

exceeding 300 square feet. The remaining area of the Pole Barn serves as storage for our motor home, personal vehicles and equipment. The parcel for this property is 12-21-300-011 and is currently zoned as A-1. Please see attached photos.

Custom Truck and Jeep LLC is a part-time hobby business that does not advertise but rather is sought out by friends, family and neighbors. The business will not be housing inventory, storing parts, tires or other in-stock items for fixing or repairing vehicles. All parts will be purchased per job and all tools and equipment are kept inside and not viewable from the street. The Pole Barn has not been altered cosmetically from a business perspective and the exterior appearance gives no indication that it is anything but part of the residence.

There is no equipment or materials stored outside unenclosed. Any refuse is disposed of through proper channels (*i.e.* Tires B Gone Hauling and friends with oil burners). There are no offensive noises, smoke, odors or other nuisances associated with the business and off-street parking is adequate and ample. All deliveries of merchandise, goods or equipment and business traffic will be conducted between the hours of 8:00am and 5:00pm Monday through Saturday, usually by drop-off or appointment only.

2. Health Department: Department has no issues with the request.
3. Soil and Water Conservation Report: No comment
4. Effect on Comprehensive Plan: Nominal
5. Effect proposal would have on health, welfare, safety, morals & comfort of surrounding area: Nominal
6. Effect on schools, traffic, streets, shopping, public utilities & adjacent properties: Nominal.
7. Present Use of Property: Agricultural

Caroline Maynard was present to represent Jill Zanders-Henslee & Adam Henslee. She explained that the business was basically a hobby. Most of the work is done for friends and family.

Dan Davis asked what Mr. Henslee does with the old tires that are taken off the vehicles. Caroline Maynard responded that they are picked up by or delivered to a company called Tires Be Gone. There was a discussion about the timeframe of when the tires were removed from the property. Caroline replied that it was the same day or the day after. Chris Voelker stated that there was a pile of around 20 tires on the outside of the building today. Dan Davis asked when the shed was built and if it was mainly for storage of the Henslee's vehicles. He also asked if there were any employees other than Mr. Henslee. Caroline Maynard responded that the shed housed a camper and other vehicles. There were no other employees, and this was mainly a hobby for Mr. Henslee.

Dan Davis informed Caroline Maynard that if the special use was granted, there would be a time limit placed on it. He then opened it up to the rest of the committee for questions.

Dale Haudrich stated that there was a sign out by the road advertising for business. He believed that it meant it was more of a business than a hobby. Caroline Maynard said that she was not aware that they were advertising for business. She said that he only did work for friends and family. He doesn't do any work on outside vehicles or anyone other than friends and family.

Jane Kolmer asked that if it was just for friends and family why would he need a sign. Caroline Maynard said that she couldn't answer that. Dale Haudrich said he drives by the location quite often and the sign is there along with a tire rack of at least 20 tires on the outside of the building. Dan Davis informed Caroline that if the special use was granted that the tire rack could not be outside. He then asked if he wasn't charging money, was the special use necessary. Tim Berg interjected that he didn't think the work was being done 100% free. Chris Voelker assumed that he had some kind of tire rack sponsorship so that he could get the tires.

Jane Kolmer asked about the need to be ADA compliant since it was a business where people were picking up and dropping off. Chris Voelker said the parking should be, but the bathroom would not need to be, according to Brian Eckert of the Health Department. Since there are no employees and the public really doesn't use the building, it would not be necessary. They are just dropping off. It is not a retail space where people are shopping.

Dan Davis asked if anyone had any additional questions or comments. There being none – he stated the motion:

Dan Davis - Motion to recommend approving the special use for a home occupation in an accessory building (§40-4-8) with a time limit of two years that can be extended, and approval to have a non-illuminated sign not to exceed four (4) square feet. Second, Tim Berg. Roll call vote. 6-aye, 3-nay. Motion passed.

Petition for: **Variance on parking surface**
Petition by: James P. Fitzgibbons
Located at: Rt 3 & Kaskaskia Roads
PIN: 11-07-400-019
Fee: Paid

Current Zoning: B-2

Documents Reviewed:

1. Letter of intent: The intent of this petition is a variance for rock drive and parking areas in lieu of paved drive and parking areas. Other similar businesses in the vicinity have similar rock drives and parking areas. The financial impact of paving these areas would make the project cost prohibitive.
2. Health Department: N/A

3. Soil and Water Conservation Report: No comment
4. Effect on Comprehensive Plan: Nominal
5. Effect proposal would have on health, welfare, safety, morals & comfort of surrounding area: Nominal
6. Effect on schools, traffic, streets, shopping, public utilities and adjacent properties: Nominal
7. Present Use of Property: Vacant land

Dan Davis gave a brief history of the property. It used to be A-1 (Agriculture) and was rezoned in April of last year to B-2 (Highway Business). Dan Davis asked Mr. Fitzgibbons to explain what the plan was for the property. Mr. Fitzgibbons explained that he would like to split the property into 3 tracts. The tract that is being discussed tonight was to the south and west. He would start with two (2) commercial style mini-storage buildings on the west closest to G Road. The plan is to have four (4) total at some point. The variance request is to use aggregate CA6 in lieu of the hard surfacing requirements in the code. The two buildings to the far southeast are future shop storage buildings for our construction business.

Dan Davis clarified what the variance request was – to use CA6 instead of concrete, asphalt or oil & chip. Mr. Fitzgibbons confirmed. Dan Davis asked why the committee should grant the request. Mr. Fitzgibbons said that most of the parking areas for businesses in the area are rock, except for two – MCEC and Numa Fitness. Dan Davis said that a lot of those businesses were grandfathered in.

There was a discussion about the variance that was approved for Sydenstricker-Nobbe and maybe the same should be applied to this situation. There was also discussion about the other businesses and if they were in violation of parking lot standards.

Dan Davis then opened it up to the committee and the public for questions.

Tim Buckley said that he lived across the road from the property, and it is farmed by Jim Hesterberg. He is concerned about the dust getting on the crops and just because some of the businesses have done it wrong in the past, the new ones shouldn't be allowed to follow suit.

Mike Henry said that he lives on the southeast side. He has concerns about the drainage and if it was going to be done right. He had issues years ago and the situation was fixed. He just doesn't want this to cause those same drainage issues. If it is done right, he is okay with it. He just wants to bring it to their attention. Chris Voelker gave Mr. Henry contact information for the Highway Department since they are working with Mr. Fitzgibbons on moving the drainage easement.

Carlyle Mueller asked Chris Voelker if a rock surface is considered impervious. Chris said that Aaron Metzger (county engineer) considers it a hard surface. Carlyle Mueller said that the entire area will have to be designed into the detention area. Mr. Fitzgibbons said that they were designing the detention area to take care of 80 to 85 percent of the entire 18 acres. Anyone building on the other two parcels would use that detention area. Carlyle Mueller said that the detention would need to be 10% more than the increase if it was going from farmland to impervious.

Jane Kolmer asked if it was possible to grant the variance for just the two buildings and then come back when he proceeds with the other ones. If we approve the request as it stands, he doesn't have to pave anything in the future? Chris Voelker said that it was up to the committee to approve of what they want. Mr. Fitzgibbons said that what I am requesting a variance for is everything that is shown as rock on the site plan. Just the 153,000 square feet.

Dan Davis said that if you did asphalt 10 feet around each building, you would still have areas that you would want to rock. Mr. Fitzgibbons said that he would not want to do the project if he had to do that. There was a discussion about the expense of having to use asphalt as opposed to rock. Mr. Fitzgibbons did not have an estimate for rock, but he said that it would not be near the bid for asphalt of \$254,000.

Jane Kolmer said that even if he was allowed to do gravel, would he still have to have ADA parking spots? Carlyle Mueller said that the committee could not exempt him from ADA requirements. Chris Voelker said that the ADA parking requirements would go by size and number of units. JP Fitzgibbons said that on the first two buildings there would be around 112 units with garage sized doors, 10 to 15 feet wide, and 10 to 40 feet deep.

Carlyle Mueller clarified that the variance request was for around 3.6 acres or 157,000 square feet. Mr. Fitzgibbons agreed and also added that it includes the two storage buildings to the south. Carlyle Mueller wanted to make sure that the variance request was not for the 5.386- and 5.00-acre tracts. Mr. Fitzgibbons said that he was not here to talk about those two tracts.

There was a long discussion about zoning and what requires buffer areas. It was determined that they are only required when an I-1 or B-2 district is abutting a residential district.

Jane Kolmer asked if it would work to relax the code for just the area of the four storage units on the northeast corner as opposed to the whole parcel? Dan Davis said that it would not pertain to the two proposed parcels. It would just be for the plan that was submitted tonight. Jane Kolmer said the parcel has not been subdivided and if we don't specify it could be interpreted that variance is for the whole parcel. The variance should be for the 4 storage units and not the two proposed buildings on the southeast corner of the site plan. She felt that he should have to come back before the board for the next phase. Carlyle explained that she was referring to the 4 storage buildings and the detention area on the left side of the site plan, since the petitioner was not sure of the use of the two buildings. Mr. Fitzgibbons said he was sure of the use but not of the timeframe it would happen. It would be a construction shop/storage area for his business.

There was a discussion concerning the best way to word the motion and then how he was going to access the 4 storage units. Mr. Fitzgibbons said the entrance would be off of G Road.

Dan Davis asked if anyone had any additional comments or questions. There were none.

Motion by Dan Davis to recommend a variance from the code to reduce the hard surfacing requirement of concrete, asphalt or oil & chip from everywhere down to a 12 foot area around the buildings perimeter. This only applies to the 4 buildings on the southwest of the site plan submitted. Second, Tim Berg.

Carlyle asked if there was any further discussion from the board.

Chuck Pittman asked if there was access on either side of the buildings. Fitzgibbons said that there would be access on all four sides except possibly the that northeast building.

There was discussion about what buildings would have access from all sides and which ones would not. An amendment to the original motion was discussed to include that only the sides that had access doors would be required to be hard surfaced 12 feet from buildings perimeter.

Mr. Fitzgibbon asked the board what is gained by using the oil & chip (A3) surface. Dan Davis said that over time the oil & chip (A3) looks better. JP Fitzgibbons said it was the same product, but several on the board responded that it is not because the A3 has oil mixed in. They thought that was a big difference. Mr. Fitzgibbons wanted to be able to maintain the surface himself and he could not do that if he was required to use oil & chip (A3). He could maintain the A6 surface.

Carlyle Mueller stated that from the standpoint of the public, it would probably not be desirable. He felt that they would rather be on something solid. Mr. Fitzgibbons asked Chris Voelker if he had any complaints from customers using storage facilities that maintained gravel parking lots. He said that he had not.

Carlyle Mueller asked if there were any comments on the amendment. If not, they would vote on it. The amendment not the motion. There was discussion clarifying what the amendment was going to be. The amendment was for only the four buildings not the two proposed buildings on the southeast side. Mr. Fitzgibbons disagreed because that was not what the variance request was for the site plan that he submitted. Another amendment was discussed.

Carlyle Mueller stated that there already was an amendment on the floor that must be dealt with. He said that the amendment could be withdrawn as long as the person that seconded it agreed to that withdrawal.

Motion, Dan Davis to withdraw earlier amendment, second, Tim Berg. Amendment withdrawn.

Carlyle Mueller said that at this point the committee was dealing with a main motion.

Motion, Dan Davis to recommend a variance that allows only the road surface to be oil & chip, concrete or asphalt for 12 feet out from the perimeters of the buildings that have an entrance door on the site plan that was submitted to the Planning Commission which shows a total of four buildings on the west and 2 buildings on the southeast corner. Second, Tim Berg.

Carlyle Mueller asked if there were any other comments on the motion. Chuck Pittman asked about the future buildings of the shop and shop storage. He asked what entrance they would use. Mr. Fitzgibbons stated that they would have the same entrance off of G Road.

Now there was discussion about the location of doors on the two proposed buildings and the road leading to them. Did the road have to be hard surfaced. The committee discussed an amendment to the motion on the floor to address the access road. Carlyle Mueller stated that the committee would vote on the amendment that refers only to the 24-foot road as to whether or not it has to be impervious. George Green questioned the term of impervious for the access road by Carlyle Mueller. Chris Voelker quoted a section of the code explaining what was required for parking lot and road services which require concrete, asphalt or oil & chip. Someone from the committee asked for clarification as to what the amendment would be. Carlyle Mueller stated that the amendment would be if the petitioner needs to have asphalt, concrete or A3 coming back on the access road.

Carlyle Mueller called for a vote on the amendment discussed.

By roll call vote. 7-ayes, 2-nay. Amendment to main motion passed.

Carlyle Mueller stated the committee was dealing now with the main motion which includes the amendment. **Motion to require** 12 foot around the buildings in the area of where there are storage doors and that includes all six buildings where there are storage doors and on the 24-foot roadway going back.

There was no further discussion. A vote on the main motion was called for.

By roll call vote. 8-ayes, 1-nay. Motion passed.

Mr. Fitzgibbons asked for clarification. Carlyle Mueller explained what the motion called for.

Hearing was closed.

Old Business: None

Treasurer's Report: None

Zoning Officer's Report: Chris Voelker (see attached report) Gave an update on the Comprehensive Plan.

Road Report: None

Policy Review Committee: None

Comprehensive Plan Committee: None.

Economic Development: Dan Davis stated there would be a meeting later this month.

Adjournment: Motion to adjourn, Walter Wetzel, Second, Tim Berg All Aye by voice vote