

**MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, AUGUST 21, 2013, 3:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 E. OLIVE ST., BLOOMINGTON, IL**

Members present: Mrs. Barbara Meek, Mr. Dick Briggs, Mr. Robert Kearney, Mr. Bill Zimmerman, Ms. Amelia Buragas, Mr. Jim Simeone
Members absent: Mr. Mike Ireland
Also Present: Mr. Mark Woolard, City Planner

Mr. Woolard called the meeting to order at 3:07 p.m. and called the roll. A quorum was present. Mr. Kearney moved for Mr. Briggs to be the chair today or at least until Mr. Ireland arrives. Mrs. Meek seconded the motion. The vote on the motion was approved with six (6) voting in favor and zero (0) against.

The Board reviewed the minutes from July 17, 2013. The Board had no corrections and the minutes were accepted as printed.

Mr. Briggs explained the meeting procedures. Mr. Woolard stated that the cases had been published.

Z-11-13 Public Hearing and Review on the petition submitted by William Bentley to allow construction of a parking lot and to allow a variance from the Zoning Ordinance to reduce the required landscaped parking lot setback along Stewart Street from 12 feet 6 feet for property located at 1502 S. Main Street. Zoned B-1, Highway Business District.

Mr. Briggs introduced the variance case and asked for anyone who would like to speak in favor of the petition to come forward. William Bentley, 16174 Bury Lane, was sworn in and stated the connecting and same block properties have zero landscaping.

Mr. Briggs asked for anyone else who was in favor of the petition and for anyone against the petition and no one spoke.

Mr. Woolard explained the code requirements and that the applicant is in compliance along the west side of the parking lot and partly along Stewart Street but further to the east along Stewart it has six feet of landscaping. He said staff looked at the smaller lot that has been in existence for some time and that in the immediate neighborhood other properties are similar and this will actually provide more green space than what is nearby.

The vote on the variance was approved with six (6) voting in favor and zero (0) against with the following votes being cast on roll call: Mr. Simeone--yes; Mr. Kearney--yes; Mr. Zimmerman--yes; Ms. Amelia Buragas--yes; Mr. Briggs--yes; Mrs. Meek--yes; Mr. Ireland--absent.

Z-12-13 Public Hearing and Review on the petition submitted by Jerry Wheeler to allow construction of a detached garage and the following three variances from the Zoning Ordinance:

- 1) to allow an increase in the maximum allowed square footage from 1,000 square feet to 1,080 square feet.
 - 2) to allow the garage to exceed the 729 square feet of ground floor area in the house by 351 square feet to 1080 square feet.
 - 3) to allow an increase in the maximum height from 14 feet to 15 feet.
- All are for property located at 1308 W Chestnut St. Zoned R-1C, Single-Family Residential District.

Mr. Briggs introduced the case and asked for anyone who would like to speak in favor of the petition to come forward. Jerry Wheeler of 11308 W. Chestnut Street was sworn in and stated he did not know he needed a permit and was not aware of the different codes. He did not think the height variance was needed because the grade will be built back up. He said there are some three car garages in the area and a machine shed a block down the road. There are only two properties that do not have garages so this will not encourage many others to do so. He showed photographs of other structures. He said all of his neighbors had no opposition to the garage except for two who he could not get a hold. He wants to clean up on his property and put a lot of stuff in the garage.

The board had comments and questions pertaining to how this house is one of the smallest houses in the area and the need for bulk requirements for a neighborhood to breathe and to have sight lines. Mr. Wheeler said he buys and sells antiques and he has a lot of items in his house and that is why he went larger with his garage. He also said this will not look bulky and ugly and if there was a concern he could add on to the house. He cannot come into compliance without tearing the garage down.

Mr. Briggs asked for anyone else who was in favor of the petition and Dave Reynolds of 1303 W. Chestnut St., was sworn in and stated he is in favor of the petition and it is not that bad and he is across the street and he cannot really see the garage with the trees and there are a ton of huge buildings.

Mr. Briggs asked for anyone else who was in favor of the petition and for anyone against the petition and no one spoke.

Mr. Woolard explained the properties around the neighborhood did not appear to be in violation and the code would even allow a three car garage but not this large. The intent is that the garages are to be subordinate to the houses. Many of the garages are even smaller than this garage. The hardship of bringing the garage into compliance is self-created because work was started before without a permit.

There was discussion on the height variance and code requirements. Mr. Kearney said the code disadvantages people with smaller houses. Mr. Woolard explained the inspectors are confident that the height variance is needed. Mr. Wheeler said there is a 16" difference from the top of the garage floor to the grade and it sits up because of the alley elevation.

The vote on the variance was approved with six (6) voting in favor and zero (0) against with the following votes being cast on roll call: Mr. Simeone--yes; Mr. Kearney--yes; Mr. Zimmerman--yes; Ms. Amelia Buragas--yes; Mr. Briggs--yes; Mrs. Meek--yes; Mr. Ireland--absent.

Z-13-13 Public Hearing and Review on the petition submitted by Kim Guttschow to allow construction of a room addition and the following two variances from the Zoning Ordinance:

1) to allow the required 98 foot average front yard setback to be reduced to 21 feet from the west front lot line

2) to allow the expansion of a nonconforming structure.

All are for property located at 1808 Springfield Road. Zoned R-1A, Single-Family Residential District.

Kim Guttschow and Mark Wilkins both of 1808 Springfield Road, were sworn in. Mr. Wilkins stated they are seeking to add an 18' addition and the property has been there since 1875 and there are only two houses on the block. Ms. Guttschow said the house is currently sits at an angle to the street and brings the addition closer to the street. The street got closer during the construction in the 1960's.

Mr. Briggs asked for anyone else who was in favor of the petition and Zona Guttschow of 1810 Springfield Road, stated she does not have any problem with the addition.

Mr. Briggs asked for anyone else who was in favor of the petition and for anyone against the petition and no one spoke.

Mr. Woolard explained how the house was built at an awkward angle and the road probably was changed over the years. He explained that just about any location for construction of the addition would need a variance and there is a slope on the other side of the house. The addition will not be in the sight line of the adjacent house.

The vote on the variance was approved with six (6) voting in favor and zero (0) against with the following votes being cast on roll call: Mr. Simeone--yes; Mr. Kearney--yes; Mr. Zimmerman--yes; Ms. Amelia Buragas--yes; Mr. Briggs--yes; Mrs. Meek--yes; Mr. Ireland--absent.

SP-06-13 Public Hearing and Review on the petition submitted by Eric Trujillo requesting approval of a special use permit to allow the expansion of a nonconforming restaurant and bar for the property located at 903 W. Wood Street. Zoned R-2, Mixed Residence District.

Z-14-13 Public Hearing and Review on the petition submitted by Eric Trujillo to allow the expansion of a nonconforming restaurant and bar and for a variance to reduce the required minimum number of parking spaces from 47 to 15 spaces for the property located at 903 W. Wood Street. Zoned R-2, Mixed Residence District.

Mr. Briggs introduced the special use petition and explained the special use and variance petitions will be reviewed at the same time. He asked for anyone who would like to speak in favor of the petition to come forward. Jeff Lindsay of 318 W. Washington St. was sworn in

and stated the request is to expand capacity to what is existing. He said it will be the same use and clientele. He has had a grocery store that did not do well unlike the restaurant/bar which has done well. Eric Trujillo of 1901 Martin Luther King Dr. was sworn in and explained he wants to get away from the grocery store and provided photographs of the building and site. He said the former Mayor Bittner was surprised how the whole place turned around. He has and is investing a lot in the property. Mr. Kearney asked him what are his expectations about traffic flow. Mr. Trujillo said he wants people to come to his restaurant and he has gone over to subdivisions to put down flyers at homes and expects to generate business. Mr. Briggs explained the special use goes with the property and not the owner and if he sells it the neighborhood has to live with the decision. Mr. Lindsay stated they are almost doubling the capacity and the space over what they have now for the restaurant/bar. The number of bar stools will go from five to fifteen. Mr. Lindsay said there are three other bars, within a stone throw of this location and a larger bar is not a determining factor. The hours will be from 7:00 to 9:00 for now. His main concern for now is to serve food. He does not know the percentage of liquor to food.

There was discussion on the parking. Parking is prohibited on the south side of Wood Street and the west side of Allin Street. The amount of insufficient parking is a lot. Mr. Trujillo explained the only time there has been a parking problem is on July 4. Mr. Lindsay said the expansion is for an overflow area. Mr. Trujillo said right now he cannot afford to have the air conditioning and lights on in the expansion area but it will be used on an occasion.

Mr. Briggs asked for anyone else who would like to speak in favor of the petition. Tracy Smith, of 612 E. Locust St., was sworn in and stated he does not live in the neighborhood but is a frequent patron. He said it is a full service restaurant but it appears to be more food than alcohol but he does not have any figures. He said parking has never been a problem and he would have to be very busy to have a problem. The Parkview Inn is on Morris and the other ones mentioned are clear over on Main or Center Streets which is 10-12 blocks away and makes this restaurant a valuable neighborhood asset. The area is not saturated with restaurants and urges the granting of the requests.

Kent Gomerin, of 1012 Quail Ridge Dr. in Dripping Springs, Texas, was sworn in and said he does not live here but he has been visiting a friend. He supports the request and the owner is hard working, honest and we need to support him.

Lynn Oltmann, of 1106 Barker St, was sworn in and said they have lived on Barker St. about 40 years and watched Eric work on the store every day until he got a clean place and they appreciate their customers. She appreciates a place to go that is close, good and clean. She said most of the time they drive there and have never has a problem parking.

Robert Sims, of 1105 N. Evans was sworn in and said he is happy someone is trying to clean up the site. It is handicapped and most people do not like walking and there has been plenty of parking and he is glad somebody is trying to keep a business going and clean up their act.

Wilbur Ludwig of 1526 Beckenham Dr. was sworn in and said he grew up about six houses from the restaurant and Wood Street is about twice as long as any other block. He owns two

houses on the block and one farther away and he is putting much money in one house and would not want that area destroyed. Eric's would be a great asset and he cannot make it as it is there now. His wife goes over there and he meets his son there and hopes you approve it.

Bobby Castile, of 206 W. Emerson St. was sworn in and said he and his friends have gone to Eric's many times and it is not to drink. He has driven there with his family. He likes to go to Eric's after being at the park and he also bikes there with friends from college. A lot of the business expansion will be from college students and hopes you grant the request.

Pam Hill, of 868 Fifth St. in Normal was sworn in and said she volunteers at Eric's and hopes the expansion is approved. Everybody gets along and do not complain about the parking. People come from several blocks away. People are able to walk there and drive as well. She does not see a problem with parking since at Western Tap they have to park on the street.

Ron Wilder of 217 Fifth St. in Lincoln, Illinois was sworn in and said he has walked a lot in the area and there are many people who walk there and does not see a problem with too many cars.

Bill Morton, of 112 Stockholm Street, was sworn in and said he is a regular at Eric's and it is the only place he can eat two full meals under \$20 a day and would like to see him expand as there has been times he had to wait to sit down. They are trying hard to make it a success.

Bruce Meeks, of 1402 Wright Street was sworn in and said he has managed bars and restaurants and understands the hours Eric puts in. He is ADA compliant and he does not see liquor violations and party buses. He does not believe the downtown bar/restaurants have to equal the percentage we are trying to enforce on this bar. He would like to have meetings there after the expansion and he is a hardworking man. He thinks a nearby house would not have been bought if Eric's would have not have been there and the petition should be allowed.

Mr. Briggs asked for anyone desiring to speak in opposition to the petition and no one spoke.

Mr. Woolard stated the Comprehensive Plan calls for the property to be residential. He explained the property is located in a residential zoning district and therefore the use is nonconforming and can only be expanded with the special use. The code requires a lot more parking for a restaurant and bar than it would for a grocery store and thus he also needs the parking variance. This is because these types of land uses generate much more traffic than general retail. He explained how parking is limited now on the streets and there could be an issue at some point in time as the business grows.

The Board discussed the parking for the grocery store and restaurant/bar. Mr. Woolard explained how the code is designed to have the parking off the streets and how the primary purpose of the streets is to move traffic and parking is secondary. There is not a guarantee that parking will always be allowed on the streets.

Mr. Kearney emphasized on how it is important to have testimony as in a case such as this one and how there are special circumstances that are very relevant in that it is across the street from a zoo. It does not seem that congested on the street. He said before his vote that the testimony

was excellent and focused on point. It really made the case especially with regard to the parking but also brought the restaurant to life.

The vote on the special use was approved with six (6) voting in favor and zero (0) against with the following votes being cast on roll call: Mr. Simeone--yes; Mr. Kearney--yes; Mr. Zimmerman--yes; Ms. Amelia Buragas--yes; Mr. Briggs--yes; Mrs. Meek--yes; Mr. Ireland--absent.

The vote on the variance was approved with six (6) voting in favor and zero (0) against with the following votes being cast on roll call: Mr. Simeone--yes; Mr. Kearney--yes; Mr. Zimmerman--yes; Ms. Amelia Buragas--yes; Mr. Briggs--yes; Mrs. Meek--yes; Mr. Ireland--absent.

Other Business: None

New Business: None

Public Comment: None

Adjournment was at 5:06.

Respectfully;