AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF DECEMBER 13, 2018 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 3055
   Public Hearing upon the request of Jose Gomez and Cesar Gomez to obtain a variance from Section 4.3.4.1.1 Windows and Doors, of the City of Peoria Unified Development Code, to reduce the ground story fenestration of the Jefferson Street frontage from 115 sq ft to 86.25 sq ft and the Morgan Street frontage from 391 sq ft to 77.25 sq ft, and to allow a blank wall greater than 20 feet, for the property located at 823 NE Jefferson Avenue (Parcel Identification No. 18-03-354-018), Peoria, IL (Council District 1)

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, December 13, 2018 at 1:04 p.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: Doug Draeger, Jerry Jackson, Laith Al-Khafaji, and Richard Russo – 4. Absent: Dorian LaSaine and Lon Lyons – 2.

Staff Present: Leah Allison

**MINUTES**

Commissioner LaSaine moved to approve the minutes for the Zoning Board of Appeals meeting held on November 8, 2018; seconded, by Commissioner Jackson.

The motion was approved viva voce vote 4 to 0.

**SWEARING IN OF SPEAKERS**

Speakers were sworn in by Staff Member Megan Nguyen

**REGULAR BUSINESS**

**CASE NO. ZBA 3055**

Public Hearing on the request of Jose Gomez and Cesar Gomez to obtain a variance from Section 4.3.4.1.1 Windows and Doors, of the City of Peoria Unified Development Code, to reduce the ground story fenestration of the Jefferson Street frontage from 115 sq ft to 86.25 sq ft and the Morgan Street frontage from 391 sq ft to 77.25 sq ft, and to allow a blank wall greater than 20 feet, for the property located at 823 NE Jefferson Street (Parcel Identification No. 18-03-354-018), Peoria, IL (Council District 1)

Senior Urban Planner, Leah Allison, Community Development Department, read Case No. ZBA 3055 into the record and presented the request.

Staff’s recommendation is to DENY the variance due to 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 in that zoning district.

   Staff: Denial of the variance will require fenestration to be restored. The subject property can continue to yield a reasonable return without the requested variance.

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

   Staff: The circumstances which caused the need for a variance are not unique.

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.

   Staff: Review of the neighborhood finds a mix of uses and building types, including varying amounts of fenestration. The neighborhood is walkable with sidewalk connectivity to commercial, residential, places of worship and other destinations. Fenestration influences the social character of public spaces. Fenestration affects how welcoming the building is and whether it participates with other buildings in creating a visual harmony. Fenestration can also help to inhibit crime with more visibility from inside a building to outside and the reverse. For these reasons, the variance, if granted, may alter the character of this walkable, diverse neighborhood.

Chairperson Russo opened the Public Hearing at 1:18 p.m.
Luis Gomez, representing the petitioner, stated the variance was need for safety and prevention of vandalism. He stated that the furnace vent was located where a window was previously, and would require extensive work to relocate. The windows have been removed entirely, not just covered.

With no further interest from the public to provide public testimony, Chairperson Russo closed the Public Hearing at approximately 1:26 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 false, and 2 and 3 were found to be true.

**Motion:**
Commissioner Jackson moved to approve the request. After discussion Commissioner Jackson withdrew the motion.

Commissioner Draeger moved to deny, seconded by Chairman Russo.

- The motion FAILED by roll call vote 2 to 2.
- Nays: Al-Khafaji and Jackson – 2.

A recess was called at 1:37 pm. The meeting resumed at 1:40 pm.

Corporation Counsel Chrissie Peterson answered questions from the Commission regarding procedures when the vote results in a tie.

Commissioner Draeger moved to reconsider the Findings of Fact, seconded by Commissioner Jackson.

- The motion was APPROVED by viva voce vote 3 to 1.
- Yeas: Draeger, Jackson, and Al-Khafaji– 3.
- Nays: Russo – 1.

**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 false, and 2 and 3 were found to be true.

**Motion:**
Commissioner Draeger moved to deny, seconded by Commissioner Al-Khafaji.

- The motion FAILED by roll call vote 2 to 2.
- Nays: Al-Khafaji and Jackson – 2.

Due to the deadlock, the case will be considered at the regular January meeting of the Zoning Board of Appeals.

**CITIZENS’ OPPORTUNITY TO ADDRESS THE COMMISSION**
There was no interest from the public to address the Zoning Board of Appeals at 1:55 p.m.

**ADJOURNMENT**
Commissioner Jackson 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 1:55p.m.

____________________________
Leah Allison
Senior Urban Planner
TO: City of Peoria Zoning Board of Appeals

FROM: Development Review Board (Prepared by Leah Allison)

DATE: January 10, 2019

CASE NO: ZBA 3055

SUBJECT: Public Hearing on the request of Jose Gomez and Cesar Gomez to obtain a variance from Section 4.3.4.I.1 Windows and Doors, of the City of Peoria Unified Development Code, to reduce the ground story fenestration of the Jefferson Street frontage from 115 sq ft to 86.25 sq ft and the Morgan Street frontage from 391 sq ft to 77.25 sq ft, and to allow a blank wall greater than 20 feet, for the property located at 823 NE Jefferson Street (Parcel Identification No. 18-03-354-018), Peoria, IL (Council District 1)

PROPERTY CHARACTERISTICS
The subject property is 0.06 acre (2,614 sq. ft.) in size and zoned Class C-G (General Commercial) District. It is surrounded by Class R-6 (Multi-Family Residential) to the north, west, and east, and C-G (General Commercial) to the south. The property was developed prior to 1930 with a neighborhood store and a residence on the second floor.

REQUESTED VARIANCE:
The Petitioner is requesting a variance from Section 4.3.4.I.1 Windows and Doors of the Unified Development Code to reduce the ground story fenestration.

Prior to renovations, the building included five windows along the Morgan St frontage totaling 56 sq. ft. These windows have been removed. The larger window on Morgan St has been reduced in size for a loss of 16 sq. ft. Total fenestration loss on Morgan St is 72 sq. ft. with 77.25 sq. ft. remaining. The large front window on Jefferson St has been reduced in size for a loss of 30 sq. ft. with 86.25 sq. ft. of fenestration remaining.

The table below provides a summary:

<table>
<thead>
<tr>
<th>Frontage</th>
<th>Wall Size (Ground Story)</th>
<th>40% Required Fenestration</th>
<th>Window Size Prior to Renovations</th>
<th>Window Reduction</th>
<th>Variance Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jefferson St</td>
<td>287.5 sq. ft.</td>
<td>115 sq. ft.</td>
<td>116 sq. ft.</td>
<td>30 sq. ft.</td>
<td>86.25 sq. ft. (30%)</td>
</tr>
<tr>
<td>Morgan St</td>
<td>977.5 sq. ft.</td>
<td>391 sq. ft.</td>
<td>149.25 sq. ft.</td>
<td>72 sq. ft.</td>
<td>77.25 sq. ft. (7.9%)</td>
</tr>
</tbody>
</table>

The Petitioner states that the changes in fenestration were made to accommodate the interior alterations and to provide a secure and safe building due to a history of vandalism.

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) 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.
   Staff: Denial of the variance will require fenestration to be restored. The subject property can continue to yield a reasonable return without the requested variance.

2) The plight of the owner is due to unique circumstances.
   Staff: The circumstances which caused the need for a variance are not unique.
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.

Staff: Review of the neighborhood finds a mix of uses and building types, including varying amounts of fenestration. The neighborhood is walkable with sidewalk connectivity to commercial, residential, places of worship and other destinations. Fenestration influences the social character of public spaces. Fenestration affects how welcoming the building is and whether it participates with other buildings in creating a visual harmony. Fenestration can also help to inhibit crime with more visibility from inside a building to outside and the reverse. For these reasons, the variance, if granted, may alter the character of this walkable, diverse neighborhood.
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

Map Scale
1 inch = 100 feet
11/27/2018
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

Map Scale
1 inch = 21 feet
11/27/2018
1. PROPERTY INFORMATION
a) Address: 823 NE. JEFFERSON AV.

b) Tax ID Number(s): 18-03-354-018

c) Parcel Area (acres or square feet): 0.06 ac

d) Current Zoning District: CG

e) Current Property Use: VACANT Restaurant.

2. OWNER INFORMATION – REQUIRED

<table>
<thead>
<tr>
<th>Name</th>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jose L Gomez + Cesar Gomez</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address, City, State, ZIP+4</th>
<th>(309) 472-8716</th>
</tr>
</thead>
<tbody>
<tr>
<td>1719 S. WEST LN. Peoria, IL 61605</td>
<td></td>
</tr>
</tbody>
</table>

Signature of Owner(s) & Date

3. APPLICANT INFORMATION – engineer, architect, attorney or other, if applicable

<table>
<thead>
<tr>
<th>Name</th>
<th>Company</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Address, City, State, ZIP+4</th>
<th>Phone</th>
<th>Fax</th>
<th>Email</th>
</tr>
</thead>
</table>

Signature of Applicant & Date

Applicant’s Interest in Property:
- Contractor
- Contract Purchaser
- Other

Send Correspondence To: Select one entity to receive all correspondence. E-mail will be used for all correspondence unless otherwise requested.
- Owner
- Applicant
- Representative of Applicant
4. VARIANCE INFORMATION

a) Variance being requested: reduce window openings on two sides of existing building

b) From what section of the zoning ordinance is a variance being requested? 4.3.4.T.I.

c) 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
- Too shallow
- Shape
- Other: Alterations to interior security and surroundings


d) What is your hardship? Please be specific.

Front window reduced to allow for change to restaurant interior door

History of vandalism

Want building secured


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 Unified Development Ordinance?

Yes [ ] No [ ]

Please elaborate: Intent is to improve. Long use to vacant building. Have secure place for customers.

5. FILING FEE (MUST ACCOMPANY APPLICATION)

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

$750.00 minimum plus $100 per acre to a maximum of $7500.00

Per Unified Development Code Article 2.14 - Fees Table:

6. REQUIRED SITE PLANS

One copy of the site plan and one on a compact disc or appropriate digital media.
7. FINDINGS OF FACT WORKSHEET

Please select true or false for the following three questions:

Sections 2.6.3.E. Standards for Variations
No variations from the regulations of this 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.

   ✔ True    ❌ False

Explanation: Change to current conditions will delay opening. Restaurant is ready. Strong concern for safety/security if windows opened.

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.

   ✔ True    ❌ False

Explanation: Front window reduced for interior alteration for restaurant door. Windows front reduced due to people kicking in. One side window last few years. Problem now with loitering and vandalism. Not on active side of the street to prevent vandalism.

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.

   ✔ True    ❌ False

Explanation: Intent is to have secure building for business and customers. Other properties across street do not have a lot of window openings.

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.
8. APPLICATION/MEETING PROCEDURES

A) The Zoning Board of Appeals has regularly scheduled meetings the second Thursday of each month at the City Hall Building, Room 400, 419 Fulton Street, Peoria, Illinois.

B) The deadline for submitting applications for regularly scheduled Zoning Board of Appeals meetings is twenty-eight (28) days prior to the meeting.

C) The Zoning Administrator must certify that an application for a public hearing is complete (completely filled out, received by the filing deadline, and accompanied by a compact disc or appropriate digital media of the site plan, including digital versions of the application and other attachments as required, including the filing fee) to be processed and scheduled for the next regularly scheduled meeting. **Incomplete applications will be returned.**

D) The applicant or applicant's representative will receive notice of the date and time of the public hearing. At least fifteen days prior to the hearing, the Community Development Department will mail notices of the hearing to the owners of all property within 250 feet of the subject property.

E) The format for each public hearing is:
   - Chairperson proceeds with swearing-in procedures.
   - Chairperson announces the case.
   - Staff enters case into the record.
     - Staff presents the case.
     - Staff answers questions from the Commission.
   - Petitioner presents case and answers questions from the Commission.
   - Chairperson opens the meeting to the public.
   - Public comments – Chairperson may ask for response/input from Staff and Petitioner.
   - Petitioner presents closing statements.
   - Public testimony is closed. (No further public comment)
   - Commission deliberates and may consult Staff.
   - Commission prepares findings, if applicable.
   - Commission votes.

F) Application and inquiries should be submitted to:

   Zoning Administrator  
   City of Peoria Development Center  
   419 Fulton Street, Room 300  
   Peoria, Illinois 61602-1217  

   Phone: (309) 494-8600  
   Fax: (309) 494-8680
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Front view to Jefferson

side view along Morgan