

MINUTES
Zoning Board of Appeals
Loren Bailliez, Chairman
September 10, 2020

A meeting of the Peoria County Zoning Board of Appeals was held on Thursday September 10, 2020, in Room 403 of the Peoria County Courthouse, 324 Main Street, Peoria, Illinois. The meeting was called to order by Chairperson Loren Bailliez at 9:00 a.m.

PRESENT: Loren Bailliez, Linda O'Brien, Greg Fletcher, Greg Happ, Andrew Keyt, Jim Bateman

ABSENT: Justin Brown, John Harms, Leonard Unes

STAFF: Corbin Bogle – Planner I
Kathi Urban – Director
Jennie Cordis Boswell – Assistant Civil State's Attorney
Ellen Hanks - ZBA Administrative Assistant
Sandy Alexander – Planning & Zoning Administrative Assistant

Mr. Fletcher made a motion to approve the minutes from the August 13, 2020 hearing and was seconded by Mr. Happ. A vote was taken, and the motion passed; (6-0)

Case No. 037-20-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **KRISTOPHER & ANASTASIA MINNIX, 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 from the right-of-way. The petitioner is proposing to construct a garage in the "R-2" Medium Density Residential Zoning District at a distance of 20 feet from the right-of-way, resulting in a variance request of 5 feet.

Ms. Urban explained that this case must be continued due to a publication error made by staff. Ms. Urban recommended that the case be continued to October 8th at 9:00 a.m. Ms. O'Brien made a motion to continue the case to October 8th at 9:00 a.m. and was seconded by Mr. Keyt. A vote was taken, and the motion passed. (6-0)

Case No. 038-20-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **TOMMY D. HUNT & THE HUNT TRUST, acting on their own behalf**, 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 in the "R-1" Low Density Residential Zoning District. The petitioner is proposing to construct a 480 square foot building at a distance of 5 from the eastern side property line, resulting in a variance request of 10 feet. Also, A Variance request from Section 20-6.5.2.3.c.2 of the Unified Development Ordinance which requires a rear setback of 15 feet for accessory structures. The petitioner is proposing to construct a building at a distance of 5 from the rear property line, resulting in a variance request of 10 feet.

Ms. Urban opened the case. There is 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on August 25, 2020 and the Weekly Post on August 20, 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). The site plan and two videos of the property were shown. The property is zoned R-1.

Keith McKimmey, representative from Morton Buildings, located at P.O. Box 399, Morton, IL, was sworn in. Mr. McKimmey explained that the owner, Tommy Hunt, is 88 years old and had requested Mr. McKimmey to attend the hearing due to health concerns. Mr. McKimmey explained that he is the contractor for the project. Mr. McKimmey then passed out and read a letter that Mr. Hunt had written which outlined his reasons for needing the shed. Mr. Hunt wrote that he had a prior shed that was located 5 feet from the property lines on the side and in the rear. Additionally, Mr. Hunt wrote that two of his neighbors also had sheds approximately 5 feet from their property lines. Mr. Hunt wrote that none of his neighbors had an objection to the request. Mr. Hunt then listed all of the items he would like to store in the shed, which included a truck, golf cart, boat, mower, and many tools. Furthermore, Mr. Hunt wrote that he would have to remove a peach tree and an existing garden in order to meet the setback requirements and would potentially encroach on the septic field.

Mr. McKimmey added that due to the shape of the lot, the southeast corner would be the only portion of the building closest to the side property line, whereas the northeast corner would be closer to the required 15 feet. Mr. McKimmey also stated that although the owner had an attached two car garage, he parks in the middle of it in order for him and his wife to enter and exit the car more easily.

Mr. Happ asked if there would be a driveway going back to the building, and Mr. McKimmey responded that there would not be. Ms. O'Brien asked if the building would match the house, and Mr. McKimmey responded that it would have white siding and a green roof. Mr. Bailliez asked if it would look similar to the neighbors' sheds, and Mr. McKimmey responded that one neighbor had a white building and the other had a brown building.

Mr. Bailliez asked if there was anyone present who wanted to speak for or against the case, and there was no one. Ms. O'Brien 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;
 - Requesting a rear and side setback from 15 feet to 5 feet from property lines to build a 24' x 24' building. This will line up with the existing driveway and away from the septic field.
2. That the variation, if granted, will not alter the essential character of the locality;

- There are several other parcels in the area with accessory buildings less than 15 feet from the property lines.
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 back of the lot is triangle shaped, which causes a corner of the proposed building closer to the lot line. Also, see #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;
 - Explained in #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;
 - The proposed garage will house several vehicles, a golf cart, etc. that are now outside in the driveway and will improve the front appearance.
 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;
 - 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
 - See #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.
 - The location of the septic field, garden space, large tree and location of the driveway and shape of the lot is why this variance is requested.

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; (6-0) Mr. Fletcher made a motion to approve the request and was seconded by Ms. O'Brien. A vote was taken and the motion was approved. (6-0)

Case No. 039-20-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

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 from the right-of-way. The petitioner is proposing to construct a swimming pool in the "R-2" Medium Density Residential Zoning District at a distance of 18 feet from the right-of-way, resulting in a variance request of 7 feet.

Ms. Urban opened the case. There is 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on August 25, 2020 and the Limestone Independent News on August 19, 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 (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, was sworn in. Ms. Noll stated that she would like to construct a pool next to her deck but needs a variance to do so.

Mr. Fletcher asked if Ms. Noll would have a fence around the pool, and Ms. Noll responded that they have been working on getting a pool for several years, but the size of pool they can have without a variance is small. Ms. Noll added that the jet ski and the trailer in the backyard would be moved, which would make more space. Ms. Noll stated that they wanted a privacy fence around the pool, but because they are on a corner lot, they would need to place the fence 10 feet in from the right of way on that side. Ms. Noll stated that they would have a door on the deck and would make it as safe as possible.

Mr. Bailliez asked if a barrier would be constructed, and Ms. Noll stated that they would be putting a barrier directly around the pool and the deck would also have a railing with a door. Mr. Bailliez asked if they would be putting in the pool this year, and Ms. Noll stated that they would work on the deck this year and put up the pool next year.

Mr. Bailliez 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. Happ. 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;
 - Needs a 7-foot variance to add an above ground pool located 18 feet from the right of way due to the location of other buildings.
2. That the variation, if granted, will not alter the essential character of the locality;
 - The house does not meet the required setbacks so the variance will not change the 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;
 - Because of the physical surroundings and a corner lot limits the backyard space.

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;
 - Small corner lot with two right of ways.
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;
 - Will not be detrimental to the above items plus this road is a dead end with only a few homes.
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;
 - Will not impair any of the above items.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - It is the only area to put it in and it's as far back as can be.
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.
 - There is no viable area for the pool if this variance is not granted.

Mr. Keyt made a motion to approve the findings of fact and was seconded by Mr. Fletcher. A vote was taken, and the motion passed; (6-0) Ms. O'Brien made a motion to approve the request and was seconded by Mr. Happ. A vote was taken and the motion was approved. (6-0)

The board took a break from 9:30 a.m. – 10:00 a.m.

Case No. 040-20-V at 10:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **ANDREW & SARAH VICE, acting on their 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 432 square feet accessory structure in the "R-R" Rural Residential Zoning District, which would exceed the allowable cumulative square footage of 50 square feet, resulting in a variance request of 382 square feet.

Ms. Urban opened the case. There is 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on August 25, 2020. Corbin Bogle 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-R.

Andrew Vice of 4525 W. Nagel Rd., Bartonville, was sworn in. Mr. Vice stated that they had put in an inground pool recently and would like to construct a pump house with a small bathroom near the pool as well. Mr. Vice added that they would be close enough to the septic tank to use it for the bathroom.

Mr. Fletcher pointed out that the Health Department did not have any objection. Mr. Fletcher asked if the building would be heated, and Mr. Vice responded that it would not be. Mr. Bailliez stated that the building was small enough that it would not make much impact on the area. Mr. Vice stated that it would be placed far from the house back in the yard, so it would not be highly visible by many neighbors.

Mr. Bailliez 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. Keyt. 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;
 - Installing an inground pool and building a 12' x 18' pump house with a bathroom and a 12' x 18' covered patio. This puts the total building area at 382 square feet over the limited amount for this 1.9-acre parcel.
2. That the variation, if granted, will not alter the essential character of the locality;
 - This area has large lots with outbuildings.
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;
 - None of the above will be affected. This variance is for the allowed building space.
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;
 - A variance is for additional building space on a 1.9-acre 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;
 - Will not be detrimental to the above-mentioned items.
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;

- All surrounding properties have ample space from the proposed building.

7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and

- The request is as small as needed to build and serve its intended purpose.

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 request is for an additional 382 square feet of building space on a 1.9-acre lot.

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; (6-0) Mr. Fletcher made a motion to approve the request and was seconded by Ms. O'Brien. A vote was taken and the motion was approved. (6-0)

Case No. 036-20-V at 10:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **PHIL WRIGHT, acting on behalf of D. L. MARQUIS (owner), 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 3,870 square foot accessory structure in the "R-1" Low Density Residential Zoning District, which would exceed the allowable cumulative square footage, resulting in a variance request of 4,992 square feet.

Ms. Urban opened the case. There is 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on July 26, 2020. Corbin Bogle gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Environmental Corridor). The site plan and two videos of the property were shown. The property is zoned R-1.

Lester Smith of 16 Hunter Ct., Putnam, IL, was sworn in. Mr. Smith stated that he was representing the owner, D.L. Marquis, and the applicant, Phil Wright, as they were both unable to attend. Mr. Smith explained that Mr. Marquis owns over 70 acres around his home and as such, has a lot of equipment needed to maintain that space. Mr. Smith stated that in addition to maintaining the land, there was also equipment needed to maintain the long driveway in the winter.

Ms. O'Brien asked staff why the requested size was smaller than the size of the variance being requested. Ms. Urban explained that Mr. Marquis had already exceeded the cumulative square footage amount for the property. Mr. Bailliez stated that Mr. Smith had stated that the owner had more than 70 acres, but the size of the property was only 19 acres. Mr. Smith clarified that Mr. Marquis owner several adjoining parcels that totaled over 70 acres total. Ms. O'Brien asked about the building materials being concrete, glass, and metal. Mr. Smith explained that the method of construction would make it incredibly safe and secure and would also make the proposed building match the look of the house. Mr. Smith added that the building would not likely be seen by neighbors or from the road given its location.

Mr. Bailliez 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. Keyt. 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 request is for a garage of 3870 square feet creating a 4992 square foot variance on a 19+ acre parcel for the purpose of storing recreational vehicles and equipment used to maintain an adjoining 70-acre property.
2. That the variation, if granted, will not alter the essential character of the locality;
 - This building will be in the center of the 19+ acre parcel. There are plenty of trees between it and any neighbor.
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 building site sets on top of a hill in the middle of the 19+ acre parcel.
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;
 - It is zoned residential for a 19+ acre parcel.
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 not affect any of the above items.
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 the above items will change.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - Storing the recreational vehicles and equipment needed to maintain the adjoining 70-acre 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.
- Improving the appearance of the property and protecting the equipment.

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; (6-0) Ms. O'Brien made a motion to approve the request and was seconded by Mr. Fletcher. A vote was taken and the motion was approved. (6-0)

Miscellaneous:

No further questions or comments were made.

Ms. O'Brien made a motion to adjourn and was seconded by Mr. Happ. A vote was taken, and the motion passed; (6-0)

Meeting adjourned 10:26 a.m.

Respectfully submitted,

Ellen Hanks

ZBA Administrative Assistant