TO: Historic Preservation Commission

FROM: Kerilyn Weick, Senior Urban Planner

DATE: August 26, 2020

CASE NO: HPC 20-09 (deferred from August 12, 2020 Special Hearing)

SUBJECT: Public hearing on the request of Sean Renau, on behalf of John A. Jumer, to amend a Certificate of Appropriateness in a Class R-1 (Single Family Residential) District regarding hardscaping, driveway off Martin Luther King Jr. Drive, terracing which requires retaining walls, walls, and yard fixtures. The amendment includes request for waivers from maximum allowed wall height. This request is for the property located at 1808 W. Moss Ave (Parcel Identification No. 18-08-156-002), Peoria, IL (Council District 2).

NOTIFICATION:
Mailed notification was provided to property owners with property in the local historic district and within 250 radial feet of the subject site. Notice was sent no less than 15 days prior to the review.

REQUEST SUMMARY:
The applicant requests to amend a previously approved Certificate of Appropriateness for alterations to the property at 1808 W. Moss Avenue. This property is in the Moss-High local historic district. The applicant requests to amend the Certificate of Appropriateness which approved landscaping, hardscaping, construction of an accessory storage structure and driveway off Martin Luther King Jr. Drive, retaining walls, walls, and fencing. Said certificate was approved February 27, 2019 with height waivers for walls nearest and adjacent to the accessory storage structure. The Certificate of Appropriateness was amended January 22, 2020 to allow alternative design to the accessory storage structure and driveway with a height waiver for the gate at the entrance from MLK Drive. Site grading and some construction has occurred since the 2019 Certificate of Appropriateness.

Under the current request, the applicant proposes changes to the design of the driveway to further reduce the grade. Subsequently, this includes changes to hardscaping and the height of walls, including walls along the side property lines. Included in the design is a request for walls to waiver from the maximum height standard. See the application grading plan for requested wall heights. Wall height waivers are reviewable by the Historic Preservation Commission per Peoria City Code Appendix A, Section 5.4.6. This case includes request to approve sculptures and light fixtures.

At the August 12, 2020 special hearing, the Commission approved the following motion: Defer the case so that the applicant can revise the walls along the side property lines. The applicant should provide elevation views of the wall from neighboring properties which would illustrate a reduction in wall height with an architectural element as the wall transitions to the higher accessory storage structure, which has been previously approved. The wall should be setback from the property line so that the wall can be of stone material. All parties at the hearing agreed on the other items in the request to amend the Certificate of Appropriateness.

The applicant has submitted revised plan with reduced wall heights and illustrated line of sight. Please refer to the attached application.

DISCUSSION:
The Commission should consider the criteria in Historic Preservation Ordinance Section 16-64, Criteria when determining if the proposed work is compatible and appropriate.

OPTIONS:
- Approve the application as requested.
- Modify and grant the application.
- Deny the application.

If denied, the petitioner will not be able to submit an application for the same improvements until it is modified to fit the Commission’s requests, or a period of 1 year has elapsed. The Certificate of Appropriateness, approved February 2019 and amended January 2020, would remain valid.
Disclaimer: Data is provided 'as is' without warranty or any representation of accuracy, timeliness or completeness. The burden for determining fitness for, or the appropriateness for use, rests solely on the requester. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is in a constant state of maintenance. This website is NOT intended to be used for legal litigation or boundary disputes and is informational only. -Peoria County GIS Division
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Certificate of Appropriateness Application
Historic Preservation Commission

Property Information: (The property the work will be performed on)

Address: 1808 Moss Ave. Zip Code: 61606
Tax ID Number: __________ Architectural Style: Timber Frame

Applicant: (The person/organization applying.)

Name: Sean Renner on behalf of John A. Jumer
Company/Neighborhood Association: ________________________________
Address: 303 Sullivan Circle
City: Germantown Hills State: IL ZIP: 61548
Daytime Phone: (312) 217-9274 Email: ________________________________
Applicant Signature: _____________________ Date: 6/23/18

Owner: (Skip this section if the applicant and owner information is the same)

Name: John A. Jumer
Company/Neighborhood Association: ________________________________
Address: 1808 Moss Ave.
City: Peoria State: IL ZIP: 61606
Daytime Phone: _____________________ Email: ________________________________
Owner Signature: _____________________ Date: 6/21/20

Contractor Information: (If available, not required)

Name: N/A
Company/Neighborhood Association: ________________________________
Address: ______________________________
City: _____________________ State: ______ ZIP: _____________________
Daytime Phone: _____________________ Email: ________________________________
1808 Moss Ave. Property Improvements -

Project Description:

Work to include approximately 90 feet of stone retaining wall with parapet that is stepped down the bluff at heights between 6 feet to 10 feet above grade. Wall is part of previous walls already approve by the HPC. All materials to match existing stone material on site.
HI Kerilyn,

I have updated the color coded grading plan to be more vivid and easier to read.

Additionally, I have reiterated some talking points below.

Dear Commissioners,

I have attached an updated color coded grading plan clearly delineating wall heights for the backyard garden at 1808 W. Moss Ave.

You can see the walls start out at 3' tall and increase as necessary and or as approved by the ZBA as they move down the hillside.

Talking Points:

1. To date we believe the precedent has been set. There have been multiple opportunities in the past for the neighbors to voice their opposition to proposed walls, retaining walls and fixtures.

    No one showed up at these hearings. (Please note, there are previously approved walls already built on site in excess of 8 feet along both sides of the property.)

2. On November 8th, 2018 the Zoning Board of Appeals voted unanimously in favor of a variance that included retaining walls along the lower portions of the shared property lines to be at 16 feet in height.

3. The HPC indicated that they were unanimously in favor of the entire project last January. Unfortunately the details of the retaining walls were not officially recorded for the middle terrace portion of the project. Note these walls are higher up on the hillside and connect to the retaining walls approved by the ZBA. We are merely connecting point A to point B at this point. The latest case HPC 20-03 was approved at the January 2020 HPC.
The site plan for this case showed elevation from MLK. Site plan asked for changes to walls on the lower third of the project. The Elevation shown from MLK had elevations on it. It was too scale.

4. The length of the retaining walls along the Markley's property line that are over 10 feet in height comprise only 28% of the total length or run of the walls on the bluff. Additionally these walls are located a considerable distance from any neighbors house and are nestled within the wooded hillside.

5. Based on Professional Land Surveying Records, the First Floor Elevations of both neighbors houses are higher in elevation than a vast majority of the top of the proposed retaining walls because the proposed retaining walls are located far from the houses lower down the hillside.

6. There are no retaining wall height limitations per City of Peoria Zoning Code. However the top of the retaining wall must meet established grade. How this relates to building code, barrier protection in relation to parapet wall heights used on top of retaining walls is not clearly addressed in the code.

7. The proposed middle terrace landscaping, retaining walls and fixtures are not visible from MLK Jr. Drive and will be screened from the neighbors site as well.

Please don't hesitate to reach out with any questions or concerns.

Best Regards,

Sean
Hi Kerilyn,

Please see wall elevations and plan views as requested that I sent via wetransfer link in a separate email.

Walls have been lowered to a point where any additional adjustments would cause MAJOR backtracking on our part and would undermine the numerous variances granted by the HPC and the City of Peoria to date.

I sincerely request that all Commissioners take the time to review these plans prior to the meeting so they have a better understanding of the situation.

I stand by the fact that that precedent has already been set for walls to be allowed to exceed 6 feet in height in the backyard of 1808 Moss Ave.

Talking Points:

1) Both Neighbors have previously granted walls being built in excess of 8 feet tall in the past.

2) The HPC has previously granted walls in excess of 30 feet facing MLK.

3) The ZBA granted retaining walls relating to the garage running along the Amstutz and the Markley property lines to be well in excess of 10 feet.

4) Several major variances have been passed over time allowing the Jumers to design the garden as shown today. Please see the list below of numerous HPC meetings that have occurred in the past that have led up to this moment.

HPC and ZBA - Hearings Involving 1808 Moss Ave.:
Please note there were numerous deferments which delayed the project all at the expense of the Jumers.

HPC 16-23 hearing Nov 16, 2016
HPC 17-8 Admin review only
HPC 17-9 Admin review only
HPC 18-01 HPC hearing Jan 24, 2018 and council hearing Jul 24, 2018 (case regarding walls height on both sides of yard)
HPC 18-18 hearing Sep 26, 2018 (gateway arch on Amstutz side)
HPC 18-16 hearing Aug 22, 2018 (deferred); hearing Sept (deferred); Oct (deferred for ZBA determination); Jan 2019 (no quorum, deferred); Feb 27, 2019 approved
ZBA 3053 Height of structure variance Nov 8, 2018
HPC 20-03 hearing Jan 22, 2020
5) Where visible outside the wooded hillside, the wall heights proposed in this case are within range of the 7.5 feet tall Amstutz fence running parallel to the Amstutz southwest property line.

6) Please see the plat of survey for 1808 Moss Ave. This document pre-dates construction and shows the Jumers backyard to be at higher elevations than both neighbors' lots on the hillside. This existing higher elevation condition in tandem with the site being on a steep hillside naturally warrants the need for tall retaining walls. On November 8th, 2018 the Zoning Board of Appeals recognized the hillside as a hardship in granting their variances.

7) Walls do not exceed 10 feet in height until they are over 200 feet or 66 yards from the back of the Markley Residence where they connect to the proposed Garage Elevations which have already been approved by the HPC and The ZBA. This is a very long distance away from the house, in a wooded area, in addition to the fact that the plan elevations show the tallest walls are around 12 feet below the line of sight of someone standing on the first floor elevation of the Markley's house looking toward the backyard. This change in elevation makes the walls hard to see from the house.

8) Walls do not exceed 10 feet in height on the Amstutz side of the property until they are over 180 feet away from the back of their house and within the timberline of the hillside bluff. The HPC needs to be aware that the tallest walls proposed on Jumer property are around 8 feet below the line of sight of someone standing on the first floor elevation of the Amstutz house looking out a first story backyard window.

9) Increased Property Values - There is no denying Natural Stone walls are a valuable commodity. They provide a beautiful aesthetic, lateral privacy which is at a premium with these particular narrow lots on Moss and these walls also offer security off of MLK. If this project is allowed to be completed, it will undoubtedly raise the property values of neighboring lots.
LINE OF SIGHT OF AT 5'-5" ABOVE
FIRST FLOOR ELEVATION OF AMSTUTZ HOUSE
607.50
INTERIOR ELEVATION OF THE SIDES OF THE GARDEN

CLOISTER WALL

GOTHIC ROSE SCULPTURE

GARGOYLE SCULPTURE

EVERGREEN HEDGING

1. CLOISTER WALL
2. STONE GOTHIC ROSE WINDOW SCULPTURE
3. STONE GARGOYLE ON PILASTER
ENTRY GATE AND RETAINING WALL ELEVATION (ALONG MKL)
SCALE 1" = 1'-0"
Sample of stamped concrete wall material