

MINUTES
Zoning Board of Appeals
Linda O'Brien, Chairperson
April 13, 2023

A meeting of the Peoria County Zoning Board of Appeals was held on April 13, 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, Greg Happ, Chris Duncan, Stephen Pollack, LaVonne Sammis

ABSENT: Rob Asbell, Justin Brown

STAFF: Kathi Urban – Director
Taylor Armbruster – Planner I
Jack Weindel – 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 March 9, 2023, hearing and was seconded by Mr. Fletcher. A vote was taken, and the motion passed; (6-0)

Case No. **ZBA-2023-011** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **LLOYD LAFOLLETT, acting on his own behalf, a VARIANCE** request from Section 20-6.2.2.2.d.2.a of the Unified Development Ordinance, which requires a side setback of fifteen (15) feet for accessory structures less than two thousand (2,000) square feet in the "A-1" Agricultural Preservation Zoning District. The petitioner proposes to construct a ground-mounted solar array at a distance of 3 ft. from the western side property line, resulting in a variance request of 12 ft.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in *The Peoria Journal Star* and *The Weekly Post* on March 23, 2023. Jack Weindel gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Agricultural Preservation). The site plan and three videos of the property were shown. The property is zoned "A-1".

Lloyd LaFollett of 3703 N Eden Rd, Elmwood, IL was sworn in. Mr. LaFollett stated that he would like to install solar panels and needs the variance because of the setback.

Mr. Fletcher asked if family owns the property next door. Mr. LaFollett stated that it is owned by his son. Mr. Fletcher asked if his son had any objections and Mr. LaFollett stated that he did 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 Ms. Sammis. 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 construct a ground-mounted solar array at a distance of 3 ft. from the western side property line, resulting in a variance of 12 ft. The circumstance is unique in the fact that this property is located on the corner of two County roads, which eliminates the use of most of the owner's yard space. In order for the array to be placed on the west side property line, behind the owner's house, a 12 ft. side setback is needed to properly distance the panels from the house.
2. That the variation, if granted, will not alter the essential character of the locality;
 - The essential character of the locality is rural residential and agricultural. If the variance is granted, the panels will be minimally visible to other property owners, and in turn 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;
 - The location of the parcel at the intersection of two County roads, as well as the setback requirements as a result of that location, along with trees and other structures limits placement of the solar panels on the property. In addition, the solar array developer has advised placement of the panels at said location for required sunlight. Denial of this variance would result in a hardship to the homeowner.
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 #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;
 - 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. 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
 - The petitioner has stated that the requested 12 ft. variance is the minimum adjustment necessary to allow for home and yard maintenance and to create a sufficient buffer to the adjacent farm ground.
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. Duncan. A vote was taken, and the motion passed; (6-0)

Mr. Fletcher made a motion to approve the request and was seconded by Ms. Sammis. A vote was taken, and the motion passed; (6-0)

Case No. **ZBA-2023-009** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **DAVID HERRMANN, acting on his own behalf, a SPECIAL USE** request from Section 20-7.3.5.8 of the Unified Development Ordinance to vary from the requirement that a Home Occupation may involve the use of commercial vehicles that do not exceed a gross vehicle weight of eight thousand (8,000) pounds for delivery of materials to and/or from the premises. The petitioner would like to operate a trucking business in the "A-2" Agriculture Zoning District to transport new and used farm equipment and related products utilizing two semi tractors with a gross vehicle weight of sixteen thousand (16,000) pounds each and 4 trailers with a gross weight of thirteen thousand (13,000) pounds each.

Also, a Special Use request as required in Section 20-7.3.5.9 of the Unified Development Ordinance to vary from the requirement that a Home Occupation may involve the use or indoor storage of heavy equipment, and that the equipment may only be stored in the dedicated accessory structure. Only 1 vehicle and only 2 trailers or pieces of equipment may be permitted. The petitioner is proposing to allow 2 commercial vehicles and 4 trailers. The petitioner also proposes to store the equipment outside.

Also, A Special Use as required in Section 20-7.3.2.3 of the Unified Development Ordinance to vary from the requirement that a Home Occupation must be conducted entirely within the dwelling or the

accessory structure. The petitioner proposes to store 2 commercial vehicles and 4 trailers containing materials outside.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in *The Peoria Journal Star* and *The Weekly Post* on March 23, 2023. Staff is recommending approval with restrictions. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Agricultural Preservation). The site plan and three videos of the property were shown. The property is zoned "A-2".

David Herrmann of 8401 W. Grange Hall Rd, Edwards, IL was sworn in. Mr. Herrmann stated that he owns a small trucking company. He purchased this property as his residence and in addition, he would like to be able to keep the trucks on the farm.

Mr. Fletcher asked how long Mr. Herrmann had been using this property for the trucking business. Mr. Herrmann stated that he had been using it since October of last year. Mr. Fletcher asked when the house was purchased. Mr. Herrmann stated that he bought the house in July of 2022. Mr. Fletcher asked if the trucks would be stored outside. Mr. Herrmann stated that eventually he would like to build a shed but for now they will be stored outside.

Ms. O'Brien confirmed that nothing is unloaded from the trucks that come in and out of the property. Mr. Herrmann stated that this is correct. He stated that the freight in the trucks is in-transit and doesn't leave the truck until it reaches its final destination.

Ms. O'Brien asked if Mr. Herrmann would also be hauling grain. Mr. Herrmann stated that he does haul grain in the fall. Mr. Fletcher asked how many truckloads of grain he anticipated hauling and if it would be coming onto the property. Mr. Herrmann stated that the chance of the grain coming onto the property was very slim.

Ms. O'Brien asked if the property was his permanent residence at this time. Mr. Herrmann stated that it is.

Ms. O'Brien asked what the road commissioner's comment was. Ms. Urban stated that the Highway Department stated there would be no additional access permits granted.

Mr. Fletcher asked if Mr. Herrmann made the driveway when he purchased the property. Mr. Herrmann stated that there had been a culvert there when he purchased it and it was smaller than what is there now. He reached out to the Highway Department about extending the culvert, and the Highway Department stated that it didn't need a culvert and they took it out and put in gravel.

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; (6-0)

The Board took a break from 9:26 a.m. to 10:00 a.m.

Case No. **ZBA-2023-013** at 10:00 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 20-5.2.2.3.g of the Unified Development Ordinance, which allows for Sportsman’s Clubs, including accessory retail services in the “A-2” Agriculture Zoning District. The petitioner proposes to operate a Sportsman’s Club offering the training of retriever dogs.

Ms. Urban opened the case. There are 6 consents and 0 objections on file. The case was published in *The Peoria Journal Star* and *The Weekly Post* on March 23, 2023. Jack Weindel 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 two videos of the property were shown. The property is zoned “A-2”.

Janaki Nair of 416 Main St., Suite 1400, Peoria, IL was sworn in.

Todd Sheridan 5310 N. Eden Rd, Elmwood, IL was sworn in.

Ms. Nair stated that she is an attorney with Elias, Meginness & Seghetti and she is helping the Sheridans with their special use requests. She stated that the subject property belonged to Ms. Sheridan’s parents, and it has been empty since her father passed away last June. Ms. Sheridan’s father was a trainer of retriever dogs, and the property is uniquely suited for this purpose. The petition for the sportsman’s club is for the training of dogs, and the next request is for overnight accommodations use of the house. People who train dogs could rent the house and use the training facilities, or if someone is having a wedding at Wildlife Prairie Park could rent the home for additional lodging.

Ms. Nair stated that the Sheridans own the adjacent property to the north, west, and south. The property across Townhouse Road is owned by the Kelchs, who sent in a letter of support for both of the petitions.

Ms. Nair stated that there have been no negative comments, and no objections have been filed with the County. She continued that the proposal is consistent with the long-term use of the property, and the owners would like to keep the property in use as it has been.

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

Mr. Fletcher asked if there were kennels set up on the property. Mr. Sheridan stated that his father-in-law had a kennel for his own use, but they are not suggesting that they would be made available for guests to use. He further stated that the guests’ dogs would most likely stay in the house.

Ms. O’Brien asked if the ATV and recreational vehicles would be brought in by the guests. Mr. Sheridan stated that it is possible that guests would bring in ATVs to use in the training of the dogs.

Ms. O’Brien asked about the shooting and simulated hunting and if that meant shooting clay pigeons. Mr. Sheridan stated that the whole idea of training dogs is simulating conditions that they might have if

they were hunting in the field, and to fully round out the simulation there is often a blank pistol fired or a popper load in a shotgun. Sometimes live birds are released and shot, but it is all a very controlled environment, and it is always directed away from people and buildings.

Mr. Happ asked, if he was a guest, would he be allowed to hunt. Mr. Sheridan stated that he would not. Mr. Happ asked if the only shooting allowed would be in the training of the dogs. Mr. Sheridan stated that this was correct. The property was his father-in-law's passion and he built up a flock of Canada geese and they specifically don't entertain goose hunting on the property. Mr. Sheridan stated that they would be very clear with their guests that there is no hunting on the property.

Mr. Fletcher asked if the dogs were mostly water or field dogs. Mr. Sheridan stated that they were mostly labs. Mr. Fletcher asked if there would be any field trials at the property. Mr. Sheridan stated that he isn't expecting that at this time.

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; (6-0)

Case No. **ZBA-2023-006** at 10:00 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 opened the case. There are 6 consents and 0 objections on file. The case was published in *The Peoria Journal Star* and *The Weekly Post* on February 16, 2023.

Ms. O'Brien stated that the presentation from ZBA-2023-013 would be incorporated into this case, and reminded Ms. Nair and Mr. Sheridan that they were still sworn in.

Ms. Nair stated that she didn't have anything to add.

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

Ms. O'Brien asked if the property would be open year-round. Ms. Nair stated that it would.

Mr. Fletcher asked if there would be an inspection of the property. Ms. Urban stated that restriction number seven does require an inspection.

APPROVED 05/11/2023

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

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

Adjournment

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

Meeting adjourned at 10:29 a.m.

Respectfully submitted,

Sarah Cox
ZBA Administrative Assistant