

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

A meeting of the Peoria County Zoning Board of Appeals was held on Thursday February, 2020, in Room 403 of the Peoria County Courthouse, 324 Main Street, Peoria, Illinois. The meeting was called to order by acting Chairperson Linda O'Brien at 9:00 a.m.

PRESENT: Linda O'Brien, Leonard Unes, Jim Bateman, Greg Fletcher, Greg Happ

ABSENT: Loren Bailliez, Justin Brown, John Harms, Andrew Keyt

STAFF: Taylor Armbruster – Planner I
Corbin Bogle – Planner I
Kathi Urban – Director
Ellen Hanks - ZBA Administrative Assistant

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

Case No. 002-20-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **INSITE RE, INC. AS AGENT FOR LENDLEASE TOWERS III, LLC** (*Lendlease Towers III, LLC, A Corporation – Ron Bitner of 11111 Castlemain, Jacksonville, FL 32256, Yannis Macheras of 20 City Square, Boston, MA 02129, and Murray Woolcock of 200 Park Ave., New York, NY 10166 – all authorized signatories*), acting on behalf of **ARROWHEAD COUNTRY CLUB (owner)**, a **VARIANCE** request from Section 20-7.1.1.2 of the Unified Development Ordinance, which requires that the height of a telecommunication facility shall not exceed 200 feet, if located in a non-residential zoning district. The petitioner proposes to construct a telecommunications tower at a height of 255 feet in the "A-2" Agriculture Zoning District, resulting in a variance request of 55 feet.

Ms. Urban opened the case. There are 0 consents and 1 objection on file. The case was published in the Peoria Journal Star on January 29, 2020. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Agriculture & Environmental Corridor). The site plan and two videos of the property were shown. The property is zoned A-2.

Mike Howley, from Lendlease Towers, located at 1S660 Midwest Rd., Suite 140, Oakbrook Terrace, IL, was sworn in. Mr. Howley stated that Lendlease Towers was interested in constructing a telecommunications facility and tower on Arrowhead County Club property. Mr. Howley pointed out that the variance was needed for the height of the tower, which would need to be 55 feet taller than permitted. Mr. Howley further stated that the proposed property is zoned A-2, which allows for telecommunications towers up to 200 feet in height as a permitted use. Mr. Howley added that because of the rolling terrain in the proposed area, they would need an additional 55 feet to meet the needs of the

service area. The proposed tower would be located within a 100' x 100' lease area that would be fenced in and secured with a locked gate. Mr. Howley added that except for the height, the site would comply with all other Peoria County Code requirements and all Illinois State Telecommunications Statute requirements as well.

Mr. Fletcher pointed out that there were areas on the map that showed future sites within the lease area, and Mr. Howley explained that other carriers could choose to place a site in the lease area as well. Mr. Happ asked if the future carriers would need their own buildings, and Mr. Howley responded that they would need approximately 10' x 20' of building space to house their equipment should they choose to locate on the site. Mr. Howley added that any additional buildings would be housed within the 100' x 100' lease space and would comply with all requirements.

Mr. Unes asked what the extra 55' in height would accomplish, and Mr. Howley responded that he had some exhibits to distribute that would illustrate the difference in the coverage area between a 200' tower and the proposed 255' tower. Mr. Unes then asked why this site was chosen, and Mr. Howley responded that the site was selected based on the carrier's needs in this geographic area. Mr. Howley added that there was a tower already located in Chillicothe. Mr. Howley then took a moment to hand out the wireless propagation map, which demonstrated the difference in coverage area between the two heights. Mr. Howley explained that tower coverage is generally within the radius of 4-5 miles of the tower. In this instance, a 200-foot tower would only cover a radius of approximately 3-4 miles because of the surrounding terrain. Mr. Unes asked if the signal would be stronger in the coverage area as well, and Mr. Howley confirmed that this was correct. Mr. Howley further explained that having better and further reaching coverage would also improve peoples' ability to reach emergency services via phone. Mr. Unes asked why the provider would not ask for an even taller tower if they were trying to reach more customers, and Mr. Howley responded that they would not want to interfere with existing tower service such as the tower previously mentioned in Chillicothe because that can result in dropped calls or disruption of cellular service.

Jenny Park, attorney from Meyer Capel, of 306 W. Church St., Champaign, IL, was sworn in. Ms. Park explained that she was representing SBA Communications. Ms. Park then submitted a brief for the record and passed it out to the board. Ms. Park stated that her client believed that the variance should not be granted due to the fact that the tower would not provide better service. Ms. Park added that the tower would interfere with the existing tower, which AT&T is already located on. Ms. Park pointed out that the conditions were not unique and there was no hardship to the petitioner. Ms. Park stated that AT&T has a history of building towers close to existing towers and then relocating to the new towers. Ms. Park added that the variance would affect public safety because it would locate a tower too close to an existing tower and would also create noise and traffic during the construction period. Ms. Park concluded by stating that the conditions for the variance had not been met.

Mr. Fletcher asked who Ms. Park represented, and Ms. Park responded that she represented SBA Communications (SBA), who owns the existing tower nearby. Ms. Park added that AT&T was currently located on the tower owned by SBA. Mr. Fletcher asked if the reason for filing the objection was because SBA would lose money if they lost AT&T from their tower, and Ms. Park responded that SBA does not believe the conditions for the variance have been met. Mr. Bateman asked why AT&T was moving to another tower, and Ms. Park stated that she was unsure because AT&T had not reached out to the current tower owner with any dissatisfaction. Mr. Happ asked Ms. Park what led her to

believe that AT&T would leave SBA's tower should the new tower be constructed, and Ms. Park stated that she did not know if it would happen; however, AT&T was a provider listed in the petition for the new tower. Mr. Unes asked if the service from the proposed tower would interfere with SBA's existing tower, and Ms. Park responded that she was unsure. Mr. Fletcher asked if there was any evidence in the examples given in the brief of service interference due to the location of AT&T towers, and Ms. Park said she was unsure.

Mr. Howley stated that the location of the proposed tower would not affect service. Mr. Howley added that there are 3 towers within 1500' of one another in Chillicothe, which is common. Mr. Howley also stated that it was his understanding that AT&T had been in negotiations for 2 years for a better lease price on the existing tower with no success. Mr. Howley stated that AT&T would get a better lease price on the proposed tower. Mr. Howley also pointed out that Peoria County and the Illinois state statutes did not require any sort of separation distance between towers, so that should not be a factor in the decision. Mr. Howley concluded by stating that the proposed tower would meet all setback requirements and that the variance was for the height of the tower only.

Mr. Fletcher asked who Lendlease is, and Mr. Howley responded that they are a competitor with SBA and other telecommunications companies. Mr. Fletcher asked if Lendlease was installing a lot of towers in Illinois, and Mr. Howley responded that he was unsure of the number of towers as that was information he did not have access to.

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

Case No. 003-20-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **WILLIAM K. STAHL & THE WILLIAM K. STAHL TRUST, acting on their own behalf**, a **VARIANCE** request from Section 20-6.3.2.1.d.2 of the Unified Development Ordinance which requires a road setback of 65 feet from the right-of-way or 95 feet from the center of the right-of-way, whichever distance is greater. The petitioner is proposing to construct a machine shed in the "A-2" Agriculture Zoning District at a distance of 6 feet from the right-of-way, resulting in a variance request of 59 feet.

Ms. Urban opened the case. There are 0 consents and 0 objection on file. The case was published in the Peoria Journal Star on January 29, 2020. The Medina Township Planning Commission recommended approval. 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 one video of the property were shown. The property is zoned A-2.

William Stahl of 3408 Hicks Hollow Rd, Dunlap, was sworn in. Mr. Stahl explained that the green machine shed and the house would be removed and then he would be constructing a new machine shed around the area where the house currently sits. Mr. Stahl explained that the house was in poor condition, which is why he was planning to tear it down. Additionally, Mr. Stahl explained that he would like to place this building in the proposed location in order to keep it out of the waterway area on the property and to also prevent farm ground from being taken out of production.

Mr. Fletcher asked when Mr. Stahl was planning to demolish the house, and Mr. Stahl responded that he was planning to take it down next spring. Mr. Fletcher asked if Mr. Stahl could put the building anywhere else, and Mr. Stahl responded that for the reasons he had previously given, he did not feel he could. Mr. Fletcher asked what would be stored inside the building, and Mr. Stahl responded that it would be tractors and other farm equipment.

Ms. O'Brien 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. 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 will replace a house with a machine shed 72' x 120' and wants to preserve an existing well, which put the building only 6 feet away from the property line.
2. That the variation, if granted, will not alter the essential character of the locality;
 - The area is all farming community with large machine sheds.
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;
 - Would like to use the same property location for the machine shed as was for 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;
 - Would not preserve the well.
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 building will only be 6 feet from the property line.
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 is in a very rural area and 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
 - Helps to preserve farm land.
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 item #1.

Mr. Fletcher made a motion to approve the findings of fact and was seconded by Mr. Bateman. A vote was taken, and the motion passed; (5-0) Mr. Fletcher made a motion to approve the request and was seconded by Mr. Bateman. A vote was taken and the motion was approved. (5-0)

Case No. 004-20-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **LISA & TOBY FULLER, acting on their own behalf**, a **VARIANCE** request from Section 20-6.6.2.1.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 has constructed a carport in the "R-2" Medium Density Residential Zoning District at a distance of 35 feet from the center of the right-of-way, resulting in a variance request of 35 feet.

Ms. Urban opened the case. There are 0 consents and 0 objection on file. The case was published in the Peoria Journal Star on January 29, 2020 and the Weekly Post on January 23, 2020. Corbin Bogle gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Rural & Environmental Corridor). The site plan and three videos of the property were shown. The property is zoned R-2.

Toby Fuller of 9728 W. Powdermill Rd., Edwards, was sworn in. Mr. Fuller stated that he was asking for a variance for the setback from the road to the back of the carport.

Mr. Fletcher asked if this was for the carport that already existed on the property, and Mr. Fuller responded that this was correct. Mr. Fletcher asked how long the carport had been there, and Mr. Fuller responded that it had been there for approximately one month.

Ms. O'Brien 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. Bateman. 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 place the carport at the required distance from the center of the road would put it in the middle of the parking lot and in the flood zone area.

2. That the variation, if granted, will not alter the essential character of the locality;
 - This is the last resident on this dead-end road.
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;
 - To keep the carport out of the flood zone and not in the middle of the parking lot.
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;
 - Being on a dead-end road in addition to being located in a flood zone makes this request unique.
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;
 - Explained in #3 and 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 other residences on this dead-end road.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - Explained in #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.
 - The current ordinance would force the carport to the flood zone or the middle of the parking lot.

Mr. Fletcher 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 made a motion to approve the request and was seconded by Mr. Unes. A vote was taken and the motion was approved. (5-0)

Case No. 005-20-V at 10:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **CRAIG THOMPSON, TRUSTEE, acting on behalf of THE HOLIDAY ESTATE LAND TRUST (owner)**, a **VARIANCE** request from Section 20-6.2.4.5 of the Unified Development Ordinance which allows for a maximum height of 3 stories or 36 feet, whichever is less. The petitioner is proposing to construct an internet service tower at a height of 60 feet in the "A-1" Agricultural Preservation Zoning District, resulting in a variance request of 24 feet.

Ms. Urban opened the case. There are 0 consents and 1 objection on file. The case was published in the Peoria Journal Star on January 29, 2020 and the Weekly Post on January 23, 2020. The Trivoli Township Planning Commission recommended approval. Corbin Bogle gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Agriculture Preservation & Environmental Corridor). The site plan and three videos of the property were shown. The property is zoned A-1.

Craig Thompson of 1603 N. Holiday Lane, Trivoli, was sworn in. Mr. Thompson stated that the property in question was a part of a trust, which he is the trustee for. Mr. Thompson added that the owners of the trust were all the owners of the properties in the surrounding subdivision. Mr. Thompson explained that they have a trust ownership meeting every year and at the last annual meeting several neighbors had brought up the issue of not having reliable, cost effective internet available in the subdivision. Mr. Thompson added that he was in contact with a company that provides point to point internet service in the area and they conducted a survey to determine where they could place the tower. During the survey, it was discovered that the tower would need to be at least 60 feet in height to provide proper service to the neighborhood.

Mr. Fletcher asked if all the trust owners and landowners in the neighborhood were related, and Mr. Thompson responded that they were not. Mr. Thompson did point out that the one objection received was from a landowner in the subdivision, but that owner was not present at the meeting in which the issue was discussed. Mr. Thompson stated that a vote was taken on this issue at their annual meeting and it was approved unanimously with 9 votes in favor with the only household not voting being the objector who was not in attendance. Mr. Thompson stated that the trust agreement requires 8 affirmative votes to make decisions or changes.

Mr. Happ asked if there was any capability to get fiber internet, which was installed recently along Route 116. Mr. Thompson responded stated that there might be; however, the subdivision had not been approached by any company offering the service. Mr. Thompson stated that it would likely be cost prohibitive because the subdivision is .75 miles from Route 116 and the fiber optic cables would have to be trenched back for 10 potential customers. Mr. Thompson stated that internet through wireless carriers also presents a problem because the land is at a low point and the signal is not strong. Mr. Thompson added that the neighborhood has investigated about every alternative there is, with no other options seeming as favorable as this option.

Robin Varnes of 1527 N. Holiday Ln., Trivoli, was sworn in. Ms. Varnes stated that she could confirm that what Mr. Thompson had said was correct. Ms. Varnes stated that adding internet service to the area would improve the value of the homes in the area and would be a desirable selling point. Ms. Varnes added that using wireless hot spots for internet service is not reliable.

Ms. O'Brien 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. Bateman. 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;
 - Internet access requires a 60-foot tower to clear the obstructions to the internet service provider.
2. That the variation, if granted, will not alter the essential character of the locality;
 - The tower will be among trees.
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 tower has to be tall enough to clear trees to reach the residential area.
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 proposed wireless tower is designed to provide service within the carrier's network.
5. That the granting of the variation will not be detrimental to the public health, safety, comfort, morals and welfare, or injurious to other property or improvements in the neighborhood in which the property is located, or otherwise be inconsistent with any officially adopted County plan or these regulations;
 - It will not be detrimental for any of these reasons and will add value to the homes because they have internet access.
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 these items will change and the property values will increase.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - The 60-foot tower is the minimum required for the internet service in that area.
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 25-foot variance is needed to have internet service in this area.

Mr. Happ 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. Bateman. A vote was taken and the motion was approved. (5-0)

The board took a break from 10:25 a.m. – 10:34 a.m.

Case No. 006-20-V at 10:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **KEVIN THOMPSON, acting on his 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 1,200 square foot accessory structure in the "R-2" Medium Density Residential Zoning District, which would exceed the footprint of the 954 square foot principal structure, resulting in a variance request of 244 square feet. The proposed garage would also exceed the allowable cumulative square footage by 94 square feet.

Ms. Urban opened the case. There are 0 consents and 0 objection on file. The case was published in the Peoria Journal Star on January 29, 2020 and the Limestone Independent News on January 22, 2020. The Limestone Township Planning Commission recommended approval. Corbin Bogle gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Village Limits). The site plan and two videos of the property were shown. The property is zoned R-2.

Kevin Thompson of 1416 N. Norwood Blvd., Peoria, was sworn in. Mr. Thompson explained that he was requesting a 30' x 40' garage to replace his existing garage.

Mr. Fletcher asked if the existing garage would be demolished, and Mr. Thompson responded that it would. Mr. Fletcher asked if there would be a driveway that would lead to the garage, and Mr. Thompson responded that he was planning to have a gravel driveway that would lead back to the garage.

Ms. O'Brien asked if there was anyone present who wanted to speak for or against the case, and there was no one. Mr. Happ made a motion to close and deliberate and was seconded by Mr. Bateman. A vote was taken, and the motion passed; (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 will replace his garage with a larger garage, which is a variance of 94 square feet more than allowed.
2. That the variation, if granted, will not alter the essential character of the locality;
 - There are other buildings in the area of this size.
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;

- Need to store vehicles, recreational vehicles, and other items that are outside in a garage to improve the yard area.
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;
 - Need to improve the property site by storing items inside.
 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 public health, safety, comfort, morals, and welfare will not be affected. It will also not be injurious to other properties.
 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 affect adjacent property, public streets, public safety and the values in the neighborhood.
 7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - The larger garage will improve the property plus has more storage.
 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.
 - Improve the look of the property plus the neighborhood.

Mr. Fletcher made a motion to approve the findings of fact and was seconded by Mr. Bateman. A vote was taken, and the motion passed; (5-0) Mr. Bateman 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. 007-20-U at 11:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **DEBBIE S. JOST, acting on behalf of LLOYD WALKER (owner)**, 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 1.348 acres from an existing 11.448 acre parcel in order to move an existing single family dwelling.

Ms. Urban explained that the case would need to be continued due to an error in publication. Ms. Urban suggested a hearing date of March 12, 2020 at 11:00 a.m. Mr. Fletcher made a motion to continue the case to the March 12th at 11:00 a.m. and was seconded by Mr. Bateman. A vote was taken and the motion passed; (5-0).

The board then took a break at 10:44 a.m. and reconvened at 11:00 a.m.

Case No. 008-20-U at 11:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **ESTATE OF DONEITA M. WERRY, DECEASED AND ESTATE OF GLENN A. WERRY, SR., DECEASED, acting on their own behalf**, a **SPECIAL USE** request from Section 20-6.2.1.1.b of the Unified Development Ordinance. This section allows for a special use when a proposed land split does not meet the 40-acre minimum lot size in the A-1 Agricultural Preservation Zoning District. The petitioner proposes to divide an existing 11.44 acre parcel into two parcels of 5.28 acres and 6.16 acres in order to separate the residence from the agricultural use.

Ms. Urban opened the case. There are 0 consents and 0 objection on file. The case was published in the Peoria Journal Star on January 29, 2020 and the Weekly Post on January 23, 2020. The Trivoli Township Planning Commission recommended approval. Staff has also recommended approval. Corbin Bogle gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Agriculture Preservation & Environmental Corridor). The site plan and two videos of the property were shown. The property is zoned A-1.

Tim Woods, real estate broker from The Heartland Bank & Trust, located at 401 N. Hershey Rd., Bloomington, IL, was sworn in. Mr. Woods stated that the request would facilitate property sale and liquidation of the estates' assets.

Mr. Fletcher asked if the barn and the house would be divided onto two separate properties, and Mr. Woods confirmed that this was correct. Mr. Woods added that the house was currently vacant and there was a buyer interested in it pending approval of the land split. Mr. Woods added that the interested buyer was not interested in acquiring the barn or additional acreage.

Mr. Fletcher stated that the Health Department had pointed out that they had no record of the location for the septic. Ms. Urban clarified that although there was no record, the Health Department had no objection to the request.

Ms. O'Brien 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. Bateman. 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 11:11 a.m.

Respectfully submitted,

Ellen Hanks

ZBA Administrative Assistant