

**(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 2, 2015, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman Duane Lessen called the meeting to order.

**PRESENT:** Chairman Duane Lessen, JoAn Baum, Sandy May, Cheryl Linsley, Don Vaughn, Phil Webb and Ken Zimmerman

**ABSENT:** 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: Monica Connett, K. Russell Crawford, Gary Sciortino and Sue Sundell

**OTHERS**

**PRESENT:** Petitioners and Interested Parties

**MINUTES:** Moved by May, seconded by Webb, to approve the Minutes of the May 5, 2015 Zoning Board of Appeals Meeting. **Motion carried by voice vote.**

---

**CASE NO. 15-20-S:** The petition of St. Johns Lutheran Church for a Special Use for an expansion of an existing legal non-conforming use of property utilized as a Church to allow construction of an addition to the Church (Vestibule) 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 and had no comment regarding the Special Use.

Tazewell County Soil & Water Conservation District made no comment.

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

Wylie Coriell, Sand Prairie Township Road Commissioner had no objections to the proposed Special Use request.

Craig Fink, Tazewell County Highway Engineer had no comment.

Mark Schleder appeared to testify on behalf of the proposed Special Use request. Mr. Schleder stated the Church would like to increase its' welcoming area and post church fellowship area. Mr. Schleder said visitation and weddings would be able to utilize the additional reception space as well.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 15-20-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.

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 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.

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 area is not heavily populated, but several dwellings and an assisted living facility are located within ½ mile of the subject property. However, the existing church has occupied the site for over a century and these types of uses are not typically regarded as nuisances. 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. An expansion of an existing church is not anticipated to substantially diminish and / or impair property value within the neighborhood

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 in crop production for the foreseeable future, limiting injury to the use and enjoyment of other property in the immediate area. No portion of the subject parcel is currently in crop production.

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

POSITIVE. An expansion of an existing church 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. Given its connection to an existing building with utilities, the proposed expansion has necessary access to 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 traffic volumes on Townline Rd. and relatively flat topography, there are no foreseeable traffic congestion or safety issues from granting the Special Use request. The vestibule does not infringe upon existing parking facilities or create additional 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. The Special Use request for an expansion of a church is not necessarily consistent with the agricultural and residential uses in the vicinity. However, the expansion is to occur entirely within the existing parcel, connecting to an existing church that has occupied the site for over a century. There appears to be little, if any, conflict with neighboring uses, as churches are typically low-impact and well-tolerated developments.

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

POSITIVE. Due to the fact that existing Church has been located on this property since 1877 and the size, topography, and utility access, the subject property is suitable for the Special Use request as proposed

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

On roll call to approve **Case No. 15-20-S** the vote was:

Ayes: 7 – Baum, Alternate Linsley, May, Vaughn, Webb, Zimmerman and Chairman Lessen

Nays: 0

Absent: 1 - Toevs

**Motion declared carried.**

---

**CASE NO. 15-21-S:** The petition of Larry Myers for a Special Use to allow the placement of a Mobile Home for a retired parent to reside in located 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 stating that corrections would have to be made to the existing well and septic on the property and the Cistern and cesspool would need to be property abandoned.

Tazewell County Soil & Water Conservation District made no comment.

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

Jeff Schneider, Hittle Township Road Commissioner had no objections to the proposed Special Use request.

Craig Fink, Tazewell County Highway Engineer had no comment.

**THE FOLLOWING CONTAINS TESTIMONY FOR BOTH CASE NO. 15-21-S AND CASE 15-22-V.**

April McClellan appeared to testify on behalf of the proposed Special Use request. Ms. McClellan stated the Petitioner was her father and she would like to place a mobile home on her property for her father to reside in. Ms. McClellan said Wayne Litwiller had been on site and there was an approval regarding the Health Department's concern, as the mobile home would only contain one bedroom. Ms. McClellan added she understood the mobile home would need to be removed from the property once her father no longer utilized it.

Following all Public Hearings, moved by May, seconded by Zimmerman, to approve **Case No. 15-21-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 – pending approval of Variance request 15-22-V to allow the mobile home to be 60 feet closer to the centerline of Dale Road than allowed by code.

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 be placed on this property for a retired parent 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 in an isolated rural area, surrounded by agricultural fields, with the nearest dwellings 2,300 feet away to the southeast. Allowing a mobile home to be placed on the property for a retired parent will not 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 rural area with agricultural fields, with other dwellings placed far apart. Allowing the mobile home to be placed on the property to house a retired parent 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, and residential uses, and allowing this mobile home to be established on this property 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.

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 Dale Road, there is no foreseeable traffic congestion or safety issues from granting the Special Use request. No additional access off Dale Road is required. The Township Highway Commissioner has provided approval of the applicant's plans.

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. The proposed Special Use 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

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

NOT APPLICABLE

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

POSITIVE. The 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.

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

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

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

POSITIVE. The property is suitable for the Special Use as detailed within the above findings of fact.

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

On roll call to approve **Case No. 15-21-S** the vote was:

Ayes: 7 – Baum, Alternate Linsley, May, Vaughn, Webb, Zimmerman and Chairman Lessen

Nays: 0

Absent: 1 - Toevs

**Motion declared carried.**

---

(Upon approval of Case No. 15-21-S by the Zoning Board of Appeals)

**CASE NO. 15-22-V:** The petition of Larry Myers for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow the placement of a Mobile Home to be 40' from the centerline of Dale Road, which is 60' closer than allowed in an A-1 Agriculture Preservation District.

Tazewell County Health Department submitted a report stating that corrections would have to be made to the existing well and septic on the property and the Cistern and cesspool would need to be property abandoned.

Tazewell County Soil & Water Conservation District made no comment.

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

Jeff Schneider, Hittle Township Road Commissioner had no objections to the proposed Variance request.

Craig Fink, Tazewell County Highway Engineer had no comment.

**PLEASE REFER TO CASE NO. 15-21-S FOR THE TESTIMONY FOR CASE 15-22-V.**

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 15-22-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 proposed location for the mobile home is the most practical due to the location of other existing buildings, the septic and waterline located 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. The proposed location for the mobile home is the most practical due to the location of other existing buildings, the septic and waterline located 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. Approving the Variance will not be detrimental to the public welfare, nor injurious to property and 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.

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 seeking to place a mobile home on the property for the purpose of caring for a retired parent.

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 proposed location for the mobile home is the most practical due to the location of other existing buildings, the septic and waterline located 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. The proposed location for the mobile home is the most practical due to the location of other existing buildings, the septic and waterline located on the property

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

POSITIVE. The proposed location for the mobile home is the most practical due to the location of other existing buildings, the septic and waterline located on the property.

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

On roll call to approve **Case No. 15-22-V** the vote was:

Ayes: 7 – Baum, Alternate Linsley, May, Vaughn, Webb, Zimmerman and Chairman Lessen

Nays: 0

Absent: 1 - Toevs

**Motion declared carried.**

---

**CASE NO. 15-23-S:** The petition of Robin Milliman for a Special Use to allow construction of an Accessory Structure (Pole Building) 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 having no comment.

Tazewell County Soil & Water Conservation District made no comment.

Tazewell County Farm Bureau submitted a report recommending approval with reservations.

The Illinois Department of Transportation did not make a comment regarding the request.

Craig Fink, Tazewell County Highway Engineer had no comment.

Ron Sieh, with the City of Pekin had no concerns regarding the Special Use.

**THE FOLLOWING CONTAINS TESTIMONY FOR BOTH CASE NO. 15-23-S AND CASE 15-24-V.**

Robin Milliman appeared to testify on behalf of the proposed Special Use request. Ms. Milliman stated she would like to construct a 40x64 pole barn at the Southwest corner of her property. Ms. Milliman said the building would be used for personal storage. Ms. Milliman added there was a small garden shed on the property now but it would be removed upon completion of the new building. Ms. Milliman stated the property to the South was at present a cornfield and she intended on constructing a new dwelling by 2017.

Following all Public Hearings, moved by May, seconded by Vaughn, to approve **Case No. 15-23-S** with the following condition:

1. The applicant shall apply for the building permit to construct the new dwelling by June 1, 2017.

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 proposed Special Use conforms to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator – pending approval of variance request 15-24-V since the proposed shed is 2,160 square feet larger than allowed by code.

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

in the near future 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 primarily of low-density residential property and to the north and south are agricultural lands. The proposed Special Use to build an accessory structure will be similar to other properties along this portion of Edgewater Drive as other homes and businesses in the area have large accessory structures for storage purposes. 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 some large-lot residential developments, a church and farms; much of Edgewater Drive is developed with these types of properties. 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 to the north and south. 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 five (5) 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.* The general area is rural, but there is moderate traffic (3,950 AADT) on Edgewater Drive which also functions as State Route 98. But 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 not impaired, but users should exercise caution entering and exiting because of the higher traffic volume on Edgewater Drive.

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.* 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.

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

*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.

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

*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.

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

*POSITIVE.* The property is suitable for the Special Use to construct an accessory structure as detailed within the above findings of fact.

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

On roll call to approve **Case No. 15-23-S** the vote was:

Ayes: 7 – Baum, Alternate Linsley, May, Vaughn, Webb, Zimmerman and Chairman Lessen

Nays: 0

Absent: 1 - Toevs

**Motion declared carried.**

---

(Upon approval of Case No. 15-23-S by the Zoning Board of Appeals.)

**CASE NO. 15-24-V:** The petition of Robin Milliman for a Variance to waive the requirements of 7TCC 1-7(c)(1) to allow construction of an Accessory Structure prior to a Principal Dwelling for storage of materials to maintain the property and storage of personal items which will be approximately 2,560 square feet, which is 2,160 square feet larger than allowed in an A-1 Agriculture Preservation District.

Tazewell County Health Department submitted a report having no comment.

Tazewell County Soil & Water Conservation District made no comment.

Tazewell County Farm Bureau submitted a report recommending approval with reservations.

The Illinois Department of Transportation did not make a comment regarding the request.

Craig Fink, Tazewell County Highway Engineer had no comment.

Ron Sieh, with the City of Pekin had no concerns regarding the Special Use.

**PLEASE REFER TO CASE NO. 15-23-S FOR THE TESTIMONY FOR CASE 15-24-V.**

Following all Public Hearings, moved by Vaughn, seconded by Zimmerman, to approve **Case No. 15-24-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. There are no real surrounding or topographical issues, but following testimony provided by the applicant it was the determination of the ZBA that the applicant is in need of storage. Further the applicant will be constructing a new house in the summer of 2017 and the storage is needed for the construction materials.

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. There conditions are unique as determined by the ZBA that the applicant is in need of storage. Further the applicant will be constructing a new house in the summer of 2017 and the storage is needed for the construction materials.

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.

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 seeking to construct a new building for storage of materials to maintain the property and to store construction items during the time that the new house is under construction.

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 applicant is simply seeking to construct a new building for storage of materials to maintain the property and to store construction items during the time that the new house is under construction.

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.

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

On roll call to approve **Case No. 15-24-V** the vote was:

Ayes: 7 – Baum, Alternate Linsley, May, Vaughn, Webb, Zimmerman and Chairman Lessen

Nays: 0

Absent: 1 - Toevs

**Motion declared carried.**

---

**CASE NO. 15-25-S:** The petition of Scott and Beth Schlueter for a Special Use to allow the construction of an Accessory Structure (Pole Building) prior to a Principal Dwelling in a R-R Rural Residential 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 having no comment.

Tazewell County Soil & Water Conservation District made no comment.

Tazewell County Farm Bureau submitted a report recommending approval if there were no objections from the surrounding property owners.

David Weaver, Washington Township Road Commissioner recommended approval if there were no objections from surrounding property owners.

Jon Oliphant, City of Washington recommended approval of the Special Use with a timeline for construction of the dwelling.

Craig Fink, Tazewell County Highway Engineer had no comment.

**THE FOLLOWING CONTAINS TESTIMONY FOR BOTH CASE NO. 15-25-S AND CASE 15-26-V.**

Stan Schlueter, Scott Schlueter's father appeared to represent and testify on behalf of the proposed Special Use request. Mr. Schlueter stated his son would like to construct a pole barn to store equipment and personal items in. Mr. Schlueter said his son had sold his home on Liberty Lane over a year ago and moved in to town and added his son had 2 accessory structures full of personal belongings at the original dwelling on Liberty Lane. Mr. Schlueter stated the proposed location would provide his son the best screening. Mr. Schlueter said his son would prefer to not be restricted to a time frame and would estimate constructing a new dwelling in the next 2 to 8 years. Mr. Schlueter said there were similar uses in the area and the current access is going to remain the same and added there would be no adverse affect on the neighboring camp.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 15-25-S** with the following condition:

1. The applicant shall appear back for the Zoning Board if a permit is not obtained for construction of the house by June 1, 2020.

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 proposed Special Use conforms to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator – pending approval of variance request 15-26-V since the proposed shed is 2,000 square feet larger than allowed by code.

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 in the near future 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 primarily of low-density residential property and to the north and south are agricultural lands. The proposed Special Use to build an accessory structure will be similar to other properties along Liberty Lane as other homes and businesses in the area have large accessory structures for storage purposes. 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 several large-lot residential developments; much of Liberty Lane is developed with these types of properties. 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 to the north. 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 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.

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 eight (8) 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.* The general area is rural, and there is minimal traffic on Liberty Lane. 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 west due to road curvature, but a hazard is not anticipated at this time, given the low volume of vehicular traffic on Liberty Lane.

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.* 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.

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

*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.

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

*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.

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

*POSITIVE.* The property is suitable for the Special Use to construct an accessory structure as detailed within the above findings of fact.

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

On roll call to approve **Case No. 15-25-S** the vote was:

Ayes: 7 – Baum, Alternate Linsley, May, Vaughn, Webb, Zimmerman and Chairman Lessen

Nays: 0

Absent: 1 - Toevs

**Motion declared carried.**

---

(Upon approval of Case No. 15-25-S by the Zoning Board of Appeals)

**CASE NO. 15-26-V:** The petition of Scott and Beth Schlueter for a Variance to waive the requirements of 7TCC1-9(c)(1) to allow construction of an Accessory Structure prior to a Principal Dwelling for storage of materials to maintain the property and storage of personal items which will be approximately 2,400 square feet, which is 2,000 square feet larger than allowed in a R-R Rural Residential District.

Tazewell County Health Department submitted a report having no comment.

Tazewell County Soil & Water Conservation District made no comment.

Tazewell County Farm Bureau submitted a report recommending approval if there were no objections from the surrounding property owners.

David Weaver, Washington Township Road Commissioner recommended approval if there were no objections from surrounding property owners.

Jon Oliphant, City of Washington recommended approval of the Variance.

Craig Fink, Tazewell County Highway Engineer had no comment.

**PLEASE REFER TO CASE NO. 15-25-S FOR THE TESTIMONY FOR CASE 15-26-V.**

Following all Public Hearings, moved by Vaughn, seconded by Zimmerman, to approve **Case No. 15-26-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.* There are no real surrounding or topographical issues, but following testimony provided by the applicant it was the determination of the ZBA that the applicant is in need of storage. The applicant was unable to give a specific timeframe for construction, however the ZBA will require that the applicant appear back for the Board if a permit is not obtained for construction of the house by June 1, 2020.

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. There conditions are unique as determined by the ZBA that the applicant is in need of storage.

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.

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 seeking to construct a new building for storage of materials to maintain the property and in the future to store construction items during the time that the new house is under construction.

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 applicant is simply seeking to construct a new building for storage of materials to maintain the property and in the future to store construction items during the time that the new house is under construction.

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.

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

On roll call to approve **Case No. 15-26-V** the vote was:

Ayes: 7 – Baum, Alternate Linsley, May, Vaughn, Webb, Zimmerman and Chairman Lessen

Nays: 0

Absent: 1 - Toevs

**Motion declared carried.**

---

**CASE NO. 15-27-V:** The petition of Thomas Ellmann for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an Addition to Dwelling (Attached Garage) which will be 24' from the centerline of Wildwood Drive, which is 26' closer than allowed in a R-1 Low Density Residential District. **(NOTE: The garage was not proposed to be attached is was submitted as unattached)**

Tazewell County Health Department submitted a report stating that the applicant will need to provide a current maintenance contract with a licensed septic contractor for the aerobic unit and a signed copy of the operation inspection from when the property has sold.

Tazewell County Soil & Water Conservation District made no comment.

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

Ron Sieh, City of Pekin submitted a report stating no concern regarding the proposed Variance request..

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

Jim McCool, Groveland Township Road Commissioner made no comment regarding the proposed Variance.

Thomas Ellmann appeared to testify on behalf of the proposed Variance request. Mr. Ellmann stated he previously had an attached 2 stall garage, which was converted into living space. Mr. Ellmann said he would like to construct an unattached 2 stall garage for storage of toys and vehicles. Mr. Ellmann added the driveway entrance would be widened by 5', but the remaining concrete would be utilized. Mr. Ellmann stated the structure would have vinyl siding and a shingled roof and he had his health inspection.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 15-27-V as amended** to an Accessory Structure (Unattached Garage) .

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 proposed location of the unattached garage is the most practical due to the slope of the property towards the lake and the remaining area of the property is unbuildable.

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 proposed location of the unattached garage is the most practical due to the slope of the property towards the lake and the remaining area of the property is unbuildable.

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. Approving the Variance will not be detrimental to the public welfare, nor injurious to property and 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.

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 seeking to construct the garage to allow for storage as the applicant does not have other storage alternatives such as an attached garage.

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 proposed location of the unattached garage is the most practical due to the slope of the property towards the lake and the remaining area of the property is unbuildable.

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

POSITIVE. The proposed location of the unattached garage is the most practical due to the slope of the property towards the lake and the remaining area of the property is unbuildable.

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

POSITIVE. The proposed location of the unattached garage is the most practical due to the slope of the property towards the lake and the remaining area of the property is unbuildable.

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

On roll call to approve **Case No. 15-27-V** the vote was:

Ayes: 7 – Baum, Alternate Linsley, May, Vaughn, Webb, Zimmerman and Chairman Lessen

Nays: 0

Absent: 1 - Toevs

**Motion declared carried.**

---

**CASE NO. 15-28-V:** The petition of Steve Crowe for a Variance to waive the requirements of 7TCC1-10(f)(1)(iii) to allow the construction of an Accessory Structure (Garden Shed) to be 20' from the centerline of Haas Court, which is 30' closer than allowed, and to construct a new roof over an existing Non-Conforming Front Deck which will be 30' from the centerline of Haas Court, which is 20' closer than allowed in a R-1 Low Density Residential District.

Tazewell County Health Department submitted a report stating that the applicant will need to verify the location of the septic tank for their records.

Tazewell County Soil & Water Conservation District made no comment.

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

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

Butch Knaak, Springlake Township Road Commissioner made no comment regarding the proposed Variance.

Steve Crowe appeared to testify on behalf of the proposed Variance request. Mr. Crowe stated there had been a shed on the property for several months, and he would like to keep it in its current location. Mr. Crowe said he had no rear yard access for placement of the shed. Mr. Crowe added he would like to construct a steel roof to cover an existing deck. Mr. Crowe stated the health matter had been taken care of and the records have been updated.

Following all Public Hearings, moved by Vaughn, seconded by May, to approve **Case No. 15-28-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 proposed location of the storage shed is the most practical as the applicant has no ability to locate a structure to rear of the property as it is inaccessible. The deck that the applicant wishes to place the roof over is non-conforming and the roof will help keep snow off of the deck. The deck and storage shed will not extend out any further than other existing buildings located in the immediate 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. The proposed location of the storage shed is the most practical as the applicant has no ability to locate a structure to rear of the property as it is inaccessible. The deck that the applicant wishes to place the roof over is non-conforming and the roof will help keep snow off of the deck. The deck and storage shed will not extend out any further than other existing buildings located in the immediate 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. Approving the Variance will not be detrimental to the public welfare, nor injurious to property and 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.

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 seeking to construct the storage shed for needed storage and the roof over the deck to keep snow off of the deck for easier accessibility into the house during the winter.

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 proposed location of the storage shed is the most practical as the applicant has no ability to locate a structure to rear of the property as it is inaccessible. The deck that the applicant wishes to place the roof over is non-conforming and the roof will help keep snow off of the deck. The deck and storage shed will not extend out any further than other existing buildings located in the immediate area.

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

POSITIVE. The proposed location of the storage shed is the most practical as the applicant has no ability to locate a structure to rear of the property as it is inaccessible. The deck that the applicant wishes to place the roof over is non-conforming and the roof will help keep snow off of the deck. The deck and storage shed will not extend out any further than other existing buildings located in the immediate area.

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

POSITIVE. The proposed location of the storage shed is the most practical as the applicant has no ability to locate a structure to rear of the property as it is inaccessible. The deck that the applicant wishes to place the roof over is non-conforming and the roof will help keep snow off of the deck. The deck and storage shed will not extend out any further than other existing buildings located in the immediate area.

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

On roll call to approve **Case No. 15-28-V** the vote was:

Ayes: 7 – Baum, Alternate Linsley, May, Vaughn, Webb, Zimmerman and Chairman Lessen

Nays: 0

Absent: 1 - Toevs

**Motion declared carried.**

---

### **RECESS**

The Chairman called for a 10 minute Recess prior to Deliberations beginning at 7:15 P.M. and resumed the meeting at 7:25 P.M.

---

### **NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **Tuesday, July 7, 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 7:40 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.