

**MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, NOVEMBER 16, 2011, 3:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 E. OLIVE ST., BLOOMINGTON, IL**

Members present: Mr. Dick Briggs, Mr. Mike Ireland, Mr. Robert Kearney, Mr. Steve Parker.
Members absent: Mrs. Barbara Meek
Also Present: Mr. Mark Woolard, Acting Secretary

Mr. Woolard called the meeting to order at 3:02 p.m. and called the roll. A quorum was present.

The Board reviewed the October 19, 2011, minutes. The minutes were accepted as printed.

Chairman Ireland explained to all present the procedures of the meeting. Mr. Woolard stated that the case had been published.

Z-16-11 Public Hearing and Review on the petition submitted by Jeffrey C. Bales, to allow the construction of a garage as an accessory building and for a variance to increase the maximum allowed height for the property located at 1112 S. Hinshaw Street. Zoned R-1C, Single-Family Residential District

Chairman Ireland opened the public hearing for the petition. He asked for anyone who would like to speak in favor of the petition to come forward. Jeff Bales of 1112 S. Hinshaw Street, owner and the petitioner stated that a neighbor's tree blew over on his house and garage, and that he has to repair the garage. He provided a picture of it. He wants to increase the garage height to accommodate garage openers. He explained his project, the dimensions of the block, the trusses and how he wants lights and air space between the lights and the ceiling. He said down the street they have a garage similar to what he wants. He said there are other places that would have had to have a variance. He has a U-Haul, two trucks and his wife's car and he wants the area above for storage. Chairman Ireland questioned if he checked if the other places had variances and Mr. Bales stated that they would have had to get variances to be at their height and he and them would have been grandfathered in. He said he talked to all his adjoining neighbors and none of them have a problem with it.

Chairman Ireland asked for anyone else who would like to speak in favor of the petition. No one spoke in favor of the request.

Chairman Ireland asked for anyone who would like to speak in opposition of the petition. Herbert Jordine, 7 Walker Drive, stated he is an agent for his son, Jeffrey Jordine who lives at 1115 S. Barker, directly behind the petitioner. He read and submitted a letter objecting to the request because 1) a shop of that size is not compatible and does not fit within a residential zone and it would be disruptive, 2) the petitioner would use the right-of-way for a disruptive

business out of code and a detriment to the surrounding properties, 3) if the alley is or has been vacated then he does not want his half given away, 4) the maximum height appears to have been violated prior to this variance request and the petitioner has blocked alley access and he agrees there needs to be regulations limiting the maximum structure height and the Board needs to maintain current zoning regulations and enforce any violations of the alley access.

Roy Merle Jones, 1124 S. Hinshaw, stated that he has done body work in the residential area, a truck has sat there for ten years and they have had to look at it and put up with it. He said he thinks his garage is big enough.

Mr. Bales said if he wants to do body work he can do that at his place of work and if he works on his own personal things, that is none of his business and it is legal and the issue is the alley was vacated and graveled in 1995 and he could park there and that is not an issue. Mr. Kearney asked him to explain why he needs the additional feet for the garage height other than because he likes it or it is more convenient. Mr. Bales stated that right now when the roof is off he can build it for \$500 with a two foot wall around but if he does not do that he has to buy special garage doors, openers, lighting which costs three times more money or \$1,500. There was discussion raising the ceiling height without the outside height and the trusses.

Chairman Ireland explained questions regarding the alley are not related to this case and they cannot deal with that situation.

Mr. Woolard explained that staff did look at other buildings on the street and could not find variances for garages. He also explained how one garage is attached to the house and its height can be much higher. He did find that 1118 S. Hinshaw was annexed in 1985 and it appeared that County zoning had applied to that and other property which could explain why there were larger structures. He also explained that he looked at the neighborhood as a whole and there are numerous garages that appear to be in compliance and do not have the higher height. Also the inspectors thought that the petitioner could easily put in a low headroom garage door opener, place the lighting up in the ceiling and thus comply with the height requirement. Staff does not see a hardship meeting the findings of fact and does not support the request.

Mr. Bales said if at 1123 they have four feet above their ten foot door that he should be able to have it also. Mr. Ireland explained to the petitioner that other sites were covered in the County but they as well you are now under the City requirements. Mr. Parker explained that every case is different and that other properties would have had different circumstances and some of this was grandfathered in under the County.

The vote on the variance was denied with two (2) voting in favor and two (2) against.

Other Business:

Chairman Ireland presented Mr. Chuck Erickson with a Certificate of Appreciation and read the resolution on such and thanked him for the nine years that he served on the board. Mr. Kearney stated that they will miss Mr. Erickson from being on the Board and he was a delight to work with and thinks he will be an excellent County Board member. The other members also thanked him for his service.

Public Comment: A citizen asked how she could find out if the alley was vacated. She was directed to the Clerk's Office and the PACE Department. She questioned if it was vacated would it be half and half. Chairman Ireland stated that generally it is, but there should be an ordinance for such. David Gletz stated that everyone got half and it was vacated up to where there would be access for the power lines. Mr. Bales has put up his fence there and the truck has been there for umpteen years and these people have a fence that they may have wanted to move and that all this has caused a hardship in the neighborhood. He was always told if the truck is not licensed it cannot sit in your yard. Mr. Ireland said those all ordinance issues. Mr. Gletz said that for all those garages Mr. Bales is talking about, they were in the Township and the one that he is talking about across the street was built before he (Mr. Gletz) got there in 1981. He explained these places were there before he came and the structures were there in the sixties. Only part of the alley was vacated. There has been a lot of tension in the neighborhood with the garages and when he built he made sure he got the permits and everybody was happy. The garages were there long before Mr. Bales's house was even built. He said why do you need a ten foot door any how? A storm had knocked down trees and a tree hit his garage and truck.

New Business: Mr. Kearney stated that he thought Chairman Ireland did a good job in controlling the meeting and instructing and admonishing the petitioner to be respectful. Mr. Parker asked Mr. Woolard to enforce the height requirement. It was mentioned how the trusses could have been redesigned or turned around.

Adjournment was at 3:56

Respectfully;

Mark Woolard
Acting Secretary