

**MINUTES
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, APRIL 18, 2018
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

Members present: Ms. Barbara Meek, Mr. Robert Schultz, Ms. Victoria Harris and Chairman Tristan Bullington

Members absent: Mr. Jeff Brown, Mr. Michael Butts (arrived at 4:06), Mr. Richard Veitengruber

Also present: Mr. George Boyle, Assistant Corporation Counsel
Mr. Bob Mahrt, Community Development Director
Ms. Katie Simpson, City Planner
Ms. Izzy Rivera, Assistant City Planner

Chairman Bullington called the meeting to order at 4:00 p.m. Ms. Simpson called the roll; with four members present, the Zoning Board of Appeals established a quorum.

PUBLIC COMMENT: None.

MINUTES: The Zoning Board of Appeals reviewed the March 21, 2018 regular meeting minutes. Ms. Harris amended a number of scrivener's errors, on page 1, 2, 3 and 4.

Chairman Bullington noted for the record that at 4:06 Mr. Butts joined the meeting.

Mr. Schultz motioned to approve the minutes as amended, seconded by Ms. Harris. The Board approved the minutes by voice vote, 5-0.

REGULAR AGENDA:

SP-04-18 Consideration, review and action of a petition submitted by Mary Ellers for a special use permit to allow a retail nonconforming use in the R-1C, High Density Single-Family Residence District at 802 N Morris Ave. (Ward 7). ~~WITHDRAWN~~

Z-07-18 Consideration, review and action of a petition submitted by Ray Reed for a variance to allow a reduction in front yard setback by 9 ft at 202 Orleans Dr. (Ward 5).

Chairman Bullington introduced the case and swore in the petitioner, Mr. David Long, 1407 Steeplechase Drive Bloomington, IL. Mr. Long stated he would like to add a third car stall to an existing garage. He stated the lot is irregularly shaped, therefore the new addition would extend 9 feet into the back yard which faces Jersey Ave. He stated there would be no changes toward the front of the house.

Chairman Bullington clarified that any property that touches a street would be considered a front yard. This property is considered to have 2 front yard, hence the purpose of the variance request.

Mr. Long stated the existing garage has a small footprint and the owner is unable to store items that would normally go in a garage such as a lawn mower and garbage cans.

Mr. Boyle asked if Mr. Long was the property owner, Mr. Long stated he was the contractor.

Ms. Rivera presented the staff report and staff's favorable recommendation for the variance. She provided pictures of the subject property, the surrounding properties and an aerial view of the neighborhood as well as the zoning view. She stated the site is part of a neighborhood with larger and irregular shaped lots. The median size lot width is 100 feet. She explained since this lot is irregularly shaped, and has two front yards, construction has more challenges.

Ms. Rivera stated the subdivision was established in the 1960s. In 1964 City Council passed an ordinance which set the platted front yard as 35 feet and the front yard towards Jersey Avenue as 25 feet. Staff will adhere to the current setback requirements for the zoning classification. In 2005, the Zoning Board of Appeals approved a variance for a 6 foot fence along the yard toward Jersey Avenue, further establishing it as a front yard. She presented photographs that outlined the proposed addition's measurements toward the corner of the house and toward the front yard facing Jersey Avenue.

Ms. Rivera provided staff's analysis of the standards for a variance and determined the petition meets the factors.

No one spoke in favor of the petition. No one spoke in opposition to the petition. Chairman Bullington declared the evidentiary hearing closed.

Ms. Harris stated the addition would improve the neighborhood and not disrupt the character of the surrounding area.

Chairman Bullington requested the Board establish a finding of fact. Mr. Butts motioned to adopt the City's findings as fact for all factors. Seconded by Ms. Meek. Chairman Bullington explained a vote of "yes" would adopt the City's findings of fact as to the six factors. The motion was approved 5-0 with the following votes cast in favor on roll call:

Mr. Butts—yes; Ms. Meek—yes; Ms. Harris—yes; Mr. Schultz—yes; Chairman Bullington—yes.

Chairman Bullington requested the Board vote in favor or against the petition for a variance, case Z-07-18. The Variance was approved unanimously, 5-0, with the following votes called: Mr. Butts—yes; Ms. Meek—yes; Ms. Harris—yes; Mr. Schultz—yes; Chairman Bullington—yes.

Z-09-18 Consideration, review and action of a petition submitted by George Peifer for a variance to allow 1) Closer than 10 ft from principle structure; and 2) 10 ft projection into side yard; and 3) 23% increase in allotted gross floor area for an accessory structure; and 4) exceeds the sq ft of the principle structure by 303 sq ft.; and 5) exceeds the 1000 sq ft requirement by 326 ft at 811 W Olive St. (Ward 6).

Chairman Bullington introduced the case and swore in the petitioner, George Peifer 811 W Olive St. Bloomington, IL. Mr. Peifer stated he currently has a two car garage. He owns a full size truck, motorcycle and trailer. At times the garage is crowded and when everything is inside the garage it is a tight fit. If he would be granted the variance he would be able to wash the vehicles out in the shade. Mr. Peifer explained when a vehicle is left out in the sun, the vehicle can become hot. Mr. Peifer is proposing to add a metal carport with a color that matches the house. He was unaware that a permit would be required for the carport, when he requested the permit, he was made aware that he would need to request a variance.

Chairman Bullington asked Mr. Peifer if he could explain what physical characteristics his property has that make strict adherence to the code difficult. Mr. Peifer stated it would be the size of his lot. The size of the backyard is too small, however he pointed out that he would be placing the carport in front of the garage and not the back yard.

Ms. Meek stated the site plan shows the garage is 36 feet in depth, and asked if the garage was built that way. Mr. Peifer stated the addition to the garage was added before he purchased the home and the garage has a wall inside dividing part of the garage, using the back part as storage.

Ms. Harris asked if there are carports in the neighborhood. Mr. Peifer stated there are none, and he doesn't believe there are many garages. He stated many of the homes in the area are rental properties.

Ms. Rivera presented the staff report and the recommendation to deny the request for variances. Ms. Rivera provided pictures of the subject property, the surrounding properties and an aerial view of the neighborhood as well as the zoning view. She stated carports are permitted in the rear yard, but they must adhere to the accessory structure regulations. The carport will not meet any of the requirements. Ms. Rivera presented a rendering of the carport which would be approximately 8 feet tall and have 5 metal post along each side.

Ms. Rivera stated the carport would fail to comply the following standard set forth in the Code for accessory structures: the carport would be 1 foot away from the principle structure, it will encroach in the side yard. The carport will also exceed the 30% gross floor area of the rear yard or 1000 square feet. The carport also exceeds the requirement for the principle structure. The carport would exceed all the maximum requirements and will exceed the neighborhood standards. There are no accessory structures this large in the neighborhood and there are no carports.

Ms. Rivera provided staff's analysis of the standards for a variance and determined the petition does not meet the factors. The site does not have characteristics that make adherence to the code difficult, the petitioner is able to use the property as is, and the variance would exceed all maximum requirements. For these reason staff made a recommendation to deny the request for the 5 variances.

Ms. Harris asked if there were alternatives to a carport. Ms. Rivera stated there would be no other location for the carport, and a smaller structure would still project into the side yard. Ms. Simpson clarified the carport would only give additional shade, and the petitioner is still able to make use of the property and driveway as it currently is.

Chairman Bullington asked if the petitioner had additional comments. Mr. Peifer stated he did not understand how the carport would project 3 feet into the side yard. Chairman Bullington stated the accessory structure must be 6 feet from the side yard, hence the request for a 3 foot variance from the side yard. Mr. Peifer stated the carport would be used only for additional shade and not for storage of items other than vehicles sitting overnight.

No one spoke in favor of the petition. No one spoke in opposition to the petition. Chairman Bullington declared the evidentiary hearing closed.

Chairman Bullington requested the Board establish a finding of fact for case Z-09-18. He explained the Board will take a position on each factor and state if the factor is “met” or “not met”. Ms. Simpson called each factor and performed a roll call vote for each factor. The Board determined that case Z-09-18 did not meet the factors for a variance (44.13-4D) by vote 5-0 with the following votes cast:

Factor 1. Mr. Butts—not met; Ms. Meek—not met; Ms. Harris—not met; Mr. Schultz—not met; Chairman Bullington—not met.

Factor 2. Mr. Butts—not met; Ms. Meek—not met; Ms. Harris—not met; Mr. Schultz—not met; Chairman Bullington—not met.

Factor 3. Mr. Butts—not met; Ms. Meek—not met; Ms. Harris—not met; Mr. Schultz—not met; Chairman Bullington—not met.

Factor 4. Mr. Butts—not met; Ms. Meek—not met; Ms. Harris—not met; Mr. Schultz—not met; Chairman Bullington—not met.

Factor 5. Mr. Butts—not met; Ms. Meek—not met; Ms. Harris—not met; Mr. Schultz—not met; Chairman Bullington—not met.

Chairman Bullington requested the Board vote in favor or against the petition for a variance, a vote of “yes” is to grant the variance and a vote of “no” is to deny the variance. The variance was denied unanimously, 5-0 with the following votes cast against: Mr. Butts—no; Ms. Meek—no; Ms. Harris—no; Mr. Schultz—no; Chairman Bullington—no.

Z-10-18 Consideration, review and action of a petition submitted by Habitat for Humanity for a variance to allow a reduction in rear yard setback by 6’11” at 407 N Allin St. (Ward 7)

Chairman Bullington introduced the case and swore in the petitioner, Mr. Bill Waller, 207 E Washington Street Bloomington, IL. Mr. Waller stated the property was donated by the City of Bloomington. As the property is now, it is unbuildable. Habitat would like to place a low income house on the property. In order to place a house on the site, the house would have to be pushed forward on the lot, and limit the visibility from the alley. The second option would be to push the house backwards into the rear yard and have a more consistent front yard for the neighborhood. Mr. Waller stated he chose to pursue a variance for the rear yard.

Ms. Harris asked if a garage would be added. Mr. Waller stated Habitat does not build garages but are required to place carports.

Ms. Simpson presented the staff report and staff's favorable recommendation for the variance. Ms. Simpson provided pictures of the subject property, the surrounding properties and an aerial view of the neighborhood as well as the zoning view. She stated the site is buildable however does not meet the yard requirements. Ms. Simpson shared a picture of the house that was located there previously which was torn down due to vacancies in the area and blight. Ms. Simpson stated the subject property is located next to an alley. There are many lots around town that are narrow but deep, these are common for the neighborhood. She stated the code does allow for building on lots that are smaller than the minimum requirement, however they must meet the setbacks. Ms. Simpson stated the surrounding area has an overlay of the Gridley, Allin, Prickett Form-Based Code, which focuses more on design rather than use of the building. She stated the form based code was established in 2007 when a consultant came and measured what was existing in the area, and developed the standards. The rear yard setback for this lot is 25 feet and the surrounding sites located in the GAP-3 classification have a minimum rear yard setback of 5 feet.

Ms. Simpson provided pictures of the smaller homes in the neighborhood. She shared a sketch-up model to show the existing conditions and the changes following the construction of the home.

Ms. Simpson provided staff's analysis of the standards for a variance and determined the petition meets the factors

The lot is limited in size and makes adherence to the setbacks difficult. A variance would be required regardless of where the house is positioned. Staff supports the petitioner's decision to position the house towards the rear, this will maintain the neighborhood character.

No one spoke in favor of the petition. No one spoke in opposition to the petition. Chairman Bullington declared the evidentiary hearing closed.

Mr. Butts motioned to adopt the City's findings as fact for all factors. Seconded by Ms. Meek. Chairman Bullington explained a vote of "yes" would adopt the City's findings of fact as to the six factors. The motion was approved 5-0 with the following votes cast in favor on roll call: Mr. Butts—yes; Ms. Meek—yes; Ms. Harris—yes; Mr. Schultz—yes; Chairman Bullington—yes.

Chairman Bullington requested the Board vote in favor or against the petition for a variance, case Z-10-18. The Variance was approved unanimously, 5-0, with the following votes called: Mr. Butts—yes; Ms. Meek—yes; Ms. Harris—yes; Mr. Schultz—yes; Chairman Bullington—yes.

OTHER BUSINESS: Mr. Butts stated this would be his last meeting. He will not be doing another term. He has enjoyed serving with the Board. Mr. Butts stated the recent changes have been great for the community to understand how and why the decisions are made and what the Board does.

NEW BUSINESS:

ADJOURNMENT

Chairman Bullington motioned to adjourn. The motion was approved by voice vote. The meeting adjourned at 4:43 p.m.

Respectfully Submitted,
Izzy Rivera
Assistant City Planner