

MINUTES
Zoning Board of Appeals
Linda O'Brien, Chairperson
September 14, 2023

A meeting of the Peoria County Zoning Board of Appeals was held on September 14, 2023, in Room 403 of the Peoria County Courthouse, 324 Main Street, Peoria, Illinois. The meeting was called to order by Vice Chairperson J. Greg Fletcher, at 9:00 a.m.

PRESENT: J. Greg Fletcher – Vice Chairperson, Greg Happ, Rob Asbell, Chris Duncan, LaVonne Sammis, Stephen Pollack, Richard Burns

ABSENT: Linda O'Brien – Chairperson, Justin Brown

STAFF: Kathi Urban – Director
Taylor Armbruster – Planner II
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 August 10, 2023, hearing and was seconded by Mr. Asbell. A vote was taken, and the motion passed; (6-0)

Mr. Duncan joined the meeting.

Case No. **ZBA-2023-037** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **ANDREW TURPEN, 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 single-family dwelling with a 4800 square feet attached garage in the "R-R" Rural Residential Zoning District, which would exceed the allowable total floor area of 2050 square feet, as well as the footprint of the principal structure, resulting in a variance request of 2750 square feet.

Kathi Urban opened the case. There are 0 consents and 6 objections on file. The case was published in *The Peoria Journal Star* on August 17, 2023. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Environmental Corridor). The site plan and two videos of the property were shown. The property is zoned "R-R".

Andrew Turpen of 4704 N. Koerner Rd., Edwards, IL was sworn in. Mr. Turpen stated that he purchased the subject property about two months ago with the intent to build a house on it. It is 25 acres with streams

and trails, and he intends to enjoy the space. Mr. Turpen stated that he needed the large garage size to store equipment to maintain the land, vehicles, campers, etc.

Mr. Fletcher asked Mr. Turpen if he ran an auto rental or repair business. Mr. Turpen stated that there was a hearing in 2019 regarding this, and he immediately resolved that issue. Mr. Fletcher stated that there was still information on the internet about the business. Mr. Turpen stated that there had been nothing on the internet regarding the business since 2019. Mr. Fletcher asked if the petitioner planned to operate a business out of the new home. Mr. Turpen stated that he works 80 hours a week for Environmental Control Solutions, he is a single father, and he doesn't have time to run a business.

Mr. Fletcher asked if Mr. Turpen had looked at FEMA flood maps for the property. Mr. Turpen stated that based on the survey for the property, the only area at risk of flooding was on the far east side of adjacent property that he also owns.

Mr. Happ confirmed that Mr. Turpen would just be storing personal equipment in the garage. Mr. Turpen stated that he has a Bobcat tractor, lawnmowers, two pickup trucks, and two cars. He stated that he has a 30' x 50' building now and it isn't big enough.

Mr. Fletcher asked how many cars the petitioner had. Mr. Turpen stated that he has a work truck that is provided by his employer, a truck he uses for hauling his boat or trailer, and two cars.

Mr. Fletcher stated that he was concerned that the building would stick out in front of the house. Mr. Turpen stated that it would only stick out past the house about 10-15 feet. He also stated that there is approximately 80-100 feet between the back of the building and the tree line, and he could possibly push the building back further.

Mr. Fletcher asked if there were any more questions and there were none.

Mr. Fletcher asked if there was anyone that wanted to speak for or against the petition.

Mr. James Maxey of 13004 N. Georgetowne Rd., Dunlap, IL was sworn in. Mr. Maxey stated that he lives adjacent to the property on the left and bottom sides of the subject parcel. Mr. Maxey stated that the building will be approximately 800 feet from his property, and that the petitioner was before the ZBA in 2019 requesting to build the same size building. He also stated that the petitioner had multiple complaints with regard to noise, lights, parking cars outside, and running a business. Mr. Maxey stated that Mr. Turpen's business information is still on LinkedIn. Mr. Maxey stated that his property is roughly the same size, and he maintains it with equipment that is stored in a three-stall garage, along with his three vehicles.

Mr. Fletcher asked how many acres Mr. Maxey owns. Mr. Maxey stated that his two properties are approximately 12 and 8 acres. He also stated that he is speaking on behalf of his neighbors, the Banwarts and Klesaths.

Mr. Asbell stated that there are some large machine sheds in the surrounding area. Mr. Maxey stated that the building directly across from, and directly to the left of, the property are horse barns and they maintain the property beautifully. Mr. Asbell stated that the use is irrelevant, but there are several large machine

sheds in the surrounding area. Mr. Maxey stated that the property owners in the area have never had noise complaints or come before the Board wanting a building of the same size, to store cars.

Mr. Fletcher asked if there was anyone else that wanted to speak against the request and there was no one.

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

Mr. Fletcher stated that Mr. Maxey was correct, and Mr. Turpen had come before the Board in 2019 requesting a building of the same size, however, he testified now that he is no longer in that business. Mr. Fletcher stated that he does live in the area, and one of the large buildings houses a helicopter. Mr. Asbell stated that the petitioner is requesting a building for storage, and it is irrelevant what is being stored, and he testified that there is no business that will be run from that house. Mr. Fletcher stated that it is a big building and twice as big as the house. Mr. Asbell stated that it wasn't that big, and it would fill up fast.

FINDINGS OF FACT FOR VARIANCES

Section 20-3.7.3

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

1. That the plight of the owner is due to unique circumstances;
 - The owner would like to build a garage twice the size of the proposed home. The home will be 2,400 square feet and the outbuilding will be 4,800 square feet, approximately 60' x 80'. No construction has begun, and no structures are on the site at this time. According to the applicant the building will be used to house equipment and machinery required to maintain the site. This appears to be a larger than typical building for the use of mowers and site maintenance.
2. That the variation, if granted, will not alter the essential character of the locality;
 - If the variance is granted, it will allow the owner to store vehicles and other equipment under roof, and not in an open area or in a driveway. There are other large buildings in the area, a horse ranch with fencing is across the street, an individual building to the west, and most nearby properties have over an acre. Properties to the south do not appear to have large outbuildings. In the neighborhood to the north, are large rural sites and they have minor impact on the surrounding properties. The subject house will be connected to the building, but it would sit back from the home. If the subject property were to have a large outbuilding protruding in front of the house, this could 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;
 - If the variance were to be denied, the petitioner would have vehicles and equipment outside. The owners prefer to have their equipment to be covered and not in the open. The house and building would sit back, close to the wooded area and creek, according to the plan submitted. According to testimony, this is not in the FEMA Flood Map Zone A area. There is adequate area in the field to the east to build a home and garage, that would enable the home to be even with the building.

4. That the conditions upon which the petition for a variation are based are unique to the property for which the variance is sought and are not applicable, generally, to other property;
 - The applicant would like a variance to build a larger than typical accessory building attached to his house. This is in an area where neighbors also have large outbuildings.
5. That the granting of the variation will not be detrimental to the public health, safety, comfort, morals, and welfare, or injurious to other property or improvements in the neighborhood in which the property is located, or otherwise be inconsistent with any officially adopted County plan or these regulations;
 - Granting the variance would not be detrimental to the public health, safety, comfort, morals, and welfare of the neighborhood. By granting the variance, it would not be inconsistent with any County plan or regulation.
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;
 - By granting the variance, it will not impair adequate supply of light or 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.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - Granting the variance will be the minimum necessary to store vehicles and 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.
 - With the approval of the variance, the owner's cars and equipment will be stored out of the weather and out of the yard.

Mr. Happ made a motion to approve the findings of fact and was seconded by Mr. Asbell. A vote was taken, and the motion passed; (7-0)

Mr. Happ made a motion to approve the request and was seconded by Ms. Sammis. A rollcall vote was taken, and the motion passed; (7-0)

Case No. **ZBA-2023-038** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **PAUL BUOB, acting on behalf of PAUL AND SARAH BUOB (owners), a VARIANCE** request from Section 20-5.13.3.4 of the Unified Development Ordinance, which requires that for lots and parcels in platted subdivisions not created by tract surveys or in residentially zoned districts, the total floor area of all accessory buildings, attached or detached, shall not exceed the footprint of the principal structure or 1,300 square feet, whichever is less, plus 750 square feet for a private garage. The petitioner proposes to construct a 2000 square foot accessory structure in the "R-R" Rural Residential Zoning District, which would exceed the allowable total floor area of 1058 square feet, as well as the footprint of the principal structure, resulting in a variance request of 942 square feet.

Kathi Urban opened the case. There are 0 consents and 0 objections on file. The case was published in *The Peoria Journal Star* on August 17, 2023. The Medina Township Planning Commission recommended approval. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Rural). The site plan and two videos of the property were shown. The property is zoned “R-R”.

Paul Buob of 3327 E. Hidden Valley Ln., Chillicothe, IL. Mr. Buob stated that he has lived in Chillicothe for about 27 years, and when they moved to a larger property, they had to buy a larger mower and equipment for the maintenance of trees. He also stated that he has dually truck that won’t fit in his garage, and he has a 28-foot barbecue truck, and also an RV. Mr. Buob stated that the neighborhood is very nice and he’s trying to keep everything put away, so it doesn’t look trashy.

Mr. Fletcher asked if he would need to take down any trees. Mr. Buob stated there are a few trees that would need to be taken down near the current shed.

Mr. Fletcher asked if there was going to be road access. Mr. Buob stated that there would be access to the building along the fence line to the right. Mr. Fletcher asked if there had been approval from Medina Township. Ms. Urban stated that Medina Township Planning Commission approved the request, but no comment was received from the Medina Township Road Commissioner. Mr. Fletcher asked the petitioner if he had spoken with the road commissioner regarding access. Mr. Buob stated that he had not. Mr. Fletcher stated that he would need to seek approval from the road commissioner for access.

Mr. Fletcher asked about the barbecue truck and the business. Mr. Buob stated that the team name is Smoking Ghost. The team did the concession stand for the high school and now they compete. Mr. Fletcher asked if the petitioner would be running a business out of the building. Mr. Buob stated that he rents a climate-controlled building where he stores all of his product.

Mr. Fletcher asked if there were any questions from the Board. There were none.

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

FINDINGS OF FACT FOR VARIANCES

Section 20-3.7.3

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

1. That the plight of the owner is due to unique circumstances;
 - The owner would like to have an outbuilding that is 40’ x 50’. According to the applicant, the building would be used to house mowers, vehicles, equipment, and machinery required to maintain the site. Currently, there is no building large enough to store mowers and equipment adequate to maintain the site.

2. That the variation, if granted, will not alter the essential character of the locality;
 - If the variance is granted, it will allow the owners to store vehicles and other equipment under roof and not in open areas. In the neighborhood, other properties do have outbuildings. Most nearby properties have over an acre. The location of this building will not have an impact on the neighboring properties and 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;
 - If the variance were to be denied, the petitioner would have vehicles, an RV, and equipment outside. The owners prefer to have their equipment be covered and not in an open area. The building would sit back on the site according to the plan submittal.
4. That the conditions upon which the petition for a variation are based are unique to the property for which the variance is sought and are not applicable, generally, to other property;
 - The applicant would like a variance to build an outbuilding. In this area, neighbors have outbuildings, and they would be able to store their equipment inside.
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;
 - According to the applicant, the building will be similar to those of the neighbors on surrounding property. Granting the variance would not be detrimental to the public health, safety, comfort, morals, and welfare of the neighborhood. It would not be injurious to other properties or neighborhood improvements. By granting the variance, it would not be inconsistent with any County plan or regulation.
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 the variance will not impair an adequate supply of light and air to adjacent properties 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.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - Granting the variance will be the minimum necessary to store vehicles.
8. That aforesaid circumstances or conditions are such that the strict application of the provisions of this Section would deprive the applicant of reasonable use of his or her land.
 - With approval of the variance the owner's cars and equipment will be stored out of the weather and out of the yard.

Mr. Happ made a motion to approve the findings of fact and was seconded by Ms. Sammis. A vote was taken, and the motion passed; (7-0)

Mr. Asbell made a motion to approve the request and was seconded by Mr. Duncan. A vote was taken, and the motion passed; (7-0)

Case No. **ZBA-2023-039** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **CORAL NESS AND LYNN ANN BOON, acting on their behalf, a REZONING** request from "A-2" Agriculture to "R-R" Rural Residential. The petitioner proposes to rezone 1.55 acres in order to construct an accessory dwelling.

Ms. Urban asked if the petitioners were present.

Mr. Fletcher asked if Coral Ness or Lynn Ann Boon were present for the case. Mr. Fletcher stated that the Board would move on to the next case.

Case No. **ZBA-2023-036** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **RPIL SOLAR 7, LLC. (A Limited Liability Company – Wildcat Renewables, LLC – Aaron Halimi, President – 879 Sanchez St., San Francisco, CA 94114), acting on behalf of LOUIS AND ARLENE MIKRUT (owners), a SPECIAL USE** request from Section 20-5.2.2.2.h of the Unified Development Ordinance. This section allows for a special use in the "A-2" Agriculture 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.

Kathi 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 August 17, 2023. Kickapoo Township Planning Commission gave comments. Taylor Armbruster 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".

Mr. Happ stated that he knows the Mikrut family, but it will not affect his decision.

Jeremy Price of 18 ½ Highland Ave., Beverly, MA was sworn in.

Ben Jacobi 150 N. Riverside, Chicago, IL was sworn in.

Mike Butler of 230 W. Monroe, Chicago, IL was sworn in.

Mr. Jacobi stated that he is the attorney representing the applicant and gave a brief overview of the project. The application satisfies Peoria County's Ordinances as well as the State's Siting Bill requirements. Mr. Jacobi stated that this is an approximately 5 MW solar project located next to the Fargo substation. There is also an existing distribution network that runs along US-150, so the project won't need additional distribution, which makes this parcel a prime location. The assessed value of the property will be over \$1 million therefore there will be additional tax revenue generated. Mr. Jacobi stated that the agricultural land will be protected and can be returned to its agricultural use after the lease has ended. The applicant has signed an Agricultural Mitigation Impact Agreement with the Illinois Department of Agriculture.

Mr. Price gave a presentation of the project and site. Discussion included site-specific characteristics, interconnection viability, an overview of community solar, and the technical aspects of solar. Mr. Price stated that the project outreach included County Board Member Daniel Kelch, Brimfield Fire Protection District, City of Peoria Fire Department, IDOT, and Kickapoo Township.

Mr. Asbell asked if there would be battery storage on this site. Mr. Price stated that it would be strictly solar.

Mr. Burns asked about the 1,000-foot setback from US-150 and what that area would be used for. Mr. Price stated that it would continue to be farmed.

Mr. Happ stated that he thought the maximum for solar generation facilities was 4 MW. Mr. Price stated that the rules have changed, and 5 MW or less is what is now allowed. Mr. Happ asked if they were tracking panels and Mr. Price stated that they were.

Mr. Burns asked what the duration of the lease was. Mr. Price stated that he didn't know the specifics for this project, but they are usually 25-35 years. Mr. Burns asked if they would continue with the project once the lease had ended. Mr. Price stated that it would depend on the regulations and what the owner decided to do at that time. Mr. Burns asked if the company planned to sell the project. Mr. Price stated that they did not have any intentions to sell.

Mr. Fletcher asked how many projects the company operates right now. Mr. Price stated that they have over 100 MW. Mr. Fletcher asked if they were all community sized projects. Mr. Price stated they are except for maybe one or two. Mr. Fletcher asked where they were located. Mr. Price stated they were all over the country.

Mr. Burns asked if they had obtained permission to tie into Ameren's grid. Mr. Price stated that they had already signed an interconnection agreement, and IDOT had also spoken to them regarding access.

Mr. Happ asked if they had their own crews or if they would hire local union construction. Mr. Price stated that the contractor will decide where the labor comes from.

Mr. Burns asked when the project would start/finish. Mr. Price stated that once approved by the County Board, construction should start next spring.

Mr. Burns asked how the project will be maintained. Mr. Price stated that there is a crew that comes out semiannually.

Mr. Happ asked if there was any earth work to be done. Mr. Price stated that it was mostly flat.

Mr. Fletcher asked if there was anyone that wanted to speak for or against the petition and there was no one.

Mr. Burns made a motion to close and deliberate and was seconded by Mr. Asbell. A vote was taken, and the motion passed; (7-0)

Case No. **ZBA-2023-023** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **MARILYN STRICKFADEN, on behalf of LOWELL G. PILLE ESTATE, Marilyn Strickfaden – Executor (owner), a REQUEST TO MODIFY SPECIAL USE CASE #ZBA-2023-023**, which was granted to divide 4 acres from an existing 38.607 acre tract. The petitioner proposes to divide 5 acres, instead of 4 acres, from an existing 38.607 acre tract in order to separate and sell an existing residence and outbuildings from the remaining agricultural use in the A-1 Agricultural Preservation Zoning District.

Kathi Urban opened the case. There are 0 consents and 0 objections on file. The case was published in *The Peoria Journal Star* August 17, 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-1”.

Marilyn Strickfaden of 4818 S. Turbitt Rd., Hanna City, IL was sworn in.

Mr. Fletcher confirmed that Ms. Strickfaden had been before the board to divide 4 acres from a larger tract, and this is basically the same application, but it will be dividing 5 acres instead of 4. Ms. Strickfaden stated that this is correct. Ms. Strickfaden stated that after she had received the approval, she was contacted by a potential buyer that wanted to purchase part of the timber.

Ms. Sammis stated that she knows the Pille family, but it will have no bearing on her decision.

Mr. Fletcher 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; (7-0)

Case No. **ZBA-2023-039** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **CORAL NESS AND LYNN ANN BOON, acting on their behalf, a REZONING** request from "A-2" Agriculture to “R-R” Rural Residential. The petitioner proposes to rezone 1.55 acres in order to construct an accessory dwelling.

Ms. Urban asked if the petitioners were present. Mr. Fletcher asked for a motion to continue the case to October 12, 2023.

Ms. Sammis made a motion to continue the case and was seconded by Mr. Asbell. 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)

APPROVED 10/12/2023

Meeting adjourned at 10:34 a.m.

Respectfully submitted,

Sarah Cox
ZBA Administrative Assistant