

Pekin Zoning Board of Appeals  
111 S. Capitol Street  
City Council Chambers 2<sup>nd</sup> Floor  
April 13, 2022  
5:00 PM

Present: Bill Craig, Daryl Dagit, Chris Deverman, Donald Hild, Kim Joesting, Mary Lanane, Kelly Madden, James Ruth.

The regular meeting of the Pekin Zoning Board of Appeals was called to order at 5:00pm and a quorum was declared. Staff present: Matt Fick, Community Development Director, David Bess, CDBG Program Manager, Jeffrey Gaster, Legal Counsel, Nic Maquet, Chief Building Official

Motion for minute approval by Commissioner Lanane, Second by Commissioner Joesting. Minutes for the February 9, 2022 meeting were approved 6-0 with Commissioner Dagit and Commissioner Hild abstaining.

City Council Action Report – All recommendations of previous meeting adopted by the Pekin City Council as presented.

**Case FPR 2022-01 Public Hearing Opened at 5:02 PM**

Plat review for part of lots 14, 15, and 16, and part of the vacated alley in block 6 of the original town (now City) of Pekin being in part of the southeast quarter of Section 34, Township 25 North, Range 5 West of the Third Principal Meridian, Tazewell County, Illinois with P.I.N 04-04-34-436-010. Additionally, 0.015 acre tract located at part of lot 14 and part of the vacated alley in block 6 of the original town, (now City) of Pekin being in part of the Southeast quarter of Section 34, Township 25 North, Range 5 West of the Third Principal Meridian, Tazewell County, Illinois will be combined into P.I.N. 04-04-34-436-014.

One member of the public requested a more specific project location and once clarified, did not have any objections or comments. Public hearing was closed at 5:04pm. Motion to discuss by Commissioner Dagit, second by Commissioner Ruth. Discussion was held on site location, the reason for the addition of a junction location, as well as the company behind the project.

Motion to approve, motion carried 8-0.

**Case SU 2022-02 Public Hearing Opened at 5:07 PM**

Special use request by Richard Burton to allow for automotive repair to facilitate the acquisition of a State of Illinois rebuilder license at 1006 S. 2nd Street, zoned I-1 Light Industrial, with a legal description of SEC 3 T24N R5W TAAKS ADDN LOTS 29 THRU 35 SW 1/4 with the following P.I.N #04-10-03-303-001 in Tazewell County, Illinois.

Richard Burton provided a summary of the request and explained that he was not planning to undertake substantial repair of vehicles or bodywork but is only looking to ensure he has proper zoning as to facilitate the retitling of vehicles using a State of Illinois rebuilder license and to

subsequently sell those vehicles. Additionally, Mr. Burton noted that he would only be selling 6 or less vehicles at any given time as any more than 6 requires a State of Illinois dealership license.

No comments were received from the public and the public hearing was closed at 5:09pm. Motion to discuss by Commissioner Ruth, second by Commissioner Dagit. Discussion was held regarding whether conditions should be added for potential approval such as precluding repair or certain types of repairs. Discussion was also held in assessing what types of activities the State of Illinois allows under the rebuilder license and whether the activities on the property would require a special use. Jeffrey Gaster opined that this item was being brought before the board to ensure the City Council has an opportunity to review.

The board discussed whether special use approvals are limited to the individual that the special use is granted to or whether special uses stay with the property. Mr. Gaster noted he was of the understanding that the City's Code allows the special use to stay with the property, if the property was sold or transferred. The property owner and landlord of the property in question, Ron Matthews, suggested that it is his understanding that special use determinations remain with the business, not the property. Mr. Gaster stated he would review the Code further and provide an official opinion on the topic.

Additional discussion was held on clarifying what the rebuilder license actually allows and how the board might be able to attach special conditions to the special use approval as to ensure activities on the property are limited to Mr. Burton's needs as it pertains to obtaining the rebuilder license.

Motion by Commissioner Ruth to approve with restriction that the special use is limited to making vehicles that are obtained operational and available for sale only. Second by Commissioner Joesting. Motion carried 7-0 with Commissioner Hild abstaining.

#### **Case V 2022-03 Public Hearing Opened at 5:21pm**

Variance request by Nova Group Inc. to allow an existing storage shed in violation of front yard setback and detached accessory structure and principal structure distancing requirements located at 111 N. Capitol Street, zoned B-3 General Business, with a legal description of SEC 34 T25N R5W ORIGINAL TOWN E 27' LOT 6, ALL LOT 7 THRU 11 & ADJ VAC ALLEY BLK 48 SE ¼ with the following P.I.N. #04-04-34-428-008 in Tazewell County, Illinois.

Jacob Moss of Nova Group provided a summary of the request. No public comments were made. The public hearing was closed at 5:23pm. Motion for discussion by Commissioner Dagit, second by commissioner Madden. The board discussed that the accessory structure being considered was placed illegally at some point between 2011-2015 and that the current placement of the structure violates both setback and fire safety requirements. The board discussed how the current placement causes concern primarily due to the short distance from the accessory structure to adjacent buildings. The intended contents of the structure (dry stock) were discussed as well as alternative placements on the property for the structure, specifically on the west side of the property as opposed to its current location.

Motion to approve defeated 0-8, recommendation made to deny the variance request.

**Case V 2022-04 Public Hearing Opened at 5:37pm**

Variance request by Daniel & Brigitte Sullivan to expand a residential driveway in excess of the 30' permitted by the City's Code for properties with 90' or more of frontage at 2812 Black Oak Street, zoned R-E Residential Estate, with a legal description of SEC 31 T25N R4W HICKORY HILLS ESTATES SEC 2 - FINAL PLAT LOT 14 SE ¼ with the following P.I.N. #05-05-31-411-010 in Tazewell County, Illinois.

Dan Sullivan provided a summary of the request. It was clarified that the driveway would be built straight out to the road from the garage structure as to expand the driveway approximately 4 feet from the current width. Public hearing was closed at 5:38pm. The board noted that there are other driveways in the area of the subject property that have similar arrangements as being requested.

Motion to approve by Commissioner Hild, Second by Commissioner Madden. Motion carried 8-0.

**Case V 2022-05 Public Hearing Opened at 5:40pm**

Variance request by Nathan Noyes to construct a ground mounted solar array in violation of the 35' setback requirement at 500 Deerfield Drive, zoned R-1 Residential, with a legal description of SEC 11 T24N R5W DEERFIELD ESTATES SEC 2 LOT 48 NW 1/4 .51 AC with P.I.N. #10-10-11-106-014 in Tazewell County, Illinois.

No public input was received and the public hearing was closed at 5:41pm. Discussion was held regarding the setback distance and whether solar arrays can result in glare issues for adjacent streets. Kurt Smith, a representative of GRNE Solar who was available by phone, clarified that the solar panels would be fixed at a 30 degree angle and that glare has not been an issue for other similar installations. The board further discussed the topic of glare and concluded that glare would not be an issue given the proposed angle of installation.

Motion for approval, motion carried 8-0.

**Informal Discussion**

**Food Pantries in Residential Zoning Districts / Updated Sign Ordinance**

Mr. Fick provided a summary of how it was determined that the City's Code may not sufficiently address food pantries operating within residential districts, such as those operating out of single-family dwellings. Discussion was held regarding the different situations that might allow for food pantries in residential districts such as churches or pantries attached to established organizations. Mr. Gaster explained that food pantries are not specifically addressed as a special use or home occupation in the Code, although a general catch-all does exist that suggests that if the use is not listed then the City can, if it chooses to do so, can require a special use.

The board discussed the Code language pertaining to home occupations and observed that the allowed occupations are generally not traffic-generating and also compared the operation of a food pantry to garage sales. Discussion regarding the desirability of having a food pantry in a neighborhood, and how any potential changes to the Code might be worded to adequately address the concern.

The board reviewed and discussed an updated version of the proposed sign ordinance and largely voiced agreement that the proposed sign code is an improvement to the current adopted Code. Further discussion as held on LED signage, transitioning messages, flashing signs, and messages with scrolling signs. Commissioner Lanane noted an issue with contradictory language regarding sign structures which Mr. Gaster stated he would further clarify in the next version of the proposed sign code.

A brief discussion was held on Court Street construction, the development of La Fiesta as well as the development of Panda Express.

Meeting adjourned at 6:07pm.