

MINUTES
Zoning Board of Appeals
Loren Bailliez, Chairman
May 9, 2019

A meeting of the Peoria County Zoning Board of Appeals was held on Thursday May 9, 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, Leonard Unes, Jim Bateman, John Harms, Linda O'Brien

ABSENT: Justin Brown, Andrew Keyt, Greg Happ

STAFF: Corbin Bogle – Planner I
Andrew Braun – Senior Planner
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 April 11, 2019 hearing and was seconded by Mr. Fletcher. A vote was taken and the motion passed; (5-0) (Ms. O'Brien absent for vote.)

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 foot 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 7 consents and 12 objections on file. The case was published in the Peoria Journal Star on April 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 (Urban & Environmental Corridor). The site plan and three videos of the property were shown. The property is zoned R-R.

Charles Johnson of 6225 Navajo Dr., Bartonville, was sworn in. Mr. Johnson explained that he had purchased the property at 6203 Trails End Lane approximately 6-8 months prior. Mr. Johnson added that he currently lives at a house in the adjacent subdivision so that he and his wife could be close while doing renovations on the house on Trails End. Mr. Johnson explained that they had previously lived near Hollis School for approximately 20 years. Mr. Johnson added that they had a building of this size on their previous property and had no issues with the neighbors. Mr. Johnson stated that the equipment

seen recently on the property on Trails End had been used to work on a pond. Mr. Johnson explained that he has several vehicles, a motor home, and other maintenance equipment that he would like to store in the proposed building. Additionally, Mr. Johnson stated that he might have some farm animals in the future that he would shelter in the proposed building. Mr. Johnson stated that the building would be built by a contractor and would look nice.

In response to objections received from neighbors, Mr. Johnson explained that he would not be using the building for commercial use. Mr. Johnson reiterated that the equipment that had been sitting on the property was used for working on the house, pond, and general cleanup of the property. Mr. Johnson added that he had operated a towing business in the past but had since retired because of physical challenges. Mr. Johnson stated that it was not his intention to offend the neighbors and that he had talked with some of them about his request since he had asked for the continuance. Mr. Johnson stated that he wanted to be a good neighbor. Mr. Johnson stated that he did not have any zoning violations and there would be no increase in traffic. Mr. Johnson restated that he would not be using the building for commercial use.

Ms. O'Brien arrived at this time.

Mr. Harms asked what the bulldozer was used for, and Mr. Johnson explained that it was his nephew's that he was using when working on the pond. Mr. Johnson also explained that he had done some tree clearing on the property. Mr. Bailliez stated that the board had received a list of items that would be stored in the proposed building, and Mr. Johnson added that this was only a partial list. Mr. Bailliez stated that some of the items on the list seemed like commercial equipment. Mr. Johnson responded that none of the machinery on the list was for commercial use. Mr. Bailliez asked if the machinery would be traveling to and from the property frequently, and Mr. Johnson responded that it would not. Mr. Bailliez asked what the semi-trailer on the property was used for, and Mr. Johnson responded that it had been temporarily been used for storage but would be removed as soon as the ground dried out enough. Mr. Fletcher asked if Mr. Johnson uses Trails End Lane to access the property, and Mr. Johnson responded that he comes through the neighborhood because it is a better roadway and he also currently lives in the neighborhood. Mr. Fletcher asked if Mr. Johnson had access to the property from Airport Rd., and Mr. Johnson responded that he did.

Gary Hacker of 6212 S. Cheyenne, Bartonville, was sworn in. Mr. Hacker stated that he had known Mr. Johnson for approximately 20 years and has never had a problem with him. Mr. Hacker added that Mr. Johnson is honest and a good neighbor. Mr. Hacker stated that he would like the proposed building to be built because then all the equipment could be stored inside and make the property look better. Mr. Hacker stated that he had no objection to the request. Mr. Hacker stated that he understands the limits imposed on property owners through zoning but did not see a problem with this request.

Margaret Finn of 6206 S. Cheyenne, Bartonville, was sworn in. Ms. Finn stated that she lived across from the property on 6203 S. Trails End Lane. Ms. Finn gave the highlights of her objection letter, which were: increased truck traffic, impacts to public safety because of increased truck traffic, obstruction of her view, and the excessive size of the proposed building. Ms. Finn also pointed out that ever since Mr. Johnson bought this property, there have been large trucks coming and going constantly. Ms. Finn also stated that she felt the building was too close to her property. Ms. Finn stated that she had been concerned that the building would be used for commercial use but felt that Mr. Johnson had

addressed this issue with his testimony. Ms. Finn added that the previous property Mr. Johnson resided at with the large building was not near a subdivision, which made it very different from this situation.

Mr. Bailliez stated that Mr. Johnson had testified that the equipment had been used to improve the property and was not business related. Mr. Bailliez stated that the proposed building would store all of the equipment that was currently sitting outside. Ms. Finn stated that regardless of that, the building was excessive in size. Mr. Bailliez stated that the building would be several hundred feet from Ms. Finn's property. Ms. O'Brien asked if Ms. Finn's view was of Mr. Johnson's property, and Ms. Finn responded that this was correct.

Roger Becker of 6328 S. Navajo Dr., Bartonville, was sworn in. Mr. Becker submitted a petition of objection with 20 signatures. Mr. Becker stated that there has been an increased amount of tow truck traffic, which is damaging the subdivision roads. Mr. Becker stated that Mr. Johnson cannot have an accessory structure without a house on the property. Mr. Becker also stated that Mr. Johnson stated he had no zoning complaints on his property, but Mr. Becker stated that he knew there was a zoning complaint on the property.

Ms. O'Brien asked what the issue was with not having a house on the property. Mr. Bogle clarified that the property did have a house on it and Ms. Urban confirmed that this was correct. Mr. Becker stated that Mr. Johnson did not live in the house on Trails End Lane. Ms. Urban responded that there is no ordinance requirement that someone must be living in the house. Mr. Becker restated that Mr. Johnson had testified he did not have any zoning complaints on his property, and Ms. Urban responded that she doubted Mr. Johnson was aware of the complaint filed on his property because the violation notification letter regarding the commercial vehicles on the property had just been mailed the previous day.

Bob Reeser of 6303 S. Trails End Lane, Bartonville, was sworn in. Mr. Reeser explained that he lived adjacent to this property. Mr. Reeser stated that he had written an objection letter stating that he was concerned with increased traffic, impact on safety due to the increased traffic, and the potential commercial use of the building.

Mr. Fletcher asked if Mr. Reeser knew if Mr. Johnson used Trails End Lane to access his property, and Mr. Reeser said he doubted it. Mr. Reeser explained that Trails End Lane was a gravel lane in disrepair. Mr. Reeser stated that he did not use Trails End Lane to access his property because Trails End Lane was so rough. Mr. Fletcher asked if any of the other neighbors to the south on Trails End Lane used it to access their properties, and Mr. Reeser stated that some did, but most did not.

Craig Davis of 6306 S. Cheyenne Dr., Bartonville, was sworn in. Mr. Davis stated that he had no problem with Mr. Johnson and felt he was a good neighbor; however, Mr. Davis stated that he did object to the building being so big. Mr. Davis stated that Mr. Johnson might not always own this property and a new owner might be tempted to use it for commercial use because it is so big. Mr. Davis stated that the building could be moved further back on the property so it did not impede the view from the subdivision. Mr. Davis also pointed out that access from Airport Rd. would be difficult, which means that the equipment being stored in the building would be traveling through the subdivision when it was going to and from the property on Trails End.

Anita Davis of 6306 S. Cheyenne Dr., Bartonville, was sworn in. Ms. Davis stated that the equipment that comes and goes through the subdivision is very large. Ms. Davis stated that she did not understand why a large building would be needed to store all of this equipment if it was not going to be used. Ms. Davis added that if the building would be small enough not to be intrusive, there would probably not be any objection to the request.

Mr. Becker came back to ask where the front of the building would be located and what road would be used to access it.

Mr. Harms stated that his main concern was whether or not the proposed building would be used for commercial purposes, but Mr. Johnson had testified that this was not the case. Mr. Harms asked if there was any future remedy should a business be run from the building in the future. Ms. Urban responded that Planning and Zoning staff would visit the property to determine if a business was being run from the property, and if so, a violation would be entered to that effect which would require the owner to either cease that operation or apply for a Special Use in order to request running the business from the property. The Special Use would follow the process for a public hearing, with the County Board making the final decision on the request.

Mr. Johnson returned to address the objections. Ms. O'Brien asked if Mr. Johnson would just be using the building for storing the equipment and never use it, and Mr. Johnson responded that most of the equipment would be used for property maintenance and would also be for storage of his 45-foot motor home. Mr. Johnson added that most of the equipment is currently sitting outside.

Mr. Fletcher asked if any of the equipment stored inside the building would be used for Mr. Johnson's business, and Mr. Johnson responded that it would not be used for business purposes. Mr. Bateman asked if any of the equipment would be used for Mr. Johnson's wife's business, and Mr. Johnson responded that it would not. Ms. O'Brien confirmed that no equipment stored within the building would be used for any business purposes, and Mr. Johnson confirmed that this was correct.

Mr. Johnson stated that in response to which way the building access would face, he was not sure at this time. Mr. Harms asked if the access from Airport Road was usable, and Mr. Johnson stated that it was not currently. Mr. Johnson stated that he would do whatever was necessary to access the property. Ms. O'Brien asked about the use of the 35-foot enclosed car trailer, and Mr. Johnson responded that he has a car used for drag racing that is transported in that trailer.

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

Mr. Bateman asked if the board could add a restriction that access must be created off of Airport Road to ensure that it really is carried out. Mr. Harms said that his concern with that restriction was that Mr. Johnson had testified that he would not be moving heavy equipment through the subdivision after improvements to the property were completed and could not see how the current use was any different than any property owner making improvements on their property that would require heavy machinery. Ms. O'Brien stated that most people's biggest concern was the size of the building. Mr. Bailliez pointed out that the proposed building was 300 feet from the front of Mr. Johnson's property and the property

was 12.5 acres in size, which is a lot to maintain. Mr. Bailliez also pointed out that certain equipment is necessary to maintain that size acreage. Mr. Bailliez also added that maybe there has been excess traffic during the times when Mr. Johnson was making improvements to the property, but it would hopefully not last forever. Ms. O'Brien also pointed out that there were several consent letters that had stated there was no increase in traffic.

Mr. Unes asked if there were any weight limits posted on any of these roads, and Ms. Urban responded that there was no response from the Road Commissioner, so she could not answer that question.

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 petitioner is requesting to build a 60' x 120' pole barn to store mowing equipment, miscellaneous farm equipment, classic cars, and a 50 foot motor coach on 12.5 acres. This property is located at the end of a private lane with other houses using this lane.
2. That the variation, if granted, will not alter the essential character of the locality;
 - The building will be approximately 3000 feet from the front of the 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;
 - Of the 12.5 acres, 10 plus acres is mowed and maintained.
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 size of this building is unusual for a residential area.
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;
 - Allowing a pole barn to be built will allow for safe and secure storage of the items in step #1. If additional traffic accrues could be a problem on this private lane.
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 petitioner has a need to store a 50 foot RV, multiple mowers and tractors, classic cars, farming equipment, a mini excavator, skid steer, hay baler, batwing mower, and several trailers.
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 horse barn cannot be used for storage of the items mentioned in step #7.

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; (6-0) Mr. Harms made a motion to approve the request and was seconded by Mr. Fletcher. A roll call vote was taken, and the motion was approved; (5-1) (Mr. Unes voted no.)

Case No. 019-19-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **LEE WILBUR, acting on behalf of THE COMMERCE TRUST COMPANY, TRUSTEE OF THE TERRY NICHOLS TRUST (owner)**, 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 837 square foot accessory structure in the "R-R" Rural Residential Zoning District, which would result in a variance request of 491 square feet from the allowable square footage. Also, A Variance request from Section 20-6.4.2.2.c.2.a of the Unified Development Ordinance, which requires a side setback of 15 feet for an accessory structure in the "R-R" Rural Residential Zoning District. The petitioner proposes to construct an accessory structure at a distance of 12 feet from the north side lot line, resulting in a variance request of 3 feet.

Ms. Urban opened the case. There are 0 consents and 2 objections on file. The case was published in the Peoria Journal Star on April 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 (Agriculture Preservation). The site plan and three videos of the property were shown. The property is zoned R-R.

Max Musselman of 505 N. Main St., Hanna City, was sworn in. Mr. Musselman explained that he was the contractor for the proposed garage for property owner Terry Nichols. Mr. Musselman explained that Mr. Nichols has some health issues and would like to position the garage closer to the house for easier access. Mr. Musselman added that the position of the proposed building would not obstruct the view of the lake from any neighbors. Mr. Musselman also stated that a boat and other miscellaneous would be stored inside the building.

Mr. Harms asked if the building could be moved to the northwest slightly to meet the 15-foot setback, and Mr. Musselman explained that the location of the utilities would make this difficult. Mr. Musselman further explained that the placement of the existing driveway and the steep drop off toward the back of the property also made moving the building position difficult. Mr. Musselman stated that the owner would like to use the existing driveway to access the proposed building. Mr. Musselman explained that the owner is legally blind and has an assistant who helps him out daily. Mr. Harms asked

why the proposed size of the building was needed, and Mr. Musselman responded that he had many items to store, including a UTV, pickup trucks, and two boats. Mr. Fletcher asked if the existing propane tank would have to move to accommodate the proposed building, and Mr. Musselman responded that it most likely would need to move. Mr. Fletcher stated that he understood that the ground slopes toward the back, but also felt that the building could be moved slightly or placed somewhere else on the 6 acre parcel to meet the setback. Mr. Musselman explained that there was an existing building on the property that Mr. Nichols is unable to use because it is too far away from the house. Mr. Musselman further explained that they had laid the building out in many different ways, and this was the best location he could come up with to try and meet the owner's needs without asking for a larger variance. Ms. O'Brien asked if Mr. Nichols would be agreeable to making the building slightly smaller so that it met setbacks, and Mr. Musselman stated that he might be willing to entertain the idea, but he was unsure. Mr. Bailliez asked if Mr. Musselman had thought about cutting the closest corner at an angle in order to meet the setback, and Mr. Musselman responded that he supposed it was possible, but it was not something that he would want to do as a first choice. Mr. Harms asked what size the proposed building was, and Mr. Musselman responded that it was 28' x 32'. Mr. Musselman stated that the owner wanted to protect his investments by being able to store them inside. Mr. Musselman concluded by saying that the proposed building would not increase the traffic in the area or impede the view of the lake for any neighbors.

Corinna Martinez of 6212 N. Eden Rd., Elmwood, was sworn in. Ms. Martinez explained that she owns Lot 8 in the Eden Lake subdivision, which is adjacent to the subject parcel. Ms. Martinez explained that the proposed garage would obstruct the view of the lake from their lot. Ms. Martinez added that there is already a large building on the property that she has seen Mr. Nichols access many times and that it should be large enough to store everything. Ms. Martinez also stated that they have put their plans to build a home on the lot on hold due to problems with Mr. Nichols.

Mike Kolowski of 15510 W. Serenity Lane, Elmwood, was sworn in. Mr. Kolowski stated that he felt the driveway and the building could be moved slightly to meet the current requirements. Mr. Kolowski added that he felt there was plenty of room on the property to put the building elsewhere and meet the setbacks.

Matt Alger of 15722 W. Serenity Lane, Elmwood, was sworn in. Mr. Alger stated that he is the President of the property owners' association, which includes all of the properties around Eden Lake. Mr. Alger stated that the property is large enough for the building to be placed somewhere else that would meet the current setback requirements. Additionally, Mr. Alger felt that the size of the proposed building was too large given that there was an existing building on the property used for storage. Mr. Alger stated that Mr. Musselman had stated that Mr. Nichols had difficulty accessing the existing building, but Mr. Alger stated that the hired helper of Mr. Nichols could help access the things in that building. Mr. Alger added that Mr. Nichols has chosen not to follow any of the homeowners' association rules since he purchased this property. Mr. Alger stated that Mr. Nichols is not open to discussions with neighbors and is not willing to follow the rules. Mr. Alger asked that the board deny the request.

Mr. Bateman asked if there was anyone else in the neighborhood that had detached garages of similar size, and Mr. Alger responded that there were buildings of similar size; however, everyone only had one detached building, not two. Mr. Bailliez asked if there was anything in the subdivision bylaws that

would prevent someone from having two detached buildings, and Mr. Alger responded that there was not. Mr. Unes asked staff how big the owner could build the garage without a variance, and Ms. Urban responded that it could be 347 square feet.

Taylor Hill of 614 N. Downs School Rd., Elmwood, was sworn in. Ms. Hill stated that she is a Certified Nursing Assistant and the hired help of Mr. Nichols. Ms. Hill stated that Mr. Nichols does need more space for storage because his current detached and attached garages are full. Ms. Hill also stated that she has never seen Mr. Nichols drive around the neighborhood and he very rarely drives his boat. Ms. Hill stated that she felt many of the objections were due to personal problems between neighbors and had nothing to do with the proposed building. Ms. Hill added that the proposed garage would help clean the property up and make it look nicer because Mr. Nichols could then store things inside.

Mr. Musselman stated that the board was not there to judge Mr. Nichols character, but to determine whether to allow the variance for the garage. Mr. Musselman added that he felt the variance was a reasonable request and that the board should take into account the owner's physical limitations for the placement of the building.

Mr. Bailliez asked if there was anyone else present who wanted to speak for or against the case, and there was no one else. Mr. Fletcher made a motion to close and deliberate and was seconded by Ms. O'Brien. 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;
 - The petitioner is requesting to build an accessory building 12 feet from the property line, requiring a variance of 3 feet.
2. That the variation, if granted, will not alter the essential character of the locality;
 - The adjacent property is vacant and the requested building is only 837 square feet on a 6 acre lot.
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;
 - This location makes it accessible to the owner because of his handicap. The topography of the land near the house is not suitable to build on for easy accessibility except near the drive.
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 #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;
 - Storing vehicles inside will improve the visibility of this property and will not affect the neighborhood.
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 property is located in a rural area with large lots. This change will not affect the area.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - The amount requested is required to store vehicles currently parked in the drive. Placement of the building is limited due to topography conditions and underground utilities.
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 physically handicapped owner cannot access the existing structures of the property due to being legally blind.

Mr. Harms 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) Ms. O'Brien made a motion to approve the request and was seconded by Mr. Fletcher. A roll call vote was taken and the motion was denied; (2-4) (Mr. Unes, Mr. Harms, Mr. Bateman, and Mr. Fletcher voted no.)

The board took a break at 10:48 a.m. and reconvened at 10:57 a.m.

Case No. 020-19-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **ANDREW & CATHERINE STEINMETZ, acting on their own behalf**, a **VARIANCE** request from Section 20-6.4.2.2.c.2.a of the Unified Development Ordinance, which requires a side setback of 15 feet for an accessory structure in the "R-R" Rural Residential Zoning District. The petitioner proposes to construct a private solar array at a distance of 0 feet from the north side lot line, resulting in a variance request of 15 feet.

Ms. Urban opened the case. There are 0 consents and 0 objection on file. The case was published in the Peoria Journal Star on April 16, 2019 and the Limestone Independent News on April 17, 2019. The Limestone 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 (Rural & Environmental Corridor). The site plan and two videos of the property were shown. The property is zoned R-R.

Andrew Steinmetz of 4109 S. Walnut Point Dr., Mapleton, was sworn in. Mr. Steinmetz stated that he was asking for a 15-foot variance to place a ground mounted solar array on his property. Mr. Steinmetz

explained that he would prefer to place the array in the backyard so that it was more hidden from view behind the house; however, the backyard has many mature trees that shade most of the backyard. Mr. Steinmetz further explained that moving the panels as far north as possible on his property would allow them to be the most productive and efficient. Mr. Steinmetz stated that they would be looking at a return on investment in 10 years in the proposed spot, which is still longer than the average. Mr. Steinmetz added that if the variance were denied, they would not move forward with the project because it would not be financially beneficial to place the solar array anywhere else on the property.

Mr. Harms asked what the terrain of the yard to the north was like, and Mr. Steinmetz responded that it was grassy and relatively flat. Mr. Steinmetz then pointed out in the video where the panels would be located. Ms. O'Brien asked how the neighbor to the north felt about the project, and Mr. Steinmetz replied that they had no objection. Mr. Fletcher asked what would be on the ground underneath the panels, and Mr. Steinmetz responded that it would be grass. Mr. Steinmetz added that they would maintain the grass under the panels. Mr. Bailliez asked if the system would use fixed or tilting panels, and Mr. Steinmetz responded that they would be fixed. Mr. Fletcher inquired what company would be doing the installation, and Mr. Steinmetz responded that it would be Legacy Solar, which is a small local company.

Mr. Bailliez asked if there was anyone 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 Mr. Bateman. 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;
 - The request is to install a 30 panel solar array on the northern border of the property of the lot. This size of this array is 10' x 50'.
2. That the variation, if granted, will not alter the essential character of the locality;
 - The location is in a wooded subdivision. The array will sit in a low area. It will not impact the ability of other neighbors to enjoy their properties.
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 forest on the lot is very old, mature, and casts a long shadow to the north. It would be cost prohibitive to clear and cut down enough trees to locate the array 15 feet away from the lot line. Without this variance, the petitioner will not be able to install a solar array on the property.
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 location of the house in the wooded area will not allow for a roof installation.
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;
 - This installation will be largely hidden from view and will have no direct impact on anyone in the neighborhood except the neighbor to the north. This is a passive, low maintenance, zero emission installation.
 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 array is approximately 8 feet high and 10' x 50' and will cast a shadow on the neighbor's lot. Because of its location, it could have some impact on the neighbor's property value.
 7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - Every foot the array is moved to the north improves the efficiency of the array to use direct sunlight as long as possible and be financially viable.
 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.
 - Strict application of the ordinance will prevent the installation of a renewable clean energy generating system on this property.

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. Fletcher made a motion to approve the request and was seconded by Mr. Harms. A vote was taken and the motion was approved; (6-0).

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 objection on file. The case was published in the Peoria Journal Star on April 16, 2019 and the Weekly Post on April 17, 2019. Staff recommended approval with restrictions. Corbin Bogle gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Agriculture & Environmental Corridor). The site plan and two videos of the property were shown. The property is zoned A-2.

Steve Aupperle of 190 E. Washington St., Morton, was sworn in. Mr. Aupperle explained that he is the owner of Peoria Sand and Gravel. Peoria Sand and Gravel was granted a Special Use many years prior for a mineral extraction facility to be located on this property; however, the Special Use had expired several years prior. Mr. Aupperle explained that they needed to reapply for the Special Use to remain in compliance with the ordinance and continue operating the mineral extraction facility at this location.

Mr. Bailliez asked if the site received a lot of traffic each day, and Mr. Aupperle responded that it did not. Mr. Aupperle added that the site was used mostly for stockpiling materials and sand mining and the traffic would be sporadic. Mr. Bailliez asked staff how long this Special Use would be good for, and Ms. Urban stated that there was no time restriction recommended on this case. Ms. Urban further explained that a restriction was placed on the original Special Use from 1997 that it would expire in 15 years, but it was unknown why this restriction was placed on the case. Ms. Urban clarified that this Special Use would not expire. Ms. O'Brien asked Mr. Aupperle how many more years he thought the company would be able to mine this site, and Mr. Aupperle responded that at the current rate they would probably be able to mine the site for approximately 20 more years. Mr. Aupperle added that when the property was purchased many years ago they had planned to mine 89 acres to the north, but it was sold.

Mr. Harms asked if there was anything in place to make sure that the site would be returned to its former state once the mining was complete, and Mr. Aupperle responded that part of the Special Use requirement was the reclamation plan and the bond. Mr. Fletcher asked if the site was currently being utilized, and Mr. Aupperle stated that it is mostly used for storage in the winter. Mr. Aupperle added that there are no building materials dumped on the site. Mr. Aupperle added that the area around this site is a floodplain, which means that no structures would be built near the site.

Mr. Bailliez asked if there was anyone 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 Mr. Bateman. The motion passed; (6-0).

Case No. 021-19-U at 10:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **RYAN PALM, acting on behalf of GERARD & TERESA McCANN (owners)**, a **SPECIAL USE** request as allowed in Section 20-5.3.2.2.d of the Unified Development Ordinance. This Section allows for a Special Use to allow for a landscape contractor in the "R-R" Rural Residential Zoning District. The petitioner proposes to use this parcel for a landscaping contractor business.

Ms. Urban opened the case. There are 0 consents and 0 objection on file. The case was published in the Peoria Journal Star on April 16, 2019. Ms. Urban explained that the petitioner had requested to continue the case to the June 13, 2019 hearing because of another offer being accepted on this property that he had intended to buy. Staff recommended a time of 10:00 a.m.

Mr. Fletcher made a motion to continue the case to June 13, 2019 at 10:00 a.m. and was seconded by Mr. Bateman. A vote was taken, and the motion passed; (6-0).

Case No. 022-19-S at 11:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **PEORIA COUNTY, acting on their own behalf**, a **TEXT AMENDMENT** to amend Chapter 20, Article 7, Section 7.3, 7.6 and 7.7 of the Peoria County Code.

Ms. Urban opened the case. There are 0 consents and 0 objection on file. The case was published in the Peoria Journal Star on April 16, 2019.

Andrew Braun of 324 Main St., Room 301, Peoria, was sworn in. Mr. Braun started by explaining that he would be giving a presentation to explain the three different pieces of the proposed text amendment.

First, Mr. Braun explained the amendment to Section 7.3 “Home Occupations”, which currently requires a Transitional Bufferyard for Major Home Occupations to screen loading zones, outdoor storage areas, and outdoor work areas from the view of adjacent properties. Over time, staff has realized that in some cases, adjoining properties are compatible uses and the strict application of the ordinance may not make sense. When reviewing the intent of the ordinance, it is to control the impact that home occupations may have on the neighborhood character and on the use or enjoyment of adjacent properties. As such, Planning and Zoning proposes to amend the current ordinance to read: Landscaping shall be required to reduce the visual impact of off-street parking areas, loading zones, outdoor storage areas, and outdoor work areas from the view of adjacent properties utilized for residential and institutional uses. In certain circumstances, additional landscaping requirements could always be added as a restriction in a Special Use case for a Major Home Occupation. Mr. Braun then showed an example of a property where the existing ordinance language would make strict application of the Transitional Bufferyard requirements unnecessary in which a house was surrounded on two sides by farmland and was far removed from other residences.

Mr. Fletcher asked if screening would still be required for adjacent residential uses, and Mr. Braun confirmed that this was correct. Mr. Unes asked if the proposed change would be more restrictive for developers, and Mr. Braun stated that it should be less restrictive for developers because it could potentially result in less landscaping and less cost for the project; however, restrictions for additional landscaping could always be placed on a Special Use case for Major Home Occupations.

Second, Mr. Braun explained the proposed amendment to Section 7.6 “Landscaping”, which was more specifically related to aiding in stormwater runoff in non-residential parking lots. Staff began researching landscaping ordinances across the region and state and also talked with landscape architects. Staff found that the use of native plants in managed landscape plans designed to reduce stormwater impact can be economical, low-maintenance, and have ecological benefits. It also offers a choice to developers as a flexible alternative for both landscape design and stormwater management. Mr. Braun explained that this would not replace the current landscaping ordinance, but would offer alternatives for developers when it comes to non-residential parking lot design.

Mr. Braun further explained that the current landscaping ordinance states that the amount of landscape points must equal the number of parking spaces. When there are less than 100 spaces, this can be achieved with parking lot islands or perimeter landscaping; however, when there are 100 or more spaces, one half of the required points must be located within parking lot islands. The first amendment eliminates confusing language for minimum planting areas within parking lots by getting rid of some current language. Additionally, staff is proposing to add the following to the landscaping ordinance: Parking lot islands shall be curbed with concrete or a functionally equivalent material. Curb breaks

should be utilized to allow stormwater to enter planted areas. The following materials are not considered functionally equivalent to concrete curbs and are therefore unacceptable for use as curbs: landscape timbers, railroad ties, wood/timber, and concrete wheel stops.

Mr. Braun continued by explaining that the next section would address Alternative Parking Lot Landscaping. This amendment encourage site design using two special features: bioretention systems and native species plantings. Bioretention systems are shallow, landscaped depressions commonly located in parking lot islands or within areas that receive stormwater runoff. Bioretention systems generally may consist of a grass buffer strip, sand bed, ponding area, organic layer or mulch layer, planting soil, and plants. Native species are identified as native plantings, grasses, and perennials, as identified by the Natural Resources Conservation Service, which is a federal agency that has published a Native Plant Guide.

Mr. Braun moved next to explaining the proposed amendment of Section 7.6.9.3., which is titled "Incentive for Bioretention with Native Landscaping within Parking Islands". Mr. Braun reiterated that this section would not replace the current landscaping ordinance but would offer an alternative that can aid in stormwater runoff. The proposal allows for bioretention with native landscaping within parking islands to be considered functionally equivalent to the existing parking landscaping requirements, when the site is designed by a licensed landscape architect. Mr. Braun explained that when using this type of design, a 5-7% drainage area would be required, depending on the use of a sand bed filter, and the number of trees could be reduced by one half. Minimum plant material size and maintenance requirements will remain the same when using a bioretention plan. Additionally, at the end of the second full growing season, no less than 90% of plant materials installed shall be alive. There should be no invasive species growth and no barren area greater than 12 inches x 12 inches. Mr. Braun then showed some slides of what a typical bioretention plan would look like and discussed their features and benefits. One of these examples was from the Morton Arboretum in Lisle, IL.

Mr. Bailliez asked what kind of rain event runoff was typically calculated for, and Mr. Braun stated that it was stated in the ordinance, which was a 20-year rainfall event. Mr. Braun stated that he was unsure what a 20-year rainfall event equated to in inches per hour, but that was the design standard that would need to be met. Mr. Fletcher asked where the numbers for these rain events came from, and Mr. Braun stated that he was unsure, but it was not defined by Peoria County. Mr. Fletcher asked what the purpose was to have curbs around the landscaping, and Mr. Braun responded that it helped to keep people and cars out and keep the landscaping materials in. Mr. Fletcher asked if using this kind of alternative landscaping plan would eliminate the need for a retention pond, and Mr. Braun stated that it may not eliminate the need, but it could potentially reduce the size of the pond. Ms. O'Brien stated that in addition to the benefits to stormwater runoff that the alternative landscaping plan provides, the examples shown also look very nice.

Mr. Braun concluded the presentation by discussing the third proposed amendment for Section 7.7 "Parking and Loading", which needed to be made in order to be consistent with the current Illinois Accessibility Code. The first amendment in this section refers to the Illinois Accessibility Code directly, which will require handicapped parking spaces to always meet the most current requirements of the state's code. The second amendment allows for shared access aisles, provided they are not diagonal parking spaces. It also specifies which side of the vehicle the access aisle must be located. The third

amendment identifies paint requirements for access aisles. Furthermore, the amendment to Section 7.7 also included requirements for handicap signage.

Mr. Unes asked if people could come to the Zoning Board and ask for a variance for the number of handicap parking spaces, and Mr. Braun responded that because this requirement was determined at a state level, a petitioner could not ask for a variance of that type at the county level.

Mr. Braun stated that staff had done considerable research when considering landscaping requirements by talking with other municipalities, jurisdictions, and experts within the field and hoped that the board would be agreeable to the proposed amendments.

Mr. Bailliez asked how staff finds out when the state changes their regulations that impact county regulations, and Mr. Braun responded that sometimes staff stumbles across changes and sometimes they are notified.

Mr. Fletcher made a motion to close and deliberate and was seconded by Mr. Bateman. The motion passed; (6-0).

Miscellaneous:

No further questions or comments were made.

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

Meeting adjourned 12:07 p.m.

Respectfully submitted,

Ellen Hanks

ZBA Administrative Assistant