1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MAY 14, 2020 MINUTES

4. SWEARING-IN OF PARTICIPANTS

5. 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 3066**
   Public Hearing on the request of Ann Schilling to obtain a variance from the City of Peoria Unified Development Code Section 5.4.6 Fences and Walls, to increase the height of a rear yard fence from 6 feet to 10 feet, in a Class R-2 (Single Family Residential) District, for the property located at 9335 N Pine Tree Road (Parcel Identification No. 09-32-452-002), Peoria, IL (Council District 5)

   **CASE NO.**
   **ZBA 3067**
   Public Hearing on the request of Brian & Alane Wiegman to obtain a variance from the City of Peoria Unified Development Code Sections 8.1.5 Off-Street Parking General Requirements and 8.1.7 Parking of Vehicles of Residential District, to increase the width of a driveway from 20 feet to 24.5 feet and allow for a parking space in the front yard, in a Class R-2 (Single Family Residential) District, for the property located at 9203 N Picture Ridge Road, (Parcel Identification No. 09-33-378-021), Peoria, IL (Council District 5)

6. UNFINISHED BUSINESS

   **CASE NO.**
   **ZBA 3065**
   (Deferred from the May mtg)
   Petitioner Joseph Richey, a general partner of Richey Family, is seeking to appeal the Zoning Administrator’s decision related to Boarding Houses in the WH (Warehouse) District for the property located at 1212 SW Adams Street (Parcel Identification No. 18-09-355-004), Peoria IL. (Council District 1)

   a. Case Introduction
   b. Petitioner Presentation
   c. City Presentation
   d. Petitioner Rebuttal
   e. Public Comments Read into the Record
   f. Questions from the Board
   g. Close Public Hearing
   h. Deliberation and Vote

7. CITIZENS’ OPPORTUNITY TO ADDRESS THE COMMISSION

8. ADJOURNMENT

Please note:
Governor JB Pritzker’s Executive Order 2020-10, issued on March 20, 2020, prohibits all public and private gatherings of 10 people or more in a single room or single space at the same time. Governor JB Pritzker’ s Executive Order 2020-18, issued on April 1, 2020, extended Executive Order 2020-10 through April 30, 2020. The Centers for Disease Control and Prevention (CDC) recommends gatherings of no more than 10 people in a single room or space and social distancing of at least six feet between persons. On March 18, 2020 Mayor Ardis declared a local State of Emergency, and has closed City Hall to the public to contain the spread of COVID-19. On March 24, 2020, the City's Council granted Mayor Ardis emergency powers. The City Council extended the Mayor’s emergency powers on April 21, 2020. The City Council extending the Mayor’s emergency
powers allows the Mayor to continue the City's local State of Emergency. To comply with these recommendations and requirements, and the spirit of the Open Meetings Act, the City is implementing a remote video meeting for the Zoning Board of Appeals meeting on June 11, 2020.

Anyone wishing to make a public comment can do so by sending those to Leah Allison by 5:00 p.m. on June 10, 2020. Public comments can be emailed to lallison@peoriagov.org or via fax at 309-494-8674. The email or fax should be labeled "Public Comment for the June 11, 2020 Meeting" along with your name and address.

All submissions received prior to the deadline by the public will be read into the record with up to five (5) minutes of each comment read aloud. The written comments, in their entirety, will be entered into the official minutes of the meeting as an attachment.

The agenda, minutes and a video podcast of the meeting will be available online at: http://www.peoriagov.org/boards-commissions/
A regularly scheduled Zoning Board of Appeals Meeting was held via remote video on Thursday, May 14, 2020 at 1:00 p.m., with Chairperson Richard Russo presiding and with proper notice having been posted.

ROLL CALL

The following Zoning Board of Appeals Commissioners were present: Richard Russo, Doug Draeger, Lon Lyons, Laith Al-Khafaji, Jerry Jackson, Dorian LaSaine, Ryan Cannon – 7

Staff Present: Leah Allison, Megan Nguyen, Brandon Hayes, Kim Smith, Ross Black

SWEARING IN OF SPEAKERS

Due to the request to defer, swearing in of speakers was deemed unnecessary.

MINUTES

Commissioner LaSaine moved to approve the minutes for the Zoning Board of Appeals meeting held on March 12, 2020 with a revision to the order of the vote for case ZBA 3064; seconded by Commissioner Al-Khafaji.

The motion was APPROVED by roll call vote 7 to 0.

Yeas: Al-Khafaji, Cannon, Draeger, Jackson, LaSaine, Lyons, Russo – 7

Nays: None

REGULAR BUSINESS

CASE NO. ZBA 3065

Petitioner Joseph Richey, a general partner of Richey Family, is seeking to appeal the Zoning Administrator’s decision related to Boarding Houses in the WH (Warehouse) District for the property located at 1212 SW Adams Street (Parcel Identification No. 18-09-355-004), Peoria IL. (Council District 1)

Senior Urban Planner Kim Smith, Community Development Department, read Case No. ZBA 3065 into the record and presented the request to appeal the Zoning Administrator’s decision related to Boarding Houses in the WH (Warehouse) District for the property located at 1212 SW Adams Street.

Ms. Smith requested a deferral due to the City of Peoria not having legal representation at this meeting due to unexpected COVID-19 related obligations. Senior Urban Planner Leah Allison and Director of Community Development Ross Black, both explained the reason for this request.

Commissioner LaSaine offered his support in deferring the case to the next regularly scheduled meeting.

Commissioner LaSaine motioned to continue the hearing until June 11th, seconded by Commissioner Cannon.

The motion was APPROVED by roll call vote 7 to 0.

Yeas: Al-Khafaji, Cannon, Draeger, Jackson, LaSaine, Lyons, Russo – 7

Nays: None

CITIZENS OPPORTUNITY TO ADDRESS THE COMMISSION

There was no interest from the public to address the Zoning Board of Appeals.

ADJOURNMENT

Commissioner LaSaine moved to adjourn the Zoning Board of Appeals meeting; seconded by Commissioner Jackson at approximately 1:11pm.
TO: City of Peoria Zoning Board of Appeals  
FROM: Development Review Board (Prepared by Leah Allison)  
DATE: June 11, 2020  
CASE NO: ZBA 3066  
SUBJECT: Public Hearing on the request of Ann Schilling to obtain a variance from the City of Peoria Unified Development Code Section 5.4.6 Fences and Walls, to increase the height of a fence from 6 feet to 10 feet, in a Class R-2 (Single Family Residential) District, for the property located at 9335 N Pine Tree Road (Parcel Identification No. 09-32-452-002), Peoria, IL (Council District 5).

PROPERTY CHARACTERISTICS  
The subject property is 0.49 acre in size and zoned Class R-2 (Single Family Residential) District. It is surrounded by Class R-2 (Single Family Residential) to the north, south, east, and C-2 (Large Scale Commercial) zoning west. The property is a through-lot with frontage on both Pine Tree Road and N Knoxville Ave. In 1993, a single family residence was constructed on the property.

REQUESTED VARIANCE:  
The Petitioner is requesting a variance from Section 5.4.6 Fences and Walls, to increase the height of a fence from 6 feet to 10 feet. This is a 67% variance of the fence height regulation. The petitioner is requesting to install a 10-foot tall privacy fence along a portion of the rear property line.

The Petitioner states that the shape of the lot and excessive noise, traffic and dust create a hardship that warrants a taller fence. Please see the attached application packet for detailed information.

DEVELOPMENT REVIEW BOARD RECOMMENDATION  
Staff's recommends APPROVAL of the variance. In 1997, a variance to allow a 10-foot tall rear yard fence was granted by the Zoning Board of Appeals for eight adjacent properties located immediately to the south (9111 – 9327 N Pine Tree Rd). The requested variance for 9335 N Pine Tree is consistent with these existing fences.
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 = 333 feet
5/22/2020
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
ZONING BOARD OF APPEALS
VARIA NCE APPLICATION

1. PROPERTY INFORMATION

a) Address: 335 N Pine Tree Rd Peoria, IL 61615
b) Tax ID Number(s): 09-32-452-002

c) Parcel Area (acres or square feet): 0.5 acre

d) Current Zoning District: R2 single family residential

e) Current Property Use: residence

2. OWNER INFORMATION – REQUIRED

Name: Ann Marie Schilling Trust

Address, City, State, ZIP+4: 335 N Pine Tree Rd Peoria, IL 61615

Phone: 309-253-8318 Fax: na

Email: janet.budzynski@gmail.com

Signature of Owner(s) & Date: May 5, 2020

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

Name

Address, City, State, ZIP+4

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
4. VARIANCE INFORMATION

a) Variance being requested: installation of 10 foot high privacy fence in the rear yard along Knoxville Ave (Route 40)

b) From what section of the zoning ordinance is a variance being requested? Section 5.4.7 Fences and Walls

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

Please see attached sheet.

d) What is your hardship? Please be specific:

Please see attached sheet.

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:

Please see attached sheet.

f) Check all that apply:

- 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: ________________________________
   ________________________________
   ________________________________

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: ________________________________
   ________________________________
   ________________________________

3) The proposed variance represents the minimum deviation from the standards necessary to accomplish the desired improvement.
   [ ] True [ ] False
   Explanation: ________________________________
   ________________________________
   ________________________________

4) The conditions of the variances requested are not self-created.
   [ ] True [ ] False
   Explanation: ________________________________
   ________________________________
   ________________________________

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: ________________________________
   ________________________________
   ________________________________
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:** Please see attached sheet.

   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:** Please see attached sheet.

   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:** Please see attached sheet.

   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
416 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

Notes: X markings along rear yard show location of requested ten foot high privacy fence.

https://gis.peoriacounty.org/PeoriaGIS/
Attachment to Zoning Board of Appeals Variance Application  
Property Owner: Ann Marie Schilling Trust, Janet Budzynski and Ann Schilling, Trustees  
Property Address: 9335 N Pine Tree Rd, Peoria, IL 61615

Page 2 of 5

Section 4. Variance Information

4. d) This home backs up to Knoxville or Illinois Route 40. Over the years, the traffic along this stretch of Knoxville has increased as both residential and commercial development has occurred in the immediate vicinity and to the north. Now there is a great deal of traffic that generates excessive noise and dust making it difficult and sometimes impossible to use the backyard for any family activities. This is compounded by the fact that the property has a roadway on three sides of the lot.

4. e) Several of the homes on our street that back up to Knoxville, including the home immediately to our south, already have ten foot high rear yard privacy fences.

Page 4 of 5

Section 2.6.3.G Standards for Major Variance

1) Given the high volume of traffic on north Knoxville or Illinois Route 40, there is excessive noise and dust generated by the vehicles travelling on this roadway throughout the daytime and evening hours. Over the years our enjoyment of the rear yard has diminished significantly. We no longer grill in the back yard. Utilizing the back yard for any family activities is difficult as you often cannot hear each other without yelling even when you are only a few feet apart. With a roadway on three sides of the property, the only private yard space is in the rear yard. When in the home we do not open the windows in the back of the house due to the noise and dust that is generated by the traffic on Illinois Route 40.

2) Unlike most homes, this home is surrounded on three sides by a roadway. In addition, the home backs up to Knoxville, Illinois Route 40. This is a four lane highway that carries a substantial amount of traffic throughout the daytime and evening hours at 45 to 50 miles per hour. As more development is continuing to occur to the north along Illinois Route 40, the amount of traffic continues to increase as well.

3) Several of the homes on our side of the street, including the home immediately to our south, already have ten foot high privacy fences installed in their rear yards. Those ten foot high privacy fences were installed in the late 1990's and have not created any problems or issues for the neighborhood or adjacent property owners.
TO: City of Peoria Zoning Board of Appeals  
FROM: Development Review Board (Prepared by Leah Allison)  
DATE: June 11, 2020  
CASE NO: ZBA 3067  
SUBJECT: Public Hearing on the request of Brian & Alane Wiegman to obtain a variance from the City of Peoria Unified Development Code Sections 8.1.5 Off-Street Parking General Requirements and 8.1.7 Parking of Vehicles of Residential District, to increase the width of a driveway from 20 feet to 24.5 feet and allow for a parking space in the front yard, in a Class R-2 (Single Family Residential) District, for the property located at 9203 N Picture Ridge Road, (Parcel Identification No. 09-33-378-021), Peoria, IL (Council District 5)

PROPERTY CHARACTERISTICS
The subject property is 0.29 acre in size and zoned Class R-2 (Single Family Residential) District. It is surrounded by Class R-2 (Single Family Residential) to the north, south, east, and west. In 1965, a single family residence with a two-stall attached garage was constructed on the property.

REQUESTED VARIANCE:
The Petitioner is requesting two variances:
1) Section 8.1.5 Off-Street Parking General Requirements to increase the width of a driveway from 20 feet to 24.5 feet.
2) Section 8.1.7 Parking of Vehicles of Residential District to allow for a parking space in the front yard.

Section 8.1.5 states: Driveway width when located in the required yard for front, rear, or corner side yard. A driveway leading to a garage shall not exceed fifteen (15) feet for a single stall garage; twenty (20) feet for a double stall garage; or thirty-four (34) feet for a triple stall garage. However, a driveway leading to a garage may include an extension, which leads to a legal parking space(s), provided the extension is designed with the least amount of hard-surfaced material as determined by the Zoning Administrator. In the absence of a garage, the driveway width serving any legal parking shall not exceed twenty (20) feet in width. Any garage larger than three (3) stalls must have the driveway width approved by the City traffic engineer.

The driveway width is currently 18 feet. The maximum width allowed is 20 feet. The petitioner seeks to widen the driveway by 6.5 feet to a total of 24.5 feet. This is a 23% variance. The proposed expansion is located within the front yard which results in the second variance request to allow for a parking space in the front yard. Section 8.1.7 states that vehicles may be parked in the side or rear yard and are prohibited from the front yard.

The Petitioner states that the narrow shape of the lot and deficient safety for pedestrians and cyclists warrants the need for a wider driveway and parking in the front yard. Please see the attached application packet for detailed information.

DEVELOPMENT REVIEW BOARD RECOMMENDATION
Staff recommends DENIAL of the variance due to the inability to meet the criteria for a major variance.

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 subject property can continue to yield a reasonable return without the requested variances.

2) The plight of the owner is due to unique circumstances.
Staff: The property is not unique since it is uniform in shape, adequately sized and found to be consistent with the surrounding neighborhood. However, Picture Ridge Road is narrower than other residential streets, which may present challenges to parking on the street.

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 found other driveways which had been widened. The proposed variances would not alter the existing character of the neighborhood.
City of Peoria Development Center
419 Fulton St., Room 300
Peoria, IL 61602-1217
Ph: (309) 494-8600 Fax: (309) 494-8680
www.peoria.gov

ZONING BOARD OF APPEALS
VARIANCE APPLICATION

1. PROPERTY INFORMATION
   a) Address: 9203 N. Picture Ridge Rd., Peoria, IL 61615
   b) Tax ID Number(s): 09-33-378-021
   c) Parcel Area (acres or square feet): 0.39 acres
   d) Current Zoning District:
   e) Current Property Use: Residential

2. OWNER INFORMATION – REQUIRED
   Brian & Alane Wiegman
   Name
   9203 N. Picture Ridge Rd., Peoria, IL 61615
   Address, City, State, ZIP+
   309-231-6432
   Phone
   Alane Wiegman
   Signature of Owner(s) & Date
   Brian Wiegman

3. APPLICANT INFORMATION – engineer, architect, attorney or other, if applicable
   Brian & Alane Wiegman
   Name
   9203 N. Picture Ridge Rd., Peoria, IL 61615
   Address, City, State, ZIP+
   309-231-6432
   Phone
   Alane Wiegman
   Signature of Applicant & Date
   Brian Wiegman

Applicant’s Interest in Property:
☐ Contractor
☐ Contract Purchaser
☐ Other owner
☐ Residential

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

ILLEGIBLE OR INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.
ILLEGIBLE OR INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

4. VARIANCE INFORMATION

a) Variance being requested: Please see attached pages.

b) From what section of the zoning ordinance is a variance being requested? 8.1.5 and 8.1.7

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

d) What is your hardship? Please be specific. Please see attached pages.

f) 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: Please see attached pages

f) Check all that apply: □ 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: N/A

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: N/A

3) The proposed variance represents the minimum deviation from the standards necessary to accomplish the desired improvement.
   - True   - False

   Explanation: N/A

4) The conditions of the variances requested are not self-created.
   - True   - False

   Explanation: N/A

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: N/A
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:** [Please see attached pages.]

   **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:** [Please see attached pages.]

   **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:** [Please see attached pages.]

   **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.
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  - 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
9203 N. Picture Ridge Road Variance application notes:

**Question 4.a)**
Our request is two-fold. First, we are requesting to be allowed to add width to the north side of our driveway as it nears the garage, for the purpose of avoiding on-street parking. We would like to widen it to 4 1/2 feet more than the 20 feet allowed for our 2-car garage. We also recognize that we need a variance to be allowed to park vehicles in this widened area, since it is in the front yard..

**Question 4.b)**
Two ordinances applicable to our requests are 8.1.7 and 8.1.5.

**Question 4. c & d)**
Reasonable use of our 4 bedroom home allows for the residence of a larger family. We purchased this property with that in mind, as we are a family of 8. This also reasonably involves the use of multiple cars (we will soon have 5 drivers in the family needing to travel to work or school). Because the property on the sides and back of the house is too narrow for the provision of parking a car on the side or in the back of the house per ordinance, a slight widening of the driveway to provide for possible off-street parking is needed. The provision for off-street parking is consistent with Peoria’s stated goals for the development of "pedestrian friendly" neighborhoods and "mixed-use, walkable neighborhoods." (Quote from Heart of Peoria Plan, which may refer to a different part of town but communicates a value held by the city) This is also significant, considering that we do not have sidewalks in our neighborhood. The safety of pedestrians and cyclists of our community needs to be paramount.

**Question 4. e)**
It is common to see driveways on North Picture Ridge Road which have widened driveways like we are planning as well as places for residents to park cars in front of their house (between the house and the street). What we are requesting is nothing more than what many of our neighbors already have. I have forwarded/included a number of photographs which are examples from some such driveways on our street within a mile of our location. Allowing this change to our driveway will actually enhance the community usage of our street (including more free movement of traffic and safety of pedestrians or bicyclists). The aesthetics of the area are also improved with fewer cars on the street.
Question 7. 1)
The shape and width of our parcel of property do not allow for parking on the side of the house or in the backyard. The reasonable use of this 4-bedroom house by a larger family necessitates more off-street parking. Additionally, one of the owners, Alane, has a diagnosis of Multiple Sclerosis, and while she currently does not have severe disabilities, her increasing symptoms require planning for the future which could include the need to have more parking space in the front for reasonable access to use of the house and the use of a handicap-accessible vehicle.

Question 7. 2)
The shape and size of this lot do not allow for access to parking space on the side or in the back of the house, per ordinance. According to our plan, the driveway in the front would only be widened by 4 ½ feet beyond the allowed 20 feet, for a portion of the length of the driveway. This minimal amount allows for a vehicle to be parked off-street while not unnecessarily impeding access to the garage or front and back doors.

Question 7. 3)
The planned driveway modifications are very consistent with the character of the neighborhood and would be very much like many driveways on our street. (Reference included pictures). These plans will also, in fact, enhance the safety and character of the street, which is regularly used as a pedestrian or cycling route and which is frequented by large service trucks and vehicles/trailers.

The proposed variation will enhance the safety and aesthetics of our neighborhood. It will also help keep better traffic flow by reducing on-street parking in our location. During wintertime snow emergencies it will also be helpful for getting cars off the street.

Included with this application is a statement of support from our immediate neighbors.
Wiegman site plan
9203 N. Picture Ridge Rd.

Picture Ridge Road
May 11, 2020

To Whom it May Concern:

As an immediate neighbor of Brian and Alane Wiegman at 9203 North Picture Ridge Road, Peoria, Illinois, I would like to express my support of their plan to create a slightly widened area of their driveway where vehicles could be parked off the street.

There is frequently a need for cars to be parked on the street in the vicinity of our houses, and allowing my neighbors to have some extra space to park off the street would alleviate some of the negative effects of this. The type of driveway feature they are considering is a fairly common feature of driveways in our neighborhood and would only serve to improve the appearance and function of the neighborhood.

Thank you for accepting my input as you consider allowing them to make this positive change to their property.

Respectfully,

[Signature]

Barbara L. Lueck
9211 N. Picture Ridge Rd
Peoria, IL 61615
309-253-5345
05/11/2020

Wendy Smith
9206 N. Picture Ridge Rd
Peoria, IL 61615
309-657-3456
5-11-2020

Tara Wood & Michelle Gardner-Wood
9175 N. Picture Ridge Rd.
Peoria, IL 61615
309-957-0737 (Tara)
11 May 2020
TO: City of Peoria Zoning Board of Appeals
THRU: Development Review Board
FROM: Kimberly Smith, Senior Urban Planner
DATE: May 14, 2020
CASE: ZBA 3065

SUBJECT: Public Hearing on the request of Joseph Richey, a general partner of Richey Family, is seeking to appeal the Zoning Administrator’s decision related to Boarding Houses in the WH (Warehouse) District for the property located at 1212 SW Adams Street (Parcel Identification No. 18-09-355-004), Peoria IL (Council District 1)

BACKGROUND
On August 9, 2015, the Zoning Administrator issued a “determination of use,” affirming that the then-proposed Boarding House was consistent with the definition of Boarding house within the overall use category of Group Living. Group Living is an allowable use in the Warehouse District; and is dissimilar to the “Social Service Institution” category.

On October 30, 2015, the Zoning Administrator issued a letter to provide a further determination that based on a current application and information provided, the then-proposed use was a boarding house within the Group Living use category. The letter also clarified that approvals are based on the information provided in the application; should a use be established contrary to what was approved, the approval becomes null and void. This applicant did not establish the use.

On June 18, 2019, the Zoning Administrator wrote a zoning verification letter in response to a new use inquiry related to different, proposed Boarding House at the same location. In the letter, he verified that the property located at 1212 SW Adams is zoned WH (Warehouse Form), and that Group Living is an allowable use in the Warehouse district.

On March 3, 2020, in response to continued public inquiries, the Zoning Administrator issued an updated zoning determination reaffirming that Boarding House is a permitted use in the Warehouse District under the category of Group Living; and that the current, proposed use is consistent with Board Housing House under the Use Category of Group Living, based on information provided.

APPEAL
On April 1, 2020, petitioner Joe Richey submitted an appeal of the Zoning Administrator’s decision related to board houses.
The Zoning Board of Appeals is asked to make findings and affirm, reverse or modify the administrative decision. In order to reverse or modify an action, any one or combination of following findings must be satisfied:

1. That the provision in question is unclear and an interpretation is necessary to determine the intent and application of the provision.
2. That the Zoning Administrator or DRB misinterpreted the provisions of this chapter.

DEVELOPMENT REVIEW BOARD RECOMMENDATION
The Development Review Board maintains the Zoning Administrator’s determination related to Board House is valid, and therefore recommends the Zoning Board of Appeals affirm the Zoning Administrator’s decision.

Attachments:

Petitioner’s exhibits, submitted by Joe Richey, Petitioner, 46 total pages.

Petitioner’s exhibits, submitted by Stephen J. West, Petitioner’s Attorney, 17 total pages.

City exhibits, submitted by the City, 25 total pages:
1. Memo dated August 9, 2015
2. Letter dated October 30, 2015
3. Letter dated June 18, 2019
4. Letter dated March 03, 2020
5. UDC Permitted Use Table
6. UDC Permitted Uses
7. UDC Definition – Boarding House
8. UDC Definition – Rooming House
9. Use Categories, Group Living
10. Use Categories, Social Service Institution
Petitioner’s Exhibits
Memorandum for the ZBA hearing at 1:00 PM on Thursday 5/15/2020 concerning the determination Letter dated 3/3/2020.

Thank you for the opportunity speak to you today. My name is Joe Richey; I own property within 250 feet of the 1212 SW Adams location. I have operated a metal fabrication facility in the warehouse district area at 1506 SW Washington St for 45 years. I am the treasurer of the Warehouse District Association and treasurer of the Prairie Center of the Arts, I have served on the Heart of Peoria Commission and the Planning Commission in times past.

We are here to Appeal the Determination Letter of March 3, 2020 and ask that it be declared null and void based on the information presented here today.

I will present a chronology of events that are pertinent to the Determination Letter. The time frame covers from February 2015 to March 2020 and continues through to today. I have 17 exhibits and they are listed below. Steven J. West is my attorney and he will present the detailed explanations relative to Unified Development Code as it relates to the Determination letter.

EXHIBITS

Exhibit JR1 - February 27, 2015 Consolidated Zoning Certificate and Building Permit # 15-37
Exhibit JR2 - August 9, 2015 Determination of use of 1212 SW Adams
Exhibit JR3 – October 30, 2015 Zoning Status of the proposed Boarding House at 1212 SW Adams
Exhibit JR4 – June 18, 2019 Zoning letter from Ross black to Jonathan Rocke
Exhibit JR5 - January 6, 2020 letter from the Downtown Development Corporation
Exhibit JR6 – January 14,2020 email from Joe Richey to Ross Black
Exhibit JR7 – January 23,2020 email from Joe Richey to Ross Black and Kevin Evans
Exhibit JR8 – January 29, 2020 email from Joe Richey to Ross Black
Exhibit JR9 – January 31,2020 email from Jonathan Rocke to Ross Black
Exhibit JR10 – February 4,2020 email from Joe Richey to Ross black
Exhibit JR11 - February 4, 2020 email from Jonathan Rocke to Ross Black
Exhibit JR12 – March 3, 2020 Zoning Determination Letter to Jonathan Rocke
Exhibit JR13 – April 30, 2020 email to Ross Black from Joe Richey
Exhibit JR14 – Peoria Rescue Ministries IRS 990 mission statement
Exhibit JR15 – PRM 1212 Community House flyers & email from Mr. Rocke to Ross Black, June 11, 2019
Exhibit JR16- 1212 Community House Architect Rendering Main Level
Exhibit JR17 – 1212 Community House Architect Rendering Upstairs
Chronology of Boarding House applications in the Warehouse District

Old Proposal for a Boarding House at 1212 SW Adams

In 2015, Rebecca Frye/ D&B Builders applied for a Consolidated application for Zoning Certificate and Building Permit for the property at 1212 SW Adams street. The Zoning Certificate 15-37 with Addendum (Exhibit JR1) was issued on April 13, 2015 noted in the letter from the City to City Staff, Kimberly Smith, Senior Urban Planner.

The letter dated August 9, 2015 (Exhibit JR2) from the City subject title: Determination of the Use of 1212 SW Adams Zoning Certificate and Building Permit is an analysis of Land Development Code as it pertains to Social Service Institution Categories: Halfway House, Outpatient Treatment Facility, Psychiatric Institution, Recovery Home, Residential Treatment Facility, Sanatorium, Soup Kitchen, Transient Lodging or Shelter for the Homeless, and Single Room Occupancy. Compared to Group living, Boarding House. This letter and the table in the letter is described as “a summary of the definitional requirements of these issues. In this letter the City as per the Land Development Code has defined the Boarding House Category as overnight lodging and No restricted clientele. What has Changed from 2015 to 2020? The LDC hasn’t changed in this particular definition. We don’t think there has been a text amendment.

We disagreed with this determination and another letter was sent by Planning to D&B Developers on October 30, 2015 (Exhibit JR3). This assumes that the Developers actually got the August 9 letter (Exhibit JR2) because it is a City staff internal letter.

In the letter of October 30 from Zoning to D&B developers, a further determination was requested as to the USE as a Boarding House. This letter is significant as it points out that the zoning permit is null and void if the proposed use does not comply with the requirements of the UDC.

Section 2.2.1.A. states, “The purpose of the Zoning Certificate is to certify that a…proposed or existing use complies with the requirements of this development code.” (emphasis added) Section 2.2.3.A.3. states, “Any permit or certificate issued in conflict with the provisions of this development code, shall be null and void.”

From the October 30 letter:
Section 2.2.3.A.5. states, “…Any Zoning Certificate which is issued as a result of information supplied by the applicant and not on the basis of a property inspected by the City shall state that it has been issued in reliance upon information supplied by the applicant, and that it is not valid if it has been issued in reliance on information provided by the applicant which is not true and correct.” (emphasis added)

The Zoning Certificate itself states, “Under penalties provided by law, the applicant certifies that the statements set forth in this instrument are true and correct and that if they are not, any permit, license or authorization given hereunder shall be void from its inception.” (emphasis added)
Conclusion of the Zoning Administrator:

In this instance, Zoning Certificate number 15-37 was issued reliant upon the information provided by the applicant. As the use had not yet been established and the Zoning Certificate will not expire until April 12, 2016, it was – and is – impossible to determine with certainty that the established use will in fact by compliant with City Zoning Regulations. In short, B & D Developers stated on the application that the use would be a Boarding House. As no use has yet been established – Boarding House or otherwise – no action need be taken by the City at this point.

However, as clearly stated in the City Zoning Regulations, if a use other than that which was approved is established, then the Zoning Certificate is null and void. Therefore, it is the responsibility of the applicant to ensure that the use when established is a Boarding House within the Groups Living Use category, and not another use that would fall into the Social Service Institution Use category.

After this letter was sent to D&B Developers, they never developed the building. It could be that their architect explained the UDC permitted uses or their lender would not finance a Boarding House that is open to the public per the LDC but with restricted clientele (violation of the Fair Housing Act). A commercial Boarding House is a landlord tenant relationship and covered by the Fair Housing Act.

Fair Housing Act: https://www.justice.gov/crt/fair-housing-act-1

The Fair Housing Act, 42 U.S.C. 3601 et seq., prohibits discrimination by direct providers of housing, such as landlords and real estate companies as well as other entities, such as municipalities, banks or other lending institutions and homeowner’s insurance companies whose discriminatory practices make housing unavailable to persons because of: race or color, religion, sex, national origin, familial status, or disability.

It is interesting that in their approved zoning Certificate 15-37 Addendum dated February 26, 2015 (Exhibit JR1) where the applicant is asking for “variances/exemptions” the following statements were made:

**Passenger elevator variance/ exemption:** Residents that enter our program and house, must pass three interviews …... “everyone is physically capable of performing Manual Labor.”

Residents must commit to a two-year program provided in a highly controlled environment......completely controlled access facility....no visitations allowed on the property ...... this is done to assure that there is no Drug/Alcohol/Tobacco/Gang infiltration.

**Parking variance/exemption:** no residents are allowed to have a car......no visitation allowed so less parking is needed.

In today’s world, we realize the Highly Controlled Environment and limited access described above sounds strange, but has proven to be an essential element of keeping residents/students focused on learning....... Imagine a lender, architect, developer or a municipality approving or designing or lending to a Boarding House that the UDC definition is that it is open the public. It’s clearly a violation of the Fair Housing Act.

There is no doubt that this 2015 application is not a Boarding House, it is a Social Service Institution dwelling that is a transient lodging homeless shelter and halfway house.
The questions raised here and presented to the City came from the Warehouse District Association as we located more information on the real use. It took 7 months from February 27 2015 the date of the zoning application to October 30 2015 the date of the letter from Community Development to determine the real use. D&B Developers could have provided the use in a day.

How does the OLD proposal relate to the NEW proposal? We find them identical. Neither fit the description of a Boarding House.

**NEW Proposal for a Boarding House at 1212 SW Adams**

**June 18, 2019- Peoria Rescue Ministries**

The Community Development Department sent a letter to Jonathan Rocke responding to a request for information on how 1212 SW Adams is zoned and Ross Black responded: *(Exhibit JR4):*

In response to your request for information regarding the above-referenced property, please note that 1212 SW Adams Street, Peoria, IL is zoned Warehouse Form District (WH).

This zoning allows for all Residential uses per Section 6.5.B.7 of the Unified Development Code. The proposed project use of Group Living complies with the zoning requirements and is a permitted use under the current zoning code. We are unaware of any variances, special permits or exceptions that apply to this property.

The letter from Ross Black leaves the detail out of his letter. It is the responsibility of the applicant, developer, lender, architect and owner to research and determine the use is permitted by the UDC. It is not the responsibility of the City.

Permitted uses are defined in section 6.5B.7a, b, c, d

7. **Permitted Uses** (in the Warehouse district from the UDC)
   a. Residential uses shall be considered to encompass all of the Residential use categories, as defined in Section 5.6.
   b. Commerce uses shall be considered to encompass all of the Commercial use categories, and all of the Civic use categories except passenger terminals, solar utility facilities, and Social Service Institutions, as defined in Section 5.6.
   c. Industrial uses shall be considered to encompass all of the Industrial use categories except the heavy industrial and waste-related services, as defined in Section 5.6.
   d. Use Standards as stated in Section 5.3 shall be applicable.

Our first indication that another developer wants to renovate 1212 SW Adams as a Boarding House was their introductory letter to the neighborhood on January 6, 2020. From the Downtown Development Corporation, Michael Freilinger, CEO *(Exhibit JR5).*
Michael Freilinger writes, “We have been asked to coordinate this opportunity to have a neighborhood meeting.”

This letter was sent to neighbors and handed out at the January 14 meeting. It states that this will be a Boarding House for the graduates of Peoria Rescue Ministries...... the transitional housing facility accommodates up to 30 men......

On January 14, 2020 at 10:12AM (Exhibit JR6), I sent an email to Ross black asking for information on the upcoming meeting. I send a copy of the DDC letter and explained that the “Boarding House” proposed is basically a transient housing facility related to Social Service programs. And not a Boarding House per the Code. I sent this letter before the introductory neighborhood meeting.

On January 14, 2020 AT 4:30PM our neighborhood group attended the meeting, the Peoria Rescue Ministries staff running the meeting did not dispute language in the letter in fact they agreed with the introductory letter. These statements in the introductory letter indicate that the Boarding House is restricted to their graduates and it is a transitional lodging/homeless shelter as described in the Social Services Category of the Land Development Code Therefore the project as a Social Service Institution is not permitted in the Warehouse District.

We continued to make inquiries and search for information on the Boarding House 1212 project.

On January 23,2020 I sent an email to Ross black and Kevin Evans) (Exhibit JR7). Requesting a neighborhood meeting at city hall while reiterating our position that this 1212 project is a Social Service Institution not permitted in the Warehouse District. We agreed to meet on January 30, 2020.

On January 29, 2020 I sent an email to Ross black thanking him for allowing us to meet (Exhibit JR8). In that letter the neighborhood group provided new additional information and talking points that furthers our position that this is a Social Service Institution not permitted in the Warehouse District.

During that meeting we explained our position and that we would continue to gather more information. We did explain that if this is allowed in the Warehouse Form District it would also be allowed in all the form districts. There are four Form Districts: Warehouse District, Sheridan Triangle, Prospect Road, and West Main. This decision on a Boarding House affects all Form districts.

We pointed out that there are reasons that Social Services Institutions are not permitted in the Form Districts: They are a negative for future residential development and Social Service Institutions are exempt from property taxes. These Form Districts are TIF districts and the tax revenue generated from the TIF is reinvested in the neighborhoods. Both of these reasons are valid. There are other areas in the city zoned for Social Service Institutions.

We talked about the intent of the Warehouse District and the Heart of Peoria Plan that was the forerunner to the Form Based Code changes.

The intent of the Form Code is generally outlined in the UDC 6.1.2

A. The Form Districts are designed to foster a series of vibrant mixed-use form districts—the Warehouse District, West Main, Sheridan Triangle, and Prospect Road—within the historic core of the City (the boundaries of each form district can be found in 6.2 through 6.5). These are districts intended to promote traditional urban form and a lively mix of uses. These Form Districts are intended to allow for shopfronts, sidewalk cafes, and other commercial uses at the street level, with wide sidewalks and canopy shade trees, overlooked by upper story residences and offices. -
B. Redevelopment within the Form Districts shall be regulated as set forth below in order to achieve the vision set forth in the Heart of Peoria Plan. This Chapter provides the specific means to guide implementation of the citizen-endorsed vision for the development and redevelopment of all properties in the Form Districts.

We asked questions about the Boarding House restrictions, only for the PRM graduates versus for example a Boarding House that a group of hunters could come to Peoria and rent rooms at a reasonable rate to hunt deer. This example was used at the PRM neighborhood meeting on location at 1212 SW Adams and the speaker said no that could not happen.

We talked about the Renewal program, the IRS 990, and discussed the use categories in the UDC and the definitions in the UDC. We talked about the DDC letter from Michael Freilinger calling the 1212 project a transitional housing facility for 30 men and that 30 men capacity seems to have come from the original zoning 15-37 request of D&B developers.

We suggested that the Office of Economic Development help find a site that had the proper zoning for a Social Service Institution because they had a million dollars to spend according to the speaker at the neighborhood meeting.

We thought the meeting was fruitful because at the end of our neighborhood meeting, Ross Black agreed to send the Peoria Rescue Ministries questions as to the use of their Boarding House.

On January 31, 2020 Ross sent a letter to Jonathan Rocke with two questions (bottom of the page Exhibit JR9).

1. Will the rooms in the Boarding House be available to the general public? In other words, could someone show up at the front door and rent a room?
2. Is residency at the Boarding House contingent upon participation in any type of program or counseling? This is different than making programs and services available, but not requiring participation.

Please note that these two questions relate to (Exhibit JR2), the letter of August 9, 2015 to Kimberly Smith from Ross Black pertaining to the D&B Developers Boarding House determination. I repeat my response to that letter:

The letter dated August 9, 2015 (Exhibit JR2) from the City subject title: Determination of the Use of 1212 SW Adams Zoning Certificate and Building Permit is an analysis of Land Development Code as it pertains to Social Service Institution Categories: Halfway House, Outpatient Treatment Facility, Psychiatric Institution, Recovery Home, Residential Treatment Facility, Sanatorium, Soup Kitchen, Transient Lodging or Shelter for the Homeless, and Single Room Occupancy. Compared to Group living, Boarding House. This letter and the table in the letter is described as “a summary of the definitional requirements of these issues. In this letter the City as per the Land Development Code has defined the Boarding House Category as overnight lodging and No restricted clientele.

What has Changed from 2015 to 2020? The UDC hasn’t changed in this particular definition. We don’t think there has been a text amendment which I believe is required.

On January 31, 2020 Jonathan Rocke sent an email to Ross Black (top of the page Exhibit JR9) requesting a meeting to discuss the Group living definition in the Residential Category.
We assert that this meeting was a discussion to develop the language for the two questions that Ross Black sent to Jonathan based on the timing of the email, 15 minutes after Ross black’s email to Jonathan Rocke.

On February 4, 2020 at 10:45 AM, I sent an email to Ross black again explaining that our position remains the same, the 1212 project is a Social Service Institution. (Exhibit JR10). I referenced the failed attempt by B&D Developers and again explain our position.

On February 4, 2020 at 4:07, Jonathan Rocke email describes the use or their Boarding House (Exhibit JR11). After Jonathan Rocke provided his description of use on February 4 (Exhibit JR11 page 1) to the Zoning Administrator, he is still conflicted as to how his 1212 project fits the UDC because on February 5, 2020 Ross Black sent to Jonathan Rocke an email (Exhibit JR11 page 2) explaining the process of submitting a text amendment. We don’t know if Ross Black has provided any more information on a text amendment but it is clear that after Mr. Rocke provided the Description as of February 4, he continues to try to change his mind on his project 1212. This is an attempt to try to change his project to somehow fit the UDC.

On March 3, 2020 Ross Black sent out the Zoning Determination letter based on the questions and answers sent and received (Exhibit JR12). We were a bit dumbfounded at the Determination. Jonathan’s letter basically says that this is a restricted Boarding House and has programs that indicate it is a Social Service Institution. How can this Determination stand based on the UDC?

On April 30, 2020, I responded to the determination letter (Exhibit JR13). We were unable to meet with Ross Black due to the Covid-19 lockdown. We did not understand the switch out on the Boarding House from open to the public to restricted to the public. How can the definition of a Boarding House change in the UDC? The definition in the letter to B&D developers indicated a Boarding House was open to the public. Further Jonathan Rocke’s response indicated that renewal Programs were to take place at 1212 SW Adams.

Jonathon Rocke’s answers to Ross Black’s questions

**His answer to the first question is that his Boarding House is restricted to his clientele**

Our response:

We do not agree that a Boarding House can be restricted. Jonathan states that access to his Boarding House is restricted to graduates of a Renewal Program (notice it is a formal program). He wants to make this a fraternity but this isn’t a Fraternity per the Code because the Fraternity definition in the Code is entirely different. In the determination letter, it mentions that because City Code Language does not say it is NOT restricted, it therefore CAN be restricted. I think this is faulty reasoning because the very definition of a Boarding House indicates it is NOT restricted just as the definition of a Fraternity IS restricted. Jonathon Rocke makes a failed argument comparing his clients to a Fraternity in the Code to bolster his case that he can restrict a Boarding House because a Fraternity is restricted. Historically, a “Boarding House” term has been used in city codes for at least 100 years and possibly longer. There is plenty of documentation that Boarding Houses are open to the public by definition. The YMCA and YWCA were Boarding Houses in times past. They provided housing where hotel, motels weren’t available in small towns or where a person couldn’t afford a hotel. Basically low income housing.

**His answer to the second question that, in his Boarding House tenants Must Commit as a requirement of residency.**
Our response:

He describes his Program: As a **Continued Requirement** (continuation of the RENEWAL PROGRAM) tenants must **Commit to a religion of following the beliefs and practices of Jesus**. In addition, tenants **COMMIT** to a personal **plan** and pathway forward. Again this commitment IS the RENEWAL PROGRAM or a similar program. These requirements in his letter demonstrate that he is answering your second question that his Boarding House IS REQUIRING PARTICIPATION. So this is NOT a Boarding House. It is a Social Service Institution with restricted tenants that **must agree to a commitment** or they can’t stay at the house and if they don’t **continue to commit**, they can’t stay at the house. This Social Service Institution category is not permitted in the Warehouse District.

The Peoria Rescue Ministries is a Social Service Institution and on their web site, they are listed as a Homeless Shelter. [www.peoriarescue.org](http://www.peoriarescue.org). They have Renewal Programs and their clientele are described on their web site as: “**For Men who deal with issues related to addiction, abuse, homelessness, re-entry from prison or challenging life choices, our long term renewal programs offer the opportunity to heal and develop a positive life change**”. They are explicit about who they minister. That certainly sounds like a Social Service Institution not permitted in the Warehouse District. How can this be a Boarding House when the description of the tenants are described in this manner and with the restrictions mentioned?

The City Code Language further negates this Zoning Determination letter that zones this property as a Boarding House. A Boarding House is a landlord tenant relationship. The Peoria Rescue Ministries is the owner and landlord and their graduates are their Tenants. True they may ask some tenants to work for board but I doubt all 30 will have that opportunity so they must pay rent to make the facility cash flow. So a Boarding House is a dwelling where rents are collected and fall under in CHAPTER 17 on Human Relations, Housing and Employment. Specifically, under Article 1 and Article III

ARTICLE I, Section 17-1 puts forward the Declaration of policy and it appears here.

> **it is hereby found that prejudice and discrimination against any individual or group because of race, color, religion, national origin, ancestry, sex, age, physical or mental disability, sexual orientation, or having one or more children under the age of 18 years residing in his family, is inimical to our American tradition of equality of opportunity for all, and menaces peace and public welfare; that to eliminate such prejudice and discrimination, an instrumentality of government should be established through which the citizens of the city may be provided the opportunity for equality of treatment and of opportunity regardless of race, color, religion, national origin, sex, sexual harassment, age, physical or mental disability, sexual orientation, or having one or more children under the age of 18 years residing in their family.**

Definitions provided and pertinent here are:

**Housing** includes any building or structure, or portion thereof, within the city, which is used or occupied or is intended, arranged or designed to be used or occupied as the home, residence or living quarters of one or more individual groups or families, and includes any vacant land within the city which is zoned and intended to be used for the construction of any such building or structure.
Lending institution means any bank, insurance company, savings and loan association, other person in the business of lending money or guaranteeing loans, any person in the business of obtaining, arranging or negotiating loans or guarantees as agent or broker, and any person in the business of buying or selling loans or instruments for the payment of money which are secured by title to or a security interest in real estate; but shall not include any religious institution or organization nor any charitable or educational organization operated, supervised or controlled by a religious institution or organization.

Owner means any person who holds legal or equitable title to, or owns any beneficial interest in, any dwelling or housing; or who holds legal or equitable title to shares of, or holds any beneficial interest in, any real estate cooperative which owns any dwelling or housing.

Person includes one or more individuals, corporations, partnerships, associations, legal representatives, mutual companies, unincorporated organizations, trusts, trustees, trustees in bankruptcy, receivers and fiduciaries.

Sexual orientation means having, or being perceived as having, an emotional, physical or sexual attraction to another person, without regard to the gender of that person; or having, or being perceived as having, an orientation for such attraction; or having, or being perceived as having, a self-image or identity not traditionally associated with one's biological maleness or femaleness. Sexual orientation does not include a physical or sexual attraction to a minor by an adult.

We believe the owner of the proposed Boarding House at 1212 SW Address is the Peoria Rescue Ministries. The owner is in a landlord/tenant relationship in their proposed commercial Boarding House. Tenants of the dwelling have tenants’ rights as per our Municipal code, the Fair Housing Chapter 17, ARTICLES 1 and ARTICLE III. The description that Jonathan Rocke put forth in his letter to describe his Boarding House violates the Code and is prejudicial and discriminatory per Section 17-1 in its entirety because it is restricted.

There is a religious exception in Section17-1, Article III:


Religious Organizations. A religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of a dwelling which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin.

Religious organizations exempted from the fair housing policy referenced in the UDC are: monasteries and convents. Other examples would be churches with dwellings attached, and retirements homes for clergy. This exemption does not apply to commercial purposes such as a Boarding House.

The PRM Boarding House must be open to the public and covered under the fair housing policy just as the Boarding House proposed by D&B developers. As an example, if OSF Hospital, Order of St Francis, wanted to open a Boarding House to aid the relatives of patients with room for a fee, OSF must abide by the fair housing policy because it is a commercial purpose. The same would be true for UnityPoint Methodist Hospital and closer to the services of PRM are the services offered by The South Side Office of Concern (SSOC). If the SSOC wanted to open a Boarding
House, they must adhere to the Fair Housing Act. Another reason they must adhere to the Fair Housing Act is because they accept government HUD funds to support their programs.

We do not know what type of funds the PRM uses to support their facilities; that is part of our research that we have not been able to complete. But, we do know that the PRM applied for a Grant from the Federal Home Loan Bank for funds to renovate 1212 because Ross was asked to supply a letter (Exhibit JR15 pg2) and it is mentioned in the PRM flyer seeking funds to make up the short fall when they were turned down for a Grant. (Exhibit JR15 pg3). We don’t know the contents of that letter or the rejection language but the Zoning Administrator’s letter of support should be in Ross Black’s files. We suspect the grant was denied because a Boarding House is historically defined as open to the public and the PRM language restricts the Boarding House to their Clientele.

We continue to research and believe that the 1212 Project is a Social Service Institution and not permitted in the Warehouse District.

In our research we have found new information since our Appeal to the ZBA. That information is on the Peoria Rescue Ministries web site: https://www.peoriarescue.org

The Peoria Rescue Ministries is a homeless shelter.

Mission statement from the IRS 990 posted on their web site: (Exhibit JR14)

The PRM’s Form 990 mission statements taken from their web site and attached states:

To “assist transient men with the basic needs of life: physical, emotional, mental, and spiritual – includes meals,

LODGING, clothing, COUNSELING, job assistance and worship services”

And also:

To “assist men Through a LONG TERM PROGRAM with the basic needs of life: physical, emotional, mental, and spiritual –

includes meals, LODGING, clothing, COUNSELING, job assistance and worship services”

1212 Men’s Renewal Program from Web site: https://www.peoriarescue.org

Describes the clientele as “men who deal with issues related to addiction, abuse, homelessness, re-entry from prison, or challenging life choices, our long-term renewal programs offer the opportunity to heal and develop a positive life change.

1212 Community House information (Exhibit JR15 pg1)

1212 Community House downstairs (Exhibit JR16)

1212 Community House upstairs (Exhibit JR17)

Consolidating these Exhibits JR14, JR15, JR16 and JR17 and information on the PRM Web Site into one summary statement:
The PRM’s form 990 is clear that they are a homeless shelter assisting with lodging among other basic needs. In addition, the second category is assisting men through a LONG TERM PROGRAM including lodging and other basic needs. We know that these Renewal Programs are required to get into 1212 and to stay in 1212 because it is stated in the use statement from Jonathan Rocke supplied to Ross black on February 4 (Exhibit JR11). We don’t think the Zoning Administrator has seen these exhibits from the PRM web site.

The Community House information states that there are accommodations for up to 30 clients but in the architect’s renderings, there are 36 beds. (Exhibits JR16&JR17) So does that mean that it takes 6 staff to administer the Programs or are they client beds? How many clients can they put in the building if they expand to the attic and the out building of 3,200 square feet? We could not find a bed limit for a commercial Boarding House except by square footage.

The renderings also show 14 clients in one room! Is that right? 14 in one room? Is that a Boarding House as defined in the UDC? Given today’s Covid-19 Pandemic lock down and social distancing posture, this is more compact than a cruise ship with private cabins and more compact than a retirement home with private and semi-private rooms, more compact as a veteran’s home, all three proven to be most contagious living conditions. Surely, this bedding situation should not stand as a Boarding House. This is a Commercial Boarding House due to its size and similar to a YWCA or YMCA of yesteryear but at the Y a person got a room. And, today a YMCA would have to adhere to the Fair Housing Act and most likely not be allowed anywhere in Peoria given the configuration presented in the architectural renderings of 1212 SW Adams.

1212 is a Social Service Institution and transient homeless shelter configured dwelling, housing their clientele, men who deal with issues related to addiction, abuse, homelessness, re-entry from prison, or challenging life choices. It is prohibited in the Warehouse District and prohibited in all form districts, Sheridan Triangle, West Main, and Prospect Road.

In each of the determination letters that the zoning administrator has sent the last statement is:

This determination is issued based upon the information provided and available. If the actual use varies from the described use, the determination will be null and void.

We have made much more information available to the Zoning Administrator including the architectural renderings of the facility. It took Mr. Rocke over 7 months from June 18, 2019 the date of the Zoning Administrator letter to Mr. Rocke to February 4, the description of 2020 to describe the principal use of the 1212 project when he could have done that in a day. During that time, the Determination letter changed the Boarding House definition in the UDC from unrestricted to restricted and agreed to a use that is with or without a license a Recovery Home, Residential Treatment Facility, Halfway House, transient lodging or a shelter for the homeless.

One question remains, should the Zoning Administrator look further to determine the principal use of a building beyond letter the sent to the PRM on June 18, 2019? As stated,” This zoning allows for all Residential uses per Section 6.5.B.7 in the UDC. The proposed project use of Group Living complies with the zoning requirement and is a permitted use under the current zoning code."

It’s not the responsibility of the Zoning Administrator to interpret the UDC, it is the developers, lenders, owners and architect’s responsibility.
We ask that the ZBA overturn this determination and make it null and void

Thank you.
CONSOLIDATED APPLICATION FOR
ZONING CERTIFICATE AND BUILDING PERMIT
(COMMERCIAL AND MULTI-FAMILY)

PROPERTY INFORMATION:
Job Address: 1212 S.W. Adams St. Parcel ID Number: 18.09.35.5004
Current Use: Commercial C-2 Proposed Use: R2 (Boarding House) A3 (Meeting/Dining)
Zoning District: WH Construction Cost: $400K Permit Fee: Zoning Certificate: $300.00

PROJECT TYPE:
☐ Interior Remodel
☐ New Construction
☐ Addition
☐ No Construction

USE STATUS: (See bottom of second page for additions)
☐ Change of Use
☐ Expansion of Use
☐ Property has been vacant for 12 consecutive months
☐ No Change / Expansion of Use

COMMISSION APPROVAL (If applicable):
☐ Historic Preservation Commission
☐ Planning Commission
☐ Zoning Commission
☐ Zoning Board of Appeals

DEVELOPMENT INFORMATION
Number of Employees: Existing
Structure Height:
No. Parking spaces required/provided: 24 ft to gurryer
No. Disabled spaces required/provided: 7' 30 on property
Building square footage: 3 Floors (incl Basement 4,000 sq)
Use Group: R2/A3 Proposed
Construction Type: 5A Occupant Load: 6 initially, 30 in 5 years

APPLICANT/CONTACT NAME: Howard Woolard SIGNATURE: [Signature]
Address: [Redacted]
Phone/FAX: [Redacted] E-mail: [Redacted]
Date: 2/27/2015

PERMIT HOLDER/RESPONSIBLE PARTY: Howard Woolard SIGNATURE: [Signature]
Address: [Redacted]
Phone/FAX: [Redacted] E-mail: [Redacted]

OWNER/AGENT: Rebecca Frye/D&B Developers SIGNATURE: [Signature]
Address: 601 S.W. Water Street, Peoria, IL 61602
Phone/FAX: [Redacted] E-mail: RFRYE@waterstreet.org

CONTRACTOR: Howard Woolard - Geo1 SIGNATURE: [Signature]
Address: [Redacted]
Phone/FAX: [Redacted] E-mail: [Redacted]

SUBCONTRACTORS: HVAC: PLUMBING: ELECTRICAL: ROOFING LICENSE:
Not Yet Selected.

* Please note attached addendum

Consolidated Application – Page 1 of 2
Rev. 11/6/13
Required Submissions:
1. One paper set of construction documents and a digital copy on a Compact Disc or other appropriate digital media, prepared by a registered design professional, with sufficient detail and clarity for plan review. (Total of two sets needed if Health Department is involved, i.e. food service establishment or daycare.)

2. One paper copy of a site plan and a digital copy on a Compact Disc or other appropriate digital media, drawn to an identified scale, measurable with an engineer’s or architect’s scale, showing:

- Site Plan must show at a minimum:
  - Property lines, proposed or existing streets and adjacent curb lines, service areas, north arrow and scale, and the area of the subject site/property (acres and/or square feet).
  - Exact locations of all buildings, structures, utility structures, streets and sidewalks, access facilities, including on-site vehicular geometry, and proposed utility work in the right-of-way.
  - Parking spaces and aisles with dimensions.
  - Number and location of required and provided parking spaces, including handicapped parking spaces and appropriate signs.
  - Locations and dimensions of required yards and transitional buffer yards.
  - Locations and dimensions of walks, fences, and exterior lighting structures.
  - Dumpster, refuse and recycling locations and screening treatment.
  - A landscape plan showing exact location, size, quantity and type of all existing and proposed landscaping, and exterior mechanical equipment and proposals for screening. Lawn areas should be indicated as seed or sod.
  - Square footage of all existing and proposed buildings.
  - Signage plan for the project, showing all existing and proposed signage with locations, dimensions, and numbers. (A separate application is required for signage.)

The items listed below may be required for more intensive projects:
- Existing and proposed topographic contours.
- Easements – location, width and purpose. Appropriate easement documents are required.
- Method and calculations of stormwater retention.
- Sanitary sewer calculations.
- Location/dimensions of fire hydrants and water mains.

3. Certificate of Occupancy Application

This building permit is granted based on the cost of construction including building work and the cost of electrical, plumbing, and other mechanical work if needed. This is NOT a permit to do electrical, plumbing, and/or heating work, which requires a separate inspection permit for each. All concealed mechanical work and framing must be inspected and approved before permission to cover will be given. Applicant shall call for the inspection of own work. The Applicant hereby agrees to perform said work and construct said building as contemplated in the foregoing application and in accordance with plans and specifications submitted and agrees to comply with the Peoria City Code in performance of same.

NO BUILDING SHALL BE OCCUPIED UNTIL THE CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED BY THE BUILDING OFFICIAL: Call 494-8600 for required inspections.

PLEASE MAKE CHECKS PAYABLE TO: CITY OF PEOIRA.
CHECKS MAY BE MAILED TO: 419 FULTON STREET, ROOM 300, PEOIRA, IL 61602-1217.

Applicant is required to obtain permit(s) prior to starting construction. Applicant is responsible to know the current Building Code and to call for all required inspections 24 hours prior to needed inspection. Violation of City of Peoria Building Code will subject person to appropriate penalty.

Address for new construction, vacant lot: Public Works, 3505 N. Dries Lane, Peoria, IL 61604-1210 at 494-8803.

USE DEFINITIONS:

Change of Use: The replacement of an existing use on any portion of a parcel, by a new use, or a change in the nature of an existing use, but does not include a change of ownership, tenancy, or management associated with a use in which the previous nature of the use remains substantially unchanged. A change in use from a vacant structure to an occupied structure shall be considered a change of use, unless the use is a resumption of a prior use. For the purposes of this section, the prior use includes the last legally established use of the vacant structure provided that the vacancy has not occurred for a period of more than 12 consecutive months.

Expansion of Use: An increase in the gross floor area or parking area/lot of an existing use or the addition of an accessory or temporary use to an existing use.

* Please note attached addendum
To: Kimberly Smith – Peoria City Sr. Urban Planner

Re: Addendum to Consolidated Zoning Certificate & Building Permit Application – 1212 S.W. Adams

The Board of the “Adams Street Foundation Ltd.” (ASF) is requesting two “variances/exemptions” in conjunction with the attached Combined Application form.

1. Allowance to occupy the building without the requirement of a Passenger Elevator.
2. Allowance to maintain the current Parking Space capacity.

Reasoning behind these two requests follows:

1. **Allowance to occupy the building without the requirement of a Passenger Elevator.**

Residents that enter our program and house, must pass three interviews, which includes confirmation that everyone is physically capable of performing the Manual Labor & Trade Skills that we will provide Job Training for.

Residents must commit to a two year program provided in a highly controlled environment. The ASF house is a completely controlled access facility. No visitations are allowed on property, only residents. This is done to assure that there is no Drug/Alcohol/Tobacco/Gang infiltration into the house / class / work environment.

For the above reasons, there will never be anyone in the ASF House that requires a Passenger Elevator. We do currently have a working Freight Elevator, but respectfully request a variance/exemption on the Passenger Elevator requirement mentioned in our attached Code Analysis.

2. **Allowance to maintain the current Parking Space capacity.**

Another element of the highly controlled environment described above is that no residents are allowed to have a car. Any time they need transportation, it will be provided by ASF volunteers & vehicles.

Since no residents are allowed to have a car, and since there is no visitation allowed at the ASF House, the Parking area will only be utilized by ASF Volunteers.

We currently have over 30 parking spaces available, so respectfully request a variance/exemption on the Parking Space requirement mentioned in our attached Code Analysis.

The ASF is modeled after the 40 year success of the Delancey Street Foundation in San Francisco. WE plan to start with 5 – 6 residents in 2015, and grow to a 30 resident max in 2020.

In today’s world, we realize the Highly Controlled Environment and Limited Access described above sounds strange, but it has proven to be an essential element of keeping Residents/Students focused on learning the Job & Life Skills they are being taught.

For these reasons we respectfully ask that we be granted the two variances/exemptions requested above.

If you need any additional information, please don’t hesitate to contact us.

Construction Cost Estimate = $400K:
1. Sprinkler System = $150K
2. Misc Updates & Code Fixes = $100K
3. Passenger Elevator if required = $150K

Thank You for the Consideration,

Howard Woolard – ASF Foundation

[redacted] mobile
TO: Kimberly Smith, Senior Urban Planner
FROM: Ross Black, Community Development Director / Zoning Administrator
DATE: August 9, 2015
SUBJECT: DETERMINATION ON THE USE OF 1212 SW ADAMS ST

Background:

On April 13, 2015, Zoning Certificate # 15-37 was issued for the establishment of a Boarding House at 1212 SW Adams. This location is within the Warehouse Form District.

A Boarding House is defined in the Land Development Code (Appendix C) as a subset within the Rooming House definition: "Any building in which three (3) or more persons either individually or as families are housed or lodged for compensation with or without meals. A boarding house or furnished room house shall be deemed a "rooming house."

Subsequent to the issuance of the Zoning Certificate, questions have been raised as to whether the use is a Boarding House (within the Group Living category), or is in fact a use within the Social Service Institution category. This distinction is important in this instance, as Social Service Institutions are not permitted within the Warehouse Form District. Within the Form Districts, uses are either permitted or not permitted; there is no allowance for the equivalent of a "Special Use" that exists in other zoning districts.

Analysis:

Three approaches were used to reach this determination. First, the various Social Service Institutions listed in the Land Development Code were reviewed against the functioning of the proposed use. Second, the proposed use was compared to the definition of Boarding House and the other Group Living category uses. Third, the definition of the overall Use Category for Group Living and Social Service Institutions was examined.

Various principal uses are found within the overall Social Service Institutions category. They include; Halfway House, Outpatient Treatment Facility, Psychiatric Institution, Recovery Home, Residential Treatment Facility, Sanatorium, Soup Kitchen, Transient Lodging or Shelter for the Homeless, and Single Room Occupancy (SRO).

The table below provides a summary of the definitional requirements of each of these uses, the Boarding House use, and the proposed use as explained by the property owner.

<table>
<thead>
<tr>
<th></th>
<th>Overnight Lodging</th>
<th>Restricted Clientele</th>
<th>License Required</th>
<th>Specific Alcohol or Drug Treatment</th>
<th>On Site or Off site Treatment</th>
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</thead>
<tbody>
<tr>
<td>Halfway House</td>
<td>Yes</td>
<td>Yes</td>
<td>Maybe</td>
<td>No</td>
<td>Maybe</td>
</tr>
<tr>
<td>Outpatient Treatment Facility</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Psychiatric Institution</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Overnight Lodging</td>
<td>Restricted Clientele</td>
<td>License Required</td>
<td>Specific Alcohol or Drug Treatment</td>
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<td>-----------------------------</td>
</tr>
<tr>
<td>Recovery Home</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Residential Treatment Facility</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Sanatorium</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Soup Kitchen</td>
<td>No</td>
<td>Maybe</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Transient Lodging / Homeless Shelter</td>
<td>Yes</td>
<td>Yes</td>
<td>Maybe</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Single Room Occupancy</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Maybe</td>
</tr>
<tr>
<td>Boarding House</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Proposed Use</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Following are the definitions are found in the Land Development Code or Zoning Code.

**Halfway House:** A facility primarily designed for the residence of persons on parole or mandatory supervised release.

**Outpatient Treatment Facility:** A licensed treatment facility for alcoholism and other drug dependency without a residential component.

**Recovery Home:** Alcohol and drug free housing authorized by an intervention license issued by the Illinois Department of Human Services, whose rules, peer-led groups, staff activities and/or other structured operations are directed toward maintenance of sobriety for persons in early recovery from substance abuse or who recently have completed substance abuse treatment services or who may still be receiving such treatment services at another licensed facility.

**Residential Treatment Facility:** A licensed inpatient treatment facility for alcoholism and other drug dependency, sub-acute inpatient treatment, clinically managed or medically monitored detoxification, and residential extended care authorized by a license.

**Single Room Occupancy:** A residential property that includes multiple single room dwelling units. Each unit is for occupancy by primarily one individual but not more than two individuals. The unit need not, but may contain food preparation or sanitary facilities, or both. Units are not for lease by the general public but for certain qualified individuals. The property may or may not have on or off site supportive services as a condition of residency.

**Boarding House:** Any building in which three (3) or more persons either individually or as families are housed or lodged for compensation with or without meals. A boarding house or furnished room house shall be deemed a "rooming house."
For the uses that are not defined in the Land Development Code or Zoning Ordinance, the generally accepted dictionary definitions are applied.

*Psychiatric Hospital:* A hospital for mentally incompetent or unbalanced person.

*Sanatorium:* 1. An institution for the treatment of chronic diseases or for medically supervised recuperation. 2. A resort for improvement or maintenance of health, especially for convalescents. Also called sanitarium.

*Soup Kitchen:* A place where food is offered free or at very low cost to the needy.

*Homeless Shelter:* A building set up to provide for the needs of homeless people; often including shelter, food, sanitation and other forms of support.

Following are the overall Use Category Definitions for Group Living and for Social Service Institutions. Boarding Houses are included in the Group Living Use Category.

**Group Living**

Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training.

| Boarding house, rooming house | Associated office or dining area | Bed and breakfast, hotel, motel, inn, extended-stay facility (see Overnight Lodging) |
| Children's home | Food preparation | Halfway house, recovery home, residential treatment facility, outpatient treatment facility (see Social Service Institutions) |
| Assisted living facility | Recreational facility | Seminary (see Educational Facility) |
| Fraternity, sorority, student dormitory | | |
| Family care facility | | |
| Group care facility | | |
| Monastery, convent | | |

**Social Service Institution**

Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.

<p>| Halfway house Outpatient treatment | Adult educational facility Associated office | Boarding house, elderly housing, assisted living |</p>
<table>
<thead>
<tr>
<th>facility</th>
<th>Food preparation or dining area</th>
<th>facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Psychiatric institution</td>
<td>Meeting room</td>
<td>Fraternity, sorority, family care facility, group care facility, nursing home (see Group Living)</td>
</tr>
<tr>
<td>Recovery home</td>
<td>On-site day care where children are cared for while parents or guardians are occupied on the premises</td>
<td>Detention center, jail, prison (see Light Industrial)</td>
</tr>
<tr>
<td>Residential treatment facility</td>
<td>Staff residences located on-site</td>
<td>School, public or private, K-12 (see Educational Facility)</td>
</tr>
<tr>
<td>Sanatorium</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Social service institution, soup kitchen, transient lodging or shelter for the homeless</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single room occupancy (SROs)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Determination:**

Occupants of the boarding house at 1212 SW Adams will not pay a typical rental fee, but will work in exchange for room. This is within the definition of Rooming House, in that the tenants are providing compensation (i.e., work) in exchange for room.

Further, unlike the definition of the Social Service Institution category, the proposed boarding house will not "primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs."

Finally, it is understood that the tenants in the proposed boarding house will be expected to follow rules and regulations established by the property owner. This is no different from regulations established for the residents of any of the other uses under the Group Living category.

Based on the analysis of the use information provided by the property owner and a review of the zoning definitions and regulations as listed above, it is determined that the proposed use is most similar to permitted uses within the Group Living category and per 5.1.B.1., and dissimilar to the uses within the Social Service Institution category. **Therefore, the issuance of Zoning Certificate # 15-37 is determined to be valid.**

This determination is based upon a review of the information available today. Any change of use for this site would have to be reviewed per the requirements of the Land Development Code. Further, this determination has no bearing upon requirements beyond zoning, such as building codes, fire codes, or other requirements that may apply to this location and use.
October 30, 2015

Ms. Rebecca Frye  
B & D Developers  
601 SW Water Street  
Peoria, IL 61602

SUBJECT: ZONING STATUS OF THE PROPOSED BOARDING HOUSE AT 1212 SW ADAMS STREET

Dear Ms. Frye;

The purpose of this letter is to provide a further determination as to the ability to establish a Boarding House at 1212 SW Adams Street.

On April 13, 2015, Zoning Certificate number 15-37 was issued pursuant to an application for a Change of Use to establish a Boarding House at 1212 SW Adams Street.

Subsequent to the issuance of the Zoning Certificate, correspondence between yourself and Kimberly Smith of the City added further information and definition to the proposed use. The purpose of the continued discussion was to determine if in fact the proposed use met the definition of a boarding house.

Use Definitions:

A “Boarding House” is defined as follows: “Any building in which three (3) or more persons either individually or as families are housed or lodged for compensation with or without meals. A boarding house or furnished room house shall be deemed a ‘rooming house’.”

A Boarding House falls within the Land Development Code Group Living use category. The Group Living use category is defined as follows: “Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training.”

The question at hand is whether the proposed facility and use is in fact a Boarding House, and thus legal within the Warehouse Form District, or is a Social Service Institution, and thus not legal within the Warehouse Form District.

The definition of the Social Service Institution use category is as follows: “Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.”
Zoning Certificates:

Zoning Certificates are issued per Section 2.2 of the Land Development Code.

Section 2.2.1.A. states, "The purpose of the Zoning Certificate is to certify that a...proposed or existing use complies with the requirements of this development code." (emphasis added)

Section 2.2.3.A.3. states, "Any permit or certificate issued in conflict with the provisions of this development code, shall be null and void."

Section 2.2.3.A.5. states, "...Any Zoning Certificate which is issued as a result of information supplied by the applicant and not on the basis of a property inspected by the City shall state that it has been issued in reliance upon information supplied by the applicant, and that it is not valid if it has been issued in reliance on information provided by the applicant which is not true and correct." (emphasis added)

The Zoning Certificate itself states, "Under penalties provided by law, the applicant certifies that the statements set forth in this instrument are true and correct and that if they are not, any permit, license or authorization given hereunder shall be void from its inception." (emphasis added)

Conclusion:

In this instance, Zoning Certificate number 15-37 was issued reliant upon the information provided by the applicant. As the use had not yet been established and the Zoning Certificate will not expire until April 12, 2018, it was – and is – impossible to determine with certainty that the established use will in fact be compliant with City Zoning Regulations. In short, B & D Developers stated on the application that the use would be a boarding house. As no use has yet been established – boarding house or otherwise – no action need be taken by the City at this point.

However, as clearly stated in the City Zoning Regulations, if a use other than that which was approved is established, then the Zoning Certificate is null and void. Therefore, it is the responsibility of the applicant to ensure than the use when established is a boarding house within the Groups Living Use category, and not another use that would fall into the Social Service Institution Use category.

Sincerely,

Ross Black
Director

City Hall
419 Fulton Street, Suite 300
Peoria, IL 61602
309.494.8600
Community Development Department

June 18, 2019
Mr. Jonathan Rocke
Peoria Rescue Ministries
601 SW Adams St
Peoria, IL 61602

RE:  1212 SW Adams Street

Dear Jon,

In response to your request for information regarding the above-referenced property, please note that 1212 SW Adams Street, Peoria, IL is zoned Warehouse Form District (WH).

This zoning allows for all Residential uses per Section 6.5.B.7 of the Unified Development Code. The proposed project use of Group Living complies with the zoning requirements and is a permitted use under the current zoning code.

We are unaware of any variances, special permits or exceptions that apply to this property.

If this office can be of any further assistance, please contact us at (309) 494-8601 or rblack@peoriagov.org

Sincerely,

[Signature]
Ross Black
Community Development Director

City Hall
419 Fulton Street, Suite 300
Peoria, IL 61602
309.494.8600
January 6, 2020

To: Neighbors of Peoria Rescue Ministries

On Tuesday, January 14, 2020, the Downtown Development Corporation (DDC) is sponsoring a neighborhood meeting for all of Peoria Rescue Ministries’ neighbors. The DDC does not take a position on individual businesses; we let the market decide. However, we have been asked to coordinate this opportunity to have a neighborhood meeting, and we are happy to do so.

The purpose of this meeting is to advise you of the Peoria Rescue Ministries’ planned new Community House operation at 1212 SW Adams Street. This will be a boarding house for the graduates of Peoria Rescue Ministries, all of whom will be conducting job searches or will be employed. The transitional housing facility accommodates up to 30 men, providing them with comfortable living arrangements and building self-worth and confidence to transition them back into living life outside of a structured environment.

The event will be held at 1212 SW Adams Street, the location of the operation, from 4:30 p.m. to 5:30 p.m. on Tuesday, January 14th. Jonathan Rocke, executive director of Peoria Rescue Ministries, will host the event with a brief presentation followed by a facility tour and Q&A.

Please RSVP to info@downtownpeoria.us. We look forward to seeing you there.

Sincerely yours,

Michael J. Frellinger, President/CEO
Downtown Development Corporation (DDC)
Ross, please review the attached invitation. I think this is just extension of the Peoria Rescue Ministry and as such it is another attempt to put a social service agency in the Warehouse District.

Is there any information you can share about this project with the Warehouse District Association for our upcoming meeting? Do they have a certificate of occupancy and zoning as a boarding house? We are concerned as the last time this was attempted, the investors did not share what they were actually going to do and disguised a social service agency with a work release project as a boarding house. We would like to get as much information you can share with us, thanks.

In addition the definitions provided from the form code state:

A "Boarding House" is defined as follows: "Any building in which three (3) or more persons either individually or as families are housed or lodged for compensation with or without meals. A boarding house or furnished room house shall be deemed a 'rooming house'."

A Boarding House falls within the Land Development Code Group Living use category. The Group Living use category is defined as follows: "Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training."

So, is the proposed facility and use a Boarding House, and thus legal within the Warehouse Form District, or is a Social Service Institution, and thus not legal within the Warehouse Form District.

The definition of the Social Service Institution use category is as follows: "Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs."

Ross, This boarding house is basically a transient housing and is related to social service programs so it is not a boarding house per the code.

We would be interested in the zoning document if in fact this is approved by the city under the form code.

Thanks,
Joe Richey
309-6735589
309-657-3370 cell
jrichey@tricitymachine.com
Ross, I think this Peoria Rescue Ministries project is in violation of the Warehouse District Form Code. The introductory letter to the neighborhood from DDC CEO, Michael Freilinger (attached) clearly states that the facility is a boarding house for transient (homeless) men. The Ministry calls it their new community house, a transitional housing facility. The clients are graduates of a drug and alcohol prevention program at the Peoria Rescue Ministry. Then the clients enter a new program that includes housing. They are to be housed at 1212 SW Adams. Michael calls it a transitional housing facility that can accommodate up to 30 men. This is by definition, a social service agency operating in the Warehouse District as transitional housing or a homeless shelter. This Use is prohibited by the Warehouse District Form Code. It’s interesting that their architect and development group have not pointed out the Form Code uses that are not permitted.

While their goal of helping homeless people is to be admired, there are many areas in Peoria that this group living/boarding house would be legal. In addition the speaker at the neighborhood meeting said that they are going to spend over one million dollars to renovate the 1212 building! With that amount of money they can find a place in the Peoria area for their program that is a permitted use. With that amount of money they could find undeveloped ground and build a nice facility probably for less money. The Ministry should be encouraged to find a different location.

Can we meet on this issue soon? I am available most any time next week. I will bring more information with us. I think this is really important to get this issue resolved ASAP.

Thanks,
Joe Richey
Warehouse District land owner.
Ross, thanks for allowing us to meet with you. All of us attending the tomorrow’s meeting were also in receipt of the letter from Michael Freilinger and attended the information meeting held on January 14th at 1212 SW Adams by the Peoria Rescue Ministries.

This Project it is an attempt to put a boarding house in the Warehouse District. It does not qualify as a boarding house for a number of reasons. Michael Freilinger letter is clear that it is Peoria Rescue Ministry’s (PRM) transitional housing facility. This transitional housing is an extension of the programs offered by PRM and IS a Program offered by PRM.

The PRM’s Form 990 mission statements taken from their web site and attached states:
To “assist transient men with the basic needs of life: physical, emotional, mental, and spiritual – includes meals,
LODGING, clothing, COUNSELING, job assistance and worship services”

And also:
To “assist men Through a LONG TERM PROGRAM with the basic needs of life: physical, emotional, mental, and spiritual – includes meals, LODGING, clothing, COUNSELING, job assistance and worship services”

Please see the pages attached from their Form 990.

The emphasis on the lodging and counseling indicates that these are programs that their clients participate in on an ongoing basis. We think that these programs constitute a violation of the zoning ordinance in the Form Districts. While a boarding house as defined in the Code is permitted, the USE of the boarding house as described is not permitted and is therefore NOT a boarding house.

True this facility offers overnight lodging, but the lodging is ONLY AVAILABLE TO CLIENTS OF THE PEORIA RESCUE MINISTRY. This information was firmly attested to by the presenters and their board members at the meeting we were invited to on January 14. So rooms or beds are NOT available to others that might want to stay. This is clearly a program for the benefit of PRM clients. It was also mentioned that a client could stay as long as 3 years. And that there would be two counselor’s staying and having an office at that location to administer the program.
We believe that 1212 transition housing facility is a program and an extension of current programs based on their web site: Men’s EXCEL Renewal Program and Men’s “NEXT STEP Transitional Program”

The clients of the PRM are according to their web site, are in programs that are: “For men who deal with issues related to addiction, abuse, homelessness, re-entry from prison, or challenging life choices, our long term renewal programs offer the opportunity to heal and develop a positive life change.”

To briefly sum up the research we have done so far:
The transitory housing facility proposed is not a boarding house in terms of USE and is NOT allowed in the Warehouse Form District because it is a program of a social service agency. The housing is restricted to the clientele of the PRM. The PRM is specific to the fact that their clients suffer a number maladies including alcohol and drug addiction and are essentially homeless as they have nowhere else to go. At the 1212 facility they will partake in the services of the PRM for counseling and other programs that are necessary for rehabilitation. The PRM most likely has a license to administer these programs of alcohol and drug addiction but we are not aware that they have or need one. Regardless, the clients at the proposed 1212 facility will, according to the informational meeting on January 14, attend programs either onsite or at the main facility of the PRM at 601 SW Adams.

There are at least two reasons that social service agencies are not permitted in the Form Districts. There are other areas zoned where they are permitted and are a negative for developing the Warehouse District. The Warehouse District TIF is a Tax Incentive Financing district as such future development depends on taxable property developments not non-for-profit tax exempt social service projects. The PRM should ask the Peoria’s Economic Development to help find a legal place to spend one million dollars as proposed to us at the meeting we attended. The PRM should not be permitted to “end run” the Form Code because if they are able to place this project in the Warehouse District others will use their success as a precedent for their projects.

We will bring other materials to the meeting,

Thanks,
Joe Richey
Warehouse District Landowner
Hello Ross,

Thanks for sending and working through this will all parties involved. I appreciate the challenge you have.

I would definitely like to have a discussion with you in regards to the questions and the overall “Group Living” definition in the “Residential” category. Let me know what works for you for either a call or I would be glad to come your way. As you might imagine timing is of the essence as we are in full swing on the renovations etc.

I have a call today at 2:30-3:30 but other than that can do anything that works for you.

Thanks,

Jon

From: Ross Black <rblack@peoria.gov>
Sent: Friday, January 31, 2020 12:03 PM
To: Jonathan Rocke <jrocke@peoriarescue.org>
Subject: 1212 SW Adams

Jonathan,

As you know, there have been several inquiries about the proposed use of 1212 SW Adams. The purpose of this email is to verify that the proposed use is in fact a boarding house. In earlier conversations you have indicated that the proposed use does meet the definition of a boarding house per the zoning ordinance. Further, the building code plan set that was submitted indicates that the use and occupancy classification is R-2. This classification would include boarding houses, but would not include any R-4 or I-1 occupancies, such as group homes, halfway houses, residential treatment facilities, and residential drug and alcohol treatment facilities.

Please email me a response to the questions below so that we can verify the use.

I’ve attached the documentation that was previously shared that compares a boarding house to other residential uses.

Please feel free to call me or send an email if you have any questions about the items below.

1. Will rooms in the boarding house be available to the general public? In other words, could someone show up at the front door and rent a room?
2. Is residency at the boarding house contingent upon participation in any type of program or counseling? This is different than making programs and services available, but not requiring participation.

Thanks, Ross
Ross, you mentioned in the meeting, that the boarding house was approved for the 1212 project for the Darin and Becky Frye. They did not proceed because they knew that their project was basically a prisoner work release program and would violate the Form District zoning if they pursued with their plans so they stopped.

The same is true for the Peoria Rescue Ministries. They know that a boarding house is permitted as per your letter to Darin and Becky Frye but their project is a recovery program and transit housing for drug and alcohol abuse clients and homeless clients and not a boarding house. It is restricted to the graduates of their drug and alcohol abuse programs. So that program is in violation of the Form Code. At their information meeting is was pretty clear what they were doing and how it was to work and they were adamant that it was ONLY for their graduates. I mentioned at the meeting we had with you that this is basically an end run and threading the needle to fit this program in the Warehouse District and still believe that to be true. If they are truthful about their use and purpose it will be evident that this project is just as they explained at their meeting...a recovery program, no more and no less.

Joe Richey
Contiguous property owner
Warehouse District.
Hello Ross,

Thanks so much for meeting with us today and further discussing the Zoning requirements in the Warehouse District. Below is a statement that seems to most accurately and adequately describe what the 1212 Community House is, its intended use is and how it is differentiated from the current ministries or services that Peoria Rescue Ministries offers. Hopefully this brings some clarity that is helpful. Please reach out with any questions.

Best,

Jon

Peoria Rescue Ministries is entering into a brand-new avenue of ministry with the launch of 1212 Community House.

1212 Community House is a community style, residential living opportunity available for qualified graduate students that have successfully completed a Renewal Program at PRM. The men qualified to reside at 1212 will live, work or pursue further education opportunities and participate in the vibrant Warehouse District community, while living in a fraternity type setting for up to 3 years.

As a continued requirement of residency, the fraternity of graduates commit to pursue the beliefs and practices of following Jesus and will participate in both personal and community standards and activities developed to reflect that. In addition, they commit to a personal plan and pathway toward sustainable, permanent housing. The low-cost residency structure allows for men to pursue their personal financial goals and prepare for sustainable, permanent living.

Jonathan W. Rocke
Executive Director
309.676.6416 ext. 1003
jrocke@peoriarescue.org

Peoria Rescue Ministries

This communication is a confidential and proprietary business communication. It is intended solely for the use of the designated recipient(s). If this communication is received in error, please contact the sender and delete this communication.
Thanks much Ross – appreciate the clarity and direction.

Best,

Jon

From: Ross Black <rblack@peoriagov.org>
Sent: Wednesday, February 5, 2020 12:02 PM
To: Jonathan Rocke <jrocke@peoriarescue.org>
Cc: Kimberly Smith <ksmith@ci.peoria.il.us>
Subject: Re: 1212 Description

Jon,

Thanks for taking the time to meet yesterday and to follow up with the information in your email.

Please find below a summary of the process items we discussed yesterday.

1. Based on the available information, I will issue a determination as to the classification of the proposed use at 1212 SW Adams. This determination should be issued this week or early next week at the latest.
2. Any party that is aggrieved of the decision may appeal to the Zoning Board of Appeals. My decision will be issued in time for an appeal (if there is one) to be heard at the March 12 ZBA meeting.
3. You may also pursue a text amendment to the Unified Development Code related to the existing classification of uses. This action can be taken concurrently with any appeal to the ZBA.
4. A text amendment would be heard by the Planning & Zoning Commission. Ultimately, all text amendments must be approved by the City Council.
5. I've copied Kim Smith on this email. Kim is the planner for this part of town and can help you work through the amendment process if you want to pursue that path. We cannot write the amendment for you, but can explain the format, etc.

Thanks again, Ross

From: Jonathan Rocke <jrocke@peoriarescue.org>
Sent: Tuesday, February 4, 2020 4:07 PM
To: Ross Black <rblack@peoriagov.org>
Subject: 1212 Description

Hello Ross,
March 3, 2020

Mr. Jonathan Rocke
Peoria Rescue Ministries
601 SW Adams Street
Peoria, IL 61602

SUBJECT: ZONING DETERMINATION – 1212 SW ADAMS STREET

Dear Mr. Rocke,

This letter serves as an updated determination as to the proposed use of the property located at 1212 SW Adams Street.

Background:

As you will recall, an initial determination was issued on August 9, 2015, in response to an inquiry by the previous owner of the property. This initial determination was further clarified on October 30, 2015. Upon the sale of the property, a letter was issued to you on June 18, 2019, regarding the classification of your proposed use as Group Living (Boarding House).

A question has been raised as to whether the proposed use is, in fact, a Group Living use, or some type of Social Service Institution use. This distinction is important, as Group Living uses are permitted by-right in the Warehouse District and Social Service Institutions are prohibited.

In discussing the proposed use with you, the major change from the initial review of the use is that the facility will only be open to certain individuals and not to the general public. Based on this change, we have re-examined the interpretation of the use.

The August 9, 2015 determination concluded that the use was a boarding house and that a boarding house cannot have restricted clientele. The definition of a boarding house is as follows.

"Any building in which three (3) or more persons either individually or as families are housed or lodged for compensation with or without meals. A boarding house or furnished room house shall be deemed a 'rooming house.'"

Boarding houses are included in the general Group Living use category. The definition of Group Living is as follows:

"Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training."

City Hall
419 Fulton Street, Room 300
Peoria, IL 61602-1217
Phone 309.494.8600
Fax 309.494.8680
Group Living uses include: boarding house, rooming house, children's home, assisted living facility, fraternity, sorority, student dormitory, family care facility, group care facility, monastery, convent.

Analysis:

The determination issued on August 9, 2015, stated that boarding houses could not have restricted clientele. Upon review, this condition is not found in any of the City Code language related to boarding houses. Further, other listed uses in the Group Living category have a restricted clientele. These specific uses include, but are not limited to fraternities, sororities, monasteries, and convents.

The definition of Group Living also includes the allowance that residents in Group Living uses may "receive care or training." Therefore, the provision of care or training at a boarding house does not make it a Social Service Institution, inasmuch as care and training at an assisted living facility does not make it a Social Service Institution.

Determination:

The additional information provided does not change the determination that the use as described is a boarding house within the Group Living use category and is therefore permitted by-right in the Warehouse Form District.

This determination is issued based upon the information provided and available. If the actual use varies from the described use, the determination will be null and void.

Per Section 2.7 of the Unified Development Code, this determination can be appealed to the Zoning Board of Appeals.

Sincerely,

Ross Black
Community Development Director
Zoning Administrator
To Ross Black,

Ross we left the possibility of a meeting open and due to the lockdown, possibility a meeting by conference call. We would like to have that meeting next week to discuss the substance of this email and other related information to clarify our Appeal to the ZBA.

Ross, I am requesting that the Planning and Zoning Department negate the “Boarding House” determination on the 1212 SW Adams location immediately (before the ZBA Meeting on May 14th).

We are requesting an immediate legal opinion by City legal staff, an opinion from the Fair Housing Commission and an additional review by the Planning and Zoning Department based on the contents of this email.

We base our request on the questions you asked Jonathan Rocke of the Peoria Rescue Ministries in your email to him on January 31, attached, and his responses on January 4.

Your questions were:

**Will rooms in the boarding house be available to the general public? In other words, could someone show up at the front door and rent a room?**

**Is residency at the boarding house contingent upon participation in any type of program or counseling? This is different than making programs and services available, but not requiring participation.**

Jonathan Rocke Response of February 4, email Letter attached

**His answer to your first question is that his boarding house is restricted to his clientele**

Our response:

We do not agree that a Boarding House can be restricted. Jonathan states that access to his Boarding House is restricted to graduates of a Renewal Program (notice it is a formal program). He wants to make this a fraternity but this isn’t a Fraternity per the Code because the Fraternity definition in the Code is entirely different. In the determination letter, it mentions that because City Code Language does not say it is NOT restricted, it therefore can be restricted. I think this is faulty reasoning because the very definition of a Boarding House indicates it is NOT restricted just as the definition of a Fraternity is restricted. Jonathon Rocke makes a failed argument comparing his clients to a Fraternity in the Code to bolster his case that he can restrict a Boarding House because a Fraternity is restricted. Historically a “Boarding House” term has been used in city codes for at least 100 years and possibility longer. There is plenty of documentation that Boarding Houses are open to the public by definition. The YMCA and YWCA were boarding houses in times past. They provided housing where hotel, motels weren’t available in small towns or where a person couldn’t afford a hotel.

**His answer to your second question that, in his Boarding House tenants Must Commit as a requirement of residency.**

Our response:

He describes his Program: As a Continued Requirement (continuation of the RENEWAL PROGRAM) tenants must Commit to a religion of following the beliefs and practices of Jesus. In addition tenants COMMIT to a personal plan and pathway forward. Again this commitment IS the RENEWAL PROGRAM or a similar program. These
requirements in his letter demonstrate that he is answering your second question that his Boarding House IS REQUIRING PARTICIPATION. So this is NOT a Boarding House. It is a social service institution with restricted tenants that 
**must agree to a commitment** or they can’t stay at the house and if they don’t **continue to commit**, they can’t stay at the house. This social service institution category is not permitted in the Warehouse District.

The Peoria Rescue Ministries is a social service institution and on their web site, they are listed as a Homeless Shelter. [www.peoriarescue.org](http://www.peoriarescue.org). They have Renewal Programs and their clientele are described on their web site as: **"For Men who deal with issues related to addiction, abuse, homelessness, re-entry from prison or challenging life choices, our long term renewal programs offer the opportunity to heal and develop a positive life change".** They are explicit about who they minister to. That certainly sounds like a social service institution not permitted in the Warehouse District Form Code. How can this be a Boarding House when the description of the tenants are described in this manner and with the restrictions mentioned?

The City Code Language further negates this Zoning Determination letter that zones this property as a Boarding House. A Boarding House is a landlord tenant relationship. The Peoria Rescue Ministries is the owner and landlord and their graduates are their Tenants. True they may ask some tenants to work for board but I doubt all 30 will have that opportunity so they must pay rent to make the facility cash flow. So A Boarding House is a dwelling where rents are collected and fall under in **CHAPTER 17 on Human Relations, Housing and Employment. Specifically under Article 1 and Article 3**

**ARTICLE I, Section 17-1 puts forward the Declaration of policy and it appears here.**

*it is hereby found that prejudice and discrimination against any individual or group because of race, color, religion, national origin, ancestry, sex, age, physical or mental disability, sexual orientation, or having one or more children under the age of 18 years residing in his family, is inimical to our American tradition of equality of opportunity for all, and menaces peace and public welfare; that to eliminate such prejudice and discrimination, an instrumentality of government should be established through which the citizens of the city may be provided the opportunity for equality of treatment and of opportunity regardless of race, color, religion, national origin, sex, sexual harassment, age, physical or mental disability, sexual orientation, or having one or more children under the age of 18 years residing in their family.***

Article III.- describes DISCRIMINATORY PRACTICES- DIVISION 3- Housing Accommodation Practices.

**Sec. 17-96. - Definitions. Under discriminatory practices**

As used in this division, unless a different meaning clearly appears from the context, the following terms shall have the meanings ascribed to them in this section:

**Dwelling** means any building or structure, or portion thereof, within the city which is arranged, designed or used as a home, residence or living quarters of one or more individuals.

**Familial status** means one or more individuals (who have not attained the age of 18 years) being domiciled with:

1. A parent or person having legal custody of such individual or individuals; or

2. The designee of such parent or other person having such custody, with the written permission of such parent or other person.
The protections afforded by this division against discrimination on the basis of familial status apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

**Housing** includes any building or structure, or portion thereof, within the city, which is used or occupied or is intended, arranged or designed to be used or occupied as the home, residence or living quarters of one or more individual groups or families, and includes any vacant land within the city which is zoned and intended to be used for the construction of any such building or structure.

**Lending institution** means any bank, insurance company, savings and loan association, other person in the business of lending money or guaranteeing loans, any person in the business of obtaining, arranging or negotiating loans or guarantees as agent or broker, and any person in the business of buying or selling loans or instruments for the payment of money which are secured by title to or a security interest in real estate; but shall not include any religious institution or organization nor any charitable or educational organization operated, supervised or controlled by a religious institution or organization.

**Owner** means any person who holds legal or equitable title to, or owns any beneficial interest in, any dwelling or housing; or who holds legal or equitable title to shares of, or holds any beneficial interest in, any real estate cooperative which owns any dwelling or housing.

**Person** includes one or more individuals, corporations, partnerships, associations, legal representatives, mutual companies, unincorporated organizations, trusts, trustees, trustees in bankruptcy, receivers and fiduciaries.

**Sexual orientation** means having, or being perceived as having, an emotional, physical or sexual attraction to another person, without regard to the gender of that person; or having, or being perceived as having, an orientation for such attraction; or having, or being perceived as having, a self image or identity not traditionally associated with one's biological maleness or femaleness. Sexual orientation does not include a physical or sexual attraction to a minor by an adult.

(Ord. No. 11319, § 1, 12-4-84; Ord. No. 15466, § 1, 4-22-03)

**Sec. 17-97. - Prohibited acts.**

(a) It shall be an unfair housing practice and unlawful for any person engaged in selling or renting real property to:

(1) Refuse to show, sell, lease or rent any dwelling or housing solely because of any factor specified in section 17-71.

(2) Make any distinction, discrimination or restriction against a purchaser or lessee in the showing, price, terms, conditions or privileges relating to the sale, rental, lease or occupancy of any dwelling or housing or in the furnishing of any facilities or services in connection therewith solely because of any factor specified in section 17-71.

(3) Cause to be made any written or oral inquiry or record concerning any factor specified in section 17-71 relating to a person seeking to purchase, rent or lease any dwelling or housing.
Publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication, notice, advertisement, sign, or other writing of any kind relating to the sale, rental or leasing of any housing accommodation within the city which will indicate or express any limitation or discrimination in the sale, rental or leasing of such housing accommodation, predicated upon any factor described in section 17-71 relating to any prospective buyer, lessee or renter of such property. 

Solicit for sale, lease, or listing for sale or lease, of any housing accommodations within the city on the ground of loss of value due to the present or prospective entry into any neighborhood of any person on the basis of such person's status relative to any factor specified in section 17-71.

Distribute or cause to be distributed written material or statements designed to induce any owner of any housing accommodation in the city to sell or lease his property because of any present or prospective change in the persons in the neighborhood, based on any factor specified in section 17-71.

It shall be an unfair housing practice and unlawful for any lending institution, in making, agreeing to make, arranging or negotiating any loan or guarantee of funds for the purpose of financing the purchase of sale, construction, lease, rehabilitation, improvement, renovation or repair of any dwelling or housing, to offer, seek or agree to terms, condition or privileges that discriminate between persons because of any factor specified in section 17-71.

It shall be an unfair housing practice and unlawful for any person engaged in renting real property to require, as a condition precedent to the rental of a housing accommodation, that the prospective tenant shall not have, at the time the application for rental is made, one or more children under the age of 18 years residing in his family; or insert in any lease or agreement for the rental of any housing accommodations a condition terminating the lease if there shall be one or more children under the age of 18 in the family of any person holding the lease and occupying the housing accommodation.

(Rd. No. 10886, § 1, 10-13-81; Ord. No. 11319, § 1, 12-4-84)

Ross, we believe the owner of the proposed Boarding House at 1212 SW Address is the Peoria Rescue Ministries. The owner is in a landlord/tenant relationship in their proposed Boarding House. Tenants of the dwelling have tenants' rights as per our Municipal code, the Fair housing Chapter 17, ARTICLES 1 and ARTICLE III. The description that Jonathan Rocke put forth in his letter to describe his Boarding House violates the CODE and is prejudicial and discriminatory per Section 17-71 in its entirety. The definitions and prohibited listings are listed to show that this Boarding house is in violation of a number of prohibited acts not just the two mentioned below.

Two of these violations are most serious, that of religion and sexual orientation. I point these out because based on Jonathan Rocke's statement, Religion is the most obvious discrimination as he is explicit that a tenant must be a follower of Jesus. That discriminates against ALL other religions that do not follow Jesus and also those that have no religion. The second is more implicit and that is sexual orientation. Some religions that follow the teaching of Jesus Christ and believe that God created Man and Women and man and woman are heterosexual by nature. Because this Proposed Boarding House houses only men, they are most likely all heterosexual. If so this violates section 17-71 based on sexual orientation. Per our Code:
Sexual orientation means having, or being perceived as having, an emotional, physical or sexual attraction to another person, without regard to the gender of that person; or having, or being perceived as having, an orientation for such attraction; or having, or being perceived as having, a self-image or identity not traditionally associated with one's biological maleness or femaleness. Sexual orientation does not include a physical or sexual attraction to a minor by an adult.

We would like to meet next week please let me know a good time for you and whether we conference call or another method.

Thanks,

Joe Richey
# Form 990

## Return of Organization Exempt From Income Tax

#### For the 2018 calendar year, or tax year beginning , and ending.

**Name of organization**

**PEORIA RESCUE MINISTRIES**

**Number and street (or P.O. box if mail is not delivered to street address)**

601 SW ADAMS

**City or town, state or province, country, and ZIP or foreign postal code**

PEORIA

**IL 61652**

**Phone number**

309-676-6416

**Gross receipts**

4,084,081

**Website**

www.peoriarescue.org

**State of legal domicile**

IL

**Year of formation**

1957

**Group exemption number**


### Part I: Summary

#### 1. Briefly describe the organization’s mission or most significant activities:

**MINISTER TO THE SPIRITUAL AND WELFARE NEEDS OF INDIVIDUALS AND FAMILIES.**

### Activities & Governance

#### 2. Check this box □ if the organization discontinued its operations or disposed of more than 25% of its net assets.

**Number of independent voting members of the governing body (Part VI, line 1a)**

3

**Number of independent voting members of the governing body (Part VI, line 1b)**

11

**Total number of individuals employed in calendar year 2018 (Part VI, line 2a)**

68

**Total number of volunteers (estimate if necessary)**

630

**Total unrelated business revenue from Part VIII, column (C), line 12**

0

**Net unrelated business taxable income from Form 990-T, line 38**

0

### Revenue

#### 8. Contributions and grants (Part VIII, line 1h)

**Program service revenue (Part VIII, line 2g)**

19,517

**Investment income (Part VIII, column (A), lines 3, 4, and 7d)**

767,718

**Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)**

3,805,678

**Total revenue – add lines 8 through 11 (must equal Part VIII, column (A), line 12)**

141,900

### Expenses

#### 13. Grants and similar amounts paid (Part IX, column (A), lines 1–3)

174,400

**Benefits paid to or for members (Part IX, column (A), line 4)**

0

**Salaries, other compensation, employee benefits (Part IX, column (A), lines 5–10)**

1,730,818

**Professional fundraising fees (Part IX, column (A), line 11e)**

131,986

**Total fundraising expenses (Part IX, column (O), line 25)**

468,210

**Other expenses (Part IX, column (A), lines 11a–11d, 11f–24e)**

3,364,645

**Total expenses. Add lines 13–17 (must equal Part IX, column (A), line 25)**

441,033

**Revenue less expenses. Subtract line 18 from line 12**

195,231

### Net Assets or Fund Balances

#### 20. Total assets (Part X, line 15)

5,492,470

#### 21. Total liabilities (Part X, line 20)

122,183

#### 22. Net assets of fund balances. Subtract line 21 from line 20

5,370,287

### Part II: Signature Block

#### Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

**Signature of officer**

**JONATHAN ROCKE**

**EXECUTIVE DIRECTOR**

**Preparer's name**

Virginia A. Lore, CPA

**Preparer's signature**

**Date**

**PTIN**

P01051073

**Firm's EIN**

36-3322365

**Firm's name**

WOLF, TESAR & COMPANY, P.C.

**Firm's address**

1415 Valle Vista Blvd

**Phone no.**

309-346-4106

**For Paperwork Reduction Act Notice, see the separate instructions.**
1 Briefly describe the organization's mission:

MINISTER TO THE SPIRITUAL AND WELFARE NEEDS OF INDIVIDUALS AND FAMILIES.

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ?  Yes X No

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services?  Yes X No

4 Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. Section 501(c)(3) and 501(c)(4) organizations are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code: ) (Expenses $ 1,146,795 including grants of $ ) (Revenue $ )

ASSIST TRANSIENT MEN WITH BASIC NEEDS OF LIFE: PHYSICAL, EMOTIONAL, MENTAL, AND SPIRITUAL - INCLUDES MEALS, LODGING, CLOTHING, COUNSELING, JOB ASSISTANCE, AND WORSHIP SERVICES.

4b (Code: ) (Expenses $ 648,805 including grants of $ ) (Revenue $ )

ASSIST MEN, THROUGH A LONG-TERM PROGRAM WITH BASIC NEEDS OF LIFE: PHYSICAL, EMOTIONAL, MENTAL, AND SPIRITUAL - INCLUDES MEALS, LODGING, CLOTHING, COUNSELING, JOB ASSISTANCE, AND WORSHIP SERVICES.

4c (Code: ) (Expenses $ 495,691 including grants of $ ) (Revenue $ )

ASSIST TRANSIENT WOMEN WITH BASIC NEEDS OF LIFE: PHYSICAL, EMOTIONAL, MENTAL, AND SPIRITUAL - INCLUDES MEALS, LODGING, CLOTHING, COUNSELING, JOB ASSISTANCE, AND WORSHIP SERVICES.

4d Other program services (Describe in Schedule O.)

(Expenses $ 487,553 including grants of $ 141,900 ) (Revenue $ )

4e Total program service expenses $ 2,778,844
1212 Community House

Making a positive impact for life transformation in the Peoria area through post-renewal community/residential housing.

THE PATHWAY TO FLOURISHING CONTINUES AT 1212 ADAMS

"1212" is a community and residential living opportunity for men's renewal ministry graduates. It will be another milestone on their pathway to wholeness and ultimately permanent housing.

KEY FEATURES

- Accommodations for up to 30 men
- Comfortable community living arrangements
- Community accountability toward individual growth goals
- Affordable cost structure allowing for saving toward financial goals
- Convenient location to ministry centers and community
- Builds men's self-worth and confidence
- 1212 will be a community of men committed to following Jesus and making a positive impact on their community

INVEST IN 1212 RENEWAL (HTTPS://SECURE-Q.NET/DONATIONS/PEORIArescue/532)

Investing in 1212 is more than just investing money in a building. It's investing in the life renewal of the men who have worked hard to complete the renewal program and begin a flourishing life of wholeness in the community.
Jon,

I am so sorry. Your email found its way into my junk folder. Is it too late to get a letter to you?

Ross

From: Jonathan Rocke [mailto:jrocke@peoriarescue.org]
Sent: Tuesday, June 11, 2019 12:36 PM
To: Ross Black <rblack@peoriagov.org>
Subject: 1212 SW Adams

Hello Ross,

I trust you are well. Wanted to reach out to you regarding 1212 SW Adams. I believe I may have reached out to you in May to let you know that our Board approved moving forward with purchasing the property to establish a Men’s Community Home. As part of that we are applying for a Grant with the Federal Home Loan Bank and as part of the application process they require a letter from the City stating that the property and proposed use complies with current Zoning. Based on our previous discussions I think we are all good here but they need a formal letter to that effect.

They have supplied a Template for confirmation of that (attached). Would you be able to complete that and send that back to me? We are meeting with them this Thursday. If it would be possible to have it by then that would be great. If you have any questions or need any additional information please let me know.

Thanks much,

Jon

Jonathan W. Rocke
Executive Director
309.676.6416 ext. 1003
jrocke@peoriarescue.org
<image001.png>

This communication is a confidential and proprietary business communication. It is intended solely for the use of the designated recipient(s). If this communication is received in error, please contact the sender and delete this communication.
1212 UPDATE

THE RENOVATIONS HAVE BEGUN...AND YOU CAN HELP.

- First, you can help by praying. As with all renovation projects, there are challenges and unexpected bumps along the road. Would you pray that God will lead and guide and be glorified in ALL aspects of the project and that we can stay on schedule and open in the spring as planned? We believe God wants to use the 1212 Community House to impact men's lives and our community profoundly and ask that you join us in praying for that.

- Second – we need your support. You may have heard that we had applied for a sizable grant that would have funded the majority of the renovations. In God's wisdom and promises of provision, we were not awarded that grant. As a result, we have reduced the renovation scope and budget, and we are at work to raise additional support to fund the launch. The phase 1 cost is now estimated at $800,000, and while that might seem like a daunting amount, we already have more than half raised. So, THANK YOU for all who have already contributed. We are hoping to raise the additional amount by the end of spring. Would you consider giving an EXTRA gift to help make the 1212 Community House a reality? If just 330 people considered giving $1,212, we would reach our goal. Of course, we appreciate any amount God might lead you to provide to make this happen. Know that you will be doing more than funding construction costs but will be investing in men's lives and our community's good – all for the Glory of God.

IF YOU WANT TO LEARN MORE, VISIT PEORIARESCUE.ORG/1212

Prayer Requests:
- That housing and work would be provided as needed for clients
- For clients' salvation and spiritual growth
- For an atmosphere of peace and an attitude of community among the men & women in our renewal programs
- Wisdom and strength for staff as we counsel clients in difficult situations
- Wisdom for the Board of Directors and leadership
- That staff will be able to meet people's needs with mercy, grace, and love

Have a request that we can pray for? Please send your request to pm@peoriarescue.org or P.O. Box 837, Peoria, IL, 61605.
1212 Community House
Main Level

4 BEDS MAIN FLOOR
TOTAL 2 FLOORS 36 BEDS
Stephen J. West  
Attorney at Law  
2406 N. Maryland  
Peoria, IL 61603  
Phone: (309) 673-8108 or  
(309) 682-7958  
Fax: (309) 673-5007

Re: Memorandum for ZBA Hearing at 1:00 p.m. on Thursday 5/14/2020 concerning a Determination Letter dated 3/3/2020.

Thank you for the opportunity to speak to you, today, regarding the 10 items listed on the Attachment to the ZBA Appeal Application for Zoning Determination of the Zoning Administrator dated 3/3/2020 concerning 1212 SW Adams Street.

My name is Steve West. I am an attorney who has done legal work for many years with Joe Richey, General Partner of Richey Family Limited Partnership, which owns property adjacent to 1212 SW Adams St. One of the Richey FLP properties is commonly known as 1212 SW Washington St with P.I. N.: 18-09-358-001. My law office is located at 416 Main Suite 727 Commerce Bldg, Peoria and my home address is 2406 N Maryland, Peoria.

My client, Joe Richey, and several other landowners in the Warehouse District feel that the proposed use at 1212 SW Adams St is a Social Service Institution use under Sec. 5.6.3.H. of the Unified Development Code, hereinafter UDC, which is not a permitted use in the Warehouse District. I believe that the proposed use of 1212 SW Adams St could also be a Group Care Facility under Sec. 5.6.2.B. of the UDC. However, regardless of whether the proposed use is a social service institution use or whether it is a group care facility, the reason for this Appeal is that we agree that the proposed use is not a Boarding House.

Before going into the 10 Items listed on the Attachment to the ZBA Appeal Application, which is attached as Exhibit SW1, we would first like to review the Determination Letter of Zoning Administrator dated 3/3/2020 which I have attached as Exhibit SW2. Please note that in Paragraph 3 of said Zoning Determination Letter it mentions that the proposed use “will only be open to certain individuals and not to the general public.” In fact, the Zoning Administrator posed 2 questions to Peoria Rescue Ministries, hereinafter PRM, in an email from Ross Black to Jonathan Rocke dated 1/31/2020 at 12:03 PM, which is Exhibit SW3, as follows:

Question “1. Will rooms in the boarding house be available to the general public? In other words, could someone show up at the front door and rent a room?

2. Is residency at the boarding house contingent upon participation in any type of program or counseling? This is different than making programs and services available, but not requiring participation.”

The answer from Jonathan Rocke, to question 1 appears in an email from Jonathan Rocke to Ross Black dated 2/21/2020 at 9:33 AM which is Exhibit SW4, as follows:

“Because one of the goals for the men is to ultimately attain sustainable, permanent housing, they do agree to a 3-year maximum stay at 1212 Community House as part of their residency agreement. So residency is not open ended.”
A more detailed answer from Jonathan Rocke to both Questions 1 and 2 appears in an email from Jonathan Rocke to Ross Black dated 2/4/2020 at 4:07 PM, which is Exhibit SW5, as follows:

"1212 Community House is a community style residential living opportunity available for qualified graduate students that have successfully completed a Renewal Program at PRM. The men qualified to reside at 1212 will live, work or pursue further education opportunities and participate in the vibrant Warehouse District community, while living in a fraternity type setting for up to 3 years.

As a continued requirement of residency, the fraternity of graduates commit to pursue the beliefs and practices of following Jesus and will participate in both personal and community standards and activities developed to reflect that. In addition, they commit to a personal plan and pathway toward sustainable, permanent housing. The low-cost residency structure allows for men to pursue their personal financial goals and prepare for sustainable, permanent living."

The salient points to be gleaned from this mission-type statement includes that only "qualified graduates" from the PRM social service transient shelter at 601 SW Adams of PRM can reside at 1212 SW Adams St. Also, the restrictive clientele "as a continued requirement of residency commit to pursue the belief and practices of following Jesus and will participate...in activities developed to reflect that. In addition, they commit to a personal plan..." While this may be commendable, it states explicitly that the requirement to participate in programs and activities is "a continued requirement of residency."

So, the answer to Question 1 is that this proposed use is only open to PRM residents "that have successfully completed a Renewal Program at PRM." The answer to Question 2 is that participation in programs and services is required as a "continued requirement of residency." The residents "will participate in both personal and community standards and activities developed to reflect that. In addition, they commit to a personal plan and pathway toward sustainable, permanent housing." Once again, this is commendable stuff, but it is clear that participation in programs and activities is required as a continued requirement of residency.

The Determination Letter dated 3/3/2020 at Paragraph 5 states that an earlier 8/9/2015 Determination Letter made a determination that a boarding house cannot have restrictive clientele. However, the updated 3/3/2020 Determination Letter concludes that since other Group Living Uses under Sec. 5.6.2.B. of the UDC may allow for restrictive clientele, then it must be ok for Boarding Houses to have restrictive clientele. Also, the Determination Letter dated 3/3/2020 opines that Group Living Uses under Sec. 5.6.2.B. of the UDC where it states that "residents may receive care or training," what it really means is that it must be ok for Boarding Houses to require social service activities and programs and yet still not be considered either a social service institution under Sec. 5.6.3.H. of the UDC or apparently a group care facility under Sec. 5.6.2.B. of the UDC. In other words, it appears that based upon the Determination Letter dated 3/3/2020 that there are no criteria whatsoever for a Boarding House use and that it doesn't matter how PRN answered the 2 Questions posed by the Zoning Administrator in his email dated 1/30/2020 at 12:03 PM, Exhibit SW3, because, regardless of the answer to either Question 1 or Question 2 the use is deemed to be a Boarding House.

I would ask the ZBA to review the 2 Questions posed by Exhibit SW3, the detailed Answers provided in Exhibit SW5, and then the Determination Letter, Exhibit SW2.

This Appeal argues that the ordinary meaning of a Boarding House is the rental of a room by an individual or a family for a fee, and that the UDC definition does not specify or require participation in programs or activities as a continued requirement of residency. In fact, the
Boarding House, Rooming House use classification is arguably the only use listed under Group Living at Sec. 5.6.2.B. that does not have restrictive clientele, and we believe that is an intentional part of the UDC. Any determination that would change the definitions of the Boarding House use classifications in the City UDC should require an Amendment to the UDC and that should be made by the City Council. The Zoning Administrator should not be allowed to change the ordinary meaning of Boarding House provided by the UDC and by common usage. We also feel that the Determination Letter by interpreting the plain language of Group Living categories under Sec. 5.6.2.B. of the UDC that states that residents “may receive care or training” means that its ok for a Boarding House use to require participation in programs and activities as a continued requirement of residency, while it may be admirable, the Zoning Administrator’s interpretation goes way beyond any plain meaning of a Boarding House as defined in the City UDC or in common usage. Such a change in the plain meaning of a Boarding House should be adopted by the City Council by an Amendment to the UDC, not decided by the Zoning Administrator.

Well, I hope I have gotten your attention and not put you to sleep, because now I would like to discuss the 10 Items listed in the Attachment to the ZBA Appeal which is Exhibit SW1.

1. The Zoning Determination dated 3/3/2020 appears to place its reliance on the proposition that some other uses listed under Group Living per Section 5.6.2.B. of the Unified Development Code may have restricted clientele, rather than on the common meanings of the terms Boarding House or Rooming House or on the specific definitions provided in the Unified Development Code. A Group Living use that would prohibit rental of a bedroom by an individual or a family for a given fee or for compensation with or without meals does not meet the common meanings or the specific definitions of a Boarding House or a Rooming House.

   The UDC definition of a Boarding House, which definition was not included in the Determination Letter for some reason, is as follows:
   “Boarding House – A house at which persons are boarded, including provision of a bedroom and in some instances a meal or meals for a given fee.”
   The Wikipedia definition of a Boarding House is as follows: “A Boarding House is a house (frequently a family home) in which lodgers rent one or more rooms for one or more nights, and sometimes for extended periods of weeks, months, and years.”
   The UDC definition of Boarding House indicates that for a fee a person rents a bedroom.
   The UDC definition of a Rooming House is as follows:
   “Rooming House – Any building in which 3 or more persons either individually or as families are housed or lodged for compensation with or without meals. A boarding house or furnished room house shall be deemed a Rooming House.”
   The Wikipedia definition of a Rooming House is as follows: “A Rooming House, also called a multi-tenant house is a dwelling with multiple rooms rented out individually, in which the tenants share bathroom and kitchen facilities.”
   The UDC definition of Rooming House indicates that individuals or families are lodged for compensation.
   Nowhere in any of the definitions of Boarding House or Rooming House is there any mention of required participation in programs and activities as a continued requirement of residency.
I am a movie buff, and I remember that in the 1976 western movie “The Shootist” the character John Barnard Books, played by John Wayne, was one of several boarders who rented a room at a boarding house owned by Bond Rogers, played by Lauren Bacall, who lived at her boarding house along with her son, Gillom Rogers, played by Ron Howard.

Let’s review the various Group Living categories of Sec. 5.6.2.B. of the UDC. It appears that many of the categories have restrictive clientele: a children’s home is for children, a student dormitory is for students, and a nursing home is for clientele who require a skilled healthcare facility. In fact, it appears that all of the uses listed under Group Living in Sec. 5.6.2.B. of the UDC are restricted or limited or specialized in one way or another to certain clientele except for the Boarding House/Rooming House classification which we believe the meaning is clear, is intentional, and for a good reason: to provide low-income housing to the general public for individuals or families to rent a bedroom for a fee. Any change in the definition of a Boarding House or Rooming House that both restricts the general public and that also requires participation in programs and activities should be made by an Amendment to the City UDC and approved by the City Council, and should not be determined by the Zoning Administrator.

2. Proposed use is not a Boarding House or a Rooming House, rather it is a Social Service Institution as listed in Section 5.6.3.H. of the Unified Development Code which is not a permitted use in the Warehouse District per Section 5.6.2.B. of the Unified Development Code.

I believe that Joe Richey will speak to this issue, but myself and several landowners in the Warehouse District attended meetings when architects and planners developed the Form Code for the Warehouse District, and I would like to speak to the issue that social service institutions are not a permitted use in the Warehouse District. The Warehouse District is a Tax Increment Financing District which means that the City Council has designated the Warehouse District for an emphasis on private development. In order to encourage private development, a tax increment financing district keeps a portion of the city real estate tax and reinvests that portion into capital improvements specifically for the Warehouse District. For instance, a casual drive down Washington St in the Warehouse District reveals city sidewalks that have been rebuilt with brick pavers, special landscaping areas created along the sidewalks, ornamental streetlights, and beautiful sculptures appear along Washington St because of tax increment financing. The more private development that locates in the Warehouse District, the more tax dollars go to the Warehouse District. So, the reason that Social Service Institutions under Sec. 5.6.3.H. of the UDC are not permitted in the Warehouse District is because social service institutions are tax exempt; they do not increase the tax base which does not serve the private development goals of tax increment finance districts. The City Council could choose to amend the UDC to allow Social Service Institutions in the Warehouse District. But the UDC is clear and unambiguous that currently Social Service Institutions are not permitted in the Warehouse District. The Determination Letter raises issues that should require an Amendment to the UDC by the City Council. The Zoning Administrator should not be allowed to disturb such a clear directive by the City Council that Social Service Institution uses are not permitted in the Warehouse District.

3. Owner of 1212 SW Adams Street is a social service institution and is a provider of social services within the community, and 1212 SW Adams will be a part of their social services programs. As such, this facility will be a part of their social services which is a social service
institutional use whether it is a halfway house, recovery home, residential treatment facility, outpatient treatment facility or a use that provides treatment for those with psychiatric, alcohol or drug problems or a use that provides transient housing or some other social services use. Such uses are not Boarding Houses or Rooming Houses per Section 5.6.2.B. and Section 5.6.3.H. of the Unified Development Code.

Joe Richey will speak to this issue. My comment is that the Peoria Rescue Ministries website peoriarescue.org states that 601 SW Adams is currently at capacity with 100 men staying overnight during inclement weather. The definition of the 1212 SW Adams St proposed use provided from Jonathan Rocke to the Zoning Administrator, see Exhibit SW5, states that the restrictive clients for 1212 SW Adams St are select “graduates” of the social services overnight transient shelter at 601 SW Adams St. According to the definition provided by Jonathan Rocke at Exhibit SW5, he specifies that the clientele at 1212 SW Adams are not ready for sustainable permanent housing and are still preparing for “sustainable permanent housing” and are still “preparing for sustainable permanent living.” Isn’t 1212 SW Adams actually transient housing if the clientele are not ready for sustainable permanent housing? Isn’t the proposed use for 1212 SW Adams actually a social service transient housing use if its clientele are not ready to live in sustainable permanent housing? Isn’t the proposed use at 1212 SW Adams actually an extension of the social service transient shelter programs provided at 601 SW Adams, which social service use is not permitted in the Warehouse District?

Once again due to the fact that it is clear and unambiguous that social service institution uses are not permitted in the Warehouse District, we ask the ZBA to overturn the Zoning Administrator’s Determination Letter, since the proposed use is not a Boarding House.

4. Proposed use is not a Boarding House or a Rooming House, rather it is a Family Care Facility or a Group Care Facility which are listed as permitted uses in the Warehouse District per Section 5.6.2.B. of the Unified Development Code.

The UDC defines a Group Care Facility as “a residential facility which is the same as a Family Care Facility except that it may house 9 to 15 persons.”

The UDC defines a Family Care Facility as “no more than 8 unrelated persons (inclusive of residential staff). Excluded from the definition of family care facilities are homes in which residents are criminal offenders or former criminal offenders. Excluded from this definition are persons whose disability arises from current use or addiction to a controlled substance as this term is used in the US Code and IL Statutes.”

The 1212 SW Adams St project may be able to qualify as a Group Care Facility which is a permitted use in the Warehouse District under Sec. 5.6.2.B. of the UDC. For instance, since mixed uses are allowed in the Warehouse District, PRM could open their Thrift Shop on the 1st floor of 1212 SW Adams St, and PRM could house up to 15 persons on the 2nd floor of 1212 SW Adams St, and these uses may be allowed uses under the Warehouse District and under the UDC. The City Council created the zoning code for the Warehouse District that allows certain uses such as Group Care Facilities and mixed uses to operate in the Warehouse District. While the UDC does allow Group Care Facilities in the Warehouse District they are limited to 15 persons (inclusive of residential staff).

Joe Richey will speak more on the proposed occupancy of 1212 SW Adams St, but the PRM website peoriarescue.org states under the Tab “What We Do” and then under the Tab
“1212” that 1212 SW Adams St will provide “accommodations for up to 30 men” and provides a tentative floor plan that shows housing for 4 persons on the Main Level and shows housing for 32 persons on the Upstairs Level including a single room on the Upstairs with bunk beds for 14 persons, and other rooms for 4 persons and 3 persons. We can assume that the facility requires up to 6 residential staff since the occupancy appears to be 36 from the drawings and the stated number of clients is 30 men.

We are not sure whether the proposed use is a Social Service Institution or a Group Care Facility that attempts to exceed the maximum density of 15 persons, but we are not asking the ZBA to determine what is the use of 1212 SW Adams St. We are asking the ZBA to determine only that the proposed use is not a Boarding House.

5. The Determination Letter dated 3/3/2020 and its interpretation of a Boarding House and a Rooming House contradicts the provisions for a Family Care Facility and a Group Care Facility, particularly the provisions limiting the number of persons per Section 2.5.8.B.1 and Section 2.5.8.B.2 of the Unified Development Code. Any Owner or Developer, who wants to place a Group Care Facility in the Warehouse District or any zoning district that allows a Boarding House or a Rooming House and who wants to avoid the density limitations of Section 2.5.8.B.2., would simply state that their use is a Boarding House or a Rooming House, rather than a Group Care Facility.

The PRM answers to the Zoning Administrator’s 2 Questions in an email from Jonathan Rocke to Ross Black dated 2/4/2020 at 4:07 PM, see Exhibit SW5, are that residents are a restrictive clientele that will participate in activities, and will commit to a personal plan as a continued requirement of residency. Defining this proposed use as a Boarding House contradicts other parts of the UDC, particularly wherein the UDC adopted by the City Council prohibits Social Service Institution uses in the Warehouse District and limits the density of Group Care Facilities to 15 persons anywhere in the City of Peoria. If the ZBA determined that the proposed use at 1212 SW Adams St is not a Boarding House, then the plain meaning of the various provisions of the UDC makes sense.

If, however, the proposed use at 1212 SW Adams St with restrictive clientele and with required activities and programs and with an occupancy in excess of 15 persons is allowed to be approved as a Boarding House, then the plain meaning of the various provisions of the UDC makes no sense. Why would the City Council bother to create a UDC that does not allow Social Service Institutions in the Warehouse District and why would the City Council bother to create a UDC that limits Group Care Facilities to 15 persons throughout the City of Peoria if any landowner or developer that wants to avoid those provisions of the UDC can merely designate that their proposed use is a Boarding House. The ZBA should overturn the Determination Letter of the Zoning Administrator.

6. Proposed use is not a Boarding House or a Rooming House as defined in the Definitions section of the Unified Development Code that states that it is for individuals or families who rent a bedroom for compensation or a fee with or without the inclusion of a meal.

As earlier described in #1, hereinabove, the City UDC definition of a Boarding House is as follows:
“Boarding House – A house at which persons are boarded, including provision of a bedroom and in some instances a meal or meals for a given fee.”

The UDC definition of a Rooming House is as follows:

“Rooming House – Any building in which 3 or more persons either individually or as families are housed or lodged for compensation with or without meals. A boarding house or furnished room house shall be deemed a Rooming House.”

The definitions state that individuals or families rent a bedroom for a fee or for compensation. There is absolutely nothing in the UDC definitions that provides for multiple unrelated persons to be housed in the same room, and common usage would also indicate that a Boarding House or Rooming House is 1 room or 1 bedroom for 1 individual or 1 family.

Also, the discussion in the Determination Letter dated 3/3/2020, see Exhibit SW2, states that Sec. 5.6.2.B. states that Group Living Uses “may receive care or training.” We submit, that rather than indicating that a Boarding House may require activities and participation as a continued requirement of residency which appears nowhere in the definition of Boarding House, a more logical explanation of why Sec. 5.6.2.B.2. mentions that “the residents may receive care or training” would be to look at the other categories of Group Living uses listed in said Section of the UDC. The other Group Living Uses listed at Sec. 5.6.2.B.2. Are as follows:

“Children’s home; Congregate housing; Elderly housing, assisted living facility; Fraternity, sorority, student dormitory; Family care facility; Group care facility; Monastery, convent; Nursing home, full-time convalescent, hospice, life care center.”

A better explanation for why the Group Living Use category states that “the residents may receive care or training” is because Group Living uses includes Assisted Living Facilities, Group Care Facilities, Nursing Homes, Full-time Convalescent Centers, Hospice Centers, and Life Care Centers. Certainly the residents at these listed Group Living uses “may receive care or training.” Whereas, there is nothing in the definition of Boarding House or Rooming House that suggests that such a use can require participation in activities and programs of its restrictive clientele as a continued requirement of residency.

The plain meaning of the UDC is that the proposed use is not a Boarding House at 1212 SW Adams and that the Determination Letter of the Zoning Administrator dated 3/3/2020 should be overturned.

7. Boarding Houses and Rooming Houses are defined as renting a bedroom to individuals or families for compensation or a fee which would make such a property subject to real estate taxes. If the Owner of 1212 SW Adams intends to apply for an exemption from real estate taxes, either now or in the future for 1212 SW Adams Street, such an application for exemption from real estate taxes demonstrates that the use of this property is not a boarding house or a rooming house. Any application for exemption from real estate taxes for 1212 SW Adams Street, now or in the future, should make any determination that this property is a boarding house or a rooming house null and void.

Both the City UDC definitions of Boarding Houses and Rooming Houses and common usage describe a for-profit activity: renting a bedroom to individuals or to families for compensation or a fee. “For compensation or a fee” means that the activity has a profit motive. A for-profit activity is not exempt from real estate taxes in Illinois.

In order for PRM to seek a real estate exemption for 1212 SW Adams St, PRM would have to describe the use as either a Group Care Facility or a Social Service Institution use. If
PRM should seek a real estate tax exemption now or in the future, the City should revisit the use
determination. A Group Care Facility use would be limited to 15 persons and other restrictions,
and a Social Service Institution use would not be permitted in the Warehouse District.

8. Proposed use as a Boarding House or a Rooming House in the Warehouse District can only
receive administrative approval by the Zoning Administrator if the proposed use complies with
all of the group occupancy requirements of Section 5.3.C. of the Unified Development Code.
Section 6.5.B.7. of the Unified Development Code provides that within the Warehouse District
residential uses defined in Section 5.6. are Permitted Uses in the Warehouse District. However,
those permitted residential uses in the Warehouse District must comply with the standards for
group occupancy in Section 5.3. of the Unified Development Code in order to receive
administrative approval. The proposed use for 1212 SW Adams Street should not have received
administrative approval.

Sec. 6.5.B.7.d. states that “Use Standards as stated in Section 5.3 shall be applicable” for
the Warehouse District. Sec. 5.3.C. of the UDC states as follows:

“No group occupancy permitted with administrative approval (see 2.5) shall be approved
by the Zoning Administrator unless they find all of the following standards are met.”

The Determination Letter issued 3/3/2020 by the Zoning Administrator made a
determination that 1212 SW Adams St was a Boarding House without any reference to Sec. 5.3
of the UDC and its requirements in the Warehouse District for group occupancy uses. For
instance, there is no discussion and no determination whether there is another existing group
occupancy within 600 feet of the proposed use under Sec. 5.3.C.3. of the UDC.

Sec. 5.3.C.7. of the UDC states as follows: “For group occupancy there shall be a
minimum of 120 square feet of bedroom space for every 2 residents for residential uses. In
determining the number of people in any group occupancy, the Zoning Administrator shall
assume that no more than 2 persons will occupy any bedroom.”

Sec. 6.5.B.7. states that for the Warehouse District the use standards as stated in Sec. 5.3
of the UDC shall be applicable. Sec. 5.3.C. states that no group occupancy shall be approved by
the Zoning Administrator unless all of its standards are met. The proposed use at 1212 SW
Adams St is a group occupancy in the Warehouse District, and insofar as the Zoning
Administrator did not take into consideration any applicable provisions of Sec. 5.3.C. 1-10, then
the Zoning Administrator lacked the authority to approve the zoning determination.

In addition, if the Zoning Administrator feels that a Boarding House is not required to
meet the group occupancy provisions of Sec. 5.3.C of the UDC, then why in the world wouldn’t
a Group Care Facility or a Social Service Institution use that wanted to locate in the Warehouse
District, or anywhere in the City for that matter, claim to be a Boarding House, instead? Because
if you claim to be a Boarding House then none of the density limitations (limited to no more than
15 persons inclusive of residential staff; being at least 600 feet from another group occupancy; a
minimum of 120 square feet of bedroom space for every 2 residents and a presumption of no
more than 2 persons will occupy any bedroom) apply?

The plain meaning of the UDC definition of a Boarding House is that it provides low-
income housing for individuals or families who can rent a bedroom for a fee or for compensation
and that it is available to the general public. The plain meaning of the UDC for the Warehouse
District is that Social Service Institution uses are not permitted, and that Group Care Facilities
are allowed but are restricted in many ways under the UDC in the Warehouse District.
We are not asking the ZBA to determine the proper use category for 1212 SW Adams. We are asking the ZBA to overturn the Determination Letter of the Zoning Administrator that the proposed use is a Boarding House. A proposed use that is not open to the public, either individuals or families, that is restricted to transient clientele who are not ready for sustainable permanent housing or for sustainable permanent living and who require residential staff and required programs and activities as a continued requirement of residency, per the Peoria Rescue Mission’s own definition of its proposed use, see Exhibit SW5, should not qualify as a Boarding House in the Warehouse District under the current provisions of the UDC.

9. The Zoning Determination dated 3/3/2020 states “This determination is issued based upon the information provided and available. If the actual use varies from the described use, the determination will be null and void.” Attached is additional information that the use is different from a Boarding House or a Rooming House.

We would ask each member of the ZBA to compare the two code provisions being Group Living, Sec. 5.6.2.B. of the UDC, and Social Service Institution, Sec. 5.6.3.H. of the UDC. At Sec. 5.6.2.B. of the UDC, Group Living Principal Uses column includes the Boarding House classification. The Accessory Uses column does not include staff residents located on site. The Uses Not Included column lists Social Service Institutions.

At Sec. 5.6.3.H of the UDC, the Social Service Institution category specifically states that it includes “transient housing related to social service programs.” The Group Living Principal Uses column list includes the following: Halfway House, Recovery Home, Residential Treatment Facility, Social Service Institution, and Single Room Occupancy. The Accessory Uses column lists Staff Residents located on site. The Uses Not Included column lists the various categories of Group Living from Sec. 5.6.2.B. of the UDC, including Boarding House.

The UDC specifically excludes all Social Service Institution uses as Uses Not Included in the Group Living Category. Conversely, the Social Service Institution use category specifically excludes Boarding House as Uses Not Included. The UDC specifically defines “transient housing related to social service programs” in the definition of Social Service Institution.

Once again, we are not asking that the ZBA determine the proper use category for 1212 SW Adams. Because the Owner has applied as a Boarding House and the Determination Letter of the Zoning Administration has deemed it a Boarding House, we are asking the ZBA to overturn the determination of the Zoning Administrator.

10. Such other reasons that may be presented at the Hearing.
ATTACHMENT to Zoning Board of Appeals Appeal Application for Zoning Determination of Ross Black, Zoning Administrator, dated 3/3/2020 regarding 1212 SW Adams Street

Reasons for this Appeal are that the following provisions of the Unified Development Code are unclear in their application to the subject property and to the Warehouse District, and an interpretation is necessary to determine the intent and application of the provisions, and that the Zoning Administrator and DRB misinterpreted the provisions of the Unified Development Code.

1. The Zoning Determination dated 3/3/2020 appears to place its reliance on the proposition that some other uses listed under Group Living per Section 5.6.2.B. of the Unified Development Code may have restricted clientele, rather than on the common meanings of the terms Boarding House or Rooming House or on the specific definitions provided in the Unified Development Code. A Group Living use that would prohibit rental of a bedroom by an individual or a family for a given fee or for compensation with or without meals does not meet the common meanings or the specific definitions of a Boarding House or a Rooming House.

2. Proposed use is not a Boarding House or a Rooming House, rather it is a Social Service Institution as listed in Section 5.6.3.H. of the Unified Development Code which is not a permitted use in the Warehouse District per Section 5.6.2.B. of the Unified Development Code.

3. Owner of 1212 SW Adams Street is a social services institution and is a provider of social services within the community, and 1212 SW Adams will be a part of their social services programs. As such, this facility will be a part of their social services which is a social services institutional use whether it is a halfway house, recovery home, residential treatment facility, outpatient treatment facility or a use that provides treatment for those with psychiatric, alcohol or drug problems or a use that provides transient housing or some other social services use. Such uses are not Boarding Houses or Rooming Houses per Section 5.6.2.B. and Section 5.6.3.H. of the Unified Development Code.

4. Proposed use is not a Boarding House or a Rooming House, rather it is a Family Care Facility or a Group Care Facility which are listed as permitted uses in the Warehouse District per Section 5.6.2.B. of the Unified Development Code.

5. The Determination Letter dated 3/3/2020 and its interpretation of a Boarding House and a Rooming House contradicts the provisions for a Family Care Facility and a Group Care Facility, particularly the provisions limiting the number of persons per Section 2.5.8.B.1 and Section 2.5.8.B.2 of the Unified Development Code. Any Owner or Developer, who wants to place a Group Care Facility in the Warehouse District or any zoning district that allows a Boarding House or a Rooming House and who wants to avoid the density limitations of Section 2.5.8.B.2., would simply state that their use is a Boarding House or a Rooming House, rather than a Group Care Facility.

6. Proposed use is not a Boarding House or a Rooming House as defined in the Definitions section of the Unified Development Code that states that it is for individuals or families who rent a bedroom for compensation or a fee with or without the inclusion of a meal.
7. Boarding Houses and Rooming Houses are defined as renting a bedroom to individuals or families for compensation or a fee which would make such a property subject to real estate taxes. If the Owner of 1212 SW Adams intends to apply for an exemption from real estate taxes, either now or in the future for 1212 SW Adams Street, such an application for exemption from real estate taxes demonstrates that the use of this property is not a boarding house or a rooming house. Any application for exemption from real estate taxes for 1212 SW Adams Street, now or in the future, should make any determination that this property is a boarding house or a rooming house null and void.

8. Proposed use as a Boarding House or a Rooming House in the Warehouse District can only receive administrative approval by the Zoning Administrator if the proposed use complies with all of the group occupancy requirements of Section 5.3.C. of the Unified Development Code. Section 6.5.B.7. of the Unified Development Code provides that within the Warehouse District residential uses defined in Section 5.6. are Permitted Uses in the Warehouse District. However, those permitted residential uses in the Warehouse District must comply with the standards for group occupancy in Section 5.3. of the Unified Development Code in order to receive administrative approval. The proposed use for 1212 SW Adams Street should not have received administrative approval.

9. The Zoning Determination dated 3/3/2020 states “This determination is issued based upon the information provided and available. If the actual use varies from the described use, the determination will be null and void.” Attached is additional information that the use is different from a Boarding House or a Rooming House.

10. Such other reasons that may be presented at the Hearing.
March 3, 2020

Mr. Jonathan Rocke  
Peoria Rescue Ministries  
601 SW Adams Street  
Peoria, IL 61602

SUBJECT: ZONING DETERMINATION – 1212 SW ADAMS STREET

Dear Mr. Rocke,

This letter serves as an updated determination as to the proposed use of the property located at 1212 SW Adams Street.

Background:

As you will recall, an initial determination was issued on August 9, 2015, in response to an inquiry by the previous owner of the property. This initial determination was further clarified on October 30, 2015. Upon the sale of the property, a letter was issued to you on June 18, 2019, regarding the classification of your proposed use as Group Living (Boarding House).

A question has been raised as to whether the proposed use is, in fact, a Group Living use, or some type of Social Service Institution use. This distinction is important, as Group Living uses are permitted by-right in the Warehouse District and Social Service Institutions are prohibited.

In discussing the proposed use with you, the major change from the initial review of the use is that the facility will only be open to certain individuals and not to the general public. Based on this change, we have re-examined the interpretation of the use.

The August 9, 2015 determination concluded that the use was a boarding house and that a boarding house cannot have restricted clientele. The definition of a boarding house is as follows.

“Any building in which three (3) or more persons either individually or as families are housed or lodged for compensation with or without meals. A boarding house or furnished room house shall be deemed a ‘rooming house.’”

Boarding houses are included in the general Group Living use category. The definition of Group Living is as follows:

“Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training.”

City Hall  
419 Fulton Street, Room 300  
Peoria, IL 61602-1217  
Phone 309.494.8600  
Fax 309.494.8680
Group Living uses include; boarding house, rooming house, children's home, assisted living facility, fraternity, sorority, student dormitory, family care facility, group care facility, monastery, convent.

Analysis:

The determination issued on August 9, 2015, stated that boarding houses could not have restricted clientele. Upon review, this condition is not found in any of the City Code language related to boarding houses. Further, other listed uses in the Group Living category have a restricted clientele. These specific uses include, but are not limited to fraternities, sororities, monasteries, and convents.

The definition of Group Living also includes the allowance that residents in Group Living uses may "receive care or training." Therefore, the provision of care or training at a boarding house does not make it a Social Service Institution, inasmuch as care and training at an assisted living facility does not make it a Social Service Institution.

Determination:

The additional information provided does not change the determination that the use as described is a boarding house within the Group Living use category and is therefore permitted by-right in the Warehouse Form District.

This determination is issued based upon the information provided and available. If the actual use varies from the described use, the determination will be null and void.

Per Section 2.7 of the Unified Development Code, this determination can be appealed to the Zoning Board of Appeals.

Sincerely,

Ross Black
Community Development Director
Zoning Administrator
Hello Ross,

Thanks for sending and working through this will all parties involved. I appreciate the challenge you have.

I would definitely like to have a discussion with you in regards to the questions and the overall “Group Living” definition in the “Residential” category. Let me know what works for you for either a call or I would be glad to come your way. As you might imagine timing is of the essence as we are in full swing on the renovations etc.

I have a call today at 2:30-3:30 but other than that can do anything that works for you.

Thanks,

Jon

From: Ross Black <rblack@peoriagov.org>
Sent: Friday, January 31, 2020 12:03 PM
To: Jonathan Rocke <jrocke@peoriarescue.org>
Subject: 1212 SW Adams

Jonathan,

As you know, there have been several inquiries about the proposed use of 1212 SW Adams. The purpose of this email is to verify that the proposed use is in fact a boarding house. In earlier conversations you have indicated that the proposed use does meet the definition of a boarding house per the zoning ordinance. Further, the building code plan set that was submitted indicates that the use and occupancy classification is R-2. This classification would include boarding houses, but would not include any R-4 or I-1 occupancies, such as group homes, halfway houses, residential treatment facilities, and residential drug and alcohol treatment facilities.

Please email me a response to the questions below so that we can verify the use.

I’ve attached the documentation that was previously shared that compares a boarding house to other residential uses.

Please feel free to call me or send an email if you have any questions about the items below.

1. Will rooms in the boarding house be available to the general public? In other words, could someone show up at the front door and rent a room?
2. Is residency at the boarding house contingent upon participation in any type of program or counseling? This is different than making programs and services available, but not requiring participation.

Thanks, Ross
Hi Ross,

No issue at all – glad to answer any questions.

Because one of the goals for the men is to ultimately attain sustainable, permanent housing, they do agree to a 3 year maximum stay at 1212 Community House as part of their residency agreement. So residency is not open ended.

Best,

Jon

From: Ross Black <rblack@peoriagov.org>
Sent: Thursday, February 20, 2020 5:53 PM
To: Jonathan Rocke <jrocke@peoriarescue.org>
Subject: Re: Checking in

Jon,

Sorry, one more question. Is there a time limit on how long a person could stay in the building, or is residency open ended?

Thanks, Ross

From: Jonathan Rocke <jrocke@peoriarescue.org>
Sent: Friday, February 14, 2020 3:11:04 PM
To: Ross Black <rblack@peoriagov.org>
Subject: RE: Checking in

Ok thanks much – I resist asking if we will be happy. 😊

Have a great weekend.

Best,

Jon

From: Ross Black <rblack@peoriagov.org>
Sent: Friday, February 14, 2020 2:10 PM
To: Jonathan Rocke <jrocke@peoriarescue.org>
Subject: RE: Checking in

Jon,
Thanks much Ross – appreciate the clarity and direction.

Best,

Jon

From: Ross Black <rblack@peoriagov.org>
Sent: Wednesday, February 5, 2020 12:02 PM
To: Jonathan Rocke <jrocke@peoriarescue.org>
Cc: Kimberly Smith <ksmith@ci.peoria.ill.us>
Subject: Re: 1212 Description

Jon,

Thanks for taking the time to meet yesterday and to follow up with the information in your email.

Please find below a summary of the process items we discussed yesterday.

1. Based on the available information, I will issue a determination as to the classification of the proposed use at 1212 SW Adams. This determination should be issued this week or early next week at the latest.
2. Any party that is aggrieved of the decision may appeal to the Zoning Board of Appeals. My decision will be issued in time for an appeal (if there is one) to be heard at the March 12 ZBA meeting.
3. You may also pursue a text amendment to the Unified Development Code related to the existing classification of uses. This action can be taken concurrently with any appeal to the ZBA.
4. A text amendment would be heard by the Planning & Zoning Commission. Ultimately, all text amendments must be approved by the City Council.
5. I’ve copied Kim Smith on this email. Kim is the planner for this part of town and can help you work through the amendment process if you want to pursue that path. We cannot write the amendment for you, but can explain the format, etc.

Thanks again, Ross
Thanks so much for meeting with us today and further discussing the Zoning requirements in the Warehouse District. Below is a statement that seems to most accurately and adequately describe what the 1212 Community House is, it’s intended use is and how it is differentiated from the current ministries or services that Peoria Rescue Ministries offers. Hopefully this brings some clarity that is helpful. Please reach out with any questions.

Best,
Jon

Peoria Rescue Ministries is entering into a brand-new avenue of ministry with the launch of 1212 Community House.

1212 Community House is a community style, residential living opportunity available for qualified graduate students that have successfully completed a Renewal Program at PRM. The men qualified to reside at 1212 will live, work or pursue further education opportunities and participate in the vibrant Warehouse District community, while living in a fraternity type setting for up to 3 years.

As a continued requirement of residency, the fraternity of graduates commit to pursue the beliefs and practices of following Jesus and will participate in both personal and community standards and activities developed to reflect that. In addition, they commit to a personal plan and pathway toward sustainable, permanent housing. The low-cost residency structure allows for men to pursue their personal financial goals and prepare for sustainable, permanent living.

Jonathan W. Rocke
Executive Director
309.676.6416 ext. 1003
jrocke@peoriarescue.org

Peoria Rescue Ministries

This communication is a confidential and proprietary business communication. It is intended solely for the use of the designated recipient(s). If this communication is received in error, please contact the sender and delete this communication.
City’s Exhibits
TO: Kimberly Smith, Senior Urban Planner
FROM: Ross Black, Community Development Director / Zoning Administrator
DATE: August 9, 2015

SUBJECT: DETERMINATION ON THE USE OF 1212 SW ADAMS ST

Background:

On April 13, 2015, Zoning Certificate # 15-37 was issued for the establishment of a Boarding House at 1212 SW Adams. This location is within the Warehouse Form District.

A Boarding House is defined in the Land Development Code (Appendix C) as a subset within the Rooming House definition: “Any building in which three (3) or more persons either individually or as families are housed or lodged for compensation with or without meals. A boarding house or furnished room house shall be deemed a “rooming house.”

Subsequent to the issuance of the Zoning Certificate, questions have been raised as to whether the use is a Boarding House (within the Group Living category), or is in fact a use within the Social Service Institution category. This distinction is important in this instance, as Social Service Institutions are not permitted within the Warehouse Form District. Within the Form Districts, uses are either permitted or not permitted; there is no allowance for the equivalent of a “Special Use” that exists in other zoning districts.

Analysis:

Three approaches were used to reach this determination. First, the various Social Service Institutions listed in the Land Development Code were reviewed against the functioning of the proposed use. Second, the proposed use was compared to the definition of Boarding House and the other Group Living category uses. Third, the definition of the overall Use Category for Group Living and Social Service Institutions was examined.

Various principal uses are found within the overall Social Service Institutions category. They include; Halfway House, Outpatient Treatment Facility, Psychiatric Institution, Recovery Home, Residential Treatment Facility, Sanatorium, Soup Kitchen, Transient Lodging or Shelter for the Homeless, and Single Room Occupancy (SRO).

The table below provides a summary of the definitional requirements of each of these uses, the Boarding House use, and the proposed use as explained by the property owner.

<table>
<thead>
<tr>
<th></th>
<th>Overnight Lodging</th>
<th>Restricted Clientele</th>
<th>License Required</th>
<th>Specific Alcohol or Drug Treatment</th>
<th>On Site or Off site Treatment</th>
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</thead>
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<tr>
<td>Halfway House</td>
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<tr>
<td>OutpatientTreatment Facility</td>
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<td>Yes</td>
</tr>
<tr>
<td>Psychiatric Institution</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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</tr>
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</table>

CITY EXHIBIT 1
<table>
<thead>
<tr>
<th></th>
<th>Overnight Lodging</th>
<th>Restricted Clientele</th>
<th>License Required</th>
<th>Specific Alcohol or Drug Treatment</th>
<th>On Site or Off-site Treatment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recovery Home</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Residential Treatment Facility</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Sanatorium</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Soup Kitchen</td>
<td>No</td>
<td>Maybe</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Transient Lodging / Homeless Shelter</td>
<td>Yes</td>
<td>Yes</td>
<td>Maybe</td>
<td>No</td>
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<tr>
<td>Single Room Occupancy</td>
<td>Yes</td>
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<td>Maybe</td>
</tr>
<tr>
<td>Boarding House</td>
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<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Proposed Use</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Following are the definitions as found in the Land Development Code or Zoning Code.

*Halfway House:* A facility primarily designed for the residence of persons on parole or mandatory supervised release.

*Outpatient Treatment Facility:* A licensed treatment facility for alcoholism and other drug dependency without a residential component.

*Recovery Home:* Alcohol and drug free housing authorized by an intervention license issued by the Illinois Department of Human Services, whose rules, peer-led groups, staff activities and/or other structured operations are directed toward maintenance of sobriety for persons in early recovery from substance abuse or who recently have completed substance abuse treatment services or who may still be receiving such treatment services at another licensed facility.

Residential Treatment Facility: A licensed inpatient treatment facility for alcoholism and other drug dependency, sub-acute inpatient treatment, clinically managed or medically monitored detoxification, and residential extended care authorized by a license.

Single Room Occupancy: A residential property that includes multiple single room dwelling units. Each unit is for occupancy by primarily one individual but not more than two individuals. The unit need not, but may contain food preparation or sanitary facilities, or both. Units are not for lease by the general public but for certain qualified individuals. The property may or may not have on or off site supportive services as a condition of residency.

Boarding House: Any building in which three (3) or more persons either individually or as families are housed or lodged for compensation with or without meals. A boarding house or furnished room house shall be deemed a “rooming house.”
For the uses that are not defined in the Land Development Code or Zoning Ordinance, the generally accepted dictionary definitions are applied.

*Psychiatric Hospital*: A hospital for mentally incompetent or unbalanced person.

*Sanatorium*: 1. An institution for the treatment of chronic diseases or for medically supervised recuperation. 2. A resort for improvement or maintenance of health, especially for convalescents. Also called sanitarium.

*Soup Kitchen*: A place where food is offered free or at very low cost to the needy.

*Homeless Shelter*: A building set up to provide for the needs of homeless people; often including shelter, food, sanitation and other forms of support.

Following are the overall Use Category Definitions for Group Living and for Social Service Institutions. Boarding Houses are included in the Group Living Use Category.

**Group Living**

Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training.

| Boarding house, rooming house | Associated office  | Bed and breakfast, hotel, motel, inn, extended-stay facility (see Overnight Lodging) |
| Children's home Assisted living facility Fraternity, sorority, student dormitory Family care facility Group care facility Monastery, convent | Food preparation or dining area Recreational facility | Halfway house, recovery home, residential treatment facility, outpatient treatment facility (see Social Service Institutions) Seminary (see Educational Facility) |

**Social Service Institution**

Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.

<p>| Halfway house Outpatient treatment | Adult educational facility Associated office | Boarding house, elderly housing, assisted living |</p>
<table>
<thead>
<tr>
<th>facility</th>
<th>Food preparation or dining area</th>
<th>facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Psychiatric institution</td>
<td>Meeting room</td>
<td>Fraternity, sorority, family care facility</td>
</tr>
<tr>
<td>Recovery home</td>
<td>On-site day care where children are cared for while parents or guardians are occupied on the premises</td>
<td>group care facility, group care facility, nursing home (see Group Living)</td>
</tr>
<tr>
<td>Residential treatment facility</td>
<td>Staff residences located on-site</td>
<td>Detention center, jail, prison (see Light Industrial)</td>
</tr>
<tr>
<td>Sanatorium</td>
<td></td>
<td>School, public or private, K-12 (see Educational Facility)</td>
</tr>
<tr>
<td>Social service institution, soup kitchen, transient lodging or shelter for the homeless</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single room occupancy (SROs)</td>
<td></td>
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</tbody>
</table>

**Determination:**

Occupants of the boarding house at 1212 SW Adams will not pay a typical rental fee, but will work in exchange for room. This is within the definition of Rooming House, in that the tenants are providing compensation (i.e., work) in exchange for room.

Further, unlike the definition of the Social Service Institution category, the proposed boarding house will not “primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.”

Finally, it is understood that the tenants in the proposed boarding house will be expected to follow rules and regulations established by the property owner. This is no different from regulations established for the residents of any of the other uses under the Group Living category.

Based on the analysis of the use information provided by the property owner and a review of the zoning definitions and regulations as listed above, it is determined that the proposed use is most similar to permitted uses within the Group Living category and per 5.1.B.1., and dissimilar to the uses within the Social Service Institution category. **Therefore, the issuance of Zoning Certificate # 15-37 is determined to be valid.**

This determination is based upon a review of the information available today. Any change of use for this site would have to be reviewed per the requirements of the Land Development Code. Further, this determination has no bearing upon requirements beyond zoning, such as building codes, fire codes, or other requirements that may apply to this location and use.
October 30, 2015

Ms. Rebecca Frye
B & D Developers
601 SW Water Street
Peoria, IL 61602

SUBJECT: ZONING STATUS OF THE PROPOSED BOARDING HOUSE AT 1212 SW ADAMS STREET

Dear Ms. Frye;

The purpose of this letter is to provide a further determination as to the ability to establish a Boarding House at 1212 SW Adams Street.

On April 13, 2015, Zoning Certificate number 15-37 was issued pursuant to an application for a Change of Use to establish a Boarding House at 1212 SW Adams Street.

Subsequent to the issuance of the Zoning Certificate, correspondence between yourself and Kimberly Smith of the City added further information and definition to the proposed use. The purpose of the continued discussion was to determine if in fact the proposed use met the definition of a boarding house.

Use Definitions:

A “Boarding House” is defined as follows: “Any building in which three (3) or more persons either individually or as families are housed or lodged for compensation with or without meals. A boarding house or furnished room house shall be deemed a ‘rooming house’.”

A Boarding House falls within the Land Development Code Group Living use category. The Group Living use category is defined as follows: “Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training.”

The question at hand is whether the proposed facility and use is in fact a Boarding House, and thus legal within the Warehouse Form District, or is a Social Service Institution, and thus not legal within the Warehouse Form District.

The definition of the Social Service Institution use category is as follows: “Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.”
Zoning Certificates:

Zoning Certificates are issued per Section 2.2 of the Land Development Code.

Section 2.2.1.A. states, “The purpose of the Zoning Certificate is to certify that a…proposed or existing use complies with the requirements of this development code.” (emphasis added)

Section 2.2.3.A.3. states, “Any permit or certificate issued in conflict with the provisions of this development code, shall be null and void.”

Section 2.2.3.A.5. states, “…Any Zoning Certificate which is issued as a result of information supplied by the applicant and not on the basis of a property inspected by the City shall state that it has been issued in reliance upon information supplied by the applicant, and that it is not valid if it has been issued in reliance on information provided by the applicant which is not true and correct.” (emphasis added)

The Zoning Certificate itself states, “Under penalties provided by law, the applicant certifies that the statements set forth in this instrument are true and correct and that if they are not, any permit, license or authorization given hereunder shall be void from its inception.” (emphasis added)

Conclusion:

In this instance, Zoning Certificate number 15-37 was issued reliant upon the information provided by the applicant. As the use had not yet been established and the Zoning Certificate will not expire until April 12, 2016, it was – and is – impossible to determine with certainty that the established use will in fact by compliant with City Zoning Regulations. In short, B & D Developers stated on the application that the use would be a boarding house. As no use has yet been established – boarding house or otherwise – no action need be taken by the City at this point.

However, as clearly stated in the City Zoning Regulations, if a use other than that which was approved is established, then the Zoning Certificate is null and void. Therefore, it is the responsibility of the applicant to ensure that the use when established is a boarding house within the Groups Living Use category, and not another use that would fall into the Social Service Institution Use category.

Sincerely,

Ross Black
Director
Community Development Department

June 18, 2019
Mr. Jonathan Rocke
Peoria Rescue Ministries
601 SW Adams St
Peoria, IL 61602

RE: 1212 SW Adams Street

Dear Jon,

In response to your request for information regarding the above-referenced property, please note that 1212 SW Adams Street, Peoria, IL is zoned Warehouse Form District (WH).

This zoning allows for all Residential uses per Section 6.5.B.7 of the Unified Development Code. The proposed project use of Group Living complies with the zoning requirements and is a permitted use under the current zoning code.

We are unaware of any variances, special permits or exceptions that apply to this property.

If this office can be of any further assistance, please contact us at (309) 494-8601 or rblack@peoriagov.org

Sincerely,

Ross Black
Community Development Director

City Hall
419 Fulton Street, Suite 300
Peoria, IL 61602
309.494.8600
COMMUNITY DEVELOPMENT DEPARTMENT
March 3, 2020

Mr. Jonathan Rocke
Peoria Rescue Ministries
601 SW Adams Street
Peoria, IL 61602

SUBJECT: ZONING DETERMINATION – 1212 SW ADAMS STREET

Dear Mr. Rocke,

This letter serves as an updated determination as to the proposed use of the property located at 1212 SW Adams Street.

Background:

As you will recall, an initial determination was issued on August 9, 2015, in response to an inquiry by the previous owner of the property. This initial determination was further clarified on October 30, 2015. Upon the sale of the property, a letter was issued to you on June 18, 2019, regarding the classification of your proposed use as Group Living (Boarding House).

A question has been raised as to whether the proposed use is, in fact, a Group Living use, or some type of Social Service Institution use. This distinction is important, as Group Living uses are permitted by-right in the Warehouse District and Social Service Institutions are prohibited.

In discussing the proposed use with you, the major change from the initial review of the use is that the facility will only be open to certain individuals and not to the general public. Based on this change, we have re-examined the interpretation of the use.

The August 9, 2015 determination concluded that the use was a boarding house and that a boarding house cannot have restricted clientele. The definition of a boarding house is as follows:

“Any building in which three (3) or more persons either individually or as families are housed or lodged for compensation with or without meals. A boarding house or furnished room house shall be deemed a ‘rooming house.’”

Boarding houses are included in the general Group Living use category. The definition of Group Living is as follows:

“Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training.”
Group Living uses include; boarding house, rooming house, children’s home, assisted living facility, fraternity, sorority, student dormitory, family care facility, group care facility, monastery, convent.

Analysis:

The determination issued on August 9, 2015, stated that boarding houses could not have restricted clientele. Upon review, this condition is not found in any of the City Code language related to boarding houses. Further, other listed uses in the Group Living category have a restricted clientele. These specific uses include, but are not limited to fraternities, sororities, monasteries, and convents.

The definition of Group Living also includes the allowance that residents in Group Living uses may “receive care or training.” Therefore, the provision of care or training at a boarding house does not make it a Social Service Institution, inasmuch as care and training at an assisted living facility does not make it a Social Service Institution.

Determination:

The additional information provided does not change the determination that the use as described is a boarding house within the Group Living use category and is therefore permitted by-right in the Warehouse Form District.

This determination is issued based upon the information provided and available. If the actual use varies from the described use, the determination will be null and void.

Per Section 2.7 of the Unified Development Code, this determination can be appealed to the Zoning Board of Appeals.

Sincerely,
Ross Black
Community Development Director
Zoning Administrator
### 5.2.1 Use Table Key

**A. Use Permitted by Right (●)**

Use permitted in the respective district subject to any use standard, if applicable. Such uses are also subject to all other applicable requirements of this development code.

**B. Use Permitted through Special Use Review (□)**

Indicates a use that may be permitted in the respective district only where approved by City Council in accordance with Section 2.9. Special uses are subject to all other applicable requirements of this development code, including all applicable use standards, except where such use standards are expressly modified by the City Council as part of the special use approval.

**C. Use Not Permitted**

A blank cell indicates that a use is not permitted in the respective district.

**D. Use Category**

Characteristics of the various uses located in Article 5.6, Use Categories.

**E. Specific Use**

Specific use listed in the various use categories located in Article 5.6, Use Categories.

**F. Use Standard**

A cross-reference to any use standard listed in Section 5.3, Use Standards. Where no cross-reference is shown, no additional use standard applies.

### 5.2.2 Permitted Use Table

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>SPECIFIC USE</th>
<th>KEY: Blank cell = Not Permitted</th>
<th>■ = Permitted</th>
<th>□ = Spec USE</th>
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<td>Child Care Home (up to 8 children)</td>
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<td>Job Training, Vocational Rehabilitation</td>
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<td>Medical Facility (see 5.6.3.D)</td>
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<td><strong>Medical, Dental, or Chiropractor Laboratory, Clinic, Office</strong></td>
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<td><strong>Passenger Terminal (see 5.6.3.F)</strong></td>
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<tr>
<td>Single Room Occupancy</td>
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<td>Utilities (see 5.6.3.I)</td>
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<td>All minor utilities</td>
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<td>All major utilities</td>
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<td>Wireless Communication Facility</td>
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<td>Solar Utility Facility</td>
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<td>Indoor Recreation (see 5.6.4.A)</td>
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<td>All indoor recreation, except as listed below:</td>
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<td>Auditorium, arena, stadium (indoor)</td>
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<td>Convention Center</td>
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<td>Indoor Shooting Range</td>
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<td>Office (see 5.6.4.B)</td>
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<td>Outdoor Recreation (see 5.6.4.C)</td>
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<td>All outdoor recreation, except as listed below:</td>
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<tr>
<td>Outdoor Shooting Range</td>
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<td>Stadium or Arena, Commercial Amphitheater</td>
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<td>Overnight Lodging (see 5.6.4.D)</td>
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<td>Bed and Breakfast</td>
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<td>Hotel, Motel, Inn, Extended Stay Facility</td>
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<td>Youth Hostel</td>
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<td>Parking (see 5.6.4.E)</td>
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<td>Class II</td>
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<td>Independent parking</td>
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</table>
A. Warehouse District - General

1. Building Height
   a. The height of the principal building is measured in stories.
   b. Each principal building shall be at least 2 stories in height, but no greater than 8 stories in height, except as otherwise provided on the regulating plan.
b. A contiguous open area equal to at least 5% of the total buildable area shall be preserved on every lot. Such contiguous open area may be located anywhere behind the parking setback, either at grade or at the second or third story.

c. No part of any building, except overhanging eaves, awnings, or balconies shall occupy the remaining lot area.

10. **Side Lot Setbacks**

   There are no required side lot setbacks.

11. **Garage and Parking**

   a. Garage entries or driveways shall be located at least 75 feet away from any block corner or another garage entry on the same block, unless otherwise designated on the regulating plan.

   b. Garage Entries shall have a clear height of no greater than 16 feet nor a clear width exceeding 24 feet.

   c. Vehicle parking areas outside of the public right-of-way shall be located behind the parking setback line, except where parking is provided at or below grade. For structures with parking, the parking setback line shall be 30 feet from the designated required building line for the first story only. No parking setback is required above the first story.

   d. These requirements are not applicable to on-street parking.

12. **Alleys**

   There is no required setback from alleys. On lots having no alley access, there shall be a minimum setback of 25 feet from the rear lot line.

13. **Corner Lots**

   Corner lots shall satisfy the code requirements for the full required building line length - unless otherwise specified in this code.

14. **Unbuilt Required Building Line and Common Lot Line Treatment**

   a. A street wall shall be required along any required building line frontage that is not otherwise occupied by a building. The street wall shall be located no more 8 inches behind the required building line.

   b. Privacy fences may be constructed along that portion of a common lot line not otherwise occupied by a building.

B. **Warehouse District - General**

   1. **Windows and Doors**

      a. Blank lengths of wall exceeding 20 linear feet are prohibited on all required building lines.

      b. Windows and Doors on the ground story façades shall comprise at least 20%, but not more than 90%, of the façade area (measured as a percentage of the façade between floor levels).
c. Windows and Doors on the upper story façades shall comprise at least 20%, but no more than 60%, of the façade area per story (measured as a percentage of the façade between floor levels).

2. Building Projections
   a. Balconies and stoops shall not project closer than 5 feet to a common lot line.
   b. No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops, and shopfronts as specified by the code, shall encroach beyond the required building line.
   c. Awnings shall project a minimum of 4 feet and a maximum of within 1 foot of back of curb (where there are no street trees) or 1 foot into the tree lawn (where there are street trees.)
   d. Awnings that project over the sidewalk portion of a street-space shall maintain a clear height of at least 7 feet except as otherwise provided for signs, street lighting and similar appurtenances.
   e. Awnings may have supporting posts at their outer edge provided that they:
   f. Have a minimum of 8 feet clear width between the façade and the support posts or columns of the awning.
   g. Provide for a continuous public access easement at least 6 feet wide running adjacent and parallel to the awning columns/posts.

3. Doors/Entries
   a. Functioning entry door(s) shall be provided along ground story façades at intervals not greater than 75 linear feet.
   b. Each ground story residential unit shall have direct access to the street-space.

4. Street Walls
   A vehicle entry gate no wider than 20 feet or a pedestrian entry gate no wider than 6 feet shall be permitted within any required street wall.

5. Ground Story
   The ground story shall house commerce, industrial or residential uses. See Height specifications above for specific requirements unique to each use.

6. Upper Stories
   a. The upper stories shall house commerce, industrial or residential uses. No restaurant or retail sales uses shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use.
   b. Additional habitable space is permitted within the roof where the roof is configured as an attic story.

7. Permitted Uses
   a. Residential uses shall be considered to encompass all of the Residential use categories, as defined in
b. Commerce uses shall be considered to encompass all of the Commercial use categories, and all of the Civic use categories except passenger terminals, solar utility facilities, and social service institutions, as defined in Section 5.6.

c. Industrial uses shall be considered to encompass all of the Industrial use categories except the heavy industrial and waste-related services, as defined in Section 5.6.

d. Use Standards as stated in Section 5.3 shall be applicable.

C. Warehouse District - Local

1. Building Height
   a. The height of the principal building is measured in stories.
   b. Each principal building shall be at least 2 stories in height, but no greater than 5 stories in height, except as otherwise provided on the regulating plan.
   c. An attic story shall not count against the maximum story height.

2. Parking Structure Height
   Where a parking structure is within 40 feet of any principal building (built after 2006) that portion of the structure shall not exceed the building eave or parapet height.

3. Ground Story Height: Commerce/Industry Uses
   a. The ground story finished floor elevation shall be equal to, or greater than the exterior sidewalk elevation in front of the building, to a maximum finished floor elevation of 18 inches above the sidewalk.
   b. The ground story shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage for a depth of at least 25 feet.
   c. The maximum story height for the ground story is 20 feet.

4. Ground Story Height: Residential Units
   a. The first story shall have an interior clear height (floor to ceiling) of at least 9 feet and a maximum floor to floor story height of 17 feet.

5. Upper Story Height
   a. The maximum floor-to-floor story height for stories other than the ground story is 12 feet.
   b. At least eighty 80% of each upper story shall have an interior clear height (floor to ceiling) of at least 9 feet.

6. Mezzanines
   Mezzanines having a floor area greater than ⅓ of the floor area of the story in which the mezzanine is situated shall be counted as full stories.

7. Street Wall Height
For purposes of this development code, the following terms shall have the following definitions and meanings:

Abandonment: A cessation of operation or reduction in the effective radiated power of an antenna by 75 percent for six months or more.

Accessory Building or Structure: A subordinate building or structure located on the same lot with the principal structure or building, occupied by or devoted to an accessory use. Where an accessory building is attached to the principal building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building. Accessory structures include, but are not limited to solar energy devices, swimming pools, tennis and basketball courts, other outdoor residential recreational facilities, and other open type structures like gazebos. For Wireless Telecommunication Facilities, this includes but is not limited to, utility or transmission equipment storage sheds or cabinets.

Accessory Storage Building: Permitted accessory storage buildings include open or closed type buildings, including private garages, and are designed and used for storage or parking of vehicles and storage of materials incidental to the use of the principal structure, or are designed and used for allowable uses incidental to the principal structure.

Accessory Use: An accessory use is a use that:

- Is subordinate in area, extent and purpose to, and serves a principal structure and use;
- Is customarily found as incidental to such principal structure or use;
- Contributes to the comfort, convenience or necessity of those occupying, working at or being served by such principal structure or use;
- Is, except as otherwise expressly authorized by the provisions of this Code, located on the same zoning lot as such principal structure or use; and
- Is under the same ownership and control as the principal structure or use.

Acre: An acre is a measure of area equal to forty-three thousand five hundred sixty (43,560) square feet.

Adjacent/Adjoining: The condition of being near to or close to but not necessarily having a common dividing line. Two properties which are separated by only a street or alley shall be considered as adjacent or adjoining one another.

Adult-Use Cannabis: For all definitions, see State of Illinois Compiled Statutes.

Alley: A public or private right-of-way designed to serve as a secondary means of access to the side or rear of those properties whose principal frontage is on a street.

Alteration: Any act or process which changes one or more of the "exterior architectural features" of a structure designated for preservation or neighborhood conservation.

Ambient Noise Level: The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding any alleged offensive noise. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.

Amortization: The process by which, upon official notification by the Zoning Administrator of a nonconforming status, nonconforming uses and structures must be discontinued or made to conform to requirements of the ordinance at the end of a specified period of time.
Bay or Bay Window: Generally, a U-shaped enclosure extending the interior space of the building outward of the exterior building wall. Walls and windows shall be between 90 degrees (perpendicular) and zero degrees (parallel) relative to the primary wall from which they project. See also 6.6, Architectural Standards.

Bed and Breakfast Establishment: An operator-occupied residence providing accommodations for a charge to the public with no more than five (5) guestrooms for rent, in operation for more than ten (10) nights in a twelve-month period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses, rooming houses, or food service establishments.

Bee: Any stage of the common domestic honey bee, Apis Mellifera Species.

Beekeeping Equipment: Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

Block: The distance as measured along a street between intersecting streets from centerline to centerline; and where the context requires, it also means the enclosed area within the perimeter of the streets or property lines enclosing it. In the Form Districts, an increment of land comprised of lots, alleys, and tracts circumscribed and not traversed by streets (pedestrian pathways excepted). Blocks in the Form Districts shall be measured at the frontage lot lines (along the required building line).

Block Corner: The outside corner of a block at the intersection of any two streets. Inside corners, where the resulting angle formed by the block face is less than 180 degrees (concave), are not considered block corners for the purposes of the Form Districts.

Block Face: That portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

Board: The Zoning Board of Appeals (ZBA) of Peoria.

Boarding House: A house at which persons are boarded, including provision of a bedroom and in some instances a meal or meals for a given fee.

Broadleaf Evergreen: Any plant with leaves similar in appearance to the leaves of deciduous plants but persist all year.

Buffer: For the purposes of Chapter 8, any existing vegetated area, including trees, shrubs and herbaceous vegetation, or is established to protect a stream system or lake. A buffer for a stream system shall consist of a forested and/or vegetated strip of land extending along both sides of a stream, as of its location at the date of any land use change of abutting property subsequent to the date of this part, and its adjacent, floodway, and slopes.

Buffering Areas: Areas reserved for the purpose of creating open space at the perimeter of a parcel to be developed. In the reserved areas no improvements are permitted except for the purpose of direct vehicular access to the site and landscaping and/or screening. Vehicular access ways shall not be computed as part of the required buffering area.

Buildable Area: The total area of the parcel minus the area within the required perimeter yards. In the Form Districts, the area of the lot that buildings may occupy, as specified in the building envelope standards. The buildable area sets the limits of the building footprint now and in the future—additions to structures must be within the designated area.
the most current Building Valuation Data Report as published in the most current copy of BOCA—The Building Official and Code Administration Magazine.

Required Building Line (RBL): A line/plane indicated on the regulating plan, defining the street frontage which extends vertically and generally parallel to the street, at which the building façade shall be placed. The required building line for each site is shown on the Form District regulating plans.

Residential Treatment Facility: A licensed inpatient treatment facility for alcoholism and other drug dependency, sub-acute inpatient treatment, clinically managed or medically monitored detoxification, and residential extended care authorized by a license.

Retaining Wall: A wall designed to resist the lateral displacement of soil or other material. The wall top must follow an established grade and cannot protrude above the established grade.

Right-of-way: An area of land not on a lot that is dedicated for public or private use to accommodate a transportation system and necessary public utility infrastructure (including but not limited to water lines, sewer lines, power lines, and gas lines.)

Roof Line: This shall mean either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette and, where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

Roof Sign: A sign erected or maintained in whole or in part upon, above, or over the roof line of a building.

Rooming House: Any building in which three (3) or more persons either individually or as families are housed or lodged for compensation with or without meals. A boarding house or furnished room house shall be deemed a “rooming house.”

Sanitary Sewer: A constructed conduit connected with the Greater Peoria Sanitary District Sewer System or with a treatment plant for the carrying of liquids and solids other than storm or ground waters.

Satellite Antenna, Private: Any accessory structure capable of receiving, for the sole benefit of the principal use, radio or television signals from a transmitter or a transmitter relay located in planetary orbit. This definition includes but is not limited to, satellite receivers, satellite dish antennas, direct broadcast systems (DBSSs), and television reception only systems (TVROS).

Satellite Dish Antenna: A device or instrument, designed for television or other electronic communications signal broadcast or relayed from an earth satellite. It may be a solid, open mesh, or bar-configured structure, typically eight (8) to twelve (12) feet in diameter, in the shape of a shallow dish or parabola.

School for the Arts: An institution for the teaching of children or adults including dance, art, martial arts, music, photographic studio or classroom and other similar facilities.

Scoreboard: A sign accessory to an athletic playing field and/or its associated fences and walls, used to report scores to viewers of the events.

Setback: The minimum distance maintained between a street right-of-way or property line and the nearest supporting member of any structure on the lot.

Shade Tree: A deciduous plant which generally creates a tall and wide overhead canopy under natural growing conditions. Shade trees will usually have a single trunk. Such plants will shed their leaves and are dormant during winter.
5.6.1 **Applicability**

The following use categories are not zoning districts. These categories group uses for regulatory purposes. A use listed below is only permitted in accordance with Chapter 5.0, Permitted Land Uses.

A. **Basis for Classifications**

Use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions. Use categories provide a systematic basis for assigning land uses to appropriate zoning districts.

B. **Approach to Categorizing Uses**

The use categories used in Chapter 5.0, Permitted Land Uses, are set forth in 5.6.2 through 5.6.6.

1. **Principal Uses**

   The "Principal Uses" portion of each use category lists principal uses common to that use category. The names of these sample uses are generic and are based on common meanings, not on what a specific use may call itself.

   *Example: A use that calls itself "Wholesale Warehouse," but sells mostly to retail consumers, is included in the Retail Sales and Service category rather than the Wholesale Trade category.*

2. **Accessory Uses**

   Accessory uses are allowed by right in conjunction with a principal use as set forth in 5.6.2 through 5.6.6. No accessory use may be established on a site without a principal use. Specific regulations governing accessory uses are set forth in Chapter 5.4, Accessory Structures and Uses.

C. **Uses Not Included**

   The "Uses Not Included" provides cross-references to uses that may appear to be part of a particular category, but that are explicitly handled in a different use category.

5.6.2 **Residential Use Categories**

A. **Household Living**

   Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units, including kitchens.
<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family</td>
<td>Dish antenna under 1 meter</td>
<td>Bed and breakfast, hotel, motel, inn, extended-stay facility (see Overnight Lodging)</td>
</tr>
<tr>
<td>Two-Family</td>
<td>Home occupation (see 5.4.8)</td>
<td>Halfway house, recovery home, residential treatment facility, outpatient treatment facility (see Social Service Institutions)</td>
</tr>
<tr>
<td>Townhouse</td>
<td>Detached garage, barbecue pit, carport, tool or garden shed, storage unit, swimming pool</td>
<td>Boarding house, elderly housing, assisted living facility</td>
</tr>
<tr>
<td>Apartment</td>
<td>Raising of pets</td>
<td>Fraternity, sorority, family care facility, group care facility, nursing home (see Group Living)</td>
</tr>
<tr>
<td>Upper Story Residential Live-Work</td>
<td>Residential leasing office</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Surface Parking</td>
<td></td>
</tr>
</tbody>
</table>

B. **Group Living**

Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training.
<table>
<thead>
<tr>
<th>Boarding house, rooming house</th>
<th>Associated office</th>
<th>Bed and breakfast, hotel, motel, inn, extended-stay facility (see Overnight Lodging)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's home</td>
<td>Food preparation or dining area</td>
<td>Halfway house, recovery home, residential treatment facility, outpatient treatment facility (see Social Service Institutions)</td>
</tr>
<tr>
<td>Congregate housing</td>
<td>Recreational facility</td>
<td>Seminary (see Educational Facility)</td>
</tr>
<tr>
<td>Elderly housing, assisted living facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fraternity, sorority, student dormitory</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Family care facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group care facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monastery, convent</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nursing home, full-time convalescent, hospice, life care center</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5.6.3 **Civic Use Categories**

A. **Community Service**

Uses of a public, nonprofit, or charitable nature providing ongoing public safety, educational, training, or counseling to the general public on a regular basis, without a residential component.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport, heliport</td>
<td>Associated office</td>
<td>Freight, distribution facility, parcel service (see Warehouse and Distribution)</td>
</tr>
<tr>
<td>Bus passenger terminal, taxi dispatch center, train passenger terminal, limousine service</td>
<td>Concession</td>
<td>Helicopter landing facility accessory to another use (see Agriculture, Medical Facility)</td>
</tr>
<tr>
<td>Bus transfer station</td>
<td>Food preparation or dining area</td>
<td>Freight handling area</td>
</tr>
<tr>
<td>Charter service</td>
<td>Freight handling area</td>
<td>Fueling facility</td>
</tr>
<tr>
<td></td>
<td>Janitorial facility</td>
<td>Janitorial facility</td>
</tr>
<tr>
<td></td>
<td>Limited retail sales (internal)</td>
<td>Limited retail sales (internal)</td>
</tr>
<tr>
<td></td>
<td>Maintenance facility</td>
<td>Maintenance facility</td>
</tr>
<tr>
<td></td>
<td>Park-and-ride facility</td>
<td>Park-and-ride facility</td>
</tr>
</tbody>
</table>

G. **Place of Worship**

Places of assembly that provide meeting areas for religious practice.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Church, mosque, synagogue, temple, chapel</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

H. **Social Service Institution**

Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.

<table>
<thead>
<tr>
<th>Principal Uses</th>
<th>Accessory Uses</th>
<th>Uses Not Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Uses</td>
<td>Accessory Uses</td>
<td>Uses Not Included</td>
</tr>
<tr>
<td>----------------------------------------------------</td>
<td>-----------------------------------------------------</td>
<td>--------------------------------------------------------</td>
</tr>
<tr>
<td>Halfway house</td>
<td>Adult educational facility</td>
<td>Boarding house, elderly housing, assisted living facility</td>
</tr>
<tr>
<td>Outpatient treatment facility</td>
<td>Associated office</td>
<td>Fraternity, sorority, family care facility, group care facility, nursing home (see Group Living)</td>
</tr>
<tr>
<td>Psychiatric institution</td>
<td>Food preparation or dining area</td>
<td>Detention center, jail, prison (see Light Industrial)</td>
</tr>
<tr>
<td>Recovery home</td>
<td>Meeting room</td>
<td>School, public or private, K-12 (see Educational Facility)</td>
</tr>
<tr>
<td>Residential treatment facility</td>
<td>On-site day care where children are cared for while parents or guardians are occupied on the premises</td>
<td></td>
</tr>
<tr>
<td>Sanatorium</td>
<td>Staff residences located on-site</td>
<td></td>
</tr>
<tr>
<td>Social service institution, soup kitchen, transient lodging or shelter for the homeless</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single room occupancy (SROs)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**I. Utilities**

Public or private infrastructure serving a limited area with no on-site personnel (Minor Utility) or the general community and possibly having on-site personnel (Major Utility).