

Menard County Zoning Board of Appeals

MINUTES October 23, 2023

A regular meeting of the Menard County Zoning Board of Appeals was held on Monday, October 23, 2023 at 6:00 p.m., at the Menard County Courthouse, Petersburg, Illinois. The meeting was called to order at 6 p.m. by Tom Eldridge, Chair.

A. THE PLEDGE OF ALLEGIANCE

B. ROLL CALL

MEMBERS PRESENT: Karen Stott, Dan Robertson, Steve Ozella, Tom Eldridge

MEMBERS ABSENT (note if excused): Steve Wilken absent.

OTHERS PRESENT: Assistant States Attorney and Zoning Administrator Gwen Thomas and Zoning Officer Joseph Crowe.

C. MINUTES

Minutes from the Thursday, August 31, 2023 meeting were presented for approval.

MOTION: To approve the minutes as presented. ZBA Member Stott motion, ZBA Member Robertson second

ROLL CALL

 4 in Favor: Karen Stott, Dan Robertson, Steve Ozella, Tom Eldridge

 0 Opposed:

MOTION CARRIED

D. PUBLIC COMMENT – There was no additional public comment.

E. OLD BUSINESS – There was no old business to be discussed.

- F. **NEW BUSINESS** – Chairman Eldridge began by reading into record, the order of business regarding the public session of the meeting so all members of the public present would understand how the conduct of the public portion of the meeting was to proceed.

Discussion was then had by Zoning Board members regarding the definition of Agribusiness and how it relates to Menard County and the Menard County Ordinance. Members discussed at length various aspects of the terminology and subsequently crafted a definition as follows:

Definition:

Agritourism is any agricultural related activity consistent with a working farm, livestock, or poultry operation, horticultural operation, ranch, or working forest (herein referred to as farm) that allows members of the general public to view or participate in for recreational, educational, or entertainment purposes. Such activity shall not be permitted on a parcel less than 5 acres. Such activities may generate income for the farm and may include, but may not be limited to, farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and natural attractions. Any activity not related to accessory uses to the primary farm operation does not qualify as agritourism. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

In no instance shall agritourism activities be interpreted as including camping, ATV or Dirt bike facilities, 4-wheeler or “Jeep”, archery or gun clubs, or any other facilities that make commercial use of rural property that is unrelated to on-site agricultural production.

A brief recess was taken at 6:58 pm before opening to public session.

- G. **LEGISLATIVE HEARING**

KIMMIE M. BARTENSLAGER SUBMITTED APPLICATION ON BEHALF OF ATTY’S FARMSTEAD AND LEARNING CENTER SEEKING A TEXT FOR THE FOLLOWING:

That 6.04 RR-Rural Residential District Regulations Section C be amended to include Agritourism Operation as an authorized use by Special Use Permit. See Exhibit A attached hereto for definition of Agritourism Operation.

Application from Kimmie M. Bartenslager, the owner of S20 T17 R6 TRACT 4 ROHRER VALLEY and consisting of 8.00 acres and; S20 T17 R6 TRACT 5 ROHRER VALLEY and consisting of 5.00 acres and; S20 T17 R6 TRACT 6 ROHRER VALLEY and consisting of 5.00 acres, and acting on their own behalf or with counsel, are seeking to obtain the Text amendment to operate Atty’s Farmstead and Learning Center as an Agritourism Operation.

Public Hearing Opened

Chairman Eldridge opened the public portion of the meeting at 7:20 pm and asked for a statement from the petitioner. Tom Pavlik, attorney for Atty’s Farmstead, began by orally amending the petition as submitted to adopt the definition as crafted by the Menard County Zoning Board of Appeals previously in the meeting. Mr. Pavlik supported his argument to amend the petition based upon language found in the Menard County Comprehensive plan suggesting agriculture is the most significant industry in Menard County and economic development will spur from that industry. Mr. Pavlik also expressed that, a highly complementary industry to agriculture is tourism,

including agritourism, and it is also appropriate because the comprehensive plan further states that one of the policies of the county is to permit expansion of agriculturally-related commercial development, variety of home-based businesses and occupations, and certain other commercial uses into primarily agricultural areas.

He went on to express the inclusion of the definition of agritourism in the rural residential district is appropriate, and asked for support for the petition as amended.

Zoning Administrator Thomas presented the "Publishers Certificate" notifying that proper public notice had been given in this case, the certificate of mailing, evidencing the mailing that was sent to all the interested parties, and that would be the property owners within 400 feet of the parcel, and a copy of the application and Zoning office case file for their review. Lastly, the zoning notice. It is a copy of the notice that was placed out on the property site to advise the public of the meeting. That was not required, but that was just an additional step just to do.

Zoning Administrator Thomas had no objection to the amendment of the text as proposed.

Interested Person Questioning

Chairman Eldridge read into the record the listing of interested parties and if any had questions for the petitioner regarding the text amendment? Mr. Gene Gronewald and Ms. Pamela Bultman addressed the hearing, both felt that the definition did not go far enough and that the county has functioned without this language previously. ZBA member Robertson explained in great detail how this definition would be utilized in this case and by the ordinance in future cases.

Open Testimony

Ms. Susan Rhodes began her question, outlining an example of a winery in the rural residential area and questioned how this new definition would or would not apply with the example. ZBA member Robertson explained that the example given would be acceptable under current ordinance but to have the public come and support that business a person would have to apply for a special use permit.

Mr. Chase Gauger began his statement outlining his concern over the impact to the roadway and the disruption caused by people coming to the area to learn about farms. He felt it would not improve people's lifestyle and would impact the resident's quality of life.

Ms. Kylie Carter addressed the Board and described her experiences growing up in Menard County in an agriculture community and currently having children growing up in the county. She expressed that she would really like to see an increase in the animal husbandry aspect in the proposed language and maybe a consideration of three acres now.

Mr. Charles Muller addressed the Board regarding business specifically agribusiness in Menard County. He then asked the Board if this discussion and process been on the books in an ongoing fashion where we were looking at devoting some of our county to agritourism? Or did this request bring this to life?

ZBA member Robertson responded that the applicants request initiated the discussion on this topic.

Ms. Susan Rhodes addressed the Board and asked that meetings be posted on the County website and further expressed her concern for the depletion of water resources in the area.

MOTION: To close the public hearing for debate among members. ZBA Member Ozella motion, ZBA Member Robertson second

ROLL CALL

 4 in Favor: Karen Stott, Dan Robertson, Steve Ozella, Tom Eldridge

 0 Opposed:

MOTION CARRIED

Menard County Zoning Board of Appeals Deliberation

Deliberation of case by members.

H. DETERMINATION OF ZONING BOARD OF APPEALS

Menard County Zoning Board of Appeals members determined the following and published their findings.

MOTION: The Menard County Zoning Board of Appeals recommends to the Menard County Board of Commissioners, that they approve the definition of Agritourism as presented by the Menard County Zoning Board of Appeals. Member Robertson motion, Member Ozella second.

ROLL CALL

 3 in Favor: Karen Stott, Dan Robertson, Steve Ozella

 0 Opposed: none

MOTION CARRIED

MOTION: The Menard County Zoning Board of Appeals recommends to the Menard County Board of Commissioners, that they approve this application (23-02TA) for text amendment language as amended in a public hearing held on Monday October 23, 2023, for the Rural Residential District along with the recommendation that they also include the Agritourism definition in the Agriculture Zoned district of Menard County. Member Robertson motion, Member Stott second.

ROLL CALL

 3 in Favor: Karen Stott, Dan Robertson, Steve Ozella

 0 Opposed: none

MOTION CARRIED

I. ZONING BOARD OF APPEALS COMMENTS/COMMUNICATIONS

Chairperson's Comments - none

Communications to the Menard County Board - The Zoning Board of Appeals members are making two recommendations to the County Board as proposed.

First, that they approve the definition of Agritourism as presented by the Menard County Zoning Board of Appeals.

Secondly, that they approve this application (23-02TA) for text amendment language as amended in a public hearing held on Monday October 23, 2023, for the Rural Residential District along with the recommendation that they also include the Agritourism definition in the Agriculture Zoned district of Menard County.

J. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:32 p.m.