

(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, July 7, 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: Chairman Hillemonds, Monica Connett, Seth Mingus, Gary Sciortino and Sue Sundell

OTHERS

PRESENT: Petitioners and Interested Parties

MINUTES: Moved by May, seconded by Baum, to approve the Minutes of the June 2, 2015 Zoning Board of Appeals Meeting. **Motion carried by voice vote.**

CASE NO. 15-29-A: Proposed Amendment No. 43 to the Tazewell County Zoning Code referred for hearing by the Tazewell County Land Use Committee to amend the following:

SECTION 1.

To amend the following Code Sections: **7 TCC 1-7 (b) Permitted Uses; 7 TCC 1-8 (b) Permitted Uses; 7 TCC 1-9 (b) Permitted Uses; 7 TCC 1-10 (b) Permitted Uses; 7 TCC 1-16 (b) Permitted Uses;**

(Add the following new verbiage):

- (1) Accessory structures on properties prior to the principal structure not to exceed a total of 250 square feet and shall be placed in the rear quarter of the property as approved by the Community Development Administrator and in accordance with accessory structure setback requirements.*

SECTION 2.

To amend the following Code Sections: **7 TCC 1-7 (c) Special Uses; 7 TCC 1-8 (c) Special Uses; 7 TCC 1-9 (c) Special Uses; 7 TCC 1-10 (c) Special Uses; 7 TCC 1-16 (c) Special Uses;**

Remove areas as stricken and add the following verbiage as italicized and bolded to all Sections as noted above:

- (2) Accessory structures prior to the principal structure not to exceed a total of ~~400~~ **1,200** square feet. The accessory structure shall be used only for *personal* storage **and for** ~~of~~ equipment necessary to maintain the property;*

SECTION 3.

7 TCC 1-25 (f) Requirements For Particular Special Uses. In addition to the information required in 7 TCC 1-25 (c), the following contains information and requirements specific to each Special Use listed:

(Remove the areas as stricken and replace with verbiage as bolded and italicized)

- i. The accessory structure shall not exceed a total of ~~400~~ **1,200** square feet.
- ii. The accessory structure shall meet all setback requirements for an accessory structure for the zoning districts it is located.
- iii. The accessory structure shall only be used for personal storage **and for** ~~of~~ equipment necessary to maintain the property.
- iv. *The building permit for construction of the principal structure shall be applied for by the applicant and issued by the Community Development Administrator within three*

(3) years from the date of approval by the Zoning Board of Appeals. If the applicant is unable to meet this criteria the applicant shall be required to reappear before the Zoning Board of Appeals for reconsideration of the request within three (3) years from the date of approval by the Zoning Board of Appeals.

SECTION 4. This amendatory ordinance shall take effect immediately upon passage as provided by law.

Tazewell County Health Department made no comment regarding the proposed Amendment.

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

The Tazewell County Farm Bureau submitted a report regarding the proposed Amendment stating this case has a direct impact on Agriculture and recommended approval.

All municipalities were notified however no comments were received regarding the proposed Amendment.

All Tazewell County School Districts were notified and made no comment regarding the proposed Amendment.

Administrator Deininger gave an explanation regarding the proposed Zoning Code Amendment and the reasons for such changes.

Following all Public Hearings, moved by May, seconded by Baum, to recommend approval of **Case No. 15-29-A** to the Tazewell County Board.

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

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*
2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

Moved by May, seconded by Zimmerman, to approve the findings of fact as written. **Motion carried by voice vote.**

On roll call to recommend approval of **Case No. 15-29-A** 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. 15-30-S: The petition of Jason Proehl, Attorney for and representing Bryan DeSutter for a Special Use to allow the creation of one new dwelling site in an A-1 Agriculture Preservation District.

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

Tazewell County Health Department submitted a report having no comment.

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

Tazewell County Farm Bureau submitted a report stating this case may have an impact on Agriculture and recommended approval.

David Shay, Malone Township Road Commissioner submitted a report having no comment regarding the proposed Special Use request.

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

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

THE FOLLOWING CONTAINS TESTIMONY FOR BOTH CASE NO. 15-30-S AND CASE 15-31-S.

Attorney Jason Proehl appeared to testify on behalf of the proposed Special Use request. Mr. Proehl stated the 2 parcels proposed were located in the Southwest corner of the County. Mr. Proehl said the proposed sites were dry corners, un-irrigated and poor soil thereby having low crop production. Mr. Proehl added the proposed site

would increase tax base and bring 2 new families to the Green Valley and Midwest Central School Districts. Mr. Proehl stated there were few residences in the area however the proposed sites were ideal for home sites. Mr. Proehl said each proposed site would have at least 500' of road frontage. Mr. Proehl added the proposed site was the best possible use of the dry lot corners and given the property owner installed the irrigation after his purchase, there would be no monetary gain by the development of home sites. Mr. Proehl stated the proposed 5 acre lots tied up all the non tillable farm land.

Patty Martin appeared with questions regarding the proposed Special Use request. Ms. Martin stated she was an area resident and approved of the proposed 2 lots, however would not be in support of any subdivisions. Ms. Martin said she was concerned of regular Ag use and hunting that may take place in the area.

Sherin Ahmet appeared to testify in support of the proposed Special Use request. Ms. Ahmet stated she was a teacher in the Midwest Central School District and grew up in the country. Ms. Ahmet said her grandfather farms land and she had been searching for a property to build upon for 3 to 5 years.

Following all Public Hearings, moved by May, seconded by Baum, to approve **Case No. 15-30-S**.

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

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

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

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

POSITIVE. The proposed Special Use will be consistent with the following Tazewell County Comprehensive Land Use Plan implementation strategies:

- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.

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

POSITIVE. All requirements have been met.

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

POSITIVE. The site will be situated to minimize adverse effects, including visual impacts 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 granting of this special use request should not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

POSITIVE. Based upon the testimony it is the opinion of the Zoning Board of Appeals that the granting of the special use will not be injurious to the use and enjoyment of other properties in the area and the owner in his desire the sell property has taken precautions to protect the remainder of the property which is irrigated tillable farmland.

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

POSITIVE. The Special Use request should not substantially diminish and / or impair property value within the neighborhood. It would likely raise the property values of the subject parcel but should have limited impact on surrounding properties.

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

POSITIVE. The applicant has indicated that adequate utilities are located nearby.

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 Shay Road, there are no foreseeable traffic congestion or safety issues from granting the Special Use request to add one home building site.

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

POSITIVE. Per the applicant, there are no livestock feeding operations within one-half miles of the subject parcel. An additional single family home will not increase population density around livestock feeding operations to such levels as to hinder operation or expansion of livestock feeding operations.

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

POSITIVE.

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

POSITIVE. The site has an index rating of 60 and is not considered prime farmland soil.

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

POSITIVE. Although the area is sparsely populated there are a few similar sites in the area and the request allows the owner a reasonable use of his property but yet protects the extensive row crop production of the remaining parcel.

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

POSITIVE. The site is suitable based on the findings as a whole, and affords the land owner the highest and best use of the property as the site is not suitable for farming, but yet will not have an adverse impact on the surrounding area. Per the Zoning Code the a division of a parcel for Special Use consideration shall be allowed only to occur one time on any parcel, therefore further development of the remainder of the site via Special Use will be not allowed which will protect the integrity of the surrounding agricultural property. The new owners will be required to sign an Agricultural Land Use Easement which will be filed with the Deed waiving common law rights to object to normal, necessary and customary agricultural management activities legally conducted on adjacent lands.

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

On roll call to approve **Case No. 15-30-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. 15-31-S: The petition of Jason Proehl, Attorney for and representing Bryan DeSutter for a Special Use to allow the creation of one new dwelling site in an A-1 Agriculture Preservation District.

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

Tazewell County Health Department submitted a report regarding the proposed Special Use request having no comment.

Tazewell County Soil & Water Conservation District submitted a report recommending approval.

Tazewell County Farm Bureau submitted a report stating this Case may have an impact on Agriculture and recommended approval regarding the proposed Special request.

David Shay, Malone Township Road Commissioner submitted a report having no comment regarding the proposed Special Use request.

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

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

PLEASE REFER TO CASE NO. 15-30-S FOR THE TESTIMONY FOR CASE 15-31-S.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 15-31-S.**

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

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

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

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

POSITIVE. The proposed Special Use will be consistent with the following Tazewell County Comprehensive Land Use Plan implementation strategies:

- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.

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

POSITIVE. All requirements have been met.

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

POSITIVE. The site will be situated to minimize adverse effects, including visual impacts 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 granting of this special use request should not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

POSITIVE. Based upon the testimony it is the opinion of the Zoning Board of Appeals that the granting of the special use will not be injurious to the use and enjoyment of other properties in the area and the owner in his desire the sell property has taken precautions to protect the remainder of the property which is irrigated tillable farmland.

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

POSITIVE. The Special Use request should not substantially diminish and / or impair property value within the neighborhood. It would likely raise the property values of the subject parcel but should have limited impact on surrounding properties.

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

POSITIVE. The applicant has indicated that adequate utilities are located nearby.

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 Shay Road, there are no foreseeable traffic congestion or safety issues from granting the Special Use request to add one home building site.

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

POSITIVE. Per the applicant, there are no livestock feeding operations within one-half miles of the subject parcel. An additional single family home will not increase population density around livestock feeding operations to such levels as to hinder operation or expansion of livestock feeding operations.

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

POSITIVE.

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

POSITIVE. The site has an index rating of 60 and is not considered prime farmland soil.

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

POSITIVE. Although the area is sparsely populated there are a few similar sites in the area and the request allows the owner a reasonable use of his property but yet protects the extensive row crop production of the remaining parcel.

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

POSITIVE. The site is suitable based on the findings as a whole, and affords the land owner the highest and best use of the property as the site is not suitable for farming, but yet will not have an adverse impact on the surrounding area. Per the Zoning Code the a division of a parcel for Special Use consideration shall be allowed only to occur one time on any parcel, therefore further development of the remainder of the site via Special Use will be not allowed which will protect the integrity of the surrounding agricultural property. The new owners will be required to sign an Agricultural Land Use Easement which will be filed with the Deed waiving common law rights to object to normal, necessary and customary agricultural management activities legally conducted on adjacent lands.

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

On roll call to approve **Case No. 15-31-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. 15-32-S: The petition of Laura Koener for a Special Use to allow the creation of one new dwelling site in an A-1 Agriculture Preservation District

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

Tazewell County Health Department submitted a stating soils need to be provided and setback requirements from the septic should be met.

Tazewell County Soil & Water Conservation District submitted a report recommending approval.

Tazewell County Farm Bureau submitted a report stating this case may have an impact on Agriculture and recommended approval regarding the proposed Special Use request.

Jerome Brown, Elm Grove Township Road Commissioner submitted a report having no comment regarding the proposed Special Use request.

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

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

Attorney Jim Benckendorf appeared to testify on behalf of the proposed Special Use request. Mr. Benckendorf stated his client would like to divide off 3.767 acres from the existing 40 acre lot to place a new dwelling North of the existing personal shop. Mr. Benckendorf said his clients would like to move into the new dwelling and said the location would provide more of a separation from the neighbors. Mr. Benckendorf added the shop had its' own septic system and they would propose an additional septic for the proposed dwelling. Mr. Benckendorf stated his clients were downsizing. It was noted if the proposed Special Use were to be approved, the proposed new dwelling site would replace an existing dwelling site that was approved by the Zoning Board of Appeals in 2010 (Case No. 10-45-S), wherein that site would be re-combined into the larger parcel of ground thereby only allowing one new dwelling site in the area.

Following all Public Hearings, moved by May, seconded by Vaughn, to approve **Case No. 15-32-S**.

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

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

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

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

POSITIVE. The proposed Special Use will be consistent with the following Tazewell County Comprehensive Land Use Plan implementation strategies:

- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.

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

POSITIVE.

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

POSITIVE. Anticipated adverse effects, including visual impacts on adjacent properties, from the granting of the requested Special Use are unanticipated at this time. The proposed structure will be shielded from view by an existing accessory structure. Several other residential uses are present along Mennonite Church Road so the presence of another home should not have a negative visual impact.

5. *The establishment, maintenance or operation of the Special Use shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the neighboring vicinity.*

POSITIVE. The granting of this special use request will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

POSITIVE. The subject area is primarily a mix of farmland and residential uses, which shall remain for the foreseeable future, limiting injury to the use and enjoyment of other property in the immediate area.

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

POSITIVE. The special use will not substantially diminish and / or impair property value within the neighborhood.

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

POSITIVE. The proposed building site has access to necessary utilities.

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

POSITIVE. Given the current low traffic volumes on Mennonite Church Road, there are no foreseeable traffic congestion or safety issues from granting the Special Use request. Sight distances appear to be satisfactory. There is an existing driveway in place onto Mennonite Church Road.

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

POSITIVE. Per the applicant, there are no livestock feeding operations within one-half miles of the subject parcel. An additional single family home will not increase population density around livestock feeding operations to such levels as to hinder operation or expansion of livestock feeding operations.

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

POSITIVE.

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

POSITIVE.

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

POSITIVE. The Special Use request for a single family detached dwelling site is consistent with the other existing single family detached homes in the vicinity.

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

POSITIVE. Given its proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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

On roll call to approve **Case No. 15-32-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. 15-33-S: The petition of Lee Ann Schmidgall d/b/a Big Red Barn Rentals for a Special Use to allow a Class 2 Recreational Facility for the purpose of conducting Agri-tourism events, to include farm tours, weddings, private banquet parties, and fall u-pick activities in an A-1 Agriculture Preservation District

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

Tazewell County Health Department submitted a report regarding the proposed Special Use request stating portable sanitation must be provided.

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

Tazewell County Farm Bureau submitted a report stating this case has a direct impact on Agriculture and recommended approval with concerns regarding the proposed Special Use request. Please see the detailed report in the file.

Mike Rankin, Mackinaw Township Road Commissioner made no comment regarding the proposed Special Use request.

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

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

Lee Ann Schmidgall appeared to testify on behalf of the proposed Special Use request. Ms. Schmidgall stated she had hosted a wedding and private fundraiser, unaware of the requirements of a Special Use. Ms. Schmidgall said she planned to do farm tours and work with area 4-H programs. Ms. Schmidgall added she requires the property to be vacated by midnight and all functions must end at 11:00 p.m. Ms. Schmidgall stated she anticipated 10 to 15 wedding or benefit events from May to October, and expected weekday events in addition to. Ms. Schmidgall said she allowed customers to set up and decorate on Fridays for Saturday events, with any weekday events to be mainly attended by school children from preschool age to 3rd grade. Ms. Schmidgall added they are hosting family events and educational outings, and rain out dates would be addressed as they occur.

Wade Schmidgall appeared to testify on behalf of the proposed Special Use request. Mr. Schmidgall stated they have safety provisions in place for the farm equipment and the existing buildings on the property provide for plenty of storage, and gates provide additional security. Mr. Schmidgall said there were no public events held at the same time as weddings and guests were limited with no overnight events. Mr. Schmidgall added the Health Department had been contacted regarding any catering, which did not pose a problem and Haines on Main provided for any temporary liquor license at events. Mr. Schmidgall stated July and August were not great wedding months due to heat and there were life safety issues that prevented them from using the barn for events, so tents may be constructed. Mr. Schmidgall added there was not an issue with neighbors as they have had prior discussions with them. Mr. Schmidgall stated the family has been in the area for at least 120 years.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 15-33-S**.

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

1. All events shall be allowed to be conducted beginning May 1 and ceasing on October 31.
2. All events shall cease operation at 11:00 P.M. and all clean-up related to all events shall be completed by 12:00 A.M.
3. Overflow Parking shall not be used on a regular basis and Event Parking to be in the designated areas as indicated within the Petitioner's Final Site Plan. The parking spaces to be provided shall be at a minimum of 100 spaces in addition to handicapped parking.
4. No Concerts shall be allowed other than music that is associated with special events.
5. There shall be no parking along Hay Road or on the driveway accessing the site. Parking shall only be in the designated areas as indicated within the Petitioner's Final Site Plan.
6. The Applicant shall appear back before the Zoning Board of Appeals in July of 2018 for a Review of the Special Use. The Applicant shall not be charged a fee for the Review.

Motion carried by voice vote for the amendment.

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

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

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

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

POSITIVE. The proposed Special Use will be consistent with the following Tazewell County Comprehensive Land Use Plan implementation strategies:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Attract new businesses and industries to the County that provide valuable services and fulfill County needs.

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

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

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

POSITIVE. When events are taking place, there could be adverse impacts from noise, light and the appearance of several parked vehicles. Wedding receptions typically last into the evening and this could be disruptive to nearby residences. However, there are few residences in the area and are all located more than 2,000 feet from the venue. The applicant has held events before, apparently without disruption to neighbors from light and noise. Although there is no indication there has been a problem in the past, allowing the Special Use will increase the *potential* for disruption to neighbors.

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. When events are taking place, the special use could potentially be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the neighboring vicinity if wedding guests have been consuming too much alcohol. This increases the potential for impaired driving and vandalism. However, if guests and staff alike are diligent with enforcing safety rules, any potential problems will be minimized.

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. It does not appear that any negative effects of special events at the property will be injurious to the use and enjoyment of other property in the area. The applicant has asked neighbors if they could hear music or noise from previous events and apparently they were unable to hear any noises. The closest neighbor to the subject property is approximately 2,400 feet away to the north.

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

POSITIVE. The proposed Special Use should not substantially diminish or impair property values in the surrounding area.

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

POSITIVE. The property has adequate septic and electrical service. The applicants are aware of the requirements and plan to provide a handicapped accessible restroom facility, as well as portable restroom facilities for visitor use.

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

POSITIVE. There could be potential for traffic safety hazards during special events, especially if guests have been consuming alcohol. It is advised that the applicant and on-site staff closely monitor guest's alcohol consumption during those events where alcohol is served. The roadways leading to the site appear to be adequate to handle above normal traffic levels for a short period of time. The applicant has provided directions to access the site. Approximately 2,800 feet of Hay Road to the east is unpaved, gravel road. It would be advisable to have visitors avoid using this route to limit dust and degradation of the roadway surface from additional use. There is somewhat restricted sight distance to the east for guests pulling out of the driveway onto Hay Road. The driveway off Hay Road is wide enough to accommodate two vehicles for two-way traffic without partially driving on the grass. The applicant should make sure enough on-site parking is available and to make sure visitors do not park off the property along Hay Road to avoid causing congestion.

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. The area for the use is part of the Petitioner’s home site.

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 is surrounded by primarily by other agricultural uses. The use will not exert pressure for new development in the immediate area, but there is potential that special events at the property could cause conflict with these surrounding uses if staff does not diligently enforce rules for visitors.

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

POSITIVE. Given its lack of proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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

On roll call to approve **Case No. 15-33-S as amended** 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. 15-34-V: The petition of Mike Lance for a Variance to waive the requirements of 7TCC1-5(w) (1) Yards, to allow construction of an accessory structure (parking pavilion) to be placed in the front yard of the residence in an R-1 Low Density Residential District.

Tazewell County Health Department submitted a report stating no comment.

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

Tazewell County Farm Bureau submitted a report stating this may have an impact on Agriculture and recommended approval.

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

Ron Hawkins, Cincinnati Township Road Commissioner submitted a report listing objections regarding the proposed Variance request.

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

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

Mike Lance appeared to testify on behalf of the proposed Variance request. Mr. Lance stated he needed additional parking and was limited on frontage due to the layout of his property. Mr. Lance said there was little on street parking. Mr. Lance added his wife would need a handicap accessible van soon. Mr. Lance stated he planned on making the parking pavilion aesthetically pleasing, and it would be approximately 12' to the peak of the roof and not fully enclosed. Mr. Lance said there were existing trees on the neighbors parcels that blocked visibility beyond what the proposed structure would. Mr. Lance read a letter from a neighbor into the record offering support of his request. Mr. Lance added he did not want to devalue any property.

Robert Culp appeared to testify against the proposed Variance request. Mr. Culp stated there were subdivision covenants in place that were binding for 20 years and subsequently for continuing periods of 10 years, and he felt the subdivision should be given the opportunity decide regarding the construction of the pavilion.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 15-34-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 property essentially has two front yards as the site is bounded to the rear by Illinois route 29 which access is not allowed and to front by Glenmar Drive and due to the lot layout the petitioner would not meet setbacks from Illinois Route 29. Further due to other characteristics of the lot the applicant has no other feasible options for placement of the parking pavilion.

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 property essentially has two front yards as the site is bounded to the rear by Illinois route 29 which access is not allowed and to the front by Glenmar Drive and due to the lot layout the petitioner would not meet setbacks from Illinois Route 29. Further due to other characteristics of the lot the applicant has no other feasible options for placement of the parking pavilion. The parking pavilion is required to store an extra vehicle which will be used for disability purposes.

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. The structure will be open on all 4 sides and meets the required setbacks from the centerline of Glenmar Drive and is consistent with other accessory structures in the neighborhood.

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 structure will be open on all 4 sides and meets the required setbacks from the centerline of Glenmar Drive and therefore will not create congestion on public streets. Further allowing the structure to be placed in the front yard will still not obstruct the view of the dwelling from the street.

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 parking pavilion to store an extra vehicle which will be used for disability purposes.

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 property essentially has two front yards as the site is bounded to the rear by Illinois route 29 which access is not allowed and to the front by Glenmar Drive and due to the lot layout the petitioner would not meet setbacks from Illinois Route 29. Further due to other characteristics of the lot the applicant has no other feasible options for placement of the parking pavilion. The parking pavilion is required to store an extra vehicle which will be used for disability purposes.

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

POSITIVE. The property essentially has two front yards as the site is bounded to the rear by Illinois route 29 which access is not allowed and to the front by Glenmar Drive and due to the lot layout the petitioner would not meet setbacks from Illinois Route 29. Further due to other characteristics of the lot the applicant has no other feasible options for placement of the parking pavilion. The parking pavilion is required to store an extra vehicle which will be used for disability purposes.

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

POSITIVE. The property essentially has two front yards as the site is bounded to the rear by Illinois route 29 which access is not allowed and to the front by Glenmar Drive and due to the lot layout the petitioner would not meet setbacks from Illinois Route 29. Further due to other characteristics of the lot the applicant has no other feasible options for placement of the parking pavilion. The parking pavilion is required to store an extra vehicle which will be used for disability purposes.

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

On roll call to approve **Case No. 15-34-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. 15-35-V: The petition of Kevin Brown for a Variance to waive the requirements of 7TCC 1-9(f) (2) ii to allow construction of an accessory structure (unattached garage) to be 7' from the side property line which is 8' closer than allowed in a Rural Residential District

Tazewell County Health Department submitted a report stating the property owner has specified setbacks would be met.

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

Tazewell County Farm Bureau submitted a report stating this case has no direct impact on Agriculture and made no recommendation.

Jon Oliphant, City of Washington submitted a report regarding the proposed Variance request stating the City did not have an objection.

Dave Weaver, Washington Township Road Commissioner submitted a report stating no objection regarding the proposed Variance request.

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

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

Kevin Brown appeared to testify on behalf of the proposed Variance request. Mr. Brown stated he had hoped to construct a pole building with access off of Nofsinger, however the Road Commissioner would not allow an entrance. Mr. Brown said what he is now proposing would be a stick built garage to match the dwelling. Mr. Brown added that the location of the septic system places restrictions on his location. Mr. Brown stated the proposed building would have a 16 - 18' wall height and that he was aware he would need a structural engineer to certify the safety a wall of that size.

Following all Public Hearings, moved by Baum, seconded by May, to approve **Case No. 15-35-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 property essentially has two front yards as the site is bounded to the rear by Nofsinger Road which access is not allowed and to front by Coyote Crossing. Further due to other characteristics of the lot such as location of the septic and seepage field the applicant has no other feasible options for placement of the unattached garage.

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 property essentially has two front yards as the site is bounded to the rear by Nofsinger Road which access is not allowed and to front by Coyote Crossing. Further due to other characteristics of the lot such as location of the septic and seepage field the applicant has no other feasible options for placement of the unattached garage.

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. The unattached garage will not be detrimental to the public welfare or improvements in the area as this Subdivision contains numerous structures of this nature.

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 a building to house a recreational vehicle and for personal 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 property essentially has two front yards as the site is bounded to the rear by Nofsinger Road which access is not allowed and to front by Coyote Crossing. Further due to other characteristics of the lot such as location of the septic and seepage field the applicant has no other feasible options for placement of the unattached garage.

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

POSITIVE. The property essentially has two front yards as the site is bounded to the rear by Nofsinger Road which access is not allowed and to front by Coyote Crossing. Further due to other characteristics of the lot such as location of the septic and seepage field the applicant has no other feasible options for placement of the unattached garage.

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

POSITIVE. The property essentially has two front yards as the site is bounded to the rear by Nofsinger Road which access is not allowed and to front by Coyote Crossing. Further due to other characteristics of the lot such as location of the septic and seepage field the applicant has no other feasible options for placement of the unattached garage.

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

On roll call to approve **Case No. 15-35-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. 15-36-V: The petition of Mark Small for a Variance to waive the requirements of 7TCC 1-10(f)(1)iii to allow construction of an accessory structure (unattached garage) to be 40' from the centerline of Londonderry Drive which is 10' closer than allowed in an R-1 Low Density Residential District.

Tazewell County Health Department submitted a report regarding the proposed Variance request having no comment.

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

Tazewell County Farm Bureau submitted a report stating this case had no direct impact on Agriculture and made no recommendation.

Mike Rankin, Mackinaw Township Road Commissioner made no comment regarding the proposed Variance request.

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

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

Mark Small appeared to testify on behalf of the proposed Variance request. Mr. Small stated he would like to construct a small garage for lawn equipment and an ATV. Mr. Small said due to the lay of the land, he was unable to move the structure back to meet the code requirements.

Following all Public Hearings, moved by May, seconded by Vaughn, to approve **Case No. 15-36-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 extreme slope of the property the applicant has no other feasible alternatives for placement of the unattached garage.

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 extreme slope of the property the applicant has no other feasible alternatives for placement of the unattached garage.

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. Due to the extreme slope of the property the applicant has no other feasible alternatives for placement of the unattached garage. Further the applicant has received approval from the Heritage Lake Home Association to locate the unattached garage 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.

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 unattached garage to accommodate for needed personal 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 extreme slope of the property the applicant has no other feasible alternatives for placement of the unattached garage.

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 extreme slope of the property the applicant has no other feasible alternatives for placement of the unattached garage.

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

POSITIVE. Due to the extreme slope of the property the applicant has no other feasible alternatives for placement of the unattached garage.

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

On roll call to approve **Case No. 15-36-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. 15-37-S: The petition of Lonnie Klein for a Special Use to allow the creation of one new dwelling site in an A-1 Agriculture Preservation District

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

Tazewell County Health Department submitted a stating soil samples must be provided.

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

Tazewell County Farm Bureau submitted a report stating this case may have an impact on Agriculture and recommended approval.

Jon Oliphant, City of Washington submitted a report stating the proposed Special Use request was compatible with their Comprehensive Plan, however they suggest the Road Commissioner be consulted regarding adequate site distances.

Dave Weaver, Washington Township Road Commissioner contacted the Community Development Department and verbally stated that he had no objection regarding the proposed Special Use request.

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

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

Lonnie Klein appeared to testify on behalf of the proposed Special Use request. Mr. Klein stated there were smaller lot sizes in the area and he would like to sell 1 of his 3 acres for someone to construct a dwelling upon.

Following all Public Hearings, moved by Webb, seconded by Linsley, to approve **Case No. 15-37-S**.

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

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

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

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

POSITIVE. The proposed Special Use will be consistent with the following Tazewell County Comprehensive Land Use Plan implementation strategies:

- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.

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

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

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

POSITIVE. Anticipated adverse effects, including visual impacts on adjacent properties, from the granting of the requested Special Use are unanticipated at this time. The proposed structure will be shielded from view by a large grove of trees that separates the site from the home sites to the east. There are several other residential homes sites in the immediate area so the appearance of a new home at this location should not have a negative visual impact.

5. *The establishment, maintenance or operation of the Special Use shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the neighboring vicinity.*

POSITIVE. The granting of this special use request will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

POSITIVE. The subject area is primarily a mix of farmland and several residential uses, which shall remain for the foreseeable future, limiting injury to the use and enjoyment of other property in the immediate area.

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

POSITIVE. The special use will not substantially diminish and / or impair property value within the neighborhood.

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

POSITIVE. The proposed building site has access to necessary utilities.

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

POSITIVE. As this is primarily a residential and agricultural area, the traffic volumes on Farmdale Road are lower than more intensely developed areas, so there should be no foreseeable traffic congestion or safety issues from granting the Special Use request. Sight distance to the west is slightly impaired upon exiting the proposed driveway onto Farmdale Road. If the County Highway Engineer or Township Road Commissioner advises a treatment, this should be followed.

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

POSITIVE. Per the applicant, there are no livestock feeding operations within one-half miles of the subject parcel. An additional single family home will not increase population density around livestock feeding operations to such levels as to hinder operation or expansion of livestock feeding operations.

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

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

POSITIVE.

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

POSITIVE. The Special Use request for a single family detached dwelling site is consistent with the other existing single family detached homes in the vicinity. The development pattern and density is appropriate for the area.

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

POSITIVE. Given its proximity to other existing single family detached structures, size, topography, and utility access, the subject property is suitable for the Special Use request as proposed.

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

On roll call to approve **Case No. 15-37-S** 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 8:12 P.M. and resumed the meeting at 8:20 P.M.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **Tuesday, August 4, 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 9:00 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.