

MINUTES
Zoning Board of Appeals
Loren Bailliez, Chairman
January 9, 2020

A meeting of the Peoria County Zoning Board of Appeals was held on Thursday January 9, 2020, in Room 403 of the Peoria County Courthouse, 324 Main Street, Peoria, Illinois. The meeting was called to order by Chairperson Loren Bailliez at 9:00 a.m.

PRESENT: Loren Bailliez, Leonard Unes, Jim Bateman, Greg Fletcher, Greg Happ, Andrew Keyt

ABSENT: Linda O'Brien, Justin Brown, John Harms

STAFF: Taylor Armbruster – Planner I
Kathi Urban – Director
Ellen Hanks - ZBA Administrative Assistant

Mr. Bateman made a motion to approve the minutes from the December 12, 2019 hearing and was seconded by Mr. Fletcher. A vote was taken and the motion passed; (6-0)

Case No. 001-20-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **DUSTIN & MELISSA TURNER, acting on their own behalf**, a **VARIANCE** request from Section 20-6.2.2.1.d.1 of the Unified Development Ordinance which requires a road setback of 40 feet from the right-of-way or 70 feet from the center of the right-of-way, whichever distance is greater. The petitioner is proposing to construct a personal storage building in the "A-1" Agricultural Preservation Zoning District at a distance of 30 feet from the center of the right-of-way, resulting in a variance request of 40 feet.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on December 15, 2019 and the Weekly Post on December 19, 2019. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Agriculture Preservation & Environmental Corridor). The site plan and two videos of the property were shown. The property is zoned A-1.

Dustin Turner of 17528 W. Keyser Rd., Brimfield, was sworn in. Mr. Turner explained that he wanted to construct an accessory building on his property; however, most of the property was located in a floodplain, which limited the potential location for the building.

Mr. Bailliez asked what Mr. Turner would be storing inside the proposed building, and Mr. Turner responded that he would be storing cattle and hay. Mr. Turner added that his children were interested in working with show cattle. Mr. Bateman asked if the property flooded since it was in a floodplain, and Mr. Turner responded that it usually floods every spring due to his proximity to Kickapoo Creek. Mr. Turner then pointed out the areas that flood on the map. Mr. Turner added that it does not flood near where the home sits, but much of the property behind the home does flood. Additionally, Mr. Turner

stated that the 2013 flood was particularly bad. Mr. Fletcher asked if Mr. Turner would need to remove any trees to clear a space for the building, and Mr. Turner responded that he would have to remove a few soft maples, but no oaks. Mr. Bailliez pointed out that the road is a dead end near Mr. Turner's house and there were very few houses near his.

Mr. Bailliez asked if there was anyone present who wanted to speak for or against the case, and there was no one. Mr. Fletcher made a motion to close and deliberate and was seconded by Mr. Keyt. A vote was taken, and the motion passed; (6-0)

FINDINGS OF FACT FOR VARIANCES

Section 20-3.7.3

The findings of the ZBA or the Zoning Administrator shall be based on data submitted pertaining to each standard in this Subsection as it relates to the development. A variance shall be granted only if the applicant demonstrates:

1. That the plight of the owner is due to unique circumstances;
 - Most of the 4.916 acres is not suitable for the building. The land is very hilly or in the floodplain, which does not allow much area for the building. The request is for a 40 foot variance from the center of the road.
2. That the variation, if granted, will not alter the essential character of the locality;
 - Keyser Road is a narrow dead-end road used for agriculture purposes and to access this property.
3. That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out;
 - The land is very hilly or in a floodplain, which does not allow much area for building.
4. That the conditions upon which the petition for a variation are based are unique to the property for which the variance is sought and are not applicable, generally, to other property;
 - See items #1 and 3.
5. That the granting of the variation will not be detrimental to the public health, safety, comfort, morals and welfare, or 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;
 - The surrounding area is all agriculture. This is the only house on Keyser Rd. outside of city limits toward the dead-end.
6. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood;
 - This variance will not change any of the above conditions.

7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land;
and
 - Most of the land is not suitable for a building on this location.
8. That aforesaid 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 land.
 - Most of the land is in the floodplain and the rest is very hilly.

Mr. Fletcher made a motion to approve the findings of fact and was seconded by Mr. Bateman. A vote was taken, and the motion passed; (6-0) Mr. Happ made a motion to approve the request and was seconded by Mr. Keyt. A vote was taken and the motion was approved. (6-0)

Miscellaneous:

No further questions or comments were made.

Mr. Fletcher made a motion to adjourn and was seconded by Mr. Keyt. A vote was taken, and the motion passed; (6-0)

Meeting adjourned 9:17 a.m.

Respectfully submitted,

Ellen Hanks

ZBA Administrative Assistant