



MINUTES
PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS
REGULAR MEETING
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
WEDNESDAY, JULY 20, 2022 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, Wednesday, July 20, 2022, with the following physically present staff members: Mr. Jon Branham, City Planner; Ms. Alissa Pemberton, Assistant City Planner; Ms. Kimberly Smith, Assistant Economic & Community Development Director; Mr. George Boyle, Assistant City Attorney.

The meeting was called to order by Chairperson Ballantini at 4:02 pm.

ROLL CALL

Attendee Name	Title	Status
Mr. Terry Ballantini	Commissioner	Present
Ms. Victoria Harris	Commissioner	Present
Mr. Michael Straza	Commissioner	Present
Mr. Tyler Noonan	Commissioner	Present Virtually
Ms. Nikki Williams	Commissioner	Present
Mr. Zach Zwaga	Commissioner	Present
Ms. Alissa Pemberton	Assistant City Planner	Present
Ms. Kimberly Smith	Assistant Economic & Community Development Director	Present
Mr. Jon Branham	City Planner	Present
Mr. George Boyle	Assistant City Attorney	Present

Chairperson Ballantini asked public to please keep their comments to the point and brief if possible.

Chairperson Ballantini introduced the new commissioner, Mr. Zwaga.

Ms. Pemberton called the roll. Ms. Harris - Present, Mr. Straza - Present, Ms. Williams - Present, Mr. Zwaga - Present, and Chair Ballantini - Present. (5-0). A quorum was present.

Ms. Pemberton noted that Mr. Noonan was excused from attending in person and was present virtually, per City Code § 2-402B(2)(a) that permits virtual attendance for personal illness or disability.

Commissioner Harris made motion to allow Mr. Noonan to attend and participate remotely. Seconded by Commissioner Straza. Roll call vote was taken, Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, and Chair Ballantini - Yes. (5-0). Motion was approved.

PUBLIC COMMENT

Chair Ballantini opened the floor for public comment, reminding attendees that public comment is typically reserved for items not on the agenda.

There was no public comment.

MINUTES

Ms. Pemberton noted a spelling error at the top of page 3 of the minutes from May 18, 2022

Commissioner Harris motioned to approve the minutes from May 18, 2022, regular Zoning Board of Appeals meeting. Commissioner Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Commissioner Harris motioned to approve the minutes from June 15, 2022, regular Zoning Board of Appeals meeting. Commissioner Zwaga seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

REGULAR AGENDA

Ms. Pemberton provided a short overview of the process that Planning and Code Enforcement work through when a citizen complaint is received regarding activities that require a Special Use Permit. The Board did not have any questions for staff related to the process.

Chairperson Ballantini provided a general overview of the process of how a case is heard, reviewed and voted on by the Board.

SP-03-22 Public hearing, review, and action on a petition submitted by Clem Properties, LLC, for a Special Use Permit for a Rooming House, with Variance, in the R-2 (Mixed Residence) District, for the property located at 709 Douglas Street. PIN: 21-04-281-015. (Ward 4). *Continued from the June 15, 2022, meeting.*

Ms. Pemberton presented the staff report with a recommendation to approve the Special Use Permit, with Variance. She noted that the property was likely originally built as single-family residential but has been used for commercial purposes for a considerable period of time. Staff provided clarification on the use and terminology of “Rooming House,” as defined in the City’s Zoning Code, to distinguish it from other similar uses which would require different permits. Staff noted there is no “Agency” associated with the proposed use of this property. The petitioner is wanting to use this for short-term rental purposes.

Staff highlighted the Variance request and reasoning behind request, with a recommendation for approval of the Variance request. Staff identified the current parking provided, and the unique characteristics associated with it.

The Board did not have any questions for staff.

Chair Ballantini opened the public hearing.

Petitioner, Kenny Clem (2510 Bunn Street), stated his intention for buying the property was as a self-managed investment property. The purpose for this type of rental is to accommodate traveling nurses and other professionals that are in the area; the idea came out of a trip to the hospital with his wife, and conversations they had with travel nurses, and then further from conversations with people who have come into his business.

Commissioner Harris asked for clarification on the number of bathrooms to be provided. Mr. Clem stated that there is one half bath on the ground floor and will be one full bath on the upper floor.

Commissioner Harris asked whether a closet would be provided for in the 4th bedroom. Clem stated there is one planned for the corner that was not included in the initial site plan. Chair Ballantini asked how long has owned property. Mr. Clem stated that he has owned the property for a few months.

Chair Ballantini asked if owned other rental property and if he was property manager. Mr. Clem explained that he owns multiple other rental properties in town and personally manages them all, in addition to his business down the street, Annie’s Eats. The Chair asked if he has had any complaints regarding his other rental properties; Mr. Clem stated he has not. The Chair asked if he would be personally managing this property; Mr. Clem stated he would be.

Chair Ballantini asked if spoken with the neighbors of the property. Mr. Clem stated that he sent a letter to the owner of the property to the rear and did not receive a response. He wanted to discuss the requirement of fencing or screening along the rear of the property because putting it there would impede the flow of the traffic as the other residents on the block use it now and might cause them issues with being able to see on Clinton.

Chair Ballantini asked if spoke to any other neighbors. Mr. Clem stated that he has spoken to some of the next-door tenants, and they did not have objections.

Chair Ballantini asked about placing a fence at the rear of the parking area, as required by the Special Use Provisions. Mr. Clem stated that he is open to placing a fence there, if required, but he has concerns about the ability of drivers coming on and off Clinton Street to easily view the alley that they use for access.

Chair Ballantini asked about the lighting Mr. Clem will be required to install. Mr. Clem stated it will be pointing down and not towards neighboring homes and is planned for operation from dusk to dawn.

The Board had no additional questions for the Petitioner.

Marty Siegel (615 E. Chestnut) spoke in opposition to the petition. Ms. Siegel stated that she has lived in her home for 40 years. She discussed her belief that zoning changes and special uses, particularly related to apartments and their impacts, are significant and warrant attention. She has a written list of her concerns.

Mr. Boyle stated that written statements from those testifying should have been provided to the applicant in advance to permit them time to rebut; the written statement may not be admitted as evidence, but the speaker may summarize the statement provided to give the applicant and the Board an opportunity to hear her testimony.

Chair Ballantini asked Ms. Siegel to summarize her statements.

Ms. Siegel stated that her objection to this petition is not an objection to Mr. Clem himself; she appreciates Annie's Eats and the Clem's contributions to the neighborhood. Her objection to this petition is related to change in future ownership and use. Ms. Siegel stated that Rooming Houses are usually grouped with Agency Operated Group Homes and Agency Supervised Homes, and she is worried that in the future, an agency or future owners could use this as a Group Home or something similar. She feels that granting this Special Use will undermine the character of the neighborhood. She stated that the property has been commercially used which has had little impact on the neighborhood and believe that uses like Rooming Houses are a way to increase residential density in the neighborhood, which has a major impact. She stated that the alley behind the property is used for ingress and egress to the properties on the block and she is concerned about that, even though the prior businesses did the same. Ms. Siegel noted the intent of the R-2 District includes "conversion of dwelling units in older residential areas...to extend the economic life of these structures," but does not believe this building is in need of being saved, as it is in great condition and could be useful for something else, other than a Rooming House. Ms. Siegel states that the Petitioner has not presented a hardship if this Petition is denied. Ms. Siegel believes that owner-occupants are what is needed in the central city. She noted there all already many apartments in the area so there is no need for this type of residential development. Ms. Siegel's primary concern is how this Special Use could tip the

nature of the neighborhood, and she has concern over the precedent this could set in this neighborhood and others.

The Commissioners had no questions for Ms. Siegel.

Chair Ballantini asked the Petitioner if he would like to respond.

Mr. Clem noted that his goal for the 4th bedroom would be to find an individual who would reside, long-term, in the property to manage and maintain it so that someone would be on-site daily. Mr. Clem addressed the concern of the property being bought for investment purposes, and explained that is why he purchased the property, and is not able to control who may purchase the property from him when he retires in 20 years or so.

Chair Ballantini asked if anyone else was present to speak on this Petition. Staff noted that there were attendees at previous meeting, when this case was continued due to lack of quorum, who had attended to speak on this matter, but after speaking with staff their concerns have been addressed and they are not in attendance this evening. No additional testimony was received on this Petition.

Chair Ballantini reminded the public that to provide testimony, for or against, on any Variance or request before the ZBA that it must be in person to be considered testimony. Written comments do not go into the record.

No additional testimony was provided. No Board discussion was held.

Commissioner Harris made a motion to establish findings of fact that all standards of approval for a Special Use are met. Commissioner Zwaga seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Chairperson Ballantini made a motion to establish findings of fact that all standards for a Variance are met and that carrying out the strict letter of the Code does create hardship for the Petitioner. Commissioner Zwaga seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Commissioner Harris made a motion to recommend approval of the petition submitted by Clem Properties for: A Special Use Permit for a Rooming House in the R-2 (Mixed Residence) District for the property located at 709 Douglas Street, with a Variance to § 44-1019C(2) to not require the off-street parking to be screened along the rear of the property, and the condition that any exterior lights installed on the rear of the property shall be so shielded and directed as to protect adjacent lot or lots across the alley from direct or reflected glare. Mr. Zwaga seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Staff noted this recommendation will go to City Council on August 8, 2022.

SP-04-22 Public hearing, review, and action on a petition submitted by Danielle King for a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District, for the property located at 19 Aberdeen Way. PIN: 14-36-177-023. (Ward 5). *Continued from the June 15, 2022, meeting.*

Ms. Pemberton presented the staff report with a recommendation to approve the Special Use Permit to allow Ms. King to lawfully continue to keep her existing chicken coop.

The Board did not have any questions for staff.

Chair Ballantini opened the public hearing.

Petitioner, Danielle King (19 Aberdeen Way) stated she is requesting the Special Use Permit because they previously lived in Charleston where they had about 50 chickens. Their children have grown up raising chickens and it provides her children an understanding of where their food comes from. They are familiar with how to raise chickens. Ultimately, she wants to teach children sustainability.

Chair Ballantini asked about lighting associated with the coop. Ms. King explained that they do not use heat lamps, as they are an unnecessary fire hazard that can cause unnatural laying tendencies. They use heat panels which do not have any associated light.

Chair Ballantini asked if the Petitioner has spoken to her neighbors about the Petition. Ms. King stated that she has spoken with a number of them, including those directly behind the house whose children like to watch the chickens; they are in favor, as well as others she has spoken with.

Keith Moldovan (41 Aberdeen Way) Stated that when neighbors began receiving the notices about the hearing they started talking about the petition, he reached out to the Petitioner to discuss. He feels confident the Petitioner knows what she is doing regarding the raising of chickens, most of the neighbors know each other and think the idea is pretty neat. He stated that he has not spoken to anyone against the petition.

Chair Ballantini asked if he had spoken with anyone not in favor. Mr. Moldovan stated he has not spoken with anyone who was not in favor.

No additional testimony was provided. No Board discussion was held.

Commissioner Harris made a motion to establish findings of fact that all standards of approval for a Special Use Permit are met. Commissioner Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Commissioner Harris made a motion to recommend approval of the petition submitted Danielle King for a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District, for the property located at 19 Aberdeen Way. Commissioner Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Staff noted this recommendation will go to City Council on August 8, 2022.

SP-05-22 Public hearing, review, and action on a petition submitted by Erik Goshorn for a Special Use Permit for Chicken-Keeping in the R-1B (Single-Family Residence) District, for the property located at 217 Magnolia Drive. PIN: 21-10-403-026. (Ward 1). *Continued from the June 15, 2022, meeting.*

Ms. Pemberton presented the staff report with a recommendation to approve the Special Use Permit. Staff noted the Petitioner has spoken with neighbors and indicates they are in favor of the request.

The Board did not have any questions for staff.

Chair Ballantini opened the public hearing.

Petitioner, Erik Goshorn (217 Magnolia Drive), stated he is requesting the Special Use because his wife grew up with chickens. Within the last 18 months they have been moving as a family towards sustainability, including growing their own food, and making use of the things they used to throw away, to help teach their kids. He stated that they also eat a lot of eggs in their family, so free access to eggs is a plus for them and ensures that source of their food is humanely raised.

Commissioner Harris asked if the Petitioner has raised chickens before. Mr. Goshorn stated he has not, but his wife has. In addition, her family lives behind them and has experience with raising chickens. He noted that before this year he had also never grown any of the food crops they now produce from their backyard and he feels capable of researching and learning how to properly care for chickens.

Chair Ballantini asked the Petitioner to confirm that he has spoken with neighbors. Mr. Goshorn responded that he has spoken to many of the neighbors are not only ok with the Petition, but now interested in pursuing requests for Chicken-Keeping of their own at future meetings.

No additional testimony was provided. No Board discussion was held.

Commissioner Harris made a motion to establish findings of fact that all standards of approval for a Special Use Permit are met. Commissioner Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Commissioner Harris made a motion to recommend approval of the petition submitted by Erik Goshorn for a Special Use Permit for Chicken-Keeping in the R-1B (Single-Family Residence) District, for the property located at 217 Magnolia Drive. Commissioner Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Staff noted this will go to City Council on August 8, 2022.

SP-06-22 Public hearing, review, and action on a petition submitted by Linda Stroh for a Special Use Permit for Chicken-Keeping, with Variance, in the R-2 (Mixed Residence) District, for the property located at 601 S. Livingston Street. PIN: 21-05-462-008. (Ward 6). *Continued from the June 15, 2022, meeting.*

Ms. Pemberton presented the staff report with a recommendation to approve the Special Use Permit with Variance. Staff noted the constraints on the placement of the coop; these constraints are resulting from the lot being a corner lot and the narrowness of the lot. By allowing the petitioner to place the coop in the side yard, as indicated on the site plan, the Petitioner can meet the remaining requirements for the location of the coop.

Ms. Pemberton noted that, due to the continuation from the prior hearing, the Petitioner is unable to attend this evening as she is teaching a course on Zero Waste at Heartland College.

Chair Ballantini asked if coop is entirely enclosed. Staff confirmed that is the case. The Chair expressed concern that the coop would be located close to the street, with no additional fencing between it and Livingston and wanted to clarify that there were no issues with the Code in that context. Staff clarified that the use provisions require an enclosed or fenced area for the keeping of the chickens, but not additional property fencing. Staff stated that the lack of additional fencing is not an issue, per Code.

Chair Ballantini opened the public hearing.

No testimony was provided. No Board discussion was held.

Commissioner Harris made a motion to establish findings of fact that all standards of approval for a Special Use Permit are met. Commissioner Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Commissioner Harris made a motion to establish findings of fact that all standards for a Variance are met and that carrying out the strict letter of the Code does create hardship for the Petitioner. Commissioner Zwaga seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Commissioner Harris made a motion to recommend approval of the petition submitted by Linda Stroh for a Special Use Permit for Chicken-Keeping in the R-2 (Mixed Residence) District, for the property located at 601 S. Livingston Street, and Variance to § 44-1011E to allow a chicken coop in a side yard. Commissioner Zwaga seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Staff noted this will go to City Council on August 8, 2022.

SP-10-22 Public hearing, review, and action on a petition submitted by Larissa Langellier for a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District for the property located at 2813 Chesapeake Ln. PIN: 15-30-129-005. (Ward 9).

Ms. Pemberton presented the staff report with a recommendation to approve the Special Use Permit. Staff noted existing fencing will screen coop from surrounding properties.

Chair Ballantini asked for clarification that these chickens are already present and how long they have been there. Staff confirmed that this is a case regarding an existing coop but is unsure how long the chickens have been on the property. Staff noted this came to City's attention based upon citizen complaint and a resident who was uninformed about the Special Use Permit requirement associated with Chicken-Keeping.

Chair Ballantini opened the public hearing.

Petitioner, Larissa Langellier (2813 Chesapeake Lane) stated she is requesting this Special Use because she keeps the chickens as emotional support animals. She noted that she has an animal science degree from ISU and is more than capable of raising the chickens. She explained that she has a friend who mentioned that chickens helped her with her mental health, so she looked into them. She and her husband looked through the Zoning Code and did not find that they need a Special Use, only the section on Chicken-Keeping. Ms. Langellier stated that her intent was not to try and get away with anything they were not allowed to do; they sincerely did not realize they needed the Special Use since there is nothing in the Chicken-Keeping section of the Code that indicates that.

Ms. Langellier explained that she designed the coop herself and her husband built it. She discussed the mental and emotional benefits the chickens provide to her and her family. She hates bugs and the chickens help with that as well. They use chicken waste for fertilizer for garden. She stated that they spoke with neighbors before getting chickens and they were all supportive. They provide free eggs to neighbors which the neighbors like. As a family, they strive to be zero waste and the chickens are a means to help achieve this as they eat food scraps.

Chair Ballantini asked if Petitioner has named them. Ms. Langellier responded that they had named them, as well as the coop, and indicated their naming convention.

Chair Ballantini asked how long they have had their chickens. The Petitioner explained they had gotten them in March of 2022, the coop was built in April. They hatched the chickens themselves so the kids could go through the “chick it out” program and learn about hatching.

Gail Morrow (2819 Chesapeake Lane) Stated that she is a retired mental health professional so she understands the need for emotional support animals, but wishes the Petitioner had picked something other than chickens. She is not interested in having chickens raised in her neighborhood and has concerns about odor. She stated that there are increasing predators in the area, and she is concerned that chickens will only increase this problem.

Chair Ballantini asked if she has noticed any smells since April when the Petitioner reports getting the chickens. Ms. Morrow stated she had not noticed any associated smell.

Chair Ballantini asked if the Petitioner would like to respond. Ms. Langellier noted that they are aware of the common concern regarding smells associated with chickens. They have a method for keeping smell down that involves careful composting. Regarding predators, they have built the coop in a manner to make it predator proof by continuing the coop wiring into the ground to prevent burrowing animals from accessing it. In addition, they keep their back lights on at night to dissuade nocturnal predators. They have not experienced any issues with predators and believes they would have experienced this already, if they were going to.

Commissioner Harris noted that the number of predators within the city have been increasing for years as we encroach on their land, but the Petitioner seems to have addressed this issue adequately.

Chair Ballantini noted that he has also seen more predators in his neighborhood over time.

No additional testimony was provided. No Board discussion was held.

Commissioner Harris made a motion to establish findings of fact that all standards of approval for a Special Use Permit are met. Commissioner Zwaga seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Commissioner Harris made a motion to recommend approval of the petition submitted by Larissa Langellier for a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District for the property located at 2813 Chesapeake Lane. Commissioner Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Staff noted this will go to City Council on August 8, 2022.

Chair recessed board for a 5-minute break, to return at 5:21pm.

Chair called the meeting back to order at 5:25pm.

Staff asked for a roll call vote of attendance.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). All were present.

SP-07-22 Public hearing, review, and action on a petition submitted by Jose Aguas for a Special Use Permit for Personal Care Services (Nail Care) in the R-D (Downtown Neighborhood Residence) District for the property located at 701 E. Washington Street. PIN: 21-04-433-001. (Ward 1).

Ms. Pemberton presented the staff report with a recommendation to approve the Special Use Permit. The Petitioner is asking to continue the operation of an existing business, seeking to make it lawfully operated. The salon operates by appointment only, in the front half of the first floor. The rest of the building consists of existing rental units; none of the residential units enter through the same entrance as the salon. Staff noted that legal on street parking is allowed on Clayton, in addition to the provision of sufficient off-street parking provided by the subject property. Ms. Pemberton also noted that the existing signage would need to be reviewed and permitted if the Special Use is approved.

Chair Ballantini asked how long the salon has been in operation at this location. Staff stated the petitioner could better speak to that, as they had become aware of the use because of a Code Enforcement case.

Chair Ballantini opened the public hearing.

Petitioner, Jose Aguas (611 W. Oakland) stated he is requesting is Special Use because he was operating a nail business at another location and the rent went up significantly. The Petitioner already owned the building at 701 Washington Street, so this is a means to save on rent and continue the operation of his business. The Petitioner stated that the shop is isolated from the other units

with the heating and cooling and fire safety has been addressed. The salon operates usually one client at a time, by appointment only. He states his insurance and permits are all up to date.

Chair Ballantini asked how long the Petitioner had been conducting business in this location. Mr. Aguas replied that it has been about 2.5 months; he was previously at 2401 E. Oakland.

Chair Ballantini asked the Petitioner if he owned the building. Mr. Aguas replied in the affirmative.

Chair Ballantini asked how many residences were in the building. Mr. Aguas stated there are five beside the nail salon. The Chair asked for clarification that they all enter the building from the back. Mr. Aguas clarified that one entrance is on the east side of the building, the other two enter from the rear.

The Chair inquired what was in the space before the nail salon. Mr. Aguas explained that there was previously a 1-bedroom apartment in the space.

No additional testimony was provided. No Board discussion was held.

Commissioner Harris made a motion to establish findings of fact that all standards of approval for a Special Use Permit are met. Commissioner Zwaga seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Commissioner Harris made a motion to recommend approval of the petition submitted by Jose Aguas for a Special Use Permit for Personal Care Services (Nail Care) in the R-D (Downtown Neighborhood Residence) District for the property located at 701 E. Washington Street. Commissioner Zwaga seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Chair Ballantini asked for clarification on the process for addressing the existing signage. Staff noted that if Special Use is approved, the Petitioner will need to work with staff on getting approved and permitted signage. Staff noted that if Special Use not approved then existing signage will need to be removed.

Staff noted this will go to City Council on August 8, 2022.

SP-08-22 Public hearing, review, and action on a petition submitted by Nexus Church for a Special Use Permit for a Place of Worship in the B-1 (General Commercial) District for the property located at 802 S. Eldorado Road. PIN: 21-11-251-020. (Ward 8).

Chair Ballantini explained that he needs to recuse himself for this case and asked for a volunteer for a temporary chair. Commissioner Straza stated he would volunteer.

Commissioner Zwaga made a motion to approve Commissioner Straza as temporary chair. Commissioner Harris seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Ms. Pemberton presented the staff report with a recommendation to approve the Special Use Permit. Want to relocate to the most eastern portion of the building. Seating for 75 will be provided. Sufficient parking and access are existing based upon staff analysis. The other uses in the building have alternative hours so there is little overlap in customer and parishioner parking. The church moving into this location does not put the renewal of “Buddy’s Liquors” license into jeopardy, as the prohibition for licenses within 100 feet of a church does not apply to renewals.

The Board did not have any questions for staff.

Temporary Chair Straza opened the public hearing.

Phil Bussmann (1 Swarthmore Drive) - Mr. Bussmann stated that he and his family attend Nexus Church. He explained that the current location is too large for the church’s needs; the proposed location is a better fit for the church. Mr. Bussmann is aware of the issue with the liquor store’s proximity and stated that the church has no intention of negatively impacting them. He explained that the church operates Sunday mornings and has a Wednesday evening youth group, but most of the time during the day it will just be the Pastors’ vehicles and occasionally an event.

Chair Straza inquired about the hours of operation on Sundays. Mr. Bussmann explained that they have one service Sunday morning at 10:30 a.m., which usually runs to about 12:30 p.m. Chair Straza asked if they have any concerns about noise level since they will be adjacent to residential uses. Mr. Bussmann stated he does not have any concerns in that regard.

Nita Patel (806 S. Eldorado Road) Nita, Buddies Liquor - Ms. Patel stated that she is from Buddy’s Liquors. They own the building and have operated there for about 16 years, and they contribute to local taxes and support the City. She expressed concern that if the church is there, they will have a problem with their renewal license. She also has concerns about whether new owners would be able to acquire a liquor license if they ever sell the business. Ms. Patel stated she is also concerned about the potential impact on parking.

Dilip Patel (806 S. Eldorado Road) - Mr. Patel stated that he is the owner of Buddy’s Liquor. He stated that running his business is very hard, but it is going well and they do not have issues with the police. Mr. Patel stated he is concerned that, when he sells the business, a new owner will not be able to acquire a liquor license because of the church being there. They purchased the building because they were able to get the license there; it was for sale for 4-5 years prior to that.

Keyur Patel (908 S. Eldorado Road) - Mr. Patel stated that he owns neighboring properties and used to have liquor licenses at a few of them. He is concerned that the church will impact his ability to sell properties since potential buyers may need liquor license and he does have a property within 500 feet. Mr. Patel understands that the City may not have an issue with the location and a liquor license, but State has requirements too. He stated that he is not against the church, he is just concerned from a liquor license perspective.

Johnny Payton (706 Fairmont) - Mr. Payton stated that he is concerned that Buddy's Liquors is going to be forced out if the church is allowed to move in nearby.

Simhadriraju Chekuri (2523 Gill Street) - Mr. Chekuri stated that he does not mind the church coming in, but if it will negatively impact Buddy's Liquors he is not in favor of it.

Mr. George Boyle spoke to clarify the requirements of the City's liquor licensing requirements. He explained that the current regulation was passed in 2018, and the prohibition on licensing within 100 feet of certain uses, including churches, does not affect establishments with licenses from before that date.

He explained that the prohibition is meant to affect the establishment of new liquor licenses, not existing licenses, or the renewal thereof. He warned that we can not predict how that may be interpreted in the future, but the plain language is that it is not to affect the existing establishments. If the establishment is sold there is a possibility that it could be interpreted to affect a sale. He further explained that there are numerous exceptions to the similar prohibition in the Illinois Liquor Control Act.

Mr. Boyle clarified that if the Board feels that the testimony related to the liquor licensing pertains to one of the factors of granting a Special Use, it can apply to the Board's decision; all of the factors have to be met for a Special Use to be recommended to City Council. He noted that the Board may also feel that this does not apply to one of the standards for a Special Use Permit. Mr. Boyle also stated that the case could be postponed to provide time to review the State ordinance and potential impact.

Commissioner Harris asked for clarification on how an establishment is grandfathered. Mr. Boyle stated that there are a number of ways to be interpreted, but that the intent of the Council at the passage of this ordinance was to allow churches to locate near existing liquor establishments, but to prevent liquor establishments from locating near existing churches.

Commissioner Harris commented that this is a significant issue that should be deliberated and expressed concern that granting the Special Use to the church could put Buddy's Liquors out of business. Mr. Boyle clarified that it would not put them out of business or affect the current establishment; the concern seems to be how it would affect a future sale of the business.

Ms. Pemberton noted that it may be possible to include a Condition for the approval of the Special Use that would cause the permit to expire upon the condition of sale of the adjacent property, or something to that effect.

Commissioner Straza asked what language would look like that would achieve that goal. Staff provided an example of the language that could be created. Staff also noted that code could change in the future and allow both to stay, and then the Condition could become void at that time. Mr. Boyle commented that a Condition could be drafted, such that the request would be reevaluated at the request of the neighboring business a sale is anticipated, or something similar. Staff noted the applicant would be supportive of that sort of language, and that there is one additional Condition for consideration with approval of the Special Use. Ms. Pemberton explained there is an unscreened dumpster on-site that needs to be screened, per Code, and the Petitioner is amenable to adding a Condition requiring such if the Board wants to include it in their recommendation.

The Petitioner's representative, Mr. Bussmann, spoke again and noted the intent is not to impact existing businesses, but they would like to proceed at this time, and move into this location.

Commissioner Noonan asked staff how to proceed and stated his concern that they do want to make sure the other property owner's interests are protected. Ms. Pemberton explained that all of the findings of fact have to be met for a Special Use to be approved, and if the Board believe that is done, with the addition of a Condition the Board may proceed with approval.

Staff discussed the potential wording for an appropriate Condition. After discussion, Ms. Pemberton clarified that the motion would be: to recommend Approval of the Petition, with the Condition that in the event that the neighboring property owner of 806 S. Eldorado anticipates sale of the property, the Special Use Permit be revisited, and the Condition that the screening is added for the shared trash collection area, as required by § 44-1308A.

Mr. Boyle clarified that the enactment of that Condition would be in the form of the Petitioner submitting a request for reevaluation to the ZBA, or cooperation in the submission of that.

Commissioner Harris asked for clarification of the issue when City permitting would likely not present an issue upon the sale. Ms. Pemberton pointed out the location of the two properties under discussion and clarified that Mr. Patel is concerned about how the State would view the issue upon sale of the business, due to the proximity of the church.

Commissioner Straza asked whether tabling the case in order to find out more about how the State would interpret this issue. Staff discussed options and recommended that a determination on the findings of fact be evaluated first, and then a few of what a motion to approve would be.

The Board asked those that spoke how they feel about the conditions. Nita Patel stated that she is not against the church, but she still has concerns about the State rules saying there cannot be a liquor store near a church. She also has concerns about the impact on the other establishments in the area that have liquor licenses.

Commissioner Noonan made a motion to table discussion to gather more information on the potential impact to the liquor licenses of surrounding businesses. Commissioner Harris seconded.

Mr. Noonan made a motion to table the case SP-08-22 to allow staff investigate the ramifications of the requested Special Use Permit on the potential sale of Buddy's Liquors in the future, and the transfer potential for that license to the new owner. Ms. Harris seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes. (5-0). Motion was approved.

SP-09-22 Public hearing, review, and action on a petition submitted by IHG Property LLC for a Special Use Permit for a Dwelling Unit, Two-Family, in the B-2 (Local Commercial) District for the property located at 802 E. Grove Street. PIN: 21-04-437-009. (Ward 1).

Mr. Branham presented the staff report with a recommendation to approve the Special Use Permit. He stated it was likely built as single-family residential building but was converted to commercial and residential some time ago. The Petitioner is looking to renovate the building and convert the ground floor commercial use to an additional residential unit. Access and parking requirements are met.

The Board did not have any questions for staff.

Chair Ballantini opened the public hearing.

Gregory Hall, on behalf of the Petitioner IHG Property LLC, (1607 Myra Lane) stated the first floor was previously commercial use and the second floor is already residential. The Petitioner states the first floor already lends itself to residential and he would like to return the property to entirely residential use. Mr. Hall stated that there is sufficient parking for all of the units within the building.

Chair Ballantini asked the Petitioner how long he has owned the building. Mr. Hall replied he has owned the building for about a month.

The Chair asked what will happen with the current tenants. Mr. Hall explained that the upper floor is already residential rental and will remain as such; the ground floor that was commercial was already vacant at the time he purchased the property.

Chair Ballantini asked if Mr. Hall is the sole owner of IHG Property LLC; Mr. Hall confirmed. Chair Ballantini asked for clarification that none of the subject property belong to Schooners; Mr. Hall confirmed and stated he does not believe they have any issues with the petition but has not spoken with them directly in the affirmative or negative.

No additional testimony was provided. No Board discussion was held.

Commissioner Noonan made a motion to establish findings of fact that all standards of approval for a Special Use Permit are met. Commissioner Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Commissioner Harris made a motion to recommend approval of the petition submitted by IHG Property LLC for a Special Use Permit for a Dwelling Unit, Two-Family, in the B-2 (Local Commercial) District for the property located at 802 E. Grove Street. Commissioner Noonan seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Staff noted this will go to City Council on August 8, 2022.

Commissioner Noonan left the meeting at 6:18pm.

V-02-22 Public hearing, review, and action on a petition submitted by QuikTrip Corporation for Variances from § 3-5 of the Advertising Sign Code to allow increased sign area and height in the B-1 (General Commercial) District for the property located at 223 Bloomington Heights Road. PIN: 21-06-102-004. (Ward 7).

Ms. Pemberton presented the staff report with motions for consideration. Staff noted this sign was approved as part of annexation agreement but to make sure due process is followed a public hearing is required before the Zoning Board of Appeals to formalize the Variances. Ms. Pemberton noted that this is an off-premise sign and thus why it was not reviewed and approved as part of the Legislative Site Plan Review for QuikTrip that went before the Planning Commission. Ms. Pemberton clarified that one requested Variance is for height, and the second Variance is for increased area for the top panel and changeable copy price signs.

Staff noted that the submitted petition may meet the standards for Variance and has been approved via the Annexation Agreement previously adopted by City Council.

The Board did not have any questions for staff.

Chair Ballantini opened the public hearing.

John Pratt (217 E Washington Street) - Mr. Pratt stated that he is the attorney for QuikTrip. He thanked the staff that has been working on this project for over a year, including the subject sign. Mr. Pratt noted that annexation agreement went before Planning Commission and was approved and went before City Council and was approved there as well, with inclusion of the provision on the sign. Mr. Pratt stated that QuikTrip has already purchased the land and is installing sufficient

infrastructure on the properties, including water, sewer, streets, and sidewalks. To support the project, QuikTrip needs a sign that can be seen from the Interstate.

Gwen Keen (2255 Bluestone, St. Charles, MO) - Ms. Keen stated that she represents QuikTrip and that they need a sign which can be seen from the interstate. Ms. Keen explained that competitive advantage is important, and this site is challenging. Ms. Keen provided copies of drone images of the site; the drone footage was entered into record as "Petitioner's Group, Exhibit A."

Ms. Keen explained that they need a sign indicating who they are and identify gas prices. The evaluate that by when you can appropriately see windshields and that evaluation showed that travelers will not see the sign until about 110 to 120 ft, as well as the obstacles preventing the sign being viewed from the Interstate like distance and tree line. Ms. Keen noted that the land where sign is going is owned and maintained by QuikTrip.

Commissioner Harris asked how they calculate how high the sign needs to be. Ms. Keen stated that it is based upon the ability to see a person in a windshield when they can see back at us.

Commissioner Harris asked if there is other similar signage in other places. Ms. Keen noted that they have a similar sign in Joplin, MO. She explained that the decisions of travelers are made on where you are and the price of gas, so the sign needs to be tall enough and large enough that they can see it with enough time to safely exit the highway.

Chair Ballantini clarified that the focus was north-south so that it is driving traffic from the highway, and not focused on Market Street. Ms. Keen confirmed, and explained that tree line is also part of the siting issue.

The Chair asked if there was a possibility of clearing the problematic tree line. Ms. Keen explained that the property at issue is owned by IDOT and they are not supportive of clearing the trees. She noted that IDOT is in support of the location and size of the sign. Staff noted they have documentation of that support on file.

Chair Ballantini asked when they expect to be opening. Ms. Keen stated that things are moving quickly and may have broken ground by the end of 2022. The Chair asked how many employees the site will have. Ms. Keen explained the staffing process and that they expect to hire 20-30 local staff members.

Chair Ballantini asked for clarification on ownership of this and the adjoining properties. Ms. Keen explained that QuikTrip owns the entire 80 acres and explained the development and divestment plan for the acreage.

No additional testimony was provided.

Commissioner Harris made a motion to establish findings of fact that carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner. Commissioner Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, and Chair Ballantini - Yes. (5-0). Motion was approved.

Staff suggested adding the following language to the Approval, related to concerns brought up during discussion: subject to any and all other restrictions imposed by local, state, or federal transportation authorities.

Commissioner Harris made a motion to recommend approval of the petition submitted by the QuikTrip Corporation, for Variances from § 3-5 of the Advertising Sign Code to allow increased sign area and height in the B-1 (General Commercial) District, for the property located at 223 Bloomington Heights Road, for a 684.3 SqFt double-sided, lighted, ground-mounted high-rise sign, allowing a height of up to 150 linear feet, subject to any and all other restrictions imposed by local, state, or federal transportation authorities. Commissioner Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, and Chair Ballantini - Yes. (5-0). Motion was approved.

V-03-22 Public hearing, review, and action on a petition submitted by Steve and Mary Blessent for Variances from § 44-908D of the Zoning Code to allow reduced distance to side lot line, alley right-of-way lines, and principal building wall, in the R-1C (Single-Family Residence) District for the property located at 917 W. McArthur Street. PIN: 21-06-102-004. (Ward 6).

Ms. Pemberton presented the staff report with a recommendation to approve the Variances. Code change resulted in an increase front yard setback which has impacted the amount of usable space in the rear yard. Petitioner wants to rebuild a garage in a similar location as the preexisting garage. Building Inspections stated the garage can be placed in proposed location with additional fire protection. The petitioner is aware of this additional requirement. Public works is supportive of the proposed location for a curb cut to access the property/garage.

The Board did not have any questions for staff.

Chair Ballantini opened the public hearing.

Petitioner, Steven Blessent (917 W. MacArthur Avenue) - Mr. Blessent stated that when they purchased the property in 2015 and garage was in good condition, but over time an issue with the concrete foundation resulted in him having to tear down the garage. He has agreed to drywall to meet fire needs to appease Building Department requirements. He has improved electrical in home and had a new 100-amp service for garage. He wants to put garage back where it was; he has spoken to the neighbors and they are all in agreement with proposed location.

No additional testimony was received.

No Board discussion was held.

Commissioner Straza made a motion to establish findings of fact that carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner.

Commissioner Zwaga seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, and Chair Ballantini - Yes. (5-0). Motion was approved.

Commissioner Harris made a motion to recommend approval of the petition submitted by Steve and Mary Blessent for Variances from § 44-908D of the Zoning Code to allow an accessory structure to have a 2-foot setback to the rear lot line, a 3-foot setback to the alley right-of-way line, and a 3-foot distance to the principal building wall, with the condition that the accessory structure, and principal building as appropriate, are improved to comply with any necessary building and fire safety codes and conditions that are triggered as a result of the reduced distance between structures, for the property located at 917 W. McArthur Street. Commissioner Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, and Chair Ballantini - Yes. (5-0). Motion was approved.

Staff noted that the Petitioner could proceed with construction once the appropriate building permits were obtained. Staff would notify Building Department that the Variance was approved.

V-05-22 Public hearing, review, and action on a petition submitted by Jones Sign Company, on behalf of The Bloomington Normal YMCA, for a Variance from § 3-408A of the Advertising Sign Code to allow additional signage in the C-1 (Office) District for the property located at 202 St. Joseph Drive. PIN: 21-02-307-004. (Ward 8).

Ms. Pemberton presented the staff report with a recommendation to approve the Variance. Staff identified the frontage associated with the property and how it limits the amount of signage permitted. Staff noted the significant size of the building and the need for the signage.

The Board did not have any questions for staff.

Chair Ballantini opened the public hearing.

Keith Haynes (1520 Sequoia Drive, Chatham, IL) - Mr. Haynes represents the Petitioner; he works for Ace Sign who is the third-party installer for Jones Sign. He noted that staff presented the case accurately and had nothing to add. Mr. Haynes thanked Staff for the level of professionalism and assistance with this application.

Staff noted that other individuals from the YMCA were present earlier during the meeting.

Commissioner Straza made a motion to establish findings of fact that carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner. Commissioner Harris seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, and Chair Ballantini - Yes. (5-0). Motion was approved.

Commissioner Straza made a motion to recommend approval of the petition submitted by Jones Sign Company, on behalf of The Bloomington Normal YMCA, for a Variance from § 3-408A of the Advertising Sign Code to allow an additional identification sign in the C-1 (Office) District for the property located at 202 St. Joseph Drive. Commissioner Harris seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, and Chair Ballantini - Yes. (5-0). Motion was approved.

Staff informed the Petitioner they provide them will notice of decision and updated sign permit.

OLD BUSINESS

None

NEW BUSINESS

Staff noted the need to elect a Vice-Chair during the next meeting. Staff also noted there is still an open seat on the board.

ADJOURNMENT

Commissioner Harris made the motion to adjourn. Commissioner Straza seconded. Voice vote was held. All were in favor. (5-0)

The meeting was adjourned at 6:57 p.m.

Attached: Petitioner's Group, Exhibit A

