

CONSTRUCTION COMMISSION

Wednesday, February 10, 2010

2:00 P.M.

PLANNING & ZONING CONFERENCE ROOM

PRESENT: Mike Lewis, Chairman; Steve Ciccirelli; Tom DeJarld; Ed Meister; Dennis Shoemaker - 5

ABSENT: Mark Ackerman; John Dillon; Kert Huber; Michael Snyder - 4

STAFF: John Kunski, Inspections Department; Jeff Smith, Public Works

OTHERS: Thomas Fliege, Appellant

The meeting was called to order at 2:05 p.m. by Chairman Mike Lewis.

MINUTES

Commissioner Meister moved to approve the minutes of the December 17, 2008 Construction Commission Meeting, seconded by Commissioner Ciccirelli, approved by viva voce vote.

VARIANCE REQUEST – 7810 N. GALENA ROAD

City Engineer Jeff Smith, representing David Barber, Public Works Director and Flood Plain Administrator for the City of Peoria, gave a brief history on the property at 7810 N. Galena Road in Peoria, Illinois.

Somewhere around 1989, fill was added to the property, creating an "island" which should have been outside of the floodway; arguably it is a little bit in. A house was built on the property in 1996-1997. The lowest floor should have been two feet above elevation. Although there isn't much information available concerning the property and a surveyor's certificate could not be located, records show that a Certificate of Occupancy was issued.

One of the issues is that the addition would be in the floodway. This very small encroachment, in thousands of feet of Illinois River, is being mitigated by a promise to never fill the flood plain fringe on the other side. A resolution by Illinois Department of Natural Resources (IDNR) was to issue a permit which would allow the addition to be built, providing there was a restrictive covenant on the rest of the land.

The Federal Emergency Management Agency (FEMA) has a model ordinance or program that basically says a lower floor needs to be at or above. The IDNR talks in terms of one foot or above. The City has a more conservative

requirement of two feet above since the ordinance was adopted. A surveyor's certificate has determined that the lower floor was built at an elevation approximately two tenths of a foot above rather than the required two feet. The property has not flooded in the past; in fact, it's two feet above the highest flood in the last one hundred years.

FEMA has commented on both the property and structure. The agency monitors permits issued and variances granted. In terms of variances, the City of Peoria does not overuse the process. This is the first one issued since 1979, and it's unrealistic to think FEMA will suspend programs if this variance is granted.

The variance process requires six items be addressed by the applicant: the development cannot be built outside of the flood plain; there are exceptional hardships; request is the minimum necessary; there are no threats or nuisances to the public; the public will not incur additional costs; and City codes requirements are met.

In terms of practicality, the property hasn't flooded, the encroachment is miniscule, and Mr. Fliege has addressed the criteria for the variance application process. The Public Works Department recommends the variance be approved.

Appellant Thomas Fliege distributed pictures of the property, pointing out the 400 square foot addition would be going where the covered deck is currently located. Mr. Fliege stated he has about \$400,000 into the property, bureaucratic delays are costing about \$3,000 a month, and the addition would have no major impact. When Commissioner Shoemaker asked if he would file a claim if flood damage did occur, Mr. Fliege responded by stating he might file a claim, but it would be easy to sandbag.

Commissioner Cicciarelli moved to recommend the variance to City Council, providing there were no financial risks to the City Peoria; seconded by Commissioner DeJarld, motion passed.

Yeas: Cicciarelli, DeJarld, Lewis, Meister - 4
Nays: Shoemaker - 1


ADOPTION OF CODES

The Commission held a general discussion regarding the 2009 International Building Codes requiring residential sprinklers in 2011 and the State's energy code. As more information becomes available, it will be forwarded to Commission members.

Commissioner Meister moved to adjourn the meeting; seconded by Commissioner Cicciarelli, approved by viva voce vote.

ADJOURNMENT

The meeting adjourned at 3:07 p.m.


D. Kay Burroughs, Secretary