



ZONING BOARD OF APPEALS - REGULAR SESSION
GOVERNMENT CENTER BOARDROOM, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
WEDNESDAY, NOVEMBER 15, 2023, 4:00 PM

1. Call to Order

2. Roll Call

3. Public Comment

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

4. Consent Agenda

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

- A. Review and approval of the minutes of the August 16, 2023, regular meeting of the Bloomington Zoning Board of Appeals. (Recommended Motion: Motion to accept the minutes, as presented.)

5. Regular Agenda

- A. V-15-23 - Public hearing, review, and action on a request submitted by Josh Levin for approval of a **Variance** to increase the allowable fence height in the Front Yard from four feet to five feet, in the R-1B (Single Family Residence) District for the property located at 8 Pendleton Way (PIN: 21-11-426-030). (Recommended Motion: Motion to establish findings of fact that all standards for approval of a Variance are met, and to **approve** of the request with no conditions.)

6. New Business

7. Adjournment

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



REGULAR AGENDA ITEM NO. 4.A.

FOR ZONING BOARD OF APPEALS: November 15, 2023

WARD IMPACTED: City-Wide Impact

SUBJECT: Review and approval of the minutes of the August 16, 2023, regular meeting of the Bloomington Zoning Board of Appeals.

RECOMMENDED MOTION: Motion to accept the minutes, as presented.

STRATEGIC PLAN LINK:

Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

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

BACKGROUND: N/A

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham

ATTACHMENTS:

[ZBA Minutes - 2023-08-16](#)



**DRAFT MINUTES
ZONING BOARD OF APPEALS - REGULAR SESSION
WEDNESDAY, AUGUST 16, 2023, 4:00 PM**

The Zoning Board of Appeals convened in regular session at 4:02 PM, August 16, 2023. Chair Straza called the meeting to order.

Roll Call

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

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

Public Comment

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

No public comment was provided.

Consent Agenda

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

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

AYES: Vice Board Chair Ballantini; Board Chair Straza; Board Member Webb; Board Member Foley; Board Member Williams; Board Member Harris.

Motion carried (viva voce).

Item 4.A. Review and approval of the minutes of the July 19, 2023, regular meeting of the Bloomington Zoning Board of Appeals.

Regular Session

Board Chair Straza reversed the case review order to accommodate arrival of the applicant for Item 5.A.

The following item was presented:

Item 5.B. SP-20-23 - Public hearing, review, and action on a request submitted by FMB Holding, Inc., for approval of a **Special Use Permit** for a Vehicle Sales & Service Use, in the B-1 (General Commercial) District for the property located at 415 Detroit Drive (PIN: 22-07-200-035).

Mr. Branham presented the staff report and background on the request, with a recommendation for approval. He noted key property conditions, including that there were no major exterior modifications proposed at this time. He also identified surrounding properties and uses.

Board Chair Straza opened the public hearing.

Joe Dehn (201 W. Olive Street), Attorney for the Applicant, provided further background on the request. He noted the building's previous use as a theater, and stated the new owner is wishing to convert it to primarily accommodate vehicle sales.

Board Chair Straza inquired further about the plans for alterations to the property. Mr. Dehn stated overhead doors would be added at a minimum to accommodate vehicles. He added that no final plans for interior modifications had been finalized.

Board Vice Chair Ballantini inquired about the plans for the currently landscaped portion of the property. Mr. Dehn stated there was no intention to further develop or pave that area.

Board Member Webb inquired about the anticipated timeline. Mr. Dehn stated they had recently closed on the property and were currently working with an architect but would like to move vehicles from the Applicant's existing business as soon as approvals were received.

Board Member Webb inquired about the aesthetics of the proposed use. Mr. Dehn stated there would be no affiliation with another vehicle dealer, and that junk cars would not be maintained at the site.

Board Vice Chair Ballantini inquired about adherence to City regulations on landscaping and screening. Mr. Dehn acknowledged they would meet those requirements.

The Board and Staff discussed procedural items related to nonconforming properties and timelines related to enforcement and discontinuance of Special Use Permits.

Board Chair Straza closed the public hearing.

Vice Board Chair Ballantini made a motion, seconded by Board Member Harris, to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend approval of the request.

Roll call.

AYES: Vice Board Chair Ballantini; Board Chair Straza; Board Member Webb; Board Member Foley; Board Member Williams; Board Member Harris.

Motion passed.

Mr. Branham noted the case would proceed to the September 25th City Council meeting.

The following item was presented:

Item 5.A. SP-21-23 - Public hearing, review, and action on a request submitted by Ashley Carrasco, for approval of a **Special Use Permit** for Chicken-Keeping for the property located at 1233 Dogwood Lane (PIN: 14-35-455-009).

Mr. Branham provided the staff report and background on the request, with a recommendation for approval. He noted key property conditions including a fully screened rear yard. He also noted the site plan includes a 10' x 5' enclosed run area which will be attached to the coop.

Board Chair Straza opened the public hearing.

Ashley Carrasco (1233 Dogwood Lane), Applicant, provided further background on the request. She stated she was in the process of constructing the coop and are still a few months away from having chickens at the property.

Vice Board Chair Ballantini asked the Applicant about her experience with chickens. Ms. Carrasco responded she did not have direct experience but had several friends who had chickens.

Vice Board Chair Ballantini asked the Applicant about the requirements. Ms. Carrasco stated she would be keeping food stored in sealed containers in the garage. She confirmed the distance measurements would be met. She also stated she had spoken to a few neighbors and had not received any negative feedback.

Board Chair Straza closed the public hearing.

Board Member Harris made a motion, seconded by Board Member Foley, to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend approval of the request.

Roll call.

AYES: Vice Board Chair Ballantini; Board Chair Straza; Board Member Webb; Board Member Foley; Board Member Williams; Board Member Harris.

Motion passed.

Mr. Branham noted the case would proceed to the September 25th City Council meeting.

New Business

There was no new business to report.

Adjournment

Board Member Williams made a motion, seconded by Vice Board Chair Ballantini, to adjourn.

AYES: Vice Board Chair Ballantini; Board Chair Straza; Board Member Foley; Board Member Webb; Board Member Williams; Board Member Harris.

Motion carried (viva voce).

The Meeting Adjourned at 4:32 p.m.

CITY OF BLOOMINGTON

Chair Michael Straza

Jon Branham Staff Liaison



REGULAR AGENDA ITEM NO. 5.A.

FOR ZONING BOARD OF APPEALS: November 15, 2023

WARD IMPACTED: Ward 8

SUBJECT: V-15-23 - Public hearing, review, and action on a request submitted by Josh Levin for approval of a **Variance** to increase the allowable fence height in the Front Yard from four feet to five feet, in the R-1B (Single Family Residence) District for the property located at 8 Pendleton Way (PIN: 21-11-426-030).

RECOMMENDED MOTION: Motion to establish findings of fact that all standards for approval of a Variance are met, and to **approve** of the request with no conditions.

STRATEGIC PLAN LINK:

Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:

Objective 5b. City decisions consistent with plans and policies

BACKGROUND: The Petitioner seeks a Variance from § 44-910C, the requirement of a maximum of four-foot-tall fence in the Front Yard, to allow a five-foot-tall fence in the Front Yard at the property.

The Petitioner desires to construct a five-foot tall aluminum fence at the property. The property is a corner lot on a street which terminates as a cul-de-sac directly west of the property. Because this is a corner lot, the Front Yard extends along both street frontages. The maximum permitted height on a fence in the Front Yard in the subject zoning district is four feet. The Petitioner wishes to install a non-solid (open-style) fence, which meets the local Homeowner's Association standards, for additional security.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice was published in The Pantagraph on Monday, October 30, 2023. Courtesy notices were mailed to 41 property owners within 500 feet of the subject property.

FINANCIAL IMPACT: N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham

ATTACHMENTS:

[V-15-23_-_Staff_Report_-_8_Pendleton_Way.docx](#)



ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS
FROM: Economic & Community Development Department
DATE: November 15, 2023
CASE NO: V-15-23, Variance from § 44-910C of the Zoning Code
REQUEST: Public hearing, review, and action on a request submitted by Josh Levin for a Variance from § 44-910C of the Zoning Code, to increase the allowable fence height in the R-1B (Single-Family Residence) District, for the property located at 8 Pendleton Way. PIN: 21-11-426-030.

BACKGROUND

Request

The Petitioner seeks a Variance from § 44-910C, the requirement of a maximum of four-foot-tall fence in the Front Yard, to allow a five-foot-tall fence in the Front Yard at the property.

The Petitioner desires the variance for the construction of a five-foot tall aluminum fence at the property. The property is a corner lot on a street which terminates at a cul-de-sac directly west of the property. Because this is a corner lot, the Front Yard extends along both street frontages. The maximum permitted height on a fence in the Front Yard in the subject zoning district is four feet. The Petitioner wishes to install a non-solid (open-type) fence, which meets the local Homeowner's Association's standards, for additional security.

Notice

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, October 30, 2023. Courtesy notices were mailed to 41 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics

The property at 8 Pendleton Way consists of approximately 0.43 acres of land at the intersection of Bedford Court and Pendleton Way, in the Brook Ridge Subdivision. The property is surrounded by single-family residential zoning and dwellings. Necessary streets and infrastructure are already existing.

Surrounding Zoning and Land Uses

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

Description of Current Zoning District

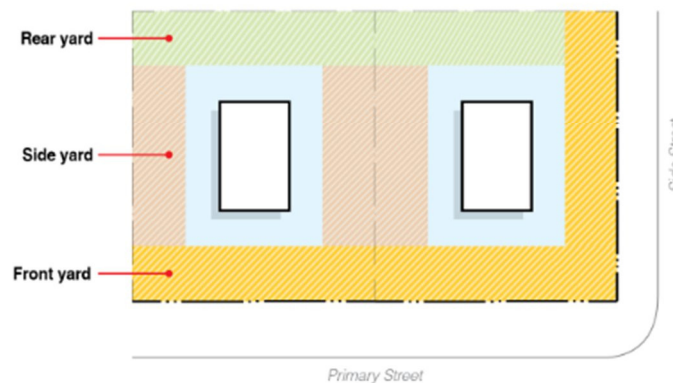
The R-1B (Single-Family Residence) District is intended to provide primarily for the establishment of areas characterized by moderate sized lots and single-family detached dwelling units for occupancy by families. In addition to these dwelling units, related recreational, religious, and cultural facilities intended to serve the immediately surrounding residents are allowed where such facilities are found to be compatible with surrounding residential development. The R-1B district allows densities of up to approximately six dwelling units per acre (§ 44-401B).

Subject Code Requirements

§ 44-910C. Maximum Fence Height.

Table 910: Maximum Permitted Fence Height			
Districts	Front yard	Side Yard	Rear Yard
Agricultural Districts	8 feet	8 feet	8 feet
Residential Districts	4 feet	6 feet	6 feet
Business Districts	4 feet	8 feet	8 feet
Manufacturing Districts	—	—	—
Public Interest Districts	4 feet	8 feet	8 feet

Diagram 910
Maximum Permitted Fence Height



STANDARDS FOR REVIEW

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

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

The existing property is restrictive regarding the allowed fenced area due to the nature of the property as an irregular-shaped corner lot. Approximately 20-plus-foot-tall evergreen trees currently exist along the north property line. The Petitioner is also proposing a non-solid, open-style fence so vision will not be impacted. The proposed fence will also not extend all the way to

the property lines, leaving at least eight feet of open space along the existing sidewalk. Standard is met.

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

The Variance would allow for installation of fencing at an increased height at the residence and would allow relief to the applicant to create additional security. Standard is met.

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

The applicant did not create any special conditions or circumstances. Standard is met.

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

No special privileges would be granted to the applicant under these circumstances. Granting allows the applicant to make reasonable use of their property. The fence would be one foot taller than is currently allowed and would not significantly impact existing conditions. Standard is met.

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

The granting of the Variance would not be detrimental, as the applicant is not intending to make significant changes to the residence or property. The view of the home from the street will remain similar and is consistent with the scale of the rest of the neighborhood. Adjacent properties will not be prevented from reasonable use of their lands, nor will public welfare be placed at risk. Standard is met.

STAFF RECOMMENDATION

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

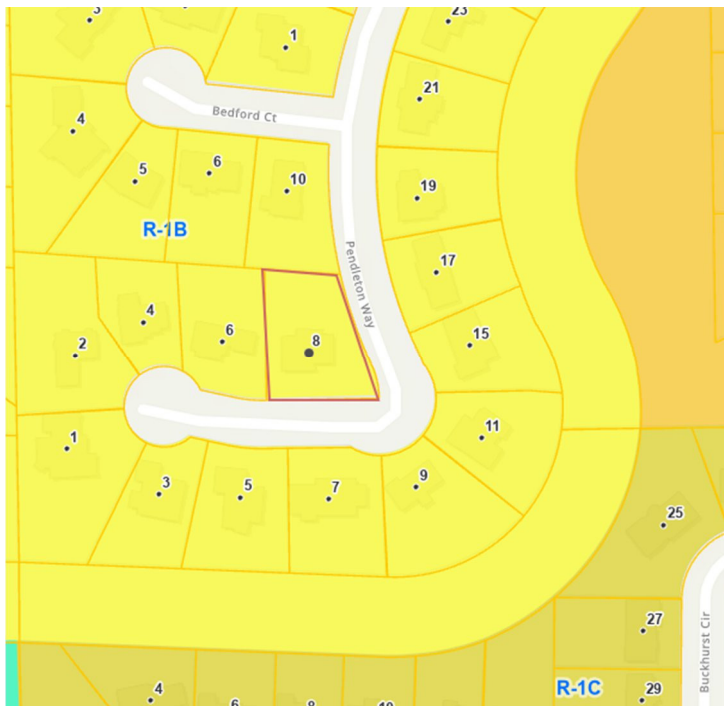
Motion to establish findings of fact that the standards for approval a Variance are met, carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner, and to approve the petition for a Variance to § 44-910C, as presented.

Respectfully submitted,
Jon Branham
City Planner

Attachments:

1. Zoning Map
2. Aerial Image
3. Fence-Type Example
4. Petitioner-Submission - Description of Project
5. Site Plan
6. Current Street View
7. Neighborhood notice map

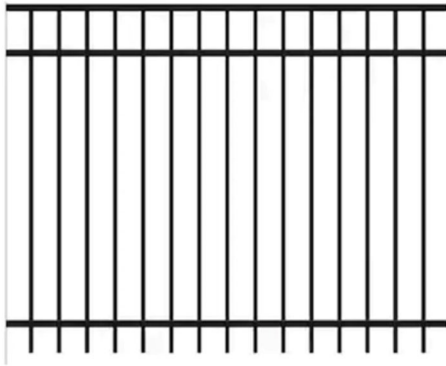
Attachment 1 - Zoning Map



Attachment 2 - Aerial Image



Attachment 3 - Fence-Type Example



Attachment 4 - Petitioner-Submission - Description of Project

Project description: Plan is to erect a 5' black aluminum fence in back yard property area. Our home is on a corner lot that the sidewalk curves which is what has caused this variance. We wish to have the fence built off the back of the house. The fence would go 21' from our house to our neighbors, leaving a 3' gap between our fences. Then run 89' back to rear of property to go along the back of our property line by 80' then back to our rear of house along our street by 82' and back to our house with 15'. (Images attached)

Attachment 5 - Site Plan



Attachment 6 - Current Street View



