

Members Present

Mr. Tripp, Mr. James, Mr. LaGessee, Mr. Howard, Mr. Liehr, Mr. Olthoff, Mr. Washington, Mr. Einfeldt, Mr. Wheeler, Mr. Vickery, and Ms. Polk

Members Absent

Mr. Whitis and Mr. Tholen

In Attendance

- **Board Members**

Mr. Bossert, Mr. Hess, and Mr. Stauffenberg

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

1. Call to Order/Roll Call

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

2. Public Comment

- Mary Ludwig commented on the Historic Landmark Designation of Reddick Community Fire Protection District's newly purchased building.

3. Approval of Minutes – August 26, 2014

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

4. Zoning

- **ZBA Case#14-11; request for a Rezoning I2-General Industrial to R2-High Density Residential, SUP#6 (Multi-Family Dwellings, and a Variance to Section 121-147 (Floor to Area Ratio) on a parcel generally situated in Section 26 of Manteno Township. The petitioners are Homestar Bank & Financial Services, property owner and M. Gingerich, Gereaux & Associates, applicant.**

Mr. Skimerhorn stated that they are asking for a rezoning from I2-Industrial to R2-High Density Residential, a special use permit for multi-family dwellings, and a variance to increase the floor to area ratio from .2 to .21. The property is located on the Diversatech Campus on the corner of Mulberry and Chestnut . It is kitty corner from the Glen Phase 1; this would be Glen Phase 2. It will be built with similar buildings and similar types of construction. They intend to build 8 buildings with 30 units and a recreation room which is what has pushed the floor to area ratio a little bit over the limit. The property is currently zoned I-2 with a planned unit development but you can no longer have any residential uses in that planned unit development which necessitated the need for the rezoning to R-2. This went before the Zoning Board of Appeals and they voted 7 to 0 to recommend approval and there were no objectors present.

Mr. Tripp made a motion to approve and Mr. LaGessee seconded it. Motion carried with a voice vote.

- **ZBA Case#14-12; request for a Variance to Section 121-281.c (Accessory Structure in Front Yard) in the A1-Agriculture District on a parcels generally situated in Section 18 of Aroma Township. The petitioner is Rebecca McHarque, property owner and applicant.**

Mr. Skimerhorn stated that the applicant is requesting a variance to build a woodworking shop in front of the existing garage that sits on the property which would put it in the front yard area of the property.

The property drops off on the east and west sides which would make it difficult for them to put the woodworking shop behind the house. The Zoning Board of Appeal also voted 7 to 0 to recommend approval and there were no objectors present.

Mr. Vickery made a motion to approve and Mr. LaGessee seconded it.

Discussion

Mr. James asked if the property to the east of this property is the Shultz farm. They did not object to this? The Shultz's have animals and buffalo and he is a little concerned about that.

Mr. Skimerhorn stated that there were no objectors at the hearing. The woodworking shop is just a private hobby shop. It is not a commercial establishment.

Original motion carried with a voice vote.

- **ZBA Case#14-13; request for Variances to Sections 121-99.b.11.a.3.iv (Lot Size) and 121-99.b.11.a.3.v (Frontage) in the A1-Agriculture District on a parcel generally situated in Section 02 of Norton Township. The petitioner is Virgil Clark, property owner and applicant.**

Mr. Skimerhorn stated this property is located in Norton Township on 7000 S. Road just pass 14000 W. It is a 5.51 acre piece of property that was created in 1986. At that time our zoning ordinance required a person to have 2 acres and 250' of frontage. It did not have that when it was created. The applicant bought this in 1998 unaware that he needed to have more frontage. He is now trying to sell the property and discovered when his real estate agent came in to discuss the property that it did not meet the county zoning code. He will be applying for a farmstead exemption which has a limit of 5 acres so he is asking for a variance for the extra half of an acre and the current zoning ordinance requires 50' of frontage and he is asking for a variance because he only has 30' of frontage on the lane. This went to the Zoning Board of Appeals and they also voted 7 to 0 to recommend and there were no objectors present.

Mr. Vickery made a motion to approve and Mr. LaGessee seconded it.

Discussion

Mr. James stated that this was in violation when it was open and whoever bought it should have researched what they were getting. To find out at this stage of the game and expect forgiveness is silly. He cannot support this.

Mr. Skimerhorn stated that the property has changed hands twice since the division occurred. Mr. Clark did testify that he tried to purchase additional land from the adjoining property owner and they refused.

Mr. Olthoff asked if this zoning ordinance was in effect when the original property was purchased.

Mr. Skimerhorn stated that at the time the original division occurred you needed 250' of frontage.

Mr. Olthoff asked how it happened.

Mr. Skimerhorn stated that it was more than 5 acres so therefore they used the Plat Act to do it.

Mr. Van Mill stated that in today's code if you have a farmstead on a piece of property like this and you wanted to sell the farmstead off and keep the agricultural land intact they would require the property be no larger than 5 acres and, if the house was set back like it is here, at least a lane of 50' so they are bringing it more into compliance by today's standards.

Mr. Wheeler stated that once this is changed it goes from owner to owner from now on.

Mr. Van Mill stated that that is correct. This helps them from an administrative perspective if they wanted to do any building permits or improvements on the land. They could potentially deny everything that happens.

Mr. LaGesse asked if we have had any other cases out there where we lowered the frontage from 50'. Are we setting a precedence doing it or are we looking at each case separately?

Mr. Van Mill stated that they have to look at each case separately. He would be surprised if they haven't granted some variance for the 50'.

Mr. Skimerhorn stated that he believes they have but he does not know the case numbers.

Mr. LaGesse stated that he agrees with Mr. James in that when you buy some property you ought to research it.

Mr. Olthoff asked if we dropped the ball in the beginning.

Mr. James stated that he doesn't think so. Somebody just sold off 5 acres. They do it all the time and then they develop it later.

Mr. Van Mill stated that the house was built in the early 1900's.

Mr. James stated that they create the 5 acres using that as the reason to make the sale. The interest here was the fact that it was 5 acres agriculture so whether there was adequate access to it was not the issue. He doesn't mind approving a variance when it has existed for about 30 to 50 years but something that has been acted on after we have made the changes is criminal. It's like a person saying that there was never a stop sign and just because they put one up they are still not going to stop.

Mr. LaGesse asked if there is a possibility that this person looked at the Plat Act and thought that he could do it.

Mr. Van Mill stated that the property has changed hands a few times so the origin of this thing is probably hard to recover. It is not unusual that 5 acre tracts get developed because they do not have to go through their office. There are going to be some situations like this that come up and have to be evaluated as to what to do to try to fix it. There is testimony that they tried to get the 50' and they were not able to get that.

Mr. Van Mill stated that if the larger tract of land was in one piece and the property owner wanted to take out that 5-acre tract and carve out the house and have a lane they would let them to that administratively in their office because they do have what is called the farmstead exemption. Any home that was created before 2002 they would allow that to be done administratively so that the rest of the farm property can stay intact and be productively farmed. This is consistent with what they do with the farmstead exemptions.

Mr. Howard asked if everybody would be given the same consideration and the same advice.

Mr. Olthoff stated that evidently this person tried to purchase more property to make it in compliance and he couldn't get it done.

Mr. Howard stated that the other landowner does not have to sell to make this person be in compliance.

Mr. Van Mill stated that they cannot be forced to do it.

Mr. Howard stated that it seems like to him that everyone should be given the same consideration and if they are out of compliance then they are out of compliance.

Mr. James asked who owns the land surrounding this piece of property. Is it the same party who originally sold it?

Mr. Skimerhorn stated that he did not know.

Mr. James stated that he thinks that it should be sent back to find that out because the person who originally put this together should be the person to resolve the problem. They ran into this type of situation out in Aroma Park and they got it straightened out before they gave the permit. It can be done.

Mr. Liehr stated that he is assuming that the answer to Mr. James question did not come up in the Zoning Board of Appeals Meeting.

Mr. Van Mill stated that there was some talk that this was done by a doctor and he does not remember the name and he does not know if he still owns the farmland.

Mr. Liehr stated that he may support Mr. James to send it back and find out that information if a motion has been made.

Mr. James made a motion to table this and Mr. Liehr seconded it. Motion carried with a roll call vote of 7 ayes and 5 nays. Voting aye was Mr. James, Mr. Liehr, Ms. Polk, Mr. Howard, Mr. Einfeldt, Mr. Olthoff, and Mr. Bossert. Voting nay was Mr. Tripp, Mr. Washington, Mr. LaGessee, and Mr. Wheeler.

Mr. Wheeler asked if they can find this out and then come back to the PZA Meeting without going back to the ZBA.

Mr. Skimerhorn stated that it would be new facts so it would have to go back to the ZBA.

Mr. Van Mill stated that if the property owner of the surrounding land is the same person that created the non-compliant issue then there is a question of whether this is a self-imposed hardship or a true hardship that cannot be generally applicable across the county. If this individual had created it then that is where we want it fixed and brought into compliance versus giving the blessing of a variance. They would bring more information to the ZBA and that information would be referred back to this committee.

Mr. Vickery stated that we are going to go through this whole process again just to find out who owned the surrounding property.

Mr. LaGesse stated that the applicant said that he tried to buy the additional land required from the owner.

Mr. Olthoff stated that he tried to buy from the present owner.

Mr. LaGesse asked who else he can buy off of. He can't get it from the previous owner.

Mr. James stated that it would be like if you owned the whole farm and you sold 5 acres to someone with a 30' lane and nobody checks on compliance. Meanwhile, the rules are in place and someone gets stuck holding the bag. His argument is that the person that created the problem initially should have the problem be put back in his lap and let him deal with the party that the land ended up with.

Mr. Van Mill stated that he believes Mr. James wants them to go back and look at the history of the ownership around the property and if that ownership around that subject site is the same person that created the issue then they should make it come into compliance.

Mr. Olthoff stated that it is not incumbent upon that person to sell him that easement.

Mr. James stated that he is in violation of an ordinance and we could press the issue and make him come into compliance.

Mr. Hess asked why we didn't catch it before.

Mr. James stated that he did it without having to come to the PZA office.

Mr. Van Mill stated that if nobody comes in for building permits or with zoning issues his office would not have seen this.

Mr. Stauffenberg stated that he wonders why we want him to make him take 50' and take more land out of production. He understands Mr. James point but what are you going to accomplish. If you make him get the 50' more land is being taken out of production which is what we are trying to avoid.

Mr. Olthoff stated that the picture looks like more than 30' so evidently he is making that allowance already without selling it.

Mr. Vickery stated that we are going to run the guy through the mill because he tried to be compliant.

Mr. Wheeler asked what the end game was. He understands drawing lines and trying to rectify old wrongs but we are going to be back here next month.

Mr. James stated that if it is the same owner that created the problem we have something on our side and if it isn't we will side with the applicant. He accepts that but to give somebody a free pass to violate our rules is not right.

Mr. Wheeler stated that he doesn't know if 10' on either side of the lane is worth it.

Mr. James stated that if there is a fire there and a truck cannot get down the lane it would be a big issue.

Mr. Vickery stated that he understands what Mr. James is saying but the person is trying to be compliant.

Mr. Hess stated that he agrees with what with what Mr. James is saying but if it is not the original owner Mr. James stated he would side with the owner. We are going to open up the ZBA again to come in and in the end Mr. James may side with the owner anyway.

Mr. Bossert went and got a plat book to find out who the owner was. The meeting continued while he did this.

5. Planning

- Re-appointment of Craig Bayston – Kankakee County Regional Planning Commission.
- Re-appointment of Dave Bergdahl – Kankakee County Regional Planning Commission.
- Re-appointment of Jeff Jarvis – Kankakee County Regional Planning Commission
- Re-appointment of George Washington, Jr. – Kankakee County Regional Planning Commission
- Re-appointment of Chad Miller – Kankakee County Regional Planning Commission

Mr. Wheeler made a motion to approve the above KCRPC appointments and Mr. Vickery seconded it. Motion carried with a voice vote.

- Re-appointment of Andrew Pristach – Kankakee County Zoning Board of Appeals

Mr. Wheeler made a motion to approve the above reappointment to the ZBA and Mr. Washington seconded it. Motion carried with a voice vote.

- Re-appointment of Daron Kinzinger – Kankakee County Historic Preservation Commission
- Re-appointment of Terry Johnston – Kankakee County Historic Preservation Commission
- Appointment of Ron Shank – Kankakee County Historic Preservation Commission

Mr. Liehr made a motion to approve the above appointments to the Historic Preservation Commission and Mr. Einfeldt seconded it. Motion carried with a voice vote.

- Re-appointment of Terry Vaughn – Kankakee County Board of Examiners and Appeals
- Re-appointment of Terry Johnston – Kankakee County Board of Examiners and Appeals
- Re-appointment of James Girard – Kankakee County Board of Examiners and Appeals.

Mr. Vickery made a motion to approve the above appointments to the Kankakee County Board of Examiners and Appeals and Mr. James seconded it. Motion carried with a voice vote.

6. Old Business

7. New Business

- **Declaration of Surplus – 2000 Crown Vic and 2003 Crown Vic**

Mr. Van Mill stated that these two cars in their fleet are old and need a lot of repairs so to protect their budget they would like to declare them surplus. He thinks there is going to be an auction coming up soon.

Mr. Olthoff asked if they will be replaced.

Mr. Bossert stated that they already have. There has been a series of cars passed on down the line.

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

Mr. Hess stated that he believes there needs to be serial numbers and mileage on them.

Mr. Bossert stated that they will have that for the full resolution.

- **Renewal of Aggregation Program for Electric**

Mr. Bossert stated that it has been two years since the county engaged NIMEC as a consultant to assist us in bidding for electric power for our residents in the unincorporated county and it is time to get ready to rebid so he is asking for permission to allow the county board chairman to engage in that bidding process and make a decision on the day of the bid. A resolution will come to the full county board to allow them to move ahead with that activity. Otherwise, the rest of the documents that was passed two years ago are still in effect as far as the plan and the process that is in place. It appears that sometime in November will be the bidding window that will be used.

Mr. Washington made a motion to approve and Mr. LaGessee seconded it.

Discussion

Mr. Wheeler asked if the bids that come into his office will be opened at PZA to be discussed and then a recommendation made to Finance.

Mr. Bossert stated that the nature of bidding on electricity is that the day of the bid a decision has to be made quickly and a final decision has to be made immediately which is why he is asking for authorization to move ahead. The last time that they did this there were five suppliers who bid on the day of the bidding and generally those bids are good until the end of the day so there is not a lot of time to be engaging the county board. It becomes real evident the day of the bid who the winner is. That is why we hire a consultant to walk us through this and they have protected us with a good, solid aggregation contract. He has been very happy with NIMEC's performance.

Mr. LaGessee stated that Kankakee and Bradley have gone back to ComEd because their rate was better than the aggregation that was being supplied to them. Is there a possibility that we will not have any bidders?

Mr. Bossert stated that that is a possibility. Bradley and Kankakee are victims of timing. When their aggregation deal came up the market happened to be at such a point that they could not get a favorable bid. The market since then has come back down and the advice that he is getting is that there is a good chance that we will have an opportunity again to see some favorable rates.

Mr. Vickery stated that he thinks that the market has changed a little bit simply because of energy costs. Oil and natural gas are down. We did very well on the aggregation agreement last time. NIMEC gave us a contract that protected us against an increase.

Mr. Bossert stated that last winter when there were huge spikes in energy costs during the worst of the winter NIMEC's contract protected any of their clients from surcharges that could have been passed through from the various suppliers. Not all contracts protected their clients but ours did.

Mr. Wheeler asked if there is a repository for the bids so that they can be reviewed.

Mr. Bossert stated that he has the history from the last bid and the same thing will happen this time. The board members can review all the bids.

Mr. Bossert stated that he will probably end up signing on the behalf of a number of small villages, as well. It is a matter of timing as a bid has to be accepted that day. He probably will not do it for Bradley or Manteno but the rest of the villages are willing to sign over authority to let him to the bidding on their behalf.

Original motion carried with a voice vote.

Mr. Bossert stated that the 2012 plat book shows that the land discussed earlier in the meeting is owned by Golden Farms, Inc. which would be Dr. Goldenstein who is deceased. His recollection is that that parcel has always been a Golden Farm since the early 80's.

Mr. Olthoff asked if there was a desire to rescind the original motion.

Mr. Wheeler asked if we were really going to contact his widow to discuss this.

Mr. Van Mill stated that that is the direction it would go.

Mr. James stated that whoever drew up the deed is who you contact.

Mr. James and Mr. Liehr did not rescind the original motion.

8. Adjournment

A motion to adjourn the meeting at 9:55 a.m. was made by Mr. LaGesse and seconded by Mr. James. Motion carried.

Bill Olthoff, Chairman
Joanne Langlois, Executive Coordinator