AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF AUGUST 11, 2016 MINUTES

4. REGULAR BUSINESS
   Deliberations will be held at the end of each case after public comment has been closed. No public comment is allowed during deliberations.

   CASE NO. ZBA 3022
   Public Hearing on the request of David Reese and Nena Taylor-Reese to obtain a variance from the City of Peoria Zoning Ordinance Section 7.4.e. Yard Requirements, to reduce the required front yard setback from 35 feet to 11 feet for a garage addition, for the property identified as Parcel Identification No. 14-04-378-001, with an address of 264 W Detweiller Drive, Peoria, Illinois (Council District 5).

5. CITIZENS’ OPPORTUNITY TO ADDRESS THE COMMISSION

6. ADJOURNMENT
WELCOME!

If you plan on speaking, please complete a Blue Speaker Form

For each case the following sequence will apply:

1. Chairperson proceeds with swearing in procedures
2. Chairperson announces the case
3. Staff enters case into the record
   a. Staff presents the case
   b. Staff answers questions from the Commission
4. Petitioner presents case and answers questions from the Commission
5. Chairperson opens the meeting to the public
6. Public comments – Chairperson may ask for response/input from staff and petitioner
7. Petitioner presents closing statements
8. Public testimony is closed (No further public comment)
9. Commission deliberates and may consult staff
10. Commission prepares findings, if applicable
11. Commission votes

All comments and questions must be directed to the Commission
A regularly scheduled Zoning Board of Appeals Meeting was held on Thursday, August 11, 2016, at 1:00 p.m., City Hall, 419 Fulton Street, Room 400, with Chairperson Richard Russo presiding.

Staff Member Madeline Wolf swore in the new Zoning Board of Appeals Commissioner, Laith Al-Khafaji.

ROLL CALL
The following Zoning Board of Appeals Commissioners were present: Laith Al-Khafaji, Ed Barry, Jerry Jackson, Richard Russo, Nathan Wagner, Zachary Oyler – 6. Absent: Mark Anderson– 1.

Staff Present: Shannon Techie, Sonni Williams, Madeline Wolf

MINUTES
Commissioner Barry moved to approve the minutes for the meeting held on June 9, 2016; seconded, by Commissioner Oyler.

The motion was approved unanimously viva voce vote 6 to 0.

REGULAR BUSINESS
CASE NO. ZBA 3021
Petitioner Sean O’Connell, on behalf of Cellco Partnership d/b/a Verizon Wireless, appealing the Site Plan Review Board’s decision regarding the denial of a consolidated application for a zoning certificate and building permit, for the collocation of wireless communication antennas, for the property located at 2112 N Linn Street (Parcel Identification No. 14-33-378-019 & 14-33-378-020), Peoria, Illinois (Council District 2).

Senior Urban Planner, Shannon Techie, Community Development Department, read Case No. ZBA 3021 into the record and presented the appeal. Ms. Techie provided the property characteristics, background of the case including the timeline of events regarding the request, and the summary of the appeal as outlined in the memo.

Site Plan Review Board deferred to the action of the City Council and denied the consolidated application for a zoning certificate and building permit (administrative request through the Site Plan Review Board) on June 8, 2016, based on Appendix B, Article 3.3.d.(1).(b), ‘notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the City may disapprove an application that is in conflict with the historic nature or character of a neighborhood or historical district’.

Site Plan Review Board recommended affirmation of the Site Plan Review Board’s decision on June 8, 2016, regarding the denial of the consolidated application for a zoning certificate and building permit based on the City Council decision on April 26, 2016, and the provision in Appendix B, Article 3.3.d.(1).(b), ‘notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the City may disapprove an application that is in conflict with the historic nature or character of a neighborhood or historical district.’

Sean O’Connell, petitioner, referred to and quoted the findings from the Site Plan Review Board in the document dated February 23, 2016 (the Site Plan Review Board Analysis in Attachment F of the Agenda Packet, page 82). Mr. O’Connell referred to Section 3.3.b.2.g. Mr. O’Connell argued the Site Plan Review Board had two (differing) reviews and questioned the conflicting statements in the Ordinance.

Sonni Williams, Deputy Corporation Counsel for the City of Peoria, explained the application process for collocation of wireless communication antennas requests in the City of Peoria. The Site Plan Review Board’s previous findings prior to June 8, 2016, was not binding to the Site Plan Review Board’s decision on June 8, 2016 because two different applications were reviewed. The appeal before the ZBA if from the June 8, 2016
Site Plan Review Board’s decision. Ms. Williams said the Zoning Board of Appeals should presume the Findings of Fact by the Site Plan Review Board for June 8, 2016, are correct and recommended the commission review the standards in Appendix B, Section 2.3.d(4). The City recommended and requested affirmation of the Site Plan Review Board’s decision to deny the petitioner’s application heard by the Site Plan Review Board on June 8, 2016.

Chairperson Russo requested the petitioner speak to the provision and how it was misinterpreted in an effort to make the appropriate Findings of Fact.

Sean O’Connell explained the misinterpretation was in the Ordinance, Section 3.3.b.2.g., which exempts the collocation of a wireless communication tower on an existing structure from review; therefore, the provision the Site Plan Review Board used to reject Verizon Wireless’ application was not applicable to the application.

Ms. Williams, referred to Section 3.3.b.2. and reviewed the specific situations in which the Ordinance should be exempt. Ms. Williams quoted Section 3.3.b.2.g., “The City shall encourage such use by permitting collocations, which results in a height increase of less than ten (10) percent of the existing support structure, subject to administrative review.” Ms. Williams said the Ordinance must be read in full to understand the legislative intent.

Commissioner Barry requested additional details regarding the communication from Councilman Grayeb that was included in the Agenda Packet.

In response to Commissioner Barry, Ms. Williams said in the e-mail correspondence Councilman Grayeb mentioned he would not invite the applicant to a Neighborhood Association meeting; Councilman Grayeb did not mention Verizon Wireless would be denied an opportunity to appeal the decision by the Site Plan Review Board.

Ms. Williams noted the provision under Wireless Telecommunications Facilities Siting Ordinance, Section 3.3.g., “Administrative review of the proposed collocation or modification shall be conducted by the Site Plan Review Board upon receipt of a complete application and application fee.” Ms. Williams said City Council would have revised the Ordinance if City Council did not support the Ordinance the way it was written.

Staff Member Madeline Wolf swore in the public.

Kenneth Albert, a concerned citizen, was not in support of businesses near the subject property.

In summation, Sean O’Connell referred to Section 3.3.b.2.g., and said, “subject to administrative review,” was misleading. Mr. O’Connell said conditions may be applied under administrative review, such as setbacks and electrical review. Mr. O’Connell said if the use was permitted within the zoning district, the applicant had the vested right to be approved in the State of Illinois. Mr. O’Connell recommended the Zoning Board of Appeals review the two letters he submitted to the Zoning Board of Appeals prior to making a decision.

With no further interest from the public to provide public testimony, Chairperson Russo closed the Public Hearing at 1:31 p.m.

Discussion:
Chairperson Russo read the Findings of Fact for Appendix C, Section 2.7.5. Commissioners unanimously responded False to A, “The provision in question is unclear and an interpretation is necessary to determine the intent and application of the provision.” Commissioners unanimously responded False to B, “The Zoning Administrator or SPRB misinterpreted the provisions of this chapter.”

Motion:
Commissioner Barry made a motion to affirm the decision of the Site Plan Review Board; seconded, by Commissioner Oyler.
The motion to deny the appeal request was approved by roll call vote.
Nays: None.

CITIZENS’ OPPORTUNITY TO ADDRESS THE COMMISSION
There was no interest from the public to provide public testimony at 1:35 p.m.

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

The motion was approved unanimously viva voce vote 6 to 0.

The Zoning Board of Appeals meeting adjourned at approximately 1:35 p.m.

Shannon Techie, Senior Urban Planner

Madeline Wolf, Development Technician
TO: City of Peoria Zoning Board of Appeals
THRU: Site Plan Review Board (Prepared by Leah Allison)
DATE: September 8, 2016
CASE NO: ZBA 3022

SUBJECT: Public Hearing on the request of David Reese and Nena Taylor-Reese to obtain a variance from the City of Peoria Zoning Ordinance Section 7.4.e. Yard Requirements, to reduce the required front yard setback from 35 feet to 11 feet for a garage addition, for the property identified as Parcel Identification No. 14-04-378-001, with an address of 264 W Detweiller Drive, Peoria, IL (Council District 5)

PROPERTY CHARACTERISTICS
The subject property is 0.91 acre (40,166 sq. ft.) in size and zoned Class R-1 (Single Family Residential) District. It is surrounded by Class R-1 (Single Family Residential) to the north, south, east, and west. In 1954, a single family residence was constructed on the property.

REQUESTED VARIANCE:
The Petitioner is requesting a variance from Section 7.4.e. Yard Requirements of the Zoning Ordinance to reduce the required front yard setback from 25 feet to 11 feet (44% variance) to construct a garage addition.

The Petitioner states that the slope of the property and removal of mature trees creates a hardship.

SITE PLAN REVIEW BOARD RECOMMENDATION
Staff’s recommendation is to DENY the variance due to lack of hardship and failure to meet all of the following criteria:

1) Reasonable Return: The subject property can yield a reasonable return without the requested variance.
2) Unique Circumstances: The subject property is not unique. The property is primarily flat and a standard rectangular shape.
3) Character: The proposed variance will alter the character of the neighborhood. Review of the surrounding properties found uniform and consistent front yard setbacks. There were no properties within the surrounding neighborhood found to have a reduced front yard setback.
Disclaimer: Data is provided 'as is' without warranty or any representation of accuracy, timeliness or completeness. The burden for determining fitness for, or the appropriateness for use, rests solely on the requester. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is in a constant state of maintenance. This website is NOT intended to be used for legal litigation or boundary disputes and is informational only. -Peoria County GIS Division
I. PROPERTY INFORMATION:

A. Street address: **264 W Detweiler Dr.** Zip Code + 4  **61615**

B. Tax ID number: **1404378001 (Parcel I.D.)**

C. Legal description (attached) and on CD-ROM (MS Word format) Lester's addition SW 1/4 section 4-9-8E lot 6 and N 90ft lot 5. (A subdivision of parts of Lots 15 and 18 Forest Lawn, a part of SW Quarter and the Northwest Quarter of Section 4, Township 9 North, Range 8 East of the Fourth Principal Meridian, Peoria County, Illinois said part of Lot 5 more particularly described as follows: Beginning at the NE corner of said Lot 5, thence running in a Southerly direction along the East line of said Lot 5, a distance of 90ft; thence running in a Westerly direction parallel to the North line of said Lot 5 to the East line of South Lane Road; thence running along the East line of South Land Road to the NW corner of said Lot 5; thence running along the dividing line Easterly between Lot 5 and Lot 6, to the point of beginning; situated in the County of Peoria and the State of Illinois).

D. Area (square feet or acres): **0.91Acres (266X151)**

E. Current property use: **Residential**

F. Current zoning district: **Single Family**

II. APPLICANT(S):

A. Name: **Davis Reese and Nena Taylor-Reese**

B. Company name: **Residential**

C. Address (Street, City, Zip + 4): **264 W Detweiller Drive, 61615**

   *E-mail Address: davis.reese@cat.com; nena-taylor1@hotmail.com*

D. Daytime phone number: **309-232-7155**

E. Interest in subject property: X Owner ____ Representative

F. Applicant(s) signature(s):

   [Signatures]

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III. OWNER(S) OF SUBJECT PROPERTY:

A. Name: **Davis Reese and Nena Taylor-Reese**

B. Company: **Residential**

C. Address (Street, City, Zip): **264 W Detweiller Drive, 61615**

* Email Address: **davis.reese@cat.com; nena-taylor1@hotmail.com**

D. Daytime phone number: **309-232-7155**

E. Owner(s) signature(s): [Signature] Date: **8/11/16**

F. *PLEASE NOTE: EMAIL WILL BE USED FOR ALL CORRESPONDENCE UNLESS OTHERWISE REQUESTED.

**CORRESPONDENCE/COMMUNICATION TO BE SENT TO:** Select only one

____ Applicant  _X_ Owner

IV. **VARIANCE INFORMATION:**

A. 1. Variance being requested: **To build garage within existing setback requirements of (35ft)**

2. From what section of the zoning ordinance is a variance being requested? **We are asking for 24ft of the 35ft setback. Reference drawing and picture of current vehicle.**

B. What unique or exceptional characteristics of your property prevent it from meeting the requirements in your zoning district? (Check applicable)

   Too narrow _____  Too small _____  Soil _____

   Subsurface _____  Elevation _____  **Slope X**

   Too shallow _____  Shape _____  **Other X**  (Removal of mature trees)

C. What is your hardship? Please be specific:

   The need for the variance is due to the topographical and other limitations of our property. The construction of a structure that conforms with the set back requirements of the existing zoning regulations would create an unnecessary hardship due to topographical limitations (significant slope in grade of applicable property) and requirement to remove trees on existing property that would result in degradation of foliage in neighborhood.
D. Are the conditions of the hardship, for which you are requesting a variance, true only of your property?

   X Yes   No

If not, what number of properties are similarly affected? 0

E. If granted a variance in the form requested, will it be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance?

   X Yes   No

Please elaborate: The styling of the current garages in our neighborhood support a minimum of 2 to 3 garage with less square footage. It is our belief by adding a two car garage we are establishing consistency in design aesthetic.

FINDINGS OF FACT WORKSHEET:

Please select true or false for the following three questions:

Sections 2.12.e / 2.6.4.F Standards for Variations
No variations from the regulations of this ordinance/development code shall be granted Unless the entity or person granting such variation shall find based upon the evidence Presented to them in each specific case that all three of the following criteria are true:

1) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zoning district.

   X True   False

Explanation: The property at 264 W. Detweiller Dr. is a residential property. We are not applying for business purposes. We are requesting approval to build over variance to adjust current one car garage to a two car garage.

Fact to consider:
a. The purpose of the variation is not based primarily upon a desire to increase financial gain.

2) The plight of the owner is due to unique circumstances.

   X True   False

Explanation: Only one car garage for 3000sqft house with limited ability to build on other areas of property due to slope/mature trees.

Facts to consider:
a. 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 the regulations were to be carried out.
b. The conditions upon which an application for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification.

c. The practical difficulty or hardship is caused by this ordinance and has not been created by any persons presently having an interest in the property.

3) The variation, if granted, will not alter the essential character of the locality or be injurious to the public or other property or properties.

X True False

Explanation: We have consulted with local builder Matt Davis of Matt Davis Custom Homes and Architect Susan Hawkins in Peoria to insure the design aesthetic of the new addition supports all Regulations and Codes to insure compatibility of current and surrounding structures.

Facts to consider:

a. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

b. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

V. FILING FEE (MUST ACCOMPANY APPLICATION):

Variance Application Fees for any property in the City shall be as set forth in the table below:

<table>
<thead>
<tr>
<th>Variation Application Fees (Non-refundable)</th>
<th>Before Construction</th>
<th>After Construction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Variations all. (&lt;20%)</td>
<td>$500</td>
<td>$1,000</td>
</tr>
<tr>
<td>Principal Structure, Major</td>
<td>$500</td>
<td>$1,000</td>
</tr>
<tr>
<td>Accessory Structure, Major</td>
<td>$500</td>
<td>$1,000</td>
</tr>
<tr>
<td>Signs &amp; Multi-Family/Sub. Signs, Major</td>
<td>$500</td>
<td>$1,000</td>
</tr>
<tr>
<td>Fence, Major</td>
<td>$500</td>
<td>$1,000</td>
</tr>
</tbody>
</table>
APPLICATION FOR VARIANCE

264 W Detweiller Dr. Peoria, IL 61615
Mr. Davis Reese and Mrs. Nena Taylor-Reese
Submitted: August 11, 2016
Proposal

- Request for approval to add a two car garage on the West Side of our house that conforms to the various garages on the neighboring properties. The need for the variance is due to the topographical and other limitations of our property. The construction of a structure that conforms with the set back requirements of the existing zoning regulations would create an unnecessary hardship due to topographical limitations (significant slope in grade of applicable property) and requirement to remove mature trees on existing property that would result in degradation of foliage in neighborhood.
**Variance Application Form**

### PRODUCT INFORMATION
- Note: This sample form is for demonstration purposes only.
- A. Name: John Smith
- B. Address: 123 Main St, Anytown USA
- C. Date of Application: 01/01/2023
- D. Contact Phone: 555-1234
- E. Email: john.smith@email.com
- F. Requested Date for Hearing: 02/01/2023
- G. Proposed Use: Garage and Storage
- H. Applicant's Signature: [Signature]

### EVIDENCE OF OWNER’S PROPERTY
- A. Location: 123 Main St, Anytown USA
- B. Owner: John Smith
- C. Parcel Number: 123456789
- D. Tax ID: 123456789
- E. Zoning District: R-2
- F. Current Zoning: Residential
- G. Proposed Zoning: Industrial
- H. Date of Application: 01/01/2023
- I. Applicant’s Signature: [Signature]

### VARIANCE INFORMATION
1. A. What is the existing condition? Describe the current situation.
2. B. What is the proposed change? Explain the reason for the variance.
3. C. What is the proposed use? Provide details on the intended use.
4. D. Is the variance consistent with the applicable provisions of the Zoning Ordinance? Explain.
5. E. What is the public benefit? Justify the variance based on community benefit.

### FORWARDED TO:
- A. Department of Building Inspection
- B. Planning Division
- C. Zoning Division

### ATTACHMENTS
- A. Plan of proposed variance
- B. Letter from neighboring property owner
- C. Financial statement

### PLANNED VARIANCE APPLICATION

<table>
<thead>
<tr>
<th>Application</th>
<th>Use</th>
<th>Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Garage</td>
<td>01/01/2023</td>
<td>$5,000</td>
</tr>
<tr>
<td>B</td>
<td>Storage</td>
<td>02/01/2023</td>
<td>$7,000</td>
</tr>
</tbody>
</table>

### NEXT STEPS
- A. Submit application to the Building Inspection Department.
- B. Schedule a hearing for the variance application.
- C. Review and approve the variance application.

### SIGNATURES
- A. Applicant: John Smith
- B. Zoning Officer: [Signature]
- C. Building Inspector: [Signature]
Current View:
New Design Proposal – Garage Addition
Site Plan with Dimensions of New Addition
West View Elevation
OVER - LAY (Current - New Design)

Before

After
Considerations

- Car positioned in location of new garage
- Note electrical pole/wires

Highlights slope and mature trees

Water line and cable Markers on down slope
THANK YOU FOR YOUR CONSIDERATION!

Davis G. Reese
Nena Taylor-Reese
August 11, 2016