

COUNTY OF MENARD)
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STATE OF ILLINOIS)

The Menard County Zoning Board of Appeals (ZBA) met on February 23, 2023 at 6:30 p.m., at the Menard County Courthouse, Petersburg, Illinois. Zoning Board of Appeals members Tom Eldridge, Karen Stott, Dan Robertson and Steve Wilken were present. ZBA member Steve Ozella was absent. Assistant States Attorney and Zoning Administrator Gwen Thomas and Zoning Officer Joe Crowe were also present.

Chairperson Tom Eldridge called the meeting to order at 7:16 p.m.

Minutes from the September 29, 2022 meeting were presented for approval. ZBA member Robertson moved to approve the minutes. ZBA member Wilken seconded the motion. The motion carried unanimously.

Chairperson Tom Eldridge called the roll of members present.

NEW BUSINESS

ADMINISTRATIVE PUBLIC HEARING: (Case number 23-01V) DAVID AND CYNTHIA MATTINGLY APPLICATION SEEKING A VARIANCE FROM THE FOLLOWING:

Article VI, Section 6.03(D)(3)(A) Of the Menard County Zoning Ordinance, Requiring a minimum of 50 feet of setback from right of way on a public road.

The Variance request seeks a 30-foot setback from the existing right of way

This property is located in the A-1 Agriculture Zoning District. The brief legal description for the properties affected are as follows: OAKFORD BAKER HILL ESTATES LOT 11 and 12.

This property is located at the corner of Baker Hill and Windy. The property identification numbers are 05-14-306-041.

Chairperson Eldridge called the public hearing open to give consideration and receive any comments concerning a variance application from David and Cynthia Mattingly. Chairperson Eldridge introduced the variance request information.

Chairperson Eldridge swore-in David Mattingly to give testimony on the application. Mr. Mattingly stated that they would like to build a 2200 square ft home in Baker Hill Estates in Oakford Illinois but the ground slopes very bad where the proposed construction would be. They are asking for a variance to move closer to Windy St., which is the direction the new house will face. Questioning continued concerning the new construction placement and the topography.

Chairperson Eldridge noted that this would almost fit under the category of special circumstances of where you can build a property. ZBA member Robertson went on to discuss the surrounding properties and the new construction. Mr. Mattingly reassured the board that this was a new custom-built home.

As there were no other public comments, ZBA member Robertson made a motion to close the public hearing at 7:21 p.m. ZBA member Wilken seconded the motion. The motion carried unanimously.

ZBA member Wilken made a motion to accept the and approve the variance request seeking a 30-foot setback from the existing right of way located on property identification number 05-14-306-041. ZBA member Stott seconded the motion. The motion carried unanimously.

LEGISLATIVE PUBLIC HEARING: (Case number 23-01TA) TEXT AMENDMENT INITIATED BY JOSEPH & KIMMIE BARTENSLAGER SEEKING TO ADD ANIMAL EDUCATION CENTER AS AN AUTHORIZED USE BY SPECIAL USE PERMIT.

THE PROPOSAL IS TO AMEND THE CURRENT ZONING OF THE RURAL RESIDENTIAL DISTRICT REGULATION. THE PROPERTY IDENTIFICATION NUMBERS ARE 17-20-200-001, 17-20-200-010, & 17-20-200-011.

Chairman Eldridge opened the public hearing at 7:23 p.m. to give consideration and receive any comments concerning a text amendment application (case number 23-01TA) from Joseph and Kimmie Bartenslager. Chairperson Eldridge introduced the text amendment information.

Chairperson Eldridge swore-in Joseph Bartenslager (father), Joseph Bartenslager (son), and Pamela Bultman to give testimony on the application.

Chairperson Eldridge began questioning with Joseph Bartenslager (son) as to why there should be a text amendment to allow use in the entire residential district? Mr. Bartenslager went on to describe the appearance of the property as farm-like much like the surrounding area and the business is "by appointment" only with set hours. He went on to describe some of the animals on hand and how they are USDA regulated and how they will interact with the larger business. Mr. Bartenslager explained that he would like to have some classes and teach farming techniques as well as the hope for traditional farm animals and possible orchard in future planning. He also expressed that he has taken in some rescue animals that will be integrated into the stock as well as having done some outreach into the community that they would like to continue.

Chairperson Eldridge continued with questioning of Joseph Bartenslager (father), Mr. Bartenslager explained his relationship with his son and went on to explain his role in the business and that he is the parcel owner and hopes to retire and build on one of the parcels that is owned and assist with the business in the future.

Chairperson Eldridge went on to question Mrs. Pamela Bultman who informed the committee that she lives in Roher Valley and has parcels next to the Bartenslagers. Mrs. Bultman's concerns began with how this would possibly affect the property values in the area. She went on to describe that Road Commissioner Eric Golden took great care in the road resurfacing that she felt with the increased traffic flow would cause additional deterioration of the surface that the residents would be liable for. Mrs. Bultman also expressed that she felt the Bartenslagers knew the process regarding opening their business and needing proper paperwork beforehand and it appears that step was not taken, and she is concerned that assurances, regarding what this facility was and how it operates, were given and have not been followed through on. She finished her remarks describing how the Bartenslagers drive is dangerous with the traffic coming across the hill in front of the property and lastly it is a subdivision.

ZBA member Robertson questioned Mrs. Bultman regarding the subdivision and the covenants. Mrs. Bultman confirmed that there are covenants and they have been amended but the covenants are still in place. ZBA member Robertson clarified and asked if there are any covenants that deal with animals and Mrs. Bultman confirmed that there are not.

ZBA member Wilken questioned regarding if a fee is charged, Mr. Joseph Bartenslager (son) answered that when they go to schools no, we would go to them, but yes, there are fees. There's for the small tours and then the fee for the for classes would be charged.

Chairperson Eldridge asked his original question again, Mr. Joseph Bartenslager (son), would you please explain to me why we should allow this activity in all the rural residential areas of the county? Mr. Bartenslager explained that they are adding to the community and not taking away livelihood from the community. He felt they were adding, new educational experiences for kids in the community. Mr. Bartenslager also expressed that the parcel can be easily brought back to a house or a farm. It's not changing it, so it could never be back to what it is for future ownership.

Mr. Joseph Bartenslager (father) added you probably should allow the request, that would be why they are asking for a special use permit for their property. He expressed that if others would want to do this, they would've to come before this board and ask for the same thing, and depending on the situation. It may not be appropriate. He went on to explain that the property is going to look like your farm. It, there may be differences in what animals you see out in the pasture, you may see cows and goats and sheep and if we ever did have enough money to buy them, you might see a zebra or a camel up there. But that would be the difference.

Mr. Bartenslager went on to explain that they could have those animals as none of their animals are considered dangerous by the state. He finished his statement by adding that he would offer depending on how future applicants come and present their special use permit request to you regarding this would decide whether you as a committee allow that request anywhere in the residential area.

Mr. Bartenslager in response to questioning by ZBA member Wilken explained that he had not read the subdivision covenants regarding animals. He also explained his statement regarding adding additional buildings to house some bird stock as well as space for the cow.

ZBA member Stott questioned regarding parking, Mr. Joseph Bartenslager (father) answered by explaining that they have a drive that curves around to the house and then goes back to the barn. It's currently a stone drive, they are planning on widening it, between the house and the barn so that they can park on the side and then have paved handicapped parking up by the barn. He went on to say that a couple of spots are paved and large enough area that people could park on the sides and then pull in the turn around.

Mr. Bartenslager expressed that their plan is not to have any buses come out there, maneuvering around would be difficult and the bus would end up having to leave the driveway. They are planning for winding the drive, the whole driveway. So, most of the schools, preschools etc., they would be going to the school for the program.

Chairman Eldridge questioned regulation of the animals, Mr. Joseph Bartenslager (son) explained that the animals are regulated by the USDA. He explained that the animals have been USDA certified for about two years now. Chairman Eldridge questioned if they have any kind of inspection? Mr. Bartenslager continued into the procedure of a yearly inspection and the USDA can do a surprise inspection at any time, he has had them out to the facility twice since we've been there, and we've passed both inspections. Mr. Bartenslager went on to explain the public can raise a concern at any point and contact USDA and they can come out to examine the animals. He also added that all of their animals are seen by the vet at the, Petersburg vet clinic. They all get yearly checkups.

ZBA member Robertson questioned Mr. Joseph Bartenslager (son) regarding the prairie dogs legality in Illinois. Mr. Bartenslager explained that they have an exhibitor license, and that USDA have been notified regarding these. ZBA member Robertson continued and asked if IDNR was notified as well. Mr. Bartenslager that he was unaware those are illegal and that IDNR restricted those. ZBA member Robertson advised they contact IDNR on this subject.

Chairman Eldridge continued the questioning regarding Subdivisions and asked Mr. Joseph Bartenslager (son) if he was aware of the County ordinance? Mr. Bartenslager explained that they were not aware of living in a Subdivision. Chairman Eldridge explained that it is a legal subdivision and it's recorded in the county. Chairman Eldridge continued that he wanted to ask for continuance of this hearing to have our state's attorney review our subdivision division ordinances to find out if the Bartenslagers are out of compliance and that there are restrictions, and possible fines that apply that may apply.

ZBA member Wilkens questioned the well on the property, Mr. Joseph Bartenslager (father) explained that it was 40' deep and was just put in. Additionally, it was going to be some time before any further larger animals would be acquired, the remaining stock only drew minimally on the water property. Chairman Eldridge added that they are inviting the public to their premises, and, there are certain things that you have to do for the State of Illinois. They will have to provide restroom facilities; they will also have to have handicap facilities compliance. Mr. Bartenslager explained their plan is if the public is thirsty, they are going to sell bottles of water to try to get a little bit of money to pay for the animal feed and stuff. He

went on regarding using the toilets and agreed that would use water. But he cautioned the sessions are only an hour long, and so hopefully, they don't have everybody using the bathroom during that time period so it would become an issue.

Chairman Eldridge moved to close discussion and asked for continuance on this issue so that the State's Attorney can review the covenants and the original Subdivision plat. He then asked to table this meeting until we have a, legal opinion regarding the Subdivision question.

ZBA member Robertson moved to continue this meeting, after the Assistant State's Attorney's investigation regarding questions raised; has been completed and announced. ZBA member Stott seconded the motion. The motion carried unanimously.

Unscheduled Public Comments/Requests

There were no unscheduled public comments.

Zoning Administrator's Report

Assistant States Attorney and Zoning Administrator Gwen Thomas and Zoning Officer Crowe provided a brief welcome to the Committee and related that one of the parcel owners had provided an additional statement to be added to the record. Nothing further to report.

Individual ZBA Member Comments

There were no further comments from the members.

Adjournment

As no other business was brought before the Zoning Board of Appeals, Chairman Eldridge moved to adjourn the meeting at 7:54 p.m. ZBA members were polled and the motion carried unanimously.