

**MINUTES
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, SEPTEMBER 19, 2018
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

Members present: Ms. Barbara Meek, Mr. Robert Schultz, Mr. Terry Ballantini, and Ms. Victoria Harris, Chairman Tristan Bullington

Members absent: Mr. Jeff Brown, Mr. Veitengruber

Also present: Mr. George Boyle, Assistant Corporation Counsel
Ms. Katie Simpson, City Planner
Ms. Izzy Rivera, Assistant City Planner

Chairman Bullington called the meeting to order at 4:03 p.m. Ms. Simpson called the roll; with five members present, the Zoning Board of Appeals established a quorum.

PUBLIC COMMENT: None.

MINUTES: The Zoning Board of Appeals reviewed the August 15, 2018 regular meeting minutes. Ms. Harris motioned to approve the minutes. Seconded by Ms. Meek. The Board approved the minutes by voice vote, 5-0.

REGULAR AGENDA:

Z-19-18 Consideration, review and action of a petition submitted by Patrick McKimm for a variance to allow a 1' decrease in distance between a principle structure and accessory structure, from the 10' requirement to construct a garage at 1007 N Oak Street. (Ward 7).

Chairman Bullington introduced the case and swore in the petitioner, Mr. Patrick McKimm, 1007 N Oak Street. Mr. McKimm provided testimony that he has been updating the property and would like to add a garage. He would like a 416 square foot of storage space but would be 9 feet away from the house. He would like to build a garage for storage and to free up parking spaces on the street. Mr. McKimm stated he would be able to park his vehicles in the garage as well and his property value would go up as well.

No one spoke in favor of the petition. No one spoke in opposition of the petition.

Ms. Rivera presented the staff report and the recommendation to approve the variance. Ms. Rivera provided the Board with an overview of the general standards the Board uses to review Zoning cases. Ms. Rivera provided pictures of the subject property, the surrounding properties and an aerial view of the neighborhood as well as the zoning view. She stated the site is located within a high density area, with properties that have accessory structures closer to the principle structure. A garage like the one proposed would be compatible in this neighborhood. The property has had a shed since 1983 and according to the proposed plan, the shed would be

removed to provide space for the new garage. The proposed garage would meet all other accessory structure standards except for the 10 foot requirement, necessitating the 1 foot variance.

Ms. Rivera provided staff's analysis of the standards for a variance and determined the petition meets the factors. The site is a corner lot thus resulting in more restrictions. The lot is smaller and the variance is not intense. The site is located within a higher density neighborhood with accessory structures closer to the principle structure. A garage like the one proposed would be compatible in the neighborhood and it would not be detrimental to public welfare.

Mr. Schultz motioned to adopt the staff's finding as fact for case Z-19-18, seconded by Chairman Bullington. The motion was approved, 5-0, with the following votes called: Mr. Schultz—yes; Chairman Bullington—yes; Mr. Ballantini—yes; Ms. Harris—yes; Ms. Meek—yes.

Chairman Bullington requested the Board vote in favor or against the petition for a variance, case Z-19-18. The variance was approved, 5-0, with the following votes called: Mr. Ballantini—yes; Ms. Harris—yes; Ms. Meek—yes; Mr. Schultz—yes; Chairman Bullington—yes.

SP-05-18 Consideration, review and action of a petition submitted by Mary and Hank Campbell for a special use permit to allow for an education and training center for women in the R-1B, Medium Density Single-Family Residence District at 1311 W Olive Street. (Ward 6).

Chairman Bullington introduced the case and swore in the petitioner, Mary and Hank Campbell and Feli Sebastian. Ms. Campbell provided testimony that she along with Feli Sebastian started the Labyrinth program working with incarcerated women, which is now part of the YWCA. The program is a part of empowerment for women. Ms. Campbell stated she along with her team wanted to start a program for all women who struggle and cannot move out of the minimum wage jobs. She stated they searched for a location in west Bloomington. She read an excerpt from the history of the building that was done by Mike Matejka. She noted the initials that are still carved into the side of the building, AG Erickson. His story resonates with some of the goals that she has for the program. Ms. Campbell stated, "Swedish immigrant AG Erickson left the wretched conditions of the Bloomington coal mine and started a grocery at 1311 W. Olive, in what was called Stevensonville. He wanted to help the immigrant families who lived in his neighborhood. As they shopped in his store and he learned much about their difficulties and needs and did everything he could to help. Many of his customers did not speak English and on occasion when he did not have what customers needed he sent them to stores where he knew there was a clerk who could translate for them. Because of his knowledge of mining, Erickson soon found himself elected by his neighbors to be the president of the United Mine Workers Union. He eventually served his community as a city alderman, county commissioner, McLean County Supervisor, School Board member, and as Bloomington's Mayor. All while maintaining his grocery at 1311 W. Olive." Ms. Campbell stated they would use the building as a center for education and training for women. She stated she along with her husband will be purchasing the building. After speaking with many of the social service agencies the need for this type of program was identified. They have also spoken to the building trades, who are very interested in getting women trained and

in the work force. Ms. Campbell stated this program can address the issues that have been reported on in the Pantagraph, such as needing 2.1 jobs for someone in low wage jobs to rent an apartment. This situation becomes more difficult for single women. The goals will be to work with the women, teach basic skills, literacy, and tool library knowledge.

Ms. Campbell addressed the parking issue that had been raised. She stated Sarah Raymond School is to the right of the property and a Methodist Church is to the left. As part of the Special Use permit, she is suggesting that parking spaces will be placed in the rear of the lot. She stated they have approached the Methodist Church about using their parking lot since the lot is vacant during the time they will have trainings. Most of the women that they will be assisting do not have cars and take public transportation. Eventually once the program is up and running, they will partner with a not for profit to ensure the program has long term success.

Ms. Campbell stated the building has been vacant for 2 years. There is an apartment building on the second floor that has been taken care off by its tenants. The intent is to keep the apartment upstairs and have the first floor used for a variety of trainings. She stated she is on the Heartland Community College Board and reentry program along with Heartland is another part of the project.

Chairman Bullington stated there are 6 factors the Board must consider when making a decision. He asked Ms. Campbell to elaborate on the 5th standard which addressed ingress and egress. Ms. Campbell stated they will be requesting a curb cut and adding additional parking the rear of the lot to minimize traffic as well as using the church's parking lot. Chairman Bullington stated the other parking spaces have only been addressed in conversations since no official agreements have been made. He stated the petitioner has the option to table the case until she is able to get an official agreement to address the parking concerns. Ms. Campbell stated the purchase of the building is contingent upon obtaining a special use permit. They are making efforts to include parking in the rear and they will possibly not need any more parking as women they work with do not normally have vehicles.

Ms. Harris stated the Council may be more open to approving the variance, if there was a more formal agreement made with the church to include more parking. Ms. Campbell stated they do not have a formal agreement with the church but they would be able to get it, if needed. However there may not be a need for more parking spots.

Chairman Bullington entered into the record Exhibit A, which was a letter from Bridget Sebastini. Ms. Campbell stated there are currently two tenants who have vehicles. In the evening, when the tenants are home they would be able to use the parking lot in the rear and ease the parking on the street.

Ms. Meeks asked what the size of the classes would be. Ms. Campbell stated they would be 5-8. The classes need to be smaller so that more individualized attention can be given. The classes would be small and there would be one instructor from one of the trades.

Mr. Ballantini asked what the operating hours would be. Ms. Campbell stated usually classes would run 10AM to 6PM. They are not typical hours as a regular store would have. Mr.

Ballentini asked if the tenants had any problems with parking or if they had any other complaints.

Chairman Bullington swore in Cameron D'Agostino and Anthony D'Agostino, residents at 1311 W. Olive. Mr. D'Agostino stated parking has not been an issue and adding parking and allowing a center for education would be a benefit to the community. Mr. A. D'Agostino stated the building has been vacant and potential buyers have backed out because of the condition of the building and the neglect. He added a use like this would be beneficial. Mr. C. D'Agostino stated they both park on the street along Magoun St. and having parking on the lot would free up some parking on the street. They also have a cargo trailer and they have received complaints about parking it on the street. They have lived at 1311 W. Olive for 2 years now.

Mr. Campbell stated there was a curb cut and driveway there before, but they have since been removed. They would like to see it restored.

Chairman Bullington swore in Drake Zimmerman, 20722 Cheney's Grove Rd Bloomington, IL 61705. Mr. Zimmerman gave testimony that he has worked with Mary and Hank Campbell and other projects which they execute well. He is willing to contribute the money needed for the gravel and parking needs. Mr. Zimmerman also stated he would be willing to donate the rental parking fees to the church if need be. Mr. Zimmerman stated as a member of the County Zoning Board he is familiar with the procedures and suggests that contingencies be made with an approval. He represents many people who are interested in contributing to the program and want to see it succeed. Ms. Harris commented on his generosity and appreciated the suggestion.

Chairman Bullington swore in Dr. Dawn Beichner, 511 E Market Street Bloomington, IL. Ms. Beichner gave testimony that she has worked with Labyrinth and Mary Campbell and Feli Sebastian. She stated most of the women in the program do not have vehicles and do not get rides from friend or family but rely on public transportation. Since she has worked with the petitioner and her team before she knows they work hard and provide the work that they say they will and the project will work to enhance the work in west Bloomington.

Chairman Bullington swore in Charles Smock resident at 213 Packard St. Bloomington, IL. Mr. Smock gave testimony that he is not opposed to people getting job training. He has concerns with the number of people, hour of operation, traffic, trash removal and the size of the building. He stated the school parking lot is always full and people end up parking in his yard. He is opposed to the petitioner using the building as he feels it is too small and there are too many unknowns.

Ms. Simpson presented the staff report and the staff's favorable recommendation for the special use with a condition that a 10 foot screening buffer be maintained to provide screening from the parking lot. She provided pictures of the subject property, the surrounding properties and an aerial view of the neighborhood as well as the zoning view. The site was used as a grocery store, and when Mr. Erickson left there was another grocery store. It was also a Mud Hut and a Jiffy Photo Shop. There was also an addition to the building which was converted into a single family apartment and has since been removed and under the proposed use would be used for training space. Ms. Simpson stated there are commercial uses that are

permitted in the R-1B such as day care center and religious education facilities with a special use permit with primarily residential uses. There is a school and a church located in the immediate area as well. The petitioner proposes an education facility for women. Parking is available in the area and staff encourages the petitioner to seek out the additional parking. Based on the previous use, of a repair shop, the size of the building and the parking requirements, 3 parking spaces would be required. The Zoning Code also has an exception which states when 3 parking spaces are being required, they do not need to be provided. The Zoning Code also states when a new use is going into an existing building, the additional parking that would be required would have to be provided. The square footage of the first floor which is approximately 1,817 square feet would be taken resulting in 5 spaces needed at this site. Taking into consideration the additional parking that would be required, staff would encourage 3 other spaces be found off site. Ms. Simpson stated she believe a curb cut in this area would comply with the code. She stated staff would recommend changing the site plan for the parking, it could result in an additional parking spot. The screening buffer for new development would be 15 feet however with the constraints of the property 10 feet would still be accomplished and give the lot space for parking. The screening will shield the residences from the cars. The proposal conforms to the Comprehensive Plan, the site is located in the regeneration area. Staff highlighted Comprehensive Plan goals, which includes investment in existing infrastructure, provide lifelong skills for all, and partner with program such as Labyrinth.

Chairman Bullington asked about the screening buffer. Ms. Simpson stated the buffer would only be required in the rear of the lot as it would not be possible in the front. Mr. Schultz asked about Exhibit A, and the concerns of traffic and parking are existing. The City could address those issues by putting “no parking” signs closer to intersections. Ms. Simpson stated staff is supportive of the parking in the rear of the property to assist with these concerns. Concerns with the visibility of the corner could be brought to the attention of the Traffic Commission. Ms. Harris stated the revitalization of the building is essential and would benefit the area. Ms. Simpson stated parking in the older neighborhood will be a challenge since there is not much area and the City will have to work individually with each project. Ms. Harris asked how close the other parking lots are to the site. Ms. Simpson stated they are fairly close, down the street from the site. The school is used throughout the day. Ms. Simpson stated staff finds the standards are met.

Chairman Bullington asked the petitioners if they are in agreement with the conditions set by the staff. Ms. Campbell stated that they were and they will consult with Ms. Simpson on the design and to maximize the space. Mr. Schultz asked if they had a reason for the proposed site plan. Ms. Campbell stated there was not, they just wanted to get the message across that they would like parking in the rear.

Chairman Bullington declared the evidentiary hearing closed.

Chairman Bullington requested the Board discuss the conditions, staff findings and factors. Ms. Meek stated she recommends in favor of the existing condition placed by staff.

Chairman Bullington requested the Board establish a finding of fact for case SP-05-18. He explained the Board will take a position on each factor and state if the factor is “met” or “not

met”. Ms. Simpson called each factor and performed a roll call vote for each factor for a special use (44.10-3C)

Factor 1. Mr. Ballantini—met; Ms. Harris—met; Ms. Meek—met; Mr. Schultz—met; Chairman Bullington—met.

Factor 2. Mr. Ballantini—met; Ms. Harris—met; Ms. Meek—met; Mr. Schultz—met; Chairman Bullington—met.

Factor 3. Mr. Ballantini—met; Ms. Harris—met; Ms. Meek—met; Mr. Schultz—met; Chairman Bullington—met.

Factor 4. Mr. Ballantini—met; Ms. Harris—met; Ms. Meek—met; Mr. Schultz—met; Chairman Bullington—met.

Factor 5. Mr. Ballantini—met; Ms. Harris—met; Ms. Meek—met; Mr. Schultz—met; Chairman Bullington—met.

Factor 6. Mr. Ballantini—met; Ms. Harris—met; Ms. Meek—met; Mr. Schultz—met; Chairman Bullington—met.

Chairman Bullington requested the Board vote on the conditions, the rear and side yard transition yard and screening; the petitioner should be required to maintain a 10 foot transitional rear and side yard on the parts of the property immediately adjacent to other properties and not on the side of the street. A vote of yes would make this part of the recommendation. Ms. Simpson performed a roll call vote, with the following votes cast:

Mr. Ballantini—yes; Ms. Harris—yes; Ms. Meek—yes; Mr. Schultz—yes; Chairman Bullington—yes.

Chairman Bullington requested the Board vote in favor or against the petition for a special use with the conditions set, the Board voted in favor of recommendation with the following votes cast:

Mr. Ballantini—yes; Ms. Harris—yes; Ms. Meek—yes; Mr. Schultz—yes; Chairman Bullington—yes.

Ms. Simpson stated the Zoning Board recommended in favor of SP-05-18, unanimously with the condition that a 10 foot transition yard be maintained. The case will be heard before City Council on Oct. 22.

OTHER BUSINESS:

Approve 2019 Meetings

Staff would like to increase the deadlines by a week, in order to give staff more time to review and provide comments and community with petitioners before publishing in the newspaper. Mr. Schultz motioned to accept the 2019 meeting dates, seconded by Ms. Meek. Motioned was approved by voice vote.

ADJOURNMENT

Chairman Bullington motioned to adjourn. Seconded by Mr. Schultz. The motion was approved by voice vote. The meeting adjourned at 5:07 p.m.

Respectfully Submitted,
Izzy Rivera
Assistant City Planner