

## WOODFORD COUNTY ZONING BOARD OF APPEALS

Woodford County Board Room  
6:00 P. M. Tuesday, July 27, 2021

### Minutes

- Call to Order:

Ms. Holmes called the meeting to order at 6:00 pm

- Roll Call: Kim Holmes, Teresa Gauger, Jerry Lay, Dean Backer, and Marty Clinch were present.

Ms. Holmes declared a quorum present.

Others present: Erik Gibson

- Approval of minutes.

Motion to approve minutes as amended made by Lay, seconded by Clinch. *Motion Carried.*

- Permit/Petition Extensions

- Swearing in and/or affirmation- completed for each petition.

- Petitions Submitted for Review:

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**#2021-16-S** filed, May 26, 2021, by Anna & Daniel Staab for a Special Use to allow Firearm repair & sales and firearm safety & concealed carry classes, located in the Residential Single Family (R-1) District on a 5.4 acre parcel, described as Lot 4 SE ¼ Section 16, T27N-R3W of the 3<sup>rd</sup> P.M. Woodford County, Illinois, and more commonly described as 494 Santa Fe Trail, Metamora, Illinois.

- Swearing in and/or Affirmation: was completed for petition **2021-16-S**

Mr. & Ms. Dan & Anna Staab were sworn in.

Ms. Staab explained that this request is for the expansion of a Special use from 2009 to include Conceal Carry (CCL) classes with firing range. She noted that they have had a few classes already and were unaware they could not shoot for business purposes. The classes would be CCL and Gun safety for women and children, these classes would include shooting. The board asked what other activities they would have. They noted they teach or would like to teach in the future Basic Pistol, CCL, Youth Safety, Rifle Safety, and General Firearm Safety.

Mr. Staab noted he is an NRA instructor and Illinois state CCL instructor. The Illinois CCL class is 16 hrs. for initial issuance. The first day is safety and handling. The second day is Illinois CCL and FOID law, and federal law. Qualification is 30 rounds, 10 rounds at 5 yds. 10 rounds at 7 yds., and 10 rounds at 10 yds. It takes approximately an hour to accomplish the shooting portion of the class. Ms. Staab explained that the berm they shoot into is approximately 10 ft. thick at the bottom and 7 ft. thick at the top. Beyond the berm is trees and fields.

Mr. Staab stated they use a safety observer while live fire is in effect and cease firing if anything is determined to be un-safe.

The board asked where the berm is located on the property. Mr. Staab referenced the diagram provided in the packet to demonstrate the berm is centered in the approximate middle of the property. Ms. Staab discussed that they have planted trees along the West property line, those trees are now approximately 10 ft. tall. Shooting is aligned with the property which is long and narrow. Mr. Staab explained that when novice shooters attend classes they have them perform dry fire practice inside before proceeding to live fire outside. The berm is currently an "L" shape with the extension on the west side. Ms. Staab explained that they shoot more for personal recreation than

they will for classes. Mr. Staab explained that they intend to have the berm built up but chose to wait until the SUP was approved before spending the money to bring in more dirt. The board asked how far bullets can travel. Mr. Staab explained that a hand gun bullet fired at a 45 degree up angle could travel up to ½ mile. If a hand gun is fired straight ahead the bullet would not make it off the property. Mr. Staab discussed that they have off street parking for 15 – 20 vehicles, their driveway is not shared. He typically limits his class size to 10-12 people. He noted that shooting in the area is not un-common and can be heard frequently. He did note they had had one person complain. Ms. Staab discussed that when they brought the original petition in 2009 no objections were presented. It was discussed that this will not restrict personal shooting and there is no noise ordinance in the county. Mr. Staab noted that he has a federal Firearm Licensed Dealer, a Illinois State licensed dealer and a Illinois state CCL instructor. He noted he is not looking for a commercial range, this will be used in conjunction with the safety classes. He noted they were planning to install large concrete barrier blocks to keep the dirt berm in place.

Mr. Staab discussed that he is not currently certified to by the NRA to teach rifle classes but would like to teach them in the future. Mr. Staab discussed that they brought the dirt in for the berm initially in September 2020, they had previously used the creek bank as a backstop. Ms. Staab noted they have lived on the property approximately 15 years, they started shooting in the last several years.

Sandy Pentecost was sworn in.

Ms. Pentecost asked how often they shoot centerfire rifle. Mr. Staab stated he only shoots rifle personally now about 1-2 times per week. Ms. Pentecost asked why the neighbors were not notified. Ms. Jording explained that a notice was mailed to their home address June 29, 2021.

Mr. John Hanson was sworn.

Mr. Hanson stated he has taken a class with Mr. Staab and did not see anything that would be detrimental to safety.

Mindy Webster was sworn in.

Ms. Webster testified that she was ok with the 2009 petition because there was no firing allowed.

She stated that she has concerns about safety. She discussed regulations on hunting distance to an occupied residence, Tazewell County ordinances and the Civil Liabilities Statute (740 ILCS 130/5).

Ms. Webster stated that the neighbors are not in agreement with this use, the noise is disruptive and problematic for the animals. She provided a list on decibel levels of other comparable. She also voiced her concerns over ADA compliance. She discussed her concern over the concrete barriers discussed creating a ricochet issue. She does not feel this application meets Federal and State safety requirements or ADA accessibility requirements.

The board discussed the information presented. Ms. Webster asked if there are other ranges in this kind of proximity to house. Ms. Jording stated that most of the ranges she is aware of are sportsman's clubs and nearly all of them are is close proximity to houses. Most of those ranges pre-date zoning. Ms. Webster re-iterated her concerns over safe guards and who inspects ranges.

Sandy Pentecost testified that she trains horse and the gunfire makes the horses shy. Buck and react making it unsafe for her and the horses. She discussed that Mended Hearts stables is downrange from the Staabs and there is great concern for the local residents. She stated she felt this was precedence setting. Ms. Pentecost discussed that her show horse was normally calm and has become nervous and jumpy since the shooting started. He show horse has become reactive to loud sharp noises. She noted that her younger horse appears to be effected by the gun fire as well making in nervous. She does not want to see the horses or herself get hurt. She stated she is just looking to save what she has and continue to enjoy her hobby. Ms. Pentecost discussed that while the Bayview Gardens area range (Peoria Trap and Skeet) and the ISP range in Germantown Hills can be heard they are muffled. She stated the centerfire rifle is very loud and scares the dogs and horses. When shooting begins the horses want back in the barn.

Dan Staab discussed that Mended Hearts has horses and the owner shoots on site.

Anna Staab rebutted that the Webster's were not in attendance at the 2009 hearing. She noted that she is very familiar with Mended Hearts, she is the former office manager and Dan was the ground maintenance manager. She noted that the targets are attached to the lower portion of the frames seen in the photos. Ms. Staab re-iterated that the personal shooting will still occur even if the SUP is not approved. Ms. Staab explained that the first complaint a deputy came out and observed the shooting and stated it was fine. The second complaint the deputy requested a letter from zoning explaining the SUP restrictions which was provided. Mr. Staab stated that is the berm height was set at 12 ft. he would have to look at the cost vs. income received from the classes.

The board discussed the finding and conditions.

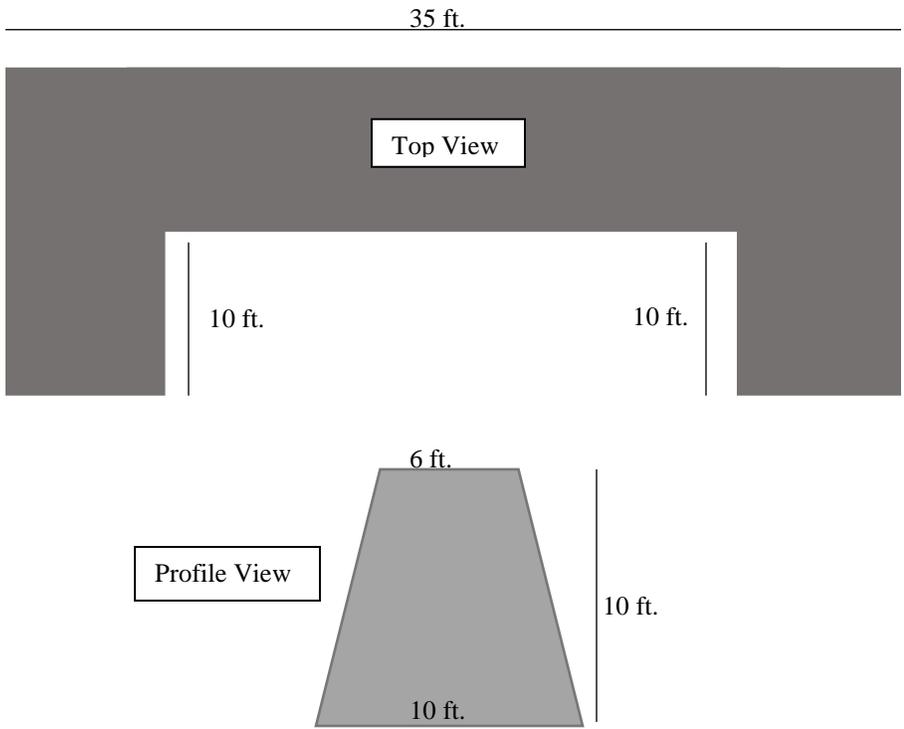
#### **Findings by the Zoning Board of Appeals for Petition 2020-16-S:**

- A. Will not be detrimental to the public health, safety, and welfare;** Safety Measures will be or have been implemented. (Affirmative)  
Safety is a concern due to the fact presented that the berm is currently only 4 ft. tall (Negative) conditions could help rectify the concerns.
- B. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted. The applicant need not demonstrate complete compatibility, but the applicant shall demonstrate reasonable efforts to minimize incompatibility; Concerns over safety of horses and reactions to gun fire.** Horses being effected is injurious to the enjoyment of the neighboring properties. Unable to demonstrate any mitigation to gunfire noise. This is a rural area with gunfire heard from throughout the area. (Neutral)  
Concerns exist regarding the noise and its detrimental impact to the neighboring properties (Negative)
- C. Will not be injurious to the district in which it shall be located;** Provides education classes, dry fire exercises, and live fire of approximately 30 rounds per student finding in the positive with limitations on the class size and hours of live fire.(Affirmative)
- D. Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the districts;** Concern over development of surrounding area for permitted uses in there is a firing range for classes. (Negative) Will not impede the orderly development due to previous gun classes with shooting being held in the same area. (Affirmative)
- E. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;** Not a concern (Neutral) Utilities, access roads and drainage exist. Berm is necessary and will be provided (Affirmative)
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public roads;** Parking is adequate for up to 15 vehicles on an established, un-shared driveway. (Affirmative)
- G. Is consistent with the Woodford County Comprehensive Land Use Plan.**  
Consistent with the long range plan for the development of businesses and reducing the loss of ground from Agriculture production. (Affirmative)

Motion to approve petition 2021-16-S for a Special Use for Anna & Daniel Staab for a Special Use to allow Firearm repair & sales and firearm safety & concealed carry classes, located in the Residential Single Family (R-1) District at 494 Santa Fe Trail, Metamora, Illinois, this Special Use is in addition the special use issued in 2009-26-S with the removal of the stipulation on firing range/firearm testing. With the following conditions:

1. Live Fire Hours
  - Mon – Sat 10 am – 6 pm
  - Sun – 1 pm – 6 pm
2. Class size restricted to 12 students
3. Berm shall be 35 ft. wide with 10 ft. wings. Minimum height shall be 10 ft. Minimum width at the base shall be 10 ft. Minimum width at the top shall be 6 ft.

Berm Layout for ZBA petition 2021-16-S



Roll call vote: Dean Backer – *Yes*, Marty Clinch – *Yes*, Kim Holmes – *Yes*, Jerry Lay – *Yes*, Teresa Gauger – *Yes*. *Motion Carried*

**#2021-17-S** filed, June 4, 2021, by Kathy Webster for a Special Use to allow large farm type animals, located in the Residential Single Family (R-1) District on a 4.5 acre parcel, described as Lot 5(except subplot S) section 16, T27N-R3W of the 3<sup>rd</sup> P.M. Woodford County, Illinois, and more commonly described as 488 Santa Fe Trail, Metamora, Illinois.

- Swearing in and/or Affirmation: was completed for petition **2021-17-S**

Ms. Kathy Webster was sworn. Ms. Webster discussed how years ago they had horses on the property. They gave up the horses in 2003. She discussed that she did not realize her ability to keep large animals expired after not having them for 180 days. She noted that there are horses, cows,

chickens and pigs on neighboring properties. She noted that she brought in donkeys in the past few years. She has five now and the three females could possibly be having babies, this would bring her up to 8 total donkeys. She discussed that she does not plan to keep more than approximately 5 at a time long term and would likely sell the babies once they ween, about 6 months. Drainage was discussed and was not felt to be an issue. The location of the creek on the property was discussed and Ms. Webster explained the donkeys are unable to reach the creek as it is fenced off from their pastures. There are approximately 3 acres fenced for pasture ground, they graze in the summer and are feed hay in the winter once it snows, and they are supplemented with grain year round. Ms. Webster discussed that she used to have two males that were very loud, she has since gotten rid of those two males and now exclusively has Miniature Mediterranean donkeys, and they tend to be quieter, while they do make some noise it is not the same braying as the previous donkeys. The board asked questions about adequate facilities, waste management and total number of animals requested. It was concluded that waste will not be a concern, when the animals are on pasture, the barn and stalls existed prior to getting the donkeys and Ms. Webster felt 8 donkeys was likely the max she would have at a time.

Mr. Daniel Staab and Ms. Anna Staab were sworn.

Ms. Staab discussed that the cattle, chickens and pigs discussed are on 30 acres and therefore not comparable all the other animals are on AG zoned parcels. She discussed that they checked with multiple donkey organizations and were informed that 1/2 acres is the minimum they recommend for a donkey and prefer 1 acre each. She noted that the manure makes their property unbearable and the braying is extreme and can be heard inside the home. She discussed that the neighbors feel everything they do on their property is harming the donkeys.

Mr. Dan Staab discussed that the noise is constant, especially the males, it has effected the enjoyment of their property. Mr. Staab was asked more about the noise. He stated the noise can be anytime day or night for a few minutes to several hours. It was noted that their children's playset is approximately 150 ft. from the donkeys. The Staabs discussed that there is a manure pile that is approximately 12 x 15 and 3-4 ft. tall. It was noted that they occasionally move it with a tractor.

Kathy Webster Rebuttal

Ms. Webster explained that she formerly had two intact males and they fought and were loud, she re-homed both of them over a year ago. She now has exclusively Miniature-Mediterranean donkeys which are much quieter. She explained that the manure pile is actually a pile of dirt that the donkeys like to stand on so it was left in place. She stated that she was informed by the zoning office to keep the manure spread so it did not accumulate, she has been spreading it by hand in the pasture since. She noted they also moved the donkeys to the other side of the property as the Staab children had been bothering them. She noted that while the animals on the property now do make some noise it is nothing like the males she re-homed. The housing and care of the donkeys was discussed, Ms. Webster explained that they stay together in a large stall in the barn as they are social animals. When the stall is cleaned the manure is spread over the pastures they are not currently kept. This is more of an issue in the winter as in the summer they spend most of their time outside. She noted that they primarily graze spring-fall and she still has to mow because they do not eat the grass down sufficiently indicating that they have enough grazing areas. She discussed she may have manure in a pile for a few days in the summer, longer in the winter if the weather is bad. The stall is cleaned every few days in the summer months and more frequently in the winter months since the animals are inside more.

Mr. Staab asked what would prevent Ms. Webster from getting loud donkeys again. Ms. Webster noted she intends to keep only the Miniature Mediterranean donkeys.

The Staabs in closing stated their concerns are the number of animals on the property, size of the animals and possible expansion to other varieties of animals. They also discussed that the donkeys draw flies which is a nuisance.

Ms. Webster in closing stated she does not intend to get other types of animals that wording was suggested by zoning. She stated she keeps a clean yard and clean donkeys.

**Findings by the Zoning Board of Appeals for Petition 2020-17-S:**

- A. Will not be detrimental to the public health, safety, and welfare;** Nothing out of the ordinary for the area, there are other farms in the surrounding area. (Affirmative)  
Recommended condition of moving the manure pile to the north.
- B. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted. The applicant need not demonstrate complete compatibility, but the applicant shall demonstrate reasonable efforts to minimize incompatibility;** Applicant has already removed the two noisy donkeys, a restriction limiting to the Mini-Mediterranean donkeys with a restriction on number of donkeys is necessary. (Affirmative)
- C. Will not be injurious to the district in which it shall be located;** Not injurious to the district, they are kept in fenced areas, while they do make some noise it appears to be minor. (Affirmative)
- D. Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the districts;** Other farms in the area and animals including Horses, Cattle, Chickens and potbellied pigs.(Affirmative)
- E. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;** property previously housed three horses, there is sufficient space for the miniature donkeys. (Affirmative)
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public roads;** No issues, the donkeys will be contained within the property.(Affirmative)
- G. Is consistent with the Woodford County Comprehensive Land Use Plan.**  
This is in an Agriculture area, the owner may be selling some of the animals as a means of income. (Affirmative)

Motion to approve petition 2021-17-S for Kathy Webster to allow a Special Use allowing farm animals in the Residential single family district at 488 Santa Fe Trail, Metamora with the finding as discussed and the following conditions:

Conditions

1. No more than 8 Miniature-Mediterranean Donkeys.
2. Manure pile shall be moved 200 ft. North of the existing lean-to and as far West as feasible.

Roll call vote: Marty Clinch – *Yes*, Kim Holmes – *Yes*, Jerry Lay – *Yes*, Teresa Gauger – *Yes*, Dean Backer – *Yes*. *Motion Carried.*

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**#2021-18-S** filed, June 18, 2021, by Matt Smick for a Small Landscape Business, located in the Residential Single Family District on a 4.5787 acre parcel owned by Cristy Tomaszewski,

described as Lot 3 Except Part W ½ NW ¼ NE ¼ Section 36, T27N-R4W of the 3<sup>rd</sup> P.M. Woodford County, Illinois, and more commonly described as vacant ground immediately East of 1190 Upper Spring Bay Rd

Petition 2021-18-S was pulled by the petitioner prior to the hearing.

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- Other Business to Come Before the Board:
    - Update on previous months petition/s  
All the petitions submitted to the County Board were approved.
    - Update on next month petition/s: Ms. Jording noted there are two petitions for next month, a Special use and a variance.
    - Public Input - None
    - Executive Session – None
    - Adjournment

Mr. Backer made the motion to adjourn at 10:15, 2<sup>nd</sup> by Mr. Clinch. *Motion Carried.*

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Lisa Jording, Secretary

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Kim Holmes, Chairman

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Date