

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

Regular Meeting  
7:00 p.m.

March 10, 2016

The meeting came to order and roll call was taken, at 7:20 p.m.

Members Present: Michael Cornale, John Vitzthum, Richard Kiefer and Joan Huisman.

Member Absent: Richard Runyon, Howard Zimmerman & Gibs Nielsen.

Acting Chair:

With the absence of Chairman Nielsen, John Vitzthum 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 Joan Huisman moved, seconded by Richard Kiefer, 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 John Vitzthum moved, seconded by Richard Kiefer, that the minutes of the January 7, 2016 meeting be approved as presented. This motion was approved by a unanimous voice vote.

Business:

Case V-10-06 – Review – Douglas and Judy Booth

This zoning request pertains to annual renewal review of a variance to allow for the continued temporary occupancy of a manufactured home on the same property as an existing residence, in an AG, Agricultural, District. The subject property in this zoning case is a 2.63 acre parcel of land located in the East Half of the Southwest Quarter of Section 21 of Reading Township, at 2651 E – 2900 North Rd. The zoning administrator presented his report, exhibits and other information relative to this zoning case. The members of zoning board of appeals were informed that the occupant of this manufactured home has passed on, since the last review of this zoning case, with our sympathies to the family. Current photos of the property were also presented to the zoning board of appeals members.

Douglas and Judy Booth, 2651 E – 2900 North Rd., Ancona, IL, presented testimony relative to this zoning case as the applicants for this zoning case. Douglas Booth related that his wife Judy's mother passed away last June, and that the subject manufactured home is no longer occupied.

Douglas and Judy are working on taking care of the belongings left in the manufactured home. Douglas and Judy are also still trying to decide as to where they would like to live, as to whether they remain in Livingston County or move to some other local. It was mentioned that the main reason that they were living in the area was because of Judy's mother and their families. If they decide to make this their residence they will work to decide on what to do with the manufactured home. They are also considering as to if they decide to sell the property, they may want to market the property with the manufactured home on it, of which someone with a similar situation to theirs needing housing close by to care for a relative in need. It is understood that any such use would require an appearance before this zoning board of appeals for their approval for a continuation of the variance. Therefore, Douglas and Judy would like this variance continued for another year of the status quo, to allow time for them to decide what they want to do.

The zoning board of appeals potential review of how this case would be reviewed annually as a temporary structure in the future was then discussed. It was confirmed that this current housing plan could not continue without variances because of the lot size. The annual variance review for this housing situation was further discussed.

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

In his closing statement Mr. Booth expressed his appreciation for all the consideration that has been given to them for all of these years.

Joan Huisman moved, seconded by Richard Kiefer, that the Livingston County Zoning Case V-10-06 – Renewal be approved to allow for a variance allowing for the continued location of a manufactured home on the same property as an existing residence, on the described property in this zoning case with this variance request to be reviewed in one year.

This motion was approved by a roll call vote.

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

#### Case SU- 12 -07 – Review – Crossroad Crating & Pallet, Inc.

This zoning request pertains to review a request for a special use to allow for the continued special use of a crating and pallet business, as a contractor's storage yard and machine shop on the subject property, in an AG, Agriculture, District. The subject property in this zoning case is 3.43 acre parcel of land located in the Southwest Quarter of Section 10 of Forrest Township. The zoning administrator presented his report, exhibits and other information relative to this zoning case, including a copy of a letter from Mark Haab, President of Crossroad Crating and Pallet, Inc. In this letter Mr. Haab explains the status of this business.

Mark Haab, 511 N. Jackson St., Fairbury, IL., representing the applicant in this zoning case presented testimony relative to this zoning case. Mr. Haab related that all of his comments to the zoning board of appeals have been expressed in his letter, of which the zoning board of appeals members had been provided a copy. Mr. Haab noted that his business is slow and projections for his business relate that it will continue to be slow for the next year or two.



The zoning board of appeals discussed the previously approved conditions for this zoning case with Mr. Haab. This business is not close to the minimum numbers of employees to be allowed.

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

In his closing statement Mr. Haab asked that this review take place in five years. He was informed that he is currently on a five year review time frame.

Joan Huisman moved, seconded by Richard Kiefer, that the Livingston County Zoning Case SU-12- 07 - Review be approved allowing for the continuation of a crating and pallet business, as a contractor's storage yard and machine shop on the subject property in an AG, Agricultural, District, with the previously approved conditions, with this zoning case to be reviewed again in five years.

This motion was approved by a roll call vote.

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

#### Case SU-3-12 – Review – Hensley

The subject property in this zoning case is a 1.69 acre parcel of land in the Southwest Quarter of Section 27 of Rooks Creek 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,

David Hensley, 16438 N – 900 East Rd., Graymont, IL, the applicant and property owner in this zoning case presented testimony relative to this zoning case. Mr. Hensley commented that he works on about 8 cars a year with full restorations. The cars remain indoors, and he does not have much traffic.

The zoning board clarified that he works out of what was an existing building and he has been able to comply with IEPA regulations. Mr. Hensley is still the only employee for this business. The zoning board of appeals time frame and existing conditions were discussed. Operating hours are listed to meet state requirements.

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-3-13 – Review be approved to allow for the continuation of a special use allowing for a body shop business as a machine shop/welding shop on the subject property in an AG, Agriculture, District, with the same conditions that were previously approved for this zoning case, with this zoning case to be reviewed again in three years.

This motion was approved by a roll call vote.

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

#### Case SU-13-14 – Review Ken’s Oil Service

Since a representative of this zoning case was not available to attend this meeting, this zoning case will be reviewed at a future meeting of the zoning board of appeals.

#### Cases SU-3-13 – Review – Behr Iron & Steele, Inc. & SU-5-04 – Review – Mike Crouch

This zoning request pertains to review a request for a special uses to allow for the continued use of metal recycling/junk yard operations, in a C3, General Business, District. The subject property in this zoning case is an irregularly shaped parcel(s) of land located in an unincorporated area just northwest of the City of Pontiac. The zoning administrator presented his report, exhibits and other information relative to this zoning case.

Mike Crouch, 107 Grove St., Emington, IL, presented testimony relative to this zoning case, as a representative of the ownership of the property and as one of the applicants in this matter(s). Mr. Crouch related that Behr would like to continue their special use request for one to two years. Mr. Crouch noted that they have had some problems with the economy in the scrap business being down. Thought they still plan on developing in Pontiac their plans have been delayed. A discussion then took place as to if more ground was still needed for the Behr to develop their business as they have previously proposed. Mr. Crouch indicated that the storage building property adjacent to the subject property may be an option. No definitive time line is in place for the Behr development. Mr. Crouch remarked that all of his materials go to Behr. In discussing Mr. Crouch’s special use conditions, Mr. Crouch feels he has met those conditions. It was noted that with additional property, their special use would need to be amended. Mr. Crouch confirmed that in the interim he will continue his recycling business on the property.

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

In his closing statement Mr. Crouch thanked the zoning board of appeals. With a discussion of when to be reviewed again, with an idea to review this again in one year to keep track of this situation, with a desire to have Behr represent themselves at the next meeting. The official act of tabling the Behr case was deliberated. Previous conditions placed on Mr. Crouch’s zoning case were discussed. They appear to remain workable as conditions on the operation of this business.

Joan Huisman moved, seconded by Richard Kiefer, that the Livingston County Zoning Case SU-3 -13 Review be tabled for a period of twelve months to allow for the continuing plans for the development of the subject property to be used for ferrous and non-ferrous metal recycling/junk yard to include auto decommissioning and crushing in a C3, General Business, District.



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

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

Joan Huisman moved, seconded by John Vitzthum, that the Livingston County Zoning Case SU-5 - 04 Review be approved to allow for the continuation of the current used of the subject property of a junkyard/recycling center as outlined to the zoning board of appeals, and with the conditions as approved in 2004 with this zoning case to be reviewed again in one year, unless otherwise determined by the Livingston County Zoning Administrator.

This motion was approved by a roll call vote.

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

#### Case V-2-16 – Kelly

This zoning request pertains to review a request for a variation in front yard setback distance requirements to allow for a grain bin to be setback 40 feet instead of 50 feet from the right of way line for a highway in an AG, Agriculture, District. The subject property in this zoning case is 2.41 acre parcel of land generally located in the Northwest Quarter of Section 15 of Amity Township. The zoning administrator referenced his report, exhibits and other information relative to this zoning case.

John Kelly, 11354 E – 2100 North Rd., Pontiac, IL., representing the applicant and the family ownership of the subject property provided testimony relative to this zoning case. Mr. Kelly commented that they would like to add a 50,000 bushel grain storage bin to their existing setup, and they would like to put it to the north existing grain storage structures of which is why they are requesting the variance. Mr. Kelly noted that still plenty of room would be left to provide adequate site distance to look up and down Route 23 from the subject property.

The zoning board of appeals confirmed with Mr. Kelly that the proposed placement of the grain bin in question is to utilize the grain leg that is part of their existing grain storage development on the site.

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

In his closing statement Mr. Kelly remarked that he believes that his variance request has been well explained.

Joan Huisman moved, seconded by John Vitzthum, that the Livingston County Zoning Case V-2-16 be approved to allow for a variance in the front yard setback requirements to allow for the construction of a new grain storage bin to be setback 40 feet instead of 50 feet from the front lot line bordering a highway.

This motion was approved by a roll call vote.

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

#### Case V-3-16 – Fairbury Fair

This zoning request pertains to request for a variation in front yard setback distance requirements, in an AG, Agriculture, District. The applicant would like to construct a new restroom building in the same location as an existing restroom structure, which is one foot instead of forty feet from the front lot line. The subject property in this zoning case is the fairground property on the south edge of Fairbury, in an unincorporated area of Livingston County. The zoning administrator presented his report, exhibits and other information relative to this zoning case.

Fairbury Fair Directors Sally Goembel, Leroy Rodriguez, Clifton Rosenberger and Dave Shepard, presented testimony relative to this zoning case. Sally Goembel related that they are replacing a restroom facility that has outlived its purpose, which has antiquated fixtures. Sally Goembel then explained that they would like to demolish this existing structure and replace it with a more state of art facility. They plan on increasing its size, and they will have handicap access facilities and changing areas for babies, as part of this upgrade. Sally Goembel then related that the current building is now close to the fence on the fairground, and they would like to keep it in the same place, utilizing a distance between their fence and the first driveway inside the fairgrounds which is 51 feet. They plan on using this area to reconstruct and expand their restroom facility, with the proposed building to be 40 X 70 they plan on putting the forty foot depth of the building in this area along with an entrance area to the facility, to stay off their road. The location of the building is also dictated because of the location of the City of Fairbury's sewer line, of which they will utilize with the new construction.

The zoning board of appeals discussed with the fair directors as to the proposed building being in the same basic foot print, with it being noted the new structure would be larger than the existing footprint. The new building will also be of concrete block construction. Sally Goembel then commented that this year's planned improvements to the fairgrounds include work on the racetrack, bleachers, and their restroom facilities. A complaint they have had in the past pertained to the poor condition of their restrooms, so they are going to build new ones. A discussion took place on the plan being reviewed to make sure it meets requirements. The fair directors replied that Popejoy's in Fairbury has worked on this project including reviewing the plans.

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

No closing statements were made

Joan Huisman moved, seconded by Richard Kiefer, that the Livingston County Zoning Case V-3 -16 be approved to allow for a variance in the front yard setback requirements to allow for the construction of a replacement restroom in the same area as an existing restroom to be set back one foot instead of forty feet from the front lot line.



This motion was approved by a roll call vote.

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

#### Case ZT-1-16 – County Board of Livingston County

This zoning request pertains to a request pertaining to an application for a zoning text amendment to Chapter 56, Article VIII, Code of Ordinances, Livingston County, Illinois, proposing 230 day extension to the existing moratorium on the processing or acting upon any special use applications for the construction and operation of a wind energy conversion system (WECS) in Livingston County Illinois. The zoning administrator presented his report, exhibits and other information relative to this zoning case, including the reasoning for the proposed moratorium extension.

John Slagel, 308 Mirlynbeth, Ln., Fairbury, IL, presented testimony relative to this zoning case. Mr. Slagel agreed that this moratorium extension should be approved.

Mr. Slagel commented that he has been on the ad hoc committee discussing the Livingston County zoning regulations, and basically there is no good solution on setbacks, and a compromise may be being putting the matter up to vote at the township level, through a referendum. The referendum was discussed, along with amended setback proposals being discussed. John Slagel discussed the Indian Grove Township setback proposals. IPCB regulations and setbacks were also commented about. How setbacks were arrived at was also commented about, in part in regard to the Indian Grove safety setbacks. How counties in other states use the 10X setback was mentioned by John Slagel. Areas or windfarms that have complied with a 10X setback, is unknown except in generally unpopulated areas. Waivers and how they could be negotiated were discussed. It was discussed that this zoning text is adding a section to the zoning text.

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-1-16, that pertains to a request by the County Board of Livingston County for a proposed text amendment with the purpose of amending the text of the Livingston County Zoning regulations to add Article VII wind energy, Section 56-630, extending an existing moratorium pertaining to the filing of a special use application(s) concerning Wind Energy Conversion Systems by 230 days.

This motion was approved by a roll call vote.

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

Other Business:

Jamie Connelly Home Occupation proposal. The zoning board discussed as to if dog grooming could be considered similar to a home occupation of a barber or beautician. They zoning board members requested information on the need for licensing dog groomers and more information on home occupations. This will be review further at their next meeting.

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 March 10, 2016 meeting be approved as presented. This motion was approved by a unanimous voice vote.

Public Comments: None

General Discussion and Informational Update:

The Board was informed that they will be reviewing some newly proposed solar farm zoning regulations at a future meeting.

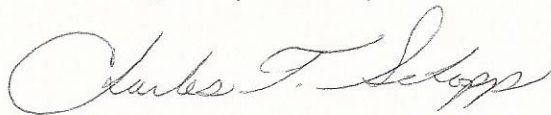
The Board was informed that their next scheduled meeting is to be held April 7, 2016 at 7:00 p.m., though no cases have been filed to be reviewed at this meeting.

Then John Vitzthum moved, seconded by Richard Kiefer, 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 cursive script, reading "Charles T. Schopp".

Charles T. Schopp, Secretary  
Livingston County  
Zoning Administrator