1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF NOVEMBER 14, 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 3064 MV Public Hearing on the request of Domini Ardis of Advanced Medical Transport to obtain a variance from the City of Peoria Unified Development Code Section 5.3.2.G Community Gardens, to increase the height of a fence from 4 feet to 5 feet, in a Class O-1 (Arterial Office) District, for the property located at 2308 W Nebraska Ave (Parcel Identification No. 18-06-201-027), 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, November 14, 2019 at 1:00 p.m., City Hall, 419 Fulton Street, Room 400, with Chairperson Lon Lyons presiding and with proper notice having been posted.

ROLL CALL
The following Zoning Board of Appeals Commissioners were present: Ryan Cannon, Doug Draeger, Jerry Jackson, Dorian LaSaine, Lon Lyons, and Laith Al-Khafaji– 6. Absent: Richard Russo – 1.

Staff Present: Leah Allison, Sara Maillacheruvu, Megan Nguyen, Kerilyn Weick

SWEARING IN OF SPEAKERS
Speakers were sworn in by Megan Nguyen.

MINUTES
Commissioner LaSaine moved to approve the minutes for the Zoning Board of Appeals meeting held on Thursday, June, 13, 2019; seconded, by Commissioner Jackson.

The motion was approved viva voce vote 6 to 0.

REGULAR BUSINESS
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)

Senior Urban Planner Kerilyn Weick, Community Development Department, read Case No. ZBA 3063 into the record and presented the request to reduce the width of the front of the building façade below required frontage standards.

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.

Commissioner LaSaine asked about the number of parking spaces located at the rear of the property. Ms. Weick referred to the site plan, which showed approximately 14 parking spaces. She discussed that the intent of the property was to capture drive-thru traffic, mentioning how there were no sitting areas within the building.

Commissioner LaSaine asked if there had been any objection from the neighbors. Ms. Weick confirmed that, at this time, no objection had been received from any neighbors.

Commissioner LaSaine asked how long the property had been vacant, to which Ms. Weick responded that she would defer to the applicant for that information.

Commissioner Al-Khafaji inquired about the frontage of property, should the access easement and new exit not be counted. Ms. Weick responded that excluding those site elements would reduce the variance. She explained, however, that driveways count as part of the lot width.

Chairperson Lyons opened the Public hearing at 1:14pm.

Michael Seghetti, attorney for the contract purchaser, provided a brief explanation of the case. He discussed that the primary basis for the variance request was based upon the topography of the site, as there is a four foot grade change on the property. He stated that the grade change renders the property economically infeasible, should the variance not be granted, mentioning as well that other developments along the street do not meet the frontage requirements.

Commissioner Al-Khafaji asked how long the property had been vacant, to which Mr. Seghetti responded 14 months.

With no further interest from the public to provide testimony, Chairperson Lyons closed the Public Hearing at 1:19pm.

Discussion:
Chairperson Lyons 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 LaSaine moved to approve the variance, subject to compliance with the conditions aforementioned; Commissioner Al-Khafaji seconded the motion.
CITIZENS OPPORTUNITY TO ADDRESS THE COMMISSION
There was no interest from the public to address the Zoning Board of Appeals at 1:21PM.

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 6 to 0.

The Zoning Board of Appeals meeting adjourned at approximately 1:22pm.

Sara U. Maillacheruvu
Urban Planner
TO: City of Peoria Zoning Board of Appeals
FROM: Development Review Board (Prepared by Leah Allison)
DATE: March 12, 2020
CASE NO: ZBA 3064 MV

SUBJECT: Public Hearing on the request of Domini Ardis of Advanced Medical Transport to obtain a minor variance from the City of Peoria Unified Development Code Section 5.3.2.G Community Gardens, to increase the height of a fence from 4 feet to 5 feet, in a Class O-1 (Arterial Office) District, for the property located at 2308 W Nebraska Ave (Parcel Identification No. 18-06-201-027), Peoria IL. (Council District 2)

PROPERTY CHARACTERISTICS
The subject property is 4.57 acres in size and zoned Class O-1 (Arterial Office) District. It is surrounded by Class C-1 (General Commercial) to the west, R-2 (Single Family Residential) to the north, R-3 (Single Family Residential) to the east, and a sand/gravel quarry to the south.

REQUESTED VARIANCE:
The Petitioner is requesting a minor variance from Section 5.3.2.G Community Gardens, to increase the height of a fence from 4 feet to 5 feet for a community garden.

The Petitioner states that encroachment of wildlife from the surrounding properties threatens the garden and creates a hardship for its production. See the attached application for additional information.

DEVELOPMENT REVIEW BOARD RECOMMENDATION
Staff does not object to the requested five-foot tall fence based upon the criteria for a minor variance.

1) The plight of the owner is due to unique circumstances.
2) The variation, if granted, will not alter the essential character of the locality or be injurious to the public or other property or properties.
3) The proposed variance represents the minimum deviation from the standards necessary to accomplish the desired improvement.
4) The conditions of the variances requested are not self-created.
5) The granting of the variation will result in a public benefit to the surrounding neighborhood and the City as a whole. The public benefit may include, but is not limited to, preservation or enhancement of desirable site characteristics or natural features or historic resources, design that enhances the surrounding area, economic development which may enhance the local economy, or efficient use of land as it relates to surrounding structures and services.
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
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Map Scale
1 inch = 167 feet
2/24/2020
**ZONING BOARD OF APPEALS**

**VARIANCE APPLICATION**

**1. PROPERTY INFORMATION**

| a) Address: | 2308 W. Nebraska Ave, Peoria, IL 61604 |
| b) Tax ID Number(s): | 1806201027 |
| c) Parcel Area (acres or square feet): | 4.57 acres |
| d) Current Zoning District: | Office |
| e) Current Property Use: | Office |

**2. OWNER INFORMATION – REQUIRED**

<table>
<thead>
<tr>
<th>Name</th>
<th>Advanced Medical Transport of Central Illinois</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address, City, State, ZIP+4</td>
<td>1718 N. Sterling Ave, Peoria, IL 61604-1718</td>
</tr>
<tr>
<td>Phone</td>
<td>309-494-6209</td>
</tr>
<tr>
<td>Fax</td>
<td>309-494-6214</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:dardis@amtci.org">dardis@amtci.org</a></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Name</th>
<th>Domini Arcis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address, City, State, ZIP+4</td>
<td>1718 N. Sterling Ave, Peoria, IL 61604</td>
</tr>
<tr>
<td>Phone</td>
<td>309-494-6239</td>
</tr>
<tr>
<td>Fax</td>
<td>309-494-6214</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:dardis@amtci.org">dardis@amtci.org</a></td>
</tr>
</tbody>
</table>

**Applicant’s Interest in Property:**

- `[ ] Contractor`  
- `[ ] Contract Purchaser`  
- `[x] Other [ ] variance`

**Send Correspondence To:** Select one entity to receive all correspondence. E-mail will be used for all correspondence unless otherwise requested.

- `[ ] Owner`  
- `[x] Applicant`  
- `[ ] Representative of Applicant`
4. VARIANCE INFORMATION

a) Variance being requested: 5 foot fencing around community garden.

b) From what section of the zoning ordinance is a variance being requested? 5.3.21 G/10/15

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]

d) What is your hardship? Please be specific.

Wildlife from wooded area next to community garden location threatens to harm crops and potential yield. Allowing a 5 foot fence will allow us to keep wildlife away from and out of the garden.

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?

[X] Yes [ ] No

Please elaborate: We believe our organization over the years has demonstrated with remodeling and adding to our campus, that we value the harmony and aesthetics as valued by the community at large, as well as the unified development ordinance. Taller fencing will not impede the view to a street or parking area and will bring a larger sense of community and beautification to the neighborhood.

f) Check all that apply: [x] Minor Variance (variations from height, yard, bulk, lot area, and fence height provisions that are 20% to 50% of the required standard)

[ ] Major Variance (variations from height, yard, bulk, lot area, and fence height provisions that are greater than 50% of the required standard and all variations which are not administrative deviations and minor variations)

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
If applying for a Minor Variance, please select true or false for the following five questions:

Sections 2.6.3.F. Standards for Minor 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 of the following five criteria are true:

1) The plight of the owner is due to unique circumstances.
   - True    False
   Explanation: With wildlife abundant in our location, including numerous families of deer, fencing needs to be higher to keep animals that are known to jump out.

2) 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: The location is already greenspace and wooded area, so adding a garden with a fence will only add to the nature-like feel existing.

3) The proposed variance represents the minimum deviation from the standards necessary to accomplish the desired improvement.
   - True    False
   Explanation: Our initial thought was to do an 8-foot fence, but after seeing the 4-foot ordinance, we tried to compromise with a 5-foot fencing which should still deter wildlife.

4) The conditions of the variances requested are not self-created.
   - True    False
   Explanation: Due to natural wildlife being present in the area, it will harm the crop yield if a proper fence is not installed.

5) The granting of the variation will result in a public benefit to the surrounding neighborhood and the City as a whole. The public benefit may include, but is not limited to, preservation or enhancement of desirable site characteristics or natural features or historic resources, design that enhances the surrounding area, economic development which may enhance the local economy, or efficient use of land as it relates to surrounding structures and services.
   - True    False
   Explanation: Food production in our neighborhood will directly benefit the community as food will be donated to local pantries and programs in the area to help with food disparity.
ILLEGIBLE OR INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

If applying for a Major Variance, please select true or false for the following three questions:

**Sections 2.6.3.G. Standards for Major 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: _______________________________________________________
   _______________________________________________________
   _______________________________________________________
   _______________________________________________________
   _______________________________________________________

   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: _______________________________________________________
   _______________________________________________________
   _______________________________________________________
   _______________________________________________________
   _______________________________________________________

   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: _______________________________________________________
   _______________________________________________________
   _______________________________________________________
   _______________________________________________________
   _______________________________________________________

   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
View from south end of lot showing distance between residential street and fence line. (*See orange cone for reference of fence line)
Fence to be installed along these measurements: 65' x 55'.
View from north end of lot showing distance between residential street and fence line.
(*See orange cones for reference of fence line)