

**ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, JUNE 18, 2014, 3:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE ST., BLOOMINGTON, IL**

Members present: Ms. Barbara Meek, Mr. Dick Briggs, Mr. Bill Zimmerman, Mr. Mike Ireland, Mr. Jim Simeone

Members absent: Mr. Robert Kearney, Ms. Amelia Buragas

Also present: Mr. Mark Woolard, City Planner
Mr. Frank Koehler, Interim Director Planning and Code Enforcement

Mr. Woolard called the meeting to order at 3:02 p.m. and called the roll. A quorum was present.

The Board reviewed the minutes from May 21, 2014, and accepted the minutes as printed.

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

REGULAR AGENDA:

Z-05-14 Public Hearing and Review on the petition submitted by Keystone Properties, Inc. to allow the construction of two assisted living facilities and one memory care facility and to allow a variance from the Zoning Ordinance to reduce the required minimum number of parking spaces from 238 to 121 parking spaces for the property located at 1 Stonehouse Ct. Zoned B-1, Highway Business District.

Chairman Ireland introduced the case and asked for anyone who would like to speak regarding the petition. Mr. Koehler stated staff has prepared a text amendment which would reduce the number of required off street parking spaces for a senior housing facility. The proposal will go to the Planning Commission and will suggest approximately 90 required parking spaces. The proposal is based on research from about 16 different communities with a range of 45 to 130 spaces for a comparable facility. He stated the current code, which is based on square footage, would require 237 spaces. If approved, the text amendment would apply to all senior housing projects in the future and the variance case would be withdrawn.

Chairman Ireland requested that if the text amendment does not pass and the case reappears in front of this board, then a variance notification be resent to the neighbors. Mr. Koehler stated administration will accommodate the request. Chairman Ireland stated that the case remains as continued.

Z-06-14 Public Hearing and Review on the petition submitted by Kristina A. Williams to allow construction of a room addition and to allow a variance from the Zoning Ordinance to reduce the required 30' rear yard to 23' for the property located at 505 Seville Rd. Zoned R-1B, Single-Family Residential District.

Chairman Ireland introduced the case and asked for anyone who would like to speak regarding the petition. Kristina Williams, owner 505 Seville Rd, was sworn in and stated a family change requires the additions. She stated the original space was a patio, then a covered porch, built with a permit, and now a room addition.

Chairman Ireland asked for anyone who would like to speak regarding the petition and no one spoke.

Mr. Woolard stated staff is not objecting to the addition provided it complies with the existing setbacks in the same location, however staff does not support an addition that encroaches on the setbacks. Mr. Simeone questioned staff's interpretation of the essential character of the neighborhood as this addition is not posing a safety threat. Mr. Woolard stated limiting an addition to the current 25' setback instead of 23' would help maintain the neighborhood character and discourage neighbors from future encroachments.

The variance was approved with five (5) 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-Absent; Ms. Buragas-Absent.

Z-07-14 Public Hearing and Review on the petition submitted by Brandi Guzouskis to allow construction of a new fence and a variance from the Zoning Ordinance to increase the allowed fence height of 4' to 6' in the yard along Cottage Avenue for the property located at 1 Parkshores Dr. Zoned R-2, Mixed Residence District.

Chairman Ireland introduced the case and asked for anyone who would like to speak regarding the petition. Ms. Brandi Guzouskis, owner 1 Parkshores Dr., was sworn in and stated a 6' privacy fence is necessary for the safety of their dog and children. She stated a man came over the 4' locked fence and passed away in the back yard. A 6' fence would have prevented that.

Chairman Ireland questioned if the proposed fence would be 5' inside the sidewalk. Ms. Guzouskis stated the current fence is about 15' away from the sidewalk. Mr. Zimmerman stated the request is for a six foot tall fence which will be 10' closer to the sidewalk. Ms. Guzouskis concurred stating their need for a larger yard for the children.

Mr. Justin Carlock, 1 Parkshores Drive, was sworn in and stated reasons for requesting the fence 5' off of the sidewalk is because there are many utilities in that area and to allow people to use the sidewalk with some land buffer. Chairman Ireland pointed out the fence angle may block the view of the neighbors at 1604 Cottage. Mr. Carlock stated the neighbor's landscaping currently blocks visibility and the proposed fence would not further impair that visibility. There was a discussion on the fence's location, the safety vision triangle, other 6' fences in the area and a compromise for this situation. Mr. Briggs suggested an angle for the fence. He stated this compromise would address both the safety issue and allow for a larger yard area.

Chairman Ireland asked for anyone who would like to speak regarding the petition and no one spoke.

Mr. Woolard stated this applicant's lot would be the first to receive a variance out of all the corner lots in the area neighborhood. The proposed fence would allow this applicant more yard space which is a privilege that other residences in the neighborhood do not have. He stated the fence bulk added would be similar to adding a building. Mr. Woolard stated the neighbor bushes are not as tall as the 6' fence would be and it does present a safety issue. The area is a newer neighborhood and similar variances have been granted in older neighborhoods, however such a variance in a newer neighborhood is not meeting the findings of fact. Staff does not support the request.

Mr. Simeone stated there are no neighbors present to defend the character of the neighborhood. There was discussion on an angled fence for safety.

Mr. Simeone moved to amend the variance to angle the fence for safety. Specifically the angled

Portion of the fence would begin 5' west of the east lot line and 10' south of the north lot line to a point along the north lot line which is 15' west of the east lot line. The motion was seconded by Mr. Briggs which passed by a vote of five (5) to zero (0).

The vote on the variance was approved with five (5) 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-Absent; Ms. Buragas-Absent.

Z-08-14 Public Hearing and Review on the petition submitted by John Bradley Wheet to allow construction of a porch addition and to allow a variance from the Zoning Ordinance to reduce the required 25' rear yard to 17' for the property located at 1 Scenic Pt. Zoned R-1C, Single-Family Residential District.

Chairman Ireland introduced the case and asked for anyone who would like to speak regarding the petition. Mr. Wheet, 1 Scenic Pt., was sworn in and stated his original plans included a room with windows, but changed his mind to have a roofed screened in porch without windows. The reason for the replacement is the deck was not properly built. He stated the home is located at the end of a cull-du-sac which has a back yard facing a wooded out lot. Mr. Wheet stated that he is replacing the 12' by 12' deck with a 12' by 13' screened in porch. The stairs would be the same size and location of the existing deck.

Chairman Ireland asked for anyone else who would like to speak regarding the petition and no one spoke.

Mr. Woolard stated the staff views this as an addition. Many times this type of structure becomes a permanent addition and it needs to meet the setbacks. The aerial view of the lot shows similarities in size and shape to the neighbors. Mr. Woolard stated this situation does not present a hardship and staff doesn't support the variance. There was a discussion on the petitioner's yard depth compared to the neighboring lots.

The vote on the variance was approved with five (5) 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-Absent; Ms. Buragas-Absent.

PUBLIC COMMENT: None

OTHER BUSINESS:

Discussion of Height and Second Story Variances: The property in question had a variance for a third story while clearly stating the height will not change. Mr. Woolard will ask the legal department to review the change.

NEW BUSINESS: None

ADJOURNMENT: 4:27 p.m.

Respectfully;

Mark Woolard