

COUNTY OF MENARD        )  
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STATE OF ILLINOIS        )

The Menard County Zoning Board of Appeals (ZBA) met on Monday, September 24, 2012, at 7:00 p.m., at the Menard County Courthouse in Petersburg, Illinois.

Chairman Tom Eldridge called the meeting to order at 7:00 p.m. and took the roll call with the following ZBA members in attendance: Barry Bass, Karen Stott, Steve Wilken, Steve Ozella and Tom Eldridge. All members were present and a quorum was present. Zoning Administrator Steve Duncan was in attendance and took the minutes.

Minutes from the August 30, 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 12-04SUP) TERRY BACON, DBA B&B METAL RECYCLING, REPRESENTING HIMSELF OR WITH LEGAL REPRESENTATION, SEEKING A SPECIAL USE PERMIT FOR THE PURPOSE OF ESTABLISHING A RECYCLING FACILITY IN THE B-1 DOWNTOWN BUSINESS ZONING DISTRICT. THE PROPERTY IS LOCATED EAST OF THE INTERSECTION OF BAKER & BELL STREETS, TALLULA, IL (PROPERTY CONTAINING 3 QUONSET-TYPE BLDGS.). A BRIEF LEGAL DESCRIPTION FOR THE SUBJECT PARCELS ARE AS FOLLOWS: Section 17, Township 17, Range 7 North Part of Lot 8 County Clerk's Plat#2 Northwest ¼; Original Town of Tallula North Part of Block 14; Original Town of Tallula South 72 feet, Block 13 (Includes South of Lot 8, All Lots 7, 6 & Part of 5); Vacated Portion of Baker Street Commencing with the Intersection of Baker Street & the East Right-of-Way line of Bell Street being the West Boundary Line of Block 13 & of Block 14 Original Town of Tallula.**

Chairman Eldridge opened the public hearing at 7:01 p.m. to give consideration to case number 12-04SUP.

Chairman Eldridge swore-in Terry Bacon who gave an overview of an application to receive a special use permit to operate a recycling facility in the Village of Tallula. Zoning Administrator Duncan asked for clarification that Mr. Bacon was also requesting a variance to go from 8 feet to 10 feet, on the height of the fence being proposed. Mr. Bacon confirmed that was his request. He informed that there would be a buffer zone on the north side of the property as there was an easement that had to be maintained.

Chairman Eldridge asked if there would be other permits (e.g., EPA permits) that would need to be applied for to operate such a business. Mr. Bacon informed that he would be registered with the EPA and have a license through the Secretary of State's office.

ZBA member Ozella asked what would be used as the materials for the fence. Mr. Bacon informed that he would construct a fence with new posts and metal panels. He informed that he would like to use a forest green color. He informed that there would not be much noise and that the machinery would be run 300 to 400 feet from any residence. He informed he had a Case wheel-excavator. He informed there would be no car crushing machinery. He informed that there would be surveillance equipment to monitor the facility.

Mr. Bacon informed that no materials would be stacked above the fence line. Zoning Administrator Duncan informed that the definition of a recycling facility did not allow for materials to be in public view. Mr. Bacon informed that he anticipated one to two semi-tractor/trailer loads of materials leaving the facility per day but did expect the business to grow. He informed that his pest control business would not be located at this site. Mr. Bacon informed that the maximum weight of the trucks could not be more than 80,000 lbs. He said the streets had been packed down by the years of grain trucks using the roads, He said there were no culverts in use. He informed that he had 5 years in which he could possibly purchase more property to the south if expansion warranted it. He informed that it is possible that he might look into expanding the types of

recycling materials he works in (e.g., plastics, glass) but that business success would be determined by metals recycling.

Chairman Eldridge swore-in Robert Bacon who was in attendance to express opposition to the proposal. He informed that he had property located next to the proposed site. He disputed the application claim that Mr. Bacon went around and talked to all the neighbors prior to making application. He claimed that Zoning Administrator Duncan informed him that the application was going to be approved and that he had threatened that he would pursue him on zoning violations. He claimed that Mr. Bacon had received stolen metals and that it would encourage theft by exchanging metals for quick cash. He claimed that Mr. Bacon had already been on the property crushing cars at 6:30 p.m in the morning. He claimed that there was a daycare center in the area. He claimed that Mr. Bacon was recycling vehicles and that there was no recovery equipment for oil, Freon, etc. He claimed that there was a water reservoir on the east side of the proposal, on his property, that could be affected and contaminated. He said the reservoir was dry now but that wildlife had used it in the past.

Chairman Eldridge swore-in Tom Smith who was against the proposal. He informed that he was concerned that if a fence was built over the easement that Mr. Bacon needed to understand that he would have to pay for removing it. He asked that hours be set for the operation of the business. He said that metal was being dumped into a steel bin truck at a quarter after six on a Saturday.

Terry Bacon informed that he knew about the easement and that the fence on the north side of the property would be located to the north of the easement area and that the Village of Tallula would have full access. He also acknowledged that if he ever had to take down the fence to accommodate work (related to easement for pumping station) he would have to move the fence himself and put it back up himself.

Mr. Bacon (applicant) informed that the hours of business operation would be from 8:00 a.m. until 5:00 p.m., Monday through Friday. Zoning Administrator Duncan asked Mr. Bacon for acknowledgement that he understood that non-compliance with what he had represented on his application could be cause for revoking the special use permit. Mr. Bacon informed that he understood.

Chairman Eldridge swore-in Patricia Smith who was against the proposal. She said that Mr. Duncan had informed her that it was a done deal as well. Zoning Administrator Duncan addressed this informing that what the Smiths and Robert Bacon had been told is that from a legal standpoint, the Village of Tallula had a commercial zoning district overlay over the entire community and, whether right or wrong, that fact made it difficult to deny this application in his opinion. Ms. Smith passed out pictures showing trailers being parked on the property with metal materials. She claimed that material had fallen off trailers and onto the roads. She discussed that Bell Street was a very narrow road and that cars were parked along the road, the day care was along that road and that the traffic to this business could be a problem.

There was discussion about whether Mr. Bacon was putting in a mobile home for an office. He described it as a manufactured office but that it was not a mobile home and was not on a steel frame.

Chairman Eldridge swore-in James Masten, Mayor of Tallula, who was in favor of the proposal. He informed that Mr. Tom Smith's garage was already built over the Village of Tallula's sewer line and he should not be concerned with the easement as the Village was aware of that issue. He informed that this property was on the edge of town and that there were vacant houses in the area. He claimed that as you are coming into Tallula, Robert Bacon had several properties that were eyesores that would affect property values more than the recycling facility proposal which would be largely blocked from public view by the proposed fence. He informed that as far as accessing the facility, traffic could turn down Elm Street and turn onto Baker Street and avoid Bell Street concerns. He discussed that this would provide jobs. He said that he was only aware of the Smiths and Robert Bacon being opposed to the proposal. He expressed that he thought that it would provide a place to take materials to help clean up the town and county.

There was much discussion about the roads. Zoning Administrator Duncan expressed his view that the Road District would be the appropriate entity to determine road issues. There was discussion about directing traffic away from Bell Street.

Chairman Eldridge swore-in Jamie Bushnell, Terry Bacon's daughter. She informed that her son use to attend the day care facility that had been discussed. She informed that it was Julie Miller and she was currently caring for Ms. Miller's, brother's children, in addition to her two children. She claimed that Ms. Miller was aware of the proposal, was a friend of Ms. Bushnell and that she had not expressed any opposition to the proposal.

Mr. Bacon informed that he would have to sign off that the EPA would regulate any run-off and that no run-off would be allowed by the EPA. He said that a company out of Peoria would come and collect any oil. He said that there could be no more than 20 tires with no rims on the property and that the EPA would inspect every 3 months to ensure compliance.

As there were no other public comments, ZBA member Stott moved to close the public hearing at 7:54 p.m. ZBA member Ozella seconded the motion. The motion carried unanimously.

ZBA member Wilken asked Mr. Bacon for clarification that the business would not be operated on weekends. Mr. Bacon re-confirmed that it would not be open on weekends.

ZBA member Stott said that you need a state license to care for more than 3 children and your own children count in that number if they are being cared for as well.

There was much discussion about options to divert traffic from Bell Street. It was discussed requiring business traffic to use Elm and Baker Streets but it was pointed out that it was likely unenforceable.

There was much discussion that landscaping should be established as a condition of approval as the fence could get to look worse, over time, and it would add another layer of aesthetic protection for the neighbors.

The Zoning Board of Appeals spent meeting time preparing the Findings of Fact.

After discussion, ZBA member Bass moved to approve the findings of fact and recommend approval of the special use permit application, and the variance request to allow a ten feet tall fence to be established instead of an eight feet tall fence, conditioned upon a landscaping plan being submitted to the Board of Commissioners for approval, showing visual barriers being established on the outside of the fence and along the west and north sides of the subject property. ZBA member Ozella seconded the motion. The motion carried unanimously.

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

No additional public comments were made at the meeting.

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

Zoning Administrator Duncan reminded the Zoning Board of Appeals of requirements related to Open Meetings Act training.

### **Individual ZBA Member Comments**

There were no ZBA member comments.

### **Adjournment**

As no other business was brought before the Zoning Board of Appeals, ZBA member Stott moved to adjourn the meeting at 8:49 p.m. ZBA member Ozella seconded the motion. The motion carried unanimously.