

MINUTES
Zoning Board of Appeals
Linda O'Brien, Chairperson
August 12, 2021

A meeting of the Peoria County Zoning Board of Appeals was held on Thursday, August 12, 2021, in Room 403 of the Peoria County Courthouse, 324 Main Street, Peoria, Illinois. The meeting was called to order by Vice Chairperson Andrew Keyt, at 8:53 a.m.

PRESENT: Andrew Keyt – Vice Chairperson, Greg Happ, Leonard Unes, Jim Bateman, Robert Asbell, J. Greg Fletcher

ABSENT: Linda O'Brien – Chairperson, Justin Brown, John Harms

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

Mr. Asbell made a motion to approve the minutes from the July 8, 2021 hearing and was seconded by Mr. Happ. A vote was taken, and the motion passed; (5-0) (Mr. Fletcher was absent)

Mr. Fletcher arrived at 8:57 a.m.

Case No. **ZBA-2021-000027** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **CATHERINE AND LAWRENCE THOMASON, JR., acting on their own behalf, a VARIANCE** request from Section 20-6.4.2.2.c.2.a of the Unified Development Ordinance, which requires a side setback of 15 feet for an accessory structure less than two thousand (2,000) square feet in the "R-R" Rural Residential Zoning District. The petitioner proposes to construct a 720 sq. ft. structure at a distance of 9 feet from the southern side setback, resulting in a variance request of 6 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 14, 2021, and *Limestone Independent News* on July 14, 2021. The Limestone Township Planning Commission approved the request. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Rural). The site plan and two videos of the property were shown. The property is zoned "RR".

Lawrence Thomason of 5220 S. Acre Rd, Mapleton, IL was sworn in. Mr. Thomason would like to construct a steel building at the edge of the concrete pad on his property. The building couldn't be

moved further to the left because of the house. This would be more convenient for him and his wife. He will use it as a garage for his pickup truck and to store lawn equipment.

Mr. Keyt clarified that Mr. Thomason was requesting a 6 foot variance so that he could build 9 feet off the lot line. Mr. Thomason confirmed that this was correct. Mr. Keyt asked if Mr. Thomason had spoken to his neighbor about it. Mr. Thomason stated that he had, and there were no objections.

Mr. Keyt asked if there were any questions from the Board and there were none. Mr. Keyt asked if there was anyone that wanted to speak for or against the petitioner and there was no one.

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

FINDINGS OF FACT FOR VARIANCES

Section 20-3.7.3

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

1. That the plight of the owner is due to unique circumstances;
 - The home is located on a narrow lot. The driveway is near the lot line for the property and has no room for a structure on the current space. The building will be used to store lawn equipment and the petitioner's truck. The owners are elderly and have some health conditions. Allowance will provide a safe and convenient method for the applicants to access the shed.
2. That the variation, if granted, will not alter the essential character of the locality;
 - The adjacent neighbor did not have an objection. The character of the community will not change, as other buildings of similar size and proximity to homes are nearby.
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 lot is too narrow for the building to be placed in front of, or behind the home.
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;
 - Refer to numbers 1, 2, 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;
 - There is no known injury to health safety comfort or morals to neighboring properties, the adjacent owner has no objection to the proposal, and will be consistent with the adopted County plan.

6. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood;
 - There will be no known impacts on the surrounding property owners. Similar sheds are built on other nearby properties. No increases in congestion are expected and no known issues regarding public safety are present.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - Refer to number 1. Also, the applicant testified that the adjustment is the minimum adjustment necessary to provide safe access and adequate facilities for their enjoyment of the home.
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.
 - Applicant has no other options available for the private use of their home.

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

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

Case No. **ZBA-2021-000028** at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **CRAIG A. THOMPSON, acting on behalf of K9CT, LLC**, requests an **APPEAL** under Section 20-3.8 of the Unified Development Ordinance (UDO), which authorizes the Zoning Board of Appeals to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Zoning Administrator or other administrative official in the enforcement of the zoning regulations of the UDO. The appellant alleges that based on Federal Communications Commission (“FCC”) regulations pertaining to what is called Amateur Radio Service address station antenna structures, the Zoning Administrator’s determination that the building permit application for antenna structures submitted May 5, 2021, does not meet the maximum height restrictions in Section 20-6.2.4 of the Peoria County Code which are the lesser of three stories, or thirty-six (36) feet in the “A-1” Agricultural Preservation Zoning District shall not apply to the proposed structure.

Ms. Urban stated that there was a request to continue the case until the September hearing. Mr. Thompson (K9CT, LLC) has applied for a variance for the height requirement, and that case will be heard in September. This appeal will be placed on the agenda after the variance request, in the event that the variance is not approved.

Mr. Asbell made a motion to continue the case to September 9, 2021, at 9 a.m. and was seconded by Mr. Fletcher. A vote was taken, and the motion passed; (6-0)

APPROVED 09/09/2021

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

Meeting adjourned at 9:12 a.m.

Respectfully submitted,

Sarah Cox
ZBA Administrative Assistant