

WOODFORD COUNTY ZONING BOARD OF APPEALS

Woodford County Board Room
1837 S. Main St. Eureka, IL
6:00 P. M. Tuesday, March 22, 2022

- Call to Order:

Ms. Holmes called the meeting to order at 6:00 pm

- Roll Call: Teresa Gauger, Kim Holmes, Terry Pille, Karen Krug, and Dean Backer were present.

Ms. Holmes declared a quorum present.

Others present: Erik Gibson and Julie Plym

- Approval of minutes.

Motion to approve minutes as amended made by Gauger, seconded by Krug. *Motion Carried.*

- Swearing in/ Affirmation – Completed for each petition.

- Presentation of Petitions

#2022-08-V Montgomery Township filed January 31, 2022, by Brenda Hartman for a Variance in lot maintenance shed size to allow a 2,240 sq. ft. building, an increase of 440 sq. ft. over the allowable size, located in the Residential Single Family District (R-1) on a 3.82 acre parcel, described as Lot 1-A in SW ¼ SE ¼, Section 16, T25N-R1W of the 3rd P.M.. Woodford County, Illinois, and more commonly described as 1660 Knapp Dr. Congerville, Illinois

Ms. Brenda Hartman was Affirmed.

Ms. Hartman explained that she is looking to build a machine shed on the property. Ms. Hartman explained that they intended to build the shed to use as a shelter for when their family is out on the lot to allow the grandchildren to explore and have campfires. She noted that they would also store mowers and equipment in the shed to use at the property. She stated that they are building the shed towards the front of the property to leave a location for a future home closer to the rear of the property.

Ms. Krug asked if they would be installing utilities or a driveway. Ms. Hartman stated she planned on installing a bathroom if allowed and a driveway to access the lot and shed. She noted she has spoken to the Road Commissioner about the road setbacks and will be in compliance with those regulations. Ms. Holmes asked if there was any opposition filed by the neighbors. Ms. Plym noted there was not. Mr. Pille asked for the building dimensions and the reason it must be larger than allowed. Ms. Hartman stated the building is 56 x 40. Ms. Hartman noted that the size was determined by the amount of space needed for the family when inside and the equipment being stored. Ms. Holmes asked if Ms. Hartman understood that if a home is built in the future it would need to be larger than the footprint of this structure. Ms. Hartman stated she was aware of that requirement.

Ms. Holmes asked about what kind of plumbing they were discussing. Ms. Hartman stated she was planning on putting in a bathroom. Mr. Pille asked if there was going to be an awning or more than one floor. Ms. Hartman stated she does not plan for an awning, and it will be only one floor potentially with a loft in the back half.

Ms. Krug asked if she is in the early stages of the plan.

Ms. Hartman stated she has quoted insulation, concrete, and the building

Ms. Holmes asked about height and Ms. Plym noted that Ms. Jording checked, and the height was in compliance.

Ms. Holmes noted that with the insulation, bathroom and finishing it appears the structure is more for entertainment. Ms. Hartman noted that the equipment will be in the shed 24 hours a day 7 days a week and the family will be out there occasionally for holidays and family gatherings.

Mr. Pille asked if there is city water. Ms. Hartman noted there is not, there is a shared well. Mr. Pille asked where a house would be located. Ms. Hartman noted that the house would be placed in the back of the property where it is open and level.

Ms. Gauger asked if the shed would be finished. Ms. Hartman noted that she does not intend to finish with drywall but would likely have something to block off a portion for family functions.

Ms. Holmes asked what the hardship is that has created this request. Ms. Hartman stated that she initially did not realize that 1800 sq. ft. was the restriction. She noted that she is willing to scale the building back to that size.

Evidentiary portion of the hearing closed.

Findings by the Zoning Board of Appeals for Petition 2022-08-V:

- A. Non-conforming uses in the same district and permitted uses in other districts shall not be considered grounds for issuance of a Variance.** (Neutral) The machine shed is for storage and personal space; it is not a non-conforming use. The structure could be conforming if reduced to 1800 sq. ft.
- B. The granting of the Variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands or structures in the same district.** (Negative) The storage portion does not convey special privilege a lot maintenance shed, however, there is no particular hardship requiring the greater size as a lot maintenance shed. The entertaining portion of the use does not justify the larger size.
- C. The ZBA has found that the reasons set forth in the application justify the granting of the Variance.** (Negative) There is no primary structure on the property that allows the construction of the larger shed. There is no hardship to justify the Variance.
- D. The ZBA finds that the granting of the Variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.** (Neutral/Positive). The request is in harmony with the area.
- E. The Variance requested is the least amount of Variance required to allow the proposed structure on the existing lot, without regard to aesthetics or personal inconvenience to the property owner.** (Negative) The testimony indicated that she could build a smaller shed.

Motion to approve petition 2022-08-V filed by Brenda Hartman for a Variance in lot maintenance shed size to allow a 2,240 sq. ft. building, an increase of 440 sq. ft. over the allowable size at 1660 Knapp Dr. Congerville. Made by Gauger, seconded by Backer.

Roll call vote: Terry Pille – *No* Teresa Gauger – *No*, Kim Holmes – *No*, Karen Krug – *No*, Dean Backer – *No*.
Motion Failed

- Other Business to Come Before the Board:

#2021-26-S Worth Township filed, September 9, 2021, by Eryn Pearson for a Special Use to operate a Dog Kennel and Cat Rescue, located in the Residential Single Family (R-1) District on a 2.9 acre parcel, described as Lot 2 1st Addn to Far Hills Tract 3 of Outlot A Far Hills Tenth Addn Section 29 & 30 of T27N- R3W of the 3rd P.M. Woodford County, Illinois, and more commonly described as 300 E Far Hills Dr. East Peoria, Illinois.

This petition was sent back for further consideration by the County Board on November 16, 2021, the Zoning Board was unable to convene with the original five members who heard the petition until this hearing.

Findings by the Zoning Board of Appeals for Petition 2021-26-S:

- A. Will not be detrimental to the public health, safety, and welfare;** The waste is double bagged per the State recommendation, sick animals go to the vet and then transition to adoption agencies and other

rescue organizations. Testimony that the building was being sound proofed, upgraded and repaired. All cats are contained, they go to the vet for care and receive shots as well as being sterilized. This prevents the feral cats from roaming the area and prevents them from spreading disease. Personal protective equipment and sterilization of the holding areas is completed according to veterinary guidelines. Testimony that they have sterilized over 200 cats and adopted out over 109. The cats were kept in kennels in the building which would prevent transmission of communicable diseases.

- B. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted. The applicant need not demonstrate complete compatibility, but the applicant shall demonstrate reasonable efforts to minimize incompatibility;** Allowing a Special Use, there was already incompatibility with the dogs barking. She is not demonstrating that she can take on the additional responsibility with her current workload and schedule. The cats will be housed in a 16 x 40 building, the dogs will not be housed in the same building and should not be considered for sound concerns as the dogs are allowable without a special use. Due to the requirements of the sick and injured animals, the requirement for kittens needing to be 2 lbs. before adopted and the time to care for these animals a number restriction should be placed on the Special Use. Woodford County has no cat services; the need is there for this type of service. Special Use grants extra privilege, the monitoring of restrictions represents a concern. At the original hearing 17 interested parties signed up, 10 spoke at the hearing. Only 4 of those spoke about the cats, the remainder spoke about the dogs, very little testimony was heard about the cats.
- C. Will not be injurious to the district in which it shall be located;** This is a residential area; this would be less concerning if there were fewer neighbors. There are concerns over the traffic that will result from the moving of animals in and out. The amount of traffic is unknown. Testimony was heard that much of the traffic was for the general contractors working on the house, not related to the animals. Testimony from the applicant stated that a vet tech was volunteering along with two veterinarians and the animal control warden. Traffic ebbs and flows, given the testimony from the petitioner the traffic will not increase dramatically. This is an unknown, animals will have to be transported, having a stipulation on number of cats on the property it will increase the movement of animals in and out. The public does not come to the site to view or adopt cats, they are moved to other agencies for adoptions.
- D. Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the districts;** The property in question is 2.9 acres. There is currently a dwelling on the property, accessory structures are permitted. The building itself is not an impediment.
- E. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;** This is not an issue, the driveway is in place, the drainage is already in place.
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public roads;** Speed limit on Eller and Far Hills Dr is 30 mph. Traffic is not moving at a high-speed reducing the risk of accidents. The ingress/egress is already in place for the property and is not an issue. No comments were received from the Township Road Commissioner.
- G. Is consistent with the Woodford County Comprehensive Land Use Plan.** The need is present for an animal rescue; this is a Not-for-Profit that can assist residents of Woodford County if they have an issue with cats. Per the Comprehensive Land Use Plan, it is important to provide beneficial services to the residents of Woodford County. The County has acknowledged in the Comprehensive Land Use Plan that new land uses have changed the physical landscape of Woodford County and it will continue to change. There is such a need in the County for this service that all residents of the County are using this service. The appropriateness of this service in the Residential District is a concern. The residence and garage are 200 ft. from other structures, there are ravines and trees acting as a buffer around much of the property. The property is somewhat isolated and on nearly 3 acres.

Motion to approve petition 20221-26-S for Erin Pearson for a Special Use to operate a Cat Rescue without commercial dog kennel located in the Residential Single family (R-1) District on a 2.9 acre parcel described as 300 E Far

Hills Dr. East Peoria, Illinois. With the condition of no more than 40 cats, with 25 being the ideal number made by Gauger, seconded by Pille

Roll call vote: Kim Holmes – *Yes*, Terry Pille – *No*, Karen Krug – *Yes*, Dean Backer – *Yes*, Teresa Gauger – *Yes*.
Motion Carried.

- Update on previous months petition/s – All petitions were approved
- Update on next month petition/s: Ms. Plym noted there is 1 Special Use and 2 Variances.

- Review of Executive Session Minutes
 - January 24, 2017 Release or Keep Confidential

Motion to approve and keep confidential made by Krug, seconded by Gauger. *Motion Carried.*

- September 23, 2014 Release or Keep Confidential

Motion to approve and keep confidential made by Krug, seconded by Gauger. *Motion Carried.*

- Public Input

Steve Egle noted that Ms. Pearson's shed is gone and has been replaced by outdoor dog kennels. It is a nuisance to have arrivals at the properties which sets the dogs off making a racket. He has a hard time enjoying the property due to the noise of the dogs. The deliveries and cats arriving does increase the dog noise.

The Board discussed scheduling for the Solar Farm hearing coming later in the year. The Board indicated that after June 27 Ms. Holmes would be gone for two weeks. Ms. Gauger cannot do during the day, before 2. Mr. Pille cannot participate due to a conflict of interest. The members were asked to check their schedules.

- Executive Session – None
- Adjournment

Ms. Krug made the motion to adjourn at 8:00, 2nd by Mr. Backer. *Motion Carried.*

Lisa Jording, Secretary

Kim Holmes, Chairman

Date