

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

A meeting of the Peoria County Zoning Board of Appeals was held on Thursday, March 11, 2021, in Room 403 of the Peoria County Courthouse, 324 Main Street, Peoria, Illinois. The meeting was called to order by Chairperson Linda O'Brien at 9:00 a.m.

**PRESENT:** Linda O'Brien – Chairperson, Greg Happ, Leonard Unes, Jim Bateman, Robert Asbell

**ABSENT:** Andrew Keyt, Justin Brown, John Harms

**STAFF:** 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 made a motion to approve the minutes from the February 11, 2021 hearing and was seconded by Mr. Bateman. A vote was taken, and the motion passed; (5-0)

Case No. 010-21-U at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **DAVID AND AMY GOEKEN, acting on their 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 15.38 acre tract.

Mr. Braun opened the case. There are 0 consents and 0 objections on file. The case was published in *The Peoria Journal Star* on February 19, 2021 and *Limestone Independent News* on February 24, 2021. The Limestone Township Planning Commission has recommended approval, the Peoria County Health Department has no comments, and the County Highway Department has deferred comment to the Limestone Township Road District. 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 (Environmental Corridor; Rural). The site plan and three videos of the property were shown. The property is zoned A-2.

David L. Goeken of 1120 Johanson Rd., Peoria, IL, was sworn. Mr. Goeken stated that he grew up playing in the woods on this property, and his parents still live on the adjoining parcel. The parcel became available for sale and the home that was on the property was too valuable to demolish. He

would like to divide out the house and a 1.5 acre parcel, and build his home on the far eastern boundary of the property.

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)

Case No. 011-21-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **JASON POLSGROVE, of API SOLAR, acting on behalf of JANET L. MASON REVOCABLE TRUST DATED NOVEMBER 15, 2010 (owner), a VARIANCE** request from Section 20-6.2.2.2.d.2.a of the Unified Development Ordinance, which requires a side setback of 15 feet for accessory structures in the "A-1" Agricultural Preservation Zoning District. The petitioner is proposing to construct a solar array at a distance of 5 feet from the eastern property line, resulting in a variance request of 10 feet. Also, a Variance request from Section 20-6.2.2.3.d.2.a of the Unified Development Ordinance, which requires a rear setback of 15 feet for accessory structures. The petitioner is proposing to construct a solar array at a distance of 5 feet from the northern property line, resulting in a variance request of 10 feet.

Mr. Braun opened the case. There is 1 consent and 0 objections on file. The case was published in *The Peoria Journal Star* on February 19, 2021 and *The Weekly Post* on February 18, 2021. The City/County Health Department has no objections. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Agriculture Preservation). The site plan and two videos of the property were shown. The property is zoned A-1.

Jason Polsgrove of 3888 N. Peoria Rd., Springfield, IL was sworn in. Mr. Polsgrove stated that he found out after the fact that the setbacks were larger than he thought.

Mr. Happ confirmed that Mr. Polsgrove was not the homeowner. Mr. Polsgrove stated that his company was the installer of the solar panel and that they didn't realize that the setbacks were 15 feet.

Ms. O'Brien asked if there was anyone 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. Asbell. A vote was taken, and the motion passed; (5-0)

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

#### Section 20-3.7.3

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

1. That the plight of the owner is due to unique circumstances;
  - The petitioner is proposing to construct a free-standing solar array on a shade-free area of their property. This is a unique circumstance in that much of the land is shaded due to landscape and structure.

2. That the variation, if granted, will not alter the essential character of the locality;
  - The petitioner has indicated the proposed solar array will be located at the rear of the property, away from the site-line and any public facilities, and therefore will 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;
  - Without the variance, the proposed solar array would not be efficient due to the physical surroundings and topography of the property, which would result in a hardship. The petitioner needs the variance in order to avoid the negative impact of shade from the landscape and surrounding structures.
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 individual characteristics of the site are unique to this particular solar proposal.
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 be detrimental to the public health, safety, comfort, morals, and welfare of the neighborhood, and will not be injurious to other property in the neighborhood. The proposal would not be inconsistent with any officially adopted county plan or regulations.
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 proposed solar array will not impair property values within 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
  - 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.
  - Without the granting of the variance, it would not be economically feasible for the petitioner to construct the solar array, and in turn deprive him of reasonable use of his land.

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

Case No. 006-21-U at 9:30 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

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.

Mr. Braun opened the case. There is 1 consent and 55 objections on file. The case was published in *The Peoria Journal Star* on January 24, 2021 and February 19, 2021 and *The Chillicothe Times Bulletin* on January 27, 2021 and February 24, 2021. The Peoria County Highway Department has deferred to The Chillicothe Township Road Commissioner and IDOT. The County Health Department noted that in order to move forward with review and approval of such subdivision, additional requirements must be met. There is a resolution from the City of Chillicothe urging Peoria County to oppose the proposed requests. Mr. Braun read comments from members of the public. A signed petition in opposition of the proposal, with 53 signatures, was submitted as evidence. There is a staff report dated March 2, 2021 recommending denial. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Unincorporated Center). The site plan and five videos of the property were shown. The property is zoned A-2.

Ken Silverthorn of 211 Shady Ln., Eureka, IL was sworn in. Mr. Silverthorn stated that he is with the Farnsworth Group, Inc. and was present as an agent of Overland Engineering. Three petitions to rezone and for a special use to open a 9100 square foot store at the corner of Lakeland and Route 29. He stated that he understands that there is a lot of opposition to this proposal, much of which is concern about the proximity of the store to the neighborhood. Mr. Silverthorn stated that the store would be at the very corner of the lot and it is only 125 feet from Route 29. Patrons would not be driving through the neighborhood to reach the store. Also, the store would not be a destination store, it would be for residents to purchase necessities. Mr. Silverthorn also addressed concerns from the City of Chillicothe about lost tax revenue and stated that he didn't know what the shift would be.

Ms. O'Brien asked if there were any questions from the board. Mr. Unes commented that he thought it was strange that the market study didn't show whether or not there would be a shift of customers from the Chillicothe Dollar General to the proposed location. He didn't understand why they would want another store within four miles. Mr. Silverthorn responded that there was a market study done, and he's sure there would be a drop off over time; however, the amount is unknown. Mr. Unes feels that the new store would hurt the City of Chillicothe after it had invested in the Dollar General in town. Mr. Silverthorn said that the city did use TIF funds to repair sidewalks, but Dollar General didn't receive any tax cuts or incentives from the city.

Ms. O'Brien stated that there was available property about one mile north, where the rezoning and special use requests wouldn't be necessary and inquired if they had looked to put the store there. Mr.

Silverthorn stated that the market analysis would have looked in the area and either the owners didn't want to sell, or the cost to demolish and build would be prohibitive.

Mr. Unes asked if there had been a meeting with the neighborhood. Mr. Silverthorn said that there had not been a meeting with the neighborhood and Dollar General.

Mr. Unes asked if there would be refrigerated trucks that would be parking overnight as one of the comments from the public had addressed. Mr. Silverthorn said that there would be trucks coming later and might stay overnight, but they aren't all refrigerated.

Ms. O'Brien asked if there was anyone that would like to speak for or against the request.

Nancy Tieber-Wiles of 14737 N. Edgewater Dr., Chillicothe, IL was sworn in. Ms. Tieber-Wiles stated that she lives on the property adjacent to where the proposed store would be. Her husband's grandparents purchased the property in the 1950s. He lived with them when he returned from the military, until they passed away in the 1990s, and then he purchased the property from his parents. The neighborhood is quiet, and there isn't much traffic. They found out about the proposed store when they received a letter from the county. There had been no meeting with the neighborhood. Ms. Tieber-Wiles stated that she circulated the petition, and only two people that she spoke to were in favor of the store. The neighborhood is very quiet, and people like to walk their dogs and ride bicycles. She also stated the bright lights would be unsightly.

Mr. Unes asked if there was a school bus stop at the corner. Ms. Tieber-Wiles said that it was further back from the corner.

Donald Z. White of 302 N. Second St., Chillicothe, IL was sworn in. Mr. White is the current Mayor of Chillicothe. Mr. White noted, as stated in the resolution from the city, that the main concern is about lost revenue. About three years ago, the City of Chillicothe used TIF funds to purchase land on Fourth Street to attract developers. They later sold it to Overland and broke even. The TIF money wasn't used for sidewalks as stated by Mr. Silverthorn. Mr. White is concerned that they will lose funds not only from the neighbors around the new store, but from Chillicothe residents that commute to Peoria. The employees of the Chillicothe Dollar General are concerned. Mr. White stated that he received a letter from Overland Engineering estimating that the annual revenue lost from the Chillicothe Dollar General would be about \$100,000 per year. He reiterated that he has nothing against Dollar General and that they have been a great asset, but he just doesn't want to lose the tax revenue.

Ms. O'Brien asked if Mr. Silverthorn would like to respond. Mr. Silverthorn stated that Dollar General would be responsible for any damage to the road. He also stated that the lights would be on a timer. Additionally, the \$100,000 lost revenue would only be a small percentage in tax revenue lost.

Ms. O'Brien asked if there were any more questions. Mr. Bateman made a motion to close and deliberate and was seconded by Mr. Happ. A vote was taken, and the motion passed; (5-0)

Case No. 008-21-Z at 9:30 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

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.

Mr. Braun opened the case. There is 1 consent and 55 objections on file. The case was published in *The Peoria Journal Star* on January 24, 2021 and February 19, 2021 and *The Chillicothe Times Bulletin* on January 27, 2021 and February 24, 2021. There is a staff report dated March 2, 2021 recommending denial.

Mr. Happ made a motion to incorporate and take notice of the prior testimony, comments, and presentations, and was seconded by Mr. Asbell. A vote was taken, and the motion passed; (5-0)

Ms. O’Brien asked if there was anyone that would like to speak for or against the request. Mr. Bateman made a motion to close and deliberate and was seconded by Mr. Asbell. A vote was taken, and the motion passed; (5-0)

Case No. 009-21-U at 9:30 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

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.

Mr. Braun opened the case. There is 1 consent and 55 objections on file. The case was published in *The Peoria Journal Star* on January 24, 2021 and February 19, 2021 and *The Chillicothe Times Bulletin* on January 27, 2021 and February 24, 2021. There is a staff report dated March 2, 2021 recommending denial.

Mr. Happ made a motion to incorporate and take notice of the prior testimony, comments, and presentations, and was seconded by Mr. Asbell. A vote was taken, and the motion passed; (5-0)

Ms. O’Brien asked if there was anyone that would like to speak for or against the request. Mr. Happ made a motion to close and deliberate and was seconded by Mr. Asbell. A vote was taken, and the motion passed; (5-0)

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

Meeting adjourned 11:00 a.m.

Respectfully submitted,

Sarah Cox  
ZBA Administrative Assistant