

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

Regular Meeting
7:00 p.m.

October 7, 2021

The meeting came to order at 7:05 pm

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

Others Present: Jesse King, Charles Schopp, Storm Gerdes, Steven Mann, and William Gerber (Telephone)

Members Absent: Joe Stock

Approval of the Agenda:

Chair Huisman noted the agenda for this meeting. Dave Randolph moved, seconded by Richard Kiefer that the agenda for this October 7, 2021 meeting be approved as presented.

This motion was then approved by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Absent – No Vote
Randolph-	Yes	Turner –	Yes
Huisman -	Yes		

Approval of Minutes:

The minutes of the September 9, 2021 meeting were then noted to the zoning board members with one amendment noted. William Flott moved, seconded by Richard Runyon, that the minutes be approved as amended.

This motion was then approved by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Absent – No Vote
Randolph-	Yes	Turner –	Yes
Huisman -	Yes		

Business to be reviewed:

V-4-02 – Moritz (Review)

The chair mentioned this case, but the applicants were not present at the meeting. The chair then elected to move onto the next item of business on the agenda.

SU-12-21 – Gerdes

This zoning case pertained to a review of a proposed special use to allow for the operation of a craft and service business in an AG, Agriculture, District. The applicant in this case was seeking to operate a business called “Gerdes Outdoor Power” in unincorporated Chatsworth which includes the sales and servicing of All-Terrain Vehicles (ATV’s).

The assistant zoning administrator provided an overview of the zoning case to board members.

Storm Gerdes, 8341 N. 3600 East Rd., Chatsworth, IL was present at the meeting as well as his attorney, William Gerber, 21203 E. 650 North Rd., Fairbury, IL to present testimony relative to the case.

Mr. Gerber presented a summary of Mr. Gerdes’s plans for the business and compared his business to be similar, but smaller in scale, to Gerald Haas’s trucking business in the county. Mr. Gerber explained Mr. Gerdes’s need for a dealer’s license.

There was then a question about the size of the addition that was being proposed to be added onto the existing machine shed. It was clarified that the size of the addition would be similar in size to the existing machine shed with a gravel lot added onto the South side of the shed addition.

Mr. Gerdes was asked when he plans to begin operations. Mr. Gerdes stated that he anticipates to get started in March.

The topic of hours of operation and employee numbers was then discussed. It was agreed upon in the draft conditions that hours of operation would be 8 AM to 5 PM with a limit of 3 employees.

A question was then raised about the type of equipment that was planned to be included as part of Mr. Gerdes’s business, specifically whether Mr. Gerdes would work on snow machines. Mr. Gerdes clarified that he would only be working on ATV’s.

Lastly, there was a question about whether the business would be conducted in the entirety of the machine shed once the addition was complete or if the business would just be limited to the addition. Mr. Gerdes stated that the business would be limited to the addition only.

No closing statements were elected to be made by any of the interested parties.

With no other questions or concerns raised, Dave Randolph moved, seconded by Neil Turner that zoning case SU-12-21 be approved with draft conditions as presented.

The motion was then approved by roll call vote:

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Absent – No Vote
Randolph-	Yes	Turner –	Yes
Huisman -	Yes		

V-4-21 – Salvator

This zoning case pertained to a proposed variance in an AG, Agriculture, District to allow for a variance in lot dimension requirements on property located in unincorporated Fairbury.

The assistant zoning administrator provided an overview of the zoning case to board members.

Steven Salvator, 223 W. Henry St., Pontiac, IL was present at the meeting with his attorney, Steven Mann, 1915 Haverhill CC Park, Normal, IL, to provided testimony relative to this zoning case. Mr. Gerber remained on the telephone as a witness due to one of his clients being a buyer of one of the lots on the property.

Mr. Mann provided a summary of the case to board members and explained the situation regarding the estate that the property is a part of. Mr. Mann acknowledged the issues regarding lot 1 of the proposed land division and related to board members that lot 1 specifically had been set aside for the applicant in this case and that changing the lot could lead to issues with the estate.

There was a question about the gravel lane that extends across the tract. Mr. Mann clarified that the gravel lane would provide access to lots 1 and 2 and that an easement would be given to line up with the gravel lane. Mr. Mann also acknowledged the potential lot 1 access issues that could arise in the distant future. Mr. Mann explained that a right of first refusal would be given to the lot 2 buyer, Beau Popejoy, who plans to build on the lot eventually. Mr. Salvator added that he recently paid off his house and that he has no plans to build a house on lot 1 and that he would continue to use it recreationally as he has for the past 20 years.

There was then discussion about how the property can be accessed. Mr. Salvator explained that the only access to the property was off of County Road 1900 East.

A question about lot 3's width at the shoreline was then raised. Mr. Mann stated that he was not sure of what the width would be, but could contact Krause Surveying to get a measurement on it.

There was then a question about whether or not the estate was set in stone or if it could be modified at this point in time. Mr. Mann explained that the estate was technically set, but that he and his client want to make sure the property is in compliance with county regulations.

With no other questions or concerns noted, Chair Huisman suggested that this matter be tabled so the board had a chance to review similar cases from the past as well as have more time to review this case as well. Mr. Mann and Mr. Salvator both stated that they are not in a rush to resolve this case and that it was acceptable for them to table the matter.

William Flott then made a motion, seconded by Neil Turner, to table this matter for a later date.

The motion carried by roll call vote:

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Absent – No Vote
Randolph-	Yes	Turner –	Yes
Huisman -	Yes		

Other Business:

The assistant zoning administrator provided an update on prospective wind projects that existed in the county. The assistant zoning administrator informed them that the green energy bill has passed in the state legislature and that Spring hearings would be likely for the EDF Renewables wind energy project. In addition, board members were notified that the wind project projected to start in Woodford County and extend into Livingston County had also contacted the zoning office and stated that they were still interested and still working on developing the project. However, due to the county not increasing the allowable tower height, it is possible that the project may not come into the county. Lastly, the assistant administrator noted that the zoning office had not received any word from the Heritage Prairie wind project for months at this time.

Board members were also notified that the attorney that represented the ZBA in the Pontiac Flying Services case would be coming to the November ZBA meeting to debrief the board on the case.

The assistant administrator noted to members that as of the time of the meeting, there was a variance request set for the November meeting.

The assistant administrator then notified board members that the next meeting was scheduled for November 4th at 7 PM.

Findings of Fact and Decision:

Richard Runyon moved, seconded by Dave Randolph, that the Findings of Fact and Recommendation be approved.

This motion was then approved by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Absent – No Vote
Randolph-	Yes	Turner –	Yes
Huisman -	Yes		

Public Comment: None

Report of Officers: None

General Discussion: None

Adjournment:

The chair then asked for a motion to adjourn. William Flott 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

Runyon – Yes

Flott – Yes

Stock – Absent – No Vote

Randolph- Yes

Turner – Yes

Huisman - Yes

This meeting was adjourned at 7:57 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,

Jesse J. King, Assistant Administrator
Livingston County Regional
Planning Commission