

**MINUTES**  
**Zoning Board of Appeals**  
**Linda O'Brien, Chairperson**  
**October 12, 2023**

A meeting of the Peoria County Zoning Board of Appeals was held on October 12, 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 9:04 a.m.

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

**ABSENT:** Linda O'Brien – Chairperson, Rob Asbell, Justin Brown

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

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Mr. Happ made a motion to approve the minutes from the September 14, 2023, hearing and was seconded by Ms. Sammis. A vote was taken, and the motion passed; (4-0)

Case No. **ZBA-2023-042** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **DOUGLAS COLWELL, acting on his own behalf, a VARIANCE** request from Section 20-6.6.2.1.c.1 of the Unified Development Ordinance, which requires a road setback of 100 feet from the center of the right-of-way in the "R-2" Medium Density Residential Zoning District. The petitioner proposes to construct an accessory structure at a distance of 62 ft. from the center of E. Rome West Rd., resulting in a variance request of 38 ft.

Ms. Urban stated that the petitioner has requested to withdraw the case.

Mr. Burns made a motion to approve the withdrawal of the case and was seconded by Ms. Sammis. A vote was taken, and the motion passed; (4-0)

Mr. Pollack arrived at 9:07 a.m.

Mr. Duncan arrived at 9:12 a.m.

Case No. **ZBA-2023-044** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **CYNDI COLLINS, acting on behalf of WILLIAM & CATHERINE CARTER (owners), a SPECIAL USE** request from Section 20-5.2.2.2.c of the Unified Development Ordinance. This section

allows for a special use for animal hospitals, animal clinics and commercial kennels. The petitioner proposes to operate a commercial kennel on a 16.32 acre parcel in the "A-2" Agriculture Zoning District.

Kathi Urban opened the case. There are 0 consents and 0 objections on file. The case was published in *The Weekly Post* on September 21, 2023, and *The Peoria Journal Star* on September 27, 2023. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Village and Environmental Corridor). The site plan and two videos of the property were shown. The property is zoned "A-2".

Cyndi Collins of 11417 N. Route 91, Dunlap, IL was sworn in. Ms. Collins stated that she raises toy poodles, but where she currently lives, she cannot run a business. Ms. Collins stated that she has a building at her residence that she would like to move to the subject parcel and would like the special use permit to run the business there. Ms. Collins stated that nothing will change as far as traffic. She is currently at the property, where her parents live, three or four times a day to take care of livestock animals. Ms. Collins stated that her poodles are very small dogs and are very highly sought after, therefore she will not allow anyone on the property for safety reasons.

Mr. Fletcher asked about a dumpster that was on the property in the videos. Ms. Collins stated that property was purchased just a couple months ago, and they were cleaning up and restoring the buildings that were on the property.

Mr. Fletcher confirmed that the building that is at the other property will be moved to the subject parcel and that she had been before the ZBA for that building.

Mr. Fletcher asked how many animals would be at the property. Ms. Collins stated that she currently owns 12 dogs and that she doesn't breed them for very long before she retires and spays them. She had requested that she be able to have 20 dogs and 10 cats at once, but doubts she'll ever have that many. Mr. Fletcher asked if the animals would be kept inside or outside. Ms. Collins stated that they have to be kept inside. She stated that she will be putting up fencing, but they can't be left out when she is not there, because of predators. Ms. Collins stated that there is only one neighbor, and she spoke to him about her plans, and he has no objections.

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, and there was no one.

Mr. Happ 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-2023-043** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **PEORIA SOLAR 3, LLC**. (*A Limited Liability Company – Pivot Energy Development, LLC – Jonathan Fitzpatrick, Senior Vice President of Development and Tom Hunt, CEO – 1601 Wewatta St., Ste. 700, Denver, CO*), acting on behalf of **RICHARD & MARTHA RUMBOLD** (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 2 consents and 1 objection on file. The case was published in *The Weekly Post* on September 21, 2023, and *The Peoria Journal Star* on September 27, 2023. 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”.

Merrill Read of Pivot Energy, 625 W. Adams St., Chicago, IL was sworn in.

Buzz Becker Pivot Energy, 625 W. Adams St., Chicago, IL was sworn in.

Nick Standiford of Schain Banks, 70 W. Madison, Suite 5400, Chicago, IL was sworn in.

Ms. Read and Mr. Becker gave a presentation of the project and site. Discussion included an overview the benefits of community solar, site aspects such as size, setbacks, fencing, and access, technology and equipment, vegetation and site impact, property taxes, subscriber savings, safety training for the local fire department, decommissioning, Agricultural Impact Mitigation Agreement (AIMA), and community outreach.

Mr. Standiford and Ms. Read did a question-and-answer session in order to answer common questions about solar projects.

Mr. Burns asked about the size of the property. Ms. Read stated that the property is around 40 acres, but the solar array is 27.9 acres. Mr. Burns asked who would be maintaining the extra land. Mr. Becker stated that everything within the fenced array is Pivot’s responsibility. Pivot will maintain the property as the owner/operator of the solar farm.

Mr. Fletcher stated that sheep will be used to maintain the vegetation in the fenced area but wanted to know if mowers would be brought out to maintain the property outside the fenced area. Ms. Read stated that they hire local contractors that will make site-visits and will maintain everything outside the fence area as well.

Mr. Happ asked if the owners could farm the portion of the parcel that isn’t being used for the solar farm. Ms. Read stated that the owners have that option if they would like to farm it.

Mr. Fletcher asked how many trips per year would be made to the property. Ms. Read stated that a maintenance crew would come to the site 2-4 times per year.

Mr. Happ asked what the timeline would be for construction. Ms. Read stated that they anticipate late next fall to start construction.

Mr. Fletcher asked how many projects Pivot Energy has in Illinois. Ms. Read stated that they have operational projects in Marion, Kankakee, St. Clair, and McDonough Counties. Mr. Fletcher asked if they were all of similar size. Ms. Read stated that they were as there is a cap at 5 MW.

Mr. Burns asked where the solar panels were made. Ms. Read stated that they haven't procured the panels for this project yet, but usually they are from India. The US hasn't been able to manufacture enough panels to meet demand.

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

Joseph Mulay of 311 N 6<sup>th</sup> St., Dunlap, IL was sworn in. Mr. Mulay stated that his mother's property is to the west of the proposed site. His mother is heavily against it. His Aunt, Caroline Thorp is the owner of the property to the north and is against it as well. They are worried about property values, the soil, and what it will look like.

Mr. Becker stated that in terms of the soil quality, it is great resting for the land as it is not being tilled and no pesticides are being used. The native plants will have very deep roots and will bring nitrogen and oxygen to the soil, and the productivity of the land is improved after the decommissioning of a solar farm.

Mr. Mulay asked what would be done to ensure that the deep roots of the native plantings don't grow down and break the drainage tiles. Ms. Read stated that the deep roots are a normal root system that will just be deeper than the crop system. Mr. Mulay stated that drain tile is not a solid and is made to let roots in. Ms. Read stated the roots will grow around it just like the roots of a plant in a pot. Mr. Standiford confirmed that it would not affect the functioning of the drain tile and if it did, Pivot would be responsible to remedy that. Ms. Read stated that this was correct.

Ms. Sammis asked if the materials would be recycled at the end of the 20-year life of the project and if the tiles would be inspected for damage. Ms. Read stated that at the end of the lease, they would contact the landowners and ask if they would like to extend the project. At the end of the life cycle, the site will be returned to the original state.

Mr. Burns asked what the life expectancy of the panels was. Ms. Read stated that they have a 30-year warranty but are still high functioning at that time. The panels can be sold to individuals for personal use or donated to a non-profit.

Mr. Fletcher asked if there were any additional questions.

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

Case No. **ZBA-2023-039** 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.

Kathi Urban opened the case. There are 0 consents and 0 objections on file. The case was published in *The Weekly Post* and *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 (Agriculture). The site plan and two videos of the property were shown. The property is zoned "A-2".

Lynn Ann Boon and Coral Ness of 5036 N Weaver Ridge Blvd., Peoria, IL were sworn in. Ms. Ness stated that they purchased the property and tore down the house. They are rebuilding the main house, but they would like to turn the garage into a 1-bedroom dwelling to house an aging parent.

Mr. Fletcher asked how many bedrooms the new house would have. Ms. Ness stated that there will be 3 bedrooms on the main floor and a bedroom in the basement. Mr. Fletcher asked if there was only 1 septic system. Ms. Ness stated that there is one now, but it is being replaced with a larger system that would accommodate both dwellings. Mr. Fletcher asked if all the permits had been obtained from the PCCHD for the septic system. Ms. Ness stated that they had. Mr. Fletcher asked about the well on the property. Ms. Ness stated that the well tested fine and it was only about 5 years old. Mr. Fletcher asked if the new house would have a garage. Ms. Ness stated that it would.

Mr. Happ asked if the garage would have the same footprint or if it would be altered. Ms. Ness stated that it would have the same footprint, and the lean-to carport would be turned into an enclosed garage that is attached to the current structure. Mr. Fletcher confirmed that the garage would have 1 bedroom, a kitchen, living room, and bath. Ms. Ness stated that was correct.

Mr. Fletcher asked if the detached garage would be used by the residents.

Ms. Cordis Boswell stated that in the Peoria County Code for accessory dwellings, if the accessory dwelling will be a detached building, one of the criteria is that the garage in the detached structure is used for the residents of the principal structure. So that mother-in-law quarters are part of the primary residence's garage. Ms. Boswell stated, the question that needs to be answered, for the record is, will the residents of the principal dwelling be using the garage in the detached dwelling. Ms. Ness stated that they would.

Ms. Urban stated that the accessory dwelling structure cannot be used as a rental property for non-family members. Ms. Urban stated that she knows that is not the intention right now but wanted the petitioners to be aware of that for the future.

Ms. Boon stated that she wanted to add, that from a taxing standpoint, they expect tax dollars to go up significantly.

Mr. Fletcher asked what the plans for the accessory dwelling would be after her mother no longer needed it. Ms. Boon stated that it would be a guest or pool house.

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

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

Tom Ochs of 1802 Dimmit Ct., Bloomington, IL was sworn in. Mr. Ochs stated that the permits for the septic and well have been approved for both dwellings. The permits are both approved subject the zoning approval, and the house is already underway. Mr. Ochs continued that the garage was surrounded by a

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portico that has been removed, so the structure footprint is smaller than it was. Mr. Ochs stated that there are residences nearby that don't have any opportunity to go back to agricultural use without tearing down the homes. He thinks it is a win-win for the County and his client.

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

Meeting adjourned at 10:39 a.m.

Respectfully submitted,

Sarah Cox  
ZBA Administrative Assistant