

**MINUTES
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, DECEMBER 19, 2018
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

Members present: Mr. Terry Ballantini, Mr. Jeff Brown, Ms. Victoria Harris, Ms. Barbara Meek, Mr. Robert Schultz, and Mr. Michael Rivera Jr.

Members absent: Mr. Veitengruber

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

Mr. Brown 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 November 21, 2018 regular meeting minutes. Ms. Harris corrected a scrivener's error on page 2. Ms. Meek motioned to approve the minutes as corrected. Seconded by Ms. Harris. The motions was approved 6-0 with the following votes cast in favor on roll call: Mr. Ballantini—yes; Mr. Brown—yes; Ms. Harris—yes; Ms. Meek—yes; Mr. Schultz—yes; Mr. Rivera—yes.

Mr. Boyle addressed the election of a chairperson before the hearing. He suggested electing a new chairperson at this point, and asked for nominations. Ms. Meek nominated Mr. Brown. Seconded by Mr. Ballantini. Mr. Brown stated that his time as a Board member would be up in four months. Ms. Meek stated that her time on the Board would be coming to an end as well therefore she would not like to be considered for chairperson. The motion to elect Mr. Brown as chairperson for the next four months was approved 6-0 with the following votes cast in favor on roll call: Mr. Ballantini—yes; Mr. Brown—yes; Ms. Harris—yes; Ms. Meek—yes; Mr. Schultz—yes; Mr. Rivera—yes.

REGULAR AGENDA:

Z-27-18 Consideration, review and action of a petition submitted by Edward J. Deutsch requesting a variance to allow a telecommunication antenna as an accessory structure in the front yard at 1409 Cloud Street. (Ward 4)

Chairman Brown swore in the petitioner Edward Deutsch, 1409 Cloud Street. Mr. Deutsch gave testimony that in early June he removed an antenna tower at a friend's house and noticed that the base of the tower was rusted. He knew his own tower had been in the ground for more than thirty years. He was concerned for the safety and stability of his current tower, and removed it. He was able to obtain another tower, which is in better condition and can be safely

installed in the ground, and secured. The new tower will be mounted in concrete and at 16 feet will have a house bracket. He is proposing to install the new tower in the same location as the previous tower, on the west side of the house. He is requesting a variance because the antenna would be located in the front yard, as his home is located on a corner lot and has two front yards. He considered other locations per City Staff's recommendation, however determined that no place else on his lot would give him adequate space to secure the tower. The Ham Radio hobby is more than a hobby. The group in Bloomington is involved in drills to help out during emergencies and community events such as running and cycling events. The new tower will be able to communicate through the internet. Mr. Deutsch stated two reasons to support the variance. The first being that the previous tower has been in that same place for 30 years and directly next to the house, and the tower will also be within the footprint of the house.

Chairman Brown swore in Cristina Deutsch, 1409 Cloud Street, who spoke in favor of the requested variance. She gave testimony that they recently found out that their home has two front yards. Their neighbors have not complained and the bottom of the tower is covered by bushes. There have not been any issues in the past and does not anticipate any issues in the future.

Chairman Brown swore in Jerry Lang, 707 Florence Avenue, who had questions regarding the requested variance. He has concerns about the antenna being in the front yard, but he understands now that it is not located in the front yard by a sidewalk. He suggested that the rear yard could be a good location for the antenna. He is concerned with the various antennas already located on the property.

Ms. Harris asked if he was still concerned about the case. Mr. Lang stated he understood now what the front yard is referred to. He is still concerned with the number of antennas already on the property and the guide wires, as well as how tall the antenna may be. Mr. Deutsch stated that antenna which was laying on the roof is the one waiting to be placed on the new tower. The other antenna provides different bands for the amateur radio operators to tune in to. The antenna will be secured with a bracket and the concrete base which will not need guide wires.

The Commission discussed the difference between the tower and the antennas which are located on the tower creating the antenna facility. The new antenna will be 65 feet tall. The previous tower was 50 feet tall. He stated the new structure base is a little bit bigger. If he adds the antenna which is on the roof of the garage now, to the larger antenna tower, he would be exceeding the height requirement. There will be no other wires hanging from the tower.

Ms. Mandujano presented that staff report and the recommendation to approve the variance. Ms. Mandujano provided the board with an overview of the general standards the Board uses to review Zoning Cases. Ms. Mandujano 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 surrounded by R-1C, High Density Single Family Residence District to the north and east. To the south of the property there are special uses and multiple family districts as well as a public lands and institution district to the west. The area is unique with a variety of uses including a golf club, restaurant, other businesses and a variety of densities. Ms. Mandujano provided visuals of the location of the previous antenna and the proposed location of the antenna as the site was currently. Antenna facilities are permitted in the residential districts in rear and side yards and can be up to 70 feet tall. Operators must go through exams and licensing. The site has a variety of challenges such as being built up to the property line to the east. There is a variety of hard landscaping and trees in the rear yard and pushed too far

back to reach the house and produce a sturdy installation. Ms. Mandujano provided the board with more visual demonstrating the various locations on the site, as well as a model to visually see what the antenna may look like. She also produced a map with distances from the proposed antenna to other structures, finding that the proposed location is one of the better locations, with greater distance between other structures.

Ms. Mandujano reviewed the standards and found that the site was unique and had characteristics that made strict adherence to the code difficult. Antennas that are properly installed should not have interference with other electronic devices. Staff recommended in favor of the variance.

Mr. Lang stated that as long as the antenna will not located in the front yard, he no longer has concerns. Mr. Brown asked if this would affect WIFI in the house. He stated that he has WIFI in his own home and there have never been interference. Operators always try to maintain purity of the signals. Purity of the signal can be maintained especially with new equipment, and the FCC monitors the amateur radio operators. Ms. Harris asked if there would be a scheduled visit from the FCC. Mr. Deutsch stated that he must maintain records of all of the connections he makes if the FCC were ever to request them. Mr. Ballantini asked how often he must renew his license. Mr. Deutsch stated his license is good for ten years. He has operated for 30 years. Ms. Deutsch stated that the antenna will be the same, the thing that is being replaced is the tower base.

Mr. Schultz motioned to accept the staff's findings as fact. Seconded by Ms. Harris. The motion was approved 6-0 with the following votes cast on roll call: Mr. Ballantini—yes; Mr. Brown—yes; Ms. Harris—yes; Ms. Meek—yes; Mr. Schultz—yes, Mr. Rivera—yes.

Mr. Ballantini motioned to vote on the petition. Seconded by Ms. Meek. The variance was approved 6-0, with the following votes cast in favor on roll call: Mr. Ballantini—yes; Mr. Brown—yes; Ms. Harris—yes; Ms. Meek—yes; Mr. Schultz—yes; Mr. Rivera—yes.

Z-28-18 Consideration, review and action of a petition submitted by JNB, LP requesting the following variances: 1) to reduce the size of parking space dimensions, 2) to reduce the parking aisle dimensions, 3) to reduce the 6' landscaping setback for parking lots, and 4) to reduce the 12' front perimeter landscaping for parking lots for the properties at 510 E. Washington Street & 500 E. Jefferson Street. (Ward 4)

Ms. Simpson presented the staff report, and the recommendation to approve the variance. She provided the Board with pictures of the subject property, the surrounding properties and an aerial view of the neighborhood as well as the zoning view. 510 E. Washington was built around 1914 and has additions by architect Arthur Pillsbury. It was recently added to the National Register of Historic Places as part of this redevelopment project. The petitioner is proposing to convert the high school into apartments, with a commercial component on the first floor. They have applied for tax credits from the Illinois Housing Development Authority, as well as tax credits from the Illinois Federal Historic Preservation Agency. With the tax credit comes various stipulations, one being required parking for residents on site, as well as the commercial component. The site must be improved following guidelines by the Secretary of the Interior Standards for Rehabilitation. In 1914 there were no parking requirements, therefore, the Bloomington School District purchased 500 E Jefferson Street to develop it as a

parking lot. Under the current zoning ordinance there are no parking requirements for this project. The parking is based on the requirements for the tax credits. Ms. Simpson presented pictures of the site and the challenges to fit parking in an already developed site. There are also physical constraints, including a significant slope in the south west corner of the site. The northwest lot, is a lot that will contain accessible parking. A new entrance would be added to Jefferson Street, improving the traffic on McLean Street. They will be also adding some green space. A variance is needed to be able to add green space and the accessible ramp. Ms. Simpson identified the variances for this lot and presented the Commission with visuals:

Type of Variance	Request	Required	Variation
1). 12' landscaping setback 44.7-2, G.4.(c)(7)	b). 1 ft and 4 ft (NW Lot)	12ft	11 ft and 8ft decrease
2). 6' landscaping setback 44.7-2, G.4.(c)(7)	b). 0ft (NW Lot)	6ft	6ft decrease
3). Reduced parking aisle dimensions 44.7-2. G.4.(h)(5)	b). 24ft (90°parking NW Lot)	25ft	1 ft decrease
4). Reduced parking stall dimensions 44.7-2. G.4.(h)(5)	b). 18 ft (90°parking NW Lot) d). 8.5 width (all lots)	19 ft 9 ft	1 ft decrease 0.5 ft decrease

The east lot located on the building's east side will consist of two "T" shaped lots consisting of eight and five spots. The lot provide additional off street parking and the design limits unnecessary congestion. The public sidewalk encroaches two feet onto the property necessitating a variance. Ms. Simpson identified the variances for this lot and presented the Commission with visuals:

Type of Variance	Request	Required	Variation
1). 12' landscaping setback 44.7-2, G.4.(c)(7)	c). 10ft (East Lot)	12ft	2 ft decrease
3). Reduced parking aisle dimensions 44.7-2. G.4.(h)(5)	c). 24ft (90° parking East Lot)	25 ft	1ft decrease
4). Reduced parking stall dimensions 44.7-2. G.4.(h)(5)	c). 18 ft (90° parking East Lot) d). 8.5 width (all lots)	19 ft 9 ft	1 ft decrease 0.5 ft decrease

The north lot is located on the northeast corner of N. McLean St. and E. Jefferson St. The property has no landscaping setbacks and ingress/egress is provided on N. McLean St. The petitioner is proposing to change the circulation of the parking lot. The petitioner is also proposing one way circulation, reducing traffic. The property will also require screening as it abuts residential buildings, the petitioner is proposing a six foot fence. Ms. Simpson identified the variances for this lot and presented the Commission with visuals:

Type of Variance	Request	Required	Variation
1). 12' landscaping setback 44.7-2, G.4.(c)(7)	a). 4 ft to 8 ft (North Lot)	12ft	8ft-4ft decrease

2). 6' landscaping setback 44.7-2, G.4.(c)(7)	a). 2ft to 5 ft (North Lot)	6ft	4 to 1ft decrease
3). Reduced parking aisle dimensions 44.7-2. G.4.(h)(5)	a). 16 (60°parking North Lot)	18ft	2ft decrease
4). Reduced parking stall dimensions 44.7-2. G.4.(h)(5)	a). 20 ft (60°parking North Lot d). 8.5 width (all lots)	21 ft 9 ft	1 ft decrease 0.5 ft decrease

After reviewing the standards, staff is recommending in favor of the variances. There are several goals with this project including affordable housing for senior citizens, mixed use development, preserving a historic structure, and bringing the site as close as possible into compliance with the zoning ordinance.

Ms. Harris asked if the fence would have shrubbery next to it. Ms. Simpson stated that there would be no space, but the goal is also to preserve the shrubbery on the abutting yards. Mr. Rivera asked what parking spots would be gained or lost and how this would affect the site. Ms. Simpson stated the site does not have a required amount of parking, but it would be a gain with the residential parking spots. They are providing at least one space per unit. The Commission has a discussion about parking and how many spots would be added. The site is also located within a bus stop. Mr. Ballantini asked if the commercial tenants would be parking on the street. Ms. Simpson stated that the petitioner has not outlined which tenants would have the parking but there is parking available on the street, there is a bus line, and the Constitution Trial is in close proximity. Ms. Simpson stated that there are no parking requirements for this development. Staff looked at supporting this project to improve the green space in the area, considering parking was available on street.

Chairman Brown swore in the petitioner Jeff Gastel, 311 E. Washington Road Carlock, IL He is the consultant on this project. Mr. Gastel gave testimony that the IHDA has a requirement of one parking space per unit, and whatever local ordinance would require. There is no parking requirements therefore they are trying to gain spots and trying to preserve green space. Mr. Gastel referred to photographs outlining the lots and stated that the project will be improving the site.

Mr. Schultz asked about the ratios for the units, Mr. Gastel stated there would be 33 one bedroom, 21 two bedroom and 4 efficiency apartments. The current commercial tenants would be able to maintain residency. Mr. Ballantini shared his concerns for the parking that would be available for the commercial development. Mr. Gastel stated that there would be designated parking. Ms. Harris stated that since the development would be for low income, there should not be an issue with too many vehicles per unit.

Chairman Brown swore in Karen Mayes, 30 Prenzler Drive, who wished to speak in favor of the petition. She owns property along E. Washington Street. She thinks the proposed parking and green space will be a great improvement in the area. Parking has always been an issue, and she does not think it will become a bigger issue.

Mr. Schultz asked if the residential properties have had any issues with parking such as congestion. Ms. Mayes stated that now with parking on both sides of the street it is much better and she does not think the development will make anything worse.

Mr. Jerry Lang, gave testimony that when he was an educator and had to access the building, the parking was an issue. With the addition of units and maintaining commercial spaces, the parking issue may be made worse. He stated that even now, parking spaces are limited.

Ms. Simpson stated that the variance request is not about the number of spaces, but of the setbacks. There is no minimum parking space requirements for this development, parking is based on zoning classification. The variance deals with the size of the setbacks and the size of the parking stalls. Mr. Schultz stated that there may be hesitation by the commercial tenants who want to move into a site with no designated parking. Mr. Mahrt stated that in discussions with the developer, the likely commercial tenants would be those more appropriate being along an assisted living facility or senior housing. Mr. Boyle stated the Commission should look at the variances that are adding parking spaces, and keep in mind that the zoning dictates there is no minimum parking requirements. The Commission and staff discussed the zoning which affects the required parking, and the proposed zoning ordinance changes which do not apply to this project, since it is being done before the proposed ordinance is passed. The petitioner would also be able to add parking as they feel it is needed in the future.

Ms. Cristina Deutsch spoke in support of the project. She stated that this would improve the neighborhood and preserve an existing historical building.

Ms. Meek motioned to accept the staffs finding as fact. Seconded by Mr. Rivera. The motion was approved 6-0, with the following votes cast in favor on roll call: Mr. Ballantini—yes; Mr. Brown—yes; Ms. Harris—yes; Ms. Meek—yes; Mr. Schultz—yes, Mr. Rivera—yes.

The Board motioned to vote on the petition as a whole. The motion was approved by voice vote.

Ms. Harris motioned to vote on the petition, seconded by Mr. Rivera for case Z-28-18. The variance was approved, 6-0, with the following votes called: Mr. Ballantini—yes; Mr. Brown—yes; Ms. Harris—yes; Ms. Meek—yes; Mr. Schultz—yes, Mr. Rivera—yes.

NEW BUSINESS

Chairman Brown introduced the new Commissioner Mr. Michael Rivera. Mr. Rivera stated he has moved to Bloomington from Elgin. He is a community pastor, and serves active duty for the Illinois Army National Guard, and is in transition to become a Chaplain for the Army National Guard.

ADJOURNMENT

Mr. Ballantini motioned to adjourn. Seconded by Mr. Rivera. The motion was approved by voice vote. The meeting adjourned at 5:30 PM

Respectfully Submitted,
Izzy Mandujano-Assistant City Planner