

**MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, APRIL 20, 2011, 3:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 E. OLIVE ST., BLOOMINGTON, IL**

Members present: Mr. Dick Briggs, Mr. Chuck Erickson, Mr. Mike Ireland, Mrs. Barbara Meek, Mr. Steve Parker, Mr. Ben Snyder

Members absent: Mr. Robert Kearney

Also Present: Mr. Mark Huber, Director, Planning and Code Enforcement
Mr. Mark Woolard, Acting Secretary

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

Public Comment: None.

The Board reviewed the February 16, 2011, minutes. In the seventh paragraph on the second page, “respectively” is to change to “respectfully”. The minutes were accepted with the correction.

Chairman Ireland explained to all present the procedures of the meeting and that the special use case must be reviewed by the City council. Mr. Woolard stated that the cases had been published.

Z-02-11 Public Hearing and Review on the petition submitted by James D. and Jennifer Peterson, requesting the following variance and to allow the construction of a front porch: a reduction in the front yard setback for the property located at 3216 Dorset Ct. Zoned R-1B, Single-Family Residence District.

Chairman Ireland opened the public hearing for the petition. He asked for anyone who would like to speak in favor of the petition to come forward. Jim Peterson of 3216 Dorset Ct. and the petitioner stated that when they moved in the site was barren and they have been improving the curb appeal. They built a back patio and landscaped area. They want to move the front door because it does not face the road. Dale Whitwood of 709 Praireview, Hudson, stated they are trying to make the front of the house much more appealing with the rest of the neighborhood and it will encroach seven feet into the setback. It will not affect the sight pattern for traffic coming up to the intersection and will give a nice front door look for the house. Ms. Meek asked if the porch will be covered and Mr. Whitwood said yes. Mr. Parker requested it there had been similar structures built in line with what is in the area and Mr. Whitwood stated there have been quite a few appealing updates throughout the whole neighborhood but he was not aware of one coming out like this one. The porch will be two steps up from the ground with decorative columns and it will be open. There was no one else that spoke in favor of the petition. No one spoke against the petition.

Mr. Huber stated the purpose of the zoning code is about consistency. The proposal is inconsistent with the development which was built with modern zoning ordinances. Also the development was platted at the current front setback. The findings of fact require a demonstration of an unusual characteristic where they cannot meet the code. If approved we would be setting a precedent and they do not meet the findings of fact. The character of the front yards of the neighborhood would be altered. Changes to the design can be done without a variance.

Mr. Whitwood stated that the big thing is the appearance of the house. He said it sticks out and we want it to stick out the other way and the setback blends in with the landscaping.

The vote on the variance was denied with none (0) voting in favor and five (5) against and one (1) abstention.

Z-02-11 Public Hearing on the petition submitted by Donny Bounds, requesting approval of a special use permit for a two-family dwelling for the property commonly located at 1220 East Washington. Zoned R-1C, Single-Family Residence District.

Chairman Ireland opened the public hearing for the petition. He asked for anyone who would like to speak in favor of the petition to come forward. Donny Bounds, of 1306 E. Washington St. and the petitioner stated that he lives six houses to the east. He purchased the house and has concern for the neighborhood. The house has been vacant since May of 2010. He said he has proven himself in the neighborhood and spent a lot of money on his current home and plans on doing the same with this property.

Mr. Briggs questioned what would be done so as to not have a third unit occupied. Mr. Bounds stated that he would convert the two one bedroom units to a larger two bedroom unit.

Chairman Ireland asked for anyone else who would like to speak in favor of the petition. Tracy Haas Riley, of 205 Willard and the petitioner's realtor stated that the property has been listed for 314 days before Mr. Bounds came along. The owner had abandoned it. She stated Mr. Bounds has had rental property before and he has vision and talent and he will improve the neighborhood. She said he has the ability to make the conversion to a two unit. It was her opinion that it would be cost prohibitive to convert it to a single-family and it might sit there for another year and have possible foreclosure. No one else spoke in favor of the petition.

Chairman Ireland asked for anyone who would like to speak against the petition. Ed Eisenberg of 1210 E. Jefferson St. stated his home is about 300 feet due north of the subject site. He has seen his neighborhood go into a great state of disrepair but in the last ten years much has been done to improve the neighborhood. There are a couple of properties that are low income housing that have been a disaster for the neighborhood. His concerns are that there could be another apartment dwelling coming into the neighborhood and the house in question has a staircase without a handrail going all the way up. He said we do not need any more slum housing. He was aware of the tenants who used the property and there was a fair amount of turn over with the tenants.

John Gill of 1222 E. Washington St. spoke not in favor or against the petition but questioned what Mr. Bounds intends to do with the staircase on the side of the house and he stated that in this neighborhood that is not what they are looking for. It makes it look like student housing. He does not have a problem with a two unit and is concerned that another unit could be sneaked in there.

There was no one else that spoke in favor or against the petition.

Mr. Huber stated that this property was at one time three units and with the rental inspection program it was registered as a three unit. As three units it existed as a nonconforming use. Multi-family is not permitted in this zoning district. About five years ago the previous owner took one unit out of service and registered it as a two unit. About a year or so ago it failed to be continued to be rented and the existing special use expired. Thus a single-family would be allowed or a two-family could be reintroduced through the special use process. The building has been moving in the right direction. The different uses around the building are indicated in the packet and with the nearby uses staff felt a two unit was reasonable and is recommending approval. He explained that under the rental registration it will be registered as a two unit and inspected regularly. Mr. Briggs asked if enforcement will be a continuing process and Mr. Huber confirmed that it will.

Mr. Bounds said that if it is approved as a duplex the Board has his word that it will stay as a duplex. Mr. Briggs emphasized that if it were sold we have to think about future owners as well as you. Mr. Bounds said that he does want a bunch of apartments or students and he has a very stringent screening process and he does not need to keep the stairway there for rental purposes but his concern is for the costs of removal and for a door that will need sealed. He said it is not a safe stairway now and it will need rails put up. Mr. Huber said the stairs may or may not be needed depending on the configuration of the house.

Ms. Riley stressed that it is a continued special use and the building has been like this for along time and someone is not going to come along and convert it to a single-family. He is the king of screening tenants and as far as the second entrance he will make it safe and good.

The vote on the special use was approved with six (6) voting in favor and none (0) against.

Other Business: None.

New Business: There was no new business.

Adjournment was at 3:59.

Respectfully;

Mark Woolard
Acting Secretary