

Zoning Board of Appeals

January 16, 2019 Minutes

The Knoxville Zoning Board of Appeals was called to order at 7:00 pm on January 16, 2019 by Board Chairman Bill Shenaut. The Pledge of Allegiance was recited by all present. The members of the Zoning Board of Appeals in attendance were Bill Shenaut, Randy McCoy, Ken Lockwood, Tom Hoehn and John Anderson. Those absent were Mike Howard and Neil Smith. Also present was Building Administrator Larry Rigg, Mr. Gary Bryan, Mr. Kevin McCarthy and Mayor Dennis Maurer.

Board Chairman Shenaut asked Board member Hoehn if he would agree to be recording secretary this evening due to Board member Smith's absence. Board member Hoehn consented to be recording secretary this evening.

The minutes of the November 15, 2018 meeting were presented to the board. Board member Lockwood moved to accept the minutes. Board member McCoy seconded the motion and the minutes were approved as presented by all present.

The first order of business was a subdivision request from Gary Bryan 936 US highway 150E to divide parcel 10-27-200-006. Mr. Gary Bryan, owner of the property, was present to offer any answers regarding the subdivision request. The parcel of land has a telecommunications (cellular) tower located on it. The parcel is about a fifth of an acre and is located within the mile and a half parameter around the City of Knoxville.

Chairman Shenaut handed out a copy of a letter from the Knox County State Attorney's Office for the board members to read. The letter from Mr. Pepmeyer's office was an opinion that the county has little legal standing due to the fact that current Knox County Ordinances do not take into account subdivisions of property less than an acre, especially for telecommunication (cellular) towers situations. But, as long as the subdivision meets the State of Illinois requirements the county would be compliant.

This action has been delayed due to confusion over whose jurisdiction this would fall under. Ultimately it was determined that the subdivision recommendation would have to come before the Knoxville Zoning Board of Appeals then the Knoxville City Council.

A motion to approve a recommendation to subdivide the property identified as parcel 10-27-200-006 was made by Board member Tom Hoehn, and then seconded by Board member Randy McCoy. The motion passed with five (5) yeas and zero (0) nays, two (2) absent.

The second order of business was a request for a special use permit for a solar garden to be built on the Loves Travel Spot property. Mr. Kevin McCarthy was present as a representative for Love's solar project to answer any questions.

There was a discussion regarding landscaping and fencing requirements. Mr. McCarthy is aware of the city's requirements in this area. The choice of fencing color is an option the city can address if it would like. The fencing would extend around the entire field.

It was determined that this project would be on a plot of land slightly greater than an acre. So, it would be a solar farm not a solar garden according to the current ordinance definitions.

A question was asked by Board Member Hoehn if this project would increase the properties tax rate. Mr. McCarthy said he thought since an improvement was being made the property tax would most likely go up. To which Mayor Maurer related a similar response he received from Mr. Steve Kline, President and Chief Executive Officer of The Economic Development Group.

The Decommission Plan was discussed. Mr. McCarthy indicated Love's estimates that a \$50,000 expense would be required to decommission the proposed solar farm. So, a bond in that amount will be secured by Love's for that purpose.

A motion to approve a recommendation for a special use permit for the Love's Travel Spot solar farm, was made by Board member Ken Lockwood, and then seconded by Board member John Anderson. The recommendation passed with five (5) yeas and zero (0) nays, two (2) absent.

A motion to adjourn was made by Board member Randy McCoy and seconded by Board member John Anderson, motion was approved unanimously.

Temporary Recording Secretary: Tom Hoehn.