

**MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, MAY 15, 2013, 3:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 E. OLIVE ST., BLOOMINGTON, IL**

Members present: Mrs. Barbara Meek, Mr. Dick Briggs, Amelia Buragas (arrived at 3:41)
Mr. Mike Ireland, Mr. Robert Kearney, Mr. Jim Simeone, Mr. Bill
Zimmerman

Members absent: None

Also Present: Mr. Mark Huber, Director of PACE
Mr. Kevin Kothe, City Engineer
Mr. Mark Woolard, City Planner

Mr. Woolard called the meeting to order at 3:00 p.m. and called the roll. A quorum was present.

The Board reviewed the minutes from April 17, 2013. The Board had no corrections and the minutes were accepted as printed.

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

Z-6-13 Public Hearing and Review on the petition submitted by KSCI to allow construction of a porch over a deck as an addition to the rear of the house and to allow a variance from the Zoning Ordinance to reduce the required 25' rear yard setback to 7' from the south rear lot line for the property located at 17 Cygnet Xing. Zoned R-2, Mixed Residence District.

Chairman Ireland introduced the variance case and asked for anyone who would like to speak in favor of the petition to come forward. Kris Spaulding, 14162 Jean Trce, was sworn in and stated he constructed a deck last fall and they want an area out of the sun and rain. It will have a roof and be open. It will not protrude beyond the edge of the deck. He said they do not like an awning and the neighbors are not objecting.

There was discussion on enclosing the structure in the future and the lot being shallow compared to other lots. The back of the house is very close to the setback now.

Chairman Ireland asked for anyone who would like to speak in opposition to the petition. Ron Kwasny, 22 Swan Lake Rd., stated he is the association's president and spent two weeks trying to get information from the applicant about what was proposed. Their concerns are that it might be enclosed and it should not be so extensive and that they had no idea what was going on. The other ones out there are in compliance and this is the first variance of this type. The structure will be very substantial and right in their face and too close to the sidewalk.

Mrs. Meek emphasized how there is a large house already built and she does not see the code as being unfair.

Mr. Woolard explained staff looks at these as an addition and there is much more bulk visible. In this case staff felt even with the irregular lot line, seven feet is just too close. Staff did not see where the findings of fact were met.

There was discussion of placing a condition of approval on the structure. Mr. Zimmerman moved to restrict any additional construction that would be creating walls for the structure. Mr. Briggs seconded the motion. The vote on the condition for the variance was approved with five (5) voting in favor and one (1) against.

The vote on the variance was approved with four (4) voting in favor and two (2) against.

Z-7-13 Public Hearing and Review on the petition submitted by Mike Mavec to allow construction of an accessory building and to allow a variance from the Zoning Ordinance to reduce the required 10' separation between the principal structure and the accessory structure to 3 feet for the property located at 1013 Ekstam Drive. Zoned B-1, Highway Business District.

Chairman Ireland introduced the petition. Chairman Ireland asked for anyone who would like to speak in favor of the petition to come forward. Mike Mavec, 3810 Baldocchi Dr., was sworn in and stated he wants to build a storage shed for parts and locate it three feet off the building. He said in the back there may be an easement and there is a concern for drainage. There will be no building to the east being airport property. He said he wants lighting but he did not want to run electricity to the back for lights.

There was discussion on concerns for access to firefighting, turning the building to take up less parking, and attaching it to the existing building.

Chairman Ireland asked for anyone else who would like to speak in favor or in opposition to the petition and no one spoke.

Mr. Woolard stated staff does not support the request nor see any physical hardship preventing compliance and costs is not justification. It could be attached to the building or placed farther out. Lights could be installed on the building where light would shed outwards. There are ways to deal with drainage issues. There are concerns for firefighting and protection.

The vote on the variance was denied with zero (0) voting in favor and seven (7) against.

Z-8-13 Public Hearing and Review on the petition submitted by John W. Cleary to allow conversion of a single-family residence to a two-family residence and for two variances as follows:

- 1) to increase the maximum allowed number of stories from 2.5 to 3.
- 2) to expand a nonconforming structure in a required front yard with a reduced setback from the required 22' to 11' all are for property located at 604 E. Empire Street. Zoned R-2, Mixed Residence District.

Chairman Ireland introduced the petition. Chairman Ireland asked for anyone who would like to speak in favor of the petition to come forward. John Cleary 621 E. Empire St., was sworn in and stated he plans to make the house into a duplex but exceeds the square footage. It is on a small lot and to the west are new Wesleyan apartments. He provided examples of other structures and said it would not be a detriment to the area. The overall height of the building will not change.

Chairman Ireland asked for anyone else who would like to speak in favor or in opposition to the petition and no one spoke.

Mr. Woolard stated that the bulk and third story will be quite expansive and it is not just a small dormer. Staff does not see the petition supporting the findings of fact. It can still be used as a single-family residence. Several of the houses in the area are not as large and staff does not support the request.

The Board discussed the proposed structure in comparison with what Wesleyan recently built on Empire Street. Mr. Cleary stated he spoke with the owner of 602 Empire Street who thought this was a good idea.

The vote on the variances was approved with six (6) voting in favor and one (1) against.

Z-9-13 Public Hearing and Review on the petition submitted by Second Presbyterian Church to allow construction of a parking lot and to allow a variance from the Zoning Ordinance to reduce the required landscaped parking lot setback along Prairie and Market Streets from 12 feet 0 feet all for property located at 410 N. Prairie Street. Zoned B-3, Central Business District.

Chairman Ireland introduced the petition. Chairman Ireland asked for anyone who would like to speak in favor of the petition to come forward. Don Adams, with Farnsworth Group at 2709 McGraw Drive was sworn in and explained the need for storm water detention on a relatively small site and how they are providing a community garden. There are 42 parking spaces and the church wants to remove the existing building because they need additional parking. There would be six less parking spaces with the required green space and angle parking. The church has committed to downtown and would like to make this investment in the downtown. He explained how they disagree with staff's review of the standards. Complying with the code results in less parking spaces because the lot is only 110' wide and the site is landlocked. He said other sites do not have the 12' setback including the State Farm site. The community garden is a nice plus for the neighborhood.

There was discussion on the existing use or reuse of the site, the drainage requirements in relation to the garden, and upgrading the parking.

Chairman Ireland asked for anyone else who would like to speak in favor or in opposition to the petition and no one spoke.

Mr. Woolard stated that staff does recognize they are making improvements to the site but staff still looks at the findings of fact and how green space can be put in on the site. Without the variance the eight spaces along Market Street would be lost however there is no minimum number of parking spaces required in downtown and thus development is substantially less restrictive there than in other parts of the city with that waiver already built into the code. The Zoning Ordinance could also have eliminated the required green space requirement along with eliminating the parking space requirement but it did not so the requirement must have been still valued even for downtown. He said State Farm did put in some green space.

There was discussion on possible alternatives to the required landscaping. Mr. Adams said the garden will reduce the run off by less than ten percent.

The vote on the variance was approved with seven (7) voting in favor and zero (0) against. Ms. Buragas stated that her son attends Second Presbyterian Church but she does not get any financial, political or personal gain from voting one way or the other.

SP-03-13 Public Hearing and Review on the petition submitted by HL Bloomington LLC and Hundman Management LLC requesting approval of a special use permit for multiple family dwellings for the property located at 1021, 1025, 1031, 1037 and 1041 Ekstam Dr. Zoned B-1, Highway Business District.

Z-10-13 Public Hearing and Review on the petition submitted by HL Bloomington LLC and Hundman Management LLC to allow multi-family dwellings and for a variance to allow an increase to the maximum floor area ratio of 50% to 58% for the property located at 1021, 1025, 1031, 1037 and 1041 Ekstam Dr. Zoned B-1, Highway Business District.

Chairman Ireland explained how cases SP-03-13 and Z-10-13 coincide.

Chairman Ireland introduced the special use petition and asked for anyone who would like to speak in favor of the petition to come forward. Todd Bugg, with Dunn Law Firm at 1001 N Main Street, was sworn in and stated he represents the petitioner for both cases. He explained the dwellings are to be similar to those across the street. He believes the parking concerns have been addressed and the standards have been met. The project across the street just like this one will enhance the neighborhood.

Neil Finlen, with Farnsworth Group at 2709 McGraw Drive was sworn in and stated they have met with the neighbors prior to the Board's meeting. A lot of concerns from the neighbors were about traffic. They do not have a need for on street parking and if it is a benefit to move traffic a parking ban could be a solution. He said they knew that traffic volumes were a concern and stated they are at 25-30 percent of the allowable traffic volume even with this development. The ban does not have much effect on the capacity but more for free flowing traffic. With a ban children will be more visible if darting out into the street. He explained the ability to get to McGraw Park is not there and Cornelius Drive is not extended. He feels the zoning fits and if it is not apartments it could be offices, commercial or warehouses and a bad example is Gill Street. They have not looked at the parking ban in front of the businesses to the south. There will be 92 apartment units. There was discussion on poor planning for the area,

step down zoning and land uses. Mr. Kearney commented that there are no playgrounds and questioned if the children will be playing in the streets. Mr. Finlen said there will be families there but did not think there would be many and often the units are vacated on the weekends. He is hoping for a trail through the Deneen family's property.

Chairman Ireland asked for anyone else who would like to speak in favor of the petition. Sam Bridger of 1103 Rader Run was sworn in and stated he is not totally for the petition but more for it than opposed. He said he is one of the closest from the neighborhood to the site. It moves the residential demarcation line farther south and he will be able to open his windows and not get dust and stuff through his screens. The Ekstam traffic will be managed. The school planning will be figured out by Unit 5. For the most part they have been good neighbors. He cannot say this is the worst thing in the world and more objectionable land uses could be built once the Eastside Highway is built.

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

Chairman Ireland asked for anyone who would like to speak in opposition to the petition. Peggy Dehaven of 7 Zavitz Ct. was sworn in and stated based on the 2009 study, Ekstam had over 1800 cars a day and it is not even a half mile long. She said the problem is that the apartments will cause much more congestion and it is based on 2009 before the 132 apartments they are building now. She said they only have one exit out and they will not be able to get out if there is an emergency. She submitted a petition and letters from people in the neighborhood that are opposing it. Their big concerns are for the traffic and the extra people that will be coming. The police do not patrol and do issue tickets. They call and they just leave the cars sit there. With Cornelius not being open they definitely oppose the request with the additional traffic that it will cause. There will not be ample parking and she questioned where the extra parking will be and said it will go onto Ekstam. The mailboxes are on the street will cause them to drive the wrong way before they get into their apartments. They oppose this request. She said we do not even know what the Cornelius traffic will do yet and now they want to bring another 92 apartments with 180 plus cars. In 2012 they tried to do these apartments over on Pamela and were denied because of traffic congestion and their roads are not nearly as busy as Ekstam is now. Even though they say the roads can handle 6,000 cars a day the roads are short and is very hard to get out. She said a big concern they still have is that when they bought their homes they were told the apartments were ending and it would mirror their subdivision and it is not doing that. Their property values are going down. If it is businesses the traffic will typically be 8-5 and not so at night and fast food will not likely go there because it is off the beaten path and people will have to zigzag around to find it. Apartments are there with constant traffic and you cannot get away from it. There will be 92 apartments on top of the 132 apartments that they just got. She asked why they can't wait to see what the traffic from the 132 apartments will do before they build. They want it approved and will worry about it later. Cornelius is nowhere close to going through. No one will walk on a hay path and they will want to ride bikes so it needs to be a real path.

Mr. Kearney left at 5.28.

Srinivas Garabadi of 1110 Lockenvitz Lane was sworn in and stated there are multiple issues. He was not aware of the previous meeting. His kid has changed three elementary schools for five years. The apartments have 220 kids currently at one school and density and number of kids in the class effects the quality of education. It is not just traffic but it is a safety issue with 600-700 kids without a park and everyone on the roads. There is no safety at all on those roads. Every commuter zooms in and does not stop. The business activities result in them parking on the road. They are families and they do not go away for the weekend. They stay in those apartments. The kids walk in the dirt and in the dark. How are the emergency vehicles going to get in when there are two incidents at the same time?

Manuel Solsa of 15881 Old Orchard Road was sworn in and stated he has the Victory Academy business and when he bought the property he was told it would be commercial and the plans showed it as commercial where the apartments are now. With time there have been more and more apartments. He was concerned with the earlier apartments but it has grown. The issues are real concerns such as safety and where the children will play. He is concerned his parking lot will become a place to play and for building security. His clients did not know how to get out when the street was blocked. He is not against it but things need to be worked out. There will be thousands of people and there needs to be green space and play area. The traffic is confusing as they come from Empire and as they make turns. He thinks the road was designed for commercial.

Jaime Kirby of 1120 Rader Run was sworn in and stated the mailboxes will be on both sides of Ekstam and it will be an issue. There are a lot of apartments with families and kids and there will also be the same with the new apartments. There is a pool over there and many people will be crossing Ekstam. There will be a lot of foot traffic. She said she would rather have the businesses and she was concerned with the traffic a few years ago. With the apartments there will be so many other people that she prefers businesses over apartments. Mr. Briggs asked if Cornelius was through to Towanda Barnes would she even bother with Ekstam and she responded that she probably not go out that way. She said the businesses that are there now are great and she would rather take their chances and with all the issues that need to be addressed with adding more people she is opposed to the petition. The Pamela apartments were not approved and they have the same traffic issues that we do.

Mr. Solsa asked if there is a difference for the sewer for business verses residential.

Mr. Huber stated staff has recommended approval. The area has developed differently from what the original developer had planned and moves from commercial to residential to the north. The business portion came to a halt but there has been a resurgence in the multi-family. The B-1 zone here may be a little misleading and does not have a major highway. The B-1 zone may not be the best for this location and apartments are reasonable for this location. This development will pay into a fund to be used for park development. Cornelius will not be extended to Towanda Barnes but will be extended to Empire Road once the developer has the funds for the extension. Ekstam should not be blocked but at times they may need to get trucks or cranes in for construction. The mailboxes are dictated by the US Postal Service. He understands the concerns about traffic and kids playing but is not sure that he can agree with

them. Removing parking on Ekstam may help. He made a distinction with construction traffic from the normal apartment traffic.

Mr. Kothe stated they take traffic concerns seriously. Last year there was a request to remove parking which was done. Enforcement of the no parking is with the police. They exercise discretion and residents can ask for relaxed enforcement with for a party. Ekstam may have been closed for a utility cut for a day or two. The sewers on Ekstam will be able to serve this development. The vehicle capacity for Ekstam will not be exceeded with the new apartments. If there becomes a problem with crashes it will be addressed. There was discussion comparing Oakland Avenue's congestion with Ekstam. Building a bike path now in the area where Cornelius would be extended to the west is difficult because without grading the path would have to be rebuilt when the road is put in and because of the farming that is ongoing.

Mr. Finlen stated they would be interested in pulling a drive off Ekstam for the mailboxes. The development will generate about \$65,000 in parkland fees that maybe could be used for the amenities like a trail to McGraw Park. He promised the confusion with Ekstam being closed will not occur again. A sidewalk will be completed on the east side of Ekstam. They will be happy to work on a pathway to McGraw Park with the Deneen family.

Kurt Hoeflerle of 1805 Demit Ct was sworn in and stated they do want to be good neighbors. They have added trees to try to add a buffer for the neighbors. They always meet with the post office and they change their rules constantly. He said if they could convince them they would change the mailbox location. They did add a playground in the other apartments. The open attendance with the schools is now just for the apartments and not the neighborhood. He said they should have sent out notices when the sewer was going in.

Mr. Briggs asked since you are wanting a variance for the floor area would you put the green space in in place of a fifth building temporarily until Cornelius goes through. Mr. Hoeflerle stated he does not know if it could work economically. He said he would be concerned about tying it to the uncertainty of a road going in.

The vote on the special use was approved with five (5) voting in favor and one (1) against.

The vote on the variance was approved with five (5) voting in favor and one (1) against.

Other Business: None

New Business: Mr. Woolard welcomed the new members.

Public Comment: None

Adjournment was at 6:47.

Respectfully;

Mark Woolard
Acting Secretary