



**COUNTY OF TAZEWELL  
DEPARTMENT OF COMMUNITY DEVELOPMENT**

**11 South 4<sup>th</sup> Street, Room 400, Pekin, Illinois 61554**

**Phone: (309) 477-2235 Fax: (309) 477-2358 Email: [zoning@tazewell-il.gov](mailto:zoning@tazewell-il.gov)**

**Jaclynn Workman, Community Development Administrator**

**\*\*ATTENTION PETITIONERS\*\***

1. **THIS APPLICATION MUST BE COMPLETED IN ITS ENTIRETY PRIOR TO FILING WITH THE COMMUNITY DEPARTMENT. PLEASE DO NOT HESITATE TO CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT IF YOU HAVE ANY QUESTIONS WHILE COMPLETING THIS APPLICATION. IF THIS APPLICATION AND SITE PLAN ARE NOT COMPLETED IN THEIR ENTIRETY YOUR REQUEST MAY BE WITHDRAWN FOR LACK OF PROPER INFORMATION.**
2. IT IS THE APPLICANT/OWNER'S RESPONSIBILITY TO COMPLETE THE ATTACHED APPLICATION IN ITS ENTIRETY NOT THE COMMUNITY DEVELOPMENT STAFF.
3. WE WILL BE GLAD TO ASSIST YOU OR ANSWER ANY QUESTIONS THAT YOU MAY HAVE IN COMPLETING THE APPLICATION, BUT WE ARE NOT PERMITTED TO COMPLETE YOUR APPLICATION OR SITE PLAN.
4. AT THE TIME OF FILING YOUR APPLICATION IF ANY PERTINENT INFORMATION HAS BEEN LEFT OUT THE OFFICE STAFF WILL BE UNABLE TO ALLOW THE APPLICATION TO BE FILED.
5. SITE PLAN INFORMATION:
  - PLEASE TAKE YOUR TIME IN COMPLETING THE SITE PLAN
  - USE A RULER AND PENCIL
  - THE SITE PLAN DOES NOT HAVE TO BE TO SCALE BUT IT MUST BE NEAT AND LEGIBLE
  - THE TOP OF THE PAGE IS ALWAYS NORTH
  - FOLLOW THE CHECKLIST ENCLOSED TO ASSIST IN PREPARING THE SITE PLAN
6. **TO ENSURE PROPER SUBMITTAL PLEASE CONTACT JACKIE OR MELISSA TO SET AN APPOINTMENT TO REVIEW YOUR APPLICATION.**
7. **REMEMBER WE ONLY ALLOW 10 CASES PER MONTH TO BE PRESENTED TO THE ZONING BOARD OF APPEALS – WE WILL ONLY TAKE THE APPLICATIONS AND SITE PLANS THAT HAVE BEEN COMPLETED IN THEIR ENTIRETY AND THOSE THAT ARE NOT MAY BE FORCED TO WAIT AN ADDITIONAL MONTH!!**

**THANK YOU FOR YOUR COOPERATION**

**TAZEWELL COUNTY COMMUNITY  
DEVELOPMENT**

**APPLICATION FOR ZONING HEARING**

**PETITION FOR:**

- Special Use (New Dwelling Site)
- Special Use (Other)

<b>Staff Use Only:</b>	Accepted by: _____
Date Filed: _____	<b>CASE NO.</b> _____
Filing Fee: _____	Publication Fee: _____
ZBA Hearing Date: _____	
Decision Date: _____	
<input type="checkbox"/> APPROVED	<input type="checkbox"/> DENIED <input type="checkbox"/> OTHER _____

**1. Applicant and Owner Information:**

**Applicant:**

**Owner:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State: \_\_\_\_\_  
Phone: \_\_\_\_\_  
(daytime contact)  
Email: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State: \_\_\_\_\_  
Phone: \_\_\_\_\_  
(daytime contact)  
Email: \_\_\_\_\_

The property interest of the applicant, if not the owner: \_\_\_\_\_

**2. Site and Surrounding Property Information:**

a. 911 Address or property location of subject property: \_\_\_\_\_

b. Correct Legal Description and Property Identification Number: (Attach an additional sheet if necessary - a copy of the legal description may be obtained from the Recorder of Deeds Office – 1<sup>st</sup> floor, McKenzie Building)

Current Zoning: \_\_\_\_\_ Property ID Number: \_\_\_\_\_

Proposed Parcel Size/Acreage: \_\_\_\_\_ Soil Productivity Rate of Site: \_\_\_\_\_

Legal Description:  
\_\_\_\_\_  
\_\_\_\_\_

c. Describe all existing structures, physical attributes and current land use of the property:  
\_\_\_\_\_  
\_\_\_\_\_

d. Previous Special Use/Variance requests for this property?  No  Yes—Case No. \_\_\_\_\_

**3. State the Reason For and Nature of the Special Use:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

a. Hours of operation: \_\_\_\_\_ Number of employees: \_\_\_\_\_

b. Number of parking spaces: \_\_\_\_\_ Handicapped: \_\_\_\_\_ Parking Lot Surface: \_\_\_\_\_

c. Signs (size and number of): \_\_\_\_\_

d. Number of new buildings to be constructed and proposed use of each building:  
\_\_\_\_\_

e. Future expansion and time schedule: \_\_\_\_\_

4. **New Dwelling Sites Only:** A **livestock feeding operation** is defined by the Tazewell County Zoning Code as: Any new or existing operation which stables or confines and feeds or maintains for a total of 45 days or more in any 12-month period a combination of at least fifty (50) animal units, or its equivalency. \*(Contact the Tazewell County Farm Bureau Office at (309) 347-3165 for assistance if you are uncertain regarding location of active livestock feeding operations.)

- a. Is the property located: (Check appropriate item)
- 1. Less than one-half (½) mile of a **livestock feeding operation**:  Yes  No  
\*If less than ½ mile is a Variance necessary?  Yes  No
  - 2. More than one-half (½) mile of a **livestock feeding operation**:  Yes  No
- b. Type of livestock operation \_\_\_\_\_ Number of animal units: \_\_\_\_\_

5. **The Zoning Board of Appeals makes a Finding of Fact for all Special Use. Please provide how your application conforms to the following: (attached an additional sheet if necessary)**

- a. The site will be so situated as to minimize adverse effects, including visual impacts on adjacent properties.
- \_\_\_\_\_
- \_\_\_\_\_
- b. The establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the neighboring vicinity.
- \_\_\_\_\_
- \_\_\_\_\_
- c. The Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
- \_\_\_\_\_
- \_\_\_\_\_
- d. The Special Use will not substantially diminish and impair property value within the neighborhood.
- \_\_\_\_\_
- \_\_\_\_\_
- e. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
- \_\_\_\_\_
- \_\_\_\_\_
- f. 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.
- \_\_\_\_\_
- \_\_\_\_\_
- g. Granting the special 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 that would hinder the operation or expansion of such operation or granting the special use, which is located **more than one half mile** from a livestock feeding operation will not hinder the operation or expansion of such operation.
- \_\_\_\_\_
- \_\_\_\_\_
- h. The Special Use is consistent with the existing uses of property within the general area of the property in question.
- \_\_\_\_\_
- \_\_\_\_\_

- i. The property is suitable for the Special Use as proposed.

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**6. Signature:** I (we) certify that the proposed Special Use will conform to the standards for Special Uses in the Tazewell County Zoning Ordinance and hereby acknowledges that all the information contained in this application and accompanying documents are true and correct to the best of my (our) knowledge.

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Applicant Signature

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Owner Signature

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Date

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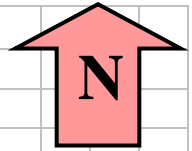
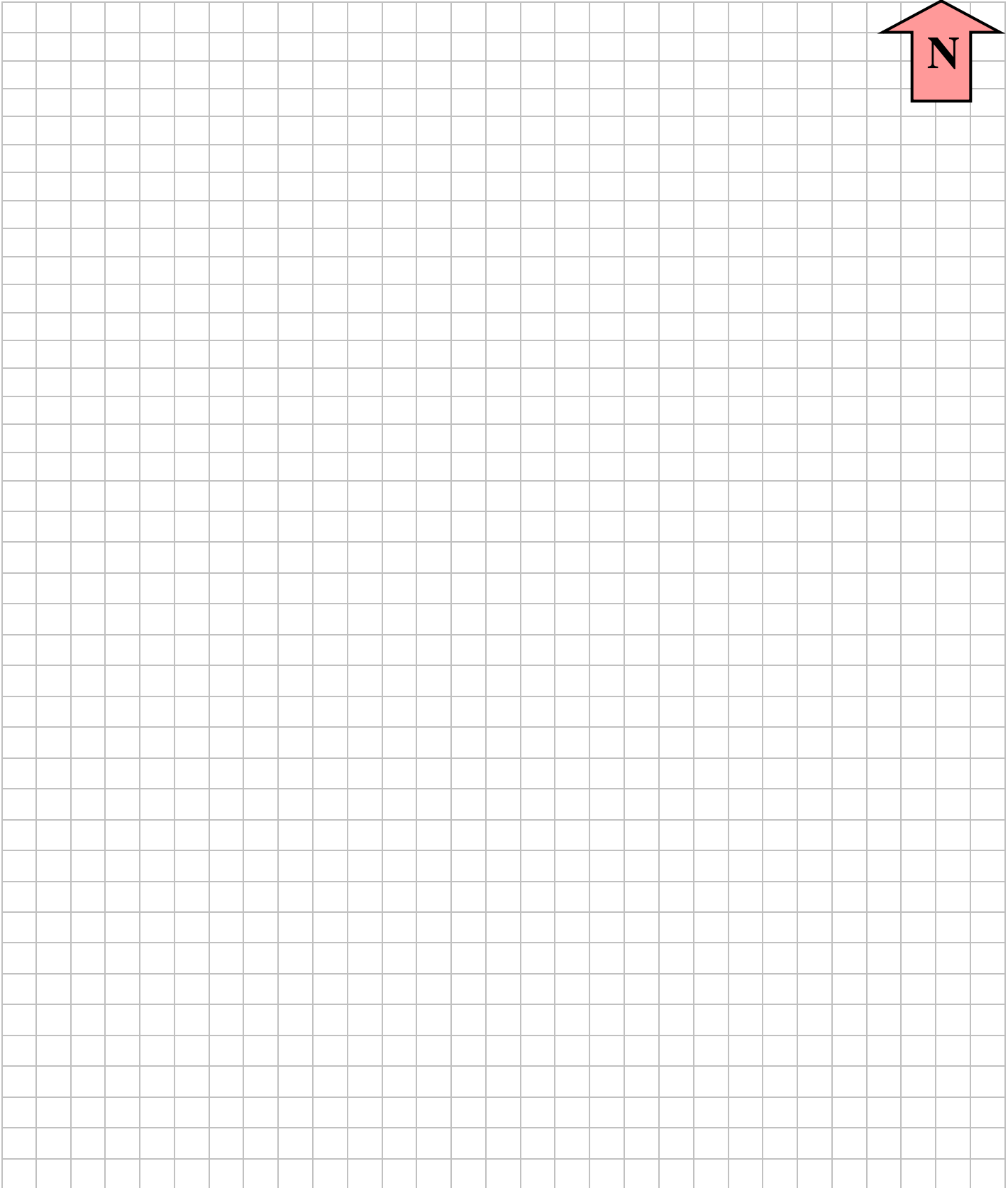
Date

**REQUIRED AND REQUESTED ATTACHMENTS: (circle all that apply)**

1.      YES      NO  
            If the Applicant is different than the Owner, an owner's consent form must be provided with original signature. **If YES, provide attachment.**
- Alter ego or representative of individual(s)  
(List the names and addresses of the actual and true principal) **If YES, provide attachment.**
- Corporation  
(List the names and addresses of all officers and directors and identify by title; also list the names and addresses of all stockholders and shareholders owning an interest in excess of 20% of all outstanding stock) **If YES, provide attachment.**
- Business or entity doing business under an assumed name  
(List the names and addresses of all true and actual owners) **If YES, provide attachment.**
- Partnership  
(List the names and addresses of all partners) **If YES, provide attachment.**
- Joint Venture  
(List the names and addresses of all joint ventures)      **If YES, provide attachment.**
- Syndicate  
(List the names and addresses of all syndicate members) **If YES, provide attachment.**
- Unincorporated Voluntary Association  
(List all names and addresses of all members) **If YES, provide attachment.**
- None of the Above
2.      YES      NO  
            The petition seeks creation of a non-farm dwelling site, an Agriculture Land Use Easement must be provided with original signature. **If YES, provide attachment.**
3.      YES      NO  
            A statement signed by the appropriate road official stating that the proposed access way is adequate for the proposed use. A signed entrance permit from the road authority will suffice. **(Provide attachment, prior to the Public Hearing).**
4.      YES      NO  
            If the site is within 1.5 miles of a boundary of an incorporated city or village and the city/village has an adopted plan (master plan or comprehensive plan), it may exercise its extra-territorial jurisdiction. Therefore, you should check with the city/village to determine if your plan(s) are compatible with the city/village plan(s), and if any additional requirements may apply. If subdividing property the city/village may also enforce its subdivision regulations within its 1.5 mile extra territorial planning area.
5.      YES      NO  
            Flood Plain Map (where applicable – Office Staff can assist). **If YES, provide attachment.**
6.      YES      NO  
            Any other documents that pertain to the request.

BUILDINGS, BUILDING SIZE, DISTANCE FROM OVERHANG OF BUILDINGS TO FRONT, REAR AND SIDE LOT LINES,  
LOCATION OF PARKING SPACES, LANDSCAPING, AND OTHER PERTINENT DETAILS "REFER TO CHECKLIST"

**NORTH SHOULD BE AT THE TOP OF THE PAGE WHEN YOU BEGIN YOUR DRAWING!**



**SITE PLAN**

**EXHIBIT \_\_\_\_\_**

**CHECKLIST TO AID IN COMPLETING AN ACCURATE SITE PLAN**

**NORTH IS AT THE TOP OF THE PAGE WHEN YOU BEGIN!!!!**

	<b><u>COMPLETED</u></b>
1. Show and identify placement of all proposed and existing buildings and/or structures, dimensions and distances from the overhang to the front, side and rear property lines.	<input type="checkbox"/>
2. Show all signs, their location and dimensions.	<input type="checkbox"/>
3. Show location of parking, their dimension and number of spaces required by the Zoning Code.	<input type="checkbox"/>
4. Show existing and proposed landscaping and buffering & screening, (Example: type of trees, bushes, fencing, walls, natural barriers, etc.) and the approximate height.	<input type="checkbox"/>
5. Show and identify all roadways and proposed and existing entrances from the site onto the roadways.	<input type="checkbox"/>
6. Show the approximate location of septic systems and well.	<input type="checkbox"/>
7. Where applicable indicate flood hazard area.	<input type="checkbox"/>
8. Where applicable, show all out-side storage of materials and identify the materials.	<input type="checkbox"/>
9. Identify the surrounding zoning district classifications that are immediately adjacent to the site.	<input type="checkbox"/>
10. Topographical information such as trees, ponds, hills, gullies streams, etc.	<input type="checkbox"/>
11. Any other pertinent information that may be applicable to your request.	<input type="checkbox"/>

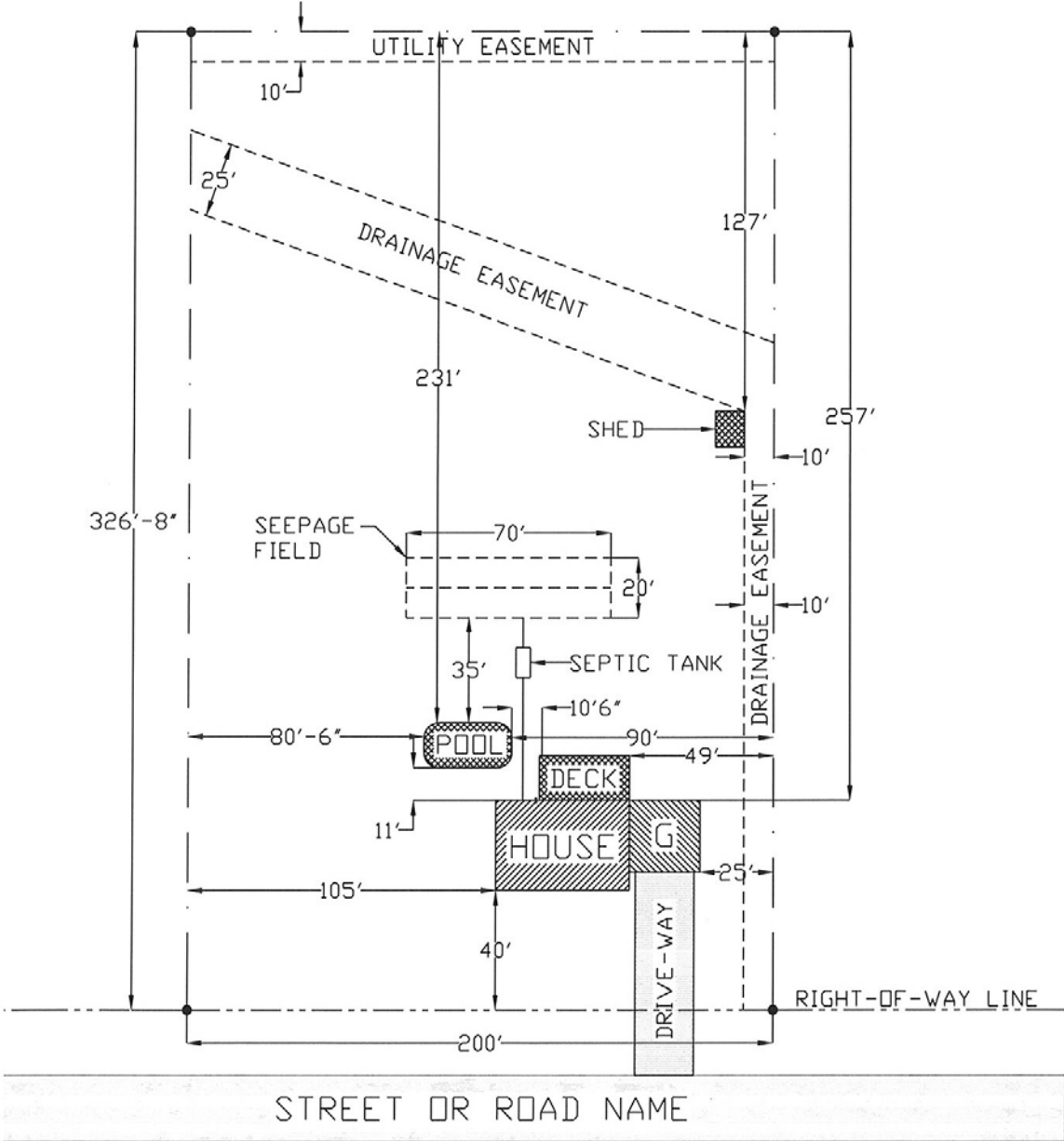
**REMEMBER THE SITE PLAN MUST BE NEATLY COMPLETED!!!!**

**For Staff Use Only:**

Items above reviewed with  
Applicant and Accepted by:

\_\_\_\_\_

# (EXAMPLE) SITE PLAN



NORTH  
1" = 50'



**OWNER'S CONSENT FORM**

I, \_\_\_\_\_ (*print property owner's name*) understand  
that \_\_\_\_\_ (*print applicant's name*), is petitioning for:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

located at (*give address*) \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Parcel I.D. # \_\_\_\_\_ with the Tazewell County Community Development  
Department.

I hereby attest that I understand the request and consent to the filing of the petition by the applicant as listed  
above.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**AGRICULTURE LAND USE EASEMENT**

*The creation of a non-farm family home in an agricultural area is incompatible with the agriculture areas in Tazewell County. The Tazewell County Zoning Board of Appeals, will review this application and the associated facts. In making a determination on whether to grant a Special Use they may consider an Agriculture Land Use Easement.*

*Further the Community Development Administrator will accept an Agricultural Land Use Easement when making a determination upon sites under Administrative Review.*

*If the Agricultural Land Use Easement is offered by the Applicant herein and if it is accepted by the County in making a determination herein, the Easement will be recorded on the deed and become a permanent part of the record of the aforementioned property. Proof of recording shall be submitted prior to Building Permit issuance.*

*If said Easement is granted by the Applicant, the County assumes no responsibility to the Grantor or any Grantees.*

WHEREAS, \_\_\_\_\_, are the owners of real property described as follows:

(Legal Description or P.I.N.# & Address): \_\_\_\_\_

In accordance with the Special Use granted by the Tazewell Zoning Board of Appeals, or Administrative Review by the Community Development Administrator known as Case No. \_\_\_\_\_, approving a permit for residential development on the above described property, and in consideration of such approval, Grantors grant to the owners of all property adjacent to, or in close proximity, to the above described property, a perpetual nonexclusive easement as follows:

1. The Grantors, their heirs, successors, and assigns acknowledge by the granting of this easement that the above described property is situated in an agricultural area and may be subjected to conditions resulting from commercial agricultural operations on adjacent lands. Such operations include:
  - a. Wide, slow moving farm equipment on roads or in fields at various times of the day or night;
  - b. Dust or odors from operation of machinery as well as herbicides, pesticides, fertilizers, and manure being applied to farmland;
  - c. Wind blown debris such as corn stalks, soybean residue, or other materials;
  - d. On occasions, airplanes applying herbicides, pesticides or other materials;
  - e. Odors from livestock/poultry operations or stray livestock;
  - f. Drainage problems or short term flooding, which may occur during heavy rainfall;
  - g. Other customary and normal agricultural/livestock operations and procedures;

These activities ordinarily and necessarily produce noise, dust, smoke, odors, and other conditions that may conflict with the Grantors' use of Grantors' property for residential purposes. Grantors hereby waive all common law rights to object to normal and necessary agricultural management activities legally conducted on adjacent lands which may conflict with Grantors' use of Grantors' property for residential purposes and grantors hereby grant an easement to adjacent or nearby property owners for such activities.

2. Nothing in this easement shall grant a right to adjacent property owners for ingress or egress upon or across the described property. Nothing in this easement shall prohibit or otherwise restrict the regulations of governmental agencies for activities conducted on adjacent properties.

This easement is appurtenant to all property adjacent to, or in close proximity, to the above described property and shall bind to their heirs, successors, and assigns of Grantors and shall endure for the benefit of the adjacent landowners, their heirs, successors, and assigns are hereby expressly granted the right of third party enforcement of the easement.

IN WITNESS WHEREOF, the Grantors have executed this easement dates this \_\_\_\_day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Grantor

\_\_\_\_\_  
Grantor

Subscribed and sworn to before me this \_\_\_\_day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

4. When considering an application for a special use permit, the decision making body based on evidence presented shall also find, not one of which shall be controlling:
5. That the site shall be so situated as to minimize adverse effects, including visual impacts on adjacent properties.
6. That 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.
7. That the Special Use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
8. That the Special Use shall not substantially diminish and impair property value within the neighborhood.
9. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
10. That 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.
11. 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.
12. 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.
13. Seventy-five percent (75%) of the site contains soils having a productivity index of less than 125.
14. The Special Use is consistent with the existing uses of property within the general area of the property in question.
15. The property is suitable for the Special Use as proposed

### STANDARD FOR VARIANCES

1. That 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;
2. That 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 with the same zoning classification;
3. That 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;
4. That 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;
5. That the purpose of the variance is not based exclusively upon a desire to increase the monetary gain realized from the property;
6. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district;
7. That the alleged difficulty or hardship is caused by the Ordinance and has not been created by any person presently having an interest in the property;
8. That the plight of the owner is due to unique circumstances.

### STANDARD FOR AMENDMENTS:

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;
3. Whether the request is consistent with existing uses of property within the general area of the property in question;
4. Whether the request is consistent with the zoning classifications of property within the general area of the property in question;
5. The suitability of the property in question for the uses permitted under the existing zoning classification;
6. The suitability of the property in question for the uses permitted under the proposed zoning classification;
7. The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification;
8. The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property;
9. The proposed map amendment is within one and one half miles of a municipality with an adopted Comprehensive Plan;

10. The relative gain to the public as compared to the hardship imposed upon the individual property owner;
11. The proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan;

### PRESENTING TESTIMONY

Be clear and concise in presenting evidence and testimony. Testimony supported by facts is much stronger than testimony supported by opinion. As Smith states, "The fact is, only facts counts. The decision of the Board must be based upon information that can be supported and is accurately and carefully presented. They are not... interested in emotional arguments or extraneous statements regarding the reasons you think you ought to do what you would like to do" or why you think the applicant should not be able to do what he/she wants to do. There should also be an explicit connection between the evidence and the facts of the case. For example, using the standards of another County's ordinance may not be considered evidence since such ordinance may not be applicable to the specifics of the present case.

Use discretion in selecting reliable evidence. For example, a technical document is usually more authoritative than a popular magazine article, although the witness must set up a valid basis for using the document. In other words, textual evidence of any kind must be supported by a logical correlation to the case in question. Likewise, experts in presenting specific evidence, Smith notes, "These may be specialists in engineering, real estate, or in planning and zoning. As experts, they are entitled to present information and to express opinions based on conclusions drawn from that information and their study. Their role is to provide a background of technical knowledge and data that can help the zoning board reach a considered opinion in their final decisions. Any expert presented to the Board should be well qualified," and prepared to present "proper credentials or experience records."

This brochure is intended to be brief guide to the ZBA and should not be relied upon for a thorough understanding of the hearing procedure. More information can be obtained from the Community Development Department. Always consult an attorney for legal advice.

## Department of Community Development



## A CITIZEN'S GUIDE TO THE ZONING BOARD OF APPEALS

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**4th Floor McKenzie Bldg.**  
**Pekin, IL 61554**  
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**Zoning Board of Appeals Members:**  
**Duane Lessen, Chairman**  
**Todd Bong, Lisa Clifton, Amy**  
**McClanahan, Don Vaughn, Phil**  
**Webb, Vacancy**  
**Alternates: Kevin Bresnahan, Dude**  
**Meisinger**

## PREFACE

This brochure is intended to assist a citizen attending a public hearing of the Tazewell County Zoning Board of Appeals (ZBA) as an applicant, a witness, or objector, to become more informed. It is primarily an instructional device to better prepare individuals in either supporting or objecting to a case set before the ZBA. Since ZBA hearings are open to the public, this brochure will also clarify the roles of those citizens not “officially” involved in a zoning case. Herbert M. Smith, author of several books about zoning, is empathic on this point: “Everyone with an interest in the community should take part in a public hearing regardless of whether the matter affects one personally or whether one is for or against the questions to be decided. The value of a public hearing is to have diverse points of view presented. Therefore, as a concerned citizen you should take part in public hearings whenever they deal with a subject that can affect the total community, as does zoning.”

## THE CITIZENS ROLE

Smith accurately describes the purpose of the zoning hearing. In theory, before government enacts a measure that affects our lives, we are given an opportunity to review and discuss it and then to present our view to officials, elected or appointed. This is the public hearing technique, and it is extremely important in zoning. Throughout the entire process one key provision is for the public to have the opportunity to be heard. This is not put in enabling legislation simply to provide an exercise or to provide a meaningless forum. It is intended to indicate the importance of public understanding and support, as well as the necessity of having an expression given, both for and against, to those responsible for framing the ordinance and for its administration. The hearing process has been designed to provide a check and balance system in the adoption of or varying from legislation that directly concerns us. It is our responsibility to be aware of the system, to take advantage of it, and to understand how it should work and when it is not working properly.”

## THE ZONING BOARD OF APPEALS

The Zoning Board of Appeals (ZBA) is a seven member citizen board organized under the zoning ordinance to hear several type of zoning issues:

- 1) request for changes in the zoning classification;
- 2) permission for certain uses under zoning named as special uses in the zoning ordinance;
- 3) a request for relief from specific requirements of the zoning ordinance through a variance
- 4) an appeal of a determination made by the Zoning Administrator

The Zoning Board of Appeals makes a final decision on all Variance, Special Use and Appeals. However if the ZBA cannot make a decision due to a lack of four (4) concurring votes with regards to Variances and Special Uses the County Board shall make the final decision or refer the petition back to the ZBA for further consideration.

## BEFORE THE HEARING

- 1) A citizen who wishes to address one of the above issues may obtain the appropriate application from the Planning and Zoning Department to complete and submit with a filing fee.
- 2) After the case is set for hearing before the ZBA, the applicant will be notified of the time and place of the hearing along with the additional fee for the publication costs.
- 3) The applicant/objector may inquire for information at the Planning and Zoning Department. The staff may not give legal advice, but provides a public information service. The office maintains records on all zoning and subdivision activity in the unincorporated areas of Tazewell County. In addition, zoning and subdivision ordinances are for sale at the Department.
- 4) The applicant/objector should seek legal counsel if the case demands legal expertise. Either party may wish to consult a lawyer prior to the hearing and, if necessary, have him/her serve as the party’s representative at the hearing. According to Smith, “The question is primarily whether you are denied the right to do something because of a peculiar circumstance or an unusual situation. If, in

attempting to prove this, you decide to present an elaborate case, you probably have more reason to be represented by an attorney who, in turn, will perhaps suggest that you use the services of an expert in real estate, engineering, or planning and zoning.”

5) The objector may organize as many supporters as he/she desires. A collaborative approach may strengthen the party’s argument by generating an influx of ideas. However, Smith warns, “Remember, too, that the Board is not running a popularity poll. A zoning decision is not something that can be made on the basis of how many people are for or against a particular issue.”

6) The applicant/objector should attend a hearing before the case is scheduled in order to become familiar with the procedure and etiquette. The ZBA holds hearings on the first Tuesday of every month (hearing dates may change due to holidays) with a maximum of 10 cases per hearing. Contact the Planning and Zoning Department to find the date time, location and subject of the next hearing. In addition, the applicant/objector may wish to consult books and other material dealing with the zoning, planning and land use.

## THE HEARING PROCEDURE

The applicant and/or his/her representative is required to appear at the scheduled hearing. The objector’s case will carry more weight if he/she appears in person as opposed to submitting only correspondence. The following is an outline of a typical hearing procedure of the Tazewell County ZBA Hearing:

1. Introduction of the application.
2. The applicant / representative presents testimony and evidence, including others who wish to testify on his/her behalf.
3. The ZBA and/or objectors may cross examine applicant’s witnesses.
4. The objectors may present testimony and evidence.
5. The ZBA and/or applicant and/or their representative may cross examine the objector(s).
6. Rebuttal evidence and testimony presented by the applicant and/or representative.
7. Rebuttal evidence and testimony by the objectors.

In the interest of an orderly and impartial hearing it is

requested that the above procedures be observed. Each person giving testimony shall do so under oath or affirmation. A record of the proceedings is required by law; therefore each person asking questions or giving testimony must give his/her complete name and address. Everyone will be given the opportunity to be heard and the proper time.

Please be courteous during the entire hearing. Regardless of whether you agree or disagree with someone’s testimony, the opposing party and Board members deserve respect and understanding. Most importantly, be considerate to whomever has the floor. Any interested parties should avoid talking until the appointed time for questions.

## MEETING THE STANDARDS

The evidence presented must address the standards for the case in question, whether it be a special use variance, or map amendment. The applicant must prove that his/her case meets the standards. The objector must prove why the applicant’s case does not meet one or more of the standards. In either example, the premise for the argument must be based on the specific points listed next, although it is your decision as to the proper approach. (sequential or the most relevant points first.)

## STANDARDS FOR SPECIAL USES

1. That 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. Special Uses when combined with Variances for this same property shall be considered compliant for the purposes of this section.
2. That 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 and of any officially adopted Comprehensive Plan of a municipality with a 1.5 planning jurisdiction.
3. That the petitioner has provided the information required by Section 7TCC1-25(c) and has demonstrated the ability to complete the proposal shown in Section 7TCC1-25(c) (1)-(10) and has met those items required by the statements described in 7TCC1-25(c) (9)

## ADDITIONAL STEPS UPON APPROVAL OF ZONING BOARD OF APPEALS REQUESTS



Department of  
Community Development

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Community Development  
Administrator

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### THIS GUIDELINE IS BEING PROVIDED TO HELP APPLICANT'S BE AWARE OF THE NECESSARY PROCEDURES THAT ARE REQUIRED UPON APPROVAL OF A ZONING REQUEST

The Community Development Dept. will notify you by mail following the Public Hearing regarding the Zoning Board of Appeals decision on your request. However, you may also contact our office the next day following the Public Hearing for the Zoning Board's decision.

Approval by the ZBA is just 1 of many steps to be taken for an individual wishing to construct a building or operate a business activity on property. It is important that all applicants ask the Office Staff for assistance for additional and required steps to complete the process.

#### VARIANCE REQUESTS:

In most situations, upon the approval of the ZBA, you will be required to obtain a building permit for the structure needing the Variance prior to construction. Furthermore, some structures will require a septic permit and/or an entrance permit prior to issuance of a building permit. Check with the Office Staff to see if your structure meets this requirement.

#### SPECIAL USE REQUESTS:

##### APPROVED DWELLING SITES:

- a. For sites that are 5 acres or less the parcel must be surveyed by a licensed Surveyor/ Engineer to prepare a Subdivision Plat to be signed by various Agencies and must be recorded with the Tazewell County Recorder of Deeds within 1 year from the date of approval by the ZBA. If the plat is not recorded within 1 year the Special Use will be revoked and a new Public Hearing and approval by the ZBA will be required.
- b. If the site contains more than five acres you may not have to go through the Subdivision Plat process. Instead a tract survey may be in order along with a recorded Deed.
- c. Where applicable a subdivision plat or tract survey along with a deed must be recorded prior to issuance of a building permit by the Community Development Department.

- d. Please ask the Office Staff to explain this process in more detail to gain complete understanding of what is required to complete this process.

##### APPROVED SPECIAL USE REQUESTS TO CONDUCT A BUSINESS:

- a. In situations where there is no construction involved an applicant will be required to obtain a "change-in-use" permit prior to operation of a business as approved by the ZBA. Further in some cases a septic permit and/or entrance may be required prior to issuance of the change-in-use permit. Check with the Office Staff to see if your activity requires this.
- b. The change in use permit shall be issued within 1 year from the date of approval by the ZBA. If a change-in-use permit is not issued within the 1 year time frame the Special Use will be revoked and a new Public Hearing and approval by the ZBA will be required prior to operation of any activity related to the Special Use request.
- c. In cases where new construction is involved a building permit shall be issued by this office. However, prior to issuance of the building permit you may be required to obtain other required permits from required agencies. Please check with the Office Staff for more information regarding these types of situations.

##### In addition to the filing fee and publication fee for your zoning case, upon approval other fees and permits required may be:

1. Building Permit fees
2. Change-in-Use Permit fee
3. 911 Addressing Fee
4. Erosion Permit Fee
5. Stormwater Water Application Fee
6. Tract Survey Review Fee