

**MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, OCTOBER 15, 2014, 3:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE ST., BLOOMINGTON, IL**

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

Also present: Mr. Mark Woolard, City Planner

Mr. Woolard called the meeting to order at 3:04 p.m. and called the roll. A quorum was present.

The Board reviewed the minutes from September 17, 2014 and accepted the minutes as printed.

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

REGULAR AGENDA:

Z-16-14 Public Hearing and Review on the petition submitted by Cevat Karasen to allow construction of an attached garage and to allow a variance from the Zoning Ordinance to reduce the required 25' south rear yard setback to 6' for property located at 601 E. Olive Street. Zoned R-2, Mixed- Residence District.

Chairman Ireland introduced the case and asked for anyone who would like to speak in favor of the petition. Mr. Cevat Karasen stated that all of the surrounding properties have driveways to get cars off of the street. The shed in the rear of the property was termite infested, and it is beyond repair. Mr. Karasen stated he is planning to have a one car garage with the entrance on Evans. He stated his plan is to remove the shed and place a garage in that space.

Chairman Ireland asked for anyone else who would like to speak, in favor or in opposition of the petition and no one spoke.

Mr. Woolard stated the shed will be removed and the two car garage can only park one vehicle because of the existing stairs. He said the existing stairs present a hardship and prevents options such as a detached garage. Mr. Woolard stated the rear yard which requires a 25' setback is located opposite of Olive Street. He said the plan shows 8' to the west side yard and explained how there are several garages in the neighborhood. He said staff supports the request.

Chairman Ireland stated it appears that the south 50 feet of the lot was sold off before the zoning ordinance was available. He said the house is wedged onto this lot which creates the hardship.

Mr. Simeone stated the resident at 304 Evans, who may have cause for a complaint, is not present.

The vote on the variance was approved with seven (7) voting in favor and zero (0) against with the following votes being cast on roll call: Mr. Briggs-Yes; Ms. Meek-Yes; Mr. Zimmerman-Yes; Mr. Ireland-Yes; Mr. Kearney-Yes; Ms. Buragas-Yes; Mr. Simeone-Yes.

Z-17-14 Public Hearing and Review on the petition submitted by James and Sandra Derry to allow construction of rear porch and to allow a variance from the Zoning Ordinance to reduce the required 25 foot rear yard setback to 17 feet from the south rear lot line for property located at 2201 Yarrow Street. Zoned R-1C, Single-Family Residential District.

Chairman Ireland introduced the case and asked for anyone who would like to speak in favor of the petition. Mr. James Derry, 2201 Yarrow, was sworn in and stated after last November's hail damage they hired a contractor for an addition. He stated when he applied for the building permit to replace the existing deck; he realized there was a setback violation. The contractor had a roof permit only and not a permit for the addition. Mr. Derry stated if he had known about the issue four months ago, he still would have come to talk about the variance then. He said the requested setback measures 17' and there is a berm which separates this from Hershey Road. He also said there would never be anything built on the berm. Mr. Derry stated the addition was in good taste with the neighborhood and he had the homeowner association's approval. He stated it was an extension of the roof line to accommodate a covered porch area. He said there is no added living space, and the deck has not been built yet. Mr. Derry said the purpose of this project was to replace an open deck with a covered porch. He stated the prior roof had a typical overhang of a foot or so.

Chairman Ireland asked for anyone else who would like to speak, in favor or in opposition of the petition and no one spoke.

Mr. Woolard stated staff did not view this property as having any physical characteristic which poses unique hardships or challenges that would make adherence to the code difficult. He said the lot to the west is vacant and any encroachment may encourage others to request future variances. Staff is not supporting the request.

Ms. Buragas stated there have been several situations in the last few months where work was completed without proper permits. She asked if the building inspectors have the ability to issue a fine to the contractors who build structures without a permit. Mr. Woolard stated there is an ability to issue fines. He stated there was a permit for the roof, however there was not a permit for the rear porch structure. Ms. Buragas stated her hope that the department would offer a firm stance on these kinds of situations especially when a contractor is responsible for knowing the rules and requirements. Mr. Derry stated as soon as he realized there was a violation, he went directly to the zoning office for guidance.

Mr. Kearney asked why this open structure would count against the 25' setback. Mr. Woolard explained the code regulates the bulk and even though it is open there is still bulk with the roof.

Mr. Briggs stated if a pergola were built without a roof, it would not count toward the setbacks. Ms. Meek stated an open deck would be allowed, however the roof and the posts and the deck combination poses the possibility for future enclosure.

There was discussion on the possible porch being enclosed for living space, bulk and smaller yards on cull-du-sacs. Chairman Ireland referred to a previous case with a house on the 'bulb' and lot dimensions with the row dips in the lot. Ms. Meek stated this is an issue of privacy. Mr. Derry stated the subdivision owns the berm which is approximately 5' high with trees. Mr. Simeone stated the berm should be included in the setback count. Mr. Briggs said the bulb does cause a unique situation for this case the property owner does see a loss of property use. Mr. Simeone asked how a roof permit would have been issued without an understanding of the encroachment. Mr. Derry stated the roof project was for the entire home due to the hail damage. Mr. Woolard stated the purpose of the required 25' setback is for privacy, controlling bulk, providing for light and air circulation.

The vote on the variance was approved with seven (7) voting in favor and zero (0) against and the following votes being cast on roll call: Mr. Briggs-Yes; Ms. Meek-Yes; Mr. Zimmerman-Yes; Mr. Ireland-Yes; Mr. Kearney-Yes; Ms. Buragas-Yes; Mr. Simeone-Yes.

OTHER BUSINESS:

Discussion of Height and Second Story Variances: Mr. Woolard stated a request has been made to legal, but there has not been a determination.

Any Other Business to Come Before the Board: Mr. Woolard stated the city council approved the 4:00 p.m. start time and it will begin in November.

Chairman Ireland stated in his 45 years of experience in checking city issued roof permits 25 to 50 percent of the projects included more work to the home beyond a roof. He said often times siding or window work was completed, however there was never an indication of that work when the roofing permit was issued. There was discussion regarding permit information.

NEW BUSINESS: None

PUBLIC COMMENT: None

ADJOURNMENT: 3:46 p.m.

Respectfully;

Mark Woolard