

## MINUTES

### LIVINGSTON COUNTY ZONING BOARD OF APPEALS

Livingston County Historic Courthouse

112 W. Madison St.

Pontiac, Illinois

Regular Meeting  
7:00 p.m.

July 9, 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:

Michael Cornale moved, seconded by Joan Huisman, that the agenda for this meeting be approved as presented. This motion was approved by unanimous voice vote.

#### Minutes:

John Vitzthum moved, seconded by Diana Iverson, that the minutes of the June 4, 2015 meeting be approved as presented. This motion was approved by a unanimous voice vote.

#### Business:

##### Case V-2-15 – Simons

This zoning case pertains to a request for a variance in the side yard setbacks to allow for a residence to be located 5 feet instead of 10 from a side property line, in an R2, Low Density Multiple Family, District. The subject property in this zoning case is located at 212 W. Livingston Rd., in unincorporated Livingston County. The zoning administrator presented his report, exhibits and other information relative to this zoning case.

Robert and Eris Simons, 212 W. Livingston Rd., Streator, IL., representing the applicant, presented testimony relative to this zoning case. Eris Simons explained about how her parents live next door to the subject property, and that her grandparents once lived on the subject property. After her grandparents passed away their house was demolished keeping the garage on that property. With Eris's father having health problems they would like to build next to them on her grandparent's former lot. However, Eris would like some separation from her parent's house so they are seeking this variance so they can be closer to the field and not on top of their house. They do have plans to move the existing garage back behind their house, of which a driveway would be needed. Eris then described where they plan on putting the proposed 61 X 30 will basically be going where the current

garage is currently located. They will maintain a 40 foot setback from the road. They will continue to use the existing driveway. The Simons confirmed that they did not own the adjoining corn field, and that the owner of the field is not willing to sell them any additional property to increase their lot size, which would have prevented them from seeking this side yard setback variance. The Simons confirmed that it will be a modular home on a basement, with the garage being stick built. Mr. Simons then remarked that he would like to keep his children in the Woodland School District, and he would like to live next to his in-laws. The applicant related that neither the adjoining farmer nor they have a problem with the proposed dwelling being five feet off of the property line. A discussion between the applicant's and the zoning board then took place in relation to the setback distance being measured from the foundation of the proposed dwelling, which will leave the overhang closer to the property line.

Nicholas Simpson of 307 Palmer Ave, directly behind the subject property confirmed with the applicants the planned rear yard setback for their proposed dwelling.

No interested parties presented testimony relative to this zoning case.

No closing comments were made relatively to this zoning case.

Joan Huisman moved, seconded by Diane Iverson, that Livingston County Zoning Case V-2-15 be approved to allow for a variance in the side yard setback distance requirements, to allow for the proposed new dwelling to be constructed 5 feet instead of 10 feet from the west side lot line.

This motion was approved by a 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-1-15 – Country Cupboard

This zoning case pertains to a review of a request and approval for a special use permit, allowing for two advertising structures for the Country Cupboard craft and service occupation of a bulk food store with a deli and bakery goods, in an AG, Agricultural, District. A special use for Country Cupboard was approved under Livingston County Zoning Case SU-2-13. The properties in question in this zoning case are a parcel of land located in the Southwest Quarter of Section 5 of Forrest Township, and in the Northwest Quarter of Section 12 of Indian Grove Township. The zoning administrator presented his report, exhibits and other information relative to this zoning case.

Dale Dotterer, 24479 E – 800 North Rd., Fairbury, IL., representing the applicant in this zoning case, presented testimony relative to this zoning case. Mr. Dotterer commented that when they started the business they had two signs up, but after adding more signage those two signs came down, and now they would like to use the old signs to be placed east and west of the store to give



people a heads up that they are approaching the store. Both landowners are in agreement with the proposal. The zoning board inquired as to the text on the signage, with will be changed to add ahead on the left or right. State permits were then discussed.

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

Mr. Dotterer did not have a closing statement

Joan Huisman moved, seconded by John Vitzthum, that Livingston County Zoning Case SU-1-15 – be approved, allowing for the location of two advertising structures for the Country Cupboard store on the subject properties, in an AG, Agricultural, District, as proposed by the applicant in his application and with his testimony at this hearing.

State permitting was discussed, with the zoning board agreeing to leave state permitting between the state and the applicant, in that the applicant was made aware of the state permitting and the state can enforce their own regulations.

The motion was approved by a roll call vote.

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

Case ZM -1-15 – Pflibsen

This zoning matter pertains to a review of a proposed zoning district map amendment from a R2, Low Density Multiple Family Residence, District classification to a C1, Local Business, District classification. The subject property in this zoning case is Lots 9, 10 and 12 of Block 13 of Village of Vermillion City in Section 2 of Reading Township, as part of unincorporated South Streator. The zoning administrator presented his report, exhibits and other information relative to this zoning case.

Brian Pflibsen, 839 State Route 18 East, Streator, IL., presented testimony relative to this zoning case. Mr. Pflibsen related that they have an existing gun shop on the property and they would like to add the proposed addition to supplement the business by adding a classroom in the basement of the existing building, then with the addition they would have an underground firing range, on the main floor they plan on have a tool rental area of the business. The local law enforcement supports the gun range proposal. Mr. Pflibsen then explained about how he owns the area property to be rezoned. The house on the property of which the zoning may be changed would become a non-conforming use. The house is currently used as a rental, and Mr. Pflibsen would like to continue to rent it, and he has no plans to improve or rebuild this house.

In discussions with the zoning board Mr. Pflibsen further commented about the area property that he owns. In regards to the trailers that have accumulated on this property.

Mr. Pflibsen plans to use the wood to build the shooting range and he plans to take parts off of the trailers and then place the trailers along the river as a cabin. The dirt will be used as a landscaping berm along Livingston Road. Fencing of equipment to be rented was then discussed. The placement of the rental equipment was then discussed, and how garage doors will become part new addition. The proposed addition and exiting building layouts where then explained and discussed. The existing vehicles on the property were then discussed as far as use and potential rental.

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

Mr. Pflibsen had no closing statement.

Uses and special uses in a C1 district were mentioned as not being listed in the ordinance and how should these be addressed.

Michael Cornale moved, seconded by John Vitzthum, that the Livingston County Zoning Board of Appeals recommend to the Livingston County Board that Livingston County Zoning Case ZM-1-15 be approved to allow for an amendment to the Livingston County Zoning District map allowing for a change in the zoning classification on the described property from an R2, Low Density Multiple Family Residence, District classification to a C1, Local Business, District, classification.

Discussion took place regarding the uses in the C1 district and the proposed uses. The zoning board then concluded that while the zoning classification can be changed the proposed uses of rental and the gun range are not in the regulations and that these uses need to come back through them as special uses.

Mr. Cornale's motion was approved by a 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:

After reviewing the draft details of the Finding of Fact and Decision, John Vitzthum moved, seconded by Joan Huisman, that the Findings of Fact and Decision for this July 9, 2015 meeting be approved as presented. This motion was approved by a unanimous voice vote.

#### Public Comment:

Bekah Fehr thanked the zoning board of appeals for their dedication pertaining to the Pleasant Ridge Wind Energy special use review.

#### General Discussion and Informational Update:



Future meeting dates were discussed. The planned county board action on the Pleasant Ridge Wind Energy special use is now scheduled for their July 16<sup>th</sup> meeting to be held at Pontiac High School.

The Board was informed that their next scheduled meeting is to be held on August 6, 2015 at 7:00 p.m.

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

This meeting was adjourned at 8:00 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