

MINUTES
Zoning Board of Appeals
Loren Bailliez, Chairman
February 14, 2019

A meeting of the Peoria County Zoning Board of Appeals was held on Thursday February 14, 2019, 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, Greg Fletcher, Greg Happ, Jim Bateman, Justin Brown, Andrew Keyt, Linda O'Brien

ABSENT: John Harms, Leonard Unes

STAFF: Celia Burke – Planner I
Corbin Bogle – Planner I
Kathi Urban – Director
Alex Kurth – Civil Assistant State's Attorney
Ellen Hanks - ZBA Administrative Assistant

Mr. Bateman made a motion to approve the minutes from the January 10, 2019 hearing and was seconded by Mr. Happ. A vote was taken and the motion passed; (6-0). (Mr. Fletcher absent for vote.)

Case No. 011-19-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **CARMEN & ADRIAN STOICESCU, acting on their own behalf**, a **VARIANCE** from Section 20-3.2.14 of the Unified Development Ordinance, which requires that there shall be a maximum of 2 permits issued for the same construction project for a single structure. The petitioner proposes a 3rd building permit to complete the construction of a single family home and attached garage in the "R-1" Low Density Residential Zoning District.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on January 16, 2019. Celia Burke gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Agriculture & River Freight). The site plan and two videos of the property were shown. The property is zoned R-1.

Carmen Stoicescu of 13915 N. River Crest, Chillicothe, was sworn in. Ms. Stoicescu explained that she was requesting a third permit to finish the house. Ms. Stoicescu added that she had had some health problems that had prevented her from working on the house as much as she wanted.

Ms. O'Brien asked if Ms. Stoicescu was sure she would finish the project if she was granted the third permit, and Ms. Stoicescu responded that she was sure she would finish. Mr. Bateman asked what remained to be completed, and Ms. Stoicescu responded that the outside was mostly finished, but there was still work to be completed on the inside. Ms. Stoicescu added that in addition to having some health issues her tools were stolen, which caused a delay and a financial hardship. She added that she had built

homes in the past but has had difficulty this time due to unique circumstances. Mr. Bailliez asked if Ms. Stoicescu was doing most of the work herself, and Ms. Stoicescu responded that she was doing a lot of the work but was also planning to hire some help to do sub-contract work. Mr. Bailliez asked about the completion of the wiring and plumbing, and Ms. Stoicescu responded that it was approximately 80% complete. Mr. Bailliez asked if Ms. Stoicescu was financially able to complete the project, and she responded that she was. Ms. Stoicescu added that most of the delays were due to her accident that left her incapacitated for some time. Mr. Bailliez asked when Ms. Stoicescu would begin the project if the variance was approved, and Ms. Stoicescu responded that she would begin as soon as possible.

Jeff Kohlbus of 721 W. Lake Ave., Peoria, was sworn in. Mr. Kohlbus stated that he was the developer of the subdivision and was in support of granting Ms. Stoicescu the third permit so she could work on finishing the house; however, Mr. Kohlbus also pointed out that there had been a lot of excuses and delays during the project from the owner. Mr. Kohlbus stated that he had been hearing about this project for years from the neighbors and he just wanted to see it completed. Mr. Kohlbus also stated that the house was in violation of several subdivision restrictions and that the owner had been granted extensions from the home owner's association as well. Mr. Kohlbus stated that the house remaining unfinished was preventing empty lots in the subdivision from being sold and was affecting property values within the neighborhood. Mr. Kohlbus finished by stating that if there was any way that the board could ensure that the project was completed under the third permit, he would recommend doing whatever it took to make that happen.

Ms. O'Brien stated that the board only had the option to either grant the request and allow Ms. Stoicescu the option to continue working on the house or deny the request, which would not allow her to work on it at all. Ms. O'Brien stated that she hoped the project could be completed within the time frame of the third permit.

Karl Johnston of 14101 N. River Crest, Chillicothe, was sworn in. Mr. Johnston stated that the house has been in construction for 5 years. Mr. Johnston added that he built his house in 2015 and it was completed within 6 months. Mr. Johnston stated that Ms. Stoicescu is affecting the neighborhood because no one wants to build new homes due to the unsightly nature of her unfinished home. Mr. Johnston pointed out that there is siding coming off and the inside is not finished. Mr. Johnston also added that the house does not look like the other houses in the neighborhood.

Mr. Fletcher arrived at this time.

Ms. O'Brien made a motion to close and deliberate and was seconded by Mr. Bateman. A vote was taken and the motion passed; (6-0) (Mr. Fletcher did not vote.)

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;

- Petitioner is requesting a third building permit due to financial problems, health problems, and an injury. Some family members had to move away who were helping with the construction of this project.
2. That the variation, if granted, will not alter the essential character of the locality;
 - Completion of this project will increase the value of the house and improve the neighborhood.
 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 need to complete the construction is necessary to comply with the ordinance and regulations.
 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;
 - All construction projects permits are good for one year. This request is for a third permit as explained in steps 1, 2 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;
 - With the outside and landscaping completed the requirements specified will not change.
 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;
 - Will not change any living conditions in the neighborhood.
 7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - The requested variance will give the petitioner time to complete the project.
 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.
 - This request is needed to occupy this house.

Mr. Bateman made a motion to approve the findings of fact and was seconded by Ms. O'Brien. A vote was taken and the motion passed; (6-0) (Mr. Fletcher did not vote). Mr. Happ made a motion to approve the request and was seconded by Mr. Brown. A vote was taken and the motion was approved; (6-0) (Mr. Fletcher did not vote.)

Case No. 012-19-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **JEFF & JAMIE SKAGGS, acting on their own behalf**, a **VARIANCE** request from Section 20-5.13.3.4 of the Unified Development Ordinance, which requires that for lots and parcels in residentially zoned districts, the total floor area of all accessory buildings, attached or detached, shall not exceed the footprint of the principal structure or 1,300 square feet, whichever is less, plus 750 square feet for a private garage. The petitioner proposes to construct an 2,160 square feet accessory structure in the “R-2” Medium Density Residential Zoning District, which would result in a variance request of 1,406 square feet from the allowable square footage. The structure would also exceed the 1,844 square feet footprint of the principal structure.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on January 16, 2019 and the Weekly Post on January 24, 2019. The Trivoli Township Planning Commission recommended approval. Corbin Bogle gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Agriculture Preservation & Unincorporated Center). The site plan and three videos of the property were shown. The property is zoned R-2.

Jeff Skaggs of 109 N. High St., Trivoli, was sworn in. Mr. Skaggs stated that he was hoping to build a pole barn in order to store his cars, trailer, boat, and other miscellaneous.

Mr. Happ asked if the proposed building would be on the northern portion of the lot, and Mr. Skaggs responded that this was correct. Mr. Skaggs added that the driveway will extend down to the proposed building. Mr. Bailliez stated that he noticed the petitioner had recently acquired the vacant lot to the north and combined it with his other lot. Mr. Bailliez asked if there was anything stored in the current building, and Mr. Skaggs responded that there were some things stored in the existing building, but one boat was being stored somewhere else. Mr. Bailliez stated that he saw there were some items currently being stored outside, and Mr. Skaggs explained that he wanted to be able to store everything inside. Mr. Fletcher asked if the proposed building would be used commercially or if commercial trucks would be stored inside, and Mr. Skaggs responded that it would not be for any type of commercial use or storage.

Ms. O’Brien made a motion to close and deliberate and was seconded by Mr. Bateman. A vote was taken and the motion passed; (7-0)

Mr. Bailliez remarked that since the petitioners had combined the lots, there was plenty of space for the building. He also noted that the property was adjacent to a farm field and a church, and there were no objections to the request.

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;
 - The request is to build a pole barn on a lot that has been consolidated with an adjacent lot into one parcel. That makes the square footage of the house and other buildings available in calculating the variance needed to build a 40’ x 50’ pole barn.

2. That the variation, if granted, will not alter the essential character of the locality;
 - The lot is adjacent to a farm in the back and a street on the front and side.
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 conditions will not change because the building will be at the back of the lot toward the farm land.
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;
 - The pole barn will store additional cars, trailers, and a boat.
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;
 - Will not change the public health, safety, comfort, morals and welfare, or be injurious to other property.
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;
 - Will not change any living conditions in the neighborhood.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - The request allows the petitioner to build the size pole barn needed for their personal use.
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.
 - The request is to build a pole barn on a lot that has been consolidated with an adjacent lot into one parcel makes this project feasible.

Mr. Fletcher made a motion to approve the findings of fact and was seconded by Ms. O'Brien. A vote was taken and the motion passed; (7-0). Mr. Fletcher made a motion to approve the request and was seconded by Mr. Bateman. A vote was taken and the motion was approved; (7-0).

Case No. 013-19-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **CHARLES & CAROLYN JOHNSON, acting on their own behalf, a VARIANCE** request from Section 20-5.13.3.4 of the Unified Development Ordinance, which requires that for lots and parcels in residentially zoned districts, the total floor area of all accessory buildings, attached or detached, shall not exceed the footprint of the principal structure or 1,300 square feet, whichever is less,

plus 750 square feet for a private garage. The petitioner proposes to construct a 7,200 square feet accessory structure in the “R-R” Rural Residential Zoning District, which would result in a variance request of 7,118 square feet from the allowable square footage. The structure would also exceed the 2,032 square feet footprint of the principal structure.

Ms. Urban opened the case. There are 2 consents and 11 objections on file. The case was published in the Peoria Journal Star on January 16, 2019. Corbin Bogle gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Environmental Corridor & Urban). The site plan and three videos of the property were shown. The property is zoned R-R.

Lauren Phillips of 218 Arrow St., Pekin, was sworn in. Ms. Phillips stated that she was attending the hearing on behalf of Charles Johnson, who was unable to make it to the hearing. Ms. Phillips explained that because of all the objections, Mr. Johnson was requesting a continuance to May in order to give himself time to speak with his neighbors and consult with his attorney about the case.

Ms. Urban stated that the May hearing was on the 9th and suggested a time of 9:00 a.m. Mr. Fletcher made a motion to continue the case to May 9th at 9:00 a.m. and was seconded by Ms. O’Brien. A vote was taken and the motion passed; (7-0).

Miscellaneous:

No further questions or comments were made.

Mr. Bateman made a motion to adjourn and was seconded by Ms. O’Brien. A vote was taken, and the motion passed; (7-0)

Meeting adjourned 9:38 a.m.

Respectfully submitted,

Ellen Hanks

ZBA Administrative Assistant