A regularly scheduled Zoning Board of Appeals Meeting was held via remote video on Thursday, June 11, 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, Masum Patel, Chrissie Peterson

**SWEARING IN OF SPEAKERS**
Due to the request to defer, swearing in of speakers was deemed unnecessary.

**MINUTES**
Commissioner Jackson moved to approve the minutes for the Zoning Board of Appeals meeting held on May 14, 2020; seconded by Commissioner LaSaine.

The motion was APPROVED by viva voce vote 7 to 0.
Yeas: Al-Khafaji, Cannon, Draeger, Jackson, LaSaine, Lyons, Russo – 7
Nays: None

**REGULAR BUSINESS**
**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)

Senior Urban Planner Leah Allison, Community Development Department, read Case No. ZBA 3066 into the record and presented the request to increase the height of a rear yard fence from 6 feet to 10 feet for the property located at 9335 N Pine Tree Road.

Staff does not object to the requested 10-foot tall fence based upon 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: Without the variance, the subject property’s reasonable return is negatively impacted due to its multiple frontages, one of which is a larger traffic volume road.
2) The plight of the owner is due to unique circumstances.
   Staff: The property is unique with street frontage on three sides.
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: 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 and therefore will not alter the existing character of the neighborhood.

Chairman Russo opened the Public hearing at approximately 1:12 pm.

Jan Budzynski spoke on behalf of Ann Schilling and presented to the commission all the reasons in which this request was reasonable. She also stated that other properties were granted the same variance.
Commissioner Al-Khafaji asked if there were any safety risk, and why this wasn’t included in the past. Senior Planner Leah Allison stated that there was no safety risk and it was unknown as to why this property did not choose to participate in the previous variance request.

With no further interest from the public to provide testimony, Chairperson Russo closed the Public Hearing at 1:16 pm.

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

Commissioner Al-Khafaji motioned to approve the variance, seconded by Commissioner LaSaine.

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

Yeas: Al-Khafaji, Cannon, Draeger, Jackson, LaSaine, Lyons, Russo – 7
Nays: None

**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)

Senior Urban Planner Leah Allision, Community Development Department, read Case No. ZBA 3066 into the record and presented the request to increase the width of the driveway to 24.5 feet and allow a parking space in the front yard.

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.

Chairman Russo opened the Public hearing at approximately 1:27 pm.

Alane Wiegman presented to the committee reasons in which she felt as though the variances should be approved. She highlighted the need for a wider driveway and additional parking spot by stating how their road is very narrow and is a designated snow path route. She has multiple drivers at her residence, and she would like to have the safety of having her cars parked on her property instead of the street. Also, there are no sidewalks on the street, and she would like to make more room for other citizens to travel safely.

Ms. Allison read two emails from surrounding neighbors in support of the variances stating:
I am writing in support of my neighbor’s request for two variances: Section 8.1.5 (Off-Street Parking General Requirements to increase driveway width from 20 feet to 24.5 feet) and Section 8.1.7 (Parking of Vehicles of Residential District to allow for a front-yard parking space).

I am the immediate southwest neighbor of Alane and Brian Wiegman. Our homes are on a slight curve, and across from a side-street with six other homes. This side-street is still considered Picture Ridge and does not have a Stop or Yield sign. It is a common turn around for delivery trucks, lawn maintenance/care trucks, sanitation trucks (garbage, recycling, yard waste), and what we call Dairy Queen traffic (folks who get ice cream at the Dairy Queen and take a drive down our quaint neighborhood enjoying their cold treat).

Furthermore, Picture Ridge Road has a great deal of foot and bicycle traffic throughout the morning, afternoon, and early evenings (despite no sidewalks). I often work outside on my computer, and yesterday, 8 June 2020, by my count, there were 52 passes by my house of joggers or walkers (some with dogs, some pushing strollers), and 21 passes by my house of bicyclists (three of which were neighbor kids riding their bikes in the side-street). I know this number is below-average--maybe because Peoria reached over 90 degrees yesterday.

The Wiegman’s need to park their vehicle(s) along the curve of a relatively busy residential road (although I must acknowledge that most drivers drive with care on our road) across from a side-street, poses an increased risk to drivers and the many walkers, joggers, bicyclists, skateboarders, pets, and children playing on the road. We also have deer that move between our two homes and across the road between our neighbors’ homes during dawn and dusk.

I have a 2.5-year old child, and there are seven other children in the immediate vicinity who play in their yards and on the road. We also have grandparents of triplets across the road who pull the toddlers in wagons when they visit. We are all careful of the road, but what Alane and Brian Wiegman are requesting will only enhance public safety, and is absolutely in harmony with the essential design/character of our neighborhood (with many homes having extended-width driveways).

Thank you for taking into consideration my input in regard to the variance requests at 9203 N. Picture Ridge Road.

Sincerely,

Tara Wood (and Michelle Gardner-Wood)

9175 N. Picture Ridge Road

And

This email is in support of Brian & Alane Wiegman’s request to replace and widen their driveway by 4.5 ft. As a resident of the Picture Ridge subdivision for the past 24 years, I appreciate and welcome any neighbor that wants to improve their property. In this case, the Wiegman’s are requesting an additional 4.5 feet to the new cement driveway they plan to have installed.

By granting them this extension, the following will improve our neighborhood:

*Less vehicles parked on our narrow road.
*Their residence is located on a curve. Cars parked on the curve are dangerous for the many neighbors that walk daily on our narrow street.
*A new driveway at their residence adds value not only to their home, but the surrounding homes as well.
*Picture Ridge is a designated "SNOW ROUTE" so all vehicles must be off the road in the event of snow. The 4.5 extension will allow all of their vehicles to be parked in their driveway.
I would appreciate your consideration to the Wiegman's request. As a neighbor who has a fairly good “pulse” of the neighborhood, I am quite confident that most neighbors if not all would agree that a new cement driveway with the additional 4.5 ft extension would be an improvement to their property/neighborhood, eliminate a negative situation from occurring on a narrow curve, and allow the Wiegman's the security of being able to park their vehicles on their property.

Please feel free to contact me if you have any questions.

Respectfully yours,
John E. Wetterauer
9136 N. Picture Ridge Rd.

With no further interest from the public to provide testimony, Chairperson Russo closed the Public Hearing at approximately 1:40 pm.

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

Commissioner Cannon motioned to approve both variances, seconded by Commissioner LaSaine.

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

Yeas: Al-Khafaji, Cannon, Draeger, Jackson, LaSaine, Lyons, Russo – 7
Nays: None

UNFINISHED 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

Petitioner Joe Richey began stating appeal to the determination letter 3/3/2019. Wants it to be considered null and void. Joe Richey presented exhibits pertaining to the first letter of determination sent by Ross Black, Director of Community Development. He began to then present on another letter sent on 10/29/19 and made mention that the building located at 1212 SW Adams is operating more as a social service institution per the code and not a boarding house. Petitioner then began to go through City code on the different uses’ categories.

Steve West, attorney for Joe Richey, began to present his exhibits (SW 1-5). He began to go over each individual exhibit for the record. As part of his exhibits, Mr. West argued that the definition of a boarding house was not included in the determination letter. He then provided facts to show that the address in question was not a boarding house.

City Attorney Masum Patel presented on behalf of the City and began by reading the definition of a boarding house as well as the group living definition. She then discussed what the City was presented when the applicant applied for a zoning certificate. She argued that the petitioner’s argument was not relevant based on the zoning certificate being issued, stated the issue is determining whether the address is a boarding house or a social service institution. She then brought up a point that was not addressed before and that was the petitioners did not mention what harm this is causing the petitioner. She argued that if there is no harm, then what is the problem with they have with this address, and stated that their arguments are speculative. Asked that the determination letter stands, and the certificate remain intact.
Steve West presented a rebuttal, wanted the committee to overturn the determination letter stating the address in question is a boarding house. They weren’t asking to determine actual use. They are challenging a misinterpretation of the code. Joe Richey also gave a rebuttal, argued that the definition was changed without a text amendment.

Senior Urban Planner Leah Allison read into the three public comments from Chuck Gabbert, Pat Sullivan, and Louise Natonek. See attached.

Commissioner LaSaine asked Attorney Patel a question regarding the boarding house definition. Commissioner Draeger asked Attorney Patel a question regarding the boarding house definition. Commissioner Al-Khafaji asked Attorney Patel a question regarding the determination letters, and the harm caused to the petitioners, and the definition of single room occupancy. Ross Black gave a definition and a response. Commissioner LaSaine asked Ross Black about the precise definition of boarding house. Chairmen Russo asked if the definition was changed, Ross Black informed that the definition has not changed. March 3rd memo was definition of rooming house.

With no further interest from the public to provide testimony, Chairperson Russo closed the Public Hearing at approx. 3:30 pm.

Discussion:
Commissioner Draeger wanted to determine whether this is within definition of boarding house. Is the definition clear, is more interpretation needed, did the zoning administer misinterpret the definition?

Commissioner Al-Khafaji felt as though a text amendment should’ve been implemented through a proper channel and that this was not interpreted correctly.

Chairperson Russo read the Findings of Fact to reverse or modify an action. It was determined by the commission that both criteria were found to be true.

Motion:
Commissioner Al-Khafaji moved to reverse the final determination that the proposed use is a boarding house under the Unified Development Code, seconded by Commissioner LaSaine.

The motion was APPROVED by roll call vote 6 to 1.

Yeas: Al-Khafaji, Cannon, Draeger, Jackson, LaSaine, Russo – 6
Nays: Lyons - 1

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

ADJOURNMENT
Commissioner Jackson moved to adjourn the Zoning Board of Appeals meeting; seconded by Commissioner LaSaine at approximately 3:44 pm.
Attn: Kim Smith
Senior Planner, City of Peoria

Chuck Gabbert
Owner C.T. Gabbert Remodeling and Construction
1323 S.W. Adams Street is our business location

We purchased the building at 1323 S.W. Adams in 1987. We have invested in the area patiently and it is finally being improved. We have done our best to make the area welcoming and vibrant.

There are several buildings in the area with great potential that would be adversely impacted by a halfway house setup.

Renaming something doesn't change what it is.
- Rescue Mission offices in the back for counseling
- Group Bathrooms
- Rooms with 4 Clients
- Rooms with 14 Clients
- 4 showers, 32 people

Having looked over the planned layout and the structural changes to the 1212 S.W. Adams building, it looks like a group home/halfway house is the intent.

At the discovery meeting held by the DDC, I asked if others could come in to rent a room for a night or a week or a month when I have guys come to visit and go fishing or hunting. I was told that wasn't possible because everyone that lived in the House has to go through the Mission program.

They also discussed further counseling if rules are not followed.

1212 is by all accounts just an extension of the Social Services at the Mission.
There was also talk of an office at the facility for an employee of the PRM to keep an eye on them.

Another concern is the likelihood of sexual predators residing in the building will rule out many ideas for building development that will cater to children.

After looking into the definition of a boarding house and those of group homes and Social Service Agencies, it becomes obvious that the PRM project is social service and prohibited in the Warehouse District.

Sincerely,

Chuck Gabbert

President C.T. Gabbert Remodeling and Construction
1323 S.W. Adams Street
1212 Adams St

Pat Sullivan <pat@jpcompanies.com>
Wed 5/13/2020 2:38 PM
To: Leah Allison <lallison@peoriagov.org>
Cc: Warehouse District Association Joe Richey <jrichey@tricitymachine.com>

Zoning Board of Appeals

The members of the Peoria Warehouse District Association strongly oppose the 1212 Adams St building plans. Our investments in the warehouse district show that we have improved one of the most rundown areas in the city. We work and live in the district and you can see the changes and the only area in the city where the property values have improved over the years. Most other areas have stayed the same or gone down in value. This is not a case of ‘not in my neighborhood’ because we have over 1/3 of buildings and land that are non-for-profit or government owned. Which means ‘no taxes’, which is not good for our city. The consultants that the City of Peoria has hired over the last 20 years, have agreed that there are enough non-for-profits trying to house released prisoners, persons with addiction problems and the homeless. This small house is to hold 36 men. These men can quit going to meetings any time and walk out. They then roam the streets of our district and our neighborhoods, asking people for money and sleeping on our property.

The Peoria Warehouse District members are involved with many non-for-profits, on many City commissions and donate to many of the needs of Peoria. This needs to be deferred or their request denied until we can meet and interpret the changed ordinance.

Thank you,

Pat Sullivan
President Peoria Warehouse District

JP Riverfront LLC
JP Riverfront Development Co.
Cell: (309) 303 5900
Fax: (309) 676 7938
May 12, 2020

City of Peoria Zoning Board of Appeals
Peoria City Hall
Peoria IL 61602

RE: 1212 SW Adams

To The Zoning Bd. of Appeals:

Our office is located at 1216 SW Adams, immediately adjacent to 1212 SW Adams and, as such, would be most affected. We are wholly in favor of the proposed use by the Peoria Rescue Mission, and urge the Board to allow this use.

The property at 1212 has been vacant for over a decade. It is a beautiful older building, and the neighborhood would benefit from it being re-purposed and in use. It is our understanding that The Mission wishes to use it for men who have maintained sobriety for at least six months, are employed, and are at or nearing the last phase of integrating themselves back into the community. There will be a counselor on premises at all times. The Mission clearly is interested in being a good neighbor.

In listening to the objectors at a neighborhood meeting held at 1212 a few months ago, the focus seemed to be on worries about substance abuse. Again, these men have been through other phases of the Mission’s programs, and, to us, have earned a chance to demonstrate their improvement. They deserve compassion, not derision.

We would urge the Board to allow this use, allow an older building to be brought back to its former glory, and show decency and compassion to those who may not have been granted the good fortune of much of the rest of us.

Thank you for allowing us to address the Board.

Louise Natonek
Hugh F. Toner III