

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

Regular Meeting
7:00 p.m.

September 10, 2015

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

Members Present: Michael Cornale, John Vitzthum, Richard Kiefer, Diana Iverson,
Howard Zimmerman and Joan Huisman.

Member Absent: Gibs Nielsen.

With the absence of Chairman Nielsen, John Vitzthum moved, seconded by Richard Kiefer, that Michael Cornale be appointed as the acting chairman of the Livingston County Zoning Board of Appeals for this meeting. Motions were closed, and Mr. Cornale was approved as the acting chairman for this meeting by a unanimous voice vote.

Agenda:

Acting Chair Cornale mentioned the agenda. Then Richard Kiefer moved, seconded by Joan Huisman, that the agenda for this meeting be approved as presented. This motion was approved by unanimous voice vote.

Minutes:

Acting Chair Cornale mentioned the minutes from the last meeting. Then Joan Huisman moved, seconded by Richard Kiefer, that the minutes of the August 6, 2015 meeting be approved as presented. This motion was approved by a unanimous voice vote.

Business:

Case V-4-02 – Renewal - Moritz

This zoning case pertains to a review of a request for the approval of an annual renewal of a variance to allow for the temporary occupancy of a mobile home/manufactured home on the same property as an existing residence in an AG, Agricultural, District. The property in question in this zoning case is a parcel of land located in Section 3 of Reading Township, at 3474 E – 3300 North 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.

Jerry Moritz, 3474 E – 3300 North Rd., Streator, IL. presented testimony relative to this zoning case. Mr. Moritz remarked that most people do not even know the mobile home is there, with the structure being behind a larger machine shed and evergreen trees. Mr. Moritz commented that their housing arrangement remains the same and that they have retained the same renter for the last 6 1/2 to 7 years.

Their renter is a single guy that also works for him assisting with the farming. And since he works for them he does not pay any rent.

No other persons presented testimony relative to this zoning case.

Mr. Moritz had no closing statement.

Joan Huisman moved, seconded by Diana Iverson, that Livingston County Zoning Case V-4-02 -Renewal be approved to allow for a variance in the property development requirements to allow for the continued temporary occupancy of a mobile home/manufactured home on the same property as an existing residence, in an AG, Agricultural, District.

The motion was approved by a roll call vote.

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

Case ZT-3-15 – County Board of Livingston County

This zoning request pertains to a request by the County Board of Livingston County for a proposed text amendment for the purpose of amending the text of the Livingston County Zoning Regulations to add Article VIII wind energy, Section 56-629, extending a moratorium on the Livingston County Zoning Regulations concerning Wind Energy Conversion Systems. Notice of public hearing has been made regarding this proposed text amendment. Mr. Schopp presented his report and other information relative to this zoning case. This information included copies of the proposed text amendment language about extending an existing moratorium on the filing of special use applications that apply to wind energy conversion systems. The zoning board of appeals members were informed about how after the last zoning board of appeals meeting the Agriculture, Zoning and Emergency Services Committee of the Livingston County Board further discussed wind energy zoning regulations and they made a decision to recommend a six month instead of a three month extension to this moratorium, with the Livingston County Board later concurring with the committee to request a six month extension to this moratorium. This moratorium request is threefold, in that the extension was first designed as a safety guard to allow enough time for any zoning regulations amendments be formally reviewed, a discussion on how the county board moving forward on wind energy regulations continues, with an added consideration of a possible non-binding referendum on wind energy is being discussed.

In addition a Indian Grove Township resolution seeking their own township specific WECS setback distances is also being considered by the Livingston County Board. This Indian Grove Township resolution is currently under legal review. The Agriculture, Zoning and Emergency Services committee is proposing to put all of the potential wind regulation amendments together and review them at one time. The referendum is also under review as to specific wording and as to proceed or not proceed with the referendum. Wind energy changes previously discussed by the committee are also under legal review, including property value guarantee issues. So with these alternatives under consideration a conclusion was made that a three month extension of the moratorium may not be adequate, so a six month moratorium extension is being proposed.

This moratorium extension would extend from October 15th to April 15th 2016, and even this extension may not be long enough considering a possible county wide non-binding referendum, and how it will take time to administrate the results of any referendum to be analyzed in a township by township basis.

Howard Zimmerman questioned as to why this extension is not being extended for nine months, and the zoning board discussed the length of past and proposed moratoriums. The zoning board of appeals members discussed an intention to have all the issues combined for formal review later.

Interested party Harvey Zehr questioned the tower height being used for setbacks, acting ZBA Chair Cornale clarified this hearing is just for the moratorium not for specific changes to wind energy regulations. The blade height is considered in measuring the height of a WECS tower. The county board meeting in April of 2016 should be before the April 15th. moratorium extension end date, in case further action needs to be taken on this matter. John Slagel then questioned as to what questions are pending of which we are seeking legal answers. Answers to the Indian Grove Township resolution is being sought, in regards to how the county board addresses the resolution. Megan Dassow inquired as to if the committee has completed the WECS ordinance review. Mr. Schopp responded that the committee still needs to review changes at least one more time to confirm proposed amendments. Steve Knauer noted that the non-binding referendum under discussion, has been considered by the committee for the November 2016 general election, depending on the legal review of this referendum issue. Kelly Kinate commented that he did see any reason to rush these issues and to do them the right way.

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

No closing statements were made.

Joan Huisman moved, seconded by John Vitzthum, that the Livingston County Zoning Board of Appeals recommend to the Livingston County Board the approval of Livingston County Zoning Case ZT-3-15 that pertains to a request by the County Board of Livingston County for a proposed text amendment for the purpose of amending the text of the Livingston County Zoning Regulations to add Article VIII wind energy, Section 56-629, extending a moratorium on the Livingston County Zoning Regulations concerning Wind Energy Conversion Systems relative to extending an existing moratorium on the filing of special use applications that apply to wind energy conversion systems for six months.

This motion was approved by a roll call vote.

Cornale	- Yes	Vitzthum	- Yes
Kiefer	- Yes	Iverson	- Yes
Zimmerman	- No	Huisman	- Yes
Nielsen	- Absent (Did not vote)		

Findings of Fact and Decision:

After reviewing the draft details of the Finding of Fact and Decision, John Vitzthum moved, seconded by Richard Kiefer, that the Findings of Fact and Decision for this September 10, 2015 meeting be approved as presented. This motion was approved by a unanimous voice vote.

Public Comments:

Megan Dassow reminded those present at the meeting that petition packets for the 2016 election are available at the Livingston County Clerk's office. Megan Dassow then related the county board can benefit from people who carefully consider issues, as the zoning board of appeals did with the Pleasant Ridge application, and that the zoning board of appeals members should consider running for the county board. Megan Dassow then noted that during the Agriculture, Zoning and Emergency Services committee meetings, a proposal to use a hearing officer instead of the zoning board of appeals for WECS hearings has been discussed, and that the majority of citizens do not support that type of change. Megan Dassow then commented that if any changes are made to review the choice of using higher priced legal counsel should be reviewed. Kelly Kinate then expressed appreciation for the ZBA, helping with the check and balance of the hearing process, instead of fast tracking any hearing processes. Linda Ambrose noted that the Ag and Zoning Committee was taped and it can be found on pcwindfarm you tube site.

General Discussion and Informational Update:


The Board was informed that their next scheduled meeting is to be held on October 8, 2015 at 7:00 p.m.

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

This meeting was adjourned at 7:30 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,

A handwritten signature in blue ink, reading "Charles T. Schopp". The signature is fluid and cursive, with the first name "Charles" being the most prominent part.

Charles T. Schopp, Secretary
Livingston County
Zoning Administrator