

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: July 27, 2022

Call information:

Call in number: 1-425-436-6307

Access code: 835427

MEETING AGENDA

1. Call to Order

Time: 4:15PM

Members:

Bob Ackerman (present/xxxxxx)

Sally Jo Clark (present/xxxxxx)

Cathy Eathington (present/xxxxxx)

Mat Fletcher (present/xxxxxx)

Jayson Herrick (present/xxxxxx)

Bill Phillips (present/xxxxxx)

Damon Roberson (present/xxxxxx)

OTHER BOARD MEMBERS: Steve Bohler- by phone, Roger Clark

ELECTED & APPOINTED OFFICIALS: Janice Emmons Zoning Director

STAFF: None

GUEST(S): John McCarthy – Attorney, Victoria Strong, Kyle Romine

1. Roll Call/Quorum

Roll Call was taken, quorum present

2. Additions, Deletions, Corrections to the Agenda

Member Phillips moved New Business b. to operate a pet boarding and grooming business to new business a.

Member Ackerman moved to approve the amended agenda with a second by Member Clark. Motion carried by roll call vote (7-0).

3. Approval of Minutes – June 29, 2022

Member Ackerman moved to approve the June 29, 2022, minutes with a second from Member Clark. Motion carried by roll call vote (7-0).

4. Public Remarks - None

5. New Business

- a. **Discussion/Action:** PUBLIC HEARING FOR A CONDITIONAL USE PERMIT TO OPERATE A PET BOARDING AND GROOMING BUSINESS ON PARCEL #09-08-10-200-012

Member Phillips swore in Kyle Romine to the public hearing. Mr. Romine discussed this is his second dog grooming business and has a dog grooming business in Farmington, IL. Mr. Romine would like the residents of Canton to have additional grooming and boarding services available.

Member Phillips inquired if the business will have adequate parking at the proposed new business site. Mr. Romine stated there will be plenty of parking available and there was previous parking from the prior business that was at this location.

Member Phillips inquired if there are members of the public that wish to speak. Hearing none, Member Phillips inquired if the Zoning Board of Appeals members have any comments. Member Fletcher would like to know how much will be added to the existing building.

Mr. Romine stated there is no new construction being added to the existing building. The current building has approximately 4000 square feet. Member Herrick stated this is just changing the zoning from agriculture to business.

Member Roberson inquired if there be outside kennels. Mr. Romine stated the kennels will be inside and a holding area only, that will be used before and after grooming.

Member Herrick inquired what the business hours will be. Mr. Romine stated the business will operate until 8:00am to 5:00pm or 6:00pm.

Member Herrick inquired what signage will be used for the business. Mr. Romine stated a new sign will go up on the same sign that the former gun club used, there will lighting added to the sign.

Member Herrick inquired if the sign light will be on an automatic timer. Mr. Romine stated he is going to use the daylight bulbs and the bulb will automatically turn off and on.

Member Phillips advised Mr. Romine to double check the sign ordinance with Zoning Officer Emmons.

Member Roberson moved to approve the conditional use permit to operate a pet boarding and grooming business on parcel #09-08-10-200-012 with a second from Member Clark. Motion carried by roll call vote (7-0).

- b. **Discussion/Action:** CONTINUATION OF A PUBLIC HEARING FOR VARIANCE TO THE ORDINANCE TO CONSTRUCT A GARAGE APPROXIMATELY 10 FEET FROM THE BOUNDARY LINE OF POKIHANTUS DRIVE ON PARCEL #13-13-03-101-020.

Member Phillips opened the hearing up for discussion. Attorney McCarthy stated he would answer any question the Zoning Board of Appeals has. A copy of the proposed garage drawing was sent to all ZBA members. Attorney McCarthy discussed the photos that were sent to the all committee members.

Members discussed the pin markers for the garage were only 8 feet from the road and questioned if this will be adjusted to 8 feet or 10 feet. McCarthy stated the pin is approximately 10 feet. Members stated the pin needs to be 10 feet from the roadway.

Attorney McCarthy presented photos of the property that show the lake and the slope and the old tree that was on the Hills' property. Photos of other garages of nearby properties were taken and presented to the Zoning Board of Appeals members.

Mr. Hills stated this county is founded on private property rights and Vicki's view is across the street. Attorney McCarthy discussed the other side of the house is not a good place for the garage due to the septic.

Vicki stated the trees on her property have been trimmed and a tree is not a permanent structure. Vicki discussed she has a letter from a local realtor that the lake view does affect the value of the property. Attorney McCarthy objected to the letter as the realtor is not present at the meeting to testify.

Member Phillips stated in the past the Zoning Board of Appeals has accepted letters and made them part of the record.

Member Phillips read the letter from the Jim Maloof Realtor agent Lisa Gardner stated that the value of the property is the view and when a neighboring property obstructs the view the property values do diminish for the obstructed properties. This affects the value of surrounding property.

Vicki Strong discussed another item to consider is that the Hills have additional property in Fulton County that a garage or storage building could be built on.

Vicki asked to note for the record that the intent to plant big trees on the Hills' property to block her the view to the lake. McCarthy stated that notices were sent to the surrounding properties and none of the neighbors are present at the meeting. The additional property of the Hill's is not the issue tonight. The Hills are asking for a variance for a garage.

Mr. Hills stated he is not sure why the view is part of the situation. Mr. Hills stated the surrounding home owner Mr. Flaherty is fine with the garage being built.

Vicki discussed the Hills only use the home 8 weekends a year, which is approximately 30 days.

Vicki stated she is only aware of two neighbors that received letters and would like to know who the letters were sent to.

McCarthy stated the petition for variance states the home owner has to have certain setbacks and stated the building has to be off the roadway a certain number of feet. The ordinance does not state you have to have a variance and the request affects the view of a neighboring home.

Mr. Hills inquired about the alleged flooding comment. If there is any flooding or drainage issues, it would be on the Hills' property.

Members stated the drainage would be an issue of water being on the roadway. This could be an issue for future home owners.

Hearing no further testimony, Member Phillips closed the testimony.

Members of the ZBA discussed the variance is a variance for a reason and the comment was made that several do not meet the variance of 40 feet in Wee-Ma-Tuk. Member Phillips stated there are more home owners that meet the 40 feet variance than don't. Wee-Ma-Tuk is a tight area and if a precedence is set that allows and affect multiple situations, everything needs to be considered.

Member Phillips discussed all factors need to be considered and the variance is in place to protect the property uses and values against adverse adjacent uses. The ZBA is hearing a request for a variance that is being asserted by a neighbor that this is not a harmonious adjacent use, and the property owner has asserted a potential for loss of value to her property.

This is one of the reasons the ZBA exists is protect and be sure the issues are worked out fairly or to make a judgement on behalf of the neighbors' property.

Members inquired if the HOA for Wee-Ma-Tuk has any say on the variance at Wee-Ma-Tuk. Member Phillips stated the HOA has covenants for each section of Wee-Ma-Tuk. The understanding is the ordinances are real and understandable and enforceable. There are areas at Wee-Ma-Tuk that are governed by covenants for different sections of the Wee-Ma-Tuk subdivisions. These are enforceable if a person is taken to court for a violation and the covenants may or may not be enforced. At this time Fulton County Zoning laws take effect.

Members stated the question is whether the variance is 8 feet or 10 feet. In the drawing the variance does state 8 feet. With the variance being 10 feet this would give Vicki a better view of seeing the lake. Mr. Hills' stated if contractor Burrows needs to shift the building to 10 feet this would be done.

Member Eathington stated she visited the property and feels the building will block the view for Vicki. Member Eathington feels the variance of 40 feet should be followed. Member Eathington discussed two of the other letters for surrounding home owners. One was sent to Downers Grove, IL and one to

Mapleton, IL and the garage will not bother these home owners as they are only at Wee-Ma-Tuk part time.

Members discussed storage buildings are better than having equipment or vehicles sitting all over the property.

Members discussed moving the building to another location on the lot and the building would then block another neighbors view of the lake and the septic system at the Hills' property does not allow the building to be built on the other side of the property.

Member Phillips stated most of the variance requests received are taking the variance from 40 feet to 32 feet not 40 feet to 10 feet. This is a large variance to consider for the ZBA. Other members stated this is not a roadway but a driveway and did not have the concerns. The other challenge is weighting one landowner wanting to improve their property and another landowner's views of the lake from both sides of her property. This will block some of the shore line from the view.

Members discussed the lots at Wee-Ma-Tuk are not standardized and are cut up to maximize the lake frontage. In some cases, it may be nearly impossible to have a 40-foot variance on the lots without a special use permit. The persons that owns the property should be able to do something within the property that is legal.

Other members discussed if this is the case why is there a variance and a set of rules and guidelines for the purpose and intent.

Member Phillips reread the Zoning Board of Appeals Variance policy again; from Section 1, paragraph 4: The regulation is intended to preserve and protect existing property uses and value is against adverse or inharmonious adjacent uses.

Members inquired how this was zoned AG and not residential. Member Phillips stated he was not on the ZBA during the time this was done.

Members discussed other garages that are with in the 40-foot variance and how many have come before the ZBA board. Member Phillips stated the ZBA board cannot go back on what was done in the past.

Members discussed each lot should be individually viewed and considered for a variance as opposed to the ZBA stating these are what the rules are in the board is inflexible.

Members reviewed this from a policy view and what is the purpose of the ZBA.

Member Phillips stated the board must protect existing property values and the ZBA. Members discussed the variance should be decided on case by case.

Member Herrick moved to Deny the variance to the ordinance to construct a garage approximately 10 feet from the boundary line of Pokihantus Drive on parcel #13-13-03-101-020, due to the guidelines the ZBA needs to stand by with a second from Member Eathington. Motion denied by roll call vote (4-3) with Members Fletcher, Ackerman and Roberson voting nay.

6. Old Business

Kyle Romine discussed he was not able to attend the last meeting of the ZBA that approved the building of the storage units on the property of Mr. Sedgwick. Mr. Romine inquired how far from the North property line do the storage units need to be. Janice Emmons, Zoning Officer stated the set back is 20 feet.

Mr. Romine inquired if the usage of his private driveway can be prevent by the storage unit rentals. Member Phillips stated this would be a trespassing issue. Members stated suitable signage that states this is a private driveway would assist with this issue.

7. Other – None

8. Executive Session – None

9. Adjournment

Time: 5:30pm

Member Fletcher moved to adjourn the meeting at 5:30pm with a second from Member Roberson. Motion carried by roll call vote (7-0).

APPROVED OCTOBER 4, 2022