A(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, January 5, 2016, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman Duane Lessen called the meeting to order.

PRESENT: Chairman Duane Lessen, Cheryl Linsley, 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, Chairman Terry Hillegonds, John Redlingshafer, Andrew Rinehart, Gary Sciortino, Sue Sundell.

OTHERS PRESENT: Petitioners and Interested Parties

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

CASE NO. 16-01-Z: The petition of Brad Glassey for a Map Amendment to the Official Elm Grove Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation District to a C-2 General Business Commercial Zoning District.

Upon written request of the Petitioner, **Motion carried by voice vote to continue Case No. 16-01-Z to the February 2, 2016 Public Hearing.**

CASE NO. 16-02-S: The petition of Rick and Julie Cook for a Special Use to allow the construction of an Accessory Structure to be 2,400 square feet, which will bring the total square footage of all accessory structures to 3,481 square feet, which is 1,700 square feet larger than allowed in an R-1 Low Density Residential District.

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

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

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

Tazewell County Farm Bureau submitted a report having no recommendation regarding the proposed Special Use request.

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

Ron Hawkins, Cincinnati Township Road Commissioner submitted a report having no objection regarding the proposed Special Use request.

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

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

Dustin Cook appeared to testify on behalf of the proposed Special Use request. Mr. Cook stated he was the son of the Petitioner. Mr. Cook said his parents would like to construct a 40x60 Post Frame building with a 15' wall height. Mr. Cook added the building would be used for personal storage, not for commercial use. Mr. Cook stated they had a 30' motor home and 30' boat, along with personal vehicles they would like to get out of the yard and inside for winter storage. Mr. Cook said the building would not have a concrete floor, nor would it have electricity. Mr. Cook added an existing 8x12 yard shed would be removed upon approval and construction of the proposed building. Mr. Cook stated B&L Customs would be the contractor used to construct the proposed structure.

Martin Helfers appeared to testify on behalf of the proposed Special Use request. Mr. Helfers stated he was in support of the petition to locate any outdoor personal items inside.

Following all Public Hearings, moved by Linsley, seconded by Zimmerman, to approve **Case No. 16-02-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 subject parcel is within the 1.5-mile planning boundary of the City of Pekin. This issue is not directly addressed in the City of Pekin's 2006 Comprehensive Plan.

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 structure is to be placed in the southwest corner of the subject parcel, behind adequate tree cover to the west and south. The proposed structure will sit at an elevation below street level, providing additional cover. Therefore, adverse effects from the proposed special use are minimal.

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

   POSITIVE. An accessory structure is compatible with the nearby residential area, given the intended use and location on the property. Therefore, the construction, maintenance, and use of a new accessory structure pose no significant risk to 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 property is surrounded largely by residential homes. Some nearby properties feature similar accessory structures, placed similarly to the proposed Special Use. Given this, the proposed Special Use poses no threat to nearby property owners' use and enjoyment of their property.

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

   POSITIVE. Considering the prevalence of similar structures in the surrounding area, the proposed Special Use is unlikely to diminish or impair property value in the neighborhood.

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

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

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 on Deveron Circle is low (ADT ~275), and an accessory structure will not generate any considerable traffic. Therefore, the proposed Special use poses no traffic hazard or congestion issue.

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

POSITIVE. The subject property is not within one-half mile of a livestock feeding operation.

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

    POSITIVE. The subject property and neighboring properties are in a well-established residential area, already making the operation or expansion of a livestock feeding operation unadvisable. The proposed Special Use will have no future impact.

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

    POSITIVE. The site of the proposed Special Use is unfarmed, established residential land.

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

    POSITIVE. Other residential properties in the area surrounding the subject property contain similar accessory structures. Therefore, the proposed Special Use is consistent with existing uses in the general area.

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

    POSITIVE. Based on the findings as a whole.

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

On roll call to approve **Case No. 16-02-S** the vote was:
Ayes: 6 –Linsley, May, Vaughn, Webb, Zimmerman and Chairman Lessen
Nays: 0
Absent: 1 - Baum
Motion declared carried.

CASE NO. 16-03-S: The petition of Jess Knight for a Special Use to allow the construction of an Accessory Structure to be 2,560 square feet, which will bring the total square footage of all accessory structures to 4,000 square feet, which is 1,832 square feet larger than allowed in an R-1 Low Density Residential District

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

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

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

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

Jon Oliphant, City of Washington made no comment regarding the proposed Special Use request.

Scott Weaver, Washington Township Road Commissioner submitted a report having no objection regarding the proposed Special Use request.

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

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

Jess Knight appeared to testify on behalf of the proposed Special Use request. Mr. Knight stated he would like to construct a 40x64 Pole Structure with a 15' tall ceiling in order to store a travel trailer and F150 truck. Mr. Knight said his existing garage structure would not accommodate for the storage he needed. Mr. Knight added the foundation of the building would be 5' from the septic seepage bed. Mr. Knight stated there would be 2 doors on the East side of the structure and no drive was proposed for the structure, as he would drive across the grass when needed, and would only use the travel trailer approximately 8 times per year. Mr. Knight said there was an open field behind his property and his neighbor also had a large Ragland type building.

Following all Public Hearings, moved by May, seconded by Vaughn, to approve **Case No. 16-03-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 subject parcel is within both the 1.5-mile planning boundary of the City of East Peoria and the City of Washington, but is under the planning jurisdiction of the City of Washington. This issue is not directly addressed in the City of Washington's 2001 Comprehensive Plan.

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 structure is to be placed in the southwest corner of the subject parcel, behind limited tree cover to the north. The proposed structure will sit near a similar accessory structure on a neighboring property. Therefore, adverse effects from the proposed special use are minimal.

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

   POSITIVE. An accessory structure is compatible with the nearby residential area, given the intended use and location on the property. Therefore, the construction, maintenance, and use of a new accessory structure pose no significant risk to 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 property is surrounded by residential homes in a wooded, isolated area. Neighboring properties feature similar accessory structures, placed similarly to the proposed Special Use. Given this, the proposed Special Use poses no threat to nearby property owners' use and enjoyment of their property.

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

   POSITIVE. Considering the prevalence of similar structures in the surrounding area, the proposed Special Use is unlikely to diminish or impair property value in the neighborhood.

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

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

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 on School Street is moderate (ADT ~2,200), but an accessory structure will not generate any considerable traffic. Therefore, the proposed Special use poses no traffic hazard or congestion issue.

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

    POSITIVE. The subject property is not within one-half mile of a livestock feeding operation.

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

    POSITIVE. The subject property and neighboring properties are in an established, wooded residential area, already making the operation or expansion of a livestock feeding operation unadvisable. The proposed Special Use will have no further impact.
12. *Seventy-five percent (75%) of the site contains soils having a productivity index of less than 125.*

    POSITIVE. The site of the proposed Special Use is unfarmed, established residential land.

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

    POSITIVE. As stated above, other residential properties in the area surrounding the subject property contain similar accessory structures. Therefore, the proposed Special Use is consistent with existing uses in the general area.

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

    POSITIVE. Given the size of the property and the reasons stated above, the subject property is suitable for the requested Special Use.

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

On roll call to approve **Case No. 16-03-S** the vote was:
Ayes: 6 –Linsley, May, Vaughn, Webb, Zimmerman and Chairman Lessen
Nays: 0
Absent: 1 - Baum
Motion declared carried.

CASE NO. 16-04-S: The petition of James and Tracy Meyer for a Special Use to create one new dwelling site in an A-1 Agriculture Preservation Zoning District.

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

Tazewell County Health Department submitted a report regarding the proposed Special Use request stating operational inspections 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 recommending approval regarding the proposed Special Use request.

Roger Spangler, Village of Morton submitted a report regarding the proposed Special Use request stating the Village had no concerns.

Greg Menold, Morton Township Road Commissioner submitted a report regarding the proposed Special Use request stating use of the existing driveway to the North is essential for safe access to the proposed site.

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

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

James Meyer appeared to testify on behalf of the proposed Special Use request. Mr. Meyer stated he would like to construct a 40x50 building Northwest of the lake on the 20 acres he just purchased from his mother. Mr. Meyer said his mother resides in an existing dwelling to the South of the 20 acres he purchased. Mr. Meyer added he would use the existing driveway that accessed the existing barns. Mr. Meyer stated he would like to construct a new dwelling in a few years, but would construct an outbuilding first.

Following all Public Hearings, moved by Zimmerman, seconded by Vaughn, to approve **Case No. 16-04-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 subject parcel is within the 1.5-mile planning boundary of the Village of Morton. This issue is not directly addressed in the Village of Morton's 2007 Comprehensive Plan.

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 dwelling site is to be placed at a similar setback to other single-family homes to the north along Hirstein Road. Therefore, adverse effects from the proposed 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 addition of another residential home is compatible with the residential homes to the north and south of the subject property. Therefore, the construction, maintenance, and use of a new dwelling site pose no significant risk to 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 area surrounding the subject property is largely agricultural. The site of the proposed Special Use is bordered by residential homes to the north and south, and agriculture land to the west and east. Given the presence of other single-family homes in the area, the proposed Special Use poses no threat to nearby property owners' use and enjoyment of their property.

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

   POSITIVE. Considering the presence of nearby home sites adjacent to the subject property, the proposed Special Use is unlikely to diminish or impair property value in the neighborhood.

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

   POSITIVE. Per the application, a new driveway connection, new septic system, and connection to an existing well are to be installed. Therefore, all adequate facilities will be 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. Per the application, an existing driveway entrance on Hirstein Road is to be connected to the new dwelling site. Given the low traffic (~700 ADT) on Hirstein Road, the proposed special use is unlikely to pose any traffic hazard to the area.

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

    POSITIVE. The proposed Special Use is not within one-half mile of a livestock feeding operation.

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

    POSITIVE. The area surrounding the subject property is largely agricultural, but the presence of many residential homes in the area currently makes the operation of such an operation inadvisable. The proposed special use will have little further impact on such an operation.

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

    POSITIVE. The soil productivity index rating of the site of the proposed Special use ranges from 125 to 140, indicating the site contains prime agriculture land. However, the area of land on which the property owner intends to construct the home site is unfarmed. Because no productive agricultural land will be lost, this finding is judged to be positive.

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

    POSITIVE. As stated above, other rural-residential properties occupy the A-1 district in the surrounding area. Per the applicant, the additional dwelling site will enable the continued operation of a family farm. Furthermore, the land on which the dwelling site is to be built is currently not in farm production. Therefore, the proposed Special Use is consistent with the surrounding uses of property.

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

    POSITIVE. Given the reasons stated above, the subject property is suitable for the requested Special Use as proposed.

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

On roll call to approve **Case No. 16-04-S** the vote was:
Ayes: 6 –Linsley, May, Vaughn, Webb, Zimmerman and Chairman Lessen
Nays: 0
Absent: 1 - Baum
Motion declared carried.

CASE NO. 16-05-S: The petition of Mark and Susan Goergen for a Special Use to create one new dwelling site in an A-1 Agriculture Preservation Zoning District

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

Tazewell County Health Department submitted a report regarding the proposed Special Use request stating no issues.

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

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

Roger Spangler, Village of Morton submitted a report regarding the proposed Special Use request stating the Village had no concerns.

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

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

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

Mark Goergen appeared to testify on behalf of the proposed Special Use request. Mr. Goergen stated he would like to divide 7 ¾ acres from his 11.3 total acres and sell it as a possible new dwelling site. Mr. Goergen said there was no farm or tillable ground on the acreage and the land had been used as a wildflower patch and a pheasant habitat.

Following all Public Hearings, moved by Vaughn, seconded by May, to approve **Case No. 16-05-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 subject parcel is within the 1.5-mile planning boundary of the Village of Morton. This issue is not directly addressed in the Village of Morton's 2008 Comprehensive Plan.

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 dwelling site is to be situated similarly to other single-family homes in the nearby area along Queenwood Road. Therefore, adverse effects from the proposed 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 addition of another residential home is compatible with the residential homes to the west of the subject property. Therefore, the construction, maintenance, and use of a new dwelling site pose no significant risk to 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 area surrounding the subject property contains a mixture of agriculture land and scattered home sites. The site of the proposed Special Use is bordered by a series of residential homes to the west and agriculture land to the north, south, and east. Given the presence of other single-family homes in the immediate area, the proposed Special Use poses no threat to nearby property owners' use and enjoyment of their property.

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

   POSITIVE. Considering the presence of nearby home sites adjacent to the subject property, the proposed Special Use is unlikely to diminish or impair property value in the neighborhood.

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

   POSITIVE. Per the application, a new driveway connection, new septic system, and a new well are to be installed. Therefore, all adequate facilities will be 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. Per the application, an existing driveway entrance on Queenwood Road is to be connected to the new dwelling site. Traffic is relatively low (ADT ~1,250) on Queenwood Road. Therefore, the proposed Special Use is unlikely to pose any traffic hazard to the area.

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

POSITIVE. The proposed Special Use is not within one-half mile of a livestock feeding operation.

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

    POSITIVE. The area surrounding the subject property is largely agricultural, but the presence of many residential homes in the area currently makes the operation of such an operation inadvisable. The proposed Special Use will have little further impact on such an operation.

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

    POSITIVE. The soil productivity index rating of the site of the proposed Special Use ranges from 140 to 155, indicating the site contains prime agriculture land. However, the area of land on which the property owner intends to construct the home site is unfarmed. Because no productive agricultural land will be lost, this finding is judged to be positive.

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

    POSITIVE. As stated above, other residential properties occupy the A-1 district to the west of the surrounding area. Placing another home site on unfarmed land contiguous to other existing single-family homes is compatible with sound land use practices. Furthermore, the land on which the dwelling site is to be built is currently not in farm production. Therefore, the proposed Special Use is consistent with the surrounding uses of property.

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

    Given the reasons stated above, the subject property is suitable for the requested Special Use as proposed.

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

On roll call to approve **Case No. 16-05-S** the vote was:
Ayes: 6 –Linsley, May, Vaughn, Webb, Zimmerman and Chairman Lessen
Nays: 0
Absent: 1 - Baum
Motion declared carried.

CASE NO. 16-06-S: The petition of Kevin Jackson for a Special Use to create one new dwelling site, which contains existing agriculturally related structures in an A-1 Agriculture Preservation District

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

Tazewell County Health Department submitted a report regarding the proposed Special Use request stating no issues upon receipt of a revised diagram as requested.

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

Jon Oliphant, City of Washington made no comment regarding the proposed Special Use request.

Craig Fink, Tazewell County Highway Engineer submitted a report stating there may be a very minimal traffic increase.

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

Kevin Jackson appeared to testify on behalf of the proposed Special Use request. Mr. Jackson stated he would like to sell the existing dwelling with 1.25 acres of land and construct a new dwelling on the remaining acreage. Mr. Jackson said the prior owner had owned the property for over 10 years and there had not been any row crop production on the property. Mr. Jackson added he intended on using an existing entrance at the South side of the property. Mr. Jackson stated the septic tank and field would all be contained on the existing dwelling site and there would be a shared well, which had been rated from up to 5 families, although he only intended on having 2 well agreements. Mr. Jackson said no one had ever occupied the existing large outbuilding and that building was constructed prior to his purchase of the property. Mr. Jackson added the 60x150 outbuilding was previously used for an indoor riding arena, however, he converted a portion of the building into storage and a "man cave" for his 15 and 21 year old sons. Mr. Jackson stated the building did have water, which existed prior to his purchase and he installed a septic system for a restroom, although it was not a permitted septic system through the Health Department. Mr. Jackson said he had cut a ditch on his property to try and deter some of the water from low lying areas on his property to other areas on his property and with the recent heavy rains he had to install a sump pump type system utilizing a 5 gallon bucket in order to keep water from entering the outbuilding. Mr. Jackson added he had not increased water flow onto any other property and he was making advances to correct the water problems he has encountered them.

Bonnie Zulian appeared to testify against the proposed Special Use request. Ms. Zulian questioned the creation of a new dwelling site as she felt there had already been a dwelling created inside the existing large outbuilding. Ms. Zulian stated she was concerned the outbuilding was used as a dwelling and it was not in compliance with the 30' side setback requirement. Ms. Zulian said there were lights turned on and off throughout the night inside the building and a propane tank was installed along with additional doors and windows. Ms. Zulian added there were prior requests that had been denied for creation of new dwelling sites on the property due to the water problems. Ms. Zulian stated she would like to see the existing large outbuilding removed if a dwelling were to be constructed and was concerned there was a 5 gallon bucket being utilized as a septic tank. Ms. Zulian said she had owned her property since 1954 and never had water problems until the construction of the large outbuilding. Ms. Zulian added following renovations at her property she will be moving back into her home following the house being vacant for the past 10 years.

Following all Public Hearings, moved by Zimmerman, seconded by Linsley, to approve **Case No. 16-06-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 proposed Special Use is consistent with the following goals, objectives, and policies of the Tazewell County Comprehensive Plan: (Positive)

   - Locate new residential development near roadways and contiguous to existing development to preserve agricultural land.
   - Direct development in rural areas to locations where suitable conditions for septic systems and groundwater supply exist.
   - Design new development to conform to the existing development pattern and potential future development patterns.

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

   POSITIVE. 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 dwelling site is to be situated in a way that does not interfere with other single-family homes in the nearby area. Therefore, adverse effects from the proposed 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 addition of another residential home is compatible with the residential homes to the north of the subject property. Therefore, the construction, maintenance, and use of a new dwelling site pose no significant risk to 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 area surrounding the subject property is largely agricultural, but there are several home sites nearby along Eureka Road and Dee-Mack Road. The site of the proposed special use is adjacent to several contiguous single-family homes and a small trucking business. Given the presence of other single-family homes in the immediate area, the proposed Special Use poses no threat to nearby property owners' use and enjoyment of their property.

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

   POSITIVE. Considering the presence of nearby home sites, the proposed Special Use is unlikely to diminish or impair property value in the neighborhood.

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

   POSITIVE. Per the application, a new driveway connection, new power connection, well connection, and septic system are to be installed on the property. Therefore, all adequate facilities will be 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. Per the application, a new driveway connection onto Dee-Mack Road is to be connected to the new dwelling site. Traffic on Dee-Mack Road is moderate for a rural area (ADT ~2,450). However, an additional dwelling site will not add considerably to traffic or congestion. Pending approval by the Tazewell County Highway Department, the proposed special use is unlikely to pose any traffic hazard to the area.

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

    POSITIVE. The proposed Special Use is not within one-half mile of a livestock feeding operation.

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

    POSITIVE. The area surrounding the subject property is largely agricultural, but the presence of many residential homes in the area currently makes the operation of such an operation inadvisable. The proposed Special Use will have little further impact on such an operation.

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

    POSITIVE. The soil productivity index rating of the site of the proposed Special use ranges from 150 to 160, indicating the site contains prime agriculture land. However, this land is not currently tilled for agriculture use. Because the proposed Special Use is not removing any productive farmland, this finding is judged to be positive.

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

    POSITIVE. Other residential properties occupy the A-1 district to the north and east of the subject property. Placing another home site on unfarmed land contiguous to existing single-family homes is compatible with sound land use practices. Furthermore, the land on which the dwelling site is to be built is currently not in farm production. Therefore, the proposed Special Use is consistent with the surrounding uses of property.

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

POSITIVE. Given the reasons stated above, the subject property is suitable for the requested Special Use as proposed.

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

On roll call to approve **Case No. 16-06-S** the vote was:
Ayes: 6 –Linsley, May, Vaughn, Webb, Zimmerman and Chairman Lessen
Nays: 0
Absent: 1 - Baum
Motion declared carried.

CASE NO. 16-07-V: The petition of Scott Schlueter for a Variance to waive the requirements of 7TCC1-9(f)(2)(ii) to allow the construction of an Accessory Structure to be 5' from the Side Property Line, which is 10' closer than allowed; and to waive 7TCC1-9(h)(2) to allow the same Accessory Structure to be 22' to the mean height of the roof, which is 2' taller than allowed in a R-R Rural Residential District.

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

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

Tazewell County Farm Bureau submitted a report recommending approval regarding the proposed Variance request.
Jon Oliphant, City of Washington made no comment regarding the proposed Variance request.

Scott Weaver, Washington Township Road Commissioner submitted a report having no objections regarding the proposed Variance request.

Craig Fink, Tazewell County Highway Engineer submitted a report stating minimal traffic impacts would be expected, however the Washington Township Road Commissioner should be contact for comment.

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

Scott Schlueter appeared to testify on behalf of the proposed Variance request. Mr. Schlueter stated after actually laying out the property and determining where a new dwelling could be constructed, the proposed location chosen for the proposed Accessory Structure was the best possible location. Mr. Schlueter said he was unaware the setback was greater for his property than what is allowed in the surrounding R-1 Districts. Mr. Schlueter added there is a neighbors shed that was immediately adjacent to his proposed location and he tried to position his building so as not to impair the neighbors view.

Following all Public Hearings, moved by May, seconded by Linsley, to approve **Case No. 16-07-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 topography of the property the applicant is limited for placement of the new structure. Further the request is unique due to the Rural Residential Zoning as all properties bordering the site are zoned R-1 Residential. If the subject property was actually zoned R-1 as well there would be no need for the Variance as the applicant would meet the required setbacks of the immediate surrounding zoning district.

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 topography of the property the applicant is limited for placement of the new structure. Further the request is unique due to the Rural Residential Zoning as all properties bordering the site are zoned R-1 Residential. If the subject property was actually zoned R-1 as well there would be no need for the Variance as the applicant would meet the required setbacks of the immediate surrounding zoning district.

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 topography of the property the applicant is limited for placement of the new structure. Further the request is unique due to the Rural Residential Zoning as all properties bordering the site are zoned R-1 Residential. If the subject property was actually zoned R-1 as well there would be no need for the Variance as the applicant would meet the required setbacks of the immediate surrounding zoning district.

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. Due to the topography of the property the applicant is limited for placement of the new structure. Further the request is unique due to the Rural Residential Zoning as all properties bordering the site are zoned R-1 Residential. If the subject property was actually zoned R-1 as well there would be no need for the Variance as the applicant would meet the required setbacks of the immediate surrounding zoning district. The location of the structure is consistent with surrounding properties.

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

   POSITIVE. Due to the topography of the property the applicant is limited for placement of the new structure. Further the request is unique due to the Rural Residential Zoning as all properties bordering the site are zoned R-1 Residential. If the subject property was actually zoned R-1 as well there would be no need for the Variance as the applicant would meet the required setbacks of the immediate surrounding zoning district. The location of the structure is consistent with surrounding properties.

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 topography of the property the applicant is limited for placement of the new structure. Further the request is unique due to the Rural Residential Zoning as all properties bordering the site are zoned R-1 Residential. If the subject property was actually zoned R-1 as well there would be no need for the Variance as the applicant would meet the required setbacks of the immediate surrounding zoning district. The location of the structure is consistent with surrounding properties.

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 topography of the property the applicant is limited for placement of the new structure. Further the request is unique due to the Rural Residential Zoning as all properties bordering the site are zoned R-1 Residential. If the subject property was actually zoned R-1 as well there would be no need for the Variance as the applicant would meet the required setbacks of the immediate surrounding zoning district. The location of the structure is consistent with surrounding properties.

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

   POSITIVE. Due to the topography of the property the applicant is limited for placement of the new structure. Further the request is unique due to the Rural Residential Zoning as all properties bordering the site are zoned R-1 Residential. If the subject property was actually zoned R-1 as well there would be no need for the Variance as the applicant would meet the required setbacks of the immediate surrounding zoning district. The location of the structure is consistent with surrounding properties.

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

On roll call to approve **Case No. 16-07-V** the vote was:
Ayes: 6 –Linsley, May, Vaughn, Webb, Zimmerman and Chairman Lessen
Nays: 0
Absent: 1 - Baum
Motion declared carried.

RECESS

Following introductions, at 6:10 the Chairman called for a 15 minute Recess to allow for the arrival and set-up of the Court Reporter, and resumed the meeting at 6:25.

The Chairman called for a 5 minute Recess prior to Deliberations beginning at 7:50 P.M. and resumed the meeting at 7:55 P.M.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **Tuesday, February 2, 2016** 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 Webb, to adjourn the Zoning Board of Appeals Public Hearing at 8:15 p.m.

Kristal Deininger, Secretary

Secretary's Note: For further information regarding the discussion and testimony during the Public Hearing, please contact the Community Development Department for copies of the transcripts.