

# WOODFORD COUNTY ZONING BOARD OF APPEALS

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

- Call to Order:

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

- Roll Call: Karen Krug, John Obery, and Marty Clinch were present.

Ms. Krug declared a quorum present.

Others present: Lisa Jording

- Approval of minutes.

October 25, 2022

Motion to approve minutes made by Obery, seconded by Clinch. *Motion Carried.*

- Swearing in/ Affirmation – Completed for each petition.

- Presentation of Petitions

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#2022-21-Z filed September 28, 2022, by Chris Stewart for a Map Amendment from Conservation District to Heavy Industrial District (I-2) and Commercial District on 20 acres described as Tract 1 Except Tract 1-A SW ¼ Section 35 in T27N-R4W of the 3<sup>rd</sup> P.M. Woodford County, Illinois, and more commonly described as 1109 Sunset Dr. East Peoria, Illinois

Mr. Chris Stewart was sworn in.

Mr. Stewart presented that he has been working to clean up the restaurant and marina to get the restaurant and marina back open. They have both been closed down since 2013. The restaurant has all utilities, water and plumbing are up to date. Waste water system was completely updated in 2013 right before the business was shut down, it is still in good shape and has been checked. The HVAC is all in working order. Mr. Stewart was asked about parking, he noted there are 30 spots and the restaurant and more at the marina area.

He discussed that he is looking to create a family style atmosphere for the neighborhood, he discussed that he has received great response from the neighbors on re-opening the restaurant.

Ms. Jording explained that the proposal here is to split zone the lot so that it is zoned appropriately for what is occurring on the lot. Heavy Industrial is the only zoning district that allows marinas, Commercial is the only zoning district which allows restaurants. These are both long standing permanent infrastructure for these two specific uses. Zoning the lot appropriately allows for the existing use. The north portion of the lot will remain conservation and allow a buffer between the marina and the IDNR and County owned green spaces.

**The testimony portion of the hearing was closed.**

## **Findings by the Zoning Board of Appeals for Petition 2022-21-Z:**

- A. Whether the proposed zoning district classification is consistent with the Woodford County Comprehensive Land Use Plan;** The main objective of the comprehensive land use plan is to have productive use of the property. This property has not been used since 2013, this will bring the lot back into productive use.
- B. Whether there are any changed or changing conditions in the area affected that make the proposed rezoning necessary;** This will zone the lot appropriately so that future owners do not require a Special Use to operate the businesses prior to opening.

- C. Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on the other properties in the immediate vicinity;** The testimony and what is seen in the petition supports the approval, this is compatible with the surrounding area.
- D. Whether adequate infrastructure exists or can be provided to serve the uses that would be permitted on the property if it were rezoned;** The infrastructure on the lot was updated in 2013, there is sufficient parking and the road infrastructure is in place.
- E. The impact the uses, which would be permitted if the property were rezoned, will have upon the volume of vehicular traffic in the vicinity;** The volume of traffic will not increase from what it was when the restaurant and marina were open in the past.
- F. Whether a reasonably viable economic use of the subject property will be denied if the proposed rezoning is not approved;** The property have been vacant, this will re-establish it as a productive economic property with a permitted use.
- G. Information submitted at the public hearing.**

Motion to approve petition 2022-21-Z for a Map Amendment for Chris Stewart from Conservation District to Heavy Industrial District (I-2) and Commercial District on 20 acres at 1109 Sunset Dr. East Peoria, Illinois made by Obery, seconded by Clinch.

Roll call vote: Karen Krug – *Yes*, John Obery – *Yes*. Marty Clinch – *Yes*. *Motion Carried.*

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#2022-22-V filed September 30, 2022, by Gary Schaer for a Variance in front yard fence height and setback to allow a 6 ft. privacy fence 35 ft. from the centerline of the road in the Residential Single Family District on 3.4 acres described as Pt of Lot 1 & Pt of NW ¼ NE ¼ Woodland Knolls, Section 30 in T27N-R4W of the 3<sup>rd</sup> P.M. Woodford County, Illinois, and more commonly described as 1354 Woodland Knolls, Metamora, Illinois

Mr. Gary Schaer was sworn in.

Mr. Schaer explained that he would like to build a fence 6 ft tall and the same distance from the road as the neighboring shed which was varied several years ago. The shed was built on hirer ground and the ground was cut down to allow for construction, causing a drop off. The fence would provide safety and protect from the drop off. The neighbor also parks vehicles and stores building supplies behind the shed. Mr. Schaer would like to place the fence to create s visual barrier for his property as well. Mr. Schaer also noted that both he and the neighbor have large dogs who do not get along, the fence would create screening to keep the dogs apart.

He noted this would be a 6 ft. vinyl fence.

The highway commissioner has been out to the site and had no concerns about the reduced setback.

The fence will be placed by Houhulin fence, They will have to go in further from the property line due to the erosion that has resulted from the neighbors excavation. Mr. Schaer noted that he is not cutting the ground elevation down to meet the neighbor in order to prevent water inundation to their garage.

**The testimony portion of the hearing was closed.**

**Findings by the Zoning Board of Appeals for Petition 2022-22-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.** Fences are conforming, prior approval for the building at 35 ft., there is no additional request to decrease the setback over what already exists.
- 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.** The petitioners hands are tied due to the neighbors shed and the eyesore that has been made. This would help correct that and is necessary.

- C. The ZBA has found that the reasons set forth in the application justify the granting of the Variance.** The fence will remedy many of the problems with the neighboring property and removes the eyesore.
- 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.** This will maintain the peace between neighbors, will be no further encroaching to the road than the previously granted variance to the neighbor.
- 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.** In the situation this is the minimum distance due to the current shed that is already at the requested setback. The Road Commissioner has no concerns about safety or line of site.

Motion to approve petition #2022-22-V for Gary Schaer for a Variance in front yard fence height and setback to allow a 6 ft. privacy fence 35 ft. from the centerline of the road at 1354 Woodland Knolls, Metamora, Illinois

Roll call vote: John Obery – *Yes*. Marty Clinch – *Yes*, Karen Krug – *Yes. Motion Carried.*

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- Other Business to Come Before the Board:
  - Update on previous months petition/s: None
  - Update on next month petition/s: Ms. Jording noted there is no hearing in December, there will be at least on petition in January and a utility scale solar application is expected to be heard in January also.
- Public Input – None
- Executive Session – None
- Adjournment

Mr. Clinch made the motion to adjourn at 7:00, 2<sup>nd</sup> by Mr. Obery. *Motion Carried.*

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Lisa Jording, Secretary

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Karen Krug, Acting Chairman

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Date