

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

A Public Hearing of the Tazewell County Zoning Board of Appeals was held at 6:00 P.M. on Tuesday, April 2, 2013, 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, Ken Zimmerman and Phil Webb,

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Monica Connett, Chairman Terry Hillegonds, John Redlingshafer, Andrew Rinehart, Greg Sinn, Sue Sundell and Rosemary Palmer

OTHERS

PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Baum, to approve the Minutes of the March 5, 2013 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

CASE NO. 13-08-S: The petition of Precision Planting, LLC a wholly owned subsidiary of Monsanto Corporation for a Special Use for an expansion to an existing Special Use (Case No. 06-55-S & 08-41-S) to allow construction of additional storage, test buildings and reconstruction of a new building for office and conference space for an Ag-related Business 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 letter 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 stating no issue with the re-development, however an entrance permit will be required and a possible traffic study may be needed in the future.

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

Dean Kaisner, a representative for the Petitioner, appeared to testify on behalf of the proposed Special Use request. Mr. Kaisner stated since the beginning of the business, they have seen steady growth over the last few years and would now like to demolish an existing building and reconstruct an office space for training and sales. Mr. Kaisner said they would be adding an additional entrance to the site for freight deliveries only. Mr. Kaisner added one additional building would be constructed for housing the components of a fire suppression system and an additional building for storage of various materials. Mr. Kaisner stated there would be parking for 319 vehicles and had area set aside to accommodate for additional parking when warranted. Mr. Kaisner said the business held 4 separate winter meetings and a 4 day event every other summer, along with several events through out the year that would bring additional traffic to the site. Mr. Kaisner added he did not foresee doubling the number of meetings anytime soon and if traffic were to become an issue at the site, the company agreed to have a traffic study conducted.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-08-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.
- 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. This Special Use request is for the expansion of an existing business which already coexists with agricultural and residential uses on adjacent properties. With no major operational changes planned 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 neighboring vicinity is sparsely populated and consists primarily of agricultural operations. As such, the expansion of an agriculturally related 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.

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 are already established at the subject site.

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. Because anticipated increases in traffic volume are minimal, there are no foreseeable traffic congestion or safety issues from granting the Special Use as requested.

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 are no livestock feeding operations within one-half mile of the proposed Special Use. Additionally, the requested expansion of this agriculturally related business will not cause an increase in population density.

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 proposed Special Use is an expansion of an existing agriculturally related business. As such, the 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.

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

On roll call to approve **Case No. 13-08-S** the vote was:

Ayes: 6 - Baum, May, Toevs, Webb, Zimmerman and Chairman Newman

Abstain: 1 - Lessen

Nays: 0

Motion declared carried.

CASE NO. 13-09-S: The petition of Rick Butler d/b/a Woodworkers Shop, Inc. for a Special Use to operate a Planned Unit Development for continued manufacturing, distribution and retail of hardwood and millwork related items, and to offer the rental of 4 existing structures for multiple principal uses such as warehousing/mini storage in addition to other permitted uses/businesses as allowed in the I-2 Heavy Industrial 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 letter recommending approval regarding the proposed Special Use request.

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

Ron Sieh, City of Pekin submitted a report stating the proposed Special Use request was not an issue with the City.

John Anderson, Tazewell County Highway Engineer submitted a report stating no issue with operating storage facilities and current woodworking business, however, any additional uses may warrant a traffic study.

School District 98 and 303 made no comment regarding the proposed Special Use request.

Rick Butler appeared to testify on behalf of the proposed Special Use request. Mr. Butler stated out of 12 buildings, he had 3 vacant buildings available and he would like to offer those buildings for rent. Mr. Butler said one of the buildings could be used for auto repair as for years it served as a garage for company vehicles, the additional two buildings were once part of the saw mill operation, so they would be useful for indoor storage area. Mr. Butler added he did not want to construct mini-storage type units on the property, but would like to propose an area for outdoor storage. Mr. Butler stated the building that could be used for auto repair was located towards the front of the property near the current office for the woodworking business so he would be strict on the outdoor appearance of any business that would operate from that location. Mr. Butler said the existing lane on the property that would be used to access the buildings in the rear was once used by the City of Pekin to access land they maintained lawn waste recycling on, so the lane was adequate to allow larger vehicles to pass on.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 13-09-S**.

Following discussion, moved by Baum, seconded by May to amend the Main Motion to include the following condition:

1. There shall be no inoperable vehicles contained within the outdoor storage compound area.
2. If there shall be an auto repair business operating on site, there shall be no vehicles stored at the business rendered inoperable for longer than 30 days.

Motion carried by voice vote for the amendment.

After considering all the evidence and testimony presented, the ZBA discussed the findings of fact and reviewed the Report of the Land Use Planner and arrived at the following findings of fact:

1. *The Special Use shall, in all other respects, conform to the applicable regulations of the Tazewell County Zoning Ordinance for the district in which it is located.*

POSITIVE. 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.
- 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 Co. 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. There are a variety of permitted uses allowed by right within the I-2 Heavy Industrial District. The requested Special Use would simply allow the possibility of multiple uses on the same parcels at the same time. Granting the Special Use request does not allow the applicant any new or more intensive uses than those already permitted by right. As such, potential 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 diversification of an industrial based 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 requested Special Use won't allow for any additional uses not already permitted by right within the I-2 Heavy Industrial District 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. The diversification of an industrial based 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 are already established at the subject site.

9. *Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion and hazard on the public streets.*

POSITIVE. The applicant's request is rather non-specific concerning usage other than the possibility of warehousing, small business, and other storage. The likely increases in traffic volume from these projected types of uses are minimal. As such, there are no foreseeable traffic congestion or safety issues from granting the Special Use as requested. However, the I-2 Heavy Industrial District allows, by right, several uses that could generate significant traffic. Any uses other than storage and general small businesses should be reevaluated for traffic generation and roadway impacts at the Community Development Administrator's discretion.

10. *The evidence establishes that granting the use, which is located one-half mile or less from a livestock feeding operation, will not increase the population density around the livestock feeding operation to such levels as would hinder the operation or expansion of such operation.*

NOT APPLICABLE. Because the subject parcels are zoned as I-2 Heavy Industrial District, the proximity to livestock feeding operations are irrelevant. Additionally, the requested diversification of an industrial based business will not cause an increase in overall population density.

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 proposed Special Use is the diversification of an industrial based business. As such, the 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. The proposed Special Use is the diversification of an industrial based business. As such, the 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 Zimmerman, to approve the findings of fact as presented. **Motion carried by voice vote.**

On roll call to approve **Case No. 13-09-S** as amended the vote was:

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

Nays: 0

Motion declared carried.

CASE NO. 13-10-S: The petition of Jeffrey McGee d/b/a/ Twisted Edge Custom Powder Coating, for a Special Use to operate a Home Commercial Business for the purpose of conducting a custom powder coating business from an existing accessory structure 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 letter recommending approval regarding the proposed Special Use request.

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

Ken Siegrist, Dillon Township Road Commissioner made no comment regarding the proposed Special Use request, however an Entrance Permit had been issued.

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

School District 703 made no comment regarding the proposed Special Use request.

Jeff McGee appeared to testify on behalf of the proposed Special Use request. Mr. McGee stated he would like to re-open an existing business that he and a partner operated in Bartonville at his residence, in his existing hobby shop area. Mr. McGee said he would powder coat various metal parts for cars, motorcycles, etc. Mr. McGee added there were no special approvals needed from the EPA and he had a ventilation system installed with filtered fans for the air flow. Mr. McGee stated traffic would not be an issue as most work was done by appointment only and there would be only 2 to 3 jobs per week at best.

Following all Public Hearings, moved by Baum, seconded by Zimmerman, to approve **Case No. 13-10-S** with the following condition:

1. There shall be no outdoor storage of materials at the site.

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. Anticipated adverse effects from the granting of the requested Special Use are minimal. The exterior of the existing pole barn will not change, with all equipment to be housed inside the shop area.

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 proposed powder coating business is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the neighboring vicinity. The applicant intends to utilize environmentally responsible products and has discussed the proposed operation in detail with adjacent property owners.

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. Other than the addition of two small compliant signs, the existence of a business at the subject site will be imperceptible to passersby. As such, the proposed home commercial use 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 were installed / upgraded when the pole barn was built. No further utility improvements are anticipated.

9. *Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion and hazard on the public streets.*

POSITIVE. The local Township Road Commissioner has found the existing access to be acceptable for the business as described by the applicant.

10. *The evidence establishes that granting the use, which is located one-half mile or less from a livestock feeding operation, will not increase the population density around the livestock feeding operation to such levels as would hinder the operation or expansion of such operation.*

NOT APPLICABLE. The applicant has not requested to create a new dwelling site. As such, the proximity to livestock feeding operations is irrelevant. Additionally, the requested home commercial Special Use will not cause an increase in overall population density.

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. Per the applicant there are numerous machine sheds and shops in the immediate vicinity being utilized for both private and commercial operations. A small family owned and operated powder coating business will not be in direct conflict with the current agricultural and other established uses in the general vicinity.

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

POSITIVE. Considering utilities, access, and separation from other structures, the subject property is suitable for the Special Use request as proposed.

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

On roll call to approve **Case No. 13-10-S** the vote was:

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

Nays: 0

Motion declared carried.

CASE NO. 13-11-V: The petition of Jay Lundeen representing Margene Reif for a Variance to waive the requirements of 7TCC1-7(d) to allow the creation of a seven (7) acre lot of record which is thirty-three (33) acres less 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 making no recommendation 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.

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

Jay Lundeen appeared to testify on behalf of the proposed Variance request. Mr. Lundeen stated he was a realtor and his client had 12.2 acres of property, however due to financing through a VA loan, the proposed buyer of the property could only afford to purchase 5.2 acres of land. Mr. Lundeen stated the remaining land would remain vacant, as the terrain would not allow for construction of a new dwelling.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 13-11-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. The proposed site is primarily timber with a large gulley and is most likely unbuildable and the most efficient use of the site would be for potential personal outdoor recreational uses.

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 proposed site is primarily timber with a large gulley and is most likely unbuildable and the most efficient use of the site would be for potential personal outdoor recreational uses.

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. Allowing the reduction in acreage will not be detrimental to the public welfare or neighborhood. The proposed lot size is similar to other existing lot sizes 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.

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 reduction in lot size is the result of the owner selling the existing home site and the new buyer was unable to obtain a loan for the entire parcel. This is become a common situation in the last few years as lending institutions are not willing to lend monies on parcels with large acreage. Per testimony it was indicated that the new owner of the existing home site is interested in purchasing the remaining property at a later date.

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

POSITIVE. The reduction in lot size is the result of the owner selling the existing home site and the new buyer was unable to obtain a loan for the entire parcel. This is become a common situation in the last few years as lending institutions are not willing to lend monies on parcels with large acreage. Per testimony it was indicated that the new owner of the existing home site is interested in purchasing the remaining property at a later date. Further the proposed site is primarily timber with a large gulley and is most likely unbuildable and the most efficient use of the site would be for potential personal outdoor recreational uses.

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

POSITIVE. The reduction in lot size is the result of the owner selling the existing home site and the new buyer was unable to obtain a loan for the entire parcel. This is become a common situation in the last few years as lending institutions are not willing to lend monies on parcels with large acreage. Per testimony it was indicated that the new owner of the existing home site is interested in purchasing the remaining property at a later date. Further the proposed site is primarily timber with a large gulley and is most likely unbuildable and the most efficient use of the site would be for potential personal outdoor recreational uses.

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

On roll call to approve **Case No. 13-11-V** the vote was:

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

Nays: 0

Motion declared carried.

CASE NO. 13-12-V: The petition of Melissa Hedrick for a Variance to waive the requirements of 7-TCC1-10(f)(1)(iii) to allow construction of an addition to the existing dwelling, enclosed front porch, be 42' from the centerline of Wiseman Road, which is 8' closer than allowed in an 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.

Ron Hawkins, Cincinnati Township Road Commissioner submitted a report regarding the proposed Variance request stating no objection if there are no vehicles parked within the roadway.

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

School District 137 and 303 made no comment regarding the proposed Special Use request.

Melissa Hedrick appeared to testify on behalf of the proposed Variance request. Ms. Hedrick stated she would like to enclose the front porch of the dwelling. Ms. Hedrick said there were other dwellings as close, if not closer to the road. Ms. Hedrick added there were no posted speed limit signs in the area.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 13-12-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. The existing home is non-conforming and does not meet current setback requirements. The new porch will not extend out any further to the street and will be in line with other structures in the immediate area.

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

POSITIVE. A special privilege will not be conferred on the applicant as Garmans Subdivision is a non-conforming subdivision and most lots such as this one are limited in buildable area and many homes in the area have been granted similar Variances of this nature.

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. The applicant is simply seeking to construct a new porch on the existing home which will enhance the look of the home.

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. A special privilege will not be conferred on the applicant as Garmans Subdivision is a non-conforming subdivision and most lots such as this one are limited in buildable area and many homes in the area have been granted similar Variances of this nature.

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

POSITIVE. As the house is non-conforming as well as the lot the applicant has no other alternatives or location for construction of the porch.

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

POSITIVE. A special privilege will not be conferred on the applicant as Garmans Subdivision is a non-conforming subdivision and most lots such as this one are limited in buildable area and many homes in the area have been granted similar Variances of this nature.

On roll call to approve **Case No. 13-12-V** the vote was:

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

Nays: 0

Motion declared carried.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **Tuesday, May 7, 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 May, seconded by Baum, to adjourn the Zoning Board of Appeals Public Hearing at 7:06 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.