A regularly scheduled Zoning Board of Appeals Meeting was held on Thursday, December 14, 2017 at 1:00p.m., City Hall, 419 Fulton Street, Room 400, with Chairperson Richard Russo presiding and with proper notice having been posted.

ROLL CALL

The following Zoning Board of Appeals Commissioners were present: Laith Al-Khafaji Lon Lyons, Jerry Jackson, and Richard Russo – 4. Absent: Dorian LaSaine and Nathan Wagner – 2.

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

MINUTES

Commissioner Jackson moved to approve the minutes for the Zoning Board of Appeals meeting held on October 12, 2017; seconded, by Commissioner Lyons.

The motion was approved viva voce vote 4 to 0.

REGULAR BUSINESS

CASE NO. ZBA 3036

Petitioner Ari Rosenthal of Ginsberg Jacobs, LLC, on behalf of Cellco Partnership d/b/a Verizon Wireless, is requesting a reconsideration of ZBA Case 3021, 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).

It was announced that Case No. ZBA 3036 has been withdrawn by the petitioner.

Chairperson Richard Russo recused himself from Case No. ZBA 3037 as the law firm he is employed with provides legal services to the Pawprint Palace LLC. Jerry Jackson presumed as pro tem Chairperson.

CASE NO. ZBA 3037

Public Hearing on the request of Cassie Snell d/b/a Pawprint Palace LLC., to obtain a variance from the City of Peoria Unified Development Code Section 5.4.7.C. Fence Requirements, to increase the height of a side yard fence from six feet to eight feet for the property identified as Parcel Identification No. 14-05-353-003, with an address of 1623 W Pioneer Parkway, Peoria, Illinois (Council District 5).

Senior Urban Planner, Josh Naven, Community Development Department, read Case No. ZBA 3037 into the record and presented the request.

The Development Review Board recommended DENIAL of the variance due to a 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 property does not have a unique shape, size, or topography that prevents it from complying with fence height requirements. The lot is level and appropriately sized. Based on the application, the requested variance is due to circumstances of convenience and self-creation. Please recall that a hardship only exists when application of the ordinance to a particular property practically destroys the value for any permitted use.

3) Character: The proposed variance may not alter the character of the neighborhood. The area surrounding the subject property is large scale commercial and industrial development. Review of the area found some fences greater than six feet in height.
Approval of the variance request will set precedent for the next proposal that comes to the community which may not be viewed as beneficially as this proposal and would put the City of Peoria in a precarious position if it were to be denied.

1) All provided disabled spaces must comply with UDC Section 8.1.5.E.
2) The existing parking and paved access areas are unmaintained and unstriped. These areas must comply with UDC Section 8.1.5.H.
3) Bicycle Parking shall be installed pursuant to UDC Section 8.1.6. – Bike Parking Table.
4) The current site landscaping configuration does not appear to meet the point requirements (UDC Section 8.2.6. & 7.) or minimum planting standards (UDC Section 8.2.13.D). A compliant Landscape Plan must be submitted and reviewed for approval per UDC Section 8.2. and implemented on the site.
5) All rooftop and ground mounted mechanical units must be screened pursuant to City Code Chapter 5, Section 601.2.
6) Any refuse dumpsters must be screened pursuant to City Code Chapter 13, Section 40.b.

Pro tem Chairperson Jackson opened the Public Hearing.

John Kunzski, a citizen speaking in favor of Camp Bow Wow, said there was no opposition from surrounding property owners regarding the request and distributed petitions in favor of the request to the commission. Mr. Kunzski said the proposed eight (8) feet in height fence would not be visible from the public right-of-way. Mr. Kunzski said the request was to adhere to the national franchise requirements and for liability and public safety reasons.

Cassie Snell, representing Camp Bow Wow, reiterated the eight (8) feet in height fence would alleviate safety concerns of the potential canines jumping over a six (6) feet in height fence. Ms. Snell said future business may suffer if an animal escaped from the allowed six (6) feet in height fence. Ms. Snell noted there were no objections from neighboring property owners.

In response to Commissioner Al-khafaji’s inquiry, Ms. Snell said they would not lose the franchise license if denied the eight (8) feet in height fence request but may lose the outdoor capability, which was a preferred feature for clients. Ms. Snell presented a letter of support from April Hammer, owner/manager of Play All Day Doggie Daycare located in East Peoria, Illinois, to the commission. In response to Commissioner Al-khafaji’s follow up question, Ms. Snell said the need for an eight (8) feet in height fence request was based upon experience of animals jumping over six (6) feet in height fences.

In response to Commissioner Lyons inquiry regarding eight (8) feet in height fences in the surrounding area, Mr. Naven noted the eight (8) feet in height fences are permitted in Industrial Districts and located on the surrounding properties zoned Industrial. Mr. Naven said following the zoning requirements would not prohibit the petitioner from operating the business.

Rodger Sparks, an interested citizen and disabled rights activist, commented on his experience with a dog that jumped over a six (6) feet in height fence. Mr. Sparks expressed concern of the commission inaccurately following Robert’s Rules of Order.

With no further interest from the public to provide public testimony, pro tem Chairperson Jackson closed the Public Hearing at approximately 1:23p.m.

Discussion:
Pro tem Chairperson Jackson read the Findings of Fact, Sections 2.6.3.E. Standards for Variations. It was determined by the commission that all three criteria were found to be true.

Motion:
Commissioner Al-khafaji made a motion to APPROVE the request including the six (6) conditions requested by staff; seconded by Commissioner Lyons.
The motion was APPROVED viva voce vote 3 to 0 with 1 abstention.
Yea: Al-khafaji, Lyons, Jackson - 3.
Nay: None.
Abstention: Russo - 1.

Richard Russo presumed as Chairperson.

**CASE NO. ZBA 3038**
Public Hearing on the request of Michael Cook of Cook Rentals to obtain a variance from the City of Peoria Unified Development Code Section 4.3.4 CN and CG District Building Envelope Standards, to eliminate: 1) maximum building setback of 80 feet, and 2) minimum building facade of 60% along the primary street frontage, to allow for a building setback of 112 feet for the property located at 1910 NE Jefferson Avenue (Parcel Identification No. 18-03-276-035), Peoria, Illinois (Council District 1).

Senior Urban Planner, Leah Allison, Community Development Department, read Case No. ZBA 3038 into the record and presented the request.

The Development Review Board recommended APPROVAL of the requested variances subject to the following conditions:

1) Exterior façade improvements to existing buildings to match the new building.
2) Replace gravel surface located in the parking/loading area with hard surface per Section 8.1.5 of the Unified Development Code.
3) Install new 6-foot tall solid fence to replace chain link along alley.
4) Provide a landscape plan for the installation of shrubs along the frontage of Abington Street.
5) Participate in the City sidewalk program to install a new sidewalk along Abington Street.
6) Restripe handicap accessible parking space to provide 5 feet wide access aisle and provide required signage per State of IL and Section 8.1.5 of the Unified Development Code.
7) Architectural construction documents sealed and signed by a licensed Illinois Design Professional must be submitted with the building permit application prior to construction of the building.

Commissioner Al-khafaji requested staff speak to the second variation standard being met. Ms. Allison responded that the property has existing buildings which do not meet setback requirements. Placing a new building at the required setback may interfere with the use and access of the property.

Chairperson Russo opened the Public Hearing at 1:37 p.m.

Brad Cook, petitioner, said the required front yard setback would not provide the desired truck access to the buildings on the property. Mr. Cook said he agreed to staff conditions.

With no further interest from the public to provide public testimony, pro tem Chairperson Jackson closed the Public Hearing at 1.41 p.m.

**Discussion:**
Chairperson Russo read the Findings of Fact, Sections 2.6.3.E Standards for Variations. It was determined by the commission that all three criteria were found to be true.

**Motion:**
Commissioner Jackson made a motion to approve the request. There was no second. The motion failed.

**Motion:**
Commissioner Al-khafaji made a motion to approve the request including staff’s conditions; seconded, by Commissioner Lyons.

The motion was APPROVED by roll call vote 4 to 0.
Nays: None.

**CITIZENS’ OPPORTUNITY TO ADDRESS THE COMMISSION**

There was no interest from the public to address the Zoning Board of Appeals at 1:45 p.m.

**ADJOURNMENT**

Commissioner Lyons moved to adjourn the Zoning Board of Appeals Meeting; seconded by Commissioner Al-khafaji.

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

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

Madeline Wolf, Development Technician
November 28, 2017

To Whom It May Concern:

Play All Day opened its doors in 2011, providing dog daycare and boarding services. We have been leaders in dog daycare in the Peoria area and pride ourselves on the services we provide and our safety record. The mission of Play All Day is to provide a fun, safe, and enriching environment for the dogs in our care. While we take all parts of our mission seriously, safety has been and continues to be our top priority.

We are excited to hear that Camp Bow Wow will be offering services to Peoria as well. Camp Bow Wow is a well-run and respected franchise. And while they may be considered “competition”, I know that there is plenty of business for us all. Play All Day supports well-run daycares who share our philosophy of safety first. This is why, when asked by Miss Snell, I did not hesitate to offer my opinion on fencing heights in dog daycare facilities.

In the world of dog daycare, we live by one basic rule when it comes to safety. “If you can imagine a dog doing something, they can and eventually will do it.” It is hard to believe a dog can scale or jump a 6 foot wooden fence, but they can. Our facility has 8 foot fences around our outdoor play yards. This is a standard height and the minimum height that should be considered for safe fencing. In between our three outdoor play yards, we have 5.5 foot fences and we have dogs jump over those (without much effort).

So, as you consider the variance for fencing heights, for Camp Bow Wow, I strongly urge you to allow for 8 foot fencing. Pioneer Parkway is a busy road and a loose dog (from jumping a low fence) would be tragic. Miss Snell has the good sense to know what is best for her business and I do feel it is a reasonable request for a safe environment for the dogs in her care.

Sincerely,

April Hammer

Owner/Manager, Play All Day Doggie Daycare
Dear Neighbor,

My name is Cassie Snell, and I am the owner of Camp Bow Wow. CBW is the new business opening at 1623 W Pioneer Parkway. Our main priority is to provide a safe and happy place for dogs. To do so, we must make sure all of our equipment, including fencing, meets certain requirements to ensure the dogs cannot escape.

Our zoning district, C-2, only allows for a 6ft fence. It is known that a 6ft fence is not tall enough to keep some dogs from jumping over and escaping. With our business being on such a main roadway, this poses great risk to the safety of our animals. Another added benefit of a taller fence is that it will help reduce the noise levels. We have applied for a zoning variance from the city to allow for an 8ft fence, but it would be incredibly helpful to know that we have your support.

Please consider signing below as evidence to the city that you support the request for an 8ft fence around the outdoor play areas at 1623 W Pioneer Parkway, Peoria, IL 61615.

Thank you,

Cassie Snell
Owner
Camp Bow Wow Peoria, IL
309-370-7367
Cassie.snell@campbowwow.com
Area of Proposed Fence Line
Dear Neighbor,

My name is Cassie Snell, and I am the owner of Camp Bow Wow. CBW is the new business opening at 1623 W Pioneer Parkway. Our main priority is to provide a safe and happy place for dogs. To do so, we must make sure all of our equipment, including fencing, meets certain requirements to ensure the dogs cannot escape.

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Please consider signing below as evidence to the city that you support the request for an 8ft fence around the outdoor play areas at 1623 W Pioneer Parkway, Peoria, IL 61615.

Signature
Finance Manager
Title
Date

Thank you,

Cassie Snell
Owner
Camp Bow Wow Peoria, IL
309-370-7367
Cassie.snell@campbowwow.com
Dear Neighbor,

My name is Cassie Snell, and I am the owner of Camp Bow Wow. CBW is the new business opening at 1623 W Pioneer Parkway. Our main priority is to provide a safe and happy place for dogs. To do so, we must make sure all of our equipment, including fencing, meets certain requirements to ensure the dogs cannot escape.

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[Signature]

Title

11/28/17

Date

Thank you,

Cassie Snell
Owner
Camp Bow Wow Peoria, IL
309-370-7367
Cassie.snell@campbowwow.com
Dear Neighbor,

My name is Cassie Snell, and I am the owner of Camp Bow Wow. CBW is the new business opening at 1623 W Pioneer Parkway. Our main priority is to provide a safe and happy place for dogs. To do so, we must make sure all of our equipment, including fencing, meets certain requirements to ensure the dogs cannot escape.

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Signature: [signature]
Title: [title]
Date: [date]

Thank you,

Cassie Snell
Owner
Camp Bow Wow Peoria, IL
309-370-7367
Cassie.snell@campbowwow.com
Area of Proposed Fence Line
Dear Neighbor,

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Signature

[Signature]

Title

[Title]

Date

11-28-17

Thank you,

Cassie Snell
Owner
Camp Bow Wow Peoria, IL
309-370-7367
Cassie.snell@campbowwow.com
Area of Proposed Fence Line
Dear Neighbor,

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Please consider signing below as evidence to the city that you support the request for an 8ft fence around the outdoor play areas at 1623 W Pioneer Parkway, Peoria, IL 61615.

Signature

MANAGER

Title

Date

Thank you,

Cassie Snell
Owner
Camp Bow Wow Peoria, IL
309-370-7367
Cassie.snell@campbowwow.com
Area of Proposed Fence Line
Dear Neighbor,

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Please consider signing below as evidence to the city that you support the request for an 8ft fence around the outdoor play areas at 1623 W Pioneer Parkway, Peoria, IL 61615.

[Signature]

Cassie Snell
Owner
Camp Bow Wow Peoria, IL
309-370-7367
Cassie.snell@campbowwow.com
Dear Neighbor,

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Please consider signing below as evidence to the city that you support the request for an 8ft fence around the outdoor play areas at 1623 W Pioneer Parkway, Peoria, IL 61615.

[Signature]

Managing Partner
Title

Date

Thank you,

Cassie Snell
Owner
Camp Bow Wow Peoria, IL
309-370-7367
Cassie.snell@campbowwow.com
Area of Proposed Fence Line
Dear Neighbor,

My name is Cassie Snell, and I am the owner of Camp Bow Wow. CBW is the new business opening at 1623 W Pioneer Parkway. Our main priority is to provide a safe and happy place for dogs. To do so, we must make sure all of our equipment, including fencing, meets certain requirements to ensure the dogs cannot escape.

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Please consider signing below as evidence to the city that you support the request for an 8ft fence around the outdoor play areas at 1623 W Pioneer Parkway, Peoria, IL 61615.

Brad Ross
Signature
Manager @ Central Pool
Title
11-28-2017
Date

Thank you,

Cassie Snell
Owner
Camp Bow Wow Peoria, IL
309-370-7367
Cassie.snell@campbowwow.com
Area of Proposed Fence Line