

**(DRAFT COPY – SUBJECT TO APPROVAL BY THE ZONING BOARD OF APPEALS)
MINUTES OF A PUBLIC HEARING AND THE DELIBERATIONS OF THE TAZEWELL
COUNTY ZONING BOARD OF APPEALS**

A Public Hearing of the Tazewell County Zoning Board of Appeals was held at 6:00 P.M. on Tuesday, February 7, 2012, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

PRESENT: Chairman James Newman, JoAn Baum, Monica Connett, Duane Lessen, Loren Toevs, Robert Vogelsang and Ken Zimmerman

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Nick Hayward, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Joyce Antonini, Carroll Imig, Darrell Meisinger, Rosemary Palmer, Mel Stanford and Sue Sundell

OTHERS

PRESENT: Petitioners and Objectors

MINUTES: Moved by Baum, seconded by Connett, to approve the Minutes of the December 6, 2011 Zoning Board of Appeals Meeting as presented. **Motion carried by voice vote.**

CASE NO. 12-01-S: Special Use to allow the creation of one new dwelling site in an A-1 Agriculture Preservation Zoning District.

The Tazewell County Land Use Planner submitted a report identifying 14 Positive Findings of Fact.

Tazewell County Health Department made no comment regarding the proposed Special Use request.

Tazewell County Soil & Water Conservation District submitted a report recommending approval regarding the proposed Special Use request.

Tazewell County Farm Bureau submitted a report stating this case may have an impact on agriculture and recommended approval regarding the proposed Special Use request.

Darel Knaak, Spring Lake Township Road Commissioner made no comment regarding the proposed Special Use request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Special Use request.

School District 191 made no comment regarding the proposed Special Use request.

Jason Proehl appeared to testify on behalf of the proposed Special Use request. Mr. Proehl stated he wanted to purchase approximately 15 acres from his parents to construct his personal dwelling. Mr. Proehl said there were 2 homes on the hill, that of his parents and his sister. Mr. Proehl added he would like to live in the area to raise his children near his family and to help on the family farm. Mr. Proehl stated the soil is a low productivity and they only planted soybeans on the land a few years ago to keep from mowing it.

Following all Public Hearings, moved by Baum, seconded by Lessen, to approve **Case No. 12-01-S**.

After considering all the evidence and testimony presented, the ZBA discussed the findings of fact and reviewed the Report of the Land Use Planner and arrived at the following findings of fact:

1. *The Special Use shall, in all other respects, conform to the applicable regulations of the Tazewell County Zoning Ordinance for the district in which it is located. Special Uses when combined with Variances for this same property shall be considered compliant for the purposes of this section.*

POSITIVE. The Special Use will conform to all applicable regulations of the Tazewell County Zoning Ordinance to be enforced by the Community Development Administrator.

2. *The Special Use will be consistent with the purposes, goals, objectives, and standards of the officially adopted County Comprehensive Land Use Plan and these regulations, or of any officially adopted Comprehensive Plan of a municipality with a 1.5 mile planning jurisdiction.*

POSITIVE. The proposed Special Use will be consistent with the following County Comprehensive Land Use Plan implementation strategy: “Avoid leapfrog development and isolated land development to preserve contiguous tracts of productive agricultural land.”

3. *The petitioner has met the requirements of Article 25 of the Tazewell County Zoning Code.*

POSITIVE. All requirements have been met.

4. *The Site shall be so situated as to minimize adverse effects, including visual impacts on adjacent properties.*

POSITIVE. Adjacent properties consist of a farmstead with a dwelling and several outbuildings to the north, a large-lot single-family dwelling to the east, and agricultural land to the south and west. The general area is rural and consists of farmland and isolated dwellings, so the proposed Special Use will create a cluster of three dwellings surrounded by farmland. The proposed single-family dwelling will be similar to the existing dwellings and will be compatible with the nearby agricultural operations, so adverse effects of the proposed Special Use will be minimized.

5. *The establishment, maintenance or operation of the Special Use shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the neighboring vicinity.*

POSITIVE. The neighboring vicinity consists of farmland with isolated dwellings; this portion of Tazewell County is rural and agriculture is the dominant use. The proposed dwelling will be similar in nature to existing dwellings in the general area and will be compatible with the nearby agricultural operations, so it will not endanger the public health, safety, morals, comfort or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

POSITIVE. Property in the immediate vicinity is used for agriculture and single-family residential use. The immediate area consists of a farmstead, a large-lot single-family dwelling, and farmland. The proposed large-lot single-family dwelling will be similar in nature to the existing residential uses and will be compatible with the agricultural uses, so it will not be injurious to the use and enjoyment of other property in the immediate vicinity.

7. *The Special Use shall not substantially diminish and impair property values within the neighborhood.*

POSITIVE. The immediate area consists of a farmstead, a large-lot single-family dwelling, and farmland. The addition of a large-lot single-family dwelling will be compatible with the existing uses and will not lead to substantial change in the immediate area. Therefore, the proposed Special Use will not substantially diminish property values within the immediate area.

8. *That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.*

POSITIVE. The proposed access drive is near the top of a hill, so sight distance is limited. However, there is very little traffic on Warner Road, so the proposed access is judged to be acceptable. Two other dwellings exist in the immediate area, so all other facilities are able to be provided.

9. *Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion and hazard on the public streets.*

POSITIVE. The general area is rural, and there is very little traffic on Warner Road, so the addition of one dwelling at this location will not lead to traffic congestion. As previously mentioned, sight distance from the proposed access drive is limited, but this is not expected to be hazardous given the low level of vehicular traffic. Therefore, traffic congestion and hazard on the public streets will be minimized.

10. *The evidence establishes that granting the use, which is located one-half mile or less from a livestock feeding operation, will not increase the population density around the livestock feeding operation to such levels as would hinder the operation or expansion of such operation.*

POSITIVE. The proposed Special Use is a dwelling that will be built next to two existing dwellings in a rural area. The three properties are owned by relatives, so the proposed dwelling is not being built in response to a significant driver of land development and will not lead to significant land development. Therefore, the proposed Special Use will not increase the population density to a level that will hinder the operation or expansion of any nearby livestock feeding operations.

11. *Evidence presented establishes that granting the use, which is located more than one-half mile from a livestock feeding operation, will not hinder the operation or expansion of such operation.*

POSITIVE. The proposed Special Use is a dwelling that will be built next to two existing dwellings in a rural area. It will not be a driver of land development, so it will have very little impact on land more than one-half mile away. Therefore, the proposed Special Use will not hinder the operation or expansion of any livestock feeding operations located greater than one-half mile away.

12. *Seventy-five percent (75%) of the site contains soils having a productivity index of less than 125.*

POSITIVE. The new parcel will encompass an open meadow and farmland, and according to the applicant, approximately 1 acre of farmland will be removed from production. The applicant also states that the soil is sandy and the estimated productivity index of this soil is between 70 and 90. Because a very small amount of farmland will be removed from production and because the soil is not very productive, the loss of farmland is judged to be acceptable.

13. *The Special Use is consistent with the existing uses of property within the general area of the property in question.*

POSITIVE. The proposed Special Use is a large-lot single-family dwelling to be located near a farmstead and an existing large-lot single-family dwelling. These dwellings will be surrounded by farmland. The proposed dwelling will be part of a small cluster of dwellings in a rural area; this is a desirable development practice because it conserves continuous areas of farmland. Also, the dwelling will be similar to the existing dwellings and compatible with the nearby agricultural operations, so it will be consistent with the existing uses of property within the general area.

14. *The property is suitable for the Special Use as proposed.*

POSITIVE. The property is suitable for the Special Use as proposed based on the findings as a whole.

Moved by Lessen, seconded by Zimmerman, to accept the findings of fact of the Land Use Planner as written. **Motion carried by voice vote.**

On roll call to approve **Case No. 12-01-S** the vote was:

Ayes: 7 – Baum, Connett, Lessen, Toevs, Vogelsang, Zimmerman and Chairman Newman

Nays: 0

Motion declared carried.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **Tuesday, March 6, 2012** at 6:00 p.m. in the Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois.

ADJOURNMENT

There being no further business, moved by Connett, seconded by Zimmerman, to adjourn the Zoning Board of Appeals Public Hearing at 6:10 p.m.

Kristal Deininger, Secretary

Secretary's Note: For further information regarding the discussion and testimony during the Public Hearing, please contact the Community Development Department for copies of the transcripts.