

**MINUTES
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, NOVEMBER 20, 2019
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

Members present: Mr. Terry Ballantini, Mr. Michael McFarland, Mr. Tyler Noonan, and Chairperson Victoria Harris.

Members absent: Mr. Michael Rivera Jr, and Mr. Richard Vitengruber

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

Ms. Harris 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 September 18, 2019 regular meeting minutes. Mr. Ballantini motioned to approve the minutes as corrected. Seconded by Mr. McFarland. The motion to accept the minutes as amended, was unanimously approved, 4-0 by voice vote.

REGULAR AGENDA:

SP-04-19 Consideration, review and approval of a petition for a special use permit for a Sports/Fitness Establishment in the M-1 District for property located at 1601 S. Bunn St., submitted by Nordines' Heating and Cooling Supply, Inc. (Ward 1).

Petitioner's attorney, Rich Marvel, spoke about the project. Cars are raced on Wednesday evenings and Saturdays indoors maximum capacity around 100 people. Owner of Nordines' Heating and Cooling, Tom, organizes the races and built the indoor track. Competing remote control cars on the indoor track to win trophies. Wide range of attendees from eight years old to eighty years old. There are different classes of cars for various categories of races.

Ms. Casey Weeks, Assistant City Planner, gave the staff presentation recommending to approve the special use permit to allow a sports and fitness establishment at 1601 S. Bunn with the following conditions: 1). The applicant should add a bike rack with space for two bicycles; and, 2). All racing will be conducted indoors; and, 3). The applicant shall receive a certificate of occupancy from the City of Bloomington Building Safety Division before opening to the public. The standards will be met if the conditions are met. Racing will be conducted inside the building. Parking was calculated as forty spaces needed to accommodate the uses in the building.

Resident, Ms. Sharon Griffin who lives on Julie Drive spoke regarding concerns for parking. She has not experienced problems with parking previously. Tom, owner of Nordines' Heating and Cooling, stated MGH and the towing company to the south have given verbal permission to allow for parking on their lots for overflow parking.

Ms. Katie Simpson, City Planner, spoke on the parking requirements. The parking requirements were determined by the size of the uses designated in the site plan. If changes are made to the site plan, parking requirements may change.

Zoning Board will give a recommendation to City Council. The Zoning Board established the following findings to be met, with the following votes called:

1. *that the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare;* Mr. Ballantini - yes, Mr. McFarland - yes, Mr. Noonan - yes, and Chairperson Harris – yes.
2. *that the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;* Mr. Ballantini - yes, Mr. McFarland - yes, Mr. Noonan - yes, and Chairperson Harris – yes.
3. *that the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district;* Mr. Ballantini - yes, Mr. McFarland - yes, Mr. Noonan - yes, and Chairperson Harris – yes.
4. *that adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;* Mr. Ballantini - yes, Mr. McFarland - yes, Mr. Noonan - yes, and Chairperson Harris – yes.
5. *that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;* Mr. Ballantini - yes, Mr. McFarland - yes, Mr. Noonan - yes, and Chairperson Harris – yes.
6. *that the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Zoning Board of Appeals. (Ordinance No. 2006-137).* Mr. Ballantini - yes, Mr. McFarland - yes, Mr. Noonan - yes, and Chairperson Harris – yes.

The Board voted to approve the Special Use permit with the three conditions: 1). The applicant should add a bike rack with space for two bicycles; and, 2). All racing will be conducted indoors; and, 3). The applicant shall receive a certificate of occupancy from the City of Bloomington Building Safety Division before opening to the public. Mr. Ballantini made a motion to approve, seconded by Mr. Noonan. The Board approved the variance by a vote of 4-0, with the following votes cast on roll call: Mr. Terry Ballantini - Yes, Mr. Michael McFarland - Yes, Mr. Tyler Noonan - Yes, and Chairperson Victoria Harris – Yes.

Z-08-19 Consideration, review and approval of a petition for a fence variance located at 916 W. Wood Street, submitted by Mr. Steven Barr. The applicant is requesting to face the unfinished side of the fence towards the neighbor's yard (Ward 6).

Petitioner, Steven Barr of 916 W. Wood Street, spoke on his petition to leave the fence as erected with the unfinished side facing the neighbor. Mr. Barr was not aware that the codes were changed on April 1, 2019, requiring the unfinished side to face the property owner's yard. Mr. Barr received his fence permit on July 30, 2019.

Ms. Lorissa Clark Richards of 915 W. Wood Street, spoke in opposition of the variance. She is a co-owner of the house next door. The fence renders her driveway less usable due to lack of visibility caused by the fence when pulling out of her driveway.

Ms. Casey Weeks, Assistant City Planner, presented the staff report recommending ZBA to deny the variance to face the unfinished side of the fence towards the neighbor. Fences on the 900 block of W. Wood Street face the unfinished side towards the property owner's property.

An email statement was received from Amberly Clark who is a co-owner at 915 W. Wood Street in opposition to the variance. Visibility is difficult when pulling out from the driveway.

Mr. Steven Barr commented that the fence is about 30 inches from the sidewalk.

Ms. Jena Clark lives at 915 W. Wood Street and spoke in opposition of the variance. Damage was done to the driveway by installing and driving the posts into the ground and chipping away at the driveway asphalt which is when the police were called. She encountered a man walking down the sidewalk followed by a child on a big wheel that was not visible when pulling out of the driveway because of the fence.

A motion was made to vote on the findings of fact individually by Mr. Ballantini, seconded by Mr. Noonan.

The Zoning Board established the following findings were not met, with the following votes called:

1. *That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult;* Mr. Ballantini - no, Mr. McFarland - no, Mr. Noonan - no, and Chairperson Harris – no.
2. *That the variances would be the minimum action necessary to afford relief to the applicant;* Mr. Ballantini - no, Mr. McFarland - no, Mr. Noonan - no, and Chairperson Harris – no.
3. *That the special conditions and circumstances were not created by any action of the applicant;* Mr. Ballantini - no, Mr. McFarland - no, Mr. Noonan - no, and Chairperson Harris – no.
4. *That granting the variation request will not give the applicant any special privilege that is denied to others by the Code;* Mr. Ballantini - no, Mr. McFarland - no, Mr. Noonan - no, and Chairperson Harris – no.

5. *That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use of development of adjoining properties.* Mr. Ballantini - no, Mr. McFarland - no, Mr. Noonan - no, and Chairperson Harris – no.

The Board unanimously denied the variance by a vote of 0-4, with the following votes cast on roll call: Mr. Terry Ballantini - No, Mr. Michael McFarland - No, Mr. Tyler Noonan - No, and Chairperson Victoria Harris – No.

Z-10-19 Consideration, review and approval of a petition for a parking lot front yard variance located at 9 Heartland Drive, submitted by Dr. Stephen Pilcher. The applicant is requesting a six feet reduction in the front yard setback from the parking lot (Ward 3).

Mr. Russ Arbuckle, Architect of Record for Dr. Pilcher, spoke for the variance request. Code requires a twelve feet front yard setback for the parking lot. The applicant currently meets the number of parking spaces required by code and will not exceed the maximum number of parking spaces allowed by code. The variance will allow four spaces to be added in front of the building for patients. Seven additional spaces are being added in the rear of the building for employees.

Ms. Casey Weeks, Assistant City Planner, gave the staff report recommending ZBA approve the front yard variance to allow for more parking.

The Zoning Board established the following findings were met:

1. that the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult;
2. that the variances would be the minimum action necessary to afford relief to the applicant;
3. that the special conditions and circumstances were not created by any action of the applicant;
4. that granting the variation request will not give the applicant any special privilege that is denied to others by the Code;
5. that the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use of development of adjoining properties.

Mr. Ballantini made a motion to vote on all the findings of fact as recommended by staff, seconded by Mr. Noonan. The findings of fact were approved as presented by staff 4-0 with the following votes cast: Mr. Terry Ballantini - Yes, Mr. Michael McFarland - Yes, Mr. Tyler Noonan - Yes, and Chairperson Victoria Harris – Yes.

The Board approved the variance as requested 4-0 with the following votes cast: Mr. Terry Ballantini - Yes, Mr. Michael McFarland - Yes, Mr. Tyler Noonan - Yes, and Chairperson Victoria Harris – Yes.

OTHER BUSINESS: None

NEW BUSINESS: Approve 2020 meeting dates. Mr. McFarland made a motion to approve, seconded by Mr. Noonan. Voice vote, approved 4-0.

ADJOURNMENT

The meeting adjourned at 5:23 PM.

Respectfully Submitted,
Casey Weeks
Assistant City Planner