(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, August 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, Duane Lessen, Sandy May, Loren Toevs, Phil Webb and Ken Zimmerman

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Matt Drake, Assistant States Attorney, Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Chairman Carroll Imig, Russ Crawford, Paul Hahn, Terry Hillegonds, Darrell Meisinger, and Rosemary Palmer

OTHERS PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Baum, to approve the Minutes of the July 2, 2012 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

CASE NO. 12-27-Z: The petition of James Privett, et al for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from a C-2 General Business Commercial District to an A-1 Agriculture Preservation 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

James Privett appeared to testify on behalf of the proposed Rezoning request. Mr. Privett stated he purchased the property under the assumption it was zoned for Agriculture and was not made aware of the mixed zoning until he tried to sell the property. Mr. Privett said he owned the property for 6 years and had been remodeling the interior for the last 3 years. Mr. Privett added 3 acres of the property was being farmed.

Following all Public Hearings, moved by Baum, seconded by May, to recommend approval of **Case No. 12-27-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as a community growth area and not commercial.

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

POSITIVE. 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 farming and residential uses of property within the general area. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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

   POSITIVE. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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 of C-2 given the existing single family residential structure and 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 and agricultural 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. T*he trend of nearby development has been single family residential and agricultural development.

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. Area surrounding the subject property has transitioned to single family residential and agriculture development.

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 proposed zoning map amendment is within 1.5 miles of Pekin, a municipality with an adopted Comprehensive Plan. Further the City had no objections to the Rezoning.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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.

- Avoid land development that occurs in isolated areas away from existing developed areas.

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

On roll call to recommend approval of **Case No. 12-27-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-28-Z: The petition of Excel Foundry and Machine, Inc. a subsidiary of FLSmidth Salt Lake City, Inc. for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an I-2 Heavy Industrial 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

Dave Eagan appeared to testify on behalf of the proposed Rezoning request. Mr. Eagan stated his company would be constructing a 112,000 square foot addition next to this proposed property which contained a dwelling. Mr. Eagan said the property owner approached Excel about purchasing the site. Mr. Eagan added Excel would raise the structures to widen the drive for semi access off of Shady Lane, and it was feasible to have the property the same Zoning Classification as the adjacent land.

Following all Public Hearings, moved by Zimmerman, seconded by Lessen, to recommend approval of **Case No. 12-28-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area being on the border between Industrial and Conservation districts.

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

   POSITIVE. 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. The requested rezoning may actually improve safety by eliminating a single family residence in such close proximity to a heavy industrial use.

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 foundry operations within 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 request is consistent with other I-2 Zoning Districts within the area.

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 of A-1 given the foundry's desire to develop truck parking, which is not allowed in the A-1 district by right.

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 already being utilized for foundry operations and that truck parking is allowed by right with the I-2 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. T*he trend of nearby development has transitioned towards industrial uses and zoning since the property was placed in its current zoning.

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. Land development in the area has transitioned to industrial uses.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. Allowing the Rezoning will allow for expansion to Excel which will be a gain to the public.

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

    POSITIVE. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.

    - Minimize conflict between land uses.

- Encourage the reuse of vacant properties for new and existing businesses.

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. 12-28-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-29-Z: The petition of Sam Parrott for a Map Amendment to the Official Tremont Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an A-2 Agriculture 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 approval regarding the proposed Rezoning request.

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

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Rezoning request.

Larry Bolliger, Tremont 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 701 made no comment regarding the proposed Rezoning request.

Sam Parrot appeared to testify on behalf of the proposed Rezoning request. Mr. Parrott stated he would like to divide one lot for his daughter at the present time and another lot in the future for another child. Mr. Parrott said the property had a future land use plan for an A-2 Zoning Classification, so it was suggested he Rezone the property at the present time. Mr. Parrott added the proposed Parcel C indicated on the site plan would be combined with the lot containing his current dwelling and would have a restriction of no dwellings on that property. Mr. Parrott stated he had no intent to build anything that would use the existing easement, he only maintains an easement to drive across the adjacent property.

Ginger Herrman appeared with questions regarding the proposed Rezoning request. Ms. Herrman stated her father owned the farm land adjacent to the proposed property and allowed Mr. Parrott an easement across that property. Ms. Herrman said her father was concerned if Mr. Parrott would be constructing a road on the easement. Ms. Herrman referred to a map indicating her fathers property and questioning which parcels would be built upon.

Following all Public Hearings, moved by Baum, seconded by Toevs, to recommend approval of **Case No. 12-29-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as A-2.

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. 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.

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

   POSITIVE. 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**.**

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 will be compatible with the A-2 zoning designation as detailed in the Tazewell County Future Land Use Map.

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.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

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

On roll call to recommend approval of **Case No. 12-29-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-30-Z: The petition of Mike Sutherland, d/b/a Sutherland and Sons Constriction, Inc. for a Map Amendment to the Official Groveland Township Zoning Map of Tazewell County to change the zoning classification of property from a R-1 Low Density Residential Zoning District to an I-1 Light Industrial 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 regarding the proposed Rezoning request stating a concern of the erosion control on the property.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Rezoning request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Rezoning request.

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

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

School District 76 and 309 made no comment regarding the proposed Rezoning request.

Mike Sutherland appeared to testify on behalf of the proposed Rezoning request. Mr. Sutherland stated he was working with the City of East Peoria on the 2010 Project for removal of clay located on the property. Mr. Sutherland said the property was once an entrance to a coal mine and the land was basically useless. Mr. Sutherland added when he found out part of the property was Zoned for R-1 he was surprised as he thought the entire property was Zoned I-1 Light Industrial.

Following all Public Hearings, moved by Lessen, seconded by Baum, to recommend approval of **Case No. 12-30-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 proposed zoning amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the current and past uses of the subject parcel.

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

POSITIVE. 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 industrial uses along Cole Hollow Road. Portions of the subject parcel and adjacent parcels are currently zoned I-1.

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

POSITIVE.

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 of R-1 given the existing industrial uses along Cole Hollow Road.

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 currently being utilized for industrial 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. Per the applicant, there has not been any development in the immediate vicinity recently.

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.

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 proposed zoning map amendment is within 1.5 miles of the City of East Peoria, a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Minimize conflict between land uses.
- Encourage the reuse of vacant properties for new and existing businesses.

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

On roll call to recommend approval of **Case No. 12-30-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-31-S: The petition of Dan and Karen Doore for a 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 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 regarding the proposed Special Use request.

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

John Anderson, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating access will be approved at a specified location and an entrance permit will be necessary.

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

Marilyn Kohn, Realtor appeared to testify on behalf of the proposed Special Use request. Ms. Kohn stated she had listed the property for the Doore's. She said the surrounding properties are similar size parcels with dwellings and farmettes. Ms. Kohn added there was a purchaser for the property to build a single family dwelling upon and it was not until they were working on the closing that it was discovered that the property was not a buildable lot of record. Ms. Kohn stated the sale of the property was contingent to Zoning Board Approval and added the Highway Department had given approval for an entrance location on Springfield Road.

Following all Public Hearings, moved by Baum, seconded by May, to approve of **Case No. 12-31-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed dwelling to be set back from the main road.

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. A new single family detached dwelling 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. The subject area is primarily farmland, which shall remain in crop production for the foreseeable future, and single family residences, limiting injury to the use and enjoyment of other property in the immediate area.

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

   POSITIVE. A new single family detached dwelling is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service and will feature a propane gas system, and private septic system. Water rights were previously purchased / approved from the Groveland Township. Existing stormwater drainage carries / directs runoff to the ditches along Broadway Street and Springfield Road. The Highway Department has previously approved site access from Springfield 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. Given the current traffic volumes on Broadway Street and Springfield Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed dwelling site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a single family detached dwelling site is consistent with the other existing single family detached homes in the immediate vicinity.

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

    POSITIVE. Given its proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-31-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-32-S: The petition of Michael Tibbs for a Special Use to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling in a 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 submitted a report regarding the proposed Special Use request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Special Use request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Special Use request.

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

School Districts 606 and 303 made no comment regarding the proposed Special Use request.

THE FOLLOWING CONTAINS TESTIMONY FOR CASE NO. 12-32-S, 12-33-V & 12-34-V:

Michael Tibbs appeared to testify on behalf of the proposed Special Use and Variance requests. Mr. Tibbs stated he owned 2 lots, on the East and on the West side of Bass Road. Mr. Tibbs said he would like to build a garage prior to a dwelling in order to store materials necessary to build a dwelling on the West side of the road. Mr. Tibbs added he does construction work himself and the dwelling may not begin construction for another 3 to 4 years. Mr. Tibbs stated the proposed garage was typical to other garages in the area. Mr. Tibbs said due to the hillside on the property on the East side of the road he would not be able to meet the required setback. Mr. Tibbs added a prior owner began removing soil to construct a garage, however never began construction. Mr. Tibbs stated the proposed garage would be just that, a garage, and there would be no living quarters and no septic system. Mr. Tibbs said the lake lot on the West side of the road had a storage shed on the property which is where he will construct a future dwelling and the hillside would determine what size the actual garage would be, however he knew it would not need to be anymore than 900 square foot.

Following all Public Hearings, moved by Baum, seconded by Zimmerman, to approve of **Case No. 12-32-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed accessory structure on the east side of Bass Road in line with existing accessory structures.

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. A new detached accessory structure 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. The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area should be limited with the development of a new accessory structure and eventual single family residence.

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

   POSITIVE. A new single family detached dwelling and accessory structure is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service, which is the only service the proposed accessory structure will require. The proposed accessory structure will have easy vehicular access to Bass 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. Given the current traffic volumes on Bass Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

POSITIVE. Given its proximity to other existing single family detached homes and accessory structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-32-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-33-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(c)(1) to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling to be 900 square feet which is 500 square feet larger than allowed for the purpose of storing materials necessary to construct a Principal Dwelling in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-33-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 12-33-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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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 proposed size of the garage is consistent with other structures of similar nature in immediate 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.

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 a larger structure to accommodate for storage.

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. The Ordinance does not address unique circumstances such as proposed.

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

   POSITIVE. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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

On roll call to approve **Case No. 12-33-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-34-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow construction of an Accessory Structure (Unattached Garage) to be 37' from the centerline of Bass Road which is 13' closer than allowed in an R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.
Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-34-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 12-34-S**.

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. Due to part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 request will not be detrimental to the public or improvements within the neighborhood and is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 applicant is simply seeking to construct a garage for storage on a lot that is encumbered by a large hillside therefore limiting alternatives for placement of the garage.

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. Similar request have been granted in the immediate vicinity due to the abnormal circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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

On roll call to approve **Case No. 12-34-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-35-V: The petition of Larry Bollinger for a Variance to waive the requirements of 7TCC1-7(g)(1)(i) to allow construction of an Accessory Structure (Unattached Garage) to be 112' from the Centerline of Illinois Route 9 which is 38' closer than allowed and to waive 7TCC1-7(g)(3)(ii) to allow the same Accessory Structure to be 12' from the Rear property line which is 13' closer than allowed in an A-1 Agriculture Preservation Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating there appeared to be adequate room for a replacement septic system if needed.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Variance request.

Mike Rankin, Mackinaw Township Road Commissioner made no comment regarding the proposed Variance request.

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

Lee White, IDOT made no comment regarding the proposed Variance request.

School District 701 made no comment regarding the proposed Special Use request.

Larry Bollinger appeared to testify on behalf of the proposed Variance request. Mr. Bollinger stated he would like to construct a garage, however being located on a corner lot and the shape of his lot posed a hardship for setback requirements. Mr. Bollinger said his garage would sit farther back from Route 9 than the dwelling was and the entrance to the garage would be to the North off of Hoffman Ave.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-35-S**.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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.

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 applicant is simply seeking construction of the garage for additional storage.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. 12-35-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-36-V: The petition of Ken and Lori Eckhardt for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 57.5' from the Centerline of Olympia Road, which is 42.5' closer 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 submitted a report recommending approval regarding the proposed Variance request.

Louis Anderson, Boynton Township Road Commissioner submitted a report making no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer submitted a report stating no issue regarding the proposed Variance request.

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

Ken Eckhardt appeared to testify on behalf of the proposed Variance request. Mr. Eckhardt stated his home was built in the 1890's and it originally had 2 front porches. Mr. Eckhardt said sometime over the years a previous owner removed the porches and he would like to reconstruct one porch as the house appeared to be "missing something". Mr. Eckhardt added he would not duplicate the original porch however it would be aesthetically pleasing.

Following all Public Hearings, moved by Lessen, seconded by May, to approve **Case No. 12-36-S**.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. Allow the Variance will not have an impact on 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 applicant is simply seeking to construct the porch for personal enjoyment and to be in character of the house as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. 12-36-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-37-V: The petition of Stephen Howard for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an Addition to Dwelling (Front Deck) to be 40' from the Centerline of Bittersweet Road, which is 10' closer than allowed in a R-1 Low Density Residential Zoning District.

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

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Variance request.

Dave Weaver, Washington Township Road Commissioner made no comment regarding the proposed Variance request.

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

School District 50 and 308 made no comment regarding the proposed Special Use request.

Stephen Howard appeared to testify on behalf of the proposed Variance request. Mr. Howard stated he would like to remove the existing front deck and replace it with a deck and ramp. Mr. Howard said his wife was handicap and needed a stable deck for access to and from the house.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-37-S**.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements.

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. Allowing the Variance will not impair supply of light, create congestion on Bittersweet Road or diminish property values.

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

   POSITIVE. The owner simply needs the wheelchair ramp to allow for easier accessibility to the home.

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. Due to the non-conforming homes in the area and the small lots sizes. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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

On roll call to approve **Case No. 12-37-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-38-V: The petition of Joseph Stoehr for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 73' from the Centerline of Nichols Road, which is 27' closer 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 making no comment regarding the proposed Variance request.

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

Melissa Rademacker, Malone Township Road Commissioner made no comment regarding the proposed Variance request.

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

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

Joseph Stoehr appeared to testify on behalf of the proposed Variance request. Mr. Stoehr stated he needed a porch on front of his dwelling for a second access. Mr. Stoehr said the porch would resemble a deck.

Following all Public Hearings, moved by Lessen, seconded by Toevs, to approve **Case No. 12-38-S**.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. Allowing the Variance will not have a negative impact on the surrounding neighborhood which is primarily farmland.

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 applicant is simply seeking to improve the home and allow for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. 12-38-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-39-V: The petition of Janet Zimmer, Trustee of the Ralph P. Thomas Trust, for a Variance to waive the requirements of 7TCC1-10(b)(3) to allow small farm animals, i.e. Chickens, Goats, etc. on a 4.13 acre lot, which is 15.87 acres less than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a written guidelines should be established and reviewed prior to approval.

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

Tazewell County Farm Bureau submitted a report recommending disapproval regarding the proposed Variance request.

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

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

School District 606 and 303 made no comment regarding the proposed Special Use request.

Jennifer Bradshaw, Realtor, appeared to testify on behalf of the proposed Variance request. Ms. Bradshaw stated this property had been on the market for over a year and the interested buyer would like to raise small farm animals. Ms. Bradshaw said the property had an existing outbuilding and coop. Ms. Bradshaw added it was at the corner of Talbotts Subdivision, however it was not within the subdivision and was adjacent to farmland on the West and to the South. Ms. Bradshaw stated in the City of Pekin chickens were allowed on smaller lots and her client would be agreeable to conditions such as fencing. Ms. Bradshaw said the proposed buyer would reside in the dwelling and use the property for recreational farming.

Jennifer Thomas appeared to testify against the proposed Variance request. Ms. Thomas stated she was representing various homeowners in Talbotts Subdivision and submitted a Petition of 48 names of those opposed to the Variance request. Ms. Thomas said a realtor told her that her property value would decrease by living next to farm animals and the outbuilding on the proposed lot was an old schoolhouse and she had never seen a coop on the property. Ms. Thomas added she did not want to smell the feces and was concerned of animals getting loose. Ms. Thomas stated the farm animals would cause an increase in an already problematic coyote problem and would cause an increase in rodents due to the hay and feed.

Following all Public Hearings, moved by Toevs, seconded by Baum, to approve **Case No. 12-39-S**.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District and could be detrimental to the adjoining properties and improvements of neighboring properties. Due to the property being for sale the owner was unable to provide an estimated number of animals that will be housed on the property.

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.*

NEGATIVE. Allowing the proposed Variance could allow for diminishment of property values of the neighboring residential properties.

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

NEGATIVE. Testimony was provided that the applicant is trying to sell the property and has been unable to do so and feels that allowing farm animals would allow the site to be more marketable.

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.*

NEGATIVE. Allowing the request would allow a special privilege that is currently denied by the Ordinance for properties within the same zoning district.

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.*

NEGATIVE. The property can still be fully utilized for residential uses as allowed by the Zoning Code.

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

NEGATIVE. There are no unique circumstances to justify a waiver of the requirements of the Zoning Code which are currently in place.

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. 12-39-V** the vote was:
Ayes: 0
Nays: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Motion failed.

Following the Public Hearing portion of the Meeting and prior to the start of Deliberations, Chairman Newman called for a recess at 7:15 p.m. and then reconvened the meeting at 7:25 p.m. to conduct Deliberations of the Zoning Cases.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **WEDNESDAY, September 5, 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 Toevs, seconded by Baum, 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.

(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, August 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, Duane Lessen, Sandy May, Loren Toevs, Phil Webb and Ken Zimmerman

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Matt Drake, Assistant States Attorney, Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Chairman Carroll Imig, Russ Crawford, Paul Hahn, Terry Hillegonds, Darrell Meisinger, and Rosemary Palmer

OTHERS PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Baum, to approve the Minutes of the July 2, 2012 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

CASE NO. 12-27-Z: The petition of James Privett, et al for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from a C-2 General Business Commercial District to an A-1 Agriculture Preservation 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

James Privett appeared to testify on behalf of the proposed Rezoning request. Mr. Privett stated he purchased the property under the assumption it was zoned for Agriculture and was not made aware of the mixed zoning until he tried to sell the property. Mr. Privett said he owned the property for 6 years and had been remodeling the interior for the last 3 years. Mr. Privett added 3 acres of the property was being farmed.

Following all Public Hearings, moved by Baum, seconded by May, to recommend approval of **Case No. 12-27-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as a community growth area and not commercial.

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

POSITIVE. 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 farming and residential uses of property within the general area. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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

   POSITIVE. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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 of C-2 given the existing single family residential structure and 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 and agricultural 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. T*he trend of nearby development has been single family residential and agricultural development.

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. Area surrounding the subject property has transitioned to single family residential and agriculture development.

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 proposed zoning map amendment is within 1.5 miles of Pekin, a municipality with an adopted Comprehensive Plan. Further the City had no objections to the Rezoning.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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.

- Avoid land development that occurs in isolated areas away from existing developed areas.

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

On roll call to recommend approval of **Case No. 12-27-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-28-Z: The petition of Excel Foundry and Machine, Inc. a subsidiary of FLSmidth Salt Lake City, Inc. for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an I-2 Heavy Industrial 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

Dave Eagan appeared to testify on behalf of the proposed Rezoning request. Mr. Eagan stated his company would be constructing a 112,000 square foot addition next to this proposed property which contained a dwelling. Mr. Eagan said the property owner approached Excel about purchasing the site. Mr. Eagan added Excel would raise the structures to widen the drive for semi access off of Shady Lane, and it was feasible to have the property the same Zoning Classification as the adjacent land.

Following all Public Hearings, moved by Zimmerman, seconded by Lessen, to recommend approval of **Case No. 12-28-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area being on the border between Industrial and Conservation districts.

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

   POSITIVE. 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. The requested rezoning may actually improve safety by eliminating a single family residence in such close proximity to a heavy industrial use.

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 foundry operations within 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 request is consistent with other I-2 Zoning Districts within the area.

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 of A-1 given the foundry's desire to develop truck parking, which is not allowed in the A-1 district by right.

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 already being utilized for foundry operations and that truck parking is allowed by right with the I-2 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. T*he trend of nearby development has transitioned towards industrial uses and zoning since the property was placed in its current zoning.

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. Land development in the area has transitioned to industrial uses.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. Allowing the Rezoning will allow for expansion to Excel which will be a gain to the public.

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

    POSITIVE. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.

    - Minimize conflict between land uses.

- Encourage the reuse of vacant properties for new and existing businesses.

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. 12-28-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-29-Z: The petition of Sam Parrott for a Map Amendment to the Official Tremont Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an A-2 Agriculture 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 approval regarding the proposed Rezoning request.

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

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Rezoning request.

Larry Bolliger, Tremont 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 701 made no comment regarding the proposed Rezoning request.

Sam Parrot appeared to testify on behalf of the proposed Rezoning request. Mr. Parrott stated he would like to divide one lot for his daughter at the present time and another lot in the future for another child. Mr. Parrott said the property had a future land use plan for an A-2 Zoning Classification, so it was suggested he Rezone the property at the present time. Mr. Parrott added the proposed Parcel C indicated on the site plan would be combined with the lot containing his current dwelling and would have a restriction of no dwellings on that property. Mr. Parrott stated he had no intent to build anything that would use the existing easement, he only maintains an easement to drive across the adjacent property.

Ginger Herrman appeared with questions regarding the proposed Rezoning request. Ms. Herrman stated her father owned the farm land adjacent to the proposed property and allowed Mr. Parrott an easement across that property. Ms. Herrman said her father was concerned if Mr. Parrott would be constructing a road on the easement. Ms. Herrman referred to a map indicating her fathers property and questioning which parcels would be built upon.

Following all Public Hearings, moved by Baum, seconded by Toevs, to recommend approval of **Case No. 12-29-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as A-2.

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. 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.

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

   POSITIVE. 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**.**

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 will be compatible with the A-2 zoning designation as detailed in the Tazewell County Future Land Use Map.

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.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

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

On roll call to recommend approval of **Case No. 12-29-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-30-Z: The petition of Mike Sutherland, d/b/a Sutherland and Sons Constriction, Inc. for a Map Amendment to the Official Groveland Township Zoning Map of Tazewell County to change the zoning classification of property from a R-1 Low Density Residential Zoning District to an I-1 Light Industrial 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 regarding the proposed Rezoning request stating a concern of the erosion control on the property.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Rezoning request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Rezoning request.

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

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

School District 76 and 309 made no comment regarding the proposed Rezoning request.

Mike Sutherland appeared to testify on behalf of the proposed Rezoning request. Mr. Sutherland stated he was working with the City of East Peoria on the 2010 Project for removal of clay located on the property. Mr. Sutherland said the property was once an entrance to a coal mine and the land was basically useless. Mr. Sutherland added when he found out part of the property was Zoned for R-1 he was surprised as he thought the entire property was Zoned I-1 Light Industrial.

Following all Public Hearings, moved by Lessen, seconded by Baum, to recommend approval of **Case No. 12-30-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 proposed zoning amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the current and past uses of the subject parcel.

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

POSITIVE. 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 industrial uses along Cole Hollow Road. Portions of the subject parcel and adjacent parcels are currently zoned I-1.

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

POSITIVE.

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 of R-1 given the existing industrial uses along Cole Hollow Road.

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 currently being utilized for industrial 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. Per the applicant, there has not been any development in the immediate vicinity recently.

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.

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 proposed zoning map amendment is within 1.5 miles of the City of East Peoria, a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Minimize conflict between land uses.
- Encourage the reuse of vacant properties for new and existing businesses.

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

On roll call to recommend approval of **Case No. 12-30-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-31-S: The petition of Dan and Karen Doore for a 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 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 regarding the proposed Special Use request.

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

John Anderson, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating access will be approved at a specified location and an entrance permit will be necessary.

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

Marilyn Kohn, Realtor appeared to testify on behalf of the proposed Special Use request. Ms. Kohn stated she had listed the property for the Doore's. She said the surrounding properties are similar size parcels with dwellings and farmettes. Ms. Kohn added there was a purchaser for the property to build a single family dwelling upon and it was not until they were working on the closing that it was discovered that the property was not a buildable lot of record. Ms. Kohn stated the sale of the property was contingent to Zoning Board Approval and added the Highway Department had given approval for an entrance location on Springfield Road.

Following all Public Hearings, moved by Baum, seconded by May, to approve of **Case No. 12-31-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed dwelling to be set back from the main road.

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. A new single family detached dwelling 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. The subject area is primarily farmland, which shall remain in crop production for the foreseeable future, and single family residences, limiting injury to the use and enjoyment of other property in the immediate area.

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

   POSITIVE. A new single family detached dwelling is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service and will feature a propane gas system, and private septic system. Water rights were previously purchased / approved from the Groveland Township. Existing stormwater drainage carries / directs runoff to the ditches along Broadway Street and Springfield Road. The Highway Department has previously approved site access from Springfield 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. Given the current traffic volumes on Broadway Street and Springfield Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed dwelling site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a single family detached dwelling site is consistent with the other existing single family detached homes in the immediate vicinity.

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

    POSITIVE. Given its proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-31-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-32-S: The petition of Michael Tibbs for a Special Use to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling in a 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 submitted a report regarding the proposed Special Use request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Special Use request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Special Use request.

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

School Districts 606 and 303 made no comment regarding the proposed Special Use request.

THE FOLLOWING CONTAINS TESTIMONY FOR CASE NO. 12-32-S, 12-33-V & 12-34-V:

Michael Tibbs appeared to testify on behalf of the proposed Special Use and Variance requests. Mr. Tibbs stated he owned 2 lots, on the East and on the West side of Bass Road. Mr. Tibbs said he would like to build a garage prior to a dwelling in order to store materials necessary to build a dwelling on the West side of the road. Mr. Tibbs added he does construction work himself and the dwelling may not begin construction for another 3 to 4 years. Mr. Tibbs stated the proposed garage was typical to other garages in the area. Mr. Tibbs said due to the hillside on the property on the East side of the road he would not be able to meet the required setback. Mr. Tibbs added a prior owner began removing soil to construct a garage, however never began construction. Mr. Tibbs stated the proposed garage would be just that, a garage, and there would be no living quarters and no septic system. Mr. Tibbs said the lake lot on the West side of the road had a storage shed on the property which is where he will construct a future dwelling and the hillside would determine what size the actual garage would be, however he knew it would not need to be anymore than 900 square foot.

Following all Public Hearings, moved by Baum, seconded by Zimmerman, to approve of **Case No. 12-32-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed accessory structure on the east side of Bass Road in line with existing accessory structures.

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. A new detached accessory structure 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. The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area should be limited with the development of a new accessory structure and eventual single family residence.

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

   POSITIVE. A new single family detached dwelling and accessory structure is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service, which is the only service the proposed accessory structure will require. The proposed accessory structure will have easy vehicular access to Bass 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. Given the current traffic volumes on Bass Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

POSITIVE. Given its proximity to other existing single family detached homes and accessory structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-32-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-33-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(c)(1) to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling to be 900 square feet which is 500 square feet larger than allowed for the purpose of storing materials necessary to construct a Principal Dwelling in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-33-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 12-33-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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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 proposed size of the garage is consistent with other structures of similar nature in immediate 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.

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 a larger structure to accommodate for storage.

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. The Ordinance does not address unique circumstances such as proposed.

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

   POSITIVE. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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

On roll call to approve **Case No. 12-33-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-34-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow construction of an Accessory Structure (Unattached Garage) to be 37' from the centerline of Bass Road which is 13' closer than allowed in an R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.
Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-34-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 12-34-S**.

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. Due to part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 request will not be detrimental to the public or improvements within the neighborhood and is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 applicant is simply seeking to construct a garage for storage on a lot that is encumbered by a large hillside therefore limiting alternatives for placement of the garage.

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. Similar request have been granted in the immediate vicinity due to the abnormal circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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

On roll call to approve **Case No. 12-34-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-35-V: The petition of Larry Bollinger for a Variance to waive the requirements of 7TCC1-7(g)(1)(i) to allow construction of an Accessory Structure (Unattached Garage) to be 112' from the Centerline of Illinois Route 9 which is 38' closer than allowed and to waive 7TCC1-7(g)(3)(ii) to allow the same Accessory Structure to be 12' from the Rear property line which is 13' closer than allowed in an A-1 Agriculture Preservation Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating there appeared to be adequate room for a replacement septic system if needed.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Variance request.

Mike Rankin, Mackinaw Township Road Commissioner made no comment regarding the proposed Variance request.

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

Lee White, IDOT made no comment regarding the proposed Variance request.

School District 701 made no comment regarding the proposed Special Use request.

Larry Bollinger appeared to testify on behalf of the proposed Variance request. Mr. Bollinger stated he would like to construct a garage, however being located on a corner lot and the shape of his lot posed a hardship for setback requirements. Mr. Bollinger said his garage would sit farther back from Route 9 than the dwelling was and the entrance to the garage would be to the North off of Hoffman Ave.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-35-S**.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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.

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 applicant is simply seeking construction of the garage for additional storage.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. 12-35-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-36-V: The petition of Ken and Lori Eckhardt for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 57.5' from the Centerline of Olympia Road, which is 42.5' closer 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 submitted a report recommending approval regarding the proposed Variance request.

Louis Anderson, Boynton Township Road Commissioner submitted a report making no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer submitted a report stating no issue regarding the proposed Variance request.

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

Ken Eckhardt appeared to testify on behalf of the proposed Variance request. Mr. Eckhardt stated his home was built in the 1890's and it originally had 2 front porches. Mr. Eckhardt said sometime over the years a previous owner removed the porches and he would like to reconstruct one porch as the house appeared to be "missing something". Mr. Eckhardt added he would not duplicate the original porch however it would be aesthetically pleasing.

Following all Public Hearings, moved by Lessen, seconded by May, to approve **Case No. 12-36-S**.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. Allow the Variance will not have an impact on 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 applicant is simply seeking to construct the porch for personal enjoyment and to be in character of the house as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. 12-36-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-37-V: The petition of Stephen Howard for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an Addition to Dwelling (Front Deck) to be 40' from the Centerline of Bittersweet Road, which is 10' closer than allowed in a R-1 Low Density Residential Zoning District.

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

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Variance request.

Dave Weaver, Washington Township Road Commissioner made no comment regarding the proposed Variance request.

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

School District 50 and 308 made no comment regarding the proposed Special Use request.

Stephen Howard appeared to testify on behalf of the proposed Variance request. Mr. Howard stated he would like to remove the existing front deck and replace it with a deck and ramp. Mr. Howard said his wife was handicap and needed a stable deck for access to and from the house.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-37-S**.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements.

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. Allowing the Variance will not impair supply of light, create congestion on Bittersweet Road or diminish property values.

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

   POSITIVE. The owner simply needs the wheelchair ramp to allow for easier accessibility to the home.

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. Due to the non-conforming homes in the area and the small lots sizes. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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

On roll call to approve **Case No. 12-37-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-38-V: The petition of Joseph Stoehr for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 73' from the Centerline of Nichols Road, which is 27' closer 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 making no comment regarding the proposed Variance request.

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

Melissa Rademacker, Malone Township Road Commissioner made no comment regarding the proposed Variance request.

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

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

Joseph Stoehr appeared to testify on behalf of the proposed Variance request. Mr. Stoehr stated he needed a porch on front of his dwelling for a second access. Mr. Stoehr said the porch would resemble a deck.

Following all Public Hearings, moved by Lessen, seconded by Toevs, to approve **Case No. 12-38-S**.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. Allowing the Variance will not have a negative impact on the surrounding neighborhood which is primarily farmland.

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 applicant is simply seeking to improve the home and allow for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. 12-38-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-39-V: The petition of Janet Zimmer, Trustee of the Ralph P. Thomas Trust, for a Variance to waive the requirements of 7TCC1-10(b)(3) to allow small farm animals, i.e. Chickens, Goats, etc. on a 4.13 acre lot, which is 15.87 acres less than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a written guidelines should be established and reviewed prior to approval.

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

Tazewell County Farm Bureau submitted a report recommending disapproval regarding the proposed Variance request.

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

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

School District 606 and 303 made no comment regarding the proposed Special Use request.

Jennifer Bradshaw, Realtor, appeared to testify on behalf of the proposed Variance request. Ms. Bradshaw stated this property had been on the market for over a year and the interested buyer would like to raise small farm animals. Ms. Bradshaw said the property had an existing outbuilding and coop. Ms. Bradshaw added it was at the corner of Talbotts Subdivision, however it was not within the subdivision and was adjacent to farmland on the West and to the South. Ms. Bradshaw stated in the City of Pekin chickens were allowed on smaller lots and her client would be agreeable to conditions such as fencing. Ms. Bradshaw said the proposed buyer would reside in the dwelling and use the property for recreational farming.

Jennifer Thomas appeared to testify against the proposed Variance request. Ms. Thomas stated she was representing various homeowners in Talbotts Subdivision and submitted a Petition of 48 names of those opposed to the Variance request. Ms. Thomas said a realtor told her that her property value would decrease by living next to farm animals and the outbuilding on the proposed lot was an old schoolhouse and she had never seen a coop on the property. Ms. Thomas added she did not want to smell the feces and was concerned of animals getting loose. Ms. Thomas stated the farm animals would cause an increase in an already problematic coyote problem and would cause an increase in rodents due to the hay and feed.

Following all Public Hearings, moved by Toevs, seconded by Baum, to approve **Case No. 12-39-S**.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District and could be detrimental to the adjoining properties and improvements of neighboring properties. Due to the property being for sale the owner was unable to provide an estimated number of animals that will be housed on the property.

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.*

NEGATIVE. Allowing the proposed Variance could allow for diminishment of property values of the neighboring residential properties.

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

NEGATIVE. Testimony was provided that the applicant is trying to sell the property and has been unable to do so and feels that allowing farm animals would allow the site to be more marketable.

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.*

NEGATIVE. Allowing the request would allow a special privilege that is currently denied by the Ordinance for properties within the same zoning district.

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.*

NEGATIVE. The property can still be fully utilized for residential uses as allowed by the Zoning Code.

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

NEGATIVE. There are no unique circumstances to justify a waiver of the requirements of the Zoning Code which are currently in place.

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. 12-39-V** the vote was:
Ayes: 0
Nays: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Motion failed.

Following the Public Hearing portion of the Meeting and prior to the start of Deliberations, Chairman Newman called for a recess at 7:15 p.m. and then reconvened the meeting at 7:25 p.m. to conduct Deliberations of the Zoning Cases.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **WEDNESDAY, September 5, 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 Toevs, seconded by Baum, 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.

(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, August 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, Duane Lessen, Sandy May, Loren Toevs, Phil Webb and Ken Zimmerman

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Matt Drake, Assistant States Attorney, Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Chairman Carroll Imig, Russ Crawford, Paul Hahn, Terry Hillegonds, Darrell Meisinger, and Rosemary Palmer

OTHERS PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Baum, to approve the Minutes of the July 2, 2012 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

CASE NO. 12-27-Z: The petition of James Privett, et al for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from a C-2 General Business Commercial District to an A-1 Agriculture Preservation 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

James Privett appeared to testify on behalf of the proposed Rezoning request. Mr. Privett stated he purchased the property under the assumption it was zoned for Agriculture and was not made aware of the mixed zoning until he tried to sell the property. Mr. Privett said he owned the property for 6 years and had been remodeling the interior for the last 3 years. Mr. Privett added 3 acres of the property was being farmed.

Following all Public Hearings, moved by Baum, seconded by May, to recommend approval of **Case No. 12-27-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as a community growth area and not commercial.

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

POSITIVE. 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 farming and residential uses of property within the general area. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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

   POSITIVE. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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 of C-2 given the existing single family residential structure and 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 and agricultural 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. T*he trend of nearby development has been single family residential and agricultural development.

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. Area surrounding the subject property has transitioned to single family residential and agriculture development.

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 proposed zoning map amendment is within 1.5 miles of Pekin, a municipality with an adopted Comprehensive Plan. Further the City had no objections to the Rezoning.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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.

- Avoid land development that occurs in isolated areas away from existing developed areas.

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

On roll call to recommend approval of **Case No. 12-27-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-28-Z: The petition of Excel Foundry and Machine, Inc. a subsidiary of FLSmidth Salt Lake City, Inc. for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an I-2 Heavy Industrial 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

Dave Eagan appeared to testify on behalf of the proposed Rezoning request. Mr. Eagan stated his company would be constructing a 112,000 square foot addition next to this proposed property which contained a dwelling. Mr. Eagan said the property owner approached Excel about purchasing the site. Mr. Eagan added Excel would raise the structures to widen the drive for semi access off of Shady Lane, and it was feasible to have the property the same Zoning Classification as the adjacent land.

Following all Public Hearings, moved by Zimmerman, seconded by Lessen, to recommend approval of **Case No. 12-28-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area being on the border between Industrial and Conservation districts.

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

   POSITIVE. 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. The requested rezoning may actually improve safety by eliminating a single family residence in such close proximity to a heavy industrial use.

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 foundry operations within 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 request is consistent with other I-2 Zoning Districts within the area.

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 of A-1 given the foundry's desire to develop truck parking, which is not allowed in the A-1 district by right.

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 already being utilized for foundry operations and that truck parking is allowed by right with the I-2 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. T*he trend of nearby development has transitioned towards industrial uses and zoning since the property was placed in its current zoning.

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. Land development in the area has transitioned to industrial uses.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. Allowing the Rezoning will allow for expansion to Excel which will be a gain to the public.

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

    POSITIVE. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.

    - Minimize conflict between land uses.

- Encourage the reuse of vacant properties for new and existing businesses.

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. 12-28-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-29-Z: The petition of Sam Parrott for a Map Amendment to the Official Tremont Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an A-2 Agriculture 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 approval regarding the proposed Rezoning request.

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

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Rezoning request.

Larry Bolliger, Tremont 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 701 made no comment regarding the proposed Rezoning request.

Sam Parrot appeared to testify on behalf of the proposed Rezoning request. Mr. Parrott stated he would like to divide one lot for his daughter at the present time and another lot in the future for another child. Mr. Parrott said the property had a future land use plan for an A-2 Zoning Classification, so it was suggested he Rezone the property at the present time. Mr. Parrott added the proposed Parcel C indicated on the site plan would be combined with the lot containing his current dwelling and would have a restriction of no dwellings on that property. Mr. Parrott stated he had no intent to build anything that would use the existing easement, he only maintains an easement to drive across the adjacent property.

Ginger Herrman appeared with questions regarding the proposed Rezoning request. Ms. Herrman stated her father owned the farm land adjacent to the proposed property and allowed Mr. Parrott an easement across that property. Ms. Herrman said her father was concerned if Mr. Parrott would be constructing a road on the easement. Ms. Herrman referred to a map indicating her fathers property and questioning which parcels would be built upon.

Following all Public Hearings, moved by Baum, seconded by Toevs, to recommend approval of **Case No. 12-29-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as A-2.

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. 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.

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

   POSITIVE. 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**.**

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 will be compatible with the A-2 zoning designation as detailed in the Tazewell County Future Land Use Map.

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.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

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

On roll call to recommend approval of **Case No. 12-29-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-30-Z: The petition of Mike Sutherland, d/b/a Sutherland and Sons Constriction, Inc. for a Map Amendment to the Official Groveland Township Zoning Map of Tazewell County to change the zoning classification of property from a R-1 Low Density Residential Zoning District to an I-1 Light Industrial 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 regarding the proposed Rezoning request stating a concern of the erosion control on the property.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Rezoning request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Rezoning request.

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

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

School District 76 and 309 made no comment regarding the proposed Rezoning request.

Mike Sutherland appeared to testify on behalf of the proposed Rezoning request. Mr. Sutherland stated he was working with the City of East Peoria on the 2010 Project for removal of clay located on the property. Mr. Sutherland said the property was once an entrance to a coal mine and the land was basically useless. Mr. Sutherland added when he found out part of the property was Zoned for R-1 he was surprised as he thought the entire property was Zoned I-1 Light Industrial.

Following all Public Hearings, moved by Lessen, seconded by Baum, to recommend approval of **Case No. 12-30-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 proposed zoning amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the current and past uses of the subject parcel.

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

POSITIVE. 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 industrial uses along Cole Hollow Road. Portions of the subject parcel and adjacent parcels are currently zoned I-1.

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

POSITIVE.

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 of R-1 given the existing industrial uses along Cole Hollow Road.

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 currently being utilized for industrial 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. Per the applicant, there has not been any development in the immediate vicinity recently.

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.

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 proposed zoning map amendment is within 1.5 miles of the City of East Peoria, a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Minimize conflict between land uses.
- Encourage the reuse of vacant properties for new and existing businesses.

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

On roll call to recommend approval of **Case No. 12-30-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-31-S: The petition of Dan and Karen Doore for a 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 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 regarding the proposed Special Use request.

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

John Anderson, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating access will be approved at a specified location and an entrance permit will be necessary.

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

Marilyn Kohn, Realtor appeared to testify on behalf of the proposed Special Use request. Ms. Kohn stated she had listed the property for the Doore's. She said the surrounding properties are similar size parcels with dwellings and farmettes. Ms. Kohn added there was a purchaser for the property to build a single family dwelling upon and it was not until they were working on the closing that it was discovered that the property was not a buildable lot of record. Ms. Kohn stated the sale of the property was contingent to Zoning Board Approval and added the Highway Department had given approval for an entrance location on Springfield Road.

Following all Public Hearings, moved by Baum, seconded by May, to approve of **Case No. 12-31-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed dwelling to be set back from the main road.

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. A new single family detached dwelling 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. The subject area is primarily farmland, which shall remain in crop production for the foreseeable future, and single family residences, limiting injury to the use and enjoyment of other property in the immediate area.

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

   POSITIVE. A new single family detached dwelling is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service and will feature a propane gas system, and private septic system. Water rights were previously purchased / approved from the Groveland Township. Existing stormwater drainage carries / directs runoff to the ditches along Broadway Street and Springfield Road. The Highway Department has previously approved site access from Springfield 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. Given the current traffic volumes on Broadway Street and Springfield Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed dwelling site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a single family detached dwelling site is consistent with the other existing single family detached homes in the immediate vicinity.

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

    POSITIVE. Given its proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-31-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-32-S: The petition of Michael Tibbs for a Special Use to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling in a 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 submitted a report regarding the proposed Special Use request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Special Use request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Special Use request.

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

School Districts 606 and 303 made no comment regarding the proposed Special Use request.

THE FOLLOWING CONTAINS TESTIMONY FOR CASE NO. 12-32-S, 12-33-V & 12-34-V:

Michael Tibbs appeared to testify on behalf of the proposed Special Use and Variance requests. Mr. Tibbs stated he owned 2 lots, on the East and on the West side of Bass Road. Mr. Tibbs said he would like to build a garage prior to a dwelling in order to store materials necessary to build a dwelling on the West side of the road. Mr. Tibbs added he does construction work himself and the dwelling may not begin construction for another 3 to 4 years. Mr. Tibbs stated the proposed garage was typical to other garages in the area. Mr. Tibbs said due to the hillside on the property on the East side of the road he would not be able to meet the required setback. Mr. Tibbs added a prior owner began removing soil to construct a garage, however never began construction. Mr. Tibbs stated the proposed garage would be just that, a garage, and there would be no living quarters and no septic system. Mr. Tibbs said the lake lot on the West side of the road had a storage shed on the property which is where he will construct a future dwelling and the hillside would determine what size the actual garage would be, however he knew it would not need to be anymore than 900 square foot.

Following all Public Hearings, moved by Baum, seconded by Zimmerman, to approve of **Case No. 12-32-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed accessory structure on the east side of Bass Road in line with existing accessory structures.

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. A new detached accessory structure 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. The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area should be limited with the development of a new accessory structure and eventual single family residence.

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

   POSITIVE. A new single family detached dwelling and accessory structure is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service, which is the only service the proposed accessory structure will require. The proposed accessory structure will have easy vehicular access to Bass 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. Given the current traffic volumes on Bass Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

POSITIVE. Given its proximity to other existing single family detached homes and accessory structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-32-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-33-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(c)(1) to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling to be 900 square feet which is 500 square feet larger than allowed for the purpose of storing materials necessary to construct a Principal Dwelling in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-33-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 12-33-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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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 proposed size of the garage is consistent with other structures of similar nature in immediate 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.

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 a larger structure to accommodate for storage.

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. The Ordinance does not address unique circumstances such as proposed.

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

   POSITIVE. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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

On roll call to approve **Case No. 12-33-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-34-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow construction of an Accessory Structure (Unattached Garage) to be 37' from the centerline of Bass Road which is 13' closer than allowed in an R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.
Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-34-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 12-34-S**.

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. Due to part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 request will not be detrimental to the public or improvements within the neighborhood and is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 applicant is simply seeking to construct a garage for storage on a lot that is encumbered by a large hillside therefore limiting alternatives for placement of the garage.

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. Similar request have been granted in the immediate vicinity due to the abnormal circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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

On roll call to approve **Case No. 12-34-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-35-V: The petition of Larry Bollinger for a Variance to waive the requirements of 7TCC1-7(g)(1)(i) to allow construction of an Accessory Structure (Unattached Garage) to be 112' from the Centerline of Illinois Route 9 which is 38' closer than allowed and to waive 7TCC1-7(g)(3)(ii) to allow the same Accessory Structure to be 12' from the Rear property line which is 13' closer than allowed in an A-1 Agriculture Preservation Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating there appeared to be adequate room for a replacement septic system if needed.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Variance request.

Mike Rankin, Mackinaw Township Road Commissioner made no comment regarding the proposed Variance request.

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

Lee White, IDOT made no comment regarding the proposed Variance request.

School District 701 made no comment regarding the proposed Special Use request.

Larry Bollinger appeared to testify on behalf of the proposed Variance request. Mr. Bollinger stated he would like to construct a garage, however being located on a corner lot and the shape of his lot posed a hardship for setback requirements. Mr. Bollinger said his garage would sit farther back from Route 9 than the dwelling was and the entrance to the garage would be to the North off of Hoffman Ave.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-35-S**.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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.

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 applicant is simply seeking construction of the garage for additional storage.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. 12-35-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-36-V: The petition of Ken and Lori Eckhardt for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 57.5' from the Centerline of Olympia Road, which is 42.5' closer 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 submitted a report recommending approval regarding the proposed Variance request.

Louis Anderson, Boynton Township Road Commissioner submitted a report making no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer submitted a report stating no issue regarding the proposed Variance request.

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

Ken Eckhardt appeared to testify on behalf of the proposed Variance request. Mr. Eckhardt stated his home was built in the 1890's and it originally had 2 front porches. Mr. Eckhardt said sometime over the years a previous owner removed the porches and he would like to reconstruct one porch as the house appeared to be "missing something". Mr. Eckhardt added he would not duplicate the original porch however it would be aesthetically pleasing.

Following all Public Hearings, moved by Lessen, seconded by May, to approve **Case No. 12-36-S**.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. Allow the Variance will not have an impact on 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 applicant is simply seeking to construct the porch for personal enjoyment and to be in character of the house as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. 12-36-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-37-V: The petition of Stephen Howard for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an Addition to Dwelling (Front Deck) to be 40' from the Centerline of Bittersweet Road, which is 10' closer than allowed in a R-1 Low Density Residential Zoning District.

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

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Variance request.

Dave Weaver, Washington Township Road Commissioner made no comment regarding the proposed Variance request.

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

School District 50 and 308 made no comment regarding the proposed Special Use request.

Stephen Howard appeared to testify on behalf of the proposed Variance request. Mr. Howard stated he would like to remove the existing front deck and replace it with a deck and ramp. Mr. Howard said his wife was handicap and needed a stable deck for access to and from the house.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-37-S**.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements.

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. Allowing the Variance will not impair supply of light, create congestion on Bittersweet Road or diminish property values.

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

   POSITIVE. The owner simply needs the wheelchair ramp to allow for easier accessibility to the home.

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. Due to the non-conforming homes in the area and the small lots sizes. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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

On roll call to approve **Case No. 12-37-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-38-V: The petition of Joseph Stoehr for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 73' from the Centerline of Nichols Road, which is 27' closer 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 making no comment regarding the proposed Variance request.

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

Melissa Rademacker, Malone Township Road Commissioner made no comment regarding the proposed Variance request.

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

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

Joseph Stoehr appeared to testify on behalf of the proposed Variance request. Mr. Stoehr stated he needed a porch on front of his dwelling for a second access. Mr. Stoehr said the porch would resemble a deck.

Following all Public Hearings, moved by Lessen, seconded by Toevs, to approve **Case No. 12-38-S**.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. Allowing the Variance will not have a negative impact on the surrounding neighborhood which is primarily farmland.

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 applicant is simply seeking to improve the home and allow for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. 12-38-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-39-V: The petition of Janet Zimmer, Trustee of the Ralph P. Thomas Trust, for a Variance to waive the requirements of 7TCC1-10(b)(3) to allow small farm animals, i.e. Chickens, Goats, etc. on a 4.13 acre lot, which is 15.87 acres less than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a written guidelines should be established and reviewed prior to approval.

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

Tazewell County Farm Bureau submitted a report recommending disapproval regarding the proposed Variance request.

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

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

School District 606 and 303 made no comment regarding the proposed Special Use request.

Jennifer Bradshaw, Realtor, appeared to testify on behalf of the proposed Variance request. Ms. Bradshaw stated this property had been on the market for over a year and the interested buyer would like to raise small farm animals. Ms. Bradshaw said the property had an existing outbuilding and coop. Ms. Bradshaw added it was at the corner of Talbotts Subdivision, however it was not within the subdivision and was adjacent to farmland on the West and to the South. Ms. Bradshaw stated in the City of Pekin chickens were allowed on smaller lots and her client would be agreeable to conditions such as fencing. Ms. Bradshaw said the proposed buyer would reside in the dwelling and use the property for recreational farming.

Jennifer Thomas appeared to testify against the proposed Variance request. Ms. Thomas stated she was representing various homeowners in Talbotts Subdivision and submitted a Petition of 48 names of those opposed to the Variance request. Ms. Thomas said a realtor told her that her property value would decrease by living next to farm animals and the outbuilding on the proposed lot was an old schoolhouse and she had never seen a coop on the property. Ms. Thomas added she did not want to smell the feces and was concerned of animals getting loose. Ms. Thomas stated the farm animals would cause an increase in an already problematic coyote problem and would cause an increase in rodents due to the hay and feed.

Following all Public Hearings, moved by Toevs, seconded by Baum, to approve **Case No. 12-39-S**.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District and could be detrimental to the adjoining properties and improvements of neighboring properties. Due to the property being for sale the owner was unable to provide an estimated number of animals that will be housed on the property.

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.*

NEGATIVE. Allowing the proposed Variance could allow for diminishment of property values of the neighboring residential properties.

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

NEGATIVE. Testimony was provided that the applicant is trying to sell the property and has been unable to do so and feels that allowing farm animals would allow the site to be more marketable.

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.*

NEGATIVE. Allowing the request would allow a special privilege that is currently denied by the Ordinance for properties within the same zoning district.

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.*

NEGATIVE. The property can still be fully utilized for residential uses as allowed by the Zoning Code.

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

NEGATIVE. There are no unique circumstances to justify a waiver of the requirements of the Zoning Code which are currently in place.

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. 12-39-V** the vote was:
Ayes: 0
Nays: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Motion failed.

Following the Public Hearing portion of the Meeting and prior to the start of Deliberations, Chairman Newman called for a recess at 7:15 p.m. and then reconvened the meeting at 7:25 p.m. to conduct Deliberations of the Zoning Cases.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **WEDNESDAY, September 5, 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 Toevs, seconded by Baum, 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.

(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, August 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, Duane Lessen, Sandy May, Loren Toevs, Phil Webb and Ken Zimmerman

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Matt Drake, Assistant States Attorney, Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Chairman Carroll Imig, Russ Crawford, Paul Hahn, Terry Hillegonds, Darrell Meisinger, and Rosemary Palmer

OTHERS PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Baum, to approve the Minutes of the July 2, 2012 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

CASE NO. 12-27-Z: The petition of James Privett, et al for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from a C-2 General Business Commercial District to an A-1 Agriculture Preservation 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

James Privett appeared to testify on behalf of the proposed Rezoning request. Mr. Privett stated he purchased the property under the assumption it was zoned for Agriculture and was not made aware of the mixed zoning until he tried to sell the property. Mr. Privett said he owned the property for 6 years and had been remodeling the interior for the last 3 years. Mr. Privett added 3 acres of the property was being farmed.

Following all Public Hearings, moved by Baum, seconded by May, to recommend approval of **Case No. 12-27-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as a community growth area and not commercial.

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

POSITIVE. 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 farming and residential uses of property within the general area. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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

   POSITIVE. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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 of C-2 given the existing single family residential structure and 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 and agricultural 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. T*he trend of nearby development has been single family residential and agricultural development.

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. Area surrounding the subject property has transitioned to single family residential and agriculture development.

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 proposed zoning map amendment is within 1.5 miles of Pekin, a municipality with an adopted Comprehensive Plan. Further the City had no objections to the Rezoning.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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.

- Avoid land development that occurs in isolated areas away from existing developed areas.

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

On roll call to recommend approval of **Case No. 12-27-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-28-Z: The petition of Excel Foundry and Machine, Inc. a subsidiary of FLSmidth Salt Lake City, Inc. for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an I-2 Heavy Industrial 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

Dave Eagan appeared to testify on behalf of the proposed Rezoning request. Mr. Eagan stated his company would be constructing a 112,000 square foot addition next to this proposed property which contained a dwelling. Mr. Eagan said the property owner approached Excel about purchasing the site. Mr. Eagan added Excel would raise the structures to widen the drive for semi access off of Shady Lane, and it was feasible to have the property the same Zoning Classification as the adjacent land.

Following all Public Hearings, moved by Zimmerman, seconded by Lessen, to recommend approval of **Case No. 12-28-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area being on the border between Industrial and Conservation districts.

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

   POSITIVE. 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. The requested rezoning may actually improve safety by eliminating a single family residence in such close proximity to a heavy industrial use.

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 foundry operations within 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 request is consistent with other I-2 Zoning Districts within the area.

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 of A-1 given the foundry's desire to develop truck parking, which is not allowed in the A-1 district by right.

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 already being utilized for foundry operations and that truck parking is allowed by right with the I-2 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. T*he trend of nearby development has transitioned towards industrial uses and zoning since the property was placed in its current zoning.

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. Land development in the area has transitioned to industrial uses.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. Allowing the Rezoning will allow for expansion to Excel which will be a gain to the public.

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

    POSITIVE. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.

    - Minimize conflict between land uses.

- Encourage the reuse of vacant properties for new and existing businesses.

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. 12-28-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-29-Z: The petition of Sam Parrott for a Map Amendment to the Official Tremont Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an A-2 Agriculture 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 approval regarding the proposed Rezoning request.

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

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Rezoning request.

Larry Bolliger, Tremont 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 701 made no comment regarding the proposed Rezoning request.

Sam Parrot appeared to testify on behalf of the proposed Rezoning request. Mr. Parrott stated he would like to divide one lot for his daughter at the present time and another lot in the future for another child. Mr. Parrott said the property had a future land use plan for an A-2 Zoning Classification, so it was suggested he Rezone the property at the present time. Mr. Parrott added the proposed Parcel C indicated on the site plan would be combined with the lot containing his current dwelling and would have a restriction of no dwellings on that property. Mr. Parrott stated he had no intent to build anything that would use the existing easement, he only maintains an easement to drive across the adjacent property.

Ginger Herrman appeared with questions regarding the proposed Rezoning request. Ms. Herrman stated her father owned the farm land adjacent to the proposed property and allowed Mr. Parrott an easement across that property. Ms. Herrman said her father was concerned if Mr. Parrott would be constructing a road on the easement. Ms. Herrman referred to a map indicating her fathers property and questioning which parcels would be built upon.

Following all Public Hearings, moved by Baum, seconded by Toevs, to recommend approval of **Case No. 12-29-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as A-2.

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. 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.

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

   POSITIVE. 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**.**

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 will be compatible with the A-2 zoning designation as detailed in the Tazewell County Future Land Use Map.

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.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

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

On roll call to recommend approval of **Case No. 12-29-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-30-Z: The petition of Mike Sutherland, d/b/a Sutherland and Sons Constriction, Inc. for a Map Amendment to the Official Groveland Township Zoning Map of Tazewell County to change the zoning classification of property from a R-1 Low Density Residential Zoning District to an I-1 Light Industrial 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 regarding the proposed Rezoning request stating a concern of the erosion control on the property.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Rezoning request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Rezoning request.

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

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

School District 76 and 309 made no comment regarding the proposed Rezoning request.

Mike Sutherland appeared to testify on behalf of the proposed Rezoning request. Mr. Sutherland stated he was working with the City of East Peoria on the 2010 Project for removal of clay located on the property. Mr. Sutherland said the property was once an entrance to a coal mine and the land was basically useless. Mr. Sutherland added when he found out part of the property was Zoned for R-1 he was surprised as he thought the entire property was Zoned I-1 Light Industrial.

Following all Public Hearings, moved by Lessen, seconded by Baum, to recommend approval of **Case No. 12-30-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 proposed zoning amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the current and past uses of the subject parcel.

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

POSITIVE. 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 industrial uses along Cole Hollow Road. Portions of the subject parcel and adjacent parcels are currently zoned I-1.

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

POSITIVE.

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 of R-1 given the existing industrial uses along Cole Hollow Road.

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 currently being utilized for industrial 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. Per the applicant, there has not been any development in the immediate vicinity recently.

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.

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 proposed zoning map amendment is within 1.5 miles of the City of East Peoria, a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Minimize conflict between land uses.
- Encourage the reuse of vacant properties for new and existing businesses.

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

On roll call to recommend approval of **Case No. 12-30-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-31-S: The petition of Dan and Karen Doore for a 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 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 regarding the proposed Special Use request.

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

John Anderson, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating access will be approved at a specified location and an entrance permit will be necessary.

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

Marilyn Kohn, Realtor appeared to testify on behalf of the proposed Special Use request. Ms. Kohn stated she had listed the property for the Doore's. She said the surrounding properties are similar size parcels with dwellings and farmettes. Ms. Kohn added there was a purchaser for the property to build a single family dwelling upon and it was not until they were working on the closing that it was discovered that the property was not a buildable lot of record. Ms. Kohn stated the sale of the property was contingent to Zoning Board Approval and added the Highway Department had given approval for an entrance location on Springfield Road.

Following all Public Hearings, moved by Baum, seconded by May, to approve of **Case No. 12-31-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed dwelling to be set back from the main road.

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. A new single family detached dwelling 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. The subject area is primarily farmland, which shall remain in crop production for the foreseeable future, and single family residences, limiting injury to the use and enjoyment of other property in the immediate area.

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

   POSITIVE. A new single family detached dwelling is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service and will feature a propane gas system, and private septic system. Water rights were previously purchased / approved from the Groveland Township. Existing stormwater drainage carries / directs runoff to the ditches along Broadway Street and Springfield Road. The Highway Department has previously approved site access from Springfield 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. Given the current traffic volumes on Broadway Street and Springfield Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed dwelling site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a single family detached dwelling site is consistent with the other existing single family detached homes in the immediate vicinity.

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

    POSITIVE. Given its proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-31-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-32-S: The petition of Michael Tibbs for a Special Use to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling in a 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 submitted a report regarding the proposed Special Use request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Special Use request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Special Use request.

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

School Districts 606 and 303 made no comment regarding the proposed Special Use request.

THE FOLLOWING CONTAINS TESTIMONY FOR CASE NO. 12-32-S, 12-33-V & 12-34-V:

Michael Tibbs appeared to testify on behalf of the proposed Special Use and Variance requests. Mr. Tibbs stated he owned 2 lots, on the East and on the West side of Bass Road. Mr. Tibbs said he would like to build a garage prior to a dwelling in order to store materials necessary to build a dwelling on the West side of the road. Mr. Tibbs added he does construction work himself and the dwelling may not begin construction for another 3 to 4 years. Mr. Tibbs stated the proposed garage was typical to other garages in the area. Mr. Tibbs said due to the hillside on the property on the East side of the road he would not be able to meet the required setback. Mr. Tibbs added a prior owner began removing soil to construct a garage, however never began construction. Mr. Tibbs stated the proposed garage would be just that, a garage, and there would be no living quarters and no septic system. Mr. Tibbs said the lake lot on the West side of the road had a storage shed on the property which is where he will construct a future dwelling and the hillside would determine what size the actual garage would be, however he knew it would not need to be anymore than 900 square foot.

Following all Public Hearings, moved by Baum, seconded by Zimmerman, to approve of **Case No. 12-32-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed accessory structure on the east side of Bass Road in line with existing accessory structures.

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. A new detached accessory structure 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. The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area should be limited with the development of a new accessory structure and eventual single family residence.

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

   POSITIVE. A new single family detached dwelling and accessory structure is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service, which is the only service the proposed accessory structure will require. The proposed accessory structure will have easy vehicular access to Bass 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. Given the current traffic volumes on Bass Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

POSITIVE. Given its proximity to other existing single family detached homes and accessory structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-32-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-33-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(c)(1) to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling to be 900 square feet which is 500 square feet larger than allowed for the purpose of storing materials necessary to construct a Principal Dwelling in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-33-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 12-33-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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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 proposed size of the garage is consistent with other structures of similar nature in immediate 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.

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 a larger structure to accommodate for storage.

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. The Ordinance does not address unique circumstances such as proposed.

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

   POSITIVE. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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

On roll call to approve **Case No. 12-33-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-34-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow construction of an Accessory Structure (Unattached Garage) to be 37' from the centerline of Bass Road which is 13' closer than allowed in an R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.
Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-34-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 12-34-S**.

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. Due to part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 request will not be detrimental to the public or improvements within the neighborhood and is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 applicant is simply seeking to construct a garage for storage on a lot that is encumbered by a large hillside therefore limiting alternatives for placement of the garage.

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. Similar request have been granted in the immediate vicinity due to the abnormal circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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

On roll call to approve **Case No. 12-34-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-35-V: The petition of Larry Bollinger for a Variance to waive the requirements of 7TCC1-7(g)(1)(i) to allow construction of an Accessory Structure (Unattached Garage) to be 112' from the Centerline of Illinois Route 9 which is 38' closer than allowed and to waive 7TCC1-7(g)(3)(ii) to allow the same Accessory Structure to be 12' from the Rear property line which is 13' closer than allowed in an A-1 Agriculture Preservation Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating there appeared to be adequate room for a replacement septic system if needed.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Variance request.

Mike Rankin, Mackinaw Township Road Commissioner made no comment regarding the proposed Variance request.

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

Lee White, IDOT made no comment regarding the proposed Variance request.

School District 701 made no comment regarding the proposed Special Use request.

Larry Bollinger appeared to testify on behalf of the proposed Variance request. Mr. Bollinger stated he would like to construct a garage, however being located on a corner lot and the shape of his lot posed a hardship for setback requirements. Mr. Bollinger said his garage would sit farther back from Route 9 than the dwelling was and the entrance to the garage would be to the North off of Hoffman Ave.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-35-S**.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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.

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 applicant is simply seeking construction of the garage for additional storage.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. 12-35-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-36-V: The petition of Ken and Lori Eckhardt for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 57.5' from the Centerline of Olympia Road, which is 42.5' closer 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 submitted a report recommending approval regarding the proposed Variance request.

Louis Anderson, Boynton Township Road Commissioner submitted a report making no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer submitted a report stating no issue regarding the proposed Variance request.

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

Ken Eckhardt appeared to testify on behalf of the proposed Variance request. Mr. Eckhardt stated his home was built in the 1890's and it originally had 2 front porches. Mr. Eckhardt said sometime over the years a previous owner removed the porches and he would like to reconstruct one porch as the house appeared to be "missing something". Mr. Eckhardt added he would not duplicate the original porch however it would be aesthetically pleasing.

Following all Public Hearings, moved by Lessen, seconded by May, to approve **Case No. 12-36-S**.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. Allow the Variance will not have an impact on 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 applicant is simply seeking to construct the porch for personal enjoyment and to be in character of the house as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. 12-36-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-37-V: The petition of Stephen Howard for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an Addition to Dwelling (Front Deck) to be 40' from the Centerline of Bittersweet Road, which is 10' closer than allowed in a R-1 Low Density Residential Zoning District.

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

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Variance request.

Dave Weaver, Washington Township Road Commissioner made no comment regarding the proposed Variance request.

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

School District 50 and 308 made no comment regarding the proposed Special Use request.

Stephen Howard appeared to testify on behalf of the proposed Variance request. Mr. Howard stated he would like to remove the existing front deck and replace it with a deck and ramp. Mr. Howard said his wife was handicap and needed a stable deck for access to and from the house.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-37-S**.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements.

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. Allowing the Variance will not impair supply of light, create congestion on Bittersweet Road or diminish property values.

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

   POSITIVE. The owner simply needs the wheelchair ramp to allow for easier accessibility to the home.

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. Due to the non-conforming homes in the area and the small lots sizes. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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

On roll call to approve **Case No. 12-37-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-38-V: The petition of Joseph Stoehr for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 73' from the Centerline of Nichols Road, which is 27' closer 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 making no comment regarding the proposed Variance request.

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

Melissa Rademacker, Malone Township Road Commissioner made no comment regarding the proposed Variance request.

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

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

Joseph Stoehr appeared to testify on behalf of the proposed Variance request. Mr. Stoehr stated he needed a porch on front of his dwelling for a second access. Mr. Stoehr said the porch would resemble a deck.

Following all Public Hearings, moved by Lessen, seconded by Toevs, to approve **Case No. 12-38-S**.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. Allowing the Variance will not have a negative impact on the surrounding neighborhood which is primarily farmland.

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 applicant is simply seeking to improve the home and allow for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. 12-38-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-39-V: The petition of Janet Zimmer, Trustee of the Ralph P. Thomas Trust, for a Variance to waive the requirements of 7TCC1-10(b)(3) to allow small farm animals, i.e. Chickens, Goats, etc. on a 4.13 acre lot, which is 15.87 acres less than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a written guidelines should be established and reviewed prior to approval.

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

Tazewell County Farm Bureau submitted a report recommending disapproval regarding the proposed Variance request.

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

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

School District 606 and 303 made no comment regarding the proposed Special Use request.

Jennifer Bradshaw, Realtor, appeared to testify on behalf of the proposed Variance request. Ms. Bradshaw stated this property had been on the market for over a year and the interested buyer would like to raise small farm animals. Ms. Bradshaw said the property had an existing outbuilding and coop. Ms. Bradshaw added it was at the corner of Talbotts Subdivision, however it was not within the subdivision and was adjacent to farmland on the West and to the South. Ms. Bradshaw stated in the City of Pekin chickens were allowed on smaller lots and her client would be agreeable to conditions such as fencing. Ms. Bradshaw said the proposed buyer would reside in the dwelling and use the property for recreational farming.

Jennifer Thomas appeared to testify against the proposed Variance request. Ms. Thomas stated she was representing various homeowners in Talbotts Subdivision and submitted a Petition of 48 names of those opposed to the Variance request. Ms. Thomas said a realtor told her that her property value would decrease by living next to farm animals and the outbuilding on the proposed lot was an old schoolhouse and she had never seen a coop on the property. Ms. Thomas added she did not want to smell the feces and was concerned of animals getting loose. Ms. Thomas stated the farm animals would cause an increase in an already problematic coyote problem and would cause an increase in rodents due to the hay and feed.

Following all Public Hearings, moved by Toevs, seconded by Baum, to approve **Case No. 12-39-S**.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District and could be detrimental to the adjoining properties and improvements of neighboring properties. Due to the property being for sale the owner was unable to provide an estimated number of animals that will be housed on the property.

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.*

NEGATIVE. Allowing the proposed Variance could allow for diminishment of property values of the neighboring residential properties.

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

NEGATIVE. Testimony was provided that the applicant is trying to sell the property and has been unable to do so and feels that allowing farm animals would allow the site to be more marketable.

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.*

NEGATIVE. Allowing the request would allow a special privilege that is currently denied by the Ordinance for properties within the same zoning district.

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.*

NEGATIVE. The property can still be fully utilized for residential uses as allowed by the Zoning Code.

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

NEGATIVE. There are no unique circumstances to justify a waiver of the requirements of the Zoning Code which are currently in place.

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. 12-39-V** the vote was:
Ayes: 0
Nays: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Motion failed.

Following the Public Hearing portion of the Meeting and prior to the start of Deliberations, Chairman Newman called for a recess at 7:15 p.m. and then reconvened the meeting at 7:25 p.m. to conduct Deliberations of the Zoning Cases.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **WEDNESDAY, September 5, 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 Toevs, seconded by Baum, 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.

(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, August 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, Duane Lessen, Sandy May, Loren Toevs, Phil Webb and Ken Zimmerman

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Matt Drake, Assistant States Attorney, Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Chairman Carroll Imig, Russ Crawford, Paul Hahn, Terry Hillegonds, Darrell Meisinger, and Rosemary Palmer

OTHERS PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Baum, to approve the Minutes of the July 2, 2012 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

CASE NO. 12-27-Z: The petition of James Privett, et al for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from a C-2 General Business Commercial District to an A-1 Agriculture Preservation 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

James Privett appeared to testify on behalf of the proposed Rezoning request. Mr. Privett stated he purchased the property under the assumption it was zoned for Agriculture and was not made aware of the mixed zoning until he tried to sell the property. Mr. Privett said he owned the property for 6 years and had been remodeling the interior for the last 3 years. Mr. Privett added 3 acres of the property was being farmed.

Following all Public Hearings, moved by Baum, seconded by May, to recommend approval of **Case No. 12-27-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as a community growth area and not commercial.

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

POSITIVE. 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 farming and residential uses of property within the general area. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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

   POSITIVE. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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 of C-2 given the existing single family residential structure and 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 and agricultural 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. T*he trend of nearby development has been single family residential and agricultural development.

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. Area surrounding the subject property has transitioned to single family residential and agriculture development.

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 proposed zoning map amendment is within 1.5 miles of Pekin, a municipality with an adopted Comprehensive Plan. Further the City had no objections to the Rezoning.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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.

- Avoid land development that occurs in isolated areas away from existing developed areas.

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

On roll call to recommend approval of **Case No. 12-27-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-28-Z: The petition of Excel Foundry and Machine, Inc. a subsidiary of FLSmidth Salt Lake City, Inc. for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an I-2 Heavy Industrial 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

Dave Eagan appeared to testify on behalf of the proposed Rezoning request. Mr. Eagan stated his company would be constructing a 112,000 square foot addition next to this proposed property which contained a dwelling. Mr. Eagan said the property owner approached Excel about purchasing the site. Mr. Eagan added Excel would raise the structures to widen the drive for semi access off of Shady Lane, and it was feasible to have the property the same Zoning Classification as the adjacent land.

Following all Public Hearings, moved by Zimmerman, seconded by Lessen, to recommend approval of **Case No. 12-28-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area being on the border between Industrial and Conservation districts.

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

   POSITIVE. 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. The requested rezoning may actually improve safety by eliminating a single family residence in such close proximity to a heavy industrial use.

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 foundry operations within 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 request is consistent with other I-2 Zoning Districts within the area.

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 of A-1 given the foundry's desire to develop truck parking, which is not allowed in the A-1 district by right.

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 already being utilized for foundry operations and that truck parking is allowed by right with the I-2 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. T*he trend of nearby development has transitioned towards industrial uses and zoning since the property was placed in its current zoning.

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. Land development in the area has transitioned to industrial uses.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. Allowing the Rezoning will allow for expansion to Excel which will be a gain to the public.

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

    POSITIVE. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.

    - Minimize conflict between land uses.

- Encourage the reuse of vacant properties for new and existing businesses.

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. 12-28-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-29-Z: The petition of Sam Parrott for a Map Amendment to the Official Tremont Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an A-2 Agriculture 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 approval regarding the proposed Rezoning request.

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

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Rezoning request.

Larry Bolliger, Tremont 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 701 made no comment regarding the proposed Rezoning request.

Sam Parrot appeared to testify on behalf of the proposed Rezoning request. Mr. Parrott stated he would like to divide one lot for his daughter at the present time and another lot in the future for another child. Mr. Parrott said the property had a future land use plan for an A-2 Zoning Classification, so it was suggested he Rezone the property at the present time. Mr. Parrott added the proposed Parcel C indicated on the site plan would be combined with the lot containing his current dwelling and would have a restriction of no dwellings on that property. Mr. Parrott stated he had no intent to build anything that would use the existing easement, he only maintains an easement to drive across the adjacent property.

Ginger Herrman appeared with questions regarding the proposed Rezoning request. Ms. Herrman stated her father owned the farm land adjacent to the proposed property and allowed Mr. Parrott an easement across that property. Ms. Herrman said her father was concerned if Mr. Parrott would be constructing a road on the easement. Ms. Herrman referred to a map indicating her fathers property and questioning which parcels would be built upon.

Following all Public Hearings, moved by Baum, seconded by Toevs, to recommend approval of **Case No. 12-29-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as A-2.

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. 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.

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

   POSITIVE. 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**.**

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 will be compatible with the A-2 zoning designation as detailed in the Tazewell County Future Land Use Map.

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.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

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

On roll call to recommend approval of **Case No. 12-29-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-30-Z: The petition of Mike Sutherland, d/b/a Sutherland and Sons Constriction, Inc. for a Map Amendment to the Official Groveland Township Zoning Map of Tazewell County to change the zoning classification of property from a R-1 Low Density Residential Zoning District to an I-1 Light Industrial 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 regarding the proposed Rezoning request stating a concern of the erosion control on the property.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Rezoning request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Rezoning request.

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

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

School District 76 and 309 made no comment regarding the proposed Rezoning request.

Mike Sutherland appeared to testify on behalf of the proposed Rezoning request. Mr. Sutherland stated he was working with the City of East Peoria on the 2010 Project for removal of clay located on the property. Mr. Sutherland said the property was once an entrance to a coal mine and the land was basically useless. Mr. Sutherland added when he found out part of the property was Zoned for R-1 he was surprised as he thought the entire property was Zoned I-1 Light Industrial.

Following all Public Hearings, moved by Lessen, seconded by Baum, to recommend approval of **Case No. 12-30-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 proposed zoning amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the current and past uses of the subject parcel.

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

POSITIVE. 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 industrial uses along Cole Hollow Road. Portions of the subject parcel and adjacent parcels are currently zoned I-1.

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

POSITIVE.

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 of R-1 given the existing industrial uses along Cole Hollow Road.

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 currently being utilized for industrial 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. Per the applicant, there has not been any development in the immediate vicinity recently.

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.

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 proposed zoning map amendment is within 1.5 miles of the City of East Peoria, a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Minimize conflict between land uses.
- Encourage the reuse of vacant properties for new and existing businesses.

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

On roll call to recommend approval of **Case No. 12-30-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-31-S: The petition of Dan and Karen Doore for a 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 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 regarding the proposed Special Use request.

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

John Anderson, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating access will be approved at a specified location and an entrance permit will be necessary.

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

Marilyn Kohn, Realtor appeared to testify on behalf of the proposed Special Use request. Ms. Kohn stated she had listed the property for the Doore's. She said the surrounding properties are similar size parcels with dwellings and farmettes. Ms. Kohn added there was a purchaser for the property to build a single family dwelling upon and it was not until they were working on the closing that it was discovered that the property was not a buildable lot of record. Ms. Kohn stated the sale of the property was contingent to Zoning Board Approval and added the Highway Department had given approval for an entrance location on Springfield Road.

Following all Public Hearings, moved by Baum, seconded by May, to approve of **Case No. 12-31-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed dwelling to be set back from the main road.

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. A new single family detached dwelling 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. The subject area is primarily farmland, which shall remain in crop production for the foreseeable future, and single family residences, limiting injury to the use and enjoyment of other property in the immediate area.

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

   POSITIVE. A new single family detached dwelling is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service and will feature a propane gas system, and private septic system. Water rights were previously purchased / approved from the Groveland Township. Existing stormwater drainage carries / directs runoff to the ditches along Broadway Street and Springfield Road. The Highway Department has previously approved site access from Springfield 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. Given the current traffic volumes on Broadway Street and Springfield Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed dwelling site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a single family detached dwelling site is consistent with the other existing single family detached homes in the immediate vicinity.

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

    POSITIVE. Given its proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-31-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-32-S: The petition of Michael Tibbs for a Special Use to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling in a 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 submitted a report regarding the proposed Special Use request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Special Use request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Special Use request.

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

School Districts 606 and 303 made no comment regarding the proposed Special Use request.

THE FOLLOWING CONTAINS TESTIMONY FOR CASE NO. 12-32-S, 12-33-V & 12-34-V:

Michael Tibbs appeared to testify on behalf of the proposed Special Use and Variance requests. Mr. Tibbs stated he owned 2 lots, on the East and on the West side of Bass Road. Mr. Tibbs said he would like to build a garage prior to a dwelling in order to store materials necessary to build a dwelling on the West side of the road. Mr. Tibbs added he does construction work himself and the dwelling may not begin construction for another 3 to 4 years. Mr. Tibbs stated the proposed garage was typical to other garages in the area. Mr. Tibbs said due to the hillside on the property on the East side of the road he would not be able to meet the required setback. Mr. Tibbs added a prior owner began removing soil to construct a garage, however never began construction. Mr. Tibbs stated the proposed garage would be just that, a garage, and there would be no living quarters and no septic system. Mr. Tibbs said the lake lot on the West side of the road had a storage shed on the property which is where he will construct a future dwelling and the hillside would determine what size the actual garage would be, however he knew it would not need to be anymore than 900 square foot.

Following all Public Hearings, moved by Baum, seconded by Zimmerman, to approve of **Case No. 12-32-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed accessory structure on the east side of Bass Road in line with existing accessory structures.

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. A new detached accessory structure 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. The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area should be limited with the development of a new accessory structure and eventual single family residence.

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

   POSITIVE. A new single family detached dwelling and accessory structure is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service, which is the only service the proposed accessory structure will require. The proposed accessory structure will have easy vehicular access to Bass 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. Given the current traffic volumes on Bass Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

POSITIVE. Given its proximity to other existing single family detached homes and accessory structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-32-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-33-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(c)(1) to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling to be 900 square feet which is 500 square feet larger than allowed for the purpose of storing materials necessary to construct a Principal Dwelling in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-33-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 12-33-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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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 proposed size of the garage is consistent with other structures of similar nature in immediate 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.

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 a larger structure to accommodate for storage.

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. The Ordinance does not address unique circumstances such as proposed.

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

   POSITIVE. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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

On roll call to approve **Case No. 12-33-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-34-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow construction of an Accessory Structure (Unattached Garage) to be 37' from the centerline of Bass Road which is 13' closer than allowed in an R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.
Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-34-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 12-34-S**.

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. Due to part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 request will not be detrimental to the public or improvements within the neighborhood and is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 applicant is simply seeking to construct a garage for storage on a lot that is encumbered by a large hillside therefore limiting alternatives for placement of the garage.

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. Similar request have been granted in the immediate vicinity due to the abnormal circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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

On roll call to approve **Case No. 12-34-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-35-V: The petition of Larry Bollinger for a Variance to waive the requirements of 7TCC1-7(g)(1)(i) to allow construction of an Accessory Structure (Unattached Garage) to be 112' from the Centerline of Illinois Route 9 which is 38' closer than allowed and to waive 7TCC1-7(g)(3)(ii) to allow the same Accessory Structure to be 12' from the Rear property line which is 13' closer than allowed in an A-1 Agriculture Preservation Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating there appeared to be adequate room for a replacement septic system if needed.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Variance request.

Mike Rankin, Mackinaw Township Road Commissioner made no comment regarding the proposed Variance request.

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

Lee White, IDOT made no comment regarding the proposed Variance request.

School District 701 made no comment regarding the proposed Special Use request.

Larry Bollinger appeared to testify on behalf of the proposed Variance request. Mr. Bollinger stated he would like to construct a garage, however being located on a corner lot and the shape of his lot posed a hardship for setback requirements. Mr. Bollinger said his garage would sit farther back from Route 9 than the dwelling was and the entrance to the garage would be to the North off of Hoffman Ave.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-35-S**.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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.

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 applicant is simply seeking construction of the garage for additional storage.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. 12-35-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-36-V: The petition of Ken and Lori Eckhardt for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 57.5' from the Centerline of Olympia Road, which is 42.5' closer 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 submitted a report recommending approval regarding the proposed Variance request.

Louis Anderson, Boynton Township Road Commissioner submitted a report making no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer submitted a report stating no issue regarding the proposed Variance request.

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

Ken Eckhardt appeared to testify on behalf of the proposed Variance request. Mr. Eckhardt stated his home was built in the 1890's and it originally had 2 front porches. Mr. Eckhardt said sometime over the years a previous owner removed the porches and he would like to reconstruct one porch as the house appeared to be "missing something". Mr. Eckhardt added he would not duplicate the original porch however it would be aesthetically pleasing.

Following all Public Hearings, moved by Lessen, seconded by May, to approve **Case No. 12-36-S**.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. Allow the Variance will not have an impact on 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 applicant is simply seeking to construct the porch for personal enjoyment and to be in character of the house as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. 12-36-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-37-V: The petition of Stephen Howard for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an Addition to Dwelling (Front Deck) to be 40' from the Centerline of Bittersweet Road, which is 10' closer than allowed in a R-1 Low Density Residential Zoning District.

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

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Variance request.

Dave Weaver, Washington Township Road Commissioner made no comment regarding the proposed Variance request.

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

School District 50 and 308 made no comment regarding the proposed Special Use request.

Stephen Howard appeared to testify on behalf of the proposed Variance request. Mr. Howard stated he would like to remove the existing front deck and replace it with a deck and ramp. Mr. Howard said his wife was handicap and needed a stable deck for access to and from the house.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-37-S**.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements.

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. Allowing the Variance will not impair supply of light, create congestion on Bittersweet Road or diminish property values.

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

   POSITIVE. The owner simply needs the wheelchair ramp to allow for easier accessibility to the home.

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. Due to the non-conforming homes in the area and the small lots sizes. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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

On roll call to approve **Case No. 12-37-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-38-V: The petition of Joseph Stoehr for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 73' from the Centerline of Nichols Road, which is 27' closer 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 making no comment regarding the proposed Variance request.

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

Melissa Rademacker, Malone Township Road Commissioner made no comment regarding the proposed Variance request.

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

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

Joseph Stoehr appeared to testify on behalf of the proposed Variance request. Mr. Stoehr stated he needed a porch on front of his dwelling for a second access. Mr. Stoehr said the porch would resemble a deck.

Following all Public Hearings, moved by Lessen, seconded by Toevs, to approve **Case No. 12-38-S**.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. Allowing the Variance will not have a negative impact on the surrounding neighborhood which is primarily farmland.

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 applicant is simply seeking to improve the home and allow for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. 12-38-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-39-V: The petition of Janet Zimmer, Trustee of the Ralph P. Thomas Trust, for a Variance to waive the requirements of 7TCC1-10(b)(3) to allow small farm animals, i.e. Chickens, Goats, etc. on a 4.13 acre lot, which is 15.87 acres less than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a written guidelines should be established and reviewed prior to approval.

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

Tazewell County Farm Bureau submitted a report recommending disapproval regarding the proposed Variance request.

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

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

School District 606 and 303 made no comment regarding the proposed Special Use request.

Jennifer Bradshaw, Realtor, appeared to testify on behalf of the proposed Variance request. Ms. Bradshaw stated this property had been on the market for over a year and the interested buyer would like to raise small farm animals. Ms. Bradshaw said the property had an existing outbuilding and coop. Ms. Bradshaw added it was at the corner of Talbotts Subdivision, however it was not within the subdivision and was adjacent to farmland on the West and to the South. Ms. Bradshaw stated in the City of Pekin chickens were allowed on smaller lots and her client would be agreeable to conditions such as fencing. Ms. Bradshaw said the proposed buyer would reside in the dwelling and use the property for recreational farming.

Jennifer Thomas appeared to testify against the proposed Variance request. Ms. Thomas stated she was representing various homeowners in Talbotts Subdivision and submitted a Petition of 48 names of those opposed to the Variance request. Ms. Thomas said a realtor told her that her property value would decrease by living next to farm animals and the outbuilding on the proposed lot was an old schoolhouse and she had never seen a coop on the property. Ms. Thomas added she did not want to smell the feces and was concerned of animals getting loose. Ms. Thomas stated the farm animals would cause an increase in an already problematic coyote problem and would cause an increase in rodents due to the hay and feed.

Following all Public Hearings, moved by Toevs, seconded by Baum, to approve **Case No. 12-39-S**.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District and could be detrimental to the adjoining properties and improvements of neighboring properties. Due to the property being for sale the owner was unable to provide an estimated number of animals that will be housed on the property.

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.*

NEGATIVE. Allowing the proposed Variance could allow for diminishment of property values of the neighboring residential properties.

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

NEGATIVE. Testimony was provided that the applicant is trying to sell the property and has been unable to do so and feels that allowing farm animals would allow the site to be more marketable.

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.*

NEGATIVE. Allowing the request would allow a special privilege that is currently denied by the Ordinance for properties within the same zoning district.

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.*

NEGATIVE. The property can still be fully utilized for residential uses as allowed by the Zoning Code.

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

NEGATIVE. There are no unique circumstances to justify a waiver of the requirements of the Zoning Code which are currently in place.

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. 12-39-V** the vote was:
Ayes: 0
Nays: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Motion failed.

Following the Public Hearing portion of the Meeting and prior to the start of Deliberations, Chairman Newman called for a recess at 7:15 p.m. and then reconvened the meeting at 7:25 p.m. to conduct Deliberations of the Zoning Cases.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **WEDNESDAY, September 5, 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 Toevs, seconded by Baum, 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.

(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, August 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, Duane Lessen, Sandy May, Loren Toevs, Phil Webb and Ken Zimmerman

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Matt Drake, Assistant States Attorney, Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Chairman Carroll Imig, Russ Crawford, Paul Hahn, Terry Hillegonds, Darrell Meisinger, and Rosemary Palmer

OTHERS PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Baum, to approve the Minutes of the July 2, 2012 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

CASE NO. 12-27-Z: The petition of James Privett, et al for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from a C-2 General Business Commercial District to an A-1 Agriculture Preservation 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

James Privett appeared to testify on behalf of the proposed Rezoning request. Mr. Privett stated he purchased the property under the assumption it was zoned for Agriculture and was not made aware of the mixed zoning until he tried to sell the property. Mr. Privett said he owned the property for 6 years and had been remodeling the interior for the last 3 years. Mr. Privett added 3 acres of the property was being farmed.

Following all Public Hearings, moved by Baum, seconded by May, to recommend approval of **Case No. 12-27-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as a community growth area and not commercial.

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

POSITIVE. 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 farming and residential uses of property within the general area. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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

   POSITIVE. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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 of C-2 given the existing single family residential structure and 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 and agricultural 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. T*he trend of nearby development has been single family residential and agricultural development.

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. Area surrounding the subject property has transitioned to single family residential and agriculture development.

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 proposed zoning map amendment is within 1.5 miles of Pekin, a municipality with an adopted Comprehensive Plan. Further the City had no objections to the Rezoning.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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.

- Avoid land development that occurs in isolated areas away from existing developed areas.

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

On roll call to recommend approval of **Case No. 12-27-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-28-Z: The petition of Excel Foundry and Machine, Inc. a subsidiary of FLSmidth Salt Lake City, Inc. for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an I-2 Heavy Industrial 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

Dave Eagan appeared to testify on behalf of the proposed Rezoning request. Mr. Eagan stated his company would be constructing a 112,000 square foot addition next to this proposed property which contained a dwelling. Mr. Eagan said the property owner approached Excel about purchasing the site. Mr. Eagan added Excel would raise the structures to widen the drive for semi access off of Shady Lane, and it was feasible to have the property the same Zoning Classification as the adjacent land.

Following all Public Hearings, moved by Zimmerman, seconded by Lessen, to recommend approval of **Case No. 12-28-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area being on the border between Industrial and Conservation districts.

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

   POSITIVE. 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. The requested rezoning may actually improve safety by eliminating a single family residence in such close proximity to a heavy industrial use.

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 foundry operations within 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 request is consistent with other I-2 Zoning Districts within the area.

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 of A-1 given the foundry's desire to develop truck parking, which is not allowed in the A-1 district by right.

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 already being utilized for foundry operations and that truck parking is allowed by right with the I-2 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. T*he trend of nearby development has transitioned towards industrial uses and zoning since the property was placed in its current zoning.

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. Land development in the area has transitioned to industrial uses.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. Allowing the Rezoning will allow for expansion to Excel which will be a gain to the public.

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

    POSITIVE. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.

    - Minimize conflict between land uses.

- Encourage the reuse of vacant properties for new and existing businesses.

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. 12-28-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-29-Z: The petition of Sam Parrott for a Map Amendment to the Official Tremont Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an A-2 Agriculture 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 approval regarding the proposed Rezoning request.

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

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Rezoning request.

Larry Bolliger, Tremont 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 701 made no comment regarding the proposed Rezoning request.

Sam Parrot appeared to testify on behalf of the proposed Rezoning request. Mr. Parrott stated he would like to divide one lot for his daughter at the present time and another lot in the future for another child. Mr. Parrott said the property had a future land use plan for an A-2 Zoning Classification, so it was suggested he Rezone the property at the present time. Mr. Parrott added the proposed Parcel C indicated on the site plan would be combined with the lot containing his current dwelling and would have a restriction of no dwellings on that property. Mr. Parrott stated he had no intent to build anything that would use the existing easement, he only maintains an easement to drive across the adjacent property.

Ginger Herrman appeared with questions regarding the proposed Rezoning request. Ms. Herrman stated her father owned the farm land adjacent to the proposed property and allowed Mr. Parrott an easement across that property. Ms. Herrman said her father was concerned if Mr. Parrott would be constructing a road on the easement. Ms. Herrman referred to a map indicating her fathers property and questioning which parcels would be built upon.

Following all Public Hearings, moved by Baum, seconded by Toevs, to recommend approval of **Case No. 12-29-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as A-2.

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. 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.

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

   POSITIVE. 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**.**

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 will be compatible with the A-2 zoning designation as detailed in the Tazewell County Future Land Use Map.

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.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

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

On roll call to recommend approval of **Case No. 12-29-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-30-Z: The petition of Mike Sutherland, d/b/a Sutherland and Sons Constriction, Inc. for a Map Amendment to the Official Groveland Township Zoning Map of Tazewell County to change the zoning classification of property from a R-1 Low Density Residential Zoning District to an I-1 Light Industrial 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 regarding the proposed Rezoning request stating a concern of the erosion control on the property.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Rezoning request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Rezoning request.

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

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

School District 76 and 309 made no comment regarding the proposed Rezoning request.

Mike Sutherland appeared to testify on behalf of the proposed Rezoning request. Mr. Sutherland stated he was working with the City of East Peoria on the 2010 Project for removal of clay located on the property. Mr. Sutherland said the property was once an entrance to a coal mine and the land was basically useless. Mr. Sutherland added when he found out part of the property was Zoned for R-1 he was surprised as he thought the entire property was Zoned I-1 Light Industrial.

Following all Public Hearings, moved by Lessen, seconded by Baum, to recommend approval of **Case No. 12-30-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 proposed zoning amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the current and past uses of the subject parcel.

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

POSITIVE. 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 industrial uses along Cole Hollow Road. Portions of the subject parcel and adjacent parcels are currently zoned I-1.

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

POSITIVE.

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 of R-1 given the existing industrial uses along Cole Hollow Road.

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 currently being utilized for industrial 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. Per the applicant, there has not been any development in the immediate vicinity recently.

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.

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 proposed zoning map amendment is within 1.5 miles of the City of East Peoria, a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Minimize conflict between land uses.
- Encourage the reuse of vacant properties for new and existing businesses.

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

On roll call to recommend approval of **Case No. 12-30-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-31-S: The petition of Dan and Karen Doore for a 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 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 regarding the proposed Special Use request.

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

John Anderson, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating access will be approved at a specified location and an entrance permit will be necessary.

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

Marilyn Kohn, Realtor appeared to testify on behalf of the proposed Special Use request. Ms. Kohn stated she had listed the property for the Doore's. She said the surrounding properties are similar size parcels with dwellings and farmettes. Ms. Kohn added there was a purchaser for the property to build a single family dwelling upon and it was not until they were working on the closing that it was discovered that the property was not a buildable lot of record. Ms. Kohn stated the sale of the property was contingent to Zoning Board Approval and added the Highway Department had given approval for an entrance location on Springfield Road.

Following all Public Hearings, moved by Baum, seconded by May, to approve of **Case No. 12-31-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed dwelling to be set back from the main road.

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. A new single family detached dwelling 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. The subject area is primarily farmland, which shall remain in crop production for the foreseeable future, and single family residences, limiting injury to the use and enjoyment of other property in the immediate area.

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

   POSITIVE. A new single family detached dwelling is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service and will feature a propane gas system, and private septic system. Water rights were previously purchased / approved from the Groveland Township. Existing stormwater drainage carries / directs runoff to the ditches along Broadway Street and Springfield Road. The Highway Department has previously approved site access from Springfield 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. Given the current traffic volumes on Broadway Street and Springfield Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed dwelling site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a single family detached dwelling site is consistent with the other existing single family detached homes in the immediate vicinity.

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

    POSITIVE. Given its proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-31-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-32-S: The petition of Michael Tibbs for a Special Use to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling in a 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 submitted a report regarding the proposed Special Use request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Special Use request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Special Use request.

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

School Districts 606 and 303 made no comment regarding the proposed Special Use request.

THE FOLLOWING CONTAINS TESTIMONY FOR CASE NO. 12-32-S, 12-33-V & 12-34-V:

Michael Tibbs appeared to testify on behalf of the proposed Special Use and Variance requests. Mr. Tibbs stated he owned 2 lots, on the East and on the West side of Bass Road. Mr. Tibbs said he would like to build a garage prior to a dwelling in order to store materials necessary to build a dwelling on the West side of the road. Mr. Tibbs added he does construction work himself and the dwelling may not begin construction for another 3 to 4 years. Mr. Tibbs stated the proposed garage was typical to other garages in the area. Mr. Tibbs said due to the hillside on the property on the East side of the road he would not be able to meet the required setback. Mr. Tibbs added a prior owner began removing soil to construct a garage, however never began construction. Mr. Tibbs stated the proposed garage would be just that, a garage, and there would be no living quarters and no septic system. Mr. Tibbs said the lake lot on the West side of the road had a storage shed on the property which is where he will construct a future dwelling and the hillside would determine what size the actual garage would be, however he knew it would not need to be anymore than 900 square foot.

Following all Public Hearings, moved by Baum, seconded by Zimmerman, to approve of **Case No. 12-32-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed accessory structure on the east side of Bass Road in line with existing accessory structures.

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. A new detached accessory structure 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. The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area should be limited with the development of a new accessory structure and eventual single family residence.

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

   POSITIVE. A new single family detached dwelling and accessory structure is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service, which is the only service the proposed accessory structure will require. The proposed accessory structure will have easy vehicular access to Bass 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. Given the current traffic volumes on Bass Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

POSITIVE. Given its proximity to other existing single family detached homes and accessory structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-32-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-33-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(c)(1) to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling to be 900 square feet which is 500 square feet larger than allowed for the purpose of storing materials necessary to construct a Principal Dwelling in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-33-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 12-33-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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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 proposed size of the garage is consistent with other structures of similar nature in immediate 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.

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 a larger structure to accommodate for storage.

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. The Ordinance does not address unique circumstances such as proposed.

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

   POSITIVE. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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

On roll call to approve **Case No. 12-33-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-34-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow construction of an Accessory Structure (Unattached Garage) to be 37' from the centerline of Bass Road which is 13' closer than allowed in an R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.
Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-34-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 12-34-S**.

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. Due to part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 request will not be detrimental to the public or improvements within the neighborhood and is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 applicant is simply seeking to construct a garage for storage on a lot that is encumbered by a large hillside therefore limiting alternatives for placement of the garage.

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. Similar request have been granted in the immediate vicinity due to the abnormal circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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

On roll call to approve **Case No. 12-34-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-35-V: The petition of Larry Bollinger for a Variance to waive the requirements of 7TCC1-7(g)(1)(i) to allow construction of an Accessory Structure (Unattached Garage) to be 112' from the Centerline of Illinois Route 9 which is 38' closer than allowed and to waive 7TCC1-7(g)(3)(ii) to allow the same Accessory Structure to be 12' from the Rear property line which is 13' closer than allowed in an A-1 Agriculture Preservation Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating there appeared to be adequate room for a replacement septic system if needed.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Variance request.

Mike Rankin, Mackinaw Township Road Commissioner made no comment regarding the proposed Variance request.

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

Lee White, IDOT made no comment regarding the proposed Variance request.

School District 701 made no comment regarding the proposed Special Use request.

Larry Bollinger appeared to testify on behalf of the proposed Variance request. Mr. Bollinger stated he would like to construct a garage, however being located on a corner lot and the shape of his lot posed a hardship for setback requirements. Mr. Bollinger said his garage would sit farther back from Route 9 than the dwelling was and the entrance to the garage would be to the North off of Hoffman Ave.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-35-S**.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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.

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 applicant is simply seeking construction of the garage for additional storage.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. 12-35-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-36-V: The petition of Ken and Lori Eckhardt for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 57.5' from the Centerline of Olympia Road, which is 42.5' closer 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 submitted a report recommending approval regarding the proposed Variance request.

Louis Anderson, Boynton Township Road Commissioner submitted a report making no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer submitted a report stating no issue regarding the proposed Variance request.

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

Ken Eckhardt appeared to testify on behalf of the proposed Variance request. Mr. Eckhardt stated his home was built in the 1890's and it originally had 2 front porches. Mr. Eckhardt said sometime over the years a previous owner removed the porches and he would like to reconstruct one porch as the house appeared to be "missing something". Mr. Eckhardt added he would not duplicate the original porch however it would be aesthetically pleasing.

Following all Public Hearings, moved by Lessen, seconded by May, to approve **Case No. 12-36-S**.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. Allow the Variance will not have an impact on 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 applicant is simply seeking to construct the porch for personal enjoyment and to be in character of the house as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. 12-36-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-37-V: The petition of Stephen Howard for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an Addition to Dwelling (Front Deck) to be 40' from the Centerline of Bittersweet Road, which is 10' closer than allowed in a R-1 Low Density Residential Zoning District.

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

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Variance request.

Dave Weaver, Washington Township Road Commissioner made no comment regarding the proposed Variance request.

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

School District 50 and 308 made no comment regarding the proposed Special Use request.

Stephen Howard appeared to testify on behalf of the proposed Variance request. Mr. Howard stated he would like to remove the existing front deck and replace it with a deck and ramp. Mr. Howard said his wife was handicap and needed a stable deck for access to and from the house.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-37-S**.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements.

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. Allowing the Variance will not impair supply of light, create congestion on Bittersweet Road or diminish property values.

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

   POSITIVE. The owner simply needs the wheelchair ramp to allow for easier accessibility to the home.

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. Due to the non-conforming homes in the area and the small lots sizes. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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

On roll call to approve **Case No. 12-37-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-38-V: The petition of Joseph Stoehr for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 73' from the Centerline of Nichols Road, which is 27' closer 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 making no comment regarding the proposed Variance request.

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

Melissa Rademacker, Malone Township Road Commissioner made no comment regarding the proposed Variance request.

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

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

Joseph Stoehr appeared to testify on behalf of the proposed Variance request. Mr. Stoehr stated he needed a porch on front of his dwelling for a second access. Mr. Stoehr said the porch would resemble a deck.

Following all Public Hearings, moved by Lessen, seconded by Toevs, to approve **Case No. 12-38-S**.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. Allowing the Variance will not have a negative impact on the surrounding neighborhood which is primarily farmland.

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 applicant is simply seeking to improve the home and allow for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. 12-38-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-39-V: The petition of Janet Zimmer, Trustee of the Ralph P. Thomas Trust, for a Variance to waive the requirements of 7TCC1-10(b)(3) to allow small farm animals, i.e. Chickens, Goats, etc. on a 4.13 acre lot, which is 15.87 acres less than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a written guidelines should be established and reviewed prior to approval.

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

Tazewell County Farm Bureau submitted a report recommending disapproval regarding the proposed Variance request.

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

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

School District 606 and 303 made no comment regarding the proposed Special Use request.

Jennifer Bradshaw, Realtor, appeared to testify on behalf of the proposed Variance request. Ms. Bradshaw stated this property had been on the market for over a year and the interested buyer would like to raise small farm animals. Ms. Bradshaw said the property had an existing outbuilding and coop. Ms. Bradshaw added it was at the corner of Talbotts Subdivision, however it was not within the subdivision and was adjacent to farmland on the West and to the South. Ms. Bradshaw stated in the City of Pekin chickens were allowed on smaller lots and her client would be agreeable to conditions such as fencing. Ms. Bradshaw said the proposed buyer would reside in the dwelling and use the property for recreational farming.

Jennifer Thomas appeared to testify against the proposed Variance request. Ms. Thomas stated she was representing various homeowners in Talbotts Subdivision and submitted a Petition of 48 names of those opposed to the Variance request. Ms. Thomas said a realtor told her that her property value would decrease by living next to farm animals and the outbuilding on the proposed lot was an old schoolhouse and she had never seen a coop on the property. Ms. Thomas added she did not want to smell the feces and was concerned of animals getting loose. Ms. Thomas stated the farm animals would cause an increase in an already problematic coyote problem and would cause an increase in rodents due to the hay and feed.

Following all Public Hearings, moved by Toevs, seconded by Baum, to approve **Case No. 12-39-S**.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District and could be detrimental to the adjoining properties and improvements of neighboring properties. Due to the property being for sale the owner was unable to provide an estimated number of animals that will be housed on the property.

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.*

NEGATIVE. Allowing the proposed Variance could allow for diminishment of property values of the neighboring residential properties.

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

NEGATIVE. Testimony was provided that the applicant is trying to sell the property and has been unable to do so and feels that allowing farm animals would allow the site to be more marketable.

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.*

NEGATIVE. Allowing the request would allow a special privilege that is currently denied by the Ordinance for properties within the same zoning district.

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.*

NEGATIVE. The property can still be fully utilized for residential uses as allowed by the Zoning Code.

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

NEGATIVE. There are no unique circumstances to justify a waiver of the requirements of the Zoning Code which are currently in place.

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. 12-39-V** the vote was:
Ayes: 0
Nays: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Motion failed.

Following the Public Hearing portion of the Meeting and prior to the start of Deliberations, Chairman Newman called for a recess at 7:15 p.m. and then reconvened the meeting at 7:25 p.m. to conduct Deliberations of the Zoning Cases.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **WEDNESDAY, September 5, 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 Toevs, seconded by Baum, 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.

(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, August 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, Duane Lessen, Sandy May, Loren Toevs, Phil Webb and Ken Zimmerman

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Matt Drake, Assistant States Attorney, Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Chairman Carroll Imig, Russ Crawford, Paul Hahn, Terry Hillegonds, Darrell Meisinger, and Rosemary Palmer

OTHERS PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Baum, to approve the Minutes of the July 2, 2012 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

CASE NO. 12-27-Z: The petition of James Privett, et al for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from a C-2 General Business Commercial District to an A-1 Agriculture Preservation 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

James Privett appeared to testify on behalf of the proposed Rezoning request. Mr. Privett stated he purchased the property under the assumption it was zoned for Agriculture and was not made aware of the mixed zoning until he tried to sell the property. Mr. Privett said he owned the property for 6 years and had been remodeling the interior for the last 3 years. Mr. Privett added 3 acres of the property was being farmed.

Following all Public Hearings, moved by Baum, seconded by May, to recommend approval of **Case No. 12-27-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as a community growth area and not commercial.

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

POSITIVE. 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 farming and residential uses of property within the general area. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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

   POSITIVE. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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 of C-2 given the existing single family residential structure and 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 and agricultural 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. T*he trend of nearby development has been single family residential and agricultural development.

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. Area surrounding the subject property has transitioned to single family residential and agriculture development.

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 proposed zoning map amendment is within 1.5 miles of Pekin, a municipality with an adopted Comprehensive Plan. Further the City had no objections to the Rezoning.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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.

- Avoid land development that occurs in isolated areas away from existing developed areas.

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

On roll call to recommend approval of **Case No. 12-27-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-28-Z: The petition of Excel Foundry and Machine, Inc. a subsidiary of FLSmidth Salt Lake City, Inc. for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an I-2 Heavy Industrial 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

Dave Eagan appeared to testify on behalf of the proposed Rezoning request. Mr. Eagan stated his company would be constructing a 112,000 square foot addition next to this proposed property which contained a dwelling. Mr. Eagan said the property owner approached Excel about purchasing the site. Mr. Eagan added Excel would raise the structures to widen the drive for semi access off of Shady Lane, and it was feasible to have the property the same Zoning Classification as the adjacent land.

Following all Public Hearings, moved by Zimmerman, seconded by Lessen, to recommend approval of **Case No. 12-28-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area being on the border between Industrial and Conservation districts.

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

   POSITIVE. 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. The requested rezoning may actually improve safety by eliminating a single family residence in such close proximity to a heavy industrial use.

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 foundry operations within 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 request is consistent with other I-2 Zoning Districts within the area.

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 of A-1 given the foundry's desire to develop truck parking, which is not allowed in the A-1 district by right.

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 already being utilized for foundry operations and that truck parking is allowed by right with the I-2 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. T*he trend of nearby development has transitioned towards industrial uses and zoning since the property was placed in its current zoning.

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. Land development in the area has transitioned to industrial uses.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. Allowing the Rezoning will allow for expansion to Excel which will be a gain to the public.

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

    POSITIVE. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.

    - Minimize conflict between land uses.

- Encourage the reuse of vacant properties for new and existing businesses.

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. 12-28-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-29-Z: The petition of Sam Parrott for a Map Amendment to the Official Tremont Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an A-2 Agriculture 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 approval regarding the proposed Rezoning request.

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

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Rezoning request.

Larry Bolliger, Tremont 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 701 made no comment regarding the proposed Rezoning request.

Sam Parrot appeared to testify on behalf of the proposed Rezoning request. Mr. Parrott stated he would like to divide one lot for his daughter at the present time and another lot in the future for another child. Mr. Parrott said the property had a future land use plan for an A-2 Zoning Classification, so it was suggested he Rezone the property at the present time. Mr. Parrott added the proposed Parcel C indicated on the site plan would be combined with the lot containing his current dwelling and would have a restriction of no dwellings on that property. Mr. Parrott stated he had no intent to build anything that would use the existing easement, he only maintains an easement to drive across the adjacent property.

Ginger Herrman appeared with questions regarding the proposed Rezoning request. Ms. Herrman stated her father owned the farm land adjacent to the proposed property and allowed Mr. Parrott an easement across that property. Ms. Herrman said her father was concerned if Mr. Parrott would be constructing a road on the easement. Ms. Herrman referred to a map indicating her fathers property and questioning which parcels would be built upon.

Following all Public Hearings, moved by Baum, seconded by Toevs, to recommend approval of **Case No. 12-29-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as A-2.

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. 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.

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

   POSITIVE. 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**.**

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 will be compatible with the A-2 zoning designation as detailed in the Tazewell County Future Land Use Map.

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.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

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

On roll call to recommend approval of **Case No. 12-29-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-30-Z: The petition of Mike Sutherland, d/b/a Sutherland and Sons Constriction, Inc. for a Map Amendment to the Official Groveland Township Zoning Map of Tazewell County to change the zoning classification of property from a R-1 Low Density Residential Zoning District to an I-1 Light Industrial 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 regarding the proposed Rezoning request stating a concern of the erosion control on the property.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Rezoning request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Rezoning request.

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

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

School District 76 and 309 made no comment regarding the proposed Rezoning request.

Mike Sutherland appeared to testify on behalf of the proposed Rezoning request. Mr. Sutherland stated he was working with the City of East Peoria on the 2010 Project for removal of clay located on the property. Mr. Sutherland said the property was once an entrance to a coal mine and the land was basically useless. Mr. Sutherland added when he found out part of the property was Zoned for R-1 he was surprised as he thought the entire property was Zoned I-1 Light Industrial.

Following all Public Hearings, moved by Lessen, seconded by Baum, to recommend approval of **Case No. 12-30-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 proposed zoning amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the current and past uses of the subject parcel.

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

POSITIVE. 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 industrial uses along Cole Hollow Road. Portions of the subject parcel and adjacent parcels are currently zoned I-1.

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

POSITIVE.

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 of R-1 given the existing industrial uses along Cole Hollow Road.

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 currently being utilized for industrial 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. Per the applicant, there has not been any development in the immediate vicinity recently.

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.

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 proposed zoning map amendment is within 1.5 miles of the City of East Peoria, a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Minimize conflict between land uses.
- Encourage the reuse of vacant properties for new and existing businesses.

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

On roll call to recommend approval of **Case No. 12-30-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-31-S: The petition of Dan and Karen Doore for a 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 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 regarding the proposed Special Use request.

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

John Anderson, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating access will be approved at a specified location and an entrance permit will be necessary.

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

Marilyn Kohn, Realtor appeared to testify on behalf of the proposed Special Use request. Ms. Kohn stated she had listed the property for the Doore's. She said the surrounding properties are similar size parcels with dwellings and farmettes. Ms. Kohn added there was a purchaser for the property to build a single family dwelling upon and it was not until they were working on the closing that it was discovered that the property was not a buildable lot of record. Ms. Kohn stated the sale of the property was contingent to Zoning Board Approval and added the Highway Department had given approval for an entrance location on Springfield Road.

Following all Public Hearings, moved by Baum, seconded by May, to approve of **Case No. 12-31-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed dwelling to be set back from the main road.

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. A new single family detached dwelling 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. The subject area is primarily farmland, which shall remain in crop production for the foreseeable future, and single family residences, limiting injury to the use and enjoyment of other property in the immediate area.

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

   POSITIVE. A new single family detached dwelling is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service and will feature a propane gas system, and private septic system. Water rights were previously purchased / approved from the Groveland Township. Existing stormwater drainage carries / directs runoff to the ditches along Broadway Street and Springfield Road. The Highway Department has previously approved site access from Springfield 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. Given the current traffic volumes on Broadway Street and Springfield Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed dwelling site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a single family detached dwelling site is consistent with the other existing single family detached homes in the immediate vicinity.

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

    POSITIVE. Given its proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-31-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-32-S: The petition of Michael Tibbs for a Special Use to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling in a 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 submitted a report regarding the proposed Special Use request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Special Use request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Special Use request.

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

School Districts 606 and 303 made no comment regarding the proposed Special Use request.

THE FOLLOWING CONTAINS TESTIMONY FOR CASE NO. 12-32-S, 12-33-V & 12-34-V:

Michael Tibbs appeared to testify on behalf of the proposed Special Use and Variance requests. Mr. Tibbs stated he owned 2 lots, on the East and on the West side of Bass Road. Mr. Tibbs said he would like to build a garage prior to a dwelling in order to store materials necessary to build a dwelling on the West side of the road. Mr. Tibbs added he does construction work himself and the dwelling may not begin construction for another 3 to 4 years. Mr. Tibbs stated the proposed garage was typical to other garages in the area. Mr. Tibbs said due to the hillside on the property on the East side of the road he would not be able to meet the required setback. Mr. Tibbs added a prior owner began removing soil to construct a garage, however never began construction. Mr. Tibbs stated the proposed garage would be just that, a garage, and there would be no living quarters and no septic system. Mr. Tibbs said the lake lot on the West side of the road had a storage shed on the property which is where he will construct a future dwelling and the hillside would determine what size the actual garage would be, however he knew it would not need to be anymore than 900 square foot.

Following all Public Hearings, moved by Baum, seconded by Zimmerman, to approve of **Case No. 12-32-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed accessory structure on the east side of Bass Road in line with existing accessory structures.

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. A new detached accessory structure 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. The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area should be limited with the development of a new accessory structure and eventual single family residence.

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

   POSITIVE. A new single family detached dwelling and accessory structure is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service, which is the only service the proposed accessory structure will require. The proposed accessory structure will have easy vehicular access to Bass 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. Given the current traffic volumes on Bass Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

POSITIVE. Given its proximity to other existing single family detached homes and accessory structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-32-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-33-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(c)(1) to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling to be 900 square feet which is 500 square feet larger than allowed for the purpose of storing materials necessary to construct a Principal Dwelling in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-33-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 12-33-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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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 proposed size of the garage is consistent with other structures of similar nature in immediate 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.

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 a larger structure to accommodate for storage.

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. The Ordinance does not address unique circumstances such as proposed.

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

   POSITIVE. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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

On roll call to approve **Case No. 12-33-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-34-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow construction of an Accessory Structure (Unattached Garage) to be 37' from the centerline of Bass Road which is 13' closer than allowed in an R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.
Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-34-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 12-34-S**.

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. Due to part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 request will not be detrimental to the public or improvements within the neighborhood and is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 applicant is simply seeking to construct a garage for storage on a lot that is encumbered by a large hillside therefore limiting alternatives for placement of the garage.

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. Similar request have been granted in the immediate vicinity due to the abnormal circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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

On roll call to approve **Case No. 12-34-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-35-V: The petition of Larry Bollinger for a Variance to waive the requirements of 7TCC1-7(g)(1)(i) to allow construction of an Accessory Structure (Unattached Garage) to be 112' from the Centerline of Illinois Route 9 which is 38' closer than allowed and to waive 7TCC1-7(g)(3)(ii) to allow the same Accessory Structure to be 12' from the Rear property line which is 13' closer than allowed in an A-1 Agriculture Preservation Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating there appeared to be adequate room for a replacement septic system if needed.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Variance request.

Mike Rankin, Mackinaw Township Road Commissioner made no comment regarding the proposed Variance request.

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

Lee White, IDOT made no comment regarding the proposed Variance request.

School District 701 made no comment regarding the proposed Special Use request.

Larry Bollinger appeared to testify on behalf of the proposed Variance request. Mr. Bollinger stated he would like to construct a garage, however being located on a corner lot and the shape of his lot posed a hardship for setback requirements. Mr. Bollinger said his garage would sit farther back from Route 9 than the dwelling was and the entrance to the garage would be to the North off of Hoffman Ave.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-35-S**.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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.

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 applicant is simply seeking construction of the garage for additional storage.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. 12-35-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-36-V: The petition of Ken and Lori Eckhardt for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 57.5' from the Centerline of Olympia Road, which is 42.5' closer 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 submitted a report recommending approval regarding the proposed Variance request.

Louis Anderson, Boynton Township Road Commissioner submitted a report making no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer submitted a report stating no issue regarding the proposed Variance request.

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

Ken Eckhardt appeared to testify on behalf of the proposed Variance request. Mr. Eckhardt stated his home was built in the 1890's and it originally had 2 front porches. Mr. Eckhardt said sometime over the years a previous owner removed the porches and he would like to reconstruct one porch as the house appeared to be "missing something". Mr. Eckhardt added he would not duplicate the original porch however it would be aesthetically pleasing.

Following all Public Hearings, moved by Lessen, seconded by May, to approve **Case No. 12-36-S**.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. Allow the Variance will not have an impact on 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 applicant is simply seeking to construct the porch for personal enjoyment and to be in character of the house as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. 12-36-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-37-V: The petition of Stephen Howard for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an Addition to Dwelling (Front Deck) to be 40' from the Centerline of Bittersweet Road, which is 10' closer than allowed in a R-1 Low Density Residential Zoning District.

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

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Variance request.

Dave Weaver, Washington Township Road Commissioner made no comment regarding the proposed Variance request.

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

School District 50 and 308 made no comment regarding the proposed Special Use request.

Stephen Howard appeared to testify on behalf of the proposed Variance request. Mr. Howard stated he would like to remove the existing front deck and replace it with a deck and ramp. Mr. Howard said his wife was handicap and needed a stable deck for access to and from the house.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-37-S**.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements.

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. Allowing the Variance will not impair supply of light, create congestion on Bittersweet Road or diminish property values.

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

   POSITIVE. The owner simply needs the wheelchair ramp to allow for easier accessibility to the home.

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. Due to the non-conforming homes in the area and the small lots sizes. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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

On roll call to approve **Case No. 12-37-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-38-V: The petition of Joseph Stoehr for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 73' from the Centerline of Nichols Road, which is 27' closer 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 making no comment regarding the proposed Variance request.

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

Melissa Rademacker, Malone Township Road Commissioner made no comment regarding the proposed Variance request.

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

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

Joseph Stoehr appeared to testify on behalf of the proposed Variance request. Mr. Stoehr stated he needed a porch on front of his dwelling for a second access. Mr. Stoehr said the porch would resemble a deck.

Following all Public Hearings, moved by Lessen, seconded by Toevs, to approve **Case No. 12-38-S**.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. Allowing the Variance will not have a negative impact on the surrounding neighborhood which is primarily farmland.

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 applicant is simply seeking to improve the home and allow for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. 12-38-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-39-V: The petition of Janet Zimmer, Trustee of the Ralph P. Thomas Trust, for a Variance to waive the requirements of 7TCC1-10(b)(3) to allow small farm animals, i.e. Chickens, Goats, etc. on a 4.13 acre lot, which is 15.87 acres less than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a written guidelines should be established and reviewed prior to approval.

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

Tazewell County Farm Bureau submitted a report recommending disapproval regarding the proposed Variance request.

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

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

School District 606 and 303 made no comment regarding the proposed Special Use request.

Jennifer Bradshaw, Realtor, appeared to testify on behalf of the proposed Variance request. Ms. Bradshaw stated this property had been on the market for over a year and the interested buyer would like to raise small farm animals. Ms. Bradshaw said the property had an existing outbuilding and coop. Ms. Bradshaw added it was at the corner of Talbotts Subdivision, however it was not within the subdivision and was adjacent to farmland on the West and to the South. Ms. Bradshaw stated in the City of Pekin chickens were allowed on smaller lots and her client would be agreeable to conditions such as fencing. Ms. Bradshaw said the proposed buyer would reside in the dwelling and use the property for recreational farming.

Jennifer Thomas appeared to testify against the proposed Variance request. Ms. Thomas stated she was representing various homeowners in Talbotts Subdivision and submitted a Petition of 48 names of those opposed to the Variance request. Ms. Thomas said a realtor told her that her property value would decrease by living next to farm animals and the outbuilding on the proposed lot was an old schoolhouse and she had never seen a coop on the property. Ms. Thomas added she did not want to smell the feces and was concerned of animals getting loose. Ms. Thomas stated the farm animals would cause an increase in an already problematic coyote problem and would cause an increase in rodents due to the hay and feed.

Following all Public Hearings, moved by Toevs, seconded by Baum, to approve **Case No. 12-39-S**.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District and could be detrimental to the adjoining properties and improvements of neighboring properties. Due to the property being for sale the owner was unable to provide an estimated number of animals that will be housed on the property.

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.*

NEGATIVE. Allowing the proposed Variance could allow for diminishment of property values of the neighboring residential properties.

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

NEGATIVE. Testimony was provided that the applicant is trying to sell the property and has been unable to do so and feels that allowing farm animals would allow the site to be more marketable.

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.*

NEGATIVE. Allowing the request would allow a special privilege that is currently denied by the Ordinance for properties within the same zoning district.

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.*

NEGATIVE. The property can still be fully utilized for residential uses as allowed by the Zoning Code.

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

NEGATIVE. There are no unique circumstances to justify a waiver of the requirements of the Zoning Code which are currently in place.

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. 12-39-V** the vote was:
Ayes: 0
Nays: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Motion failed.

Following the Public Hearing portion of the Meeting and prior to the start of Deliberations, Chairman Newman called for a recess at 7:15 p.m. and then reconvened the meeting at 7:25 p.m. to conduct Deliberations of the Zoning Cases.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **WEDNESDAY, September 5, 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 Toevs, seconded by Baum, 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.

(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, August 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, Duane Lessen, Sandy May, Loren Toevs, Phil Webb and Ken Zimmerman

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Matt Drake, Assistant States Attorney, Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Chairman Carroll Imig, Russ Crawford, Paul Hahn, Terry Hillegonds, Darrell Meisinger, and Rosemary Palmer

OTHERS PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Baum, to approve the Minutes of the July 2, 2012 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

CASE NO. 12-27-Z: The petition of James Privett, et al for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from a C-2 General Business Commercial District to an A-1 Agriculture Preservation 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

James Privett appeared to testify on behalf of the proposed Rezoning request. Mr. Privett stated he purchased the property under the assumption it was zoned for Agriculture and was not made aware of the mixed zoning until he tried to sell the property. Mr. Privett said he owned the property for 6 years and had been remodeling the interior for the last 3 years. Mr. Privett added 3 acres of the property was being farmed.

Following all Public Hearings, moved by Baum, seconded by May, to recommend approval of **Case No. 12-27-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as a community growth area and not commercial.

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

POSITIVE. 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 farming and residential uses of property within the general area. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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

   POSITIVE. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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 of C-2 given the existing single family residential structure and 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 and agricultural 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. T*he trend of nearby development has been single family residential and agricultural development.

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. Area surrounding the subject property has transitioned to single family residential and agriculture development.

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 proposed zoning map amendment is within 1.5 miles of Pekin, a municipality with an adopted Comprehensive Plan. Further the City had no objections to the Rezoning.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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.

- Avoid land development that occurs in isolated areas away from existing developed areas.

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

On roll call to recommend approval of **Case No. 12-27-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-28-Z: The petition of Excel Foundry and Machine, Inc. a subsidiary of FLSmidth Salt Lake City, Inc. for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an I-2 Heavy Industrial 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

Dave Eagan appeared to testify on behalf of the proposed Rezoning request. Mr. Eagan stated his company would be constructing a 112,000 square foot addition next to this proposed property which contained a dwelling. Mr. Eagan said the property owner approached Excel about purchasing the site. Mr. Eagan added Excel would raise the structures to widen the drive for semi access off of Shady Lane, and it was feasible to have the property the same Zoning Classification as the adjacent land.

Following all Public Hearings, moved by Zimmerman, seconded by Lessen, to recommend approval of **Case No. 12-28-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area being on the border between Industrial and Conservation districts.

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

   POSITIVE. 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. The requested rezoning may actually improve safety by eliminating a single family residence in such close proximity to a heavy industrial use.

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 foundry operations within 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 request is consistent with other I-2 Zoning Districts within the area.

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 of A-1 given the foundry's desire to develop truck parking, which is not allowed in the A-1 district by right.

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 already being utilized for foundry operations and that truck parking is allowed by right with the I-2 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. T*he trend of nearby development has transitioned towards industrial uses and zoning since the property was placed in its current zoning.

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. Land development in the area has transitioned to industrial uses.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. Allowing the Rezoning will allow for expansion to Excel which will be a gain to the public.

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

    POSITIVE. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.

    - Minimize conflict between land uses.

- Encourage the reuse of vacant properties for new and existing businesses.

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. 12-28-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-29-Z: The petition of Sam Parrott for a Map Amendment to the Official Tremont Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an A-2 Agriculture 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 approval regarding the proposed Rezoning request.

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

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Rezoning request.

Larry Bolliger, Tremont 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 701 made no comment regarding the proposed Rezoning request.

Sam Parrot appeared to testify on behalf of the proposed Rezoning request. Mr. Parrott stated he would like to divide one lot for his daughter at the present time and another lot in the future for another child. Mr. Parrott said the property had a future land use plan for an A-2 Zoning Classification, so it was suggested he Rezone the property at the present time. Mr. Parrott added the proposed Parcel C indicated on the site plan would be combined with the lot containing his current dwelling and would have a restriction of no dwellings on that property. Mr. Parrott stated he had no intent to build anything that would use the existing easement, he only maintains an easement to drive across the adjacent property.

Ginger Herrman appeared with questions regarding the proposed Rezoning request. Ms. Herrman stated her father owned the farm land adjacent to the proposed property and allowed Mr. Parrott an easement across that property. Ms. Herrman said her father was concerned if Mr. Parrott would be constructing a road on the easement. Ms. Herrman referred to a map indicating her fathers property and questioning which parcels would be built upon.

Following all Public Hearings, moved by Baum, seconded by Toevs, to recommend approval of **Case No. 12-29-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as A-2.

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. 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.

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

   POSITIVE. 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**.**

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 will be compatible with the A-2 zoning designation as detailed in the Tazewell County Future Land Use Map.

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.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

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

On roll call to recommend approval of **Case No. 12-29-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-30-Z: The petition of Mike Sutherland, d/b/a Sutherland and Sons Constriction, Inc. for a Map Amendment to the Official Groveland Township Zoning Map of Tazewell County to change the zoning classification of property from a R-1 Low Density Residential Zoning District to an I-1 Light Industrial 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 regarding the proposed Rezoning request stating a concern of the erosion control on the property.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Rezoning request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Rezoning request.

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

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

School District 76 and 309 made no comment regarding the proposed Rezoning request.

Mike Sutherland appeared to testify on behalf of the proposed Rezoning request. Mr. Sutherland stated he was working with the City of East Peoria on the 2010 Project for removal of clay located on the property. Mr. Sutherland said the property was once an entrance to a coal mine and the land was basically useless. Mr. Sutherland added when he found out part of the property was Zoned for R-1 he was surprised as he thought the entire property was Zoned I-1 Light Industrial.

Following all Public Hearings, moved by Lessen, seconded by Baum, to recommend approval of **Case No. 12-30-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 proposed zoning amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the current and past uses of the subject parcel.

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

POSITIVE. 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 industrial uses along Cole Hollow Road. Portions of the subject parcel and adjacent parcels are currently zoned I-1.

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

POSITIVE.

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 of R-1 given the existing industrial uses along Cole Hollow Road.

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 currently being utilized for industrial 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. Per the applicant, there has not been any development in the immediate vicinity recently.

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.

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 proposed zoning map amendment is within 1.5 miles of the City of East Peoria, a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Minimize conflict between land uses.
- Encourage the reuse of vacant properties for new and existing businesses.

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

On roll call to recommend approval of **Case No. 12-30-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-31-S: The petition of Dan and Karen Doore for a 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 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 regarding the proposed Special Use request.

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

John Anderson, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating access will be approved at a specified location and an entrance permit will be necessary.

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

Marilyn Kohn, Realtor appeared to testify on behalf of the proposed Special Use request. Ms. Kohn stated she had listed the property for the Doore's. She said the surrounding properties are similar size parcels with dwellings and farmettes. Ms. Kohn added there was a purchaser for the property to build a single family dwelling upon and it was not until they were working on the closing that it was discovered that the property was not a buildable lot of record. Ms. Kohn stated the sale of the property was contingent to Zoning Board Approval and added the Highway Department had given approval for an entrance location on Springfield Road.

Following all Public Hearings, moved by Baum, seconded by May, to approve of **Case No. 12-31-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed dwelling to be set back from the main road.

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. A new single family detached dwelling 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. The subject area is primarily farmland, which shall remain in crop production for the foreseeable future, and single family residences, limiting injury to the use and enjoyment of other property in the immediate area.

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

   POSITIVE. A new single family detached dwelling is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service and will feature a propane gas system, and private septic system. Water rights were previously purchased / approved from the Groveland Township. Existing stormwater drainage carries / directs runoff to the ditches along Broadway Street and Springfield Road. The Highway Department has previously approved site access from Springfield 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. Given the current traffic volumes on Broadway Street and Springfield Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed dwelling site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a single family detached dwelling site is consistent with the other existing single family detached homes in the immediate vicinity.

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

    POSITIVE. Given its proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-31-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-32-S: The petition of Michael Tibbs for a Special Use to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling in a 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 submitted a report regarding the proposed Special Use request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Special Use request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Special Use request.

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

School Districts 606 and 303 made no comment regarding the proposed Special Use request.

THE FOLLOWING CONTAINS TESTIMONY FOR CASE NO. 12-32-S, 12-33-V & 12-34-V:

Michael Tibbs appeared to testify on behalf of the proposed Special Use and Variance requests. Mr. Tibbs stated he owned 2 lots, on the East and on the West side of Bass Road. Mr. Tibbs said he would like to build a garage prior to a dwelling in order to store materials necessary to build a dwelling on the West side of the road. Mr. Tibbs added he does construction work himself and the dwelling may not begin construction for another 3 to 4 years. Mr. Tibbs stated the proposed garage was typical to other garages in the area. Mr. Tibbs said due to the hillside on the property on the East side of the road he would not be able to meet the required setback. Mr. Tibbs added a prior owner began removing soil to construct a garage, however never began construction. Mr. Tibbs stated the proposed garage would be just that, a garage, and there would be no living quarters and no septic system. Mr. Tibbs said the lake lot on the West side of the road had a storage shed on the property which is where he will construct a future dwelling and the hillside would determine what size the actual garage would be, however he knew it would not need to be anymore than 900 square foot.

Following all Public Hearings, moved by Baum, seconded by Zimmerman, to approve of **Case No. 12-32-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed accessory structure on the east side of Bass Road in line with existing accessory structures.

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. A new detached accessory structure 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. The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area should be limited with the development of a new accessory structure and eventual single family residence.

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

   POSITIVE. A new single family detached dwelling and accessory structure is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service, which is the only service the proposed accessory structure will require. The proposed accessory structure will have easy vehicular access to Bass 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. Given the current traffic volumes on Bass Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

POSITIVE. Given its proximity to other existing single family detached homes and accessory structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-32-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-33-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(c)(1) to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling to be 900 square feet which is 500 square feet larger than allowed for the purpose of storing materials necessary to construct a Principal Dwelling in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-33-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 12-33-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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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 proposed size of the garage is consistent with other structures of similar nature in immediate 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.

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 a larger structure to accommodate for storage.

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. The Ordinance does not address unique circumstances such as proposed.

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

   POSITIVE. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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

On roll call to approve **Case No. 12-33-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-34-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow construction of an Accessory Structure (Unattached Garage) to be 37' from the centerline of Bass Road which is 13' closer than allowed in an R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.
Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-34-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 12-34-S**.

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. Due to part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 request will not be detrimental to the public or improvements within the neighborhood and is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 applicant is simply seeking to construct a garage for storage on a lot that is encumbered by a large hillside therefore limiting alternatives for placement of the garage.

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. Similar request have been granted in the immediate vicinity due to the abnormal circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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

On roll call to approve **Case No. 12-34-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-35-V: The petition of Larry Bollinger for a Variance to waive the requirements of 7TCC1-7(g)(1)(i) to allow construction of an Accessory Structure (Unattached Garage) to be 112' from the Centerline of Illinois Route 9 which is 38' closer than allowed and to waive 7TCC1-7(g)(3)(ii) to allow the same Accessory Structure to be 12' from the Rear property line which is 13' closer than allowed in an A-1 Agriculture Preservation Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating there appeared to be adequate room for a replacement septic system if needed.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Variance request.

Mike Rankin, Mackinaw Township Road Commissioner made no comment regarding the proposed Variance request.

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

Lee White, IDOT made no comment regarding the proposed Variance request.

School District 701 made no comment regarding the proposed Special Use request.

Larry Bollinger appeared to testify on behalf of the proposed Variance request. Mr. Bollinger stated he would like to construct a garage, however being located on a corner lot and the shape of his lot posed a hardship for setback requirements. Mr. Bollinger said his garage would sit farther back from Route 9 than the dwelling was and the entrance to the garage would be to the North off of Hoffman Ave.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-35-S**.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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.

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 applicant is simply seeking construction of the garage for additional storage.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. 12-35-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-36-V: The petition of Ken and Lori Eckhardt for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 57.5' from the Centerline of Olympia Road, which is 42.5' closer 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 submitted a report recommending approval regarding the proposed Variance request.

Louis Anderson, Boynton Township Road Commissioner submitted a report making no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer submitted a report stating no issue regarding the proposed Variance request.

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

Ken Eckhardt appeared to testify on behalf of the proposed Variance request. Mr. Eckhardt stated his home was built in the 1890's and it originally had 2 front porches. Mr. Eckhardt said sometime over the years a previous owner removed the porches and he would like to reconstruct one porch as the house appeared to be "missing something". Mr. Eckhardt added he would not duplicate the original porch however it would be aesthetically pleasing.

Following all Public Hearings, moved by Lessen, seconded by May, to approve **Case No. 12-36-S**.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. Allow the Variance will not have an impact on 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 applicant is simply seeking to construct the porch for personal enjoyment and to be in character of the house as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. 12-36-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-37-V: The petition of Stephen Howard for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an Addition to Dwelling (Front Deck) to be 40' from the Centerline of Bittersweet Road, which is 10' closer than allowed in a R-1 Low Density Residential Zoning District.

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

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Variance request.

Dave Weaver, Washington Township Road Commissioner made no comment regarding the proposed Variance request.

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

School District 50 and 308 made no comment regarding the proposed Special Use request.

Stephen Howard appeared to testify on behalf of the proposed Variance request. Mr. Howard stated he would like to remove the existing front deck and replace it with a deck and ramp. Mr. Howard said his wife was handicap and needed a stable deck for access to and from the house.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-37-S**.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements.

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. Allowing the Variance will not impair supply of light, create congestion on Bittersweet Road or diminish property values.

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

   POSITIVE. The owner simply needs the wheelchair ramp to allow for easier accessibility to the home.

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. Due to the non-conforming homes in the area and the small lots sizes. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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

On roll call to approve **Case No. 12-37-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-38-V: The petition of Joseph Stoehr for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 73' from the Centerline of Nichols Road, which is 27' closer 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 making no comment regarding the proposed Variance request.

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

Melissa Rademacker, Malone Township Road Commissioner made no comment regarding the proposed Variance request.

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

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

Joseph Stoehr appeared to testify on behalf of the proposed Variance request. Mr. Stoehr stated he needed a porch on front of his dwelling for a second access. Mr. Stoehr said the porch would resemble a deck.

Following all Public Hearings, moved by Lessen, seconded by Toevs, to approve **Case No. 12-38-S**.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. Allowing the Variance will not have a negative impact on the surrounding neighborhood which is primarily farmland.

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 applicant is simply seeking to improve the home and allow for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. 12-38-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-39-V: The petition of Janet Zimmer, Trustee of the Ralph P. Thomas Trust, for a Variance to waive the requirements of 7TCC1-10(b)(3) to allow small farm animals, i.e. Chickens, Goats, etc. on a 4.13 acre lot, which is 15.87 acres less than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a written guidelines should be established and reviewed prior to approval.

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

Tazewell County Farm Bureau submitted a report recommending disapproval regarding the proposed Variance request.

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

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

School District 606 and 303 made no comment regarding the proposed Special Use request.

Jennifer Bradshaw, Realtor, appeared to testify on behalf of the proposed Variance request. Ms. Bradshaw stated this property had been on the market for over a year and the interested buyer would like to raise small farm animals. Ms. Bradshaw said the property had an existing outbuilding and coop. Ms. Bradshaw added it was at the corner of Talbotts Subdivision, however it was not within the subdivision and was adjacent to farmland on the West and to the South. Ms. Bradshaw stated in the City of Pekin chickens were allowed on smaller lots and her client would be agreeable to conditions such as fencing. Ms. Bradshaw said the proposed buyer would reside in the dwelling and use the property for recreational farming.

Jennifer Thomas appeared to testify against the proposed Variance request. Ms. Thomas stated she was representing various homeowners in Talbotts Subdivision and submitted a Petition of 48 names of those opposed to the Variance request. Ms. Thomas said a realtor told her that her property value would decrease by living next to farm animals and the outbuilding on the proposed lot was an old schoolhouse and she had never seen a coop on the property. Ms. Thomas added she did not want to smell the feces and was concerned of animals getting loose. Ms. Thomas stated the farm animals would cause an increase in an already problematic coyote problem and would cause an increase in rodents due to the hay and feed.

Following all Public Hearings, moved by Toevs, seconded by Baum, to approve **Case No. 12-39-S**.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District and could be detrimental to the adjoining properties and improvements of neighboring properties. Due to the property being for sale the owner was unable to provide an estimated number of animals that will be housed on the property.

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.*

NEGATIVE. Allowing the proposed Variance could allow for diminishment of property values of the neighboring residential properties.

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

NEGATIVE. Testimony was provided that the applicant is trying to sell the property and has been unable to do so and feels that allowing farm animals would allow the site to be more marketable.

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.*

NEGATIVE. Allowing the request would allow a special privilege that is currently denied by the Ordinance for properties within the same zoning district.

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.*

NEGATIVE. The property can still be fully utilized for residential uses as allowed by the Zoning Code.

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

NEGATIVE. There are no unique circumstances to justify a waiver of the requirements of the Zoning Code which are currently in place.

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. 12-39-V** the vote was:
Ayes: 0
Nays: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Motion failed.

Following the Public Hearing portion of the Meeting and prior to the start of Deliberations, Chairman Newman called for a recess at 7:15 p.m. and then reconvened the meeting at 7:25 p.m. to conduct Deliberations of the Zoning Cases.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **WEDNESDAY, September 5, 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 Toevs, seconded by Baum, 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.

(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, August 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, Duane Lessen, Sandy May, Loren Toevs, Phil Webb and Ken Zimmerman

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Matt Drake, Assistant States Attorney, Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Chairman Carroll Imig, Russ Crawford, Paul Hahn, Terry Hillegonds, Darrell Meisinger, and Rosemary Palmer

OTHERS PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Baum, to approve the Minutes of the July 2, 2012 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

CASE NO. 12-27-Z: The petition of James Privett, et al for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from a C-2 General Business Commercial District to an A-1 Agriculture Preservation 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

James Privett appeared to testify on behalf of the proposed Rezoning request. Mr. Privett stated he purchased the property under the assumption it was zoned for Agriculture and was not made aware of the mixed zoning until he tried to sell the property. Mr. Privett said he owned the property for 6 years and had been remodeling the interior for the last 3 years. Mr. Privett added 3 acres of the property was being farmed.

Following all Public Hearings, moved by Baum, seconded by May, to recommend approval of **Case No. 12-27-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as a community growth area and not commercial.

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

POSITIVE. 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 farming and residential uses of property within the general area. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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

   POSITIVE. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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 of C-2 given the existing single family residential structure and 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 and agricultural 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. T*he trend of nearby development has been single family residential and agricultural development.

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. Area surrounding the subject property has transitioned to single family residential and agriculture development.

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 proposed zoning map amendment is within 1.5 miles of Pekin, a municipality with an adopted Comprehensive Plan. Further the City had no objections to the Rezoning.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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.

- Avoid land development that occurs in isolated areas away from existing developed areas.

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

On roll call to recommend approval of **Case No. 12-27-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-28-Z: The petition of Excel Foundry and Machine, Inc. a subsidiary of FLSmidth Salt Lake City, Inc. for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an I-2 Heavy Industrial 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

Dave Eagan appeared to testify on behalf of the proposed Rezoning request. Mr. Eagan stated his company would be constructing a 112,000 square foot addition next to this proposed property which contained a dwelling. Mr. Eagan said the property owner approached Excel about purchasing the site. Mr. Eagan added Excel would raise the structures to widen the drive for semi access off of Shady Lane, and it was feasible to have the property the same Zoning Classification as the adjacent land.

Following all Public Hearings, moved by Zimmerman, seconded by Lessen, to recommend approval of **Case No. 12-28-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area being on the border between Industrial and Conservation districts.

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

   POSITIVE. 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. The requested rezoning may actually improve safety by eliminating a single family residence in such close proximity to a heavy industrial use.

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 foundry operations within 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 request is consistent with other I-2 Zoning Districts within the area.

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 of A-1 given the foundry's desire to develop truck parking, which is not allowed in the A-1 district by right.

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 already being utilized for foundry operations and that truck parking is allowed by right with the I-2 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. T*he trend of nearby development has transitioned towards industrial uses and zoning since the property was placed in its current zoning.

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. Land development in the area has transitioned to industrial uses.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. Allowing the Rezoning will allow for expansion to Excel which will be a gain to the public.

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

    POSITIVE. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.

    - Minimize conflict between land uses.

- Encourage the reuse of vacant properties for new and existing businesses.

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. 12-28-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-29-Z: The petition of Sam Parrott for a Map Amendment to the Official Tremont Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an A-2 Agriculture 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 approval regarding the proposed Rezoning request.

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

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Rezoning request.

Larry Bolliger, Tremont 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 701 made no comment regarding the proposed Rezoning request.

Sam Parrot appeared to testify on behalf of the proposed Rezoning request. Mr. Parrott stated he would like to divide one lot for his daughter at the present time and another lot in the future for another child. Mr. Parrott said the property had a future land use plan for an A-2 Zoning Classification, so it was suggested he Rezone the property at the present time. Mr. Parrott added the proposed Parcel C indicated on the site plan would be combined with the lot containing his current dwelling and would have a restriction of no dwellings on that property. Mr. Parrott stated he had no intent to build anything that would use the existing easement, he only maintains an easement to drive across the adjacent property.

Ginger Herrman appeared with questions regarding the proposed Rezoning request. Ms. Herrman stated her father owned the farm land adjacent to the proposed property and allowed Mr. Parrott an easement across that property. Ms. Herrman said her father was concerned if Mr. Parrott would be constructing a road on the easement. Ms. Herrman referred to a map indicating her fathers property and questioning which parcels would be built upon.

Following all Public Hearings, moved by Baum, seconded by Toevs, to recommend approval of **Case No. 12-29-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as A-2.

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. 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.

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

   POSITIVE. 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**.**

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 will be compatible with the A-2 zoning designation as detailed in the Tazewell County Future Land Use Map.

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.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

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

On roll call to recommend approval of **Case No. 12-29-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-30-Z: The petition of Mike Sutherland, d/b/a Sutherland and Sons Constriction, Inc. for a Map Amendment to the Official Groveland Township Zoning Map of Tazewell County to change the zoning classification of property from a R-1 Low Density Residential Zoning District to an I-1 Light Industrial 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 regarding the proposed Rezoning request stating a concern of the erosion control on the property.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Rezoning request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Rezoning request.

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

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

School District 76 and 309 made no comment regarding the proposed Rezoning request.

Mike Sutherland appeared to testify on behalf of the proposed Rezoning request. Mr. Sutherland stated he was working with the City of East Peoria on the 2010 Project for removal of clay located on the property. Mr. Sutherland said the property was once an entrance to a coal mine and the land was basically useless. Mr. Sutherland added when he found out part of the property was Zoned for R-1 he was surprised as he thought the entire property was Zoned I-1 Light Industrial.

Following all Public Hearings, moved by Lessen, seconded by Baum, to recommend approval of **Case No. 12-30-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 proposed zoning amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the current and past uses of the subject parcel.

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

POSITIVE. 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 industrial uses along Cole Hollow Road. Portions of the subject parcel and adjacent parcels are currently zoned I-1.

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

POSITIVE.

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 of R-1 given the existing industrial uses along Cole Hollow Road.

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 currently being utilized for industrial 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. Per the applicant, there has not been any development in the immediate vicinity recently.

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.

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 proposed zoning map amendment is within 1.5 miles of the City of East Peoria, a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Minimize conflict between land uses.
- Encourage the reuse of vacant properties for new and existing businesses.

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

On roll call to recommend approval of **Case No. 12-30-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-31-S: The petition of Dan and Karen Doore for a 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 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 regarding the proposed Special Use request.

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

John Anderson, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating access will be approved at a specified location and an entrance permit will be necessary.

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

Marilyn Kohn, Realtor appeared to testify on behalf of the proposed Special Use request. Ms. Kohn stated she had listed the property for the Doore's. She said the surrounding properties are similar size parcels with dwellings and farmettes. Ms. Kohn added there was a purchaser for the property to build a single family dwelling upon and it was not until they were working on the closing that it was discovered that the property was not a buildable lot of record. Ms. Kohn stated the sale of the property was contingent to Zoning Board Approval and added the Highway Department had given approval for an entrance location on Springfield Road.

Following all Public Hearings, moved by Baum, seconded by May, to approve of **Case No. 12-31-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed dwelling to be set back from the main road.

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. A new single family detached dwelling 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. The subject area is primarily farmland, which shall remain in crop production for the foreseeable future, and single family residences, limiting injury to the use and enjoyment of other property in the immediate area.

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

   POSITIVE. A new single family detached dwelling is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service and will feature a propane gas system, and private septic system. Water rights were previously purchased / approved from the Groveland Township. Existing stormwater drainage carries / directs runoff to the ditches along Broadway Street and Springfield Road. The Highway Department has previously approved site access from Springfield 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. Given the current traffic volumes on Broadway Street and Springfield Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed dwelling site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a single family detached dwelling site is consistent with the other existing single family detached homes in the immediate vicinity.

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

    POSITIVE. Given its proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-31-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-32-S: The petition of Michael Tibbs for a Special Use to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling in a 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 submitted a report regarding the proposed Special Use request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Special Use request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Special Use request.

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

School Districts 606 and 303 made no comment regarding the proposed Special Use request.

THE FOLLOWING CONTAINS TESTIMONY FOR CASE NO. 12-32-S, 12-33-V & 12-34-V:

Michael Tibbs appeared to testify on behalf of the proposed Special Use and Variance requests. Mr. Tibbs stated he owned 2 lots, on the East and on the West side of Bass Road. Mr. Tibbs said he would like to build a garage prior to a dwelling in order to store materials necessary to build a dwelling on the West side of the road. Mr. Tibbs added he does construction work himself and the dwelling may not begin construction for another 3 to 4 years. Mr. Tibbs stated the proposed garage was typical to other garages in the area. Mr. Tibbs said due to the hillside on the property on the East side of the road he would not be able to meet the required setback. Mr. Tibbs added a prior owner began removing soil to construct a garage, however never began construction. Mr. Tibbs stated the proposed garage would be just that, a garage, and there would be no living quarters and no septic system. Mr. Tibbs said the lake lot on the West side of the road had a storage shed on the property which is where he will construct a future dwelling and the hillside would determine what size the actual garage would be, however he knew it would not need to be anymore than 900 square foot.

Following all Public Hearings, moved by Baum, seconded by Zimmerman, to approve of **Case No. 12-32-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed accessory structure on the east side of Bass Road in line with existing accessory structures.

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. A new detached accessory structure 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. The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area should be limited with the development of a new accessory structure and eventual single family residence.

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

   POSITIVE. A new single family detached dwelling and accessory structure is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service, which is the only service the proposed accessory structure will require. The proposed accessory structure will have easy vehicular access to Bass 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. Given the current traffic volumes on Bass Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

POSITIVE. Given its proximity to other existing single family detached homes and accessory structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-32-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-33-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(c)(1) to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling to be 900 square feet which is 500 square feet larger than allowed for the purpose of storing materials necessary to construct a Principal Dwelling in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-33-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 12-33-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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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 proposed size of the garage is consistent with other structures of similar nature in immediate 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.

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 a larger structure to accommodate for storage.

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. The Ordinance does not address unique circumstances such as proposed.

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

   POSITIVE. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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

On roll call to approve **Case No. 12-33-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-34-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow construction of an Accessory Structure (Unattached Garage) to be 37' from the centerline of Bass Road which is 13' closer than allowed in an R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.
Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-34-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 12-34-S**.

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. Due to part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 request will not be detrimental to the public or improvements within the neighborhood and is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 applicant is simply seeking to construct a garage for storage on a lot that is encumbered by a large hillside therefore limiting alternatives for placement of the garage.

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. Similar request have been granted in the immediate vicinity due to the abnormal circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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

On roll call to approve **Case No. 12-34-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-35-V: The petition of Larry Bollinger for a Variance to waive the requirements of 7TCC1-7(g)(1)(i) to allow construction of an Accessory Structure (Unattached Garage) to be 112' from the Centerline of Illinois Route 9 which is 38' closer than allowed and to waive 7TCC1-7(g)(3)(ii) to allow the same Accessory Structure to be 12' from the Rear property line which is 13' closer than allowed in an A-1 Agriculture Preservation Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating there appeared to be adequate room for a replacement septic system if needed.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Variance request.

Mike Rankin, Mackinaw Township Road Commissioner made no comment regarding the proposed Variance request.

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

Lee White, IDOT made no comment regarding the proposed Variance request.

School District 701 made no comment regarding the proposed Special Use request.

Larry Bollinger appeared to testify on behalf of the proposed Variance request. Mr. Bollinger stated he would like to construct a garage, however being located on a corner lot and the shape of his lot posed a hardship for setback requirements. Mr. Bollinger said his garage would sit farther back from Route 9 than the dwelling was and the entrance to the garage would be to the North off of Hoffman Ave.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-35-S**.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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.

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 applicant is simply seeking construction of the garage for additional storage.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. 12-35-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-36-V: The petition of Ken and Lori Eckhardt for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 57.5' from the Centerline of Olympia Road, which is 42.5' closer 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 submitted a report recommending approval regarding the proposed Variance request.

Louis Anderson, Boynton Township Road Commissioner submitted a report making no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer submitted a report stating no issue regarding the proposed Variance request.

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

Ken Eckhardt appeared to testify on behalf of the proposed Variance request. Mr. Eckhardt stated his home was built in the 1890's and it originally had 2 front porches. Mr. Eckhardt said sometime over the years a previous owner removed the porches and he would like to reconstruct one porch as the house appeared to be "missing something". Mr. Eckhardt added he would not duplicate the original porch however it would be aesthetically pleasing.

Following all Public Hearings, moved by Lessen, seconded by May, to approve **Case No. 12-36-S**.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. Allow the Variance will not have an impact on 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 applicant is simply seeking to construct the porch for personal enjoyment and to be in character of the house as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. 12-36-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-37-V: The petition of Stephen Howard for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an Addition to Dwelling (Front Deck) to be 40' from the Centerline of Bittersweet Road, which is 10' closer than allowed in a R-1 Low Density Residential Zoning District.

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

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Variance request.

Dave Weaver, Washington Township Road Commissioner made no comment regarding the proposed Variance request.

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

School District 50 and 308 made no comment regarding the proposed Special Use request.

Stephen Howard appeared to testify on behalf of the proposed Variance request. Mr. Howard stated he would like to remove the existing front deck and replace it with a deck and ramp. Mr. Howard said his wife was handicap and needed a stable deck for access to and from the house.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-37-S**.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements.

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. Allowing the Variance will not impair supply of light, create congestion on Bittersweet Road or diminish property values.

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

   POSITIVE. The owner simply needs the wheelchair ramp to allow for easier accessibility to the home.

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. Due to the non-conforming homes in the area and the small lots sizes. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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

On roll call to approve **Case No. 12-37-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-38-V: The petition of Joseph Stoehr for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 73' from the Centerline of Nichols Road, which is 27' closer 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 making no comment regarding the proposed Variance request.

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

Melissa Rademacker, Malone Township Road Commissioner made no comment regarding the proposed Variance request.

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

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

Joseph Stoehr appeared to testify on behalf of the proposed Variance request. Mr. Stoehr stated he needed a porch on front of his dwelling for a second access. Mr. Stoehr said the porch would resemble a deck.

Following all Public Hearings, moved by Lessen, seconded by Toevs, to approve **Case No. 12-38-S**.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. Allowing the Variance will not have a negative impact on the surrounding neighborhood which is primarily farmland.

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 applicant is simply seeking to improve the home and allow for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. 12-38-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-39-V: The petition of Janet Zimmer, Trustee of the Ralph P. Thomas Trust, for a Variance to waive the requirements of 7TCC1-10(b)(3) to allow small farm animals, i.e. Chickens, Goats, etc. on a 4.13 acre lot, which is 15.87 acres less than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a written guidelines should be established and reviewed prior to approval.

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

Tazewell County Farm Bureau submitted a report recommending disapproval regarding the proposed Variance request.

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

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

School District 606 and 303 made no comment regarding the proposed Special Use request.

Jennifer Bradshaw, Realtor, appeared to testify on behalf of the proposed Variance request. Ms. Bradshaw stated this property had been on the market for over a year and the interested buyer would like to raise small farm animals. Ms. Bradshaw said the property had an existing outbuilding and coop. Ms. Bradshaw added it was at the corner of Talbotts Subdivision, however it was not within the subdivision and was adjacent to farmland on the West and to the South. Ms. Bradshaw stated in the City of Pekin chickens were allowed on smaller lots and her client would be agreeable to conditions such as fencing. Ms. Bradshaw said the proposed buyer would reside in the dwelling and use the property for recreational farming.

Jennifer Thomas appeared to testify against the proposed Variance request. Ms. Thomas stated she was representing various homeowners in Talbotts Subdivision and submitted a Petition of 48 names of those opposed to the Variance request. Ms. Thomas said a realtor told her that her property value would decrease by living next to farm animals and the outbuilding on the proposed lot was an old schoolhouse and she had never seen a coop on the property. Ms. Thomas added she did not want to smell the feces and was concerned of animals getting loose. Ms. Thomas stated the farm animals would cause an increase in an already problematic coyote problem and would cause an increase in rodents due to the hay and feed.

Following all Public Hearings, moved by Toevs, seconded by Baum, to approve **Case No. 12-39-S**.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District and could be detrimental to the adjoining properties and improvements of neighboring properties. Due to the property being for sale the owner was unable to provide an estimated number of animals that will be housed on the property.

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.*

NEGATIVE. Allowing the proposed Variance could allow for diminishment of property values of the neighboring residential properties.

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

NEGATIVE. Testimony was provided that the applicant is trying to sell the property and has been unable to do so and feels that allowing farm animals would allow the site to be more marketable.

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.*

NEGATIVE. Allowing the request would allow a special privilege that is currently denied by the Ordinance for properties within the same zoning district.

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.*

NEGATIVE. The property can still be fully utilized for residential uses as allowed by the Zoning Code.

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

NEGATIVE. There are no unique circumstances to justify a waiver of the requirements of the Zoning Code which are currently in place.

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. 12-39-V** the vote was:
Ayes: 0
Nays: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Motion failed.

Following the Public Hearing portion of the Meeting and prior to the start of Deliberations, Chairman Newman called for a recess at 7:15 p.m. and then reconvened the meeting at 7:25 p.m. to conduct Deliberations of the Zoning Cases.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **WEDNESDAY, September 5, 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 Toevs, seconded by Baum, 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.

(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, August 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, Duane Lessen, Sandy May, Loren Toevs, Phil Webb and Ken Zimmerman

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Matt Drake, Assistant States Attorney, Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Chairman Carroll Imig, Russ Crawford, Paul Hahn, Terry Hillegonds, Darrell Meisinger, and Rosemary Palmer

OTHERS PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Baum, to approve the Minutes of the July 2, 2012 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

CASE NO. 12-27-Z: The petition of James Privett, et al for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from a C-2 General Business Commercial District to an A-1 Agriculture Preservation 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

James Privett appeared to testify on behalf of the proposed Rezoning request. Mr. Privett stated he purchased the property under the assumption it was zoned for Agriculture and was not made aware of the mixed zoning until he tried to sell the property. Mr. Privett said he owned the property for 6 years and had been remodeling the interior for the last 3 years. Mr. Privett added 3 acres of the property was being farmed.

Following all Public Hearings, moved by Baum, seconded by May, to recommend approval of **Case No. 12-27-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as a community growth area and not commercial.

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

POSITIVE. 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 farming and residential uses of property within the general area. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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

   POSITIVE. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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 of C-2 given the existing single family residential structure and 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 and agricultural 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. T*he trend of nearby development has been single family residential and agricultural development.

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. Area surrounding the subject property has transitioned to single family residential and agriculture development.

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 proposed zoning map amendment is within 1.5 miles of Pekin, a municipality with an adopted Comprehensive Plan. Further the City had no objections to the Rezoning.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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.

- Avoid land development that occurs in isolated areas away from existing developed areas.

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

On roll call to recommend approval of **Case No. 12-27-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-28-Z: The petition of Excel Foundry and Machine, Inc. a subsidiary of FLSmidth Salt Lake City, Inc. for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an I-2 Heavy Industrial 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

Dave Eagan appeared to testify on behalf of the proposed Rezoning request. Mr. Eagan stated his company would be constructing a 112,000 square foot addition next to this proposed property which contained a dwelling. Mr. Eagan said the property owner approached Excel about purchasing the site. Mr. Eagan added Excel would raise the structures to widen the drive for semi access off of Shady Lane, and it was feasible to have the property the same Zoning Classification as the adjacent land.

Following all Public Hearings, moved by Zimmerman, seconded by Lessen, to recommend approval of **Case No. 12-28-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area being on the border between Industrial and Conservation districts.

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

   POSITIVE. 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. The requested rezoning may actually improve safety by eliminating a single family residence in such close proximity to a heavy industrial use.

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 foundry operations within 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 request is consistent with other I-2 Zoning Districts within the area.

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 of A-1 given the foundry's desire to develop truck parking, which is not allowed in the A-1 district by right.

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 already being utilized for foundry operations and that truck parking is allowed by right with the I-2 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. T*he trend of nearby development has transitioned towards industrial uses and zoning since the property was placed in its current zoning.

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. Land development in the area has transitioned to industrial uses.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. Allowing the Rezoning will allow for expansion to Excel which will be a gain to the public.

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

    POSITIVE. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.

    - Minimize conflict between land uses.

- Encourage the reuse of vacant properties for new and existing businesses.

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. 12-28-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-29-Z: The petition of Sam Parrott for a Map Amendment to the Official Tremont Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an A-2 Agriculture 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 approval regarding the proposed Rezoning request.

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

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Rezoning request.

Larry Bolliger, Tremont 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 701 made no comment regarding the proposed Rezoning request.

Sam Parrot appeared to testify on behalf of the proposed Rezoning request. Mr. Parrott stated he would like to divide one lot for his daughter at the present time and another lot in the future for another child. Mr. Parrott said the property had a future land use plan for an A-2 Zoning Classification, so it was suggested he Rezone the property at the present time. Mr. Parrott added the proposed Parcel C indicated on the site plan would be combined with the lot containing his current dwelling and would have a restriction of no dwellings on that property. Mr. Parrott stated he had no intent to build anything that would use the existing easement, he only maintains an easement to drive across the adjacent property.

Ginger Herrman appeared with questions regarding the proposed Rezoning request. Ms. Herrman stated her father owned the farm land adjacent to the proposed property and allowed Mr. Parrott an easement across that property. Ms. Herrman said her father was concerned if Mr. Parrott would be constructing a road on the easement. Ms. Herrman referred to a map indicating her fathers property and questioning which parcels would be built upon.

Following all Public Hearings, moved by Baum, seconded by Toevs, to recommend approval of **Case No. 12-29-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as A-2.

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. 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.

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

   POSITIVE. 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**.**

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 will be compatible with the A-2 zoning designation as detailed in the Tazewell County Future Land Use Map.

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.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

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

On roll call to recommend approval of **Case No. 12-29-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-30-Z: The petition of Mike Sutherland, d/b/a Sutherland and Sons Constriction, Inc. for a Map Amendment to the Official Groveland Township Zoning Map of Tazewell County to change the zoning classification of property from a R-1 Low Density Residential Zoning District to an I-1 Light Industrial 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 regarding the proposed Rezoning request stating a concern of the erosion control on the property.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Rezoning request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Rezoning request.

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

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

School District 76 and 309 made no comment regarding the proposed Rezoning request.

Mike Sutherland appeared to testify on behalf of the proposed Rezoning request. Mr. Sutherland stated he was working with the City of East Peoria on the 2010 Project for removal of clay located on the property. Mr. Sutherland said the property was once an entrance to a coal mine and the land was basically useless. Mr. Sutherland added when he found out part of the property was Zoned for R-1 he was surprised as he thought the entire property was Zoned I-1 Light Industrial.

Following all Public Hearings, moved by Lessen, seconded by Baum, to recommend approval of **Case No. 12-30-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 proposed zoning amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the current and past uses of the subject parcel.

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

POSITIVE. 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 industrial uses along Cole Hollow Road. Portions of the subject parcel and adjacent parcels are currently zoned I-1.

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

POSITIVE.

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 of R-1 given the existing industrial uses along Cole Hollow Road.

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 currently being utilized for industrial 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. Per the applicant, there has not been any development in the immediate vicinity recently.

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.

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 proposed zoning map amendment is within 1.5 miles of the City of East Peoria, a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Minimize conflict between land uses.
- Encourage the reuse of vacant properties for new and existing businesses.

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

On roll call to recommend approval of **Case No. 12-30-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-31-S: The petition of Dan and Karen Doore for a 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 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 regarding the proposed Special Use request.

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

John Anderson, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating access will be approved at a specified location and an entrance permit will be necessary.

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

Marilyn Kohn, Realtor appeared to testify on behalf of the proposed Special Use request. Ms. Kohn stated she had listed the property for the Doore's. She said the surrounding properties are similar size parcels with dwellings and farmettes. Ms. Kohn added there was a purchaser for the property to build a single family dwelling upon and it was not until they were working on the closing that it was discovered that the property was not a buildable lot of record. Ms. Kohn stated the sale of the property was contingent to Zoning Board Approval and added the Highway Department had given approval for an entrance location on Springfield Road.

Following all Public Hearings, moved by Baum, seconded by May, to approve of **Case No. 12-31-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed dwelling to be set back from the main road.

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. A new single family detached dwelling 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. The subject area is primarily farmland, which shall remain in crop production for the foreseeable future, and single family residences, limiting injury to the use and enjoyment of other property in the immediate area.

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

   POSITIVE. A new single family detached dwelling is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service and will feature a propane gas system, and private septic system. Water rights were previously purchased / approved from the Groveland Township. Existing stormwater drainage carries / directs runoff to the ditches along Broadway Street and Springfield Road. The Highway Department has previously approved site access from Springfield 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. Given the current traffic volumes on Broadway Street and Springfield Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed dwelling site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a single family detached dwelling site is consistent with the other existing single family detached homes in the immediate vicinity.

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

    POSITIVE. Given its proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-31-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-32-S: The petition of Michael Tibbs for a Special Use to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling in a 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 submitted a report regarding the proposed Special Use request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Special Use request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Special Use request.

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

School Districts 606 and 303 made no comment regarding the proposed Special Use request.

THE FOLLOWING CONTAINS TESTIMONY FOR CASE NO. 12-32-S, 12-33-V & 12-34-V:

Michael Tibbs appeared to testify on behalf of the proposed Special Use and Variance requests. Mr. Tibbs stated he owned 2 lots, on the East and on the West side of Bass Road. Mr. Tibbs said he would like to build a garage prior to a dwelling in order to store materials necessary to build a dwelling on the West side of the road. Mr. Tibbs added he does construction work himself and the dwelling may not begin construction for another 3 to 4 years. Mr. Tibbs stated the proposed garage was typical to other garages in the area. Mr. Tibbs said due to the hillside on the property on the East side of the road he would not be able to meet the required setback. Mr. Tibbs added a prior owner began removing soil to construct a garage, however never began construction. Mr. Tibbs stated the proposed garage would be just that, a garage, and there would be no living quarters and no septic system. Mr. Tibbs said the lake lot on the West side of the road had a storage shed on the property which is where he will construct a future dwelling and the hillside would determine what size the actual garage would be, however he knew it would not need to be anymore than 900 square foot.

Following all Public Hearings, moved by Baum, seconded by Zimmerman, to approve of **Case No. 12-32-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed accessory structure on the east side of Bass Road in line with existing accessory structures.

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. A new detached accessory structure 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. The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area should be limited with the development of a new accessory structure and eventual single family residence.

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

   POSITIVE. A new single family detached dwelling and accessory structure is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service, which is the only service the proposed accessory structure will require. The proposed accessory structure will have easy vehicular access to Bass 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. Given the current traffic volumes on Bass Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

POSITIVE. Given its proximity to other existing single family detached homes and accessory structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-32-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-33-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(c)(1) to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling to be 900 square feet which is 500 square feet larger than allowed for the purpose of storing materials necessary to construct a Principal Dwelling in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-33-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 12-33-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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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 proposed size of the garage is consistent with other structures of similar nature in immediate 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.

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 a larger structure to accommodate for storage.

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. The Ordinance does not address unique circumstances such as proposed.

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

   POSITIVE. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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

On roll call to approve **Case No. 12-33-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-34-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow construction of an Accessory Structure (Unattached Garage) to be 37' from the centerline of Bass Road which is 13' closer than allowed in an R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.
Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-34-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 12-34-S**.

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. Due to part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 request will not be detrimental to the public or improvements within the neighborhood and is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 applicant is simply seeking to construct a garage for storage on a lot that is encumbered by a large hillside therefore limiting alternatives for placement of the garage.

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. Similar request have been granted in the immediate vicinity due to the abnormal circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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

On roll call to approve **Case No. 12-34-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-35-V: The petition of Larry Bollinger for a Variance to waive the requirements of 7TCC1-7(g)(1)(i) to allow construction of an Accessory Structure (Unattached Garage) to be 112' from the Centerline of Illinois Route 9 which is 38' closer than allowed and to waive 7TCC1-7(g)(3)(ii) to allow the same Accessory Structure to be 12' from the Rear property line which is 13' closer than allowed in an A-1 Agriculture Preservation Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating there appeared to be adequate room for a replacement septic system if needed.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Variance request.

Mike Rankin, Mackinaw Township Road Commissioner made no comment regarding the proposed Variance request.

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

Lee White, IDOT made no comment regarding the proposed Variance request.

School District 701 made no comment regarding the proposed Special Use request.

Larry Bollinger appeared to testify on behalf of the proposed Variance request. Mr. Bollinger stated he would like to construct a garage, however being located on a corner lot and the shape of his lot posed a hardship for setback requirements. Mr. Bollinger said his garage would sit farther back from Route 9 than the dwelling was and the entrance to the garage would be to the North off of Hoffman Ave.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-35-S**.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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.

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 applicant is simply seeking construction of the garage for additional storage.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. 12-35-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-36-V: The petition of Ken and Lori Eckhardt for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 57.5' from the Centerline of Olympia Road, which is 42.5' closer 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 submitted a report recommending approval regarding the proposed Variance request.

Louis Anderson, Boynton Township Road Commissioner submitted a report making no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer submitted a report stating no issue regarding the proposed Variance request.

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

Ken Eckhardt appeared to testify on behalf of the proposed Variance request. Mr. Eckhardt stated his home was built in the 1890's and it originally had 2 front porches. Mr. Eckhardt said sometime over the years a previous owner removed the porches and he would like to reconstruct one porch as the house appeared to be "missing something". Mr. Eckhardt added he would not duplicate the original porch however it would be aesthetically pleasing.

Following all Public Hearings, moved by Lessen, seconded by May, to approve **Case No. 12-36-S**.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. Allow the Variance will not have an impact on 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 applicant is simply seeking to construct the porch for personal enjoyment and to be in character of the house as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. 12-36-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-37-V: The petition of Stephen Howard for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an Addition to Dwelling (Front Deck) to be 40' from the Centerline of Bittersweet Road, which is 10' closer than allowed in a R-1 Low Density Residential Zoning District.

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

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Variance request.

Dave Weaver, Washington Township Road Commissioner made no comment regarding the proposed Variance request.

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

School District 50 and 308 made no comment regarding the proposed Special Use request.

Stephen Howard appeared to testify on behalf of the proposed Variance request. Mr. Howard stated he would like to remove the existing front deck and replace it with a deck and ramp. Mr. Howard said his wife was handicap and needed a stable deck for access to and from the house.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-37-S**.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements.

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. Allowing the Variance will not impair supply of light, create congestion on Bittersweet Road or diminish property values.

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

   POSITIVE. The owner simply needs the wheelchair ramp to allow for easier accessibility to the home.

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. Due to the non-conforming homes in the area and the small lots sizes. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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

On roll call to approve **Case No. 12-37-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-38-V: The petition of Joseph Stoehr for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 73' from the Centerline of Nichols Road, which is 27' closer 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 making no comment regarding the proposed Variance request.

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

Melissa Rademacker, Malone Township Road Commissioner made no comment regarding the proposed Variance request.

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

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

Joseph Stoehr appeared to testify on behalf of the proposed Variance request. Mr. Stoehr stated he needed a porch on front of his dwelling for a second access. Mr. Stoehr said the porch would resemble a deck.

Following all Public Hearings, moved by Lessen, seconded by Toevs, to approve **Case No. 12-38-S**.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. Allowing the Variance will not have a negative impact on the surrounding neighborhood which is primarily farmland.

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 applicant is simply seeking to improve the home and allow for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. 12-38-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-39-V: The petition of Janet Zimmer, Trustee of the Ralph P. Thomas Trust, for a Variance to waive the requirements of 7TCC1-10(b)(3) to allow small farm animals, i.e. Chickens, Goats, etc. on a 4.13 acre lot, which is 15.87 acres less than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a written guidelines should be established and reviewed prior to approval.

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

Tazewell County Farm Bureau submitted a report recommending disapproval regarding the proposed Variance request.

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

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

School District 606 and 303 made no comment regarding the proposed Special Use request.

Jennifer Bradshaw, Realtor, appeared to testify on behalf of the proposed Variance request. Ms. Bradshaw stated this property had been on the market for over a year and the interested buyer would like to raise small farm animals. Ms. Bradshaw said the property had an existing outbuilding and coop. Ms. Bradshaw added it was at the corner of Talbotts Subdivision, however it was not within the subdivision and was adjacent to farmland on the West and to the South. Ms. Bradshaw stated in the City of Pekin chickens were allowed on smaller lots and her client would be agreeable to conditions such as fencing. Ms. Bradshaw said the proposed buyer would reside in the dwelling and use the property for recreational farming.

Jennifer Thomas appeared to testify against the proposed Variance request. Ms. Thomas stated she was representing various homeowners in Talbotts Subdivision and submitted a Petition of 48 names of those opposed to the Variance request. Ms. Thomas said a realtor told her that her property value would decrease by living next to farm animals and the outbuilding on the proposed lot was an old schoolhouse and she had never seen a coop on the property. Ms. Thomas added she did not want to smell the feces and was concerned of animals getting loose. Ms. Thomas stated the farm animals would cause an increase in an already problematic coyote problem and would cause an increase in rodents due to the hay and feed.

Following all Public Hearings, moved by Toevs, seconded by Baum, to approve **Case No. 12-39-S**.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District and could be detrimental to the adjoining properties and improvements of neighboring properties. Due to the property being for sale the owner was unable to provide an estimated number of animals that will be housed on the property.

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.*

NEGATIVE. Allowing the proposed Variance could allow for diminishment of property values of the neighboring residential properties.

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

NEGATIVE. Testimony was provided that the applicant is trying to sell the property and has been unable to do so and feels that allowing farm animals would allow the site to be more marketable.

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.*

NEGATIVE. Allowing the request would allow a special privilege that is currently denied by the Ordinance for properties within the same zoning district.

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.*

NEGATIVE. The property can still be fully utilized for residential uses as allowed by the Zoning Code.

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

NEGATIVE. There are no unique circumstances to justify a waiver of the requirements of the Zoning Code which are currently in place.

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. 12-39-V** the vote was:
Ayes: 0
Nays: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Motion failed.

Following the Public Hearing portion of the Meeting and prior to the start of Deliberations, Chairman Newman called for a recess at 7:15 p.m. and then reconvened the meeting at 7:25 p.m. to conduct Deliberations of the Zoning Cases.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **WEDNESDAY, September 5, 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 Toevs, seconded by Baum, 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.

(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, August 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, Duane Lessen, Sandy May, Loren Toevs, Phil Webb and Ken Zimmerman

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Matt Drake, Assistant States Attorney, Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Chairman Carroll Imig, Russ Crawford, Paul Hahn, Terry Hillegonds, Darrell Meisinger, and Rosemary Palmer

OTHERS PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Baum, to approve the Minutes of the July 2, 2012 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

CASE NO. 12-27-Z: The petition of James Privett, et al for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from a C-2 General Business Commercial District to an A-1 Agriculture Preservation 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

James Privett appeared to testify on behalf of the proposed Rezoning request. Mr. Privett stated he purchased the property under the assumption it was zoned for Agriculture and was not made aware of the mixed zoning until he tried to sell the property. Mr. Privett said he owned the property for 6 years and had been remodeling the interior for the last 3 years. Mr. Privett added 3 acres of the property was being farmed.

Following all Public Hearings, moved by Baum, seconded by May, to recommend approval of **Case No. 12-27-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as a community growth area and not commercial.

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

POSITIVE. 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 farming and residential uses of property within the general area. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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

   POSITIVE. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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 of C-2 given the existing single family residential structure and 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 and agricultural 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. T*he trend of nearby development has been single family residential and agricultural development.

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. Area surrounding the subject property has transitioned to single family residential and agriculture development.

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 proposed zoning map amendment is within 1.5 miles of Pekin, a municipality with an adopted Comprehensive Plan. Further the City had no objections to the Rezoning.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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.

- Avoid land development that occurs in isolated areas away from existing developed areas.

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

On roll call to recommend approval of **Case No. 12-27-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-28-Z: The petition of Excel Foundry and Machine, Inc. a subsidiary of FLSmidth Salt Lake City, Inc. for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an I-2 Heavy Industrial 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

Dave Eagan appeared to testify on behalf of the proposed Rezoning request. Mr. Eagan stated his company would be constructing a 112,000 square foot addition next to this proposed property which contained a dwelling. Mr. Eagan said the property owner approached Excel about purchasing the site. Mr. Eagan added Excel would raise the structures to widen the drive for semi access off of Shady Lane, and it was feasible to have the property the same Zoning Classification as the adjacent land.

Following all Public Hearings, moved by Zimmerman, seconded by Lessen, to recommend approval of **Case No. 12-28-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area being on the border between Industrial and Conservation districts.

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

   POSITIVE. 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. The requested rezoning may actually improve safety by eliminating a single family residence in such close proximity to a heavy industrial use.

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 foundry operations within 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 request is consistent with other I-2 Zoning Districts within the area.

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 of A-1 given the foundry's desire to develop truck parking, which is not allowed in the A-1 district by right.

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 already being utilized for foundry operations and that truck parking is allowed by right with the I-2 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. T*he trend of nearby development has transitioned towards industrial uses and zoning since the property was placed in its current zoning.

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. Land development in the area has transitioned to industrial uses.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. Allowing the Rezoning will allow for expansion to Excel which will be a gain to the public.

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

    POSITIVE. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.

    - Minimize conflict between land uses.

- Encourage the reuse of vacant properties for new and existing businesses.

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. 12-28-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-29-Z: The petition of Sam Parrott for a Map Amendment to the Official Tremont Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an A-2 Agriculture 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 approval regarding the proposed Rezoning request.

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

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Rezoning request.

Larry Bolliger, Tremont 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 701 made no comment regarding the proposed Rezoning request.

Sam Parrot appeared to testify on behalf of the proposed Rezoning request. Mr. Parrott stated he would like to divide one lot for his daughter at the present time and another lot in the future for another child. Mr. Parrott said the property had a future land use plan for an A-2 Zoning Classification, so it was suggested he Rezone the property at the present time. Mr. Parrott added the proposed Parcel C indicated on the site plan would be combined with the lot containing his current dwelling and would have a restriction of no dwellings on that property. Mr. Parrott stated he had no intent to build anything that would use the existing easement, he only maintains an easement to drive across the adjacent property.

Ginger Herrman appeared with questions regarding the proposed Rezoning request. Ms. Herrman stated her father owned the farm land adjacent to the proposed property and allowed Mr. Parrott an easement across that property. Ms. Herrman said her father was concerned if Mr. Parrott would be constructing a road on the easement. Ms. Herrman referred to a map indicating her fathers property and questioning which parcels would be built upon.

Following all Public Hearings, moved by Baum, seconded by Toevs, to recommend approval of **Case No. 12-29-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as A-2.

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. 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.

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

   POSITIVE. 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**.**

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 will be compatible with the A-2 zoning designation as detailed in the Tazewell County Future Land Use Map.

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.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

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

On roll call to recommend approval of **Case No. 12-29-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-30-Z: The petition of Mike Sutherland, d/b/a Sutherland and Sons Constriction, Inc. for a Map Amendment to the Official Groveland Township Zoning Map of Tazewell County to change the zoning classification of property from a R-1 Low Density Residential Zoning District to an I-1 Light Industrial 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 regarding the proposed Rezoning request stating a concern of the erosion control on the property.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Rezoning request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Rezoning request.

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

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

School District 76 and 309 made no comment regarding the proposed Rezoning request.

Mike Sutherland appeared to testify on behalf of the proposed Rezoning request. Mr. Sutherland stated he was working with the City of East Peoria on the 2010 Project for removal of clay located on the property. Mr. Sutherland said the property was once an entrance to a coal mine and the land was basically useless. Mr. Sutherland added when he found out part of the property was Zoned for R-1 he was surprised as he thought the entire property was Zoned I-1 Light Industrial.

Following all Public Hearings, moved by Lessen, seconded by Baum, to recommend approval of **Case No. 12-30-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 proposed zoning amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the current and past uses of the subject parcel.

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

POSITIVE. 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 industrial uses along Cole Hollow Road. Portions of the subject parcel and adjacent parcels are currently zoned I-1.

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

POSITIVE.

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 of R-1 given the existing industrial uses along Cole Hollow Road.

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 currently being utilized for industrial 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. Per the applicant, there has not been any development in the immediate vicinity recently.

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.

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 proposed zoning map amendment is within 1.5 miles of the City of East Peoria, a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Minimize conflict between land uses.
- Encourage the reuse of vacant properties for new and existing businesses.

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

On roll call to recommend approval of **Case No. 12-30-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-31-S: The petition of Dan and Karen Doore for a 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 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 regarding the proposed Special Use request.

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

John Anderson, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating access will be approved at a specified location and an entrance permit will be necessary.

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

Marilyn Kohn, Realtor appeared to testify on behalf of the proposed Special Use request. Ms. Kohn stated she had listed the property for the Doore's. She said the surrounding properties are similar size parcels with dwellings and farmettes. Ms. Kohn added there was a purchaser for the property to build a single family dwelling upon and it was not until they were working on the closing that it was discovered that the property was not a buildable lot of record. Ms. Kohn stated the sale of the property was contingent to Zoning Board Approval and added the Highway Department had given approval for an entrance location on Springfield Road.

Following all Public Hearings, moved by Baum, seconded by May, to approve of **Case No. 12-31-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed dwelling to be set back from the main road.

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. A new single family detached dwelling 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. The subject area is primarily farmland, which shall remain in crop production for the foreseeable future, and single family residences, limiting injury to the use and enjoyment of other property in the immediate area.

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

   POSITIVE. A new single family detached dwelling is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service and will feature a propane gas system, and private septic system. Water rights were previously purchased / approved from the Groveland Township. Existing stormwater drainage carries / directs runoff to the ditches along Broadway Street and Springfield Road. The Highway Department has previously approved site access from Springfield 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. Given the current traffic volumes on Broadway Street and Springfield Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed dwelling site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a single family detached dwelling site is consistent with the other existing single family detached homes in the immediate vicinity.

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

    POSITIVE. Given its proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-31-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-32-S: The petition of Michael Tibbs for a Special Use to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling in a 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 submitted a report regarding the proposed Special Use request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Special Use request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Special Use request.

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

School Districts 606 and 303 made no comment regarding the proposed Special Use request.

THE FOLLOWING CONTAINS TESTIMONY FOR CASE NO. 12-32-S, 12-33-V & 12-34-V:

Michael Tibbs appeared to testify on behalf of the proposed Special Use and Variance requests. Mr. Tibbs stated he owned 2 lots, on the East and on the West side of Bass Road. Mr. Tibbs said he would like to build a garage prior to a dwelling in order to store materials necessary to build a dwelling on the West side of the road. Mr. Tibbs added he does construction work himself and the dwelling may not begin construction for another 3 to 4 years. Mr. Tibbs stated the proposed garage was typical to other garages in the area. Mr. Tibbs said due to the hillside on the property on the East side of the road he would not be able to meet the required setback. Mr. Tibbs added a prior owner began removing soil to construct a garage, however never began construction. Mr. Tibbs stated the proposed garage would be just that, a garage, and there would be no living quarters and no septic system. Mr. Tibbs said the lake lot on the West side of the road had a storage shed on the property which is where he will construct a future dwelling and the hillside would determine what size the actual garage would be, however he knew it would not need to be anymore than 900 square foot.

Following all Public Hearings, moved by Baum, seconded by Zimmerman, to approve of **Case No. 12-32-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed accessory structure on the east side of Bass Road in line with existing accessory structures.

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. A new detached accessory structure 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. The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area should be limited with the development of a new accessory structure and eventual single family residence.

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

   POSITIVE. A new single family detached dwelling and accessory structure is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service, which is the only service the proposed accessory structure will require. The proposed accessory structure will have easy vehicular access to Bass 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. Given the current traffic volumes on Bass Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

POSITIVE. Given its proximity to other existing single family detached homes and accessory structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-32-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-33-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(c)(1) to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling to be 900 square feet which is 500 square feet larger than allowed for the purpose of storing materials necessary to construct a Principal Dwelling in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-33-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 12-33-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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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 proposed size of the garage is consistent with other structures of similar nature in immediate 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.

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 a larger structure to accommodate for storage.

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. The Ordinance does not address unique circumstances such as proposed.

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

   POSITIVE. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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

On roll call to approve **Case No. 12-33-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-34-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow construction of an Accessory Structure (Unattached Garage) to be 37' from the centerline of Bass Road which is 13' closer than allowed in an R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.
Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-34-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 12-34-S**.

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. Due to part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 request will not be detrimental to the public or improvements within the neighborhood and is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 applicant is simply seeking to construct a garage for storage on a lot that is encumbered by a large hillside therefore limiting alternatives for placement of the garage.

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. Similar request have been granted in the immediate vicinity due to the abnormal circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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

On roll call to approve **Case No. 12-34-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-35-V: The petition of Larry Bollinger for a Variance to waive the requirements of 7TCC1-7(g)(1)(i) to allow construction of an Accessory Structure (Unattached Garage) to be 112' from the Centerline of Illinois Route 9 which is 38' closer than allowed and to waive 7TCC1-7(g)(3)(ii) to allow the same Accessory Structure to be 12' from the Rear property line which is 13' closer than allowed in an A-1 Agriculture Preservation Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating there appeared to be adequate room for a replacement septic system if needed.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Variance request.

Mike Rankin, Mackinaw Township Road Commissioner made no comment regarding the proposed Variance request.

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

Lee White, IDOT made no comment regarding the proposed Variance request.

School District 701 made no comment regarding the proposed Special Use request.

Larry Bollinger appeared to testify on behalf of the proposed Variance request. Mr. Bollinger stated he would like to construct a garage, however being located on a corner lot and the shape of his lot posed a hardship for setback requirements. Mr. Bollinger said his garage would sit farther back from Route 9 than the dwelling was and the entrance to the garage would be to the North off of Hoffman Ave.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-35-S**.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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.

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 applicant is simply seeking construction of the garage for additional storage.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. 12-35-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-36-V: The petition of Ken and Lori Eckhardt for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 57.5' from the Centerline of Olympia Road, which is 42.5' closer 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 submitted a report recommending approval regarding the proposed Variance request.

Louis Anderson, Boynton Township Road Commissioner submitted a report making no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer submitted a report stating no issue regarding the proposed Variance request.

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

Ken Eckhardt appeared to testify on behalf of the proposed Variance request. Mr. Eckhardt stated his home was built in the 1890's and it originally had 2 front porches. Mr. Eckhardt said sometime over the years a previous owner removed the porches and he would like to reconstruct one porch as the house appeared to be "missing something". Mr. Eckhardt added he would not duplicate the original porch however it would be aesthetically pleasing.

Following all Public Hearings, moved by Lessen, seconded by May, to approve **Case No. 12-36-S**.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. Allow the Variance will not have an impact on 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 applicant is simply seeking to construct the porch for personal enjoyment and to be in character of the house as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. 12-36-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-37-V: The petition of Stephen Howard for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an Addition to Dwelling (Front Deck) to be 40' from the Centerline of Bittersweet Road, which is 10' closer than allowed in a R-1 Low Density Residential Zoning District.

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

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Variance request.

Dave Weaver, Washington Township Road Commissioner made no comment regarding the proposed Variance request.

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

School District 50 and 308 made no comment regarding the proposed Special Use request.

Stephen Howard appeared to testify on behalf of the proposed Variance request. Mr. Howard stated he would like to remove the existing front deck and replace it with a deck and ramp. Mr. Howard said his wife was handicap and needed a stable deck for access to and from the house.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-37-S**.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements.

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. Allowing the Variance will not impair supply of light, create congestion on Bittersweet Road or diminish property values.

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

   POSITIVE. The owner simply needs the wheelchair ramp to allow for easier accessibility to the home.

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. Due to the non-conforming homes in the area and the small lots sizes. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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

On roll call to approve **Case No. 12-37-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-38-V: The petition of Joseph Stoehr for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 73' from the Centerline of Nichols Road, which is 27' closer 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 making no comment regarding the proposed Variance request.

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

Melissa Rademacker, Malone Township Road Commissioner made no comment regarding the proposed Variance request.

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

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

Joseph Stoehr appeared to testify on behalf of the proposed Variance request. Mr. Stoehr stated he needed a porch on front of his dwelling for a second access. Mr. Stoehr said the porch would resemble a deck.

Following all Public Hearings, moved by Lessen, seconded by Toevs, to approve **Case No. 12-38-S**.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. Allowing the Variance will not have a negative impact on the surrounding neighborhood which is primarily farmland.

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 applicant is simply seeking to improve the home and allow for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. 12-38-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-39-V: The petition of Janet Zimmer, Trustee of the Ralph P. Thomas Trust, for a Variance to waive the requirements of 7TCC1-10(b)(3) to allow small farm animals, i.e. Chickens, Goats, etc. on a 4.13 acre lot, which is 15.87 acres less than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a written guidelines should be established and reviewed prior to approval.

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

Tazewell County Farm Bureau submitted a report recommending disapproval regarding the proposed Variance request.

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

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

School District 606 and 303 made no comment regarding the proposed Special Use request.

Jennifer Bradshaw, Realtor, appeared to testify on behalf of the proposed Variance request. Ms. Bradshaw stated this property had been on the market for over a year and the interested buyer would like to raise small farm animals. Ms. Bradshaw said the property had an existing outbuilding and coop. Ms. Bradshaw added it was at the corner of Talbotts Subdivision, however it was not within the subdivision and was adjacent to farmland on the West and to the South. Ms. Bradshaw stated in the City of Pekin chickens were allowed on smaller lots and her client would be agreeable to conditions such as fencing. Ms. Bradshaw said the proposed buyer would reside in the dwelling and use the property for recreational farming.

Jennifer Thomas appeared to testify against the proposed Variance request. Ms. Thomas stated she was representing various homeowners in Talbotts Subdivision and submitted a Petition of 48 names of those opposed to the Variance request. Ms. Thomas said a realtor told her that her property value would decrease by living next to farm animals and the outbuilding on the proposed lot was an old schoolhouse and she had never seen a coop on the property. Ms. Thomas added she did not want to smell the feces and was concerned of animals getting loose. Ms. Thomas stated the farm animals would cause an increase in an already problematic coyote problem and would cause an increase in rodents due to the hay and feed.

Following all Public Hearings, moved by Toevs, seconded by Baum, to approve **Case No. 12-39-S**.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District and could be detrimental to the adjoining properties and improvements of neighboring properties. Due to the property being for sale the owner was unable to provide an estimated number of animals that will be housed on the property.

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.*

NEGATIVE. Allowing the proposed Variance could allow for diminishment of property values of the neighboring residential properties.

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

NEGATIVE. Testimony was provided that the applicant is trying to sell the property and has been unable to do so and feels that allowing farm animals would allow the site to be more marketable.

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.*

NEGATIVE. Allowing the request would allow a special privilege that is currently denied by the Ordinance for properties within the same zoning district.

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.*

NEGATIVE. The property can still be fully utilized for residential uses as allowed by the Zoning Code.

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

NEGATIVE. There are no unique circumstances to justify a waiver of the requirements of the Zoning Code which are currently in place.

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. 12-39-V** the vote was:
Ayes: 0
Nays: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Motion failed.

Following the Public Hearing portion of the Meeting and prior to the start of Deliberations, Chairman Newman called for a recess at 7:15 p.m. and then reconvened the meeting at 7:25 p.m. to conduct Deliberations of the Zoning Cases.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **WEDNESDAY, September 5, 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 Toevs, seconded by Baum, 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.

(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, August 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, Duane Lessen, Sandy May, Loren Toevs, Phil Webb and Ken Zimmerman

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Matt Drake, Assistant States Attorney, Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Chairman Carroll Imig, Russ Crawford, Paul Hahn, Terry Hillegonds, Darrell Meisinger, and Rosemary Palmer

OTHERS PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Baum, to approve the Minutes of the July 2, 2012 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

CASE NO. 12-27-Z: The petition of James Privett, et al for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from a C-2 General Business Commercial District to an A-1 Agriculture Preservation 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

James Privett appeared to testify on behalf of the proposed Rezoning request. Mr. Privett stated he purchased the property under the assumption it was zoned for Agriculture and was not made aware of the mixed zoning until he tried to sell the property. Mr. Privett said he owned the property for 6 years and had been remodeling the interior for the last 3 years. Mr. Privett added 3 acres of the property was being farmed.

Following all Public Hearings, moved by Baum, seconded by May, to recommend approval of **Case No. 12-27-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as a community growth area and not commercial.

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

POSITIVE. 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 farming and residential uses of property within the general area. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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

   POSITIVE. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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 of C-2 given the existing single family residential structure and 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 and agricultural 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. T*he trend of nearby development has been single family residential and agricultural development.

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. Area surrounding the subject property has transitioned to single family residential and agriculture development.

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 proposed zoning map amendment is within 1.5 miles of Pekin, a municipality with an adopted Comprehensive Plan. Further the City had no objections to the Rezoning.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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.

- Avoid land development that occurs in isolated areas away from existing developed areas.

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

On roll call to recommend approval of **Case No. 12-27-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-28-Z: The petition of Excel Foundry and Machine, Inc. a subsidiary of FLSmidth Salt Lake City, Inc. for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an I-2 Heavy Industrial 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

Dave Eagan appeared to testify on behalf of the proposed Rezoning request. Mr. Eagan stated his company would be constructing a 112,000 square foot addition next to this proposed property which contained a dwelling. Mr. Eagan said the property owner approached Excel about purchasing the site. Mr. Eagan added Excel would raise the structures to widen the drive for semi access off of Shady Lane, and it was feasible to have the property the same Zoning Classification as the adjacent land.

Following all Public Hearings, moved by Zimmerman, seconded by Lessen, to recommend approval of **Case No. 12-28-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area being on the border between Industrial and Conservation districts.

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

   POSITIVE. 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. The requested rezoning may actually improve safety by eliminating a single family residence in such close proximity to a heavy industrial use.

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 foundry operations within 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 request is consistent with other I-2 Zoning Districts within the area.

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 of A-1 given the foundry's desire to develop truck parking, which is not allowed in the A-1 district by right.

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 already being utilized for foundry operations and that truck parking is allowed by right with the I-2 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. T*he trend of nearby development has transitioned towards industrial uses and zoning since the property was placed in its current zoning.

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. Land development in the area has transitioned to industrial uses.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. Allowing the Rezoning will allow for expansion to Excel which will be a gain to the public.

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

    POSITIVE. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.

    - Minimize conflict between land uses.

- Encourage the reuse of vacant properties for new and existing businesses.

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. 12-28-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-29-Z: The petition of Sam Parrott for a Map Amendment to the Official Tremont Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an A-2 Agriculture 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 approval regarding the proposed Rezoning request.

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

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Rezoning request.

Larry Bolliger, Tremont 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 701 made no comment regarding the proposed Rezoning request.

Sam Parrot appeared to testify on behalf of the proposed Rezoning request. Mr. Parrott stated he would like to divide one lot for his daughter at the present time and another lot in the future for another child. Mr. Parrott said the property had a future land use plan for an A-2 Zoning Classification, so it was suggested he Rezone the property at the present time. Mr. Parrott added the proposed Parcel C indicated on the site plan would be combined with the lot containing his current dwelling and would have a restriction of no dwellings on that property. Mr. Parrott stated he had no intent to build anything that would use the existing easement, he only maintains an easement to drive across the adjacent property.

Ginger Herrman appeared with questions regarding the proposed Rezoning request. Ms. Herrman stated her father owned the farm land adjacent to the proposed property and allowed Mr. Parrott an easement across that property. Ms. Herrman said her father was concerned if Mr. Parrott would be constructing a road on the easement. Ms. Herrman referred to a map indicating her fathers property and questioning which parcels would be built upon.

Following all Public Hearings, moved by Baum, seconded by Toevs, to recommend approval of **Case No. 12-29-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as A-2.

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. 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.

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

   POSITIVE. 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**.**

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 will be compatible with the A-2 zoning designation as detailed in the Tazewell County Future Land Use Map.

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.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

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

On roll call to recommend approval of **Case No. 12-29-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-30-Z: The petition of Mike Sutherland, d/b/a Sutherland and Sons Constriction, Inc. for a Map Amendment to the Official Groveland Township Zoning Map of Tazewell County to change the zoning classification of property from a R-1 Low Density Residential Zoning District to an I-1 Light Industrial 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 regarding the proposed Rezoning request stating a concern of the erosion control on the property.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Rezoning request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Rezoning request.

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

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

School District 76 and 309 made no comment regarding the proposed Rezoning request.

Mike Sutherland appeared to testify on behalf of the proposed Rezoning request. Mr. Sutherland stated he was working with the City of East Peoria on the 2010 Project for removal of clay located on the property. Mr. Sutherland said the property was once an entrance to a coal mine and the land was basically useless. Mr. Sutherland added when he found out part of the property was Zoned for R-1 he was surprised as he thought the entire property was Zoned I-1 Light Industrial.

Following all Public Hearings, moved by Lessen, seconded by Baum, to recommend approval of **Case No. 12-30-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 proposed zoning amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the current and past uses of the subject parcel.

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

POSITIVE. 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 industrial uses along Cole Hollow Road. Portions of the subject parcel and adjacent parcels are currently zoned I-1.

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

POSITIVE.

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 of R-1 given the existing industrial uses along Cole Hollow Road.

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 currently being utilized for industrial 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. Per the applicant, there has not been any development in the immediate vicinity recently.

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.

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 proposed zoning map amendment is within 1.5 miles of the City of East Peoria, a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Minimize conflict between land uses.
- Encourage the reuse of vacant properties for new and existing businesses.

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

On roll call to recommend approval of **Case No. 12-30-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-31-S: The petition of Dan and Karen Doore for a 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 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 regarding the proposed Special Use request.

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

John Anderson, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating access will be approved at a specified location and an entrance permit will be necessary.

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

Marilyn Kohn, Realtor appeared to testify on behalf of the proposed Special Use request. Ms. Kohn stated she had listed the property for the Doore's. She said the surrounding properties are similar size parcels with dwellings and farmettes. Ms. Kohn added there was a purchaser for the property to build a single family dwelling upon and it was not until they were working on the closing that it was discovered that the property was not a buildable lot of record. Ms. Kohn stated the sale of the property was contingent to Zoning Board Approval and added the Highway Department had given approval for an entrance location on Springfield Road.

Following all Public Hearings, moved by Baum, seconded by May, to approve of **Case No. 12-31-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed dwelling to be set back from the main road.

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. A new single family detached dwelling 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. The subject area is primarily farmland, which shall remain in crop production for the foreseeable future, and single family residences, limiting injury to the use and enjoyment of other property in the immediate area.

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

   POSITIVE. A new single family detached dwelling is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service and will feature a propane gas system, and private septic system. Water rights were previously purchased / approved from the Groveland Township. Existing stormwater drainage carries / directs runoff to the ditches along Broadway Street and Springfield Road. The Highway Department has previously approved site access from Springfield 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. Given the current traffic volumes on Broadway Street and Springfield Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed dwelling site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a single family detached dwelling site is consistent with the other existing single family detached homes in the immediate vicinity.

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

    POSITIVE. Given its proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-31-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-32-S: The petition of Michael Tibbs for a Special Use to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling in a 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 submitted a report regarding the proposed Special Use request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Special Use request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Special Use request.

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

School Districts 606 and 303 made no comment regarding the proposed Special Use request.

THE FOLLOWING CONTAINS TESTIMONY FOR CASE NO. 12-32-S, 12-33-V & 12-34-V:

Michael Tibbs appeared to testify on behalf of the proposed Special Use and Variance requests. Mr. Tibbs stated he owned 2 lots, on the East and on the West side of Bass Road. Mr. Tibbs said he would like to build a garage prior to a dwelling in order to store materials necessary to build a dwelling on the West side of the road. Mr. Tibbs added he does construction work himself and the dwelling may not begin construction for another 3 to 4 years. Mr. Tibbs stated the proposed garage was typical to other garages in the area. Mr. Tibbs said due to the hillside on the property on the East side of the road he would not be able to meet the required setback. Mr. Tibbs added a prior owner began removing soil to construct a garage, however never began construction. Mr. Tibbs stated the proposed garage would be just that, a garage, and there would be no living quarters and no septic system. Mr. Tibbs said the lake lot on the West side of the road had a storage shed on the property which is where he will construct a future dwelling and the hillside would determine what size the actual garage would be, however he knew it would not need to be anymore than 900 square foot.

Following all Public Hearings, moved by Baum, seconded by Zimmerman, to approve of **Case No. 12-32-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed accessory structure on the east side of Bass Road in line with existing accessory structures.

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. A new detached accessory structure 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. The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area should be limited with the development of a new accessory structure and eventual single family residence.

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

   POSITIVE. A new single family detached dwelling and accessory structure is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service, which is the only service the proposed accessory structure will require. The proposed accessory structure will have easy vehicular access to Bass 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. Given the current traffic volumes on Bass Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

POSITIVE. Given its proximity to other existing single family detached homes and accessory structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-32-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-33-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(c)(1) to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling to be 900 square feet which is 500 square feet larger than allowed for the purpose of storing materials necessary to construct a Principal Dwelling in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-33-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 12-33-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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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 proposed size of the garage is consistent with other structures of similar nature in immediate 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.

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 a larger structure to accommodate for storage.

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. The Ordinance does not address unique circumstances such as proposed.

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

   POSITIVE. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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

On roll call to approve **Case No. 12-33-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-34-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow construction of an Accessory Structure (Unattached Garage) to be 37' from the centerline of Bass Road which is 13' closer than allowed in an R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.
Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-34-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 12-34-S**.

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. Due to part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 request will not be detrimental to the public or improvements within the neighborhood and is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 applicant is simply seeking to construct a garage for storage on a lot that is encumbered by a large hillside therefore limiting alternatives for placement of the garage.

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. Similar request have been granted in the immediate vicinity due to the abnormal circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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

On roll call to approve **Case No. 12-34-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-35-V: The petition of Larry Bollinger for a Variance to waive the requirements of 7TCC1-7(g)(1)(i) to allow construction of an Accessory Structure (Unattached Garage) to be 112' from the Centerline of Illinois Route 9 which is 38' closer than allowed and to waive 7TCC1-7(g)(3)(ii) to allow the same Accessory Structure to be 12' from the Rear property line which is 13' closer than allowed in an A-1 Agriculture Preservation Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating there appeared to be adequate room for a replacement septic system if needed.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Variance request.

Mike Rankin, Mackinaw Township Road Commissioner made no comment regarding the proposed Variance request.

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

Lee White, IDOT made no comment regarding the proposed Variance request.

School District 701 made no comment regarding the proposed Special Use request.

Larry Bollinger appeared to testify on behalf of the proposed Variance request. Mr. Bollinger stated he would like to construct a garage, however being located on a corner lot and the shape of his lot posed a hardship for setback requirements. Mr. Bollinger said his garage would sit farther back from Route 9 than the dwelling was and the entrance to the garage would be to the North off of Hoffman Ave.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-35-S**.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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.

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 applicant is simply seeking construction of the garage for additional storage.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. 12-35-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-36-V: The petition of Ken and Lori Eckhardt for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 57.5' from the Centerline of Olympia Road, which is 42.5' closer 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 submitted a report recommending approval regarding the proposed Variance request.

Louis Anderson, Boynton Township Road Commissioner submitted a report making no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer submitted a report stating no issue regarding the proposed Variance request.

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

Ken Eckhardt appeared to testify on behalf of the proposed Variance request. Mr. Eckhardt stated his home was built in the 1890's and it originally had 2 front porches. Mr. Eckhardt said sometime over the years a previous owner removed the porches and he would like to reconstruct one porch as the house appeared to be "missing something". Mr. Eckhardt added he would not duplicate the original porch however it would be aesthetically pleasing.

Following all Public Hearings, moved by Lessen, seconded by May, to approve **Case No. 12-36-S**.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. Allow the Variance will not have an impact on 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 applicant is simply seeking to construct the porch for personal enjoyment and to be in character of the house as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. 12-36-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-37-V: The petition of Stephen Howard for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an Addition to Dwelling (Front Deck) to be 40' from the Centerline of Bittersweet Road, which is 10' closer than allowed in a R-1 Low Density Residential Zoning District.

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

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Variance request.

Dave Weaver, Washington Township Road Commissioner made no comment regarding the proposed Variance request.

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

School District 50 and 308 made no comment regarding the proposed Special Use request.

Stephen Howard appeared to testify on behalf of the proposed Variance request. Mr. Howard stated he would like to remove the existing front deck and replace it with a deck and ramp. Mr. Howard said his wife was handicap and needed a stable deck for access to and from the house.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-37-S**.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements.

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. Allowing the Variance will not impair supply of light, create congestion on Bittersweet Road or diminish property values.

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

   POSITIVE. The owner simply needs the wheelchair ramp to allow for easier accessibility to the home.

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. Due to the non-conforming homes in the area and the small lots sizes. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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

On roll call to approve **Case No. 12-37-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-38-V: The petition of Joseph Stoehr for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 73' from the Centerline of Nichols Road, which is 27' closer 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 making no comment regarding the proposed Variance request.

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

Melissa Rademacker, Malone Township Road Commissioner made no comment regarding the proposed Variance request.

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

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

Joseph Stoehr appeared to testify on behalf of the proposed Variance request. Mr. Stoehr stated he needed a porch on front of his dwelling for a second access. Mr. Stoehr said the porch would resemble a deck.

Following all Public Hearings, moved by Lessen, seconded by Toevs, to approve **Case No. 12-38-S**.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. Allowing the Variance will not have a negative impact on the surrounding neighborhood which is primarily farmland.

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 applicant is simply seeking to improve the home and allow for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. 12-38-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-39-V: The petition of Janet Zimmer, Trustee of the Ralph P. Thomas Trust, for a Variance to waive the requirements of 7TCC1-10(b)(3) to allow small farm animals, i.e. Chickens, Goats, etc. on a 4.13 acre lot, which is 15.87 acres less than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a written guidelines should be established and reviewed prior to approval.

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

Tazewell County Farm Bureau submitted a report recommending disapproval regarding the proposed Variance request.

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

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

School District 606 and 303 made no comment regarding the proposed Special Use request.

Jennifer Bradshaw, Realtor, appeared to testify on behalf of the proposed Variance request. Ms. Bradshaw stated this property had been on the market for over a year and the interested buyer would like to raise small farm animals. Ms. Bradshaw said the property had an existing outbuilding and coop. Ms. Bradshaw added it was at the corner of Talbotts Subdivision, however it was not within the subdivision and was adjacent to farmland on the West and to the South. Ms. Bradshaw stated in the City of Pekin chickens were allowed on smaller lots and her client would be agreeable to conditions such as fencing. Ms. Bradshaw said the proposed buyer would reside in the dwelling and use the property for recreational farming.

Jennifer Thomas appeared to testify against the proposed Variance request. Ms. Thomas stated she was representing various homeowners in Talbotts Subdivision and submitted a Petition of 48 names of those opposed to the Variance request. Ms. Thomas said a realtor told her that her property value would decrease by living next to farm animals and the outbuilding on the proposed lot was an old schoolhouse and she had never seen a coop on the property. Ms. Thomas added she did not want to smell the feces and was concerned of animals getting loose. Ms. Thomas stated the farm animals would cause an increase in an already problematic coyote problem and would cause an increase in rodents due to the hay and feed.

Following all Public Hearings, moved by Toevs, seconded by Baum, to approve **Case No. 12-39-S**.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District and could be detrimental to the adjoining properties and improvements of neighboring properties. Due to the property being for sale the owner was unable to provide an estimated number of animals that will be housed on the property.

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.*

NEGATIVE. Allowing the proposed Variance could allow for diminishment of property values of the neighboring residential properties.

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

NEGATIVE. Testimony was provided that the applicant is trying to sell the property and has been unable to do so and feels that allowing farm animals would allow the site to be more marketable.

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.*

NEGATIVE. Allowing the request would allow a special privilege that is currently denied by the Ordinance for properties within the same zoning district.

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.*

NEGATIVE. The property can still be fully utilized for residential uses as allowed by the Zoning Code.

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

NEGATIVE. There are no unique circumstances to justify a waiver of the requirements of the Zoning Code which are currently in place.

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. 12-39-V** the vote was:
Ayes: 0
Nays: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Motion failed.

Following the Public Hearing portion of the Meeting and prior to the start of Deliberations, Chairman Newman called for a recess at 7:15 p.m. and then reconvened the meeting at 7:25 p.m. to conduct Deliberations of the Zoning Cases.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **WEDNESDAY, September 5, 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 Toevs, seconded by Baum, 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.

(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, August 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, Duane Lessen, Sandy May, Loren Toevs, Phil Webb and Ken Zimmerman

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Matt Drake, Assistant States Attorney, Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Chairman Carroll Imig, Russ Crawford, Paul Hahn, Terry Hillegonds, Darrell Meisinger, and Rosemary Palmer

OTHERS PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Baum, to approve the Minutes of the July 2, 2012 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

CASE NO. 12-27-Z: The petition of James Privett, et al for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from a C-2 General Business Commercial District to an A-1 Agriculture Preservation 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

James Privett appeared to testify on behalf of the proposed Rezoning request. Mr. Privett stated he purchased the property under the assumption it was zoned for Agriculture and was not made aware of the mixed zoning until he tried to sell the property. Mr. Privett said he owned the property for 6 years and had been remodeling the interior for the last 3 years. Mr. Privett added 3 acres of the property was being farmed.

Following all Public Hearings, moved by Baum, seconded by May, to recommend approval of **Case No. 12-27-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as a community growth area and not commercial.

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

POSITIVE. 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 farming and residential uses of property within the general area. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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

   POSITIVE. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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 of C-2 given the existing single family residential structure and 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 and agricultural 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. T*he trend of nearby development has been single family residential and agricultural development.

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. Area surrounding the subject property has transitioned to single family residential and agriculture development.

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 proposed zoning map amendment is within 1.5 miles of Pekin, a municipality with an adopted Comprehensive Plan. Further the City had no objections to the Rezoning.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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.

- Avoid land development that occurs in isolated areas away from existing developed areas.

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

On roll call to recommend approval of **Case No. 12-27-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-28-Z: The petition of Excel Foundry and Machine, Inc. a subsidiary of FLSmidth Salt Lake City, Inc. for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an I-2 Heavy Industrial 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

Dave Eagan appeared to testify on behalf of the proposed Rezoning request. Mr. Eagan stated his company would be constructing a 112,000 square foot addition next to this proposed property which contained a dwelling. Mr. Eagan said the property owner approached Excel about purchasing the site. Mr. Eagan added Excel would raise the structures to widen the drive for semi access off of Shady Lane, and it was feasible to have the property the same Zoning Classification as the adjacent land.

Following all Public Hearings, moved by Zimmerman, seconded by Lessen, to recommend approval of **Case No. 12-28-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area being on the border between Industrial and Conservation districts.

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

   POSITIVE. 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. The requested rezoning may actually improve safety by eliminating a single family residence in such close proximity to a heavy industrial use.

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 foundry operations within 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 request is consistent with other I-2 Zoning Districts within the area.

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 of A-1 given the foundry's desire to develop truck parking, which is not allowed in the A-1 district by right.

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 already being utilized for foundry operations and that truck parking is allowed by right with the I-2 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. T*he trend of nearby development has transitioned towards industrial uses and zoning since the property was placed in its current zoning.

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. Land development in the area has transitioned to industrial uses.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. Allowing the Rezoning will allow for expansion to Excel which will be a gain to the public.

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

    POSITIVE. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.

    - Minimize conflict between land uses.

- Encourage the reuse of vacant properties for new and existing businesses.

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. 12-28-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-29-Z: The petition of Sam Parrott for a Map Amendment to the Official Tremont Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an A-2 Agriculture 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 approval regarding the proposed Rezoning request.

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

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Rezoning request.

Larry Bolliger, Tremont 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 701 made no comment regarding the proposed Rezoning request.

Sam Parrot appeared to testify on behalf of the proposed Rezoning request. Mr. Parrott stated he would like to divide one lot for his daughter at the present time and another lot in the future for another child. Mr. Parrott said the property had a future land use plan for an A-2 Zoning Classification, so it was suggested he Rezone the property at the present time. Mr. Parrott added the proposed Parcel C indicated on the site plan would be combined with the lot containing his current dwelling and would have a restriction of no dwellings on that property. Mr. Parrott stated he had no intent to build anything that would use the existing easement, he only maintains an easement to drive across the adjacent property.

Ginger Herrman appeared with questions regarding the proposed Rezoning request. Ms. Herrman stated her father owned the farm land adjacent to the proposed property and allowed Mr. Parrott an easement across that property. Ms. Herrman said her father was concerned if Mr. Parrott would be constructing a road on the easement. Ms. Herrman referred to a map indicating her fathers property and questioning which parcels would be built upon.

Following all Public Hearings, moved by Baum, seconded by Toevs, to recommend approval of **Case No. 12-29-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as A-2.

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. 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.

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

   POSITIVE. 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**.**

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 will be compatible with the A-2 zoning designation as detailed in the Tazewell County Future Land Use Map.

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.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

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

On roll call to recommend approval of **Case No. 12-29-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-30-Z: The petition of Mike Sutherland, d/b/a Sutherland and Sons Constriction, Inc. for a Map Amendment to the Official Groveland Township Zoning Map of Tazewell County to change the zoning classification of property from a R-1 Low Density Residential Zoning District to an I-1 Light Industrial 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 regarding the proposed Rezoning request stating a concern of the erosion control on the property.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Rezoning request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Rezoning request.

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

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

School District 76 and 309 made no comment regarding the proposed Rezoning request.

Mike Sutherland appeared to testify on behalf of the proposed Rezoning request. Mr. Sutherland stated he was working with the City of East Peoria on the 2010 Project for removal of clay located on the property. Mr. Sutherland said the property was once an entrance to a coal mine and the land was basically useless. Mr. Sutherland added when he found out part of the property was Zoned for R-1 he was surprised as he thought the entire property was Zoned I-1 Light Industrial.

Following all Public Hearings, moved by Lessen, seconded by Baum, to recommend approval of **Case No. 12-30-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 proposed zoning amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the current and past uses of the subject parcel.

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

POSITIVE. 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 industrial uses along Cole Hollow Road. Portions of the subject parcel and adjacent parcels are currently zoned I-1.

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

POSITIVE.

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 of R-1 given the existing industrial uses along Cole Hollow Road.

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 currently being utilized for industrial 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. Per the applicant, there has not been any development in the immediate vicinity recently.

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.

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 proposed zoning map amendment is within 1.5 miles of the City of East Peoria, a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Minimize conflict between land uses.
- Encourage the reuse of vacant properties for new and existing businesses.

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

On roll call to recommend approval of **Case No. 12-30-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-31-S: The petition of Dan and Karen Doore for a 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 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 regarding the proposed Special Use request.

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

John Anderson, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating access will be approved at a specified location and an entrance permit will be necessary.

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

Marilyn Kohn, Realtor appeared to testify on behalf of the proposed Special Use request. Ms. Kohn stated she had listed the property for the Doore's. She said the surrounding properties are similar size parcels with dwellings and farmettes. Ms. Kohn added there was a purchaser for the property to build a single family dwelling upon and it was not until they were working on the closing that it was discovered that the property was not a buildable lot of record. Ms. Kohn stated the sale of the property was contingent to Zoning Board Approval and added the Highway Department had given approval for an entrance location on Springfield Road.

Following all Public Hearings, moved by Baum, seconded by May, to approve of **Case No. 12-31-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed dwelling to be set back from the main road.

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. A new single family detached dwelling 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. The subject area is primarily farmland, which shall remain in crop production for the foreseeable future, and single family residences, limiting injury to the use and enjoyment of other property in the immediate area.

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

   POSITIVE. A new single family detached dwelling is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service and will feature a propane gas system, and private septic system. Water rights were previously purchased / approved from the Groveland Township. Existing stormwater drainage carries / directs runoff to the ditches along Broadway Street and Springfield Road. The Highway Department has previously approved site access from Springfield 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. Given the current traffic volumes on Broadway Street and Springfield Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed dwelling site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a single family detached dwelling site is consistent with the other existing single family detached homes in the immediate vicinity.

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

    POSITIVE. Given its proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-31-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-32-S: The petition of Michael Tibbs for a Special Use to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling in a 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 submitted a report regarding the proposed Special Use request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Special Use request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Special Use request.

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

School Districts 606 and 303 made no comment regarding the proposed Special Use request.

THE FOLLOWING CONTAINS TESTIMONY FOR CASE NO. 12-32-S, 12-33-V & 12-34-V:

Michael Tibbs appeared to testify on behalf of the proposed Special Use and Variance requests. Mr. Tibbs stated he owned 2 lots, on the East and on the West side of Bass Road. Mr. Tibbs said he would like to build a garage prior to a dwelling in order to store materials necessary to build a dwelling on the West side of the road. Mr. Tibbs added he does construction work himself and the dwelling may not begin construction for another 3 to 4 years. Mr. Tibbs stated the proposed garage was typical to other garages in the area. Mr. Tibbs said due to the hillside on the property on the East side of the road he would not be able to meet the required setback. Mr. Tibbs added a prior owner began removing soil to construct a garage, however never began construction. Mr. Tibbs stated the proposed garage would be just that, a garage, and there would be no living quarters and no septic system. Mr. Tibbs said the lake lot on the West side of the road had a storage shed on the property which is where he will construct a future dwelling and the hillside would determine what size the actual garage would be, however he knew it would not need to be anymore than 900 square foot.

Following all Public Hearings, moved by Baum, seconded by Zimmerman, to approve of **Case No. 12-32-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed accessory structure on the east side of Bass Road in line with existing accessory structures.

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. A new detached accessory structure 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. The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area should be limited with the development of a new accessory structure and eventual single family residence.

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

   POSITIVE. A new single family detached dwelling and accessory structure is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service, which is the only service the proposed accessory structure will require. The proposed accessory structure will have easy vehicular access to Bass 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. Given the current traffic volumes on Bass Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

POSITIVE. Given its proximity to other existing single family detached homes and accessory structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-32-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-33-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(c)(1) to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling to be 900 square feet which is 500 square feet larger than allowed for the purpose of storing materials necessary to construct a Principal Dwelling in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-33-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 12-33-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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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 proposed size of the garage is consistent with other structures of similar nature in immediate 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.

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 a larger structure to accommodate for storage.

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. The Ordinance does not address unique circumstances such as proposed.

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

   POSITIVE. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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

On roll call to approve **Case No. 12-33-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-34-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow construction of an Accessory Structure (Unattached Garage) to be 37' from the centerline of Bass Road which is 13' closer than allowed in an R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.
Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-34-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 12-34-S**.

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. Due to part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 request will not be detrimental to the public or improvements within the neighborhood and is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 applicant is simply seeking to construct a garage for storage on a lot that is encumbered by a large hillside therefore limiting alternatives for placement of the garage.

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. Similar request have been granted in the immediate vicinity due to the abnormal circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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

On roll call to approve **Case No. 12-34-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-35-V: The petition of Larry Bollinger for a Variance to waive the requirements of 7TCC1-7(g)(1)(i) to allow construction of an Accessory Structure (Unattached Garage) to be 112' from the Centerline of Illinois Route 9 which is 38' closer than allowed and to waive 7TCC1-7(g)(3)(ii) to allow the same Accessory Structure to be 12' from the Rear property line which is 13' closer than allowed in an A-1 Agriculture Preservation Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating there appeared to be adequate room for a replacement septic system if needed.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Variance request.

Mike Rankin, Mackinaw Township Road Commissioner made no comment regarding the proposed Variance request.

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

Lee White, IDOT made no comment regarding the proposed Variance request.

School District 701 made no comment regarding the proposed Special Use request.

Larry Bollinger appeared to testify on behalf of the proposed Variance request. Mr. Bollinger stated he would like to construct a garage, however being located on a corner lot and the shape of his lot posed a hardship for setback requirements. Mr. Bollinger said his garage would sit farther back from Route 9 than the dwelling was and the entrance to the garage would be to the North off of Hoffman Ave.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-35-S**.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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.

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 applicant is simply seeking construction of the garage for additional storage.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. 12-35-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-36-V: The petition of Ken and Lori Eckhardt for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 57.5' from the Centerline of Olympia Road, which is 42.5' closer 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 submitted a report recommending approval regarding the proposed Variance request.

Louis Anderson, Boynton Township Road Commissioner submitted a report making no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer submitted a report stating no issue regarding the proposed Variance request.

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

Ken Eckhardt appeared to testify on behalf of the proposed Variance request. Mr. Eckhardt stated his home was built in the 1890's and it originally had 2 front porches. Mr. Eckhardt said sometime over the years a previous owner removed the porches and he would like to reconstruct one porch as the house appeared to be "missing something". Mr. Eckhardt added he would not duplicate the original porch however it would be aesthetically pleasing.

Following all Public Hearings, moved by Lessen, seconded by May, to approve **Case No. 12-36-S**.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. Allow the Variance will not have an impact on 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 applicant is simply seeking to construct the porch for personal enjoyment and to be in character of the house as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. 12-36-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-37-V: The petition of Stephen Howard for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an Addition to Dwelling (Front Deck) to be 40' from the Centerline of Bittersweet Road, which is 10' closer than allowed in a R-1 Low Density Residential Zoning District.

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

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Variance request.

Dave Weaver, Washington Township Road Commissioner made no comment regarding the proposed Variance request.

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

School District 50 and 308 made no comment regarding the proposed Special Use request.

Stephen Howard appeared to testify on behalf of the proposed Variance request. Mr. Howard stated he would like to remove the existing front deck and replace it with a deck and ramp. Mr. Howard said his wife was handicap and needed a stable deck for access to and from the house.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-37-S**.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements.

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. Allowing the Variance will not impair supply of light, create congestion on Bittersweet Road or diminish property values.

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

   POSITIVE. The owner simply needs the wheelchair ramp to allow for easier accessibility to the home.

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. Due to the non-conforming homes in the area and the small lots sizes. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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

On roll call to approve **Case No. 12-37-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-38-V: The petition of Joseph Stoehr for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 73' from the Centerline of Nichols Road, which is 27' closer 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 making no comment regarding the proposed Variance request.

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

Melissa Rademacker, Malone Township Road Commissioner made no comment regarding the proposed Variance request.

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

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

Joseph Stoehr appeared to testify on behalf of the proposed Variance request. Mr. Stoehr stated he needed a porch on front of his dwelling for a second access. Mr. Stoehr said the porch would resemble a deck.

Following all Public Hearings, moved by Lessen, seconded by Toevs, to approve **Case No. 12-38-S**.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. Allowing the Variance will not have a negative impact on the surrounding neighborhood which is primarily farmland.

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 applicant is simply seeking to improve the home and allow for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. 12-38-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-39-V: The petition of Janet Zimmer, Trustee of the Ralph P. Thomas Trust, for a Variance to waive the requirements of 7TCC1-10(b)(3) to allow small farm animals, i.e. Chickens, Goats, etc. on a 4.13 acre lot, which is 15.87 acres less than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a written guidelines should be established and reviewed prior to approval.

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

Tazewell County Farm Bureau submitted a report recommending disapproval regarding the proposed Variance request.

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

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

School District 606 and 303 made no comment regarding the proposed Special Use request.

Jennifer Bradshaw, Realtor, appeared to testify on behalf of the proposed Variance request. Ms. Bradshaw stated this property had been on the market for over a year and the interested buyer would like to raise small farm animals. Ms. Bradshaw said the property had an existing outbuilding and coop. Ms. Bradshaw added it was at the corner of Talbotts Subdivision, however it was not within the subdivision and was adjacent to farmland on the West and to the South. Ms. Bradshaw stated in the City of Pekin chickens were allowed on smaller lots and her client would be agreeable to conditions such as fencing. Ms. Bradshaw said the proposed buyer would reside in the dwelling and use the property for recreational farming.

Jennifer Thomas appeared to testify against the proposed Variance request. Ms. Thomas stated she was representing various homeowners in Talbotts Subdivision and submitted a Petition of 48 names of those opposed to the Variance request. Ms. Thomas said a realtor told her that her property value would decrease by living next to farm animals and the outbuilding on the proposed lot was an old schoolhouse and she had never seen a coop on the property. Ms. Thomas added she did not want to smell the feces and was concerned of animals getting loose. Ms. Thomas stated the farm animals would cause an increase in an already problematic coyote problem and would cause an increase in rodents due to the hay and feed.

Following all Public Hearings, moved by Toevs, seconded by Baum, to approve **Case No. 12-39-S**.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District and could be detrimental to the adjoining properties and improvements of neighboring properties. Due to the property being for sale the owner was unable to provide an estimated number of animals that will be housed on the property.

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.*

NEGATIVE. Allowing the proposed Variance could allow for diminishment of property values of the neighboring residential properties.

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

NEGATIVE. Testimony was provided that the applicant is trying to sell the property and has been unable to do so and feels that allowing farm animals would allow the site to be more marketable.

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.*

NEGATIVE. Allowing the request would allow a special privilege that is currently denied by the Ordinance for properties within the same zoning district.

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.*

NEGATIVE. The property can still be fully utilized for residential uses as allowed by the Zoning Code.

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

NEGATIVE. There are no unique circumstances to justify a waiver of the requirements of the Zoning Code which are currently in place.

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. 12-39-V** the vote was:
Ayes: 0
Nays: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Motion failed.

Following the Public Hearing portion of the Meeting and prior to the start of Deliberations, Chairman Newman called for a recess at 7:15 p.m. and then reconvened the meeting at 7:25 p.m. to conduct Deliberations of the Zoning Cases.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **WEDNESDAY, September 5, 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 Toevs, seconded by Baum, 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.

(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, August 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, Duane Lessen, Sandy May, Loren Toevs, Phil Webb and Ken Zimmerman

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Matt Drake, Assistant States Attorney, Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Chairman Carroll Imig, Russ Crawford, Paul Hahn, Terry Hillegonds, Darrell Meisinger, and Rosemary Palmer

OTHERS PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Baum, to approve the Minutes of the July 2, 2012 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

CASE NO. 12-27-Z: The petition of James Privett, et al for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from a C-2 General Business Commercial District to an A-1 Agriculture Preservation 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

James Privett appeared to testify on behalf of the proposed Rezoning request. Mr. Privett stated he purchased the property under the assumption it was zoned for Agriculture and was not made aware of the mixed zoning until he tried to sell the property. Mr. Privett said he owned the property for 6 years and had been remodeling the interior for the last 3 years. Mr. Privett added 3 acres of the property was being farmed.

Following all Public Hearings, moved by Baum, seconded by May, to recommend approval of **Case No. 12-27-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as a community growth area and not commercial.

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

POSITIVE. 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 farming and residential uses of property within the general area. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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

   POSITIVE. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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 of C-2 given the existing single family residential structure and 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 and agricultural 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. T*he trend of nearby development has been single family residential and agricultural development.

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. Area surrounding the subject property has transitioned to single family residential and agriculture development.

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 proposed zoning map amendment is within 1.5 miles of Pekin, a municipality with an adopted Comprehensive Plan. Further the City had no objections to the Rezoning.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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.

- Avoid land development that occurs in isolated areas away from existing developed areas.

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

On roll call to recommend approval of **Case No. 12-27-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-28-Z: The petition of Excel Foundry and Machine, Inc. a subsidiary of FLSmidth Salt Lake City, Inc. for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an I-2 Heavy Industrial 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

Dave Eagan appeared to testify on behalf of the proposed Rezoning request. Mr. Eagan stated his company would be constructing a 112,000 square foot addition next to this proposed property which contained a dwelling. Mr. Eagan said the property owner approached Excel about purchasing the site. Mr. Eagan added Excel would raise the structures to widen the drive for semi access off of Shady Lane, and it was feasible to have the property the same Zoning Classification as the adjacent land.

Following all Public Hearings, moved by Zimmerman, seconded by Lessen, to recommend approval of **Case No. 12-28-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area being on the border between Industrial and Conservation districts.

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

   POSITIVE. 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. The requested rezoning may actually improve safety by eliminating a single family residence in such close proximity to a heavy industrial use.

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 foundry operations within 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 request is consistent with other I-2 Zoning Districts within the area.

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 of A-1 given the foundry's desire to develop truck parking, which is not allowed in the A-1 district by right.

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 already being utilized for foundry operations and that truck parking is allowed by right with the I-2 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. T*he trend of nearby development has transitioned towards industrial uses and zoning since the property was placed in its current zoning.

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. Land development in the area has transitioned to industrial uses.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. Allowing the Rezoning will allow for expansion to Excel which will be a gain to the public.

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

    POSITIVE. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.

    - Minimize conflict between land uses.

- Encourage the reuse of vacant properties for new and existing businesses.

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. 12-28-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-29-Z: The petition of Sam Parrott for a Map Amendment to the Official Tremont Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an A-2 Agriculture 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 approval regarding the proposed Rezoning request.

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

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Rezoning request.

Larry Bolliger, Tremont 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 701 made no comment regarding the proposed Rezoning request.

Sam Parrot appeared to testify on behalf of the proposed Rezoning request. Mr. Parrott stated he would like to divide one lot for his daughter at the present time and another lot in the future for another child. Mr. Parrott said the property had a future land use plan for an A-2 Zoning Classification, so it was suggested he Rezone the property at the present time. Mr. Parrott added the proposed Parcel C indicated on the site plan would be combined with the lot containing his current dwelling and would have a restriction of no dwellings on that property. Mr. Parrott stated he had no intent to build anything that would use the existing easement, he only maintains an easement to drive across the adjacent property.

Ginger Herrman appeared with questions regarding the proposed Rezoning request. Ms. Herrman stated her father owned the farm land adjacent to the proposed property and allowed Mr. Parrott an easement across that property. Ms. Herrman said her father was concerned if Mr. Parrott would be constructing a road on the easement. Ms. Herrman referred to a map indicating her fathers property and questioning which parcels would be built upon.

Following all Public Hearings, moved by Baum, seconded by Toevs, to recommend approval of **Case No. 12-29-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as A-2.

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. 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.

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

   POSITIVE. 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**.**

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 will be compatible with the A-2 zoning designation as detailed in the Tazewell County Future Land Use Map.

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.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

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

On roll call to recommend approval of **Case No. 12-29-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-30-Z: The petition of Mike Sutherland, d/b/a Sutherland and Sons Constriction, Inc. for a Map Amendment to the Official Groveland Township Zoning Map of Tazewell County to change the zoning classification of property from a R-1 Low Density Residential Zoning District to an I-1 Light Industrial 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 regarding the proposed Rezoning request stating a concern of the erosion control on the property.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Rezoning request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Rezoning request.

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

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

School District 76 and 309 made no comment regarding the proposed Rezoning request.

Mike Sutherland appeared to testify on behalf of the proposed Rezoning request. Mr. Sutherland stated he was working with the City of East Peoria on the 2010 Project for removal of clay located on the property. Mr. Sutherland said the property was once an entrance to a coal mine and the land was basically useless. Mr. Sutherland added when he found out part of the property was Zoned for R-1 he was surprised as he thought the entire property was Zoned I-1 Light Industrial.

Following all Public Hearings, moved by Lessen, seconded by Baum, to recommend approval of **Case No. 12-30-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 proposed zoning amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the current and past uses of the subject parcel.

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

POSITIVE. 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 industrial uses along Cole Hollow Road. Portions of the subject parcel and adjacent parcels are currently zoned I-1.

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

POSITIVE.

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 of R-1 given the existing industrial uses along Cole Hollow Road.

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 currently being utilized for industrial 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. Per the applicant, there has not been any development in the immediate vicinity recently.

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.

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 proposed zoning map amendment is within 1.5 miles of the City of East Peoria, a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Minimize conflict between land uses.
- Encourage the reuse of vacant properties for new and existing businesses.

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

On roll call to recommend approval of **Case No. 12-30-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-31-S: The petition of Dan and Karen Doore for a 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 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 regarding the proposed Special Use request.

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

John Anderson, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating access will be approved at a specified location and an entrance permit will be necessary.

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

Marilyn Kohn, Realtor appeared to testify on behalf of the proposed Special Use request. Ms. Kohn stated she had listed the property for the Doore's. She said the surrounding properties are similar size parcels with dwellings and farmettes. Ms. Kohn added there was a purchaser for the property to build a single family dwelling upon and it was not until they were working on the closing that it was discovered that the property was not a buildable lot of record. Ms. Kohn stated the sale of the property was contingent to Zoning Board Approval and added the Highway Department had given approval for an entrance location on Springfield Road.

Following all Public Hearings, moved by Baum, seconded by May, to approve of **Case No. 12-31-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed dwelling to be set back from the main road.

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. A new single family detached dwelling 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. The subject area is primarily farmland, which shall remain in crop production for the foreseeable future, and single family residences, limiting injury to the use and enjoyment of other property in the immediate area.

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

   POSITIVE. A new single family detached dwelling is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service and will feature a propane gas system, and private septic system. Water rights were previously purchased / approved from the Groveland Township. Existing stormwater drainage carries / directs runoff to the ditches along Broadway Street and Springfield Road. The Highway Department has previously approved site access from Springfield 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. Given the current traffic volumes on Broadway Street and Springfield Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed dwelling site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a single family detached dwelling site is consistent with the other existing single family detached homes in the immediate vicinity.

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

    POSITIVE. Given its proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-31-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-32-S: The petition of Michael Tibbs for a Special Use to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling in a 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 submitted a report regarding the proposed Special Use request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Special Use request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Special Use request.

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

School Districts 606 and 303 made no comment regarding the proposed Special Use request.

THE FOLLOWING CONTAINS TESTIMONY FOR CASE NO. 12-32-S, 12-33-V & 12-34-V:

Michael Tibbs appeared to testify on behalf of the proposed Special Use and Variance requests. Mr. Tibbs stated he owned 2 lots, on the East and on the West side of Bass Road. Mr. Tibbs said he would like to build a garage prior to a dwelling in order to store materials necessary to build a dwelling on the West side of the road. Mr. Tibbs added he does construction work himself and the dwelling may not begin construction for another 3 to 4 years. Mr. Tibbs stated the proposed garage was typical to other garages in the area. Mr. Tibbs said due to the hillside on the property on the East side of the road he would not be able to meet the required setback. Mr. Tibbs added a prior owner began removing soil to construct a garage, however never began construction. Mr. Tibbs stated the proposed garage would be just that, a garage, and there would be no living quarters and no septic system. Mr. Tibbs said the lake lot on the West side of the road had a storage shed on the property which is where he will construct a future dwelling and the hillside would determine what size the actual garage would be, however he knew it would not need to be anymore than 900 square foot.

Following all Public Hearings, moved by Baum, seconded by Zimmerman, to approve of **Case No. 12-32-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed accessory structure on the east side of Bass Road in line with existing accessory structures.

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. A new detached accessory structure 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. The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area should be limited with the development of a new accessory structure and eventual single family residence.

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

   POSITIVE. A new single family detached dwelling and accessory structure is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service, which is the only service the proposed accessory structure will require. The proposed accessory structure will have easy vehicular access to Bass 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. Given the current traffic volumes on Bass Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

POSITIVE. Given its proximity to other existing single family detached homes and accessory structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-32-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-33-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(c)(1) to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling to be 900 square feet which is 500 square feet larger than allowed for the purpose of storing materials necessary to construct a Principal Dwelling in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-33-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 12-33-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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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 proposed size of the garage is consistent with other structures of similar nature in immediate 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.

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 a larger structure to accommodate for storage.

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. The Ordinance does not address unique circumstances such as proposed.

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

   POSITIVE. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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

On roll call to approve **Case No. 12-33-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-34-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow construction of an Accessory Structure (Unattached Garage) to be 37' from the centerline of Bass Road which is 13' closer than allowed in an R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.
Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-34-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 12-34-S**.

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. Due to part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 request will not be detrimental to the public or improvements within the neighborhood and is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 applicant is simply seeking to construct a garage for storage on a lot that is encumbered by a large hillside therefore limiting alternatives for placement of the garage.

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. Similar request have been granted in the immediate vicinity due to the abnormal circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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

On roll call to approve **Case No. 12-34-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-35-V: The petition of Larry Bollinger for a Variance to waive the requirements of 7TCC1-7(g)(1)(i) to allow construction of an Accessory Structure (Unattached Garage) to be 112' from the Centerline of Illinois Route 9 which is 38' closer than allowed and to waive 7TCC1-7(g)(3)(ii) to allow the same Accessory Structure to be 12' from the Rear property line which is 13' closer than allowed in an A-1 Agriculture Preservation Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating there appeared to be adequate room for a replacement septic system if needed.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Variance request.

Mike Rankin, Mackinaw Township Road Commissioner made no comment regarding the proposed Variance request.

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

Lee White, IDOT made no comment regarding the proposed Variance request.

School District 701 made no comment regarding the proposed Special Use request.

Larry Bollinger appeared to testify on behalf of the proposed Variance request. Mr. Bollinger stated he would like to construct a garage, however being located on a corner lot and the shape of his lot posed a hardship for setback requirements. Mr. Bollinger said his garage would sit farther back from Route 9 than the dwelling was and the entrance to the garage would be to the North off of Hoffman Ave.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-35-S**.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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.

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 applicant is simply seeking construction of the garage for additional storage.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. 12-35-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-36-V: The petition of Ken and Lori Eckhardt for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 57.5' from the Centerline of Olympia Road, which is 42.5' closer 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 submitted a report recommending approval regarding the proposed Variance request.

Louis Anderson, Boynton Township Road Commissioner submitted a report making no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer submitted a report stating no issue regarding the proposed Variance request.

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

Ken Eckhardt appeared to testify on behalf of the proposed Variance request. Mr. Eckhardt stated his home was built in the 1890's and it originally had 2 front porches. Mr. Eckhardt said sometime over the years a previous owner removed the porches and he would like to reconstruct one porch as the house appeared to be "missing something". Mr. Eckhardt added he would not duplicate the original porch however it would be aesthetically pleasing.

Following all Public Hearings, moved by Lessen, seconded by May, to approve **Case No. 12-36-S**.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. Allow the Variance will not have an impact on 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 applicant is simply seeking to construct the porch for personal enjoyment and to be in character of the house as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. 12-36-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-37-V: The petition of Stephen Howard for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an Addition to Dwelling (Front Deck) to be 40' from the Centerline of Bittersweet Road, which is 10' closer than allowed in a R-1 Low Density Residential Zoning District.

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

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Variance request.

Dave Weaver, Washington Township Road Commissioner made no comment regarding the proposed Variance request.

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

School District 50 and 308 made no comment regarding the proposed Special Use request.

Stephen Howard appeared to testify on behalf of the proposed Variance request. Mr. Howard stated he would like to remove the existing front deck and replace it with a deck and ramp. Mr. Howard said his wife was handicap and needed a stable deck for access to and from the house.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-37-S**.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements.

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. Allowing the Variance will not impair supply of light, create congestion on Bittersweet Road or diminish property values.

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

   POSITIVE. The owner simply needs the wheelchair ramp to allow for easier accessibility to the home.

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. Due to the non-conforming homes in the area and the small lots sizes. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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

On roll call to approve **Case No. 12-37-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-38-V: The petition of Joseph Stoehr for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 73' from the Centerline of Nichols Road, which is 27' closer 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 making no comment regarding the proposed Variance request.

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

Melissa Rademacker, Malone Township Road Commissioner made no comment regarding the proposed Variance request.

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

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

Joseph Stoehr appeared to testify on behalf of the proposed Variance request. Mr. Stoehr stated he needed a porch on front of his dwelling for a second access. Mr. Stoehr said the porch would resemble a deck.

Following all Public Hearings, moved by Lessen, seconded by Toevs, to approve **Case No. 12-38-S**.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. Allowing the Variance will not have a negative impact on the surrounding neighborhood which is primarily farmland.

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 applicant is simply seeking to improve the home and allow for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. 12-38-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-39-V: The petition of Janet Zimmer, Trustee of the Ralph P. Thomas Trust, for a Variance to waive the requirements of 7TCC1-10(b)(3) to allow small farm animals, i.e. Chickens, Goats, etc. on a 4.13 acre lot, which is 15.87 acres less than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a written guidelines should be established and reviewed prior to approval.

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

Tazewell County Farm Bureau submitted a report recommending disapproval regarding the proposed Variance request.

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

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

School District 606 and 303 made no comment regarding the proposed Special Use request.

Jennifer Bradshaw, Realtor, appeared to testify on behalf of the proposed Variance request. Ms. Bradshaw stated this property had been on the market for over a year and the interested buyer would like to raise small farm animals. Ms. Bradshaw said the property had an existing outbuilding and coop. Ms. Bradshaw added it was at the corner of Talbotts Subdivision, however it was not within the subdivision and was adjacent to farmland on the West and to the South. Ms. Bradshaw stated in the City of Pekin chickens were allowed on smaller lots and her client would be agreeable to conditions such as fencing. Ms. Bradshaw said the proposed buyer would reside in the dwelling and use the property for recreational farming.

Jennifer Thomas appeared to testify against the proposed Variance request. Ms. Thomas stated she was representing various homeowners in Talbotts Subdivision and submitted a Petition of 48 names of those opposed to the Variance request. Ms. Thomas said a realtor told her that her property value would decrease by living next to farm animals and the outbuilding on the proposed lot was an old schoolhouse and she had never seen a coop on the property. Ms. Thomas added she did not want to smell the feces and was concerned of animals getting loose. Ms. Thomas stated the farm animals would cause an increase in an already problematic coyote problem and would cause an increase in rodents due to the hay and feed.

Following all Public Hearings, moved by Toevs, seconded by Baum, to approve **Case No. 12-39-S**.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District and could be detrimental to the adjoining properties and improvements of neighboring properties. Due to the property being for sale the owner was unable to provide an estimated number of animals that will be housed on the property.

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.*

NEGATIVE. Allowing the proposed Variance could allow for diminishment of property values of the neighboring residential properties.

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

NEGATIVE. Testimony was provided that the applicant is trying to sell the property and has been unable to do so and feels that allowing farm animals would allow the site to be more marketable.

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.*

NEGATIVE. Allowing the request would allow a special privilege that is currently denied by the Ordinance for properties within the same zoning district.

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.*

NEGATIVE. The property can still be fully utilized for residential uses as allowed by the Zoning Code.

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

NEGATIVE. There are no unique circumstances to justify a waiver of the requirements of the Zoning Code which are currently in place.

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. 12-39-V** the vote was:
Ayes: 0
Nays: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Motion failed.

Following the Public Hearing portion of the Meeting and prior to the start of Deliberations, Chairman Newman called for a recess at 7:15 p.m. and then reconvened the meeting at 7:25 p.m. to conduct Deliberations of the Zoning Cases.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **WEDNESDAY, September 5, 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 Toevs, seconded by Baum, 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.

(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, August 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, Duane Lessen, Sandy May, Loren Toevs, Phil Webb and Ken Zimmerman

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Matt Drake, Assistant States Attorney, Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Chairman Carroll Imig, Russ Crawford, Paul Hahn, Terry Hillegonds, Darrell Meisinger, and Rosemary Palmer

OTHERS PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Baum, to approve the Minutes of the July 2, 2012 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

CASE NO. 12-27-Z: The petition of James Privett, et al for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from a C-2 General Business Commercial District to an A-1 Agriculture Preservation 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

James Privett appeared to testify on behalf of the proposed Rezoning request. Mr. Privett stated he purchased the property under the assumption it was zoned for Agriculture and was not made aware of the mixed zoning until he tried to sell the property. Mr. Privett said he owned the property for 6 years and had been remodeling the interior for the last 3 years. Mr. Privett added 3 acres of the property was being farmed.

Following all Public Hearings, moved by Baum, seconded by May, to recommend approval of **Case No. 12-27-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as a community growth area and not commercial.

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

POSITIVE. 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 farming and residential uses of property within the general area. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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

   POSITIVE. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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 of C-2 given the existing single family residential structure and 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 and agricultural 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. T*he trend of nearby development has been single family residential and agricultural development.

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. Area surrounding the subject property has transitioned to single family residential and agriculture development.

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 proposed zoning map amendment is within 1.5 miles of Pekin, a municipality with an adopted Comprehensive Plan. Further the City had no objections to the Rezoning.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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.

- Avoid land development that occurs in isolated areas away from existing developed areas.

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

On roll call to recommend approval of **Case No. 12-27-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-28-Z: The petition of Excel Foundry and Machine, Inc. a subsidiary of FLSmidth Salt Lake City, Inc. for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an I-2 Heavy Industrial 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

Dave Eagan appeared to testify on behalf of the proposed Rezoning request. Mr. Eagan stated his company would be constructing a 112,000 square foot addition next to this proposed property which contained a dwelling. Mr. Eagan said the property owner approached Excel about purchasing the site. Mr. Eagan added Excel would raise the structures to widen the drive for semi access off of Shady Lane, and it was feasible to have the property the same Zoning Classification as the adjacent land.

Following all Public Hearings, moved by Zimmerman, seconded by Lessen, to recommend approval of **Case No. 12-28-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area being on the border between Industrial and Conservation districts.

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

   POSITIVE. 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. The requested rezoning may actually improve safety by eliminating a single family residence in such close proximity to a heavy industrial use.

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 foundry operations within 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 request is consistent with other I-2 Zoning Districts within the area.

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 of A-1 given the foundry's desire to develop truck parking, which is not allowed in the A-1 district by right.

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 already being utilized for foundry operations and that truck parking is allowed by right with the I-2 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. T*he trend of nearby development has transitioned towards industrial uses and zoning since the property was placed in its current zoning.

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. Land development in the area has transitioned to industrial uses.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. Allowing the Rezoning will allow for expansion to Excel which will be a gain to the public.

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

    POSITIVE. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.

    - Minimize conflict between land uses.

- Encourage the reuse of vacant properties for new and existing businesses.

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. 12-28-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-29-Z: The petition of Sam Parrott for a Map Amendment to the Official Tremont Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an A-2 Agriculture 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 approval regarding the proposed Rezoning request.

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

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Rezoning request.

Larry Bolliger, Tremont 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 701 made no comment regarding the proposed Rezoning request.

Sam Parrot appeared to testify on behalf of the proposed Rezoning request. Mr. Parrott stated he would like to divide one lot for his daughter at the present time and another lot in the future for another child. Mr. Parrott said the property had a future land use plan for an A-2 Zoning Classification, so it was suggested he Rezone the property at the present time. Mr. Parrott added the proposed Parcel C indicated on the site plan would be combined with the lot containing his current dwelling and would have a restriction of no dwellings on that property. Mr. Parrott stated he had no intent to build anything that would use the existing easement, he only maintains an easement to drive across the adjacent property.

Ginger Herrman appeared with questions regarding the proposed Rezoning request. Ms. Herrman stated her father owned the farm land adjacent to the proposed property and allowed Mr. Parrott an easement across that property. Ms. Herrman said her father was concerned if Mr. Parrott would be constructing a road on the easement. Ms. Herrman referred to a map indicating her fathers property and questioning which parcels would be built upon.

Following all Public Hearings, moved by Baum, seconded by Toevs, to recommend approval of **Case No. 12-29-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as A-2.

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. 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.

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

   POSITIVE. 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**.**

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 will be compatible with the A-2 zoning designation as detailed in the Tazewell County Future Land Use Map.

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.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

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

On roll call to recommend approval of **Case No. 12-29-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-30-Z: The petition of Mike Sutherland, d/b/a Sutherland and Sons Constriction, Inc. for a Map Amendment to the Official Groveland Township Zoning Map of Tazewell County to change the zoning classification of property from a R-1 Low Density Residential Zoning District to an I-1 Light Industrial 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 regarding the proposed Rezoning request stating a concern of the erosion control on the property.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Rezoning request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Rezoning request.

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

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

School District 76 and 309 made no comment regarding the proposed Rezoning request.

Mike Sutherland appeared to testify on behalf of the proposed Rezoning request. Mr. Sutherland stated he was working with the City of East Peoria on the 2010 Project for removal of clay located on the property. Mr. Sutherland said the property was once an entrance to a coal mine and the land was basically useless. Mr. Sutherland added when he found out part of the property was Zoned for R-1 he was surprised as he thought the entire property was Zoned I-1 Light Industrial.

Following all Public Hearings, moved by Lessen, seconded by Baum, to recommend approval of **Case No. 12-30-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 proposed zoning amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the current and past uses of the subject parcel.

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

POSITIVE. 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 industrial uses along Cole Hollow Road. Portions of the subject parcel and adjacent parcels are currently zoned I-1.

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

POSITIVE.

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 of R-1 given the existing industrial uses along Cole Hollow Road.

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 currently being utilized for industrial 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. Per the applicant, there has not been any development in the immediate vicinity recently.

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.

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 proposed zoning map amendment is within 1.5 miles of the City of East Peoria, a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Minimize conflict between land uses.
- Encourage the reuse of vacant properties for new and existing businesses.

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

On roll call to recommend approval of **Case No. 12-30-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-31-S: The petition of Dan and Karen Doore for a 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 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 regarding the proposed Special Use request.

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

John Anderson, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating access will be approved at a specified location and an entrance permit will be necessary.

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

Marilyn Kohn, Realtor appeared to testify on behalf of the proposed Special Use request. Ms. Kohn stated she had listed the property for the Doore's. She said the surrounding properties are similar size parcels with dwellings and farmettes. Ms. Kohn added there was a purchaser for the property to build a single family dwelling upon and it was not until they were working on the closing that it was discovered that the property was not a buildable lot of record. Ms. Kohn stated the sale of the property was contingent to Zoning Board Approval and added the Highway Department had given approval for an entrance location on Springfield Road.

Following all Public Hearings, moved by Baum, seconded by May, to approve of **Case No. 12-31-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed dwelling to be set back from the main road.

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. A new single family detached dwelling 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. The subject area is primarily farmland, which shall remain in crop production for the foreseeable future, and single family residences, limiting injury to the use and enjoyment of other property in the immediate area.

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

   POSITIVE. A new single family detached dwelling is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service and will feature a propane gas system, and private septic system. Water rights were previously purchased / approved from the Groveland Township. Existing stormwater drainage carries / directs runoff to the ditches along Broadway Street and Springfield Road. The Highway Department has previously approved site access from Springfield 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. Given the current traffic volumes on Broadway Street and Springfield Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed dwelling site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a single family detached dwelling site is consistent with the other existing single family detached homes in the immediate vicinity.

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

    POSITIVE. Given its proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-31-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-32-S: The petition of Michael Tibbs for a Special Use to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling in a 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 submitted a report regarding the proposed Special Use request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Special Use request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Special Use request.

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

School Districts 606 and 303 made no comment regarding the proposed Special Use request.

THE FOLLOWING CONTAINS TESTIMONY FOR CASE NO. 12-32-S, 12-33-V & 12-34-V:

Michael Tibbs appeared to testify on behalf of the proposed Special Use and Variance requests. Mr. Tibbs stated he owned 2 lots, on the East and on the West side of Bass Road. Mr. Tibbs said he would like to build a garage prior to a dwelling in order to store materials necessary to build a dwelling on the West side of the road. Mr. Tibbs added he does construction work himself and the dwelling may not begin construction for another 3 to 4 years. Mr. Tibbs stated the proposed garage was typical to other garages in the area. Mr. Tibbs said due to the hillside on the property on the East side of the road he would not be able to meet the required setback. Mr. Tibbs added a prior owner began removing soil to construct a garage, however never began construction. Mr. Tibbs stated the proposed garage would be just that, a garage, and there would be no living quarters and no septic system. Mr. Tibbs said the lake lot on the West side of the road had a storage shed on the property which is where he will construct a future dwelling and the hillside would determine what size the actual garage would be, however he knew it would not need to be anymore than 900 square foot.

Following all Public Hearings, moved by Baum, seconded by Zimmerman, to approve of **Case No. 12-32-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed accessory structure on the east side of Bass Road in line with existing accessory structures.

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. A new detached accessory structure 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. The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area should be limited with the development of a new accessory structure and eventual single family residence.

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

   POSITIVE. A new single family detached dwelling and accessory structure is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service, which is the only service the proposed accessory structure will require. The proposed accessory structure will have easy vehicular access to Bass 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. Given the current traffic volumes on Bass Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

POSITIVE. Given its proximity to other existing single family detached homes and accessory structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-32-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-33-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(c)(1) to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling to be 900 square feet which is 500 square feet larger than allowed for the purpose of storing materials necessary to construct a Principal Dwelling in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-33-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 12-33-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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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 proposed size of the garage is consistent with other structures of similar nature in immediate 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.

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 a larger structure to accommodate for storage.

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. The Ordinance does not address unique circumstances such as proposed.

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

   POSITIVE. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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

On roll call to approve **Case No. 12-33-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-34-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow construction of an Accessory Structure (Unattached Garage) to be 37' from the centerline of Bass Road which is 13' closer than allowed in an R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.
Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-34-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 12-34-S**.

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. Due to part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 request will not be detrimental to the public or improvements within the neighborhood and is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 applicant is simply seeking to construct a garage for storage on a lot that is encumbered by a large hillside therefore limiting alternatives for placement of the garage.

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. Similar request have been granted in the immediate vicinity due to the abnormal circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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

On roll call to approve **Case No. 12-34-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-35-V: The petition of Larry Bollinger for a Variance to waive the requirements of 7TCC1-7(g)(1)(i) to allow construction of an Accessory Structure (Unattached Garage) to be 112' from the Centerline of Illinois Route 9 which is 38' closer than allowed and to waive 7TCC1-7(g)(3)(ii) to allow the same Accessory Structure to be 12' from the Rear property line which is 13' closer than allowed in an A-1 Agriculture Preservation Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating there appeared to be adequate room for a replacement septic system if needed.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Variance request.

Mike Rankin, Mackinaw Township Road Commissioner made no comment regarding the proposed Variance request.

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

Lee White, IDOT made no comment regarding the proposed Variance request.

School District 701 made no comment regarding the proposed Special Use request.

Larry Bollinger appeared to testify on behalf of the proposed Variance request. Mr. Bollinger stated he would like to construct a garage, however being located on a corner lot and the shape of his lot posed a hardship for setback requirements. Mr. Bollinger said his garage would sit farther back from Route 9 than the dwelling was and the entrance to the garage would be to the North off of Hoffman Ave.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-35-S**.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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.

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 applicant is simply seeking construction of the garage for additional storage.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. 12-35-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-36-V: The petition of Ken and Lori Eckhardt for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 57.5' from the Centerline of Olympia Road, which is 42.5' closer 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 submitted a report recommending approval regarding the proposed Variance request.

Louis Anderson, Boynton Township Road Commissioner submitted a report making no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer submitted a report stating no issue regarding the proposed Variance request.

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

Ken Eckhardt appeared to testify on behalf of the proposed Variance request. Mr. Eckhardt stated his home was built in the 1890's and it originally had 2 front porches. Mr. Eckhardt said sometime over the years a previous owner removed the porches and he would like to reconstruct one porch as the house appeared to be "missing something". Mr. Eckhardt added he would not duplicate the original porch however it would be aesthetically pleasing.

Following all Public Hearings, moved by Lessen, seconded by May, to approve **Case No. 12-36-S**.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. Allow the Variance will not have an impact on 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 applicant is simply seeking to construct the porch for personal enjoyment and to be in character of the house as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. 12-36-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-37-V: The petition of Stephen Howard for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an Addition to Dwelling (Front Deck) to be 40' from the Centerline of Bittersweet Road, which is 10' closer than allowed in a R-1 Low Density Residential Zoning District.

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

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Variance request.

Dave Weaver, Washington Township Road Commissioner made no comment regarding the proposed Variance request.

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

School District 50 and 308 made no comment regarding the proposed Special Use request.

Stephen Howard appeared to testify on behalf of the proposed Variance request. Mr. Howard stated he would like to remove the existing front deck and replace it with a deck and ramp. Mr. Howard said his wife was handicap and needed a stable deck for access to and from the house.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-37-S**.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements.

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. Allowing the Variance will not impair supply of light, create congestion on Bittersweet Road or diminish property values.

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

   POSITIVE. The owner simply needs the wheelchair ramp to allow for easier accessibility to the home.

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. Due to the non-conforming homes in the area and the small lots sizes. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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

On roll call to approve **Case No. 12-37-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-38-V: The petition of Joseph Stoehr for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 73' from the Centerline of Nichols Road, which is 27' closer 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 making no comment regarding the proposed Variance request.

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

Melissa Rademacker, Malone Township Road Commissioner made no comment regarding the proposed Variance request.

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

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

Joseph Stoehr appeared to testify on behalf of the proposed Variance request. Mr. Stoehr stated he needed a porch on front of his dwelling for a second access. Mr. Stoehr said the porch would resemble a deck.

Following all Public Hearings, moved by Lessen, seconded by Toevs, to approve **Case No. 12-38-S**.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. Allowing the Variance will not have a negative impact on the surrounding neighborhood which is primarily farmland.

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 applicant is simply seeking to improve the home and allow for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. 12-38-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-39-V: The petition of Janet Zimmer, Trustee of the Ralph P. Thomas Trust, for a Variance to waive the requirements of 7TCC1-10(b)(3) to allow small farm animals, i.e. Chickens, Goats, etc. on a 4.13 acre lot, which is 15.87 acres less than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a written guidelines should be established and reviewed prior to approval.

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

Tazewell County Farm Bureau submitted a report recommending disapproval regarding the proposed Variance request.

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

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

School District 606 and 303 made no comment regarding the proposed Special Use request.

Jennifer Bradshaw, Realtor, appeared to testify on behalf of the proposed Variance request. Ms. Bradshaw stated this property had been on the market for over a year and the interested buyer would like to raise small farm animals. Ms. Bradshaw said the property had an existing outbuilding and coop. Ms. Bradshaw added it was at the corner of Talbotts Subdivision, however it was not within the subdivision and was adjacent to farmland on the West and to the South. Ms. Bradshaw stated in the City of Pekin chickens were allowed on smaller lots and her client would be agreeable to conditions such as fencing. Ms. Bradshaw said the proposed buyer would reside in the dwelling and use the property for recreational farming.

Jennifer Thomas appeared to testify against the proposed Variance request. Ms. Thomas stated she was representing various homeowners in Talbotts Subdivision and submitted a Petition of 48 names of those opposed to the Variance request. Ms. Thomas said a realtor told her that her property value would decrease by living next to farm animals and the outbuilding on the proposed lot was an old schoolhouse and she had never seen a coop on the property. Ms. Thomas added she did not want to smell the feces and was concerned of animals getting loose. Ms. Thomas stated the farm animals would cause an increase in an already problematic coyote problem and would cause an increase in rodents due to the hay and feed.

Following all Public Hearings, moved by Toevs, seconded by Baum, to approve **Case No. 12-39-S**.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District and could be detrimental to the adjoining properties and improvements of neighboring properties. Due to the property being for sale the owner was unable to provide an estimated number of animals that will be housed on the property.

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.*

NEGATIVE. Allowing the proposed Variance could allow for diminishment of property values of the neighboring residential properties.

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

NEGATIVE. Testimony was provided that the applicant is trying to sell the property and has been unable to do so and feels that allowing farm animals would allow the site to be more marketable.

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.*

NEGATIVE. Allowing the request would allow a special privilege that is currently denied by the Ordinance for properties within the same zoning district.

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.*

NEGATIVE. The property can still be fully utilized for residential uses as allowed by the Zoning Code.

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

NEGATIVE. There are no unique circumstances to justify a waiver of the requirements of the Zoning Code which are currently in place.

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. 12-39-V** the vote was:
Ayes: 0
Nays: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Motion failed.

Following the Public Hearing portion of the Meeting and prior to the start of Deliberations, Chairman Newman called for a recess at 7:15 p.m. and then reconvened the meeting at 7:25 p.m. to conduct Deliberations of the Zoning Cases.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **WEDNESDAY, September 5, 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 Toevs, seconded by Baum, 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.

(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, August 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, Duane Lessen, Sandy May, Loren Toevs, Phil Webb and Ken Zimmerman

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Matt Drake, Assistant States Attorney, Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Chairman Carroll Imig, Russ Crawford, Paul Hahn, Terry Hillegonds, Darrell Meisinger, and Rosemary Palmer

OTHERS PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Baum, to approve the Minutes of the July 2, 2012 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

CASE NO. 12-27-Z: The petition of James Privett, et al for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from a C-2 General Business Commercial District to an A-1 Agriculture Preservation 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

James Privett appeared to testify on behalf of the proposed Rezoning request. Mr. Privett stated he purchased the property under the assumption it was zoned for Agriculture and was not made aware of the mixed zoning until he tried to sell the property. Mr. Privett said he owned the property for 6 years and had been remodeling the interior for the last 3 years. Mr. Privett added 3 acres of the property was being farmed.

Following all Public Hearings, moved by Baum, seconded by May, to recommend approval of **Case No. 12-27-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as a community growth area and not commercial.

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

POSITIVE. 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 farming and residential uses of property within the general area. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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

   POSITIVE. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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 of C-2 given the existing single family residential structure and 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 and agricultural 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. T*he trend of nearby development has been single family residential and agricultural development.

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. Area surrounding the subject property has transitioned to single family residential and agriculture development.

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 proposed zoning map amendment is within 1.5 miles of Pekin, a municipality with an adopted Comprehensive Plan. Further the City had no objections to the Rezoning.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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.

- Avoid land development that occurs in isolated areas away from existing developed areas.

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

On roll call to recommend approval of **Case No. 12-27-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-28-Z: The petition of Excel Foundry and Machine, Inc. a subsidiary of FLSmidth Salt Lake City, Inc. for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an I-2 Heavy Industrial 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 made no comment regarding the proposed Rezoning request.

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

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

Dave Eagan appeared to testify on behalf of the proposed Rezoning request. Mr. Eagan stated his company would be constructing a 112,000 square foot addition next to this proposed property which contained a dwelling. Mr. Eagan said the property owner approached Excel about purchasing the site. Mr. Eagan added Excel would raise the structures to widen the drive for semi access off of Shady Lane, and it was feasible to have the property the same Zoning Classification as the adjacent land.

Following all Public Hearings, moved by Zimmerman, seconded by Lessen, to recommend approval of **Case No. 12-28-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area being on the border between Industrial and Conservation districts.

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

   POSITIVE. 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. The requested rezoning may actually improve safety by eliminating a single family residence in such close proximity to a heavy industrial use.

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 foundry operations within 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 request is consistent with other I-2 Zoning Districts within the area.

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 of A-1 given the foundry's desire to develop truck parking, which is not allowed in the A-1 district by right.

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 already being utilized for foundry operations and that truck parking is allowed by right with the I-2 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. T*he trend of nearby development has transitioned towards industrial uses and zoning since the property was placed in its current zoning.

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. Land development in the area has transitioned to industrial uses.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. Allowing the Rezoning will allow for expansion to Excel which will be a gain to the public.

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

    POSITIVE. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.

    - Minimize conflict between land uses.

- Encourage the reuse of vacant properties for new and existing businesses.

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. 12-28-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-29-Z: The petition of Sam Parrott for a Map Amendment to the Official Tremont Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an A-2 Agriculture 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 approval regarding the proposed Rezoning request.

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

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Rezoning request.

Larry Bolliger, Tremont 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 701 made no comment regarding the proposed Rezoning request.

Sam Parrot appeared to testify on behalf of the proposed Rezoning request. Mr. Parrott stated he would like to divide one lot for his daughter at the present time and another lot in the future for another child. Mr. Parrott said the property had a future land use plan for an A-2 Zoning Classification, so it was suggested he Rezone the property at the present time. Mr. Parrott added the proposed Parcel C indicated on the site plan would be combined with the lot containing his current dwelling and would have a restriction of no dwellings on that property. Mr. Parrott stated he had no intent to build anything that would use the existing easement, he only maintains an easement to drive across the adjacent property.

Ginger Herrman appeared with questions regarding the proposed Rezoning request. Ms. Herrman stated her father owned the farm land adjacent to the proposed property and allowed Mr. Parrott an easement across that property. Ms. Herrman said her father was concerned if Mr. Parrott would be constructing a road on the easement. Ms. Herrman referred to a map indicating her fathers property and questioning which parcels would be built upon.

Following all Public Hearings, moved by Baum, seconded by Toevs, to recommend approval of **Case No. 12-29-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as A-2.

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. 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.

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

   POSITIVE. 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**.**

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 will be compatible with the A-2 zoning designation as detailed in the Tazewell County Future Land Use Map.

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.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

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

On roll call to recommend approval of **Case No. 12-29-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-30-Z: The petition of Mike Sutherland, d/b/a Sutherland and Sons Constriction, Inc. for a Map Amendment to the Official Groveland Township Zoning Map of Tazewell County to change the zoning classification of property from a R-1 Low Density Residential Zoning District to an I-1 Light Industrial 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 regarding the proposed Rezoning request stating a concern of the erosion control on the property.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Rezoning request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Rezoning request.

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

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

School District 76 and 309 made no comment regarding the proposed Rezoning request.

Mike Sutherland appeared to testify on behalf of the proposed Rezoning request. Mr. Sutherland stated he was working with the City of East Peoria on the 2010 Project for removal of clay located on the property. Mr. Sutherland said the property was once an entrance to a coal mine and the land was basically useless. Mr. Sutherland added when he found out part of the property was Zoned for R-1 he was surprised as he thought the entire property was Zoned I-1 Light Industrial.

Following all Public Hearings, moved by Lessen, seconded by Baum, to recommend approval of **Case No. 12-30-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 proposed zoning amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the current and past uses of the subject parcel.

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

POSITIVE. 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 industrial uses along Cole Hollow Road. Portions of the subject parcel and adjacent parcels are currently zoned I-1.

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

POSITIVE.

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 of R-1 given the existing industrial uses along Cole Hollow Road.

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 currently being utilized for industrial 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. Per the applicant, there has not been any development in the immediate vicinity recently.

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.

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 proposed zoning map amendment is within 1.5 miles of the City of East Peoria, a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Minimize conflict between land uses.
- Encourage the reuse of vacant properties for new and existing businesses.

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

On roll call to recommend approval of **Case No. 12-30-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-31-S: The petition of Dan and Karen Doore for a 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 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 regarding the proposed Special Use request.

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

John Anderson, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating access will be approved at a specified location and an entrance permit will be necessary.

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

Marilyn Kohn, Realtor appeared to testify on behalf of the proposed Special Use request. Ms. Kohn stated she had listed the property for the Doore's. She said the surrounding properties are similar size parcels with dwellings and farmettes. Ms. Kohn added there was a purchaser for the property to build a single family dwelling upon and it was not until they were working on the closing that it was discovered that the property was not a buildable lot of record. Ms. Kohn stated the sale of the property was contingent to Zoning Board Approval and added the Highway Department had given approval for an entrance location on Springfield Road.

Following all Public Hearings, moved by Baum, seconded by May, to approve of **Case No. 12-31-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed dwelling to be set back from the main road.

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. A new single family detached dwelling 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. The subject area is primarily farmland, which shall remain in crop production for the foreseeable future, and single family residences, limiting injury to the use and enjoyment of other property in the immediate area.

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

   POSITIVE. A new single family detached dwelling is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service and will feature a propane gas system, and private septic system. Water rights were previously purchased / approved from the Groveland Township. Existing stormwater drainage carries / directs runoff to the ditches along Broadway Street and Springfield Road. The Highway Department has previously approved site access from Springfield 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. Given the current traffic volumes on Broadway Street and Springfield Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed dwelling site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a single family detached dwelling site is consistent with the other existing single family detached homes in the immediate vicinity.

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

    POSITIVE. Given its proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-31-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-32-S: The petition of Michael Tibbs for a Special Use to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling in a 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 submitted a report regarding the proposed Special Use request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Special Use request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Special Use request.

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

School Districts 606 and 303 made no comment regarding the proposed Special Use request.

THE FOLLOWING CONTAINS TESTIMONY FOR CASE NO. 12-32-S, 12-33-V & 12-34-V:

Michael Tibbs appeared to testify on behalf of the proposed Special Use and Variance requests. Mr. Tibbs stated he owned 2 lots, on the East and on the West side of Bass Road. Mr. Tibbs said he would like to build a garage prior to a dwelling in order to store materials necessary to build a dwelling on the West side of the road. Mr. Tibbs added he does construction work himself and the dwelling may not begin construction for another 3 to 4 years. Mr. Tibbs stated the proposed garage was typical to other garages in the area. Mr. Tibbs said due to the hillside on the property on the East side of the road he would not be able to meet the required setback. Mr. Tibbs added a prior owner began removing soil to construct a garage, however never began construction. Mr. Tibbs stated the proposed garage would be just that, a garage, and there would be no living quarters and no septic system. Mr. Tibbs said the lake lot on the West side of the road had a storage shed on the property which is where he will construct a future dwelling and the hillside would determine what size the actual garage would be, however he knew it would not need to be anymore than 900 square foot.

Following all Public Hearings, moved by Baum, seconded by Zimmerman, to approve of **Case No. 12-32-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed accessory structure on the east side of Bass Road in line with existing accessory structures.

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. A new detached accessory structure 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. The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area should be limited with the development of a new accessory structure and eventual single family residence.

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

   POSITIVE. A new single family detached dwelling and accessory structure is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

   POSITIVE. Per the applicant, the subject parcel has access to electrical service, which is the only service the proposed accessory structure will require. The proposed accessory structure will have easy vehicular access to Bass 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. Given the current traffic volumes on Bass Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed site is not within a half mile of 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.*

    NOT APPLICABLE.

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

    NOT APPLICABLE.

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 request for a detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

POSITIVE. Given its proximity to other existing single family detached homes and accessory structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-32-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-33-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(c)(1) to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling to be 900 square feet which is 500 square feet larger than allowed for the purpose of storing materials necessary to construct a Principal Dwelling in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-33-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 12-33-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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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 proposed size of the garage is consistent with other structures of similar nature in immediate 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.

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 a larger structure to accommodate for storage.

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. The Ordinance does not address unique circumstances such as proposed.

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

   POSITIVE. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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

On roll call to approve **Case No. 12-33-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-34-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow construction of an Accessory Structure (Unattached Garage) to be 37' from the centerline of Bass Road which is 13' closer than allowed in an R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.
Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-34-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 12-34-S**.

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. Due to part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 request will not be detrimental to the public or improvements within the neighborhood and is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 applicant is simply seeking to construct a garage for storage on a lot that is encumbered by a large hillside therefore limiting alternatives for placement of the garage.

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. Similar request have been granted in the immediate vicinity due to the abnormal circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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

On roll call to approve **Case No. 12-34-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-35-V: The petition of Larry Bollinger for a Variance to waive the requirements of 7TCC1-7(g)(1)(i) to allow construction of an Accessory Structure (Unattached Garage) to be 112' from the Centerline of Illinois Route 9 which is 38' closer than allowed and to waive 7TCC1-7(g)(3)(ii) to allow the same Accessory Structure to be 12' from the Rear property line which is 13' closer than allowed in an A-1 Agriculture Preservation Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating there appeared to be adequate room for a replacement septic system if needed.

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Variance request.

Mike Rankin, Mackinaw Township Road Commissioner made no comment regarding the proposed Variance request.

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

Lee White, IDOT made no comment regarding the proposed Variance request.

School District 701 made no comment regarding the proposed Special Use request.

Larry Bollinger appeared to testify on behalf of the proposed Variance request. Mr. Bollinger stated he would like to construct a garage, however being located on a corner lot and the shape of his lot posed a hardship for setback requirements. Mr. Bollinger said his garage would sit farther back from Route 9 than the dwelling was and the entrance to the garage would be to the North off of Hoffman Ave.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-35-S**.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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.

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 applicant is simply seeking construction of the garage for additional storage.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. 12-35-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-36-V: The petition of Ken and Lori Eckhardt for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 57.5' from the Centerline of Olympia Road, which is 42.5' closer 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 submitted a report recommending approval regarding the proposed Variance request.

Louis Anderson, Boynton Township Road Commissioner submitted a report making no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer submitted a report stating no issue regarding the proposed Variance request.

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

Ken Eckhardt appeared to testify on behalf of the proposed Variance request. Mr. Eckhardt stated his home was built in the 1890's and it originally had 2 front porches. Mr. Eckhardt said sometime over the years a previous owner removed the porches and he would like to reconstruct one porch as the house appeared to be "missing something". Mr. Eckhardt added he would not duplicate the original porch however it would be aesthetically pleasing.

Following all Public Hearings, moved by Lessen, seconded by May, to approve **Case No. 12-36-S**.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. Allow the Variance will not have an impact on 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 applicant is simply seeking to construct the porch for personal enjoyment and to be in character of the house as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. 12-36-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-37-V: The petition of Stephen Howard for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an Addition to Dwelling (Front Deck) to be 40' from the Centerline of Bittersweet Road, which is 10' closer than allowed in a R-1 Low Density Residential Zoning District.

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

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

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Variance request.

Dave Weaver, Washington Township Road Commissioner made no comment regarding the proposed Variance request.

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

School District 50 and 308 made no comment regarding the proposed Special Use request.

Stephen Howard appeared to testify on behalf of the proposed Variance request. Mr. Howard stated he would like to remove the existing front deck and replace it with a deck and ramp. Mr. Howard said his wife was handicap and needed a stable deck for access to and from the house.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-37-S**.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements.

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. Allowing the Variance will not impair supply of light, create congestion on Bittersweet Road or diminish property values.

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

   POSITIVE. The owner simply needs the wheelchair ramp to allow for easier accessibility to the home.

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. Due to the non-conforming homes in the area and the small lots sizes. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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

On roll call to approve **Case No. 12-37-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-38-V: The petition of Joseph Stoehr for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 73' from the Centerline of Nichols Road, which is 27' closer 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 making no comment regarding the proposed Variance request.

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

Melissa Rademacker, Malone Township Road Commissioner made no comment regarding the proposed Variance request.

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

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

Joseph Stoehr appeared to testify on behalf of the proposed Variance request. Mr. Stoehr stated he needed a porch on front of his dwelling for a second access. Mr. Stoehr said the porch would resemble a deck.

Following all Public Hearings, moved by Lessen, seconded by Toevs, to approve **Case No. 12-38-S**.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. Allowing the Variance will not have a negative impact on the surrounding neighborhood which is primarily farmland.

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 applicant is simply seeking to improve the home and allow for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. 12-38-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-39-V: The petition of Janet Zimmer, Trustee of the Ralph P. Thomas Trust, for a Variance to waive the requirements of 7TCC1-10(b)(3) to allow small farm animals, i.e. Chickens, Goats, etc. on a 4.13 acre lot, which is 15.87 acres less than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a written guidelines should be established and reviewed prior to approval.

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

Tazewell County Farm Bureau submitted a report recommending disapproval regarding the proposed Variance request.

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

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

School District 606 and 303 made no comment regarding the proposed Special Use request.

Jennifer Bradshaw, Realtor, appeared to testify on behalf of the proposed Variance request. Ms. Bradshaw stated this property had been on the market for over a year and the interested buyer would like to raise small farm animals. Ms. Bradshaw said the property had an existing outbuilding and coop. Ms. Bradshaw added it was at the corner of Talbotts Subdivision, however it was not within the subdivision and was adjacent to farmland on the West and to the South. Ms. Bradshaw stated in the City of Pekin chickens were allowed on smaller lots and her client would be agreeable to conditions such as fencing. Ms. Bradshaw said the proposed buyer would reside in the dwelling and use the property for recreational farming.

Jennifer Thomas appeared to testify against the proposed Variance request. Ms. Thomas stated she was representing various homeowners in Talbotts Subdivision and submitted a Petition of 48 names of those opposed to the Variance request. Ms. Thomas said a realtor told her that her property value would decrease by living next to farm animals and the outbuilding on the proposed lot was an old schoolhouse and she had never seen a coop on the property. Ms. Thomas added she did not want to smell the feces and was concerned of animals getting loose. Ms. Thomas stated the farm animals would cause an increase in an already problematic coyote problem and would cause an increase in rodents due to the hay and feed.

Following all Public Hearings, moved by Toevs, seconded by Baum, to approve **Case No. 12-39-S**.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District and could be detrimental to the adjoining properties and improvements of neighboring properties. Due to the property being for sale the owner was unable to provide an estimated number of animals that will be housed on the property.

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.*

NEGATIVE. Allowing the proposed Variance could allow for diminishment of property values of the neighboring residential properties.

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

NEGATIVE. Testimony was provided that the applicant is trying to sell the property and has been unable to do so and feels that allowing farm animals would allow the site to be more marketable.

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.*

NEGATIVE. Allowing the request would allow a special privilege that is currently denied by the Ordinance for properties within the same zoning district.

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.*

NEGATIVE. The property can still be fully utilized for residential uses as allowed by the Zoning Code.

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

NEGATIVE. There are no unique circumstances to justify a waiver of the requirements of the Zoning Code which are currently in place.

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. 12-39-V** the vote was:
Ayes: 0
Nays: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Motion failed.

Following the Public Hearing portion of the Meeting and prior to the start of Deliberations, Chairman Newman called for a recess at 7:15 p.m. and then reconvened the meeting at 7:25 p.m. to conduct Deliberations of the Zoning Cases.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **WEDNESDAY, September 5, 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 Toevs, seconded by Baum, 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.

(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, August 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, Duane Lessen, Sandy May, Loren Toevs, Phil Webb and Ken Zimmerman

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Matt Drake, Assistant States Attorney, Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Chairman Carroll Imig, Russ Crawford, Paul Hahn, Terry Hillegonds, Darrell Meisinger, and Rosemary Palmer

OTHERS PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Baum, to approve the Minutes of the July 2, 2012 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

CASE NO. 12-27-Z: The petition of James Privett, et al for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from a C-2 General Business Commercial District to an A-1 Agriculture Preservation 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 made no comment regarding the proposed Rezoning request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Rezoning request.

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

James Privett appeared to testify on behalf of the proposed Rezoning request. Mr. Privett stated he purchased the property under the assumption it was zoned for Agriculture and was not made aware of the mixed zoning until he tried to sell the property. Mr. Privett said he owned the property for 6 years and had been remodeling the interior for the last 3 years. Mr. Privett added 3 acres of the property was being farmed.

Following all Public Hearings, moved by Baum, seconded by May, to recommend approval of **Case No. 12-27-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as a community growth area and not commercial.

2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

POSITIVE. 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 farming and residential uses of property within the general area. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

4. *The request is consistent with the zoning classifications of property within the general area of the property in question.*

   POSITIVE. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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 of C-2 given the existing single family residential structure and 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 and agricultural 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. T*he trend of nearby development has been single family residential and agricultural development.

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. Area surrounding the subject property has transitioned to single family residential and agriculture development.

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 proposed zoning map amendment is within 1.5 miles of Pekin, a municipality with an adopted Comprehensive Plan. Further the City had no objections to the Rezoning.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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.

- Avoid land development that occurs in isolated areas away from existing developed areas.

Moved by Lessen, seconded by Baum, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to recommend approval of **Case No. 12-27-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-28-Z: The petition of Excel Foundry and Machine, Inc. a subsidiary of FLSmidth Salt Lake City, Inc. for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an I-2 Heavy Industrial 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 made no comment regarding the proposed Rezoning request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Rezoning request.

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

Dave Eagan appeared to testify on behalf of the proposed Rezoning request. Mr. Eagan stated his company would be constructing a 112,000 square foot addition next to this proposed property which contained a dwelling. Mr. Eagan said the property owner approached Excel about purchasing the site. Mr. Eagan added Excel would raise the structures to widen the drive for semi access off of Shady Lane, and it was feasible to have the property the same Zoning Classification as the adjacent land.

Following all Public Hearings, moved by Zimmerman, seconded by Lessen, to recommend approval of **Case No. 12-28-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area being on the border between Industrial and Conservation districts.

2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

   POSITIVE. 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. The requested rezoning may actually improve safety by eliminating a single family residence in such close proximity to a heavy industrial use.

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 foundry operations within 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 request is consistent with other I-2 Zoning Districts within the area.

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 of A-1 given the foundry's desire to develop truck parking, which is not allowed in the A-1 district by right.

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 already being utilized for foundry operations and that truck parking is allowed by right with the I-2 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. T*he trend of nearby development has transitioned towards industrial uses and zoning since the property was placed in its current zoning.

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. Land development in the area has transitioned to industrial uses.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. Allowing the Rezoning will allow for expansion to Excel which will be a gain to the public.

11. *The proposed amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan.*

    POSITIVE. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.

    - Minimize conflict between land uses.

- Encourage the reuse of vacant properties for new and existing businesses.

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. 12-28-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-29-Z: The petition of Sam Parrott for a Map Amendment to the Official Tremont Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an A-2 Agriculture 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 approval regarding the proposed Rezoning request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Rezoning request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Rezoning request.

Larry Bolliger, Tremont 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 701 made no comment regarding the proposed Rezoning request.

Sam Parrot appeared to testify on behalf of the proposed Rezoning request. Mr. Parrott stated he would like to divide one lot for his daughter at the present time and another lot in the future for another child. Mr. Parrott said the property had a future land use plan for an A-2 Zoning Classification, so it was suggested he Rezone the property at the present time. Mr. Parrott added the proposed Parcel C indicated on the site plan would be combined with the lot containing his current dwelling and would have a restriction of no dwellings on that property. Mr. Parrott stated he had no intent to build anything that would use the existing easement, he only maintains an easement to drive across the adjacent property.

Ginger Herrman appeared with questions regarding the proposed Rezoning request. Ms. Herrman stated her father owned the farm land adjacent to the proposed property and allowed Mr. Parrott an easement across that property. Ms. Herrman said her father was concerned if Mr. Parrott would be constructing a road on the easement. Ms. Herrman referred to a map indicating her fathers property and questioning which parcels would be built upon.

Following all Public Hearings, moved by Baum, seconded by Toevs, to recommend approval of **Case No. 12-29-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as A-2.

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. 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.

4. *The request is consistent with the zoning classifications of property within the general area of the property in question.*

   POSITIVE. 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**.**

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 will be compatible with the A-2 zoning designation as detailed in the Tazewell County Future Land Use Map.

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.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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 May, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to recommend approval of **Case No. 12-29-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-30-Z: The petition of Mike Sutherland, d/b/a Sutherland and Sons Constriction, Inc. for a Map Amendment to the Official Groveland Township Zoning Map of Tazewell County to change the zoning classification of property from a R-1 Low Density Residential Zoning District to an I-1 Light Industrial 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 regarding the proposed Rezoning request stating a concern of the erosion control on the property.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Rezoning request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Rezoning request.

Dave Risinger, Groveland Township Road Commissioner submitted a report making no objection regarding the proposed Rezoning request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Rezoning request.

School District 76 and 309 made no comment regarding the proposed Rezoning request.

Mike Sutherland appeared to testify on behalf of the proposed Rezoning request. Mr. Sutherland stated he was working with the City of East Peoria on the 2010 Project for removal of clay located on the property. Mr. Sutherland said the property was once an entrance to a coal mine and the land was basically useless. Mr. Sutherland added when he found out part of the property was Zoned for R-1 he was surprised as he thought the entire property was Zoned I-1 Light Industrial.

Following all Public Hearings, moved by Lessen, seconded by Baum, to recommend approval of **Case No. 12-30-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 proposed zoning amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the current and past uses of the subject parcel.

2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

POSITIVE. 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 industrial uses along Cole Hollow Road. Portions of the subject parcel and adjacent parcels are currently zoned I-1.

4. *The request is consistent with the zoning classifications of property within the general area of the property in question.*

POSITIVE.

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 of R-1 given the existing industrial uses along Cole Hollow Road.

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 currently being utilized for industrial 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. Per the applicant, there has not been any development in the immediate vicinity recently.

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.

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 proposed zoning map amendment is within 1.5 miles of the City of East Peoria, a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Minimize conflict between land uses.
- Encourage the reuse of vacant properties for new and existing businesses.

Moved by Baum, seconded by May, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to recommend approval of **Case No. 12-30-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-31-S: The petition of Dan and Karen Doore for a 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 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 regarding the proposed Special Use request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Special Use request.

John Anderson, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating access will be approved at a specified location and an entrance permit will be necessary.

School Districts 709 made no comment regarding the proposed Special Use request.

Marilyn Kohn, Realtor appeared to testify on behalf of the proposed Special Use request. Ms. Kohn stated she had listed the property for the Doore's. She said the surrounding properties are similar size parcels with dwellings and farmettes. Ms. Kohn added there was a purchaser for the property to build a single family dwelling upon and it was not until they were working on the closing that it was discovered that the property was not a buildable lot of record. Ms. Kohn stated the sale of the property was contingent to Zoning Board Approval and added the Highway Department had given approval for an entrance location on Springfield Road.

Following all Public Hearings, moved by Baum, seconded by May, to approve of **Case No. 12-31-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed dwelling to be set back from the main road.

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. A new single family detached dwelling 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. The subject area is primarily farmland, which shall remain in crop production for the foreseeable future, and single family residences, limiting injury to the use and enjoyment of other property in the immediate area.

7. *The Special Use shall not substantially diminish and impair property values within the neighborhood.*

   POSITIVE. A new single family detached dwelling is not anticipated to substantially diminish and / or impair property value within the neighborhood.

8. *That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.*

   POSITIVE. Per the applicant, the subject parcel has access to electrical service and will feature a propane gas system, and private septic system. Water rights were previously purchased / approved from the Groveland Township. Existing stormwater drainage carries / directs runoff to the ditches along Broadway Street and Springfield Road. The Highway Department has previously approved site access from Springfield 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. Given the current traffic volumes on Broadway Street and Springfield Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed dwelling site is not within a half mile of 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.*

    NOT APPLICABLE.

12. *Seventy-five percent (75%) of the site contains soils having a productivity index of less than 125.*

    NOT APPLICABLE.

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 request for a single family detached dwelling site is consistent with the other existing single family detached homes in the immediate vicinity.

14. *The property is suitable for the Special Use as proposed.*

    POSITIVE. Given its proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-31-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-32-S: The petition of Michael Tibbs for a Special Use to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling in a 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 submitted a report regarding the proposed Special Use request stating a soil analysis will need to be conducted prior to a septic system.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Special Use request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Special Use request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Special Use request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Special Use request.

School Districts 606 and 303 made no comment regarding the proposed Special Use request.

THE FOLLOWING CONTAINS TESTIMONY FOR CASE NO. 12-32-S, 12-33-V & 12-34-V:

Michael Tibbs appeared to testify on behalf of the proposed Special Use and Variance requests. Mr. Tibbs stated he owned 2 lots, on the East and on the West side of Bass Road. Mr. Tibbs said he would like to build a garage prior to a dwelling in order to store materials necessary to build a dwelling on the West side of the road. Mr. Tibbs added he does construction work himself and the dwelling may not begin construction for another 3 to 4 years. Mr. Tibbs stated the proposed garage was typical to other garages in the area. Mr. Tibbs said due to the hillside on the property on the East side of the road he would not be able to meet the required setback. Mr. Tibbs added a prior owner began removing soil to construct a garage, however never began construction. Mr. Tibbs stated the proposed garage would be just that, a garage, and there would be no living quarters and no septic system. Mr. Tibbs said the lake lot on the West side of the road had a storage shed on the property which is where he will construct a future dwelling and the hillside would determine what size the actual garage would be, however he knew it would not need to be anymore than 900 square foot.

Following all Public Hearings, moved by Baum, seconded by Zimmerman, to approve of **Case No. 12-32-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed accessory structure on the east side of Bass Road in line with existing accessory structures.

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. A new detached accessory structure 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. The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area should be limited with the development of a new accessory structure and eventual single family residence.

7. *The Special Use shall not substantially diminish and impair property values within the neighborhood.*

   POSITIVE. A new single family detached dwelling and accessory structure is not anticipated to substantially diminish and / or impair property value within the neighborhood.

8. *That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.*

   POSITIVE. Per the applicant, the subject parcel has access to electrical service, which is the only service the proposed accessory structure will require. The proposed accessory structure will have easy vehicular access to Bass 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. Given the current traffic volumes on Bass Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed site is not within a half mile of 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.*

    NOT APPLICABLE.

12. *Seventy-five percent (75%) of the site contains soils having a productivity index of less than 125.*

    NOT APPLICABLE.

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 request for a detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

14. *The property is suitable for the Special Use as proposed.*

POSITIVE. Given its proximity to other existing single family detached homes and accessory structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-32-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-33-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(c)(1) to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling to be 900 square feet which is 500 square feet larger than allowed for the purpose of storing materials necessary to construct a Principal Dwelling in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-33-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 12-33-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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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 proposed size of the garage is consistent with other structures of similar nature in immediate 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.

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 a larger structure to accommodate for storage.

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. The Ordinance does not address unique circumstances such as proposed.

8. *The plight of the owner is due to unique circumstances*,

   POSITIVE. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

Moved by Baum, seconded by Lessen, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to approve **Case No. 12-33-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-34-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow construction of an Accessory Structure (Unattached Garage) to be 37' from the centerline of Bass Road which is 13' closer than allowed in an R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.
Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-34-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 12-34-S**.

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. Due to part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 request will not be detrimental to the public or improvements within the neighborhood and is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 applicant is simply seeking to construct a garage for storage on a lot that is encumbered by a large hillside therefore limiting alternatives for placement of the garage.

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. Similar request have been granted in the immediate vicinity due to the abnormal circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

Moved by Baum, seconded by Lessen, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to approve **Case No. 12-34-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-35-V: The petition of Larry Bollinger for a Variance to waive the requirements of 7TCC1-7(g)(1)(i) to allow construction of an Accessory Structure (Unattached Garage) to be 112' from the Centerline of Illinois Route 9 which is 38' closer than allowed and to waive 7TCC1-7(g)(3)(ii) to allow the same Accessory Structure to be 12' from the Rear property line which is 13' closer than allowed in an A-1 Agriculture Preservation Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating there appeared to be adequate room for a replacement septic system if needed.

Tazewell County Soil & Water Conservation District submitted a report having no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Variance request.

Mike Rankin, Mackinaw Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

Lee White, IDOT made no comment regarding the proposed Variance request.

School District 701 made no comment regarding the proposed Special Use request.

Larry Bollinger appeared to testify on behalf of the proposed Variance request. Mr. Bollinger stated he would like to construct a garage, however being located on a corner lot and the shape of his lot posed a hardship for setback requirements. Mr. Bollinger said his garage would sit farther back from Route 9 than the dwelling was and the entrance to the garage would be to the North off of Hoffman Ave.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-35-S**.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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.

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 applicant is simply seeking construction of the garage for additional storage.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. 12-35-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-36-V: The petition of Ken and Lori Eckhardt for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 57.5' from the Centerline of Olympia Road, which is 42.5' closer 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 submitted a report recommending approval regarding the proposed Variance request.

Louis Anderson, Boynton Township Road Commissioner submitted a report making no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer submitted a report stating no issue regarding the proposed Variance request.

School District 16 made no comment regarding the proposed Special Use request.

Ken Eckhardt appeared to testify on behalf of the proposed Variance request. Mr. Eckhardt stated his home was built in the 1890's and it originally had 2 front porches. Mr. Eckhardt said sometime over the years a previous owner removed the porches and he would like to reconstruct one porch as the house appeared to be "missing something". Mr. Eckhardt added he would not duplicate the original porch however it would be aesthetically pleasing.

Following all Public Hearings, moved by Lessen, seconded by May, to approve **Case No. 12-36-S**.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. Allow the Variance will not have an impact on 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 applicant is simply seeking to construct the porch for personal enjoyment and to be in character of the house as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. 12-36-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-37-V: The petition of Stephen Howard for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an Addition to Dwelling (Front Deck) to be 40' from the Centerline of Bittersweet Road, which is 10' closer than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department made no comment regarding the proposed Variance request.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Variance request.

Dave Weaver, Washington Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School District 50 and 308 made no comment regarding the proposed Special Use request.

Stephen Howard appeared to testify on behalf of the proposed Variance request. Mr. Howard stated he would like to remove the existing front deck and replace it with a deck and ramp. Mr. Howard said his wife was handicap and needed a stable deck for access to and from the house.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-37-S**.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements.

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. Allowing the Variance will not impair supply of light, create congestion on Bittersweet Road or diminish property values.

5. *The purpose of the variance is not based exclusively upon a desire to increase the monetary gain realized from the property.*

   POSITIVE. The owner simply needs the wheelchair ramp to allow for easier accessibility to the home.

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. Due to the non-conforming homes in the area and the small lots sizes. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

Moved by Baum, seconded by Zimmerman, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to approve **Case No. 12-37-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-38-V: The petition of Joseph Stoehr for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 73' from the Centerline of Nichols Road, which is 27' closer 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 making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Variance request.

Melissa Rademacker, Malone Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School District 191 made no comment regarding the proposed Special Use request.

Joseph Stoehr appeared to testify on behalf of the proposed Variance request. Mr. Stoehr stated he needed a porch on front of his dwelling for a second access. Mr. Stoehr said the porch would resemble a deck.

Following all Public Hearings, moved by Lessen, seconded by Toevs, to approve **Case No. 12-38-S**.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. Allowing the Variance will not have a negative impact on the surrounding neighborhood which is primarily farmland.

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 applicant is simply seeking to improve the home and allow for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. 12-38-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-39-V: The petition of Janet Zimmer, Trustee of the Ralph P. Thomas Trust, for a Variance to waive the requirements of 7TCC1-10(b)(3) to allow small farm animals, i.e. Chickens, Goats, etc. on a 4.13 acre lot, which is 15.87 acres less than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a written guidelines should be established and reviewed prior to approval.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report recommending disapproval regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School District 606 and 303 made no comment regarding the proposed Special Use request.

Jennifer Bradshaw, Realtor, appeared to testify on behalf of the proposed Variance request. Ms. Bradshaw stated this property had been on the market for over a year and the interested buyer would like to raise small farm animals. Ms. Bradshaw said the property had an existing outbuilding and coop. Ms. Bradshaw added it was at the corner of Talbotts Subdivision, however it was not within the subdivision and was adjacent to farmland on the West and to the South. Ms. Bradshaw stated in the City of Pekin chickens were allowed on smaller lots and her client would be agreeable to conditions such as fencing. Ms. Bradshaw said the proposed buyer would reside in the dwelling and use the property for recreational farming.

Jennifer Thomas appeared to testify against the proposed Variance request. Ms. Thomas stated she was representing various homeowners in Talbotts Subdivision and submitted a Petition of 48 names of those opposed to the Variance request. Ms. Thomas said a realtor told her that her property value would decrease by living next to farm animals and the outbuilding on the proposed lot was an old schoolhouse and she had never seen a coop on the property. Ms. Thomas added she did not want to smell the feces and was concerned of animals getting loose. Ms. Thomas stated the farm animals would cause an increase in an already problematic coyote problem and would cause an increase in rodents due to the hay and feed.

Following all Public Hearings, moved by Toevs, seconded by Baum, to approve **Case No. 12-39-S**.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District and could be detrimental to the adjoining properties and improvements of neighboring properties. Due to the property being for sale the owner was unable to provide an estimated number of animals that will be housed on the property.

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.*

NEGATIVE. Allowing the proposed Variance could allow for diminishment of property values of the neighboring residential properties.

5. *The purpose of the variance is not based exclusively upon a desire to increase the monetary gain realized from the property.*

NEGATIVE. Testimony was provided that the applicant is trying to sell the property and has been unable to do so and feels that allowing farm animals would allow the site to be more marketable.

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.*

NEGATIVE. Allowing the request would allow a special privilege that is currently denied by the Ordinance for properties within the same zoning district.

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.*

NEGATIVE. The property can still be fully utilized for residential uses as allowed by the Zoning Code.

8. *The plight of the owner is due to unique circumstances.*

NEGATIVE. There are no unique circumstances to justify a waiver of the requirements of the Zoning Code which are currently in place.

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. 12-39-V** the vote was:
Ayes: 0
Nays: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Motion failed.

Following the Public Hearing portion of the Meeting and prior to the start of Deliberations, Chairman Newman called for a recess at 7:15 p.m. and then reconvened the meeting at 7:25 p.m. to conduct Deliberations of the Zoning Cases.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **WEDNESDAY, September 5, 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 Toevs, seconded by Baum, 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.

(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, August 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, Duane Lessen, Sandy May, Loren Toevs, Phil Webb and Ken Zimmerman

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Matt Drake, Assistant States Attorney, Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Chairman Carroll Imig, Russ Crawford, Paul Hahn, Terry Hillegonds, Darrell Meisinger, and Rosemary Palmer

OTHERS PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Baum, to approve the Minutes of the July 2, 2012 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

CASE NO. 12-27-Z: The petition of James Privett, et al for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from a C-2 General Business Commercial District to an A-1 Agriculture Preservation 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 made no comment regarding the proposed Rezoning request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Rezoning request.

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

James Privett appeared to testify on behalf of the proposed Rezoning request. Mr. Privett stated he purchased the property under the assumption it was zoned for Agriculture and was not made aware of the mixed zoning until he tried to sell the property. Mr. Privett said he owned the property for 6 years and had been remodeling the interior for the last 3 years. Mr. Privett added 3 acres of the property was being farmed.

Following all Public Hearings, moved by Baum, seconded by May, to recommend approval of **Case No. 12-27-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as a community growth area and not commercial.

2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

POSITIVE. 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 farming and residential uses of property within the general area. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

4. *The request is consistent with the zoning classifications of property within the general area of the property in question.*

   POSITIVE. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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 of C-2 given the existing single family residential structure and 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 and agricultural 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. T*he trend of nearby development has been single family residential and agricultural development.

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. Area surrounding the subject property has transitioned to single family residential and agriculture development.

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 proposed zoning map amendment is within 1.5 miles of Pekin, a municipality with an adopted Comprehensive Plan. Further the City had no objections to the Rezoning.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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.

- Avoid land development that occurs in isolated areas away from existing developed areas.

Moved by Lessen, seconded by Baum, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to recommend approval of **Case No. 12-27-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-28-Z: The petition of Excel Foundry and Machine, Inc. a subsidiary of FLSmidth Salt Lake City, Inc. for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an I-2 Heavy Industrial 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 made no comment regarding the proposed Rezoning request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Rezoning request.

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

Dave Eagan appeared to testify on behalf of the proposed Rezoning request. Mr. Eagan stated his company would be constructing a 112,000 square foot addition next to this proposed property which contained a dwelling. Mr. Eagan said the property owner approached Excel about purchasing the site. Mr. Eagan added Excel would raise the structures to widen the drive for semi access off of Shady Lane, and it was feasible to have the property the same Zoning Classification as the adjacent land.

Following all Public Hearings, moved by Zimmerman, seconded by Lessen, to recommend approval of **Case No. 12-28-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area being on the border between Industrial and Conservation districts.

2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

   POSITIVE. 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. The requested rezoning may actually improve safety by eliminating a single family residence in such close proximity to a heavy industrial use.

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 foundry operations within 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 request is consistent with other I-2 Zoning Districts within the area.

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 of A-1 given the foundry's desire to develop truck parking, which is not allowed in the A-1 district by right.

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 already being utilized for foundry operations and that truck parking is allowed by right with the I-2 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. T*he trend of nearby development has transitioned towards industrial uses and zoning since the property was placed in its current zoning.

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. Land development in the area has transitioned to industrial uses.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. Allowing the Rezoning will allow for expansion to Excel which will be a gain to the public.

11. *The proposed amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan.*

    POSITIVE. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.

    - Minimize conflict between land uses.

- Encourage the reuse of vacant properties for new and existing businesses.

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. 12-28-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-29-Z: The petition of Sam Parrott for a Map Amendment to the Official Tremont Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an A-2 Agriculture 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 approval regarding the proposed Rezoning request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Rezoning request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Rezoning request.

Larry Bolliger, Tremont 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 701 made no comment regarding the proposed Rezoning request.

Sam Parrot appeared to testify on behalf of the proposed Rezoning request. Mr. Parrott stated he would like to divide one lot for his daughter at the present time and another lot in the future for another child. Mr. Parrott said the property had a future land use plan for an A-2 Zoning Classification, so it was suggested he Rezone the property at the present time. Mr. Parrott added the proposed Parcel C indicated on the site plan would be combined with the lot containing his current dwelling and would have a restriction of no dwellings on that property. Mr. Parrott stated he had no intent to build anything that would use the existing easement, he only maintains an easement to drive across the adjacent property.

Ginger Herrman appeared with questions regarding the proposed Rezoning request. Ms. Herrman stated her father owned the farm land adjacent to the proposed property and allowed Mr. Parrott an easement across that property. Ms. Herrman said her father was concerned if Mr. Parrott would be constructing a road on the easement. Ms. Herrman referred to a map indicating her fathers property and questioning which parcels would be built upon.

Following all Public Hearings, moved by Baum, seconded by Toevs, to recommend approval of **Case No. 12-29-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as A-2.

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. 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.

4. *The request is consistent with the zoning classifications of property within the general area of the property in question.*

   POSITIVE. 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**.**

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 will be compatible with the A-2 zoning designation as detailed in the Tazewell County Future Land Use Map.

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.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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 May, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to recommend approval of **Case No. 12-29-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-30-Z: The petition of Mike Sutherland, d/b/a Sutherland and Sons Constriction, Inc. for a Map Amendment to the Official Groveland Township Zoning Map of Tazewell County to change the zoning classification of property from a R-1 Low Density Residential Zoning District to an I-1 Light Industrial 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 regarding the proposed Rezoning request stating a concern of the erosion control on the property.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Rezoning request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Rezoning request.

Dave Risinger, Groveland Township Road Commissioner submitted a report making no objection regarding the proposed Rezoning request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Rezoning request.

School District 76 and 309 made no comment regarding the proposed Rezoning request.

Mike Sutherland appeared to testify on behalf of the proposed Rezoning request. Mr. Sutherland stated he was working with the City of East Peoria on the 2010 Project for removal of clay located on the property. Mr. Sutherland said the property was once an entrance to a coal mine and the land was basically useless. Mr. Sutherland added when he found out part of the property was Zoned for R-1 he was surprised as he thought the entire property was Zoned I-1 Light Industrial.

Following all Public Hearings, moved by Lessen, seconded by Baum, to recommend approval of **Case No. 12-30-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 proposed zoning amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the current and past uses of the subject parcel.

2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

POSITIVE. 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 industrial uses along Cole Hollow Road. Portions of the subject parcel and adjacent parcels are currently zoned I-1.

4. *The request is consistent with the zoning classifications of property within the general area of the property in question.*

POSITIVE.

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 of R-1 given the existing industrial uses along Cole Hollow Road.

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 currently being utilized for industrial 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. Per the applicant, there has not been any development in the immediate vicinity recently.

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.

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 proposed zoning map amendment is within 1.5 miles of the City of East Peoria, a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Minimize conflict between land uses.
- Encourage the reuse of vacant properties for new and existing businesses.

Moved by Baum, seconded by May, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to recommend approval of **Case No. 12-30-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-31-S: The petition of Dan and Karen Doore for a 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 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 regarding the proposed Special Use request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Special Use request.

John Anderson, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating access will be approved at a specified location and an entrance permit will be necessary.

School Districts 709 made no comment regarding the proposed Special Use request.

Marilyn Kohn, Realtor appeared to testify on behalf of the proposed Special Use request. Ms. Kohn stated she had listed the property for the Doore's. She said the surrounding properties are similar size parcels with dwellings and farmettes. Ms. Kohn added there was a purchaser for the property to build a single family dwelling upon and it was not until they were working on the closing that it was discovered that the property was not a buildable lot of record. Ms. Kohn stated the sale of the property was contingent to Zoning Board Approval and added the Highway Department had given approval for an entrance location on Springfield Road.

Following all Public Hearings, moved by Baum, seconded by May, to approve of **Case No. 12-31-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed dwelling to be set back from the main road.

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. A new single family detached dwelling 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. The subject area is primarily farmland, which shall remain in crop production for the foreseeable future, and single family residences, limiting injury to the use and enjoyment of other property in the immediate area.

7. *The Special Use shall not substantially diminish and impair property values within the neighborhood.*

   POSITIVE. A new single family detached dwelling is not anticipated to substantially diminish and / or impair property value within the neighborhood.

8. *That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.*

   POSITIVE. Per the applicant, the subject parcel has access to electrical service and will feature a propane gas system, and private septic system. Water rights were previously purchased / approved from the Groveland Township. Existing stormwater drainage carries / directs runoff to the ditches along Broadway Street and Springfield Road. The Highway Department has previously approved site access from Springfield 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. Given the current traffic volumes on Broadway Street and Springfield Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed dwelling site is not within a half mile of 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.*

    NOT APPLICABLE.

12. *Seventy-five percent (75%) of the site contains soils having a productivity index of less than 125.*

    NOT APPLICABLE.

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 request for a single family detached dwelling site is consistent with the other existing single family detached homes in the immediate vicinity.

14. *The property is suitable for the Special Use as proposed.*

    POSITIVE. Given its proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-31-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-32-S: The petition of Michael Tibbs for a Special Use to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling in a 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 submitted a report regarding the proposed Special Use request stating a soil analysis will need to be conducted prior to a septic system.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Special Use request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Special Use request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Special Use request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Special Use request.

School Districts 606 and 303 made no comment regarding the proposed Special Use request.

THE FOLLOWING CONTAINS TESTIMONY FOR CASE NO. 12-32-S, 12-33-V & 12-34-V:

Michael Tibbs appeared to testify on behalf of the proposed Special Use and Variance requests. Mr. Tibbs stated he owned 2 lots, on the East and on the West side of Bass Road. Mr. Tibbs said he would like to build a garage prior to a dwelling in order to store materials necessary to build a dwelling on the West side of the road. Mr. Tibbs added he does construction work himself and the dwelling may not begin construction for another 3 to 4 years. Mr. Tibbs stated the proposed garage was typical to other garages in the area. Mr. Tibbs said due to the hillside on the property on the East side of the road he would not be able to meet the required setback. Mr. Tibbs added a prior owner began removing soil to construct a garage, however never began construction. Mr. Tibbs stated the proposed garage would be just that, a garage, and there would be no living quarters and no septic system. Mr. Tibbs said the lake lot on the West side of the road had a storage shed on the property which is where he will construct a future dwelling and the hillside would determine what size the actual garage would be, however he knew it would not need to be anymore than 900 square foot.

Following all Public Hearings, moved by Baum, seconded by Zimmerman, to approve of **Case No. 12-32-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed accessory structure on the east side of Bass Road in line with existing accessory structures.

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. A new detached accessory structure 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. The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area should be limited with the development of a new accessory structure and eventual single family residence.

7. *The Special Use shall not substantially diminish and impair property values within the neighborhood.*

   POSITIVE. A new single family detached dwelling and accessory structure is not anticipated to substantially diminish and / or impair property value within the neighborhood.

8. *That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.*

   POSITIVE. Per the applicant, the subject parcel has access to electrical service, which is the only service the proposed accessory structure will require. The proposed accessory structure will have easy vehicular access to Bass 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. Given the current traffic volumes on Bass Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed site is not within a half mile of 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.*

    NOT APPLICABLE.

12. *Seventy-five percent (75%) of the site contains soils having a productivity index of less than 125.*

    NOT APPLICABLE.

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 request for a detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

14. *The property is suitable for the Special Use as proposed.*

POSITIVE. Given its proximity to other existing single family detached homes and accessory structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-32-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-33-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(c)(1) to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling to be 900 square feet which is 500 square feet larger than allowed for the purpose of storing materials necessary to construct a Principal Dwelling in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-33-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 12-33-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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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 proposed size of the garage is consistent with other structures of similar nature in immediate 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.

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 a larger structure to accommodate for storage.

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. The Ordinance does not address unique circumstances such as proposed.

8. *The plight of the owner is due to unique circumstances*,

   POSITIVE. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

Moved by Baum, seconded by Lessen, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to approve **Case No. 12-33-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-34-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow construction of an Accessory Structure (Unattached Garage) to be 37' from the centerline of Bass Road which is 13' closer than allowed in an R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.
Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-34-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 12-34-S**.

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. Due to part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 request will not be detrimental to the public or improvements within the neighborhood and is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 applicant is simply seeking to construct a garage for storage on a lot that is encumbered by a large hillside therefore limiting alternatives for placement of the garage.

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. Similar request have been granted in the immediate vicinity due to the abnormal circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

Moved by Baum, seconded by Lessen, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to approve **Case No. 12-34-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-35-V: The petition of Larry Bollinger for a Variance to waive the requirements of 7TCC1-7(g)(1)(i) to allow construction of an Accessory Structure (Unattached Garage) to be 112' from the Centerline of Illinois Route 9 which is 38' closer than allowed and to waive 7TCC1-7(g)(3)(ii) to allow the same Accessory Structure to be 12' from the Rear property line which is 13' closer than allowed in an A-1 Agriculture Preservation Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating there appeared to be adequate room for a replacement septic system if needed.

Tazewell County Soil & Water Conservation District submitted a report having no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Variance request.

Mike Rankin, Mackinaw Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

Lee White, IDOT made no comment regarding the proposed Variance request.

School District 701 made no comment regarding the proposed Special Use request.

Larry Bollinger appeared to testify on behalf of the proposed Variance request. Mr. Bollinger stated he would like to construct a garage, however being located on a corner lot and the shape of his lot posed a hardship for setback requirements. Mr. Bollinger said his garage would sit farther back from Route 9 than the dwelling was and the entrance to the garage would be to the North off of Hoffman Ave.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-35-S**.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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.

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 applicant is simply seeking construction of the garage for additional storage.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. 12-35-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-36-V: The petition of Ken and Lori Eckhardt for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 57.5' from the Centerline of Olympia Road, which is 42.5' closer 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 submitted a report recommending approval regarding the proposed Variance request.

Louis Anderson, Boynton Township Road Commissioner submitted a report making no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer submitted a report stating no issue regarding the proposed Variance request.

School District 16 made no comment regarding the proposed Special Use request.

Ken Eckhardt appeared to testify on behalf of the proposed Variance request. Mr. Eckhardt stated his home was built in the 1890's and it originally had 2 front porches. Mr. Eckhardt said sometime over the years a previous owner removed the porches and he would like to reconstruct one porch as the house appeared to be "missing something". Mr. Eckhardt added he would not duplicate the original porch however it would be aesthetically pleasing.

Following all Public Hearings, moved by Lessen, seconded by May, to approve **Case No. 12-36-S**.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. Allow the Variance will not have an impact on 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 applicant is simply seeking to construct the porch for personal enjoyment and to be in character of the house as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. 12-36-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-37-V: The petition of Stephen Howard for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an Addition to Dwelling (Front Deck) to be 40' from the Centerline of Bittersweet Road, which is 10' closer than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department made no comment regarding the proposed Variance request.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Variance request.

Dave Weaver, Washington Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School District 50 and 308 made no comment regarding the proposed Special Use request.

Stephen Howard appeared to testify on behalf of the proposed Variance request. Mr. Howard stated he would like to remove the existing front deck and replace it with a deck and ramp. Mr. Howard said his wife was handicap and needed a stable deck for access to and from the house.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-37-S**.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements.

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. Allowing the Variance will not impair supply of light, create congestion on Bittersweet Road or diminish property values.

5. *The purpose of the variance is not based exclusively upon a desire to increase the monetary gain realized from the property.*

   POSITIVE. The owner simply needs the wheelchair ramp to allow for easier accessibility to the home.

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. Due to the non-conforming homes in the area and the small lots sizes. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

Moved by Baum, seconded by Zimmerman, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to approve **Case No. 12-37-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-38-V: The petition of Joseph Stoehr for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 73' from the Centerline of Nichols Road, which is 27' closer 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 making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Variance request.

Melissa Rademacker, Malone Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School District 191 made no comment regarding the proposed Special Use request.

Joseph Stoehr appeared to testify on behalf of the proposed Variance request. Mr. Stoehr stated he needed a porch on front of his dwelling for a second access. Mr. Stoehr said the porch would resemble a deck.

Following all Public Hearings, moved by Lessen, seconded by Toevs, to approve **Case No. 12-38-S**.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. Allowing the Variance will not have a negative impact on the surrounding neighborhood which is primarily farmland.

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 applicant is simply seeking to improve the home and allow for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. 12-38-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-39-V: The petition of Janet Zimmer, Trustee of the Ralph P. Thomas Trust, for a Variance to waive the requirements of 7TCC1-10(b)(3) to allow small farm animals, i.e. Chickens, Goats, etc. on a 4.13 acre lot, which is 15.87 acres less than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a written guidelines should be established and reviewed prior to approval.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report recommending disapproval regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School District 606 and 303 made no comment regarding the proposed Special Use request.

Jennifer Bradshaw, Realtor, appeared to testify on behalf of the proposed Variance request. Ms. Bradshaw stated this property had been on the market for over a year and the interested buyer would like to raise small farm animals. Ms. Bradshaw said the property had an existing outbuilding and coop. Ms. Bradshaw added it was at the corner of Talbotts Subdivision, however it was not within the subdivision and was adjacent to farmland on the West and to the South. Ms. Bradshaw stated in the City of Pekin chickens were allowed on smaller lots and her client would be agreeable to conditions such as fencing. Ms. Bradshaw said the proposed buyer would reside in the dwelling and use the property for recreational farming.

Jennifer Thomas appeared to testify against the proposed Variance request. Ms. Thomas stated she was representing various homeowners in Talbotts Subdivision and submitted a Petition of 48 names of those opposed to the Variance request. Ms. Thomas said a realtor told her that her property value would decrease by living next to farm animals and the outbuilding on the proposed lot was an old schoolhouse and she had never seen a coop on the property. Ms. Thomas added she did not want to smell the feces and was concerned of animals getting loose. Ms. Thomas stated the farm animals would cause an increase in an already problematic coyote problem and would cause an increase in rodents due to the hay and feed.

Following all Public Hearings, moved by Toevs, seconded by Baum, to approve **Case No. 12-39-S**.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District and could be detrimental to the adjoining properties and improvements of neighboring properties. Due to the property being for sale the owner was unable to provide an estimated number of animals that will be housed on the property.

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.*

NEGATIVE. Allowing the proposed Variance could allow for diminishment of property values of the neighboring residential properties.

5. *The purpose of the variance is not based exclusively upon a desire to increase the monetary gain realized from the property.*

NEGATIVE. Testimony was provided that the applicant is trying to sell the property and has been unable to do so and feels that allowing farm animals would allow the site to be more marketable.

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.*

NEGATIVE. Allowing the request would allow a special privilege that is currently denied by the Ordinance for properties within the same zoning district.

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.*

NEGATIVE. The property can still be fully utilized for residential uses as allowed by the Zoning Code.

8. *The plight of the owner is due to unique circumstances.*

NEGATIVE. There are no unique circumstances to justify a waiver of the requirements of the Zoning Code which are currently in place.

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. 12-39-V** the vote was:
Ayes: 0
Nays: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Motion failed.

Following the Public Hearing portion of the Meeting and prior to the start of Deliberations, Chairman Newman called for a recess at 7:15 p.m. and then reconvened the meeting at 7:25 p.m. to conduct Deliberations of the Zoning Cases.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **WEDNESDAY, September 5, 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 Toevs, seconded by Baum, 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.

(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, August 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, Duane Lessen, Sandy May, Loren Toevs, Phil Webb and Ken Zimmerman

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Matt Drake, Assistant States Attorney, Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Chairman Carroll Imig, Russ Crawford, Paul Hahn, Terry Hillegonds, Darrell Meisinger, and Rosemary Palmer

OTHERS PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Baum, to approve the Minutes of the July 2, 2012 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

CASE NO. 12-27-Z: The petition of James Privett, et al for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from a C-2 General Business Commercial District to an A-1 Agriculture Preservation 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 made no comment regarding the proposed Rezoning request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Rezoning request.

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

James Privett appeared to testify on behalf of the proposed Rezoning request. Mr. Privett stated he purchased the property under the assumption it was zoned for Agriculture and was not made aware of the mixed zoning until he tried to sell the property. Mr. Privett said he owned the property for 6 years and had been remodeling the interior for the last 3 years. Mr. Privett added 3 acres of the property was being farmed.

Following all Public Hearings, moved by Baum, seconded by May, to recommend approval of **Case No. 12-27-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as a community growth area and not commercial.

2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

POSITIVE. 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 farming and residential uses of property within the general area. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

4. *The request is consistent with the zoning classifications of property within the general area of the property in question.*

   POSITIVE. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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 of C-2 given the existing single family residential structure and 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 and agricultural 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. T*he trend of nearby development has been single family residential and agricultural development.

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. Area surrounding the subject property has transitioned to single family residential and agriculture development.

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 proposed zoning map amendment is within 1.5 miles of Pekin, a municipality with an adopted Comprehensive Plan. Further the City had no objections to the Rezoning.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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.

- Avoid land development that occurs in isolated areas away from existing developed areas.

Moved by Lessen, seconded by Baum, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to recommend approval of **Case No. 12-27-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-28-Z: The petition of Excel Foundry and Machine, Inc. a subsidiary of FLSmidth Salt Lake City, Inc. for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an I-2 Heavy Industrial 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 made no comment regarding the proposed Rezoning request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Rezoning request.

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

Dave Eagan appeared to testify on behalf of the proposed Rezoning request. Mr. Eagan stated his company would be constructing a 112,000 square foot addition next to this proposed property which contained a dwelling. Mr. Eagan said the property owner approached Excel about purchasing the site. Mr. Eagan added Excel would raise the structures to widen the drive for semi access off of Shady Lane, and it was feasible to have the property the same Zoning Classification as the adjacent land.

Following all Public Hearings, moved by Zimmerman, seconded by Lessen, to recommend approval of **Case No. 12-28-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area being on the border between Industrial and Conservation districts.

2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

   POSITIVE. 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. The requested rezoning may actually improve safety by eliminating a single family residence in such close proximity to a heavy industrial use.

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 foundry operations within 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 request is consistent with other I-2 Zoning Districts within the area.

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 of A-1 given the foundry's desire to develop truck parking, which is not allowed in the A-1 district by right.

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 already being utilized for foundry operations and that truck parking is allowed by right with the I-2 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. T*he trend of nearby development has transitioned towards industrial uses and zoning since the property was placed in its current zoning.

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. Land development in the area has transitioned to industrial uses.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. Allowing the Rezoning will allow for expansion to Excel which will be a gain to the public.

11. *The proposed amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan.*

    POSITIVE. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.

    - Minimize conflict between land uses.

- Encourage the reuse of vacant properties for new and existing businesses.

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. 12-28-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-29-Z: The petition of Sam Parrott for a Map Amendment to the Official Tremont Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an A-2 Agriculture 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 approval regarding the proposed Rezoning request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Rezoning request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Rezoning request.

Larry Bolliger, Tremont 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 701 made no comment regarding the proposed Rezoning request.

Sam Parrot appeared to testify on behalf of the proposed Rezoning request. Mr. Parrott stated he would like to divide one lot for his daughter at the present time and another lot in the future for another child. Mr. Parrott said the property had a future land use plan for an A-2 Zoning Classification, so it was suggested he Rezone the property at the present time. Mr. Parrott added the proposed Parcel C indicated on the site plan would be combined with the lot containing his current dwelling and would have a restriction of no dwellings on that property. Mr. Parrott stated he had no intent to build anything that would use the existing easement, he only maintains an easement to drive across the adjacent property.

Ginger Herrman appeared with questions regarding the proposed Rezoning request. Ms. Herrman stated her father owned the farm land adjacent to the proposed property and allowed Mr. Parrott an easement across that property. Ms. Herrman said her father was concerned if Mr. Parrott would be constructing a road on the easement. Ms. Herrman referred to a map indicating her fathers property and questioning which parcels would be built upon.

Following all Public Hearings, moved by Baum, seconded by Toevs, to recommend approval of **Case No. 12-29-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as A-2.

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. 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.

4. *The request is consistent with the zoning classifications of property within the general area of the property in question.*

   POSITIVE. 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**.**

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 will be compatible with the A-2 zoning designation as detailed in the Tazewell County Future Land Use Map.

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.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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 May, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to recommend approval of **Case No. 12-29-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-30-Z: The petition of Mike Sutherland, d/b/a Sutherland and Sons Constriction, Inc. for a Map Amendment to the Official Groveland Township Zoning Map of Tazewell County to change the zoning classification of property from a R-1 Low Density Residential Zoning District to an I-1 Light Industrial 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 regarding the proposed Rezoning request stating a concern of the erosion control on the property.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Rezoning request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Rezoning request.

Dave Risinger, Groveland Township Road Commissioner submitted a report making no objection regarding the proposed Rezoning request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Rezoning request.

School District 76 and 309 made no comment regarding the proposed Rezoning request.

Mike Sutherland appeared to testify on behalf of the proposed Rezoning request. Mr. Sutherland stated he was working with the City of East Peoria on the 2010 Project for removal of clay located on the property. Mr. Sutherland said the property was once an entrance to a coal mine and the land was basically useless. Mr. Sutherland added when he found out part of the property was Zoned for R-1 he was surprised as he thought the entire property was Zoned I-1 Light Industrial.

Following all Public Hearings, moved by Lessen, seconded by Baum, to recommend approval of **Case No. 12-30-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 proposed zoning amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the current and past uses of the subject parcel.

2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

POSITIVE. 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 industrial uses along Cole Hollow Road. Portions of the subject parcel and adjacent parcels are currently zoned I-1.

4. *The request is consistent with the zoning classifications of property within the general area of the property in question.*

POSITIVE.

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 of R-1 given the existing industrial uses along Cole Hollow Road.

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 currently being utilized for industrial 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. Per the applicant, there has not been any development in the immediate vicinity recently.

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.

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 proposed zoning map amendment is within 1.5 miles of the City of East Peoria, a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Minimize conflict between land uses.
- Encourage the reuse of vacant properties for new and existing businesses.

Moved by Baum, seconded by May, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to recommend approval of **Case No. 12-30-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-31-S: The petition of Dan and Karen Doore for a 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 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 regarding the proposed Special Use request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Special Use request.

John Anderson, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating access will be approved at a specified location and an entrance permit will be necessary.

School Districts 709 made no comment regarding the proposed Special Use request.

Marilyn Kohn, Realtor appeared to testify on behalf of the proposed Special Use request. Ms. Kohn stated she had listed the property for the Doore's. She said the surrounding properties are similar size parcels with dwellings and farmettes. Ms. Kohn added there was a purchaser for the property to build a single family dwelling upon and it was not until they were working on the closing that it was discovered that the property was not a buildable lot of record. Ms. Kohn stated the sale of the property was contingent to Zoning Board Approval and added the Highway Department had given approval for an entrance location on Springfield Road.

Following all Public Hearings, moved by Baum, seconded by May, to approve of **Case No. 12-31-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed dwelling to be set back from the main road.

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. A new single family detached dwelling 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. The subject area is primarily farmland, which shall remain in crop production for the foreseeable future, and single family residences, limiting injury to the use and enjoyment of other property in the immediate area.

7. *The Special Use shall not substantially diminish and impair property values within the neighborhood.*

   POSITIVE. A new single family detached dwelling is not anticipated to substantially diminish and / or impair property value within the neighborhood.

8. *That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.*

   POSITIVE. Per the applicant, the subject parcel has access to electrical service and will feature a propane gas system, and private septic system. Water rights were previously purchased / approved from the Groveland Township. Existing stormwater drainage carries / directs runoff to the ditches along Broadway Street and Springfield Road. The Highway Department has previously approved site access from Springfield 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. Given the current traffic volumes on Broadway Street and Springfield Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed dwelling site is not within a half mile of 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.*

    NOT APPLICABLE.

12. *Seventy-five percent (75%) of the site contains soils having a productivity index of less than 125.*

    NOT APPLICABLE.

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 request for a single family detached dwelling site is consistent with the other existing single family detached homes in the immediate vicinity.

14. *The property is suitable for the Special Use as proposed.*

    POSITIVE. Given its proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-31-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-32-S: The petition of Michael Tibbs for a Special Use to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling in a 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 submitted a report regarding the proposed Special Use request stating a soil analysis will need to be conducted prior to a septic system.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Special Use request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Special Use request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Special Use request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Special Use request.

School Districts 606 and 303 made no comment regarding the proposed Special Use request.

THE FOLLOWING CONTAINS TESTIMONY FOR CASE NO. 12-32-S, 12-33-V & 12-34-V:

Michael Tibbs appeared to testify on behalf of the proposed Special Use and Variance requests. Mr. Tibbs stated he owned 2 lots, on the East and on the West side of Bass Road. Mr. Tibbs said he would like to build a garage prior to a dwelling in order to store materials necessary to build a dwelling on the West side of the road. Mr. Tibbs added he does construction work himself and the dwelling may not begin construction for another 3 to 4 years. Mr. Tibbs stated the proposed garage was typical to other garages in the area. Mr. Tibbs said due to the hillside on the property on the East side of the road he would not be able to meet the required setback. Mr. Tibbs added a prior owner began removing soil to construct a garage, however never began construction. Mr. Tibbs stated the proposed garage would be just that, a garage, and there would be no living quarters and no septic system. Mr. Tibbs said the lake lot on the West side of the road had a storage shed on the property which is where he will construct a future dwelling and the hillside would determine what size the actual garage would be, however he knew it would not need to be anymore than 900 square foot.

Following all Public Hearings, moved by Baum, seconded by Zimmerman, to approve of **Case No. 12-32-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed accessory structure on the east side of Bass Road in line with existing accessory structures.

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. A new detached accessory structure 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. The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area should be limited with the development of a new accessory structure and eventual single family residence.

7. *The Special Use shall not substantially diminish and impair property values within the neighborhood.*

   POSITIVE. A new single family detached dwelling and accessory structure is not anticipated to substantially diminish and / or impair property value within the neighborhood.

8. *That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.*

   POSITIVE. Per the applicant, the subject parcel has access to electrical service, which is the only service the proposed accessory structure will require. The proposed accessory structure will have easy vehicular access to Bass 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. Given the current traffic volumes on Bass Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed site is not within a half mile of 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.*

    NOT APPLICABLE.

12. *Seventy-five percent (75%) of the site contains soils having a productivity index of less than 125.*

    NOT APPLICABLE.

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 request for a detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

14. *The property is suitable for the Special Use as proposed.*

POSITIVE. Given its proximity to other existing single family detached homes and accessory structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-32-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-33-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(c)(1) to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling to be 900 square feet which is 500 square feet larger than allowed for the purpose of storing materials necessary to construct a Principal Dwelling in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-33-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 12-33-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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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 proposed size of the garage is consistent with other structures of similar nature in immediate 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.

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 a larger structure to accommodate for storage.

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. The Ordinance does not address unique circumstances such as proposed.

8. *The plight of the owner is due to unique circumstances*,

   POSITIVE. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

Moved by Baum, seconded by Lessen, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to approve **Case No. 12-33-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-34-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow construction of an Accessory Structure (Unattached Garage) to be 37' from the centerline of Bass Road which is 13' closer than allowed in an R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.
Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-34-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 12-34-S**.

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. Due to part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 request will not be detrimental to the public or improvements within the neighborhood and is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 applicant is simply seeking to construct a garage for storage on a lot that is encumbered by a large hillside therefore limiting alternatives for placement of the garage.

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. Similar request have been granted in the immediate vicinity due to the abnormal circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

Moved by Baum, seconded by Lessen, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to approve **Case No. 12-34-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-35-V: The petition of Larry Bollinger for a Variance to waive the requirements of 7TCC1-7(g)(1)(i) to allow construction of an Accessory Structure (Unattached Garage) to be 112' from the Centerline of Illinois Route 9 which is 38' closer than allowed and to waive 7TCC1-7(g)(3)(ii) to allow the same Accessory Structure to be 12' from the Rear property line which is 13' closer than allowed in an A-1 Agriculture Preservation Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating there appeared to be adequate room for a replacement septic system if needed.

Tazewell County Soil & Water Conservation District submitted a report having no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Variance request.

Mike Rankin, Mackinaw Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

Lee White, IDOT made no comment regarding the proposed Variance request.

School District 701 made no comment regarding the proposed Special Use request.

Larry Bollinger appeared to testify on behalf of the proposed Variance request. Mr. Bollinger stated he would like to construct a garage, however being located on a corner lot and the shape of his lot posed a hardship for setback requirements. Mr. Bollinger said his garage would sit farther back from Route 9 than the dwelling was and the entrance to the garage would be to the North off of Hoffman Ave.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-35-S**.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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.

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 applicant is simply seeking construction of the garage for additional storage.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. 12-35-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-36-V: The petition of Ken and Lori Eckhardt for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 57.5' from the Centerline of Olympia Road, which is 42.5' closer 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 submitted a report recommending approval regarding the proposed Variance request.

Louis Anderson, Boynton Township Road Commissioner submitted a report making no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer submitted a report stating no issue regarding the proposed Variance request.

School District 16 made no comment regarding the proposed Special Use request.

Ken Eckhardt appeared to testify on behalf of the proposed Variance request. Mr. Eckhardt stated his home was built in the 1890's and it originally had 2 front porches. Mr. Eckhardt said sometime over the years a previous owner removed the porches and he would like to reconstruct one porch as the house appeared to be "missing something". Mr. Eckhardt added he would not duplicate the original porch however it would be aesthetically pleasing.

Following all Public Hearings, moved by Lessen, seconded by May, to approve **Case No. 12-36-S**.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. Allow the Variance will not have an impact on 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 applicant is simply seeking to construct the porch for personal enjoyment and to be in character of the house as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. 12-36-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-37-V: The petition of Stephen Howard for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an Addition to Dwelling (Front Deck) to be 40' from the Centerline of Bittersweet Road, which is 10' closer than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department made no comment regarding the proposed Variance request.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Variance request.

Dave Weaver, Washington Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School District 50 and 308 made no comment regarding the proposed Special Use request.

Stephen Howard appeared to testify on behalf of the proposed Variance request. Mr. Howard stated he would like to remove the existing front deck and replace it with a deck and ramp. Mr. Howard said his wife was handicap and needed a stable deck for access to and from the house.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-37-S**.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements.

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. Allowing the Variance will not impair supply of light, create congestion on Bittersweet Road or diminish property values.

5. *The purpose of the variance is not based exclusively upon a desire to increase the monetary gain realized from the property.*

   POSITIVE. The owner simply needs the wheelchair ramp to allow for easier accessibility to the home.

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. Due to the non-conforming homes in the area and the small lots sizes. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

Moved by Baum, seconded by Zimmerman, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to approve **Case No. 12-37-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-38-V: The petition of Joseph Stoehr for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 73' from the Centerline of Nichols Road, which is 27' closer 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 making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Variance request.

Melissa Rademacker, Malone Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School District 191 made no comment regarding the proposed Special Use request.

Joseph Stoehr appeared to testify on behalf of the proposed Variance request. Mr. Stoehr stated he needed a porch on front of his dwelling for a second access. Mr. Stoehr said the porch would resemble a deck.

Following all Public Hearings, moved by Lessen, seconded by Toevs, to approve **Case No. 12-38-S**.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. Allowing the Variance will not have a negative impact on the surrounding neighborhood which is primarily farmland.

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 applicant is simply seeking to improve the home and allow for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. 12-38-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-39-V: The petition of Janet Zimmer, Trustee of the Ralph P. Thomas Trust, for a Variance to waive the requirements of 7TCC1-10(b)(3) to allow small farm animals, i.e. Chickens, Goats, etc. on a 4.13 acre lot, which is 15.87 acres less than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a written guidelines should be established and reviewed prior to approval.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report recommending disapproval regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School District 606 and 303 made no comment regarding the proposed Special Use request.

Jennifer Bradshaw, Realtor, appeared to testify on behalf of the proposed Variance request. Ms. Bradshaw stated this property had been on the market for over a year and the interested buyer would like to raise small farm animals. Ms. Bradshaw said the property had an existing outbuilding and coop. Ms. Bradshaw added it was at the corner of Talbotts Subdivision, however it was not within the subdivision and was adjacent to farmland on the West and to the South. Ms. Bradshaw stated in the City of Pekin chickens were allowed on smaller lots and her client would be agreeable to conditions such as fencing. Ms. Bradshaw said the proposed buyer would reside in the dwelling and use the property for recreational farming.

Jennifer Thomas appeared to testify against the proposed Variance request. Ms. Thomas stated she was representing various homeowners in Talbotts Subdivision and submitted a Petition of 48 names of those opposed to the Variance request. Ms. Thomas said a realtor told her that her property value would decrease by living next to farm animals and the outbuilding on the proposed lot was an old schoolhouse and she had never seen a coop on the property. Ms. Thomas added she did not want to smell the feces and was concerned of animals getting loose. Ms. Thomas stated the farm animals would cause an increase in an already problematic coyote problem and would cause an increase in rodents due to the hay and feed.

Following all Public Hearings, moved by Toevs, seconded by Baum, to approve **Case No. 12-39-S**.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District and could be detrimental to the adjoining properties and improvements of neighboring properties. Due to the property being for sale the owner was unable to provide an estimated number of animals that will be housed on the property.

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.*

NEGATIVE. Allowing the proposed Variance could allow for diminishment of property values of the neighboring residential properties.

5. *The purpose of the variance is not based exclusively upon a desire to increase the monetary gain realized from the property.*

NEGATIVE. Testimony was provided that the applicant is trying to sell the property and has been unable to do so and feels that allowing farm animals would allow the site to be more marketable.

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.*

NEGATIVE. Allowing the request would allow a special privilege that is currently denied by the Ordinance for properties within the same zoning district.

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.*

NEGATIVE. The property can still be fully utilized for residential uses as allowed by the Zoning Code.

8. *The plight of the owner is due to unique circumstances.*

NEGATIVE. There are no unique circumstances to justify a waiver of the requirements of the Zoning Code which are currently in place.

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. 12-39-V** the vote was:
Ayes: 0
Nays: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Motion failed.

Following the Public Hearing portion of the Meeting and prior to the start of Deliberations, Chairman Newman called for a recess at 7:15 p.m. and then reconvened the meeting at 7:25 p.m. to conduct Deliberations of the Zoning Cases.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **WEDNESDAY, September 5, 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 Toevs, seconded by Baum, 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.

(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, August 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, Duane Lessen, Sandy May, Loren Toevs, Phil Webb and Ken Zimmerman

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Matt Drake, Assistant States Attorney, Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Chairman Carroll Imig, Russ Crawford, Paul Hahn, Terry Hillegonds, Darrell Meisinger, and Rosemary Palmer

OTHERS PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Baum, to approve the Minutes of the July 2, 2012 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

CASE NO. 12-27-Z: The petition of James Privett, et al for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from a C-2 General Business Commercial District to an A-1 Agriculture Preservation 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 made no comment regarding the proposed Rezoning request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Rezoning request.

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

James Privett appeared to testify on behalf of the proposed Rezoning request. Mr. Privett stated he purchased the property under the assumption it was zoned for Agriculture and was not made aware of the mixed zoning until he tried to sell the property. Mr. Privett said he owned the property for 6 years and had been remodeling the interior for the last 3 years. Mr. Privett added 3 acres of the property was being farmed.

Following all Public Hearings, moved by Baum, seconded by May, to recommend approval of **Case No. 12-27-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as a community growth area and not commercial.

2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

POSITIVE. 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 farming and residential uses of property within the general area. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

4. *The request is consistent with the zoning classifications of property within the general area of the property in question.*

   POSITIVE. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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 of C-2 given the existing single family residential structure and 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 and agricultural 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. T*he trend of nearby development has been single family residential and agricultural development.

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. Area surrounding the subject property has transitioned to single family residential and agriculture development.

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 proposed zoning map amendment is within 1.5 miles of Pekin, a municipality with an adopted Comprehensive Plan. Further the City had no objections to the Rezoning.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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.

- Avoid land development that occurs in isolated areas away from existing developed areas.

Moved by Lessen, seconded by Baum, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to recommend approval of **Case No. 12-27-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-28-Z: The petition of Excel Foundry and Machine, Inc. a subsidiary of FLSmidth Salt Lake City, Inc. for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an I-2 Heavy Industrial 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 made no comment regarding the proposed Rezoning request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Rezoning request.

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

Dave Eagan appeared to testify on behalf of the proposed Rezoning request. Mr. Eagan stated his company would be constructing a 112,000 square foot addition next to this proposed property which contained a dwelling. Mr. Eagan said the property owner approached Excel about purchasing the site. Mr. Eagan added Excel would raise the structures to widen the drive for semi access off of Shady Lane, and it was feasible to have the property the same Zoning Classification as the adjacent land.

Following all Public Hearings, moved by Zimmerman, seconded by Lessen, to recommend approval of **Case No. 12-28-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area being on the border between Industrial and Conservation districts.

2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

   POSITIVE. 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. The requested rezoning may actually improve safety by eliminating a single family residence in such close proximity to a heavy industrial use.

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 foundry operations within 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 request is consistent with other I-2 Zoning Districts within the area.

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 of A-1 given the foundry's desire to develop truck parking, which is not allowed in the A-1 district by right.

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 already being utilized for foundry operations and that truck parking is allowed by right with the I-2 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. T*he trend of nearby development has transitioned towards industrial uses and zoning since the property was placed in its current zoning.

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. Land development in the area has transitioned to industrial uses.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. Allowing the Rezoning will allow for expansion to Excel which will be a gain to the public.

11. *The proposed amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan.*

    POSITIVE. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.

    - Minimize conflict between land uses.

- Encourage the reuse of vacant properties for new and existing businesses.

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. 12-28-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-29-Z: The petition of Sam Parrott for a Map Amendment to the Official Tremont Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an A-2 Agriculture 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 approval regarding the proposed Rezoning request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Rezoning request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Rezoning request.

Larry Bolliger, Tremont 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 701 made no comment regarding the proposed Rezoning request.

Sam Parrot appeared to testify on behalf of the proposed Rezoning request. Mr. Parrott stated he would like to divide one lot for his daughter at the present time and another lot in the future for another child. Mr. Parrott said the property had a future land use plan for an A-2 Zoning Classification, so it was suggested he Rezone the property at the present time. Mr. Parrott added the proposed Parcel C indicated on the site plan would be combined with the lot containing his current dwelling and would have a restriction of no dwellings on that property. Mr. Parrott stated he had no intent to build anything that would use the existing easement, he only maintains an easement to drive across the adjacent property.

Ginger Herrman appeared with questions regarding the proposed Rezoning request. Ms. Herrman stated her father owned the farm land adjacent to the proposed property and allowed Mr. Parrott an easement across that property. Ms. Herrman said her father was concerned if Mr. Parrott would be constructing a road on the easement. Ms. Herrman referred to a map indicating her fathers property and questioning which parcels would be built upon.

Following all Public Hearings, moved by Baum, seconded by Toevs, to recommend approval of **Case No. 12-29-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as A-2.

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. 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.

4. *The request is consistent with the zoning classifications of property within the general area of the property in question.*

   POSITIVE. 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**.**

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 will be compatible with the A-2 zoning designation as detailed in the Tazewell County Future Land Use Map.

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.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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 May, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to recommend approval of **Case No. 12-29-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-30-Z: The petition of Mike Sutherland, d/b/a Sutherland and Sons Constriction, Inc. for a Map Amendment to the Official Groveland Township Zoning Map of Tazewell County to change the zoning classification of property from a R-1 Low Density Residential Zoning District to an I-1 Light Industrial 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 regarding the proposed Rezoning request stating a concern of the erosion control on the property.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Rezoning request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Rezoning request.

Dave Risinger, Groveland Township Road Commissioner submitted a report making no objection regarding the proposed Rezoning request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Rezoning request.

School District 76 and 309 made no comment regarding the proposed Rezoning request.

Mike Sutherland appeared to testify on behalf of the proposed Rezoning request. Mr. Sutherland stated he was working with the City of East Peoria on the 2010 Project for removal of clay located on the property. Mr. Sutherland said the property was once an entrance to a coal mine and the land was basically useless. Mr. Sutherland added when he found out part of the property was Zoned for R-1 he was surprised as he thought the entire property was Zoned I-1 Light Industrial.

Following all Public Hearings, moved by Lessen, seconded by Baum, to recommend approval of **Case No. 12-30-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 proposed zoning amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the current and past uses of the subject parcel.

2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

POSITIVE. 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 industrial uses along Cole Hollow Road. Portions of the subject parcel and adjacent parcels are currently zoned I-1.

4. *The request is consistent with the zoning classifications of property within the general area of the property in question.*

POSITIVE.

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 of R-1 given the existing industrial uses along Cole Hollow Road.

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 currently being utilized for industrial 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. Per the applicant, there has not been any development in the immediate vicinity recently.

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.

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 proposed zoning map amendment is within 1.5 miles of the City of East Peoria, a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Minimize conflict between land uses.
- Encourage the reuse of vacant properties for new and existing businesses.

Moved by Baum, seconded by May, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to recommend approval of **Case No. 12-30-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-31-S: The petition of Dan and Karen Doore for a 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 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 regarding the proposed Special Use request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Special Use request.

John Anderson, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating access will be approved at a specified location and an entrance permit will be necessary.

School Districts 709 made no comment regarding the proposed Special Use request.

Marilyn Kohn, Realtor appeared to testify on behalf of the proposed Special Use request. Ms. Kohn stated she had listed the property for the Doore's. She said the surrounding properties are similar size parcels with dwellings and farmettes. Ms. Kohn added there was a purchaser for the property to build a single family dwelling upon and it was not until they were working on the closing that it was discovered that the property was not a buildable lot of record. Ms. Kohn stated the sale of the property was contingent to Zoning Board Approval and added the Highway Department had given approval for an entrance location on Springfield Road.

Following all Public Hearings, moved by Baum, seconded by May, to approve of **Case No. 12-31-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed dwelling to be set back from the main road.

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. A new single family detached dwelling 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. The subject area is primarily farmland, which shall remain in crop production for the foreseeable future, and single family residences, limiting injury to the use and enjoyment of other property in the immediate area.

7. *The Special Use shall not substantially diminish and impair property values within the neighborhood.*

   POSITIVE. A new single family detached dwelling is not anticipated to substantially diminish and / or impair property value within the neighborhood.

8. *That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.*

   POSITIVE. Per the applicant, the subject parcel has access to electrical service and will feature a propane gas system, and private septic system. Water rights were previously purchased / approved from the Groveland Township. Existing stormwater drainage carries / directs runoff to the ditches along Broadway Street and Springfield Road. The Highway Department has previously approved site access from Springfield 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. Given the current traffic volumes on Broadway Street and Springfield Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed dwelling site is not within a half mile of 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.*

    NOT APPLICABLE.

12. *Seventy-five percent (75%) of the site contains soils having a productivity index of less than 125.*

    NOT APPLICABLE.

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 request for a single family detached dwelling site is consistent with the other existing single family detached homes in the immediate vicinity.

14. *The property is suitable for the Special Use as proposed.*

    POSITIVE. Given its proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-31-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-32-S: The petition of Michael Tibbs for a Special Use to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling in a 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 submitted a report regarding the proposed Special Use request stating a soil analysis will need to be conducted prior to a septic system.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Special Use request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Special Use request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Special Use request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Special Use request.

School Districts 606 and 303 made no comment regarding the proposed Special Use request.

THE FOLLOWING CONTAINS TESTIMONY FOR CASE NO. 12-32-S, 12-33-V & 12-34-V:

Michael Tibbs appeared to testify on behalf of the proposed Special Use and Variance requests. Mr. Tibbs stated he owned 2 lots, on the East and on the West side of Bass Road. Mr. Tibbs said he would like to build a garage prior to a dwelling in order to store materials necessary to build a dwelling on the West side of the road. Mr. Tibbs added he does construction work himself and the dwelling may not begin construction for another 3 to 4 years. Mr. Tibbs stated the proposed garage was typical to other garages in the area. Mr. Tibbs said due to the hillside on the property on the East side of the road he would not be able to meet the required setback. Mr. Tibbs added a prior owner began removing soil to construct a garage, however never began construction. Mr. Tibbs stated the proposed garage would be just that, a garage, and there would be no living quarters and no septic system. Mr. Tibbs said the lake lot on the West side of the road had a storage shed on the property which is where he will construct a future dwelling and the hillside would determine what size the actual garage would be, however he knew it would not need to be anymore than 900 square foot.

Following all Public Hearings, moved by Baum, seconded by Zimmerman, to approve of **Case No. 12-32-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed accessory structure on the east side of Bass Road in line with existing accessory structures.

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. A new detached accessory structure 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. The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area should be limited with the development of a new accessory structure and eventual single family residence.

7. *The Special Use shall not substantially diminish and impair property values within the neighborhood.*

   POSITIVE. A new single family detached dwelling and accessory structure is not anticipated to substantially diminish and / or impair property value within the neighborhood.

8. *That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.*

   POSITIVE. Per the applicant, the subject parcel has access to electrical service, which is the only service the proposed accessory structure will require. The proposed accessory structure will have easy vehicular access to Bass 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. Given the current traffic volumes on Bass Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed site is not within a half mile of 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.*

    NOT APPLICABLE.

12. *Seventy-five percent (75%) of the site contains soils having a productivity index of less than 125.*

    NOT APPLICABLE.

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 request for a detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

14. *The property is suitable for the Special Use as proposed.*

POSITIVE. Given its proximity to other existing single family detached homes and accessory structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-32-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-33-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(c)(1) to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling to be 900 square feet which is 500 square feet larger than allowed for the purpose of storing materials necessary to construct a Principal Dwelling in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-33-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 12-33-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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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 proposed size of the garage is consistent with other structures of similar nature in immediate 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.

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 a larger structure to accommodate for storage.

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. The Ordinance does not address unique circumstances such as proposed.

8. *The plight of the owner is due to unique circumstances*,

   POSITIVE. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

Moved by Baum, seconded by Lessen, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to approve **Case No. 12-33-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-34-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow construction of an Accessory Structure (Unattached Garage) to be 37' from the centerline of Bass Road which is 13' closer than allowed in an R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.
Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-34-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 12-34-S**.

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. Due to part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 request will not be detrimental to the public or improvements within the neighborhood and is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 applicant is simply seeking to construct a garage for storage on a lot that is encumbered by a large hillside therefore limiting alternatives for placement of the garage.

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. Similar request have been granted in the immediate vicinity due to the abnormal circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

Moved by Baum, seconded by Lessen, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to approve **Case No. 12-34-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-35-V: The petition of Larry Bollinger for a Variance to waive the requirements of 7TCC1-7(g)(1)(i) to allow construction of an Accessory Structure (Unattached Garage) to be 112' from the Centerline of Illinois Route 9 which is 38' closer than allowed and to waive 7TCC1-7(g)(3)(ii) to allow the same Accessory Structure to be 12' from the Rear property line which is 13' closer than allowed in an A-1 Agriculture Preservation Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating there appeared to be adequate room for a replacement septic system if needed.

Tazewell County Soil & Water Conservation District submitted a report having no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Variance request.

Mike Rankin, Mackinaw Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

Lee White, IDOT made no comment regarding the proposed Variance request.

School District 701 made no comment regarding the proposed Special Use request.

Larry Bollinger appeared to testify on behalf of the proposed Variance request. Mr. Bollinger stated he would like to construct a garage, however being located on a corner lot and the shape of his lot posed a hardship for setback requirements. Mr. Bollinger said his garage would sit farther back from Route 9 than the dwelling was and the entrance to the garage would be to the North off of Hoffman Ave.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-35-S**.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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.

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 applicant is simply seeking construction of the garage for additional storage.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. 12-35-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-36-V: The petition of Ken and Lori Eckhardt for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 57.5' from the Centerline of Olympia Road, which is 42.5' closer 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 submitted a report recommending approval regarding the proposed Variance request.

Louis Anderson, Boynton Township Road Commissioner submitted a report making no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer submitted a report stating no issue regarding the proposed Variance request.

School District 16 made no comment regarding the proposed Special Use request.

Ken Eckhardt appeared to testify on behalf of the proposed Variance request. Mr. Eckhardt stated his home was built in the 1890's and it originally had 2 front porches. Mr. Eckhardt said sometime over the years a previous owner removed the porches and he would like to reconstruct one porch as the house appeared to be "missing something". Mr. Eckhardt added he would not duplicate the original porch however it would be aesthetically pleasing.

Following all Public Hearings, moved by Lessen, seconded by May, to approve **Case No. 12-36-S**.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. Allow the Variance will not have an impact on 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 applicant is simply seeking to construct the porch for personal enjoyment and to be in character of the house as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. 12-36-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-37-V: The petition of Stephen Howard for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an Addition to Dwelling (Front Deck) to be 40' from the Centerline of Bittersweet Road, which is 10' closer than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department made no comment regarding the proposed Variance request.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Variance request.

Dave Weaver, Washington Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School District 50 and 308 made no comment regarding the proposed Special Use request.

Stephen Howard appeared to testify on behalf of the proposed Variance request. Mr. Howard stated he would like to remove the existing front deck and replace it with a deck and ramp. Mr. Howard said his wife was handicap and needed a stable deck for access to and from the house.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-37-S**.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements.

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. Allowing the Variance will not impair supply of light, create congestion on Bittersweet Road or diminish property values.

5. *The purpose of the variance is not based exclusively upon a desire to increase the monetary gain realized from the property.*

   POSITIVE. The owner simply needs the wheelchair ramp to allow for easier accessibility to the home.

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. Due to the non-conforming homes in the area and the small lots sizes. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

Moved by Baum, seconded by Zimmerman, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to approve **Case No. 12-37-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-38-V: The petition of Joseph Stoehr for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 73' from the Centerline of Nichols Road, which is 27' closer 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 making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Variance request.

Melissa Rademacker, Malone Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School District 191 made no comment regarding the proposed Special Use request.

Joseph Stoehr appeared to testify on behalf of the proposed Variance request. Mr. Stoehr stated he needed a porch on front of his dwelling for a second access. Mr. Stoehr said the porch would resemble a deck.

Following all Public Hearings, moved by Lessen, seconded by Toevs, to approve **Case No. 12-38-S**.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. Allowing the Variance will not have a negative impact on the surrounding neighborhood which is primarily farmland.

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 applicant is simply seeking to improve the home and allow for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. 12-38-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-39-V: The petition of Janet Zimmer, Trustee of the Ralph P. Thomas Trust, for a Variance to waive the requirements of 7TCC1-10(b)(3) to allow small farm animals, i.e. Chickens, Goats, etc. on a 4.13 acre lot, which is 15.87 acres less than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a written guidelines should be established and reviewed prior to approval.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report recommending disapproval regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School District 606 and 303 made no comment regarding the proposed Special Use request.

Jennifer Bradshaw, Realtor, appeared to testify on behalf of the proposed Variance request. Ms. Bradshaw stated this property had been on the market for over a year and the interested buyer would like to raise small farm animals. Ms. Bradshaw said the property had an existing outbuilding and coop. Ms. Bradshaw added it was at the corner of Talbotts Subdivision, however it was not within the subdivision and was adjacent to farmland on the West and to the South. Ms. Bradshaw stated in the City of Pekin chickens were allowed on smaller lots and her client would be agreeable to conditions such as fencing. Ms. Bradshaw said the proposed buyer would reside in the dwelling and use the property for recreational farming.

Jennifer Thomas appeared to testify against the proposed Variance request. Ms. Thomas stated she was representing various homeowners in Talbotts Subdivision and submitted a Petition of 48 names of those opposed to the Variance request. Ms. Thomas said a realtor told her that her property value would decrease by living next to farm animals and the outbuilding on the proposed lot was an old schoolhouse and she had never seen a coop on the property. Ms. Thomas added she did not want to smell the feces and was concerned of animals getting loose. Ms. Thomas stated the farm animals would cause an increase in an already problematic coyote problem and would cause an increase in rodents due to the hay and feed.

Following all Public Hearings, moved by Toevs, seconded by Baum, to approve **Case No. 12-39-S**.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District and could be detrimental to the adjoining properties and improvements of neighboring properties. Due to the property being for sale the owner was unable to provide an estimated number of animals that will be housed on the property.

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.*

NEGATIVE. Allowing the proposed Variance could allow for diminishment of property values of the neighboring residential properties.

5. *The purpose of the variance is not based exclusively upon a desire to increase the monetary gain realized from the property.*

NEGATIVE. Testimony was provided that the applicant is trying to sell the property and has been unable to do so and feels that allowing farm animals would allow the site to be more marketable.

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.*

NEGATIVE. Allowing the request would allow a special privilege that is currently denied by the Ordinance for properties within the same zoning district.

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.*

NEGATIVE. The property can still be fully utilized for residential uses as allowed by the Zoning Code.

8. *The plight of the owner is due to unique circumstances.*

NEGATIVE. There are no unique circumstances to justify a waiver of the requirements of the Zoning Code which are currently in place.

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. 12-39-V** the vote was:
Ayes: 0
Nays: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Motion failed.

Following the Public Hearing portion of the Meeting and prior to the start of Deliberations, Chairman Newman called for a recess at 7:15 p.m. and then reconvened the meeting at 7:25 p.m. to conduct Deliberations of the Zoning Cases.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **WEDNESDAY, September 5, 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 Toevs, seconded by Baum, 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.

(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, August 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, Duane Lessen, Sandy May, Loren Toevs, Phil Webb and Ken Zimmerman

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Matt Drake, Assistant States Attorney, Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Chairman Carroll Imig, Russ Crawford, Paul Hahn, Terry Hillegonds, Darrell Meisinger, and Rosemary Palmer

OTHERS PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Baum, to approve the Minutes of the July 2, 2012 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

CASE NO. 12-27-Z: The petition of James Privett, et al for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from a C-2 General Business Commercial District to an A-1 Agriculture Preservation 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 made no comment regarding the proposed Rezoning request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Rezoning request.

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

James Privett appeared to testify on behalf of the proposed Rezoning request. Mr. Privett stated he purchased the property under the assumption it was zoned for Agriculture and was not made aware of the mixed zoning until he tried to sell the property. Mr. Privett said he owned the property for 6 years and had been remodeling the interior for the last 3 years. Mr. Privett added 3 acres of the property was being farmed.

Following all Public Hearings, moved by Baum, seconded by May, to recommend approval of **Case No. 12-27-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as a community growth area and not commercial.

2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

POSITIVE. 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 farming and residential uses of property within the general area. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

4. *The request is consistent with the zoning classifications of property within the general area of the property in question.*

   POSITIVE. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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 of C-2 given the existing single family residential structure and 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 and agricultural 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. T*he trend of nearby development has been single family residential and agricultural development.

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. Area surrounding the subject property has transitioned to single family residential and agriculture development.

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 proposed zoning map amendment is within 1.5 miles of Pekin, a municipality with an adopted Comprehensive Plan. Further the City had no objections to the Rezoning.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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.

- Avoid land development that occurs in isolated areas away from existing developed areas.

Moved by Lessen, seconded by Baum, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to recommend approval of **Case No. 12-27-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-28-Z: The petition of Excel Foundry and Machine, Inc. a subsidiary of FLSmidth Salt Lake City, Inc. for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an I-2 Heavy Industrial 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 made no comment regarding the proposed Rezoning request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Rezoning request.

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

Dave Eagan appeared to testify on behalf of the proposed Rezoning request. Mr. Eagan stated his company would be constructing a 112,000 square foot addition next to this proposed property which contained a dwelling. Mr. Eagan said the property owner approached Excel about purchasing the site. Mr. Eagan added Excel would raise the structures to widen the drive for semi access off of Shady Lane, and it was feasible to have the property the same Zoning Classification as the adjacent land.

Following all Public Hearings, moved by Zimmerman, seconded by Lessen, to recommend approval of **Case No. 12-28-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area being on the border between Industrial and Conservation districts.

2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

   POSITIVE. 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. The requested rezoning may actually improve safety by eliminating a single family residence in such close proximity to a heavy industrial use.

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 foundry operations within 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 request is consistent with other I-2 Zoning Districts within the area.

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 of A-1 given the foundry's desire to develop truck parking, which is not allowed in the A-1 district by right.

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 already being utilized for foundry operations and that truck parking is allowed by right with the I-2 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. T*he trend of nearby development has transitioned towards industrial uses and zoning since the property was placed in its current zoning.

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. Land development in the area has transitioned to industrial uses.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. Allowing the Rezoning will allow for expansion to Excel which will be a gain to the public.

11. *The proposed amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan.*

    POSITIVE. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.

    - Minimize conflict between land uses.

- Encourage the reuse of vacant properties for new and existing businesses.

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. 12-28-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-29-Z: The petition of Sam Parrott for a Map Amendment to the Official Tremont Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an A-2 Agriculture 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 approval regarding the proposed Rezoning request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Rezoning request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Rezoning request.

Larry Bolliger, Tremont 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 701 made no comment regarding the proposed Rezoning request.

Sam Parrot appeared to testify on behalf of the proposed Rezoning request. Mr. Parrott stated he would like to divide one lot for his daughter at the present time and another lot in the future for another child. Mr. Parrott said the property had a future land use plan for an A-2 Zoning Classification, so it was suggested he Rezone the property at the present time. Mr. Parrott added the proposed Parcel C indicated on the site plan would be combined with the lot containing his current dwelling and would have a restriction of no dwellings on that property. Mr. Parrott stated he had no intent to build anything that would use the existing easement, he only maintains an easement to drive across the adjacent property.

Ginger Herrman appeared with questions regarding the proposed Rezoning request. Ms. Herrman stated her father owned the farm land adjacent to the proposed property and allowed Mr. Parrott an easement across that property. Ms. Herrman said her father was concerned if Mr. Parrott would be constructing a road on the easement. Ms. Herrman referred to a map indicating her fathers property and questioning which parcels would be built upon.

Following all Public Hearings, moved by Baum, seconded by Toevs, to recommend approval of **Case No. 12-29-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as A-2.

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. 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.

4. *The request is consistent with the zoning classifications of property within the general area of the property in question.*

   POSITIVE. 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**.**

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 will be compatible with the A-2 zoning designation as detailed in the Tazewell County Future Land Use Map.

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.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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 May, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to recommend approval of **Case No. 12-29-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-30-Z: The petition of Mike Sutherland, d/b/a Sutherland and Sons Constriction, Inc. for a Map Amendment to the Official Groveland Township Zoning Map of Tazewell County to change the zoning classification of property from a R-1 Low Density Residential Zoning District to an I-1 Light Industrial 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 regarding the proposed Rezoning request stating a concern of the erosion control on the property.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Rezoning request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Rezoning request.

Dave Risinger, Groveland Township Road Commissioner submitted a report making no objection regarding the proposed Rezoning request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Rezoning request.

School District 76 and 309 made no comment regarding the proposed Rezoning request.

Mike Sutherland appeared to testify on behalf of the proposed Rezoning request. Mr. Sutherland stated he was working with the City of East Peoria on the 2010 Project for removal of clay located on the property. Mr. Sutherland said the property was once an entrance to a coal mine and the land was basically useless. Mr. Sutherland added when he found out part of the property was Zoned for R-1 he was surprised as he thought the entire property was Zoned I-1 Light Industrial.

Following all Public Hearings, moved by Lessen, seconded by Baum, to recommend approval of **Case No. 12-30-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 proposed zoning amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the current and past uses of the subject parcel.

2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

POSITIVE. 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 industrial uses along Cole Hollow Road. Portions of the subject parcel and adjacent parcels are currently zoned I-1.

4. *The request is consistent with the zoning classifications of property within the general area of the property in question.*

POSITIVE.

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 of R-1 given the existing industrial uses along Cole Hollow Road.

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 currently being utilized for industrial 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. Per the applicant, there has not been any development in the immediate vicinity recently.

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.

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 proposed zoning map amendment is within 1.5 miles of the City of East Peoria, a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Minimize conflict between land uses.
- Encourage the reuse of vacant properties for new and existing businesses.

Moved by Baum, seconded by May, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to recommend approval of **Case No. 12-30-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-31-S: The petition of Dan and Karen Doore for a 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 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 regarding the proposed Special Use request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Special Use request.

John Anderson, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating access will be approved at a specified location and an entrance permit will be necessary.

School Districts 709 made no comment regarding the proposed Special Use request.

Marilyn Kohn, Realtor appeared to testify on behalf of the proposed Special Use request. Ms. Kohn stated she had listed the property for the Doore's. She said the surrounding properties are similar size parcels with dwellings and farmettes. Ms. Kohn added there was a purchaser for the property to build a single family dwelling upon and it was not until they were working on the closing that it was discovered that the property was not a buildable lot of record. Ms. Kohn stated the sale of the property was contingent to Zoning Board Approval and added the Highway Department had given approval for an entrance location on Springfield Road.

Following all Public Hearings, moved by Baum, seconded by May, to approve of **Case No. 12-31-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed dwelling to be set back from the main road.

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. A new single family detached dwelling 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. The subject area is primarily farmland, which shall remain in crop production for the foreseeable future, and single family residences, limiting injury to the use and enjoyment of other property in the immediate area.

7. *The Special Use shall not substantially diminish and impair property values within the neighborhood.*

   POSITIVE. A new single family detached dwelling is not anticipated to substantially diminish and / or impair property value within the neighborhood.

8. *That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.*

   POSITIVE. Per the applicant, the subject parcel has access to electrical service and will feature a propane gas system, and private septic system. Water rights were previously purchased / approved from the Groveland Township. Existing stormwater drainage carries / directs runoff to the ditches along Broadway Street and Springfield Road. The Highway Department has previously approved site access from Springfield 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. Given the current traffic volumes on Broadway Street and Springfield Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed dwelling site is not within a half mile of 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.*

    NOT APPLICABLE.

12. *Seventy-five percent (75%) of the site contains soils having a productivity index of less than 125.*

    NOT APPLICABLE.

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 request for a single family detached dwelling site is consistent with the other existing single family detached homes in the immediate vicinity.

14. *The property is suitable for the Special Use as proposed.*

    POSITIVE. Given its proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-31-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-32-S: The petition of Michael Tibbs for a Special Use to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling in a 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 submitted a report regarding the proposed Special Use request stating a soil analysis will need to be conducted prior to a septic system.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Special Use request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Special Use request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Special Use request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Special Use request.

School Districts 606 and 303 made no comment regarding the proposed Special Use request.

THE FOLLOWING CONTAINS TESTIMONY FOR CASE NO. 12-32-S, 12-33-V & 12-34-V:

Michael Tibbs appeared to testify on behalf of the proposed Special Use and Variance requests. Mr. Tibbs stated he owned 2 lots, on the East and on the West side of Bass Road. Mr. Tibbs said he would like to build a garage prior to a dwelling in order to store materials necessary to build a dwelling on the West side of the road. Mr. Tibbs added he does construction work himself and the dwelling may not begin construction for another 3 to 4 years. Mr. Tibbs stated the proposed garage was typical to other garages in the area. Mr. Tibbs said due to the hillside on the property on the East side of the road he would not be able to meet the required setback. Mr. Tibbs added a prior owner began removing soil to construct a garage, however never began construction. Mr. Tibbs stated the proposed garage would be just that, a garage, and there would be no living quarters and no septic system. Mr. Tibbs said the lake lot on the West side of the road had a storage shed on the property which is where he will construct a future dwelling and the hillside would determine what size the actual garage would be, however he knew it would not need to be anymore than 900 square foot.

Following all Public Hearings, moved by Baum, seconded by Zimmerman, to approve of **Case No. 12-32-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed accessory structure on the east side of Bass Road in line with existing accessory structures.

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. A new detached accessory structure 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. The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area should be limited with the development of a new accessory structure and eventual single family residence.

7. *The Special Use shall not substantially diminish and impair property values within the neighborhood.*

   POSITIVE. A new single family detached dwelling and accessory structure is not anticipated to substantially diminish and / or impair property value within the neighborhood.

8. *That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.*

   POSITIVE. Per the applicant, the subject parcel has access to electrical service, which is the only service the proposed accessory structure will require. The proposed accessory structure will have easy vehicular access to Bass 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. Given the current traffic volumes on Bass Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed site is not within a half mile of 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.*

    NOT APPLICABLE.

12. *Seventy-five percent (75%) of the site contains soils having a productivity index of less than 125.*

    NOT APPLICABLE.

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 request for a detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

14. *The property is suitable for the Special Use as proposed.*

POSITIVE. Given its proximity to other existing single family detached homes and accessory structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-32-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-33-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(c)(1) to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling to be 900 square feet which is 500 square feet larger than allowed for the purpose of storing materials necessary to construct a Principal Dwelling in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-33-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 12-33-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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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 proposed size of the garage is consistent with other structures of similar nature in immediate 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.

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 a larger structure to accommodate for storage.

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. The Ordinance does not address unique circumstances such as proposed.

8. *The plight of the owner is due to unique circumstances*,

   POSITIVE. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

Moved by Baum, seconded by Lessen, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to approve **Case No. 12-33-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-34-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow construction of an Accessory Structure (Unattached Garage) to be 37' from the centerline of Bass Road which is 13' closer than allowed in an R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.
Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-34-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 12-34-S**.

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. Due to part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 request will not be detrimental to the public or improvements within the neighborhood and is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 applicant is simply seeking to construct a garage for storage on a lot that is encumbered by a large hillside therefore limiting alternatives for placement of the garage.

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. Similar request have been granted in the immediate vicinity due to the abnormal circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

Moved by Baum, seconded by Lessen, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to approve **Case No. 12-34-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-35-V: The petition of Larry Bollinger for a Variance to waive the requirements of 7TCC1-7(g)(1)(i) to allow construction of an Accessory Structure (Unattached Garage) to be 112' from the Centerline of Illinois Route 9 which is 38' closer than allowed and to waive 7TCC1-7(g)(3)(ii) to allow the same Accessory Structure to be 12' from the Rear property line which is 13' closer than allowed in an A-1 Agriculture Preservation Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating there appeared to be adequate room for a replacement septic system if needed.

Tazewell County Soil & Water Conservation District submitted a report having no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Variance request.

Mike Rankin, Mackinaw Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

Lee White, IDOT made no comment regarding the proposed Variance request.

School District 701 made no comment regarding the proposed Special Use request.

Larry Bollinger appeared to testify on behalf of the proposed Variance request. Mr. Bollinger stated he would like to construct a garage, however being located on a corner lot and the shape of his lot posed a hardship for setback requirements. Mr. Bollinger said his garage would sit farther back from Route 9 than the dwelling was and the entrance to the garage would be to the North off of Hoffman Ave.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-35-S**.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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.

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 applicant is simply seeking construction of the garage for additional storage.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. 12-35-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-36-V: The petition of Ken and Lori Eckhardt for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 57.5' from the Centerline of Olympia Road, which is 42.5' closer 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 submitted a report recommending approval regarding the proposed Variance request.

Louis Anderson, Boynton Township Road Commissioner submitted a report making no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer submitted a report stating no issue regarding the proposed Variance request.

School District 16 made no comment regarding the proposed Special Use request.

Ken Eckhardt appeared to testify on behalf of the proposed Variance request. Mr. Eckhardt stated his home was built in the 1890's and it originally had 2 front porches. Mr. Eckhardt said sometime over the years a previous owner removed the porches and he would like to reconstruct one porch as the house appeared to be "missing something". Mr. Eckhardt added he would not duplicate the original porch however it would be aesthetically pleasing.

Following all Public Hearings, moved by Lessen, seconded by May, to approve **Case No. 12-36-S**.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. Allow the Variance will not have an impact on 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 applicant is simply seeking to construct the porch for personal enjoyment and to be in character of the house as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. 12-36-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-37-V: The petition of Stephen Howard for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an Addition to Dwelling (Front Deck) to be 40' from the Centerline of Bittersweet Road, which is 10' closer than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department made no comment regarding the proposed Variance request.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Variance request.

Dave Weaver, Washington Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School District 50 and 308 made no comment regarding the proposed Special Use request.

Stephen Howard appeared to testify on behalf of the proposed Variance request. Mr. Howard stated he would like to remove the existing front deck and replace it with a deck and ramp. Mr. Howard said his wife was handicap and needed a stable deck for access to and from the house.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-37-S**.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements.

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. Allowing the Variance will not impair supply of light, create congestion on Bittersweet Road or diminish property values.

5. *The purpose of the variance is not based exclusively upon a desire to increase the monetary gain realized from the property.*

   POSITIVE. The owner simply needs the wheelchair ramp to allow for easier accessibility to the home.

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. Due to the non-conforming homes in the area and the small lots sizes. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

Moved by Baum, seconded by Zimmerman, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to approve **Case No. 12-37-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-38-V: The petition of Joseph Stoehr for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 73' from the Centerline of Nichols Road, which is 27' closer 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 making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Variance request.

Melissa Rademacker, Malone Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School District 191 made no comment regarding the proposed Special Use request.

Joseph Stoehr appeared to testify on behalf of the proposed Variance request. Mr. Stoehr stated he needed a porch on front of his dwelling for a second access. Mr. Stoehr said the porch would resemble a deck.

Following all Public Hearings, moved by Lessen, seconded by Toevs, to approve **Case No. 12-38-S**.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. Allowing the Variance will not have a negative impact on the surrounding neighborhood which is primarily farmland.

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 applicant is simply seeking to improve the home and allow for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. 12-38-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-39-V: The petition of Janet Zimmer, Trustee of the Ralph P. Thomas Trust, for a Variance to waive the requirements of 7TCC1-10(b)(3) to allow small farm animals, i.e. Chickens, Goats, etc. on a 4.13 acre lot, which is 15.87 acres less than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a written guidelines should be established and reviewed prior to approval.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report recommending disapproval regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School District 606 and 303 made no comment regarding the proposed Special Use request.

Jennifer Bradshaw, Realtor, appeared to testify on behalf of the proposed Variance request. Ms. Bradshaw stated this property had been on the market for over a year and the interested buyer would like to raise small farm animals. Ms. Bradshaw said the property had an existing outbuilding and coop. Ms. Bradshaw added it was at the corner of Talbotts Subdivision, however it was not within the subdivision and was adjacent to farmland on the West and to the South. Ms. Bradshaw stated in the City of Pekin chickens were allowed on smaller lots and her client would be agreeable to conditions such as fencing. Ms. Bradshaw said the proposed buyer would reside in the dwelling and use the property for recreational farming.

Jennifer Thomas appeared to testify against the proposed Variance request. Ms. Thomas stated she was representing various homeowners in Talbotts Subdivision and submitted a Petition of 48 names of those opposed to the Variance request. Ms. Thomas said a realtor told her that her property value would decrease by living next to farm animals and the outbuilding on the proposed lot was an old schoolhouse and she had never seen a coop on the property. Ms. Thomas added she did not want to smell the feces and was concerned of animals getting loose. Ms. Thomas stated the farm animals would cause an increase in an already problematic coyote problem and would cause an increase in rodents due to the hay and feed.

Following all Public Hearings, moved by Toevs, seconded by Baum, to approve **Case No. 12-39-S**.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District and could be detrimental to the adjoining properties and improvements of neighboring properties. Due to the property being for sale the owner was unable to provide an estimated number of animals that will be housed on the property.

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.*

NEGATIVE. Allowing the proposed Variance could allow for diminishment of property values of the neighboring residential properties.

5. *The purpose of the variance is not based exclusively upon a desire to increase the monetary gain realized from the property.*

NEGATIVE. Testimony was provided that the applicant is trying to sell the property and has been unable to do so and feels that allowing farm animals would allow the site to be more marketable.

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.*

NEGATIVE. Allowing the request would allow a special privilege that is currently denied by the Ordinance for properties within the same zoning district.

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.*

NEGATIVE. The property can still be fully utilized for residential uses as allowed by the Zoning Code.

8. *The plight of the owner is due to unique circumstances.*

NEGATIVE. There are no unique circumstances to justify a waiver of the requirements of the Zoning Code which are currently in place.

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. 12-39-V** the vote was:
Ayes: 0
Nays: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Motion failed.

Following the Public Hearing portion of the Meeting and prior to the start of Deliberations, Chairman Newman called for a recess at 7:15 p.m. and then reconvened the meeting at 7:25 p.m. to conduct Deliberations of the Zoning Cases.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **WEDNESDAY, September 5, 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 Toevs, seconded by Baum, 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.

(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, August 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, Duane Lessen, Sandy May, Loren Toevs, Phil Webb and Ken Zimmerman

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Matt Drake, Assistant States Attorney, Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Chairman Carroll Imig, Russ Crawford, Paul Hahn, Terry Hillegonds, Darrell Meisinger, and Rosemary Palmer

OTHERS PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Baum, to approve the Minutes of the July 2, 2012 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

CASE NO. 12-27-Z: The petition of James Privett, et al for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from a C-2 General Business Commercial District to an A-1 Agriculture Preservation 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 made no comment regarding the proposed Rezoning request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Rezoning request.

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

James Privett appeared to testify on behalf of the proposed Rezoning request. Mr. Privett stated he purchased the property under the assumption it was zoned for Agriculture and was not made aware of the mixed zoning until he tried to sell the property. Mr. Privett said he owned the property for 6 years and had been remodeling the interior for the last 3 years. Mr. Privett added 3 acres of the property was being farmed.

Following all Public Hearings, moved by Baum, seconded by May, to recommend approval of **Case No. 12-27-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as a community growth area and not commercial.

2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

POSITIVE. 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 farming and residential uses of property within the general area. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

4. *The request is consistent with the zoning classifications of property within the general area of the property in question.*

   POSITIVE. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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 of C-2 given the existing single family residential structure and 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 and agricultural 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. T*he trend of nearby development has been single family residential and agricultural development.

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. Area surrounding the subject property has transitioned to single family residential and agriculture development.

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 proposed zoning map amendment is within 1.5 miles of Pekin, a municipality with an adopted Comprehensive Plan. Further the City had no objections to the Rezoning.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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.

- Avoid land development that occurs in isolated areas away from existing developed areas.

Moved by Lessen, seconded by Baum, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to recommend approval of **Case No. 12-27-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-28-Z: The petition of Excel Foundry and Machine, Inc. a subsidiary of FLSmidth Salt Lake City, Inc. for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an I-2 Heavy Industrial 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 made no comment regarding the proposed Rezoning request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Rezoning request.

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

Dave Eagan appeared to testify on behalf of the proposed Rezoning request. Mr. Eagan stated his company would be constructing a 112,000 square foot addition next to this proposed property which contained a dwelling. Mr. Eagan said the property owner approached Excel about purchasing the site. Mr. Eagan added Excel would raise the structures to widen the drive for semi access off of Shady Lane, and it was feasible to have the property the same Zoning Classification as the adjacent land.

Following all Public Hearings, moved by Zimmerman, seconded by Lessen, to recommend approval of **Case No. 12-28-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area being on the border between Industrial and Conservation districts.

2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

   POSITIVE. 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. The requested rezoning may actually improve safety by eliminating a single family residence in such close proximity to a heavy industrial use.

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 foundry operations within 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 request is consistent with other I-2 Zoning Districts within the area.

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 of A-1 given the foundry's desire to develop truck parking, which is not allowed in the A-1 district by right.

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 already being utilized for foundry operations and that truck parking is allowed by right with the I-2 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. T*he trend of nearby development has transitioned towards industrial uses and zoning since the property was placed in its current zoning.

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. Land development in the area has transitioned to industrial uses.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. Allowing the Rezoning will allow for expansion to Excel which will be a gain to the public.

11. *The proposed amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan.*

    POSITIVE. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.

    - Minimize conflict between land uses.

- Encourage the reuse of vacant properties for new and existing businesses.

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. 12-28-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-29-Z: The petition of Sam Parrott for a Map Amendment to the Official Tremont Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an A-2 Agriculture 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 approval regarding the proposed Rezoning request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Rezoning request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Rezoning request.

Larry Bolliger, Tremont 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 701 made no comment regarding the proposed Rezoning request.

Sam Parrot appeared to testify on behalf of the proposed Rezoning request. Mr. Parrott stated he would like to divide one lot for his daughter at the present time and another lot in the future for another child. Mr. Parrott said the property had a future land use plan for an A-2 Zoning Classification, so it was suggested he Rezone the property at the present time. Mr. Parrott added the proposed Parcel C indicated on the site plan would be combined with the lot containing his current dwelling and would have a restriction of no dwellings on that property. Mr. Parrott stated he had no intent to build anything that would use the existing easement, he only maintains an easement to drive across the adjacent property.

Ginger Herrman appeared with questions regarding the proposed Rezoning request. Ms. Herrman stated her father owned the farm land adjacent to the proposed property and allowed Mr. Parrott an easement across that property. Ms. Herrman said her father was concerned if Mr. Parrott would be constructing a road on the easement. Ms. Herrman referred to a map indicating her fathers property and questioning which parcels would be built upon.

Following all Public Hearings, moved by Baum, seconded by Toevs, to recommend approval of **Case No. 12-29-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as A-2.

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. 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.

4. *The request is consistent with the zoning classifications of property within the general area of the property in question.*

   POSITIVE. 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**.**

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 will be compatible with the A-2 zoning designation as detailed in the Tazewell County Future Land Use Map.

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.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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 May, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to recommend approval of **Case No. 12-29-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-30-Z: The petition of Mike Sutherland, d/b/a Sutherland and Sons Constriction, Inc. for a Map Amendment to the Official Groveland Township Zoning Map of Tazewell County to change the zoning classification of property from a R-1 Low Density Residential Zoning District to an I-1 Light Industrial 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 regarding the proposed Rezoning request stating a concern of the erosion control on the property.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Rezoning request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Rezoning request.

Dave Risinger, Groveland Township Road Commissioner submitted a report making no objection regarding the proposed Rezoning request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Rezoning request.

School District 76 and 309 made no comment regarding the proposed Rezoning request.

Mike Sutherland appeared to testify on behalf of the proposed Rezoning request. Mr. Sutherland stated he was working with the City of East Peoria on the 2010 Project for removal of clay located on the property. Mr. Sutherland said the property was once an entrance to a coal mine and the land was basically useless. Mr. Sutherland added when he found out part of the property was Zoned for R-1 he was surprised as he thought the entire property was Zoned I-1 Light Industrial.

Following all Public Hearings, moved by Lessen, seconded by Baum, to recommend approval of **Case No. 12-30-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 proposed zoning amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the current and past uses of the subject parcel.

2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

POSITIVE. 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 industrial uses along Cole Hollow Road. Portions of the subject parcel and adjacent parcels are currently zoned I-1.

4. *The request is consistent with the zoning classifications of property within the general area of the property in question.*

POSITIVE.

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 of R-1 given the existing industrial uses along Cole Hollow Road.

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 currently being utilized for industrial 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. Per the applicant, there has not been any development in the immediate vicinity recently.

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.

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 proposed zoning map amendment is within 1.5 miles of the City of East Peoria, a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Minimize conflict between land uses.
- Encourage the reuse of vacant properties for new and existing businesses.

Moved by Baum, seconded by May, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to recommend approval of **Case No. 12-30-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-31-S: The petition of Dan and Karen Doore for a 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 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 regarding the proposed Special Use request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Special Use request.

John Anderson, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating access will be approved at a specified location and an entrance permit will be necessary.

School Districts 709 made no comment regarding the proposed Special Use request.

Marilyn Kohn, Realtor appeared to testify on behalf of the proposed Special Use request. Ms. Kohn stated she had listed the property for the Doore's. She said the surrounding properties are similar size parcels with dwellings and farmettes. Ms. Kohn added there was a purchaser for the property to build a single family dwelling upon and it was not until they were working on the closing that it was discovered that the property was not a buildable lot of record. Ms. Kohn stated the sale of the property was contingent to Zoning Board Approval and added the Highway Department had given approval for an entrance location on Springfield Road.

Following all Public Hearings, moved by Baum, seconded by May, to approve of **Case No. 12-31-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed dwelling to be set back from the main road.

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. A new single family detached dwelling 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. The subject area is primarily farmland, which shall remain in crop production for the foreseeable future, and single family residences, limiting injury to the use and enjoyment of other property in the immediate area.

7. *The Special Use shall not substantially diminish and impair property values within the neighborhood.*

   POSITIVE. A new single family detached dwelling is not anticipated to substantially diminish and / or impair property value within the neighborhood.

8. *That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.*

   POSITIVE. Per the applicant, the subject parcel has access to electrical service and will feature a propane gas system, and private septic system. Water rights were previously purchased / approved from the Groveland Township. Existing stormwater drainage carries / directs runoff to the ditches along Broadway Street and Springfield Road. The Highway Department has previously approved site access from Springfield 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. Given the current traffic volumes on Broadway Street and Springfield Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed dwelling site is not within a half mile of 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.*

    NOT APPLICABLE.

12. *Seventy-five percent (75%) of the site contains soils having a productivity index of less than 125.*

    NOT APPLICABLE.

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 request for a single family detached dwelling site is consistent with the other existing single family detached homes in the immediate vicinity.

14. *The property is suitable for the Special Use as proposed.*

    POSITIVE. Given its proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-31-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-32-S: The petition of Michael Tibbs for a Special Use to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling in a 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 submitted a report regarding the proposed Special Use request stating a soil analysis will need to be conducted prior to a septic system.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Special Use request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Special Use request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Special Use request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Special Use request.

School Districts 606 and 303 made no comment regarding the proposed Special Use request.

THE FOLLOWING CONTAINS TESTIMONY FOR CASE NO. 12-32-S, 12-33-V & 12-34-V:

Michael Tibbs appeared to testify on behalf of the proposed Special Use and Variance requests. Mr. Tibbs stated he owned 2 lots, on the East and on the West side of Bass Road. Mr. Tibbs said he would like to build a garage prior to a dwelling in order to store materials necessary to build a dwelling on the West side of the road. Mr. Tibbs added he does construction work himself and the dwelling may not begin construction for another 3 to 4 years. Mr. Tibbs stated the proposed garage was typical to other garages in the area. Mr. Tibbs said due to the hillside on the property on the East side of the road he would not be able to meet the required setback. Mr. Tibbs added a prior owner began removing soil to construct a garage, however never began construction. Mr. Tibbs stated the proposed garage would be just that, a garage, and there would be no living quarters and no septic system. Mr. Tibbs said the lake lot on the West side of the road had a storage shed on the property which is where he will construct a future dwelling and the hillside would determine what size the actual garage would be, however he knew it would not need to be anymore than 900 square foot.

Following all Public Hearings, moved by Baum, seconded by Zimmerman, to approve of **Case No. 12-32-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed accessory structure on the east side of Bass Road in line with existing accessory structures.

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. A new detached accessory structure 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. The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area should be limited with the development of a new accessory structure and eventual single family residence.

7. *The Special Use shall not substantially diminish and impair property values within the neighborhood.*

   POSITIVE. A new single family detached dwelling and accessory structure is not anticipated to substantially diminish and / or impair property value within the neighborhood.

8. *That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.*

   POSITIVE. Per the applicant, the subject parcel has access to electrical service, which is the only service the proposed accessory structure will require. The proposed accessory structure will have easy vehicular access to Bass 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. Given the current traffic volumes on Bass Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed site is not within a half mile of 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.*

    NOT APPLICABLE.

12. *Seventy-five percent (75%) of the site contains soils having a productivity index of less than 125.*

    NOT APPLICABLE.

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 request for a detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

14. *The property is suitable for the Special Use as proposed.*

POSITIVE. Given its proximity to other existing single family detached homes and accessory structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-32-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-33-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(c)(1) to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling to be 900 square feet which is 500 square feet larger than allowed for the purpose of storing materials necessary to construct a Principal Dwelling in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-33-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 12-33-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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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 proposed size of the garage is consistent with other structures of similar nature in immediate 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.

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 a larger structure to accommodate for storage.

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. The Ordinance does not address unique circumstances such as proposed.

8. *The plight of the owner is due to unique circumstances*,

   POSITIVE. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

Moved by Baum, seconded by Lessen, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to approve **Case No. 12-33-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-34-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow construction of an Accessory Structure (Unattached Garage) to be 37' from the centerline of Bass Road which is 13' closer than allowed in an R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.
Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-34-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 12-34-S**.

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. Due to part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 request will not be detrimental to the public or improvements within the neighborhood and is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 applicant is simply seeking to construct a garage for storage on a lot that is encumbered by a large hillside therefore limiting alternatives for placement of the garage.

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. Similar request have been granted in the immediate vicinity due to the abnormal circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

Moved by Baum, seconded by Lessen, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to approve **Case No. 12-34-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-35-V: The petition of Larry Bollinger for a Variance to waive the requirements of 7TCC1-7(g)(1)(i) to allow construction of an Accessory Structure (Unattached Garage) to be 112' from the Centerline of Illinois Route 9 which is 38' closer than allowed and to waive 7TCC1-7(g)(3)(ii) to allow the same Accessory Structure to be 12' from the Rear property line which is 13' closer than allowed in an A-1 Agriculture Preservation Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating there appeared to be adequate room for a replacement septic system if needed.

Tazewell County Soil & Water Conservation District submitted a report having no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Variance request.

Mike Rankin, Mackinaw Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

Lee White, IDOT made no comment regarding the proposed Variance request.

School District 701 made no comment regarding the proposed Special Use request.

Larry Bollinger appeared to testify on behalf of the proposed Variance request. Mr. Bollinger stated he would like to construct a garage, however being located on a corner lot and the shape of his lot posed a hardship for setback requirements. Mr. Bollinger said his garage would sit farther back from Route 9 than the dwelling was and the entrance to the garage would be to the North off of Hoffman Ave.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-35-S**.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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.

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 applicant is simply seeking construction of the garage for additional storage.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. 12-35-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-36-V: The petition of Ken and Lori Eckhardt for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 57.5' from the Centerline of Olympia Road, which is 42.5' closer 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 submitted a report recommending approval regarding the proposed Variance request.

Louis Anderson, Boynton Township Road Commissioner submitted a report making no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer submitted a report stating no issue regarding the proposed Variance request.

School District 16 made no comment regarding the proposed Special Use request.

Ken Eckhardt appeared to testify on behalf of the proposed Variance request. Mr. Eckhardt stated his home was built in the 1890's and it originally had 2 front porches. Mr. Eckhardt said sometime over the years a previous owner removed the porches and he would like to reconstruct one porch as the house appeared to be "missing something". Mr. Eckhardt added he would not duplicate the original porch however it would be aesthetically pleasing.

Following all Public Hearings, moved by Lessen, seconded by May, to approve **Case No. 12-36-S**.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. Allow the Variance will not have an impact on 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 applicant is simply seeking to construct the porch for personal enjoyment and to be in character of the house as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. 12-36-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-37-V: The petition of Stephen Howard for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an Addition to Dwelling (Front Deck) to be 40' from the Centerline of Bittersweet Road, which is 10' closer than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department made no comment regarding the proposed Variance request.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Variance request.

Dave Weaver, Washington Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School District 50 and 308 made no comment regarding the proposed Special Use request.

Stephen Howard appeared to testify on behalf of the proposed Variance request. Mr. Howard stated he would like to remove the existing front deck and replace it with a deck and ramp. Mr. Howard said his wife was handicap and needed a stable deck for access to and from the house.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-37-S**.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements.

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. Allowing the Variance will not impair supply of light, create congestion on Bittersweet Road or diminish property values.

5. *The purpose of the variance is not based exclusively upon a desire to increase the monetary gain realized from the property.*

   POSITIVE. The owner simply needs the wheelchair ramp to allow for easier accessibility to the home.

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. Due to the non-conforming homes in the area and the small lots sizes. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

Moved by Baum, seconded by Zimmerman, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to approve **Case No. 12-37-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-38-V: The petition of Joseph Stoehr for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 73' from the Centerline of Nichols Road, which is 27' closer 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 making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Variance request.

Melissa Rademacker, Malone Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School District 191 made no comment regarding the proposed Special Use request.

Joseph Stoehr appeared to testify on behalf of the proposed Variance request. Mr. Stoehr stated he needed a porch on front of his dwelling for a second access. Mr. Stoehr said the porch would resemble a deck.

Following all Public Hearings, moved by Lessen, seconded by Toevs, to approve **Case No. 12-38-S**.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. Allowing the Variance will not have a negative impact on the surrounding neighborhood which is primarily farmland.

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 applicant is simply seeking to improve the home and allow for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. 12-38-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-39-V: The petition of Janet Zimmer, Trustee of the Ralph P. Thomas Trust, for a Variance to waive the requirements of 7TCC1-10(b)(3) to allow small farm animals, i.e. Chickens, Goats, etc. on a 4.13 acre lot, which is 15.87 acres less than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a written guidelines should be established and reviewed prior to approval.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report recommending disapproval regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School District 606 and 303 made no comment regarding the proposed Special Use request.

Jennifer Bradshaw, Realtor, appeared to testify on behalf of the proposed Variance request. Ms. Bradshaw stated this property had been on the market for over a year and the interested buyer would like to raise small farm animals. Ms. Bradshaw said the property had an existing outbuilding and coop. Ms. Bradshaw added it was at the corner of Talbotts Subdivision, however it was not within the subdivision and was adjacent to farmland on the West and to the South. Ms. Bradshaw stated in the City of Pekin chickens were allowed on smaller lots and her client would be agreeable to conditions such as fencing. Ms. Bradshaw said the proposed buyer would reside in the dwelling and use the property for recreational farming.

Jennifer Thomas appeared to testify against the proposed Variance request. Ms. Thomas stated she was representing various homeowners in Talbotts Subdivision and submitted a Petition of 48 names of those opposed to the Variance request. Ms. Thomas said a realtor told her that her property value would decrease by living next to farm animals and the outbuilding on the proposed lot was an old schoolhouse and she had never seen a coop on the property. Ms. Thomas added she did not want to smell the feces and was concerned of animals getting loose. Ms. Thomas stated the farm animals would cause an increase in an already problematic coyote problem and would cause an increase in rodents due to the hay and feed.

Following all Public Hearings, moved by Toevs, seconded by Baum, to approve **Case No. 12-39-S**.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District and could be detrimental to the adjoining properties and improvements of neighboring properties. Due to the property being for sale the owner was unable to provide an estimated number of animals that will be housed on the property.

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.*

NEGATIVE. Allowing the proposed Variance could allow for diminishment of property values of the neighboring residential properties.

5. *The purpose of the variance is not based exclusively upon a desire to increase the monetary gain realized from the property.*

NEGATIVE. Testimony was provided that the applicant is trying to sell the property and has been unable to do so and feels that allowing farm animals would allow the site to be more marketable.

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.*

NEGATIVE. Allowing the request would allow a special privilege that is currently denied by the Ordinance for properties within the same zoning district.

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.*

NEGATIVE. The property can still be fully utilized for residential uses as allowed by the Zoning Code.

8. *The plight of the owner is due to unique circumstances.*

NEGATIVE. There are no unique circumstances to justify a waiver of the requirements of the Zoning Code which are currently in place.

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. 12-39-V** the vote was:
Ayes: 0
Nays: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Motion failed.

Following the Public Hearing portion of the Meeting and prior to the start of Deliberations, Chairman Newman called for a recess at 7:15 p.m. and then reconvened the meeting at 7:25 p.m. to conduct Deliberations of the Zoning Cases.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **WEDNESDAY, September 5, 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 Toevs, seconded by Baum, 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.

(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, August 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, Duane Lessen, Sandy May, Loren Toevs, Phil Webb and Ken Zimmerman

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Matt Drake, Assistant States Attorney, Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Chairman Carroll Imig, Russ Crawford, Paul Hahn, Terry Hillegonds, Darrell Meisinger, and Rosemary Palmer

OTHERS PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Baum, to approve the Minutes of the July 2, 2012 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

CASE NO. 12-27-Z: The petition of James Privett, et al for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from a C-2 General Business Commercial District to an A-1 Agriculture Preservation 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 made no comment regarding the proposed Rezoning request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Rezoning request.

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

James Privett appeared to testify on behalf of the proposed Rezoning request. Mr. Privett stated he purchased the property under the assumption it was zoned for Agriculture and was not made aware of the mixed zoning until he tried to sell the property. Mr. Privett said he owned the property for 6 years and had been remodeling the interior for the last 3 years. Mr. Privett added 3 acres of the property was being farmed.

Following all Public Hearings, moved by Baum, seconded by May, to recommend approval of **Case No. 12-27-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as a community growth area and not commercial.

2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

POSITIVE. 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 farming and residential uses of property within the general area. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

4. *The request is consistent with the zoning classifications of property within the general area of the property in question.*

   POSITIVE. Portions of the subject parcel and adjacent parcels are currently zoned A-1.

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 of C-2 given the existing single family residential structure and 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 and agricultural 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. T*he trend of nearby development has been single family residential and agricultural development.

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. Area surrounding the subject property has transitioned to single family residential and agriculture development.

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 proposed zoning map amendment is within 1.5 miles of Pekin, a municipality with an adopted Comprehensive Plan. Further the City had no objections to the Rezoning.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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.

- Avoid land development that occurs in isolated areas away from existing developed areas.

Moved by Lessen, seconded by Baum, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to recommend approval of **Case No. 12-27-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-28-Z: The petition of Excel Foundry and Machine, Inc. a subsidiary of FLSmidth Salt Lake City, Inc. for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an I-2 Heavy Industrial 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 made no comment regarding the proposed Rezoning request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Rezoning request.

Ron Sieh, City of Pekin submitted a report stating no issues regarding the proposed Rezoning request.

Ron Hawkins, Cincinnati 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 98 and 303 made no comment regarding the proposed Rezoning request.

Dave Eagan appeared to testify on behalf of the proposed Rezoning request. Mr. Eagan stated his company would be constructing a 112,000 square foot addition next to this proposed property which contained a dwelling. Mr. Eagan said the property owner approached Excel about purchasing the site. Mr. Eagan added Excel would raise the structures to widen the drive for semi access off of Shady Lane, and it was feasible to have the property the same Zoning Classification as the adjacent land.

Following all Public Hearings, moved by Zimmerman, seconded by Lessen, to recommend approval of **Case No. 12-28-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area being on the border between Industrial and Conservation districts.

2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

   POSITIVE. 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. The requested rezoning may actually improve safety by eliminating a single family residence in such close proximity to a heavy industrial use.

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 foundry operations within 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 request is consistent with other I-2 Zoning Districts within the area.

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 of A-1 given the foundry's desire to develop truck parking, which is not allowed in the A-1 district by right.

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 already being utilized for foundry operations and that truck parking is allowed by right with the I-2 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. T*he trend of nearby development has transitioned towards industrial uses and zoning since the property was placed in its current zoning.

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. Land development in the area has transitioned to industrial uses.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. Allowing the Rezoning will allow for expansion to Excel which will be a gain to the public.

11. *The proposed amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan.*

    POSITIVE. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.

    - Minimize conflict between land uses.

- Encourage the reuse of vacant properties for new and existing businesses.

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. 12-28-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-29-Z: The petition of Sam Parrott for a Map Amendment to the Official Tremont Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an A-2 Agriculture 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 approval regarding the proposed Rezoning request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Rezoning request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Rezoning request.

Larry Bolliger, Tremont 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 701 made no comment regarding the proposed Rezoning request.

Sam Parrot appeared to testify on behalf of the proposed Rezoning request. Mr. Parrott stated he would like to divide one lot for his daughter at the present time and another lot in the future for another child. Mr. Parrott said the property had a future land use plan for an A-2 Zoning Classification, so it was suggested he Rezone the property at the present time. Mr. Parrott added the proposed Parcel C indicated on the site plan would be combined with the lot containing his current dwelling and would have a restriction of no dwellings on that property. Mr. Parrott stated he had no intent to build anything that would use the existing easement, he only maintains an easement to drive across the adjacent property.

Ginger Herrman appeared with questions regarding the proposed Rezoning request. Ms. Herrman stated her father owned the farm land adjacent to the proposed property and allowed Mr. Parrott an easement across that property. Ms. Herrman said her father was concerned if Mr. Parrott would be constructing a road on the easement. Ms. Herrman referred to a map indicating her fathers property and questioning which parcels would be built upon.

Following all Public Hearings, moved by Baum, seconded by Toevs, to recommend approval of **Case No. 12-29-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 proposed amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as A-2.

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. 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.

4. *The request is consistent with the zoning classifications of property within the general area of the property in question.*

   POSITIVE. 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**.**

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 will be compatible with the A-2 zoning designation as detailed in the Tazewell County Future Land Use Map.

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.

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 proposed zoning map amendment is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

    - 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 May, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to recommend approval of **Case No. 12-29-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-30-Z: The petition of Mike Sutherland, d/b/a Sutherland and Sons Constriction, Inc. for a Map Amendment to the Official Groveland Township Zoning Map of Tazewell County to change the zoning classification of property from a R-1 Low Density Residential Zoning District to an I-1 Light Industrial 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 regarding the proposed Rezoning request stating a concern of the erosion control on the property.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Rezoning request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Rezoning request.

Dave Risinger, Groveland Township Road Commissioner submitted a report making no objection regarding the proposed Rezoning request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Rezoning request.

School District 76 and 309 made no comment regarding the proposed Rezoning request.

Mike Sutherland appeared to testify on behalf of the proposed Rezoning request. Mr. Sutherland stated he was working with the City of East Peoria on the 2010 Project for removal of clay located on the property. Mr. Sutherland said the property was once an entrance to a coal mine and the land was basically useless. Mr. Sutherland added when he found out part of the property was Zoned for R-1 he was surprised as he thought the entire property was Zoned I-1 Light Industrial.

Following all Public Hearings, moved by Lessen, seconded by Baum, to recommend approval of **Case No. 12-30-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 proposed zoning amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the current and past uses of the subject parcel.

2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

POSITIVE. 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 industrial uses along Cole Hollow Road. Portions of the subject parcel and adjacent parcels are currently zoned I-1.

4. *The request is consistent with the zoning classifications of property within the general area of the property in question.*

POSITIVE.

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 of R-1 given the existing industrial uses along Cole Hollow Road.

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 currently being utilized for industrial 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. Per the applicant, there has not been any development in the immediate vicinity recently.

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.

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 proposed zoning map amendment is within 1.5 miles of the City of East Peoria, a municipality with an adopted Comprehensive Plan.

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. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Minimize conflict between land uses.
- Encourage the reuse of vacant properties for new and existing businesses.

Moved by Baum, seconded by May, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to recommend approval of **Case No. 12-30-Z** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-31-S: The petition of Dan and Karen Doore for a 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 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 regarding the proposed Special Use request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Special Use request.

John Anderson, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating access will be approved at a specified location and an entrance permit will be necessary.

School Districts 709 made no comment regarding the proposed Special Use request.

Marilyn Kohn, Realtor appeared to testify on behalf of the proposed Special Use request. Ms. Kohn stated she had listed the property for the Doore's. She said the surrounding properties are similar size parcels with dwellings and farmettes. Ms. Kohn added there was a purchaser for the property to build a single family dwelling upon and it was not until they were working on the closing that it was discovered that the property was not a buildable lot of record. Ms. Kohn stated the sale of the property was contingent to Zoning Board Approval and added the Highway Department had given approval for an entrance location on Springfield Road.

Following all Public Hearings, moved by Baum, seconded by May, to approve of **Case No. 12-31-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed dwelling to be set back from the main road.

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. A new single family detached dwelling 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. The subject area is primarily farmland, which shall remain in crop production for the foreseeable future, and single family residences, limiting injury to the use and enjoyment of other property in the immediate area.

7. *The Special Use shall not substantially diminish and impair property values within the neighborhood.*

   POSITIVE. A new single family detached dwelling is not anticipated to substantially diminish and / or impair property value within the neighborhood.

8. *That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.*

   POSITIVE. Per the applicant, the subject parcel has access to electrical service and will feature a propane gas system, and private septic system. Water rights were previously purchased / approved from the Groveland Township. Existing stormwater drainage carries / directs runoff to the ditches along Broadway Street and Springfield Road. The Highway Department has previously approved site access from Springfield 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. Given the current traffic volumes on Broadway Street and Springfield Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed dwelling site is not within a half mile of 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.*

    NOT APPLICABLE.

12. *Seventy-five percent (75%) of the site contains soils having a productivity index of less than 125.*

    NOT APPLICABLE.

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 request for a single family detached dwelling site is consistent with the other existing single family detached homes in the immediate vicinity.

14. *The property is suitable for the Special Use as proposed.*

    POSITIVE. Given its proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-31-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-32-S: The petition of Michael Tibbs for a Special Use to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling in a 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 submitted a report regarding the proposed Special Use request stating a soil analysis will need to be conducted prior to a septic system.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Special Use request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Special Use request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Special Use request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Special Use request.

School Districts 606 and 303 made no comment regarding the proposed Special Use request.

THE FOLLOWING CONTAINS TESTIMONY FOR CASE NO. 12-32-S, 12-33-V & 12-34-V:

Michael Tibbs appeared to testify on behalf of the proposed Special Use and Variance requests. Mr. Tibbs stated he owned 2 lots, on the East and on the West side of Bass Road. Mr. Tibbs said he would like to build a garage prior to a dwelling in order to store materials necessary to build a dwelling on the West side of the road. Mr. Tibbs added he does construction work himself and the dwelling may not begin construction for another 3 to 4 years. Mr. Tibbs stated the proposed garage was typical to other garages in the area. Mr. Tibbs said due to the hillside on the property on the East side of the road he would not be able to meet the required setback. Mr. Tibbs added a prior owner began removing soil to construct a garage, however never began construction. Mr. Tibbs stated the proposed garage would be just that, a garage, and there would be no living quarters and no septic system. Mr. Tibbs said the lake lot on the West side of the road had a storage shed on the property which is where he will construct a future dwelling and the hillside would determine what size the actual garage would be, however he knew it would not need to be anymore than 900 square foot.

Following all Public Hearings, moved by Baum, seconded by Zimmerman, to approve of **Case No. 12-32-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.*

   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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed accessory structure on the east side of Bass Road in line with existing accessory structures.

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. A new detached accessory structure 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. The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area should be limited with the development of a new accessory structure and eventual single family residence.

7. *The Special Use shall not substantially diminish and impair property values within the neighborhood.*

   POSITIVE. A new single family detached dwelling and accessory structure is not anticipated to substantially diminish and / or impair property value within the neighborhood.

8. *That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.*

   POSITIVE. Per the applicant, the subject parcel has access to electrical service, which is the only service the proposed accessory structure will require. The proposed accessory structure will have easy vehicular access to Bass 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. Given the current traffic volumes on Bass Road, the proposed Special Use will not contribute to traffic congestion.

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 proposed site is not within a half mile of 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.*

    NOT APPLICABLE.

12. *Seventy-five percent (75%) of the site contains soils having a productivity index of less than 125.*

    NOT APPLICABLE.

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 request for a detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

14. *The property is suitable for the Special Use as proposed.*

POSITIVE. Given its proximity to other existing single family detached homes and accessory structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. 12-32-S** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-33-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(c)(1) to allow construction of an Accessory Structure (Unattached Garage) prior to a Principal Dwelling to be 900 square feet which is 500 square feet larger than allowed for the purpose of storing materials necessary to construct a Principal Dwelling in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-33-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 12-33-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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

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 proposed size of the garage is consistent with other structures of similar nature in immediate 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.

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 a larger structure to accommodate for storage.

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. The Ordinance does not address unique circumstances such as proposed.

8. *The plight of the owner is due to unique circumstances*,

   POSITIVE. Ultimately the applicant will construct a new home on the lot across Bass Road and the proposed size of the structure will be consistent with existing structures in the area for vehicle storage and property maintenance equipment.

Moved by Baum, seconded by Lessen, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to approve **Case No. 12-33-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-34-V: The petition of Michael Tibbs for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow construction of an Accessory Structure (Unattached Garage) to be 37' from the centerline of Bass Road which is 13' closer than allowed in an R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a soil analysis will need to be conducted prior to a septic system.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.
Darel Knaak, Spring Lake Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School Districts 606 and 303 made no comment regarding the proposed Variance request.

ALL TESTIMONY FOR CASE NO. 12-34-V WAS INCLUDED IN THE TESTIMONY FOR CASE NO. 12-32-S ABOVE.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 12-34-S**.

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. Due to part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 request will not be detrimental to the public or improvements within the neighborhood and is consistent with other garages which have been granted Variances over the years with the same circumstances.

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 applicant is simply seeking to construct a garage for storage on a lot that is encumbered by a large hillside therefore limiting alternatives for placement of the garage.

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. Similar request have been granted in the immediate vicinity due to the abnormal circumstances.

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. Due to the part of the lot being encumbered by a huge hillside and the limited lot area, the applicant has no other alternative for placement of the proposed garage. Further, the proposal is consistent with other garages which have been granted Variances over the years with the same circumstances.

Moved by Baum, seconded by Lessen, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to approve **Case No. 12-34-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-35-V: The petition of Larry Bollinger for a Variance to waive the requirements of 7TCC1-7(g)(1)(i) to allow construction of an Accessory Structure (Unattached Garage) to be 112' from the Centerline of Illinois Route 9 which is 38' closer than allowed and to waive 7TCC1-7(g)(3)(ii) to allow the same Accessory Structure to be 12' from the Rear property line which is 13' closer than allowed in an A-1 Agriculture Preservation Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating there appeared to be adequate room for a replacement septic system if needed.

Tazewell County Soil & Water Conservation District submitted a report having no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Dallas Davis, Village of Mackinaw made no comment regarding the proposed Variance request.

Mike Rankin, Mackinaw Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

Lee White, IDOT made no comment regarding the proposed Variance request.

School District 701 made no comment regarding the proposed Special Use request.

Larry Bollinger appeared to testify on behalf of the proposed Variance request. Mr. Bollinger stated he would like to construct a garage, however being located on a corner lot and the shape of his lot posed a hardship for setback requirements. Mr. Bollinger said his garage would sit farther back from Route 9 than the dwelling was and the entrance to the garage would be to the North off of Hoffman Ave.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-35-S**.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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.

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 applicant is simply seeking construction of the garage for additional storage.

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. Due to the layout of the lot and the private easement located across the property to access other lots the applicant is limited in area for placement of the garage. Further the garage will not extend beyond the existing dwelling.

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. 12-35-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-36-V: The petition of Ken and Lori Eckhardt for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 57.5' from the Centerline of Olympia Road, which is 42.5' closer 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 submitted a report recommending approval regarding the proposed Variance request.

Louis Anderson, Boynton Township Road Commissioner submitted a report making no objection regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer submitted a report stating no issue regarding the proposed Variance request.

School District 16 made no comment regarding the proposed Special Use request.

Ken Eckhardt appeared to testify on behalf of the proposed Variance request. Mr. Eckhardt stated his home was built in the 1890's and it originally had 2 front porches. Mr. Eckhardt said sometime over the years a previous owner removed the porches and he would like to reconstruct one porch as the house appeared to be "missing something". Mr. Eckhardt added he would not duplicate the original porch however it would be aesthetically pleasing.

Following all Public Hearings, moved by Lessen, seconded by May, to approve **Case No. 12-36-S**.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. Allow the Variance will not have an impact on 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 applicant is simply seeking to construct the porch for personal enjoyment and to be in character of the house as originally constructed.

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 existing home is non-conforming and does not meet the current setbacks, further the home had originally been constructed with a porch which was removed years ago. Allowing construction of the porch will remain in character with the home as originally constructed

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. 12-36-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-37-V: The petition of Stephen Howard for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an Addition to Dwelling (Front Deck) to be 40' from the Centerline of Bittersweet Road, which is 10' closer than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department made no comment regarding the proposed Variance request.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report making no recommendation regarding the proposed Variance request.

Ty Livingston, City of East Peoria made no comment regarding the proposed Variance request.

Dave Weaver, Washington Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School District 50 and 308 made no comment regarding the proposed Special Use request.

Stephen Howard appeared to testify on behalf of the proposed Variance request. Mr. Howard stated he would like to remove the existing front deck and replace it with a deck and ramp. Mr. Howard said his wife was handicap and needed a stable deck for access to and from the house.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 12-37-S**.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements.

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. Allowing the Variance will not impair supply of light, create congestion on Bittersweet Road or diminish property values.

5. *The purpose of the variance is not based exclusively upon a desire to increase the monetary gain realized from the property.*

   POSITIVE. The owner simply needs the wheelchair ramp to allow for easier accessibility to the home.

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. Due to the non-conforming homes in the area and the small lots sizes. The ramp is needed to accommodate the owner who is in a wheelchair.

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 existing home is non-conforming and does not meet current setback requirements. The ramp is needed to accommodate the owner who is in a wheelchair.

Moved by Baum, seconded by Zimmerman, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to approve **Case No. 12-37-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-38-V: The petition of Joseph Stoehr for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Addition to Dwelling (Front Porch) to be 73' from the Centerline of Nichols Road, which is 27' closer 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 making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Variance request.

Melissa Rademacker, Malone Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School District 191 made no comment regarding the proposed Special Use request.

Joseph Stoehr appeared to testify on behalf of the proposed Variance request. Mr. Stoehr stated he needed a porch on front of his dwelling for a second access. Mr. Stoehr said the porch would resemble a deck.

Following all Public Hearings, moved by Lessen, seconded by Toevs, to approve **Case No. 12-38-S**.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. Allowing the Variance will not have a negative impact on the surrounding neighborhood which is primarily farmland.

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 applicant is simply seeking to improve the home and allow for better accessibility to the front door.

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 existing home is non-conforming and does not meet current setbacks. The location of the porch is the most practical and allows for better accessibility to the front door.

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. 12-38-V** the vote was:
Ayes: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Nays: 0
Motion declared carried.

CASE NO. 12-39-V: The petition of Janet Zimmer, Trustee of the Ralph P. Thomas Trust, for a Variance to waive the requirements of 7TCC1-10(b)(3) to allow small farm animals, i.e. Chickens, Goats, etc. on a 4.13 acre lot, which is 15.87 acres less than allowed in a R-1 Low Density Residential Zoning District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a written guidelines should be established and reviewed prior to approval.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Variance request.

Tazewell County Farm Bureau submitted a report recommending disapproval regarding the proposed Variance request.

Darel Knaak, Spring Lake Township Road Commissioner made no comment regarding the proposed Variance request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School District 606 and 303 made no comment regarding the proposed Special Use request.

Jennifer Bradshaw, Realtor, appeared to testify on behalf of the proposed Variance request. Ms. Bradshaw stated this property had been on the market for over a year and the interested buyer would like to raise small farm animals. Ms. Bradshaw said the property had an existing outbuilding and coop. Ms. Bradshaw added it was at the corner of Talbotts Subdivision, however it was not within the subdivision and was adjacent to farmland on the West and to the South. Ms. Bradshaw stated in the City of Pekin chickens were allowed on smaller lots and her client would be agreeable to conditions such as fencing. Ms. Bradshaw said the proposed buyer would reside in the dwelling and use the property for recreational farming.

Jennifer Thomas appeared to testify against the proposed Variance request. Ms. Thomas stated she was representing various homeowners in Talbotts Subdivision and submitted a Petition of 48 names of those opposed to the Variance request. Ms. Thomas said a realtor told her that her property value would decrease by living next to farm animals and the outbuilding on the proposed lot was an old schoolhouse and she had never seen a coop on the property. Ms. Thomas added she did not want to smell the feces and was concerned of animals getting loose. Ms. Thomas stated the farm animals would cause an increase in an already problematic coyote problem and would cause an increase in rodents due to the hay and feed.

Following all Public Hearings, moved by Toevs, seconded by Baum, to approve **Case No. 12-39-S**.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District or surrounding properties currently zoned R-1.

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.*

NEGATIVE. The use is located immediately adjacent to a residential subdivision and allowing farm animals on property that is currently zoned R-1 is not conducive to the Zoning District and could be detrimental to the adjoining properties and improvements of neighboring properties. Due to the property being for sale the owner was unable to provide an estimated number of animals that will be housed on the property.

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.*

NEGATIVE. Allowing the proposed Variance could allow for diminishment of property values of the neighboring residential properties.

5. *The purpose of the variance is not based exclusively upon a desire to increase the monetary gain realized from the property.*

NEGATIVE. Testimony was provided that the applicant is trying to sell the property and has been unable to do so and feels that allowing farm animals would allow the site to be more marketable.

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.*

NEGATIVE. Allowing the request would allow a special privilege that is currently denied by the Ordinance for properties within the same zoning district.

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.*

NEGATIVE. The property can still be fully utilized for residential uses as allowed by the Zoning Code.

8. *The plight of the owner is due to unique circumstances.*

NEGATIVE. There are no unique circumstances to justify a waiver of the requirements of the Zoning Code which are currently in place.

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. 12-39-V** the vote was:
Ayes: 0
Nays: 7 – Baum, Lessen, May, Toevs, Webb, Zimmerman and Chairman Newman
Motion failed.

Following the Public Hearing portion of the Meeting and prior to the start of Deliberations, Chairman Newman called for a recess at 7:15 p.m. and then reconvened the meeting at 7:25 p.m. to conduct Deliberations of the Zoning Cases.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **WEDNESDAY, September 5, 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 Toevs, seconded by Baum, 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.