

Everything You Need!

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January 18, 2024

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

RE: Report from Zoning Board of Appeals for January 17, 2024 meeting.

The Zoning Board of Appeals convened at 5:00 p.m. January 17, 2024, in the Council Chambers at Kewanee City Hall. ZBA members Brackett, Ensley and Martinez were absent. For business, there was one variance petition application upon which to conduct a public hearing.

CASE ONE:

600, 608 & 614 N. Main St., Rear setback variance from the 5 feet previously approved variance to 4.7 feet to match the as built conditions.

Background Information:

On January 6, 2023, Jordan Ryan, of Kinetic Design & Development, contacted Edwards regarding the construction of a new retail store (Dollar General) to be placed on the subject properties. Upon review of the plans that were submitted, Edwards discovered that the proposed building would be 15 feet too close to the rear (east) property line. Edwards advised Ryan that a variance to allow the building to be constructed with a 5 feet setback would be required. The plans also showed 35 parking spaces, which is 11 less than required by city ordinance. Ryan forwarded this information to their engineering group to see if redesigning the plans is an option.

Rodney Parrott, of Overland Engineering LLC, contacted Edwards a few days later and advised they would need to request a variance for the setback and the parking spaces.

On December 19, 2023, Rodney Parrott, of Overland Engineering LLC, contacted Edwards and advised the Dollar General as built survey shows a 4.7' setback and the approved variance was for a 5' setback. Parrott said developer would like to get the site into zoning compliance and requested a variance application to get the adjustment recorded.

The Subject Property:

Address: 600 N. Main St.

Legal Description: LTS 3 & 4 MOLLIE LYLES SUB OF LTS 3 & 4 & NW COR LT 6 SW SE SEC 28 CITY OF KEWANEE [EZ], County of Henry, State of Illinois.

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Address: 608 N. Main St.

Legal Description: LT 5 LYLES SUB OF LT 3 & 4 & NW CORNER LT 6 SW SE SEC 28 CITY OF KEWANEE, County of Henry, State of Illinois.

Address: 614 N. Main St.

Legal Description: LT 6 LYLES SUB OF LT 3 & 4 & NW CORNER LT 6 SW SE SEC 28 CITY OF KEWANEE, County of Henry, State of Illinois.

Location: Northeast corner of E. 6th St. and N. Main St.

Zoning: B-3 Business Service & Wholesale District.

Dimensions: 227.5 feet North to South by 164 feet East to West, 37310 Sq. Ft area.

Existing Buildings or Uses: Metal post frame building, Single-family dwelling, and detached garage.

Existing Land Use Map: Commercial.

Proposed Land Use Map: Commercial.

The Surrounding Area:

Zoning District(s): Surrounding land is zoned B-3 Business Service & Wholesale District and M-1 Manufacturing District Limited to the South.

Uses of Land:

The surrounding land contains business uses.

Variance Requested:

Rear setback variance from the 5 feet previously approved variance to 4.7 feet to match the as built conditions.

The Public Hearing:

At 5:00 p.m. January 17, 2024, the hearing on the variance request at 600, 608 & 614 N. Main St. was held.

- Edwards read the background information to the Zoning Board.
- Edwards advised the Zoning Board members there would be no one present from Dollar General or Overland Engineering. Edwards said that he spoke with Overland Engineering earlier in the day and advised that he did not see a need for them to travel the distance to Kewanee in the cold weather conditions.
- Edwards stated that when he did the initial setback and footing inspection and measured from the surveyor's markings, everything looked to be in order and had no concerns. However, when Overland had the final "as built" survey done, it was discovered that the building was constructed 0.3 feet too close to the rear lot line.

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There are several different factors that could have been the cause of the error. One could be that whoever did the original survey could have mistakenly placed the property line marker 0.3 feet off the line. A worker may have mistakenly placed the foundation wall forms. Edwards stated that whatever the case, Edwards does not believe the error was intentional as there is nothing to be gained by moving the building 3.6 inches. Edwards stated that Overland Engineering merely wants the adjustment recorded for accuracy purposes.

- Kuffel asked if this type of error happens often?
- Edwards stated that something similar happened on a residential property many years ago which is why Edwards started doing setback inspections, which was not being done in the past. Since Edwards implemented setback inspections, this has not happened. Edwards stated that if the error were several feet, he would see how they might have intentionally done it to try to gain square footage or for some other reason. In this case, being 3.6", there just doesn't seem to be anything to be gained or have any malicious intentions.
- Kuffel added she just does not want to see this continue to happen but understands in this particular case that it seems accidental and doesn't see a reason to punish them.
- Peart, McIntyre, and Thompson added they have no issues with the request.

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 four in favor of the application, none opposed and three absent, that the City Council grant the variance request of .3 feet to the 5 feet previously approved to match the as built conditions of 4.7 feet.

There being no further business, the meeting adjourned at 5:12 p.m.

Respectfully yours,

Jerry Thompson

By:


Jerry Thompson, Chairman

Zoning Board Date 1/17/2024

Attendance

	yes	no	yes	no	yes	no	yes	no	yes	no	yes	no
	abstain	absent	abstain	absent	abstain	absent	abstain	absent	abstain	absent	abstain	absent
PEART Jeremy Y 1/17	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BRACKETT Stephen N 1/17	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KUFFEL Brenda 12/20 Y	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY Jim N 1/17	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
THOMPSON Jerry Y 1/17	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCINTYRE David Y 1/17	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARTINEZ Daniel N	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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