

COUNTY OF MENARD)
) SS.
STATE OF ILLINOIS)

The Menard County Zoning Board of Appeals (ZBA) met on June 15, 2011 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 Tom Eldridge called the meeting to order at 7:00 p.m.

Minutes from the March 10, 2011 meeting were presented for approval. ZBA member Bass moved to approve the minutes, as presented. ZBA member Ozella seconded the motion. The motion carried unanimously.

NEW BUSINESS

ADMINISTRATIVE PUBLIC HEARING: (Case number 11-01SUP) Mid-America Advertising Midwest, Inc., application for a Special Use Permit for the purpose of establishing an off-premises advertising sign in the B-2 Highway Business zoning district. The brief legal description for the property affected is as follows: S35 T18 R7 NE Cor. S End E ½ SE ¼, approx. 3.0 acres, more or less. The property owners are Jay & Tammy Bradford. This property is located at 14163 State Hwy. 97, Petersburg, IL. The property identification number is 11-35-400-010.

Chairperson Eldridge opened the public hearing to give consideration to Mid-America Advertising Midwest, Inc.'s application for a special use permit to establish a off-premises advertising sign in the B-2 Highway Business zoning district and on property located at 14163 State Highway 97.

Chairperson Eldridge swore-in Jeff Stauffer, representing Mid-America Advertising Midwest, Inc. who provided an overview of the 200 sq. ft., 30 ft. in height, off-premises advertising sign to be located on property at 14163 State Highway 97. He informed that they had an Illinois Department of Transportation permit for the sign.

ZBA Member Bass asked about setbacks for off-premise signs. Zoning Administrator Duncan informed that he interpreted the 10 ft. front setback as required for an advertising sign in the B-2 Highway Business as the best guidance on what setback should be met for an off-premises sign.

ZBA Member Bass asked why the sign was being proposed at the size of 200 sq. ft., 30 ft. in height. Mr. Stauffer informed that the County's maximum size for such a sign was smallest sign used in the billboard industry.

ZBA Member Ozella asked how long the lighting would stay on for such a sign display. Mr. Stauffer informed that the lights usually went off around midnight due to a drop in traffic counts. Chairperson Eldridge asked if the lights went up into the sky or down to the ground. Mr. Stauffer informed that the lights went upward toward the sky.

ZBA Member Bass asked if there was a setback distance from a residential structure. Zoning Administrator Duncan informed that there was no setback distance from a residential structure, except for in a residential zoning district. As this sign was being proposed in a commercial zoning district, there was no such requirement.

As there were no other public comments, ZBA Member Ozella moved to adjourn the public hearing at 7:17 p.m. ZBA Member Stott seconded the motion. The motion carried unanimously.

ZBA Member Wilken moved to approve the finding of facts and recommend approving the off-premises sign application, as presented. ZBA Member Ozella seconded the motion. ZBA Member

Bass stated that he felt the Board of Commissioners should give consideration to reducing the size of such signs as he did not believe they needed to be as large as being proposed. The motion carried with four “ayes” and one “nay” (Bass).

ADMINISTRATIVE PUBLIC HEARING: (Case number 11-02V) Kevin & Michael Thomas application to seek a variance from the following: Article VI, Section 6.03(D)(2) Agriculture Zoning District Regulations; Subparagraph (D) “Bulk Regulations”; (2) “Minimum Lot Width: 200’ extending to a distance equal to any front setback requirement with 200’ of frontage on a public road measured at the front setback line. Roadside produce stands shall have no minimum lot width.” The request is to reduce the minimum lot width from 200 feet to zero (0) feet. The properties are located in the Agriculture Zoning District. The brief legal descriptions for the properties affected by the variance request are as follows: S1 T19 R8 E FR NW, containing 70.0 acres, more or less & S1 T19 R8 NE SW, containing 40.0 acres, more or less. The properties are located off of Brown Road, Oakford, Illinois. The property identification numbers are 05-01-100-002 & 05-01-300-002.

Chairperson Eldridge opened the public hearing at 7:24 p.m. to give consideration to an application from Kevin & Michael Thomas seeking a variance from Article VI, Section 6.03(D)(2) Agriculture Zoning District Regulations.

Chairperson Eldridge swore-in Kevin Thomas and his attorney, Charles K. Smith. Mr. Smith provided an overview of his client’s application for a variance request that would result in zero feet of public road frontage. He informed that it was the applicant’s desire to sell the property to be used for hunting purposes only.

ZBA Member Bass asked Mr. Smith how they would convey the property if the Zoning Board of Appeals approved the variance conditioned that no homes/buildings would be allowed to be built. Mr. Smith informed that they would place a deed restriction to accomplish such a restriction.

Zoning Administrator Duncan stated that it was his understanding that both the applicant and the prospective buyer would be agreeable to a condition of approval that no homes or buildings would be built on the property. Mr. Duncan asked Mr. Smith if that statement was correct. Mr. Smith stated that was a correct statement.

Chairperson Eldridge asked for clarification that the applicant was agreeable to no structures being allowed to be built as a condition of approval until such time that a public road was built and 200 feet or more public road frontage was provided for along the proposed, new parcel. Zoning Administrator Duncan informed that they would not necessarily have to do both to comply with the zoning regulations as they could provide 200 feet along the existing public road (Brown Road) without having to spend money on constructing a new public road. Mr. Thomas stated that Brown Road was a dirt road that was barely maintained.

Chairperson Eldridge swore-in Ron Friend, husband of the owner of adjoining property. Mr. Friend asked for clarification for how the proposed parcel would be accessed. Mr. Friend was shown the proposed plat of survey showing the 30 feet easement that would be created to access the property. Chairperson Eldridge asked what constituted a future public road. Zoning Administrator Duncan indicated a road that had been accepted for maintenance by a public road authority. Mr. Friend indicated that he had no objection to the variance request or the creation of an easement to access the property.

ZBA Member Ozella stated that he felt there should be no structures allowed to be built if the Zoning Board of Appeals approved the variance.

As there were no other public comments, ZBA Member Bass moved to adjourn the public hearing at 7:44 p.m. ZBA Member Stott seconded the motion. The motion carried unanimously.

ZBA Member Ozella asked what "structure" would mean if they placed a restriction on erecting structures. Zoning Administrator Duncan stated that he would rely on the zoning ordinance definition of a structure for guidance. Zoning Administrator Duncan informed that he did not believe the County would have any issue with a tree stand erected for hunting purposes.

ZBA Member Bass moved to approve the finding of facts and the variance request (as proposed), with the condition of approval described in the finding of facts, e.g., no new homes or buildings/structures will be developed until such time that a public road is built and accepted for maintenance or compliance with all bulk regulations is in place (e.g., minimum lot width/public road frontage requirements are met) so as to protect the public welfare from the impact of development in the FEMA-designated floodplain; the potential need to spend scarce public dollars to provide 911 street signs for a driveway; and, demands for public road authorities to take over a driveway for public maintenance because of development on the parcel. ZBA Member Ozella seconded the motion. The motion carried unanimously.

ADMINISTRATIVE PUBLIC HEARING: (Case number 11-03V) Steven & Maureen Douglas application seeking a variance from Article VI, Section 6.03(D)(3)(a) of the Menard County Zoning Ordinance, requiring a minimum, front yard setback of eighty feet (from center of road-Willis Avenue) for principal & accessory buildings, structures & outside storage areas in the Agriculture zoning district. The variance request seeks a sixty feet front yard setback for a house addition. The brief legal description for the property affected is as follows: S24 T19 R5 S 130 feet E ½ (EX W 230 feet) NE 1/4, containing 3.0 acres, more or less. The property identification number is 08-24-200-006. The address is 30828 Willis Avenue, Middletown, IL.

Chairperson Eldridge opened the public hearing at 7:50 p.m. to give consideration to an application from Steven & Maureen Douglas seeking a variance from Article VI, Section 6.03(D)(3)(a) Agriculture Zoning District Regulations.

Chairperson Eldridge swore-in Steven & Maureen Douglas who provided an overview of their request for a variance on the front yard setback requirement. He informed that he wanted to build an addition onto an existing house. He informed that to comply with the front yard setback requirement would be problematic due to an existing septic field and pond location. He informed that the building line of the addition would likely be setback past the existing building line of the house.

ZBA Member Bass asked Mr. and Mrs. Douglas if they would have any problem with a condition of approval that the addition could not be located beyond the current, front yard building line. Mr. Douglas informed that they would have not problem with such a condition of approval. Zoning Administrator Duncan informed that based on the applicant's representations in their application, the variance request would accomplish this without the need of an additional condition of approval.

As there were no other public comments, ZBA Member Ozella moved to adjourn the public hearing at 7:57 p.m. ZBA Member Wilken seconded the motion. The motion carried unanimously.

ZBA Member Wilken moved to approve the finding of facts and the variance request (as proposed). 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

Zoning Administrator Duncan informed of an application that had been made to re-zone property in the Village of Tallula and that a future meeting date would need to be set.

Individual ZBA Member Comments/Requests

There was discussion among the Zoning Board of Appeals and staff regarding signs, south of New Salem State Park. ZBA Member Bass informed that he felt the allowable size of signs was too big and too distracting in that area and created the potential for a public safety hazard.

Zoning Administrator Duncan informed that the business community likely supported the ability to put signs at that location. He stated that off-premise signs were the reason for most of the signs in that area. ZBA Member Ozella informed he was not a big fan of the signs but did recognize that they did likely help in attracting business into Petersburg. ZBA Member Stott commented that businesses needed to be able to advertise.

There was discussion about the potential for similar variance requests to be applied for, similar to the Thomas variance request.

Adjournment

As no other business was brought before the Zoning Board of Appeals, ZBA member Ozella moved to adjourn the meeting at 8:15 p.m. ZBA member Bass seconded the motion. The motion carried unanimously.