AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF NOVEMBER 8, 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.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 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, 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 Draeger, Dorian LaSaine - 4. Absent: Jerry Jackson, Lon Lyons, Nathan Wagner - 3.

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.

Kerilyn Gallagher, Urban Planner
TO: City of Peoria Zoning Board of Appeals
FROM: Development Review Board (Prepared by Leah Allison)
DATE: December 13, 2018
CASE NO: ZBA 3055

SUBJECT: Public Hearing on the request of Jose Gomez and Cesar Gomez to obtain a variance from Section 4.3.4.1.1 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)

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 4.3.4.1.1 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 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
**ZONING BOARD OF APPEALS**

**VARIANCE APPLICATION**

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

2. **OWNER INFORMATION – REQUIRED**

   **Name:** Jose L. Gomez + Cesar Gomez
   **Address, City, State, ZIP:** 1719 S. West LN., Peoria, IL, 61605
   **Phone:** (309) 672-9716
   **Fax:**
   **Email:**
   **Signature of Owner(s) & Date:**

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

   **Name:**
   **Company:**
   **Address, City, State, ZIP:**
   **Phone:**
   **Fax:**
   **Email:**
   **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

---

Date Received: 11.26.2018
Initials: MS
Project Number: 18-175
Case Number: ZBA 3058
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.I.1.

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

   X Alterations to interior security and surroundings


d) What is your hardship? Please be specific.

   Front window reduced to allow for changes 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. Building without broken windows.**

   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 broken. Problem now with loitering and vandalism. Not an 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
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
Floor

Jefferson Side

Morgan Side

Jefferson Side

Morgan Side
Front view to Jefferson

side view along Morgan