A regularly scheduled Zoning Board of Appeals Meeting was held on Thursday, November 8, 2018 at 1:23 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: Richard Russo, Laith Al-Khafaji, Douglas

Staff Present: Kerilyn Gallagher, Trina Bonds

MINUTES
Commissioner LaSaine moved to approve the minutes for the meeting held on October 11, 2018; seconded by
Commissioner Draeger. The motion was approved viva voce vote 4 to 0.

REGULAR BUSINESS
CASE NO. ZBA 3052
Public Hearing on the request of Bradford Zevnik to obtain a variance from Sections 8.1.5.F Access/Driveways
and 8.1.7 Parking of Vehicles in Residential Districts, of the City of Peoria Unified Development Code, for a
driveway expansion in the front yard of the property located at 5512 N Western Avenue (Parcel Identification
No. 14-17-353-016), Peoria IL (Council District 4)

Urban Planner. Kerilyn Gallagher, Community Development Department, read the case into the record,
presented property characteristics, and discussed the requested variance from the Unified Development Code.
Ms. Gallagher provided 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 is uniform in shape and adequately sized and found to be
consistent with the surrounding neighborhood. The slope of the property is flat. Therefore, the
circumstances for this variance are not unique.
3) Character: Numerous driveways in the immediate neighborhood have been widened but most in a
manner which are not compliant with the Unified Development Code. The current zoning regulations
for driveways were adopted in 2010. Prior to 2010, the width of a driveway was limited to the width
of the garage with no allowance for a driveway extension.

Chairperson Russo opened the Public Hearing at 1:34 p.m.

Bradford Zevnik, petitioner, provided a background and reason for the request. Mr. Zevnik attested to
damage to vehicles parked in the street and stated the goal is to get his car off the street. Mr. Zevnik noted
there are similar driveway extensions in the neighborhood. Mr. Zevnik indicated the driveway extension was
completed without knowledge of the Unified Development Code requirements. Mr. Zevnik submitted into the
case record pre and post photographs of the driveway extension. In response to hardship, Mr. Zevnik
identified slope to the right side of the driveway. The request is made to improve the property and Mr.
Zevnik has heard only compliments on the alteration.

In response to Commissioner LaSaine’s inquiry, Mr. Zevnik stated the contractor was responsible for attaining
any required permit.

In response to Commissioner Al-Khafaji, Mr. Zevnik responded to standards one and two for a variance.

Ms. Gallagher clarified for Commissioner LaSaine, no building permit was required for this scope, only permit
from Public Works Department for alterations made in the right of way.
With no further interest from the public to provide testimony, Chairperson Russo closed the Public Hearing at approximately 1:43 p.m.

**Discussion:**
Commissioner Draeger suggested the commission find the first standard is met due to a history of damage to vehicles parked in the street.

Chairperson Russo read the Findings of Fact, Section 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 variance; seconded by Commissioner LaSaine.

The motion was APPROVED by roll call vote.

Yeas: Russo, Al-Khafaji, Draeger, LaSaine - 4.
Nays: None - 0.

**CASE NO. ZBA 3053**
Public Hearing on the request of Sean Rennau to obtain a variance from the City of Peoria Unified Development Code, Section 5.4.2 Residential Accessory Structures and Storage Buildings, to increase the maximum height from 14 feet to 46 feet for the construction of an accessory storage building, for the property located at 1808 W. Moss Avenue (Parcel Identification No. 18-08-156-002), Peoria IL (Council District 2).

Urban Planner, Kerilyn Gallagher, Community Development Department, read the case into the record, presented property characteristics, and explained the Historic Preservation Commission will review the design of the proposed improvements. Ms. Gallagher noted the petitioner revised the request, just prior to the hearing, and submitted revised elevations. The elevations reduced the chimney height to 3 feet above the roofline of the accessory structure. Ms. Gallagher discussed the requested variance from the Unified Development Code and provided the Development Review Board recommendation as outlined in the memo.

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 continue to yield a reasonable return without the requested variance.
2) Unique Circumstances: The property does have a significant slope in the rear yard which creates a unique characteristic.
3) Character: Review of the neighborhood finds other accessory storage structures located in the rear yard but none built to a height near 46 feet. Such a structure may alter the established character of the neighborhood. However, the structure will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

At the request of Commissioner Draeger, Ms. Gallagher reviewed the definition for building height according to the Unified Development Ordinance as it relates to the height of the proposed accessory structure. Ms. Gallagher agreed the height is measured from the entrance of the garage to the highest point of the structure. Ms. Gallagher discussed the alternative definition for building height for structures with pitched roofs.

In response to Commissioner Al-Khafaji and Commissioner Draeger, Ms. Gallagher clarified the petitioner’s revised request is to increase the height from 14 feet to 40 feet, as measured based on the bottom exhibit of the revised elevations, submitted the day of the hearing.

At the request of Commissioner Draeger, Ms. Gallagher explained the front of the building is the side facing Martin Luther King Jr. Drive.

Chairperson Russo opened the Public Hearing at 2:01 p.m.
Michael Seghetti, legal representation for the property owner, provided background and reason for the request. Mr. Seghetti discussed each standard for variation including the facts to consider from Section 2.6.3.E. Number one, contemporary standards of living cannot be met without the variance. Number two, hardship is due to slope and width of lot. Number three is met by the location and presence of another accessory structure of similar height.

In response to Commissioner LaSaine, Mr. Seghetti explained the proposed structure would be visible from Martin Luther King Jr. Drive.

In response to Commissioner Al-Khafaji, Mr. Seghetti attested the size of the structure is needed to retain design compatibility with the principal structure and historic district.

In response to Commissioner LaSaine, Mr. Sean Rennau, the petitioner, explained the chimney is functional and designed to building code standards. Mr. Rennau explained the use of the accessory structure.

In response to Commissioner Draeger, Mr. Rennau confirmed the design of the structure is bi-level and submitted for the case record a photograph of an existing bi-level structure along Martin Luther King Jr. Drive. Mr. Rennau explained the uses of each level.

In response to Commissioner Al-Khafaji, Mr. Rennau attested he met on site with the adjacent property owner to the southwest to discuss the request. Due to slope and proposed landscaping, the proposed structure would be barely visible from the principal structure on the neighboring property.

In response to Chairperson Russo, Mr. Rennau confirmed the height of the chimney relative to the roof and explained the roofline is meant to match the principal structure.

In response to Commissioner Draeger, Mr. Seghetti stated it was recently discussed to separate the levels of the structure. Mr. Rennau added the separate structures would increase construction costs.

Mr. Aaron Amstutz, owner of property at 1812 W. Moss, attested to no opposition to the request. Mr. Amstutz preferred one structure because it could be furthest from his principal structure. Mr. Amstutz did not have concerns on security.

Ms. Gallagher noted two structures may be a concern to the Historic Preservation Commission and a request to vary from the height standard would still be required.

In response to Chairman Russo, Ms. Gallagher stated staff finds standard one could be met with a design for a garage that is closer to the maximum height standard and no specific height is suggested.

In response to Commissioner Draeger, Ms. Gallagher stated staff would encourage the commission to consider the facts presented instead of requesting deferral to the Historic Preservation Commission.

Mr. Seghetti, explained the height is driven by the intent to be compatible with the principle dwelling in a historic district, and in response to Chairperson Russo, a lower height would be incompatible.

In response to Commissioner LaSaine, Mr. Seghetti explained standard one, reasonable return, is met based on need for contemporary standards of living.

Discussion:
Commissioner Draeger stated the standard maximum height of 14 feet for a storage building is adequate for the petitioner to gain the desired storage and reasonable use of the property.

Commissioner Al-Khafaji finds the request meets all three standards based on slope of the property and that the design of a storage building must be compatible with the historic district.

Chairperson Russo read the Findings of Fact, Section 2.6.3.E Standards for Variations. It was determined by the commission that all three criteria were found to be true.
Motion:
Commissioner LaSaine made a motion to APPROVE the variance; seconded by Commissioner Al-Khafaji.

The motion was APPROVED by roll call vote.
Yeas: Russo, Al-Khafaji, Draeger, LaSaine - 4.
Nays: None - 0.

CITIZENS' OPPORTUNITY TO ADDRESS THE COMMISSION
There was no interest from the public to provide public testimony at 2:41 p.m.

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

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

The Zoning Board of Appeals meeting adjourned at approximately 2:43 p.m.

[Signature]
Kerilyn Gallagher, Urban Planner