

COUNTY OF MENARD     )  
  ) SS.  
STATE OF ILLINOIS     )

The Menard County Zoning Board of Appeals (ZBA) met on March 18, 2013 at 7:00 p.m., at the Menard County Courthouse, Petersburg, Illinois. Zoning Board of Appeals members Tom Eldridge, Karen Stott, Barry Bass, Steve Ozella and Steve Wilken were present. A quorum was present. Zoning Administrator Steve Duncan was also present.

Chairperson Eldridge called the meeting to order at 7:00 p.m.

Minutes from the September 24, 2012 meeting were presented for approval. ZBA member Bass moved to approve the minutes, as presented. ZBA member Wilken seconded the motion. The motion carried unanimously.

**NEW BUSINESS**

**ADMINISTRATIVE PUBLIC HEARING: (Case number 13-01V) DENNIS & LOIS HARRISON, ACTING ON THEIR OWN BEHALF OR WITH LEGAL REPRESENTATION OR BOTH, HAVE APPLICATION TO SEEK A VARIANCE FROM THE FOLLOWING: ARTICLE IX, SECTION 9.01(B)(4) OF THE MENARD COUNTY ZONING ORDINANCE, REQUIRING THAT WHEN A NON-CONFORMING USE OF A STRUCTURE, OR STRUCTURE AND LAND IN COMBINATION, CEASES FOR 18 CONSECUTIVE MONTHS OR FOR 18 MONTHS DURING ANY 3 YEAR PERIOD THE STRUCTURE, OR STRUCTURE AND LAND IN COMBINATION, SHALL NOT THEREAFTER BE USED EXCEPT IN CONFORMITY WITH THE REGULATIONS OF THE DISTRICT IN WHICH IT IS LOCATED. THIS 18 MONTH TIME LIMITATION IS CONSIDERED A BULK REGULATION AND THEREFORE QUALIFIES FOR A VARIANCE REQUEST FROM THE STATED TIMEFRAME. THE VARIANCE REQUEST SEEKS AN 18 MONTH EXTENSION FROM MARCH 1, 2013. THE BRIEF LEGAL DESCRIPTION FOR THE PROPERTIES AFFECTED ARE AS FOLLOWS: S26 T18 R7 NORTH PARK SUB-DIV LOT 1 & S26 T18 R7 SE COR E 1/2 NE 1/4. (Aka "Warburton's property") THE PROPERTY IDENTIFICATION NUMBERS ARE 11-26-206-001 & 11-26-200-007. THE ADDRESS IS 18190 STATE PARK ROAD, PETERSBURG, IL.**

Chairperson Eldridge opened the public hearing at 7:01 p.m. to give consideration to the Harrison's application and hear any public comments.

Chairperson Eldridge swore-in Lois Harrison. She informed that they had been unable to find a buyer for the restaurant. She informed that they were asking \$275,000 for the property and restaurant (with a realtor). She informed that the chances of an outright sale of the restaurant was remote as a prospective buyer would want to see if the restaurant would work and, therefore, they may have to lease the restaurant before anyone would buy it.

ZBA Member Bass asked if the property was listed with a realtor. Ms. Harrison informed that it was not at this time.

ZBA Member Stott asked if the price was too high. Ms. Harrison informed that not per the taxes they paid. She said they did not want to just give the property away. She said their location was at a disadvantage compared to buildings located in the City of Petersburg.

Chairperson Eldridge asked how long they had operated it as a restaurant. Ms. Harrison informed approximately two years. She informed that she did not believe anyone would buy the building as a house because of the cost to renovate.

Chairperson Eldridge swore-in William Winchester, 15627 N. Park Place, Menard County, Illinois. Mr. Winchester spoke in opposition to the granting of the variance request. He informed that this was the fourth time the variance request had to be made to the County. He informed that nothing is happening.

Chairperson Eldridge asked Mr. Winchester what else he would suggest the County do. Mr. Winchester informed that they should put a house on the property.

ZBA Member Ozella informed that they had a big investment in the current building and the restaurant use that was established. He informed that he did not think it financially feasible to convert it to a single-family dwelling.

Zoning Administrator Duncan informed that he had toured the property and that it looked like it could be re-opened as a restaurant in relatively short order. He informed that it did appear some shingles were missing from the roof.

ZBA Member Bass expressed the thought that if the Zoning Board of Appeals did not grant the variance request, he thought that the building could very well just sit there (as unusable for a house) and deteriorate as a building.

As there were no other public comments at this time, ZBA Member Ozella moved to adjourn the public hearing at 7:16 p.m. ZBA Member Bass seconded the motion. The motion carried unanimously.

There was more discussion among the Zoning Board of Appeals.

ZBA Member Wilken moved to approve the findings of fact, as written and approve the variance, and extend the restaurant use for a period of 18 months, from March 1, 2013. ZBA Member Ozella seconded the motion. The motion carried unanimously.

#### **Unscheduled Public Comments/Requests**

There were no unscheduled public comments/requests.

#### **Zoning Administrator's Report**

Mr. Duncan informed that possible amendments to the County's comprehensive land-use plan were being drafted and that there will likely be a need for meetings in the future.

#### **Individual ZBA Member Comments/Requests**

There were no additional ZBA member comments/requests.

#### **Adjournment**

As no other business was brought before the Zoning Board of Appeals, ZBA member Ozella moved to adjourn the meeting at 7:28 p.m. ZBA member Stott seconded the motion. The motion carried unanimously.