

Peoria Heights Zoning Board of Appeals

Rick Picl, Chairman

Minutes for October 21, 2019

A meeting of the Village of Peoria Heights Zoning Board of Appeals was held on October 21, 2019 at the Peoria Heights Village Hall. The meeting was called to order by Chairman Rick Picl at 5:31pm.

Mr. Wigginton called roll. Ms. Stevenson and Mr. Tijerina were absent.

Chairman Picl entertained a motion to approve the minutes from the previous meeting held on August 19, 2019. Mr. Wigginton noted that there were some corrections to the minutes which included an incorrect vote documented for Ms. Stevenson and ambiguous language regarding comments of Mr. Wiederman. The corrections were already pending. Mr. Woo moved to approve the minutes and Mr. Cady seconded. The minutes were approved without objection.

Chairman Picl introduced the first order of Business:

- Variance application by Eric T. Kelton seeking a setback variance to permit demolition of existing detached garage and reconstruction of new garage in same location, for the property located at 5129 North Prospect, Peoria Heights, Illinois, 61616 (PIN No. 14-22-180-002), which property is currently zone R-1 (Low Density Residential District).
- The petition, Eric T. Kelton, gave brief description of the existing property and his intention with the property. Drawings and blueprints were distributed to the Board.
- Mr. Woo inquired about the dimension of the existing house and the planed changes and Mr. Kelton detailed the changes.
- Ms. Backs moved to accept the variance with an eighteen-inch overhand and a three feet addition to the property line. Mr. Woo seconded the motion.
- Chairman Picl proceeded to the findings of fact
  - o 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 Petition
    - The board answered in the affirmative 7-0
  - o 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 7-0

- 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 7-0
- Can the variation requested by the Petitioner be granted without substantial detriment to the public good?
  - The board answered in the affirmative 7-0
- 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 7-0
- 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 question not applicable.
- A motion was made to approve the requested variance and was seconded. The Board passed the variance request unanimously, 7-0.

Chairman Picl then introduced the second order of Business:

- Ordinance No. 2019-1608; An Ordinance Amending the Zoning Ordinance of The Village of Peoria Heights Regarding Adult-Use Recreational Cannabis Businesses
- Village Counsel introduced the bill and noted that the language currently continued within the draft is language that mirrors the Illinois State Statutes regarding Recreational Cannabis Businesses. The remainder of the language could be altered by the Zoning Board and ultimately the Village Board to suit the needs of the Village.
- The licenses will be distributed based on State Police District and Mr. Woo noted that the Village is in State Police District 8.
- Mr. Wigginton noted that despite Illinois statute, Federal banking regulations still prevent the deposit of funds in Federal Deposit Insured facilities and that proximity to the Peoria Heights Police Department will be critical as currently these businesses carry large amounts of funds onsite
- There was a discussion of onsite consumption of Cannabis. Mr. Wigginton expressed concern regarding onsite consumption. Ms. Backs noted there are many possibilities that could be pursued including Yoga studios, among many examples.
- Chairman Picl called the current code to the attention of the Board and how it currently regulates the use of medical cannabis businesses, including proximity to existing schools and places of worship.
- Ms. Bucklar and Mr. Wiedemann discussed the handling of businesses in other states and Village Counsel recommended adoption of the State Advertisement Code.

- Chairman Picl also inquired about the operation hours of these facilities including cultivation centers as current Medical facilities are regulated by the code. Discussion ended.
- A motion was made to table the discussion on Ordinance No. 2019-1608, which was passed unanimously, 7-0.

Chairman Picl adjured the meeting at 6:48pm