

MINUTES
Zoning Board of Appeals
Linda O'Brien, Chairperson
May 11, 2023

A meeting of the Peoria County Zoning Board of Appeals was held on May 11, 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, Greg Happ, Rob Asbell, Richards Burns, Stephen Pollack, LaVonne Sammis

ABSENT: J. Greg Fletcher, Chris Duncan, 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. Asbell. A vote was taken, and the motion passed; (6-0)

Case No. **ZBA-2023-014** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **BRYANT AND BETHANY MORRIS, acting on their own behalf, a VARIANCE** request from Section 20-6.2.2.1.b.1 of the Unified Development Ordinance, which requires a road setback of one hundred fifteen (115) feet from the center of the right-of-way in the "A-1" Agricultural Preservation Zoning District. The petitioner proposes to construct a ground-mounted solar array at a distance of 43 ft. from the center of S. Stone School Rd., resulting in a variance request of 72 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 April 20, 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 and Environmental Corridor). The site plan and two videos of the property were shown. The property is zoned "A-1".

Bryant Morris of 1314 S. Stone School Rd., Trivoli, IL was sworn in. Mr. Morris stated that he was seeking a variance to install solar panels closer to the road than the currently allowed setback.

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. Happ 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 43 ft. from the center of Stone School Rd., resulting in a variance request of 72 ft. Due to the unique layout of the property, and in order for the solar array to be financially feasible, the petitioner has stated the solar array needs to be located within 200 ft. of the home.
2. That the variation, if granted, will not alter the essential character of the locality;
 - The petitioner has stated that solar panels are not uncommon to the area. The proposed solar array 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 of the property and physical surroundings which include a fence, garage, workshop, trees, driveway, and a children's play area, the solar panels cannot be located closer to the home. In addition, the proposed location of the panels would provide maximum sun collection. Further location of the panels from the home would not be financially feasible, resulting 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 #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 proposed variance request of 72 ft. is the minimum adjustment necessary for the solar array.
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. Asbell made a motion to approve the findings of fact and was seconded by Mr. Pollack. A vote was taken, and the motion passed; (6-0)

Mr. Happ 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-2023-021** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **DENNIS J. AND DENISE M. KOENIG, 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 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 480 square foot accessory structure in the “A-1” Agriculture Zoning District, which would exceed the allowable total floor area of 418 square feet, resulting in a variance request of 62 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 April 20, 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 and Environmental Corridor). The site plan and two videos of the property were shown. The property is zoned “A-1”.

Dennis Koenig of 1225 N. Fisher Rd., Trivoli, IL was sworn in. Mr. Koenig stated that would like to build a carport type structure to the south of the existing shed to keep a motorhome out of the weather.

Mr. Happ asked if it would be on a concrete slab. Mr. Koenig stated that it would be on gravel. Mr. Happ asked if there would be side walls all the way to the ground. Mr. Koenig stated that it would be just a ceiling.

Ms. O’Brien asked if there were any questions from the Board 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. Asbell 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 480 square foot carport in the "A-1" Agricultural Zoning District, which would exceed the allowable total floor area of 418 sq. ft., resulting in a variance request of 62 sq. ft. This property is located in a subdivision but is zoned "A-1" Agricultural.
2. That the variation, if granted, will not alter the essential character of the locality;
 - The petitioner is proposing to construct a carport in order to store their motor home and protect it from the elements. There are residences in the area, but across the road. Granting of the variance 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 variance were denied the petitioner would have to store his motorhome offsite. Denial of the variance would create a hardship for the property 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 #1 and #2.
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 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;
 - The proposed variation will not affect light and air supply to the adjacent property, will cause no congestion in the streets, and will not increase the danger of fire or endanger public safety. Property values in the area would not be affected.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and

- The motorhome would be stored under the structure and the petitioner has stated the proposed variance is the minimum necessary for the size of the motorhome.
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 the aforementioned circumstances, denial of the variance would deprive the petitioner reasonable use of his land.

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

Mr. Asbell 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-2023-015** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **JAMES KOSNER, acting on his 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 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. No building shall be larger than the footprint of the principal structure, which includes any attached garage. The petitioner proposes to construct a 1442 square feet accessory structure in the “R-1” Low Density Residential Zoning District, which would exceed the allowable total floor area of 1086 square feet, as well as the footprint of the principal structure, resulting in a variance request of 356 square feet.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in *The Limestone Independent News* on April 19, 2023, and *The Peoria Journal Star* on April 20, 2023. The Limestone Township Planning Commission recommended approval. 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 and Environmental Corridor). The site plan and two videos of the property were shown. The property is zoned “R-1”.

James Kosner of 1325 N. Country Ln., Peoria, IL was sworn in. Mr. Kosner stated that he would like to build an additional pole building on his property to store equipment to maintain CRP land.

Mr. Asbell asked how big the other shed on the property was. Mr. Kosner stated that it was 35’ x 50’. Ms. O’Brien confirmed that it would be for the storage of equipment. Mr. Kosner stated that it would be for storing agriculture equipment.

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. 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 construct a 1442 square foot accessory structure in the "R-1" Low Density Residential Zoning District, resulting in a variance of 356 square feet. The landowner recently entered into an agreement with the IL Department of Agriculture to convert his tillable acreage into a native habitat in a 15-year CRP Program. The proposed pole-frame building will store materials and machinery needed for long-term maintenance of the property.
2. That the variation, if granted, will not alter the essential character of the locality;
 - The proposed building will be located in a heavily wooded area that is adjacent to a small, local golf course. The proposed building will be surrounded by timber and vegetation on all sides and will not be visible to any neighboring properties. The structure would be located over 700 feet from the nearest road of the golf course. If granted, the variation 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;
 - Continued maintenance is needed in order to maintain the beauty and health of the petitioner's land. The proposed structure would house the materials and machinery needed to do so. Denial of the variance request 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 #1 and #2.
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 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;
 - The proposed variation will not affect light and air supply to the adjacent property, will cause no congestion in the streets, and will not increase the danger of fire or endanger public safety. Property values in the area would not be affected.

7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - The petitioner has stated that the size of the building is the absolute minimum adjustment necessary for storage of machinery and materials necessary to maintain his 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.
 - Taking into consideration the aforementioned circumstances, denial of the variance would deprive the petitioner reasonable use of his land.

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

Case No. **ZBA-2023-017** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **JOSHUA AND ASHLYN ALLEN, 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 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 600 square feet accessory structure in the “R-R” Rural Residential Zoning District, which would exceed the allowable total floor area of 252 square feet, resulting in a variance request of 348 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* and *The Glasford Gazette* on April 20, 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 two videos of the property were shown. The property is zoned “R-R”.

Joshua Allen of 11212 W. Maple Ridge Rd., Glasford, IL was sworn in. Mr. Allen stated that he is seeking a variance to build an accessory structure to house lawn mowers and outdoor equipment. Mr. Allen stated that the shed that is currently on his property would be replaced by the new shed.

Mr. Asbell asked what the shed currently on the property was used for. Mr. Allen stated that it is a machine shed that is filled with tools and equipment. Mr. Happ asked if there would be plumbing and electric in the new building. Mr. Allen stated that it would be cold storage with no utilities.

Ms. O’Brien asked if there were any other 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.

Ms. Sammis 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 demolish a structure and, in its place, build a 600 square foot accessory building which would require a variance of 348 square feet. The property is located in the "R-R" Rural Residential Zoning District. The proposed building is needed to house personal belongings, lawn equipment, tools and more in order to avoid the elements, prevent possible theft and violation of ordinances.
2. That the variation, if granted, will not alter the essential character of the locality;
 - The subject parcel is 1.745 acres. A new structure would be aesthetically pleasing, fit well in the neighborhood, and would not alter the essential character of the neighborhood.
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;
 - Refer to #1. Denial of the variance 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 #1 and #2.
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 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;
 - The proposed variation will not affect light and air supply to the adjacent property, will cause no congestion in the streets, and will not increase the danger of fire or endanger public safety. Property values in the area would not be affected.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and

- The petitioner has stated the request is the absolute minimum adjustment necessary, and building a smaller structure would not be cost effective.
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 the aforementioned circumstances, denial of the variance would deprive the petitioner reasonable use of his land.

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

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

The Board took a break from 9:36 a.m. to 10:00 a.m.

Case No. **ZBA-2023-018** at 10:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **RUSSELL AND PAULA HINDERLITER, 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 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 960 square feet addition to an accessory structure in the “R-R” Rural Residential Zoning District, which would exceed the allowable total floor area of 226 square feet, resulting in a variance request of 734 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* and *The Glasford Gazette* on April 20, 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 two videos of the property were shown. The property is zoned “R-R”.

Russell Hinderliter of 10929 W. Maple Ridge Rd., Glasford, IL was sworn in. Mr. Hinderliter stated that he would like to build an addition to the garage in order to store more vehicles. He also stated that the garage cannot be seen from the road.

Mr. Happ asked if the floor would be concrete and if it would be insulated and heated. Mr. Hinderliter stated that it would. Mr. Asbell asked if he was just adding to the back of the garage. Mr. Hinderliter stated that this was correct.

Ms. O’Brien asked if there were any other 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. Asbell 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 960 square foot addition to an accessory structure in the "R-R" Rural Residential Zoning District, which would exceed the allowable total floor area of 226 square feet, resulting in a variance of 734 square feet. The subject parcel is 7.41 acres. The petitioner has stated the proposed pole barn is needed to store tools, equipment, a trailer and antique truck.
2. That the variation, if granted, will not alter the essential character of the locality;
 - The petitioner has stated the 7.41-acre property is 80% trees and hills, and is virtually unnoticeable from Maple Ridge Rd. and other neighbors. The pole barn and addition back up to a cow pasture. All surrounding parcels are zoned "A-2" and "A-2"/"R-R". The petitioner has stated most neighbors have larger buildings. The request 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 petitioner has stated hills, a creek, and a flood plain best describe the property. The construction of a pole barn would make the property more safe and secure while protecting valuables from the elements. Denial of the variance 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 #1 and #2.
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 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;

- The proposed variation will not affect light and air supply to the adjacent property, will cause no congestion in the streets, and will not increase the danger of fire or endanger public safety. Property values in the area would not be affected.
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 housing a 28-foot trailer, an antique truck, and other equipment.
 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 the aforementioned circumstances, denial of the variance would deprive the petitioner reasonable use of his land.

Mr. Burns 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)

Ms. Sammis 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-2023-019** at 10:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **JEFFREY SMITH, acting on his own behalf, a VARIANCE** request from Section 20-6.3.2.1.d.2 of the Unified Development Ordinance, which requires a road setback of sixty-five (65) feet from the right-of-way in the “A-2” Agriculture Zoning District. The petitioner proposes to construct an agricultural storage building at a distance of 17 ft. from W. Legion Hall Rd., resulting in a variance request of 48 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 April 20, 2023. 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 two videos of the property were shown. The property is zoned “A-2”.

Jeffrey Smith of 11602 W. Legion Hall Rd., Princeville, IL was sworn in. Mr. Smith stated that he recently lost a lease on a building that he had been renting for agricultural equipment storage.

Mr. Asbell asked how big the new building was going to be. Mr. Smith stated that it was 56’ x 120’.

Mr. Burns stated that he knows Mr. Smith and will excuse himself from the vote.

Ms. O’Brien asked if there were any other 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. Asbell made a motion to close and deliberate and was seconded by Mr. Pollack. A vote was taken, and the motion passed; (5-0) (Mr. Burns abstained)

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 an agricultural storage building at a distance of 17 feet from W. Legion Hall Rd., resulting in a variance request of 48 feet. The 89.927-acre parcel is zoned "A-2" Agricultural. Unique circumstances include the topographical conditions of the parcel, productive farmland currently in use, and other outbuildings located on the property. The proposed location of the building is the only viable sight on the property.
2. That the variation, if granted, will not alter the essential character of the locality;
 - The petitioner proposes to construct an agricultural storage building on 89.927-acres, zoned "A-2" Agricultural, at a distance of 17 feet from Legion Hall Rd. 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;
 - The proposed location of the agricultural building is the only viable site due to topographical conditions and physical surroundings of the property. If the variance were not granted, the owner would need to haul in a massive amount of dirt due to a 10 foot drop off, and farmland would be taken out of production. In addition, adequate space is needed for maneuvering combines, tractors and implements in and out of other buildings located on the property. Denial of the variance 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 #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;
 - 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 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;

- The proposed variation will not affect light and air supply to the adjacent property, will cause no congestion in the streets, and will not increase the danger of fire or endanger public safety. Property values in the area would not be affected.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - The proposed variance is the minimum adjustment necessary for the construction of an agricultural building on the petitioner's property. Also see #1 and #3.
 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 the aforementioned circumstances, denial of the variance would deprive the petitioner reasonable use of his land.

Mr. Happ made a motion to approve the findings of fact and was seconded by Ms. Sammis. A vote was taken, and the motion passed; (5-0) (Mr. Burns abstained)

Mr. Pollack made a motion to approve the request and was seconded by Mr. Asbell. A vote was taken, and the motion passed; (5-0) (Mr. Burns abstained)

Case No. **ZBA-2023-020** at 10:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **RAVIKUMAR PATEL, acting on behalf of JAY AMBE MANAGEMENT, LLC. (A Limited Liability Company – Ravikumar Patel of 3209 W. Cypress Creek, Dunlap, IL 61525 – Manager and Kirit Patel of 5854 Swallow Ave, Kalamazoo, MI 49009 – Manager) (owner), a SPECIAL USE** request from Section 20- 5.8.2.1.n.1 of the Unified Development Ordinance, which allows for a Tavern, not exceeding a floor area of five thousand (5,000) square feet, if located closer than five hundred (500) feet from any residential district, religious institutions, or school in the "C-2" General Commercial Zoning District. The petitioner proposes to operate a tavern located closer than five hundred (500) feet from a residential district.

Ms. Urban opened the case. There is 1 consent and 55 objections on file. Ms. Urban stated that there was an online petition that had 196 signatures, but signatories and locations couldn't be verified. The case was published in *The Peoria Journal Star* April 20, 2023. The Media Township Planning Commission recommends approval. Staff also 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 (Agricultural Preservation Environmental Corridor). The site plan and three videos of the property were shown. The property is zoned "C-2".

Ravi Patel of 3209 W. Cypress Creek, Dunlap, IL was sworn in. Mr. Patel stated that he originally wanted to open a smoke shop in the proposed location but would now like to have a premium wine bar. Ms. Urban stated that the request is not for the smoke shop, so it does not change the request.

Tim Stamate of 1022 N. Manning Dr., Chillicothe, IL was sworn in. Mr. Stamate stated that he is in business with Mr. Patel, but this is his first time going through this process. He continued that he has been in the gaming business since 2014 and has establishments in Peoria Heights, Galesburg, Chillicothe, and Bartonville. Mr. Stamate stated that he would be happy to address any concerns.

Mr. Happ asked if the tavern would serve wine and beer only. Mr. Stamate stated that was correct. Mr. Happ asked how many gaming machines there would be. Mr. Stamate stated that there would be six gaming machines. Mr. Happ asked if there would be food served. Mr. Stamate stated that there would not be at this time. Mr. Happ asked if there were plans to have a restaurant. Mr. Stamate stated that Unit K does not have a hood vent, but there is room in the back that may be able to be used for food preparation in the future.

Ms. O'Brien asked if there would be outside seating. Mr. Stamate stated that they do not have plans currently, but had had discussions about eventually having a space outdoors. Mr. Stamate stated that Mr. Patel owns the whole Lake of the Woods Plaza and they are trying to draw more businesses to the plaza.

Ms. O'Brien confirmed that it would be wine and beer being served. Mr. Patel stated this was correct. Mr. Happ asked how many tables there would be. Mr. Patel stated it would be around 7 or 8 tables. Mr. Stamate stated that there would be tables and also a lounge area with a couch.

Ms. Sammis asked what the hours of operation would be. Mr. Patel stated that the hours would be 9:00 a.m to 12:00 a.m.

Mr. Patel stated that he read the comments about the school bus stop, and they are working with the school district to change the location. Mr. Stamate stated that the way the bus currently picks up the children is, it cuts through the plaza and picks them up right in front of Unit K. He continued that from a business perspective and for the safety of the children, they are working on a new place for the bus stop. Ms. O'Brien asked if Mr. Patel had allowed the bus to drop the children off on his property. Mr. Patel stated that he had, and that there have been 3 or 4 incidents of vandalism at the bus stop location.

Ms. O'Brien asked if there were any questions from the Board. There were none.

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

Mitch LaHood of 125 Highview Terrace, East Peoria, IL was sworn in. Mr. LaHood stated that he is a property manager, and he has managed the Lake of the Woods Plaza for about two years. He stated that since the pandemic it has been difficult for commercial properties to get tenants and he thinks that it is good to see an owner of a property opening a business.

Ms. O'Brien asked if there was anyone else that wanted to speak in favor of the request and there was no one.

Ms. O'Brien asked if there was anyone that wanted to speak against the request. Ms. O'Brien stated that the Board had read all of the letters that were sent in by objectors, so in order to keep things brief, she asked the speakers to consolidate their testimony.

Michael Jaggard of 1508 W. Woodside Dr., Dunlap, IL was sworn in. Mr. Jaggard stated that he is opposed to the request because he has friends that still attend school that need to be able to safely travel. He stated that the hours would put children in danger due to intoxicated drivers. Mr. Stamate agreed that the safety of children is important and that he and Mr. Patel have businesses together that have never had any issues

with unruly or intoxicated patrons. Mr. Stamate continued that The Illinois State Gaming Board regulates these types of establishments and makes sure they are compliant and safe. He also reiterated that they are working with the school board to find a new place on the property to pick up and drop off children.

Victoria Claudin 12217 N Woodcrest Dr., Apt. 2E, Dunlap, IL was sworn in. Ms. Claudin stated that she is objecting to the proposal because she believes it is too close to residential property and it will jeopardize the comfort of those in the neighborhood that walk to the plaza.

Ms. O'Brien asked if anyone had anything different to add.

Ms. Claudin asked if the Board had read her letter. Ms. Urban stated that all of the letters of objection were distributed to the Board. Ms. Claudin stated that most of the neighbors didn't know about the hearing because no one reads the newspaper, and the sign blew down about a week after it was put up.

Richard Gingerich of 11900 N Devinwood Dr., Dunlap, IL was sworn in. Mr. Gingerich stated that he owns the duplex that faces Unit K and feels that having a tavern that close to his property would make it hard for him to attract good tenants and will lower his property values.

Tim Beddingfield of 1325 W. Treeline Ct., Dunlap, IL was sworn in. Mr. Beddingfield stated that he owns 12112 N Brentfield Dr. He stated that he understands the desire to make money but believes there is an appropriate place for that to happen. Mr. Beddingfield stated that he is extremely invested in his community as he is a pastor, a volunteer firefighter, and a school bus driver. He continued that no one wants a tavern across the street from where they live. Mr. Beddingfield stated that he drives that bus route often and there is nowhere else that the bus stop can be located in that area, because the bus cannot turn around in the cul-de-sac. He also stated that he lets his kids ride their bikes to the Dollar General in the plaza, and with the risk of intoxicated drivers in the plaza, he would no longer feel comfortable doing that.

Kellie Timpe of 12217 N. Woodcrest Dr., Apt. 4E was sworn in. Ms. Timpe stated that within 350 feet of the plaza, there are 4 apartment complexes and 10 duplexes, and most of the people are tenants. The tenants did not receive notification because it was sent to the owners. She felt that there should be an extension to let everyone know what was going on and not just the owners of the properties.

Ms. O'Brien asked if the petitioner would like to respond.

Mr. Patel stated that they were only serving beer and wine and they were not looking to have a full bar, but the liquor license is a requirement to receive a gaming license.

Mr. Stamate stated that he completely understands everyone's concerns regarding safety. He stated that he thinks that everyone has misinterpreted what this wine bar is going to turn into. They don't want intoxicated people running around the plaza and causing havoc. He feels that it would be beneficial to residents of the neighborhood to have a place to have a glass of wine and relax without having to drive somewhere.

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

APPROVED 06/08/2023

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)

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 11:01 a.m.

Respectfully submitted,

Sarah Cox
ZBA Administrative Assistant