

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

Regular Meeting  
6:00 p.m.

October 5, 2023

The meeting came to order at 6:05 pm.

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

Members Absent: Dave Randolph, Rich Kiefer, and Joe Stock

Board Members Present: James Carley, Bob Weller, Linda Ambrose and Rebekah Fehr

Others Present: Regional Planning/Zoning Director Brittney Miller, Interim Administrator Jordan Uselding, Administrative Assistant Trish Merlino, County Board Executive Director Alina Hartley, Kevin Betz (Vermillion Solar), Addie Folkerts, Andreana Zelles, Ryan Magnoni (US Solar), Sharon Loudon, Mary Loudon, Amanda Dixon and Becky Taylor (SWCD)

**Approval of the Agenda:**

Chair Huisman called for any additions or corrections to the agenda with none requested. Motion by Flott, second by Runyon to approve the agenda as presented. **Motion carried on roll call vote with all ayes.**

**Approval of Minutes:**

Chair Huisman asked if other members had time to review the minutes from September 28, 2023, as she had not. Others had not reviewed them either and Chair Huisman ruled they would be reviewed and approved by the November 9, 2023 meeting.

**Business to be reviewed:**

**Case SU-9-23 – Vermillion Solar 1 (review)**

This zoning case pertained to the review of a previously approved special use request to develop a 2 MW (Approximately 20 acre) solar farm on a 156.49-acre tract consisting of two adjoining tracts located in an AG, Agriculture, District in unincorporated Pontiac.

Miller gave an overview of the case to ZBA members.

Betz gave an update to the committee members on the status of the project and asked that the special use permit be extended for 1 year.

A committee member asked if they were finalizing construction plans and Betz said they were hoping to have them finalized by the end of the year and to start construction in early spring of 2024, with a completion date of October 1, 2024.

Motion by Flott, second by Turner that zoning case SU-9-23 – Vermillion Solar, 1 be approved with a 1-year extension. **Motion carried on roll call vote with all ayes. Ayes:** Flott, Huisman, Turner, and Runyon **Nays:** None **Absent:** Randolph, Kiefer, and Stock

### **Case SU-13-23 – Folkerts**

This zoning case pertained to the review of a proposed special use to operate a kennel on property located in an AG, Agricultural District in unincorporated Cornell.

Miller gave an overview of the case to ZBA members.

Folkerts gave an overview of her kennel business to the committee members.

A committee member asked if there were any signs on the property advertising her business and Folkerts said there were none. Folkerts was also asked about employees and she told the committee there are no other employees besides herself.

A question was asked about how many dogs can be boarded at the facility. Folkerts explained that her facility can board up to 12 dogs, mentioning that dogs that come from the same home who get along can be boarded together, and if they don't, they would be boarded separately.

Motion by Runyon, second by Turner that this zoning case be approved. **Motion carried on roll call vote with all ayes. Ayes:** Flott, Huisman, Turner, and Runyon **Nays:** None **Absent:** Randolph, Kiefer, and Stock

### **Case SU-11-23 – Zelles**

This zoning case pertained to the review of a proposed special use to operate a kennel on property located in an AG, Agricultural District in unincorporated Dwight.

Miller gave an overview of the case to ZBA members.

Zelles gave an overview of her kennel business to the committee members.

A committee member asked Zelles if she would be doing kenneling, training and grooming as part of her business and Zelles stated that all 3 would be part of her business. Zelles also stated that she can board up to 11 dogs for an average of 1 month. Zelles was also asked about her hours of operation, to which she stated that kenneling would start at 5:00 a.m., and grooming and training

would start at 7 a.m. to mid-afternoon- by appointment only. Another question was asked about signage and Zelles stated that she would like to have a sign in the future.

Motion by Runyon, second by Turner that this zoning case be approved with the condition of approval for review in one year. **Motion carried on roll call vote with all ayes. Ayes:** Flott, Huisman, Turner, and Runyon **Nays:** None **Absent:** Randolph, Kiefer, and Stock

### **Case SU-12-23 – Morris**

This zoning case pertains to the review of a proposed special use to operate a contractor's storage yard on property located in an AG, Agricultural District in unincorporated Long Point.

Miller gave an overview of the case to ZBA members.

Morris gave an overview of her contractor's storage yard business to the committee members.

A committee member asked Morris what her contractor's business would be named or described as, and Morris stated that she plans to store her personal belongings. Morris stated that she has not done any work out of the facility, except for the court ordered removal of the unregistered vehicles. Morris stated that she is not running a business.

Another member asked Morris if she has brought any additional campers, vehicles, or trailers onto the property and Morris stated that she had not. Morris was also asked how many vehicles have been removed off of the property to which she stated that she was unsure since she had not been there every day over the last month due to personal reasons. Morris stated that Mark, her significant other, was partaking in the removal. Morris was also asked how many vehicles are still left on the property, to which she stated that she was unsure, but guessed around 10, based off what Mark had told her prior to the meeting. Morris was also asked if all the vehicles were registered and operable, to which she stated that all vehicles are operable and assigned to her, just not completely registered.

Morris was also asked about selling bins and barrels, to which she stated that Mark will be doing the removal, but plans to only sell the bins and barrels when requested. Morris was asked about how many bins and barrels were on the property, to which she stated that there are approximately 50 barrels and quite a few bins but has not counted them.

Another committee member asked Morris about the size of the building she was planning to construct to store her belongings, to which Morris stated that she believed the dimensions were approximately 60' x 70'. Morris believes that she has approximately  $\frac{3}{4}$  of the building material bought for the building. Morris was asked why she was removing her belongings out of the Blackstone property and Morris stated that she has a court date in December to finish removal of her belongings.

Huisman asked Miller or Uselding if there was a definition of a contractor's storage yard in the ordinance and Uselding stated that there is not, as that would be for the zoning board to determine. Huisman stated that a contractor's storage yard has a connotation that a contractor company would

be doing some type of business as well as storing any equipment for the business. Huisman also mentioned that a contractor's storage yard is not a yard in which equipment can sit until the owner can dispose of. Huisman informed Morris that the committee is unable to override a judge's ruling, stating that even though ordinance does not have a distinct definition of a contractor's storage yard, that since Morris does not have a contractor business, she cannot store personal belongings under the guise of a contractor's storage yard. Morris stated that she would construct a building over the existing foundation to store any vehicles and other personal belongings.

A committee member then asked Morris about the campers, to which Morris stated that the campers would be still be stored, as well as other operable vehicles. Huisman then asked Morris if her intention is not to grow what is already existing, and Morris stated that her intention was not to continue to grow.

Sharon Loudon questioned Morris regarding the time length in which she would be applying for a building permit, as well as where the building material will be stored. Morris stated that it would be at least a year before she applied for a permit, and the building material was being stored on a friend's property.

Mary Loudon asked Morris if she had just testified in court earlier in the week that she hadn't begun cleaning up the property and Morris stated that she did not.

Ambrose questioned Morris about the wooden fence that was put up and wondered if the fence had covered three parts of her property, to which Morris stated that the fence does cover three parts as well as blocking the view from the road. Morris stated that the only uncovered portion of the fence is adjacent to the property that is farmed.

Mary Loudon expressed that Morris has a junk yard, not a storage yard. Loudon mention that she looked up the definition of a contractor's storage yard online from other zoning entities to which each state that contractor's storage yards are to store materials used for the business. Loudon also stated that she has pictures on a USB drive from September 2, 2023 and October 1, 2023 regarding the state of the property. Loudon stated that the pictures have been given to the county's lawyer. Because Loudon does not have physical copies of the papers, Huisman stated that a USB drive would not be able to be used, as a tech assistant was not on duty at the time.

Huisman then called for a break at 7:28 p.m.

Huisman called the meeting back to order at 7:36 p.m.

Mary Loudon reiterated that Morris just wants to store junk rather than contractor machinery. Loudon mentioned that the foundation in which Morris will build on was damaged by a fire and questioned how a stable building would be placed on the foundation.

Loudon also stated that when driving by, vehicles without windows and doors were visible from the road, as well as vegetation and other materials. Loudon stated that she doesn't believe that a special

use for a contractor's storage yard should be approved because Morris is not in business and was ordered by a judge to clean up her property.

Sharon Loudon stated that she drives by the Morris property 3-4 times a week and has noticed an addition to items on the lot and doesn't want a junkyard in Long Point.

Dixon stated that her understanding of property rights is that a person may do whatever they want with their property as long as they are not causing harm to their neighbor. Dixon stated that she hasn't heard how Morris is causing physical harm to her neighbor. Dixon also stated that she has only heard subjective complaints on how something looks and doesn't understand why she has to ask permission to store her private property on her privately-owned property.

Runyon made a motion, seconded by Flott that this zoning case be approved. **Motion denied by roll call vote. Ayes:** None **Nays:** Flott, Huisman, Turner, and Runyon **Absent:** Randolph, Kiefer, and Stock

Huisman call for a break at 7:56 p.m.

Huisman called the meeting back to order at 8:07 p.m.

#### **Case V-6-23 – USS Man Solar, LLC**

This zoning case pertains to the review of a proposed variance to reduce the living buffer requirements on the western side of the proposed solar farm development rather than the required living buffer to surround the entire solar farm.

Miller gave an overview of the case to ZBA members.

Magnoni, a representative of the applicant explained to the committee members that the surrounding land being farmed would make tree growing more difficult and would have roughly 10-20% dying. Magnoni stated that the cost for the trees would be too significant for a small project when the trees will not last long.

Runyon made a motion, seconded by Turner that this zoning case be approved. Motion denied by roll call vote. Ayes: None Nays: Flott, Huisman, Turner, and Runyon Absent: Randolph, Kiefer, and Stock

Discussion took place regarding an updated site plan to be submitted to the zoning office showing the vegetative buffer around the entire project.

#### **Case SU-14-23 – USS Man Solar, LLC**

This zoning case pertained to the review of a proposed special use to develop a 1.998 MW solar farm on approximately 10.52 acres of a 57.90-acre tract of land in an AG, Agricultural, District located near Manville.

Miller gave an overview of the case to ZBA members.

Magnoni, a representative of the applicant, then gave a brief explanation of the project which included information about their company as well as the site plan and location of the project.

Motion by Flott, second by Runyon to table case SU-14-23 – USS Man Solar, LLC to November 9, 2023. **Motion carried on roll call vote with all ayes. Ayes:** Flott, Huisman, Turner, and Runyon **Nays:** None **Absent:** Randolph, Kiefer, and Stock

#### **Case V-7-23 – USS Avoca Solar, LLC**

This zoning case pertains to the review of a proposed variance to eliminate the living buffer requirements for the proposed solar farm development rather than the required living buffer to surround the entire solar farm.

Miller gave an overview of the case to ZBA members.

Magnoni, a representative of the applicant explained to the committee members that the surrounding land being farmed would make tree growing more difficult and would have roughly 10-20% dying. Magnoni stated that the cost for the trees would be too significant for a small project when the trees will not last long.

Runyon made a motion, seconded by Turner that this zoning case be approved. **Motion failed by roll call vote. Ayes:** None **Nays:** Flott, Huisman, Turner, and Runyon **Absent:** Randolph, Kiefer, and Stock

Discussion took place regarding an updated site plan to be submitted to the zoning office showing the vegetative buffer around the entire project.

#### **Case SU-15-23 – USS Avoca Solar, LLC**

This zoning case pertained to the review of a proposed special use to develop a 4.995 MW solar farm on approximately 32.03 acres of a 63.49-acre tract of land in an AG, Agricultural, District located in unincorporated Fairbury.

Miller gave an overview of the case to ZBA members.

Magnoni, a representative of the applicant, then gave a brief explanation of the project which included information about their company as well as the site plan and location of the project.

Motion by Turner, second by Flott to table case SU-15-23 – USS Avoca Solar, LLC to November 9, 2023. **Motion carried on roll call vote with all ayes. Ayes:** Flott, Huisman, Turner, and Runyon **Nays:** None **Absent:** Randolph, Kiefer, and Stock

#### **Case V-8-23 – USS CEK2 Solar, LLC**

This zoning case pertained to the review of a proposed variance to eliminate the living buffer requirements for the proposed solar farm development rather than the required living buffer to surround the entire solar farm.

Miller gave an overview of the case to ZBA members.

Magnoni, a representative of the applicant explained to the committee members that the surrounding land being farmed would make tree growing more difficult and would have roughly 10-20% dying. Magnoni stated that the cost for the trees would be too significant for a small project when the trees will not last long.

Flott made a motion, seconded by Runyon that this zoning case be approved. **Motion failed by roll call vote. Ayes:** None **Nays:** Flott, Huisman, Turner, and Runyon **Absent:** Randolph, Kiefer, and Stock

Discussion took place regarding an updated site plan to be submitted to the zoning office showing the vegetative buffer around the entire project.

#### **Case SU-16-23 – USS CEK2 Solar, LLC**

This zoning case pertained to the review of a proposed special use to develop a 4.99 MW solar farm on approximately 32.21 acres of an 80-acre tract of land in an AG, Agricultural, District located in unincorporated Fairbury.

Miller gave an overview of the case to ZBA members.

Magnoni, a representative of the applicant, then gave a brief explanation of the project which included information about their company as well as the site plan and location of the project.

Motion by Flott, second by Runyon to table case SU-16-23 – USS Avoca Solar, LLC to November 9, 2023. **Motion carried on roll call vote with all ayes. Ayes:** Flott, Huisman, Turner, and Runyon **Nays:** None **Absent:** Randolph, Kiefer, and Stock

#### **Case V-9-23 – USS CEK3 Solar, LLC**

This zoning case pertains to the review of a proposed variance to eliminate the living buffer requirements for the proposed solar farm development rather than the required living buffer to surround the entire solar farm.

Miller gave an overview of the case to ZBA members.

Magnoni, a representative of the applicant explained to the committee members that the surrounding land being farmed would make tree growing more difficult and would have roughly 10-20% dying. Magnoni stated that the cost for the trees would be too significant for a small project when the trees will not last long.

Flott made a motion, seconded by Runyon that this zoning case be approved. **Motion failed by roll call vote. Ayes:** None **Nays:** Flott, Huisman, Turner, and Runyon **Absent:** Randolph, Kiefer, and Stock

Discussion took place regarding an updated site plan to be submitted to the zoning office showing the vegetative buffer around the entire project.

### **Case SU-17-23 – USS CEK3 Solar, LLC**

This zoning case pertains to the review of a proposed special use to develop a 4.99 MW solar farm on approximately 32.25 acres of a 39.25-acre tract of land in an AG, Agricultural, District located in unincorporated Fairbury.

Miller gave an overview of the case to ZBA members.

Magnoni, a representative of the applicant, then gave a brief explanation of the project which included information about their company as well as the site plan and location of the project.

Motion by Flott, second by Turner to table case SU-17-23 – USS Avoca Solar, LLC to November 9, 2023. **Motion carried on roll call vote with all ayes. Ayes:** Flott, Huisman, Turner, and Runyon **Nays:** None **Absent:** Randolph, Kiefer, and Stock

**Other Business:** N/A

**Public Comment:** None

**Report of Officers:** N/A

**General Discussion:** N/A

### **Adjournment:**

Motion by Turner, second by Flott that the meeting be adjourned. **Motion carried on roll call vote with all ayes.**

This meeting was adjourned at 9:08 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,

Trish Merlino, Administrative Assistant  
Livingston County Regional  
Planning Commission