

RECORD OF MINUTES

McLEAN COUNTY ZONING BOARD OF APPEALS

Tuesday, August 1, 2017

Room 400, Government Center

115 E. Washington Street, Bloomington, Illinois

1. CALL TO ORDER: Chair, James Finnigan called the meeting to order at 7:00 PM.
2. ROLL CALL: Secretary Philip Dick called the roll and noted the presence of a quorum as follows: Brian Bangert, Michael Kuritz, Rick Dean, Julia Turner, James Finnigan, Drake Zimmerman, and Chris Carlton (Alternate Member). Member Judd was absent. Also present were Melissa Dougherty-O'Hara, County Planner, Darrell Mitchell, Zoning Enforcement Officer, and Don Knapp, Assistant State's Attorney.
3. APPEARANCE BY MEMBERS OF THE PUBLIC: No one came forward to speak on matters not on the agenda.
4. APPROVAL OF MINUTES: Motion was made by Kuritz/Dean to approve the minutes from the July 5, 2017 Zoning Board of Appeals meeting.

The roll call vote was seven members for the motion to approve, none opposed and member Judd was absent.

4. REGULAR AGENDA:

Case ZV-17-07 - application of Matthew Hickey for a variance in total area of accessory of buildings requirements to allow 1,786 square feet rather than 1,500 square feet as allowed in the R-1 Single Family Residence District and is located in Dawson Township at 11765 N 2400 East Rd., Downs, IL.

Secretary Dick called the case and provided exhibits to the board. County Planner Dougherty O'Hara submitted the staff report for review. She indicated the applicant applied for the variance to build a detached garage. The seven standards for variances were met and the staff recommended the approval of the application.

Matthew Hickey, 11765 N 2400 East Rd., Downs, IL, appeared to give testimony and was sworn. Mr. Hickey stated the garage is for personal use to store his vehicles and have a woodworking shop.

The board reviewed and discussed the seven standards for variances and found them to be met.

Motion was made by Kuritz/Turner to approve case ZV-17-07.

The roll call vote was seven members for the motion to approve, none opposed and member Judd was absent.

Case AP-17-02 - appeal by Michael and Jennifer Toney, in case AP-17-02 of the decision of the Director of the Department of Building and Zoning in a June 2, 2017 notice of violation in which the Zoning Enforcement Officer determined a

noise disturbance caused by the discharge of firearms was taking place on property at 8974 N 2850 East Rd., Ellsworth, IL, in the Agriculture District in violation of the Zoning Ordinance..

Secretary Dick called the case and provided exhibits to the board. He submitted the staff report in defense of the June 2, 2017 notice of violation.

Jeff Sandage, 8741 N 2850 East Rd., Ellsworth, IL, appeared to give testimony and was sworn. Mr. Sandage provided information where his property is in regards to the Toney's property and where he believed the Toney's were shooting. He indicated the noise from the discharge of firearms goes on for three to four hours at a time. When questions by Mr. Dick, "Did the discharging of firearms on the subject property cause noise that made it difficult for you to recreate I your back yard?" Mr. Sandage said, "Yes". Mr. Sandage indicated he did speak with the Toney's about the noise but it continued and he sought to resolve the issue through the proper channels including notifying the sheriff's department and contacting the McLean County Building and Zoning office.

Jennifer Toney, 8975 N 2850 East Rd., Ellsworth, IL, appeared to give testimony and was sworn. Ms. Toney provided information regarding where the shooting was taking place on their property. She continued to provide information about how often and for how long they would shoot on their property. Ms. Toney stated in the past they had tried to work with Mr. Sandage by calling or texting him when they would be shooting on their property.

Michael Toney, 8975 N 2850 East Rd., Ellsworth, IL, appeared to give testimony and was sworn. Mr. Toney provided information regarding where shooting occurred on the property. He indicated they did have a dirt pile in which they shoot their firearms into on the property. He stated when they did receive a complaint about the shooting from Mr. Sandage they did change the direction of their shooting to avoid shooting towards the Sandage property.

Tristan Toney, 8975 N 2850 East Rd., Ellsworth, IL, appeared to give testimony and was sworn. Mr. Toney provided information regarding how many rounds of ammunition was shot in a given occurrence.

David Barron, 28611 E 900 North Rd., Ellsworth, IL, appeared to give testimony and was sworn. Mr. Barron indicated where he lived in relation to the subject property. He stated the shooting noise did not bother him considering the Toney's shoot two to three times a year. He did indicate some of the firearms used for shooting were loud but it did not bother him.

Sally Wannemacher, 9167 N 2850 East Rd., Ellsworth, IL, appeared to give testimony and was sworn. Ms. Wannemacher stated where she lived in relation to the Toney's property indicating she did hear the shooting. She stated on her property she can hear shooting from the LeRoy Sportsman Club, Moraine View State Park, and other surrounding properties.

John Wannemacher, 9167 N 2850 East Rd., Ellsworth, IL, appeared to give testimony and was sworn. Mr. Wannemacher provided information where he lived in relation the Toney property. He believed there was no basis for the decision.

Lisa Sandage, 8741 N 2850 East Rd., Ellsworth, IL, appeared to give testimony and was sworn. Ms. Sandage indicated that she and her husband were the most effected by the noise caused by discharging of firearms. She stated the noise from the firearms causes her to fear being outside when it is occurring. She continued to state that due to the noise she was not able to enjoy the use of her property.

The board reviewed and discussed the case.

Motion was made by Kuritz/Bangert to grant the appeal in case AP-17-02.

The roll call vote was six members to grant the appeal, none opposed and member Judd was absent. Member Dean recused himself from discussion and voting.

5. ADJOURNMENT:

The Chair declared the meeting adjourned at 9:32 PM.

Approved 9/5/2017