

LIVINGSTON COUNTY REGIONAL PLANNING COMMISSION LIVINGSTON COUNTY
HISTORIC COURTHOUSE
112 W. MADISON ST., PONTIAC, ILLINOIS 61764

VARIATIONS

APPLICANT FILING PROCEDURES

1. Complete the original application and any required attachments. Attachments are considered a part of the application.
2. File the application in the office of the Livingston County Regional Planning Commission, accompanied with the required fee. The Commission shall assign a case number to the application.
3. All fees shall be payable to the General Fund of Livingston County.
4. The Livingston County Regional Planning Commission shall advertise the notice of public hearing for each case to be held before the Zoning Board of Appeals.
5. The Livingston County Regional Planning Commission shall serve notice to the applicant and owners or occupants of property abutting the affected area not less than five (5) days prior to the hearing advising the location and nature of the subject matter contained in the application and the date, time and place of the hearing.
6. The applicant shall be billed by the Livingston County Regional Planning Commission for the cost of the required notice of public hearing. No final action shall be taken on any case until the cost of advertising the required notice of public hearing has been paid.

You may refer to the sheet that is part of the application package that refers to the example of fees that provides you with more information on the potential costs of proceeding with this property development.

LIVINGSTON COUNTY REGIONAL PLANNING COMMISSION
LIVINGSTON COUNTY HISTORIC COURTHOUSE
112 W. Madison St., Pontiac, Illinois 61764

APPLICATION FOR VARIATION -LIVINGSTON COUNTY ZONING ORDINANCE

For Office Use Only

Applicant
Name: CPV Prairie Dock Solar, LLC
Address: 8403 Colesville Road, Suite 915
Silver Spring, MD 20910
Phone 781.848.0253

Filed Date _____
Fee _____
Receipt No. _____
Publication _____
Cost _____

Case V-

Owner(s)
Name See Attachment V-2
Address _____

Receipt No. _____
Hearing Date _____

DATE FILED

Phone _____
(attach list if necessary)

Receipt No. _____
Decision Date _____
Approved _____ Denied _____

For Office Use Only

Legal description of property See Attachment V-2
Street address _____
Property interest of applicant CPV Prairie Dock Solar LLC has obtained 35-year leases from all of the property owners and proposes to construct and operate a solar farm on the leased properties.

Present Use Agricultural Zoning District Agricultural

A variation in set back requirements is requested to allow for on the above described property.

Specific distances (if applicable): Livingston County ordinance set back specified at 50 feet from non-residential and non-road adjacent parcel boundaries. Variance requested to remove this setback requirement for parcel boundaries internal to the solar farm.

Attachment No. 1 - Submit a map drawn to scale (as required by the Zoning Administrator) of the area included in the application and the abutting area within 200 feet (additional area may be required by the Zoning Administrator) showing the zoning classification; dimensions and use of all buildings and/or structures (existing and proposed); driveways; parking areas; right-of-way lines for streets and roads; easements; provision for surface drainage; proposals for sewage disposal systems; distance of building(s) and/or structure(s) from front, side and rear property lines; and distance of building(s) and/or structure(s) from center of public access road(s). See Attachment V-1

Additional Attachments - Submit additional attachments as required by the Zoning Administrator.

I (we) certify that all of the information presented above is true to the best of my (our) knowledge and belief.

Mark Fuchs
Applicant (s) Signature (s)

11/07/2022
Date

STATEMENT OF APPLICANT- OWNER STATUS

APPLICANT

CPV Prairie Dock Solar LLC
8403 Colesville Road, Suite 915
Silver Spring, MD 20910

OWNERS

Competitive Power Ventures, Inc.
8403 Colesville Road, Suite 915
Silver Spring, MD 20910
781.848.0253

EXAMPLES OF FEES FOR VARIATIONS

Application Filing Fee: \$ 125.00

Publication Fee: Usually between \$40 and \$70. (The exact amount varies according to the length of the notice.)

Location Improvement Permit Fee: \$20.00 - \$100.00+ (The exact amount varies according to the type and size of the improvement.)

Other fees *may* be applicable, such as fees to the Livingston County Health Department.

STANDARDS FOR VARIATIONS

Members of the Zoning Board of Appeals shall require evidence that the proposed Variation Will not:

1. Conflict in any respect with the Livingston County Comprehensive Plan.

Comments: This variance will not conflict with the Comprehensive Plan but is consistent with its direction to preserve farmland.

2. Impair an adequate supply of light and air to adjacent property.

Comments: These are large agricultural properties with residences. The owners have waived the setback requirements between leased parcels under the same owner. The project is working with landowners for similar agreements between parcels.

3. Increase the hazard from fire and other dangers to said property.

Comments: This project will not create fire or other hazards and the waiver of the setback will not increase any risks.

4. Diminish the taxable value of land and buildings in the vicinity and throughout the Jurisdictional Area.

Comments: This variance from the setback requirements will not diminish the taxable value of land and buildings in the vicinity or in the Jurisdictional Area. It will also not diminish the property tax revenue generated by the project. The fair cash value for a commercial solar energy system in Illinois is based on its nameplate capacity per megawatt (35 ILCS 200/10-720 et seq), not the amount of land within the project.

5. Increase or cause congestion in the public streets.

Comments: There are few if any public streets in the subject area and the setback variance will not have any impact on traffic or cause congestion.

6. Otherwise impair the public health, safety, comfort, morals and welfare of the inhabitants of the Jurisdictional Area.

Comments: The setback variance will not in any way impair the health safety comfort morals and welfare of the inhabitants. The landowners of the property subject to the setback variance have all waived the requirement.

7. The plight of the owner is due to unique circumstances.

Comments: The need for the setback variance stems from the desire to keep the

project as compact as possible and not take up more agricultural land than absolutely necessary. The concentration of panels will allow projects of this size to be constructed without using additional farmland, consistent with the Comprehensive Plan.

8. The variation, if granted, will not alter the essential character of the locality.

Comments: The setback variation will not alter the essential character of the locality.

9. Give the owner or occupant of the property in question privileges not generally held by other property owners or occupants in the same vicinity or district.

Comments: This will not extend any privileges to the owners or occupants of the properties subject to the setback variance.

The Board of Appeals will also consider the following criteria in reviewing the proposed variation.

10. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.

Comments: The current setback requirements would not allow the Project for which the special use is sought to be constructed in the designed configuration and space. A project of similar generating capacity would require more space.

11. The particular physical surroundings shape or topographical condition of the specific property involved would result in a particular hardship, as distinguished from a mere inconvenience, if the strict letter of the restrictions were carried out.

Comments: See answer to 10.

12. The purpose of the variation is not based exclusively on a desire to increase the value of the property.

Comments: See answer to 10. In addition the solar ordinance specifically allows these variances if the landowners waive the setback requirements.

13. The alleged difficulty or hardship has not been created by any person presently having an interest in the property.

Comments: The difficulty has not been created by the current landowners.