



AGENDA
McLEAN COUNTY ZONING BOARD OF APPEALS
Tuesday, February 4, 2020
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-20-01, an application of Timothy Bittner in case ZV-20-01 on parcel 22-05-400-022. He is requesting a variance in front setback requirement to allow a proposed grain bin to be 65 feet from the centerline of the road rather than 80 feet as required in the A-Agriculture District. This is a final decision.

DISCUSSION OF THE PETITION

INFORMATION ITEM: The Zoning Board of Appeals will request a text amendment to the Zoning Ordinance on March 3, 2020 for three items: 1) to allow the Land Use and Development Committee to be a permissible entity to propose text amendments to the Zoning Ordinance; 2) to allow by special use a Boat Sales & Service Facility in the Agriculture District; and 3) to allow an irrevocable letter of credit, in addition to an escrow account, as adequate financial assurance in a decommissioning fund for a Wind Energy Conversion System (WECS).

NEXT MEETING DATE – 7:00 P.M., Tuesday, March 3, 2020

ADJOURNMENT

RECORD OF MINUTES

McLEAN COUNTY ZONING BOARD OF APPEALS

Tuesday, January 7, 2020

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: James Finnigan, Rick Dean, Brian Bangert, Mary Beth Taylor, alternate member Ruth Novosad and alternate member Ryan Scritchlow. Members Drake Zimmerman, Michael Kuritz and Julia Turner were absent. Also present were Darrell Mitchell, Zoning Enforcement Officer, and Trevor Sierra, Assistant State's Attorney.
3. APPROVAL OF MINUTES: Motion was made by Zimmerman/Kuritz to approve the minutes from the December 3, 2019 Zoning Board of Appeals meeting.

The roll call vote was six members for the motion to approve, none opposed and Members Drake Zimmerman, Michael Kuritz and Julia Turner were absent.
4. APPEARANCE BY MEMBERS OF THE PUBLIC: No one came forward to speak on matters not on the agenda.
5. REGULAR AGENDA:

Case ZV-19-06, application of Bryan Grimes in case ZV-19-06 on parcel 30-01-100-017. He is requesting a variance in maximum square feet of accessory buildings to allow 4,824 square feet rather than 4,200 as allowed in the A-Agriculture District on property in Empire Township at 28919 E 800 North Rd., Ellsworth, 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 variance are met.

Brian Grimes, 28919 E 800 North Rd., Ellsworth, IL and Jean Andrew, 28919 E 800 North Rd., Ellsworth, IL appeared to give testimony and were sworn. Mr. Grimes indicated that he had nothing to add to what was presented.

The board reviewed and discussed the seven standards and found them met

Motion was made by Scritchlow/Taylor to approve case ZV-19-06.

The roll call vote was six members for the motion to approve, none opposed and Members Zimmerman, Kuritz and Turner were absent.

Case ZA-19-08, application of the McLean County Zoning Board of Appeals in case ZA-19-08. This is a text amendment of the Zoning Ordinance of the Code of McLean County Chapter 350, Zoning: 1) To amend Article III Section 350-26, Definitions, to add definitions of Cannabis Craft Grower, Cannabis Cultivation Center, Cannabis Dispensary, Cannabis Infuser, Cannabis Processor and Cannabis Transporter; 2) To amend Article VI Section 350-42, Use Table, to allow the above Cannabis businesses by special use in several zoning districts; and 3) To amend Article VI Section 350-43, Use Standards, to add use standards for cannabis businesses.

Secretary Dick called the case, provided exhibits to the board and submitted a staff report for review. He indicated that the proposed text amendment incorporates definitions of the different cannabis businesses; it amends the use table to allow approval by special use the different cannabis businesses in specific zoning districts; and it adds use standards for cannabis businesses. The special use process will allow the County to attach stipulations to each cannabis business. The use standards will require setbacks that should minimize negative impact to existing land uses. He indicated that the text amendment would promote the public health, safety, comfort, morals and general welfare of the County.

Catherine Metsker, 20645 N 825 East Rd., Carlock, IL appeared to give testimony and was sworn. Ms. Metsker indicated that a 1,000-foot separation is not enough from a residence and the distance should be 1,500 feet from a residence and the other listed uses. She indicated that she visited the cultivation center near Delavan at night and found the lighting very bright.

Laurie Wollrab, 116 Eastview Dr., Normal, IL appeared to give testimony and was sworn. Ms. Wollrab indicated that she also visited the cultivation center near Delavan at night. She said that she is concerned that if the setback restrictions are increased, businesses would not be able to locate in the County. She indicated that lighting could be restricted at these cannabis facilities so they would not impact neighboring properties.

The board reviewed and discussed the case. They found that lighting from cannabis craft grower facilities and cannabis cultivation center facilities should be restricted from passing through the side walls and roofs at night. They also found that parking lot lighting should be directed on site with spillover limited from entering neighboring properties. They also wanted to add daycare centers to the facilities requiring setbacks.

Motion was made by Dean/Taylor to recommend approval of case ZA-19-08 with the following additions to the use standards: lighting from cannabis craft grower facilities and cannabis cultivation center facilities should be restricted from passing through the side walls and roofs at night; that parking lot lighting should be directed on site with spillover limited from entering neighboring properties; and daycare centers should be added to the facilities requiring setbacks.

Member Scritchlow made a substitute motion to delete the cannabis craft grower facilities and cannabis cultivation center facilities for use in the Agriculture District and to lower the setback for cannabis cultivation center facilities to 500 feet. The motion died for lack of a second.

The roll call vote for the main motion was five members for the motion to recommend approval, Member Scritchlow was opposed and Members Zimmerman, Kuritz and Turner were absent.

Case ZA-19-07, application of Erik Pokarney in case ZA-19-07 on parcel 08-05-300-008. He is requesting a map amendment to change the zoning classification from Agriculture District to M-1 Restricted Manufacturing District on property in Money Creek Township at 25182 N 1925 East Rd., Lexington, IL.

Secretary Dick called the case, provided exhibits to the board and submitted a staff report for review. He indicated that not all of the seven standards for a map amendment are met.

Erik Pokarney, 24441 Anderson Dr., Hudson, IL appeared to give testimony and was sworn. Mr. Pokarney indicated that he operates Lake Bloomington Marine which he wants to establish on the subject property. He indicated that he currently leases several buildings in the area and that he would not have to do that if he could use the subject property for this use. He said that he spoke to all the neighbors of the property; and they support his rezoning request. Mr. Pokarney distributed and presented a document to the ZBA supporting his request.

Terry Brown, 604 S. Blair Dr., Normal, IL appeared to give testimony and was sworn. He indicated that Mr. Pokarney is honest, is needed in the Lake Bloomington area, and that we need to help him with this application.

Mark Oostman, 25017 Wood Thrush Circle, Hudson, IL appeared to give testimony and was sworn. Mr. Oostman indicated that he lives at Lake Bloomington and is a customer of Mr. Pokarney. He indicated that his son worked for Eric and that he supports Mr. Pokarney's request.

Chuck Mardis, 118 S. Orr Dr., Normal, IL appeared to give testimony and was sworn. Mr. Mardis indicated that he has been around the lake all his life. He indicated that he is a customer of Eric and that he needs Erik's services.

Ryan Esposito, 17302 Walden Rd., Hudson, IL appeared to give testimony and was sworn. Mr. Esposito indicated that he is a customer of Mr. Pokarney and that he needs a place to store his boat which he would be able to do if this application is approved.

Chris Carter, 3306 Clairbridge Dr., Bloomington, IL appeared to give testimony and was sworn. Mr. Carter indicated that he has a boat and has been helped significantly by Erik.

The board reviewed and discussed the seven standards and found standards 1 and 7 were not met.

Motion was made by Scritchlow/Novosad to recommend denial of case ZA-19-07.

The roll call vote was five members for the motion to recommend denial, Member Dean was opposed and Members Zimmerman, Kuritz and Turner were absent.

6. ADJOURNMENT:

The Chair declared the meeting adjourned at 9:30 PM.

McLean County Department of Building and Zoning

STAFF REPORT FOR A VARIANCE

CASE NUMBER ZV-20-01

1. REFERENCE

- a. Hearing date: February 4, 2020
- b. Applicant's name and address: Timothy Bittner, 19580 E 1300 North Rd.,
Bloomington, IL 61705
- c. Owner: Same

2. **VARIANCE REQUESTED:** For a variance in front setback requirement to allow a proposed grain bin to be 65 feet from the centerline of the road rather than 80 feet as required in the A-Agriculture District

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

- a. Property location: 19580 E 1300 North Rd., Bloomington, IL
- b. Size of Parcel: 77 acres
- c. Township: Old Town Township
- d. Parcel Number: 22-05-400-022
- e. Existing zoning: A-Agriculture District
- f. Existing land use: Crop production and grain storage

4. **SURROUNDING ZONING:**

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

5. **SURROUNDING LAND USE:**

- a. North: Crop production
- b. South: Crop production
- c. East: Crop production and a single-family residence
- d. West: Crop production and a single-family residence

6. **BACKGROUND INFORMATION:** The applicant proposes to replace two relatively small 1950's era existing grain bins with a new larger one that will fit into the existing grain bin setup on his farm. This setup includes a grain pit, augers and other grain bins.

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.** This 77-acre property is primarily in crop production, contains grain storage bins and other buildings necessary to operate the applicant's farming operation. Since the principal use of the property is agriculture, the property is exempt from zoning regulations except for the setback requirements from the public road.

The existing grain facility is centered around a grain pit which is buried in the ground and has a concrete pad surrounding it. This grain pit has a fixed point and

the grain bins it feeds must be the same distance from that point. The applicant indicates that it would be cost prohibitive to move all of these existing structures in order to build a new bin.

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 location of the two relatively small 1950's era grain bins on the property 80 feet from the center of the road is unique. The applicant proposes to replace these bins with a new larger one that will be 65 feet from the center of the road that will meet the needs of his farming operation. The applicant indicates that trying to use some of the existing and viable grain bins and adding new bins is a real challenge.
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 grain bin for his 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 Zoning Ordinance requires a setback of 80 feet from the center of the road for non-residential structures in the Agriculture District while it only requires a setback of 60 feet for residential structures.
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 bin will be 65 feet from the center of the township road. Residential structures are only required to be 60 from the center of township roads. The applicant indicates that the new grain bins will create a safer environment for the surrounding area.
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 grain bin will be 65 feet from the center of the township road.
7. **The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.** The applicant proposes to use the grain bin for his own use.
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