



AGENDA
McLEAN COUNTY ZONING BOARD OF APPEALS
Tuesday, October 3, 2023
115 East Washington St., Room 404, Bloomington, IL

CALL TO ORDER BY CHAIR

ROLL CALL BY SECRETARY AND DECLARATION OF A QUORUM

APPROVAL OF MINUTES

APPEARANCE BY MEMBERS OF THE PUBLIC ON NON-AGENDA RELATED TOPICS (*An opportunity is provided for members of the public to address the public officials **on matters not listed below**. Public comment will not exceed 20 minutes. Each member of the public will be allowed 3 minutes of commentary.*)

7:00 P.M. – Case ZV-23-05, an application of Doug Jiles in case ZV-23-05 on parcel 15-19-452-011. He is requesting a variance in front yard setback requirements to allow an existing privacy fence six feet in height to be as close as two feet from the property line rather than 30 feet as required in the R-2 Two Family Residential District on property in Towanda Township at 625 Celebration Dr., Normal, IL. This is a final decision.

7:10 P.M. – Case ZA-23-04, an application of the McLean County Land Use & Development Committee in case ZA-23-04. This is a text amendment of the Zoning Ordinance of the Code of McLean County Chapter 350, Zoning **Section 350-43. OO. Use Standards**. This is to amend use standards for Carbon Dioxide (CO₂) Sequestration Drilling. This is a recommendation to the County Board.

DISCUSSION OF PETITIONS

NEXT MEETING DATE – 7:00 P.M., Tuesday, November 7, 2023

ADJOURNMENT

RECORD OF MINUTES

McLEAN COUNTY ZONING BOARD OF APPEALS

Tuesday, September 5, 2023

Room 404, Government Center, 115 E. Washington Street, Bloomington, Illinois

1. CALL TO ORDER: Chair, James Finnigan called the meeting to order at 7:05 PM.
2. ROLL CALL: Secretary Philip Dick called the roll and noted the presence of a quorum as follows: James Finnigan, Michael Kuritz, Ruth Novosad, Brian Bangert, Julia Turner, Rick Dean and Shirley Deerwester. Also present were Darrell Mitchell, Zoning Enforcement Officer, and Taylor Williams, Assistant State's Attorney.
3. APPROVAL OF MINUTES: Motion was made by Dean/Kuritz to approve the minutes from the June 6, 2023, Zoning Board of Appeals meeting.

The minutes were approved by voice vote.

4. APPEARANCE BY MEMBERS OF THE PUBLIC: No one came forward to speak on matters not on the agenda.
5. REGULAR AGENDA:

Case SU-23-05, an application of New Leaf Energy in case SU-23-05 on parcel 20-01-300-004. It is requesting a special use for a Solar Power Generating Facility in the Agriculture District; on property located in Dale Township approximately 1,400 feet south of Washington Street & approximately .8 miles east of Bloomington Heights Rd.

Secretary Dick stated that the applicant for this case requested that it be rescheduled for 7:30 pm on October 3, 2023. He indicated that this is the first time that this request was made for this case.

Thomas Ryan, 2733 Belden Ave., Chicago, IL 60647 appeared to give testimony and was sworn. Mr. Ryan requested that this case be continued until 7:30 pm on October 3, 2023.

A motion was made by Kuritz/Turner to continue this case until 7:30 pm on October 3, 2023.

The roll call vote was seven members for the motion to approve, none opposed, and no Members were absent.

Case ZV-23-04, an application of Jim Millner in case ZV-23-04 on parcel 07-01-451-002. He is requesting a variance in front yard setback requirements to allow a detached garage accessory to a single-family dwelling to be 19 feet from the property line rather than 30 feet as required in the R-1 Single Family Residence District on property in Hudson Township at 25234 White Owl Lane, Hudson, IL.

Secretary Dick called the case, provided exhibits to the board, and submitted a staff report for review. He indicated that staff recommends that the proposed application meets all the standards of the Zoning Ordinance.

Jim Millner, 104 S. Prairie, Unit 105, New Lenox, IL 60451 appeared to give testimony and was sworn. Mr. Millner indicated that the existing garage is in very bad condition and needs to be replaced. He said that he bought the property two years ago and lives at the property on weekends. He said that he will retire in two years and then will move to the property permanently; he has family living in the area. Mr. Millner said that the carport on the property is in bad shape and that he will remove it from the property.

The board reviewed and discussed the standards for a variance in this case.

A motion was made by Kuritz/Turner to approve case ZV-23-04.

The roll call vote was seven members for the motion to recommend approval, none opposed, and no Members were absent.

6. PRESENTATION OF 15-YEAR PIN: Secretary Dick presented Member Julia Turner with a 15-year pin from McLean County for completing 15 years of service. Secretary Dick thanked her for her 15 years of service.
7. ADJOURNMENT: The Chair declared the meeting adjourned at 7:20 PM.

McLean County Department of Building and Zoning

STAFF REPORT FOR A VARIANCE

CASE NUMBER ZV-23-05

1. REFERENCE

- a. Hearing date: October 3, 2023
- b. Applicant's name and address: Doug Jiles, 625 Celebration Dr.,
Normal, IL 61761
dtjiles92@gmail.com
- c. Owner's name and address: Same

2. **VARIANCE REQUESTED:** For a variance in front yard setback requirements to allow an existing privacy fence six feet in height to be as close as two feet from the property line rather than 30 feet as required in the R-2 Two Family Residential District.

3. **LOCATION, CURRENT ZONING AND LAND USE:**

- a. Property location: 625 Celebration Dr., Normal, IL 61761
- b. Size of Parcel: .41 acres
- c. Township: Towanda Township
- d. Parcel Number: 15-19-452-011
- e. Existing zoning: R-2 Two Family Residential District
- f. Existing land use: Single-family residence

4. **SURROUNDING ZONING:**

- a. North: R-2 Two Family Residential District
- b. South: R-2 Two Family Residential District
- c. East: R-2 Two Family Residential District
- d. West: R-2 Two Family Residential District

5. **SURROUNDING LAND USE:**

- a. North: Single family residence & vacant lot
- b. South: Vacant
- c. East: Pond
- d. West: Single family residence

6. **BACKGROUND INFORMATION:** The applicant built a privacy fence without a permit closer to the front property line than is allowed by the Zoning Ordinance.

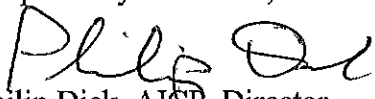
7. **STAFF ANALYSIS:** The analysis of the seven standards listed in Section 350-17.F.(1) (c) (Standards for Variances) of the McLean County Code as they apply to this variance request is as follows:

- 1. **The physical surroundings, shape, or topographical conditions of the specific property will cause a particular hardship to the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.** The lot is irregular in shape and is located on the corner of two streets. The irregular shape of the lot along Renaissance Drive and the curve of this street southwest of the subject property, causes lights from passing vehicles to shine into the subject

dwelling without the privacy fence in this front yard. A corner lot requires a setback of 30 feet from both streets.

2. **The conditions upon which a petition for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property within the same zoning classification.** The lot is irregular in shape, and it is located on the corner of two streets.
 3. **The purpose of the variance is not based exclusively upon a desire to make more money out of the property.** The applicant claims that he would like to use the fence to better secure and screen the patio, patio furniture, gazebo and barbecue in his family's backyard.
 4. **The alleged difficulty or hardship is caused by this ordinance and has not been created by persons presently having an interest in the property.** The unique flow of traffic along the road adjacent to the subject property creates a need for a privacy fence at this location.
 5. **The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.** The location of the fence would not likely cause any negative sight distance problems for access to the public road nor would it likely detract from nearby properties.
 6. **The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public street, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.** The proposed variance would not likely negatively impact properties in the area.
 7. **The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.** The applicant claims that he needs the fence at this location.
8. **CONCLUDING OPINION:** Staff recommends that this application meets all of the standards set forth in Section 350-17.F. (1) (c) (Standards for Variances) of the McLean County Code.

Respectfully submitted,


Philip Dick, AICP, Director

Attachment: Site Plan

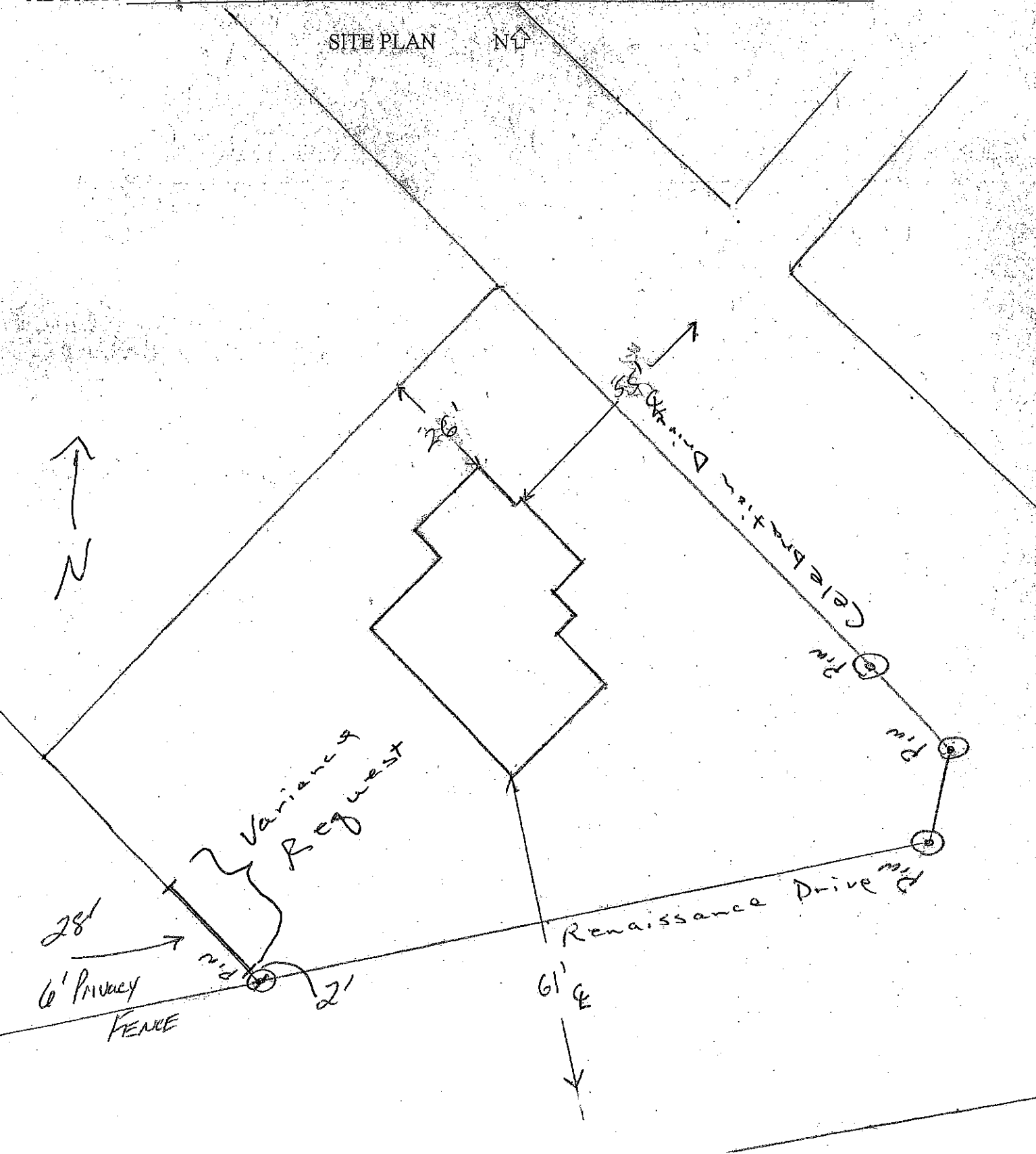
Jiles Site Plan

PARCEL # 15-19-452-011 Case ZV-23-05

LOT/SUBD L 16 FRANKLIN HTS

ADDRESS 625 CELEBRATION DR

SITE PLAN N↑



McLean County Department of Building and Zoning

STAFF REPORT FOR A TEXT AMENDMENT

CASE NUMBER ZA-23-04

1. REFERENCE:

- a. Hearing date: October 3, 2023
- b. Applicant's name: McLean County Land Use & Development Committee
- c. Applicant's request: A text amendment of the Zoning Ordinance of the Code of McLean County Chapter 350, Zoning **Section 350-43. OO. Use Standards**. This is to amend use standards for Carbon Dioxide (CO₂) Sequestration Drilling.


2. STAFF ANALYSIS:

The proposed amendment came from the McLean County Land Use and Development Committee following discussion at its September 5, 2023, Committee meeting. The Committee previously proposed a text amendment on Carbon Dioxide (CO₂) Sequestration at its meeting on April 4, 2023, which the County Board approved on May 11, 2023, in case ZA-23-03. The Chair of the Committee formed and met several times with a study group composed of staff and County Board members to determine how McLean County should regulate the drilling of CO₂ sequestration wells. A draft proposed text amendment was approved at the Land Use and Development Committee meeting at its September 5th meeting as shown in the attached Exhibit A.

3. CONCLUDING OPINION:

Staff recommends that the proposed text amendment be approved and that it will promote public health, safety, comfort, morals, and general welfare, conserving the value of property throughout the County.

Respectfully submitted,



Philip Dick, AICP, Director

X:\StaffReports\Sr23\ZA-23-04 Land Use

Attachment: Exhibit A, Carbon Dioxide (CO₂) Sequestration Drilling Text Amendment

EXHIBIT A

Carbon Dioxide Sequestration Drilling Text Amendment
Chapter 350 of the McLean County Code

The McLean County Zoning Ordinance

(Additions are indicated by text and stricken material by ~~text~~)

350-43 Use Standards.

The use standards of this section shall apply to permitted uses, special uses and accessory uses as noted.

Z. Oil and gas drilling/refining & CO₂ Sequestration Drilling.

Oil and gas drilling/refining operations shall be subject to the following standards:

- (1) Oil and gas drilling/refining operations shall not be located within 1,000 feet of an existing R-1 or R-2 Zoning District boundary line, 330 feet of any lot containing a dwelling as a principal use or 50 feet from any other lot line.
- (2) The distillation of ethyl alcohol (ethanol) from agricultural crops and the processing of by-products from such distillation when such alcohol is not utilized as fuel for agricultural purposes on the premises shall be allowed as a permitted use in the M-1 and M-2 Districts and as a special use, issued in accordance with the provisions of Article VIII, in the A Agriculture and C Districts.

CO₂ sequestration drilling operations shall be subject to the following standards:

- (1) A permit has been obtained from the US Environmental Protection Agency for a Class VI injection well for carbon dioxide sequestration.
- (2) CO₂ sequestration wells shall not be located within 1,500 feet of an occupied residence, a livestock shelter, a school, community building or a commercial/manufacturing building.
- (3) Lighting shall be installed for security and safety purposes only. All lighting shall be shielded so that no glare extends substantially beyond the boundaries of a CO₂ sequestration facility.
- (4) An applicant or owner shall work with the local fire department and emergency management agency to develop and fund an emergency response plan.
- (5) An applicant or owner shall enter into a road use agreement with agencies having jurisdiction of the roads to be used for the construction, operation, and maintenance of the facility, which shall include at a minimum the following:
 - a. Conduct a preconstruction baseline survey to determine existing road conditions for assessing potential future damage;
 - b. Secure financial assurance, in a reasonable amount agreed to by the relevant parties, for the purpose of repairing any damage to public roads caused by constructing, operating or maintaining the CO₂ sequestration facility;
 - c. Provide the Director of Building and zoning with a signed copy of any agreements pertaining to the use of public roads.