

Pekin Zoning Board of Appeals
111 S. Capital Street
City Council Chambers 2nd Floor
November 30, 2022
5:00 PM

Present: Bill Craig, Chris Deverman, Donald Hild, David Huskisson, Kim Joesting, Kelly Madden, James Ruth and Steve Thompson.

The regular meeting of the Pekin Board of Appeals was called to order and quorum was declared. Staff present: Hannah Martin, Alina Kramer (Administrative Assistant) and Josh Harman (Legal Counsel).

The meeting was called to order at 5:00 PM. Motion by Commissioner Ruth to amend and approve the agenda, removing RZ 2022-08 second by Commissioner Deverman. Motion carried 7-0.

Motion by Commissioner Thompson to approve minutes for the October 12, 2022, seconded by Commissioner Huskisson. Motion carried 7 -0.

Case V 2022-13

A variance request by James E. Smith for setbacks at 1011 & 1013 N 2nd. Said property is currently zoned RM- 2 Multiple Family Residential District with a legal description of SEC 34 T25N R5W ORIGINAL TOWN LOTS 9 & 10 BLK 17 NE 1/4 with the following PIN: 04-014-34-221-003, in Tazewell County, Illinois.

Public Hearing open at 5:03 pm

Owner, James Smith states that he bought the two house(s) approximately 28 years ago and has recently made \$25k in updates with the want to make the property two separate properties. Smith plans to sell the houses at a low price to his family but can not do it fairly unless the property is separated.

Public hearing closed at 5:07 pm

Commissioner Hild asked if there were any issues with the variances from 28 years ago and there was not, the variances are due to the new setback requirements. Commissioner Hild also stated that the houses were built before we even knew what "zoning" was and that he feels so many variances seems excessive and will only cause delays in passing it down and or selling the property.

Motion made by Commissioner Kelly to approve the special use permit was seconded by Commissioner Deverman. Motion approved 7-0.

Case RZ 2022-08

A rezoning request submitted by Drew Leman (McKinley Apartments LLC) from OS-1 Office Service District to RM-2 Multiple Family Residential District for the property located at 100 Ironwood Dr. Said property is zoned OS-1 Office Service District with a legal description of SEC 31 T25N R4W HICKORY HILLS ESTATES SEC 4 LOT 5 (EXC SW COR) NW 1/4 AAA 19 & 20, with the following PIN: 05-05-31-311-037, in Tazewell County, Illinois.

This case has been pulled at the request of the applicant.

CASE RZ 2022-09

A rezoning request submitted by Claude Nattier (Alexander's Tax Service LLC) from R-4 One Family Residential District to OS-1 Office Service District at 1607 Charlotte Street. Said property is zoned R-4 One Family Residential District with a legal description of SEC 35 T25N R5W MILLERS ADD LOTS 8 & 9 W OF RR (ALSO LOT 3) BLK 4 SE 1/4, with the following PIN: 04-04-35-411-011, in Tazewell County, Illinois.

Public hearing open at 5:13 pm

Claude Nattier, owner of Alexander's Tax Service LLC gave the history of how the business was obtained and stated he was informed that they need an OS-1 zoning because there are employees working within the house. The owner states they did have a dead-end sign put up and it he feels it has helped with traffic. At this time the owner is requesting a rezoning of an OS-1 or a timeline allowing them to continue their services through the 2023 tax season.

Pauline (resident at 1603 Charlotte) has lived in her home for approximately 65 years and states the business being ran out of the house has caused issues with traffic and has concerns about another business coming in if the rezoning is allowed.

Nedra (resident at 1610 Hamilton) stated she is worried that if the rezoning is granted that it will decrease the value of her home and she also has concerns for a disabled child who lives in the neighborhood.

Ryan (resident at 1606 Charlotte) expressed concerns with the traffic flow being high on such a narrow road, it poses a risk and is not ideal. She also expressed concerns with the disabled child in the neighborhood.

Public hearing closed at 5:21pm

Commissioner Huskinson asked if this residence was signed up with the city to run the business and the owner states they were. Commissioner Craig stated the road is very narrow and is difficult to turn around which brings concern with the amount of traffic during tax season but did suggest allowing the extra time to get through the 2023 tax season. Commission Ruth agreed that allowing the business to run through 2023 tax season is reasonable and fair. Commissioner Craig stated that the trips add up (during tax season) rather quickly with paperwork being dropped off, meetings, etc. Commissioner Huskinson made a suggestion to do a special use so that no other business can move in and possibly use a PO box however due to technology, most communications are done via email or in person. Commissioner Deverman states an OS-1 would allow any business to move in and suggest denial of the OS-1 with a possible special use. After further discussion, the committee suggested looking into a special use with asking code enforcement to allow the business to run (without enforcements) until October 1, 2023.

Motion made by Commissioner Kelly and seconded by Commissioner Huskinson to deny rezoning to an OS-1 and suggest zoning to not be enforced until October 1, 2023. Motion approved 7-0

Case SU 2022-06

A special use request submitted by Carl Powell (St. Vincent De-Paul of Pekin) for drive-thru at 706 Court St. Said property is zoned B-3 General Business District with a legal description of SEC 02 T24N R5W COLTS ADDN W1/2 OF LOT 24 NW1/4with the following PIN: 04-10-02-106-002, in Tazewell County, Illinois

Public hearing opened at 5:41 pm

Carl Powell (St.Vincent De-Paul of Pekin) states they would like to have a drive thru at their facility to allow easier access for those that they provide services for. He states they are currently open Monday, Wednesday, and Friday with an occasional Saturday. Rob whom is a parishioner at the church explained they have been sure to work closely with coding to be sure everything is done correctly and that he feels there is a big need for the drive thru window.

Public Hearing closed at 5:47 pm

Commissioner Huskinson asked where the actual entrance would be and that would be off of 7th Street (alleyway). Commissioner Ruth asked if the existing facility has a drive thru window and it does not. Ruth also asked if the food pantry is going to be tied into the parish center. Powell indicated that the parish center was slimmed down some and the building (food pantry) was given to them to provide food to those in need. Commissioner Craig explained that building is currently on a separate tax number. Commissioner Joesting asked if the alleyway is a two-way alleyway, it is. Commissioner Ruth also asked if the alleyway is paved and it is. Commissioner Joesting did ask if there were to be a funeral on a Monday, Wednesday, or Friday, where would they direct the traffic, Powell stated that they currently work together with the church, school and surrounding businesses with no issues.

Motion made by Commissioner Kelly and seconded by Commissioner Deverman. Motion approved 7-0.

CASE V 2022-14

A variance request submitted by Christopher Larkner for setbacks at 1906 St. Clair Dr. Said property is zoned R-2 One Family Residential District with a legal description of SEC 12 T24N R5W SUNSET HILLS EXT 12 LOT 291 SE 1/4, with the following PIN: 10-10-12-401-012, in Tazewell County, Illinois

Public hearing open at 6:00 pm

Christopher Larkner, owner, explained that he purchased the home with an existing pool and while putting up a fence he was advised that the pool violates code.

Public hearing closed at 6:01pm

Commissioner Craig states that something done by the previous owner is not at the new owners fault and the pool should be allowed to stay as is with the understanding that if the pool is replaced that it is done under code.

Motion made by Commissioner Kelly and seconded by Commissioner Deverman. Motion approved 7-0.

Informal Discussion

The original Short Term Lease needs updates in regards to residency of the agent. After discussion, legal council will update the Short-Term Ordinance to indicate the agent's residence is within 30 miles and naming both the owner and agent response. Commissioner Craig also suggested that we research if a \$25 fee is reasonable to cover the cost of an inspection.

