

**MINUTES
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, FEBRUARY 20, 2019
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

Members present: Mr. Terry Ballantini, Mr. Jeff Brown, Ms. Victoria Harris, Mr. Michael Rivera Jr, Mr. Robert Schultz, and Mr. Richard Vitengruber.

Members absent: Ms. Barbara Meek,

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

Mr. Brown called the meeting to order at 4:01 p.m. Ms. Simpson called the roll; with six members present, the Zoning Board of Appeals established a quorum.

PUBLIC COMMENT: None.

MINUTES: The Zoning Board of Appeals reviewed the December 19, 2018 regular meeting minutes. Ms. Harris corrected a scrivener's error on page 2. Ms. Harris motioned to approve the minutes as corrected. Seconded by Mr. Schultz. The motions was approved unanimously, 6-0 by voice vote.

REGULAR AGENDA:

Z-01-19 Consideration, review and action of a petition submitted by Angela Doyle requesting a variance to reduce the front yard setback from 19' (block average) to 14', a 5' reduction to allow for a covered porch. (Ward 4).

Chairman Brown introduced the case. Ms. Angela Doyle, 1506 W. Chestnut St., was sworn in. Ms. Doyle explained that she is in the process of renovating her house and relocating the front door. She is requesting the variance is needed so that she can relocate the porch, and make reasonable use of the porch. Her home faces a park and she explained the variance would allow her to use the porch and enjoy the park.

No one testified in favor of the variance and no one spoke against the variance. Ms. Manduanjo provided the staff report and recommendation. She stated staff is recommending in favor of the variance. She described the home, its location and the neighborhood. She presented the property's zoning and surrounding zoning and land uses. Ms. Manduanjo described the neighborhood and provided history and background on the establishment and development of the neighborhood and surrounding homes. She explained that the proposed porch would encroach eight feet into the required front yard setback. Ms. Mandujano shared renderings she prepared to illustrate the proposed porch, requested variance and possible neighborhood impacts. Ms. Rivera explained that the petition meets the standards of a variance. She stated there is precedence in the neighborhood and disallowing the porch would

deny the petitioner a right afforded to neighbors, and would be consistent with other homes on the block.

Ms. Harris asked if the petitioner would use the same material for the porch as the house. Ms. Doyle stated it would be a wood porch. Ms. Harris commented that the porch would be an improvement. Ms. Harris motioned to accept the staff analysis and finding of fact. Mr. Rivera seconded the motion. The motion was approved 6-0 with the following votes cast: Ms. Harris—yes; Mr. Rivera—yes; Mr. Ballantini—yes; Mr. Schultz—yes; Mr. Veitengruber—yes; Chairman Brown—yes.

Mr. Ballantini motioned to vote on the petition. Seconded by Ms. Harris. The variance was approved 6-0, with the following votes cast in favor on roll call: Mr. Ballantini—yes; Ms. Harris—yes; Mr. Rivera—yes; Mr. Schultz—yes; Mr. Veitengruber—yes; Chairman Brown—yes.

OTHER BUSINESS:

Mr. Schultz shared that he does not agree with the ZBA's recommendation to amend the appeal procedures and stated he intended on contacting City Council to explain why he does not support the recommendation. Ms. Simpson just clarified that Council and the Planning Commission received copies of the minutes and votes from the meeting. Mr. Boyle explained that the existing appeal rights apply when an application is denied by fewer than five votes and the Zoning Board is the final authority sometimes with Council as the final authority sometimes. Mr. Brown stated that he believes there had been three appeals to council in the past three years. Ms. Harris provided background about how the conversation began for the new Zoning Board Members. She explained that the ZBA carries out a thorough analysis of the standards and stated that the Board was mainly concerned about the lower level of scrutiny and analysis used by Council to make a determination to overturn the Board's decision. Mr. Schultz explained he was worried an appeal may be more financially burdensome on people with lesser means. Ms. Simpson said that if an application is denied, that apart from an appeal, the applicant could also substantially revise the petition and resubmit or submit a new application in one year. Mr. Boyle explained the process for an administrative review and stated that the City is typically responsible for providing the record during an administrative review. Mr. Boyle stated that for a petition for a variance to be approved, by state statute there have to be at least 4 positive votes. Ms. Simpson added that in the past three years, two cases have automatically received a right to appeal to council because only four members were present at the meeting.

NEW BUSINESS: None

ADJOURNMENT

Mr. Rivera motioned to adjourn. Seconded by Ms. Harris. The motion was approved by voice vote. The meeting adjourned at 4:27 PM

Respectfully Submitted,
Katie Simpson,
City Planner