

**(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, June 5, 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, Duane Lessen, Alternate Sandy May, Loren Toevs, and Ken Zimmerman

**ABSENT:** None

**STAFF:** Kristal Deininger, Community Development Administrator; Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Chairman Carroll Imig, Darrell Meisinger, Rosemary Palmer, Terry Hillemonds, Sue Sundell, Monica Connett, Mel Stanford, Paul Hahn, Russ Crawford

**OTHERS**

**PRESENT:** Petitioners and Objectors

**MINUTES:** Moved by Toevs, seconded by Baum, to approve the Minutes of the May 1, 2012 Zoning Board of Appeals Meeting as presented. **Motion carried by voice vote.**

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(Continued by the ZBA at the May 1, 2012 Public Hearing)

**CASE NO. 12-10-S:** The petition of Steve and Connie Tibbs d/b/a Paws, Claws and Exotics Too, for an expansion to an existing Special Use (Case No. 11-20-S) to allow for the construction of an accessory structure for the sale of domestic and exotic animals to include the outdoor display of exotic animals; construction of an accessory building for a seasonal petting zoo; and a playground area with party rental availability, in a C-2 General Business Commercial District.

The Tazewell County Land Use Planner submitted a report recommending approval regarding the proposed Special Use request.

Tazewell County Health Department submitted a report regarding the proposed Special Use request stating the business would be required to have public restroom facilities and a septic system based upon the type of use, further stating a soil analysis would be required.

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

Tazewell County Farm Bureau submitted a report regarding the proposed Special Use request recommending approval as this would be an Ag type business.

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

Lee White, Illinois Department of Transportation made no comment regarding the proposed Special Use request.

School Districts 108 and 303 made no comment regarding the proposed Special Use request.

Steve Tibbs appeared to testify on behalf of the proposed Special Use request. Mr. Tibbs stated USDA monitors his property and had been to the property 5 times since opening. Mr. Tibbs said the petting zoo would have pigmy goats, mini horses, etc. the usual petting zoo type animals and there would be approximately 20 animals, all domestic in nature. Mr. Tibbs added the kids would not interact at all with the exotic animals, customers are only able to view them. Mr. Tibbs stated there would be an attendant for the petting zoo and all animals would be behind a fence. Mr. Tibbs said a 6' barrier fence would be around the cages of the exotic animals and there would be at least 4' of distance between the barrier fence and cages. Mr. Tibbs added the fenced parking area would be for overflow parking if needed. Mr. Tibbs, after being asked, stated over the weekend an individual who purchased a fox for some reason let it go in the parking lot. Mr. Tibbs said the fox was spotted in the subdivision across the road and eventually returned to its home. Mr. Tibbs added the fox was no different than a dog, however, they would be purchasing a tranquilizer gun for any future issues with animals. Mr. Tibbs stated the business would be great for birthday parties, church groups and kids in general.

Del Wood appeared with questions regarding the proposed Special Use request. Mr. Wood stated he was in the Royal Colony Homeowners Association and there was an episode with a fox getting loose over the weekend. Mr. Wood expressed concern and questioned if an action plan were in place for such an event.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 12-10-S**.

Following discussion, moved by Lessen, seconded by Baum to Amend the Main Motion to include the following condition:

1. The proposed storage buildings as approved in Case No. 11-20-S with the square footage of 40' x 120' and 80' x 150' originally proposed to be located on the western side of the property shall be eliminated from any future expansion of operations on the site.

**Motion carried by voice vote for the amendment.**

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.*

POSITIVE.

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 Special Use is consistent with the Land Use Plan Implementation Strategies.

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

POSITIVE. Upon re-submittal of a revised Site Plan all requirements have been met.

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

POSITIVE. Adverse effects are minimal, and visual impacts are minimized by situating the petting zoo close to Illinois Route 9, but in such a way that there will not be a detriment to the individuals visiting the zoo. The closest residential structure is the applicants.

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 applicant must meet or exceed all licensing regulations and restrictions imposed by multiple government agencies concerning the safe keeping of exotic animals. The applicant testified that he has obtained all the property licensing required which will shall be provided to the Community Development Department.

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. Appropriate fencing and tight governmental control/oversight will limit injury to the use and enjoyment of other property owners in the immediate area.

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

POSITIVE. Illinois Route 9 is a busy roadway zoned for commercial activity. The proposed use is consistent with the commercial uses of the immediate area. Continued responsible commercial development is encouraged along Illinois route 9.

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

POSITIVE. The site contains a new modern, improved commercial entry way approved by IDOT for ingress and egress onto Illinois Route 9. Further the applicant provided revisions to the Site Plan which directs heavier truck traffic away from the petting zoo. The applicant, to comply with Health Department regulations, will provide outdoor portable restrooms and wash/sanitizing stations.

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 site contains a new modern, improved commercial entry way approved by IDOT for ingress and egress onto Illinois Route 9.

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. Regardless of the proximity of the petting zoo to a livestock feeding operation, it will not hinder the operation or expansion of such an operation as the proposed petting zoo will not be inhabited by people on a continual basis.

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

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

POSITIVE. Granting the Special Use request will not remove crop land from production. The subject area is presently grass, utilized by the applicants for recreation.

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

POSITIVE. The subject site is in a Commercial area with commercial uses and the revisions to the Site Plan and traffic patterns by the applicant as directed by the Zoning Board of Appeals allows the use to be more conducive to the area.

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

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

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

On roll call to approve **Case No. 12-10-S as Amended** the vote was:

Ayes: 5 – Baum, Lessen, Toevs, Zimmerman and Chairman Newman

Nays: 1 – May

**Motion declared carried.**

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**CASE NO. 12-18-Z:** The petition of Charles Humberd, et al for a Map Amendment to the Official Hopedale Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to a A-2 Agriculture District Zoning District.

The Tazewell County Land Use Planner submitted a report recommending approval of the proposed Rezoning request.

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

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

Tazewell County Farm Bureau submitted a report recommending approval of the proposed request.

Village of Hopedale made no comment regarding the proposed Rezoning request.

Bill Dailey, Hopedale Township Road Commissioner made no comment regarding the proposed Rezoning request.

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

School District 16 made no comment regarding the proposed Rezoning request.

Charles Humberd appeared to testify on behalf of the proposed Rezoning request. Mr. Humberd stated he would like to divide his property and sell a portion for a future home site to allow someone to build upon and enjoy country living. Mr. Humberd said he would keep 10 acres and sell 15 acres.

Following all Public Hearings, moved by Toevs, seconded by May, to recommend approval **Case No. 12-18-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 Tazewell County Future Land Use Map identifies this area as an A-2 Agriculture District.

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 request is consistent with existing uses of property within the general area of the property in question. Multiple parcels in the immediate area range in size from 4.7 acres to 10 acres containing single family homes.

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

POSITIVE. Although current zoning classifications in the area consist of A-1 and Rural Residential the amendment is consistent with the Tazewell County Future Land Use Map which designates this area as an A-2 Agriculture District.

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

POSITIVE. The property in question is not suitable for the uses permitted under the existing zoning classification given the relatively small area of land available for crop production.

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

POSITIVE. The property in question is suitable for the uses permitted under the proposed zoning classification given the consistency with other nearby parcels being utilized for residential purposes.

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 nearby development has been single family residential, resulting in the construction of 10 single family homes in the past 10 – 12 years.

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. Development in the area as transitioned into rural development with construction of single family homes on parcels of five to ten acres.

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

NOT APPLICABLE. The proposed site is not located within the 1.5 mile planning jurisdiction of a municipality.

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

POSITIVE. The relative gain to the public is negligible as compared to the hardship imposed upon the individual property owner should this rezoning request be denied.

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

POSITIVE. Due to the following:

- 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.

The proposed zoning map amendment is consistent with the Tazewell County Future Land Use Map, which designates the subject area as A-2 Agricultural District.

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

On roll call to recommend approval of **Case No. 12-18-Z** the vote was:

Ayes: 6 – Baum, Lessen, May, Toevs, Zimmerman and Chairman Newman

Nays: 0

**Motion declared carried.**

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**CASE NO. 12-19-S:** The petition of Community Bible Church for a Special Use to allow the construction of a new Church facility (originally approved in Case No. 06-11-S) in a R-1 Zoning District.

The Tazewell County Land Use Planner submitted a report recommending approval of the proposed Special Use request.

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

Tazewell County Soil & Water Conservation District submitted a report recommending approval.

Tazewell County Farm Bureau submitted a report recommending approval.

Jon Oliphant, City of Washington submitted a report stating the City supports the proposed Special Use request.

Dave Weaver, Washington Township Road Commissioner submitted a report stating no problem with the proposed Special Use request, but shared concerns with the additional traffic at Route 24 and Spring Creek Road, which would be under the jurisdiction of IDOT.

John Anderson, Tazewell County Highway Engineer submitted a report stating access should be coordinated with the Township Road Commissioner.

Joseph Crowe, Illinois Department of Transportation made no comment regarding the proposed Special Use request.

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

Dave Carius appeared to testify on behalf of the proposed Special Use request. Mr. Carius stated the Church had hoped to build a new facility before now, however it was necessary for them to re-apply. Mr. Carius said they intended to construct a 120x75 building with parking for a capacity of 150 persons. Mr. Carius added the entrance would be off of Spring Creek Road. Mr. Carius stated the church would need an approximate 5 year implementation time as he was unsure how soon the money would be available for construction.

Following all Public Hearings, moved by Lessen, seconded by Zimmerman, to approve **Case No. 12-19-S** granting a five (5) year extension for implementation or construction of the new Church facility.

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.*

POSITIVE. The Special Use will conform to all applicable regulations of the Tazewell County Zoning Code 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 Tazewell County Comprehensive Land Use Plan implementation strategies.

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

POSITIVE. All requirements of Article 25 of the Tazewell County Zoning Code have been satisfactorily met.

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

POSITIVE. There will be no anticipated adverse effects on properties. Visual impacts on adjacent properties are minimized by situating the multi use church building on the south side of the subject lot, furthest from the residential development.

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 requested Special Use is not anticipated to be detrimental to or 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. Per the applicants, the proposed church will only be regularly utilized 2 – 3 days per week and will be developed with appropriate landscaping and green space limiting injury to the use and enjoyment of other property owners in the immediate area.

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

POSITIVE. The proposed church will not substantially diminish and / or impair property value within the neighborhood. If anything, the proposed church building may act as a sound barrier, blocking loud vehicular traffic from Route 24.

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

POSITIVE. The subject site will be served by septic and well with other necessary utilities available at Spring Creek Road.

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 proposed Special Use will contribute to traffic congestion. Correspondence from an IDOT District Engineer dated 2004 indicates that IDOT will grant a permit for access to the proposed church only off of Spring Creek 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*

NOT APPLICABLE.

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.*

NOT APPLICABLE.

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

POSITIVE. The soil productivity at this site is 125, however due to the location and acreage of the site the land is an uneconomical remnant for farmland.

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

POSITIVE. The Special Use is consistent with the growing residential nature of the surrounding area.

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

POSITIVE. The subject site is in a residential growth area and the site is suitable based on the findings as a whole.

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

On roll call to approve **Case No. 12-19-S** the vote was:

Ayes: 6 – Baum, Lessen, May, Toevs, Zimmerman and Chairman Newman

Nays: 0

**Motion declared carried.**

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**CASE NO. 12-20-S:** The petition of Kenneth Whistle for a Special Use to allow a Private Stable for the purpose of raising three (3) horses in an R-1 Low Density Residential Zoning District.

The Tazewell County Land Use Planner submitted a report recommending approval of the proposed Special Use request.

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

Tazewell County Soil & Water Conservation District had no comment regarding the proposed Special Use request.

Tazewell County Farm Bureau submitted a report recommending approval of the proposed Special Use.

Village of Hopedale made no comment regarding the proposed Special Use request.

Bill Dailey, Hopedale Township Road Commissioner phoned regarding the proposed Special Use request and stated he had no objections but felt the pasture area was too small for the number of horses.

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

School District 16 made no comment regarding the proposed Special Use request.

Kenneth Whistle appeared to testify on behalf of the proposed Special Use request. Mr. Whistle stated he owned approximately 3 acres including his home site that was fenced and wooded and had approximately 1 acre of pasture area fenced for his daughters horses. Mr. Whistle said he had several fenced areas that he would rotate the horses. Mr. Whistle added his daughters cared for the horses and cleaned up after them and he had never been violated for improper care of the horses. Mr. Whistle stated in the prior subdivision covenants the properties could have horses prior the restriction changes in 1996, noting he purchased his property in 1995. Mr. Whistle said he had always had at least one horse on the property and the horses were his daughters pets. Mr. Whistle added they trail ride the horses and along country roads, not riding the horses in the subdivision. Mr. Whistle stated he would compromise to having at least 2 horses and would be willing to work with the ZBA to resolve this issue.

Tim Allen appeared to testify against the proposed Special Use request. Mr. Allen stated he was representing the neighborhood and has a petition signed by the neighbors in opposition to the horses. Mr. Allen said the subdivision covenants were changed in 1996 to disallow horses and Mr. Whistles' property was the only site in the neighborhood with horses. Mr. Allen added the horses were usually kept in small pens with no shelter and the manure that was cleaned up was just piled up on the property near a waterway. Mr. Allen stated Mr. Whistle had attempted to place cattle on the property without gaining approval and has removed the horses several times in the past few years. Mr. Allen said he felt the property was only decently maintained at the present due to the petition for Special Use one file.

Dave Adams appeared to testify against the proposed Special Use request. Mr. Adams stated his property adjoins the Whistle property and when he moved to the area the property only contained one horse and that horse had since died. Mr. Adams said the house went up for sale, the horses disappeared and the fences were removed for about 2 years, then suddenly it all reappeared. Mr. Adams added the pile of manure washes onto his property when it rains and the pasture area is torn up compared to the other well manicured lawns. Mr. Adams said he was not happy with the horses on the property.

Following all Public Hearings, moved by Baum, seconded by May, to continue **CASE NO. 12-20-S** to the July 2, 2012 Public Hearings to allow for a video of the site to be shown before the Zoning Board of Appeals. (note: technically difficulty during the Hearing prevented staff from showing videos of the zoning cases). On voice vote, **motion declared carried.**

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**CASE NO. 12-21-V:** The petition of Curt and Heidi Hutchison for a Variance to waive the requirements of 7TCC1-7(g)(2)(i) to allow construction of an Addition to Dwelling (Attached Garage) to be 23' from the Side Property line, which is 7' closer than allowed in an A-1 Agriculture Preservation District

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

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

Tazewell County Farm Bureau submitted a report recommending approval of the proposed Variance request.

Village of South Pekin made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer submitted a report regarding the proposed Variance request stating there would be no affect to access to the County Highway

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

Danny Springer, Springer Construction appeared to testify on behalf of the proposed Variance request. Mr. Springer stated his client would like to construct an Attached Garage, noting an Unattached Garage could be placed closer to the property line that what the Attached Garage is proposed to be. Mr. Springer said the front of the garage would be set back 3' from the front of the dwelling due to the location of the electrical meter. Mr. Springer added the Addition would have the same roof line and pitch as what was existing.

Following all Public Hearings, moved by Lessen, seconded by Zimmerman, to approve **Case No. 12-21-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 home on the property. Further, the petitioner does not currently have an attached garage and is in need of additional storage, the addition is the most logical location for the new garage. Although the site is zoned Agriculture it is immediately adjacent to properties zoned Residential which allows for a reduced setback similar to what the applicant is proposing,

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 home on the property. Further, the petitioner does not currently have an attached garage and is in need of additional storage, the addition is the most logical location for the new garage. Although the site is zoned Agriculture it is immediately adjacent to properties zoned Residential which allows for a reduced setback similar to what the applicant is proposing,

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 petitioner is limited in area for construction of the addition, due to the location of the home on the property. Further, the petitioner does not currently have an attached garage and is in need of additional storage, the addition is the most logical location for the new garage. Although the site is zoned Agriculture it is immediately adjacent to properties zoned Residential which allows for a reduced setback similar to what the applicant is proposing,

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 petitioner is limited in area for construction of the addition, due to the location of the home on the property. Further, the petitioner does not currently have an attached garage and is in need of additional storage, the addition is the most logical location for the new garage. Although the site is zoned Agriculture it is immediately adjacent to properties zoned Residential which allows for a reduced setback similar to what the applicant is proposing,

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 allow for storage of vehicles, etc.

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 petitioner is limited in area for construction of the addition, due to the location of the home on the property. Further, the petitioner does not currently have an attached garage and is in need of additional storage, the addition is the most logical location for the new garage. Although the site is zoned Agriculture it is immediately adjacent to properties zoned Residential which allows for a reduced setback similar to what the applicant is proposing,

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

On roll call to approve **Case No. 12-21-V** the vote was:

Ayes: 6 – Baum, Lessen, May, Toevs, Zimmerman and Chairman Newman

Nays: 0

**Motion declared carried.**

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Following the Public Hearing portion of the Meeting and prior to the start of Deliberations, Chairman Newman called for a recess at 7:20 p.m. and then reconvened the meeting at 7:30 p.m. to conduct Deliberations of the Zoning Cases.

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**NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Monday, July 2, 2012** at 6:00 p.m. in the Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois.

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**ADJOURNMENT**

There being no further business, moved by Connett, seconded by Zimmerman, to adjourn the Zoning Board of Appeals Public Hearing at 8:00 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.