

**MINUTES
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, MAY 17, 2017
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

Members present: Chairman Bullington, Mr. Brown, Ms. Meek, and Mr. Veitengruber

Members absent: Mr. Butts

Also present: Mr. George Boyle, Assistant Corporation Counsel
Ms. Katie Simpson, City Planner

At 4:01PM, Ms. Simpson called the roll. With four members in attendance, a quorum was present.

PUBLIC COMMENT: None.

MINUTES: The Board reviewed the minutes from April 19, 2017. A motion to approve the minutes was made by Mr. Brown; seconded by Ms. Meeks. The minutes were **approved** by a 4-0 voice vote.

Z-16-17 Consideration, review and approval of the petition for a variance submitted by Catherine Reynolds for the property located at 2902 Bardwell Rd to allow a six (6) foot fence in the front yard of a residence, a two (2) foot increase (Ward 2)

Chairman Bullington introduced Case Z-16-17 and explained the meeting procedures. Ms. Catherine Reynolds, 2902 Bardwell Rd, was sworn in. Ms. Reynolds explained that she is requesting a six (6) foot fence and stated that the fence does not impede site lines. She stated the purpose is to keep the dog safe and that she is concerned a four foot fence will not be sufficient to keep their dog in the back yard.

Chairman Bullington explained the finding of facts and asked the petition if there was a physical characteristics pertaining to the property that makes it difficult to meet the code. Ms. Reynolds explained the house is designed with a sliding door accessing the back yard from the house. She stated she is concerned about the wear and tear on the door as well as entering and exiting from the home when the dog is messy. She stated she it would be helpful to let the dog access through the garage. Ms. Reynolds explained that she was informed she would be able to do this when she purchased the home.

Chairman Bullington asked the petition to explain the photographs she submitted. Chairman Bullington marked the aerial view of the home as Exhibit 1. Ms. Reynolds explained the driveway is 26 feet from the inside of the sidewalk. She pointed out where she would like the fence to be installed on the property. Ms. Reynolds stated that a photo in the packet shows a temporary fence and explained that the temporary fence does not allow access to the garage.

Ms. Meek clarified the location of the fence. Ms. Reynolds explained that there is no door on the garage yet, but she would like to add one. Chairman Bullington explained he marked Exhibit 1 with blue ink to illustrate where the fence would go. Mr. Brown asked a clarifying question about the sliding door and the future door in the garage.

No one was present to testify in favor or against the petition. Ms. Simpson provided the staff report, she stated staff is recommending against the variance requested. She described the property and shared photos from a site visit. Ms. Simpson described the zoning and the setbacks. She explained a 15 foot easement exists in the front yard and any fence would only be permitted outside of that easement. Ms. Simpson explained staff is concerned about the impacts on the lot directly behind the subject property. The lot is vacant and has not been developed. She stated the lot has two addresses and the address assigned would correspond to where access is taken. She stated that there are no “no access” strips or any remedies that would preclude the property from taking access on Springdale Rd. Ms. Simpson shared renderings prepared by staff that illustrate where, based on the site plan, the fence would go. She shared alternatives that are allowed by code. Ms. Simpson summarized the findings of fact and shared staff’s analysis. She explained staff was unable to find a physical hardship and determined the findings were not met.

Mr. Veitengruber asked if the house was set back exactly 25ft. Ms. Simpson explained that based on the final plat and the site plan, it appears the house is 25ft to 26ft from the lot line. She stated the building setback on the final plat is shown as 25ft.

Chairman Bullington explained the voting procedures for the variance, and explained that if the variance is denied, the Board will hold a discussion on the findings of fact for their decision. He explained four votes are needed and that the petitioner would have the option of an appeal if the petition is denied.

The variance request was **denied** 4-0 with the following votes: Mr. Brown—no; Ms. Meek—no; Mr. Veitengruber—no; Chairman Bullington—no. A motion to adopt the findings of facts as analyzed in the staff report was made by Mr. Brown, seconded by Mr. Veitengruber. The motion was **approved** 4-0 with the following votes: Mr. Brown—yes; Ms. Meek—yes; Mr. Veitengruber—yes; Chairman Bullington—yes.

OTHER BUSINESS:

None

NEW BUSINESS:

Mr. Boyle introduced Mr. Alex Baldwin, a legal intern that will be working with the City. Mr. Veitengruber introduced himself and provided a brief summary of his background and experience.

ADJOURNMENT:

Ms. Meek motioned to adjourn, approved by voice vote and the meeting was adjourned at 4:26PM.

Respectfully submitted

Katie Simpson
Acting Secretary