CALL TO ORDER – ZONING BOARD OF APPEALS

ROLL CALL for the Zoning Board of Appeals: Randy Mohr (Chair); Scott Cherry, Karen Clementi, Tom LeCuyer, Donna McKay, Dick Thompson and Dick Whitfield

MINUTES: Approval of minutes from the September 3, 2013 Zoning Board of Appeals meeting

PETITIONS:

1. 13-24 Ron Jorgenson Jr.
   Request Variance
   Location 16980 Frazier Road
   Purpose Request a variance to allow an accessory structure be 25' in height in the R-3 District

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD-
13-16 Small Poultry & Small animal Processing Plant- Text Amendment approved at the 9.17.13 County Board meeting

NEW BUSINESS

OLD BUSINESS

PUBLIC COMMENT

ADJOURN ZONING BOARD OF APPEALS- Next meeting on October 28, 2013
CALL TO ORDER
At 8:06 p.m., Chairman Randy Mohr called the Zoning Board of Appeals meeting to order.

ROLL CALL
Members present: Randy Mohr (Chairman), Scott Cherry, Karen Clementi, Tom LeCuyer, Donna McKay, Dick Thompson and Dick Whitfield
Also present was: Senior Planner Angela Zubko
Absent: None
In the audience: Mary & Alan Maly, Matthew Marks, Tom Marks, Peter Renz, Carol Henderson, Bill Regan, Darrell Poundstone, Donald Hartman, Attorney Kelly Helland and Walter Werderich.

A quorum was present to conduct business.

MINUTES
Karen Clementi motioned to approve the July 29, 2013 ZBA meeting minutes. Tom LeCuyer seconded the motion. All were in favor and minutes were approved.

SPECIAL RECOGNITION
Chairman Randy Mohr wanted to present Scott Cryder and Bill Ford with a recognition award for 9 years & 18 years respectively on the Zoning Board of Appeals and thanked them for their time. The audience applauded.

Chairman Mohr explained the process and this meeting to the new members of the audience.

PETITIONS
#13-21 Miguel A. Saltillo Jr. – Variance
Planner Zubko stated the property is located on lot 25 in the Grove Estates Subdivision. The petitioner is requesting a variance to their existing fence that is wrought iron in appearance and 6’ (six feet) in height in the front yard. This fence variance is cleaning up the property since lots 22 and 23 recently received the same variance.

Chairman Mohr opened the meeting for public testimony.

With no testimony made, Chairman Mohr closed the testimony and reviewed the Findings of Fact for a variance, they were approved as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. Other properties have fenced in their whole lot and as long as the Homeowners Association is fine with the fence height there should not be an issue.
That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This might be a variation requested throughout the subdivision.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The owners do not have a hardship but would like a fence around their entire property.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not affect any of the neighbors nor be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. Adding a fence will not impair any of the above items and will not impact the roadway.

With no further suggestions or changes Donna McKay made a motion, seconded by Scott Cherry to approve the variance with staff’s findings of fact. With a roll call vote all were in favor and the variance passed.

**#13-16 Poultry processing plant and slaughtering**

Planner Zubko stated this is a text amendment to allow a small poultry and small animal processing plant as a special use in the A-1 district. Planner Zubko went through the memo and stated we are looking to add a definition of a small poultry and small animal processing plant and rendering. Planner Zubko went through all 14 conditions proposed. She stated the process to process chickens are at the end of the memo. She also stated she visited the Central IL Poultry Processing plant in Arthur, IL and thought it was quite efficient, they had about 25 employees and processed about 2,500 chickens a day. Also the smell was minimal and only at the unloading area which is why condition b is worded the way it is worded. Condition g was deleted at the Plan Commission as they felt that should be specified on the special use and not part of the text amendment. The concerns that were brought up during the Plan Commission meeting was more related to the special use condition but staff feels the concerns are met with relation to the text amendment. The concerns brought up was the notification process, which I will bring up at the end under new business, traffic, noise, the property values in the area, lighting, possible protests, landscaping, driveway construction, commercial retail on the site, possible water contamination, appearance, signage and waste.

Mr. Mohr stated he thinks letter g should be kept in but re-word it to state it must be decided and specified in the special use. It will state Poultry produced to be sold for retail or wholesale sale shall be specified in the special use as a condition.

Chairman Mohr swore in all members of the audience that wished to talk about the text amendment to allow a poultry processing plant as a special use in the A-1 Agricultural District.

Chairman Mohr opened the meeting for public testimony.
Donald Hartman had a few questions about a processing plant and had some other concerns that will be discussed during the special use discussion.

Ms. Clementi stated there are other things in the special use that are not conditions in the special use, is that something we need to discuss or is it specific to that particular special use? Planner Zubko stated the 'extra' conditions are specific to that location.

Chairman Mohr had a short discussion on public notice for this meeting and the Plan Commission with the audience.

Chairman Mohr closed the public hearing.

With no further suggestions or changes Karen Clementi made a motion, seconded by Dick Thompson to approve the text amendment as modified. With a roll call vote all were in favor and the text amendment will be forwarded to the PBZ Committee.

**REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES** None- last month was just a variance

**NEW BUSINESS**
Planner Zubko wanted to get the opinion of the Zoning Board of Appeals on notification. How it currently is handled are the people that are with 500’ of the special use are notified not the overall property. Plan Commission is thinking of changing their by-laws to have it be the overall property and not smaller parcel that’s being rezoned or a special use. Planner Zubko is also checking with the SAO if there is a legal opinion on the matter. The Zoning Board of Appeals agreed they do not feel the intent was not to notify themselves so Planner Zubko will look into changing it and bring it to the next meeting.

**OLD BUSINESS**
None

**PUBLIC COMMENT**: There were no members in the audience that wanted to comment.

**ADJOURNMENT OF THE ZONING BOARD OF APPEALS** Next meeting will be on October 28, 2013
Dick Whitfield made a motion to adjourn the ZBA meeting, Donna McKay seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 8:30 p.m.
SITE INFORMATION
PETITIONER  Ron Jorgenson Jr.
ADDRESS     16980 Frazier Road
LOCATION    Easterly 150' of Lot 6 of Sugar Brook Estates Unit 1
TOWNSHIP    Little Rock
PARCEL #     01-20-351-001
LOT SIZE     1.41 acres (61,590 square feet)
EXITING LAND USE Single Family Home
ZONING      R-3 Single Family Residential- Sugar Brook Estates Subdivision (Platted in 1969 and rezoned R-3 after 1974 Countywide Zoning)

LRMP
<table>
<thead>
<tr>
<th>Land Use</th>
<th>County: Rural Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads</td>
<td>Frazier Road is classified as a local street</td>
</tr>
<tr>
<td>Trails</td>
<td>A trail is shown on the south side of Frazier along the front of this property</td>
</tr>
</tbody>
</table>

REQUESTED ACTION  Request for a variance to build an accessory structure 25' in height. The regulation is a maximum of 20' in the R-3 District.

APPLICABLE REGULATIONS
§4.05.E (Height of Accessory Buildings) (Amended 11/18/03)
§13.04 (Variations)

SURROUNDING LAND USE
<table>
<thead>
<tr>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>LRMP</th>
<th>Zoning within ½ Mile</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>Residential</td>
<td>R-1</td>
<td>Agricultural</td>
<td>R-1 &amp; A-1</td>
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<tr>
<td>South</td>
<td>Residential</td>
<td>R-3</td>
<td>Rural Residential</td>
<td>R-3, R-1 &amp; A-1</td>
</tr>
<tr>
<td>East</td>
<td>Residential</td>
<td>R-3</td>
<td>Rural Residential</td>
<td>R-3 &amp; A-1</td>
</tr>
<tr>
<td>West</td>
<td>Residential</td>
<td>R-3</td>
<td>Rural Residential</td>
<td>R-3; A-1 &amp; R-4</td>
</tr>
</tbody>
</table>

REQUESTED ACTION
GENERAL  Section 4.05.E of the Zoning Ordinances states the height of an accessory structure in the R-3 district can be a maximum of 20'. This regulation was created on November 18, 2003. This is important as two adjacent neighbors built their 23' tall accessory structures in August of 2003 right before the regulations were approved. Below is a map showing the heights of the accessory structures of the petitioner's neighbors. The petitioner is requesting to be similar to surrounding structures and would meet all other regulations including lot coverage and
setbacks. Also the zoning across Frazier Road is zoned R-1 allowing accessory buildings to be 25' tall.

FINDINGS OF FACT

§ 13.04.2 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. Other properties have taller accessory structures and the petition would like to be similar in size to the surrounding properties.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other properties surrounding him already exceed the standard regulations but were built before the regulations existed.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The owner did not know there was a height requirement due to the heights of the neighbors.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not affect any of the neighbors nor be detrimental to the public welfare or injurious to other property or improvements in the neighborhood as they are similar in height.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or
increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The proposed location of the accessory structure will not impair an adequate supply of light and air to adjacent properties and will not increase congestion on the roadways.

RECOMMENDATION  Staff would recommend approval of the variance to build an accessory structure 25' in height. The regulation is a maximum of 20' in the R-3 District.

ATTACHMENTS
1. Plat of Survey