

WOODFORD COUNTY ZONING BOARD OF APPEALS

Woodford County Board Room
1837 S. Main St. Eureka, IL
6:00 P. M. Tuesday, September 28, 2021

- Call to Order:

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

- Roll Call: Kim Holmes, Teresa Gauger, Karen Krug, Terry Pille, 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 Krug. *Motion Carried.*

- Permit/Petition Extensions

- Permit 17961-19 permit extension for CDG Real Estate at 56 N. Riverview Dr.

The requestor did not attend the hearing. After a discussion with Mr. Gibson and the ZBA members it was concluded that per the ordinance the applicant could pull a new permit with the zoning office without seeking permission from the ZBA.

- Swearing in/ Affirmation

- Presentation of Petitions

#2021-21-V Worth Township filed, Aug 12, 2021, by Coach House Garages on behalf of Lisa Gann for a variance in road setback from a State Highway to allow a 100 ft. setback, a reduction of 50 ft., located in the Residential Single Family District on a 1 acre parcel, described as Lot 5A Part of Lot 4 SE ¼ Section 28 T27N-R3W of the 3rd P.M. Woodford County, Illinois, and more commonly described as 702 Somerset Dr. Metamora, Illinois.

Mr. Smith was Sworn in.

Mr. Smith explained that this request is for a road setback reduction to allow the landowner to construct a shed garage on the property. The garage will have electricity but no other utilities. This will allow the owner to store her work truck inside. No interested party forms were received.

Findings by the Zoning Board of Appeals for Petition 2021-21-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) a garage is a conforming structure in the 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, garages are permitted structures. No other party will be inconvenienced.
- C. The ZBA has found that the reasons set forth in the application justify the granting of the Variance.** (Affirmative) This is a garage and is not unique to the area.
- 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) This will improve the property by allowing vehicles to be housed inside. Other structures have similar proximity to the State Route.
- 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) Other similar structures are in the area so this structure will not stand out, the applicant has moved the structure further forward.

Motion to approve petition 2021-21-V presented by Coach House Garages of behalf of Lisa Gann to allow a 100 ft. setback, a reduction of 50 ft. at 702 Somerset Dr. Metamora made by Gauger, seconded by Clinch.

Roll call vote: Marty Clinch – *Yes*, Kim Holmes – *Yes*, Terry Pille – *yes*, Teresa Gauger – *Yes*, Karen Krug – *Yes. Motion Carried.*

#2021-22-V Cazenovia Township filed Aug 16, 2021, by Tiffany McMillen for a variance in rear yard setback to allow a 5 ft. setback, a reduction of 45 ft., located in the Agriculture District on a 6.25 acre parcel, described as Tract 2-B Part W ½ NW ¼ and part W ½ SW ¼ Sec 27 T28N-R2W of the 3rd P.M. Woodford County, Illinois, and more commonly described as 1108 Banta Rd, Lowpoint, Illinois.

Tiffany McMillen and Tom Billard were sworn in.

Ms. McMillen stated they would like a variance to build a house on the lot. They will install septic and well during construction. There is power on site already. They noted they enter the property from State Route 89. A neighbor was in attendance but missed the sign-up deadline to speak. Mr. Billard noted that the house is likely going to be 60 x 80, they want the house as far North as possible for erosion and waterflow. There is dense foliage to the north side of the property currently. There is a power line that runs the length of the North property line. They indicated they have no plans for a business on this property. The Board members discussed the ability of the petitioner to re-situate the structure to meet setback. Mr. Billard discussed that there are mature walnut trees and sloping terrain down to the creek that they are contending with. The board members discussed that they felt the North property line was better defined as a side property line due to the access coming off State Route 89 to the East. This determination changed the required setback to 30 ft.

The board members questioned the proposed house size as the proposed structure (in the application) was 80 x 100, Mr. Billard has now stated the house size would likely be closer to 60 x 80 the board discussed with Mr. Billard the ability to move the house off the property line due to the size reduction, by reducing the house size he should be able to retain the creek setback while keeping the majority of the 30 ft. setback in place. Ms. McMillen formally requested the setback variance request be amended to 25 ft. side yard setback, a reduction of 5 ft. She also requested 365 days to obtain the building permit for the dwelling.

Findings by the Zoning Board of Appeals for Petition 2021-22-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) Not a non-conforming use, access exists.
- 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) Not non-conforming, No special privilege is being conveyed.
- C. The ZBA has found that the reasons set forth in the application justify the granting of the Variance.** (Affirmative) The property is not being used currently. The applicant would like to place a home on the property, they are attempting to sit the house to preserve the mature trees and protect the creek from soil erosion.
- 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 requested reduction of 25 ft was amended to 5ft. this will allow for the building of septic and well. Will be in harmony with the land.
- 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) Applicant tried to take the least amount of variance and adjusted request after discussion.

Motion to approve petition 2021-22-V for Tiffany McMillen for the amended petition which changes the North property line from rear yard to side yard and allows a 25 ft setback, a reduction of 5 ft. from the side yard. At 1108 Banta Rd. along with a 365 day extension to pull the permit made by Gauger, Seconded by Krug.

Roll call vote: Kim Holmes – *Yes*, Terry Pille – *yes*, Teresa Gauger – *Yes*, Karen Krug – *Yes*, Marty Clinch – *Yes. Motion Carried.*

#2021-23-S Worth Township filed, August 20, 2021, by Joseph & Kendra Bachman for a Special Use to allow Construction Services and Public Stable, located in the Agriculture District (AG) on a 6.2 acre parcel, described as Tract 7 Part of Tract K SE ¼, Section 27, T27N-R3W of the 3rd P.M. Woodford County, Illinois, and more commonly described as 1237 N. Nofsinger Rd Metamora, Illinois

Joseph Bachman was sworn in.

Mr. Bachman presented that he would like to board approximately 4-6 horse on average and up to 10-12 at times. This would be in addition to the Construction services company. He noted that they would likely have most of the horse's stall kept as that is what many owners prefer. The building is designed with the two uses in mind, the hopes is to have the center section used for the construction equipment storage and the horses in the lean-to stalls situated around the outside of the building. The construction company is the primary use of the property with the horses as a secondary business. The construction equipment will also be used to maintain the lot and horses. Mr. Bachman noted they hope to build a home on the property in the future. There will be sewer and water hooked up to the Barn, there would be a separate septic system installed for a future house. There are no utilities on the lot currently, but they are available. No neighbor concerns were voiced, and no interested party forms were received.

Mr. Bachman noted that the horse bedding and manure would be transported to other family farm locations to be used as fertilizer. They plan of having a pasture for the horses on the West side of the barn. Mr. Bachman noted they intend to be selective in the horses they board that would be better able to handle the noise of the construction equipment. Mr. Bachman discussed that he does not intend to grow the horse side of the business operations due to feeling the 10-12 horses is the most the lot could support. Mr. Bachman noted that they intend to place with fencing along the front property line and possibly the West line, the remainder would be electric wire fencing. He noted they no not plan to have any public events, possibly individual lessons at most. The ingress/egress is already in place.

Findings by the Zoning Board of Appeals for Petition 2021-23-S:

- A. Will not be detrimental to the public health, safety, and welfare;** (Affirmative) Horses outside will not be detrimental
- 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) The use will conform to the aesthetics of the area with a restriction on the quantity of horses.
- C. Will not be injurious to the district in which it shall be located;** (Affirmative) Horses have been in the area previously, the waste issue will be handled properly.
- D. Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the districts;** (Affirmative) Horses, fencing and construction all contained on the property. There is a building site for a future home.
- E. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;** (Affirmative) Services are available, there is sufficient land for well and septic.
- 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;** Entrance has been put in place. (Affirmative)
- G. Is consistent with the Woodford County Comprehensive Land Use Plan.** (Affirmative) Agriculture type use is consistent with the plan, this use will be in concert with property in the surrounding area.

Motion to approve 2021-23-S to allow Construction services and public stables at 1237 N. Nofsinger Rd. With the condition of a maximum of 11 horses on the property at any time made by Gauger, seconded by Clinch.

Roll call vote: Teresa Gauger – *Yes*, Karen Krug – *Yes*, Marty Clinch – *Yes*, Kim Holmes – *Yes*, Terry Pille - *Yes. Motion Carried.*

#2021-24-V Worth Township filed, August 20, 2021, by Joseph & Kendra Bachman for a Variance in Building size to allow a 6,240 sq. ft. building, located in the Agriculture District (AG) on a 6.2 acre parcel, described as Tract 7 Part of Tract K SE ¼, Section 27, T27N-R3W of the 3rd P.M. Woodford County, Illinois, and more commonly described as 1237 N. Nofsinger Rd Metamora, Illinois

Mr. Bachman presented both petitions together and the Board asked questions relating to both petitions at that time. Findings of Fact were completed for each petition.

Findings by the Zoning Board of Appeals for Petition 2021-24-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 will be a multi-use shed, this is a conforming use of the building, it will just be larger than allowed without a house on 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.** (Affirmative) No special privilege. The size of the building is comparable to others in the surrounding area.
- C. The ZBA has found that the reasons set forth in the application justify the granting of the Variance.** (Affirmative) Detailed reasons for his plan for the building and the size required justify granting 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) This is Agriculture zoned, the building size is necessary to accommodate both requested uses.
- 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) Construction equipment is going to be part of the initial use but the building could have different uses in the future.

Motion to approve petition 2021-24-V for a variance in shed size to allow 6,240 sq. ft. located in the Agriculture district at 1237 N. Nofsinger Rd. made by Gauger, seconded by Krug.

Roll call vote: Terry Pille – *Yes*, Teresa Gauger - *Yes*, Karen Krug – *Yes*, Marty Clinch – *Yes*, Kim Holmes – *Yes. Motion Carried.*

-
- Review of Executive session minutes -None
 - 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, 2 Special use and 1 variance.
 - Public Input - None
 - Executive Session – None
 - Adjournment

Mr. Clinch made the motion to adjourn at 8:00, 2nd by Ms. Krug. *Motion Carried.*

Lisa Jording, Secretary

Kim Holmes, Chairman

Date