

MINUTES
LIVINGSTON COUNTY ZONING BOARD OF APPEALS
Livingston County Historic Courthouse
112 W. Madison St.
Pontiac, Illinois

Regular Meeting
7:00 p.m.

October 8, 2015

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

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

Member Absent: Richard Kiefer, Diana Iverson and Howard Zimmerman.

Agenda:

Chairman Nielsen mentioned the agenda. Then John Vitzthum moved, seconded by Joan Huisman, that the agenda for this meeting be approved as presented. This motion was approved by unanimous voice vote.

Minutes:

Chairman Nielsen mentioned the minutes from the last meeting. Then Michael Cornale moved, seconded by Joan Huisman, that the minutes of the September 10, 2015 meeting be approved as presented. This motion was approved by a unanimous voice vote.

Business:

Case V-4-15 – Rich

This zoning case was withdrawn. Therefore no review or action was needed.

Case V-3 -15 - Roth

This zoning case pertains to a review of a request for a variation in the rear yard setback distance requirements to allow for a residential addition to an existing building to be 23 feet instead of 50 feet from a rear lot line, in an AG, Agricultural, District. The property in question in this zoning case is a 2.29 acre parcel of land located in the Northwest Quarter of Section 34 of Forrest Township, at 3820 N – 2700 East Rd. The zoning administrator presented his report, exhibits and other information relative to this zoning case. It was established that this zoning situation outwardly remains the same.

Brandon Slagel, 11003 N – 2300 East Rd., Fairbury, IL, a contractor for the proposed building improvement presented testimony relative to this zoning case. Mr. Slagel presented to the zoning board of appeals members copies of a note from Ken and Deb Roth, which explained their reasoning for missing the meeting because of the funeral visitation for his mother, with this document continuing to explain the proposed property improvement project, and the reasoning for the variance. Mr. Slagel also presented the zoning board of appeals members with copies of a floor plan for the first floor of the proposed property improvement.

Mr. Slagel explained that the garage portion of the planned addition will be 23 feet instead of 50 feet from the rear lot line, and that this is their only way that they will be able to add onto the building the way they would like to, considering the existing buildings on the property.

Upon a request for a need from the zoning board of appeals members, Mr. Slagel replied that the garage is the planned addition and that the floor plan reflects the proposed conversion of the existing building into a residential area. Mr. Slagel confirmed that the basement house would be demolished, so there would not be multiple family dwellings on the subject property. The location of some rooms was asked, and Mr. Slagel explained that the floor plan given only represents part of the planned building conversion. Mr. Slagel confirmed that the property behind the subject property does not belong to the applicant, and that the closest thing to Route 47 after the addition would be the existing garage. The reasoning for proposing to have the garage go east instead of north was then discussed. Aerial photos and floor plans were used as part of this discussion. Once it was confirmed that the floor plan copy presented was for the second floor the plans became clearer. A copy of the first floor plan would have helped clarify this situation. This proposed building conversion and planned addition was then further discussed. History of the buildings and adjoining agriculture property uses were discussed.

No other persons presented testimony relative to this zoning case.

Brandon Slagel had no closing statement.

Joan Huisman moved, seconded by John Vitzthum, that Livingston County Zoning Case V-3-15 be approved to allow for a variance in rear yard setback distance requirements to allow for the construction of an addition to a multipurpose building including a residential use to this multipurpose building with this planned addition to be 23 feet instead of 50 feet from the rear lot line of the subject property in an AG, Agricultural, District.

During the discussion the zoning board of appeals members discussed the need to make sure the basement house is demolished.

Joan Huisman's motion was then approved by a roll call vote.

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

Cases SU-2-15 & V-5-15 – Brian Pflibsen

This zoning request pertains to review a request for a special use to allow for a shooting range indoors, and a rental services business that will be part of a property development project that would be part of a proposed construction of an addition to an existing building with setback variances, in a C1, Local Business, District. The requested variances for the planned addition would allow for the addition to be 7 feet instead of 15 feet from the front lot line, 7 feet instead of 10 feet from the rear lot line, and 5 feet instead of 10 feet from a side lot line. The subject property in this zoning case is Lots 9, 10, 11 and 12 of Block 13, Village of Vermillion City, in Section 2 of Reading Township, in unincorporated South Streator at 104 E. Livingston Rd.

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 presented copies of more detailed sketches of his proposed property development to the zoning board of appeals members. Mr. Pflibsen explained that the first sheet showed the first floor plan, and he commented on this first floor plan. During this explanation Mr. Pflibsen indicated that the line for the sewer ejection pit will need to be re-routed because of the planned construction. The second handout sheet shows the floor plan for the basement, as explained by Mr. Pflibsen. Mr. Pflibsen then remarked about the third handout that shows an overall depiction of the area, basically an expanded site plan. Mr. Pflibsen discussed his planned tool rental business with the zoning board of appeals. Parking plans and what property Mr. Pflibsen owned in the area was then discussed.

The zoning board then inquired about using the marked area for a drive up window for this newly proposed coffee business portion of business, traffic flow for the parking and alley use for the drive-up was initially discussed. Parking or limiting parking in front of the building was then discussed, possibly limiting it to handicapped parking. This parking area was discussed. Mr. Pflibsen then commented about his plans for putting an elevator in the building to access the building basement and proposed shooting range. Mr. Pflibsen related that he would look for a used elevator. Mr. Pflibsen then related that an elevator would assist in moving heavy freight to the basement, such as ammunition. ADA bathroom issues were discussed, with Mr. Pflibsen replying that he planned on having ADA bathrooms on both levels. The discussion then transitioned to the proposed snack bar, with this being a newly proposed business concept. The need for the health department need to review this plan was then discussed, along with the overall plans for the coffee shop. Alley access to the drive up was discussed, paving etc. A question on the number of employees was discussed, with Mr. Pflibsen indicating that 5 to 6 people would be working at one time. The drive-up window was discussed, and then the setback distances were discussed in relation to the one site drawing. Parking in front of the building was further discussed. Signage for the building was discussed, starting with the existing signage. Property lines were further discussed, along with parking. New Signage on the side of the building was then discussed. The proposed new parking lot will help with any parking issues. The need to have the drive up window being a separate special use issue that should be handled separately, since it is newly proposed. Traffic issues with the drive up window were then discussed, in part cars could back up onto Livingston Road with only 2 to 3 customers using the drive up window as it is proposed. Traffic patterns going the wrong way in the alley was discussed, as part of the drive up window. Mr. Pflibsen will further look at this matter for a future meeting. On the north end of the building may work, but would need to be looked at further. A discussion on the setback variances were then discussed further. The front setback being proposed off of Livingston Road would remain the same as the existing building, the east to the parking lot side yard distance off of the alley was discussed, with the proposed 5 feet setback, with the rear off the back residential side. Alley right of way of 20 feet was discussed. The alley setback was discussed, with Mr. Pflibsen relating that he wanted to encroach on the alley, so the proposed 5 foot setback is a compromise. The placement of a utility pole adds a new wrinkle to the drive up window proposal. The considered rental building to the east is at least a year away, of which the zoning board can review in the future.

Noise issues were then discussed, with Mr. Pflibsen remarking that the shooting range will have 8 inches of concrete around the planned range. The ceiling will also be concrete and if any sound would come out it would go to the shop above, no sound should come out of the building.

Mr. Pflibsen is considering a couple of options for his bullet trap, but he is leaning to using a steel bullet trap. Shooting range standards were then discussed, with Mr. Pflibsen referencing NRA guidelines. Mr. Pflibsen then explained his proposed ventilation equipment. Hours of operation were then discussed. Mr. Pflibsen related that he is considering hours of 9 to 9. The Zoning Board of Appeals then inquired as to if more information as to how this shooting range is to be developed, and become more educated on the entire proposal. The zoning board asked the special use be clarified.

The zoning board then chose to discuss the variances separately. The zoning board asked that overall special use issues be discussed in more detail. Mr. Pflibsen then explained in more detail how the ventilation system is to work. The basement is bullet proof for the shooting range, so it will be better in the ground. Parking was then discussed. Outside equipment placement was discussed for advertising versus storage was discussed, with up to 5 pieces of equipment being discussed. Mr. Pflibsen then discussed his landscaping plans. Variances off of a previous plan in relation to the plan submitted tonight were discussed, in relation to building sizes being proposed.

The proposed variances were then explained. The previous 7 foot variance in the front was then noted. The side is the alley side and the rear is the north residential area. The most recent site plan was then referred to again, to better indicate the proposed building placement and lot lines. Extending the front setback was discussed. The alley setback was then further discussed, including where the sewer line is located was discussed. The north rear proposed setback was then discussed. The zoning board agreed to move forward with the proposed variance, while seeking more information on the special uses. Pictures of the proposed development or similar developments may assist the zoning board in the future. The applicant could build the building but not occupy the structure without special uses being approved.

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

Mr. Pflibsen did not have a closing statement.

Joan Huisman moved, seconded by Michael Cornale, that Livingston County Zoning Case V-5-15 be approved to allow variations in the setback requirements to allow for an addition to an existing building to be 7 feet instead of 15 feet from the front lot line, 7 feet instead of 10 feet from the rear lot line and 5 feet instead of 10 feet from the side lot line, in a C1, Local Business, District.

This motion was approved by a roll call vote.

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

Joan Huisman moved, seconded by John Vitzthum, that Livingston County Zoning Case SU-2-15 be tabled until next month at which time the applicant is to bring a drawing back that shows how the property is to be developed so that the drawing reflects his proposal.

This motion was approved by a roll call vote.

Cornale	- Yes	Vitzthum	- Yes
Kiefer	- Absent (Did not vote)	Iverson	- Absent (Did not vote)
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, Joan Huisman moved, seconded by Michael Cornale, that the Findings of Fact and Decision for cases V-13-15 and V-5-15 reviewed and approved at this October 8, 2015 meeting be approved as presented. This motion was approved by a unanimous voice vote.

Public Comments:

General Discussion and Informational Update:

The Board was informed that their next scheduled meeting is to be held on November 5, 2015 at 7:00 p.m.

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

This meeting was adjourned at 9:00 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