

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

Regular Meeting  
7:00 p.m.

June 9, 2016

The meeting came to order and roll call was taken.

Members Present: Michael Cornale, John Vitzthum, Richard Kiefer, William Gerber, Joan Huisman and Connie Casey.

Member Absent: Richard Runyon.

New Zoning Board of Appeals members William Gerber and Connie Casey were welcomed.

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 John Vitzthum moved, seconded by Joan Huisman, that the agenda for this June 9, 2016 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 April 20, 2016 meeting be approved as presented. This motion was approved by a unanimous voice vote.

Business:

Case SU-5-06 – Review – Lanz

This zoning request pertains to review of a special use to allow for the continued use of a contractor's storage facility in an AG, Agricultural, District. The subject property in this zoning case is an irregularly shaped parcel of land generally located in the Northeast corner of the Northeast Quarter of Section 7 of Fayette Township, at 24978 E – 200 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.

Troy Lanz, 249788 E – 200 North Rd., Strawn, IL, presented testimony relative to this zoning case as the applicants for this zoning case. Mr. Lanz related that they had vacated the office building on this property, with the main business being in Champaign. So that building is now used for storage and as a work out building. The main storage building on the subject property has storage for the equipment, air conditioners and so forth that they bring back from Champaign that they recycle. He also stores his boat suburban, jet skis etc. in the building. The day to day operation of his business is in Champaign.

The zoning board inquired to make sure the building size is adequate, if Mr. Lanz confirmed the building was adequate in that he does not need to store items outside. In a question regarding employees on the property, Mr. Lanz replied that himself and one of his son's generally does the recycling work on the property.

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

Mr. Lanz did not make a closing statement.

Joan Huisman moved, seconded by Richard Kiefer, that the Livingston County Zoning Case SU-5-06 – Review be approved to allow for the subject property to be used for the continued location of a contractor's storage facility of a building for the storage and dismantling of used heating and air conditioning components that are part of the applicant's business, in an AG, Agricultural, District with the condition that this 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	- Absent (Did not Vote)
Gerber	- Yes	Huisman	- Yes
Casey	- Yes		

#### Case SU-3-14 – Review – Ken's Oil Service

This zoning request pertains to review a request for a special use to allow for the continued special use of an upgrade of an existing bulk storage of petroleum products facility, on the subject property in an AG, Agricultural, District. The subject property in this zoning case is 1.51 acre parcel of land located in the Southeast Quarter of Section 21 of Forrest Township. The zoning administrator presented his report, exhibits and other information relative to this zoning case.

Ken Edelman, 508 East -1400 North Rd., Sibley, IL, representing the applicant in this zoning case presented testimony relative to this zoning case. Mr. Edelman handed out copies of aerial google maps of the property to the zoning board of appeals members of which he commented about. Mr. Edelman noted that the adjoining pallet business had burned down since he last appeared before this board, and that this business was reconstructed on the south edge of the pallet and crating business property to provide as much space as possible between that wood related business and the subject Ken's Oil Service storage facility.



Mr. Edelman then explained plans to widen an existing entrance and to make it a concrete entrance, and that they moved their power pole to be near the road right of way and they then buried all of their power lines that service their property.

All structures on the subject property are generally metal or earthen except for a DEF storage structure which is wooden. Mr. Edelman then noted he had brought his compliance document binder, regarding all of the regulations from the various agencies. The zoning board members discussed with Mr. Edelman his containment structures and how it retains, and how he disposes of water in the containment facility. They then discussed the status of the IDOT permit for the proposed new entry way.

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

Mr. Edelman did not have a closing statement.

Joan Huisman moved, seconded by William Gerber, that the Livingston County Zoning Case SU-3 -14 Review be approved allowing for the continuation of a special use of an upgrade to an existing bulk storage of petroleum products facility on the subject property in an AG, Agricultural, District, with the previously approved conditions with this zoning case to be reviewed again in three years, unless otherwise determined by the zoning administrator.

The new DEF regulations and the building for the DEF were discussed.

This motion was approved by a roll call vote.

Cornale	- Yes	Vitzthum	- Yes
Kiefer	- Yes	Runyon	- Absent (Did not Vote)
Gerber	- Yes	Huisman	- Yes
Casey	- Yes		

#### Cases V-6-16 - Redwood Mobile Home Park

This zoning request pertains to review a request for variations in zoning regulation requirements to allow for accessory utility buildings to be located one foot instead of ten feet from the front lot line, in a MH, Mobile Home, District. The subject property in this zoning case is a 23.08 acre mobile home park, located in unincorporated Pontiac, in Section 15 of Pontiac Township, at 15242 E – 1830 North Rd. The zoning administrator presented his report, exhibits and other information relative to this zoning case.

Amanda Nicol, 513 W. Madison St., Pontiac, IL, manager of the Redwood Mobile Home Park, presented testimony relative to this zoning case. Amanda Nicol explained that their water meter and water main access pits are very outdated and they have not been updated in over thirty years. Amanda Nicol then commented that they had been notified by Illinois American Water that they are to update their water access system, to include a dual check valve, which they do not have now. Amanda Nicol then related they had a time line, and that Illinois American Water had sent two different letters since they had two different pits. Amanda Nicol offered to let the zoning board to read these letters. She mentioned that they have a higher water table and that the valve and metering system is frequently completely under water, making it difficult to read the meters. Amanda Nicol then confirmed that valves and meters are currently in the pit.

Amanda Nicol related that the proposed sheds are to be built out of wood, and that they would consider reducing the height, because of sight line issues, from the mobile home park drives out onto the public access road. Amanda Nicol noted a problem with a 10 foot setback distance is that they would placing the one buildings on the sidewalk of one of their park homes, near the west side utility pit area.

The zoning board of appeals members and Amanda Nicol then discussed options, including special shelter structures for valve boxes. These structures would not be as tall as a regular building. The structures are to be heated by using electric floor heaters, with plans to run electricity to the buildings. They zoning board and Amanda Nicol then conversed about options of moving the proposed structures further from the road, with some concern with a 1 foot setback distance. Amanda Nicol is unsure as to how far they may be able to move the structures. They then discussed the intentions of the buildings and the height of the proposed buildings. What would be the right fixtures for the application were discussed. The Zoning Board of Appeals members are concerned about impeding views and traffic. It was reasoned that the east site may be okay after it is further reviewed. The proposed building dimensions of 8 wide by 10 long were discussed, with an unsurance on the height of the building. The height of the building will need to be clarified. Mr. Cornale showed pictures of examples of hot boxes on his phone. The cost of the hot boxes was then discussed. These hot boxes would be a lot lower. They discussed sight line concerns that exist especially on the west site. The time line for construction was then discussed, along with how far these structures can be moved back. The company decision makers will need to be contacted to discuss the options. Options on structures and setback distances can be discussed by Amanda Nicol and her supervisors.

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

Tabling the case was then discussed. Guidance for what is expected was talked about. Setback distances being at least four feet was discussed. A hot box would be an ideal situation or a building similar to a hot box would be acceptable. A recommended height of four feet max was then discussed. Tabling the proposal was then discussed.

Joan Huisman moved, seconded by John Vitzthum, that the Livingston County Zoning Case V-6-16 be tabled until the July 7, 2016 meeting.

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

Cornale	- Yes	Vitzthum	- Yes
Kiefer	- Yes	Runyon	- Absent (Did not Vote)
Gerber	- Yes	Huisman	- Yes
Casey	- Yes		

#### 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 in Champaign and in LaSalle County, solar farm regulations, and the reasoning for the current proposal.



The zoning board of appeals members were informed that the Livingston County Regional Planning Commission had reviewed this zoning case, and they recommend that the setback distance from residentially zoned lots and existing residential properties, on the bottom of page 1 #6 Setbacks of this proposed text amendment, be increased from 100 feet to 300 feet, with the potential to have this setback distance waived.

The planning commission reasoning for this suggested change is to allow for more of a buffer area between a solar farm and a residentially zoned or used property, and to allow more room for the placement of a screen or a fence that may be required by the discretion of the board.

Also on page 4 number 7 four lines up from the bottom of the proposed text amendments should read shall, not may, in regard to decommissioning security financing.

The kind of security options were then discussed and how the options should be written into the proposed text amendment, was also discussed. Residential properties were discussed to make sure mobile home parks are included. The measurement of the 300 feet from the fence, the equipment or the edge of the property was discussed. These measurement points will also be clarified. Then the dialogue went to language under number 7 vegetative buffer. The height of the vegetative buffer was discussed, the language to put and if it does not meet that. A discussion then followed about how soil types can sometimes hinder growth. So this vegetative growth area shall be further studied in regard to be more specific on vegetation, soil types or at least proposed growth of species, possibly dependent on soil types. A berm may have amended soil. Variances approval in number 6 by the Zoning Board and County Board approving number 7, a need to clarify. Decibel levels regulations were then discussed, in relation # 9 to how they could be controlled. It was confirmed that the noise level is measured at the property line.

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

No closing statements were made.

Joan Huisman moved, seconded by William Gerber, that the Livingston County Zoning Board of Appeals table zoning case ZT-2-16 for further review at their July 7, 2016 meeting, allowing more time to review the proposed solar farm regulations.

This motion was approved by a roll call vote.

Cornale	- Yes	Vitzthum	- Yes
Kiefer	- Yes	Runyon	- Absent (Did not Vote)
Gerber	- Yes	Huisman	- Yes
Casey	- Yes		

Other Business:

A briefing on proposed amendments to the Livingston County Wind Energy Regulations was made to the Zoning Board of Appeals members. The Zoning Board of Appeals members were provided with copies of the proposed wind regulations text amendment(s), copies of the May 3 and May 10, 2016 Agriculture, Zoning and Emergency Services Committee meeting(s) minutes, at which the proposed recommended text amendments were discussed and finalized, and with copies of Pontiac Daily Leader articles in which the two previously noted committee meetings and the May Livingston County Board meeting are the subject of these newspapers articles in which reference to the wind energy regulations text amendments is made.

This presentation at this evening meeting is informational/administrative only, with no comments to be made. It was expressed that a zoning case relating to these proposed amendments will be formally considered by the Zoning Board of Appeals members at their July 7, 2016 meeting. Additional meeting dates were discussed. The Zoning Board of Appeals members agreed to schedule an additional meeting on July 12, 2016, @ 7:00 pm. Additional meeting can be scheduled as needed in the future.

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 June 9, 2016 meeting be approved as presented. This motion was approved by a unanimous voice vote.

Public Comments: None

General Discussion and Informational Update:

The Zoning Board of Appeals members were updated on the Pleasant Ridge legal complaint status.

The Board was informed that their next scheduled meeting is to be held July 7, 2016 at 7:00 p.m., though this meeting may be cancelled since no cases are pending for review at this meeting.

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

This meeting was adjourned at 8:20 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,



Charles T. Schopp, Secretary  
Livingston County  
Regional Planning Commission