

**Marshall County Zoning Board of Appeals Public Hearing
April 21, 2016 Marshall County Courthouse – 7:00pm
ZBA # 16-189 Application for Amendment & Special Use Permit-
Clifton Perry**

Zoning Board of Appeals Members Present: Chairman, Kyle Schumacher, Members, Ken McKee, Rebecca Donna and Tim Gensler, Alternates, Chuck Volker and Allen Toepper.

Members Absent: None

Others present: Michael and Marla Kowalski, Ron Gehrig, Robert Klinker, Gary Smith, Clifton Perry, Patrick Sloan, Zoning Administrator and Susie Simmons, Secretary.

The hearing was called to order at 7:02 pm by Chairman, Kyle Schumacher.

Clifton Perry was sworn in by Chairman, Kyle Schumacher and was identified as the petitioner.

Presentation of the petition by Zoning Administrator, Pat Sloan presented ZBA # 16-189, Application for Amendment & Special User Permit requested by Clifton Perry for the amendment change in zoning from Light Industrial to an Agricultural District. The special use permit for operating River City Septic & Excavating Service. The property is located at 904 State Route 26, Lacon, Illinois.

Verification of publication and notices sent by registered mail, Pat Sloan stated the ZBA #16-189 was published in the following publications on March 27, 2016. Lacon Home Journal, Henry News Republican, Wenona Index and Toluca Star Herald. Certified letters to the adjacent home owners was sent on March 21, 2016 and all certified mail receipts returned.

In the statement by the Petitioner, Clifton Perry, 904 State Route 26, Lacon, IL 61540. I would like to build a house on the back side of my property and run his business out of the front of property. It has all the buildings I will need and I am cleaning up the property from when it was a saw mill. It serves my business very well and plan to make it a nice piece of property.

Questions from the ZBA Members to the Petitioner,

Question: In an I1 District it states that the owner of a business can build a home on their property. Why are we changing from light industrial to agricultural district?

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Response: Pat Sloan responded by stating that the area was deemed industrial by the city of Lacon when the county established zoning ordinance. It is more compatible with the surrounding area and it will be beneficial to be classified as an AG District.

Question: How many acres do you have and where would you build your home?

Response: I have approx. 8 acres and plan on building my house in the back of property.

Question: Will you be needing a new drive to your home?

Response: No there is already a mobile home there that has a driveway. I plan on removing the mobile home and using the same entrance.

Question: What do you plan on doing about sewer and water?

Response: There is a septic system on the site and well was redone about three years ago and is in good working order.

Question: How big will your house be?

Response: It will be somewhere between 1500 to 2000 square feet. A ranch style house with a basement for retirement. I plan on retiring someday and having my son take over the business.

Identification and Statements by Supporters of the Petition,

None

Written and Oral Communications Received Supporting the Petition,

Pat Sloan responded that no phone calls supporting the petition. Val Grimes called and asked some questions concerning the petition but did not indicate if she was for or against.

Identification and Statements by Objectors to the Petition,

Pat Sloan responded that Robert Klinker called and he is in the audience to communicate his concerns.

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Question: Michael Kowalski (adjacent land owner) asked Clifton Perry if he plans on dumping poop on this site?

Response: No, I use Peoria Sanitary District.

Question: Are you planning on removing the hill? The property already looks better since you have purchased it and glad you are cleaning it up and welcomes you to the neighborhood.

Response: No plans on moving the hill. I want to improve the property and have already cleaned up tires etc. My father started this business 48 years ago and plan on continuing running this business and being part of the community.

Robert Klinker (adjacent home owner) responded that he as observed positive stuff going on and the added tax benefit is good for the area.

Question: Are you planning on building any new business structures?

Response: No plans. All the building on the property are in good working order and I plan on using them for equipment storage.

Question: How much noise will there be on weekends?

Response: I believe that Saturday is Sabbath so no work will be done on that day. Sunday if we have an emergency only hours so only the starting up of trucks and picking up equipment will be heard.

Written and Oral Communication received Objecting to the Petition,

None

Questions from the ZBA Members to Supporters and Objectors,

None

Questions from Objectors and Supporters to Petitioner,

Question: How much noise on a daily basis will there be?

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Response: I work about 50 to 60 hours a week with Saturday off and Sunday on call. You might hear starting up of our pump truck and loading of tractors. I believe it will be quieter than the original business of a saw mill.

Questions from the ZBA Members to Petitioner, Supporters and Objectors,

Question: Will there be a lot of equipment and supplies for installing septic stored on your property?

Response: The buildings have enough space to store the equipment and I buy all pre cast pipe that is usually delivered directly to the construction site. Also I do not plan on having tanks stored on property. I will have some rocks and extra pipe on my property but plan on keeping it looking good.

Petitioner's Closing Statement,

I want what is best for the area.

Review of Ordinance Standards and Development of a Finding of Facts,

Chairman, Kyle Schumacher reviewed Section 6.5 C 1, Standards for Special Use Permit, of the Marshall County Zoning Ordinance.

Section 6.5 Special Use Permit, 6.5 C 1

- 1. The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

Finding: No Issues, the area is being cleaned up and will follow state laws for sewage disposal. Building a home will improve area.

- 2. That the special use will not be injurious to the use of enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair values within the neighborhood.**

Finding: No Issues, same as above finding. The property values will increase.

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3. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

Finding: No Issues, they are improving the property.

4. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided.

Finding: Okay, adequate for home site. The well and septic are already established and in working order. Does not appear to have any drainage issues.

5. The adequate measures have been or will be taken to provide ingress and so designed as to minimize traffic congestion in the public streets.

Finding: The existing entrance is adequate

6. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.

Finding: Yes, The change from I1 to AG matches the special use standard in an AG District. It is located on a scenic byway and is more compatible with surrounding area.

A motion was made by Tim Gensler to recommend to the Marshall County Board to GRANT the Application for Amendment & Special Use #16-189. Chuck Volker, Seconded. A vote of All Ayes. Motion Carried

Tim Gensler made a motion to adjourn the hearing at 7:35 pm. Allen Toepper, Seconded. A vote of All Ayes. Motion carried.

**Marshall County Zoning Board of Appeals Public Hearing
April 21, 2016 Marshall County Courthouse – 7:00pm
ZBA # 16-190 Application for Text Amendment-Zoning Administrator**

Zoning Board of Appeals Members Present: Chairman, Kyle Schumacher, Members, Ken McKee, Rebecca Donna and Tim Gensler, Alternates, Chuck Volker and Allen Toepper.

Members Absent: None

Others present: Ron Gehrig, Gary Smith, Patrick Sloan, Zoning Administrator and Susie Simmons, Secretary.

The hearing was called to order at 7:37 pm by Chairman, Kyle Schumacher.

Pat Sloan, Marshall County Zoning Administrator, 552 State Route 26, Lacon, IL 61540 was identified as the petitioner.

Zoning Administrator Pat Sloan presented ZBA # 16-190, Application for Text Amendment.

**CHAPTER 1
RULES AND DEFINITIONS**

...
1.2 DEFINITIONS

Add the following definitions:

Campground and Camp. A tract of land used for seasonal, recreational, or other similar purposes on which may be located temporary or permanent buildings, structures, tents or recreational vehicles. Residents who host others at no charge for camping are not considered to be operating a campground provided the recreational vehicles are licensed, the use is for less than 30 days, and licensed water and sanitation facilities exist.

Park. A lot, or portion thereof, or aggregation of contiguous lots, used by the public for outdoor recreational activities, including any accessory office, picnic tables, maintenance building, restroom facility, storage facility, or similar accessory use or structure.

Nature and Forest Preserves. A property whose intention is to conserve a natural resource. It may be publically or privately owned. The rules for public access, hunting and fishing will be clearly identified.

Recreation Area or Facility. A property, which may include buildings, auditorium(s), stadium(s), outdoor amphitheater, open or enclosed structure(s), outdoor field(s), playground(s), race track(s) or courses for sports or motorsports, used for recreation or competition for individuals (other than the property owner(s), team or motorsports).

CHAPTER 7 AGRICULTURAL DISTRICT

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7.2 PERMITTED USES

The following uses are permitted:

Add the following permitted use:

Bed and Breakfast.

7.3 SPECIAL USES

The following uses may be allowed by special use permit:

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Recreation areas or facilities, campgrounds, camps, nature and forest preserves.
~~Recreational areas or campgrounds including forest preserves and parks.~~

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CHAPTER 8 RESIDENCE DISTRICT

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8.1 R-1 RURAL RESIDENCE DISTRICT

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8.1-2 PERMITTED USES:

The following uses are permitted:

...

Bed and Breakfast.

Publically owned recreation areas or facilities, campgrounds, camps, nature and forest preserves. ~~Parks, forest preserves, or nature preserves, and recreational areas, public.~~

...

8.1-3 SPECIAL USES:

The following uses may be allowed by special use permit in accordance with Section 6.5 of the Ordinance.

...

Privately owned recreation areas or facilities, campgrounds, camps, nature and forest preserves. ~~Private recreational areas or camps.~~

...

8.2 R-2 SINGLE-FAMILY RESIDENCE DISTRICT

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8.2-2 PERMITTED USES:

The following uses are permitted:

...

Bed and Breakfast.

Publically owned recreation areas or facilities, campgrounds, camps, nature and forest preserves. ~~Parks, forest preserves, or nature preserves, and recreational areas, public.~~

...

8.2-3 SPECIAL USES:

The following uses may be allowed by special use permit in accordance with Section 6.5 of the Ordinance.

...

Privately owned recreation areas or facilities, campgrounds, camps, nature and forest preserves.