



MINUTES
PUBLISHED BY THE AUTHORITY OF
THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS
WEDNESDAY, DECEMBER 16, 2020, 4:00 P.M.
WWW.CITYBLM.ORG/LIVE

The Zoning Board of Appeals convened in Regular Session virtually via zoom conferencing with the City Planner, Katie Simpson, and Kimberly Smith, the Assistant Director of Economic & Community Development, in-person in City Hall's Council Chambers. The meeting was live streamed to the public at www.cityblm.org/live. The Meeting was called to order by Chairperson Victoria Harris at 4:04 PM.

ROLL CALL

Attendee Name	Title	Status
Ms. Victoria Harris	Chairperson	Present
Mr. Terry Ballantini	Commissioner	Present
Mr. Michael McFarland	Commissioner	Present
Mr. Michael Straza	Commissioner	Present
Mr. Tyler Noonan	Commissioner	Present
Mr. Michael Rivera Jr	Commissioner	Absent
Ms. Nikki Williams	Commissioner	Present
Mr. George Boyle	Assistant Corporate Counsel	Present
Ms. Melissa Hon	Economic & Community Development Director	Absent
Ms. Kimberly Smith	Assistant Economic & Community Development Director	Present
Ms. Katie Simpson	City Planner	Present
Ms. Caitlin Kelly	Assistant City Planner	Present

COVID-19

This meeting is being held virtually via live stream. Public comment will be accepted up until 15 minutes before the start of the meeting. Written public comment must be emailed to publiccomment@cityblm.org and those wishing to speak live must register at <https://www.cityblm.org/register> prior to the meeting.

PUBLIC COMMENT

No public comment.

MINUTES

Mr. Straza motioned to approve both sets of the previous meetings' minutes. Mr. Ballantini seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The motion was approved (6-0-0).

REGULAR AGENDA

- A. Z-26-20** Public hearing, review and action on a petition for a variance from Chapter 44- 404 submitted by William Shelton to allow for a driveway expansion beyond 24' in the Residential District at 1125 Rader Run, Bloomington IL 61704. (Ward 3)

Chairperson Harris called for the staff report. Ms. Simpson introduced the case and stated that staff recommends a denial of the requested variance.

Ms. Simpson explained that the subdivision is built with zero lot line homes, and that the lot sizes are smaller than are generally built, resulting in a specific character to the neighborhood.

The applicant requested a permit in order to build a driveway. The driveway was built differently from what the permit indicated, flaring outward to 24' in width. The applicant requested a variance in order to allow the driveway to remain as is.

Mr. Straza asked whether the original design was approved for a permit and then the nonconforming part of the driveway added on. Ms. Simpson stated that the permit was approved but never issued due to lack of payment. Mr. Ballantini inquired as to what the permitting process is and whether there is a time limit on submitting payment for a permit.

Chairperson Harris swore in Mr. William Shelton, the applicant, for testimony. Mr. Shelton clarified that they were under the impression that the contractor would pay for the permit fee. He mentioned that a city employee in a marked city vehicle took pictures of the project as it was under construction and verbally approved it.

Mr. Ballantini sought to clarify that Mr. Shelton was aware that the driveway would be substantially different from what was submitted. Mr. Shelton said he was. Chairperson Harris asked whether the city employee was aware of the extension when they verbally approved of it. Mr. Shelton said yes. Mr. Ballantini asked whether Mr. Shelton was aware of the worker's name and whether a permit was submitted or requested with the new driveway design; Mr. Shelton did not know the employee's name and did not apply for a new permit.

Mr. Ballantini asked how difficult it would be in order to comply with the code. Mr. Shelton said the flare would have to be removed and repoured.

Mr. Noonan motioned to adopt the Findings of Fact, as presented in the staff report, and finding the standards for a variance are not met. Mr. McFarland seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The motion carried (6-0-0).

Mr. Ballantini motioned to reject the variance as requested, consistent with the findings. Mr. McFarland seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The variance was rejected (6-0-0).

B. Z-27-20 Public hearing, review and action on a petition for a variance submitted by Michael Hudelson to install a 6ft fence in the front yard of a residential property, a 2ft increase, at 2821 Chesapeake Lane, Bloomington, IL 61704. (Ward 9)

Chairperson Harris called for the staff report. Ms. Kelly introduced the case, stating that staff recommends a denial of the variance.

Ms. Kelly explained that the fence had already been installed and was the subject of a recent zoning enforcement case. No other front yard fences in the neighborhood seemed to measure over 4' in height. Ms. Kelly additionally explained the circumstances of corner lots, which are considered to have two front yards per the Zoning Ordinance, both requiring setbacks of at least 25'. A large tree would have to be removed from the property in order to install a side yard fence.

Mr. McFarland asked what might be contributing to the prevalence of similar cases. Mr. Boyle suggested that this discussion be moved to New Business.

Chairperson Harris swore in Michael Hudelson, the applicant, for testimony. Mr. Hudelson explained that in researching the project, he did not find any materials explaining that corner lots have two front yards. He added that he was unaware that the contractor he hired did not apply for a permit, and that there are several other 6' tall front yard fences in the area that he has observed.

Chairperson Harris asked whether Mr. Hudelson knew when the other 6' fences were built. He wasn't sure. Mr. McFarland and the applicant asked whether a recent code change had taken place to disallow 6' front yard fences; Ms. Simpson said no. Mr. Hudelson suggested making it clearer in the ordinance that corner lots are considered to have two front yards. Mr. Ballantini asked whether this is addressed on the city website; Ms. Simpson said it's not specifically spelled out on the city website, although it is in the code.

Mr. Ballantini inquired as to the distance between the tree and fence. Mr. Hudelson estimated it would be about 15' to 20'. Chairperson Harris asked staff that it be made clear that corner lots have two front yards.

Mr. McFarland made a motion to accept the Findings of Fact, **as presented in the staff report, and finding the standards for a variance are not met.** Mr. Ballantini seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The motion carried (6-0-0).

Mr. Ballantini made a motion to deny the variance request, consistent with the findings. Mr. Straza seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The variance was rejected (6-0-0).

C. Z-29-20 Public hearing, review and action on a petition for variance submitted by Brooke Hermanowicz to install a 6ft fence in the front yard of a residential property, a 2ft increase at 220 Willard Ave, Bloomington, IL 61701. (Ward 4)

Chairperson Harris called for the staff report. Ms. Kelly introduced the case, stating that staff recommend a denial of the variance. Similarly, the 6' fence had already been installed at the property, a corner lot, though the site does not appear to have any physical characteristics preventing the installation of a side yard fence. The existing fence may also be in violation of sight distance requirements, as it abuts an alleyway.

Mr. Ballantini asked whether the fence had recently been replaced and, if so, whether the original fence was in compliance. Ms. Kelly said she believed so.

Chairperson Harris swore in Brooke Hermanowicz, the applicant. She explained that she saw the fence as a replacement and verified with neighbors that the fence would not pose an issue to visibility. She also mentioned that after applying for a fence permit for the existing 6' fence, David Silver, a city inspector, advised her to apply for a variance, or else the permit would be denied.

Mr. Ballantini verified that the previous was in compliance with the Zoning Ordinance. Ms. Hermanowicz said it was. Mr. Ballantini brought up the sight distance requirements as a major concern of his. Ms. Hermanowicz explained that the alleyway is abandoned, and that nobody drives through it.

Chairperson Harris swore in David Wiltz, partner of the applicant, for testimony. He explained that he performed most of the work on the property including the fence, and that the replacement fence went in the same position as the original 4' fence. He asked what the boundaries between front and back yards are considered to be. Mr. McFarland and Ms. Simpson explained that the Zoning Ordinance considers each side of a property with frontage on a public street to have a front yard. Mr. Wiltz maintained that the fence was built in line with the original foundation of the house, and that he made the fence double-sided after receiving the zoning enforcement letter.

Mr. Ballantini clarified that the height of the fence and the fact that it is not set back far enough to qualify as a side yard fence is the issue. He reiterated that the consideration of the Board, in his opinion, is whether or not a structure meets the standards of the code.

Ms. Simpson entered the email received from neighbors speaking against the variance into the record. Ms. Hermanowicz stated that the email bolstered her desire for security, and that she felt singled out given that others in the neighborhood have 6' tall front yard fences.

Mr. McFarland motioned to continue the case to the next meeting given that the applicant does not appear to fully understand the purpose or process of applying a variance, and that the applicant has additional information that she would like to submit. Ms. Hermanowicz agreed. Mr. Ballantini seconded the motion. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The motion carried (6-0-0).

OLD BUSINESS

There was none.

NEW BUSINESS

Chairperson Harris asked staff to make it clearer that yard setbacks differ for corner lots. Ms. Simpson displayed Ch. 44, 9-9 of the Zoning Ordinance, which clarify setback requirements for corner lots as well as regular lots. Mr. Boyle asked whether this is spelled out in the fence pamphlet. Ms. Simpson affirmed that it is, although it is not available on the website. It was decided that Ms. Kelly would design a clearer informational pamphlet for the website.

ADJOURNMENT

Mr. Straza motioned to adjourn. Mr. Ballantini seconded. All were in agreement. The meeting adjourned at 6:03 PM.

CITY OF BLOOMINGTON

ATTEST

Victoria Harris, Chairperson

Katie Simpson, City Planner