

**ZONING BOARD OF APPEALS HEARING
MONDAY MAY 7TH, 2018 @ 7:00PM
CONFERENCE ROOM, DEWITT COUNTY BUILDING
201 W. WASHINGTON, CLINTON IL**

CALL TO ORDER:

Chairman Hedrick called the meeting to order at 7:00 p.m.

ROLL CALL:

Members Present:

Dave Waters at 7:05PM

Sarah Owens

Mark Sterr

Don Fugate at 7:10PM

John Griffin

Andy Hedrick, Chairman

Others present

Angela Sarver, Zoning Administrator

Brenda Zeitler, Stenographer

Members Absent:

Steve Perring

APPROVAL OF MINUTES:

Sarah Owens made the motion to approve April 2, 2018 minutes; seconded by Mark Sterr. Roll Call Taken: Roll Call Sarah Owens, Aye; Mark Sterr, Aye; John Griffin, Abstain and Chair Hedrick, Aye. Motion carried (3-0-1).

ITEMS FOR DISCUSSION AND POSSIBLE ACTIONS:

Chairman swore in Angie Sarver.

1. **V-321-2018** Farmers Grain Co. of Chestnut, IL located at Hallsville IL is requesting a variance from §155.065 of the DeWitt County Code. Said variance request is for a 22 ft. reduction in the rear setback to construct a grain bin in Industrial (I) Zoning.

Ryan Edwards was sworn in and presented his case. Variance is needed because of the flight path from Decatur Airport has caused them to move it to south part of the property. The height of dryer will be 86 ft. and the legs will be 120 ft.

In Opposition: Larry Schumm was sworn in. Since he heard the location of dryer he has no problem with the location. He did voice concerns regarding safety, noise, dust and traffic issues.

In Support: Tim Michael Followell was sworn in. He has lived in Hallsville his whole life and was in favor of this petition. Dust issues are handled in one or two days. No safety issue that he has ever seen. He disagreed with the concerns of Mr. Schumm.

Angie Sarver stated 26 letters was sent and she received 2 or 3 phone calls regarding the petition. No one had any concerns with the petition.

John Griffin made the motion to recommend approval of Case V-321-2018. Seconded by Sarah Owens. Roll Call Taken. Dave Waters, Aye; Sarah Owens, Aye; Mark Sterr, Aye; Done Fugate, Aye; John Griffin, Aye; Andy Hedrick, Aye. Motion Carried (6-0).

S-243-2018 American Heritage Holdings LLC has requested to establish a new shoot facility on two parcels of ground. Said properties are located in Waynesville Township and are zoned Rural Development (RD-2) zoning. Parcel Numbers 01-14-300-002 and 01-15-400-005.

In Support:

Tim Dazey was sworn and gave testimony on the history of the club and the process this special use has taken.

Dan Rawlings was sworn and gave testimony. He reviewed the packet that addressed all six factors and felt they have met all the criteria. He commented they have not tried to get a design for noise control until they see if the Special Use Permit is approved. He is aware of all the required permits that are needed from IDNR and EPA regarding the property being partially in the floodplain.

Angie Sarver read a letter from Dave Finrock, Waynesville Twp. Road Commissioner. Letter was marked as Exhibit 1.

Dave Glenn was sworn in and gave testimony that he was in support of the gun club. If approved, he is looking forward to using the facility.

Don Hulvey was sworn in and stated he lives here locally and gave a description of all the local people that are associated with the gun club. He is in support of the gun club to be established in DeWitt County.

Amy Rupiper was sworn in and gave testimony that she would like the ZBA Members to focus on all the six factors and not the floodplain issue. The gun club is the ones that will have to bear the burden of the floodplain issue. She too feels the gun club has met all the six factor's criteria.

Larry Pater was sworn in and gave testimony on his background as a noise specialist. He shared with the members the Acoustical engineer study done. All studies were done on the computer and no measurement was done at the proposed site. Mr. Pater is confident with the study.

Andrew Larsen was sworn in and gave testimony that they are aware of the floodplain issue and they know they cannot do construction in the floodplain.

In Opposition:

Dawn Funderberg was sworn in and gave testimony of her concerns regarding the increase noise level that the gun club will create; voiced concerns in decreased property value on her home and the surrounding homes. No enjoyment of the surrounding area due to the noise seven days a week.

Ken Wilson was sworn in and gave testimony to his concerns with increase noise being created by the repeated rounds of ammunition being fired. Feels the gun club is giving conflicting evidence between this hearing and the first hearing in 2016. He feels the surrounding area will be losing the peace and tranquility that has been established, if the gun club is approved.

Aileen Aldred was sworn in and gave testimony to her concerns with the increase noise level. She owns two guns but does not shoot very often due to her dogs. They will not survive the excess noise from the constant gun fire. She asked the ZBA members to think of the people that they represent, and should consider their rights as DeWitt County residents. She voiced concerns regarding a decrease in property value.

Jim Riker was sworn in and gave testimony regarding property value. He is a certified appraiser and shared with members his finding from the Assessment of Property Value Impact on the surrounding areas of the proposed gun club and existing gun clubs. (Exhibit 2).

Joe Taylor, Atty for Dawn Funderberg was sworn in and gave testimony as to his concerns regarding the definition of residential development within one mile of a proposed shooting club; voiced concerns regarding spot zoning; property value in the surrounding area and noise level.

Betsey Shifflet was sworn in and gave testimony regarding the increase noise levels that the gun club would create. She distributed a packet regarding shooting range safety and sound reduction (Exhibit 3).

Chris Shafer was sworn in and gave testimony of her concerns regarding increase in noise level and contamination of lead getting in the creek.

John Heinlen was sworn in and gave testimony regarding the monitoring and enforcing in the findings of the noise mitigation study.

Dave Waters made the motion to approve the petition with following stipulations; the sound mitigation is in place; approval from IDNR regarding the moving of dirt in the floodplain; and approval from IEPA regarding possible levels of lead in the creek. All must be in place before the start of operation; seconded by Sarah Owens. Roll Call Taken. Andy Hedrick, Nay; Dave Waters, Aye; Sarah Owens, Aye; Mark Steer, Aye; Don Fugate, Nay; John Griffin, Aye. Motion Carried. (4-2).

MOTION TO ADJOURN: John Griffin made the motion to adjourn, seconded by Mark Sterr. All in favor, Aye. Motion carried (6-0). Adjournment at approximately 9:50PM.

Submitted by:
Angela Sarver
Zoning Administrator