

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

A meeting of the Peoria County Zoning Board of Appeals was held on March 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 9:00 a.m.

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

ABSENT: Justin Brown

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

Mr. Happ made a motion to approve the minutes from the February 9, 2023, hearing and was seconded by Mr. Asbell. A vote was taken, and the motion passed; (6-0)

Case No. **ZBA-2023-007** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **ANDREW S. HARMS, acting on his own behalf, a VARIANCE** request from Section 20-5.13.1 of the Unified Development Ordinance, which requires that an accessory structure shall not be commenced prior to the commencement of the principal structure. The petitioner proposes to construct a 30' by 50' accessory structure on a parcel without a principal structure in the "R-2" Medium Density Residential Zoning District.

Ms. Urban opened the case. There are 0 consents and 2 objections on file. The case was published in *The Peoria Journal Star* on February 16, 2023. 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".

Andrew Harms of 14609 N. Grandview Dr., Chillicothe, IL was sworn in. Mr. Harms stated that he was requesting a variance to build a garage prior to building a house.

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

Mr. Fletcher asked what the purpose of the building was. Mr. Harms stated that he had future plans to build a house and he would like to use the garage to store construction materials. He also stated that he has a vehicle, a lawnmower, and a motorcycle in the winter. Mr. Harms stated that he does own rental

properties but the building will not be used for tenants to store anything and he believes that the neighbors that objected misunderstood the use.

Ms. O'Brien asked if Mr. Harms owned a lawn service. Mr. Harms stated that he did not, and that he had mentioned that he wants to store his lawn mower there so that his garage is freed up for cars.

Ms. O'Brien asked if the building would be a pole barn. Mr. Harms stated that it would be a stick built garage with either asphalt shingles or metal roof, on a concrete foundation, and will have heat. There is a well on the property and he has already received pricing to update the well. Ms. O'Brien asked when he planned to build a home there. Mr. Harms stated that he is unsure at this time but will build one and that is why the garage is so far to the left on the property.

Mr. Fletcher asked if the current driveway will be the same. Mr. Harms stated that it would be the same driveway entrance.

Mr. Happ asked if there would be water, septic, and electricity in the garage. Mr. Harms stated that there is a current septic system, but he will need to make sure it is up to code.

Ms. O'Brien asked if there were any questions and there were none.

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 petitioner proposes to build a 30' x 50' garage on a parcel without a principal structure. The garage is needed in order to store supplies for the construction of a single-family home on the property.
2. That the variation, if granted, will not alter the essential character of the locality;
 - The petitioner has stated that all surrounding properties in the area have garages, so the variation, if granted 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;
 - If the petitioner were denied the variance he would not be able to store construction materials for the building of a single-family home on his property, resulting in a 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, or injurious to other property or improvements in the neighborhood in which the property is located. Nor is it inconsistent with any officially adopted County plan or these 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. The petitioner has stated that the proposed garage will meet setback and height restrictions. Granting of the variance should have no effect on property values within the neighborhood.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - Refer to #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.
 - Taking into consideration each standard above, the petitioner would be denied reasonable use of his land if the variance were not granted.

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)

Mr. Duncan arrived at 9:10 a.m.

Case No. **ZBA-2023-006** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **TODD AND PAULA SHERIDAN, acting on behalf of COAL WATER PROPERTIES, LLC (A Limited Liability Company – Paula S. Sheridan of 5310 N. Eden Rd., Elmwood, IL 61529 – Manager) (owner), a SPECIAL USE** request from Section 20-5.2.2.2.f which allows for Overnight

Accommodations, provided that they meet the requirements set forth in Section 7.8 (Overnight Accommodations) and provided that no more than 5 rooms or suites of rooms are rented; and rooms are not rented for a period of more than 14 days. The petitioner proposes to provide overnight accommodations on a short term rental basis in the "A-2" Agriculture Zoning District.

Ms. Urban stated that Planning and Zoning received a request from the petitioner to continue the case to the April 13 hearing. Ms. Urban suggested a time of 10:00 a.m. and stated that there was another case moving forward along with this case.

Mr. Fletcher made a motion to continue the case to April 13, 2023, at 10:00 a.m. and was seconded by Mr. Happ. A vote was taken, and the motion passed; (7-0)

Case No. **ZBA-2023-008** at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **PEORIA COUNTY, acting on its own behalf, a TEXT AMENDMENT** to amend Chapter 20, Article 3, Section 3.5 ("Special Use Permits"); Article 5, Sections 5.1 ("A-1" Agricultural Preservation District), 5.2 ("A-2" Agricultural District), 5.3 ("R-R" Rural Residential District), 5.4 ("R-1" Low Density Residential District), 5.5 ("R-2" Medium Density Residential District), 5.6 (R-3" High Density Residential District), 5.7 ("C-1" Neighborhood Commercial District), 5.8 ("C-2" General Commercial District"), 5.9 ("C-3" Regional Commercial District"), 5.10 ("I-1" Light Industrial District), and 5.11 ("I-2" Heavy Industrial District"); Article 6, Sections 6.2 ("A-1" Agricultural Preservation District), 6.3 ("A-2" Agricultural District), 6.4 ("R-R" Rural Residential District), 6.5 ("R-1" Low Density Residential District), 6.6 ("R-2" Medium Density Residential District), 6.7 (R-3" High Density Residential District), 6.8 ("C-1" Neighborhood Commercial District), 6.9 ("C-2" General Commercial District"), 6.10 ("C-3" Regional Commercial District"), 6.11 ("I-1" Light Industrial District), and 6.12 ("I-2" Heavy Industrial District"); Article 7, Sections 7.2 ("Wind Energy Conversion Systems") and 7.17 ("Ground Mounted Solar Energy Equipment"); and Article 11, Section 11.1 ("Definitions") of the Peoria County Code.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in *The Peoria Journal Star* on February 16, 2023.

Andrew Braun of 324 Main St., Room 301, Peoria, IL. was sworn in. Mr. Braun gave a presentation of the case. Mr. Braun stated there are some amendments that cover Articles 3, 5, 6, and 11 of the Unified Development Ordinance. Public Act 102-1123 was signed by the Governor of Illinois on January 27, 2023. This act sets maximum restrictions or provisions on wind and solar energy regulations at the county level. Throughout the state, different communities have different regulations, and this act will level the playing field by giving communities or counties one set of rules. The bill was originally filed on January 7, 2022, as HB 4412. Counties must adopt or amend ordinances within 120 days (May 27, 2023) in order to stay in compliance with the change in state law and retain local control.

Mr. Braun pointed out the major changes or significant impacts in the amendment and stated that the department doesn't feel that, overall, they have a tremendous impact on Peoria County. Mr. Braun went over the new definitions and changes to the zoning districts for which special uses are allowed, setbacks, decommissioning plans, road use agreements, and additional studies required for the application.

Mr. Asbell asked if special uses for solar farms that have already been approved will need to come before the ZBA again if they no longer meet the setbacks. Mr. Braun stated that the special uses will not need to be reapproved, but the new rules regarding setbacks may have an impact at the time of permitting. The ZBA and County Board did not approve the setbacks, they approved the solar farm. There could be a scenario where previously approved solar farms would need to come back for a variance because of the change in setbacks.

Mr. Asbell stated that he felt this is what needed to be done. Mr. Braun stated that it is also possible that a trailer bill will come out and he would be back with additional text amendments based on clarifications that the State will make.

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. Happ. A vote was taken, and the motion passed; (7-0)

Adjournment

Mr. Happ made a motion to adjourn and was seconded by Mr. Fletcher. A vote was taken, and the motion passed; (7-0)

Meeting adjourned at 9:47 a.m.

Respectfully submitted,

Sarah Cox
ZBA Administrative Assistant