

**CITY OF PEORIA  
ZONING BOARD OF APPEALS MEETING  
SEPTEMBER 8, 2011  
CITY HALL, 419 FULTON STREET, ROOM 400 —1:30 PM**

**AGENDA**

- 1. ROLL CALL**
- 2. APPROVAL OF AUGUST 11, 2011, MINUTES**
- 3. REGULAR BUSINESS**

**CASE NO. ZBA 2942**

Petitioner Fulvio Zerla is requesting variances from the City of Peoria Land Development Code: Article 4.1.4. to allow a parking lot to encroach 30 feet into the required 30-foot front yards along Moss Avenue and along Union Hill/Dr. Martin Luther King Jr. Drive; Article 8.1.6.E. to allow for 39 parking spaces instead of the required 66 parking spaces; and Article 11.3. to allow for a retaining wall to exceed the retaining wall height requirement of 3 feet with a maximum height of 25 feet tapering down to 5 feet with a decorative safety rail of 3 feet on top of the retaining wall for the property located at 818 W. Moss Avenue.

**CASE NO. ZBA 2943**

Petitioner Greg Smith is requesting a variance from the City of Peoria Zoning Ordinance: Article 7.5.e, to allow a detached garage building to encroach 13 feet into the required 25-foot front yard for the property located at 2316 E. Grandview Avenue.

**CASE NO. ZBA 2944**

Petitioner Zissis Vesoulis is requesting a variance from the City of Peoria Land Development Code: Article 4.1.4. to allow the building residence to exceed the required building height of 35 feet with a maximum height of 42 feet, 8 inches, for the property located at 1010 NE Glen Oak Avenue.

- 4. CITIZENS' OPPORTUNITY TO ADDRESS THE ZONING BOARD OF APPEALS**
- 5. ADJOURNMENT**

Inquiries: Gene Lear, (309) 494-8604 or [glear@ci.peoria.il.us](mailto:glear@ci.peoria.il.us)

**: OFFICIAL PROCEEDINGS :****: OF THE CITY OF PEORIA, ILLINOIS :**

A Zoning Board of Appeals Meeting was held on Monday, August 11, 2011, at 1:30 p.m., City Hall, 419 Fulton Street, Council Chambers, Room 400, with Chairperson Barry presiding. He explained the meeting procedures.

**ROLL CALL**

The following Zoning Board of Appeals Commissioners were present: Chairperson Barry, and Commissioners Blackwell, Ierulli, Jerry D. Jackson, Kouri, and Wagner - 6. Absent: Commissioner Ernestine Jackson - 1.

Staff Present: Gene Lear and Polly Stainback

Ms. Stainback administered the swearing in for testimony.

**MINUTES**

Commissioner Jerry D. Jackson moved to approve the minutes of the meeting held on July 14, 2011, as printed; seconded by Commissioner Ierulli.

Approved unanimously by viva voce vote.

**ZBA 2941**      **Petitioner Bradley A. Ward, for Kentucky Fried Chicken, is requesting a variance from the City of Peoria Zoning Ordinance, Article 18, Retaining Wall Definition, to allow a retaining wall to exceed the retaining wall height requirement of 3 feet with a maximum height of 6.4 feet tapering down to 3 feet. The property is located at 2231 W. Glen Avenue in the C-1 General Commercial District.**

Chairperson Barry announced Case No. ZBA 2941 and asked Mr. Lear to read it into the record.

Gene Lear, Senior Urban Planner, Planning and Growth Management Department, read Case No. ZBA 2941 into the record. During discussion of the proposal, Mr. Lear reported the zonings of the subject property and surrounding areas. He displayed photographs of the subject property, as well as the proposed site plan. In addition, Mr. Lear displayed the Petitioner's Exhibits, which were submitted in response to Staff's request for more evidence regarding how the safety of the proposed retaining wall would be handled. He pointed out there would be a three-foot rail on top of the wall itself as a safety factor.

Mr. Lear spoke regarding the proposal and Staff recommendations as follows:

There is currently 7 feet of grade elevation differential in the westerly 30 feet of the property. The Petitioner is proposing to build a retaining wall, which coming southward

would rise in elevation from a height of 3 feet at the proposed dumpster location at the northwest side of the property up to a maximum of 6.4 feet in height across from the southwest side of the building, tapering down to 3 feet in height again near the driveway approach at the southwest corner of the property.

**SPRB CONCLUSIONS AND RECOMMENDATIONS:**

After reviewing the Petitioner's application and performing a site inspection, Staff feels they cannot give a recommendation to approve the request without more specific evidence, showing how the safety of the proposed retaining wall would be handled. Since that time, the Petitioner has submitted information concerning the wall itself and the fact there will be a rail on top of that wall. With the submitted information, the Staff recommendation is not to object to the variance request for the following reason:

1. The subject property is lower in elevation than the adjacent property to the west and because of the lay of the land, a retaining wall is necessary. If such wall is provided in accordance with the requirements of the Zoning Ordinance, the retaining wall would have to be terraced at 3 feet, causing the need for two walls which would cause the proposed drive-through lanes, building, and access lanes to shift to the east, resulting in a reduction of the east transitional buffer yard. The Zoning Board of Appeals just recently granted a variance in parking, in part, so that the required transitional buffer yard would not have to be reduced, thereby maintaining the character of the adjacent residential properties to the east and north.

After receiving the requested evidence as stated above, the Zoning Board of Appeals could find that:

1. A practical difficulty exists in that in order to meet some of the Zoning Ordinance requirements, the Petitioner would need to request a variance for some other zoning requirement on that site.
2. The granting of the variation will not alter, but help to maintain, the essential character of the neighborhood.

Chairperson Barry shared the Petitioner's Exhibits with other Commissioners.

Chairperson Barry questioned if the railing would extend the entire length of the retaining wall. Mr. Lear referred this question to the Petitioner.

Mr. Lear explained that Staff had a concern about safety. He mentioned that Staff is beginning to look at retaining walls and the entire safety factor.

Gary Zumwalt, Engineer, Zumwalt and Associates, Inc., representing the partnership and property owner, explained that to meet zoning requirements across the lot, they need to construct a retaining wall. In response to Chairperson Barry's question, he indicated there is a foot and a half of separation on the safety railing.

Mr. Zumwalt summarized the practical difficulty by saying that they have the elevation differential on the west side, and they have to meet the Zoning Ordinance requirements all across the property if they construct a retaining wall to the height shown on the submitted plan.

Responding to Chairperson Barry's prior question about the railing, Mr. Zumwalt confirmed the length of the railing would cover the entire retaining wall length.

Chairperson Barry commented that normally only a nine-inch ball is allowed to go through a railing inside a building, so the one-foot seemed rather wide.

Mr. Zumwalt said the one-foot size was the structure engineer's detail and would have to be verified.

Chairperson Barry said he assumed they would have to get a building permit and at that point, those plans would be reviewed.

In closing, Mr. Lear reiterated that Staff is looking at the entire retaining wall issue. He said that currently the definition of a retaining wall is very general and just says that it cannot be more than three feet. He indicated that Staff would be sending a text amendment regarding retaining walls to the Zoning Commission and the City Council for final action concerning retaining walls.

Chairperson Barry marked the Petitioner's Exhibits as the following: Petitioner's Exhibit A – West Elevation at Proposed Wall Location; Petitioner's Exhibit B – Typical Section Thru South 180' of Wall; Petitioner's Exhibit C – Typical Section Thru North Length of Wall; Petitioner's Exhibit D – Railing Detail; and Petitioner's Exhibit E – West Elevation at Proposed Wall Location.

There being no more public testimony, Chairperson Barry closed the public hearing.

**DELIBERATION:**

Chairperson Barry administered the Findings of Fact. The Findings are listed below:

- A unique hardship or practical difficulty does exist.
- The property in question could yield a reasonable economic return without the requested variance.
- The conditions upon which an application for the variance sought are unique to the property and are not applicable to other property within this same zoning district.
- The purpose of the variance is based primarily upon a desire to increase financial gain.
- The hardship is not self-created.
- The proposed variance would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.
- The proposed variance would not alter the character of the neighborhood.

- The proposed variance would not impair an adequate supply of light and air to adjacent property, nor increase the danger of fire, nor impair natural drainage, nor create drainage problems on adjacent properties.
- The proposed variance would not endanger the public safety, nor diminish, nor impair the property values within the neighborhood.
- The proposed variation is not consistent with the Comprehensive Plan and other development codes and regulations of the City.

**MOTION:**

Commissioner Jerry D. Jackson motioned to grant the variance as requested. The motion was seconded by Commissioner Wagner.

Commissioner Blackwell stated that he was in favor of this type of wall, since there was no other option to allow for needed parking.

Chairperson Barry indicated that his main concern was the railing.

The motion to grant the variance passed by roll call vote 6 to 0.

Yeas: Barry, Blackwell, Ierulli, Jerry D. Jackson, Kouri, Wagner;  
Nays: None.

**CITIZENS' OPPORTUNITY TO ADDRESS THE ZONING BOARD OF APPEALS**

There were no citizens who wished to address the Zoning Board of Appeals.

**ADJOURNMENT**

Commissioner Blackwell moved to adjourn the Zoning Board of Appeals Meeting; seconded by Commissioner Wagner.

The motion was approved unanimously by viva voce vote.

The Zoning Board of Appeals Meeting adjourned at approximately 1:50 p.m.

  
\_\_\_\_\_  
Gene Lear, Senior Urban Planner  
Planning and Growth Management Department

/ps

**TO:** City of Peoria Zoning Board of Appeals Commissioners

**THRU:** Site Plan Review Board

**FROM:** Gene Lear, Senior Urban Planner

**DATE:** August 31, 2011

**SUBJECT:** **RECOMMENDATION FROM STAFF AND SITE PLAN REVIEW BOARD FOR CASE NO. ZBA 2942**

PETITIONER: Petitioner Fulvio Zerla

LOCATION: 818 W. Moss Avenue

BACKGROUND:

Petitioner Fulvio Zerla is requesting a variance from the City of Peoria Land Development Code with the following Articles: Article 4.1.4. to allow a parking lot to encroach 30 feet into the required 30-foot front yards along Moss Avenue and along Union Hill/Dr. Martin Luther King Jr. Drive; Article 8.1.6.E. to allow for 39 parking spaces instead of the required 66 parking spaces; and Article 11.3 *Retaining Wall Definition*, to allow a retaining wall to exceed the retaining wall height requirement of 3 feet with a maximum height of 25 feet tapering down to 5 feet with a decorative safety rail of 3 feet on top of the retaining wall. The property is zoned R-6 Multi-Family Residential and is located at 818 W. Moss Avenue in the Moss-High Historic District.

The subject property fronts on the corner of Moss Avenue and Union Hill. The frontage along Union Hill is considered a front yard per the Land Development Code, due to the fact that there are other properties that front Union Hill where Union becomes Dr. Martin Luther King Jr. Drive. Currently, the subject property has a small 11- space parking lot, which encroaches into both required front yards. The number of parking spaces in this parking lot is not in compliance with the Land Development Code. In addition, there is an existing parking garage on the site that provides 25 very small parking spaces, which are not in compliance with the Code. The existing grade elevation differential along the Union Hill frontage is at least 25 feet.

The Petitioner is proposing to build a 39-space parking lot along the west side frontage of the property, which would include 3 handicap accessible spaces. The proposed parking lot would encroach 30 feet into both required front yards and require a retaining wall. To meet the required front yard setback would mean losing the usable portion of the courtyard in front of the building and possibly devalue the property. The proposed retaining wall would taper from a height of 5 feet to a maximum height of 25 feet as you go down the hill. While not totally in compliance with the Code, the proposed 39-space parking would bring the property much closer into compliance with the Land Development Code. A proposed 3-foot decorative safety rail is proposed to be placed on top of the retaining wall.

#### SPRB CONCLUSIONS AND RECOMMENDATIONS:

After reviewing the Petitioner's application and performing a site inspection, the Site Plan Review Board recommendation is not to object to the variance request, subject to approval by the Historic Preservation Commission, for the following reasons:

1. A hardship exists. The topography of the land, both in the slope and elevation, restrict usable land.
2. Practical difficulty exists. In order to develop a larger parking lot to bring the property closer into compliance with the Land Development Code and not destroy the usable courtyard in front of the building, a retaining wall greater than 3 feet in height is necessary because of the lay of the land. If such wall is provided in accordance with the requirements of the Zoning Ordinance, the retaining wall would have to be terraced at 3 feet, causing the need for multiple walls which, as stated above, would cause the loss of usable courtyard space and a reduction in required parking spaces. The attached parking garage does provide some parking; however, such parking is not in compliance with the Land Development Code.
3. An additional practical difficulty exists for the following reason: The lack of off-street parking for this apartment development causes more parking to be placed on Moss Avenue, creating congestion and difficulty for tenants of the apartment and nearby residents.
4. For the reasons stated above, the granting of the variation will not alter, but help to maintain, the essential character of the neighborhood.



CITY OF PEORIA  
APPLICATION FOR VARIANCE/ZONING BOARD OF APPEALS

25A2442

FOR OFFICIAL USE ONLY
Date
Received: 8/10/2011
Time: 11:10 a.m.
Initials: G

I. PROPERTY INFORMATION:

- A. Street address: 818 W. 1705th Ave. Zip Code + 4 61606
- B. Tax ID number: 18-05-485-001
- C. Legal description (required to be on attached form, "Attachment A", Legal Description, typed, single-spaced, one inch (1") margins)
- D. Area (square feet or acres): 1.101 Acres
- E. Current property use: 33 Units Apartment Building
- F. Current zoning district: R6

BEFORE  
CONSTRUCTION

II. APPLICANT(S):

- A. Name: Zerla Properties LLC
- B. Company name: Zerla Properties LLC
- C. Address (Street, City, Zip + 4): 315 S. Whitaker St. Toulon, IL 61483
- \*E-mail Address: Zerlaproperties@mchsi.com
- D. Daytime phone number: 309-652-8725 or 309-286-7335
- E. Interest in subject property: ☒ Owner ☐ Representative
- F. Applicant(s) signature(s): [Signature] Date: 8/10/2011
- \_\_\_\_\_ Date: \_\_\_\_\_

III. OWNER(S) OF SUBJECT PROPERTY:

- A. Name: Same as applicant
- B. Company: \_\_\_\_\_
- C. Address (Street, City, Zip): \_\_\_\_\_
- \* Email Address: \_\_\_\_\_
- D. Daytime phone number: \_\_\_\_\_
- E. Owner(s) signature(s): [Signature] Date: 8/10/2011



CORRESPONDENCE/COMMUNICATION TO BE SENT TO: Select only one

☒ Applicant ☐ Owner

IV. VARIANCE INFORMATION:

A. 1. Variance being requested Front yard set back, Number of parking spaces, resining wall with screening

2. From what section of the zoning ordinance is a variance being requested? \_\_\_\_\_

B. What unique or exceptional characteristics of your property prevent it from meeting the requirements in your zoning district? (Check applicable)

Too narrow ☒ Too small ☐ Soil ☐

Subsurface ☐ Elevation ☒ Slope ☒

Too shallow ☐ Shape ☐ Other ☐

C. What is your hardship? Please be specific. See attachment

D. Are the conditions of the hardship, for which you are requesting a variance, true only of your property?

☒ Yes ☐ No

If not, what number of properties are similarly affected? \_\_\_\_\_

E. If granted a variance in the form requested, will it be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance?

☒ Yes ☐ No

Please elaborate: See attachment. The Moss-Bradley Residential Association supports the variances being requested and the project.

## 818 W MOSS AVENUE APPLICATION FOR VARIANCE/ZONING BOARD OF APPEALS

### IV. VARIANCE INFORMATION:

C. What is your hardship?

1. TOPOGRAPHY OF THE LAND. BOTH SLOPE AND ELEVATION RESTRICT USABLE LAND.
2. WEST SIDE YARDS IS CONSIDERED FRONT YARD FOR THIS PROPERTY BECAUSE OTHER PROPERTIES FRONT UNION HILL AND DR MARTIN LUTHER KING DRIVE.
3. THERE IS NOT ENOUGH PARKING FOR THE 33 UNIT APARTMENT BUILDING BUILT IN 1920S. THERE IS NO HANDICAP PARKING AND SCREENING FOR DUMPSTER. NEW PARKING LOT WOULD BRING BUILDING CLOSER TO COMPLIANCES WITH CURRENT REGULATIONS WHICH REQUIRE 66 SPACES.
4. CURRENT PARKING CONSISTS OF: GARAGES UNDER THE SOUTHERN PORTION OF BUILDING (2 LEVELS) WITH SMALL PARKING SPACES AND POOR ACCESS FROM BOTH MOSS AVENUE AND UNION HILL; A MAKE SHIFT FRONT PARKING LOT WITH SPACES AND DIMENSIONS TOO SMALL FOR USE BY MANY VEHICLES. THE GARAGES PROVIDE 25 SMALL SPACES, 4 SPACES USABLE ONLY BY VERY SMALL CARS, AND 3 SPACES USABLE ONLY BY ULTRA SMALL VEHICLES OR MOTORCYCLES. THE FRONT LOT HAS 11 SPACES. THE TOTAL NUMBER OF PARKING SPACES IS 43.
5. RESIDENTS NEED MORE ACCESSIBLE PARKING IN FRONT OF THE BUILDING. IT IS NOT PRACTICAL TO PARK IN THE GARAGE WHEN UNLOADING GROCERIES.
6. TENANTS AND VISITORS CURRENTLY PARK ON MOSS AVENUE CREATING CONGESTION AT THE CORNER WITH UNION HILL.
7. MOSS AVENUE IS A SNOW ROUTE. LACK OF PROPER OFF STREET PARKING CREATES A HARDSHIP FOR TENANTS DURING WINTER.
8. THE CURRENT PARKING CONFIGURATION DOES NOT PROVIDE READY ACCESS TO MOST OF THE BUILDING BY FIRE DEPARTMENT.
9. CURRENT FRONT PARKING LOT DEGRADES APPEARANCE OF THE BUILDING AND LOWERS PROPERTY VALUES IN THE NEIGHBORHOOD.
10. THERE IS A NEED TO PRESERVE A PORTION OF USABLE COURTYARD IN FRONT OF THE BUILDING FOR TENANTS AND THEIR PETS AND FOR THE ESTHETIC OF THE BUILDING.
11. THE BUILDING IS IN THE HISTORIC DISTRICT AND IS HISTORICALLY SIGNIFICANT. THE NEW PARKING STRUCTURE WOULD IMPROVE THE APPEARANCE OF THE BUILDING AND MAKE IT MORE ATTRACTIVE AND HARMONIOUS WITH OTHER STRUCTURES IN THE HISTORIC DISTRICT.
12. WITHOUT ADDITIONAL PARKING BUILDING CANNOT GENERATE ENOUGH REVENUES TO BE ECONOMICALLY VIABLE. PRESENT OCCUPANCY IS AROUND 50%.

13. SET BACK REQUIREMENTS (FRONT YARD) CURRENTLY IN FORCE FOR R6 RESIDENTIAL DISTRICTS WERE DESIGNED WITH SUBURBS IN MIND. MOSS AVENUE IS IN THE HISTORIC DISTRICT AND VERY CLOSE TO W. MAIN ST. WHICH IS UNDER THE FORM BASED CODE (NEW URBANISM).

14. WE NEED TO BRING BACK PEOPLE TO THE OLDER NEIGHBORHOODS AND TO THE HISTORIC DISTRICT. THIS WILL REVITALIZE THESE NEIGHBORHOODS AND HELP IMPROVE W. MAIN ST., DOWNTOWN, AND THE HOLE CITY BY INCREASING THE TAX BASE.

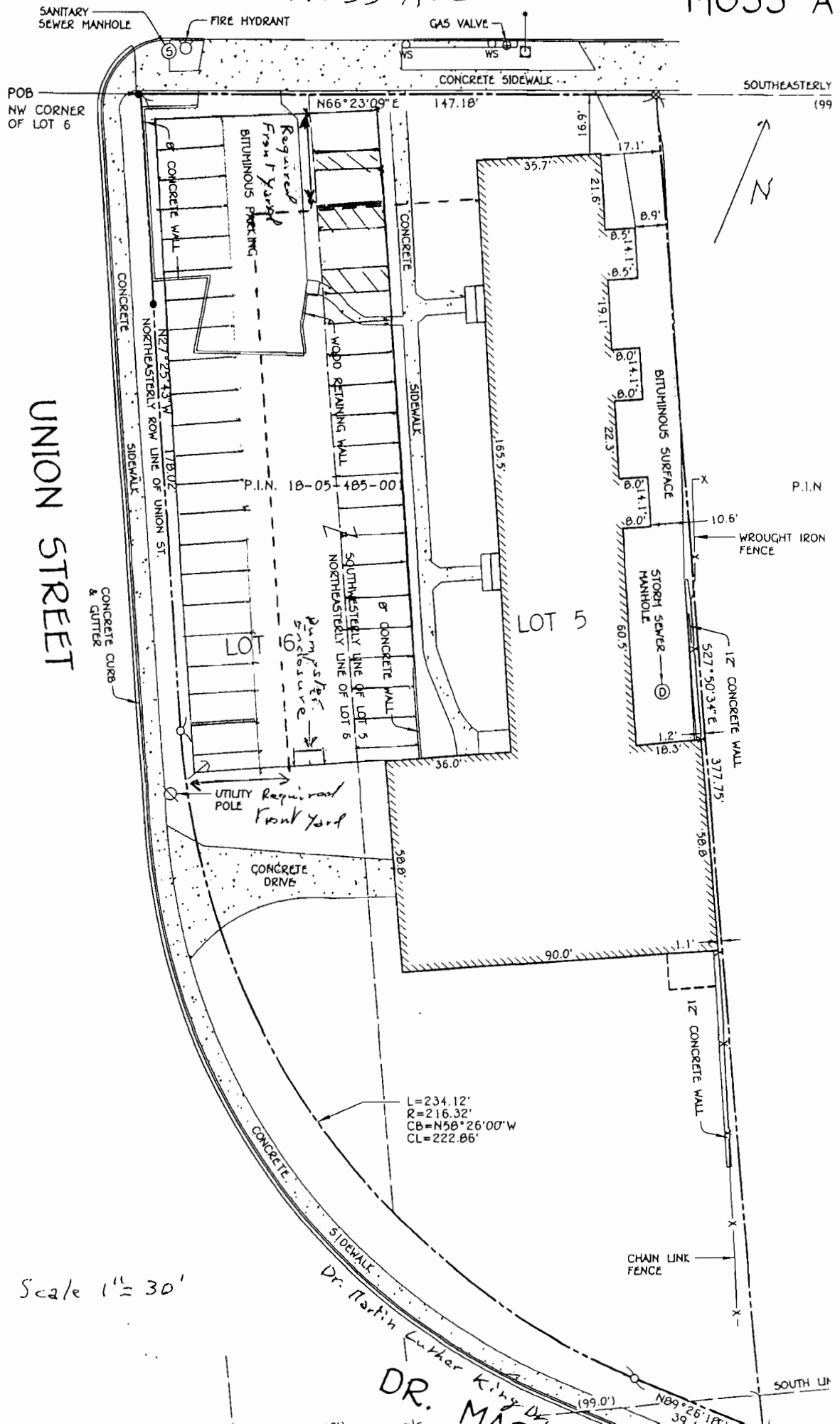
15. THE REQUESTED VARIANCE IS FOR IMPLEMENTING THE MORE EXPENSIVE OPTION FOR ADDITIONAL PARKING AND MOST PROBABLY THE ONLY ONE THAT WILL ASSURE VIABILITY OF THE BUILDING IN THE LONG TERM THUS INCREASING PROPERTY VALUES IN THE NEIBORHOOD.

## LEGAL DESCRIPTION

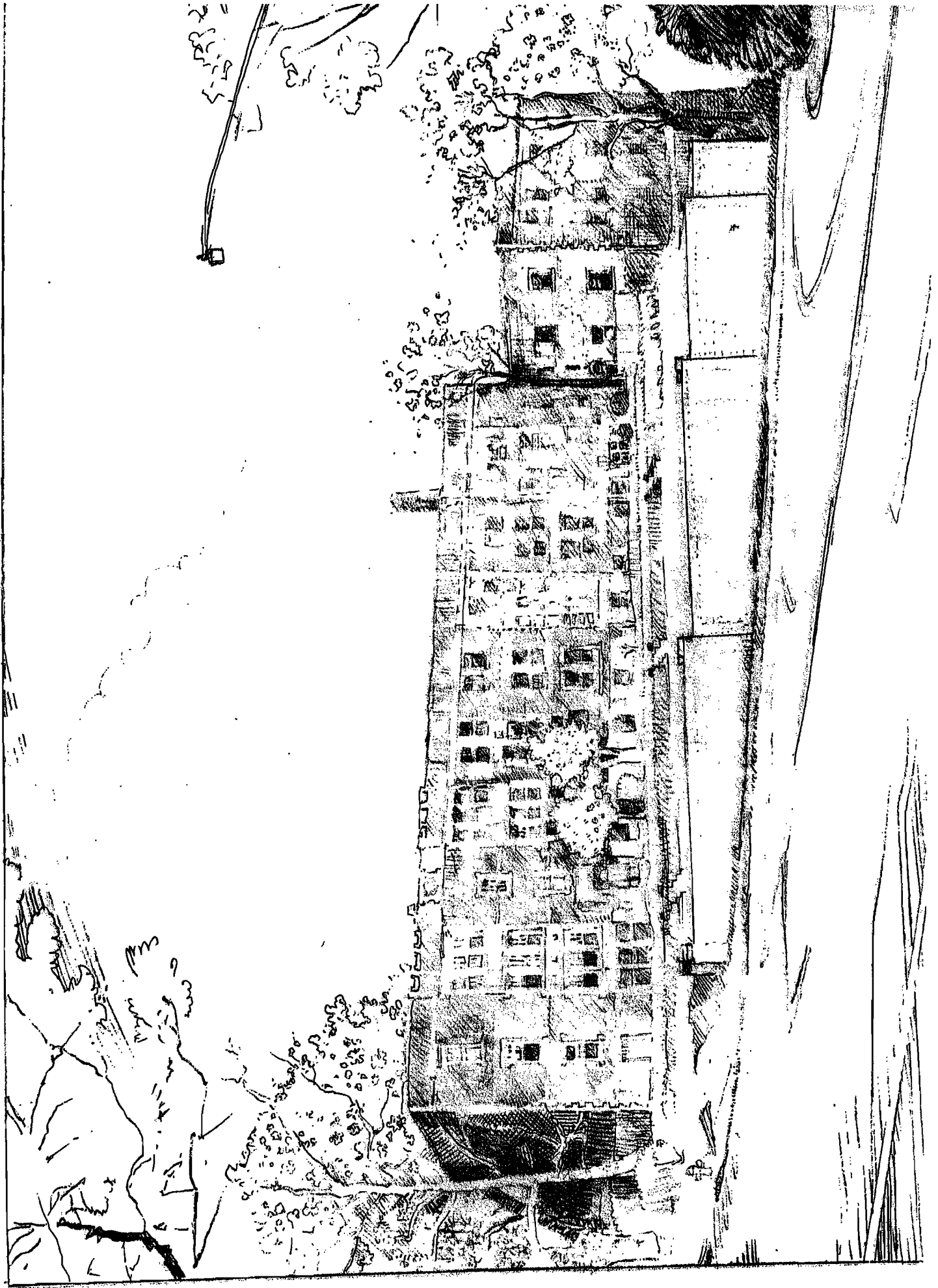
a part of Lots 5 and 6 of Range 1 of MOSS ADDITION (recorded in Plat Book "G", page 93) and ALSO a triangular shaped parcel of land which lies between the North line of Seventh Avenue and the Southeasterly line of said Lot 5, said tract being a part of the Southeast Quarter of Section 5 and a part of the Northeast Quarter of Section 8, all being in Peoria Township, Township 8 North, Range 8 East of the Fourth Principal Meridian, being more particularly bounded and described as follows: Commencing at an iron pipe marking the Northwest corner of said Lot 6 as the Point of Beginning of the tract to be described; thence North 66 degrees 23 minutes 09 seconds East along the Southeasterly line of Moss Avenue 147.18 feet to the Northeast corner of said lot 5; thence South 27 degrees 50 minutes 34 seconds East along the Northeasterly line and Northeasterly line extended of said Lot 5, a distance of 377.75 feet to a point on the Northerly line of Seventh Avenue; thence North 89 degrees 26 minutes 18 seconds West along the Northerly line of Seventh Avenue 39.40 feet; thence in a Northwesterly direction along an Easterly line of Union Street along a curve concave to the Northeast having a radius of 216.32 feet for an arc distance of 234.11 feet; thence North 27 degrees 25 minutes 43 seconds West along an Easterly line of Union Street 178.02 feet to the Point of Beginning; situate, lying and being in the County of Peoria and State of Illinois.

MOSS AVENUE

MOSS A



818 W. Moss Ave.



## **Zerla Properties**

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**From:** Rod Lorenz [lorenzcles@comcast.net]  
**Sent:** Tuesday, August 09, 2011 9:30 PM  
**To:** Zerla Properties  
**Subject:** Cody Court

Fulvio, the Board was positive about your proposal and approved a motion to write a letter of support. I will get that mailed later this week so the ZBA should have it well before the Sep 8 meeting. If you want to mention that the neighborhood is supportive it is safe to do so. We will look forward to seeing drawings when you have an idea of what you want to do with the wall, so that we can try to write to HPC supporting both the concept and the design features. Thanks for coming to the meeting--it was helpful. Rod



August 14, 2011

Zoning Board of Appeals  
Department of Planning and Growth Management  
City of Peoria  
456 Fulton Avenue, Suite 402  
Peoria, IL 61602

To: ZBA Commissioners:

Re: Request for zoning variance at Cody Court, 818 West Moss Avenue

Mr. Fulvio Zerla has requested a zoning variance in order to expand and improve parking at Cody Courts, a multifamily apartment building at 818 W. Moss Avenue. Mr. Zerla has shared his plans with and invited input from the Moss Bradley Residential Association (MBRA). The MBRA Board of Directors met with Mr. Zerla, reviewed his plans, and received answers to their questions at its regular meeting on August 9, 2011.

The MBRA wishes to express its support for the zoning variance requested for Cody Courts.

1. Cody Courts is ideally located as a residence for individuals who work in the downtown area, at Bradley University, the College of Medicine, OSF Saint Francis Medical Center or Methodist Medical Center. Mr. Zerla has invested significant effort and resources in rehabilitating Cody Courts, a substantial apartment facility in the Moss Bradley neighborhood. We believe the building is worthy of preservation and applaud Mr. Zerla's efforts.
2. We agree with Mr. Zerla that the limited availability and accessibility of parking at Cody Courts significantly diminishes its appeal to potential residents, and that improved parking will facilitate Cody Courts' economic viability. Providing more off street parking will also reduce congestion on Moss Avenue, which is especially problematic during the winter season since Moss Avenue is a designated Snow Route. We support Mr. Zerla's efforts to improve parking at the facility.



3. We agree that Cody Courts exemplifies a hardship in relation to current zoning requirements. The building was constructed nearly 100 years ago, when the role of automobiles in daily life was much different than today. The topography at the site allows few alternative proposals for locating new and expanded parking. It is obvious that none of the hardship is of the owner's doing.
4. The MBRA Board also agrees that the plan presented by Mr. Zerla is the best solution to the parking need. The only viable alternative to the present proposal is to place the parking contiguous with the building itself. We believe this would be visually unappealing to Cody Court residents, to neighbors, and to those who drive through the neighborhood. Locating the parking closer to the street, by voiding the set back requirement, is the most aesthetically appropriate arrangement. This proposal allows for some green space near the building, and preserves the "courtyard" feel.
5. Mr. Zerla has indicated that his preliminary design plans for the retaining wall near the street include screening that will effectively hide parked vehicles from street level traffic and use of materials consistent with the Cody Court building itself. He will provide final design plans and drawings for MBRA review prior to their consideration by the Historic Preservation Commission.

Please feel free to contact us if you need additional information.

Sincerely,



Rodney A. Lorenz  
President,  
Moss Bradley Residential Association

Cc: Barbara Van Auken, Mr. Zerla

**TO:** City of Peoria Zoning Board of Appeals Commissioners

**THRU:** Site Plan Review Board

**FROM:** Gene Lear, Senior Urban Planner

**DATE:** August 31, 2011

**SUBJECT: RECOMMENDATION FROM STAFF AND SITE PLAN REVIEW BOARD FOR  
CASE NO. ZBA 2943**

PETITIONER: Petitioner Greg Smith

LOCATION: 2316 E. Grandview Avenue

BACKGROUND:

Petitioner Greg Smith is requesting a variance from the City of Peoria Zoning Ordinance, Article 7.5.e., *Front Yard Requirements*, to allow a detached garage building to encroach 13 feet into the required 25-foot front yard. The property is located at 2316 E. Grandview Avenue in the R-2 Single-Family Residential District.

The subject property is located on a deep corner lot, 75 feet wide by 290 feet deep, which has frontage on Grandview Avenue, located on the north side of the property and Breckenridge Court, which is located on the east side of the property. The lay of the land is such that the property slopes upwards going from Breckenridge Court to the west side of the property. The Petitioner is proposing to demolish an existing 12 feet by 14 feet storage shed, which is in disrepair and currently encroaching 18 feet into the required front yard along Breckenridge Court. The Petitioner is proposing to then construct a new 24 feet by 30 feet garage, which will serve as vehicle storage and other storage for the residence. In order to meet the requirements of the Zoning Ordinance in terms of setback, the Petitioner is indicating that he would have to cut extensively into the hillside in order to build the proposed garage in the rear yard. The solution, according to the Petitioner, is to build the garage building partially in the required front yard closer to Breckenridge Court on relatively flat land.

SPRB CONCLUSIONS AND RECOMMENDATIONS:

After reviewing the Petitioner's application and performing a site inspection, SPRB does not object to the variance request for the following reason:

1. The only location for placing the proposed garage is behind the residential structure in either the area termed "front yard" by the Zoning Ordinance or in the rear yard. A practical difficulty exists in placing the proposed garage in the rear yard because of the slope of the property in that location.



CITY OF PEORIA  
APPLICATION FOR VARIANCE/ZONING BOARD OF APPEALS

2BA 2943

For Office Use Only

Date: 8/10/11  
Received: 2:50  
Time: 2:50  
Initials: G

I. PROPERTY INFORMATION:

BEFORE  
CONSTRUCTION

- A. Street address: 2316 E GRANDVIEW AV Zip Code + 4 61614 - 6617
- B. Tax ID number: 142-617-75-17
- C. Legal description (required to be on attached form, "Attachment A", Legal Description, typed, single-spaced, one inch (1") margins)
- D. Area (square feet or acres): .49 ACRES
- E. Current property use: RESIDENTIAL
- F. Current zoning district: R-2

II. APPLICANT(S):

- A. Name: GREG SMITH
- B. Company name: COACH HOUSE GARAGES
- C. Address (Street, City, Zip + 4): 7428 W PLANK RD, PEORIA, IL 61604-5257
- \*E-mail Address: COACHHOUSEPEORIA@GMAIL.COM
- D. Daytime phone number: 309-265-8698
- E. Interest in subject property: ☐ Owner ☒ Representative
- F. Applicant(s) signature(s): [Signature] Date: 8-9-11
- Date: \_\_\_\_\_

III. OWNER(S) OF SUBJECT PROPERTY:

- A. Name: WILLIAM BRYAN
- B. Company: \_\_\_\_\_
- C. Address (Street, City, Zip): 2316 E GRANDVIEW AV
- \* Email Address: WBRYAN8635@COMCAST.NET
- D. Daytime phone number: 309-682-7944
- E. Owner(s) signature(s): [Signature] Date: 8-9-11

08/13/11

\*PLEASE NOTE: EMAIL WILL BE USED FOR ALL CORRESPONDENCE UNLESS OTHERWISE REQUESTED.

CORRESPONDENCE/COMMUNICATION TO BE SENT TO: Select only one

X Applicant \_\_\_ Owner

IV. VARIANCE INFORMATION:

A. 1 Variance being requested SETBACK

2 From what section of the zoning ordinance is a variance being requested? \_\_\_\_\_

B What unique or exceptional characteristics of your property prevent it from meeting the requirements in your zoning district? (Check applicable)

Too narrow \_\_\_ Too small \_\_\_ Soil \_\_\_

Subsurface \_\_\_ Elevation \_\_\_ Slope X

Too shallow \_\_\_ Shape \_\_\_ Other \_\_\_

C. What is your hardship? Please be specific. THE SLOPE OF THE LOT WILL MAKE IT BOTH DIFFICULT AND EXPENSIVE TO SET THE NEW GARAGE FURTHER BACK. ALSO, THIS LOCATION WILL MAKE ACCESSIBILITY TO THE HOUSE BETTER THAN ANOTHER LOCATION.

D. Are the conditions of the hardship, for which you are requesting a variance, true only of your property?

X Yes \_\_\_ No

If not, what number of properties are similarly affected? \_\_\_\_\_

E. If granted a variance in the form requested, will it be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance?

X Yes \_\_\_ No

Please elaborate: THE NEW GARAGE WILL REPLACE AN OLD SHED

THAT IS SOMEWHAT OF AN EYESORE AND IS NOT CURRENTLY

COMPLIANT. ALSO, THE NEW GARAGE SIDING AND ROOF

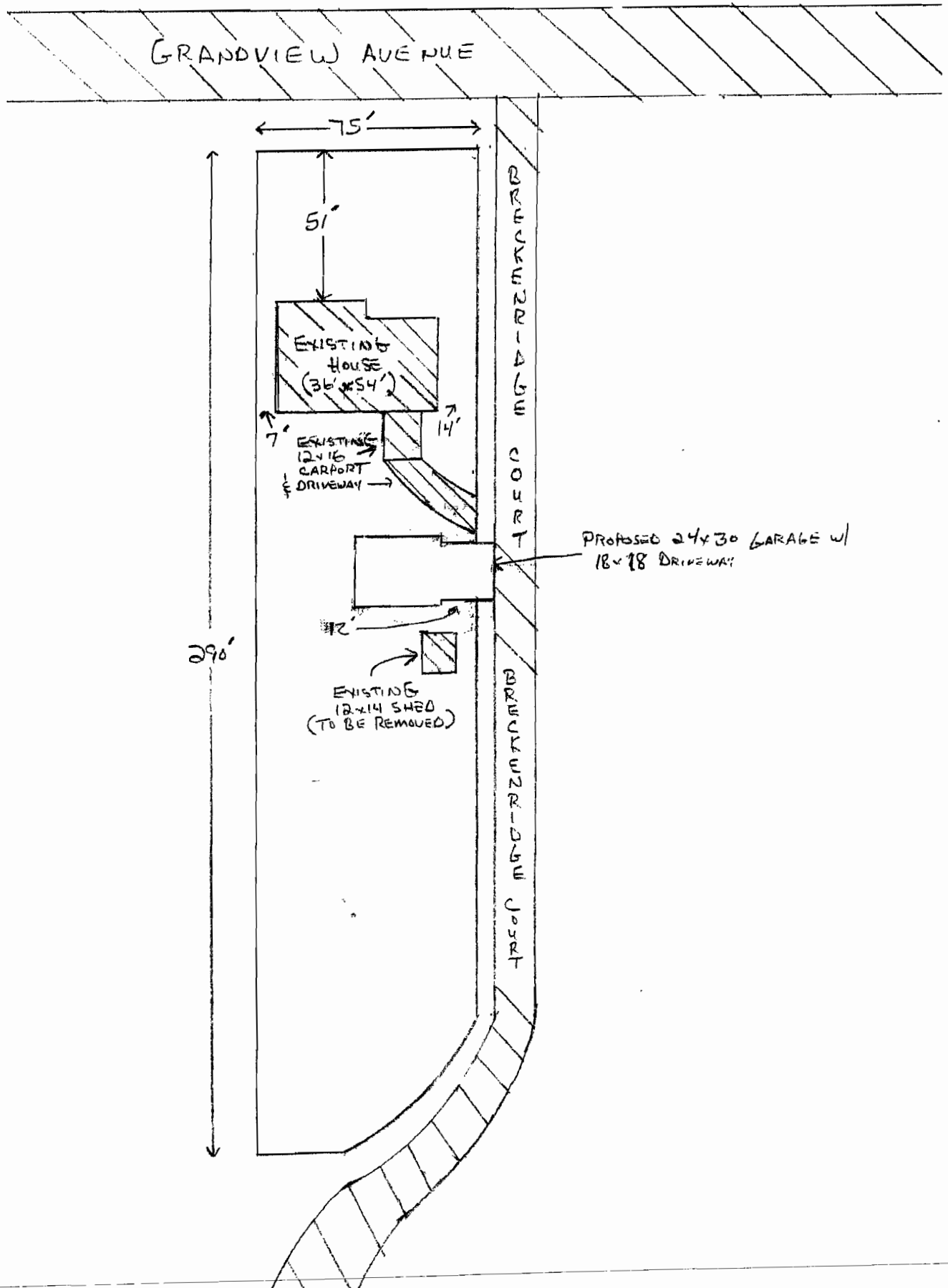
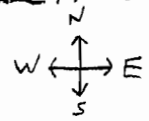
WILL MATCH THE HOUSE, THUS IMPROVING BOTH THE PROPERTY AND LOOK OF THE NEIGHBORHOOD.

**ATTACHMENT A**  
**LEGAL DESCRIPTION**

**GRAND VIEW ADD NW 1/4 SEC 26-9-8E W 1/2 LOT 70 & E 45' LOT 71**

BRYAN GARAGE PROJECT @ 2316 E GRANDVIEW AVE.  
SITE PLAN SUBMITTED BY: COACH HOUSE GARAGES  
309-265-8698

SCALE: 1" = 30'



**TO:** City of Peoria Zoning Board of Appeals Commissioners

**THRU:** Site Plan Review Board

**FROM:** Gene Lear, Senior Urban Planner

**DATE:** August 31, 2011

**SUBJECT: RECOMMENDATION FROM STAFF AND SITE PLAN REVIEW BOARD FOR  
CASE NO. ZBA 2944**

PETITIONER: Petitioner Zissis Vesoulis

LOCATION: 1010 NE Glen Oak Avenue

BACKGROUND:

Petitioner Zissis Vesoulis is requesting a variance from the City of Peoria Land Development Code, Article 4.1.4., *Building Envelope Standards: Height*, to allow the building residence to exceed the required building residence height of 35 feet with a maximum height of 42 feet, 8 inches. The property is located at 1010 NE Glen Oak Avenue in the R-3 Single-Family Residential District.

The Petitioner is proposing to rebuild the top of house turret (tower) to the original home appearance in 1890. The house was originally built by John Gift, a prominent Peorian at the time. The existing structure has a height of 37 feet, 9 inches at its highest point, which exceeds the mean gable height of the roof. The proposed tower will be constructed of reclaimed historic brick and concrete block to replicate the limestone parapet. A new flat roof with a copper skylight will also be installed. The proposed new height of the tower will be the same height as the mean gable height of the proposed new skylight, which would top out at 42 feet, 8 inches. The Petitioner has gone before the City of Peoria Historic Preservation Commission, which has granted its approval, subject to the City of Peoria Zoning Board of Appeals granting the variance for the height of the proposed tower.

SPRB CONCLUSIONS AND RECOMMENDATIONS:

After reviewing the Petitioner's application and performing a site inspection, SPRB does not support the variance request for the following reason:

1. Although the granting of the variation will not alter the essential character of the neighborhood, there is no hardship or practical difficulty.



**CITY OF PEORIA**  
**APPLICATION FOR VARIANCE/ZONING BOARD OF APPEALS**

**For Office Use Only**

Date: \_\_\_\_\_  
 Received: \_\_\_\_\_  
 Time: \_\_\_\_\_  
 Initials: \_\_\_\_\_

**I. PROPERTY INFORMATION:**

- A. Street address: 1010 NE. GLEN OAK AVE Zip Code + 4 61603-
- B. Tax ID number: 18-04 - 283 - 010
- C. Legal description (required to be on attached form, "Attachment A", Legal Description, typed, single-spaced, one inch (1") margins)
- D. Area (square feet or acres): ~ 1/4 acre
- E. Current property use: Residence
- F. Current zoning district: Residential

**II. APPLICANT(S):**

- A. Name: Zissis Vesoulis
- B. Company name: \_\_\_\_\_
- C. Address (Street, City, Zip + 4): 1010 NE. GLEN OAK AVE ; PEORIA, IL 61603 - 3259
- \*E-mail Address: VESOULIS@GMAIL.COM
- D. Daytime phone number: 309-229-9119
- E. Interest in subject property: ☒ Owner ☐ Representative
- F. Applicant(s) signature(s): Z Vesoulis Date: 6-19-2011
- \_\_\_\_\_ Date: \_\_\_\_\_

**III. OWNER(S) OF SUBJECT PROPERTY:**

- A. Name: (SAME)
- B. Company: \_\_\_\_\_
- C. Address (Street, City, Zip): \_\_\_\_\_
- \* Email Address: \_\_\_\_\_
- D. Daytime phone number: \_\_\_\_\_
- E. Owner(s) signature(s): Z Vesoulis Date: 8-10-2011



\*PLEASE NOTE: E-MAIL WILL BE USED FOR ALL CORRESPONDENCE UNLESS OTHERWISE REQUESTED.

CORRESPONDENCE/COMMUNICATION TO BE SENT TO: Select only one

\_\_\_\_ Applicant ☒ Owner

IV. VARIANCE INFORMATION:

A. 1. Variance being requested Rebuild top of house turret (tower) to original home appearance in 1890. Increase height from 37'9" to 42'8"

2. From what section of the zoning ordinance is a variance being requested? \_\_\_\_\_

B. What unique or exceptional characteristics of your property prevent it from meeting the requirements in your zoning district? (Check applicable)

Too narrow \_\_\_\_\_ Too small \_\_\_\_\_ Soil \_\_\_\_\_

Subsurface \_\_\_\_\_ Elevation ☒ Slope \_\_\_\_\_

Too shallow \_\_\_\_\_ Shape \_\_\_\_\_ Other \_\_\_\_\_

C. What is your hardship? Please be specific. Was instructed at Peoria council board meeting that rebuilding this tower would require a zoning variance.

D. Are the conditions of the hardship, for which you are requesting a variance, true only of your property?

☒ Yes \_\_\_\_\_ No

If not, what number of properties are similarly affected? \_\_\_\_\_

E. If granted a variance in the form requested, will it be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance?

☒ Yes \_\_\_\_\_ No

Please elaborate: Wish to return this historic house from 1890 to its original external facade. I feel this will benefit the city of Peoria by restoring this significantly important home to its original appearance when constructed by John Giff - owner of Pride of Peoria flour mills - founder of Giff home for delinquent children, Giff avenue, director of Peoria board of Commerce in early 1900s & Benefactor of B'nai B'rith origin in Peoria. Tower will be constructed of reclaimed historic brick and concrete block structures to replicate the limestone parapet with crenulations.

A new flat roof with copper skylight will also be installed

## V. FILING FEE (MUST ACCOMPANY APPLICATION):

Variance Application Fees for any property in the City shall be as set forth in the table below:

Zoning Ordinance Section 2.17.a (1) Variance Application Fees Table

Land Development Code Section 2.14.a Variance Application Fees Table:

<u>Variation Application Fees (Non-refundable)</u>	<u>Before Construction</u>	<u>After Construction</u>
<u>Administrative Variations all, (&lt;20%)</u>	<u>\$500</u>	<u>\$1,000</u>
<u>Principal Structure, Major</u>	<u>\$500</u>	<u>\$1,000</u>
<u>Accessory Structure, Major</u>	<u>\$500</u>	<u>\$1,000</u>
<u>Signs &amp; Multi-Family/Sub. Signs, Major</u>	<u>\$500</u>	<u>\$1,000</u>
<u>Fence, Major</u>	<u>\$500</u>	<u>\$1,000</u>

### A. MINOR VARIANCE – Requires Administrative Approval

*L 14% increase in fence height.*  
Ordinance Section: 2.12.b. (1) Minor Variations. Minor variations from height, yard (with the exception of transitional buffer yard requirements), bulk, lot area, and fence height provisions of this Ordinance that are less than twenty percent (20%) of the required standard. (For example, a variation from a required 20-foot yard setback in an amount of less than 4 feet is a minor variation.) No minor variation shall be allowed in a Form District.

### B. MAJOR VARIANCE – Requires Public Hearing and ZBA Approval

Ordinance Section: 2.12.b.(2) Major Variations. All variations authorized by this Ordinance, which are not minor variations, shall be considered major variations. Any variation request of transitional buffer yard requirements shall be considered a major variation. Any variation in a Form District shall be considered a major variation.

## VI. REQUIRED SITE PLANS:

### A. MINOR VARIANCE

Residential uses: Two (2) full-size copies, folded to a maximum dimension of 9" x 12"  
All other uses: Ten (10) full-size copies, folded to a maximum dimension of 9" x 12"

### B. MAJOR VARIANCE

All uses: Twenty (20) full-size copies, folded to a maximum dimension of 9" x 12", one (1) copy reduced to 8-1/2" x 11"

Please provide a legal description of the property here or as an attachment

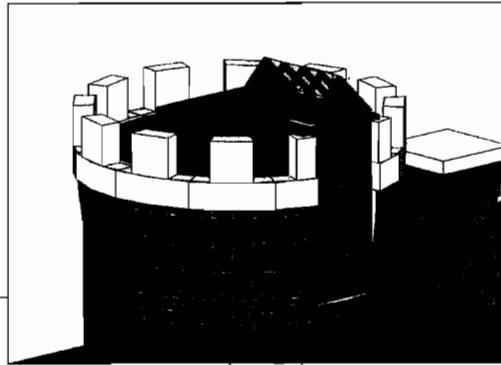
Attn: Gene Lear  
Re: Legal description  
1010 N. Glen Oak Ave.  
Peoria, IL 61603  
Z. Vesoulis

28818 VESOULIS

LEGAL DESCRIPTION

PARCEL 1: SIXTY (60) FEET OF EVEN WIDTH BY FULL DEPTH OF LOT OFF THE WESTERLY SIDE OF LOT 2 IN RANGE 1 IN FLANAGAN'S SECOND ADDITION TO PEORIA, ALSO, A PART OF THE HALF STREET SHOWN ON PLAT OF FLANAGAN'S SECOND ADDITION TO THE CITY OF PEORIA, ALSO, A PART OF LOT 3 OF BALDWIN'S SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 8 NORTH, RANGE 8 EAST OF THE FOURTH PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHERLY END OF THE EASTERLY LINE OF THE WEST 60 FEET OF LOT 2 OF RANGE 1 IN FLANAGAN'S SECOND ADDITION TO PEORIA, THENCE A DISTANCE OF 108.3 FEET IN A STRAIGHT LINE CONTINUED FROM SAID EASTERLY LINE; THENCE IN A SOUTHWESTERLY DIRECTION FOR A DISTANCE OF 80 FEET IN A STRAIGHT LINE WITH THE SOUTHERLY BORDER OF LOT 3 OF RANGE 1 OF SAID FLANAGAN'S SECOND ADDITION, THENCE 20.7 FEET TO THE WESTERLY LINE OF SAID 60 FEET OFF THE WEST SIDE OF SAID LOT 2 OF RANGE 1 IN FLANAGAN'S ADDITION; THENCE IN A STRAIGHT LINE 110 FEET TO THE POINT OF BEGINNING, SITUATED IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS. PARCEL 2: SHARED DRIVEWAY FOR THE BENEFIT OF PARCEL 1 AND THE PROPERTY EAST OF AND ADJOINING SAID PARCEL 1 AS CREATED BY DEED RECORDED APRIL 25, 1888, IN BOOK 17 PAGE 48 AND AMENDED BY AGREEMENT RECORDED AUGUST 18, 1910 IN BOOK 51 PAGE 578 AND FURTHER AMENDED BY AGREEMENT RECORDED OCTOBER 16, 1928 IN BOOK 388 PAGE 206, SITUATED IN THE COUNTY OF PEORIA AND STATE OF ILLINOIS.

Z. Veselars  
1010 NE Glen Oak  
Peoria, IL 61603  
(309) 229-4114



1010 NE Glen Oak Ave.  
Peoria, IL

**2011 Tower Restoration Elevations**

Property of Rob Joos and Maloku Restoration