

MINUTES

**BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, JUNE 20, 2018
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

Members present: Ms. Barbara Meek, Mr. Robert Schultz, Mr. Jeff Brown, Mr. Terry Ballantini, and Chairman Tristan Bullington

Members absent: Ms. Victoria Harris and Mr. Richard Veitengruber

Also present: Mr. George Boyle, Assistant Corporation Counsel
Mr. Bob Mahrt, Community Development Director
Ms. Katie Simpson, City Planner
Ms. Izzy Rivera, Assistant City Planner

Chairman Bullington called the meeting to order at 4:00 p.m. Ms. Simpson called the roll; with four members present, the Zoning Board of Appeals established a quorum.

PUBLIC COMMENT: None.

MINUTES: The Zoning Board of Appeals reviewed the May 16, 2018 regular meeting minutes.

Mr. Brown motioned to approve the minutes, seconded by Ms. Meek. The Board approved the minutes by voice vote, 5-0.

REGULAR AGENDA:

Z-14-18 Consideration, review and action of a petition submitted by Robert Datley for a variance to allow a reduction in number of parking spaces by 1 parking space at 802 N Main St. (Ward 6).

Chairman Bullington introduced the case and swore in the petitioner, Mr. Robert Datley, 1209 E White Oak Road Mahomet, IL 61853. Mr. Datley stated he was present for his office and Group 2029. He stated the president of Group 2029 is a resident of Bloomington. They went through a search to find the right location for this project. Initially the site had 32 parking spaces, eventually losing some in order to address staff concerns. Mr. Datley stated the site will provide 29 parking spaces, a reduction of 1 from the minimum necessary. This will allow the site to accommodate for City staff request of one way traffic from Chestnut St. going north. This layout requires angled parking, losing 2 parking spaces. He stated Group 2029 has opened new stores in the last year in Urbana, IL and Peoria, IL with parking lots containing 28 and 27 parking spaces, without issue.

Ms. Simpson presented the staff report and the favorable recommendation for the variance. She provided pictures of the subject property, the surrounding properties and an aerial view of the neighborhood as well as the zoning view. The site was previously a gas station, and a restaurant is a permitted use. The property when combined with the adjacent parcel will have 3 frontages. This would require 12 feet of landscaping around it where there is a parking lot. There are some constraints for circulation on the site due to the one way state route.

The project would involve both parcels: 802 N main and the adjacent lot. The variance is located on 802 N Main. The adjacent lot would comply with the code as being presented.

The proposed changes will eliminate entrances on Chestnut, which staff feels would make the surrounding area safer. The entrance that will be eliminated is close to the intersection on Chestnut St. This could cause some congestions and other circulation issues. Staff supports closing this entrance and moving it further west, as well as allowing entrance and exits to the north on to the one way street. Having the one way on Chestnut would reduce congestion and keep cars from backing up into the turn lane and state route. The site plan has been reviewed multiple times and the petitioner has incorporated staff comments.

Staff was concerned with 90 degree parking causing entrance confusion, circulation issues and backup on to the state route. The one way entrance is preferred and the angled parking to denote one way entrance only. Green space would also be lost and some of the landscaping setback. The landscaping setback is very helpful, acting as a buffer between the entrance and the sidewalk. A 12 foot landscaping setback is required. Ms. Simpson provided staff's analysis of the standards for a variance and determined the petition meets the factors.

No one spoke in favor of the petition. No one spoke in opposition to the petition. Chairman Bullington declared the evidentiary hearing closed.

Chairman Bullington requested the Board establish a finding of fact. Mr. Schultz motioned to adopt the City's findings as fact for all factors. Seconded by Chairman Bullington.

Chairman Bullington explained a vote of "yes" would adopt the City's findings of fact as to the six factors. The motion was approved 5-0 with the following votes cast in favor on roll call: Mr. Brown—yes; Mr. Ballantini—yes; Ms. Meek—yes; Mr. Schultz—yes; Chairman Bullington—yes.

Chairman Bullington requested the Board vote in favor or against the petition for a variance, case Z-14-18. The Variance was approved unanimously, 5-0, with the following votes called: Mr. Brown—yes; Mr. Ballantini—yes; Ms. Meek—yes; Mr. Schultz—yes; Chairman Bullington—yes.

Z-12-18 Consideration, review and action of a petition submitted by Randy Walker for a variance to allow a reduction in rear yard setback at 303 Seville Rd. (Ward 8).

Mr. Schultz recused himself from the proceedings. Chairman Bullington noted for the record that Mr. Schultz recued himself and would be leaving.

Chairman Bullington introduced the case and swore in the petitioner, Mr. Randy Walker, 303 Seville Rd Bloomington, IL. Mr. Walker stated he purchased the property 2 years ago, the house was in need of many repairs and updates. He is in the remodeling business for the last

20 years and has made significant improvements to the home. Mr. Walker has noticed that home owners in the neighborhood take pride in their properties and there have been many improvement and updates going on such as new driveways and roofs. Mr. Walker stated the house is set back too far into the lot. The rear lot line is curved and there are areas where the lot line is closer to the home than in other areas. He would like to add a 15 foot porch on the back on the home encroaching 6 feet into the rear yard. He stated he could build a porch in the back without a variance but the porch would be smaller, or make the porch longer. However there are no other areas in the rear that would permit development. The porch in the front yard would not be an asset. The neighborhood is in favor of his porch, some have come to him and extended their support. Mr. Walker stated the neighbor to the rear, would be most affected, but they are renters and are always moving in and out. There is also a row of 15 tall arborvitae which create more screening. The neighborhood is established with big trees and brush. Mr. Walker stated the porch would not impact the neighborhood visually. Mr. Walker listed the various things that could be placed in his rear yard which would cause more impacts than a screened in porch. He stated the screened in porch would not impact views, the screens are a nice feature, improve quality of life and protect from mosquitos. Mr. Walker stated the Town of Normal allows screened in porches with encroachment of 10 feet without a variance. He asked the Board to grant his variance.

Mr. Ballantini asked if Mr. Walker had spoken with the renters to the rear of his property. He stated he has not and that the renters have been there since spring.

Chairman Bullington stated the Board will look at 5 factors. He asked Mr. Walker what physical characteristics his property has that would make strict adherence to the code difficult.

Mr. Walker stated there are a few, the house is set further back on the lot with larger front yard, the curve in the rear lot line changes the amount of space he has, making the porch smaller with a roofline would impact the location of the chimney.

Chairman Bullington wanted clarification on what the lot in itself has that does not allow Mr. Walker to follow the code. Mr. Walker agreed that the one characteristic would be the curved rear lot line.

Chairman Bullington stated the reason Mr. Walker needed a variance was because the porch will have a roof. Roofs no longer make the porch open. Open porches are permitted in the rear yard.

Mr. Walker stated he was given wrong information about what an open porch meant, he was told as long as the porch did not have a screen it would still be an open porch. There are various interpretations of open porches.

Chairman Bullington stated the information given to the Board by the petitioner is that the petitioner is able to have a porch in the rear yard and be in compliance, and he has the option to place a porch in the front yard. Chairman Bullington stated this variance would then not be the minimum action necessary.

Mr. Walker stated he could place a porch in the front yard but he does not know the setbacks exactly.

Mr. Ballantini asked why the petitioner cannot go wider with the porch. Mr. Walker stated there is a masonry chimney that would interfere with any development.

Chairman Bullington asked if anyone would like to speak in favor or against case Z-12-18.

Chairman Bullington swore in Ms. Jessica Alvarado, 309 Seville Rd. Bloomington, IL. Ms. Alvarado stated the home was in bad shape when Mr. Walker purchased it. She stated Mr. Walker has done work to the home, and has been a leader in the neighborhood for improvements. She stated the house is now an example and one of the nicest home, improving the value of the homes in the neighborhood. Ms. Alvarado is supporting the petitioner and came to the hearing to be able to voice her opinion. Mr. Walker's improvements are not tacky and fit really well into the neighborhood.

Ms. Rivera presented the staff report and the recommendation to deny the request for variances. Ms. Rivera provided pictures of the subject property, the surrounding properties and an aerial view of the neighborhood as well as the zoning view. She stated the lots in this area are larger than usual. The curved line gives the petitioner 3 feet less in the location where he would like to place the porch. Ms. Rivera provided a basic sketch up model to show encroachment in the rear yard. The petitioner is proposing an addition.

Ms. Rivera provided staff's analysis of the standards for a variance and determined the petition does not meet the factors. The site does not have characteristics that make adherence to the code difficult, the petitioner is able to use the property as is. There are other alternatives as well. The variance is directly related to the size the petitioner wants and furniture he would like to place in the porch. For these reason staff made a recommendation to deny the request for the variance.

Chairman Bullington declared the evidentiary hearing closed.

Chairman Bullington requested the Board establish a finding of fact for case Z-12-18. He explained the Board will take a position on each factor and state if the factor is "met" or "not met". Ms. Simpson called each factor and performed a roll call vote for each factor. The Board determined that case Z-12-18 did not meet the factors for a variance (44.13-4D) with the following votes cast:

Factor 1. Mr. Brown—not met; Mr. Ballantini—not met; Ms. Meek—not met; Chairman Bullington—not met.

Factor 2. Mr. Brown—not met; Mr. Ballantini—not met; Ms. Meek—not met; Chairman Bullington—not met.

Factor 3. Mr. Brown—not met; Mr. Ballantini—not met; Ms. Meek—not met; Chairman Bullington—not met.

Factor 4. Mr. Brown—not met; Mr. Ballantini—not met; Ms. Meek—not met; Chairman Bullington—not met.

Factor 5. Mr. Brown—met; Mr. Ballantini—met; Ms. Meek—met; Chairman Bullington—met.

Chairman Bullington requested the Board vote in favor or against the petition for a variance, a vote of “yes” is to grant the variance and a vote of “no” is to deny the variance. The variance was denied unanimously, 4-0 with the following votes cast against: Mr. Brown—no; Mr. Ballantini—no; Ms. Meek—no; Chairman Bullington—no.

NEW BUSINESS: Chairman Bullington welcomed Terry Ballantini to the Board. Mr. Ballantini introduced himself and stated he has been a resident on Bloomington for 9 years. He along with his wife own and run a business in the community.

ADJOURNMENT

Ms. Meek motioned to adjourn. Seconded by Mr. Brown. The motion was approved by voice vote. The meeting adjourned at 4:53 p.m.

Respectfully Submitted,
Izzy Rivera
Assistant City Planner