A regularly scheduled Zoning Board of Appeals Meeting was held on Thursday, November 10, 2016, at 1:00 p.m., City Hall, 419 Fulton Street, Room 400, with Chairperson Richard Russo presiding.

ROLL CALL
The following Zoning Board of Appeals Commissioners were present: Ed Barry, Jerry Jackson, Zachary Oyler, and Richard Russo– 4. Absent: Laith Al-Khafaji, Mark Anderson, and Nathan Wagner– 3.

Staff Present: Leah Allison, Shannon Techie, and Madeline Wolf

MINUTES
Commissioner Jackson moved to approve the minutes for the meeting held on September 8, 2016; seconded, by Commissioner Oyler.

The motion was approved viva voce vote 4 to 0.

REGULAR BUSINESS

CASE NO. ZBA 3024
Public Hearing on the request of Andrew Leman of Leman Property Management Company, to obtain a variance from the Unified Development Code Section 5.4.7.C, Fences and Walls, to increase the allowed height of a front yard fence from 3 feet to 7 feet in a Class R-6 (Multi-family Residential) District, for the property identified as Parcel Identification Nos. 13-36-253-001 and 13-36-276-012, with addresses of 3401 W Oakcrest Drive and 3453 W Sunburst Lane and commonly known as Lexington Hills Apartments, Peoria, Illinois (Council District 4).

Senior Urban Planner, Leah Allison, Community Development Department, read Case No. ZBA 3024 into the record and presented the case. Ms. Allison provided the property characteristics, requested variance, and the Development Review Board recommendation as outlined in the memo.

The Development Review Board recommended APPROVAL of the variance based on the following criteria:
1. Reasonable Return: The subject property’s return was diminished as a result of the inability to control trespassing and criminal activity.
2. Unique Circumstances: The surrounding wooded land created a unique, secluded location on the East side of the development, with unlimited access along the west side.
3. Character: The proposed variance will not alter the character of the neighborhood. Review of the surrounding neighborhood found similar fences in the adjacent Aspen Bluffs development located on Marengo St, LaValle St, and Verona St.

Subject to the following condition of approval:
1. To repair the parking lot surfaces to remove potholes and cracks per section 8.1.5.H of the Unified Development Code.

In response to Commissioner Barry’s inquiry, Ms. Allison said the request met Unified Development Code requirements aside from the proposed height of 7 feet for the fence.

Andrew Leman, petitioner, elaborated on the following 3 items:
1. Reasonable Return: Management incurs a $60,000 annual cost, or 3% of the annual budget, for security officers due to the inability to monitor the entrance along the front of property. The total length of the fence would be 700 feet, which would reduce the existing 700 feet of the existing entrance to a front road way entrance.
2. Unique Circumstances: The complex was located on a dead end street. The subject area was home to 3 low income and assisted living housing developments, which include Peoria Housing...
Authority, Lexington Hills, and Aspen Bluffs. Mr. Leman said Chief Mitchell with the Peoria Police Department endorsed the request as management continues to work with the Peoria Police Department to reduce crime in the area. The proposed fence was similar to the Village Green fence that was installed 2 years ago.

3. Character: The proposed fence would complement the surrounding area.

In response to Commissioner Barry’s inquiry, Mr. Leman said he agreed to staff’s condition of approval.

With no interest from the public to provide public testimony, Chairperson closed the Public Hearing at 1:15 p.m.

**Motion:**
Commissioner Barry made a motion to approve the requested variance as presented with the inclusion of staff’s condition; seconded, by Commissioner Oyler.

The motion was approved by roll call vote.
Yeas: Barry, Jackson, Oyler, Russo – 4.
Nays: None.

**CASE NO. ZBA 3025**
Petitioner Jim Youngman of Adams Outdoor Advertising, is appealing the Zoning Administrator’s decision for the spacing requirement of an off-premise sign per the Unified Development Code, Section 8.3.c.2, in a Class C-1 (General Commercial) District for the property identified as Parcel Identification No. 14-19-402-007 with an address of 2238 W Glen Ave, Peoria, Illinois (Council District 4).

Senior Urban Planner, Leah Allison, Community Development Department, reported the petitioner has requested a deferral of the presentation of the case.

**Motion:**
Commissioner Oyler made a motion to defer Case No. ZBA 3025 for one month; seconded, by Commissioner Jackson.

The motion was approved viva voce vote 4 to 0.

**CASE NO. ZBA 3026**
Public Hearing on the request of Shirley Weber, to obtain a variance from the City of Peoria Unified Development Code Section 5.4.7.C., Fence Requirements, to install a front yard fence that exceeds the allowed height of 3 feet in a Class R-3 (Single-family Residential) District, for the property identified as Parcel Identification No. 14-31-231-013 with an address of 2006 W Gilbert Avenue, Peoria, Illinois (Council District 2).

Senior Urban Planner, Shannon Techie, Community Development Department, read Case No. ZBA 3026 into the record and presented the case. Ms. Techie provided the property characteristics, requested variance, and the Development Review Board recommendation as outlined in the memo.

The Development Review Board felt that the standards for variances are met due to the existing placement of structures on the site, the shape of the site, and the fact that the property was a corner lot.

The Development Review Board recommended APPROVAL of the variance with the following conditions:
1. That the fence be constructed of vinyl or other similar material.
2. The fence not exceed 4 feet in height.
3. The fence be set back 10 feet from the front property line.
4. The existing fence around the pool (that doesn’t meet barrier requirements) be removed and the new fence serve the purpose of fencing in the pool to meet code requirements.

Shirley Weber, petitioner, distributed brochures of the proposed fence material (solid vinyl) and a document with 13 neighbors’ signatures in support of the proposal, to the commission. Ms. Weber said it was her
interpretation that her property line reached the edge of the sidewalk, where the existing chain link fence is located. Ms. Weber requested a 6 foot tall fence to provide security and privacy. Ms. Weber said her next door neighbor planned to install a 6 foot tall vinyl fence, which would connect to her proposed fence, to provide a consistent look between the two properties.

Chairperson Russo opened the Public Hearing at 1:30p.m.

Chairperson Russo requested staff speak to the inclusion of the condition for the fence not to exceed 4 feet in height.

Ms. Techie responded to Chairperson Russo and said a fence 4 feet in height was sufficient to meet barrier requirements around the existing pool. The location of the proposed fence would be in the front yard; therefore, a fence 4 feet in height would be less obtrusive in the front yard.

Commissioner Oyler requested staff confirm the petitioner’s statement of existing fences 6 feet in height in the subject neighborhood.

After Ms. Techie provided a street view of the surrounding neighbors using GIS and Bing, it was determined there were two front yard chain link fences installed on Gilbert Avenue approximately 4 feet in height. The other properties at the intersection of Gilbert Avenue and Harper Terrace do not have a front yard fence. The adjacent property along Harper Terrace currently has a 4 foot tall chain link fence in the side yard.

Chairperson Russo inquired the allowed height for a side yard fence.

Ms. Techie confirmed a side and rear yard fence may be 6 feet in height. The petitioner requested the installation of the fence to go to property line in the front yard. The subject property was on a corner lot; therefore, the petitioner had two front yards. Staff requested the petitioner install the fence 10 feet from property line to preserve green space in the front yard along Harper Terrace.

Chairperson Russo inquired if Ms. Weber agreed to staff’s conditions. Russo questioned if Ms. Weber would be agreeable to adhere to the setback requirements if the 6 feet in height front yard fence variance request was granted.

Ms. Weber said she was not in favor of the setback requirements. Ms. Weber said she thought the setback requirements were 10 feet from edge of the sidewalk. Ms. Weber noted surrounding neighbors with conventional backyards that allow 6 feet in height fences by right. Ms. Weber said if she were required to install a 4 feet in height fence, she would prefer to have time to re-evaluate and re-measure the setback requirements.

Chairperson Russo asked Ms. Weber if she was agreeable to meeting the setback requirements if she were granted a variance for a 6 feet in height fence.

Ms. Weber said she would have to re-measure with the 10 feet setback requirement, to determine the placement of the fence in relation to the existing pool.

Commissioner Oyler questioned if the petitioner would agree to defer the case for one month to allow time to re-measure and conduct additional research, as needed.

Ms. Weber did not object to deferring the case for one month.

Chairperson Russo inquired City staff’s position on a deferral.

Ms. Techie said staff did not object to a deferral. Ms. Techie noted the property was currently in housing court for the existing chain link fence that was in disrepair. Ms. Techie clarified that the existing fence was in the right-of-way and not on private property. Staff requested the petitioner conserve green space and install the fence 10 feet from the property line. She further indicated that the property line is approximately 5 feet from
the back of sidewalk; however, Ms. Techie noted it was the petitioner’s responsibility to know where the property lines are located, which may require a property survey.

Chairperson Russo inquired about the front yard setback requirements.

Ms. Techie said the front yard setback requirement for principal and accessory structures was 25 feet. The corner side yard setback requirement for fences was 10 feet from the property line. The subject property does not have a corner side yard; however, staff was in agreement with essentially treating the yard along Harper Terrace as a corner side yard for the purpose of the proposed fence. Therefore Staff recommended the fence be installed 10 feet from the property line along Harper Terrace.

Commissioner Barry supported staff’s conditions and allowing the petitioner more time to get closer to meeting the requirements and staff’s conditions.

Commissioner Oyler agreed with Commissioner Barry.

**Motion:**
Commissioner Barry made a motion to defer Case No. ZBA 3026 for one month; seconded, by Commissioner Oyler.

The motion was approved viva voce vote 4 to 0.

**CITIZENS’ OPPORTUNITY TO ADDRESS THE COMMISSION**
There was no interest from the public to provide public testimony at 1:45p.m.

**ADJOURNMENT**
Commissioner Oyler moved to adjourn the Zoning Board of Appeals Meeting; seconded by Commissioner Jackson.

The motion was approved unanimously viva voce vote 4 to 0.

The Zoning Board of Appeals meeting adjourned at approximately 1:45p.m.

Leah Allison, Senior Urban Planner

Shannon Techie, Senior Urban Planner

Madeline Wolf, Development Technician
I approve a 6 foot vinyl privacy fence being installed along Harper Terrace at 2006 W Gilbert Ave. Peoria Il 61604 as it is marked out in the yard with an approximate 10 foot setback that follows the curve of the property line.

NAME: Katelyn Davis
ADDRESS: 2013 W. Gilbert Ave
PHONE: 309-229-9089
E-MAIL: K_DAVIS1309@yahoo.com

COMMENTS: do not mind fence
I approve a 6 foot vinyl privacy fence being installed along Harper Terrace at 2006 W Gilbert Ave. Peoria IL 61604 as it is marked out in the yard with an approximate 10 foot setback that follows the curve of the property line.

NAME: Jay Ritchie
ADDRESS: 2808 N. Harper Terrace
PHONE: 309-478-0027
E-MAIL: jay.a.ritchie@gmail.com

COMMENTS:
I approve a 6 foot vinyl privacy fence being installed along Harper Terrace at 2006 W Gilbert Ave. Peoria IL 61604 as it is marked out in the yard with an approximate 10 foot setback that follows the curve of the property line.

NAME: Jason McConnell
ADDRESS: 2016 W Gilbert
PHONE: 309-258-2369
E-MAIL: Jason Peoria 911 @ yahoo.com

COMMENTS:
I approve a 6 foot vinyl privacy fence being installed along Harper Terrace at 2006 W Gilbert Ave. Peoria Il 61604 as it is marked out in the yard with an approximate 10 foot setback that follows the curve of the property line.

NAME: Nick Keogel
ADDRESS: 2818 N Euston Pl
PHONE: 309 449 7507
E-MAIL:

COMMENTS:
I approve a 6 foot vinyl privacy fence being installed along Harper Terrace at 2006 W Gilbert Ave. Peoria Il 61604 as it is marked out in the yard with an approximate 10 foot setback that follows the curve of the property line.

NAME: Tracy Fox
ADDRESS: 2005 W Harper Terrace
PHONE: 
E-MAIL: 
COMMENTS:
I approve a 6 foot vinyl privacy fence being installed along Harper Terrace at 2006 W Gilbert Ave. Peoria Il 61604 as it is marked out in the yard with an approximate 10 foot setback that follows the curve of the property line.

NAME: Heidi West
ADDRESS: 2006 W. Gilbert
PHONE: (309) 643-4645
E-MAIL:

COMMENTS:
I approve a 6 foot vinyl privacy fence being installed along Harper Terrace at 2006 W Gilbert Ave. Peoria Il 61604 as it is marked out in the yard with an approximate 10 foot setback that follows the curve of the property line.

NAME: Cathy Rodgers
ADDRESS: 2012 W Harper Ter
PHONE: 
E-MAIL: 

COMMENTS: 
I approve a 6 foot vinyl privacy fence being installed along Harper Terrace at 2006 W Gilbert Ave. Peoria Il 61604 as it is marked out in the yard with an approximate 10 foot setback that follows the curve of the property line.

NAME: CHARLES LARSEN
ADDRESS: 2836 N HARPER TERRACE
PHONE: 309-271-6837
E-MAIL: CRLARSEN47@GMAIL.COM

COMMENTS: NO PROBLEM
I approve a 6 foot vinyl privacy fence being installed along Harper Terrace at 2006 W Gilbert Ave. Peoria Il 61604 as it is marked out in the yard with an approximate 10 foot setback that follows the curve of the property line.

NAME: Sandy Schaefer
ADDRESS: 2817 N. Harper Terrace
PHONE: 309-657-6332
E-MAIL: ilovesparkles2@aol.com

COMMENTS:
I approve a 6 foot vinyl privacy fence being installed along Harper Terrace at 2006 W Gilbert Ave. Peoria IL 61604 as it is marked out in the yard with an approximate 10 foot setback that follows the curve of the property line.

NAME:  Hugh G. Uhrm. <
ADDRESS:  2823 N Harper Terrace
PHONE:  309 457 5877
E-MAIL:  stilnessnow@yahoo.com
COMMENTS:  Let her put the face back up.
I approve a 6 foot vinyl privacy fence being installed along Harper Terrace at 2006 W Gilbert Ave. Peoria Il 61604 as it is marked out in the yard with an approximate 10 foot setback that follows the curve of the property line.

NAME: BRUCE BURNWORTH
ADDRESS: 2829 N. HARPER TERRACE
PHONE:
E-MAIL:

COMMENTS:
I approve a 6 foot vinyl privacy fence being installed along Harper Terrace at 2006 W Gilbert Ave. Peoria Il 61604 as it is marked out in the yard with an approximate 10 foot setback that follows the curve of the property line.

NAME: Todd Lupi
ADDRESS: 3009 N. Gale Ave
PHONE: 309 - 631-9210
E-MAIL:

COMMENTS:
I approve a 6 foot vinyl privacy fence being installed along Harper Terrace at 2006 W Gilbert Ave. Peoria Il 61604 as it is marked out in the yard with an approximate 10 foot setback that follows the curve of the property line.

NAME: James Hightower
ADDRESS: 1908 W. Gilbert Ave.
PHONE: 688-7689
E-MAIL: 

COMMENTS:
I approve a 6 foot vinyl privacy fence being installed along Harper Terrace at 2006 W Gilbert Ave. Peoria Il 61604 as it is marked out in the yard with an approximate 10 foot setback that follows the curve of the property line.

NAME: JENNIFER LULAY
ADDRESS: 2012 W GILBERT
PHONE: 688-6334
E-MAIL:

COMMENTS: