

**ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, AUGUST 20, 2014, 3:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE ST., BLOOMINGTON, IL**

Members present: Mr. Kearney, Mr. Ireland, Ms. Meek, Mr. Briggs, Mr. Zimmerman, Mr. Simeone
Members absent: Ms. Buragas
Also present: Mr. Mark Woolard, City Planner
Mr. Tom Dabareiner, Community Development Director

Mr. Woolard called the meeting to order at 3:04 p.m. and called the roll. A quorum was present.

The Board reviewed the minutes from July 16, 2014 and accepted the minutes as printed.

Chairman Ireland explained the meeting procedures. Mr. Woolard stated the cases had been published.

REGULAR AGENDA:

Z-11-14 Public Hearing and Review on the petition submitted by Alice Douglas requesting a variance from the Manufactured Home and Recreational Vehicle Park Ordinance and to allow the construction of a deck and to reduce the front yard setback for the property located at 3704 Alyssum Drive. Zoned R-4, Manufactured Home Park District.

Chairman Ireland introduced the case and asked for anyone who would like to speak in favor of the petition. Ms. Alice Douglas, 3704 Alyssum, was sworn in and stated the reason for the variance is to add a 10' by 16' deck onto the house. Ms. Douglas stated the requested size is as small as she could make it for a usable space with a table and chairs.

Chairman Ireland asked for anyone who would like to speak in favor or opposition of the petition and no one spoke.

Mr. Woolard stated the home sits at an awkward angle on a corner lot which results in only a small portion of the deck encroaching into the front yard. Mr. Woolard referred to the photos which show that the ground level deck would be at a similar distance as neighboring front stoops or porches. The variance is reasonable and appears to meet the standards. Staff supports the variance request.

Mr. Simeone inquired if this is a new neighborhood because the neighbor mailings were sent to 'Resident' verses a name. Mr. Woolard explained the mobile home land is owned by a different person than the mobile home resident, and the tax records only reflect the land owner.

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. Briggs-Yes; Ms. Meek-Yes; Mr. Zimmerman-Yes; Mr. Ireland-Yes; Mr. Simeone-Yes; Mr. Kearney-Yes; Ms. Buragas-Absent.

Z-12-14 Public Hearing and Review submitted by Tom and Mary Moser to allow construction of a new fence and a variance from the Zoning Ordinance to increase the allowed fence height of 4 feet to 4.5 feet in the yard along Royal Pointe Drive for the property located at 2908 Clearwater Avenue. Zoned R-1C, Single-Family Residence District.

Chairman Ireland introduced the case and asked for anyone who would like to speak in favor of the petition. Mr. Tom and Ms. Mary Moser, 2908 Clearwater Avenue, were sworn in and stated

the reason for the variance is for the recently awarded custody of their non-verbal, autistic grandson. Ms. Moser said their grandson has no awareness of danger and has a propensity to bolt. She stated this request is based on the Federal Fair Housing Act. She said the extra 6" will afford better safety and the loss of 1/3 of the yard to stay in compliance is unreasonable as the grandson needs the extra room. Ms. Moser stated the type of fence that would be built shows a 90% visibility allowing safe traffic vision.

Ms. Moser stated the neighbors built a 6' privacy fence for their yard. She stated the swing set, climbing gym and trampoline remain in the yard. Mr. Briggs stated this fence request is located within a newer subdivision and if allowed to extend to the sidewalk, would allow more interior yard space than the neighbors. He also expressed concern that the extra 6" may not be much of a deterrent for a climbing, autistic child. He stated the location of the fence is closer to traffic and could present more of a danger than a higher fence closer to the house. Mr. Briggs added the child will grow taller. Ms. Moser explained her fence research showed the chosen fence structure doesn't allow climbing and is recommended for pool safety. There was discussion on the fence location, height, type, child safety, line of sight and the use of bushes as a barrier.

Mr. Kearney voiced concern over the submitted IEP document and asked board to consider the removal or sealing of the IEP. He stated he was not giving legal advice. Ms. Moser stated the IEP was the only way to show her Grandson's needs. Mr. Moser stated that their formal request is to remove the IEP from the record.

There was discussion on the best practice for handling the IEP. Mr. Dabareiner stated Mr. George Boyle, City of Bloomington-Assistant Corporation Counsel, suggested the removal of the IEP document based on the formal request of the Moser's. Mr. Dabareiner stated one confidential copy will be kept by the city for a record of what was removed.

Chairman Ireland asked for anyone who would like to speak in favor or in opposition of the petition and no one spoke.

Mr. Woolard acknowledged the safety needs for the autistic child. He stated hardship as defined in the code addresses physical land situations and not personal situations. This situation does not present a hardship. He stated most fences are compliant in the neighborhood. He suggested if the fence were placed in line with the home, the yard square footage would be similar to the neighbor's yard square footage. If the variance were to be granted, it would allow more yard space than the neighbors. He stated there are options such as shrubs or a fence built closer to the house. Staff is not supporting the variance request.

Ms. Moser stated the Federal Fair Housing Act and the handicap stipulation is the only reason this fence variance was presented for consideration. There was discussion on the fence placement.

Mr. Zimmerman moved to add the stipulation that the fence be located one foot from the inside of the sidewalk. The motion was seconded by Mr. Briggs and passed by a voice vote of 6 – 0. Ms. Meek inquired if a stipulation should be added to remove the fence if the Moser's ever moved from the property. Mr. Zimmerman stated since this is only a 6" difference in height, no stipulation would be necessary.

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

Z-13-14 Public Hearing and Review on the petition submitted by Joanne Littell and Jason Hummel to allow construction of a parking lot and to allow the following variances from the Zoning Ordinance:

1. Reduce the required 3 foot west parking lot setback to 0 feet.
2. Reduce the required 3 foot north parking lot and driveway setback to 0 feet.
3. Reduce the required 3 foot south parking lot setback to 0 feet.
4. Reduce the required parking aisle from 25 feet to 24 feet.

All for the property located at 405 S. Allin Street. Zoned R-1C, Single-Family Residence District.

Chairman Ireland introduced the case and asked for anyone who would like to speak in favor of the petition. Ms. Joanne Littell, 808 Brian St, Normal and Mr. Jason Hummel, 711 N School, Normal, were sworn in. Mr. Hummel stated the building houses seven units which include: (1) 2 bedroom, (4) 1 bedroom and (2) efficiencies. Ms. Littell stated there is no parking along Allin Street between W. Taylor and W. Jackson. Mr. Hummel stated they purchased the building in May, 2014 and understood there to be no option to reduce the number of units within the building. He stated the renovations are 75% complete and are now being told lowering the unit total is an option. There was discussion regarding possible tenant parking needs with a minimum of 4 vehicles and maximum of 8 vehicles. Mr. Hummel stated the options for parking would be Taylor or Jackson Streets. Ms. Littell stated her concern over adding more on street parking to an already congested neighborhood. She said the motivation for this parking variance is to create some relief for the neighborhood and to help in the safety of children from the area schools.

There was discussion on each of the four variances and the effect on potential parking spaces. Mr. Kearney stated green space is important and with a zero setback, there would only be asphalt and would look oppressive. Mr. Hummel stated there is no need for the south side variance. Mr. Hummel stated the surface would be white 3" tip rock. Mr. Woolard confirmed the code allows gravel for this amount of parking spaces. Chairman Ireland suggested a professional engineer drawing would be helpful. Mr. Hummel stated the only visible property pin is on the southeast corner with trees grown over other pins. Mr. Kearney implored the petitioners to obtain a current survey as this a complicated project in which every inch counts. Mr. Simeone stated a smaller model may be a consideration. Mr. Briggs stated the smaller model may change the parking from five to four spots. Mr. Briggs stated this will be an area of school activities which demands more parking based on the upcoming plan for revitalization.

Mr. Hummel provided a copy of the supporting neighbor's signatures and phone numbers. Ms. Littell stated they are reaching out to the neighborhood to add to this area and not cause more parking issues. Mr. Hummel inquired if the survey really had to be completed. Ms. Littell explained safety was the reason their plan did not include a variance request for more vehicles. She explained they would be happy with 4 spaces however in an attempt to help the neighborhood, they were asking for 5 spaces.

There was discussion on the dimensions of the lot without stripes, a professional survey, drawings and clarity on the variances needed based on the most recent drawing.

Chairman Ireland asked for anyone who would like to speak in favor or opposition to the petition and no one spoke.

Mr. Woolard stated staff is not able to support variances for an entire rear yard for parking. Mr. Simeone asked if the code required green space for children's play with seven apartments located within the building. Mr. Woolard stated there are no requirements applied to existing units. Mr. Kearney stated his concern regarding no available green space for the tenants with children. Ms.

Meek reiterated the need for a survey and stated her appreciation in efforts to remove cars from the street.

Chairman Ireland stated the amended petition. The motion was made by Ms. Meek who moved to amend the variances. Mr. Briggs seconded the motion which was passed by a voice vote of 5 to 1. The amended variances are as follows:

1. Reduce the required 3 foot west parking lot setback to 1'6".
2. Reduce the required 3 foot north parking lot and driveway setback to 1'6" for the east 70'.
3. Reduce the required 3 foot south parking lot setback to 0 feet. *withdrawn*
4. Reduce the required parking aisle from 25 feet to 24 feet.

A vote was taken on each of the variances with the following votes being cast on roll call:

1. Reduce the required 3 foot west parking lot setback to 1'6".

The vote on the variance was approved with five (5) voting in favor and one (1) against with the following votes being cast on roll call: Mr. Briggs-Yes; Ms. Meek-Yes; Mr. Zimmerman-Yes; Mr. Ireland-Yes; Mr. Simeone-No; Mr. Kearney-Yes; Ms. Buragas-Absent.

2. Reduce the required 3 foot north parking lot and driveway setback to 1'6" for the east 70'.

The vote on the variance was approved with five (5) voting in favor and one (1) against with the following votes being cast on roll call: Mr. Briggs-Yes; Ms. Meek-Yes; Mr. Zimmerman-Yes; Mr. Ireland-Yes; Mr. Simeone-No; Mr. Kearney-Yes; Ms. Buragas-Absent.

3. Reduce the required 3 foot south parking lot setback to 0 feet.

The petitioner withdrew this variance request therefore no vote was taken.

4. Reduce the required parking aisle from 25 feet to 24 feet.

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. Briggs-Yes; Ms. Meek-Yes; Mr. Zimmerman-Yes; Mr. Ireland-Yes; Mr. Simeone-Yes; Mr. Kearney-Yes; Ms. Buragas-Absent.

PUBLIC COMMENT: None

OTHER BUSINESS:

Discussion of Height and Second Story Variances: Mr. Woolard stated there is no new information.

Any Other Business to Come Before the Board: None

NEW BUSINESS:

Discussion of Zoning Board of Appeals Meeting Time: Chairman Ireland opened discussion regarding a change of meeting time based on a request from the Mayor. There are some boards and commissions which meet at 4:00 p.m. A later meeting time would be conducive to citizen's attendance. The consensus suggestion was a 4:00 p.m. new meeting time.

Introduction of the new Director of Community Development: Mr. Tom Dabareiner stated he brings 32 years of experience to Bloomington, and he is looking forward to the experience.

ADJOURNMENT: 5:27 p.m.

Respectfully;

Mark Woolard