

July Mid-Month Report

14 draft application, issued 11 permit, 258 open permits, 1 complaint & conducted 16 site visits at various locations throughout the county.

1. The BOCO Zoning Board met on 7.8.2025. Variance BC-2025-46, tabled from previous special meeting, was taken up, reviewed and denied by the board. Meeting minutes attached.
2. Initial review of 3-Points subdivision has been completed by zoning and highway department. Additional information has been requested. Initial plat has been sent to the Health department and Soil & Water. Both have 30 days to review/comment.
3. Met with Wendy Pfeil, new Executive Director of SIMAP. Chairman Timmermann was present at the meeting. Discussed direction of the organization, county priorities and next steps. Chairman Timmermann appointed new delegates from the village of Pocahontas and appointed Mike McCormick to the executive board.

BOND COUNTY BOARD OF APPEALS MINUTES

DATE 7-8-2025 BEGIN 7:03 PM END 7:35 PM

MEMBERS: ABSENT PRESENT AYE NAY TABLE ABSTAIN

KELLI BASSETT X

CHAD WATERS X X

SUSAN FILE X X

JIM TARASUIK X X

RON JARRETT X X

QUESTION:

SHOULD THE BOND COUNTY ZONING BOARD OF APPEALS APPROVE A VARIANCE TO BUILD A DWELLING ON 7.2 ACRES.

FINDINGS OF FACT – Variance Request for Eric Linnabary

Bond County Zoning Board of Appeals

Date of Hearing: 6-23-2025

Applicant: Eric Linnabary

Parcel Size: 7.2 acres, +/-

Parcel #: 060617409001

Request: Variance to construct a dwelling on a 7.2-acre parcel that currently contains an existing dwelling and accessory structures.

Outcome: Denied

Zoning Board of Appeals Findings per Section 9-4.4 – Standards for Variances

(a) The proposed variance is consistent with the general purpose of this Ordinance (see Sec. 1-1).

- **Finding:** *Not met.*

The Board determined that granting a variance without a clear plan for compliance or a timeline for removal of the existing home would conflict with the zoning ordinance’s purpose of promoting orderly development, clarity in land use, and enforceable standards. The applicant’s desire to keep two residences on a single parcel indefinitely,

with no firm demolition date, undermines the ordinance's goals of uniformity and land use clarity.

(b) Strict application of the district requirements would result in great practical difficulties or hardship to the applicant and prevent a reasonable return on the property.

- **Finding:** *Not met.*

The Board found no evidence that zoning requirements caused undue hardship or would prevent a reasonable return on the property. The applicant has a viable alternative: subdividing the parcel to create two legal residential lots or pursue a **Special Use Permit**. His decision not to pursue either was a preference, not a necessity.

(c) The proposed variance is the MINIMUM deviation from such requirements that will alleviate the difficulties/hardship and allow a reasonable return on the property.

- **Finding:** *Not met.*

The proposed variance was not the minimum deviation needed. In fact, it would allow two dwellings to exist indefinitely on a single parcel, contrary to zoning standards. Without specific conditions—such as a timeline for demolition, occupancy limitations, or a parcel split—the request was seen as exceeding what is necessary to alleviate hardship.

(d) The plight of the applicant is due to circumstances not of his own making.

- **Finding:** *Not met.*

The Board concluded that the circumstances prompting the variance request were self-created. The applicant chose not to pursue subdivision split or **Special Use Permit** and provided no fixed timeline for the removal of the existing residence. These choices contributed to the filing for a variance.

(e) The circumstances engendering the variance request are peculiar and not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (re-zoning).

- **Finding:** *Not met.*

The Board found that similar parcels in the district could make similar requests. Nothing about the physical layout, history, or zoning status of the parcel made it unique. Granting the variance would likely set a precedent applicable to other properties, indicating that a variance was not the appropriate tool in this case.

(f) The variance, if granted, will not alter the essential character of the area where the premises in question are located nor materially frustrate the implementation of the County Comprehensive Plan.

- **Finding:** *Partially met.*

While the physical construction of the new home may not drastically alter the area's appearance, the indefinite presence of two residences on a single lot could frustrate enforcement and create inconsistencies in planning implementation. The Board was also concerned about how this variance might conflict with the broader goals of the Comprehensive Plan and zoning predictability.

Additional Board Discussion and Clarifications

- The applicant did not provide exact measurements or a scaled site plan showing distances between the proposed residence, the existing home, and accessory structures. This lack of data prevented the Board from making a fully informed decision.
- The applicant stated the existing house would remain until it was paid off but offered no specific timeline for demolition. This indefinite overlap of two homes on one parcel created zoning and enforcement concerns.
- Several Board members suggested the applicant could pursue a **Special Use Permit** with conditions—such as requiring that the second residence be removed or vacated once it is no longer occupied by a family member—as an alternative approach.
- The Board also discussed the feasibility of subdividing the property into two legal parcels, potentially eliminating the need for a variance altogether.

Final Action

Based on the applicant’s statements, the lack of specific measurements, the availability of alternative remedies (e.g., subdivision or **Special Use Permit**), and the failure to meet the required standards under Section 9-4.4, the variance request was **denied**.

Vote: 3 ayes, 1 nay (File), 0 abstain.

Motion denied.

Sworn Witness _____
Secretary—Board of Appeals

ZONING ADMINISTRATOR'S FINDINGS:

1. APPLICANT REQUESTING TO BUILD AN ADDITIONAL DWELLING ON 7.5 ACRES.
 - a. ORDINANCE REQUIRES A SEPARATE TRACT OF AT LEAST 5 ACRES IN AN AG, A-1 DISTRICT.
2. WHILE LOCATED IN AN A-1 DISTRICT, THIS PARCEL DOES NOT MEET THE STANDARD OF HIGHLY PRODUCTIVE AGRICULTURAL LAND AS DESCRIBED IN ARTICLE 4 OF THE BOCO ZONING ORDINANCE.
3. THERE ARE MULTIPLE RESIDENTIAL BUILDING SITES ALONG THIS ROAD
4. APPROVING THIS VARIANCE WOULD NOT, IN ANY WAY, REDUCE CURRENT OR LIMIT FUTURE FARMING OF AG LAND.

I RECOMMEND THE BOCO ZONING BOARD APPROVE THIS VARIANCE.