



AGENDA
McLEAN COUNTY ZONING BOARD OF APPEALS
Tuesday, March 5, 2013
Room 400, Government Center
115 East Washington Street, Bloomington, IL

CALL TO ORDER BY CHAIR

ROLL CALL BY SECRETARY AND DECLARATION OF A QUORUM

7:00 P.M. – Case SU-13- 01, application of William and Megan Braid for a special use to allow a single family residence in the Agriculture District for the son of the farm owner on property located immediately southwest of the intersection of 800 East Road and 600 North Road in Funks Grove Township. This is a recommendation to the County Board on March 19, 2013.

7:10 P.M. – Case SU-13- 02, application of Weldon Mulliken and Barre Berenz Mulliken-Briggs for a special use to allow an Agriculture Processing Facility – Grain Handling-in the Agriculture District on property located at 17269 E 100 North Road, Heyworth, IL. This is a recommendation to the County Board on March 19, 2013.

7:20 P.M. – Case SU-13- 03, application of Robert Kohaus for a special use to allow a single family residence in the Agriculture District for the son of the farm owner on property located at 5 Blue Ash Court, Bloomington, IL. This is a recommendation to the County Board on March 19, 2013.

Discussion of Petitions

NEXT MEETING DATE – 7:00 P.M., April 2, 2013

ADJOURNMENT

STAFF REPORT FOR A SPECIAL USE

McLean County Department of Building and Zoning

CASE NUMBER SU-13-01

1. REFERENCE

- a. Hearing date: March 5, 2013
- b. Applicant's name and address: William and Megan Braid
7434 E 600 North Road
McLean, IL 61754
- c. Land owner's name and address: Thomas Braid
7434 E 600 North Road
McLean, IL 61754

2. LOCATION AND CURRENT/PROPOSED ZONING AND LAND USE:

- a. Property location: Immediately southwest of the intersection of 800 East Road and 600 North Road
- b. Township: Funks Grove Township
- c. Parcel Number: Part of 27-17-200-020
- d. Existing zoning: Agriculture District
- e. Applicant request: A special use to allow a single family residence in the Agriculture District for the son of a farm owner.
- f. Existing land use: Pasture

3. DIMENSIONS:

- a. Size of Parcel: 6.28 acres
- b. Road Frontage: 880 feet on the south and west side of County Highway 36

4. EXISTING LAND FEATURES:

- a. Topography: Relatively Flat
- b. Drainage: To the southwest
- c. Vegetation: Pasture
- d. Public Road: Asphalt 20 feet in width

5. SURROUNDING ZONING:

- a. North: Agriculture District
- b. East: Agriculture District
- c. South: Agriculture District
- d. West: Agriculture District

6. SURROUNDING LAND USE:

- a. North: Crop production
- b. East: farm buildings
- c. South: Crop production
- d. West: Crop production

- 7. RESIDENTIAL USES:** Article 5 Section 501.7 provides for methods to allow new single family residences in the Agriculture District as permitted uses or as special uses based on the following three criteria: (1) if the residential use is found to be necessary for the conduct of agriculture in the area; (2) if the lot is found to be undesirable for other uses permitted in the district; or (3) if constructed on a lot set aside from a tract of land, the principal use of which is agriculture, provided that such dwelling is initially occupied by a child, parent or spouse of the owner of the original agricultural tract from which such lot is set aside for residential purposes.

This application is filed under the 3rd criteria; one of the applicants is the son of a farm owner. The applicant's parents own 262 acres. The Zoning Ordinance allows a non-farm residence for the son or daughter of the farm owner.

8. LAND EVALUATION SITE ASSESSMENT (LESA) REPORT:

McLean County Soil and Water Conservation District staff report on soil for subject site:

- a. Soils -- Score of **96** points out of a maximum possible evaluation score of **100** points.

McLean County Building and Zoning Department staff report on site assessment for the subject site:

- b. Site Assessment -- Score of **141** points out of a maximum possible evaluation score of **200** points.
- c. Total LESA review score is **237** points out of a maximum of **300** points.

EVALUATION RESULT:

The LESA Report indicates that a total score of **above 230** points means that the property is of **high** value for agricultural land protection.

9. STAFF ANALYSIS:

The analysis of the seven standards listed in Article 8 Section 803 (Standards for Special Use Permits) of the Zoning Ordinance as they apply to this zoning request is as follows:

1. **The proposed special use will not be detrimental to or endanger the health, safety, morals, comfort, or welfare of the public.** This standard is met. One of the applicants is the son of the owner of the original agriculture tract from which this property is being set aside.
2. **The proposed special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted or substantially diminish property values in the immediate area.** This standard is met. The proposed dwelling for the son of the farm owner of the agricultural tract is compatible with uses in the vicinity.
3. **The proposed special use will not impede the orderly development of the surrounding property for uses permitted in the district.** This standard is met. One of the applicants is the son of the owner of the farm from which this property is set aside.
4. **Adequate utilities, access roads, drainage and/or other necessary facilities have been or will be provided.** This standard is met. The proposed dwelling will be served by private well and septic system that will need to be approved by the County Health Department. The Health department has indicated that there is an existing house on larger parcel which they do not have a record of a septic system for. The applicants are aware of this issue and are working with the Health Department to rectify this problem. The applicants will have to obtain approval from the Health Department on the existing house before a building permit can be issued for the proposed house. The property has 880 feet of road frontage on the south and west side of County Highway 36.
5. **Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.** This standard is met. It appears that safe sight distance can be provided at the existing entrance. The applicants will need to obtain an entrance permit from the County Engineer.
6. **The establishment, maintenance and operation of the special use will be in conformance with the intent of the district in which the special use is proposed to be located.** This standard is met.
7. **The proposed special use, in all other respects, conforms to the applicable regulations of the district in which it is located.** This standard is met.

10. CONCLUDING OPINION:

Staff recommends that this application meets all of the standards set forth in Article 8 Section 803 (Standards for Special Use Permits) of the Zoning Ordinance provided one of the initial occupants is William Braid, an entrance permit is obtained from the County Engineer, and approval is obtained from the Health Department for both houses.

Respectfully submitted,

A handwritten signature in cursive script that reads "Michael Behary".

Mike Behary,
County Planner

STAFF REPORT FOR A SPECIAL USE

McLean County Department of Building and Zoning

CASE NUMBER SU-13-02

1. REFERENCE:

- a. Hearing date: March 5, 2013
- b. Applicants' names and address: Weldon Mulliken
4721 18th Avenue Court
Moline, IL 61265

Barre Berenz Mulliken-Briggs as trustee
#7 Pinewood Drive
Carbondale, IL 62901
- c. Land owners' names and address: Weldon Mulliken
4721 18th Avenue Court
Moline, IL 61265

Barre Berenz Mulliken-Briggs as trustee
#7 Pinewood Drive
Carbondale, IL 62901

2. LOCATION AND CURRENT/PROPOSED ZONING AND LAND USE:

- a. Property location: 17269 E 100 North Road, Heyworth, IL
- b. Township: Randolph Township
- c. Parcel number: Part of 35-12-100-001
- d. Existing zoning: A-Agriculture District
- e. Applicant request: A special use to allow an Agriculture Processing Facility – Grain Handling- in the Agriculture District.
- f. Existing land use: Farm buildings and grain bins used for farming and grain storage

3. DIMENSIONS:

- a. Size of Parcel: 5.1 acres
- b. Road Frontage: 608 feet on the south side of 100 North Road

4. **EXISTING LAND FEATURES:**

- a. Topography: Relatively flat
- b. Drainage: To the south
- c. Vegetation: Grass and trees
- d. Public Road: Oil and Chip 17 feet in width

5. **SURROUNDING ZONING:**

- a. North: A-Agriculture District
- b. East: A-Agriculture District
- c. South: A-Agriculture District
- d. West: A-Agriculture District

6. **SURROUNDING LAND USE:**

- e. North: Crop production
- f. East: Crop production
- g. South: Crop production
- h. West: Crop production

7. **STAFF ANALYSIS:**

The analysis of the seven standards listed in Article 8 Section 803 (Standards for Special Use Permits) of the Zoning Ordinance as they apply to this zoning request is as follows:

1. **The proposed special use will not be detrimental to or endanger the health, safety, morals, comfort, or welfare of the public.** This standard is met. Currently the farm buildings and grain bins are part of a 160 acre tract. The two applicants are planning to divide the 160 acres into three tracts. Their will be two large tracts used for crop production that they will own individually and the one smaller 5 acre tract with the farm buildings that they will own together. The applicants do not intend to live at this site and the house on this tract is unlivable at this time. The applicants intend to continue to store grain and use this site for their farming activity. They do not plan to expand this facility. The Zoning Ordinance allows grain handling facilities accessory to a single family dwelling on small tracts, or on large farm tracts with over forty acres of tillable land. On tracts less than 40 acres, approval of a special use permit is required. The 5 acre tract has eight grain bins which the applicants store grain from their farm. The continuation of the agricultural processing on the separate tract will not negatively impact the other properties in the area.
2. **The proposed special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted or substantially diminish property values in the immediate area.** This standard is met. Nearby land that is used for crop production, will continue to be desirable for

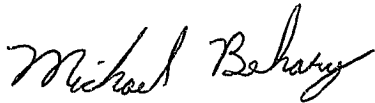
such. Nearby land that is currently used as residential, will continue to be desirable for such.

3. **The proposed special use will not impede the orderly development of the surrounding property for uses permitted in the district.** This standard is met. Nearby land that is suitable for crop production will continue to be suitable for such.
4. **Adequate utilities, access roads, drainage and/or other necessary facilities have been or will be provided.** This standard is met. The property has 608 feet of frontage on the south side of 100 North Road. The applicants have obtained approval from the health department.
5. **Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.** This standard is met. It appears that safe sight distance can be provided for at the existing entrance.
6. **The establishment, maintenance and operation of the special use will be in conformance with the intent of the district in which the special use is proposed to be located.** This standard is met.
7. **The proposed special use, in all other respects, conforms to the applicable regulations of the district in which it is located.** This standard is met.

10. CONCLUDING OPINION:

Staff recommends that this application meets all of the standards set forth in Article 8 Section 803 (Standards for Special Use Permits) of the Zoning Ordinance.

Respectfully submitted,



Mike Behary,
County Planner

Attachment: Site Plan and Applicant's Narrative

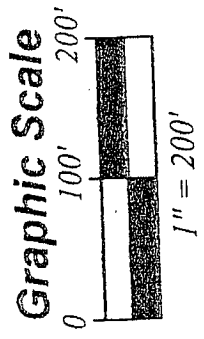
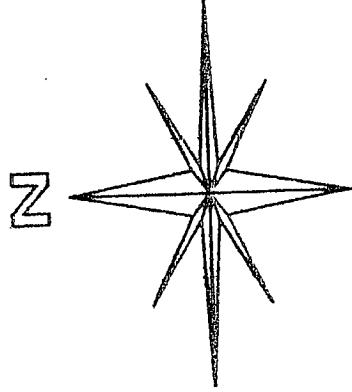
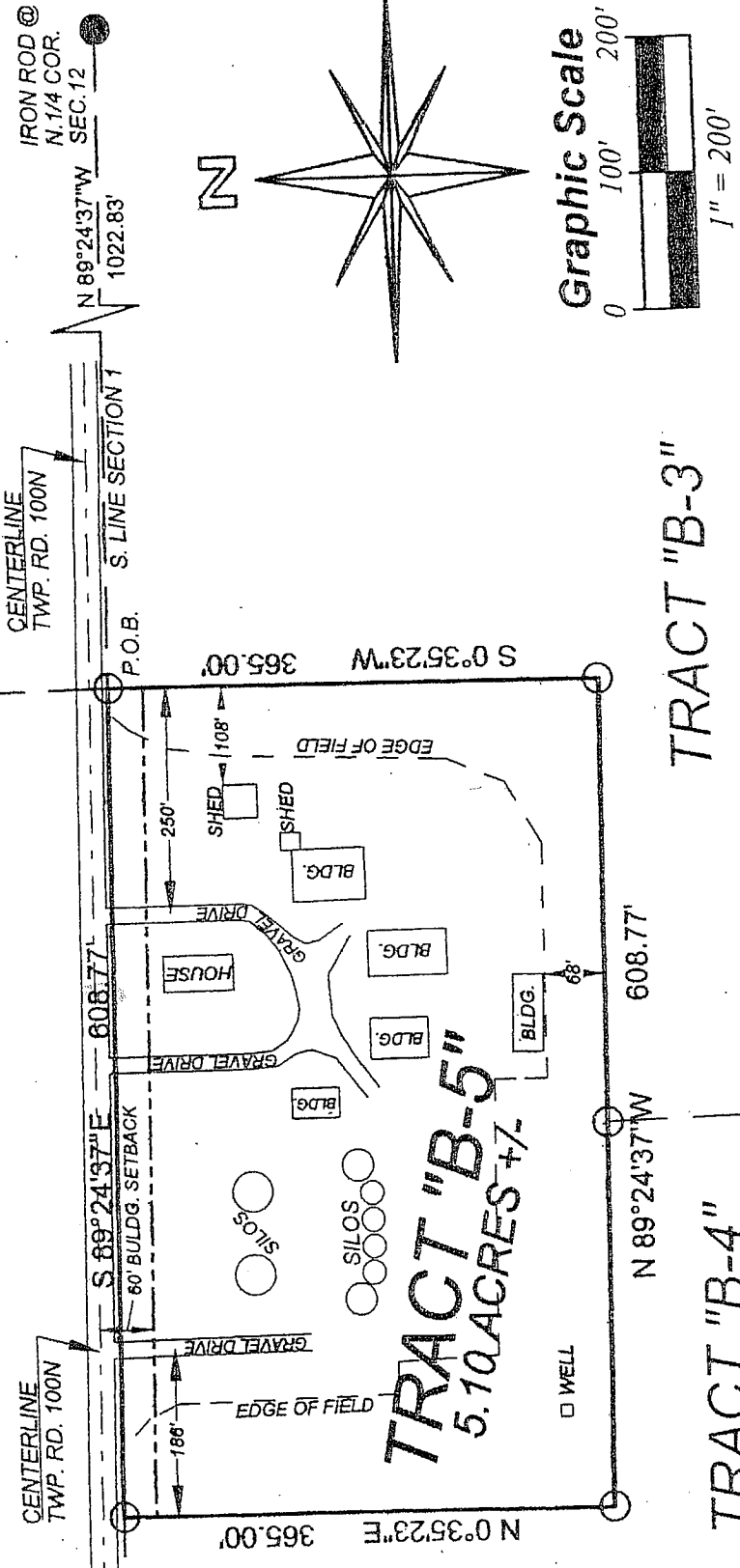
TRACT "B-5" DETAIL

TRACT "B-2"

TRACT "B-1"

TRACT "B-3"

TRACT "B-4"



TRACT "B-5"
5.10 ACRES ±

Brief Narrative and History of Parcel

The homestead which is the subject of this Special Use Permit is located on farmland which originally contained 374.84 acres, more or less. Until recently, this farmland was owned by the Henry C. J. Berenz Trust pursuant to a Trust Agreement dated June 25, 1940. Pursuant to that trust the Petitioners' mother and grandmother, Bernadine Berenz Mulliken, had a life interest in all of this farmland. Bernadine Berenz Mulliken passed away on September 27, 2006 and at that time the trust was to terminate, vesting in the Petitioners of the Special Use Permit. The Petitioners have desired to divide the ground such that one of the Petitioners receives the East Half of all of the property and the other receiving the West Half with the exception of the homestead which will remain co-owned by the Petitioners and used by the Petitioners for grain storage off both of the separate tracts.

STAFF REPORT FOR A SPECIAL USE

McLean County Department of Building and Zoning

CASE NUMBER SU-13-03

1. REFERENCE

- a. Hearing date: March 5, 2013
- b. Applicant's name and address: Robert Kohaus
1641 Mears Avenue
Cincinnati, OH 45230
- c. Land owner's name and address: Lawrence Kohaus
15 Blue Ash Court
Bloomington, IL 61705

2. LOCATION AND CURRENT/PROPOSED ZONING AND LAND USE:

- a. Property location: 5 Blue Ash Court, Bloomington, IL
- b. Township: Dale Township
- c. Parcel Number: Part of 20-13-300-042
- d. Existing zoning: Agriculture District
- e. Applicant request: A special use to allow a single family residence in the Agriculture District for the son of a farm owner.
- f. Existing land use: Pasture

3. DIMENSIONS:

- a. Size of Parcel: 5.07 acres
- b. Road Frontage: Approximately 200 feet on the north side of Blue Ash Court

4. EXISTING LAND FEATURES:

- a. Topography: Relatively flat
- b. Drainage: To the southwest
- c. Vegetation: Crop production
- d. Public Road: Oil and chip 17 feet in width

5. SURROUNDING ZONING:

- a. North: Agriculture District
- b. East: Agriculture District
- c. South: Agriculture District
- d. West: Agriculture District

6. SURROUNDING LAND USE:

- a. North: Crop production
- b. East: farm buildings
- c. South: Single family dwelling
- d. West: Crop production

7. RESIDENTIAL USES: Article 5 Section 501.7 provides for methods to allow new single family residences in the Agriculture District as permitted uses or as special uses based on the following three criteria: (1) if the residential use is found to be necessary for the conduct of agriculture in the area; (2) if the lot is found to be undesirable for other uses permitted in the district; or (3) if constructed on a lot set aside from a tract of land, the principal use of which is agriculture, provided that such dwelling is initially occupied by a child, parent or spouse of the owner of the original agricultural tract from which such lot is set aside for residential purposes.

This application is filed under the 3rd criteria; the applicant is the son of a farm owner. The applicant's parents own 81 acres. The Zoning Ordinance allows a non-farm residence for the son or daughter of the farm owner.

8. LAND EVALUATION SITE ASSESSMENT (LESA) REPORT:

McLean County Soil and Water Conservation District staff report on soil for subject site:

- a. Soils -- Score of **94** points out of a maximum possible evaluation score of **100** points.

McLean County Building and Zoning Department staff report on site assessment for the subject site:

- b. Site Assessment -- Score of **99** points out of a maximum possible evaluation score of **200** points.
- c. Total LESA review score is **193** points out of a maximum of **300** points.

EVALUATION RESULT:

The LESA Report indicates that a total score of **below 219** points means that the property is of **low** value for agricultural land protection.

9. STAFF ANALYSIS:

The analysis of the seven standards listed in Article 8 Section 803 (Standards for Special Use Permits) of the Zoning Ordinance as they apply to this zoning request is as follows:

- 1. **The proposed special use will not be detrimental to or endanger the health, safety, morals, comfort, or welfare of the public.** This standard is met. The applicant is the

son of the owner of the original agriculture tract from which this property is being set aside.

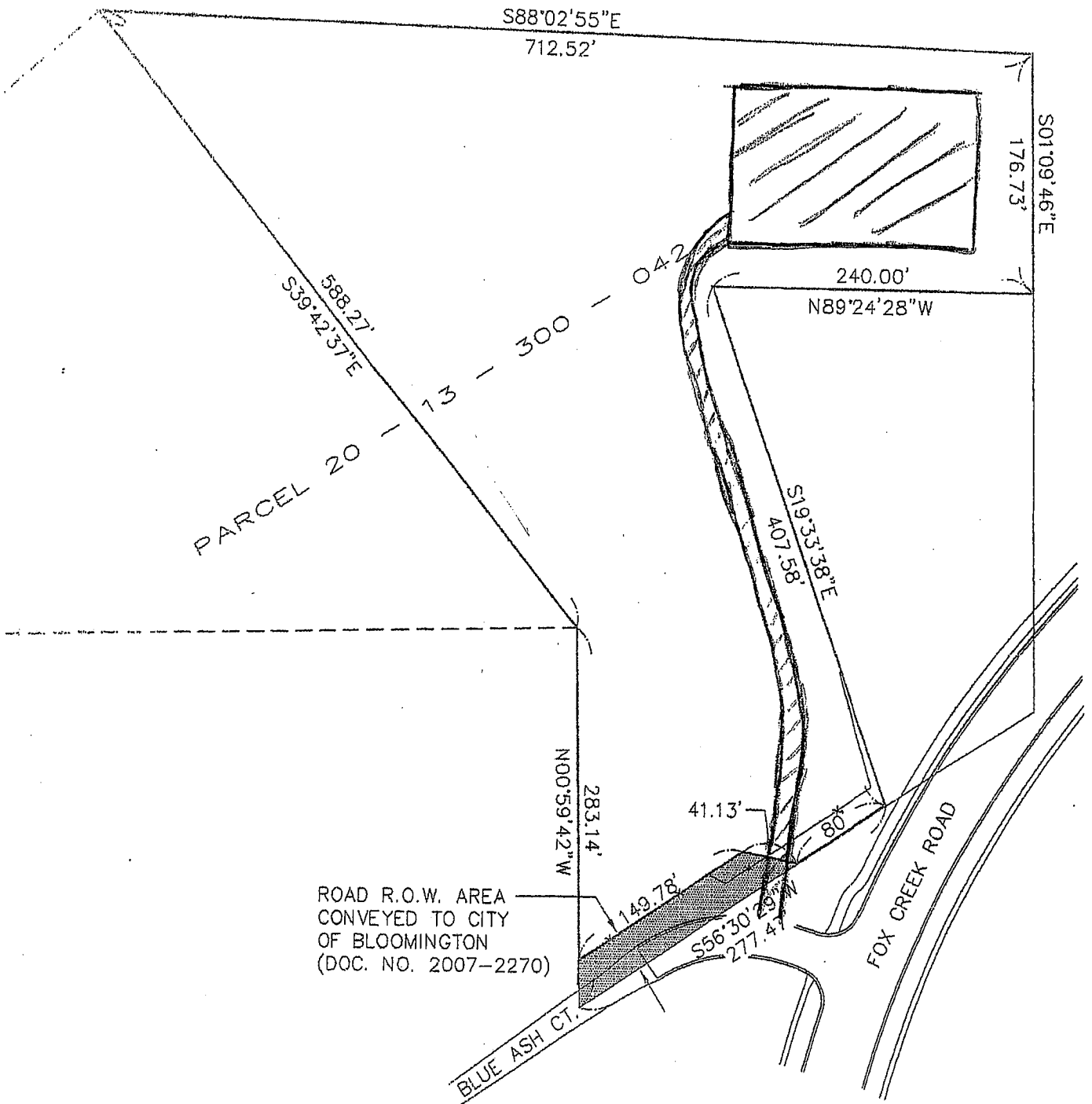
2. **The proposed special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted or substantially diminish property values in the immediate area.** This standard is met. The proposed dwelling for the son of the farm owner of the agricultural tract is compatible with uses in the vicinity.
3. **The proposed special use will not impede the orderly development of the surrounding property for uses permitted in the district.** This standard is met. The applicant is the son of the owner of the farm from which this property is set aside.
4. **Adequate utilities, access roads, drainage and/or other necessary facilities have been or will be provided.** This standard is met. The proposed dwelling will be served by private well and septic system that will need to be approved by the County Health Department. The property has approximately 200 feet of frontage on the north side of Blue Ash Court.
5. **Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.** This standard is met. It appears that safe sight distance can be provided at the existing entrance. The applicant has obtained an approval from the City of Bloomington for an entrance at this site.
6. **The establishment, maintenance and operation of the special use will be in conformance with the intent of the district in which the special use is proposed to be located.** This standard is met.
7. **The proposed special use, in all other respects, conforms to the applicable regulations of the district in which it is located.** This standard is met.

10. CONCLUDING OPINION:

Staff recommends that this application meets all of the standards set forth in Article 8 Section 803 (Standards for Special Use Permits) of the Zoning Ordinance provided the initial occupant is the applicant.

Respectfully submitted,

Mike Behary,
County Planner



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 Consulting Engineers & Land Surveyors
 Professional Design Firm Registration #184000008
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