

COUNTY OF MENARD        )  
  ) SS.  
STATE OF ILLINOIS        )

The Menard County Zoning Board of Appeals (ZBA) met on July 27, 2023 at 6:00 p.m., at the Menard County Courthouse, Petersburg, Illinois. Zoning Board of Appeals members Tom Eldridge, Karen Stott, Dan Robertson, Steve Ozella, and Steve Wilken were present. Assistant States Attorney and Zoning Administrator Gwen Thomas and Zoning Officer Joe Crowe were also present.

Chairperson Tom Eldridge called the meeting to order at 6:05 p.m.

The Pledge of Allegiance was recited

Chairperson Tom Eldridge called the roll of members all were present.

Minutes from the April 27, 2023 meeting were presented for approval. ZBA member Steve Ozella moved to approve the minutes. ZBA member Steve Wilken seconded the motion. The motion carried unanimously.

**NEW BUSINESS**

**ADMINISTRATIVE PUBLIC HEARING: (Case number 23-03V) MR. AND MRS. GRANT AND JENNIFER HAMMER SUBMITTED APPLICATION SEEKING A VARIANCE FROM THE FOLLOWING:**

**Article VI, Section 6.03 A-Agriculture District Regulation (D)(1)(a)**  
**“Farms – No minimum lot area except for the following farm accessory structures and land uses which shall have a minimum lot area requirement of 30 acres”.**

**Article IX, Section 9.01 NON-CONFORMITIES (B)(1)**  
**No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land or greater portion of any building than was occupied at the effective date of adoption or amendment of this code.**

**The Variance request seeks a +/- 1.42-acre parcel to be annexed to the larger 3.00-acre parcel**

**This property is located in the A-1 Agriculture Zoning District. The brief legal description for the properties affected are as follows: S18 T19 R7 SE COR N 1/2 NE and consisting of 3.00 acres. This property is located at 23765 Tar Creek Street, Oakford Illinois. The property identification numbers are 06-18-200-004.**

Chairman Eldridge called the public hearing open to give consideration and receive any comments concerning a variance application from Grant and Jennifer Hammer. Chairman Eldridge introduced the variance request information.

Chairman Eldridge swore-in Mr. and Mrs. Hammer to give testimony on the application. Mr. Hammer gave a brief overview of how the additional parcel acreage was obtained from Mr. Shawn McHenry. Mrs. Hammer spoke to the variance and how it related to the standards for the granting of a variance as outlined in the Menard County Ordinance.

Chairman Eldridge questioned regarding the distance of the “Right of Way” and the frontage. Zoning Officer Crowe related from plat information that the Right of way was 33 feet.

ZBA Member Robertson expressed concern regarding the two separate parcel numbers. Mrs. Hammer explained she had spoken to the County Assessor regarding combining the parcels and would be willing to do so after the granting of the variation.

ZBA member Robertson explained his added concern regarding the conveyance of the subject parcel in the future. Discussion was had among the members regarding the conveying of the parcel in the future.

ZBA member Wilken addressed members regarding a discussion with the County Assessor regarding the marketability of the parcels in the future. Zoning Officer Crowe explained the differences that the "Land Use" variance, as accepted practice throughout Real Estate and Assessment files would carry throughout the term of the land use. Where as a "Special use" would only carry throughout the term of use and would need to be re-applied for upon the next user. The "Land Use" would not affect the marketability of the parcel as it would be applied and carried from here forward.

ZBA member Wilken also discussed the concern for lack of frontage. Zoning Administrator Thomas added that she was confident the parcel consolidation would happen and explained the large time commitment the Hammers had made not only to the Zoning office and the process but also to the Assessment office to help try to remedy the current situation.

Chairman Eldridge asked for a motion to close the public portion of the meeting. ZBA member Steve Ozella made the motion ZBA member Karen Stott seconded the motion, all were in favor and the motion passed unanimously.

Chairman Eldridge asked the members to review the allegations and prepare the Findings of Fact. Discussion was had by the members on the Harmony of the request and would it be a problem for the neighboring parcels. The members agreed that this situation would be a situation of neighbor helping neighbor and would support the standard. The members moved onto the second point regarding reasonable return, all felt that for the parcel to remain in timber would be agreeable as well. Lastly the member addressed the parcel owners' plight and felt this was a special circumstance due to the circumstances of the addressing of this problem after the fact of the purchase.

Motion was made by ZBA member Dan Robertson to accept the Finding of Fact as presented, ZBA member Steve Wilken seconded the motion, all were in favor and signified by saying aye.

Chairman Eldridge asked for a motion to approve the variance request, ZBA member Robertson made the motion to approve the variance request with the condition that the parcels be combined within 60 days of approval. ZBA member Steve Ozella seconded the motion, all in favor signified by saying aye, all members approved there was no opposition.

Chairman Eldridge explained the motion for the variance was approved with the condition of combining the parcels within 60 days.

**LEGISLATIVE PUBLIC HEARING: (Case number 23-01MA) JACOB LEE SUBMITTED APPLICATION SEEKING A MAP AMENDMENT FOR THE FOLLOWING:**

**Application from Jacob Lee, the owner of S11 T18 R7 (EX 48/100 RD) E SIDE NE 1/4 SW 1/4 and consisting of 4.00 acres and S11 T18 R7 W SIDE NW 1/4 SE 1/4 and consisting of 2.00 acres and acting on their own behalf or with counsel, are seeking to rezone from their current designation of Single Family residential to A-Agriculture.**

**Additionally, Menard County Zoning Office is requesting changing the zoning classification from R-1 Single Family Residential to A-Agriculture for property located in Menard County on Old Fairgrounds Road, Petersburg Illinois, and located in a part of: S11 T18 R7 (EX 3.02 AC. RD) S SIDE NE 1/4 SW 1/4 and consisting of 30.39 acres (SCHIRDING FARMS INC) S11 T18 R7 N PT E PT (EX RD) NW & N PT SW SE and consisting of 37.52 acres (MARK WENDA)**

Chairman Eldridge called the public hearing open at 6:23 pm to give consideration and receive any comments concerning a map amendment application from Jacob Lee. Chairman Eldridge introduced the map amendment request information.

Chairman Eldridge swore-in Mr. Jacob Lee and Mr. Christopher Schirding to give testimony on the application. Mr. Lee gave a brief overview of his application regarding the re-zoning of his two parcels from R1 to Agriculture with the intent of purchasing the Animal crematory service. Mr. Schirding spoke to farming the subject parcel for multiple generations and they have no problem with converting their parcel to Agriculture zoning.

ZBA member Wilken questioned the conversion of the Wenda parcel also? Zoning Officer Crowe explained that parcel was open for discussion among the members. Discussion was had regarding the small 1-acre parcel in the southeast corner of the larger Schirding parcel. Zoning officer Crowe explained that it would remain in R1 so as not to create a legal non-conformity. Zoning Administrator Thomas explained that the board had the authority to re-zone entire grouping of parcels and accepting the creation of the non-conformity.

ZBA member Wilken questioned if the Zoning office had received any comment on the proposed amendment. None was received.

Mr. Lee explained the operation of the incineration device vs a commercial livestock operation, he explained the previous ownership and regulation of the output and afterburning capabilities. He went onto explain that upon approval he would acquire the device and house it in its own building.

A brief discussion was held among the committee members regarding the parcels and how that interacted with the long-term expandability of the City of Petersburg as for the original intent of the R1 designation. Administrator Thomas discussed the sensibility of the proposal that is before the board versus amending the R1 zoning for the cremation device.

Chairman Eldridge discussed the various parcels in the area that are already in the Agriculture district and why they should remain in Ag and also why the City of Petersburg should be allowed the space for continued growth. Discussion was had among the members regarding the smaller 1-acre parcel and the Wenda parcel as to include or not include in a re-zoning. Zoning officer Crowe was questioned by ZBA member Robertson as to why the owners were not contacted? Zoning Officer Crowe responded regarding the non-conformity that would be created and felt there would not be a need in that instance to contact the parcel owner as the zoning office did not want to create a legal non-conforming parcel. Administrator Thomas reminded, that notice was sent out and placed into the papers and no response was received.

ZBA member Robertson expressed that he was not comfortable with changing zoning on a parcel without the owner being notified. Chairman Eldridge asked Mr. Lee if he had received any feedback for the neighboring parcel owners to which he responded he had spoken with the Wendas just to explain what they were doing and he advised that they fully supported what Mr. Lee was trying to do and were ok with changing zoning on their parcel if it would help.

ZBA member Ozella discussed future options on the parcel and how the change would affect the neighboring area including adding livestock onto the parcel. The discussion continued regarding the exclusion of the Wenda parcel and the 1-acre Leigh parcel.

ZBA member Stott questioned the parcels to the north of the Schirding and Lee parcels, that was the County Fair property, she expressed the use has been farm and agriculture in the past and was more inclined to be that way including the subject parcels. ZBA member Ozella questioned the size of the parcels as for future use. Chairman Eldridge and ZBA member Stott discussed the loss/gain of the proposed re-zoning with Chairman Eldridge wanting to allow for future growth.

Chairman Eldridge asked for a motion to close the public portion of the meeting. ZBA member Steve Ozella made the motion ZBA member Dan Robertson seconded the motion, all were in favor and the motion passed unanimously.

Discussion ensued regarding all the area in the R1 currently and the various options that could be made in a recommendation to the county board. Discussion continued as to what parcels will remain in the R1. Chairman Eldridge moved to make a recommendation to the County Board as follows:

**Recommend that the Lee parcel and the Schirding parcel be moved from their current R1 – Single Family zoning to the A-Agriculture zoning amending the zoning map, the 1-acre Leigh and Wenda parcels will remain in the R1 single family zoning.**

ZBA member Robertson made the motion to accept the recommendation to be forwarded to the County Board. ZBA member Steve Ozella seconded the motion. All were in favor and signified by saying aye. There was no opposition.

Chairman Eldridge asked that a Finding of Fact be prepared. Members deliberated and prepared the Findings of Fact for the record. ZBA member Steve Ozella made a motion to approve the Finding of Fact, the motion was seconded by ZBA member Stott, motion carried.

#### **Unscheduled Public Comments/Requests**

There were no unscheduled public comments.

#### **Zoning Administrator's Report**

Zoning Administrator did not have a report.

#### **Individual ZBA Member Comments**

Chairman Eldridge would like to point out that a precedent was set by allowing the non-conforming parcel to grow in the Hammer case. Zoning Officer Crowe explained that the variation process was used correctly, discussion continued among the members regarding the combination of parcels and the allowance of the Hammer variation as setting precedent. The members then went on to discuss the larger non-conformity issue in the county.

#### **Adjournment**

As no other business was brought before the Zoning Board of Appeals, Chairman Eldridge moved to adjourn the meeting at 7:08 p.m. ZBA members were polled and the motion carried unanimously.