

(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, October 6, 2015, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman Duane Lessen called the meeting to order.

PRESENT: Chairman Duane Lessen, Cheryl Linsley, Alternate Mike Lance, Sandy May, Don Vaughn, Phil Webb and Ken Zimmerman

ABSENT: JoAn Baum

STAFF: Kristal Deininger, Community Development Administrator; Jaclynn Workman, Inspections Coordinator; Ryan Harms, Land Use Planner; Matt Drake, Assistant States Attorney; and Land Use Members: Monica Connett, K. Russell Crawford, Gary Sciortino, Sue Sundell.

OTHERS

PRESENT: Petitioners and Interested Parties

MINUTES: Moved by May, seconded by Lance, to approve the Minutes of the September 1, 2015 Zoning Board of Appeals Meeting. **Motion carried by voice vote.**

CASE NO. 15-46-Z: The petition of Robert Boyd and Charles Curto for a Map Amendment to the Official Cincinnati Township Zoning Map of Tazewell County to change the zoning classification of property from a R-1 Low Density Residential District to a C-1 Neighborhood Commercial Zoning District.

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

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

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

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

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

David Layne, Illinois Department of Transportation submitted a report having no comment regarding the proposed Rezoning request.

Craig Fink, Tazewell County Highway Engineer submitted a report regarding the proposed Rezoning request stating an increase in traffic would be expected and to contact IDOT for further comment.

School District 137 and 303 made no comment regarding the proposed Rezoning request.

Robert Boyd appeared to testify on behalf of the proposed Rezoning request. Mr. Boyd stated he would like to continue to operate his auto repair business from the site, however he was informed he would need to rezone the property in order to do so. Mr. Boyd said his Warranty Deed when he purchased the property stated it was zoned for commercial use, so he was unaware his business was in violation. Mr. Boyd added he purchased the building from the Cincinnati Fire District that had been in operation from the site since 1971. Mr. Boyd stated the property to the North was rental property.

Charles Curto appeared to testify on behalf of the proposed Rezoning request. Mr. Curto stated he utilized his building to store trailers and various supplies and that he may move his construction business to this location. Mr. Curto said he renovated the front of the building and he was not affiliated with Mr. Boyd, they are simply adjacent land owners. Mr. Curto added he purchased his property from a personal family. Mr. Curto stated he was aware that he may require a future Special Use in order to operate from this location, depending on the type of business he may choose to operate in the future. Mr. Curto said to his knowledge the building has always been used for commercial purposes and the adjacent land owner to South did not express any objections.

Following all Public Hearings, moved by May, seconded by Vaughn, to recommend approval of **Case No. 15-46-Z** to the Tazewell County Board.

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 proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

POSITIVE. The proposed amendment is judged not to be detrimental to the orderly development of Tazewell County as it is consistent with the Future Land Use Map for Tazewell County, which shows the subject area as R-1. C-1 Neighborhood Commercial uses are intended to be compatible with nearby residential areas, and because the subject properties are adjacent to residential uses, the proposed amendment will not result in conflicts with the adjacent residential uses.

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

POSITIVE. The proposed amendment will enable two properties best suited for commercial use to be utilized for commercial use. The immediate area contains multiple businesses, single family homes, and agricultural land. The properties are placed along IL Route 29, making them appropriate for commercial uses. Therefore, the proposed zoning amendment possesses no foreseeable danger or risk to the public health, safety, morals, or general welfare of Tazewell County or its residents.

3. *The request is consistent with existing uses of property within the general area of the property in question.*

POSITIVE. An auto repair facility and storage facility are located along IL Route 29 in the vicinity of the subject properties. The subject properties are located adjacent to residential uses, and the proposed amendment will enable the development of low-intensity commercial uses that are compatible with adjacent residential uses. Therefore, the request is consistent with existing uses of property within the general area of the properties in question.

4. *The request is consistent with the zoning classifications of property within the general area of the property in question.*

POSITIVE. Property to the immediate north, west, and south are within the R-1 zoning district and property to the immediate east is located within the A-1 zoning district. However, nearby property south of the subject property along IL Route 29 is within the C-1 zoning district. Commercial uses along Route 29 will complement those nearby. Therefore, the subject properties are consistent with the zoning classifications of the property within the general area.

5. *The suitability of the property in question for the uses permitted under the existing zoning classification.*

POSITIVE. The existing zoning classification allows primarily single-family and two-family residential dwellings, while the buildings currently on the subject properties are not suited for residential uses. Therefore, the properties in question are not suitable for the uses permitted under the existing zoning classification.

6. *The suitability of the property in question for the uses permitted under the proposed zoning classification.*

POSITIVE. The subject properties are already developed for commercial use and are located near other commercial businesses along IL Route 29. Therefore, the properties are suitable for uses permitted under the proposed C-1 zoning classification. If the use exceeds what is permitted, in the C-1 zoning district, a special use permit will be needed.

7. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.*

POSITIVE. The trend of development is a mixture of agricultural, residential, and low-impact commercial uses along and near IL Route 29. Therefore, the proposed rezoning would align with the trend of development in the area of the properties in question.

8. *The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.*

POSITIVE. Both properties contain buildings suitable for commercial use, one formerly serving as the Cincinnati Township firehouse. The applicant indicates that both properties have been historically used for commercial businesses and that it is unknown why the properties were not originally zoned commercial. Therefore, the subject properties have not been utilized as zoned.

9. *The proposed map amendment is within one and one half (1 ½) miles of a municipality and consistent with an adopted Comprehensive Plan.*

POSITIVE. The property is located within one and a half (1 ½) miles of the Village of South Pekin, but South Pekin does not have an adopted comprehensive plan. The Tazewell County Future Land Use Map places the property in an R-1 Low-Density Residential area, which is compatible with the C-1 Neighborhood Commercial zoning district.

10. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*

POSITIVE. Rezoning will allow commercial businesses to operate on properties that are best suited for commercial use. The relative gain to the public is the development of commercial uses and services, while the hardship of adapting properties best suited for commercial use to be used for residential use will be significant. Therefore, the proposed rezoning appears appropriate

11. *The proposed amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan.*

POSITIVE. The proposed zoning map amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan listed below:

- o Minimize conflict between land uses.
- o Encourage the reuse of vacant properties for new and existing businesses.

The proposed zoning map amendment is judged to be consistent with the Tazewell County Future Land Use Map, which designates the subject area as R-1 Low Density Residential District. The amendment will enable the development of low-intensity commercial uses that will be compatible with the existing adjacent residential uses.

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

On roll call to recommend approval of **Case No. 15-46-Z** the vote was:

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

Nays: 0

Absent: 1 - Baum

Motion declared carried.

CASE NO. 15-47-S: The petition of Robert Boyd, d/b/a Boyd's Automotive for a Special Use to operate an Automobile Servicing and Parts Business for the purposes of performing minor automobile repairs, oil changes, etc. from an existing structure in a C-1 Neighborhood Commercial District.

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

Tazewell County Health Department submitted a report regarding the proposed Special Use request stating the Petitioner will need to contact the State of Illinois Plumbing Inspector and provide a ADA compliant restroom.

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

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

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

David Layne, IDOT submitted a report having no comment regarding the proposed Special Use request.

Craig Fink, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use request stating there may be an traffic increase and that the Township Highway Commissioner should be contacted.

School District 137 and 303 made no comment regarding the proposed Special Use request.

Robert Boyd appeared to testify on behalf of the proposed Special Use request. Mr. Boyd stated he would like to continue his auto repair business from this location. Mr. Boyd said the drive surface is of recycled pavement millings. Mr. Boyd added he mainly replaced belts, hoses, brakes and exhaust repairs. Mr. Boyd stated he had no intentions of doing any work outdoors. Mr. Boyd said he prefers to not do oil changes and those do not make money and he is utilizing the same sign that has been on the property since the fire department occupied the building. Mr. Boyd added he would request to allow at least 10 vehicles on the property as he may need to have a vehicle waiting while parts are being ordered. Mr. Boyd stated he had one of his personal vehicles for sale at the site currently and was not aware that selling vehicles would require a separate Special Use request. Mr. Boyd said he would not place partial vehicles or parts outside and the truck bed on the property was for a vehicle inside being restored. Mr. Boyd added most customers drop off their vehicles in the morning and pick up the vehicles in the evenings. Mr. Boyd stated some days he may have 3 or 4 vehicles to repair and other days there are no vehicles for repair. Mr. Boyd said he installed 3 low wattage lights on the front of the building over each bay door and the existing sign was also lighted. Mr. Boyd added he generally leaves the site around 5 pm and there was minimum garbage produced by the business, which he usually takes home with him. Mr. Boyd stated he did not do any body work for customers.

Following all Public Hearings, moved by May, seconded by Lance, to approve **Case No. 15-47-S** with the following conditions:

1. There shall be no more than 10 inoperable/unlicensed vehicles allowed on the site, excluding employee's vehicles.
2. The sale of vehicles from the site shall be prohibited.
3. There shall be no outside storage of vehicle parts, tires or other items related to the business.
4. There shall be screening in place along property boundaries abutting residential districts no later than May 1, 2016.
5. The hours of operation shall be limited to:
 - a. Monday thru Friday from 7 A.M. to 5 P.M.
 - b. Saturdays 7 A.M. to 12 P.M.
 - c. There shall be no work conducted on Sundays

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 will conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator, including Health Department regulations and screening regulations.

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 Special Use will be consistent with the following goals, objectives, and policies of the Tazewell County Comprehensive Plan:

- Minimize conflict between land uses.
- Encourage the reuse of vacant properties for new and existing businesses.

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

POSITIVE. Per the application, the requirements of Article 25 of the Tazewell County Zoning Code have been met.

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

Due to proper screening as required by the Zoning Code and the petitioner will not be allowed to store vehicles, parts, tires or other items related to the business outside the site will not have 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 proposed Special Use will comprise an auto service and parts business, operating from 7 am to 10 pm 7 days a week, as workload permits. Activities completed in the shop will consist of routine automobile maintenance such as tune-ups, oils changes, and brake replacements. Vehicles will occasionally be driven in for maintenance or be towed. The operation will be of relatively low intensity, and another automobile repair business successfully operates nearby. Therefore, operation of the Special Use will not be detrimental to the public health, safety, morals, comfort, or general welfare of the neighboring facility.

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. Due to proper screening as required by the Zoning Code and the petitioner will not be allowed to store vehicles, parts, tires or other items related to the business outside the use will not be injurious to the area.

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

POSITIVE. The auto repair business is already operating at the location of the proposed Special Use, and the building it occupies is established in the area. Therefore, the proposed Special Use will not substantially diminish nor impair property values in the area.

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

POSITIVE. The Special Use will operate in an established building with all necessary utilities and facilities provided.

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

POSITIVE. The property has direct access to IL Route 29 via a short entrance to the parking lot. The traffic generated by an auto repair business will be minimal, therefore the Special Use is unlikely to create congestion issues or safety hazards.

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.*

NOT APPLICABLE

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

POSITIVE. Other low-impact commercial uses, including another auto repair business, exist in the immediate vicinity along Route 29. The Special Use is to occupy a long-standing structure and will not generate negative impacts that will affect nearby uses. Therefore, the proposed Special Use will be consistent with the existing uses within the general area.

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

POSITIVE. Given the reasons stated above, the subject property is suitable for the Special Use request, with conditions.

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

On roll call to approve **Case No. 15-47-S** the vote was:

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

Nays: 0

Absent: 1 - Baum

Motion declared carried.

CASE NO. 15-48-S: The petition of David Eggena, d/b/a South Pekin Mini-Storage, LLC for a Special Use to allow for the expansion of a Warehouse/Mini-Storage facility as originally approved in Case No. 13-20-S in a C-1 Neighborhood Commercial District.

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

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

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

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

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

David Layne, IDOT submitted a report having no comment regarding the proposed Special Use request.

Craig Fink, Tazewell County Highway Engineer submitted a report stating there may be an traffic increase and that the Township Highway Commissioner should be contacted.

School District 137 and 303 made no comment regarding the proposed Special Use request.

David Eggena appeared to testify on behalf of the proposed Special Use request. Mr. Eggena stated all of his rental units were presently filled and he was turning new customers away. Mr. Eggena said he would like to construct one additional 18 unit building with bays in the front and back and some full length units at this time, and have the option for future buildings as needed. Mr. Eggena added a friend had a car for sale parked in front and there was a small fenced area for outdoor parking along Route 29. Mr. Eggena added an existing customer also parks a food truck at the site, which comes and goes as events are held.

Following all Public Hearings, moved by May, seconded by Linsley, to approve **Case No. 15-48-S** with the following conditions:

1. All storage shall be contained within the storage units and there shall be no outside storage or sale of vehicles.

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 will 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 Special Use will be consistent with the following goals, objectives, and policies of the Tazewell County Comprehensive Plan:

- Locate new development contiguous to existing development to aid police and fire protection.
- Provide sufficient land to accommodate new residents and business 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. Per the application, the requirements of Article 25 of the Tazewell County Zoning Code have been met.

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

POSITIVE. The proposed Special Use is the expansion of an established storage business. The property is screened by trees to the north and south, and abuts agricultural land to the west and east. Proposed buildings will adhere to applicable zoning regulations. Therefore, anticipated adverse effects, including visual impacts on adjacent properties, from the granting of the requested Special Use are minimal.

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

POSITIVE. The mini storage facility in question has been in continuous operation for several years. Expansion of this business is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

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

POSITIVE. Property in the immediate vicinity of the subject property is used for agriculture, light industrial, commercial, and residential use. Activity around the storage facility will be limited and will not harm surrounding uses. Therefore, the proposed Special Use will not be injurious to the use of property for the purposes already permitted.

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

POSITIVE. The mini storage facility is already continually operating at the location of the proposed Special Use and has for several years. Therefore, the proposed Special Use will not substantially diminish nor impair property values in the area, so long as outdoor storage of vehicles and other items is prohibited.

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

POSITIVE. The Special Use will operate with all necessary utilities and facilities provided.

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

POSITIVE. The property has direct access to IL Route 29 via two easily-accessed entrances. The traffic generated by the Special Use will be minimal and is unlikely to create safety or congestion issues.

- 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.*

NOT APPLICABLE

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

POSITIVE. Other low-impact commercial uses exist in the vicinity along Route 29. The proposed Special Use for expansion of an established mini storage facility will not generate negative impacts that will affect nearby uses. Therefore, the proposed Special Use will be consistent with the existing uses within the general area.

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

POSITIVE. Given the reasons stated above, the subject property is suitable for the Special Use request, with a condition.

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

On roll call to approve **Case No. 15-48-S** the vote was:

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

Nays: 0

Absent: 1 - Baum

Motion declared carried.

CASE NO. 15-49-S: The petition of Cary Peplow for a Special Use to allow the creation of one new dwelling site on an existing non-conforming lot of record in an A-1 Agriculture Preservation Zoning District.

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

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

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

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

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

Craig Fink, Tazewell County Highway Engineer submitted a report stating there may be a small traffic increase and that the Township Highway Commissioner should be contacted.

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

Cary Peplow appeared to testify on behalf of the proposed Special Use request. Mr. Peplow stated they would like to construct a 1 story family home on an existing piece of land they purchased. Mr. Peplow said they were working with Roger Stuber Builders and would be drilling a well and installing a septic.

Following all Public Hearings, moved by Zimmerman, seconded by Webb, to approve **Case No. 15-49-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 will 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 Special Use will be consistent with the following goals, objectives, and policies of the Tazewell County Comprehensive Plan:

- o Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- o Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.
- o Prevent the location of residential development that would be inconsistent with local or adjacent land uses, including all agricultural-related practices.

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

POSITIVE. Per the application, the requirements of Article 25 of the Tazewell County Zoning Code have been met.

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

POSITIVE. The proposed Special Use is a dwelling site on an unfarmed parcel with considerable tree screening. Therefore, anticipated adverse effects, including visual impacts on adjacent properties, from the granting of the requested Special Use are minimal.

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

POSITIVE. The construction and habitation of a new single family home is not anticipated to be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

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

POSITIVE. Property in the immediate vicinity of the subject property is used for agriculture and single-family residences. A heavy industrial use exists to the south, but this use is on the other side of IL Route 9. Therefore, the proposed Special Use will not be injurious to the use of property for the purposes already permitted.

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

POSITIVE. Residential homes already exist in the vicinity of the subject property. The proposed Special Use of the construction of another single family home will not substantially diminish nor impair property values in the area.

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

POSITIVE. Per the applicant, the subject property has access to power utilities, and well and septic systems will be installed.

- 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. Traffic volume along Schmidgall Road is low, and an additional single-family home is not expected to generate considerable traffic. Therefore, there are no foreseeable traffic congestion or safety issues associated with the proposed Special Use.

- 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.*

POSITIVE. Per the applicant, there are no livestock feeding operations within one-half miles of the subject property. There are already established homes in the immediate vicinity, and an additional home will not hinder the operation or expansion of such an 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 site of the proposed Special Use is not farmed land, and is adjacent to two residential homes in the A-1 district. The Special Use request is consistent with the other single family homes in the

vicinity and will not generate negative impacts affecting nearby uses. The proposed Special use will be consistent with existing uses within the general area.

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

POSITIVE. Given the reasons stated above, the subject property is suitable for the Special Use request.

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

On roll call to approve **Case No. 15-49-S** the vote was:

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

Nays: 0

Absent: 1 - Baum

Motion declared carried.

CASE NO. 15-50-V: The petition of Jonathan Young for a Variance to waive the requirements of 7TCC1-5(o)(1) allow the construction of a 6' Privacy Fence beyond the building setback line to the front property line to be 2' higher than allowed in a 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 having no recommendation regarding the proposed Variance request.

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

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

Craig Fink, Tazewell County Highway Engineer submitted a report regarding the proposed Variance request stating the Township Road Commissioner should be contacted for comment.

School District 709 made no comment regarding the proposed Variance request.

Jonathan Young appeared to testify on behalf of the proposed Variance request. Mr. Young stated he did not realize he needed a permit for his fence, nor that where the fence was constructed was not his backyard per zoning requirements. Mr. Young said his road was a one way road and he would request to leave the fence as it had been constructed. Mr. Young added the fence was a solid 6' panel privacy fence and also apologized for not seeking approval prior to construction.

Following all Public Hearings, moved by Lance, seconded by Vaughn, to approve **Case No. 15-50-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 property being a corner lot the applicant is limited to a 4' fence when a 6' would normally be allowed. The lot is also irregular shaped which limits the applicant reasonable use of the property.

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

POSITIVE. Due to the property being a corner lot the applicant is limited to a 4' fence when a 6' would normally be allowed. The lot is also irregular shaped which limits the applicant reasonable use of 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. Allowing the Variance will not be detrimental to 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. Allowing the Variance will not have effect on the area or hinder the sight distance.

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

POSTIVE. The applicant is simply seeking to provide privacy for his yard and have a reasonable use of his backyard.

- 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 property being a corner lot the applicant is limited to a 4' fence when a 6' would normally be allowed. The lot is also irregular shaped which limits the applicant reasonable use of the property.

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

POSITIVE. Due to the property being a corner lot the applicant is limited to a 4' fence when a 6' would normally be allowed. The lot is also irregular shaped which limits the applicant reasonable use of the property.

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

POSITIVE. Due to the property being a corner lot the applicant is limited to a 4' fence when a 6' would normally be allowed. The lot is also irregular shaped which limits the applicant reasonable use of the property.

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

On roll call to approve **Case No. 15-50-V** the vote was:

Ayes: 7 – Alternate Lance, Linsley, May, Vaughn, Webb, Zimmerman and Chairman Lessen
Nays: 0
Absent: 1 - Baum

Motion declared carried.

RECESS

The Chairman called for a 10 minute Recess prior to Deliberations beginning at 7:20 P.M. and resumed the meeting at 7:30 P.M.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **Tuesday, November 3, 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 Baum, to adjourn the Zoning Board of Appeals Public Hearing at 7:45 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.