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.
Yeas: Draeger and Russo – 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.
Yeas: Draeger and Russo – 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