

## WOODFORD COUNTY ZONING BOARD OF APPEALS

Woodford County Board Room  
6:00 P. M. Tuesday, August 27, 2019  
**Minutes**

- Call to Order:

Ms. Gauger called the meeting to order at 6:00 pm

- Roll Call: Teresa Gauger, Jerry Lay, Kim Holmes, Dean Backer, and Karen Krug were present.

Ms. Gauger declared a quorum present and asked for a nomination for acting Chairman.

Ms. Holmes made the nomination of Ms. Gauger, seconded by Mr. Lay. *Motion Carried.*

Others present: Blake Parsons, Charles Nagel, Barry Logan, Ansel Burditt, and Erik Gibson

- Approval of minutes for June 25, 2019 & July 23, 2019.

Motion to approve July minutes with corrections made by Holmes, seconded by Lay. *Motion Carried*

Motion to approve June 25, 2019 minutes made by Holmes, seconded by Lay. *Motion Carried.*

- Swearing in and/or affirmation- completed for each petition.

- Petitions Submitted for Review:

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**2019-24-Z Worth Township**, filed by Deb Russell for a map amendment from Residential Single Family District (R-1) to Agricultural District (AG), on a 35 acres & 28.17 acres commonly described as vacant ground north of Santa Fe Trail, 250 ft. Southeast of the Seven Hills Rd/Santa Fe Trail intersection, Metamora, IL.

- Swearing in and/or Affirmation: was completed for petition **2019-24-Z**

Ms. Deb Russell was sworn in. She noted that they would like to rezone the lots to make them more useable. She noted they would like to have a barn and animals on the parcel. Ms. Jording noted the parcel was pending a split which would create a lot under 5 acres. Ms. Russell noted while they would not be building a home on the property any longer she would still like to re-zone to allow the farm type use. Ms. Holmes asked if there was an existing driveway. Ms. Russell noted that a double wide drive entrance is being installed and the farm entrance will be removed. Ms. Russell noted that she needs to place equipment on the property to maintain the hayfield and remove invasive species. Ms. Homes asked about further division of the property. Ms. Russell stated it was possible but would not be anytime soon.

### **Findings by the Zoning Board of Appeals for Petition 2019-24-Z:**

**A. Whether the proposed zoning district classification is consistent with the Woodford County Comprehensive Land Use Plan;** (Affirmative) The zoning is going from Residential Single Family (R-1) to Agriculture District and we want to keep our farm ground for that purpose.

**B. Whether there are any changed or changing conditions in the area affected that make the proposed rezoning necessary;** (Affirmative) In order to conduct agriculture on the ground and allow construction of agriculture buildings it will need to be rezoned.

**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)

**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) The double wide driveway will be installed as discussed.

**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;** (Affirmative) No significant increase in traffic is expected.

**F. Whether a reasonably viable economic use of the subject property will be denied if the proposed rezoning is not approved;** (Affirmative) In order for the changes to be made it must be rezoned.

**G. Information submitted at the public hearing.** (Affirmative) Information presented justifies the rezoning for the purposes stated. The surrounding parcels are like zoned to the proposed zoning district.

Motion to approve petition 2019-24-Z made by Lay, seconded by Backer.

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

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**2019-25-S Greene Township**, filed by Cody Jenkins & Chris Gingrich for a special use to operate an Ag Equipment Repair business in the Agriculture District (AG), commonly described as 2307 County Road 1350 N., El Paso, Illinois.

- Swearing in and/or Affirmation: was completed for petition **2019-25-S**

Mr. Cody Jenkins was sworn in. Mr. Jenkins noted that he and Mr. Chris Gingrich would like to operate a fabrication and repair business. Ms. Holmes asked about the hours of operation. Mr. Jenkins noted they would operate 7 a.m. – 4 p.m. Ms. Holmes asked about where the work would occur. Mr. Jenkins noted that the majority of the work would occur indoors, the noisiest equipment they would likely have would be grinders. Ms. Krug asked where the equipment would be stored. Mr. Jenkins discussed that they do not plan on having large amounts of equipment stored on the property but if there are items there they would be on the south end of the driveway or around the back of the building. Ms. Holmes asked about the potential for refurbishing and reselling. Mr. Jenkins noted that was not the plan but it may happen occasionally. Ms. Holmes asked about custom fabrication. Mr. Jenkins noted that they may occasionally custom fabricate for individuals if requested. Mr. Lay asked about the building size. Mr. Jenkins noted that it is a 50 x 130 building with 2 access doors and one bathroom. Mr. Lay asked about storing flammables. Mr. Jenkins noted they would be selling welding gas and are insured to store that. Mr. Lay asked about the fire district. Mr. Jenkins noted they are in Secor and have not spoken to the Fire Chief yet. Ms. Holmes asked about the sign requested in the petition. Mr. Jenkins noted they would like a 4' x 8' sign, it would be installed in compliance with the setbacks. Mr. Lay asked about the extinguishers in the building. Mr. Jenkins noted they currently have 3 ten pound extinguishers. Ms. Krug asked about the wiring. Mr. Jenkins noted that it has been upgraded to three phase to handle the load.

**Findings by the Zoning Board of Appeals for Petition 2019-25-S:**

**A. Will not be detrimental to the public health, safety, and welfare;** (Affirmative)

- 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) It is noted that another business is just down the road and no other homes are in the immediate vicinity.
- C. Will not be injurious to the district in which it shall be located;** (Affirmative)
- D. Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the districts;** (Affirmative) The business will be contained in an existing building.
- E. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;** (Affirmative)
- 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 issues with vehicle congestion are expected.
- G. Is consistent with the Woodford County Comprehensive Land Use Plan.**(Affirmative) This would be consistent with the goal of business development.

Motion to approve petition 2019-25-S for and Ag equipment repair business, including a 4' x 8' sign to be permitted on the property made by Holmes, seconded by Lay.

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

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**2019-27-V Roanoke Township**, filed by Charles Rivers Inc. for a variance in lot coverage located on 8.12 acres in the Agriculture District (AG), commonly described as 1290 County Road 1800 E., Roanoke, Illinois.

- Swearing in and/or Affirmation: was completed for petition **2019-27-V** Mr. Dwight Schwake was sworn in. Mr. Schwake explained the addition is needed to house eggs being transferred through the facility, the extra space will help de-conflict fork truck paths and walking paths which will improve safety in the facility. He noted more eggs are coming into the facility from the New York facility and this addition will be specifically to hold outgoing eggs. The extension is 40 x 40. Ms. Holmes noted that the request is to increase coverage from 8% to 11%. Ms. Holmes noted that this is a straight forward request and will increase capabilities of the existing business and improve employee safety.

**Findings by the Zoning Board of Appeals for Petition 2019-27-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.** (Neutral) This is an allowed use.

**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)

**C. The ZBA has found that the reasons set forth in the application justify the granting of the Variance.** (Affirmative)

**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) This is consistent with the current use.

**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) This is the least amount of space need to accommodate the product in a safe manner.

Motion to approve petition 2019-27-V filed by Charles River Inc. made by Krug, seconded by Holmes.

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

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**2019-28-V Worth Township**, filed by Jeremy Bracken for a Variance in the mean building height to allow construction of a building 18 ft. to the mean height an increase of 3 ft., in the Residential Single Family (R-1) District, commonly described as 1342 Woodland Knolls Germantown Hills, Illinois.

- Swearing in and/or Affirmation: was completed for petition **2019-28-V**

Mr. Jeremy Bracken was sworn in. Mr. Bracken presented that he would like to increase the mean height of his building from 15 ft. to 18 ft. He noted there are no power lines in the area and existing trees will be cut down to accommodate the building so nothing will be physically in the way. He discussed that he intends to install a car lift and in order to accommodate the height of his vehicles the additional building height is needed. Ms. Holmes asked if the lift would only be used for personal vehicles. Mr. Bracken noted it would only be for personal use. Mr. Lay asked if he was in the automotive repair business. Mr. Bracken noted he is not. Mr. Bracken noted that the house height is 22 ft so the building will not be towering over the house. Ms. Holmes noted that this is connected with a variance received last month for front yard setback. Ms. Holmes asked about the screening proposed. Mr. Bracken noted he planned to use Arborvitae or something similar.

Mr. Gary Schaer was sworn in. Mr. Schaer presented that the approval of the building variance should not be considered as a factor in approving the height variance. Mr. Schaer discussed that approval of the variance would grant special privilege as the height variance is only to accommodate personal preference. The applicant has failed to identify a unique hardship justifying the additional height. He noted that the building is already large enough to accommodate 4 vehicles and sits entirely in front of 1342 and 1354 Woodland Knolls. He noted the personal desire to install a lift should not be consideration to approve a variance. Mr. Schaer noted that there are many lift options that could accommodate the ceiling height within the ordinance restrictions. He noted that alternate doors could be installed to retain the heights normally lost to standard garage doors. Mr. Schaer noted neighbor character would be affected and discussed how this is in conflict with the zoning code. He noted that this will reduce property values and presented letters from two realtors

and a developer noting that the structure would have an effect on the property values in the area. Granting the variance will harm the neighborhood because future requests for taller accessory structures cannot fairly be denied regardless of statements that non-conforming uses will not be considered. He discussed there is no hardship that requires a variance, and this is to accommodate a personal inconvenience. Mr. Schaer noted that he is having his home appraised due to his concern over the building. Mr. Schaer noted that 20 of 24 neighbors signed letters opposing the construction of the taller building. Mr. Schaer further discussed that the variance should be denied as the previous variance was pursued therefore the building is usable as proposed. Ms. Holmes asked if Mr. Bracken had seen the letter presented. Mr. Bracken noted that the lift is not the issue, the issue is his box van is tall enough that without the additional height he will be unable to service the van on the lift. He noted that he has future plans to purchase a 12' height van to accommodate a slide out in the van. He noted that a 12' height van would not be able to fit into the building due to the wall height being 12'. He noted the lift is not the issue, the height of the van is the issue. Ms. Jording provided the neighbor letters to the board members. Mr. Mooty (council to Mr. Schaer) noted that the letters were sent in a week ago and could have been sent to the members. Ms. Jording noted that documents are typically provided to the board members at the hearing.

Ms. Krug asked if the reason for the lift is to accomplish maintenance on his personal vehicles. Mr. Bracken noted that was his intent. Mr. Bracken noted that if the neighbors felt strongly about the height they would have arrived in person. He noted that Mr. Schaer has lived in the area a long time and went door to door to get these signatures. Ms. Holmes asked what his alternative would be if the variance was not approved. Mr. Bracken noted that he would not be able to work on the van, the bigger concern was if he purchased a larger van it would not fit into the building. He noted the only way to get a taller van would be to put in scissor trusses in but that would restrict parking of other vehicles in the building. Mr. Lay asked about the purpose of the van. Mr. Bracken noted it is his work van, he personally owns the van but uses it for work.

Mr. Mooty noted that the applicant has stated that the van is for commercial purposes. He noted that the building is very large and atypical of a residential property. The applicant has stated he wants to use the property for his commercial vehicle and in the future possibly purchase a larger commercial vehicle. Mr. Mooty noted that the requirements are for 15 ft. mean height. Mr. Mooty noted the applicant has stated he wants to use the building for commercial purposes, he noted that this is a residential area with a height restriction. He noted the applicant has not meet the burden of proof demonstrating the variance should be approved. He discussed that last month the board determined that he could erect a building in the setback, there is no justification to approve the additional height. He noted that one would expect the applicant would request letters of support, in this case all the neighbors have submitted letters in opposition. The code should be respected and the variance should be denied as this variance is for the applicant's convenience. There are other methods to retain height without increasing the building height.

#### **Findings by the Zoning Board of Appeals for Petition 2019-28-V:**

**B. Non-conforming uses in the same district and permitted uses in other districts shall not be considered grounds for issuance of a Variance.** (Negative) This is a residential structure so it is permitted. It would need to be taller specifically to accommodate his commercial vehicle.

**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 other variance are known in the areas.

**C. The ZBA has found that the reasons set forth in the application justify the granting of the Variance.** (Negative)

**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.** (Negative) Based on the letters submitted and documentation presented this would be in the negative.

**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.** (Negative) There is sufficient space to park the vehicles without the additional height.

Motion to approve petition 2019-28-V made by Lay seconded by Holmes.

Roll call vote: Karen Krug – *No*, Teresa Gauger – *No*, Kim Holmes – *No*, Jerry Lay – *No*, Dean Backer – *No. Motion Failed*

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**2019-23-A County Wide**, filed by the Conservation, Planning and Zoning Committee to amend Sections 5 General Provisions, Section 13 Residential Single Family District (R-1), Section 14 Residential Multi Family District (R-2), Section 22 Signs, Section 24 Special Use, & Section 28 WECS of the Woodford County Zoning Ordinance, amending regulations regarding Fee schedule, chickens in the R-1 and R-2 districts, exempt signs, business signs in the agriculture district, sign variance fees, special use application requirements, special use postage costs, and High Impact Business.

- Swearing in and/or Affirmation: was completed for petition **2019-23-A**

Mr. Blake Parsons was affirmed. Mr. Parson reviewed the proposed changes as presented. He discussed that they clarified the Special Use application requirements and added publication cost requirements. Ms. Holmes asked if everyone was ok with that, the consensus was agreement with the changes. Mr. Parsons discussed the addition of allowing chickens in residential. Mr. Parsons discussed the proposed removal of the High Impact Business verbiage. He discussed that after discussions with the Assistant States Attorney and the State of Illinois it was determined that the state waiving of their portion of sales tax does not affect the County portion. Mr. Lay asked for clarification. Mr. Gibson discussed that if a company is approved for high impact business designation the state waives their sales tax on construction materials, it has no bearing on the county sales tax. Mr. Gibson also noted that the money brought in from Gamesa with the existing farm was part of an agreement outlined in the special use. Mr. Gibson noted that historically this item came from Livingston County, they no longer have it in their ordinance. He noted this caused confusion because the companies coming in with the designation do not know what this section means. Ms. Holmes explained what happened with the Gamesa farm. Mr. Lay noted his concern was not losing out on the potential for the type of money the county saw with the last farm. Mr. Parsons noted that he does not feel those fees have a place in the ordinance. Mr. Parsons noted that the previous amount was negotiated as part of the special use. Mr. Lay asked who negotiates things like that. Mr. Parsons noted it would likely be the County Board. Mr. Holmes noted the Gamesa special use was negotiated through Livingston County. Ms. Holmes noted if the legal opinion is to remove it she is fine with doing so. Mr. Lay expressed concern over the County losing money. Mr. Gibson noted based on his discussion with the state he feels the County will not lose out on any money if this wasn't in the ordinance. Mr. Parsons presented the ZBA fee changes being recommended. He noted they reviewed all the fees received in the last three years since the

fee reduction. He noted they would like to reach a middle ground that comes close to breaking even on the cost to run the ZBA. Mr. Parsons presented the final section with changes, the sign section. Mr. Minger has reviewed the changes. Ms. Jording noted that this will align everything that is an exempt sign to have the same restrictions. Ms. Jording noted that this is for any signs in unincorporated county. Mr. Parsons noted they also proposed adding regulations on signs for special use application in agriculture districts.

Motion to approve petition 2019-23-A made by Holmes, seconded by Krug.

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

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- Other Business to Come Before the Board:

- Permit Extensions

- Extension of permit 17224-16 issued to Eddie & Cindy Ballard for construction of a single family dwelling

New owner purchased will finish home.

Ms. Jording explained that this property had previously received an extension. The property has now been sold and the new owner will be finishing the dwelling to sell, he would like a permit extension to complete the dwelling. Mr. Gary Babb noted the house is 3/4 finished, he would like a nine month permit extension to complete the house.

Ms. Holmes made the motion to approve a permit extension for 9 months starting today, seconded by Lay.

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

- Update on previous months petition/s
- Update on next month petition/s – September 24

Ms. Jording noted that there will be a meeting next month.

- IACZO Seminar discussion: None
- ZBA By-Law discussion - (if necessary) – approval of by-laws changes from June 25 meeting  
Motion to approve the By-Law changes as presented made Ms. Holmes, seconded by Mr. Lay.  
Roll call vote: Kim Holmes – *Yes*, Jerry Lay – *Yes*, Dean Backer – *Yes*, Karen Krug – *Yes*,  
Teresa Gauger – *Yes*. *Motion Carried.*

- Executive Session – None

- Adjournment

Mr. Lay made the motion to adjourn at 8:30, 2<sup>nd</sup> by Ms. Holmes. *Motion Carried.*

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Lisa Jording, Secretary

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Teresa Gauger, Acting Chairman

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Date