AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF APRIL 13, 2017 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 3032
   Hold a Public Hearing on the request of Jane Genzel of Peoria Opportunities Foundation, to obtain a variance from the City of Peoria Unified Development Code Section 4.2.4., Building Envelope Standards, to reduce the rear yard setback of a principal structure below the required 25 feet in a Class R-4 (Single-Family Residential) District, for the property located at 508 and 510 E Ravine Avenue (Parcel Identification Nos. 18-04-230-014 & 18-04-230-015), Peoria, Illinois (Council District 3).

5. CITIZENS’ OPPORTUNITY TO ADDRESS THE COMMISSION

6. ELECTION OF OFFICERS

7. 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, April 13, 2017 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: Laith Al-Khafaji, Ed Barry, Jerry Jackson, Scott Kelsey, Zachary Oyler, and Richard Russo – 6. Absent: Nathan Wagner – 1.

Staff Present: Leah Allison, Madeline Wolf

MINUTES
Commissioner Oyler moved to approve the minutes for the meeting held on March 9, 2017; seconded, by Commissioner Jackson.

The motion was approved viva voce vote 6 to 0.

REGULAR BUSINESS
CASE NO. ZBA 3030
Public Hearing on the request of Michelle Wilkins to obtain a variance from City of Peoria Unified Development Code Section 5.4.7 Fences and Walls, to increase the height of a front yard fence from 3 feet to 4 feet and 6 feet in a Class R-3 (Single-Family Residential) District for the property identified as Parcel Identification No. 09-30-481-014 with an address of 1912 W Casecreek Drive, Peoria IL. (Council District 5)

Senior Urban Planner, Leah Allison, Community Development Department, read the case into the record and presented the request. Ms. Allison provided the requested variance, petitioner justification and the Development Review Board Recommendation as outlined in the memo.

Staff’s recommendation was to DENY the variance due to lack of hardship and inability to meet all of the following criteria:
1) Reasonable Return: The subject property can continue to yield a reasonable return without the requested variance.
2) Unique Circumstances: The property does not have a unique shape, size, or topography that prevents it from complying with requirements of a fence in the front yard. The lot is level and appropriately sized. Based on the application, the requested variance is due to circumstances of convenience.
3) Character: Review of the neighborhood finds no front yard fences on Casecreek Dr or the adjacent properties. A four to six-foot tall privacy fence in the front yard would alter the established character of the neighborhood.

At the request of Commissioner Barry, Ms. Allison reviewed the Unified Development Code’s front yard fence openness requirements which did not include fence material, only the 3 feet in height requirement.

At the request of Commissioner Al-khafaji, Ms. Allison reviewed the corner side yard and front yard fence guidelines.

Chairperson Russo opened the Public Hearing at 1:12 p.m.

Michelle Wilkins, petitioner, provided a background and intent for the request. Ms. Wilkins has a kennel license and wanted to provide additional fenced in green space. Ms. Wilkins noted there were no objections from neighbors. In response to neighbors’ concerns, Ms. Wilkins preferred to provide a setback from the property line on the east and south corner of the property.

In response to Commissioner Barry’s inquiry, Ms. Wilkins noted the fence material was undecided; however, landscaping would be installed on the outside of the fence.
Chairperson Russo referred to Exhibit 1, the petition in support of Ms. Wilkins request. Chairperson Russo noted the petition language did not include the 6 feet in height side yard fence request.

Ms. Wilkins said conversations with neighbors included the discussion of the six (6) feet in height side yard fence request and there was no opposition to the request.

Commissioner Kelsey inquired if the petitioner would consider a front yard setback of ten (10) feet.

Ms. Wilkins supported a front yard setback of ten (10) feet.

Commissioner Kelsey inquired the regulations for front yard fences on a corner lot.

Commissioner Oyler inquired city staff’s opinion on the height request with a setback of twenty (20) feet.

Ms. Allison noted the setback would not change the Development Review Board recommendation or review, as the height request exceeded the allowable 3 feet in the front yard.

Commissioner Russo questioned granting the variance request with the condition to include a front yard setback.

Ms. Wilkins, in closing, thanked the commission for their time.

Chairperson Russo closed the proceedings at 1:29p.m.

Commissioner Kelsey asked the commission to consider allowing the four (4) feet in height fence request with the condition of a front yard setback of twenty (20) feet.

Commissioner Oyler said he was favorable to Kelsey’s suggestion.

Chairperson Russo read the Findings of Fact. It was determined by a 5 to 1 vote that the first criteria listed in Section 2.6.3.E. Standards for Variations was not met.

**Motion:**
Commissioner Kelsey made a motion to approve the request with the condition to provide a front yard setback of twenty (20) feet with the fence following the radius of the road and the fence materials may be approved by staff; seconded, by Commissioner Oyler.

After discussion, Commissioner Kelsey rescinded his motion.

The commission recessed for legal consultation at 1:38p.m. The meeting presumed at 1:43p.m.

Ms. Allison relayed the findings from the legal consultation with Sonni Williams, Deputy Corporation Counsel for the City of Peoria. Ms. Allison noted if the Zoning Board of Appeals chose to grant the variance without the evidence that all three criteria are true in Section 2.6.3.E., the motion would stand and the party at a loss would have the opportunity to appeal the decision through the legal appellate court process.

Chairperson Russo said he preferred not to contradict the ordinance.

Commissioner Al-khafaji made a motion to reconsider the Findings of Fact; seconded, by Commissioner Jackson.

The motion to reconsider the Findings of Fact was approved viva voce vote 5 to 1.


Nays: Barry – 1.

Chairperson Russo read the Findings of Fact.

Discussion ensued regarding the first standard: 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.
Commissioner Barry expressed concern for the lack of evidence of not yielding a reasonable return as a single-family dwelling without the variance.

Commissioner Kelsey agreed with Commissioner Barry.

Commissioner Kelsey made a motion to deny the variance; seconded by Commissioner Barry.

The requested variance was denied by roll call vote 5 to 1.
Yeas: Al-khafaji – 1.
Nays: Barry, Kelsey, Jackson, Oyler, Russo – 5.

CITIZENS' OPPORTUNITY TO ADDRESS THE COMMISSION
There was no interest from the public to provide public testimony at 1:51 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 1:51 p.m.
TO: City of Peoria Zoning Board of Appeals  
THRU: Development Review Board  
FROM: Shannon Techie, Senior Urban Planner  
DATE: June 8, 2017  
CASE NO: ZBA 3032

SUBJECT: Hold a Public Hearing on the request of Jane Genzel of Peoria Opportunities Foundation, to obtain a variance from the City of Peoria Unified Development Code Section 4.2.4., Building Envelope Standards, to reduce the rear yard setback of a principal structure below the required 25 feet in a Class R-4 (Single-Family Residential) District, for the property located at 508 and 510 E Ravine Avenue (Parcel Identification Nos. 18-04-230-014 & 18-04-230-015), Peoria, IL. (Council District 3).

PROPERTY CHARACTERISTICS
The subject property is 0.10 acres (4,500 sq. ft.) in size and zoned Class R-4 (Single Family Residential) District. It is surrounded by Class R-4 (Single Family Residential) to the north, south, east, and west.

REQUESTED VARIANCE:
The Petitioner is requesting a variance from Section 4.2.4, Building Envelope Standards of the Unified Development Code, to reduce the required rear yard setback from 25 feet to 6 feet (76% variance) for a new single-family dwelling to be constructed on the property.

The Petitioner states that the lot is too shallow, which creates a hardship for meeting the required building setback. The depth of the lot, at 50 feet, is too shallow to construct a single-family home and meet the required 25 foot rear yard setback. Relief from the current R-4 setback requirement of 25’ will allow the front of the residence to take on the character of the typical surrounding homes, with a street-facing entry and front porch.

The Petitioner and Staff agree that all three standards for variances are met, as follows:
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, as under R-4 zoning setback requirements, it is not possible to develop a new residential building on this lot. The combination of front (between 8 and 14.5 foot) setback and rear (25 foot) setback, results in an unbuildable net area of the site, as shown on the attached site plan.
2. The plight of the owner is due to unique circumstances, as the layout and orientation of this lot is unique within the East Bluff neighborhood. Most other nearby lots are significantly deeper (typically 100’ or more), as measured perpendicular to the street on which the lot fronts.
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, as the variance will allow the home built on the property to harmoniously coexist with the historic “front porch” character of the neighboring homes, with a front setback corresponding to district standards. The rear set back reduction will be compatible with the rear setback of the structure immediately adjacent to the east at 512 East Ravine, and also compatible with the side yard setback of the property on the west side of the alley at 1718 N California Avenue. If the variance is granted, this will result in similar setbacks on the south side of the properties for this entire block.
DEVELOPMENT REVIEW BOARD RECOMMENDATION
Staff's recommendation is to APPROVE the variance as requested, due to the presence of a hardship, as outlined in Appendix A, Section 2.6.4.F.
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

1 inch = 83 feet
EXISTING SITE PLAN - 508-510 EAST RAVINE AVE.

EAST BLUFF HOUSING

SCALE: 1" = 20'

FRONT YARD SETBACK (BASED ON AVG. OF NEIGHBORING PROPERTIES)

E. RAVINE AVE

BUILDABLE AREA

REAR YARD SETBACK

PROPERTY LINE, TYP.

SIDE YARD SETBACK, TYP.

ALLEY

80' (LOT)

4'-0"

72'-0"

25'-0"

17'-0"

8'-0"

4'-0"

4'-0"
EAST BLUFF HOUSING

PROPOSED SITE PLAN - 508-510 EAST RAVINE AVE.

SCALE: 1" = 20'

FRONT YARD SETBACK (BASED ON AVG. OF NEIGHBORING PROPERTIES)

5'-0" CONCRETE WALK

COVERED FRONT PORCH

SIDE YARD SETBACK, TYP.

PROPOSED ONE STORY SINGLE FAMILY HOME

PROPOSED DRIVE WITH PARKING

PROPERTY LINE, TYP.

PROPOSED BUILDABLE AREA

N 50' (LOT)

E. RAVINE AVE

80' (LOT)

N. NEW YORK AVE

ALLEY

PROPOSED REAR YARD SETBACK

SCALE: 1" = 20'