

**(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, November 4, 2014, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

**PRESENT:** Chairman James Newman, JoAn Baum, Sandy May, Don Vaughn, Alternate Don Vaughn, Phil Webb and Ken Zimmerman

**ABSENT:** Duane Lessen, Loren Toevs

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

**OTHERS**

**PRESENT:** Petitioners and Interested Parties

**MINUTES:** Moved by May, seconded by Zimmerman, to approve the Minutes of the October 7, 2014 Zoning Board of Appeals Meeting. **Motion carried by voice vote.**

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**CASE NO. 14-45-S:** The petition of Duane Schleder, Trustee of the Duane Schleder Trust for a Special Use to create one new dwelling site 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 a comment regarding the proposed Special Use request stating soils samples 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 letter stating there would be a minimal impact on traffic and the township road official should be contacted regarding the proposed Special Use request.

Ron Hawkins, Cincinnati Township Road Commissioner made no comment regarding the proposed Special Use request.

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

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

Mary Ann Vance appeared to testify on behalf of the proposed Special Use request. Ms. Vance stated she was the realtor for the petitioner and there was a buyer for the property who would like to build a new dwelling. Ms. Vance said there were no confinement operations in the area and a dwelling would be an improvement to the property. Ms. Vance added she had spoke to the land owner regarding the creeks potential to flood and said it was anticipated the home would be constructed on the higher ground.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 14-45-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 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.* Anticipated adverse effects, including visual impacts on adjacent properties, from the granting of the requested Special Use are unanticipated at this time.

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 granting of this special use request will not 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 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.* The special use will not 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 lot has access to necessary utilities.

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 Furrow Road, 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. An additional single family home will not increase population density around livestock feeding operations to such levels as to hinder operation or expansion of livestock feeding operations.

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.

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 May, to approve the findings of fact as written. **Motion declared carried.**

On roll call to approve **Case No. 14-45-S** the vote was:

Ayes: 6 – Baum, May, Alternate Vaughn, Webb, Zimmerman and Chairman Newman

Nays: 0

Absent: 2 - Lessen, Toevs

**Motion declared carried.**

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**CASE NO. 14-46-S:** The petition of Stacy and Rhonda Howard for a Special Use to operate a Class I Recreational Facility to be conducted on the land, from existing and proposed structures for the purposes of allowing Special Occasion Gatherings, such as Weddings or Family Reunions in an A-1 Agriculture Preservation District.

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

Tazewell County Health Department submitted a comment regarding the proposed Special Use request stating annual testing of the well and septic system will be required, along with portable toilets and hand washing stations.

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

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

Craig Fink, Tazewell County Highway Engineer submitted a letter stating there would be a periodic increase of traffic and the township road official should be contacted regarding the proposed Special Use request.

Tom Wallace, Deer Creek Township Road Commissioner made no comment regarding the proposed Special Use request.

School District 701 made no comment regarding the proposed Special Use request.

Rhonda Howard appeared to testify on behalf of the proposed Special Use request. Ms. Howard stated they have always had renters in the dwelling on the property and had been approached by friends about hosting weddings and such on the property. Ms. Howard said there would not be a noise or light issue that would impact neighbors. Ms. Howard added the use would be christian based wholesome family fun that would shut down at 10pm. Ms. Howard stated they have a preferred caterer they use whom has a state liquor license. Ms. Howard also stated there would be no music above a conversation level. Ms. Howard gave the distances to adjacent properties and said there would be no events held during the hunting season or cold weather months. Ms. Howard added there was an American Legion in the area that held similar events and was open until 1 am, along with a racetrack that operates within a half mile of the property each Sunday from 11 am until dark. Ms. Howard stated the driving lane in the driveway was 11' wide, with an average lane being anywhere from 9' to 12' and stated there was plenty of room to expand the lane if need be. Ms. Howard said she was proposing to use very specific business contracts for potential clients and there would be no advertisement other than through friends or word of mouth. Ms. Howard added they would not have renters living in the dwelling while this business would operate and they may demolish the dwelling and construct a pavilion in its location. Ms. Howard stated she requested 20 to 25 events in a year as a precaution, and stated that events would only be seasonal. Ms. Howard said the Health Department required her to rent portable toilets and hand washing stations for events and added there would be no overnight stays or camping allowed on the property. Ms. Howard added there was a cab company from Morton that serviced the area. Ms. Howard stated she had an exclusive caterer and the security would be handled by herself as the property owner as well as the catering companys' managers. Ms. Howard said the lighting on the property would be at a low level and the persons hosting the event would be responsible for obtaining an event insurance policy. Ms. Howard added she provided the ZBA a draft contract for their review. In closing, Ms. Howard stated she understood the concerns brought about and again stated she intends to host family friendly events.

Travis Mohlenbrink appeared to testify on behalf of the proposed Special Use request. Mr. Mohlenbrink stated he was the owner of Cracked Pepper, the catering business that would be utilized by the petitioner. Mr. Mohlenbrink said his company was responsible for the catering, alcohol and carried event insurance. Mr. Mohlenbrink said he was also in charge of the security and his servers were Serve Safe certified with the State of Illinois. Mr. Mohlenbrink added he carried a statewide liquor license and all food preparation was done off site and then delivered to the site along with any potable water, if not available on site, along with a portable hand washing station.

Jack Wiegand appeared to testify against the proposed Special Use request. Mr. Wiegand stated he was an adjacent property owner to the East of the proposed site and he was concerned about excessive traffic and alcohol use. Mr. Wiegand said he bicycled and ran Ragar Road and it could be dangerous. Mr. Wiegand added he moved to the area for the peace and quiet and did not want the additional noise. Mr. Wiegand stated he can see the entire proposed property when fishing from his lake and there was a proposed buildable lot he intended to sell that would be even closer to the proposed site. Mr. Wiegand said in closing he was also concerned of people trespassing on his property.

Lee Tanner appeared to testify against the proposed Special Use request. Mr. Tanner stated his father's property shared the North property line with the proposed site. Mr. Tanner said they were concerned of noise and the close proximity of the proposed use to their property.

Mike Wiegand appeared to testify against the proposed Special Use request. Mr. Wiegand stated he owned to the South of the proposed property and had purchased the property 4 years ago, stating he would not have purchased property in this area if this type of use were established. Mr. Wiegand said there were teenage drivers in the area and the road could be dangerous. Mr. Wiegand questioned who would be policing the 10pm curfew that was proposed.

Jim Webb appeared to testify against the proposed Special Use request. Mr. Webb questioned if the Special Use ran with the land and stated he was in agreement with all other statements made.

George Knapp appeared to testify against the proposed Special Use request. Mr. Knapp stated he owned 160 acres of land adjacent to the proposed site. Mr. Knapp questioned why only two board members had questioned the petitioner and stated the area was a rural farming area and all neighbors were agriculture. Mr. Knapp added all neighbors hunt their land and he was concerned of a stray bullet injuring someone on the proposed site. Mr. Knapp stated he did not feel the petitioner had the right to change how the neighbors could utilize their property and questioned what would happen if the current caterer were to be let go.

Brian Medlin appeared to testify against the proposed Special Use request. Mr. Medlin stated he owned across the road from the proposed site and once rented from the Howards. Mr. Medlin said he does see lights from the driveway and they shine into his daughters bedroom, and depending on what direction they turn out of the driveway depends on which home gets lights shining into their windows. Mr. Medlin said when leaving the property there was a blind spot with 2 consecutive hills. Mr. Medlin added the Legion down the road was very noisy, but said it had been there for many years.

Jennifer Medlin appeared to testify against the proposed Special Use request. Ms. Medlin asked for clarification on the 10pm closing time, or if the property would be vacated by 10pm.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 14-46-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.*

*NEGATIVE.*

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.*

*NEGATIVE.*

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

*NEGATIVE.*

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

*NEGATIVE.* When the site is not occupied for a special event, the site will have little adverse impact on surrounding properties. The applicants intend to remove the dwelling, build a pavilion and enhance the site with landscaping. However, when events are taking place, there will be adverse impacts from noise, light and the appearance of several parked vehicles. Wedding receptions typically last into the evening and this could be disruptive to nearby residences. Guests leaving at night would be shining their headlights directly at a residence on the south side of Ragar Road.

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.*

*NEGATIVE.* When events are taking place, the special use could potentially be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the neighboring vicinity. The increase of traffic on narrow, hilly and winding roads in a secluded rural area could make travel on these roads more dangerous. If there is alcohol to be served at these special events, that increases the potential for drunk driving and vandalism.

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.*

*NEGATIVE.* During special events, the negative effects of some events could be injurious to the use and enjoyment of other property in the area.

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

*NEGATIVE.*

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

*NEGATIVE.*

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.*

*NEGATIVE.* There appears to be the potential for traffic safety hazards during special events. As mentioned earlier, the roads leading to the property are narrow, hilly and winding, making travel more challenging than usual, especially for those not familiar with the roads. There is limited sight distance to the west for guests pulling out of the driveway onto Ragar Road. The driveway is narrow and cannot accommodate two vehicles for two-way traffic without partially driving on the grass.

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.*

*NEGATIVE.*

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

*NEGATIVE.* The proposed Special Use is surrounded by agricultural and residential uses. Although it will not exert pressure for new development in the immediate area there is potential that special events at the property could cause conflict with these surrounding uses.

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

*NEGATIVE.* Considering the existing and proposed structures, topography, traffic concerns, noise and light generated from special events, the subject property is not suitable for the Special Use request as proposed.

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

On roll call to approve **Case No. 14-46-S** the vote was:

Ayes: 0

Nays: 6 – Baum, May, Alternate Vaughn, Webb, Zimmerman and Chairman Newman

Absent: 2 - Lessen, Toevs

**Motion failed.**

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**CASE NO. 14-47-S:** The petition of Carl Kath Jr. for an expansion of an existing Special Use for an Ag Related Business (Case No. 03-99-S, approved December 2, 2003) to allow the construction of a 40' x 64' Accessory Structure for Storage of Semi-Trailers 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 comment regarding the proposed Special Use request stating a written agreement for restroom use at the neighboring grain elevator will be required, along with bottled water.

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 recommending approval regarding the proposed Special Use request.

Craig Fink, Tazewell County Highway Engineer submitted a letter stating there would be a minimal impact on traffic and the township road official should be contacted regarding the proposed Special Use request.

Greg Menold, Morton Township Road Commissioner made no objection regarding the proposed Special Use request.

School District 709 made no comment regarding the proposed Special Use request.

Carl Kath appeared to testify on behalf of the proposed Special Use request. Mr. Kath stated he had been in business for 48 years hauling Ag related products. Mr. Kath said he was expanding his business with new equipment that had an electric tarp and he would like to construct a building to keep the new equipment out of the weather.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 14-47-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:

- 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.
- Avoid leapfrog development and isolated land development to preserve contiguous tracts of productive agricultural land.
- Attract new businesses and industries to the County that provide valuable services and fulfill County needs.

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.* The proposed special use will adhere to the zoning regulations as prescribed. There are two residences nearby, but one belongs to the applicant and there is a large grain storage facility just to the west. The proposed structure will house materials and equipment that are currently stored outside. The applicant presumably wants to store the trailers inside to protect them from weather and vandalism. 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 expansion of an agricultural business that has been in continuous operation for years and is adjacent to farm land and other Ag related businesses 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 surrounding area is primarily farmland or Ag related businesses, which shall remain in crop production and business 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.* The expansion of an existing agricultural business that has been in continuous operation for years 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, all necessary utilities already exist onsite.

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.* 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, the proposed commercial use is not within a half mile of a livestock feeding operation. No adverse impacts on that animal operation are anticipated.

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.* Given the usage of heavy equipment and semi-trailers in agriculture, in general, the Special Use request for construction of a semi-trailer storage building 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.* Given its adjacency to the existing agricultural business, the Special Use request is consistent with the existing uses of property within the general area and 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 discussed. **Motion declared carried.**

On roll call to approve **Case No. 14-47-S** as amended the vote was:

Ayes: 6 – Baum, May, Alternate Vaughn, Webb, Zimmerman and Chairman Newman

Nays: 0

Absent: 2 - Lessen, Toevs

**Motion declared carried.**

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**NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Tuesday, January 6, 2015** 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 Zimmerman, to adjourn the Zoning Board of Appeals Public Hearing at 7:35 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.