A regularly scheduled Zoning Board of Appeals Meeting was held on Thursday, March 8, 2018 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, Richard Russo, and Dorian LaSaine – 5. Absent: Nathan Wagner – 1.

Staff Present: Shannon Techie

**MINUTES**

Commissioner Al-Khafaji moved to approve the minutes for the Zoning Board of Appeals meeting held on December 14, 2017; seconded by Commissioner Jackson.

The motion was approved viva voce vote 5 to 0.

**REGULAR BUSINESS**

**CASE NO. ZBA 3039**

Hold a Public Hearing on the request of Oliver Owen of Family Video, to obtain a variance from the City of Peoria Unified Development Code, Section 8.4.4.A., Outdoor Display, to allow the placement of an ice and water vending machine in front of a window and extending more than 8 feet from the building façade, for the property located at 708 W Glen Avenue (Parcel Identification Number 14-20-427-034) and 4823 N Sheridan Road (Parcel Identification Number 14-20-427-015), Peoria, Illinois. (Council District 3).

Commissioner Lyons recused himself from Case No. ZBA 3039 as his employer does business with an affiliate of petitioner.

Senior Urban Planner, Shannon Techie, Community Development Department, read Case No. ZBA 3039 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. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations. The Development Review Board thinks that the property can yield a reasonable return if used only under the conditions allowed by the regulations. The code allows for vending machines, with specific parameters as noted in Section 8.4.4.A. In this instance, staff feels the size of the vending machine could be reduced to then adhere to Unified Development Code requirements, as there are blank lengths of wall between windows, in which a smaller machine could fit. See attached photos
2. The plight of the owner is due to unique circumstances. The plight of the owner may be due to some unique circumstances, due to the placement and design of the existing building on the site; however, it does not prevent the placement of a vending machine that adheres to Code requirements.
3. The variation if granted will not alter the essential character of the locality of be injurious to the public or other property or properties. A vending machine, in general, will not alter the essential character of the locality; however, a machine of this size, placed away from the façade of the building, will alter the character of the site.

Staff noted that any hardship is self-created, due to the size of the proposed machine.

Chairperson Russo opened the Public Hearing.
Oliver Owen, representing Family Video, provided an overview of the proposed machines, explained how they would help his business, and provided the differences in revenue generated based on the type and size of the machine. Mr. Owen noted that the proposed machine is similar to an ATM machine.

Mike Frost, representing Ice House of America, explained the proposed machines in more detail. He noted that the proposed machine is a total purification system, which is why the machines are larger in size. He noted that there are currently 49 of these machines at various Family Video locations. Mr. Frost explained that the machines operate 24 hours.

With no further interest from the public to provide public testimony, Chairperson Russo closed the Public Hearing at approximately 1:23 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 criteria 1 was found to be false and criteria 2 and 3 were found to be true.

Motion:
Commissioner Al-Khafaji made a motion to DENY the request; seconded by Commissioner Jackson.

The motion was APPROVED viva voce vote 4 to 0 with 1 abstention.
Nays: None.
Abstention: Lyons – 1.

CASE NO. ZBA 3040
Hold a Public Hearing on the request of Oliver Owen of Family Video, to obtain a variance from the City of Peoria Unified Development Code, Section 8.4.4.A., Outdoor Display, to allow the placement of an ice and water vending machine in front of a window and extending more than 8 feet from the building façade, in a Class C-G (General Commercial) District, for the property located at 3615 N Wisconsin Avenue (Parcel Identification Number 14-28-427-036) and 610 E War Memorial Drive (Parcel Identification Number 14-28-427-035) Peoria, Illinois. (Council District 3).

Commissioner Lyons recused himself from Case No. ZBA 3040 as his employer does business with an affiliate of petitioner.

Senior Urban Planner, Shannon Tachie, Community Development Department, read Case No. ZBA 3040 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. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations. The Development Review Board thinks that the property can yield a reasonable return if used only under the conditions allowed by the regulations. The code allows for vending machines, with specific parameters as noted in Section 8.4.4.A. In this instance, staff feels the size of the vending machine could be reduced to then adhere to Unified Development Code requirements, as there are blank lengths of wall between windows, in which a smaller machine could fit. See attached photos

2. The plight of the owner is due to unique circumstances. The plight of the owner may be due to some unique circumstances, due to the placement and design of the existing building on the site; however, it does not prevent the placement of a vending machine that adheres to Code requirements.

3. The variation if granted will not alter the essential character of the locality of be injurious to the public or other property or properties. A vending machine, in general, will not alter the essential character of
the locality; however, a machine of this size, placed away from the façade of the building, will alter the
class appearance of the site.

Staff noted that any hardship is self-created, due to the size of the proposed machine.

Chairperson Russo opened the Public Hearing.

Oliver Owen, representing Family Video, explained the proposed investment Family Video will make to install
and operate the machine on the site. He noted that they will hire an employee to manage the machine.

Mike Frost, representing Ice House of America, explained that they could do two smaller machines; however,
the smaller machine will run out of ice much quicker than the larger machine.

With no further interest from the public to provide public testimony, Chairperson Russo closed the Public
Hearing at approximately 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 criteria 1 was found to be false and criteria 2 and 3 were found to be true.

Motion:
Commissioner Al-Khafaji made a motion to DENY the request; seconded by Commissioner Jackson.

The motion was APPROVED viva voce vote 4 to 0 with 1 abstention.
Nays: None.
Abstention: Lyons – 1.

CITIZENS’ OPPORTUNITY TO ADDRESS THE COMMISSION
There was no interest from the public to address the Zoning Board of Appeals at 1:45p.m.

Chairperson Russo requested that the appointment of officers be included on the next ZBA agenda, as there is
not currently a vice chairperson.

ADJOURNMENT
Commissioner Al-Khafaji moved to adjourn the Zoning Board of Appeals Meeting; seconded by Commissioner
LaSaine.

The motion was approved unanimously viva voce vote 5 to 0.

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

Shannon Techie, Senior Urban Planner