

**MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, AUGUST 19, 2015, 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE ST., BLOOMINGTON, IL**

Members present: Mr. Ireland, Mr. Briggs, Mr. Kearney, Ms. Meek, Mr. Simeone, Mr. Zimmerman

Members absent: None

Also present: Mr. Tom Dabareiner, Community Development Director
Mr. George Boyle, Assistant Corporation Counsel
Mr. Mark Woolard, City Planner

Mr. Woolard called the meeting to order at 4:02 p.m. and called the roll. A quorum was present.

PUBLIC COMMENT: None

The Board reviewed the minutes from July 15, 2015 and accepted the minutes as printed. Mr. Briggs stated staff did a tremendous job in capturing the tone of the discussion.

Chairman Ireland explained the meeting procedures. Mr. Woolard stated the cases had been published.

REGULAR AGENDA:

Z-04-015 Public hearing, consideration, review and approval of the petition submitted by BJ Armstrong, Inc. to allow:

- 1) The construction of a one car garage addition and a variance from the Zoning Ordinance to reduce the required 30' rear yard setback from the west lot line to 28' 6".**
 - 2) The construction of a covered deck addition and a variance from the Zoning Ordinance to reduce the required 30' rear yard setback from the west lot line to 18' 4"**
- All for the property located at 2 Sunset Road. Zoned R-1A, Single-Family Residence District.**

Chairman Ireland introduced the case. Bryan Bornder, 4 Foley Ave., was sworn in. He stated he represents BJ Armstrong and put together the petition. The site is unique in shape and size. Three car garages are pretty common in the area. They are limited by the setback as indicated in the site plan. He said the deck will be new and covered. The existing deck needs to be torn down and there are fences along the border. The new deck will be in the same location and smaller than what is there now. He said the garage will be setback slightly from the existing two car garage for aesthetics and to keep in style of the home.

Chairman Ireland asked for anyone who would like to speak in favor or opposition to the variance and no one spoke.

Mr. Woolard identified the site and the surrounding zoning and properties. He stated the site, its residence and garage are smaller than what is nearby. The site is an unusual triangular shaped lot.

There are several three car garages in the area. Staff determined the 30' setback is appropriate even though the regulation is 40'. Staff looks at this as an addition even if it remains open. Staff supports the request.

The vote on variance was approved with six (6) voting in favor and zero (0) against with the following votes being cast on roll call: Mr. Simeone--Yes; Mr. Kearney--Yes; Mr. Zimmerman--Yes; Mr. Briggs--yes; Ms. Meek--Yes; Mr. Ireland--Yes.

Z-05-15 Public hearing, consideration, review and approval of the petition submitted by Wesley Shepard appealing the zoning interpretation of Chapter 44: Section 44.4-4: Accessory Buildings and Uses by the Building Safety Division of the City of Bloomington dated July 6, 2015.

Chairman Ireland introduced the petition. Brian Hug, 11 Bailey Ct., was sworn in. He stated he represents Wes and Iona Shepard. Wesley Shepard, 613 S. Clayton St., was sworn in. Mr. Hug stated Mr. Boyle has been involved in this case in the past and his testimony puts him (Mr. Hug) in an uncomfortable bind because Mr. Boyle has a conflict in advising the Board on this case. He objects to Mr. Boyle's participation in this case and there will be a reference to him in the presentation. Mr. Boyle stated he has been involved in discussions with Mr. Hug and Mr. Shepard. He does not have an issue with this or even a taint of a possible conflict however he does suggest that this be continued so the Board can have another attorney involved.

Mr. Dabareiner agreed with Mr. Boyle that if there be even a hint of conflict we should table the case but our practice is to have an attorney present at all of our meetings and not just this one. He asked that the case be continued to the next meeting. There was discussion on continuing the case to the next month. Mr. Hug stated he is ready and preferred to do it today and he does object. Mr. Kearney asked for clarification on the nature of the conflict. Mr. Hug stated Mr. Boyle has been involved before he was involved and met with the Shepards, and has been instrumental in a couple of circumstances in the past, including negotiating, Mr. Boyle did not see specifically what they are requesting in the appeal, but a lot of times he would be involved at some level. He does not want to have an issue of a conflict taint the proceedings but it should not be a surprise to Mr. Hug that he would be involved as he has been doing it for eight years.

Mr. Boyle left the meeting.

Mr. Zimmerman moved to continue the case. Ms. Meek seconded the motion. The motion was approved with six (6) voting in favor and zero (0) against with the following votes being cast on roll call: Mr. Simeone--Yes; Mr. Kearney--Yes; Mr. Zimmerman--Yes; Mr. Briggs--yes; Ms. Meek--Yes; Mr. Ireland--Yes. Mr. Kearney voted yes subject to earlier stated concerns.

OTHER BUSINESS:

The Board discussed the new process of having legal counsel at the meetings. Mr. Dabareiner stated we are doing this for the Planning Commission and the Zoning Board. Many of the issues are becoming more complicated. It is more typical to have an attorney present and some insist on a legal recorder being present for taking the notes. Mr. Kearney asked Mr. Dabareiner if the more typical state wide occurrences are based on anecdotal experience or if he has anything to cite for that. Mr. Dabareiner said he cites Ancel Glink, the legal firm out of Chicago.

The Board discussed having a special meeting, possible dates for a meeting, and the need for a video presentation. A good time will be at 5:00 on August 25, but staff will inform the Board and the petitioner if this time will work.

Chairman Ireland stated Mr. Zimmerman has resigned and thanked him for his time and contribution. He said we appreciate all of his effort and service.

NEW BUSINESS:

Mr. Briggs stated staff has good coordination and works well in the permitting. He also stated we should have discussion on the findings of fact. He would like to know about the mapping that can be used for efforts on the airport and who regulates the building. Mr. Dabareiner said they are working on contracting the training. A state wide conference is also available for training.

ADJOURNMENT: 4:56 p.m.

Respectfully;

Mark Woolard