

**(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, October 1, 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; Maggie Martino, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Monica Connett, K. Russell Crawford, Rosemary Palmer, and Sue Sundell

**OTHERS**

**PRESENT:** Petitioners and Objectors

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

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**CASE NO. 13-30-S:** The petition of Bethany Community Church for a Special Use to allow the construction of a new Church facility to include classrooms, administration offices, dedicated sanctuary and outdoor recreational areas in an A-1 Agriculture Preservation District

The Tazewell County Land Use Planner submitted a report recommending denial of the proposed Special Use request, however, following testimony at the Public Hearing the Land Use Planner stated that the concerns were alleviated and recommended approval.

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

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

Tazewell County Farm Bureau submitted a report regarding the proposed Special Use request stating this case had a direct impact on agriculture and recommended approval with reservations.

Jon Oliphant, City of Washington submitted a report regarding the proposed Special Use request stating the City was in support of the request however recommended controlling the spillage of outdoor lighting onto neighboring properties.

Dave Weaver, Washington Township Road Commissioner submitted a report regarding the proposed Special Use request stating concerns regarding additional traffic generated by such a large facility, however, following a meeting with the Petitioner, Mr. Weaver notified the Community Development Administrator and stated his concerns had been addressed.

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

School District 52 and 308 made no comment regarding the proposed Special Use request.

Mike Wuebben appeared to testify on behalf of the proposed Special Use request. Mr. Wuebben stated the church worked very hard to address the concerns of the Zoning Board. Mr. Wuebben said 2 members met with the Road Commissioner and resolved the traffic concerns, the application was revised to only utilize 39 acres of the proposed property, as well as the Site Plan was revised to relocate the driveway location and there have been many meetings with the adjacent land owner, Mr. Agans regarding his concerns. Mr. Wuebben added following a long series of meetings with Mr. Agans they have a signed agreement to purchase Mr. Agans property with a targeted closing date of December 1, 2013. Mr. Wuebben stated it was not known what would be done with the Agans home following the purchase. Mr. Wuebben said if the congregation agreed to the purchase of the Agans residence, it would be the request of the Church to revert back to the original site plan, which would not require moving the driveway location, nor any privacy fencing or screening for the Agans property. Mr. Wuebben added the purchase of the Agans property was subject to ZBA approval, as well as subject to approval of the congregation, noting that all the leaders of the church were in unity and agreement. Mr. Wuebben stated he would prefer an approval of the Zoning Board with a contingency of the purchase of the Agans property versus another continuance. Mr. Wuebben said the Church had made its' best efforts towards addressing the concerns' of the Zoning Board and the adjacent property owner.

Paul Markas appeared to testify on behalf of the proposed Special Use request. Mr. Markas noted the existing waterway on the proposed property as the dividing line that would protect the remaining farm ground from any runoff. Mr. Markas stated he attended a meeting to address the concerns of Dave Weaver, Township Road Commissioner.

Kenneth Agans appeared with concerns regarding the proposed Special Use request. Mr. Agans stated a contract was reached however he was still concerned of the contingency of the congregation of the churches approval as well. Mr. Agans said he would ask the Zoning Board for another continuance until the congregation approved the purchase of his property.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 13-30-S**.

Following discussion, moved by Baum, seconded by Lesson to amend the Main Motion to include the following conditions:

1. The acreage proposed for the Special Use shall be reduced to 39 acres.
2. The petitioner shall submit a Recorded Warranty Deed to the Community Development Administrator, verifying purchase by Bethany Community Church of the property currently owned by Ken Agans, prior to commencement of any site work or permit issuance. If the purchase of the adjoining property owned by Ken Agans fails, Bethany Community Church shall reapply for a Special Use.
3. If a Recorded Warranty Deed is submitted verifying the purchase of Mr. Agans property by Bethany Community Church, the original Site Plan as submitted at the September 4, 2013 Hearing shall be adhered to by the applicant.

**Motion carried by voice vote for the amendment.**

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

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

POSITIVE. The Special Use conforms 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 is consistent with the Tazewell County Comprehensive Land Use Plan implementation strategies and the City of Washington recommended approval.

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

POSITIVE. All requirements were met.

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

POSITIVE. Due to the contract for purchase of the adjoining property all concerns regarding adverse effects and visual impacts are addressed.

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. Although the area is currently farmland the City of Washington's Comprehensive Plan designates this area Residential and a Church is compatible with Residential uses therefore the proposed special use will be not be detrimental to the health, safety and welfare of the vicinity.

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

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

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

POSITIVE. A new church facility is not anticipated to substantially diminish and / or impair property value within the neighborhood

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

POSITIVE. Per the applicant, required utilities, access roads, and drainage improvements will be provided as shown on the attached site plan.

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 petitioner met with the Road Commissioner regarding this matter and upon the meeting the Road Commissioner felt that all concerns regarding ingress, egress and traffic congestion were addressed.

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. The Soil Productivity Index Rating of the subject site is 140 or more, however this area is placed with the Community Growth area where residential development is anticipated.

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 new church facility is consistent with the other existing single family detached homes in the vicinity and also existing agricultural land.

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

POSITIVE. Based on the findings above the property is suitable for the Special Use as proposed.

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

On roll call to approve **Case No. 13-30-S as amended** the vote was:

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

Nays: 0

Absent: 0

**Motion declared carried.**

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**CASE NO. 13-32-Z:** The petition of Gary and Donna Scheerer for a Map Amendment to the Official Groveland 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 approval regarding the proposed Rezoning request.

Tazewell County Farm Bureau submitted a report regarding the proposed Rezoning request stating this case may have an impact on agriculture and recommended approval.

John Anderson, Tazewell County Highway Engineer submitted a reporting regarding the proposed Rezoning request stating no issue.

School District 709 made no comment regarding the proposed Rezoning request.

Gary Scheerer appeared to testify on behalf of the proposed Rezoning request. Mr. Scheerer stated he would like to divide his property in order to give each of his grandsons a portion to construct dwellings upon. Mr. Scheerer said he would divide his property into 3 tracts and would work with the Highway Commissioner for proper placement of driveway entrances.

Following all Public Hearings, moved by Baum, seconded by Zimmerman, to recommend approval of **Case No. 13-32-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 other nearby residential uses. Per the applicants, the subject site has been residentially occupied since 1970.

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.

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

POSITIVE. The proposed amendment will allow and encourage single family residential development adjacent to existing single family residential homes.

4. *The request is consistent with the zoning classifications 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.

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

POSITIVE. Because of the subject property's wooded and rolling topography it is not suitable for farming operations, as allowed by right in the A-1 zoning district.

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 of R-R 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 granted Special Uses to build single family homes in the A-1 zoning district.

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 property is not vacant, however land development in the area has transitioned into Rural Residential since the property was designated A-1 Agriculture Preservation.

9. *The proposed map amendment is within one and one half (1 1/2) miles of a municipality and consistent with an adopted Comprehensive Plan.*

POSITIVE. The proposed zoning map amendment is not within 1.5 miles of a municipality with 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 Lessen, seconded by Zimmerman, to approve the findings of fact as written. **Motion carried by voice vote.**

On roll call to recommend approval of **Case No. 13-32-Z** the vote was:

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

Nays: 0

Absent: 0

**Motion declared carried.**

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**CASE NO. 13-33-Z:** The petition of Earl and Vicky Coryell for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from an I-1 Light Industrial District to a R-1 Low Density 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 having no comment regarding the proposed Rezoning request.

Tazewell County Farm Bureau submitted a report regarding the proposed Rezoning request stating this case had no direct impact on agriculture and recommended approval.

Village of South Pekin made no comment regarding the proposed Rezoning request.

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

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

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

Earl Coryell appeared to testify on behalf of the proposed Rezoning request. Mr. Coryell stated they obtained the dwelling and property through an auction, however they were unable to obtain financing due to the industrial zoning of the property. Mr. Coryell said there were no agricultural animals, nor any future plans of having any.

Following all Public Hearings, moved by Baum, seconded by May, to recommend approval of **Case No. 13-33-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 zoning amendment shall not be detrimental to the orderly development of Tazewell County as it is consistent with the current and past uses of the subject parcel.

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 possesses no foreseeable danger or risk to the public health, safety, morals, or general welfare of Tazewell County or its residents.

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 residential uses along Route 29.

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

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

POSITIVE. The property in question is not suitable for the uses permitted under the existing zoning classification of I-1 given the existing residential structure, limited access, and relatively small parcel size.

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 currently 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. Per the applicant, the recent development trend in the immediate vicinity has been towards residential and commercial, not industrial.

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.*

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 South Pekin.

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 parcel remain zoned as I-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.
- Minimize conflict between land uses.
- Encourage the reuse of vacant properties.

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. 13-33-Z** the vote was:

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

Nays: 0

Absent: 0

**Motion declared carried.**

**CASE NO. 13-34-S:** The petition of Kent Borton for a Special Use to allow the construction of an Accessory Structure prior to a Principal Dwelling in a R-1 Low Density Residential Zoning District.

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

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

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

Tazewell County Farm Bureau submitted a report regarding the proposed Special Use request stating this case may have an impact on agriculture and recommended approval with reservations.

John Oliphant, City of Washington submitted a report regarding the proposed Special Use request recommending approval.

Dave Weaver, Washington Township Road Commissioner made no comment regarding the proposed Special Use request, however an Entrance Permit has been issued for the property.

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

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

Kent Borton appeared to testify on behalf of the proposed Special Use request. Mr. Borton stated he would like to construct a shed in order to maintain the property. Mr. Borton said his intentions were to retire within the next 3 years and at that time he would begin construction of his retirement home. Mr. Borton added he had been a carpenter for over 30 years and would construct the dwelling himself.

Following all Public Hearings, moved by Zimmerman, seconded by Baum, to approve **Case No. 13-34-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 accessory structure at the rear of the subject parcel.

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 accessory structure 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 new accessory structure 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 accessory structure will not require utilities, other than possibly electricity

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 and eventual single family residence will not contribute to traffic congestion. As such, the applicant has secured approval from the Washington Township Road District for parcel access from School Street.

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.*

*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 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 recommend approval of **Case No. 13-34-S** the vote was:

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

Nays: 0

Absent: 0

**Motion declared carried.**

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**OTHER BUSINESS:** Administrator Deininger stated there would be no meetings held during the month of December, Zoning Board or any other County Board Committees.

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**NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Tuesday, November 5, 2013** at 6:00 p.m. in the Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois.

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**ADJOURNMENT**

There being no further business, moved by May, seconded by Toevs, to adjourn the Zoning Board of Appeals Public Hearing at 7:05 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.