

COUNTY OF MENARD        )  
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STATE OF ILLINOIS        )

The Menard County Zoning Board of Appeals (ZBA) met on Monday, May 21, 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. A quorum was present. Zoning Administrator Steve Duncan was in attendance and took the minutes.

Minutes from the April 23, 2012 meeting were presented for approval. ZBA member Ozella moved to approve the minutes, as presented. ZBA member Bass seconded the motion. The motion carried unanimously.

**NEW BUSINESS**

**ADMINISTRATIVE PUBLIC HEARING: (Case number 12-03V) JAMES A. & GAIL A. HUIZINGA, SEEKING A VARIANCE FROM ARTICLE VI, SECTION 6.04(D)(1)(a) OF THE MENARD COUNTY ZONING ORDINANCE, REQUIRING A MINIMUM LOT AREA OF FIVE ACRES & ARTICLE VI, SECTION 6.04(D)(2), REQUIRING A MINIMUM LOT WIDTH OF 200 FEET EXTENDING TO A DISTANCE EQUAL TO ANY FRONT SETBACK REQUIREMENT WITH 200 FEET OF FRONTAGE ON A PUBLIC ROAD MEASURED AT THE FRONT SETBACK LINE, IN THE RR – RURAL RESIDENTIAL ZONING DISTRICT. THE VARIANCE REQUESTS SOUGHT A 2.25 ACRES MINIMUM LOT AREA AND A MINIMUM LOT WIDTH OF 153.74 FEET TO CREATE A NEW PARCEL AROUND AN EXISTING HOUSE. THE BRIEF LEGAL DESCRIPTION FOR THE PROPERTY AFFECTED IS AS FOLLOWS: S12 T17 R7 MID W SIDE NE, CONTAINING FIVE ACRES, MORE OR LESS. THE ADDRESS IS 12496 FARMERS POINT ROAD, PETERSBURG, IL. THE PROPERTY IDENTIFICATION NUMBER IS 16-12-200-005.**

Chairman Eldridge opened the public hearing at 7:02 p.m. to give consideration to case number 12-03V.

Chairman Eldridge swore-in James Huizinga, representing himself, to give testimony on the application. Mr. Huizinga provided an overview of his request seeking variances from Article VI, Section 6.04(D)(1)(a) of the Menard County zoning ordinance, requiring a minimum lot area of five acres and Article VI, Section 6.04(D)(2), requiring a minimum lot width of 200 feet extending to a distance equal to any front setback requirement with 200 feet of frontage on a public road measured at the front setback line, in the Rural Residential zoning district. The variance requests sought a 2.25 acres minimum lot area and a minimum lot width of 153.74 feet to create a new parcel around an existing house. The brief legal description for the property affected is as follows: S12 T17 R7 MID W SIDE NE, containing five acres, more or less, with an address of 12496 Farmer’s Point Road and property identification number of 16-12-200-005.

Mr. Huizinga explained that the subject five acre parcel adjoined another fifty-five acres owned by him. He explained that when he bought the subject five acre parcel he was mostly interested in the woods with the house being in disrepair. He informed he had re-modeled the house and desired selling the house while retaining most of the timber. He informed that when he purchased the property he had been hopeful that his sons would use the house, which they do not, and having the additional timber.

Chairman Eldridge asked where Farmer’s Point Road ended. Zoning Administrator Duncan referred to a document (exhibit “A”) prepared by the County Engineer showing where his records indicated there was 153.74 feet of public road frontage along the subject five acre parcel.

ZBA member Ozella asked for clarification that the remaining property, which would be retained by Mr. Huizinga, would be kept in timber. Mr. Huizinga informed that was correct.

ZBA member Bass asked for clarification that the remaining property, which would be retained by Mr. Huizinga, would be developed. Mr. Huizinga informed that it would not be developed. Mr. Duncan informed that the remainder would not be able to be developed as a separate parcel without variances being granted.

Mr. Duncan informed it would become property in common ownership with the other fifty-five acres owned by the Huizinga's and that is located adjacent to the remaining property.

Chairman Eldridge swore-in Cheryl Steinhour who spoke in opposition to the request and spoke in favor of the County's minimum parcel size requirement of five acres (in the Rural Residential zoning district) being maintained around the existing house. ZBA member Bass asked if Ms. Steinhour was a neighbor to the subject property and she informed she was a neighbor. She indicated that the existing house on the subject property was at least twenty-six years old.

Zoning Administrator Duncan asked Ms. Steinhour for clarification that she was only in opposition to the minimum parcel size variance request and not the minimum lot width/public road frontage variance request. She did not give a definitive answer to this question.

Chairman Eldridge swore-in Curt Whitehurst who expressed concern that the granting of such a variance would open the "floodgates" to other such requests to be able to create smaller parcels than five acres. He indicated that he farmed in the general area.

As there were no other public comments, ZBA member Bass moved to close the public hearing at 7:20 p.m. ZBA member Stott seconded the motion. The motion carried unanimously.

The Board spent time discussing the requests and finding of facts.

ZBA member Ozella expressed concern about breaking up the property so as to maintain hunting grounds which could be a problem being located next to the house.

ZBA member Bass expressed concern about the request but did indicate that he liked the idea that the timber would likely be maintained by the owner while a new owner may wish to develop such ground, if sold as a five acre parcel.

ZBA member Ozella indicated that he did not think there was a hardship being demonstrated in the request to reduce the minimum parcel size. Chairperson Eldridge indicated that he did not like splitting five acre parcels in half and expressed concerns to setting a precedent.

ZBA member Bass questioned whether the standards for granting the variance, as laid out in the zoning ordinance, were being met. Zoning Administrator Duncan reminded the Board that there were two variance requests to consider.

ZBA member Bass moved to approve the variance request from Article VI, Section 6.04(D)(2), to allow for a minimum lot width/public road frontage of 153.74 feet. ZBA member Ozella seconded the motion. The motion carried unanimously.

ZBA member Ozella moved to deny the variance request from Article VI, Section 6.04(D)(1)(a), requesting a 2.25 minimum lot area, indicating that he did not believe the applicant had presented evidence that a hardship existed that should lead to the minimum lot area standards of the Rural Residential zoning district being varied from in this instance. ZBA member Wilken seconded the motion. The motion carried unanimously.

The Zoning Board of Appeals spent time discussing the preparation of the Finding of Facts.

ZBA member Stott moved to recess the meeting at 7:45 p.m. to allow Mr. Duncan time to type up the Finding of Facts, as directed by the Zoning Board of Appeals.

The meeting reconvened at 8:10 p.m.

Mr. Duncan presented the Finding of Facts document.

ZBA member Stott moved to approve the Finding of Facts (copy on file), as presented. 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 Ozella moved to adjourn the meeting at 8:10 p.m. ZBA member Bass seconded the motion. The motion carried unanimously.