

Members Present

Mr. Olthoff, Mr. Vickery, Ms. Bernard, Ms. McBride, Mr. Washington, Mr. Flett, Mr. Tripp, Mr. James, Ms. Polk, and Mr. Hess

Members Absent

Mr. Stauffenberg, Mr. Nixon, Mr. Tholen, and Mr. Pagast

In Attendance

- **Board Members**

Mr. Bossert

- **Department Heads**
- **Media**

1. Call to Order

The meeting was called to order by the Chairman, Mr. Olthoff, at 9:00 a.m. Quorum present.

2. Public Comment

- Julian J. Mendrala Jr. commented on a request to revoke a special use permit on property with the address of 8257 E. 5000 N Rd, Grant Park, IL.
- Greg Deck commented on ZBA Case #11-01

3. Approval of Minutes – March 23, 2011

A motion to approve the minutes was made by Mr. James and seconded by Mr. Washington. Motion carried.

4. Zoning

- **ZBA Case #11-01; a request for a Variance to Section 121-281 (c) (Accessory Structures), on a parcel generally situated in Section 30 of Ganeer Township. The petitioner is Municipal Trust & savings Bank Trust No. 2257, Paul T. Routson, property owner and applicant.**

Mr. Skimerhorn stated that Mr. Routson is asking for a variance to construct a pole barn that is 40' by 60' about 50% of which would lie in front of the principal structure on the south side. Directly behind the pole barn is a septic field, so he cannot put it back any farther than what he is proposing. The property is 5.38 acres in size. The well is on the north side of the property but is only 10' from the house leaving a lot of room on the north side of the building. There is flood plain to the back but a pole barn can be built on a flood plain. The ZBA made a motion to approve and it failed 2 votes to 4; therefore, it comes before this committee with no recommendation from the ZBA. There were no objectors present at the ZBA hearing.

Mr. Olthoff stated that a little more than half of the building would be in front of the garage.

Mr. James asked what the setback is in that area. How far back is he? Where is it written that a building cannot be built in a flood plain? He makes a recommendation that it be sent back to ZBA for another review. He is not ready to make a decision without going out and making an inspection on it. It sounds to him like we are going to make a variance for a convenience and not for a necessity.

Mr. Skimerhorn stated that in the A-1 area the setback is 50' from the road. The house is much farther than that. A building can be built on a flood plain. There are some added requirements that usually make it more expensive to do.

Mr. Tripp asked if the front of this building would be back farther than 50'. If so, he doesn't see a problem with it.

Mr. Skimerhorn stated that it would be.

Mr. Olthoff stated that regulation states that it cannot be in front of a residence.

Mr. Skimerhorn stated that the house is approximately 168' from the road.

Mr. James made a motion to send it back to the ZBA committee. Motion failed for lack of a second.

Mr. Tripp made a motion to approve. Motion failed for lack of a second.

Ms. McBride stated that we seem to keep running into problems when we allow one person to do something and then the next person comes along and we turn him down. She doesn't think that is right.

Mr. Flett asked about the location of the septic tank.

Mr. Olthoff stated that if he built it even with his garage it would be back 34'. He is guessing it would miss the septic tank but the septic field would have to be rerouted.

Mr. James made a motion to deny and Ms. McBride seconded it.

Mr. James stated that he still contends that this is a convenience and not a necessity. This could come back and haunt us many, many times. Either we are going to stick to our guns or just tear up the ordinance.

Mr. Routson, property owner, stated that if he were a farmer he could put this building anywhere he chose to. He is asking the committee to give him the right to put the building up where he would like to put it.

Mr. James stated that he has trouble seeing this variance go through.

Mr. Washington stated that in order not to kill this person's opportunity to get this through, at least get an affirmative or negative vote from the ZBA. He thinks it should be moved back to ZBA.

Ms. Bernard stated that she has seen this board grant variances and even ignore recommendations from our Health Department for subdivision development. She has seen decisions made that resulted in huge liabilities. This is in an agriculture area. She doesn't see how harmful this could be.

Mr. Bossert asked if there was an issue with moving the septic field because of the floodplain.

Mr. Skimerhorn stated that it could be moved to the front yard.

Original motion carried with a roll call vote of 7 ayes and 4 nays.

- **ZBA Case #11-02; request for a Special Use Permit to Sections 121-209 (b) 1; 121-208 (b) 1; and 121-183 (b) 2 (Inpatient clinic), on a parcel generally situated in Section 26 of Manteno Township. The petitioners are Manteno Park, LLC, property owner and Nexus Diversified Community Improvement Corporation, applicant**

Mr. Skimerhorn stated that Indian Oaks Academy's current operation is located in the southern end of the Manteno Diversatech Campus. They have facilities scattered throughout the campus. They are looking to consolidate many of those uses into the two parcels shown in red on the map. The special use permit would be for an in-patient clinic which is the closest thing in the ordinance that they could classify this as. ZBA voted to approve 6 to 0. There were no objectors. Five conditions were placed on the special use permit. One of them they would like to have removed. The conditions are:

1. Each building in the complex must be visibly marked or numbered to assist emergency personnel in the identification and location of each building.
2. Indian Oaks Academy must establish a 24-hour phone line that directly connects to a real person for emergency purposes.
3. Establish a written protocol for managers.

All three of these were recommended by the county sheriff.

4. Construct a fence around the complex to limit ingress and egress from the premises where feasible.

They would like to have this one removed. Unfortunately, at this time the way the road network is at this time we would be placing a condition on them that they could not meet. They do intend to put a fence around the facility when it is feasible.

5. Limit the number of patients to the current State licensed capacity of 117

Mr. Chavers, the executive director, stated that the structures in Onarga are three-story buildings. Currently, they have their residents housed in buildings that were built in the 1930's and 1950's and cause them to house three to four residents per room. They would like to build new buildings that would allow single rooms for their youth. They also have two other buildings on campus that are 7 to 9 blocks away which means they have to transport their residents several times a day across residential neighborhoods. They would like to consolidate those onto their current campus creating a better environment for their kids and the neighbors.

Mr. Washington made a motion to approve with the four conditions and Mr. James seconded it. Motion carried with a voice vote.

Ms. Bernard asked when it would be feasible to get a fence built.

Mr. Skimerhorn stated that they will have to work with the township road commissioner. It may not be feasible; a lot of those roads became one-way roads in the last few years. Part of the plan is to fence in the complex and actually create its own entrance all the way out to the section line road.

- **ZBA Case #11-03; request for an Text Amendment to County Code Section 121-99.c.32 (to allow for the installation and construction of facilities that store, blend, and utilize flammable liquids, gases, or materials as a special use permit in the A1-Agriculture District when such facilities are connected to a pipeline). The petitioner is Kankakee County.**

Mr. Skimerhorn stated that periodically they look for ways to improve their ordinance to modernize it and this is one such case. Currently, tank farms and storage blending facilities for flammable liquids are a special use permit in the I-2 district. Generally, that is where they like to keep them; however, it has come

to their attention that when a pipeline is involved it is not always feasible to have these facilities in an I-2 district. They need to be located close to the pipeline so that they can transport either the raw materials or the finished product from the facility. They are recommending that they also add these facilities as a special use permit in the A-1 agricultural district when they are associated with a pipeline. If it is not associated with a pipeline, it would still need to be placed in the I-2 district. ZBA recommended approval 6 to 0 and there were no objectors.

Mr. Bossert stated that he would be talking about a facility maybe similar to what is just west of town in Limestone – a pumping station with above ground tanks connected to a pipeline where product is pumped in and pumped out.

Mr. Skimerhorn stated that is probably the closest example that they have in the county. What partially prompted this, is that a pipeline company actually came to them because they have two pipelines that come together and they want to build a blending station so that they can blend the products from the two pipelines and then ship them out on another pipeline. They can't put that just anywhere; it needs to be in close proximity to the pipeline. Unfortunately, our code as written today, does not allow that.

Mr. Olthoff asked how close this is to homes.

Mr. Skimerhorn stated that it needs to meet the same setbacks as for the I-2 district.

Mr. James made a motion to approve and Mr. Washington seconded it. Motion carried with a voice vote.

- **ZBA Case #11-04; a request for a Special Use Permit to Sections 121-209.b.1, 121-208.b.1, and 121-182.a.15 (Churches, Chapels, Temples and Synagogues) in the I2-General Industrial District, on a parcel generally situated in Section 17 of Bourbonnais Township. The petitioner is Jay Tamblin dba BTM LLC, property owner and applicant.**

Mr. Skimerhorn stated that the property is located on Larry Power Road in Bourbonnais Township. Jay Tamblin is the owner and he would like to lease the west end of the building to the Love Christian Cathedral Church so that they could establish a church at this location. It is about 5000 sq. ft. of space that they would be leasing. Churches are a special use permit in the I-2 district and that is what they are requesting. ZBA approved recommendation 4 to 0. There were no objectors present. Two conditions were placed on this special use permit. The first one is that the special use permit is tied to the Love Christian Church and will be null and void if the church ceases to exist at this location for a period of 12 months or longer and the second one is that all parking must be contained on the subject site and not on the adjoining roadways.

Mr. James asked why we would give a 12 month window.

Mr. Skimerhorn stated that is typically what is done with a special use permit.

Mr. James asked if it meets regulation with regards to bathrooms, etc.

Mr. Skimerhorn stated that he can't answer that. The next step would be for them to get building permits for whatever modifications inside that they would need to make and it would have to be brought up to the current code at that time.

Mr. Hess asked what else is in that area.

Mr. Olthoff stated that there is an insurance business right next door and on the other side are FSA and NRCS.

Mr. Vickery stated that he would like to see a 6 month window put on it instead of 12 months.

Mr. Vickery made a motion to approve with a six month window.

Mr. Washington stated that he agrees providing that they have the opportunity to come back in for an extension. Mr. Vickery agreed. Mr. Washington seconded it. The amendment passed with a voice vote. The motion passed with a voice vote.

5. Old Business

- **Country Springs Subdivision, 2nd Addition – Preliminary Plat**

Mr. Skimerhorn stated that at the last PZA meeting this subdivision was approved but the staff forgot that it has to go to county board for approval. It is on the agenda so a committee report can be signed.

6. New Business

- **Resignation of Ralph Tribbey from Zoning Board of Appeals**

Mr. Vickery made a motion to accept the resignation and Mr. Washington seconded it. Motion carried with a voice vote.

- **One Opening on the Zoning Board of Appeals**

7. Adjournment

A motion to adjourn the meeting at 9:42 a.m. was made by Mr. James and seconded by Mr. Washington. Motion carried.

Bill Olthoff, Chairman
Joanne Langlois, Executive Coordinator