

**MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
THURSDAY, DECEMBER 22, 2011, 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.

Members absent: Mr. Steve Parker

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

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

The Board reviewed the November 16, 2011, minutes. The minutes were accepted as printed.

Chairman Ireland explained to all present the procedures of the meeting. Mr. Coombs stated that the case had been published.

Z-17-11 Public Hearing and Review on the petition submitted by C.J. Tonozzi to allow construction of a new fence and a variance to increase the height in the front yard along Denver Street for the property located at 1100 E. Taylor Street. Zoned R-1C, 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 petition to come forward. C.J. Tonozzi, owner of 1100 E. Taylor Street, and the petitioner stated that they had got a pool and wanted a privacy fence where there was a chain link and he got the permit for that. He said that when they were paneling it needed to be six feet because of the slope. He stated there are other six foot fences in the area. He said it was four feet at the corner and six feet at the south corner.

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

Chairman Ireland asked for anyone who would like to speak in opposition of the petition. No one spoke in opposition of the request.

Mr. Huber stated that staff has recommended denial of this petition. The petitioner had installed the fence different than most in that he started at the high end whereas usually the height follows the contour of the ground. In this situation the fence's high end was kept level and the ground dropped out from under it and now the fence sits higher than allowed. There is a reference to seven feet and that is due to rounding. There is nothing in the immediate area that seems to warrant the need for a higher fence. He explained that if the fence is in the right-of-way there is nothing that the Board can do about it and the city will work through that issue but

the variance pertains to the height. There was discussion on the slope, the fence following the grade, and the lot being narrower than other lots.

Mr. Tonozzi stated that as far the fence and lot lines go, all that he had done was replaced a fence that had been there for thirty years and they had used the same holes except where they had to dig deeper. He said his next door neighbor has a six foot fence in the front yard along Denver.

The vote on the variance was approved with four (4) voting in favor and none (0) against.

SP-05-11 Public Hearing and Review on the petition submitted by Robert J. Vericella and R.J.V. Properties LLC, requesting approval of a special use permit for multiple-family dwellings for the property located at 202-204 E. Walnut Street. Zoned C-1, Office District.

Chairman Ireland requested that Mr. Huber provide a snap shot of all three cases. Mr. Huber explained the properties have been used for parking and the proposals are to build, in essence, student housing. The plan is for two buildings on two parcels, one a multi-family and one a rooming house by definitions from the code. This is an infill project targeting students. The city zoning allows a rooming house but requires a special use for a multi-family structure.

Chairman Ireland opened the public hearing and review for all three petitions from the same petitioner. He asked for anyone who would like to speak in favor of the petition to come forward. Robert J. Vericella of 125 S. Bellemount Road, owner and the petitioner stated that his main rentals are for Wesleyan students. He stated that the housing will be townhouse style with brick and siding. The plans are a little different for the area with the building pulled closer to the street and the green space in the back. This will keep a cleaner appearance around the property. The 202-204 E. Walnut property will exceed the parking requirement.

Mr. Kearney stated for the record that his employer is Illinois Wesleyan and he is willing to sit on the cases but wants the petitioner's thoughts on this in that if he were to recuse himself there would not be a quorum. He does not have a financial stake in the proposal. Mr. Vericella said it is a private development and if a professional couple was to request to rent an apartment he would probably rent it to them. He said he does not see any ties between Illinois Wesleyan and his project and feels comfortable in him voting. He does not see a benefit to him voting either way. Mr. Kearney stated he will proceed by sitting and listening and take it as far as he is comfortable and if that is all the way to conclusion then he will cast a vote and Mr. Vericella agreed that the decision is in Mr. Kearney's hands.

Mr. Vericella stated the other building at the northwest corner of Walnut and East Streets will have six units each with four bedrooms. The building will be more to the street with the green space in the back and he will not light the green space. He said trash can accumulate and it will be better to have the activity in the back as opposed to the front. He surveyed some students and 52 percent of the students have cars on campus. He is starting to see fewer cars each year in his other rental. More of his tenants are riding bikes and he will put in some bike racks. He will screen the parking with adequate lighting. The buildings will be prewired for security cameras. With the corner lot they have had to reshape the units from plans that they have built

before to try get the parking and make it not visible from the street to give it a cleaner look. Mr. Briggs asked what are the handicapped requirements. Mr. Huber will address such.

Chairman Ireland asked for anyone else who would like to speak in favor of the petitions. No one spoke in favor of the requests.

Chairman Ireland asked for anyone who would like to speak in opposition of the petitions. Patrick Burke, 1008 N. McLean, stated he is not opposed to the use at that location which is a good transition between the commercial area and the Franklin Park residential area but he does have concerns about development of a property that has between six and eight variances. It does feel like it is being squeezed in there. The idea of decreasing setbacks, landscaping and parking has concerns to him and what precedent that will set for fringe area around the Franklin Park area. He also has a concern as to what use would result from the applicant not being successful in marketing the property to students. He does not want to set precedence that will impact the streetscape and does have concern that the green space will be pushed to the back of the property.

Chairman Ireland asked for anyone else who would like to speak in opposition to the petitions. No one else spoke in opposition to the requests.

Mr. Huber explained that he worked with Mr. Vericella to devise a plan for the infill development and the use is compatible with nearby uses. The variances are minimal and the parking lot is not square and the setbacks for the neighboring area are all over the place. The parking for the apartment building exceeds the requirement. If he were to rent the rooming house to families he would only need 12 spaces but with four unrelated people it falls under a rooming house and thus requires more spaces even though he exceeds such for apartments. His research is that half the students do not have cars and there should be more than adequate parking. The units are not required to be handicapped accessible but one accessible parking space is required for a visitor. Public access to the units will be from the front street with activity to the back. The variances are relative minor with a low impact.

Mr. Burke said there is generally a consistent setback already established for the older homes and questioned what the setbacks are. Mr. Ireland stated it is usually based on the average setback of the other homes. Mr. Burke stated one is setback 12 feet and one is 18 feet. He does have concerns about squeezing that front yard to the point it is really right upon the street.

Before the vote on the special use Mr. Kearney stated he had waited to see if his employer took a particular position because if they did he would have to recuse himself, but since he heard no position taken by them and with no other objection he will go ahead and cast a vote. The vote on the special use was approved with four (4) voting in favor and none (0) against.

Z-18-11 Public Hearing and Review on the petition submitted by Robert J. Vericella and R.J.V. Properties LLC to allow construction of multiple-family dwellings and for six variances as follows:

1. Reduce the transitional side yard setback.
2. Reduce the transitional rear yard setback.

3. Eliminate the landscape setback.
4. Reduce the perimeter landscape setback.
5. Reduce the front transitional yard setback along East Street.
6. Reduce the front transitional yard setback along Walnut Street.

All for the property located at 202-204 E. Walnut Street. Zoned C-1, Office District.

The vote for the six variances was approved with four (4) voting in favor and none (0) against.

Z-19-11 Public Hearing and Review on the petition submitted by Robert J. Vericella and R.J.V. Properties LLC to allow construction of rooming houses and for eight variances as follows:

1. Reduce the transitional side yard setback.
2. Reduce the north landscape setback
3. Reduce the west landscape setback.
4. Reduce the south landscape setback.
5. Reduce the side yard setback.
6. Reduce the front transitional yard setback along East Street.
7. Reduce the front yard setback along Walnut Street.
8. Reduce the required number of parking spaces.

All for the property located at 108-110 E. Walnut Street. Zoned C-1, Office District.

The vote for the eight variances was approved with four (4) voting in favor and none (0) against.

Other Business: Mr. Huber stated that the appeal to the City Council of the denial of the garage variance was upheld. Also the two to two vote reinforced to the Council the need to have the vacancies filled.

New Business: None

Public Comment: None

Adjournment was at 4:08

Respectfully;

Robert Coombs
Acting Secretary