

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

Regular Meeting
7:00 p.m.

November 5, 2015

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

Members Present: Michael Cornale, John Vitzthum, Howard Zimmerman and Joan Huisman.

Member Absent: Richard Kiefer and Gibbs Nielsen.

With the absence of Chairman Nielsen, Howard Zimmerman moved, seconded by Joan Huisman, 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 John Vitzthum moved, seconded by Howard Zimmerman, 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 John Vitzthum, that the minutes of the October 8, 2015 meeting be approved as presented. This motion was approved by a unanimous voice vote.

Business:

Cases SU-5 -15 & V-6-15 - Dale Sass

This zoning case pertains to a review of a request for the approval for a special use to allow for a commercial liquid fertilizer business that will include a storage and loading pad that will be part of the property development project utilizing an existing building, along with plans for a new liquid fertilizer storage and containment area with a need to approve a front yard setback distance of being 66 feet from the center of the road instead of 100 feet from the front lot line for this proposed property development, in an AG, Agricultural, District. The property in question in this zoning case is generally the Northwest Quarter of the Southeast Quarter of Section 2 of Long Point Township, at 26592 N - 450 East Rd. The Livingston County Regional Planning Commission reviewed this zoning case at their November 2nd meeting. The Livingston County Regional Planning Commission recommends the approval of this special use case, as this special use case was presented to the regional planning commission. The zoning administrator presented his report, exhibits and other information relative to this zoning case, including draft conditions that could be placed on the approval of this special use.

Dale Sass, 26746 N – 450 East Rd., Streator, IL. presented testimony relative to this zoning case. Mr. Sass remarked that they have received their approval for this proposed property use from the Illinois Department of Agriculture, and they have verbal approval for this proposed property use from the IEPA. Mr. Sass then explained that the main reason for building the structure a little closer to the road was because with the location of the existing building to be used for the mixing facility, the need to properly access this building mixing facility area created a need to propose to place the containment area closer to the road. Mr. Sass noted that the road of which fronts this building site is a seldom travelled road and the proposed new development will not impeded visibility.

The zoning board of members then questioned Mr. Sass, starting with as to if Mr. Sass lived on the subject property. Mr. Sass responded that his son lives on the subject property, and that he, the applicant, lives on the next property. Mr. Sass then remarked that the proposal meets the requirements for distances from potable water etc. Mr. Sass then explained that the containment area will have a 4 foot high concrete wall, with a capacity to hold 100% of a tank capacity plus the capacity equivalent to a 6 inch rain. The zoning board members and Mr. Sass then discussed the containment proposed for the mixing facilities within the building. Mr. Sass then commented that while they are designing the outside containment area for three tanks they plan on starting with using only two tanks. Mr. Sass then confirmed that he owns the cropland around this facility, using an aerial photo copy to show the property he owns around this proposed facility. Mr. Sass indicated that neither the IEPA nor the Dept. of Ag had any concerns with the containment facility being located that close to the road. Mr. Sass then indicated that the facility will be inspected by the state annually. Mr. Sass then explained that they are currently in the business taking over Larry Martell's business. However, this proposed development will make their operations more convenient to them with the facilities on their own property.

No other persons presented testimony relative to this zoning case.

Mr. Sass in his closing comments related that they manage to serve a lot of farmers in the community. Though they are just completing their third year in the business, the area farmers seemed to be satisfied with their service, and they would like the opportunity to grow and serve some more. Mr. Sass believes that they will be doing nothing to make the area dangerous.

Joan Huisman moved, seconded by John Vitzthum, that Livingston County Zoning Case SU-5-15 be approved to allow for a special use to allow the subject property to be used as a liquid fertilizer and loading pad (commercial), in an AG, Agricultural, District, with conditions as follows;

1. That the applicant's special use be limited to the request as outlined in the applicant's application and the explanation the applicant gave at the hearing for this request for a special use approval.
2. That the ownership of this special use be limited to the applicant and immediate family members of the applicant, unless otherwise approved by the Livingston County Zoning Board of Appeals.
3. That this liquefied fertilizer tank also comply with Illinois Environmental Protection Agency (IEPA) and Illinois Department of Agriculture requirements.
4. That this zoning case be reviewed by the Livingston County Zoning Board of Appeals in three years.

The motion was approved by a roll call vote.

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

Joan Huisman moved, seconded by John Vitzthum, that Livingston County Zoning Case V-6-15 be approved to allow for a variance in the special use requirements to allow for the proposed a liquid fertilizer and loading pad (commercial)(SU-5-15), to be 66 feet from the center of the road instead of 100 feet from the front lot line.

The motion was approved by a roll call vote.

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

Case -SU-4-15 – Patrick Huette

The zoning case pertains to a review of a request for a special use to allow for a contractor's storage yard, for an office and shop for pick-up truck maintenance and tool maintenance in an AG, Agriculture, District. The subject property in this zoning case is part of an irregularly shaped parcel of land generally located in the Southwest corner of the Southeast Quarter of Section 34 of Avoca Township. The Livingston County Regional Planning Commission reviewed this zoning case at their November 2nd meeting. The Livingston County Regional Planning Commission recommends the approval of this special use case, as this special use case was presented to the regional planning commission. The zoning administrator presented his report, exhibits and other information relative to this zoning case, including draft conditions that could be placed on the approval of this special use

Patrick Huette, 108 W. Amber Dr., Fairbury, IL., the applicant in this zoning case, presented testimony relative to this zoning case. Mr. Huette explained that he plans on moving from his existing building in Forrest after he was approached by the Forrest, Strawn, Wing fire protection district to acquire his property. Mr. Huette's property in Forrest adjoins the current Forrest, Strawn, Wing fire protection district property. Mr. Huette commented that he has moved to Fairbury and he has been looking for property in Fairbury to move his business, and the Norman Rittenhouse estate subject property became available. Mr. Huette confirmed that he is buying all of the property including the house located on the subject property. Mr. Huette then explained about how he plans on putting a new lane north of the house, and how he may re-divide the property to reflect the current uses and proposed uses. Mr. Huette then commented about how he plans on having a gravel parking area, with concrete aprons. Mr. Huette indicated that he plans on renovating the house on the subject property, and that the new building would be almost identical to his existing building in Forrest.

The zoning board of appeals members inquired about the type of equipment that would be stored outside his building, with Mr. Huette responding that he would have cargo trailer's, one ton pick-up trucks, and some flatbed trailers. He may also have his camper stored there also.

The visibility of the proposed building site was then discussed. Mr. Huette then responded that he is talking with the City of Fairbury about the feasibility of hooking onto city water and sewer. Mr. Huette related that he would park equipment out back or on the south side of the proposed building. The existing tree line in the area was then discussed, that can act as a screen. A fence could be considered to shield the property.

Interested party and area resident Ron Reynolds, 9218 N – 2150 East Rd., Fairbury, commented about how several questions had been raised at the regional planning commission meeting this past Monday. Mr. Reynolds remarked that he also has talked with a City of Fairbury official about the current location of the city sewer and water, and how this would be a costly undertaking that possibly not everyone is agreeable. Mr. Reynolds expressed his opinion of not requiring any fencing, and he would rather not see an industrial park fence out that way in this residential area. Lighting for the area was then discussed, with Mr. Huette responding that he plans on a light in front and a light in the back of the building. Mr. Reynolds inquired about signage. Mr. Huette replied that he does not plan on having any advertising signs for his business on the property. No one drives by that needs his services. Mr. Huette clarified that he is applying for this special use of which he would lease the building back to his corporation, with no plans to rent any part of the building to anyone else. Mr. Huette has no immediate plans to lease the property to any outside parties. The potential type of sewage or septic systems was discussed with a separator as part of the design. Health Department permitting was then mentioned. Mr. Reynolds then noted that he believes that some commercial property in Fairbury along Rt. 24, is available even outside of Fairbury and in Chenoa. Mr. Reynolds then objected to the proposed building being industrial looking in a rural/residential area. Mr. Huette explained that the intended construction of the building would be a post frame finished building, like a farm machine shed. Mr. Huette said it would be similar to the Fogarty building that is in the same area north of the subject property. Mr. Reynolds stated that he wants a building that fits in the area. Mr. Reynolds noted his concerns about children in the area, with Mr. Huette noting that his building would only add 5 to 10 cars a day coming from the south on this heavily travelled road. Mr. Reynolds noted the location of North Park. The number of vehicles to potentially be used by the business was noted.

John Strong, 9106 N – 2150 East Rd., Fairbury, owner of property north of the subject property presented testimony relative to this zoning case. Mr. Strong noted that something special that is not there now is being requested, and that he prefers that it stay the way it is, and he does not want to open a Pandora's box. Yet Mr. Strong related that Mr. Huette should be allowed to do whatever he would like with his land. The special use review was discussed, with Mr. Strong preferring that the property being developed as proposed. Mr. Huette related that he maintains his property well, and that eventually he may live in the house on the overall subject property and that he wants to be a good neighbor. Mr. Huette mentioned that he would not have several vehicles parked on this property like Mr. Reynolds. Mr. Strong said that he has not sold his house and that he currently lives there.

The zoning board inquired about semi's delivery, it would happen rarely with a common carrier delivering tools. No retail would take place on site, the only traffic would be employees. No medical equipment would be stored on site, just cargo trailers and pick-up trucks, 4 to 5 of each, would be sitting outside.

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

In his closing statement Mr. Strong said that he would prefer that there not be a business and all that it would entail in the area. Mr. Reynolds related to the standards of special use # 2, and he expressed that he thought that the proposed business would be detrimental to his health and general welfare, and that of the overall area. Mr. Huette did not make any closing statements.

Joan Huisman moved, seconded by John Vitzthum, that Livingston County Zoning Case SU-4-15 be approved to allow for a special use to allow the subject property to be used as a contractor's storage yard , in an AG, Agricultural, District, with conditions as follows;

1. That the applicant's special use be limited to the request as outlined in the applicant's application and the explanation the applicant gave at the hearing for this request for a special use approval.
2. That the ownership of this special use be limited to the applicant and immediate family members of the applicant, unless otherwise approved by the Livingston County Zoning Board of Appeals.
3. That the employees for the proposed office part of this special use be limited to 4 employees, and that the service employees be limited to 4. It is understood that additional service employees will be on the property from time to time to pick up service vehicles and equipment and for special meetings.
4. That the outside storage for this special use be limited to service vehicles and equipment trailers.
5. That this zoning case be reviewed by the Livingston County Zoning Board of Appeals in one year, to review the status of the start- up of this proposed special use, unless otherwise determined by the zoning administrator.
6. It is understood that the property will not be used for retail purposes.
7. The signage for the property will be limited to being address specific.

These conditions were discussed.

This motion was approved by a roll call vote.

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

Case SU-3-15 – Stephen Ziegenhorn

This case was not reviewed at this meeting, in that this case was tabled at the November 2, 2015 Livingston County Regional Planning Commission Meeting, with this planning commission wishing to continue their review of this zoning case at their December 2015 meeting.

Case SU-2-15 – 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, in a C1, Local Business, District. 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, including draft conditions that could be placed on the approval of this special use, while remarking that this is the continued review of this zoning case from the October zoning board of appeals meeting.

Brian Pflibsen, 839 State Route 18 East, Streator, IL., presented testimony relative to this zoning case. Mr. Pflibsen noted that he had brought his ventilation contractor Bill Coomer from Marseilles Sheet Metal, to this meeting. This company is currently working in putting in a shooting range at an area police department. Mr. Pflibsen then handed out some information on ventilation for shooting ranges and bullet traps. (Bullet Trap USA, pamphlet, Vol 14 No 1 from the Winter of 2011, The Range Report, and a document titled Camfil, Air Filtration for Firing Ranges/Clean Air Solutions.) In regard to building orientation, Mr. Pflibsen has visited a site since our last meeting and he explained how the ventilation system would be designed to work. Mr. Pflibsen indicated on a drawing where the outside ventilation equipment would be located. The drive up window concept was discussed, though Mr. Pflibsen mentioned that he is not seeking that approval tonight. The zoning board suggested that Mr. Pflibsen discuss this drive up proposal with the authorities responsible for the roads in the area. Mr. Coomer the ventilation expert is confident that he can properly ventilate this development. Mr. Pflibsen affirmed that he is comfortable in being able to build the structure in compliance with ADA standards. Parking plans were then talked about. Mr. Pflibsen related that he plans on having all range parking east of the building in the parking area indicated on one of his drawings. Fencing in regards to the tool rental area was then discussed. Mr. Pflibsen said is willing to put a fence in, the curb appeal was then discussed. Mr. Pflibsen then noted the rental business will be minimal. Equipment will be placed behind the earthen berm. All uses discussed last month were discussed with all still being planned except the drive up window. The ventilation system was then further discussed. The shooting range space was then discussed, with how the position of the shooter can change. Mr. Pflibsen will be able to construct his indoor shooting range to meet the 50 foot distance for competitive matches. The lots on which this development is to be placed was clarified. The zoning administrator's draft conditions were discussed at this time.

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 Case SU-2-15 be approved to allow for a special use to allow the subject property to used as a shooting range (indoors), and for a rental services business as outlined in the drawings presented at the November 5th, meeting as noted as the basement plan, first floor plan, and site plan on the highlighted lots being 9, 10, 11 and 12 on exhibit 3 of the zoning administrator's report and contingent upon the following conditions;

- 1 That the applicant's special use be limited to the request as outlined in the applicant's application and the explanation the applicant gave at the hearing for this request for a special use approval.
- 2 That the ownership of special use be limited to the applicant, unless otherwise approved by the zoning board of appeals.
- 3 That the signage for this special use be limited to the existing signage, and additional signage to be placed on the side of the building being limited to 48 square feet of additional signage.
- 4 That, if applicable, the applicant acquires any necessary state and/or federal license(s), that a copy of such license be provided to the Livingston County Regional Planning Commission.

- 5 That any equipment being stored outside, that is to be part of the rental services part of the proposed business be limited to 5 pieces of equipment, with the equipment being placed behind the berm.
- 6 That this zoning case be reviewed in one year, unless otherwise determined by the zoning administrator.
- 7 Parking is to principally be in the area east of the building, with handicapped parking and up to four additional parking spaces along Livingston Road, and that the parking comply with ADA standards.
- 8 The proposed drive-up window for the coffee shop is not being allowed in this permit at this time.

Other potential conditions were discussed such as the storage of trailers etc., of which may be visited in one year.

This motion was approved by a roll call vote.

Cornale	- Yes	Vitzthum	- Yes
Kiefer	- Absent (Did not vote)	Zimmerman	- Yes
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 Howard Zimmerman, that the Findings of Fact and Decision for this November 5, 2015 meeting be approved as presented. This motion was approved by a unanimous voice vote.

Public Comments: Mr. Reynolds indicated that that he understands their decision, but that he wished that the board gave the residents a more comfortable opportunity to express their opinion.

General Discussion and Informational Update:

The pending litigation in regard to the Pleasant Ridge Wind Energy Project was noted to the zoning board of appeals members, with copies of the legal complaint being made available to the zoning board members. With this being pending litigation comments were made.

The zoning board discussed a contractor inquiry as to if Vactor could add a new building to their Coalville Rd. facility, which is approved as a special use, without any further zoning board of appeals action. The zoning board declared that they would like to review any additional construction on this property as a special use.

The Board was informed that their next scheduled meeting is to be held December 10, 2015 at 7:00 p.m.

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

This meeting was adjourned at 8:50 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 that reads "Charles T. Schopp". The signature is written in a cursive style with a large initial "C".

Charles T. Schopp, Secretary
Livingston County
Zoning Administrator