

Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on September 5, 2002 at 5:30 p.m. in Room 700, Law and Justice Center, 104 W. Front Street, Bloomington, Illinois.

Members Present: Chairman Gordon, Members Rodman, Bostic, Hoselton, Nuckolls

Members Absent: Member Segobiano

Staff Present: Ms. Martha B. Ross, County Administrator's Assistant

Department Heads/
Elected Officials

Present: Mr. Phil Dick, Director, Building and Zoning;
Mr. Mike Behary, County Planner, Building and Zoning

Others Present: Ms. Christine Brauer, McLean County Regional Planning Commission

Chairman Gordon called the meeting to order at 5:40 p.m. Chairman Gordon asked whether there were any additions or corrections to the minutes of August 1, 2002. Hearing none, the minutes of the August 1, 2002 Committee meeting were approved as submitted.

Chairman Gordon presented the bills, which have been reviewed and recommended for transmittal to the Land Use and Development Committee by the County Auditor.

Motion by Rodman/Bostic to recommend approval of the bills as presented by the County Auditor. Motion carried.

Chairman Gordon stated that there is a subdivision public hearing scheduled as the sole action item on the Committee's agenda. The subject of the public hearing is a request by Richard White to vacate 10 feet of a 40 feet recorded setback along Oakmont Road and along 1625E Road on Lot 25 Crestwicke East Subdivision, File number S-02-13.

Chairman Gordon called the public hearing on Case Number S-02-13 to order.

Mr. Phil Dick, Director, Building and Zoning Department, stated that notice of the public hearing was published in The Pantagraph, as required by law. The nearby properties have also been notified of the hearing, as required by law.

Mr. Dick unveiled a large plat map and identified the location of the lot in question for the members of the Committee. He stated that the request is essentially a request to change the proposed front setback from 40 feet to 30 feet. Therefore, the proposed dwelling could be built 30 feet from the property line rather than 40 feet, which is what the plat currently requires. Mr. Dick explained that the typical front setback requirement is 30 feet, but if a 40 feet setback has been recorded, it will be maintained.

Mr. Dick distributed an aerial map of the property with the lot in question identified. He stated that the Staff Report is self-explanatory. He further stated that both the County's Health Department and the Highway Department have not voiced any objection to Mr. White's request.

Chairman Gordon invited Mr. Richard White, the applicant, to provide an explanation as to why he is requesting a variance.

Mr. Richard White, 806 Jersey Avenue, Normal, Illinois, stated that he requested the variance so that his lot would accommodate a single level duplex, which he planned to build on that lot. He stated that, as a precedent, a nearby building had been built with a 55 foot setback.

Mr. White explained that the building he had designed is approximately 100 feet long, which is a typical size for such a building. He remarked that a building this size is not an extraordinarily large duplex, but it is a long building. Hence, there is a need for an adjustment to the setback on one side of the lot.

Mr. White requested a 30 foot setback that would allow the building to fit into the existing lot.

Chairman Gordon asked whether Mr. White wished to contribute anything further. Mr. White stated that he had nothing further to add to his statement.

Chairman Gordon asked whether there were any other County staff or individuals who had reviewed the plan, who wished to comment on the applicant's request. Hearing none, Chairman Gordon asked whether the Committee members wished to pose any questions to the applicant or to Mr. Dick.

Ms. Bostic asked Mr. Dick whether there were any setbacks granted to another nearby corner lot. Mr. Dick responded that there were no additional setbacks granted, and that the setback on that lot is 40 feet.

Mr. Rodman asked what entity determined the standardization of the 40 foot setback. Mr. Dick responded that the setback was determined by the subdivision.

Chairman Gordon asked whether there is any precedent for a request of this type. Mr. Dick responded that there have been other subdivisions where a 40 foot setback is required. He explained that the reason for the current public hearing is because the original setback line was established during a public hearing when the subdivision's preliminary plan was adopted. Therefore, if there are proposed changes, those changes must be accomplished in the same way that the original plan was established. Mr. Dick noted that there is some concern over this request, as all of the other buildings built in the subdivision have been required to adhere to the setback requirement and therefore, be placed further from the right of way. A change in the setback for one property would create aesthetic issues for other property owners.

Mr. Dick remarked that this is not a clear cut decision, and his office did not support building any closer than 30 feet from the right of way. Such a request would require a variance from the County's zoning requirements. However, the vacation of front setbacks have historically been looked upon with favor by the Department of Building and Zoning.

Chairman Gordon asked for any further questions or comments from the members of the Committee. Hearing none, Chairman Gordon asked whether there were any other parties present who have an interest in the case and desire to be heard.

Ms. Dorothy Witte, who resides in the property located immediately west of the lot in question. She asked for clarification of extent of the requested setback, whether it would be on Oakmont Road as well as along the County road. She vigorously stated that such a setback would make Mr. White's property the only property in that immediate area with such a setback, which would deviate from the established norm. Ms. Witte noted that behind Mr. White's property is a duplex dwelling that fits into the current setback requirements. She further noted that Mr. White's dwelling could be built on the lot and still maintain the customary setback, if the amount of the square footage in the dwelling were adjusted.

Mr. Jansen Wiley, 8638 Oakmont, stated that his property is located one block west and one-half block south of Mr. White's property. He stated that he also owns a duplex dwelling.

Mr. Wiley commented that the subdivision is not exclusively uniform in the locations of its properties. There are some duplexes and some single family homes. The single family homes provide a contrast to the duplex structures. He noted that changing the 40 foot setback to a 30 foot setback on Mr. White's property will not disrupt the aesthetics that have been established in the subdivision.

Mr. Wiley explained that the plans for Mr. White's proposed duplex show that the two sides are separated by a garage structure. This may account for the need for additional space in order for the structure to fit the existing lot.

Mr. Wiley stated that he has a vested interest in the property, and would not object to the granting of a 30 foot setback for Mr. White's property.

Dr. Craig Witte, 8669 Oakmont, stated that his property is located on Oakmont, and faces west. He testified that his duplex is immediately adjacent to Mr. White's lot. In the event that a 30 foot setback was granted, Mr. White's property would be the only property on the block with such a location. Dr. Witte objected to the fact that open green space, which was a determining factor in his purchase of property in the Crestwicke East subdivision, would be reduced. He commented that the aesthetic value of the neighborhood would be compromised, especially since Mr. White's lot would be the first lot at the entrance to the neighborhood. It would thus set the tone for the neighborhood.

Ms. Mabel Gast, 8665 Oakmont, stated that she moved to the Crestwicke East subdivision because it is a country club area, which provided greater than average green space on its lots. She noted that her observations are that both the single family and duplex dwellings in the neighborhood observe the 40 foot setback. A change in this uniformity would be unnecessarily obvious. She also noted that once the initial variance is granted, a precedent is established and other such requests will likely follow.

Ms. Gast remarked that a change in the setback would result in reduced green space, which was one of her objectives in moving to Crestwicke. She stated that she feared the loss of aesthetic value with regard to her property specifically, and the neighborhood in general.

Ms. Gast asked what is Mr. Wiley's vested interest in Mr. White's property. She noted that his interest in the property, other than simply living in the neighborhood, is not readily apparent.

Chairman Gordon asked whether any further members of the public wished to address the Committee. Hearing none, Chairman Gordon asked whether any Committee member wished to raise any questions regarding Mr. White's application.

Mr. Rodman noted that Mr. White's request asked for a variance on two (2) sides of the lot. He asked whether a change on both sides of the property is necessary. Mr. White responded that the additional 10 foot setback was almost an afterthought. He explained that he realized that the primary concern of the other residents is the 10 foot setback on Oakmont. He agreed to waive that request.

Mr. White remarked that what was specifically needed before his construction could begin was an additional five feet on each side. Therefore, the setback off the main road was the primary focus of his request. He included the 10 foot setback off of Oakmont because the County had drawn 30 feet. He felt it would provide some additional flexibility, but could be abandoned, if necessary.

Mr. White explained that his proposed building is consistent in width with the other buildings in the immediate area. So, if the building is positioned contiguous with the existing duplex on the west, 40 feet from Oakmont, there is no aesthetic change. He, therefore, agreed to waive the 10 foot setback from Oakmont.

Chairman Gordon consulted with Mr. Dick on matters of Ordinance requirements and procedure. Chairman Gordon then stated that Mr. White's request, in its initial submitted form, must be considered. However, the Committee could also consider an amended version of the original request.

Mr. Hoselton stated that he initially agreed with Mr. White's stated construction plans, by virtue of the fact that he has met the County's requirement of a 30 foot setback. However, upon closer examination, he noted that Mr. White's request for setback could be compared to an existing property located within his district which also utilized a different setback line than the other properties in its immediate area. He noted that the non-conformity of that building was obvious, and less pleasing than the other properties that are all uniform in their setback location.

Mr. Hoselton asked whether the proposed dwelling will be affected by the size of the setback on the north-south road that borders Mr. White's property. He asked whether the size of the side lot line could be reduced in an attempt to align Mr. White's property with the rest of the nearby properties. Mr. White responded that the building would be in alignment with the other properties on Oakmont. However, it would be about 10 feet longer.

Mr. Hoselton asked whether Mr. White's building would extend outward 10 feet farther than the other buildings around it. Mr. White responded that his building is not closely located near the other buildings around it, and the incongruity would not be as immediately obvious as it would be if the buildings were closer together.

Mr. Rodman remarked that the house located on the public road behind Mr. White's proposed property appears to be located closer than 20 feet to the property line. Mr. Rodman illustrated his comment by referring to the plat map. Mr. Dick suggested that the property owner might have obtained a variance.

Mr. Hoselton explained that the residence in question appears to be located to the south of Mr. White's bare lot, and appears to be closer on the west elevation to the property line. Mr. Rodman asked whether the house had a deck. The general consensus was that the structure may have an attached deck.

Chairman Gordon stated whether there were any other comments. Mr. Wiley commented that the east side of the County road is largely undeveloped. About one block north of Oakmont is a single family dwelling that currently sits alone in that undeveloped area. He stated that this property is not necessarily commensurate with the current tone of the neighborhood. However, he is tolerant of its location and would also be tolerant of Mr. White's deviation from the norm. He further stated that Mr. White's building would likely become one of the most expensive buildings in the neighborhood, adding value to the other properties around it. For these reasons, he would not object to the granting of Mr. White's request.

Ms. Gast remarked that the single family dwelling was in place long before the Crestwicke East subdivision was in place. She noted that, although Mr. White had a pleasing design for his duplex dwelling, consideration for the size of the available lot should have been given prior to the design of the structure.

Dr. Witte asked whether the east side of the duplex that would be directly to the south of Mr. White's lot closer to the County road than the 40 foot setback. If it is not, then setting a building 10 feet closer to the County road will change the aesthetics as one progresses down the road. He noted that Crestwicke subdivision does have boundaries. What prevails outside the boundaries should not influence decisions within the subdivision.

Ms. Bostic asked whether the white lines appearing on the photograph of the property are property lines. Mr. Dick stated that they are supposed to be, but are not survey-accurate.

He referred to one building which probably had a variance. He stated that sidwell maps would need to be consulted to accurately determine property lines.

Chairman Gordon asked whether there were further comments. Ms. Witte remarked that Ms. Gast previously asked what is Mr. Wiley's vested interest in the property in question. Mr. Wiley responded that he owns one-half of a duplex property located at 148638 Oakmont. He and his wife plan to live in the duplex if it is built, and would therefore become a resident of the neighborhood.

Chairman Gordon asked whether there were any further questions. Mr. Hoselton asked Dr. and Mrs. Witte whether they would object to allowing Mr. White to move his home 10 feet closer to the side lot line. That would leave a 30 foot gap between the two homes. The Wittes declined. Ms. Witte stated that when they moved in, they accomplished some renovation of the existing property with the intention of creating a patio. The vision they have for the use of their property does not lend itself to more limited green space.

Dr. Witte noted that there is a drainage system located between his lot and Mr. White's lot. It is undetermined at this time how much of that space should be left undisturbed so that excess water can be drained away when it occurs.

Mr. Rodman asked Mr. White whether he needed a full 10 feet, or could he proceed with his plan with less than 10 feet. Mr. White responded that remarked that his duplex is planned at less than 1700 square feet on each side, and is therefore, not considered large. The building is 95-96 feet long, creating a deficit of approximately 7 feet. Therefore, the majority of the 10 feet requested would be fully utilized.

Mr. White stated that his request is not a precedent-setting issue. Rather, his is the last lot to be developed. If the design of the duplex were changed to a two story, the building could be easily accommodated within the existing lot. However, a two story dwelling is not acceptable to him.

Mr. White said that his building would be located approximately 55 feet from the main road, when the 40 setback is combined with the right of way. He noted that there is plenty of green space, and by abandoning the additional request for the setback on Oakmont, his building would be contiguous with the other building located along that road.

Chairman Gordon asked whether Mr. White would be willing to drop his request for the 30 foot setback on Oakmont. Mr. White agreed to drop this request, stating that it was an afterthought, and not the main issue.

Mr. Nuckolls asked whether Mr. White's duplex would be the only ranch style duplex in the area. Mr. White responded that most structures in the immediate area are two story. Ms. Witte remarked that the building located immediately behind Mr. White's location is a ranch style building. Mr. White noted that another building located in the same area clearly has a variance and asked the Committee to consider that fact.

Ms. Witte commented that Mr. White's plan includes a large garage area. She noted that perhaps the square footage of Mr. White's garage could perhaps be reduced in order to fit the dwelling within the existing setbacks. Mr. White declined that option, stating that the garage was a standard 2-car garage.

Ms. Bostic asked what are the footage dimensions on the garage. Mr. White responded that the garage measures 19 feet 11 inches. She asked how deep it is. Mr. White responded that the depth of the garage did not impact the setback request.

Mr. Hoselton called for the question. Chairman Gordon explained that the hearing will need to be closed, and then the Committee will entertain a motion.

Chairman Gordon asked whether there was any further discussion within the context of the hearing. Mr. Wiley commented that on Oakmont Road the duplex that is directly north and faces Mr. White's proposed duplex creates some aesthetic issues. The retired couple who reside there maintain landscaping that protrudes farther out toward the County road than the other houses in the immediate area. The landscaping was planted in an attempt to hide a recreational vehicle that is parked on the property. He noted that the neighbors accommodated this deviation from the norm because the property owners were making a sincere attempt to accommodate the views of their neighbors. He suggested that the same generosity of spirit should be extended to Mr. White.

Chairman Gordon asked whether there were any further questions. Hearing none, Chairman Gordon declared the public hearing closed. He stated that the Committee would now move to the discussion stage.

Mr. Rodman asked what kind of variance the house behind Mr. White's property received. Mr. Dick responded that 20 feet is the standard setback. He stated that there is also a 10 foot easement that cannot be encroached upon. Mr. Dick stated that the property was granted a variance to be 2.5 feet closer at 17.5 feet.

Mr. Nuckolls asked what type of structure was the subject of the variance. Mr. Dick stated that it was a screened porch.

The Committee went into recess while information was copied and provided to the Committee.

Mr. Hoselton remarked that even though Mr. White meets the criteria for a variance, he is quite concerned about the aesthetics such a variance would create. He further remarked that Mr. White's house is the last house to be built in this neighborhood, and all other homeowners met the setback requirements. Mr. White should be expected to conform to the stated regulations, as well.

Mr. Nuckolls stated his agreement with Mr. Hoselton's position, citing consistency as his main concern.

Chairman Gordon asked whether there was interest on the part of the Committee in amending the original request to make it more acceptable. Mr. Rodman stated that the original request had deficiencies that could not be easily overlooked, as well.

Mr. Nuckolls stated that Mr. White's home should be consistent with other homes in the neighborhood.

Mr. Rodman asked whether Mr. White could return to the Committee with a new proposal, in the event that the original application was rejected. Mr. Dick responded that he could return with a new house plan that would meet the setback requirements.

Mr. Hoselton stated that the Committee would need to reject the request for a 30 foot setback and maintain the need for a 40 foot setback. Mr. Dick responded that the Committee could recommend against approval of Mr. White's request. Mr. Nuckolls added that Mr. White would be able to return to the Committee with a modified plan. Mr. Dick stated that the plat would be left as it currently exists.

Ms. Bostic commented that if Mr. White is agreeable to lining up with the other buildings on Oakmont, and extend an additional 10 feet out toward the County road, she could not object to his request. She would recommend that he align his property with the others on Oakmont and take extra room on the County road side. She added that there could be no variance for external additions at a later date.

Chairman Gordon asked whether the Committee could make a recommendation to the full Board, which the full Board would then vote on. He stated that the objective in doing this would be to prohibit any future requests for variances. Mr. Rodman stated that the Committee could accomplish the same objective by simply not approving the requests when they were submitted.

Mr. Nuckolls noted that the Board's membership will soon change with the upcoming election in November, 2002. New Board members may have different viewpoints regarding this issue. No drastic changes should be considered until after the election.

Motion by Bostic/Rodman to recommend approval of the Zoning Ordinance setback of 30 feet on 1625 East Road only. A 40 foot setback on Oakmont Road must remain.

Mr. Nuckolls requested that a roll call vote be taken on the motion.

Mr. Dick explained that granting a variance would be a zoning issue. He noted that Mr. White's request is a subdivision issue. When a lot is platted, the Committee reviews that plat and recommends approval or denial. He stated that there is a recorded setback line on two fronts, Oakmont and the township road. He further stated that the motion would be to vacate the 40 foot setback on 1625, but not on Oakmont. A variance is not required in this instance because the Zoning Ordinance requires a front setback of 30 feet.

Mr. Hoselton commented that the Committee's approval of the motion, as stated, would not allow Mr. White to place any trees or other vegetation on the east elevation. Mr. Dick responded that vegetation placement is not regulated unless there is a problem with sight distances.

Chairman Gordon polled the members and noted that the Chairman would vote:

Mr. Nuckolls	"No"
Mr. Hoselton	"No"
Mr. Rodman	"Yes"
Ms. Bostic	"Yes"
Chairman Gordon	"No"

Chairman Gordon stated that the Committee voted 3 to 2 to reject the application. The Committee will recommend to the County Board to reject the application, as amended, based upon the preceding motion. The applicant is welcome to resubmit his request in the future.

Mr. Hoselton commented on the civil nature of the discussion during the hearing stage of the public hearing. He noted that Mr. White did actually meet the established criteria, and the Committee could have voted to approve his application. However, he expressed

concern over the change in aesthetics that the neighborhood would experience in the event that Mr. White's application was approved. Mr. Hoselton suggested that all of the

Minutes of the Land Use and Development Committee Meeting
September 5, 2002
Page Eleven

neighbors come together to work out their different opinions and ideas regarding this issue, because Mr. White could return to Committee with another request.

Chairman Gordon presented the Quarterly Report for the Solid Waste and Waste Reduction Education Program, submitted by Ms. Lydia Reynolds, Planner, McLean County Regional Planning Commission. He stated that he has been attending meetings at the Ecology Action Center (the "EAC") as the liaison from the McLean County Board. He stated that the EAC is quite resourceful in obtaining grants and going out to smaller communities.

Chairman Gordon presented the August 2002 Permit Activity Report. Mr. Dick stated that the number of dwellings has risen over last year. Otherwise, the activity report is very similar to that of last year.

Chairman Gordon stated that a continuation of the June 6th Committee discussion regarding McLean County's proposed participation in a Resource Conservation and Development Area ("RC & D") was in order. He referred to a letter sent to the members of the Committee from Mr. Mike Kelley, Chairman, McLean County Soil and Water Conservation District and Mr. Kent Bohnhoff, NRCS, regarding McLean County's possible affiliation in a Resource and Conservation District. He stated that Ms. Bostic will update the Committee on the progress of this process.

Ms. Bostic stated that she and Mr. Dick attended a meeting that was held to determine the focus of a group who are working to guide McLean County toward membership in an RC & D. There are, at this time, two (2) options for membership available to McLean County, should it ultimately decide in favor of RC & D membership. A five (5) county group, located to the south of McLean County, has expressed interest in forming an RC & D, and would be amenable to accepting McLean County into that group. The five counties are: DeWitt; Mason; Piatt; Shelby; and Moultrie. Ms. Bostic explained that both she and Kent Bohnhoff attended a meeting in Monticello the previous night to communicate McLean County's position on joining the five county group.

Ms. Bostic stated that the five county group has conducted two planning sessions to date.

They were glad to hear that McLean County was interested in participation and noted that when the district was formed, it would receive the distinction of being one of the founding counties in the new RC & D.

Ms. Bostic remarked that McLean County made a tentative contact to the Sangamon RC & D, but that contact was rejected. Prairie Rivers RC & D, another well-established RC & D located in an area north of McLean County, has also expressed interest in accepting McLean County as a member.

Minutes of the Land Use and Development Committee Meeting

September 5, 2002

Page Twelve

Ms. Bostic stated that the five county group is ready to form a steering committee, and therefore, McLean County will need to consider its participation in this group within enough time to participate in the steering committee. She explained that participation in an RC & D is very advantageous to McLean County in that it will bring Federal funding from the U.S. Department of Agriculture (the "USDA") to the local area in order to assist the County and the District in conserving and developing its assets.

Ms. Bostic suggested that the main advantage to affiliating with the five county group located to the south of the County is that it would be a newly-formed group. McLean County would have the power to influence its development from its inception. If affiliation with the Prairie Rivers group, located to the north were to occur, McLean County would be entering a group that has been established for 10 years. While leadership and funding would be well-established, the group would also look to McLean County's participation to breathe new life and enthusiasm into its programs. She noted that either option has advantages for McLean County.

Ms. Bostic reported that Mr. Mark Jackson reported to the group on the RC & D application process and how a group can identify its resources. The five county group has not yet reached the point where it is ready to submit an application. Readiness for the application process is expected in about one year.

Ms. Bostic cited future planning for water sources is a major concern in both McLean County and the entire Central Illinois region. An RC & D could be very effective in future planning and other assistance regarding water issues.

Mr. Rodman asked whether local money would need to be contributed to the establishment and maintenance of an RC & D. He cited McLean County's budget deficiencies as a concern in this area. Ms. Bostic responded that a coordinator, an administrative assistant, and a vehicle would be at least a partial local expense. Mr. Dick commented that the County would likely be obligated to contribute \$200.00 of local funding. Generally, funding does not come from public funds. Rather, funding is usually sourced from project funds.

Mr. Rodman expressed concern over the fact that the USDA, as a major source of funding for RC & Ds, might have to substantially reduce its budget in the future, as the Federal government addresses decreased revenues. Chairman Gordon responded that, historically, this has not happened. Ms. Bostic commented that local Congressional

Representatives and Senators could assist in both the application process and procurement of funding.

Minutes of the Land Use and Development Committee Meeting
September 5, 2002
Page Thirteen

Chairman Gordon stated that the earliest date that any formal decision could be made on RC & D membership would be the October 2002 Land Use and Development Committee meeting. The Committee should consider the following: 1) is there interest in McLean County for RC & D membership; and, 2) of the two groups that have membership opportunities available to McLean County, which group is preferred.

Ms. Bostic stated that she felt that McLean County could benefit from RC & D membership and the Committee should consider carefully the available options.

Chairman Gordon noted that the newly-created Federal office of Homeland Security could be a source of funding for rural fire districts and other rural services, which would be advantageous. He suggested that between now and the October Committee meeting, the Committee members should have one-to-one conversations regarding RC & D participation. Both groups offered advantages in membership, all of which should be carefully considered.

Ms. Bostic announced that the next meeting of the five county group will be Tuesday, November 19, 2002. The meeting will take place at the new USDA offices at Richland Community College, Decatur, Illinois.

Chairman Gordon announced that a planning commissioners training meeting will be held at the Central Illinois Regional Airport on Friday, October 4, 2002. The training session is being conducted in this area at the request of the American Planning Association, Illinois Section. All Committee members will receive invitations.

There being nothing further to come before the Committee at this time, Chairman Gordon adjourned the meeting at 7:28 p.m.

Respectfully submitted,

Martha B. Ross
Recording Secretary

