

MINUTES
Zoning Board of Appeals
Loren Bailliez, Chairman
August 13, 2020

A meeting of the Peoria County Zoning Board of Appeals was held on Thursday August 13, 2020, 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, 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
Andrew Braun – Assistant Director
Jennie Cordis Boswell – Assistant Civil State's Attorney
Ellen Hanks - ZBA Administrative Assistant

Mr. Happ made a motion to approve the minutes from the July 9, 2020 hearing and was seconded by Mr. Fletcher. A vote was taken, and the motion passed; (5-0)

Case No. 029-20-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **DEBRA S. SIMPSON, acting on her own behalf**, a **VARIANCE** request from Section 20-6.3.2.1.a.1 of the Unified Development Ordinance which requires a road setback of 75 feet from the right-of-way or 135 feet from the center of the right-of-way, whichever distance is greater. The petitioner is proposing to construct a personal storage building in the "A-2" Agriculture Zoning District at a distance of 58 feet from the center of the right-of-way, resulting in a variance request of 77 feet.

Mr. Braun opened the case. There is 1 consent and 0 objections on file. The case was published in the Peoria Journal Star on July 26, 2020 and the Weekly Post on July 23, 2020. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Environmental Corridor & Agriculture). The site plan and three videos of the property were shown. The property is zoned A-2.

Debra Simpson of 22908 State Route 78, Laura, IL, was sworn in. Ms. Simpson stated that she has a lot of items currently sitting in her driveway that she would like to store inside of a building. Ms. Simpson added that she was asking for a setback variance of 77 feet.

Mr. Bailliez asked why the building would need to be so close to the road, and Ms. Simpson responded that this was the only flat spot near the house. Ms. Simpson added that the only other flat spot beyond the house floods frequently. Ms. Simpson added that the property drops off beyond the house so she would have to use a lot of fill to meet the setback requirement. Mr. Happ asked if the small shed would be removed, and Ms. Simpson stated that it would. Ms. Simpson added that the new building would be

located to the north of where the small shed was located currently. Mr. Fletcher asked if the building would sit in front of the house, and Ms. Simpson responded that it would. Mr. Fletcher asked if there was any way the building could be placed behind the house, and Ms. Simpson stated that she was dealing with topography issues further back from the house. Ms. Simpson added that the location of the septic and the well to the north limited her options as well. Ms. O'Brien asked if the road jurisdiction had any objections, and Ms. Simpson responded that she had spoken to Stephen Galbraith from IDOT and he had told her he had no objection to her request. Mr. Bailliez asked if Ms. Simpson farmed any of her 55 acres, and Ms. Simpson responded that most of the land was rough terrain and trees; however, she does have chickens, ponies, and a horse.

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)

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;
 - To build a pole barn 58 feet from the center of right of way from Route 78 on 55.89 acres that is rough land with trees, hills, and swampy creek with little flat area to build a pole barn.
2. That the variation, if granted, will not alter the essential character of the locality;
 - The location of this building will not alter the character in this location. It will be used to store hay and small equipment.
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 land has very little level area to build a 30' x 40' pole barn.
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;
 - This variance will not alter any of these items.
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 variance will not alter any of these items.

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

- Yes

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.

- See #1.

Mr. Happ made a motion to approve the findings of fact and was seconded by Mr. Keyt. A vote was taken, and the motion passed; (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. 031-20-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **CHRISTOPHER & JANINE DEARING, acting on their own behalf, a VARIANCE** request from Section 20-6.3.2.2.d.2.b of the Unified Development Ordinance which requires a side setback of 30 feet for accessory structures 2,000 square feet or larger. The petitioner is proposing to construct a 2,560 square feet agricultural building in the "A-2" Agriculture Zoning District at a distance of 10 feet from eastern side property line, resulting in a variance request of 20 feet.

Mr. Braun opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on July 26, 2020 and the Weekly Post on July 23, 2020. The County Highway Department and the Health Department had no objection. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Agriculture). The site plan and two videos of the property were shown. The property is zoned A-2.

Christopher Dearing of 14521 W. Parks School Rd., Princeville, IL, was sworn in. Mr. Dearing stated that he was requesting a setback variance for the side closest to his neighbor on the east. Mr. Dearing stated that this neighbor had no objection to the request. Mr. Dearing stated that this was a flat spot and he did not want to disturb the topography of the rest of the lot. Additionally, Mr. Dearing stated that there were 2 acres in the front of the property that a nearby farmer bales for hay and there were five geothermal wells, a well for the house, a propane tank, and a septic field to contend with as well. Mr. Dearing added that the proposed building should not affect the view for him or his neighbor.

Mr. Dearing stated that since the time he had filed the petition, he and his neighbor had purchased 5 acres behind them and also owned 56 acres beyond that. Because this land is part of the Conservation Reserve Program (CRP), a permanent structure is not allowed to be built on it. Mr. Dearing stated that the CRP requires the property to be maintained to a certain standard. The property will be in the CRP program until at least 2021 when the agreement expires.

Mr. Bailliez asked how many acres Mr. Dearing had purchased, and Mr. Dearing stated that he and his neighbor had purchased 5 acres. Mr. Fletcher asked how big the larger piece was beyond that, and Mr. Dearing responded that it was 56 acres, with part located in a floodplain because of Jubilee Creek. Mr. Dearing stated that he and his neighbor were just trying not to disturb valuable undeveloped land behind their homes.

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; (5-0)

Mr. Bailliez pointed out that although the property was 55 acres in size, it would be inconvenient or impractical to put the building far from the house.

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;
 - This location is the liveliest part of the property, plus it will not interfere with the wells, water line, electrical line, or septic system. The only neighbor has consented to this location.
2. That the variation, if granted, will not alter the essential character of the locality;
 - The building will be behind a row of tall trees that borders between the petitioner and the closest 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;
 - This land slopes up toward the house located far back in the 5+ acres and the location of the utilities makes this location possible.
4. That the conditions upon which the petition for a variation are based are unique to the property for which the variance is sought and are not applicable, generally, to other property;
 - See #3.
5. That the granting of the variation will not be detrimental to the public health, safety, comfort, morals and welfare, or injurious to other property or improvements in the neighborhood in which the property is located, or otherwise be inconsistent with any officially adopted County plan or these regulations;
 - The granting of this variance will not be detrimental 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;

- None of the above items will be affected.
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.
 - The building is needed to store equipment to maintain the 5+ acres.

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; (5-0) Mr. Happ 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. 030-20-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **GARY & ARACELI LEAR, acting on their own behalf, a VARIANCE** request from Section 20-6.3.2.1.a.1 of the Unified Development Ordinance which requires a road setback of 75 feet from the right-of-way or 135 feet from the center of the right-of-way, whichever distance is greater. The petitioner is proposing to construct a deck in the "A-2" Agriculture Zoning District at a distance of 94 feet from the center of the right-of-way, resulting in a variance request of 41 feet.

Mr. Braun opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on July 26, 2020 and the Chillicothe Bulletin on July 29, 2020. The Health Department had no objection. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Environmental Corridor). The site plan and two videos of the property were shown. The property is zoned A-2.

Araceli Lear of 23407 N. State Route 29, Sparland, IL, was sworn in. Ms. Lear stated that she was asking for a variance for a deck on the front of the house to be 94 feet from the road instead of 135 feet.

Ms. O'Brien asked if the deck was already built, and Ms. Lear responded that it had been built before they purchased the property. Mr. Bailliez asked if they had built the deck or if it was there when the house was purchased, and Ms. Lear stated that it was there when they purchased the house. Ms. Lear added that the deck was the primary entrance to the house, so it was necessary to keep. Mr. Bailliez asked if the house was purchased recently, and Ms. Lear responded that this was correct. Mr. Fletcher asked how long ago the property was purchased, and Ms. Lear responded that she believed they had purchased it approximately two years ago. Mr. Fletcher stated that the wood on the deck looked very new to have been put there before the Lears purchased it. Ms. Lear stated that they had replaced the windows in the house and also the railing on the deck. Mr. Fletcher asked if the Lears lived in the house, and Ms. Lear stated that it was their secondary residence.

Mr. Bailliez asked how the department became aware of the deck, and Mr. Braun responded that a complaint was made in December of 2019 for work being done on the house without a permit. Mr. Braun added that an inspector went to the property and verified that this was correct. Mr. Braun added that because of the shutdown of the courthouse earlier in the spring, this was just being resolved.

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. Fletcher. 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;
 - A variance of 41 feet from the center of the right of way from Route 29. The deck was already built before the property was purchased.
2. That the variation, if granted, will not alter the essential character of the locality;
 - The presence and location of the deck will not diminish or impair the property values of the neighborhood.
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 deck is the primary entrance to the house.
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 deck location preexisted prior to the purchase and is vital for proper access to the house. It also provides protection to the front entrance to the house.
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 location of the deck does not obstruct any of the above items.
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 deck will not affect any of the above items.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - The request is the minimum adjustment for the reasonable use 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.
 - The deck allows for a safe entrance to the house.

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; (5-0) Mr. Happ 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 9:45 – 10:00 a.m.

Case No. 032-20-V at 10:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **JAMES BOWLES, 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 30' x 50' storage building on a parcel without a principal structure in the "A-2" Agriculture Zoning District. Also, a Variance request from Section 20-6.3.2.1.d.1 of the Unified Development Ordinance which requires a road setback of 40 feet from the right-of-way or 70 feet from the center of the right-of-way, whichever distance is greater. The petitioner is proposing to construct a storage building at a distance of 15 feet from the right-of-way, resulting in a variance request of 25 feet.

Mr. Braun opened the case. There are 0 consents and 3 objections on file. The case was published in the Peoria Journal Star on July 26, 2020 and the Weekly Post on July 23, 2020. The Health Department had no objection. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Environmental Corridor). The site plan and two videos of the property were shown. The property is zoned A-2.

James Bowles of 3522 Marbleway Dr., Peoria, IL, was sworn in. Mr. Bowles stated that this property is a nice place to enjoy nature. Mr. Bowles added that he is asking for a variance to have an accessory structure on the property before a home so that he will have a place to store an ATV and other maintenance equipment in order to enjoy and take care of the property. Additionally, Mr. Bowles stated that he would like a small bathroom in the accessory structure and a place to park his personal vehicle while he is there, which is why he is asking for a larger size. Mr. Bowles added that having a storage space on site would prevent him from hauling equipment and machinery to and from his home. Additionally, Mr. Bowles explained that the size of the garage would be approximately four stalls.

Mr. Bailliez asked if the building would be a pole barn, and Mr. Bowles responded that it would look like a house garage. Mr. Bowles added that after he had looked at the design drawn by his architect, he felt that the proposed size was rather large, and he would likely choose to make it smaller than what was originally requested. Ms. O'Brien asked if Mr. Bowles had any plans to build a house on the property, and he responded that he did not. Mr. Bowles added that he simply wanted a place where he could go and enjoy the outdoors. Ms. O'Brien asked for clarification that Mr. Bowles was asking for a 25-foot variance from the right of way, and Mr. Bowles confirmed that this was correct. Mr. Bowles further stated that the property slopes back toward a creek, which prevents him from moving the building back further from the right of way.

Mr. Fletcher asked if there were any homes or driveways on the road beyond this property to the west, and Mr. Bowles responded that there were not. Mr. Fletcher asked if the road was maintained by the township, and Mr. Bowles responded that it was up to the point where the sign indicated that township maintenance ended. Mr. Bailliez asked how long Mr. Bowles had owned this piece of property, and Mr. Bowles responded that he had purchased it in May. Mr. Bailliez asked if there was a previous variance on the property, and Mr. Bowles responded that the person he had purchased the property from had requested a setback variance for a house, but they never ended up moving forward with that project. Mr. Happ asked if Mr. Bowles would need a well and septic system because of the bathroom, and Mr. Bowles stated that he had already been in contact with the Health Department about that.

Ms. O'Brien stated that the board had received a letter from a neighbor who was opposed to the setback request and asked if Mr. Bowles had spoken to them. Mr. Bowles responded that he had not spoken with them. Mr. Bowles added that he wanted to be a good neighbor and would push the building back as far as he could, but the request was for the minimum adjustment he thought he might need given the slope of the property and size of the building. Mr. Bowles stated that he would be retaining a surveyor to make sure he knew exactly where the right of way was. Mr. Bowles added that he wanted the building to be as far back from the road as possible.

Robert Peters of 13226 W. Legion Hall Rd., Princeville, was sworn in. Mr. Peters stated that he was looking forward to having a friendly neighbor who would enjoy this piece of property, but he did have some concerns about the location of the proposed building 15 feet from the center of the road. Mr. Peters explained that he would be the greatest affected by the location of the building as it would be directly across from his home. Mr. Peters also pointed out that the building was very large, and he was concerned that it would take over the view across the road. Mr. Peters stated that they love living in a remote, secluded area and seeing this building from the road would change the rural character of the area.

Mr. Bailliez asked for clarification on the setback variance and Mr. Braun explained that the 15 foot setback was being requested from the right of way, not the center of the right of way. Mr. Peters said that was a more reasonable request. Ms. Armbruster pulled up the aerial map on GIS and showed where the right of way was located and then showed a measurement of 15 feet back from that line. Mr. Braun explained the request in reference to what the map showed, and Mr. Peters stated that this was less concerning than what he had originally understood the request to be. Ms. O'Brien asked if this would change the objector's position, and Mr. Peters stated that he wanted Mr. Bowles to be able to enjoy the land and understood the limitations created by the topography, but the size of the building was still very large.

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)

Mr. Bailliez pointed out that although the size of the building was large, it would be sitting on a 5-acre parcel. Mr. Bailliez added that the petitioner had testified that the building may end up being smaller than requested and would look very nice. Ms. O'Brien pointed out that the objection letter from Ms. Banaszewski indicated that she may have also misunderstood the setback request. Mr. Happ stated that

the lot was fairly wooded, so neighbors probably would not see the building much, if at all. Mr. Bailliez added that there were no houses to the west of this property.

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;
 - To build a building 15 feet from the right of way for a garage that is 30' x 50'. The property is rough and used as a recreational property. This area is the only place level enough to build on the 5+ acres.
2. That the variation, if granted, will not alter the essential character of the locality;
 - This maintenance building would not alter the agriculture and recreational character of the surrounding 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;
 - 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 has substantial contours and is heavily wooded with many years of undergrowth.
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;
 - This property is very remote and the planned structure would not be intrusive.
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 property is remote and can only be reached by an unmaintained township road.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - Equipment will be necessary to clear and access the property for recreational purposes. This structure would be the minimum change necessary.

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.
- Having a building for maintenance purposes to make recreational use of this land useful.

Ms. O'Brien 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. 033-20-V at 10:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **JASON & JO ANNE HURDIS, acting on their own behalf**, a **VARIANCE** request from Section 20-5.13.3.4 of the Unified Development Ordinance, which requires that for lots and parcels in platted subdivisions not created by tract surveys, the total floor area of all accessory buildings, attached or detached, shall not exceed the footprint of the principal structure or 1,300 square feet, whichever is less, plus 750 square feet for a private garage. The petitioner proposes to construct a 1,920 square feet accessory structure in the "R-R" Rural Residential Zoning District, which would exceed the allowable cumulative square footage of 1250 square feet, resulting in a variance request of 670 square feet.

Mr. Braun opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on July 26, 2020 and the Weekly Post on July 23, 2020. The Health Department had no objection. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Environmental Corridor & Rural). The site plan and two videos of the property were shown. The property is zoned R-R.

Jason & Jo Anne Hurdis of 14823 W. Schlink Rd., Brimfield, IL, were sworn in. Mr. Hurdis explained that they are currently building a new home on the 5-acre piece. Mr. Hurdis stated that there is a certain amount of equipment needed to maintain 5 acres and they would like a place to store that equipment inside. Mr. Hurdis stated that the requested size of the building was 40' x 48' and would have 9-foot walls. Additionally, the accessory building would match the house being built and would compliment the property. Mr. Hurdis also pointed out that many properties in the area also had larger accessory structures, so it would be consistent with the area.

Ms. O'Brien asked if Mr. Hurdis felt this was the minimum size needed, and he stated that he did because of the large equipment it would store. Mr. Fletcher asked if the house was finished yet, and Mr. Hurdis responded that the house was on track to be finished in October.

Mr. Bailliez asked if there was anyone present who wanted to speak for or against the case, and there was no one. Mr. Keyt made a motion to close and deliberate and was seconded by Mr. Happ. 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;
 - The petitioner has 5 acres located in a Rural Residential zoning next to an A-2 zoning area. They are requesting a 40 x 48 pole barn equal to 1,920 square feet. They are allowed 1,250 square feet, for a difference of 670 square feet.
2. That the variation, if granted, will not alter the essential character of the locality;
 - There are many out buildings in this area because of the large lot sizes.
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 5-acre lot size zoned Rural Residential restricts the size of the proposed pole barn.
4. That the conditions upon which the petition for a variation are based are unique to the property for which the variance is sought and are not applicable, generally, to other property;
 - See #1.
5. That the granting of the variation will not be detrimental to the public health, safety, comfort, morals and welfare, or injurious to other property or improvements in the neighborhood in which the property is located, or otherwise be inconsistent with any officially adopted County plan or these regulations;
 - Will not affect any of the above-mentioned elements.
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 lot size of 5 acres with the barn placed a safe distance from the lot lines will not affect the above items.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - This is the only accessory structure.
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 is a large parcel of 5 acres zoned Rural Residential.

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

Case No. 034-20-V at 10:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **DEBORAH L. TEMPLETON, acting on her own behalf**, a **VARIANCE** request from Section 20-5.13.3.4 of the Unified Development Ordinance, which requires that for lots and parcels in platted subdivisions not created by tract surveys, the total floor area of all accessory buildings, attached or detached, shall not exceed the footprint of the principal structure or 1,300 square feet, whichever is less, plus 750 square feet for a private garage. The petitioner proposes to construct a 1200 square feet accessory structure in the "R-R" Rural Residential Zoning District, which would exceed the allowable cumulative square footage of 926 square feet, resulting in a variance request of 274 square feet.

Mr. Braun opened the case. There are 0 consents and 3 objections on file. The case was published in the Peoria Journal Star on July 26, 2020 and the Weekly Post on July 23, 2020. The County Highway Department and the Health Department had no objection. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Agriculture). The site plan and two videos of the property were shown. The property is zoned R-R.

Deborah Templeton of 3909 W. Cedar Hills Dr., Dunlap, IL, sworn in. Ms. Templeton stated that she called Planning and Zoning before buying this property to see if she would be able to put up an accessory building. Ms. Templeton explained that she was moving from a 20 acre piece of property and had a lot of equipment to store. Ms. Templeton was told that she could build a maximum 1,066 square foot building; however, Ms. Templeton stated that she later discovered that she could only have a building as large as 926 square feet. Ms. Templeton stated that a larger building was necessary in order to fit all of the items inside and make the property look nicer. Ms. Templeton stated that they have two boats, two utility vehicles, two trailers, two lawn mowers, a small tractor, and implements.

Ms. Templeton stated that they thought the request was fine with the neighbors, but then found out later that there were objections. Ms. Templeton stated that there are many buildings of this kind in the immediate area, so it would be consistent with the area. Ms. Templeton added that they recently sold their other house on the 20 acre parcel, which is why many items are sitting out in the yard currently. These items could be stored in the proposed building. Ms. Templeton stated that no business equipment would be stored in the building and that it would be for personal storage only.

Ms. O'Brien asked if a business was being run from the home or if business equipment would be sitting outside, and Ms. Templeton responded that Ms. Armbruster has been to the property and inquired about the business equipment. Ms. Templeton stated that she was informed she would need to get a Special Use for a major home occupation if a business was being run from the property. Ms. Templeton explained that they were trying to sell the business. Mr. Fletcher asked what kind of business it was, and Ms. Templeton responded that it was stump grinding. Ms. Templeton stated that they were not interested in applying for the Special Use but would instead store the equipment somewhere else. Ms. Templeton added that they may have found a suitable storage space, but it would not be available for several weeks.

Mr. Fletcher asked if there would be a driveway leading back to the building, and Ms. Templeton responded that they had no plan to put one in since they would not be accessing it frequently. Ms. Templeton added that they planned to go through the yard to get the stored items as needed. Mr. Fletcher asked what kind of building they planned to put up, and Ms. Templeton stated that it would be a metal building likely with a gravel floor. Ms. Templeton added that it might have electricity. Mr. Fletcher

asked if any trees would have to be removed to make room for the building, and Ms. Templeton responded that they would not.

Mr. Bailliez asked if all the equipment coming from the previous 20-acre piece was necessary for the 2 acre parcel they had moved to, and Ms. Templeton responded that certain equipment would be helpful for maintaining the long gravel driveway and the yard.

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;
 - The petitioner is requesting a variance of 274 square feet for a 30' x 40' steel building to store fishing boats, yard equipment, and garden equipment. This area has large lots size. This lot is 2 plus acres.
2. That the variation, if granted, will not alter the essential character of the locality;
 - There are other large storage buildings 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 above equipment is stored off site and that site is being sold.
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;
 - Other homes in the area have large storage buildings.
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;
 - Neighbor on the north not be affected. At the rear, very little will be visible.
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;
 - Will not affect any of the above items.

7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - The 30' x 40' building is the minimum needed.
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.
 - Without adding this building, a lot of items will be sitting outside deteriorating and junking up the looks of the property.

Ms. O'Brien made a motion to strike the line stating that the neighbors had no objection and was seconded by Mr. Keyt. A vote was taken and the motion passed; (5-0) Mr. Happ made a motion to approve the findings of fact and was seconded by Mr. Keyt. A vote was taken, and the motion passed; (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)

Case No. 035-20-V at 11:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **GARY S. WILKINSON, acting on behalf of himself & NALANA D. WILKINSON, a VARIANCE** request from Section 20-6.6.2.1.e.1 of the Unified Development Ordinance which requires a road setback of 25 feet from the right-of-way. The petitioner is proposing to construct a deck in the "R-2" Medium Density Residential Zoning District at a distance of 20 feet from the right-of-way, resulting in a variance request of 5 feet.

Mr. Braun opened the case. There are 2 consents and 0 objections on file. The case was published in the Peoria Journal Star on July 26, 2020 and the Chillicothe Bulletin on July 29, 2020. The Health Department had no objection. 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 one video of the property were shown. The property is zoned R-2.

Gary Wilkinson of 14817 N. Fruitland Ln., Chillicothe, IL, sworn in. Mr. Wilkinson stated that he would like to build an 8' x 12' deck on the front of his house that would be closer to the road than allowed. Mr. Wilkinson stated that there is an existing concrete stoop that is sinking into the ground. He would like to remove the concrete and put in a deck to provide easier access to the front door. Mr. Wilkinson stated that the street has very low traffic and the deck should be an improvement to the property.

Mr. Fletcher asked if the deck would be wood, and Mr. Wilkinson confirmed that it would be. Mr. Wilkinson added that it was just under 100 square feet and would have a railing and lattice work on the bottom. Mr. Bailliez asked if the concrete would be removed, and Mr. Wilkinson stated that it would be because it was damaging the foundation.

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. Fletcher. 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;
 - The house is close to the road creating a setback variance of 5 feet to build a deck.
2. That the variation, if granted, will not alter the essential character of the locality;
 - It will improve the neighborhood.
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;
 - This house is the only house in the neighborhood without a deck on the front.
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 affect any of the above items plus it will improve the property value.
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 proposed variation will not affect any of the above items.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - A variance of 5 feet will allow for a good and useful deck.
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 requested deck will improve the looks of the house and will improve the value of the property.

Ms. O'Brien 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. Happ. A vote was taken and the motion was approved. (5-0)

Case No. 036-20-V at 11:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **PHIL WRIGHT, acting on behalf of D. L. MARQUIS (owner), 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 3,870 square feet accessory structure in the "R-1" Low Density Residential Zoning District, which would exceed the allowable cumulative square footage, resulting in a variance request of 4,992 square feet.

Mr. Braun opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on July 26, 2020. The Health Department recommended denial. Mr. Braun explained that the petitioner had requested a continuance to next month due to the recommendation of denial from the Health Department. The petitioner was requesting more time to work through those issues. Mr. Braun stated that the next meeting would be on September 10th and suggested a time of 10:00 a.m.

Ms. O'Brien made a motion to continue the case to the September 10th hearing at 10:00 a.m. and was seconded by Mr. Keyt. 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 desk 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.

Mr. Braun opened the case. There are 0 consents and 1 objection on file. The case was published in the Peoria Journal Star on June 21, 2020. The Health Department had no objection. Peoria Public Works and the Medina Township Road Commissioner both had no objection to the revised site plan. 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 revised site plan and four videos of the property were shown. The property is zoned C-2.

Mr. Braun explained that the testimony had been closed at the previous hearing, so the board would need to reopen it to hear more from the petitioner. Ms. O'Brien made a motion to reopen the testimony and was seconded by Mr. Fletcher. A vote was taken and the motion passed; (5-0).

Renee Endress of 1267 County Rd. 350E, Henry, IL, was sworn in. Geoff Smith, architect for Ms. Endress, of 10611 N. Sleepy Hollow, Peoria, was also sworn in.

Ms. O'Brien made a motion to incorporate the testimony made at the August 13th hearing into the case and was seconded by Mr. Keyt. A vote was taken and the motion passed; (5-0).

Ms. Endress stated that Mr. Smith would be discussing the revisions made to the site plan that she hoped would alleviate some of the board's previous concerns. Mr. Smith stated that the board had objection to the deck being placed in the sight triangle, so he had updated the site plan to cut the corner from the deck and remove everything from the sight triangle. Additionally, Mr. Smith had some updated renderings that he hoped would show that visibility for cars in the intersections would be adequate given the new plan to cut the corner off of the deck and remove all items from the sight triangle. Furthermore, Mr. Smith stated that he and Ms. Endress had met with the objecting neighbor and shared the updated sight plan with him. Mr. Smith stated that after their conversation with the neighbor, he no longer had an objection. Mr. Smith also explained that after they cut the corner off the deck it positioned the deck further back from the Alta Lane right of way than originally requested.

Regarding landscaping, Mr. Smith stated that they were able to add one more point to their total, resulting in a variance request of one less point. Also, the parking plan was updated to include 12 parking spaces, resulting in a variance of 3 spaces as opposed to the original request of 9 parking spaces with a variance of 6 parking spaces.

Mr. Fletcher asked if the ramp would still meet ADA requirements after the modification of taking the corner off, and Mr. Smith responded that it would. Ms. O'Brien asked if the existing cement patio at the front of the building would be removed, and Mr. Smith stated that some closest to the road would be removed whereas some of it might stay under the deck. Mr. Smith stated that it was not in great condition, but they intended to try and keep some of it if possible.

Mr. Keyt stated that he felt the revised site plan helped alleviate his prior concerns. Mr. Happ asked if the rest of the building had been modified from the original site plan, and Mr. Smith responded that only the deck had been modified. Mr. Smith explained that the large addition to the back was garage space

for Ms. Endress's trailer and her daughter's ice cream trailer, which had been included in the original site plan.

William Terrell of 10020 N. Atlantic St., Peoria, was sworn in. Mr. Terrell stated that after speaking with Mr. Smith and Ms. Endress about the updated site plan, he no longer had an objection to the request. Mr. Terrell stated that the visibility issues seemed to have been addressed with the changes made to the deck.

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

Mr. Bailliez stated that he was glad to see that the site plan had been revised to address the previous concerns of the board. Mr. Braun explained that because the site plan had been updated to remove everything from the sight triangle, the first and second variances were no longer necessary as they were both related to that issue. Additionally, the site plan revision also changed the requested number of parking spaces to 12 instead of 9, resulting in a variance of 3 parking spaces. Ms. Cordis Boswell asked if the second and third variances had changed regarding setbacks, and Mr. Braun responded that the setback from Atlantic St. had not changed, but the revised site plan did not specify the setback from Alta Lane. Ms. Cordis Boswell explained that as long as the board had no problem with the original setback request from Alta Lane, they could approve it as is with the knowledge that Mr. Smith had testified the deck would likely be further back from the right of way than originally requested. Ms. Cordis Boswell also explained that the board could simply vote to deny the first and second variances since they were no longer needed. Ms. Cordis Boswell stated that the board could also approve requests with amendments specific to the revised site plan but did suggest that each variance should be voted upon separately in order to relieve any confusion.

Mr. Fletcher asked if the board could add restrictions to the requests, and Mr. Braun explained that they could place restrictions on the requests; however, itemizing the requests and voting on them separately may relieve the board from needing to place restrictions on the requests.

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 space and location of the septic system on this lot leaves only the north front entrance for a deck.
2. That the variation, if granted, will not alter the essential character of the locality;
 - The current concrete steps will be replaced with this deck.

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 old concrete is in poor shape and not handicap accessible.
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 shape of the lot also makes this improvement impossible to follow all the county standards.
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 construction of an accessible wood deck with small dining tables at the entrance of the new Grace Catering facility will be an attractive new amenity for an existing building that has been vacant and in disrepair over the last few years.
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;
 - Removing the old concrete and adding a handicap ramp will improve the site and be safer for public use.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - Meeting the parking requirements and improving the front for outdoor dining is the minimum adjustment.
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 area will be improved by removing the concrete and replacing it with a deck further back from the property line.

Ms. O'Brien 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 variance requests #1 and #2 (regarding the sight triangle) and was seconded by Ms. O'Brien. A vote was taken and the motion was denied. (0-5) (All members voted no.)

Mr. Keyt made a motion to approve variance requests #3 and #4 (regarding the setbacks from the right of ways) and was seconded by Mr. Fletcher. A vote was taken, and the motion passed; (5-0)

Ms. O'Brien made a motion to approve variance request #5 (regarding the landscaping) and was seconded by Mr. Happ. A vote was taken, and the motion passed; (5-0)

Ms. O'Brien made a motion to approve variance request #6 (regarding the parking spaces) as amended from 9 parking spaces with a variance of 6 parking spaces to a variance of 12 parking spaces with a variance of 3 parking spaces and was seconded by Mr. Fletcher. A vote was taken, and the motion passed; (5-0)

Miscellaneous:

No further questions or comments were made.

Mr. Happ made a motion to adjourn and was seconded by Mr. Fletcher. A vote was taken, and the motion passed; (5-0)

Meeting adjourned 12:10 p.m.

Respectfully submitted,

Ellen Hanks

ZBA Administrative Assistant