

**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, February 2, 2016, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman Duane Lessen called the meeting to order.

**PRESENT:** Chairman Duane Lessen, Alternate Mike Lance, 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, 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 January 5, 2016 Zoning Board of Appeals Meeting. **Motion carried by voice vote.**

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(Continued at the January 5, 2016 ZBA Public Hearing)

**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.

Administrator Deininger stated upon the Petitioner's written request, this case had been withdrawn.

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**CASE NO. 16-08-V:** The petition of James Smith, on behalf of Evelyn Smith, for a Variance to waive the requirements of 7TCC1-7(e) & (f) to allow the creation of a new zoning lot of record, containing an existing dwelling and accessory structure, to have a lot width and road frontage of 145' which is 55' less than allowed and to allow an existing Accessory Structure to be 17' from the newly created rear property line, which is 8' closer than allowed in an A-1 Agriculture Preservation 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 recommending approval regarding the proposed Variance request.

Ken Siegrist, Dillon 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 Dillon Township Road Commissioner should be contact for comment.

School District 191 made no comment regarding the proposed Variance request.

James Smith appeared to testify on behalf of the proposed Variance request. Mr. Smith stated his mother was in an assisted living facility now and she would like to sell the existing dwelling and outbuilding while retaining ownership of the farmland. Mr. Smith said they did not wish to remove additional farmland from production in order to meet the required lot width and setbacks.

Following all Public Hearings, moved by May, seconded by Vaughn, to approve **Case No. 16-08-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. If the Variance were not allowed tillable farmland would be removed production which does not meet the intent of the Agriculture Preservation 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. If the Variance were not allowed tillable farmland would be removed production which does not meet the intent of the Agriculture Preservation 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. Allowing the Variance remains consistent with the intent of the Comprehensive Plan which is to preserve all aspects of productive agricultural land.

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. Allow the Variance will have no impact on property values or public safety.

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

POSITIVE. Although monetary gain will be realized from the sale of the property, the main intent is to help financially for the mother for assisted living. Not allowing the Variance would deprive the applicant reasonable use of their property. Further, if the requirements of the Zoning Code were to be met tillable farmland would be removed from production.

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. Not allowing the Variance would deprive the applicant reasonable use of their property. Further, if the requirements of the Zoning Code were to be met tillable farmland would be removed from production.

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

POSITIVE. If the Variance were not allowed tillable farmland would be removed production which does not meet the intent of the Agriculture Preservation District.

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

POSITIVE. If the Variance were not allowed tillable farmland would be removed production which does not meet the intent of the Agriculture Preservation District.

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

On roll call to approve **Case No. 16-08-V** the vote was:

Ayes: 6 – Linsley, May, Vaughn, Webb, Zimmerman, Alternate Vance and Chairman Lessen

Nays: 0

Absent: 1 - Baum

**Motion declared carried.**

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**CASE NO. 16-09-V:** The petition of Jon Friedrich for a Variance to waive the requirements of 7TCC1-10(f)(1)(iv) to allow re-construction of a new dwelling to be 19' from the centerline of Lakeside Drive which is 31' closer than allowed, and to waive 7TCC1-10(3)(i) to allow the same construction to be 6' from the rear property line, which is 14' closer than allowed in an R-1 Low Density Residential District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating additional information was needed, in addition to a diagram showing distances from the septic to lot lines and the number of bedrooms for the new dwelling to ensure existing septic is adequately sized.

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

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

Butch Knaak, Spring Lake Township Road Commissioner made no comment regarding the proposed Variance request.

Craig Fink, Tazewell County Highway Engineer submitted a report stating no comment regarding the proposed Variance request.

School District 191 made no comment regarding the proposed Variance request.

Jon Friedrich appeared to testify on behalf of the proposed Variance request. Mr. Friedrich stated he needed a Variance for the North side addition and the deck. Mr. Friedrich said he began constructing an addition to an existing cabin and during construction found carpenter ants and black mold in the existing structure. Mr. Friedrich added he may have jumped the gun by removing the original cabin to rebuild. Mr. Friedrich stated the new structure was smaller than the original cabin. Mr. Friedrich added Lakeside Drive was a private lane.

Following all Public Hearings, moved by May, seconded by Webb, to approve **Case No. 16-09-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 lot size and the location of the lake the applicant is limited in buildable area. Further the structure will remain in the original footprint as the older dilapidated structure that was removed and will remain in line with other structures in the immediate area.

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

POSITIVE. Due to the lot size and the location of the lake the applicant is limited in buildable area. Further the structure will remain in the original footprint as the older dilapidated structure that was removed and will remain in line with other structures in the immediate area.

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

POSITIVE. Due to the lot size and the location of the lake the applicant is limited in buildable area. Further the structure will remain in the original footprint as the older dilapidated structure that was removed and will remain in line with other structures in the immediate area.

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

POSITIVE. Due to the lot size and the location of the lake the applicant is limited in buildable area. Further the structure will remain in the original footprint as the older dilapidated structure that was removed and will remain in line with other structures in the immediate area.

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 reconstruct an improved, safer structure than what was originally on the property which had become dilapidated.

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 lot size and the location of the lake the applicant is limited in buildable area. Further the structure will remain in the original footprint as the older dilapidated structure that was removed and will remain in line with other structures in the immediate area.

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

POSITIVE. Due to the lot size and the location of the lake the applicant is limited in buildable area. Further the structure will remain in the original footprint as the older dilapidated structure that was removed and will remain in line with other structures in the immediate area.

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

POSITIVE. Due to the lot size and the location of the lake the applicant is limited in buildable area. Further the structure will remain in the original footprint as the older dilapidated structure that was removed and will remain in line with other structures in the immediate area.

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

On roll call to approve **Case No. 16-09-V** the vote was:

Ayes: 6 – Linsley, May, Vaughn, Webb, Zimmerman, Alternate Vance and Chairman Lessen

Nays: 0

Absent: 1 - Baum

**Motion declared carried.**

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**NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be **March 1, 2016** at 6:00 p.m. in the Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois.

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**ADJOURNMENT**

There being no further business, moved by May, seconded by Webb, to adjourn the Zoning Board of Appeals Public Hearing at 6:18 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.