

RECORD OF MINUTES AND DELIBERATIONS
TAZEWELL COUNTY ZONING BOARD OF APPEALS
TUESDAY, MAY 7, 2024
JAMES CARIUS COMMUNITY ROOM
101 S. CAPITOL STREET, PEKIN, ILLINOIS

CALL TO ORDER: Chairman Lessen called the meeting to order at 5:34 P.M.

ROLL CALL: Secretary Workman called the roll call and noted the presence of a quorum as follows: Todd Bong, Shawn Cupi, Valerie Fehr, Angela Lapsley, Don Vaughn & Chairman Duane Lessen; Members absent: Amy McClanahan

STAFF PRESENT: Jaclynn Workman, Community Development Administrator; Melissa Kreiter, Chief Deputy Administrator; Matt Drake, Assistant States Attorney; Gabriel Guevara, Tri-County Regional Planning Commission, and Land Use Members: K. Russell Crawford, Jay Hall, Greg Sinn and Chairman Joesting

OTHERS PRESENT: Petitioners and Interested Parties

MINUTES: Moved by Vaughn, seconded by Fehr, to approve the minutes of the April 2, 2024 Zoning Board of Appeals meeting. **Motion carried by voice vote.** 1 - Abstain: Bong

Chairman Lessen gave an overview of the procedures and how the Hearing Process would be conducted.

PUBLIC HEARING

Chairman Lessen called upon Case No. 24-14-A and gave an overview of the proposed Amendment.

Chairman Lessen called upon Case No. 24-15-S. Brett and Andrea Craft appeared to testify on behalf of the proposed Special Use request.

Chairman Lessen called upon Case No. 24-16-S. Randall Schmidgall appeared to testify on behalf of the proposed Special Use request.

Chairman Lessen called upon Case No. 24-17-V. Eric Goeken appeared to testify on behalf of the proposed Special Use request.

Chairman Lessen called upon Case No. 24-18-V. Austin Rittenhouse of CR Solar appeared to testify on behalf of the proposed Variance request.

Chairman Lessen called upon Case No. 24-19-V. Kurt Walker of the W.M. Morgenthaler Trust appeared to testify on behalf of the proposed Variance request.

Chairman Lessen called upon Case No. 24-20-V. Stanley Koch appeared to testify on behalf of the proposed Variance request.

Chairman Lessen called for a short recess of the Public Hearing at 6:45 p.m. and reconvened at 6:57 p.m.

Chairman Lessen called upon Case No. 24-13-S. Eli Varol of RWE, Attorney Ben Jacobi, Michael Kirwan of RWE, Mark Quarles of RWE, Michael MaRous of MaRous & Co., David DeAngelo of Stantec, Matthew Clementi of Stantec, Cal Carlson of Stantec, appeared to testify on behalf of the proposed Special Use request. Arthur McCrea, Ron Durdle, Curtis Eeten, Dirk Diekhoff, Doug Yontz appeared to testify in objection. Matthew Bender of Carpenters Local 237, Luke Ogan Operating Engineers Local 649 appeared in support.

Chairman Lessen called for a short recess of the Public Hearing at 8:59 p.m. and reconvened at 9:11 p.m.

Upon conclusion of all public testimony at 10:15 p.m., Chairman Lessen closed the Public Hearing portion of the Meeting and following a short recess, deliberations began at 10:21 p.m.

(PLEASE REFER TO THE VIDEO RECORDING FOR ALL PUBLIC TESTIMONY AND RELEVANT INFORMATION TO EACH CASE PRESENTED DURING THE PUBLIC HEARING PORTION OF THE ZONING BOARD MEETING)

DELIBERATIONS

CASE NO. 24-14-A: Proposed Amendment No. 69 to Title XV, Chapter 157, Zoning Code of Tazewell County referred for hearing by the Tazewell County Land Use Committee to amend § 157.005 DEFINITIONS; § 157.072 MATRIX; § 157.087 SPECIAL USES; § 157.107 SPECIAL USES; § 157.227 SPECIAL USES; § 157.247 SPECIAL USES.

Moved by Bong, seconded by Vaughn to recommend approval of **Case No. 24-14-A** to the Tazewell County Board.

After considering all the evidence and testimony presented the Zoning Board of Appeals reviewed the Report of the Land Use Planner. Following discussion, moved by Vaughn, seconded by Bong, to approve the findings of fact as written. **Motion carried by voice vote.**

On roll call to recommend approval of **CASE NO. 24-14-A** to the Tazewell County Board the vote was:

Ayes: 6 – Bong, Cupi, Fehr, Lapsley, Vaughn and Chairman Lessen

Nays: 0

Absent: 1 – McClanahan

Motion declared carried.

CASE NO. 24-15-S: The petition of Brett and Andrea Craft for a Special Use to allow for no more than 6 Chickens on a zoning lot of less than 2 acres, pursuant to the regulations of §157.440(H)(1-10) located in a R-1 Low Density Residential District located at 3610 Cole Hollow Rd., Pekin, IL.

Moved by Cupi, seconded by Fehr to approve **Case No. 24-15-S**.

After considering all the evidence and testimony presented the Zoning Board of Appeals reviewed the Report of the Land Use Planner. Following discussion, moved by Bong, seconded by Vaughn, to approve the findings of fact as written. **Motion carried by voice vote.**

On roll call to approve **CASE NO. 24-15-S** the vote was:

Ayes: 6 – Bong, Cupi, Fehr, Lapsley, Vaughn and Chairman Lessen

Nays: 0

Absent: 1 – McClanahan

Motion declared carried.

CASE NO. 24-16-S: The petition of Randall Schmidgall for a Special Use to allow the operation of an Agriculture Related Business for the purposes of selling various locally raised beef, pork and food products, along with other gift shop style products from a proposed Accessory Structure located in an A-1 Agriculture Preservation District located at 30686 Townline Rd. (Co. Hwy.7), Mackinaw, IL.

Moved by Lapsley, seconded by Fehr to approve **Case No. 24-16-S**.

After considering all the evidence and testimony presented the Zoning Board of Appeals reviewed the Report of the Land Use Planner. Following discussion, moved by Bong, seconded by Fehr, to approve the findings of fact as written. **Motion carried by voice vote.**

On roll call to approve **CASE NO. 24-16-S** the vote was:

Ayes: 6 – Bong, Cupi, Fehr, Lapsley, Vaughn and Chairman Lessen

Nays: 0

Absent: 1 – McClanahan

Motion declared carried.

CASE NO. 24-17-V: The petition of Eric Goeken for a Variance to waive the requirements of §157.046(B)(1) to allow the construction of an Accessory Structure (Detached Garage) to be 960 sq. ft., bringing the total of all Accessory Structures on the property to 2,688 sq. ft., which is 1,080 sq. ft. more than allowed in a R-1 Low Density Residential District located at 4100 Edgewater Dr., Pekin, IL.

Moved by Cupi, seconded by Vaughn to approve **Case No. 24-17-V**.

After considering all the evidence and testimony presented the Zoning Board of Appeals arrived at a finding of fact. Following discussion, moved by Vaughn, seconded by Lapsley, to approve the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to approve **CASE NO. 24-17-V** the vote was:

Ayes: 5 – Cupi, Fehr, Lapsley, Vaughn and Chairman Lessen

Nays: 0

Absent: 1 – McClanahan

Abstain: 1 – Bong

Motion declared carried.

CASE NO. 24-18-V: The petition of Jay Hall for a Variance to waive the requirements of §157.091(A)(3) to allow a Ground Mount Solar Array to remain at 32' from the centerline of the Apple Road right of way, which is 68' closer than allowed in an A-1 Agriculture Preservation District located at 115 Apple Rd., Pekin, IL.

Moved by Bong, seconded by Cupi to approve **Case No. 24-18-V.**

After considering all the evidence and testimony presented the Zoning Board of Appeals arrived at a finding of fact. Following discussion, moved by Bong, seconded by Lapsley, to approve the findings of fact as discussed.

Motion carried by voice vote.

On roll call to approve **CASE NO. 24-18-V** the vote was:

Ayes: 6 – Bong, Cupi, Fehr, Lapsley, Vaughn and Chairman Lessen

Nays: 0

Absent: 1 – McClanahan

Motion declared carried.

CASE NO. 24-19-V: The petition of Kurt Walker, Trustee of the W.H. Morgenthaler Trust for a variance to waive the requirements of §157.091(A)(3) to allow the reconstruction of a Dwelling, destroyed by fire, to be 83' from the centerline of Delavan Road, which is 17' closer than allowed, and the construction of an Accessory Structure (Carport) to be 55' from the centerline of Delavan Road, which is 45' closer than allowed in an A-1 Agriculture Preservation District located at 7643 Delavan Rd., Delavan, IL.

Moved by Cupi, seconded by Vaughn to approve **Case No. 24-19-V.**

After considering all the evidence and testimony presented the Zoning Board of Appeals arrived at a finding of fact. Following discussion, moved by Vaughn, seconded by Bong, to approve the findings of fact as discussed.

Motion carried by voice vote.

On roll call to approve **CASE NO. 24-19-V** the vote was:

Ayes: 6 – Bong, Cupi, Fehr, Lapsley, Vaughn and Chairman Lessen

Nays: 0

Absent: 1 – McClanahan

Motion declared carried.

(Upon approval of Case No. 24-11-Z by the Tazewell County Board)

CASE NO. 24-20-V: The petition of Stanley and Jennifer Koch for a Variance to waive the requirements of §157.130(B)(2) to allow an Accessory Structure (Pole Building) to be 10' from a newly created property line, which is 5' closer than allowed in a R-R Rural Residential Zoning District located at 11845 Springfield Rd. (Co. Hwy. 1), Tremont, IL.

Moved by Vaughn, seconded by Bong to approve **Case No. 24-20-V.**

After considering all the evidence and testimony presented the Zoning Board of Appeals arrived at a finding of fact. Following discussion, moved by Vaughn, seconded by Cupi, to approve the findings of fact as discussed.

Motion carried by voice vote.

On roll call to approve **CASE NO. 24-19-V** the vote was:

Ayes: 5 – Bong, Cupi, Lapsley, Vaughn and Chairman Lessen

Nays: 0

Absent: 1 – McClanahan

Abstain: 1 - Fehr

Motion declared carried.

CASE NO. 24-13-S: The petition of Coyote Road Solar, LLC c/o RWE Solar Development, LLC for a Special Use to allow the construction of a 150 Mega Watt Utility Scale Solar Farm in an A-1 Agriculture Preservation District located along the North side of Coyote Road (East of IL Rte. 29 and West of Morris Mill Road); along the East and West side of Towerline Road (Co. Hwy. 11) (South of Winkel Road (Co.Hwy. 10) and North of Coyote Road); along the North and South sides of Armington Road (East of Towerline Road (Co. Hwy. 11) and West of Morris Mill Road); and along the West side of Morris Mill Road (South of Armington Road and North of Coyote Road).

Moved by Cupi, seconded by Bong to recommend approval of **Case No. 24-13-S** to the Tazewell County Board with the following conditions:

1. The fence style shall be chain-link with steel post, in accordance with the height requirements of § 156.06 (B)(1)(f).
2. The Facility Owner shall ensure that all vegetation growing within the perimeter of the Facility and all land outside of the perimeter fence identified in the agreement as a part of the lease is properly and appropriately maintained. Maintenance may include, but not be limited to, mowing, trimming, chemical control, or the use of livestock as agreed to by the Landowner.
3. Emergency and non-emergency contact information shall be kept up to date with the Community Development Department and be posted in a conspicuous manner at the main entrance to the facility and also visible from the public roadway.
4. Vegetative screening, such as a species of pine tree, shall be 6' at planting as proposed in the application and in any other location as determined desirable by the Community Development Administrator.
5. The Facility Owner shall comply with the requirements of the Tazewell County Health Department regarding all wells identified in the project areas.
6. The Facility Owner shall provide fire protection training to all potentially responding fire districts.
7. The Facility Owner shall provide Community Department with the Farmland Drainage Plan per 55 ILCS 5/5-12020 (j-5).
8. The implementation period shall not be more than 24 months from the date of the final decision.

After considering all the evidence and testimony presented the Zoning Board of Appeals reviewed the Report of the Land Use Planner. Following discussion, moved by Bong, seconded by Lapsley, to approve the findings of fact as written. **Motion carried by voice vote.**

On roll call to recommend approval of **CASE NO. 24-13-S** the vote was:

Ayes: 5 – Bong, Cupi, Fehr, Lapsley and Chairman Lessen
Nays: 1 – Vaughn
Absent: 1 – McClanahan

Motion declared carried.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **Tuesday, June 4, 2024** at 5:30 p.m. in the Tazewell County Justice Center, James Carius Community Room, 101 South Capitol Street, Pekin, Illinois.

ADJOURNMENT

There being no further business Chairman Lessen declared the Zoning Board of Appeals Deliberations adjourned at 11:21 p.m.

Jaclynn Workman, Secretary
(Transcribed by Melissa Kreiter)