FINAL
MINUTES
PUBLISHED BY THE AUTHORITY OF
THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS
WEDNESDAY, NOVEMBER 18, 2020, 4:00 P.M.
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The Zoning Board of Appeals convened in Regular Session virtually via zoom conferencing with the City Planner, Katie Simpson, in-person in City Hall's Council Chambers at 4:03 p.m., Wednesday, November 18, 2020. The meeting was live streamed to the public at www.cityblm.org/live. The Meeting was called to order by Chairperson Victoria Harris.

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.

Minutes:

Chairperson Harris had several revisions of the September 16th meeting minutes that she sent directly to staff. Mr. Boyle explained that the Open Meetings Act requires that these revisions be made available for review prior to the Board's approval of them. Chairperson

Harris made a motion to table review of the September 16th minutes until the next meeting, seconded by Mr. Ballantini. 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. SP-07-20 Public hearing, review and action on a petition for a special use permit submitted by Ramazan Muharemoski to allow vehicle sales in the B-1 General Commercial District at 2426 S. Main Street, Bloomington, IL 61704. (Ward 2).

Chairperson Harris introduced case SP-07-20 and asked for the staff report.

Ms. Simpson, City Planner, recommended in favor of approving the special use permit with the condition that a fence or landscaping screen be added to the eastern side of the subject property if and when pending residential development occurs.

Ms. Simpson provided the Commission with a property and neighborhood overview. The subject property is zoned B-1 and is surrounded by B-1 zoning to the north and south, B-2 and R-4 to the east, and M-1 to the west. Neighboring uses include outdoor storage, a gas station, and a mobile home park. Ms. Simpson elaborated on the existing parking, dumpster storage, and landscaping between the site and the adjacent land to the east, stating that additional screening would be needed in order to screen residential uses from light and noise.

Ms. Simpson shared the findings of fact, asserting that the special use permit with the suggested conditions would meet each standard.

Chairperson Harris swore in Erol Muharemoski, son of the applicant Ramazan Muharemoski, for testimony on the case. He described the property's history and plans for establishing a used car dealership at the site, and expressed willingness to comply with the screening conditions. Mr. Muharemoski clarified the screening requirements as they relate to the visibility of the dumpsters with Ms. Simpson.

Mr. Ballantini confirmed that Mr. Muharemoski would be willing to install a six foot tall fence as screening.

Mr. Noonan made a motion to accept the Findings of Fact as a whole including the conditions. Mr. Ballantini proposed that the condition be that the fencing be six feet tall, and Chairperson Harris added that the dumpster enclosure would be included. Mr. Straza seconded it. Roll call vote: Mr. Ballantini – Yes, Mr. McFarland – Yes, Mr. Straza – Yes, Mr. Noonan – Yes, Ms. Williams – Yes, and Chairperson Harris – Yes (6-0-0).

Chairperson Harris moved to approve the petition for special use permit, seconded by Mr. Ballantini. Roll call vote: Mr. Ballantini – Yes, Mr. McFarland – Yes, Mr. Straza – Yes, Mr. Noonan- Yes, Ms. Williams – Yes, and Chairperson Harris – Yes (6-0-0).

Ms. Simpson informed Mr. Muharemoski that the petition would be heard by City Council on December 14th.

B. Z-25-20 Public hearing, review and action on a petition for a variance submitted by the Meadow Ridge Homeowner's Association to allow a fence to be installed with the finished side facing toward the subject properties at 101A-113B Meadow Ridge Drive, Bloomington, IL 61704. (Ward 2)

Chairperson Harris introduced case Z-25-20 asked for the staff report.

Ms. Kelly, Assistant City Planner, recommended a denial of the variance as staff found the petition did not meet all the required standards. She provided the Board with an overview of the case and property, explaining that the fence as it currently exists (finished side in) is legal nonconforming and the primary screen between the subdivision and adjacent properties. She also mentioned that the side yard fences of neighboring properties have been installed in compliance with the Zoning Ordinance. Ms. Kelly shared the findings of fact, stating that the request met only two of the five standards for granting a variance.

Chairperson Harris clarified that the fences of neighboring properties are in compliance.

Chairperson Harris swore in Rebecca Gray, the applicant, for testimony. The applicant provided an overview of the property's history, disputing Ms. Kelly's claim that the neighboring fences are installed with the finished side out. Ms. Gray explained that, if the variance were to be denied, one resident would have mismatched fence segments.

Chairperson Harris inquired as to whether the fence could be constructed with two finished sides. Ms. Gray said no. Mr. Ballantini asked why the applicant wants a variance for the fence rather than installing it according to code. Ms. Gray referenced the mismatched fence segments and the potential for diminished property values. Mr. Noonan asked whether that particular segment could be finished on both sides, and Ms. Gray said that this would be cost prohibitive. Mr. Ballantini verified that construction on the replacement fence had not yet been started.

Chairperson Harris swore in Sandra White for testimony. She spoke in favor of the variance, stating that the subdivision and its property values are enhanced by the finished side of the fence facing inward toward the subject properties. Chairperson Harris asked whether landscaping is an option. Ms. White said no.

Ms. Simpson read aloud an email in favor of the variance. Mr. Gary Leach called in to provide testimony speaking against the variance; Chairperson Harris swore him in. He explained that he is a neighbor and asserted that the applicant has not kept up maintenance of the fence, affecting his own property values. He added that the fenceposts are directly on the property line and that while installing the fence finished side in might positively influence the applicants' property values, it would diminish his own.

Ms. Gray disputed Mr. Leach's claims. Chairperson Harris asked whether the applicant and Mr. Leach would be willing to split the cost of a fence with two finished sides. Mr. Leach indicated that he would not be willing to do so.

Mr. Ballantini moved to approve each Finding of Fact separately. Roll call vote: Mr. Ballantini – Yes, Mr. McFarland – Yes, Mr. Straza – Yes, Mr. Noonan- Yes, Ms. Williams – Yes, and Chairperson Harris – Yes (6-0-0).

Mr. Boyle clarified that for a variance to be granted, each factor needs to be met. The Board unanimously accepted each Finding of Fact as Ms. Kelly presented them.

Mr. Ballantini made a motion deny the variance. Mr. McFarland seconded the motion. Mr. Boyle verified that a "yes" vote would be a vote against the variance in this case. Roll call vote: Mr. Ballantini – Yes, Mr. McFarland – Yes, Mr. Straza – Yes, Mr. Noonan- Yes, Ms. Williams – Yes, and Chairperson Harris – Yes (6-0-0).

Ms. Simpson explained that a Notice of Decision would be sent to the applicants.

C. SP-08-20 Public hearing, review and action on a petition for a special use permit and variances submitted by Diego Villagomez to allow vehicle sales and service in the M-1 Restricted Manufacturing District at 604 W. Division Street, Bloomington, IL 61701. (Ward 7)

Chairperson Harris introduced case SP-08-20 and asked for the staff report. Ms. Simpson suggested considering only the special use permit for vehicle repair at this meeting, tabling the variances for the next meeting. She stated that staff recommended in favor of approving the special use permit and variances for vehicle repair with conditions regarding screening, storage, parking, and lighting in consideration of the site's adjacent residential uses, making the point that this may be the only opportunity to mitigate the impacts of industrial uses on the residential zoning via screening.

Ms. Simpson explained that the applicant seeks to use the site primarily for vehicle repair, with vehicle sales occurring on a separate property as an accessory use. The variances requested by the applicant relate to vehicle sales and setback requirements. She also brought up the potential for traffic impacts on the surrounding neighborhood were the special use permit to be granted. Additionally, Ms. Simpson mentioned that the requested setback variances enable the repair and sales sites to be situated further away from residential neighbors than the code would permit.

Mr. Ballantini and Chairperson Harris inquired as to whether the site's previous use as a PEMCO repair shop entailed the same intensity of work and vehicle traffic. Ms. Simpson indicated that both were likely less intense than the current usage.

Chairperson Harris swore in Mr. Diego Villagomez, the applicant, for testimony. No questions were asked of him.

Mr. Tom Synder, a neighbor, was sworn in for testimony. He spoke in favor of the application.

Mr. Dwayne Young, another neighbor, was sworn in for testimony. He spoke against the application, citing difficulties with parking, communication with the employees, and concerns about diminished property values. He mentioned that the PEMCO facility was quieter.

Mr. Henry Dawdy, another neighbor, was sworn in, speaking against the application. He also cited parking and screening concerns, and inquired about enforcement.

Ms. Cheryl Dawdy, another neighbor, was sworn in. She spoke against the application, mentioning parking concerns and communication difficulties. Ms. Dawdy brought up the fact that garbage trucks have difficulty getting down the street as a result of the crowded parking conditions and expressed concerns over whether fire trucks or other emergency vehicles would be able to fit on the street. She requested screening for the dumpster and cars being worked on.
Mr. Gene LeGrand was sworn in. He spoke in favor of the application, stating that the concerns raised about parking in particular can easily be addressed.

Ms. Simpson shared several emails providing comment on the application. Many were in opposition to the petition.

Mr. Villagomez stated that his site would be able to accommodate more off-street parking in order to relieve neighbors' concerns about parking. He mentioned that screening would be able to be installed immediately.

Mr. Ballantini asked whether the cars parked on the street are generally employee cars or customer cars. Mr. Villagomez stated that five cars belong to employees and that no inoperable cars are stored on the street. Mr. Ballantini clarified Mr. Villagomez's willingness to accommodate the additional screening, lighting, and parking conditions.

Mr. Ballantini made a motion to accept the Findings of Fact and conditions as presented by staff. Chairperson Harris seconded the motion. Roll call vote: Mr. Ballantini – Yes, Mr. McFarland – Yes, Mr. Straza – Yes, Mr. Noonan- Yes, Ms. Williams – Yes, and Chairperson Harris – Yes (6-0-0).

Mr. Ballantini made a motion to approve the special use petition along with the conditions recommended by staff. Mr. Noonan seconded the motion. Roll call vote: Mr. Ballantini – Yes, Mr. McFarland – Yes, Mr. Straza – Yes, Mr. Noonan- Yes, Ms. Williams – Yes, and Chairperson Harris – Yes (6-0-0).

Mr. Straza made a motion to table consideration of the variance regarding vehicle sales. Mr. Noonan seconded. Roll call vote: Mr. Ballantini – Yes, Mr. McFarland – Yes, Mr. Straza – Yes, Mr. Noonan- Yes, Ms. Williams – Yes, and Chairperson Harris – Yes (6-0-0).

Mr. Ballantini made a motion to consider all remaining variances. Chairperson Harris seconded. Roll call vote: Mr. Ballantini – Yes, Mr. McFarland – Yes, Mr. Straza – Yes, Mr. Noonan- Yes, Ms. Williams – Yes, and Chairperson Harris – Yes (6-0-0).

Chairperson Harris made a motion to accept staff Findings of Fact with respect to the variances. Mr. Ballantini seconded. Roll call vote: Mr. Ballantini – Yes, Mr. McFarland – Yes, Mr. Straza – Yes, Mr. Noonan- Yes, Ms. Williams – Yes, and Chairperson Harris – Yes (6-0-0).

Mr. Ballantini made a motion to approve the remaining variances. Mr. Noonan seconded. Roll call vote: Mr. Ballantini – Yes, Mr. McFarland – Yes, Mr. Straza – Yes, Mr. Noonan- Yes, Ms. Williams – Yes, and Chairperson Harris – Yes (6-0-0). The motion was passed.

OLD BUSINESS: None

NEW BUSINESS:

A. Introduction: Melissa Hon, Economic & Community Development Director
B. Introduction: Kimberly Smith, Assistant Economic & Community Development Director
C. Introduction: Caitlin Kelly, Assistant City Planner
D. 2021 Meeting Dates

Mr. Ballantini made a motion to accept all proposed meeting dates. Mr. McFarland seconded. Roll call vote: Mr. Ballantini – Yes, Mr. McFarland – Yes, Mr. Straza – Yes, Mr. Noonan- Yes, Ms. Williams – Yes, and Chairperson Harris – Yes (6-0-0).

ADJOURNMENT: The meeting was adjourned at 6:53 PM.

CITY OF BLOOMINGTON	**ATTEST**
Victoria Harris, Chairperson	Katie Simpson, City Planner