

**DRAFT MINUTES
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, MARCH 15, 2017
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

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

Members absent: Mr. Kearney

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

At 4:04PM, Mr. Dabareiner called the roll. With six members in attendance, a quorum was present.

PUBLIC COMMENT: Steve Listwan, 513 W. Seminary Avenue, stated that public debt in taxation without representation for future generations.

MINUTES: The Board reviewed the minutes from February 15, 2017. Mr. Briggs added a statement about the right to appeal a result if the majority has less than five votes. A motion to approve the minutes as corrected was made by Mr. Butts; seconded by Mr. Briggs. The minutes were **approved** by a 6-0 voice vote.

Chairman Bullington explained the meeting procedures.

SP-03-17 Consideration, review and approval of a recommendation to City Council for a special use petition to allow a duplex in the R-1C district at 603 Seminary Ave submitted by Gerard Berthel and Karen Kineslla

Mr. Gerard Berthel and Nicholas Hadden, were sworn in. Mr. Berthel explained that they had a fire and decided to rebuild, and they wish to take it from a 3 unit apartment to a two unit apartment but need a special use to do so. He indicated the structure would be the same footprint. Mr. Simeone asked if the outside of the building would be changed for access purposes; Mr. Hadden responded in the affirmative and while those changes are on the plans the living space itself would rest on the same footprint. Mr. Simeone asked for better plans to review. Ms. Meek asked if these was a remodel or a rebuild; Mr. Hadden indicated it was a new building from the foundation on up.

Mr. Steven Listwan, 513 Seminary Avenue, was sworn in. Mr. Listwan stated he believes this will be high quality housing, in character with the neighborhood. He added it will attract like people to the neighborhood and his investment is welcome. Mr. Listwan stated he supports the duplex and the variances.

Mr. Randy Mars, 1308 N. Oak Street, was sworn in. Mr. Mars stated he originally wanted it single family but now supports the proposed duplex.

Ms. Simpson provided the staff report and recommended in favor of the special use for a duplex. She showed a photo from Google Earth of the former structure which had burned down. She provided the location and described the neighborhood. Ms. Simpson stated the property is zoned R-1C and identified the surrounding uses. She described the access to the property and the tenant parking area which will accommodate 4-5 vehicles. She noted there are existing duplexes in the area. Ms. Simpson noted that the special use permit aligns with the vision of the comprehensive plan. She reviewed the standards for granting a special use and concluded that the standards were met. She stated that access and utilities are all adequate and the mass of the building is consistent with that found in the neighborhood.

Ms. Meek confirmed that the off-street parking requirements are met. Ms. Simpson indicated four spaces are needed and at least four are provided.

Mr. Butts motioned for approval of the special use; seconded by Ms. Meek. The motion **passed** 6-0 with the following votes: Mr. Butts—yes; Ms. Meek—yes; Mr. Briggs—yes; Mr. Brown—yes; Mr. Simeone—yes; Chairman Bullington—yes.

Z-04-17 Consideration, review and approval of the petition for variances submitted by Gerard Berthel and Karen Kineslla for the property located at 603 Seminary Ave to allow: 1) a minimum lot width of 50 ft in lieu of 70 ft for a duplex in the R-1C district (44.10-4), and; 2) a minimum lot area of 7450 sq ft in lieu of 10,000 sq ft for a duplex in the R-1C district (44.10-4)

Chairman Bullington provided an opportunity for the petitioner or anyone else to come forward and make a separate case regarding the variances. Because no one expressed an interest in doing so, he turned the presentation back over to Ms. Simpson.

Ms. Simpson provided the staff report focused on the two variances requests. She stated staff supports the two variances. She stated that many duplexes exist in the neighborhood on similarly sized lots. Because the neighborhood was established prior to the existence of the codes in question, she added, undersized lots are common in the area. Ms. Simpson reviewed the standards for granting a variance. She believes there is a physical hardship not of the owner's making which make it difficult to comply with the code. She stated there are similar or denser rental uses in the neighborhood and the duplex is consistent with the intended and allowed uses here. She believes neighborhood character will be maintained.

Mr. Butts motioned for approval of the special use; seconded by Mr. Briggs. The variance requests **passed** 6-0 with the following votes: Mr. Butts—yes; Mr. Briggs—yes; Mr. Brown—yes; Ms. Meek—yes; Mr. Simeone—yes; Chairman Bullington—yes.

Chairman Bullington explained the ZBA approved the variance, which they have the authority to do, and the ZBA has made a favorable recommendation to the City Council on the special use. He suggested the petitioner talk with staff for more information.

OTHER BUSINESS:

Mr. Briggs asked about the financial disclosure form and whether he needed to fill it out. Mr. Dabareiner responded that the form asks about business conducted over the prior year, so should be completed. Mr. Boyle explained that staff, commission and board members need to fill it out.

Ms. Meek stated that she will be reappointed for two years. Mr. Boyle confirmed that terms continue through April.

NEW BUSINESS:

ADJOURNMENT:

Mr. Butts motioned to adjourn; seconded by Mr. Brown. It was approved by voice vote and the meeting was adjourned at 4:31PM.

Respectfully submitted

Tom Dabareiner, AICP

Secretary