

Monroe County Board of Appeals October 6, 2021

The Monroe County Zoning Board of Appeals met October 6, 2021, in the Monroe County Court House, Waterloo, Illinois, with the following members present: George Obernagel, Vicki Taake, Russell Gregson and Mike Kovarik. Also, present: Chris Voelker, George Green, and Vicki Koerber.

George Obernagel opened the Public Hearing concerning Edwin and Nancy McLean, 9156 Gilmore Lake Road, Columbia, Illinois, who are requesting an Area/Bulk Variance to permit a livestock building, and other farm buildings to be located closer than 200 feet from a residence built on an adjacent real estate parcel notwithstanding County Building Code 40-3-16. The property is located at 9156 Gilmore Lake Road, Columbia, Illinois. Parcel #05-31-400-004

Denise Buettner read the letter of intent.

1. Letter of Intent:

We purchased this property January 4, 2006, and in the same year received a building permit from Monroe County to build a 36' x 50' pole barn for a non-livestock purpose.

In 2007, we applied for a home building permit and for a building permit for a livestock barn (36' x 60') located approximately 90' from the eastern property line. Both were constructed in 2007 and occupied. The livestock barn was built as stable and facilities for horses.

The adjacent property to the east of our property is Stonehenge Subdivision with two adjoining lots that are located in Monroe County, one of which was built on several years ago. The second lot remains unimproved and was sold approximately 4 years ago. We are advised that the owners of the unimproved lot are now wanting to build a home that will be within 200' of our livestock barn. This would create a violation for our livestock barn per County Building Code 40-3-16.

We are requesting a variance to permit a livestock building, and other farm buildings to be located closer than 200 feet from a residence built on an adjacent real estate parcel notwithstanding County Building Code 40-3-16

2. Health Department: not comment
3. Soil and Water Conservation Report: no comment
4. Illinois Department of Agriculture: Letter Dated Jan. 12, 2007. Property registered for Livestock Premises- Equine.
5. Effect on Comprehensive Plan: minimal
6. Effect proposal would have on health, welfare, safety, morals & comfort of surrounding area: minimal
7. Effect on schools, traffic, streets, shopping, public utilities, and adjacent properties: minimal
8. Present Use of Property: residential and horse farm

COMMENTS:

- Ed McLean – The barn is 90 feet from the property line. When it was built 15 years ago, they came in and got a building permit. Now we are in a position where there is a home staked out on the neighboring property, which if built would put it closer than 200 feet of the barn. There is an ordinance which states that a residence on a neighboring property

can't be within 200 feet of a livestock barn. We're fine now with the livestock barn but in the future, say a tornado destroys the structure. Could the owners of the adjacent property prevent us from being able to rebuild the livestock barn? We want the ability to rebuild on the same location. We are asking for a variance so that there will be no questions asked in the future.

- Dan Davis – you mentioned two different buildings In your letter of intent. A non-livestock building which was 36 x 50.
 - Ed McLean – that's the tractor shed. There is no issue on that one. The only one that potentially violates any ordinance is the livestock building. The entire property is A-1 (agriculture).
 - Dan Davis – you included a letter from the Department of Agriculture.
 - Ed McLean – Yes, I wanted to make sure that it was understood that we are an active farm. We have a hay crop; the front yard is our pasture, and we have livestock. We are listed as a farm because we are over the 20 acres.
 - Dan Davis – I called the Department of Agriculture. The livestock premises letter is basically for animal health control. If there was some kind of epidemic – you would be notified.
 - Ed McLean – Yes, that also is correct.
 - Dan Davis – Asked if any other members of the board had any questions.
 - Kurt Roettering – It seems cut and dried.
 - Carlyle Mueller – The problem would be if the barn would be destroyed, then rebuilding it would be a non-conforming use.
 - Dan Davis – the term for destruction is more than 50%
 - Carlyle Mueller - What he is asking for is a waiver from the requirement that reconstruction would have to, at that point meet the current code. He would prefer to rebuild on the same spot. He references 40-3-16, the actual reconstruction wording is under 40-3-20 (section C). So that is what we would have to grant him a variance on.
 - Dan Davis – So the question is whether we want to give you an exemption for the rebuilding of the shed.
 - Ed McLean – correct.
 - Dan Davis – No one seems to be opposed to it. Nobody came in with an opinion on this matter.
9. Motion by Dan Davis, second by Kurt Roettering to recommend granting a variance on the setback requirements outlined in Section 40-3-20 (c). Yes – 9, No – 0. Motion passed.

George Obernagel gave the oath to those wishing to speak.

Ed McLean was sworn in.

Mike Kovarik – Question for Chris – In 2007, when the building permit was issued – everything was done correctly? I assume it was or it wouldn't have passed at that time.

Chris Voelker – I didn't research when the subdivision came in, but Zoning would have been the same at that time.

Mike Kovarik – So it is safe to assume everything was done correctly.

Vicki Taake – I am not sure why we are in this situation now.

Chris Voelker – I did not research when the subdivision was put in, but we do not do a site inspection. When the building permit was applied for none of the houses were there at that time. So if you were just looking at the map and not paying attention to a subdivision being there, you could easily just require the regular setbacks.

Mike Kovarik – Were the owners of the ground next to McLean's notified of the meeting?

Ed McLean – Yes. They bought the land 4 years ago. Building a 9,000 square foot home. The septic system was going to take up the entire north portion of the lot. They pulled the building permit. He's concerned about what will happen in the future. There was no issue when he built there. No one thought that someone would build a house that big there. What we are looking at here is in case that livestock barn is knocked down and is damaged more than 50% we would like to be able to build a new in the same spot. All the utilities are there, there are stalls, etc. We don't want any issues if we would have to get a building permit for that structure.

Mike Kovarik – Chris – is this a variance we are granting? Is that what we are doing? A lifetime variance?

Russell Gregson- Whoever buys that lot can build what they want if they meet the required setbacks. It's not fair to make them stay away from your shed if they are on their property. As long as someone meets the requirements, they can build whatever they want.

Vicki Taake – If your setbacks are legal and their setbacks are legal – why are you seeking a variance?

Ed McLean – They are basically building a house which will make our barn not in compliance with setbacks. The county can't take that away. We had a building permit and when it was issued – we met setbacks. We are looking at what happens if we would have to rebuild that shed

Vicki Taake – Is the issue it's a livestock building and has to be 200'.

Chris Voelker – Yes, that's the issue.

Russell Gregson – What he's saying is that if his building is destroyed and he has to come in for a building permit and they say he has to build 200' away from the residence – then his building can't go where it is.

Mike Kovarik – But that doesn't affect them (adjacent property owner) – we won't make them build 200 feet from the barn, right?

Chris Voelker – No, but they still must meet the setbacks.

Nancy McLean sworn in.

Nancy McLean - If we ever sell the place then would it apply to the next owner? Would the variance apply to us, or would it go to the new owner?

Chris Voelker – Variance goes with the property – Special Use goes with the owners.

Ed McLean – Only looking at this specific building. Only talking livestock

Russell Gregson – If down the line you want to build another livestock building then the 200' would apply?

Ed McLean – Yes.

No other comments or questions from the Board.

Mike Kovarik motioned, Russell Gregson second to allow Edwin and Nancy McLean, 9156 Gilmore Lake Road, Columbia, Illinois, an Area/Bulk Variance to permit a livestock building, and other farm buildings to be located closer than 200 feet from a residence built on an adjacent real estate parcel notwithstanding County Building Code 40-3-16. The property is located at 9156 Gilmore Lake Road, Columbia, Illinois. Parcel #05-31-400-004. Roll call vote -4 yes, 0 – no. Motion passed.

Russell Gregson motioned, second Vicki Taake to approve the September 1, 2021 minutes. All aye by voice vote.

Russell Gregson motioned, second Mike Kovarik to adjourn. All aya by voice vote.

No Meeting in November