

COUNTY OF MENARD)
) SS.
STATE OF ILLINOIS)

The Menard County Zoning Board of Appeals (ZBA) met on August 31, 2023 at 6:00 p.m., at the Menard County Courthouse, Petersburg, Illinois. Zoning Board of Appeals members Karen Stott, Dan Robertson, and Steve Wilken were present. Chairman Tom Eldridge and Steve Ozella were absent, Assistant States Attorney and Zoning Administrator Gwen Thomas and Zoning Officer Joe Crowe were also present.

Acting Chairman Dan Robertson called the meeting to order at 6:03 p.m.

The Pledge of Allegiance was recited

Chairman Robertson called the roll of members all were present.

Minutes from the July 27, 2023 meeting were presented for approval. ZBA member Steve Wilken moved to approve the minutes. ZBA member Karen Stott seconded the motion. The motion carried unanimously.

NEW BUSINESS

ADMINISTRATIVE PUBLIC HEARING: (Case number 23-03V) MR. CARRIGAN MCMAHON SUBMITTED APPLICATION SEEKING A VARIANCE FROM THE FOLLOWING:

Article VI, Section 6.03 A-Agriculture District Regulation (D)(1)(c)(1)
“Non-farm residential use 1. One (1) dwelling unit per thirty (30) acres on soils with a predominant soil productivity index of more than 110”.

Article IX, Section 9.01 NON-CONFORMITIES (A)(1)(a)
A. Non-Conforming Lots. 1. In any district in which buildings or structures are permitted such buildings or structures may be erected on a lot which becomes non-conforming as to lot area or lot width or both by the adoption or amendment of this Code provided: a. applicable yard requirements are met

The Variance request seeks a +/- 3.419-acre parcel to be annexed from the larger 104.04-acre parcel

This property is located in the A-1 Agriculture Zoning District. The brief legal description for the properties affected are as follows: S2 T18 R6 E PT W 1/2 & E PT NW. and consisting of 103.00 acres.

This property is located at 23000 HAGNEY AVENUE, Greenview Illinois. The property identification numbers are 12-02-100-003.

Acting Chairman Robertson called the public hearing open to give consideration and receive any comments concerning a variance application from Carrigan McMahon. Chairman Robertson introduced the variance request information.

Chairman Robertson swore-in Mr. McMahon and members of the public to give testimony on the application. Mr. McMahon gave a brief overview of how the proposed parcel acreage was obtained from Mr. Todd and how he would like to build a homesite if approved. Mr. McMahon spoke to the variance and how it related to the standards for the granting of a variance as outlined in the Menard County Ordinance. He went on to explain that by granting the variance he would be within his living requirement for his job with Menard Electric and he wished to continue to farm with Mr. Todd and possibly begin his own farm.

ZBA member Wilken questioned regarding the easement of the road as to whether Mr. McMahon would own that or is it just an easement? Mr. McMahon explained that it was originally intended as an easement but would be willing to change the agreement with Mr. Todd if it was necessary. Chairman Robertson asked for clarification on the road frontage and lane back to the parcel.

ZBA Member Wilken expressed concern about the width of the lane if it is appropriate by IDOT regulations and Menard County Ordinance. Zoning Officer Crowe explained that by ordinance, a driveway shall be no less than 10 feet wide, and by IDOT regulation is no less than 12 feet wide and no larger than 24 feet with the average dimension being utilized is 16 feet.

Chairman Robertson explained his added concern regarding the parcel being left with no ownership of the lane to the road. Administrator Thomas explained that a permanent easement would need to be in place that would run with the land.

Chairman Roberson opened the hearing for members of the public to testify, Mr. Anthony Gates began, and explained that moved to his property for peace and quite and if this variance is granted, others will come and he doesn't think it is right. ZBA member Stott questioned Mr. Gates if his concern was just the building of a house and that more would be built? Mr. Gates agreed that he felt more would be built than just this one. Chairman Robertson and Mr. Gates then discussed the significance of that evenings hearing as to if the public has a voice that is heard. Chairman Robertson explained the hearing process and criteria that would be utilized in the decision for Mr. McMahon.

Chairman Robertson asked Ms. Shannon Gates to give testimony next, she explained that she and her husband had looked for their current property for a long time and felt that they were assured their privacy and, in her experience, if one building is built more will follow. Ms. Gates also questioned why if Mr. Todd had more parcels of ground why Mr. McMahon could not move somewhere else? Chairman Robertson explained that there may be future development in the area and no development cannot be guaranteed. He explained some of the Menard County ordinance guiding these kinds of decisions such as the soil productivity index.

Chairman Robertson asked Mr. Ronald Moore to give testimony next, Mr. Moore began by explaining his disagreement with the ZBA granting the multitude of variances that it does. He felt that they should stick to the rules as written and not grant variances and stick to the ordinance as written.

Chairman Robertson asked Mr. Lonnie Lucas to give testimony next, Mr. Lucas related that he felt the county should follow the ordinances that are in place and if somebody wants to buy 30 acres and build a farm, I would welcome them and I wouldn't have to be here right now speaking my mind about it. And I just, I'm opposed to it. Okay. I think the rules should be followed by all. I mean, instead of having some clout and getting things done, I do think it will set precedents for the future for people, other farmers just to give up three, four acres and build a house. I know that's tax money for the county, but I kind of like the privacy I have out there and I feel like it's kind of being stepped on a little bit by the variance. But if he wants to buy 30 acres and do it the way the book says, do it, welcome home.

Chairman Robertson expressed that as a board, when a case comes before us, deal with that case and the individual circumstances with that case. Just because we might have done this in this situation. In this situation, the circumstances may be different the neighborhood might be different. So, we do take each case individually. We don't just rubber stamp it. Mr. Lucas then added, if your coming from that property from the west, you're coming off of a hill, and there's people that go over that hill pretty fast and right there at the bottom of that hill is where his entrance to his drive is going to be, and I think it could be a dangerous situation. I mean, that hill blocks a lot. He can't see coming out of there. I'm surprised there hasn't been something happen with farm equipment and all kinds of stuff. But more traffic is inviting it.

Chairman Robertson questioned Zoning Officer Crowe regarding if the road commissioner has made any contact regarding this case? Zoning Officer Crowe responded that he has not and that a We did a quick

site measurement. It's roughly 380 feet from the top of that hill to the entrance, which is just under, you know, the requirements just under that. So technically there's a good sight line there.

Gwen Thomas the zoning administrator asked to put into the record and have admitted into evidence. Exhibit one, which is the certificate of publication indicating that notice has been provided in accordance with rules. Also, she asked that exhibit two to be admitted and that is the packet that with the application and supporting documentation that was previously sent to you all.

Mr. McMahon was asked to respond to the previous testimony, he explained he wasn't trying to be a stick or stick in the mud out there or anything or be a pain in your guys, but I also wanted to move out there just for the privacy aspect of it. I grew up, my parents live outside of Greenview there to the east. They live in a situation kind of like that. It's a half mile driveway off back in the middle of nowhere where it's just privacy. It's quiet. Nobody's around. So I just wanted that same thing for myself. To go on another one of Todd's pieces it kind of, it's kind of hard to do with a lot of the ground they own. It's not in that 15 mile requirement for me. So that was one of those pieces that fit it. And I was lucky that it was over there. Like I said, not, definitely not trying to be a burden to anybody. That's just gorgeous property out there that I wanted the, the same thing that they all want. I want privacy. I like my privacy. That's why I put a house third of a mile off the road and to myself, but yeah, that's all I have.

Chairman Robertson asked for a motion to close the public portion of the meeting. ZBA member Karen Stott made the motion ZBA member Steve Wilken seconded the motion, all were in favor and the motion passed unanimously.

Chairman Robertson asked the members to review the allegations and prepare the Findings of Fact. Discussion was had by the members on the Harmony of the request and would it be a problem for the greater county regarding the 30-acre rule. The members agreed that this variation would present a problem although neighboring property sizes and builds make this request harmonious and would support the standard.

The members moved onto the second point regarding reasonable return, all felt that the parcel soil productivity index level being as high as it is, was not enough evidence presented to overturn the ordinance and allow a variance in this case.

Lastly the member addressed the parcel owners' plight and felt there were no special circumstances found to allow a variance.

Motion was made by ZBA member Steve Wilken to accept the Finding of Fact as presented, ZBA member Karen Stott seconded the motion, all were in favor and signified by saying aye.

Chairman Robertson asked for a motion to approve the variance request, ZBA member Wilken motioned to dis-approve the requested based on the findings of fact. The motion did not receive a second.

ZBA member Stott motioned to approve the request based on the applicant making the effort to work with the board based on the request for widening the drive lane and stipulating the request in the permanent easement. The motion did not receive a second.

Chairman Robertson expressed that he could not move the request forward based on the current ordinance language. He explained that the ordinance would be rewritten and urged the applicant to reapply based on that new language. ZBA member seconded the Chair's motion, The motion carried two votes to one.

Chairman Robertson explained the motion for the variance was not approved.

LEGISLATIVE PUBLIC HEARING: (Case number 23-02SU) JACOB LEE SUBMITTED APPLICATION SEEKING A SPECIAL USE PERMIT FOR THE FOLLOWING:

Application from Jacob Lee, the owner of S11 T18 R7 (EX 48/100 RD) E SIDE NE 1/4 SW 1/4 and consisting of 4.00 acres and S11 T18 R7 W SIDE NW 1/4 SE 1/4 and consisting of 2.00 acres and acting on their own behalf or with counsel, are seeking to obtain the special use permit to operate a Companion Animal Crematory Service on property located in Menard County at 17456 Old Fairgrounds Road, Petersburg Illinois.

Chairman Robertson called the public hearing open at 6:53 pm to give consideration and receive any comments concerning a special use permit application from Jacob Lee. Chairman Robertson introduced the map amendment request information.

Chairman Robertson swore-in Mr. Jacob Lee and Mr. Matt Knouse and Ms. Jodi Leigh to give testimony on the application. Mr. Lee gave a brief overview of his application regarding the application and the intent of purchasing the Animal crematory service from Mr. Knouse and overall requesting the same consideration for a special use permit on his property that was given previously.

Chairman Robertson questioned Mr. Lee on the EPA permitting compliance, Mr. Lee spoke to the process of transferring the current permitting and spoke to the yearly requirement to keep the permit in good standing as well as the EPA inspection that would need to be done. Mr. Lee then spoke to the exhaust and re-burner and reassured the board that there is little to no discharge associated with the appliance. He went on to describe the structure the appliance would be housed in and explained that neither would be visible from the road.

Chairman Robertson asked Mr. Matt Knouse to give testimony next, he explained that he had run the business for the last six years and would be transferring the entire business, clients, and equipment to Mr. Lee. He further explained that this is a Menard County based business and the clients are primarily from the county as well as the Animal Control facility. He briefly explained the firing process much as Mr. Lee did.

Chairman Robertson asked Ms. Jodi Leigh to give testimony next, she explained that her questions had mostly been answered. She did have one question regarding pigs on the property? She was looking for clarification as to what livestock can be in the agriculture district. It was explained that it would be difficult to have major livestock on Mr. Lee's parcels mainly due to the topography being wooded. Mr. Lee also explained that in his work with animals he is not allowed to own certain livestock.

Gwen Thomas the zoning administrator asked to put into the record and have admitted into evidence. exhibit three and four into evidence. Exhibit three is the certificate of publication, evidence that notice was published and exhibit four is the packet that you all previously received.

Chairman Robertson asked for a motion to close the public portion of the meeting. ZBA member Steve Wilken made the motion ZBA member Karen Stott seconded the motion, all were in favor and the motion passed unanimously.

Discussion ensued regarding the findings of fact on each point. Members deliberated and prepared the Findings of Fact for the record. ZBA member Steve Wilken made a motion to approve the Finding of Fact, the motion was seconded by ZBA member Stott, motion carried.

Chairman Robertson asked for a motion either up or down that we approve this special use request for small animal crematory per the application and all of the testimony and discussion that we've had and findings of that. A motion that we approve the application and with the findings of that along with it. ZBA member Stott made the motion to accept, ZBA member Wilken seconded the motion. All were in favor.

Unscheduled Public Comments/Requests

There were no unscheduled public comments.

Zoning Administrator's Report

Zoning Administrator did not have a report.

Individual ZBA Member Comments

There were no member comments.

Adjournment

As no other business was brought before the Zoning Board of Appeals, Chairman Robertson moved to adjourn the meeting at 7:17 p.m. ZBA members were polled and the motion carried unanimously.