

COUNTY OF MENARD)
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STATE OF ILLINOIS)

The Menard County Zoning Board of Appeals (ZBA) met on Thursday, August 30, 2012, at 7:00 p.m., at the Menard County Courthouse in Petersburg, Illinois.

Chairman Tom Eldridge called the meeting to order at 7:00 p.m. and took the roll call with the following ZBA members in attendance: Barry Bass, Karen Stott, Steve Wilken and Tom Eldridge. ZBA member Steve Ozella was unable to attend. A quorum was present. Zoning Administrator Steve Duncan was in attendance and took the minutes.

Minutes from the May 21, 2012 meeting were presented for approval. ZBA member Bass moved to approve the minutes, as presented. ZBA member Wilken seconded the motion. The motion carried with four “ayes”, no “nays” and one “absent”.

NEW BUSINESS

ADMINISTRATIVE PUBLIC HEARING: (Case number 12-04V) EAST PETERSBURG DEVELOPMENT COMPANY, C/O DALE VAN ETEN, SEEKING A VARIANCE FROM ARTICLE VI, SECTION 6.04(D)(1)(a) OF THE MENARD COUNTY ZONING ORDINANCE, REQUIRING A MINIMUM LOT AREA OF FIVE ACRES, IN THE RR – RURAL RESIDENTIAL ZONING DISTRICT. THE VARIANCE REQUEST SEEKS A 0.204 ACRE MINIMUM LOT AREA TO CREATE A NEW PARCEL AROUND AN EXISTING LANDSCAPE FOUNTAIN SO AS TO CONVEY TO, AND ESTABLISH AS COMMON GROUND FOR, THE EAST BLUFF HOMEOWNER’S ASSOCIATION. THE BRIEF LEGAL DESCRIPTION FOR THE PROPOSED PROPERTY IS AS FOLLOWS: PT OF N ½, S13, T18N, R7 W OF 3RD PRINCIPAL MERIDIAN CONTAINING 0.204 ACRES, MORE OR LESS. THE LOCATION IS AT THE INTERSECTION OF EAST BLUFF DR. & STATE HWY. 123, PETERSBURG, IL, AROUND THE EXISTING LANDSCAPE FOUNTAIN. THE PROPERTY IDENTIFICATION NUMBER OF THE PARCEL AFFECTED IS 11-13-200-040.

Chairman Eldridge opened the public hearing at 7:02 p.m. to give consideration to case number 12-04V.

Chairman Eldridge swore-in Jerry Beverlin, President of the East Bluff Homeowner’s Association, who expressed support for the variance on behalf of the East Bluff Homeowner’s Association. The representative of East Petersburg Development, Dale Van Etten, was in attendance.

ZBA member Bass asked why there wasn’t any other property being included with the waterfall as it looked like there was a lot of green space that surrounds the subdivision. The representative of East Petersburg Development, Dale Van Etten, was in attendance and informed that it was his intention to just give the small parcel to the homeowner’s association.

Zoning Administrator Steve Duncan submitted, for the record, letters of support for the granting of the variance that his office received from the East Bluff Homeowner’s Association and City of Petersburg.

Chairman Eldridge asked for clarification on where the City of Petersburg city limits was in relation to this proposed parcel. Zoning Administrator Duncan informed that the street right of way, which is adjacent to the proposed parcel, is where the City of Petersburg city limits and County’s jurisdiction meet.

As there were no other public comments, ZBA member Stott moved to close the public hearing at 7:06 p.m. ZBA member Bass seconded the motion. The motion carried with four “ayes”, no “nays” and one “absent”.

ZBA member Bass moved to approve the variance request from Article VI, Section 6.04(D)(1)(a), to allow for a minimum lot area of 0.204 acres, and approve the findings of fact. ZBA member Stott seconded the motion. The motion carried with four “ayes”, no “nays” and one “absent”.

Zoning Administrator Steve Duncan informed that the plat would need to be prepared in accordance with the County’s subdivision regulations and submitted to the Menard County Board of Commissioners for approval.

ADMINISTRATIVE PUBLIC HEARING: (Case number 12-02SUP) LARRY FITSCHEN, ON BEHALF OF CRAIG FITSCHEN WHO WOULD OPERATE THE APPLIED FOR BUSINESS, SEEKING A SPECIAL USE PERMIT FOR THE PURPOSE OF ESTABLISHING AN AUTO BODY SHOP IN THE AGRICULTURAL ZONING DISTRICT. THE PROPERTY IS LOCATED AT THE INTERSECTION OF POST STREET AND DIGIOVANNA AVENUE (NORTHEAST CORNER), SOUTH OF ATHENS, IL. A BRIEF LEGAL DESCRIPTION FOR THE SUBJECT PARCEL IS AS FOLLOWS: S12, T17, R6 PT E 1/2 NW 1/4, 79.35 ACRES, MORE OR LESS. THE PROPERTY IDENTIFICATION NUMBER IS 17-13-100-008.

Chairman Eldridge opened the public hearing at 7:09 p.m. to give consideration to case number 12-02SUP.

Chairman Eldridge swore-in Larry Fitschen who gave an overview of an application to receive a special use permit to operate an auto body shop. He informed his son Craig Fitschen would operate the business.

Chairman Eldridge asked if there would be other permits (e.g., EPA permits) that would need to be applied for to operate such a business. Craig Fitschen, who was in attendance, informed that such permits would be needed to operate this type of business.

Chairman Eldridge asked if there was anyone who had expressed concern with the application. Zoning Administrator Duncan informed that he had not received any calls, emails, letters or other statements of concern with the application.

Larry Fitschen informed that they were seeking a variance from the number of off-street parking spaces that the zoning ordinance was requiring. ZBA member Bass asked if they could accommodate the required spaces. Larry Fitschen informed that they did not believe the number of parking spaces required by the zoning ordinance was necessary for this type of business. It was discussed that there would be areas for vehicles awaiting service that were located in a fenced yard and was not included in the parking space calculations.

As there were no other public comments, ZBA member Wilken moved to close the public hearing at 7:16 p.m. ZBA member Bass seconded the motion. The motion carried with four "ayes", no "nays" and one "absent".

ZBA member Wilken moved to approve the variance request from the required number of parking spaces, allowing for 20 parking spaces to be established; approve the findings of fact and recommend approval of the special use permit application, as presented. ZBA member Stott seconded the motion. The motion carried with four "ayes", no "nays" and one "absent".

ADMINISTRATIVE PUBLIC HEARING: (Case number 12-03SUP) JOHN & JUDY LYONS/JOHN M LYONS TRUST, DBA INDIAN CREEK FARMSTEAD LLC, SEEKING A SPECIAL USE PERMIT FOR THE PURPOSE OF ESTABLISHING AN AGRI-BUSINESS IN THE AGRICULTURAL ZONING DISTRICT. THE PROPERTY IS LOCATED AT 19468 CURTIS BLACKTOP RD., PETERSBURG, IL. A BRIEF LEGAL DESCRIPTION FOR THE SUBJECT PARCELS ARE AS FOLLOWS: Section 5, Township 18, Range 6. THE FOUR, ADJACENT PARCELS HAVE A COMBINED ACREAGE OF 96, MORE OR LESS. THE PROPERTY IDENTIFICATION NUMBERS ARE 12-05-300-004, 12-05-100-004, 12-05-300-005 & 12-05-400-001.

Chairman Eldridge opened the public hearing at 7:19 p.m. to give consideration to case number 12-03SUP.

Chairman Eldridge swore-in John Lyons who gave an overview of a proposal to operate an agri-business that would include sales of produce/pumpkins and agriculturally-related entertainment and education including farm tours, exhibits and events.

Zoning Administrator Duncan informed that he had been contacted by the property owners of each of the lots located on both sides of what is referred to as entry/exit #2 on exhibit "A". John Lyons informed that they would not use entry/exit #2 for public access but would like to reserve the right to use it as an emergency exit, if deemed needed.

ZBA member Wilken asked Mr. John Lyons if they were aware of new building code requirements. Zoning Administrator Duncan informed that he interpreted the new state law requirements to not come into play for existing structures but for new construction only.

As there were no other public comments, ZBA member Wilken moved to close the public hearing at 7:31 p.m. ZBA member Bass seconded the motion. The motion carried with four "ayes", no "nays" and one "absent".

There was more discussion about the neighboring properties located on each side of entry/exit #2. Zoning Administrator Duncan informed that most of the concern seemed to be related to storm water issues. Mr. Lyons informed he had talked with one of the property owners and felt that the concerns had been addressed.

ZBA member Bass moved to approve the findings of fact and recommend approval of the special use permit application, as presented. ZBA member Wilken seconded the motion. The motion carried with four "ayes", no "nays" and one "absent".

Unscheduled Public Comments/Requests

No additional public comments were made at the meeting.

Zoning Administrator's Report

Zoning Administrator Duncan reminded the Zoning Board of Appeals of requirements related to Open Meetings Act training. He informed of the need to set another meeting to hear a special use permit application for a recycling facility. After discussion, the meeting was set for September 24, 2012. ZBA member Wilken informed of a property owner that appears to be operating as a recycler without County authority. Zoning Administrator Duncan informed that the County was hopefully getting closer to amending and updating the current comprehensive land-use plan.

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 Bass moved to adjourn the meeting at 7:49 p.m. ZBA member Wilken seconded the motion. The motion carried with four "ayes", no "nays" and one "absent".