

COUNTY OF MENARD)
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STATE OF ILLINOIS)

The Menard County Zoning Board of Appeals (ZBA) met on Tuesday, August 26, 2014, at 7:00 p.m., at the Menard County Courthouse in Petersburg, Illinois.

As Chairperson Tom Eldridge was unable to attend, ZBA member Steve Wilken moved to appoint ZBA member Barry Bass interim Chairperson. ZBA member Ozella seconded the motion. The motion carried with three "ayes" (Wilken, Stott, Ozella), one "abstain" (Bass) and one "absent" (Eldridge).

Interim Chairperson Bass called the meeting to order and took the roll call with the following ZBA members in attendance: Barry Bass, Karen Stott, Steve Wilken and Steve Ozella. ZBA member Tom Eldridge was absent. A quorum was present. Interim Zoning Administrator Jason LeMar was in attendance and took the minutes.

Minutes from the November 18, 2013 meeting were presented for approval. ZBA member Ozella moved to approve the minutes, as presented. ZBA member Wilken seconded the motion. The motion carried with four "ayes" and one "absent".

NEW BUSINESS

ADMINISTRATIVE PUBLIC HEARING: (Case number 14-01V)

APPLICATION FROM CHARLES & CAROL MULLER, ACTING ON THEIR OWN BEHALF OR WITH LEGAL REPRESENTATION, THAT SEEKS A VARIANCE FROM ARTICLE VI, SECTION 6.06(D)(2)(b) OF THE MENARD COUNTY ZONING ORDINANCE, REQUIRING A MINIMUM LOT WIDTH OF 60 FEET EXTENDING TO A DISTANCE EQUAL TO ANY FRONT SETBACK REQUIREMENT WITH 60 FEET OF FRONTAGE ON A PUBLIC ROAD MEASURED AT THE FRONT SETBACK LINE. THE VARIANCE REQUEST SEEKS A ZERO (0) FEET MINIMUM LOT WIDTH.

Charles Muller was present to discuss his application in person, no one else was in attendance to discuss said case number, Interim Chairperson Bass opened the public hearing at 7:03 p.m. to give consideration to case number 14-01V. There was discussion with Mr. Muller about his dates of acquisition of the parcels and the adjustments to the lot lines that were needing to take place. It was discussed that the established uses of these parcels pre-dated the 1999 zoning inception and that a continued existing use was warranted.

As there were no other public comments (no members of the public were in attendance), ZBA member Wilken moved to close the public hearing at 7:14 p.m. ZBA member Stott seconded the motion. The motion carried with four "ayes" and one "absent".

After discussion, ZBA member Wilken moved to approve the findings of fact and recommend approval of the variance application. ZBA member Ozella seconded the motion. The motion carried with four "ayes" and one "absent".

A brief delay was given to allow time for Mr. & Mrs. Harrison to arrive...

ADMINISTRATIVE PUBLIC HEARING: (Case number 14-02V)

APPLICATION FROM DENNIS & LOIS HARRISON, ACTING ON THEIR OWN BEHALF OR WITH LEGAL REPRESENTATION OR BOTH, THAT SEEKS A VARIANCE FROM 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.

Upon arrival of Mr. & Mrs. Harrison, the public hearing began to give consideration to the Harrison's application and hear any public comments. Mrs. Thelma Blizek was in attendance to ask questions and provide perspective as her property adjoins the Harrison parcels.

Mrs. Harrison informed the board that they had been unable to find a buyer for the restaurant. She informed that they had an auction for the property that did not result in a buyer for the parcels. She informed that the chances of an outright sale of the restaurant was remote as a prospective buyer would want to see if the restaurant would work and, therefore, they may have to lease the restaurant before anyone would buy it. They were asked if the property was listed with a realtor. Mrs. Harrison informed that it was not at this time. They also stated that the terms and the price of the property was highly negotiable. The restaurant has not operated since the time of closing in 2008. There was discussion from ZBA members Ozella and Bass about the age and the continued vacancy as well as these effects on the building. The ZBA members stressed that the property needs to be maintained in good physical repair.

Mrs. Harrison stated that they believe the lack of visibility hurts their marketing abilities and the chances for someone to open the business. They are offering lease free rent time, etc. They would really like an opportunity to sell the property. They stated that the area needs to offer some incentives to bring businesses in. There was additional discussion with the ZBA about getting input and assistance from the Rural Affairs PREP group, the Lincoln League, the Chamber of Commerce, and perhaps the Trails and Greenways Committee.

ZBA Members continued to express the thought that if the Zoning Board of Appeals did not grant the variance request that the building could very well just sit there (as unusable for a house) and deteriorate as a building.

As there were no other public comments at this time, ZBA Member Ozella moved to adjourn the public hearing at 8:16 p.m. ZBA Member Wilken seconded the motion. The motion carried unanimously.

There was more discussion among the Zoning Board of Appeals.

ZBA Member Ozella moved to approve the findings of fact, as written and approve the variance, and extend the restaurant use for a period of 18 months, from September 1, 2014 to allow more time for a potential sale or lease. ZBA Member Stott seconded the motion. The motion carried unanimously.

Unscheduled Public Comments/Requests

No additional public comments were made at the meeting.

Zoning Administrator's Report

There was no zoning administrator's report

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 8:22 p.m. ZBA member Stott seconded the motion. The motion carried with four "ayes" and one "absent".