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May 16, 2024

Mayor Ken Kolowski,
Peru City Clerk, and
Aldermen of the City of Peru

RE: Petition of Alexandra West
2228 11th Street, Peru, IL (PIN# 17-17-106-002)

Gentlemen:

Pursuant to legal notice published in the News Tribune in the manner provided by law, the Planning/Zoning Commission of the City of Peru convened for a public hearing on Wednesday, May 15, 2024, at 5:00 p.m. in the City Municipal Building, 1901 Fourth Street, Peru, IL, to consider the Petition of Alexandra West (“Petitioner”) concerning property commonly known as 2228 11th Street in the City of Peru, Illinois, legally described as follows:

Lot 5 in Block 199 in Schweickert’s Addition to Peru, in the City of Peru, LaSalle County, Illinois, except coal and minerals and the right to mine and remove the same.
PIN #: 17-17-106-002 (“Property”)

Petitioner desires to construct a fence on the Property and seeks the following relief under the City’s Zoning Ordinance, to wit:

- (1) That the City vacate, transfer and/or convey that portion of the Green Street right-of-way known as the north one-half of Out Lot D in Tilden’s Addition to the City of Peru, located adjacent to and west of the Property, to Petitioner;
- (2) A special use pursuant to Section 10.03(c)(8) to allow for fencing in the west side yard abutting Green Street;
- (3) A variance from Section 6.03(b)(5)d. to reduce the side yard setback abutting Green Street from not less than 30’, to not less than 0’, for purposes of constructing a fence; and
- (4) For such other and further relief deemed necessary or appropriate.

The Property is zoned R-2 Single-Family Detached Dwelling District.

Planning/Zoning Commission Members Jones, Grabowski, Brady, and Becker were present at the hearing. Members Miller, Lucas, and Kalsto were absent.

Petitioner, Alexandra West, appeared and was duly sworn.

City Corporation Counsel, Scott Schweickert, provided the Planning/Zoning Commission with a marked up copy of the original Plat of Tilden's Addition to the City of Peru, a copy of which is attached as "Exhibit A". Attorney Schweickert noted when Tilden's Addition was platted and approved in 1917, for some reason it provided for 10' wide outlots east of Green Street on the eastern boundary of the Tilden's subdivision. Those outlots marked in red – Outlot A, Outlot B, and the south half of Outlot D - have since been conveyed to, and in many cases combined with, the adjacent properties to the east. At some point, the City became the apparent owner of record of Outlot C, the north half of Outlot D, and Outlot E. The north half of Outlot D in Tilden's Addition is directly adjacent to and west of Petitioner's Property.

Attorney Schweickert explained these 10' wide strips essentially serve as additional, but unnecessary, Green Street right-of-way beyond the City's 60' wide platted right-of-way. He called in a JULIE locate and, to his knowledge, there were no utilities located within the north one-half of Outlot D. In response to Attorney Schweickert, Ms. West said she did not see any flags.

Schweickert explained further that when the City vacates a street, alley, or portion thereof, the City will reserve easements for any City utilities which are existing or deemed necessary in the future. The City also reserves easements for any existing public utilities operating under a franchise agreement with the City. Schweickert said, for all intents and purposes, the north ½ of Outlot D serves as Petitioner's side yard. He has spoken with the City Council regarding this matter, and they have expressed a willingness to vacate and/or convey these outlots to the adjacent property owners. Accordingly, Petitioner's request to reduce the side yard setback would be inclusive of the north ½ of Outlot D of Tilden's Addition.

Petitioner noted that there is a very large situated on the adjacent outlot which could cause a lot of damage if it were to fall. In response to questioning from Attorney Schweickert, Ms. West confirmed there is an existing wood fence partially constructed about half the length of the south Property line. That was constructed by the previous owner. Currently there is no fence along the west line of the Property. Ms. West testified she would like to enclose her yard to provide her 120lb german shepherd room to run and to also give her some privacy as a local teacher. She also wants to clean it up and make her yard look more attractive. The new fence will be vinyl. The existing wood fence would remain temporarily, but she intends to eventually replace it with vinyl as well. You will not be able to see the wood portion of the fence from the street. The new fence will be coming off the back edge of the house; it's not going to be in the front yard.

Attorney Schweickert called for public comment.

Beth Hauger, whom lives nearby on 11th Street, inquired how close the fence would be to the street. She expressed safety concerns in the area, noting there are no stop or yield signs going east or west on 11th from Calhoun to Church. She said even school busses speed through that area. A discussion was had amongst the City's Director of Engineering and Zoning, Eric Carls, Attorney Schweickert, and Member Brady and it was determined that even if the fence was on the west line of the outlot, it would still be 15-20' from the Green Street curb. Petitioner reiterated that the fence will located in the rear and side yards only, far away from the Green/11th Street intersection.

Engineer Carls added that his office did review for line-of-sight issues and did not see any based on the proposed placement of the fence. The fence will not extend any further into what would typically be the City right-of-way. Carls provided a favorable recommendation to the relief sought by Petitioner.

In response to questioning from Ms. Hauger, Engineer Carls advised her to contact the City's Chief of Police, Sarah Raymond, about the possibility of adding traffic control signs on 11th Street at Green and Cross Streets.

There were no other public comments or objections.

The Planning/Zoning Commission found the requested relief will not alter the essential character of the locality; will not be detrimental or injurious to other properties in the area; will not impair an adequate supply of light or air to adjacent properties, or increase the danger of fire, or endanger the public safety, or diminish or impair property values and will not increase street congestion and, therefore, favorably recommended that the City Council grant the relief as prayed for in the Petition.

Member Jones moved, and Member Becker seconded, to favorably recommend that the City Council approve the Petition as prayed for. The motion passed unanimously: 4 aye, 0 nay, and Members Miller, Lucas, and Kalsto absent.

Respectfully submitted,

CARY MILLER, Chairman of the
Planning/Zoning Commission

