

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

Regular Meeting
7:00 p.m.

August 1, 2019

The meeting came to order and roll call was taken.

Members Present: Richard Kiefer, Richard Runyon, William Flott, Neil Turner and Joan Huisman.

Members Absent: None

Agenda:

Chair Huisman noted the agenda for this meeting. Richard Kiefer moved, seconded by William Flott, that the agenda for this August 1, 2019 meeting be approved as presented. This motion was approved by a unanimous vote.

Approval of the Minutes: None

Business:

Case SU-4-06 Review – Kahle

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

Douglas Kahle, 35563 E – 250 North Rd., Chatsworth, IL., representing of the applicant pertaining to this zoning case, presented testimony relative to this zoning case. Mr. Kahle commented that this is a grass strip, used for ag purposes by an ag chemical applicator, with no storage of materials on the property. In discussion with the zoning board of appeals members Mr. Kahle related that there is no personal use of this seasonally use airstrip, the airstrip is oriented north and south on the east edge of the property, and he believes it will be use for the foreseeable future.

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

Mr. Kahle in his closing comments inquired about extending the review of this special use out for a longer period of time.

William Flott moved, seconded by Neil Turner, that Livingston County Zoning Case SU-4-06 – Review be approved allowing for the continued location of a landing strip for agricultural aerial applications, in an AG, Agriculture, District with this zoning case to be reviewed again in three years unless otherwise determined by the zoning administrator.

This motion was then approved by a roll call vote.

Kiefer – Yes
Flott – Yes
Huisman - Yes

Runyon – Yes
Turner – Yes

Case V-3-19- Ohligschlager

This zoning case pertains to a review of variance for a 10 feet instead of 20 feet from a front lot line, and 6 feet instead of 10 feet from a side lot line, to allow for the reconstruction of a house, in and R2, Low Density Residential , District. The subject property in this zoning case is located at 1902 S. Bloomington St., in unincorporated South Streator. The zoning administrator presented his report, exhibits and other information relative to this zoning case, including draft conditions.

Rodney Leonard, 207 W. 1 St., Streator, IL., a contractor representing the applicant in this zoning case, presented testimony relative to this zoning case. Mr. Leonard related his plans to construct a house 30 feet by 40 feet, with a 24 X 24 garage to be attached to the house with a breezeway. Mr. Leonard commented about the proposed placement of the new dwelling on the lot. Mr. Leonard presented a proposed floor plan and building plans for this proposed house. These plans were discussed with the zoning board members. This property is served by public water and sewer systems. An alley borders the north edge of the property. Drainage of the property was then discussed. Mr. Leonard indicated that he planned to slope the construction away from the house to the south, towards the two roads bordering this property. Mr. Leonard related that he planned on starting this project within the next 3 months.

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

William Flott moved, seconded by Richard Kiefer, that Livingston County Zoning Case V-3-19 be approved to allow for a variation in front yard requirement to allow a setback distance of 10 feet instead of 20 feet and a variance in a side yard to allow for a setback of 6 feet instead of 10 feet in an R2, Low Density Multiple Family Residence, District.

A discussion about this case the board asked that if possible the house be set closer to the 10 foot side yard setback distance.

This motion was then approved by a roll call vote.

Kiefer – Yes
Flott – Yes
Huisman - Yes

Runyon – Yes
Turner – Yes

Case SU-7-18 - Review – Borrego-Murphy

This zoning request pertains to review of a request for a special use that allows for solar energy project in the Southeast Quarter of Section 9 of Sunbury Township. The zoning administrator presented his report, exhibits and other information relative to the review of this zoning case, primarily being copies of the special use request reviewed and approved in 2019.

Alex Yeager, representing Borrego Solar, provided testimony relative to this zoning case. A history of the proposed Borrego Solar solar projects was given, with it being related that 38 of their projects were not approved in the State of Illinois adjustable block grant program, including this Murphy project. A review of the lottery process and the number of projects were approved and not approved then took place. It was explained that new legislation will be needed to be a guide on how to proceed with the hundreds of projects not approved. The lottery randomly picked projects without considering viability. Borrego still has interest in this project and they would like the special use permit for this project to be continued. Time frames of 1 to 2 years to continue with this project was discussed. The process to move forward with the project after state approval was discussed, with more engineering, the logistics of getting building supplies and a contractor. The interconnect into the ComEd grid will need to be reevaluated. They need this special use approval to continue to be in the state process of approval. They would like this permit continued for at least one year.

Then a realistic effort to move forward with their plans was discussed, realizing that 3 times the number of applications that was once expected were presented.

A time frame in which to review this zoning case again was discussed. It was related that additional solar farm special uses application will be coming up for review in November, and the possibility of reviewing all solar farm special uses at one time in the future was discussed.

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

William Flott moved, seconded by Richard Kiefer, that the Livingston County Zoning Board of Appeals approve the continuation of Livingston County Zoning Case SU-7-18, for the continued approval for a 2 MW Solar Facility, in an AG, Agriculture, District, as outlined in the application for this zoning case and as presented at the public hearings for this zoning case, with the conditions that are part of the approval of this zoning case, with a this zoning case to be reviewed in November of 2020.

This motion was then approved by a roll call vote.

Kiefer – Yes
Flott – Yes
Huisman - Yes

Runyon – Yes
Turner – Yes

Case SU-7-17 – Review – Connelly

This zoning case is in regard to a review that would allow for the continuation of an animal grooming business, as a planned unit development special use, similar to requirements for a home occupation in an R2,Low Density Multiple Family, District. The subject property in this zoning case is a 2.90 acre parcel of land, located at 1609 Hawthorne Rd., in unincorporated South Streator, in Reading Township. The zoning administrator reviewed the report, exhibits and other pertinent information regard this zoning case.

Jamie Connelly, 1609 Hawthorne Rd., Streator, the applicant in this zoning case, presented testimony relative to this zoning case. Jamie Connelly remarked about her animal grooming business operations and her lease at her current commercial location, in relation to her new building plans. The zoning board members and Jamie Connelly discussed her plans to develop a new modular home on her property, with plans to sell her current home. An area near to the new garage would become an animal grooming area. The time table for her proposed new development was discussed. The proposed location of a new dwelling on the property was discussed.

No other interested parties presented testimony.

Jamie Connolly had no closing comments.

Richard Kiefer moved, seconded by Richard Runyon, that the zoning board of appeals approve this special use to allow for the continuation of an animal grooming business, as a planned unit development special use, similar to requirements for a home occupation in an R2,Low Density Multiple Family, District, Livingston County Zoning Case SU-1-17 – Review with the same conditions that are part of the approval for this this zoning case, with the applicant to complete the development of her property within one year.

This motion was then approved by a roll call vote.

Kiefer – Yes
Flott – Yes
Huisman - Yes

Runyon – Yes
Turner – Yes

Case V-4-19 - Wenger

This zoning case is in regard to a variance request in lot width, in that as it is proposed to divide the property on lot would have a lot width of 35 feet instead of 150 feet in an AG, Agriculture, District. The subject property in this zoning case is a 5.75 acre parcel of land located on the end of Pine St, in an area of unincorporated Fairbury, in Section 10 of Indian Grove Township. The zoning administrator reviewed the report, exhibits and other pertinent information regard this zoning case. This information included a plat of the proposed property development.

Dennis Wenger, 21152 E – 735 North Rd. Fairbury, IL., the applicant in this zoning case, presented testimony relative to this case. Mr. Wenger used exhibit 2 of the report to relate as to where he lives in question to the subject property. Mr. Wenger then explained plans to subdivide the property into two parcels with the existing buildings to stay on one parcel and the potential of a new house to be built on what is marked as the vacant parcel A on the plat of survey. A discussion then took place in regard to how Pine St ends at the part of the property, and the proposed 35 foot variance area would be used as a lane access area to the proposed house. A proposed house would be built at a proper setback from the north lot line of that property that would allow for Pine St . to continue to the east if the development of Fairbury would continue to the west. The 35 feet represents half of the 70 foot wide right of way for existing Pine St. The zoning board of appeals and Mr. Wenger discussed the relationship of proposed residential development on the proposed west parcel A, also in relation to parcel B. It was explained that there are no current plans to extend Pine St., with the right of way area for Pine St being discussed. Exhibit 3 of the report an aerial photo of the subject property was looked at and discussed to give a visual picture of the current development and planned development.

No other interested parties presented testimony.

No closing comments were made.

William Flott moved, seconded by Neil Turner, that the zoning board of appeals approve Livingston County Zoning Case V-4-19 this variance to allow for a variation in the lot width to allow for a lot width of 35 feet instead of 150 feet of width on the subject property in an AG, Agricultural, District.

This motion was then approved by a roll call vote.

Kiefer – Yes
Flott – Yes
Huisman - Yes

Runyon – Yes
Turner – Yes

Case V-5-19 - Diehl

This zoning case is in regard to a request for a variation in property development standards to allow for the construction of an addition to a dwelling, to have a setback of 2 feet instead of 20 feet from a rear property line, in an R2, Low Density Multiple Family Residence, District. The subject property in this zoning case is lot area in Block 54 of the Village of Ancona, at 203 Commercial St. in Section 28 of Reading Township. The zoning administrator reviewed the report, exhibits and other pertinent information regard this zoning case.

William Diehl, of 203 Commercial St, Ancona, the applicant in this zoning case and Tim Hinshaw a contractor for the applicant presented testimony relative to this zoning case. Mr. Diehl commented about the history of the property, including the property development. Mr. Diehl then related about with the death of this father, he would like to have his mother live on the family property, with plans to add an apartment to the existing garage. The garage would be attached to the existing house, so that only one larger dwelling would be on the property. With the existing garage being 2 feet from the property line, he would like to maintain that setback distance with the new construction. Mr. Hinshaw commented about the new construction plans, and as to how he plans on constructing the new living area addition. The setback proposed so close to the property line was discussed. It was noted that the use on the other side of the property line is a farm field.

A discussion took place between the zoning board of appeals members and the applicant and contractor, about any possibility of moving the construction forward. Roof lines and drainage were discussed. Septic issues were discussed. The problems associated with the location and moving the location were discussed.

No other interested parties presented testimony.

In his closing comments Mr. Highland requested that this variance be approved.

William Flott moved, seconded by Neil Turner, that the zoning board of appeals approve Livingston County Zoning Case V-5-19 to allow for a variation in the rear yard setback of 2 feet instead of 20 feet from the rear lot line to allow for construction of an addition to a dwelling.

This motion was then approved by a roll call vote.

Kiefer – Yes

Runyon – Yes

Flott – Yes

Turner – Yes

Huisman - Yes

Other Business: None

Approval of the Findings of Fact and Decision:

William Flott moved, seconded by Richard Runyon, that the findings of fact and decision for approved or recommended case at this August 1, 2019 meeting be approved as drafted for Livingston County Zoning Cases in which final action was taken at this meeting. This motion was approved by a unanimous voice vote.

Public Comments: None

Report of Officers: None

General Discussion and Informational Update:

The next meeting for the zoning board of appeals was discussed concluding that the next meeting can be scheduled for September 19, 2019, at 7:00 pm.

Then William Flott moved, seconded by Neil Turner, that this meeting be adjourned. This motion was approved unanimously.

This meeting was adjourned at 9:05 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