

Pekin Zoning Board of Appeals
111 S. Capital Street
City Council Chambers 2nd Floor May 10, 2023
5:00 PM

Present: Bill Craig, Chris Deverman, Donald Hild, David Huskisson, Mary Lanane, Kelly Madden, James Ruth, Steve Thompson (left meeting at 5:40pm), and Amy Wilson (arrival time 5:10pm).

The regular meeting of the Pekin Board of Appeals was called to order and quorum was declared. Staff present: Nic Maquet (Chief Building Official), Alina Kramer (Admin Assistant), Josie Esker (City Engineer) and Kate Swise (Legal Counsel).

The meeting was called to order at 5:00 PM. Motion by Commissioner Thompson to approve the agenda and second by Commissioner Madden. Motion carried unanimously.

Motion by Commissioner Lanane to approve minutes for the April 12, 2023 meeting, second by Commissioner Deverman. Motion carried unanimously.

City Council Action report by Nic Maquet:

Case RZ2022-07 Rezoned from R4 to RT approved by council with no modification.

Chariman:

Motion made by Steve Thompson to vote Donald Hild as chairman and second by Mary Lanane Approved 8-0.

Vice Chairman:

Motion made by Dave Huskisson to vote Bill Craig as vice chairman and second by Kelly Madden. Approved 8-0.

Case V 2023-04

A variance request submitted by Dean Schneider for the property located at 1813 Parkfield Dr to reduce side yard setbacks and increase curb cut width in order to build a pole barn with driveway. Said property is zoned R-1 One Family Residential and with a legal description SEC 11 T24N R5W DEERFIELD ESTATES SEC 1 LOT 8 NW 1/4, with the following PIN: 10-10-11-106-006, in Tazewell County, Illinois.

Open Public hearing 5:12pm Closed at 5:15pm

Dean Schneider explained his wants to build an outbuilding on his property. The surrounding properties do have outbuildings. Commissioner Lanane asked about any utilities and Dean explained that with the variance nothing would need to be relocated.

Discussion: David Huskisson said that his only concern was that we had previously denied a resident of combining two lots but after discussion it was clarified that it was an entirely different case. Motion made by Commissioner Thompson and second by Craig. Motion approved 9-0

Case V 2022-08 (Tabled from September 2022)

A variance request submitted by Michael McGlasson to bring an awning out 20 feet to the east side of the house and 6 feet in front of the house and over an area where current window will be replaced by a door at 1521 Henrietta St. Said property is zoned R-4 One Family Residential and with a legal description SEC 35 T25N R5W MILLERS ADDN LOT 9 BLK 8 SE 1/4, with the following PIN: 04-04-35-416-013, in Tazewell County, Illinois.

Public Hearing open at 5:20 Closed 5:23

Michael (property owner) had the property surveyed per our (zoning committee) request and the front yard setback would come forward. Josie explained there are no plans in place to widen the road but possible sidewalks in the future.

Commissioner Craig asked the resident if anything would extend past the four feet and it would not. The request would need to change from 6ft to 4ft. Commissioner Craig made the motion to change the variance, amending to 6 ft. Motion second by Thompson. Motion approved 9-0

Motion to approve the case as amended made by Commissioner Craig Second by Commissioner Thompson. Motion approved 7-2.

Case V 2023-05

A variance request submitted by Baldovin Construction (Padmavati Patel) for the property located at 1303 N 8th to reduce parking requirements for a wine bar. Said property is zoned B-3 General Business District with a legal description SEC 35 T25N R5W BAILEYS ADDN LOTS 7 & 8 (EXC HWY) BLK 1 NW 1/4, with the following PIN: 04-04-35-124-007 in Tazewell County, Illinois.

Public hearing 5:31pm closed 5:32pm

Haley Chipman (project designer) explained the plans for the property and states they can only get 12 spots to fit in the parking lot rather than 14 spots.

Motion made by Commissioner Ruth and Second by Thompson.

Discussion: The lot beside the physical property is empty and could possibly be used as overflow parking (the owner owns both parcels) Wilson has concerns with the parking on the south side of the building. Craig asked about restrictions on parking and Josie explained it is one direction traffic so they would need more than 20 feet. 54-74 degrees they require (Kate stated specifics) a maneuvering lane of 15 feet parking width of 8 ft 6 inches. Commissioner Wilson has concerns about the ADA Accessible space and wanted be sure that they meet codes. Wilson made a motion to approve a revised plan that the code meets parking codes minimum requirements. Seconded by Madden. Original motion all in favor, 9-0.

Motion to approve as amended by Ruth and second by Lanane approved 8-0 (Thompson left the meeting at 5:40).

Case SU 2023-01

A special use request submitted by Enviro-Safe (Randy & Julie Price) for the Construction of a 12,000 Sq Ft Gymnasium and Community center at 320, 324, 326, 328 and 330 Court St. The second floor would also be used as residential living. Said property is zoned B-2 Central Business District with a legal description of SEC 34 T25N R5W ORIGINAL TOWN E2' OF 4 & W21' OF LOT 5 BLK 46 SE ¼, SEC 34 T25N R5W ORIGINAL TOWN E 29' LOT 5 & W 1/2 LOT 6 BLK 46 SE ¼, SEC 34 T25N R5W ORIGINAL TOWN E 1/2 OF LOT 6 BLK 46 SE ¼, SEC 34 T25N R5W ORIGINAL TOWN W 1/2 LOT 7 BLK 46 SE ¼, with the following PIN: 04-04-34-438-010, 04-04-34-438-011, 04-04-34-438-012, 04-04-34-438-013, 04-04-34-438-014 in Tazewell County, Illinois.

Public hearing open at 5:43pm Closed Public hearing at 5:44pm

Randy Price stated there would be residential living upstairs and the lower level will be a gymnasium. Building will have two exits on the upper level for the one apartment upstairs.

B-2 Zoning states the owner of the building can live upstairs but anyone other than the owner, it would require a special use variance. Questions regarding on how a building as such is taxed by Commissioner David Huskinson, Kate states she is not sure of that answer. This special use was for the gymnasium and the residential living (combined).

Motion to approve made by Commissioner Wilson and second by Commissioner Madden. Approved 8-0

Case V 2023-06

A parking variance request submitted by Enviro-Safe (Randy & Julie Price) for the Construction of a 12,000 Sq Ft Gymnasium and Community center.at 320, 324, 326, 328 and 330 Court St. Said property is zoned B-2 Central Business District with a legal description of SEC 34 T25N R5W ORIGINAL TOWN E2' OF 4 & W21' OF LOT 5 BLK 46 SE ¼, SEC 34 T25N R5W ORIGINAL TOWN E 29' LOT 5 & W 1/2 LOT 6 BLK 46 SE ¼, SEC 34 T25N R5W ORIGINAL TOWN E 1/2 OF LOT 6 BLK 46 SE ¼, SEC 34 T25N R5W ORIGINAL TOWN W 1/2 LOT 7 BLK 46 SE ¼, with the following PIN: 04-04-34-438-010, 04-04-34-438-011, 04-04-34-438-012, 04-04-34-438-013, 04-04-34-438-014 in Tazewell County, Illinois.

Public Hearing Open and Closed at 6:20pm

Variance to allow for zero on site parking and removing all requirements: Motion to approve by Ruth and Second by Bill Craig. Approved 7-1

Randy Price stated there would be residential living upstairs and the lower level will be a gymnasium. The building will have two exits on the upstairs level for the one apartment. See below for discussion regarding parking variance.

Motion to approve made by Commissioner Craig and second by Ruth. Motion approved 7-1

Case SPR 2023-01

A site plan review submitted by Enviro-Safe (Randy & Julie Price) for the Construction of a 12,000 Sq Ft Gymnasium and Community center.at 320, 324, 326, 328 and 330 Court St. Said property is zoned B-2 Central Business District with a legal description of SEC 34 T25N R5W ORIGINAL TOWN E2' OF 4 & W21' OF LOT 5 BLK 46 SE ¼, SEC 34 T25N R5W ORIGINAL TOWN E 29' LOT 5 & W 1/2 LOT 6 BLK 46 SE ¼, SEC 34 T25N R5W ORIGINAL TOWN E 1/2 OF LOT 6 BLK 46 SE ¼, SEC 34 T25N R5W ORIGINAL TOWN W 1/2 LOT 7 BLK 46 SE ¼, with the following PIN: 04-04-34-438-010, 04-04-34-438-011, 04-04-34-438-012, 04-04-34-438-013, 04-04-34-438-014 in Tazewell County, Illinois

Public hearing open at 6:25pm Closed Public hearing at 6:28pm

Randy Price stated there would be residential living upstairs and the lower level will be a gymnasium. Building will have two exits on the upstairs for the one apartment upstairs.

Committee discussed the storm water detention/retention. Craig asked Price if he had to put tanks into the plan would he still build and Price said he would not. Discussion if there are any additional options (tanks vs none) and there is not given the entire building takes up the entire property. Commissioner Ruth asked Price about possible storm water on the parking lot and Price stated since there is currently rock, he had no plans of putting retention in. Hild asked what the thoughts were on not requiring the tanks. Craig states that he doesn't like approving this without a plan for water retention but does not want to stop the project, Ruth agreed. Wilson discussed that if we allow this for this location then anything else zoned B2, others can follow suit. Price states he does not want to spend additional money into the project. Price stated he was building this in this location to bring more traffic downtown and to help the downtown district. Craig expressed his opinion that he feels we would be doing less for the city if we voted this down.

Informal Vote (consensus) on rather or not we are going to approve no detention. All voted yes. But we would need a better site plan. Case was tabled.

This case (SPR 2023-01) was tabled.

Discussion regarding case(s) SU 2023-01, V 2023-06 and SPR 2023-01

Special use is needed because the gymnasium is not listed within the specific zoning district nor is residential living allowed on upper floors for anyone other than the primary owner. Kate confirmed that if the special use is approved then anyone could live on the second floor. Commissioner Craig asked about parking requirements for a gym/community center. Nic explained that the parking would be similar to what we require parking to be for a sporting event (outdoor assembly 1 parking spot for every 6 feet of benches and or every 3 seats). Mr. Price wanted bus parking for the gymnasium at the 306 Court which is next to the Times Building. Commissioner Wilson asked about ADA entry and he explained that the fire dept did inform him that he would need two entrances off the back. Commissioner Craig asked about parking specifics and Nic said without any true plans we can not give a true occupancy. Nic explained that Mr. Price wanted to use public parking (as well). Commissioner Wilson expressed her concerns of the safety (for kids and spectators), as well as an overflow of parking due to zero adjacent parking. Commissioner Craig also said that the city provides a lot of parking to restaurants and he would like to find a way to help with parking to allow this project to move forward. Nic also explained that the current site plan there is not any storm water retention plan. Josie explained that the city staff has concerns with moving forward without a storm water retention plan. Commissioner Wilson states that there are a lot of unanswered questions. Amy's concern is the run off not having anywhere to go and it backing up the system. Josie explained that we have updated our code from when the original downtown was built to prevent further issues. Commissioner Wilson suggested that given Randy owns so much of the property on that block, there could be a modification to the plan to allow water to be collected into tanks under the parking. Commissioner Craig brought up the expense of it and that it might pose a challenge. Mr. Price indicated that if he had to put tanks in, he would not be able to move forward with the project.

Case RZ 2023-02

A rezoning request submitted by the City of Pekin for the property located at 230 Court St to change from RM-4 to RM-3 zoning as the city no longer has RM-4 in the code. Said property is zoned RM-4 Multi Family Residential with a legal description SEC 34 T25N R5W ORIGINAL TOWN LOTS 1 THRU 16 BLK 38, LOTS 1 THRU 8 BLK 39, LOTS 1 THRU 8 BLK 40 (EXC ROW) & VAC ST SE 1/4, with the following PIN: 04-04-34-442-003, in Tazewell County, Illinois.

Public hearing at 6:54 closed at 6:54

Motion made to approve by Chris Deverman and Second by Kelly Motion approved 8-0

Other Items for Consideration and Recommendation

Informal Discussion: N/A

Adjourn: Motion to adjourn by Wilson. Second by Kelly. Meeting closed at 6:56PM

Nic Maquet, Secretary, Pekin Board of Appeals