

**MINUTES
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, JULY 18, 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, Mr. Veitengruber and Chairman Tristan Bullington

Members absent: Ms. Victoria Harris

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

Chairman Bullington called the meeting to order at 4:00 p.m. Mr. Mahrt 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 June 20, 2018 regular meeting minutes.

Ms. Meek motioned to approve the minutes, seconded by Mr. Brown. The Board approved the minutes by voice vote, 6-0.

REGULAR AGENDA:

Z-15-18 Consideration, review and action of a petition submitted by Kurt Amacher for variances to allow 1) exceeding the 1,000 sq ft requirement by 168 sq ft; and 2) exceed the sq ft of the principle structure by 400 sq ft to allow a carport in the rear yard at 702 E Miller St. (Ward 1).

Chairman Bullington introduced the case and swore in the petitioner, Mr. Kurt Amacher, 702 E Miller St. He stated he would like to add a car port in front of his existing garage on a concrete slab left over from the previous garage. Mr. Amacher will have to extend the slab to fit the entire car port on it. He stated the car port will be reduced in size from 20 X 20 to 18 X 20. Mr. Amacher built the existing garage larger so that he could fit a pool table and use the extra space for storage. He would like to add the car port so that he will have shade during the summer months.

Ms. Rivera presented the staff report and the recommendation to deny the 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 carports are permitted in the rear yard, but they must adhere to the accessory structure regulations. Ms. Rivera stated the carport would fail to comply the following standard set forth in the Code for accessory structures: The car port

would require two variances as it exceed the size of the principle structure as well as the 1,000 sq ft threshold for accessory structures.

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, and the variance would exceed all maximum requirements. For these reasons staff made a recommendation to deny the request for the two variances.

Mr. Schultz asked if the petitioner had considered other options. Mr. Amacher stated he would like a carport as that would provide the result he was looking for in his back yard.

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 for case Z-15-18. He explained the Board will take a position on each factor and state if the factor is "met" or "not met". Mr. Mahrt called each factor and performed a roll call vote for each factor. The Board determined that case Z-15-18 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; Mr. Schultz—not met; Mr. Veitengruber—not met; Chairman Bullington—not met.

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

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

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

Factor 5. Mr. Brown—not met; Mr. Ballantini—not met; Ms. Meek—not met; Mr. Schultz—not met; Mr. Veitengruber—not met; Chairman Bullington—not met.

Chairman Bullington requested the Board vote in favor or against the petition for a variance, case Z-15-18. The variance was denied, 6-0, with the following votes called:

Mr. Brown—no; Mr. Ballantini—no; Ms. Meek—no; Mr. Schultz—no; Mr. Veitengruber—no; Chairman Bullington—no.

Z-16-18 Consideration, review and action of a petition submitted by Seth Jacob of Clearstone Construction Studio and Ben and Leisa Johnston for a variance to allow 1) a reduction in the required front yard from 120' to 57'; and 2) expansion of a non-conforming structure by 7.2' for the addition of a garage at 40 Sunset Rd. (Ward 4).

Chairman Bullington introduced the case and swore in the petitioner, Mr. Seth Jacobs, contractor and Ben Johnson, owner of 40 Sunset Rd. Mr. Jacobs stated there are many renovations being done to the home. The homeowners would like to expand the home, making it easier for access, as it is a tri level home. As the owner gets older they will be able to live more comfortably with the renovations. The existing garage is a tight space, and that is why they would like to expand it. Mr. Jacobs stated he worked within the setbacks where he could, however the average setback for the block is very high and would require a variance.

Mr. Johnston stated he would like to be careful when designing and making sure the expansion is in line with the block and Sunset Rd community. He would like to make sure that his neighbors are aware of the expansion and are comfortable with the design. Mr. Johnston stated the expansion would be appropriate to the original structure.

Mr. Schultz asked if the garage was the only expansion. Mr. Jacobs stated that was the only expansion that required a variance and it would only be expanding south towards the street and not towards any neighbors lot.

Chairman Bullington asked if anyone would like to speak in favor or against case Z-16-18.

Chairman Bullington swore in Ms. Retina Foehr, 38 Sunset Rd. Bloomington, IL. Ms. Foehr stated she is a neighbor who is trying to sell the lot next to 40 Sunset Road. She had the house torn down and is currently a vacant lot. She asked the Board if the new setback is approved, how that would impact new owners at the site she is trying to sell. She is also concerned with the trash bins and construction materials being placed on her property.

Chairman Bullington stated the approval of the variance would only be set for 40 Sunset Road and if another property was seeking relief they would have to seek variances specific for their property.

Ms. Meek stated there are neighborhoods with a set front yard setback line, however in Sunset Rd there are ranges of setback sizes, some larger others smaller. The approval of the variance would be for 40 Sunset Road and the average front yard setback for Sunset Rd would change since the numbers would be different.

Chairman Bullington swore in Mr. Bob Reardon, 32 Sunset Rd. Mr. Reardon stated there have been some arguments in the past about front yard setbacks, some that have caused legal cases. The setbacks have changed over time and he would like any new changes to be in line with the block and not cause any significant problems to any other community member.

Chairman Bullington swore in Roland Thompson, 42 Sunset Rd. Mr. Thomson stated he was in favor of the expansion. He stated the property had been vacant for 5 years and not in good shape. With the new expansion and remodeling the home will no longer be a blight to the street.

Chairman Bullington swore in Mary Williams, 44 Sunset Rd. Ms. Williams stated she is supportive of the variance to expand the setback. She would like to be cautious and make sure that the design will be in line with the rest of the neighborhood and that the expansion will not disrupt the character of Sunset Rd.

Ms. Rivera presented the staff report and staff's 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 is located in a subdivision with large lots ranging in size up to and over an acre. The setbacks are also ranging in size from 14 feet to over 200 feet. Since the site is located on a smaller lot, the average setback of 120' creates a hardship and makes additions more difficult to accommodate. The site is also nonconforming as it does not meet the average setback. The setback for the R-1A zoning classification is 40 feet, which the house does meet, however since it is an established non-conforming home, a variance would still need to be requested for any variance smaller or larger.

Ms. Rivera provided staff's analysis of the standards for a variance and determined the petition meets the factors. The site has a much smaller setback than the average, the neighborhood was established before the code, any action would require a variance since it is nonconforming, and the new setback would be in line with the rest of the neighborhood and not cause significant disruption.

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 Ms. Meek.

Chairman Bullington explained a vote of "yes" would adopt the City's findings of fact as to the five factors. The motion was approved 6-0 with the following votes cast in favor on roll call: Mr. Brown—yes; Mr. Ballantini—yes; Ms. Meek—yes; Mr. Schultz—yes; Mr. Veitengruber—yes; Chairman Bullington—yes.

Chairman Bullington requested the Board vote in favor or against the petition for a variance, case Z-16-18. The variance was approved unanimously, 6-0, with the following votes called: Mr. Brown—yes; Mr. Ballantini—yes; Ms. Meek—yes; Mr. Schultz—yes; Mr. Veitengruber—yes; Chairman Bullington—yes.

NEW BUSINESS: Mr. Schultz discussed scenarios for recusal. He will be following up with legal in order to determine a clear understanding and procedure for recusals in the future.

ADJOURNMENT

Mr. Brown motioned to adjourn. Seconded by Ms. Meek. The motion was approved by voice vote. The meeting adjourned at 5:00 p.m.

Respectfully Submitted,
Izzy Rivera
Assistant City Planner