

**ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, JULY 16, 2014, 3:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE ST., BLOOMINGTON, IL**

Members present: Ms. Meek, Mr. Briggs, Mr. Zimmerman, Mr. Simeone, Ms. Buragas
Members absent: Mr. Kearney, Mr. Ireland

Also present: Mr. Mark Woolard, City Planner
Mr. Frank Koehler, Interim Director Planning and Code Enforcement
Vasudha Pinnamaraju, AICP, McLean Country Regional Planning
Commission Executive Director

Mr. Woolard called the meeting to order at 3:03 p.m. and called the roll. A quorum was present.

The Board reviewed the minutes from June 18, 2014. Mr. Simeone moved to approve the June 18, 2014 minutes. Ms. Meek seconded the motion to accept the minutes as printed.

Vice Chairman Zimmerman explained the meeting procedures. Mr. Woolard stated the cases had been published.

REGULAR AGENDA:

Z-05-14 Public Hearing and Review on the petition submitted by Keystone Properties, Inc. to allow the construction of two assisted living facilities and one memory care facility and to allow a variance from the Zoning Ordinance to reduce the required minimum number of parking spaces from 238 to 121 parking spaces for the property located at 1 Stonehouse Ct. Zoned B-1, Highway Business District.

Vice Chairman Zimmerman introduced the case and asked for anyone who would like to speak regarding the petition. No one spoke. The case was held over to next month.

Z-09-14 Public Hearing and Review on the petition submitted by Jonna Fricke requesting a variance from the Zoning Ordinance to allow the construction of a driveway and the reduction of the side yard setback for the property located at 2801 Dutchess Drive. Zoned R-1C, Single-Family Residential District.

Vice Chairman Zimmerman introduced the case and asked for anyone who would like to speak in favor of the petition. Mr. Patrick Mann, 2801 Dutchess Drive, was sworn in and stated the reason for the petition is for needing to park an extra vehicle on the property rather than the street. Mr. Mann stated their current parking needs includes two motorcycles and four cars. He stated that an added parking space on the property would keep cars off of the street. Mr. Mann stated the previous adjacent neighbor approved of the concrete slab which was placed without a permit and variance request. The new adjacent neighbor did not approve of the slab. Ms. Jonna Fricke, 2801 Dutchess Drive, was sworn in and stated the slab has been in place for many years and this is the first time anyone has had an issue with it. The new neighbor moved into the home in January 2013, and she took issue with the slab in April 2014. There was discussion on the current on-street parking situation.

Vice Chairman Zimmerman asked for anyone who would like to speak in opposition to the petition. Ms. Pat Iannone, 1202 Newcastle, was sworn in and stated a previous owner of 1202 Newcastle confirmed that cement was poured and they just mowed according to the lot lines. Ms. Iannone stated Ms. Fricke has demonstrated that she does not honor lot lines or city codes as she originally presented a survey of the 1202 Newcastle property instead of her own property. Ms. Iannone stated she did not have an issue with the driveway that was built with the house however it is a problem to have the driveway extension located on or within inches of the property line. She felt this drive would potentially damage the landscape and grass. Ms. Iannone stated there are no physical aspects to the property that prevent code compliance. There is plenty of street parking. Ms. Iannone paid \$700 for her property survey and the open ground has been recently planted with grass.

Vice Chairman Zimmerman asked for anyone who would like to speak in favor and Ms. Cheryl Daugherty, 8 Brighton Court, was sworn in to explain her similar inconvenient parking situation with on-street parking away from the house. Vice Chairman Zimmerman stated one of the issues is the close proximity of the drive to the lot line. He inquired about other expanded driveways in the area with regard to the character of the neighborhood. Mr. Mann stated a home located at Arrowhead and Newcastle has a side parking space that veers off next to their two car garage. It is the same layout that Mr. Mann is requesting.

Mr. Woolard stated the survey was provided by the neighbor Ms. Iannone. He stated the code requires a 3' set back from the lot line and the future slab next to the garage will meet the code however accessing the slab is an issue. The code allows the front entrance only to serve as a way to gain access to the side slab. The code does not allow the placement of another parking space in front of the two car garage. There was discussion on the area that a vehicle would need to maneuver between the slab and the driveway. He stated Staff would support this if a hardship were to be shown.

There was discussion on the options to obtain access the legal parking slab. Mr. Simeone reflected on the neighbors in opposition which an approval would reward unacceptable behavior. Mr. Woolard stated the petitioner has removed some of the cement and will remove more if needed. Mr. Zimmerman stated this case may be considered a special privilege if the slab is allowed to be right next to the lot line. Mr. Briggs stated this case may have a unique disadvantage with regard to the lot shape. Ms. Buragas stated the only need for a variance on this case has to do with access to the slab as the slab is in compliance. She observed many other properties in the area appear to not have the space to place a slab next to their garage.

Ms. Iannone stated her agreement to the access located no closer than 1'3" off of the lot line.

Ms. Meek moved to amend the variance to 1'3" from the lot line at its narrowest point. The motion was seconded by Ms. Buragas and passed by a vote of four (4) voting in favor, and one (1) against with the following votes being cast on roll call: Mr. Briggs-Yes; Ms. Meek-Yes; Mr. Zimmerman-Yes; Ms. Buragas-yes; Mr. Simeone-No; Mr. Kearney-Absent; Mr. Ireland-Absent.

The vote to approve the variance request was passed by a vote of four (4) voting in favor, and one (1) against with the following votes being cast on roll call: Mr. Briggs-Yes; Ms. Meek-Yes; Mr. Zimmerman-Yes; Ms. Buragas-yes; Mr. Simeone-No; Mr. Kearney-Absent; Mr. Ireland-Absent.

Z-10-14 Public Hearing and Review on the petition submitted by Wesley United Methodist Church to allow construction of a parking lot and to allow the following variances from the Zoning Ordinance:

- 1.Reduce the required 12 foot parking lot setback along Front Street to 8 feet.
- 2.Reduce the required 6 foot parking lot setback to 2 feet from the west and east lot lines.
- 3.Reduce the required size of the parking spaces from 9 feet by 19 feet to 9 feet by 18 feet.
- 4.Reduce the required parking aisle from 25 feet to 22 feet

All for the property located at 409 E. Front Street. Zoned B-3, Central Business District.
(Ward 6).

Vice Chairman Zimmerman introduced the case and asked for anyone who would like to speak regarding the petition. Mr. David Perry, an employee of Wesley United Methodist Church, was sworn in and stated the church is growing and is landlocked. He stated an engineering firm offered professional opinions regarding the best use of the proposed parking space. There was discussion on the parking needs, location of entrances, traffic flow and safety considerations. Mr. Perry stated the cars are getting smaller and will use this area one time a week.

Vice Chairman Zimmerman introduced the case and asked for anyone who would like to speak in support of the petition. Mr. David Brown, Lewis, Yockey & Brown Inc., 505 N. Main Street, was sworn and stated the intention of the church is to maintain traffic flow. The traffic pattern will move through the reduced aisle width in a one-way direction, so there would never be two vehicles side by side. He stated if the parking lot were completely code compliant, there would be a reduction to 25 spaces while the proposal has 42 spaces.

Mr. Briggs asked about the location of the handicapped parking areas. Mr. Brown stated the proposed new lot did not add handicapped parking spaces due to the remoteness in relation to the church property. Mr. Briggs inquired if the church had plans to lease the lot to other businesses during the week. A member of the church stated there are no plans to lease the lot during the week and the handicapped parking requirements are state governed. Staff will help guide the church when the time comes.

Ms. Meek inquired about the landscaping plans for this property. Mr. Brown stated the landscape plans have not been finalized and staff will review the proposal when the time comes. Mr. Brown stated the west side is an existing fence while the east side has a proposed new fence. He stated the alley shows a proposed screened fence.

Vice Chairman Zimmerman asked for anyone who would like to speak in support of the petition. There were no responses. Vice Chairman Zimmerman asked for anyone who would like to speak in opposition of the petition. Mr. John Elterich, 409 E. Grove, was sworn in and stated his concern over the parking turning into a sea of asphalt. He stated the church has been a good neighbor through the years and asked that the screening for the lot be in compliance for the surrounding neighbors.

Mr. Woolard sited many area compliant parking lot landscape designs. He thanked the church for revising an earlier proposal to include more green space. Mr. Woolard stated the reduction of the aisle width and the shortening of the parking space depth is what can present a challenge to

vehicle movement. There was discussion on the traffic flow, reduced aisle space, safety concerns, setbacks and the character of the neighborhood.

Mr. Briggs stated the parishioners' use of the lot concentrated into one time a week is different than a randomly used retail lot. Parishioners can self-monitor for safety during those high volume times while a public lot would have a less predictable usage. Ms. Buragas expressed safety concerns with the reduction of space. Mr. Simeone stated that since the church is imposing the restricted space onto their parishioners, he is less concerned than if this were a public lot.

Mr. Perry stated his observation of a group leaving at the same time as more cautious than the folks randomly leaving from a mall. Mr. Brown stated many nearby institutions and communities regularly apply a lessor aisle requirement for the similar proposed situations. He stated the parking space width has been studied and can justify with a width of 8.5' which supports the economic needs.

Vice Chairman Zimmerman asked for anyone who would like to speak regarding the petition and no one spoke.

The vote on the variance was approved with four (4) voting in favor, and one (1) against with the following votes being cast on roll call: Ms. Buragas-No; Mr. Briggs-Yes; Ms. Meek-Yes; Mr. Zimmerman-Yes; Mr. Simeone-Yes; Mr. Kearney-Absent; Mr. Ireland-Absent.

PUBLIC COMMENT: None

OTHER BUSINESS:

Discussion of Height and Second Story Variances: There was discussion on the approved variance, the issued building permit and the final built structure.

NEW BUSINESS:

Discussion of Comprehensive Plan: Vasudha Pinnamaraju presented the results of phase one, the existing conditions analysis. Bloomington has more strengths than challenges with the highly skilled labor force, employers, quality neighborhoods, strategic location and transportation connections. The last 50 years saw a 91% growth in population and a 147% rise in corporate growth. The high school graduation rate is 92.9% which is higher than the state average. The median household and family incomes are also higher than the state average. Bloomington's crime rate is lower than the rate from 1989.

Ms. Pinnamaraju stated some of the challenges include an aging workforce and an aging infrastructure such as sewers and streets. With the population and corporate growth comes the increase of street maintenance which places a burden on the city budgets. The city's core faces more challenges than the peripheral areas.

ADJOURNMENT: 5:40 p.m.

Respectfully;

Mark Woolard