

COUNTY OF MENARD)
) SS.
STATE OF ILLINOIS)

The Menard County Zoning Board of Appeals (ZBA) met on March 22, 2010 at 7:00 p.m., at the Menard County Courthouse, Petersburg, Illinois. Zoning Board of Appeals members Steve Ozella, Karen Stott, Barry Bass and Steve Wilken were present. ZBA Chairperson Tom Eldridge was not in attendance. A quorum was present. Zoning Administrator Steve Duncan was also present.

ZBA member Wilken moved to name ZBA member Bass, interim chairperson. ZBA member Stott seconded the motion. The motion carried with three “ayes”, no “nays”, one “absent” and one “abstain” (Bass).

Interim Chairperson Bass called the meeting to order at 7:00 p.m.

Minutes from the January 19, 2010 meeting were presented for approval. ZBA member Wilken moved to approve the minutes, as presented. ZBA member Stott seconded the motion. The motion carried with four “ayes”, no “nays” and one “absent”.

NEW BUSINESS

ADMINISTRATIVE PUBLIC HEARING: (Case number 10-02V) DENNIS & LOIS HARRISON, ACTING ON THEIR OWN BEHALF OR WITH LEGAL REPRESENTATION OR BOTH, APPLICATION FOR A VARIANCE FROM THE FOLLOWING: ARTICLE IX, SECTION 9.01(B)(4) OF THE MENARD COUNTY ZONING ORDINANCE, REQUIRING THAT WHEN A NON-CONFORMING USE OF A STRUCTURE, OR STRUCTURE AND LAND IN COMBINATION, CEASES FOR 18 CONSECUTIVE MONTHS OR FOR 18 MONTHS DURING ANY 3 YEAR PERIOD THE STRUCTURE, OR STRUCTURE AND LAND IN COMBINATION, SHALL NOT THEREAFTER BE USED EXCEPT IN CONFORMITY WITH THE REGULATIONS OF THE DISTRICT IN WHICH IT IS LOCATED. THIS 18 MONTH TIME LIMITATION IS CONSIDERED A BULK REGULATION AND THEREFORE QUALIFIES FOR A VARIANCE REQUEST FROM THE STATED TIMEFRAME. THE VARIANCE REQUEST SEEKS A 24 MONTH EXTENSION FROM MARCH 1, 2010. THE BRIEF LEGAL DESCRIPTION FOR THE PROPERTIES AFFECTED ARE AS FOLLOWS: S26 T18 R7 NORTH PARK SUB-DIV LOT 1 & S26 T18 R7 SE COR E ½ NE ¼. (Aka “Warburton’s property”) THE PROPERTY IDENTIFICATION NUMBERS ARE 11-26-206-001 & 11-26-200-007. THE ADDRESS IS 18190 STATE PARK ROAD, PETERSBURG, IL.

Interim Chairperson Bass opened the public hearing to give consideration to Dennis & Lois Harrison’s variance request for a 24-month extension, from March 1, 2010, to provide for the legal-non conforming use of a restaurant to be continued at property owned by the Harrison’s at 18190 State Park Road, Petersburg, Illinois.

Interim Chairperson Bass swore-in Dennis & Lois Harrison who gave a brief overview of their request. They informed that the restaurant had closed around August of 2008. They informed that due to the downturn in the economy, it had been difficult to find a buyer for the building.

Interim Chairperson Bass swore-in Bill & Betty Winchester, residents who live near the subject property. Betty Winchester informed that the Harrison’s had been good neighbors. Both stated that they felt that the speed limit on State Park Road needed to be addressed, especially because of the traffic associated with a business in the area. Mr. Winchester made points that a business had never been able to succeed at this location. He informed that he thought a 24 month extension was too long.

Ms. Winchester expressed sentiments that she didn’t really have a problem with the restaurant use as long as that other commercial uses couldn’t be located there. She asked if the Harrison’s would be able to reapply for additional extensions. Zoning Administrator Duncan stated that he read nothing in the zoning ordinance that disallowed the Harrison’s from applying for additional extensions. He

informed that, in his view, the variance procedure better protected neighbors, as opposed to a re-zoning of the property to a commercial district where any number of commercial uses could be established on the property.

As there were no other public comments, ZBA Member Ozella moved to adjourn the public hearing at 7:11 p.m. ZBA Member Stott seconded the motion. The motion carried with four “ayes”, no “nays” and one “absent”.

The Zoning Board of Appeals discussed the State’s Attorney legal opinion that an 18-month extension was the most legally defensible. ZBA member Ozella stated that the County needed businesses.

ZBA Member Ozella moved to approve the Finding of Facts and grant the variance, for a period of 18 months from March 1, 2010. ZBA Member Wilken seconded the motion. The motion carried with four “ayes”, no “nays” and one “absent”.

ADMINISTRATIVE PUBLIC HEARING: (Case number 10-01SUP) LANDON & JAMIE KIRBY APPLICATION FOR A SPECIAL USE PERMIT FOR THE PURPOSE OF ESTABLISHING A LAWN & LANDSCAPING SERVICES BUSINESS (WHICH MAY INCLUDE TREE NURSERY) IN THE RURAL RESIDENTIAL ZONING DISTRICT. THE PROPERTY IS OWNED BY LANDON & JAMIE KIRBY AND CURRENTLY LOCATED OFF OF INDIAN POINT AVE., ADJACENT TO 23990 INDIAN POINT AVE., PETERSBURG, IL. A BRIEF LEGAL DESCRIPTION IS AS FOLLOWS: S23 T18 R6 NE COR. NE, APPROX. 4 ACRES. THE PROPERTY IDENTIFICATION NUMBER IS 12-23-200-006.

Interim Chairperson Bass opened the public hearing to give consideration to Landon & Jamie Kirby’s special use permit application to establish a lawn and landscaping services business in the Rural Residential zoning district.

Interim Chairperson Bass swore-in Landon Kirby who gave a brief overview of the proposal. He informed that there would be no retail traffic associated with this business.

Zoning Administrator Duncan asked for clarification that the property where the special use permit would be applicable would actually be conveyed to Knob Hill Nursery & Landscaping. Mr. Kirby informed that he would be transferring property he personally owned to his company’s name which is Knob Hill Nursery & Landscaping.

Zoning Administrator Duncan informed that he had made an error in informing Mr. Kirby that he needed to request a variance from the 30 ft., outdoor storage setback requirement. He stated this setback requirement did not apply to the rear yard but only side yards and that Mr. Kirby’s site plan showing a 15 ft. setback for outdoor storage located in the rear yard of the subject property did in fact meet County requirements. He informed that the only variance that was being requested is a variance to provide 10 parking spots instead of the required 20 parking spots.

Interim Chairperson Bass asked if there would be any plans to provide retail sales from this location in the future. Mr. Kirby informed that there were no plans to have retail sales from this location.

As there were no other public comments, ZBA Member Wilken moved to adjourn the public hearing at 7:19 p.m. ZBA Member Ozella seconded the motion. The motion carried with four “ayes”, no “nays” and one “absent”.

ZBA Member Wilken moved to approve the Finding of Facts and send a recommendation to approve the special use permit with the variance request to provide 10 parking spaces instead of the required 20 parking spaces. ZBA Member Ozella seconded the motion. The motion carried with four “ayes”, no “nays” and one “absent”.

Unscheduled Public Comments/Requests

There were no unscheduled public comments/requests.

Zoning Administrator's Report

Zoning Administrator Duncan informed that there would be a need to have meeting in April or May.

Individual ZBA Member Comments/Requests

There were no comments/requests

Adjournment

As no other business was brought before the Zoning Board of Appeals, ZBA member Ozella moved to adjourn the meeting at 7:24 p.m. ZBA member Stott seconded the motion. The motion carried with four "ayes", no "nays" and one "absent".