

MINUTES
Zoning Board of Appeals
Linda O'Brien, Chairperson
February 11, 2021

A meeting of the Peoria County Zoning Board of Appeals was held on Thursday, February 11, 2021, virtually via WebEx. The meeting was called to order by Chairperson Linda O'Brien at 9:00 a.m.

PRESENT: Linda O'Brien, Andrew Keyt, Greg Happ, Greg Fletcher, Leonard Unes, Jim Bateman, Robert Asbell

ABSENT: Justin Brown, John Harms

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

Mr. Keyt made a motion to approve the minutes from the January 14, 2021 hearing and was seconded by Mr. Fletcher. A vote was taken, and the motion passed; (7-0)

Ms. O'Brien asked if there were any nominations for the Vice Chairperson Mr. Happ nominated Andrew Keyt and Mr. Fletcher seconded. A vote was taken, and the motion passed; (7-0)

Case No. 005-21-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 **BENJAMIN CLARY, TRUSTEE, acting on behalf of THE CLARY FAMILY TRUST (owner), 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 36' by 60' accessory structure on a parcel without a principal structure in the "A-2" Agriculture Zoning District.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in *The Weekly Post* on January 21, 2021, and *The Peoria Journal Star* on January 24, 2021. The Peoria County Health Department has no objections. The County Highway Department has deferred comment to the Radnor 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). The site plan and two videos of the property were shown. The property is zoned A-2.

Benjamin Clary of 2920 W. Quartz, Dunlap IL, was sworn in. Mr. Clary stated that they purchased the lot for a future home site. They would like to be able to have the accessory building prior to

constructing the principal structure, in order to use it for storage of personal effects, as well as equipment to maintain the parcel.

Ms. O'Brien asked if there were any questions.

Mr. Happ asked if the building would have power, water, or sewer. Mr. Clary stated that it would eventually have power, but no water or sewer.

Ms. O'Brien asked if there was anyone that would like to speak in favor or opposition. Ms. Urban stated that there were no comments from the public.

Mr. Bateman made a motion to close and deliberate and was seconded by Mr. Keyt. A vote was taken, and the motion passed; (7-0)

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 owner is requesting to build a 36' x 60' pole/storage building on a 4 acre parcel to house equipment for use in maintaining and preserving his land in order to build a principal structure in the future.
2. That the variation, if granted, will not alter the essential character of the locality;
 - This is a 4 acre parcel in an agricultural area and the petitioner has indicated that other lots in the area have similar structures.
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;
 - It would be very difficult for the petitioner to maintain and preserve a 4 acre parcel of land without building an accessory structure to house vital maintenance equipment, resulting in a hardship.
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 is a 4 acre parcel of land in an agricultural setting.
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 of the variance will not affect the health, safety, comfort, morals, and welfare of the neighborhood, and will not be injurious to other property. The building is on private property

and will be an improvement to the neighborhood. The petitioner has noted that the building will be locked and unavailable to the public.

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;
 - Granting of the variance will not affect the supply of light and air to adjacent property, nor increase congestion, fire danger, or endanger public safety. The building will not impair property values in the neighborhood, and could possibly, increase them.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - Refer to findings of fact 1 and 3.
8. That aforesaid circumstances or conditions are such that the strict application of the provisions of this Section would deprive the applicant of reasonable use of his or her land.
 - Without the granting of the variance the petitioner would not be able to maintain and preserve his land, and in turn, would deprive him of reasonable use.

Mr. Happ made a motion to approve the Findings of Fact and was seconded by Mr. Unes. A vote was taken, and the motion passed; (7-0)

Mr. Bateman made a motion to approve the request and was seconded by Mr. Fletcher. A vote was taken, and the motion was approved. (7-0)

Case No. 006-21-U at 9:00 a.m.

Petition of DGOGChillicotheil07152020, LLC, acting on its own behalf, a SPECIAL USE as required in Section 20.5.2.2.1.a.1 of the Unified Development Ordinance. This section allows for a special use when a proposed land split does not meet the 25 acre minimum lot size nor the 1 dwelling unit per 25 contiguous acres density requirement in the “A-2” Agricultural District. The petitioner proposes to divide 1.5 acres from an existing 6.855 acre tract.

Case No. 007-21-Z at 9:00 a.m.

Petition of DGOGChillicotheil07152020, LLC, acting on its own behalf, a REZONING request from “A-2” Agriculture to “C-2” General Commercial. The petition proposes to rezone the property in order to construct a Dollar General Retail Store.

Case No. 008-21-Z at 9:00 a.m.

Petition of DGOGChillicotheil07152020, LLC, acting on its own behalf, a REZONING request from “A-2” Agriculture to “C-1” Neighborhood Commercial. The petitioner proposes to rezone the property in order to construct a Dollar General Retail Store.

Case No. 009-21-U at 9:00 a.m.

Petition of DGOGChillicotheil07152020, LLC, acting on its own behalf, a SPECIAL USE as required in Section 20.5.7.2.2.e of the Unified Development Ordinance. This section allows for a special use for

commercial retail establishments with a floor area of greater than 5,000 sq. ft. in the “C-1” Neighborhood Commercial Zoning District. The petitioner proposes to construct a 9,100 sq. ft. Dollar General Retail Store.

Ms. Urban stated that there were requests to continue 006-21-U, 008-21-Z, and 009-21-U, and a request to withdraw 007-21-Z.

Ms. O’Brien asked if the request for 007-21-Z would be to withdraw, and Ms. Urban confirmed that the request was to withdraw 007-21-Z, and to continue the other cases to the March 11, 2021 hearing, and suggested a time of 9:30 am.

Mr. Keyt made a motion to continue 006-21-U, 008-21-Z, and 009-21-U and withdraw 007-21-Z, Mr. Fletcher seconded. A vote was taken, and the motion passed; (7-0)

Ms. O’Brien asked if there was any other business to discuss.

Mr. Bateman made a motion to adjourn and was seconded by Mr. Happ. A vote was taken, and the motion passed; (7-0)

Meeting adjourned 9:21 a.m.

Respectfully submitted,

Sarah Cox
ZBA Administrative Assistant