

MINUTES
Zoning Board of Appeals
Linda O'Brien, Chairperson
May 13, 2021

A meeting of the Peoria County Zoning Board of Appeals was held on Thursday, May 13, 2021, in Room 403 of the Peoria County Courthouse, 324 Main Street, Peoria, Illinois. The meeting was called to order by Chairperson Linda O'Brien, at 9:00 a.m.

PRESENT: Linda O'Brien – Chairperson, Greg Happ, Leonard Unes, Jim Bateman, Robert Asbell, J. Greg Fletcher

ABSENT: Andrew Keyt – Vice Chairperson, Justin Brown, John Harms

STAFF: Kathi Urban – Director
Taylor Armbruster – Planner I
Jennie Cordis-Boswell – Civil Assistant State's Attorney
Sarah Cox – ZBA Administrative Assistant

Mr. Happ made a motion to approve the minutes from the April 8, 2021 hearing and was seconded by Mr. Fletcher. A vote was taken, and the motion passed; (6-0)

Case No. 017-21-U at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **MARK AND PAULA FEUCHT, acting on their own behalf, a SPECIAL USE** request from Section 20-6.2.1.1.b of the Unified Development Ordinance. This section allows for a special use when a proposed land split does not meet the 40 acre minimum lot size in the A-1 Agricultural Preservation Zoning District. The petitioner proposes to divide 5 acres from an existing 40.5 acre parcel in order to separate the homestead from the agricultural use.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in *The Peoria Journal Star* on April 15, 2021, and *The Weekly Post* on April 22, 2021. The Peoria County Health Department requested a Subdivision Review Application and submittal of soil information. The Peoria County Highway Department has deferred to the Akron Township Road Commissioner. The Road Commissioner gave no comments. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Agricultural Preservation). The site plan and a video of the property were shown. The property is zoned "A-1".

Paula Feucht of 19015 N Feucht Rd., Princeville, IL 61559 was sworn in. They have been renting the house on the property to a family, and the family wanted to purchase the home. The Feucht's would retain the farm ground and continue farming it.

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Mr. Asbell asked if part of the timber ground would still be included in the agriculture ground. Ms. Feucht stated that there is a small section that would still be included in the farm ground and would remain the way it is.

Ms. O'Brien confirmed that no crops would be taken out of production and Ms. Feucht stated that this was correct.

Ms. O'Brien asked if there were any more questions from the Board. There were none. There were no proponents or objectors in the audience.

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

Case No. 018-21-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **DAVID INMAN, acting on behalf of Donald Love (owner)**, a **VARIANCE** request from Section 20-5.13.3.4 of the Unified Development Ordinance, which requires that for lots and parcels in platted subdivisions not created by tract surveys, 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 2,400 square foot accessory structure in the "R-1" Low Density Residential Zoning District, which would exceed the allowable cumulative square footage of 1,210 square feet, resulting in a variance request of 1,190 square feet.

Ms. Urban opened the case. There are 0 consents and 12 objections on file. The case was published in *The Peoria Journal Star* on April 15, 2021 and April 24, 2021. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Rural and Environmental Corridor). The site plan and two videos of the property were shown. The property is zoned "R-1".

David Inman of 501 Fantasy Ln., Chillicothe, IL was sworn in. Mr. Inman stated that he is speaking on behalf of Donald Love for a proposed new building. The 36' by 72' building would be situated behind his house, and the primary purpose would be storage of tractors, motorcycles, old cars, and lawnmowers.

Mr. Fletcher asked if the trees were already cut down where the building would go. Mr. Inman stated that they were. Mr. Fletcher asked how many trees were cut down and Mr. Inman responded that he didn't know because Mr. Love had already done that before he started. Mr. Fletcher also inquired about the setback. Mr. Inman stated that it would move the building away from the septic system, and the land is flatter and would help with runoff/drainage. Mr. Fletcher asked what kind of business would be run out of the building. Mr. Inman said it wouldn't be used for business, it would be used for storage. Mr. Fletcher asked about accessibility to the building. Mr. Inman stated that he would like access from the north end of the property.

Ms. O'Brien said that she noticed from the video that the motorcycles were not outside now. Mr. Inman said that they are currently outside and had been all winter.

Mr. Fletcher stated that it had been brought to the attention of the Board that a business was being run out of the house. Mr. Inman said there was none to his knowledge. Ms. O'Brien confirmed that the building wouldn't be used to store boat motors that Mr. Love is working on. Mr. Inman reiterated that it would be used for storage of motorcycles and garden equipment.

Mr. Fletcher stated that there appeared to be plenty of room for the building without the setback variance. Mr. Inman said that it was close to the septic system and also the land drops off. Mr. Fletcher stated that he didn't think it was that big of an incline. Mr. Inman said it was for erosion purposes.

Ms. O'Brien asked Mr. Inman if he was aware that this property is under a homeowners' association and that the HOA does not allow buildings of that size. Mr. Inman stated that he wasn't aware that there was a homeowners' association until this week when he received an email that Mr. Love had forwarded from the architecture team of the homeowners' association. He was not aware that there was a legal association involved with this matter and thought that it was a matter to be dealt with through the County. Ms. O'Brien stated that it is correct that the County is not bound by the rules of HOAs, however there is a lot of opposition from people in the neighborhood.

Mr. Inman stated that there are several metal outbuildings in the neighborhood, and that this would aesthetically look more like a home than an ag building. There will be overhang, lights, and windows. Mr. Happ asked if it would be wood sided. Mr. Inman stated that it will be metal.

Mr. Chris Scolton of 406 E. Swords Drive, Edelstein, IL 61526 was sworn in. Mr. Scolton stated that he lives one property over from Mr. Love. He put up an outbuilding about 8 years ago. He worked with the County and the HOA. He spent lots of time and resources making sure that his building was placed, and designed, so that it blended in with the neighborhood. Mr. Scolton said that he has been working with Mr. Love and coaching him, concerning some of the issues he had when constructing his building, and what he did to mitigate the issues. Mr. Love is trying to put up a facility to store items, so he can clean up his property. Mr. Scolton stated that in his opinion, the HOA like to pick and choose what they approve.

Ms. O'Brien asked if Mr. Scolton's building was bigger than what the HOA allows. Mr. Scolton said he does not recall that the HOA specified acceptable sizes. The architectural committee did approve the plans for his accessory building.

Mr. Scolton stated that he requested the setback variance so that he can keep some mature trees between the building and the road. Also, the space where the proposed building would be is necessary because of drainage on the property.

Mr. Bateman asked Mr. Scolton what the size of his building is. Mr. Scolton stated that his building is 36' by 40', and that there are other larger buildings in the neighborhood.

Ms. O'Brien asked if most of the lots in the neighborhood were about the same size as Mr. Love's. Mr. Scolton stated that Mr. Love has the largest lot. These properties were considered "horse properties" and the owners were allowed to have up to two horses.

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Mr. Fletcher asked Mr. Scolton if he knew if Mr. Love had taken his plans to the HOA. Mr. Scolton stated that Mr. Love had given the plans to the head of the architectural committee to the best of his knowledge.

Joe Saver of 320 Swords Drive, Edelstein, IL 61526 was sworn in. Mr. Saver stated that he strongly opposes the request for the setback variance and they want to maintain the County requirements. He is the adjacent property owner and is concerned about the integrity of his property. He had conversations with Mr. Love, and Mr. Love had originally stated that the building would be set back into the wooded area on the southwest side of the property.

Mr. Fletcher asked if there was a berm at the edge of his and Mr. Love's property. Mr. Saver stated that it is flat.

Ms. O'Brien asked if Mr. Love's motorcycles were visible from Mr. Saver's property. Mr. Saver stated that he could and that Mr. Love used to have a tent in the woods that he used to keep his things in. Mr. Fletcher asked Mr. Saver if he meant near the lake and Mr. Saver confirmed.

William O'Brien of 214 Meadowview Ct., Edelstein, IL 61526 was sworn in. Mr. O'Brien stated that he believes the structure is too big and will be a detriment to the neighbor and the properties around it. He believes it would be a detriment to the value of his home.

Mr. Bateman said that the previous speaker stated that there were other buildings of the same size in the neighborhood. Mr. Saver said that he didn't know, but if they met the zoning rules then there probably are.

Ms. O'Brien stated that having things like motorcycles sitting outside could also affect property values.

Mr. Fletcher asked if a building the size of Mr. Scolton's building would better suit the neighborhood. Mr. O'Brien stated that he can't speak for the HOA, or the other neighbors, but he wouldn't object.

Jim Capes of 202 Meadowview Ct., Edelstein, IL 61526 was sworn in. Mr. Capes stated that the size of the building is a problem for him as the size is not fitting for the neighborhood. The wide open spaces of the neighborhood are what makes it what it is.

Mr. Bateman asked about the sizes of buildings in the neighborhood. Mr. Capes stated that he doesn't have knowledge of the sizes of the buildings in the neighborhood, and that part of the reason he can't address that is because he can't see them because they are placed out of site.

Mr. O'Brien stated that there are a number of people that disagree with the variance. Ms. O'Brien stated that she has to go by the letters received and the people that were present to speak.

Ms. O'Brien asked Mr. Inman if he would like to address any of the comments. Mr. Inman asked if he could confer with Mr. Scolton for a moment. Ms. O'Brien said that he could.

Mr. Inman addressed the issue with property values. He stated that he has been in the business of buying, selling, and building for 45 years and has never once seen a property value decrease over

additional structures. Mr. Inman stated that Mr. Love's lot size is large enough to handle a building of this size.

Ms. O'Brien stated there was nothing in the variance application regarding the septic, and wanted to know if the variance isn't granted, would Mr. Love still be able to put up the building. Mr. Inman didn't know.

Mr. Bateman said he didn't see anything about a variance request. Ms. Urban explained that the setback request was on the revised application.

Ms. O'Brien asked if there were any other questions and there were none. Mr. Asbell made a motion to close and deliberate and was seconded by Mr. Bateman. A vote was taken, and the motion passed; (6-0)

Ms. O'Brien asked if there were any discussion amongst the Board.

Mr. Bateman stated that he thinks the building is very large.

Mr. Fletcher agreed with Mr. Bateman and stated that he had gone through the neighborhood and didn't see any buildings that were close to the size of the requested building. Also, that unless the building would be right on top of the septic tank, he doesn't see the need for the variance. Ms. O'Brien agreed.

Mr. Asbell said that he doesn't think that 36' by 72' is that big, and that it is actually a small shop. Mr. Happ agreed that its big, but not huge, and that the builder has plans to make it look nice.

Mr. Fletcher agrees about the size except that it is in a neighborhood.

Ms. O'Brien asked if there was any other discussion and there was none.

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 proposing to construct a 2,592 sq ft accessory structure in a platted subdivision in the R-1 Low Density Residential Zoning District. The size would exceed the allowable cumulative square footage of 1,218 feet, resulting in a variance request of 1,382 sq feet. The petitioner is also requesting a side setback of 10 feet instead of 15 feet, resulting in a variance of 5 feet. The petitioner has not demonstrated that there are any unique circumstances in this case that exist that would justify granting of the variance.
2. That the variation, if granted, will not alter the essential character of the locality;
 - The subject parcel is located in a platted subdivision where granting of the variation would violate the Homeowners Association By-Laws and Covenants. The requested size and

setback of the accessory structure would alter the single-family residential nature of the neighborhood. No other accessory structures of that size have been constructed in said subdivision that we know.

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 petitioner has not demonstrated that a hardship would result if the variance were denied.
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 petitioner has not demonstrated that the conditions upon which the said variation are based are unique to the property.
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;
 - Granting of the variance could possibly hinder improvements and growth in the neighborhood in which the property is located. The proposed size of the accessory structure does not aesthetically fit in this particular subdivision.
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;
 - If the variation were granted, property values in the neighborhood/subdivision could possibly be impaired or diminished.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - The proposed size of the accessory building does not meet the requirements for the reasonable use of the land.
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.
 - Denying the variance would not deprive the applicant reasonable use of his land. An accessory structure within the provisions of this Section and of appropriate size for said subdivision could still be constructed, and setback variance most likely would not be needed.

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. Bateman. A vote was taken, and the motion was denied; (1-5)

The Board took a break from 10:10-10:15.

Case No. 019-21-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **DENNIS MARK O'ROURKE, acting on his 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 a 12' by 16' accessory structure on a parcel without a principal structure in the "R-2" Medium 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 April 15, 2021. The Peoria County Highway Department has no objection. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (River Freight). The site plan and two videos of the property were shown. The property is zoned "R-2".

Dennis Mark O'Rourke of 12008 Riverview Rd, Chillicothe, IL was sworn in. Mr. O'Rourke stated that he would like to put a shed on his property at 12007 Riverview Rd, which is the property that is across the street from his home. He would like to place the shed at the back of the lot, as the septic for his home is toward the front. The shed would be used for storage of lawn tools, etc.

Ms. O'Brien asked if there were anyone that would like to speak for or against the petitioner and there were none. Mr. Fletcher made a motion to close and deliberate and was seconded by Mr. Asbell. 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 owns two pieces of property located across the street from each other, that are essentially tied together. His primary residence is located at 12008 N River Road, however his septic field is located across the street at 12007 N River Road. The petitioner is requesting a variance in order to construct a 12' by 16' utility shed on the rear of the property at 12007 N River Road.
2. That the variation, if granted, will not alter the essential character of the locality;
 - If the variance is granted, a utility shed will not alter the essential character of 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 home dwelling property does not support the addition of a utility shed, however the petitioner's property across the street would allow for a utility shed to be constructed towards the rear of the property, outside of the Illinois River flood plain. Denying of the variance

would result in a hardship to the owner as he would not be able to house the equipment necessary to maintain both pieces of 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;
 - See #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;
 - Granting of the variation will not affect the public health, safety, comfort, morals or welfare of the neighborhood. Granting of the variance would not be inconsistent with any officially adopted County plan.
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 proposed utility shed would be located to the rear of the property and would have no impact on the above mentioned.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - If granted, the variance is the minimum adjustment necessary in order to construct a utility shed.
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.
 - Denying the petitioner's request to construct a utility shed, in order to maintain his home and property, would deprive the applicant of reasonable use of his land.

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. Fletcher. A vote was taken, and the motion passed; (6-0)

Case No. 020-21-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **DAETTA AND CHARLES JONES, 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 a 60' by 40' accessory structure on a parcel without a principal structure in the "A-2" Agriculture 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 April 15, 2021 and *The Weekly Post* on April 22, 2021. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Rural and Environmental Corridor). The site plan and two videos of the property were shown. The property is zoned "R-1".

Charles Jones and Daetta Jones of 4623 N. Weaver Ridge Blvd., Peoria, IL were sworn in. Ms. Jones stated that they are requesting a variance to build a 60' by 40' storage before they build a house on the property. Route 150 is a very visible and heavily traveled road and they would like to use the building to store building materials for the construction of the home. Also, they would like to be able to store a tractor that they have purchased to maintain the property.

Mr. Asbell asked when they foresee starting the construction of the home. Ms. Jones said that they are currently working with builders and have narrowed it down to two. However, the price of building materials has gone up. Mr. Jones stated that if they could purchase the materials when the price is at the right point, they could store them out of the weather then they could move on with the building.

Mr. Fletcher asked if they had access to the property from Route 150. Ms. Jones said they will have to put in a culvert before they start to build, but the neighbor is allowing them to use their culvert for now.

Mr. Fletcher asked if the farm ground would be in production. Ms. Jones stated that pasture grass has been planted. Mr. Jones stated that they plan to landscape around the house and leave the rest pasture grass for local farmers.

Mr. Fletcher made a motion to close and deliberate and was seconded by Mr. Bateman. 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 proposing to construct a 60' by 40' accessory structure on a parcel without a principal structure in the "A-2" Zoning District. The said property is located on a primary road (Rt 150), which is highly visible to the public. The accessory structure is needed to house and secure building materials and equipment for future home construction on the site.
2. That the variation, if granted, will not alter the essential character of the locality;
 - This is a 5-acre parcel and storage/accessory buildings of this type are common in the surrounding agricultural area. If granted, the variation will not alter the essential character of the locality.

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;
 - Being on a primary road and the high visibility of this specific property increase the potential for theft of building materials and equipment. Denying the variance would result in a hardship for the petitioner in constructing a future home 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;
 - 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;
 - The petitioner has stated the accessory structure will be of high quality and professionally constructed and will be used for storing building materials and equipment. Granting of the variation will not affect the public health, safety, comfort, morals or welfare of the neighborhood. Granting of the variance would not be inconsistent with any officially adopted County plan.
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 proposed accessory structure would be on a 5-acre parcel and would not impair light and air to adjacent property, would not increase traffic volume and would pose no potential for fire or endangerment of public safety. Property values would not be impaired.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - The petitioner has indicated that the accessory structure is the minimum necessary for securing and housing building materials and equipment for a future homesite.
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.
 - An accessory structure is necessary for securing and storing equipment and building materials for a future homesite. Denying the variance would result in a hardship to the landowner.

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

Case No. 021-21-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **OSCAR GALLEGOS AND MAYRA SALAZAR, acting on their own behalf**, a **VARIANCE** request from Section 20-7.4.6.2 of the Unified Development Ordinance, which requires that no solid fence shall be constructed in a front setback past the front building line. The petitioner proposes to construct a solid, 6 foot fence in the front setback past the front building line.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in *The Peoria Journal Star* on April 15, 2021 and *Limestone Independent News* on April 21, 2021. The Limestone Township Planning Commission has recommended approval. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Urban). The site plan and two videos of the property were shown. The property is zoned "R-2".

Oscar Gallegos of 3425 Fremont Street, Peoria, IL was sworn in. Mr. Gallegos stated that he would like to put up a fence past the front house line because he has had some things stolen from his property. Also, both neighbors have dogs and he would like to keep the dogs and children from crossing the property lines.

Ms. O'Brien asked if it was his fence that was shown in the video. Mr. Gallegos stated that it was, and that he had started building the fence and was told that he needed a permit.

Ms. O'Brien asked if he was going to extend the fence as far as the neighbor's fence comes out. Mr. Gallegos said that he would. Ms. O'Brien stated that his house sits far back, and it doesn't leave much room in the back.

Mr. Fletcher asked if both sides would be wood privacy fence. Mr. Gallegos stated it would be wood privacy on both sides.

Ms. O'Brien asked if there was anyone who wanted to speak for or against the petitioner. There was no one.

Mr. Asbell made a motion to close and deliberate and was seconded by Mr. Bateman. 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 petitioners are requesting a variance in order to construct a solid 6 foot fence in the front setback past the front building line. This is a unique circumstance in the fact that the home is located on the far rear of the lot, not leaving ample space for a fenced area in the back yard. The petitioners have stated the fence is essential in order to keep their children and dogs confined and safe from street traffic.

2. That the variation, if granted, will not alter the essential character of the locality;
 - If the variance is granted, a 6 foot solid fence constructed past the front setback past the front building line will not alter the character of the neighborhood, as other properties, including the one next door, have similar fences.
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;
 - See # 1.
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 # 1.
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;
 - Granting of the variance will not affect the public health, safety, comfort, morals and welfare, or injurious to other property or improvements in the neighborhood. Granting of the variance would not be inconsistent with any officially adopted county plan.
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;
 - Granting of the variance will not impair light and air supply to adjacent property, it will not increase congestion in the public streets, increase the danger of fire, endanger public safety, nor diminish or impair property values in the neighborhood.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - The petitioners have indicated a 6 foot solid fence in the front setback past the front building line is the minimum adjustment necessary for their unique property, in order to contain children and dogs and keep them safe from street traffic.
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.
 - Denying the variance would deprive the applicants reasonable use of their land.

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

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

Approved 6/10/2021

Meeting adjourned at 10:45 a.m.

Respectfully submitted,

Sarah Cox
ZBA Administrative Assistant