

Everything You Need!

Phone 309-852-2611, Ext. 222
Fax 309-856-6001

October 4, 2018

Honorable Mayor and City Council
Kewanee City Hall
401 E. Third Street
Kewanee, Illinois 61443-2365

RE: Report from Zoning Board of Appeals for October 3, 2018 Meeting.

The Zoning Board of Appeals convened at 7:00 p.m. on October 3, 2018 at Kewanee City Hall, Council Chambers. For business, there was one variance petition application upon which to conduct a public hearing.

Case Number 1:

410 W. Central Blvd., Variance to allow an encroachment on public property.

The Subject Property:

Address: 410 W Central Blvd.

Legal Description: ALL BLK 7 TENNEYS 1ST ADD CITY OF KEWANEE 87-37-88, County of Henry, State of Illinois.

Location: North side of the 400 Block of W. Central Blvd. St Mary's owns the entire block from W. Central Blvd to W. First St and from S. Lexington Ave. to S Park St.

Zoning: R4 Two-Family Dwelling District.

Dimensions: 320 feet North to South by 320 East to West, 102,400 Sq Ft area, 2.35 Acres.

Existing Buildings or Uses: Church, School, Parish Center

Existing Land Use Map: Institutional

Proposed Land Use Map: Commercial.

The Surrounding Area:

R4 Two-Family Dwelling District West and South. R5 Multi Family Dwelling District and B3 Business and Wholesale District to the North. B1 Business District, Limited Retail to the East.

Uses of Land:

The surrounding land contains single and multi-family dwellings as well as an auto dealership, a bowling alley and the YMCA.

Variance Requested:

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Placement of a display for a religious artifact upon the Public Right-Of-Way at the Southwest corner of West First St and South Lexington Ave.

Background Information:

On August 2, 2018 a representative from St. Mary's Catholic Church contacted City Manager Gary Bradley concerning the placement of a religious artifact display upon the Public Right-Of-Way (ROW) at the Southwest corner of West First Street and South Lexington Ave.

Upon inspection of the site, Bradley discovered there was a pre-existing footing base in the ROW, which had supported a large flagpole, which had been onsite for an unknown amount of time. Bradley took into consideration the sight triangle and felt that, with consideration to the surrounding property, that it should not be a problem. It should be noted that Bradley observed that Julie had already been called to locate utilities and none were in the area. Bradley also spoke with the City Engineer a few days later at the site, who did not have concern over the placement of the display given the same information.

This matter was discussed during the September 10, 2018 City Council Meeting. There was concern that the construction of the display had moved forward without Zoning Board consideration and the Council directed staff to have the Church apply for a variance.

The City Attorney felt it would be in the best interest of all parties involved to put the case in front of the Zoning Board for recommendation to the City Council.

Representatives from St. Mary's church were contacted and were cooperative and apologetic for the events that had happened and stated they will comply with the process.

With consideration to the facts stated in this memo, the surrounding neighborhood, and after speaking with the City Manager about this petition, the City can see no adverse effect on anyone if the variance is granted to allow the placement of the display upon the ROW.

I would encourage all Zoning Board of Appeals members to perform their own onsite inspection of the property.

Please do not hesitate to contact me with any questions, 852-2611 ext. 267.

CONSTRUCTION ON PUBLIC PROPERTY
§ 150.130 DEFINITION.

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For the purpose of this subchapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

CONSTRUCTION WORK. All construction and repair work to sidewalks, sewers, culverts, drains, pavements, buildings and streets within the city. **CONSTRUCTION WORK** shall not include minor repair work done in the ordinary care of the pavements, streets, sidewalks and buildings.

('71 Code, § 9-11-1) (Ord. 2683, passed 9-12-88)

§ 150.131 ESTIMATE OF COSTS REQUIRED.

Before any construction work shall be commenced, hereafter, by the city, an estimate of the cost of said construction work shall be made by the City Engineer, which estimate shall be presented to and approved by the Commissioner in charge of the department doing such construction work.

('71 Code, § 9-11-2) (Ord. 2683, passed 9-12-88)

§ 150.132 COST RESTRICTED.

The cost of any of the construction work heretofore mentioned shall not exceed the estimate of the City Engineer as herein set forth.

('71 Code, § 9-11-3) (Ord. 2683, passed 9-12-88)

§ 150.133 ENCROACHMENT ON PUBLIC PROPERTY.

(A) **Encroachments prohibited.** It shall be unlawful for any person to erect or cause to be erected, to retain or cause to be retained, any encroachment as defined in division (B) below, except as provided.

(B) **Definitions.** For the purpose of this section the following definitions shall apply unless the context clearly indicates or required a different meaning.

ENCROACHMENT. Any building, fence, sign, or any other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located or maintained, in, on, under or over any portion of the public right of way.

PERMISSIBLE ENCROACHMENT. Any existing awning, marquee, advertising sign or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is a sidewalk extending to the building line and which does not impair the free and safe flow of traffic on the highway; the permissive retention of overhanging signs is not to be construed as being applicable to those signs supported from poles constructed outside the public right-of-way line and not confined by adjacent buildings.

PUBLIC RIGHT-OF-WAY. Those areas existing or acquired by dedication or by fee simple for highway or utility purposes; also, the areas acquired by temporary easement during the time the easement is in effect.

(C) **Existing encroachments.** Any revocable permits for existing encroachments issued by the city will continue to be in effect.

(D) **Provisions are additional.** This section is intended to and shall be in addition to all other ordinances, rules and regulations concerning encroachments and shall not be

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construed as repealing or rescinding any other ordinance or part of any ordinance unless in direct conflict therewith.

('71 Code, § 9-11-4) (Ord. 2683, passed 9-12-88) Penalty, see § 150.999

§ 150.999 PENALTY.

(A) The provisions of § 10.99 shall apply to this chapter.
(Ord. 2957, passed 1-23-95)

(B) Any person violating § 150.133 shall be fined in a sum of not less than \$50 and not to exceed \$500 for any one offense. A separate offense shall be deemed committed for each and every day during which a violation continues or exists.

('71 Code, § 9-11-4(E)) (Ord. 2683, passed 9-12-88)

The Public Hearing:

At 7:00 p.m. on October 3, 2018, the hearing on the variance request at 410 W Central Blvd. was held. **Nate Nichols** who works as the Facility Manager for St. Marys, Kewanee, Illinois, was present to represent the petition for the variance request.

- Nichols stated that if they had been told to come to the ZBA first they would have done so. He expressed that the church wishes to cooperate and do what needs to be done.
- Nichols gave some history of the bell, which originated at St. Stanislaus Church that was built in 1906 and was one of the first Catholic churches/schools in Kewanee. When St. Stanislaus was demolished, the bell was placed at Saint Francis of Assissi. In 2013 Saint Francis of Assissi and Saint Mary's merged to form Saint John Paul II Parish. After the closing of Saint Francis of Assissi the bell was brought to the Visitation Catholic School to be displayed to Celebrate Catholic Education in Kewanee. The Parish will be selling engraved bricks in the display to pay tribute to past and present students, teachers, teams, etc.
- ZBA Chair Medley asked if there were any citizens that wished to speak for or against the variance.
- Tim Hamilton of Kewanee stated concerns over the utility locate of a 6 inch water main that was installed in 1920 and is 4 feet from the display. Hamilton's concern is who is going to pay for the structure if it is damaged due to utility repairs.
- Nichols responded to Hamilton and stated that the concrete footing that is pre-existing is 5 feet wide. When they were digging with a backhoe along one side of the footing, they reached a depth of 5 to 6 feet and still had not reached the bottom of the footing at which time they stopped digging and decided to leave the footing in place.
- No other members of the audience came forward to speak.
- ZBA Member Clark stated that he spoke with Nichols and learned that Visitation School has crossing guards that are used to keep students safe at the intersection

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and noted that there are signs marking the area as a school zone. Clark said that he drove up and observed the intersection for three consecutive days to watch traffic and that he was satisfied that the display is not causing a hazard.

- ZBA Member Brackett stated that he had a citizen call that expressed their concern that in their opinion there would be a road safety hazard. Brackett said that he too did his own investigation as Clark did and observed that the display is not causing an obstruction to view. Brackett also brought up the point that it is a four way stop at that intersection. Brackett did state that the topic of the water main may have some concerns and expressed that he felt the City Engineer should supply some information on the topic.
- Brackett asked Nichols if there was a particular reason for choosing the location of the display.
- Nichols responded with they were originally going to just remove the flagpole. Then when it was discovered that they were unable to remove the concrete footing they thought that this would be a perfect footing base for the display. They also thought it would look great on the corner.
- It was asked how long the flagpole had existed in that location. There was random discussion and it is believed to have been placed in the 1960's.
- ZBA Member Thompson expressed his concerns about the water main and thought that the City Engineer should offer his thoughts. Thompson went on to say that he did not see any issues with the placement and vision clearance at the intersection. Thompson did state that he too did an onsite investigation and was ok with the placement.
- ZBA Chair Medley stated he also did an onsite investigation and noted that since it is a four way stop and that when you are stopped at any of the four approaches to the intersection you can see the cars at the other approaches to the intersection.
- ZBA Chair Medley stated that he went through the Zoning Codes and found the following: § 155.046 VISION CLEARANCE ON CORNER LOTS.
No building or structure hereafter erected and no planting or other obstruction to the vision of drivers of motor vehicles shall be located:
(B) In any B or M Districts, within eight feet of the intersecting street lines bordering a corner lot, provided that this regulation shall not apply to that part of a building above the first floor.
Medley said after reading this, he got out his tape measure and noted that the display is about 10 feet away.
- ZBA Chair did state that there might be a concern over the water main and stated that if the ZBA votes on this and it passes he would like a side note that requests the

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City to double check any issues with the water main and pass that information on to the City Council to consider before they vote on it.

- Edwards stated that he could request additional information from the City Engineer, Public Works and City Manager and pass that information on to the City Council for their review prior to their vote.

There was no further discussion.

ZBA Member Thompson made the motion to grant the variance as applied for with the stipulation that Edwards gathers the additional information requested by the ZBA and give that information to the City Council.

ZBA Member Dolieslager gave the second.

Recommendation:

After discussing the facts and testimony presented, the Zoning Board of Appeals recommends, based on the authority of §33.062 of the City Code, by a vote of seven in favor of the application, none opposed to the application, that the City Council grant the variance.

Specifically, the Zoning Board of Appeals recommends the City Council grant the following variance to St. Mary's for the property at 410 W Central Blvd.

Variance Requested:

Placement of a display for a religious artifact upon the Public Right-Of-Way at the Southwest corner of West First St and South Lexington Ave.

There being no further business, the meeting adjourned at 7:23 p.m.

Respectfully yours,



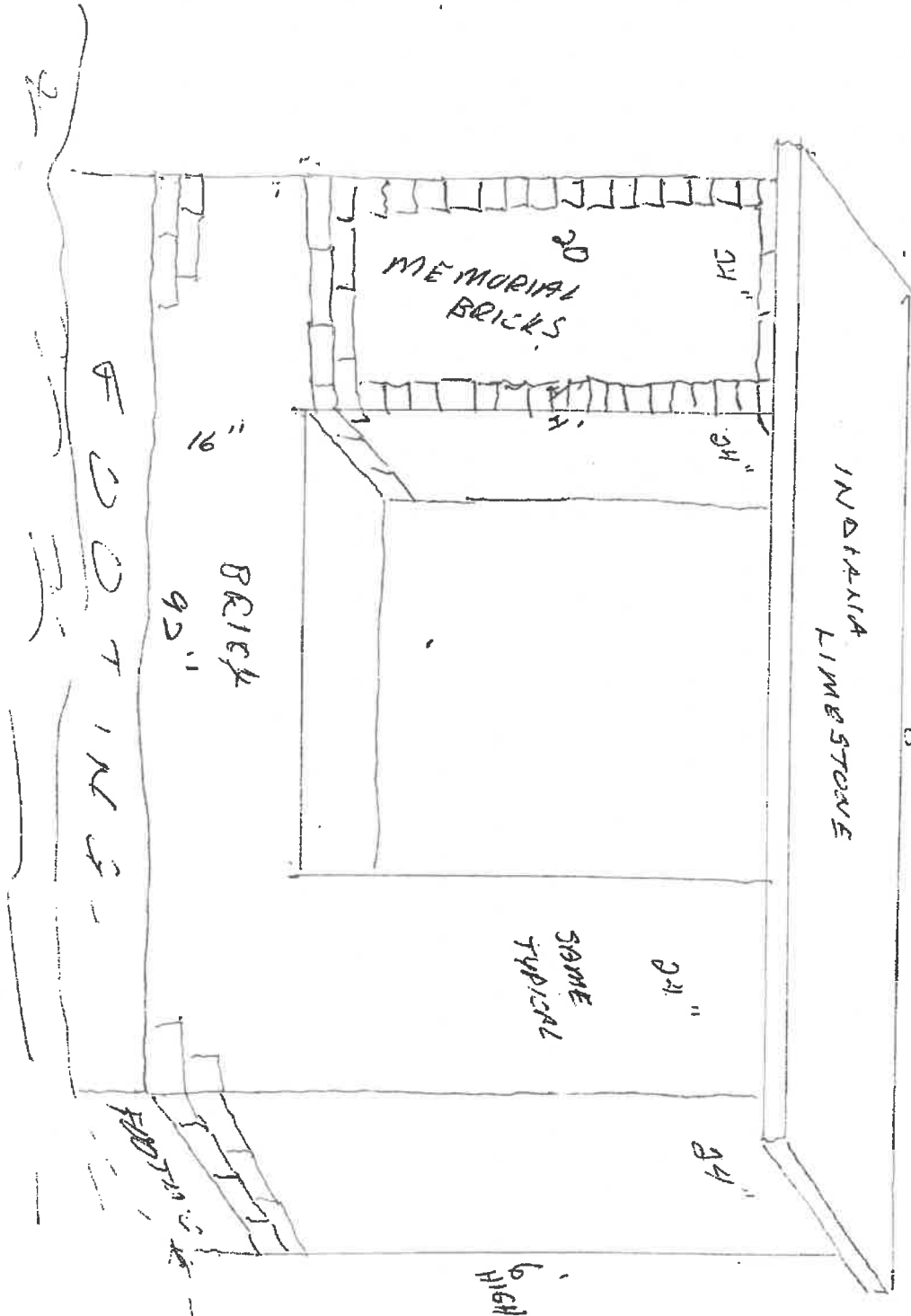
Martin Medley, Chairman



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Existing footing that had supported the flagpole.

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Flagpole being removed and relocated.

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Views of the project at W First St and South Lexington Ave.





Community Development Department
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Kewanee, IL. 61443

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Examples of other encroachments on the ROW.



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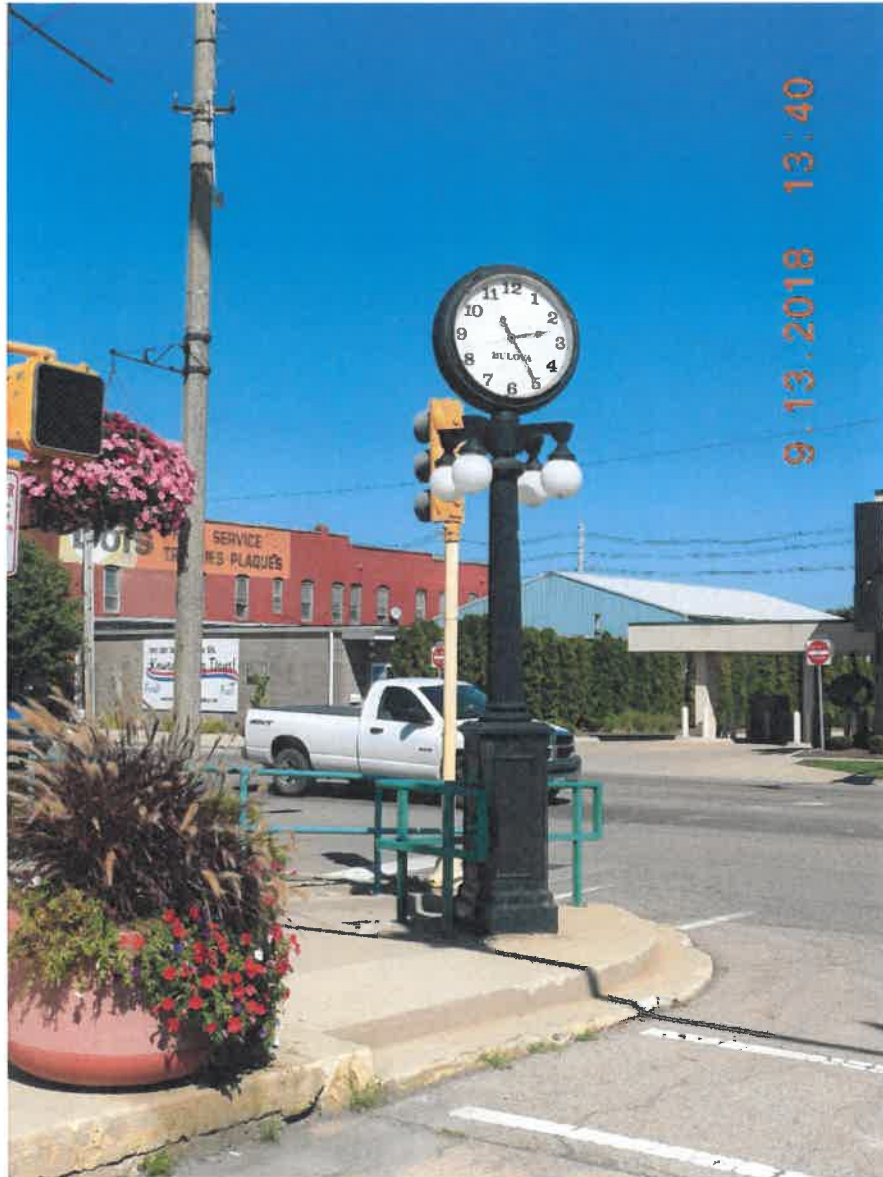
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PEART Jeremy		yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
BRACKETT Stephen		yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
CLARK Richard		yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
MEDLEY Martin		yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
THOMPSON Jerry		yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
MCINTYRE David		yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
DOLIESLAGER Lance		yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
		yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
	7		no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent

Nathan Nichols
Tim Harrelton

