

**(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, November 7, 2012, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

PRESENT: Chairman James Newman, Duane Lessen, Sandy May, Loren Toevs, Alternate Don and Phil Webb,

ABSENT: JoAn Baum

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, Monica Connett, Darrell Meisinger, Sue Sundell and Rosemary Palmer

OTHERS

PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Webb, to approve the Minutes of the October 2, 2012 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.** Abstain 1 – Zimmerman

CASE NO. 12-49-Z: The petition of Kendrick I. Lawhorn 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 District to a R-R Rural Residential 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.

Village of Tremont 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 702 made no comment regarding the proposed Rezoning request.

Kendrick Lawhorn appeared to testify on behalf of the proposed Rezoning request. Mr. Lawhorn stated he would like to divide off land for his grandson to build a residence and may need additional lots for future grandkids that may also want to build. Mr. Lawhorn said there was an existing lane utilized by himself and his son in law and all utilities exist on site. Mr. Lawhorn added legal easements would be drawn up and his son in law owned the 1.2 acres at the front of the property.

Following all Public Hearings, moved by Toevs, seconded by Webb, to recommend approval of **Case No. 12-49-Z** to the Tazewell County Board.

After considering all the evidence and testimony presented, the ZBA discussed 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 R-R.

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

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

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

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

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

POSITIVE. The proposed site is identified within the Future Land Use Map as Rural Residential.

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 mature timber and lack of tillable land.

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. Per the applicant, the trend of nearby development is compatible with the R-R 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. Development has trended towards Rural Residential uses and similar size lots.

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 Tremont, 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 should the subject site remain A-1 is negligible as compared to the hardship imposed upon the individual property owner and his family 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 R-R Rural Residential District.

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

On roll call to recommend approval of **Case No. 12-49-Z** the vote was:

Ayes: 7 – Lessen, May, Toevs, Vaughn, Webb, Zimmerman and Chairman Newman

Nays: 0

Absent: 1 - Baum

Motion declared carried.

CASE NO. 12-50-S: The petition of Enbridge Pipelines (FSP) LLC, for a Special Use for contractor storage to allow a staging area for pipe storage for distribution of the Enbridge Pipeline Flanagan Project and to waive the requirements of outside storage located 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 making no objection to the proposed Special Use request.

John Anderson, Tazewell County Highway Engineer submitted a report stating prior to material departing the staging area, the permittee shall submit to the Community Development Administrator an approval letter from the appropriate Road Authorities. Mr. Anderson also appeared at hearing to state he had no objection to the staging area and there have been various meetings held regarding getting the pipe in and out of the staging area. Mr. Anderson said all Illinois highway roads have a legal 80,000 lb route, however Townline is actually at 50,000 lb limit. Mr. Anderson added proper road permits will be needed and they are working on an agreement for addressing possible road damage.

School District 702 made no comment regarding the proposed Special Use request.

Jeff Brockwell appeared to testify on behalf of the proposed Special Use request. Mr. Brockwell stated the proposed site would be used to store pipe until it was needed for construction. Mr. Brockwell said they would use the natural ground to construct berms and then cover the ground with plastic. Roadways would be constructed on the property then the pipe would be brought in and stacked 4 high. Mr. Brockwell added there would be approximately 61 miles of pipe stored at this location. Mr. Brockwell stated they would operate during daylight hours and no construction would be done at the site, however, equipment would be running approximately 7 am to 9 pm 6 days a week. Mr. Brockwell said the project had a contract completion of June of 2014. Mr. Brockwell added they are trying to obtain use of the nearby railway and that is being worked on by the pipeline supplier. Any pipe delivered via tractor trailer would be brought in during daylight hours. Mr. Brockwell stated they could bring in 3 joints via truck, but 11 joints via railcar and they could handle 15 railcars per day. Mr. Brockwell said they would need to drive from the railway area to the storage site and the entrance for both are located along Townline Road just West of the fertilizer plant. Mr. Brockwell added there are 2 sizes of pipe being stored. Mr. Brockwell stated Enbridge prides itself on being a good neighbor and will leave the area as good, if not better than the way they found it.

Hoss Seitz appeared to testify on behalf of the proposed Special Use request. Mr. Seitz stated all pipe will be handled during daylight hours and the pipe will remain in storage until August 21, 2013 at which time it will be shipped to various construction locations.

Following all Public Hearings, moved by Lessen, seconded by May, to approve **Case No. 12-50-S** with the following conditions:

1. The Special Use shall expire on June 1, 2014.
2. Prior to material departing the staging area, the permittee shall submit to the Community Development Administrator an approval letter or permit from the Tazewell County Highway Engineer and all Tazewell County Township Road Commissioners that will be directly affected by the truck traffic for delivery of the pipe.
3. Should complaints arise from surrounding neighbors adjacent to the staging area, the applicant shall cooperate with the Community Development Administrator to address said complaints.

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 following Tazewell County Comprehensive Land Use Plan implementation strategies:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Locate new development contiguous to existing development to aid police and fire protection.
- Attract new businesses and industries to the County that provide valuable services and fulfill County needs.

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.

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. Anticipated adverse effects from the granting of the requested Special Use are minimal. Pipe will be neatly stacked away from existing homes and adjacent to a rail yard. Hours of operation should be carefully considered with respect to noise from heavy equipment and pipe movement.

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. Because of its temporary nature, the pipe yard is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the neighboring vicinity. No hazardous chemicals will be stored onsite. The subject area is primarily farmland, which shall remain in crop production for the foreseeable future, 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. Because of its temporary nature, the pipe yard is not anticipated to substantially diminish and/or impair property value within the neighborhood. After project completion, the agricultural land will be restored.

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

POSITIVE. No utilities are required as work will only be completed during daylight hours. Portable restrooms will be provided onsite for employee usage.

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. Per the applicant, arrangements are being made with the proper authorities to provide adequate access points throughout the county.

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 commercial use 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. Given the usage of heavy equipment and storage of raw production materials in both agriculture and construction, the Special Use request for a temporary outdoor pipe storage yard is not in direct conflict with the agricultural uses in the general vicinity.

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

POSITIVE. Considering the rail access, hard surface roads, low population density, and minimal topography, the subject property is suitable for the Special Use request as proposed.

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

On roll call to approve **Case No. 12-50-S** as amended the vote was:

Ayes: 7 – Lessen, May, Toevs, Alternate Vaughn, Webb, Zimmerman and Chairman Newman

Nays: 0

Absent: 1 - Baum

Motion declared carried.

CASE NO. 12-51-S: The petition of Ronald D. Hoskinson 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.

Kenneth Siegrist, Dillon Township Road Commissioner made no comment regarding the proposed Special Use request.

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

School District 702 made no comment regarding the proposed Special Use request.

Ron Hoskinson appeared to testify on behalf of the proposed Special Use request. Mr. Hoskinson stated he would like to split his land and sell his existing dwelling and leave acreage to build a new dwelling. Mr. Hoskinson said access onto the road was not a problem with the Road Commissioner and he would have his own well on his dwelling lot. Mr. Hoskinson stated his parents owned the surrounding farmland.

Following all Public Hearings, moved by May, seconded by Zimmerman, to approve **Case No. 12-51-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 following Tazewell County Comprehensive Land Use Plan implementation strategies:

- 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.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.
- Allow new residential development that will ensure the viability of family farm operations.

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 centerline of Birkmeier Road the same distance as the adjacent residential structure.

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, 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 already established along Birkmeier Road, a new well will be drilled, a new septic system will be installed according to Tazewell County Health Department specifications and a new lane will be established from Birkmeier Road to create vehicular access.

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 low traffic volumes on Birkmeier Road and relatively flat topography, there are no foreseeable traffic congestion or safety issues from granting the Special Use request.

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 will not increase the population density around the livestock feeding operation to such an extent that it would hinder the operation or expansion of such operation.

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

POSITIVE.

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

POSITIVE.

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

On roll call to approve **Case No. 12-51-S** the vote was:

Ayes: 7 – Lessen, May, Toevs, Alternate Vaughn, Webb, Zimmerman and Chairman Newman

Nays: 0

Absent: 1 - Baum

Motion declared carried.

CASE NO. 12-52-V: The petition of Brice Nichols for a Variance to waive the requirements of 7TCC1-5(o)(1) allow the construction of a 6' Privacy Fence beyond the building setback line to the front property line to be 2' higher than allowed in a R-1 Low Density Residential District

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

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

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

Larry Bolliger, Tremont 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 702 made no comment regarding the proposed Special Use request.

Brice Nichols appeared to testify on behalf of the proposed Variance request. Mr. Nichols stated he built his fence and then discovered he needed to obtain a Permit. Administrator Deininger had stated she had concerns the fence may be located within the right of way in which Mr. Nichols said he would move the fence if it is found that the fence was located in the right of way.

Following all Public Hearings, moved by Lessen, seconded by Toevs, to approve **Case No. 12-52-V**.

Following discussion, moved by Lessen, seconded by Zimmerman to amend the Main Motion to include the following condition:

1. The applicant shall work with the Community Development Administrator to determine if the fence has been constructed within the Right-of-Way if it is determined that the fence is within the Right-of-Way the applicant shall have the fence moved by April 1, 2013, and compliant with the Zoning Code with regard to setbacks.

Motion carried by voice vote for the amendment.

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

1. *The particular surroundings, shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;*

POSITIVE. The property is located on a corner lot and the applicant testified that the additional height will allow for visual privacy for his children and pets.

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;*

POSITIVE. The property is located on a corner lot and the applicant testified that the additional height will allow for visual privacy for his children and pets.

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 or otherwise be inconsistent with any officially adopted County Plan or these regulations;*

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.

6. *The circumstances or conditions are such that the strict application of the provisions of this section would deprive the applicant of reasonable use of his or her property. Mere loss in value shall not justify a Variance;*

POSITIVE. The property is located on a corner lot and the applicant testified that the additional height will allow for visual privacy for his children and pets.

7. *Granting of the Variance is the minimum adjustment necessary that will make possible the reasonable use of the land or structure;*

POSITIVE. The property is located on a corner lot and the applicant testified that the additional height will allow for visual privacy for his children and pets.

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

POSITIVE. Although the applicant failed to obtain a permit prior to constructing the fence there are other unique circumstances as the property is located on a corner lot and the applicant testified that the additional height will allow for visual privacy for his children and pets.

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

On roll call to approve **Case No. 12-52-V** as amended the vote was:

Ayes: 7 – Lessen, May, Toevs, Alternate Vaughn, Webb, Zimmerman and Chairman Newman

Nays: 0

Absent: 1 - Baum

Motion declared carried.

CASE NO. 12-53-V: The petition of Robert L. Reed for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow construction of an Accessory Structure to be 35' from the Centerline of Teel Lane, which is 15' closer than allowed in a R-1 Low Density Residential District.

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

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

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

Jon Oliphant, City of Washington submitted a report having no objection regarding the proposed Variance request.

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

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

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

Robert Reed appeared to testify on behalf of the proposed Variance request. Mr. Reed stated he would like to construct a building to keep his trailer out of sight. Mr. Reed said his lake and septic system took up most space on his property and the only other area had a spillway into the lake. Mr. Reed added the Road Commissioner was in agreement to the proposed location and he did not receive any concerns from neighbors he spoke with.

Following all Public Hearings, moved by May, seconded by Zimmerman, to approve **Case No. 12-53-V**.

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

1. *The particular surroundings, shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;*

POSITIVE. Due to the location of the septic, the lake and spillway into the lake the applicant is limited in buildable area for construction of the new building. Further the proposed location is the most practicable for construction of the building.

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;*

POSITIVE. Due to the location of the septic, the lake and spillway into the lake the applicant is limited in buildable area for construction of the new building. Further the proposed location is the most practicable for construction of the building.

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 or otherwise be inconsistent with any officially adopted County Plan or these regulations;*

POSITIVE. Due to the location of the septic, the lake and spillway into the lake the applicant is limited in buildable area for construction of the new building. Further the proposed location is the most practicable for construction of the building.

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. Due to the location of the septic, the lake and spillway into the lake the applicant is limited in buildable area for construction of the new building. Further the proposed location is the most practicable for construction of the building and the Washington Township Road Commissioner had no objections to the proposed location of the building.

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 in need of additional storage for personal items.

6. *The circumstances or conditions are such that the strict application of the provisions of this section would deprive the applicant of reasonable use of his or her property. Mere loss in value shall not justify a Variance;*

POSITIVE. Due to the location of the septic, the lake and spillway into the lake the applicant is limited in buildable area for construction of the new building. Further the proposed location is the most practicable for construction of the building.

7. *Granting of the Variance is the minimum adjustment necessary that will make possible the reasonable use of the land or structure;*

POSITIVE. Due to the location of the septic, the lake and spillway into the lake the applicant is limited in buildable area for construction of the new building. Further the proposed location is the most practicable for construction of the building.

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

POSITIVE. Due to the location of the septic, the lake and spillway into the lake the applicant is limited in buildable area for construction of the new building. Further the proposed location is the most practicable for construction of the building.

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

On roll call to approve **Case No. 12-53-V** the vote was:

Ayes: 7 – Lessen, May, Toevs, Alternate Vaughn, Webb, Zimmerman and Chairman Newman

Nays: 0

Absent: 1 - Baum

Motion declared carried.

OTHER BUSINESS

Administrator Deininger reminded the ZBA members of the deadline to obtain their Open Meetings Act certification.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **Tuesday, December 4, 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 7:15 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.