

MINUTES
Zoning Board of Appeals
Loren Bailliez, Chairman
April 11, 2019

A meeting of the Peoria County Zoning Board of Appeals was held on Thursday April 11, 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, Linda O'Brien,

ABSENT: John Harms, Justin Brown, Leonard Unes, Andrew Keyt

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

Mr. Fletcher made a motion to approve the minutes from the March 14, 2019 hearing and was seconded by Mr. Bateman. A vote was taken and the motion passed; (5-0).

Case No. 016-19-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **EDWARD & GAYLE CARRILLO, acting on their own behalf**, a **VARIANCE** request from Section 20-5.13.1 of the Unified Development Ordinance, which requires that an accessory structure shall not be commenced prior to the commencement of the principal structure. The petitioner proposes to construct an 1,728 square feet accessory structure in the "A-2" Agriculture Zoning District prior to construction of a home.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on March 10, 2019. Corbin Bogle gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Urban & Environmental Corridor). The site plan and three videos of the property were shown. The property is zoned A-2.

Edward & Gayle Carrillo of 4114 S. Pointe Dr., Mapleton, IL were sworn in. Mr. Carrillo stated that he would like to build a pole barn in order to store building materials for the house and also store some items from his current home while it is listed for sale.

Mr. Bailliez asked when the Carrillos would be building the home and the pole barn if approved, and Mr. Carrillo responded that they hoped to begin the pole barn next month and the house at the end of the year when materials are cheaper. Ms. O'Brien asked if the property was 33 acres in size, and Mr. Carrillo responded that it was closer to 33.5 acres. Mr. Happ asked if the Carrillos would be keeping the

existing carports, and Mr. Carrillo responded that they intended to move the smaller one and use it as a picnic shelter. Mr. Carrillo added that the other carport had been sold.

Mr. Bailliez stated that he knew part of the property was in a floodplain and asked if either building would be built in that area. Mr. Carrillo responded that he had checked with the Planning and Zoning Department on the proposed location for both buildings and that neither would be located in the floodplain. Mr. Bogle pulled up the map to show the board where the floodplain was located on the property in relationship to where the buildings were proposed to go and verified that neither would be placed in the floodplain according to the submitted site plan. Mr. Carrillo added that the house would overlook the existing pond and sit higher up on the property.

Mr. Bailliez asked if there was anyone present who wanted to speak for or against the case, and there was no one present. Ms. O'Brien made a motion to close and deliberate and was seconded by Mr. Fletcher. A vote was taken and the motion passed; (5-0)

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;
 - The request is for a 36' x 48' pole barn prior to building a new home. It will be used to store building materials and personal belongings that will benefit in selling the present home and will also help improve security for materials.
2. That the variation, if granted, will not alter the essential character of the locality;
 - There are properties in the area with pole barns. This property of 33.4 acres is mostly woods, which will make this building invisible to other neighbors.
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 topography of this property will determine where the pole barn and house will be built from the floodplain.
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 floodplain area of East Branch Lamarsh Creek.
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 building will be an improvement over the two carports that are there now, and will not be detrimental 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;
 - The building will be in an open area on the east side of the 33.4 acres. Property values should not be affected until the house is built.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - See Step #1.
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 building will be used as a staging area and protect our building materials. It will store some of their belongings, which will help in selling their existing home.

Mr. Fletcher made a motion to approve the findings of fact and was seconded by Mr. Happ. A vote was taken and the motion passed; (5-0) Ms. O'Brien made a motion to approve the request and was seconded by Mr. Bateman. A vote was taken and the motion was approved; (5-0)

Case No. 017-19-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **JASON & DEBRA TALLEY, acting on their own behalf**, a **VARIANCE** request from Section 20-5.13.1 of the Unified Development Ordinance, which requires that an accessory structure shall not be commenced prior to the commencement of the principal structure. The petitioner proposes to construct an 1,800 square feet accessory structure in the "R-2" Medium Density Residential Zoning District prior to construction of a home.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on March 10, 2019 and the Weekly Post on March 21, 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 Preservation & Unincorporated Center). The site plan and two videos of the property were shown. The property is zoned R-2.

Jason & Debra Talley of 19125 N. Daily Rd., Princeville, IL were sworn in. Ms. Talley explained that they would like to store their personal property and vehicles inside the proposed building.

Mr. Fletcher asked if the Talleys owned the property next door, and Ms. Talley responded that they did not. Ms. O'Brien asked how big the property was where the Talleys were proposing to put the pole barn, and Ms. Talley responded that it was approximately 2 acres. Mr. Talley pointed to this property on the map and explained that it was almost adjacent to their property with the house and was only separated by a small piece. Mr. Talley added that they had been in contact with Wallace Land Surveying to see if the property lines were accurate and the surveyor was currently working on it. Mr. Talley added that the house adjacent to theirs had been unoccupied for years and they were not sure who owned it.

Mr. Bailliez asked if the bucket truck that was sitting outside was owned by the Talleys, and Mr. Talley responded that it was. Mr. Talley added that they would like to store it along with the tractor and other equipment inside the building. Mr. Bailliez asked what the bucket truck was used for, and Mr. Talley responded that he owns a sole proprietary business and previously installed wireless internet. Mr. Bailliez asked if Mr. Talley was running a business out of his home, and Mr. Talley responded that he was running a sole proprietary business from his home. Ms. Urban explained that there are certain ordinance requirements for running a business out of a home. Ms. Urban further explained that these requirements might affect whether or not the Talleys would actually want to construct this building because of the storage of business equipment. Ms. Urban added that because there is no home on the proposed parcel, the Talleys would not be able to apply for a home occupation to run a business from this property. Ms. Urban stated that the Talleys could request a continuance in order to give themselves time to discuss this further with Planning & Zoning staff and decide how they would like to proceed once they had discussed all of the requirements. Mr. Talley stated that his business was registered, and Ms. Urban responded that there are also ordinance requirements involved in running a business from a home. Ms. Urban again suggested that the Talleys should meet with Planning and Zoning staff to discuss the requirements of the home occupation. Mr. Bailliez asked if the Talleys wanted to take some time and discuss the issues with staff, and Ms. Talley stated that that would probably need to.

Mr. Fletcher asked if the board would have the option to grant the variance as long as the business equipment was not stored inside. Ms. Urban stated that the building could be used to store their personal items; however, no business equipment could be stored in the building at this time. Ms. Urban stated that she felt more comfortable having a further discussion with the Talleys before making a decision on the case so that they could make sure they were making the right decision. Ms. O'Brien pointed out that even if the Talleys applied for a Home Occupation and were approved, they still would not be able to store their business materials inside due to the fact that this parcel did not have a home on it. Ms. Urban confirmed that this was correct. Mr. Talley stated that they might be able to combine the properties if the survey came back with the two properties being adjacent. Ms. Talley pointed out that she did not want to lose the money they had already spent filing the variance and thought continuing the case to another month would be best in order to afford them more time to speak with staff. Ms. Urban stated that the Talleys could continue the case to June 13th at 9:00 am, which the Talleys were agreeable to.

Mr. Happ made a motion to continue the case to 017-19-V to June 13th at 9:00 am and was seconded by Mr. Bateman. A vote was taken and the motion passed; (5-0).

Case No. 018-19-U at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **EDWARD LINDSAY, acting on his own behalf**, a **SPECIAL USE** request from Section 20-5.1.3.1.d of the Unified Development Ordinance. This Section allows for a special use for Mobile homes, when all towing apparatus, wheels, tongue and hitch are permanently removed and the structure is attached to a permanent foundation and assessed as real property. The petitioner proposes to occupy a mobile home in "A-1" Agricultural Preservation 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 March 10, 2019 and the Weekly Post on March 21, 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 Preservation & Environmental Corridor). The site plan and two videos of the property were shown. The property is zoned A-1.

Ed Lindsay & Debra Lindsay of 1405 W. McClure, Peoria, were sworn in. Mr. Lindsay stated that he would like to construct a sectional home on the proposed property.

Mr. Bailliez asked if the proposed structure was the double wide manufactured home listed in the petition, and Mr. Lindsay confirmed that this was correct. Mr. Fletcher asked about the existing septic, and Mr. Lindsay explained that there was a previous house on the property, which had since been removed. Mr. Lindsay added that the current septic tank was installed in 2008 and was recently inspected by the Health Department. Mr. Lindsay stated that the Health Department had no objection to them using the existing septic system for the mobile home. Mr. Fletcher asked if the manufactured home would be placed on a permanent foundation, and Mr. Lindsay responded that it would. Mr. Fletcher asked if the mobile home would have all apparatuses and towing gear removed, and Mr. Lindsay responded that it did not come with any towing equipment because it was a sectional home that was brought in pieces. Mr. Bailliez asked if the existing well had been inspected, and Mr. Lindsay responded that it had and was sufficient for the proposed use. Mr. Bailliez asked about the special modifications mentioned in the petition that would be made to the mobile home, and Mr. Lindsay responded that he was visually impaired. Mr. Lindsay added that some doors would be removed, there would be no sharp corners, and a ramp would be added for access.

Ms. Urban asked if the mobile home came on wheels, and Mr. Lindsay responded that it did not. Ms. Urban asked if it was a stick-built home that was brought in sections, and Mr. Lindsay responded that it was built in pieces and delivered in sections. Ms. Urban asked who the manufacturing company was, and Ms. Lindsay responded that it was Harmony Homes of East Alton, IL. Ms. Urban took a moment to research Harmony Homes and the website stated that they produced mobile homes in Illinois. Ms. Urban stated that the website did appear to sell mobile homes. Mr. Lindsay explained again that the home would be delivered to the property in pieces and connected on site.

Jack Ayers of 2007 N. Quarry Rd., Trivoli, was sworn in. Mr. Ayers stated that his property was adjacent to the proposed property that Mr. Lindsay owned. Mr. Ayers stated that after hearing Mr. Lindsay's testimony, he had no issues with the request. Mr. Ayers added that he did want Mr. Lindsay to know that even though the well had been tested and was sufficient, area residents have had to haul water in dry times.

Mr. Bailliez asked if there was anyone present who wanted to speak for or against the case, and there was no one present. Mr. Fletcher made a motion to close and deliberate and was seconded by Ms. O'Brien. A vote was taken and the motion passed; (5-0)

Case No. 006-19-U at 10:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **PEORIA SAND & GRAVEL, INC.** (A Corporation – Kenneth Aupperle – President, Steve Aupperle – Secretary/Treasurer, Roger Aupperle – Director, and Leroy Oaks – Director, all of 190 E. Washington St., Morton, IL 61550), acting on their own behalf, a SPECIAL USE request from 20-5.2.2.4.e of the Unified Development Ordinance. This section allows for a Special Use for Mineral Extraction Facilities in the "A-2" Agriculture Zoning District, as provided for in Section 7.12

("Mineral Extraction Facilities"). The petitioner proposes to operate a mineral extraction facility at this location.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on March 10, 2019 and the Weekly Post on March 21, 2019. Ms. Urban explained that the petitioner had been working on a reclamation plan, which staff had just recently received. Staff would need more time to review the plan and create a staff report and so the case was recommended to be continued to May 9th at 10:00 a.m.

Mr. Bateman made a motion to continue the case to May 9, 2019 at 10:00 a.m. and was seconded by Mr. Fletcher. A vote was taken and the motion passed; (5-0).

Miscellaneous:

No further questions or comments were made.

Mr. Happ made a motion to adjourn and was seconded by Ms. O'Brien. A vote was taken, and the motion passed; (5-0)

Meeting adjourned 10:08 a.m.
Respectfully submitted,
Ellen Hanks
ZBA Administrative Assistant