

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

Regular Meeting  
7:00 p.m.

November 10, 2022

The meeting came to order at 7:02 pm

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

Others Present: Jesse King, Charles Schopp, Tim Henson, Holly Frauli, and Chris Frauli

Present Via Zoom: Ben Sych, Tom Ryan, Kevin Betz, and Charlie Branham

Members Absent: Richard Kiefer

**Approval of the Agenda:**

Chair Huisman noted the agenda for this meeting. William Flott moved, seconded by Neil Turner that the agenda for this November 10, 2022 meeting be approved as presented.

This motion carried by a roll call vote.

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

**Approval of Minutes:**

Chair Huisman noted the minutes of the October 6, 2022 meeting with proposed revisions to add Kathy Arbogast to “others present” and to adjust language in SU-5-22. Dave Randolph moved, seconded by Joe Stock that the minutes of the October 6, 2022 meeting be approved as amended.

This motion carried by a roll call vote.

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

**Business to be reviewed:**

**Case SU-5-18 – Borrego Solar (Review)**

This zoning case pertained to the review of a previously approved special use to allow for the development of a 2 MW solar farm in an AG, Agriculture, District located in unincorporated Dwight.

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

Ben Sych appeared via Zoom as a representative of this zoning case. Ben explained that the company was no longer called Borrego Solar, but is now called New Leaf Energy. Regarding this particular project, Ben explained that they are no longer moving forward with this project due to the fact that their project was not selected from the lottery system that was previously in place.

A board member asked if they would like to rescind this special use. Ben confirmed that they would like to do that.

Dave Randolph made a motion, seconded by Neil Turner that zoning case SU-5-18 be rescinded.

This motion carried by a roll call vote.

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

**Case SU-7-18 – Borrego Solar (Review)**

This zoning case pertained to the review of a previously approved special use to allow for the development of a 2 MW solar farm in an AG, Agriculture, District located in unincorporated Dwight.

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

Tom Ryan was present at the meeting via Zoom as a representative of this case. Tom explained that the company is still interested in developing this case and asked the board for an extension on their special use permit.

William Flott made a motion, seconded by Joe Stock that zoning case SU-7-18 be approved with a 2 year extension.

This motion carried by a roll call vote.

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

### **Case SU-9-18 – Vermilion Solar I (Review)**

This zoning case pertained to the review of a previously approved 2 MW solar project in an AG, Agriculture, District located in unincorporated Pontiac.

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

Kevin Betz was present at the meeting via Zoom and explained that Vermilion Solar I and II are no longer on the same timeline and that Vermilion Solar I's capacity was granted on the powerline. Kevin stated that New Leaf Energy, formerly Borrego Solar, intends to develop this project and start construction in 2023. Kevin further explained that their interconnection agreement with Com Ed is complete and that they intend to apply for a building permit in the first quarter of 2023. Kevin requested a 1 year extension on this special use case.

There was then a question about when the project was projected to be complete and how the conditions of the special use should be changed to reflect the anticipated completion. Kevin requested a completion date for the end of 2024 in order to account for potential supply chain and weather related issues.

Joe Stock then made a motion, seconded by Dave Randolph that zoning case SU-9-18 be approved with a one year extension.

This motion carried by a roll call vote.

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

### **Case SU-10-18 – Vermilion Solar II (Review)**

This zoning case pertained to the review of a previously approved 2 MW solar project in an AG, Agriculture, District located in unincorporated Pontiac.

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

Kevin Betz was present at the meeting via Zoom and explained that Vermilion Solar II is behind schedule and that they have reapplied for capacity and that they have an active interconnection agreement with Com Ed. Kevin estimated that Vermilion Solar II is approximately a year behind

Vermilion Solar I and that he anticipates construction to commence in 2024 and for construction to be complete by 2025. Kevin requested a 2 year extension on this special use case.

Dave Randolph made a motion, seconded by Joe Stock that zoning case SU-10-18 be approved with a 2 year extension.

This motion carried by a roll call vote.

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

### **Case SU-11-18 – DG Solar (Review)**

This zoning case pertained to the review of a previously approved special use case to develop a 4 MW solar farm consisting of two 2 MW facilities in an AG, Agriculture, District located in unincorporated Pontiac.

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

Charlie Branham was present at the meeting via zoom as a representative of the company. Charlie requested a one year extension and explained that both projects within this special use have been selected by the state. Charlie further explained that construction of the facilities is expected to begin in early 2023 and be completed by October of 2023. Charlie stated that the equipment for the project has been ordered and that the company intends to file an application for a building permit in 4-6 weeks.

Dave Randolph made a motion, seconded by Neil Turner that zoning case SU-11-18 be approved with a one year extension.

This motion carried by a roll call vote.

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

### **Case V-5-22 – Beier**

This zoning case pertained to the review of a proposed variance to allow for reduced square footage than what is required by the ordinance for a single story home in an AG, Agriculture, District located in unincorporated Dwight.

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

Tim Henson was present at the meeting as a representative of this case and explained that he has been helping out James Beier for approximately 2 years now due to the fact that before, James was living in a dilapidated home in the country just outside of Dwight. Tim explained that James wishes to remain on his family farm and that earlier in 2022, his house was destroyed by a fire. As a result, Coach House Garages donated a 20' x 24' garage to James in an effort to help accommodate James' request to remain on the farm. Since the structure only amounts to 480 square feet, it does not meet the ordinance required 720 square feet. Tim explained that James is on a fixed income and has led an effort to allow for James to remain on the farm after the destruction of his previous home. Tim explained all the different processes that had been done in order to make it happen. Tim also stated that they have a way to add on the additional 240 square feet to meet the ordinance requirement.

There was a question from a board member as to whether or not Tim was related to James. Tim answered that he was not.

Holly Frauli, then spoke as an interested party in this case. Holly voiced her concerns about the garbage that had previously been laying all over the property and whether or not Tim would continue to help maintain the property in that manner. Tim responded to these concerns by saying that he has been teaching James life skills so that James would be able to better take care of himself and added that he would help maintain the property as long as he is still living in Dwight.

Chris Fauli, then spoke as an interested party in this case. Chris stated that the board should not grant the variance due to the fact that James has the resources to be able to afford to do what needs to be done to meet the ordinance due to the size of his property. Chris added that James has refused to rent or sell any of his property. Chris further posed that James inherited the property and that he has poorly maintained the property as well as the previous home that was on the property. Chris related his additional concerns about the new structure's durability and the septic system for it. Chris also discussed James' inability to take care of himself by citing examples from around the community of Dwight where James visits.

Tim then provided a closing statement by saying that he just wanted to help James and honor his wishes to remain on the family farm.

There was then a question by a board member as to how they would add on to the current garage if needed. Tim explained that they would add on to the North side of the structure.

There was then a question about whether or not there was a tenant farmer on the property. Tim answered that there's a tenant farmer in year 2 of a 3 year lease.

A question was then asked about whether or not the trees have been cleaned up. Tim stated that the tenant farmer removed the trees in the field and that everything else has been cleaned up.

There was then discussion amongst board members as to whether or not the variance would transfer with the property if sold. The assistant zoning administrator explained that it would transfer with the property if it were to be sold to someone else.

William Flott then made a motion, seconded by Dave Randolph that this case be approved.

This motion carried by a roll call vote.

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

**Other Business:**

The assistant zoning administrator informed board members that in addition to the upcoming utility scale solar project, 5 other solar project applications have been received by the zoning office.

**Findings of Fact and Decision:**

Richard Runyon moved, seconded by Joe Stock, that the Findings of Fact and Decision be approved except for Grani’s Acres.

This motion carried by a roll call vote.

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

**Public Comment:** None

**Report of Officers:** None

**General Discussion:**

There was discussion amongst board members about the Borrego Solar name change to New Leaf. The zoning administrator noted that contact information would be updated for the name change.

**Adjournment:**

William Flott then moved, seconded by Dave Randolph, that this meeting be adjourned.

This motion carried by a roll call vote.

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

This meeting was adjourned at 8:32 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