

**(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, April 3, 2012, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

PRESENT: Chairman James Newman, Monica Connett, Duane Lessen, Alternate Sandy May, Loren Toevs, Alternate Phil Webb and Ken Zimmerman

ABSENT: JoAn Baum, Robert Vogelsang

STAFF: Kristal Deininger, Community Development Administrator; Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: K. Russell Crawford, Paul Hahn, Terry Hillegonds, Carroll Imig, Darrell Meisinger, Rosemary Palmer, Mel Stanford and Sue Sundell

OTHERS

PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Toevs, to approve the Minutes of the March 6, 2012 Zoning Board of Appeals Meeting as presented. **Motion carried by voice vote.**

CASE NO. 12-04-Z: The petition of Joseph LaHood for a Map Amendment to the Official Washington Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to a R-1 Low Density Residential Zoning District.

The Tazewell County Land Use Planner submitted a report identifying 11 Positive Findings of Fact.

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

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

Tazewell County Farm Bureau made no comment regarding the proposed Rezoning request.

Jon Oliphant, City of Washington submitted a report stating the City approved of the proposed Rezoning request.

Dave Weaver, Washington Township Road Commissioner submitted a report stating he would allow access onto Grange Road via the Paris Lane frontage road and no access on to Spring Creek Road would be allowed.

John Anderson, Tazewell County Highway Engineer submitted a report stating the proposed Rezoning request would not have an effect on a County Highway.

Joe Crowe, Illinois Department of Transportation submitted a letter stating no access would be allowed onto Route 24 and any side road access must meet the BDE Manual requirements.

School Districts 51 and 308 made no comment regarding the proposed Rezoning request.

Devin Birch, Austin Engineering, appeared representing the petitioner and testified on behalf of the proposed Rezoning request. Mr. Birch stated there were no immediate plans in place for a Subdivision. Mr. Birch said the land was surrounded by residential property and there was access to the property from Paris Lane or Teel Lane. Mr. Birch added his client was aware of the access restriction stated by IDOT and the Washington Township Road Commissioner. Mr. Birch stated the road layout would be addressed at the time of preparation for a Subdivision Mr. Birch added that his client would also follow the Erosion Control Ordinance of Tazewell County. Mr. Birch said drainage from the proposed site would not affect Sherry Parker's property as the water would drain into a different area. Mr. Birch stated other prior developments in the area may caused the erosion issues in the area as there were no Stormwater plans in place at the time of previous development.

Sandra Preble appeared with concerns regarding the proposed Rezoning request. Ms. Preble stated she lived across a creek from the proposed site and was worried about the potential for increased water runoff. Ms. Preble said she had lived in the area for 33 years and the creek was very small at first and with the development in the area the creek had since increased in size thus causing her property to erode. Ms. Preble added she had engineers from the City of East Peoria come to her property and advise her that the City was not responsible for the increased erosion. Ms. Preble stated some of erosion issues increased with the construction of a lake on adjacent property owned by the petitioner.

Sherry Parker appeared with questions regarding the proposed Rezoning request. Ms. Parker stated her property also abuted creek and she had concerns also regarding increased erosion. Ms. Parker said she lived on Centennial Drive. Ms. Parker added she was not opposed to the proposed Rezoning, but wanted to share her concerns regarding erosion.

Following all Public Hearings, moved by Toevs, seconded by Lessen, to recommend approval of **Case No. 12-04-Z** to the Tazewell County Board.

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 proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

POSITIVE. The subject parcel for which this amendment is proposed is bounded by residential development to the South and West and US 24 and US 24 Business Route to the North and East respectively. The general area surrounding the subject parcel is dominated primarily by single family homes and agriculture with recent commercial development in the immediate area (Menards). None of the commercial uses directly abut the subject parcel. The subject parcel is situated just outside the Northwest boundary of the City of Washington. Expansion of the existing residential neighborhoods best achieves clustered, orderly development within Tazewell County utilizing existing infrastructure.

2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

POSITIVE. The proposed amendment will allow and encourage single family residential development adjacent to existing single family residential homes. From a planning perspective it is always preferred to develop property contiguous to existing development instead of practicing “leapfrog” development. At this time, the proposed zoning amendment possesses no foreseeable danger or risk to the public health, safety, morals or general welfare of Tazewell County or its residents.

3. *The request is consistent with existing uses of property within the general area of the property in question.*

POSITIVE. The subject parcel for which this amendment is proposed is bounded by residential development to the South and West and US 24 and US 24 Business Route to the North and East respectively. The general area surrounding the subject parcel is dominated primarily by single family homes and agriculture with recent commercial development in the immediate area (Menards). None of the commercial uses directly abut the subject parcel. The subject parcel is situated just outside the Northwest boundary of the City of Washington. As such, the rezoning request is consistent with existing property uses in the general area.

4. *The request is consistent with the zoning classifications of property within the general area of the property in question.*

POSITIVE. The subject parcel is bounded entirely by R-1 Low Density Residential and A-1 Agricultural Preservation District. As such, the requested rezoning of the subject parcel to R-1 Low Density Residential is in harmony with the underlying zoning classifications of parcels within the general study area.

5. *The suitability of the property in question for the uses permitted under the existing zoning classification.*

POSITIVE. The current A-1 Agricultural Preservation District zoning designation is established to benefit and protect agricultural uses throughout the County. The intent of the Agriculture Preservation District is to protect those areas which are best suited to the pursuit of agriculture in order to ensure that agriculture will continue to be maintained as a long term land use and a viable economic activity within the County. Per the petitioner’s submitted materials, the subject parcel contains soils having a productivity index rating of 120 and 125. Given the fact that the subject parcel is surrounded by established subdivisions, emerging commercial areas, and in close proximity to the limits of Washington, one could argue that the subject parcel is not currently zoned for its highest and best use.

6. *The suitability of the property in question for the uses permitted under the proposed zoning classification.*

POSITIVE. The R-1 Low Density Residential District is designed for single family and two family residential housing opportunities and to provide for the efficient use and orderly development of vacant land designated for residential uses. Given the fact that the subject parcel is surrounded by established subdivisions, emerging commercial areas, and in close proximity to the limits of Washington, one could argue that 78 acres of residential land and its allowed uses would be harmonious with the area. The subject parcel in its entirety is deemed suitable for the uses permitted in the R-1 Low Density Residential district.

7. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.*

POSITIVE. The trend of development in the general study area is towards residential and retail commercial, although the existing adjacent residential developments appear to have been fully built out for several years. Opening up an additional 78 acres of residential land could spur a new wave of single family home construction.

8. *The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.*

POSITIVE. The subject parcel appears to be in crop production and has not previously been developed in any manner.

9. *The proposed map amendment is within one and one half (1 ½) miles of a municipality and consistent with an adopted Comprehensive Plan.*

POSITIVE. The subject parcel is within 1.5 miles of the City of Washington. The most recently adopted Comprehensive Land Use Plan Map for the City of Washington shows the subject parcel as rural residential.

10. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*

POSITIVE. Restricting the subject parcel to its current underlying zoning classification of A-1 Agricultural Preservation District in its entirety may impose a hardship on the property owner, as it will prohibit the development of new single family residences to satisfy a more apparent land use demand. Should this rezoning request be approved, much work will need to be done at the time of subdivision platting to ensure safe and efficient vehicular ingress and egress. New residential development will bring increased tax revenues, but these revenue gains will be somewhat offset by the cost of providing services to the new residences. Typically, residential development is a loss leader, with tax revenues from commercial enterprises funding the majority of governmental operations.

11. *The proposed amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan.*

POSITIVE. The proposed amendment is consistent with the following Tazewell County Comprehensive Plan implementation strategies:

- *Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.*
- *Locate new development contiguous to existing development to aid police and fire protection.*
- *Locate new residential development along local roads to facilitate efficient travel and maintain public safety.*
- *Avoid leapfrog development and isolated land development to preserve contiguous tracts of productive agricultural land.*
- *Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.*
- *Minimize conflict between land uses.*

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

On roll call to recommend approval of **Case No. 12-04-Z** the vote was:

Ayes: 7 – Connett, Lessen, Alt. May, Toevs, Alt. Webb, Zimmerman and Chairman Newman

Nays: 0

Absent: 2 – Baum, Vogelsang

Motion declared carried.

CASE NO. 12-05-S: The petition of Bart Rinkenberger for a Special Use to allow the construction of an Accessory Structure prior to a Principal Dwelling 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 made no comment regarding the proposed Special Use request.

Roger Spangler, Village of Morton submitted a report stating no objections regarding the proposed Special Use request.

Dave Risinger, Groveland Township Road Commissioner submitted a report having no regarding the proposed Special Use request.

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

School Districts 709 made no comment regarding the proposed Special Use request.

NOTE – THE FOLLOWING TESTIMONY INCLUDES TESTIMONY CONDUCTED FOR CASE 12-05-S AND CASE 12-06-V

Bart Rinkenberger appeared to testify on behalf of the proposed Special Use and Variance request. Mr. Rinkenberger stated he would like to construct a shed to store farm equipment and items to maintain the property. Mr. Rinkenberger said he had been storing materials at a family members shed, however, the family would be moving from their property where they currently store their equipment. Mr. Rinkenberger added he and his wife had house plans, however after praying about constructing the house, they felt it was not the right time to invest in doing so. Mr. Rinkenberger stated his intent would be to build within the next 5 years, however he did not want to make a promise that he could not keep. Mr. Rinkenberger said the building would have a concrete floor.

Following all Public Hearings, moved by Connett, seconded by May, to approve **Case No. 12-05-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 to construct an accessory structure and a single family dwelling within the next five (5) years will be consistent with the following Tazewell County Comprehensive Land Use Plan implementation strategies:

- *Locate new residential development along local roads to facilitate efficient travel and maintain public safety,*
- *Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland,*
- *Minimize conflict between land uses,*
- *Design new development to conform to the existing development pattern and potential future development patterns.*

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

POSITIVE. All requirements have been satisfactorily 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 outbuildings to the south, separated from the subject parcel by a stand of trees and Dillon Creek. To the northwest and northeast of the subject parcel are additional farmsteads consisting of single family dwellings and multiple outbuildings. The subject parcel is primarily adjacent to agricultural land. The proposed Special Use to build an accessory structure will be similar to the existing farmsteads and compatible with the nearby agricultural operations. There are no foreseeable adverse effects of the Special Use request at this time.

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 accessory structure will be similar in nature to existing accessory structures and outbuildings in the general area and will be compatible with the nearby agricultural operations. As such, endangerment to the public health, safety, morals, comfort or general welfare of the neighboring vicinity is not foreseeable at this time.

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 utilized for agriculture and single-family residences. The proposed accessory structure and eventual single family dwelling will be similar in nature to the existing residential uses and will be compatible with the agricultural uses. At this time, it is not foreseeable that the proposed accessory structure will 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. Property in the immediate vicinity is utilized for agriculture and single-family residences. The proposed accessory structure and eventual single family dwelling will be compatible with the existing uses and should not lead to a substantial change in neighborhood character. Diminished property values as a result of allowing the proposed Special Use accessory structure are not anticipated.

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

POSITIVE. Road access at the subject site is adequate and site topography will provide for sufficient drainage. The large parcel size of over eight (8) acres will allow ample room to situate an appropriately sized well and septic system.

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 minimal traffic on Unsicker Road. As such, the addition of an accessory structure and eventually one dwelling unit will not lead to a

discernible traffic increase. Sight distance from the proposed access drive is limited, but a hazard is not anticipated at this time, given the low volume of vehicular traffic on Unsicker Road.

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. Per the applicant, the subject parcel and proposed Special Use are not located within one-half mile or less from a livestock feeding operation.

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 an accessory structure and eventually one dwelling unit in a rural area. The proposed accessory structure is not a driver of land development and will have little, if any, 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 more than one-half mile away.

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

POSITIVE. While the subject parcel has a soil productivity index of more than 125, it is deemed not prime because of the steep slope falling from the north towards the south.

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 to construct an accessory structure is consistent with the existing uses of property within the general area as previously discussed within this report.

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

POSITIVE. The subject property is deemed suitable for the Special Use as proposed based on fourteen (14) positive findings.

Moved by Zimmerman, seconded by May, 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. 12-05-S** the vote was:

Ayes: 7 – Connett, Lessen, Alt. May, Toevs, Alt. Webb, Zimmerman and Chairman Newman

Nays: 0

Absent: 2 – Baum, Vogelsang

Motion declared carried.

CASE NO. 12-06-V: The petition of Bart Rinkenberger for a Variance to waive the requirements of 7TCC 1-7(c)(1) to allow the construction of an Accessory Structure prior to a Principal Dwelling for storage of materials to maintain the property and storage of personal equipment which will be approximately 7,000 square feet, which is 6,600 square feet larger than allowed in an A-1 Agriculture Preservation Zoning District.

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

Tazewell County Soil & Water Conservation District submitted a report having no comment regarding the proposed Variance request.

Tazewell County Farm Bureau made no comment regarding the proposed Variance request.

Roger Spangler, Village of Morton submitted a report having no objections regarding the proposed Variance request.

Dave Risinger, Groveland Township Road Commissioner submitted a report having no objection regarding the proposed Variance request.

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

School Districts 709 made no comment regarding the proposed Variance request.

NOTE – THE TESTIMONY FOR CASE 12-06-V WAS INCLUDED IN THE TESTIMONY LISTED ABOVE IN CASE 12-05-S.

Following all Public Hearings, moved by Connett, seconded by May, to approve **Case No. 12-06-V**.

Following discussion, moved by Connett, seconded by Lessen to Amend the Main Motion to limit the size of the building to 42' x 105'.

Motion carried by voice vote for the amendment.

After considering all the evidence and testimony presented, the ZBA discussed arrived at the following findings of fact:

1. *The particular surroundings and topographical conditions of the property upon which a petition for a variance are based are unique to the property for which the variance is sought and are not applicable, generally, to other property with the same zoning classification.*

POSITIVE: The applicant proposes to construct a new dwelling on the property in the near future. If the dwelling were located on the property now at this time, the size of the building would not be an issue. However, the applicant testified that a larger building is needed for the storage of farm equipment and other equipment necessary to maintain the property and the building as proposed is in character with other buildings in the area.

2. *The conditions upon which a petition for a variance are based are unique to the property for which the variance is sought and are not applicable, generally, to other property with the same zoning classification.*

POSITIVE: The applicant proposes to construct a new dwelling on the property in the near future. If the dwelling were located on the property now at this time, the size of the building would not be an issue. However, the applicant testified that a larger building is needed for the storage of farm equipment and other equipment necessary to maintain the property and the building as proposed is in character with other buildings in the area.

3. *Granting the variance will not be detrimental to the public welfare, nor injurious to other property or improvements in the neighborhood in which the property is located.*

POSITIVE: The applicant testified that a larger building is needed for the storage of farm equipment and the building as proposed is in character with other buildings in the area.

4. *The proposed variance will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion in public streets or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

POSITIVE: The proposed building will not have a negative effect on adjacent property or streets and as the building is in keeping with other structures of similar nature in the area property values will not be diminished.

5. *The purpose of the variance is not based exclusively upon a desire to increase the monetary gain realized from the property.*

POSITIVE: The applicant is simply seeking to construct a larger building to allow for storage of equipment to maintain the property and for the storage of farm equipment.

6. *Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district.*

POSITIVE.

7. *The alleged difficulty or hardship is caused by the Ordinance and has not been created by any person presently having an interest in the property.*

POSITIVE.

8. *The plight of the owner is due to unique circumstances,*

POSITIVE: The applicant proposes to construct a new dwelling on the property in the near future. If the dwelling were located on the property now at this time, the size of the building would not be an issue. However, the applicant testified that a larger building is needed for the storage of farm equipment and the building as proposed is in character with other buildings in the area.

Moved by Lessen, seconded by Toevs, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to approve **Case No. 12-06-V as amended** the vote was:

Ayes: 7 – Connett, Lessen, Alt. May, Toevs, Alt. Webb, Zimmerman and Chairman Newman

Nays: 0

Absent: 2 – Baum, Vogelsang

Motion declared carried.

CASE NO. 12-07-V: The petition of Robert Leichtenberg for a Variance to waive the requirements of 7TCC1-10(f)(2)(i) to allow the construction of an Addition to Dwelling (addition to existing attached garage) to be 6’ from the side property line, which is 4’ closer than allowed in an R-1 Low Density Residential District

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

Tazewell County Soil & Water Conservation District submitted a report having no comment regarding the proposed Variance request.

Tazewell County Farm Bureau made no comment regarding the proposed Variance request.

Ron Sieh, City of Pekin made no comment regarding the proposed Variance request.

Ron Hawkins, Cincinnati Township Road Commissioner submitted a report having no objection regarding the proposed Variance request.

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

School Districts 98 and 303 made no comment regarding the proposed Variance request.

Robert Leichtenberg appeared to testify on behalf of the proposed Variance request. Mr. Leichtenberg stated he wanted to construct an unattached garage but due to the septic system in the back yard he did not have enough room to do so. Mr. Leichtenberg said he had then since decided to add an additional stall to his attached garage. Mr. Leichtenberg added his neighbor would help him construct the addition so he did not believe he would object to the Variance. Mr. Leichtenberg stated with the proposed addition he would have a 2 stall garage instead of a one stall garage.

Following all Public Hearings, moved by Connett, seconded by May, to approve **Case No. 12-07-V.**

After considering all the evidence and testimony presented, the ZBA discussed arrived at the following findings of fact:

1. *The particular surroundings and topographical conditions of the property upon which a petition for a variance are based are unique to the property for which the variance is sought and are not applicable, generally, to other property with the same zoning classification.*

POSITIVE. The petitioner is limited in area for construction of the addition, due to the location of the septic system and existing in-ground swimming pool. Further, the petitioner currently has a 1 car attached garage and is in need of additional storage, the addition is the most logical location for expansion of the garage.

2. *The conditions upon which a petition for a variance are based are unique to the property for which the variance is sought and are not applicable, generally, to other property with the same zoning classification.*

POSITIVE. The petitioner is limited in area for construction of the addition, due to the location of the septic system and existing in-ground swimming pool. Further, the petitioner currently has a 1 car attached garage and is in need of additional storage, the addition is the most logical location for expansion of the garage.

3. *Granting the variance will not be detrimental to the public welfare, nor injurious to other property or improvements in the neighborhood in which the property is located.*

POSITIVE. Granting the Variance will not have negative effect on the public welfare, property or improvements in the neighborhood

4. *The proposed variance will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion in public streets or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

POSITIVE.

5. *The purpose of the variance is not based exclusively upon a desire to increase the monetary gain realized from the property.*

POSITIVE. The petitioner is simply seeking to expand the garage for additional storage space.

6. *Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district.*

POSITIVE. The petitioner is limited in area for construction of the addition, due to the location of the septic system and existing in-ground swimming pool. Further, the petitioner currently has a 1 car attached garage and is in need of additional storage, the addition is the most logical location for expansion of the garage.

7. *The alleged difficulty or hardship is caused by the Ordinance and has not been created by any person presently having an interest in the property.*

POSITIVE. The petitioner is limited in area for construction of the addition, due to the location of the septic system and existing in-ground swimming pool. Further, the petitioner currently has a 1 car attached garage and is in need of additional storage, the addition is the most logical location for expansion of the garage.

8. *The plight of the owner is due to unique circumstances.*

POSITIVE. The petitioner is limited in area for construction of the addition, due to the location of the septic system and existing in-ground swimming pool. Further, the petitioner currently has a 1 car attached garage and is in need of additional storage, the addition is the most logical location for expansion of the garage.

Moved by Connett, seconded by Zimmerman, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to approve **Case No. 12-07-V** the vote was:

Ayes: 7 – Connett, Lessen, Alt. May, Toevs, Alt. Webb, Zimmerman and Chairman Newman

Nays: 0

Absent: 2 – Baum, Vogelsang

Motion declared carried.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **Tuesday, May 1, 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 6:52 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.