

Village of Peoria Heights Zoning Board of Appeals Meeting Minutes Aug 19, 2019

5:34pm Rick called the meeting

Matt called roll and all members were present with the exception of Janie.

Tessie made motion to approve the prior meeting's minutes, Mike seconded. The approval of the minutes passed unanimously.

Rick noted the first order of business would be for a used car lot looking to operate a business in the B-2 General Retail Business District at 3707 North Vincent Avenue.

Richard Parker – used car lot, petitioner

- Richard Parker and Richard Parker, Jr. are looking to operate a used car lot and currently own a towing company at 817 W Nile Peoria Il; which is on the south side of Peoria. The used car business would operate Monday through Friday; 9am until 5pm. Rick asked if there were to be any deliveries after or before hours and Mr. Parker noted there would be no delivery of cars after five or before nine. Cathy noted that there were State of Illinois regulations with background checks and signage but the Parkers were not aware of the specifics. Mr. Parker noted a special use permit requires a lot of paperwork. Tessie inquired about the number of cars and Mr. Parker noted the plan would be 15-20 cars on the lot. Gary Kempf told the Parkers that they could have 30 cars on the lot. Rick inquired about the lighting of the lot and currently there is just street lights and there are cameras. Rick also asked what was contained in the building which was a sink, a toilet and the garage in general.

The floor was then open to public comment:

Martin Hendrick of 3704 N Vincent

- Mr. Hendrick informed the ZBA that the sign on the building shines directly into his house and he does not like the obnoxious light. The last owner of the property had a sign on the roof and its light shined into his house. There is no lighting now he would have no issue with the sign if the light just shined directly on the sign. Cathy and Tessie noted that previously there had been comments regarding that there was not enough light for safety issues. Martin also noted there was no way for 30 cars to fit on the lot and access is not very good. It brings a lot of traffic into the neighborhood.

Jean Gruber of 3814 N Monroe

- Ms. Gruber wanted to ensure the understanding that the land owner was Gary Kempf and wanted to ensure that the business coming in will be viable and profitable and to understand how many cars they plan to sell. Rick noted that GLK Land trust was the owner.
- The Parkers noted that they plan to sell 15 cars a week.

Dan Callahan of 1015 E Memorial – Business owner

- Dan wanted to know the length of the lease and whether this would be solely for the lease holder. He did ask what would be allowed at this business and Mark (counsel) noted that the code requires used car lots to seek a variance.
- Cathy noted that previously the ZBA had permitted 25 cars on this site as opposed to 40 cars that were requested
- Mark noted that there is an annual review for these permits and that Chief Sutton reports to the Village board to ensure compliance.
- The Parkers noted that their towing business allows them to keep cars in other locations and would ensure the lighting is not annoying to neighbors.

There was no further discussion. Rick did note there should be a restriction of the number on cars and there is a signage ordinance that does state restrictions on signs.

Findings of Fact were then read:

A: (Endanger): Yes – unanimous

B: (Impair value): Yes – unanimous

C: (Compliance): Yes – unanimous

D: (Drainage): Yes – unanimous

E: (Ingress/Egress): Yes – unanimous

F: (Public): n/a

G: (Conform w/ regs): Y – unanimous

Cathy moved, Mike seconded: Motion to approve with a maximum of 25 cars, signage in accordance with sign ordinance and not obtrusive lighting to the neighborhood. This passed unanimously and Rick noted this would proceed to the Village Board with the ZBA's recommendation.

The Board then considered the PH Samuel project for the St. Jude Dream Home and the 44.7% of lot coverage, front yard fence, and height restriction variance were at issue. Rick and Mark noted that there were not set back variances needed.

Speaking for PH Samuel LLC, Katie J. Kim indicated that development area and construction was hoped to be started soon. Images were displayed of the lay out planned and there were deed restrictions in the sale of the lots that would require owners to construct in certain restrictions (no front yard driveways, fences required, facades approved by the KIM Group, etc.).

Rick inquired about the infrastructure discussions with the Village Engineer and Katie noted that this is very early in the process but there may be implemented in different phases.

Cathy inquired about the redevelopment agreement and what milestones were built into the agreement regarding the site plan. Ms. Kim noted that this was more in the way of utilities.

Ms. Kim noted that she was seeking a variance for a height (6.25 feet) which was measured by simply standing in the street and looking at the neighboring house, width (4.7% of lot) and fence for 1322 E Samuel.

Tessie did question why the Zoning regulation regarding height was not considered and would it be possible for consideration to be made. Katie noted that she had believed that her projected would be grandfathered in and that it would be difficult to comply with the height restriction regardless of dormers or a full height third floor. Cathy noted the topography of the lots is also a major concern because the height of the buildings is magnified. Matt inquired about the lot sizes on future projects and the plan would be to ask for a variance on every project. Cathy noted that this was an in-fill project and this development would take place over the course of time. Tessie asked about the garden level basement and Katie noted that there would be a full basement or crawl space option. Tessie asked about the hardship for the fence and Katie noted this was for aesthetics. Cathy noted there was a hardship need per ordinance and there was not a hardship issue on the fence. Cathy also questions water runoff and retention. Katie noted that they were working with the Village Engineer. Katie also noted there was a two-year time frame to construct homes once the lot is purchased. Nikko asked about the hardship requirement about the fence. Cathy stated that the requirements of any zoning would require a demonstratable hardship. Nikko stated he did not agree with that. Mark noted that this variable should not be elevated beyond what it should be because no variance would ever past muster. The intent is to get these projects in front of this board. Cathy stated that everyone should be held to the same standard. Mike noted that the topography is weird enough and then to have lots broken up by ***some lots*** having ***fences and others having none*** is his concern.

The Floor was then open for public comment

Don Goreman of 1320 Samuel Ave

- Is the address 1322 or 1324 – Mark noted that this is the same address and the tax assessment and the village have different addresses. Don also inquired about the parking in the alley, will the alley be enlarged to 20 feet? Cathy noted that she believed that there would not be parking in the alley and parking will be in the garage. As far as the use of the lot, structures are only included. Runoff water was also a concern. There was a consensus that this would be a Village issue.

Rob Swanson of 1332, 1334 Samuel Ave.

- Mr. Swanson was worried about the height of the building and that the house would be much larger than a ranch styled home which is next door.

Kim Watercurty of 1210 Camen

- Ms. Watercurty expressed her concern about the height of the building and did not think it fit with the neighborhood.

Sandy Bluntz of 1210 Camen

- Sandy expressed concern about the water runoff and that would be caused by these variances. Her home was a dream home and now she is living in a nightmare. She asked that the ZBA listen to the neighbors.

Scott Lewis – builder of the dream home

- Scott is determined to catch water and expressed his desire to be a good neighbor in the community. They are willing to take on water of other neighboring homeowners. Grading will be done and will be completed on a case by case basis.

Jannie's letter was read by Cathy which expressed Janie's concerns. This letter will be included by reference.

Ms. Kim noted that she lives at 1430 Samuel and she experiences water issues. She has a finished basement and has found a foot of water in her basement. She did get a gutter specialist to increase the size of her gutters and "kicked" the gutters out from the house. She has not taken the tile expense. Ms. Kim noted that this is going to be an economic boost to the Heights. The alley would be slightly widened in the future and ultimately will be more efficient housing units. According to Ms. Kim, the trees are causing massive structural problems and are collapsing the basements of houses on this street.

Rick noted that we would take each variance at a time.

Tessie Bucklar noted that she has some concern about the height of these buildings and has had this concern on previous projects in the Heights as well including the Condo building.

Use of restriction – use of the land cause particular hardship on the petitioner. –

Height Variance – The findings of fact were then read. Would the strict application of the Zoning regulations pose a hardship without the variance?

1. 3-5 - The variance failed in terms of height with only Nicko, Matt and Rick voting "yes" on the first finding of fact.

Rick then proceeded to the additional variance requests.

Lot size Variance

1. 8-0
2. 8-0
3. 8-0
4. 8-0
5. 8-0
6. n/a

Motion to approve variance was made by Jack without a condition to manage stormwater and seconded by Nicko and it passed unanimously.

Rick then proceeded to the third variance, the Lot coverage variance which specifically is 173 sq. feet, 4.7% of lot coverage over the existing limits of 40% contained in the Zoning Code.

1. **8-0**
2. 8-0
3. **8-0**
4. 8-0
5. 8-0
6. n/a

Motion made to approve variance by Mike and seconded by Nicko passed unanimously

Rick then proceeded to the fourth variance request regarding the front yard fence which will contain brick pillars which may or may not have lights on them and the height of the fence will be 36 inches and 40 percent open at the property line.

Fence

1. 6-2 (Cathy and Jack voted in the negative)
2. 6-2 (Cathy and Jack voted in the negative)
3. 6-2 (Cathy and Jack voted in the negative)
4. 8-0
5. 7-1 (Jack voted in the negative)
6. 8-0

Nikko makes motion to approve variance and Matt seconded

6-2 passed (Cathy and Jack voted in the negative)

Mark reminded the board that we needed to address the site plan and answered Tessie's question regarding that the footprint is the site plan and if variances are not approved then the site plan does not trump the variance approval.

All findings of fact were unanimous with the exception of public utility which was found to not be applicable.

Cathy made a motion to approve the site plan and Steve seconded. The final vote was eight in favor and zero opposed.

Rick then invited Larry Herman 1513 Mount Claire at 61614 and reported that his last project has been very successful. The development was such a success that the surrounding properties asked him to repeat 1221 with a 2/3 small building with an all wood frame building and there would be windows into the parking garage after some complaints were received with the masonry block on the 1221 building. Larry mention that the main look would be repeated and there would be some larger units in the new facility with three bedrooms to accommodate larger families. The building would still have an elevator and parking underneath the building with 42 spaces and 1.75 parking spots per unit. Larry has spoken with the architects that he falls within the overlay district. Larry would request a variance for the glass because there would not be a retail space on the first floor. A park would be placed in between the buildings and landscaping for the park. The plan would have an underwater storage system and Larry would likely live there.

Tessie noted that she preferred the trees on the sidewalk rather than the plan as Larry had it. Larry noted that he would need to have the pick up area and it is safer for people rather than waiting out in the street. Cathy asked about the overlay district to Mark and the uses that are not covered within the Overlay district. Mark noted that this site plan would fall within the R-3 district. Larry did not see how his plan would not fall within the district. Mark noted he would follow up with this.

Tessie noted she had some questions regarding the greenery around the facility and Larry noted Jean Gruber of 3814 N Monroe spoke in favor of the concept but agreed with the ground floor exterior of having larger bushes or trees and the garden area would be a big improvement to the space.

Larry also noted that he had purchased some lots on Samuel but at this time had no plans to develop these lots.

Rick noted that there was a residential overlay discussion and there is an advertisement for a comprehensive plan. Mark noted that there will be public discussions regarding all of these issues that have been discussed including landscaping. Cathy noted that she would like to have input on these issues as a board and that there should be notice regarding these issues. Cathy noted that there should be more time for input into these matters. Rick noted that there needs to be a new map.

Rick noted there at the prior meeting there was going to be some movement on a residential process of approving site plans. Rick noted he had spoken to Administrator Sutton and there is an immediate need for site plan review.

Cathy noted there Peoria has a points-based system for landscaping and that it could be adopted by Peoria Heights. Mark noted that the comprehensive plan should address this and cautioned that variable could drive developers away and more investigation needs to take place.

With nothing further, Rick noted there may not be business for September and the meeting was adjourned at 8:08