

RECORD OF MINUTES

McLEAN COUNTY ZONING BOARD OF APPEALS

Tuesday, March 2, 2021

By Remote Attendance and In-Person at Room 404, Government Center

115 E. Washington Street, Bloomington, Illinois

1. CALL TO ORDER: Chair, James Finnigan called the meeting to order at 7:01 PM.
2. ROLL CALL: Secretary Philip Dick called the roll and noted the presence of a quorum as follows: James Finnigan, Rick Dean, Michael Kuritz, Julia Turner, Ruth Novosad, Mary Beth Taylor, and Alternate Member Drake Zimmerman. Brian Bangert was absent. Also present were Darrell Mitchell, Zoning Enforcement Officer, Ryan Nelson from County IT Department, and Samantha Vasquez, Civil Assistant State's Attorney.

3. APPROVAL OF MINUTES: Motion was made by Kuritz/Zimmerman to approve the minutes from the December 1, 2020 Zoning Board of Appeals meeting.

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

4. APPEARANCE BY MEMBERS OF THE PUBLIC: Secretary Dick announced that no one notified the Department of Building and Zoning that they wanted to speak or submit a written communication on matters not on the agenda. And no one responded when Chair Finnigan called for persons to speak.

5. Secretary Dick read the following information into the record:

If the case heard tonight is finished and the ZBA has discussed it and voted on it, the case will be considered complete. If the case is not finished or if the GoToMeeting system crashes or the ZBA members are not able to adequately communicate before a vote is taken on a case by the ZBA, the case will be continued until 7:30 PM on Tuesday, April 6, 2021. Please contact the Department of Building and Zoning at 309-888-5160 for a link to this meeting or attend the meeting in person.

The ZBA bylaws allow the chair to impose time limits on opening, closing or other statements or questions or any portion of the proceedings. The Chair will limit questioning of witnesses to one series of questions per person per witness.

A note for those watching via YouTube live stream: The YouTube stream is not an interactive medium. Any comments on the YouTube live stream are not monitored and will not be addressed in the meeting.

Please mute your phones or computers and turn your cameras off unless you are on the ZBA or you are approved to speak.

6. REGULAR AGENDA:

Case SU-20-16, application of Joshua Scharf in case SU-20-16 on parcel 35-06-200-003. This is a request for a special use to allow a single-family dwelling in the A-Agriculture District for a farm owner / the child of a farm owner, for a dwelling for a farm owner / son and family of a farm owner on land unsuitable for farming due to unusual size and configuration, wooded areas, and slopes exceeding 5%, and unique circumstances on property in Randolph Township immediately west of 1300 East Rd. approximately ½ mile south of 200 North Rd.

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 not met.

Brian Hug, 11 Bailey Ct., Bloomington, IL, Stephanie and Joshua Scharf, 1214 S. Oak St., Bloomington, IL appeared to give testimony and were sworn. Mr. Hug indicated that Philip Dick would not allow him to use a prepared presentation at the ZBA meeting. He indicated that he should be allowed to make such a presentation. Mr. Dick indicated that since ZBA meetings have gone remote, it is difficult for people who are calling in by phone to view and ask questions of people making presentations. Mr. Dick indicated that since the ZBA continued such a case in the past that this procedure to not allow digital presentations has been in place. Assistant State's Attorney Vasquez indicated that the ZBA could approve a motion to approve a digital presentation in this one case.

A motion was made by Dean/Kuritz to allow a digital presentation to be made by Mr. Hug since no persons were calling from a phone in this case. The roll call vote was seven members for the motion to allow, none opposed, and Member Bangert was absent.

Mrs. Scharf indicated that she wanted to have a home at this location since it would allow her children to attend a smaller school and it is closer to where her family lives.

Mr. Scharf indicated that he wants to build a house on this property for his family that includes two young children. He indicated that his family owns Carrie Scharf Materials which is the owner of the subject property. Mr. Scharf indicated that Carrie Scharf Materials owns the property to the west, other farmland in the area and other farmland out of the area. Mr. Scharf indicated that he has had difficulty finding a place to build a house on the farmland that his family owns.

Mr. Hug provided a digital presentation. Mr. Hug indicated that development in the area is toward residential use, that the use of the subject property for a residence would not be detrimental to or endanger the health, safety, morals, comfort, or welfare of the public. He indicated the 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. Mr. Hug indicated that the property is not good for farming.

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

Motion was made by Dean/Kuritz to recommend approval of case SU-20-16.

The roll call vote was six members for the motion to recommend approval, Member Julia Turner was opposed, and Member Bangert was absent.

7. ADJOURNMENT: The Chair declared the meeting adjourned at 8:57 PM.