

(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, April 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, Phil Webb, Alternate Mike Lance and Ken Zimmerman

ABSENT: JoAn Baum and Don Vaughn

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, Andrew Rinehart, John Redlingshafer, Gary Sciortino, Sue Sundell.

OTHERS

PRESENT: Petitioners and Interested Parties

MINUTES: Moved by May, seconded by Webb, to approve the Minutes of the March 1, 2016 Zoning Board of Appeals Meeting. **Motion carried by voice vote.**

(Continued at the March Public Hearing)

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.

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 potable handwashing units, portable toilets, and temporary food permits would be required.

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.

Ty Livingston, City of East Peoria submitted a stating a concern over the dust from the gravel parking area during the warmer dryer months.

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

Craig Fink, Tazewell County Highway Engineer submitted a report recommending placement of a condition to require the installation of a Commercial Entrance.

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

Russell Roth appeared to testify on behalf of the proposed Special Use request. Mr. Roth stated that the use is an expansion of his existing business approved by Special Use 1995 for the Red Barn Tree Farm. Mr. Roth gave an overview of the activities that will be offered and explained that the would only be conducting such activities from September 1 to October 31.

Community Development Administrator stated that she, the Health Department, Ryan Harms and Mr. Roth had a meeting to discuss various questions regarding the proposed use. Ms. Deininger stated that Mr. Roth had addressed all concerns.

Joyce Mooberry, an owner of property adjacent to the site appeared and stated that the use would a good project for the area.

Following all Public Hearings, moved by May, seconded by Zimmerman, to approve **Case No. 16-10-S** with the following conditions:

1. The applicant shall meet with the County Highway Engineer to determine if a Commercial access upgrade will be required. If the County Highway Engineer determines that an upgrade is required the applicant shall comply with the Commercial upgrade requirements prior to operation.
2. The Agritainment use shall only be operated beginning September 1 and ending on October 31 of every year.

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 Village of Morton. The proposed special use is consistent with the following goals, objectives, and policies of the City of East Peoria's Comprehensive Plan:

- o Focus on quality residential, commercial, and industrial developments that compliment adjoining land uses and maximize the potential of these growth areas.

The proposed special use is consistent with the following goals, objectives, and policies of the Village of Morton's Comprehensive Plan:

- o Retain and expand existing businesses.
- o Provide a business-friendly environment and positive business climate.

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: With any recreational facility, adverse impacts from noise, light, and the presence of parked vehicles are possible. However, the proposed agriculture-related business is in an agricultural area, near major roads and away from residential developments. Moreover, the seasonal nature of the special use and its hours of operation (daytime) minimize such impacts. As long as all structures, signs, and displays are well-built and attractive, the site should not have any danger to the aesthetics of the area.

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: Several aspects of the proposed special use could potentially pose public health or safety hazards if not managed correctly. The site plan calls for portable restroom (i.e. "porta-potty") facilities. These facilities should be built and maintained to all guidelines set forth by the Tazewell County Health Department. Playground equipment and other recreation attractions must be built and kept to adequate safety standards, a petting zoo must be maintained appropriately to ensure the wellbeing of visitors and animals, and food sold on the site must be done so in accordance with Health Department regulations. Should all these conditions be met, the site poses no detriment 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 in all directions by agriculture land. The “farm fun” nature of the proposed special use is compatible with the surrounding area. As long as visitor parking is prohibited in public right-of-way and neighboring properties, the site shall not interfere with surrounding property owners’ use and enjoyment of their property.

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

POSITIVE: The subject property is located in an agricultural area and already houses an agriculture-related business. The proposed special use should pose no threat to property values in the surrounding area.

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

POSITIVE: Per the applicant, no additional utilities, access roads, drainage, or other facilities are necessary for the proposed special use.

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

POSITIVE: Traffic on Jefferson Street is moderate (ADT ~3,900) and the expansion of a recreation facility is likely to increase traffic in the area. Jefferson Street, classified as a Major Collector road, should be capable of handling the additional traffic associated with the proposed special use. Visitor parking along Jefferson Street shall be prohibited. The applicant plans to reserve an additional 113,460 square feet of gravel parking along with the existing 22,820 square feet to accommodate visitors’ vehicles. This large increase in parking space should prove adequate for the proposed special use. The entrance (from 30 feet back to the edge of the roadway) should be improved to commercial requirements to minimize dust and gravel from entering Jefferson Street.

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 agricultural in nature, and should not create any conditions detrimental to livestock operation.

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

POSITIVE: The subject property is composed of land with soil productivity above 125. However, the land in question is not in agricultural production. Therefore, the proposed special use is appropriate despite high soil productivity.

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 largely by open, agricultural land. The nature of the business and layout of the property are consistent with nearby uses.

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

POSITIVE: Given the size of the property, 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. 16-10-S** the vote was:

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

Nays: 0

Absent: 2- Baum and Vaughn

Motion declared carried.

CASE NO. 16-13-S: The petition of King Tree Specialists, Inc. for a Special Use to allow the operation of a Landscaping Business, specializing in tree care and tree removal, in an A-1 Agriculture Preservation District.

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

Tazewell County Health Department submitted a report regarding the proposed Special Use request stating restrooms would need to be provided for employees and a soil analysis would be required.

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

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

Craig Fink, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use recommending placement of a condition to require the installation of a Commercial Entrance, traffic increase anticipated.

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

Brian King appeared to testify on behalf of the proposed Special Use request. Mr. King explained that he will be constructing a new building to house the equipment for the business. Mr. King added that he will work with the County Highway Department with regards to the upgrade to the entrance if it is required.

Following all Public Hearings, moved by Lance, seconded by May, to approve **Case No. 16-13-S** with conditions:

1. The applicant shall meet with the County Highway Engineer to determine if a Commercial access upgrade will be required. If the County Highway Engineer determines that an upgrade is required the applicant shall comply with the Commercial upgrade requirements prior to operation.
2. Outdoor storage shall only be limited to large equipment and temporary storage of large amounts of materials (i.e. wood pile) and the property shall be maintained and kept in a neat and orderly appearance.

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:

- 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 does carry potential visual and noise impacts. Because the subject property is situated away from other residential uses, these impacts are likely to be minimized. However, outdoor storage of equipment and materials may prove unsightly. Therefore, outdoor storage should be limited to large equipment and temporary storage of large amounts of materials (i.e. wood pile).

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: Property surrounding the subject parcels is largely farm fields, with large communications antennas to the west. A landscaping business poses little potential for air or water pollution, and poses no threat to public health as long as materials and equipment are stored and disposed of properly. Therefore, the proposed special use shall not be detrimental to public health, safety, morals, comfort, or general 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: While not strictly agricultural in nature, a landscaping business should prove compatible with the farm fields surrounding the subject property. Operation of the special use should not prevent nearby property owners from using or enjoying their property.

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

POSITIVE: The subject property is located in an agricultural area and already houses many of the facilities necessary to operate the proposed special use. Therefore, operation of the proposed special use does not pose a significant threat to property value nearby.

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

POSITIVE: Per the applicant, no additional utilities, access roads, drainage, or other facilities are necessary for the proposed special use.

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

POSITIVE: Traffic on Springfield Road is moderate (ADT ~4,500), and the operation of a landscaping business is likely to create additional traffic. Springfield Road should be able to handle this traffic, but the field entrance to the property will likely prove inadequate. The entrance to the property should be paved to accommodate additional usage. Adequate parking for employee vehicles and equipment should also be provided.

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 should not create any conditions detrimental to a livestock operation.

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

POSITIVE: No land considered for the proposed special use is in agricultural production.

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 largely by open, agricultural land. The property owner

wishes to operate his family business near his home, which is consistent with similar properties in the area.

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

POSITIVE: Given the size of the property, 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 Zimmerman, to approve the findings of fact as discussed. **Motion declared carried.**

On roll call to approve **Case No. 16-13-S** the vote was:

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

Nays: 0

Absent: 2 - Baum and Vaughn

Motion declared carried.

CASE NO. 16-14-S: The petition of Richard and Diane Boyd for a Special Use to allow the construction of a Private Stable to house 2 horses 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 with certain conditions.

Tazewell County Health Department submitted a report stating the required setback of 50' per the IDPH Water Well Construction Code has been met.

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

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

Craig Fink, Tazewell County Highway Engineer submitted a report recommending the Township Road Commissioner be contacted for comment.

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

Jon Oliphant, City of Washington submitted a report having no objection to the proposed Special Use request.

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

Richard and Diane Boyd appeared to testify on behalf of the proposed Special Use request. Mrs. Boyd explained that they currently board 2 of their horses and are wanting to move them to their current home. They will have a portable barn placed on the property with stalls on each end and then storage in the middle for hay and feed. Mrs. Boyd added that they put a lot of effort into the clean up of the lot with the intent of bringing the horses there. Mrs. Boyd said that the pasture lot will meet the requirements of the Health Department and they will take great effort to maintain the pasture area with regards to manure, etc.

Ernie Mansfield, appeared with concerns regarding the proposed Special Use. Mr. Mansfield stated he lived in the area and had concerns with regards to the Boyd's utilizing the entrance owned by the Home Owner's Association property containing the community well house for access to the proposed site. Mr. Mansfield also had concerns regarding runoff from the site and the potential effect there could be to the well heads for the community well.

Janet Geisz appeared with comments regarding the proposed Special Use. Mrs. Geisz stated she lives in the subdivision and felt that the Boyd's had good intentions but her other concern was with regards to any potential new owner of the site should the Boyd's ever sell and move from the area.

Keith Johnston, a representative for Morton Community Bank appeared with concerns regarding the proposed Special Use. Mr. Johnston stated that Morton Community currently has a home for sale, which was a foreclosure, immediately adjacent to the Boyd's property. Mr. Johnston said the concerns the bank had with trying to market the home would be the potential for the odors and flies associated with horses.

Rick Laylock, appeared with concerns regarding the proposed Special Use request. Mr. Laylock stated he lives at the entrance to the subdivision and expressed concerns regarding runoff and how would the Boyd's be

providing water to the horses.

Marti Sokolowski, appeared in support of the proposed request. Mrs. Sokolowski stated she also lives in the subdivision and had no concerns regarding the Boyd's placing the horses on their property.

Following all Public Hearings, moved by Linsley, seconded by May, to approve **Case No. 16-14-S** with conditions:

1. The applicant shall install a new entrance to the site upon approval by the Township Road Commissioner and refrain from utilizing the HOA easement. However, if the applicant obtains full consensus from the HOA to continue to utilize the easement to the site, then installing a new entrance will not be required
2. At anytime that the well property and equipment is jeopardized by the proposed Use, following an inspection and determination by the Community Development Administrator, the Special Use shall be brought back before the ZBA for review and subject to revocation.

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 parcels fall within the 1.5-mile planning boundaries of both the Village of Morton and the City of Washington. This issue is not addressed in either community's comprehensive plan. However, the proposed special use will not contradict any goals, objectives, or standards of the jurisdictions' comprehensive plans.

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 has associated with it potential adverse effects, including visual impact of a stable building, noise from the horses and loading/unloading them via a horse trailer, and odor if manure is not properly handled. However, the stable is situated in the site plan to utilize tree cover to the west and north, mitigating some visual impacts. Additional noise is unavoidable, but providing proper care to the horses and limiting horse trailer use during odd hours should limit its impact. Odor will be mitigated by the property owner, as not properly maintaining manure and debris will bring him/her in violation of the Tazewell County Zoning Code. Moreover, the Tazewell County Health Department has reviewed the site plan and approves of the site as designed. Therefore, the proposed special use should limit all adverse effects to the greatest extent possible.

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: Property surrounding the subject parcels consists of largely single-family residential homes. One concern is the proposed stable's vicinity to a water pump house operated by the local homeowners' association. Should the property owners not construct and maintain a horse stable properly or provide proper care to the horses, the health, safety, and welfare of nearby property owners will suffer. However, as long as all conditions and regulations enforced by the Tazewell County Community Development and Tazewell County Health Department are met, these risks are minimal.

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: In a residential area, property owners expect a safe environment for themselves, their children, and their guests to live and recreate. As long as all conditions and regulations are met, the proposed special use poses no threat to nearby property owners' enjoyment of their property.

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

POSITIVE: The subject property is located in a residential area, and a poorly-kept stable has the potential to severely diminish property values. Therefore, it is vital that the property owners adhere to all regulations enforced by the Zoning Board and Health Department to preserve property value in the neighborhood. Should they do so, the proposed special use should not harm property value.

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

POSITIVE: Per the applicant, no additional utilities, access roads, drainage, or other facilities are necessary for the proposed special use.

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

POSITIVE: Traffic on Circle Shore Drive is very low, as it is a local street. The addition of a horse stable is not expected to generate a significant amount of traffic. However, positioning the entrance to the stable through homeowners' association land is, despite the easement, not ideal, therefore the petitioner shall adhere to the condition placed upon the request.

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 established residential area, where the operation of a large-scale livestock feeding operation is not feasible.

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

POSITIVE: No land considered for the proposed special use is in agricultural production.

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 residential homes on relatively large lots. Per the applicant, the neighborhood homeowners' association welcomes horses and horses were previously kept on the subject property. Therefore, the proposed special use is consistent with nearby uses of property.

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

POSITIVE: Given the size of the property, 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 Webb, to approve the findings of fact as discussed. **Motion declared carried.**

On roll call to approve **Case No. 16-14-S** the vote was:

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

Nays: 0

Absent: 2 - Baum and Vaughn

Motion declared carried.

CASE NO. 16-15-S: The petition of Robert Wilcoxon for a Special Use to allow the creation of 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.

Tazewell County Health Department submitted a report stating that an operation inspection and soils analysis will be required prior to plat approval.

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.

Craig Fink, Tazewell County Highway Engineer submitted a report recommending the Township Road Commissioner be contacted for comment.

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

Jon Oliphant, City of Washington submitted a report having no objection regarding the proposed Special Use request.

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

Michael Cochran of Austin Engineering appeared representing the petitioner. Mr. Cochran stated that Mr. Wilcoxon would like divide the property to sell the existing home on the property with approximately 1.6 acres and then sell the remainder of the property with approximately 2.3 acres. Mr. Cochran added that the proposes lots sizes were in keeping with the surrounding area.

Following all Public Hearings, moved by Zimmerman, seconded by Webb, to approve **Case No. 16-15-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 boundaries of the Village of Morton and the City of Washington. This issue is not directly addressed in either jurisdiction's comprehensive plan. However, the proposed special use will not contradict any goals, objectives, or standards of any of the jurisdictions' comprehensive plans.

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 new lot and remaining lot are of similar size to other residential homes in the area. Therefore, adverse effects related to the proposed special use 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: The addition of another residential home site is compatible with the residential homes to the northwest, east, and 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 farm fields and larger-lot residential properties. The site of the proposed Special Use is bordered by residential homes to the east and west, and agriculture land to the north and south. 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 applicant, no additional utilities, access roads, drainage, or other facilities are will be required.

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 owner has no current plans to construct a home on the new proposed lot. Therefore, no ingress and egress are currently necessary. The split of the property will allow for the construction of one additional single family home on Schuck Road (ADT ~600), which will have a minimal impact on traffic. When the home is constructed, a proper entrance for vehicles must be constructed according to the guidance of the Township Road Commissioner.

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: No productive farmland will be removed from production as a result of the proposed special use.

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

On roll call to approve **Case No. 16-15-S** the vote was:

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

Nays: 0

Absent: 2 - Baum and Vaughn

Motion declared carried.

CASE NO. 16-16-S: The petition of Chris and Veronica Roper for a Special Use to allow the creation of 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 with certain conditions.

Tazewell County Health Department submitted a report stating a soils analysis will be required prior to plat approval.

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.

Craig Fink, Tazewell County Highway Engineer submitted a report regarding the proposed Special Use stating no safe entrance could be constructed onto Manito Road and recommending the Township Road Commissioner be contacted for comment regarding an entrance onto Spring Lake Road.

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

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

Chris and Veronica Roper appeared to testify on behalf of the request. Mr. Roper explained that the property has been in his wife's family for 50 years and his wife's mother who lives in the existing house currently on the property would like for them to build a home close to her to help her maintain the current property. Mr. Roper stated they would address the concerns from the Highway Engineer and will seek access off of Springlake Road versus Manito Blacktop.

Administrator Deininger explained that the Roper's have a couple of options regarding an entrance off of Springlake Road, however the preferable option for Zoning purposes would be that the Roper's hold title to a 20' access to Springlake Road.

Following all Public Hearings, moved by May, seconded by Webb, to approve **Case No. 16-16-S** with the following condition:

1. Access shall not be allowed onto Manito Blacktop and the new parcel shall be divided and titled identifying a strip of ownership of at least 20' in width fronting Spring Lake Road.

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.

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 new dwelling site will be placed at a setback similar to other rural homes in the area, having little to no adverse visual impact on nearby property.

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 site is compatible with the residential homes to the far north, east, and southeast 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 farm fields and similar rural residential properties. 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 home sites nearby 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 applicant, all utilities, access roads, drainage, and other 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: According to the applicant, an existing entrance from Manito Road will serve the new home site. While it is apparent that the area in question has been used to access Manito Road, it is not a proper entrance. The property owner should construct an entrance under the guidance of the Township Road Commissioner. Traffic along Manito Road is moderate (ADT ~3,800) and an additional home site will generate a small amount of additional traffic. However, an additional home site is unlikely to create any major traffic congestion.

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

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: No productive farmland will be removed from production as a result of the proposed special use.

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. 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, with a condition.

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

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

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

Nays: 0

Absent: 2 - Baum and Vaughn

Motion declared carried.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **May 3, 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