

**MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, SEPTEMBER 21, 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, Mr. Ben Snyder
Members absent: Mrs. Barbara Meek
Also Present: Mr. Mark Woolard, Acting Secretary

Mr. Woolard called the meeting to order at 3:05 p.m. and called the roll. A quorum was present.

Public Comment: None.

The Board reviewed the August 17, 2011, minutes. The minutes were accepted as printed.

Chairman Ireland explained to all present the procedures of the meeting and that the special use case must be reviewed by the City council. Mr. Woolard stated that the cases had been published.

Z-13-11 Public Hearing and Review on the petition submitted by Micah Cutter, to allow the construction of a fence with two variances as follows: 1. Increase the fence height in the front yard along Marion Street. 2. Increase the fence height in a visibility triangle. Both variances are for the property located at 1401 Eastholme Avenue. Zoned R-1C, Single-Family Residence 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. Micah Cutter, the petitioner and owner for 1401 Eastholme Avenue stated that he needs the fence for security because people travel through his yard and have taken things. He said his only other option is for shrubbery and that would not look so good. It is a small lot with a severe angle and that pushes the need for the fence on the Marion Street side. He is the only person on the Marion block and he would not be granted a special privilege because there are other properties in the area with a privacy fence. There was a discussion of items taken and how improved lighting may help. The proposal is for a wood fence.

Mr. Ireland asked Mr. Cutter if there had been any thought of keeping the fence at 4 feet in height back from the house and shed. Mr. Cutter explained that other lots are square and do not have the angle of his lot cut off from the stream property. Mr. Parker questioned if he could compromise with a five foot fence. Mr. Cutter said that might help but did not know what kind of security that would provide. Mr. Briggs asked about street lighting and Mr. Cutter said there was a little from the corner but not from the alley.

There was no one else that spoke in favor of the petition. No one spoke against the petition.

Mr. Woolard stated that staff does understand that the yard is very small with the angle but the code does not provide an entitlement to having a six foot fence and there does not appear to be anything preventing the construction of a fence at four feet in height. In this case there is not a hardship meeting the findings of fact.

Mr. Briggs felt that if we split the difference and moved the fence back there would still not be any rear yard to speak of. There was discussion on the visibility triangle and having a fence in the area along the alley.

Mr. Parker moved to exclude the 6' fence along the alley in the front yard and Mr. Snyder supported the motion. There was additional discussion regarding the fence in the area near the alley. The consensus of the Board was to vote on each variance independently and the motion would not be necessary. Mr. Parker withdrew his motion and Mr. Snyder withdrew his support for the motion. Board members were concerned about safety in granting a variance for the clear vision area.

The vote on the first variance was approved with five (5) voting in favor and none (0) against. The vote on the second variance was denied with none (0) voting in favor and five (5) against.

Z-14-11 Public Hearing and Review on the petition submitted by Marsha and Garry Beeler, to allow the construction of an accessory structure with two variances as follows: 1. Exceed the ground floor area of the house. 2. Increase the 1,000 square foot maximum floor area allowed. Both variances are for the property located at 1315 S. Koch. Zoned R-1C, Single-Family Residence 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. Garry Beeler of 1315 S. Koch owner and the petitioner explained there is an existing shed that he needs to replace. He has 50 feet in the back and he needs a bigger shed for a patio and his lawn and garden equipment. It will have a porch on the side. He passed out a petition that was signed from the neighbors stating that they do not object to the request. He stated there will be no electricity or heat and it will be just for his own storage.

There was no one else that spoke in favor of the petition. No one spoke against the petition.

Mr. Woolard stated that staff does not see a hardship in this case as the structure can be redesigned to comply. The other accessory structures nearby appear to be in compliance and there are other lots similar in size and staff does not support the request. Mr. Kearney asked would it make a difference if the structure is attached to the house and Mr. Woolard stated that it would be allowed.

The vote on both variances was approved with five (5) voting in favor and none (0) against.

SP-04-11 Public Hearing and Review on the petition submitted by Illinois Wesleyan University, requesting approval of a special use permit to allow a parking lot for a college/university for the property located at 112 Beecher Street. Zoned R-2, Mixed Residence District.

Robert Kearney recused himself.

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. Don Adams, 2709 McGraw Drive, and the petitioner's engineer stated that Carl Teichman, PO Box 2900 Bloomington, was also present representing Illinois Wesleyan University. Mr. Adams explained the parking lot will be an extension of the existing parking lot to the east and that they had contacted the neighbors to make them aware of the project. He stated that there will be a detention area in front of the parking lot and the lights will be the shoe box type and will direct the light downward. There will be a solid wood fence along the west and north property lines for screening of the parking lot. He asked for approval of the special use and states they are able to make minor adjustments to the screening.

There was discussion on the screening and what would be the best type used there. The proposal is for a solid cedar fence. Mr. Briggs questioned who would use the parking lot and would it be for dorm students traveling in an open area close to the residential area. Mr. Teichman responded that the lot was designed for the faculty and staff.

There was no one else that spoke in favor of the petition.

Chairman Ireland asked for anyone who would like to speak in opposition to the petition. Kathleen Kilmartin, 108 Beecher stated her property is right next to the subject site and requested that the university move the fence back several feet and if bushes are used move them. This would allow a ten foot green space if moved 4 feet back. She said the driveway has an incline and questioned how the detention will be graded and drained. Mr. Adams stated that they are okay with moving the fence. Their design is for any overflow to drain into the parking lot and to the street and not to the neighbors.

Chad Parker, 9 Ridgewood Drive, wants them to confirm there will be a 6 foot fence and 10' green space and trees and shrubs. There is a lot of activity and there needs to be a sound barrier and not just a fence. He has the same concern about drainage that it will slope to the south. They should continue the fence style of that to the east. There was a discussion on the fencing and plantings to be used.

No one else spoke in opposition of the petition.

Mr. Briggs moved that the fence be set back no more than 3 feet from the property line. The motion was seconded by Mr. Parker. The motion was approved by a vote of four (4) yes, zero (0) votes against.

The vote on the special use was approved with four (4) voting in favor and none (0) against.

Other Business: Mr. Woolard reminded the Board about the workshop coming up on November 18. He will forward to the Board a copy of the agenda.

New Business: There was no new business.

Adjournment was at 4:16.

Respectfully;

Mark Woolard
Acting Secretary