

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

A meeting of the Peoria County Zoning Board of Appeals was held on July 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 – Vice Chairperson, Greg Happ, Rob Asbell, Richard Burns, Stephen Pollack

ABSENT: Chris Duncan, LaVonne Sammis, Justin Brown

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

Mr. Fletcher made a motion to approve the minutes from the June 8, 2023, hearing and was seconded by Mr. Asbell. A vote was taken, and the motion passed; (6-0)

Case No. **ZBA-2023-026** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **SUZANNE M. OGBURN, acting on behalf of HAYES TRUST #8346** (*Suzanne M. Ogburn, Trustee*) (**owner**), a **SPECIAL USE** request from Section 20.5.2.2.1.a.1 of the Unified Development Ordinance. This section allows for a special use when a proposed land split does not meet the 25 acre minimum lot size nor the 1 dwelling unit per 25 contiguous acres density requirement in the "A-2" Agricultural District. The petitioner proposes to divide 15.54 acres from an existing 48.84 acre tract.

Taylor Armbruster opened the case. There are 0 consents and 0 objections on file. The case was published in *The Peoria Journal Star* on June 21, 2023. Ms. 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 "A-2".

Ashlee Stabler of Whitney & Potts, Ltd., 118 W. Main St., Elmwood, IL was sworn in. Ms. Stabler stated that the petitioner would like to make the split in order to sell off the tillable acreage to their farm tenant. The petitioner doesn't want to require the tenant to purchase the timber. In the future, it is possible that a purchaser might want to build a residence on the timbered parcel, but the owner has no intention to do so, and will likely use the parcel for hunting purposes.

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

Case No. **ZBA-2023-027** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **CRAIG WILLIAMS, acting on behalf of THE SOUTH SIDE MISSION (A Not-for-Profit Corporation – Craig Williams of 1127 S. Laramie St., Peoria, IL 61605 – Executive Director) (owner), a VARIANCE** request from Section 20-6.6.2.1.e.2 of the Unified Development Ordinance, which requires a road setback of fifty (50) feet from the right-of-way in the “R-2” Medium Density Residential Zoning District. The petitioner proposes to construct a greenhouse at a distance of 12 ft. from Malone St., resulting in a variance request of 38 ft.

Taylor Armbruster opened the case. There are 0 consents and 0 objections on file. The case was published in *The Peoria Journal Star* and *The Limestone Independent News* on June 21, 2023. The Limestone Township Planning Commission recommended approval. Ms. Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Urban). The site plan and two videos of the property were shown. The property is zoned “R-2”.

Craig Williams of 1127 S. Laramie, Peoria, IL was sworn in Mr. Williams stated that they are seeking a variance to build a greenhouse for their youth program that teaches agriculture and entrepreneurship. The space was a playground area and they wanted to reimagine the space.

Mr. Fletcher asked if the fence would stay up. Mr. Williams stated that it would. Mr. Fletcher asked if it was a playground area. Mr. Williams stated that it was and it used to be used for the daycare.

Ms. O'Brien stated that it sounds like a good program and asked if they were going to do raised beds. Mr. Williams stated that they would.

Ms. O'Brien asked if there were any other questions.

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

FINDINGS OF FACT FOR VARIANCES

Section 20-3.7.3

The findings of the ZBA or the Zoning Administrator shall be based on data submitted pertaining to each standard in this Subsection as it relates to the development. A variance shall be granted only if the applicant demonstrates:

1. That the plight of the owner is due to unique circumstances;

- The petitioner proposes to construct a greenhouse at a distance of 12 feet from Malone St., resulting in a variance request of 38 ft. The greenhouse will be used as an agricultural/entrepreneurial youth program.
2. That the variation, if granted, will not alter the essential character of the locality;
 - The greenhouse will consist of raised plant beds and will be located within an existing fenced area. If granted the variance will 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;
 - The petitioner has stated that the subject area is the only area on the property ideally suited for placement of the greenhouse, and also for youths to plant and maintain the gardens. Denying this variance would create a hardship for 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 #2 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 will 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 requested variance is the minimum adjustment necessary for placement of the greenhouse.
 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. Fletcher 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. 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-2023-028** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **MICHAEL AND DEBRA URYASZ, acting on their own behalf, a VARIANCE** request from Section 20-6.6.2.2.1.d.1 of the Unified Development Ordinance, which requires a road setback of seventy (70) feet from the center of the right-of-way in the “A-1” Agricultural Preservation Zoning District. The petitioner proposes to construct an accessory structure at a distance of 40 ft. from the center of N. Quarry Rd., resulting in a variance request of 30 ft.

Taylor Armbruster opened the case. There are 0 consents and 0 objections on file. The case was published in *The Peoria Journal Star* on June 21, 2023 and *The Weekly Post* on June 22, 2023. The Trivoli Township Planning Commission recommended approval. Ms. Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Agriculture Preservation). The site plan and two videos of the property were shown. The property is zoned “A-1”.

Michael Uryasz of 1521 N. Quarry Rd., Trivoli, IL was sworn in. Mr. Uryasz stated that there isn’t much cleared space on his property. He was going to build an addition onto the existing barn, but because of the ravine there wouldn’t be room. The space available to build would need to be closer to the road than the setback allows.

Mr. Happ asked what the building would be used for. Mr. Uryasz stated that he has equipment that he would be storing, but he would also like to have some animals.

Mr. Fletcher asked if the barn could be built on the other side of the house. Mr. Uryasz stated that with the recent break-ins, he would prefer it be closer to the house and also, all of the utilities are available at the proposed spot.

Mr. Fletcher asked if the building will obstruct the view on the curve of Quarry Road. Mr. Uryasz stated that when he bought the property he cleared out brush on the curve which greatly improved visibility and doesn’t think the new building would have much of an impact on the view.

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

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

FINDINGS OF FACT FOR VARIANCES

Section 20-3.7.3

The findings of the ZBA or the Zoning Administrator shall be based on data submitted pertaining to each standard in this Subsection as it relates to the development. A variance shall be granted only if the applicant demonstrates:

1. That the plight of the owner is due to unique circumstances;
 - The petitioner proposes to construct an accessory structure at a distance of 40 feet from the center of N. Quarry Rd., resulting in a variance request of 30 feet. The petitioner has stated a ravine extends the entire length of his property, making construction anywhere else difficult, if not impossible, due to trees, lack of flat land and also utilities placement.
2. That the variation, if granted, will not alter the essential character of the locality;
 - Subject property is 13.85 acres. If granted, 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;
 - Refer to #1. Denial of this 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.
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 the variance request is the minimum adjustment necessary for the reasonable use of 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 each standard above, the petitioner would be denied reasonable use of his land if the variance were not granted.

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

Ms. Cordis Boswell stated that the next case is Mr. Fletcher's case and he will not be participating as a board member. She continued that if any other members felt they could not remain impartial, they could abstain.

Case No. **ZBA-2023-029** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **J. GREG FLETCHER, 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 28' by 36' accessory structure on a parcel without a principal structure in the "R-2" Medium Density Residential Zoning District.

Taylor Armbruster opened the case. There are 0 consents and 0 objections on file. The case was published in *The Peoria Journal Star* on June 21, 2023. The Medina Township Planning Commission recommended approval. The Peoria County Highway Department commented that the petitioner would need to meet with their department for an access permit. Ms. Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Environmental Corridor and Rural). The site plan and two videos of the property were shown. The property is zoned "R-2".

J. Greg Fletcher of 3113 E. Cedar Hills Dr. was sworn in. Mr. Fletcher stated that he is requesting a variance to build a garage on a parcel with no existing structure.

Mr. Asbell asked if the lot was empty. Mr. Fletcher stated that it was. Mr. Asbell asked if Mr. Fletcher's residence was next door. Mr. Fletcher stated that it was. Ms. O'Brien asked if Mr. Fletcher had a third lot, and he stated that he did not. Ms. O'Brien asked why the petitioner wanted to put the garage on the empty lot instead of on the lot with his home. Mr. Fletcher stated that his septic field was on the back of the lot and there is also a large pine tree. Additionally, Mr. Fletcher stated that if he decided to sell the subject parcel, there would be room for someone to build a house on it.

Mr. Happ asked if the building would be used for storage. Mr. Fletcher stated that it would be used to store boats, trailers, etc.

Mr. Asbell asked if the floor would be concrete. Mr. Fletcher stated that it would.

Mr. Happ asked if there would be electricity and plumbing. Mr. Fletcher stated there would be electricity.

Ms. O'Brien asked about access to the building from the street. Mr. Fletcher stated that he would access the building from the driveway on the property that contains his residence.

Mr. Burns asked if there was a homeowners' association. Mr. Fletcher stated there was not.

Ms. O'Brien asked if there were any other questions.

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; (5-0)

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 28' x 36' accessory structure on a parcel without a principal structure in the "R-2" Medium Density Residential Zoning District. The plight of the owner is due to unique circumstances in the fact that he owns an adjacent lot and has stated he would like to construct the accessory structure at the back of the subject parcel for storage of mowers, a boat, and trailer. The owner also states he does not want to combine the properties in case residences would be built on the lot in the future.
2. That the variation, if granted, will not alter the essential character of the locality;
 - The petitioner has stated the subject parcel is in a rural area, and that large outbuildings, sheds and garages are common on surrounding properties in the neighborhood. 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;
 - The petitioner has stated that he owns two lots, and the accessory structure is needed for indoor storage of equipment. Placement of the accessory structure on his primary lot is not feasible due to septic and trees. Denial of this 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 #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 the variance request is the minimum adjustment necessary for the reasonable use of his land and maintaining it.
 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. Pollack. A vote was taken, and the motion passed; (5-0)

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

Ms. Cordis Boswell stated that the next two items on the agenda are both labeled “Corrected Notice of Restrictions”. The two parcels, that came before the ZBA for special uses for solar, were published with the legal descriptions switched. Because the cases were approved with restrictions, the restrictions were recorded in the land records and the legal descriptions were switched in those documents as well.

Mr. Fletcher asked what motion was needed. Ms. Cordis Boswell stated that the motion would be to allow staff to record a corrected notice of restrictions.

Case No. **013-18-U** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **PEORIA SOLAR, LLC** (*A business – Jon Carson, sole officer, P.O. Box 310, Highland Park, IL 60035*), acting on behalf of **PEORIA COUNTY** (owner), a **SPECIAL USE** request from 20-5.11.2.2.m of the Unified Development Ordinance. This section allows for a special use in the “I-2” Heavy Industrial Zoning District for a Solar Energy Generation Facility, provided that the conditions in Section 7.17 (“Ground Mounted Solar Energy Equipment”), of these regulations are met.

Mr. Fletcher made a motion to allow staff to record a corrected notice of restriction and was seconded by Mr. Happ. A vote was taken, and the motion passed; (6-0)

Case No. **015-18-U** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **PEORIA SOLAR 2, LLC** (*A business – Jon Carson, sole officer, P.O. Box 310, Highland Park, IL 60035*), acting on behalf of **PEORIA COUNTY** (owner), a **SPECIAL USE** request from 20-5.11.2.2.m of the Unified Development Ordinance. This section allows for a special use in the “I-2” Heavy Industrial Zoning District for a Solar Energy Generation Facility, provided that the conditions in Section 7.17 (“Ground Mounted Solar Energy Equipment”), of these regulations are met.

Mr. Fletcher made a motion to allow staff to record a corrected notice of restriction and was seconded by Mr. Asbell. 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 9:52 a.m.

Respectfully submitted,

Sarah Cox
ZBA Administrative Assistant