



**ZONING BOARD OF APPEALS - REGULAR SESSION
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
WEDNESDAY, NOVEMBER 20, 2024, 4:00 PM**

1. Call to Order

2. Roll Call

3. Public Comment

Individuals wishing to provide emailed public comment must email comments to publiccomment@cityblm.org at least 15 minutes before the start of the meeting. Individuals wishing to speak in-person may register at cityblm.org/register at least 5 minutes before the start of the meeting.

4. Consent Agenda

Items listed on the Consent Agenda are approved with one motion; Items pulled from the Consent Agenda for discussion are listed and voted on separately.

- A. Review and approval of the minutes of the October 16, 2024, regular meeting of the Bloomington Zoning Board of Appeals. (Recommended Motion: The proposed Minutes be approved.)

5. Regular Agenda

A.

V-10-24 - Public hearing, review, and action on a request submitted by Aruthra, LLC, for **Variances from § 44-1503 and § 44-403** to allow a reduction or removal of requirements in a Planned Unit Development, a minimum lot area per dwelling unit of less than 3,300 square feet, and a reduced corner front yard, for property generally located north of the intersection of Fox Creek Road and St. Ivans Circle, consisting of approximately 6.57 acres. PIN: 21-18-153-009.

(Recommended Motion: Motion to establish findings of fact that the standards for approval of Variances **are met**, carrying out the strict letter of the Code **does create a practical difficulty** or particular hardship for the Applicant, and to **approve the request** for Variances to § 44-1503 and § 44-403, as presented, **contingent** upon the development of townhomes on the subject property.)

- B. **V-12-24** - Public hearing, review, and action on a request submitted by Illinois Wesleyan University, for **Variances from § 44-1205(B)(3)** of the Zoning Code, to allow reduced required parking lot setbacks and **§ 44-1307(C)(1)** of the Zoning Code to allow reduced required parking lot landscaping in the B-1 (General Commercial) District, for the property located at 1011 N. Main Street. PIN: 14-33-390-001.

(Recommended Motion: Motion to establish findings of fact that the **standards for**

approval of Variances are met, carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the Applicant, and to approve of the request for Variances from § 44-1205(B)(3) and § 44-1307(C)(1), as presented.)

- C. **V-13-24** - Public hearing, review, and action on a request submitted by Brett Ericson, for approval of a **Variance** to allow a reduced required rear yard setback for the property located at 2204 Tori Ann Lane. PIN: 15-30-251-007. *(Recommended Motion: Motion to establish findings of fact that the **standards for approval a Variance are met, carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the Applicant, and to approve of the request for a Variance from § 44-403A, as presented.)***
- D. **V-14-24** - Public hearing, review, and action on a request submitted by Natalie Whalen, for approval of a Variance to allow a driveway less than three (3) feet from the side lot line for the property located at 1205 Greenlawn Drive. PIN: 14-34-378-004. *(Recommended Motion: Motion to establish findings of fact that the **standards for approval a Variance are met, carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the Applicant, and to approve of the request for a Variance from § 44-404C(1), as presented.)***

6. New Business

7. Adjournment

Individuals with disabilities planning to attend the meeting who require reasonable accommodations to observe and/or participate, or who have questions about the accessibility of the meeting, should contact the City's ADA Coordinator at 309-434-2468 or mhurt@cityblm.org.



REGULAR AGENDA ITEM NO. 4.A.

FOR ZONING BOARD OF APPEALS: November 20, 2024

WARD IMPACTED: City-Wide Impact

SUBJECT: Review and approval of the minutes of the October 16, 2024, regular meeting of the Bloomington Zoning Board of Appeals.

RECOMMENDED MOTION: The proposed Minutes be approved.

STRATEGIC PLAN LINK:

Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

Objective 1c. Engaged residents that are well informed and involved in an open governance process

BACKGROUND: In compliance with the Open Meetings Act, Board Minutes must be approved thirty (30) days after the meeting or at the second subsequent regular meeting whichever is later.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham, City Planner

ATTACHMENTS:

[ZBA Draft Minutes - 2024-10-16](#)



**DRAFT MINUTES
ZONING BOARD OF APPEALS - REGULAR SESSION
WEDNESDAY, OCTOBER 16, 2024, 4:00 PM**

The Zoning Board of Appeals convened in regular session at 4:05 PM, October 16, 2024. Chair Straza called the meeting to order.

Roll Call

Attendee Name	Title	Status
Terry Ballantini	Vice Board Chair	Present
Michael Straza	Board Chair	Present
Zachary Zwaga	Board Member	Present
Nikki Williams	Board Member	Present
Victoria Harris	Board Member	Absent

City Staff present included Jon Branham, City Planner; Kelly Pfeifer, Assistant Director of Economic and Community Development; Alissa Pemberton, City Planner; John Myers, Assistant City Planner, and George Boyle, Assistant Corporation Counsel.

Public Comment

No public comment was provided.

Consent Agenda

Items listed on the Consent Agenda are approved with one motion; Items pulled from the Consent Agenda for discussion are listed and voted on separately.

Vice Board Chair Ballantini made a motion, seconded by Board Member Zwaga, to approve the consent agenda as presented.

AYES: Straza; Ballantini; Williams; Zwaga

Motion passed (viva voce).

Item 4.A. Review and approval of the minutes of the September 18, 2024, regular meeting of the Bloomington Zoning Board of Appeals.

Regular Agenda

The following item was presented:

Item 5.A. V-11-24 - Public hearing, review, and action on a request submitted by Krystyna Wojtkowski, for approval of a Variance to allow a reduced required rear yard setback for the property located at 3003 Carlene Drive. PIN: 14-36-405-015.

Mr. Branham presented the staff report with a recommendation for approval of the Variance to the required Rear Yard setback. He described the property and identified the surrounding

zoning and land uses. He noted the residence was constructed under a previous zoning code, which permitted a 25-foot Rear Yard setback. He described the location of other residences in the direct vicinity.

Board Chair Straza opened the public hearing.

No testimony was provided.

There were no Board questions or discussion.

Board Chair Straza closed the public hearing.

Vice Board Chair Ballantini made a motion, seconded by Board Member Zwaga, to establish findings of fact that the standards for approval of the Variance are met, that carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the applicant, and to approve the Variance.

Roll call.

AYES: Straza; Ballantini; Williams; Zwaga

Motion passed.

The following item was presented:

Item 5.B. SP-07-24 - Public hearing, review, and action on a request submitted by Lifelong Access, representing owner Oak, LLC, for a Special Use Permit for a School (Public) in the D-2 (Downtown Transitional) District, for the property located at 301 W. Washington Street. PIN: 21-04-331-009.

Mr. Branham presented the Staff Report with a recommendation for approval. He reviewed key site conditions and the fact that school uses are permitted as a Special Use Permit in the D-2 (Downtown Transitional) District. He stated the proposal was to renovate the existing building to include multiple community service agencies, including the school. He noted the school has been operating approximately a block to the southwest in another building for an extended time.

Chair Straza inquired whether the location of the school would impact any other businesses, as related to licensing of liquor, etc. Mr. Branham stated it should not.

Board Member Zwaga asked for clarification on the building was currently occupied. Mr. Branham confirmed the building was currently vacant.

Board Vice Chair Ballantini asked for clarification that the Special Use Permit was for the entire building. Mr. Branham stated it would be for a portion of the building of which the school would be occupying.

Chair Straza opened the public hearing.

Ann Keiser (Lifelong Access), Applicant, explained that they have an existing positive relationship with an academic institution in Normal, where they house the Bridge Academy, and look forward to a similar relationship in Bloomington.

Board Member Zwaga inquired when classes would begin in the new location. Ms. Keiser stated she would have to defer the question to the school representative.

No other testimony was presented.

Chair Straza closed the public hearing.

Vice Board Chair Ballantini made a motion to establish findings of fact that the standards for approval of a Special Use Permit are met and to recommend approval of the request for a Special Use Permit for a School (Public) in the D-2 (Downtown Transitional) District, for the property located at 301 W. Washington Street, as submitted.

Roll call.

AYES: Straza; Ballantini; Williams; Zwaga

Motion passed.

The following item was presented:

Item 5.C. SP-04-24 - Public hearing, review, and action on a request submitted by Mayer Zahn, with owner Ramesh Atluri, for approval of a Special Use Permit for a Vehicle Sales & Service Use, in the B-1 (General Commercial) District, for the property located at 1513 Morrissey Drive (PIN: 21-10-453-002).

Mr. Branham presented the Staff Report with a recommendation for denial. He reviewed the background and timeline of the case. He noted that the case had already been continued several times and that information that had been requested from the Applicant has not been provided.

Chair Straza opened the public hearing.

Mayer Zahn, Applicant, addressed the traffic circulation of the site. He explained that when he created appropriate circulation, the neighbor to the north, 1511 Morrissey Drive, parked vehicles in middle of the site to block access.

Board Member Ballantini inquired about the number of times that had occurred. Mr. Zahn responded once.

Board Member Ballantini explained that there needs to be a continual plan for ingress/egress that is agreed upon with all owners. Additionally, he noted that the City has requested information for multiple months without receiving it.

Mr. Zahn responded that he had done what the City had requested. Additionally, he stated that he was not notified about the hearing in September.

Board Member Ballantini asked Staff if they have been providing the Applicant with the information about the case and hearing schedule. Mr. Branham answered in the affirmative.

Mr. Zahn reiterated that he had completed what the City had requested of him.

Mr. Branham stated the ownership structure, and lack of permission by the other condo owner, is the main issue; a plan that both owners agree with is critical for project success.

Mr. Zahn added that he would agree to a plan to continue his operation. He noted that he will need to renew his license soon and needs to know if this site will be viable for the future.

Ramesh Atluri, property owner, explained the two vehicle access points for the lots and the condominium ownership structure for the northern building. He noted the subject building has been vacant for five years and Starbucks customers have been using the lot as overflow vehicle parking, which has caused damage. He explained the recent dispute with the property to the north.

Board Member Ballantini asked for clarification on the ownership structure. Mr. Atluri responded he only rents to the tenant in 1513 Morrissey Drive.

Mr. Branham stated it is a condo ownership structure and the actual buildings are under different ownership.

Mr. Zahn, in addition to previous testimony, reiterated issues with code enforcement items between him and Starbucks.

Board Member Ballantini explained the scope of case they are reviewing. He noted that many of the concerns expressed by Mr. Zahn are not within the purview of the Zoning Board of Appeals and are related to issues of code enforcement.

No other testimony was provided.

Chair Straza closed the public hearing.

Chair Straza stated his concern regarding the property ownership structure and application, noting that approval of the Special Use Permit will not resolve ongoing issues. He consulted Corporate Counsel on the appropriate way to proceed. Mr. Boyle responded the Board can vote to either recommend approval or denial.

Board Vice Chair Ballantini expressed his concern with the ownership issues. He stated without an agreement there will still be issues with blockage, site circulation, and anything else the City may need to bring the site and project into compliance.

Board Member Zwaga stated that the existing property owner disagreement causes notable issues. He noted, to move forward, their owners and tenants need to come to an agreement before the Board can move forward with approving of a request like the Special Use.

Board Member Ballantini stated that the City has been requesting materials over the past couple of months and he is not confident that those materials will be provided if the Special Use is approved, as is.

Chair Straza requested that staff review the considerations for approval of a Special Use Permit. Mr. Branham reviewed each consideration, as outlined in the Staff Report. He noted considerations five (5) and six (6), related to ingress and egress, as well as conformance with the Code are not met.

Chair Straza asked for clarification that, as two considerations are not met, the Special Use could not be approved. Ms. Pemberton clarified that all considerations of a Special Use must be met to approve.

Vice Board Chair Ballantini made a motion to establish findings of fact that the standards for approval of a Special Use Permit are not met and to recommend denial of the request for a Special Use Permit for a Vehicle Sales & Service Use in the B-1 (General Commercial) District, for the property located at 1513 Morrissey Drive.

Roll call.

AYES: Straza; Ballantini; Williams; Zwaga

Motion passed.

The following item was presented:

Item 5.D. SP-06-24 - Public hearing, review, and action on a request submitted by Aruthra, LLC (1301 Shaunessey Dr.), for a Special Use Permit for Single-Family Attached Dwellings in the R-2 (Mixed Residential) District, for property generally located north of the intersection of Fox Creek Road and St. Ivans Circle, consisting of approximately 6.57 acres. PIN: 21-18-153-009.

Mr. Branham presented the Staff Report with recommendation for approval. He reviewed key aspects of the proposed Special Use, including the private maintenance of streets, sufficiency of parking, and plan for stormwater management. He noted that this request is part of an Annexation Agreement and some procedural items. He discussed key site conditions, including adjacent zoning and uses. He provided an overview of the subject site plan, indicating the location of units, drainage easement, and detention.

Chair Straza opened the public hearing.

David Armstrong (Attorney for the Applicant) thanked the surrounding property owners for their open and cordial communication. He explained that there are substantial trees and brush along the eastern side of the property, but there are also drainage problems, and to correct the drainage issues some of the vegetation will need to be cleared. He stated the applicant has no intention of removing trees that are not necessary as part of the drainage improvement effort since screening helps both parties, and the applicant does intend to plant additional trees after completion of the project. He reflected on traffic concerns discussed at the Planning Commission hearing, noting that the Special Use requires review of ingress and egress related to the proposed development, but concerns pointed to existing issues with Fox Creek Road in general, which are not specifically related to the implications for this project, or to the location of ingress and egress.

Mr. Branham pointed out that staff recommends a condition of approval that a landscape plan, in compliance with the Code and developed in consultation with the adjacent property owner, is submitted. Armstrong stated they do not have any objection to that condition.

Commissioner Ballantini inquired what the planned completion date is for the project. Attorney Armstrong stated he was unsure of completion date but the plan to break ground, should the Special Use be approved, is 2026.

Neil Finlen (Farnsworth Group, Engineer for the Applicant) explained that he has worked with other developers on three (3) different layouts for projects on this site and none were able to make it work. He noted the pressing need for housing in the area, particularly for an increased variety of home types. He described the proposal as 58 units on 6.5 acres, at a density of 8.9 units per acre, where 13 units per acre would be allowed by the R-2 zoning district. He reviewed detail on the public infrastructure adjacent to the property, that the City would not have costs associated with infrastructure extension, and the developer will have tap-on fees to pay the City as part of the project.

He stated the interior streets will be private with no parking allowed, maintenance and private garbage pickup will be the responsibility of a Homeowner's Association; all costs the City will not have to pay. He stated they were hoping to have screening on the east side of the project but found there are tremendous drainage problems; a large diameter stormwater culvert that runs under the road and runs along the eastern side of the property into the creek causes flooding in the current condition. He thanked adjacent property owners for helping them understand the level of concern that flooding poses. He stated they believe they can find a solution that works for them and the adjacent community; they believe the outcome will be a 3-foot deep grass waterway with centralized drain tile, so it stays dry normally to prevent foliage overgrowth to the current extent. He stated they will work in concert with adjacent owners to develop a landscape plan before presentation to Council.

He explained that they would tie into the park on northeast corner with a footbridge; they had discussed another form of access at the Planning Commission, but after further engineering the preferred alternative was identified as a small footbridge. He noted that parkland dedication will be satisfied by a fee-in-lieu will go to the local park planning area, but no improvements are planned or required to the park itself. The units are expected to be approximately 1,800 square feet, in the \$300,000 cost range, as an effort to "downsize without downgrading."

Board Member Ballantini inquired whether the units would be identical. Mr. Finlen confirmed. He expounded the project will be built in two phases: the western portion near the access first, then the portion to the east. The drainage work would be completed with the initial construction.

Chair Straza expressed his interest in ensuring the drainage and screening are appropriate. Mr. Finlen stated he is confident they can improve the existing drainage issues, and they will continue working on the landscaping issue.

Commissioner Williams left at 4:58pm.

Ms. Pemberton read § 44-1702A(3)(a) which states “a quorum is a majority of the members currently serving,” so three (3) members is still considered quorum, and action may be taken in Ms. Williams’ absence. Attorney Boyle affirmed that action may proceed on the Special Use.

Robbie Osenga (216 E. Grove Street) stated he supports the project, as local real estate broker and business owner. He described the project as directly addresses the need for housing, meet needs and invest in long-term success of the community by making use of existing infrastructure and taking advantage of infill opportunities. He advocated for continued flexibility and creativity in zoning; need to foster innovative housing solutions. He voiced concern that \$300,000 may sound outrageous to some but explained that today’s market makes building anything new in a single-family manner, at that price point is difficult, but imperative. He empathized with nearby property owners who purchased with the expectation of surrounding property remaining as-is and hopes they can find solutions to balance drainage and screening needs. He restated his support for efforts to provide housing in an innovative and cost-effective method, including the project as proposed.

Emilie Karun (9 Tangle Oaks Road) stated that her family has lived adjacent to the proposed property for 15 years and selected the property due to the location and characteristics of nearby properties. She stated she spoke at the Planning Commission hearing about concerns related to the density of the project; traffic, overcrowded schools, not fitting with nearby homes, and the disruption of the natural environment. She stated she has additional concerns and requested the Board not approve the Special Use Permit.

She reviewed items related to the first Standard for Consideration one (1), opining that the existing varied structure type in the area is not reason enough to approve additional units on property requiring a Special Use Permit. She stated the land is not big enough to accommodate the proposed density without negatively impacting surrounding properties. She discussed concerns related to existing degraded roads, a lack of traffic lights, and the duration of time residents have sought the expansion of Fox Creek Road Bridge, seemingly without action by the City. She referred to traffic items discussed at the Planning Commission and voiced concern that additional houses in the area will exacerbate existing problems. She requested that the Special Use Permit not be approved until the City can prove they can take care of the existing residents in the neighborhood.

She also reviewed items related to Standard for Consideration two (2); she noted that the project was going to result in a change from dense brush to dense housing. She stated she has been working with engineers and appreciated the conversations, but the established treeline will need to be mostly eliminated. She noted that § 44-13 requires a landscaped buffer. She inquired about the landscaping fitting into the site plan when they are already asking for Variances to make it all fit. She stated the project just does not fit in the proposed space and this standard is not met.

Warren Farrar (2310 Knollbrook Way) discussed existing traffic conditions and issues along Fox Creek Road. He inquired whether Mr. Lewis should have been able to vote at Planning Commission since he lives in the Fox Creek area. He stated the City Engineer referred to Fox Creek as a four-lane road, which he asserted is not entirely true. He stated his understanding that mixed use development is important, but that we need to avoid

putting low-cost housing in the middle of high-cost housing. He stated realtor friends have informed him that planned developments are not selling. He stated that landscaping take time to grow and mature. He requested that the Zoning Board deny the Special Use Permit.

Jason Karun (9 Tangle Oaks Road) stated he understood and appreciated the need to develop housing. He stated concerns regarding traffic and drainage. He stated he has confidence that drainage would be addressed with the proposed project from the engineer. He stated he also had concerns regarding screening.

Nathan Bassett (6 Tangle Oaks Road) requested the Board think about whether they should approve a development in that location just because they can. He stated that Pepper Ridge School is already at capacity. He clarified that there are not turn lanes on Fox Creek Road except for right turn onto Oakland Avenue. He inquired about the practicality of a hammerhead turn-around as it has not been needed in the past nor currently. He stated he appreciated working with Mr. Finlen but has concern that a great deal of trees would be removed as part of the construction. He questioned the engineering plan for addressing the drainage issues. He stated that residents have managed to deal with area flooding for years because the City has not assisted.

Ken Gentes (2326 Oakland Ave) stated he has lived on the property to the west for 60+ years. He expressed concerns about whether there would be fencing along the west edge of the development.

William Baird (7 Tangle Oaks) expressed concerns about drainage and access to Westwood Park, as the water can get high during rain. He stated a belief that there are too many units in the proposed space. He recommended that the required 1.1 acre of parkland that is required to be dedicated at the subject property to reduce the number of units.

John Johnston (5 St. Ivans Circle) expressed that he believes the project should be good for the community and not just the developer. He stated he has no issues with units/design/developer but had concern with standards that are being met or not met. He expressed concern about the traffic at the Fox Creek Road bottleneck at the railroad bridge.

He questioned the prohibiting of on-street parking and the proposed density of the site. He reviewed the lack of park space and distance to schools. He stated his understanding was for a future development to connect to Tangle Oaks Road and encouraged an additional access point. He inquired about environmental review of the site, including the Ecological Compliance Assessment Tool (EcoCAT).

Lori Farrar (5 Lone Oak Court) cited the Bloomington 77 and The Links projects as housing projects on more appropriate roads. She noted homes in the Fox Creek area that have been on the market for an extended time.

Mr. Branham stated traffic is not directly tied to the Special Use, but is part of the review. Ms. Pemberton added there is consideration related to ingress/egress and localized impact.

Chair Straza asked Mr. Finlen to respond to the questions raised by the testimony thus far.

Mr. Finlen explained that the retention basin on north side will capture water from the development itself, except for the 50-foot waterway along the east side which will flow as-is, once improved. He stated the EcoCAT will be completed, as required, but it is not required as part of the processes at this point. He elaborated on proposed landscaping details. He explained the reasoning for the single vehicle access point.

Board Member Zwaga inquired about efforts to retain existing privacy. Mr. Finlen stated much of the existing vegetation consists of overgrowth and that they plan to replace with healthier vegetation.

Chair Straza closed the public hearing.

Kevin Kothe, City Engineer, explained that the project designed to address many of the concerns discussed tonight is planned for bid in the spring of 2025 and should begin construction in the summer. He stated the project includes the expansion of the road and bridge, the addition of a sidewalk on the south side of Fox Creek Road, as well as the addition of traffic signals for Danbury Drive and Beich Road. He stated with the proposed improvements there will be adequate capacity of the road network.

Chair Straza inquired whether traffic signals would assist with pedestrian access. Mr. Kothe answered in the affirmative, stating there would be crosswalks and pedestrian pushbuttons.

Vice Board Chair Ballantini inquired whether there was a concern related to school capacity.

Ms. Pemberton stated local school units should have reasonable expectations given that the zoning would be updated from an existing R-2 County to an R-2 City designation. She stated staff had contacted the school district prior to the Planning Commission review of the item and that no concerns were expressed. She also reviewed Mr. Lewis' participation in the Planning Commission meeting and that no conflict of interest was identified.

Board Member Zwaga inquired whether additional traffic calming options were being considered. Mr. Kothe stated they are actively working with the Bloomington Police Department who are monitoring vehicle speeds and posting detection signs. He stated the current speed limits are appropriate, based upon engineering specifications.

Chair Straza inquired about the timing of the proposed road work and development. Mr. Kothe stated construction would be expected to begin next summer and would be phased to keep the bridge open during construction. He stated it would be close to a two-year project.

Vice Board Chair Ballantini inquired if road work would be expected to start before the construction of the proposed development. Mr. Kothe confirmed.

An audience member asserted that the issue of the Planning Commission vote was not being addressed. Mr. Boyle advised the Board that what is before them is a request for a Special Use Permit and the vote of the Planning Commission is not a component of that discussion. He invited the audience member to contact him directly with questions.

Chair Straza requested staff to review each of the findings of fact required for a Special Use Permit. Mr. Branham reviewed each of the findings, as presented in the staff report.

Board Member Ballantini made a motion, seconded by Board Member Zwaga, to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend approval of the request as submitted, subject to submission of a landscaping plan that meets the requirements of the Code, developed in consultation with adjacent property owners on Tangle Oaks Road. Chair Straza directed the clerk to call roll:

AYES: Zwaga, Ballantini, Straza

Motion passed.

The following item was presented:

Item 5.E. V-10-24 - Public hearing, review, and action on a request submitted by Aruthra, LLC (1301 Shaunessey Dr.), for Variances from § 44-1503 and § 44-403 to allow a reduction or removal of requirements in a Planned Unit Development, a minimum lot area per dwelling unit of less than 3,300 square feet, and a reduced corner front yard, for property generally located north of the intersection of Fox Creek Road and St. Ivans Circle, consisting of approximately 6.57 acres. PIN: 21-18-153-009.

David Armstrong (Applicant's Attorney), requested the item be continued to the next regular meeting due to lack of sufficient quorum required to act upon Variance cases.

Vice Board Chair Ballantini made a motion, seconded by Board Member Zwaga, to continue the item to the next Zoning Board of Appeals meeting, November 20, 2024. Roll call.

AYES: Straza; Ballantini; Zwaga

Motion passed.

New Business

There was no new business reported.

Adjournment

Board Member Zwaga made a motion, seconded by Vice Chair Ballantini, to adjourn the meeting.

AYES: Straza; Ballantini; Zwaga

Motion passed.

The Meeting Adjourned at 6:09 PM

CITY OF BLOOMINGTON

Michael Straza, Board Chair

Jon Branham, Staff Liaison



REGULAR AGENDA ITEM NO. 5.A.

FOR ZONING BOARD OF APPEALS: November 20, 2024

WARD IMPACTED: Ward 2

SUBJECT:

V-10-24 - Public hearing, review, and action on a request submitted by Aruthra, LLC, for **Variances from § 44-1503 and § 44-403** to allow a reduction or removal of requirements in a Planned Unit Development, a minimum lot area per dwelling unit of less than 3,300 square feet, and a reduced corner front yard, for property generally located north of the intersection of Fox Creek Road and St. Ivans Circle, consisting of approximately 6.57 acres. PIN: 21-18-153-009.

RECOMMENDED MOTION: Motion to establish findings of fact that the standards for approval of Variances **are met**, carrying out the strict letter of the Code **does create a practical difficulty** or particular hardship for the Applicant, and to **approve the request** for Variances to § 44-1503 and § 44-403, as presented, **contingent** upon the development of townhomes on the subject property.

STRATEGIC PLAN LINK:

Goal 5. Great Place - Livable, Sustainable City
Goal 3. Grow the Local Economy

STRATEGIC PLAN SIGNIFICANCE:

Objective 5b. City decisions consistent with plans and policies
Objective 4c. Preservation of property/home valuations

BACKGROUND: This item was continued from the October 16, 2024 meeting at the request of the Applicant, due to lack of sufficient quorum.

The Applicant seeks Variances to allow a reduction or removal of requirements in a Planned Unit Development, a minimum lot area per dwelling unit of less than 3,300 square feet, and a reduced corner and front side yard for a planned townhome community.

- The Variances are not required for the development of the townhome use recommended for approval at the October, 2024, regular meeting, as the planned development may meet Zoning Code requirements if constructed on a single lot of record.
- Variances are requested to facilitate the subdivision of a townhome community into lots of record that may be sold and individually owned with the underlying land, encouraging owner-occupancy of the property(s).
- As a requirement of associated Agreements and Permits, a Homeowner's Association will be formed for ownership and management of public areas. A reserve account for capital improvements will be pre-funded; a maintenance account will be set up and dues established. The reserve and maintenance funds will be gap-funded by the developer.

until 75% of the Lots are sold or built upon.

Any approval of request will be contingent upon development of the townhome community proposed as part of an related Annexation Agreement and Zoning Map Amendment (Z-11-24) and Special Use Permit (SP-06-24).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice was published in The Pantagraph on Monday, September 30, 2024. Courtesy notices were mailed to 54 property owners within 500 feet of the subject property.

FINANCIAL IMPACT: Growth of local tax base.

Respectfully submitted for consideration.

Prepared by: Jon Branham, City Planner

ATTACHMENTS:

V-10-24 - Ridgewood West - Staff Report - VARIANCES Nov

Concept Plan - Ridgewood West - Not Subdivided

Concept Plan - Ridgewood West PUD (estimated lot lines included)

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: ~~October 16~~ November 20, 2024

CASE NO: V-10-24, Variances from § 44-1503 and § 44-403 of the Zoning Code

REQUEST: Public hearing, review, and action on a petition submitted by Aruthra, LLC, requesting approval of Variances from § 44-1503 and § 44-403 of the Zoning Code, to allow a reduction or removal of requirements in a Planned Unit Development, a minimum lot area per dwelling unit of less than 3,300 square feet, and a reduced corner and front side yard, for property generally located north of the intersection of Fox Creek Road and St. Ivan's Circle, consisting of approximately 6.57 acres PIN: 21-18-153-009.

BACKGROUND

Request

The Applicant seeks Variances from § 44-403 of the Zoning Code, to 1) allow a reduced minimum lot area per dwelling unit, from 3,300 square feet to 2,700 square feet, 2) allow a reduced corner-side front yard on the north side of Concept Plan units 50 and 29, and the south side of Concept Plan units 39 and 40, from a 25-foot setback to a 10-foot setback. All Variances are requested with the goal of allowing proposed dwelling units to be subdivided and sold with the underlying property (fee-simple with Homeowners Association), rather than rented or sold as condominium properties. The proposed "Single-Family Attached" (townhome) structures may be built on the existing single lot of record without the requested Variances, pending approval of a Special Use Permit for such. To support a fee-simple form of ownership it is expected that subdivision as a PUD will be required.

The Applicant also seeks Variances from § 44-1503 to allow a reduction or removal of the maximum floor area, minimum open space, and minimum common recreation space requirements in a Planned Unit Development (PUD), as they are practically difficult for small developments that are not part of a larger, neighborhood-scale community plan; these requirements have been alternatively evaluated via residential dwelling unit density or provided via alternate method for this project.

Update

These Variance requests were continued from the October 16, 2024 meeting at the request of the Applicant, due to lack of sufficient quorum.

These requests are related to an Annexation Agreement and Zoning Map Amendment (County R-2 to City R-2) request which were recommended for approval by the Planning Commission on October 2, 2024, as well as a Special Use Permit request, which was recommended for approval by the Zoning Board of Appeals on October 16, 2024. Any approval of the Variance requests would be contingent upon development of the townhome community proposed as part of an related Annexation Agreement and Zoning Map Amendment (Z-11-24) and Special Use Permit (SP-06-24).

As a requirement of associated Agreements and Permits, a Homeowner's Association will be formed for ownership and management of public areas. A reserve account for capital improvements will be pre-

funded; a maintenance account will be set up and dues established. The reserve and maintenance funds will be gap-funded by the developer until 75% of the Lots are sold or built upon.

Notice

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, September 30, 2024. Courtesy notices were mailed to 54 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics

The subject property consists of approximately 6.5 acres of vacant land, zoned County R-2, located north of Fox Creek Road, near the intersection with St. Ivan's Circle. Surrounding properties contain a mix of largely residential uses, some cropland, and a public golf course.

Surrounding Zoning and Land Uses

	Zoning	Land Use(s)
North	County R-2 (Two-Family Residential)	Single-Family Residences, Park
South	City R-2 (Mixed-Residence) & City B-2 (Local Commercial)	Right-of-Way, Two-Family Residences
East	City R-1C (Single-Family Residential)	Drainage Way, Single-Family Residences
West	County A (Agricultural)	Large Lot Single-Family Residences, Cropland

Description of Proposed Zoning District

The R-2 (Mixed Residence) District is intended to accommodate development characterized by a mixture of housing types at a high single-family and a low multiple-family dwelling unit density. Densities of up to approximately 13 dwelling units per acre are allowed. This district allows for the conversion of dwelling units in older residential areas of mixed dwelling unit types in order to extend the economic life of these structures and allow owners to justify expenditures for repairs and modernization and serves as a zone of transition between lower density residential districts and residential districts that permit greater land use intensity and dwelling unit density. (§ 44-401E).

Subject Code Requirements

§ 44-403B (Table 403B: Bulk and Site Standards R-2 District)

Table 403B: Bulk and Site Standards R-2 District								
District	Lot Characteristics		Site Design			Development Intensity		
	Min. Lot Width (W)	Min. Lot Area (square feet)	Front Yard (F)	Side Yard (S)	Rear Yard (R)	Min. Lot Area per Dwelling Unit (square feet)	Max. Building Height	
			Min.	Min.	Min.		Feet	Stories
R-2								
Detached Residential	50 feet	6,600	25 feet	6 feet	25 feet	6,600	35 feet	2.5
Attached and Multi-Residential	75 feet	7,000	25 feet	6 feet	25 feet	3,300	35 feet	2.5
Other Uses	50 feet	7,000	25 feet	6 feet	25 feet	7,000	15 feet	1

§ 44-1503H (Table 1503: Residential Planned Unit Development Standards)

Table 1503: Residential Planned Unit Development Standards			
	Max. Floor Area (percent of land area)	Min. Open Space (% of land area)	Min. Common Recreation Space (% of land area)
R-1A	10.0	80.0	2.5
R-1B	20.0	76.0	3.6
R-1C	34.8	73.0	4.9
R1-H	34.8	73.0	4.9
R-2	40	72.0	5.2
R-3A	52.8	71.0	6.2
R-3B	80.0	68.0	8.0
R-4	34.0	73.0	4.9

STANDARDS FOR REVIEW - VARIANCE

As indicated in *Ch. 44, 17-8 Variations*, the Zoning Board of Appeals shall have the power to authorize Variations to this Code where there would be practical difficulties or particular hardships in carrying out the strict letter of those sections of this Code stated herein.

1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult.

The project had previous iterations that ultimately became infeasible to execute, given the site constraints. A major drainage way runs along the entire eastern border, approximately 50-feet, and the site drops by about 30 feet from south-to-north, and 15-feet west-to-east. The site is therefore restrictive as compared to other sites of similar size. Alternatives such as increasing land area per unit or reducing building size were examined but ultimately considered impractical. There is not available adjacent land for sale, and redesigning the project would require significant alterations and jeopardize project viability. In addition, the restrictions requested for these variances are restricting the form of ownership of the property, not the development of the use itself, which is not the goal of the Zoning Code that is designed to “foster the use and development of land in an orderly manner” (§ 44-102A). **Standard is met.**

2. That the Variance would be the minimum action necessary to afford relief to the applicant.

The Variances would allow for development of the property with a suitable and compatible development for the area. The Planned Unit Development standards for maximum floor area (40% land area), minimum open space (72% land area), and minimum common recreation space (5.2% land area) pose unreasonable burdens and are practically impossible to attain on smaller properties. Also, the minimum lot size of 3,300 square feet is infeasible as previously stated, and the few front/corner setback variance requests minimally vary from the requirements (less than 10%) and are generally harder to meet given the smaller lot sizes. All requests for varied setbacks are internal to the project and would not reduce distances to adjacent properties. **Standard is met.**

3. That the special conditions and circumstances were not created by any action of the applicant.

The Applicant did not create any special conditions or circumstances. The Applicant has requested the Variances after exhausting all other alternatives, in pursuit of an ownership type that the wider community and market have expressed as preferential. **Standard is met.**

4. That granting the variation request will not give the applicant any special privilege that is denied to others by the Code.

No special privileges would be granted to the applicant under these circumstances. Granting allows the Applicant to make reasonable use of their property given the limited constraints. Variation of the on-site open space and recreation space, in favor of direct connection to an adjacent public multipurpose recreational space (which a fee-in-lieu payment for parkland dedication, resulting from annexation, will help to maintain) is in alignment with the requirements of other subdivision and development projects, and current Parks & Recreation Department's desire to focus resources on existing properties, as well as the Comprehensive Plan's goal to "ensure the community facilities provide the greatest cost-benefit ratio to the population served" (CF-1.2). **Standard is met.**

5. That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use of development of adjoining properties.

The granting of the Variance would not be detrimental, and it which would not impact the character of the neighborhood. The proposed development is consistent with the scale of other developments in direct vicinity. Adjacent properties will not be prevented from reasonable use of their lands, nor will public welfare be placed at risk. All Variances are requested with the goal of allowing proposed dwelling units to be subdivided and sold with the underlying property (fee-simple with Homeowners Association), rather than rented or sold as condominium properties. The proposed "Single-Family Attached" (townhome) structures may be built on the existing single lot of record without the requested Variances, pending approval of a Special Use Permit for such. **Standard is met.**

STAFF RECOMMENDATIONS

Staff finds that the application **meets** all the standards for granting Variances and recommends that the Zoning Board of Appeals take the following actions:

Motion to establish findings of fact that the standards for approval of Variances are met, carrying out the strict letter of the Code **does create a practical difficulty** or particular hardship for the Applicant, and to **approve the request** for Variances to § 44-1503 and § 44-403, as presented, contingent upon the development of townhomes on the subject property.

Respectfully submitted,
Jon Branham
City Planner

Attachments:

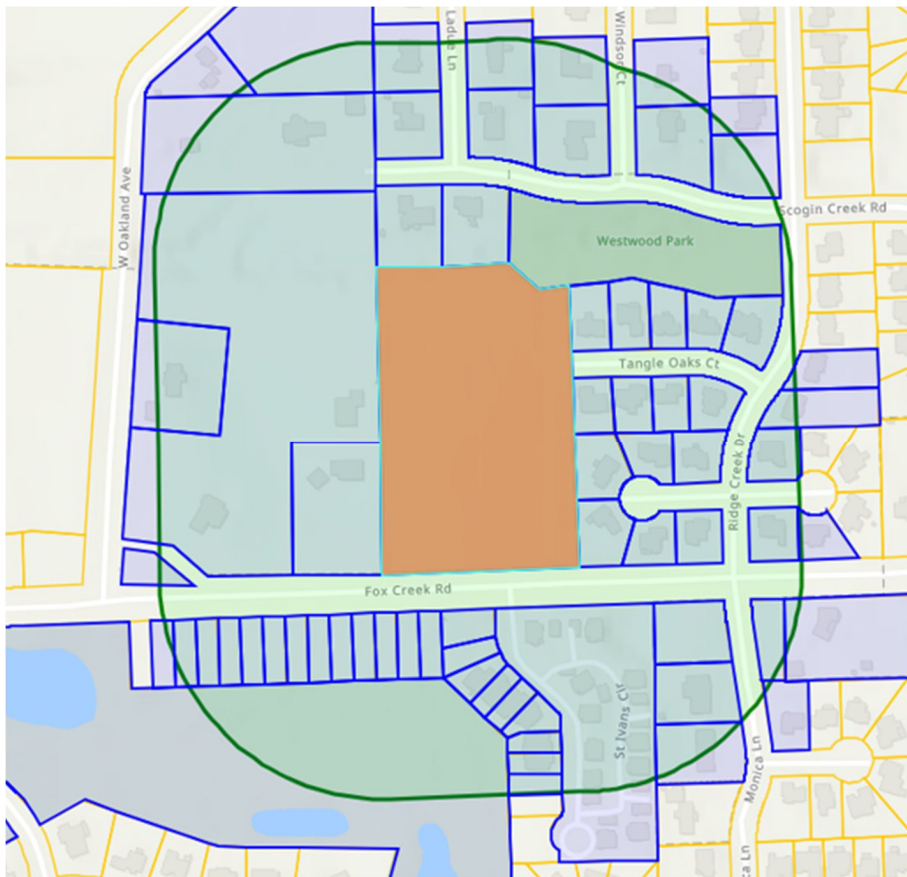
1. Zoning Map
2. Aerial Image
3. Ground-Level Views
4. Neighborhood notice map
5. Conceptual PUD Site Plan(s) (separate attachment); indicating property lines if subdivided, and proposed setbacks

An aerial photograph of a residential neighborhood. A large, irregularly shaped vacant lot is outlined with a thick red border. This lot is situated north of Fox Creek Rd and west of Tangle Oaks Rd. To the west of the red-outlined lot is a smaller lot containing a white house and a pond. To the east is a cluster of several houses with grey roofs, some with swimming pools. The area is divided into lots by yellow lines. The surrounding streets are labeled: Fox Creek Rd at the bottom, Tangle Oaks Rd to the east, Willow Bend to the east, and Monck's Creek Rd at the bottom right. A wooded area is visible to the north and east of the red-outlined lot.

Attachment 3- Ground-Level View



Attachment 4 - Neighborhood notice map



Concept Plan - Ridgewood West - Not Subdivided



Farnsworth
GROUP

2709 MCGRAW DRIVE
BLOOMINGTON, ILLINOIS 61704
(309) 663-9453 / info@fng.com

WWW.FNG.COM

Business | Jackson | Jackson | Jackson | Jackson

DATE: DESCRIPTION

DATE: DESCRIPTION

Preliminary Plan
NOT FOR CONSTRUCTION

ARUTHRA LLC

RIDGEWOOD WEST

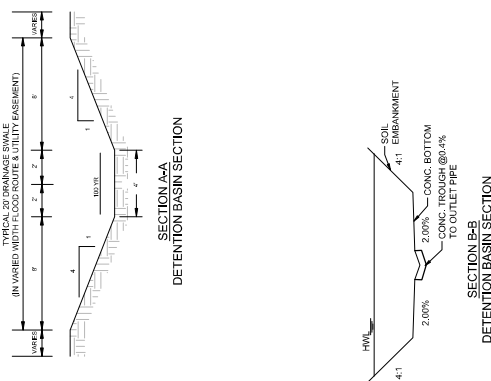
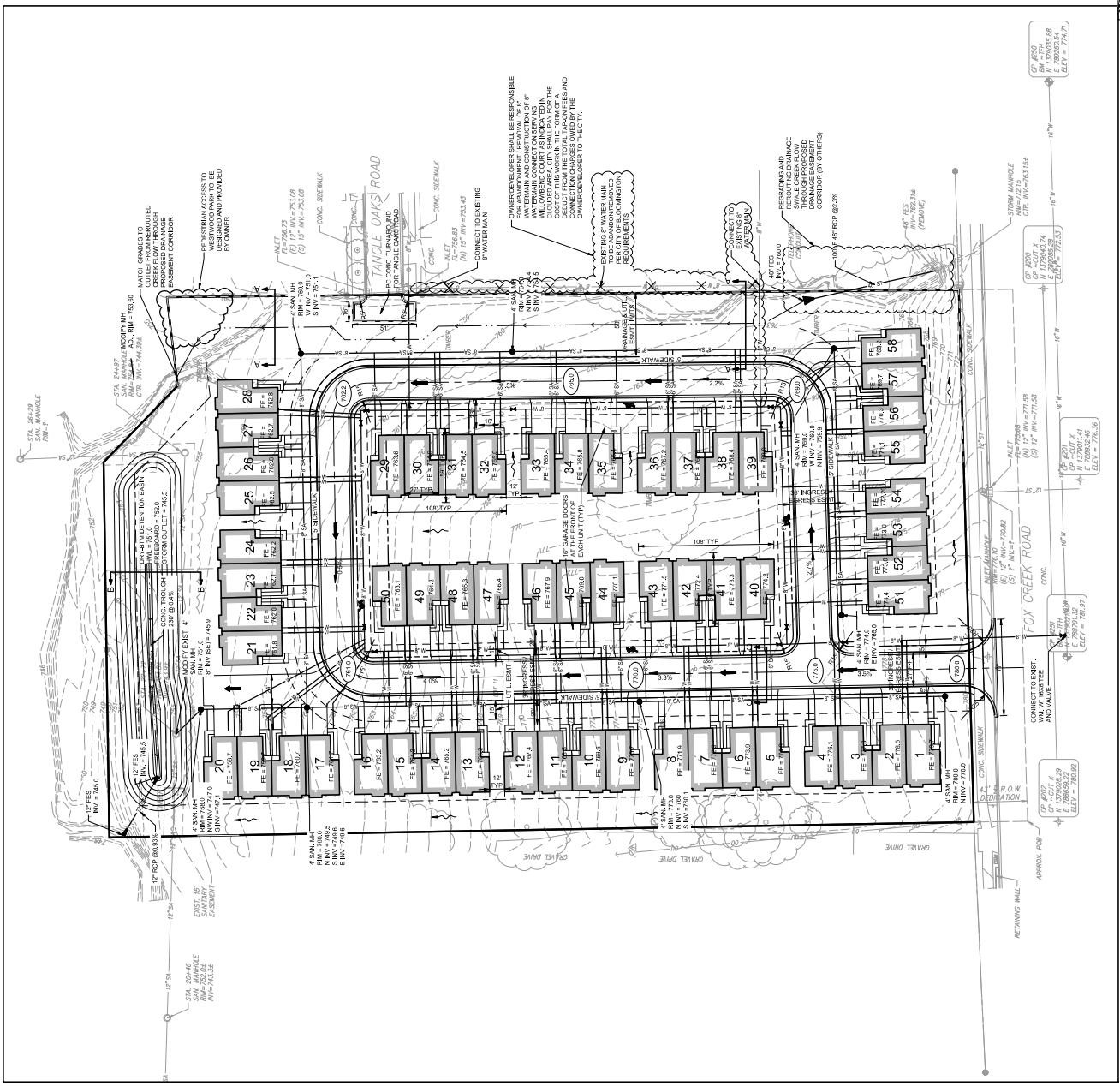
BLOOMINGTON, IL

DATE:	07/02/2024
DESIGNED:	SPT
DRAWN:	SPT
REVIEWED:	CNF
FIELD BOOK NO.:	BM3327
DATE:	07/02/2024

CONCEPT PLAN - OVERALL

C2.0

PROJECT NO.: 024098900



CONCEPT PLAN - OVERALL
SCALE: 1" = 40'



Farnsworth GROUP

2700 MCGRAW DRIVE
BLOOMINGTON, ILLINOIS 61704
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WWW.FG.COM
REGISTERED PROFESSIONAL ENGINEER
No. DATE DESCRIPTION

Preliminary Plan
NOT FOR CONSTRUCTION

ARUTHRA LLC

RIDGEWOOD WEST

BLOOMINGTON, IL

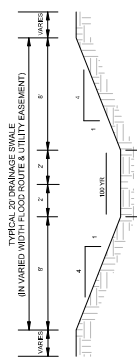
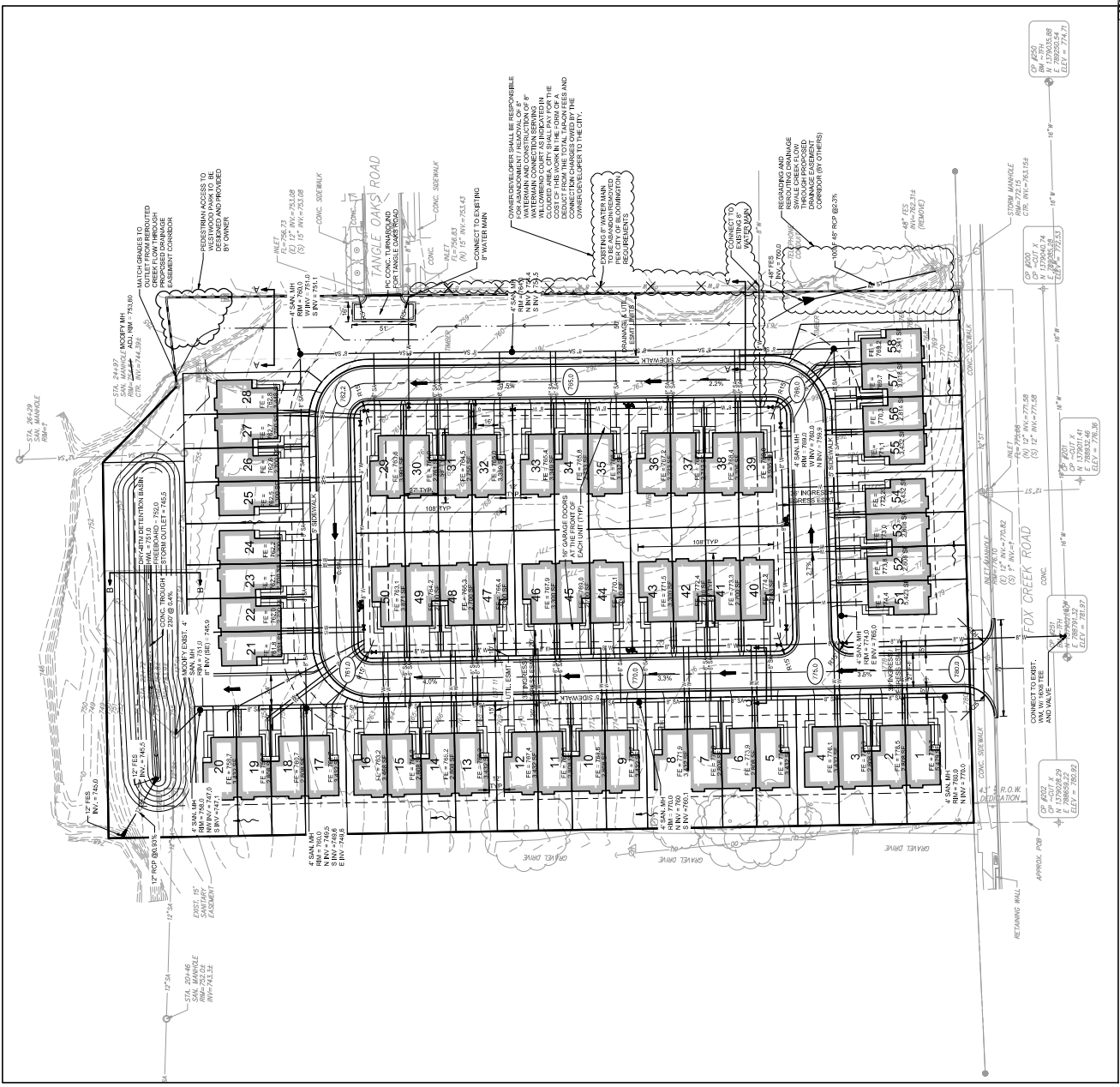
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DESIGNED: SP1
DRAWN: SP1
REVIEWED: CNF
FIELD BOOK NO.: BM3327
SHEET NO.

CONCEPT PLAN - OVERALL

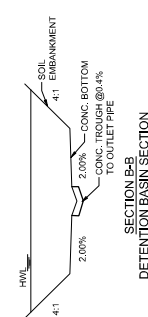
PROJECT NAME

C2.0

PROJECT NO.: 024088040



SECTION A-A
DETENTION BASIN SECTION



SECTION B-B
DETENTION BASIN SECTION

CONCEPT PLAN - OVERALL
SCALE: 1" = 40'



REGULAR AGENDA ITEM NO. 5.B.

FOR ZONING BOARD OF APPEALS: November 20, 2024

WARD IMPACTED: Ward 7

SUBJECT: **V-12-24** - Public hearing, review, and action on a request submitted by Illinois Wesleyan University, for **Variances from § 44-1205(B)(3)** of the Zoning Code, to allow reduced required parking lot setbacks **and § 44-1307(C)(1)** of the Zoning Code to allow reduced required parking lot landscaping in the B-1 (General Commercial) District, for the property located at 1011 N. Main Street. PIN: 14-33-390-001.

RECOMMENDED MOTION: Motion to establish findings of fact that the **standards for approval of Variances are met**, carrying out the strict letter of the Code **does create a practical difficulty** or particular hardship for the Applicant, and to **approve** of the request for Variances from § 44-1205(B)(3) and § 44-1307(C)(1), as presented.

STRATEGIC PLAN LINK:

Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:

Objective 5b. City decisions consistent with plans and policies

BACKGROUND: The Applicant seeks Variances from § 44-1205(B)(3), the requirement of a 12-foot front yard setback, to allow a 4.42-foot front yard setback on the north side of the property, and from § 44-1205(B)(3), the requirement of a six(6) foot side yard setback, to allow a 4.42-foot side yard setback on the south side of the property, and § 44-1307(C)(1), the requirements of a landscape island per every ten parking spaces, to allow zero islands in the proposed 15-space parking lot.

The Applicant desires the Variances for the construction of a new parking lot to accommodate an addition to the Joyce Eichhorn Ames School of Art Building at the Illinois Wesleyan University campus. The proposed parking area would provide additional remote parking for the enlarged building.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice was published in The Pantagraph on Monday, November 4, 2024. Courtesy notices were mailed to 23 property owners within 500 feet of the subject property.

FINANCIAL IMPACT: N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham, City Planner

ATTACHMENTS:

TO: ZONING BOARD OF APPEALS
FROM: Economic & Community Development Department
DATE: November 20, 2024
CASE NO: V-12-24, Variances from § 44-1205(B)(3) & § 44-1307(C)(1) of the Zoning Code
REQUEST: Public hearing, review, and action on a request submitted by Illinois Wesleyan University, for Variances from § 44-1205(B)(3) of the Zoning Code, to allow reduced required parking lot setbacks and § 44-1307(C)(1) of the Zoning Code to allow reduced required parking lot landscaping in the B-1 (General Commercial) District, for the property located at 1011 N. Main Street. PIN: 14-33-390-001.

BACKGROUND

Request

The Applicant seeks Variances from § 44-1205(B)(3), the requirement of a 12-foot front yard setback, to allow a 4.42-foot front yard setback on the north side of the property, and from § 44-1205(B)(3), the requirement of a six(6) foot side yard setback, to allow a 4.42-foot side yard setback on the south side of the property, and § 44-1307(C)(1), the requirements of a landscape island per every ten parking spaces, to allow zero islands in the proposed 15-space parking lot.

The Applicant desires the Variances for the construction of a new parking lot to accommodate an addition to the Joyce Eichhorn Ames School of Art Building at the Illinois Wesleyan University campus. The proposed parking area would provide additional remote parking for the enlarged building.

Notice

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, November 4, 2024. Courtesy notices were mailed to 23 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics

The property at 1011 N. Main Street consists of approximately 0.18 acres (~7,800 SF) of land at the intersection of N. Main Street and E. Graham Street, in the University Addition to the City of Bloomington. The lot is improved with a one-story office building with associated parking at the rear of the building accessed via an alley; the building is planned for demolition to allow the proposed parking lot. The property is surrounded by a variety of uses, including University Facilities, a Parking Lot, Medical Offices, and a Boarding House. Necessary streets and infrastructure are already existing.

Surrounding Zoning and Land Uses

	Zoning	Land Uses
North	P-1 (University)	University Facilities
South	B-1 (General Commercial)	Parking Lot
East	R-3A (Multi-Family Residence)	Multi-Family Residence / Boarding House
West	B-1 (General Commercial)	Medical Offices

Description of Current Zoning District

The intent of this B-1 General Commercial District is to facilitate the development of community and regional commercial areas. Customers in this district will generally use a motor vehicle to reach a desired establishment. The development contemplated in this district has such distinguishing characteristics as unified site planning and development that promotes a safe and conducive atmosphere for large volumes of shoppers; site accessibility such that the high volumes of traffic generated create minimal congestion and adverse impact upon surrounding land use; and unified architectural treatment of buildings rather than an assemblage of separate, conflicting store and structural types.

Subject Code Requirements

§ 44-1205(B)(3). Off-Street Parking and Loading. Location and Yard Requirements.

Where 10 or more parking spaces are required, off-street parking areas shall be located a minimum distance of 12 feet from the property line, in front yards, and six feet from the side and rear property lines to accommodate a landscaped perimeter as provided in Article XIII.

§ 44-1307(C)(1). Landscaping and Screening. Parking Lot Interior Landscaping.

Quantity. One parking lot island shall be provided between every 10 parking spaces. As part of the landscape plan approval, the location of parking lot islands may be varied based on specific site requirements or design scheme; however, a parking lot island or landscaped area shall terminate all parking rows.

STANDARDS FOR REVIEW

As indicated in *Ch. 44, 17-8 Variations*, the Zoning Board of Appeals shall have the power to authorize Variations to this Code where there would be practical difficulties or particular hardships in carrying out the strict letter of those sections of this Code stated herein.

1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult.

The property is narrow in width (~50 feet) for a commercial property and therefore practically infeasible to fit all required parking lot setback and landscaping items onto the site while allowing two-way circulation. Additionally, a one-way plan would likely require access via Main Street near the intersection of E. Graham Street, which may be challenging given Illinois Department of Transportation standards. **Standard is met.**

2. That the Variance would be the minimum action necessary to afford relief to the applicant.

The Variance would allow for a parking lot at the property and would allow relief to the applicant to utilize the property to service the expanded nearby facility with additional parking. The request still provides for reasonable setbacks from the adjacent properties. **Standard is met.**

3. That the special conditions and circumstances were not created by any action of the applicant.

The Applicant did not create any special conditions or circumstances. The lot was purchased as-is, with the given geometrical constraints. Additionally, there is not an opportunity for site expansion. **Standard is met.**

4. **That granting the variation request will not give the applicant any special privilege that is denied to others by the Code.**

No special privileges would be granted to the applicant under these circumstances. Granting allows the Applicant to make reasonable use of their property and would be similar in appearance to other nearby parking areas which exhibit more limited setbacks and landscaping. **Standard is met.**

5. **That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use of development of adjoining properties.**

The granting of the Variance would not be detrimental, as the Applicant is intending to enhance the property with a new parking lot to service nearby facilities. Perimeter landscaping will be required to assist with buffering. Adjacent properties will not be prevented from reasonable use of their lands, nor will public welfare be placed at risk. **Standard is met.**

STAFF RECOMMENDATION

Staff finds that the application meets all the standards for granting a Variance and recommends that the Zoning Board of Appeals take the following actions:

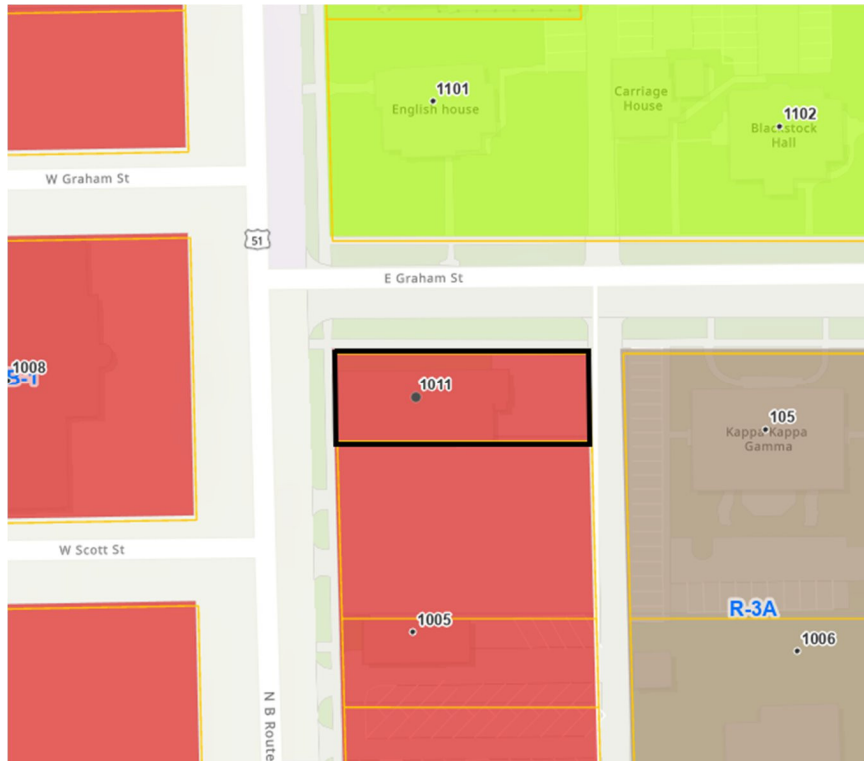
Motion to establish findings of fact that the standards for approval of Variances are met, carrying out the strict letter of the Code **does create a practical difficulty** or particular hardship for the Applicant, and to **approve the request** for Variances to § 44-1205(B)(3), and § 44-1307(C)(1) as presented.

Respectfully submitted,
Jon Branham
City Planner

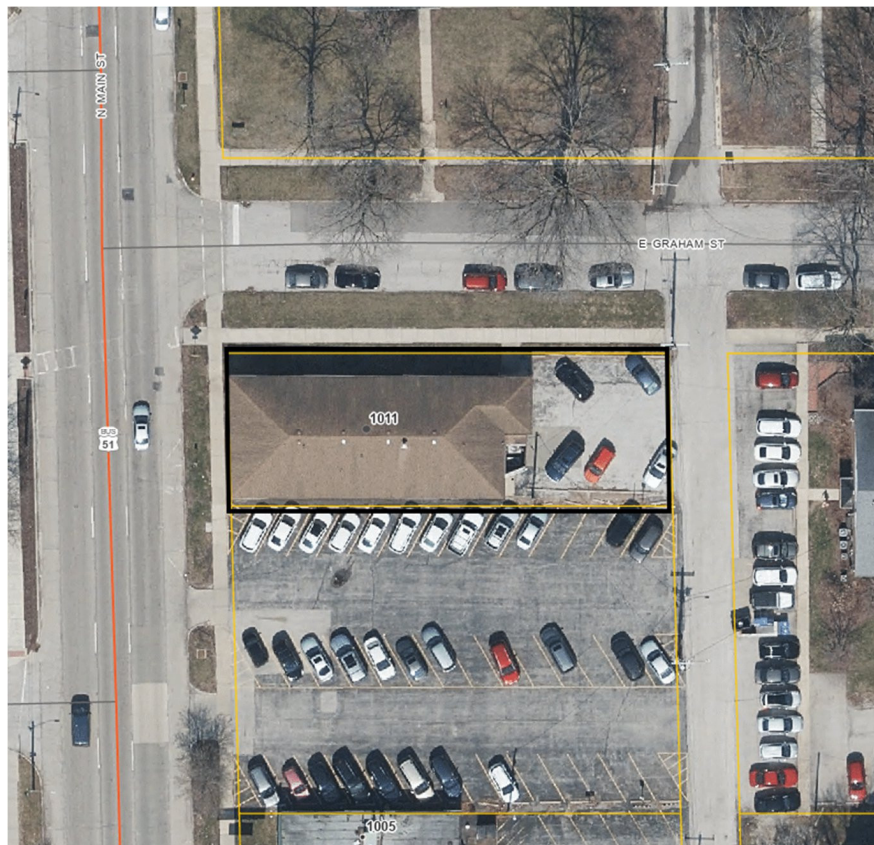
Attachments:

1. Zoning Map
2. Aerial Image
3. Ground-Level Views
4. Site Plan
5. Neighborhood notice map

Attachment 1 - Zoning Map



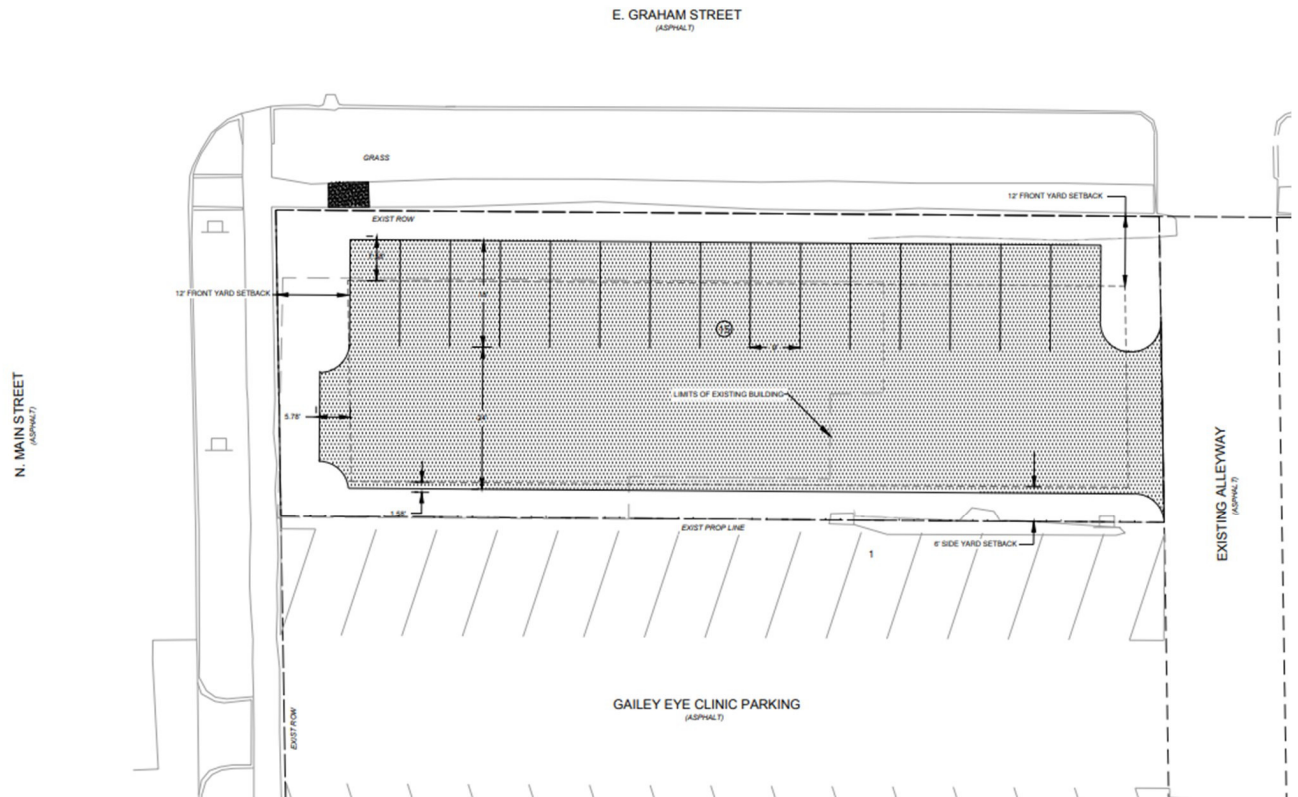
Attachment 2 - Aerial Image



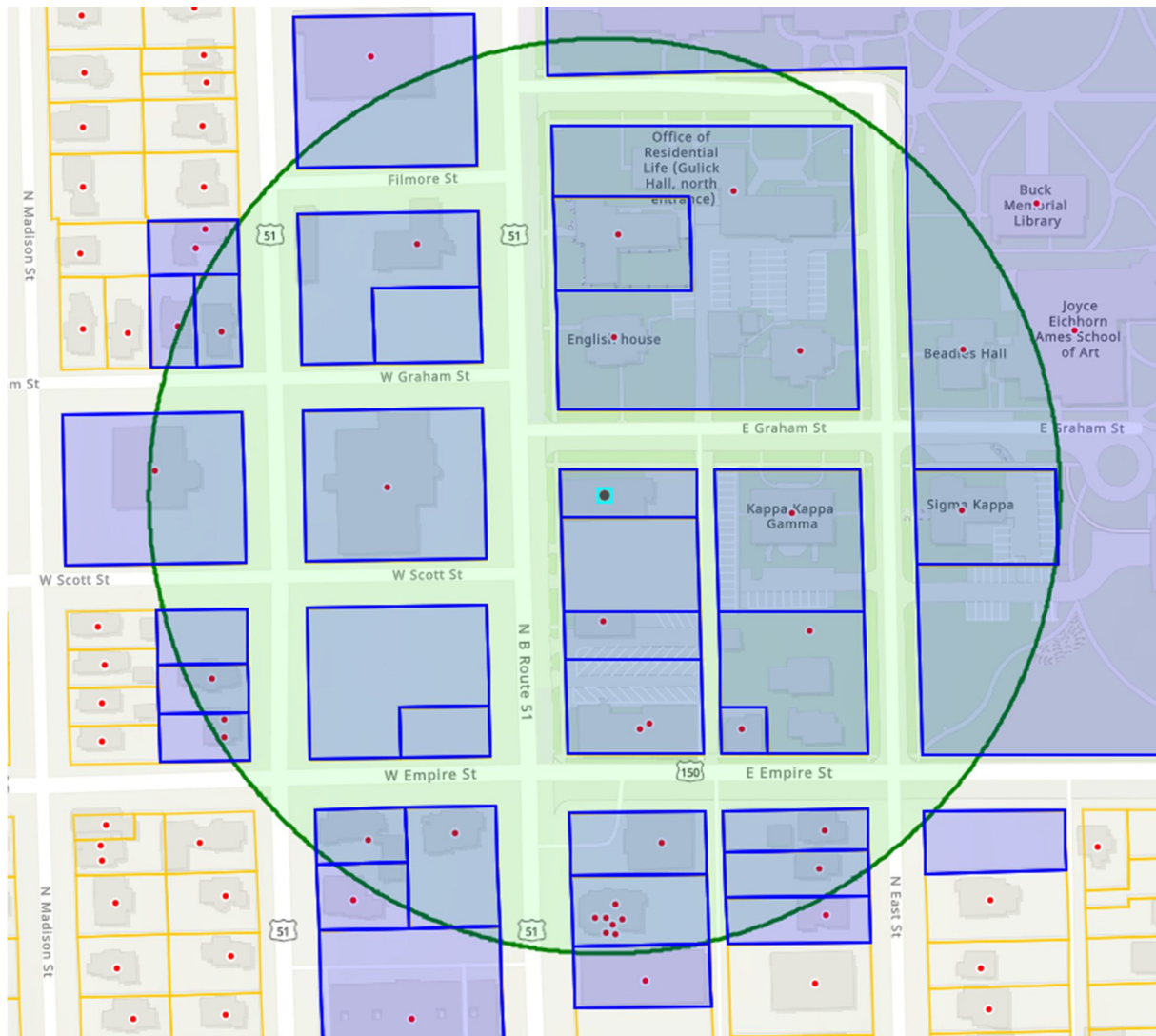
Attachment 3 - Ground-Level Views



Attachment 4 - Site Plan



Attachment 5 - Neighborhood notice map





REGULAR AGENDA ITEM NO. 5.C.

FOR ZONING BOARD OF APPEALS: November 20, 2024

WARD IMPACTED: Ward 9

SUBJECT: **V-13-24** - Public hearing, review, and action on a request submitted by Brett Ericson, for approval of a **Variance** to allow a reduced required rear yard setback for the property located at 2204 Tori Ann Lane. PIN: 15-30-251-007.

RECOMMENDED MOTION: Motion to establish findings of fact that the **standards for approval a Variance are met**, carrying out the strict letter of the Code **does create a practical difficulty** or particular hardship for the Applicant, and to **approve** of the request for a Variance from § 44-403A, as presented.

STRATEGIC PLAN LINK:

Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:

Objective 5b. City decisions consistent with plans and policies

BACKGROUND: The Applicant seeks a Variance from § 44-403 (Table 403A), the requirement of a minimum 30-foot distance to the Rear property line, to allow a structure with a 25-foot, 4-inch Rear Yard setback.

The Applicant desires to construct an addition at the property, which was originally constructed in 2003.

- A proposed addition to the primary structure would replace an existing screened-in porch in the same location and could have been enclosed by right prior to 2019 when the Zoning Code increased the setback for the R-1B District.
- The proposed addition would encroach four (4) feet, six (6) inches into the 30-foot rear yard setback required by the current Zoning Code.
- The Applicant intends to meet all other setback and bulk requirements.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice was published in The Pantagraph on Monday, November 4, 2024. Courtesy notices were mailed to 55 property owners within 500 feet of the subject property.

FINANCIAL IMPACT: N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham, City Planner

ATTACHMENTS:

[V-13-24 - Staff Report - 2204 Tori Ann Ln](#)

TO: ZONING BOARD OF APPEALS
FROM: Economic & Community Development Department
DATE: November 20, 2024
CASE NO: V-13-24, Variance from § 44-403A of the Zoning Code
REQUEST: Public hearing, review, and action on a request submitted by Brett Ericson, for a Variance from § 44-403A of the Zoning Code, to allow a reduced rear yard setback in the R-1B (Single-Family Residence) District, for the property located at 2204 Tori Ann Lane. PIN: 15-30-251-007.

BACKGROUND

Request

The Applicant seeks a Variance from § 44-403A, the requirement of a minimum of a 30-foot rear yard setback, to allow a 25-foot, 4-inch rear yard setback on the west side of the property.

The Applicant desires the Variance for the conversion of a 259-square foot screened-in porch room into a permanent portion of the residence at the rear of the property. The proposed construction would retain the existing footprint and continue to encroach into the required rear yard on the west side of the property.

Notice

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, November 4, 2024. Courtesy notices were mailed to 55 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics

The property at 2204 Tori Ann Lane consists of approximately 0.28 acres (~12,100 SF) of land near the intersection of Longwood Lane and Armstrong Road, in the First Addition to Eagle Crest East Subdivision. The lot is improved with a single-family residence with attached garage, constructed in 2003. The property is surrounded by single-family residential uses on all sides. Necessary streets and infrastructure are already existing.

Surrounding Zoning and Land Uses

	Zoning	Land Uses
North	R-1B (Single-Family Residence)	Single-Family Residence
South	R-1B (Single-Family Residence)	Single-Family Residence
East	R-1C (Single-Family Residence)	Single-Family Residence
West	R-1B (Single-Family Residence)	Single-Family Residence

Description of Current Zoning District

The R-1B (Single-Family Residence) District is intended to provide primarily for the establishment of areas characterized by moderate sized lots and single-family detached dwelling units for occupancy by families. In addition to these dwelling units, related recreational, religious, and cultural facilities intended to serve the immediately surrounding residents are allowed where such facilities are found to be compatible with surrounding residential development. The R-1B district allows densities of up to approximately six dwelling units per acre.

Subject Code Requirements

§ 44-403A. Table 403A: Bulk and Site Standards for R-1 Districts

Table 403A: Bulk and Site Standards R-1 Districts								
District	Lot Characteristics		Site Design			Development Intensity		
	Min. Lot Width (W)	Min. Lot Area (square feet)	Front Yard (F)	Side Yard (S)	Rear Yard (R)	Min. Lot Area per Dwelling Unit (square feet)	Max. Building Height	
			Min.	Min.	Min.		Feet	Stories
R-1A	125 feet	22,500	40 feet	16 feet	40 feet	22,500	35 feet	2.5
R-1B	70 feet	7,000	30 feet	6 feet	30 feet	7,000	35 feet	2.5
R-1C	50 feet	5,400	25 feet	6 feet	25 feet	5,400	35 feet	2.5
R-1H	50 feet	5,400	25 feet	6 feet	25 feet	5,400	35 feet	2.5

STANDARDS FOR REVIEW

As indicated in *Ch. 44, 17-8 Variations*, the Zoning Board of Appeals shall have the power to authorize Variations to this Code where there would be practical difficulties or particular hardships in carrying out the strict letter of those sections of this Code stated herein.

1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult.

This neighborhood was developed under a previous version of the Zoning Code which assigned 25-foot front and rear yards to R-1B (Single-Family Residence) properties. Almost all the residences in the vicinity were constructed with this minimum in the front, and on a few the primary structure reaches this minimum in the rear as well. The property currently has a residence with a screened-in porch attached to the rear, which has a 25-foot, 4-inch setback to the rear property line.

A proposed addition to the primary structure would replace the screened-in porch area in the same location and could have been enclosed by right prior to 2019. The addition would still meet a 25-foot rear yard setback and would not significantly change the visual impact of the existing home layout. The project requires the proposed dimensions to be feasible. The final construction would not differ much from other lot coverages in the neighborhood. **Standard is met.**

2. That the Variance would be the minimum action necessary to afford relief to the applicant.

The Variance would allow for an addition at the property and would allow relief to the applicant to utilize the property in a similar location of an existing screened-in porch, which currently has a 25-foot, 4-inch setback along the west side of the property. The request still provides for adequate setbacks from the adjacent properties to the north and south. **Standard is met.**

3. **That the special conditions and circumstances were not created by any action of the applicant.**

The Applicant did not create any special conditions or circumstances. The lot was created, and the residence was located at the property at a time when current setbacks would not have applied. Also, the previous property owners applied for and received a permit to construct the screened-in porch in the current location. **Standard is met.**

4. **That granting the variation request will not give the applicant any special privilege that is denied to others by the Code.**

No special privileges would be granted to the applicant under these circumstances. Several area houses were constructed in similar locations and have structures or accessory structures which are nonconforming (encroach into the current required rear yard) in this immediate area. Granting allows the Applicant to make reasonable use of their property and the continuation of the similar and smaller footprint as the existing screened-in porch area. **Standard is met.**

5. **That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use of development of adjoining properties.**

The granting of the Variance would not be detrimental, as the Applicant is not intending to make significant changes to the property, but rather enhance it with an updated permanent addition to the main residence. The view of the home from the street will remain similar and appropriate setbacks will be provided along the north and south sides. The rear yard is completely screened by existing evergreen plantings. The proposed residence with the addition would still be consistent with the scale of the rest of the neighborhood. Adjacent properties will not be prevented from reasonable use of their lands, nor will public welfare be placed at risk. **Standard is met.**

STAFF RECOMMENDATION

Staff finds that the application meets all the standards for granting a Variance and recommends that the Zoning Board of Appeals take the following actions:

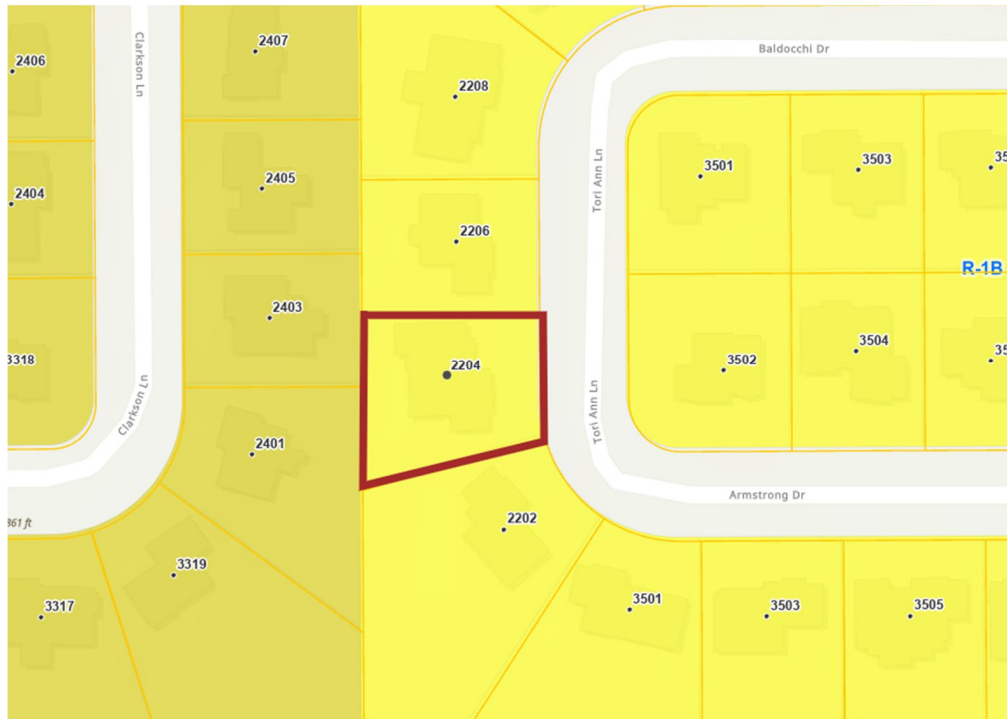
Motion to establish findings of fact that the standards for approval a Variance are met, carrying out the strict letter of the Code **does create a practical difficulty** or particular hardship for the Applicant, and to **approve the request** for a Variance to § 44-403A, as presented.

Respectfully submitted,
Jon Branham
City Planner

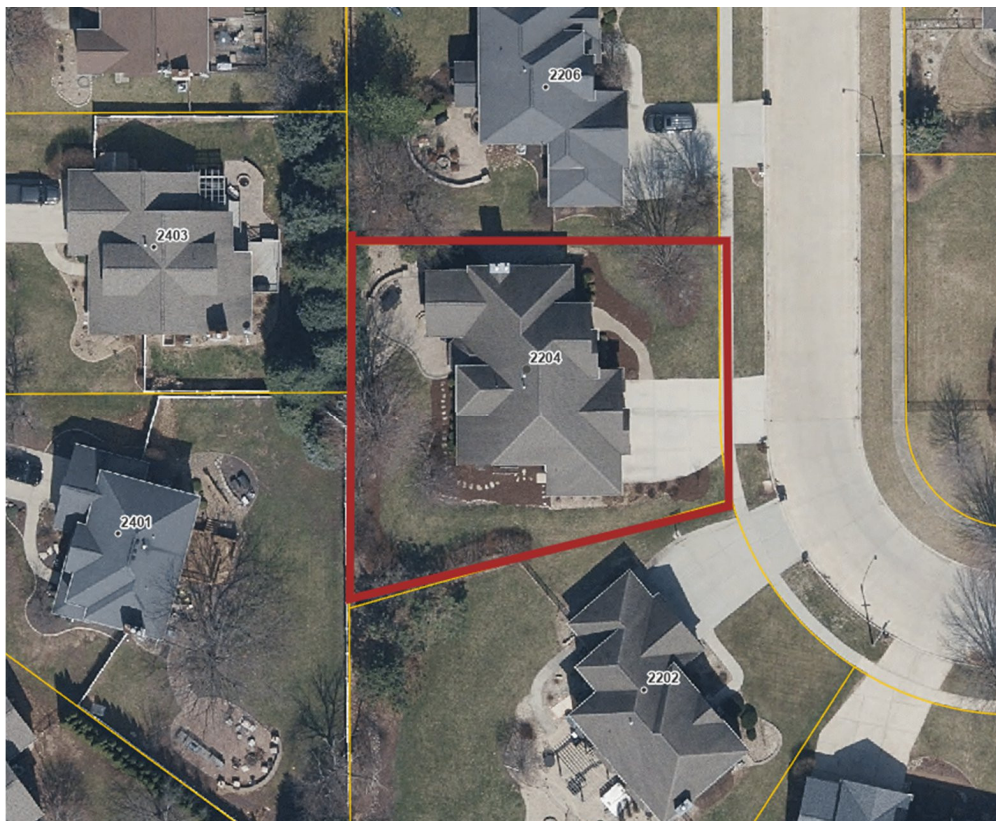
Attachments:

1. Zoning Map
2. Aerial Image
3. Ground-Level View
4. Site Plan
5. Neighborhood notice map

Attachment 1 - Zoning Map



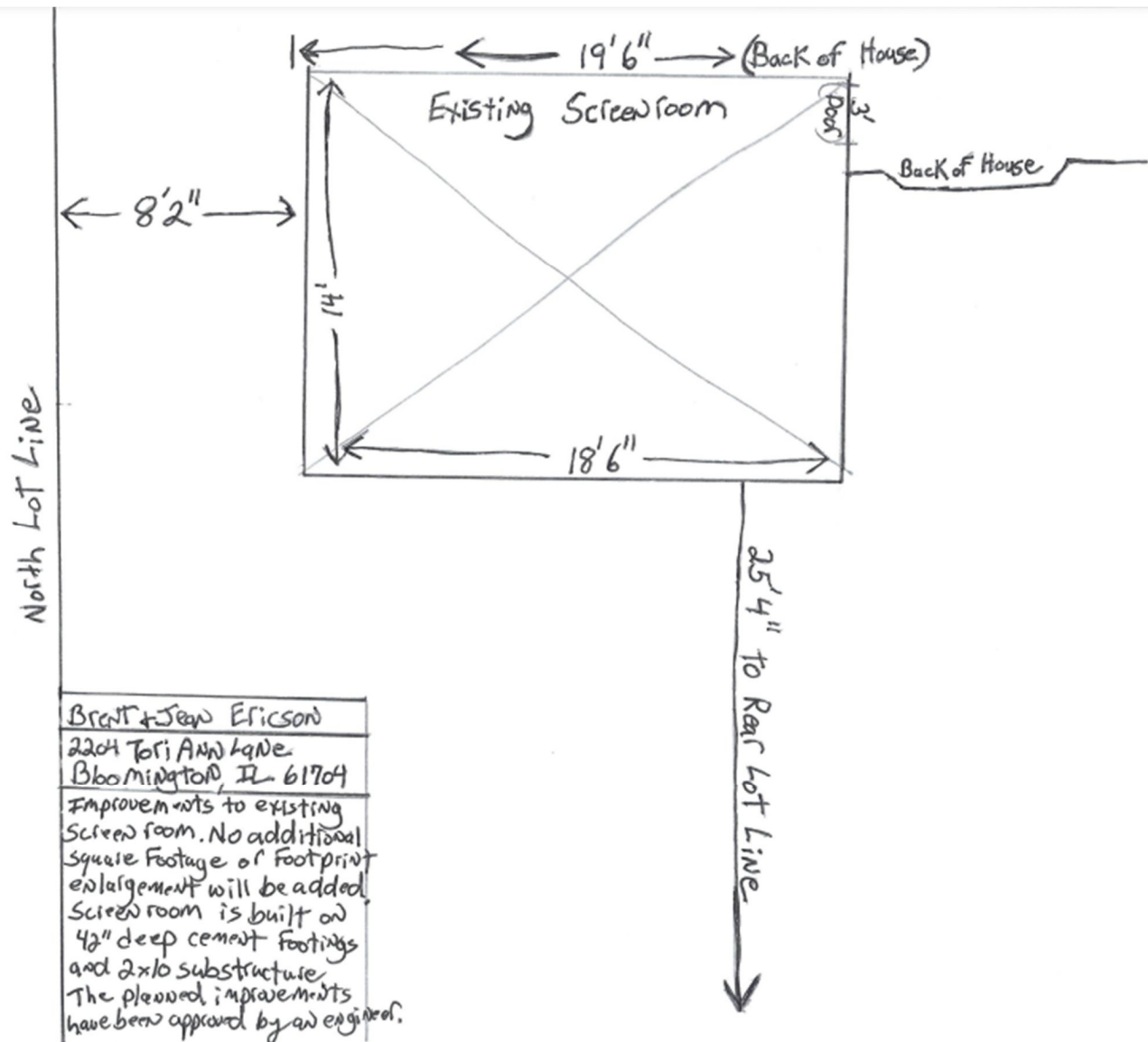
Attachment 2 - Aerial Image



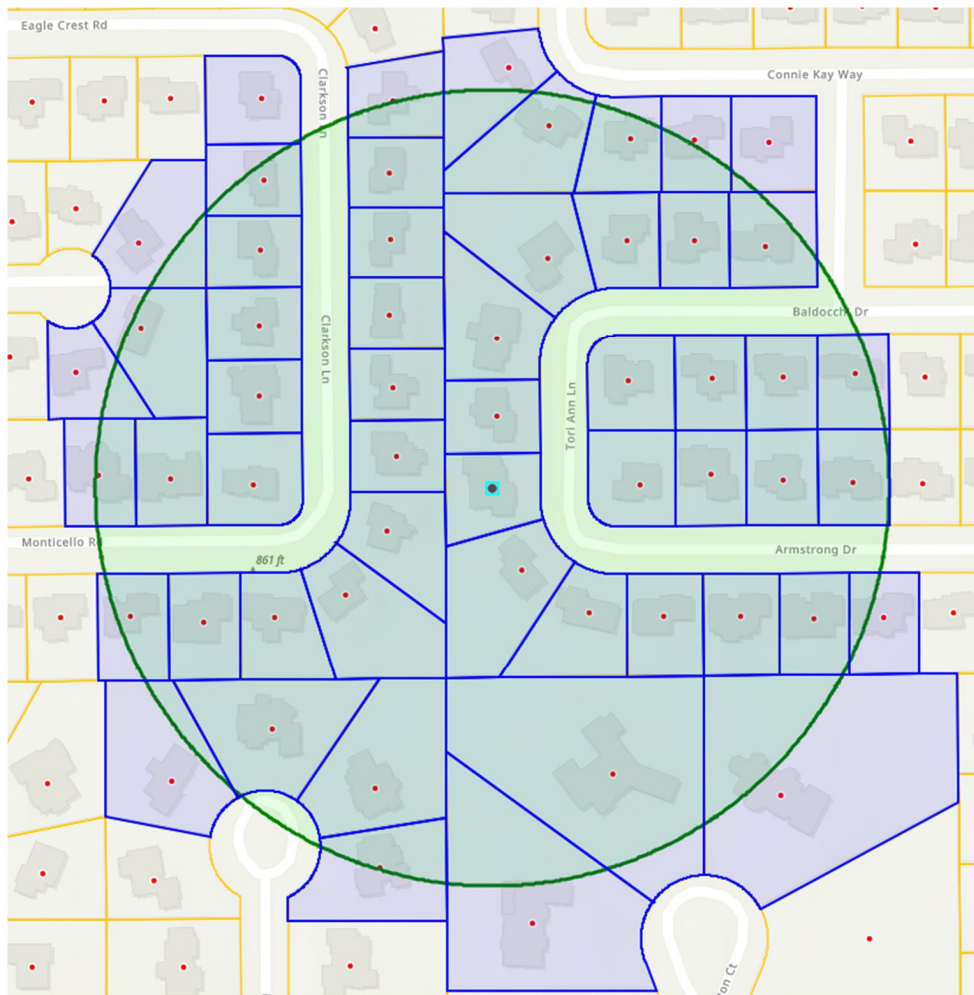
Attachment 3 - Ground-Level View



Attachment 4 - Site Plan



Attachment 5 - Neighborhood notice map





REGULAR AGENDA ITEM NO. 5.D.

FOR ZONING BOARD OF APPEALS: November 20, 2024

WARD IMPACTED: Ward 4

SUBJECT: **V-14-24** - Public hearing, review, and action on a request submitted by Natalie Whalen, for approval of a Variance to allow a driveway less than three (3) feet from the side lot line for the property located at 1205 Greenlawn Drive. PIN: 14-34-378-004.

RECOMMENDED MOTION: Motion to establish findings of fact that the **standards for approval a Variance are met**, carrying out the strict letter of the Code **does create a practical difficulty** or particular hardship for the Applicant, and to **approve** of the request for a Variance from § 44-404C(1), as presented.

STRATEGIC PLAN LINK:

Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:

Objective 5b. City decisions consistent with plans and policies

BACKGROUND: The Applicant seeks a Variance from § 44-404C(2)(a), the requirement that all driveways shall be located at least three (3) feet from any side lot line, to allow a driveway with a zero (0) foot side yard setback at the property.

The Applicant desires the Variance for the construction of a new driveway at the property. The proposed driveway would be constructed in a similar position of an existing gravel driveway and encroaches into the required three (3) foot side yard setback for driveways on the west side of the property.

The request is being made post-construction as the driveway has been completed without a permit.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice was published in The Pantagraph on Monday, November 4, 2024. Courtesy notices were mailed to 65 property owners within 500 feet of the subject property.

FINANCIAL IMPACT: N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham, City Planner

ATTACHMENTS:

[V-14-24 - Staff Report - 1205 Greenlawn Dr](#)

TO: ZONING BOARD OF APPEALS
FROM: Economic & Community Development Department
DATE: November 20, 2024
CASE NO: V-11-24, Variance from § 44-404C(2)(a) of the Zoning Code
REQUEST: Public hearing, review, and action on a request submitted by Natalie Whalen, for a Variance from § 44-404C(2)(a) of the Zoning Code, to allow a driveway less than three (3) feet from the side lot line in the R-1C (Single-Family Residence) District, for the property located at 1205 Greenlawn Drive. PIN: 14-34-378-004.

BACKGROUND

Request

The Applicant seeks a Variance from § 44-404C(2)(a), the requirement that all driveways shall be located at least three (3) feet from any side lot line, to allow a driveway with a zero (0) foot side yard setback at the property.

The Applicant desires the Variance for the construction of a new driveway at the property. The proposed driveway would be constructed in a similar position of an existing gravel driveway and encroaches into the required three (3) foot side yard setback for driveways on the west side of the property.

The request is being made post-construction as the driveway has been completed without a permit.

Notice

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, November 4, 2024. Courtesy notices were mailed to 65 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics

The property at 1205 Greenlawn Drive consists of approximately 0.13 acres (~5,660 SF) of land near the intersection of Greenlawn Drive and N. State Street, in the Prairie Lawn Re-Subdivision. The lot is improved with a single-family residence with a detached garage. The property is surrounded by single-family residential uses on all sides. Necessary streets and infrastructure are already existing.

Surrounding Zoning and Land Uses

	Zoning	Land Uses
North	R-1C (Single-Family Residence)	Single-Family Residence
South	R-1C (Single-Family Residence)	Single-Family Residence
East	R-1C (Single-Family Residence)	Single-Family Residence
West	R-1C (Single-Family Residence)	Single-Family Residence

Description of Current Zoning District

The R-1C (Single-Family Residence) District is intended to provide primarily for the establishment of areas of higher density single-family detached dwelling units while recognizing the potential compatibility of two-family dwelling units as special uses. Densities of approximately eight dwelling units per acre are allowed. This district may be applied to newly developing areas as well as the older residential areas of the City where larger houses have been or can be converted from single-family to two-family residences to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization.

Subject Code Requirements

§ 44-404(C)(2)(a). Off-street parking spaces shall be located as follows:

All new and approved off-street parking spaces and driveways shall be located at least three feet from any side lot line. All legal nonconforming driveways may be reconstructed, but not expanded, at their existing location.

STANDARDS FOR REVIEW

As indicated in *Ch. 44, 17-8 Variations*, the Zoning Board of Appeals shall have the power to authorize Variations to this Code where there would be practical difficulties or particular hardships in carrying out the strict letter of those sections of this Code stated herein.

1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult.

The driveway provides the only access to an existing detached garage in the rear of the home, constructed as part of the original design. The location of the primary structure is approximately 12 feet from the property line and any driveway less than 10 feet in width will present difficulties, even for drivers in smaller vehicle. The primary structure is even closer to the property line on the east side of the home. Provided these constraints, there is little flexibility regarding current driveway placement.

Standard is met.

2. That the Variance would be the minimum action necessary to afford relief to the applicant.

The Variance would allow for a new driveway and would allow relief to the applicant to utilize the existing one-car detached garage in a similar manner. The driveway is wide enough to accommodate only a single vehicle at a time between the residence and the side lot line. ***Standard is met.***

3. That the special conditions and circumstances were not created by any action of the applicant.

The Applicant did not create any special conditions or circumstances. The detached garage is existing, and the former driveway was designed to accommodate access to the garage. ***Standard is met.***

4. That granting the variation request will not give the applicant any special privilege that is denied to others by the Code.

No special privileges would be granted to the applicant under these circumstances. Area houses do not have attached garages. Detached garages are standard, and it is likely that these garages and the driveways providing access to them do not meet current setback requirements. Granting allows the Applicant to make continued reasonable use of their property. ***Standard is met.***

5. That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use of development of adjoining properties.

The granting of the Variance would not be detrimental, as the Applicant is not intending to make significant changes to the property, but rather enhance it with a new driveway. The view of the home from the street will remain similar and would still be consistent with the scale of the rest of the neighborhood. Adjacent properties will not be prevented from reasonable use of their lands, nor will public welfare be placed at risk. Several other properties in the neighborhood also have existing detached garages that were constructed very close to side and rear property lines that would not meet current setback requirements for accessory structures, and only provided enough space for a single car to navigate from the curb to the garage. **Standard is met.**

STAFF RECOMMENDATION

Staff finds that the application meets all the standards for granting a Variance and recommends that the Zoning Board of Appeals take the following actions:

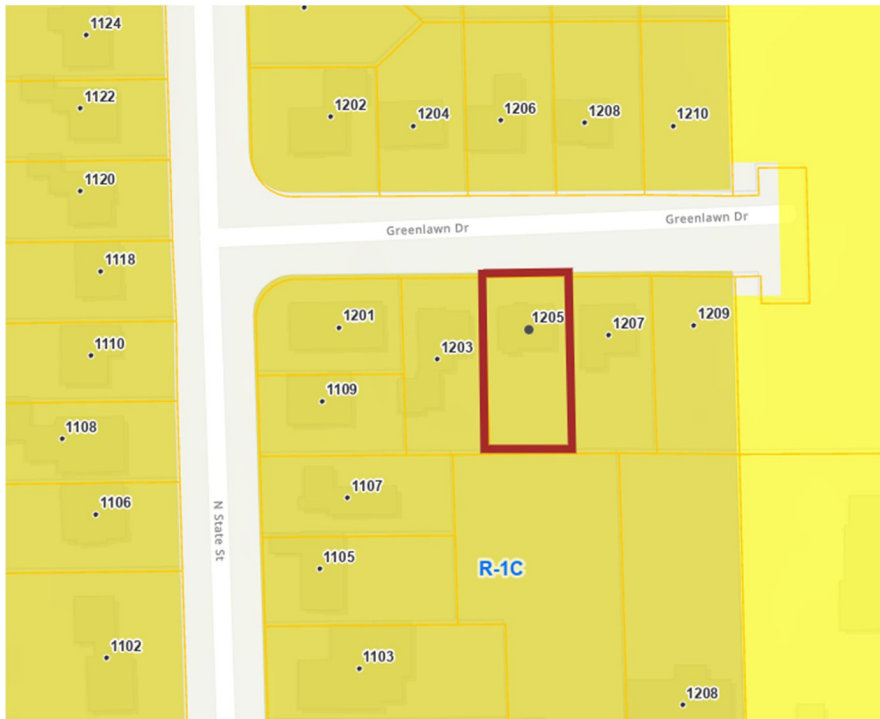
Motion to establish findings of fact that the standards for approval a Variance are met, carrying out the strict letter of the Code **does create a practical difficulty** or particular hardship for the Applicant, and to **approve the request** for a Variance to § 44-404C(2)(a), as presented.

Respectfully submitted,
Jon Branham
City Planner

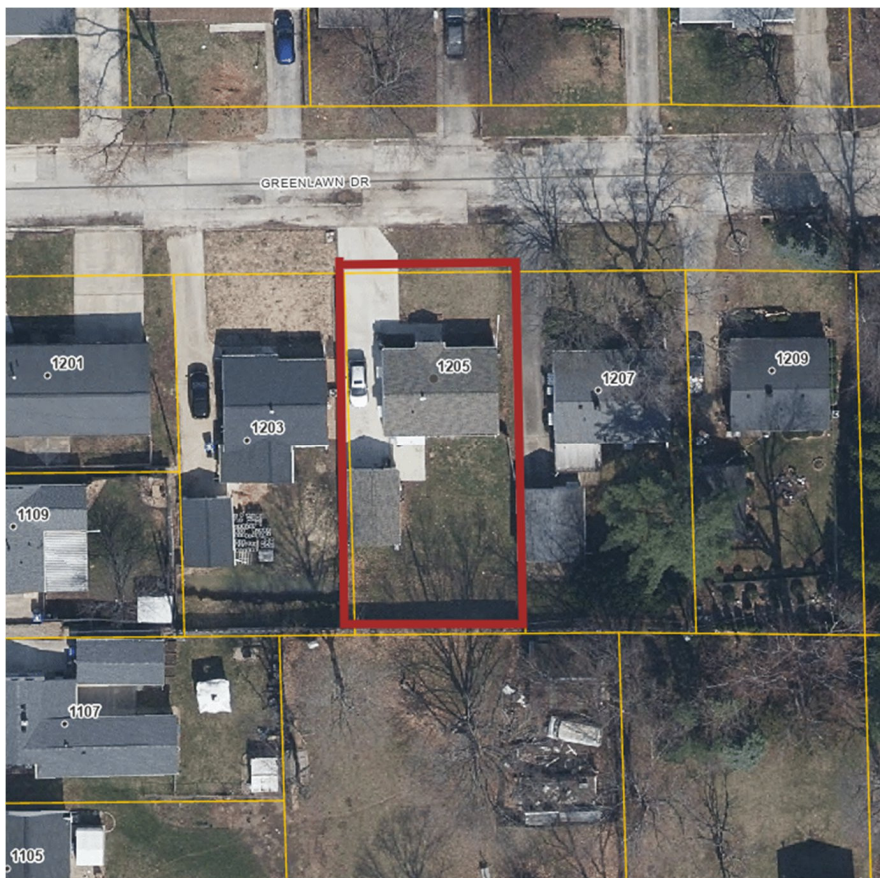
Attachments:

1. Zoning Map
2. Aerial Image
3. Ground-Level Views
4. Site Plan
5. Neighborhood notice map

Attachment 1 - Zoning Map



Attachment 2 - Aerial Image



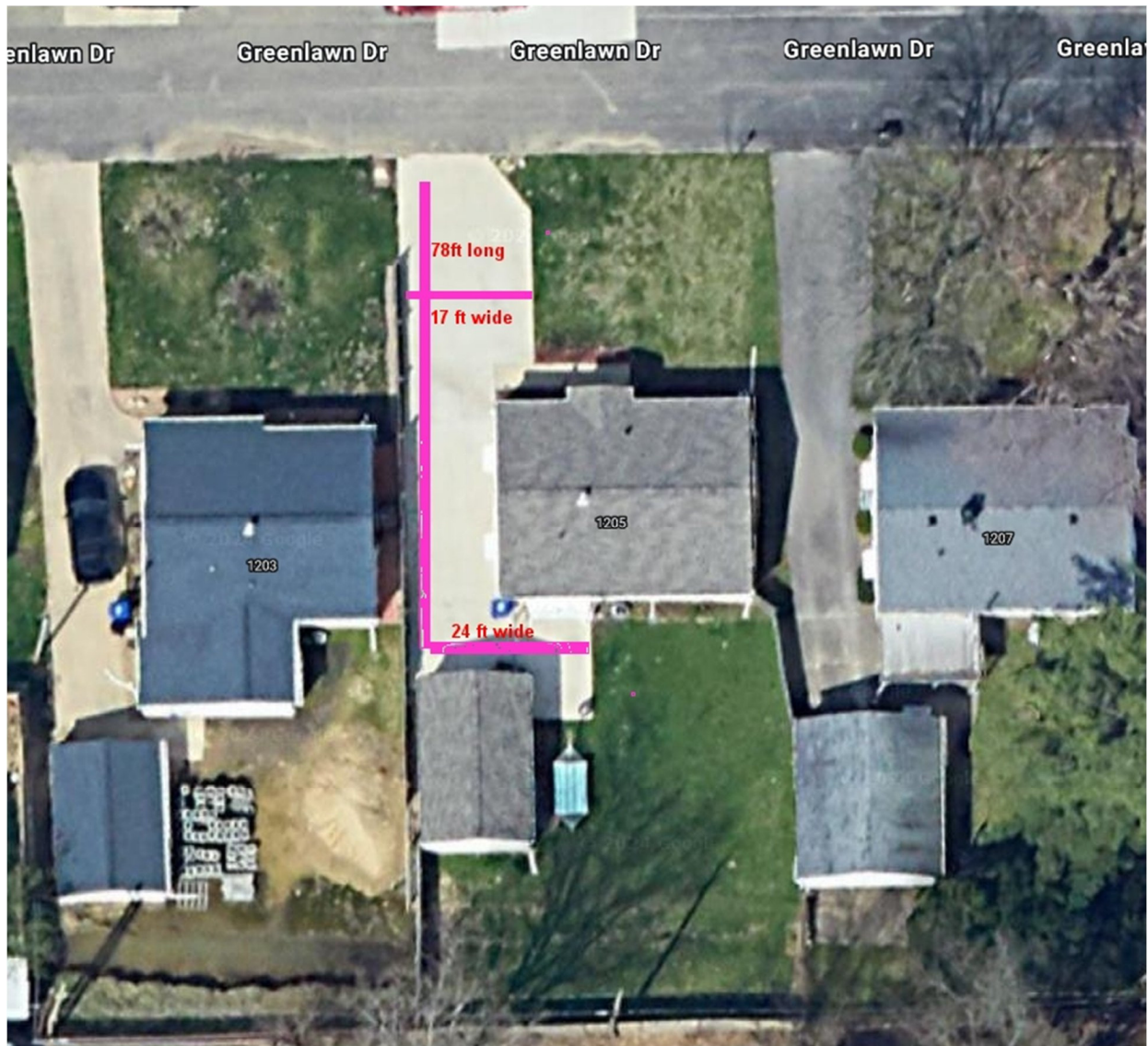
Attachment 3 - Ground-Level View (pre-construction)



Attachment 3 – Ground-Level View (post-construction)



Attachment 4 - Site Plan



Attachment 5 - Neighborhood notice map

