

**(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, May 7, 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, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

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

---

**CASE NO. 13-13-S:** The petition of Michael Sutherland of Sutherland & Sons Construction for a Special Use to allow the placement of concrete/rock crushing equipment for the purpose of recycling of clean construction debris in an I-1 Light 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 report having no comment regarding the proposed Special Use request.

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

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

Dave Risinger, Groveland Township Road Commissioner submitted a report regarding the proposed Special Use request stating the existing entrance was agreeable and proper maintenance of the stormwater and erosion control was encouraged.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Special Use request, however did stated that there are concerns regarding the lack of maintenance for stormwater and erosion control of the property.

School Districts 76 and 309 made no comment regarding the proposed Special Use request.

Mike Sutherland appeared to testify on behalf of the proposed Special Use request. Mr. Sutherland stated he was proposing a non permanent business. Mr. Sutherland said he was trying to move clay from the property which years ago had been used as an old mine site to make his land productive again. Mr. Sutherland added during the last large rain event, there was no stormwater runoff from the site. Mr. Sutherland stated he would operate 4 weeks per year at a maximum and would only bring in a crusher when he obtained enough material to do so. Mr. Sutherland said alot of materials on the site were from the 2010 project and brought in by the City of East Peoria. Mr. Sutherland added the proposed mix of concrete and asphalt materials to crush would be placed 500'-600' off of the road and would be kept out of the way of the clay. Mr. Sutherland stated the proposed location to be utilized on his property was at least 1200' from the next property, and even further away from the nearest residence. Mr. Sutherland said the City of East Peoria, Township and Highway Department use clay from the former Peoria Brick sight for various projects and it is a blue clay that packs and holds well, and the EPA wants all concrete and asphalt materials recycled. Mr. Sutherland added he had hoped to obtain enough material to have 6 trucks deliver daily to add to the stockpile to be crushed. Mr. Sutherland stated his focus was to cater to smaller and local area concrete and construction businesses, but would be willing to work with larger companies on larger projects if needed.

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

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

1. The placement and operation of the portable crusher shall be limited to 4 weeks per calendar year for a period of no more than 4 consecutive years.

**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:

- 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.

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. The subject area is densely wooded and the nearest residential properties are 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. An annual temporary industrial use is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the neighboring vicinity. The applicants are required to meet or exceed State and Federal requirements concerning safety and pollution.

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 industrial, which shall remain in 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. An annual temporary industrial 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. Per the applicant, current site controls include an aggregate site entrance, temporary seeding, silt fencing, and sediment ponds.

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 Cole Hollow Road and relatively flat topography, there are no foreseeable traffic congestion or safety issues from granting the Special Use request. Additionally, advanced traffic signage will be posted in accordance with IDOT standards.

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 miles of the subject parcel.

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.

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 an annual temporary industrial use to operate rock crushing equipment is not inconsistent with the other existing industrial uses in the immediate vicinity.

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

POSITIVE. Given its proximity to other existing industrial uses, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed, particularly when considering the temporary nature of the use at four weeks annually.

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

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

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

Nays: 0

**Motion declared carried.**

---

**CASE NO. 13-14-S:** The petition of Jeannie Hottell for a Special Use to create 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.

Darel Knaak, Spring Lake Township Road Commissioner made no comment regarding the proposed Special Use request, however an Entrance Permit has been issued for the proposed site.

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

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

Jeannie Hottell appeared to testify on behalf of the proposed Special Use request. Ms. Hottell stated she would like to build a single family dwelling for herself on 2 acres, or less. Ms. Hottell said the home would be at least 1700 square feet. Ms. Hottell added that she currently resides on property located next to farmland in the same general area as the proposed site.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 13-14-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.

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. The subject area is sparsely populated. 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. 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. The applicant has signed an agriculture land use easement acknowledging the subject property is situated in an agricultural area and may be subjected to conditions resulting from commercial agricultural operations on adjacent lands.

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. Given its adjacency to an existing single family residence, the proposed lot has access to necessary utilities presumably already established along DeSutter Road and Marjorie Lane. Vehicular access to the proposed lot shall be established in accordance with the Road Commissioner's recommendation. A new well will be drilled and complete septic system installed to comply with all applicable Tazewell County regulations.

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 DeSutter 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, there are no livestock feeding operations within one-half miles of the subject parcel.

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.

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 vicinity. Furthermore, the proposed residential lot is contiguous to land projected to be zoned R-1 Low Density Residential on the adopted Future Land Use Map.

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 Baum, to approve the findings of fact as written. **Motion carried by voice vote.**

On roll call to approve **Case No. 13-14-S** as amended the vote was:

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

Nays: 0

**Motion declared carried.**

---

**CASE NO. 13-15-V:** The petition of Mark Allen for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow the construction of an Accessory Structure to be 65' from the centerline of Hilst Road, which is 35' 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 making regarding the proposed Variance request recommending approval.

Kenneth Siegrist, Dillon 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 703 made no comment regarding the proposed Special Use request.

Mark Allen appeared to testify on behalf of the proposed Variance request. Mr. Allen stated he had requested a Special Use to create his 12 acre dwelling site years ago. Mr. Allen said due to a creek that runs through his property, and the amount of dirt that will need to be moved, he was unsure of what the exact setback of the building may be, however, he knew it would need to be no closer than the requested 65', and he intended on setting the building back as far as he could. Mr. Allen added the building would be for personal storage only.

Following all Public Hearings, moved by Zimmerman, seconded by Baum, to approve **Case No. 13-15-V.**

After considering all the evidence and testimony presented, the ZBA discussed and arrived 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 topographical conditions and the stream running through the property the applicant has limited options for placement of the new structure.

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 topographical conditions and the stream running through the property the applicant has limited options for placement of the new structure.

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 Variance will not be detrimental to the public welfare or injurious to other property in the neighborhood, placing the structure at the proposed location is the most practical due to topographical conditions of the property which hinders the applicant for placement of the structure 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;*

POSITIVE. Allowing the Variance will not have a negative effect on light, air or increase congestion on public streets or impair property values within the neighborhood as the building will be consistent with uses in the area and due to the topographical conditions of the property the applicant has limited options for placement 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 seeking the Variance due to topographical conditions of the property and the new structure is for storage of equipment needed to maintain the property.

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 topographical conditions and the stream running through the property the applicant has limited options for placement of the new structure. Therefore approving the Variance is allowing the applicant reasonable and practical use of his property.

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 topographical conditions and the stream running through the property the applicant has limited options for placement of the new structure.

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

POSITIVE. Due to the topographical conditions and the stream running through the property the applicant has limited options for placement of the new structure.

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

On roll call to approve **Case No. 13-15-V** the vote was:

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

Abstain: 1 - Lessen

Nays: 0

**Motion declared carried.**

---

**CASE NO. 13-16-V:** The petition of Faith Christian Centre for a Variance to waive the requirements of 7TCC1-5(o)(1) and 7TCC1-5(o)(2) to allow construction of a privacy fence to be at least 8' in height, which is 2' higher, and to be 12' in height, which is 6' 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 recommending approval.

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

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

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

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

Steve Graffis, on behalf of Faith Christian Centre appeared to testify on behalf of the proposed Variance request. Mr. Graffis stated the Church wanted to be a good community neighbor and that was the intent of the request. Mr. Graffis said a neighbor had privacy concerns and reflective light concerns on her property, so they agreed to construct a white vinyl privacy fence. Mr. Graffis added due to the light from the sign on the property, they were requesting the fence stair step in height up to 12' at the highest point.

Following all Public Hearings, moved by Lessen, seconded by Baum, to approve **Case No. 13-16-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 Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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 Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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 Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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 Variance request will not have a negative effect on the Finding above. The Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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

POSITIVE. The Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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 Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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

POSITIVE. The Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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

POSITIVE. The Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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. 13-16-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, June 4, 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 6:45 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, May 7, 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, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

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

---

**CASE NO. 13-13-S:** The petition of Michael Sutherland of Sutherland & Sons Construction for a Special Use to allow the placement of concrete/rock crushing equipment for the purpose of recycling of clean construction debris in an I-1 Light 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 report having no comment regarding the proposed Special Use request.

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

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

Dave Risinger, Groveland Township Road Commissioner submitted a report regarding the proposed Special Use request stating the existing entrance was agreeable and proper maintenance of the stormwater and erosion control was encouraged.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Special Use request, however did stated that there are concerns regarding the lack of maintenance for stormwater and erosion control of the property.

School Districts 76 and 309 made no comment regarding the proposed Special Use request.

Mike Sutherland appeared to testify on behalf of the proposed Special Use request. Mr. Sutherland stated he was proposing a non permanent business. Mr. Sutherland said he was trying to move clay from the property which years ago had been used as an old mine site to make his land productive again. Mr. Sutherland added during the last large rain event, there was no stormwater runoff from the site. Mr. Sutherland stated he would operate 4 weeks per year at a maximum and would only bring in a crusher when he obtained enough material to do so. Mr. Sutherland said alot of materials on the site were from the 2010 project and brought in by the City of East Peoria. Mr. Sutherland added the proposed mix of concrete and asphalt materials to crush would be placed 500'-600' off of the road and would be kept out of the way of the clay. Mr. Sutherland stated the proposed location to be utilized on his property was at least 1200' from the next property, and even further away from the nearest residence. Mr. Sutherland said the City of East Peoria, Township and Highway Department use clay from the former Peoria Brick sight for various projects and it is a blue clay that packs and holds well, and the EPA wants all concrete and asphalt materials recycled. Mr. Sutherland added he had hoped to obtain enough material to have 6 trucks deliver daily to add to the stockpile to be crushed. Mr. Sutherland stated his focus was to cater to smaller and local area concrete and construction businesses, but would be willing to work with larger companies on larger projects if needed.

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

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

1. The placement and operation of the portable crusher shall be limited to 4 weeks per calendar year for a period of no more than 4 consecutive years.

**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:

- 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.

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. The subject area is densely wooded and the nearest residential properties are 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. An annual temporary industrial use is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the neighboring vicinity. The applicants are required to meet or exceed State and Federal requirements concerning safety and pollution.

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 industrial, which shall remain in 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. An annual temporary industrial 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. Per the applicant, current site controls include an aggregate site entrance, temporary seeding, silt fencing, and sediment ponds.

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 Cole Hollow Road and relatively flat topography, there are no foreseeable traffic congestion or safety issues from granting the Special Use request. Additionally, advanced traffic signage will be posted in accordance with IDOT standards.

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 miles of the subject parcel.

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.

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 an annual temporary industrial use to operate rock crushing equipment is not inconsistent with the other existing industrial uses in the immediate vicinity.

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

POSITIVE. Given its proximity to other existing industrial uses, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed, particularly when considering the temporary nature of the use at four weeks annually.

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

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

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

Nays: 0

**Motion declared carried.**

---

**CASE NO. 13-14-S:** The petition of Jeannie Hottell for a Special Use to create 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.

Darel Knaak, Spring Lake Township Road Commissioner made no comment regarding the proposed Special Use request, however an Entrance Permit has been issued for the proposed site.

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

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

Jeannie Hottell appeared to testify on behalf of the proposed Special Use request. Ms. Hottell stated she would like to build a single family dwelling for herself on 2 acres, or less. Ms. Hottell said the home would be at least 1700 square feet. Ms. Hottell added that she currently resides on property located next to farmland in the same general area as the proposed site.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 13-14-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.

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. The subject area is sparsely populated. 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. 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. The applicant has signed an agriculture land use easement acknowledging the subject property is situated in an agricultural area and may be subjected to conditions resulting from commercial agricultural operations on adjacent lands.

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. Given its adjacency to an existing single family residence, the proposed lot has access to necessary utilities presumably already established along DeSutter Road and Marjorie Lane. Vehicular access to the proposed lot shall be established in accordance with the Road Commissioner's recommendation. A new well will be drilled and complete septic system installed to comply with all applicable Tazewell County regulations.

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 DeSutter 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, there are no livestock feeding operations within one-half miles of the subject parcel.

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.

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 vicinity. Furthermore, the proposed residential lot is contiguous to land projected to be zoned R-1 Low Density Residential on the adopted Future Land Use Map.

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 Baum, to approve the findings of fact as written. **Motion carried by voice vote.**

On roll call to approve **Case No. 13-14-S** as amended the vote was:

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

Nays: 0

**Motion declared carried.**

---

**CASE NO. 13-15-V:** The petition of Mark Allen for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow the construction of an Accessory Structure to be 65' from the centerline of Hilst Road, which is 35' 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 making regarding the proposed Variance request recommending approval.

Kenneth Siegrist, Dillon 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 703 made no comment regarding the proposed Special Use request.

Mark Allen appeared to testify on behalf of the proposed Variance request. Mr. Allen stated he had requested a Special Use to create his 12 acre dwelling site years ago. Mr. Allen said due to a creek that runs through his property, and the amount of dirt that will need to be moved, he was unsure of what the exact setback of the building may be, however, he knew it would need to be no closer than the requested 65', and he intended on setting the building back as far as he could. Mr. Allen added the building would be for personal storage only.

Following all Public Hearings, moved by Zimmerman, seconded by Baum, to approve **Case No. 13-15-V.**

After considering all the evidence and testimony presented, the ZBA discussed and arrived 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 topographical conditions and the stream running through the property the applicant has limited options for placement of the new structure.

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 topographical conditions and the stream running through the property the applicant has limited options for placement of the new structure.

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 Variance will not be detrimental to the public welfare or injurious to other property in the neighborhood, placing the structure at the proposed location is the most practical due to topographical conditions of the property which hinders the applicant for placement of the structure 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;*

POSITIVE. Allowing the Variance will not have a negative effect on light, air or increase congestion on public streets or impair property values within the neighborhood as the building will be consistent with uses in the area and due to the topographical conditions of the property the applicant has limited options for placement 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 seeking the Variance due to topographical conditions of the property and the new structure is for storage of equipment needed to maintain the property.

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 topographical conditions and the stream running through the property the applicant has limited options for placement of the new structure. Therefore approving the Variance is allowing the applicant reasonable and practical use of his property.

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 topographical conditions and the stream running through the property the applicant has limited options for placement of the new structure.

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

POSITIVE. Due to the topographical conditions and the stream running through the property the applicant has limited options for placement of the new structure.

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

On roll call to approve **Case No. 13-15-V** the vote was:

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

Abstain: 1 - Lessen

Nays: 0

**Motion declared carried.**

---

**CASE NO. 13-16-V:** The petition of Faith Christian Centre for a Variance to waive the requirements of 7TCC1-5(o)(1) and 7TCC1-5(o)(2) to allow construction of a privacy fence to be at least 8' in height, which is 2' higher, and to be 12' in height, which is 6' 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 recommending approval.

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

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

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

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

Steve Graffis, on behalf of Faith Christian Centre appeared to testify on behalf of the proposed Variance request. Mr. Graffis stated the Church wanted to be a good community neighbor and that was the intent of the request. Mr. Graffis said a neighbor had privacy concerns and reflective light concerns on her property, so they agreed to construct a white vinyl privacy fence. Mr. Graffis added due to the light from the sign on the property, they were requesting the fence stair step in height up to 12' at the highest point.

Following all Public Hearings, moved by Lessen, seconded by Baum, to approve **Case No. 13-16-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 Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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 Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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 Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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 Variance request will not have a negative effect on the Finding above. The Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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

POSITIVE. The Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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 Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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

POSITIVE. The Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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

POSITIVE. The Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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. 13-16-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, June 4, 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 6:45 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, May 7, 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, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

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

---

**CASE NO. 13-13-S:** The petition of Michael Sutherland of Sutherland & Sons Construction for a Special Use to allow the placement of concrete/rock crushing equipment for the purpose of recycling of clean construction debris in an I-1 Light 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 report having no comment regarding the proposed Special Use request.

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

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

Dave Risinger, Groveland Township Road Commissioner submitted a report regarding the proposed Special Use request stating the existing entrance was agreeable and proper maintenance of the stormwater and erosion control was encouraged.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Special Use request, however did stated that there are concerns regarding the lack of maintenance for stormwater and erosion control of the property.

School Districts 76 and 309 made no comment regarding the proposed Special Use request.

Mike Sutherland appeared to testify on behalf of the proposed Special Use request. Mr. Sutherland stated he was proposing a non permanent business. Mr. Sutherland said he was trying to move clay from the property which years ago had been used as an old mine site to make his land productive again. Mr. Sutherland added during the last large rain event, there was no stormwater runoff from the site. Mr. Sutherland stated he would operate 4 weeks per year at a maximum and would only bring in a crusher when he obtained enough material to do so. Mr. Sutherland said alot of materials on the site were from the 2010 project and brought in by the City of East Peoria. Mr. Sutherland added the proposed mix of concrete and asphalt materials to crush would be placed 500'-600' off of the road and would be kept out of the way of the clay. Mr. Sutherland stated the proposed location to be utilized on his property was at least 1200' from the next property, and even further away from the nearest residence. Mr. Sutherland said the City of East Peoria, Township and Highway Department use clay from the former Peoria Brick sight for various projects and it is a blue clay that packs and holds well, and the EPA wants all concrete and asphalt materials recycled. Mr. Sutherland added he had hoped to obtain enough material to have 6 trucks deliver daily to add to the stockpile to be crushed. Mr. Sutherland stated his focus was to cater to smaller and local area concrete and construction businesses, but would be willing to work with larger companies on larger projects if needed.

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

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

1. The placement and operation of the portable crusher shall be limited to 4 weeks per calendar year for a period of no more than 4 consecutive years.

**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:

- 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.

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. The subject area is densely wooded and the nearest residential properties are 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. An annual temporary industrial use is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the neighboring vicinity. The applicants are required to meet or exceed State and Federal requirements concerning safety and pollution.

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 industrial, which shall remain in 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. An annual temporary industrial 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. Per the applicant, current site controls include an aggregate site entrance, temporary seeding, silt fencing, and sediment ponds.

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 Cole Hollow Road and relatively flat topography, there are no foreseeable traffic congestion or safety issues from granting the Special Use request. Additionally, advanced traffic signage will be posted in accordance with IDOT standards.

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 miles of the subject parcel.

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.

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 an annual temporary industrial use to operate rock crushing equipment is not inconsistent with the other existing industrial uses in the immediate vicinity.

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

POSITIVE. Given its proximity to other existing industrial uses, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed, particularly when considering the temporary nature of the use at four weeks annually.

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

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

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

Nays: 0

**Motion declared carried.**

---

**CASE NO. 13-14-S:** The petition of Jeannie Hottell for a Special Use to create 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.

Darel Knaak, Spring Lake Township Road Commissioner made no comment regarding the proposed Special Use request, however an Entrance Permit has been issued for the proposed site.

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

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

Jeannie Hottell appeared to testify on behalf of the proposed Special Use request. Ms. Hottell stated she would like to build a single family dwelling for herself on 2 acres, or less. Ms. Hottell said the home would be at least 1700 square feet. Ms. Hottell added that she currently resides on property located next to farmland in the same general area as the proposed site.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 13-14-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.

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. The subject area is sparsely populated. 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. 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. The applicant has signed an agriculture land use easement acknowledging the subject property is situated in an agricultural area and may be subjected to conditions resulting from commercial agricultural operations on adjacent lands.

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. Given its adjacency to an existing single family residence, the proposed lot has access to necessary utilities presumably already established along DeSutter Road and Marjorie Lane. Vehicular access to the proposed lot shall be established in accordance with the Road Commissioner's recommendation. A new well will be drilled and complete septic system installed to comply with all applicable Tazewell County regulations.

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 DeSutter 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, there are no livestock feeding operations within one-half miles of the subject parcel.

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.

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 vicinity. Furthermore, the proposed residential lot is contiguous to land projected to be zoned R-1 Low Density Residential on the adopted Future Land Use Map.

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 Baum, to approve the findings of fact as written. **Motion carried by voice vote.**

On roll call to approve **Case No. 13-14-S** as amended the vote was:

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

Nays: 0

**Motion declared carried.**

---

**CASE NO. 13-15-V:** The petition of Mark Allen for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow the construction of an Accessory Structure to be 65' from the centerline of Hilst Road, which is 35' 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 making regarding the proposed Variance request recommending approval.

Kenneth Siegrist, Dillon 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 703 made no comment regarding the proposed Special Use request.

Mark Allen appeared to testify on behalf of the proposed Variance request. Mr. Allen stated he had requested a Special Use to create his 12 acre dwelling site years ago. Mr. Allen said due to a creek that runs through his property, and the amount of dirt that will need to be moved, he was unsure of what the exact setback of the building may be, however, he knew it would need to be no closer than the requested 65', and he intended on setting the building back as far as he could. Mr. Allen added the building would be for personal storage only.

Following all Public Hearings, moved by Zimmerman, seconded by Baum, to approve **Case No. 13-15-V.**

After considering all the evidence and testimony presented, the ZBA discussed and arrived 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 topographical conditions and the stream running through the property the applicant has limited options for placement of the new structure.

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 topographical conditions and the stream running through the property the applicant has limited options for placement of the new structure.

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 Variance will not be detrimental to the public welfare or injurious to other property in the neighborhood, placing the structure at the proposed location is the most practical due to topographical conditions of the property which hinders the applicant for placement of the structure 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;*

POSITIVE. Allowing the Variance will not have a negative effect on light, air or increase congestion on public streets or impair property values within the neighborhood as the building will be consistent with uses in the area and due to the topographical conditions of the property the applicant has limited options for placement 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 seeking the Variance due to topographical conditions of the property and the new structure is for storage of equipment needed to maintain the property.

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 topographical conditions and the stream running through the property the applicant has limited options for placement of the new structure. Therefore approving the Variance is allowing the applicant reasonable and practical use of his property.

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 topographical conditions and the stream running through the property the applicant has limited options for placement of the new structure.

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

POSITIVE. Due to the topographical conditions and the stream running through the property the applicant has limited options for placement of the new structure.

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

On roll call to approve **Case No. 13-15-V** the vote was:

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

Abstain: 1 - Lessen

Nays: 0

**Motion declared carried.**

---

**CASE NO. 13-16-V:** The petition of Faith Christian Centre for a Variance to waive the requirements of 7TCC1-5(o)(1) and 7TCC1-5(o)(2) to allow construction of a privacy fence to be at least 8' in height, which is 2' higher, and to be 12' in height, which is 6' 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 recommending approval.

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

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

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

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

Steve Graffis, on behalf of Faith Christian Centre appeared to testify on behalf of the proposed Variance request. Mr. Graffis stated the Church wanted to be a good community neighbor and that was the intent of the request. Mr. Graffis said a neighbor had privacy concerns and reflective light concerns on her property, so they agreed to construct a white vinyl privacy fence. Mr. Graffis added due to the light from the sign on the property, they were requesting the fence stair step in height up to 12' at the highest point.

Following all Public Hearings, moved by Lessen, seconded by Baum, to approve **Case No. 13-16-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 Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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 Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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 Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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 Variance request will not have a negative effect on the Finding above. The Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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

POSITIVE. The Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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 Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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

POSITIVE. The Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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

POSITIVE. The Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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. 13-16-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, June 4, 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 6:45 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, May 7, 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, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

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

---

**CASE NO. 13-13-S:** The petition of Michael Sutherland of Sutherland & Sons Construction for a Special Use to allow the placement of concrete/rock crushing equipment for the purpose of recycling of clean construction debris in an I-1 Light 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 report having no comment regarding the proposed Special Use request.

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

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

Dave Risinger, Groveland Township Road Commissioner submitted a report regarding the proposed Special Use request stating the existing entrance was agreeable and proper maintenance of the stormwater and erosion control was encouraged.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Special Use request, however did stated that there are concerns regarding the lack of maintenance for stormwater and erosion control of the property.

School Districts 76 and 309 made no comment regarding the proposed Special Use request.

Mike Sutherland appeared to testify on behalf of the proposed Special Use request. Mr. Sutherland stated he was proposing a non permanent business. Mr. Sutherland said he was trying to move clay from the property which years ago had been used as an old mine site to make his land productive again. Mr. Sutherland added during the last large rain event, there was no stormwater runoff from the site. Mr. Sutherland stated he would operate 4 weeks per year at a maximum and would only bring in a crusher when he obtained enough material to do so. Mr. Sutherland said alot of materials on the site were from the 2010 project and brought in by the City of East Peoria. Mr. Sutherland added the proposed mix of concrete and asphalt materials to crush would be placed 500'-600' off of the road and would be kept out of the way of the clay. Mr. Sutherland stated the proposed location to be utilized on his property was at least 1200' from the next property, and even further away from the nearest residence. Mr. Sutherland said the City of East Peoria, Township and Highway Department use clay from the former Peoria Brick sight for various projects and it is a blue clay that packs and holds well, and the EPA wants all concrete and asphalt materials recycled. Mr. Sutherland added he had hoped to obtain enough material to have 6 trucks deliver daily to add to the stockpile to be crushed. Mr. Sutherland stated his focus was to cater to smaller and local area concrete and construction businesses, but would be willing to work with larger companies on larger projects if needed.

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

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

1. The placement and operation of the portable crusher shall be limited to 4 weeks per calendar year for a period of no more than 4 consecutive years.

**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:

- 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.

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. The subject area is densely wooded and the nearest residential properties are 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. An annual temporary industrial use is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the neighboring vicinity. The applicants are required to meet or exceed State and Federal requirements concerning safety and pollution.

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 industrial, which shall remain in 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. An annual temporary industrial 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. Per the applicant, current site controls include an aggregate site entrance, temporary seeding, silt fencing, and sediment ponds.

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 Cole Hollow Road and relatively flat topography, there are no foreseeable traffic congestion or safety issues from granting the Special Use request. Additionally, advanced traffic signage will be posted in accordance with IDOT standards.

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 miles of the subject parcel.

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.

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 an annual temporary industrial use to operate rock crushing equipment is not inconsistent with the other existing industrial uses in the immediate vicinity.

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

POSITIVE. Given its proximity to other existing industrial uses, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed, particularly when considering the temporary nature of the use at four weeks annually.

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

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

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

Nays: 0

**Motion declared carried.**

---

**CASE NO. 13-14-S:** The petition of Jeannie Hottell for a Special Use to create 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.

Darel Knaak, Spring Lake Township Road Commissioner made no comment regarding the proposed Special Use request, however an Entrance Permit has been issued for the proposed site.

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

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

Jeannie Hottell appeared to testify on behalf of the proposed Special Use request. Ms. Hottell stated she would like to build a single family dwelling for herself on 2 acres, or less. Ms. Hottell said the home would be at least 1700 square feet. Ms. Hottell added that she currently resides on property located next to farmland in the same general area as the proposed site.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 13-14-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.

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. The subject area is sparsely populated. 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. 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. The applicant has signed an agriculture land use easement acknowledging the subject property is situated in an agricultural area and may be subjected to conditions resulting from commercial agricultural operations on adjacent lands.

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. Given its adjacency to an existing single family residence, the proposed lot has access to necessary utilities presumably already established along DeSutter Road and Marjorie Lane. Vehicular access to the proposed lot shall be established in accordance with the Road Commissioner's recommendation. A new well will be drilled and complete septic system installed to comply with all applicable Tazewell County regulations.

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 DeSutter 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, there are no livestock feeding operations within one-half miles of the subject parcel.

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.

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 vicinity. Furthermore, the proposed residential lot is contiguous to land projected to be zoned R-1 Low Density Residential on the adopted Future Land Use Map.

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 Baum, to approve the findings of fact as written. **Motion carried by voice vote.**

On roll call to approve **Case No. 13-14-S** as amended the vote was:

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

Nays: 0

**Motion declared carried.**

---

**CASE NO. 13-15-V:** The petition of Mark Allen for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow the construction of an Accessory Structure to be 65' from the centerline of Hilst Road, which is 35' 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 making regarding the proposed Variance request recommending approval.

Kenneth Siegrist, Dillon 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 703 made no comment regarding the proposed Special Use request.

Mark Allen appeared to testify on behalf of the proposed Variance request. Mr. Allen stated he had requested a Special Use to create his 12 acre dwelling site years ago. Mr. Allen said due to a creek that runs through his property, and the amount of dirt that will need to be moved, he was unsure of what the exact setback of the building may be, however, he knew it would need to be no closer than the requested 65', and he intended on setting the building back as far as he could. Mr. Allen added the building would be for personal storage only.

Following all Public Hearings, moved by Zimmerman, seconded by Baum, to approve **Case No. 13-15-V.**

After considering all the evidence and testimony presented, the ZBA discussed and arrived 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 topographical conditions and the stream running through the property the applicant has limited options for placement of the new structure.

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 topographical conditions and the stream running through the property the applicant has limited options for placement of the new structure.

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 Variance will not be detrimental to the public welfare or injurious to other property in the neighborhood, placing the structure at the proposed location is the most practical due to topographical conditions of the property which hinders the applicant for placement of the structure 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;*

POSITIVE. Allowing the Variance will not have a negative effect on light, air or increase congestion on public streets or impair property values within the neighborhood as the building will be consistent with uses in the area and due to the topographical conditions of the property the applicant has limited options for placement 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 seeking the Variance due to topographical conditions of the property and the new structure is for storage of equipment needed to maintain the property.

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 topographical conditions and the stream running through the property the applicant has limited options for placement of the new structure. Therefore approving the Variance is allowing the applicant reasonable and practical use of his property.

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 topographical conditions and the stream running through the property the applicant has limited options for placement of the new structure.

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

POSITIVE. Due to the topographical conditions and the stream running through the property the applicant has limited options for placement of the new structure.

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

On roll call to approve **Case No. 13-15-V** the vote was:

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

Abstain: 1 - Lessen

Nays: 0

**Motion declared carried.**

---

**CASE NO. 13-16-V:** The petition of Faith Christian Centre for a Variance to waive the requirements of 7TCC1-5(o)(1) and 7TCC1-5(o)(2) to allow construction of a privacy fence to be at least 8' in height, which is 2' higher, and to be 12' in height, which is 6' 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 recommending approval.

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

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

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

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

Steve Graffis, on behalf of Faith Christian Centre appeared to testify on behalf of the proposed Variance request. Mr. Graffis stated the Church wanted to be a good community neighbor and that was the intent of the request. Mr. Graffis said a neighbor had privacy concerns and reflective light concerns on her property, so they agreed to construct a white vinyl privacy fence. Mr. Graffis added due to the light from the sign on the property, they were requesting the fence stair step in height up to 12' at the highest point.

Following all Public Hearings, moved by Lessen, seconded by Baum, to approve **Case No. 13-16-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 Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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 Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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 Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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 Variance request will not have a negative effect on the Finding above. The Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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

POSITIVE. The Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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 Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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

POSITIVE. The Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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

POSITIVE. The Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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. 13-16-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, June 4, 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 6:45 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, May 7, 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, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

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

---

**CASE NO. 13-13-S:** The petition of Michael Sutherland of Sutherland & Sons Construction for a Special Use to allow the placement of concrete/rock crushing equipment for the purpose of recycling of clean construction debris in an I-1 Light 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 report having no comment regarding the proposed Special Use request.

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

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

Dave Risinger, Groveland Township Road Commissioner submitted a report regarding the proposed Special Use request stating the existing entrance was agreeable and proper maintenance of the stormwater and erosion control was encouraged.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Special Use request, however did stated that there are concerns regarding the lack of maintenance for stormwater and erosion control of the property.

School Districts 76 and 309 made no comment regarding the proposed Special Use request.

Mike Sutherland appeared to testify on behalf of the proposed Special Use request. Mr. Sutherland stated he was proposing a non permanent business. Mr. Sutherland said he was trying to move clay from the property which years ago had been used as an old mine site to make his land productive again. Mr. Sutherland added during the last large rain event, there was no stormwater runoff from the site. Mr. Sutherland stated he would operate 4 weeks per year at a maximum and would only bring in a crusher when he obtained enough material to do so. Mr. Sutherland said alot of materials on the site were from the 2010 project and brought in by the City of East Peoria. Mr. Sutherland added the proposed mix of concrete and asphalt materials to crush would be placed 500'-600' off of the road and would be kept out of the way of the clay. Mr. Sutherland stated the proposed location to be utilized on his property was at least 1200' from the next property, and even further away from the nearest residence. Mr. Sutherland said the City of East Peoria, Township and Highway Department use clay from the former Peoria Brick sight for various projects and it is a blue clay that packs and holds well, and the EPA wants all concrete and asphalt materials recycled. Mr. Sutherland added he had hoped to obtain enough material to have 6 trucks deliver daily to add to the stockpile to be crushed. Mr. Sutherland stated his focus was to cater to smaller and local area concrete and construction businesses, but would be willing to work with larger companies on larger projects if needed.

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

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

1. The placement and operation of the portable crusher shall be limited to 4 weeks per calendar year for a period of no more than 4 consecutive years.

**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:

- 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.

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. The subject area is densely wooded and the nearest residential properties are 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. An annual temporary industrial use is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the neighboring vicinity. The applicants are required to meet or exceed State and Federal requirements concerning safety and pollution.

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 industrial, which shall remain in 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. An annual temporary industrial 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. Per the applicant, current site controls include an aggregate site entrance, temporary seeding, silt fencing, and sediment ponds.

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 Cole Hollow Road and relatively flat topography, there are no foreseeable traffic congestion or safety issues from granting the Special Use request. Additionally, advanced traffic signage will be posted in accordance with IDOT standards.

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 miles of the subject parcel.

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.

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 an annual temporary industrial use to operate rock crushing equipment is not inconsistent with the other existing industrial uses in the immediate vicinity.

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

POSITIVE. Given its proximity to other existing industrial uses, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed, particularly when considering the temporary nature of the use at four weeks annually.

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

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

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

Nays: 0

**Motion declared carried.**

---

**CASE NO. 13-14-S:** The petition of Jeannie Hottell for a Special Use to create 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.

Darel Knaak, Spring Lake Township Road Commissioner made no comment regarding the proposed Special Use request, however an Entrance Permit has been issued for the proposed site.

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

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

Jeannie Hottell appeared to testify on behalf of the proposed Special Use request. Ms. Hottell stated she would like to build a single family dwelling for herself on 2 acres, or less. Ms. Hottell said the home would be at least 1700 square feet. Ms. Hottell added that she currently resides on property located next to farmland in the same general area as the proposed site.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 13-14-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.

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. The subject area is sparsely populated. 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. 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. The applicant has signed an agriculture land use easement acknowledging the subject property is situated in an agricultural area and may be subjected to conditions resulting from commercial agricultural operations on adjacent lands.

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. Given its adjacency to an existing single family residence, the proposed lot has access to necessary utilities presumably already established along DeSutter Road and Marjorie Lane. Vehicular access to the proposed lot shall be established in accordance with the Road Commissioner's recommendation. A new well will be drilled and complete septic system installed to comply with all applicable Tazewell County regulations.

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 DeSutter 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, there are no livestock feeding operations within one-half miles of the subject parcel.

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.

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 vicinity. Furthermore, the proposed residential lot is contiguous to land projected to be zoned R-1 Low Density Residential on the adopted Future Land Use Map.

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 Baum, to approve the findings of fact as written. **Motion carried by voice vote.**

On roll call to approve **Case No. 13-14-S** as amended the vote was:

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

Nays: 0

**Motion declared carried.**

---

**CASE NO. 13-15-V:** The petition of Mark Allen for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow the construction of an Accessory Structure to be 65' from the centerline of Hilst Road, which is 35' 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 making regarding the proposed Variance request recommending approval.

Kenneth Siegrist, Dillon 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 703 made no comment regarding the proposed Special Use request.

Mark Allen appeared to testify on behalf of the proposed Variance request. Mr. Allen stated he had requested a Special Use to create his 12 acre dwelling site years ago. Mr. Allen said due to a creek that runs through his property, and the amount of dirt that will need to be moved, he was unsure of what the exact setback of the building may be, however, he knew it would need to be no closer than the requested 65', and he intended on setting the building back as far as he could. Mr. Allen added the building would be for personal storage only.

Following all Public Hearings, moved by Zimmerman, seconded by Baum, to approve **Case No. 13-15-V.**

After considering all the evidence and testimony presented, the ZBA discussed and arrived 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 topographical conditions and the stream running through the property the applicant has limited options for placement of the new structure.

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 topographical conditions and the stream running through the property the applicant has limited options for placement of the new structure.

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 Variance will not be detrimental to the public welfare or injurious to other property in the neighborhood, placing the structure at the proposed location is the most practical due to topographical conditions of the property which hinders the applicant for placement of the structure 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;*

POSITIVE. Allowing the Variance will not have a negative effect on light, air or increase congestion on public streets or impair property values within the neighborhood as the building will be consistent with uses in the area and due to the topographical conditions of the property the applicant has limited options for placement 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 seeking the Variance due to topographical conditions of the property and the new structure is for storage of equipment needed to maintain the property.

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 topographical conditions and the stream running through the property the applicant has limited options for placement of the new structure. Therefore approving the Variance is allowing the applicant reasonable and practical use of his property.

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 topographical conditions and the stream running through the property the applicant has limited options for placement of the new structure.

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

POSITIVE. Due to the topographical conditions and the stream running through the property the applicant has limited options for placement of the new structure.

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

On roll call to approve **Case No. 13-15-V** the vote was:

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

Abstain: 1 - Lessen

Nays: 0

**Motion declared carried.**

---

**CASE NO. 13-16-V:** The petition of Faith Christian Centre for a Variance to waive the requirements of 7TCC1-5(o)(1) and 7TCC1-5(o)(2) to allow construction of a privacy fence to be at least 8' in height, which is 2' higher, and to be 12' in height, which is 6' 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 recommending approval.

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

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

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

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

Steve Graffis, on behalf of Faith Christian Centre appeared to testify on behalf of the proposed Variance request. Mr. Graffis stated the Church wanted to be a good community neighbor and that was the intent of the request. Mr. Graffis said a neighbor had privacy concerns and reflective light concerns on her property, so they agreed to construct a white vinyl privacy fence. Mr. Graffis added due to the light from the sign on the property, they were requesting the fence stair step in height up to 12' at the highest point.

Following all Public Hearings, moved by Lessen, seconded by Baum, to approve **Case No. 13-16-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 Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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 Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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 Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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 Variance request will not have a negative effect on the Finding above. The Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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

POSITIVE. The Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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 Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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

POSITIVE. The Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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

POSITIVE. The Variance request is unique in nature as the height of the fence is the result of a compromise between the Church and the neighboring property owner who has had raised concerns regarding the new sign placed on the property owned by the Church in addition to other concerns upon moving into the neighboring house. The additional height will provide privacy for the neighboring property owner from various activities conducted by the Church.

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. 13-16-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, June 4, 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 6:45 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.