



MINUTES
PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS
REGULAR MEETING
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
WEDNESDAY, OCTOBER 19, 2022 4:00 P.M.

The Zoning Board of Appeals convened in Regular Session in-person in the Government Center Chambers on the 4th floor, Room #400, Wednesday, October 19, 2022, with the following physically present staff members: Mr. Jon Branham, City Planner; Mr. Glen Wetterow, City Planner; Ms. Alissa Pemberton, Assistant City Planner; Ms. Kimberly Smith, Assistant Economic & Community Development Director; Mr. George Boyle, Assistant City Attorney.

The meeting was called to order by Chair Straza at 4:00 pm.

ROLL CALL

Attendee Name	Title	Status
Mr. Terry Ballantini	Commissioner	Present
Ms. Victoria Harris	Commissioner	Present
Mr. Michael Straza	Commissioner	Present
Mr. Tyler Noonan	Commissioner	Absent
Ms. Nikki Williams	Commissioner	Present
Mr. Zach Zwaga	Commissioner	Present
Ms. Alissa Pemberton	Assistant City Planner	Present
Ms. Kimberly Smith	Assistant Economic & Community Development Director	Present
Mr. Glen Wetterow	City Planner	Present
Mr. Jon Branham	City Planner	Present
Mr. George Boyle	Assistant City Attorney	Present

Ms. Pemberton called the roll. Ms. Harris - Present, Mr. Ballantini - Present, Ms. Williams - Present, Mr. Zwaga - Present, Chair Straza - Present. (5-0). A quorum was present.

PUBLIC COMMENT

Chair Straza opened the floor for public comment, reminding attendees that public comment is typically reserved for items not on the regular agenda.

There was no in-person public comment.

Ms. Pemberton noted that a number of emailed comments were received; they were provided to the Board and relevant Petitioners prior to the meeting and will become part of the record of the meeting.

MINUTES

Commissioner Harris motioned to approve the minutes from the September 21, 2022, regular Zoning Board of Appeals meeting, as amended to correct a scrivener's error. Commissioner Ballantini seconded.

Ms. Harris - Present, Mr. Ballantini - Present, Ms. Williams - Present, Mr. Zwaga - Present, Chair Straza. (5-0). Motion was approved.

REGULAR AGENDA

V-08-22 Public hearing, review, and action on a petition submitted by BP Homes, LLC for Variances from § 44-403 of the Zoning Code, to allow reduced Front, Side, and Rear Yards in the R-2 (Mixed Residence) District, for the property located at 2 Megan Court. PIN: 21-19-202-031. (Ward 2). *Tabled from the September 21, 2022, Regular Meeting.*

Ms. Pemberton presented the staff report with recommendations to approve the Variances, with a Condition similar to the provision that was present in the prior Code for the planned zero lot line type of development. She noted that text amendments are moving forward to address the unintentional exclusion of similar development during the last Code update.

Commissioner Harris inquired about the status of the proposed the text amendments. Ms. Pemberton responded with an update.

Chair Straza opened the public hearing.

Petitioner, Mark Fetzer of B.P. Homes (1305 Winterberry Circle) stated that they are trying to complete the development that has been planned for the subdivision all along. Alternatives have been reviewed, including replating and restructuring lots, but with the existing easements and utilities in place there are few options to be able to move forward with completing the subdivision.

Mr. Ballantini asked if any changes from the cases they discussed during the last meeting. Petitioner responded that they have not. Building permits have already been submitted and they are ready to move forward.

No additional testimony was provided.

Chair Straza closed the public hearing.

No Board discussion was held.

Commissioner Ballantini made a motion to establish **findings of fact**, as presented by Staff, that carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner, and to **approve the Petition** for both Variances to § 44-403B, **with the Condition** that no portion of any structure shall encroach onto an adjacent property without an agreement approving of such, including but not limited to: eaves and gutters, chimneys, air conditioning compressors, and other functional or architectural features which may extend beyond the principal building wall. Commissioner Harris seconded.

Ms. Harris - Yes, Mr. Ballantini - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Chair Straza - Yes. (5-0). Motion was approved.

SP-15-22 Public hearing, review, and action on a petition submitted by Curtis Squires requesting approval of a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District, for the property located at 2803 Longmeadow Lane. PIN: 15-30-128-018.

Ms. Pemberton presented the staff report with recommendation for approval of the Special Use Permit. She noted the rear of the property had been recently enclosed by a 6-foot privacy fence.

Chair Straza opened the public hearing.

Petitioner, Curtis Squires (2803 Longmeadow Lane) stated his family was interested in a coop for eggs, education, and sustainability. He provided additional details about the proposed coop and addressed potential nuisance items and how they would be mitigated.

Chair Straza asked the Petitioner about his plans for construction of the coop. Mr. Squires stated they will likely build the coop themselves but are also considering looking for second-hand materials and supplies.

Straza inquired how they intent to keep the food. The Petitioner responded that they plan to keep food in sealed buckets and likely in the garage.

Commissioner Ballantini inquired whether Mr. Squires has spoken to his neighbors about the request. Mr. Squires stated that he has spoke to a majority of them, including immediate neighbors to both sides, and they are in support of his request.

Commissioner Ballantini clarified that the Petitioner understands the rule about roosters. Petitioner stated they understand that roosters are not permitted.

There were no additional questions for the petitioner from the Board.

John Grove (2603 Hayes) stated that he opposes the Petitioner's request. He stated he does not want farm animals living in his neighborhood and believes that allowing chickens in the City opens the door to that.

Commissioner Ballantini inquired as to the location of Mr. Grove's residence in relation to the proposed coop. Mr. Grove identified the location approximately 500 feet away.

Commissioner Ballantini noted the history of approval of chicken-keeping in Bloomington and special use process, and the existing condition of multiple coops within the City.

Curt Kimmel (3315 Peppertree Lane) stated that he opposes the Special Use Permit. He has an issue with chicken noises and potential aggressiveness. He cited the manure production rates and habits of chickens and expressed concerns about odor and that the coop could result in violations of the Clean Water Act like large chicken operations do sometimes. He stated he was also concerned about safety and public health of children in the neighborhood. Additionally, he worried about rodents, predators, biosecurity, and avian flu. He stated his concern that backyard chickens would damage larger commercial operations within McLean County.

Ms. Pemberton noted that Staff does work with the McLean County Health Department to provide updates and information on avian flu to those in the City who have permitted coops.

The Petitioner responded to Mr. Kimmel's concerns, stating that they intend to utilize deep composting to address manure and scent issues. He stated that the coop, privacy fence, and family dogs should deter predators, and they would only allow friends of their children to interact with the chickens with their parents' permission, and plan to require handwashing following any interaction. In addition, he stated that their chickens would not be interacting with other flocks so chicken-to-chicken transmission of avian flu would not become an issue.

Commissioner Ballantini asked the Petitioner whether they intend to carefully evaluate the structural integrity of their fence and routinely check for holes, and to maintain public health guidelines. The Petitioner agreed.

No additional testimony was provided.

Chair Straza closed the public hearing. No Board discussion was held.

Commissioner Zwaga made a motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend approval of the petition with no conditions. Commissioner Harris seconded.

Ms. Harris - Yes, Mr. Ballantini - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Chair Straza - Yes. (5-0). Motion was approved.

Staff noted that the case would be before City Council on November 28, 2022.

SP-16-22 Public hearing, review, and action on a petition submitted by Farnsworth Group, Inc. requesting approval of a Special Use Permit for Multiple-Family Dwellings in the R-2 (Mixed Residence) District, for the property located at the northwest corner of Lutz Road and S. Morris Avenue.

Ms. Pemberton presented the staff report with recommendation for approval of the Special Use Permit. She clarified the difference between the “Villas at Prairie Vista” subsidized housing under development further east and this “Wittenberg Woods Phase III” development proposed for near Prairie Vista Court. She stated the zoning requirements have been met, and that the Annexation Agreement from 2003 allowed density not to exceed 12 units per acre, with which the proposed project aligns. She noted the proposal is also in compliance with Comprehensive Plan for this area.

Commissioner Ballantini asked Staff to highlight where the entrance(s) to the development would be located. Staff identified the primary entrance off of Lutz Road and the secondary access once the Timberline and Treeline have been connected.

Commissioner Ballantini inquired whether the single-family home on the east side of the property will remain. Staff note that the single-family property belong to a separate owner and would remain separate. He inquired whether the green space on the plan would remain green spaces. Staff responded in the affirmative.

Chair Straza inquired whether the green space would remain open or be vegetated? Staff deferred to petitioner.

There were no additional questions for Staff from the Board.

Chair Straza opened the public hearing, reminding that audience to keep their comments direct and relevant so everyone has an opportunity to speak.

Petitioner, Mark Fetzer of Wittenberg II (1305 Winterberry Circle) cited their desire to use the large piece of land for the highest and best use, which they believe is multiple-family dwellings. He stated that he believes the plan for single-family dwellings on the west side of Handel and north on Witten Woods Drive, then duplex lots along Timberline and Treeline, then multiple-family near the corner of the lot makes a nice transition. Apartments are planned to be market rate, with higher end finishes. He stated they are trying to help meet the current housing shortage and vacant existing R-2 and R-3 zoned land is not widely available. This project is an infill project that fills the need for workforce housing on this side of town. Long-term plan is to add Timberline and Treeline, but the market will determine the timing, as related to the development of the

properties along the planned route. Mr. Fetzer noted that the duplexes planned for along Timberline and Treeline are not currently able to be built due to the removal of zero-lot-line development under the 2019 Zoning Code update, so they are waiting on pending text changes to be permitted to construct this portion of the development.

Commissioner Zwaga inquired about examples of other similar projects. The Petitioner cited areas in north Normal and east Bloomington.

Commissioner Ballantini asked to confirm that the proposed units are all one- and two-bedroom units. The Petitioner confirmed. Mr. Ballantini asked for clarification that the intent was for rental rate of \$1200 and above, not low income. The Petitioner confirmed.

Commissioner Ballantini asked if the Petitioner has considered options for addressing transportation issues. The Petitioner stated they are providing bike racks, the project is relatively close to the Constitution Trail, public transportation may not be available at this time but they would assist in encouraging it if their residents needed it.

Neil Finlen, Farnsworth Group (2709 McGraw Drive) stated the intent was to concentrate the density in the southeast corner to increase the buffer for the existing homes. He noted that the R-2 area has always been intended to be zero-lot-line units and townhouses, so the plan is consistent with the 2003 Agreement. If the allowable density was fully used an additional 33 units could be located on the subject property. He explained that by developing the multiple-family use first, the adjacent home-buyers will have appropriate expectations when purchasing, and those single-family attached (duplexes) will buffer the existing single-family homes to the north and northwest. The detention basin that will provide stormwater management for the complex provides buffering between the multiple-family and existing homes on the west. Interior streets will follow with development, but water and sewer service are already installed; finishing is planned to move from south to north as lots develop. He noted that the City Engineer has approved development of the proposed project before the interior street is completed, with the only access to Lutz Road during that time. Mr. Finlen noted that the fees associated with final platting of the area would help pay for improvements to the adjacent roadways. He explained that the proposed use will help meet the demand for housing in the community.

There were no additional questions for the petitioner from the Board.

Matt Burgess (1011 Bach Drive) stated he is a resident of Wittenberg Woods and expressed support for project. He stated his belief that many of the residents in the area have confused this project with the “Villas at Prairie Vista” subsidized housing project east of Main Street and are forming their opinions on that basis. Mr. Burgess cited the need for housing in the community and that the project meets the requirements of the Code.

Rob Kelley (15 Prairie Vista Court) stated he is a resident representing the Prairie Vista Court Homeowners Association and expressed opposition for project. He stated there could be an additional strain on the neighborhood regarding traffic, access, and congestion. He stated he did not believe the project met standard review items four and five.

Commissioner Ballantini inquired about review of the traffic items. Commissioner Harris also commented on the street issues. Staff responded that Public Works would have final review authority. She stated they had provided a preliminary review of the project and did not identify any concerns.

Phil Bachman (601 Luther Oaks) stated he was the Executive Director of Luther Oaks, and was representing the continuing care facility. He stated there could be an exponential increase in traffic and stated he did not believe standard five had been met.

Mark Doyle (2606 Handel Drive) stated he is a resident and expressed opposition for project. He identified various concerns.

Randy Holthaus, (807 Witten Woods Drive), stated he is a resident and expressed opposition for project. He identified concern with potential increase in traffic and other items.

Steve Calhoun (1006 Gerike Way) stated he is a resident and expressed opposition for project. He stated concerns with potential increases in traffic and reduced property values. He stated there were water problems in the area. He said they need houses, not apartments, and the project does not fit in the proposed location.

Todd See (907 Witten Woods Drive) stated he is a resident and expressed opposition for project. He stated concerns with potential increases in traffic. He stated the location was inappropriate for apartments. He also had a question regarding the review process. Staff responded with details on the review process.

Bill Dodd (2407 S. Morris Avenue) stated he is a resident and expressed opposition for project. He identified various concerns.

Lucas Miles 2509 Wirsing Way) stated he is a resident and expressed opposition for project. He identified various concerns.

Kristin Coit (2708 Handel Drive) o stated he is a resident and expressed opposition for project. He identified various concerns.

Charles Hubbard (2613 Handel Drive) stated he is a resident and expressed opposition for project. He identified various concerns including quality of life.

The Petitioner responded to the resident concerns. He stated there would be an emphasis on maintenance of the apartments and quality management.

Commissioner Ballantini inquired who developed the existing homes in the area. The Petitioner responded that they installed the streets but did not build the homes.

Mr. Finlen stated he shared the concerns about access and drainage. He stated there should be improvements. He stated the project is intended to address those items.

Commissioner Ballantini inquired whether there was an existing stop sign at Lutz Road and Morris Avenue. Staff responded there was one stop sign located eastbound on Lutz Road.

Angie Sturm (2612 Handel Drive) stated she is a resident and expressed opposition for the project. She stated she would have never moved to the area if she knew duplexes or apartments were planned. She stated she felt betrayed as a previous developer stated single family homes would be constructed on the site.

Mr. Finlen stated his firm was just recently brought in on the project so he cannot speak to any past promises from former developers.

Commissioner Ballantini stated landowners can change.

Mr. Finlen stated the pipes have been installed for extended time. He stated that the original annexation agreement intent had been met. He stated a higher density project was originally proposed at this location.

No additional testimony was provided.

Chair Straza closed the public hearing.

Commissioner Ballantini stated he appreciated all input and understands situation. He stated it was important to obtain the facts and they must listen to all aspects.

Chair Straza inquired about the standards of review. Staff stated that all review standards must be met.

Commissioner Ballantini referenced the stop sign issue. He stated it would be fair to request a new stop sign be added for southbound traffic on Morris Avenue. Staff added that residents can also reach out to Public Works for assistance with signage.

Commissioner Ballantini inquired if staff could review each special use review standard.

Ms. Pemberton reviewed the special use standards. Regarding item 1, she stated low to medium density housing was identified at the site and the annexation agreement identified this area for the specific density. She cited an emphasize on land use. She stated the standard is met.

Regarding item 2, Ms. Pemberton referenced what had been identified at the site in the Comprehensive Plan, which was low to medium density residential. She stated it met Comprehensive Plan goals and the standard is met.

Regarding item 3, Ms. Pemberton referenced that a residential use would be located adjacent to another residential use. She stated the standard is met.

Regarding item 4, Ms. Pemberton stated the area was already served by water and sewer. She stated all roadways would be completed and identified developer responsibilities. She stated all buffering, landscaping, and screening items would be met; therefore, the standard is met.

Regarding item 5, Ms. Pemberton stated Public Works had preliminarily reviewed and accepted the project. She stated the standard is met.

Regarding item 6, Ms. Pemberton stated the project must meet zoning criteria. She stated the standard is met.

Commissioner Harris made a motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend approval of the petition with no conditions. Commissioner Zwaga seconded.

Ms. Harris - Yes, Mr. Ballantini - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Chair Straza - Yes. (5-0). Motion was approved.

OLD BUSINESS - None

NEW BUSINESS - Ms. Pemberton advised the Board that there is one existing vacancy and will soon be an additional vacancy as Mr. Noonan may be resigning.

ADJOURNMENT

Commissioner Harris made the motion to adjourn. Commissioner Zwaga seconded. Voice vote was held. All were in favor. (5-0)

The meeting was adjourned at 6:18 p.m.