City of Bloomington Illinois

MINUTES
ZONING BOARD OF APPEALS - REGULAR SESSION
WEDNESDAY, JULY 19, 2023, 4:00 PM

The Zoning Board of Appeals convened in regular session at 4:02 PM, July 19, 2023. Chair Straza called the meeting to order.

Roll Call

Attendee Name	Title	Status
Terry Ballantini	Vice Board Chair	Present
Michael Straza	Board Chair	Present
Ross Webb	Board Member	Present
Tim Foley	Board Member	Present
Zachary Zwaga	Board Member	Present
Nikki Williams	Board Member	Present
Victoria Harris	Board Member	Present

City Staff present included Jon Branham, City Planner; Alissa Pemberton, City Planner; John Myers, Assistant City Planner; Kelly Pfeifer, Assistant Director of Economic & Community Development; and George Boyle, Assistant Corporation Counsel.

Public Comment

Individuals wishing to provide emailed public comment must email comments to publiccomment@cityblm.org at least 15 minutes before the start of the meeting. Individuals wishing to speak in-person may register at cityblm.org/register at least 5 minutes before the start of the meeting.

No public comment was provided.

Consent Agenda

Items listed on the Consent Agenda are approved with one motion; Items pulled from the Consent Agenda for discussion are listed and voted on separately.

Vice Board Chair Ballantini made a motion, seconded by Board Member Foley, to approve the consent agenda as presented.
AYES: Vice Board Chair Ballantini; Board Chair Straza; Board Member Webb; Board Member Foley; Board Member Zwaga; Board Member Williams; Board Member Harris.
Motion carried (viva voce).

<u>Item 4.A. Review and approval of the minutes of the June 21, 2023, regular meeting of the Bloomington Zoning Board of Appeals.</u>

Regular Session

The following item was presented:

Item 5.A. **SP-18-23** - Public hearing, review, and action on a request submitted by Chelsea Smith, for approval of a **Special Use Permit** for Chicken-Keeping for the property located at 1004 Durham Drive (PIN: 21-12-209-015).

Mr. Branham provided the staff report and background on the request, with a recommendation for approval. He noted the special use process and use provisions associated with chicken-keeping, as well as key property conditions including a fully screened rear yard. He identified private deed restrictions that exist for the subject property, which the City cannot enforce as a private agreement between the residents.

Board Chair Straza opened the public hearing.

Chelsea Smith (1004 Durham Drive), Applicant, provided further background on the request. She stated she spoke with her adjacent neighbors and there was general support. She indicated her local Homeowner's Association (HOA) does not allow barnyard animals to be kept by owners, but that other neighbors have reached out in support. She read the letter she submitted with the application, including statements related to health concerns and the HOA's restrictions.

Board Member Harris asked whether the City's Ordinance supersedes HOA items. Mr. George Boyle, Assistant Corporation Counsel, responded that ordinances do not supersede HOA items, but instead are separate. He advised the Board to judge the case based on its merits per the City Code.

Vice Board Chair Ballantini asked the Applicant how many HOA board members she had spoken to about this issue. Ms. Smith responded she had talked to three members of the board.

Mr. Boyle stated there was hearsay as part of the applicant's statement. He explained testimony is provided only by those in-person. He clarified that persons who emailed opinions are considered public comment and not testimony.

Board Chair Straza asked if there was an image of the proposed coop. Mr. Branham responded that a picture of the coop was not included with the application materials.

Ms. Smith stated they already have a coop picked out and is has been constructed. She added the chickens are already at the residence. She stated she originally bought them as chicks with no intent to permanently keep them, but later decided to keep them.

Peggy Jacobs (1006 Durham Drive), spoke on behalf of the request, stating she is a HOA Board Member. She stated she is in favor of the chickens and has no issues.

Catherine Sturdyvin (3114 Preston Drive) spoke on behalf of the request, highlighted positive characteristics of the applicant, and stated that she has no concerns that the Applicant can maintain the standards of the special use.

Jeff Hindman (3206 Yorkshire Court) spoke against the request. He stated he is the President of the HOA and was not approached by the Applicant. He stated that he is against the item due to it being in violation of the covenants of the HOA agreement.

Board Member Zwaga asked if there has been resistance from other members in the HOA. Mr. Hindman responded yes.

Vice Board Chair Ballantini asked if the covenants have been updated since chicken-keeping became legal in the City in 2019. Mr. Hindman responded no.

Diana Nealey (1003 Matlock Drive), spoke against the request. She stated she does not want chickens in the Oakridge Subdivision. She expressed confusion about the process and allowable placement of the coop.

Tom McComas (15 Hayloft Road), spoke against the request. He stated that the chickens were obtained prior to being brought to any of the neighbors' attention. He expressed concern that the chickens may cause problems with other animals in the area. He said the coop is nice and well kept, however it is against the covenants. He stated that is the same reason why he cannot have a shed on his property.

Board Member Webb asked about whether the Restrictive Covenants could be considered as part of the Board's decision. Mr. Boyle stated the Restrictive Covenants could not be considered a factor. He stated the Board's scope of work is reviewing the standards in our Code.

Michelle McComas (15 Hayloft Road), spoke against the request. She agreed with Mr. McComas' statement. She expressed concern about what could happen if the chickens flew over the fence. Additionally, she was concerned about letters submitted in favor of the request.

Chair Straza clarified that emails or letter submitted are considered public comment, not testimony.

Vice Board Chair Ballantini asked the Applicant if the chickens roam freely in the yard. Ms. Smith stated they are in the backyard sometimes, but she is happy to do what she needs to do to comply.

Ms. Pemberton discussed prior cases and requests, and what forms of structures and site plans have been reviewed and approved in the past.

Board Chair Straza closed the public hearing.

Board Member Harris made a motion, seconded by Vice Board Chair Ballantini, to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend approval of the request.
Roll call.
AYES: Vice Board Chair Ballantini; Board Chair Straza; Board Member Webb; Board Member Foley; Board Member Zwaga; Board Member Williams; Board Member Harris.
Motion passed.

Mr. Branham noted the case would proceed to the August 28th City Council meeting.

The following item was presented:

Item 5.B. **V-09-23** - Public hearing, review, and action on a request submitted by Kris Spaulding, representing owner Michael Wiese, for approval of a **Variance** to allow a reduced Rear Yard setback in the R-1C (Single-Family Residence) District for the property located at 18 Pembrook Circle (PIN: 21-12-152-014).

Mr. Branham presented the Staff Report and background on the request, with recommendation for approval. He noted key property conditions including the curvilinear nature of the lot.

Board Chair Straza opened the public hearing.

Kris Spaulding (715 N. Morris Avenue), representing the Applicant, spoke on behalf of the request to provide further background and stated the irregularly shaped lot results in a small portion of one corner of the addition encroaching into the required yard.

Board Chair Straza closed the public hearing.

Board Member Harris made a motion, seconded by Board Member Zwaga, to establish findings of fact that all standards for approval of a Variance are met, and to approve the request for a 23.7-foot rear yard on the south side of the property.
Roll call.
AYES: Vice Board Chair Ballantini; Board Chair Straza; Board Member Noonan; Board Member Foley; Board Member Zwaga; Board Member Williams; Board Member Harris.
Motion passed.

The following item was presented:

Item 5.C. **SP-17 -23 -** Public hearing, review, and action on a request submitted by William Bentley, for approval of a **Special Use Permit** for a Vehicle Repair & Service Use, in the B-1 (General Commercial) District for the property located at 1508 S. East Street (PIN: 21-09-339-015).

Mr. Branham presented the staff report and background on the request, with a recommendation for approval.

Board Chair Straza opened the public hearing.

William Bentley (1508 S. East Steet), Applicant, provided further background on the request. He noted the building's previous use as a Kennel, and stated he is trying to convert it to a vehicle repair or detail shop. He stated the shop would be in character with the surrounding nonresidential uses, which include vehicle service uses.

Board Member Harris asked whether the location has previously been utilized as a Vehicle Repair use. Mr. Bentley responded no, it has been a Kennel since about 2001 and closed just over one year ago.

Bridget Larkin (15 Berenz Place) stated her testimony just included questions, as she was neither for nor against the proposal. She asked what the plan is for the shop, hours of operation, and general type of work that would occur at the site. She reviewed previous issues with the Kennel use. She stated she has a six-foot privacy fence at her property, but she does have concerns about possible chemical use and fumes.

Mr. Bentley explained the back half of the building interior is open space where they will be detailing vehicles. He stated the hours of operation would be normal business hours; 9pm would be the latest they would work. He explained the noise inside should be minimal as the building is made of concrete block. He stated that they will not be using any unusual chemicals and that an oil/grease separator will be required.

Board Chair Straza closed the public hearing.

Vice Board Chair Ballantini made a motion, seconded by Board Member Harris, to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend approval of the request.
Roll call.
AYES: Vice Board Chair Ballantini; Board Chair Straza; Board Member Webb; Board Member Foley; Board Member Zwaga; Board Member Williams; Board Member Harris.
Motion passed.

Mr. Branham noted the case would proceed to the August 28th City Council meeting.

The following item was presented:

Item 5.D. **SP-16-23 -** Public hearing, review, and action on a request submitted by Nita Patel, for approval of a **Special Use Permit** for a Live/Work Unit, in the B-1 (General Commercial) District for the property located at 806 S. Eldorado Road (PIN: 21-11-251-032).

Vice Chair Board Ballantini recused himself from the case, due to proximity of his personal business.

Mr. Branham presented the staff report and background on the request, with a recommendation for approval. He noted the definition of “Live/Work” unit and other details of the proposal.

Board Chair Straza opened the public hearing.

Dilip Patel (806 S. Eldorado Road), Applicant, provided further background the request. He stated the reasoning behind the request.

Board Chair Straza closed the public hearing.

Board Member Harris made a motion, seconded by Board Member Zwaga, to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend approval of the request.
Roll call.
AYES: Board Chair Straza; Board Member Webb; Board Member Foley; Board Member Zwaga; Board Member Williams; Board Member Harris.
Abstentions: Vice Board Chair Ballantini
Motion passed.

Mr. Branham noted the case would proceed to the August 28th City Council meeting.

The following item was presented:

Item 5.E. **V-08-23** - Public hearing, review, and action on a request submitted by Michael Watson, representing owner Luke Hermes, for approval of a **Variance** to allow a reduced side yard setback in the R-1A (Single-Family Residence) District for the property located at 1406 E. Washington Street (PIN: 21-03-426-003).

Mr. Branham presented the Staff Report and background on the request, with a recommendation for approval. He noted key property conditions, including a substandard lot width and the encroachment of the existing residence into the side yard.

Board Chair Straza opened the public hearing.

Michael Watson (123 Sheringham Drive, Normal, IL), representing the Applicant, spoke on behalf of the request. He provided further background and stated the existing home is approximately 11 feet from the side property line and is legal nonconforming. He stated a high percentage of the homes in the neighborhood do not meet the current setback requirements. He stated the adjacent neighbor has no issues with the request. He added this would be consistent with the existing character of the neighborhood.

Board Chair Straza closed the public hearing.

Board Member Noonan made a motion, seconded by Board Member Harris, to establish findings of fact that all standards for approval of a Variance are met, and to approve of the request for a six-foot side yard on the east side of the property.
Roll call.
AYES: Vice Board Chair Ballantini; Board Chair Straza; Board Member Webb; Board Member Foley; Board Member Zwaga; Board Member Williams; Board Member Harris.
Motion passed.

The following item was presented:

Item 5.F. **V-10-23** - Public hearing, review, and action on a request submitted by Evergreen Racquet Club for approval of a **Variance** to allow reduced minimum off-street parking requirements in the P-3 (Airport) District, for the property located at 3203 E. Washington Street (PIN: 21-01-326-003).

Mr. Branham presented the staff report and background on the request, with a recommendation for approval. He noted key existing site conditions and proposed improvements including the addition of parking spaces, stormwater detention, and improved flow of traffic circulation on the site. He stated the size of site for the specified use does not directly equate to the required parking; he stated the Applicant has also provided parking study information to justify the request.

Chair Straza opened the public hearing.

John Robertson (3 Redstone Court), representing the Applicant, spoke on behalf of the request. He elaborated on the improvements planned for the site. He stated they conducted a parking study over the course of 30 days which indicated the planned parking is sufficient to meet the daily demand. He also discussed shared parking and shuttling agreements for event dates that result in higher parking volume.

Chair Straza asked for affirmation of the statement provided by the Applicant regarding the overflow parking agreements. The Applicant confirmed that the parking study they performed showed that they have adequate parking, or have a plan to provide adequate parking, for the existing and proposed on-site uses.

Kimberly Kernosky (3207 Winchester Drive), expressed concerns about stormwater issues that could result from improvements on the site. She stated her backyard faces the north side of the property and they have had occasional flooding issues previously.

Mr. Robertson responded and further explained proposed site improvements. He stated they would be adding berms which are designed to enclose the north and west portions of the property to guide stormwater flow to the planned detention area. He stated water coming off the courts and asphalt should be adequately addressed, and the addition of detention should improve existing conditions.

Neil Finlen (2709 McGraw Drive), Engineer for the Applicant, further elaborated on planned improvements to the site and stormwater management. He stated they are aware of the existing drainage issues at the site. He stated that the requested reduction in parking allows for detention and overland flow to the basin.

Chair Straza closed the public hearing.

Board Member Harris made a motion, seconded by Board Member Foley, to establish findings of fact that all standards for approval of a Variance are met, and to approve the request for a Variance from § 44-1208, the requirement of a minimum of 280 off-street parking spaces, to allow 74 off-street parking spaces at the property.
AYES: Vice Board Chair Ballantini; Board Chair Straza; Board Member Webb; Board Member Foley; Board Member Zwaga; Board Member Williams; Board Member Harris.
Motion passed.

The following item was presented:

Item 5.G. **SP-19-23** - Public hearing, review, and action on a request submitted by Bloomington 77 Developments, LLC, for approval of a **Special Use Permit** for Multiple-

Family Dwellings in the M -1 (Restricted Manufacturing) District for the property generally located north of W. Market Street (State Route 9), near the eastern termination of Old Peoria Road, consisting of approximately 77 acres (PIN: 13-36-326-002).

Mr. Branham presented the staff report and background on the request, with a recommendation for approval. He noted that this request is in conjunction with an Annexation Agreement and Zoning Map Amendment.

Chair Straza opened the public hearing.

Nathan Hinch (201 E. Grove Street), representing the Applicant, spoke on behalf of the request. He highlighted how the project complies with the Comprehensive Plan and the need for residential uses in the community.

Vice Chair Ballantini inquired how many total units were proposed. Mr. Hinch responded that 790 units are proposed.

Phil Hoffmann (504 Grant Street, Normal, IL), representing the Applicant, provided further background on the types of units proposed.

Chair Straza closed the public hearing.

Board Member Webb made a motion, seconded by Board Member Harris, to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend approval of the request.
AYES: Vice Board Chair Ballantini; Board Chair Straza; Board Member Webb; Board Member Foley; Board Member Zwaga; Board Member Williams; Board Member Harris.
Motion passed.

New Business

Mr. Branham introduced new City Staff members to the Board: Kelly Pfeifer, Assistant Economic & Community Development Director and John Myers, Assistant City Planner.

Adjournment

Board Member Foley made a motion, seconded by Commissioner Zwaga, to adjourn.
AYES: Vice Board Chair Ballantini; Board Chair Straza; Board Member Foley; Board Member Webb; Board Member Williams; Board Member Zwaga, Board Member Harris.
Motion carried (viva voce).

The Meeting Adjourned at 5:28 p.m.

CITY OF BLOOMINGTON

Michael Straza	Jon Branham
Chair Michael Straza	Jon Branham Staff Liaison