

**Pekin Zoning Board of Appeals
City Council Chambers
111 S. Capitol Street, 2nd Level
April 10, 2019
5:00pm**

Present:

John Kennedy, Chair
Talena Michels
Charity Gullett

Kim Joesting
Chris Lang
Mary Lanane

Staff Present: John Lebegue, Building Inspections/Development Director,
Attorney, Rob McCoy.

John Kennedy, Chair led the pledge of allegiance.

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

Roll call was taken and a quorum declared.

John Kennedy, Chair asked for approval of the Agenda.

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

John Kennedy, Chair asked for approval of the March 13, 2019 Minutes.

MOTION by Mary Lanane, seconded by Chris Lang, to approve the Minutes of March 13, 2019 as presented. On roll call vote, all present voted **AYE**.
MOTION APPROVED.

Application #1:

Hearing #1: Open: 5:03 pm Closed: 5:11 pm

Hearing #1: To allow Svendsen Construction & Millwork Co. to increase the height of a fence in the front yard to six feet in height, in lieu of the allowed 4 foot, ornamental fence in the front yard and to allow the installation of barbed wire at the top of the proposed 6 foot chain link fence, as stated in the current Zoning Code for a property in the I-1, Light Industrial District, located at 830 Brenkman Drive, with a Legal Description of SEC 23 T25N R5W Pekin Edgewater Park Sec #4 Lots 44 & 43 (Exc. Lot 43-A) SW 1/4, in Tazewell County, Illinois, with the following P.I.N.# 04-04-23-400-022.

Discussion: Chairman John Kennedy asked if anyone had any questions or wished to speak concerning the matter.

Tom Svendsen, representing Svendsen Construction & Millwork Co. appeared before the members of the Zoning Board of Appeals and explained that the

variance is being sought to enclose the paved area at the northeast corner of the property to extend the exterior storage area to that area. Mr. Svendsen continued by stating that 6-foot chain link fencing with barbed wire at the top encloses the storage area to the south and that type of fencing would be installed in the area subject to the variance, as that type of fencing is the best security fencing.

Kim Joesting asked the applicant what materials and items would be stored in that area.

Mr. Svendsen stated that he was not sure what items would be stored in that area, but would most likely be welding supplies and tanks, as stored in other areas.

Mary Lanane then asked if the variance was for the height of the fence.

John Lebegue, Building Inspections/Development Director, stated that the variance is to increase the height of a fence in the front yard from the allowed 4-foot ornamental type fence to a 6-foot chain link fence in the front yard.

Charity Gullett then asked why there was a sign on the property stating no smoking for 50 feet.

Mr. Svendsen stated that the 50-foot distance was a precaution due to the welding gases stored on the property.

Motion by Kim Joesting, seconded by Mary Lanane, to approve a variance to increase the height of a fence in the front yard to six feet in height, in lieu of the allowed 4 foot, ornamental fence in the front yard and to allow the installation of barbed wire at the top of the proposed 6-foot chain link fence. On roll call vote, all present voted **AYE. VARIANCE REQUEST APPROVED.**

Application #2:

Hearing #2: Open: 5:12 pm Close: 5:50 pm

Hearing #2: To allow applicant, Austin Engineering Co., Inc., on behalf of owner, St. Joseph Catholic Church, to decrease the required front yard setback 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.

Discussion: Chairman John Kennedy asked if anyone had any questions or wished to speak concerning the matter.

Bruce McCoige, 401 Haines Avenue came forward and explained that he would be acting as a spokesperson for a group of neighboring residents. Mr. McCoige described the residential nature of the neighborhood surrounding the church property and explained that they felt that the proposed addition and parking lot would have a detrimental impact on the residential neighborhood. Mr. McCoige continued by explaining that the neighborhood was made up of primarily long-time residents and had an expectation that the neighborhood would remain residential in character. Mr. McCoige further stated that he and the neighbors do not agree with the applicant's statement about the connection of the corridor and the need for the setback variance and that the size of the proposed addition would not be compatible with the existing homes in the area. Mr. McCoige ended by stating that he and the other neighbors knew that the church was there when they purchased their homes, but feel that the proposed addition and parking lot would adversely affect the residential character of the neighborhood and negatively impact their investment.

Burt Dancey, appearing on behalf of the residents of 419 Haines, appeared before the members of the Zoning Board of Appeals and asked all those in the audience, how many were opposed to the proposed addition and parking lot. A majority of those in the crowd raised their hands to show their opposition to the church project. Mr. Dancey continued by stating that he did not agree that the corridor connection to the existing church constituted an addition to the church and that the variance request is by self-design. Mr. Dancey stated that the architects could revise the proposed building to better meet the zoning requirements, because as currently designed; the building does not meet the standards for granting a variance. Mr. Dancey stated that he does not agree with the statement that the church development will not alter the character of the neighborhood, as the essential nature of the neighborhood is single-family, residential and the proposed addition would change the dynamics of the neighborhood. Mr. Dancey further stated that the community center aspect of the addition would result in large gathering and events, which is incompatible with the neighborhood and would create increased traffic and congestion. Mr. Dancey ended by stating that he feels the proposed addition and parking lot will have a negative impact on the residential neighborhood and that the church should go to parishioners and see if they are supportive of the project before changing the essential character of the neighborhood.

Christine Christensen, 404 S. 7th Street, appeared before the members of the Zoning Board of Appeals and stated that the proposed variance would allow the front of the new building to be closer to 7th Street than the previous homes. Ms. Christensen ended by stating that she knew the church planned to build a new parish hall, but would not have bought her home if she had known that the church was going to undertake such a large-scale project.

Denny Talbott, 700 Hillyer, appeared before the members of the Zoning Board of Appeals and stated that he had concerns about the increase in traffic on Hillyer St. due to the vacation of St. Joseph place and the proposed development.

Bruce McCoige, 401 Haines Ave. stated that the new addition and large parking lot had the potential for added frustration for the neighborhood due the increase in traffic.

Burt Dancey stated that the church and the neighborhood have gotten along for many years, but the addition and parking lot that are being proposed is not compatible with the neighborhood and is located right in the heart of a residential neighborhood.

Talena Michels asked Mr. Dancey to clarify how the addition would have a negative impact on the neighborhood.

Burt Dancey responded by stating that traffic to the church is now mostly on Sunday, but the proposed community center would generate traffic all week, which would be disruptive to the neighborhood.

Charity Gullett stated that the reason for the proposed parking lot would be to relieve the problem of on-street parking, thus reducing traffic congestion in the neighborhood.

Bruce McCoige stated that the residents still feel that on-street parking and traffic to the new parking lot will still be a problem for the neighborhood.

Attorney, Rob McCoy stated that since statements are being made from the memorandum of John R. Lebegue, Building inspections / Development Director, Mr. Lebegue's memorandum could be made part of the record and you could refer to the memorandum and ask Mr. Lebegue for clarification.

Devin Birch, of Austin Engineering appeared before the members of the Zoning Board of Appeals and explained that the reason for the variance request was due to the architectural bump-out feature, and that the front wall of the proposed addition was in line with the existing church. Mr. Birch continued by stating that the church was a long-term member of the neighborhood and wants to work with the neighborhood.

Bill Fleming appeared before the members of the Zoning Board of Appeals and explained that nothing is being done that will dramatically change what the church is already doing at the existing parish center. Mr. Fleming continued by stating that the church has always been a good neighbor and the new parish center would not dramatically increase traffic to the neighborhood.

Devin Birch stated that the church had conducted a neighborhood meeting and had taken direction from the neighborhood and made changes to the plans from the earlier meeting.

Attorney Rob McCoy asked the applicant to provide rationale as to why they require a setback variance and why the proposed addition could not be designed to conform to the required front yard setback.

Mr. Birch stated that the main wall of the proposed addition was being aligned with the front wall of the existing church, with the architectural element extending from the front wall of the proposed addition further into

the front yard. Mr. Birch further stated that the existing church does not conform to the required front yard setback, as the existing church was constructed prior to the adoption of zoning requirements and required front yard setbacks. A variance to reduce the front yard setback

Charity Gullett asked if greenery and landscaping was going to be installed as detailed on the Site Plan that had been submitted.

Mr. Birch stated that the landscaping detailed on the Site Plan would be installed as part of the project, but that could be changed with conditions placed on the Special Use. Mr. Birch continued by stating that the installation of landscaping would greatly improve the aesthetics of the addition and parking lot.

Bonnie Onopa, 608 Hillyer, came forward and appeared before the members of the Zoning Board of Appeals and stated that she could not imagine how the streets around that area could handle any increase in traffic that could be generated by the church development.

Burt Dancey stated that the Zoning Board of Appeals must make findings of fact and that a hardship cannot be self-created by the applicant and find that a real need exists to justify granting of the variance.

Talena Michels stated that if the City Council does not approve the street vacation and the Special Use petition is not it the variance request a moot point and shouldn't the Zoning Board of Appeals wait until the Plan Commission and City Council takes action.

Attorney Rob McCoy stated that the Zoning Board has an application before it and should act on the application.

Charity Gullett stated that the City Council would take the decision of the Zoning Board of Appeal into consideration when making a decision and felt it was proper for the Zoning Board of Appeals to act on the variance request.

Mary Ann Ladendorf, resident, stated that other churches in the city have similar campuses and it appears to be working in those primarily residential neighborhoods.

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

Motion by Charity Gullett, seconded by Kim Joesting, to approve a variance request to reduce the front yard setback by 24.5 feet from the required 31 feet to 6.5 feet for the property at 303 S. 7th Street. On roll call vote, AYE: Chris Lang, Kim Joesting and Charity Gullett NAY: John Kennedy, Mary Lanane and Talena Michels. **MOTION FAILED DUE TO THE LACK OF FOUR AFFIRMATIVE VOTES.**

PUBLIC INPUT: No public input at this time.

John Kennedy, Chair asked for a motion to adjourn.

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

Meeting Adjourned at 6:08 p.m.

Zoning Board of Appeals
John R. Lebegue, Secretary