

Members Present

Mr. Olthoff, Ms. Hertzberger-Schmidt, Mr. Hess, Mr. James, Mr. Scholl, Mr. Tholen, Mr. Tripp, Mr. Washington, and Mr. Whitten

Members Absent

Ms. Stauffenberg, Ms. McBride, and Mr. Marcotte

In Attendance

Mr. Bossert, Ms. Bernard, Mr. McLaren, Mike Van Mill, Delbert Skimerhorn, Mike Lammey, Ryan DeYoung, Rich Howell, Eric Sadler, Andy Pristach, Ann Brezinski, Joellen Gyorkos, John Bevis, Laura Dick, and Leigh Marcotte

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

Joellen Gyorkos spoke concerning the Delegation Agreement.

Ann Brezinski spoke concerning the Mahlum ZBA Case and Subdivision.

3. Approval of Minutes- July 31, 2008

A motion to approve the minutes of July 31, 2008 was made by Mr. Hess and seconded by Mr. Washington. Motion carried.

A motion was made by Mr. Whitten and seconded by Mr. James to move to Transportation on the Agenda. Motion Carried.

4. Zoning

• **ZBA Case #08-02**

Mr. Olthoff stated he would like to discuss the Mahlum Crossing Subdivision along with this zoning case.

Mr. Skimerhorn stated this is a request by Kathy Mahlum to rezone a 2.16 acre parcel from A-1 to A-2, and a lot size variance because the lot will be reduced to 1.98 acres after the minor subdivision of Mahlum Crossing is created. This use to be part of a larger parcel to the North and West, the owner of the property came in for a building permit and at that time the property was 21.22 acres. Sometime after the house was built, the 2 acre parcel was divided off and sold to the Mahlums.

Mr. Skimerhorn stated this is a three part case: a rezoning, a lot size variance and the minor subdivision. There is a 30 foot dedicated right of way along 4000 North Road. The ZBA failed to make a recommendation on the rezoning portion of the case, however they did vote 3 ayes to 2 nays for denial of the variance. It was a legal parcel when the house was built and the permit was issued. The property was owned by Don and Shirley St. Germaine. After the permit was issued the 2.16 acres was divided off and sold to the Mahlum's.

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Mr. Scholl stated that this is one of the issues that he finds extremely frustrating. We have a county ordinance of 20 acres and we have people who build on 20 acres and then sell portions thereof off to innocent homebuyers. Mr. Scholl asked if the homes east of this homestead were in compliance with county ordinance.

Mr. Skimerhorn stated they were not necessarily in compliance.

Mr. Scholl asked if they have been informed that they are not in compliance.

Mr. Skimerhorn said they do if they find out about it but normally they don't find out about it until they come in for a permit.

Mr. Scholl stated that we need to find a way to deal with this in a forthright manner.

Ms. Schmidt stated that in this case and in other cases that are similar to this, the County needs to be careful not to be judge and jury over what happened in the situation.

Mr. Sadler read the ordinance out loud.

Mr. Scholl stated we need something on the books to address the problem when a case like this happens. We need some way to deal with this kind of problem.

Ms. Schmidt stated that we need to get a punishment or recourse in the ordinance. In this case, let's table this until there is some kind of court decision.

A motion to deny the rezoning, variance, and the minor subdivision was made by Mr. Whitten and seconded by Ms. Schmidt. Motion carried by a roll call vote of 10 ayes and 0 nays.

- **ZBA Case #08-07**

Request is for rezoning from A-1 to RE in Limestone Township. It is a 5.59 acre track and about 50% of it is unfarmable. The Zoning Board voted 7 to 0 to recommend approval.

A motion to approve was made by Mr. James and seconded by Mr. Scholl. Motion carried. Ms. Schmidt opposed.

- **ZBA Case #08-09**

Request is for a variance to Section 121-281 (accessory structure in the front yard). The property is five acres in size.

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

5. Subdivision

- **Mahlum Crossing Subdivision**
- **Diversatech Grove Approval to Extend Preliminary Plat**

The preliminary plat for Diversatech Grove was approved on July 25, 2006. Preliminary plats have an expiration date that all improvements must be done within two years of the approval of the preliminary plat. The developer is asking for a three month extension but the staff recommends a five month extension.

A motion to approve the 5 month extension was made by Mr. Scholl and seconded by Mr. Tholen. Motion carried.

- **Minne Monesse Phase 1- Preliminary Plat and Variances**

Minne Monesse Subdivision is a proposed 45 lot county style subdivision located in Yellowhead Township on the west side of the golf course. Because of some wetland problems, they decided to phase the subdivision to get those resolved. Phase 1 consists of 12 lots at the front near the Six Mile Grove Road. They are also requesting two variances in regards to those lots. The first variance is no park or open space and the second one is that one or two of the lots have a drainage easement on them that exceeds the 10% maximum as required by the ordinance.

Delbert Skimerhorn stated that the normal procedure is to approve variances which have to go all the way to the County Board and the preliminary plat stops at PZA. If you were to make a motion to approve, they would like the condition that preliminary plat be approved on the condition that the County Board approve the variances.

Mr. Olthoff asked Mr. Hess if that was his motion.

Mr. Hess stated that yes it was.

A motion to approve was made by Mr. Hess and seconded by Mr. McLaren to approve the preliminary plat and the variances. Motion carried. Ms. Schmidt opposed.

Ms. Bernard stated that approving this goes against the staff recommendations.

Delbert Skimerhorn commented on the staff comments. They wanted to make you aware that just because the golf course is next door that doesn't necessarily mean that the people living in the subdivision would benefit from the open space. These variances only pertain to the 12 lots which is the first phase. Also, since that was written they have talked to the engineers and the drainage structures that are on the private lots will have the proper paper work submitted to make those permanent easements.

Rich Howell stated that from a resource base he is concerned about who the permanent easement is granted to and who is going to be responsible for maintaining those drainage structures.

Joel Mingus stated that the drainage issues and who the easement is dedicated to is on the final plat.

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Rich Howell stated that the easement needs to be resolved now.

Joel Mingus stated that this phase will have final plat approval before any homes are built so the easement issue will be taken care of then.

- **Shadow Creek- Variances**

A motion to postpone until there has been a letter received was made by Mr. Scholl and seconded by Mr. James. Motion carried.

6. Planning

- **Intergovernmental Agreement between County of Kankakee and Kankakee County Soil and Water Conservation District FY 2009**

A motion to sign the agreement was made by Mr. Hess and seconded by Mr. Washington. Motion carried by a roll call vote of 7 ayes and 1 nay.

7. Transportation

- **Rural Transit Discussion**

Mr. Lammey went over the various projects he would like to have added to the County's Transit Service, including work trips to a particular company in Momence.

A motion to go forward and seek every way possible to provide funds for the services and to move this forward to Finance was made by Mr. Washington and seconded by Mr. Scholl. Motion carried by a roll call vote of 9 ayes and 1 nay.

8. Old/ New Business

- **Revolving Loan**

Mr. Van Mill stated he would like to postpone this item until the next meeting.

A motion to put this item on the next agenda was made by Mr. Whitten and seconded by Mr. Scholl. Motion carried.

Ms. Bernard stated at the last PZA meeting she had requested Delegation Agreement.

Mr. Olthoff stated that will be on the next PZA Agenda.

10. Adjournment

A motion to adjourn the meeting at 11:10 a.m. was made by Mr. Tholen and seconded by Mr. Hess. Motion carried.

William Olthoff, Chairman

Stephanie Jackson, Executive Coordinator
Transcribed by Joanne Langlois, Executive Coordinator

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