

**MINUTES**  
**Zoning Board of Appeals**  
**Linda O'Brien, Chairperson**  
**January 14, 2021**

A meeting of the Peoria County Zoning Board of Appeals was held on Thursday, January 14, 2021, virtually via WebEx. The meeting was called to order by Chairperson Pro Tem at 8:45 a.m.

PRESENT: Andrew Keyt, Greg Happ, Greg Fletcher, Leonard Unes, Jim Bateman, Robert Asbell

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

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

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Mr. Happ nominated Andrew Keyt as Chairman Pro Tem and was seconded by Jim Bateman. A vote was taken, and the motion passed; (6-0)

Mr. Happ made a motion to suspend local rules to hold the meeting electronically and was seconded by Mr. Bateman. A vote was taken, and the motion passed; (6-0)

Mr. Happ made a motion to approve the minutes from the November 12, 2020 hearing and was seconded by Mr. Fletcher. A vote was taken, and the motion passed; (6-0)

Case No. 045-20-U at 9:00 a.m. Due to Covid-19 restrictions on in-person gatherings, this hearing was held remotely pursuant to Public Act 101-0640.

Petition of **GARY EDMONDS, acting on behalf of himself and DIANE EDMONDS (owners), a SPECIAL USE** request from Section 20-5.11.2.3.b of the Unified Development Ordinance. This section allows for a special use for warehousing/mini-storage in the "I-2" Heavy Industrial Zoning District. The petitioner proposes to bring an existing self-storage into compliance with the Unified Development Ordinance.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in *The Peoria Journal Star* on October 27, 2020 and again on December 21, 2020 and *Limestone Independent News* on October 14, 2020 and again on December 16, 2020. The Limestone Township Planning Commission has recommended approval, the Peoria County Health Department has no objections, and the County Highway has deferred comment to IDOT. There are no comments from IDOT. Staff recommends approval. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Interchange with

some Environmental Corridor). The site plan and two videos of the property were shown. The property is zoned I-2.

Gary Edmonds of 2932 State Route 17, Galva, IL, was sworn in. Mr. Edmonds stated that it came to his attention that the property is not zoned for storage and wanted to do the right thing and obtain the correct zoning.

Mr. Keyt asked if the area surrounding was mostly similar type businesses, commercial and light industrial. Mr. Edmonds responded that this was correct. Mr. Keyt asked if there were any questions from the board. Mr. Fletcher asked when the buildings were built. Mr. Edmonds responded that he wasn't sure, but assumed they were approximately 15-20 years old and were not new when he purchased the property five years ago. Mr. Keyt asked how he discovered that the property wasn't correctly zoned. Mr. Edmonds stated that they had put the property up for sale a year ago, and during the title work it was discovered. Mr. Keyt noted that the adjacent parcel held a dumpster business and that the petitioner's property was largely screened from the road by vegetation.

Mr. Keyt asked if there were any other comments that were received, for or against the case, and there were none. 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)

Case No. 046-20-V at 9:00 a.m. Due to Covid-19 restrictions on in-person gatherings, this hearing was held remotely pursuant to Public Act 101-0640.

Petition of **MICHAEL EDENBURN, acting on his own behalf, a VARIANCE** request from Section 20-6.5.2.1.b.1 of the Unified Development Ordinance, which requires a road setback of 75 feet from the right-of-way or 115 feet from the center of the right-of-way, whichever distance is greater in the "R-1" Low Density Residential Zoning District. The petitioner is proposing to construct a solar array at a distance of 78 feet from the center of the right-of-way, resulting in a variance request of 37 feet. Also, A Variance request from Section 20-6.5.2.2.c.2 of the Unified Development Ordinance which requires a side setback of 15 feet for accessory structures. The petitioner is proposing to construct a solar array at a distance of 0 feet from the southerly side property line, resulting in a variance request of 15 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 November 16, 2020 and December 21, 2020 and *The Weekly Post* on November 9, 2020 and December 17, 2020. The City/County Health Department has recommended denial on this case. The Peoria County Highway Department has 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 (Urban). The site plan and two videos of the property were shown. The property is zoned R-1.

Michael Edenburn of 9321 N Trigger Rd, Edwards, IL was sworn in. Mr. Edenburn stated that he would like to construct a solar array. However, it needs to be on the property line, because, if it was any further North, it would block his driveway. Additionally, trees would shade it on the back of the property. Mr. Keyt asked what the size of the array would be. Mr. Edmonds lost his paperwork and wasn't sure of the size. Mr. Keyt asked if the property that the array would be abutting up to was owned by Mr. Edmonds. Mr. Edmonds stated that it was. Mr. Happ asked about the Health Department's concerns regarding a septic line. Mr. Edmonds stated that it was a discharge line for his sand filter.

Mr. Fletcher stated that he had to step away from the hearing momentarily.

Mr. Keyt asked if Mr. Edenburn had spoken to the Health Department about its concerns. Mr. Edmonds said he hadn't, because there wasn't anything he could do about the discharge line as he was unable to move it. Mr. Happ asked if the array could be put on the property that he owned to the south. Mr. Edmonds said he could combine the two properties, but then he couldn't build a house on that lot in the future. Ms. Urban said that the solar array is considered an accessory structure which needs to be on a lot that has a principal structure. That is why he was advised he could combine the lots. If a solar array is the principal use of a property, it would become a new category.

Mr. Asbell stated that he didn't think the positioning of the solar panels would be a big problem. Mr. Edmonds added that the panels would be seven feet off the ground.

Mr. Keyt asked if there were any additional questions from the board, and there were none. Mr. Happ made a motion to close and deliberate and was seconded by Mr. Bateman. A vote was taken, and the motion passed; (5-0) (Mr. Fletcher was absent for vote)

### ***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 solar panels need to be located close to the meter on the north side of the property. Due to the location of the driveway, the only location it can go, without removal of trees or interrupting the septic system, is South of the driveway. However, the Peoria City/County Health Department has recommended denial due to the location of the discharge line for the onsite wastewater treatment system that is running parallel to the driveway.
2. That the variation, if granted, will not alter the essential character of the locality;
  - The location is residential and solar panels are allowed as an accessory structure. It is not expected to alter the essential character.
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 written application by the owner indicates it will not be a hardship. See also facts listed under factor number 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 unique circumstances include the location of the trees and driveway upon the property and the overall size of the lot.

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 would be no known effects to the health, safety, morals, and welfare or to other property. However, the Peoria County Health Department has indicated the proximity of the discharge line for the wastewater treatment is too close, and therefore, recommends denial.
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 are no known adverse effects to light, air, traffic, fire risk, no public safety risks, or negative impacts on property in the immediate neighborhood.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
  - The applicant has stated that this is the minimum amount of adjustment given the location of the driveway and the trees on the back 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.
  - See factors #1-7 above. Also, the petitioner desires to utilize clean energy, but these panels, per the owner, cannot be located elsewhere.

Mr. Happ made a motion to approve the findings of fact and was seconded by Mr. Asbell. A vote was taken, and the motion passed; (4-1) (Mr. Fletcher was absent for the vote). Mr. Bateman made a motion to approve the request and was seconded by Mr. Asbell. A vote was taken, and the motion was approved. (3-2) (Mr. Fletcher was absent for the vote).

Case No. 047-20-V at 9:00 a.m. Due to Covid-19 restrictions on in-person gatherings, this hearing was held remotely pursuant to Public Act 101-0640.

Petition of **GEORGE TODD PARMENTER and JOHN ZIMMERMAN, acting on behalf of JOHN & HOLLY ZIMMERMAN**, a **VARIANCE** request from Section 20-6.3.2.2.d.2.a of the Unified Development Ordinance, which requires a side setback of 15 feet for accessory structures in the “A-2” Agriculture Zoning District. The petitioner has constructed a well house at a distance of 0 feet from the northerly side property line, resulting in a variance request of 15 feet.

Ms. Urban opened the case. There are 3 consents and 0 objections on file. The case was published in *The Peoria Journal Star* on November 16, 2020 and December 21, 2020 and *The Weekly Post* on November 19, 2020 and December 17, 2020. The Peoria County Highway Department has deferred to IDOT. There are no comments from IDOT. The County Health Department recommends approval, however, would like to inspect the well after it is constructed. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use

plan designation (Urban). The site plan and two videos of the property were shown. The property is zoned A-2.

Todd Parmenter of 9361 State Route 91, Peoria, IL was sworn in. Mr. Parmenter stated that he is one of the neighbors that has a shared use agreement on drive, well, and access. There were 5 properties total on the well agreement. The well is a good well, and the neighbors have no desire to dig individual wells. The original mechanicals were in a house that burned down, and they were forced to come up with a quick solution because the neighborhood was without water. Because of the proximity of the well head, it made the most sense to place the well house in the closest flag lot that is owned by Mr. Zimmerman. When they built the well house, they were unaware of the setback requirements. This solution would require the least amount of boring. Mr. Parmenter asked if there were any questions. Mr. Keyt asked if the board had any questions. Mr. Happ asked if anyone planned on rebuilding on that lot. Mr. Parmenter said there were no plans, but anyone buying the lot would have knowledge of the shared access agreement at the time of purchase. Mr. Keyt asked if there were any other questions from the board.

Mr. Keyt asked if there were any other comments that were received, for or against the case. Ms. Urban read comments from OSF stating that the construction would have no effect. Also, there were comments from neighbors Dan Hellige and John Zimmerman, requesting that the board approve the petition.

Mr. Keyt asked if there were any other questions from the board, and there were none. Mr. Happ made a motion to close and deliberate and was seconded by Mr. Bateman. A vote was taken, and the motion passed; (5-0) (Mr. Fletcher was absent for vote)

### ***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 shared well for the 5 homes was destroyed by a fire. The applicants seek to build a well house on the flag lot, which is only 30 feet wide necessitating a variance regardless of the location. Alternatives would require them to bore under a number of driveways.
2. That the variation, if granted, will not alter the essential character of the locality;
  - The location is at the end of a row of trees near the dumpsters utilized for the neighborhood. The building will be built to match the existing outbuildings nearby. OSF, the neighbor across the street has no objections.
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;

- Other placements would double the costs of the installation. The location is the closest practical location to the well head and electric service. It presents the least amount of underground boring for electric and water lines.
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 well is the only available water source for the remaining homes. Without construction of the well house the remaining properties will be left without reliable water.
  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 only homeowners affected are those in agreement with the construction of the well house. Further, not granting the permit will jeopardize the availability of safe potable water.
  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;
    - No impacts are expected upon light/air, traffic congestion, fire risk, or public safety. Property values are expected to increase since the mechanical systems will be separate from a residential home.
  7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
    - Other options for construction of the well would cause significant increases in construction costs, time, and effort, due to increased distances for running water line and boring under an additional three driveways.
  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.
    - Refer to facts 1-7. Also, without the well house, the remaining four homes would be rendered uninhabitable.

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; (5-0) (Mr. Fletcher was absent for the vote). Mr. Happ made a motion to approve the request and was seconded by Mr. Bateman. A vote was taken, and the motion was approved. (5-0) (Mr. Fletcher was absent for the vote)

Case No. 048-20-V at 9:00 a.m. Due to Covid-19 restrictions on in-person gatherings, this hearing was held remotely pursuant to Public Act 101-0640.

**Petition of E. B. BUILDINGS & LUMBER CO., INC., acting on behalf of Streitmatter Investment Properties, LLC, a VARIANCE request from Section 20-7.6.5.1 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 petitioner proposes 0 points of front yard landscaping, resulting in a variance of 199 points in the “I-1” Light Industrial Zoning District. Also, a Variance request from Section 20-7.6.6.1 of the Unified Development Ordinance, which requires that the number of points that must be achieved through landscaping for all parking lots shall be equal to the number of parking spaces provided. The petitioner proposes 0 points of parking lot landscaping, resulting in a variance of 17 points.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in the *Peoria Journal Star* on November 16, 2020 and December 21, 2020 and the *Weekly Post* on November 19, 2020 and December 17, 2020. The Peoria County Highway Department has no objection, and the Peoria County Health Department has 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 (Interchange). The site plan and two videos of the property were shown. The property is zoned I-1.

Doug Streitmatter of 17622 N Duncan Rd., Princeville, IL was sworn in. Mr. Streitmatter stated that they’re trying to add some storage buildings to the facility, and the landscaping would be a problem. For security reasons, it would block the front of the property and prohibit the police from being able to see the facility when driving by to check it. Also, it would be a problem for trucks to maneuver around the ends of the buildings with landscaping there.

Mr. Keyt asked if there were any questions from the board. Mr. Asbell stated that he didn’t know if he should recuse himself from this case since his family farms the parcel behind the property and they use the access road. Mr. Keyt deferred to the State’s Attorney. Ms. Cordis-Boswell stated that Mr. Asbell could recuse himself if he felt that he couldn’t render an impartial decision. Mr. Asbell stated he could be impartial. Ms. Cordis-Boswell asked Mr. Streitmatter if he had any objection to Mr. Asbell’s participation, and he did not. Ms. Cordis-Boswell asked if any of the other board members had any objections, and there were none. Additionally, Ms. Cordis-Boswell asked Ms. Urban if there were any comments or objections from the public, there were none. Ms. Cordis-Boswell stated that hearing no objection, it would be fine for Mr. Asbell to participate.

Mr. Keyt asked Mr. Streitmatter if the surrounding area was mostly commercial and confirmed that they were expanding. Mr. Streitmatter stated that was correct. Mr. Keyt asked how many storage buildings they were adding. Mr. Streitmatter stated that they were extending the four north buildings out to the setbacks. Mr. Keyt reiterated that there were concerns about security if landscaping were present. Mr. Streitmatter stated that this was correct, and that they had had problems previously, and he felt that it would be worse if there were trees or shrubbery blocking the view from the road. Mr. Keyt asked if landscaping would prohibit vehicles from coming in and out of the road. Mr. Streitmatter stated that it would, and that it would be difficult for trucks to make turns around the end of the buildings.

Mr. Keyt asked if there were other questions for the board and there were none. Mr. Keyt confirmed that there were no other comments from the public, and Ms. Urban agreed. Mr. Happ made a motion to close and deliberate and was seconded by Mr. Bateman. A vote was taken, and the motion passed; (5-0) (Mr. Fletcher was absent for vote)

***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 shape and location of buildings make it infeasible to place trees and shrubbery within the facility, particularly, while also maintaining security for staff and patrons, and allowing for adequate spaces for vehicles to come and go.
2. That the variation, if granted, will not alter the essential character of the locality;
  - The area where the facility is located is a largely commercial area, and not residential. Most locations surrounding the property are industrial storage, highway, commercial properties, and farm ground. The properties to the south and west of the property do not have landscaping. Properties to the north and east are farm ground.
3. That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out;
  - The size of the property and facilities will not allow for compliance with the landscaping requirements. It would be difficult to place trees, shrubs and landscaping in a way that would be safe for customers and staff, particularly oversized vehicles will have a difficult time turning down the aisles or along the ends of the buildings.
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 facts listed under findings 1-3 above.
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 evidence the variance will be detrimental to the health, safety, comfort, morals, or welfare, or injurious to other property in the neighborhood. Also, the surrounding properties similarly do not have the landscaping requirements. The Health Department has indicated that no septic or well is located on the property. See also findings under factors 1-4.
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 are no anticipated impacts to light/air or anticipated increases in congestion upon the public streets. The fire department signed off on the expansion. The neighboring properties are not of residential character. Public safety will be increased by increasing visibility from the street.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land;  
and



- See facts listed under findings 1-6 above.
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.
- Strict adherence would not allow for safe access to the property by customers and staff. There are no practical alternatives for placement of the landscaping.

Mr. Asbell made a motion to approve the findings of fact and was seconded by Mr. Bateman. A vote was taken, and the motion passed; (5-0) (Mr. Fletcher was absent for the vote). Mr. Happ made a motion to approve the request and was seconded by Mr. Bateman. A vote was taken, and the motion was approved. (5-0) (Mr. Fletcher abstained as he was absent for the testimony)

Case No. 049-20-V at 9:00 a.m. Due to Covid-19 restrictions on in-person gatherings, this hearing was held remotely pursuant to Public Act 101-0640.

**Petition of KENT M. NOLL & RONDA S. NOLL., acting on their own behalf, 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 in the “R-2” Medium Density Residential Zoning District. The petitioner is proposing to build a deck and staircase at a distance of 10 ft from the road, resulting in a variance request of 15 feet. Also, a Variance request from Section 20-7.4.6.2 of the Unified Development Ordinance, which requires that no solid fence shall be constructed in a front setback past the front building line. The petitioner proposes to construct a solid, 6 foot fence in the front setback past the front building line. Also, a Variance request from Section 20-7.4.6.4, which requires that in the case of solid fences on corner lots, that part of the fence which encloses the front setback facing the side street shall be erected ten (10) feet from the property line. The petitioner proposes to construct a solid fence at a distance of 0 feet from the property line, resulting in a variance of 10 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 November 16, 2020 and December 21, 2020 and the *Limestone Independent News* on December 16, 2020. The Peoria City/County Health Department has 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 (Rural). The site plan and two videos of the property were shown. The property is zoned R-2.

Ronda Noll of 4419 W. Russell Ave., Peoria, IL was sworn in. Ms. Noll stated that they want to use the maximum space of their yard for privacy since they are on a corner lot, and to provide safety. There is a duplex behind the property that has aggressive dogs and they are concerned for their grandchild and their dogs. There is an existing deck that needs the rails replaced, and they would like to move the steps to the other side.

Mr. Keyt asked if there were any questions from the board and there were none. Mr. Keyt confirmed Ms. Noll’s request based on the petition. Mr. Fletcher asked if the new steps were coming off the front of the house. Ms. Noll stated that the steps would be coming off the Allen Rd. side. Mr. Unes asked Ms. Urban if there would be other variance requirements when the pool permit application came in. Ms. Urban stated that there would be setback requirements for a pool, and that is something the petitioner would have to consider. Mr. Keyt asked Ms. Urban if the Nolls had already gotten a pool variance last year. Ms. Noll stated that they did have a variance for the pool, and someone had suggested that they

put up a fence, and that they would also need a variance for that. Ms. Urban stated that, when the Noll's originally received their pool variance, they were going to use panels around the pool, but later decided to put up a fence instead.

Mr. Keyt asked if there were any other questions from the board members and there were none. Mr. Keyt asked if there were any comments from the public and Ms. Urban stated there were none. Mr. Bateman made a motion to close and deliberate and was seconded by Mr. Fletcher. 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 applicant has a variance for a pool to be located in the backyard. The backyard is not large, and they would like to be able to utilize the entirety of the yard. Also, the it would allow for fewer steps down. Additionally, there have been safety issues concerning a neighbor's large, aggressive dogs.
2. That the variation, if granted, will not alter the essential character of the locality;
  - Neighboring properties have six-foot fences. There are very few houses in the area at the end of a dead-end street. There are also other structures in the neighborhood closer than the 25-foot setback to the right-of-way.
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 property has a small space to utilize. Without setback variances, the owners will be deprived of the full use of their property. Also, the increase of the height of the fence may be necessary to prevent the neighbor's dogs from entering the property.
4. That the conditions upon which the petition for a variation are based are unique to the property for which the variance is sought and are not applicable, generally, to other property;
  - See factors 1-3 above.
5. That the granting of the variation will not be detrimental to the public health, safety, comfort, morals and welfare, or injurious to other property or improvements in the neighborhood in which the property is located, or otherwise be inconsistent with any officially adopted County plan or these regulations;
  - No detriments are expected to the issues listed under this factor, nor inconsistent with the County plan or regulations. The Health Department has found no cause to recommend denial. Safety would be increased by preventing aggressive dogs from coming into the yard.

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 factors 1-5 above. Additionally, variances for setback and height will not affect supply of light/air to adjacent property; no impacts to traffic; no expected fire risk or endangerment to public safety and would not have a negative effect on property values.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
  - See factors 1-6.
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 factors 1-7.

Mr. Happ 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. Bateman made a motion to approve the request and was seconded by Mr. Asbell. A vote was taken, and the motion was approved. (6-0)

The board took a break from 10:40 – 10:50 a.m.

Case No. 001-21-V at 10:00 a.m. Due to Covid-19 restrictions on in-person gatherings, this hearing was held remotely pursuant to Public Act 101-0640.

Petition of **TODD HAMMER AND LISA HAMMER, acting on their own behalf, a VARIANCE** request from Section 20-5.13.1 of the Unified Development Ordinance, which requires that an accessory structure shall not be commenced prior to the commencement of the principal structure. The petitioner proposes to retain 2 storage buildings on a parcel without a principal structure in the “R-2” Medium Density Residential Zoning District.

Ms. Urban opened the case. There are 0 consents and 3 objections on file. The case was published in *The Peoria Journal Star* on December 21, 2020 and *The Chillicothe Times Bulletin* on December 23, 2020. The Peoria County Highway Department has deferred to the Chillicothe Township Road Commissioner, and there were no comments from the Road Commissioner. 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 and Environmental Corridor). The site plan and three videos of the property were shown. The property is zoned R-2.

Todd Hammer of 1237 Truitt Ave., Chillicothe, IL was sworn in. Mr. Hammer stated that they would like to keep the storage building on the property without a principal structure. They would like to have a place to move items to in case of flooding on the Illinois River. They also plan on improving the structure.

Mr. Keyt asked if there were any questions from the board and there were none. Mr. Keyt asked if the property was purchased in November 2020, and Mr. Hammer stated that it was. Mr. Keyt asked what the plans were to improve the buildings. Mr. Hammer stated that they plan to reinforce the wall that was separating the garage from the breezeway that was attached to the house that burned, and side the building. Also, they would like to paint the shed. They removed the septic and the well as it will not be needed by himself or Mr. John. Mr. Keyt again asked if there were questions from the board and there were none.

Mr. Keyt stated that Mr. Hammer's petition and Mr. John's petition were essentially the same, except Mr. John is asking to build a storage building on the former foundation, and that the two of them jointly owned the property. Mr. Keyt asked if there was another piece of property. A petitioner stated that this piece of property was originally two separate lots but was combined several years back. His plan is to fill the foundation and put a slab on top. Eventually they would like to split the properties in case anything happens to either one of the families. Mr. Keyt asked if the petitioner was Mr. John, and he confirmed that he was.

Roger John of 15424 N. River Beach Drive, Chillicothe, IL was sworn in.

Mr. Keyt confirmed that Mr. John was the next petitioner. Ms. Urban confirmed that this was correct and that the petitioners had originally requested to split the property, and that proved more complicated than what could be addressed in a timely fashion. Mr. Keyt stated that they would hear what Mr. John had to say concerning this case, and that a motion would be made to accept the evidence from this case for Mr. John's case, along with the findings of fact, and this would eliminate all the individual steps. Mr. Keyt asked if that made sense and confirmed that Ms. Urban and Ms. Cordis-Boswell were nodding in agreement.

Mr. John stated that he would like to use the property and buildings to store items should the Illinois River Flood, and it is essentially the same reason that Mr. Hammer had stated for requesting the variance. Mr. John also stated that the property was depressed when they purchased it and they would like to improve it.

Mr. Keyt asked if there were any questions from the board and there were none. Mr. Keyt asked if there are two storage buildings on the property. Mr. John stated that there was a garage and a shed and that he wanted to build on the foundation of the former house. They do plan to split the property in the future. Mr. Keyt stated that he understands that the buildings would be used to store items in case of a flooding emergency. Mr. John confirmed that this was correct.

Mr. Keyt asked if there were any comments from the community. Mr. Bateman motioned to close and deliberate and was seconded by Mr. Happ. A vote was taken, and the motion passed; (5-0) (Mr. Fletcher abstained as he was absent for the beginning of the testimony.)

### ***FINDINGS OF FACT FOR VARIANCES***

#### **Section 20-3.7.3**

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

1. That the plight of the owner is due to unique circumstances;
  - The property currently has two storage buildings where the applicants have a summer home across the street. Mr. John, the applicant for 002-21-V, also has a permanent home across the street. During flooding situations, the property provides the owners with storage in case of flooding of the river. The property was recently purchased in November, and there are planned improvements on the current structures. Mr. John plans to add a storage building to what used to be a residential foundation. The owners are proposing improvements to the property that will improve the look and value.
2. That the variation, if granted, will not alter the essential character of the locality;
  - The buildings are not unique to the area. There are other lots with similar buildings. The owners have committed to improving the property.
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 proximity to the river causes flooding to the primary residence, which is across the street from this parcel. When those items become flooded, the buildings will provide storage.
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 findings of fact numbers 1 and 3.
5. That the granting of the variation will not be detrimental to the public health, safety, comfort, morals and welfare, or injurious to other property or improvements in the neighborhood in which the property is located, or otherwise be inconsistent with any officially adopted County plan or these regulations;
  - Granting the variance would not be injurious, and the improvements would increase values as well as the health, safety, and comfort of the community, by providing storage for home furnishings during the event of a flood. It would not be inconsistent with the officially 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 are no anticipated effects on light, air, or traffic. There will be no impact on fire or public safety. The improvements will add value to the neighborhood based on facts in findings 1-5.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
  - See facts under factors 1-6.
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 the variance, the owners would have to find alternative storage means during flooding situations. This may result in undue property loss at their residences across the street.

Mr. Bateman made a motion to approve the findings of fact and was seconded by Mr. Asbell. A vote was taken, and the motion passed; (5-0) (Mr. Fletcher abstained as he was absent for the beginning of the testimony) Mr. Bateman made a motion to approve the request. A vote was taken, and the motion was approved. (5-0) (Mr. Fletcher abstained as he was absent for the beginning of the testimony)

Case No. 002-21-V at 10:00 a.m. Due to Covid-19 restrictions on in-person gatherings, this hearing was held remotely pursuant to Public Act 101-0640.

Petition of **ROGER A. JOHN, 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 storage building on the existing house foundation without a principal structure in the “R-2” Medium Density Residential 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 December 21, 2020 and *The Chillicothe Times Bulletin* on December 23, 2020. The Peoria County Highway Department has deferred to the Chillicothe Road District, and there were no comments from the Road District. 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 and Environmental Corridor). The site plan and three videos of the property were shown. The property is zoned R-2.

Mr. Happ made a motion to accept the evidence from case 001-21-V as part of 002-21-V and was seconded by Mr. Unes. Mr. Unes asked if it was necessary to go through the findings of fact again. Mr. Keyt stated that it wouldn't be necessary, but they would need to ask if there were any comments from the public. Ms. Cordis-Boswell asked if the findings of fact would be different. Mr. Keyt stated that they would be the same as he incorporated the facts from both cases in the findings of fact. A vote was taken, and the motion was approved. (6-0)

Mr. Keyt asked if there were any additional comments from Mr. John and there were none. Mr. Keyt asked if there were any questions from the board and there were none. Mr. Keyt asked if there were any public comments. Ms. Urban stated that there were none. Mr. Bateman made a motion to close and deliberate and was seconded by Mr. Fletcher. A vote was taken, and the motion was approved. (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 property currently has two storage buildings where the applicants have a summer home across the street. Mr. John, the applicant for 002-21-V, also has a permanent home across the

street. During flooding situations, the property provides the owners with storage in case of flooding of the river. The property was recently purchased in November, and there are planned improvements on the current structures. Mr. John plans to add a storage building to what used to be a residential foundation. The owners are proposing improvements to the property that will improve the look and value.

2. That the variation, if granted, will not alter the essential character of the locality;
  - The buildings are not unique to the area. There are other lots with similar buildings. The owners have committed to improving the property.
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 proximity to the river causes flooding to the primary residence, which is across the street from this parcel. When those items become flooded, the buildings will provide storage.
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 findings of fact numbers 1 and 3.
5. That the granting of the variation will not be detrimental to the public health, safety, comfort, morals and welfare, or injurious to other property or improvements in the neighborhood in which the property is located, or otherwise be inconsistent with any officially adopted County plan or these regulations;
  - Granting the variance would not be injurious, and the improvements would increase values as well as the health, safety, and comfort of the community, by providing storage for home furnishings during the event of a flood. It would not be inconsistent with the officially 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 are no anticipated effects on light, air, or traffic. There will be no impact on fire or public safety. The improvements will add value to the neighborhood based on facts in findings 1-5.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
  - See facts under factors 1-6.
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 the variance, the owners would have to find alternative storage means during flooding situations. This may result in undue property loss at their residences across the street.

Mr. Bateman made a motion to accept the findings of fact from case 001-21-V as the findings of fact for case 002-21-V and was seconded by Mr. Fletcher. A vote was taken, and the motion was approved. (6-0)

Mr. Bateman made a motion to approve the request and was seconded by Mr. Asbell. A vote was taken, and the motion was approved. (6-0)

Case No. 003-21-V at 10:00 a.m. Due to Covid-19 restrictions on in-person gatherings, this hearing was held remotely pursuant to Public Act 101-0640

Petition of **ALLEN B. AND DIANE E. PEACOCK, acting on their own**

**behalf, a VARIANCE** request from Section 20-6.3.2.1.d.1 of the Unified Development Ordinance, which requires a road setback of 40 feet from the right-of-way in the “A-2” Agriculture Zoning District. The petitioner is proposing to construct a front porch/deck at a distance of 30 feet from the right-of-way, resulting in a variance request of 10 feet.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in *The Limestone Independent News* on December 16, 2020 and *The Peoria Journal Star* on December 21, 2020. The Health Department had no objections. The Highway Department deferred to the Limestone Township Road Commissioner, and there were no comments from the Road Commissioner. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Agriculture with some Environmental Corridor). The site plan and two videos of the property were shown. The property is zoned R-2.

Allen and Diane Peacock of 6718 W. Pfeiffer Road, Bartonville, IL were sworn in. Mr. Peacock stated that they were proposing to rebuild the deck.

Mr. Keyt stated it appeared that their deck had fallen into a state of disrepair, and they were looking to rebuild. Mr. Peacock confirmed that this was the case and stated that the new deck would be the same size and location as the old deck. Mr. Keyt asked if there were any questions from the board and there were none. Mr. Keyt asked if there were any comments from the community and Ms. Urban stated that there were none.

Mr. Happ made a motion to close and deliberate and was seconded by Mr. Bateman. A vote was taken, and the motion was approved. (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;
  - There is an existing deck on the property that has fallen into a state of disrepair. The deck replacement would be safer and add value to the home. The lot is not large enough to accommodate the deck without a variance from the right-of-way.



2. That the variation, if granted, will not alter the essential character of the locality;
  - The existing deck or the new deck would not alter the essential character of the locality.
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;
  - According to the facts in the application, the applicant would be unable to get in or out of the home as the entrance is currently through the deck. The granting of the variance would allow for the continued use of the entrance.
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 lot is relatively small, and the home is constructed close to the right-of-way setback. See also facts under 1-3.
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;
  - No detriments are anticipated, and the construction of the deck will add value to the home.
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 are no anticipated impairments to light or air to the adjacent property. No increase to traffic is anticipated or increased danger of fire. The new deck will improve occupant and visitor safety and will add value to the property.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
  - The new deck will occupy the same footprint as the current deck. See also facts under factors 1-6.
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 facts 1-7. Also, the front door is 30 inches off the ground and without the deck there is no viable alternative to entry.

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

Case No. 004-21-S at 10 :00 a.m. Due to Covid-19 restrictions on in-person gatherings, this hearing was held remotely pursuant to Public Act 101-0640.

Petition of **PEORIA COUNTY, acting on their own behalf, a TEXT AMENDMENT** to amend Chapter 20, Article 3, Section 3.5 ("Special Use Permits"), and Article 11, Section 11.1 ("Definitions") 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 December 21, 2020. There is no power point presentation for the request.

Kathi Urban of 324 Main Street, Room 301, Peoria, IL was sworn in. Ms. Urban stated that staff had reviewed the wind ordinance requirements and noted that there was opportunity to strengthen the application requirements. This change will require additional information upfront so that the Land Use Committee and the County Board would have a chance to review the information prior to the hearings rather than having it negotiated throughout the hearings. Ms. Urban referenced the petitions for special use submittal requirements for wind projects. Research was done amongst a number of communities as well as other agencies. Representatives from Tazewell, Woodford, Logan, McLean, Grundy, Kankakee, Livingston, and Marshall Counties were consulted, and their requirements were reviewed. Also, Planning & Zoning spoke to someone in a wind energy business, as well as some wind energy groups. There were discussions with local Fire Chief Gilmore from Limestone Fire Department, and he took the proposals forward to his peers and Planning & Zoning worked with them on some of the language for that section. They also worked with the Highway Department to make sure that all the concerns of the road official, as well as her peers, were addressed. Ms. Urban then explained the changes to the additional minimum submittal requirements, as well as the updated definition and asked if there were any questions.

Mr. Keyt stated for clarity sake, that after this leaves the ZBA, it goes to the County Board, and after that they can only go off the language that is sent to them. The Board isn't able to make changes to the language. Ms. Cordis-Boswell confirmed this is the case and that it could only be voted up or down by the County Board. Ms. Urban added that restrictions would still be able to be placed on wind energy cases as in other special uses cases.

Mr. Bateman stated that he was glad to see this change because his introduction to the Zoning Board of Appeals was as a citizen objecting to a wind turbine in his neighborhood. The ZBA turned it down, but if these requirements had been in place, it would never have made it to the board, as it was in a migratory bird path.

Mr. Keyt asked if there were any questions from the board and there were none. Mr. Keyt asked if there were any comments from the public and Ms. Urban stated there were none. Mr. Fletcher made a motion to close and deliberate and was seconded by Mr. Happ. A vote was taken, and the motion was approved. (6-0)

**Miscellaneous:**

Mr. Keyt stated that they would now take a vote for Vice Chairperson. Mr. Unes nominated Mr. Keyt as permanent Vice Chairman and was seconded by Mr. Fletcher. Ms. Cordis-Boswell asked if reorganization was typically on the agenda. Ms. Urban stated that it was typically not. Ms. Cordis-Boswell stated that since the issue was not on the agenda a vote should be taken next meeting.

DRAFT

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

Meeting adjourned 11:50 p.m.

Respectfully submitted,

Sarah Cox  
ZBA Administrative Assistant