

The Fulton County Zoning Board of Appeals Minutes
Fulton County Board Office, 257 W. Lincoln Street, Lewistown, IL.
Phone: Janice Emmons at (309) 547-0902

Committee: Zoning Board of Appeals

Meeting Place: Fulton County Board Office, 257 W. Lincoln Street, Lewistown, IL.

Time: 4:15pm

Date: February 23, 2022

Call information:

Call in number: 1-425-436-6307

Access code: 835427

1. Call to Order

Time: 4:15PM

Members:

Bill Phillips (present/xxxxxx)

Bob Ackerman (present/xxxxxx)

Sally Jo Clark (present/xxxxxx)

Cathy Eathington (present/xxxxxx)

Mat Fletcher (present/xxxxxx)

Jayson Herrick (xxxxx/absent)

Damon Roberson (present/xxxxxx)

Other Board Members: Steve Bohler

Elected/Appointed Officials: Janice Emmons- Zoning Director

Staff:

Guest(s):

1. Roll Call/Quorum

Roll Call was taken, quorum present

2. Additions, Deletions, Corrections to the Agenda

Member Eathington moved to approve the agenda with a second by Member Roberson. Motion carried by roll call vote (6-0).

3. Approval of Minutes

Member Fletcher moved to approve the May 26, 2021, minutes with a second from Member Clark. Motion carried by roll call vote (6-0).

Member Clark moved to approve the June 30, 2021, minutes with a second from Member Phillips. Motion carried by roll call vote (6-0).

Member Roberson moved to approve the September 21, 2021, minutes with a second from Member Eathington. Motion carried by roll call vote (6-0).

4. Public Remarks - None

5. New Business

- a. **Discussion/Action:** PUBLIC HEARING FOR A CONDITIONAL USE PERMIT TO OPERATE A VEHICLE REPAIR SHOP ON PARCELS #14-14-30-306-002 AND #14-14-30-307-002 IN AN R1 (RESIDENTIAL) ZONING DISTRICT

Member Phillips swore Nick Christy in to the public hearing. Mr. Christy stated he lives in Bryant, IL for the past five years and has worked as a mechanic for 19 years. Currently Mr. Christy is the Lewistown High School Director of Transportation and bus mechanic. Mr. Christy is working on cars and trucks as a side job to support his hobby of truck pulling. Mr. Christy works on trucks at his residence after hours and does not have the overhead that mechanic shops have. Mr. Christy is asking for a conditional use permit. The petition that Mr. Christy had signed agrees that no more than five vehicles will be in front of the shop at one time on his property. There will be no test driving vehicles after 9:00pm or before 7:00am on any day.

Member Phillips inquired if anyone has any additional testimony or comments to the conditional use permit.

Colleen Brown was sworn in and presented a letter and objects to the mechanic business being operated on 207 Ash Street, this area is zoned residential and has seen an increase of traffic in a quiet neighborhood. Brown stated there has been an increase of deliveries from Amazon, UPS and FedEx at this business. This area has become an eyesore due to vehicles sitting in front and on the street of the residence. All the residents that live on Ash Street have signed a petition letter against the conditional use permit being issued to Mr. Christy. Brown would like the Zoning Board of Appeals to keep Ash Street residential. The homes are residents forever homes and Mr. Christy has only lived in the neighborhood for five years.

Member Phillips closed the public hearing and turned the meeting over to the Zoning Board of Appeals members.

Member Fletcher discussed the petition included numerous names and it looked as if some of the names were included on the petition.

Ms. Brown inquired about the names on the petition from Christy that people that signed the petition do not live near the potential business site where the noise is and traffic concern is located.

Member Phillips discussed that notices were sent to residents living within 250 feet of the potential conditional use permit. Janice Emmons Zoning officer, confirmed the notices were sent to all residents.

Member Eathington inquired what the population of Bryant is. Ms. Brown stated the population is approximately 250 persons.

Member Fletcher discussed in accordance to the zoning ordinance. The area for the conditional use permit is a residential area and the permit is needed to operate the business.

Member Phillips discussed there are two options for the business; the first is to be rezoned to business which is a permanent change or the second is a conditional use permit. The conditional use permit would only last as long as the business operates or as long as the business is in compliance with the conditional use permit.

Member Eathington inquired with Mr. Christy what the noise level has increased to. Mr. Christy stated the noise level he would estimate has raised to a three on a scale of one to ten.

Mrs. Christy stated the building where the mechanical work is being done is sound proofed and the only noise that would be heard is noise outside from a vehicle moved in the shop to be worked on.

Member Roberson inquired what type of additional insurance is there on the property. Mr. Christy stated he has purchased additional liability insurance policy.

Member Phillips stated the surrounding residents are upset with the increased truck traffic of UPS and flatbed trailers that are on the street. Member Phillips inquired if the trailers are being used to bring trucks to the shop to be worked on or does a tow truck deliver the vehicles to the business. Mr. Christy stated both deliver vehicles to the business.

Member Phillips inquired how often the truck and trailer are used. Mrs. Christy stated in the summer months the truck and trailer are used two to three times a week and during the winter months the truck and trailer are seldom used.

Collen Brown discussed the Christy's own the vacant lot next to the business and before the letter was sent to the Christy's and there were five flatbed trailers and trucks on the vacant lot. Once the letter was received the items were removed.

Member Eathington inquired if all the trailers and vehicles have updated licenses. Mr. Christy stated all have current licenses.

Ralph Parkinson inquired how the rezoning will affect the areas property taxes and is the conditional use permit a yearly permit.

Member Phillips stated the conditional use permit is a yearly permit.

Member Phillips inquired how big the building is that the business is located in. Mr. Christy stated the building is 40ft X 72ft.

Member Phillips discussed some of the concerns for the conditional use permit are additional traffic in the area and the use of flatbed trailers in the summer. Member Phillips stated the Zoning Board of Appeals has no authority to regulate a person or citizen in participating in a truck pulling event. Concerns have been voiced about tow trucks bring vehicles to the property. Member Phillips stated the Zoning Board of Appeals does not have any authority to limit the amount of deliveries or to limit the use of private trailers. Member Phillips stated the ZBA does have the authority to regulate the amount of junk, used vehicle or abandon vehicles that are not hauled away on property. Member Phillips suggested the Zoning Board of Appeals limits the number of unlicensed vehicles and junk at the business.

Member Fletcher discussed there are other things the business owner can do to be a better neighbor and a fair solution for everyone. It is recognized that everyone has hobbies and should not be penalized.

Member Eathington discussed with 13 names on the petition against and 41 names on a petition for the conditional use permit for the business. A stipulation for the permit would be no junk vehicles at the business and an annual review, and the business is a benefit to a number of people.

Member Ackerman discussed what is being asked is a commercial function and the facility is very adaptable and could cause a noise issue for some of the neighbors. This brings additional traffic in the area. Member Ackerman discussed Zoning is done for the harmony of the community and its residents.

Member Eathington inquired if this business is to make a lot of additional money or is this just work being done on friends vehicles. Mr. Christy responded this is mainly done to assist the FFA and the truck pulling hobby.

Member Phillips discussed the ZBA would like to have a common ground and limit the number of vehicles and no advertising as a business. This would be to balance for the community and get the community support.

Members Roberson discussed to limit the number of licensed vehicles at the business and this will be reviewed annually for the conditional use permit.

Member Phillips added four additions conditions to the permit; no more than two licensed customer vehicles registered to another party, no advertising except shirts, no non-licensed vehicles or trailers on the property other than the pulling truck owned by Mr. Christy, and maintain the property in a neighborly manner and lot 201 will be used for Mr. Christy's personal use.

Member Fletcher inquired if this applies to both lots or one lot. Member Phillips stated this will apply to both lots.

Member Roberson moved to approve the conditional use permit to operate a vehicle repair shop with the conditions; no more than two licensed customer vehicles, no non-licensed vehicles except the pull trucks, no advertising except shirts, neighborly maintenance, and parking of personal vehicles on lot 201, on parcels #14-14-30-306-002 and #14-14-30-307-002 in an R1 (RESIDENTIAL) Zoning District with a second from Member Clark. Motion carried by roll call vote (5-1) with Member Ackerman voting nay.

b. **Discussion/Action:** PUBLIC HEARING FOR A CONDITIONAL USE PERMIT TO OPERATE A STORAGE FACILITY FOR THE PUBLIC ON PARCEL #09-08-33-402-001 IN AC (AGRICULTURAL/CONSERVATION DISTRICT)

Member Phillips discussed the public hearing for a conditional use permit to operate a storage facility. Scott Anderson discussed the facility has operated for 25 years and was originally operated by John Grisby.

Scott Anderson and another partner recently acquired the storage facility. The storage facility previously had a conditional use permit. Mr. Anderson is not asking to make any changes the storage facility and has applied for the conditional use permit.

Member Eathington inquired since the conditional use permit does not allow for a transfer this is a new conditional permit on a previous storage facility. Mr. Anderson stated that is correct and there are no plans to make any changes to the storage facility.

Member Fletcher inquired if there were any prior conditions on the previous conditional use permit. Janice Emmons, Fulton County Zoning Officer, stated no conditions were on the previous conditional use permit.

Member Roberson discussed that there is currently a trailer at the storage facility, and asked if there are any plans for additional trailer parking at the storage facility. If additional parking for trailers or mobile homes is added, fencing would need to be added to the storage facility.

Mr. Anderson stated he has been trying to contact the owner of the trailer that is at the storage facility and hopes to resolve the issue soon.

Member Roberson moved to approve the conditional use permit to operate a storage facility for the public on parcel #09-08-33-402-001 in AC (Agricultural/Conservation District) with a second from Member Fletcher. Motion carried by roll call vote (6-0).

6. Old Business

a. **Discussion/Action:** Definition of Airbnb

Member Phillips discussed that Janice Emmons, Zoning Director, provided information on Airbnb for review. Emmons will contact Justin Jochums, States Attorney, for feedback or any additional information that the committee may need.

Member Phillips discussed the materials will be reviewed at the next Zoning Board of Appeals meeting.

Member Phillips discussed this is important Fulton County knows where Airbnb's can be located as most are in residential areas.

Member Roberson discussed this needs to be reviewed very carefully as there are concerns that need to be addressed.

Member Ackerman stated from the material provided, no guest may stay in a short term rental for less than 24 hours.

Member Fletcher discussed that the ZBA committee get feedback from current persons that have stayed in or operated places to stay at their residence.

7. **Other – None**
8. **Executive Session – None**
9. **Adjournment**
Time: 5:30pm

Member Roberson moved to adjourn at 5:30pm with a second from Member Clark. Motion carried by roll call vote (6-0).

APPROVED MAY 25, 2022