

# WOODFORD COUNTY ZONING BOARD OF APPEALS

Woodford County Board Room  
1837 S. Main St. Eureka, IL  
6:00 P. M. Tuesday, January 25, 2022

- Call to Order:

Ms. Holmes called the meeting to order at 6:00 pm

- Roll Call: Kim Holmes, Teresa Gauger, Dean Backer, Marty Clinch, and Karen Krug were present.

Ms. Holmes declared a quorum present.

Others present: Erik Gibson

- Approval of minutes.

Motion to approve minutes as amended made by Clinch, seconded by Gauger. *Motion Carried.*

- Swearing in/ Affirmation

- Presentation of Petitions

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**#2022-01-S Clayton Township** filed November 8, 2021, by FFP IL Community Solar LLC for a Special Use to operate a 32.53 acre Solar Farm Energy System, located in the (AG) Agriculture District, on two tracts consisting of ±75.65 acres owned by Ruestman Family LTD Partnership, described as part tract 1 SE ¼ Sec 2 and N ½ Tract 2 SE ¼ Sec 2, Section 2, T28N-R1E of the 3<sup>rd</sup> P.M. Woodford County, Illinois, and more commonly described as vacant ground ¼ mile North of County Highway 2, on the West side of County Road 2500 E, Minonk, Illinois.

Daniel Solorzano and Chuck Beisner were sworn in.

Mr. Solorzano explained that he is the project developer for ForeFront power. He discussed that there is a policy update in Illinois. In 2018 they applied for an SUP based on the Illinois Future Energy Jobs Act, at that time there were so many developers in the state that Illinois resorted to a lottery to allocate community solar incentives. They were not awarded incentives in the lottery at that time and the SUP grant expired. He noted they have submitted the reapplication because Illinois has passed a new law providing incentives for community solar development. The projects will no longer be selected by lottery so this will be a project that will be built.

Mr. Solorzano discussed that this is the same project presented in 2018, no changes have been made to the design or layout. He noted they have over 50 different projects in operation in the state, they have projects in over half of the states currently. He noted they try to utilize local labor to develop the sites and keep business within the state.

Mr. Beisner presented that they have completed the engineering for the site, they completed the wetlands and environmental studies required by the ordinance.

Ms. Jording noted this was a previously approved SUP that expired due to permit time expiration.

Ms. Holmes asked if there are any changes to the project. Mr. Beisner stated no changes have been made to the size of the project. Ms. Holmes asked for clarification on permitting timeline. Mr. Solorzano explained that they expect to permit in the fall. The State should be awarding incentives in March of this year. Mr. Beisner stated they would be agreeable to any conditions placed on the previous approval.

Mr. Clinch asked about the timeline on construction. Mr. Solorzano stated while it is all hypothetical based on the state awards, if the state awards in the first quarter, they expect to complete the permitting and engineering work and be in operation withing 6 months. Mr. Clinch asked about the grid interconnection and transmission lines placement. Mr. Solorzano noted they will connect at the substation about a mile away, they have already

completed the interconnection study with Ameren. Mr. Clinch asked about the underground infrastructure. Mr. Solorzano explained that on site some will go up to a pole some will be underground, off site it will be 3-4 ft underground. Mr. Clinch asked about the access. Mr. Solorzano noted that the access will be a single access. Mr. Clinch asked about glare. Mr. Solorzano noted that they are required to have an FAA study on glare and build to NEC code to utilize no glare materials.

Ms. Gauger asked about interested parties. Ms. Jording noted that no interested parties were filed. Mr. Solorzano noted they completed community outreach in 2018 and received no feedback at that time.

Ms. Holmes asked for the conditions from 2018. Ms. Jording noted that no conditions were recommended in 2018. Ms. Krug asked if this is a renewal or a new SUP. Ms. Jording stated it is a new SUP. Ms. Holmes asked if the ordinance has changed since 2018 relating to solar farms. Ms. Jording stated the solar section was passed in May 2018, the original solar petition was heard in June 2018. No changes have been made since that time.

Ms. Jording noted that if a longer permit timeline is needed it should be requested now. Mr. Solorzano asked for 24 months permit timeline.

**Evidentiary portion of the Hearing closed.**

**Findings by the Zoning Board of Appeals for Petition 2022-01-S:**

- A. Will not be detrimental to the public health, safety, and welfare;** (Affirmative) Previous approval and additional testimony supports this project.
- B. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted. The applicant need not demonstrate complete compatibility, but the applicant shall demonstrate reasonable efforts to minimize incompatibility;** (Affirmative) Not injurious to the district or surrounding properties. No glare to cause issues with surrounding area.
- C. Will not be injurious to the district in which it shall be located;** (Affirmative) this is a very rural area which will not conflict with anything.
- D. Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the districts;** (Affirmative) This is a rural area, this will not impede any of the surrounding properties.
- E. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;** (Affirmative) Access is available, this will be a renewable energy project to facilities will be provided. Erosion control will be addressed.
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public roads;** (Affirmative) No concerns, traffic will be minimal even during construction.
- G. Is consistent with the Woodford County Comprehensive Land Use Plan.** (Affirmative) This is a business development which is consistent with the long range plan.

Motion to approve 2022-01-S for Forefront IL Community Solar LLC to operate a 32.53 acre solar farm on the Ruestman Family LTD Partnership, Minonk project and grant a 24 month permit window made by Gauger, Seconded by Backer.

Roll call vote: Karen Krug – *Yes*, Teresa Gauger – *Yes*, Kim Holmes – *Yes*, Marty Clinch – *Yes*, Dean Backer – *Yes*. *Motion Carried.*

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**#2022-02-S Cruger Township** filed November 8, 2021, by Jamie Marvin for a Special Use to operate a Spray Patch Business including road repair and street sweeping, located in the (AG) Agriculture District, on a 5 acres tract, described as E ½ SE ¼ SE ¼ SE ¼, Section 23, T26N-R2W of the 3<sup>rd</sup> P.M. Woodford County, Illinois, and more commonly described 1300 County Road 700N, Eureka, Illinois.

Mr. Jamie Marvin was sworn in.

Mr. Marvin stated he is the owner of D & D pavement solutions. He is looking to get a SUP to run his business out of his home. He currently has two employees, from April to November he has up to 6 in addition to himself. He noted he has two street sweeping trucks, two spray patching trucks, a semi, and a dump trailer.

Mr. Clinch asked if he would be storing any hazardous materials. Mr. Marvin noted he would have his oil emulsion, which is water based, it is not considered hazmat and is not required to be placarded. He will also have white rock gravel stored on the property. Ms. Holmes asked is there is an existing structure he will be using. Mr. Marvin noted he did have an existing building for storage.

Ms. Krug asked how much traffic was expected. Mr. Marvin stated currently he has two extra vehicles morning and evening, during the busy time it could be up to 6 extra vehicles in the morning and evening.

Mr. Backer asked if any of the neighbors have objection. Mr. Marvin noted he did not hear any objections; he just purchased an additional half acre on the north end of his property to keep the business trucks and materials to the back end of the property and behind the shed to keep the residential portion cleaner and less visible from the road. Mr. Marvin noted he has an agreement with the road commissioner to repair the portion of road from his house to St Rt 117 at no cost to the township. Ms. Holmes asked about the street sweeping. Mr. Marvin noted he contracts with Townships and Cities for the street sweeping work.

Mr. Clinch asked if all the vehicles are inside. Mr. Marvin noted that they typically are all inside but occasionally some sit outside.

Ms. Holmes asked if there were any interested parties. Ms. Jording noted that no interested parties were filed but the Road Commissioner, Ron Schmidgall, did provide a letter of support for the Special Use. The letter was read into the record.

**Evidentiary portion of the Hearing closed.**

**Findings by the Zoning Board of Appeals for Petition 2022-02-S:**

- A. Will not be detrimental to the public health, safety, and welfare;** (Affirmative) Additional ground was purchased to ensure the business equipment is further from the neighboring properties. No hazardous materials will be used.
- B. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted. The applicant need not demonstrate complete compatibility, but the applicant shall demonstrate reasonable efforts to minimize incompatibility;** (Affirmative) The additional half acre to the North demonstrates the applicant is trying to keep the aesthetics and enjoyment of the surrounding area. No interested parties were filed, the Road Commissioner is in support of the application.
- C. Will not be injurious to the district in which it shall be located;** (Affirmative) Applicant is assisting in maintaining the road. Noise is not a concern.

- D. Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the districts;** (Affirmative) The type of business proposed will not impact the neighboring property owners.
- E. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;** (Affirmative) All the necessary facilities are in place.
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public roads;** (Affirmative) Volume of traffic is not a concern. Good roads are available. The addition of up to 6 vehicles will not cause issues. The applicant has an agreement with the Road Commissioner.
- G. Is consistent with the Woodford County Comprehensive Land Use Plan.** (Affirmative) The development of business is consistent with the Comprehensive plan.

Motion to approve 2022-02-S for Jamie Marvin for a Special Use to operate a road repair and street sweeping business located at 1300 County Road 700 N, Eureka made by Krug, seconded by Gauger.

Roll call vote: Teresa Gauger – *Yes*, Kim Holmes – *Yes*, Marty Clinch – *Yes*, Dean Backer – *Yes*, Karen Krug – *Yes*. *Motion Carried.*

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**#2022-04-V Montgomery Township** filed December 20, 2021, by Justin Bauman for a Variance to reduce the side yard setback from 30 ft. to 17 ft. a reduction of 13. ft located in the (AG) Agriculture District, on 2.15 acres, described as 2 acres in E ½, Section 03, T25N-R2W of the 3<sup>rd</sup> P.M. Woodford County, Illinois, and more commonly described 406 County Road 1125 E. Deer Creek, Illinois.

Mr. Justin Bauman and Mr. James Lake were sworn in.

Mr. Bauman explained that he is requesting a variance for the side yard setback of his home to allow a garage expansion. He noted they will remove the existing garage and construct a larger garage in its place, this will allow them to relocate the stairs to the basement and subsequently increase the size of the kitchen as well.

It was clarified that the setback would reduce from 30 ft. to 17 ft. this is in the agriculture district.

Ms. Krug asked for clarification on if this is attached to the home, Mr. Bauman stated it would be an addition to the home and allow for finished space expansion as well as garage space.

Mr. Bauman noted that he has spoken to his local neighbors as well as Mr. Lake who is an interested party.

Mr. Clinch asked what would be in the garage. Mr. Bauman explained that it will be storage for their vehicles and kids' toys, it will have electrical but no plumbing.

Ms. Krug asked what the existing structure behind the new addition is used for. Mr. Bauman noted that it is an existing shed that will remain and be re-purposed as a storage shed. Ms. Gauger asked how closed the existing detached structure is to the property line. Mr. Bauman noted it is approximately 24 ft. which is the required setback for accessory structures. Mr. Bauman noted that there are some trees that will be removed if the variance is approved.

Ms. Krug asked about reducing the size of the addition. Mr. Bauman noted he drives a large truck, and these are the dimensions that work best for their needs. Ms. Gauger asked where the septic is located. Mr. Bauman noted the septic in on the south side of the house.

Mr. Lake had no questions.

Mr. Lake presented a handout to the board members. He noted that the current code calls for a 30 ft. setback, the new garage will encroach into that setback. He noted they are worried about fuel contaminates, pesticides,

and fertilizer from harming people or crops. He noted that they are concerned that fuel tanks could leach contaminants into the ground. He noted that filter strips are used to contain contaminants, they work as a catch. He noted this also works to keep the farm chemicals away from the inhabitants of the dwellings. Mr. Lake discussed that he does not object to selling a 15 ft. by 240 ft. strip to Mr. Bauman to retain that filter strip. He noted they are willing to sell it at a very reasonable price, he noted they just want to keep the land and Mr. Bauman's family safe. Mr. Lake noted that he and Mr. Bauman had been in negotiations to purchase a 15 ft. strip.

Mr. Bauman presented his rebuttal evidence. He noted he took grade shots which show the water does not fall towards the farm property, it would remain on his property. He noted this is his residence, so he does not intend to install fuel tanks or chemicals. He will not be running a business out of this location. Mr. Bauman noted that accessory structures have a 15 ft. setback and asked what the AG structure setback is. Ms. Jording stated that AG structures do not have setbacks and may sit on the property line. Mr. Bauman noted that the price they are proposing were infeasible. Mr. Bauman noted that there is another property to the north with a machine shed on it, he noted there is a fuel tank on the back side of the shed, and it is 19 ft. from the property line. Ms. Gauger asked if the garage will have gutters and down spouts and if he currently has a fuel tank on the property. Mr. Bauman stated he will have gutters and downspouts; he has no fuel storage on the property and he is currently on propane. Mr. Bauman noted he plans to bury all the down spouts; they will go to the road ditch which runs to the south. Mr. Bauman noted the house will be re-sided and re-roofed as part of the project.

Ms. Krug asked if he had any concerns over chemical drift. Mr. Bauman noted the garage is what will be closer to the field and in the event of aerial spraying there is drift over the entire property anyways.

Mr. Backer asked if the garage could go to the other side of the dwelling. Mr. Bauman noted that he would have to move his septic field and the layout of the house does not work for placing the addition on the south end.

Mr. Lake made the closing statement that this farm goes back three generations, and they are concerned about the land, he noted they are willing to sell a strip 15 ft. wide by the length of the property to retain that setback. He noted that they had negotiated \$5,000-\$6,000 for that strip, which he felt was a fair price.

Mr. Bauman closed that he did go to the neighbors about purchasing land, but he feels the price is too high. He noted the price they were asking calculates to close to \$80,000 an acre which is just too high for him. In closing he asks for consideration based on the information he has provided.

#### **Findings by the Zoning Board of Appeals for Petition 2022-04-V:**

- A. Non-conforming uses in the same district and permitted uses in other districts shall not be considered grounds for issuance of a Variance.** (Affirmative) The garage is a conforming use in the district.
- B. The granting of the Variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands or structures in the same district.** (Affirmative) This will not provide special privilege. Given the testimony provide both pro and con, this finding is in the affirmative.
- C. The ZBA has found that the reasons set forth in the application justify the granting of the Variance.** (Affirmative) The larger garage is needed for storage; part of the addition will enlarge the living space as well. The location of the septic also drives the placement of the addition. Petitioner is trying to do the best he can with the ordinances in place and be a good neighbor with the least reduction possible.
- D. The ZBA finds that the granting of the Variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood, or**

**otherwise detrimental to the public welfare.** (Affirmative). The petitioner understands and accepts the resulting proximity to AG ground. He has researched the issues that could go along with this reduction.

**E. The Variance requested is the least amount of Variance required to allow the proposed structure on the existing lot, without regard to aesthetics or personal inconvenience to the property owner.** (Affirmative) The reduction of 13 ft. is the least amount required to construct the addition.

Motion to approve petition 2022-04-V for a Variance to reduce the side yard setback for the dwelling from 30 ft. to 17ft. in the agriculture district for Justin Bauman at 406 County Road 1125 E. made by Gauger, seconded by Krug.

Roll call vote: Kim Holmes – Yes, Marty Clinch – *Yes*, Dean Backer – *Yes*, Karen Krug – *Yes*, Teresa Gauger – *Yes*. *Motion Carried.*

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**#2022-03-S Cazenovia Township** filed November 23, 2021, by Tim Abney for a Special Use to operate a canine holding facility as the contracted Animal Control Warden, located in the (AG) Agriculture District, on 5 acres of a 9.67 acre tract owned by Robert Dubois, described as Part West 20 acres S ½, Section 32, T28N-R2W of the 3<sup>rd</sup> P.M. Woodford County, Illinois, and more commonly described 909 Black Partridge Rd. Metamora, Illinois.

Mr. Abney requested a continuance to the February ZBA Hearing. Ms. Krug made the motion to continue petition 2022-03-S till February 22, 2022 at 6pm, seconded by Clinch.

Roll call vote: Marty Clinch – *Yes*, Dean Backer – *Yes*, Karen Krug – *Yes*, Teresa Gauger – *Yes*, Kim Holmes – *Yes*. *Motion Carried*

Review of Executive session minutes -None

Other Business to Come Before the Board:

- Update on previous months petition/s – Petition 2021-27-S was approved.  
Petition 2021-26-S for Erin Pearson was sent back by the County Board, they felt the Findings of Fact were not in agreement with the recommendation sent forward by the ZBA. This petition will be placed on the March agenda to allow Mr. Pille to attend as he was a part of the original panel.
- Update on next month petition/s: Ms. Jording noted there are 3 variances and the continued Special Use.
- Public Input - None
- Executive Session – None
- Adjournment

Mr. Clinch made the motion to adjourn at 7:46, 2<sup>nd</sup> by Mr. Backer. *Motion Carried.*

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Lisa Jording, Secretary

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Kim Holmes, Chairman

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Date