

COUNTY OF MENARD        )  
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STATE OF ILLINOIS        )

The Menard County Zoning Board of Appeals (ZBA) met on March 23, 2023 at 7:04 p.m., at the Menard County Courthouse, Petersburg, Illinois. Zoning Board of Appeals members Tom Eldridge, Karen Stott, Dan Robertson and Steve Wilken were present. ZBA member Steve Ozella was absent. Assistant States Attorney and Zoning Administrator Gwen Thomas and Zoning Officer Joe Crowe were also present.

The Pledge of Allegiance was recited by all in attendance.

Chairperson Tom Eldridge called the meeting to order at 7:04 p.m.

Chairperson Tom Eldridge called the roll of members present.

Minutes from the February 23, 2023 meeting were presented for approval. ZBA member Stott moved to approve the minutes. ZBA member Robertson seconded the motion. The motion carried unanimously.

**NEW BUSINESS**

**CONTINUED ACTION OF A LEGISLATIVE PUBLIC HEARING: (Case number 23-01TA) TEXT AMENDMENT INITIATED BY JOSEPH & KIMMIE BARTENSLAGER SEEKING TO ADD ANIMAL EDUCATION CENTER AS AN AUTHORIZED USE BY SPECIAL USE PERMIT.**

**THE PROPOSAL IS TO AMEND THE CURRENT ZONING OF THE RURAL RESIDENTIAL DISTRICT REGULATION. THE PROPERTY IDENTIFICATION NUMBERS ARE 17-20-200-001, 17-20-200-010, & 17-20-200-011.**

Chairman Eldridge opened the public hearing portion of the meeting at 7:06 p.m. to give consideration and receive any comments concerning a text amendment application (case number 23-01TA) from Joseph and Kimmie Bartenslager.

Chairperson Eldridge continued testimony from Joseph Bartenslager (father), Joseph Bartenslager (son), and Pamela Bultman on the application for the text amendment.

Chairperson Eldridge began testimony with Joseph Bartenslager (son) Mr. Bartenslager went on to describe himself as one of the owners of Exotic Acres, which is a small, family run, nonprofit. He explained that, they were before the board to ask for a change to the county use ordinance for zoning for, rural residential, to have their business added to it, so in the future they can ask to have guests come out to their property for private classes and tours with those being 64 people or less in a class, no more than 20, and that they have been in business for two years.

He also expressed to the board how they felt that prior approval had been given based on statements from the zoning office and discussion from members of the public.

Mr. Bartenslager then addressed a previous question from the chair in regards to why they should be allowed to operate this type of business in the rural residential area, Mr. Bartenslager explained that they were primarily an educational service that is needed and wanted by the county. He supported his statements by explaining of the outreach requested by the various schools and groups that desired the opportunity to interact with the animals.

Mr. Bartenslager went on to discuss the various concerns that were brought up in the previous hearing regarding the road and his desire to move the drive, he had already contacted the Road Commissioner and County Engineer. He also directed comments to the welfare of the animals and how they are well regulated by the USDA and the care provided by the local veterinarians in Petersburg. He pointed out that the animals that are kept are not dangerous. He addressed possible future event planning and explained

his hope for a short resolution to this matter but has now realized that the process will take longer and they have cancelled any planned events for the immediate future.

ASA/Zoning Administrator Thomas questioned, "So if you're wanting to have a tax amendment to include animal education Center, how do you believe that an animal education center fits into our counties comprehensive plan? Joseph Bartenslager (son) responded, that the county is really big on agriculture and so some of the things they do plan on doing is having a class that teaches kids where the food come from, he explained that they would like to have a beehive, a garden and they would like to have sheep that you shear, eggs, chickens, but teach kids where the food comes from. He explained, I want to set up some land for a local conservation to keep it natural prairie, on the back part of our property so people, can view the native birds there. It will just look like a farm, a homestead, it's not going to look out of place, we're not going to have crazy buildings, crazy exhibits. We'll have pastures and barns, still look like a homestead and when we have to resell it, someone can just have a farm there or, you know, have their horses. It's a recreation there. It's not changing the environment.

Zoning Administrator Thomas then asked about the impact their business would have on commerce in Menard County? Mr. Bartenslager responded that he is a member of the Chamber of Commerce and that they are excited to work with them. The Chamber felt that their business would be a good addition to, the economy of the town and the county. Mr. Bartenslager explained that the Chamber feels that their business, it's not a big corporate business it's something local, and that's what they really like to strive for as local business that, their business would be bringing in people from Springfield, most likely outside of the county, which would increase the, economic impact, on the county. He felt it would be beneficial to refer them, after a class, that they should go in to Petersburg and have dinner at the Broad gauge or one of the other restaurants in town, hopefully, business for other businesses in the county.

Chairperson Eldridge went on to question Mr. Bartenslager regarding lot size. Mr. Bartenslager responded that their total size is 17 acres.

ZBA member Robertson questioned Mr. Bartenslager regarding how long he had been on the property and how long he had been operating the business, he explained he had been there for a year and had the business beforehand. He further explained that he had been a zookeeper for five years previous. Mr. Bartenslager explained that they had friends and family come out and had done some programs in the basement while he was trying to figure out how to structure classes and the friends and family were just giving feedback. Further explaining he said that they had the one event that they did for the fall open house and the minority co-op asked to do an article. They had some interest, so he thought it was a good opportunity to show people what they were doing, what they are about as like come meet us.

ZBA member Robertson questioned Mr. Bartenslager regarding charging for events, Mr. Bartenslager responded that they had charged for the open house that was held.

ZBA member Robertson went on and questioned Mr. Bartenslager regarding dangerous animals, based on your application, you could, right? I mean, if you applied for it through DNR to get a license, there's nothing that would, Mr. Bartenslager responded that yes, he could, but that he lives there. I don't want a tiger in my backyard.

ZBA member Robertson added that he would like to remind everybody that this is, we're not really specifically talking about Mr. Bartenslager exactly, they are looking at a countywide impact of a text amendment that would alter the zoning rules, for all rural residential services. So, he just brought that up because, although Mr. Bartenslager might have the best of intentions, I'm not picking on you, we don't know about you or someone else. So that's a concern I have. Yes, if you go through the proper U S D A, you would have to be, to have dangerous animals in the state of Illinois, you have to be an exhibitor license or you have to be certified by U S D and they come and inspect you. ZBA member Robertson then asked what, prompted Mr. Bartenslager to initiate this process a year after the business opened?

Mr. Bartenslager responded that they were not really open, we don't advertise it. We're not fully open like my classroom. It has exposed, insulation and we're still not really actively going out and getting people to come here. We just did a few small things here and there. We were kind of told it was okay, which looking back at it, we realized it's not okay.

Mr. Bartenslager reiterated that, if you could look at our Facebook, the pictures are, that's my friends, those are my nephews. That's my mother-in-law. It's my family who came out to give us feedback and we just did the one event to kind of be like, it was a soft opening, like open house. We had signs that showed what we wanted to there, also pictures more of like a, come see what we're about so our community could know what we're doing. We've still got a way to go until the facilities are ready to have people come out.

Chairperson Eldridge went on to question if the Bartenslagers carry a liability insurance? Mr. Bartenslager responded that yes, they do have insurance. Chairperson Eldridge asked if they, the insurance company, know that you have all these animals? Mr. Bartenslager again responded that yes, they know what we are doing we have given them a list of all our animals.

Chairperson Eldridge explained that it doesn't matter about your animals. It matters, about the public. It matters. Someone on your property steps out of their car and breaks their leg, you're responsible.

Mr. Bartenslager responded that they do carry liability insurance coverage. Chairperson Eldridge continued and said, that it's all things that happen on your piece of property? from anyone who comes there anytime. Even someone who's not invited, correct? Mr. Bartenslager again responded yes.

ZBA member Wilken asked the chair for clarification regarding the Zoning Office approval for the Bartenslagers to proceed? It was explained that the Zoning office thought the proposal was a good idea and that the proposal should not be a big deal as there were business in the area. Mr. Bartenslager then related that they had questioned their realtor before purchasing the property and was related a conversation that was had between the realtor and an official of the county that they did not foresee a problem.

Chairperson Eldridge went on to question Mrs. Pamela Bultman who informed the committee that she we have been in the county for 50 years plus, and there are many people. She had collected over 50 signatures of people on Oden and Old Farm Road and, hideaway estates that are not in favor of this proposal because they've been here for 30, 40, even 50 years and they don't want to see their health, and their values go down on their property, they use it for retirement. Mrs. Bultman went on that people don't want to see the roads torn up. She explained that I don't know how you can, state that certain events aren't going to take place when you're, trying to make business make money to live on. So there's no guarantee that the events aren't going to get any bigger. She said that she had discussed the driveway, and that was one of the problems we had about the children's because of in the spring and fall, they fly through that area and that roadway is not set up for two lanes and besides the vehicles, the garbage and delivery trucks, she felt that's an accident looking for a place to happen. She further discussed the road construction and how it was just completed.

ASA/Zoning Administrator Thomas directed Mrs. Bultmans remarks to focus at this point in the process, to whether there should be a text amendment to allow an animal education center in a rural residential area anywhere in Menard County. So, the specific concerns related to the location of the animal education center on their property right now, that's premature. So just, if you would, at this point in the process, focus on what you have to say, your concerns. The text amendment to allow an animal education center and rural residential and Menard County in general because as it relates to this property that would come next under the, if this proposal is approved for recommendations to the county board and the county board also approved the text amendment, they still can't have an animal education center. They would have to apply for a special use permit and at that time is when the ZBA would determine whether that particular use on their property for an animal education center is appropriate. So there, is a time and place for your concerns. Okay. But that would be concerns as it relates specifically to their property. ASA/Zoning Administrator Thomas went on, that right now it's premature for that. So if Mrs. Bultman would focus her concerns on the ZBA as to their recommending a text amendment to allow an animal education center and rural residential anywhere in the county.

Mrs. Bultman continued that they can take their animals out to, schools, and other areas where they want, and it doesn't have to be in a rural, residential area.

ZBA member Robertson offered guidance to Mrs. Bultman regarding her mention of roads and road wear water, those would be issues that, that would be for anywhere in the county and, and not specific to this. So that kind of issue, safety included, would, would certainly be able to be addressed here.

ASA/Zoning Administrator Thomas reiterated that the board needs to hear why Mrs. Bultman believed it is a bad idea for them to approve the animal education center as a text amendment in a rural residential area.

Mrs. Bultman then offered an example from Sangamon County, Sangamon County turned down the Bartenslagers proposal and it's stated, while the petitioner mentioned the structure will be similar to the surrounding properties, the proposed use is not compatible with the surrounding rural residence and could negatively affect the property value, and it could. Mrs. Bultman went on that all of their property values, especially us in the Rorher valley. Roher valley estates, which they are part of, because it was for homesteads. If we are to sell, if the McDonald's wanted to sell their property and if we wanted to sell, it's all surveyed for homesteads and they're, um, they have land that is adjacent to McDonald's and adjacent me also. And so, if they put animals on there and structures that people do not agree with, then it affects our property value.

Mr. Bartenslager added that they can have the animals in the building already, whether, whether the proposal is approved or not, we can have these animals and building there, it doesn't change. Most cities consider a zoo or a wildlife facility, parks and recreation type of facility, which it's included as an amenity to a property who actually will make your value when you go to sell higher.

Chairperson Eldridge then directed his questions to Mr. Bartenslagers educational background? Mr. Bartenslager explained that his dad is actually, a teacher and that he had worked in a baccalaureate animal program, which are the education program at zoos and we work with schools and that he does have education through animal handling and so I do have education programs through the zoo and my degree is in zookeeping technology. And one of that classes I had to take in my degree is an animal education class, which was about interacting with guests and teaching guests. That was part of my curriculum.

Chairperson Eldridge went on and asked as far as an educational facility in a rural residential area, 10 years from now. What do you picture? See, that's what, that's what zoning is about. Okay. It is about the future. Um, so in 10 years, so, so tell me what you envision

Mr. Bartenslager responded that our property made up three parcels. My parents would like to retire and build a house on the second parcel we own, and then the rest of it is we would like to add some pastures. I'd like to expand my little contact yard, so for horses, cows, sheep, llama, things like that. I would get a little bit more just, uh, we plan on maybe two more buildings, we want to build a walk-through aviary and then another little barn. And then mostly we have our classroom that we're about to finish up. If I would like a dream scenario, we have two classrooms at the max, we're not a big facility. I don't have a lot of people. I can do one program at a time, so just two more barns, some pasture, and that's as far as I see. And then continuing, just doing a program a day. As far as barns go, it could be a small pole, barn, and a garage. Probably a two car garage.

Mr. Bartenslager then addressed safety. He explained that USDA are adding more, even more regulations for their debates on animal handling and having dangerous animals. So it's something that they look at those things to make sure they're safely handled, safely contained, and they're continually making more national policies to make sure safety is a priority.

Chairperson Eldridge asked as far as safety to not only your animals but neighboring animals. Are your animals like vaccinated for rabies?

Mr. Bartenslager responded Yes. Doctor Schirding, she vaccinates all our animals, that anything she thinks needs to be vaccinated, have been vaccinated to be vaccinated for rabies, distemper, our cows are vaccinated. I have records of all and everything because of the USDA regulations, our animals are probably more see the vet and more.

Chairperson Eldridge asked In that, in that type of facility, no matter where it is?

Mr. Bartenslager responded? Yes. it is required. And required to have a vet on staff. Mr Bartenslager then addressed the waiver that was mentioned earlier that people have before they come to the facility. He explained that there are facilities like ours all over the country, and that's standard operating procedure. In fact, lawyers wrote up ours, looked at what the other facilities had, and used the theirs as templates for writing ours up.

ZBA member Stott questioned regarding USDA expressing that Mr. Bartenslager can have dangerous, animals, you can have, right?

Mr. Bartenslager responded Yes.

ZBA member Stott questioned if you want them. She went on to question, Is there anyone that would come out and even though you know it's above you in this association, say you applied for a dangerous animal, would that person come out and look at your ground and say, there's too many people around? No. You are not going to have that?

Mr. Bartenslager responded Yes. He went on to explain that especially, big cats is when they look at, and primates, but they've added, and are adding more to it, but they can come. They have a lot more regulations outside the basic regulations for animals. For those animals and what it will safely contain them and they can, if they don't feel that we meet those adequate requirements, they can deny us having those animals.

ZBA member Stott questioned and do those people make yearly visits?

Mr. Bartenslager responded yes. So, they do a yearly visit and then anyone at any time, if they have a concern for safety or welfare, they can call and they will come out and check.

ZBA member Stott questioned and they do spontaneous inspections throughout the year too? Yeah. Like they come out and boom, they'll just check you like, I'm a home day care provider, I have a home license.

Mr. Bartenslager responded that the State can come out and they don't have to call. She can call me tomorrow and tell me she's there and she can come and check out the facility, about a year ago she popped up at the house in Springfield and knocked on the door and, and did an inspection right there on the spot. And she's done that multiple times at this place too. He went on to explain that they have never had any non-compliance issues as we've passed everything.

ZBA member Stott questioned if she has to call you ahead of time?

Mr. Bartenslager responded Nope. She calls me when she's in my driveway. Okay. And she's like, Hey, I hope you're home. I. And like I said, if anyone has concerns, they can call her and they can anonymous anonymously, publicly, tell them their concerns, and she will come out as whenever she gets a chance, she can be there.

ZBA member Stott questioned So you have an actual regulation book that tells you what you need to do with each?

Mr. Bartenslager responded yes, There's a huge, huge pamphlet.

Zoning officer Joseph Crowe brought the boards attention to attention to a petition that was included in the packet provided to the board. This petition going to the point of, objection to the proposed text amendment in rural residential. Mr. Crowe addressed that some of the objectors before the board have spoken to that specifically and that he just wanted to direct attention to it and if there were any questions regarding that petition. He went on to relate that there was also included some correspondence from, a Mrs. Tana Elder with discussing her concerns and that he would like to enter all those into the public record at this time.

Chairperson Eldridge accepted those and thanked Mr. Crowe.

Chairperson Eldridge entertained a short discussion concerning the zoning as a subdivision and how the subdivision covenants relate to the conversation. The question was then asked if provisions can be attached to the pending application. The chair then briefly explained how the zoning process applied to this case and how a special use will then apply in a future meeting.

Chairman Eldridge moved to close discussion and asked for a motion to close the public hearing. Motion was made by ZBA member Robertson, seconded by ZBA member Wilken. Motion carried by all members present.

Chairman Eldridge reminded that the public hearing is now closed and that there will be no further public comment.

Deliberations began by ZBA member Robertson and Chairperson Eldridge regarding the subdivision platting and ordinance concerns regarding the rural residential. Board members discussed the petition being in rural residential versus agricultural zoning and they felt that the application would be better served in the agricultural zoning. ZBA member Robertson related that his concern was not with the business use in the rural residential, he felt that could be discussed more during the special use request portion of the process. Chairperson Eldridge then questioned if each of the ZBA members had reached a decision personally? Each member responded affirmatively.

Chairperson Eldridge then requested a motion be made for a recommendation to be sent to the County Board. Motion was made by ZBA member Robertson to recommend disapproval of the text amendment as applied to the County Board seconded by ZBA member Wilken. Each member was polled by the chair, Wilken – yes, Robertson – yes, Stott – yes, Chairman Eldridge – yes. Motion passed.

Chairperson Eldridge informed all in attendance that the proceedings for the text amendment case had concluded and that the next step will be before the County Board. He thanked all for their attendance.

### **Unscheduled Public Comments/Requests**

There were no unscheduled public comments.

### **Zoning Administrator's Report**

Zoning officer Crowe presented a proposed calendar of dates for the 2023 year.

### **Individual ZBA Member Comments**

Chairperson Eldridge related that a couple of the members of the committee would be needed to sit on a newly formed wind/solar committee to aid in the re-writing of that portion of the ordinance. ASA/Zoning Administrator Thomas further explained that the Zoning ordinance will also be discussed to be re-written. Dan Robertson volunteered to sit on the committee, members suggested that Steve Ozella may like to sit as well.

### **Adjournment**

As no other business was brought before the Zoning Board of Appeals, Chairman Eldridge moved to adjourn the meeting at 7:14 p.m. Motion made by ZBA member Wilken, seconded by ZBA member Robertson, and the motion carried unanimously. Meeting adjourned.