

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

A Public Hearing of the Tazewell County Zoning Board of Appeals was held at 6:00 P.M. on Tuesday, May 6, 2014, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

PRESENT: Chairman James Newman, Duane Lessen, Sandy May, Phil Webb, Loren Toevs and Ken Zimmerman

ABSENT: None

STAFF: Kristal Deininger, Community Development Administrator; Matt Drake, Assistant States Attorney; David Smesrud, Land Use Planner; Jaclynn Workman, Inspections Coordinator; and Land Use Members: Chairman Terry Hillegonds, Monica Connett, Rosemary Palmer, John Redlingshafer, and Sue Sundell

OTHERS

PRESENT: Petitioners and Objectors

MINUTES: Moved by May, seconded by Toevs, to approve the Minutes of the April 1, 2014 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.** Abstain: 1 – Lessen

CASE NO. 14-12-V: The petition of Ann Lovekamp for a Variance to waive the requirements of 8TCC 4-7(1) of the Tazewell County Ordinance for Regulating Development in the Flood Plain Areas to allow construction of an addition to an existing non-conforming dwelling which will be constructed at an elevation of 615.74 feet which is 7.86 feet lower than allowed in a R-1 Low Density Residential Zoning District with a Flood Plain Designation of an “A” Zone

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.

Craig Fink, Tazewell County Highway Engineer submitted a report making regarding the proposed Variance request.

Jon Oliphant, City of Washington submitted a report stating the City could not support the proposed Variance request.

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

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

Erich Lovekamp appeared to testify on behalf of the proposed Variance request. Mr. Lovekamp stated his home was built by his father 45 years ago, prior to any Flood Plain Ordinance. Mr. Lovekamp said there was a fire last year on New Years Eve, while he and his mother lived in the home. Mr. Lovekamp added he would like to reconstruct the portion of the dwelling that was damaged, and increase the size of the dwelling by 9’. Mr. Lovekamp stated the property had flooded one time, during reconstruction of a bridge along School Street, due to a back up of debris, and there was a foot of water in the house. Mr. Lovekamp said last year, during one of the wettest years in history, the water only came to the backyard. Mr. Lovekamp added the proposed addition would utilize the existing foundation and a crawl space is now under the portion destroyed to try and meet the current Code. Mr. Lovekamp stated he does not carry flood insurance on his property and has always intended to pay for the damage related to flooding.

Following all Public Hearings, moved by May, seconded by Baum, to recommend approval of **Case No. 14-12-V** to the Tazewell County Board.

After considering all the evidence and testimony presented, the ZBA discussed and arrived at the following findings of fact:

1. The non-conforming structure was partially damaged by fire in 2013. The applicant is wishing to reconstruct areas of the structure which were damaged but wishes to increase the structure by 261 square feet. This structure has been the family home for 45 years and the applicant has no other options as reconstruction can not take place outside of the floodplain. Further the structure is not located within a Floodway.

2. Based upon testimony given by the applicant and information provided there will be no additional threats to public safety, will create no nuisances, nor cause fraud or victimization of the public or conflict with other laws or ordinances of Tazewell County. Allowing the Variance may create additional public expense for flood protection. The Zoning Board acknowledges that allowing the Variance may create an increased risk of flood damage. Although the current owner does not carry flood insurance, any potential future buyer with a loan will be required to carry flood insurance which can be very expensive for a non-complaint structure.
3. Based on testimony the applicant has shown that not being allowed to reconstruct a part of the structure would create an exceptional hardship as the applicant and elderly mother have no other alternative and can not locate a new structure on the property which would be outside of the floodplain. The applicant indicated that the property has only flooded one time in 45 years and the flooding was due to debris that was hung up on a Bridge downstream from the property. The applicant indicated that even during the flood of 2013 the property received water only in the yard but no damage was made to the structure.
4. The Zoning Board suggests that the applicant pursue obtaining a Letter of Map Amendment (LOMA) due to the characteristics of the property and limited flooding that actually occurs. Further a LOMA had been issued for other property in the immediate area in 2002.
5. The applicant has obtained approval from all other required state and federal permits.

Moved by Baum, seconded by Webb, to approve the findings of fact as discussed. **Motion declared carried.**

On roll call to recommend approval **Case No. 14-12-V** the vote was:

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

Nays: 0

Motion declared carried.

CASE NO. 14-13-Z: The petition of Scott Schlueter 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 approval regarding the proposed Rezoning request.

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

Craig Fink, Tazewell County Highway Engineer submitted a report stating there would only be a slight impact in traffic on Liberty Lane.

Jon Oliphant, City of Washington submitted a report stating the City recommended approval of the proposed Rezoning request.

Dave Weaver, Washington Township Road Commissioner submitted statement indicating that Liberty Lane was a narrow road and there were enough entrance that currently existing in that area.

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

Scott Schlueter appeared to testify on behalf of the proposed Rezoning request. Mr. Schlueter stated he currently had a dwelling on Liberty Lane, which he lived in for 4 years and planned on expanding his family. Mr. Schlueter said he approached the seller of the property a few months ago regarding dividing the land, and the remaining acreage would not be land locked as it would still have access off of Tazewood Road to the North. Mr. Schlueter added there would only be one dwelling on the proposed site. Mr. Schlueter stated he was a contractor and owned rental properties but was not a real estate developer. Mr. Schlueter said the rezoning was what he was informed to proceed with requesting due to the Comp Plan for the County. Mr. Schlueter added he would have preferred to purchase the entire property, however he was not financially capable to do so. Mr. Schlueter stated the majority of the property is ravine and non-developable. Mr. Schlueter said more traffic is generated by the weekly meetings being held at Camp Good News than one more new dwelling would generate.

James Kellerstrass appeared with objections to the proposed Rezoning request. Mr. Kellerstrass stated he approached the land owner 4 years prior regarding a lease or subdivision and only within the last 6 months had an option to subdivide been given. Mr. Kellerstrass said over the last 4 years the property has been marketed as residentially developable land, and he is concerned that Mr. Schlueter only flips homes and will only use this property for his financial gain. Mr. Kellerstrass asked why the property was being rezoned rather than requesting a Special Use. Mr. Kellerstrass added the adjacent land use was agriculture with only 3 homes and Camp Good News surrounding it. Mr. Kellerstrass stated there had been no attempt to market the land as Agriculture. Mr. Kellerstrass said one neighbor has stated they will move from the area if the proposed rezoning was approved, and Mr. Kellerstrass said he would consider moving as well, leaving 3 vacant properties along Liberty all for the ability to construct one new dwelling. Mr. Kellerstrass added he would prefer the property remained agriculture with the request of a Special Use.

Shawn Robison appeared to testify against the proposed Rezoning request. Mr. Robinson said the use of the land was presently in hay production, and during his 7 years residing in the area the proposed property has been used for hay, wheat and cattle grazing. Mr. Robison added the development of the proposed site would remove his view of the countryside.

Karen Jacobs, Camp Good News Board Member appeared to testify against the proposed Rezoning request. Ms. Jacobs stated she was concerned about the added traffic from construction traffic and the liability of additional farm animals on the property. Ms. Jacobs said this was a tight stretch of road.

Following all Public Hearings, moved by Baum, seconded by May, to recommend approval of **Case No. 14-13-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. New residential development is prevalent along Liberty Lane.

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 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. 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.

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

POSITIVE. Because the subject property is partially wooded and is cut off from nearby farming operations by the steep ravine, 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 proposed amendment will allow and encourage single family residential development adjacent to existing single family residential homes.

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 rezonings from A-1 to Rural Residential to build single family homes.

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

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 a municipality with an adopted Comprehensive Plan. The City of Washington may exercise their right to development review of the subject parcel.

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 Tazewell County Comprehensive Plan's Future Land Use Map, where the subject parcel is indicated as Rural Residential. 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 declared carried.**

On roll call to recommend approval of **Case No. 14-13-Z** the vote was:

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

Nays: 0

Motion declared carried.

CASE NO. 14-14-S: The petition of Todd Staley, d/b/a Staley Lawn Care and Landscaping for a Special Use to allow the operation of a Lawn Care/Landscaping Business, to include snow removal, in an A-1 Agriculture Preservation Zoning District.

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

Tazewell County Health Department submitted a report regarding the proposed Special Use request stating a septic permit, a well permit and water closets will be required.

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

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

Craig Fink, Tazewell County Highway Engineer submitted a report stating the proposed access had adequate sight distance and the impact of traffic will not be substantial.

Roger Spangler, Village of Morton submitted a report stating no objection.

Terry Lohnes, Elm Grove Township Road Commissioner made no comment regarding the proposed Special Use request.

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

Todd Staley appeared to testify on behalf of the proposed Special Use request. Mr. Staley stated he would like to operate his landscape and lawn care business from the proposed site. Mr. Staley said Litwiller Excavating was his primary supplier of materials so his employees are at the site daily, therefore there would be no additional traffic. Mr. Staley added the building would be adequate size with adequate parking and he has inquired the specifics for the well and septic system.

Following all Public Hearings, moved by Lessen, seconded by Toevs, to approve **Case No. 14-14-S**.

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

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

POSITIVE. The Special Use will conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

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

POSITIVE. The proposed Special Use is within 1.5 miles of a municipality with an adopted Comprehensive Plan which is The Village of Morton.

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

POSITIVE. All requirements of Article 25 of the Tazewell County Zoning Code have been satisfactorily met.

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

POSITIVE. Anticipated adverse effects from the granting of the requested Special Use are minimal. Trees on the west and north sides of the parcel will screen the building from view. On the east side, Schmidt Road is a lightly travelled gravel road and the building is setback 390 feet from the road. There is no screening on the south and the building would be visible from a neighboring residence, located approximately 1000 feet to the south. Any impact from noise should be minimal at this distance. The applicant plans to store all equipment associated with the business in the new accessory structure. No landscape supplies will be stored outside.

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 small scale commercial use is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the neighboring vicinity. All business will be conducted off site. Additionally, the landscaping business is seasonal – operating only March thru November. The snow removal business is also small scale, and only operates when a snowfall event exceeds two inches of accumulation.

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. While the prevalence of single family homes has increased in recent years, the subject area remains agriculturally zoned and 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 small scale commercial use is not anticipated to substantially diminish and / or impair property value within the neighborhood.

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

POSITIVE. Considering the existing detached structures, lot size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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. Projected traffic impacts of the proposed commercial use are negligible. 12 employees will arrive in the morning leave for the day and return in the evening. There is an existing entrance off Broadway Road and access to the site is through an easement on the south side of the property. The County Highway Engineer determined the entrance has adequate sight distance and acknowledged the new business will increase traffic.

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. Given the usage of heavy equipment and storage of raw production materials in both agriculture and landscaping, the Special Use request for a landscaping facility at the subject site is consistent with the existing agricultural uses in the general vicinity.

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

POSITIVE. Based on the findings as a whole.

Moved by Baum, seconded by May, to approve the findings of fact as modified. **Motion declared carried.**

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

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

Nays: 0

Motion declared carried.

CASE NO. 14-15-S: The petition of Kristi Buff for a Special Use to allow the construction of an Accessory Structure to be 1,200 square feet, which will bring the total square footage of all accessory structures to 2,116 square feet, which is 374 square feet larger than allowed 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 submitted a report regarding the proposed Special Use stating the proposed request was acceptable.

Tazewell County Soil & Water Conservation District submitted a report having no comment regarding the proposed Special Use request.

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

Craig Fink, Tazewell County Highway Engineer submitted a report having no comment regarding the proposed Special Use request.

Ron Sieh, City of Pekin made no comment regarding the proposed Special Use request.

Ron Hawkins, Cincinnati Township Road Commissioner submitted a report having no objections regarding the proposed Special Use request.

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

THE FOLLOWING CONTAINS TESTIMONY FOR BOTH CASE 14-15-S AND CASE 14-16-V.

Rusty Thompson appeared to testify on behalf of Kristi Buff with regards to the proposed Special Use and Variance request. Mr. Thompson also resides at the property and stated they had outgrown the storage space on the property and had inherited a tractor with 7 attachments, along with a motorcycle, boat, trailer and various tools. Mr. Thompson said they had discussed adding a garage to the property, however they would pay the same cost for less space than what a pole building could be constructed for. Mr. Thompson added they were getting proposals from several building contractors and would remove the existing sheds on the property once the new building was complete. Mr. Thompson stated two of the adjacent properties had buildings the exact size as what was proposed and the location of the proposed pole building would minimize removal of the existing mature trees. Mr. Thompson said the building would be constructed in the side yard and would not block the view to the front of the dwelling.

Ron Hawkins, Cincinnati Township Road Commissioner appeared to testify on behalf of the proposed Special Use and Variance request. Mr. Hawkins stated Memory Lane was inherited by the prior Road Commissioner 17 years prior and the road extends to the Rettke family's fence. Mr. Hawkins said the right of way is 20' wide, however the paved area is not that wide. Mr. Hawkins added there was no adverse impact by the proposed Special Use request and Variance, as well as no harm to the public road.

Shannon Rettke appeared to testify against the proposed Special Use and Variance request. Ms. Rettke stated the property owner, Ms. Buff, has been at the property for nearly 30 years, while the representative, Mr. Thompson, has only been at the property for 6 months. Ms. Rettke questioned what would be stored in the building and if a new driveway would be constructed.

Ronnie Roberts appeared to testify against the proposed Special Use and Variance request. Mr. Roberts questioned the setbacks from a driveway versus a private lane and whether a new entrance would be constructed. Mr. Roberts stated visitors who pass Ms. Buff's driveway end up using his drive to turn their vehicles around in his drive or yard.

Following all Public Hearings, moved by Zimmerman, seconded by Toevs, to approve **Case No. 14-15-S**.

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

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

POSITIVE. The Special Use will conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

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

POSITIVE. The proposed Special Use will be consistent with the 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 moderate. Visual impacts on adjacent properties will only be minimized by the two trees that lie between the proposed structure and the road. Placement of the proposed accessory structure is at the front of the subject parcel and would be located closer to the road than similar accessory structures on neighboring properties.

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. Given its proposed location, and similar size to accessory structures on neighboring properties, a new accessory structure will not be injurious to other properties in the area.

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

POSITIVE. Given its proposed location, and similar size to accessory structures on neighboring properties, 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 require utilities, which are available on site.

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

POSITIVE. The proposed structure will have access off the existing driveway.

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. Based on the findings as a whole and 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 modified. **Motion declared carried.**

On roll call to approve **Case No. 14-15-S** the vote was:

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

Nays: 0

Motion declared carried.

CASE NO. 14-16-V: The petition of Kristi Buff for a Variance to waive the requirements of 7TCC1-10(f)(1)(iv) to allow the construction of an Accessory Structure to be 30' from the centerline of the private driveway, which is 20' closer than allowed and to waive the requirements of 7TCC1-5(1)(3) to allow the same Accessory Structure to be located within the minimum required front yard, in an R-1 Low Density Residential District

Tazewell County Health Department submitted a report regarding the proposed Variance stating the proposed request was acceptable.

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

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

Craig Fink, Tazewell County Highway Engineer submitted a report having no comment regarding the proposed Variance request.

Ron Sieh, City of Pekin made no comment regarding the proposed Variance request.

Ron Hawkins, Cincinnati Township Road Commissioner submitted a report having no objections regarding the proposed Variance request.

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

PLEASE REFER TO CASE NO. 14-15-S FOR THE TESTIMONY FOR CASE 14-16-V.

Following all Public Hearings, moved by Toevs, seconded by Baum, to approve **Case No. 14-16-V.**

After considering all the evidence and testimony presented, the ZBA discussed and arrived at the following findings of fact:

1. *The particular surroundings, shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;*

POSITIVE. Due to the location of the dwelling on the property the applicant is limited in buildable area for the structure and placement of the new structure as proposed is the most logical.

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 dwelling on the property the applicant is limited in buildable area for the structure and placement of the new structure as proposed is the most logical.

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. Granting the Variance will not be injurious to other property or improvements in the area.

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

POSITIVE. Approving the Special Use will not effect surrounding properties and is actual consistent with other structures within the neighborhood.

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 of personal items.

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 dwelling on the property the applicant is limited in buildable area for the structure and placement of the new structure as proposed is the most logical.

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

POSITIVE.

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

POSITIVE. Due to the location of the dwelling on the property the applicant is limited in buildable area for the structure and placement of the new structure as proposed is the most logical.

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

On roll call to approve **Case No. 14-16-V** the vote was:

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

Nays: 0

Motion declared carried.

CASE NO. 14-17-V: The petition of Herman Glueck for a Variance to waive the requirements of 7TCC1-7(g)(2)(ii) to allow construction of an Accessory Structure to be 12' from the Side Property Line, which is 3' closer than allowed, and to waive 7TCC1-7(g)(3)(ii) to allow the same Accessory Structure to be 20' from the rear property line, which is 5' closer than allowed in an A-1 Agriculture Preservation District

Tazewell County Health Department submitted a report regarding the proposed Variance stating the proposed request was acceptable.

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

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

Craig Fink, Tazewell County Highway Engineer submitted a report having no comment regarding the proposed Variance request.

Larry Bolliger, Tremont Township Road Commissioner made no comment regarding the proposed Variance request.

School District 701 made no comment regarding the proposed Variance request.

Herman Glueck appeared to testify on behalf of the proposed Variance request. Mr. Glueck stated he removed an old building and needed more space and height to accommodate agriculture equipment Mr. Glueck said a concrete drive had been placed to the existing building and he would like to utilize the same. Mr. Glueck added he could have made concessions and built a smaller building, however he wanted plenty of room for all machinery. Mr. Glueck stated he spoke with the township regarding the access and also noted the ceiling would be 18' with a 16' door and the adjacent property owner had no issue with the request.

Following all Public Hearings, moved by Baum, seconded by Lessen, to approve **Case No. 14-17-V.**

After considering all the evidence and testimony presented, the ZBA discussed and arrived at the following findings of fact:

1. *The particular surroundings, shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;*

POSITIVE. Due the lot being narrow and the applicant will place the new structure in the same location as an older building which will be demolished location of the new building ax proposed is the most practical for the site.

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 the lot being narrow and the applicant will place the new structure in the same location as an older building which will be demolished location of the new building ax proposed is the most practical for the site.

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

POSITIVE. Allowing the new structure as proposed will not be detrimental the public welfare or improvements in the area.

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

POSITIVE. Allowing the new structure will not impact the streets or the neighborhood.

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

POSITIVE.

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

POSITIVE. Due the lot being narrow and the applicant will place the new structure in the same location as an older building which will be demolished location of the new building ax proposed is the most practical for the site.

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

POSITIVE. Due the lot being narrow and the applicant will place the new structure in the same location as an older building which will be demolished location of the new building ax proposed is the most practical for the site.

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

POSITIVE. Due the lot being narrow and the applicant will place the new structure in the same location as an older building which will be demolished location of the new building ax proposed is the most practical for the site.

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

On roll call to approve **Case No. 14-17-V** the vote was:

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

Nays: 0

Motion declared carried.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **Tuesday, June 3, 2014** at 8:20 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 8:20 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.