

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

Regular Meeting
7:00 p.m.

December 8, 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 Joan Huisman mentioned the agenda. Then John Vitzthum moved, seconded by Connie Casey, that the agenda for this December 8, 2016 meeting be approved as presented. This motion was approved by unanimous voice vote.

Minutes:

Chair Joan Huisman mentioned the minutes from the last meeting, remarking that Richard Runyon was listed in the roll call as being both present and absent which needed to be corrected. Then John Vitzthum moved, seconded by Connie Casey, that the minutes of the November 10, 2016 meeting be approved as amended, reflecting that Mr. Runyon was not present at this meeting. This motion was approved by a unanimous voice vote.

Business:

Case V-4-02 – Renewal - Moritz

This zoning request pertains to review of a request for the approval of an annual renewal of a variance to allow for temporary occupancy of a mobile home/manufactured home on the same property as an existing residence in an AG, Agricultural, District. The property in question IN this zoning case is a parcel of land located in Section 3 of Reading Township, at 3474 E – 3300 North Rd. The zoning administrator presented his reports, exhibits and other information relative to this zoning case. It was established that this situation remains outwardly the same.

Jerry Moritz, 3474 E – 3300 North Rd., Streator, IL, representing the applicant, presented testimony relative to this zoning case. Mr. Moritz commented that the same person continues to live in the manufactured home in question, and that he believes he has lived there the last 7 to 8 years, and that this tenant is still employed part of the time assisting them with the farm work. Mr. Moritz explained that the manufactured home is back behind the machine shed and that you can hardly see it. The tenant is a single, quiet person that keeps to himself.

The zoning board of appeals members inquired as to the age of the mobile home, of which Mr. Moritz was not sure of the exact age of the mobile home, while commenting that it had been sided with regular house siding about 6 years ago and that it looks nice. Mr. Moritz confirmed that there are no updates from the last review and that the mobile home is not visible from the road. Mr. Moritz then confirmed that the subject property is surrounded by crops, with pine trees down both sides of this property that hide the mobile home behind the machine shed.

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

Mr. Moritz had no closing statement.

William Gerber moved, seconded by Connie Casey, that the Livingston County Zoning Case V-4-02 - Renewal be approved to allow for a variance in the property development requirements to allow for the continued temporary occupancy of a mobile home/manufactured home on the same property as an existing residence, in an AG, Agricultural, District.

This motion was then 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		

SU-3-15 – Review – Ziegenhorn

This zoning request pertains to a review of a special use that allows for a campground in an AG, Agriculture, District. The subject property in this zoning case is an irregularly shaped parcel of land generally located in the Southeast Quarter of Section 16 of Indian Grove Township. The zoning administrator presented his report, exhibits and other information relative to this zoning case, noting the conditions that had been placed on the approval of this zoning case.

Stephen Ziegenhorn, 20737 N. 87th Dr., Peoria, Arizona, presented testimony relative to this zoning case. Mr. Ziegenhorn expressed they have been working on the project over the last year with the first six months concentrating on working with the county for the approval of a septic permit, that would comply with the second condition place on the approval of this zoning case, so they planned a septic system for 120 people. Mr. Ziegenhorn then related that they did not move forward with the installation of the septic system, because they then moved forward with seeking a permit and license from the state. Mr. Ziegenhorn mentioned that they had 10 requirements to meet for the state and that they qualify to meet 8 of those requirements. They worked to meet condition number 3 by hiring a surveyor. So they have 2 major things left to qualify with the state. One state requirement that needs to be met is a complete structural plan, sealed by a registered architect, which reflects they are meeting the appropriate codes, such as the plumbing codes and water supply. Mr. Ziegenhorn then explained that they have hired a registered architect, whom is now beginning to work on this project, to meet the requirements with the State of Illinois, whom they are waiting on to issue a permit and then a license. The other issue is the septic field, which will be up for review again. So they did not proceed with installing the septic field because of the \$50,000 cost. They want the state permit and license before proceeding in committing more improvement funds.

Mr. Ziegenhorn informed the zoning board of appeals that 4 cabins are complete and that they have worked on one building for the restrooms and things, then they shut down for the last six months just cleaning up the property while they wait for their architect and the state permit and license. Mr. Ziegenhorn commented that it may take potentially another six months to get a state permit.

The zoning board of appeals members questioned Mr. Ziegenhorn, about the architect's name, which Mr. Ziegenhorn replied it was a Mr. Kelly out of Morton Illinois. Mr. Ziegenhorn then related that Popejoy's have worked on the septic plans. Mr. Ziegenhorn then explained the state requirements for stamped plans that the architect will work on, who is the now the key person in this phase of the project. Mr. Ziegenhorn then confirmed that he had worked with Donnie Simmons, at the Livingston County Public Health Department in getting a county septic permit. Mr. Simmons was present at this meeting. Mr. Ziegenhorn confirmed that he had passed the county septic system information onto the state, and that he believes the state may be less stringent in these regulations, in that they question the proposed septic system. Mr. Simmons commented on flow rates discussed on his review of the septic system. Mr. Ziegenhorn related that they are preparing for the 120 people approved for the property, and that the architect will address this septic area also. The state may consult Mr. Simmons about the septic permit, with Mr. Simmons confirming that the septic system permit that he issued is good for 1 year. Mr. Ziegenhorn then replied that the state does not need to approve his campground rules. The state will review them and will provide feedback. Firewood restrictions were then discussed, and they will address this area. Mr. Ziegenhorn then noted that the state will also address the floodplain issue, with them being right on the edge of the floodplain. Mr. Ziegenhorn then replied that he would provide a copy of his architect's site plan to the county.

Mr. Ziegenhorn then remarked that they are looking at the financial end of this project now in that they want the property plans in place since they will be investing another 70,000 to 80,000 dollars into this development once it is approved. County condition 8 on fencing was then discussed. Mr. Ziegenhorn then remarked that they have a fencing plan, which the architect will also review. They will continue in reviewing where they can set the fence at, in regards to setbacks off of the road. They are planning on a two or three tiered steel fence, as he has seen at horse farms. They are not proceeding until everything falls in place, in part because of the expense. The architect will also include the fence placement on this site plan. Mr. Ziegenhorn then related that the architect may fly the property with a drone, as part of his site planning work. The finances were further mentioned. Signage issues were then discussed. Mr. Ziegenhorn believes that social media and the internet will be their main avenues of advertising though they have not yet set up any sites. Mr. Ziegenhorn discussed local interest, including a potential use of class and family reunions. Mr. Ziegenhorn has no plans on renting kayaks and canoes, with him explaining his insurance plans. They do not have a deck for fishing. Mr. Ziegenhorn stated that he would contact the zoning administrator on the progress and information on this project. In regard to a time line to open the campground and the campground plans to be open May through October, Mr. Ziegenhorn does not believe he can be open by May 1st of 2017. He needs a state permit to build and then get a license to operate, so it may take some time. Mr. Ziegenhorn did further remark about the kayaks, noting that while he will not rent them campers will not be prevented from bringing their own.

Interested party Linda Ambrose inquired about the large hole being dug. Mr. Ziegenhorn explained that they are digging a pond on property that they are selling. It is a clay bottomed pond, being placed in an old clay quarry area.

It is a spring feed pond that is filling up with water, which will be a beautiful asset to the property. It is not connected to and will not be part of the campground, with a buffer area between the pond and campground. Tom Ambrose noted that he farms in that area and he uses the road in front of the campground area to move equipment and he has a concern about the fencing and children and pets, and how they may get through the fence. Mr. Ziegenhorn further explained the type of fence he plans on placing on the property. The liability of fencing type was discussed. Mr. Ziegenhorn believes that the state will give guidance on the fencing. The spacing of the fence parts was discussed. Clear webbing was mentioned as to way to make the fencing safer from pets and children going between any fence rails, though they do not want deer or people getting hung up on the fence. Cheryl Hoffman restated her comments from last year, about limiting the RV's and her concerns about the road. Hiking trails were then discussed. Mr. Ziegenhorn noted people could walk through the timber. The limits of the use of the property was then discussed. Brad Beyers discussed if they would work with the township road commissioner on signage on the road such as a warning sign near the bridge. They would like to have caution signs. Cheryl Hoffman is concerned about needing to slow down since she uses that road a lot. The annual review was discussed, with the zoning board of appeals to discuss later.

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

Mr. Ziegenhorn, in his closing statement, said that at this time he is under the guidance of the State of Illinois. Brad Breyers remarked in his closing statement that if the state did not approve the permit or licensing what would become of the campground, of which the zoning board of appeals would need to re-visit the property use plans.

William Gerber moved, seconded by Connie Casey, that Livingston County Zoning Case SU-3-15 Renewal be approved allowing for the continued special use that allows for the subject property to be used as a campground in an AG/FP, Agricultural/Flood Plain, District with the same conditions placed on the approval of this zoning case to continue to part of the approval of this special use, with this zoning case to be reviewed again in one year, with an additional condition, number 13, that the campground be prohibited from leasing or renting to camp ground occuppies, canoes or any other floating devices that can be used on the creek and/or pond that are on or abutting the campground facility.

This motion was then approved by 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-2-16 - Boehle

This zoning case pertains to a review of a request for a special use to allow for a camping facility, in an AG, Agriculture, District. The subject property in this zoning case is an irregularly shaped parcel of land generally located in the norther halves of Sections 5 & 6 of Esmen Township.

The zoning administrator presented his report, exhibits and other information relative to this zoning case, including draft conditions that may be considered to become part of the approval of this zoning case. The Livingston County Regional Planning Commission had a consensus opinion that they approve of this special use proposal.

Deborah Boehle, 13128 E – 2700 North Rd., Cornell, IL. one of the property owners and applicants in this zoning case, presented testimony relative to this zoning case. Mrs. Boehle explained the background of the camping facility. Mrs. Boehle commented about how they had moved to the country in 2002 because of their desire to grow their own food, make their own soap and cheese and make stuff from sheep wool. Then their city friends became interested, which led Mrs. Boehle to become a speaker and write books on their lifestyle. Mrs. Boehle then talked about the two people that started Nature's Farm Camp, with Tim planting a garden in a pick-up truck as a display for urban children to see how food is grown. Elena has a children's cooking school in Chicago. They came across each other and they started this camp. Nature's Farm Camp rents the Boehle's property since their working farm meets their camp and educational system needs. They tried it out this past summer for five weeks in July and August. For four weeks the children are ages 8 to 11, and ages 12 to 14 for one week. They had 82 total campers over the five weeks, and they all came from the Chicago area except one person from Bloomington and one person from Omaha. They all had a good time. The vast majority of the campers come from families where the parents are professionals that can afford the \$800 a week camp fee. A few came on a scholarship program. They had no problems at all. In regards to the camp facility it was and will be all tents, they do not plan on building any permanent structures. They did have a platform for the kitchen tent and a café used for classes and things. The kitchen is run by two certified cooks, who are experienced cooking instructors. The state health department and Donnie Simmons from the Livingston County Department of Public Health both visited the site in the Spring.

The state health department was mainly concerned about safety issues, such as tent placement, port a potty placements and lighted pathways. They got a diagram of the kitchen also, before coming a week before the camp to look at the site as it was being set up. Donnie came on the day the camp started and a day later on to assure all things were in order. The parents were pleased with the outcomes and they have begun discussing next year. The children have gone home and began preparing their own salads. Mrs. Boehle then related that during farm camp the children do the farm chores like feeding chickens, gathering eggs, weeding the garden and harvesting according to the cook's needs. Then the children assist with the food preparations. The port a potties and hand washing stations were then explained. Mrs. Boehle then commented that since it is a primitive camp showers are not allowed, but they play around in the creek. Mrs. Boehle then informed the zoning board about the counselors at the camp and their educational functions at the camp. Mrs. Boehle then explained how they used all local products, vegetables, cheese etc. Emergency planning was then discussed, as to how they had an EMT on call, and as to how the camp director has a car parked at a gate to be quickly used if needed. All counselors had first aid kits. The relationship between the Boehle's and Nature's Farm Camp was further discussed. Mrs. Boehle then confirmed the timber that they have on their property, and that no RV's are on the property. The campers age limits were then talked about. Mrs. Boehle then confirmed that they plan on doing this camp as they move forward in the future, on their 32 acres. They have two tillable acres, with one used as a grazing acre and one acre is used for vegetable production. The kids can view row crop farming across from the subject property. The placement of the tents on the property was then explained by Mrs. Boehle. Mrs. Boehle commented about how their entire property is fenced. The camp activities and chores were then talked about.

camp since there are not permanent structures. A potential roof over the kitchen platform is being considered, though they need to maintain their primitive camp status, since that is all they can afford in camp development costs. Flood prone areas on the property were then discussed, with the land owners telling the people setting up the camp to avoid setting up tents in the known flood plain. The quiet of the rural area was then discussed. The camp activities were further discussed.

Donnie Simmons then explained his office's involvement with this camp operation, including comments on assuring safe water, and safe kitchen and food operations. Mr. Simmons noted he made a total of five visits to the site. Mr. Simmons plans on making similar visits in the future. Mr. Simmons further commented that this is a total vegetarian camp that makes monitoring food operations, easier from a food safety point of view. With the kids helping in the food preparation this type of food preparation is safer.

Dialogue then took place on how this camp is advertised. The camp operators advertising in farmers markets, good food festivals and word of mouth. The camp is not always full, a full camp is considered as 20 campers, and it averaged from 14 to 19 campers a week this past year. Mrs. Boehle was okay with the draft conditions.

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

No closing statements were made.

John Vitzthum moved, seconded by Connie Casey, that Livingston County Zoning Case SU-2-16 be approved to allow for the special use that allows for the subject property to be used as a camping facility in an AG, Agricultural, District with the following conditions;

1. That the applicant's special use be limited to the request as outlined in the applicant's application and the explanation the applicant gave at the hearing for this request for a special use approval, with limitations that follow in some of the accompanying conditions.
2. That for this initial development of this proposed campground, that the development be limited to 5 weeks primarily in the months of July and August. Each camp session shall be limited to 20 campers (plus camp leaders).
3. That this property development be limited to the described subject property.
4. That the applicant shall not have any structures, such as tents, placed in any known flood hazard area.
5. That the ownership of this special use be limited to the applicant and applicant's immediate family unless otherwise approved by the Livingston County Zoning Board of Appeals.
6. That this proposed camping facility shall also comply with Illinois Department of Public Health and the Livingston County Public Health Department requirements, along with any other state, federal or local regulations that may apply to campgrounds.

7. That a status review of this zoning case be conducted by the Livingston County Zoning Board of Appeal in one year, 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		

Other Business:

Findings of Fact and Decision:

After reviewing the draft details of the Finding of Fact and Decision, John Vitzthum moved, seconded by William Gerber, that the Findings of Fact and Decision for this December 8, 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 continuation hearing on the wind energy regulations was confirmed that it will be taking place on December 20, 2016.


The zoning board of appeals members were informed of a future meeting to be held on January 5, 2017 which will pertain to a hearing on extending moratorium on WECS Special uses.

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

This regular meeting portion of this hearing was adjourned at 8:40 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