

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

A Public Hearing of the Tazewell County Zoning Board of Appeals was held at 6:00 P.M. on Tuesday, February 5, 2013, 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 Vaughn, Ken Zimmerman 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: Vice Chairman K. Russell Crawford, Monica Connett, Greg Sinn, Andrew Rinehart, Sue Sundell and Rosemary Palmer

OTHERS

PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Toevs, to approve the Minutes of the January 2, 2013 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.** 1 – Abstain, Zimmerman

(Continued at the January 2, 2013 ZBA Public Hearing)

CASE NO. 13-03-S: The petition of Rick Cross d/b/a Cross Implement, Inc. for a Special Use to operate an Agriculturally Related Business for outdoor storage of agriculture machinery in an A-1 Agriculture Preservation 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 submitting a report recommended approval regarding the proposed Special Use request.

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

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

Greg Troyer, Little Mackinaw Township Road Commissioner made no comment regarding the proposed Special Use request.

John Anderson, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating no additional access/entrances are proposed or recommended.

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

Rick Cross appeared to testify on behalf of the proposed Special Use request. Mr. Cross stated he had been renting land from an adjacent farmer and would now like to purchase the land to expand his business.

Following all Public Hearings, moved by Zimmerman, seconded by Webb, to approve **Case No. 13-03-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.
- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Encourage the reuse of vacant properties for new and existing businesses.
- 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 shall be satisfactorily met.

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

POSITIVE. The proposed storage lot will adhere to the zoning regulations as prescribed and the nearest residential structure is several hundred feet away. As such, anticipated adverse effects, including visual impacts on adjacent properties, from the granting of the requested Special Use are minimal.

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

POSITIVE. The expansion of an agricultural business that has been in continuous operation for years 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 surrounding 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. Additionally, the subject site will be finished in rock to limit mud, dust, and weeds.

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

POSITIVE. The expansion of an existing agricultural business that has been in continuous operation for years 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. Necessary utilities have already been established at the subject site. There will be no direct access from the subject site to South Minier Avenue.

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. 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, there is a livestock feeding operation more than one-half miles away from the subject parcel. No adverse impacts on that animal operation are anticipated.

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

NOT APPLICABLE.

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

POSITIVE. The Soil Productivity Index Rating of the subject site is 160 & 155. Although the Soil Productivity Index Rating is quite good, the Special Use request is directly related to agriculture and the agricultural industry.

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

POSITIVE. Given its adjacency to the existing agricultural business, the Special Use request is consistent with the existing uses of property within the general area and the subject property is suitable for the Special Use request as proposed

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

POSITIVE. Given its adjacency to the existing agricultural business, the Special Use request is consistent with the existing uses of property within the general area and the subject property is suitable for the Special Use request as proposed

Moved by Lessen, seconded by May, to approve the findings of fact as presented. **Motion carried by voice vote.**

On roll call to approve **Case No. 13-03-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. 13-06-V: The petition of Greg Guilliams for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow construction of an Accessory Structure to be 40' from the centerline of Tyrrell Road, which is 60' closer than allowed in an A-1 Agriculture Preservation District

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

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

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

Tom Wallace, Deer Creek Township Road Commissioner made no comment regarding the proposed Variance request.

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

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

Greg Guilliams appeared to testify on behalf of the proposed Variance request. Mr. Guilliams stated he needed to construct a storage building and could not meet the required setbacks due to the location of his septic system. Mr. Guilliams said he currently used the concrete pad from an existing building to park his vehicles on.

Following all Public Hearings, moved by Zimmerman, seconded by Vaughn, to approve **Case No. 13-06-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 odd shape of the lot, the lot being a corner lot and the location of the septic system the applicant is limited in buildable area for construction of the new 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 odd shape of the lot, the lot being a corner lot and the location of the septic system the applicant is limited in buildable area for construction of the new 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. The proposed location of the building is not inconsistent with the County Plan and there will be no detriment to the public welfare or property and improvements in the area.

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

POSITIVE. The new building will leave adequate room so as not to impede the supply of light and will not have a negative impact on the traffic congestion, public safety and will not impair 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 applicant is simply seeking a building that will allow him storage of various 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 odd shape of the lot, the lot being a corner lot and the location of the septic system the applicant is limited in buildable area for construction of the new 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 odd shape of the lot, the lot being a corner lot and the location of the septic system the applicant is limited in buildable area for construction of the new building.

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

POSITIVE. Due to the odd shape of the lot, the lot being a corner lot and the location of the septic system the applicant is limited in buildable area for construction of the new building.

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

On roll call to approve **Case No. 13-06-V** the vote was:

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

Newman

Nays: 0

Absent: 1 - Baum

Motion declared carried.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **Tuesday, March 5, 2013** 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 6:20 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.