

(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, April 7, 2015, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman Duane Lessen called the meeting to order.

PRESENT: Chairman Duane Lessen, Sandy May, Don Vaughn, Phil Webb and Ken Zimmerman

ABSENT: JoAn Baum, Loren Toevs

STAFF: Kristal Deininger, Community Development Administrator; Jaclynn Workman, Inspections Coordinator; David Smesrud, Land Use Planner; Mike Holly, Assistant States Attorney; and Land Use Members: Chairman Terry Hillegonds, Monica Connett, Seth Mingus, Gary Sciortino and Sue Sundell

OTHERS

PRESENT: Petitioners and Interested Parties

MINUTES: Moved by May, seconded by Webb, to approve the Minutes of the March 3, 2015 Zoning Board of Appeals Meeting. **Motion carried by voice vote.**

CASE NO. 15-09-S: The petition of Robert Risinger for a Special Use to allow the re-placement of an existing mobile home, originally approved in Case No. 77-25-S for a retired parent to reside in, to be now utilized for a son to reside in, while caring for the retired parents residing the principal dwelling 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 report regarding the proposed Special Use request stating new a septic system would need to be installed.

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.

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

Craig Fink, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating no impact on traffic would be expected and that the Township Highway Commissioner should be contacted.

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

Margaret Risinger appeared to testify on behalf of the proposed Special Use request. Mrs. Risinger stated they would like to replace an existing trailer on the property that her son was residing in. Mrs. Risinger said her son helps with the care of her and her husband, who is battling cancer. Mrs. Risinger added the new mobile home would be 10' shorter than the existing and she was agreeable that the mobile home would be removed from the property once her son no longer resides in it.

Following all Public Hearings, moved by Zimmerman, seconded by Vaughn, to approve **Case No. 15-09-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 County Comprehensive Land Use Plan does not specifically address mobile homes. However, the primary goals of the plan are to achieve an orderly development pattern and promote farm land conservation. Allowing a mobile home to remain on this specific property for a son to care for retired parents is not contrary to these goals, so the Special Use is judged to be consistent with the Comprehensive Land Use Plan.

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

POSITIVE.

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

POSITIVE. The subject property is located a small residential subdivision, surrounded by agricultural fields and conservation lands. Replacing the existing mobile home, which has been on the property since 1977, with a new mobile home is not anticipated to cause adverse effects on adjacent 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. The neighboring vicinity is an isolated and small residential subdivision surrounded by agricultural and conservation lands. Allowing the existing mobile home to be replaced with a new mobile home on the property will not interfere with the surrounding agricultural and residential uses, so establishment of the Special Use will not 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. Other property in the immediate vicinity is used for agriculture, residential and conservation uses, and allowing the mobile home already established on this property to be replaced with a new mobile home will not interfere with the nearby uses. Therefore, the proposed Special Use will not be injurious to the use of other property in the immediate vicinity.

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

POSITIVE. The proposed special use is not anticipated to have a negative effect on nearby property values.

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. Well and septic are in place. The mobile home currently exists, so all necessary facilities are provided.

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 this portion of Hinman and Benson Roads, there is no foreseeable traffic congestion or safety issues from granting the Special Use request. No additional access off Hinman or Benson Roads is required.

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

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

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

POSITIVE.

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

POSITIVE.

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

POSITIVE. The Special Use request for a single mobile home occupied by a son to care for retired parents in the adjacent principal dwelling is consistent with other uses in the vicinity. No farmland will be taken out of production.

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

On roll call to approve **Case No. 15-09-S** the vote was:

Ayes: 5 – May, Vaughn, Webb, Zimmerman and Chairman Lessen

Nays: 0

Absent: 2 - Baum, Toevs

Motion declared carried.

CASE NO. 15-10-S: The petition of Carrie Peplow for a Special Use to allow the construction of an additional Accessory Structure prior to a Principal Dwelling 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 no issue.

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

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

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

Craig Fink, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating no impact on traffic would be expected and that the Township Highway Commissioner should be contacted.

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

THE FOLLOWING CONTAINS TESTIMONY FOR BOTH CASE 15-10-S AND CASE 15-11-V.

Cary Peplow appeared to testify on behalf of the proposed Special Use and Variance request. Mr. Peplow stated he would like to construct a machine shed to store their lawnmowers, four wheelers and other equipment. Mr. Peplow said it would be easier to be able to lock up the items at the property, rather than transporting it each time. Mr. Peplow added there was an old barn on the property with a dirt floor that was in poor condition, but they have not considered demolishing the building. Mr. Peplow stated they would like to construct a home in the future, once their son graduates from Bradley. Mr. Peplow said he was not opposed to removing the old barn on the property however he would like at least 2 years in order to remove it. Mr. Peplow added the old barn was not used for storage and they have no intention to rehab the building.

Following all Public Hearings, moved by Zimmerman, seconded by Vaughn, to approve **Case No. 15-10-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. Special Uses when combined with Variances for this same property shall be compliant for the purposes of this section.*

POSITIVE. The proposed Special Use conforms to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator. The submitted proposal fails to meet two requirements:

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 to construct an accessory structure and a single family dwelling within the next 5 - 10 years 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,*
- *Minimize conflict between land uses,*
- *Design new development to conform to the existing development pattern and potential future development patterns.*

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

POSITIVE. The petitioner has met the application requirements of Article 25 of the Tazewell County Zoning Code; all requirements have been satisfactorily met.

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

POSITIVE. Adjacent properties consist of a residential property and Route 9 to the south; to the north of the subject parcel are additional wooded lands. The subject parcel is primarily adjacent to agricultural land on the east and west. The proposed Special Use to build an accessory structure will be similar to the existing farmsteads and compatible with the nearby agricultural operations. There are no foreseeable adverse effects of the Special Use request 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 neighboring vicinity consists of farmland with isolated dwellings; this portion of Tazewell County is rural and agriculture is the dominant use. The proposed accessory structure will be similar in nature to existing accessory structures and outbuildings in the general area and will be compatible with the nearby agricultural operations. As such, endangerment to the public health, safety, morals, comfort or general welfare of the neighboring vicinity is not foreseeable at this time.

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. Property in the immediate vicinity is utilized for agriculture and single-family residences. The proposed accessory structure and eventual single family dwelling will be similar in nature to the existing residential uses and will be compatible with the agricultural uses. At this time, it is not foreseeable that the proposed accessory structure will be injurious to the use and enjoyment of other property in the immediate vicinity.

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

POSITIVE. Property in the immediate vicinity is utilized for agriculture and single-family residences. The proposed accessory structure and eventual single family dwelling will be compatible with the existing uses and should not lead to a substantial change in neighborhood character. Diminished property values as a result of allowing the proposed Special Use accessory structure are not anticipated.

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

POSITIVE. Road access at the subject site is adequate and site topography will provide for sufficient drainage. The large parcel size of over nine (9) acres will allow ample room to situate an appropriately sized well and septic system.

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.

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. The general area is rural, and there is minimal traffic on Schmidgall Road. As such, the addition of an accessory structure and eventually one dwelling unit will not lead to a discernible traffic increase. Sight distance from the proposed access drive is impaired slightly to the south due to slope, but a hazard is not anticipated at this time, given the low volume of vehicular traffic on Schmidgall Road.

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. Per the applicant, the subject parcel and proposed Special Use are not located within one-half mile or less from a livestock feeding operation.

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

POSITIVE. The proposed Special Use is an accessory structure and eventually one dwelling unit in a rural area. The proposed accessory structure is not a driver of land development and will have little, if any, impact on land more than one-half mile away. Therefore, the proposed Special Use will not hinder the operation or expansion of any livestock feeding operations located more than one-half mile away.

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

POSITIVE. The applicant did not provide a soil productivity index in the application, but researching the USDA Soil Survey showed that the soil at the subject parcel is not prime farmland. No portion of the subject parcel is in agricultural production.

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

POSITIVE. The proposed Special Use to construct an accessory structure is consistent with the existing uses of property within the general area as previously discussed within this report.

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

On roll call to approve **Case No. 15-10-S** the vote was:

Ayes: 5 – May, Vaughn, Webb, Zimmerman and Chairman Lessen

Nays: 0

Absent: 2 - Baum, Toevs

Motion declared carried.

CASE NO. 15-11-V: The petition of Carrie Peplow for a Variance to waive the requirements of 7TCC 1-7(c)(1) to allow the construction of an additional Accessory Structure prior to a Principal Dwelling for storage of materials to maintain the property and storage of personal equipment which will be approximately 2,160 square feet, which will make all buildings a total of 2,900 square feet larger than allowed in an A-1 Agriculture Preservation District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating no issue.

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

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

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

Craig Fink, Tazewell County Highway Engineer submitted a report regarding the proposed Variance request stating no impact on traffic would be expected and that the Township Highway Commissioner should be contacted.

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

PLEASE REFER TO CASE NO. 15-10-S FOR THE TESTIMONY FOR CASE 15-11-V.

Following all Public Hearings, moved by Webb, seconded by May, to approve **Case No. 15-11-V**.

Following discussion, moved by May, seconded by Vaughn to amend the Main Motion to include the following conditions:

1. The existing 1,140 square feet dilapidated building currently located on the property shall be removed by April 7, 2017.

Motion carried by voice vote for the amendment.

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. The parcel has an existing dilapidated building which in its current state is not conducive for storage of the equipment that the petitioner wishes to keep within a building. Removal of the existing dilapidated building will reduce the scale of the Variance request as originally requested.

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

POSITIVE. The parcel has an existing dilapidated building which in its current state is not conducive for storage of the equipment that the petitioner wishes to keep within a building. Removal of the existing dilapidated building will reduce the scale of the Variance request as originally requested. The parcel is large and the petitioner testified that they live over 40 minutes away and it has been difficult to transport the equipment back forth to the property for maintenance.

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. Property in the immediate vicinity is utilized for agriculture and single-family residences. The proposed accessory structure and eventual single family dwelling will be similar in nature to the existing residential uses and will be compatible with the agricultural uses. At this time, it is not foreseeable that the proposed accessory structure will be injurious to the use and enjoyment of other property in the immediate vicinity.

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. Property in the immediate vicinity is utilized for agriculture and single-family residences. The proposed accessory structure and eventual single family dwelling will be similar in nature to the existing residential uses and will be compatible with the agricultural uses. At this time, it is not foreseeable that the proposed accessory structure will be injurious to the use and enjoyment of other property in the immediate vicinity.

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

POSITIVE. The petitioner is simply seeking a new building for storage of materials needed to maintain the property.

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 parcel has an existing dilapidated building which in its current state is not conducive for storage of the equipment that the petitioner wishes to keep within a building. Removal of the existing dilapidated building will reduce the scale of the Variance request as originally requested. The parcel is large and the petitioner testified that they live over 40 minutes away and it has been difficult to transport the equipment back forth to the property for maintenance.

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

POSITIVE. The parcel has an existing dilapidated building which in its current state is not conducive for storage of the equipment that the petitioner wishes to keep within a building. Removal of the existing dilapidated building will reduce the scale of the Variance request as originally requested. The parcel is large and the petitioner testified that they live over 40 minutes away and it has been difficult to transport the equipment back forth to the property for maintenance.

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

POSITIVE. The parcel has an existing dilapidated building which in its current state is not conducive for storage of the equipment that the petitioner wishes to keep within a building. Removal of the existing dilapidated building will reduce the scale of the Variance request as originally requested. The parcel is large and the petitioner testified that they live over 40 minutes away and it has been difficult to transport the equipment back forth to the property for maintenance.

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

On roll call to approve **Case No. 15-11-V as amended**, the vote was:

Ayes: 5 – May, Vaughn, Webb, Zimmerman and Chairman Lessen

Nays: 0

Absent: 2 - Baum, Toevs

Motion declared carried.

CASE NO. 15-12-V: The petition of Bryce Hearn for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an Accessory Structure (Detached Garage) to be 39' from the centerline of the Right of Way of Bittersweet Road, which is 11' closer than allowed in an R-1 Low Density Residential District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating the location of the proposed building meets the set backs from the septic system according to the petitioner's diagram and that a septic repair must be completed and passing effluent samples submitted.

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

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

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

Craig Fink, Tazewell County Highway Engineer submitted a report regarding the proposed Variance request stating no impact on traffic would be expected and that the Township Highway Commissioner should be contacted.

School District 50 and 308 made no comment regarding the proposed Variance request.

Bryce Hearn appeared to testify on behalf of the proposed Variance request. Mr. Hearn stated he would like to construct a detached garage. Mr. Hearn said he pushed the garage back as far as possible as there was a ravine to the East. Mr. Hearn added he needed storage for his mower, 4-wheeler, children items, and overflow storage from rental property. Mr. Hearn stated he does not want to remove a large oak tree and was trying to prevent causing any erosion issues. Mr. Hearn said he consulted the Health Department and was told the septic was installed prior to 1974, he would need to install a chlorine feeder and now have a yearly operational inspection. Mr. Hearn added the garage would have a 10' wall height and would be aesthetically similar to the dwelling.

Following all Public Hearings, moved by Zimmerman, seconded by Vaughn, to approve **Case No. 15-12-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 ravine, location of septic, topography of the property and a large oak tree the petitioner has no other alternative for location of the new garage on the property.

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 ravine, location of the septic, topography of the property and a large oak tree the petitioner has no other alternative for location of the new garage on the property.

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. Location of the garage will not be detrimental to the public welfare at the location as proposed.

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

POSITIVE. The location of the proposed garage will not increase congestion on Bittersweet or diminish property values in the neighborhood. The petitioner is seeking the garage for additional storage of personal equipment. Further a new driveway will not be installed to access the new garage.

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

POSITIVE. The petitioner is simply seeking to construct the garage to accommodate the need for additional storage.

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 ravine, location of the septic, topography of the property and a large oak tree the petitioner has no other alternative for location of the new garage on the property.

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

POSITIVE. Due to the ravine, location of the septic, topography of the property and a large oak tree the petitioner has no other alternative for location of the new garage on the property.

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

POSITIVE. Due to the ravine, location of the septic, topography of the property and a large oak tree the petitioner has no other alternative for location of the new garage on the property.

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

On roll call to approve **Case No. 15-12-V**, the vote was:

Ayes: 5 – May, Vaughn, Webb, Zimmerman and Chairman Lessen

Nays: 0

Absent: 2 - Baum, Toevs

Motion declared carried.

CASE NO. 15-13-V: The petition of Nate Gray for a Variance to waive the requirements of 7TCC1-7(g)(2)(ii) to allow construction of an Accessory Structure (Machine Shed) to be 1' from the side property line, which is 14' closer than allowed in an A-1 Agriculture Preservation District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating no issue.

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

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Variance request if there were no objections from neighboring property owners.

Jerry Brown, Elm Grove Township Road Commissioner submitting a report making no objection regarding the proposed Variance request.

Craig Fink, Tazewell County Highway Engineer submitted a report regarding the proposed Variance request stating no impact on traffic would be expected and that the Township Highway Commissioner should be contacted.

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

Nate Gray appeared to testify on behalf of the proposed Variance request. Mr. Gray stated he would like to replace an old building with a new one and make it flush with the setbacks of other buildings. Mr. Gray said he would turn the orientation of the building and was rebuilding the structure at 1' shorter than the existing building. Mr. Gray added there was a steep ravine on the West side of his property so the neighboring property would not be affected.

Following all Public Hearings, moved by Zimmerman, seconded by Vaughn, to approve **Case No. 15-13-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 existing location of the septic system, the ravine on the property, and how the applicant accesses the rear of the property the proposed location of the machine shed is the most logical and practical area.

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

POSITIVE. Due to the existing location of the septic system, the ravine on the property, and how the applicant accesses the rear of the property the proposed location of the machine shed is the most logical and practical area.

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

POSITIVE.

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 applicant wishes to remove a dilapidated shed and replace with the new one and to allow for storage.

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 existing location of the septic system, the ravine on the property, and how the applicant accesses the rear of the property the proposed location of the machine shed is the most logical and practical area.

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

POSITIVE. Due to the existing location of the septic system, the ravine on the property, and how the applicant accesses the rear of the property the proposed location of the machine shed is the most logical and practical area.

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

POSITIVE. Due to the existing location of the septic system, the ravine on the property, and how the applicant accesses the rear of the property the proposed location of the machine shed is the most logical and practical area.

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

On roll call to approve **Case No. 15-13-V**, the vote was:

Ayes: 5 – May, Vaughn, Webb, Zimmerman and Chairman Lessen

Nays: 0

Absent: 2 - Baum, Toevs

Motion declared carried.

CASE NO. 15-13-V: The petition of Michael and Annette Gresham for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow the construction of an Accessory Structure (Detached Garage) to be 30' from the centerline of the Right of Way of Locust Road, which is 70' closer than allowed, which is 20' closer than allowed in an A-1 Agriculture Preservation District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a diagram should be submitted showing distances from the septic tank and buried sandfilter to the proposed building.

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

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

Kenneth Siegrist, Dillon Township Road Commissioner submitting a report making no objection regarding the proposed Variance request.

Craig Fink, Tazewell County Highway Engineer submitted a report regarding the proposed Variance request stating no impact on traffic would be expected and that the Township Highway Commissioner should be contacted.

School District 703 made no comment regarding the proposed Variance request.

Michael Gresham appeared to testify on behalf of the proposed Variance request. Mr. Gresham stated he would like to construct a detached garage, and he presently did not have a garage structure on his property. Mr. Gresham said the requested location was the most feasible due to the topography of the land. Mr. Gresham added he would use the existing driveway entrance and was already aware of the setback requirement for the septic system.

Following all Public Hearings, moved by May, seconded by Vaughn, to approve **Case No. 15-14-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. The petitioner is limited in buildable area due to the topography of the property and the location of the septic.

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

POSITIVE. The petitioner is limited in buildable area due to the topography of the property and the location of the septic.

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;*

PROPERTY.

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 storage.

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 petitioner is limited in buildable area due to the topography of the property and the location of the septic.

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

POSITIVE. The petitioner is limited in buildable area due to the topography of the property and the location of the septic.

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

POSITIVE. The petitioner is limited in buildable area due to the topography of the property and the location of the septic. The Community Development Administrator is aware that the Health Department has concerns with regards to the location of the new garage and the septic and advised the Zoning Board that a building permit will not be issued until the Health Department gives final approval on the location of the garage.

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

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

Ayes: 5 – May, Vaughn, Webb, Zimmerman and Chairman Lessen

Nays: 0

Absent: 2 - Baum, Toevs

Motion declared carried.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **Tuesday, May 5, 2015** at 6:00 p.m. in the Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois.

ADJOURNMENT

There being no further business, moved by May, seconded by Zimmerman, to adjourn the Zoning Board of Appeals Public Hearing at 7:15 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.