



MINUTES
PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF
BLOOMINGTON, ILLINOIS
REGULAR MEETING
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
WEDNESDAY, AUGUST 18, 2021 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 at 4:05 p.m., Wednesday, August 18, 2021. The meeting was called to order by Chairperson Ballantini.

ROLL CALL

Attendee Name	Title	Status
Mr. Terry Ballantini	Commissioner	Present
Ms. Victoria Harris	Commissioner	Present
Mr. Michael McFarland	Commissioner	Absent
Mr. Michael Straza	Commissioner	Present
Mr. Tyler Noonan	Commissioner	Present
Ms. Nikki Williams	Commissioner	Present
Mr. George Boyle	Assistant Corporate Counsel	Present
Ms. Kimberly Smith	Assistant Economic & Community Development Director	Present
Mr. Joe Hennerfeind	Interim City Planner	Present

PUBLIC COMMENT

No public comment.

MINUTES

Chairperson Harris motioned to approve the minutes from June 16, 2021 regular Zoning Board of Appeals meeting. Mr. Noonan seconded. Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, and Chairperson Ballantini - Yes. The motion was approved (5-0-0).

REGULAR AGENDA

Interim City Planner Joe Hennerfeind indicated Cases Z-15-21, Item A, and SP-05-21, Item D, were withdrawn:

- B. Z-18-21** Public hearing, review, and action on a petition submitted by David Long for a variance from Chapter 44, Division 4-3 for a reduction in the required rear yard setback to facilitate the construction of an addition, in the R-1C (Single Family Residence) zoning district, for the property located at 3202 Cave Creek Road, Bloomington, IL 61704, PIN: 21-12-427-017 (Ward 3).

Mr. Noonan recused himself due to a potential, perceived conflict of interest, and physically left the room.

Interim City Planner Joe Hennerfeind presented the staff report with a recommendation of to deny the variance request.

Petitioner Mr. David Long, 1407 Steeple Case Drive, Bloomington, Illinois, the petitioner, on behalf of his client, the property owner, was sworn in for testimony. He stated the existing structure was poorly constructed, and the owner would like better use of the space. He also indicated the footprint will be slightly smaller in part because the existing steps will be removed.

Ms. Harris and Mr. Hennerfeind clarified that although the measurement of the footprint is proposed to be smaller, a variance is still needed because the setback to the property line is measured from the wall, not the steps.

Chairperson Ballantini asked if plans could be altered to meet requirements. Mr. Long indicated they'd prefer the wider footprint.

Assistant Corporate Counsel Boyle clarified that approve a variance, all five standards must be met, and voted on with a minimum of four members. He also offered Mr. Long an opportunity to response to the standards before closing the hearing.

Mr. Long iterated his customer is not the original homeowner. The original owner added a small dinette area that increased the encroachment in the rear yard. When the current owner purchased, they didn't know a future expansion would require a variance. He added he has done this before and has been allowed.

There was no public testimony.

Chairperson Ballantini closed the public hearing.

Ms. Harris motioned to accept the findings of fact as presented. Mr. Straza seconded. Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Chairperson Ballantini - Yes. The motion was approved (4-0 with 1 abstention).

Ms. Harris motioned to deny the variance requested. Mr. Straza seconded. Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Chairperson Ballantini - Yes. The motion was approved (4-0 with 1 abstention).

Chairperson Ballantini indicated to the petitioner to work with staff for next steps. Assistant Corporate Counsel Boyle indicated he will receive correspondence regarding appeal rights.

Mr. Noonan returned to the meeting.

- C. **Z-19-21** Public hearing, review, and action on a petition submitted by Judith Webster for a variance from Chapter 44, Division 12-6A to allow for the construction of a second driveway opening on a residential property less than 100 feet in width, in the R-2 (Mixed Residence) zoning district, for the property located at 911 W Grove Street, Bloomington, IL 61701, PIN: 21-05-434-034 (Ward 6).

Interim City Planner Joe Hennerfeind presented the staff report with a recommendation to approve the variance request.

Ms. Harris clarified with staff, that a legal nonconforming property is something built or subdivided prior to the present code.

Petitioner Ms. Judith Webster, of 911 W. Grove, was sworn in for testimony. She stated this is a recent purchase; was a former rental. The tenant graveled in the west side. She checked with the City to see if she could convert the gravel to a driveway. She indicated she is flexible on the driveway location. She started with a permit that was denied and is holding for approval of a variance.

There was no public testimony.

Mr. Straza motioned to accept the findings of fact as presented. Mr. Noonan seconded. Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, and Chairperson Ballantini - Yes. The motion was approved (5-0-0).

Mr. Noonan motioned to approve the variance requested. Ms. Harris seconded. Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, and Chairperson Ballantini - Yes. The motion was approved (5-0-0).

- E. **SP-06-21** Public hearing, review, and action on a petition submitted by Federico Forti on behalf of Fervalue USA, Inc. for a special use permit for food & kindred industries in the M-1 Restricted Manufacturing District, for the property located at 2501 Beich Road, Bloomington, IL 61705, PIN: 21-18-451-003 (Ward 2).

Interim City Planner Joe Hennerfeind presented the staff report with a recommendation to approve the special use request.

Chairperson Ballantini clarified the parking requirement, and that an updated landscaping plan would be submitted prior to the building permit.

Petitioner Federico Forti, of Fervalue USA, Inc., was sworn in for testimony. He explained current production at the plant, and that the next step is to produce their own chocolate at the factory. This is the reason for the expansion.

There was no public testimony.

Mr. Noonan motioned to accept the findings of fact as presented. Ms. Harris seconded. Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, and Chairperson Ballantini - Yes. The motion was approved (5-0-0).

Ms. Harris motioned to approve the variance requested. Mr. Noonan seconded. Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, and Chairperson Ballantini - Yes. The motion was approved (5-0-0).

Chairperson Ballantini thanked the petitioner for their investment in the community.

NEW BUSINESS

No items.

OLD BUSINESS

No items.

ADJOURNMENT

Ms. Harris motioned to adjourn. Mr. Noonan seconded. All were in favor. The meeting was adjourned at approximately 6:30 PM.