

**MINUTES**  
**Zoning Board of Appeals**  
**Linda O'Brien, Chairperson**  
**February 9, 2023**

A meeting of the Peoria County Zoning Board of Appeals was held on February 9, 2023, 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 9:04 a.m.

**PRESENT:** Linda O'Brien – Chairperson, J. Greg Fletcher, Rob Asbell, Greg Happ, Chris Duncan, Stephen Pollack

**ABSENT:** Justin Brown, LaVonne Sammis

**STAFF:** Kathi Urban – Director  
Taylor Armbruster – Planner I  
Jennie Cordis Boswell – Chief 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 January 12, 2023, hearing and was seconded by Mr. Happ. A vote was taken, and the motion passed; (6-0)

Case No. **ZBA-2023-001** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **MICHAEL B. HOLLAWAY, acting on behalf of STEVE AND JODIE KEMP (owners), 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 or in residentially zoned districts, 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 780 square feet accessory structure on a parcel which already exceeds the allowable cumulative square footage by 434 square feet in the "R-2" Medium Density Residential Zoning District, resulting in a variance request of 1,214 square 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 December 15, 2022. 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 two videos of the property were shown. The property is zoned "R-2".

Michael Hollaway of 4718 E. Lakeland Ln., Chillicothe, IL was sworn in. Mr. Hollaway stated that he will be the one constructing the accessory structure.

Mr. Fletcher asked if the structure was going to be a carport. Mr. Hollaway stated that it would be all open and it is just for protection for items that won't fit in the garage. He stated that because of the way

the property was laid out, it would be better to tie it into the garage. Mr. Fletcher asked if there was a driveway to the carport. Mr. Hollaway stated that it is white rocked and there is access, but it is not exactly a driveway. Mr. Fletcher asked if the owner was running a business out of the home. Mr. Hollaway stated that to his knowledge, he is not.

Ms. O'Brien asked if there was anyone that wanted to speak for or against the petition, and there was no one.

Mr. Fletcher made a motion to close and deliberate and was seconded by Mr. Asbell. 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 owner is requesting a variance to add a carport on the side of an existing garage near one of the houses. The property consists of two homes which had been two separate lots and homesites.
2. That the variation, if granted, will not alter the essential character of the locality;
  - If the variance is granted it will allow the owners to store trailers and other equipment under roof and not in an open area of the driveway. This will not alter 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;
  - If the variance were to be denied, the petitioner would have trailers and equipment in the driveway. The owners prefer to have their equipment to be covered and not in the open.
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 petitioner has two homes on the one lot due to combining of properties in 2019. Each home has their own parking area, although the owner would like to add this carport for additional storage.
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 the variance would not be detrimental to public health, safety, comfort, morals, and welfare of the neighborhood. It would not be injurious to other properties or neighborhood improvements. By granting the variance it would not be inconsistent with any 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 would improve the neighborhood, enhance the nearby homes and increase property values in the immediate area.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
  - Granting the variance will be the minimum necessary needed to use the 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.
  - With approval of the variance, the owner's trailers and equipment would be stored out of the weather and out of the yard.

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 Mr. Asbell. A vote was taken, and the motion passed; (6-0)

Case No. **ZBA-2022-050** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **ADRIAN AND CARMEN STOICESCU, acting on their own behalf, a VARIANCE** request from Section 20-3.2.14 of the Unified Development Ordinance, which requires a maximum of 2 permits for the same construction project for a single structure. The petitioner is requesting a 4th permit to complete construction of a single family residential dwelling in the "R-1" Low Density Residential Zoning.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in *The Peoria Journal Star* on November 14, 2022. The Medina Township Planning Commission has 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 and Environmental Corridor). The site plan and two videos of the property were shown. The property is zoned "R-1".

Carmen and Adrian Stoicescu of 8674 Grandview Drive, Roscoe, IL were sworn in.

Ms. O'Brien stated, on December 8, 2022, the ZBA heard the petitioners' case, heard from people for and against the request, closed and deliberated, and decided to continue the hearing to today, to allow the petitioner to obtain contracts with subcontractors and proof of finances available to do the work. So, at this juncture, the ZBA will recall the petitioner for the sole purpose of hearing testimony and receiving evidence regarding secured contracts and funds available. After receiving the limited testimony, the ZBA will go back into deliberations to discuss, will vote upon findings of fact, and will

vote on the ultimate question of approval or denial. Ms. O'Brien further stated that the Board only needed proof of signed contracts and proof of funds.

Ms. Stoicescu stated that this was the first time that she heard about providing proof of available funds. She also stated that they had already provided quotations from different subcontractors.

Ms. O'Brien stated that she was not at the last meeting but asked if it was in the minutes. Mr. Asbell stated that it was made very clear at the last meeting what was required.

Ms. O'Brien asked the petitioners if they had proof of funds to finish the home. Ms. Stoicescu stated she could show the Board her bank account online. Ms. O'Brien confirmed that Ms. Stoicescu was stating under oath that she had the funds to complete the construction of the home. Ms. Stoicescu confirmed, that under oath, she has the necessary funds to complete the project.

Ms. Stoicescu stated that she wanted to address some comments that were made by others that were not true. Ms. O'Brien stated that the Board would not be hearing that at this time.

Ms. O'Brien stated that the board needed the list of contractors and subcontractors. Ms. Stoicescu passed out a pack of information to the Board members.

Ms. O'Brien stated that there was a quote from Lowe's, Home Depot, Ron's Carpets, and David Humbracht.

Ms. Stoicescu stated that the quotes include installation. Home Depot would install the cabinets, counters, and appliances, and that Mr. Humbracht is a drywall contractor. Mr. Fletcher stated that Mr. Humbracht had a 630 area code and wondered if he was local. Ms. Stoicescu stated that he was from Chillicothe.

Mr. Fletcher stated that the information given is the same information that was given at the last meeting. Ms. O'Brien asked what Mr. Fletcher was looking for. Mr. Fletcher stated that the Board wanted signed contracts and proof of funding to start the work. Mr. Asbell stated that this is the exact same packet as before. Ms. O'Brien stated that she has never built a home, but wanted to know what would happen if the petitioners signed contracts and the Board denied the variance. Mr. Asbell stated that he was under the impression that they had two months to come up with proof, and the Board would be amiable and approve the variance.

Ms. O'Brien stated that there was a signed document from Mr. Humbracht. Mr. Fletcher stated that the drywall was the only contract signed, nothing for the floors, or the kitchen. Mr. Stoicescu stated that Home Depot will be finishing the kitchen. Ms. O'Brien asked what the difference was in the information presented today versus what was presented in December. Mr. Stoicescu stated there is no difference and the reason is that if they were looking for market quotations, they have them. They didn't receive any information saying that the Board wanted signed contracts or proof of funds. Ms. Stoicescu stated that there was no drywall quotation submitted in December.

Mr. Fletcher stated that the bids from Home Depot are dated from the day before the hearing in December and they are from the Machesney Park, IL location. Ms. O'Brien stated that the Ron's

Carpets proposal has a sale date of September 15, 2022, and asked if the petitioners had purchased carpeting. Ms. Stoicescu stated that they had not purchased carpet yet, they were just quotations. Ms. O'Brien stated that if they signed the quote with Ron's Carpets, they would have to put down a deposit. Mr. Fletcher stated that that was the purpose of continuing the hearing. Ms. Stoicescu stated that they have at least three quotations for each job, and if one contractor isn't available, they would move to the next one. Mr. Stoicescu stated that it sounds like the Board wanted to "general contract" their house. He cannot sign a contract, because if he doesn't get the permit, he is on the hook to pay the contractor. Mr. Fletcher stated that the purpose of continuing the meeting was to see if the petitioners obtained contractors to finish the project. Mr. Stoicescu stated that there is very little left to do, and it was just a couple items left. Mr. Fletcher stated that it was more than a couple of items.

Ms. Urban stated that there needed to be an orderly conversation and participants needed to speak into the microphone so everyone can hear. Ms. O'Brien stated that they would hear the testimony and then close and deliberate. Ms. O'Brien stated that the petitioners have finished the testimony concerning funds and contractors. Ms. Stoicescu stated that she brought proof that they finished building their last home in Rockford in less than a year. Ms. O'Brien stated that this was not relevant to the discussion. Ms. O'Brien stated that the petitioners are applying for a fourth permit, the Board wanted evidence regarding contracts and funds available, and that is the discussion at hand. Ms. O'Brien asked if the Stoicescus were finished giving testimony and evidence. Mr. Stoicescu stated that he heard the conversations of the Board at the last meeting but didn't receive instructions from the Department of Planning and Zoning to come with copies of proof of funding or signed contracts. Ms. O'Brien stated that was the reason the hearing was continued. Ms. Stoicescu stated that what she understood was that the Board postponed the meeting to look into the minutes of the April 14 meeting because a precedent was set about how long it took to build their first house in Rockford. Ms. O'Brien stated that this hearing was a continuation from the December hearing, and they were not looking at the April 14, 2022 meeting. Ms. Stoicescu stated that without the permit, there is no option to sign contracts.

Mr. Happ stated that when he looked through the quotes, he came up with about \$70,000 worth of work to complete and asked the petitioners if they had the funds. Mr. Stoicescu stated that they did have the funds and if needed they could prove it, however, they might require a mortgage to complete the construction.

Ms. O'Brien asked if there was anyone that wanted to speak in favor of the petition.

Jeff Kolbus of Trader's Holding Corporation, of 721 W. Lake Ave, Peoria, IL was sworn in. Mr. Kolbus stated that he is for the granting of the variance, with the items requested. Mr. Kolbus stated that contracts could be signed and make it subject to obtaining the variance. Mr. Kolbus asked if the quotations are still valid. Ms. O'Brien stated that one quote was only good for 30 days.

Ms. Stoicescu stated that the only contract to sign was for the drywall contractor. She also stated that they had six quotes from drywall contractors, but they chose this one because he was available.

Mr. Kolbus stated that having signed contracts is the insurance that if the permit is granted, the home will be finished.

Ms. Cordis Boswell asked that everyone defer to the Chair for who speaks next.

Ms. Stoicescu stated that there are pictures showing that the bathrooms are complete. Ms. O'Brien stated that the plumbing had not passed County inspection yet. Ms. Stoicescu stated that the County would not inspect without a permit.

Ms. O'Brien asked if there was anyone else that wanted to speak in favor of the petition.

Karl Johnston of 14101 N. River Crest Dr., Chillicothe, IL. Mr. Johnston stated that he is in favor of getting the work done, but the house has been on temporary electric for 10 years and speculated that there was no heating or cooling in the home. Mr. Johnston continued that no electrician has finished the electrical work, and that needs to be done before the drywall.

Ms. O'Brien asked if there were any questions for Mr. Johnston, and there were none.

Ms. Stoicescu stated that they really only worked on the house for six years, and the house is completely finished on the outside. Mr. Stoicescu stated that the heating and cooling was running in the house. He also stated that he wished the Board had given him a list of what information they required.

Mr. Fletcher stated that it was very clear at the last meeting what was needed. Mr. Stoicescu stated that there were conversations, but no one sent them information. Ms. O'Brien stated that the petitioners were at the meeting.

Ms. O'Brien asked if there was anyone that wanted to speak against the request and there was no one.

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

Mr. Asbell stated that the instructions were very clear about what the petitioners were supposed to bring to the meeting.

Ms. O'Brien stated that she doesn't think there is anyone present that doesn't want to see the home completed, but she agreed that it most likely isn't going to happen.

Ms. O'Brien asked what Mr. Pollack thought. Mr. Pollack asked what would happen if the variance wasn't granted. Ms. O'Brien stated that in six months they could reapply, or put the home up for sale. Mr. Pollack asked if they were granted the variance, would they have a year to finish. Ms. Urban stated that the length of the permit would be based on the value left to completion. Greater than 50% of the value of the house is a two year permit. Staff has offered to perform an inspection to determine what additional work needs to be completed. Mr. Duncan asked if they were granted a two year permit and they didn't finish it, what would happen. Ms. Urban stated that they would be back in the same position. Ms. O'Brien asked if there could be a stipulation added that they would deny a fifth permit if it was not completed within the two year period. Ms. Cordis Boswell stated that she would advise the Board to take up the case in the normal course as opposed to an automatic denial. Mr. Pollack stated that if the variance is denied, they will reapply in six months, and it will be at least a year before they can really get started, but if it is approved, they could complete the work. Mr. Duncan stated that it was confusing

that this has been going on for 10 years and they still don't have better information to present to the Board. Ms. O'Brien agreed.

Mr. Happ stated that he'd love to see the house done, but even if they come back with signed contracts, there is no guarantee that they would finish it.

Ms. O'Brien stated that six months for the petitioners to get everything together, they may have a chance to get it completed if the variance was denied today. Mr. Happ thought that the home was more than 50% complete and a one year permit may not be enough. Ms. O'Brien stated that the County has not been asked to inspect the home, but they would know. Mr. Asbell stated that it was very clear that the Board needed to see progress and two months later, there is no progress. Ms. O'Brien stated that the homeowners need a contractor. Mr. Asbell stated that they have made it clear that they will not hire a contractor.

Mr. Fletcher stated that he cant believe that there is still a temporary electrical pole, and that the County has no real idea how much work is left to complete.

Mr. Fletcher asked if the variance was granted, could a restriction be added that the County would have to inspect the property within the next two weeks. Ms. Urban stated that it would give the dept enough time for an inspector to go to the property and create a scope of work. Ms. O'Brien asked how this would really help the problem. Mr. Asbell stated that it would not solve the problem as they've had plenty of time to have the home inspected.

Ms. O'Brien stated that she is leaning towards denial and coming back in six months.

Mr. Fletcher stated that he doesn't see them finishing the property ever.

Mr. Fletcher confirmed that the petitioners don't live in the area. Ms. O'Brien stated that it was her understanding that they wanted to finish the home so that they could move to the area.

### ***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's variance request is for a fourth permit in order to complete interior construction of a single-family residential dwelling in 'the "R-1" Low Density Residential District. The petitioner/owner has stated that construction on the exterior of the house is complete, including driveway, deck, and landscaping, and that the structure has passed Peoria County's rough-in inspection. The situation is not unique in that people construct single-family dwellings routinely within the allotted time under the permit. That petitioner's stated reasons for delay such as Covid and various health issues do not account for the 8-year delay here.

2. That the variation, if granted, will not alter the essential character of the locality;
  - Granting of the variance will not alter the essential character of the locality as all exterior work is complete. The variance request is needed to complete the interior of the home.
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;
  - Denial of the variance would create an inconvenience rather than a particular hardship because the petitioner has a current residence and does not need but rather wants to use the subject property as their primary residence. Mere loss in value does not create an undue 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;
  - Refer to #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, nor be injurious to other property or improvements in the neighborhood. Granting of the variance may possibly increase neighborhood values. Granting of the variance, would not be inconsistent with any 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 properties, will not increase congestion in the public streets, and will not increase the danger of fire or endanger public safety. Granting of the variance would possibly increase property values within the neighborhood.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
  - A variance is not needed to achieve the reasonable use of the land (single-family dwelling) if someone else owned the property and applied for the permit.
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.
  - If the variance were not granted, the applicant would be denied reasonable use of the land.

Mr. Duncan made a motion to approve the findings of fact and was seconded by Mr. Happ. A vote was taken, and the motion passed; (6-0)



Mr. Pollack asked if there were any restrictions on the variance. Ms. O'Brien stated that there were not.

Mr. Fletcher asked if the restriction could be added before approving the variance. Ms. O'Brien stated that the findings of facts led to denial of the variance. Ms. Cordis Boswell stated that everyone is voting to approve the variance and they can vote yes or no regardless of the findings of fact even though the findings of fact need to support the conclusion. A motion to approve with restriction would be an amendment to the motion that is currently on the floor. Mr. Fletcher asked if he could make a motion to approve with restrictions. Ms. O'Brien asked what the restrictions would be. Ms. Cordis Boswell stated that since they are in the middle of the vote, she would need to research what motion would needed to be made.

Mr. Asbell made a motion to approve the request and was seconded by Mr. Fletcher. A vote was taken, and the motion was denied; (1-5)

Asbell	Nay	Happ	Nay
Fletcher	Nay	O'Brien	Nay
Pollack	Aye	Duncan	Nay

Ms. Cordis Boswell asked if Mr. Fletcher still wanted to amend to approve with restrictions. Mr. Happ asked what purpose it would serve to add the restriction. Ms. O'Brien stated that she doesn't think the restriction would solve anything. Ms. Cordis Boswell asked if Ms. O'Brien wanted her to research the language to amend the motion. Ms. O'Brien stated that she did not want to amend the motion.

Adjournment

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

Meeting adjourned at 10:22 a.m.

Respectfully submitted,

Sarah Cox  
ZBA Administrative Assistant