SE ¼ and lot 9 E ½ SE ¼ Section 25, T26N-R2W of the 3<sup>rd</sup> P.M. Woodford County, Illinois, and more commonly described as 632 State Route 117, Eureka, Illinois

- Swearing in and/or Affirmation: was completed for petition **2021-15-Z**

Mr. Austin Blunier was affirmed.

Mr. Blunier presented they are looking to expand the existing business on the property which will extend into the portion that is still zoned Agriculture District. Ms. Jordin noted that the Ag zoned portions were added over time, she discussed with Mr. Blunier that they may wish to move the entire parcel to Heavy Industrial as it better suits their operation. Mr. Blunier agreed and petitioned for the entire property to re-zone.

**Findings by the Zoning Board of Appeals for Petition 2021-15-Z:**

- A. Whether the proposed zoning district classification is consistent with the Woodford County Comprehensive Land Use Plan;** (Affirmative) Major development is preferred along the major arterial roads throughout the county.
- B. Whether there are any changed or changing conditions in the area affected that make the proposed rezoning necessary;** (Affirmative) The existing business is expanding and has run out of properly zoned property.
- 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) Other properties on the 117 corridor are currently zoned Heavy Industrial. The business is existing and the new zoning is most suitable to the expected activities.
- 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) This will allow expansion of an existing business, the infrastructure is already in place.
- 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) No impact to current vehicle traffic is expected.
- F. Whether a reasonably viable economic use of the subject property will be denied if the proposed rezoning is not approved;** (Affirmative) Expansion would be hindered if the re-zoning was not approved.
- G. Information submitted at the public hearing.** (Affirmative) Application is supportive of re-zoning the property.

Motion to approve petition 2021-15-Z for a Map Amendment from Commercial District and Agriculture District to Heavy Industrial District made by Gauger, seconded by Backer.

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

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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, all are Special Use.
- Public Input - None
- Executive Session – None
- Adjournment

Mr. Backer made the motion to adjourn at 7:15, 2<sup>nd</sup> by Mr. Clinch. *Motion Carried.*

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Lisa Jording, Secretary

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Kim Holmes, Chairman

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Date