

(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, June 7, 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, Sandy May, Phil Webb, Don Vaughn and Ken Zimmerman

ABSENT: JoAn Baum and Cheryl Linsley

STAFF: Kristal Deininger, Community Development Administrator; Jaclynn Workman, Inspections Coordinator; Ryan Harms, Land Use Planner; and Land Use Members: Terry Hillegonds, Russ Crawford, Monica Connett, Andrew Rinehart.

OTHERS

PRESENT: Petitioners and Interested Parties

MINUTES: Moved by Lance, seconded by Webb, to approve the Minutes of the May 3, 2016 Zoning Board of Appeals Meeting. **Motion carried by voice vote.**

CASE NO. 16-22-A: Proposed Amendment No. 44 to the Tazewell County Zoning Code referred for hearing by the Tazewell County Land Use Committee.

Tazewell County Health Department made no comment regarding the proposed Amendment.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Amendment.

The Tazewell County Farm Bureau submitted a report regarding the proposed Amendment having no recommendation.

Administrator Deininger gave an explanation regarding the proposed Zoning Code Amendment and the reasons for such changes.

Following all Public Hearings, moved by Lance, seconded by May, to recommend approval of **Case No. 16-22-A** to the Tazewell County Board.

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

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*
2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

Moved by Zimmerman, seconded by May, to approve the findings of fact as written. **Motion carried by voice vote.**

On roll call to recommend approval of **Case No. 16-22-A** the vote was:

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

Nays: 0

Absent: 2 - Baum, Linsley

Motion declared carried.

CASE NO. 16-23-S: The petition of Douglas and Suzanna Deakin for a Special Use to allow a non-conforming lot of record to be utilized as a new dwelling site in an A-1 Agriculture Preservation Zoning District.

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

Tazewell County Health Department submitted a report regarding the proposed Special Use request stating a soils analysis must be provided.

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

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

Village of South Pekin made no comment regarding the proposed Special Use request.

Ron Hawkins, Cincinnati Township Road Commissioner made no comment regarding the proposed Special Use request.

Craig Fink, Tazewell County Highway Engineer responded that the Cincinnati Road District should be contacted regarding potential impacts on street access.

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

Douglas Deakin appeared to testify on behalf of the proposed Special Use request. Mr. Deakin stated he would like to construct a new dwelling and was aware a soil analysis was required prior to plats being signed. Mr. Deakin said there was not a shared well to his knowledge and any utilities would be retained on each property.

Following all Public Hearings, moved by Zimmerman, seconded by May, to approve **Case No. 16-23-S**.

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

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

POSITIVE: The Special Use will conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

2. *The Special Use will be consistent with the purposes, goals, objectives, and standards of the officially adopted County Comprehensive Land Use Plan and these regulations, or of any officially adopted Comprehensive Plan of a municipality with a 1.5 mile planning jurisdiction.*

POSITIVE: The subject parcel is within the 1.5-mile planning boundary of the Village of South Pekin, which does not have a comprehensive plan. The subject property resembles a “flag lot,” a property that consists of a long, narrow strip of land that provides access from a road to the main portion of the property. The Tazewell County Land Use Plan addresses the benefits and drawbacks of flag lots:

Potential Benefits:

- o A flag lot can be developed to allow construction of a dwelling while minimizing the amount of farmland removed from production.
- o Flag lots are useful when the conditions of a site restrict the area where suitable access can exist.

Potential Drawbacks:

- o Emergency personnel may have trouble locating dwellings if access strips are very long.
- o May negatively impact the future development of a previously underdeveloped parcel.
- o The potential for “stacking” flag lots exacerbates these concerns.

In this particular case, the subject property was illegally “orphaned” from road access via a property split. Many residential properties already exist in the area, making it unlikely that a new public road or residential subdivision might provide access in the future. Allowing flag lots is generally not considered to be sound development practice, but in this case a flag lot is the best means by which to provide road access to the property while limiting impacts on nearby properties. Therefore, the Special Use is consistent with the Tazewell County Land Use Plan.

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

POSITIVE: Per the application, the requirements of Article 25 of the Tazewell County Zoning Code have been met.

4. *The Site shall be so situated as to minimize adverse effects, including visual impacts on adjacent properties.*

POSITIVE: The proposed dwelling site is to be situated near other single-family homes in the surrounding area. Furthermore, proper screening currently exists on the site in the form of trees. Therefore, adverse effects from the proposed Special Use are minimal.

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

POSITIVE: The addition of another residential home is compatible with the residential homes to the west, north, and south of the subject property. Therefore, the construction, maintenance, and use of a new dwelling site pose no significant risk to the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

6. *The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

POSITIVE: The area surrounding the subject property contains a mixture of agriculture land and several large-lot home sites. The site of the proposed Special Use is bordered by residential homes to the west, north, and south; and agriculture land to east. Given the presence of other single-family homes in the immediate area, the proposed Special Use poses no threat to nearby property owners' use and enjoyment of their property.

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

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

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

POSITIVE: Per the application, a new driveway connection, new septic system, a new well, and electrical access are to be installed. Therefore, all adequate facilities will be provided.

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

POSITIVE: The applicant plans to acquire 0.17 acres of land from an adjacent property owner and build a driveway on it. Traffic on Skyaire Drive is very low, and the addition of a home site is unlikely to cause any significant traffic issue. Therefore, the proposed Special Use is should not pose any traffic hazard to the area.

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

POSITIVE: Not applicable.

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 features a mixture of agriculture land and residential properties. The presence of residential homes and the presence of the Pekin Municipal Airport nearby make the establishment of such an operation inadvisable.

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

POSITIVE:

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

POSITIVE: As stated above, other residential properties occupy the A-1 district to the west, north, and south of the subject property. Establishing another home site contiguous to other existing single-family homes is compatible with the uses of land nearby. Furthermore, the land on which the dwelling site is to be built is currently not in farm production. Therefore, the proposed Special Use is consistent with the surrounding uses of property.

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

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

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

On roll call to approve **Case No. 16-23-S** the vote was:

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

Nays: 0

Absent: 2 - Baum, Linsley

Motion declared carried.

CASE NO. 16-24-S: The petition of Robert Preston for a Special Use to allow a non-conforming lot record to be utilized as a new dwelling site in an A-1 Agriculture Preservation Zoning District.

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

Tazewell County Health Department submitted a report regarding the proposed Special Use request having no comment.

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

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

Trent Willis, Hopedale Township Road Commissioner made no comment regarding the proposed Special Use request.

Craig Fink, Tazewell County Highway Engineer responded that the Hopedale Road District should be contacted regarding potential impacts on street access

School District 16 made no comment regarding the proposed Special Use request.

THE FOLLOWING CONTAINS TESTIMONY FOR CASE 16-24-S, 16-25-S AND 16-26-V.

Robert Preston appeared to testify on behalf of the proposed Special Use and Variance requests. Mr. Preston stated he would like to construct a 40x80 pole building in the Southwest corner of the property. Mr. Preston said the electrical was ran under the road and there was current access to the property in the Southwest corner of the property near the school house. Mr. Preston added utilizing the existing access would remove farmland from production and he was currently leasing the property back to the former owner of the property for farming purposes. Mr. Preston stated he had not been in contact with the Road Commissioner. Mr. Preston said he proposed a new dwelling in the far future but presently wanted to construct an outbuilding on the property.

Leilani Smock appeared with concerns regarding the proposed Special use request. Ms. Smock questioned the location of the dwelling and pole building and explained how residents live very primitively in the area. Ms. Smock made reference to a lot of traffic on the roadway and that a disabled man lived with her.

Following all Public Hearings, moved by May, seconded by Lance, to approve **Case No. 16-24-S**.

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

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

POSITIVE: The Special Use will conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

2. *The Special Use will be consistent with the purposes, goals, objectives, and standards of the officially adopted County Comprehensive Land Use Plan and these regulations, or of any officially adopted Comprehensive Plan of a municipality with a 1.5 mile planning jurisdiction.*

POSITIVE: The subject parcel is within the 1.5-mile planning boundary of the Village of Hopedale, which does not have a comprehensive plan. The proposed Special Use does not contradict any purposes, goals, objectives, or standards of the Tazewell County Land Use Plan.

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

POSITIVE: Per the application, the requirements of Article 25 of the Tazewell County Zoning Code have been met.

- 4. The Site shall be so situated as to minimize adverse effects, including visual impacts on adjacent properties.*

POSITIVE: The proposed shed and driveway included in the application are situated near tree cover, away from neighboring structures. While there is no home plan included in the application, adequate space and tree screening exist on the site for the construction of an unobtrusive home in the future. Furthermore, any home site construction will be subject to the requirements of the Tazewell County Zoning Ordinance. Therefore, adverse effects from 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: Multiple rural residential home sites may be found in the area surrounding the subject property. Therefore, the construction, maintenance, and use of the proposed Special Use pose no significant risk to the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

- 6. The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

POSITIVE: The area surrounding the subject property contains a mixture of agriculture land and rural residential properties. Residential home sites exist to the southwest and northeast of the property. Given the presence of other single-family homes in the immediate area, the proposed Special Use poses no threat to nearby property owners' use and enjoyment of their property.

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

POSITIVE: Considering the presence of 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 application, a new driveway connection, drainage, and electrical access are to be installed. When a home is eventually constructed, a proper well and septic system must be installed on the property. When those are constructed, all adequate facilities will be provided.

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

POSITIVE: The applicant plans to construct a new driveway, entrance, and culvert on Shiloh Road. Traffic on Shiloh Road is very low (~10 ADT) and the addition of a home site is unlikely to generate considerable traffic. However, the Hopedale Township Road Commissioner should be consulted about the position and orientation of the driveway entrance. Should this be done, the proposed Special Use is should not pose any traffic hazard to the area.

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

POSITIVE: Not applicable.

- 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 features a mixture of agriculture land and rural residential properties. The presence of these homes makes the establishment or expansion of such an operation inadvisable.

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

POSITIVE: A portion of the subject property contains active farm land, and soil productivity index ratings on the property range from 95 to 129. As such, the proposed Special Use has the potential to remove prime farmland from production. However, the property also contains wooded and pasture land. The property owner has indicated a desire to locate buildings in such a way to minimize their impact on active, prime farm land. For this reason, this finding is judged to be positive.

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

POSITIVE: Other large-lot rural residential properties occupy the A-1 district in the vicinity of the subject property. Establishing another home site in the vicinity of these homes is compatible with the 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 May, seconded by Lance, to approve the findings of fact as discussed. **Motion declared carried.**

On roll call to approve **Case No. 16-24-S** the vote was:

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

Nays: 0

Absent: 2 - Baum, Linsley

Motion declared carried.

CASE NO. 16-25-S: The petition of Robert Preston for a Special Use to allow construction of an accessory structure to the principal dwelling for personal storage and equipment to maintain the property in an A-1 Agriculture Preservation District.

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

Tazewell County Health Department submitted a report regarding the proposed Special Use request having no comment.

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

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

Trent Willis, Hopedale Township Road Commissioner made no comment regarding the proposed Special Use request.

Craig Fink, Tazewell County Highway Engineer responded that the Hopedale Road District should be contacted regarding potential impacts on street access

School District 16 made no comment regarding the proposed Special Use request.

PLEASE SEE CASE 16-24-S FOR ALL TESTIMONY.

Following all Public Hearings, moved by May, seconded by Webb, to approve **Case No. 16-25-S**.

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

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

POSITIVE: The Special Use will conform to all applicable regulations of the Tazewell County Zoning Code to be enforced by the Community Development Administrator.

2. *The Special Use will be consistent with the purposes, goals, objectives, and standards of the officially adopted County Comprehensive Land Use Plan and these regulations, or of any officially adopted Comprehensive Plan of a municipality with a 1.5 mile planning jurisdiction.*

POSITIVE: The subject parcel is within the 1.5-mile planning boundary of the Village of Hopedale, which does not have a comprehensive plan. The proposed Special Use does not contradict any purposes, goals, objectives, or standards of the Tazewell County Land Use Plan.

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

POSITIVE: Per the application, the requirements of Article 25 of the Tazewell County Zoning Code have been met.

- 4. The Site shall be so situated as to minimize adverse effects, including visual impacts on adjacent properties.*

POSITIVE: The proposed building is quite large, 2000 square feet larger than allowed by the Tazewell County Zoning Code. The proposed structure and driveway included in the application are situated near tree cover and away from neighboring structures. Such placement should mitigate most adverse effects of the proposed Special Use.

- 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: Multiple rural residential home sites may be found in the area surrounding the subject property. Several of these properties include similar structures used for similar storage purposes. Therefore, the construction, maintenance, and use of the proposed Special Use pose no significant risk to the public health, safety, morals, comfort, or general welfare of the neighboring vicinity.

- 6. The Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.*

POSITIVE: The area surrounding the subject property contains a mixture of agriculture land and rural residential properties. Many of the residential properties nearby contain large storage buildings. Given the presence of these structures in the immediate area, the proposed Special Use poses no threat to nearby property owners' use and enjoyment of their property.

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

POSITIVE: Considering the presence of similar structures 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 application, a new driveway connection, drainage, and electrical access are to be installed. When a home is eventually constructed, a proper well and septic system must be installed on the property. When those are constructed, all adequate facilities will be provided.

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

POSITIVE: The applicant plans to construct a new driveway, entrance, and culvert on Shiloh Road. Traffic on Shiloh Road is very low (~10 ADT) and the addition of a storage building for the owner's personal use is unlikely to generate considerable traffic. However, the Hopedale Township Road Commissioner should be consulted about the position and orientation of the driveway entrance. Should this be done, the proposed Special Use is should not pose any traffic hazard to the area.

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

POSITIVE: Not applicable.

- 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 features a mixture of agriculture land and rural residential properties. The presence of these homes makes the establishment or expansion of such an operation inadvisable.

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

POSITIVE: A portion of the subject property contains active farm land, and soil productivity index ratings on the property range from 95 to 129. As such, the proposed Special Use has the potential to remove prime farmland from production. However, the property also contains wooded and pasture land. The property owner has indicated a desire to locate the building in such a way to minimize its impact on active, prime farm land. For this reason, this finding is judged to be positive.

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

POSITIVE: Other large-lot rural residential properties occupy the A-1 district in the vicinity of the subject property, many of which contain similar storage buildings. The addition of another storage building is compatible with the area, particularly upon the construction of a home site on the property. Therefore, the proposed Special Use is consistent with the surrounding uses of property.

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

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

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

On roll call to approve **Case No. 16-25-S** the vote was:

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

Nays: 0

Absent: 2 - Baum, Linsley

Motion declared carried.

CASE 16-26-V: The petition of Robert Preston for a Variance to waive the requirements of 7TCC 1-7(c)(1) to allow construction of a 40' x 80' accessory structure prior to the principal dwelling to be 2,000 square feet larger than allowed in an A-1 Agriculture Preservation District.

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

Tazewell County Soil & Water Conservation District submitted a report recommending denial of the proposed Variance request.

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

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

Craig Fink, Tazewell County Highway Engineer responded that the Hopedale Road District should be contacted regarding potential impacts on street access.

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

PLEASE SEE CASE 16-24-S FOR ALL TESTIMONY.

Following all Public Hearings, moved by May, seconded by Vaughn, to approve **Case No. 16-26-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. Other large-lot rural residential properties occupy the A-1 district in the vicinity of the subject property, many of which contain similar storage buildings. The addition of another storage building is compatible with the area, particularly upon the construction of a home site on the property. The additional size of the building is needed for future storage of farm equipment should the applicant choose to farm the property, rather than lease, in the future. Therefore, the proposed Variance is consistent with the surrounding uses of property.

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. Other large-lot rural residential properties occupy the A-1 district in the vicinity of the subject property, many of which contain similar storage buildings. The addition of another storage building is compatible with the area, particularly upon the construction of a home site on the property. The additional size of the building is needed for future storage of farm equipment should the applicant choose to farm the property, rather than lease, in the future. Therefore, the proposed Variance is consistent with the surrounding uses of property.

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. Other large-lot rural residential properties occupy the A-1 district in the vicinity of the subject property, many of which contain similar storage buildings. The addition of another storage building is compatible with the area, particularly upon the construction of a home site on the property. The additional size of the building is needed for future storage of farm equipment should the applicant choose to farm the property, rather than lease, in the future. Therefore, the proposed Variance is consistent with the surrounding uses of property.

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 a larger building to allow for adequate storage of equipment for maintenance of the property in addition to personal storage of other 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. Other large-lot rural residential properties occupy the A-1 district in the vicinity of the subject property, many of which contain similar storage buildings. The addition of another storage building is compatible with the area, particularly upon the construction of a home site on the property. The additional size of the building is needed for future storage of farm equipment should the applicant choose to farm the property, rather than lease, in the future. Therefore, the proposed Variance is consistent with the surrounding uses of property.

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

POSITIVE. Other large-lot rural residential properties occupy the A-1 district in the vicinity of the subject property, many of which contain similar storage buildings. The addition of another storage building is compatible with the area, particularly upon the construction of a home site on the property. The additional size of the building is needed for future storage of farm equipment should the applicant choose to farm the property, rather than lease, in the future. Therefore, the proposed Variance is consistent with the surrounding uses of property.

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

POSITIVE. Other large-lot rural residential properties occupy the A-1 district in the vicinity of the subject property, many of which contain similar storage buildings. The addition of another storage building is compatible with the area, particularly upon the construction of a home site on the property. The additional size of the building is needed for future storage of farm equipment should the applicant choose to farm the property, rather than lease, in the future. Therefore, the proposed Variance is consistent with the surrounding uses of property.

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

On roll call to approve **Case No. 16-26-V** the vote was:

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

Nays: 0

Absent: 2 - Baum, Linsley

Motion declared carried.

CASE NO. 16-27-V: The petition of Patrick Haynes for a Variance to waive the requirements of 7TCC1-7(g)(1)(iv) to allow construction of a room addition to an existing dwelling to be 66' from the centerline of Cook Road which is 34' closer than allowed in an A-1 Agriculture District.

Tazewell County Health Department submitted a stating a Zoning Inspection had been completed and the garbage disposal must be removed.

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

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

Michael Childers, Deer Creek Township Road Commissioner made no comment regarding the proposed Variance request.

Craig Fink, Tazewell County Highway Engineer responded stating that the Deer Creek Road District should be contacted regarding potential impacts on street access.

School District 701 made no comment regarding the proposed Variance request.

Patrick Haynes appeared to testify on behalf of the proposed Variance request. Mr. Haynes stated he owned a 100 year old farmhouse and would like to remove and replace the kitchen and add a living room over a basement with a partial wrap around porch. Mr. Haynes said the entrance was at the location of the garage. Mr. Haynes added he would remove the garbage disposal due to the size of the septic system at the Health Departments insistence. Mr. Haynes stated his road was a dirt road so there was minimal to no traffic. Mr. Haynes said he wanted to make his home more efficient and livable.

Following all Public Hearings, moved by Lance, seconded by May, to approve **Case No. 16-27-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. Due to the location of the existing home which is over 100 years old and does not meet setback requirements and the elevation to the East the applicant is limited in area for construction of the new addition.

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

POSITIVE. Due to the location of the existing home which is over 100 years old and does not meet setback requirements and the elevation to the East, the steep hillside areas on the property which are floodplain the applicant is limited in area for construction of the new addition.

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 remodel the existing home to allow for livable square footage and efficiency.

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

POSITIVE. Due to the location of the existing home which is over 100 years old and does not meet setback requirements and the elevation to the East, the steep hillside areas on the property which are floodplain the applicant is limited in area for construction of the new addition.

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

POSITIVE. Due to the location of the existing home which is over 100 years old and does not meet setback requirements and the elevation to the East, the steep hillside areas on the property which are floodplain the applicant is limited in area for construction of the new addition.

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

POSITIVE. Due to the location of the existing home which is over 100 years old and does not meet setback requirements and the elevation to the East, the steep hillside areas on the property which are floodplain the applicant is limited in area for construction of the new addition.

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

On roll call to approve **Case No. 16-27-V** the vote was:

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

Nays: 0

Absent: 2 - Baum, Linsley

Motion declared carried.

CASE NO. 16-28-V: The petition of Hank Kaufmann for a Variance to waive the requirements of 7TCC 1-10(f)(1) iii to allow construction of a new attached garage to the existing dwelling to be 38.5' from the centerline of Jasmine Blvd. which is 11.5' closer than allowed and to waive the requirements of 7TCC 1-10 (f)(2) i to allow the same attached garage to be 7' from the side property line which is 8' closer than allowed in an R-1 Low Density Residential District

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

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

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

Ty Livingston, City of East Peoria made no comment regarding the proposed Variance request.

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

Craig Fink, Tazewell County Highway Engineer responded that Washington Road District should be contacted for potential impacts on street access.

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

Greg Smith of Coach House Garages appeared to testify on behalf of the proposed Variance request. Mr. Smith state he was the contractor hired to demolish the existing garage and replace it. Mr. Smith said the garage would be a single stall width, but would be deeper than the existing and would have a poured footing and foundation. Mr. Smith added the lot narrowed at the rear so it made placement of a structure difficult.

Following all Public Hearings, moved by Zimmerman, seconded by Vaughn, to approve **Case No. 16-28-V amending to a 7' setback from the side property line, which is only 3' closer than allowed.**

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 applicant is requesting to remove a dilapidated attached garage and replace with a new garage which would improve the aesthetics of the property. Further due to the irregular shape of the lot and topography to the rear of the property the applicant has no other alternative for placement of the attached 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 applicant is requesting to remove a dilapidated attached garage and replace with a new garage which would improve the aesthetics of the property. Further due to the irregular shape of the lot and topography to the rear of the property the applicant has no other alternative for placement of the attached 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.

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 requesting to remove a dilapidated garage and replace with a newer garage.

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 applicant is requesting to remove a dilapidated attached garage and replace with a new garage which would improve the aesthetics of the property. Further due to the irregular shape of the lot and topography to the rear of the property the applicant has no other alternative for placement of the attached 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 applicant is requesting to remove a dilapidated attached garage and replace with a new garage which would improve the aesthetics of the property. Further due to the irregular shape of the lot and topography to the rear of the property the applicant has no other alternative for placement of the attached garage.

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

POSITIVE. The applicant is requesting to remove a dilapidated attached garage and replace with a new garage which would improve the aesthetics of the property. Further due to the irregular shape of the lot and topography to the rear of the property the applicant has no other alternative for placement of the attached garage.

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

On roll call to approve **Case No. 16-28-V, as amended** the vote was:

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

Nays: 0

Absent: 2 - Baum, Linsley

Motion declared carried.

CASE NO. 16-29-V: The petition of Amanda Hunt for Variance to waive the requirements of 7TCC 1-5 (w) to allow an accessory structure (tree house) to be placed in the front yard in an R-1 Low Density Residential District.

Tazewell County Health Department submitted a report regarding the proposed Variance request stating a diagram of a working septic system from a licensed septic contractor must be provided, later changing their comment that no diagram would be required.

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

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

Larry Bolliger, Tremont Township Road Commissioner made no comment regarding the proposed Variance request.

Craig Fink, Tazewell County Highway Engineer made no comment regarding the proposed Variance request.

School District 702 made no comment regarding the proposed Variance request.

Amanda Hunt appeared to testify on behalf of the proposed Variance request. Ms. Hunt stated she constructed a tree house, in a tree in her front yard for her children to play in. Ms. Hunt said the Mackinaw River ran through the back yard and she did not want her children playing near it. Ms. Hunt said the tree house was 8x8 with a 4' deck and would not block any line of sight as it is in a tree and an individual could drive a truck underneath. Ms. Hunt added the tree house was constructed nearly 2 months prior.

Following all Public Hearings, moved by Vaughn, seconded by May, to approve **Case No. 16-29-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 applicant is limited in space to accommodate for the tree house structure due to the topography of the property and the Mackinaw River is located in her immediate back yard making it unsafe for placement of such a structure.

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 applicant is limited in space to accommodate for the tree house structure due to the topography of the property and the Mackinaw River is located in her immediate back yard making it unsafe for placement of such a structure.

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 tree house structure is located 10' in the air and the applicant submitted signed statements by property owners in the immediate area of the property that were in support of the request.

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 tree house structure is so placed that it will not be a site distance issue or impair emergency personnel from identifying the existing home or access to the property.

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. The applicant is limited in space to accommodate for the tree house structure due to the topography of the property and the Mackinaw River is located in her immediate back yard making it unsafe for placement of such a structure.

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

POSITIVE. The applicant is limited in space to accommodate for the tree house structure due to the topography of the property and the Mackinaw River is located in her immediate back yard making it unsafe for placement of such a structure.

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

POSITIVE. The applicant is limited in space for accommodate for the tree house structure due to the topography of the property and the Mackinaw River is located in her immediate back yard making it unsafe for placement of such a structure.

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

On roll call to approve **Case No. 16-29-V** the vote was:

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

Nays: 0

Absent: 2 - Baum, Linsley

Motion declared carried.

RECESS

The Chairman called for a 10 minute Recess prior to Deliberations beginning at 6:50 P.M. and resumed the meeting at 7:00 P.M.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **July 6, 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 Lance, seconded by Webb, to adjourn the Zoning Board of Appeals Public Hearing at 7:20 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.