

MINUTES

LIVINGSTON COUNTY ZONING BOARD OF APPEALS

Livingston County Historic Courthouse
112 W. Madison St.
Pontiac, Illinois

Regular Meeting
7:00 p.m.

March 5, 2015

Chairman Nielsen called the meeting to order and roll call was taken.

Members Present: Michael Cornale, John Vitzthum, Diana Iverson, Joan Huisman and Gibs Nielsen.

Members Absent: Richard Kiefer and Howard Zimmerman.

Agenda:

John Vitzthum moved, seconded by June Huisman, that the agenda for this March 5, 2015 meeting be approved as presented. This motion was approved by unanimous voice vote.

Minutes:

Michael Cornale moved, seconded by John Vitzthum, that the minutes of the February 5, 2015 meeting be approved as presented. This motion was approved by a unanimous voice vote.

Business:

Case SU-3-07 – Review – Jim Frailey

A representative of this zoning case was not present for this review and the zoning board of appeals chose to defer this review until a future zoning board of appeals meeting.

Case V-10-06 – Review - Doug and Judy Booth

This zoning case pertains to an annual renewal review of a variance to allow for the continued temporary occupancy of a manufactured home on the same property as an existing residence, in an AG, Agricultural, District. The subject property in this zoning case is a tract of land 2.63 acres in size, located in the East Half of the Southwest Quarter of Section 21 of Reading Township. The zoning administrator presented his report, exhibits and other information relative to this zoning case.

Douglas Booth, 2651 E – 2900 North Rd., Ancona, IL, representing the applicant, presented testimony relative in this zoning case. Mr. Booth remarked that nothing has changed in regard to their living situation, other than we are all a year older.

Mr. Booth commented that his mother-in-law that lives in the manufactured home is in her 80's and is looking forward to Spring so she can get out more.

No other parties presented testimony relative this this zoning case.

In his closing comments, Mr. Booth expressed his appreciation to the zoning board of appeals for allowing for their housing arrangement.

Joan Huisman moved, seconded by Diana Iverson, that Livingston County Zoning Case V-10-06 – Renewal be approved to allow for a variance allowing for the continued location of a manufactured home on the same property as an existing residence, on the described property in this zoning case, with this variance request to be reviewed on an annual basis.

This motion then passed by roll call vote.

Cornale	- Yes	Vitzthum	- Yes
Kiefer	- Absent(Did not Vote)	Iverson	- Yes
Zimmerman	- Absent(Did not Vote)	Huisman	- Yes
Nielsen	- Yes		

Case SU-8-13 – Review – James Stinar

This is a review of a previously approved request for a special use that allowed for a portion of the subject property to be used as a machine shop, for a projectile casting business, in an AG, Agricultural, District. The property in question for this zoning case is a 2.68 acre parcel of land located in the Northeast Quarter of Section 12 of Nebraska Township, at 5458 E - 2000 North Rd., Flanagan, IL. The zoning administrator presented his report, exhibits and other information relative to this zoning case

Jim Stinar, 5458 E – 2000 North Rd., Flanagan, IL., the property owner and applicant representative in this zoning case, presented testimony relative to this zoning case. Mr. Stinar remarked that his operation is pretty much the same as it was last year, with the same number of employees, machines and everything. Mr. Stinar commented that they are busy. The zoning board inquired about exactly what Mr. Stinar made. Mr. Stinar confirmed that they make the bullet at this business. Mr. Stinar affirmed that he is okay with the conditions that the zoning board placed on the approval of this zoning case, and he related that he still does not want a sign for his business.

No other interested parties presented testimony relative to this zoning case.

In closing statement Mr. Stinar questioned as to when this zoning case would be reviewed again, in a year or three years.

Joan Huisman moved, seconded by Michael Cornale, that Livingston County Zoning Case SU-8-13 - Review, be approved allowing for a special use permit allowing for the continued use of the subject property for the location of a machine shop for SNS Casting on the subject property, in an AG, Agricultural, District with the condition that this zoning case be reviewed again in three years, unless otherwise determined by the Livingston County Zoning Administrator and that the other conditions placed on the approve of this zoning case remain in effect.

This motion then passed by roll call vote.

Cornale	- Yes	Vitzthum	- Yes
Kiefer	- Absent(Did not Vote)	Iverson	- Yes
Zimmerman	- Absent(Did not Vote)	Huisman	- Yes
Nielsen	- Yes		

Case SU-14-13 – Review – Doug and Jeri Steidinger

An administrative review took place in regard to this zoning case and it shall be reviewed in the future as indicated in the file for this zoning case.

Case SU -2-14 –Review – John and Susan Lyons

This is a review of a previously approved request for a special use that allowed for a portion of the subject property to be used as an outdoor wedding facility as a private club/private recreational development, in an AG, Agricultural, District. The property in question for this zoning case is a 12.28 acre parcel of land located in the Northeast Quarter of Section 23 of Amity Township. The zoning administrator presented his report, exhibits and other information relative to this zoning case.

John Lyons, 23847 N – 10150 East Rd., Cornell, IL., the applicant and property owner pertaining to this zoning case, presented testimony relative to this zoning case. Mr. Lyons related that nothing happened on the property last year. Mr. Lyons then informed the zoning board of appeals that they have two scheduled events for this year, with a third event pending. In regards to questions on the operation plans, Mr. Lyons referred to their contract to address food issues, with the contract stating that all food vendors needing to be licensed and permitted in Livingston County. If alcohol is to be sold the company selling the alcohol must provide insurance. They may provide their own food for their own family. The planned two events will have one being catered and they are not sure about the food plans for the second event. He is also unsure about alcohol being sold at these two planned events. He is not providing tents at these events, he is just providing the grounds, with the users of his property bringing in flushable port-a –potties and tents. Mr. Lyons was asked about condition number 6 with the operations ceasing at 11 pm. Mr. Lyons responded that his clients are aware of this time limit and it has not caused a problem.

No other interested parties presented testimony relative to this zoning case.

In closing statements Mr. Lyons thanked the zoning board of appeals for the opportunity.

Joan Huisman moved, seconded by Michael Cornale, that Livingston County Zoning Case SU-2-14 - Review, be approved allowing for a special use permit allowing for the continued use of the subject property for the location of an outdoor wedding facility as a private club/private recreational development , in an AG, Agricultural, District with the condition that this zoning case be reviewed again in 2 years, unless otherwise determined by the Livingston County Zoning Administrator and that the other conditions placed on the approval of this zoning case remain in effect.

This motion then passed by roll call vote.

Cornale	- Yes	Vitzthum	- Yes
Kiefer	- Absent(Did not Vote)	Iverson	- Yes
Zimmerman	- Absent(Did not Vote)	Huisman	- Yes
Nielsen	- Yes		

Case SU-3-14 – Review – Ken’s Oil Service

The report on this case began, with no representative present at this meeting when the initial comments regarding the recent fire that took place on the adjoining property. The review of this case resumed after a representative of this zoning case arrived at this meeting, after discussion took place regarding ZT-1-14. This is a review of a previously approved request for a special use that allowed for the subject property to be used for upgraded bulk storage of petroleum products facility, in an AG, Agricultural, District. The property in question for this zoning case is a 1.51 acre parcel of land located in the Southeast Quarter of Section 21 of Forrest Township. The zoning administrator presented his report, exhibits and other information relative to this zoning case. A recent fire at the adjoining Haab Wood Products business was also mentioned as part of this report.

Ken Edelman, PO Box 423, Forrest, IL., representing this application presented testimony relative to this zoning case. Mr. Edelman began his comments by remarking about the fire that took place on the adjoining Haab Wood Products business location. Mr. Edelman related that when the fire occurred their tanks were full, but that the wind was blowing any potential fire away from the tanks. With the temperature being 16 to 18 degrees below 0 there was no need to cool his tanks down, and it was the best way for them to experience a fire. Mr. Edelman expressed that they did not have any damage as a result of the fire on the adjoining property. Mr. Edelman was questioned as to what he could do to improve their location in regards to fire. Mr. Edelman responded that he does not know what they could do to improve their situation. Mr. Edelman then commented on primarily state codes that his business needs to comply with as part of their operation. Mr. Edelman remarked about their valves and how they shut down. These codes need to be followed regardless of the situation around them, and a certified engineer needs to verify their compliance with these codes. Mr. Edelman commented about the well for testing water on the property and he commented about the berm around his tanks. Mr. Edelman then confirmed that none of the fire was on his property, and that he has no buildings on this property. The zoning board members and Mr. Edelman then talked about where his property line is located. The location of where the adjoining pallets can be stacked was discussed, and how close they can be. Is there a situation that would create a problem with the adjoining property development effect Ken’s Oil Service. How this adjoining land use needs to be investigated as the area is redeveloped. Mr. Edelman mentioned that he would get an answer on setback distances. (Later answered a 50 foot distance is desired, from buildings to his tanks) Mr. Vitzthum then inquired about the tank on the Ken’s Oil Service property that sells fuel to a trucker, is that retail. Mr. Edelman explained that Ken’s Oil owns the tank and they then lease it, and that this issue was reviewed by the State Fire Marshall, and they cannot retail fuel on this site. This tank has fuel for a single client and Ken’s Oil insurance would cover that tank. Mr. Edelman then referred to some photos he has in his safety plan.

No other interested parties presented testimony relative to this zoning case.

In closing statements Mr. Edelman expressed his appreciation as to what the zoning board of appeals has done for them, and how this has worked out.

Joan Huisman moved, seconded by John Vitzthum, that Livingston County Zoning Case SU-2-14 - Review, be approved allowing for a special use permit allowing for the continued use of the subject property for the location of an upgraded bulk storage of petroleum products facility, in an AG, Agricultural, District with the condition that this zoning case be reviewed again in one year, and that the other conditions placed on the approve of this zoning case remain in effect.

This motion then passed by roll call vote.

Cornale	- Yes	Vitzthum	- Yes
Kiefer	- Absent(Did not Vote)	Iverson	- Yes
Zimmerman	- Absent(Did not Vote)	Huisman	- Yes
Nielsen	- Yes		

Case ZT-1-14 - Livingston County Zoning Board of Appeals

This zoning case is in regard to the continued review/discussion of a request for the approval of an application of a text amendment for the purpose of amending the text of the Livingston County Zoning Regulations to add to Zoning Article VIII Wind Energy, Section 56-626, Property Value Agreement of the Livingston County Zoning Regulations concerning Wind Energy Conversion Systems.

The zoning administrator remarked that with the ongoing Pleasant Ridge Wind Energy Special Use hearings and with continued discussion on property value issues regarding that zoning case that it may be best to continue this review to a later meeting. The joint meeting with the AG, Zoning and EM committee of the Livingston County Board was mentioned in that it would be best to have such a meeting after the testimony in the Pleasant Ridge Wind Energy Special Use case has concluded.

Scheduling issues regarding the Pleasant Ridge Wind Energy Special Use hearings were then mentioned. Then discussed how this ZT-1-14 zoning case is not moving on as desired, because of the Pleasant Ridge hearings continuing. In regards to tonight's meeting the consensus was to table this zoning case again.

Mike Cornale moved, seconded by John Vitzthum , that Livingston County Zoning Case ZT-1-14 be tabled until a joint meeting can be held between this Livingston County Zoning Board of Appeals and the Agriculture, Zoning and Emergency Services committee of the Livingston County Board, whenever that date ends up being. Discussion on this motion took place on the uncertain future on this zoning case.

This motion then passed by roll call vote.

Cornale	- Yes	Vitzthum	- Yes
Kiefer	- Absent(Did not Vote)	Iverson	- Yes
Zimmerman	- Absent(Did not Vote)	Huisman	- Yes
Nielsen	- Yes		

Findings of Fact and Decision:

The approval of findings of fact and decision will take place at the zoning board of appeal next meeting since this item was not on the agenda

In Public Comments: None were made.

General Discussion and Informational Update: The Pleasant Ridge hearing schedule was discussed.

The Board was informed that their next scheduled meeting is to be held on April 9, 2015 at 7:00 p.m.

Then John Vitzthum moved, seconded by Diana Iverson, that this meeting be adjourned. This motion was approved unanimously.

This meeting was adjourned at 7:35 p.m.

Material regarding these proceedings is on file in the Livingston County Regional Planning Commission Office, in the Livingston County Historic Courthouse, 112 W. Madison St., Pontiac, Illinois.

Respectfully submitted,



Charles T. Schopp, Secretary
Livingston County
Zoning Administrator