

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

Regular Meeting
7:30 p.m.

October 8, 2020

The meeting came to order and roll call was taken.

Members Present: William Flott, Joe Stock, Dave Randolph and Joan Huisman.

Members Absent: Richard Kiefer, Richard Runyon, Neil Turner

Approval of the Agenda:

Chair Huisman noted the agenda for this meeting. Dave Randolph moved, seconded by Joe Stock, that the agenda for this October 8, 2020 meeting be approved as presented.

This motion was then approved by a roll call vote.

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

Approval of Minutes:

The minutes of the August 6, 2020 and September 3, 2020 meetings were noted to the zoning board members. With the addition of Bill Flott's name to a motion left blank on the August 6, 2020 minutes Bill Flott moved, seconded by Dave Randolph, that these amended minutes be approved.

This motion was then approved by a roll call vote.

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

Business to be reviewed:

Cases SF-3-20 & V-7-20 – Carroll

This zoning case pertains to a proposed two lot subdivision, with a proposed variance in the road frontage on one of the proposed lots in an AG, Agriculture, District. The variance in road frontage at this property is proposed to have lot 1 with a road frontage of 30 feet instead of 150 feet. The subject property in this zoning case is a 4.36 acre tract of land located in the Northeast Quarter of Section 23 of Rooks Creek Township, at 17733 N – 1090 East Rd., Pontiac, 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 30 foot road frontage in lot 1. The history of the division of this property was also reviewed.

Alan Schrock, 307 W. Washington St., Pontiac, an attorney and Steve Carroll representing the applicants and property ownership in this zoning case, presented testimony relative to this zoning case. Mr. Schrock related that this was the applicants' property, and that one of the applicants, Steven's, mother had recently been moved to a nursing home, leaving her residence unoccupied. Therefore, the applicants in this zoning case were seeking to move into Steven's mother's residence and selling their current property to his son, Stevie. In order to properly obtain financing for the property, the financial institution desired to have the farming operation-related buildings divided from the residential portion of the property. Mr. Schrock also review history of the property and the estates of the parents. Mr. Schrock explained the reasoning for the proposed lot width variance. Mr. Schrock commented about how an easement would be created to allow for the continued access to the rear lot.

The zoning board then inquired about the well and electricity that services the house as well as the farm buildings. Mr. Schrock explained that there would be an easement provided for access to utilities on the property. Members on the board also inquired if the 30 foot access into lot 1 would be sufficient width to access the lot from the road which was confirmed.

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

Mr. Schrock thanked the board for hearing the case.

William Flott moved, seconded by Dave Randolph, that Livingston County Zoning Case V-7-20 be approved allowing for a variance in the lot width to allow for a lot to be 30 feet wide instead of 150 feet wide in an AG, Agriculture, District.

This motion was then approved by a roll call vote.

Kiefer – Absent – Did not vote
Flott – Yes
Randolph- Yes
Huisman - Yes

Runyon – Absent - Did not vote.
Stock – Yes
Turner – Absent – Did not vote.

Case V-5-20 – Carroll

This zoning case pertains to a proposed variance in road frontage in a lot located in an AG, Agriculture, District to allow for 30 feet of road frontage to the lot rather than 150 feet as normally required. The zoning administrator presented his report, exhibits and other information relative to this zoning case.

Alan Schrock, 307 W. Washington St., Pontiac, an attorney and Steve Carroll representing the applicants and property ownership in this zoning case, presented testimony relative to this zoning case. Mr. Schrock explained that the subject property of this case, which is located in Section 23 of Rooks Creek Township, Pontiac, IL. Mr. Schrock noted that this is an existing lane to the existing house of which they would like to divide off of the farm land. Mr. Schrock explained that the easement that he proposed would serve the applicant's needs as effectively as ownership of the property. Mr. Schrock related as to how much less land is involved in the proposed 30 foot wide area, in comparison to an area 150 feet wide. The history of this property and the information about the estate was presented by Mr. Schrock.

The zoning board inquired about the existing lane in reference to exhibit 4 of the zoning office report for this zoning case. Steve Carroll commented about this lane and how it is only used by the family, with the exception of Mr. DeWald on the north end of the lane having permission to access on of his buildings from this lane. The remaining houses use the lane to the east of those houses for access to their houses. Then exhibit 7 of the zoning report, a plat of survey, was referenced in regard to the proposed house lot, of which it was confirmed that this lot would be about 2 acres in size. Then the lane area and access as marked on this exhibit was further discussed. Discussion then continued about this being proposed as a permanent easement.

Huisman believed there was a recent case that had similar characteristics to this case in which the zoning board of appeals required the purchase of the 30 foot access area to that property, as opposed to it being an easement to access that proposed building site. Huisman wanted to make sure that the board was being consistent in their rulings and felt that perhaps a review would be necessary. The time frame in which this decision needed to be made was discussed. Discussion continued in reference to the options of this lane area being and easement or under ownership with the house lot. Easement versus ownership was then discussed.

The applicant commented that the proposed easement for this property is preferred, but that could confer with the family about the ownership of this lane area. Some zoning board members commented about how they prefer ownership of the lane, so that potential issues in the future could be deterred.

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

Mr. Schrock understood the concern for consistency and the applicants communicated that they were not in a hurry to get this request granted and it would be acceptable to table the matter.

Joe Stock moved, seconded by Dave Randolph, that Livingston County Zoning Case V-5-20 be tabled to allow for review of past cases to allow for the applicant to inquire about the potential of purchasing this 30 foot wide access area to become part of the subject property.

This motion was then approved by a roll call vote.

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

Case ZM-3-20 – Renner

This zoning case pertains to a zoning map amendment request to change the classification of the subject property currently zoned as a C1, Local Business, District to an R2, Low Density Multiple Family, District. The subject property is located at 103 W. Livingston Rd. in Streator. The assistant zoning administrator presented a summary as well as exhibits pertaining to this zoning case.

Michael Renner, 332 W. Livingston Rd., Streator, IL, representing himself in this zoning case, presented testimony relative to this zoning case. Mr. Renner stated that his father, Eugene, recently passed away and that he was in the process of selling his residence, the subject property. The financial institution representing the potential buyer desired to have the house zoned as part of a residential district rather than a business district.

The zoning board members inquired as to whether the residence had ever housed a business or ever participated in business-related operations. Mr. Renner stated that his father lived in the house for 53 years and that it was only used as a residence the entire time. Mr. Renner added that many years ago, the building which is now planet pizza was built and housed a business and that for some reason, the entire block was zoned as a local business district. Mr. Renner commented an aerial photo that showed how the planet pizza property was developed and how the subject property was developed. It was confirmed that a Planet Pizza parking area was located behind the subject house.

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

Mr. Renner has no closing comments,

William Flott moved, seconded by Joe Stock, that the Livingston County Zoning Board of Appeals recommend the approval of Livingston County Zoning Case ZM-3-20 to allow for a zoning map amendment request to change the classification of the subject property currently zoned as a C1, Local Business, District to an R2, Low Density Multiple Family, District.

This motion was then approved by a roll call vote.

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

Case ZM-4-20 & V-6-20 – Dollar General

This zoning case pertains to a request for a zoning map amendment to amend the zoning classification of a parcel of land from an AG, Agricultural, District to a C2, Central Business, District. The assistant zoning administrator presented his report, exhibits and other information relative to this zoning case. The zoning administrator added additional points to the presentation to the board which included the safety concerns that were communicated by the most recent regional planning commission meeting. The safety concerns related to people walking or biking to the Dollar General Store from Saunemin, and as to the safety of them crossing the Rt. 116/Rt 47 intersection without any stop lights or cross walks. In addition, there is no walkway along Rt 116 to the subject property, of which is also a safety concern. The regional planning commission did not make a recommendation regarding this zoning case.

Ty Eshleman from the Farnsworth Group, 301 W. Washington St., Pontiac, IL, representing the applicant in this zoning case, presented testimony relative to this zoning case as Paul Brown, who had presented at the regional planning commission meeting, had another commitment. Mr. Eshleman noted that he had worked with Dollar General in the development of many sites. Mr. Eshleman commented about the development plans for this proposed Saunemin Dollar General site. Pointing out that a well and septic system will be located on the subject property. Mr. Eshleman mentioned the proposed parking on this property. Other building site options in the area were mentioned, along with issues in building on these sites. IDOT has been contacted about access to the site.

Mr. Eshleman related that he was there to answer any questions that the board or others might have. A discussion on the parking spaces then took place. Having worked with Dollar General on hundreds of projects, Mr. Eshleman related that Dollar General is good in developing as proposed, and they want to be a good neighbor. Mr. Eshleman also noted that there are many Dollar Generals currently constructed that do not have sidewalks to them such as the one in South Streator. Mr. Eshleman further described the proposed property development. Traffic and access off of Rt. 116 was then discussed, along with the traffic safety issues related to this proposal.

Further discussion was had regarding the variance portion of this application that was seeking to reduce the number of required parking spaces. The current ordinance would require the proposed site to have 73 parking spaces and the applicant is seeking a variance to have 30 parking spaces instead. There were no noted objections to the reduction in the number of parking spaces, however there was discussion about the design of the parking lot. Due to the entrance/exit of the parking lot being right off of a state highway, there was some concern by the board as to whether semis bringing goods to the store would need to stop on Route 116 and back into the parking lot in order to get to the receiving dock. Mr. Eshleman assured the board that the semis would not have to back into the parking lot and that they could enter the parking lot as normal, pull into the customer parking section of the lot that is proposed to be located on the South side of the store, and then back into the receiving dock that is proposed to be located on the West side of the store.

Bob Bradford, 43 Main St., Saunemin, the Village President of Saunemin presented testimony relative to this zoning case. Mr. Bradford commented that they had no plans on annexing the subject property, as they find in challenging to find an easy way to have the property adjoin to the municipal limits. Mr. Bradford stated that he does support having a local Dollar General, but does not support the proposed construction site due to safety concerns over the foot, bicycle, and golf cart traffic that would be occurring from the village to the store. Mr. Bradford expressed his concerns about the dangers of the RT 116 – Rt 47 intersection, in that it is only a stop sign intersection with no crosswalks. Mr. Bradford said that he would be willing to work with Dollar General to try and find a suitable site in the corporate limits of Saunemin so that it is safer for the citizens of Saunemin to get to and from. The board asked Mr. Bradford if he had received any feedback from the citizens or other village representatives about the proposed plans. Mr. Bradford said that there is a city council meeting scheduled for Tuesday, October 13 to discuss the topic. Annexation options and option of other sites were further discussed. A timeline for this proposed development was then discussed.

There was discussion about the location of the proposed site and whether IDOT would be willing to make accommodations to make the crossing of Route 47 safer for foot and bicycle traffic. Mr. Eshleman stated that his office could contact IDOT to see if they would be willing to construct a sidewalk or do a traffic study to determine whether a stop light would be appropriate for that intersection.

Dave Randolph moved, seconded by Joe Stock, that Livingston County Zoning Cases ZM-4-20 & V-6-20 be tabled until the next zoning board of appeals meeting, to allow time for the applicant to contact IDOT to possibly come up with a solution to the safety issue and also so Mr. Bradford could meet with the village at the upcoming city council meeting to discuss the project.

This motion was then approved by a roll call vote.

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

Other Business:

Findings of Fact and Decision

Bill Flott moved, seconded by Joe Stock , 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 –	Absent – Did not vote	Runyon –	Absent - Did not vote.
Flott –	Yes	Stock –	Yes
Randolph-	Yes	Turner –	Absent – Did not vote.
Huisman -	Yes		

Public Comment: None

Report of Officers: None

General Discussion:

The committee was informed that their next meeting is scheduled to take place on November 5, 2020 @ 7:00pm, at which the solar farm special use cases will be reviewed along with the two zoning case tabled earlier at this meeting.

Adjournment:

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

This motion was then approved by a roll call vote.

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

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,

Charles T. Schopp, Secretary
Livingston County Regional
Planning Commission