ZONING BOARD OF APPEALS
THURSDAY, NOVEMBER 14, 2019
CITY HALL, ROOM 400 – 1:00 P.M.

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF JUNE 13, 2019 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 3063
   Public Hearing on the request of Michael Seghetti of Elias, Meginnes & Seghetti, P.C. to obtain a variance from the City of Peoria Unified Development Code Section 4.3.4. Building Envelope Standards, to reduce the width of the front building façade from a required 86.82 feet to 21.08 feet in a Class C-G (General Commercial) District, for the property located at 1605 N. Knoxville Avenue (Parcel Identification Numbers 18-04-178-055 and 18-04-178-032), Peoria, IL. (Council District 2)

5. CITIZENS’ OPPORTUNITY TO ADDRESS THE COMMISSION

6. ADJOURNMENT
A regularly scheduled Zoning Board of Appeals Meeting was held on Thursday, June 13, 2019 at 1:00 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, Dorian LaSaine, Lon Lyons, and Richard Russo. Absent: Laith Al-Khafaji.

Staff Present: Leah Allison

**MINUTES**

Commissioner LaSaine moved to approve the minutes for the Zoning Board of Appeals meeting held on January 10, 2019; seconded, by Commissioner Lyons.

The motion was approved viva voce vote 5 to 0.

**SWEARING IN OF SPEAKERS**

Speakers were sworn in by Staff Member Megan Nguyen

**REGULAR BUSINESS**

**CASE NO. ZBA 3056**

Public Hearing upon the request of Jeff Kolbus of Remax Traders Unlimited to obtain a Major Variance from Section 10, Definition of Lot Access, of the City of Peoria Unified Development Code, to allow lot access to have a different zoning designation than the use occupying the zoning lot for the properties located at 3622 N Knoxville Ave (Parcel Identification No. 14-28-401-001) and 3613 N Peoria Ave (Parcel Identification No. 14-28-401-020), Peoria, IL (Council District 3)

Chairperson Russo stated that this case had been withdrawn.

**CASE NO. ZBA 3057**

Public Hearing on the request of Jeff Brocco of Farnsworth Group to obtain a Major Variance from Section 4.3.6 C1 and C2 District Building Envelop Standards, of the City of Peoria Unified Development Code, to reduce the required front yard setback for a structure from 20 feet to 10 feet for the property located at 5001/5003 N University St, (Parcel Identification No. 14-20-179-039), Peoria, IL (Council District 4)

Senior Urban Planner, Leah Allison, Community Development Department, read Case No. ZBA 3057 into the record and presented the request to reduce the required front yard setback for a structure from 20 feet to 10 feet for the construction of an ATM unit with an overhead canopy setback 5 feet from the property line.

Staff does not object to the requested setback variance based upon existing site conditions and 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: While the property may continue to yield a reasonable return without the variance, the property’s front parking lot currently comprises the entire front yard resulting in a non-conformity. The addition of an ATM unit does not alter or expand the non-conforming front yard.

2) The plight of the owner is due to unique circumstances.
   Staff: The existing non-conforming site conditions are 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: The requested variance will not alter the character of the site or be injurious to the public or other properties.
And conditions of approval:

1) Screen garbage dumpsters, per Chapter 13.40 of the City Code, which requires a six to seven foot tall solid enclosure for dumpsters visible from the public way or residentially zoned properties.

2) Add $350 fine plate to handicap accessible parking space located in front of the University St building.

3) Submit a Setback Encroachment Waiver for the ATM unit since located within 100 feet of the centerline of Glen Avenue.

Laura Tobben, of Farnsworth Group representing the petitioner, provided a summary of the request and noted the petitioner did not object to the conditions.

Chairperson Russo opened the Public Hearing at 1:15 p.m. With no interest from the public to provide public testimony, Chairperson Russo closed the Public Hearing at 1:15 p.m.

Discussion:
Chairperson Russo read the Findings of Fact, Sections 2.6.3.G. Standards for Major Variations. It was determined by the commission that criteria 1, 2 and 3 were found to be true.

Motion:
Commissioner Jackson moved to approve the request with the conditions, seconded by Commissioner LaSaine.

The motion was APPROVED by roll call vote 3 to 0, with 2 abstentions.

Yays: Jackson, LaSaine, and Russo – 3.

Nays: None.

Abstentions: Draeger, Lyons - 2

A recess was called at 1:19 pm. The meeting reconvened at 1:20 pm.

Ross Black, Director of Community Development arrived to the meeting at 1:20 pm.

DISCUSSION ON COMMISSION STRUCTURE
Director Black discussed the possibility of combining the Planning & Zoning Commission and Zoning Board of Appeals. The commissioners asked questions relating to procedures and number of commissioners on combined board. It was suggested that two separate commissions provided different viewpoints on land use issues.

CITIZENS’ OPPORTUNITY TO ADDRESS THE COMMISSION
There was no interest from the public to address the Zoning Board of Appeals.

ADJOURNMENT
Commissioner Lyons moved to adjourn the Zoning Board of Appeals Meeting; seconded by Commissioner Jackson.

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

The Zoning Board of Appeals meeting adjourned at 1:30 p.m.

Leah Allison
Senior Urban Planner
TO: City of Peoria Zoning Board of Appeals  
FROM: Development Review Board (prepared by Kerilyn Weick)  
DATE: November 14, 2019  
CASE NO: ZBA 3063  
SUBJECT: Hold a Public Hearing on the request of Michael Seghetti of Elias, Meginnes & Seghetti, P.C. to obtain a variance from the City of Peoria Unified Development Code Section 4.3.4. Building Envelope Standards, to reduce the width of the front building façade from a required 86.82 feet to 21.08 feet in a Class C-G (General Commercial) District, for the property located at 1605 N. Knoxville Avenue (Parcel Identification Numbers 18-04-178-055 and 18-04-178-032), Peoria, Illinois. (Council District 2).  

PROPERTY CHARACTERISTICS  
The subject property is 0.68 acres (29,621 sq. ft.) and zoned Class C-G (General Commercial) District. It is surrounded by Class C-G (General Commercial) to the north, south, and east and by Class R-4 (Single Family Residential) to the west. The currently vacant commercial building is approximately 2,400 sq. ft. The building had been occupied by various restaurant, retail, office uses.  

REQUESTED VARIANCE:  
The petitioner is requesting a variance from Section 4.3.4.H.8 CG Building Envelope Standards of the Unified Development Code to reduce the required width of the front of the building façade from 86.82 feet (60% of the lot frontage along Knoxville Ave) to 21.08 feet (14.6% of the lot frontage), which is a 75% variance. The request is made in order to construct a new building to be used as a coffee-shop with drive-through and walk-up window. The use includes an outdoor patio. Said patio will be flanked on two sides by a five foot tall, solid, CMU block wall. Said wall gives the appearance of a 20 foot extension to the front façade of the building.  

The petitioner states the width and slope of the property plus the two existing driveways create a hardship to siting a building that meets the required minimum width along the lot frontage.  

SITE PLAN REVIEW BOARD RECOMMENDATION  
Staff does not object to the requested variance based on existing site conditions, inclusion of patio wall, surrounding area, and 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: The history of the property may indicate constraints for a reasonable return under the conditions of the zoning district. The design of the development, with the addition of the patio wall running 20 feet along the lot frontage, meets the intent of the regulations of the zoning district.  

2. The plight of the owner is due to unique circumstances.  
   Staff: The topographical conditions of the property and access easement with the property to the north create circumstances unique to this 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.  
   Staff: The proposed development will be compatible with the character of the locality. The requested variance will not be injurious to the public or other properties.  

And conditions of approval:  
1. As shown on the site plan, the continuous solid wall is required to be built in front of, or in-line with, the building, as shown on the site plan. Said wall shall be at least 5 feet in height. The length of the wall that is parallel to Knoxville Avenue shall be at least 20 feet long. The length of the wall that is perpendicular to Knoxville Avenue shall be at least 22.5 feet long.
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
This document is a Zoning Board of Appeals Variance Application for the City of Peoria Development Center. The application is dated 10/10/19 and is related to Project Number 19-196, Case Number ZBA 3063. The applicant is Floyd Rashid / John Rashid, and the company is JCT, LLC / JCT, Inc. The applicant's interest in the property includes being a Contractor and Contract Purchaser. The signature of the applicant is dated 10/10/19. The contact information includes an email address, John.F.Rashid@osfhealthcare.org. The application is addressed to the City of Peoria, Development Center, 419 Fulton St., Room 320, Peoria, IL 61602-1217. The phone number is (309) 494-8600 and the fax number is (309) 494-8680. The website is www.peoria.gov.
4. VARIANCE INFORMATION

a) Variance being requested: Required street facade is 60% of frontage. Lot is 143.85' wide. 86.3' of building facade is required. Proposing 21.08' of building and 20' of patio wall for a total facade of 41.08'. This results in a variance of 52%.

b) From what section of the zoning ordinance is a variance being requested? 4.3.4.H.8

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 X
- Slope X
- Too shallow
- Shape
- Other

(d) What is your hardship? Please be specific. Lot is 134' wide with two existing entrances. When accounting for entrance width and side yard setbacks we are only left with 74' between the entrances. The property slopes 4' between the two entrances; construction of a building access across this elevation change is not feasible.

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: The existing building on the site is only 30' wide and is currently non conforming. The construction of the building and patio wall will bring the property in closer conformance to the Ordinance. The proposed use is a retail use which will be in harmony with the neighborhood and will be consistent with the Unified Development Ordinance.

5. FILING FEE (MUST ACCOMPANY APPLICATION) $818.00

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.

   X True       False

   Explanation: The property has been vacant over the past few years. Due to the significant elevation change on the site, constructing a building to meet the building requirement would add incremental cost to foundations and retaining walls which would make development of the property economically impractical.

   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.

   X True       False

   Explanation: The topography and location of entrances create elevation differences that make it unreasonable to construct a building of the width required. It is unique to the property as the fall across the front of the building would be 4 feet. In addition the property is subject to a access easement over the North 25 feet of the property; the available building frontage is therefore only 118 feet. Development of the property in compliance with the facade requirement is not feasible.

   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.

   X True       False

   Explanation: The proposed use of the property is retail, which is compatible with adjoining users. The granting of the variance would not alter the essential character of the locality; the property, as developed with the variance. The development would be closer to compliance than it is now.

   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.
## PROJECT INFORMATION

**PROJECT: COMMERCIAL DEVELOPMENT**

**ADDRESS:** 1605 NORTH KNOXVILLE AVE
**PEORIA, IL 61603**

### SITE & BUILDING DATA

- **TYPE OF CONSTRUCTION:** COMMERCIAL BUILDING
- **ZONING CLASSIFICATION:** C.G.
- **GROSS SITE ACREAGE:** 27,208.88 SF
- **NET SITE ACREAGE:** 0.624 AC
- **BUILDING GROSS FLOOR AREA:** 631 S.F.

### PARKING SCHEDULE

- **RECOMMENDED PARKING SPACE BY USE:**
  - **Patio:** 3 SPACE PER 1000 S.F.
  - **Retail:** 5 SPACE PER 1000 S.F.
  - **Restaurant:** 12 SPACE PER 1000 S.F.

### SITE SIGNAGE & ELEMENTS

<table>
<thead>
<tr>
<th>TYPE</th>
<th>COUNT</th>
<th>DESCRIPTION</th>
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<tbody>
<tr>
<td>SS-1</td>
<td>4</td>
<td>Two Arrow Sign, Green Paint, DTE Wayfinding Graphics.</td>
</tr>
<tr>
<td>SS-2</td>
<td>1</td>
<td>Existing Pylon Sign to be grandfathered in per zoning and building setbacks.</td>
</tr>
<tr>
<td>SS-3</td>
<td>1</td>
<td>Pre-Menu Boards.</td>
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<tr>
<td>SS-4</td>
<td>1</td>
<td>ThermoPlastic Drive-Thru Indicator, DTE Sign.</td>
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<tr>
<td>SS-5</td>
<td>2</td>
<td>Large Arrow Stop Way Sign, DTE Wayfinding Graphics, Reflective White Paint on Black Background.</td>
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<tr>
<td>SS-6</td>
<td>1</td>
<td>ADA Sign.</td>
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<tr>
<td>SS-7</td>
<td>4</td>
<td>Floor Paint Stop Arrows, Reflective White Paint.</td>
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<tr>
<td>SS-8</td>
<td>1</td>
<td>Reserved Parking Sign, Green Legend, White Background.</td>
</tr>
<tr>
<td>SS-9</td>
<td>1</td>
<td>ADA Sign, White Background, Reflective White Paint.</td>
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<tr>
<td>SS-10</td>
<td>3</td>
<td>6&quot; Diameter Steel Concrete Filled Pipe Bollard, See Structural.</td>
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<td>SS-11</td>
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</table>

### SITE PLAN FOR REFERENCE USE ONLY

Site plan for reference use only. See approved civil site plan for details.

Client will comply with landscape requirements. For details, landscape plans are available to landscape architect. Drawings to be submitted from landscape architect.
EXISTING REAR FENCE TO REMAIN

CLIENT WILL COMPLY WITH LANDSCAPE REQUIREMENTS. FOR DETAIL LANDSCAPE PLANS PLEASE REFER TO LANDSCAPE DRAWINGS TO BE SUBMITTED FROM LANDSCAPE ARCHITECT.

SIGNAGE AND MENU BOARDS TO BE SUBMITTED BY STARBUCKS UNDER SEPARATE PERMIT.
EXISTING REAR FENCE TO REMAIN

CLIENT WILL COMPLY WITH LANDSCAPE REQUIREMENTS. FOR DETAIL LANDSCAPE PLANS, PLEASE REFER TO LANDSCAPE DRAWINGS TO BE SUBMITTED FROM LANDSCAPE ARCHITECT.

SEWAGE AND MENU BOARDS TO BE SUBMITTED BY STARBUCKS UNDER SEPARATE PERMIT.
STOCCFRONT SCHEDULE

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| SF-4 | 19'-0" | KAWNEER TRIFAB | DARK BRONZE | 4 SIGNAGE CONTRACTOR SHALL VERIFY SIZE AND LOCATION OF ANY AND ALL ALLOWABLE MONUMENT OR POLE SIGNAGE WITH LANDLORD AND PROVIDE SHOPDRAWINGS PRIOR TO FABRICATION TO TENANT'S DESIGNER FOR APPROVAL.

GENERAL KEYWORDS

1. GENERAL CONTRACTOR TO COORDINATE & SCHEDULE WORK IN A MANNER AS NOT TO INTERFERE WITH UNFINISHED AREAS OF STOREFRONT MULLIONS, CANDOINES, ETC. OWNER TO PROVIDE A MINIMUM SCHEDULING NOTICE OF 4 WEEKS AND 1 WEEK PRIOR TO THE SCHEDULED DATE OF INSTALLATION. CONTRACTOR TO NOTIFY GENERAL CONTRACTOR OF ANY DELAYS OR CHANGES IN SCHEDULED TIMES.
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MATERIALS - EXTERIOR

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CANDOINES SCHEDULE

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2.10.4.1 - G6.10.4.1 - DETAILS

3.10.4.1 - G6.10.4.1 - DETAILS

4.10.4.1 - G6.10.4.1 - DETAILS

5.10.4.1 - G6.10.4.1 - DETAILS

6.10.4.1 - G6.10.4.1 - DETAILS

7.10.4.1 - G6.10.4.1 - DETAILS

EXTERIOR ELEVATION NOTES

1. GENERAL CONTRACTOR TO COORDINATE & SCHEDULE WORK IN A MANNER AS NOT TO INTERFERE WITH UNFINISHED AREAS OF STOREFRONT MULLIONS, CANDOINES, ETC. OWNER TO PROVIDE A MINIMUM SCHEDULING NOTICE OF 4 WEEKS AND 1 WEEK PRIOR TO THE SCHEDULED DATE OF INSTALLATION. CONTRACTOR TO NOTIFY GENERAL CONTRACTOR OF ANY DELAYS OR CHANGES IN SCHEDULED TIMES.

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