

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

Regular Meeting
7:00 p.m.

August 6, 2020

The meeting came to order and roll call was taken.

Members Present: Richard Kiefer, Richard Runyon, William Flott, Dave Randolph and Joan Huisman.

Members Absent: Joe Stock, Neil Turner

Approval of the Agenda:

Chair Huisman noted the agenda for this meeting. William Flott moved, seconded by Richard Kiefer, that the agenda for this August 6, 2020 meeting be approved as presented.

This motion was then approved by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Absent – Did not Vote
Randolph-	Yes	Turner –	Absent – Did not Vote
Huisman -	Yes		

Approval of Minutes:

The minutes of the June 4, 2020 meeting were noted to the zoning board members. It was noted that on the top of page 2 of these draft minutes the vote should be noted as a voice vote and not a roll call vote. The minutes were amended to reflect this. Then Richard Kiefer moved, seconded by Dave Randolph, that these amended minutes be approved.

This motion was then approved by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Absent – Did not Vote
Randolph-	Yes	Turner –	Absent – Did not Vote
Huisman -	Yes		

Business to be reviewed;

Case V-1-20 – Haley

This zoning case pertains to a proposed two lot subdivision, with a proposed variance in the lot frontage on one of the proposed lots in an AG, Agriculture, District. This variance in lot width in at as this property is proposed to be divided with one lot having a width of 113.24 feet instead of 150 feet. The subject property in this zoning case is a 10.01 acre tract of land located in the Southwest Quarter of Section 25 of Odell Township, at 23451 E – 2200 North Rd., Odell, IL. The zoning administrator presented his report, exhibits and other information relative to this zoning case. The zoning board of appeals was informed that the Livingston County Regional Planning Commission had reviewed this zoning case, and that this planning commission has recommended that this proposed subdivision be approved including the lot with the proposed 113. 24 feet lot width.

James Haley, 23451 E – 2000 North Rd. representing the applicant and property ownership in this zoning case, presented testimony relative to this zoning case. Mr. Haley related that this was his parent’s property, and that they had lived on one house on the property and he had lived on the second house on the property. Both of his parents are now deceased and that they would like to separate the property to reflect on lot with a house for his brother and one lot with his house.

The zoning board then inquired about the narrow strip of ground on the east side of the existing land. Mr. Haley related that this narrow strip would be sold to the adjoining farmer with the other farm ground, and that he did not need this narrow strip as it would require extra maintenance to mow etc., and this lot has the requested frontage along the road.

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

Mr. Haley had no closing comments.

Richard Runyon moved, seconded by William Flott, that Livingston County Zoning Case V-1-20 be approved allowing for a variance in the a lot width to allow for a lot to be 113.24 feet wide instead of 150 feet wide in an AG, Agriculture, District.

This motion was then approved by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Absent – Did not Vote
Randolph-	Yes	Turner –	Absent – Did not Vote
Huisman -	Yes		

Case ZM-2-20 – Essman

This zoning case pertains to a proposed two lot subdivision with a proposed zoning district map classification amendment from an AG, Agriculture, District classification to an RA, Rural Residence, District classification to allow for the proposed subdivision lots to be smaller meeting the proposed lot size guidelines. The subject property in this zoning case is a 1.25 acre tract of land located in Section 3 of Reading Township, at 2102 Coalville, Rd., Streator, IL. The zoning administrator presented his report, exhibits and other information relative to this zoning case.

Dan Essman, 2102 Coalville Rd, Streator, IL. representing, the applicant and property ownership in this zoning case, presented testimony relative to this zoning case. Mr. Essman related that he would like to keep this land in the family. His mother lives on the property now, and he already takes care of the land. He would like to move on the property to reduce the properties he needs to care for. With his mother getting older he would like to live close to her to assist her.

The zoning board members asked for confirmation as to if the older mobile home on the property had already be demolished. Mr. Essman confirmed that this structure had been demolished by him last summer. The pad is still in place, but he plans on putting a full basement under a planned new residential structure. Water and sewer are in place for a second dwelling. The access lane south of the property was discussed, with an access lane going to a machine shed and farm land. The aerial with the black line on it was discussed in regards to the black line being the exact line for the property division. It was explained that this line may be exact, but is measured using the assessor’s office mapping measuring device.

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

Mr. Essman had no closing comments,

Richard Runyon moved, seconded by Dave Randolph, that the Livingston County Zoning Board of Appeals recommend to the Livingston County Board that Livingston County Zoning Case ZM-2-20 be approved allowing for the proposed zoning district map classification amendment from an AG, Agriculture, District classification to an RA, Rural Residence, District classification to allow for the proposed subdivision lots to be smaller meeting the proposed lot size guidelines.

This motion was then approved by a roll call vote.

This motion was then approved by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Absent – Did not Vote
Randolph-	Yes	Turner –	Absent – Did not Vote
Huisman -	Yes		

Case V-3-20 – Slagel

This zoning case pertains to a variance request regarding lot frontage for a proposed new building lot, with the proposed lot in an AG, Agriculture, District, proposed to have lot frontage of 30 feet instead of 150 feet. The property in question in this zoning case is a tract of land that is approximately 5 acres in size that is part of a 40.85 acre parcel of land, in Section 6 of Forrest Township. The zoning administrator presented his report, exhibits and other information relative to this zoning case.

Brandon Slagel, 11103 N – 2300 East Rd. representing , the applicant in this zoning case, presented testimony relative to this zoning case. Mr. Slagel related that his brother had bought this property, and that it has a natural building site on it and they would like to purchase five acres from his brother. These five acres sits back from the road several hundred feet and they do not want to purchase any additional property. Mr. Slagel commented on the proposed lane area to develop a 30 foot wide lane to access the five acres.

The zoning board members inquired about the location of the proposed building site, as shown on one of the aerial photos. Mr. Slagel confirmed the outlined proposed property purchase, and he explained why they did not plan on purchasing the property between the building site and the road. Mr. Slagel then related that they preferred to have an easement agreement to the road without purchasing the property. The board and Mr. Slagel then discussed potential issues with the easement if someone else purchased the land the easement would be on, and how ownership of this easement area would be prudent. Mr. Slagel then remarked that they could purchase this access area. A discussion took place in regards to as if more property would be purchased, would a variance be needed. Mr. Slagel indicated that this area is farm ground and pasture. The zoning administrator then explained the history of the 150 foot lot width requirement in an AG, district, along with the history of how this lot width issue in an AG, district has been addressed. Some zoning board members expressed how they dislike some variances, but this would preserve farm ground.

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

Mr. Slagel had closing comments,

Richard Kiefer moved, seconded by Dave Randolph, that Livingston County Zoning Case V-3-20 be approved allowing for a variance in the lot width requirement to allow for a lot width of 30 feet of road frontage instead of 150 feet in an AG, Agriculture, District, with the condition that they have ownership of the access lane area.

This motion was then approved by a roll call vote.

Kiefer – Yes
Flott – Yes
Randolph- Yes
Huisman - Yes

Runyon – Yes
Stock – Absent – Did not Vote
Turner – Absent – Did not Vote.

Case V-4-20 – Ken’s Oil Service

This zoning case pertains to a request in the zoning regulation requirements to allow for proposed improvement projects that would allow for the construction of a new farm building, and the expansion of the business operations of Ken’s Oil Service of which an exchange of land is being proposed creating an need for a variance in the lot area requirements in an AG, Agriculture, District. Reading Township. The zoning administrator presented his report, exhibits and other information relative to this zoning case.

Ken Edelman, 10080 N – 2315 East Rd, Fairbury, Matt Kilgus, 6778 N – 2150 East Rd., Fairbury, and Alex Dotterer, 23812 E- 1000 North Rd., Fairbury representing , the applicant and property ownership in this zoning case, presented testimony relative to this zoning case. Mr. Edelman related that he is currently land locked, in that he has placed a fence on the south end of his property to separate his trucks from the pallet business, and they do not have enough remaining room to develop their property as they desire. Mr. Edelman confirmed with an aerial photo the area he as discussing, in which Mr. Kilgus may use along with his own property to place a new shed for his operations. Mr. Edelman then commented about trading property to move his operations across the road. This potential development across the road would have hurdles for development with the IEPA. Mr. Edelman is asking if the zoning board would allow for Mr. Kilgus to put a shed in the previously discussed area, and will the zoning board allow them to cross the highway to improve their business operations with new development. Mr. Edelman related that 40 feet exists between his tanks and the pallet business to the south, and they are proposing to have a 40 foot area between his tanks and the proposed Kilgus building, with Kilgus’s proposing a building to be 184 X 80. Matt Kilgus related as to where the new property line between Ken’s Oil Service tanks and his building would be, using a drawing. It was related that an easement would be needed between these two parties if this property line would be moved closer to the tanks. Matt Kilgus then explained that his is one of their options, with a second option to move the new shed area across the road. They are trying to see what makes sense for everybody. Setback from the tanks was discussed in relation as to if state setback regulations on the fuel storage tanks would be met. The state setbacks would need to be met. The tanks existing setbacks was discussed, in relationship of the existing property development. Setback variations were further discussed, in reference to the property line. Mr. Edelman will consult with one of employees that administers regulations, in this case in regard to setbacks from the tanks. Especially from the new property line.

Mr. Edelman then discussed with the zoning board the area they would have their new development across the road. This would be a long process to walk through. It was noted that a separate special use would be needed to be approved for a specific new development. Mr. Edelman indicated that his tanks to the other side of the road. A discussion then took place in regard as to what the

existing tank area would be used for or would it be conveyed to adjoining property owner(s). Mr. Dotterer commented on the potential future plans. State setbacks from the proposed shed needing to be investigated were mentioned again. Mr. Edelman remarked that they are just exploring their options at this point. It was questioned that if a variance is approved, would anything be needed if the area across the road is not developed. So a question as to what needs to be done first is questioned. Land area variances were then discussed. Mr. Edelman commented that a lot of good questions are being asked. With no concrete plans at this time, specific variance issues are unknown at this time. Options on how the existing Ken's Oil property would transfer were discussed. Mr. Edelman related that they have started their property development planning, but they are not far enough along for specific approval, with a lot of regulations need to be met. Options with the existing land and potential development were discussed further. Mr. Edelman noted that he may more information in a month, so this could be tabled for a month to discuss a correct variance. The next zoning board of appeals meeting date is scheduled for September 3rd.

Bill Flott moved, seconded by Richard Kiefer, that Livingston County Zoning Case V-4-20 be tabled until the next zoning board of appeals meeting, to allow time for the applicant to get additional information regarding this proposed land development.

This motion was then approved by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Absent – Did not Vote
Randolph-	Yes	Turner –	Absent – Did not Vote
Huisman -	Yes		

Other Business:

Findings of Fact and Decision

Mr. Randolph moved, seconded by Mr. Flott, that the Finding of Fact and Decision for the three zoning cases approved or recommended on at this meeting be approved.

This motion was then approved by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Absent – Did not Vote
Randolph-	Yes	Turner –	Absent – Did not Vote
Huisman -	Yes		

Public Comment: None

Report of Officers: None

General Discussion:

Discussion took place on what review cases the zoning board would like to be brought up at their next meeting. It was agreed that Mr. Pflibsen's and Mr. Sember's special uses would be brought up for review in September, with a preference to review Mr. Ziegenhorn's campground special use next spring.

Adjournment:

The chair asked for a motion to adjourn. Then Dave Randolph moved, seconded by Richard Kiefer, that this meeting be adjourned. This motion was approved by roll call vote.

This motion was then approved by a roll call vote.

Kiefer – Yes
Flott – Yes
Randolph- Yes
Huisman - Yes

Runyon – Yes
Stock – Absent – Did not Vote
Turner – Absent – Did not Vote

This meeting was adjourned at 8:35 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