A meeting of the Peoria County Zoning Board of Appeals was held on Thursday August 8, 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, Leonard Unes, Jim Bateman, Greg Happ

ABSENT: Andrew Keyt, Greg Fletcher, Justin Brown, Linda O’Brien, John Harms

STAFF: Corbin Bogle – Planner I
Celía 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 July 11, 2019 hearing and was seconded by Mr. Unes. A vote was taken and the motion passed; (4-0)

Case No. 033-19-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of ROBERT C. WILSON, acting on his own behalf, a VARIANCE request from Section 20-5.13.1 of the Unified Development Ordinance, which requires that an accessory structure shall not be commenced prior to the commencement of the principal structure. The petitioner proposes to construct a 26’ x 36’ pole barn on a parcel without a principal structure in the “A-2” Agriculture Zoning District.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on July 11, 2019 and the Weekly Post on July 18, 2019. Celía Burke 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 three videos of the property were shown. The property is zoned A-2.

Robert Wilson of 11119 Evans Mill Rd., Princeville, was sworn in. Mr. Wilson explained that he had recently divided and sold a piece of his property, which included his pole barn. Mr. Wilson stated that he needed a place to store various personal items now that he no longer owned his previous pole barn. Mr. Wilson added that the proposed pole barn would be far away from neighbors and should not impact them.

Mr. Bailliez asked how many houses used the shared access driveway coming from Evans Mill Rd., and Mr. Wilson responded that there were four houses. Mr. Wilson clarified that he would not use the shared access driveway to gain access to the building but would instead use the driveway to the north of the proposed building. Mr. Wilson then pointed this access out on the map. Mr. Happ asked if the area...
shaded red on the map was the area that Mr. Wilson owned, and Mr. Wilson confirmed that this was correct.

Charlotte Woodhouse of 11009 Evans Mill Rd., Princeville, was sworn in. Ms. Woodhouse stated that she was neither for or against the case but did have a question of clarification. Ms. Woodhouse asked if the building would be accessed from the access driveway that Mr. Wilson uses currently, and Mr. Bailliez stated that the petitioner had testified he would use the access driveway to the north of the site.

Mr. Bailliez asked if there was anyone else 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. 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 replacing the storage building which was sold as part of a land split. This will be a 26 x 36 pole barn building.

2. That the variation, if granted, will not alter the essential character of the locality;
   - This parcel is agricultural as is the property surrounding it.

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 is a replacement building necessary to store equipment and farm implements that were stored in the building which was sold with the land split.

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 building will replace a previous building lost to the land split.

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;
   - It will not change any of the items in question.

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 will be no adverse impacts on any of the issues stated. The pole barn will be isolated from existing buildings.

7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
   - See item #3.

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.
   - This building will provide equipment storage and maintenance work space which is necessary for support of this property and the adjacent property.

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

Case No. 034-19-U at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.
Petition of HUGH PIERSON & TIMOTHY PIERSON, acting on behalf of THE PIERSON FAMILY IRREVOCABLE TRUST DATED MAY 10, 2018 (owners), a SPECIAL USE request 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 within a platted subdivision. The petitioner proposed to operate a screen printing business from their home, which is located in the Siesta Hills Subdivision.

Ms. Urban explained that the petitioner had requested a continuation of the case to the following month in order to give himself time to work through issues identified recently by the Health Department. Ms. Urban added that this hearing would take place on September 12th and staff recommended a time of 9:00 am.

Mr. Bateman made a motion to continue the case to September 12th at 9:00 am and was seconded by Mr. Happ. A vote was taken and the motion passed; (4-0).

Case No. 035-19-S at 9:00 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 3, Section 3.2 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 July 11, 2019.

Andrew Braun of 324 Main St., Room 301, Peoria, was sworn in. Mr. Braun explained that staff was bringing forward a text amendment which was proposing an exception to the building permit requirements. Mr. Braun then read the proposed text amendment: “No building permit shall be required for the following: One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet.”
Mr. Braun stated that this amendment was based on feedback from customers who were questioning the necessity of permits for small sheds. Mr. Braun stated that this change would be consistent with several other area municipalities within and near Peoria County. Additionally, Mr. Braun stated that a consultant study was done several years prior for Peoria County, which stated that the cost for providing services for buildings of this type outweighed the revenue generated. These services include the administrative time reviewing and issuing the permit along with the travel time for inspectors to inspect the project. Mr. Braun also stated that the International Residential Code section R105.2.1 does allow for this exemption. Mr. Braun added that this exemption did not allow for work to be completed in violation of the ordinance, more specifically, setback and cumulative square footage accessory structure requirements.

Mr. Bailliez stated that some of these buildings would be so small that the building could be moved around the property. Mr. Bailliez asked if inspections would be taking place to ensure that these structures were being placed in a spot where they would comply with setbacks. Mr. Braun explained that because there would no longer be a permit issued for these structures, setbacks would only be checked on a complaint basis. Mr. Braun added that small sheds are also required to be anchored, which would also prevent them from being moved easily; however, because no permits would be required for these types of buildings going forward, inspections for anchoring would only take place on a complaint basis.

Mr. Happ asked how Planning & Zoning would know if someone had placed a shed on their property that was not in compliance if there was no permit required, and Mr. Braun responded that the office would have to be notified that there was a problem by a neighbor or citizen and then an inspector could go assess the situation in response to the complaint. Mr. Braun added that if there is no notification to the county, there is no way to know if a structure was placed somewhere that was noncompliant, which is true for any structure currently. Mr. Braun reiterated that the Planning and Zoning Department would continue to respond to issues identified through the complaint process as they always have.

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. 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;
   - The proposed amendment allows for the Peoria County Code to be consistent with the County’s adopted building code, the International Residential Code.

2. The proposed amendment is consistent with the purpose and intent of this ordinance;
   - The proposed amendment is consistent with the intent of Article 3 “Development Review Procedures” of this ordinance, which is to ensure that the county is diligent in processing applications for development approval.
3. The proposed amendment will not adversely affect health, safety, morals, and general welfare of the public;
   - The proposed amendment will not adversely affect health, safety, morals, and the general welfare of the public.

4. The proposed amendment is required because of a change in State or Federal law;
   - The proposed amendment is not required because of a change in state or federal law.

A motion to approve the Findings of Fact was made by Mr. Bateman and seconded by Mr. Happ. Four affirmative votes; (4-0) A motion to approve the Text Amendment was made by Mr. Unes and seconded by Mr. Bateman. A vote was taken and the motion was approved; (4-0)

Case No. 036-19-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of MICHAEL P. & LINDA S. SMITH, acting on their own behalf, a VARIANCE request from Section 20-7-15.2.2.a of the Unified Development Ordinance, which requires that a private swimming pool be located a minimum of 5 feet from walls, landscaping elements or structures, trees and other appurtenances. The petitioner has constructed a pool at a distance of 1 ft from a fence, resulting in a variance request of 4 feet. Also, a Variance request from Section 20-7-15.2.2.c of the Unified Development Ordinance, which requires that a private swimming pool be located 10 feet from principle or accessory structures, excluding decks. The petitioner has constructed a pool at a distance of 4 feet from the principle structure, resulting in a variance request of 6 feet. Also, a Variance request from Section 20-7-15.2.2.d of the Unified Development Ordinance, which requires a side setback of 5 feet in the “R-2” Medium Density Residential Zoning District. The petitioner has constructed a pool at a distance of 1 ft from the east side property line, resulting in a variance request of 4 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 July 11, 2019 and the Limestone Independent News on July 17, 2019. The Limestone Township Planning Commission recommended approval. Corbin Bogle gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Rural & Environmental Corridor). The site plan and three videos of the property were shown. The property is zoned R-2.

Michael Smith of 4947 Swords Circle, Peoria, was sworn in. Mr. Smith explained that they were asking for three variances for the location of the pool.

Mr. Bateman asked if there was any other place where the pool could have been placed to comply, and Mr. Smith responded that there was not. Mr. Smith added that the property is pie shaped, which limits the area where the pool can be placed. Mr. Bailliez asked why the pool could not be placed on the other side of the house, and Mr. Smith stated that they wanted the pool to be behind the house and located off of the deck for convenience. Mr. Bailliez asked how long the pool had been in this location, and Mr. Smith responded that it had been there for 10 years. Mr. Smith added that the only reason they found out about the problem with the pool location is because they had applied for a variance for a fence.
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. Bateman. A vote was taken, and the motion passed; (4-0)

Mr. Bateman stated that because the pool had been in place for 10 years and had apparently never caused any problems, he did not see a problem with approving the request. Mr. Bailliez stated that he agreed, especially because there were no complaints from the neighbors.

**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 variance is for an existing pool located in a small area because of gas lines and buildings.

2. That the variation, if granted, will not alter the essential character of the locality;
   - This is an existing pool with a wooden fence between the neighbor.

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 item #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 location of a gas line and buildings, shape of the parcel, and wanting the pool to be close to the house causes the need for this variance.

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 three proposed setbacks make this area very small, but it is shielded from 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;
   - See items #1 and 5.

7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
   - The adjustment is necessary to keep the pool close to the house and also to avoid the gas line and other buildings.
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 petitioner would have to remove the pool.

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

Case No. 030-19-V at 10:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of MICHAEL P. & LINDA S. SMITH, acting on their own behalf, a VARIANCE request from Section 20-7.4.6.1 of the Unified Development Ordinance, which requires that no fence may exceed 6 feet in height. Also, a Variance request from Section 20-7.4.6.2, which requires that no solid fence shall be constructed in a front setback past the front building line. The petitioner is proposing to construct a solid fence in the front setback at a height of 8 feet in the "R-2" Medium Density Residential Zoning District, which would result in a variance request of 2 feet from the maximum allowable height and a variance from the open fence requirement.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on July 11, 2019 and the Limestone Independent News on July 17, 2019. The Limestone Township Planning Commission recommended approval of the height but had a tie vote on the issue of the open fence requirement. Corbin Bogle gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Rural & Environmental Corridor). The site plan and two videos of the property were shown. The property is zoned R-2.

Michael Smith of 4947 Swords Circle, Peoria, was sworn in. Mr. Smith stated that the variance was for an 8-foot-tall solid fence in front of the building line of the house. Mr. Smith stated that the reasoning for the solid fence was to help buffer their yard from a problematic neighbor.

Mr. Bailliez asked if the existing fence in the backyard was 6’ or 8’ tall, and Mr. Smith responded that it was 6 feet tall. Mr. Bailliez asked if they would be changing it to 8 feet tall, and Mr. Smith responded that they would if they were granted the variance. Mr. Bailliez stated that the problem with wooden privacy fences is that they need maintenance in order to stay looking nice, and Mr. Smith clarified that he intended to put up a plastic fence. Mr. Bailliez asked if an 8-foot-tall solid fence in front of the house would impede the view of the petitioner or immediate neighbors when backing out of their driveways, and Mr. Smith responded that he did not feel that it would because they would be 12 feet back from the road and they lived on a dead end.

Mr. Bateman stated that he could understand why the Smiths would like an 8-foot-tall fence in the backyard by the pool, but he could not understand why it was needed in the front. Mr. Smith said that he wanted to keep it consistent all the way across from front to back. Mr. Smith added that the neighbor on that side was a nuisance and they wanted to create a buffer from him.
Linda Smith of 4947 Swords Circle, Peoria, was sworn in. Ms. Smith stated that the problems with the neighbor began with garbage, which was so bad that Ms. Smith eventually called the Planning and Zoning Department about it. Ms. Smith added that this made the neighbor angry, which resulted in garbage being placed directly next to their property and vulgar signs being posted directed at the Smiths. Ms. Smith stated that before the current tenant, the house had been vacant for 6 years. Ms. Smith added that she felt the fence would help buffer the neighbor from them and their grandkids. Ms. Smith stated that at the minimum, she hoped they could at least have an 8-foot solid fence to the end of their front porch.

Mr. Unes stated that he felt an 8-foot fence coming out that far in front of the house would not look appropriate and would not match the character of the neighborhood. Mr. Bailliez asked if the fence would be placed directly on the property line, and Ms. Smith stated that it would be 6 inches from the property line. Mr. Bailliez pointed out that the Smiths would still need to get onto the neighbor’s property in order to maintain the fence. Mr. Bailliez also pointed out that the reason open fences were the only fence type allowed in front of the house was for driving visibility. Ms. Smith stated that she understood why the rule existed. Ms. Smith added that she just wants to feel safe on her property. Mr. Smith stated that he and his wife did not make the decision lightly to put up the fence because it will be a costly improvement for them. Mr. Bailliez pointed out that the property next door is a rental so the problematic neighbor might move at any time. Mr. Bailliez also added that an 8-foot fence in front of the house would isolate them from any future neighbors. Mr. Unes asked if there was a home owners’ association in the neighborhood, and the Smiths responded that there was not.

Mr. Happ asked if Mr. Bogle could show the video of the existing front fence, and Mr. Bogle did. Mr. Happ asked if the front porch was considered part of the front face of the house, and Ms. Urban explained that it was not. Mr. Unes asked if an 8-foot solid fence up to the front of the porch would be a helpful compromise, and Ms. Smith stated that it would. Mr. Happ stated that he agreed with Mr. Unes in that he would entertain an 8-foot fence to the end of the front porch, but no further toward to road. Mr. Bateman added that he would be agreeable to an 8-foot fence to the end of the front porch and a 4-foot solid fence from that point forward. Ms. Urban pointed out that the ordinance had requirements for a sight triangle, which would prevent obstruction to drivers. Ms. Urban stated that no solid fence would be permitted beyond that point. Mr. Unes stated that a 4-foot solid fence beyond the front porch was agreeable to him. Mr. Bailliez clarified that the board was proposing an 8-foot solid fence up to the end of the front porch and a 4-foot solid fence going forward from there, and the board concurred that this was agreeable. Ms. Urban reiterated that the fence could not pass the area of the sight triangle requirement of the ordinance. The board was also in agreement of this suggestion.

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. Happ. A vote was taken, and the motion passed; (4-0)

Mr. Unes stated that he was sympathetic to the Smiths’ problems with the neighbors but could not justify a tall fence as far out from the front of the house as the petitioners initial request. Mr. Bailliez stated that because the house next door was a rental, the tenant could change quickly.

Mr. Bateman made a motion to add a restriction to the case that would read as follows: Approval of the variance is for an 8-foot-tall solid fence from the front porch back and a 4 foot tall solid fence from the...
front porch forward, but not beyond the sight triangle requirement of the county ordinance. Mr. Happ seconded the motion. 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 an 8 foot solid fence along the east side of the property to replace a fence in front of the house because of neighbor issues. The board has placed a restriction on the case that only an 8 foot fence may be placed up to the end of the front porch.

2. That the variation, if granted, will not alter the essential character of the locality;
   - The petitioner is looking for more privacy. This would alter the character of the neighborhood as requested but will not with the added restriction.

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 items 1 and 2.

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 wants privacy from their neighbor.

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;
   - Will not change the conditions to public health, comfort, morals or welfare, but could affect visibility.

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;
   - Could affect visibility for traffic, but this will be prevented by the added restriction.

7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
   - For privacy and security.

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

**Miscellaneous:**
No further questions or comments were made.

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

Meeting adjourned 10:07 a.m.
Respectfully submitted,
Ellen Hanks
ZBA Administrative Assistant