

**(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, June 3, 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; Jaclynn Workman, Inspections Coordinator; and Land Use Members: K. Russell Crawford, 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 May 6, 2014 Zoning Board of Appeals Meeting with changes. **Motion carried by voice vote.** Abstain: 1 – Lessen

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**CASE NO. 14-18-V:** The petition of Joseph Gibbens for a Variance to waive the requirements of 7TCC1-10(f)(2)(i) to allow the reconstruction of an existing dwelling to be 1’ from the Side Property line, which is 9’ closer than allowed in an R-1 Low Density Residential Zoning District.

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

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.

Darrel Knaak, Spring Lake Township Road Commissioner did not submit a comment but contacted the Community Development Administrator via phone and stated he had no concerns regarding the request.

Craig Fink, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

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

Joseph Gibbens appeared to testify on behalf of the proposed Variance request. Mr. Gibbens stated he would like to rebuild the dwelling on the existing foundation, which would place the dwelling 1’ from the side property line. Mr. Gibbens said while under construction, there was too much rotten wood and other damage to the structure to keep any portion of the existing dwelling.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 14-18-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 narrowness of the lot and the practicality of utilizing the existing foundation the applicant has no other alternative.

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 narrowness of the lot and the practicality of utilizing the existing foundation the applicant has no other alternative.

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.

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.

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

POSITIVE. The Variance is needed simply to reconstruct the new home on the same foundation as the former existing dwelling. The applicant initially wanted to repair the existing dwelling however due to extreme wood rot the applicant was forced to demolish the existing dwelling and reconstruct a new dwelling.

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

POSITIVE. The Variance is needed simply to reconstruct the new home on the same foundation as the former existing dwelling. The applicant initially wanted to repair the existing dwelling however due to extreme wood rot the applicant was forced to demolish the existing dwelling and reconstruct a new dwelling.

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

POSITIVE. The Variance is needed simply to reconstruct the new home on the same foundation as the former existing dwelling. The applicant initially wanted to repair the existing dwelling however due to extreme wood rot the applicant was forced to demolish the existing dwelling and reconstruct a new dwelling. Further due to the narrowness of the lot and the practicality of utilizing the existing foundation the applicant has no other alternative.

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

POSITIVE. The Variance is needed simply to reconstruct the new home on the same foundation as the former existing dwelling. The applicant initially wanted to repair the existing dwelling however due to extreme wood rot the applicant was forced to demolish the existing dwelling and reconstruct a new dwelling. Further due to the narrowness of the lot and the practicality of utilizing the existing foundation the applicant has no other alternative

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

On roll call to approve **Case No. 14-18-V** the vote was:

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

Nays: 0

**Motion declared carried.**

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#### **NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Tuesday, July 1, 2014** 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 6:10 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.