

(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, August 6, 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 Ken Zimmerman

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Kyle Smith, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Monica Connett, K. Russell Crawford, John Redlingshafer, Rosemary Palmer, and Sue Sundell

OTHERS

PRESENT: Petitioners and Objectors

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

CASE NO. 13-24-S: The petition of James J. Rule d/b/a The Shed Quarters, Inc. for a Special Use to allow the operation of a Commercial Retail Establishment for the purpose of constructing, indoor and outdoor displaying and selling of up-scale back yard portable storage buildings, gazebos, wood play systems, and Amish style lawn furniture in an I-1 Light Industrial Zoning District.

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

Tazewell County Health Department submitted a report regarding the proposed Special Use request stating employee counts would be needed for proper sizing of the septic system on the property.

Tazewell County Soil & Water Conservation District made no comment regarding the proposed Special Use request.

Tazewell County Farm Bureau made no recommendation regarding the proposed Special use request.

Paul Whittington, Fondulac Township Road Commissioner submitted a report having no objection regarding the proposed Special Use request.

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

Lee White, Illinois Department of Transportation made no comment regarding the proposed Special Use request.

School District 86 and 309 made no comment regarding the proposed Special Use request.

James Rule, The Shed Quarters appeared to testify on behalf of the proposed Special Use request. Mr. Rule stated his business has been in operation for 8 years at its' present location on High Point Lane in East Peoria. Mr. Rule said he would like to expand his business by adding light manufacturing and display of additional items. Mr. Rule added his company would like to add gazebos, play systems and outdoor furniture to its production. Mr. Rule stated he presently has 5 displays but would be in need of more to include the new items he would manufacture. Mr. Rule said he offered 3 styles of sheds in multiple sizes and intended to landscape the property to appear as if it was a backyard setting. Mr. Rule added the play systems would be non functional displays only and noted the display area on the Site Plan where he planned to construct a barrier fence for safety between the display area and Route 116. Mr. Rule stated he was still negotiating a price on the building, but was looking to move his business very soon.

Robert Elbert appeared to testify on behalf of the proposed Special Use request. Mr. Elbert stated he was co-owner of the building, which was in a Trust, and was in support of the proposed request. Mr. Elbert said the property was a good location for a business of this nature as it has nearly one and one half acres, as well as a large area for displays. Mr. Elbert added information regarding the Health Department comment received. Mr. Elbert said the prior tenant had 12 to 15 employees, and prior to that AMI operated from that location with 30 employees. Mr. Elbert stated the filter bed system was replaced in 2005 and has never had an issue with the septic system. Mr. Elbert said the Health Department permitted and approved the replacement system.

Following all Public Hearings, moved by Lessen, seconded by Zimmerman, to approve **Case No. 13-24-S** with the following conditions:

1. The number of outdoor displays shall be limited to a maximum of 15 items, at any given time.
2. The Petitioner shall construct a 6' barrier fence parallel to the Drainage Ditch, as indicated on the Site Plan, by August 6, 2014. Said fence shall not hinder site distance at the intersection of Illinois Route 116 and Fauber Lane.

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 following Tazewell County Comprehensive Land Use Plan implementation strategies:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Minimize conflict between land uses.
- Encourage the reuse of vacant properties for new and existing businesses.

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

POSITIVE.

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

POSITIVE. Per the applicant, the look and size of the existing main building and shed will not change. The retail sales lot will be added to the east of the main building adjacent to 116 and will not be visible from residential structures in the immediate vicinity. As such, anticipated adverse effects, including visual impacts on adjacent properties, from the granting of the requested Special Use are minimal.

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

POSITIVE. The retail sales lot use is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity. The applicant shall render the play structures on display non-operational to ensure child safety.

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 a mix of uses. As such, we must give deference to the lightest use, residential. Given the proposed Shed Quarters business hours of Monday thru Friday from 0800 to 1600, the potential for injury to the use and enjoyment of other property in the immediate area, specifically residential, is very limited.

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

POSITIVE. The addition of the proposed sales lot is not anticipated to substantially diminish and / or impair property value within the neighborhood. In fact, a viable and functional business operating at the subject site, which is completing regular site and building maintenance, may actually increase or at least stabilize property values within the neighborhood.

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

POSITIVE. Per the applicant, existing access roads, utilities, and drainage will not impacted or modified in any way with the addition of the sales lot or operation of the proposed business.

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. Existing ingress and egress appear to be adequate to support the proposed business model.

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.*

NOT APPLICABLE

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

POSITIVE.

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

POSITIVE. The Special Use request for a commercial retail establishment to build and sell wooden structures is not inconsistent with the other existing light industrial and commercial uses in the immediate vicinity fronting 116.

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

POSITIVE. Given its proximity to other existing light industrial and commercial uses, parcel size, topography, and utility access, the subject property is suitable for the Special Use request as proposed, provided that the proposed retail sales lot does not increase in size to the point it becomes a distraction for the motoring public or nearby residences.

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. 13-24-S** the vote was:

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

Nays: 0

Motion declared carried.

CASE NO. 13-25-S: The petition of Barry E. Henderson for a Special Use to allow one new dwelling site for an existing lot of record in an A-1 Agriculture Preservation District.

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

Tazewell County Health Department submitted made no comment regarding the proposed Special Use request.

Tazewell County Soil & Water Conservation District submitted a report recommending approval regarding the proposed Special Use request.

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

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

Mike Rankin, Mackinaw Township Road Commissioner, made no comment regarding the proposed Special Use request.

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

School District 70 made no comment regarding the proposed Special Use request.

Barry Henderson appeared to testify on behalf of the proposed Special Use request. Mr. Henderson stated he inherited the property from his father. Mr. Henderson said his mother had owned the adjacent residence on 24 acres which was recently sold and he owned the driveway. Mr. Henderson stated the driveway was 20' wide and white rocked the entire distance. Mr. Henderson added the new owners were originally required to install a new and separate lane to the residence, however that was later waived, however, if the current owners were to ever sell the property, at that time, those owners would be required to do so within a years time. Mr. Henderson stated he was proposing a 35 x 36 single family dwelling, stating he was a retired teacher, living in an apartment in town and wanted to get back out to the family land. Mr. Henderson said part of the property was abandoned railroad, so that would explain the odd shape of the lot.

Following all Public Hearings, moved by Baum, seconded by Webb, to approve **Case No. 13-25-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 following Tazewell County Comprehensive Land Use Plan implementation strategies:

- Locate new development contiguous to existing development to aid police and fire protection.
- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.
- Allow new residential development that will ensure the viability of family farm operations.

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

POSITIVE.

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

POSITIVE. The subject area is sparsely populated. As such, anticipated adverse effects, including visual impacts on adjacent properties, from the granting of the requested Special Use are minimal.

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

POSITIVE. A new single family detached dwelling is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

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

POSITIVE. The subject area is primarily farmland, which shall remain in crop production for the foreseeable future, limiting injury to the use and enjoyment of other property in the immediate area.

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

POSITIVE. A new single family detached dwelling is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

POSITIVE. Given its adjacency to an existing farmstead, the proposed lot has access to necessary utilities. Vehicular access to the proposed lot is already in place from Herberger Road. The applicant intends to utilize the existing lane that currently serves the existing and adjacent farmstead.

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

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

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

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

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

POSITIVE.

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

POSITIVE.

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

POSITIVE. The Special Use request for a single family detached dwelling site is consistent with the other existing single family detached homes in the vicinity and will be occupied as a farmstead.

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

POSITIVE. Given its proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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

On roll call to approve **Case No. 13-25-S** the vote was:

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

Nays: 0

Motion declared carried.

CASE NO. 13-26-V: The petition of Brian Cook for a Variance to waive the requirements of 7TCC 1-7 (f) to allow the creation of a new zoning lot of record containing an existing dwelling to have 20' feet of frontage along Kentuckiana Road which is 180' feet less than allowed in an A-1 Agriculture Preservation Zoning District.

Tazewell County Health Department submitted a report stating that an operational inspection shall be completed prior to the sale of the proposed property.

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

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

Ben Springer, Hopedale Township Road Commissioner made no comment regarding the proposed Variance request.

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

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

Brian Cook appeared to testify on behalf of the proposed Variance request. Mr. Cook stated he wanted to sell the existing dwelling, however, the prospective buyer did not want the existing pole building and 5 acres surrounding it. Mr. Cook added the adjacent land owner was interested in purchasing, however, to do so would lessen the required road frontage for the dwelling site. Mr. Cook stated a proposed 20' lane would be owned by the purchaser of the dwelling.

Following all Public Hearings, moved by Baum, seconded by Zimmerman, to approve **Case No. 13-26-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. The applicant has no other alternatives for the sale of the property. If the request were to allow a new dwelling site as a Special Use the applicant would be allowed to maintain 20' of frontage. The applicant is not asking for anything that the Zoning Code would not allow under other circumstances.

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

POSITIVE. The applicant has no other alternatives for the sale of the property. If the request were to allow a new dwelling site as a Special Use the applicant would be allowed to maintain 20' of frontage. The applicant is not asking for anything that the Zoning Code would not allow under other circumstances.

3. *Granting the variance will not be detrimental to the public welfare, nor injurious to other property or improvements in the neighborhood in which the property is located or otherwise be inconsistent with any officially adopted County Plan or these regulations;*

POSITIVE. The applicant has no other alternatives for the sale of the property. If the request were to allow a new dwelling site as a Special Use the applicant would be allowed to maintain 20' of frontage. The applicant is not asking for anything that the Zoning Code would not allow under other circumstances.

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

POSITIVE. The applicant has no other alternatives for the sale of the property. If the request were to allow a new dwelling site as a Special Use the applicant would be allowed to maintain 20' of frontage. The applicant is not asking for anything that the Zoning Code would not allow under other circumstances.

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 has no other alternatives for the sale of the property. If the request were to allow a new dwelling site as a Special Use the applicant would be allowed to maintain 20' of frontage. The applicant is not asking for anything that the Zoning Code would not allow under other circumstances.

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

POSITIVE. The applicant has no other alternatives for the sale of the property. If the request were to allow a new dwelling site as a Special Use the applicant would be allowed to maintain 20' of frontage. The applicant is not asking for anything that the Zoning Code would not allow under other circumstances.

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

POSITIVE. The applicant has no other alternatives for the sale of the property. If the request were to allow a new dwelling site as a Special Use the applicant would be allowed to maintain 20' of frontage. The applicant is not asking for anything that the Zoning Code would not allow under other circumstances.

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

POSITIVE. The applicant has no other alternatives for the sale of the property. If the request were to allow a new dwelling site as a Special Use the applicant would be allowed to maintain 20' of frontage. The applicant is not asking for anything that the Zoning Code would not allow under other circumstances.

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. 13-26-V** the vote was:

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

Nays: 0

Motion declared carried.

CASE NO. 13-27-V: The petition of Robert McCarthy for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an addition to an existing dwelling (Covered and Enclosed Front Porch) to be 40' from the centerline of Fahey Hollow Road, which is 10' closer than allowed in an R-1 Low Density Residential District

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

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

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

Dave Risinger, Groveland Township Road Commissioner made no comment regarding the proposed Variance request.

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

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

School District 86 309 made no comment regarding the proposed Special Use request.

Laura McCarthy appeared to testify on behalf of the proposed Variance request. Mrs. McCarthy stated she was Robert's wife and would like to construct a partly enclosed, partly open front porch. Mrs. McCarthy said the existing porch was unstable and did not even have a railing. Mrs. McCarthy added the proposed porch would also help shade the living room from the direct sunlight.

Following all Public Hearings, moved by Lessen, seconded by Baum, to approve **Case No. 13-27-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. Due to the location of the existing home the applicant has no other alternative and wishes to replace a dilapidated porch which is unsafe. The new porch will not extend out any further to the street and will be in line with other structures in the immediate area.

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

POSITIVE. Due to the location of the existing home the applicant has no other alternative and wishes to replace a dilapidated porch which is unsafe. The new porch will not extend out any further to the street and will be in line with other structures in the immediate area.

3. *Granting the variance will not be detrimental to the public welfare, nor injurious to other property or improvements in the neighborhood in which the property is located or otherwise be inconsistent with any officially adopted County Plan or these regulations;*

POSITIVE. Due to the location of the existing home the applicant has no other alternative and wishes to replace a dilapidated porch which is unsafe. The new porch will not extend out any further to the street and will be in line with other structures in the immediate area.

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

POSITIVE. Due to the location of the existing home the applicant has no other alternative and wishes to replace a dilapidated porch which is unsafe. The new porch will not extend out any further to the street and will be in line with other structures in the immediate area.

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

POSITIVE. Due to the location of the existing home the applicant has no other alternative and wishes to replace a dilapidated porch which is unsafe. The new porch will not extend out any further to the street and will be in line with other structures in the immediate area.

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

POSITIVE. Due to the location of the existing home the applicant has no other alternative and wishes to replace a dilapidated porch which is unsafe. The new porch will not extend out any further to the street and will be in line with other structures in the immediate area.

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

POSITIVE. Due to the location of the existing home the applicant has no other alternative and wishes to replace a dilapidated porch which is unsafe. The new porch will not extend out any further to the street and will be in line with other structures in the immediate area.

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

POSITIVE. Due to the location of the existing home the applicant has no other alternative and wishes to replace a dilapidated porch which is unsafe. The new porch will not extend out any further to the street and will be in line with other structures in the immediate area.

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. 13-27-V** the vote was:

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

Nays: 0

Motion declared carried.

CASE NO. 13-28-V: The petition of Jason Proehl, Attorney for Donald and Linda Hoeft for a Variance to waive the requirements of 7TCC 1-7 (f) to allow the creation of a new zoning lot of record containing an existing dwelling to have 20' feet of frontage along Winkel Road (Co. Hwy. 10) which is 180' feet less than allowed in an A-1 Agriculture Preservation Zoning District

Tazewell County Health Department submitted a report regarding the proposed Variance request stating an operational inspection would be required prior to the sale of the property.

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

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

David Shay, Malone Township Road Commissioner made no comment regarding the proposed Variance request.

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

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

Jason Proehl, Attorney for Donald and Linda Hoeft appeared to testify on behalf of the proposed Variance request. Mr. Proehl stated his client's residence was surrounded by 160 acres of farm land. Mr. Proehl said his client's recently retired from farming, and would like to sell the dwelling with the 20' lane and retain ownership of the surrounding farmland. Mr. Proehl added there were no issues with farming around the dwelling on the property and the existing farm buildings on the property would be sold with the dwelling. Mr. Proehl stated allowing the 200' of frontage would remove valuable farmland from production.

Following all Public Hearings, moved by Toevs, seconded by May, to approve **Case No. 13-28-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. Due to the location of the home on the property the applicant has no other alternative, and farmland would unnecessarily be removed from production if the applicant were forced to adhere to the required frontage.

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

POSITIVE. Due to the location of the home on the property the applicant has no other alternative, and farmland would unnecessarily be removed from production if the applicant were forced to adhere to the required frontage.

3. *Granting the variance will not be detrimental to the public welfare, nor injurious to other property or improvements in the neighborhood in which the property is located or otherwise be inconsistent with any officially adopted County Plan or these regulations;*

POSITIVE. Due to the location of the home on the property the applicant has no other alternative, and farmland would unnecessarily be removed from production if the applicant were forced to adhere to the required frontage.

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

POSITIVE. Allowing the Variance will not impair the adequate supply of light and air or diminish property values. Further due to the location of the home on the property the applicant has no other alternative, and farmland would unnecessarily be removed from production if the applicant were forced to adhere to the required frontage.

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

POSITIVE. Due to the location of the home on the property the applicant has no other alternative, and farmland would unnecessarily be removed from production if the applicant were forced to adhere to the required frontage.

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

POSITIVE. Due to the location of the home on the property the applicant has no other alternative, and farmland would unnecessarily be removed from production if the applicant were forced to adhere to the required frontage.

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

POSITIVE. Due to the location of the home on the property the applicant has no other alternative, and farmland would unnecessarily be removed from production if the applicant were forced to adhere to the required frontage.

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

POSITIVE. Due to the location of the home on the property the applicant has no other alternative, and farmland would unnecessarily be removed from production if the applicant were forced to adhere to the required frontage.

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

On roll call to approve **Case No. 13-28-V** the vote was:

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

Nays: 0

Motion declared carried.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **Wednesday, September 4, 2013** at 6:00 p.m. in the Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois.

ADJOURNMENT

There being no further business, moved by May, seconded by Toevs, to adjourn the Zoning Board of Appeals Public Hearing at 6:53 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.