

**MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, NOVEMBER 19, 2014, 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE ST., BLOOMINGTON, IL**

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

Members absent: Ms. Meek

Also present: Mr. Kevin Kothe, City Engineer
Mr. Tom Dabareiner, Community Development Director
Mr. Mark Woolard, City Planner

Mr. Woolard called the meeting to order at 4:03 p.m. and called the roll. A quorum was present.

The Board reviewed the minutes from October 15, 2014 and accepted the minutes as printed.

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

REGULAR AGENDA:

Z-18-14 Public Hearing and Review on the petition submitted by BloomNorm, LLC to allow construction of a new single-family residence with an attached carport and to allow three variances from the Zoning Ordinance as follows:

- 1) Reduce the required average 6' front yard setback from the east front lot line to 5'.
- 2) Reduce the required 25' rear yard setback from the west rear lot line to 4'.
- 3) Reduce the required 6' side yard setback from the north side lot line to 2.5'.

All for property located at 406 Catherine Street. Zoned R-2, Mixed Residential District.

Chairman Ireland introduced the case and asked for anyone who would like to speak in favor of the petition. Mr. Peter Levavi, Brinshore Development Company, Northbrook, Il., was sworn in. He stated the federal government has a neighborhood stabilization program and Brinshore has purchased foreclosed homes through it and developed approximately 4,000 units of affordable housing. He said this program has been extremely successful on a small scale in relation to the large foreclosure crisis. There are 26 single family homes under renovation or rebuilding in Bloomington. There is a requirement of 5% of all units to be handicap accessible in compliance of section 504 of the rehabilitation act of 1973. He said very few houses are built to these standards and there were many attempts to purchase existing units which could meet the standards, however there was nothing available. He said in order to meet the set requirements; the listed variances are the minimum actions required. Mr. Levavi said it will fit nicely into the surrounding neighborhood.

Mr. Levavi stated the car port would only be attached at the roof and there would be no siding. Mr. Simeone asked if there were other unit variance requests to come and if there were other units which were planned to be torn down. Mr. Levavi stated the three buildings listed on this agenda are the only tear downs as the remaining 23 units are rehabilitations.

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 described the three variances, the adjacent zoning designations and land uses. He showed the site plan with the attached car port located on the west side. He stated the home structure is compliant with the rear yard setback, however since the attached car port is considered a part of the principle structure, it requires a 25' setback. If the car port was freestanding, it would only require a 3' setback. The existing substandard lot measures 2825 square feet. Mr. Woolard stated the proposed home is only 960 square feet which is similar to other neighborhood homes. He stated the city code requires the car port. He presented a letter from Richard Heiser. Staff is supporting the request.

The vote on the variance was approved with six (6) voting in favor and zero (0) against and the following votes being cast on roll call: Mr. Briggs--Yes; Mr. Zimmerman--Yes; Mr. Ireland--Yes; Mr. Kearney--Yes; Ms. Buragas--Yes; Mr. Simeone--Yes; Ms. Meek--Absent.

Z-19-14 Public Hearing and Review on the petition submitted by BloomNorm, LLC to allow construction of a new two-family residence and to allow two variances from the Zoning Ordinance as follows:

- 1) Reduce the required 6' side yard setback from the west side lot line to 3.9'.
 - 2) Reduce the required minimum number of off-street parking spaces from 2 to 0 parking spaces.
- All for property located at 504 and 504 1/2 W. Grove Street. Zoned R-3B, Multiple-Family Residence District.

Z-20-14 Public Hearing and Review on the petition submitted by BloomNorm, LLC to allow construction of a new two-family residence and to allow two variances from the Zoning Ordinance as follows:

- 1) Reduce the required 6' side yard setback from the east side lot line to 3.9'.
 - 2) Reduce the required minimum number of off-street parking spaces from 2 to 0 parking spaces.
- All for property located at 506 and 506 1/2 W. Grove Street. Zoned R-3B, Multiple-Family Residence District.

Chairman Ireland introduced both cases and asked for anyone who would like to speak in favor of the petition. Mr. Levavi stated the two petitions are also a part of the same 26 unit project as mentioned in the previous case. He stated a letter was submitted which stated these buildings are completely unsuitable for rehabilitation and they corroborate with the letter stating the need to rebuild instead of rehabilitate. He stated the state is very covetous of how their funds are used with regard to replacing a two unit home with a two unit home instead of a one unit home.

The two duplexes have supported two family residences, each, without off-street parking. He stated that their studies have shown the need for about one half of a parking space for each unit that is developed. Mr. Levavi provided the board with a revised site plan and requested to officially withdraw the variance request for a reduction of the required minimum off street parking spaces on 506/506 1/2 W. Grove. He said the revised plan changed from no off-street parking spaces to two off-street parking spaces on the western site. Mr. Levavi stated the off-street parking would require the use of a 10' strip of land which does not have clear ownership. He said they are working diligently to resolve this situation and believe they have a prescriptive

easement which allows for the continued use of the land which has allowed driving over the strip of land for parking.

There was discussion on ownership of the 10' strip of land, a prescriptive easement for the off street parking spaces, alternatives to the separate parcels, short time frame to place the units in service and Mr. Heiser's letter representing the West Bloomington Revitalization Project which embraced these projects with concerns of parking and setting precedence.

Mr. Christopher Block was sworn in and stated the management of the 26 leased properties will be the responsibility of the staff who currently manage the Anglers Manor. He stated the lender, requires the management to have a weekly drive-by and two annual inspections. Mr. Block stated the property was vacant and it was not condemned.

Ms. Stacey Tutt, Director of the Community Preservation Clinic, University of Illinois College of Law, member of the West Bloomington Housing Collaborative, was sworn in and stated on behalf of the Collaborative who evaluated the properties for community investment, the Collaborative decided not to proceed based on their resources at the time, and they recommended the Brinshore for the development of affordable housing consideration. She said since the properties were already rental units, the maintained rental units would not tip the scales away from single family ownership. Ms. Tutt said the only concerns were for the parking issue which Mr. Heiser's letter addressed and the precedent that may be set for the West Bloomington Neighborhood's future.

Mr. Briggs stated there are two snow routes in the area and asked if there was a current parking issue and an anticipated parking issue that might arise within the 30 year horizon. Ms. Tutt confirmed the parking issues within the snow routes and that was the reason for Mr. Heiser's letter which addressed the parking concern.

Chairman Ireland asked for anyone else who would like to speak, in favor or in opposition of the petition. Ms. Cynthia Arnold, 504 N. Lee, member of Gridley, Allen and Prickett (GAP) Neighborhood Association, was sworn in and expressed concern about parking as it has always been a problem. Ms. Arnold questioned the need to park behind the proposed buildings as this is a change for the neighborhood. She also expressed appreciation and concern over the neighborhood investment and asked the amount of the unit rent. Mr. Kearney stated the replacement of the existing two unit rental with a new two unit rental and the addition of two off-street parking spaces could be an improvement.

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

Mr. Woolard presented the staff report for the properties located at 504, 504 ½, 506 and 506 ½ W. Grove. He state the adjacent zoning designations, and land uses. He stated the concern is for parking with parking by permit on one side and prohibited on the other side and in close proximity to the coliseum. Staff doesn't support the request and has not had a chance to review the revised submitted proposal which includes off-street parking for 506 and 506 ½ W. Grove. Mr. Woolard stated the lots are non-conforming and this is the time to bring the lots back into code compliance.

Mr. Kothe stated the street is 26' wide and the parking is only on one side has been in place for a long time. The permit parking was introduced when the coliseum was built, approximately ten years ago, so residences would have a space to park especially when there were coliseum events.

Mr. Levavi stated if there was a larger sized lot with a clear title to the 10' strip there could be a driveway between the two buildings with four parking slots in the rear which would be an ideal situation. If the 10' strip is able to be clearly titled, then the off-street parking can be provided. He said there is a funding time constraint on occupancy and there is no assurance the clear title will happen or when. Mr. Levavi said the lenders will not allow a building to be built on un-owned land. The current redrawn plan includes two parking spaces which is the maximum the land would allow. He said the redrawn plans which include two parking spaces had received positive city staff feedback and they have done everything possible to address the parking constraints including adding two spaces where there was originally none. Mr. Levavi stated if the 10' land strip can be clearly titled, then all of the variation requests will go away, however since there is an uncertainty and a time constraint; they needed to proceed with the variance requests. He stated they are working to provide as much off-street parking as possible.

Mr. Levavi stated the two parking spaces will be code compliant. He explained that without full zoning approval, this stops the movement on all 26 units and suggested details can be worked through after the closing in order to keep everything moving. He also explained rent was based on a percent of median income formula with a one year lease renew option based on financials.

Ms. Buragas stated Mr. Heiser's email is not an endorsement to rewrite the city's zoning code. She stated the board members base decisions on the criteria within the findings of fact. She said in these cases the facts were met and there was not an alteration of a zoning code and there was not a precedent set for future cases. Ms. Buragas stated each case is independently considered based on its own merits.

Mr. Dabareiner stated the revised request shows Mr. Levavi's commitment to work with staff to meet the code. They are changing the parking request for one lot and if something comes up, they will return to this board for consideration. Mr. Dabareiner stated they have been very cooperative in addressing the parking issue once it was brought to their attention.

The vote on case Z-19-14 for two variances was approved with six (6) voting in favor and zero (0) against and the following votes being cast on roll call: Mr. Briggs--Yes; Mr. Zimmerman--Yes; Mr. Ireland--Yes; Mr. Kearney--Yes; Ms. Buragas--Yes; Mr. Simeone--Yes; Ms. Meek--Absent.

Mr. Briggs made a motion to remove the parking variance for case Z-20-14 which was withdrawn by the petitioner. Mr. Zimmerman supported the motion which was unanimously approved by six (6) yes and zero (0) against on a voice vote.

The vote on case Z-20-14, one variance to reduce the required 6' side yard setback from the east side lot line to 3.9' was approved with six (6) voting in favor and zero (0) against and the following votes being cast on roll call: Mr. Briggs--Yes; Mr. Zimmerman--Yes; Mr. Ireland--Yes; Mr. Kearney--Yes; Ms. Buragas--Yes; Mr. Simeone--Yes; Ms. Meek--Absent.

OTHER BUSINESS:

Discussion of Height and Second Story Variances: There was discussion on the process of variance applications, how new information is presented, and ordinance enforcement.

Any Other Business to Come Before the Board: None

NEW BUSINESS: None

PUBLIC COMMENT: None

ADJOURNMENT: 5:56 p.m.

Respectfully;

Mark Woolard