

MINUTES
Zoning Board of Appeals
Loren Bailliez, Chairman
June 11, 2020

A meeting of the Peoria County Zoning Board of Appeals was held on Thursday June 11, 2020, in Room 403 of the Peoria County Courthouse, 324 Main Street, Peoria, Illinois. The meeting was called to order by acting Chairperson Linda O'Brien at 9:00 a.m.

PRESENT: Linda O'Brien, Greg Fletcher, Greg Happ, Andrew Keyt

ABSENT: Loren Bailliez, Justin Brown, John Harms, Leonard Unes, Jim Bateman

STAFF: Taylor Armbruster – Planner I
Corbin Bogle – Planner I
Andrew Braun – Assistant Director
Kathi Urban – Director
Jennie Cordis Boswell – Assistant Civil State's Attorney
Ellen Hanks - ZBA Administrative Assistant

Mr. Keyt made a motion to approve the minutes from the March 12, 2020 hearing and was seconded by Mr. Fletcher. A vote was taken and the motion passed; (4-0)

Case No. 016-20-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **JOHN & DAWN MICHAEL, acting on their own behalf, a VARIANCE** request from Section 20-6.3.2.1.a.1 of the Unified Development Ordinance which requires a road setback of 75 from the right-of-way in the "A-2" Agriculture Zoning District. The petitioner is proposing to construct a detached garage at a distance of 49 feet from the right-of-way, resulting in a variance request of 26 feet.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on May 26, 2020 and the Limestone Independent News on May 20, 2020. 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 (Agriculture Preservation & Environmental Corridor). The site plan and two videos of the property were shown. The property is zoned A-2.

Greg Washburn of 509 Cornhill St, Peoria, was sworn in. Mr. Washburn stated that the owners needed a variance to build the proposed garage closer to Farmington Road than allowed because there was not enough room.

Mr. Happ asked if the existing garage would stay, and Mr. Washburn responded that it would. Mr. Happ asked where the new garage would be placed in relationship to the existing garage, and Mr. Washburn responded that it would be in front, but he would need to defer to the owner for a more specific explanation.

John Michael of 8904 W. Farmington Rd., Hanna City, was sworn in. Mr. Michael stated that it would be approximately 15 feet from the existing garage. Mr. Fletcher asked if it would be in front of the existing garage, and Mr. Michael stated that it would be in front of it and would be placed at the end of an existing concrete slab.

Mr. Keyt asked if Mr. Michael had spoken to any of his neighbors, and Mr. Michael stated that he did have one neighbor approach him after he received a letter notifying him of the case. Mr. Keyt asked if the neighbor had made any objection to the request, and Mr. Michael responded that he had not. Mr. Michael added that he was not aware of any objections. Mr. Washburn added that most of the neighbors' homes were far from Mr. Michael's home.

Ms. O'Brien asked if there was anyone present who wanted to speak for or against the case, and there was no one. Mr. Keyt made a motion to close and deliberate and was seconded by Mr. Fletcher. A vote was taken, and the motion passed; (4-0)

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 a variance of 26 feet in order to construct a garage. Water runoff and gullies make it impossible for the garage to be built anywhere else on their land.
2. That the variation, if granted, will not alter the essential character of the locality;
 - Nothing else on the property will change and the proposed garage will be an improvement.
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 petitioners need to house their vehicles, so not having the garage would result in a hardship to the owner.
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;
 - The proposed garage will sit back on the 2.635 acre parcel and be an improvement to the property. Granting of the variance will not be detrimental or injurious to the above mentioned.

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 the variance will not affect light and air supply, nor increase congestion on streets or the danger of fire and will not endanger public safety. Property values will not be diminished and may possibly increase.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - The homeowner has no other option. The variance request is the minimum adjustment necessary to build the proposed garage on their property.
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.
 - If the variance was not granted, the homeowner would not be able to build a garage or house their vehicles therefore depriving him or her the reasonable use of their land.

Mr. Fletcher made a motion to approve the findings of fact and was seconded by Mr. Keyt. A vote was taken, and the motion passed; (4-0) Mr. Happ made a motion to approve the request and was seconded by Mr. Keyt. A vote was taken and the motion was approved. (4-0)

Case No. 017-20-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **ERIC & SHANNON RANSOM, 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 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 990 square foot accessory structure in the "R-2" Rural Residential Zoning District, which would exceed the allowable cumulative square footage of 942 square feet, resulting in a variance request of 48 square feet. Also, A Variance request from Section 20-6.6.2.2.c.3 of the Unified Development Ordinance, which requires a side setback of 5 feet for accessory structures. The petitioner has requested to construct a 990 sq. ft. building at a distance of 2 feet from the northern side property line, resulting in a variance request of 3 feet.

Ms. Urban opened the case. There are 2 consents and 0 objections on file. The case was published in the Peoria Journal Star on May 26, 2020 and the Chillicothe Bulletin on May 20, 2020. Corbin Bogle gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Unincorporated Center). The site plan and two videos of the property were shown. The property is zoned R-2.

Eric Ransom of 15605 N. Seventh St, Chillicothe, was sworn in. Mr. Ransom explained that he needed a variance for the setback of the proposed garage. Mr. Ransom stated that the existing garage is 2 feet from the property line, and he would like the proposed garage to line up with it so that it would look nicer. Mr. Ransom added that the existing building was there when they purchased the property.

Additionally, Mr. Ransom stated that they were also asking for a variance for the size of the building. Mr. Ransom explained that the building they were proposing to buy came in 6-foot prefabricated sections, which means that only certain sizes are available. Further, Mr. Ransom stated that they do have a lot of items they would like to store inside the building, which are currently stored in a rental unit in Chillicothe. Mr. Ransom added that he had spoken with his neighbor and his neighbor had submitted a letter of no objection to the request.

Mr. Fletcher asked if the existing little shed would also remain, and Mr. Ransom responded that it would. Mr. Fletcher asked if the new garage would be attached to the existing detached garage, and Mr. Ransom responded that it would not. Mr. Happ asked where the garage would be accessed from, and Mr. Ransom stated that it would be accessed through the yard to the south of the building.

Thomas Haney of 15611 N. Seventh St., Chillicothe, was sworn in. Mr. Haney stated that 2 feet from the property is an adequate amount of space to mow and maintain the building. Mr. Haney added that he has not had any problems with the existing building, which is already 2 feet off of the property line. Mr. Haney stated that he did not believe the proposed building would be an inconvenience and will look nice. Mr. Haney stated that he had no objection to the request.

Ms. O'Brien asked if there was anyone else present who wanted to speak for or against the case, and there was no one. Mr. Fletcher made a motion to close and deliberate and was seconded by Mr. Keyt. A vote was taken, and the motion passed; (4-0)

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 a 990 square foot accessory structure resulting in a variance request of 48 square feet. Building anything smaller would not be sufficient to house all of his personal hunting, lawn, and recreational equipment. The petitioner is also requesting a 3-foot property line variance in order for the new construction to be in alignment with an existing garage, which was built 2 feet from the property line.
2. That the variation, if granted, will not alter the essential character of the locality;
 - Granting of the property line variance will enhance the character of the property as all buildings will be in alignment and not staggered. Granting of the 48 square foot size variance will not alter the essential character of the locality as this property is much larger than others in the area.
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 existing garage was on the property when purchased and aesthetically the buildings need to be in alignment. Also, the property does not allow for another building site due to a septic

leach field. The owner has chosen a fixed size option build of 6-foot increments instead of a custom build that would cost considerably more money resulting in a hardship to the owner.

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;
 - Granting of the variances will not affect any of the above-mentioned items. Neighbors to the north are in agreement with the plans and sent a letter of endorsement.
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;
 - None of the above would be affected, and as mentioned in item #5, neighbors have given their approval.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - The 3 foot variance request is the minimum adjustment necessary in order for the buildings to be in alignment. The 48 square foot variance request is the minimum adjustment necessary for all of the petitioner's equipment to be housed.
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.
 - Not granting the request would deny the applicant reasonable use of his or her land.

Mr. Happ made a motion to approve the findings of fact and was seconded by Mr. Keyt. A vote was taken, and the motion passed; (4-0) Mr. Keyt made a motion to approve the request and was seconded by Mr. Fletcher. A vote was taken and the motion was approved. (4-0)

Case No. 018-20-U at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **DEBRA S. SILZER, acting on behalf of DORIS J. FENWICK (owner)**, a **SPECIAL USE** as required in Section 20.5.2.2.1.a.1 of the Unified Development Ordinance. This section allows for a special use when a proposed land split does not meet the 25 acre minimum lot size nor the 1 dwelling unit per 25 contiguous acres density requirement in the A-2 Agricultural District. The petitioner proposes to divide an existing 23.06 parcel into 3 parcels of approximately 13.6 acres, 8.7 acres, and 1 acre.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on May 26, 2020 and the Weekly Post on May 21, 2020. Staff has recommended

approval with restriction. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Agriculture). The site plan and three videos of the property were shown. The property is zoned A-2.

Debra Silzer of 6622 N. Eden Rd., Brimfield, was sworn in. Ms. Silzer stated that she would like to divide off and sell her mom's house as she had passed away approximately 2 years prior.

Mr. Fletcher asked if family lived in the houses which were all being divided off onto their own parcels, and Ms. Silzer responded that this was correct. Mr. Fletcher asked if there was approval from the Health Department for the request, and Ms. Silzer stated that it had all been settled with the Health Department.

Ms. O'Brien asked if there was anyone present who wanted to speak for or against the case, and there was no one. Mr. Fletcher made a motion to close and deliberate and was seconded by Mr. Happ. A vote was taken, and the motion passed; (4-0)

The board took a break from 9:50 a.m. – 10:00 a.m.

Case No. 019-20-V at 10:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **JON & LISA STEGMAIER, acting on their own behalf**, a **VARIANCE** request from Section 20-6.3.2.1.b.1 of the Unified Development Ordinance which requires a road setback of 75 feet from the right-of-way or 115 feet from the center of the right-of-way, whichever distance is greater. The petitioner is proposing to construct a solar array in the "A-2" Agriculture Zoning District at a distance of 24 feet from the right-of-way, resulting in a variance request of 51 feet. Also, A Variance request from Section 20-6.3.2.3.d.2.a of the Unified Development Ordinance, which requires a rear setback of 15 feet for accessory structures less than 2,000 square feet. The petitioner has requested to construct a solar array at a distance of 6 feet from the rear property line, resulting in a variance request of 9 feet.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on May 26, 2020 and the Weekly Post on May 20, 2020. Corbin Bogle gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Agriculture). The site plan and two videos of the property were shown. The property is zoned A-2.

Mr. Happ stated that he knows Mr. Stegmaier, but it would not affect his decision on the case.

Jon Stegmaier of 11906 W. Cottonwood Rd., Brimfield, was sworn in. Mr. Stegmaier stated that he was requesting a variance on his property for a solar array that he would like to erect.

Mr. Keyt asked what the total area of the solar array was, and Mr. Stegmaier responded that it was less than 700 square feet, but it might vary slightly depending on which panels were used. Mr. Stegmaier stated that the panels were approximately 13' x 18' in size. Mr. Stegmaier added that the system was a 10kW output system. Additionally, Mr. Stegmaier stated that he was looking at a fixed system with southern exposure, which would be most efficient for this spot on the property. Mr. Stegmaier stated that the lake to the south of his house next to his rear property line was owned by himself and his two brothers.

Mr. Fletcher asked if Mr. Stegmaier knew the petitioner asking for a similar variance on Cottonwood for a solar array, and Mr. Stegmaier responded that this property was located to the west of his and was owned by the Branns. Mr. Fletcher asked if the panels would be parallel to Cottonwood Rd., and Mr. Stegmaier responded that they would not be parallel to the road so they could get better southern exposure. Mr. Stegmaier added that the array would be placed close to the hillside so they would not stick up as far. Mr. Stegmaier also stated that the panels would be at an approximately 30 degree tilt most of the time, but could be tilted as needed in different seasons for maximum efficiency.

Kevin Brann of 12508 Cottonwood Rd., Hanna City, was sworn in. Mr. Brann stated that he had a common interest in the case in that he would be asking for the same request in the next case. Mr. Brann stated that he did not see how the request would impact the area negatively and he had no objection.

Ms. O'Brien asked if there was anyone else present who wanted to speak for or against the case, and there was no one. Mr. Fletcher made a motion to close and deliberate and was seconded by Mr. Happ. A vote was taken, and the motion passed; (4-0)

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 10-kilowatt solar array in the A-2 Agricultural Zoning District at a distance of 24 feet from the right of way resulting in a variance request of 51 feet. The petitioner has requested to build the solar array at a distance of 6 feet from the property line in the rear resulting in a variance request of 9 feet. The petitioner is restricted on where the solar array can be built because the parcel is long and narrow with a residence, outbuildings, a lake, and mature trees.
2. That the variation, if granted, will not alter the essential character of the locality;
 - The proposed location of the solar array would not require removal of mature trees and the natural slope of this area will blend well with the slope required for optimum solar efficiency.
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 shape and size of the parcel is long and narrow. The only feasible area for the system is east of the petitioner's residence. This location would not require removal of mature trees and would meet the maximum distance required from the owner's meter to avoid voltage drop. The natural slope of the proposed area would provide optimum solar efficiency. A hardship would occur if the landowner were not able to build a viable renewable resource to supplement his electric use.

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 granting of the variance would 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 and is not inconsistent with any officially adopted county plan or these regulations. The increased value of power savings will likely add overall value to the 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 variance request if granted will not impair the supply of light and air to adjacent property. It will not increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or diminish or impair property values within the neighborhood.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - The petitioner has indicated that the variance request is the minimum adjustment necessary for the solar array and is a 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.
 - The applicant will be deprived of constructing a viable renewable resource to supplement his electric use on his land.

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; (4-0) Mr. Happ made a motion to approve the request and was seconded by Mr. Keyt. A vote was taken and the motion was approved. (4-0)

Case No. 020-20-V at 10:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **KEVIN & TAMI BRANN, acting on their own behalf**, a **VARIANCE** request from Section 20-6.3.2.1.b.1 of the Unified Development Ordinance which requires a road setback of 75 feet from the right-of-way or 115 feet from the center of the right-of-way, whichever distance is greater. The petitioner is proposing to construct a solar array in the "A-2" Agriculture Zoning District at a distance of 17 feet from the right-of-way, resulting in a variance request of 58 feet.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on May 26, 2020 and the Weekly Post on May 21, 2020. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Agriculture). The site plan and two videos of the property were shown. The property is zoned A-2.

Mr. Happ stated that he knows Mr. Brann, but it would not affect his decision on the case.

Kevin Brann of 12508 W. Cottonwood Rd., Hanna City, was sworn in. Mr. Brann explained that he was proposing to construct a solar array on his property. Mr. Brann added that he was limited to a spot that would be closest to his electric meter, which was located by Cottonwood Road. Mr. Brann stated that the location of the lake was also limiting because it separated most of the property from the electrical meter location.

Mr. Fletcher asked if Mr. Brann would be able to put the solar array on the south side of the lake, and Mr. Brann responded that he would have to bury the cable under the lake to do so. Mr. Brann also added that the further the solar array was from the electric meter, the less efficient it would be. Mr. Keyt asked what the total area of the solar array would be, and Mr. Brann responded that the dimensions were 63' x 13'. Mr. Fletcher stated that that would be approximately 800 square feet. Mr. Brann added that the design of the solar array would be for multiple panels to be connected to a single post. Mr. Keyt asked what the cost difference would be if the array was placed to the south of the lake, and Mr. Brann responded that he was unsure of the exact difference, but it would surely cost more.

Jon Stegmaier of 11906 W. Cottonwood Rd., Brimfield, was sworn in. Mr. Stegmaier explained that he was Mr. Brann's neighbor to the east and his house was approximately 2500 feet away. Mr. Stegmaier stated that the largest obstacle for Mr. Brann would be the voltage drop if the array were placed further from the meter in another location. Mr. Stegmaier also noted that the topography of the land south of the lake would not be conducive for a solar array. Mr. Stegmaier concluded that the proposed location for the solar panels would not impede line of sight by the road and that the panels would be an improvement to the property. Mr. Stegmaier stated that he had no objection.

Ms. O'Brien asked if there was anyone present who wanted to speak for or against the case, and there was no one else. Mr. Keyt made a motion to close and deliberate and was seconded by Mr. Happ. A vote was taken, and the motion passed; (4-0)

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 solar array in the A-2 Agricultural Zoning District at a distance of 17 feet from the right of way resulting in a variance request of 58 feet. The petitioner's service meter is located on a pole at the edge of the right of way. Maximum distance from the solar array to the meter should not exceed 300 feet. The strip of land

adjacent to the right of way is approximately 45-50 feet with a steep bank at the lake. The array needs to be constructed to the north of the bank for stability concern. If built on the south side of the lake, the petitioner would experience a voltage drop.

2. That the variation, if granted, will not alter the essential character of the locality;
 - The proposed area is currently covered in brush and overgrowth. The petitioner has indicated that the array will conceal many dumpsters across the street that are the same distance from the right of way, therefore it 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;
 - Due to the meter location, available north land strip dimensions, slope, and location of the lake, the alternate location would be approximately 600-700 feet from the meter, which is not feasible due to voltage drop and system efficiency. It could also be cost prohibitive.
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 is requesting the variance due to the placement of the meter and the layout of the land.
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;
 - If the variance is granted, the solar array would not be visible to other properties. There would be no impact on the public health, safety, comfort, morals and welfare, and the neighborhood would show improvement as the area would be cleared and well kept to protect the solar array.
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 granted, the variance will have no impact on any of the above mentioned in #6.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - The variance request of 58 feet is the minimum adjustment necessary to install the solar array due to the dimension of the land between the road and the lake. See #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.
 - If the applicant were denied this variance, he would be unable to install the solar array resulting in an unreasonable use of his land. See #3 also.

Mr. Fletcher made a motion to approve the findings of fact and was seconded by Mr. Keyt. A vote was taken, and the motion passed; (4-0) Mr. Fletcher made a motion to approve the request and was seconded by Mr. Happ. A vote was taken and the motion was approved. (4-0)

Case No. 021-20-V at 10:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **MATTHEW & NICOLE BENDER, acting on their own behalf**, a **VARIANCE** request from Section 20-3.2.14 of the Unified Development Ordinance, which requires that there shall be a maximum of 2 permits issued for the same construction project for a single structure. The petitioner proposes to acquire a third permit to finish a construction project.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on May 26, 2020 and the Limestone Independent News on May 20, 2020. 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 (Urban & Environmental Corridor). The site plan and two videos of the property were shown. The property is zoned R-2.

Matthew Bender of 1005 Taylor Ln., Bartonville, was sworn in. Mr. Bender stated that he needed the third permit in order to finish his construction project. Mr. Bender stated that he is completing the project by himself, but his work schedule and travel commitments for work have prevented him from completing the project more quickly.

Mr. Fletcher asked what needed to be finished, and Mr. Bender responded that siding and insulation were needed. Additionally, Mr. Bender stated that he needed a framing inspection. Ms. O'Brien asked if Mr. Bender was certain he would finish the project in the allotted amount of time given in the third permit, and Mr. Bender stated that he would finish it within the time frame of the third permit. Mr. Fletcher asked if Mr. Bender would be siding the house himself, and Mr. Bender responded that he would be. Mr. Fletcher asked if the walls on the inside were open, and Mr. Bender responded that they were. Mr. Fletcher asked if Mr. Bender's work schedule would now allow for him to complete the project, and Mr. Bender responded that because of COVID-19, his travel arrangements for work had been canceled through the end of the year, which would allow him more time at home to work on the project. Mr. Bender reiterated that he would be able to finish the project in the time frame allowed by the third permit.

Ms. O'Brien asked if there was anyone present who wanted to speak for or against the case, and there was no one. Mr. Fletcher made a motion to close and deliberate and was seconded by Mr. Keyt. A vote was taken, and the motion passed; (4-0)

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 a third permit to finish a construction project, which includes a porch addition with dormers and a new roof. He has indicated that he is doing all of the work himself and due to his employment, financial constraints, and family obligations, he has not been able to finish the project in the time allotted.
2. That the variation, if granted, will not alter the essential character of the locality;
 - Granting of the third permit will enable the petitioner to finish the project, and in turn, improve his 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;
 - If the third permit were not granted, the owner would not be able to finish the project resulting in diminished property values and hardship.
 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 been busy traveling for work, but due to COVID-19 that is no longer the case. The petitioner feels he will be able to finish the project because of these changes to his work travel commitments.
 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;
 - If granted, the variance would allow the petitioner to complete the project and improve the curb appeal in 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;
 - If granted, the variance 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. Finishing the project will likely improve the property values in the neighborhood.
 7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - The petitioner has indicated that the project is currently 75% complete. If granted, the third permit will allow him time to complete the project.
 8. That aforesaid circumstances or conditions are such that the strict application of the provisions of this Section would deprive the applicant of reasonable use of his or her land.
 - If the variance is not granted, the project cannot be completed, resulting in diminished home and property values, as well as diminished neighboring property values.

Mr. Happ made a motion to approve the findings of fact and was seconded by Mr. Keyt. A vote was taken, and the motion passed; (4-0) Mr. Keyt made a motion to approve the request and was seconded by Mr. Happ. A vote was taken and the motion was approved. (4-0)

Case No. 022-20-S at 10:00 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 2, Section 2.2 ("Zoning Board of Appeals"), Article 3, Section 3.5 ("Special Use Permits"), Article 7, Section 7.18 ("Cannabis Business Establishments"), and Article 11, Section 11.1 ("Definitions") of the Peoria County Code.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on May 26, 2020.

Andrew Braun of 324 Main St., Room 301, Peoria, was sworn in. Mr. Braun began the presentation with an explanation of the amendments to Section 20-3.5.3.3.g.5, which is for submittal requirements for Special Use Permits. Planning and Zoning staff had attended a seminar where they learned it may be beneficial to add the proposed language to the ordinance, which protects the county and tax payors from incurring additional expenses as a result of some special use hearings. Currently, special use applications require filing, recording, and publication fees; however, with some large-scale cases, sometimes extra hearings or special witnesses/experts would need to be consulted, which could result in excess fees. This amendment would ensure that any extra fees would be the responsibility of the applicant. This amendment would require a waiver for the applicant to sign to be added to the Special Use Permit application.

Mr. Keyt pointed out that the word "by" was missing from the proposed section amendment language in the last sentence after the word incurred. The rest of the board and staff agreed that this was a necessary fix that staff would update before taking the amendment to the County Board. Ms. Cordis Boswell agreed that this error could be fixed before moving forward to the County Board and the Zoning Board could vote on the amendment.

The next section Mr. Braun presented on was 20-7.18 "Cannabis Business Establishments". Mr. Braun explained that this section was adopted in December of 2019 by the County Board. At the time this ordinance was originally being adopted by Peoria County, staff was aware that there was a trailer bill being considered by the state that would offer some cleanup language in the future. Part of the amendment in Section 20-7.18.3.5 requires an applicant who submits to the state regarding a proposed location in Peoria County's jurisdiction to also notify the Department of Planning and Zoning within 10 business days. This will allow the county to verify that they have had an opportunity to review the proposed location for ordinance requirements. Mr. Braun further explained that as part of the application to the state, applicants must provide a form that the local zoning jurisdiction must review. This ordinance requirement would help the Department of Planning and Zoning receive proper notice of the intentions on a piece of property for this type of use. Additionally, retail tobacco stores were added to the prohibition list for on site consumption. Furthermore, three definitions related to Cannabis Business Establishments would be updated as part of the amendment as well.

Finally, Mr. Braun concluded his presentation by discussing the amendment to Section 20-2.2.6 “Hearing Procedures”. Previously, staff was required by ordinance to publish all Zoning Board hearing dates for the following year in the newspaper. Because of staff reductions, budget cuts, and impacts due to COVID-19, staff decided this yearly publication was not necessary. Removing this requirement allows for more flexibility in determining a hearing schedule that could meet more or less frequently based on case load and other factors such as staffing levels.

Ms. O’Brien asked if there was anyone present who wanted to speak for or against the case, and there was no one. Mr. Fletcher made a motion to close and deliberate and was seconded by Mr. Happ. A vote was taken, and the motion passed; (4-0)

FINDINGS OF FACT FOR TEXT AMENDMENTS

Section 20-3.6.4

In evaluating a proposed text amendment, the following factors shall be considered, not one of which shall be controlling:

1. The proposed amendment corrects an error or inconsistency or meets the challenge of some changing condition;
 - Public Act 101-0593 provides for clean up language on previously passed Recreational Cannabis legislation under the Cannabis Regulation and Tax Act. The proposed amendment makes those same amendments to the Peoria County Unified Development Ordinance.
 - The proposed amendment to Section 20-3.5.3.3.g.5 requires for the applicant of a Special Use request to submit a signed statement certifying that the applicant is responsible for all additional costs incurred by the county as a result of the Special Use and any subsequent appeals. This eliminates any financial burden to the county as a result of costs incurred through an applicant’s zoning request.
 - The proposed amendment the Section 20-2.2 allows for the frequency of Zoning Board of Appeals hearing to be determined at the discretion of the Zoning Board of Appeals rather than established at the beginning of each year. This reduction is necessary as a result of changing conditions due to COVID-19.
2. The proposed amendment is consistent with the purpose and intent of this ordinance;
 - The proposed amendments to Section 20-7.18 are consistent with meeting the compliance standards established by the State of Illinois related to Adult Use Recreational Cannabis.
 - The proposed amendments to Section 20-3.5.3.3.g.5 and Section 20-2.2 are consistent with meeting the purpose and intent of this ordinance in which it is the intent of the County Board that the development process in the county be efficient in terms of time and expense, effective in terms of addressing the natural resource and public facility implications of proposed development, and equitable in terms of consistency with the established regulations and procedures, respect for the rights of property owners, and consideration of interest of the citizens of the county.
3. The proposed amendment will not adversely affect health, safety, morals, and general welfare of the public;

- The proposed amendments to Section 20-7.18 will not adversely affect health, safety, morals or general welfare of the public. It is intended to strengthen and clarify existing language related to the sale and consumption of adult use recreational cannabis.
4. The proposed amendment is required because of a change in State or Federal law;
- Public Act 101-0593 provides for clean up language on previously passed recreational cannabis legislation under the Cannabis Regulation Tax Act. Public Act 101-0593 had an effective date of December 4, 2019. Under zoning case 2019-056-S, the Peoria County Board adopted the Adult Use Cannabis regulations on December 12, 2019. However, in order for adoption on December 12, 2019, it had been filed subsequent to the October 2019 hearing, which would have not allowed for the content of the cleanup language to be included in the county's text amendment.

A motion to approve the Findings of Fact was made by Mr. Fletcher and seconded by Mr. Keyt. affirmative votes; (4-0) A motion to approve the Text Amendment with the addition of the word "by" as pointed out by Mr. Keyt in discussion was made by Mr. Happ and seconded by Mr. Keyt. A vote was taken and the motion was approved; (4-0)

Miscellaneous:

No further questions or comments were made.

Mr. Happ made a motion to adjourn and was seconded by Mr. Fletcher. A vote was taken, and the motion passed; (4-0)

Meeting adjourned 11:05 a.m.
Respectfully submitted,
Ellen Hanks
ZBA Administrative Assistant