

## Peoria Heights Zoning Board of Appeals

Rick Picl, Chairman

### Minutes for April 19, 2021

A meeting of the Village of Peoria Heights Zoning Board of Appeals was held on April 19, 2021 at the Peoria Heights Village Hall. The meeting was called to order by Chairman Picl at 5:30pm.

Chairman Picl noted that he was going to move the agenda around a bit. The last item on the Agenda was called first. The things that were discussed at the prior meeting would be addressed first.

Chairman Picl introduced the first order of Business:

Site Plan Approval application file by Scott Lewis seeking approval of a site plan for development (of) a single-family home for the property located at 1324 Samuel Avenue Peoria Heights, Illinois 61616 (PIN No. 14-22-402-027), which property is currently zoned R-3 (Multiple-Family Residential District).

And

Variance application file by Scott Lewis seeking a lot size variance to allow a 5,625 square foot lot, which is less than the 15,000 square foot lot required by Section 10-7C-3-A of the Village Code, and set back variances to allow a 20-foot set back in the front yard, a 4-foot setback in the side yard, and a 12-foot set back in the rear yard, which are smaller than required by Section 10-7C-E-1, E-2, E-3, respectively, of the Village Code, the property located at 1324 Samuel Avenue, Peoria Heights, Illinois 61616 (PIN No. 14-22-402-027), which property is currently zoned R-3 (Multiple-Family Residential District).

Chairman Picl asked if there were any changes since the last meeting and there were none. Chairman Picl noted that the side yards should be appropriate and did not need a variance. There were no public comments. Chairman Picl said that all variances will be voted upon without the side yard variance since it is not needed. The first finding of facts would relate to the lot size variance:

- Will the strict application of the terms of the Zoning Code relating to the use, construction or alteration of buildings or structures or to the use of land impose practical difficulties or a particular hardship upon the Petitioner?
  - The board answered in the affirmative 8-0
- If the variation is granted, the property affected by the variation will remain in harmony with the general purport and intent of the Zoning Code.
  - The board answered in the affirmative 8-0
- The approval of the variation will not merely serve as a convenience to the Petitioner but is necessary to alleviate some demonstratable hardship on the Petitioner.
  - The board answered in the affirmative 8-0
- Can the variation requested by the Petitioner be granted without substantial detriment to the public good?

- The board answered in the affirmative 8-0
- Can the proposed variation be approved without impairing the general purpose and intent of the comprehensive plan as implemented by the Zoning Code?
  - The board answered in the affirmative 8-0
- If the proposed variance involves a fence, will the fence conform with the standards set forth at subsections 10-4-7D2c(2)-D2c(5) of the Zoning Code?
  - The board found this not applicable

The second finding of facts would relate to 20-foot front yard setback:

- Will the strict application of the terms of the Zoning Code relating to the use, construction or alteration of buildings or structures or to the use of land impose practical difficulties or a particular hardship upon the Petitioner?
  - The board answered in the affirmative 8-0
- If the variation is granted, the property affected by the variation will remain in harmony with the general purport and intent of the Zoning Code.
  - The board answered in the affirmative 8-0
- The approval of the variation will not merely serve as a convenience to the Petitioner but is necessary to alleviate some demonstratable hardship on the Petitioner.
  - The board answered in the affirmative 8-0
- Can the variation requested by the Petitioner be granted without substantial detriment to the public good?
  - The board answered in the affirmative 8-0
- Can the proposed variation be approved without impairing the general purpose and intent of the comprehensive plan as implemented by the Zoning Code?
  - The board answered in the affirmative 8-0
- If the proposed variance involves a fence, will the fence conform with the standards set forth at subsections 10-4-7D2c(2)-D2c(5) of the Zoning Code?
  - The board found this not applicable

The third finding of facts would relate to the 12-foot rear yard setback:

- Will the strict application of the terms of the Zoning Code relating to the use, construction or alteration of buildings or structures or to the use of land impose practical difficulties or a particular hardship upon the Petitioner?
  - The board answered in the affirmative 8-0
- If the variation is granted, the property affected by the variation will remain in harmony with the general purport and intent of the Zoning Code.

- The board answered in the affirmative 8-0
  - The approval of the variation will not merely serve as a convenience to the Petitioner but is necessary to alleviate some demonstratable hardship on the Petitioner.
    - The board answered in the affirmative 8-0
  - Can the variation requested by the Petitioner be granted without substantial detriment to the public good?
    - The board answered in the affirmative 8-0
  - Can the proposed variation be approved without impairing the general purpose and intent of the comprehensive plan as implemented by the Zoning Code?
    - The board answered in the affirmative 8-0
  - If the proposed variance involves a fence, will the fence conform with the standards set forth at subsections 10-4-7D2c(2)-D2c(5) of the Zoning Code?
    - The board found this not applicable
- A motion was made by Mr. Tunney and seconded by Ms. Backs and the motion was approved with no conditions 8-0.

The Site Plan was then addressed with its finding of facts:

- The establishment, maintenance, or operation of the site plan will not be detrimental to or endanger the public health, safety, morals, comforts or general welfare
  - The board answered in the affirmative 8-0
- The site plan will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located
  - The board answered in the affirmative 8-0
- The establishment of the site plan will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
  - The board answered in the affirmative 8-0
- Adequate facilities access roads, drainage and/or necessary facilities have been or will be provided
  - The board answered in the affirmative 8-0
- Adequate measures have been or will be taken to provide ingress and egress designed as to minimize traffic congestion in the public streets.
  - The board answered in the affirmative 8-0

- If a public use or use providing public utility service, that such use of service shall meet a demonstratable public need and provide a public benefit
      - The board found this to be not applicable
    - The site plan shall, in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendation of the zoning board of appeals
      - The board answered in the affirmative 8-0
  - A motion was made by Mr. Woo and seconded by Mr. Cady and the motion was approved 8-0.

Mr. Wigginton called roll. All members were present apart from Mr. Calloway.

Chairman Picl inquired if there were any addition or corrections to the minutes from the prior month's meeting. Mr. Tunney noted that his name was spelled T-E-N-N-E-Y not T-I-N-E-Y (tiny). Chairman Picl entertained a motion to approve the minutes from the previous meeting. There was unanimous consent to approve.

Chairman Picl introduced the second order of Business:

- Rezoning application filed by John Kepple/AZ Property One, L.L.C. seeking approval of a map amendment rezoning the property located on East Duryea Avenue, Peoria Heights, Illinois, 61616 (PIN No. 14-22-327-017), from the current zoning classification of I-1 (Industrial District) to R-3 (Multiple-Family Residential District)
  - Village Counsel prepared a document of understanding of the re-zoning that was completed at the last meeting. The Board Reviewed the memorialization of findings of fact that occurred at the last meeting and there would be 10 days to object to findings prior to the Village Board being able to vote on the issue. The Board agreed with document prepared by Village Counsel and there were no objections.
- A motion to approve the re-zoning of (PIN No. 14-22-327-017), from the current zoning classification of I-1 (Industrial District) to R-3 (Multiple-Family Residential District) by Mr. Wigginton and seconded by Mr. Wombacher which was approved 8-0.

Chairman Picl introduced the third order of Business:

Variance application by John Kepple / AZ Property One, L.L.C. seeking a building height variance to allow construction of structures with a height of 54 feet, which is ten feet higher than the maximum height allowed as set for thin Section 10-7C-3-D of the Village Code and a parking variance to allow for 1.5 parking spaces per dwelling unit, which is fewer than the 2 parking spaces per dwelling unit required by Section 10-7C-3-F of the Village Code, for the property located at 1013 East Duryea Avenue, Peoria Heights, Illinois, 61616 (PIN Nos. 14-22-327-017 and 14-22-327-018), which property is current(ly) zoned I-1 (Industrial District) and R-3 (Multiple-Family Residential District).

The height variance's findings of fact were then read:

- Will the strict application of the terms of the Zoning Code relating to the use, construction or alteration of buildings or structures or to the use of land impose practical difficulties or a particular hardship upon the Petitioner?

- The board answered in the affirmative 7-1 (Mr. Tunney answering in the negative)
- If the variation is granted, the property affected by the variation will remain in harmony with the general purport and intent of the Zoning Code.
  - The board answered in the affirmative 7-1 (Mr. Tunney answering in the negative)
- The approval of the variation will not merely serve as a convenience to the Petitioner but is necessary to alleviate some demonstratable hardship on the Petitioner.
  - The board answered in the affirmative 7-1 (Mr. Tunney answering in the negative)
- Can the variation requested by the Petitioner be granted without substantial detriment to the public good?
  - The board answered in the affirmative 7-1 (Mr. Tunney answering in the negative)
- Can the proposed variation be approved without impairing the general purpose and intent of the comprehensive plan as implemented by the Zoning Code?
  - The board answered in the affirmative 7-1 (Mr. Tunney answering in the negative)
- If the proposed variance involves a fence, will the fence conform with the standards set forth at subsections 10-4-7D2c(2)-D2c(5) of the Zoning Code?
  - The board found this not applicable

The 1.5 parking spots variance findings of fact were then read:

- Will the strict application of the terms of the Zoning Code relating to the use, construction or alteration of buildings or structures or to the use of land impose practical difficulties or a particular hardship upon the Petitioner?
  - The board answered in the affirmative 7-1 (Mr. Tunney answering in the negative)
- If the variation is granted, the property affected by the variation will remain in harmony with the general purport and intent of the Zoning Code.
  - The board answered in the affirmative 7-1 (Mr. Tunney answering in the negative)
- The approval of the variation will not merely serve as a convenience to the Petitioner but is necessary to alleviate some demonstratable hardship on the Petitioner.
  - The board answered in the affirmative 7-1 (Mr. Tunney answering in the negative)

- Can the variation requested by the Petitioner be granted without substantial detriment to the public good?
  - The board answered in the affirmative 7-1 (Mr. Tunney answering in the negative)
- Can the proposed variation be approved without impairing the general purpose and intent of the comprehensive plan as implemented by the Zoning Code?
  - The board answered in the affirmative 7-1 (Mr. Tunney answering in the negative)
- If the proposed variance involves a fence, will the fence conform with the standards set forth at subsections 10-4-7D2c(2)-D2c(5) of the Zoning Code?
  - The board found this not applicable
- A motion was made by Mr. Woo and seconded by Ms. Wiederman for building height and the motion was approved with no conditions 7-1 (Mr. Tunney answering in the Negative).
- A motion was made by Mr. Wiederman and seconded by Mr. Cady for 1.5 parking spaces and the motion was approved with no condition 7-1 (Mr. Tunney answering in the Negative).

The Site Plan was then addressed with its finding of facts:

- The establishment, maintenance, or operation of the site plan will not be detrimental to or endanger the public health, safety, morals, comforts or general welfare
  - The board answered in the affirmative 7-1 (Mr. Tunney answering in the negative)
- The site plan will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located
  - The board answered in the affirmative 7-1 (Mr. Tunney answering in the negative)
- The establishment of the site plan will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
  - The board answered in the affirmative 8-0
- Adequate facilities access roads, drainage and/or necessary facilities have been or will be provided
  - The board answered in the affirmative 8-0
- Adequate measures have been or will be taken to provide ingress and egress designed as to minimize traffic congestion in the public streets.

- The board answered in the affirmative 7-1 (Mr. Tunney answering in the negative)
  - If a public use or use providing public utility service, that such use of service shall meet a demonstratable public need and provide a public benefit
    - The board found this to be not applicable
  - The site plan shall, in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendation of the zoning board of appeals
    - The board answered in the affirmative 8-0
- A motion to approve the site plan with the condition that the rear alley be vacated by The Village of Peoria Heights (because the set-back was conforming to the code without the vacation of the alley) was made by Mr. Wombacher and seconded by Mr. Woo. The motion carried 7-1 (Mr. Tunney voting in the negative).

Chairman Picl introduced the fourth order of business:

Variance application file by Chris and Monica Chandler, seeking a setback variance to allow construction of a garage and porch addition with a 1-foot setback in the side yard and a 20-foot setback in the front yard, which is less than required by Section 10-7A-5 of the Village Code, for the property located at 4916 N. Glen Elm Drive, Peoria Heights, Illinois 61616 (PIN No. 14-21-281-030), which property is currently zone R-1 (Low Density Residential District).

The 20-foot front yard setback variance findings of fact were then read:

- Will the strict application of the terms of the Zoning Code relating to the use, construction or alteration of buildings or structures or to the use of land impose practical difficulties or a particular hardship upon the Petitioner?
  - The board answered in the affirmative 8-0
- If the variation is granted, the property affected by the variation will remain in harmony with the general purport and intent of the Zoning Code.
  - The board answered in the affirmative 8-0
- The approval of the variation will not merely serve as a convenience to the Petitioner but is necessary to alleviate some demonstratable hardship on the Petitioner.
  - The board answered in the affirmative 8-0
- Can the variation requested by the Petitioner be granted without substantial detriment to the public good?
  - The board answered in the affirmative 8-0
- Can the proposed variation be approved without impairing the general purpose and intent of the comprehensive plan as implemented by the Zoning Code?

- The board answered in the affirmative 8-0
- If the proposed variance involves a fence, will the fence conform with the standards set forth at subsections 10-4-7D2c(2)-D2c(5) of the Zoning Code?
  - The board found this not applicable

The side yard setback variance's finding of facts were then read:

- Will the strict application of the terms of the Zoning Code relating to the use, construction or alteration of buildings or structures or to the use of land impose practical difficulties or a particular hardship upon the Petitioner?
  - The board answered in the affirmative 8-0
- If the variation is granted, the property affected by the variation will remain in harmony with the general purport and intent of the Zoning Code.
  - The board answered in the affirmative 8-0
- The approval of the variation will not merely serve as a convenience to the Petitioner but is necessary to alleviate some demonstratable hardship on the Petitioner.
  - The board answered in the affirmative 8-0
- Can the variation requested by the Petitioner be granted without substantial detriment to the public good?
  - The board answered in the affirmative 8-0
- Can the proposed variation be approved without impairing the general purpose and intent of the comprehensive plan as implemented by the Zoning Code?
  - The board answered in the affirmative 8-0
- If the proposed variance involves a fence, will the fence conform with the standards set forth at subsections 10-4-7D2c(2)-D2c(5) of the Zoning Code?
  - The board found this not applicable
- A motion to grant both variances was made by Ms. Backs and seconded by Mr. Woo and the motion was approved with no conditions 8-0.

Chairman Picl introduced the fifth order of business:

Variance application filed by Sara Legel, seeking approval of a fence variance to allow construction of a fence with 7-foot set-backs instead of the required 10-foot setback, and at the height not to exceed 6 feet, which is 2 feet higher than the maximum height allowed as set forth in Section 10-4-7-D-1 of the Village Code, for the property located at 1022 E. Highland Place, Peoria Heights, Illinois, 61616 (PIN No. 14-22-160-007), which property is currently zone R-1 (Low Density Residential District)

There was a discussion of whether this is a corner lot or a lot that has two front yards. Chairman Picl was of the opinion that the variance request is for the front yard and Village Counsel thought this was a corner lot.



Mr. Wigginton asked if the fence would be open or completely solid. The answer was that there would be no openings in the fence and it would be completely solid. Village Counsel stated that this where the distinction between front yard or corner lot. Chairman Picl stated that the definition of front yard would be both the front and back of this home.

There were no public comments.

The front yard fence variance findings of fact were then read:

- Will the strict application of the terms of the Zoning Code relating to the use, construction or alteration of buildings or structures or to the use of land impose practical difficulties or a particular hardship upon the Petitioner?
  - The board answered in the affirmative 8-0
- If the variation is granted, the property affected by the variation will remain in harmony with the general purport and intent of the Zoning Code.
  - The board answered in the affirmative 8-0
- The approval of the variation will not merely serve as a convenience to the Petitioner but is necessary to alleviate some demonstratable hardship on the Petitioner.
  - The board answered in the affirmative 8-0
- Can the variation requested by the Petitioner be granted without substantial detriment to the public good?
  - The board answered in the affirmative 8-0
- Can the proposed variation be approved without impairing the general purpose and intent of the comprehensive plan as implemented by the Zoning Code?
  - The board answered in the affirmative 8-0
- If the proposed variance involves a fence, will the fence conform with the standards set forth at subsections 10-4-7D2c(2)-D2c(5) of the Zoning Code?
  - This would be addressed subject to the other necessary variances

The six-foot fence variance findings of fact were then read:

- Will the strict application of the terms of the Zoning Code relating to the use, construction or alteration of buildings or structures or to the use of land impose practical difficulties or a particular hardship upon the Petitioner?
  - The board answered in the affirmative 7-1 (Chairman Picl voting in the negative)
- If the variation is granted, the property affected by the variation will remain in harmony with the general purport and intent of the Zoning Code.
  - The board answered in the affirmative 7-1 (Chairman Picl voting in the negative)

- The approval of the variation will not merely serve as a convenience to the Petitioner but is necessary to alleviate some demonstratable hardship on the Petitioner.
  - The board answered in the affirmative (Chairman Picl voting in the negative)
- Can the variation requested by the Petitioner be granted without substantial detriment to the public good?
  - The board answered in the affirmative 8-0
- Can the proposed variation be approved without impairing the general purpose and intent of the comprehensive plan as implemented by the Zoning Code?
  - The board answered in the affirmative (Chairman Picl voting in the negative)
- If the proposed variance involves a fence, will the fence conform with the standards set forth at subsections 10-4-7D2c(2)-D2c(5) of the Zoning Code?
  - This would be addressed subject to the other necessary variances

The lack of 40 percent open variance findings of fact were then read:

- Will the strict application of the terms of the Zoning Code relating to the use, construction or alteration of buildings or structures or to the use of land impose practical difficulties or a particular hardship upon the Petitioner?
  - The board answered 4-4 (Chairman Picl, Mr. Cady, Mr. Woo and Mr. Wigginton voting in the negative)
- If the variation is granted, the property affected by the variation will remain in harmony with the general purport and intent of the Zoning Code.
  - The board answered 4-4 (Chairman Picl, Mr. Cady, Mr. Woo and Mr. Wigginton voting in the negative)
- The approval of the variation will not merely serve as a convenience to the Petitioner but is necessary to alleviate some demonstratable hardship on the Petitioner.
  - The board answered in the affirmative 7-1 (Chairman Picl voting in the negative)
- Can the variation requested by the Petitioner be granted without substantial detriment to the public good?
  - The board answered in the affirmative 7-1 (Mr. Wigginton voting in the negative).
- Can the proposed variation be approved without impairing the general purpose and intent of the comprehensive plan as implemented by the Zoning Code?

- The board answered in the affirmative 6-2 (Chairman Picl and Mr. Wigginton voting in the negative)
  - If the proposed variance involves a fence, will the fence conform with the standards set forth at subsections 10-4-7D2c(2)-D2c(5) of the Zoning Code?
    - The board answered in the affirmative 7-1 (Chairman Picl voting in the negative)
- A motion was made by Ms. Backs and second by Mr. Tunney to approve a variance for a front yard fence. The motion was passed 8-0.
- A motion was made by Mr. Wiederman and seconded by Mr. Wombacher to approve a variance for a six-foot fence. The motion passed 6-2 with Chairman Picl and Mr. Cady voting in the negative.
- A motion was made by Mr. Tunney and second by Mr. Wiederman. The motion passed 5-3 with Chairman Picl, Mr. Cady and Mr. Wigginton voting in the negative.

Chairman Picl announced there will be a few issues coming up in the next meetings which will be a fence on Grandview Drive and a used car dealership on War Memorial Drive which has appeared before the Zoning Board a few times.

Mr. Wigginton announced that this will be his last meeting. There will be a new clerk named for the Zoning Board. Chairman Picl also noted that he would like to do a training session for the new members.

The meeting was adjourned at 6:58pm.