

MONROE COUNTY PLANNING COMMISSION MINUTES

September 2, 2021

7:30 p.m.

The regular scheduled meeting of the Monroe County Planning Commission was called to order by Chairman Carlyle Mueller. Members present were Laurie Brown, Karin Callis, Brian Coats, Dan Davis, Dave Glosecki, Jane Kolmer, Carlyle Mueller, Kurt Roettering and Walter Wetzel. Ex-Officio Members present were George Green, Chris Voelker, Aaron Metzger and Laura Henry.

APPROVAL OF MINUTES: Motion by Laurie Brown, second by Walter Wetzel to approve the August 5, 2021 minutes with changes discussed. Voice vote – all aye. Motion passed.

Petition for: Variance for setback **Current Zoning:** **Agriculture A-1**
Petition by: Edwin & Nancy McLean
Located at: 9156 Gilmore Lakes Road, Columbia, IL
PIN: 05-31-400-004
Fee: \$200- Paid

Documents Reviewed:

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.

- After the motion was made and seconded, there was discussion about the different sections of the code that were cited. George Green asked for clarification of the motion.
- Brian Coats asked about adding on and if that would be permitted.
- Carlyle Mueller – section (b) – enlargements.
- Brian Coats – we are only giving him a variance on section (c).
- Carlyle Mueller – We are giving it on section (c). The enlargement or alteration cannot increase or worsen the nonconforming use of the structure. So, if you would enlarge the structure at this time – then you would be in violation of section (b).
- Chris Voelker – You would have to ask for a variance for that.

After this discussion – roll was called.

Petition for: **Rezoning to A-2** **Current Zoning: Agriculture A-1**
 Petition by: Thor Lohrberg. owner
 Located at: 8409 Wiegand Rd, Red Bud, IL
 PIN: 12-10-100-002
 Fee: \$450- paid

Documents Reviewed:

10. Letter of Intent: From Brad Chandler, Real Estate Broker

The current owner and contracted buyer are requesting a zoning change from A-1 to A-2 for the minimum of 15 acres. The manufactured home and sheds will be sold with 2.5 surveyed acres to Gavin Braun. The balance of the 12.5 acres will remain farmland. The area in which it is located there are many residential properties on small acreages. Balance of the parcel of land not being rezoned would continue to be farmed

Gavin Braun is the contracted buyer. I will be the contact for following this process through and getting any information to all parties involved. The application will be dropped off by the end of day tomorrow. All of my contact information is below. Please let me know you have received this email.

11. Health Department: Brian Eckert, Director of Environmental Health Monroe County Health Department

Brad Chandler contacted me regarding rezoning a property at 8409 Wiegand Rd. Our department has no issues with the request and Mr. Chandler was advised that the

existing Aerobic Treatment Unit discharge must be located a minimum of 30' from the new property line. Please feel free to contact me with any questions.

12. Soil and Water Conservation Report: no report

13. Effect on Comprehensive Plan: Plan is for area to be A-1

14. Effect proposal would have on health, welfare, safety, morals & comfort of surrounding area:

15. Effect on schools, traffic, streets, shopping, public utilities and adjacent properties:

16. Present Use of Property: Residential and grain farming.

17. Comments:

- Dan Davis – opened meeting. Asked Brad Chandler if he had authorization from the petitioner to speak on his behalf.
- Brad Chandler – Yes, he does.
- Dan Davis – You amended your original letter of intent to increase the size from 2.5 acres to 15 acres to rezone.
- Brad Chandler – yes, the size was increased because that was the minimum size to rezone.
- Dan Davis – go ahead and present
- Brad Chandler – Explained that the parcel up north was excepted out some years back and it was after the '93 one time split. The 80-acre parcel one time split was used on the northwest corner. When the property was purchased, Thor Lohrburg talked to Mike Fausz and was told they could split it because it was two 40-acre tracts because you have Braun Road and Wiegand Road and both sides had road frontage. He was told that he could split of the 2.5-acre piece with the house. Whenever we went through and pulled all the deeds, it wasn't granted as two 40-acre pieces. It was granted as on 80-acre tract. We put this property under contract with the knowledge that Mike Fausz had to told them that the 2.5-acre piece could be sold off and now per all the guidelines of the county – it cannot be sold off. We asked for a variance, but we were told that a variance would not be granted. So that is why we are asking for a rezoning from A-1 to A-2 for the 15 acres.
- Dan Davis – where will the 15-acres be?
- Brad Chandler – The proposed 15 acres will be along the road. That is not something that is set in stone.
- Dan Davis – All of the ground around this is currently zoned A-1. So, this would be a new zoning district created in this area.
- Brad Chandler – That would be correct. There are multiple small parcels and tracts in and around the area. So, it would not be something out of the ordinary to sell back the 2.5 acre piece. This is a manufactured home with a quonset hut shed.
- Dan Davis – Do you know when the manufactured home was placed on the site?
- Brad Chandler – No, I do not. I would say 2002 but am not sure.
- Dan Davis – When did Lohrburg purchase this?

- Brad Chandler – About six years ago.
- Brian Coats – so you want to rezone 15 acres?
- Brad Chandler – we would prefer to rezone 2.5 acres to A-2, but per the county’s regulations it has to 15 acres.
- Brian Coats – so if you go with plan B – is there anything that stops him from subdividing?
- Dan Davis – the 15 acres would be a new zoning district and he could subdivide as long as stayed within 2.5 acre tracts.
- Carlyle Mueller – within those 15 acres, they could put in six lots.
- Brian Coats – unless we allow just 2.5-acres. Which is what they want. They would need a variance for that.
- Dan Davis – they are asking for a rezoning.
- Brad Chandler – We would be happy with a variance
- Chris Voelker – explained the minimum district size in acres would be 15 acres.
- Brad Chandler – We were told there was no way that a variance would be granted.
- Carlyle Mueller – I’m not sure we could grant a variance on this.
- Chris Voelker – I don’t think so. That is why we said that they would have to rezone 15 acres.
- Brian Coats – I understand what you are trying to do, but this doesn’t really follow the Comprehensive Plan and with the existing code.
- Carlyle Mueller – the other alternative would be to sell off a 10-acre tract.
- Laurie Brown – so he doesn’t want to sell 10-acres?
- Brad Chandler – No, he has no desire to sell off farm ground.
- Dan Davis – If he can’t sell it they way he wants, it is my understanding that he will just get rid of the building.
- Brad Chandler – that has been discussed. The buyer for the 2.5-acre tract can’t afford 10-acres. Most people who are buying 10-acres are not putting a mobile home on them.
- Brian Coats – If we make it A-2 for those 15 acres, we might have six mobile homes. That’s a risk.
- Karin Callis - If someone had 10 acres, zoned A-1 with a house on it and they called into the courthouse and said they wanted to divide 2.5 acres off – would we suggest that they rezone it or would we tell them that it is not allowed?
- Laura Henry – They cannot split off less than 5 acres unless it’s one-time split per the plat act. This piece doesn’t qualify because of the upper left-hand corner was the one-time split back in the ‘90’s.
- Chris Voelker – the reason this was given as an option was because it was close to Hecker. They have just expanded to the south. This property, as the crow flies, was within one mile of the city limits.
- Milton Voges – I am strongly against the rezoning of this. Taxes are high enough as it is. He says he’s going to farm it, but nothing is forever. Things change. Ownership could change. Lots could be sold off with new homes built on them. Taxes would go up for the neighbors. As slow as Hecker has grown – it’s going to take a long time for them to grow out there. I have no problem if there would be a variance for that one house. Rezoning would raise our taxes. If it is rezoned it will open the door for a number of things.

- Kurt Roettering – just to be clear – there is no way to divide off that 2.5-acre tract? They have to do the 15 acres?
- Dan Davis – They can sell off 10-acres.
- Milton Voges – The best thing to do would be to grant a variance. Then the remaining acreage would be farmland.
- Carlyle Mueller – According to the code – a variance simply cannot be granted.
- Kurt Roettering – I would suggest that we stay with the 10-acre minimum.
- Allen Wagner – My main concern is if the 15 acres is rezoned, that would leave five 2.5 acre tracts for sale. That is opening a door up for small parcels. I am against it.
- Marla Thorpe – We were just hoping for a young couple to have a nice home. We were hoping for a variance. That would be preferable for all of us.
- George Green – Could you rezone 2.5 acres then rezone back to A-1 because it is 12.5 acres. Two zoning requests at the same time.
- Carlyle Mueller – I think that would be an attorney question.
- Brad Chandler – Everybody agrees that that 2.5 acres makes perfect sense for the county and the neighbors.
- Carlyle Mueller – I agree with you on that, but I don't think that we have the power to do that.
- Milton Voges – wants 10-acre zoning to include a separate tract for a house. So that this wouldn't happen in the future.
- Chris Voelker – They passed 10-acre zoning so that there are larger tracts.
- Kurt Roettering – I think that we need to deny it and have them go back to the attorney and come up with another solution. We can't change the ordinances.
- Brian Coats – If we give a variance for 2.5. We would be giving a variance for 2.5 acres in an area where it was not intended to be 2.5 acre lots.
- Brad Chandler – we are looking for difference options.
- Tony Gilbreth – represents the Lohrburghs. You won't have enough road frontage. It would be next to impossible to subdivide the 15 acres. After you sell off the 2.5 acres there would not be enough to subdivide.
- Dan Davis – Then you are saying that we would be granting a district that we know has a physical problem for development based on the way it was zoned. That's not fair to anyone.
- Chris Voelker – The only way that you could develop that is that they would have to come before the boards with a subdivision plat.
- Dan Davis – I don't like creating a zoning district where there are going to be problems.
- Carlyle Mueller – I would be in favor of them dealing with the attorney and try to come back with a better plan that would meet the county's requirements. A variance is not feasible.
- Brad Chandler – the only thing that I can say is that all the neighbors are in favor of it if we can figure out how to get it accomplished.

Motion – Dan Davis, Second- Karin Callis to recommend denying the request for a rezoning on subject property located on parcel 12-10-100-002 where the request was to rezone from A-1 to A-2. Aye – 9, No – 0. Motion passed.

Treasurer's Report – none

Zoning Officer's Report: Max Turner, Code enforcement officer has left to pursue another job. We are currently looking to hire someone to replace him.

Single family dwellings (August) – 47 permits, 3 of these were new homes. We have been very busy in the Zoning Office.

Buildings Permits	\$ 6,602.00
Inspections	\$ 8,970.00
Electrical Permits	\$ 130.00
Electrical License Renewals	\$ 375.00
Filing Fees	\$ 650.00
Electrical Contractor Registration	\$ 500.00
Preliminary plat fee	\$ -
Municipal Inspections	\$ 390.00
Communication Tower Co-Location	\$ -
Total	\$ 17,617.00

Motion - Walter Wetzal, Second - Brian Coats to approve the Zoning Report
All aye by voice vote.

Comprehensive Plan – Meeting on September 14th at 7:30 pm.

Motion to adjourn – Laurie Brown, Second – Brian Coats
All aye by voice vote.