

DRAFT MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
Wednesday, December 21, 2016, 4:00 P.M.
Council Chambers, City Hall
109 East Olive Street, Bloomington, Illinois

Members present: Chairman Briggs, Mr. Bullington, Mr. Kearney, Ms. Meek, and Mr. Simeone

Members absent: Mr. Brown, Mr. Butts

Also present: Mr. George Boyle, Assistant Corporation Counsel
Ms. Katie Simpson, City Planner
Tom Dabareiner, Community Development Director

At 4:00PM, Mr. Dabareiner called the roll. With five members in attendance, a quorum was present. City staff introduced themselves.

PUBLIC COMMENT None

The Board reviewed the minutes from November 16, 2016. Two small clarifying edits were requested by Mr. Kearney. A motion to approve the minutes as amended was made by Ms. Meek; seconded by Mr. Simeone. The minutes were **approved** by a 5-0 voice vote.

Mr. Dabareiner confirmed all items were properly published. Chairman Briggs explained the meeting procedures.

SP-06-16 Consideration, review and approval of a special use petition submitted by the Laborers' Home Development Corp requesting Multi-Family Townhouses in the B-1 District for the property located at 902 Martin Luther King Jr. Drive, approximately 12.58 acres.

Chairman Briggs introduced the case. Ms. Simpson stated the petitioner has withdrawn the application. Chairman Briggs asked if any member of the audience was present for that case; there were none. No further action was taken.

SP-07-16 Consideration, review and approval of a special use petition submitted by Central Illinois Grain Inspection, Inc. requesting a lesser nonconforming use in the R-1C district for the property located at 802 N Morris Ave.

Chairman Briggs introduced the case. Mr. Travis Thacker, 2305 Knollbrook Way, was sworn in to represent the petitioner. Mr. Thacker stated he owned the property, which has always been a nonconforming business use in a residential district. He gave a history of the commercial uses of the building. He stated the proposed use is a grain inspection company, who will lease the property, but it needs a special use. He compared it with the current business usage which had more employees and customers visiting than would the proposed use.

Mr. Art Mayer, 1 London Court, was sworn in. Mr. Mayer stated he is the former owner of a business at 1102 W. Locust. He added that the outgoing business presented no problems and he supports the proposed use.

Mr. Bullington asked Mr. Boyle if the ZBA can act on this with the petitioner not present. Mr. Boyle stated in the affirmative.

Ms. Simpson provided the staff presentation and stated she is recommending in favor of the special use. She showed photographs of the location and surrounding uses, and confirmed the residential zoning. She noted the proximity of the nearby grain elevators. She stated the petitioner is proposing no external changes to the building. She noted the petitioner will have a vermin control program in place. Ms. Simpson pointed out the continued use of the parking area located in the parkway. She reviewed the standards and stated she believes they are met. Mr. Simeone asked whether there will be traffic from customers bringing their own grain samples; Ms. Simpson replied that there would be a few but the business largely depended on their employees to transport the grain samples.

The special use was **approved** unanimously with the following votes recorded: Mr. Bullington—yes; Mr. Kearney—yes; Ms. Meek—yes; Mr. Simeone—yes; Chairman Briggs—yes.

Z-47-16 Consideration, review and approval of the petition for a variance submitted by William R. Tetreault for the property located at 1316 W. Market Street to allow an accessory structure to be less than three (3) feet from the side lot line.

Chairman Briggs introduced the case. Mr. William Tetreault, 1316 W. market, was sworn in. Mr. Tetreault provided background on the old shed which has been damaged in a storm. He explained how he began work without a permit and stopped work after he was informed of the requirement and the fact that a three foot setback was required. He stated he needs a variance to build the shed where the prior one was located, less than one foot from the property line. He looked at moving the shed on the slab but it would still require a variance.

Ms. Simpson presented staff's report and recommend in favor of the variance request. She noted that the existing slab will not be relocated so the petitioner could rebuild where the prior shed was located. She stated given the slope of the property and the narrowness of the lot, finding a conforming location would be challenging. She provided an overview of the neighborhood and surrounding properties. She added that the shed complies with all other requirements for bulk and distance from the principle structure. Ms. Simpson reviewed the standards for a variance and concludes there is a physical hardship associated with any other location on the property.

Mr. Bullington stated he believes the standards are met, so the variance should be granted. The variance was **approved** unanimously with the following votes recorded: Mr. Bullington—yes; Mr. Kearney—yes; Ms. Meek—yes; Mr. Simeone—yes; Chairman Briggs—yes.

OTHER BUSINESS:

Chairman Briggs asked about the status of the Planning and Zoning Commission. Mr. Dabareiner stated that the duties of the new commission are still be fully defined.

NEW BUSINESS:

Mr. Kearney asked if the zoning code accounts for “reasonable accommodation” for people with disabilities, whether that should be taken into consideration, and if the code needs to be amended. Mr. Dabareiner stated that the specific language is lacking but the ZBA can factor in “reasonable accommodation.” He added that the consultant revising the zoning code will be taking ADA requirements into consideration. Mr. Kearney asked if the specific language could be reviewed by zoning board members and Mr. Dabareiner replied in the affirmative.

ADJOURNMENT:

Mr. Bullington motioned to adjourn; seconded by Mr. Kearney. Meeting adjourned at 4:35PM following voice vote.

Respectfully,

Tom Dabareiner AICP
Community Development Director