

MINUTES
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 3:00 P.M.
WEDNESDAY, NOVEMBER 20, 2013
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET, BLOOMINGTON, ILLINOIS

Members present: Mrs. Barbara Meek, Mr. Dick Briggs, Mr. Bill Zimmerman, Ms. Amelia Buragas, Mr. Mike Ireland, Mr. Jim Simeone, Mr. Robert Kearney (arrived at 3.13 P.M.)

Also present: Mr. Mark Woolard, City Planner; Kevin Kothe, City Engineer

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 October 16, 2013. The Board had no corrections and the minutes were accepted as printed.

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

REGULAR AGENDA

Z-16-13 Public Hearing and Review on the petition submitted by Dillip Patel to allow a new banquet facility and for a variance from the Zoning Ordinance to reduce the required minimum number of parking spaces for the property located at 806 Eldorado Road. Zoned B-1, Highway Business District.

Chairman Ireland gave a synopsis of this petition and how at the previous meeting there was the need for more information. The petitioner's reason for the variance request is to allow parking on the adjacent site. The Board had requested an approval letter from the owner of 802 regarding the use of parking on that property.

Chairman Ireland introduced the petition and asked for anyone who was in favor of the petition to come forward. Mr. Larry Hundman, 5 Spruce Ct, Bloomington, stated that there has not been as much progress in the last 30 days as we would have liked. There have been a couple of opportunities that have come up as a result of trying to put something in the back of 806 Eldorado Rd. Those have not materialized yet. We would like to ask for a continuation for another 30 days to see if we can get the other things put into place that could require a lot less parking and could meet the parking requirement. The banquet facility would maybe on hold for now and the other alternatives would not require the amount of parking. Our request would be to extend this for 30 days.

Mr. Zimmerman asked if Mr. Hundman had talked to the owner of 808 Eldorado. Mr. Hundman stated that the owner of 808 does not want neighbors parking on his lot. Mr. Zimmerman stated that seemed to be the only viable option for alternative parking. Mr. Hundman stated that 808 was one of the options. Mr. Briggs suggested that if a totally different type of business is going to be presented, then why not remove this case and approach it with an entirely new case. Mr. Briggs questioned the waiver of the variance fee and suggested withdraw of this case and present

the new case in order to have clean paperwork. Chairman Ireland stated that this body doesn't have the right to waive administrative fees. Mr. Woolard asked what would be different from the current petition. Discussion ensued regarding the variance request that would differ if a different type of business was placed in the area. Mr. Woolard suggested that the withdrawal needed to come from the applicant.

Chairman Ireland invited anyone else who would like to speak in favor of the petition and no one spoke.

Chairman Ireland asked for anyone who would like to speak in opposition of the petition to come forward. Mr. Darren White, 1219 Roland, Normal, requested a status on this case. Mr. White asked if the Board had received a letter from the Stark Management attorney, Robert Lenz. Chairman Ireland stated a letter and contract reads that the landlord doesn't consent to the use of the premises by the proposed banquet facility. Chairman Ireland stated that we may not be talking about a banquet facility. Mr. White asked the board to shut this down. Mr. White stated that they are trying to shoe horn in a business that is clearly not wanted there. He suggested moving the banquet facility to an area where parking is better. Mr. White stated that the ownership of 802 has clearly stated that the use for that parking is for Caldwell or Kidder period. Any more talk of the property use at 802 needs to be eliminated. Mr. White stated that he wanted no ambiguity here.

Mr. Kearney arrived at 3:13 pm.

Mr. Woolard stated that the attorney for the owner of 802 Eldorado emphasized to staff that Mr. Hundman does not have any authority to negotiate nor act on behalf of the owner. Chairman Ireland acknowledged that Mr. White is against the variances. Chairman Ireland read the highlights in bold and underlined from the letter. It is addressing the property at 802 with regard to the variance. They don't consent to the use of the premises by the proposed banquet facility owner. They have not given any permission to extend that parking. Chairman stated that the Board was looking for a letter of consent and asked Mr. Hundman if he wanted to withdraw this petition and start over. Mr. Hundman stated that he did not agree with the letter and that there is nothing that he can do about the letter today. Mr. Hundman requested a delay of 30 days; however if a vote is different, he will survive. Since the letter of consent from the owner of the property and not the tenants was not attained, a vote now needs to take place in order to dissolve this. Mr. Kearney asked if Mr. Patel was present. He was not. Mr. Briggs stated that we have no documentation of anyone who would allow parking for the proposed banquet business. Mr. Woolard stated the cleanest way to approach this petition would be to have a new case brought forward due to possible changes.

The case Z-16-13 was denied with a vote of zero (0) in favor to seven (7) against with the following votes being cast on roll call: Mr. Simeone—No; Mr. Zimmerman—No; Ms. Buragas—No; Mr. Briggs—No; Ms. Meek—No; Mr. Ireland—No; Mr. Kearney—Present.

Z-17-13 Public Hearing and Review on the petition submitted by Tim Davis to allow construction of a parking lot and to allow a variance from the Zoning Ordinance to reduce the required 6

foot parking lot setback from the west property line to 2 feet for the property located at 2411 E. Washington Street. Zoned C-1, Office District. (Ward 8).

Chairman Ireland invited anyone who would like to speak in favor of the petition. Mr. Joe Stewart, 2201 W. Oakland Ave, Bloomington, IL under oath stated this project began as a very simple concrete repair to the parking lot. Once they got into the repair the subgrade was deemed as insufficient and more repairs were needed. Once we got it to where it was substantial then the 1400 square foot triggered the city code requirement for detention. The pavement was built thirty years ago and instead of the required 6', the request is for a 3' variance to meet the new code. Mr. Briggs asked if current offset was none. Mr. Stewart stated yes and that they are requesting a 3' variance.

Chairman Ireland invited anyone else who would like to speak who was in favor of the petition. Tim Davis, owner of 2411 E. Washington Street for the last 15 years, stated when last tenant moved from the building, they decided to demolish the old asbestos filled building. It was replaced with a new building and parking area repairs began. Mr. Stewart saw the subgrade and realized the need for more repairs. Since this parking area was about 30 years old, it needed more attention than expected. Mr. Davis explained that he wasn't trying to do anything more than the way it was for the last 30 years. There is green space to the north, south, east and west side of this property. He didn't realize the 1400 square foot trigger until they were into repairs and a city employee explained the need for this review. Chairman Ireland asked if there was an expanded area of concrete. Mr. Davis stated nothing was expanded. Our plan was to put down the new concrete and did not get that in place before meeting with the Board.

Mr. Woolard stated staff supports this request. Staff viewed this different from a completely new construction on the site, and it is too tight and he needs the parking spaces and aisle requirements to meet the code. This was originally a two foot setback request however, Mr. Stewart mentioned a three foot setback. Mr. Woolard suggested plantings in that setback area would be possible.

Mr. Simeone asked as a point of information, this place was built 30 years ago and in the meantime the new setback rules were put into place. When was the new setback requirements put into place? Mr. Woolard stated there was a new zoning ordinance put into place in 1979, but maybe the landscape and parking requirements were put into a newer edition. Mr. Briggs suggested that they follow the pattern, but if the building is to expand or to be replaced, they will need to come here. A discussion ensued regarding a building verses a parking lot. When a 1400 square foot impervious surface is disturbed, then there are detention requirements guided by the city engineer that must be followed. Another discussion regarding detention ensued. Ms. Meek clarified that the question in front of the board today is: are we okay with putting the parking lot back into the same place that it was? Mr. Briggs asked if it was ok to change the setback to three foot instead of two. Mr. Woolard clarified that the less invasive three foot would be allowed however. Chairman Ireland corrected that the address is 2411 E. Washington Street and not the listed 2411 W. Washington.

Chairman Ireland asked for anyone else who would like to speak and no one else spoke.

Chairman Ireland stated that the vote is on: a lot setback from the west property line to two feet for the property located at 2411 E. Washington Street.

The vote on the variance was approved with a vote of six (7) voting in favor and (0) against. Mr. Simeone—Yes; Mr. Zimmerman—Yes; Ms. Buragas—Yes; Mr. Briggs—Yes; Ms. Meek—Yes; Mr. Ireland—Yes; Mr. Kearney—Yes.

PUBLIC COMMENT. None

OTHER BUSINESS. Mr. Briggs stated that Mr. Kothe presented a great workshop on green pathways at a previous workshop. The Bloomington City website was currently updated with accurate member information.

NEW BUSINESS. There were questions regarding the P.A.C.E. department's future. Mr. Woolard confirmed that Director Huber is retiring. A discussion on needed zoning ordinance references for the board members occurred. The open meeting training requirements of the members was questioned. The open meeting training is organized through the clerk's office.

ADJOURNMENT: 3.42 pm

Respectfully;

Mark Woolard