

**Pekin Zoning Board of Appeals
City Council Chambers
111 S. Capitol Street, 2nd Level
June 12, 2019
5:00pm**

Present:

Chair John Kennedy
Talena Michels
Charity Gullett

Chris Lang (Arrived at 5:04 p.m.)
Mary Lanane
Kim Joesting

Staff Present: John Lebegue, Building Inspections/Development Director,
City Attorney, Kate Swise.

Chair John Kennedy led the pledge of allegiance.

Chair John Kennedy, called the regular meeting of the Zoning Board of Appeals to order.

Roll call was taken and a quorum declared.

Chair John Kennedy asked for approval of the Agenda.

MOTION by Charity Gullett, seconded by Talena Michels to approve the Agenda as presented. On roll call vote, All present voted **AYE**. **MOTION APPROVED**.

Chair John Kennedy, asked for approval of the May 8, 2019 Minutes.

MOTION by Kim Joesting, seconded by Talena Michels, to approve the Minutes of May 8, 2019 as presented. On roll call vote, all present voted **AYE**.
MOTION APPROVED.

Chair John Kennedy asked if anyone from the public had any comments on the agenda items.

No comments from the public were made for the variance request for the property at 1905 Memorial Drive.

Devin Birch of Austin Engineering appeared before the members of the Zoning Board of Appeals and explained that a revised zoning variance application was filed on behalf of the St. Joseph Catholic Church, which requested only a 4 foot front yard setback reduction, with the proposed addition now meeting the front yard setback of the existing church at 303 S. 7th Street. Mr. Birch also explained that the height and the footprint of the proposed addition had been reduced to lessen the degree of variance and for the building to fit in better.

Bruce McCoige, 401 Haines Avenue appeared before the members of the Zoning Board of Appeals and stated that he did not have much more to add from his

previous comments and stated that the neighborhood still felt that the church development was not appropriate. Mr. McCoige stated that the character of the neighborhood was single family residential and felt that the church development would adversely affect the essential character of the neighborhood and negatively affect their investment. Mr. McCoige continued by stating that the church's demolition of homes in the neighborhood had negatively affected property taxes collected by the City. Mr. McCoige ended by stating that given the traffic that would travel down Haines Avenue to the proposed parking lot would make it difficult for emergency vehicles to travel down the street since cars can park on both sides of the street.

Kim Joesting asked Mr. McCoige which home on Haines Avenue was his home.

Mr. McCoige stated that his home is 401 Haines Avenue at the corner of St. Joseph Place and Haines Avenue.

Lou Miller, attorney representing St. Joseph Catholic Church, appeared before the members of the Zoning Board of Appeals and stated that many of the concerns in regard to the proposed addition to the St. Joseph Catholic Church were not relevant, as the St. Joseph Catholic Church has been in the neighborhood for a very long time and has been a good neighbor. Mr. Miller explained that the front yard setback variance now being sought only applies to 48 feet of the proposed building, with the remainder of the addition conforming to the required front yard setback. Mr. Miller continued by stating that the existing single-family homes to the south of the proposed addition have less of a front yard setback than the proposed addition. Mr. Miller further stated that there has been tremendous revisions made to the proposed building, with the height reduced to the allowed 25 feet. Mr. Miller ended by stating that there is no evidence that the granting of the variance would reduce property values in the neighborhood.

Burt Dancey, appearing on behalf of the residents of 419 Haines, appeared before the members of the Zoning Board of Appeals and stated that the concerns of the neighborhood are very relevant and that the proposed addition would alter the historically residential nature of the neighborhood. Mr. Dancey continued by stating that there are legal standards of which a variance must meet, such as the granting of a variance must be harmonious with the Zoning Code. Mr. Dancey further stated that the legal description should include all parcels and not just in the area of the variance. Mr. Dancey continued by stating that the intent of the Zoning Code is to protect residential neighborhoods. Mr. Dancey stated further that the proposed addition is not harmonious with the residential neighborhood and will change the essential character with a commercial scale development. Mr. Dancey ended by stating that the hardship that is being claimed has been created by the design and that the St. Joseph Catholic Church can make a reasonable return as it currently exists and should be made to meet all standards.

Application #1:

Hearing #1: Consideration of an application for a variance of Section 9-9-1 of the City of Pekin Zoning Code to allow applicant, Carolyn Ann Clark, owner, to decrease the required front yard setback to allow the construction of an enclosed front porch addition to the front of the home, as stated in the current Zoning Code for the R-3(One-Family Residential District)located at 1905 Memorial Drive, with a Legal Description of: Sec 25 T25N R5W Holiday Hills Sec 8 Lot 190 SW ¼ in Tazewell County, Illinois.

Carolyn Ann Clark, owner, appeared before the members of the Zoning Board of Appeals and explained the nature of her variance request and stated that the enclosed front porch was being proposed due to the fact that they she difficulty going up and down the rear stairs and that she had a lift at the front of the home and can enter the home much easier from the front.

Chair John Kennedy asked if anyone had any question of comments regarding this application.

Mary Lanane asked if the City had been contacted by any neighbors regarding the variance request for the proposed front porch addition.

John Lebeque, Building Inspections/Development Director, stated that the City had not been contacted by any neighbors regarding the variance request.

Charity Gullett asked Mr. Clark what the proposed front porch addition would look like.

Mrs. Clark explained that the contractor will provide detailed plans to the City for the building permit, but stated that the porch addition would match the rest of the front of the home.

Chair John Kennedy asked for a motion on the variance request.

MOTION by Kim Joesting, seconded by Mary Lanane, to approve the variance to reduce the front yard setback to allow construction of a covered front porch at 1905 Memorial Drive. On roll call vote, all present voted AYE.

MOTION APPROVED.

Application #2:

Hearing #2: Consideration of an application for a variance of Section 9-4A-3, (A), (1) of the Zoning Ordinance of the City of Pekin to allow applicant, Austin Engineering Co., Inc., on behalf of owner, St. Joseph Catholic Church, to decrease the required front yard setback by 4 feet, from the required 25 feet to 21 feet, to allow the construction of an addition to the south side of the existing church building, as stated in the current Zoning Code for the R-4(One-Family Residential District)located at 303 S. 7th Street, with a Legal Description of: All that part of Lots 16 through 22 of Colts Addition to the City of Pekin, Illinois, all that part of Lots 1 through 5, Lots 8 through 10 of Tharp

Place Addition to the City of Pekin, Illinois, part of Lots 6 and 7 of Tharp Place Addition to the City of Pekin, Illinois and Block 2 in Tharp Place Addition to the City of Pekin, Illinois and all that part of the alley lying adjacent to and immediately west of Lots 8 through 10 in said Block 2 of Tharp Place Addition in Tazewell County, Illinois.

Chair John Kennedy asked if anyone had any question of comments regarding this application.

Kim Joesting questioned that the neighborhood was only a single - family neighborhood since the church had been part of the neighborhood for a long time.

Charity Gullett stated that people who bought homes in the neighborhood knew that the church was there when they purchased their home.

An unknown resident in the crowd stated that she would have never purchased her home if she knew the church was going to build an addition and parking lot that is being proposed.

Charity Gullett further stated that she had never seen a church destroy a neighborhood. Ms. Gullett continued by stating that churches improve the residential neighborhoods where they are located and that other churches in the City are located in residential neighborhoods.

Charity Gullett then asked real estate broker Mary Ann Ladendorf, who was in the audience, if churches negatively affect property values.

Ms. Ladendorf stated that she did not have evidence that churches negatively affected property values when located in a residential neighborhood and there are other churches in the city that are located in a residential neighborhood and are welcomed in that neighborhood.

An unknown resident in the audience yelled out that this is their only chance to provide input and felt that the addition being proposed by the church would be an overdevelopment of the neighborhood and be very much out of place.

Bruce McCoige stated that the magnitude of the proposed development is what is most disturbing to the neighborhood.

Charity Gullett stated that the bottom line is that the church can build on their property within their rights.

Lou Miller stated that the homes that were demolished by the church over the years were in disrepair and the church maintains their property and add value to the neighborhood.

Burt Dancey stated that it is true that the church and the neighborhood coexisted for a long time but the proposed addition and parking lot are significant expansions that are beyond what was expected. Mr. Dancey further stated that the variance must comply with all standards in order to be approved.

Kim Joesting stated that the church is asking for a 4-foot variance, but it is not written in stone that the addition or parking lot will actually be built.

Kate Swise, City Attorney stated that the variance request before the Zoning Board of Appeals is whether they can build the addition 4 feet closer to the road, not whether the church can build the addition.

Chair John Kennedy asked for a motion on the variance request.

MOTION by Charity Gullett, seconded by Chris Lang, to approve the variance to reduce the front yard setback to allow construction of addition onto the St. Joseph Catholic Church at 303 S. 7th Street. On roll call vote, Ayes: Chris Lang, Charity Gullett, Kim Joesting and Talena Michels Nays: Chair John Kennedy and Mary Lanane. Motion approved by a vote of 4 to 2.

Chair John Kennedy asked for a motion to adjourn.

MOTION by Kim Joesting, seconded by Mary Lanane to **ADJOURN** the meeting. All present voted AYE. **MOTION APPROVED.**

Meeting Adjourned at 5:53 p.m.

Zoning Board of Appeals
John R. Lebegue, Secretary