



MINUTES
PUBLISHED BY THE AUTHORITY OF
THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS
WEDNESDAY, FEBRUARY 17, 2021 4:00 P.M.
WWW.CITYBLM.ORG/LIVE

The Zoning Board of Appeals convened in Regular Session virtually via zoom conferencing with the City Planner, Katie Simpson, Kimberly Smith, Assistant Director of Economic & Community Development, and Commissioner Michael McFarland in-person in City Hall's Council Chambers. The meeting was live streamed to the public at www.cityblm.org/live. The Meeting was called to order by Chairperson Victoria Harris at 4:02 PM.

ROLL CALL

Attendee Name	Title	Status
Ms. Victoria Harris	Chairperson	Present
Mr. Terry Ballantini	Commissioner	Present
Mr. Michael McFarland	Commissioner	Present
Mr. Michael Straza	Commissioner	Present
Mr. Tyler Noonan	Commissioner	Present
Ms. Nikki Williams	Commissioner	Present
Mr. George Boyle	Assistant Corporate Counsel	Present
Ms. Kimberly Smith	Assistant Economic & Community Development Director	Present
Ms. Katie Simpson	City Planner	Present
Ms. Caitlin Kelly	Assistant City Planner	Present

COVID-19

This meeting was held virtually via live stream. Public comment was accepted up until 15 minutes before the start of the meeting. Written public comment were to be emailed to publiccomment@cityblm.org and those wishing to speak live were required to register at <https://www.cityblm.org/register> prior to the meeting.

PUBLIC COMMENT

No public comment.

MINUTES

Mr. Ballantini motioned to approve both sets of the previous meetings' minutes. Mr. McFarland seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The motion was approved (6-0-0).

REGULAR AGENDA

- A. Z-04-21 Public hearing, review, and action on a petition submitted by Paul Smith for a variance request at 38 Sunset Rd Bloomington, IL 61701 to allow a 53' reduction in the

require front yard setback from 131' to 78' for construction of new home (Chapter 44.4-4A1). (Ward 5)

Ms. Kelly provided the staff report and positive recommendation. She shared photos of the site, described the neighborhood, and explained the variance would allow for construction of a new single-family home. She described the property and explained physical hardship related to the size and natural drainage. She stated strict application of the code would limit the property owner's ability to improve their property. She identified similar variances in the neighborhood and explained the variance would not be detrimental to the neighborhood.

Mr. Paul Smith, owner, made himself available to answer questions. Mr. Brad Ropp, contractor, was sworn in. He described the neighborhood, the drainage issue, and how he determined the average setback.

Mr. Ballantini motioned to accept the findings of fact as presented by staff. Mr. Noonan seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The motion was approved (6-0-0).

Mr. McFarland motioned to approve the variance. Mr. Noonan seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The motion was approved (6-0-0).

- B. **Z-29-20** Public hearing, review and action on a petition for variance submitted by Brooke Hermanowicz to install a 6ft fence in the front yard of a residential property, a 2ft increase at 220 Willard Ave, Bloomington, IL 61701. (Ward 4) **Tabled from 12.16.20**

Ms. Kelly provided the staff report. She explained staff received new evidence, and as a result revised their finding #4. Chairperson Harris inquired about code IRC R105.1. Ms. Simpson explained the building code exempts fences from permits, but the city did not adopt this section of the code.

Ms. Carrie Haas, Attorney for the petition, was sworn in. Ms. Haas provided testimony on the additional information submitted. She explained the petitioner provided information that 24 properties within the vicinity of her home. Ms. Haas referenced the previous variance for case Z-04-21 and believes these standards apply equally. She feels that fence will allow the subject property to remain in rough proportion to the neighborhood. She provided evidence of past variances approved by the Zoning Board of Appeals. She argued that pursuant to the board granting similar variances, she believes it is appropriate to do the same.

Ms. Brook Hermonowitz was sworn in. Mr. Ballantini inquired about the change from the previous fence.

Mr. David Wiltz spoke on behalf of the petition, he was sworn in. Mr. Boyle asked if Mr. Wiltz completed the work.

Mr. Ballantini motioned to vote on each standard individually. Mr. Noonan seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The motion was approved (6-0-0).

Factor 1. The property has physical hardship. Mr. Ballantini - Not Met, Mr. McFarland - Not Met, Mr. Straza - Not Met, Mr. Noonan - Not Met, Ms. Williams - Not Met, Chairperson Harris - Not Met. The motion was approved (6-0-0).

Factor 2. The variance is the minimum action necessary. Mr. Ballantini - Not Met, Mr. McFarland - Not Met, Mr. Straza - Not Met, Mr. Noonan - Not Met, Ms. Williams - Not Met, Chairperson Harris - Not Met. The motion was approved (6-0-0).

Factor 3. Mr. Ballantini - Not Met, Mr. McFarland - Not Met, Mr. Straza - Not Met, Mr. Noonan - Not Met, Ms. Williams - Not Met, Chairperson Harris - Not Met. The motion was approved (6-0-0).

Factor 4. Granting the Variance will not give the applicant special privilege denied to others. Mr. Ballantini - Not Met, Mr. McFarland - Not Met, Mr. Straza - Not Met, Mr. Noonan - Not Met, Ms. Williams - Not Met, Chairperson Harris - Not Met. The motion was approved (6-0-0).

Factor 5. Granting the variance will not be detrimental to the public welfare. Mr. Ballantini - Not Met, Mr. McFarland - Not Met, Mr. Straza - Not Met, Mr. Noonan - Not Met, Ms. Williams - Not Met, Chairperson Harris - Not Met. The motion was approved (6-0-0).

Mr. Ballantini motioned to deny the variance. Mr. Noonan seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The motion was approved (6-0-0). The variance was denied.

OLD BUSINESS

There was none.

NEW BUSINESS

There was none.

ADJOURNMENT

Mr. McFarland moved to adjourn at 5:12 PM. Mr. Straza seconded. Mr. Ballantini seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The motion was approved (6-0-0). The meeting adjourned at 5:12 PM.