

**MINUTES
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, MARCH 21, 2018
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

Members present: Mr. Jeff Brown, Mr. Michael Butts, Ms. Victoria Harris, Mr. Robert Schultz, Mr. Richard Veitengruber, and Chairman Tristan Bullington

Members absent: Ms. Barbara Meek

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

Chairman Bullington called the meeting to order at 4:05 p.m. Ms. Simpson called the roll; with six members present, the Zoning Board of Appeals established a quorum.

PUBLIC COMMENT: None.

MINUTES: The Zoning Board of Appeals reviewed the February 21, 2018 regular meeting minutes. Chairman Bullington amended a number of scrivener's errors, and amended a sentence on page 9 to read, "Chairman Bullington stated that he cannot agree with the staff finding that this would not be detrimental to the adjacent property owner." Mr. Boyle amended the last full paragraph on page 8 to read "less than five negative votes allows an appeal to City Council." Ms. Harris motioned to approve the minutes; Mr. Brown seconded the motion. The Board approved the minutes by voice vote, 6-0.

REGULAR AGENDA:

Z-04-18 Consideration, review and action of a petition submitted by EA Architecture and Design for a variance to allow a reduction in parking by 25 spots at 2301 Castleton Dr.(Ward 3). **WITHDRAWN**

Z-08-18 Consideration, review and action of a petition submitted by John Reynolds for a variance to allow a four foot reduction in the front yard for a room addition at 1106 E Taylor St. (Ward 4).

Chairman Bullington introduced the case and swore in the petitioner, Mr. John Reynolds, 1106 E. Taylor St. Mr. Reynolds stated that he is attempting to improve his neighborhood and home. He mentioned that he would be removing the front porch and adding more living space and an extra bathroom. He stated space in the rear of the home is limited because he is also adding a small kitchen in the home.

Ms. Simpson presented the staff report and staff's favorable recommendation for the variance. Ms. Simpson provided pictures of the subject property, the surrounding properties and an aerial view of the neighborhood. She described the zoning and the setback requirements. Ms.

Simpson noted the home and neighborhood were established before the adoption of the zoning ordinance. She stated the block lacks a consistent front yard setback but many of the homes share similar characteristics and features. She explained the block is asymmetric and shaped like a trapezoid. She described the significant change in elevation and showed pictures of the varying front yard slopes from the west side of the block to the east side of the block. She explained the difference in elevation is about ten (10) feet. She shared a sketchup model to show the existing conditions and changes following the addition. She explained the proposed addition results in a small expansion on the footprint that is consistent with the surrounding properties. 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. 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-08-18 met the factors for a variance (44.13-4D) by vote 6-0 with the following votes cast:

Factor 1. Mr. Brown—met; Mr. Butts—met; Ms. Harris—met; Mr. Schultz—met; Mr. Veitengruber—met; Chairman Bullington—met.

Factor 2. Mr. Brown—met; Mr. Butts—met; Ms. Harris—met; Mr. Schultz—met; Mr. Veitengruber—met; Chairman Bullington—met.

Factor 3. Mr. Brown—met; Mr. Butts—met; Ms. Harris—met; Mr. Schultz—met; Mr. Veitengruber—met; Chairman Bullington—met.

Factor 4. Mr. Brown—met; Mr. Butts—met; Ms. Harris—met; Mr. Schultz—met; Mr. Veitengruber—met; Chairman Bullington—met.

Factor 5. Mr. Brown—met; Mr. Butts—met; Ms. Harris—met; Mr. Schultz—met; Mr. Veitengruber—met; Chairman Bullington—met.

Chairman Bullington requested the Board vote in favor or against the petition for a variance, case Z-08-18. The Variance was approved unanimously, 6-0, with the following votes called: Mr. Brown—yes; Mr. Butts—yes; Ms. Harris—yes; Mr. Schultz—yes; Mr. Veitengruber—yes; Chairman Bullington—yes.

SP-03-18 Consideration, review and action of a petition submitted by Krishna Balakrishnan, Terra, LLC for a special use permit to allow for condominium development in the B-1, Highway Business District (Ward 3).

Chairman Bullington introduced case SP-03-18 and swore in the petitioner, Krishna Balakrishnan, 1904 Longwood Lane, Bloomington, IL. The petitioner explained he is having difficulty developing the subject property for commercial uses. He explained an assisted living center opened near the site, and he decided to develop the property with condominiums to serve as a transition between the single-family homes and the commercial uses. Chairman Bullington asked the petitioner if he is aware of the conditions requested by staff, and if he

agrees with the conditions. The petitioner affirmed that he agrees with the conditions and would seek to reduce the overall footprint of the development rather than the number of units. He would like to maintain twelve units but will reduce the footprint of each unit. Mr. Balakrishnan explained he held a neighborhood meeting with the residents and answered the questions of the residents.

Mr. Don Leaver, 1421 Norma Dr. stated that this item was withdrawn from the January 2018 Zoning Board of Appeals agenda. He asked for clarification about why the staff recommendation changed from a negative recommendation to a positive recommendation. He also asked if this was a variance or a zoning change, he requested clarification about the zoning process. Chairman Bullington asked if Mr. Leaver was speaking in favor of the petition, in opposition to the petition or asking questions. Mr. Leaver confirmed he is asking questions.

Ms. Rivera presented the staff report and explained staff is providing a positive recommendation for the Special Use permit with three conditions to reduce the foot print to a fifty (50) percent lot coverage, provide a fence to screen the parking lot from the residential homes, and place the attractive side of the fence outward. Ms. Rivera described the surrounding zoning and uses. She presented the site plan provided by the petitioner and described changes in the plan from the previous plan submitted in January 2018. She explained the petitioner is providing a greater setback from the abutting residential homes, decreased the height of the townhomes and altered the ingress and egress. She provided an aerial view highlighting the transitional yard requirements, parking requirements, height and floor area ratio requirements. She stated lights are required to be directed down and away from residential units. Ms. Rivera explained the floor area ratio and that the proposed building exceeds the allowed floor area ratio. She stated this is the reason staff recommended decreasing the number of units. Ms. Rivera presented a rendering showing what a reduced density development could look like. Ms. Rivera provided staff's analysis of the standards for a special use permit. Ms. Simpson added that the staff recommendation changed because additional information the petitioner provided additional information, including an overall concept for the area, which addressed prior staff concerns. The petitioner also revised the site plan to comply with City Code requirements. Ms. Simpson explained that the Special Use permit allows the Zoning Board to apply conditions, and requires a public hearing. She explained the special use provides a platform for addressing concerns when some uses require additional considerations.

Ms. Harris asked if special uses could provide a better transition between the residential homes and commercial uses. Ms. Simpson confirmed. Mr. Leaver stated there is no mix of residential and commercial in the area, and a mixed-use is deceiving. Mr. Leaver asked if multifamily apartments exist in other B-1 zoned properties. Ms. Simpson affirmed and added that multifamily was allowed in the B-1 district by right before 1997.

Chairman Bullington requested the Board establish a finding of fact for case SP-03-18. 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 Special Use factor (44.10-3C) and performed a roll call vote for each factor. The Board determined that case SP-03-18 met the factors for a special use by vote 6-0 with the following votes cast:

Factor 1. Mr. Brown—met; Mr. Butts—met; Ms. Harris—met; Mr. Schultz—met; Mr. Veitengruber—met; Chairman Bullington—met.

Factor 2. Mr. Brown—met; Mr. Butts—met; Ms. Harris—met; Mr. Schultz—met; Mr. Veitengruber—met; Chairman Bullington—met.

Factor 3. Mr. Brown—met; Mr. Butts—met; Ms. Harris—met; Mr. Schultz—met; Mr. Veitengruber—met; Chairman Bullington—met.

Factor 4. Mr. Brown—met; Mr. Butts—met; Ms. Harris—met; Mr. Schultz—met; Mr. Veitengruber—met; Chairman Bullington—met.

Factor 5. Mr. Brown—met; Mr. Butts—met; Ms. Harris—met; Mr. Schultz—met; Mr. Veitengruber—met; Chairman Bullington—met.

Factor 6. Mr. Brown—met; Mr. Butts—met; Ms. Harris—met; Mr. Schultz—met; Mr. Veitengruber—met; Chairman Bullington—met.

Chairman Bullington requested the Board vote to provide a favorable recommendation of the Special Use petition with the conditions requested by staff to City Council, case SP-03-18. The Special Use was approved with conditions, by a vote of 6-0, with the following votes called: Mr. Brown—yes; Mr. Butts—yes; Ms. Harris—yes; Mr. Schultz—yes; Mr. Veitengruber—yes; Chairman Bullington—yes.

OTHER BUSINESS:

NEW BUSINESS: Mr. Schultz stated he would like to discuss the meeting procedures, specifically voting on the individual factors. The Board briefly discussed the pros and cons of voting on each standard such as establishing a clear record verses time requirements.

ADJOURNMENT

Mr. Butts motioned to adjourn. Ms. Harris seconded the motion. The meeting adjourned at 4:54 p.m.

Respectfully Submitted,
Katie Simpson
Secretary