

**MINUTES
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, APRIL 17, 2019
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

Members present: Mr. Terry Ballantini, Mr. Jeff Brown, Ms. Victoria Harris, Mr. Michael Rivera Jr, Mr. Robert Schultz, and Mr. Richard Vitengruber.

Members absent: Ms. Barbara Meek,

Also present: Mr. George Boyle, Assistant Corporation Counsel
Mr. Bob Mahrt, Community Development Director
Mrs. Joni Gerard, Planning & Application Specialist

Chairman Brown called the meeting to order at 4:01 p.m. Mrs. Gerard called the roll; with six members present, the Zoning Board of Appeals established a quorum.

PUBLIC COMMENT: None.

MINUTES: The Zoning Board of Appeals reviewed the February 20, 2019 regular meeting minutes. Mr. Schultz corrected wording on page 2 of the draft minutes. Amended items were approved 6-0 with the following votes cast: Ms. Harris—yes; Mr. Rivera—yes; Mr. Ballantini—yes; Mr. Schultz—yes; Mr. Veitengruber—yes; Chairman Brown—yes.

Mr. Schultz motioned to approve the minutes as corrected. Seconded by Mr. Ballantini. The motion to accept the minutes as amended, was unanimously approved, 6-0 by voice vote.

REGULAR AGENDA:

Chairman Brown introduced case – Z-03-19

Z-03-19 Consideration, review and action of a petition submitted by Tammy Hoeniges requesting a variance to reduce the front yard setback from 25' to 6', a 19' reduction b) a reduction in the rear yard setback from 25' to 7', an 18' reduction and c) an expansion of a nonconforming structure at 807 N Western Ave. (Ward 7)

Staff Presentation:

Mr. Mahrt provided the staff report and summary. Mr. Mahrt indicated that the house is at the corner of Walnut & Western. Mr. Mahrt shared renderings to illustrate the existing and proposed structures. The petitioner is wanting to demolish the existing structure to construct a new home using the existing footprint, with an addition connected to new detached garage. Mr. Mahrt indicated that this is a unique dwelling unit in the development. The block is comprised of narrow lots. Mr. Mahrt explained that the petition meets the standards, as summarized in the staff report, of the setback variances and allow for the expanding of the nonconforming structure.

Ms. Tammy Hoeniges, 807 N Western Ave, was sworn in. Also her daughter, Katie Hoeniges, 2022 Prairie Grass Lane, Mahomet, IL was sworn in. Ms. Hoeniges stated she was there to answer any questions but did not elaborate on her plans. Mr. Schultz questioned if the property was divided or consolidated during the 1970's. Ms. Hoeniges indicated she and her husband bought the lot next door and was consolidated in 1970.

No one testified in favor of the variance and no one spoke against the variance.

Mr. Schultz motioned to accept the staff analysis and finding of fact. Ms. Harris seconded the motion. The motion was approved 6-0 with the following votes cast: Mr. Schultz—yes; Ms. Harris—yes; Mr. Rivera—yes; Mr. Ballantini—yes; Mr. Veitengruber—yes; Chairman Brown—yes.

The variance was approved 6-0, with the following votes cast in favor on roll call: Mr. Ballantini—yes; Ms. Harris—yes; Mr. Rivera—yes; Mr. Schultz—yes; Mr. Veitengruber—yes; Chairman Brown—yes.

Chairman Brown introduced the case SP-01-19

SP-01-19 Consideration, review and action of a petition submitted by Karla Lane for a special use permit to allow chicken keeping in the R-2, Mixed Residence District at 3402 E Oakland Ave and 3404 E. Oakland Ave. (Ward 3)

Mr. Mahrt presented the staff report and recommendation. He introduce the case and stated that staff is recommending in favor of the petition. Mr. Mahrt stated that the City Council approved update to the Zoning Ordinance March 11, 2019 with provision for keeping of chickens in the City limits with special restrictions and requiring a special use permit. Mr. Mahrt provided background information for the properties in question. 3402 E. Oakland Ave is approximately three acres and 3404 E. Oakland Ave is approximately one acre. Both properties are improved with single family homes. There are two properties under common ownership. Mr. Mahrt reviewed the allotment of chickens allowed at each property. 3402 E. Oakland Ave would be allowed eight chickens and 3204 E. Oakland Ave would be allowed four chickens with a total of twelve allowed under common ownership. Staff is adding the condition that if one property was to be sold and not in common ownership 3402 E. Oakland would be allowed eight chickens and 3404 E. Oakland would be allowed four chickens.

Mr. Mahrt provided an overview of site from Oakland Ave and shared aerial photos. He described the area as rural in nature with some residential development, and stated that it has maintained its rural character and is a large tract of land in the R-2 District. He described the home, its location and the neighborhood. He presented the property's zoning, R-2, Mixed Residence District. Mr. Mahrt indicated this as the first special use request since the adoption of the new Zoning Ordinance by the City Council. Mr. Mahrt shared renderings to review the property, existing barn and housing of the chickens. Mr. Mahrt indicated that this is a special case as the chickens will be kept at the larger property 3402. E Oakland Ave. in the existing barn. Mr. Mahrt stated that the petition meets the Zoning Ordinance's standards required to allow a special use.

Mr. Schultz asked for clarification of the lots and location of the homes and barn. It was confirmed that they are under common ownership. The aerial view of the property was reviewed again to confirm location. Mr. Schultz asked if there is any minimum size lot to have chickens. Mr. Mahrt reviewed the Ordinance and confirmed there is not a minimum lot size. He explained that when the property exceeds the acre threshold they are allowed additional chickens per each half acre.

Karla Lane, 3402 & 3404 E. Oakland Ave., the petitioner was sworn in. Ms. Lane explained that she and her husband own both properties and live at 3402. Her son rents 3404 one of the homes. She has been interested in having chickens on her property for some time. There are three outbuildings on her land; one of them is a barn on the property when she and her husband purchased the property. They have spent time cleaning up the property including the barn, where she plans to house the chickens. Ms. Lane went on to explain her plans for the chickens, and mentioned that she will have a mobile unit for transporting them around on her property. Having chickens would enhance the lifestyle Ms. Lane and her family have adopted.

Mr. Ballantini asked how long Ms. Lane and her husband had owned the property. Ms. Lane indicated the property was purchased in 2012. Mr. Ballantini stated there should be discussion/agreement as to the moving of the mobile barn on the property. Ms. Lane indicated she would adhere to the 10 foot setbacks when moving the mobile chicken unit from spot to spot throughout the garden and yard. Mr. Ballantine asked if there were chickens on the property before. Ms. Lane indicated that there might have been chickens on the property before but not recently. Ms. Lane stated that last year she distributed a petition and all of her surrounding neighbors signed the petition. She tries to be a good neighbor. Mr. Brown asked if she had received any concerns. Ms. Lane indicated no. She heard there was a lot of chatter due to the Special Use meeting sign on her property.

Mr. Brown asked Ms. Lane how she planned to use the manure. Ms. Lane confirmed she intends to compost the manure along with the household items she currently composts. Mr. Schultz asked if this is for personal use. Ms. Lane indicated that this is for personal use. The Board discussed the ordinance and relationship to the Comprehensive Plan. Mr. Boyle clarified that the Plan is advisory and that the regulations of the ordinance, while rooted in the goals and objectives of the plan, are more restrictive and supersede any recommendations of the plan.

Mr. Ballantini asked if Ms. Lane plans on having the maximum amount of chickens as allowed. Ms. Lane indicated yes. Mr. Boyle suggested to the board to add the condition of the mobile unit and kept in line with the code required yard setbacks to the original Special Use Permit Ordinance.

Chairman Brown asked if there was anyone in favor that would like to testify.

Mr. Gary Lambert, 3018 E. Oakland Ave, was sworn in. He submitted an article to the Commission from the US Dept. of Agriculture which was entered as Exhibit Petitioner 1. Mr. Lambert reviewed the article that echoed his support for allowing special use for chicken

keeping. Mr. Schultz commented on the article and indicated that the Board is tasked with following the Zoning Ordinance which the community adopted.

Ms. Janette Godin, 3409 Castlemain Dr, was sworn in. She is a back door neighbor of Ms. Lane and supports the special use for chicken keeping. Ms. Godin indicated that Ms. Lane has done a lot of work on to improve the property and neighborhood. Mr. Schultz confirmed Ms. Godin's location, she is the closest to the barn and most impacted neighbor. She confirmed her support for the petition.

Mr. Ballantini asked how long she had lived at her present address. Ms. Godin indicated she has lived there for 8 years. Mr. Ballantini asked if she knew of anyone is disagreement with the Special Use Request. Ms. Godin indicated that she was unaware of anyone against the request.

Chairman asked if there was anyone opposed to the petition. No one present was opposed.

Mr. Mahrt indicated a response to the petition opposing the request was received in the mail from Mr. & Mrs. Carlson, 24 Crystal Court, Bloomington, IL. The letter was added as Response Exhibit 1. A copy of the letter was provided to Ms. Lane to review as Chairman Brown read the letter opposing the special use permit. It was determined that Crystal Court located at the southwest corner and not a fence neighbor. Mr. Mahrt provided aerial view of the property involved.

Chairman Brown gave Ms. Lane a chance to respond to the letter. She commented that this neighbor was not contacted by the petitioner as they live on the west side and their property is not a fence neighbor.

Chairman Brown closed the public hearing.

Ms. Harris commented that she appreciates the organic community Ms. Lane is creating. Mr. Schultz noted that this is the first case with the new Zoning Ordinance and appreciated everyone's patience. Mr. Rivera wanted to know when the surrounding community was developed. Mr. Mahrt indicated the area was probably developed in the mid 1990's. Mr. Schultz indicated that there appears to be newer development to the east and older development to the west of the property. The Board continued to discuss the number of chickens allowed per property and the special use standards.

Mr. Schultz motioned to accept the staff analysis and finding of fact. Ms. Harris seconded the motion. The motion was approved 6-0 with the following votes cast: Ms. Harris—yes; Mr. Rivera—yes; Mr. Ballantini—yes; Mr. Schultz—yes; Mr. Veitengruber—yes; Chairman Brown—yes

Mr. Mahrt reviewed the condition related to the common ownership. He confirmed there was discussion to set a standard for the portable chicken coop to meet the minimum 10' setback

Mr. Boyle reviewed the condition to be added to the Ordinance that would allow compliance with setback requirements of 10' and confirmed the condition of common ownership.

Mr. Ballantini motioned to vote on the petition. Seconded by Mr. Rivera, The special use was approved 5-1, with the following votes cast in favor on roll call: Mr. Ballantini—yes; Ms. Harris—yes; Mr. Rivera—yes; Mr. Schultz—yes; Mr. Veitengruber—yes; Chairman Brown—no.

OTHER BUSINESS: None

NEW BUSINESS:

Recognition of Appreciation – Barbara Meek for her service on the Bloomington Zoning Board of Appeals.

Chairman Brown acknowledged Ms. Meek’s service & dedication to the City. Ms. Meek was not present to receive her Resolution.

Recognition of Appreciation – Jeff Brown for his service on the Bloomington Zoning Board of Appeals.

Mr. Mahrt acknowledge Mr. Brown’s service & dedication to the City. Mr. Mahrt voiced his appreciation for all Mr. Brown has done in his four years on the Board and wishes him well. Mr. Mahrt presented the Resolution to Chairman Brown.

ADJOURNMENT

Mr. Schultz motioned to adjourn. Seconded by Mr. Rivera. The motion was approved by voice vote. The meeting adjourned approximately at 5:15 PM.

Respectfully Submitted,

Joni Gerard
Planning & Application Specialist