

**Members Present**

Mr. Stauffenberg, Mr. Tripp, Mr. James, Ms. McBride, Mr. Washington, Mr. Marcotte, Ms. Schmidt, Ms. Barber, Mr. Scholl, Mr. Hess and Mr. Whitten.

**Members Absent**

Mr. Olthoff and Mr. Tholen.

**In Attendance**

- **Board Members**

Mr. Liehr

- **Department Heads**

Mr. Van Mill

- **Media**

Leigh Marcotte

**1. Call to Order**

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

**2. Public Comment**

None.

**3. Approval of Minutes – October 28, 2009**

**A motion to approve the October 28, 2009 minutes was made by Ms. McBride and seconded by Mr. Washington. Motion carried.**

**4. Building**

- **Chapter 109 Flood and Stormwater Management Update (update only to Flood Sections)**

Mr. Van Mill stated that last month the Committee had a presentation by Don and staff concerning an update of the flood plain regulations for Kankakee County. Kankakee County has been in the flood insurance programs since the late 70's and it is a requirement of communities to adopt an updated compliant flood plain ordinance in order that its residents can take advantage of flood insurance. If you don't have the ordinance, flood insurance is not available. Several years ago the federal government also included as the requirement that if you get a mortgage in the flood plain, that you are required to have flood insurance. We are required at this time to amend our flood plain regulations because new maps are coming out. Our deadline for having this updated by the County is late January. We have had it reviewed by the State's Attorney's office. Mr. Van Mill said he has spoken to the State's Attorney's office yesterday and they are going to continue to review the penalty section, but they had no problem with the County forwarding this contingent upon their final review before the Board passed it.

**A motion to approve the "Chapter 109 Flood and Stormwater Management Update (update only to Flood Sections)" was made by Mr. Washington and seconded by Mr. Marcotte. Motion carried.**

Discussion

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Mr. Hess said he was just visiting with Don Pallissard and he had passed a letter out that Mr. Piekarczyk had sent him and Mr. Pallissard had talked to Mark Rogers this morning and come to find out all these regulations have been in there all this time.

Mr. Van Mill said the State decided to put these statewide permits that were separate and we would reference them in a different book, they decided this time with the model State Ordinance to incorporate them, so that is what we got.

Mr. Hess said he was all in favor of tabling this until he heard what's going on and he asked for explanation from Mr. Pallissard when he had talked to Mr. Rogers.

Mr. Pallissard said in Section 109-80 that is preventing increase flood heights section. That section is how we manage the flood plain. This section is in regards to the most restricted area in a flood way. In that flood way the jurisdiction there, the ultimate permitting body is the three (3) entities – the Department of Natural Resources; the Illinois EPA and the Army Core. Some minor projects of local governments are allowed to issue permits in those areas. What the Department of Natural Resources calls those are statewide permits. What they do is give you some conditions and if you can meet those conditions you can permit that on a local level. What Jim was talking about was the bridge and culvert section, the statewide permit that information has been in there since 1998, so he and Mark talked a little bit this morning which was just a little bit of an overview, but that language has been there. So instead of us now opening up a second document to review, this language is just right in our ordinance.

## 5. Zoning

- **ZBA Case #09-14; request for a Variance to Section 121-99.E (lot width) in A1 District, on a parcel generally situated in Section 27 of Manteno Township. The petitioners are Robert & Ruth Strait, property owners and applicants.**

Mr. Skimerhorn advised that this zoning case is a request from Robert and Ruth Strait, the applicants and property owners for a 2.03 acre parcel at 7929 N 2000 E Road in Manteno. The parcel was created in 1992 and it was created with only 182 feet of lot width. The zoning ordinance in 1992 required a 250 foot lot width for all properties in the minimum lot width for all properties in the A1 zoning district. This represents a variance of 68 feet. The lot was created by previous owners and the Straits testified at the zoning hearing that they tried to buy additional frontage from neighboring properties and were unable. The zoning board voted 6 to 0 to recommend approval and there were no objectors present.

**A motion to approve the “Request for a Variance to Section 121-99.E in A1 District” was made by Ms. Barber and seconded by Mr. Tripp. Motion carried.**

- **ZBA Case 09-16; request for a Special Use Permit Section 121.146.C.8 (Community Residential Home) and Variance to Section 121-146.E.3 (Lot Size) in an R1-Residential District, on parcel generally situated in Section 17 of Pembroke Township. The petitioner is Vurnice Maloney, property owner and applicant.**

Mr. Skimerhorn advised that this is an application by Vurnice Maloney with Garden of Prayer Youth Center for a special use permit to establish a community residential home on a parcel located at 12571 E 2500 S Road in Momence and it lies about ½ mile outside of Hopkins Park. The purpose of a community residential home is to house up to five (5) homeless teenage girls. On the property is a one (1) story four (4) bedroom ranch home – it's zoned R1 single family residential. They are also asking for a lot size variance on this case. The zoning ordinance requires one (1) acre for community residential homes but this property is only .44 acres. At the zoning hearing there were three (3) objectors from Pembroke Township: Sharon White; Rick Hodge and Larry Gibbs and their objection range from proximity to sexual offenders to the lot not being big enough for that particular use. They also had concerns about building codes and ingress/egress to the facility. Mr. Robert Ellington-Snipes also spoke at the zoning board hearing but he spoke in favor of the petition stating that he was a product of the program and it was a successful program and he felt this was a better alternative to these girls living on the street. The Zoning Board voted 6 to 0 to recommend of the approval of both the special use permit and the variance. However, they did place a recommended three (3) conditions on the special use permit:

1. The number of residents at the facility is limited to five (5) girls;
2. The applicants obtain and maintain all federal, state and local permits required to operate a facility of this nature; and,
3. A privacy fence is constructed around the rear of the yard of the facility to eliminate any negative impacts that outdoor activities may create for surrounding property owners.

**A motion to approve the “Request for a Special Use Permit Section 121.146.C.8 (Community Residential Home) and Variance to Section 121.146.E.3 (Lot Size) in a R1 Residential District” was made by Mr. Washington and seconded by Ms. McBride. Motion carried.**

Mr. James asked if they ever discontinue using it for this type of facility will it convert back to residential?

Mr. Skimerhorn said if it stops being this type of facility for one (1) year it would revert back to a single residential home – it's a special use permit just for that particular use.

Ms. Barber asked if there was full time monitoring at this home and a program director there full time?

Mr. Skimerhorn advised that there was a supervisory staff there at the facility 24 hours a day – 7 days a week and they have overlapping times so that at some points of the day there is at least two (2) and that the five (5) is five (5) residents maximum. If one of the girls does have a child, that will count as one of the residents.

## **6. Subdivision**

- **Hamann Subdivision – Preliminary/Final Plat**

Mr. Skimerhorn advised that this subdivision is a one lot minor subdivision located at 1347 N 10000 E Road in Momence. It lies south and west of the City itself. It's being developed by

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Willard and Beverly Hamann. The property is zoned A1 and they will be seeking a farmstead exemption for the property as well once the plat is approved. It's 1.31 acres in size and they have given 40 feet of right of way. The subdivision went out for the 45 day review process which ended on November 6<sup>th</sup> and there were no comments.

**A motion to approve the "Hamann Subdivision – Preliminary/Final Plat" was made by Mr. Hess and seconded by Mr. Tripp. Motion carried.**

David Jaffe, Esq. said there are numerous homes across the street from this property and on the property adjoining this parcel owned by the Hamanns. The house has been there for several years and the people that occupy it are interested in buying it and we think it is better to have a homeowner living there than a tenant.

**7. Old Business**

None.

**8. New Business**

Mr. Whitten said he would like to talk about this highway issue and Mr. Van Mill assured him they could talk after the meeting.

**9. Adjournment**

**A motion to adjourn the meeting at 9:19 a.m. was made by Mr. Hess and seconded by Mr. Marcotte. Motion carried.**

Jim Stauffenberg, Vice Chairman  
Chris Richardson, Administrative Assistant