

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

Regular Meeting  
7:00 p.m.

November 10, 2016

The meeting came to order and roll call was taken.

Members Present: John Vitzthum, William Gerber, Connie Casey and Joan Huisman.

Member Absent: Michael Cornale, Richard Kiefer and Richard Runyon.

Agenda:

Chair Huisman mentioned the agenda. Then John Vitzthum moved, seconded by Connie Casey, that the agenda for this November 10, 2016 meeting be approved as presented. This motion was approved by unanimous voice vote.

Minutes:

Chair Huisman mentioned and gave time for the minutes from the last meeting to be read. Then John Vitzthum moved, seconded by William Gerber, that the minutes of the October 6, 2016 meeting be approved as presented. This motion was approved by a unanimous voice vote.

Business:

Case SU-1- 16 – Enbridge Energy

This zoning request pertains to review of a request for a special use to allow for a contractor's storage yard, to include a storage yard and a maintenance building which will include office space, 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 West One-half of the Northwest Quarter of Section 34 of Esmen Township. The zoning administrator presented his report, exhibits and other information relative to this zoning case. Updated copies of a site plan and of a private sewage disposal system plan were presented to the zoning board of appeals. A letter pertaining to the approval of a private sewage disposal system from Donnie Simmons of the Livingston County Public Health Department was read by the zoning administrator.

Representing the applicant Enbridge Energy, were Jacob Gancarczyk, Counsel, of Spesia and Ayers, Attorneys at Law, 1415 Black Road, Joliet, Illinois, John Spesia Counsel, of Spesia and Ayers, Attorneys at Law, 1415 Black Road, Joliet, Illinois and Cheryl Harvey, Sr. Advisor, Public and Government Affairs, Enbridge Energy, Matt Comeaux, Supervisor, Regulatory Law & Affairs, Enbridge Energy and Leonard Hebert, project manager – project execution Enbridge Energy and Patrick Schoenfeldt, project architect, Studio Architecture, 816 North Walker, Suite, 100 Oklahoma City, OK.

Jacob Gancarczyk presented an overview of this property development proposal, and recent development on the property. In regard to the septic system plan Mr. Gancarczyk noted a meeting that had taken place with Enbridge representatives and Donnie Simmons at the Livingston County Public Health Department, at which a draft septic system plan was discussed, with the new plan before the zoning board reflecting the changes recommended by Mr. Simmons at this meeting. Mr. Gancarczyk then remarked about the septic system plan and the revised site plan. The zoning board asked that the changes on the site plan be noted. Mr. Gancarczyk noted the new location of the fence line and tree line, along with the new location of a leach field. Also the retention area was reduced in size after it was engineered. The board and Mr. Gancarczyk and Mr. Schoenfeldt then discussed a few details on the septic plan changes and on the retention pond size, after they had been further planned and engineered. The status of a general contractor for this project was then discussed.

Area resident Mark Heil, 15863 E – 2120 North Rd., Pontiac, a resident in the subdivision in the vicinity of the subject property, then commented about Enbridge development plans. Mr. Heil asked to and then he reviewed the septic system plans. He questioned a need for any studies on water flow, in that he and his neighbors are concerned about pollution getting into their wells and septic systems with everything going on. They are concerned in that they do not know what will come out of this septic system or which way it will flow. It was noted that the county health department reviews septic system permits. It was then explained about the soil samples that had been taken, that assisted with the leach field location and size. The holding tank for the shop waste was then discussed. Mr. Heil then asked if the lighting for this facility would be shrouded lighting. It was explained that they are planning on using dark sky lighting. Mr. Heil asked if the Gilbert home recently purchased by Enbridge had to be purchased at the selling price because of concerns on how it would be affected by the development. It was not explained as to how this sale was related to this special use proposal.

Area resident and property owner Charlotte Ford, 15845 E – 2120 North Rd., Pontiac, commented about this zoning case. Mrs. Ford related to where the residential subdivision in which she lives is located. She had a question about as to if local labors will be used for this construction project. It was noted that the general contractor will be from Bloomington, so they will use union workers, hired by union contractors.

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

Mrs. Ford had no closing statement.

Mr. Heil had no closing statement.

In her closing statement Mr. Gancarczyk asked for the zoning board's approval.

William Gerber moved, seconded by Connie Casey, that the Livingston County Zoning Case SU-1-16 be approved to allow for a special use to allow the property to be used for a special use allowing for a contractor's storage yard, to include a storage yard and a maintenance building which will include office space, in an AG, Agricultural, District, as proposed by the applicant.

The Zoning Board of Appeals then discussed this special use proposal. .



This motion was approved by a roll call vote.

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

#### Case V-8-09 Review – Folkerts

This zoning case pertains to a review of a variance in mobile home location requirements, in an AG, Agricultural, District. The subject property in this zoning case is a one acre parcel of land located in the Southeast Quarter of Section 21 of Nebraska Township, at 17513 N – 300 East Rd., Flanagan, IL. The zoning administrator presented his report, exhibits and other information relative to this zoning case.

Glen Folkerts, 17525 N – 300 East Rd., Flanagan, IL, the property owner and applicant representative in this zoning case, presented testimony relative to this zoning case. Mr. Folkerts commented that his father-in-law still lives in the manufactured home in question. Mr. Folkerts related that it is a nice place on a permanent home on a block foundation. Mr. Folkerts confirmed that he lives across a lot area on his own area residential lot. So they can keep an eye on his father-in-law. The condition of the manufactured home was then discussed.

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

In his closing comments Glen Folkerts requested that this zoning case be reviewed again in three years.

John Vitzthum moved, seconded by Connie Casey, that Livingston County Zoning Case V-8-09 – Review be approved, to allow for the continued location of a mobile home on the subject property, with this zoning case to be reviewed again in three years, unless otherwise determined by the Livingston County Zoning Administrator.

This motion was approved by a roll call vote.

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

#### Case V-4-01 Review – Meister-Arwood

This zoning case pertains to a review of a request for a special use, to allow for the continued location of a manufactured home, in an AG, Agricultural, District. The subject property in this zoning case is a 5 acre parcel of land located in the Southeast Quarter of Section 6 of Esmen Township. The zoning administrator presented his report, exhibits and other information relative to this zoning case.

Lois and Lester Meister, 26153 N – 1290 East Rd., Cornell, IL., the property owners in this zoning case, presented testimony relative to this zoning case. Mrs. Meister commented that this manufactured home is occupied and very well maintained. The zoning board of appeals and the Meisters discussed the age and type of manufactured home. The history of this mobile home placement on the subject property was explained.

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

No closing comments were made.

John Vitzthum moved, seconded by Connie Casey, that Livingston County Zoning Case SU-4-01 – Review be approved, to allow for the continued location of a manufactured home on the described property, with this zoning case to be reviewed again in three years, unless otherwise determined by the Livingston County Zoning Administrator.

This motion was approved by a roll call vote.

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

#### Case SU-2-15 Review – Brian Pflibsen

This zoning case pertains to a review of a special use that allows for a shooting range, indoors, and a rental services business part of property development 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 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 copies of minutes from past meetings at which this request was reviewed and initially approved. A copy of these minutes includes a list of the conditions placed on the initial approval of this zoning case. Copies of photos of the current status of the foundation work for the project were part of this report.

Brian Pflibsen, 822 State Route 18 East, Streator, IL, the applicant and property owner regarding this zoning case, provided testimony relative to this zoning case. Mr. Pflibsen related that he continues to construct the foundation for his building addition, and that he will have about 60 feet of the 300 feet of foundation wall left to construct. Then they will pour the floors, followed by the lid. Mr. Pflibsen mentioned a robbery at his gun shop business has set them back about 3 months with the addition construction project. The zoning board of appeals asked that Mr. Pflibsen compare his foundation progress in comparison to the photo. In a discussion with Mr. Pflibsen the zoning board confirmed that he plans on continuing to develop the shooting range, an archery range, adding archery merchandise for sale, and a small tool rental business. Some of the tool rental business will have some outside storage, and he is still looking at a small coffee shop. A time frame for this project was discussed. He would like to have the concrete work done in about a month, and then he hopes to have the business open in the upcoming Spring or early Summer. A steel floor over the top of the lower level shooting range was discussed. Mr. Pflibsen confirmed he had started construction on the additions project this past Spring. The zoning board then discussed with Mr. Pflibsen how he has increased his security since his robbery, and Mr. Pflibsen related the repairs he had to do to the building after the robbery, included driving a vehicle through the building doors and through the building. The front end and west end of the building have been hardened. Parking and the removal of dirt piles on the open areas of his property was then discussed. The outside of storage of rental equipment was related to.

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

Mr. Pflibsen had no closing statement.



John Vitzthum moved, seconded by William Gerber, that Livingston County Zoning Case SU-2-15 – Review be approved to allow for a continuation of a special use that allows the subject property to be used as a shooting range (indoors), and for a rental services business, with the conditions that were stipulated by the zoning board of appeals at their November 15, 2015 hearing, including that this zoning case be reviewed again in one year, unless otherwise determined by the zoning administrator.

This motion was approved by a roll call vote.

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

#### Case SU-10-95 Review – Erdman

This zoning case pertains to a review of a request for a special use permit to allow for a site that permits for the continued placement of a mobile home to be used for farm labor housing, in an AG, Agricultural, District. The property in question in this zoning case is a tract of land being part of the Northwest Quarter of Section 32 of Indian Grove Township. The zoning administrator remarked that Myron Erdman called the county planning and zoning office after receiving notice for this hearing. Mr. Erdman confirmed that the mobile home in question is vacant, and that he plans on having the mobile home in question demolished this winter. The zoning administrator suggested that the zoning board of appeals allow Mr. Erdman to work on the demolition of this mobile home until March of 2017, then if this mobile home is not demolished by April 2017 this zoning case will be placed on the meeting agenda for the Livingston County Zoning Board of Appeals to review in the Spring of 2017. It was the consensus of the Livingston County Zoning Board of Appeals that this would be an appropriate way to address the status of this zoning case.

#### Case SU-4-15 Review – Huette

This zoning case pertains to a review of a request for a special use permit to allow for a contractor's storage yard, for an office and shop, with the shop to be used 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 Quarter of Section 34 of Indian Grove Township. The zoning administrator informed the zoning board of appeals that as part of this report presented to the zoning board of appeals members regarding this zoning case, the last page of this report is a copy of correspondence from Mr. Huette to zoning administrator Mr. Schopp in which Huette states that, "Regarding zoning case SU4-15. I am no longer pursuing the special use permit for this site." Under these circumstances the zoning administrator recommended that this special use be rescinded.

John Vitzthum moved, seconded by Connie Casey, that Livingston County Zoning Case SU-4-15 – Review that allowed for a special use allowing the subject property to be used as a contractor's storage yard, in an AG, Agricultural, District, be rescinded.

This motion was approved by a roll call vote.

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

Case V-4-02 - Review - Moritz

A representative of this zoning case was not present at this meeting to present testimony pertaining to this variance. The zoning board of appeals desires that a representative of this zoning case be present when they review this variance. Therefore, the applicant will be contacted once again and this zoning case will be scheduled for a future zoning board of appeals meeting.

Other Business:

The Livingston County Zoning Board of Appeals discussed a date at which to continue their hearing regarding this zoning case on the wind energy text amendment. They agreed to meet on December 7, 2016 at 7:00 pm, in this Historic Courthouse. The Livingston County Zoning Board of Appeals then determined that will plan to conduct their regularly scheduled meeting on December 8, 2016.

Approval of the Findings of Fact and Decision:

John Vitzthum moved, seconded by Connie Casey, that the zoning board of appeals approve the findings of fact and decision for those cases in which a decision had been made by the Livingston County Zoning Board of Appeals at this meeting. This was approved by a unanimous voice vote.

Public Comments: None

General Discussion and Informational Update:

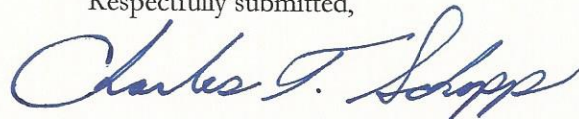
A discussion then took place in which the zoning board of appeals discussed when to meet again. The need to meet to finalize the recommendations of the wind energy text amendment was discussed, along with their regular meeting being set for December 8, 2016 being discussed. After discussing potential meeting dates and meeting start times, the zoning board of appeals agreed to meet on December 7, 2016 @ 7 pm. to discuss finalizing their recommendations relating to the wind energy text amendment, and to hold their regularly scheduled December 8<sup>th</sup> meeting at 7:00 pm as previously planned.

Then John Vitzthum moved, seconded by Connie Casey, 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,

A handwritten signature in blue ink, reading "Charles T. Schopp". The signature is fluid and cursive, with the first name "Charles" being the most prominent part.

Charles T. Schopp, Secretary  
Livingston County  
Regional Planning Commission