

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

Regular Meeting
7:00 p.m.

December 10, 2015

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

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

Member Absent: Richard Kiefer.

Agenda:

Chair Nielsen mentioned the agenda. Then John Vitzthum moved, seconded by Howard Zimmerman, that the agenda for this December 10, 2105 meeting be approved as presented. This motion was approved by unanimous voice vote.

Minutes:

Chair Nielsen mentioned the minutes from the last meeting. Then Michael Cornale moved, seconded by John Vitzthum, that the minutes of the November 5, 2015 meeting be approved as presented. This motion was approved by a unanimous voice vote.

Business:

Case V-4-15 – Russell & Laura Rich

This zoning request pertains to a review of a variance in the lot frontage requirements, as part of a re-subdivision of an existing lot. The applicant and his brother both have adjoining lots/houses in the subdivision and the other owners of property within Richwood Estates have issues about the re-subdivision of this property and some of the subdivision covenants. The Livingston County Regional Planning Commission held a hearing on this proposed re-subdivision this past Monday, December 7, 2015. At this meeting the applicant and his brother commented on the proposed re-subdivision as proponents for the approval, while other subdivisions property owners also attended this meeting expressing their concerns about this proposed re-subdivision. An impression was given at this planning commission meeting that all of the property owners could reach an agreement on these concerns if they were given more time. Therefore, the Livingston County Regional Planning Commission tabled this zoning matter until their February 1, 2016 meeting, to allow for the subdivision property owners to collaborate about the potential future development issues pertaining to this subdivision. So the zoning board of appeals shall not review this matter until after the planning commission has conducted another hearing regarding this zoning case, or the zoning board of appeals may not review this matter at all if the proposed plat of re-subdivision changes in such a way that the road frontage would meet the regulations.

This zoning request pertains to the review of a request for a special use to allow for a campground in an AG, Agriculture, District. The subject property in this zoning case is an irregularly shaped parcel of land generally located in the southeast Quarter of Section 16 of Indian Grove Township. 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. The Livingston County Regional Planning Commission reviewed this zoning case at their November 2, 2015 and December 7, 2015 meetings. The Livingston County Regional Planning Commission made a recommendation to approve this zoning case at their December 7, 2015 meeting, and certain wording in the conditions reflects the conditions that they recommend for the approval of this zoning case. Information presented to the zoning board of appeals members included copies of information provided by the applicant that included campground rules, a campground layout and campground pictures for the proposed Ziegenhorn Timber Campground. The presence at this meeting of Donnie Simmons of the Environmental Health Department of the Livingston County Public Health Department was noted.

Stephen Ziegenhorn, 20737 N. 87th. Dr., Peoria, Arizona presented testimony relative to this zoning case. Mr. Ziegenhorn expressed that his family would like to put a campground on the subject property that has been in the family since 1940. The idea of the campground will provided an opportunity to keep the property in the family, as opposed to subdividing the property into residential lots, as had been considered in the past. Mr. Ziegenhorn stated that they are willing to comply with what the zoning administrator had suggested in his presentation, with the clarification that they would have a total of 80 people, with 120 people for special events. Mr. Ziegenhorn went on to describe how they are working on constructing model cabins. Mr. Ziegenhorn went on to describe the pavilion on the subject property, along with his maintenance and storage buildings. Their goal is to have the property look like a park all of the time. These proposed cabins would be open for family members first, then to travelers depending on availability.

The zoning board of appeals members began inquiring about some of the details of this campground, including when it would be in operation. Mr. Ziegenhorn replied that the campground would be open seasonally May 1st through October 31st each year. Mr. Ziegenhorn then explained that he is assisted by Marshall Roy of Fairbury in maintaining the property, and of who would assist in managing the proposed campground. It was agreed that they would have 40 people in cabins and 40 people in tents for a total of 80 campers during the first year, as a short term goal. Mr. Ziegenhorn then described the cabins to the zoning board of appeals. These would be one room cabins with beds, cooking would be done outside, a small refrigerator and a microwave would be provided in each cabin, as the cabins would have electricity but no running water. A question on limiting the time frame of which campers would be limited at this facility. Mr. Ziegenhorn has not addressed a permanency issue yet. Mr. Ziegenhorn then remarked about how he will spend about as much time in Fairbury and he does in Peoria, Arizona. He will be in Fairbury during the hot Arizona season. He will be creating an opportunity for family reunions in the area. Ownership of the adjoining properties was then discussed. The outline of the subject property was discussed, and the area of the property to be used as a campground was discussed. A desire to have RV's on the subject property was discussed. Mr. Ziegenhorn related that he has a desire, but he wants to get an experience first, and the septic and water requirements would be greater for RV camping. Mr. Ziegenhorn related that he would like to work with the county on any future further developments of the campground. He may just consider limiting RV's to the four major racing weekends in Fairbury. As it pertains to lighting Mr. Ziegenhorn answered he plans on having lights outside of cabins and on poles throughout the campground. Mr. Ziegenhorn confirmed

that his pavilion is not located in a flood plain. Mr. Ziegenhorn then commented on the flood hazard areas of the subject property. Management of the proposed campground was then talked about.

Donnie Simmons of the Livingston County Public Health Department then asked some questions of Mr. Ziegenhorn beginning with an inquiry about the proposed outdoor kitchen in the area of the pavilion. Mr. Simmons then inquired about an ability to wash dishes at this outdoor kitchen. Mr. Simmons then asked if Mr. Ziegenhorn had looked at rules governing campgrounds. Mr. Simmons noted that part of the act #7 relates to building plans being submitted to the Illinois Department of Public Health, prior to construction, and that a state permit be acquired from the Illinois Department of Public Health prior to beginning construction. The rules have specific requirements for the buildings, which Mr. Simmons referenced. Mr. Simmons suggested that Mr. Ziegenhorn start his permitting process with the Illinois Department of Public Health now regarding his state permits. Mr. Simmons then inquired about fish cleaning facilities, of which Mr. Ziegenhorn had not considered. Mr. Simmons then mentioned some of the water supply needs for a fish cleaning facility. Mr. Simmons then noted that the office building would need a rest room, and possibly a separate septic system. Septic system and rest room numbers were then generally discussed. Mr. Ziegenhorn is looking for those numbers. Mr. Simmons provided Mr. Ziegenhorn with a copy of a document that Mr. Ziegenhorn could use to guide him to the state rules for campgrounds. Mr. Simmons then mentioned the septic system and the maximum number of 120 for now. They may go bigger for the septic system. Mr. Simmons also remarked that he would also like a copy of the flood elevation map previously mentioned. Discussion then took place as to if his immediate family could use the cabins, with a suggestion he work with the state to help determine that answer.

Interested party Cheryl Hoffman, 5601 N 2040 East Rd., Fairbury, as an area resident to the proposed campground expressed her concerns and the worries of her neighbors of whom she has met with to discuss this issue. They are happy with the limitations that the Livingston County Regional Planning Commission members have suggested, though she would have preferred that the limitations on the numbers of campers be lower. Their worries include increased traffic on the curvy roads in the area, along with increased drinking and driving in the area. They are concerned about kids in the campground going out onto the road, and about noise that may be created by the campground. They are concerned about their whole neighborhood structure changing, where they will no longer know most of the people living and travelling in the area. She would prefer for the number of allowed people to be smaller, and that alcohol be prohibited and that they would like to have their serious complaints with the management of the campground dealt with by the county, with a review by this zoning board of appeals. Tom Ambrose, 19840 E – 300 North Rd., Fairbury, explained how he farmed in the area, at times using the road in front of the proposed campground to move his equipment, and how the roads in the area can be dangerous.

Interested party Frank Nestor, 1806 Bob-O-Link, Dr., Pontiac, commented about the property that he owns in the area. Mr. Nestor in referring to the standards of special use while commenting that he thinks the proposed campground could impede the orderly development of his property. Mr. Nestor is concerned as to how the proposed campground could affect his property, and how noise could affect his property and the existing residents in the general area of the campground. Mr. Nestor then asked that if this campground is to be approved that the 30 north acres of Mr. Ziegenhorn's property be designated as the campground area, and that the proposed rules be posted on a sign in the campground and that no golf carts be allowed in the campground.

Corey Steffen, 4650 N – 2020 East Rd, Fairbury, IL. commented that he has similar concerns as to those already expressed. Mr. Steffen also mentioned safety in the context of extra traffic is a big concern. Mr. Steffen is concerned about RV's on big race weekends and how they would be policed further out from Fairbury. He would like to see a permit be alcohol prohibitive. Mr. Steffen questioned if the campground rules could be tied to the permit, with the zoning board having an opportunity to review the matter of the rules are violated.

Zoning Board of Appeals Chair Nielsen questioned Mr. Ziegenhorn about fencing. Mr. Ziegenhorn replied that they plan on putting fencing on the property, limiting access to the property. Mr. Ziegenhorn related that he has portable gates, which have not been installed. Mr. Ziegenhorn remarked that he plans on putting in piping fencing painted white. The setback distances off the road were then conversed about. Parking areas have not been discussed, with plans to park behind the cabins, in the flood hazard area. Special event parking would be on the subject property in a flat area out of the flood plain. Mr. Ziegenhorn then explained how this campground is primarily for his family. Road use in the area was then discussed.

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

Closing statements were made with Cheryl Hoffman requesting that this zoning case be tabled until Mr. Ziegenhorn gets his permits from the state. In his closing comments Frank Nestor mentioned that limiting the time for renewing the permit, and he would like a formal review.

Mr. Ziegenhorn in his closing statement related that he can live in harmony, and he is willing to have people stop by and talk with him. Chair Nielsen stressed Mr. Simmons statements for a need to get state permits. Any potential catch-22 of first getting county and state permits was discussed. Mr. Simmons related that the state is willing to accept his plans.

No further closing statements were made.

Commitment to his needs to the land being conducive to a campground as far as permitting was then discussed.

The zoning board of appeals then discussed draft conditions that may be part of any recommendation for the approval of this zoning case, beginning with the draft conditions proposed by the zoning administrator. This discussion led to the following draft conditions being considered to be part of any motions;

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 including the campground rules presented by the applicant with additional campground rules which would prohibit firearms and golf carts on the campground, with limitations that follow in some of the accompanying conditions.
2. That for this initial development of this proposed campground, that the development be limited to 10 cabins, that may accommodate up to 40 people, and tent camping that may accommodate up to 40 people that would allow for total camping numbers of 80 people. That managements RV's and immediate family RV's will be allowed on the property with a maximum of 3 RV's being on the property at any one time. Not for profit daytime special events will also be limited to a campground capacity of 120 people being allowed on site.

3. That this property development be limited to the east side of Indian Creek, and the area of the subject property as marked out on County Exhibit 1, with County Exhibit 1 being a google aerial photo map of the subject property area with the campground area being outlined in red on this map.
4. That the applicant use a professional registered surveyor or engineer to determine the 100 year floodplain on the subject property, and that all structures, including cabins, bath houses, restroom facilities and septic systems be located outside of the 100 year flood hazard area.
5. That the ownership of this special use be limited to the applicant and the applicant's two sons, unless otherwise approved by the Livingston County Zoning Board of Appeals.
6. That this proposed campground shall also comply with Illinois Department of Public Health and the Livingston County Public Health Department requirements, along with any other state, federal or local regulations that may apply to campgrounds.
7. That a status review of this zoning case be conducted by the Livingston County Zoning Board of Appeal in one year, unless otherwise determined by the Livingston County Zoning Administrator.
8. That fencing/gates be installed at the campground driveway along the frontage road, limiting access to this campground area.
9. That any signage for this campground be approved by the Livingston County Zoning Administrator.
10. That this campground special use be limited in time of year to be open from May 1st through October 31st each calendar year.
11. That employees be limited to immediate family members and up to 3 additional employees.
12. That the campground rules be publicly posted on the campground site.

Joan Huisman moved, seconded by Michael Cornale, that the Livingston County Zoning Case SU-3-15 be approved to allow for a special use to allow the subject property to be used as a campground, in an AG/FP, Agricultural/Flood Plain, District as the application states and with 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 including the campground rules presented by the applicant with additional campground rules which would prohibit firearms and golf carts on the campground, with limitations that follow in some of the accompanying conditions.
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This motion was approved by a roll call vote.

Cornale	- Yes	Vitzthum	- Yes
Kiefer	- Absent (Did not vote)	Zimmerman	- Yes
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 Howard Zimmerman, that the Findings of Fact and Decision for this December 10, 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 January 7, 2016 at 7:00 p.m.

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

This meeting was adjourned at 8:45 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 written in a cursive style with a large, looping initial "C".

Charles T. Schopp, Secretary
Livingston County
Zoning Administrator

Google Maps



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County Exhibit 1