

**MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
Wednesday, June 15, 2016, 4:00 P.M.
Council Chambers, City Hall
109 East Olive Street, Bloomington, Illinois**

Members present: Chairman Briggs, Mr. Ireland, Mr. Bullington, Mr. Brown, Ms. Meek, Mr. Simeone, Mr. Kearney.

Members absent: None

Also present: Mr. Tom Dabareiner, Community Development Director
Mr. George Boyle, Assistant Corporation Counsel
Ms. Katie Simpson, City Planner

Mr. Dabareiner opened the meeting at 4:00 p.m. and called the roll. With all seven members in attendance, a quorum was present.

PUBLIC COMMENT: None

The Board reviewed the minutes from May 18, 2016. There were three minor corrections. A motion to approve the minutes was made by Mr. Simeone; seconded by Mr. Bullington, and was **approved** unanimously as amended, by voice vote.

Chairman Briggs explained the meeting procedures and City staff introduced themselves. Mr. Dabareiner stated all items were properly published.

REGULAR AGENDA:

Z-20-16 Consideration, review and approval of the petition submitted by Kris Spaulding for a Variance to allow for a rear yard setback of 13 feet in lieu of the required 25 feet (44.6-40B) for the property located at 52 Yukon Circle in the R-2, Mixed Residential District.

Chairman Briggs introduced the case. Mr. Kris Spaulding, 4162 Jean Trace, unincorporated Bloomington, contractor for the property owner, was sworn in. Mr. Spaulding noted the property owner has an existing deck off the rear of the house and would like to convert it into a 3-season room but while the deck is allowed to encroach into the setback, the 3-season room is not, so a variance is needed. He added that the back of the house is exactly at the 25 foot rear yard setback, so he is requesting a reduction of the setback to 13 feet.

Mr. Bullington asked what physical characteristics are present which prevent adherence to the code; Mr. Spaulding repeated that the residence sits on the rear setback line. Mr. Bullington asked if there is a hill or a stream, or whether the land is flat; Mr. Spaulding confirmed the land is flat. Mr. Ireland asked if there was any concern with the built proximity if the property owner to the south were to extend an enclosed structure closer to the lot line; Mr. Spaulding stated that the house to the south has a 3-season room but their house sits closer to the front yard. Chairman

Briggs asked if building the 3-season room would obstruct the view of the neighboring duplex owners or impair the ability of the adjoining duplex to do the same kind of addition; Mr. Spaulding stated the homeowners association approved the proposal and added there would be three feet off the zero lot line from the adjacent duplex. Mr. Simeone asked for clarification of the distance between the proposed structure and the existing structure on the property to the south; Mr. Spaulding estimated 30 to 35 feet. Mr. Bullington asked how far the proposed structure would be from the easement in the rear yard; Mr. Spaulding estimated six or seven feet from the easement.

Mr. Kearney asked if this is the original deck and the square footage of the house; Mr. Spaulding indicated he believed it is the original deck and estimated the house to be 1,500 square feet. He confirmed Mr. Spaulding is the contractor for the proposed work.

Ms. Simpson provided the staff report. She stated staff recommends against the variance. She noted the zoning and bulk regulations associated with property, emphasizing the 25 foot rear yard setback. She showed an aerial photo of the site, highlighting the existing 12'x12' deck, and proposed 3-season room and expanded 12'x18' deck. She referred to the 3-season room on the property south of the petitioner's, explaining that given their footprint that property owner was able to legally fit the 3-season room within its buildable area, in contrast with the petitioner's. She concluded the Findings of Fact were not met and reviewed the findings.

Mr. Kearney asked if staff gave consideration to the favorable recommendation from the homeowner's association; Ms. Simpson stated it is considered, but the variance question must be addressed according to the code. Mr. Simeone stated that the second standard may take into consideration the HOA position. Mr. Bullington stated he believes the HOA should play no role because we do not know what standards they used.

Mr. Ireland pointed out that the lots to the south are just 3 feet deeper, a negligible amount. He stated his concern is, what will the neighborhood look like if others begin to add 3-seasons rooms?

Chairman Briggs requested a roll call vote on Case Z-20-16, which was **denied** by a 7-0 vote as follows: Mr. Ireland—no; Mr. Bullington—no; Mr. Simeone—no; Mr. Brown—no; Ms. Meek—no; Mr. Kearney—no; Chairman Briggs—no.

Z-21-16 Consideration, review and approval of the petition submitted by Meio Lin for a Variance to allow 8 parking spaces in lieu of the required 12 spaces (44.7-2H(4)(b)) for six multifamily dwelling units for the property located at 514 E. Douglas Street in the R-2, Mixed Residential District.

Chairman Briggs introduced the case and invited the petitioner to speak. Meiou Liu, 1408 Hanson Drive, Normal, was sworn in. Ms. Liu was seeking renovation of her property at 514 E. Douglas and was informed that she did not meet the parking requirements, but insufficient space exists for the 12 spaces required She added just six were provided when she bought the property.

Ms. Meek asked if the petitioner could keep the three spaces near the front, along the driveway. Ms. Liu indicated she could but would rather do landscaping to make the property more attractive. Mr. Dabareiner stated that one of the three spaces is located in the front yard which is

not allowed.

Mike Denny, 229 E. Swords Drive, Edelstein, Illinois, was sworn in. Mr. Denny stated he looked at the property today and concluded that driving his large truck into the driveway, the parking up front could block the travel path.

Ms. Simpson presented the staff report, indicating staff recommends in favor of the variance. She noted the location of the property and the code requirements, which requires 12 parking spaces. The petitioner, she noted, is adding parking in the rear yard. Ms. Simpson noted the wide variety of parking approaches in the area, adding that this is an older part of the community so retrofitting sites to meet the 2-per-unit parking requirement is challenging. She believes one or two parking spaces could be maintained along the side of the building. Ms. Simpson noted that six spaces exist for the six units and no expansion plans for the apartment are proposed. She reviewed the standards.

Mr. Bullington asked, if the variance is denied would the petitioner keep the six units and the six spaces as long as the use is not expanded? Mr. Ireland added that he believed the code would not require this variance as the use is not being expanded. Mr. Dabareiner stated that the trigger for this requirement came about when a permit was pulled for improvements inside the building, but external parking arrangement violations were discovered which need to be corrected. He added that any additional parking is a welcome improvement.

Mr. Simeone stated he is in favor of the variance because they are moving from six to eight parking spaces. He asked about the landlord's offer to restrict parking SUVs on the street; Mr. Dabareiner indicated this would be difficult to enforce for the police. Chairman Briggs asked if screening is required in the rear; Ms. Simpson noted that the trigger in the code for adding screening is nine parking spaces. She reminded the ZBA that staff is recommending in favor of the eight spaces.

Chairman Briggs requested a roll call vote on Case Z-21-16, which was **approved** by a 7-0 vote as follows: Mr. Ireland—yes; Mr. Bullington—yes; Mr. Simeone—yes; Mr. Brown—yes; Ms. Meek—yes; Mr. Kearney—yes; Chairman Briggs—yes.

Z-22-16 Consideration, review and approval of the petition submitted by Stephen and Nancy Snyder for a Variance to allow for a front yard setback of 20 feet in lieu of the required 25 feet (44.6-40A) for property located at 25 Buckhurst Circle in the R-1C, Single Family Residential District.

Chairman Briggs introduced the case. Patrick Cox, 202 N. Center Street, representing the petitioner, was sworn in. Mr. Cox distributed some renderings of the proposed addition which were entered into the record. He described the proposal and noted that only a small portion of it requires the variance. He described the relationship of the front of the house with neighboring properties, stating that the property is situated on a curved lot so the typical consideration of alignment of front building facades is irrelevant as a consideration here.

Mr. Bullington asked what physical characteristics make this eligible for a variance; Mr. Cox stated that the lot size is a factor here. Chairman Briggs stated that the lot is large because two

lots were combined for this house. He asked if the easements and creek in the back forced the house forward on the lot.

Stephen Snyder, 25 Buckhurst Circle, was sworn in. Mr. Snyder stated that there is a sewer in the back yard so they had to move the house forward when it was built. He reiterated that most of the proposed front porch would not encroach into the required setback. He introduced his architect, Russell Francois.

Russell Francois, 118 W. Washington Street, was sworn in. Mr. Francois reiterated that the house is pulled forward due to the constraints in the rear yard. He stated that his analysis of the house established that the weakest part of the house is its front. He minimized the columns and roof profile to provide the porch with the least amount of encroachment and impact. Mr. Francois reiterated that the alignment with other front yards and houses is not a concern because of the curved street.

Mr. Simeone stated that the City is concerned that moving the front deck to columns could eventually lead to enclosing the front porch, but added that he did not believe that would make sense for this house and design; Mr. Francois concurred that it should not be enclosed. Mr. Bullington clarified that there is a floodplain and sewer easement in the rear of the yard, so the house had to have been pushed forward; Mr. Francois stated that if someone had anticipated the porch, the house could have been moved back on the site the required five feet. Mr. Francois spoke about the design benefits of adding the porch.

Ms. Simpson presented the staff report, which recommends against the variance. She showed an aerial photo of the site and described surrounding properties. She reviewed the proposed design and described how it would encroach into the 25 foot setback area. Ms. Simpson noted that other properties with front porches in the neighborhood were designed to meet the 25 foot setback. She reviewed the Findings of Fact and concluded that the proposed variance is not supported.

Chairman Briggs called attention to the physical constraint in the rear of the backyard which may have forced the house to be built at the front setback line. Mr. Kearney clarified that the extension of the roof is what triggered the need for a variance and that most of the proposed porch complies with the setback requirement. Mr. Kearney added that because the property is wedged into a corner with the house at an angle could provide a hardship.

Mr. Bullington concurs that the new design would improve the attractiveness of the house, but was not certain the physical characteristics of the property were especially limiting because a smaller house could have been built. Mr. Kearney reviewed the Findings of Fact and concluded a physical hardship exists. Mr. Simeone stated that “appearance” comes into play in the standards. Ms. Meek noted that the bulk of the building is offset by the fact it sits on two lots. Mr. Bullington asked whether the petitioner would agree to stipulate that the porch would not be enclosed; Mr. Snyder agreed, however no motion was made to add that condition to the variance.

Chairman Briggs requested a roll call vote on Case Z-22-16, which was **approved** by a 5-2 vote as follows: Mr. Ireland—yes; Mr. Bullington—no; Mr. Simeone—yes; Mr. Brown—no; Ms. Meek—yes; Mr. Kearney—yes; Chairman Briggs—yes.

Z-23-16 Consideration, review and approval of the petition submitted by Jack and Jean Snyder for a Variance to allow for a rear yard setback of 20 feet in lieu of the required 25 feet for the property located at 19 Barley Circle in the R-1C, Single Family Residential District.

Chairman Briggs introduced the case. Patrick Cox was sworn in and spoke on behalf of the petitioner. Mr. Cox explained the desire to add a proposed sun room and expand the existing deck. He explained how the family room opens up to an existing deck, which would need to be extended five feet into the setback to accommodate a comfortably sized sun room.

Mr. Bullington asked Mr. Cox to describe physical characteristics of the property that make adherence to the code difficult. Mr. Snyder was sworn in and explained the reasons behind the desire for a sun room at this location, admitting that there is probably not a physical hardship; he added the neighbors do not object to the expansion.

Mr. Francois was sworn in. Chairman Briggs asked what the five foot expansion accomplishes; Mr. Francois responded that the arrangement of furniture inside the proposed sun room needs 17 feet, rather than the existing 12 foot deck width. Mr. Francois stated a sun room could fit within the existing 12 foot width but doing so would make the room function must differently and less able to accommodate the desired furnishings.

Ms. Simpson presented the staff report, recommending against the variance request. She noted the setback requirements within the zoning district. She explained that decks are allowed to encroach into the required setback but enclosed structures, such as the proposed sun room, are not. Mr. Kearney clarified how a rear yard is determined on a corner lot. There was general discussion about front, rear and side yards and how those are determined; Ms. Simpson reviewed the process. She provided the Findings of Fact and stated that staff does not believe the standards are met.

Mr. Ireland clarified the dimensions of the lot and the location of the proposed sun room. Mr. Francois added that the lot has much green space; he noted that the house did not maximize its potential build-out on the site. Mr. Francois discussed the constraints associated with locating the sun room anywhere else in the rear yard, noting a much higher cost and less desirable access to it elsewhere. He reiterated that the five additional feet is necessitated by adding furniture in a convenient and functional manner, although he knew that would require a variance. There was general discussion about the changes to architecture to accommodate an aging society.

Chairman Briggs requested a roll call vote on Case Z-23-16, which was **approved** by a 5-2 vote as follows: Mr. Ireland—yes; Mr. Bullington—no; Mr. Simeone—no; Mr. Brown—yes; Ms. Meek—yes; Mr. Kearney—yes; Chairman Briggs—yes.

OLD BUSINESS

Chairman Briggs stated that in the spirit of a one-stop shop process, the proposed Planning and Zoning Commission should have final authority over variance requests, rather than having to send a recommendation for later consideration by Council.

NEW BUSINESS:

Mr. Ireland discussed his planned retirement from the ZBA, with one more meeting left in July. There was general discussion about term limits.

There being no further discussion or business, the Chairman adjourned the meeting.

ADJOURNMENT: 6:02PM

Respectfully,

Tom Dabareiner AICP