

MINUTES OF THE LIVINGSTON COUNTY
ZONING BOARD OF APPEALS
HELD ON MAY 9, 2024, STARTING AT 6:00 PM
IN THE LIVINGSTON COUNTY HISTORIC COURTHOUSE
112 W. MADISON ST. PONTIAC, ILLINOIS

The meeting was called to order at 6:05 p.m.

Roll call was taken.

Members Present: Joan Huisman, Dave Randolph, Bud Turner, Bill Flott, Richard Kiefer, Joe Stock, and Richard Runyon

Members Absent: None

Board Members: Bob Weller, Rebekah Fehr, Craig Monson, Marty Fannin

Others Present: Zoning Administrator Brittney Miller, Executive Director Alina Hartley, Zoning Administrative Assistant Angie Teske, Scott Dehm (Applicant), Bill Trimarchi (AC Power, LLC), Anne Rowley (TRC Companies)

Approval of the Agenda:

Chair Huisman called for any additions or corrections to the revised agenda. Motion by Flott, second by Randolph to approve the revised agenda as presented. **Motion carried on roll call vote.** **Ayes:** Randolph, Runyon, Kiefer, Stock, Flott, Turner, and Huisman **Nays:** None **Absent:** None

Approval of Minutes:

The ZBA reviewed the minutes of the April 4, 2024 meeting. Huisman noted that there was an amended set of minutes on board members desks for consideration. Huisman stated that she had spoken with States Attorney Regnier requesting that the April 4, 2024 minutes be amended to reflect that the States Attorney had not spoken with the ZBA members directly when the topic of the February 1, 2024 minutes were raised. Huisman referenced a letter from States Attorney Regnier whereby he acknowledged his opinion had not been given to the membership directly, but that he had spoken directly with Chairman Huisman and Executive Director Hartley. States Attorney Regnier further noted within the letter that he had relied on Executive Director Alina Hartley, as he often does, to convey his message to the membership and that it was his understanding that she did so at both the March and April meetings. Motion by Randolph, second by Runyon to approve the minutes of April 4, 2024 as amended. **Motion carried on roll call vote.** **Ayes:** Randolph, Runyon, Kiefer, Stock, Flott, and Huisman **Nays:** None **Absent:** None

Business to be reviewed:

V-1-24 Dehm

This zoning case pertains to the review of a proposed variance to allow for a 2-lot subdivision to reduce the minimum lot area requirements, with the proposed acreage of both parcels being 1.1 acres. Miller gave an overview of the zoning case to the ZBA members.

Scott Dehm, applicant and property owner, stated that his financial institution advised that he separate the parcels, as he owns a business that sits on the southern portion of the property. It was noted that the Regional Planning Commission recommend approval for the subdivision, however, he does not meet the minimum lot requirements of 1 ½ acres.

There was concern regarding road frontage to the southern parcel that will lead to the business. It was noted that Dehm has an easement on both sides of his property, however, it was decided that Dehm will put a 30 ft. frontage road on either side of his property leading to the business.

The floor was opened to the public.

Motion by Runyon, second by Randolph to recommend approval of V-1-24 as presented with a condition to revise the road frontage for parcel B, leading to his business. **Motion carried on roll call vote with all ayes. Ayes:** Randolph, Runyon, Turner, Kiefer, Stock, Flott, and Huisman **Nays:** None **Absent:** None

SU-4-24 AC Power 51, LLC

This zoning case pertains to the review of a proposed special use to develop a 4.99MW solar farm on approximately 25.1 acres of a 90.83-acre tract of land. Miller gave an overview of the case to ZBA members.

Bill Trimarchi (AC Power, LLC), introduced his company to the ZBA committee and discussed the site plans for his project. He explained that the solar farm will be connected with the Community Solar Energy Program, benefiting the entire community by providing clean energy.

Anne Rowley (TRC Companies), provided additional details about the proposed plans. Rowley explained that deciduous and evergreen trees will be utilized to encircle the solar farm as the required living buffer. A question was raised regarding the body of water that sits in the middle of the property, to which Rowley explained that the proposed area is a borrow pit, therefor the property essentially sits in a bowl and excess water drains to the body of water situated in the middle of the property.

A question was raised regarding visibility from the road, to which Rowley stated that along with the 7-foot fence, the solar panels are situated 30 feet lower than the surrounding terrain, including the road, therefor the solar panels will not be visible.

The floor was open to the public.

Ramon Rodriguez questioned how the solar farm will affect the neighboring property owners related to taxes, to which Rowley stated that studies show that solar farms decrease property taxes. Rodrigues later testified his concern for the safety of his family and the taxes on his property due the addition of the solar farm in the area.

Motion by Flott, second by Randolph to recommend approval of SU-4-24, with the standard conditions of approval. **Motion carried on roll call vote with all ayes. Ayes:** Randolph, Runyon, Kiefer, Stock, Turner, Flott, and Huisman **Nays:** None **Absent:** None

Other Business:

Miller stated that the upcoming ZBA dates for Heritage Prairie Wind Farm will take place on June 17, 2024 and June 18, 2024.

Findings of Fact and Decision:

Motion by Randolph, Second by Turner to approve the amended findings of fact. **Motion carried on roll call vote. Ayes:** Randolph, Runyon, Kiefer, Stock, Turner, Flott, and Huisman **Nays:** None **Absent:** None

Public Comment:

The floor was open for public comment.

Report of Officers: N/A

General Discussion: N/A

Adjournment:

Motion by Kiefer, second by Turner to adjourn the meeting. **Motion carried on roll call vote. Ayes:** Runyon, Kiefer, Randolph, Stock, Flott, and Huisman **Nays:** None **Absent:** None

The meeting was adjourned at 7:14 p.m.

Materials regarding these proceedings are on file at the Livingston County Regional Planning Office, located in the Livingston County Historic Courthouse, 112 W. Madison St., Pontiac, Illinois.

Respectfully submitted,

Brittney Miller, Zoning Administrator
Livingston County Regional
Planning Commission