

AGENDA
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, NOVEMBER 16, 2016
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

A public comment period not to exceed thirty (30) minutes will be held during each Board and Commission meeting, as well as all regularly scheduled City Council meetings, Committee of the Whole meetings, meetings of committees and/or task forces (hereinafter "committees") created by the City Council, work sessions, and special meetings of the City Council. Nothing herein shall prohibit the combination of meetings, at which only one public comment period will be allowed.

Anyone desiring to address the Board, Commission, Committee or City Council, as applicable, must complete a public comment card at least five (5) minutes before the start time of the meeting. Public comment cards shall be made available at the location of the meeting by City staff at least 15 minutes prior to the start time of the meeting. The person must include their name, and any other desired contact information, although said person shall not be required to publicly state their address information. If more than five individuals desire to make a public comment, the order of speakers shall be by random draw. If an individual is not able to speak due to the time limitation and said individual still desires to address the individuals at a future meeting of the same type, said individual shall be entitled to speak first at the next meeting of the same type. (Ordinance No. 2015-46))

5. MINUTES: Consideration, review and approval of Minutes from the October 19, 2016 meeting.

6. REGULAR AGENDA

A. Z-41-16 Consideration, review and approval of a variance application submitted by Maria T Feger requesting:

- 1) to allow an accessory structure that exceeds the fourteen (14) foot height maximum;
 - 2) to allow an accessory structure with a gross floor area larger than 1000 sq ft or the principal structure, whichever is less;
- for the property located at 1422 Butchers Lane (**Ward 6**).

B. Z-42-16 Consideration, review and approval of a variance application submitted by Better Way Siding and Windows requesting:

- 1) the expansion of a nonconforming structure ;
- 2) a five (5) foot decrease in the rear yard setback

for the property located at 11 Kenyon Ct to add a sunroom onto the back of the house (**Ward 4**).

- C. **Z-43-16** Consideration, review and approval of a variance application submitted by Ethan and Nancy Evans requesting a front yard setback of eighteen (18) feet and five (5) inches from the neighborhood average of twenty (20) feet and four (4) inches for the property located at 505 S Moore Street to construct a front porch **(Ward 4)**.
- D. **Z-44-16** Consideration, review and approval of a variance application submitted by Public Building Commission of McLean County requesting
- 1) an increase the maximum floor area from 100% to 121%;
 - 2) a side yard setback of twelve and a half (12.5) feet in lieu of the required setback of one third (1/3) the building height
- for the property located at 104 W Front Street to as part of the McLean County Law and Justice Center expansion project. **(Ward 6)**.
- E. Staff requests the Zoning Board of Appeals lay over until the next meeting the consideration, review and approval of petitions submitted by the City of Bloomington Public Works Department on behalf of 16 property owners and properties located between 1200 and 1500 blocks of N Hershey Road, and within the 2200 and 2400 blocks of Arrowhead Drive and Clearwater Avenue requesting a variance to allow parking in the front yards in a residential district (44.7-2C). **(Ward 5)**

7. **OTHER BUSINESS**

8. **NEW BUSINESS**

- A. Discussion and vote to hold or cancel the December ZBA Meeting scheduled for December 21, 2016
- B. Vote to approve Zoning Board of Appeals meeting dates for 2017

9. **ADJOURNMENT**

For further information contact:

Katie Simpson, City Planner

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Government Center

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DRAFT MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
Wednesday, October 19, 2016, 4:00 P.M.
Council Chambers, City Hall
109 East Olive Street, Bloomington, Illinois

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

Members absent: Mr. Kearney, Ms. Meek

Also present: Mr. George Boyle, Assistant Corporation Counsel
Ms. Katie Simpson, City Planner

Ms. Simpson opened the meeting at 4:02 p.m. and called the roll. With five members in attendance, a quorum was present. City staff introduced themselves.

PUBLIC COMMENT None

The Board reviewed the minutes from September 17, 2016. Mr. Bullington offered a correction. A motion to approve the minutes with corrections was made by Mr. Simeone; seconded by Mr. Bullington, and was **approved** by a 5-0 voice vote.

Chairman Briggs confirmed today's case had been published and explained the meeting procedures. Ms. Simpson confirmed all items were properly published.

Z-32-16 Consideration, review and approval of a variance application submitted by Jennifer and Thomas Coon for a variance request to re-establish two adjacent, nonconforming lots of record under common ownership for residential purposes for the property located at 1203 S. Livingston Street.

Chairman Briggs introduced the case and noted this case had been laid over from the previous meeting so that it could be considered with case Z-37-16. Mr. Bullington suggested combining the two cases into one presentation.

Z-37-16 Consideration, review and approval of a variance application submitted by Jennifer and Thomas Coon for a variance request to allow a side yard of five (5) feet in lieu of the required six (6) feet for the property located at 1203 S. Livingston Street

Chairman Briggs introduced case Z-37-16 and asked the petitioner to present on both cases. Jennifer Coon, 1203 S. Livingston St., petitioner and owner of the property, was sworn in. Ms. Coon stated she and her husband live at 1203 S. Livingston Street. She noted that in spring 2015 the house at 1205 S. Livingston was destroyed by fire leaving only the garage. She stated that it the city six months to demolish the house. Ms. Coon explained she and her husband had numerous conversations with the city planner regarding their intentions to purchase the lot at 1205 S. Livingston. She noted that at no time, during those conversations, did the city inform her that the parcels would be combined. She stated she learned of the parcels being combined when she received her tax bill for 2014. She contacted the city

assessor's office and discovered the parcels had been combined. Ms. Coon stated she never received notification from the city explaining the reason the parcels were combined.

Ms. Coon explained she and her husband had intended to improve 1205 S Livingston with a residence but were unable to apply for a building permit because 1205 S Livingston no longer exists. Chairman Briggs clarified that a building permit would not be awarded for new residential construction but that the petitioner could apply for a permit to repair the accessory structure. Ms. Coon confirmed that she could apply for a permit under the 1203 address. Ms. Coon explained the financial arrangements for the mortgage at 1203 S. Livingston.

Mr. Bullington asked the petitioner to address the city's concern of shifting the property line north one foot. Ms. Coon explained she has no intent to rent or sell 1205 S Livingston at the moment but may need to in the future. She noted that the legal description associated with the loan includes the one foot and changing the legal description could pose complications with the current mortgage or if they ever wished to sell the property. Mr. Bullington asked the petitioner if refinancing would be an option. Ms. Coon expressed concerns about the cost of refinancing. Chairman Briggs clarified there were no citizens attending the meeting this time that were not at the last meeting.

Ms. Coon addressed the variance standards. She explained the minimum action necessary would be to leave the lot line where it is and other options suggested in staff's report would create financial hardship for her and her husband. She made clear it is not her intention to rent or sell the property at 1205 S. Livingston. She explained that other lots in the neighborhood are nonconforming in lot size and yards.

Mr. Bullington clarified the two variances requested. He asked the petitioner if her plans for 1205 S. Livingston would change if the second variance for a five foot setback were not approved. Ms. Coon explained that she would still like the lots re-established even if the second variance is denied. Mr. Bullington asked the petitioner to address the request for side yard setback. Ms. Coon reviewed the variance standards. She explained she does not feel the setback variance will be detrimental to the neighborhood and the minimum amount necessary and the best option with the least hardship for the petitioner would be to leave the lots at 45 feet. Mr. Boyle asked for clarification regarding the petitioner's intent for 1205 S. Livingston. Ms. Coon confirmed 1205 S. Livingston St. would be converted into a second residence for visiting family members and personal use.

Ms. Simpson presented the City staff report and stated staff recommends in favor of the variance in case Z-32-16. She presented photos of 1205 S. Livingston before the fire and photos after. She described the surrounding properties and reviewed the zoning map and an aerial photo for the property. She stated the petitioner proposes to re-establish the two 45 ft lots and convert the existing accessory structure into a principal structure. She explains that the garage was conforming as an accessory structure but when converted to a principal structure does not meet the required side yard setback for the R-1C district. She explained this is why the petitioner's reason for applying for the second variance. She reviewed the variance standards for the variance in case Z-32-16 and added that staff recommends in favor but is concerned the petitioner's intentions could create a nonconforming structure. Staff recommended the property lines be shifted to the north one foot in order to avoid creating a nonconforming structure.

Ms. Simpson explained case Z-37-16. She stated staff is recommending against the variance. She presented photos, provided a brief background and explained the complications with the zoning ordinance. She reviewed a number of options for addressing the side yard setback and confirmed staff believed moving the lot line would be the minimum action necessary to meet the requirements of the code. She reviewed the standards for a variance. She noted the property has no identifiable physical hardships. Chairman Briggs asked staff to clarify whether the property owner could rebuild on 1205 S. Livingston if it were destroyed given its nonconforming status. Ms. Simpson explained the property owner, despite the nonconforming status of the existing structure, would be allowed to rebuild a single family home but that home would need to meet the setback and bulk requirements of the zoning ordinance. She explained the variance goes with the property.

Mr. Simeone stated that he believes it very relevant that the city did not notify the petitioner that the parcels would be combined. He stated he feels the city is responsible for the petitioner's circumstances and should rectify the mistake. Mr. Bullington stated he believes the city's actions had nothing to do with the second agenda item and the petitioner would have needed a variance regardless. There was discussion about whether the petitioner would have

Chairman Briggs invited the petitioner to respond to staff's report. Ms. Coon noted the majority of lots in the neighborhood are nonconforming. Chairman Briggs clarified if staff's recommendation to move the lot line should be included in the motion for the variance. Ms. Simpson clarified the implications of approving each variance. Mr. Bullington suggested excluding the city's recommendation to move the lot line from the variance.

The petition for case Z-32-16 was **approved** by a 5-0 vote as follows: Brown— yes; Mr. Bullington— yes; Mr. Butts—yes; Mr. Simeone—yes; Chairman Briggs— yes.

The petition for case Z-37-16 was **denied** by a 2-3 vote as follows: Brown— no; Mr. Bullington— no; Mr. Butts—no; Mr. Simeone—yes; Chairman Briggs—yes.

Z-38-16 Consideration, review and approval of a variance application submitted by Eric Voelzke for a variance request to allow a front yard of twenty-five (25) feet in lieu of the required thirty (30) feet for the property located at 805 Vale Street.

Chairman Briggs introduced the case and Eric Voelzke, 805 Vale Street, the petitioner and property owner, was sworn in. Mr. Voelzke stated he hoped to add an extra 5 feet of open air porch to the front of his home. He provided background on his home and described the landscaping and concrete in the front of the home. He stated he has a bay window that projects located two feet in front of the house and would like to add the additional five feet of porch to allow for the bay window. He stated he believes the porch will beautify his home. He described the neighborhood and stated he would like to match the character of the neighborhood. Chairman Briggs asked the petitioner to describe the homes on his block. Mr. Bullington asked the petitioner if his property has physical characteristics that make strict adherence to the code difficult. Mr. Voelzke identified the lack of a front walkway and stated he would have to move the existing walkway to accommodate a five foot front porch. Mr. Bullington asked if the property is generally level and flat. Mr. Voelzke confirmed.

Chairman Briggs asked the petitioner if he currently has a porch. Mr. Voelzke explained he does not have any porch but previously had a small landing.

Ms. Simpson presented the City staff report and stated staff recommends against the variance request. She described the neighborhood and surrounding uses and presented photos of the property, the zoning map, and an aerial view. Ms. Simpson shared the petitioner's site plan and explained the petitioner's request. She noted the proposed front porch would expand the roofline and encroach five feet into the required front yard setback. She provided alternative options which comply with the requirements of the zoning ordinance. She stated both porches and open decks are common in the neighborhood, but the houses with porches appear to meet the setback requirements. Ms. Simpson reviewed the standards for a variance and staff finds the standards were not met. She noted other types of decks are permitted and do not require a variance. Chairman Briggs discussed alternative designs for the porch.

Mr. Voelzke restated older homes further down the block have porches and shorter yards.

The petition was **denied** by a 0-5 vote as follows: Brown—no; Mr. Bullington—no; Mr. Butts—no; Mr. Simeone—no; Chairman Briggs—no.

Z-39-16 Consideration, review and approval of a variance application submitted by Jeff Kochevar of a variance to allow a reduction in the parking lot perimeter landscaping from the required setback to zero (0) along the north and west borders of the property located at 1340-1344 E Empire Street.

Chairman Briggs introduced the case. Jeff Kochevar, 518 17th Street Denver, CO, petitioner was sworn in. Mr. Kochevar explained he is representing GH Development. He stated the company plans to redevelop the property to be used for a Harbor Freight Tools retail store. He presented a site plan for the property and discussed parking, drive aisles and setbacks. He described constraints of the property and difficulties meeting the landscaping setback on the north. He explained a shared parking and access agreement on the west of the property with the adjacent property owner. He explained the developer's plans to provide landscaping in the front and south of the property. Chairman Briggs noted the intersection at the south east corner is hazardous. Mr. Kochevar agreed and explained their intentions to close that access point. Mr. Kochevar explained the property's ingress and egress.

Ms. Simpson presented the City staff report and stated staff recommends in favor of the petitioner. Ms. Simpson presented photos and zoning map for the property. She described the zoning and surrounding uses. Ms. Simpson explained this property is located within the Empire Street TIF district. She provided an aerial photo of the property and noted the petitioner is seeking a shared access agreement with the neighboring property owner. Ms. Simpson discussed the site plan and noted the addition of a 6 ft fence to north property line to buffer the neighboring residential. She reviewed the standards for a variance and staff determined the standards were met. She noted a physical hardship was created overtime by the city when the lot size was decreased through the acquisition of public right of way. She explained the petitioner is exhausting other options and the variance is the minimum action necessary. She noted the benefits of closing the south east access, reconfiguring onsite traffic circulation, and adding the landscaping in front of the building.

The petition was **approved** by a 5-0 vote as follows: Brown— yes; Mr. Bullington— yes; Mr. Butts—yes; Mr. Simeone—yes; Chairman Briggs— yes.

OTHER BUSINESS: None

NEW BUSINESS:

Ms. Simpson explained the city will be partnering with Houseal Lavigne Associates to update the zoning ordinance. She noted the first meeting would be Wednesday, October 26, 2016 during the regular Planning Commission meeting. She confirmed the Planning Commission would not be voting on items pertaining to the update at this moment. Mr. Boyle explained the need to post notice of the meeting if a majority of the quorum of Zoning Board Members would be present. Mr. Boyle mentioned a second meeting with developers and architects would take place at 1:00 pm the same day.

Mr. Simeone explained he would be unable to attend. Ms. Simpson clarified this would be the first of many meetings. Chairman Briggs expressed interest in attending. Mr. Brown, Mr. Butts and Mr. Bullington stated they would be unable to attend the meeting on Wednesday, October 26, 2016.

There was a brief discussion about the role of the city attorney.

Mr. Bullington moved to adjourn; seconded by Mr. Butts and adjournment was approved by voice vote 5-0.

ADJOURNMENT: 5:17 PM

Respectfully,

Katie Simpson
Acting Secretary

**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
NOVEMBER 16, 2016**

SUBJECT:	TYPE:	SUBMITTED BY:
Z-41-16 1422 Butchers Ln	1). Accessory structure that is taller than 14 ft 2). Accessory structure with gross floor area (GFA) larger than 1000 sq ft or principal structure, whichever is less	Katie Simpson City Planner

REQUEST

The petitioner would like to build a garage and is seeking two variances to allow for an accessory structure that is: 1) taller than 14ft, and; 2) has a gross floor area larger than 1000 sq ft or the principal structure, whichever is less. The subject property is commonly located at 1422 Butchers Lane.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in the Pantagraph on October 31, 2016.

GENERAL INFORMATION

Owner and Applicant: Maria T Feger

PROPERTY INFORMATION

Existing Zoning: R-1B, Single Family Residential District
Existing Land Use: Single family home
Property Size: Approximately 6.1 acres
PIN: 21-08-302-002

Surrounding Zoning and Land Use**Zoning District**

North: R-1 (unincorporated) residential
South: R-1 (unincorporated), residential
East: R-1B, Single family residential
East: R-1C, Single family residential
West: R-4, Manufactured home park

Land Uses

North: Single family homes
South: Vacant lot
East: Single family homes
East: Single family homes
West: Manufactured home

Analysis**Submittals**

This report is based on the following documents, which are on file with the Community Development Department:

1. Application for Variation
2. Site Plan
3. Aerial photographs
4. Site visit

PROJECT DESCRIPTION

The subject site is commonly known as 1422 Butchers Ln and exists at the western terminus of Butchers Ln. The property is bordered by the Union Pacific Railroad to the west. The property is approximately 6.1 acres of gently rolling hills with a small cluster of trees. Three acres of land are used as soybean fields. The property is improved with a single family home with approximately 1,653 square feet of gross floor area. A number of smaller, accessory buildings exist on the property including a garage, side garage, barn, chicken coop and grain bin. The property was annexed into the City of Bloomington in 2000 and rezoned to R-1B, medium density single family residential, the same year. This zoning district is intended for moderate sized lots, at least 10,000 sqft, and densities of four (4) dwellings per acre.

The petitioner is requesting two variance from the Code's bulk requirements for accessory buildings and structures. The petitioner would like to construct a garage to store an RV and other recreational equipment on the west side of their property. The petitioner is proposing to remove all existing accessory structures (a garage, side garage, barn, chicken coop, and grain bin) to accommodate the new structure. The proposed building would have a gross floor area of 2,892 sq ft and a height of 22.6'. These dimensions exceed those that are permitted with the zoning ordinance and a variance is required in order to build the accessory structure. The garage would have gas, electricity and a roof top air conditioning unit. The garage will have two 14' X 14' bay doors, one entry door, and a new driveway access.

The petitioner referenced similar large accessory structures located along Six Points Road, to the north and at 1416 Butchers Ln. The accessory structures at 1416 Butchers Lane are considered nonconforming. Many of the properties along Six Points Road, directly south of the subject property, are still located within the County. If these properties and their buildings are annexed into the City, the accessory structures would be considered nonconforming and would need to comply with the City code if rebuilt.

The following is a summary of the requested variations:

Applicable Code Sections:

Section 44.4-4C

Type of Variance	Request	Required	Variance
Accessory structure height	22.6ft	14ft	8.6ft increase
Accessory structure GFA	2,892sqft	1,000sqft	1,892sqft increase

Analysis

Variations from Zoning Ordinance

The petitioner seeks a variance from the 14 ft height restrictions of an accessory structure and a variance from the maximum gross floor area (GFA) of 1000 sq ft for an accessory structure.

The Zoning Board of Appeals may grant variances only in specific instances where there would be practical difficulties or particular hardships in carrying out strict adherence to the Code.

Staff's findings of fact are presented below. It is incumbent on each Zoning Board of Appeals

member to interpret and judge the case based on the evidence presented and each of the findings of fact.

FINDINGS OF FACT

The petitioner has outlined the request for variation in the attached narrative and drawings. The Zoning Ordinance requires that the petition meet the findings of fact as outlined below.

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

Accessory Structure Height: The property consists of gently rolling hills. There are no extreme inclines or changes in slope. The property has no identifiable physical characteristics supporting the need for a height which exceeds 14 ft. Contrary, the excess height will increase visibility of the building for neighboring property owners, including the Manufactured Home Park to the west. The standard is not met.

Accessory Structure GFA: The code requires an accessory structure to be smaller than 1000 sq ft or the principal structure, whichever is more restrictive. The proposed accessory structure exceeds both the GFA for the principal structure and the 1000 sq ft maximum for an accessory structure. The desire for a larger GFA is not due to the physical characteristics of the property, but to the desire to house larger, recreational vehicles. The standard is not met.

That the variances would be the minimum action necessary to afford relief to the applicant; and

Accessory Structure Height: The petitioner is requesting the taller accessory structure to accommodate tall recreational vehicles and a rooftop air conditioner. A 14' structure would accommodate storage of the shorter items. Larger items could be stored off-site at a commercial storage facility. The accessory structure bulk requirements are meant to preserve the character of residential neighborhoods. The standard is not met.

Accessory Structure GFA: An accessory structure, by definition in the Code, is subordinate in area, extent and purpose to the principal structure. The proposed structure exceeds the area of the principal structure. A 1000 sq ft structure would still accommodate storage needs. Other larger items could be stored off-premise at commercial storage facilities. The standard is not met.

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

Accessory Structure Height: The petitioner is requesting the taller accessory structure to accommodate tall recreational vehicles and a rooftop air conditioner. The height of the building is directly related to the desire to house taller recreational equipment. The conditions are created by the applicant. The standard is not met.

Accessory Structure GFA: The petitioner is requesting a gross floor area that exceeds the code requirements to accommodate a number of recreational vehicles. The GFA is directly related to the number of recreational vehicles. The conditions are self-created. The standard is not met.

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

Accessory Structure Height: The petitioner referenced nearby surrounding properties with similar large structures. However, these structures were either existing when annexed into the

City and now considered nonconforming, or are still located within the County. The height restrictions of accessory structures apply to all structures within the city limits. The purpose of these requirements are to regulate their massing and to preserve views and control densities while ensuring accessory structures are maintained for residential purposes. The code attempts to prevent the conversion of an accessory structure into a principal structure and into a structure with a commercial use. The standard is not met.

Accessory Structure GFA: The petitioner referenced nearby surrounding properties with similar large structures. However, these structures were either existing when annexed into the City and now considered nonconforming, or are still located within the County. The standard is not met.

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.

Accessory Structure Height: The purpose of the accessory structure bulk requirements are to ensure the accessory structure remains subordinate to the principal and does not alter the character of the neighborhood. The height requirement regulates the proportion of structures within a neighborhood, preventing their conversion to commercial uses and protecting the views of neighboring properties. The city's zoning ordinance was created to manage densities and open space for city development where people tend to live within close proximity to one another. Although this area is more rural than the traditional city lot, permitting an accessory structure that exceeds these requirements in the R-1B district would set a precedent for other accessory structures in this district throughout the City.

Accessory Structure GFA: The GFA requirements for accessory structures are intended to ensure the structure remains subordinate to the principal. The purpose is to protect the general character of the neighborhood and prevent the conversion of the structure to commercial uses or a function similar to a commercial use. The variance to allow a larger GFA would set a precedent for other properties in the R-1B district throughout the City. The standard is not met.

STAFF RECOMMENDATION:

Staff finds that the petition has not met the Zoning Ordinance's standards required to allow a variance. Staff recommends **denial** of the requested variance in Case Z-41-16.

Respectfully submitted,

Katie Simpson
City Planner

Attachments:

- Variance Application
- Petitioner Statement of Findings of Fact
- Site Plan
- Aerial Map
- Zoning Map
- Newspaper notification

Agenda Item A

- Neighborhood notice and list of notified property owners

APPLICATION TO ZONING BOARD OF APPEALS

Please consider this as our petition for a variance from the requirement(s) of the Zoning Code. I have provided all information requested herein and attached our site plan and fee.

Site Address: **1422 Butchers Lane, Bloomington, IL 16701**

Petitioner: **Maria T Feger** Phone: **309-242-2705**

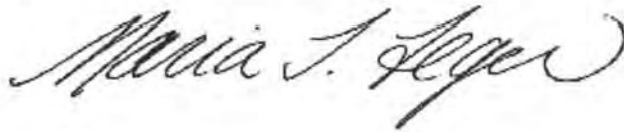
Petitioner's Email Address: tracy.feger@countryfinancial.com (preferred email)
info@griffindesign.us (evening email)

Petitioner's Mailing Address Street: **1426 Butchers Lane**

City, State, Zip Code: **Bloomington, IL 16701**

Contractual interest in the property ☒ X ☐ yes ☐ no

Signature of Applicant



Brief Project Description:

- Two garage doors size 14' x 14'
- One entry door. No windows are planned
- Accessory building size: 40' x 72' x 16' (2880 sq. ft.) to replace existing accessory structures with square foot total of 2892; Preferred roof pitch: 4-12
- New driveway
- Electrical and gas

Code Requirements Involved:

Section 44.4-4 Part C #3 & #4

3. No accessory building or structure in a residential district shall exceed one (1) story or fourteen (14) feet in height (whichever is less).

4. The gross floor area district shall not exceed the ground floor area of the principal building located on the same lot nor one thousand (1,000) square feet whichever is less.

Variances(s) Requested:

- Increase of square footage of detached building that is reasonable the property size of 6.10 acres and allows ample storage
- Replace existing accessory structures totaling 2892 square foot and allow 40 x 72' building to be built approximately 30' from West property line, approximately 240' from eastern property line and 550' from South property line
- Increase building height to accommodate a 14' garage door which allows recreational vehicle to be stored in building. RV & rooftop air conditioner 13.5' in height with a mean of 19.33'. Currently a two story barn exists on property with a peak of 22' and a mean is 19'.

Reasons to Justify Approval by the Zoning Board of Appeals: Your justifications for approval must also be provided in the statement of Findings of Fact.

STATEMENT OF FINDINGS OF FACT

(Must be answered by the Petitioner)

Chapter 44, Section 9.40(d): A variation from the terms of this Code shall not be granted by the Zoning Board of Appeals unless and until findings of fact are submitted demonstrating:

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

- A. Current code mandates any structure in excess of code to be added to the existing home. The home entrance is extremely close to the East side of property and force the addition to be located on the South side of the home.
- If added to the home, mature landscape (trees which are over three foot in diameter) would need to be removed.
 - If added to the home, the structure would be closer to neighbor property lines.
- B. The current accessory structures on the property are not very usable, would be costly to repair. They do not provide adequate length or adequate height to store any type of large recreational vehicles, F350 truck or other items.

We would like to remove all existing accessory structures, including outhouse (3.5' x 3.5') and construct one large accessory building.

Current Accessory Structure Building Type	Size	Square Foot
Garage	24' x 24'	576
Side Garage	24' x 9'	216
Barn	20' x 30' two stories, 21.5' at peak of roof	600 – first floor 600 – second floor
Chicken Coop	12' x 20'	240
Grain Bin	14' in diameter	660
Total Square Footage		2892

In addition to the accessory structures listed, a 24' x 9' lean-to was torn down in the spring of 2016 which was 216 sq. ft. This would have brought total square foot to 3108.

The new accessory building would be slightly less in square footage than existing accessory structures. **2880 square foot (proposed) vs 2892 square foot (current).**

The two story barn peak on the property is 21.5' tall. The proposed accessory building peak would be 22.6' tall (preferred option) or 21' tall (second option)

Currently the existing structures are 15' from East property line and 87' from the property line of 11 Stetson Drive. Proposed location would greatly increase that amount to 276' from East property line and 347' (over 4 times as far as current accessory buildings) from the property line of 11 Stetson Drive.

2. *That the variance would be the minimum action necessary to afford relief to the applicant; and*
 - A. Our goal is to replacing the multiple current accessory structures on the property with a singular accessory building of the same square footage. The singular building would be 40' x 72'.
 - B. The variance would allow the peak of the building to be similar in height to the peak of the existing barn on the property. The peak of the proposed building would allow the ability to accommodate 14' tall garage doors in order to store a 13.5' tall recreational vehicle with rooftop air conditioner. Garage doors require an additional 2' in order to open and close the doors.
3. *That the special conditions and circumstances were not created by any action of the applicant; and*
 - A. Adding the accessory building as proposed vs adding an extra-large garage to the home maintains the characteristics of the area. It keeps the property similar to other homes with multiple acres as well as keeps the home similar to those around it.
 - B. 1422 Butchers Lane is a very large property, 6.10 acres, including 3 acres that are agricultural and farmed each year with either soybeans or corn.
 - C. The city code does not adequately take into account subdivisions or properties with 5 or more acres as they are annexed into the city. The city code seems to assume all properties will eventually be subdivided as the accessory building codes accommodate properties 1/30th the size of 1422 Butchers Lane or 1/3 acre or less.
 - D. The properties directly North (two properties on Butchers Lane), South (multiple properties on Six Points Road) and bordering 1422 Butchers Lane are zoned county with buildings of this size.

The county defines agriculture as one acre or more.

Three acres of 1422 Butchers Lane is farmed. If located immediately South or North of where it is at - 1422 Butchers Lane would be allowed an accessory building in excess of 4200, square feet due to county zoning.

County regulations would allow a significantly larger building. County code: Total Accessory Structure Area (excluding attached garages, barns/livestock shelters constructed prior to July 27, 1966, corn cribs, etc.): (6-18-02) On lots 1-6 acres in areas containing 5 or more lots: **2400 square feet.** (6-18-02) **On lots less than 5 acres: 3600 square feet** (excluding barns/livestock shelters less than 2000 square feet in area and area used for indoor riding arenas). (6-18-02) (6-17-08) **On lots 5 acres or more: 4200 square feet** (excluding barns/livestock shelters less than 2000 square feet in area built after July 27, 1966 and area used for indoor riding arenas). (6-18-02) (6-17-08) (page 71 item 6).

- E. If property was located in directly to the North or South of its' current location, or even directly outside of the city in a **county subdivision on a 5 acre lot a 2400'** accessory building would be allowed.

- F. Two properties on Butchers Lane are zoned agriculture; yet do not have any agriculture on their properties. Three acres of 1422 Butchers Lane has been planted with either corn or soybeans since the home was built.

4. *That the granting of the variance requested will not give the applicant any special privilege that is denied to others by the Code; and*

- A. No special privilege is being given as existing structures totaling an excess of 2892 sq. ft. would be replaced with one accessory building of 2880 sq. ft. and also be further away from neighbor property lines.
- B. Due to the uniqueness of the property (6.1 acres) no special privilege is given as this property is not similar to the other properties in city subdivisions. Many subdivision properties cannot even meet the requirements necessary for 1000 sq. ft. accessory building.
- C. 1422 is a landlocked rural property. Farm fields are to the South are county. The field and wooded areas are not accessible directly from Six Points Road. There are three homes to the East and one home to the North. The other properties prevent roadway access. Approximately 15' of 1422 Butchers Lane touches Butchers Lane, allowing barely enough room for one driveway to the home. It would be difficult and expensive for a resident to build another home on any part of the property due to the size and street access of the property.
- D. Across the railroad bordering the West side of the property is a mobile home park. Due to the property's location next to the railroad and manufactured home park district (zone R-4), the property is less desirable to those who would consider purchasing for single residential homes for subdivision.
- E. Existing property has city water, but is on a septic tank. City sewer is not on the property.
- F. The requested building size is extremely small in proportionate to property.
- G. 1422 Butchers Lane is not part of the subdivision or similar to typical homes on city streets with curbs and sidewalks.

The subdivision property owners lot size (typically 1/3 or less acres) are not comparable to the 6.1 acres of 1422 Butchers Lane.

The subdivision property lots are quite small. A 1000 sq. ft. accessory building would not be allowed on their properties due to the amount of setbacks required from the side or rear of the properties. 1422 should not be penalized due to the smaller size of adjoining properties.

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

- A. The accessory building requested replaces the current accessory structures. It is comparable in square foot to the existing structures and the peak of the accessory building will be nearly identical in height to the peak of the two story barn currently on the property.
- B. The accessory building preserves the characteristics of the neighborhood by not adding an additional extra-large garage/storage area onto the house.
- C. The accessory building does not prevent the neighbors located in the South from any future development, nor interfere with any of the homes located East over 347' away from it.
- D. Our plan is that members of our family reside at 1426, 1422 and 1416 Butchers Lane for the long term. I have lived at 1426 Butchers Lane since 1993 and raised my sons at that location. The rural, farm feel and close proximity to immediate other family members is extremely important to us.

The existence of an accessory building allows us to preserve the characteristics of the neighborhood and preserves what our family values far more than selling all of the properties to be subdivided and potentially rezoned for multi-family housing.

If 1422 Butchers Lane is subdivided as R-1C, with 6.6 dwelling units per acre up to 39 dwelling units would be allowed. If property was zoned R-3A due to proximity of tracks, up to 12 – 29 dwelling units per acre are allowed or 72 – 174 dwelling units would be allowed.

If 1426, 1422 and 1416 Butchers Lane would be sold together, nearly 10 acres could to be developed. The combined acreage would be as large as either of the R-3 properties located on Six Points Road or Morris Avenue (Fox Creek).

- E. Other properties on Butchers Lane have similar sized or larger accessory buildings, the request permits an accessory building to be constructed similar to others in the neighborhood.
- F. Properties directly South of 1422 Butchers Lane, located and accessed from Six Points Road have similar sized accessory buildings, so the request is not out of the ordinary and would maintain the integrity of similar properties located next to 1422 and directly South of it.
- G. The area on Butchers Lane is rural/farm like in nature. It is not urban or city like. The West end of Butchers Lane is not subdivision OR city-like at all. The homes do not compare to the subdivision homes in size or appearance. Driveways are gravel, not concrete.

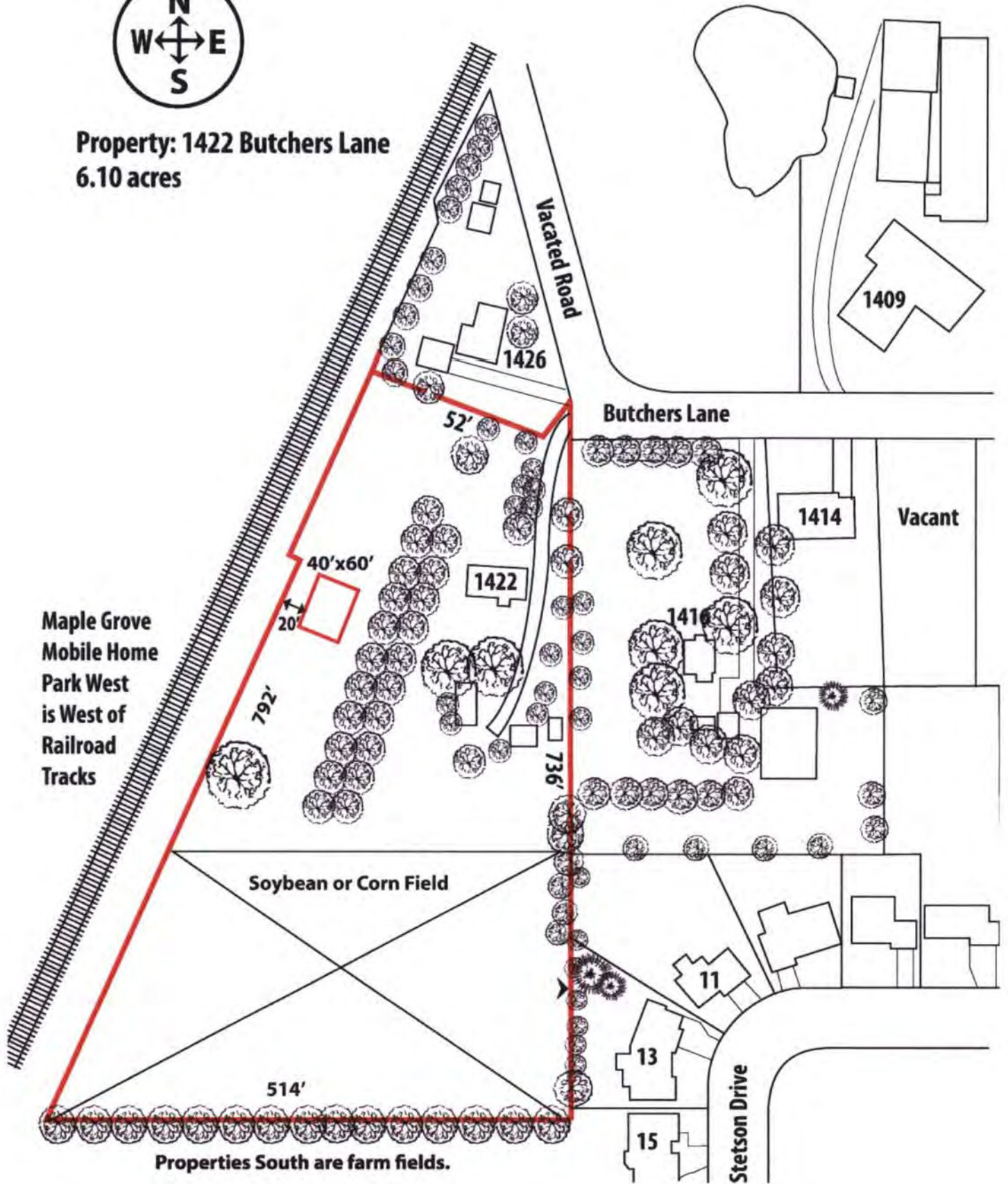
Butchers Lane does not have sidewalks, curbs or drainage on the road like typical city streets. It has the appearance of a narrow county road. No city improvements have been made to the road.

The subdivision properties driveways, sidewalks or homes are not accessible from 1422 Butchers Lane. Our intent is to maintain the rural, park-like atmosphere. Our preference is not to sell the property to a developer with the intent to change the zone to medium or high density zoning.

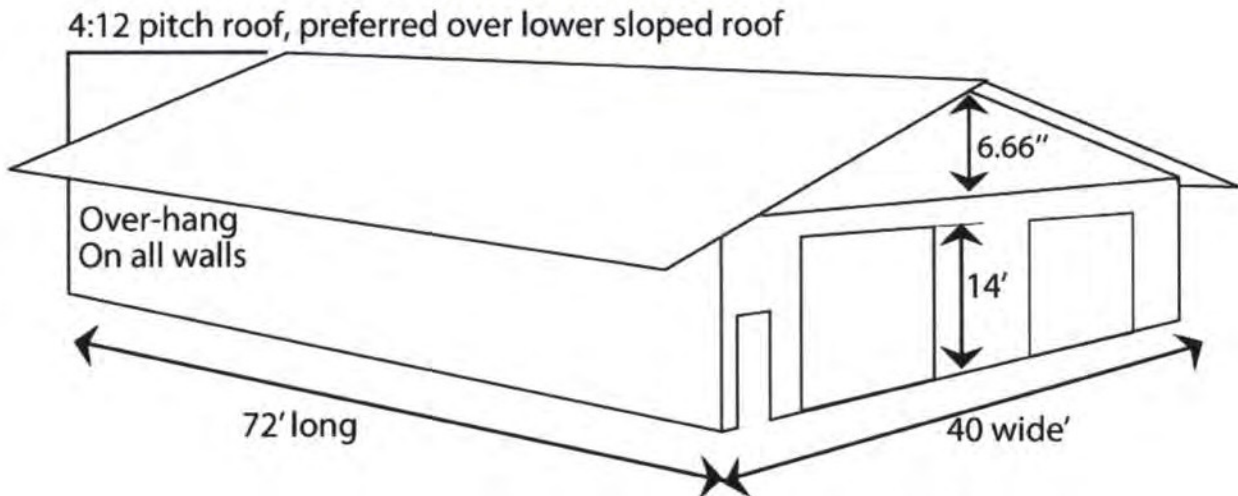
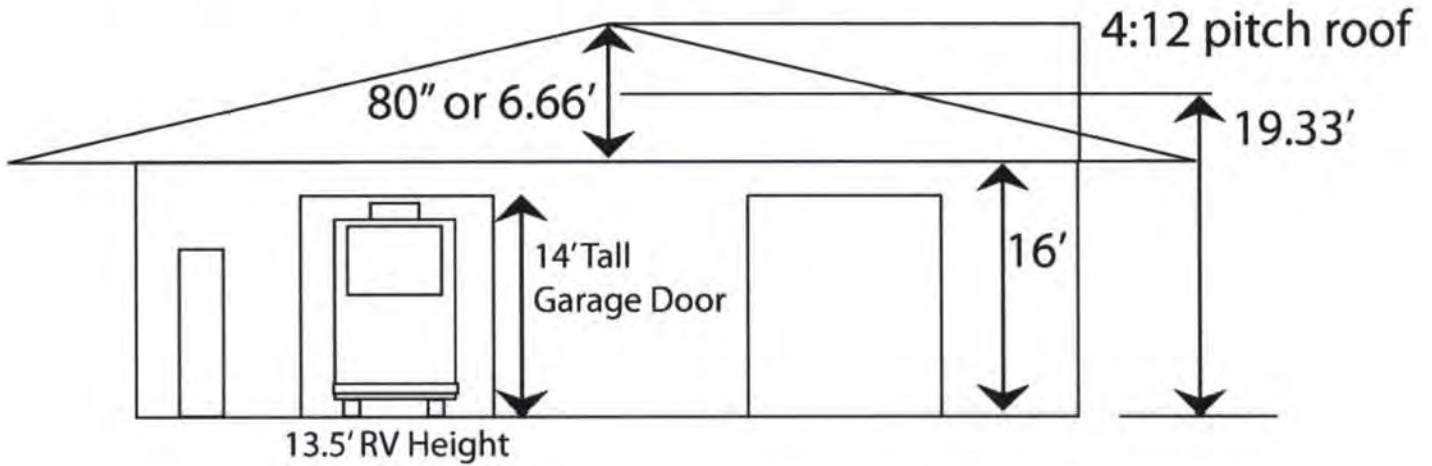
- H. The building is not viewable or accessible from the subdivision properties on Stetson Drive.
 - Closest property line in subdivision will be approximate 347' away from 11 Stetson Drives North property line, over four times as far as the current 87' from the property line of 11 Stetson Drive.
 - Both homes in the subdivision which border 1422 Butchers Lane have several trees on the West side of their property lines
 - The closest subdivision home, 11 Stetson has a 6' tall, solid wooden privacy fence across both sides of their back yard. Trees line the West side of the privacy fence. Trees also line the agricultural fence along the backside of 13 Stetson drive.
 - A very small portion might be able to be seen from the second floor windows of 11 Stetson Drive, but would need to be viewable through trees on property border as well as all of the trees on 1422 Butchers Lane.
- I. The building is not viewable or accessible from the subdivision properties on Sweetbriar Drive.
 - 1416 Butchers Lane and other properties on Stetson Drive serve as buffers from any home on Sweetbriar to view the proposed building on 1422 Butchers Lane.
 - 1416 Butchers Lane is nearly 3 acres, has multiple buildings and trees blocking nearly all Stetson Drive views to 1422 Butchers Lane, let alone far West side of property.
 - Properties on Sweetbriar Drive are not even able the home on 1422 Butchers Lane. They are also not able to view railroad fence located on West side of 1422 Butchers lane. Some residents were not even aware the railroad removed all of the trees along the 1422 Butchers Lane property.
 - 1422 sits on top of a hill, the slope and arc of the hill also prevents the properties on Sweetbriar from viewing the building
- J. Other properties on Butchers Lane will not be able to see the accessory building. The set back on the property also makes it difficult to view from Butchers Lane.
 - 1416 will not be able to see the building due to the location on the other side of the house and the grove of pine trees.
 - Even the property directly North - 1426 Butchers Lane will not be able to view the structure from their home due to the location in the field and their detached garage.
 - None of the other properties from Butchers Lane or Six Points Road will be able to see the building.
- K. Several properties nearby have similar or larger buildings. For example:
 - Properties along Six Points road directly South of 1422 have similar size buildings
 - Butchers Lane is surrounded by county properties, which follow county code
 - 1416 Butchers Lane had significantly larger buildings which recently burnt, viewable by at several subdivision homes and from other Butchers Lane properties. The property owner's plans are to rebuild his structures.



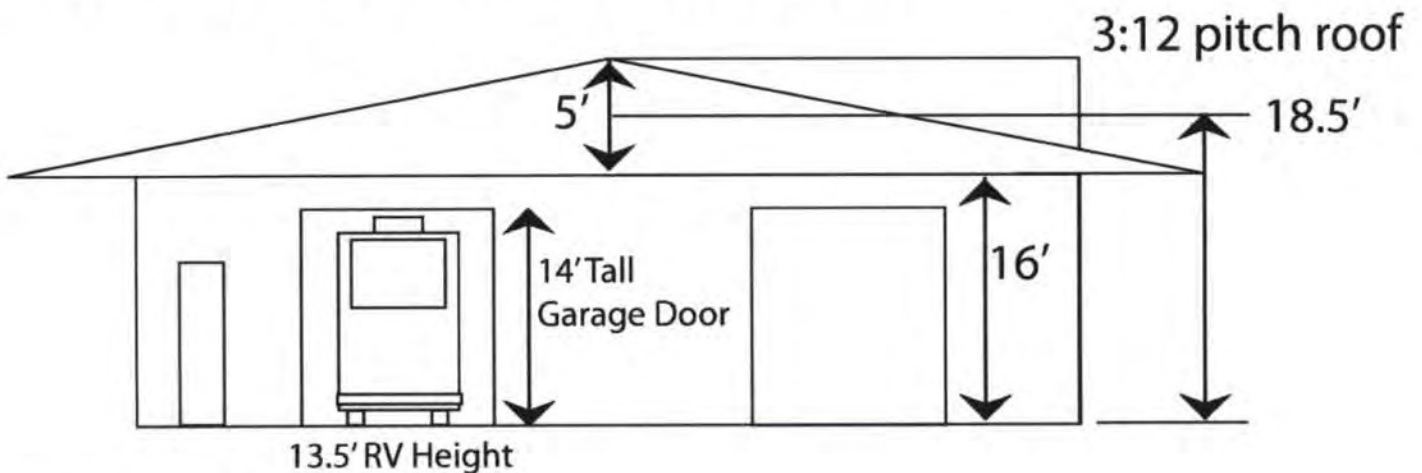
Property: 1422 Butchers Lane
6.10 acres



Preferred Option 4:14 pitch roof.



Alternative Option 3:12 pitch roof.



1422 Butchers Lane
Bloomington, IL

Request for 40 x 60'
accessory building as
opposed to being forced
to add an extra large
garage on to home.

Property size:
--6.1 acres
--Over 265,000 sq ft

Red outlines also
indicate existing
accessory buildings
in neighborhood.





Current Accessory Structure Building Type	Size	Square Foot
Garage	24' x 24'	576
Side Garage	24' x 9'	216
Barn	20' x 30' two stories, 21.5' at peak of roof	600 – first floor 600 – second floor
Chicken Coop	12' x 20'	240
Grain Bin	14' in diameter	660
Total Square Footage		2892

In addition to the accessory structures listed, we tore down a 24' x 9' Lean-to in the Spring of 2016 which was 216 sq. ft. this would have brought total square foot to 3108.

The new accessory building would be slightly less in square footage than existing accessory structures. 2720 square foot vs 2892 square foot.



A. Corner View looking over 1422 Butchers Lane. West side of property is bordered by railroad.



B. Looking back towards 1422 Butchers Lane house from corner of proposed building.



C. Corner of proposed accessory building looking at Stetson Driver #11 and #13 homes. Illustrates tree line and how difficult it is to view houses.



D. Looking at #11 Stetson Drive from middle of soybean field, June 2016. Illustrates how difficult it will be to view proposed building from #11 Stetson.



May 15, 2016

E. View of #11 and #13 Drive from middle of field. Towards south portion of field on 1422 Butchers Shows heavy tree line on the North portion of property border of #11 Stetson & along #13 Stetson



5/13/2016

F. Looking at 1422 Butchers Lane from fence on bordering #13 Stetson Drive



G. Looking at 1422 Butchers Lane from fence on bordering #11 Stetson Drive



H. Illustrates that 1422 Butchers lane is not viewable from Sweetbriar Drive properties back yard. Looking towards 1416 Butchers Lane from property line between 1416 Butchers Lane and subdivision properties on Sweetbriar.

1422 Butchers Lane is on far side of 1416 Butchers Lane and is not viewable from Sweetbriar properties as they are on the bottom of the hill.

The left 6' tall privacy fence extends all the way behind 1416 Butchers Lane and around the corner of the home located on 11 Stetson Drive.



Corner of Sweetbriar and Butchers Lane. 1422 Butchers Lane is not viewable from Sweetbriar.



Between homes on Sweetbriar, no view of home on 1422 Butchers Lane. Only view is of 1416 Butchers Lane.



Between homes on Sweetbriar, no view of home or other existing buildings on 1422 Butchers Lane. Only view is of 1416 Butchers Lane rear lot and buildings.

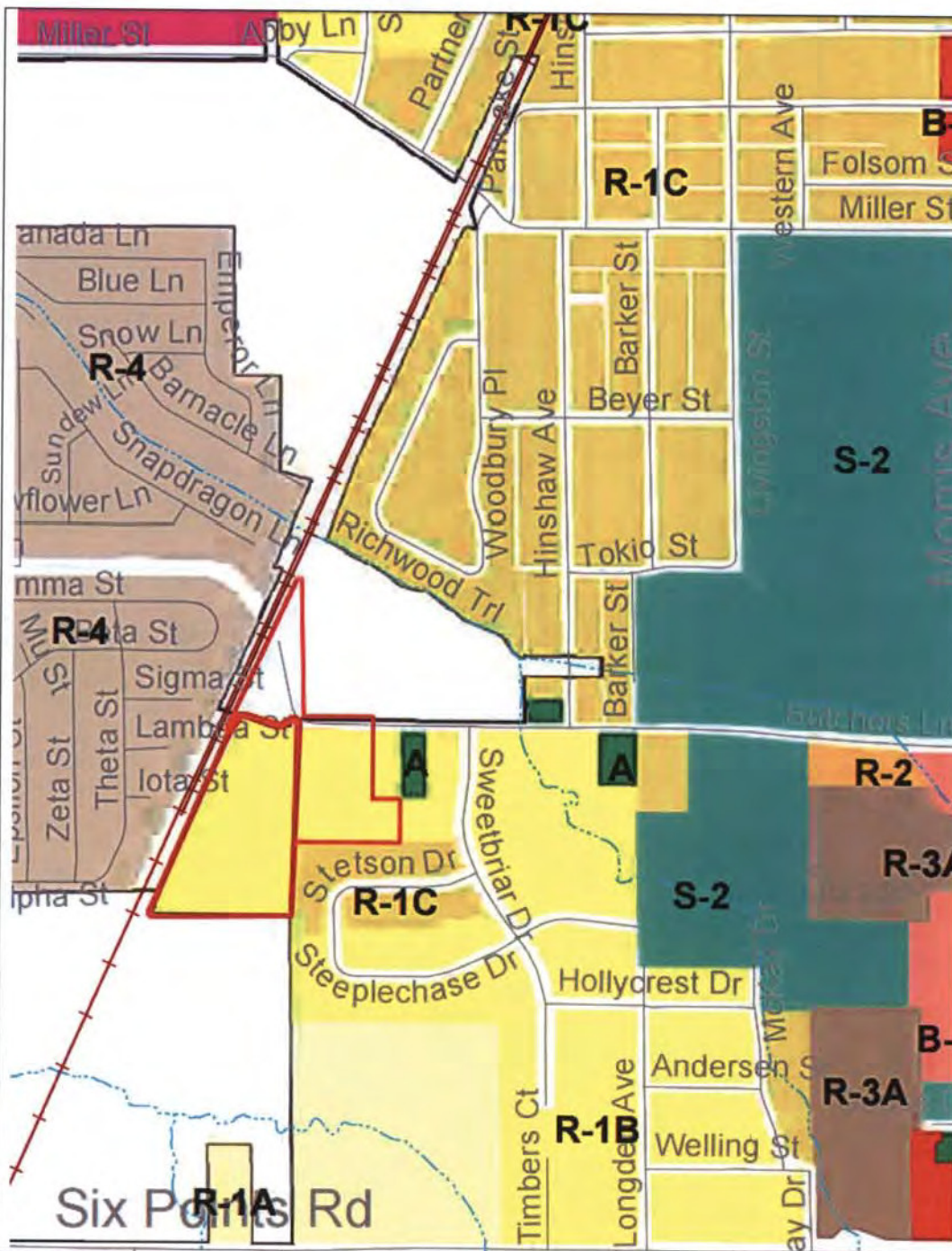
Planned items to be stored in accessory building.







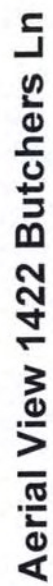




Red outline indicates 1416, 1422 and 1426 Butchers Lane. Property totals nearly 10 acres.

Our desire is to keep the integrity of the current neighborhood, including the park-like environment as opposed to being forced to sell and potentially changing the property R-3 as on Six Points or Morris Avenue.

If all properties were R-1C, 6.6 dwelling units per acre are allowed or 66 dwellings. If properties were zoned R-3A due to proximity of tracks, up to 12 – 29 dwelling units per acre are allowed or 120 – 290 dwelling units.



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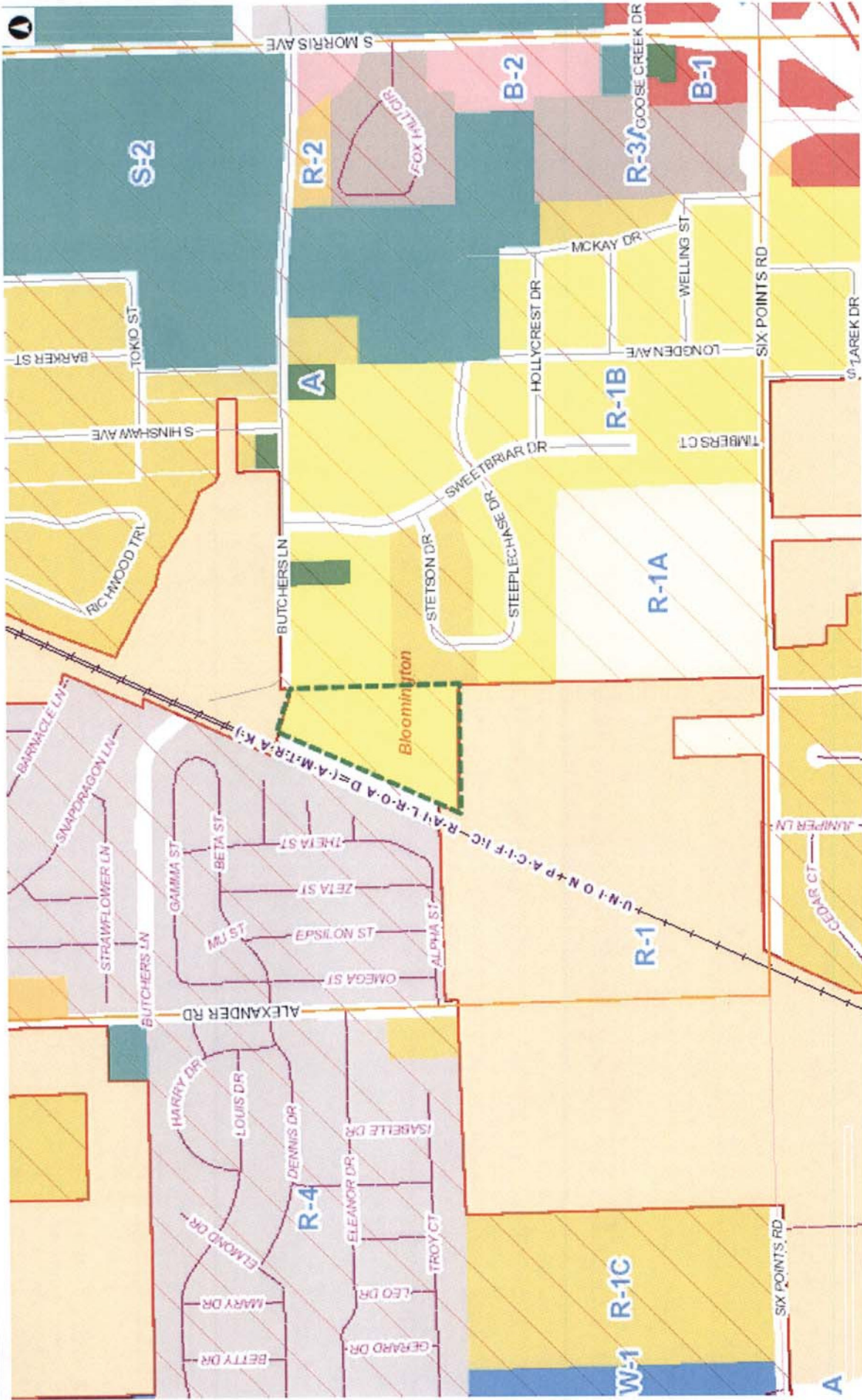
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Zoning Map 1422 Butchers Ln



Notes

Red hatched lines denote corporate limits

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20845888
CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS

November 16, 2016

Notice is hereby given that the Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, November 16, 2016 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, petitions submitted by Maria T Feger for the approval variances from Chapter 44 of the City's Code on property located at 1422 Butchers Lane at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent must attend the meeting and the subject property is described as follows:

Legal Description:

SUB SW 8-23-2E (EX BEG E LN RR & CEN BUTCHERS LANE: SELY ALG CEN RD 313' SWLY 60.67' NWLY 171.5' TOE LN RR, N328' POB) E OF RR 6.10 ACRES

REQUESTS

A request for variances from Chapter 44 of the City's Code to construct an accessory structure that 1) exceeds the fourteen (14) feet height maxi-

mum; 2) has a gross floor area larger than 1,000 sq feet or the principal structure, whichever is less; 3) is located in the side yard of the property (44.4-4).

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk, preferably no later than five days before the hearing.

The City Clerk may be contacted either by letter at 109 E. Olive St., Bloomington, IL 61701, by telephone at 309-434-2240, or email cityclerk@cityblm.org. The City Hall is equipped with a text telephone (TTY) that may also be reached by dialing 309-829-5115.

Published: Monday October 31, 2016



Department of Community Development
115 E Washington St, Ste 201
Bloomington IL 61701

November 3, 2016

Dear Property Owner or Resident:

The Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, November 16, 2016 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, to hear testimony on a petition submitted by Maria T. Feger for the approval a variance from Chapter 44 of the City's Code on property located at 1422 Butchers Lane Street at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent must attend the meeting and the subject property is described as follows:

Legal Description:

SUB SW 8-23-2E (EX BEG E LN RR & CEN BUTCHERS LANE: SELY ALG CEN RD 313', SWLY 60.67', NWLY 171.5' TOE LN RR, N328' POB) E OF RR 6.10 ACRES

REQUEST

A request for variances from Chapter 44 of the City's Code to construct an accessory structure that 1) exceeds the fourteen (14) feet height maximum; 2) has a gross floor area larger than 1,000 sq feet or the principal structure, whichever is less; 3) is located in the side yard of the property (44.4-4).

You are receiving this courtesy notification since you own property within a 500 foot radius of the land described above (refer to map on back). All interested persons may present their views upon matters pertaining to the requested variance during the public hearing.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk at (309) 434-2240, preferably no later than five days before the hearing.

Please note that cases are sometimes continued or postponed for various reasons (i.e lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting. The hearing's agenda will be available at www.cityblm.org. If you desire more information regarding the proposed petition or have any questions you may call me at (309) 434-2226 or email me at ksimpson@cityblm.org.

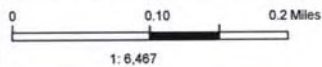
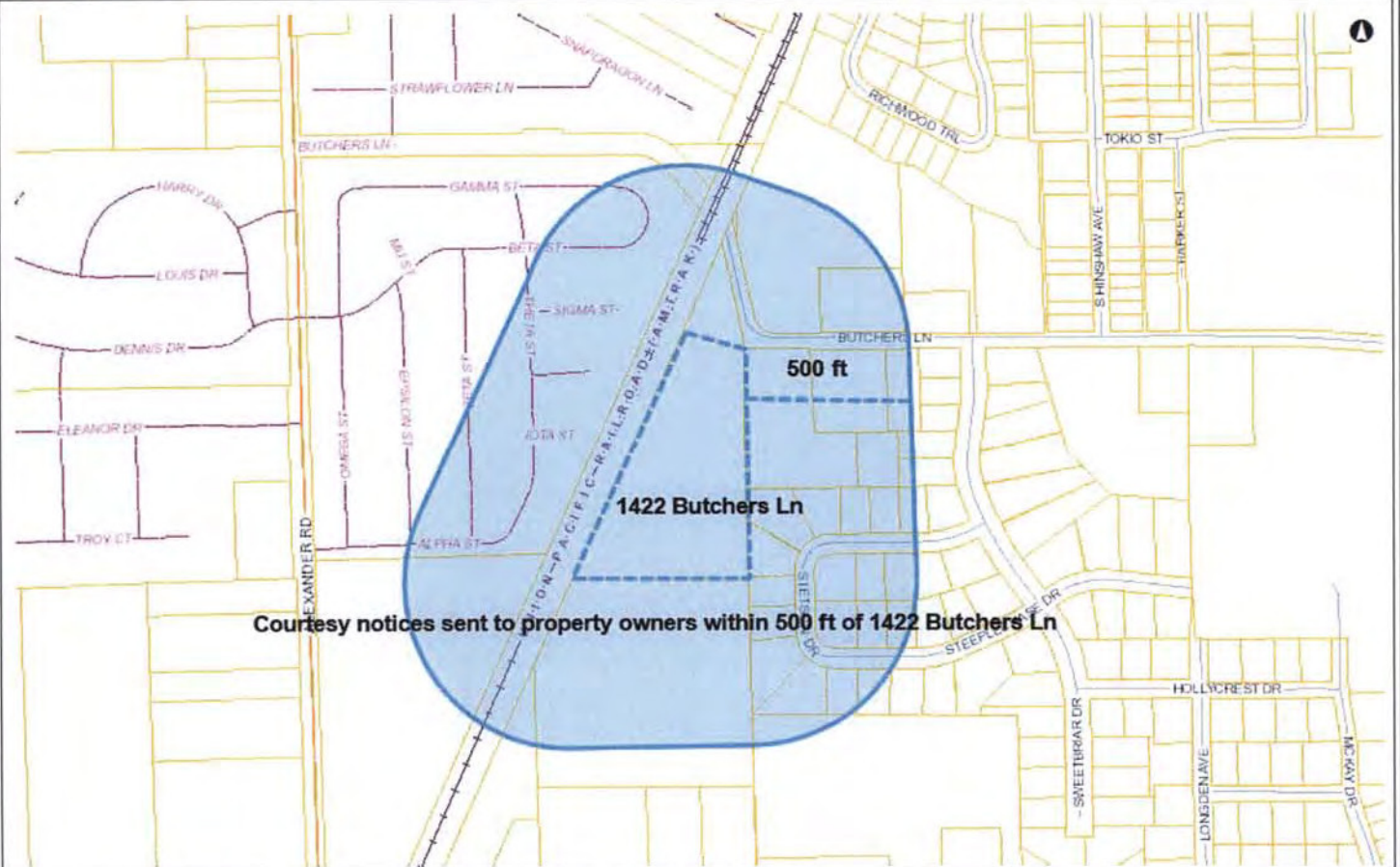
Sincerely,

Katie Simpson
City Planner

Attachment
Location Map with 500 foot notification buffer



Public Hearing for a Variance



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Notes

Wednesday, November 16, 2016
109 E Olive Street
Bloomington IL 61701

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MICHAEL & RENA SHIFFLET
10 STETSON DR
BLOOMINGTON IL 617018332

STANLEY J SWICK JR
1401 BUTCHERS LN
BLOOMINGTON IL 617019512

% MARK HATTON A HARPER MARSHA
14225 ROYAL OAKS DR
BLOOMINGTON IL 61705

WILLIAM L HINSHAW
1501 SIX POINTS RD
BLOOMINGTON IL 617019521

RANDY S AMMERMAN
1508 STEEPLECHASE DR
BLOOMINGTON IL 617018330

GLEN J. & MARCIA J. O'CONNOR
1510 Steeplechase Dr
Bloomington IL 617018330

DEBORAH K WELDON TRUSTEE
1514 STEEPLECHASE DRIVE
BLOOMINGTON IL 61701

ROBERT HINSHAW
2201 WOODFIELD RD
BLOOMINGTON IL 617042418

% DOUGLAS R & VALERIE S MUDD
LAUHER TRUST
4333 MCPHERSON
SAINT LOUIS MO 63108

THOMAS P BLEY
6 STETSON
BLOOMINGTON IL 61701

FRANK & JUDITH BEATY
11 STETSON DR
BLOOMINGTON IL 617018332

ELIZABETH GIGER
1408 BUTCHERS LN
BLOOMINGTON IL 617019513

MARIA THERESA FEGER
1426 BUTCHERS LN
BLOOMINGTON IL 617019513

SUSAN BRUMME
1507 Steeplechase Dr
Bloomington IL 617018331

XUE E BIAN
1509 Steeplechase Dr
Bloomington IL 617018331

BRENT A SCOTT
1511 STEEPLECHASE DR
BLOOMINGTON IL 617018331

STANLEY G WING
17 STETSON DR
BLOOMINGTON IL 617018332

STEPHEN L SOVEREIGN
3 STETSON DR
BLOOMINGTON IL 61701

MAPLE GROVE ESTATES
4425 W AIRPORT FWY STE 475
IRVING TX 750625853

STETSON DRIVE TRUST
7 STETSON DR
BLOOMINGTON IL 61701

AND PROPERTY INVESTMENTS LLC
14 DERBY WAY
BLOOMINGTON IL 617042820

GENE L CUNNINGHAM
1409 BUTCHERS LN
BLOOMINGTON IL 61701

BRETT & MARY T BLOEBAUM
15 STETSON
BLOOMINGTON IL 61701

BRETT & JAMIE HARTRICH
1507 SWEETBRIAR DR
BLOOMINGTON IL 617018326

CORDNEY HOWARD
1509 SWEETBRIAR DR
BLOOMINGTON IL 617018326

RONALD & ELIDIA SCHOCKE
1512 STEEPLECHASE
BLOOMINGTON IL 61701

STEVEN A BERNSTEIN
19 STETSON DRIVE
BLOOMINGTON IL 61701

ANDREW & KAREN BEATY
4 STETSON DR
BLOOMINGTON IL 617018332

STEVEN & PENNY TROWER
5 STETSON DRIVE
BLOOMINGTON IL 61701

ERIN L & ROBERTA L WILES ZUZIK
8 STETSON DR
BLOOMINGTON IL 617018332

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RONALD L JONES
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BLOOMINGTON IL 617018332

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November 8, 2016

Zoning Board of Appeals of the City of Bloomington
115 E. Washington St., Ste. 201
Bloomington, IL 61701

RE Variance Request by Maria T. Feger (1422 Butchers Lane)

The property being discussed is 6.10 acres. To me this puts the application of certain zoning policies into "pause." Furthermore, the property borders the railroad tracks with no road crossing for at least ½ mile in either direction.

This deteriorated site of an old farm has numerous buildings that Fegers plan to eliminate—including an old barn that has a roof peak of about 35'. The elimination of this barn with a new, nice-appearing metal building is a strongly desirable "trade-off." I recommend affirmation of the height variance.

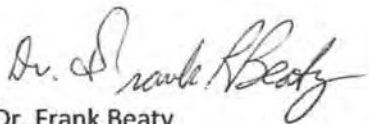
Similarly, if the square footages of all these various buildings were totaled, they would certainly exceed the square footage of the house. Because of the size of the property, I affirm granting of a variance from the square footage code. There will never be other houses built near this building.

I strongly affirm their proposed structure and requests for variances.

Furthermore, I recommend a variance of the code requiring an accessory building to be behind the front of the house. This is a "farm." It is on a property that exceeds 6 acres. If this variance were granted, it would lessen their driveway construction cost by nearly 50%. The property is at the end of Butchers Lane. It is isolated. The application of the City's zoning codes need some considerations of this specific situation and location.

I urge you to vote affirmatively for the requested 2 variances (height and square footage) of the building as well as granting a location variance closer to Butchers Lane.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dr. Frank Beaty".

Dr. Frank Beaty
11 Stetson Dr., Bloomington, IL 61701

**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
NOVEMBER 16, 2016**

SUBJECT:	TYPE:	SUBMITTED BY:
Z-42-16 11 Kenyon Ct	1) Expand a nonconforming structure 2) Rear yard decrease of 5'	Katie Simpson City Planner

REQUEST

The petitioner would like to add a sunroom onto the rear portion of their house and is seeking two variances to allow for: 1) the expansion of a nonconforming structure, and; 2) a 5ft decrease from the rear yard requirements in the R-1B, Single Family Residential District. The subject property is commonly located at 11 Kenyon Ct.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in the Pantagraph on October 31, 2016.

GENERAL INFORMATION

Applicant: BetterWay Siding and Windows Inc.

PROPERTY INFORMATION

Existing Zoning: R-1B, Single Family Residential District
Existing Land Use: Single family home
Property Size: Approximately 10,000 sq ft
PIN: 21-03-154-001

Surrounding Zoning and Land Use

Zoning

North: R-1B, Single family residential
South: R-1B, Single family residential
East: R-1B, Single family residential
West: R-1B, Single family residential

Land Uses

North: Single family homes
South: Single family homes
East: Single family homes
West: Single family homes

Analysis

Submittals

This report is based on the following documents, which are on file with the Community Development Department:

1. Application for Variation
2. Site Plan
3. Aerial photographs
4. Site visit

PROJECT DESCRIPTION

The subject site is commonly known as 11 Kenyon Ct and is located at the corner of Kenyon Ct and Woodruff Street. The property is improved with a one and a half story, single family home constructed in 1963. At the time of construction the house conformed to the setback requirements of the zoning district. However, the zoning district requirements changed and the property is considered a legal, nonconforming structure. The property does not meet the front yard setbacks and the rear yard setback along the portion by the garage. The property is a large, relatively flat, rectangular lot, approximately 10,000 sq ft, and is zoned R-1B, medium density single family residential. This zoning district is intended for moderate sized, wider lots and densities of four (4) dwellings per acre. For this reason the setback requirements are thirty feet for the front and rear yard and six feet for the side yards. 11 Kenyon Ct is located on a corner and has two front yards. The rear yard is the portion of the house directly opposite Kenyon Ct. The side yard currently exceeds the requirements.

The petitioner would like to add a sunroom (18' X 15 ½ ') onto the rear of the house. The proposed sunroom will be built over the existing concrete patio. It will share one wall with the principal structure and one wall with the garage. The sunroom will extend five (5) feet into the required rear yard of the property but will keep with the general massing of the garage. The rear yard where the sunroom will be built is currently forty two (42) foot from the rear property line. Although the house is a legal nonconforming structure, the addition of the sunroom requires a variance since it will be encroaching into the rear yard requirements for the R-1B district. Furthermore, a variance is needed to expand a nonconforming structure or a portion of a structure that is nonconforming.

The following is a summary of the requested variations:

Applicable Code Sections:

Section 44.6-40A

Type of Variance	Request	Required	Variance
Rear yard setback	25ft	30ft	5ft decrease
Expand a nonconforming structure			Expand a nonconforming structure

Analysis

Variations from Zoning Ordinance

The petitioner would like to add a sunroom (18' X 15 ½ ') to the rear of the property. The home is a legal nonconforming structure because it does not meet the required yard setbacks. The petitioner is requesting two variances: 1) to expand a nonconforming structure, and; 2) to decrease the required rear yard setback by five (5) feet.

The Zoning Board of Appeals may grant variances only in specific instances where there would be practical difficulties or particular hardships in carrying out strict adherence to the Code. Staff's findings of fact are presented below. It is incumbent on each Zoning Board of Appeals member to interpret and judge the case based on the evidence presented and each of the findings of fact.

FINDINGS OF FACT

The petitioner has outlined the request for variation in the attached narrative and drawings. The Zoning Ordinance requires that the petition meet the findings of fact as outlined below.

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

Expanding a nonconformity: The property is relatively flat with dense screening and landscaping along the rear property line. The property does not meet the required front yard setbacks for the zoning district and the attached garage currently encroaches into the required rear yard.

Expanding the nonconformity is not required based on the physical characteristics of the property. There are no identifiable physical hardships associated with the property. The property meets the minimum lot width and area for the district. The standard is not met.

Rear yard setback: The distance between the rear property line and the principal structure is about 42 feet. The attached garage encroaches five (5) feet into the required rear yard. The rear yard variance would not be necessary if the proposed sunroom were not 18 X 15 ½ feet, a sunroom that was ten (10) feet deep would not encroach into the rear yard. The size of the sunroom is not required based on the physical characteristics of the property. The standard is not met.

That the variances would be the minimum action necessary to afford relief to the applicant; and

Expanding a nonconformity: The home is considered a legal nonconforming structure because of its placement on the lot. The zoning ordinance prohibits expanding or enlarging a nonconforming structure or any nonconforming portion of a structure. The intent is to allow nonconformities to exist but not encourage their survival; a nonconformity or portion of a nonconforming use or structure can be decreased at any time. The sunroom could be added without expanding the obstruction into the required rear yard setback. The standard is not met.

Rear yard setback: The distance between the rear property line and the principal structure is about 42 feet, however the garage encroaches five feet into the required rear yard. The rear yard variance would not be necessary if the proposed sunroom were not 18 X 15 ½ feet, a sunroom that was ten (10) feet deep would not encroach into the rear yard. Alternative layouts could be considered which would ensure the thirty (30) foot setback to be maintained. The standard is not met.

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

Expanding a nonconformity: The home is considered a legal nonconforming structure because of its placement on the lot. The home complied with setbacks when it was constructed. The nonconforming status was not created by any action of the applicant. However, the petitioner is proposing to expand the home into the required rear yard setback by five (5) feet to accommodate a sunroom. The expansion of the portion of the nonconforming structure is directly related to the dimensions of the proposed sunroom, a self-created condition. The standard is not met.

Rear yard setback: A sunroom that extended 10 feet from the house would meet the 30 ft yard setback. The variance request for the rear yard setback is related to the size of the proposed sunroom and the room's dimensions. The circumstances are self-created. The standard is not met.

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

Expanding a nonconformity: The zoning ordinance prohibits the expansion of a nonconforming structure or any portion of a structure that may be nonconforming. Allowing the expansion in this case will give the applicant a privilege not awarded to others. It will also allow a rear yard setback less than that of other properties in the neighborhood and the R-1B district. The standard is not met.

Rear yard setback: The intent of the rear yard setbacks are to maintain appropriate densities and separations. The R-1B district requires a thirty foot setback in order to ensure densities of 4 homes per acre are not exceeded. Other properties nearby comply with the required setbacks and other properties in the R-1B district throughout the city comply with these requirements. The standard is not met.

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.

Expanding a nonconformity: The R-1B district contemplates wider lots and a thirty foot setback to maintain density and ensure no more than 4 dwelling units per acre are constructed.

Additionally, the zoning ordinance prohibits the expansion of a nonconforming structure or any portion of a structure that may be nonconforming. Allowing the expansion in this instance could set precedence making analysis of similar requests difficult. The standard is not met.

Rear yard setback: The intent of the rear yard setback is to ensure appropriate spacing, density and green space of homes. Granting the variance would reduce the intended separations between structures. Additionally the variance could set precedence for other properties in this district and could create a challenge for analyzing similar cases in this district. The standard is not met.

STAFF RECOMMENDATION:

Staff finds that the petition has not met the Zoning Ordinance's standards required to allow a variance. Staff recommends **denial** of the requested variance in Case Z-42-16.

Respectfully submitted,

Katie Simpson
City Planner

Attachments:

- Variance Application
- Petitioner Statement of Findings of Fact
- Site Plan
- Aerial Map
- Zoning Map
- Newspaper notification
- Neighborhood notice and list of notified property owners



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RON P.

TO ZONING BOARD OF APPEALS

for a variance from the requirement(s) of the Zoning
ion requested herein and attached our site plan and fee.

CT

Site Address: _____

Petitioner: BETTERWAY Phone: 698 7700

Petitioner's Email Address: _____

Petitioner's Mailing Address Street: 1501 N. MAIN ST.

City, State, Zip Code: EAST PEORIA, IL. 61611

Contractual interest in the property _____ yes _____ no

Signature of Applicant Ronald P. Petcher
Ronald P. Petcher

Brief Project Description:

SUN ROOM - ROOM ADDITION

Code Requirements Involved:

Variances(s) Requested:

5' FROM REAR LOT LINE

Reasons to Justify Approval by the Zoning Board of Appeals: Your justifications for
approval must also be provided in the statement of Findings of Fact.

See ATTACHED.



OCT 25 2016



October 25, 2017

Justification For Approval

The room addition/sunroom is inside existing parameter of the home not projecting out any further than existing house walls. The room/sunroom is a single story not obstructing any one's view and is in harmony with the existing surroundings. The addition creates no hardship on neighbors. The purpose of this room/sunroom is to create a living space where Mrs. Anderson and her 90 year old father can enjoy the outdoor feeling indoors. Mrs. Anderson is the sole care giver for her father.

This property was built in 1963 and was in compliance with the zoning codes at that time. Sometime later the property zoning codes were changed to a 30' set back from the rear of yard. The existing home is 25' from rear lot line and that is why we are asking for a 5' variance. We are hoping to resolve this issue for Mrs. Anderson and provide her with the room/sunroom for her and her father's enjoyment.



OCT 25 2016



OCT 25 2016



OCT 25 2016

KAREN ANDERSON
11 KENYON CT
BLOOMINGTON IL

S - 26' 10" LOT L - 112' 0" E

11 KENYON CT
FRONT

EXISTING HOME

PROPOSED
SUN ROOM

18' WIDE
15 1/2" PROJECTION

8' 6"

25'

DRIVE WAY

30'

WOODCUTS ST.

REAR LOT LINE

OCT 25 2016



Aerial View of 11 Kenyon Ct



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Notes

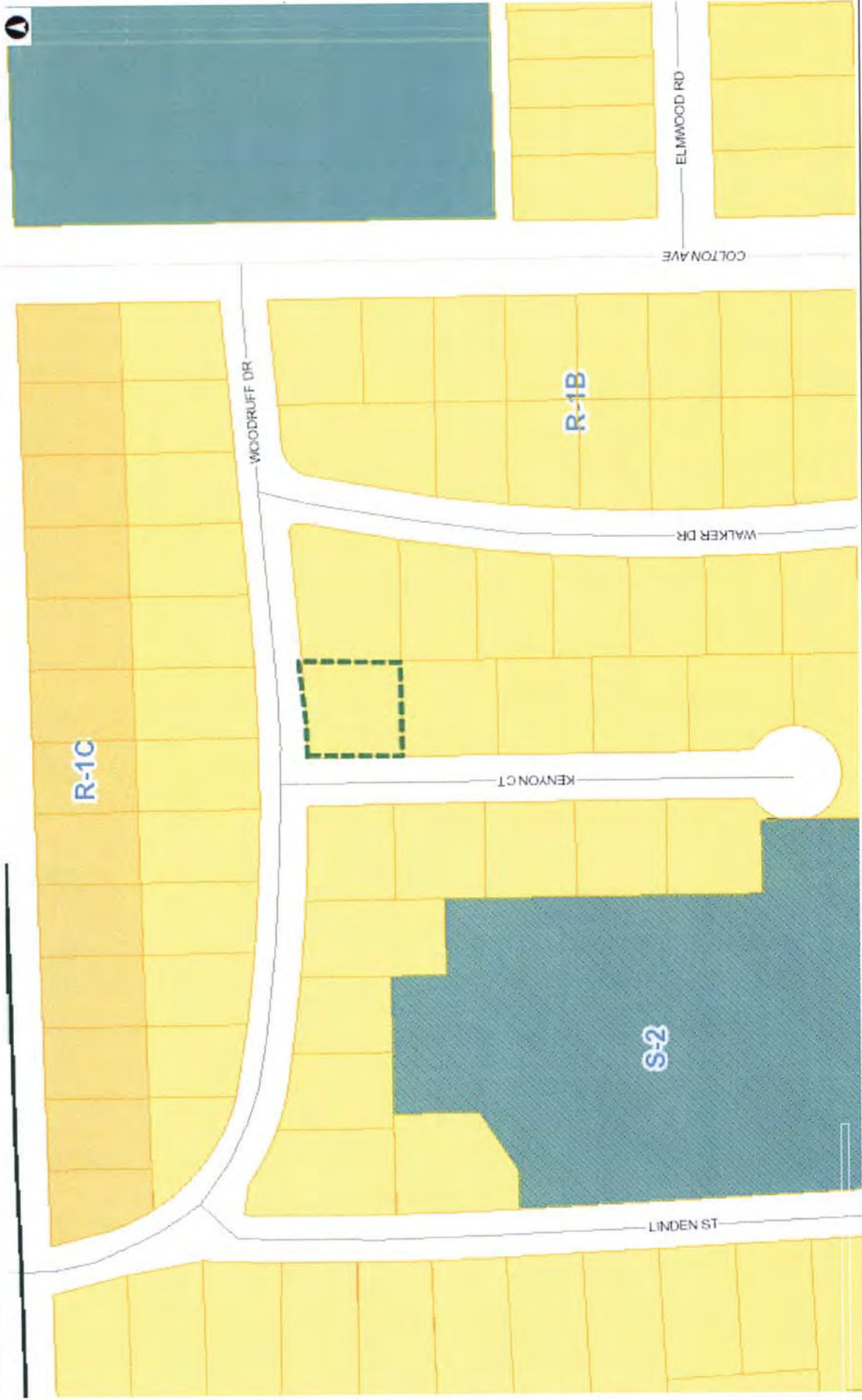


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Zoning Map for 11 Kenyon Ct



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Notes

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20845880

CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
November 16, 2016

Notice is hereby given that the Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, November 16, 2016 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, petitions submitted by BetterWay Siding & Windows Inc. for the approval a variance from Chapter 44 of the City's Code on property located at 11 Kenyon Ct at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent must attend the meeting and the subject property is described as follows:

Legal Description:
DAVIS 1960 HOME PL ADD
LOT 1

REQUEST

A request for a variance from Chapter 44 of the City's Code to expand a nonconforming structure by adding a sunroom to the rear of the house which will encroach five (5) feet into the thirty (30) foot rear yard setback.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk, preferably no later than five days before the hearing.

The City Clerk may be contacted either by letter at 109 E. Olive St., Bloomington, IL 61701, by telephone at 309-434-2240, or email cityclerk@cityblm.org. The City Hall is equipped with a text telephone (TTY) that may also be reached by dialing 309-829-5115.

Published: Monday October 31, 2016



Department of Community Development
115 E Washington St, Ste 201
Bloomington IL 61701

November 3, 2016

Dear Property Owner or Resident:

The Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, November 16, 2016 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, to hear testimony on a petition submitted by BetterWay Siding & Windows Inc. for the approval a variance from Chapter 44 of the City's Code on property located at 11 Kenyon Ct at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent must attend the meeting and the subject property is described as follows:

Legal Description:
DAVIS 1960 HOME PL ADD LOT 1

REQUEST

A request for a variance from Chapter 44 of the City's Code to expand a nonconforming structure by adding a sunroom to the rear of the house which will encroach five (5) feet into the thirty (30) foot rear yard setback.

You are receiving this courtesy notification since you own property within a 500 foot radius of the land described above (refer to map on back). All interested persons may present their views upon matters pertaining to the requested variance during the public hearing.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk at (309) 434-2240, preferably no later than five days before the hearing.

Please note that cases are sometimes continued or postponed for various reasons (i.e lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting. The hearing's agenda will be available at www.cityblm.org. If you desire more information regarding the proposed petition or have any questions you may call me at (309) 434-2226 or email me at ksimpson@cityblm.org.

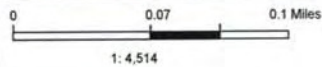
Sincerely,

Katie Simpson
City Planner

Attachment
Location Map with 500 foot notification buffer



Public hearing for variance



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Notes

November 16, 2016 4:00 PM
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Bloomington, IL

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% COMMERCE TRUST CO PO BOX 68
BLOOMINGTON IL 617020068

JEFFREY HARTWEG
1 KENYON CT
BLOOMINGTON IL 617013320

JOHN & CAROLYN WINTERROTH
108 N BELLEMONT RD
BLOOMINGTON IL 617014344

KEVIN BARBIC
11 WOODRUFF DR
BLOOMINGTON IL 61704

JOHN A LOEBACH
12 WOODRUFF
BLOOMINGTON IL 61701

CHRISTINE M KIBLER TRUSTEE
13 WOODRUFF DR
BLOOMINGTON IL 617013371

DANIEL MARSHALL
1501 E STEEPLECHASE
BLOOMINGTON IL 61701

IUVO CONSTRUCTION LLC
1709 TULLAMORE AVE STE B
BLOOMINGTON IL 617049603

PAUL A MEINTS
2 KENYON CT
BLOOMINGTON IL 617013320

C/O REDBIRD PROPERTY MGT. BRADLEY
PARK-COLTON
200 N. LINDEN
NORMAL IL 61761

DAVENPORT TRUST
% DOROTHY DAVENPORT 10 KENYON
CT
BLOOMINGTON IL 617013320

DAVID O BIDDLE
10 WALKER DR
BLOOMINGTON IL 617013339

KAREN ANDERSON
11 KENYON CT
BLOOMINGTON IL 617013320

GEORGE & CAROL CHURUKIAN
1102 ELMWOOD RD
BLOOMINGTON IL 61701

RANDY BUTTS
1219 E EMERSON ST
BLOOMINGTON IL 617012007

REVA ANDERSON
14 WOODRUFF DR
BLOOMINGTON IL 617013341

VALERIE CURRY
16 WOODRUFF
BLOOMINGTON IL 61701

LINDA A SMITH
18 WALKER DR
BLOOMINGTON IL 617013339

ELIZABETH & CAROLINE FOX ANVICK
20 WALKER DR
BLOOMINGTON IL 617013339

MARLEEN MONTS
22 WOODRUFF DRIVE
BLOOMINGTON IL 61701

RANY TRUST
% ROY & INEZ RANEY 14 WALKER DR
BLOOMINGTON IL 617013339

RONALD HENRY
10 WOODRUFF DR
BLOOMINGTON IL 617013341

JANE FLANDERS OSBORN
11 WALKER DR
BLOOMINGTON IL 617013338

KAREN ANN HOFFMAN
12 WALKER DR
BLOOMINGTON IL 617013339

SHARON WHEAT
13 WALKER DR
BLOOMINGTON IL 617013338

ELIZABETH KERRICK
15 Walker Dr
Bloomington IL 617013338

MARK A. & CONNIE S. GRIFFIN
MCINTOSH
17 WALKER DR
BLOOMINGTON IL 617013338

ERIN L MULLIKEN
18 WOODRUFF DR
BLOOMINGTON IL 617013341

NICHOLAS WATKINS
20 WOODRUFF DR
BLOOMINGTON IL 617013341

JAMIE BARKER
2701 HENDRIX DR
BLOOMINGTON IL 617045627

AARON VOGEL
2810 DEGARMO DR
BLOOMINGTON IL 61704

CEVAT KARASEN
305 W CHESTNUT ST
BLOOMINGTON IL 617012914

WALTER B MEAD
4 KENYON CT
BLOOMINGTON IL 61701

BRENDA J ROBERTS
425 N LINDEN ST
BLOOMINGTON IL 617013321

ANNE L NOTT
5 WOODRUFF DR
BLOOMINGTON IL 617013371

RONALD CURRY
508 COLTON AVE
BLOOMINGTON IL 617013312

CARL R BERRY
54 BROOKSHIRE GRN
BLOOMINGTON IL 617046277

VICKY CROUCH
6 WOODRUFF DR
BLOOMINGTON IL 61701

MARY JO REYNOLDS JORDINE
7 Walker Dr
Bloomington IL 617013338

SHREESHA M BHAT
8 WOODRUFF DR
BLOOMINGTON IL 61701

KEVIN R DEARING
3 KENYON CT
BLOOMINGTON IL 617013320

RONALD C GRUBER
3281 BUTTERFLY DR
NORMAL IL 617619479

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BLOOMINGTON IL 61701

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5 KENYON CT
BLOOMINGTON IL 617013320

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502 COLTON AVE
BLOOMINGTON IL 617013312

STEVE & CHERYL MARDIS
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BLOOMINGTON IL 617013312

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BLOOMINGTON IL 617013320

BRYNLEY NASSERI
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BLOOMINGTON IL 61701

JOSE LUIS GARCIA
810 E LOCUST
BLOOMINGTON IL 61701

MARY E STEEGE
811 E LOCUST ST
BLOOMINGTON IL 617013324

ROGER HUDDLESTON
812 E LOCUST ST
BLOOMINGTON IL 617013325

CHRISTY M HERALD
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BLOOMINGTON IL 61701

JOSEPH R NELSON
818 E LOCUST
BLOOMINGTON IL 61701

LEONARD H & NAN E FASSETT
9 KENYON CT
BLOOMINGTON IL 617013320

Don & Phyllis Harden
9 Woodruff Dr
Bloomington IL 617013371

DERYL W & MARIA L BLACK
901 E LOCUST ST
BLOOMINGTON IL 617013326

BARBARA A WENGER
904 E LOCUST ST
BLOOMINGTON IL 617013327

ROBERT & SHARON SPRENGELMEYER
905 E LOCUST ST
BLOOMINGTON IL 617013326

CARL D KNUTH
907 E LOCUST ST
BLOOMINGTON IL 61701

MICHAEL GALLEGOS
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BLOOMINGTON IL 61701

DAVID G BICKNELL
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BLOOMINGTON IL 617013326

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**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
NOVEMBER 16, 2016**

SUBJECT:	TYPE:	SUBMITTED BY:
Z-43-16 505 S Moore Street	Front yard setback decrease from the average setback for the block.	Katie Simpson City Planner

REQUEST

The petitioner is seeking a variance to allow for a front yard setback of 18 feet and 5 inches in lieu of the block average. The subject property is commonly located at 505 S Moore Street.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in the Pantagraph on October 31, 2016.

GENERAL INFORMATION

Owner and Applicant: Ethan and Nancy Evans

PROPERTY INFORMATION

Existing Zoning: R-1C, Single Family Residential District
Existing Land Use: Single family home
Property Size: Approximately 5,197 sq ft
PIN: 21-03-480-012

Surrounding Zoning and Land Use

Zoning

North: R-1C, Single family residential
South: R-1C, Single family residential
East: R-1C, Single family residential
West: R-1C, Single family residential

Land Uses

North: Single family homes
South: Single family homes
East: Single family homes
West: Single family homes

Analysis

Submittals

This report is based on the following documents, which are on file with the Community Development Department:

1. Application for Variation
2. Site Plan
3. Aerial photographs
4. Site visit

PROJECT DESCRIPTION

The subject site is commonly known as 505 S Moore Street, located along S. Moore Street between Oakland Avenue and E. Jackson Street. The property is improved with a single family home constructed prior to the adoption of the city zoning ordinance in 1960. The property is zoned R-1C, high density single family residential district. The district requires a front yard setback of 25 ft, however since the neighborhood was established before the code, the average front yard setback can be applied (44.4-5).

The petitioner is requesting a variance from the front yard setback requirements because they would like to add a porch onto the front entrance of the property. The applicant states the average front yard setback is approximately 21 feet. The porch will encroach approximately 2 ft and 7 inches into this setback. Open terraces, decks, balconies, and stairs are permitted obstructions in the front yard. Porches, which by definition have a roof, are not permitted obstructions in the front yard. The petitioner would like to add the front porch in the tradition of the craftsman homes of the 1900s. The proposed porch extends 10 ft into the front yard setback triggers the need for relief from the Code.

The petitioner is requesting a ten ft deep front porch because the petitioner states that a usable front porch requires a minimum 8 ft interior depth. The building code argues that a habitable room should be a minimum of 7ft by 7ft; A porch is not a habitable space so the 8ft depth might be considered an excessive minimum for a porch. The petitioner derived the average setback for the block by measuring the properties. The petitioner sited the adjacent property as having a 14' front yard. 507 S. Moore has a brick open deck that projects 10 ft from the house. The measurement was taken from the edge of the deck to the sidewalk. Open decks are permitted obstructions in the front yard and the front yard setback would be measured from the foundation of the house or the roofline to the front property line.

The following is a summary of the requested variations:

Applicable Code Sections:

Section 44.4-5D

Type of Variance	Request	Required	Variance
Front yard setback	18' 5"	21'	2' 7" decrease

Analysis

Variations from Zoning Ordinance

The petitioner is requesting a decrease in the average front yard setback so the petitioner can add a front porch with roof onto the property at 505 S Moore St. A variance is needed.

The Zoning Board of Appeals may grant variances only in specific instances where there would be practical difficulties or particular hardships in carrying out strict adherence to the Code. Staff's findings of fact are presented below. It is incumbent on each Zoning Board of Appeals member to interpret and judge the case based on the evidence presented and each of the findings of fact.

FINDINGS OF FACT

The petitioner has outlined the request for variation in the attached narrative and drawings. The Zoning Ordinance requires that the petition meet the findings of fact as outlined below.

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

The property was constructed before the zoning ordinance was adopted in 1960. The current zoning is R-1C the property is considered legal, nonconforming since its front yard setbacks do not meet the requirements of the R-1C district. However all of the lots along the west side of S. Moore Street do not meet the front yard requirements and an average setback can be considered. The property is relatively flat with no distinguishing physical hardships which pose unreasonable challenges to adhering to the code or trigger the need for a variance. The request for the variance is directly related to the size of the proposed porch and not to a physical hardship of the property. A 7' porch would not require a variance. The standard is not met.

That the variances would be the minimum action necessary to afford relief to the applicant; and alternative porch designs could still comply with the average setback. The building code believes a room that is 7 ft deep serves as a habitable space. A porch that is not a habitable space could be less than 10 ft deep. Additionally, open decks are permitted obstructions in the front yard, do not require a variance and would not alter the neighborhood character. The standard is not met.

That the special conditions and circumstances were not created by any action of the applicant; and the lot and building are existing and currently comply with the code. Alternative designs could meet the average setback for the neighborhood and open decks are permitted obstructions in the front yard. Because the front yard setback directly relates to the construction of a 10 ft roofed porch the variance is self-created. The standard is not met.

That granting the variation request will not give the applicant any special privilege that is denied to others by the Code; and While the neighboring property to the north has a wide spanning, front porch. This is a typical feature of the American Foursquare house and was part of its original construction existing prior to the adoption of the code. The property is legal, nonconforming since its setback is less than the average for the block. The property to the south has an open deck which is a permitted obstruction in the front yard and complies with the zoning ordinance. The standard is not met.

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 addition of the front porch would not be detrimental to the public welfare and would keep in the style of the area, as front porches are a distinctive feature of the craftsmen homes. However, other craftsmen homes have porches which project less than 10ft and project into the front yards. Additionally granting the variance would decrease the average setback for the neighborhood altering the general character of the area. The standard is not met.

STAFF RECOMMENDATION:

Staff finds that the petition has not met the Zoning Ordinance's standards required to allow a variance. Staff recommends **denial** of the requested variance in Case Z-43-16.

Respectfully submitted,

Katie Simpson
City Planner

Attachments:

- Variance Application
- Petitioner Statement of Findings of Fact
- Site Plan
- Aerial Map
- Zoning Map
- Newspaper notification
- Neighborhood notice and list of notified property owners

27548

APPLICATION TO ZONING BOARD OF APPEALS

Please consider this as our petition for a variance from the requirement(s) of the Zoning Code. I have provided all information requested herein and attached our site plan and fee.

Site Address: 505 S. Moore St., Bloomington

Site Address: _____

Petitioner: Ethan and Nancy Evans Phone: 309-661-0706

Petitioner's Email Address: ethanevans@gmail.com

Petitioner's Mailing Address Street: 507 S. Moore St.

City, State, Zip Code: Bloomington, Illinois 61701

Contractual interest in the property yes no (own it)

Signature of Applicant [Signature]

Brief Project Description:

Front porch addition.

Code Requirements Involved:

§44.4-5(D)

Variances(s) Requested:

Setback of 18'5" from 20'4" per §44.4-5(D)
(See Exhibits 4 and 5).

Reasons to Justify Approval by the Zoning Board of Appeals: Your justifications for approval must also be provided in the statement of Findings of Fact.



OCT 25 2016

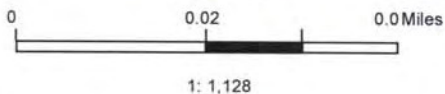
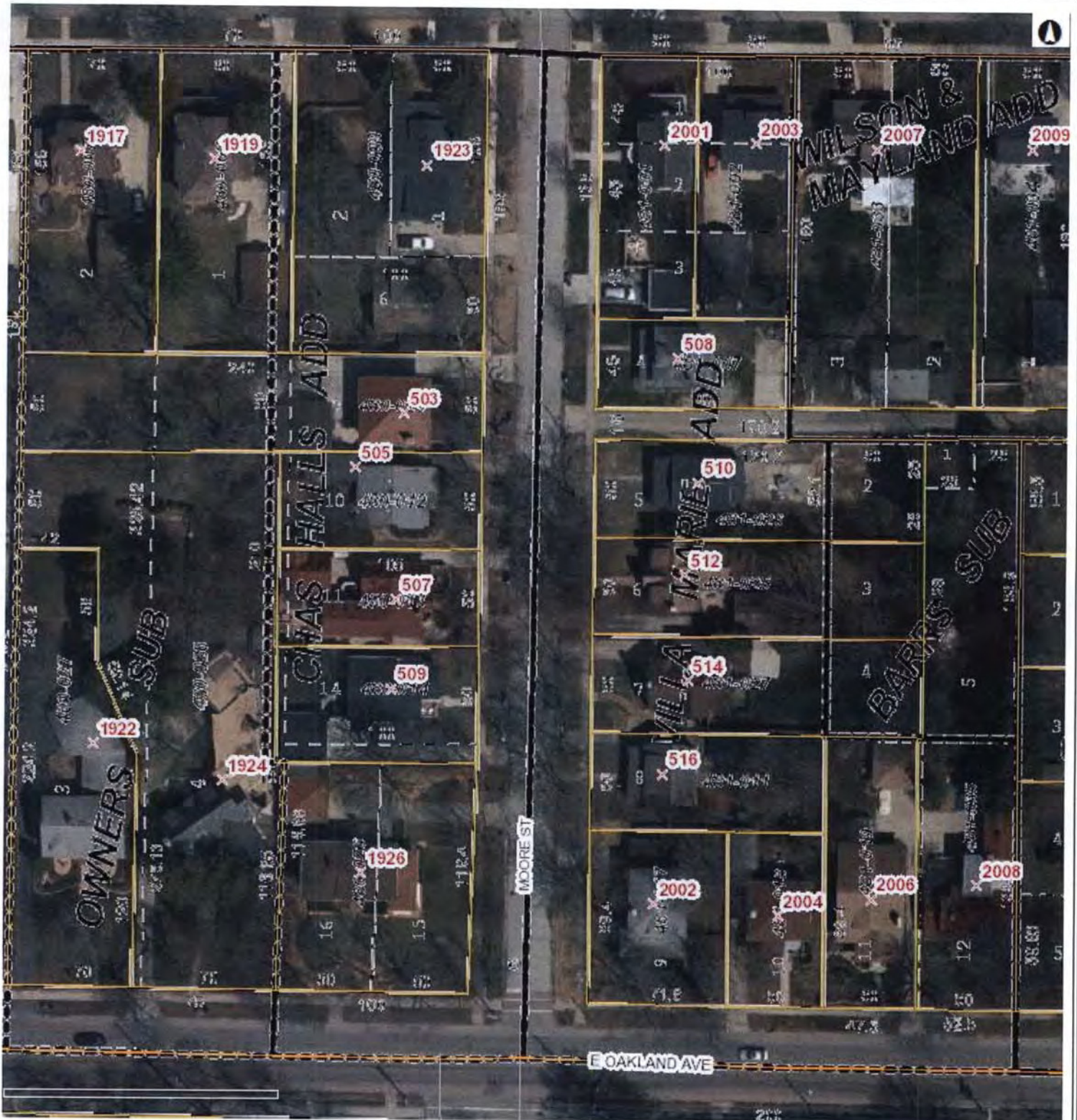
Statement of Findings of Fact Attachment

1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and
 - a. The house is located where it is, in a grandfathered RIC neighborhood, with few setbacks meeting new-construction 25' setback requirements. (Exhibits 1 and 2.)
 - b. Most houses in the neighborhood have porches, most enclosed. To add a usable front porch on this property requires a variance from the requirements of Code Section 44-4.5(D). (Exhibit 4 and 5.)
2. That the variance would be the minimum action necessary to afford relief to the applicant; and
 - a. A useable front porch requires a minimum of 8' interior depth.
 - b. The plan proposed, with a 10' exterior depth, would leave approximately 8' interior working depth.
 - c. The requested variance would be approximately 2'5" more than that permitted by Section 44-4.5(D). (See Exhibit 3 for calculations.)
3. That the special conditions and circumstances were not created by any action of the applicant; and
 - a. The house and the neighborhood were as they are when petitioners acquired this property.
4. That the granting of the variance requested will not give the applicant any special privilege that is denied to others by the Code; and
 - a. Petitioners request a setback of 18'5".
 - b. Existing setbacks in the block on this side of the street vary from 30'6" to 14'3". (See Exhibits 1 and 2.)
 - c. If permitted, the requested setback would be approximately the same as the neighbors immediately to the north, and less than the neighbors immediately to the south.
 - d. The proposed porch will be consistent with this neighborhood, both sides of this block, and will be architecturally compatible with the Craftsman style house.

- e. It should be an improvement, not only to this property, but to the entire neighborhood. (Exhibit 6.)
- 5. That the granting of this variance will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use or development of adjoining properties.



Exhibit 1

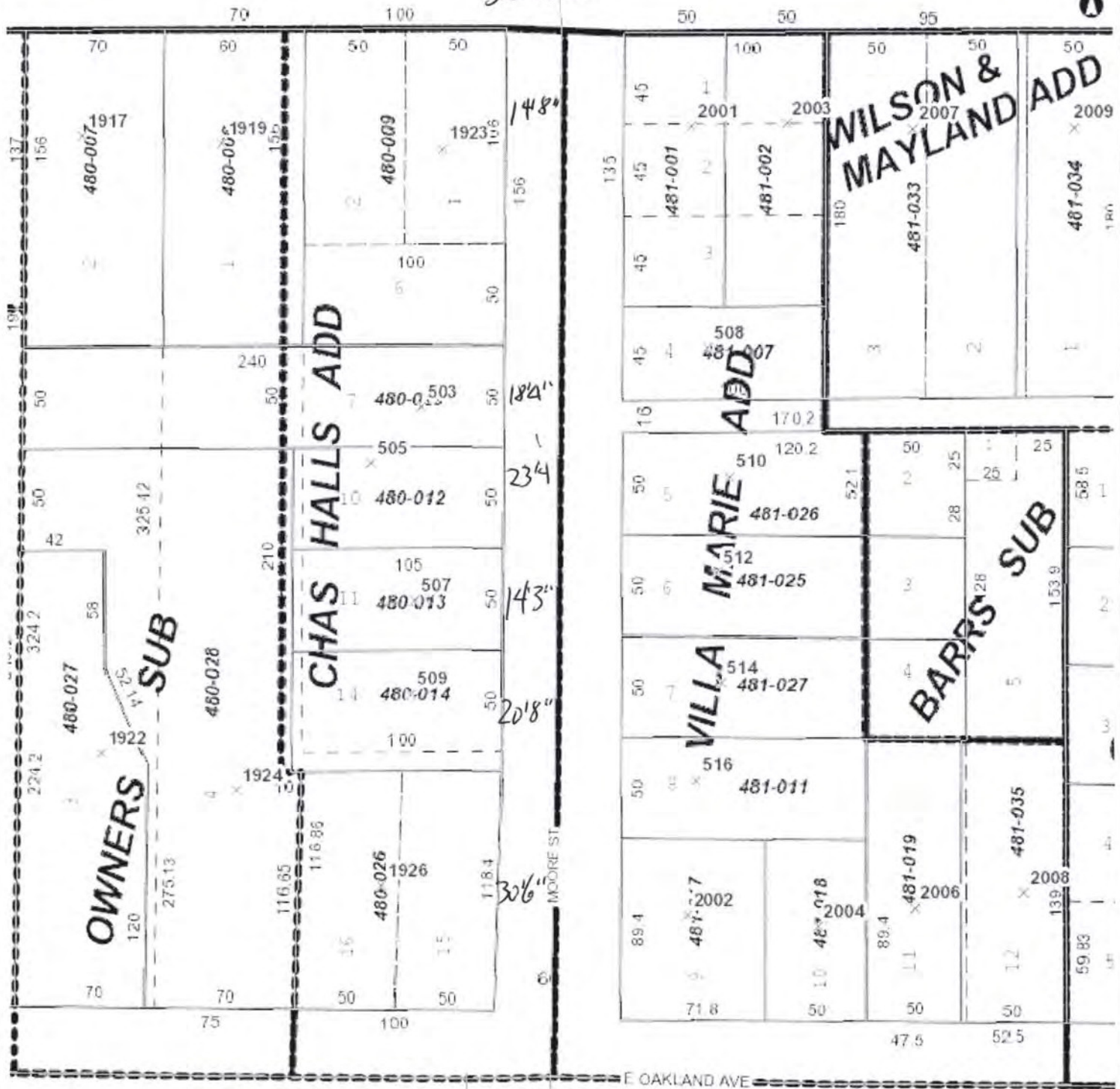


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Notes



Existing
Setbacks



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Notes

Exhibit 3

§44.4-5(0) computations

1923	E. Johnson	-	14'8"	176"
503	S. Moore	-	18'4"	220"
505	S. Moore	-	23'4"	280"
507	S. Moore	-	14'3"	171"
509	S. Moore	-	20'8"	248"
1926	C. Oaklund	-	30'6"	366"

$$\frac{1761''}{6} = 293.5''$$

$$20'3.5''$$

Scale - 1" = 10'

Exhibit 4

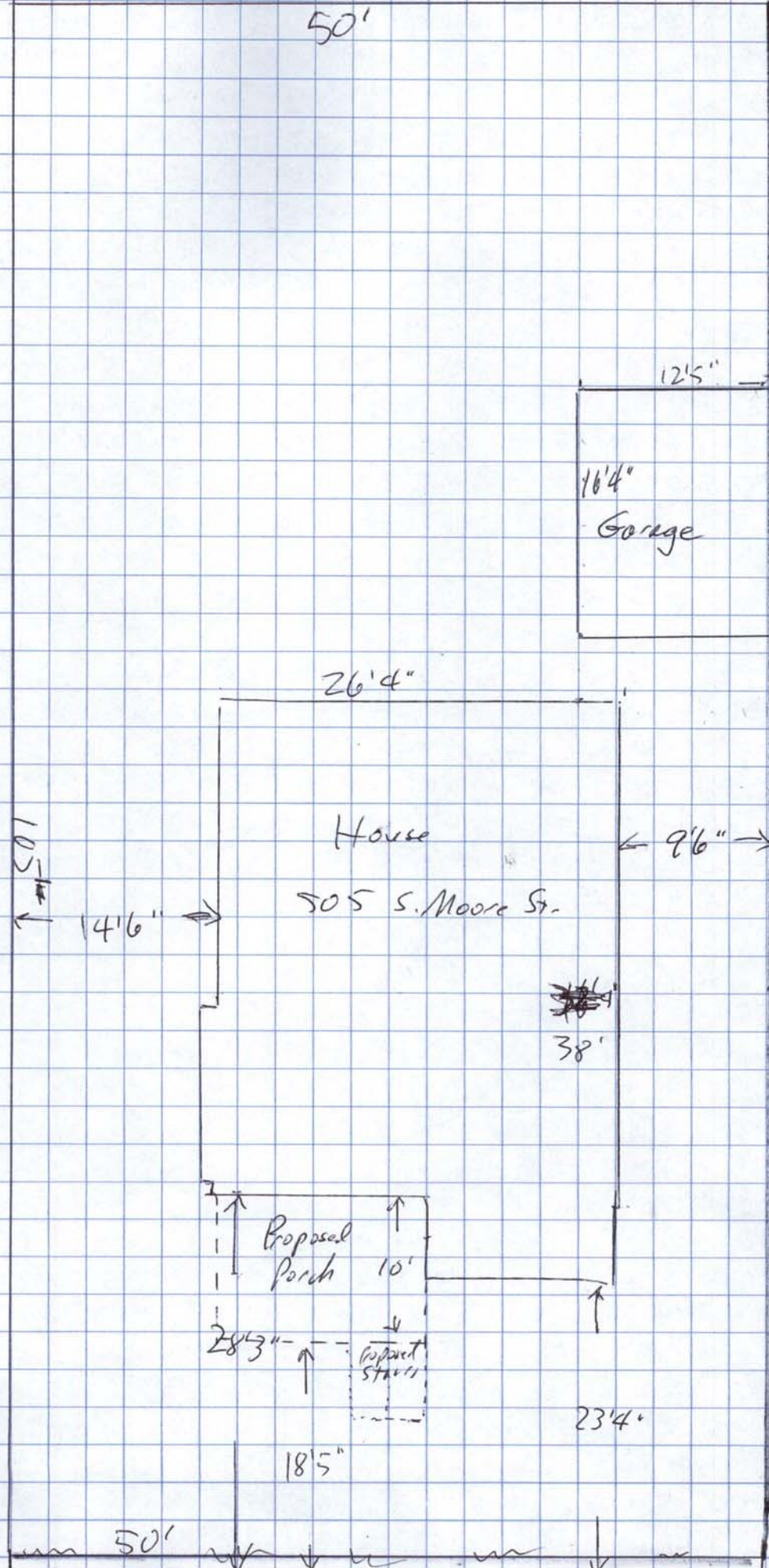
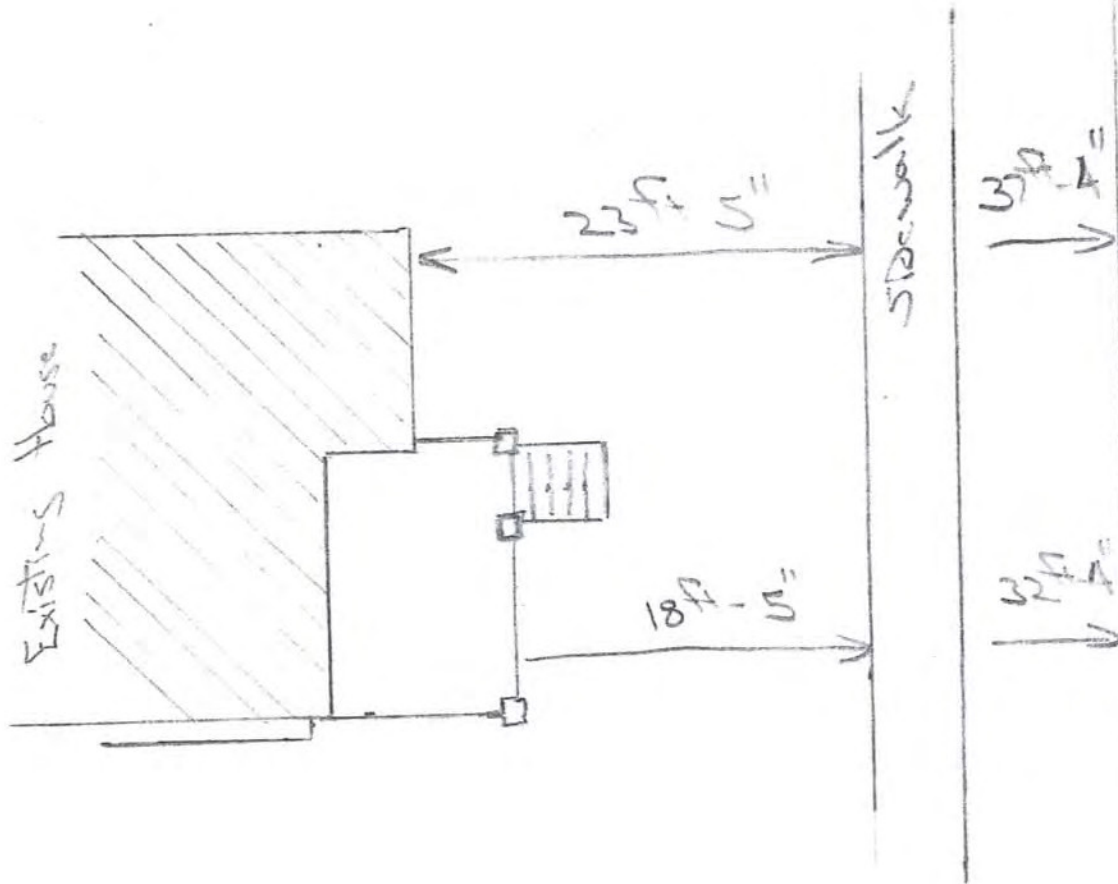


Exhibit 5





Aerial View of 505 S Moore St



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1: 907

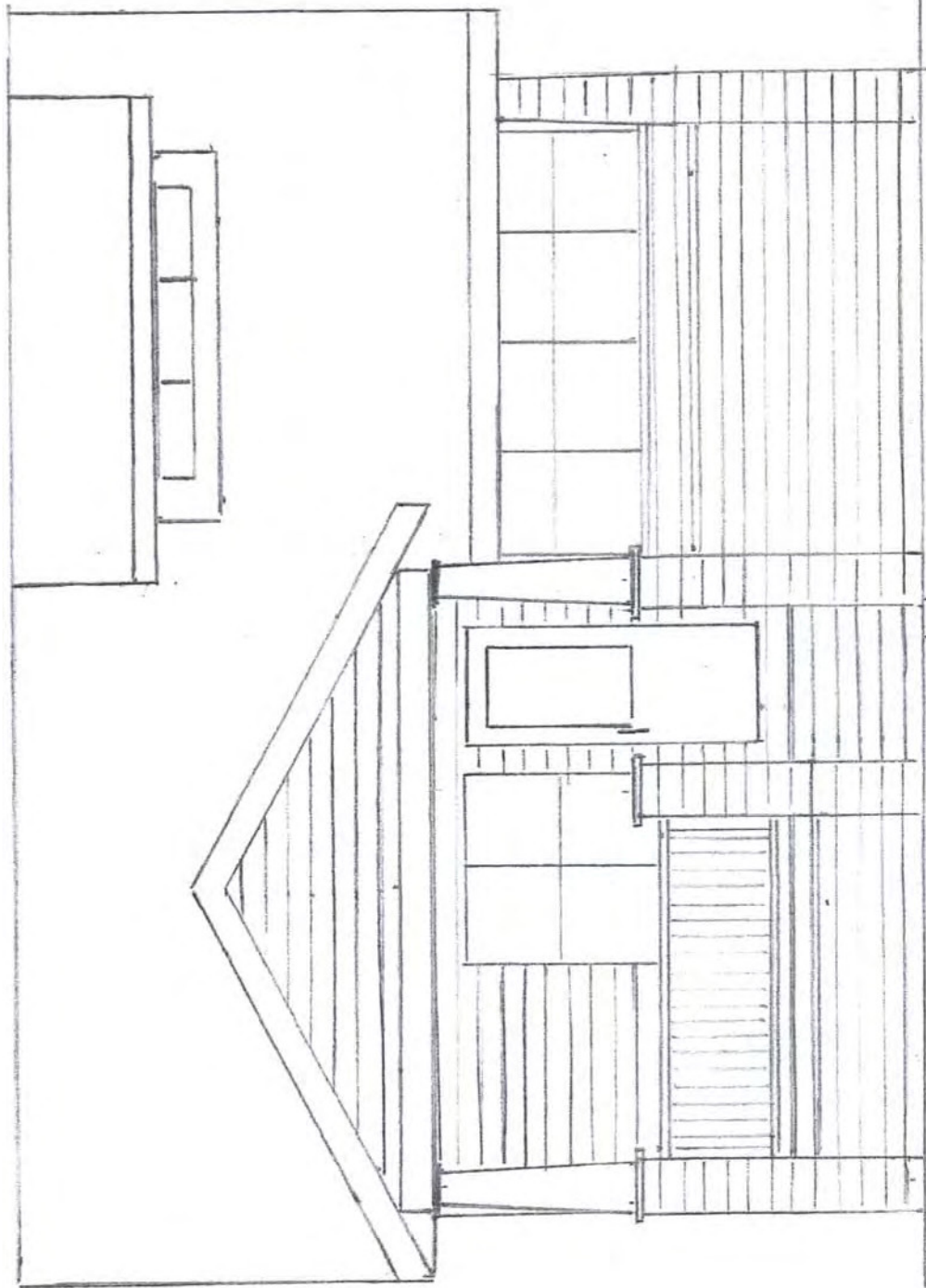
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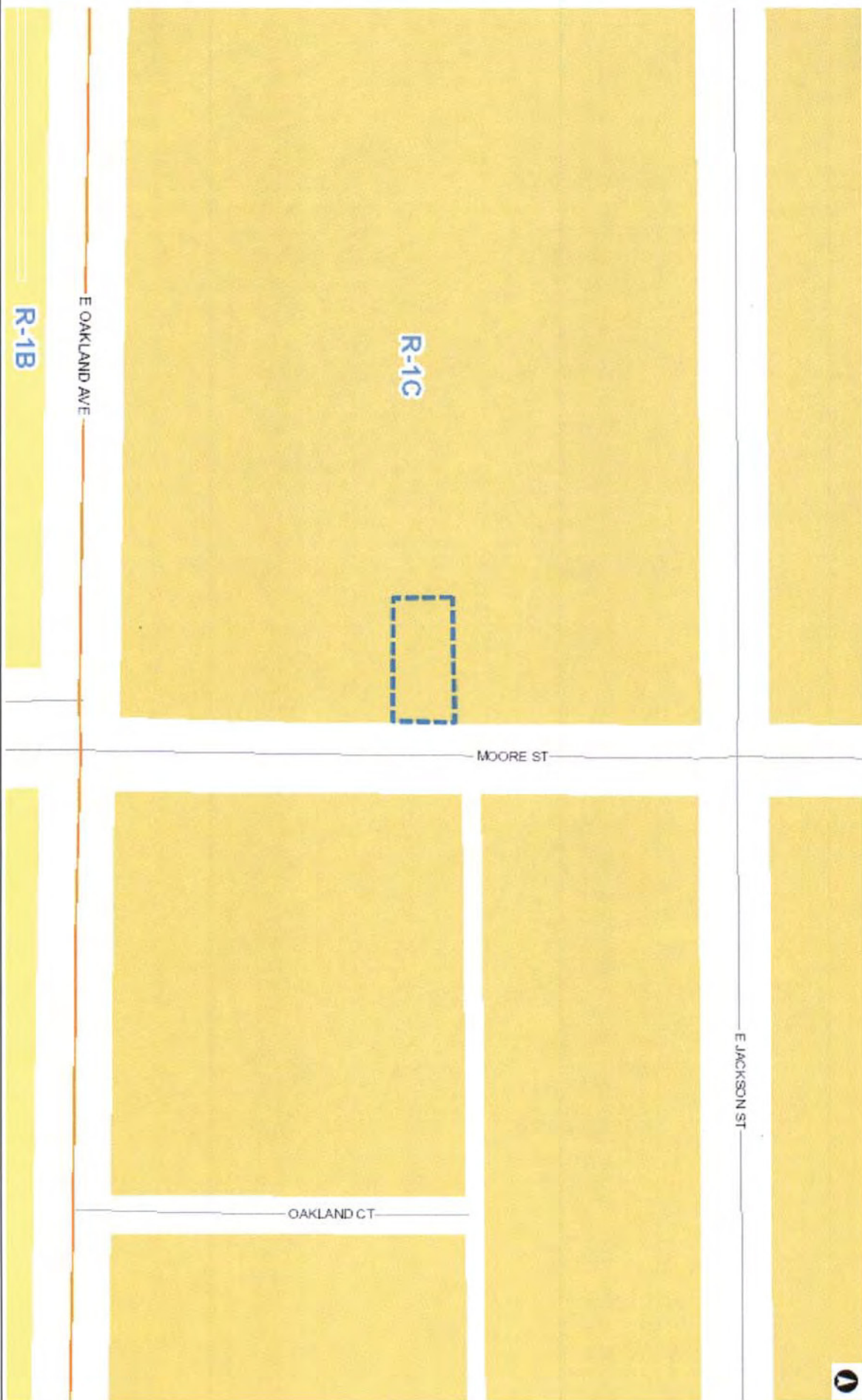
Notes

Exhibit 6





Zoning Map of 505 S Moore Street



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Notes

20845882
CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS

November 16, 2016

Notice is hereby given that the Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, November 16, 2016 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, petitions submitted by Ethan and Nancy Evans for the approval a variance from Chapter 44 of the City's Code on property located at 505 S. Moore Street at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent must attend the meeting and the subject property is described as follows:

Legal Description:
CHARLES E HALLS LOT 10
REQUESTS

A request for a variance from Chapter 44 of the City's Code to construct a front porch addition that will encroach into the front yard setback. The petitioner is requesting a front yard setback decrease of eighteen (18) feet and five (5) inches from the neighborhood average of twenty (20) feet and four (4) inches (Section 44.4-5D).

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk, preferably no later than five days before the hearing.

The City Clerk may be contacted either by letter at 109 E. Olive St., Bloomington, IL 61701, by telephone at 309-434-2240, or email cityclerk@cityblm.org. The City Hall is equipped with a text telephone (TTY) that may also be reached by dialing 309-829-5115.

Published: Monday October 31, 2016



Department of Community Development
115 E Washington St, Ste 201
Bloomington IL 61701

November 3, 2016

Dear Property Owner or Resident:

The Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, November 16, 2016 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, to hear testimony on a petition submitted by Ethan and Nancy Evans for the approval a variance from Chapter 44 of the City's Code on property located at 505 S. Moore Street at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent must attend the meeting and the subject property is described as follows:

Legal Description:
CHARLES E HALLS LOT 10

REQUEST

A request for a variance from Chapter 44 of the City's Code to construct a front porch addition that will encroach into the front yard setback. The petitioner is requesting a front yard setback decrease of eighteen (18) feet and five (5) inches from the neighborhood average of twenty (20) feet and four (4) inches (Section 44.4-5D).

You are receiving this courtesy notification since you own property within a 500 foot radius of the land described above (refer to map on back). All interested persons may present their views upon matters pertaining to the requested variance during the public hearing.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk at (309) 434-2240, preferably no later than five days before the hearing.

Please note that cases are sometimes continued or postponed for various reasons (i.e lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting. The hearing's agenda will be available at www.cityblm.org. If you desire more information regarding the proposed petition or have any questions you may call me at (309) 434-2226 or email me at ksimpson@cityblm.org.

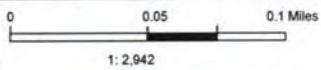
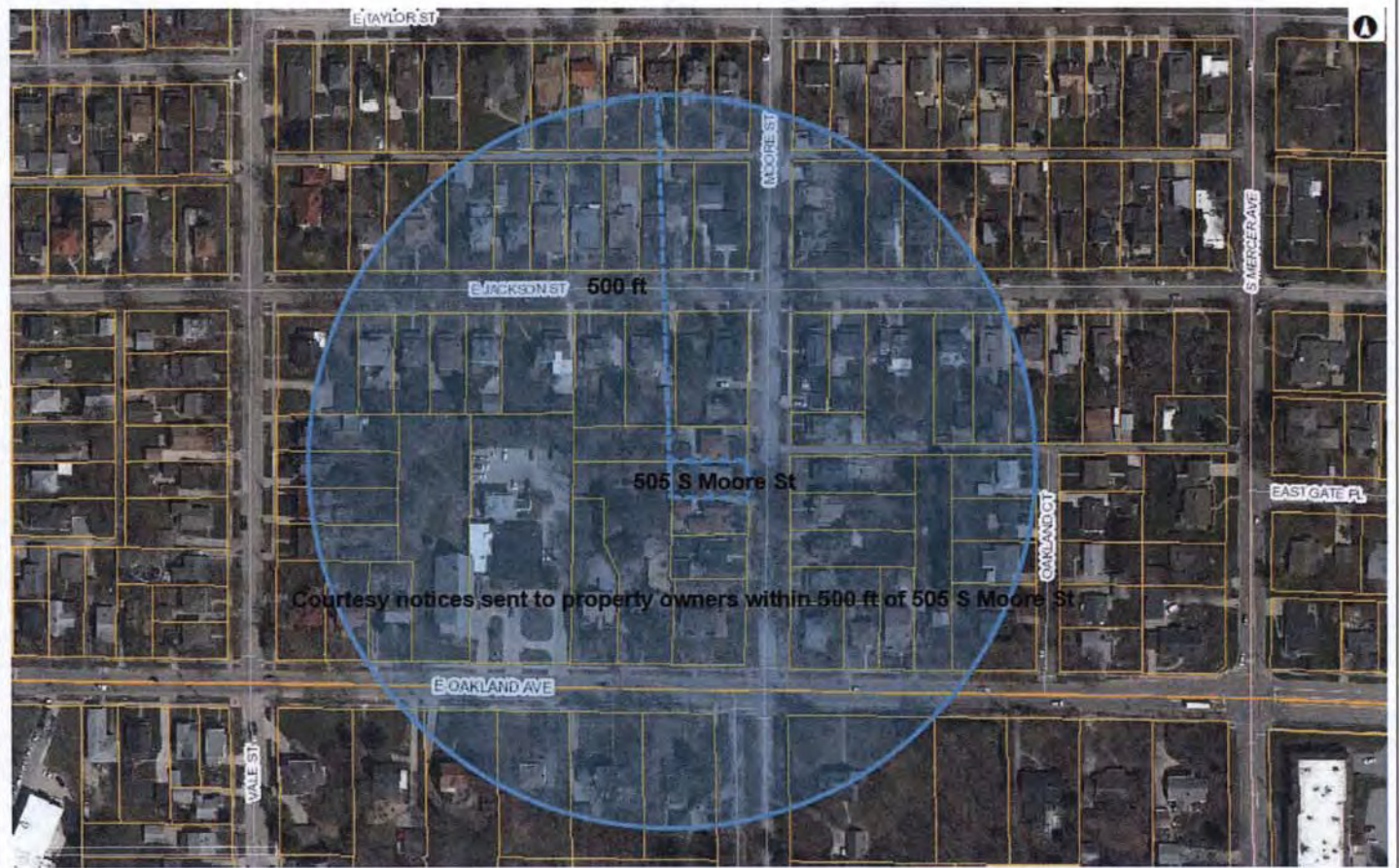
Sincerely,

Katie Simpson
City Planner

Attachment
Location Map with 500 foot notification buffer



Public Hearing for a Variance



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Notes

Wednesday, November 16, 2016
109 E Olive Street
Bloomington IL 61701

MICHELLE A BLAIR
1 OAKLAND CT
BLOOMINGTON IL 61701

JACOB CARLSON
10 OAKLAND CT
BLOOMINGTON IL 61701

HHCW PROPERTIES, LLC
1401 Plantation Ln
Bloomington IL 617049475

JANE CLUVER
1902 E OAKLAND
BLOOMINGTON IL 61701

THOMAS R & KRISTEN D PRAHL
1903 E OAKLAND AVE
BLOOMINGTON IL 617015754

ALAN L FAHRENKROG
1904 EAST OAKLAND
BLOOMINGTON IL 61701

DONNA J DEISS
1905 E JACKSON ST
BLOOMINGTON IL 617015738

ANDREW S GARRISON
1906 E JACKSON ST
BLOOMINGTON IL 617015739

PAUL & ALBERT SHAPIRO
1906 E OAKLAND
BLOOMINGTON IL 61701

LARRY G MERTES
1907 E JACKSON ST
BLOOMINGTON IL 617015738

KENNETH R & KIMBERLY K MORINE
CRISER
1907 E OAKLAND AVE
BLOOMINGTON IL 61701

MICHAEL & SALLIE DOLAN
1908 E JACKSON
BLOOMINGTON IL 61701

RONALD R & DENISE M WILLIAMS
1909 E JACKSON ST
BLOOMINGTON IL 617015738

ERIK N PRENZLER
1909 E OAKLAND AVE
BLOOMINGTON IL 617015754

JOSEPH D & TAYLOR C ZIMMERMAN
1911 E JACKSON ST
BLOOMINGTON IL 617015738

ROBERT FOGLER III
1911 E TAYLOR
BLOOMINGTON IL 61701

THOMAS JENNINGS
1912 E JACKSON ST
BLOOMINGTON IL 617015739

BLAKE ALAN RAVE
1914 E JACKSON ST
BLOOMINGTON IL 617015739

ROBERT FORCE
1915 E JACKSON ST
BLOOMINGTON IL 617015738

MARK WAGNER
1915 E TAYLOR ST
BLOOMINGTON IL 617015713

MICHAEL L DENNIS
1916 E JACKSON ST
BLOOMINGTON IL 617015739

SUZANNE C JANSKY
1917 E JACKSON ST
BLOOMINGTON IL 617015738

PATRICK & PATRA NOONAN
1917 E TAYLOR ST
BLOOMINGTON IL 617015713

JAKE & GRETCHEN LEWIS
1918 E JACKSON ST
BLOOMINGTON IL 617015739

FARI GHAHARAMANY
1919 E JACKSON ST
BLOOMINGTON IL 617015738

SAUL PULIDO M/M
1919 E TAYLOR
BLOOMINGTON IL 61701

ELIZABETH A & JANIE L SMITH
GUZALDO
1920 E JACKSON ST
BLOOMINGTON IL 617015739

CARRIE E KUHN
1921 E TAYLOR ST
BLOOMINGTON IL 617015713

SUSAN & CARL BENNETT ANDERSON
1922 E JACKSON ST
BLOOMINGTON IL 617015739

RICHARD C & A THERESE THOMPSON
1922 E OAKLAND AVE
BLOOMINGTON IL 617015755

TODD AND ANNE ONEIL
1923 E JACKSON
BLOOMINGTON IL 61701

JIM SIMEONE
1923 E TAYLOR
BLOOMINGTON IL 61701

JAMES & ANGELA FREEHILL
1924 E JACKSON
BLOOMINGTON IL 61701

J & CASSANDRA DONLEAVY
1924 EAST OAKLAND AVENUE
BLOOMINGTON IL 61701

MARTIN & SALLY CASE
1925 E OAKLAND AVE
BLOOMINGTON IL 617015754

ERIC R & SARAH J B JOME
1925 E TAYLOR ST
BLOOMINGTON IL 617015713

STEVEN STRAUB
1926 E OAKLAND
BLOOMINGTON IL 61701

STEVEN RIESENBERG
2001 E Jackson St
Bloomington IL 617015740

WILLIAM III & MARY L FITZGERALD
2001 E OAKLAND AVE
BLOOMINGTON IL 617015756

CHANTEL & JONATHAN CARMEAN
2001 E TAYLOR ST
BLOOMINGTON IL 617015715

GREGG E ZIMMERMAN
2002 E JACKSON
BLOOMINGTON IL 61701

SHANE YOUNG
2002 E OAKLAND AVE
BLOOMINGTON IL 61701

DOUGLAS K SORENSEN
2002 TROTTER LN
BLOOMINGTON IL 617049178

JERRY KELLEHER
2003 E JACKSON
BLOOMINGTON IL 61701

MARGARET H FRYE
2003 E TAYLOR ST
BLOOMINGTON IL 617015715

THOMAS W FENGER
2004 E OAKLAND AVE
BLOOMINGTON IL 617015757

CHRISTOPHER & KRISTI ZIMMERMAN
WEIHER
2005 E TAYLOR ST
BLOOMINGTON IL 617015715

EDWARD RAMOS JR
2006 E JACKSON ST
BLOOMINGTON IL 61701

JUDITH E GAREE
2006 E OAKLAND AVE
BLOOMINGTON IL 61701

DARREL KLINE
2007 E JACKSON ST
BLOOMINGTON IL 617015740

LEONARD H FASSETT
2007 E OAKLAND AVE
BLOOMINGTON IL 617015756

DAVID R & CAROLYN B STOVER
2008 E JACKSON
BLOOMINGTON IL 61701

SHAWN & JENNIFER DOGGETT
2008 E OAKLAND AVE
BLOOMINGTON IL 617015757

PATRICK A VANCE
2009 E JACKSON ST
BLOOMINGTON IL 617015740

MATTHEW H NEWELL
2009 E TAYLOR ST
BLOOMINGTON IL 617015715

CARI MOY
2010 E JACKSON ST
BLOOMINGTON IL 617015741

MARY A CRAIG TRUSTEE
2010 E OAKLAND AVE
BLOOMINGTON IL 617015757

CHERYL LEWIS
2010 E TAYLOR ST
BLOOMINGTON IL 617015716

DONALD K & BEVERLY PALMATIER
2011 E JACKSON ST
BLOOMINGTON IL 617015740

TAMARA S WATERS
2012 E JACKSON ST
BLOOMINGTON IL 61701

JOHN D & KAYLEIGH A TWORK
2013 E JACKSON ST
BLOOMINGTON IL 617015740

ADELE KRONES
2014 E Jackson St
Bloomington IL 617015741

VALERIE A CROSS
2015 E JACKSON ST
BLOOMINGTON IL 61701

JENNIFER K ONEIL
2016 E JACKSON ST
BLOOMINGTON IL 61701

MARK CRAIG
2017 E JACKSON
BLOOMINGTON IL 61701

ROB CLARK
3 OAKLAND CT
BLOOMINGTON IL 617015762

DVAID & JENNIFER BATEMAN
402 S FLORENCE AVE
BLOOMINGTON IL 617015628

DANIEL A & AMY E MOORE
502 VALE ST
BLOOMINGTON IL 617015669

CAREY C MOORE
503 S MOORE ST
BLOOMINGTON IL 617015748

JOHN L & PAULA M PRATT
506 VALE ST
BLOOMINGTON IL 617015669

ETHAN & NANCY EVANS
507 S MOORE
BLOOMINGTON IL 61701

LAUREL POSHARD
508 S MOORE ST
BLOOMINGTON IL 61701

DEBRA BROWNSTONE TRUSTEE
508 VALE ST
BLOOMINGTON IL 617015669

ANTHONY MERRITT
509 S MOORE ST
BLOOMINGTON IL 61701

LAUREL POSHARD
510 S MOORE ST
BLOOMINGTON IL 61701

SUSAN K BAYLES
510 VALE ST
BLOOMINGTON IL 617015669

KEVIN & MARILYN MAFFETT
512 S MOORE ST
BLOOMINGTON IL 617015749

ROBERT & KARA STEVENSON
512 VALE ST
BLOOMINGTON IL 617015669

ROBERT A KEANEY
514 S MOORE ST
BLOOMINGTON IL 617015749

MARY L KELLY
6 OAKLAND CT
BLOOMINGTON IL 61701

NANCY SPRAGUE
601 S MOORE
BLOOMINGTON IL 61701

JEAN RILEY
7 OAKLAND CT
BLOOMINGTON IL 617015762

KATHERINE MORITZ
8 OAKLAND CT
BLOOMINGTON IL 617015762

BEVERLY A MURPHY
9 OAKLAND CT
BLOOMINGTON IL 617015762

ST MATTHEWS EPISCOPAL CHURCH
FR HOWARD B BOWLIN 1920 E
OAKLAND AVE
BLOOMINGTON IL 61701

EUGENE A STORMER PRIEST
ST MATTHEWS EPISCOPAL CHURCH
1920 E OAKLAND AVE
BLOOMINGTON IL 61701

**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
NOVEMBER 16, 2016**

SUBJECT:	TYPE:	SUBMITTED BY:
Z-44-16 104 W Front St.	1). Increase the maximum floor area from 100% to 121% 2). A side yard setback of 12.5' in lieu of one-third the building height.	Katie Simpson City Planner

REQUEST

The petitioner is expanding the Law and Justice Center and is seeking two variances: 1) to increase the maximum floor area from 100% to 121%, and; 2) to allow a side yard setback of 12.5' in lieu of one-third the building height in the S-2, Public Lands and Institutions District. The subject property is commonly located at 104 W Front Street.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in the Pantagraph on October 31, 2016.

GENERAL INFORMATION

Owner and Applicant: Public Building Commission of McLean County

PROPERTY INFORMATION

Existing Zoning: S-2, Public Lands and Institutions
Existing Land Use: Law and Justice Center and Surface Parking Lot
Property Size: Approximately 4.23 acres or 184, 203 sqft
PIN: 21-04-343-028 and part of 21-04-344-003

Surrounding Zoning and Land Use

Zoning

North: B-3, Central Business District
North: S-2, Public Lands and Institutions
South: B-3, Central Business District
Southeast: S-2 Public Lands and Institutions
East: B-3 with S-4, Central Business District w/ local historic preservation
West: B-3, Central Business District

Land Uses

North: Mixed use
North: Parking garage
South: Automobile repair
Southeast: City Hall
East: Offices
West: McLean County Health Department, Bloomington Coliseum.

Analysis

Submittals

This report is based on the following documents, which are on file with the Community Development Department:

1. Application for Variation
2. Site Plan

3. Aerial photographs
4. Site visit

PROJECT DESCRIPTION

The subject site is commonly known as 104 W Front Street, located adjacent to the McLean County Law and Justice Center, near the corner of East Street and Olive Street. The petitioner is requesting the variance to allow for the construction of the McLean County Law and Justice Center Expansion Project aimed at providing more efficient housing for County inmates. The subject property was recently final platted and contains the lot of the current Law and Justice Center plus a portion of the Main Street public right-of-way (recently vacated by the City of Bloomington) directly east, and the vacant parking lot behind the Lincoln Parking Garage. The property is approximately 4.23 acres and zoned S-2 Public Lands and Institutions.

The majority of the project involves construction of a four and a half story building occupying the triangular surface parking lot directly south of the Lincoln Parking Garage. A pedestrian bridge passing over the vacated Main Street will connect the expansion to the current Law and Justice Center.

The property is landlocked and has a significant slope. The property is located at the gateway of Bloomington's Downtown and bordered by B-3, Central Business District Zoning. The massing and bulk requirements in the B-3 district are more urban and less suburban than the types of development contemplated in the S-2 district. This project involved infill development, a goal identified in the 2035 Comprehensive Plan. The property is currently underutilized as a surface parking lot, the proposed development provides a service to the community and reduces the perception of an auto-oriented downtown promoting a more pedestrian friendly style of design. Parking lost during this project will be relocated to the Lincoln Parking Deck. A number of utilities will remain in the portion of the vacated Main Street. Plus a water main will be relocated along the east side of the property by East Street. The City will not allow construction over these utilities and the petitioner is limited to the size of buildable area on the lot. Since horizontal expansion is not an option, the petitioner must build upward and therefore must request a variance to meet the requirements of the zoning ordinance.

The following is a summary of the requested variations:

Applicable Code Sections:

Section 44.6-40A

Type of Variance	Request	Required	Variance
Maximum Floor Area	121%	100%	21% Increase
Side Yard Setback	12.5' 1/3 building height (22.7')		10.2ft decrease

Analysis

Variations from Zoning Ordinance

The petitioner seeks two variances to allow a building with a floor area of 121% and a side yard setback of 12.5' along the north of the property. The proposed massing and bulk of the building is consistent with the urban development of downtown Bloomington but inconsistent with the S-2 Zoning District.

The Zoning Board of Appeals may grant variances only in specific instances where there would be practical difficulties or particular hardships in carrying out strict adherence to the Code. Staff's findings of fact are presented below. It is incumbent on each Zoning Board of Appeals member to interpret and judge the case based on the evidence presented and each of the findings of fact.

FINDINGS OF FACT

The petitioner has outlined the request for variation in the attached narrative and drawings. The Zoning Ordinance requires that the petition meet the findings of fact as outlined below.

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

Maximum Floor Area: The majority of construction will take place on the triangular-shaped surface parking lot. The property is landlocked and the petitioner is constrained to the lot. There are also a number of utilities located within the former Main Street public right-of-way which the petitioner cannot build over. Additionally the property slopes significantly to the south. The massing contemplated in the S-2 district is not compatible with the urban development envisioned for the downtown in both the Comprehensive Plan and the Downtown Strategy. The standard is met.

Side yard setback: The property is located on a triangular lot with frontages along Olive Street and East Street. The petitioner is required to relocate a water main from the Main Street right-of-way to the East Street right of way, limiting their ability to build closer to the lot line. In order to maximize space and meet the constraints of the site the petitioner needs to shift the building closer to the side lot line encroaching into the required side yard setback. The standard is met.

That the variances would be the minimum action necessary to afford relief to the applicant; and

Maximum Floor Area: Other options might include rezoning the property or building the more suburban style development contemplated in the S-2 district. These options do not necessarily align with the vision of the downtown as an urban environment and pedestrian friendly destination. Furthermore, courthouse, the principal use for the property, is only allowed in the S-2 district and therefore rezoning would result in the creation of a nonconforming use. The standard is met.

Side yard setback: The petitioner is constrained by the size and shape of the site and must work around the location of utilities and easements. The petitioner cannot move the building and the variance is the minimum action necessary. The standard is met.

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

Maximum Floor Area: The bulk requirements of the S-2 zoning district are incompatible with those of the B-3 central business district, the surrounding historic properties, and the downtown vision. The lot poses additional challenges given the existing utilities, slope and size. This is an infill development site and the property is landlocked. The conditions were not created by the applicant. The standard is met.

Side yard setback: The height of the building is necessary to achieve the pedestrian access over the vacated Main Street with the older portion of the Law and Justice System. This design is crucial to the function of the building and the transfer of inmates. The steep incline of the property requires a two and a half story building in order to align with the pedestrian access. Additionally the height of the building determines the side yard setback. The S-2 zoning requirements are not compatible with the surrounding buildings and the setback requirements are greater than the setbacks in the neighboring B-3 Central Business District. The standard is met.

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

Maximum Floor Area: The surrounding properties are larger in mass and bulk. The proposed massing will allow the Law and Justice Center to meet their goals and will maintain the downtown, urban style of development. This area is also located in a gateway and the increased massing will promote the pedestrian style of development encouraged downtown. The variance will not give special privilege to the petitioner, it is consistent and compatible with other civic uses in the downtown area. The standard is met.

Side yard setback: The S-2 zoning requirements are not compatible with the surrounding buildings and the setback requirements are greater than the setbacks in the neighboring B-3 Central Business District. The standard is met.

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.

Maximum Floor Area: The project promotes infill development which aligns with the goals of the comprehensive plan. The variance also encourages a building mass compatible with surrounding civic and mixed use buildings of the downtown. The site's location is important to the downtown and promotes a pedestrian friendly design instead of the auto oriented development currently promoted on the lot. The massing is compatible with the adjacent historic properties as well. The standard is met.

Side yard setback: The proposed variance does not impede use of neighboring properties nor the flow of traffic in-and-out of the parking deck and emergency vehicles along the north of the property. The variance allows the petitioner to achieve the pedestrian oriented design envisioned for downtown. The standard is met.

STAFF RECOMMENDATION:

Staff finds that the petition has met the Zoning Ordinance's standards required to allow a variance. Staff recommends **approval** of the requested variance in Case Z-44-16.

Respectfully submitted,

Katie Simpson
City Planner

Attachments:

- Variance Application
- Petitioner Statement of Findings of Fact

Agenda Item D

- Site Plan
- Aerial Map
- Zoning Map
- Newspaper notification
- Neighborhood notice and list of notified property owners

Please consider this as our petition for a variance from the requirement(s) of the Zoning Code. Attached is our site plan and fee.

Address 104 W. Front Street

Petitioner Public Building Commission of McLean County Phone 309-808-6067

Petitioner's Mailing Address 308 E. Washington St. Bloomington, Illinois 61701

Contractual Interest in the property X yes _____ no

Signature of Applicant

John M. Jannits - VICE-CHAIR - PBC

Brief Project Description:

Construction of an expansion of the McLean County Law & Justice Center to provide additional, more efficient housing for County inmates.

Code Requirements Involved:

44.6-40(A) allows a maximum floor area of 100% of the lot area.

Variances(s) Requested:

Allow a floor area of 121% of lot areas. (300,670 square feet floor area + 249,163 square feet lot area = 120.7%).

Reasons to Justify Approval by the Zoning Board:

The operational efficiencies of building at this site far out way any positives from building on another property. However, since the site is land locked, no additional property can be purchased at this site. The operational and cost advantages to the tax paying public for this unique facility to be located in a compact and efficient site outweighs any negatives associated with this variance. In addition, the density this variance would allow is in harmony with the character of this dense urban neighborhood.

FINDINGS OF FACT QUESTIONNAIRE

(Must be answered by the Petitioner)

Chapter 44, Section 6-40(A)

A variation from the terms of this Code shall not be granted by the Zoning Board of Appeals unless the findings of fact are submitted demonstrating:

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

There are huge operational efficiencies realized by locating this facility at this location. However, the site is land locked, so additional property cannot be purchased.

2. That the variance would be the minimum action necessary to afford relief to the applicant; and

The applicant is asking only for variances that are necessary to make this vital facility operate efficiently, safely and cost effectively for the citizens of McLean County.

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

This site was selected many years ago as the location of the County's Law & Justice Center. It is land locked by other businesses and major streets, which limit its ability to expand outward.

4. That the granting of the variance requested will not give the applicant any special privilege that is denied others by the Code; and

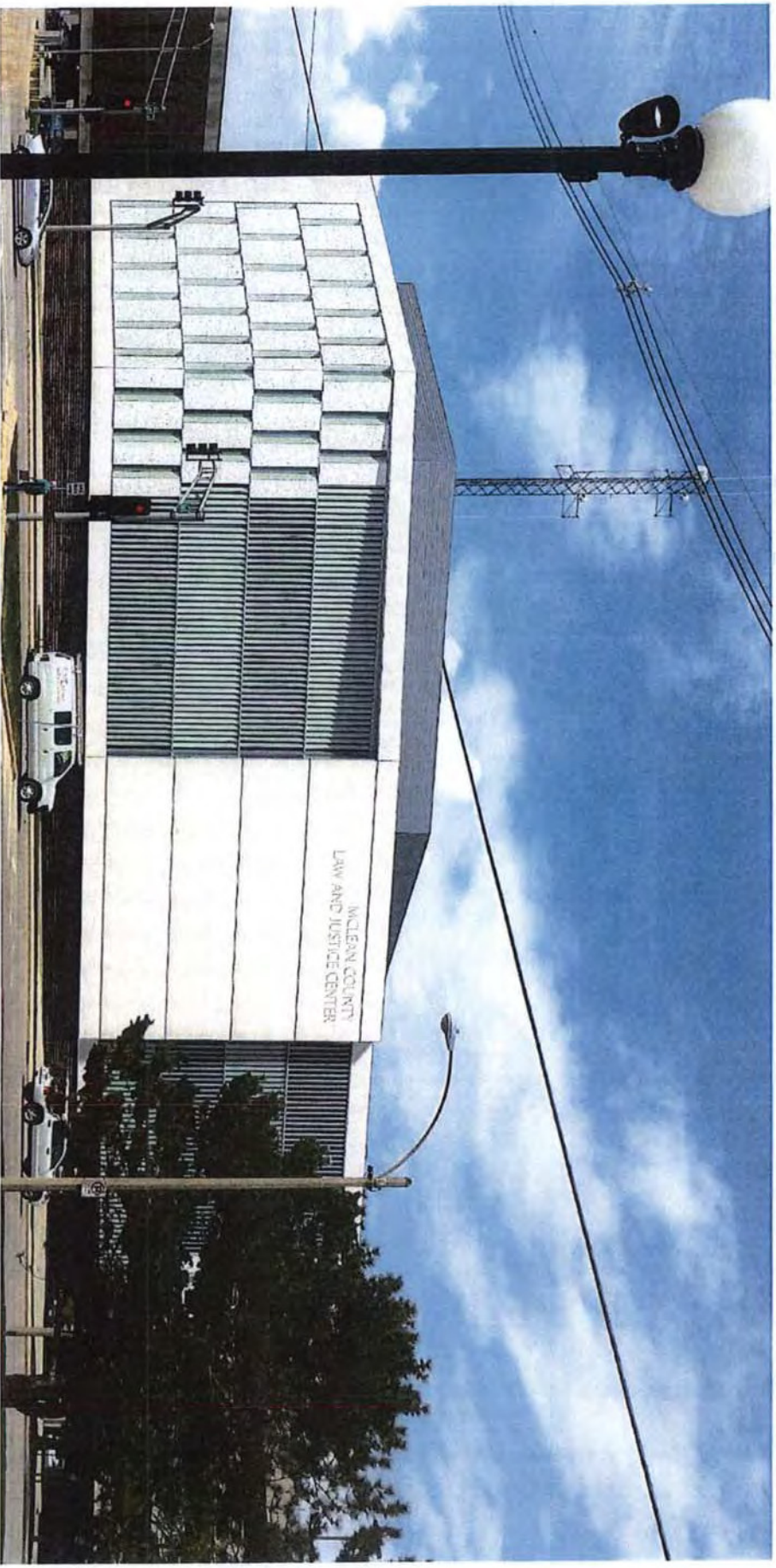
This is a very unique type of structure and use. Most of the nearby B-3 Zoned properties are not constrained by these side yard and density restrictions.

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

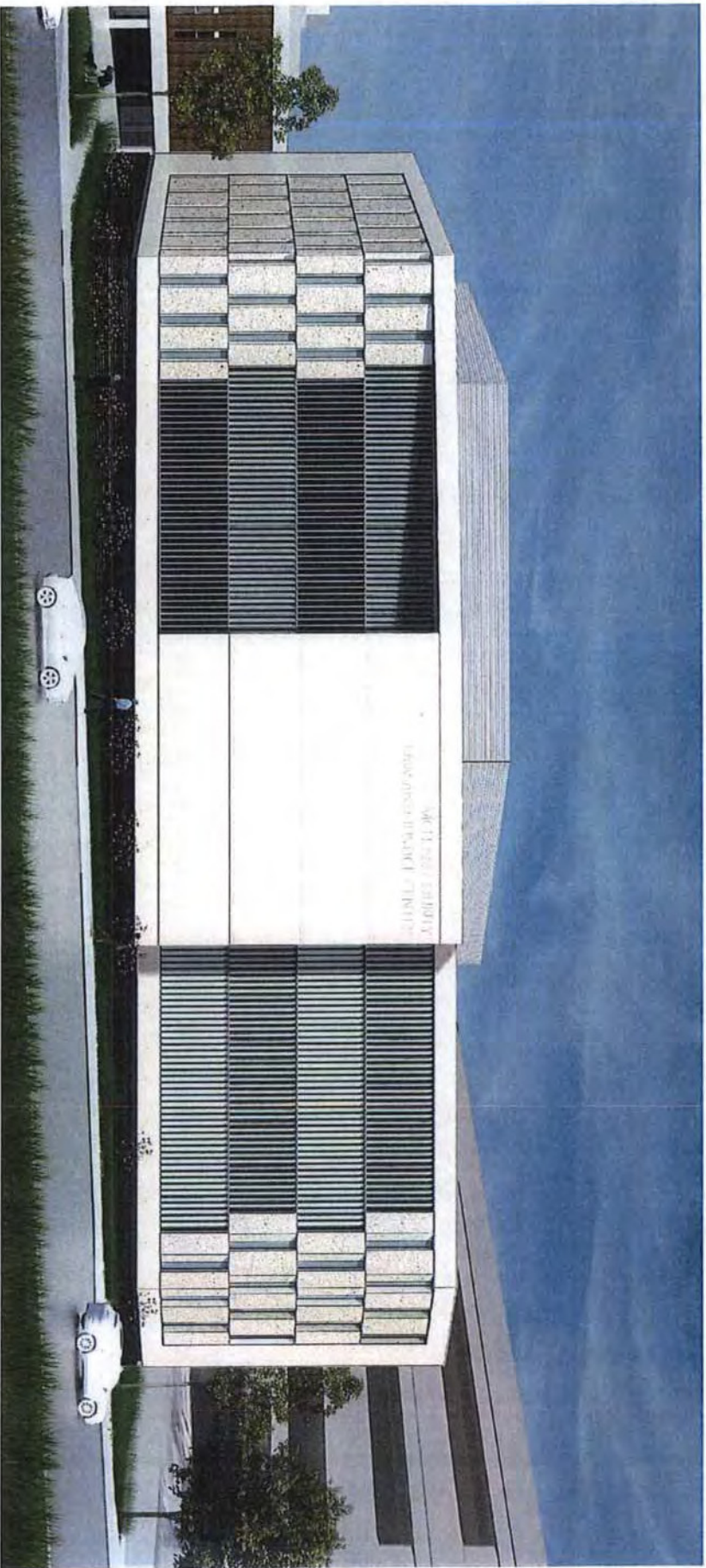
These variances will benefit the public welfare by providing as efficient operating structure as is possible to the taxpayers of McLean County. These variances will have no negative impact on use of nearby properties.



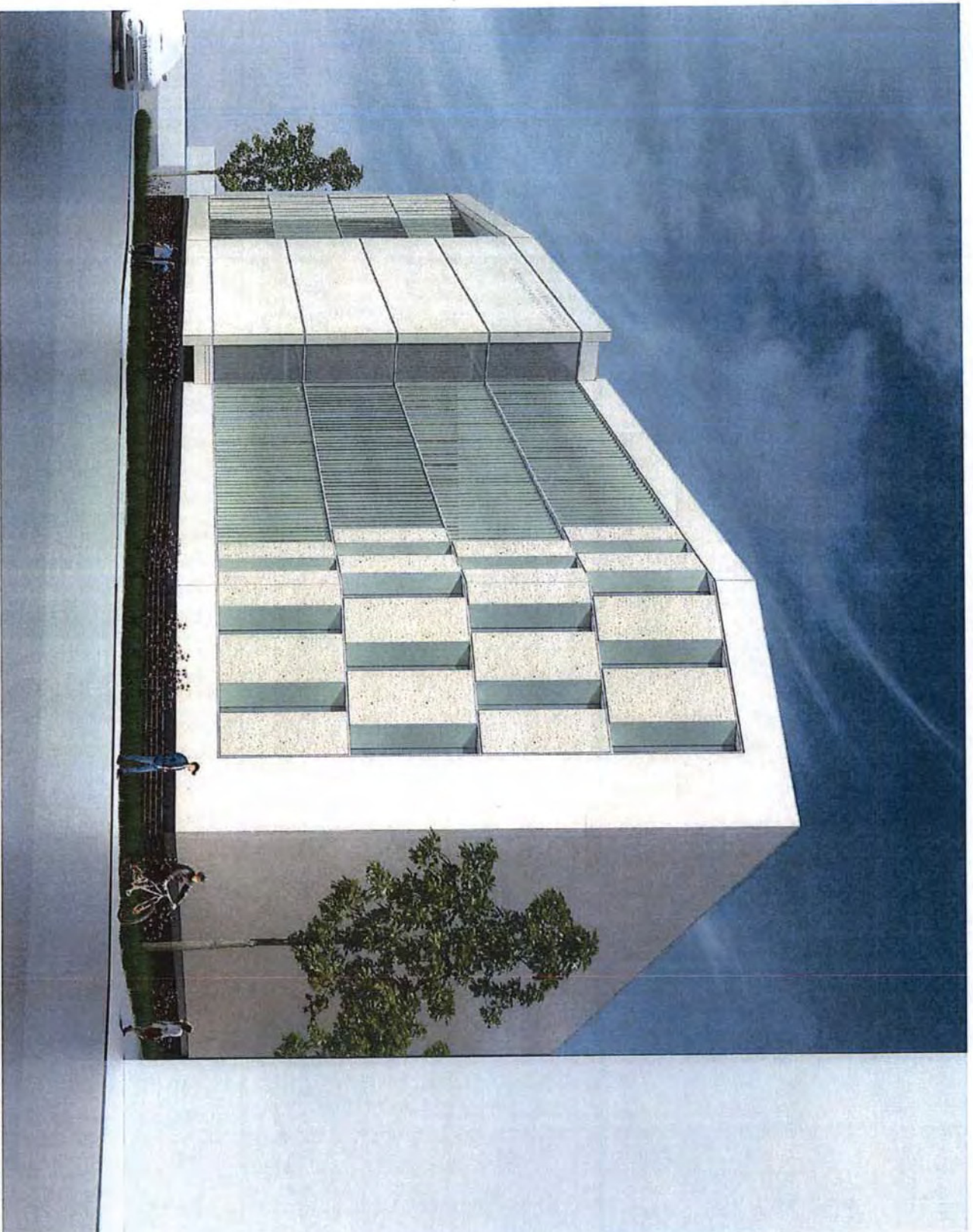
SOUTHEAST VIEW



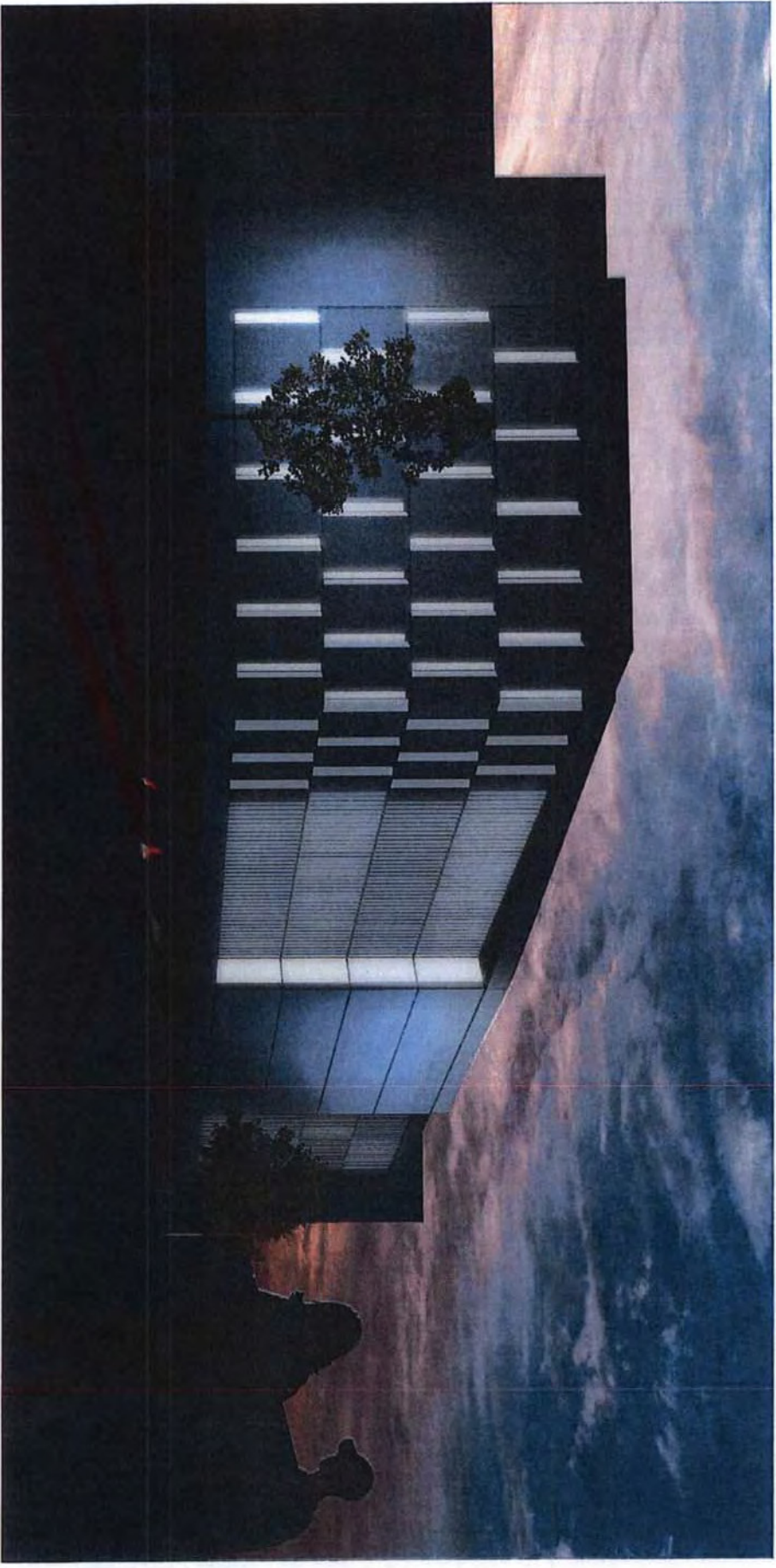
VIEW FROM CITY HALL



EAST VIEW



NORTHEAST VIEW



SOUTHEAST NIGHT VIEW



AERIAL VIEW

Please consider this as our petition for a variance from the requirement(s) of the Zoning Code.
Attached is our site plan and fee.

Address 104 W. Front Street

Petitioner Public Building Commission of McLean County Phone 309-808-6067

Petitioner's Mailing Address 308 E. Washington St. Bloomington, Illinois 61701

Contractual Interest in the property X yes no

Signature of Applicant John M. Zanich - VICE-CHAIR - PBC

Brief Project Description:

Construction of an expansion of the McLean County Law & Justice Center to provide additional, more efficient housing for County inmates.

Code Requirements Involved:

44.6-40(A) requires a side yard setback of not less than $1/3$ the height of the building ($68' \div 3 = 22.7'$).

Variances(s) Requested:

That the side yards for lots 1 & 2 of McLean County Government Subdivision be 12.5' in lieu of $1/3$ the building height ($68 \div 3 = 22.7'$).

Reasons to Justify Approval by the Zoning Board:

The proposed site is land locked, so additional property is not available for purchase. To provide code set back would require building additional floors on the building which due to the unique nature of this facility, has a huge impact on operating costs of this vital community structure. In addition, since this site is in Downtown Bloomington, the reduced setback is in harmony with the character of its relatively dense urban neighborhood.

FINDINGS OF FACT QUESTIONNAIRE

(Must be answered by the Petitioner)

Chapter 44, Section 6-40(A)

A variation from the terms of this Code shall not be granted by the Zoning Board of Appeals unless the findings of fact are submitted demonstrating:

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

There are huge operational efficiencies realized by locating this facility at this location. However, the site is land locked, so additional property cannot be purchased.

2. That the variance would be the minimum action necessary to afford relief to the applicant; and

The applicant is asking only for variances that are necessary to make this vital facility operate efficiently, safely and cost effectively for the citizens of McLean County.

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

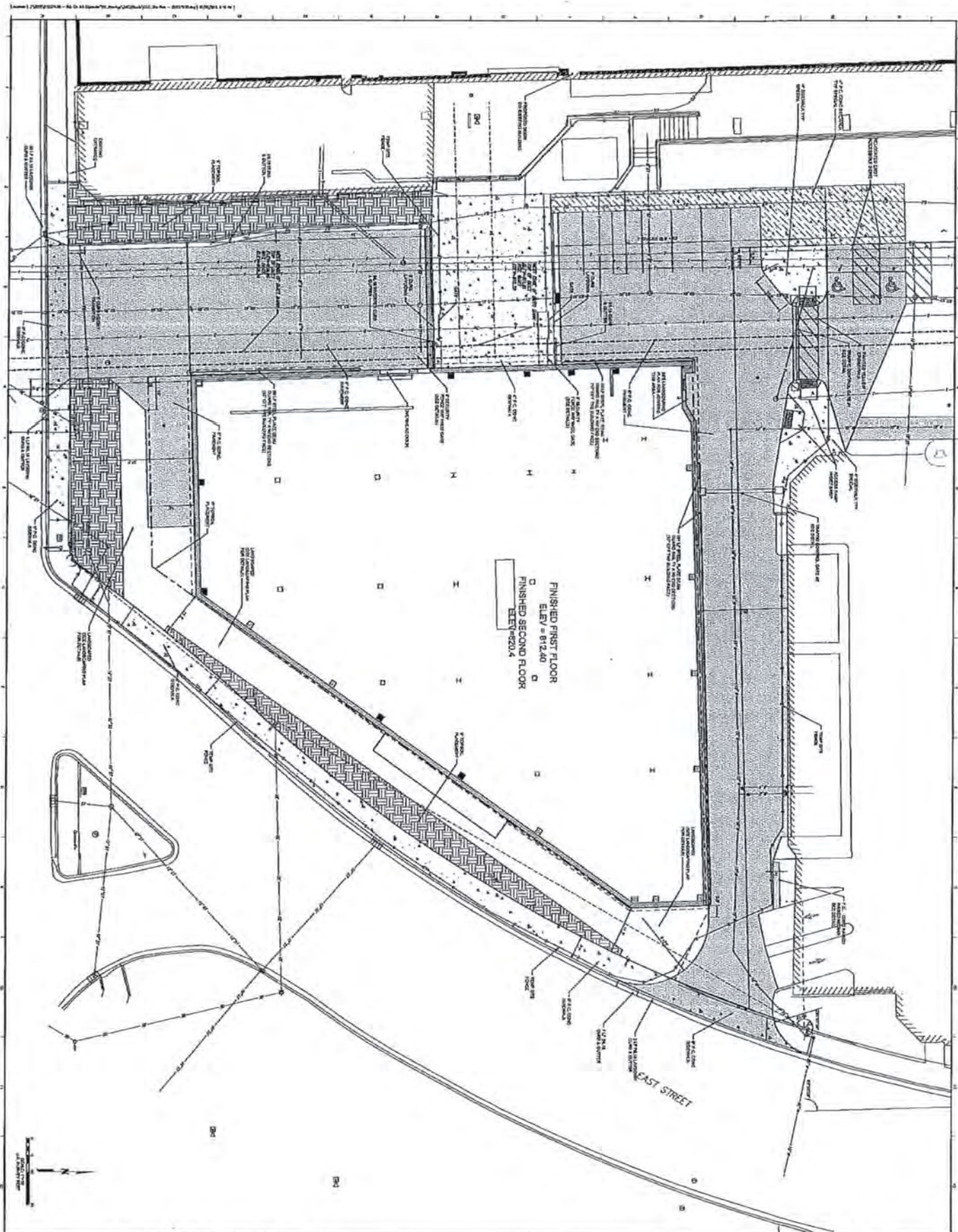
This site was selected many years ago as the location of the County's Law & Justice Center. It is land locked by other businesses and major streets, which limit its ability to expand outward.

4. That the granting of the variance requested will not give the applicant any special privilege that is denied others by the Code; and

This is a very unique type of structure and use. Most of the nearby B-3 Zoned properties are not constrained by these side yard and density restrictions.

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

These variances will benefit the public welfare by providing as efficient operating structure as is possible to the taxpayers of McLean County. These variances will have no negative impact on use of nearby properties.





Aerial View of 104 W Front Street



0 0.06 0.1 Miles By using any McGIS products or services, you indicate your acceptance of the Licensing Agreement <http://www.McGIS.org/License>

1: 3,628

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Notes



Zoning Map of 104 W Front Street



0 0.06 0.1 Miles
1: 3,601

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Printed: 11/7/2016 4:12:14 PM

Notes

CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS

November 16, 2016

Notice is hereby given that the Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, November 16, 2016 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, petitions submitted by the Public Building Commission of McLean County for the approval of various changes from Chapter 44 of the City's Code on property located at 104 W Front Street at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent must attend the meeting and the subject property is legally described below.

LEGAL DESCRIPTION:

Tract 1: Lots 102 and 103 in James Allin's Third Addition to the City of Bloomington, according to the Plat recorded in Book 3, Page 32 of plats, in McLean County, Illinois.

Tract 2: Lots 123 and 124 in James Allin's Third Addition to the City of Bloomington, according to the Plat recorded in Book 3, Page 46 of plats, except ten feet off the entire south side thereof, McLean County, Illinois.

Tract 3: Lots 1 through 17, inclusive, in the Assessor's Subdivision of Lots 77, 78, 79 and 80 in James Allin's Addition to the City of Bloomington, McLean County, Illinois.

Tract 4: Lot 6 of McKisson's Subdivision of Lots 79 and 80 in James Allin's Addition to the City of Bloomington, McLean

County, Illinois.

Tract 5: Lots 1, 2, 3, 4 and 5 in the Subdivision of Lot 79 in McKisson's Subdivision of Lots 79, 80 and 81 in James Allin's Addition to the City of Bloomington, McLean County, Illinois.

Tract 6: Lot 1 of the Subdivision of Lot 80 in McKisson's Subdivision of Lots 79, 80 and 81 in James Allin's Addition to the City of Bloomington, according to the Plat recorded in Book 1 of Plats; Page 83, McLean County, Illinois.

Tract 7: All that part of vacated West Grove Street lying between the West side of Main Street and the East side of Center Street in the City of Bloomington, as vacated on July 10, 1972 by Ordinance 1972-47, recorded October 24, 1972 as Document No. 72-10794, in McLean County, Illinois.

Tract 8: All vacated alleys lying within an area described as follows: All alleys bounded between Front Street on the North, Center Street on the West, Olive Street on the South and Main Street on East, in the City of Bloomington as vacated on October 23, 1972 by Ordinance 1972-83, recorded October 24, 1972 as Document No. 72-10793, in McLean County, Illinois.

Tract 9: Lot 1 in Block 76 in Central Bloomington Subdivision in the City of Bloomington, according to the Plat thereof recorded February 21, 1975 as Document No. 75-1408, in McLean County, Illinois.

Tract 10: Lots 1 to 12, both inclusive, in Assessor's Subdivision of Lots 73, 74, 75 and 76 in James Allin's Addition to the

City of Bloomington, McLean County, Illinois.

Tract 11: All that part of Main Street lying between the South Line of Front Street and the North Line of Olive Street, except the South 10 feet thereof, in the City of Bloomington, McLean County, Illinois.

Tract 12: A part of Lot 1 in Block 74, Central Bloomington Subdivision in the City of Bloomington, McLean County, Illinois, described as: Beginning at the Southernmost Corner of Lot 1 in Block 74, Central Bloomington Subdivision. From said Point of Beginning, thence northwest 37 feet along the southwest line of said Lot 1, said southwest line being an arc of a curve of radius of 510.46 feet and said curve being concave to the southwest, thence northeast 23.54 feet to a point on the east line of said Lot 1, said point being 44.42 feet north of the Point of Beginning, thence south 44.42 feet along said east line to the Point of Beginning, containing 427 square feet.

Tract 13: A part of vacated Center Street in the City of Bloomington, McLean County, Illinois, described as: Beginning at the Northwest Corner of Lot 1 in Block 66, Central Bloomington Subdivision in the City of Bloomington, McLean County, Illinois. From said Point of Beginning thence west 18 feet along the westerly extension of the North Line of said Lot 1, thence south 240.33 feet along a line which is parallel with the West Line of said Lot 1 to the easterly extension of the South Line of Lot 1, Block 67, Central Bloomington Subdivision, thence west 48 feet along said extension to

the southeast corner of said Lot 1, thence south 66 feet to the Northeast corner of Lot 1, Block 74, Central Bloomington Subdivision, thence east 25 feet along the easterly extension of the north line of said Lot 1, thence south 77.13 feet along a line which is parallel with the east line of said Lot 1, thence southwest 30.13 feet to a point on said east line, said point being 94.0 feet south of said northeast corner, thence south 44.42 feet along said east line to the southernmost corner of said Lot 1, thence southeast 104.73 feet to a point on the west line of Lot 1, Block 66, Central Bloomington Subdivision, said point being 10 feet north of the southwest corner thereof, thence north 219.7 feet along said west line, thence north 306.3 feet along said west line to the Point of Beginning, containing 18,353 square feet.

Tract 14: All that part of vacated Grove Street lying immediately North of Lot 1 in Block 76 in Central Bloomington Subdivision in the City of Bloomington, according to the Plat thereof recorded February 21, 1975 as Document No. 75-1408, and South of property legally described as Lots 1 to 12, both inclusive, in Assessor's Subdivision of Lots 73, 74, 75, and 76 in James Allin's Addition to the City of Bloomington, McLean County, Illinois.

REQUESTS

A request for variances from Chapter 44 of the City's Code to construct an expansion of the McLean County Law & Justice Center to provide additional, more efficient housing for County inmates. The petitioner is requesting the following variances: 1) an increase in the allowed maximum floor area from 100% to 121%; 2) a side yard setback of twelve feet and a half (12.5) feet in lieu of the required side yard setback of one third (1/3) the building height (44.8-40).

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk, preferably no later than five days before the hearing.

The City Clerk may be contacted either by letter at 109 E. Olive St., Bloomington, IL 61701, by telephone at 309-434-2240, or email cityclerk@cityblm.org. The City Hall is equipped with a text telephone (TTY) that may also be reached by dialing 309-829-5115.

Published: Monday, October 31 2016



Department of Community Development
115 E Washington St, Ste 201
Bloomington IL 61701

November 3, 2016

Dear Property Owner or Resident:

The Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, November 16, 2016 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, to hear testimony on a petition submitted by the Public Building Commission of McLean County for the approval variances from Chapter 44 of the City's Code on property located at 104 W Front Street at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent must attend the meeting and the subject property is legally described below.

Legal Description:

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Department of Community Development
115 E Washington St, Ste 201
Bloomington IL 61701

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Department of Community Development
115 E Washington St, Ste 201
Bloomington IL 61701

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You are receiving this courtesy notification since you own property within a 500 foot radius of the land described above (refer to map on back). All interested persons may present their views upon matters pertaining to the requested variance during the public hearing.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk at (309) 434-2240, preferably no later than five days before the hearing.

Please note that cases are sometimes continued or postponed for various reasons (i.e lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting. The hearing's agenda will be available at www.cityblm.org. If you desire more information regarding the proposed petition or have any questions you may call me at (309) 434-2226 or email me at ksimpson@cityblm.org.

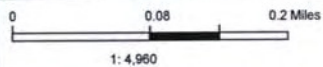
Sincerely,

Katie Simpson
City Planner

Attachment
Location Map with 500 foot notification buffer



Public Hearing for a Variance



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Notes

Wednesday, November 16, 2016
109 E Olive Street
Bloomington IL 61701

DOUGLAS NORD
1007 RABBIT HILL RD
BLOOMINGTON IL 617044127

FRED WOLLRAB
107 HILLTOP RD
BLOOMINGTON IL 61701

RUSSEL L FRANCOIS
118 W WASHINGTON ST
BLOOMINGTON IL 617013907

MARGARET RING
18879 GLENVIEW DR
BLOOMINGTON IL 617045840

BLOOMINGTON PUBLIC LIBRARY
205 E OLIVE
BLOOMINGTON IL 61701

301 GROVE STREET, LLC
25206 ARROWHEAD LN
HUDSON IL 617487575

BLOOMINGTON AERIE 527 FOE
313 S MAIN ST
BLOOMINGTON IL 617015117

YOUTHBUILD MCLEAN COUNTY
360 WYLIE DR STE 305
NORMAL IL 617615500

% ROBERT W PORTER PUBLIC
BUILDING COMMISSION
COSTIGAN & WOLLRAB PC 308 E
WASHINGTON

ALAN & NAOMI WEINTRAUB
PO BOX 3577
BLOOMINGTON IL 617023577

DFB PROPERTIES LLC
102 N MAIN STREET
BLOOMINGTON IL 61701

MEMED NURCESKI
110 W WASHINGTON ST
BLOOMINGTON IL 617013907

LAND TRUST NO CJG-21-0185-00
15638 CRESTWICKE DR
BLOOMINGTON IL 617055424

MCLEAN COHISTORICAL SOC
200 N MAIN ST
BLOOMINGTON IL 617013912

% ANDY KAUFMANN 210 SOUTH EAST
LLC
210 S EAST ST
BLOOMINGTON IL 61701

MMA FINANCIAL INC
3000 BAYPORT DRIVE SUITE 1100
TAMPA FL 33607

AERIE #527 FRAT; ORDER OF EAGLES
315 S MAIN ST
BLOOMINGTON IL 617015117

RANDAL W & ELAINE S MILLER
42 BRANDYWINE CT
BLOOMINGTON IL 617044400

121 NORTH MAIN LLC
FOURTH FLOOR 121 N MAIN ST
BLOOMINGTON IL 617017619

JC HOME BUILDERS
PO Box 3636
Bloomington IL 617023636

DEVYN CORP
103 S PRAIRIE ST
BLOOMINGTON IL 617015200

CALVERT METZLER MEMORIAL HOMES
LLC
1115 E WASHINGTON ST
BLOOMINGTON IL 617014148
LAMARCK FISH PROPERTIES, LLC
1701 E EMPIRE ST STE 360 #255
BLOOMINGTON IL 617047900

BONNIE JO OSTLING
201 W OLIVE ST
BLOOMINGTON IL 617015010

GARY L MORRIS
214 SW JEFFERSON AVE
PEORIA IL 616021411

STEVEN SKELTON
301 S CENTER ST
BLOOMINGTON IL 617015101

ROBERT PERSCHALL
321 S MAIN ST
BLOOMINGTON IL 617015117

FRED F GROVES
706 THISTLEWOOD CC CT
NORMAL IL 617615301

%COUNTY ADMINISTRATOR COUNTY
OF MCLEAN
PO BOX 2400
BLOOMINGTON IL 617022400
PELORUS VENTURES INC
PO BOX 5624
BLOOMINGTON IL 617025624

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Zoning Board of Appeals

Submit by	Meeting
12/26/2016	1/18/2017
1/23/2017	2/15/2017
2/20/2017	3/15/2017
3/27/2017	4/19/2017
4/24/2017	5/17/2017
5/29/2017	6/21/2017
6/26/2017	7/19/2017
7/24/2017	8/16/2017
8/28/2017	9/20/2017
9/25/2017	10/18/2017
10/23/2017	11/15/2017
11/27/2017	12/20/2017