



**FINAL
MINUTES**

**PUBLISHED BY THE AUTHORITY OF
THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS
WEDNESDAY, JUNE 17, 2020, 4:00 P.M.
WWW.CITYBLM.ORG/LIVE**

This meeting was conducted under Governor Pritzker's Executive Order 2020-07, Section 6 implemented in response to COVID-19, which suspended in-person attendance under the Open Meeting Act, 5 ILCS 120.

The Zoning Board of Appeals convened in Regular Session virtually via zoom conferencing at 4:06 p.m., Wednesday, June 17, 2020. The meeting was live streamed to the public at www.cityblm.org/live. The Meeting was called to order by Chairperson Victoria Harris.

Roll Call

Attendee Name	Title	Status
Ms. Victoria Harris	Chairperson	Present
Mr. Terry Ballantini	Commissioner	Present
Mr. Michael McFarland	Commissioner	Present
Mr. Michael Straza	Commissioner	Present
Mr. Tyler Noonan	Commissioner	Present
Mr. Michael Rivera	Commissioner	Absent
Mr. George Boyle	Assistant Corporate Counsel	Present
Mr. Craig McBeath	Interim Information Systems Director	Present
Mr. Bob Mahrt	Community Development Director	Present
Ms. Katie Simpson	City Planner	Present

COVID-19

Mr. George Boyle, Assistant Corporation Counsel, explained that this meeting was being held virtually via live stream pursuant to the gubernatorial executive order 2020-07, Section 6. Public comment was accepted until 15 minutes before the start of the meeting. Written public comment must have been emailed to publiccomment@cityblm.org and those wishing to speak live must have registered at <https://www.cityblm.org/register> at least 15 minutes prior to the meeting.

Public Comment

Chairperson Harris opened the floor for public comment. No one had registered in advance of the meeting to provide comment. No one emailed public comments prior to the meeting. No one attended the meeting in person to provide public comment.

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Minutes

The Commission reviewed the minutes from the May 20, 2020 regular meeting of the Zoning Board of Appeals with revisions identified by Chairperson Harris.

Commissioner Ballantini made a motion to approve, seconded by Commissioner Straza, that the Minutes from the May 20, 2020 minutes be approved with revisions. The minutes were approved by voice vote 5-0.

Regular Agenda:

SP-03-20 Public hearing, review and action on a petition for a special use permit submitted by Marsha K Wallace to allow chicken-keeping, up to 4 chickens, in the R-1C District at 1610 N Lee Street, Bloomington IL 61701 (Ward 7).

Speaking in favor of the petition: Marsha K. Wallace - Petitioner. Chairperson Harris swore in Ms. Wallace.

Speaking in opposition of the petition: Nancy Schmidgall - 1611 North Lee Street. Chairperson Harris swore in Ms. Schmidgall.

Ms. Katie Simpson, City Planner, gave a staff report recommending the Zoning Board's approval of the application.

Mr. McFarland raised the question as to whether the Special Use goes with the property or with the specific applicant. Mr. George Boyle, Assistant Corporation Counsel, indicated that the Special Use would be applied to the subject property.

Mr. Ballantini raised a discussion point on the potential impacts on neighboring property.

Marsha K. Wallace, Petitioner, stated her desire to raise chickens on the property. Ms. Wallace provided an overview of the immediate neighborhood. She indicated that she had prior farm experience raising chickens and has rented the property for approximately four years. She stated she would be limited to four chickens and no roosters per the zoning regulations.

Nancy Schmidgall, 1611 North Lee Street, voiced opposition to the request based on reduction of property values and potential for varmints. She also questioned whether the Special Use would apply to the adjoining property also owned by the applicant's landlord. George Boyle, Assistant Corporation Counsel, indicated that the Special Use would be limited to the subject property.

There was further discussion and questions raised from the Board regarding disposal of dead birds, smells, and potential for varmints.

Marsha K. Wallace, Petitioner, stated she has access to a farm where she could dispose of the carcasses, if necessary. She also provided background on her intended use of a "deep litter" method of utilizing a base of saw dust for the animal droppings in the enclosure.

Chairperson Harris asked if there were any other witnesses. There were none. Chairperson Harris closed the Hearing at 4:41 p.m. and asked the Board to consider the matter. She asked for a vote on the Findings of Fact as outlined in the Staff Report.

Mr. Ballantini made a motion to accept the Finding of Fact as a whole. Mr. Noonan seconded the motion. Mr. Mahrt took a roll call vote. Mr. Straza - Yes, Mr. Noonan - Yes, Mr. Ballantini - Yes, Mr. McFarland - Yes, and Chairperson Harris - Yes (5-0-0).

Mr. Ballantini made a motion to approve the application. Mr. Noonan seconded the motion. Mr. Mahrt took a roll call vote. Mr. Straza - Yes, Mr. Noonan - Yes, Mr. Ballantini - Yes, Mr. McFarland - Yes, and Chairperson Harris - Yes (5-0-0).

Z-07-20 Public hearing, review and action on an application for variances submitted by Robert Hernandez to 1) expand a nonconforming structure and 2) decrease the required side yard setback from 6' to 1.5', a 4.5' decrease, to allow for a porch/addition at 1314 W Locust Street, Bloomington IL 61701 (Ward 7).

Ms. Katie Simpson, City Planner, gave a staff report recommending the Zoning Board of Appeals deny the requested variances.

Ms. Simpson advised that the subject property was zoned R-1C which specifies that open porches are not allowed in side yard and that non-conforming properties should not have new construction unless the new construction would make the property conforming. She also pointed out that the new construction is enclosed and therefore is considered to be a room addition. She advised the board that the construction had already begun, and in general terms, described the reasons behind the upcoming findings of fact.

Ms. Simpson stated as it pertained to the standards the mere fact that the property is in non-compliance does not alter the fact that the addition could have been built in compliance. Also, another option to remain in compliance exists to the rear of the property where there is ample room.

Chairperson Harris questioned the statement from the applicant as to receipt of the text approval.

Ms. Simpson stated that a permit was not issued at the time of construction and building permits are issued once approved.

Mr. Mahrt stated that an application was filed, reviewed, but not yet approved by the Building Inspector and no permit had been issued. Mr. Mahrt confirmed there were texts between the applicant and city staff with possible confusion as it pertained to the address of the property being discussed.

No proper inspection was done, once notified the city issued a "stop work order", and the applicant submitted this request for a Variance.

There was discussion of overview of the site plan.

Chairperson Harris swore in for the record Mr. Hernandez, the applicant, and Mr. William Gregory as translator for Mr. Hernandez.

Mr. Gregory explained the applicant interpreted the text received as permission to begin work and understood that the approved permit would be mailed to him at a later date, thus

work began. He gave an overview of the project indicating that the perimeter of the room did not exceed the existing border of the sides of the house. The structure was being built in this manner due to the existing entry into the house was being on the extreme far left end of the wall. Short of making changes in the design, the applicant is willing to make accommodation to meet the existing building codes.

Mr. Gregory summarized the applicant's position as follows:

- The width of the addition should not be an issue as it is the same as the existing home.
- The neighbor has no objection.
- The neighbor has a driveway that creates a 12' space between the houses so there would be no infringement on the neighbor.

Chairperson Harris questioned the room addition. There was discussion as to the type of room this is as it presented as an enclosed addition and not a porch.

Mr. Ballantini questioned if there was a better view of the property to better assess the setbacks

Ms. Simpson entered into evidence Exhibit 1 a photo of the house showing the room addition submitted by the applicant.

Discussion continued as to the intent of the room addition. Mr. Gregory indicated this was meant to be a three season's room without heating or cooling and confirmed that the slab was installed for this project.

Chairperson Harris asked if there were any other witnesses. There were none. Chairperson Harris closed the Hearing at 5:18 p.m. and asked the Board to consider the matter. She asked for a vote on the Findings of Fact as outlined in the Staff Report and to vote on each individual standard allowing for discussion if needed.

Chairperson Harris made a motion to accept the Finding of Fact for 1, 2, 3 & 5 not being met Mr. Ballantini seconded the motion. Mr. Mahrt took a roll call vote. Mr. Straza - Not Met Mr. Noonan - Not Met, Mr. Ballantini - Not Met , Mr. McFarland - Not Met and Chairperson Harris - Not Met (5-0-0 Finding of Fact for 1, 2,3 & 5 not met)

Chairperson Harris made a motion to accept the Finding of Fact for 4 as presented. Mr. Ballantini seconded the motion. Mr. Mahrt took a roll call vote. Mr. Straza - Met Mr. Noonan - Met, Mr. Ballantini - Met , Mr. McFarland - Met, and Chairperson Harris - Met (5-0-0 Finding of Fact for 4 met)

Mr. Noonan made a motion to deny the application. Mr. McFarland seconded the motion. Mr. Mahrt took a roll call vote. Mr. Straza - yes, Mr. Noonan - yes, Mr. Ballantini - yes, Mr. McFarland - yes, and Chairperson Harris - yes (5-0-0).

Staff will notify applicant of Boards outcome and provide detailed information as to the appeal process.

Z-08-20 Public hearing, review and action on an application for a variance submitted by Chris and Andrea Goins to locate an above ground pool seven feet from the primary structure rather than ten feet located at 2 Greythorne Circle, Bloomington, IL 61701. (Ward 3)

Ms. Katie Simpson, City Planner, gave a staff report recommending the Zoning Board's approval of the application. She gave the description of the request being made and shared facts related to the property and Zoning Ordinance requirements for pools. Other factors being considered are the slope of the property as well as the easements that collectively limited pool location.

Planned pool location is 15' from the actual house and 7' from the porch roof line, necessitating the request for the 3' variance. Ms. Simpson elaborated that a smaller pool would still require a variance request.

Chairperson Harris had a question regarding fence height requirements for properties with a pool. Ms. Simpson confirmed requirement of 4' in height an actual measurement would have to be taken before a permit was approved and issued.

Chairperson Harris swore in for the record Ms. Andrea Goins, applicant. Ms. Goins confirmed Ms. Simpson's finding of facts and background information of property. Ms. Goins confirmed the fence height is 4' and she would add locks to the location.

Mr. Ballantini questioned whether the fence is placed on all sides and back of property. Ms. Goins replied, yes.

Chairperson Harris asked if there were any other witnesses. There were no other witnesses signed up to speak for or against. Chairperson Harris closed the Hearing at 5:40 p.m. and asked the Board to consider the matter. She asked for a vote on the Findings of Fact as outlined in the Staff Report.

Mr. Ballantini made a motion to accept the Finding of Facts. Mr. Noonan seconded the motion. Mr. Mahrt took a roll call vote. Mr. Straza - yes, Mr. Noonan - yes, Mr. Ballantini - yes, Mr. McFarland - yes, and Chairperson Harris - yes (5-0-0).

Mr. Ballantini made a motion to approve the application. Mr. McFarland seconded the motion. Mr. Mahrt took a roll call vote. Mr. Straza - yes, Mr. Noonan - yes, Mr. Ballantini - yes, Mr. McFarland - yes, and Chairperson Harris - yes (5-0-0).

Z-09-20 Public hearing, review and action on an application for two variances submitted by Richard Gray to rebuild an accessory structure in the same location as the existing structure, in the side yard and closer than 10' to the principal structure at 1210 S. Mason St., Bloomington, IL 61701.

Ms. Katie Simpson, City Planner, gave a staff report recommending the Zoning Board's approval of the application. Ms. Simpson provided property information & history and surrounding properties and accessory structure. She also explained the reasons for requesting the variance. Ms. Simpson reviewed the Finding of Fact and discussed the need for more information as to the size and location of the shed, and whether or not the alternative solutions have been considered - such as attaching to the existing garage.

Chairperson Harris swore in for the record Mr. Richard Gray, applicant. Mr. Gray stated that the existing structure was built in 1966 and is in disrepair. The project includes removing the existing fence and structure. Mr. Gray provided information regarding size, location and purpose of the project.

Mr. Ballantini inquired as to whether or not the new accessory structure could be attached to the existing garage. Mr. Gray advised that the land that borders the existing garage is retained by a concrete curb and thus building there was not possible.

Chairperson Harris asked if there were any other witnesses. There were no other registered witnesses for or apposed. Chairperson Harris closed the Hearing at 5:55 p.m. and asked the Board to consider the matter. She asked for a vote on the Findings of Fact as outlined in the Staff Report.

Mr. Ballantini made a motion to accept the Finding of Fact. Mr. Noonan seconded the motion. Mr. Mahrt took a roll call vote. Mr. Straza - yes, Mr. Noonan - yes, Mr. Ballantini - yes, Mr. McFarland - yes, and Chairperson Harris - yes (5-0-0).

Mr. McFarland made a motion to approve the application. Mr. Noonan seconded the motion. Mr. Mahrt took a roll call vote. Mr. Straza - yes, Mr. Noonan - yes, Mr. Ballantini - yes, Mr. McFarland - yes, and Chairperson Harris - yes (5-0-0).

Z-10-20 Public hearing, review and action on an application submitted by Bobbie Amburgey for a fence variance to increase the allowed height by two feet in the front yard located at 1502 W. Chestnut Street. (Ward 7)

Ms. Katie Simpson, City Planner, gave a staff report recommending the Zoning Board deny the application. As presented in the staff report the standards were not met. Ms. Simpson gave a detailed description of the property stating it is a corner lot with two front yards. Property is bordered by Chestnut and Hinshaw. Ms. Simpson provided details about the Zoning Ordinance - fence requirements for areas considered front yards can be no higher than 4' and cannot be chain link. Ms. Simpson presented the site plan submitted by the petitioner and provided background on the front yard requirements. Front yards are considered public space and 6' high fences blocks too much making the property uninviting. Ms. Simpson highlighted alternative options that would meet the zoning requirements.

Chairperson Harris inquired as to other properties and fence height in the surrounding homes. Ms. Simpson shared that the neighborhood was built prior to zoning and showed a property that appeared to have a 6' fence. Mr. Ballantini inquired as to the age of said fence. Ms. Simpson did not have that information but referred to the overgrown shrubbery as

an indication of age. Also, this house was not a corner lot.

Chairperson Harris swore in for the record Mrs. Bobby Amburgey, applicant. Mrs. Amburgey stated reasons for the requested variance were due security of special needs child and privacy. She stated this was a Habitat for Humanity home and the lot created challenges in relation to fence placement. The proposed fence would not go past the front porch but would be 6' along the side yard.

There was discussion amongst the board members and petitioner as to options that would bring the project in compliance with zoning requirements. A combination of 4' in the side yard and 6' in the back was one option: a 6' high fence within the homes border was another option.

Chairperson Harris swore in for the record Mr. Chris Amburgey, applicant. Mr. Amburgey provided testimony as to the location of the driveway and alley. He also indicated the fence project as presented would allow to park vehicles in a secured area.

Discussion continued related to potential safety hazards to a blind spot caused by a 6' high fence.

Chairperson Harris asked if there were any other witnesses. There were no other registered witnesses for or apposed. Chairperson Harris closed the Hearing at 6:24 p.m. and asked the Board to consider the matter. She asked for a vote on the Findings of Fact as outlined in the Staff Report.

Mr. Noonan made a motion to accept the Finding of Fact. Mr. Ballantini seconded the motion. Mr. Mahrt took a roll call vote. Mr. Straza - yes, Mr. Noonan - yes, Mr. Ballantini - yes, Mr. McFarland - yes, and Chairperson Harris - yes (5-0-0)

Mr. Ballantini made a motion to deny the application. Mr. Straza seconded the motion. Mr. Mahrt took a roll call vote. Mr. Straza - yes, Mr. Noonan - yes, Mr. Ballantini - yes, Mr. McFarland - yes, and Chairperson Harris - yes (5-0-0).

OTHER BUSINESS: Chairperson Harris confirmed Mr. Ballantini's question on the alley use on prior case was answered.

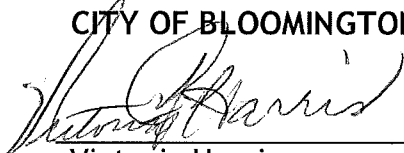
OLD BUSINESS: None

NEW BUSINESS: Mr. George Boyle, Assistant Corporation Counsel, thanked the Commission and Ms. Simpson for their efforts at this meeting.

ADJOURNMENT: Chairperson Harris asked for a motion to adjourn the meeting. Mr. Ballantini made the motion. Chairperson Harris declared the meeting adjourned.

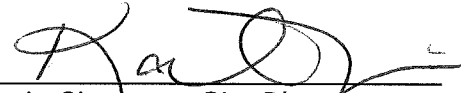
The meeting adjourned at 6.28 p.m.

CITY OF BLOOMINGTON



Victoria Harris,
Chairperson

ATTEST



Katie Simpson, City Planner