

MINUTES
Zoning Board of Appeals
Loren Bailliez, Chairman
June 13, 2019

A meeting of the Peoria County Zoning Board of Appeals was held on Thursday June 13, 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, Linda O'Brien, Andrew Keyt, Greg Happ

ABSENT: Justin Brown, John Harms

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

Mr. Bateman made a motion to approve the minutes from the May 9, 2019 hearing and was seconded by Mr. Fletcher. A vote was taken and the motion passed; (7-0)

Case No. 024-19-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **BRADLY & MARGARET ROLANDO, 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 divide a parcel in such a way that a shed, barn, and cabin will remain on a parcel without a principal structure in the "A-1" Agricultural Preservation Zoning District.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on May 11, 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 & Environmental Corridor). The site plan and four videos of the property were shown. The property is zoned A-1.

Bradly & Margaret Rolando of 17301 N. McDonald Rd., Trivoli, were sworn in. Mr. Rolando stated that they were splitting their property such that accessory buildings would be left without a principal structure. Mr. Rolando explained that these structures were a small cabin, a shed, and a barn.

Ms. O'Brien asked why the Rolandos were splitting the property, and Mr. Rolando responded that their health was declining, which made maintaining the 85 acres more difficult than it was 26 years ago when they purchased the property. Mr. Rolando added that they would be splitting off about 10 acres with the house to keep. Mr. Rolando added that there was a family member interested in purchasing the

remaining 75 acres for recreational use. Mr. Rolando also stated that this family member lived approximately 4 miles away from this site. Mr. Bateman asked if the cabin was occupied, and Mr. Rolando responded that it was not. Mr. Rolando added that it had no running water or indoor plumbing and was used only for recreational purposes. Mr. Bailliez asked what would happen if the family member decided not to purchase the remaining acreage, and Mr. Rolando stated that they would probably try to put the piece of property up for sale on the open market.

Mr. Bailliez asked approximately how much of the land was tillable, and Mr. Rolando responded that there was only about 12 acres of tillable ground, but it had since been converted to land used in the Acres for Wildlife Program through the State of Illinois. Mr. Keyt asked if the remaining 75 acres would have road access, and Mr. Rolando responded that it had to have 60 feet of road frontage. Ms. Urban explained that there was an accompanying subdivision waiver being voted on by the County Board that night regarding the frontage and access for these properties. Ms. Urban further explained that even if the variance was approved, the subdivision waiver would have to be approved in order for the plat of the land split to be approved. Mr. Rolando explained that their neighbor was agreeable to selling them some land in order to achieve a certain amount of road frontage if necessary. Mr. Fletcher asked if there was a purchase contract in place for the sale of the land, and Mr. Rolando explained that there was a verbal agreement with this neighbor, but they were waiting to see if the waiver was approved before moving forward. Mr. Fletcher asked if the access driveway to both properties after the split would be shared, and Mr. Rolando responded that if the family member purchased it they would share.

Mr. Bailliez asked if there was anyone present who wanted to speak for or against the case, and there was no one. Ms. O'Brien made a motion to close and deliberate and was seconded by Mr. Bateman. A vote was taken, and the motion passed; (7-0)

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 would like to divide the 85+ acres into a parcel of 10.5 acres and another 75.5 acre parcel used for recreational use only for family and friends. In doing this split, the 75.5 acres will have accessory buildings without a principal structure on the property.
2. That the variation, if granted, will not alter the essential character of the locality;
 - This parcel is all timber and valleys and used as a recreational area for family and friends.
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 size, trees, hills and creek as a whole have become a hardship because of the petitioners' age and health issues.

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 petitioners' health issues have prevented them from properly maintaining the integrity of 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;
 - Separating the parcel will not change the public health, safety, comfort, morals and welfare or be injurious to other property.
6. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood;
 - There is no change to the above conditions.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - The land split reduces the amount of work to properly care for 10.5 acres versus the 85+ acres with all the buildings and pond.
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.
 - Due to the petitioners' age, they can maintain the 10.5 acres where they live.

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

Case No. 025-19-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **GLEN P. & BETTY L. STALLINGS, acting on their own behalf**, a **VARIANCE** request from Section 20-6.3.2.1.d.1 of the Unified Development Ordinance, which requires a road setback of 70 feet from the center of the right-of-way in the "A-2" Agriculture Zoning District. The petitioner proposes to construct a swimming pool at a distance of 53 feet from the center of the right-of-way, resulting in a variance request of 17 feet. The petitioner also proposes to construct a deck at a distance of 47 feet from the center of the right-of-way, resulting in a variance request of 23 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 11, 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). The site plan and three videos of the property were shown. The property is zoned A-2.

Glen Stallings of 15405 W. Glasford Canton Rd., Glasford, was sworn in. Mr. Stallings stated that he had put up a pool and was not aware he needed a permit for it. Mr. Stallings explained that although his lot was an acre in size, it was long and narrow, which meant that no matter where he placed the pool it would not meet the setback requirements. Mr. Stallings added that the existing house would be closer to Coats Road than the pool or deck would be. Mr. Stallings also stated that Coats Road is a dead-end road with approximately seven houses past his house. Mr. Stallings explained that he thought there were probably only 20 vehicles trips each day on Coats Road. Mr. Stallings also explained that the deck was not built to code, so he had to remove it; however, he was intending on rebuilding it if the variance was granted for the setback.

Ms. O'Brien asked if the road commissioner had commented on the case, and Ms. Urban responded that no comment was received. Mr. Bailliez asked how wide the parcel was, and Mr. Stallings responded that he guessed it was around 70 feet wide. Mr. Bogle measured the parcel on GIS and stated that the parcel was approximately 65 feet in width. Mr. Bailliez asked how big the pool was, and Mr. Stallings responded that it was 30 feet round. Mr. Stallings added that when he purchased the pool the company did not mention anything about obtaining permits. Mr. Bailliez commented that the width of the parcel combined with the size of the pool did not leave an option for moving the pool to a spot that would meet setbacks. Mr. Bailliez asked if there was a pool on the property previously, and Mr. Stallings responded that he had heard there had been one years ago.

Mr. Bailliez asked if there was anyone present who wanted to speak for or against the case, and there was no one. Ms. O'Brien made a motion to close and deliberate and was seconded by Mr. Happ. A vote was taken, and the motion passed; (7-0)

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 has an above ground swimming pool too close to Coats Road requiring a variance of 17 feet. The parcel is long and narrow. In order to meet the code, the pool would not fit the parcel.
2. That the variation, if granted, will not alter the essential character of the locality;
 - There are similar size pools 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 parcel is long and narrow and slopes toward Coats Road. This road is a dead end road with approximately 9 or 10 homes, none of which are within 100 yards of the swimming pool.

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 items 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;
 - The pool, decking, and fencing meets the county code. The other conditions will not change.
6. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood;
 - None of the above conditions will be affected by this variance.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - Based on the size of the lot and the location of the lot line, the petitioner needs this variance for the pool to fit in this location.
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 allowed, the pool would have to be removed.

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

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

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

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on March 10, 2019 and the Weekly Post on March 21, 2019. Celía Burke 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.

Debra & Jason Talley of 19125 N. Daily Rd., Princeville, was sworn in. Ms. Talley stated that they were requesting a building to store their personal property.

Mr. Bailliez asked if the Talleys could provide an update since the last hearing, and Ms. Talley responded that the bucket truck used for business purposes is now being stored somewhere else off site. Ms. Talley added that everything stored in the proposed building would be for residential use and no business items would be stored in the building. Mr. Fletcher confirmed that the proposed building would not be used for business storage, and the Talleys both confirmed that this was correct.

Mr. Bailliez asked if the surveyor had confirmed if the two pieces the Talleys own were adjacent and could be combined, and Mr. Talley responded that the surveyor was still working on it; however, the surveyor felt that it was likely possible to do. Mr. Talley stated that if the properties did not adjoin, the neighbor was agreeable to swapping some land in order for the Talley's to connect their two properties. Mr. Talley stated that in order to do a Major Home Occupation, they would need to be able to combine the properties; however, since they are unsure if they can combine the properties at this point, they decided to store the bucket truck somewhere else and will apply for a Special Use in the future if the situations lends itself to that.

Ms. O'Brien asked if the variance would be needed if the properties could be combined, and Ms. Urban explained that it would not be needed because there would then be a principal structure on the newly combined property. Ms. Talley stated that they did not want to lose the money they spent to file the variance and decided to go ahead and go through with it just in case the properties could not be combined. Ms. Talley stated that there was too much unknown with the survey at this point to make any firm decisions.

Mr. Bailliez pointed out that the location of the parcel was surrounded by the grain elevator, railroad, and a vacant house, which would not be affected by the placement of the proposed building. Ms. Talley stated that in addition to having no neighbors the building would impact, it would help make the property look much nicer.

Mr. Bailliez asked if there was anyone present who wanted to speak for or against the case, and there was no one. Mr. Bateman made a motion to close and deliberate and was seconded by Mr. Keyt. A vote was taken, and the motion passed; (7-0)

FINDINGS OF FACT FOR VARIANCES

Section 20-3.7.3

The findings of the ZBA or the Zoning Administrator shall be based on data submitted pertaining to each standard in this Subsection as it relates to the development. A variance shall be granted only if the applicant demonstrates:

1. That the plight of the owner is due to unique circumstances;
 - The request is for a 30' x 60' pole barn on the vacant lot adjacent to the petitioners' property to store vehicles and lawn equipment. The petitioners lot has no room for a building because of the septic field and shape of the lot. This request will allow an accessory building to be built without a house on this 1.66 acre lot.
2. That the variation, if granted, will not alter the essential character of the locality;
 - There is a similar size building within the Village of Princeville.

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;
 - The property is within 4 feet of the petitioners' property. There is no room to build on the petitioners' 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;
 - No one resides in the neighbor's house and has not for years. The area is surrounded by industrial properties.
6. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood;
 - The building will be out in the open and will not affect light or air. It will not affect traffic. Property values are very low in that area. This building will improve the appearance of the neighborhood.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - 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.
 - Securing the equipment, vehicles, tractor and personal property inside will reduce the high risk of theft and damage.

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

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 explained that the petitioner had requested to withdraw the case. Mr. Fletcher made a motion to withdraw the case and was seconded by Ms. O'Brien. A vote was taken and the motion passed; (7-0).

Miscellaneous:

No further questions or comments were made.

Mr. Keyt made a motion to adjourn and was seconded by Mr. Fletcher. A vote was taken, and the motion passed; (7-0)

Meeting adjourned 9:45 a.m.

Respectfully submitted,

Ellen Hanks

ZBA Administrative Assistant