

MINUTES
Zoning Board of Appeals
Loren Bailliez, Chairman
July 9, 2020

A meeting of the Peoria County Zoning Board of Appeals was held on Thursday July 9, 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: Loren Bailliez, Linda O'Brien, Greg Fletcher, Greg Happ, Andrew Keyt

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

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

Ms. O'Brien made a motion to approve the minutes from the June 11, 2020 hearing and was seconded by Mr. Happ. A vote was taken and the motion passed; (5-0)

Case No. 023-20-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **JAMES A. ROWE, acting on behalf of himself and SHARON K. MORGAN (owners)**, 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 5,824 square feet accessory structure in the "A-2" Agriculture Zoning District, which would exceed the allowable cumulative square footage of 222 square feet, resulting in a variance request of 5,602 square feet. The proposed garage would also exceed the footprint of the 3,052 square feet principal structure, resulting in a variance request of 2,772 square feet.

Ms. Urban opened the case. There are 9 consents and 0 objections on file. The case was published in the Peoria Journal Star on June 21, 2020 and the Weekly Post on June 18, 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 & Environmental Corridor). The site plan and two videos of the property were shown. The property is zoned A-2.

James Rowe of 13219 N. Kelstadt Rd, Brimfield, was sworn in. Mr. Rowe explained that he would like to build a pole barn to the south of his detached garage. Mr. Rowe stated that he did not have enough room for all of the equipment he owns. Mr. Rowe explained that he was storing some of his equipment at the family farm in Henry, IL and some of it is in a barn that is likely to collapse soon. Mr. Rowe

stated that he would like a place to store his items inside on his property because the subdivision covenant does not allow for outdoor storage of equipment.

Ms. O'Brien asked if the size requested was the minimum square footage Mr. Rowe needed, and Mr. Rowe responded that he felt it was. Mr. Rowe added that he would like a place for a woodworking shop and that he was planning to get an RV in the future and would like a place to store it as well. Mr. Rowe stated that he already has five pieces of equipment being stored at the farm that needed a place to go. Ms. O'Brien clarified that Mr. Rowe's property was 9 acres in size, and Mr. Rowe responded that it was slightly over 9 acres. Mr. Rowe stated that a building of this kind would fit with the character of the area because there were several people nearby who also had large pole buildings. Mr. Bailliez asked what the exterior of the building would be like, and Mr. Rowe responded that it would be metal. Mr. Bailliez stated that the building would be located such that it would be difficult for neighbors to see it, and Mr. Rowe agreed. Mr. Rowe added that only one neighbor would likely see it from their house, whereas another neighbor would potentially see it from his barn.

Mr. Bailliez 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; (5-0)

Ms. O'Brien pointed out that Mr. Rowe had submitted 9 consents, which was helpful.

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 property is located in a platted subdivision but is over 9 acres and zoned A-2. The proposed location for the pole barn will not be visible from the road.
2. That the variation, if granted, will not alter the essential character of the locality;
 - See #1.
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 lane to the living area is several hundred feet from the road and is hilly and wooded. The building is needed to store equipment used to maintain this 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;
 - Zoning of A-2 in a platted subdivision creates a limit on building size.
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;

- See #1 and 3.
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 9 acres in a wooded area would not diminish other properties.
 7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - To store and maintain equipment necessary for the appearance of the 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.
 - Zoned A-2 in a platted subdivision takes a lot of equipment to maintain the 9 acres.

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

Case No. 024-20-U at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **JULIE VARNOLD, acting on her own behalf**, a **SPECIAL USE** as required in Section 20.5.2.2.1.b of the Unified Development Ordinance. This section allows for a special use for a Major Home Occupation in the "A-2" Agriculture Zoning District, when the lot is less than 5 acres in size and/or is located with a platted subdivision. The petitioner proposes to operate a pet grooming business from a 1.31 acre parcel. Also, a Special Use as required in Section 20-7.3.2.3 of the Unified Development Ordinance to vary from the requirement that the home occupation may employ no more than one (1) person who is not a resident of the dwelling unit. The petitioner proposes to employ two (2) people who are not residents of the dwelling unit. Also, a Special Use as required in Section 20-7.3.2.7 of the Unified Development Ordinance to vary from the requirement that the home occupation shall not be open to the public between the hours of 7:00 pm and 9:00 am. The petitioner proposes to open the business at 8:00 am. Also, a Special Use as required in Section 20-7.3.5.1 of the Unified Development Ordinance to vary from the requirement that the home occupation shall occupy no more than 1,000 square feet of an accessory structure which may be used for storage purposes only. The petitioner proposed to operate the business from a 432 sq. ft. accessory structure.

Ms. Urban opened the case. There are 1 consent and 0 objections on file. The case was published in the Peoria Journal Star on June 21, 2020. Staff has recommended approval with restrictions, with one of the restrictions addressing the comments made by IDOT regarding the driveway. 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.

Julie & Aaron Varnold of 15714 N. State Route 40, Edelstein, were sworn in. Mr. Varnold stated that his wife currently had a minor home occupation that allows her to conduct some animal grooming inside the home in their basement. Mr. Varnold stated that this was not a viable option for them moving forward, which is why they would like to construct a small accessory building for grooming business purposes. Mr. Varnold stated that they had already been in contact with IDOT regarding the entrance to the driveway being upgraded to commercial standards. Mr. Varnold added that they were already working with them on that permit. Mr. Varnold stated that they had plans to extend the gravel driveway around the proposed building in order to make animal drop off and pick up easier for customers.

Mr. Happ asked what happened to Ms. Varnold's previous grooming location, and Mr. Varnold explained that his wife was previously working out of a dog daycare, but grooming was discontinued at the location because of COVID-19 concerns and the owner of the daycare has no intention of bringing the grooming service back. Ms. O'Brien asked if the Varnolds had been working with the Health Department about the concerns they had indicated in their comments, and Mr. Varnold responded that they had. Mr. Happ stated that the proposed building would lead to a pretty full lot considering the existing buildings and the septic and well, and Mr. Varnold stated that it would be, but it should not present any problems with the septic and well locations.

Ms. O'Brien clarified that the variances were for the number of employees, the hours of operation, and for using the accessory structure for the business, and Mr. Varnold confirmed that this was correct. Mr. Varnold asked if the other employees would be able to begin working again after the board's decision, and Ms. Urban explained that the case would have to go to the Land Use Committee on July 28th and the full County Board on August 13th for a final decision. Ms. Urban added that if the special use was approved by the board on August 13th, the Varnolds could then proceed with the building permit for the proposed building. Ms. O'Brien asked what the restrictions were for the case, and Ms. Urban read them for the record.

Mr. Fletcher asked if the new building would have running water and its own septic tank, and Mr. Varnold responded that they had already worked out the details for the septic with a septic installer and the Health Department.

Mr. Bailliez 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 Ms. O'Brien. A vote was taken, and the motion passed; (5-0)

Case No. 025-20-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **RENEE ENDRESS C/O GRACE CATERING, LLC** (*A Corporation – Renee Endress of 2704 W. Second St., Peoria, IL 61615 – manager*), **acting on her own behalf, two (2) VARIANCE** requests from Section 20-6.1.5.2 of the Unified Development Ordinance, which provides no structures, sign, plant, shrub, tree, berm, fence, wall or other object of any kind shall be installed, constructed, set out or maintained so as to obstruct visibility at a level between thirty (30) and seventy-two (72) inches above the height of the curb within the fifteen (15) feet clear sight triangle at local street intersections. The petitioner proposes to construct an exterior deck with a ramp and stairs to provide access to the business entrance within the sight triangle at W. Second St. and W. Alta Ln. and the sight triangle at W. Alta Ln. and N. Atlantic St. The proposed deck will obstruct visibility at a level between thirty (30) and

seventy-two (72) inches and a distance of 2 ft. 6 in. from W. Second St. The proposed deck will obstruct visibility at a level between thirty (30) and seventy-two (72) inches and a distance of 6 ft. 8 in. from N. Atlantic St. Also, Two (2) Variance requests from Section 20-6.9.2.1.e.2 of the Unified Development Ordinance, which requires a road setback of 25 ft. from the right-of-way in the "C-2" General Commercial Zoning District. The petitioner proposes to construct a deck at a distance of 2 ft. 6 in. from W. Second St., resulting in a variance request of 22 ft. 6 in. The petitioner proposes to construct a deck at a distance of 7 ft. 5. in from W. Alta Ln., resulting in a variance request of 17 ft. 7 in. Also, a Variance request from Section 20-7.6.5.2 of the of the Unified Development Ordinance, which requires that the number of points that must be achieved through landscaping for all front yards shall be based on the overall length of the lot as measured along the front property line divided by 2. The minimum points applicable shall be eighty (80) points. The petitioner proposes a total of 38 points, resulting in a variance of 42 points. Also, a Variance request from Section 20-7.7.2 of the Unified Development Ordinance, which requires that each principal use on a parcel shall be provided with the number of off-street parking spaces indicates for that use in Table 7-3. The petitioner proposes a total of 9 parking spaces, resulting in a variance of 6 parking spaces.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on June 21, 2020. The Medina Township Road Commissioner and the City of Peoria Public Works had no objection. 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 four videos of the property were shown. The property is zoned C-2.

Renee Endress of 1267 County Road 350E, Henry, IL, was sworn in. Ms. Endress explained that she owns Grace Catering. Ms. Endress stated that she would like to turn the building into a catering kitchen for her business and also use it for carry out take and bake meals. Ms. Endress added that she may, in the future, provide carry out lunches. Additionally, Ms. Endress stated that her daughter owns a mobile ice cream truck that she would like to utilize and store on site. Ms. Endress stated that the main reason for the deck on the front of the building was for a handicap accessible ramp.

Geoffrey Smith 10611 N. Sleepy Hollow, Peoria, was sworn in. Mr. Smith explained that he was the architect who was assisting Ms. Endress with her business design. Mr. Smith reiterated that the deck was needed for a handicap accessible ramp and because the first floor of the building was 38 inches above grade, the ramp would need to be longer, so it was not too steep. In addition to the ramp, there would also be stairs. Mr. Smith added that the original building was built in 1931. Mr. Smith stated that they were aware that the deck would be located within the sight triangle; however, Mr. Smith had provided some architectural drawings that depicted viewpoints from vehicles approaching the building on each side. Mr. Smith stated that he had shared these drawings with the Medina Township Road Commissioner who then had no objection to the request. Mr. Smith stated that the drawings showed that the cars would have no visibility issues because of the ramp.

Ms. O'Brien stated that the original request had stated that there would only be 9 parking spaces, which requires a variance of 6 parking spaces; however, Ms. O'Brien pointed out that the sight plan she was looking at showed 12 parking spaces. Mr. Smith stated that they originally thought they could only fit 9 spaces, but after looking more closely at the site, they thought they could fit 12. Mr. Smith pointed out that, regardless, they would have 9 at a minimum as requested originally in the variance.

Ms. O'Brien asked Mr. Smith to explain their landscaping plan, and Mr. Smith pointed out that much of the front of the property was taken up with the entrance to the parking area, resulting in very little area to plant. Mr. Smith stated that they did plan to plant some shorter shrubs or plants where they could, but it would be difficult to meet all the landscaping requirements given the way the property was set up.

Mr. Fletcher asked what the width of the deck was approaching Alta Lane, and Mr. Smith stated that he would have to look it up. Mr. Fletcher stated that he was asking specifically because he wondered if the width of the deck on this side could be decreased and still meet to ADA requirements. Mr. Fletcher stated that he was concerned that the current plan for the deck would impact visibility. Mr. Smith stated that the proposed depth was needed to accommodate the opening of the front door and also to have enough space for a few courtesy tables where people could eat takeout food.

Ms. O'Brien inquired about the ice cream business that was proposed for the lot, and Ms. Urban stated that the parcel was zoned to allow for that use. Mr. Smith stated that the ice cream business is housed in a mobile trailer that Ms. Endress's daughter takes around town and sells ice cream from. Ms. Endress added that her daughter intended to use the catering kitchen to store some of her things. Mr. Smith stated that the garage on site should have enough room for Ms. Endress's catering vehicle and also her daughter's ice cream trailer.

Mr. Bailliez asked if the concrete in front of the building would be removed, and Mr. Smith stated that some of it would be removed, but the rest might be used to support the proposed deck. Ms. O'Brien asked how long Ms. Endress had been in the catering business, and Ms. Endress responded that she had been doing it for approximately 7 years.

William Terrell of 10020 N. Atlantic St, Peoria, was sworn in. Mr. Terrell stated that he was opposed to the request because it would block the view of traffic. Mr. Terrell stated that you already have to pull forward past the stop sign in order to be able to see at the intersection. Mr. Terrell added that the deck would add to the visibility problem. Mr. Terrell stated that he had no objection to the business, but he was opposed to the visibility problems the proposed deck would create. Mr. Terrell stated that there is a school bus stop near this area as well, so he wanted to be sure it was safe.

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

Mr. Keyt asked if the board wanted to consider the evidence for all 6 variance requests or if they should consider them separately. Mr. Keyt suggested that perhaps the board should consider the setback variances separately because he did not feel he could support those variances and wondered if other members felt the same. Mr. Keyt made a motion to consider each variance separately. Ms. Cordis Boswell stated that it would be up to the board how they would like to proceed, but if they were to split the variances and vote on them separately, they would need to provide findings for each. Mr. Bailliez stated that he did not believe it was necessary to split them up. Mr. Keyt stated that if all were considered together, he would be voting no on the case because he had some concerns on some of the variances. Mr. Fletcher stated that he agreed with Mr. Keyt in that he had concerns about some of the variances and would be voting no on the case if it were not considered separately. Mr. Fletcher asked if the board could add restrictions if they considered all the variances at once, and Ms. Urban stated that

they could do so; however, the restrictions would have to be specific and enforceable. Mr. Fletcher asked if a restriction requiring the corner of the deck to be cut off at a 45-degree angle would be possible. Ms. Urban stated that the restriction would need to be more specific. Mr. Happ asked if the case could be deferred to next month, and Ms. Urban responded that this was an option as well. Mr. Keyt stated that his main concern was that he would be in favor of some of the variance requests, but had concerns about the sight issues and if the board were to vote on all six items together it was likely that all the requests would be voted down and the petitioner would be left with no options. Mr. Keyt stated that he believed that the evidence presented by the petitioner regarding the line of sight proved that the visibility poor at the intersection with the proposed addition of the deck. Ms. O'Brien asked if Atlantic was a busy street, and Mr. Fletcher stated that it was not. Ms. O'Brien stated that she did not feel cutting off a corner would satisfy the visibility problem.

Mr. Keyt withdrew his motion to separate the variances to be voted on individually and made a new motion to continue the case to next month in order to allow the petitioner and her architect to submit a revision to the building plan that addressed the line of sight issues. Ms. Urban stated that the case would be placed on the August 13th agenda at 11:00 a.m. Mr. Fletcher seconded the motion. A vote was taken and the motion passed; (4-1) (Mr. Bailliez voted no.)

Case No. 026-20-V at 10:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **CRAIG SMITH, acting on his 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 an accessory structure with a total floor area of 1500 sq. ft. in the "R-2" Medium Density Residential Zoning District, which would exceed the allowable cumulative square footage of 1122 square feet, resulting in a variance request of 378 square feet. The total floor area will also exceed the 864 square feet footprint of the principal structure.

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

Craig Smith of 2617 W. First St., Peoria, was sworn in. Mr. Smith stated that he currently has two small buildings that do not have enough space for a vehicle. Mr. Smith was proposing a 28' x 30' garage with loft storage, which would hold two cars. Mr. Smith stated that it would look somewhat like a barn with a gambrel look.

Mr. Bailliez asked how it would be constructed, and Mr. Smith stated that it would be stick built. Mr. Bailliez asked if the other buildings would stay, and Mr. Smith stated that they would. Mr. Fletcher asked if Mr. Smith had spoken to any of his neighbors about the request, and Mr. Smith responded that they had no issues with the request. Mr. Smith added that several of his neighbors had large garages as

well. Ms. O'Brien asked if the garage would be accessed through the alley, and Mr. Smith stated that it would.

Mr. Bailliez 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; (5-0)

FINDINGS OF FACT FOR VARIANCES

Section 20-3.7.3

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

1. That the plight of the owner is due to unique circumstances;
 - Replacing an old building with a new building of similar size which will make a variance of 378 square feet.
2. That the variation, if granted, will not alter the essential character of the locality;
 - This location has a large yard and a 378 square foot increase will not change the character of this location.
3. That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out;
 - This building will be used as a garage to park the vehicles.
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;
 - There are other large buildings in the area.
5. That the granting of the variation will not be detrimental to the public health, safety, comfort, morals and welfare, or injurious to other property or improvements in the neighborhood in which the property is located, or otherwise be inconsistent with any officially adopted County plan or these regulations;
 - The new building will increase the value and be similar to other structures 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;
 - This is in the backyard and will be serviced by the alley. It is away from all the neighbors and will increase the property value.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and

- Need a building to park vehicles and have room for hobbies and storage.
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.
- Replacing a building that predated any variances and like to have a place to park, work on hobbies, and have storage room in the attic.

Mr. Fletcher made a motion to approve the findings of fact and was seconded by Mr. Keyt. Ms. Urban stated that the original application had referenced 456 square feet, which was revised to 378 square feet after the petition was filed. Ms. Urban stated that the revised and published square footage was 378 square feet. The original motion was withdrawn. Mr. Happ made a motion to approve the findings of fact with the change of the square footage from 456 square feet to 378 square feet and was seconded by Mr. Fletcher. A vote was taken, and the motion passed; (5-0) Ms. O'Brien made a motion to approve the request and was seconded by Mr. Fletcher. A vote was taken and the motion was approved. (5-0)

The board took a break from 10:45 a.m. until 10:50 a.m.

Case No. 027-20-V at 10:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **LYNN & DON DAWSON, acting on behalf of DONALD D. DAWSON (owner), a VARIANCE** request from Section 20-6.4.4.4 of the Unified Development Ordinance which allows for a maximum height of 3 stories or 36 feet, whichever is less. The petitioner is proposing to construct an internet service tower at a height of 100 feet in the "R-R" Rural Residential Zoning District, resulting in a variance request of 64 feet.

Ms. Urban opened the case. There are 12 consents and 4 objections on file. The case was published in the Peoria Journal Star on June 21, 2020 and the Weekly Post on June 18, 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 R-R.

Lynn & Don Dawson of 14119 W. Rockhill Rd., Brimfield, were sworn in. Mr. Dawson explained that currently they are using Verizon hot spots for internet service at their house. Mr. Dawson added that the internet service from Verizon is not great. Mr. Dawson stated that when COVID-19 shut everything down in the spring, they realized just how much they needed to change their internet service due to the children being home and needing it for school in addition to Mr. Dawson needing it for work. Mr. Dawson stated that if the schools were to close again in the coming school year, they would need better internet. Mr. Dawson stated that they were aware that MidCentury Fiber was planning to bring fiber internet to the area and that they had spoken to them; however, Mr. Dawson added that the install was not scheduled for 1-2 more years. Mr. Dawson stated that he and his wife had a 3rd and 7th grader at home that would potentially be impacted for up to two more years if they waited for fiber internet.

Mr. Dawson explained that the tower would need to be a minimum of 100 feet in height in order to provide the service that they needed. Mr. Dawson stated that the base of the tower would be approximately 36 inches in width and the top of the tower would be approximately 18 inches in width. The footing size would be 4 feet in diameter. Mr. Dawson stated that he was trying to keep the tower as

small as possible. Mr. Dawson added that he understood the objections of his neighbors. Mr. Dawson stated that the wireless signal from the tower would be no stronger than the wi-fi signal in the courthouse. Mr. Dawson stated that the FCC had regulations regarding the signal strength.

Mr. Happ asked if this tower was for their own personal use, and Mr. Dawson responded that it was. Mr. Dawson stated that the investment in this internet tower was specifically for the benefit to his children's education. Mr. Dawson added that if any of the neighbors wanted to use the service, they could do so without any payment or obligation. Mr. Bailliez asked if there would be any lights on the tower, and Mr. Dawson responded that they were far enough from the airport that lighting would not be required. Mr. Fletcher asked if there would be any wires on the tower, and Mr. Dawson responded that there would not be any wires and that it was a self-standing design. Mr. Dawson added that if the tower were to fall, it would fall into grass in any direction. Ms. O'Brien asked what company would be installing the tower, and Mr. Dawson stated that they had been talking to a couple companies and had not chosen one yet.

Michelle Windish of 7321 N. Switzer Rd., Brimfield, was sworn in. Ms. Windish stated that she had no objection to the request and would support anything that would benefit their children's educations. Mr. Fletcher asked how internet was provided at Ms. Windish's house, and Ms. Windish responded that they used four different Verizon hot spots. Ms. Windish added that she could attest to the fact that the internet service in the area was severely lacking.

Edward Ludolph of 6323 Switzer Rd., Brimfield, was sworn in. Mr. Ludolph stated that he has lived at his home since 1979 and understands the frustration with internet service in this area. Mr. Ludolph stated that he also uses Verizon hot spots. Mr. Ludolph added that MidCentury Fiber had been in the area three years prior stating that they would have fiber internet within the next year and it had never happened. Mr. Ludolph stated that he had no objection to the Dawson's request.

Dan Gunter of P.O. Box 74, Elmwood, was sworn in. Mr. Gunter stated that he was opposed to the request because they would have to live right next to it. Mr. Gunter stated that they planned to build a house next to the tower in the future. Mr. Gunter stated that he was worried his property value would decline due to the location of the tower. Mr. Gunter stated that he had submitted an article stating that people did not want to buy properties located next to a cell phone tower. Mr. Gunter stated that it could be placed somewhere else. Mr. Gunter added that the tower did not match the character of the neighborhood. Additionally, Mr. Gunter stated that they were concerned about the tower emitting EMF radiation and there was not enough known about the long-term effects of living next to it. Mr. Gunter stated that MidCentury would be putting fiber internet in next year, so there would be a better option coming soon. Mr. Gunter stated that the tower would still be there after fiber internet was installed.

Mr. Keyt asked if Mr. Gunter lived on the adjacent property now, and Mr. Gunter stated that there is no house there yet, but they had planned to build one sometime in the future. Mr. Keyt stated that Mr. Gunter had stated the tower could be placed somewhere else and wondered where the tower could go. Mr. Gunter stated that the Dawsons could lease someone else's property and place it there, but he simply did not want it located by his property. Ms. O'Brien stated that she had a friend who had fiber optic cables dug in their neighborhood two years prior, but still did not have access to it, so there was no guarantee that access to the fiber optic internet would happen quickly.

Bob Gunter of 5204 N. Isabell, Peoria, was sworn in. Mr. Gunter stated that he had the same concerns as his brother, Dan Gunter, and that he was co-owner of a 70 acre piece near this site. Mr. Gunter stated that he knows the tower will decrease the value of his property, which he intended to leave to his children someday.

Mr. Bailliez asked if the land Mr. Gunter owned was farmland, and Mr. Gunter responded that it was. Mr. Gunter stated that although there was no house on it now, they had thought about building one at various times over the years.

Mr. Happ asked what would happen if fiber internet comes to the area, and Mr. Dawson responded that they would likely use it in addition to the tower. Mr. Fletcher asked what kind of business Mr. Dawson worked in, and Mr. Dawson responded that he worked in technology. Mr. Dawson stated that as far as property values were concerned, he did know that people have been deterred from moving to the area because there is no internet access. Mr. Dawson stated that although he could not prove that EMF was not harmless, wireless internet is everywhere now.

Mr. Bailliez 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; (5-0)

FINDINGS OF FACT FOR VARIANCES

Section 20-3.7.3

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

1. That the plight of the owner is due to unique circumstances;
 - Lack of internet accessibility, current options are limited with slow speeds, undependable data usage, lack real time communication (i.e. Zoom meetings, video conferencing). Line of sight clearance to dependable internet source in Peoria.
2. That the variation, if granted, will not alter the essential character of the locality;
 - The tower will not increase traffic, block any light, no odor, and does not interfere with sound. The parcel site is 2 acres.
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;
 - Location and lack of infrastructure.
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 conditions are similar of the neighboring properties.
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 variance is on private property, and will be maintained on said private property, with enough space to not cause damage to any public 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 location of the tower will not block light or impede airflow or interfere with traffic flow. The private land has enough space to not affect public property.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
- After performing sight surveys, the tower needs to be 95 feet high for a clear line of sight to the internet access point in Peoria.
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 standard 36 feet does not allow for the line of sight internet connections when trees in the area are 60 to 90 feet tall.

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

Case No. 028-20-V at 10:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **USCOC OF CENTRAL ILLINOIS, LLC – JOSH WATSON (agent), a Corporation** (*Joshua Robert Watson of 5656 N. Wayne Ave. #1, Chicago, IL 60660 – owner, and Paul Richard Reinhardt II of 9575 Kingston Crossing Circle, Johns Creek, GA 30022 – owner*), acting on behalf of **MICHAEL D. & KAREN POWERS (owners), a VARIANCE** request from Section 20-7.1.1.2 of the Unified Development Ordinance, which requires that the height of a telecommunication facility shall not exceed 75 feet, if located in a residential zoning district. The petitioner proposed to construct a telecommunications tower at a height of 195 feet in the “R-R” Rural Residential Zoning District, resulting in a variance request of 120 feet. Also, a Variance request from Section 20-7.1.1.3 of the Unified Development Ordinance, which requires that the lot line set back distance to the nearest residential zoned lot shall be at least 50% of the height of the telecommunication facility’s supporting structure. The petitioner proposed to construct a telecommunications tower at a distance of 82 ft. 1 in. from the residential lot to the north, resulting in a variance request of 15 ft. 5 in.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on June 21, 2020 and the Weekly Post on June 18, 2020. Corbin Bogle 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-R.

Michael Powers of 5010 Koerner Rd., Peoria, was sworn in. Mr. Powers explained that he was the owner of the property and lived on the adjacent property. Joshua Watson, representative from US Cellular, of 5656 N. Wayne Ave. #1, Chicago, was also sworn in. Mr. Watson stated that they were requesting a variance for the height of a telecommunications tower and also the setback of the tower on one side. Mr. Watson stated that the height variance was needed in order to connect to other towers in a rolling landscape in order to increase the capacity for the wireless carrier and also address gaps in coverage. Mr. Watson stated that the setbacks for a telecommunications tower are based from the height of the tower, so because the tower would be higher, the setbacks would need to be greater. Mr. Watson stated that the closest adjacent property to the north was also owned by Mr. Powers.

Ms. O'Brien asked how far the coverage for the proposed tower would go, and Mr. Watson explained that it would cover a 1-3 mile radius; however, that was dependent on how many people were using the service in the coverage area. Mr. Watson stated that he would estimate this particular tower would cover a radius of 2.5 miles based on the density of homes in the area. Mr. Fletcher asked if the tower height variance was needed because of line of sight, and Mr. Watson stated that the topography in the area leads to many drops in coverage, which would be addressed with the proposed tower.

Mr. Bailliez pointed out that he noticed in the information provided that the tower would be designed to have a breaking point to prevent it from falling from the entire height. Mr. Watson explained that this tower was actually designed to bend and not break. Mr. Watson stated that the tower was designed to withstand certain wind speeds and ice. In the event that those criteria were exceeded, the tower was designed to bend creating a 0' fall radius. Mr. Watson added that the design did not require any stabilizing wires. Mr. Fletcher asked if there would be a small building accompanying the tower, and Mr. Watson responded that they were planning to use outdoor equipment and would not build a building. Mr. Watson added that if another company were interested in co-locating on the tower, they might want to build a small building, but they would be sure to meet all requirements for that should it arise.

Mr. Bailliez 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; (5-0)

Mr. Happ left at 11:35 a.m.

Miscellaneous:

No further questions or comments were made.

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

Meeting adjourned 11:48 a.m.

Respectfully submitted,

Ellen Hanks

ZBA Administrative Assistant