

## Variance and Appeal Record

A variance is a waiver of one or more of the specific standards of the floodplain ordinance. Variance requests should be considered very carefully. Once granted, a variance can establish a dangerous precedent. Therefore, a variance should be granted only for a unique situation on a specific site. Under no circumstance should the granting of variances establish a pattern that is inconsistent with the intent of the floodplain regulations. Such a pattern could result in the community's suspension from the National Flood Insurance Program (NFIP).

**Name of Applicant:** Idea Architecture/Nailon Plumbing/Ardor Breads

**Property Address:** 101 Liberty St

**Type of structure and intended use:** Multi-story historic brick building. Intended use: bakery

### 1. Is structure located in the floodway? YES

*If no, continue.*

*If yes, proceed with caution but only if State and Federal permits have been obtained.*

The variance applicant must meet state and federal floodway permit requirements. The applicant should have a state permit or a "permit not required letter" from the Illinois Department of Natural Resources/Office of Water Resources. If the applicant does not have this documentation, DO NOT grant the variance.

### 2. Can the development be located outside of the floodplain? NO

*If yes, then the variance should not be granted.*

*If no, continue.*

Every effort must be taken to ensure that the development does not take place in the floodplain. This may involve relocating the actual building site on the parcel or revising construction plans to minimize the chances of flooding. In some cases, this may involve using a separate parcel that is not located in a floodplain.

Explain why the development cannot be located outside of the floodplain \_\_\_\_\_

**Building is an existing historic building in the floodplain & it would be infeasible to move it**

**3. Has the applicant shown that there will be no additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public or conflict with existing laws or ordinances? YES**

*If no, then the variance should not be granted.*

*If yes, then continue.*

Any building which is permitted below the flood protection elevation has an increased risk of flood damage. The building will add to the local government responsibilities for many years. Future owners of the property and the community as a whole are subject to all the cost, inconvenience, danger, and suffering that those increased flood risks may bring. In addition, future owners may purchase the property and be unaware that it is subject to flooding. Potential public expenses such as rescue costs, utility shut off costs, employee overtime, fuel costs, and road damage are all common during flood events.

Explain why the development will not increase flood heights, create additional threats to public safety, or cause additional public expense: All improvements are interior & will not impact

flood elevations. No improvements are allowed below the BFE

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**4. Has the applicant shown that the requirements of the floodplain ordinance will create an exceptional hardship? YES**

*If no, then the variance should not be granted.*

*If yes, continue.*

The hardship that would result from failure to grant a requested variance must be exceptional, unusual, and peculiar to the property involved. Economic or financial hardship, inconvenience, aesthetic considerations, physical handicaps, personal preferences, the disapproval of one's neighbors, or homeowners association restrictions DO NOT, as a rule, qualify as exceptional hardship. As "heartless" and difficult as it may be, only physical characteristics and not personal matters (including additional cost) should be considered.

Please document what the exceptional hardship is: Without the ability to waive the additional

floodproofing measures the building would no be able to be improved for future use. Further, the

historic designation of the structure allows for less stringent regulation

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**5. Do the conditions of the proposed variance provide the maximum practical flood protection to the proposed construction?**

The variance board should consider every available means to ensure that the structure is not susceptible to flooding. This may involve partially or fully elevating the structure, dry floodproofing the building, raising all utilities to or above the base flood elevation, using flood resistant materials, designing openings for water to flow through the structure, or using watertight sealant.

What is the applicant required to do in order to provide the maximum practical flood protection?

Staff recommended elevating existing electrical utilities in basement above BFE but variance

recommended by Construction Commission allows current level of protection to remain, which is acceptable since structure is historic

**6. Is the requested variance or exception for the construction or restoration of a structure listed on the National Register of Historic Places or the State Historic Register?  
YES – National Register**

*If no, continue*

*If yes, Attach a letter or appropriate documentation from either agency that shows that structure is an historic building.*

**IF a variance is granted, the community is required to notify the applicant in writing that a variance will lessen the degree of protection and will:**

**7. Increase the risk to life and property.**

When flooding does occur, many people will look to place the blame on others and attempt some sort of compensation through liability. Any variance applicant should be made fully aware that they are located in a documented flood hazard area and assume all of the risks.

**8. Result in increased premium rates for flood insurance up to \$25.00 for \$100.00 of coverage.**

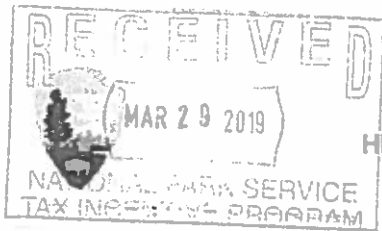
Flood insurance for non-compliant structures is VERY expensive. Flood insurance costs may be so high that the owner will be unable to afford coverage.

Flood Insurance is required for any direct or federally insured loan. Although the present applicant may not be taking out a loan or want flood insurance, any potential future buyer will likely be required to carry flood insurance. The cost of the required flood insurance will make the home very difficult to sell.

Lastly, without flood insurance the homeowner may not be eligible for disaster assistance. Chances are high that if the structure is seriously damaged during flood, the result may be an abandoned or poorly repaired building creating an eyesore in your community.

**AS AN APPLICANT REQUESTING A VARIANCE TO BUILD A STRUCTURE WITH THE LOWEST FLOOR ELEVATION BELOW THE BASE FLOOD ELEVATION (100-YEAR), THE UNDERSIGNED HEREBY ACKNOWLEDGES THAT THE REDUCED FLOOD ELEVATION WILL RESULT IN INCREASED PREMIUM RATES FOR FLOOD INSURANCE UP TO AMOUNTS AS HIGH AS \$25 PER \$100 OF INSURANCE COVERAGE, AND THAT CONSTRUCTION BELOW THE BASE FLOOD LEVEL INCREASES RISKS TO LIFE AND PROPERTY.**

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RECEIVED

UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

FEB 13 2019

OMB Approved  
No. 1024-0009  
Form 10-168  
Rev. 2014

HISTORIC PRESERVATION CERTIFICATION APPLICATION  
PART 1 - EVALUATION OF SIGNIFICANCE PRESERVATION SERVICES

NPS ✓

NPS Project Number  
40130

Instructions: This page must bear the applicant's original signature and must be dated. The National Park Service certification decision is based on the descriptions in this application form. In the event of any discrepancy between the application form and other, supplementary material submitted with it (such as architectural plans, drawings and specifications), the application form takes precedence. A copy of this form will be provided to the Internal Revenue Service.

1. Property Name Nailon Plumbing Supply

Street 101 Liberty Street

City Peoria County Peoria State IL Zip 61602-1321

Name of Historic District Downtown Peoria Historic District

National Register district  certified state or local district  potential district

2. Nature of request (check only one box)

- certification that the building contributes to the significance of the above-named historic district or National Register property for rehabilitation purposes.
- certification that the building contributes to the significance of the above-named historic district for a charitable contribution for conservation purposes.
- certification that the building does not contribute to the significance of the above-named district.
- preliminary determination for individual listing in the National Register.
- preliminary determination that a building located within a potential historic district contributes to the significance of the district.
- preliminary determination that a building outside the period or area of significance contributes to the significance of the district.

3. Project Contact (if different from applicant)

Name Geoffrey A. Smith AIA Company IDEA Architecture

Street 10611 N. Sleepy Hollow Studio B City Peoria State IL

Zip 61615-1121 Telephone (309) 222-4031 Email Address gcubic60@gmail.com

4. Applicant

I hereby attest that the information I have provided is, to the best of my knowledge, correct. I further attest that [check one or both boxes, as applicable] (1)  I am the owner of the above-described property within the meaning of "owner" set forth in 36 CFR § 67.2 (2011), and/or (2)  if I am not the fee simple owner of the above-described property, the fee simple owner is aware of the action I am taking relative to this application and has no objection, as noted in a written statement from the owner, a copy of which (i) either is attached to this application form and incorporated herein, or has been previously submitted, and (ii) meets the requirements of 36 CFR § 67.3(a)(1) (2011). For purposes of this attestation, the singular shall include the plural wherever appropriate. I understand that knowing and willful falsification of factual representations in this application may subject me to fines and imprisonment under 18 U.S.C. § 1001, which, under certain circumstances, provides for imprisonment of up to 8 years.

Name Larry Nailon Signature [Signature] Date 02/09/2019

Applicant Entity Nailon Corporation SSN \_\_\_\_\_ or TIN \_\_\_\_\_

Street 101 Liberty Street City Peoria State IL

Zip 61602-1321 Telephone (309) 635-7353 Email Address lawrence.nailon@comcast.net

NPS Official Use Only

The National Park Service has reviewed the Historic Preservation Certification Application - Part 1 for the above-named property and has determined that the property:

- contributes to the significance of the above-named district or National Register property and is a "certified historic structure" for rehabilitation purposes.
- contributes to the significance of the above-named district and is a "certified historic structure" for a charitable contribution for conservation purposes.
- does not contribute to the significance of the above-named district.

Preliminary Determinations:

- appears to meet the National Register Criteria for Evaluation and will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer according to the procedures set forth in 36 CFR Part 80.
- does not appear to meet the National Register Criteria for Evaluation and will likely not be listed in the National Register.
- appears to contribute to the significance of a potential historic district, which will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer.
- appears to contribute to the significance of a registered historic district if the period or area of significance as documented in the National Register nomination or district documentation on file with the NPS is expanded by the State Historic Preservation Officer.
- does not appear to qualify as a certified historic structure.

Date 4/16/19

National Park Service Authorized Signature [Signature]

NPS comments attached