

COUNTY OF MENARD)
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STATE OF ILLINOIS)

The Menard County Zoning Board of Appeals (ZBA) met on January 19, 2010 at 7:00 p.m., at the Menard County Courthouse, Petersburg, Illinois. Zoning Board of Appeals members Tom Eldridge, Karen Stott, Barry Bass and Steve Wilken were present. ZBA member Steve Ozella was not in attendance. 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 November 17, 2009 meeting were presented for approval. ZBA member Wilken moved to approve the minutes, as presented. ZBA member Bass seconded the motion. The motion carried with four “ayes”, no “nays” and one “absent”.

NEW BUSINESS

ADMINISTRATIVE PUBLIC HEARING: (Case number 10-01V) James A. Cline, Acting on his own behalf and with legal representation (Jerry Tice), application for 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 was to reduce the minimum lot width from 200 feet to 70 feet. This property is located in the Agriculture Zoning District. The brief legal description for the property affected by the variance request is as follows: S10 T18 R6 E ¼ NW NW, containing 30.0 acres, more or less. This property is located at 18849 Cline Street. The property identification number is 12-10-100-002.

Chairperson Eldridge opened the public hearing to give consideration to James A. Cline’s variance request for the purpose of reducing the minimum lot width from 200 feet to 70 feet so as to create a new parcel off of parcel/property identification number 12-10-100-002, located in the A-Agriculture zoning district.

Chairperson Eldridge swore-in Mr. Cline and Jerry Tice, attorney representing Mr. Cline. Mr. Tice and Mr. Cline gave a brief overview of the proposal. Mr. Tice submitted exhibit “A” showing the general location of the subject property. Mr. Tice said that to meet the 200 feet requirement would result in the farm ground being included in the proposed parcel creation around the farm house. Mr. Tice and Mr. Cline pointed out that the closest driveway from the Cline’s existing driveway was 690 feet. Mr. Tice stated that they did not believe that any safety issue was being created by the proposal.

Chairperson Eldridge asked if the proposed plat had been developed based on the location of the existing driveway and grass area. Mr. Cline informed that was correct and that the boundaries were denoted by the rail fence on the right (north) and alfalfa field on the left (south). Chairperson Eldridge asked if the existing driveway would be used as the common drive to access both the house and the farm ground, after the property split. Mr. Cline stated that was correct. Mr. Tice stated that he was under the belief that the existing building setback requirements were met with the proposed parcel split.

Zoning Administrator Duncan asked if Mr. Cline would be seeking an exception to the County’s subdivision ordinance. Mr. Tice confirmed that they had an exception. ZBA member Bass asked if the size of the proposed parcel was based on using the converted farm residence provision. Both Mr. Tice and Zoning Administrator Duncan stated that was correct.

As there were no other public comments, ZBA Member Wilken moved to adjourn the public hearing at 7:08 p.m. ZBA Member Stott seconded the motion. The motion carried with four “ayes”, no “nays” and one “absent”.

ZBA Member Wilken moved to approve the Finding of Facts and grant the variance, as requested. ZBA Member Bass seconded the motion. The motion carried with four “ayes”, no “nays” and one “absent”.

LEGISLATIVE PUBLIC HEARING: MENARD COUNTY ZONING ORDINANCE TEXT AMENDMENT PROPOSALS, AS FOLLOWS:

A-AGRICULTURE DISTRICT

- **AMEND ARTICLE IV, SECTION 6.03(C)(1)(a) “AGRI-BUSINESS” TO PROVIDE FOR LAWN & LANDSCAPING SERVICES BUSINESSES (MAY INCLUDE GREENHOUSE, NURSERY & OTHER ASSOCIATED BUSINESS) TO BE PROVIDED FOR BY SPECIAL USE PERMIT ONLY. LAWN & LANDSCAPING SERVICES BUSINESSES ARE NOT CURRENTLY ALLOWED.**

RR-RURAL RESIDENTIAL DISTRICT

- **AMEND ARTICLE IV, SECTION 6.04(C) TO PROVIDE FOR LAWN & LANDSCAPING SERVICES BUSINESSES (MAY INCLUDE GREENHOUSE, NURSERY & OTHER ASSOCIATED BUSINESS) TO BE PROVIDED FOR AS A PRINCIPAL USE OF PROPERTY & BY SPECIAL USE PERMIT ONLY. LAWN & LANDSCAPING SERVICES BUSINESSES ARE NOT CURRENTLY ALLOWED.**
- **AMEND ARTICLE IV, SECTION 6.04(D)(1) “MINIMUM LOT AREA” TO ESTABLISH A ONE ACRE MINIMUM LOT AREA FOR LAWN & LANDSCAPING SERVICES BUSINESSES, WHEN A PRINCIPAL USE OF PROPERTY.**

B-1 DOWNTOWN BUSINESS DISTRICT

- **AMEND ARTICLE IV, SECTION 6.07(B) TO PROVIDE FOR LAWN & LANDSCAPING SERVICES BUSINESSES (MAY INCLUDE GREENHOUSE, NURSERY & OTHER ASSOCIATED BUSINESS) TO BE PROVIDED FOR AS A PERMITTED USE. LAWN & LANDSCAPING SERVICES BUSINESSES ARE NOT CURRENTLY ALLOWED.**

B-2 HIGHWAY BUSINESS DISTRICT

- **AMEND ARTICLE IV, SECTION 6.08(B) TO PROVIDE FOR LAWN & LANDSCAPING SERVICES BUSINESSES (MAY INCLUDE GREENHOUSE, NURSERY & OTHER ASSOCIATED BUSINESS) TO BE PROVIDED FOR AS A PERMITTED USE. LAWN & LANDSCAPING SERVICES BUSINESSES ARE NOT CURRENTLY ALLOWED.**

SPECIAL USE REGULATIONS

- **AMEND ARTICLE X, SECTION 10.01(D)(2)(f) TO PROVIDE FOR SPECIFIC STANDARDS FOR LAWN & LANDSCAPING SERVICES BUSINESSES APPLYING FOR A SPECIAL USE PERMIT**

Chairperson Eldridge opened the public hearing to give consideration to the various zoning text amendments, initiated by the County.

As there were no public comments on any of the proposed text amendments, ZBA member Bass moved to adjourn the public hearing at 7:11 p.m. ZBA member Wilken seconded the motion. The motion carried with four “ayes”, no “nays” and one “absent”.

Zoning Administrator Duncan stated that the County had been approached about locating a lawn & landscaping services and nursery business on property located in the Rural Residential zoning district. As it was not a use that appeared to be provided for in this zoning district; and appeared to also be a compatible use for the Agriculture zoning district, where similar types of agribusinesses are provided for; and, as it was not specifically provided for in the County's two, primary commercial districts, B-1 Downtown Business and B-2 Highway Business, the County was now proposing the proposed text amendments.

Chairperson Eldridge stated that he assumed that any such business would have to meet Federal or State requirements for storing fertilizer. Zoning Administrator Duncan stated that he wrote some of the proposed language to hopefully make it clear that greenhouses, nurseries and other associated businesses could be included in the use of running a lawn & landscaping services business.

There was a lengthy discussion about what constituted a lawn & landscaping services business. ZBA member Wilken questioned whether such a business and use is appropriate for the B-1 zoning district. There were concerns raised about fertilizer and chemicals being sprayed on nursery stock. Zoning Administrator Duncan pointed out that there was farm ground that was located in B-1 where chemicals and fertilizer were likely being used. Mr. Duncan stated that he did not know if more chemicals and fertilizer would be used as part of nursery or not.

ZBA member Bass moved to recommend approval to amend Article IV, Section 6.03(C)(1)(a) "Agri-business" to provide for lawn & landscaping businesses for lawn & landscaping service businesses (may include greenhouse, nursery & other associated business) to be provided for by special use permit only, as presented. ZBA member Wilken seconded the motion. The motion carried with four "ayes", no "nays" and one "absent".

ZBA member Bass moved to recommend approval to amend Article IV, Section 6.04(C) to provide for lawn & landscaping businesses (may include greenhouse, nursery & other associated business) to be provided for as a principal use of property & by special use permit only and to amend Article IV, Section 6.04(D)(1) "minimum lot area" to establish a one acre minimum lot area for lawn & landscaping services businesses, when a principal use of property, as presented. ZBA member Stott seconded the motion. The motion carried with four "ayes", no "nays" and one "absent".

There was more discussion about the proposed text amendments to the B-1 zoning district. ZBA member Wilken reiterated his concerns. ZBA member Bass pointed out that greenhouses and nurseries were already provided for as uses in B-1. Zoning Administrator Duncan questioned whether lawn & landscaping services were any more objectionable than any of the many other uses that were provided for in B-1. ZBA member Wilken asked about dropping landscaping and providing for lawn services. ZBA member Wilken expressed concern that there was no definition of landscaping services. ZBA member Bass expressed that he felt like the use was already provided for in the B-1 zoning district.

After further discussion, ZBA member Bass moved to recommend denial to amend Article IV, Section 6.07(B) to provide for lawn & landscaping businesses (may include greenhouse, nursery & other associated business) to be provided for as a permitted use, as presented. ZBA member Wilken seconded the motion. The motion carried with four "ayes", no "nays" and one "absent".

ZBA member Wilken moved to recommend approval to amend Article IV, Section 6.08(B) to provide for lawn & landscaping businesses (may include greenhouse, nursery & other associated business) to be provided for as a permitted use, as presented. ZBA member Stott seconded the motion. The motion carried with four "ayes", no "nays" and one "absent".

ZBA member Wilken moved to recommend approval to amend Article X, Section 10.01(D)(2)(f) to provide for specific standards for lawn & landscaping services businesses applying for a special use permit, as presented. ZBA member Bass seconded the motion. The motion carried with four "ayes", no "nays" and one "absent".

Unscheduled Public Comments/Requests

There were no unscheduled public comments/requests.

Zoning Administrator's Report

There was no report.

Individual ZBA Member Comments/Requests

There were no comments/requests

Adjournment

As no other business was brought before the Zoning Board of Appeals, ZBA member Stott moved to adjourn the meeting at 7:42 p.m. ZBA member Bass seconded the motion. The motion carried with four "ayes", no "nays" and one "absent".