

(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, May 3, 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, Phil Webb, Don Vaughn and Ken Zimmerman

ABSENT: JoAn Baum and Sandy May

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

OTHERS

PRESENT: Petitioners and Interested Parties

MINUTES: Moved by Zimmerman, seconded by Webb, to approve the Minutes of the April 5, 2016 Zoning Board of Appeals Meeting. **Motion carried by voice vote.**

CASE NO. 16-17-S: The petition of Zachary Dentino for a Special Use to allow the operation of an Auction House from an existing structure in an A-1 Agriculture Preservation District

Tazewell County Health Department submitted a report stating that required corrections are needed for the sale of the property to be completed. Further the new owner will be required to submit annual well water samples and a food plan review and a food permit will be required or all kitchen equipment must be removed prior to operation.

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.

Craig Fink, Tazewell County Highway Engineer submitted a report stating that applicant existing entrances are commercial, parking for events should be sufficient, and there shall be no parking in public right-of-way.

School District 16 made no comment regarding the proposed Variance request.

Zachary Dentino appeared to represent the request. Mr. Dentino explained that the intent is to start an auction house at this location which had previously been used as a restaurant known as "Gills". They plan to start having auctions weekly but in the beginning they will conduct auctions twice a month. There will be a food truck on premises during the auctions. All left over items not sold at the auctions will be disposed in a timely fashion. They also plan to provide a second ring in an existing accessory structure also located on the property. Mr. Dentino said that they will utilize the existing sign and have it refaced.

Following all Public Hearings, moved by Vaughn, seconded by Webb, to approve **Case No. 16-17-S** with the following conditions:

1. Approval of the Special Use is contingent upon approval of Code Amendment 44 by the Tazewell County Board.
2. Outdoor storage shall be limited to temporary storage of large items or equipment to be sold, and such items shall be properly screened from view (i.e. with trees or a fence).
3. There shall be no parking in the Public Right-of-Way of Mackinaw 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 does not currently conform to all applicable regulations of the Tazewell County Zoning Code, as an auction house is not an allowed special use in the A-1 Agricultural

Preservation District. However, upon amendment to the Code to include an auction house as an allowed special use in the A-1 District, the use will be in full compliance with the Tazewell County Zoning Code regulations 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 within 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.
- Locate intensive land uses in appropriate areas where their impacts do not harm other land uses.

- 3. The petitioner has provided the information required by 7TCC1-25(c), and has demonstrated the ability to complete the proposal shown in 7TCC1-25(c)(1)-(10), and has met those items required by the statements described in TCC1-25(c)(9).**

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 applicant plans to use the existing facilities on site to conduct auctions. While there are few land uses other than farm fields in the surrounding area, storage of unsold items outside of the facilities may prove to be an eyesore. Therefore, outdoor storage should be limited to temporary storage of large items or equipment, and such an area should be properly screened.

- 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: Auctions are a part-time, low-intensity use for the subject property. So long as all building occupancy limits are not exceeded and unsold items are properly stored, the proposed special use is unlikely to be detrimental to the surrounding area's health, safety, morals, comfort, and welfare.

- 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 the proposed special use is not agricultural in nature, it is low-intensity in regard to land use. The operation of an auction house should not impede farmers' ability to access and farm nearby land. Therefore, the special use is not likely to be injurious to nearby property owners' use and enjoyment of their property.

- 7. The Special Use shall not substantially diminish nor impair property value within the neighborhood.**

POSITIVE: The building on the subject property currently sits vacant, having formerly housed a restaurant. Occupancy and use of the building is unlikely to have an adverse effect on nearby property values, so long as the building and premises are well-maintained and kept free of objects stored outside for extended periods.

- 8. 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. All utilities and facilities already exist on 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 Mackinaw Road is low (ADT ~900) and traffic on Gils Road is very low (ADT ~50). The operation of an auction house is likely to generate additional traffic on Mackinaw Road. However, the property owner only intends to operate the auction house one day per week, with the

possibility of special auction dates in the future. Mackinaw Road, classified as a major collector, should be able handle periodic increases in traffic. Moreover, two paved, commercial entrances to the site already exist on Mackinaw Road.

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 relatively low-impact in nature and should not create any conditions detrimental to a livestock operation so long as unsold items are stored properly.

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 building intended for the proposed special use has existed on the site for a considerable amount of time. Therefore, the proposed special use is consistent with nearby uses of property.

14. The property in question 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 a condition.

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

On roll call to approve **Case No. 16-17-S** the vote was:

Ayes: 5 –Linsley, Vaughn, Webb, Zimmerman and Chairman Lessen

Nays: 0

Absent: 2 - Baum and May

Motion declared carried.

CASE NO. 16-18-V: The petition of Brian King, d/b/a King Tree Specialists, Inc. for a Variance to waive the requirements of 7TCC1-7(g)(2)(i) to allow the construction of a Principal Structure on a new Zoning Lot of Record, as approved in Case No. 16-13-S to be 10' from the newly created side property line, which is 20' closer than allowed in an A-1 Agriculture Preservation District.

Tazewell County Health Department submitted a report stating that a soil survey and septic permit application would be required prior to issuance of a building permit.

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 of the proposed Variance request.

Craig Fink, Tazewell County Highway Engineer submitted a report stating that applicant has obtained a permit to construct a Commercial entrance to the property.

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

Brian King appeared to testify on behalf of the proposed Variance. Mr. King explained that he is wishing to divide off his business from his family property. He will be constructing the new building to house the equipment for the business as previously approved in Case No. 16-13-S by the ZBA. Mr. King said that the Variance is needed to allow for more practical maneuverability of his equipment on the site and the area proposed is more level than other parts of the property.

Following all Public Hearings, moved by Zimmerman, seconded by Vaughn, to approve **Case No. 16-18-V**.

After considering all the evidence and testimony presented, the ZBA discussed the findings of fact 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 for the structure is the most practical location and allows for proper use of the existing driveway, proposed employee parking area and allows for better maneuverability of equipment associated with the business.

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 for the structure is the most practical location and allows for proper use of the existing driveway, proposed employee parking area and allows for better maneuverability of equipment associated with the business.

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. The proposed location for the structure is the most practical location and allows for proper use of the existing driveway, proposed employee parking area and allows for better maneuverability of equipment associated with the business.

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. The proposed location for the structure is the most practical location and allows for proper use of the existing driveway, proposed employee parking area and allows for better maneuverability of equipment associated with the business.

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

POSITIVE. Although the structure will be utilized for the purpose of Tree King Services, the applicant is simply seeking to construct the new building which allows the most efficient use of 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 for the structure is the most practical location and allows for proper use of the existing driveway, proposed employee parking area and allows for better maneuverability of equipment associated with the business.

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 for the structure is the most practical location and allows for proper use of the existing driveway, proposed employee parking area and allows for better maneuverability of equipment associated with the business.

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

POSITIVE. The proposed location for the structure is the most practical location and allows for proper use of the existing driveway, proposed employee parking area and allows for better maneuverability of equipment associated with the business.

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

On roll call to approve **Case No. 16-18-V** the vote was:

Ayes: 5 –Linsley, Vaughn, Webb, Zimmerman and Chairman Lessen

Nays: 0

Absent: 2 - Baum and May

Motion declared carried.

CASE NO. 16-19-V: The petition of David Snider for a Variance to waive the requirements of 7TCC1-7(g)(3)(ii) to allow the creation of a new Zoning Lot of Record with an existing Accessory Structure to be 4' from a newly created Rear Property Line, which is 21' closer than allowed in an A-1 Agriculture Preservation District.

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

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 of the proposed Variance request.

Craig Fink, Tazewell County Highway Engineer submitted a report stating that the Hopedale Road district should be contacted but no increase in traffic would be expected.

Trent Willis, Hopedale Township Road Commissioner made no comment regarding the Variance request.

School District 16 made no comment regarding the proposed Variance request.

David Snider appeared to testify on behalf of the proposed Variance request. Mr. Snider stated that his son is purchasing the home site and he will be purchasing the surrounding farmland. Allowing the new property line to be placed closer to the existing structure will allow for property utilization of the farm ground.

Following all Public Hearings, moved by Vaughn, seconded by Zimmerman, to approve **Case No. 16-19-V**.

After considering all the evidence and testimony presented, the ZBA discussed the findings of fact 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. Allowing the division of the site and the existing structure to be closer to the property line will prevent tillable farmland from being removed from production. There are no other alternatives for placement of the new property line. Removal of the existing structure is not an option as the structure is still in good useable condition.

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. Allowing the division of the site and the existing structure to be closer to the property line will prevent tillable farmland from being removed from production. There are no other alternatives for placement of the new property line. Removal of the existing structure is not an option as the structure is still in good useable condition.

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 division of the site and the existing structure to be closer to the property line will prevent tillable farmland from being removed from production. There are no other alternatives for placement of the new property line. Removal of the existing structure is not an option as the structure is still in good useable condition. The home site will be owned by the applicant's son and the applicant will own and farm the land surrounding the site.

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.

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. Allowing the division of the site and the existing structure to be closer to the property line will prevent tillable farmland from being removed from production. There are no other alternatives for placement of the new property line. Removal of the existing structure is not an option as the structure is still in good useable condition. The home site will be owned by the applicant's son and the applicant will own and farm the land surrounding the site.

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

POSITIVE. Allowing the division of the site and the existing structure to be closer to the property line will prevent tillable farmland from being removed from production. There are no other alternatives for placement of the new property line. Removal of the existing structure is not an option as the structure is still in good useable condition. The home site will be owned by the applicant's son and the applicant will own and farm the land surrounding the site.

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

POSITIVE. Allowing the division of the site and the existing structure to be closer to the property line will prevent tillable farmland from being removed from production. There are no other alternatives for placement of the new property line. Removal of the existing structure is not an option as the structure is still in good useable condition. The home site will be owned by the applicant's son and the applicant will own and farm the land surrounding the site.

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

On roll call to approve **Case No. 16-19-V** the vote was:

Ayes: 5 –Linsley, Vaughn, Webb, Zimmerman and Chairman Lessen

Nays: 0

Absent: 2 - Baum and May

Motion declared carried.

CASE NO. 16-20-V: The petition of Randy and Tina Johnson for a Variance to waive the requirements of 7TCC1-7(1)(iii) to allow the construction of an Addition to Dwelling (Deck) to be 54' from the centerline of Kentuckiana Road, which is 46' closer than allowed in an A-1 Agriculture Preservation District.

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

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.

Craig Fink, Tazewell County Highway Engineer submitted a report stating that the Hopedale Road district should be contacted but no increase in traffic would be expected.

Trent Willis, Hopedale Township Road Commissioner made no comment regarding the Variance request.

School District 16 made no comment regarding the proposed Variance request.

Tina Johnson appeared to testify on behalf of the proposed Variance request. Mrs. Johnson explained that they are in need of a new front porch to replace the existing porch which has become dilapidated. The house is non-conforming and does not meet the current setbacks. There will be no sight distance issues with regards to placement of the porch.

Following all Public Hearings, moved by Webb, seconded by Vaughn, to approve **Case No. 16-20-V.**

After considering all the evidence and testimony presented, the ZBA discussed the findings of fact 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 addition is the most practical due to the layout of the existing home. Further the home does not meet setbacks, however the new addition will not create a site distance issue or have any negative impacts on the surrounding area. The existing entry to the home has become a safety hazard and allowing the Variance to construct a new entry will provide the applicant with a safer and covered access to the home.

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 addition is the most practical due to the layout of the existing home. Further the home does not meet setbacks, however the new addition will not create a site distance issue or have any negative impacts on the surrounding area. The existing entry to the home has become a safety hazard and allowing the Variance to construct a new entry will provide the applicant with a safer and covered access to the home.

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. The proposed location of the addition is the most practical due to the layout of the existing home. Further the home does not meet setbacks, however the new addition will not create a site distance issue or have any negative impacts on the surrounding area. The existing entry to the home has become a safety hazard and allowing the Variance to construct a new entry will provide the applicant with a safer and covered access to the home.

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. The proposed location of the addition is the most practical due to the layout of the existing home. Further the home does not meet setbacks, however the new addition will not create a site distance issue or have any negative impacts on the surrounding area. The existing entry to the home has become a safety hazard and allowing the Variance to construct a new entry will provide the applicant with a safer and covered access to the home.

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 and new safer entry way to the home.

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 addition is the most practical due to the layout of the existing home. Further the home does not meet setbacks, however the new addition will not create a site distance issue or have any negative impacts on the surrounding area. The existing entry to the home has become a safety hazard and allowing the Variance to construct a new entry will provide the applicant with a safer and covered access to the home.

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 addition is the most practical due to the layout of the existing home. Further the home does not meet setbacks, however the new addition will not create a site distance issue or have any negative impacts on the surrounding area. The existing entry to the home has become a safety hazard and allowing the Variance to construct a new entry will provide the applicant with a safer and covered access to the home.

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

POSITIVE. The proposed location of the addition is the most practical due to the layout of the existing home. Further the home does not meet setbacks, however the new addition will not create a site distance issue or have any negative impacts on the surrounding area. The existing entry to the home has become

a safety hazard and allowing the Variance to construct a new entry will provide the applicant with a safer and covered access to the home.

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

On roll call to approve **Case No. 16-20-V** the vote was:

Ayes: 5 –Linsley, Vaughn, Webb, Zimmerman and Chairman Lessen

Nays: 0

Absent: 2 - Baum and May

Motion declared carried.

CASE NO. 16-21-V: The petition of Michael Elling for a Variance to waive the requirements of 7TCC1-8(g)(1)(iv) to allow the construction of an Accessory Structure to be 20' from the centerline of Mackinaw Valley Park, which is 80' closer than allowed in an A-2 Agriculture District.

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

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.

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

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

Michael Elling appeared to testify on behalf of the proposed Variance request. Mr. Elling explained that the proposed location for the garage is the only alternative that he has as the majority of the property is prone to flooding. Mr. Elling testified that there are other structures located in the area that are even closer than the proposed garage.

Following all Public Hearings, moved by Webb, seconded by Vaughm, to approve **Case No. 16-21-V.**

After considering all the evidence and testimony presented, the ZBA discussed the findings of fact 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 as the property is located within a Floodplain, however the proposed location for the garage is the highest point of the site, therefore the potential for flooding is minimized. Further the property is located on private road with very limited traffic accessed only to the residents in the area. The applicant will be required to adhere to all the building code and floodplain requirements for the garage.

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 as the property is located within a Floodplain, however the proposed location for the garage is the highest point of the site, therefore the potential for flooding is minimized. Further the property is located on private road with very limited traffic accessed only to the residents in the area. The applicant will be required to adhere to all the building code and floodplain requirements for the garage.

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. The proposed location of the garage is the most practical location as the property is located within a Floodplain, however the proposed location for the garage is the highest point of the site, therefore the potential for flooding is minimized. Further the property is located on private road with very limited traffic accessed only to the residents in the area. The applicant will be required to adhere to all the building code and floodplain requirements for the garage.

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. The proposed location of the garage is the most practical location as the property is located within a Floodplain, however the proposed location for the garage is the highest point of the site, therefore the potential for flooding is minimized. Further the property is located on private road with very limited traffic accessed only to the residents in the area. The applicant will be required to adhere to all the building code and floodplain requirements for the garage.

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 for the storage of personal items.

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 as the property is located within a Floodplain, however the proposed location for the garage is the highest point of the site, therefore the potential for flooding is minimized. Further the property is located on private road with very limited traffic accessed only to the residents in the area. The applicant will be required to adhere to all the building code and floodplain requirements for the garage.

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 as the property is located within a Floodplain, however the proposed location for the garage is the highest point of the site, therefore the potential for flooding is minimized.

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

POSITIVE. The proposed location of the garage is the most practical location as the property is located within a Floodplain, however the proposed location for the garage is the highest point of the site, therefore the potential for flooding is minimized. Further the property is located on private road with very limited traffic accessed only to the residents in the area. The applicant will be required to adhere to all the building code and floodplain requirements for the garage.

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

On roll call to approve **Case No. 16-21-V** the vote was:

Ayes: 5 –Linsley, Vaughn, Webb, Zimmerman and Chairman Lessen

Nays: 0

Absent: 2 - Baum and May

Motion declared carried.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **June 7, 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 Linsley, seconded by Webb, to adjourn the Zoning Board of Appeals Public Hearing at 7:30 p.m.

Kristal Deininger, Secretary