

**(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, July 2, 2013, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

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

**ABSENT:** Ken Zimmerman

**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, Greg Sinn, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

**MINUTES:** Moved by Baum, seconded by May, to approve the Minutes of the June 4, 2013 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

---

**CASE NO. 13-21-Z:** The petition of Alice Guth for a Map Amendment to the Official Washington Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation District to a R-R Rural Residential Zoning District

The Tazewell County Land Use Planner submitted a report recommending approval of the proposed Rezoning request.

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

Tazewell County Soil & Water Conservation District submitted a report recommending denial of the proposed Rezoning request as prime farmland would be taken out of production.

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

Jon Oliphant, City of Washington submitted a report recommending approval regarding the proposed Rezoning request.

Dave Weaver, Washington Township Road Commissioner submitted a report stating concerns of multiple entry and exit points and additional traffic that may be generated by potential uses.

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

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

Attorney Robert Riffle, Attorney representing Mrs. Guth appeared to testify on behalf of the proposed Rezoning request. Mr. Riffle stated the Findings of Fact supported a Rezoning of the property. Mr. Riffle said the property is currently used for agriculture purposes, the properties located to the North were a mixture of residential and a golf course, and the property to the South was zoned for Agriculture, however, there were smaller lot sizes and were utilized more as a rural residential classification. Mr. Riffle added his client was very mindful of the traffic in the area and would work with a developer and road official to address traffic patterns. Mr. Riffle stated the proposed Rezoning request was consistent with the Comprehensive Land Use Plan for the County and the area is trending in rural development. Mr. Riffle said his client had intended to either subdivide the property or utilize a portion of the property for a possible assisted living facility. Mr. Riffle added there were no specific details on how many dwellings and his client chose only to rezone 40 acres of her property at this time as she intended to continue farming the remaining land.

Following all Public Hearings, moved by May, seconded by Baum, to recommend approval of **Case No. 13-21-Z** to the Tazewell County Board.

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

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

*POSITIVE.* The proposed amendment shall not be detrimental to the orderly development of Tazewell

County as it is consistent with the Future Land Use Map for Tazewell County, which designates the subject area as R-R.

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

*POSITIVE.* At this time, the proposed zoning amendment poses no foreseeable danger or risk to the public health, safety, morals or general welfare of Tazewell County or its residents. The proposed amendment will allow and encourage single family residential development adjacent to existing single family residential homes.

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

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

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

*POSITIVE.*

5. *The suitability of the property in question for the uses permitted under the existing zoning classification.*

*POSITIVE.* Per the applicant, the subject property is not suitable for large scale farming operations, although it is currently planted in row crops.

6. *The suitability of the property in question for the uses permitted under the proposed zoning classification.*

*POSITIVE.* The property in question is suitable for the uses permitted under the proposed zoning classification given the consistency with other nearby parcels being utilized for residential purposes.

7. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.*

*POSITIVE.* The recent trend in the immediate area has been toward residential development with adjacent parcels having recently been rezoned to R-R.

8. *The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.*

*POSITIVE.* The surrounding area has transitioned into more Rural Residential uses since the property was placed in its original zoning classification.

9. *The proposed map amendment is within one and one half (1 ½) miles of a municipality and consistent with an adopted Comprehensive Plan.*

*POSITIVE.* The proposed zoning map amendment is within 1.5 miles of Washington and Morton. Both municipalities have an adopted Comprehensive Plan.

10. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*

*POSITIVE.* The relative gain to the public should the subject site remain A-1 is negligible as compared to the hardship imposed upon the individual property owner should this rezoning request be denied.

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

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

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

- Locate new development contiguous to existing development to aid police and fire protection.
- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Avoid leapfrog development and isolated land development to preserve contiguous tracts of productive agricultural land.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.
- Minimize conflict between land uses.

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

On roll call to recommend approval of **Case No. 13-21-Z** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

**CASE NO. 13-22-S:** The petition of Truman & Michelle Shute for a Special Use to allow Chickens on property subject to the regulations under 7TCC 1-25(f)(7) in an R-1 Low Density Residential 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 making no comment regarding the proposed Special Use request.

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

Dave Weaver, Washington Township Road Commissioner submitted a report having no comment regarding the proposed Special Use request.

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

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

Truman Shute appeared to testify on behalf of the proposed Special Use request. Mr. Shute stated his wife and kids had a few chickens and horses. Mr. Shute said he would like to provide a rural living experience for his family and was unaware he needed Special Use approval.

Betty Jones appeared with concerns regarding the proposed Special Use request. Ms. Jones said she had concern of smell from the chickens and concern if the chickens were allowed to run loose. Ms. Jones stated she would request the chickens be kept to a minimal amount and she would not have an issue.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-22-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 shall conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

2. *The Special Use will be consistent with the purposes, goals, objectives, and standards of the officially adopted County Comprehensive Land Use Plan and these regulations, or of any officially adopted Comprehensive Plan of a municipality with a 1.5 mile planning jurisdiction.*

*POSITIVE.* The proposed Special Use will be consistent with the Tazewell County Comprehensive Land Use Plan implementation strategies.

3. *The petitioner has met the requirements of Article 25 of the Tazewell County Zoning Code.*

*POSITIVE.* Per the applicant's submitted site plan, all requirements of Article 25 of the Tazewell County Zoning Code will be satisfactorily met.

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

*POSITIVE.* Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed coop at the rear of the subject parcel. Additionally, topography and trees will help to obscure the proposed coop from neighboring properties and the public right of way.

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 chicken coop housing eight (8) birds is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

*POSITIVE.* The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area is not anticipated.

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

*POSITIVE.* Given its proposed location and relatively modest size, a chicken coop 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.* The proposed chicken coop will not require utilities, other than possibly electricity. The applicants have been advised that electricity shall not be provided to the coop via an extension cord.

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

*POSITIVE.* The requested Special Use will not contribute to traffic congestion. The chicken eggs are for personal consumption only and shall not be sold commercially from the subject parcel.

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

*NOT APPLICABLE.*

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

*POSITIVE.*

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

*NOT APPLICABLE.*

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

*POSITIVE.* The Special Use request for a chicken coop or detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

*POSITIVE.* Given its size, topography, and utility access, the subject property is suitable for the Special Use

request as proposed.

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

On roll call to approve **Case No. 13-22-S** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

**CASE NO. 13-23-V:** The petition of Roger Koch for a Variance to waive the requirements of 7TCC1-7(g)(3)(ii) to allow the construction of an Accessory Building (Pole Building) to be 15' from the Rear property line, which is 10' closer than allowed and also waive 7TCC1-7(h)(2) to allow the construction of the same Accessory Structure to be 29' to the mean height of the roof, which is 9' higher than allowed in an A-1 Agriculture Preservation Zoning District.

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

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

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

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 702 made no comment regarding the proposed Special Use request.

Roger Koch appeared to testify on behalf of the proposed Variance request. Mr. Koch stated he owned a very small lot and there was only one area to place a building, and in order to fit the size of building he required, he would not be able to meet the setbacks. Mr. Koch said he would be demolishing an existing shed to allow for the new proposed construction. Mr. Koch added he needed a height Variance as he was planning a gambler style roof, and would not know the exact height of the proposed structure until the trusses were engineered. Mr. Koch stated he had received approval from the Health Department to place the proposed building over the septic line to the sand filter.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-23-V.**

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 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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. There will not be a detriment to the area for the proposed location of the new structure.

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 additional height of the structure will not have an impact on the supply of light or air.

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

POSITIVE. The applicant is simply in need of additional storage space.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. 13-23-V** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

#### **NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Tuesday, August 2, 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 Toevs, to adjourn the Zoning Board of Appeals Public Hearing at 6:42 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, July 2, 2013, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

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

**ABSENT:** Ken Zimmerman

**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, Greg Sinn, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

**MINUTES:** Moved by Baum, seconded by May, to approve the Minutes of the June 4, 2013 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

---

**CASE NO. 13-21-Z:** The petition of Alice Guth for a Map Amendment to the Official Washington Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation District to a R-R Rural Residential Zoning District

The Tazewell County Land Use Planner submitted a report recommending approval of the proposed Rezoning request.

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

Tazewell County Soil & Water Conservation District submitted a report recommending denial of the proposed Rezoning request as prime farmland would be taken out of production.

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

Jon Oliphant, City of Washington submitted a report recommending approval regarding the proposed Rezoning request.

Dave Weaver, Washington Township Road Commissioner submitted a report stating concerns of multiple entry and exit points and additional traffic that may be generated by potential uses.

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

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

Attorney Robert Riffle, Attorney representing Mrs. Guth appeared to testify on behalf of the proposed Rezoning request. Mr. Riffle stated the Findings of Fact supported a Rezoning of the property. Mr. Riffle said the property is currently used for agriculture purposes, the properties located to the North were a mixture of residential and a golf course, and the property to the South was zoned for Agriculture, however, there were smaller lot sizes and were utilized more as a rural residential classification. Mr. Riffle added his client was very mindful of the traffic in the area and would work with a developer and road official to address traffic patterns. Mr. Riffle stated the proposed Rezoning request was consistent with the Comprehensive Land Use Plan for the County and the area is trending in rural development. Mr. Riffle said his client had intended to either subdivide the property or utilize a portion of the property for a possible assisted living facility. Mr. Riffle added there were no specific details on how many dwellings and his client chose only to rezone 40 acres of her property at this time as she intended to continue farming the remaining land.

Following all Public Hearings, moved by May, seconded by Baum, to recommend approval of **Case No. 13-21-Z** to the Tazewell County Board.

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

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

*POSITIVE.* The proposed amendment shall not be detrimental to the orderly development of Tazewell

County as it is consistent with the Future Land Use Map for Tazewell County, which designates the subject area as R-R.

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

*POSITIVE.* At this time, the proposed zoning amendment poses no foreseeable danger or risk to the public health, safety, morals or general welfare of Tazewell County or its residents. The proposed amendment will allow and encourage single family residential development adjacent to existing single family residential homes.

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

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

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

*POSITIVE.*

5. *The suitability of the property in question for the uses permitted under the existing zoning classification.*

*POSITIVE.* Per the applicant, the subject property is not suitable for large scale farming operations, although it is currently planted in row crops.

6. *The suitability of the property in question for the uses permitted under the proposed zoning classification.*

*POSITIVE.* The property in question is suitable for the uses permitted under the proposed zoning classification given the consistency with other nearby parcels being utilized for residential purposes.

7. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.*

*POSITIVE.* The recent trend in the immediate area has been toward residential development with adjacent parcels having recently been rezoned to R-R.

8. *The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.*

*POSITIVE.* The surrounding area has transitioned into more Rural Residential uses since the property was placed in its original zoning classification.

9. *The proposed map amendment is within one and one half (1 ½) miles of a municipality and consistent with an adopted Comprehensive Plan.*

*POSITIVE.* The proposed zoning map amendment is within 1.5 miles of Washington and Morton. Both municipalities have an adopted Comprehensive Plan.

10. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*

*POSITIVE.* The relative gain to the public should the subject site remain A-1 is negligible as compared to the hardship imposed upon the individual property owner should this rezoning request be denied.

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

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

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

- Locate new development contiguous to existing development to aid police and fire protection.
- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Avoid leapfrog development and isolated land development to preserve contiguous tracts of productive agricultural land.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.
- Minimize conflict between land uses.

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

On roll call to recommend approval of **Case No. 13-21-Z** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

**CASE NO. 13-22-S:** The petition of Truman & Michelle Shute for a Special Use to allow Chickens on property subject to the regulations under 7TCC 1-25(f)(7) in an R-1 Low Density Residential 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 making no comment regarding the proposed Special Use request.

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

Dave Weaver, Washington Township Road Commissioner submitted a report having no comment regarding the proposed Special Use request.

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

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

Truman Shute appeared to testify on behalf of the proposed Special Use request. Mr. Shute stated his wife and kids had a few chickens and horses. Mr. Shute said he would like to provide a rural living experience for his family and was unaware he needed Special Use approval.

Betty Jones appeared with concerns regarding the proposed Special Use request. Ms. Jones said she had concern of smell from the chickens and concern if the chickens were allowed to run loose. Ms. Jones stated she would request the chickens be kept to a minimal amount and she would not have an issue.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-22-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 shall conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

2. *The Special Use will be consistent with the purposes, goals, objectives, and standards of the officially adopted County Comprehensive Land Use Plan and these regulations, or of any officially adopted Comprehensive Plan of a municipality with a 1.5 mile planning jurisdiction.*

*POSITIVE.* The proposed Special Use will be consistent with the Tazewell County Comprehensive Land Use Plan implementation strategies.

3. *The petitioner has met the requirements of Article 25 of the Tazewell County Zoning Code.*

*POSITIVE.* Per the applicant's submitted site plan, all requirements of Article 25 of the Tazewell County Zoning Code will be satisfactorily met.

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

*POSITIVE.* Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed coop at the rear of the subject parcel. Additionally, topography and trees will help to obscure the proposed coop from neighboring properties and the public right of way.

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 chicken coop housing eight (8) birds is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

*POSITIVE.* The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area is not anticipated.

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

*POSITIVE.* Given its proposed location and relatively modest size, a chicken coop 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.* The proposed chicken coop will not require utilities, other than possibly electricity. The applicants have been advised that electricity shall not be provided to the coop via an extension cord.

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

*POSITIVE.* The requested Special Use will not contribute to traffic congestion. The chicken eggs are for personal consumption only and shall not be sold commercially from the subject parcel.

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

*NOT APPLICABLE.*

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

*POSITIVE.*

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

*NOT APPLICABLE.*

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

*POSITIVE.* The Special Use request for a chicken coop or detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

*POSITIVE.* Given its size, topography, and utility access, the subject property is suitable for the Special Use

request as proposed.

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

On roll call to approve **Case No. 13-22-S** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

**CASE NO. 13-23-V:** The petition of Roger Koch for a Variance to waive the requirements of 7TCC1-7(g)(3)(ii) to allow the construction of an Accessory Building (Pole Building) to be 15' from the Rear property line, which is 10' closer than allowed and also waive 7TCC1-7(h)(2) to allow the construction of the same Accessory Structure to be 29' to the mean height of the roof, which is 9' higher than allowed in an A-1 Agriculture Preservation Zoning District.

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

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

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

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 702 made no comment regarding the proposed Special Use request.

Roger Koch appeared to testify on behalf of the proposed Variance request. Mr. Koch stated he owned a very small lot and there was only one area to place a building, and in order to fit the size of building he required, he would not be able to meet the setbacks. Mr. Koch said he would be demolishing an existing shed to allow for the new proposed construction. Mr. Koch added he needed a height Variance as he was planning a gambler style roof, and would not know the exact height of the proposed structure until the trusses were engineered. Mr. Koch stated he had received approval from the Health Department to place the proposed building over the septic line to the sand filter.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-23-V.**

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 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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. There will not be a detriment to the area for the proposed location of the new structure.

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 additional height of the structure will not have an impact on the supply of light or air.

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

POSITIVE. The applicant is simply in need of additional storage space.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. 13-23-V** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

#### **NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Tuesday, August 2, 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 Toevs, to adjourn the Zoning Board of Appeals Public Hearing at 6:42 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, July 2, 2013, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

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

**ABSENT:** Ken Zimmerman

**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, Greg Sinn, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

**MINUTES:** Moved by Baum, seconded by May, to approve the Minutes of the June 4, 2013 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

---

**CASE NO. 13-21-Z:** The petition of Alice Guth for a Map Amendment to the Official Washington Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation District to a R-R Rural Residential Zoning District

The Tazewell County Land Use Planner submitted a report recommending approval of the proposed Rezoning request.

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

Tazewell County Soil & Water Conservation District submitted a report recommending denial of the proposed Rezoning request as prime farmland would be taken out of production.

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

Jon Oliphant, City of Washington submitted a report recommending approval regarding the proposed Rezoning request.

Dave Weaver, Washington Township Road Commissioner submitted a report stating concerns of multiple entry and exit points and additional traffic that may be generated by potential uses.

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

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

Attorney Robert Riffle, Attorney representing Mrs. Guth appeared to testify on behalf of the proposed Rezoning request. Mr. Riffle stated the Findings of Fact supported a Rezoning of the property. Mr. Riffle said the property is currently used for agriculture purposes, the properties located to the North were a mixture of residential and a golf course, and the property to the South was zoned for Agriculture, however, there were smaller lot sizes and were utilized more as a rural residential classification. Mr. Riffle added his client was very mindful of the traffic in the area and would work with a developer and road official to address traffic patterns. Mr. Riffle stated the proposed Rezoning request was consistent with the Comprehensive Land Use Plan for the County and the area is trending in rural development. Mr. Riffle said his client had intended to either subdivide the property or utilize a portion of the property for a possible assisted living facility. Mr. Riffle added there were no specific details on how many dwellings and his client chose only to rezone 40 acres of her property at this time as she intended to continue farming the remaining land.

Following all Public Hearings, moved by May, seconded by Baum, to recommend approval of **Case No. 13-21-Z** to the Tazewell County Board.

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

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

*POSITIVE.* The proposed amendment shall not be detrimental to the orderly development of Tazewell

County as it is consistent with the Future Land Use Map for Tazewell County, which designates the subject area as R-R.

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

*POSITIVE.* At this time, the proposed zoning amendment poses no foreseeable danger or risk to the public health, safety, morals or general welfare of Tazewell County or its residents. The proposed amendment will allow and encourage single family residential development adjacent to existing single family residential homes.

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

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

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

*POSITIVE.*

5. *The suitability of the property in question for the uses permitted under the existing zoning classification.*

*POSITIVE.* Per the applicant, the subject property is not suitable for large scale farming operations, although it is currently planted in row crops.

6. *The suitability of the property in question for the uses permitted under the proposed zoning classification.*

*POSITIVE.* The property in question is suitable for the uses permitted under the proposed zoning classification given the consistency with other nearby parcels being utilized for residential purposes.

7. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.*

*POSITIVE.* The recent trend in the immediate area has been toward residential development with adjacent parcels having recently been rezoned to R-R.

8. *The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.*

*POSITIVE.* The surrounding area has transitioned into more Rural Residential uses since the property was placed in its original zoning classification.

9. *The proposed map amendment is within one and one half (1 ½) miles of a municipality and consistent with an adopted Comprehensive Plan.*

*POSITIVE.* The proposed zoning map amendment is within 1.5 miles of Washington and Morton. Both municipalities have an adopted Comprehensive Plan.

10. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*

*POSITIVE.* The relative gain to the public should the subject site remain A-1 is negligible as compared to the hardship imposed upon the individual property owner should this rezoning request be denied.

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

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

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

- Locate new development contiguous to existing development to aid police and fire protection.
- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Avoid leapfrog development and isolated land development to preserve contiguous tracts of productive agricultural land.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.
- Minimize conflict between land uses.

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

On roll call to recommend approval of **Case No. 13-21-Z** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

**CASE NO. 13-22-S:** The petition of Truman & Michelle Shute for a Special Use to allow Chickens on property subject to the regulations under 7TCC 1-25(f)(7) in an R-1 Low Density Residential 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 making no comment regarding the proposed Special Use request.

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

Dave Weaver, Washington Township Road Commissioner submitted a report having no comment regarding the proposed Special Use request.

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

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

Truman Shute appeared to testify on behalf of the proposed Special Use request. Mr. Shute stated his wife and kids had a few chickens and horses. Mr. Shute said he would like to provide a rural living experience for his family and was unaware he needed Special Use approval.

Betty Jones appeared with concerns regarding the proposed Special Use request. Ms. Jones said she had concern of smell from the chickens and concern if the chickens were allowed to run loose. Ms. Jones stated she would request the chickens be kept to a minimal amount and she would not have an issue.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-22-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 shall conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

2. *The Special Use will be consistent with the purposes, goals, objectives, and standards of the officially adopted County Comprehensive Land Use Plan and these regulations, or of any officially adopted Comprehensive Plan of a municipality with a 1.5 mile planning jurisdiction.*

*POSITIVE.* The proposed Special Use will be consistent with the Tazewell County Comprehensive Land Use Plan implementation strategies.

3. *The petitioner has met the requirements of Article 25 of the Tazewell County Zoning Code.*

*POSITIVE.* Per the applicant's submitted site plan, all requirements of Article 25 of the Tazewell County Zoning Code will be satisfactorily met.

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

*POSITIVE.* Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed coop at the rear of the subject parcel. Additionally, topography and trees will help to obscure the proposed coop from neighboring properties and the public right of way.

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 chicken coop housing eight (8) birds is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

*POSITIVE.* The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area is not anticipated.

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

*POSITIVE.* Given its proposed location and relatively modest size, a chicken coop 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.* The proposed chicken coop will not require utilities, other than possibly electricity. The applicants have been advised that electricity shall not be provided to the coop via an extension cord.

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

*POSITIVE.* The requested Special Use will not contribute to traffic congestion. The chicken eggs are for personal consumption only and shall not be sold commercially from the subject parcel.

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

*NOT APPLICABLE.*

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

*POSITIVE.*

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

*NOT APPLICABLE.*

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

*POSITIVE.* The Special Use request for a chicken coop or detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

*POSITIVE.* Given its size, topography, and utility access, the subject property is suitable for the Special Use

request as proposed.

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

On roll call to approve **Case No. 13-22-S** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

**CASE NO. 13-23-V:** The petition of Roger Koch for a Variance to waive the requirements of 7TCC1-7(g)(3)(ii) to allow the construction of an Accessory Building (Pole Building) to be 15' from the Rear property line, which is 10' closer than allowed and also waive 7TCC1-7(h)(2) to allow the construction of the same Accessory Structure to be 29' to the mean height of the roof, which is 9' higher than allowed in an A-1 Agriculture Preservation Zoning District.

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

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

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

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 702 made no comment regarding the proposed Special Use request.

Roger Koch appeared to testify on behalf of the proposed Variance request. Mr. Koch stated he owned a very small lot and there was only one area to place a building, and in order to fit the size of building he required, he would not be able to meet the setbacks. Mr. Koch said he would be demolishing an existing shed to allow for the new proposed construction. Mr. Koch added he needed a height Variance as he was planning a gambler style roof, and would not know the exact height of the proposed structure until the trusses were engineered. Mr. Koch stated he had received approval from the Health Department to place the proposed building over the septic line to the sand filter.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-23-V.**

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 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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. There will not be a detriment to the area for the proposed location of the new structure.

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 additional height of the structure will not have an impact on the supply of light or air.

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

POSITIVE. The applicant is simply in need of additional storage space.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. 13-23-V** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

#### **NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Tuesday, August 2, 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 Toevs, to adjourn the Zoning Board of Appeals Public Hearing at 6:42 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, July 2, 2013, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

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

**ABSENT:** Ken Zimmerman

**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, Greg Sinn, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

**MINUTES:** Moved by Baum, seconded by May, to approve the Minutes of the June 4, 2013 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

---

**CASE NO. 13-21-Z:** The petition of Alice Guth for a Map Amendment to the Official Washington Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation District to a R-R Rural Residential Zoning District

The Tazewell County Land Use Planner submitted a report recommending approval of the proposed Rezoning request.

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

Tazewell County Soil & Water Conservation District submitted a report recommending denial of the proposed Rezoning request as prime farmland would be taken out of production.

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

Jon Oliphant, City of Washington submitted a report recommending approval regarding the proposed Rezoning request.

Dave Weaver, Washington Township Road Commissioner submitted a report stating concerns of multiple entry and exit points and additional traffic that may be generated by potential uses.

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

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

Attorney Robert Riffle, Attorney representing Mrs. Guth appeared to testify on behalf of the proposed Rezoning request. Mr. Riffle stated the Findings of Fact supported a Rezoning of the property. Mr. Riffle said the property is currently used for agriculture purposes, the properties located to the North were a mixture of residential and a golf course, and the property to the South was zoned for Agriculture, however, there were smaller lot sizes and were utilized more as a rural residential classification. Mr. Riffle added his client was very mindful of the traffic in the area and would work with a developer and road official to address traffic patterns. Mr. Riffle stated the proposed Rezoning request was consistent with the Comprehensive Land Use Plan for the County and the area is trending in rural development. Mr. Riffle said his client had intended to either subdivide the property or utilize a portion of the property for a possible assisted living facility. Mr. Riffle added there were no specific details on how many dwellings and his client chose only to rezone 40 acres of her property at this time as she intended to continue farming the remaining land.

Following all Public Hearings, moved by May, seconded by Baum, to recommend approval of **Case No. 13-21-Z** to the Tazewell County Board.

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

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

*POSITIVE.* The proposed amendment shall not be detrimental to the orderly development of Tazewell

County as it is consistent with the Future Land Use Map for Tazewell County, which designates the subject area as R-R.

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

*POSITIVE.* At this time, the proposed zoning amendment poses no foreseeable danger or risk to the public health, safety, morals or general welfare of Tazewell County or its residents. The proposed amendment will allow and encourage single family residential development adjacent to existing single family residential homes.

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

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

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

*POSITIVE.*

5. *The suitability of the property in question for the uses permitted under the existing zoning classification.*

*POSITIVE.* Per the applicant, the subject property is not suitable for large scale farming operations, although it is currently planted in row crops.

6. *The suitability of the property in question for the uses permitted under the proposed zoning classification.*

*POSITIVE.* The property in question is suitable for the uses permitted under the proposed zoning classification given the consistency with other nearby parcels being utilized for residential purposes.

7. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.*

*POSITIVE.* The recent trend in the immediate area has been toward residential development with adjacent parcels having recently been rezoned to R-R.

8. *The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.*

*POSITIVE.* The surrounding area has transitioned into more Rural Residential uses since the property was placed in its original zoning classification.

9. *The proposed map amendment is within one and one half (1 ½) miles of a municipality and consistent with an adopted Comprehensive Plan.*

*POSITIVE.* The proposed zoning map amendment is within 1.5 miles of Washington and Morton. Both municipalities have an adopted Comprehensive Plan.

10. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*

*POSITIVE.* The relative gain to the public should the subject site remain A-1 is negligible as compared to the hardship imposed upon the individual property owner should this rezoning request be denied.

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

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

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

- Locate new development contiguous to existing development to aid police and fire protection.
- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Avoid leapfrog development and isolated land development to preserve contiguous tracts of productive agricultural land.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.
- Minimize conflict between land uses.

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

On roll call to recommend approval of **Case No. 13-21-Z** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

**CASE NO. 13-22-S:** The petition of Truman & Michelle Shute for a Special Use to allow Chickens on property subject to the regulations under 7TCC 1-25(f)(7) in an R-1 Low Density Residential 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 making no comment regarding the proposed Special Use request.

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

Dave Weaver, Washington Township Road Commissioner submitted a report having no comment regarding the proposed Special Use request.

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

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

Truman Shute appeared to testify on behalf of the proposed Special Use request. Mr. Shute stated his wife and kids had a few chickens and horses. Mr. Shute said he would like to provide a rural living experience for his family and was unaware he needed Special Use approval.

Betty Jones appeared with concerns regarding the proposed Special Use request. Ms. Jones said she had concern of smell from the chickens and concern if the chickens were allowed to run loose. Ms. Jones stated she would request the chickens be kept to a minimal amount and she would not have an issue.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-22-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 shall conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

2. *The Special Use will be consistent with the purposes, goals, objectives, and standards of the officially adopted County Comprehensive Land Use Plan and these regulations, or of any officially adopted Comprehensive Plan of a municipality with a 1.5 mile planning jurisdiction.*

*POSITIVE.* The proposed Special Use will be consistent with the Tazewell County Comprehensive Land Use Plan implementation strategies.

3. *The petitioner has met the requirements of Article 25 of the Tazewell County Zoning Code.*

*POSITIVE.* Per the applicant's submitted site plan, all requirements of Article 25 of the Tazewell County Zoning Code will be satisfactorily met.

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

*POSITIVE.* Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed coop at the rear of the subject parcel. Additionally, topography and trees will help to obscure the proposed coop from neighboring properties and the public right of way.

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 chicken coop housing eight (8) birds is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

*POSITIVE.* The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area is not anticipated.

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

*POSITIVE.* Given its proposed location and relatively modest size, a chicken coop 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.* The proposed chicken coop will not require utilities, other than possibly electricity. The applicants have been advised that electricity shall not be provided to the coop via an extension cord.

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

*POSITIVE.* The requested Special Use will not contribute to traffic congestion. The chicken eggs are for personal consumption only and shall not be sold commercially from the subject parcel.

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

*NOT APPLICABLE.*

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

*POSITIVE.*

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

*NOT APPLICABLE.*

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

*POSITIVE.* The Special Use request for a chicken coop or detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

*POSITIVE.* Given its size, topography, and utility access, the subject property is suitable for the Special Use

request as proposed.

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

On roll call to approve **Case No. 13-22-S** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

**CASE NO. 13-23-V:** The petition of Roger Koch for a Variance to waive the requirements of 7TCC1-7(g)(3)(ii) to allow the construction of an Accessory Building (Pole Building) to be 15' from the Rear property line, which is 10' closer than allowed and also waive 7TCC1-7(h)(2) to allow the construction of the same Accessory Structure to be 29' to the mean height of the roof, which is 9' higher than allowed in an A-1 Agriculture Preservation Zoning District.

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

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

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

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 702 made no comment regarding the proposed Special Use request.

Roger Koch appeared to testify on behalf of the proposed Variance request. Mr. Koch stated he owned a very small lot and there was only one area to place a building, and in order to fit the size of building he required, he would not be able to meet the setbacks. Mr. Koch said he would be demolishing an existing shed to allow for the new proposed construction. Mr. Koch added he needed a height Variance as he was planning a gambler style roof, and would not know the exact height of the proposed structure until the trusses were engineered. Mr. Koch stated he had received approval from the Health Department to place the proposed building over the septic line to the sand filter.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-23-V.**

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 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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. There will not be a detriment to the area for the proposed location of the new structure.

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 additional height of the structure will not have an impact on the supply of light or air.

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

POSITIVE. The applicant is simply in need of additional storage space.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. 13-23-V** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

#### **NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Tuesday, August 2, 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 Toevs, to adjourn the Zoning Board of Appeals Public Hearing at 6:42 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, July 2, 2013, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

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

**ABSENT:** Ken Zimmerman

**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, Greg Sinn, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

**MINUTES:** Moved by Baum, seconded by May, to approve the Minutes of the June 4, 2013 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

---

**CASE NO. 13-21-Z:** The petition of Alice Guth for a Map Amendment to the Official Washington Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation District to a R-R Rural Residential Zoning District

The Tazewell County Land Use Planner submitted a report recommending approval of the proposed Rezoning request.

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

Tazewell County Soil & Water Conservation District submitted a report recommending denial of the proposed Rezoning request as prime farmland would be taken out of production.

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

Jon Oliphant, City of Washington submitted a report recommending approval regarding the proposed Rezoning request.

Dave Weaver, Washington Township Road Commissioner submitted a report stating concerns of multiple entry and exit points and additional traffic that may be generated by potential uses.

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

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

Attorney Robert Riffle, Attorney representing Mrs. Guth appeared to testify on behalf of the proposed Rezoning request. Mr. Riffle stated the Findings of Fact supported a Rezoning of the property. Mr. Riffle said the property is currently used for agriculture purposes, the properties located to the North were a mixture of residential and a golf course, and the property to the South was zoned for Agriculture, however, there were smaller lot sizes and were utilized more as a rural residential classification. Mr. Riffle added his client was very mindful of the traffic in the area and would work with a developer and road official to address traffic patterns. Mr. Riffle stated the proposed Rezoning request was consistent with the Comprehensive Land Use Plan for the County and the area is trending in rural development. Mr. Riffle said his client had intended to either subdivide the property or utilize a portion of the property for a possible assisted living facility. Mr. Riffle added there were no specific details on how many dwellings and his client chose only to rezone 40 acres of her property at this time as she intended to continue farming the remaining land.

Following all Public Hearings, moved by May, seconded by Baum, to recommend approval of **Case No. 13-21-Z** to the Tazewell County Board.

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

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

*POSITIVE.* The proposed amendment shall not be detrimental to the orderly development of Tazewell

County as it is consistent with the Future Land Use Map for Tazewell County, which designates the subject area as R-R.

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

*POSITIVE.* At this time, the proposed zoning amendment poses no foreseeable danger or risk to the public health, safety, morals or general welfare of Tazewell County or its residents. The proposed amendment will allow and encourage single family residential development adjacent to existing single family residential homes.

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

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

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

*POSITIVE.*

5. *The suitability of the property in question for the uses permitted under the existing zoning classification.*

*POSITIVE.* Per the applicant, the subject property is not suitable for large scale farming operations, although it is currently planted in row crops.

6. *The suitability of the property in question for the uses permitted under the proposed zoning classification.*

*POSITIVE.* The property in question is suitable for the uses permitted under the proposed zoning classification given the consistency with other nearby parcels being utilized for residential purposes.

7. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.*

*POSITIVE.* The recent trend in the immediate area has been toward residential development with adjacent parcels having recently been rezoned to R-R.

8. *The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.*

*POSITIVE.* The surrounding area has transitioned into more Rural Residential uses since the property was placed in its original zoning classification.

9. *The proposed map amendment is within one and one half (1 ½) miles of a municipality and consistent with an adopted Comprehensive Plan.*

*POSITIVE.* The proposed zoning map amendment is within 1.5 miles of Washington and Morton. Both municipalities have an adopted Comprehensive Plan.

10. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*

*POSITIVE.* The relative gain to the public should the subject site remain A-1 is negligible as compared to the hardship imposed upon the individual property owner should this rezoning request be denied.

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

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

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

- Locate new development contiguous to existing development to aid police and fire protection.
- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Avoid leapfrog development and isolated land development to preserve contiguous tracts of productive agricultural land.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.
- Minimize conflict between land uses.

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

On roll call to recommend approval of **Case No. 13-21-Z** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

**CASE NO. 13-22-S:** The petition of Truman & Michelle Shute for a Special Use to allow Chickens on property subject to the regulations under 7TCC 1-25(f)(7) in an R-1 Low Density Residential 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 making no comment regarding the proposed Special Use request.

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

Dave Weaver, Washington Township Road Commissioner submitted a report having no comment regarding the proposed Special Use request.

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

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

Truman Shute appeared to testify on behalf of the proposed Special Use request. Mr. Shute stated his wife and kids had a few chickens and horses. Mr. Shute said he would like to provide a rural living experience for his family and was unaware he needed Special Use approval.

Betty Jones appeared with concerns regarding the proposed Special Use request. Ms. Jones said she had concern of smell from the chickens and concern if the chickens were allowed to run loose. Ms. Jones stated she would request the chickens be kept to a minimal amount and she would not have an issue.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-22-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 shall conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

2. *The Special Use will be consistent with the purposes, goals, objectives, and standards of the officially adopted County Comprehensive Land Use Plan and these regulations, or of any officially adopted Comprehensive Plan of a municipality with a 1.5 mile planning jurisdiction.*

*POSITIVE.* The proposed Special Use will be consistent with the Tazewell County Comprehensive Land Use Plan implementation strategies.

3. *The petitioner has met the requirements of Article 25 of the Tazewell County Zoning Code.*

*POSITIVE.* Per the applicant's submitted site plan, all requirements of Article 25 of the Tazewell County Zoning Code will be satisfactorily met.

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

*POSITIVE.* Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed coop at the rear of the subject parcel. Additionally, topography and trees will help to obscure the proposed coop from neighboring properties and the public right of way.

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 chicken coop housing eight (8) birds is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

*POSITIVE.* The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area is not anticipated.

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

*POSITIVE.* Given its proposed location and relatively modest size, a chicken coop 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.* The proposed chicken coop will not require utilities, other than possibly electricity. The applicants have been advised that electricity shall not be provided to the coop via an extension cord.

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

*POSITIVE.* The requested Special Use will not contribute to traffic congestion. The chicken eggs are for personal consumption only and shall not be sold commercially from the subject parcel.

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

*NOT APPLICABLE.*

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

*POSITIVE.*

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

*NOT APPLICABLE.*

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

*POSITIVE.* The Special Use request for a chicken coop or detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

*POSITIVE.* Given its size, topography, and utility access, the subject property is suitable for the Special Use

request as proposed.

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

On roll call to approve **Case No. 13-22-S** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

**CASE NO. 13-23-V:** The petition of Roger Koch for a Variance to waive the requirements of 7TCC1-7(g)(3)(ii) to allow the construction of an Accessory Building (Pole Building) to be 15’ from the Rear property line, which is 10’ closer than allowed and also waive 7TCC1-7(h)(2) to allow the construction of the same Accessory Structure to be 29’ to the mean height of the roof, which is 9’ higher than allowed in an A-1 Agriculture Preservation Zoning District.

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

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

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

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 702 made no comment regarding the proposed Special Use request.

Roger Koch appeared to testify on behalf of the proposed Variance request. Mr. Koch stated he owned a very small lot and there was only one area to place a building, and in order to fit the size of building he required, he would not be able to meet the setbacks. Mr. Koch said he would be demolishing an existing shed to allow for the new proposed construction. Mr. Koch added he needed a height Variance as he was planning a gambler style roof, and would not know the exact height of the proposed structure until the trusses were engineered. Mr. Koch stated he had received approval from the Health Department to place the proposed building over the septic line to the sand filter.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-23-V.**

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 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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. There will not be a detriment to the area for the proposed location of the new structure.

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 additional height of the structure will not have an impact on the supply of light or air.

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

POSITIVE. The applicant is simply in need of additional storage space.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. 13-23-V** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

#### **NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Tuesday, August 2, 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 Toevs, to adjourn the Zoning Board of Appeals Public Hearing at 6:42 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, July 2, 2013, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

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

**ABSENT:** Ken Zimmerman

**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, Greg Sinn, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

**MINUTES:** Moved by Baum, seconded by May, to approve the Minutes of the June 4, 2013 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

---

**CASE NO. 13-21-Z:** The petition of Alice Guth for a Map Amendment to the Official Washington Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation District to a R-R Rural Residential Zoning District

The Tazewell County Land Use Planner submitted a report recommending approval of the proposed Rezoning request.

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

Tazewell County Soil & Water Conservation District submitted a report recommending denial of the proposed Rezoning request as prime farmland would be taken out of production.

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

Jon Oliphant, City of Washington submitted a report recommending approval regarding the proposed Rezoning request.

Dave Weaver, Washington Township Road Commissioner submitted a report stating concerns of multiple entry and exit points and additional traffic that may be generated by potential uses.

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

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

Attorney Robert Riffle, Attorney representing Mrs. Guth appeared to testify on behalf of the proposed Rezoning request. Mr. Riffle stated the Findings of Fact supported a Rezoning of the property. Mr. Riffle said the property is currently used for agriculture purposes, the properties located to the North were a mixture of residential and a golf course, and the property to the South was zoned for Agriculture, however, there were smaller lot sizes and were utilized more as a rural residential classification. Mr. Riffle added his client was very mindful of the traffic in the area and would work with a developer and road official to address traffic patterns. Mr. Riffle stated the proposed Rezoning request was consistent with the Comprehensive Land Use Plan for the County and the area is trending in rural development. Mr. Riffle said his client had intended to either subdivide the property or utilize a portion of the property for a possible assisted living facility. Mr. Riffle added there were no specific details on how many dwellings and his client chose only to rezone 40 acres of her property at this time as she intended to continue farming the remaining land.

Following all Public Hearings, moved by May, seconded by Baum, to recommend approval of **Case No. 13-21-Z** to the Tazewell County Board.

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

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

*POSITIVE.* The proposed amendment shall not be detrimental to the orderly development of Tazewell

County as it is consistent with the Future Land Use Map for Tazewell County, which designates the subject area as R-R.

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

*POSITIVE.* At this time, the proposed zoning amendment poses no foreseeable danger or risk to the public health, safety, morals or general welfare of Tazewell County or its residents. The proposed amendment will allow and encourage single family residential development adjacent to existing single family residential homes.

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

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

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

*POSITIVE.*

5. *The suitability of the property in question for the uses permitted under the existing zoning classification.*

*POSITIVE.* Per the applicant, the subject property is not suitable for large scale farming operations, although it is currently planted in row crops.

6. *The suitability of the property in question for the uses permitted under the proposed zoning classification.*

*POSITIVE.* The property in question is suitable for the uses permitted under the proposed zoning classification given the consistency with other nearby parcels being utilized for residential purposes.

7. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.*

*POSITIVE.* The recent trend in the immediate area has been toward residential development with adjacent parcels having recently been rezoned to R-R.

8. *The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.*

*POSITIVE.* The surrounding area has transitioned into more Rural Residential uses since the property was placed in its original zoning classification.

9. *The proposed map amendment is within one and one half (1 ½) miles of a municipality and consistent with an adopted Comprehensive Plan.*

*POSITIVE.* The proposed zoning map amendment is within 1.5 miles of Washington and Morton. Both municipalities have an adopted Comprehensive Plan.

10. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*

*POSITIVE.* The relative gain to the public should the subject site remain A-1 is negligible as compared to the hardship imposed upon the individual property owner should this rezoning request be denied.

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

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

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

- Locate new development contiguous to existing development to aid police and fire protection.
- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Avoid leapfrog development and isolated land development to preserve contiguous tracts of productive agricultural land.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.
- Minimize conflict between land uses.

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

On roll call to recommend approval of **Case No. 13-21-Z** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

**CASE NO. 13-22-S:** The petition of Truman & Michelle Shute for a Special Use to allow Chickens on property subject to the regulations under 7TCC 1-25(f)(7) in an R-1 Low Density Residential 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 making no comment regarding the proposed Special Use request.

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

Dave Weaver, Washington Township Road Commissioner submitted a report having no comment regarding the proposed Special Use request.

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

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

Truman Shute appeared to testify on behalf of the proposed Special Use request. Mr. Shute stated his wife and kids had a few chickens and horses. Mr. Shute said he would like to provide a rural living experience for his family and was unaware he needed Special Use approval.

Betty Jones appeared with concerns regarding the proposed Special Use request. Ms. Jones said she had concern of smell from the chickens and concern if the chickens were allowed to run loose. Ms. Jones stated she would request the chickens be kept to a minimal amount and she would not have an issue.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-22-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 shall conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

2. *The Special Use will be consistent with the purposes, goals, objectives, and standards of the officially adopted County Comprehensive Land Use Plan and these regulations, or of any officially adopted Comprehensive Plan of a municipality with a 1.5 mile planning jurisdiction.*

*POSITIVE.* The proposed Special Use will be consistent with the Tazewell County Comprehensive Land Use Plan implementation strategies.

3. *The petitioner has met the requirements of Article 25 of the Tazewell County Zoning Code.*

*POSITIVE.* Per the applicant's submitted site plan, all requirements of Article 25 of the Tazewell County Zoning Code will be satisfactorily met.

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

*POSITIVE.* Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed coop at the rear of the subject parcel. Additionally, topography and trees will help to obscure the proposed coop from neighboring properties and the public right of way.

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 chicken coop housing eight (8) birds is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

*POSITIVE.* The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area is not anticipated.

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

*POSITIVE.* Given its proposed location and relatively modest size, a chicken coop 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.* The proposed chicken coop will not require utilities, other than possibly electricity. The applicants have been advised that electricity shall not be provided to the coop via an extension cord.

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

*POSITIVE.* The requested Special Use will not contribute to traffic congestion. The chicken eggs are for personal consumption only and shall not be sold commercially from the subject parcel.

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

*NOT APPLICABLE.*

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

*POSITIVE.*

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

*NOT APPLICABLE.*

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

*POSITIVE.* The Special Use request for a chicken coop or detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

*POSITIVE.* Given its size, topography, and utility access, the subject property is suitable for the Special Use

request as proposed.

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

On roll call to approve **Case No. 13-22-S** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

**CASE NO. 13-23-V:** The petition of Roger Koch for a Variance to waive the requirements of 7TCC1-7(g)(3)(ii) to allow the construction of an Accessory Building (Pole Building) to be 15’ from the Rear property line, which is 10’ closer than allowed and also waive 7TCC1-7(h)(2) to allow the construction of the same Accessory Structure to be 29’ to the mean height of the roof, which is 9’ higher than allowed in an A-1 Agriculture Preservation Zoning District.

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

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

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

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 702 made no comment regarding the proposed Special Use request.

Roger Koch appeared to testify on behalf of the proposed Variance request. Mr. Koch stated he owned a very small lot and there was only one area to place a building, and in order to fit the size of building he required, he would not be able to meet the setbacks. Mr. Koch said he would be demolishing an existing shed to allow for the new proposed construction. Mr. Koch added he needed a height Variance as he was planning a gambler style roof, and would not know the exact height of the proposed structure until the trusses were engineered. Mr. Koch stated he had received approval from the Health Department to place the proposed building over the septic line to the sand filter.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-23-V.**

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 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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. There will not be a detriment to the area for the proposed location of the new structure.

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 additional height of the structure will not have an impact on the supply of light or air.

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

POSITIVE. The applicant is simply in need of additional storage space.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. 13-23-V** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

#### **NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Tuesday, August 2, 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 Toevs, to adjourn the Zoning Board of Appeals Public Hearing at 6:42 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, July 2, 2013, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

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

**ABSENT:** Ken Zimmerman

**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, Greg Sinn, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

**MINUTES:** Moved by Baum, seconded by May, to approve the Minutes of the June 4, 2013 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

---

**CASE NO. 13-21-Z:** The petition of Alice Guth for a Map Amendment to the Official Washington Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation District to a R-R Rural Residential Zoning District

The Tazewell County Land Use Planner submitted a report recommending approval of the proposed Rezoning request.

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

Tazewell County Soil & Water Conservation District submitted a report recommending denial of the proposed Rezoning request as prime farmland would be taken out of production.

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

Jon Oliphant, City of Washington submitted a report recommending approval regarding the proposed Rezoning request.

Dave Weaver, Washington Township Road Commissioner submitted a report stating concerns of multiple entry and exit points and additional traffic that may be generated by potential uses.

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

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

Attorney Robert Riffle, Attorney representing Mrs. Guth appeared to testify on behalf of the proposed Rezoning request. Mr. Riffle stated the Findings of Fact supported a Rezoning of the property. Mr. Riffle said the property is currently used for agriculture purposes, the properties located to the North were a mixture of residential and a golf course, and the property to the South was zoned for Agriculture, however, there were smaller lot sizes and were utilized more as a rural residential classification. Mr. Riffle added his client was very mindful of the traffic in the area and would work with a developer and road official to address traffic patterns. Mr. Riffle stated the proposed Rezoning request was consistent with the Comprehensive Land Use Plan for the County and the area is trending in rural development. Mr. Riffle said his client had intended to either subdivide the property or utilize a portion of the property for a possible assisted living facility. Mr. Riffle added there were no specific details on how many dwellings and his client chose only to rezone 40 acres or her property at this time as she intended to continue farming the remaining land.

Following all Public Hearings, moved by May, seconded by Baum, to recommend approval of **Case No. 13-21-Z** to the Tazewell County Board.

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

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

*POSITIVE.* The proposed amendment shall not be detrimental to the orderly development of Tazewell

County as it is consistent with the Future Land Use Map for Tazewell County, which designates the subject area as R-R.

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

*POSITIVE.* At this time, the proposed zoning amendment poses no foreseeable danger or risk to the public health, safety, morals or general welfare of Tazewell County or its residents. The proposed amendment will allow and encourage single family residential development adjacent to existing single family residential homes.

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

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

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

*POSITIVE.*

5. *The suitability of the property in question for the uses permitted under the existing zoning classification.*

*POSITIVE.* Per the applicant, the subject property is not suitable for large scale farming operations, although it is currently planted in row crops.

6. *The suitability of the property in question for the uses permitted under the proposed zoning classification.*

*POSITIVE.* The property in question is suitable for the uses permitted under the proposed zoning classification given the consistency with other nearby parcels being utilized for residential purposes.

7. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.*

*POSITIVE.* The recent trend in the immediate area has been toward residential development with adjacent parcels having recently been rezoned to R-R.

8. *The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.*

*POSITIVE.* The surrounding area has transitioned into more Rural Residential uses since the property was placed in its original zoning classification.

9. *The proposed map amendment is within one and one half (1 ½) miles of a municipality and consistent with an adopted Comprehensive Plan.*

*POSITIVE.* The proposed zoning map amendment is within 1.5 miles of Washington and Morton. Both municipalities have an adopted Comprehensive Plan.

10. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*

*POSITIVE.* The relative gain to the public should the subject site remain A-1 is negligible as compared to the hardship imposed upon the individual property owner should this rezoning request be denied.

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

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

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

- Locate new development contiguous to existing development to aid police and fire protection.
- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Avoid leapfrog development and isolated land development to preserve contiguous tracts of productive agricultural land.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.
- Minimize conflict between land uses.

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

On roll call to recommend approval of **Case No. 13-21-Z** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

**CASE NO. 13-22-S:** The petition of Truman & Michelle Shute for a Special Use to allow Chickens on property subject to the regulations under 7TCC 1-25(f)(7) in an R-1 Low Density Residential 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 making no comment regarding the proposed Special Use request.

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

Dave Weaver, Washington Township Road Commissioner submitted a report having no comment regarding the proposed Special Use request.

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

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

Truman Shute appeared to testify on behalf of the proposed Special Use request. Mr. Shute stated his wife and kids had a few chickens and horses. Mr. Shute said he would like to provide a rural living experience for his family and was unaware he needed Special Use approval.

Betty Jones appeared with concerns regarding the proposed Special Use request. Ms. Jones said she had concern of smell from the chickens and concern if the chickens were allowed to run loose. Ms. Jones stated she would request the chickens be kept to a minimal amount and she would not have an issue.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-22-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 shall conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

2. *The Special Use will be consistent with the purposes, goals, objectives, and standards of the officially adopted County Comprehensive Land Use Plan and these regulations, or of any officially adopted Comprehensive Plan of a municipality with a 1.5 mile planning jurisdiction.*

*POSITIVE.* The proposed Special Use will be consistent with the Tazewell County Comprehensive Land Use Plan implementation strategies.

3. *The petitioner has met the requirements of Article 25 of the Tazewell County Zoning Code.*

*POSITIVE.* Per the applicant's submitted site plan, all requirements of Article 25 of the Tazewell County Zoning Code will be satisfactorily met.

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

*POSITIVE.* Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed coop at the rear of the subject parcel. Additionally, topography and trees will help to obscure the proposed coop from neighboring properties and the public right of way.

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 chicken coop housing eight (8) birds is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

*POSITIVE.* The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area is not anticipated.

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

*POSITIVE.* Given its proposed location and relatively modest size, a chicken coop 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.* The proposed chicken coop will not require utilities, other than possibly electricity. The applicants have been advised that electricity shall not be provided to the coop via an extension cord.

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

*POSITIVE.* The requested Special Use will not contribute to traffic congestion. The chicken eggs are for personal consumption only and shall not be sold commercially from the subject parcel.

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

*NOT APPLICABLE.*

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

*POSITIVE.*

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

*NOT APPLICABLE.*

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

*POSITIVE.* The Special Use request for a chicken coop or detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

*POSITIVE.* Given its size, topography, and utility access, the subject property is suitable for the Special Use

request as proposed.

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

On roll call to approve **Case No. 13-22-S** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

**CASE NO. 13-23-V:** The petition of Roger Koch for a Variance to waive the requirements of 7TCC1-7(g)(3)(ii) to allow the construction of an Accessory Building (Pole Building) to be 15’ from the Rear property line, which is 10’ closer than allowed and also waive 7TCC1-7(h)(2) to allow the construction of the same Accessory Structure to be 29’ to the mean height of the roof, which is 9’ higher than allowed in an A-1 Agriculture Preservation Zoning District.

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

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

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

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 702 made no comment regarding the proposed Special Use request.

Roger Koch appeared to testify on behalf of the proposed Variance request. Mr. Koch stated he owned a very small lot and there was only one area to place a building, and in order to fit the size of building he required, he would not be able to meet the setbacks. Mr. Koch said he would be demolishing an existing shed to allow for the new proposed construction. Mr. Koch added he needed a height Variance as he was planning a gambler style roof, and would not know the exact height of the proposed structure until the trusses were engineered. Mr. Koch stated he had received approval from the Health Department to place the proposed building over the septic line to the sand filter.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-23-V.**

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 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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. There will not be a detriment to the area for the proposed location of the new structure.

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 additional height of the structure will not have an impact on the supply of light or air.

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

POSITIVE. The applicant is simply in need of additional storage space.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. 13-23-V** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

#### **NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Tuesday, August 2, 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 Toevs, to adjourn the Zoning Board of Appeals Public Hearing at 6:42 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, July 2, 2013, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

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

**ABSENT:** Ken Zimmerman

**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, Greg Sinn, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

**MINUTES:** Moved by Baum, seconded by May, to approve the Minutes of the June 4, 2013 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

---

**CASE NO. 13-21-Z:** The petition of Alice Guth for a Map Amendment to the Official Washington Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation District to a R-R Rural Residential Zoning District

The Tazewell County Land Use Planner submitted a report recommending approval of the proposed Rezoning request.

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

Tazewell County Soil & Water Conservation District submitted a report recommending denial of the proposed Rezoning request as prime farmland would be taken out of production.

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

Jon Oliphant, City of Washington submitted a report recommending approval regarding the proposed Rezoning request.

Dave Weaver, Washington Township Road Commissioner submitted a report stating concerns of multiple entry and exit points and additional traffic that may be generated by potential uses.

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

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

Attorney Robert Riffle, Attorney representing Mrs. Guth appeared to testify on behalf of the proposed Rezoning request. Mr. Riffle stated the Findings of Fact supported a Rezoning of the property. Mr. Riffle said the property is currently used for agriculture purposes, the properties located to the North were a mixture of residential and a golf course, and the property to the South was zoned for Agriculture, however, there were smaller lot sizes and were utilized more as a rural residential classification. Mr. Riffle added his client was very mindful of the traffic in the area and would work with a developer and road official to address traffic patterns. Mr. Riffle stated the proposed Rezoning request was consistent with the Comprehensive Land Use Plan for the County and the area is trending in rural development. Mr. Riffle said his client had intended to either subdivide the property or utilize a portion of the property for a possible assisted living facility. Mr. Riffle added there were no specific details on how many dwellings and his client chose only to rezone 40 acres of her property at this time as she intended to continue farming the remaining land.

Following all Public Hearings, moved by May, seconded by Baum, to recommend approval of **Case No. 13-21-Z** to the Tazewell County Board.

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

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

*POSITIVE.* The proposed amendment shall not be detrimental to the orderly development of Tazewell

County as it is consistent with the Future Land Use Map for Tazewell County, which designates the subject area as R-R.

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

*POSITIVE.* At this time, the proposed zoning amendment poses no foreseeable danger or risk to the public health, safety, morals or general welfare of Tazewell County or its residents. The proposed amendment will allow and encourage single family residential development adjacent to existing single family residential homes.

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

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

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

*POSITIVE.*

5. *The suitability of the property in question for the uses permitted under the existing zoning classification.*

*POSITIVE.* Per the applicant, the subject property is not suitable for large scale farming operations, although it is currently planted in row crops.

6. *The suitability of the property in question for the uses permitted under the proposed zoning classification.*

*POSITIVE.* The property in question is suitable for the uses permitted under the proposed zoning classification given the consistency with other nearby parcels being utilized for residential purposes.

7. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.*

*POSITIVE.* The recent trend in the immediate area has been toward residential development with adjacent parcels having recently been rezoned to R-R.

8. *The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.*

*POSITIVE.* The surrounding area has transitioned into more Rural Residential uses since the property was placed in its original zoning classification.

9. *The proposed map amendment is within one and one half (1 ½) miles of a municipality and consistent with an adopted Comprehensive Plan.*

*POSITIVE.* The proposed zoning map amendment is within 1.5 miles of Washington and Morton. Both municipalities have an adopted Comprehensive Plan.

10. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*

*POSITIVE.* The relative gain to the public should the subject site remain A-1 is negligible as compared to the hardship imposed upon the individual property owner should this rezoning request be denied.

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

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

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

- Locate new development contiguous to existing development to aid police and fire protection.
- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Avoid leapfrog development and isolated land development to preserve contiguous tracts of productive agricultural land.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.
- Minimize conflict between land uses.

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

On roll call to recommend approval of **Case No. 13-21-Z** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

**CASE NO. 13-22-S:** The petition of Truman & Michelle Shute for a Special Use to allow Chickens on property subject to the regulations under 7TCC 1-25(f)(7) in an R-1 Low Density Residential 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 making no comment regarding the proposed Special Use request.

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

Dave Weaver, Washington Township Road Commissioner submitted a report having no comment regarding the proposed Special Use request.

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

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

Truman Shute appeared to testify on behalf of the proposed Special Use request. Mr. Shute stated his wife and kids had a few chickens and horses. Mr. Shute said he would like to provide a rural living experience for his family and was unaware he needed Special Use approval.

Betty Jones appeared with concerns regarding the proposed Special Use request. Ms. Jones said she had concern of smell from the chickens and concern if the chickens were allowed to run loose. Ms. Jones stated she would request the chickens be kept to a minimal amount and she would not have an issue.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-22-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 shall conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

2. *The Special Use will be consistent with the purposes, goals, objectives, and standards of the officially adopted County Comprehensive Land Use Plan and these regulations, or of any officially adopted Comprehensive Plan of a municipality with a 1.5 mile planning jurisdiction.*

*POSITIVE.* The proposed Special Use will be consistent with the Tazewell County Comprehensive Land Use Plan implementation strategies.

3. *The petitioner has met the requirements of Article 25 of the Tazewell County Zoning Code.*

*POSITIVE.* Per the applicant's submitted site plan, all requirements of Article 25 of the Tazewell County Zoning Code will be satisfactorily met.

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

*POSITIVE.* Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed coop at the rear of the subject parcel. Additionally, topography and trees will help to obscure the proposed coop from neighboring properties and the public right of way.

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 chicken coop housing eight (8) birds is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

*POSITIVE.* The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area is not anticipated.

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

*POSITIVE.* Given its proposed location and relatively modest size, a chicken coop 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.* The proposed chicken coop will not require utilities, other than possibly electricity. The applicants have been advised that electricity shall not be provided to the coop via an extension cord.

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

*POSITIVE.* The requested Special Use will not contribute to traffic congestion. The chicken eggs are for personal consumption only and shall not be sold commercially from the subject parcel.

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

*NOT APPLICABLE.*

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

*POSITIVE.*

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

*NOT APPLICABLE.*

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

*POSITIVE.* The Special Use request for a chicken coop or detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

*POSITIVE.* Given its size, topography, and utility access, the subject property is suitable for the Special Use

request as proposed.

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

On roll call to approve **Case No. 13-22-S** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

**CASE NO. 13-23-V:** The petition of Roger Koch for a Variance to waive the requirements of 7TCC1-7(g)(3)(ii) to allow the construction of an Accessory Building (Pole Building) to be 15' from the Rear property line, which is 10' closer than allowed and also waive 7TCC1-7(h)(2) to allow the construction of the same Accessory Structure to be 29' to the mean height of the roof, which is 9' higher than allowed in an A-1 Agriculture Preservation Zoning District.

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

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

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

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 702 made no comment regarding the proposed Special Use request.

Roger Koch appeared to testify on behalf of the proposed Variance request. Mr. Koch stated he owned a very small lot and there was only one area to place a building, and in order to fit the size of building he required, he would not be able to meet the setbacks. Mr. Koch said he would be demolishing an existing shed to allow for the new proposed construction. Mr. Koch added he needed a height Variance as he was planning a gambler style roof, and would not know the exact height of the proposed structure until the trusses were engineered. Mr. Koch stated he had received approval from the Health Department to place the proposed building over the septic line to the sand filter.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-23-V.**

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 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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. There will not be a detriment to the area for the proposed location of the new structure.

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 additional height of the structure will not have an impact on the supply of light or air.

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

POSITIVE. The applicant is simply in need of additional storage space.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. 13-23-V** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

#### **NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Tuesday, August 2, 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 Toevs, to adjourn the Zoning Board of Appeals Public Hearing at 6:42 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, July 2, 2013, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

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

**ABSENT:** Ken Zimmerman

**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, Greg Sinn, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

**MINUTES:** Moved by Baum, seconded by May, to approve the Minutes of the June 4, 2013 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

---

**CASE NO. 13-21-Z:** The petition of Alice Guth for a Map Amendment to the Official Washington Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation District to a R-R Rural Residential Zoning District

The Tazewell County Land Use Planner submitted a report recommending approval of the proposed Rezoning request.

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

Tazewell County Soil & Water Conservation District submitted a report recommending denial of the proposed Rezoning request as prime farmland would be taken out of production.

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

Jon Oliphant, City of Washington submitted a report recommending approval regarding the proposed Rezoning request.

Dave Weaver, Washington Township Road Commissioner submitted a report stating concerns of multiple entry and exit points and additional traffic that may be generated by potential uses.

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

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

Attorney Robert Riffle, Attorney representing Mrs. Guth appeared to testify on behalf of the proposed Rezoning request. Mr. Riffle stated the Findings of Fact supported a Rezoning of the property. Mr. Riffle said the property is currently used for agriculture purposes, the properties located to the North were a mixture of residential and a golf course, and the property to the South was zoned for Agriculture, however, there were smaller lot sizes and were utilized more as a rural residential classification. Mr. Riffle added his client was very mindful of the traffic in the area and would work with a developer and road official to address traffic patterns. Mr. Riffle stated the proposed Rezoning request was consistent with the Comprehensive Land Use Plan for the County and the area is trending in rural development. Mr. Riffle said his client had intended to either subdivide the property or utilize a portion of the property for a possible assisted living facility. Mr. Riffle added there were no specific details on how many dwellings and his client chose only to rezone 40 acres of her property at this time as she intended to continue farming the remaining land.

Following all Public Hearings, moved by May, seconded by Baum, to recommend approval of **Case No. 13-21-Z** to the Tazewell County Board.

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

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

*POSITIVE.* The proposed amendment shall not be detrimental to the orderly development of Tazewell

County as it is consistent with the Future Land Use Map for Tazewell County, which designates the subject area as R-R.

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

*POSITIVE.* At this time, the proposed zoning amendment poses no foreseeable danger or risk to the public health, safety, morals or general welfare of Tazewell County or its residents. The proposed amendment will allow and encourage single family residential development adjacent to existing single family residential homes.

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

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

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

*POSITIVE.*

5. *The suitability of the property in question for the uses permitted under the existing zoning classification.*

*POSITIVE.* Per the applicant, the subject property is not suitable for large scale farming operations, although it is currently planted in row crops.

6. *The suitability of the property in question for the uses permitted under the proposed zoning classification.*

*POSITIVE.* The property in question is suitable for the uses permitted under the proposed zoning classification given the consistency with other nearby parcels being utilized for residential purposes.

7. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.*

*POSITIVE.* The recent trend in the immediate area has been toward residential development with adjacent parcels having recently been rezoned to R-R.

8. *The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.*

*POSITIVE.* The surrounding area has transitioned into more Rural Residential uses since the property was placed in its original zoning classification.

9. *The proposed map amendment is within one and one half (1 ½) miles of a municipality and consistent with an adopted Comprehensive Plan.*

*POSITIVE.* The proposed zoning map amendment is within 1.5 miles of Washington and Morton. Both municipalities have an adopted Comprehensive Plan.

10. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*

*POSITIVE.* The relative gain to the public should the subject site remain A-1 is negligible as compared to the hardship imposed upon the individual property owner should this rezoning request be denied.

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

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

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

- Locate new development contiguous to existing development to aid police and fire protection.
- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Avoid leapfrog development and isolated land development to preserve contiguous tracts of productive agricultural land.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.
- Minimize conflict between land uses.

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

On roll call to recommend approval of **Case No. 13-21-Z** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

**CASE NO. 13-22-S:** The petition of Truman & Michelle Shute for a Special Use to allow Chickens on property subject to the regulations under 7TCC 1-25(f)(7) in an R-1 Low Density Residential 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 making no comment regarding the proposed Special Use request.

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

Dave Weaver, Washington Township Road Commissioner submitted a report having no comment regarding the proposed Special Use request.

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

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

Truman Shute appeared to testify on behalf of the proposed Special Use request. Mr. Shute stated his wife and kids had a few chickens and horses. Mr. Shute said he would like to provide a rural living experience for his family and was unaware he needed Special Use approval.

Betty Jones appeared with concerns regarding the proposed Special Use request. Ms. Jones said she had concern of smell from the chickens and concern if the chickens were allowed to run loose. Ms. Jones stated she would request the chickens be kept to a minimal amount and she would not have an issue.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-22-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 shall conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

2. *The Special Use will be consistent with the purposes, goals, objectives, and standards of the officially adopted County Comprehensive Land Use Plan and these regulations, or of any officially adopted Comprehensive Plan of a municipality with a 1.5 mile planning jurisdiction.*

*POSITIVE.* The proposed Special Use will be consistent with the Tazewell County Comprehensive Land Use Plan implementation strategies.

3. *The petitioner has met the requirements of Article 25 of the Tazewell County Zoning Code.*

*POSITIVE.* Per the applicant's submitted site plan, all requirements of Article 25 of the Tazewell County Zoning Code will be satisfactorily met.

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

*POSITIVE.* Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed coop at the rear of the subject parcel. Additionally, topography and trees will help to obscure the proposed coop from neighboring properties and the public right of way.

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 chicken coop housing eight (8) birds is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

*POSITIVE.* The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area is not anticipated.

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

*POSITIVE.* Given its proposed location and relatively modest size, a chicken coop 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.* The proposed chicken coop will not require utilities, other than possibly electricity. The applicants have been advised that electricity shall not be provided to the coop via an extension cord.

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

*POSITIVE.* The requested Special Use will not contribute to traffic congestion. The chicken eggs are for personal consumption only and shall not be sold commercially from the subject parcel.

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

*NOT APPLICABLE.*

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

*POSITIVE.*

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

*NOT APPLICABLE.*

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

*POSITIVE.* The Special Use request for a chicken coop or detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

*POSITIVE.* Given its size, topography, and utility access, the subject property is suitable for the Special Use

request as proposed.

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

On roll call to approve **Case No. 13-22-S** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

**CASE NO. 13-23-V:** The petition of Roger Koch for a Variance to waive the requirements of 7TCC1-7(g)(3)(ii) to allow the construction of an Accessory Building (Pole Building) to be 15’ from the Rear property line, which is 10’ closer than allowed and also waive 7TCC1-7(h)(2) to allow the construction of the same Accessory Structure to be 29’ to the mean height of the roof, which is 9’ higher than allowed in an A-1 Agriculture Preservation Zoning District.

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

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

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

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 702 made no comment regarding the proposed Special Use request.

Roger Koch appeared to testify on behalf of the proposed Variance request. Mr. Koch stated he owned a very small lot and there was only one area to place a building, and in order to fit the size of building he required, he would not be able to meet the setbacks. Mr. Koch said he would be demolishing an existing shed to allow for the new proposed construction. Mr. Koch added he needed a height Variance as he was planning a gambler style roof, and would not know the exact height of the proposed structure until the trusses were engineered. Mr. Koch stated he had received approval from the Health Department to place the proposed building over the septic line to the sand filter.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-23-V.**

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 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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. There will not be a detriment to the area for the proposed location of the new structure.

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 additional height of the structure will not have an impact on the supply of light or air.

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

POSITIVE. The applicant is simply in need of additional storage space.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. 13-23-V** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

#### **NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Tuesday, August 2, 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 Toevs, to adjourn the Zoning Board of Appeals Public Hearing at 6:42 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, July 2, 2013, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

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

**ABSENT:** Ken Zimmerman

**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, Greg Sinn, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

**MINUTES:** Moved by Baum, seconded by May, to approve the Minutes of the June 4, 2013 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

---

**CASE NO. 13-21-Z:** The petition of Alice Guth for a Map Amendment to the Official Washington Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation District to a R-R Rural Residential Zoning District

The Tazewell County Land Use Planner submitted a report recommending approval of the proposed Rezoning request.

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

Tazewell County Soil & Water Conservation District submitted a report recommending denial of the proposed Rezoning request as prime farmland would be taken out of production.

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

Jon Oliphant, City of Washington submitted a report recommending approval regarding the proposed Rezoning request.

Dave Weaver, Washington Township Road Commissioner submitted a report stating concerns of multiple entry and exit points and additional traffic that may be generated by potential uses.

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

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

Attorney Robert Riffle, Attorney representing Mrs. Guth appeared to testify on behalf of the proposed Rezoning request. Mr. Riffle stated the Findings of Fact supported a Rezoning of the property. Mr. Riffle said the property is currently used for agriculture purposes, the properties located to the North were a mixture of residential and a golf course, and the property to the South was zoned for Agriculture, however, there were smaller lot sizes and were utilized more as a rural residential classification. Mr. Riffle added his client was very mindful of the traffic in the area and would work with a developer and road official to address traffic patterns. Mr. Riffle stated the proposed Rezoning request was consistent with the Comprehensive Land Use Plan for the County and the area is trending in rural development. Mr. Riffle said his client had intended to either subdivide the property or utilize a portion of the property for a possible assisted living facility. Mr. Riffle added there were no specific details on how many dwellings and his client chose only to rezone 40 acres or her property at this time as she intended to continue farming the remaining land.

Following all Public Hearings, moved by May, seconded by Baum, to recommend approval of **Case No. 13-21-Z** to the Tazewell County Board.

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

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

*POSITIVE.* The proposed amendment shall not be detrimental to the orderly development of Tazewell

County as it is consistent with the Future Land Use Map for Tazewell County, which designates the subject area as R-R.

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

*POSITIVE.* At this time, the proposed zoning amendment poses no foreseeable danger or risk to the public health, safety, morals or general welfare of Tazewell County or its residents. The proposed amendment will allow and encourage single family residential development adjacent to existing single family residential homes.

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

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

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

*POSITIVE.*

5. *The suitability of the property in question for the uses permitted under the existing zoning classification.*

*POSITIVE.* Per the applicant, the subject property is not suitable for large scale farming operations, although it is currently planted in row crops.

6. *The suitability of the property in question for the uses permitted under the proposed zoning classification.*

*POSITIVE.* The property in question is suitable for the uses permitted under the proposed zoning classification given the consistency with other nearby parcels being utilized for residential purposes.

7. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.*

*POSITIVE.* The recent trend in the immediate area has been toward residential development with adjacent parcels having recently been rezoned to R-R.

8. *The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.*

*POSITIVE.* The surrounding area has transitioned into more Rural Residential uses since the property was placed in its original zoning classification.

9. *The proposed map amendment is within one and one half (1 ½) miles of a municipality and consistent with an adopted Comprehensive Plan.*

*POSITIVE.* The proposed zoning map amendment is within 1.5 miles of Washington and Morton. Both municipalities have an adopted Comprehensive Plan.

10. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*

*POSITIVE.* The relative gain to the public should the subject site remain A-1 is negligible as compared to the hardship imposed upon the individual property owner should this rezoning request be denied.

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

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

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

- Locate new development contiguous to existing development to aid police and fire protection.
- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Avoid leapfrog development and isolated land development to preserve contiguous tracts of productive agricultural land.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.
- Minimize conflict between land uses.

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

On roll call to recommend approval of **Case No. 13-21-Z** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

**CASE NO. 13-22-S:** The petition of Truman & Michelle Shute for a Special Use to allow Chickens on property subject to the regulations under 7TCC 1-25(f)(7) in an R-1 Low Density Residential 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 making no comment regarding the proposed Special Use request.

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

Dave Weaver, Washington Township Road Commissioner submitted a report having no comment regarding the proposed Special Use request.

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

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

Truman Shute appeared to testify on behalf of the proposed Special Use request. Mr. Shute stated his wife and kids had a few chickens and horses. Mr. Shute said he would like to provide a rural living experience for his family and was unaware he needed Special Use approval.

Betty Jones appeared with concerns regarding the proposed Special Use request. Ms. Jones said she had concern of smell from the chickens and concern if the chickens were allowed to run loose. Ms. Jones stated she would request the chickens be kept to a minimal amount and she would not have an issue.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-22-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 shall conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

2. *The Special Use will be consistent with the purposes, goals, objectives, and standards of the officially adopted County Comprehensive Land Use Plan and these regulations, or of any officially adopted Comprehensive Plan of a municipality with a 1.5 mile planning jurisdiction.*

*POSITIVE.* The proposed Special Use will be consistent with the Tazewell County Comprehensive Land Use Plan implementation strategies.

3. *The petitioner has met the requirements of Article 25 of the Tazewell County Zoning Code.*

*POSITIVE.* Per the applicant's submitted site plan, all requirements of Article 25 of the Tazewell County Zoning Code will be satisfactorily met.

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

*POSITIVE.* Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed coop at the rear of the subject parcel. Additionally, topography and trees will help to obscure the proposed coop from neighboring properties and the public right of way.

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 chicken coop housing eight (8) birds is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

*POSITIVE.* The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area is not anticipated.

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

*POSITIVE.* Given its proposed location and relatively modest size, a chicken coop 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.* The proposed chicken coop will not require utilities, other than possibly electricity. The applicants have been advised that electricity shall not be provided to the coop via an extension cord.

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

*POSITIVE.* The requested Special Use will not contribute to traffic congestion. The chicken eggs are for personal consumption only and shall not be sold commercially from the subject parcel.

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

*NOT APPLICABLE.*

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

*POSITIVE.*

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

*NOT APPLICABLE.*

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

*POSITIVE.* The Special Use request for a chicken coop or detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

*POSITIVE.* Given its size, topography, and utility access, the subject property is suitable for the Special Use

request as proposed.

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

On roll call to approve **Case No. 13-22-S** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

**CASE NO. 13-23-V:** The petition of Roger Koch for a Variance to waive the requirements of 7TCC1-7(g)(3)(ii) to allow the construction of an Accessory Building (Pole Building) to be 15’ from the Rear property line, which is 10’ closer than allowed and also waive 7TCC1-7(h)(2) to allow the construction of the same Accessory Structure to be 29’ to the mean height of the roof, which is 9’ higher than allowed in an A-1 Agriculture Preservation Zoning District.

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

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

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

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 702 made no comment regarding the proposed Special Use request.

Roger Koch appeared to testify on behalf of the proposed Variance request. Mr. Koch stated he owned a very small lot and there was only one area to place a building, and in order to fit the size of building he required, he would not be able to meet the setbacks. Mr. Koch said he would be demolishing an existing shed to allow for the new proposed construction. Mr. Koch added he needed a height Variance as he was planning a gambler style roof, and would not know the exact height of the proposed structure until the trusses were engineered. Mr. Koch stated he had received approval from the Health Department to place the proposed building over the septic line to the sand filter.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-23-V.**

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 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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. There will not be a detriment to the area for the proposed location of the new structure.

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 additional height of the structure will not have an impact on the supply of light or air.

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

POSITIVE. The applicant is simply in need of additional storage space.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. 13-23-V** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

#### **NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Tuesday, August 2, 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 Toevs, to adjourn the Zoning Board of Appeals Public Hearing at 6:42 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, July 2, 2013, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

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

**ABSENT:** Ken Zimmerman

**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, Greg Sinn, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

**MINUTES:** Moved by Baum, seconded by May, to approve the Minutes of the June 4, 2013 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

---

**CASE NO. 13-21-Z:** The petition of Alice Guth for a Map Amendment to the Official Washington Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation District to a R-R Rural Residential Zoning District

The Tazewell County Land Use Planner submitted a report recommending approval of the proposed Rezoning request.

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

Tazewell County Soil & Water Conservation District submitted a report recommending denial of the proposed Rezoning request as prime farmland would be taken out of production.

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

Jon Oliphant, City of Washington submitted a report recommending approval regarding the proposed Rezoning request.

Dave Weaver, Washington Township Road Commissioner submitted a report stating concerns of multiple entry and exit points and additional traffic that may be generated by potential uses.

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

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

Attorney Robert Riffle, Attorney representing Mrs. Guth appeared to testify on behalf of the proposed Rezoning request. Mr. Riffle stated the Findings of Fact supported a Rezoning of the property. Mr. Riffle said the property is currently used for agriculture purposes, the properties located to the North were a mixture of residential and a golf course, and the property to the South was zoned for Agriculture, however, there were smaller lot sizes and were utilized more as a rural residential classification. Mr. Riffle added his client was very mindful of the traffic in the area and would work with a developer and road official to address traffic patterns. Mr. Riffle stated the proposed Rezoning request was consistent with the Comprehensive Land Use Plan for the County and the area is trending in rural development. Mr. Riffle said his client had intended to either subdivide the property or utilize a portion of the property for a possible assisted living facility. Mr. Riffle added there were no specific details on how many dwellings and his client chose only to rezone 40 acres or her property at this time as she intended to continue farming the remaining land.

Following all Public Hearings, moved by May, seconded by Baum, to recommend approval of **Case No. 13-21-Z** to the Tazewell County Board.

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

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

*POSITIVE.* The proposed amendment shall not be detrimental to the orderly development of Tazewell

County as it is consistent with the Future Land Use Map for Tazewell County, which designates the subject area as R-R.

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

*POSITIVE.* At this time, the proposed zoning amendment poses no foreseeable danger or risk to the public health, safety, morals or general welfare of Tazewell County or its residents. The proposed amendment will allow and encourage single family residential development adjacent to existing single family residential homes.

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

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

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

*POSITIVE.*

5. *The suitability of the property in question for the uses permitted under the existing zoning classification.*

*POSITIVE.* Per the applicant, the subject property is not suitable for large scale farming operations, although it is currently planted in row crops.

6. *The suitability of the property in question for the uses permitted under the proposed zoning classification.*

*POSITIVE.* The property in question is suitable for the uses permitted under the proposed zoning classification given the consistency with other nearby parcels being utilized for residential purposes.

7. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.*

*POSITIVE.* The recent trend in the immediate area has been toward residential development with adjacent parcels having recently been rezoned to R-R.

8. *The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.*

*POSITIVE.* The surrounding area has transitioned into more Rural Residential uses since the property was placed in its original zoning classification.

9. *The proposed map amendment is within one and one half (1 ½) miles of a municipality and consistent with an adopted Comprehensive Plan.*

*POSITIVE.* The proposed zoning map amendment is within 1.5 miles of Washington and Morton. Both municipalities have an adopted Comprehensive Plan.

10. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*

*POSITIVE.* The relative gain to the public should the subject site remain A-1 is negligible as compared to the hardship imposed upon the individual property owner should this rezoning request be denied.

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

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

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

- Locate new development contiguous to existing development to aid police and fire protection.
- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Avoid leapfrog development and isolated land development to preserve contiguous tracts of productive agricultural land.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.
- Minimize conflict between land uses.

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

On roll call to recommend approval of **Case No. 13-21-Z** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

**CASE NO. 13-22-S:** The petition of Truman & Michelle Shute for a Special Use to allow Chickens on property subject to the regulations under 7TCC 1-25(f)(7) in an R-1 Low Density Residential 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 making no comment regarding the proposed Special Use request.

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

Dave Weaver, Washington Township Road Commissioner submitted a report having no comment regarding the proposed Special Use request.

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

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

Truman Shute appeared to testify on behalf of the proposed Special Use request. Mr. Shute stated his wife and kids had a few chickens and horses. Mr. Shute said he would like to provide a rural living experience for his family and was unaware he needed Special Use approval.

Betty Jones appeared with concerns regarding the proposed Special Use request. Ms. Jones said she had concern of smell from the chickens and concern if the chickens were allowed to run loose. Ms. Jones stated she would request the chickens be kept to a minimal amount and she would not have an issue.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-22-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 shall conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

2. *The Special Use will be consistent with the purposes, goals, objectives, and standards of the officially adopted County Comprehensive Land Use Plan and these regulations, or of any officially adopted Comprehensive Plan of a municipality with a 1.5 mile planning jurisdiction.*

*POSITIVE.* The proposed Special Use will be consistent with the Tazewell County Comprehensive Land Use Plan implementation strategies.

3. *The petitioner has met the requirements of Article 25 of the Tazewell County Zoning Code.*

*POSITIVE.* Per the applicant's submitted site plan, all requirements of Article 25 of the Tazewell County Zoning Code will be satisfactorily met.

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

*POSITIVE.* Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed coop at the rear of the subject parcel. Additionally, topography and trees will help to obscure the proposed coop from neighboring properties and the public right of way.

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 chicken coop housing eight (8) birds is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

*POSITIVE.* The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area is not anticipated.

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

*POSITIVE.* Given its proposed location and relatively modest size, a chicken coop 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.* The proposed chicken coop will not require utilities, other than possibly electricity. The applicants have been advised that electricity shall not be provided to the coop via an extension cord.

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

*POSITIVE.* The requested Special Use will not contribute to traffic congestion. The chicken eggs are for personal consumption only and shall not be sold commercially from the subject parcel.

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

*NOT APPLICABLE.*

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

*POSITIVE.*

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

*NOT APPLICABLE.*

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

*POSITIVE.* The Special Use request for a chicken coop or detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

*POSITIVE.* Given its size, topography, and utility access, the subject property is suitable for the Special Use

request as proposed.

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

On roll call to approve **Case No. 13-22-S** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

**CASE NO. 13-23-V:** The petition of Roger Koch for a Variance to waive the requirements of 7TCC1-7(g)(3)(ii) to allow the construction of an Accessory Building (Pole Building) to be 15’ from the Rear property line, which is 10’ closer than allowed and also waive 7TCC1-7(h)(2) to allow the construction of the same Accessory Structure to be 29’ to the mean height of the roof, which is 9’ higher than allowed in an A-1 Agriculture Preservation Zoning District.

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

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

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

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 702 made no comment regarding the proposed Special Use request.

Roger Koch appeared to testify on behalf of the proposed Variance request. Mr. Koch stated he owned a very small lot and there was only one area to place a building, and in order to fit the size of building he required, he would not be able to meet the setbacks. Mr. Koch said he would be demolishing an existing shed to allow for the new proposed construction. Mr. Koch added he needed a height Variance as he was planning a gambler style roof, and would not know the exact height of the proposed structure until the trusses were engineered. Mr. Koch stated he had received approval from the Health Department to place the proposed building over the septic line to the sand filter.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-23-V.**

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 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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. There will not be a detriment to the area for the proposed location of the new structure.

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 additional height of the structure will not have an impact on the supply of light or air.

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

POSITIVE. The applicant is simply in need of additional storage space.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. 13-23-V** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

#### **NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Tuesday, August 2, 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 Toevs, to adjourn the Zoning Board of Appeals Public Hearing at 6:42 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, July 2, 2013, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

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

**ABSENT:** Ken Zimmerman

**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, Greg Sinn, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

**MINUTES:** Moved by Baum, seconded by May, to approve the Minutes of the June 4, 2013 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

---

**CASE NO. 13-21-Z:** The petition of Alice Guth for a Map Amendment to the Official Washington Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation District to a R-R Rural Residential Zoning District

The Tazewell County Land Use Planner submitted a report recommending approval of the proposed Rezoning request.

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

Tazewell County Soil & Water Conservation District submitted a report recommending denial of the proposed Rezoning request as prime farmland would be taken out of production.

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

Jon Oliphant, City of Washington submitted a report recommending approval regarding the proposed Rezoning request.

Dave Weaver, Washington Township Road Commissioner submitted a report stating concerns of multiple entry and exit points and additional traffic that may be generated by potential uses.

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

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

Attorney Robert Riffle, Attorney representing Mrs. Guth appeared to testify on behalf of the proposed Rezoning request. Mr. Riffle stated the Findings of Fact supported a Rezoning of the property. Mr. Riffle said the property is currently used for agriculture purposes, the properties located to the North were a mixture of residential and a golf course, and the property to the South was zoned for Agriculture, however, there were smaller lot sizes and were utilized more as a rural residential classification. Mr. Riffle added his client was very mindful of the traffic in the area and would work with a developer and road official to address traffic patterns. Mr. Riffle stated the proposed Rezoning request was consistent with the Comprehensive Land Use Plan for the County and the area is trending in rural development. Mr. Riffle said his client had intended to either subdivide the property or utilize a portion of the property for a possible assisted living facility. Mr. Riffle added there were no specific details on how many dwellings and his client chose only to rezone 40 acres or her property at this time as she intended to continue farming the remaining land.

Following all Public Hearings, moved by May, seconded by Baum, to recommend approval of **Case No. 13-21-Z** to the Tazewell County Board.

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

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

*POSITIVE.* The proposed amendment shall not be detrimental to the orderly development of Tazewell

County as it is consistent with the Future Land Use Map for Tazewell County, which designates the subject area as R-R.

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

*POSITIVE.* At this time, the proposed zoning amendment poses no foreseeable danger or risk to the public health, safety, morals or general welfare of Tazewell County or its residents. The proposed amendment will allow and encourage single family residential development adjacent to existing single family residential homes.

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

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

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

*POSITIVE.*

5. *The suitability of the property in question for the uses permitted under the existing zoning classification.*

*POSITIVE.* Per the applicant, the subject property is not suitable for large scale farming operations, although it is currently planted in row crops.

6. *The suitability of the property in question for the uses permitted under the proposed zoning classification.*

*POSITIVE.* The property in question is suitable for the uses permitted under the proposed zoning classification given the consistency with other nearby parcels being utilized for residential purposes.

7. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.*

*POSITIVE.* The recent trend in the immediate area has been toward residential development with adjacent parcels having recently been rezoned to R-R.

8. *The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.*

*POSITIVE.* The surrounding area has transitioned into more Rural Residential uses since the property was placed in its original zoning classification.

9. *The proposed map amendment is within one and one half (1 ½) miles of a municipality and consistent with an adopted Comprehensive Plan.*

*POSITIVE.* The proposed zoning map amendment is within 1.5 miles of Washington and Morton. Both municipalities have an adopted Comprehensive Plan.

10. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*

*POSITIVE.* The relative gain to the public should the subject site remain A-1 is negligible as compared to the hardship imposed upon the individual property owner should this rezoning request be denied.

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

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

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

- Locate new development contiguous to existing development to aid police and fire protection.
- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Avoid leapfrog development and isolated land development to preserve contiguous tracts of productive agricultural land.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.
- Minimize conflict between land uses.

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

On roll call to recommend approval of **Case No. 13-21-Z** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

**CASE NO. 13-22-S:** The petition of Truman & Michelle Shute for a Special Use to allow Chickens on property subject to the regulations under 7TCC 1-25(f)(7) in an R-1 Low Density Residential 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 making no comment regarding the proposed Special Use request.

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

Dave Weaver, Washington Township Road Commissioner submitted a report having no comment regarding the proposed Special Use request.

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

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

Truman Shute appeared to testify on behalf of the proposed Special Use request. Mr. Shute stated his wife and kids had a few chickens and horses. Mr. Shute said he would like to provide a rural living experience for his family and was unaware he needed Special Use approval.

Betty Jones appeared with concerns regarding the proposed Special Use request. Ms. Jones said she had concern of smell from the chickens and concern if the chickens were allowed to run loose. Ms. Jones stated she would request the chickens be kept to a minimal amount and she would not have an issue.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-22-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 shall conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

2. *The Special Use will be consistent with the purposes, goals, objectives, and standards of the officially adopted County Comprehensive Land Use Plan and these regulations, or of any officially adopted Comprehensive Plan of a municipality with a 1.5 mile planning jurisdiction.*

*POSITIVE.* The proposed Special Use will be consistent with the Tazewell County Comprehensive Land Use Plan implementation strategies.

3. *The petitioner has met the requirements of Article 25 of the Tazewell County Zoning Code.*

*POSITIVE.* Per the applicant's submitted site plan, all requirements of Article 25 of the Tazewell County Zoning Code will be satisfactorily met.

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

*POSITIVE.* Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed coop at the rear of the subject parcel. Additionally, topography and trees will help to obscure the proposed coop from neighboring properties and the public right of way.

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 chicken coop housing eight (8) birds is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

*POSITIVE.* The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area is not anticipated.

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

*POSITIVE.* Given its proposed location and relatively modest size, a chicken coop 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.* The proposed chicken coop will not require utilities, other than possibly electricity. The applicants have been advised that electricity shall not be provided to the coop via an extension cord.

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

*POSITIVE.* The requested Special Use will not contribute to traffic congestion. The chicken eggs are for personal consumption only and shall not be sold commercially from the subject parcel.

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

*NOT APPLICABLE.*

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

*POSITIVE.*

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

*NOT APPLICABLE.*

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

*POSITIVE.* The Special Use request for a chicken coop or detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

*POSITIVE.* Given its size, topography, and utility access, the subject property is suitable for the Special Use

request as proposed.

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

On roll call to approve **Case No. 13-22-S** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

**CASE NO. 13-23-V:** The petition of Roger Koch for a Variance to waive the requirements of 7TCC1-7(g)(3)(ii) to allow the construction of an Accessory Building (Pole Building) to be 15’ from the Rear property line, which is 10’ closer than allowed and also waive 7TCC1-7(h)(2) to allow the construction of the same Accessory Structure to be 29’ to the mean height of the roof, which is 9’ higher than allowed in an A-1 Agriculture Preservation Zoning District.

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

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

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

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 702 made no comment regarding the proposed Special Use request.

Roger Koch appeared to testify on behalf of the proposed Variance request. Mr. Koch stated he owned a very small lot and there was only one area to place a building, and in order to fit the size of building he required, he would not be able to meet the setbacks. Mr. Koch said he would be demolishing an existing shed to allow for the new proposed construction. Mr. Koch added he needed a height Variance as he was planning a gambler style roof, and would not know the exact height of the proposed structure until the trusses were engineered. Mr. Koch stated he had received approval from the Health Department to place the proposed building over the septic line to the sand filter.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-23-V.**

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 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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. There will not be a detriment to the area for the proposed location of the new structure.

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 additional height of the structure will not have an impact on the supply of light or air.

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

POSITIVE. The applicant is simply in need of additional storage space.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. 13-23-V** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

#### **NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Tuesday, August 2, 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 Toevs, to adjourn the Zoning Board of Appeals Public Hearing at 6:42 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, July 2, 2013, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

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

**ABSENT:** Ken Zimmerman

**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, Greg Sinn, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

**MINUTES:** Moved by Baum, seconded by May, to approve the Minutes of the June 4, 2013 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

---

**CASE NO. 13-21-Z:** The petition of Alice Guth for a Map Amendment to the Official Washington Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation District to a R-R Rural Residential Zoning District

The Tazewell County Land Use Planner submitted a report recommending approval of the proposed Rezoning request.

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

Tazewell County Soil & Water Conservation District submitted a report recommending denial of the proposed Rezoning request as prime farmland would be taken out of production.

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

Jon Oliphant, City of Washington submitted a report recommending approval regarding the proposed Rezoning request.

Dave Weaver, Washington Township Road Commissioner submitted a report stating concerns of multiple entry and exit points and additional traffic that may be generated by potential uses.

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

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

Attorney Robert Riffle, Attorney representing Mrs. Guth appeared to testify on behalf of the proposed Rezoning request. Mr. Riffle stated the Findings of Fact supported a Rezoning of the property. Mr. Riffle said the property is currently used for agriculture purposes, the properties located to the North were a mixture of residential and a golf course, and the property to the South was zoned for Agriculture, however, there were smaller lot sizes and were utilized more as a rural residential classification. Mr. Riffle added his client was very mindful of the traffic in the area and would work with a developer and road official to address traffic patterns. Mr. Riffle stated the proposed Rezoning request was consistent with the Comprehensive Land Use Plan for the County and the area is trending in rural development. Mr. Riffle said his client had intended to either subdivide the property or utilize a portion of the property for a possible assisted living facility. Mr. Riffle added there were no specific details on how many dwellings and his client chose only to rezone 40 acres or her property at this time as she intended to continue farming the remaining land.

Following all Public Hearings, moved by May, seconded by Baum, to recommend approval of **Case No. 13-21-Z** to the Tazewell County Board.

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

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

*POSITIVE.* The proposed amendment shall not be detrimental to the orderly development of Tazewell

County as it is consistent with the Future Land Use Map for Tazewell County, which designates the subject area as R-R.

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

*POSITIVE.* At this time, the proposed zoning amendment poses no foreseeable danger or risk to the public health, safety, morals or general welfare of Tazewell County or its residents. The proposed amendment will allow and encourage single family residential development adjacent to existing single family residential homes.

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

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

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

*POSITIVE.*

5. *The suitability of the property in question for the uses permitted under the existing zoning classification.*

*POSITIVE.* Per the applicant, the subject property is not suitable for large scale farming operations, although it is currently planted in row crops.

6. *The suitability of the property in question for the uses permitted under the proposed zoning classification.*

*POSITIVE.* The property in question is suitable for the uses permitted under the proposed zoning classification given the consistency with other nearby parcels being utilized for residential purposes.

7. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.*

*POSITIVE.* The recent trend in the immediate area has been toward residential development with adjacent parcels having recently been rezoned to R-R.

8. *The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.*

*POSITIVE.* The surrounding area has transitioned into more Rural Residential uses since the property was placed in its original zoning classification.

9. *The proposed map amendment is within one and one half (1 ½) miles of a municipality and consistent with an adopted Comprehensive Plan.*

*POSITIVE.* The proposed zoning map amendment is within 1.5 miles of Washington and Morton. Both municipalities have an adopted Comprehensive Plan.

10. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*

*POSITIVE.* The relative gain to the public should the subject site remain A-1 is negligible as compared to the hardship imposed upon the individual property owner should this rezoning request be denied.

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

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

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

- Locate new development contiguous to existing development to aid police and fire protection.
- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Avoid leapfrog development and isolated land development to preserve contiguous tracts of productive agricultural land.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.
- Minimize conflict between land uses.

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

On roll call to recommend approval of **Case No. 13-21-Z** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

**CASE NO. 13-22-S:** The petition of Truman & Michelle Shute for a Special Use to allow Chickens on property subject to the regulations under 7TCC 1-25(f)(7) in an R-1 Low Density Residential 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 making no comment regarding the proposed Special Use request.

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

Dave Weaver, Washington Township Road Commissioner submitted a report having no comment regarding the proposed Special Use request.

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

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

Truman Shute appeared to testify on behalf of the proposed Special Use request. Mr. Shute stated his wife and kids had a few chickens and horses. Mr. Shute said he would like to provide a rural living experience for his family and was unaware he needed Special Use approval.

Betty Jones appeared with concerns regarding the proposed Special Use request. Ms. Jones said she had concern of smell from the chickens and concern if the chickens were allowed to run loose. Ms. Jones stated she would request the chickens be kept to a minimal amount and she would not have an issue.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-22-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 shall conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

2. *The Special Use will be consistent with the purposes, goals, objectives, and standards of the officially adopted County Comprehensive Land Use Plan and these regulations, or of any officially adopted Comprehensive Plan of a municipality with a 1.5 mile planning jurisdiction.*

*POSITIVE.* The proposed Special Use will be consistent with the Tazewell County Comprehensive Land Use Plan implementation strategies.

3. *The petitioner has met the requirements of Article 25 of the Tazewell County Zoning Code.*

*POSITIVE.* Per the applicant's submitted site plan, all requirements of Article 25 of the Tazewell County Zoning Code will be satisfactorily met.

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

*POSITIVE.* Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed coop at the rear of the subject parcel. Additionally, topography and trees will help to obscure the proposed coop from neighboring properties and the public right of way.

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 chicken coop housing eight (8) birds is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

*POSITIVE.* The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area is not anticipated.

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

*POSITIVE.* Given its proposed location and relatively modest size, a chicken coop 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.* The proposed chicken coop will not require utilities, other than possibly electricity. The applicants have been advised that electricity shall not be provided to the coop via an extension cord.

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

*POSITIVE.* The requested Special Use will not contribute to traffic congestion. The chicken eggs are for personal consumption only and shall not be sold commercially from the subject parcel.

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

*NOT APPLICABLE.*

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

*POSITIVE.*

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

*NOT APPLICABLE.*

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

*POSITIVE.* The Special Use request for a chicken coop or detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

*POSITIVE.* Given its size, topography, and utility access, the subject property is suitable for the Special Use

request as proposed.

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

On roll call to approve **Case No. 13-22-S** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

**CASE NO. 13-23-V:** The petition of Roger Koch for a Variance to waive the requirements of 7TCC1-7(g)(3)(ii) to allow the construction of an Accessory Building (Pole Building) to be 15’ from the Rear property line, which is 10’ closer than allowed and also waive 7TCC1-7(h)(2) to allow the construction of the same Accessory Structure to be 29’ to the mean height of the roof, which is 9’ higher than allowed in an A-1 Agriculture Preservation Zoning District.

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

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

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

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 702 made no comment regarding the proposed Special Use request.

Roger Koch appeared to testify on behalf of the proposed Variance request. Mr. Koch stated he owned a very small lot and there was only one area to place a building, and in order to fit the size of building he required, he would not be able to meet the setbacks. Mr. Koch said he would be demolishing an existing shed to allow for the new proposed construction. Mr. Koch added he needed a height Variance as he was planning a gambler style roof, and would not know the exact height of the proposed structure until the trusses were engineered. Mr. Koch stated he had received approval from the Health Department to place the proposed building over the septic line to the sand filter.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-23-V.**

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 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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. There will not be a detriment to the area for the proposed location of the new structure.

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 additional height of the structure will not have an impact on the supply of light or air.

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

POSITIVE. The applicant is simply in need of additional storage space.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. 13-23-V** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

#### **NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Tuesday, August 2, 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 Toevs, to adjourn the Zoning Board of Appeals Public Hearing at 6:42 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, July 2, 2013, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

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

**ABSENT:** Ken Zimmerman

**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, Greg Sinn, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

**MINUTES:** Moved by Baum, seconded by May, to approve the Minutes of the June 4, 2013 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

---

**CASE NO. 13-21-Z:** The petition of Alice Guth for a Map Amendment to the Official Washington Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation District to a R-R Rural Residential Zoning District

The Tazewell County Land Use Planner submitted a report recommending approval of the proposed Rezoning request.

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

Tazewell County Soil & Water Conservation District submitted a report recommending denial of the proposed Rezoning request as prime farmland would be taken out of production.

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

Jon Oliphant, City of Washington submitted a report recommending approval regarding the proposed Rezoning request.

Dave Weaver, Washington Township Road Commissioner submitted a report stating concerns of multiple entry and exit points and additional traffic that may be generated by potential uses.

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

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

Attorney Robert Riffle, Attorney representing Mrs. Guth appeared to testify on behalf of the proposed Rezoning request. Mr. Riffle stated the Findings of Fact supported a Rezoning of the property. Mr. Riffle said the property is currently used for agriculture purposes, the properties located to the North were a mixture of residential and a golf course, and the property to the South was zoned for Agriculture, however, there were smaller lot sizes and were utilized more as a rural residential classification. Mr. Riffle added his client was very mindful of the traffic in the area and would work with a developer and road official to address traffic patterns. Mr. Riffle stated the proposed Rezoning request was consistent with the Comprehensive Land Use Plan for the County and the area is trending in rural development. Mr. Riffle said his client had intended to either subdivide the property or utilize a portion of the property for a possible assisted living facility. Mr. Riffle added there were no specific details on how many dwellings and his client chose only to rezone 40 acres of her property at this time as she intended to continue farming the remaining land.

Following all Public Hearings, moved by May, seconded by Baum, to recommend approval of **Case No. 13-21-Z** to the Tazewell County Board.

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

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

*POSITIVE.* The proposed amendment shall not be detrimental to the orderly development of Tazewell

County as it is consistent with the Future Land Use Map for Tazewell County, which designates the subject area as R-R.

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

*POSITIVE.* At this time, the proposed zoning amendment poses no foreseeable danger or risk to the public health, safety, morals or general welfare of Tazewell County or its residents. The proposed amendment will allow and encourage single family residential development adjacent to existing single family residential homes.

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

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

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

*POSITIVE.*

5. *The suitability of the property in question for the uses permitted under the existing zoning classification.*

*POSITIVE.* Per the applicant, the subject property is not suitable for large scale farming operations, although it is currently planted in row crops.

6. *The suitability of the property in question for the uses permitted under the proposed zoning classification.*

*POSITIVE.* The property in question is suitable for the uses permitted under the proposed zoning classification given the consistency with other nearby parcels being utilized for residential purposes.

7. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.*

*POSITIVE.* The recent trend in the immediate area has been toward residential development with adjacent parcels having recently been rezoned to R-R.

8. *The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.*

*POSITIVE.* The surrounding area has transitioned into more Rural Residential uses since the property was placed in its original zoning classification.

9. *The proposed map amendment is within one and one half (1 ½) miles of a municipality and consistent with an adopted Comprehensive Plan.*

*POSITIVE.* The proposed zoning map amendment is within 1.5 miles of Washington and Morton. Both municipalities have an adopted Comprehensive Plan.

10. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*

*POSITIVE.* The relative gain to the public should the subject site remain A-1 is negligible as compared to the hardship imposed upon the individual property owner should this rezoning request be denied.

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

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

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

- Locate new development contiguous to existing development to aid police and fire protection.
- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Avoid leapfrog development and isolated land development to preserve contiguous tracts of productive agricultural land.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.
- Minimize conflict between land uses.

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

On roll call to recommend approval of **Case No. 13-21-Z** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

**CASE NO. 13-22-S:** The petition of Truman & Michelle Shute for a Special Use to allow Chickens on property subject to the regulations under 7TCC 1-25(f)(7) in an R-1 Low Density Residential 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 making no comment regarding the proposed Special Use request.

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

Dave Weaver, Washington Township Road Commissioner submitted a report having no comment regarding the proposed Special Use request.

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

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

Truman Shute appeared to testify on behalf of the proposed Special Use request. Mr. Shute stated his wife and kids had a few chickens and horses. Mr. Shute said he would like to provide a rural living experience for his family and was unaware he needed Special Use approval.

Betty Jones appeared with concerns regarding the proposed Special Use request. Ms. Jones said she had concern of smell from the chickens and concern if the chickens were allowed to run loose. Ms. Jones stated she would request the chickens be kept to a minimal amount and she would not have an issue.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-22-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 shall conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

2. *The Special Use will be consistent with the purposes, goals, objectives, and standards of the officially adopted County Comprehensive Land Use Plan and these regulations, or of any officially adopted Comprehensive Plan of a municipality with a 1.5 mile planning jurisdiction.*

*POSITIVE.* The proposed Special Use will be consistent with the Tazewell County Comprehensive Land Use Plan implementation strategies.

3. *The petitioner has met the requirements of Article 25 of the Tazewell County Zoning Code.*

*POSITIVE.* Per the applicant's submitted site plan, all requirements of Article 25 of the Tazewell County Zoning Code will be satisfactorily met.

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

*POSITIVE.* Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed coop at the rear of the subject parcel. Additionally, topography and trees will help to obscure the proposed coop from neighboring properties and the public right of way.

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 chicken coop housing eight (8) birds is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

*POSITIVE.* The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area is not anticipated.

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

*POSITIVE.* Given its proposed location and relatively modest size, a chicken coop 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.* The proposed chicken coop will not require utilities, other than possibly electricity. The applicants have been advised that electricity shall not be provided to the coop via an extension cord.

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

*POSITIVE.* The requested Special Use will not contribute to traffic congestion. The chicken eggs are for personal consumption only and shall not be sold commercially from the subject parcel.

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

*NOT APPLICABLE.*

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

*POSITIVE.*

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

*NOT APPLICABLE.*

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

*POSITIVE.* The Special Use request for a chicken coop or detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

*POSITIVE.* Given its size, topography, and utility access, the subject property is suitable for the Special Use

request as proposed.

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

On roll call to approve **Case No. 13-22-S** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

**CASE NO. 13-23-V:** The petition of Roger Koch for a Variance to waive the requirements of 7TCC1-7(g)(3)(ii) to allow the construction of an Accessory Building (Pole Building) to be 15’ from the Rear property line, which is 10’ closer than allowed and also waive 7TCC1-7(h)(2) to allow the construction of the same Accessory Structure to be 29’ to the mean height of the roof, which is 9’ higher than allowed in an A-1 Agriculture Preservation Zoning District.

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

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

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

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 702 made no comment regarding the proposed Special Use request.

Roger Koch appeared to testify on behalf of the proposed Variance request. Mr. Koch stated he owned a very small lot and there was only one area to place a building, and in order to fit the size of building he required, he would not be able to meet the setbacks. Mr. Koch said he would be demolishing an existing shed to allow for the new proposed construction. Mr. Koch added he needed a height Variance as he was planning a gambler style roof, and would not know the exact height of the proposed structure until the trusses were engineered. Mr. Koch stated he had received approval from the Health Department to place the proposed building over the septic line to the sand filter.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-23-V.**

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 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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. There will not be a detriment to the area for the proposed location of the new structure.

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 additional height of the structure will not have an impact on the supply of light or air.

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

POSITIVE. The applicant is simply in need of additional storage space.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. 13-23-V** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

#### **NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Tuesday, August 2, 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 Toevs, to adjourn the Zoning Board of Appeals Public Hearing at 6:42 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, July 2, 2013, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

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

**ABSENT:** Ken Zimmerman

**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, Greg Sinn, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

**MINUTES:** Moved by Baum, seconded by May, to approve the Minutes of the June 4, 2013 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

---

**CASE NO. 13-21-Z:** The petition of Alice Guth for a Map Amendment to the Official Washington Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation District to a R-R Rural Residential Zoning District

The Tazewell County Land Use Planner submitted a report recommending approval of the proposed Rezoning request.

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

Tazewell County Soil & Water Conservation District submitted a report recommending denial of the proposed Rezoning request as prime farmland would be taken out of production.

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

Jon Oliphant, City of Washington submitted a report recommending approval regarding the proposed Rezoning request.

Dave Weaver, Washington Township Road Commissioner submitted a report stating concerns of multiple entry and exit points and additional traffic that may be generated by potential uses.

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

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

Attorney Robert Riffle, Attorney representing Mrs. Guth appeared to testify on behalf of the proposed Rezoning request. Mr. Riffle stated the Findings of Fact supported a Rezoning of the property. Mr. Riffle said the property is currently used for agriculture purposes, the properties located to the North were a mixture of residential and a golf course, and the property to the South was zoned for Agriculture, however, there were smaller lot sizes and were utilized more as a rural residential classification. Mr. Riffle added his client was very mindful of the traffic in the area and would work with a developer and road official to address traffic patterns. Mr. Riffle stated the proposed Rezoning request was consistent with the Comprehensive Land Use Plan for the County and the area is trending in rural development. Mr. Riffle said his client had intended to either subdivide the property or utilize a portion of the property for a possible assisted living facility. Mr. Riffle added there were no specific details on how many dwellings and his client chose only to rezone 40 acres or her property at this time as she intended to continue farming the remaining land.

Following all Public Hearings, moved by May, seconded by Baum, to recommend approval of **Case No. 13-21-Z** to the Tazewell County Board.

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

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

*POSITIVE.* The proposed amendment shall not be detrimental to the orderly development of Tazewell

County as it is consistent with the Future Land Use Map for Tazewell County, which designates the subject area as R-R.

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

*POSITIVE.* At this time, the proposed zoning amendment poses no foreseeable danger or risk to the public health, safety, morals or general welfare of Tazewell County or its residents. The proposed amendment will allow and encourage single family residential development adjacent to existing single family residential homes.

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

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

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

*POSITIVE.*

5. *The suitability of the property in question for the uses permitted under the existing zoning classification.*

*POSITIVE.* Per the applicant, the subject property is not suitable for large scale farming operations, although it is currently planted in row crops.

6. *The suitability of the property in question for the uses permitted under the proposed zoning classification.*

*POSITIVE.* The property in question is suitable for the uses permitted under the proposed zoning classification given the consistency with other nearby parcels being utilized for residential purposes.

7. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.*

*POSITIVE.* The recent trend in the immediate area has been toward residential development with adjacent parcels having recently been rezoned to R-R.

8. *The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.*

*POSITIVE.* The surrounding area has transitioned into more Rural Residential uses since the property was placed in its original zoning classification.

9. *The proposed map amendment is within one and one half (1 ½) miles of a municipality and consistent with an adopted Comprehensive Plan.*

*POSITIVE.* The proposed zoning map amendment is within 1.5 miles of Washington and Morton. Both municipalities have an adopted Comprehensive Plan.

10. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*

*POSITIVE.* The relative gain to the public should the subject site remain A-1 is negligible as compared to the hardship imposed upon the individual property owner should this rezoning request be denied.

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

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

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

- Locate new development contiguous to existing development to aid police and fire protection.
- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Avoid leapfrog development and isolated land development to preserve contiguous tracts of productive agricultural land.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.
- Minimize conflict between land uses.

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

On roll call to recommend approval of **Case No. 13-21-Z** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

**CASE NO. 13-22-S:** The petition of Truman & Michelle Shute for a Special Use to allow Chickens on property subject to the regulations under 7TCC 1-25(f)(7) in an R-1 Low Density Residential 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 making no comment regarding the proposed Special Use request.

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

Dave Weaver, Washington Township Road Commissioner submitted a report having no comment regarding the proposed Special Use request.

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

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

Truman Shute appeared to testify on behalf of the proposed Special Use request. Mr. Shute stated his wife and kids had a few chickens and horses. Mr. Shute said he would like to provide a rural living experience for his family and was unaware he needed Special Use approval.

Betty Jones appeared with concerns regarding the proposed Special Use request. Ms. Jones said she had concern of smell from the chickens and concern if the chickens were allowed to run loose. Ms. Jones stated she would request the chickens be kept to a minimal amount and she would not have an issue.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-22-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 shall conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

2. *The Special Use will be consistent with the purposes, goals, objectives, and standards of the officially adopted County Comprehensive Land Use Plan and these regulations, or of any officially adopted Comprehensive Plan of a municipality with a 1.5 mile planning jurisdiction.*

*POSITIVE.* The proposed Special Use will be consistent with the Tazewell County Comprehensive Land Use Plan implementation strategies.

3. *The petitioner has met the requirements of Article 25 of the Tazewell County Zoning Code.*

*POSITIVE.* Per the applicant's submitted site plan, all requirements of Article 25 of the Tazewell County Zoning Code will be satisfactorily met.

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

*POSITIVE.* Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed coop at the rear of the subject parcel. Additionally, topography and trees will help to obscure the proposed coop from neighboring properties and the public right of way.

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 chicken coop housing eight (8) birds is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

*POSITIVE.* The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area is not anticipated.

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

*POSITIVE.* Given its proposed location and relatively modest size, a chicken coop 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.* The proposed chicken coop will not require utilities, other than possibly electricity. The applicants have been advised that electricity shall not be provided to the coop via an extension cord.

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

*POSITIVE.* The requested Special Use will not contribute to traffic congestion. The chicken eggs are for personal consumption only and shall not be sold commercially from the subject parcel.

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

*NOT APPLICABLE.*

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

*POSITIVE.*

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

*NOT APPLICABLE.*

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

*POSITIVE.* The Special Use request for a chicken coop or detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

*POSITIVE.* Given its size, topography, and utility access, the subject property is suitable for the Special Use

request as proposed.

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

On roll call to approve **Case No. 13-22-S** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

**CASE NO. 13-23-V:** The petition of Roger Koch for a Variance to waive the requirements of 7TCC1-7(g)(3)(ii) to allow the construction of an Accessory Building (Pole Building) to be 15' from the Rear property line, which is 10' closer than allowed and also waive 7TCC1-7(h)(2) to allow the construction of the same Accessory Structure to be 29' to the mean height of the roof, which is 9' higher than allowed in an A-1 Agriculture Preservation Zoning District.

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

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

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

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 702 made no comment regarding the proposed Special Use request.

Roger Koch appeared to testify on behalf of the proposed Variance request. Mr. Koch stated he owned a very small lot and there was only one area to place a building, and in order to fit the size of building he required, he would not be able to meet the setbacks. Mr. Koch said he would be demolishing an existing shed to allow for the new proposed construction. Mr. Koch added he needed a height Variance as he was planning a gambler style roof, and would not know the exact height of the proposed structure until the trusses were engineered. Mr. Koch stated he had received approval from the Health Department to place the proposed building over the septic line to the sand filter.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-23-V.**

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 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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. There will not be a detriment to the area for the proposed location of the new structure.

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 additional height of the structure will not have an impact on the supply of light or air.

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

POSITIVE. The applicant is simply in need of additional storage space.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. 13-23-V** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

#### **NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Tuesday, August 2, 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 Toevs, to adjourn the Zoning Board of Appeals Public Hearing at 6:42 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, July 2, 2013, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

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

**ABSENT:** Ken Zimmerman

**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, Greg Sinn, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

**MINUTES:** Moved by Baum, seconded by May, to approve the Minutes of the June 4, 2013 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

---

**CASE NO. 13-21-Z:** The petition of Alice Guth for a Map Amendment to the Official Washington Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation District to a R-R Rural Residential Zoning District

The Tazewell County Land Use Planner submitted a report recommending approval of the proposed Rezoning request.

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

Tazewell County Soil & Water Conservation District submitted a report recommending denial of the proposed Rezoning request as prime farmland would be taken out of production.

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

Jon Oliphant, City of Washington submitted a report recommending approval regarding the proposed Rezoning request.

Dave Weaver, Washington Township Road Commissioner submitted a report stating concerns of multiple entry and exit points and additional traffic that may be generated by potential uses.

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

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

Attorney Robert Riffle, Attorney representing Mrs. Guth appeared to testify on behalf of the proposed Rezoning request. Mr. Riffle stated the Findings of Fact supported a Rezoning of the property. Mr. Riffle said the property is currently used for agriculture purposes, the properties located to the North were a mixture of residential and a golf course, and the property to the South was zoned for Agriculture, however, there were smaller lot sizes and were utilized more as a rural residential classification. Mr. Riffle added his client was very mindful of the traffic in the area and would work with a developer and road official to address traffic patterns. Mr. Riffle stated the proposed Rezoning request was consistent with the Comprehensive Land Use Plan for the County and the area is trending in rural development. Mr. Riffle said his client had intended to either subdivide the property or utilize a portion of the property for a possible assisted living facility. Mr. Riffle added there were no specific details on how many dwellings and his client chose only to rezone 40 acres or her property at this time as she intended to continue farming the remaining land.

Following all Public Hearings, moved by May, seconded by Baum, to recommend approval of **Case No. 13-21-Z** to the Tazewell County Board.

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

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

*POSITIVE.* The proposed amendment shall not be detrimental to the orderly development of Tazewell

County as it is consistent with the Future Land Use Map for Tazewell County, which designates the subject area as R-R.

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

*POSITIVE.* At this time, the proposed zoning amendment poses no foreseeable danger or risk to the public health, safety, morals or general welfare of Tazewell County or its residents. The proposed amendment will allow and encourage single family residential development adjacent to existing single family residential homes.

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

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

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

*POSITIVE.*

5. *The suitability of the property in question for the uses permitted under the existing zoning classification.*

*POSITIVE.* Per the applicant, the subject property is not suitable for large scale farming operations, although it is currently planted in row crops.

6. *The suitability of the property in question for the uses permitted under the proposed zoning classification.*

*POSITIVE.* The property in question is suitable for the uses permitted under the proposed zoning classification given the consistency with other nearby parcels being utilized for residential purposes.

7. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.*

*POSITIVE.* The recent trend in the immediate area has been toward residential development with adjacent parcels having recently been rezoned to R-R.

8. *The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.*

*POSITIVE.* The surrounding area has transitioned into more Rural Residential uses since the property was placed in its original zoning classification.

9. *The proposed map amendment is within one and one half (1 ½) miles of a municipality and consistent with an adopted Comprehensive Plan.*

*POSITIVE.* The proposed zoning map amendment is within 1.5 miles of Washington and Morton. Both municipalities have an adopted Comprehensive Plan.

10. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*

*POSITIVE.* The relative gain to the public should the subject site remain A-1 is negligible as compared to the hardship imposed upon the individual property owner should this rezoning request be denied.

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

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

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

- Locate new development contiguous to existing development to aid police and fire protection.
- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Avoid leapfrog development and isolated land development to preserve contiguous tracts of productive agricultural land.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.
- Minimize conflict between land uses.

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

On roll call to recommend approval of **Case No. 13-21-Z** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

**CASE NO. 13-22-S:** The petition of Truman & Michelle Shute for a Special Use to allow Chickens on property subject to the regulations under 7TCC 1-25(f)(7) in an R-1 Low Density Residential 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 making no comment regarding the proposed Special Use request.

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

Dave Weaver, Washington Township Road Commissioner submitted a report having no comment regarding the proposed Special Use request.

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

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

Truman Shute appeared to testify on behalf of the proposed Special Use request. Mr. Shute stated his wife and kids had a few chickens and horses. Mr. Shute said he would like to provide a rural living experience for his family and was unaware he needed Special Use approval.

Betty Jones appeared with concerns regarding the proposed Special Use request. Ms. Jones said she had concern of smell from the chickens and concern if the chickens were allowed to run loose. Ms. Jones stated she would request the chickens be kept to a minimal amount and she would not have an issue.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-22-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 shall conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

2. *The Special Use will be consistent with the purposes, goals, objectives, and standards of the officially adopted County Comprehensive Land Use Plan and these regulations, or of any officially adopted Comprehensive Plan of a municipality with a 1.5 mile planning jurisdiction.*

*POSITIVE.* The proposed Special Use will be consistent with the Tazewell County Comprehensive Land Use Plan implementation strategies.

3. *The petitioner has met the requirements of Article 25 of the Tazewell County Zoning Code.*

*POSITIVE.* Per the applicant's submitted site plan, all requirements of Article 25 of the Tazewell County Zoning Code will be satisfactorily met.

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

*POSITIVE.* Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed coop at the rear of the subject parcel. Additionally, topography and trees will help to obscure the proposed coop from neighboring properties and the public right of way.

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 chicken coop housing eight (8) birds is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

*POSITIVE.* The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area is not anticipated.

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

*POSITIVE.* Given its proposed location and relatively modest size, a chicken coop 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.* The proposed chicken coop will not require utilities, other than possibly electricity. The applicants have been advised that electricity shall not be provided to the coop via an extension cord.

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

*POSITIVE.* The requested Special Use will not contribute to traffic congestion. The chicken eggs are for personal consumption only and shall not be sold commercially from the subject parcel.

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

*NOT APPLICABLE.*

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

*POSITIVE.*

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

*NOT APPLICABLE.*

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

*POSITIVE.* The Special Use request for a chicken coop or detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

*POSITIVE.* Given its size, topography, and utility access, the subject property is suitable for the Special Use

request as proposed.

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

On roll call to approve **Case No. 13-22-S** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

**CASE NO. 13-23-V:** The petition of Roger Koch for a Variance to waive the requirements of 7TCC1-7(g)(3)(ii) to allow the construction of an Accessory Building (Pole Building) to be 15' from the Rear property line, which is 10' closer than allowed and also waive 7TCC1-7(h)(2) to allow the construction of the same Accessory Structure to be 29' to the mean height of the roof, which is 9' higher than allowed in an A-1 Agriculture Preservation Zoning District.

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

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

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

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 702 made no comment regarding the proposed Special Use request.

Roger Koch appeared to testify on behalf of the proposed Variance request. Mr. Koch stated he owned a very small lot and there was only one area to place a building, and in order to fit the size of building he required, he would not be able to meet the setbacks. Mr. Koch said he would be demolishing an existing shed to allow for the new proposed construction. Mr. Koch added he needed a height Variance as he was planning a gambler style roof, and would not know the exact height of the proposed structure until the trusses were engineered. Mr. Koch stated he had received approval from the Health Department to place the proposed building over the septic line to the sand filter.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-23-V.**

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 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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. There will not be a detriment to the area for the proposed location of the new structure.

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 additional height of the structure will not have an impact on the supply of light or air.

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

POSITIVE. The applicant is simply in need of additional storage space.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. 13-23-V** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

#### **NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Tuesday, August 2, 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 Toevs, to adjourn the Zoning Board of Appeals Public Hearing at 6:42 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, July 2, 2013, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

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

**ABSENT:** Ken Zimmerman

**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, Greg Sinn, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

**MINUTES:** Moved by Baum, seconded by May, to approve the Minutes of the June 4, 2013 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

---

**CASE NO. 13-21-Z:** The petition of Alice Guth for a Map Amendment to the Official Washington Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation District to a R-R Rural Residential Zoning District

The Tazewell County Land Use Planner submitted a report recommending approval of the proposed Rezoning request.

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

Tazewell County Soil & Water Conservation District submitted a report recommending denial of the proposed Rezoning request as prime farmland would be taken out of production.

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

Jon Oliphant, City of Washington submitted a report recommending approval regarding the proposed Rezoning request.

Dave Weaver, Washington Township Road Commissioner submitted a report stating concerns of multiple entry and exit points and additional traffic that may be generated by potential uses.

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

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

Attorney Robert Riffle, Attorney representing Mrs. Guth appeared to testify on behalf of the proposed Rezoning request. Mr. Riffle stated the Findings of Fact supported a Rezoning of the property. Mr. Riffle said the property is currently used for agriculture purposes, the properties located to the North were a mixture of residential and a golf course, and the property to the South was zoned for Agriculture, however, there were smaller lot sizes and were utilized more as a rural residential classification. Mr. Riffle added his client was very mindful of the traffic in the area and would work with a developer and road official to address traffic patterns. Mr. Riffle stated the proposed Rezoning request was consistent with the Comprehensive Land Use Plan for the County and the area is trending in rural development. Mr. Riffle said his client had intended to either subdivide the property or utilize a portion of the property for a possible assisted living facility. Mr. Riffle added there were no specific details on how many dwellings and his client chose only to rezone 40 acres of her property at this time as she intended to continue farming the remaining land.

Following all Public Hearings, moved by May, seconded by Baum, to recommend approval of **Case No. 13-21-Z** to the Tazewell County Board.

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

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

*POSITIVE.* The proposed amendment shall not be detrimental to the orderly development of Tazewell

County as it is consistent with the Future Land Use Map for Tazewell County, which designates the subject area as R-R.

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

*POSITIVE.* At this time, the proposed zoning amendment poses no foreseeable danger or risk to the public health, safety, morals or general welfare of Tazewell County or its residents. The proposed amendment will allow and encourage single family residential development adjacent to existing single family residential homes.

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

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

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

*POSITIVE.*

5. *The suitability of the property in question for the uses permitted under the existing zoning classification.*

*POSITIVE.* Per the applicant, the subject property is not suitable for large scale farming operations, although it is currently planted in row crops.

6. *The suitability of the property in question for the uses permitted under the proposed zoning classification.*

*POSITIVE.* The property in question is suitable for the uses permitted under the proposed zoning classification given the consistency with other nearby parcels being utilized for residential purposes.

7. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.*

*POSITIVE.* The recent trend in the immediate area has been toward residential development with adjacent parcels having recently been rezoned to R-R.

8. *The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.*

*POSITIVE.* The surrounding area has transitioned into more Rural Residential uses since the property was placed in its original zoning classification.

9. *The proposed map amendment is within one and one half (1 ½) miles of a municipality and consistent with an adopted Comprehensive Plan.*

*POSITIVE.* The proposed zoning map amendment is within 1.5 miles of Washington and Morton. Both municipalities have an adopted Comprehensive Plan.

10. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*

*POSITIVE.* The relative gain to the public should the subject site remain A-1 is negligible as compared to the hardship imposed upon the individual property owner should this rezoning request be denied.

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

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

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

- Locate new development contiguous to existing development to aid police and fire protection.
- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Avoid leapfrog development and isolated land development to preserve contiguous tracts of productive agricultural land.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.
- Minimize conflict between land uses.

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

On roll call to recommend approval of **Case No. 13-21-Z** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

**CASE NO. 13-22-S:** The petition of Truman & Michelle Shute for a Special Use to allow Chickens on property subject to the regulations under 7TCC 1-25(f)(7) in an R-1 Low Density Residential 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 making no comment regarding the proposed Special Use request.

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

Dave Weaver, Washington Township Road Commissioner submitted a report having no comment regarding the proposed Special Use request.

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

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

Truman Shute appeared to testify on behalf of the proposed Special Use request. Mr. Shute stated his wife and kids had a few chickens and horses. Mr. Shute said he would like to provide a rural living experience for his family and was unaware he needed Special Use approval.

Betty Jones appeared with concerns regarding the proposed Special Use request. Ms. Jones said she had concern of smell from the chickens and concern if the chickens were allowed to run loose. Ms. Jones stated she would request the chickens be kept to a minimal amount and she would not have an issue.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-22-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 shall conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

2. *The Special Use will be consistent with the purposes, goals, objectives, and standards of the officially adopted County Comprehensive Land Use Plan and these regulations, or of any officially adopted Comprehensive Plan of a municipality with a 1.5 mile planning jurisdiction.*

*POSITIVE.* The proposed Special Use will be consistent with the Tazewell County Comprehensive Land Use Plan implementation strategies.

3. *The petitioner has met the requirements of Article 25 of the Tazewell County Zoning Code.*

*POSITIVE.* Per the applicant's submitted site plan, all requirements of Article 25 of the Tazewell County Zoning Code will be satisfactorily met.

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

*POSITIVE.* Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed coop at the rear of the subject parcel. Additionally, topography and trees will help to obscure the proposed coop from neighboring properties and the public right of way.

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 chicken coop housing eight (8) birds is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

*POSITIVE.* The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area is not anticipated.

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

*POSITIVE.* Given its proposed location and relatively modest size, a chicken coop 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.* The proposed chicken coop will not require utilities, other than possibly electricity. The applicants have been advised that electricity shall not be provided to the coop via an extension cord.

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

*POSITIVE.* The requested Special Use will not contribute to traffic congestion. The chicken eggs are for personal consumption only and shall not be sold commercially from the subject parcel.

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

*NOT APPLICABLE.*

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

*POSITIVE.*

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

*NOT APPLICABLE.*

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

*POSITIVE.* The Special Use request for a chicken coop or detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

*POSITIVE.* Given its size, topography, and utility access, the subject property is suitable for the Special Use

request as proposed.

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

On roll call to approve **Case No. 13-22-S** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

**CASE NO. 13-23-V:** The petition of Roger Koch for a Variance to waive the requirements of 7TCC1-7(g)(3)(ii) to allow the construction of an Accessory Building (Pole Building) to be 15' from the Rear property line, which is 10' closer than allowed and also waive 7TCC1-7(h)(2) to allow the construction of the same Accessory Structure to be 29' to the mean height of the roof, which is 9' higher than allowed in an A-1 Agriculture Preservation Zoning District.

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

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

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

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 702 made no comment regarding the proposed Special Use request.

Roger Koch appeared to testify on behalf of the proposed Variance request. Mr. Koch stated he owned a very small lot and there was only one area to place a building, and in order to fit the size of building he required, he would not be able to meet the setbacks. Mr. Koch said he would be demolishing an existing shed to allow for the new proposed construction. Mr. Koch added he needed a height Variance as he was planning a gambler style roof, and would not know the exact height of the proposed structure until the trusses were engineered. Mr. Koch stated he had received approval from the Health Department to place the proposed building over the septic line to the sand filter.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-23-V.**

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 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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. There will not be a detriment to the area for the proposed location of the new structure.

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 additional height of the structure will not have an impact on the supply of light or air.

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

POSITIVE. The applicant is simply in need of additional storage space.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. 13-23-V** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

#### **NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Tuesday, August 2, 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 Toevs, to adjourn the Zoning Board of Appeals Public Hearing at 6:42 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 TAZEVELL 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, July 2, 2013, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

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

**ABSENT:** Ken Zimmerman

**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, Greg Sinn, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

**MINUTES:** Moved by Baum, seconded by May, to approve the Minutes of the June 4, 2013 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

---

**CASE NO. 13-21-Z:** The petition of Alice Guth for a Map Amendment to the Official Washington Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation District to a R-R Rural Residential Zoning District

The Tazewell County Land Use Planner submitted a report recommending approval of the proposed Rezoning request.

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

Tazewell County Soil & Water Conservation District submitted a report recommending denial of the proposed Rezoning request as prime farmland would be taken out of production.

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

Jon Oliphant, City of Washington submitted a report recommending approval regarding the proposed Rezoning request.

Dave Weaver, Washington Township Road Commissioner submitted a report stating concerns of multiple entry and exit points and additional traffic that may be generated by potential uses.

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

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

Attorney Robert Riffle, Attorney representing Mrs. Guth appeared to testify on behalf of the proposed Rezoning request. Mr. Riffle stated the Findings of Fact supported a Rezoning of the property. Mr. Riffle said the property is currently used for agriculture purposes, the properties located to the North were a mixture of residential and a golf course, and the property to the South was zoned for Agriculture, however, there were smaller lot sizes and were utilized more as a rural residential classification. Mr. Riffle added his client was very mindful of the traffic in the area and would work with a developer and road official to address traffic patterns. Mr. Riffle stated the proposed Rezoning request was consistent with the Comprehensive Land Use Plan for the County and the area is trending in rural development. Mr. Riffle said his client had intended to either subdivide the property or utilize a portion of the property for a possible assisted living facility. Mr. Riffle added there were no specific details on how many dwellings and his client chose only to rezone 40 acres of her property at this time as she intended to continue farming the remaining land.

Following all Public Hearings, moved by May, seconded by Baum, to recommend approval of **Case No. 13-21-Z** to the Tazewell County Board.

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

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

*POSITIVE.* The proposed amendment shall not be detrimental to the orderly development of Tazewell

County as it is consistent with the Future Land Use Map for Tazewell County, which designates the subject area as R-R.

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

*POSITIVE.* At this time, the proposed zoning amendment poses no foreseeable danger or risk to the public health, safety, morals or general welfare of Tazewell County or its residents. The proposed amendment will allow and encourage single family residential development adjacent to existing single family residential homes.

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

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

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

*POSITIVE.*

5. *The suitability of the property in question for the uses permitted under the existing zoning classification.*

*POSITIVE.* Per the applicant, the subject property is not suitable for large scale farming operations, although it is currently planted in row crops.

6. *The suitability of the property in question for the uses permitted under the proposed zoning classification.*

*POSITIVE.* The property in question is suitable for the uses permitted under the proposed zoning classification given the consistency with other nearby parcels being utilized for residential purposes.

7. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.*

*POSITIVE.* The recent trend in the immediate area has been toward residential development with adjacent parcels having recently been rezoned to R-R.

8. *The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.*

*POSITIVE.* The surrounding area has transitioned into more Rural Residential uses since the property was placed in its original zoning classification.

9. *The proposed map amendment is within one and one half (1 ½) miles of a municipality and consistent with an adopted Comprehensive Plan.*

*POSITIVE.* The proposed zoning map amendment is within 1.5 miles of Washington and Morton. Both municipalities have an adopted Comprehensive Plan.

10. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*

*POSITIVE.* The relative gain to the public should the subject site remain A-1 is negligible as compared to the hardship imposed upon the individual property owner should this rezoning request be denied.

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

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

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

- Locate new development contiguous to existing development to aid police and fire protection.
- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Avoid leapfrog development and isolated land development to preserve contiguous tracts of productive agricultural land.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.
- Minimize conflict between land uses.

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

On roll call to recommend approval of **Case No. 13-21-Z** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

**CASE NO. 13-22-S:** The petition of Truman & Michelle Shute for a Special Use to allow Chickens on property subject to the regulations under 7TCC 1-25(f)(7) in an R-1 Low Density Residential 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 making no comment regarding the proposed Special Use request.

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

Dave Weaver, Washington Township Road Commissioner submitted a report having no comment regarding the proposed Special Use request.

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

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

Truman Shute appeared to testify on behalf of the proposed Special Use request. Mr. Shute stated his wife and kids had a few chickens and horses. Mr. Shute said he would like to provide a rural living experience for his family and was unaware he needed Special Use approval.

Betty Jones appeared with concerns regarding the proposed Special Use request. Ms. Jones said she had concern of smell from the chickens and concern if the chickens were allowed to run loose. Ms. Jones stated she would request the chickens be kept to a minimal amount and she would not have an issue.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-22-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 shall conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

2. *The Special Use will be consistent with the purposes, goals, objectives, and standards of the officially adopted County Comprehensive Land Use Plan and these regulations, or of any officially adopted Comprehensive Plan of a municipality with a 1.5 mile planning jurisdiction.*

*POSITIVE.* The proposed Special Use will be consistent with the Tazewell County Comprehensive Land Use Plan implementation strategies.

3. *The petitioner has met the requirements of Article 25 of the Tazewell County Zoning Code.*

*POSITIVE.* Per the applicant's submitted site plan, all requirements of Article 25 of the Tazewell County Zoning Code will be satisfactorily met.

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

*POSITIVE.* Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed coop at the rear of the subject parcel. Additionally, topography and trees will help to obscure the proposed coop from neighboring properties and the public right of way.

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 chicken coop housing eight (8) birds is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

*POSITIVE.* The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area is not anticipated.

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

*POSITIVE.* Given its proposed location and relatively modest size, a chicken coop 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.* The proposed chicken coop will not require utilities, other than possibly electricity. The applicants have been advised that electricity shall not be provided to the coop via an extension cord.

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

*POSITIVE.* The requested Special Use will not contribute to traffic congestion. The chicken eggs are for personal consumption only and shall not be sold commercially from the subject parcel.

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

*NOT APPLICABLE.*

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

*POSITIVE.*

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

*NOT APPLICABLE.*

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

*POSITIVE.* The Special Use request for a chicken coop or detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

*POSITIVE.* Given its size, topography, and utility access, the subject property is suitable for the Special Use

request as proposed.

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

On roll call to approve **Case No. 13-22-S** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

**CASE NO. 13-23-V:** The petition of Roger Koch for a Variance to waive the requirements of 7TCC1-7(g)(3)(ii) to allow the construction of an Accessory Building (Pole Building) to be 15' from the Rear property line, which is 10' closer than allowed and also waive 7TCC1-7(h)(2) to allow the construction of the same Accessory Structure to be 29' to the mean height of the roof, which is 9' higher than allowed in an A-1 Agriculture Preservation Zoning District.

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

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

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

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 702 made no comment regarding the proposed Special Use request.

Roger Koch appeared to testify on behalf of the proposed Variance request. Mr. Koch stated he owned a very small lot and there was only one area to place a building, and in order to fit the size of building he required, he would not be able to meet the setbacks. Mr. Koch said he would be demolishing an existing shed to allow for the new proposed construction. Mr. Koch added he needed a height Variance as he was planning a gambler style roof, and would not know the exact height of the proposed structure until the trusses were engineered. Mr. Koch stated he had received approval from the Health Department to place the proposed building over the septic line to the sand filter.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-23-V.**

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 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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. There will not be a detriment to the area for the proposed location of the new structure.

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 additional height of the structure will not have an impact on the supply of light or air.

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

POSITIVE. The applicant is simply in need of additional storage space.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. 13-23-V** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

#### **NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Tuesday, August 2, 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 Toevs, to adjourn the Zoning Board of Appeals Public Hearing at 6:42 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, July 2, 2013, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

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

**ABSENT:** Ken Zimmerman

**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, Greg Sinn, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

**MINUTES:** Moved by Baum, seconded by May, to approve the Minutes of the June 4, 2013 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

---

**CASE NO. 13-21-Z:** The petition of Alice Guth for a Map Amendment to the Official Washington Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation District to a R-R Rural Residential Zoning District

The Tazewell County Land Use Planner submitted a report recommending approval of the proposed Rezoning request.

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

Tazewell County Soil & Water Conservation District submitted a report recommending denial of the proposed Rezoning request as prime farmland would be taken out of production.

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

Jon Oliphant, City of Washington submitted a report recommending approval regarding the proposed Rezoning request.

Dave Weaver, Washington Township Road Commissioner submitted a report stating concerns of multiple entry and exit points and additional traffic that may be generated by potential uses.

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

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

Attorney Robert Riffle, Attorney representing Mrs. Guth appeared to testify on behalf of the proposed Rezoning request. Mr. Riffle stated the Findings of Fact supported a Rezoning of the property. Mr. Riffle said the property is currently used for agriculture purposes, the properties located to the North were a mixture of residential and a golf course, and the property to the South was zoned for Agriculture, however, there were smaller lot sizes and were utilized more as a rural residential classification. Mr. Riffle added his client was very mindful of the traffic in the area and would work with a developer and road official to address traffic patterns. Mr. Riffle stated the proposed Rezoning request was consistent with the Comprehensive Land Use Plan for the County and the area is trending in rural development. Mr. Riffle said his client had intended to either subdivide the property or utilize a portion of the property for a possible assisted living facility. Mr. Riffle added there were no specific details on how many dwellings and his client chose only to rezone 40 acres or her property at this time as she intended to continue farming the remaining land.

Following all Public Hearings, moved by May, seconded by Baum, to recommend approval of **Case No. 13-21-Z** to the Tazewell County Board.

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

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

*POSITIVE.* The proposed amendment shall not be detrimental to the orderly development of Tazewell

County as it is consistent with the Future Land Use Map for Tazewell County, which designates the subject area as R-R.

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

*POSITIVE.* At this time, the proposed zoning amendment poses no foreseeable danger or risk to the public health, safety, morals or general welfare of Tazewell County or its residents. The proposed amendment will allow and encourage single family residential development adjacent to existing single family residential homes.

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

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

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

*POSITIVE.*

5. *The suitability of the property in question for the uses permitted under the existing zoning classification.*

*POSITIVE.* Per the applicant, the subject property is not suitable for large scale farming operations, although it is currently planted in row crops.

6. *The suitability of the property in question for the uses permitted under the proposed zoning classification.*

*POSITIVE.* The property in question is suitable for the uses permitted under the proposed zoning classification given the consistency with other nearby parcels being utilized for residential purposes.

7. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.*

*POSITIVE.* The recent trend in the immediate area has been toward residential development with adjacent parcels having recently been rezoned to R-R.

8. *The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.*

*POSITIVE.* The surrounding area has transitioned into more Rural Residential uses since the property was placed in its original zoning classification.

9. *The proposed map amendment is within one and one half (1 ½) miles of a municipality and consistent with an adopted Comprehensive Plan.*

*POSITIVE.* The proposed zoning map amendment is within 1.5 miles of Washington and Morton. Both municipalities have an adopted Comprehensive Plan.

10. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*

*POSITIVE.* The relative gain to the public should the subject site remain A-1 is negligible as compared to the hardship imposed upon the individual property owner should this rezoning request be denied.

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

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

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

- Locate new development contiguous to existing development to aid police and fire protection.
- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Avoid leapfrog development and isolated land development to preserve contiguous tracts of productive agricultural land.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.
- Minimize conflict between land uses.

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

On roll call to recommend approval of **Case No. 13-21-Z** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

**CASE NO. 13-22-S:** The petition of Truman & Michelle Shute for a Special Use to allow Chickens on property subject to the regulations under 7TCC 1-25(f)(7) in an R-1 Low Density Residential 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 making no comment regarding the proposed Special Use request.

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

Dave Weaver, Washington Township Road Commissioner submitted a report having no comment regarding the proposed Special Use request.

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

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

Truman Shute appeared to testify on behalf of the proposed Special Use request. Mr. Shute stated his wife and kids had a few chickens and horses. Mr. Shute said he would like to provide a rural living experience for his family and was unaware he needed Special Use approval.

Betty Jones appeared with concerns regarding the proposed Special Use request. Ms. Jones said she had concern of smell from the chickens and concern if the chickens were allowed to run loose. Ms. Jones stated she would request the chickens be kept to a minimal amount and she would not have an issue.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-22-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 shall conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

2. *The Special Use will be consistent with the purposes, goals, objectives, and standards of the officially adopted County Comprehensive Land Use Plan and these regulations, or of any officially adopted Comprehensive Plan of a municipality with a 1.5 mile planning jurisdiction.*

*POSITIVE.* The proposed Special Use will be consistent with the Tazewell County Comprehensive Land Use Plan implementation strategies.

3. *The petitioner has met the requirements of Article 25 of the Tazewell County Zoning Code.*

*POSITIVE.* Per the applicant's submitted site plan, all requirements of Article 25 of the Tazewell County Zoning Code will be satisfactorily met.

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

*POSITIVE.* Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed coop at the rear of the subject parcel. Additionally, topography and trees will help to obscure the proposed coop from neighboring properties and the public right of way.

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 chicken coop housing eight (8) birds is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

*POSITIVE.* The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area is not anticipated.

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

*POSITIVE.* Given its proposed location and relatively modest size, a chicken coop 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.* The proposed chicken coop will not require utilities, other than possibly electricity. The applicants have been advised that electricity shall not be provided to the coop via an extension cord.

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

*POSITIVE.* The requested Special Use will not contribute to traffic congestion. The chicken eggs are for personal consumption only and shall not be sold commercially from the subject parcel.

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

*NOT APPLICABLE.*

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

*POSITIVE.*

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

*NOT APPLICABLE.*

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

*POSITIVE.* The Special Use request for a chicken coop or detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

*POSITIVE.* Given its size, topography, and utility access, the subject property is suitable for the Special Use

request as proposed.

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

On roll call to approve **Case No. 13-22-S** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

**CASE NO. 13-23-V:** The petition of Roger Koch for a Variance to waive the requirements of 7TCC1-7(g)(3)(ii) to allow the construction of an Accessory Building (Pole Building) to be 15’ from the Rear property line, which is 10’ closer than allowed and also waive 7TCC1-7(h)(2) to allow the construction of the same Accessory Structure to be 29’ to the mean height of the roof, which is 9’ higher than allowed in an A-1 Agriculture Preservation Zoning District.

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

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

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

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 702 made no comment regarding the proposed Special Use request.

Roger Koch appeared to testify on behalf of the proposed Variance request. Mr. Koch stated he owned a very small lot and there was only one area to place a building, and in order to fit the size of building he required, he would not be able to meet the setbacks. Mr. Koch said he would be demolishing an existing shed to allow for the new proposed construction. Mr. Koch added he needed a height Variance as he was planning a gambler style roof, and would not know the exact height of the proposed structure until the trusses were engineered. Mr. Koch stated he had received approval from the Health Department to place the proposed building over the septic line to the sand filter.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-23-V.**

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 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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. There will not be a detriment to the area for the proposed location of the new structure.

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 additional height of the structure will not have an impact on the supply of light or air.

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

POSITIVE. The applicant is simply in need of additional storage space.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. 13-23-V** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

#### **NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Tuesday, August 2, 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 Toevs, to adjourn the Zoning Board of Appeals Public Hearing at 6:42 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, July 2, 2013, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

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

**ABSENT:** Ken Zimmerman

**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, Greg Sinn, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

**MINUTES:** Moved by Baum, seconded by May, to approve the Minutes of the June 4, 2013 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

---

**CASE NO. 13-21-Z:** The petition of Alice Guth for a Map Amendment to the Official Washington Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation District to a R-R Rural Residential Zoning District

The Tazewell County Land Use Planner submitted a report recommending approval of the proposed Rezoning request.

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

Tazewell County Soil & Water Conservation District submitted a report recommending denial of the proposed Rezoning request as prime farmland would be taken out of production.

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

Jon Oliphant, City of Washington submitted a report recommending approval regarding the proposed Rezoning request.

Dave Weaver, Washington Township Road Commissioner submitted a report stating concerns of multiple entry and exit points and additional traffic that may be generated by potential uses.

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

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

Attorney Robert Riffle, Attorney representing Mrs. Guth appeared to testify on behalf of the proposed Rezoning request. Mr. Riffle stated the Findings of Fact supported a Rezoning of the property. Mr. Riffle said the property is currently used for agriculture purposes, the properties located to the North were a mixture of residential and a golf course, and the property to the South was zoned for Agriculture, however, there were smaller lot sizes and were utilized more as a rural residential classification. Mr. Riffle added his client was very mindful of the traffic in the area and would work with a developer and road official to address traffic patterns. Mr. Riffle stated the proposed Rezoning request was consistent with the Comprehensive Land Use Plan for the County and the area is trending in rural development. Mr. Riffle said his client had intended to either subdivide the property or utilize a portion of the property for a possible assisted living facility. Mr. Riffle added there were no specific details on how many dwellings and his client chose only to rezone 40 acres of her property at this time as she intended to continue farming the remaining land.

Following all Public Hearings, moved by May, seconded by Baum, to recommend approval of **Case No. 13-21-Z** to the Tazewell County Board.

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

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

*POSITIVE.* The proposed amendment shall not be detrimental to the orderly development of Tazewell

County as it is consistent with the Future Land Use Map for Tazewell County, which designates the subject area as R-R.

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

*POSITIVE.* At this time, the proposed zoning amendment poses no foreseeable danger or risk to the public health, safety, morals or general welfare of Tazewell County or its residents. The proposed amendment will allow and encourage single family residential development adjacent to existing single family residential homes.

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

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

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

*POSITIVE.*

5. *The suitability of the property in question for the uses permitted under the existing zoning classification.*

*POSITIVE.* Per the applicant, the subject property is not suitable for large scale farming operations, although it is currently planted in row crops.

6. *The suitability of the property in question for the uses permitted under the proposed zoning classification.*

*POSITIVE.* The property in question is suitable for the uses permitted under the proposed zoning classification given the consistency with other nearby parcels being utilized for residential purposes.

7. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.*

*POSITIVE.* The recent trend in the immediate area has been toward residential development with adjacent parcels having recently been rezoned to R-R.

8. *The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.*

*POSITIVE.* The surrounding area has transitioned into more Rural Residential uses since the property was placed in its original zoning classification.

9. *The proposed map amendment is within one and one half (1 ½) miles of a municipality and consistent with an adopted Comprehensive Plan.*

*POSITIVE.* The proposed zoning map amendment is within 1.5 miles of Washington and Morton. Both municipalities have an adopted Comprehensive Plan.

10. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*

*POSITIVE.* The relative gain to the public should the subject site remain A-1 is negligible as compared to the hardship imposed upon the individual property owner should this rezoning request be denied.

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

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

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

- Locate new development contiguous to existing development to aid police and fire protection.
- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Avoid leapfrog development and isolated land development to preserve contiguous tracts of productive agricultural land.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.
- Minimize conflict between land uses.

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

On roll call to recommend approval of **Case No. 13-21-Z** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

**CASE NO. 13-22-S:** The petition of Truman & Michelle Shute for a Special Use to allow Chickens on property subject to the regulations under 7TCC 1-25(f)(7) in an R-1 Low Density Residential 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 making no comment regarding the proposed Special Use request.

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

Dave Weaver, Washington Township Road Commissioner submitted a report having no comment regarding the proposed Special Use request.

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

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

Truman Shute appeared to testify on behalf of the proposed Special Use request. Mr. Shute stated his wife and kids had a few chickens and horses. Mr. Shute said he would like to provide a rural living experience for his family and was unaware he needed Special Use approval.

Betty Jones appeared with concerns regarding the proposed Special Use request. Ms. Jones said she had concern of smell from the chickens and concern if the chickens were allowed to run loose. Ms. Jones stated she would request the chickens be kept to a minimal amount and she would not have an issue.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-22-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 shall conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

2. *The Special Use will be consistent with the purposes, goals, objectives, and standards of the officially adopted County Comprehensive Land Use Plan and these regulations, or of any officially adopted Comprehensive Plan of a municipality with a 1.5 mile planning jurisdiction.*

*POSITIVE.* The proposed Special Use will be consistent with the Tazewell County Comprehensive Land Use Plan implementation strategies.

3. *The petitioner has met the requirements of Article 25 of the Tazewell County Zoning Code.*

*POSITIVE.* Per the applicant's submitted site plan, all requirements of Article 25 of the Tazewell County Zoning Code will be satisfactorily met.

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

*POSITIVE.* Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed coop at the rear of the subject parcel. Additionally, topography and trees will help to obscure the proposed coop from neighboring properties and the public right of way.

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 chicken coop housing eight (8) birds is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

*POSITIVE.* The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area is not anticipated.

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

*POSITIVE.* Given its proposed location and relatively modest size, a chicken coop 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.* The proposed chicken coop will not require utilities, other than possibly electricity. The applicants have been advised that electricity shall not be provided to the coop via an extension cord.

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

*POSITIVE.* The requested Special Use will not contribute to traffic congestion. The chicken eggs are for personal consumption only and shall not be sold commercially from the subject parcel.

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

*NOT APPLICABLE.*

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

*POSITIVE.*

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

*NOT APPLICABLE.*

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

*POSITIVE.* The Special Use request for a chicken coop or detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

*POSITIVE.* Given its size, topography, and utility access, the subject property is suitable for the Special Use

request as proposed.

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

On roll call to approve **Case No. 13-22-S** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

**CASE NO. 13-23-V:** The petition of Roger Koch for a Variance to waive the requirements of 7TCC1-7(g)(3)(ii) to allow the construction of an Accessory Building (Pole Building) to be 15’ from the Rear property line, which is 10’ closer than allowed and also waive 7TCC1-7(h)(2) to allow the construction of the same Accessory Structure to be 29’ to the mean height of the roof, which is 9’ higher than allowed in an A-1 Agriculture Preservation Zoning District.

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

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

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

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 702 made no comment regarding the proposed Special Use request.

Roger Koch appeared to testify on behalf of the proposed Variance request. Mr. Koch stated he owned a very small lot and there was only one area to place a building, and in order to fit the size of building he required, he would not be able to meet the setbacks. Mr. Koch said he would be demolishing an existing shed to allow for the new proposed construction. Mr. Koch added he needed a height Variance as he was planning a gambler style roof, and would not know the exact height of the proposed structure until the trusses were engineered. Mr. Koch stated he had received approval from the Health Department to place the proposed building over the septic line to the sand filter.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-23-V.**

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 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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. There will not be a detriment to the area for the proposed location of the new structure.

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 additional height of the structure will not have an impact on the supply of light or air.

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

POSITIVE. The applicant is simply in need of additional storage space.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. 13-23-V** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

#### **NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Tuesday, August 2, 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 Toevs, to adjourn the Zoning Board of Appeals Public Hearing at 6:42 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, July 2, 2013, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

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

**ABSENT:** Ken Zimmerman

**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, Greg Sinn, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

**MINUTES:** Moved by Baum, seconded by May, to approve the Minutes of the June 4, 2013 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

---

**CASE NO. 13-21-Z:** The petition of Alice Guth for a Map Amendment to the Official Washington Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation District to a R-R Rural Residential Zoning District

The Tazewell County Land Use Planner submitted a report recommending approval of the proposed Rezoning request.

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

Tazewell County Soil & Water Conservation District submitted a report recommending denial of the proposed Rezoning request as prime farmland would be taken out of production.

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

Jon Oliphant, City of Washington submitted a report recommending approval regarding the proposed Rezoning request.

Dave Weaver, Washington Township Road Commissioner submitted a report stating concerns of multiple entry and exit points and additional traffic that may be generated by potential uses.

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

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

Attorney Robert Riffle, Attorney representing Mrs. Guth appeared to testify on behalf of the proposed Rezoning request. Mr. Riffle stated the Findings of Fact supported a Rezoning of the property. Mr. Riffle said the property is currently used for agriculture purposes, the properties located to the North were a mixture of residential and a golf course, and the property to the South was zoned for Agriculture, however, there were smaller lot sizes and were utilized more as a rural residential classification. Mr. Riffle added his client was very mindful of the traffic in the area and would work with a developer and road official to address traffic patterns. Mr. Riffle stated the proposed Rezoning request was consistent with the Comprehensive Land Use Plan for the County and the area is trending in rural development. Mr. Riffle said his client had intended to either subdivide the property or utilize a portion of the property for a possible assisted living facility. Mr. Riffle added there were no specific details on how many dwellings and his client chose only to rezone 40 acres or her property at this time as she intended to continue farming the remaining land.

Following all Public Hearings, moved by May, seconded by Baum, to recommend approval of **Case No. 13-21-Z** to the Tazewell County Board.

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

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

*POSITIVE.* The proposed amendment shall not be detrimental to the orderly development of Tazewell

County as it is consistent with the Future Land Use Map for Tazewell County, which designates the subject area as R-R.

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

*POSITIVE.* At this time, the proposed zoning amendment poses no foreseeable danger or risk to the public health, safety, morals or general welfare of Tazewell County or its residents. The proposed amendment will allow and encourage single family residential development adjacent to existing single family residential homes.

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

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

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

*POSITIVE.*

5. *The suitability of the property in question for the uses permitted under the existing zoning classification.*

*POSITIVE.* Per the applicant, the subject property is not suitable for large scale farming operations, although it is currently planted in row crops.

6. *The suitability of the property in question for the uses permitted under the proposed zoning classification.*

*POSITIVE.* The property in question is suitable for the uses permitted under the proposed zoning classification given the consistency with other nearby parcels being utilized for residential purposes.

7. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.*

*POSITIVE.* The recent trend in the immediate area has been toward residential development with adjacent parcels having recently been rezoned to R-R.

8. *The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.*

*POSITIVE.* The surrounding area has transitioned into more Rural Residential uses since the property was placed in its original zoning classification.

9. *The proposed map amendment is within one and one half (1 ½) miles of a municipality and consistent with an adopted Comprehensive Plan.*

*POSITIVE.* The proposed zoning map amendment is within 1.5 miles of Washington and Morton. Both municipalities have an adopted Comprehensive Plan.

10. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*

*POSITIVE.* The relative gain to the public should the subject site remain A-1 is negligible as compared to the hardship imposed upon the individual property owner should this rezoning request be denied.

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

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

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

- Locate new development contiguous to existing development to aid police and fire protection.
- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Avoid leapfrog development and isolated land development to preserve contiguous tracts of productive agricultural land.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.
- Minimize conflict between land uses.

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

On roll call to recommend approval of **Case No. 13-21-Z** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

**CASE NO. 13-22-S:** The petition of Truman & Michelle Shute for a Special Use to allow Chickens on property subject to the regulations under 7TCC 1-25(f)(7) in an R-1 Low Density Residential 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 making no comment regarding the proposed Special Use request.

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

Dave Weaver, Washington Township Road Commissioner submitted a report having no comment regarding the proposed Special Use request.

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

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

Truman Shute appeared to testify on behalf of the proposed Special Use request. Mr. Shute stated his wife and kids had a few chickens and horses. Mr. Shute said he would like to provide a rural living experience for his family and was unaware he needed Special Use approval.

Betty Jones appeared with concerns regarding the proposed Special Use request. Ms. Jones said she had concern of smell from the chickens and concern if the chickens were allowed to run loose. Ms. Jones stated she would request the chickens be kept to a minimal amount and she would not have an issue.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-22-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 shall conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

2. *The Special Use will be consistent with the purposes, goals, objectives, and standards of the officially adopted County Comprehensive Land Use Plan and these regulations, or of any officially adopted Comprehensive Plan of a municipality with a 1.5 mile planning jurisdiction.*

*POSITIVE.* The proposed Special Use will be consistent with the Tazewell County Comprehensive Land Use Plan implementation strategies.

3. *The petitioner has met the requirements of Article 25 of the Tazewell County Zoning Code.*

*POSITIVE.* Per the applicant's submitted site plan, all requirements of Article 25 of the Tazewell County Zoning Code will be satisfactorily met.

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

*POSITIVE.* Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed coop at the rear of the subject parcel. Additionally, topography and trees will help to obscure the proposed coop from neighboring properties and the public right of way.

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 chicken coop housing eight (8) birds is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

*POSITIVE.* The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area is not anticipated.

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

*POSITIVE.* Given its proposed location and relatively modest size, a chicken coop 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.* The proposed chicken coop will not require utilities, other than possibly electricity. The applicants have been advised that electricity shall not be provided to the coop via an extension cord.

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

*POSITIVE.* The requested Special Use will not contribute to traffic congestion. The chicken eggs are for personal consumption only and shall not be sold commercially from the subject parcel.

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

*NOT APPLICABLE.*

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

*POSITIVE.*

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

*NOT APPLICABLE.*

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

*POSITIVE.* The Special Use request for a chicken coop or detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

*POSITIVE.* Given its size, topography, and utility access, the subject property is suitable for the Special Use

request as proposed.

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

On roll call to approve **Case No. 13-22-S** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

**CASE NO. 13-23-V:** The petition of Roger Koch for a Variance to waive the requirements of 7TCC1-7(g)(3)(ii) to allow the construction of an Accessory Building (Pole Building) to be 15’ from the Rear property line, which is 10’ closer than allowed and also waive 7TCC1-7(h)(2) to allow the construction of the same Accessory Structure to be 29’ to the mean height of the roof, which is 9’ higher than allowed in an A-1 Agriculture Preservation Zoning District.

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

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

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

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 702 made no comment regarding the proposed Special Use request.

Roger Koch appeared to testify on behalf of the proposed Variance request. Mr. Koch stated he owned a very small lot and there was only one area to place a building, and in order to fit the size of building he required, he would not be able to meet the setbacks. Mr. Koch said he would be demolishing an existing shed to allow for the new proposed construction. Mr. Koch added he needed a height Variance as he was planning a gambler style roof, and would not know the exact height of the proposed structure until the trusses were engineered. Mr. Koch stated he had received approval from the Health Department to place the proposed building over the septic line to the sand filter.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-23-V.**

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 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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. There will not be a detriment to the area for the proposed location of the new structure.

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 additional height of the structure will not have an impact on the supply of light or air.

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

POSITIVE. The applicant is simply in need of additional storage space.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. 13-23-V** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

#### **NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Tuesday, August 2, 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 Toevs, to adjourn the Zoning Board of Appeals Public Hearing at 6:42 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, July 2, 2013, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

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

**ABSENT:** Ken Zimmerman

**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, Greg Sinn, Sue Sundell and Rosemary Palmer

**OTHERS**

**PRESENT:** Petitioners and Objectors

**MINUTES:** Moved by Baum, seconded by May, to approve the Minutes of the June 4, 2013 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.**

---

**CASE NO. 13-21-Z:** The petition of Alice Guth for a Map Amendment to the Official Washington Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation District to a R-R Rural Residential Zoning District

The Tazewell County Land Use Planner submitted a report recommending approval of the proposed Rezoning request.

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

Tazewell County Soil & Water Conservation District submitted a report recommending denial of the proposed Rezoning request as prime farmland would be taken out of production.

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

Jon Oliphant, City of Washington submitted a report recommending approval regarding the proposed Rezoning request.

Dave Weaver, Washington Township Road Commissioner submitted a report stating concerns of multiple entry and exit points and additional traffic that may be generated by potential uses.

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

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

Attorney Robert Riffle, Attorney representing Mrs. Guth appeared to testify on behalf of the proposed Rezoning request. Mr. Riffle stated the Findings of Fact supported a Rezoning of the property. Mr. Riffle said the property is currently used for agriculture purposes, the properties located to the North were a mixture of residential and a golf course, and the property to the South was zoned for Agriculture, however, there were smaller lot sizes and were utilized more as a rural residential classification. Mr. Riffle added his client was very mindful of the traffic in the area and would work with a developer and road official to address traffic patterns. Mr. Riffle stated the proposed Rezoning request was consistent with the Comprehensive Land Use Plan for the County and the area is trending in rural development. Mr. Riffle said his client had intended to either subdivide the property or utilize a portion of the property for a possible assisted living facility. Mr. Riffle added there were no specific details on how many dwellings and his client chose only to rezone 40 acres of her property at this time as she intended to continue farming the remaining land.

Following all Public Hearings, moved by May, seconded by Baum, to recommend approval of **Case No. 13-21-Z** to the Tazewell County Board.

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

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

*POSITIVE.* The proposed amendment shall not be detrimental to the orderly development of Tazewell

County as it is consistent with the Future Land Use Map for Tazewell County, which designates the subject area as R-R.

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

*POSITIVE.* At this time, the proposed zoning amendment poses no foreseeable danger or risk to the public health, safety, morals or general welfare of Tazewell County or its residents. The proposed amendment will allow and encourage single family residential development adjacent to existing single family residential homes.

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

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

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

*POSITIVE.*

5. *The suitability of the property in question for the uses permitted under the existing zoning classification.*

*POSITIVE.* Per the applicant, the subject property is not suitable for large scale farming operations, although it is currently planted in row crops.

6. *The suitability of the property in question for the uses permitted under the proposed zoning classification.*

*POSITIVE.* The property in question is suitable for the uses permitted under the proposed zoning classification given the consistency with other nearby parcels being utilized for residential purposes.

7. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.*

*POSITIVE.* The recent trend in the immediate area has been toward residential development with adjacent parcels having recently been rezoned to R-R.

8. *The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.*

*POSITIVE.* The surrounding area has transitioned into more Rural Residential uses since the property was placed in its original zoning classification.

9. *The proposed map amendment is within one and one half (1 ½) miles of a municipality and consistent with an adopted Comprehensive Plan.*

*POSITIVE.* The proposed zoning map amendment is within 1.5 miles of Washington and Morton. Both municipalities have an adopted Comprehensive Plan.

10. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*

*POSITIVE.* The relative gain to the public should the subject site remain A-1 is negligible as compared to the hardship imposed upon the individual property owner should this rezoning request be denied.

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

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

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

- Locate new development contiguous to existing development to aid police and fire protection.
- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Avoid leapfrog development and isolated land development to preserve contiguous tracts of productive agricultural land.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.
- Minimize conflict between land uses.

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

On roll call to recommend approval of **Case No. 13-21-Z** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

**CASE NO. 13-22-S:** The petition of Truman & Michelle Shute for a Special Use to allow Chickens on property subject to the regulations under 7TCC 1-25(f)(7) in an R-1 Low Density Residential 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 making no comment regarding the proposed Special Use request.

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

Dave Weaver, Washington Township Road Commissioner submitted a report having no comment regarding the proposed Special Use request.

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

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

Truman Shute appeared to testify on behalf of the proposed Special Use request. Mr. Shute stated his wife and kids had a few chickens and horses. Mr. Shute said he would like to provide a rural living experience for his family and was unaware he needed Special Use approval.

Betty Jones appeared with concerns regarding the proposed Special Use request. Ms. Jones said she had concern of smell from the chickens and concern if the chickens were allowed to run loose. Ms. Jones stated she would request the chickens be kept to a minimal amount and she would not have an issue.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-22-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 shall conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

2. *The Special Use will be consistent with the purposes, goals, objectives, and standards of the officially adopted County Comprehensive Land Use Plan and these regulations, or of any officially adopted Comprehensive Plan of a municipality with a 1.5 mile planning jurisdiction.*

*POSITIVE.* The proposed Special Use will be consistent with the Tazewell County Comprehensive Land Use Plan implementation strategies.

3. *The petitioner has met the requirements of Article 25 of the Tazewell County Zoning Code.*

*POSITIVE.* Per the applicant's submitted site plan, all requirements of Article 25 of the Tazewell County Zoning Code will be satisfactorily met.

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

*POSITIVE.* Anticipated adverse effects from the granting of the requested Special Use are minimal. Visual impacts on adjacent properties will be minimized by the placement of the proposed coop at the rear of the subject parcel. Additionally, topography and trees will help to obscure the proposed coop from neighboring properties and the public right of way.

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 chicken coop housing eight (8) birds is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

*POSITIVE.* The subject area is primarily single family residences; injury to the use and enjoyment of other property in the immediate area is not anticipated.

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

*POSITIVE.* Given its proposed location and relatively modest size, a chicken coop 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.* The proposed chicken coop will not require utilities, other than possibly electricity. The applicants have been advised that electricity shall not be provided to the coop via an extension cord.

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

*POSITIVE.* The requested Special Use will not contribute to traffic congestion. The chicken eggs are for personal consumption only and shall not be sold commercially from the subject parcel.

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

*NOT APPLICABLE.*

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

*POSITIVE.*

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

*NOT APPLICABLE.*

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

*POSITIVE.* The Special Use request for a chicken coop or detached accessory structure is consistent with the other existing single family detached homes and accessory structures in the immediate vicinity.

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

*POSITIVE.* Given its size, topography, and utility access, the subject property is suitable for the Special Use

request as proposed.

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

On roll call to approve **Case No. 13-22-S** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

**CASE NO. 13-23-V:** The petition of Roger Koch for a Variance to waive the requirements of 7TCC1-7(g)(3)(ii) to allow the construction of an Accessory Building (Pole Building) to be 15’ from the Rear property line, which is 10’ closer than allowed and also waive 7TCC1-7(h)(2) to allow the construction of the same Accessory Structure to be 29’ to the mean height of the roof, which is 9’ higher than allowed in an A-1 Agriculture Preservation Zoning District.

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

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

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

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 702 made no comment regarding the proposed Special Use request.

Roger Koch appeared to testify on behalf of the proposed Variance request. Mr. Koch stated he owned a very small lot and there was only one area to place a building, and in order to fit the size of building he required, he would not be able to meet the setbacks. Mr. Koch said he would be demolishing an existing shed to allow for the new proposed construction. Mr. Koch added he needed a height Variance as he was planning a gambler style roof, and would not know the exact height of the proposed structure until the trusses were engineered. Mr. Koch stated he had received approval from the Health Department to place the proposed building over the septic line to the sand filter.

Following all Public Hearings, moved by Baum, seconded by Toevs, to approve **Case No. 13-23-V.**

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 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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. There will not be a detriment to the area for the proposed location of the new structure.

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 additional height of the structure will not have an impact on the supply of light or air.

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

POSITIVE. The applicant is simply in need of additional storage space.

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. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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

POSITIVE. Allowing the structure to be placed in the area proposed is deemed most practical due to the location of the existing septic system and trees on the property, further the lot is unique in size and limits placement of the building for setbacks purposes.

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. 13-23-V** the vote was:

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

Nays: 0

Absent: 1 - Zimmerman

**Motion declared carried.**

---

#### **NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Tuesday, August 2, 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 Toevs, to adjourn the Zoning Board of Appeals Public Hearing at 6:42 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.