

**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, March 1, 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; Mike Holly, Assistant States Attorney; and Land Use Members: Monica Connett, Gary Sciortino, Sue Sundell.

**OTHERS**

**PRESENT:** Petitioners and Interested Parties

**MINUTES:** Moved by May, seconded by Lance, to approve the Minutes of the February 2, 2016 Zoning Board of Appeals Meeting. **Motion carried by voice vote.**

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**CASE NO. 16-10-S:** The petition of Russell Roth for an Expansion of an Existing Special Use (as approved Case No. 95-10-S) to allow the operation of a Class 3 Recreational Facility for a Recreational Agritainment Business consisting of attractions such as playground equipment, a barrel train ride, combine and farm tractor displays, farm animal petting zoo, fall festivals, pumpkin sales and displays, and the potential for food sales all to be conducted on a seasonal basis in an A-1 Agriculture Preservation District.

Upon request of the Petitioner, moved by May, seconded by Zimmerman to continue Case No. 16-10-S to the April 5, 2016 Public Hearing. **Motion carried by voice vote.**

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**CASE NO. 16-11-S:** The petition of JHM Unlimited, Inc. for a Special Use to allow the operation of a Non-Residential Planned Unit Development for the purpose of housing office space, storage and warehousing facilities in an I-1 Light Industrial Zoning District.

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

Tazewell County Health Department submitted a report regarding the proposed Special Use request stating an additional system must be installed.

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 making no recommendation regarding the proposed Special Use request.

Ty Livingston, City of East Peoria submitted a stating concern with the entrance sight distance, entrance if not all surfaces be paved and the structure constructed with aesthetically-pleasing façade materials.

Paul Whittington, Fondulac 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 an increase in traffic and that the Township Highway Commissioner should be contacted.

School District 86 and 309 made no comment regarding the proposed Special Use request.

Jim Hagemann appeared to testify on behalf of the proposed Special Use request. Mr. Hagemann stated the proposed building would be a flex space concept with small spaces for industrial type storage for contractors. Mr. Hagemann said what was proposed would not be retail space nor service space and the entrance to the site would be to the East of the property and he would pave the approach. Mr. Hagemann added he had no intent of allowing outdoor storage of items other than vehicles and employee parking. Mr. Hagemann stated he would like to fence the property in the future and the proposed buildings would be a Morton style building, similar to what was currently on the property. Mr. Hagemann said any signage erected would meet the sign ordinance for the County.

Following all Public Hearings, moved by May, seconded by Vaughn, to approve **Case No. 16-11-S**.

Following discussion, moved by Zimmerman, seconded by Linsley to amend the Main Motion to include the following conditions:

1. Outdoor storage shall be limited to large commercial vehicles and employee vehicles.
2. The entrance approach to the property shall be paved a minimum of 20' back from the frontage road prior to final completion of the 60' x 144' building.

**Motion carried by voice vote for the amendment.**

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

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

POSITIVE: The Special Use 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 East Peoria, directly adjacent to the City's municipal boundary. The proposed special use is consistent with the following goals, objectives, and policies of the City of East Peoria's Comprehensive Plan:

- o Promote development adjacent to current municipal boundaries.
- o Focus on quality residential, commercial, and industrial developments that compliment adjoining land uses and maximize the potential of these growth areas.

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: Industrial facilities inherently create noise, light, and other visual impacts such as the storage of materials and equipment outdoors. However, the proposed planned development is in a predominantly industrial area, away from residential areas and commercial corridors. Therefore, as long as materials and equipment are not left outside in an unsightly manner, adverse effects should be 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: Industrial uses may pose safety and health risks to the surrounding area. However, the proposed development is located in an established industrial area and is situated in such a way to minimize these risks. Should materials and equipment be handled and stored properly, the proposed special use shall not be detrimental to the health, safety, morals, comfort, or welfare of the surrounding area.

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 other industrial uses. The proposed special use complements the uses around it, and therefore does not pose a threat to surrounding property owners' use or enjoyment of their property.

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

POSITIVE: The surrounding area is largely industrial. The operation of other industrial businesses in this area should pose no harm to property values.

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

POSITIVE: Per the applicant, all utilities, drainage, and septic will be provided for the site.

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 Access Road 8 is low (<500 ADT) and comprises mainly truck traffic serving nearby industrial businesses. The establishment of new industrial businesses will inevitably increase traffic, but to an acceptable degree. The site plan includes an entrance to the property on Access Road 8. This entrance should be designed and maintained in such a way to allow visibility for traffic on Access Road 8 and the property owner should consider paving the entrance to limit gravel and dust entering the roadway.

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 is located in an industrial area, where the establishment or expansion of a livestock feeding operation would be extremely inadvisable.

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

POSITIVE: Not applicable.

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

POSITIVE: The subject property is surrounded by similar industrial buildings. The proposed special use will compliment nearby uses of property.

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

POSITIVE: Given the layout detailed in the application and the reasons stated above, the subject property is suitable for the requested special use, with conditions.

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

On roll call to approve **Case No. 16-11-S as amended** the vote was:

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

Nays: 0

Absent: 1 - Baum

**Motion declared carried.**

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**CASE NO. 16-12-V:** The petition of Mike Heavlin for a Variance to waive the requirements of 7TCC1-7(g)(1)(iii) to allow the construction of an Accessory Structure (Unattached Garage) to be 80' from the centerline of Woodrow Road, which is 20' closer than allowed in an A-1 Agriculture Preservation District

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

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

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

Wylie Coriell Township Road Commissioner submitted a report having no objections regarding the proposed Variance request.

Craig Fink, Tazewell County Highway Engineer submitted a report stating the Sand Prairie Township Road Commissioner should be contacted for comment.

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

Mike Heavlin appeared to testify on behalf of the proposed Variance request. Mr. Heavlin stated the proposed garage would be a stick built, unattached garage approximately 10 feet from the rear of the dwelling.

Following all Public Hearings, moved by May, seconded by Zimmerman, to approve **Case No. 16-12-V**.

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

1. *The particular surroundings, shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;*

*POSITIVE.* The proposed location of the garage is the most practical location in proportion to the existing dwelling. Further the new garage will be set back further from the Road than the existing dwelling which is non-conforming.

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

*POSITIVE.* The proposed location of the garage is the most practical location in proportion to the existing dwelling and allows for proper and adequate accessibility. Further the new garage will be set back further from the Road than the existing dwelling which is non-conforming.

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.*

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

*POSITIVE.*

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

*POSITIVE.* The applicant is simply seeking to construct the garage to store vehicles as there is currently no garage on the property.

6. *The circumstances or conditions are such that the strict application of the provisions of this section would deprive the applicant of reasonable use of his or her property. Mere loss in value shall not justify a Variance;*

*POSITIVE.* The proposed location of the garage is the most practical location in proportion to the existing dwelling and allows for proper and adequate accessibility. Further the new garage will be set back further from the Road than the existing dwelling which is non-conforming.

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

*POSITIVE.* The proposed location of the garage is the most practical location in proportion to the existing dwelling and allows for proper and adequate accessibility. Further the new garage will be set back further from the Road than the existing dwelling which is non-conforming.

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

*POSITIVE.* The proposed location of the garage is the most practical location in proportion to the existing dwelling and allows for proper and adequate accessibility. Further the new garage will be set back further from the Road than the existing dwelling which is non-conforming.

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

On roll call to approve **Case No. 16-12-V** the vote was:

Ayes: 7 –Alternate Lance, Linsley, May, Vaughn, Webb, Zimmerman 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 **April 5, 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 7:35 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.