



AGENDA
McLEAN COUNTY ZONING BOARD OF APPEALS
Tuesday July 2, 2019
Room 400, Government Center
115 East Washington Street, Bloomington, IL

CALL TO ORDER BY CHAIR

ROLL CALL BY SECRETARY AND DECLARATION OF A QUORUM

APPROVAL OF MINUTES

APPEARANCE BY MEMBERS OF THE PUBLIC *(An opportunity is provided for members of the public to address the public officials on matters not listed below. Public comment will not exceed 20 minutes. Each member of the public will be allowed 3 minutes of commentary.)*

7:00 P.M. - Case ZV-19-01, an application of Nussbaum Properties, Inc. in case ZV-19-01 on parcel 14-04-300-013. It is requesting a variance in paved parking requirements to allow asphalt millings to be used as a substitute for hard surface pavement as required in the M-1 Restricted Manufacturing District on property in Normal Township at 19391 N 1425 East Rd., Hudson, IL. This is a final decision.

7:15 P.M. - Case SU-19-09, Rachel Walden, in case SU-19-09 on parcel 12-25-200-005. She is requesting a special use to allow a single family residence in the A-Agriculture District for the daughter of the farm owner on land in Danvers Township immediately northeast of the intersection of 1550 North Rd. and 550 East Rd. This is a recommendation to the County Board.

DISCUSSION OF PETITIONS

NEXT MEETING DATE – 7:00 P.M., Tuesday, August 6, 2019

ADJOURNMENT

RECORD OF MINUTES

McLEAN COUNTY ZONING BOARD OF APPEALS

Tuesday, June 4, 2019

Room 400, Government Center

115 E. Washington Street, Bloomington, Illinois

1. ROLL CALL: Secretary Philip Dick called the roll and noted the presence of a quorum as follows: Michael Kuritz, Julia Turner, Marc Judd, Chris Carlton, Alternate Member and Mary Beth Taylor, Alternate Member. Members James Finnigan, Rick Dean, Drake Zimmerman and Brian Bangert were absent. Also present were Darrell Mitchell, Zoning Enforcement Officer, and Trevor Sierra, Assistant State's Attorney.
2. Acting Chair: Motion was made by Kuritz/Taylor to elect Julia Turner as acting chair. The roll call vote was five members for the motion to approve, none opposed and Members Finnigan, Dean, Zimmerman and Bangert were absent.
3. CALL TO ORDER: Acting Chair, Julia Turner called the meeting to order at 7:05 PM.
3. APPROVAL OF MINUTES: Motion was made by Kuritz/Taylor to approve the minutes from the May 7, 2019 Zoning Board of Appeals meeting. The roll call vote was five members for the motion to approve, none opposed and Members Finnigan, Dean, Zimmerman and Bangert were absent.
4. APPEARANCE BY MEMBERS OF THE PUBLIC: No one came forward to speak on matters not on the agenda.
4. REGULAR AGENDA:

Case SU-19-08, application of Curtis & Mary Braffet, in case SU-19-08 on parcel 06-22-100-009. They are requesting a special use to allow an Agricultural Tourism Facility in the A-Agriculture District on property in White Oak Township at 9010 E 2250 North Rd., Carlock, IL.

Secretary Dick called the case, provided exhibits to the board and submitted a staff report for review. He indicated the seven standards for a special use are met provided compliance with the following stipulations:

- 1) Food sales/service, waste water/sewage disposal, and potable water supplies shall meet the requirements of the County Health Department. The u-pick operation can continue with the addition of adequate portable toilet facilities. Any future buildings or additions must meet all IDPH and Health Department requirements before use. Employee toilet rooms may be required by the IDPH Plumbing Inspector.
- 1) All parking shall be contained on site, and two ADA parking spaces shall be provided.
- 2) The applicant shall obtain an entrance permit for the second entrance to County Highway 12 before a permit is issued for the proposed facility.

Curtis & Mary Braffet, 9010 E 2250 North Rd., Carlock, IL appeared to give testimony and were sworn. Mrs. Braffet indicated that in addition to the information

presented by Mr. Dick, they planted 400 apple trees a couple of years ago and plan to build a barn where they will serve food. She indicated that they have planted pollinator plants, for the benefit of bees, along the waterway that runs through the property.

David Shafer, 9019 E 2250 North Rd., Carlock, IL indicated that he lives across the road from the subject property and asked if there would be parking along the road. Secretary Dick indicated that one of the stipulations for the special use is that all parking shall be contained on site. The applicant indicated that they would police their customers not to park along the road.

The board reviewed and discussed the seven standards and found them met provided compliance with the staff recommended stipulations.

Motion was made by Kuritz/Judd to recommend approval of case SU-19-08 with the above stipulations.

The roll call vote was five members for the motion to approve, none opposed and Members Finnigan, Dean, Zimmerman and Bangert were absent.

Case ZA-19-04 application of Kevin Raisbeck in case ZA-19-04 on parcel 03-06-377-005. He is requesting a map amendment to change the zoning classification from C-Commercial District to R-1 Single Family Residence District on property in Chenoa Township at 31156 Center St., Chenoa, IL

Secretary Dick called the case, provided exhibits to the board and submitted a staff report for review. He indicated the seven standards for a map amendment are met, and the staff recommended approval of the application.

Kevin Raisbeck, 302 S. Evergreen, Bloomington, IL appeared to give testimony and was sworn. Mr. Raisbeck indicated that he took over the loan from the previous owner in 2005 when he and his spouse purchased the property.

Jacklyn Leonart, 1417 W. Market St., Bloomington, IL appeared to give testimony and was sworn. Ms. Leonart indicated that she is proposing to purchase the house for her growing family and they need the property to be rezoned since the mortgage company required it because the house could not be rebuilt if more than 50% of the value of the house is destroyed since the house is in the Commercial District.

The board reviewed and discussed the seven standards for map amendments and found them met.

Motion was made by Kuritz/Carlton to recommend approval of case ZA-19-04.

The roll call vote was five members for the motion to approve, none opposed and Members Finnigan, Dean, Zimmerman and Bangert were absent.

Case ZA-19-05 application of America's Plumbing Co. in case ZA-19-05 on parcel 13-14-400-012. It is requesting a map amendment to change the zoning classification from A-Agriculture District to M-2 General Manufacturing District on property in Dry Grove Township at 1715 Mabel Rd., Bloomington, IL.

Secretary Dick called the case, provided exhibits to the board and submitted a staff report for review. He indicated the seven standards for a map amendment are met, and the staff recommended approval of the application.

Jerome and Jennifer Butler, 3007 E. Oakland Ave., Bloomington, IL appeared to give testimony and were sworn. Mrs. Butler indicated that their son would live in the house on the property. Mr. Butler indicated that the south building would be used for plumbing services and the north building would be used as a shop.

The board reviewed and discussed the seven standards for map amendments and found them met.

Motion was made by Kuritz/Taylor to recommend approval of case ZA-19-05.

The roll call vote was five members for the motion to approve, none opposed and Members Finnigan, Dean, Zimmerman and Bangert were absent.

Member Marc Judd's last ZBA hearing: Secretary Dick indicated that this was Marc Judd's last meeting and thanked him for his 10 years of service on the McLean County Zoning Board of Appeals. Secretary Dick indicated that this was the end of his term and that Mr. Judd was not renewing it.

4. ADJOURNMENT:

The Chair declared the meeting adjourned at 8:00 PM.

McLean County Department of Building and Zoning

STAFF REPORT FOR A VARIANCE

CASE NUMBER ZV-19-01

1. REFERENCE

- a. Hearing date: July 2, 2019
- b. Applicant's name and address: Nussbaum Properties, Inc., 19336 N 1425 East Rd., Hudson, IL 61748
- c. Owner: Same

2. **VARIANCE REQUESTED:** For a variance in in paved parking requirements to allow asphalt millings to be used as a substitute for hard surface pavement as required in the M-1 Restricted Manufacturing District.

3. **LOCATION, CURRENT ZONING AND LAND USE:**

- a. Property location: 19391 N 1425 East Rd., Hudson, IL
- b. Size of Parcel: 20 acres
- c. Township: Normal Township
- d. Parcel Number: 14-04-300-013
- e. Existing zoning: M-1 Restricted Manufacturing District
- f. Existing land use: Vacant

4. **SURROUNDING ZONING:**

- a. North: Agriculture District
- b. South: Agriculture District
- c. East: Agriculture District
- d. West: M-1 Restricted Manufacturing District

5. **SURROUNDING LAND USE:**

- a. North: Crop production
- b. South: Residence
- c. East: Crop production
- d. West: Truck terminal

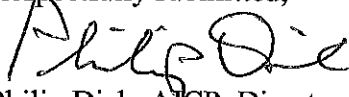
6. **BACKGROUND INFORMATION:** The applicant proposes to build a parking lot across from its truck terminal and office facility that will be used as an overflow trailer storage lot. The equipment in this lot will consist of empty trailers waiting for assignment and/or trailers stored while Nussbaum is seeking buyers for them.

7. **STAFF ANALYSIS:** The analysis of the seven standards listed in Section 350-17.F.(1) (c) (Standards for Variances) of the McLean County Code as they apply to this variance request is as follows:

- 1. **The physical surroundings, shape, or topographical conditions of the specific property will cause a particular hardship to the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.** The applicant operates a truck terminal and office facility across 1425 East Road to the west where it provides a large hard surfaced parking area for its vehicles. The applicant indicates that the subject parking lot will be primarily used as an overflow trailer storage lot. The equipment on this lot will consist of empty trailers waiting for assignment and/or trailers stored while Nussbaum is seeking

- buyers for them. The applicant indicates that traffic in and out of this lot will be light.
2. **The conditions upon which a petition for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property within the same zoning classification.** The parking lot across the road from the subject property will be the primary parking lot for the truck terminal and office facility. The subject parking lot will be used as an overflow trailer storage lot. The equipment on this lot will consist of empty trailers waiting for assignment and/or trailers stored while Nussbaum is seeking buyers for them. The applicant indicates that traffic in and out of this lot will be light.
 3. **The purpose of the variance is not based exclusively upon a desire to make more money out of the property.** The applicant proposes to use the proposed overflow trailer storage lot for its own use.
 4. **The alleged difficulty or hardship is caused by this ordinance and has not been created by persons presently having an interest in the property.** The applicant argues that the ordinance does not anticipate a parking area used as an overflow storage lot that could function adequately with asphalt millings in place of a paved hard surface.
 5. **The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.** The proposed variance will not likely impact adjacent properties since the proposed asphalt millings will provide dust control, and the parking area will be screened from the residence to the south.
 6. **The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public street, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.** The proposed variance will not likely impact adjacent properties since the proposed parking lot will meet the front, side, and rear setback requirements, and it will be screened from the residential property to the south.
 7. **The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.** The applicant provides hard surfaced paved parking on the primary parking areas for its truck terminal and office facility. The applicant indicates that the subject parking lot will be used as an overflow trailer storage lot.
8. **CONCLUDING OPINION:** Staff recommends that this application meets the standards set forth in Section 350-17.F. (1) (c) (Standards for Variances) of the McLean County Code.

Respectfully submitted,


Philip Dick, AICP, Director

STAFF REPORT FOR A SPECIAL USE

McLean County Department of Building and Zoning

CASE NUMBER SU-19-09

1. REFERENCE:

- a. Hearing date: July 2, 2019
- b. Applicant's name and address: Rachel Walden, 1219 George Dr., Normal, IL 61761
- c. Land owner's name and address: D. Mitchell Ernst, P.O. Box 98, 310 N. West St., Danvers, IL 61732

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

- a. Property location: Immediately northeast of the intersection of 1550 North Rd. and 550 East Rd.
- b. Township: Danvers Township
- c. Parcel Number: 12-25-200-005
- d. Existing zoning: A-Agriculture District
- e. Applicant request: For a special use to allow a single family residence in the A-Agriculture District for the daughter of the farm owner
- f. Existing land use: Crop production

3. DIMENSIONS:

- a. Size of Parcel: 5 acres
- b. Road Frontage: 343 feet on the east side of 550 East Rd. and 634 feet on the north side of 1550 North Rd.

4. EXISTING LAND FEATURES:

- a. Topography: Relatively flat
- b. Drainage: To the west
- c. Vegetation: Crop production
- d. Public Road: 550 East Rd. is a gravel road 14 feet in width; 1550 North Rd. is an oil and chip road 17 feet in width

5. SURROUNDING ZONING: A-Agriculture District on all sides

6. SURROUNDING LAND USE:

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

7. RESIDENTIAL USES: Article 5 Section 350-35.G 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 daughter of the farm owner. The applicant's father owns the farm from which this five acre tract is being set aside. 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 **88.1** 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 **147** points out of a maximum possible evaluation score of **200** points.

- c. Total LESA review score is **235.1 points** out of a maximum of **300** points.

EVALUATION RESULT:

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

- 9. STAFF ANALYSIS:** The analysis of the seven standards listed in Article VIII Section 350-56 of the McLean County Code (Standards for Special Use Permits) 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 daughter of the owner of the agricultural tract from which this property is being set aside. The proposed special use will not endanger the health, safety, morals, comfort or welfare of the public.
- 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 daughter 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 daughter of the owner of the agricultural tract from which this property is being set aside. Nearby land that is suitable for crop production and pasture will continue to be suitable for such uses.
- 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 a private well and septic system that will need to be approved by the County Health Department. The property has 343 feet of frontage on the east side of 550 East Rd. and 634 feet of frontage on the north side of 1550 North Rd.
- 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 proposed entrance on 1550 North Rd. The applicant has obtained approval from the Danvers Township Road Commissioner for an entrance to the property.

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. In the Agriculture District the Zoning Ordinance allows a non-farm residence for the son or daughter of the farm owner.

10. CONCLUDING OPINION:

Staff recommends that this application meets all of the standards set forth in Article VIII Section 350-56 (Standards for Special Use Permits) of the County Code, provided the one of the initial occupants is Rachel Walden, the daughter of the owner of the farm property from which this property is being set aside.

Respectfully submitted,



Philip Dick, AICP, Director