

**MINUTES**  
**Zoning Board of Appeals**  
**Linda O'Brien, Chairperson**  
**April 8, 2021**

A meeting of the Peoria County Zoning Board of Appeals was held on Thursday, April 8, 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, Andrew Keyt – Vice Chairperson, Greg Happ, Leonard Unes, Jim Bateman, Robert Asbell

**ABSENT:** J. Greg Fletcher, Justin Brown, John Harms

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

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Mr. Asbell made a motion to approve the minutes from the March 11, 2021 hearing and was seconded by Mr. Unes. A vote was taken, and the motion passed; (6-0)

Case No. 013-21-U at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **BECKY L. MURPHY, acting on behalf of BECKY L. & WILLIAM G. MURPHY (owners), a SPECIAL USE** as required in Section 20-9.1.5.1 of the Unified Development Ordinance. This section allows for a special use in order to deem a nonconforming use or structure to be in conformity and to be allowed to continue and expand as a lawfully existing use or structure. The petitioner proposes to expand an existing non-conforming use in the "I-1" Light Industrial 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 March 18, 2021. The Peoria County Health Department has no objections and the Peoria County Highway Department has deferred to the Medina Township Road Commissioner. The Road Commissioner gave no comments. The Medina Township Planning Commission took no action on this matter. 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 (Agriculture, Environmental Corridor, and River Freight). The site plan and two videos of the property were shown. The property is zoned "I-1".

Becky Murphy of 10308 N. Wheaton St., Mossville, IL was sworn in. In October, a fire destroyed a detached garage and she wants to rebuild. It was discovered that this property was not zoned "A-2" as she had previously thought.

Ms. O'Brien asked if there was anyone that would like to speak for or against the request. There was no one.

Mr. Happ asked Ms. Urban if she knew or had record of how the zoning was change from residential to Industrial. Ms. Urban deferred to Ms. Armbruster. Ms. Armbruster stated that there was a rezoning in 1952 that rezoned a large portion of sections 26 and 27 in Medina Township to Light Industrial. Ms. Murphy's parents purchased the property in 1957.

Mr. Keyt made a motion to close and deliberate and was seconded by Mr. Asbell. A vote was taken, and the motion passed; (6-0)

Case No. 014-21-U at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **LINDA MARTIN, on behalf of MARTIN ESTATE LLC (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 three 10 acre parcels from an existing 30.45 acre tract.

Ms. Urban opened the case. There is 1 consent and 1 objection on file. The case was published in *The Peoria Journal Star* on March 18, 2021. The City of Peoria has commented that they will require an annexation agreement and the petitioner is aware. The Peoria County Highway Department has no objections, however, will not allow access off Cedar Hills Drive. The Road Commissioner has no objections, but had a comment requiring dedication of a road. The Medina Township Planning Commission has recommended approval. Ms. Urban read an objection from an adjacent property owner. Staff recommends approval with one restriction. 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 three videos of the property were shown. The property is zoned "A-2".

Linda Martin of 1009 Jefferson Street, Pekin, IL was sworn in. Ms. Martin stated that she was seeking a special use permit to divide 30 acres of land, that she and her son purchased, into three 10-acre parcels.

Ms. O'Brien asked if there were any questions from the board.

Mr. Asbell asked Ms. Martin why she wanted three 10-acre parcels. Ms. Martin stated that they did not want a subdivision. She is in real estate and knows that a lot of people want rural area that is still close to the city and felt that 10 acres would be a good division of the property.

Ms. O'Brien asked if this land had previously been in farm production. Ms. Martin stated that it had, and they were going to farm it this year until they get the approval for the split.

Mr. Keyt asked when the property was purchased. Ms. Martin stated that they purchased it in November 2020. Mr. Keyt asked if, when the property was purchased in 2020, she was aware that it was farmland and would be split. Ms. Martin stated that she wasn't aware that they would have to go through as much as they have gone through, however, she was aware that they would need some sort of approval for the split.

Ms. O'Brien asked if there was anyone that wanted to speak in support or opposition of the petitioner.

Lyn Carmichael of Rochelle, IL was sworn in. Ms. Carmichael stated that she is the owner of Lenmart Farm that is directly north of the subject property. The farm is a third generation farm. They want to oppose the special use as they have concerns as stated in the letter read by Ms. Urban. They are concerned that drainage function will be disrupted, farm livestock may cause a nuisance complaint, and ag chemicals in Spring and Fall applications may be an issue. Also, the cost of farming may increase as expensive legal issues arise.

Mr. Asbell asked Ms. Carmichael why they didn't purchase the land when it was available for sale. Ms. Carmichael stated that they were not able to at the time.

Ms. O'Brien asked if Ms. Martin would like to respond to the objector. Ms. Martin said that she isn't trying to be a bad neighbor. They saw the opportunity and decided to try. She stated that Greenview is down the road and they have a large operation and there are subdivisions in the surrounding area.

Ms. O'Brien asked if there were any more questions. Ms. Carmichael asked how they planned to access the parcel since there will be no access from Cedar Hills Drive. Ms. Martin said that the Engineer has created a temporary road access coming off Cline Rd.

Mr. Bateman made a motion to close and deliberate and was seconded by Mr. Keyt. A vote was taken, and the motion passed; (6-0)

Mr. Bateman stated that he thought this urbanization of agricultural land was a bit unusual, since this property was not immediately adjacent to subdivisions. He asked staff what the general view of the County is as far as looking at the whole issue of urbanization of agricultural land. Ms. Urban stated that planning and zoning looks at the Land Use Plan for guidance, and the Land Use map for this area is classified as urban. The County has plotted this area for urban as guidance for development.

Case No. 015-21-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **NATALEE ROSEBOOM, acting on her 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 has constructed a swimming pool at a distance of 76 feet from the center of the right-of-way, resulting in a variance request of 39 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 March 18, 2021. 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 (Agriculture). The site plan and a video of the property were shown. The property is zoned "R-1".

Natalee Roseboom of 8406 S. Harkers Corner Rd., Glasford, IL was sworn in. Ms. Roseboom stated she is seeking a variance from the setbacks for her pool.

Ms. O'Brien asked if there were any questions from the Board.

Mr. Keyt inquired as to the reason why the pool was installed where it is. Ms. Roseboom stated that due to the location of the septic tank, the ejector pump, field bed, and ejector bed, the pool could not be placed in the backyard.

Mr. Happ stated that obviously Ms. Roseboom wasn't aware that she needed a permit to install a pool. Ms. Roseboom stated that she did know that she was supposed to have a permit, but the installer was supposed to have obtained the permit.

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; (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 petitioner has constructed a swimming pool at a distance of 76 feet from the center of the right of way, resulting in a variance request of 39 feet. The circumstances are unique in the fact that the swimming pool cannot be placed in the backyard due to the location of the septic tank, the ejector pump, field bed, and ejector bed. Also, due to the location of the petitioner's home on the property, the variance request is the minimum adjustment necessary for the construction of a swimming pool.
2. That the variation, if granted, will not alter the essential character of the locality;
  - The property is Zoned R-1 and is located in a rural area. If granted, the variance will not alter the essential character of the locale.
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;
  - Due to the layout and physical surroundings of the property (refer to fact number 1), the owner would not be able to construct a swimming pool on her property. This in turn would result in a hardship to the owner.
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;
  - Refer to fact number 1.

5. That the granting of the variation will not be detrimental to the public health, safety, comfort, morals and welfare, or injurious to other property or improvements in the neighborhood in which the property is located, or otherwise be inconsistent with any officially adopted County plan or these regulations;
  - 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 property is zoned R-1 and is in a rural area. 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 the adjacent property, nor increase congestion, fire danger, or endanger public safety. The property is Zoned R-1 and is located in a rural area. The County Highway Department has issued a statement indicating they have no objections. A swimming pool will not impair property values within the neighborhood.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
  - If granted, the variance is the minimum adjustment necessary for placement of the swimming pool due to the location of the house and layout of the property. (refer to fact number 1)
8. That aforesaid circumstances or conditions are such that the strict application of the provisions of this Section would deprive the applicant of reasonable use of his or her land.
  - Without the granting of the variance a swimming pool could not be constructed on the property, and in turn deprive the petitioner reasonable use of her land.

Mr. Bateman made a motion to approve the findings of fact and was seconded by Mr. Keyt. A vote was taken, and the motion passed; (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)

Mr. Asbell made a motion to adjourn and was seconded by Mr. Bateman. A vote was taken, and the motion passed; (6-0)

Meeting adjourned at 9:42 a.m.

Respectfully submitted,

Sarah Cox  
ZBA Administrative Assistant