

WOODFORD COUNTY ZONING BOARD OF APPEALS

Woodford County Board Room
6:00 P. M. Tuesday, July 28, 2020

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 for February 25, 2020.

Approval of minutes for January 28, 2020.

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

Executive Session minutes for September 23, 2014, to keep confidential/make public.

Executive Session minutes for January 28, 2017, to keep confidential/make public.

Motion to approve Executive Session minutes and Keep Confidential made by Clinch, seconded by Lay. *Motion Carried.*

- Permit/Petition Extensions

- SUP Extension for 2018-37-S DG Illinois Solar (State Route 117 project between Goodfield and Eureka)

Ms. Jording noted that she received a request to extend the SUP by 12 months in February.

Motion to extend the SUP for 12 months beginning February 2020 made by Gauger, seconded by Lay. *Motion Carried, all Ay.*

- SUP Extension for 2018-12-S Forefront power (Minonk project west of Minonk)

Ms. Jording noted that she received a request to extend the SUP by 15 months in March.

Motion to extend the SUP for 15 months beginning March 2020 made by Clinch, seconded by Lay. *Motion Carried, all Ay.*

- Swearing in and/or affirmation- completed for each petition.
- Petitions Submitted for Review:

#2020-08-Z Spring Bay Township, by Nathan Petersen for a map amendment from Residential single Family (R-1) to Agriculture District (AG), on a 3.35 acre parcel in the Residential Single Family District (R-1), Part of Outlot A NE ¼, section 25, T27N-R4W of the 3rd P.M. Woodford County, Illinois, and more commonly described as 1288 Skyview Dr. East Peoria, Illinois

- Swearing in and/or Affirmation: was completed for petition **2020-08-Z**

Dr. Petersen was sworn in. He noted that they had recently purchased the home and would like to have chickens, goats, etc. for his children to experience. He noted they have 3.35 acres. Mr. Clinch asked how the neighbors feel about this change. Dr. Petersen noted that the majority of the neighbors have horses, the closest neighbor to the south has no issues and the other two properties are vacant ground. The Board discussed that there are two adjoining properties that are Residential. Ms. Jording noted that there are no interested parties. The Board discussed if any small buildings were desired to house the animals Dr. Petersen noted that he may have some small buildings but nothing particular at this time.

Findings by the Zoning Board of Appeals for Petition 2020-08-Z:

- A. Whether the proposed zoning district classification is consistent with the Woodford County Comprehensive Land Use Plan;** (Affirmative) Woodford County encourages Agriculture in specific areas such as this. It is appropriate with the surrounding areas and strikes a balance between the owner and lots surrounding this one.
- B. Whether there are any changed or changing conditions in the area affected that make the proposed rezoning necessary;** (Affirmative) In order to have Agriculture type animals the property would need to be re-zoned so the change is necessary. The lot is currently surrounded on three sides by Agriculture District zoned lots.
- C. Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on the other properties in the immediate vicinity;** (Affirmative) The parcel is surrounded on three sides by Agriculture District, the remaining Residential Single Family zoned lots are mostly vacant. Other properties adjoining currently have Agriculture type animals.
- D. Whether adequate infrastructure exists or can be provided to serve the uses that would be permitted on the property if it were rezoned;** (Affirmative) Basic infrastructure is available for Agriculture type activities.
- E. The impact the uses, which would be permitted if the property were rezoned, will have upon the volume of vehicular traffic in the vicinity;** No full scale production is planned. No increase in traffic is anticipated.
- F. Whether a reasonably viable economic use of the subject property will be denied if the proposed rezoning is not approved;** (Affirmative) Not applicable.
- G. Information submitted at the public hearing.** (Affirmative) The petitioner discussed the types of animals he plans to have, no major changes to the land is planned. Three sides of the property adjoin to existing agriculturally zoned properties.

Motion to approve petition 2020-08-Z for a map amendment from Residential Single Family (R-1) to Agriculture District (AG) made by Clinch, seconded by Backer.

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

#2020-10-V Kansas Township by Russel Waller for a Variance in shed size for a 6,600 sq. ft. shed, an increase of 4,800 sq. ft. located on 4.34 acres parcel in Agricultural (AG) District, PT NE ¼ lying N of highway (Excl 60' even width & Lot 1), SE ¼, Section 10, T25N-R1E of the 3rd P.M. Woodford County, Illinois, and more commonly described 685 ft. Southwest of the intersection of County Road 2400 E. & Brown Road, on the north side of Brown Rd. Carlock, Illinois.

- Swearing in and/or Affirmation: was completed for petition **2020-10-V** Mr. Waller was sworn in. Mr. Waller explained that he intends to build a house on the property in the future, he farms in the area with his dad and brother. He noted that they are needing additional storage for equipment as he begins to take over some of the farming as his father nears retiring. He noted that between the three of them they farm approximately 1000 acres in the county. He noted that he discussed the petition with all the neighbors and none of them had any issues. He noted that the Township shed is across the street and the Road commissioner had no objections. Ms. Holmes asked what custom farming is. Mr. Waller explained that they

perform farming services for landowners who do not wish to farm themselves. He noted they currently operate in this manner. This location would allow for expanded storage of his own equipment. He noted that the Shed placement is designed to allow for a home in the future. Mr. Waller noted they would not have power or water until a house is built. Ms. Holmes asked about the size of the building. Mr. Waller noted that he would like a 50 x 100 but due to the variations in manufactures spacing the largest would be the 66 x 100.

Findings by the Zoning Board of Appeals for Petition 2020-10-V:

- A. Non-conforming uses in the same district and permitted uses in other districts shall not be considered grounds for issuance of a Variance** (Affirmative) No discussion of other uses. Not applicable.
- B. The granting of the Variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands or structures in the same district.** (Affirmative) No special privileges have been conveyed. Other parcels have the same type buildings, due to the size of lot and lack of a dwelling a variance was required.
- C. The ZBA has found that the reasons set forth in the application justify the granting of the Variance.** (Affirmative) This is the applicant's livelihood and it is required to store and protect equipment.
- D. The ZBA finds that the granting of the Variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.** (Affirmative) The structure is required to protect equipment and the surrounding area.
- E. The Variance requested is the least amount of Variance required to allow the proposed structure on the existing lot, without regard to aesthetics or personal inconvenience to the property owner.** (Affirmative) The size is necessary due to the increasing size of farming equipment.

Motion to approve petition 2020-10-V for a 6,600 sq ft shed made by Backer, seconded by Gauger. Roll call vote: Teresa Gauger – *Yes*, Jerry Lay – *Yes*, Marty Clinch – *Yes*, Dean Backer – *Yes*, Kim Holmes – *Yes Motion Carried*.

#2020-12-S Cazenovia Township by Jane Addo for a Special Use to allow 4 Alpaca's, on a 1 acre parcel in the Residential Single Family(R-1) District, part of the NW1/4 and part of the NE1/4 SE1/4, Section 1, T28N-R2W of the 3rd P.M. Woodford County, Illinois, more commonly described 1385 County Road 2250N, Washburn, Illinois,

- Swearing in and/or Affirmation: was completed for petition **2020-12-S** Ms. Jane Addo, Mr. Terry Markham, and Mr. Jerrod Howard were sworn in. Ms. Addo explained that she would like to house her 4 alpacas on the property that is zoned Residential. The Board discussed that a majority of the ground surrounding the property is zoned agriculture, the land across the road is Residential, however it is a large parcel and currently houses cattle. Ms. Jording explained that the previous owner wished to divide just the one acre portion Ms. Addo purchased, in order to accomplish that the parcel had to be zoned Residential single family. This is because Agriculture District minimum lot size is 2 acres. The parcel being one acre restricts it from being re-zoned to Agriculture. Ms. Gauger asked if any other buildings are going to be built. Ms. Addo noted they have all the buildings they need. The existing structure is half barn, half

efficiency apartment/clubhouse. Ms. Addo noted she does not live on the property but does live close by. Mr. Lay asked if she desired the SUP for these 4 specific alpacas or for 4 alpaca's total. Ms. Addo noted that she would like 4 alpacas total as they are herd animals. Mr. Howard noted they would be using vermi-composting to handle the waste.

Findings by the Zoning Board of Appeals for Petition 2020-12-S:

- A. Will not be detrimental to the public health, safety, and welfare;** (Affirmative) No concerns, the waste will be composted on site.
- 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;** (Affirmative) Based on the presentation no issues with compatibility, there are other farm type animals in the immediate vicinity.
- C. Will not be injurious to the district in which it shall be located;** (Affirmative) The requested use fits in with the surrounding area uses.
- D. Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the districts;** (Affirmative) Farming currently surrounds the vast majority of the property.
- E. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;** (Affirmative) Water and electric currently available on the property, the owners have a plan for the composting of animal waste.
- 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;** (Affirmative) No commercial operations, will not cause traffic issues.
- G. Is consistent with the Woodford County Comprehensive Land Use Plan.** (Affirmative) Consistent with the advancement of agriculture.

Motion to approve petition 2020-12-S allowing up to 4 alpacas on the subject property made by Lay, seconded by Gauger.

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

#2020-13-A County Wide, by the Conservation, Planning, and Zoning to amend the Woodford County Zoning Ordinance Section 10 - Blank, Section 13 - Residential Single Family District, Section 14 - Residential Multi Family District. These change incorporate the Inoperable Motor Vehicle Ordinance in to the Zoning Ordinance and modify the permitted agriculture in the Residential Districts in Woodford County.

- Swearing in and/or Affirmation: was completed for petition **2020-13-A** Mr. Blake Parsons was affirmed. Mr. Parsons explained that the committee reviewed the existing Inoperable Motor vehicle ordinance. He noted that the main change was to change the enforcement component from the Sheriff's department to the Zoning office. This how the

ordinance has been enforced for years, this change will simply update the ordinance to reflect how we are currently operating. This change will also incorporate the free standing ordinance in to the zoning ordinance. The Board discussed that the Inoperable motor vehicle ordinance was enacted in 1986. Ms. Jording noted that this change was to bring the ordinance into line with how we are actually operating. Ms. Holmes asked about enforcement remedies for the zoning office. Ms. Jording noted that they would be using the standard violations procedures. Mr. Lay asked how violations would be identified. Ms. Jording noted they already perform these functions. Mr. Lay asked about the definition of motor vehicles. Mr. Parsons noted that while the definitions references any vehicles, the owner of a vehicles specifies that it is any who holds legal title to a vehicle. This clarifies that we are deal with titled vehicles. Mr. Lay asked if there would be grandfathering. Ms. Holmes noted that this is an existing ordinance so the restrictions are already in place. The Board discussed the enforcement against farm type equipment. Mr. Parsons not that this would be common sense. Mr. Jording noted they talk with the individuals and deal with issues on a case by case basis.

Motion to accept and approve changes to the Woodford County Zoning Ordinance Section 10 – Inoperable Motor Vehicles made by Mr. Lay, seconded by Mr. Clinch

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

Mr. Parsons noted that they previous changed these sections to allow chickens on certain sized parcels. Mr. Parson noted that Chickens are up and coming in the country due to the pandemic. He noted the change was from 6 chickens on parcels between 2 acres and 10 acres. This change would allow 6 chickens on all residential parcels. Mr. Parsons noted there would be no restrictions due to the size of the lot.

Mr. Jason Wolfgang was affirmed. Mr. Wolfgang noted that he is in favor of the change, he currently has chickens, they did not realize they were not allowed. He would very much like to keep the chickens.

Motion to accept and approve changes to the Woodford County Zoning Ordinance Section 13 and Section 14 to allow 6 chickens on lots less than 10 acres made by Mr. Clinch, seconded by Mr. Lay

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

• Other Business to Come Before the Board:

- Update on previous months petition/s

All the petitions submitted to the County Board were approved. There are 2 petitions next month.

- Update on next month petition/s Ms. Jording noted there are two petitions for next month.
- IACZO Seminar discussion: The Board was reminded to expect a training in the fall for Zoning Board members, Ms. Jording was unsure if the training would still be held.
- Public Input - None
- ZBA By-Law discussion - (if necessary) None
- Executive Session – None
- Adjournment

Mr. Lay made the motion to adjourn at 7:30, 2nd by Mr. Clinch. *Motion Carried.*

Lisa Jording, Secretary

Kim Holmes, Chairman

Date