MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, FEBRUARY 16, 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, Mr. Robert Kearney, Mr. Steve Parker,
Members absent:	Mrs. Barbara Meek, Mr. Ben Snyder
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.

The Board reviewed the November 17, 2010, minutes, which were accepted as printed.

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

Z-01-11 Public Hearing on the petition submitted by Larry Hundman, requesting the following two variances and to allow the construction of new offices and a change in land uses: 1) a reduction in the minimum required landscape setback, 2) to reduce the minimum number of required parking spaces, for the property located at 802 Eldorado Road. Zoned B-1, Highway Business 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. Larry Hundman, the applicant stated that the report implied that he was trying to get away with things and he felt it was more of a communication issue.

Derek McPherson, of McPherson Design and the applicant's architect, stated the neighbor to the south agreed to allow them to use their drive such that now they need a parking variance for only one space. He said that for the landscaping they are asking just for a six percent reduction and will be an improvement to the area and other nearby properties do not have the required green space. He said this will be a new business and it will be an improvement to the neighborhood.

Mr. Hundman provided a letter from the neighbor allowing access. There was discussion on having a permanent easement, the parking lot maneuvering, the dumpster, and possible parking in the front of the building.

Chairman Ireland asked for anyone who would like to speak against the petition and no one spoke in opposition.

Mr. Huber stated that this is a perfect example of why we need plans in our office, review and approve them ahead of time. Conversations in the office are not approval for anything. He said he has to give the architect a lot of credit to try to make it work. Back up parking and maneuvering was improved and gave more space. He continued with however we were thrown off with the numbering of the spaces and we found out later he was not counting the parallel spaces and it was not on a one way drive. We have not allowed easement agreements because they are too easily broken.

Mr. Ireland asked if the code defines one way drive. Mr. Huber explained how egress is not backing up. He also explained the required number of parking spaces is calculated differently for the prior and proposed uses. The proposed office space requires substantially more parking per square foot than what was previously there which was storage occupancy. His recommendation was that to be able to include the parallel parking spaces there needs to be a permanent easement.

There was more discussion on the parking and a permanent easement.

Mr. Erickson made a motion that the variance be approved subject to the condition that an access easement be placed on the variance for the adjacent property to the south. Mr. Kearney supported the motion.

Mr. Erickson explained that as a practical matter people are going to exit through the neighboring property anyways so we might as well get an easement. Mr. Parker felt we should have that easement in writing prior to this meeting. Mr. Kearney stated that he is not sure he would require the easement as a condition. He does not see the problem as severe in the first place and there are lots of reasons an easement can be abandoned or terminated.

Mr. Hundman stated that they are going to use the four spots anyways and that his first request to give the waiver for the five spaces, and second is to give the variance contingent upon getting the easement. He also said he is close to being done and needs a decision, and a positive one.

The vote on the motion was denied with two (2) voting in favor and three (3) against.
Mr. Kearney stated that he voted with a no vote respectfully.

It was made clear that the variance for the number of parking spaces was for six spaces. Mr. Erickson stated that without the easement there is a situation that the owner created on his own and it would not meet the findings of fact. Mr. Kearney agreed that it is self-inflicted at least in part.

The vote on the landscaping variance was approved with five (5) voting in favor and zero (0) against. The vote on the parking variance was denied with three (3) voting in favor and two (2) against.

There was discussion on options for the petitioner and whether or not the case would be approved if the petitioner acquires the easement.

Other Business: Mr. Briggs asked about cell towers with their possibility of being located on light posts and if staff monitors them. Mr. Huber explained how when it gets here we will deal with it at that time. He also stated that Mr. Hundman cannot come back to the Board with the same request.

New Business: There was no new business.

Adjournment was at 4:20.

Respectfully;

Mark Woolard
Acting Secretary