

**MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, MARCH 21, 2012, 3:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 E. OLIVE ST., BLOOMINGTON, IL**

Members present: Mr. Dick Briggs, Mr. Mike Ireland, Mr. Robert Kearney, Mrs. Barbara Meek, Mr. Bill Zimmerman.
Members absent: Mr. Steve Parker
Also Present: Mr. Mark Woolard, Acting Secretary

Mr. Woolard called the meeting to order at 3:01 p.m. and called the roll. A quorum was present.

The Board reviewed the February 15, 2012, minutes. The minutes were accepted as printed.

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.

The Board reviewed the following petition for the special use simultaneously with the petition for the variances in that they both pertain to the same property.

SP-01-12 Public Hearing and Review on the petition submitted by Lue A. Walters, requesting approval of a special use permit for an additional dwelling unit in a multi-family building for the property located at 811 W. Washington Street. Zoned R-2, Mixed Residence District.

Z-5-12 Public Hearing and Review on the petition submitted by Lue A. Walters to allow an additional dwelling unit in a multi-family building and for a two variances as follows:

1. A variance to reduce the required minimum parking spaces for the property from twelve spaces to one space.
2. A variance to increase the maximum floor area ratio of 50% to 74%.

All for the property located at 811 W. Washington Street. Zoned R-2, Mixed Residence District

Chairman Ireland opened the public hearing for the petitions. He asked for anyone who would like to speak in favor of the petitions to come forward. Lue Walters, the petitioner and owner for 811 W. Washington stated that he is proposing to convert the five unit apartment building to six unit apartment building and the new apartment will be in the basement. He said as to the requested variances the building is not being increased in size and the plan has been that way for some time. He said he will reduce the stress for on street parking by two additional parking spaces. He stated there is one building at 816 W. Washington with 16 units and eight parking spaces and a six unit building around 827 with no parking. He explained the reason for creating another apartment is economics. He is proposing to improve the basement apartment area and make it a legal unit. It is an increase in usage of the building but he does not think the increase pressure is worthy of denial of the request. He has owned the building for five years

and has had five operating units for five years. He stated that almost none of the buildings in the neighborhood have the required parking unless they are a single unit building and explained the layout and what is existing in the basement. He is proposing to add three feet to the driveway width. He stated he currently has two parking spaces with five units and he is proposing two new or four total parking spaces with six units and this will reduce the on street stress for parking.

Mr. Walters said the hardship is if he is not approved and Mr. Ireland stated that one of the criteria is not economic hardship. Mr. Kearney explained that the property right now is not in compliance with the parking and it looks a little better but it is still would not be in compliance.

There was no one else that spoke in favor of the special use or variances. No one spoke in opposition to the petitions.

Mr. Woolard stated the petitions are out of character with the neighborhood. The housing authority has a 16 unit building and at the west end of the block there is a six unit however when we look at the whole neighborhood as shown on the attached map is mostly single-family residences and two-family residences. The housing authority property was designed for developmentally disabled individuals and when the buildings were built they did not have any tenants that had cars and that was built several years ago. In terms the overall use the residential density is much less than the proposed six units. For the variances the intent of the code is such that if you have something that is substandard and nonconforming to the code, you bring it into compliance. Then if you want to increase the use you add the additional parking. He explained the report states one parking space is proposed because the other parking spaces are not considered legal because they do not meet the size and location requirements. Except for the one space in the front the other existing and new spaces discussed do not have the proper access and one would have to drive on the adjacent properties to access the parking spaces. There is no agreement with the neighbors that guarantee access to these parking spaces. On the west driveway the cars would have to parallel park and the one in front would have to drive onto the neighboring property to be able to back up to the street. There was discussion on access to the parking spaces for shared driveways and that the code requires their own access form the street which they do not have now. These are older properties but many of the properties are in compliance now and the one at the 827 was built in the 1930's and existed before the code was in place. There was discussion on the floor area and how it is required for special uses. Restricting the parking for the sixth unit was discussed but the consensus of the Board was this would be difficult to enforce. Mr. Walters explained how he and the neighbor to the east both need the drive for access to the rear once he adds two parking spaces.

Mr. Walters stated that there is a need for another dwelling unit and the west side of Bloomington has a tremendous need for housing for low income people. He said it is very difficult to find a three unit for a family and the facilities for the homeless are full all of the time. These people could not afford the rent of a new building. The people do not have two cars in their household.

Mr. Briggs asked what has been Mr. Walters the track record for the rental inspection program. Mr. Woolard stated he cannot comment either way. Mr. Ireland stated that is more a question for the applicant. Mr. Walters stated he thought his record was pretty good. When asked if he has any violations he stated you are always going to have some but there are none prohibiting him from operating. He said he is not here to rape but improve the community it and at the same time he needs to be practical and economical.

The vote on both variances was approved with five (5) voting in favor and none (0) against.

Chairman Ireland explained the vote on the special use is an advisory vote for the City Council as to whether the special use should be approved. The vote on the special use was approved with five (5) voting in favor and none (0) against.

Z-6-12 Public Hearing and Review on the petition submitted by Darryl and Stephanie Fernandes to allow construction of a new fence and a variance to increase the fence height in the front yards along Emerson Street and Sunset Road for the property located at 41 Sunset Road. Zoned R-1A, Single-Family Residential District.

Chairman Ireland opened the public hearing for the petition. He asked for anyone who would like to speak in favor of the petitions to come forward. Stephanie Fernandes, 41 Sunset Road, was sworn in and stated they wanted to put up a fence for safety around their back yard. She provided photographs of the area and explained the five foot fence would be more of a match to the Ewing Castle. She said it is wooded in their back yard is used like a back yard more than a front. Their fence will have the same height, style, and color all like that of the Ewing Castle fence. Her main purpose is to keep the fence in uniform and symmetry with the Ewing Castle neighbor. She provided letters of support from the neighbors. She stated there have been coyotes in the yard and a four foot fence would not provide protection for her family.

Bob Reardon, 32 Sunset Road, was sworn in and explained the previous owner's proposed fence was objected by all the neighbor and denied by the Board. The Fernandes are well liked and the fence is attractive as opposed to the previous one which would have been a solid wall. There have been security issues in the neighborhood. The Fernandes have gone out of their way to work with the neighbors on this project and on behalf of association and his neighbor he requested approval of the fence. Mr. Kearney explained he is inclined to be in favor of this variance for the same reasons he was in favor of the previous fence variance for the property. There was no one else that spoke in favor of the petition and no one who spoke in opposition the petition.

Mr. Woolard stated the Ewing Manor is in a different zoning district and this site and their fence is in compliance as the restrictions are different for nonresidential properties. Staff did not see that the fence did not meet the findings of fact as a four foot fence could be built without any problem. Mr. Kearney thought the different fence height would be noticeable when compared with the Ewing Manor fence.

The vote on the variance was approved with five (5) voting in favor and none (0) against.

Z-7-12 Public Hearing and Review on the petition submitted by Edwards Architects, LLC to allow construction of a room addition and a variance to reduce the rear yard setback for the property located at 219 Imperial Drive. Zoned R-1B, Single-Family Residence District.

Mr. Woolard stated the petitioner had withdrawn this petition and there was no discussion on such by the Board.

Other Business: None.

Public Comment: None.

New Business: None.

Adjournment was at 4:15.

Respectfully;

Mark Woolard
Acting Secretary