

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

Regular Meeting  
7:00 p.m.

April 20, 2016

A moment of silence was held in the honor of Zoning Board of Appeals member Howard Zimmerman, whom passed away earlier this month.

The meeting came to order and roll call was taken.

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

Member Absent: Gibs Nielsen.

New Zoning Board of Appeals member Richard Runyon was welcomed.

Acting Chair:

With the absence of Chairman Nielsen, Richard Kiefer 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 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 Richard Kiefer moved, seconded by John Vitzthum, that the minutes of the March 10, 2016 meeting be approved as presented. This motion was approved by a unanimous voice vote.

Business:

Case SU-22-99 – Review – T&T Cartage /Kankakee Valley Construction

This zoning request pertains to review of a special use to allow for an asphalt plant, in an AG, Agricultural, District. The subject property in this zoning case is a parcel of land located in Southeast Corner of Section 15 of Eppards Point Township, at 2651 E – 2900 North Rd. The zoning administrator presented his report, exhibits and other information relative to this zoning case. Current photos of the property were also presented to the zoning board of appeals members. Comments were made as to how the applicant has acquired ownership of the subject property since the last review and how with this land acquisition the land size for this special use has been definitively determined.

Dave Riordan, 456 E. Kay St., Herscher, IL, presented testimony relative to this zoning case as the applicants for this zoning case. Mr. Riordan related that they would like to continue this asphalt plant placement, and that they use it as needed as work warrants. Mr. Riordan then commented that he had talked with the closest neighbor Mrs. Bourgeois about her past dust concerns, and that they have recently been using the county highway for delivery of rock products to the asphalt plant. Therefore, since they are no longer using the interior rock road the dust problems have been alleviated.

The zoning board of appeals questioned the limits of the property size and how they changed with the purchased of the property. Mr. Riordan responded that they have not used this asphalt plant this year, and that they would like to use it more often. In a normal season this asphalt plant is operated from April to November. They do use reclaimed asphalt in their product. Mr. Riordan related that Prairie Materials rents the shop on the subject property, and that they would use the interior road to bring equipment in for repair and service. Mr. Riordan confirmed the property area they had purchased.

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

In his closing statement Mr. Riordan remarked that they enjoy working in Livingston County, and if there are any issues give them a call and they will work with anyone to work out those issues.

Joan Huisman moved, seconded by John Vitzthum, that the Livingston County Zoning Case SU-22-99 – Review be approved to allow for the continuation of an asphalt plant on the subject property in an AG, Agricultural, District as presented to the Board at this hearing and at previous hearings pertaining to this zoning case, with the zoning case to be reviewed again in five years, unless the zoning administrator determines that a change in circumstances in this property issues requires the zoning board to review this case within this five year period.

This motion was approved by a roll call vote.

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

#### Case SU- 4-12 – Review – Haas

This zoning request pertains to review a request for a special use to allow for the continued special use of a repair shop business as a machine shop/welding shop on the subject property, in an AG, Agriculture, District. The subject property in this zoning case is 5 acre parcel of land located in the Southwest Quarter of Section 18 of Pleasant Ridge Township at 24029 E – 1200 North Rd. The zoning administrator presented his report, exhibits and other information relative to this zoning case.

Jerrold Haas, 24029 E – 1200 North Rd., Fairbury, IL, representing the applicant in this zoning case presented testimony relative to this zoning case. Mr. Haas informed the Board that they moved into the new building in January of 2014. They do the same type of work as they previously explained, and their employees have stayed the same.



Board questions were in regard to employees, with Mr. Haas replying that he has one full time employee, being his son in law, one part time being his brother and himself, so the continuing of the employee number condition is appropriate. Mr. Haas confirmed that he had put a new sign with the approval of the zoning office. His hours are still representative of his operations.

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

Mr. Haas did not have a closing statement.

Joan Huisman moved, seconded by Richard Kiefer, that the Livingston County Zoning Case SU-4 12 - Review be approved allowing for the continuation of a special use of a repair shop business as a machine shop/welding 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, unless otherwise determined by the zoning administrator.

This motion was approved by a roll call vote.

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

#### Case V-5-16 – Rich

This zoning case pertains to a request for a variance in lot dimension requirements, as part of a re-subdivision Richwood Estates. The subject property in this zoning case is a parcel of land in the Northwest Quarter of Section 25 of Rooks Creek Township. The zoning administrator presented his report, exhibits and other information relative to this zoning case, which reflected that it is proposed that three extra lots are to be created as part of Richwood Estates, with a need for a variance in front lot widths for the proposed new lot configurations.

Russel Rich, 16722 N – 1130 East Rd., Pontiac, IL, Pontiac, IL, one of the applicants and property owners in this zoning case presented testimony relative to this zoning case. Mr. Rich explained about how he and his brother lived on lots 14 and 15 of Richwood Estates. Since 2004 they have had great neighbors. Recently the Rich brothers and the other property owners have discussed the covenants with a proposed amendment to those covenants to allow all of the subdivision land owners to have a say in the future development of the property. Mr. Rich stated that Jeff Bressner the township road commissioner also supports the proposed variances.

The Zoning Board questioned about the dotted lines and solid lines on the plat copies provided to the board members. Mr. Rich replied that the solid line is the lot lines and the dotted line reflects setback areas. These areas would also allow for utility easements. Mr. Rich confirmed that they are expanding this subdivision from 15 lots to 18 lots. Mr. Rich confirmed that the cul-de-sac was put in as part of the initial development of the roads in this subdivision. It was confirmed that the planning commission has recommended the approval of this re-subdivision. The driveway for lot 14 will remain the same, but the drive for lot 15 will change, so that each lot will have their own driveways moving forward.

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

In his closing statement Russel Rich thanked the board for their time.

Joan Huisman moved, seconded by John Vitzthum, that the Livingston County Zoning Case V-5-16 be approved as proposed.

This motion was approved by a roll call vote.

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

#### Cases V-4-16 - Kuykendall

This zoning request pertains to review a request for variations in zoning regulation requirements to allow for a mobile home to be placed on the same property as an existing residence in a R2, Low Density Multiple Family Residence, District. The subject property in this zoning case is a residential lot located at 1618 S. Vermillion St., in unincorporated South Streator, in Section 2 of Reading Township. The zoning administrator presented his report, exhibits and other information relative to this zoning case.

Dusty Kuykendall, 1618 S. Vermillion St., Streator, IL, presented testimony relative to this zoning case. Mr. Kuykendall explained that he is proposing to move in an older trailer, but everything inside the trailer has been remodeled within the last three years. Mr. Kuykendall then related that he can move the trailer further back on his property to be 30 feet from the road right of way so he will not need a front yard setback variance as originally proposed. Mr. Kuykendall explained he was injured on this job so he is having local contractors assist him in moving the property and in cleaning up and remodeling the property at 1618 Vermillion St. Mr. Kuykendall indicated that he had talked with his neighbors about his plans. He has also contacted Reading Township and the Reading Township Fire Department about his plans, and apparently they have no problems with his plans. Mr. Kuykendall commented about his plans to put a new roof on the house on 1618 S. Vermillion. As far as he knows everyone is okay with his plans, and he invited the Board members to come look at his trailer.

In reply to Board questions, Mr. Kuykendall confirmed the location of the property, and he confirmed that he is moving the trailer on the property as a place to live during the remodeling of the house on the subject property. He plans to sell the trailer once he is completed with the remodeling process. Again Mr. Kuykendall commented about his relationship with the neighbors. Mr. Kuykendall and the board then discussed the progress of his work on the house during the last two years with Mr. Kuykendall gutting the house adding, a new furnace, new wiring, new drywall, blown insulation. The board questioned the plans to tear the roof and rafters off, as part of the roof replacement, after doing this work inside. The board questioned how temporary the trailer placement would be, noting the cost to put the trailer on the property. Mr. Kuykendall repeated his plans to sell and move the trailer once he has completed the house remodeling, in about two years. Mr. Kuykendall commented that if he can't sell the trailer he will scrap the trailer. The location of Carriage Lanes where the trailer is currently located was confirmed. Mr. Kuykendall confirmed it would cost \$5,000 to temporarily place the proposed mobile home on the subject property. The annual review of this case was then discussed. The Board questioned why the mobile home cannot be left where it is at during the remodeling process. Mr. Kuykendall related that he does not agree with all of the regulations the newest owners of Carriage Lanes have put in place.



Interested party Brian Girard the adjacent property owner across the street, questioned the temporary status of the proposed trailer and as to how long it is to be located on the property. He noted the lot across the street that he owns is vacant. Mr. Girard questioned as to where the people living in the subject house would be moving to. Mr. Girard does not like the mobile home living next to him, which is unoccupied. He prefers that people with trailers should live in a mobile home park. He bought property to prevent people from living near him. He commented about garbage etc. in the area. He questions how property value could be affected and that the people living in the homes adjacent to Mr. Kuykendall are renters. The location of Mr. Girard's house was confirmed.

Bob Noonan, 1609 Vermillion St., questioned the sewer and how a new separate pump is or is not needed for the trailer. This is a township issue. Janet Webster, 1615 S. Vermillion St., can directly see the situation, and she has picked up trash in the area and how some properties in the area are a mess. She noted that a camper was on Kuykendall subject property that had people living in, with her big question is on the temporary status of the proposed mobile home placement, considering the cost to place the mobile home on the property. Janet Webster noted how she has a lot of rental property near her. She questions the work done to the house with plans to tear the roof off now, and that Mr. Kuykendall has not talked with her, so he has not spoken to all of his neighbors. She does not want the trailer to stay there. Interested party George Williams, 1705 S. Park St., on the rear side of the Kuykendall property spoke. Mr. Williams remarked he believes he has a house valued around \$100,000, and he does not want any trailers in the neighborhood devaluing his property that he pays a lot of taxes on.

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

In closing statements Mr. Kuykendall noted he pays his taxes also, he noted that he does not have a junk yard with his camper at a campground during the summer. He has two vehicles that run and they do not pick up any trash from his yard, so he is questioning some of the interested parties concerns.

Joan Huisman moved, seconded by Richard Kiefer, that the Livingston County Zoning Case V-4-16 be approved to allow for a mobile home to be located on the same property as an existing residence in an R2, Low Density Multiple Family Residence, District, with the approval of this variance having a required annual review. Along, with a variance in the age requirements of the mobile home proposed to be placed on the subject property being more than ten years of age.

The zoning board of appeals members discussed this motion. Questioning with pouring concrete and investing \$5,000 in a temporary placement of the mobile home, as to if his will truly be a temporary housing arrangement. Mr. Kuykendall's helper lives in the house now, and would move into the trailer. The significant difference in this request to past requests was noted, in that in the past a family member with failing health in rural areas has been allowed.

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

Cornale	- No	Vitzthum	- No
Kiefer	- No	Runyon	- No
Huisman	- No	Nielsen	- Absent (Did not vote)

Case SU-4-06 – Review - Kahle

This zoning request pertains to review a request for the continuation of a special use to allow for the continued location of an airport (landing strip) in an AG, Agriculture, District. The subject property in this zoning case is a parcel of land being part of the Northeast portion of Section 1 of Germanville Township. The zoning administrator referenced his report, exhibits and other information relative to this zoning case.

Neither the applicant nor the applicant's representative was present to discuss this zoning case review with the zoning board of appeals. They had called the zoning administrator, and informed him that the grass landing strip is still in place and is occasionally used as an agricultural aerial application landing and product loading site. In this phone call the applicant expressed that they would like to continue this special use. The applicant further explained that because of his handicap it is challenging for him to attend zoning board of appeals meetings. The property owners notified of this review were noted.

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

Joan Huisman moved, seconded by Richard Kiefer, that the Livingston County Zoning Case SU-4-06 – Review e approved to allow for the special use for the property to be used for the continued location of a landing strip for agricultural aerial application and product loading in an AG, Agricultural, District, with this zoning case to be reviewed again in 3 years unless otherwise determined by the zoning administrator.

This motion was approved by a roll call vote.

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

Case ZT-2-16 – County Board of Livingston County

This zoning request pertains to a request pertaining to an application for a zoning text amendment to the Count Code of Ordinances, Livingston County, Illinois, Chapter 56 Zoning which will add regulations pertaining to Solar Farms. The zoning administrator reviewed a copy of the proposed Solar Farm text amendments with the zoning board of appeals members, along with some background information on solar farm locations, solar farm regulations, and the reasoning for the current proposal.

The zoning board of appeals members had a conversation as to how this is a new proposal to them and they would like more time to review this matter.

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 table zoning case ZT-2-16 for further review at their next meeting, allowing more time to review the proposed solar farm regulations.



This motion was approved by a roll call vote.

Cornale - Yes  
Kiefer - Yes  
Huisman - Yes

Vitzthum - Yes  
Runyon - 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. The zoning board members were informed that licensing dog groomers is not needed. Zoning regulations on home occupations was presented to the zoning board of appeals. The zoning board of appeals then agreed to allow for the zoning administrator to administrate this matter as he sees proper.

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 April 20, 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 their next scheduled meeting is to be held May 5, 2016 at 7:00 p.m., though this meeting may be cancelled since no cases are pending for review at this meeting.

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

This meeting was adjourned at 9:30 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 that reads "Charles T. Schopp". The signature is fluid and cursive, with the first name "Charles" being more prominent than the last name "Schopp".

Charles T. Schopp, Secretary  
Livingston County  
Zoning Administrator