

AGENDA
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, OCTOBER 21, 2015
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))

- 4. MINUTES:** Consideration, review and approval of Minutes from the August 19, 2015 meeting.

- 5. REGULAR AGENDA**

A. Z-06-15 Public hearing, consideration, review and approval of the petition submitted by Monica Tominov and James Elkin to allow:

- 1)** The construction of a six-foot fence in the front yard where a four-foot tall fence is allowed.

All for the property located at 1009 N. Western Avenue. Zoned R-1C, High Density Single-Family Residence District. (Ward 7).

B. Z-07-15 Public hearing, consideration, review and approval of the petition submitted by Maria T. Feger to allow:

- 1)** A height variation to 26 feet for an accessory structure in a residential district where one story or 14-feet, whichever is less, is allowed.
- 2)** The gross floor area of the accessory structure to exceed that of the principal structure, or 1,000 square feet, whichever is less, is allowed.

All for the property located at 1422 Butchers Lane. Zoned R-1B, Medium Density Single-Family Residence District. (Ward 6).

C. Z-08-15 Public hearing, consideration, review and approval of the petition submitted by J.C. Homebuilders, Inc., to allow:

1) A minimum lot variance for a 8,400 square foot lot where 10,000 square foot is required.

2) A lot width variance for a 50 foot wide lot where 70 feet is required.

All for the property located at 812 E. Chestnut Street. Zoned R-1C, High Density Single Family Residence District. (Ward 4).

D. Z-09-15 Public hearing, consideration, review and approval of the petition submitted by Gregory M. Shepard to allow:

1) A fence height variance for a 4'10" steel fence with 6' stone fence piers, where 4 feet is allowed.

All for the properties 1700 E. Washington St., 1706 E. Washington St., 24 Country Club Pl., and 26 Country Club Pl. Zoned R-1A, Low Density Single Family Residence District. (Ward 4).

E. Z-10-15 Public hearing, consideration, review and approval of the petition submitted by Greenview Landscaping Company, to allow:

1) A fence height variance for a 6 foot privacy fence where 4 feet is allowed.

All for the property located at 1521 E. Olive Street. Zoned R-1C, High Density Single Family Residence District. (Ward 4).

F. Z-11-15 Public hearing, consideration, review and approval of the petition submitted by St. John's Evangelical Lutheran Church to allow:

1) A special use for 36'x69' Morton Building garage.

All for the property located at 1617 E. Emerson Street. Zoned R-1B, Medium Density Single Family Residence District (Ward 4).

6. **OTHER BUSINESS**

7. **NEW BUSINESS**

8. **ADJOURNMENT**

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

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

Members absent: None

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

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

PUBLIC COMMENT: None

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

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

REGULAR AGENDA:

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

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

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

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

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

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

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

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

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

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

Mr. Boyle left the meeting.

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

OTHER BUSINESS:

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

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

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

NEW BUSINESS:

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

ADJOURNMENT: 4:56 p.m.

Respectfully;

Mark Woolard

CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
OCTOBER 21, 2015

SUBJECT:	TYPE:	SUBMITTED BY:
Z-06-15 1009 N. Western Avenue	Fence Height Variation	Tom Dabareiner AICP CD Director

REQUEST

The petitioner is seeking a variation from Section 44.4-5.G.2. of the Zoning Ordinance to allow a six (6) foot fence where a maximum of four (4) feet is allowed in a residential district.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

Owner and Applicant: Monica Tominov and James Elkin

PROPERTY INFORMATION

Existing Zoning: R-1C, High Density Single-Family Residence District
Existing Land Use: Single Family Residence
Property Size: 46'x174' and 0.185 acres
PIN: 21-052-030-01

Surrounding Zoning and Land Uses

Zoning

North: R-1C, Single-Family Residence District
South: R-1C, Single-Family Residence District
East: R-1C, Single-Family Residence District
West: R-1C, Single-Family Residence District

Land Uses

North: Single-Family Residence
South: Single-Family Residence
East: Single-Family Residence
West: Single-Family Residence

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

PROJECT DESCRIPTION

The subject site is commonly known as 1009 N. Western Avenue and located at the southeast corner of Western at Empire. It has a single-family residence and an existing chain link fence. The proposed 6' tall privacy fence would replace the existing 4' tall chain link fence. The increased height is allowed in both the rear and side yards. However, as a corner lot, the property has two front yards. The zoning ordinance, in 44-4.5.G.2., allows only a 4' tall fence in a residential front yard.

The following is a summary of the requested variations:

Applicable Code Sections:

Section 44-4.5.G.2. Lots and Yards, Permitted Obstructions, In Required Front Yards.

Type of Variance	Request	Required	Variance
Fence Height in Front Yard	6'	4'	50% increase

Analysis

Variations from Zoning Ordinance

The petitioner seeks a variance to allow a 6' tall fence in a front yard where a maximum of 4' height is allowed. It should be pointed out that the petitioner's requested variance is more than is needed, as a majority of the fence adjacent to the eastern property line may extend 6' tall without the need for a variance. Only the northernmost ten feet of that section must step down to 4' to comply with the ordinance.

Staff's findings of fact are presented below. It is incumbent on each ZBA 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 is flat and there are no unusual physical characteristics. There is no location in the front yard where a 6' tall fence resolves an unreasonable physical challenge to the placement of a 4' tall fence which complies with the ordinance. Furthermore, a corner lot is a very common occurrence in the City and does not constitute a physical hardship. Finally, installation of a 6' tall privacy fence in the location where a 4' tall fence is allowed could create a sight line obstruction for vehicles and pedestrians along Empire. This standard is not met.

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

The requested variation is not the minimum needed to afford relief as shorter fences are feasible. However, switch from chain link to a privacy fence will achieve greater privacy where little exists today, thereby presenting a "middle ground" toward relief. This standard is not met.

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

Acquisition of a corner lot comes with several additional constraints compared with buying a mid-block residence. Having two front yards imposes fence height restrictions and requires increased setbacks, along with the prohibition of corner sight line obstacles. The need for a privacy fence where none existed before implies the owner's actions are the reason for the request. This 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

The granting of the variation will give the applicant a special privilege because 6' tall residential fences are not found in the front yard in neither the immediate neighborhood nor commonly in the R-1C District. 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 granting of the variance will be detrimental to the essential character of the neighborhood. Fences are both ornamental and functional. Functionally, they serve as a boundary, often intended to keep people, animals or objects separated, confined or from crossing in and out. When a privacy fence is installed, sight lines are also obstructed. Neighborhoods with tall privacy fences are consistently seen by the public as less safe than those without fences. A change to allow tall privacy fences located in front yards could engender a similar negative effect in this neighborhood.

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-06-15.

Respectfully submitted,

Tom Dabareiner AICP
Community Development Director

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: 1009 N. Western Ave. Bm, IL 61701

Site Address: _____

Petitioner: Monica Tomlinov & James Elkin Phone: 364-706-2606

Petitioner's Email Address: Stingrayma33@gmail.com

Petitioner's Mailing Address Street: 1009 N. Western Ave Bm, IL 61701

City, State, Zip Code: Bloomington, IL 61701

Contractual interest in the property ☒ yes ☐ no

Signature of Applicant Monica Tomlinov & James Elkin

Brief Project Description: To put a 6' privacy fence up, around perimeter of our back yard, where the existing chainlink fence is.

Code Requirements Involved: 48" fence height restriction in front yard.

Variances(s) Requested: Requesting a portion of 6' fence behind garage.

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.

Safety - 2 bars 1-north 1-south / lots of traffic from Bars and Apts. people wandering up to fence. fence ~~make~~ would make neighborhood look better.
Security

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

Corner lot. wish to put 6'
privacy fence as specified in diagram.

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

Requesting to install 6' fence
on minimum amount of yard needed.

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

the fence is well removed from
the corner and is restricted to the
rear yard.

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

these circumstances ~~are~~ were not
created by applicant.

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.

~~this proj~~ this project will not
be detrimental to the future
development of the neighborhood.

Customer: James Z IVONICA Date: 3-1-12

Address: 1009 N WESTERN AVE Cross St: _____

City: Bloomington Zip: _____ Subdivision: _____

Phone No: Home: _____ Work: _____ Cell: 706-2606

Locate No: _____ Lot Size: Front: _____ Rear: _____ Sides: _____

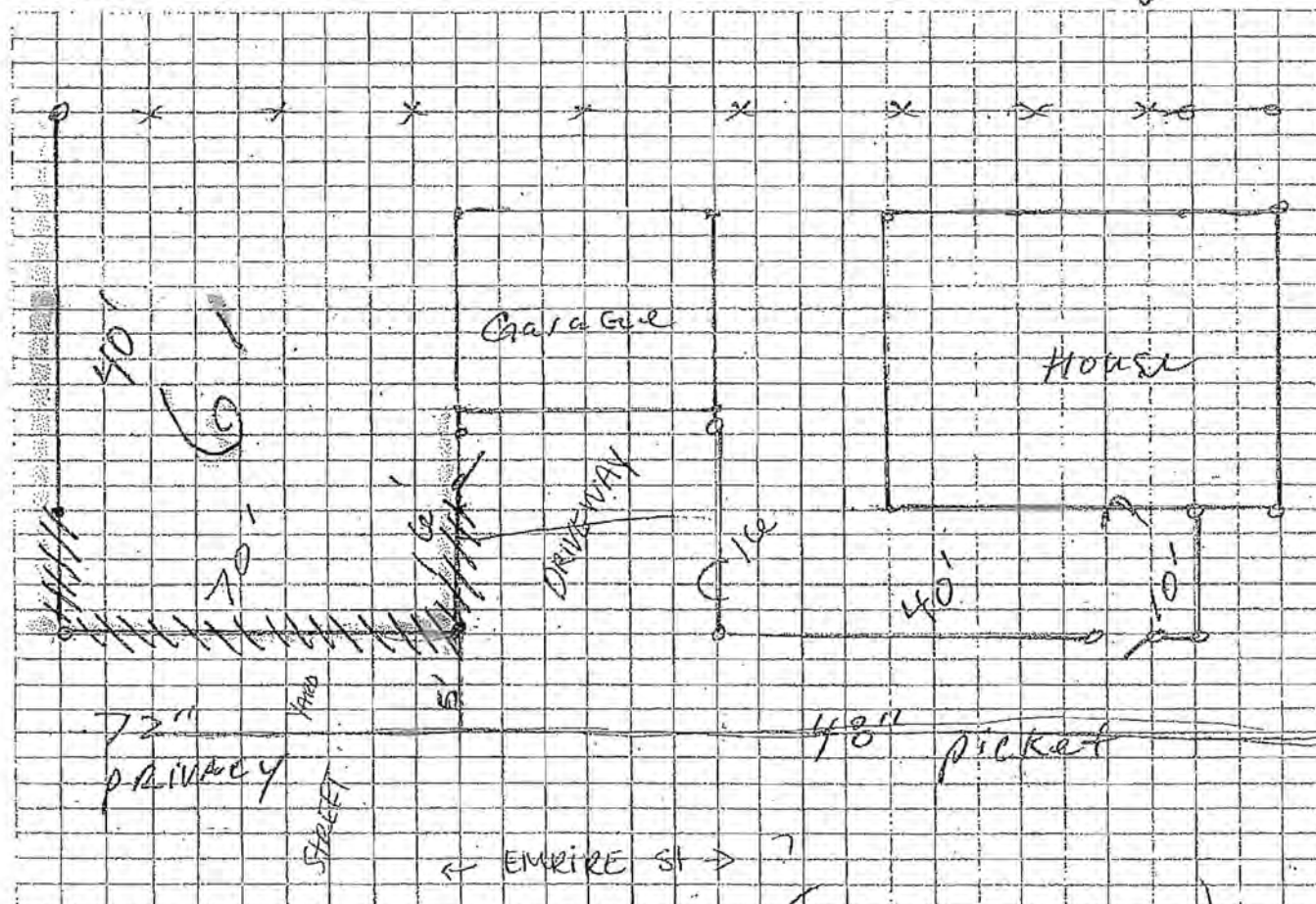
Fence Type: Cedar Style: privacy-picket Height: 72" - 48"

Total Footage: 125' 72" 166' 48" Gates: 2 42" WALK DD: X

Specifications: Highest Quality material, design, and craftsmanship.

All posts set 5' on center in mixed concrete.

exterior screws used on entire fence for strength.



Estimated Installation Time: 3-4 months Notes: (total package)

I appreciate your interest in working with me!
Thank you, Mike

INTEGRITY FENCE will be responsible for:

- Handling Utility Locates
- Locating Property Lines
- Obtaining Building Permits

INTEGRITY FENCE is NOT responsible for any underground facilities or obstructions.

Proposal \$ 5,200.00

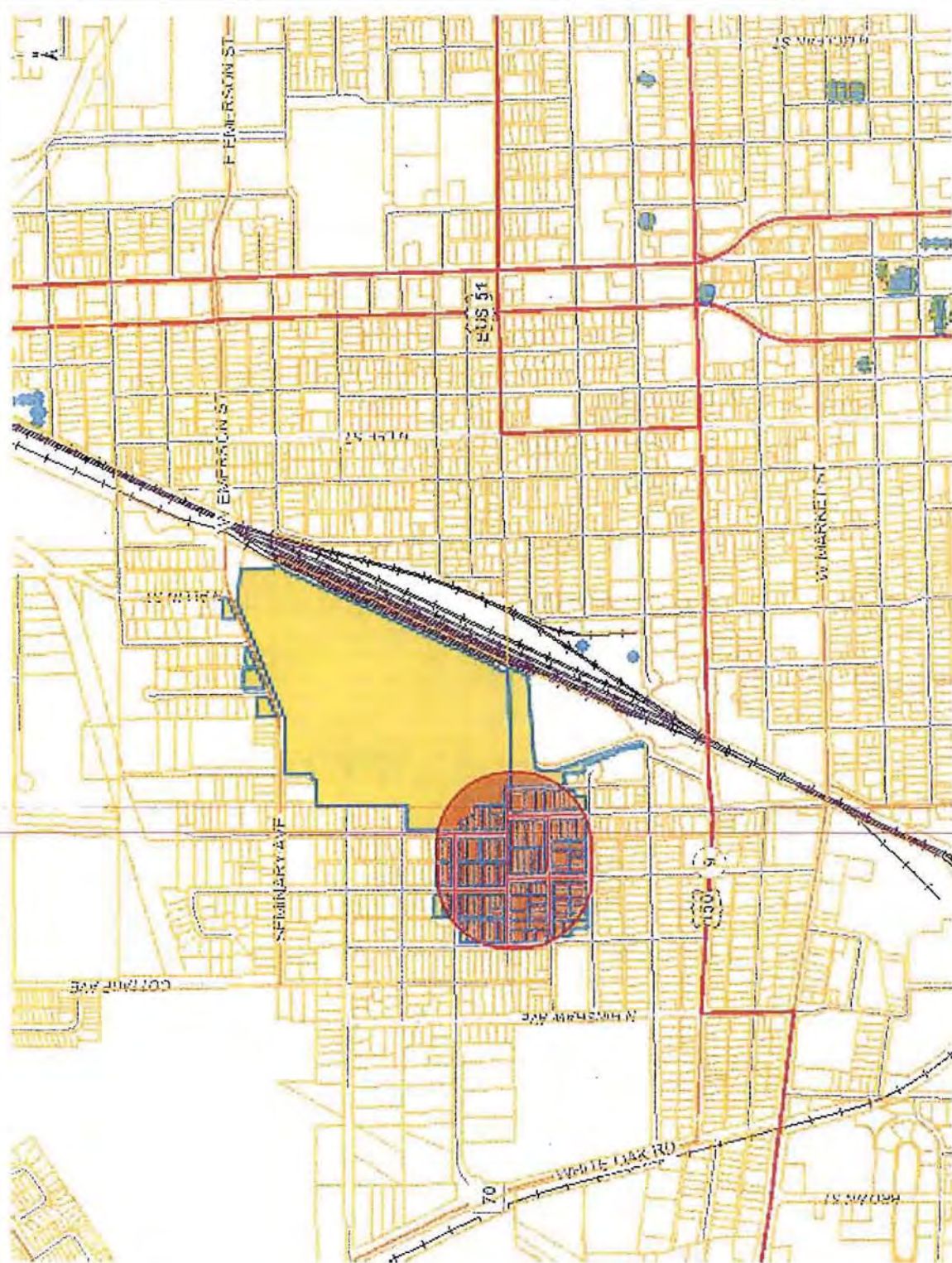
Down Payment \$ 2,800.00

Balance Due Upon Completion \$ 2,400.00

Acceptance: _____ Proposal: I accept _____ above prices and _____ conditions and aul. _____ by INTEGRITY FE _____ to do the work



Property Owners Notified 500' From 1009 N Western



- Legend**
- Parcels
 - Condo_Improve
 - Interstates
 - US_Highways
 - State_Highways
 - County_Highways
 - Minor_Arterial
 - Major_Collector
 - Minor_Collector
 - Local_Road_Street
 - Railroad
 - County

Notes

By using any McGIS products or services, you indicate your acceptance of the Licensing Agreement

0.5 Miles

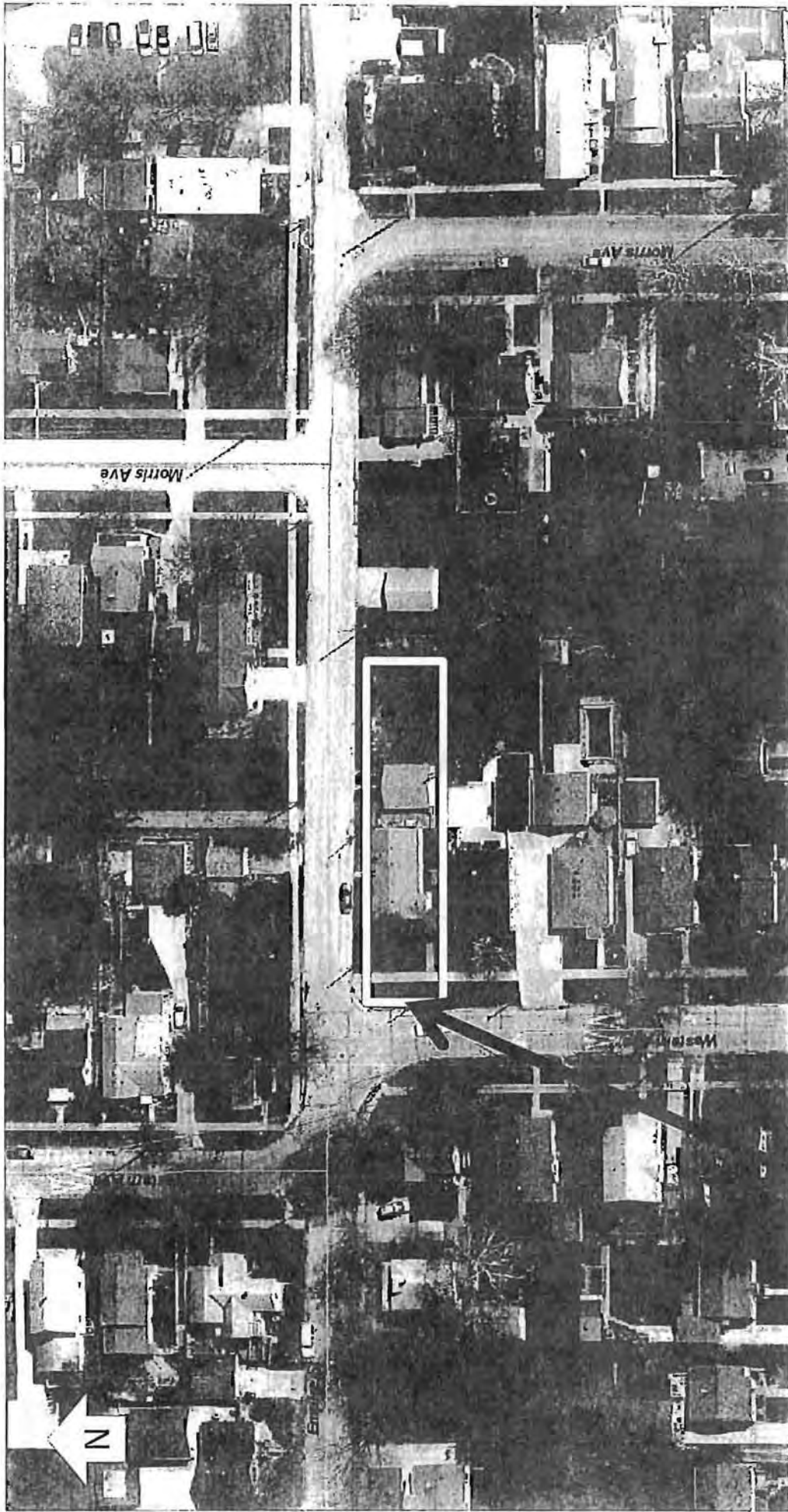
0.25

0

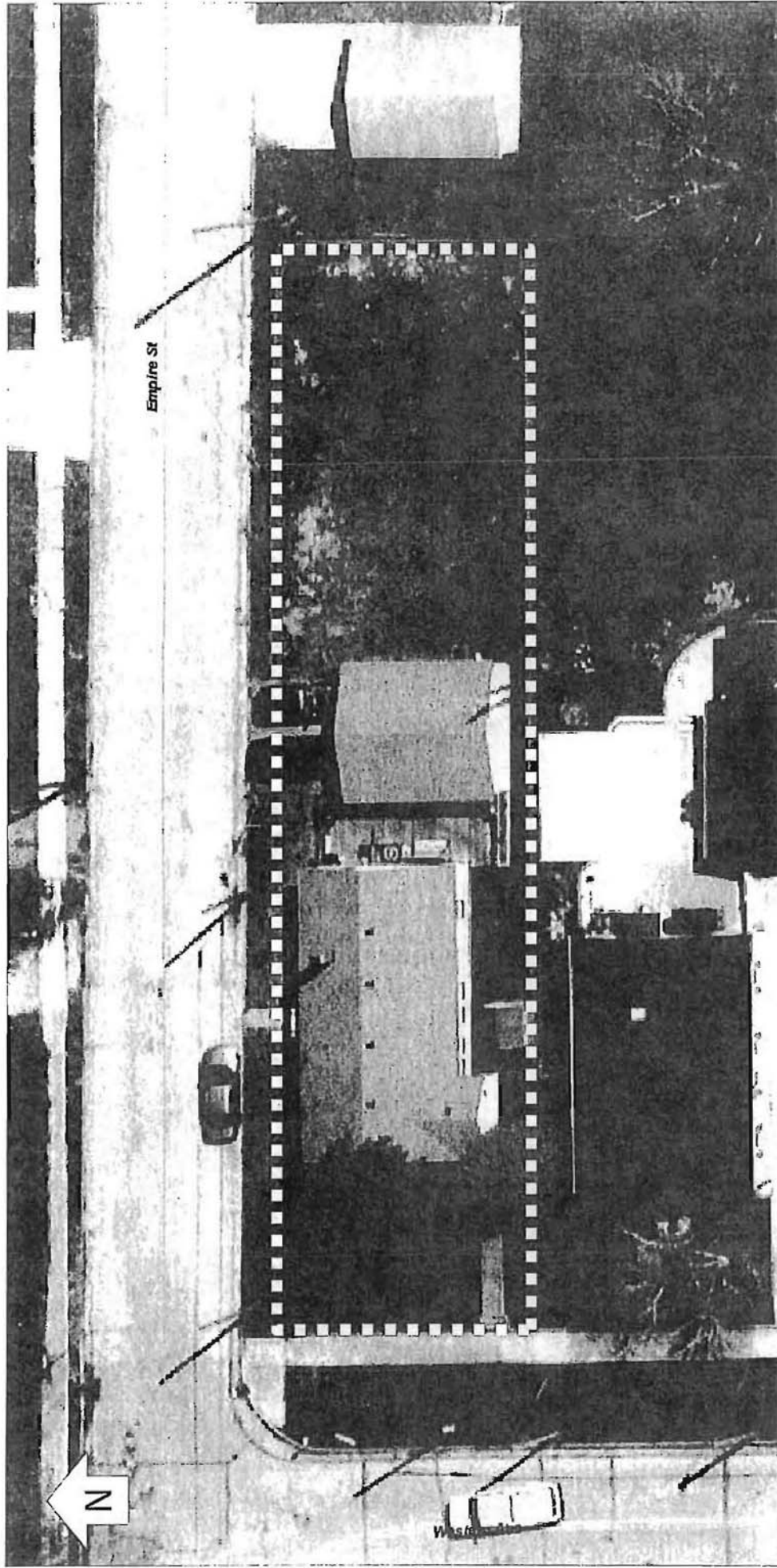
1:15,880

Printed: 8/27/2015 3:58:27 PM

<http://www.McGIS.org/License>



1009 N. Western Ave.



1009 N. Western Ave.

**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
OCTOBER 21, 2015**

SUBJECT:	TYPE:	SUBMITTED BY:
Z-07-15 1422 Butchers Lane	(1) Accessory structure height variance; (2) Accessory structure GFA variance	Tom Dabareiner AICP CD Director

REQUEST

The petitioner is seeking two variations from Section 44.4-4.C. of the Zoning Ordinance to regarding placement of an accessory structure: (1) a variation from 44.4-4.C.3 to allow an accessory structure taller than the 14' limit; (2) a variation from 44.4-4.C.4 to allow an accessory structure with a gross floor area greater exceeding that of the principle structure or 1,000 GFA, which is less.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

Owner and Applicant: Maria T. Feger

PROPERTY INFORMATION

Existing Zoning: R-1B, Medium Density Single-Family Residence District
Existing Land Use: Single Family Residence
Property Size: Generally triangular lot: 514' at widest & 52' narrowest x 736' adjacent, 792' hypotenuse, and 6.11 acres
PIN: 21-083-020-02

Surrounding Zoning and Land Uses

Zoning

North: Unincorporated
South: Unincorporated
East: R-1B and R-1C, Single-Family Residence District
West: Railroad

Land Uses

North: Single Family Residence
South: Agriculture
East: Single-Family Residence
West: Railroad

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

PROJECT DESCRIPTION

The subject site is commonly known as 1422 Butchers Lane and located at the western terminus of Butchers Lane, about ½-mile west of Morris Avenue. It has a single-family residence and several small accessory structures. The petitioner intends to remove the existing accessory structures and replace them with a single large accessory structure which exceeds zoning ordinance requirements in both height and gross floor area. An extended driveway would connect to the accessory structure. The structure would house a large RV, other vehicles and equipment.

The petitioner notes a similarly large accessory structure is located on property to the east, however it existed at the time of annexation in 2002 and is considered nonconforming. Another nearby property contains a business on two lots, with one principle building on each lot (no accessory structures), and remains within the County.

The following is a summary of the requested variations:

Applicable Code Sections:

Section 44-4.4.C.3 and 44-4.4.C.4, Accessory Buildings and Uses

Type of Variance	Request	Required	Variance
Accessory Structure Height	21'	14'	50% increase
Accessory Gross Floor Area	4,800 sqft	1,000 sqft	480% increase

Analysis

Variations from Zoning Ordinance

The petition seeks a variance to allow a large accessory structure on the southern one-third of the property at 1422 Butchers Lane. Both the height and gross floor area (GFA) of the accessory structure require variances from the zoning ordinance limitations before they could be allowed.

Staff's findings of fact are presented below. It is incumbent on each ZBA 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 is gently rolling with the one-story house sitting on and adjacent the highest portion of the property. The proposed accessory structure would sit about 400 feet behind the residence in the southern third of the property, about 3-5 feet lower.

The structure's height does not need to change based on physical characteristics of the property. For example, with steeper grades entrance to the building could be a challenge, which may be an argument in favor of a taller structure—not the case here. This standard is not met.

Accessory GFA: The existing one-story house has 1,653 square feet in gross floor area (GFA), which is larger than the other measure in the ordinance at 1,000 GFA—the limit being the smaller of the two values. At 4,800 GFA, the proposed structure far exceeds the 1,000 square foot limit. The size of the structure is not required based on the physical characteristics of the property. Instead, the request is to hold more vehicles, equipment and other materials on site. This standard is not met.

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

Accessory Structure Height: On-site storage using an accessory structure can be accomplished with a shorter compliant structure, as is the case in residential yards across the City. Vehicles or items requiring a taller structure for storage can find off-premises commercial storage facilities in the general area. The zoning ordinance limits the size of the structure to preserve the residential character of the neighborhood, where taller structures seem out of proportion with the principle building. This standard is not met.

Accessory GFA: The definition of Accessory Structure in the zoning ordinance includes that it “[i]s subordinate in area, extent, and purpose to the principal building or principal use served” and the intent is to assure the character of the residential neighborhood is protected by not promoting a manufacturing district warehouse appearance. Furthermore, on-site storage using an accessory structure can be accomplished with a structure at or below 1,000 square feet, as is the case in residential yards across the City. Vehicles or items that require greater area for storage can find off-premises commercial storage facilities in the general area. This standard is not met.

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

Accessory Structure Height: Because the height of the proposed accessory structure relates directly to the height of the recreational vehicle, the conditions are self-created. This standard is not met.

Accessory GFA: Because the area of the proposed accessory structure relates to the large volume of vehicles and other equipment intended for on-site storage, the condition is self-created. This 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: A large accessory structure exists nearby, but because it was in place prior to annexation it is now considered nonconforming and is not permissible under the zoning ordinance. Other large nearby buildings are outside of the City or serve a non-residential use. This standard is not met.

Accessory GFA: A large accessory structure exists nearby, but because it was in place prior to annexation it is now considered nonconforming and is not permissible under the zoning ordinance. Other large nearby buildings are outside of the City or serve a non-residential use. This standard is not met. This 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 limiting the height of an accessory structure is to avoid creating structures out of proportion with those found in a typical City of Bloomington R-1B District, where expectations of the public are that the zoning ordinance requirements will be met. Furthermore, nearby large structures are either principle buildings, not in the City, or were annexed into the City as a nonconforming structure. Approving the height variation would effectively set a precedence that would make analyzing similar requests in R-1B neighborhoods difficult. This standard is not met.

Accessory GFA: The purpose of limiting the area of an accessory structure is to avoid creating structures that dominate the use of the property instead of serving as a subordinate use to the principle residential structure. One risk is that the building will begin to take on commercial uses and function similarly to a commercial use, instead of subordinate to the principle use. Nearby large structures are either principle buildings, not in the City, or were annexed into the City as a nonconforming structure. Approving the GFA variation would effectively set a precedence that would make analyzing similar requests in R-1B neighborhoods difficult. This 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-07-15.

Respectfully submitted,

Tom Dabareiner AICP
Community Development Director

App 1920 L
10299
100009

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 _____ yes _____ no

Signature of Applicant _____

Brief Project Description:

- Construct wood frame building with steel siding 90' from southern property line
- Two garage doors 14' x 14'
- One entry door
- No windows are planned
- Size: 60' x 80' x 16' Roof pitch: 4-12
- Improved and extended driveway
- Additional trees & landscaping on West side of property
- Electrical
- Removal of small buildings on property

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, over 265,000 sq ft, backyard is approximately 203,000 sq ft and allows ample storage
- Allow 60' x 80' x 16' building to be built 90' from South property line and 220' from eastern property line
- Increase height of wall to 16' to accommodate 14' garage door which allows recreational vehicle to be stored in building. RV & rooftop air conditioner 13.5' in height.

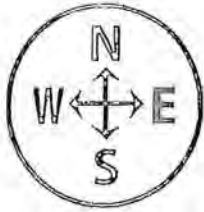
Reasons to Justify Approval by the Zoning Board of Appeals: Your justifications for approval must also be provided in the statement of Findings of Fact.

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. **The current buildings on the property are not usable and would be extremely costly to repair, they do not provide adequate square footage or adequate height to store recreational vehicle**
2. That the variance would be the minimum action necessary to afford relief to the applicant; and
 - A. **Provide increased square footage to accommodate storage needs. 60' x 80' x 16'**
 - B. **Approximate property square footage is over 265,000'. Back yard is approximately 203,000 sq ft. Building is 2.3% of back yard size.**
 - C. **Increase building wall height to 16' for a 14' tall garage door to accommodate 13.5' tall recreational vehicle with rooftop air conditioner**
3. That the special conditions and circumstances were not created by any action of the applicant; and
 - A. **1422 Butchers Lane is a very large property, 6.10 acres, including an agricultural area**
 - B. **Purchased in 2014 sheriff's sale, at time of sale outbuildings had major damage & decay**
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. **Building size is proportionate to property with substantial distance to property lines**
 - B. **Property is 265,000 sq ft, back yard is approximately 203,000 sq ft**
 - C. **Adjoining property 1416 Butchers Lane has similar sized building**
 - D. **1409 Butchers Lane has significantly larger storage buildings**
 - E. **Property owners to the South on other side of farmland also have large detached buildings**
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 building will be 220' from the back yards of adjoining properties on the West in the subdivision and 90' from the South property edge bordered by farmland**
 - B. **Only two subdivision homes have direct view of the entire property from their back yards**
 - C. **Both homes have several trees on the West side of their property lines**
 - D. **One home has a solid wooden fence 6' tall**
 - E. **Additional trees will be planted East of the building near property line to decrease any view of building from two adjoining back yards**
 - F. **1416 Butchers Lane has a building of similar square footage, viewable by at several subdivision homes and from Butchers Lane**
 - G. **The building will not be viewable from Butchers Lane or Stetson drive (the front of the subdivision properties)**

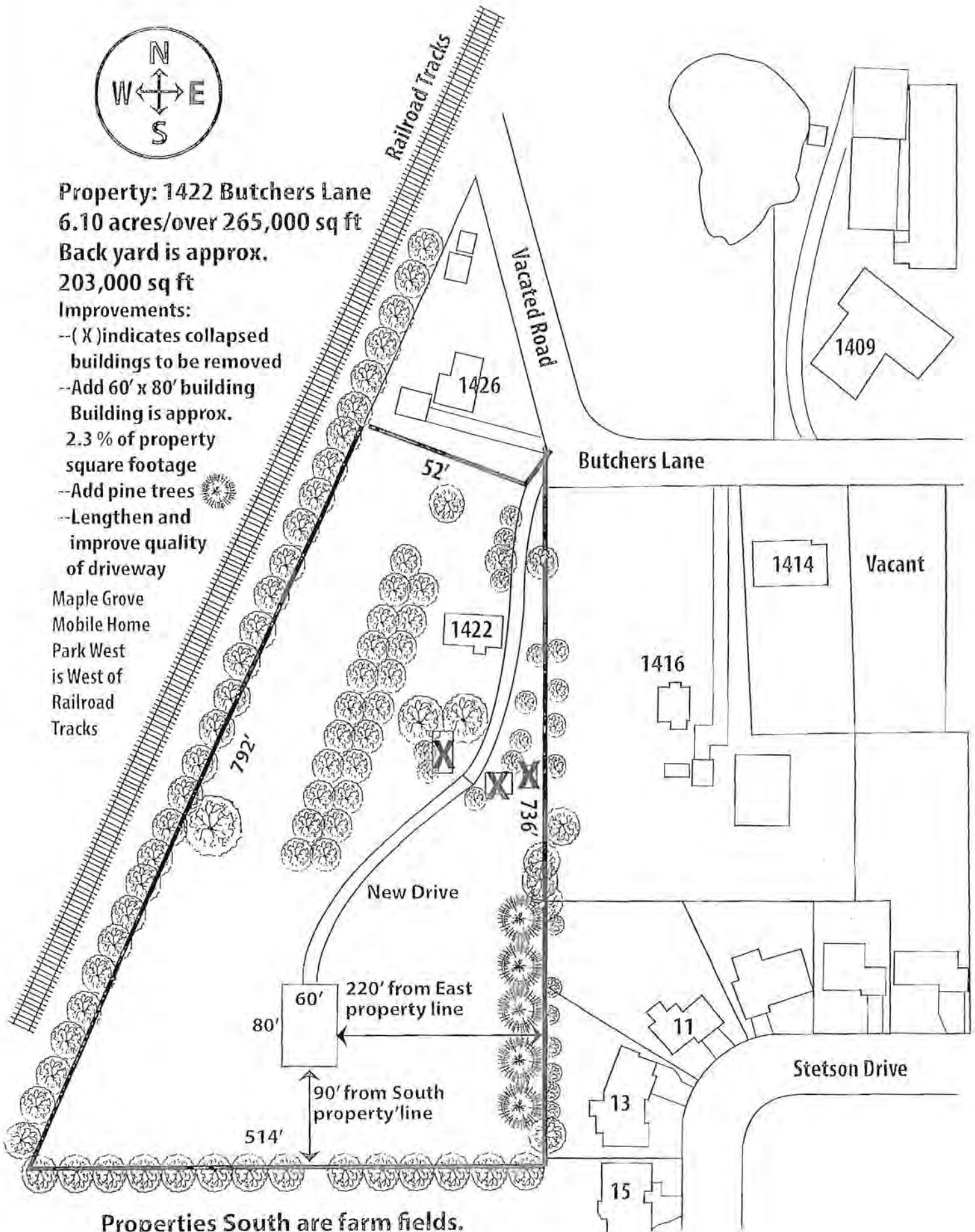


Property: 1422 Butchers Lane
6.10 acres/over 265,000 sq ft
Back yard is approx.
203,000 sq ft

Improvements:

- (X) indicates collapsed buildings to be removed
- Add 60' x 80' building
- Building is approx. 2.3 % of property square footage
- Add pine trees
- Lengthen and improve quality of driveway

Maple Grove
Mobile Home
Park West
is West of
Railroad
Tracks



Properties South are farm fields.

NOTES:

This Drawing is the Property of Borkholder Buildings and shall be copied Only for this Project. Any additional use or copying may be done only with the written authorization from Borkholder Buildings.

Drawn By: MATIN

DO NOT USE FOR CONSTRUCTION

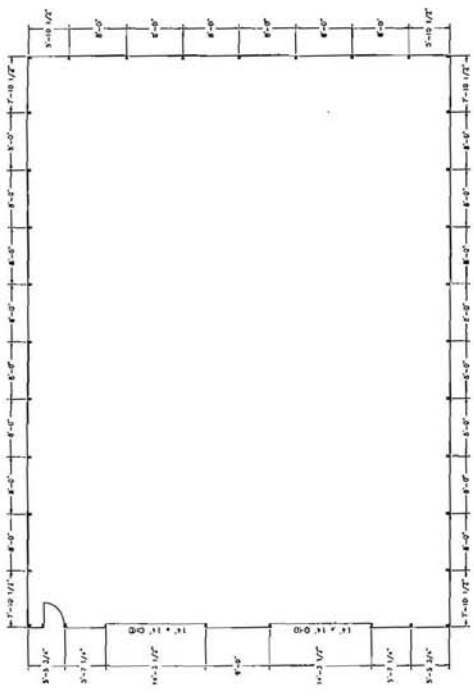
BORKHOLDER BUILDINGS
 Copyright © 2013
 Jon Fehr
 MN1532

CIB
 2013

CREATED: 12/18/13
 LAST MODIFIED: 12/18/13
 DRAWN BY: MATIN

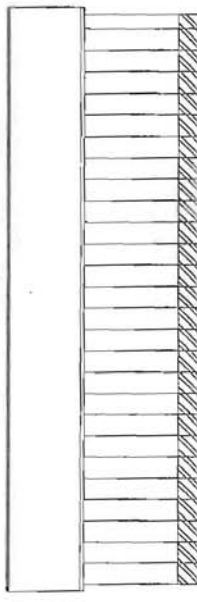
MN1532.DWG
 Scale: 1/8" = 1'-0"

1 1

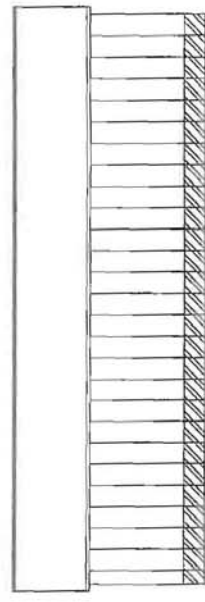


FLOOR PLAN

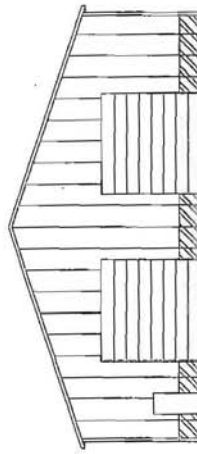
FIELD VERIFY
 LOCATION & ORIENTATION
 OF BUILDING WITH OWNER



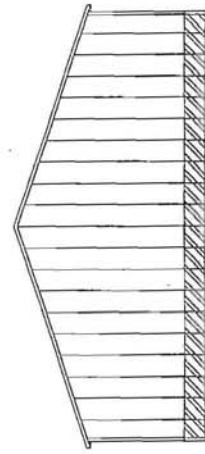
SIDE ELEVATION A



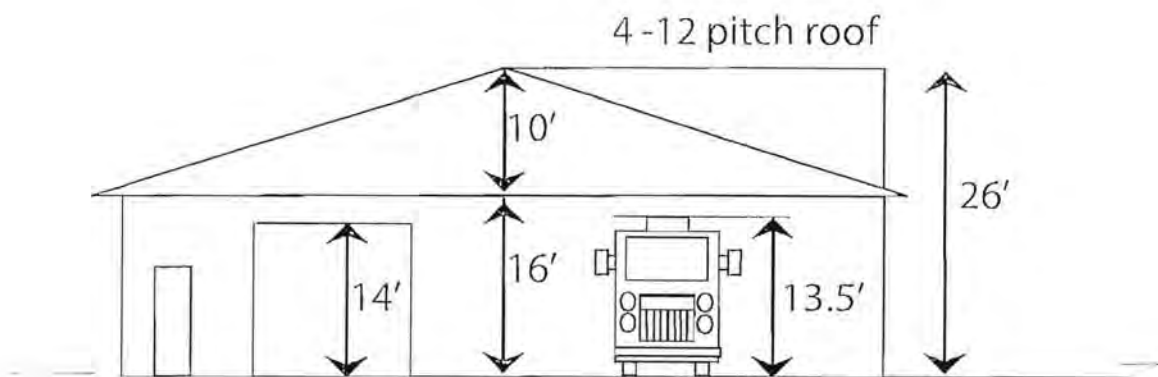
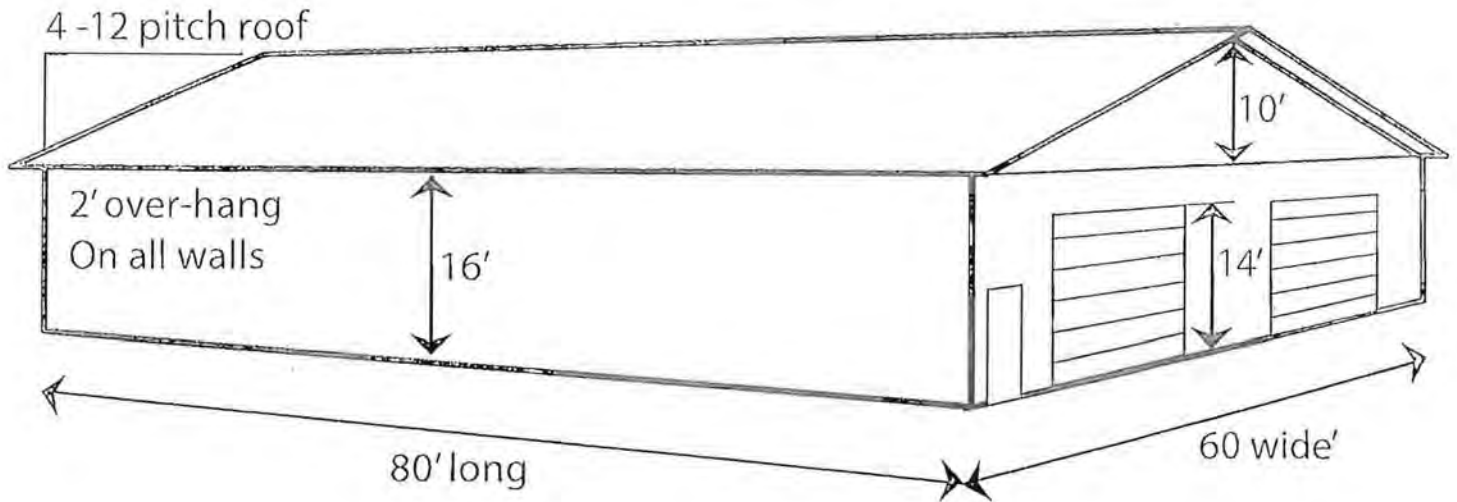
SIDE ELEVATION B



END ELEVATION C

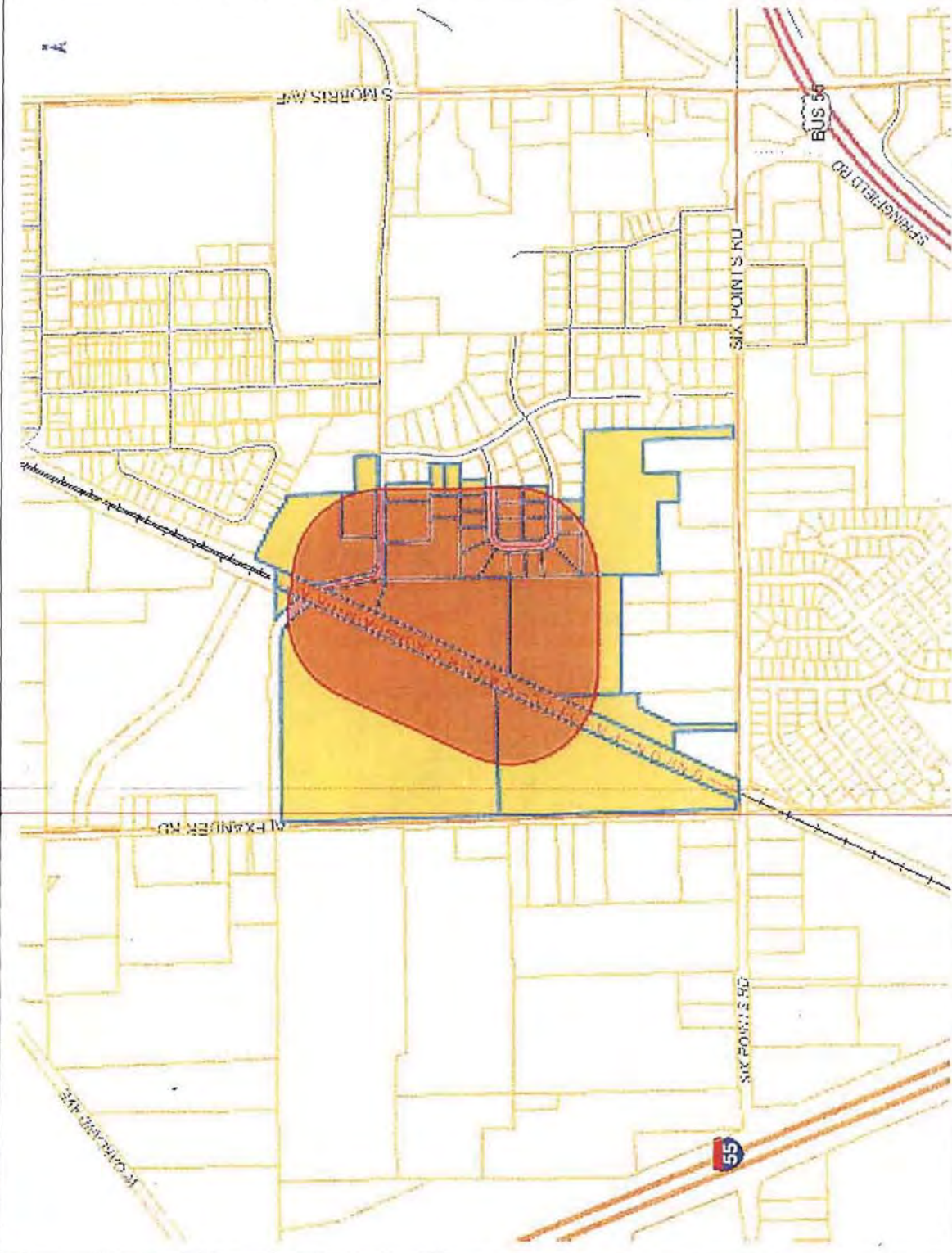


END ELEVATION D





Property Owners Notified 500' From Butchers Ln



- Legend**
- Parcels
 - Condo_Improve
 - Interstates
 - US_Highways
 - State_Highways
 - County_Highways
 - Minor_Arterial
 - Major_Collector
 - Minor_Collector
 - Local_Road_Street
 - Railroad
 - County

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

0.4 Miles

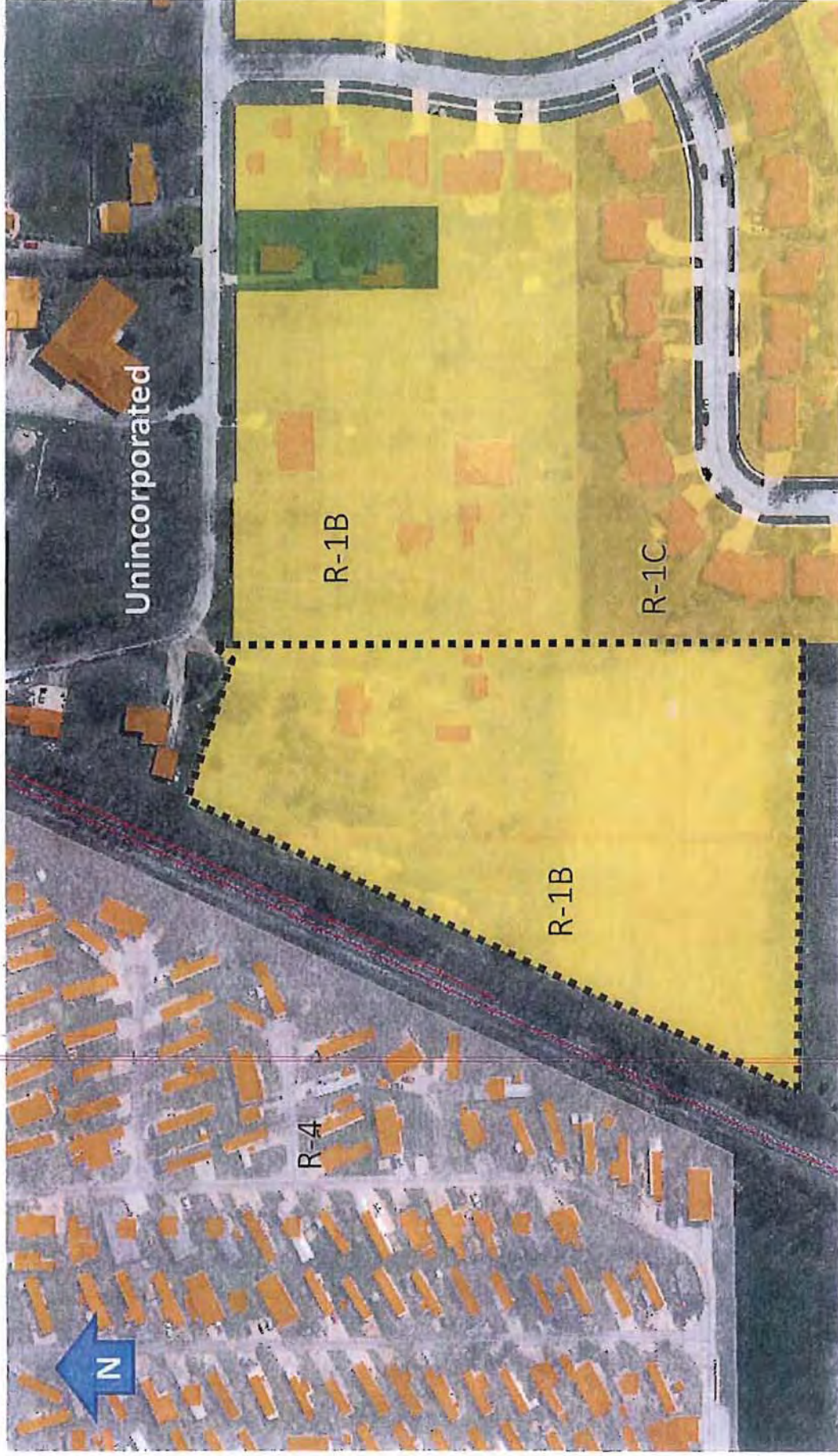
0.21

0

1: 13,260

Notes

Printed: 8/27/2015 3:49:53 PM



1422 Butchers Lane

CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
OCTOBER 21, 2015

SUBJECT:	TYPE:	SUBMITTED BY:
Z-08-15 812 E. Chestnut St.	Special Use to allow a two-family dwelling; Minimum lot area variation	Courtney Kashima, AICP

REQUEST

The petitioner is seeking a special use to allow a two-family dwelling in the R-1C district in addition to a variation from Section 44.10-4 of the Zoning Ordinance to reduce the minimum lot area from thirteen thousand two-hundred (13,200) square feet to eight thousand four-hundred (8400) square feet. The existing lot dimensions are fifty (50) feet by one hundred sixty-eight (168) feet, which is common for this part of the City.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

Owner and Applicant: J.C. Home Builders, Inc.

PROPERTY INFORMATION

Existing Zoning: R-1C, High Density Single-Family Residence District
Existing Land Use: Residential garage (nonconforming with no principal structure)
Property Size: Approximately 8400 square feet
PIN: 21-03-105-015

Surrounding Zoning and Land Uses

Zoning

North: R-1C, Single-Family Residence District
South: R-1C, Single-Family Residence District
East: R-1C, Single-Family Residence District
West: R-1C, Single-Family Residence District

Land Uses

North: Single-Family Residence
South: Single-Family Residence
East: Single-Family Residence
West: Multi-Family Residence

Analysis

Submittals

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

1. Application for a Special Use and Variation
2. Site Plan
3. Aerial photographs

4. Site visit

PROJECT DESCRIPTION

The subject site is commonly known as 812 E. Chestnut Street and is located between N. Eugene Street and N. Linden Street. The site is improved with a garage; the principal structure was demolished several years ago. A two-family dwelling in the R-1C district requires a special use but the district contemplates these uses and both duplexes and multi-family buildings are found elsewhere nearby. The existing lot is 8400 square feet, which is nonconforming in terms of minimum lot size.

Action by the Board of Zoning Appeals.

For each special use application the Board of Zoning Appeals shall report to the Council its findings of fact and recommendations, including the stipulations of additional conditions and guarantees, when they are deemed necessary for the protection of the public interest or to meet the standards as specified herein. No special use application shall be recommended by the Board of Zoning Appeals for approval unless such Board shall find:

1. **that the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare;** the R-1C district contemplates single-family and multi-family dwelling units, both of which currently exist on this block.
2. **that the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;** the site is currently vacant with only a nonconforming accessory structure on the property. The construction of new residences on this site returns the property to productive use.
3. **that the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district;** the surrounding properties include both single-family and multi-family structures. The addition of a duplex will not impede future development or redevelopment.
4. **that adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;** utilities and drainage currently exist and will be in compliance with city code.
5. **that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;** the garage is accessed off of an existing alley; no new curb cut off of Chestnut Street is proposed.
6. **that the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the**

Council pursuant to the recommendations of the Board of Zoning Appeals. (Ordinance No. 2006-137) compliance with city codes will be adhered to.

The following is a summary of the requested variation:

Applicable Code Sections:

Section 44.6-40-A: Schedule of Bulk Regulations in Each Zoning District

Type of Variation	Request	Required	Variation
Minimum Lot Size	8400 sq. ft.	13,200 sq. ft.	57% increase

Analysis

Variations from Zoning Ordinance

The petitioner seeks a variation to grant a reduction in the minimum lot size. The existing lot area is 8400 square feet and the minimum lot area required for a two-family dwelling in the R-1C district is 13,200 square feet.

Staff's findings of fact are presented below. It is incumbent on each ZBA 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 existing lot is 8400 square feet, which does not meet the minimum lot size for the R-1C district. This is true regardless of the type of proposed development (single-family, two-family, etc.) and therefore it is a legally nonconforming lot. The standard is met.

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

The lot is also nonconforming in that the principal structure was demolished. Any new construction on this site, under the current zoning district, would not comply with the minimum lot size. Therefore, the variation is the minimum action necessary to afford relief to the applicant. The standard is met.

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

The lots in this area predated the current zoning code and are legally nonconforming in terms of minimum lot size. 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

The granting of the variation will not give the applicant a special privilege because lots of this size are common in this area. 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.

The granting of the variation will not be detrimental to the essential character of the neighborhood since the lot size is compatible with surrounding lot sizes; two-family dwellings are contemplated by the R-1C district; and there are single-family and multi-family dwellings in the surrounding area. The standard is met.

STAFF RECOMMENDATION:

Staff finds that the petition has met the Zoning Ordinance's standards required to allow a variation and special use. Staff recommends approval of the requested variation and special use in Case Z-08-15.

Respectfully submitted,

Courtney Kashima, AICP

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: 812 E. Chestnut Street, Bloomington, IL 61701

Petitioner: J.C. Home Builders, Inc.

Petitioner's Email Address: Mark@jlawgroup.com

Petitioner's Mailing Address Street: 115 W. Front St.,

City, State, Zip Code: Bloomington, IL 61701

Signature of Applicant: _____

Mark D. Johnson

Brief Project Description:

Petitioner is proposing a two-story duplex as exhibited in site plan dated November 14, 2102, which has been attached for your reference. Each unit will have 2,068 square feet, three bedrooms, two and one-half bathrooms, eat in kitchen, family room, unfinished basement, and one care garage.

Code Requirements Involved:

Petitioner is requesting avariance to the standards as set forth in Chapter 44, Section 44.10-4 of the Bloomington Municipal Code requiring a minimum lot area of ten thousand (10,000) square feet, and a minimum lot width of seventy (70) feet.

Variance(s) Requested:

Petitioner is requesting that a variance be granted with regard to the ten thousand (10,000) square feet minimum lot area to eight thousand four-hundred (8,400) square feet. The property located at 812 E. Chestnut St., Bloomington, IL 61701 is fifty feet by one hundred sixty-eight feet totaling eight thousand four hundred square feet ($50 \times 168 = 8,400$).

Additionally, Petitioner is requesting a variance be granted with regard to the seventy (70) feet lot width requirement to fifty (50) feet. The property located at 812 E. Chestnut St., Bloomington, IL 61701 is fifty (50) feet wide.

Reasons to Justify Approval by the Zoning Board of Appeals:

Petitioner's proposal for a two-family dwelling, specifically a duplex, will bring 812 E. Chestnut St., Bloomington, IL 61701 into conformity with permitted use in this district. Before Petitioner's acquisition of the property in 2009, the principal building located at 812 E. Chestnut St. was demolished, and a new residence was not constructed. As such, a non-conforming use was created with the garage, as it is not considered a dwelling unit. Petitioner's plan is submitted to rectify non-compliance with Chapter 44,

SEP 10 2015

Section 44.4-2(a). The Zoning Board of Appeal's approval of Petitioner's request will resolve a pre-existing non-conforming use.

In addition, an evaluation of the adjacent properties has revealed the following:

1. The property directly West and contiguous to 812 E. Chestnut (810 E. Chestnut) consists of the same lot area and lot width (8,400 square feet with a lot width of 50 feet) as proposed by Petitioner in this application, and is currently a multi-family dwelling with three separate units. Petitioner requests this Board approve a two-family dwelling consisting of only two as opposed to three separate units.
2. The property East of 812 E. Chestnut (818 E. Chestnut) operates, Living Word Ministries, as a church, and an institutional use. Petitioner requests variances as to lot area and lot width and in doing so intends to maintain a residential use of 812 E. Chestnut which will not present issues of traffic and noise.
3. The property South West of 812 E. Chestnut (807 E. Chestnut) consisting of similar lot area and lot width is currently a multi-family dwelling with three separate units.

Finally, Petitioner requests the Zoning Board of Appeals consider the following:

1. An analysis of the plat map reveals that virtually all of the lots in the general vicinity of 812 E. Chestnut are approximately fifty (50) feet wide with a lot area of eight thousand four-hundred (8,400) square feet. Moreover, properties in the general vicinity of 812 E. Chestnut with comparable lot width and lot area are currently comprised of single-family, two-family, or multi-family dwellings. Petitioner is requesting an equal footing with other owners in the district by proposing this Board allow for a two-family dwelling (duplex) at 812 E. Chestnut.
2. Approval of the variance would maintain a common scheme in the neighborhood and enhance the value of the other residences. In addition, Petitioner's proposal for a duplex promotes quality, spacious, and affordable housing for an area that is in need as it surrounds Bloomington High School and Illinois Wesleyan University.

Petitioner respectfully submits this petition and requests the Zoning Board of Appeals approval.

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;

Response: At the time the land was developed lots were much smaller as living quarters were smaller than what is considered normal today. The lot size in questions is 50' x 168' totaling 8,400 square feet. The lot size in effect at the time the land was developed was commensurate with the size of homes. However, modern day homes are much larger to accommodate for quality, spacious, and affordable living. While homes have increased in size the property size cannot increase. To strictly enforce the minimum lot area requirement of 10,000 square feet and minimum lot width of 70 feet would place Petitioner at a severe disadvantage to other owners in the immediate area.

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

Response: As 812 E. Chestnut is currently 50' x 168' totaling 8,400 square feet, and the lot size cannot increase to meet the requirements of lot area and width, Petitioner's requested variance would be the minimum action necessary to afford Petitioner an equitable and just remedy. Moreover, the approval of these variances would create equality where inequality exists.

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

Response: The lot size was pre-existing to Petitioner's acquisition of the property at question. Furthermore, Petitioner's procurement of 812 E. Chestnut was subsequent to the previous owner's demolition of the principal residence, creating a non-conforming use. Petitioner requests said variances in order to resolve non-compliance with Chapter 44, Section 44.4-2(a).

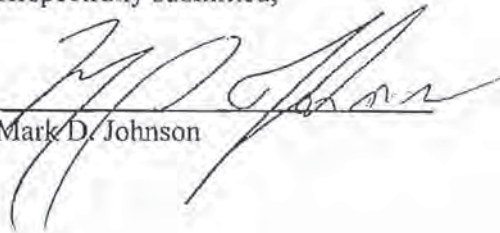
4. That the granting of the variance requested will not give the applicant any special privilege that is denied to others by the Code;

Response: By virtue of the fact that other owners in the same district also zoned as R1-C are permitted to maintain two-family and multi-family dwellings, the granting of Petitioner's request will simply place Petitioner on equal par with other owners in the neighborhood.

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.

Response: The granting of the variation will be in harmony with the purpose and intent of this Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Part of the code is the ability to issue a variance for situations where compliance would deter equality and would detract from the common scheme of the neighborhood. The drafters of Chapter 44, Section 44.6-5 recognized the potential compatibility of two-family dwellings as special uses. Petitioner is proposing a two-story side by side duplex, utilizing gable style trusses with each unit having a one car attached garage and access to the garage in the rear in order to minimize street traffic and noise. Petitioner will make every effort to blend both the style and color of the structure to other similar structures in the neighborhood keeping in mind the era of those properties. Petitioner's project will be an aesthetically pleasing structure and add value to the neighborhood. The structure will meet or exceed all current Code requirements (with the exception of the variance(s) requested in Petitioner's application to the Zoning Board of Appeals) at the time of construction.

Respectfully submitted,



Mark D. Johnson

CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE

Public Notice is hereby given that the Zoning Board of Appeals will hold a public hearing on the petition of submitted by J.C. Home Builders, Inc., requesting approval of a Special Use Permit to allow multifamily dwellings an R – 1C, Single Family Residence District, on property located at 812 E. Chestnut St.

LEGAL DESCRIPTION: Exhibit A

Lot 15 in block 5 in Davis Addition to the City of Bloomington, according to the plat thereof recorded November 22, 1871 in Book 3, page 94, in McLean County, Illinois.
Parcel No.: 21-03-105-015

Notice is hereby given that a Public Hearing will be held upon said Petition on Wednesday, October 21, 2015 at 3:00 p.m., in the City Council Chambers, City Hall, 109 E. Olive Street, Bloomington, Illinois, at which time all interested persons may present their views upon such matters pertaining thereto. Said Petition and all accompanying documents are on file and available for public inspection in the Office of the City Clerk.

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.

Cherry Lawson
City Clerk

Published: October 6, 2015

SEP 18 2015

ORDINANCE NO. _____

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A

Two-family dwelling (duplex)

FOR PROPERTY LOCATED AT: 812 E. Chestnut St., Bloomington, IL 61701

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting a Special Use Permit for a two-family dwelling for certain premises hereinafter described in Exhibit(s) 1; and

WHEREAS, the Bloomington Board of Zoning Appeals, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the Bloomington Board of Zoning Appeals, after said public hearing made findings of fact that such Special Use Permit would comply with the standards and conditions for granting such special permitted use for said premises as required by Chapter 44, Section 44.6-30 of the Bloomington, City Code, 1960; and

WHEREAS the City Council of the City of Bloomington has the power to pass this Ordinance and grant this special use permit.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Bloomington, McLean County, Illinois:

1. That the Special Use Permit for a two-family dwelling on the premises hereinafter described in Exhibit 1 shall be and the same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this _____ day of _____, 20____.

APPROVED this _____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

SEP 18 2015

Exhibit A

Lot 15 in block 5 in Davis Addition to the City of Bloomington, according to the plat thereof recorded November 22, 1871 in Book 3, page 94, in McLean County, Illinois.

Parcel No.: 21-03-105-015

SEP 18 2015

812 E. Chestnut Street, Bloomington, IL 61701

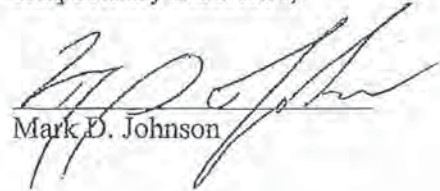
SEP 18 2015

the applicable district, as to cause a substantial depreciation in the property values within the neighborhood adjacent to said premises;

8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided to said premises for said special permitted use;
9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and
10. That said special permitted use on said premises shall, in all other respects, conform to the applicable regulations of the R1-C zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals.

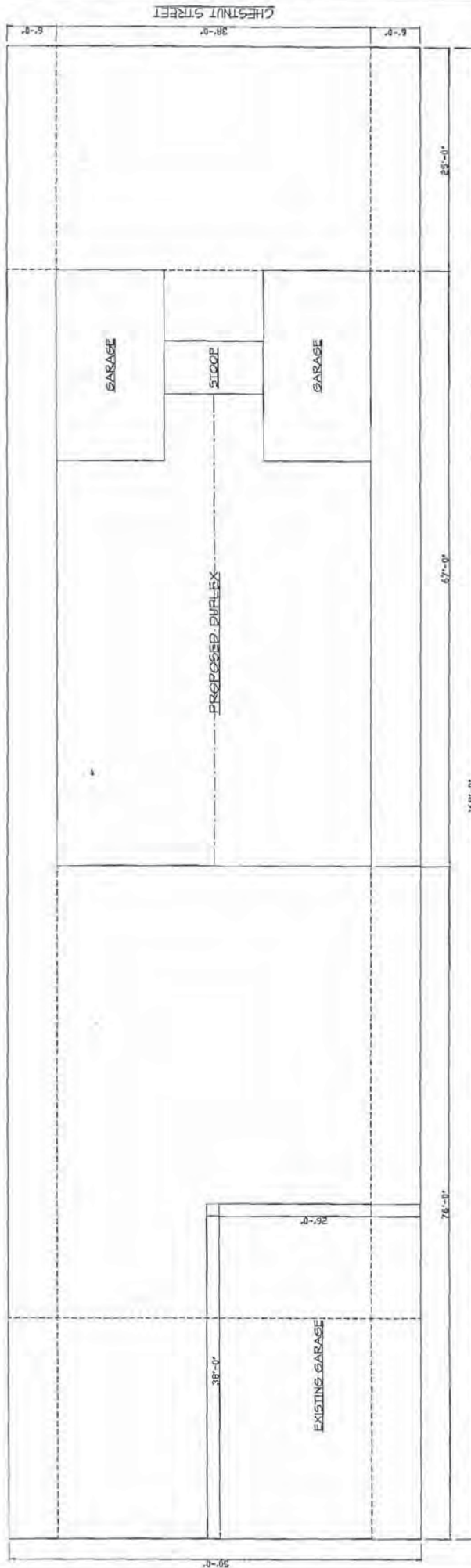
WHEREFORE, your petitioner respectfully prays that said special use for said premises be approved.

Respectfully submitted,



Mark D. Johnson

SEP 18 2015



ALEXANDER LUMBER

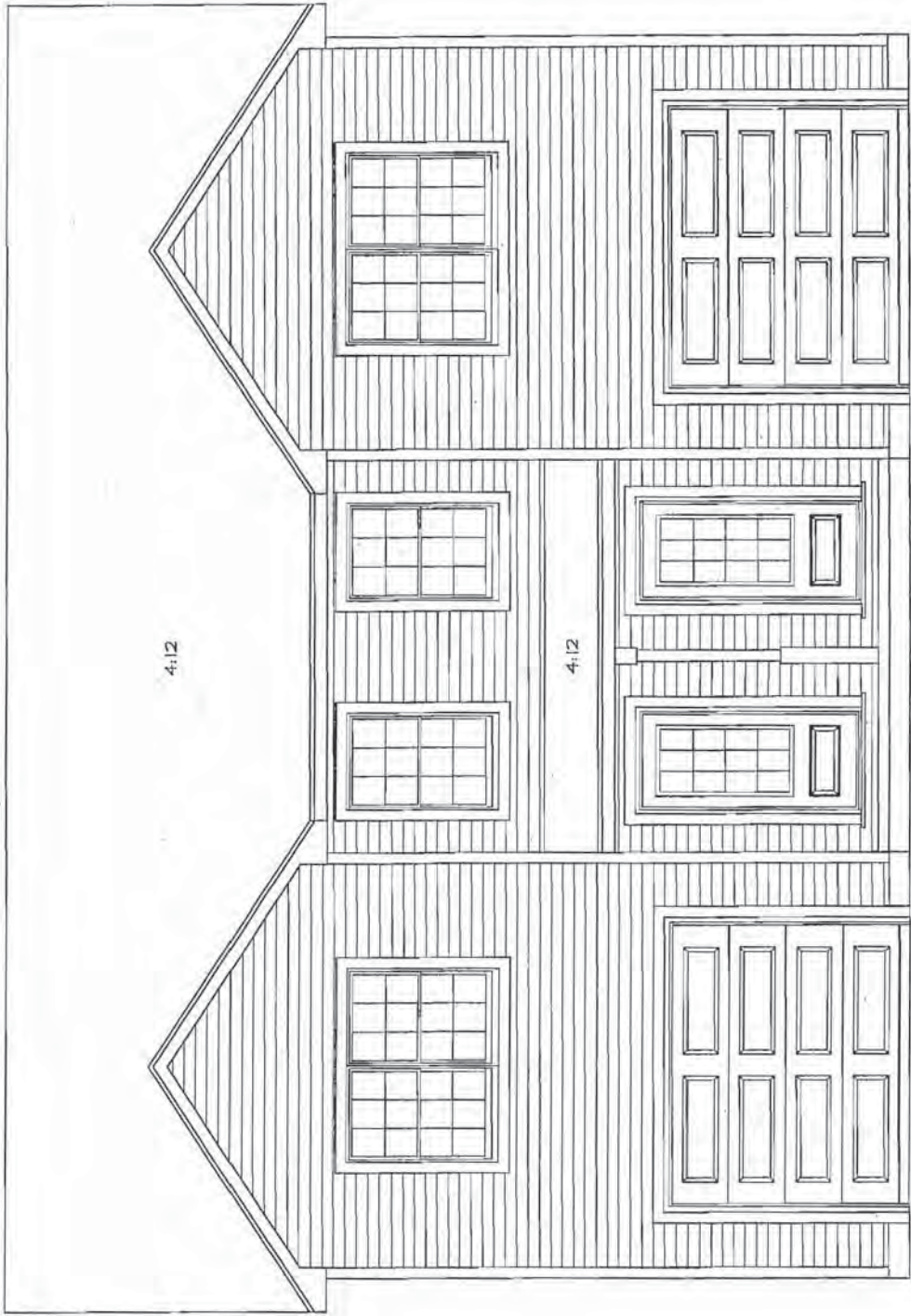
1707 HAMILTON RD.
BLOOMINGTON, IL 61704-9607
(309) 662-0339

-ATTENTION-

Every attempt has been made in the preparation of this plan to credit mistakes, but we cannot assume any special burden whatsoever. It is the responsibility of the user and/or the General Contractor to check all dimensions for the job. Caution: Always use given dimensions, never scale the drawing. As engineering of frame & joist spans are the responsibility of the General Contractor.

REVISIONS

DRAWING OF: SITE PLAN		SCALE: 1/8"=1'-0"	SHEET: 5
DATE: 11/14/12		B12 E. CHESTNUT	
DRAWN BY: CMC		BY: CMC/12/12/12	



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

2068 SQ. FT. per unit

—ATTENTION—
Every attempt has been made in the preparation of this plan to avoid mistakes, but we cannot guarantee against human error. It is the responsibility of the owner and/or the General Contractor to check all dimensions for the job. Caution: Always use given dimensions rather than the drawing. All measurements

VISIONS
7/12 CMC

ALEXANDER LUMBER
1707 HAMILTON RD.
BLOOMINGTON, IL 61704-9607

DRAWING OF: ELEVA
NAME: 11/11/10



McLean County Regional GIS Consortium



- Legend**
- Parcels
 - Condo_Improve
 - Interstates
 - US_Highways
 - State_Highways
 - County_Highways
 - Minor_Arterial
 - Major_Collector
 - Minor_Collector
 - Local_Road_Street
 - Alleys
 - Private_Streets
 - Railroad
 - County



Notes
812 e CHESTNUT

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

Printed: 9/17/2015 11:21:01 AM

CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
OCTOBER 21, 2015

SUBJECT:	TYPE:	SUBMITTED BY:
Z-09-15 1706 E. Washington St.	Fence Height Variation	Courtney Kashima, AICP

REQUEST

The petitioner is seeking a variation from Section 44.4-5.G.2. of the Zoning Ordinance to allow a four (4) foot ten (10) inch fence with six (6) foot piers where a maximum of four (4) feet is allowed in a residential district.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

Owner and Applicant: Gregory M. Shepard

PROPERTY INFORMATION

Existing Zoning: R-1A, Low Density Single-Family Residence District
Existing Land Use: Single Family Residence
Property Size: approximately 4.55 acres
PIN: 21-03-426-010, 21-03-426-011, 21-03-252-019, and 21-03-252-020

Surrounding Zoning and Land Uses

Zoning

North: R-1A, Single-Family Residence District
South: R-1A/R-1C, Single-Family Residence District
East: R-1B, Single-Family Residence District
West: R-1A, Single-Family Residence District

Land Uses

North: Single-Family Residence
South: Single-Family Residence
East: Single-Family Residence
West: Single-Family Residence

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 1706 E. Washington Street and is located at the northwest corner of the intersection of E. Washington Street and Mercer Avenue with additional frontage on Country Club Place. The property has some unique features including a landscape designed by Jens Jensen and is reportedly the site of the City's first in-ground swimming pool.

The following is a summary of the requested variations:

Applicable Code Sections:

Section 44-4.5.G.2, Lots and Yards, Permitted Obstructions, In Required Front Yards.

Type of Variation	Request	Required	Variation
Fence Height in Front Yard	4'10"	4'	20% increase

Analysis

Variations from Zoning Ordinance

The petitioner seeks a variation to allow a 4'10" tall fence where a maximum of 4' height is allowed. Due to the prior assembly of multiple adjoining lots, this property has frontage on three streets. The petitioner desires the variation in order to create a consistent fence height.

Staff's findings of fact are presented below. It is incumbent on each ZBA 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 has frontage on three streets, which may have influenced previous owners in heavily screening the property with natural materials. The proposed fence design is more compatible with surrounding areas in terms of visibility and sight lines. The standard is met.

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

The applicant is proposing a design that is ornate and improves visibility. They are seeking a consistent fence height based on a design that honors Ewing Manor and the site's history. Additionally, materials from the site will be reused in the stone piers. The standard is met.

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

The fence design, as proposed, will improve visibility and sight lines as compared to the existing screening made of dense natural materials (installed by previous owners). 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

The property possesses unique qualities in terms of local history, architecture, and the (Jens Jensen-designed) landscape. The fence design honors these qualities and the property's relationship to Ewing Manor. 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.

The granting of the variation will not be detrimental to the essential character of the neighborhood. The proposed fence design improves visibility and sight lines and is compatible with surrounding properties.

STAFF RECOMMENDATION:

Staff finds that the petition has met the Zoning Ordinance's standards required to allow a variation. Staff recommends approval of the requested variation in Case Z-09-15.

Respectfully submitted,

Courtney Kashima, AICP

App 19921

LivingstonBarger

Livingston, Barger, Brandt & Schroeder, LLP

BLOOMINGTON OFFICE

115 W. Jefferson Street - Suite 400
Post Office Box 3457
Bloomington, Illinois 61702-3457
(309) 828-5281 • Fax (309) 827-3432

CHAMPAIGN OFFICE

2918 Crossing Court - Suite E
Champaign, Illinois 61822-6163
(217) 351-7479 • Fax (217) 351-6870

William C. Wetzel
Thomas M. Barger, III
Christopher L. Nyvoida
Richard E. Sitos
Peter W. Brandt
Thomas B. Barton
Kirk A. Holman
Michael A. Wozniak
Thomas A. Jennings
Elizabeth B. Megli
Jonathan J. Bobot
Ryne J. Takacs
Joseph R. Wetzel
Rachel J. Brandt
Zane J. Breithaupt
William R. Brandt (Retired)
Herbert M. Livingston (1898 - 1987)
Ralph E. Schroeder (1927 - 1991)
Thomas M. Barger, Jr. (1912 - 1992)
James T. Foley (1931 - 2010)
Susan H. Brandt (1950 - 2010)

Reply to Bloomington Office

September 22, 2015

City of Bloomington
Planning and Code Enforcement Department
109 E. Olive St.
Bloomington, IL 61701

RE: Gregory M. Shepard
Application for Variance
1700 E. Washington St., 1706 E. Washington St., 24 Country Club Place,
26 Country Club Place

Dear Sirs:

Enclosed please find the following regarding Gregory M. Shepard's application for a variance concerning the properties located at 1700 E. Washington St., 1706 E. Washington St., 24 Country Club Place and 26 Country Club Place:

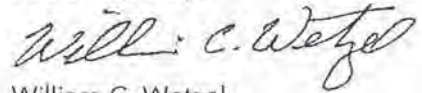
1. Application to ^{Zoning} Building Board of Appeals;
2. Statement of Findings of Fact;
3. Legal descriptions of parcels;
4. 12 copies of drawing from Jim Ash Designs;
5. Check in the amount of \$150.00 payable to City of Bloomington.

Upon review of the documents should you have any questions or need additional information, please do not hesitate to contact me. Otherwise, it is my understanding the matter will be placed on the next available date before the Building Board of Appeals, allowing for the necessary timeframe for legal publication.

September 22, 2015
Page 2

Again, please contact me with any questions.

Yours very truly,

A handwritten signature in cursive script, appearing to read "William C. Wetzel".

William C. Wetzel

WCW/jlg

ZONING
APPLICATION TO BUILDING BOARD OF APPEALS

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

Site Address: The common addresses of the properties are 1700 E. Washington St., 1706 E. Washington St., 24 Country Club Pl. and 26 Country Club Pl., all of the foregoing being located in Bloomington, Illinois. Attached to this Application are the legal descriptions and property identification numbers for the subject properties.

Petitioner: Gregory M. Shepard

Phone: 309-310-1331

Petitioner's Email Address: gshepard2000@aol.com

Petitioner's Mailing Address Street: 15 Country Club Pl.

City, State, Zip Code: Bloomington, IL 61701

Contractual interest in the property ☒ yes ☐ no

Signature of Applicant William C. Wetzel

William C. Wetzel, Attorney for Applicant
Livingston, Barger, Brandt & Schroeder, LLP
115 W. Jefferson St., Suite 400
Bloomington, IL 61701
P11: 309-828-5281

Brief Project Description:

Petitioner seeks to construct a 4'10" steel fence, together with 6' stone fence piers as shown on the attached exhibit dated August 17, 2015 prepared by Jim Ash Designs. This assembly of properties consists of a total acreage of approximately 4.55. The proposed fencing is patterned after that in place currently at the Ewing Manor located at the intersection of Towanda Avenue and Emerson Street in Bloomington, Illinois. Jim Ash designed the Genevieve Green Gardens Project at the Ewing Manor several years ago and is a well known and well respected landscape architect.

Code Requirements Involved:

The Bloomington City Code provides for a front yard fence to be 4' in height and a rear yard fence to be 6' in height. It is the petitioner's intent that the fencing proposed be a uniform 4'10", which will better present itself due to the consistency of the height. Additionally, because of the configuration of the assembled lots that make up the 4.55

total acres, there is some confusion as to what would be a front yard and what would be a rear yard.

Variances(s) Requested:

Petitioner requests that he be granted a variance allowing the construction of the 4'10" steel fence and the placement in support thereof of the piers as reflected on the attached exhibit.

Reasons to Justify Approval by the Building 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 I, Section 30

A variation from the terms of this Code shall not be granted by the Building 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

This property consists of approximately 4.55 acres, which has frontage on a portion of Washington Street, a portion of Mercer Avenue and a portion of Country Club Place. The granting of this request will allow for a high quality fencing system to be put into place that will be consistent in its height and appearance. The design of the fencing is the work of Jim Ash Designs, a landscape-architecture/site planning professional whose offices are located in Pekin, Illinois, and who has had significant design responsibilities in the Bloomington area, including the fencing around the Ewing Manor property located at the intersection of Towanda Avenue and Emerson Street in Bloomington, Illinois.

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

That without the variation, the Code would seemingly require different height limitations and in the opinion of the undersigned, this would not present the fencing in an acceptable manner.

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

Petitioner acquired this property in its entirety. The assembly of the various parcels took place at a time when owned by a previous owner.

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

The only request is for the uniform height of the fencing, which in the opinion of the Petitioner grants no special privilege to Petitioner.

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.

It is anticipated that the fencing will be considered an amenity to the neighborhood and does not appear that the granting of the variance would be in any way detrimental to the public welfare, alter the essential character of the neighborhood, or unreasonably impair the use or development of adjoining properties.

Gregory M. Shepard Properties
Application to Building Board of Appeals

1700 E. Washington St., Bloomington, Illinois

PIN: 21-03-426-010

Legal: Lots 4 and 5 in Block 8 in Warner and Carter's Second East Lawn Subdivision of part of the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 3, Township 23 North, Range 2 East of the Third Principal Meridian, in McLean County, Illinois.

1706 E. Washington St., Bloomington, Illinois

PIN: 21-03-426-011

Legal: Lots 1, 2 and 3 in Block 8 in Warner and Carter's Second East Lawn Addition to the City of Bloomington, in McLean County, Illinois.

24 Country Club Pl., Bloomington, Illinois

PIN: 21-03-252-019

Legal: Parcel A: Lot 24 and the West 50 feet of Lot 25 in Country Club Place Addition to the City of Bloomington, in McLean County, Illinois.

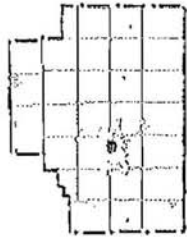
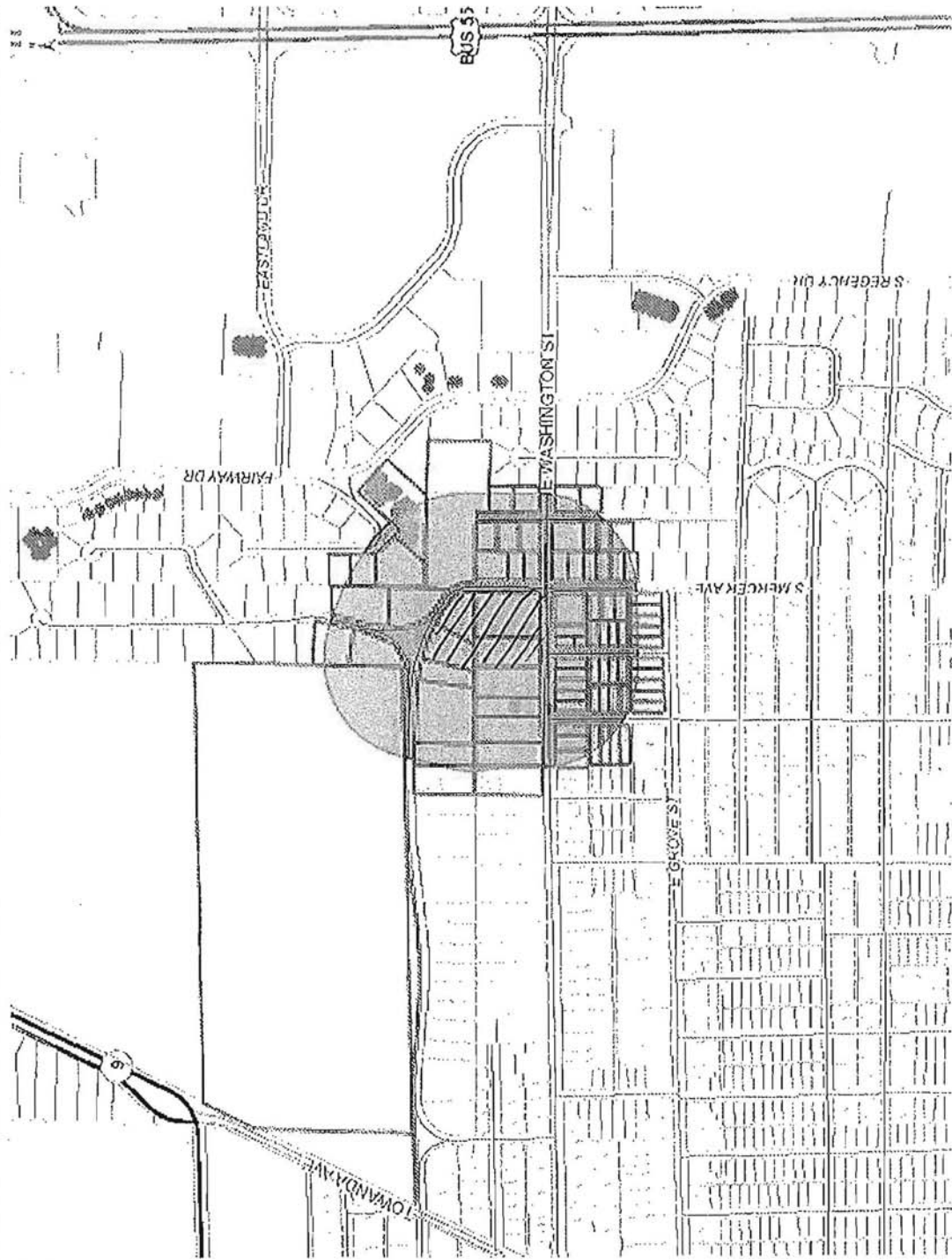
Parcel B: A strip of land bounded by the West line of Lot 24, extended North and the East line of the West 50 feet of Lot 25 in Country Club Place Addition to the City of Bloomington, extended North and lying between the North boundary of Lot 24 and the West 50 feet of Lot 25 aforesaid and the South curb line on Monroe Street as shown by Plat of Country Club Places Addition to the City of Bloomington, recorded in Book 11 of Plats, page 4, in McLean County, Illinois.

26 Country Club Pl., Bloomington, Illinois

PIN: 21-03-252-020

Legal: Lot 25, except the West 50 feet thereof; and all of Lot 26, all in Country Club Place Addition to the City of Bloomington, in McLean County, Illinois.

McGIS **1706 E WASHINGTON**
Notice Area



- Legend**
- Parcels
 - Condo_Improve
 - Interstates
 - US_Highways
 - State_Highways
 - County_Highways
 - Minor_Arterial
 - Major_Collector
 - Minor_Collector
 - Local_Road_Street
 - Railroad
 - County

Notes

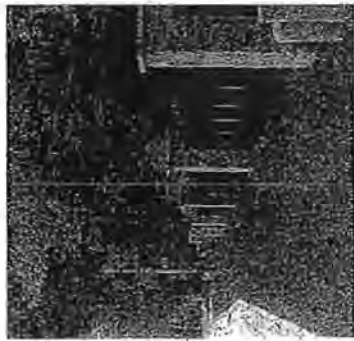
By using any McGIS products or services, you indicate your acceptance of the Licensing Agreement: <http://www.McGIS.org/License>

0.4 Miles

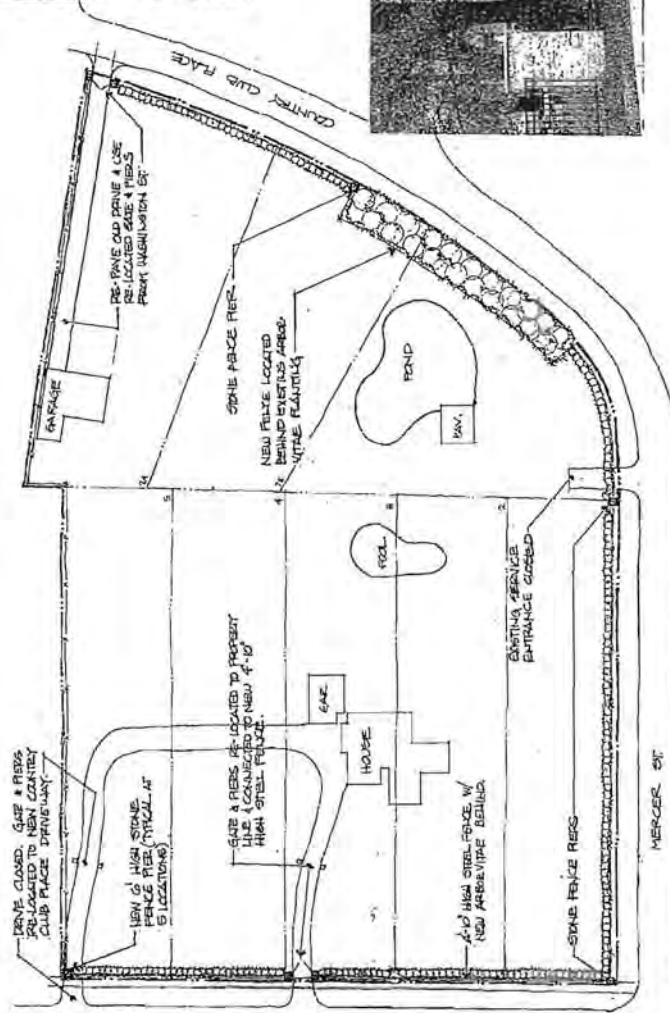
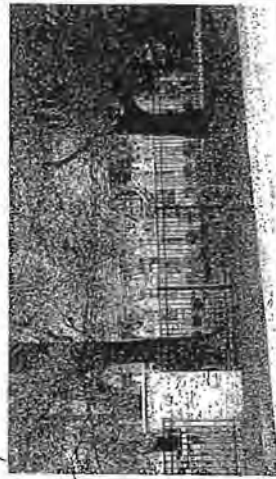
0.19

1:12,175

Printed: 10/12/2015 9:32:32 AM



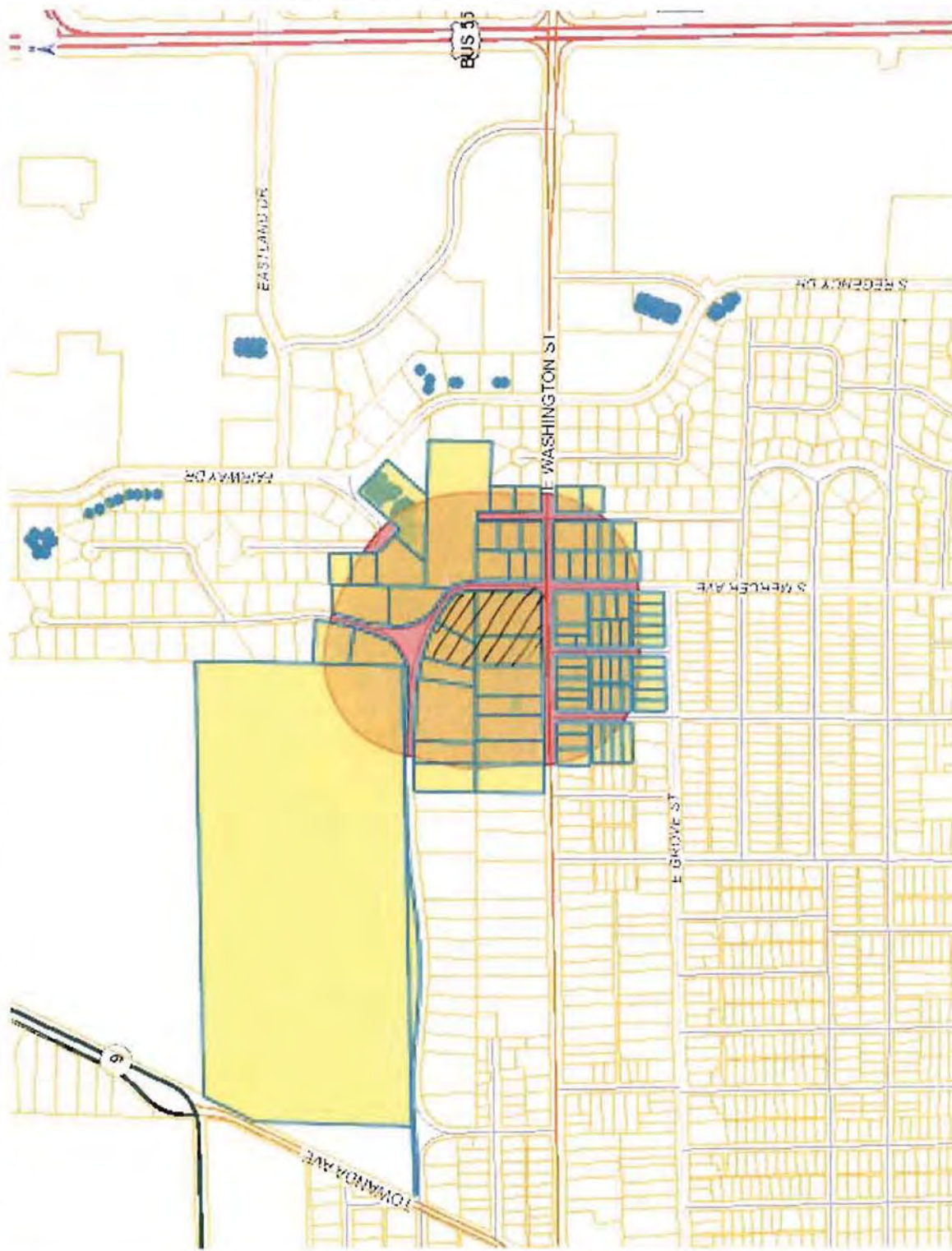
EXAMPLES OF STONE PIERS & STEEL FENCE (FINING MAJOR)



	1000 E. WASHINGTON STREET BLOOMINGTON, IL	PROJECT NUMBER: 19-CHRP-001 DATE ISSUED: 8-JUL-2019 REVISION DATE: 25-JUL-2019	SHEET TITLE: PERIMETER FENCE PLAN	SHEET NUMBER: 1
--	--	---	--	----------------------------



1706 E WASHINGTON Notice Area



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

0.4 Miles

0.19

1: 12,175

Printed: 10/1/2015 9:32:32 AM

Notes

CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
OCTOBER 21, 2015

SUBJECT:	TYPE:	SUBMITTED BY:
Z-10-15 1521 East Olive Street	Fence Height Variation	Tom Dabareiner AICP CD Director

REQUEST

The petitioner is seeking a variation from Section 44.4-5.G.2. of the Zoning Ordinance to allow a six (6) foot fence where a maximum of four (4) feet is allowed in a residential district.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

Owner and Applicant: Chris and Lori Crutcher / Greenview Landscaping Company

PROPERTY INFORMATION

Existing Zoning: R-1C, High Density Single-Family Residence District
Existing Land Use: Single Family Residence
Property Size: 98.4'x147.0' and 0.34 acres
PIN: 21-03-477-011

Surrounding Zoning and Land Uses

Zoning

North: R-1C, Single-Family Residence District
South: R-1C, Single-Family Residence District
East: R-1C, Single-Family Residence District
West: R-1C, Single-Family Residence District

Land Uses

North: Single-Family Residence
South: Single-Family Residence
East: Single-Family Residence
West: Single-Family Residence

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 1521 E. Olive Avenue and located at the southwest corner of Olive at Mercer. It has a single-family residence and an existing 6' fence wrapping a portion of the back patio which is visible from Mercer Avenue and illegal. The proposed 6' tall fence is part of an overall landscaping improvement planned for the property. However, as a corner lot, the property has two front yards. The zoning ordinance, in 44-4.5.G.2., allows only a 4' tall fence in a residential front yard, in this case along Mercer Avenue.

The following is a summary of the requested variations:

Applicable Code Sections:

Section 44-4.5.G.2. Lots and Yards, Permitted Obstructions, In Required Front Yards.

Type of Variance	Request	Required	Variance
Fence Height in Front Yard	6'	4'	50% increase

Analysis

Variations from Zoning Ordinance

The petitioner seeks a variance to allow a 6' tall fence in a front yard where a maximum of 4' height is allowed.

Staff's findings of fact are presented below. It is incumbent on each ZBA 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 is flat and there are no unusual physical characteristics. There is existing vegetation that provides some measure of screening. There is no location in the Mercer Avenue front yard where a 6' tall fence resolves an unreasonable physical challenge to the placement of a compliant 4' tall fence. Furthermore, a corner lot is a very common occurrence in the neighborhood and the City and does not constitute a physical hardship. This standard is not met.

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

The requested variation is not the minimum needed to afford relief as shorter fences are feasible. The amount of new landscaping proposed can also serve to provide privacy. This standard is not met.

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

Acquisition of a corner lot comes with several additional constraints compared with buying a mid-block residence. Having two front yards imposes fence height restrictions and requires

increased setbacks. The need for a fence where none existed before implies the owner's actions are the reason for the request. This 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

The granting of the variation will give the applicant a special privilege because 6' tall residential fences are not found in the front yard in neither the immediate neighborhood nor commonly in the R-1C District. To the north a four foot tall fence exists in the front yard. While a six foot fence exists to the west it is in the side yard and was placed there legally. 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 granting of the variance will be detrimental to the essential character of the neighborhood. Fences are both ornamental and functional. Functionally, they serve as a boundary, often intended to keep people, animals or objects separated, confined or from crossing in and out. Neighborhoods with tall privacy fences are consistently seen by the public as less safe than those without fences. A change to allow tall privacy fences located in front yards could engender a similar negative effect in this neighborhood. This 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-10-15.

Respectfully submitted,

Tom Dabareiner AICP
Community Development Director



CITY OF Bloomington ILLINOIS

Planning and Code Enforcement

BUILDING SAFETY DIVISION

115 E. Washington St., PO BOX 3157

Bloomington, IL 61702-3157

Phone: 309-434-2226

pace@cityblm.org

Fence or Tent Permit Application

Site Address: 1521 E. OLIVE		Office Use Only	
Unit #:		Application Number:	
Is this part of a larger project?		Permit Issued:	
Yes, DOING LANDSCAPE ALSO		Permit Number:	
		Permit Ready to Issue:	
		Permit Fee:	
Scope of Work: FENCING 6' & LANDSCAPE		Application Date: 9-25-15	
		Anticipated Start Date: OCT. 20TH	
		Anticipated End Date: EARLY NOV.	
Applicant (check one)	Name	Address	Phone
☐ Owner of Property	CHRIS LORI CRUTCHER	1521 E. OLIVE	309 824 0057
☒ Contractor	GREEN VIEW (TIM SOUTHEY)	1813 INDUSTRIAL PARK RD. NORMAL, IL	309 275 9317

REQUIRED ITEMS TO BE SUBMITTED BY APPLICANT

	Site Plan drawn to Scale with Dimensions									
Tent Permit	Install Date: _____ Removal Date: _____									
Fence Permit	Height of Fence: 6'									
Either Permit	<table border="1"> <tr> <td>☒ Yes</td> <td>☐ No</td> <td>Located on a Corner Lot?</td> </tr> <tr> <td>☐ Yes</td> <td>☒ No</td> <td>Located in a Mobile Home Park?</td> </tr> <tr> <td colspan="2"></td> <td>If yes, Park Approval required _____</td> </tr> </table>	☒ Yes	☐ No	Located on a Corner Lot?	☐ Yes	☒ No	Located in a Mobile Home Park?			If yes, Park Approval required _____
☒ Yes	☐ No	Located on a Corner Lot?								
☐ Yes	☒ No	Located in a Mobile Home Park?								
		If yes, Park Approval required _____								
TOTAL COST OF WORK: \$25,000										

Contractor/Applicant Signature: Tim Southey



- PLEASE ATTACH PLANS / SKETCHES TO THIS APPLICATION.
- NOTE: PERMITS MUST BE OBTAINED BEFORE WORK BEGINS.
- SUBMISSION OF THIS FORM DOES NOT GUARANTEE OR GRANT APPROVAL TO START WORK.
- ACCEPTANCE OF PAYMENT DOES NOT CONSTITUTE A PERMIT.
- APPLICATION VOID IF WORK IS NOT STARTED WITHIN 6-MONTHS AFTER PERMIT ISSUANCE.

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: 1521 E. OLIVE

Site Address: 1521 E. OLIVE

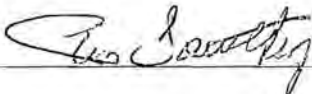
Petitioner: GREEN VIEW TIM SOUTHEY Phone: 309 275-9317

Petitioner's Email Address: TSOUTHEY@GREENVIEW.COM

Petitioner's Mailing Address Street: 1813 INDUSTRIAL PARK RD

City, State, Zip Code: NORMAL, IL

Contractual interest in the property yes ✓ no

Signature of Applicant 

Brief Project Description: PUTTING IN FENCE TO PROVIDE PRIVACY & NOISE REDUCTION. ADDING LANDSCAPING TO ADD BEAUTY & INTEREST TO YARD. ALSO INVESTMENT TO ADD VALUE TO HOUSE WE ARE ALSO REMOVING SCRUB VEGETATION NEXT TO CITY SIDEWALK THAT ARE 10-15' TALL THAT IS IMPEDING VIEW (REFER TO PICTURES) FENCE IS SET SIX FT. BACK FROM
Code Requirements Involved: WALK. PLANTINGS ARE DESIGNED FOR LOW PROFILE SO AS NOT TO IMPEDE VIEW

CHAPTER 4A FENCE HGT. RESTRICTIONS

Variances(s) Requested: PUTTING 6' PRIVACY FENCE

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.

WANTED TO ADD PRIVACY & REDUCE TRAFFIC NOISE.
LANDSCAPING IS TO PROVIDE COLOR & INTEREST TO YARD
REMOVING UNWANTED TALL VEGETATION ALONG WALK

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
HOMEOWNER HAS TRAFFIC CREATING NOISE, HEADLIGHTS, & PEDESTRIANS. HE WOULD LIKE PRIVACY & NOISE REDUCTION
2. That the variance would be the minimum action necessary to afford relief to the applicant; and
6' FENCE WOULD ADD ADDITIONAL 2' FOR PRIVACY
3. That the special conditions and circumstances were not created by any action of the applicant; and
CORNER LOT WITH EXISTING ALLEY
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
PROPERTY IMPROVEMENT NOT IMPEDING VIEW. IMPROVING PROPERTY CONDITIONS
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.
ITS AN ENHANCEMENT THE LANDSCAPE WAS DEVELOPED TOO ADD BEAUTY

Corporate Office
Peoria • Dunlap
2700 W. Cedar Hills Drive
Dunlap, IL 61525
309.243.7761

Springfield
3000 W. Jefferson Street
Springfield, IL 62707
217.787.4700

Bloomington • Normal
813 Industrial Park Road
Normal, IL 61761
309.452.9402

Champaign • Urbana
2616 N. Mattis Avenue
Champaign, IL 61822
217.356.2020

Chicago
Western Suburbs
630.898.0200

Decatur
217.428.5989

2015 Copyright
Green View Landscaping Company

All rights reserved. This design and all components thereof are the property of Green View Landscaping Co. Reproduction or use of this design in whole or in part, without written consent of Green View Landscaping Co., is strictly prohibited.

Scale: 1" = 1'

Date: 9/9/15

Drawn By:

Checked By: T. SOUTHEY

Job Number:

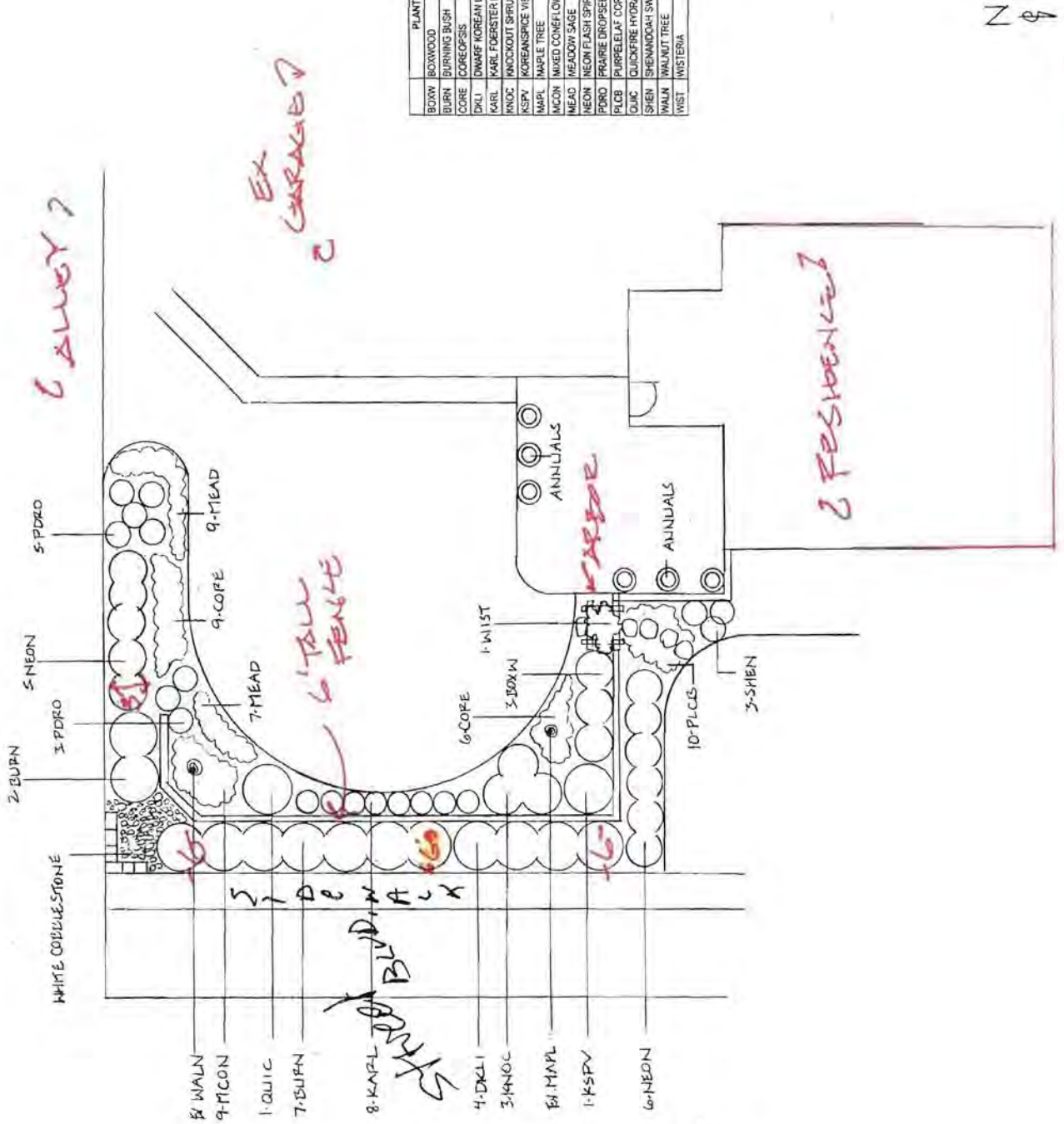
Revisions: 2, Date, Description

CHRIS AND LORE
CRUTCHER
1521 E. OLIVE
BLOOMINGTON, IL

Sheet of

www.greenview.com

PLANT NAME	QTY
BOXW	3
BURN	9
CORE	15
DKL	4
KARL	8
KNOX	3
KSPV	1
MAPL	EX
MCON	9
MEAD	16
NEON	11
PORO	8
PLCB	10
QUIC	1
SHEN	3
WALN	EX
WIST	1



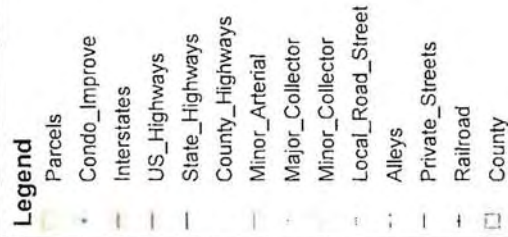
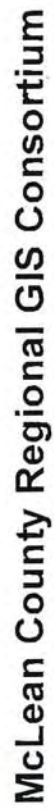
OLIVE STREET

N









By using any McGraw-Hill products or services, you indicate your acceptance of the Licensing Agreement:

0.3 Miles

0.14

1: 8,705

Printed: 9/25/2015 11:53:23 AM

Notes

**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
OCTOBER 21, 2015**

SUBJECT:	TYPE:	SUBMITTED BY:
Z-11-15 1617 East Emerson Street	Two Variances for Accessory Structure: (1) Floor Area and (2) Maximum Height	Tom Dabareiner AICP CD Director

REQUEST

The petitioner is seeking two variations from Section 44.4-4.C. of the Zoning Ordinance to regarding placement of an accessory structure: (1) a variation from 44.4-4.C.3 to allow an accessory structure taller than the 14' limit; (2) a variation from 44.4-4.C.4 to allow an accessory structure with a gross floor area greater exceeding that of the principle structure or 1,000 GFA, which is less.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

Owner and Applicant: St. John's Evangelical Lutheran Church

PROPERTY INFORMATION

Existing Zoning: R-1B, Medium Density Single-Family Residence District
Existing Land Use: Church
Property Size: Roughly triangular approximately 974'x786'x795' and 9.62 acres
PIN: 14-34-451-005

Surrounding Zoning and Land Uses

Zoning

North: R-1A, Single-Family Residence District
and S-2, Public and Institutional District
South: C-3, Community/Regional District
East: R-1C, Single-Family Residence District
West: R-1B, Single-Family Residence District

Land Uses

North: Single-Family Residences
and Ewing Manor
South: Abandoned Gas Station
East: Single-Family Residences
and Temple
West: Single-Family Residences

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 1617 E. Emerson and located at the southwest corner of Emerson and Towanda. It has a church as the principal building and use, along with an old shed proposed to be removed coincident with the construction of the new accessory structure. The new shed would be located in the southwest rear portion of the existing parking lot. To meet code it must remain six feet away from the western property line.

The following is a summary of the requested variations:

Applicable Code Sections:

Section 44-4.4.C.3 and 44-4.4.C.4, Accessory Buildings and Uses

Type of Variance	Request	Required	Variance
Accessory Structure Height	21'6"	14'	53% increase
Accessory Gross Floor Area	2,268 sqft	1,000 sqft	227% increase

Analysis

Variations from Zoning Ordinance

The petition seeks a variance to allow a large accessory structure on the property at 1617 East Emerson Street. Both the height and gross floor area (GFA) of the accessory structure require variances from the zoning ordinance limitations before they could be allowed.

Staff's findings of fact are presented below. It is incumbent on each ZBA 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 requires a large parking lot and stormwater detention area to serve the church. There is a gentle uphill slope to the north and a steeper uphill slope to the east. While locations for the shed may be limited, the large size of the proposed shed is not required to solve a problem of physical characteristic.

Height: The structure's height does not need to change based on physical characteristics of the property. There are no visibility concerns or access obstacles based on slope of the land. This standard is not met.

GFA: The size of the structure is not required based on the physical characteristics of the property. Instead, the request is to hold more vehicles, equipment and other materials on site. This standard is not met.

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

After the initial application for a larger shed, the church examined the potential for a slightly smaller shed. While a step in the right direction, the shed remains bulky. This standard is not met.

Height: The zoning ordinance limits the size of the structure to preserve the residential character of the neighborhood, where taller accessory structures may seem out of proportion with the area's principle buildings. The principal structure is a church, which is a taller structure and located somewhat uphill from the proposed shed location. Neighboring residences are generally two stories tall. This standard is met.

GFA: Keeping in mind this is a residentially-zoned area, the desire or expectation to provide storage similar to that found on commercial properties is greatly out of context. Vehicles, equipment or other large items that require greater area for storage can find off-premises commercial storage facilities in the general area. Nearby commercial properties have more storage opportunities, but it is extremely rare in residential districts. Given its location which is slightly more consistent with commercial property along an arterial road, this standard is met.

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

The desire to replace an existing compliant shed with a new larger shed implies the owner's actions are the reason for the request. No outside actions are causing the need for a new, larger shed. This standard is not met, for both Height and GFA.

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

The granting of the variation will give the applicant a special privilege over properties in the R-1B zoning district which have compliant sheds, although nearby commercial structures also have larger storage opportunities. An argument might be made that, given their 9+ acre property, a larger shed is not out of proportion with the site, but it may remain out of proportion with the expectations of the neighbors to the west. Given the property's location along an arterial and the characteristics it shares with nearby commercial uses, the standard is met for both Height and GFA.

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 neighbors' reactions to the west are especially worth hearing. They may view the shed beneficially as a way to block their view of the parking and church-goer's views of them; or, they may be concerned with the shed's overall bulk. Views from the east are largely blocked by a tall berm. Views from the north will be quite distant. Views from the commercial property to the south will be somewhat limited and distant. On par, with neighbor consent, this standard is met for both Height and GFA.

STAFF RECOMMENDATION:

Staff finds that the petition has met the majority of the Zoning Ordinance's standards required to allow a variance. Staff recommends approval of the requested variance in Case Z-11-15.

Respectfully submitted,

Tom Dabareiner AICP
Community Development Director



October 10, 2015
EVANGELICAL LUTHERAN CHURCH IN AMERICA

AMENDED

1617 East Emerson Street
Bloomington, Illinois 61701
(309) 827-6101

www.stjohnsbloomington.org

To: Board of Appeals
From: St. John's Lutheran Church
Shari Buckellew Executive Director, Business Operations

The original application for variance mistakenly quoted County Code instead of City of Bloomington Code. As a result it was assumed that there was a very minor code variance required as it related to the size of the structure. Upon conversation with City of Bloomington staff I was informed of my error and also informed of the more significant variances required. City of Bloomington staff adjusted the original paperwork to account for this change.

Originally we thought we were asking for a variance of 84 Sq. Ft. for the size of the building only. However based on Chapter 44: Section 44.4-4, paragraph 3 and 4: No accessory building shall be over 14ft. mean height and over 30% of the rear yard or 1000 Sq. Ft., whichever is less.

Our original request was for a 69 by 36 structure, or 2484 Sq. Ft. Upon learning of the more stringent code requirements the property team at the church has agreed in good faith to both adjust the site of the building, decreasing the impact on contiguous residential property and also decrease the size to 63 by 36, or 2268 Sq. Ft. – approx. a 10% decrease.

Considering these changes, we respectfully request a variance from the height requirement and the maximum Sq. Ft. based on the following:

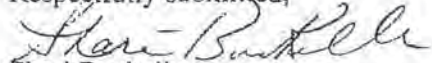
1. St. John's Lutheran Church has been located at 1617 E. Emerson since 1959. We are committed to this location as we plan for long term growth and vitality as a congregation. This request is to construct a garage to replace the current small wooden structure at the rear of our parking lot with a larger, high-quality Morton Building to house our vehicles, trailer and lawn equipment. We do not currently have a place to house our church bus, van and trailer and therefore they remain parked outside depreciating rapidly due to exposure to weather and causing a hindrance to our ability to use them in the winter months.
2. The church property is 11 acres zoned as residential but is contiguous to commercial - C-3 zoning on the south side of our property line (Towanda Plaza) and public/institutional S-2 (Ewing) to the north of our property. The West

property line is bordered by the Unitarian church property (whom which we allow to use part of our parking lot on Sundays) and two residences – **the one most impacted has offered to provide a letter of support for this request.**

3. Based on the size of our property (11 acres) and the size of our main building (62,000+ Sq. Ft.) – the accessory building being requested is proportionately sized for our main building and property, and the smallest possible to meet our needs for now and the foreseeable future.
4. The building requested is **only** 1% of the rear yard, versus the 30% maximum requirement in the code.
5. We will be removing an existing dilapidated garage of 440 Sq. Ft. and therefore the net added Sq. Ft. that we are requesting is only 1828 Sq. Ft.
6. We have been in contact with Morton Building regarding reducing the height, however due to the height of our church bus, it is not possible without substantial design changes and added cost. The mean height requested remains at approximately 18 ft. vs the code maximum of 14 ft. yet well less than the height of our main building on the property and adjacent residences.
7. It is our intent to have this building help to beautify our property by replacing the dilapidating garage, house vehicles and trailers that are currently parked outside and provide storage for all of the equipment used to maintain our property. The color will match the current main church structure.

For these reasons we request approval of our building plan.

Respectfully submitted,


Shari Buckellew

309-827-6121 ext.205

shari@stjohnsbloomington.org

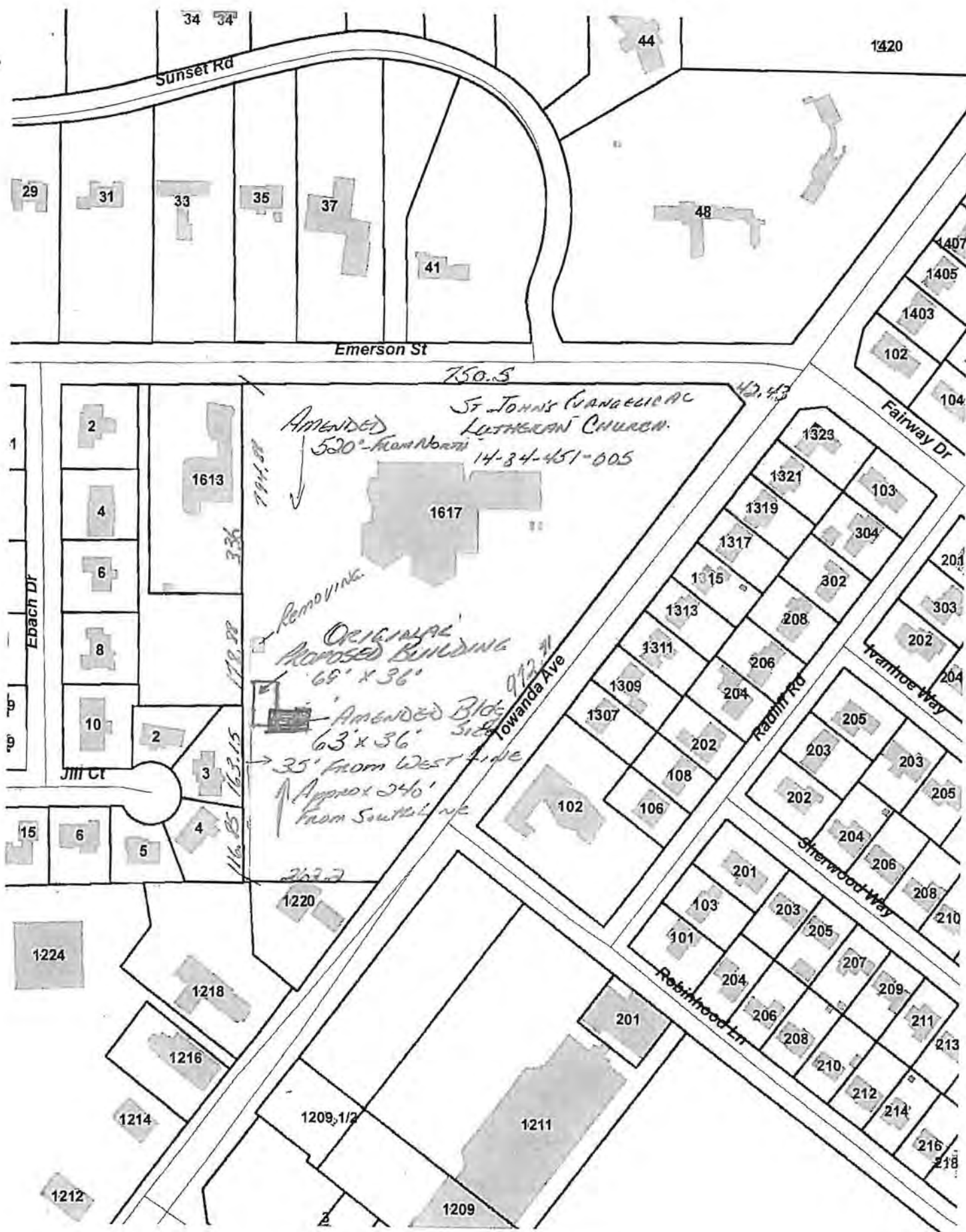


EXHIBIT 1 - AMENDED

ORIGINAL
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: 1617 E. Emerson St.

Site Address: Bloomington, IL 61701

Petitioner: St. John's Evangelical Lutheran Church Phone: (309) 827-6121

Petitioner's Email Address: info@stjohnsbloomington.org

Petitioner's Mailing Address Street: 1617 E. Emerson St.

City, State, Zip Code: Bloomington, IL 61701

Contractual interest in the property X yes no

Signature of Applicant: Shari Boukella

Brief Project Description:

The project is to construct a 36 ft. x 69 ft. Morton Building to be used as a garage to house the church bus, van and lawn equipment. It will be located approximately 49' to the south of the current structure along the west side of the 11+acre church property. The exterior colors will match that of our current garage and siding of the church building.

Code Requirements Involved:

St. John's Evangelical Lutheran Church is located in an "R-1B" Single Family Residential District. Under Article 6 of Chapter 40 of the McLean County Illinois Zoning Ordinance a special use is allowed for a church, chapel, temple or synagogue in an "R-1" Single Family Residential District.

wrong reference

Variances Requested:

Per Chapter 40, Article 5 Paragraph 4. D (4) maximum Lot Coverage: 35 percent. Total area of accessory building, including attached garages, shall not exceed the following: On lots 1.5 acres or more: 2400 square feet. The lot in question is in excess of 11 acres. Standard building sizes dictate the length and width requested, which is 69 ft. x 36 ft., which totals 2,484 square feet. We request a variance from the 2,400 square feet maximum to allow for the most cost effective construction for the building size needed to house our vehicles and equipment.

more references

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

St. John's Lutheran Church has been located at 1617 E. Emerson since 1959. This request is to construct a garage to replace the current small wooden structure at the rear of our parking lot with a larger, higher-quality Morton Building to house our vehicles and lawn equipment.

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

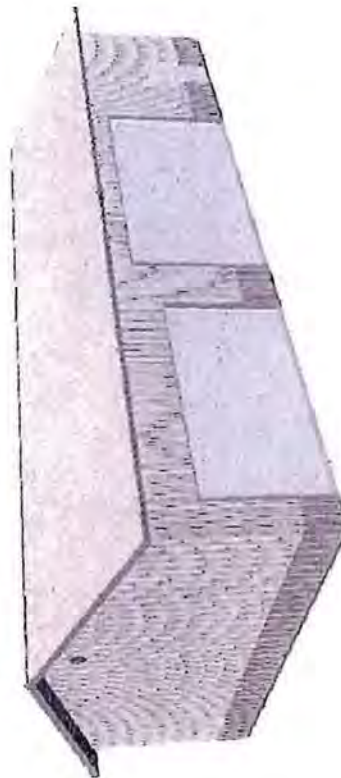
Satisfy the code while allowing for the most cost effective building construction based on standard industry building size standards.

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



Building 306 36'x14'x69' (#1) Perspective From The Southeast

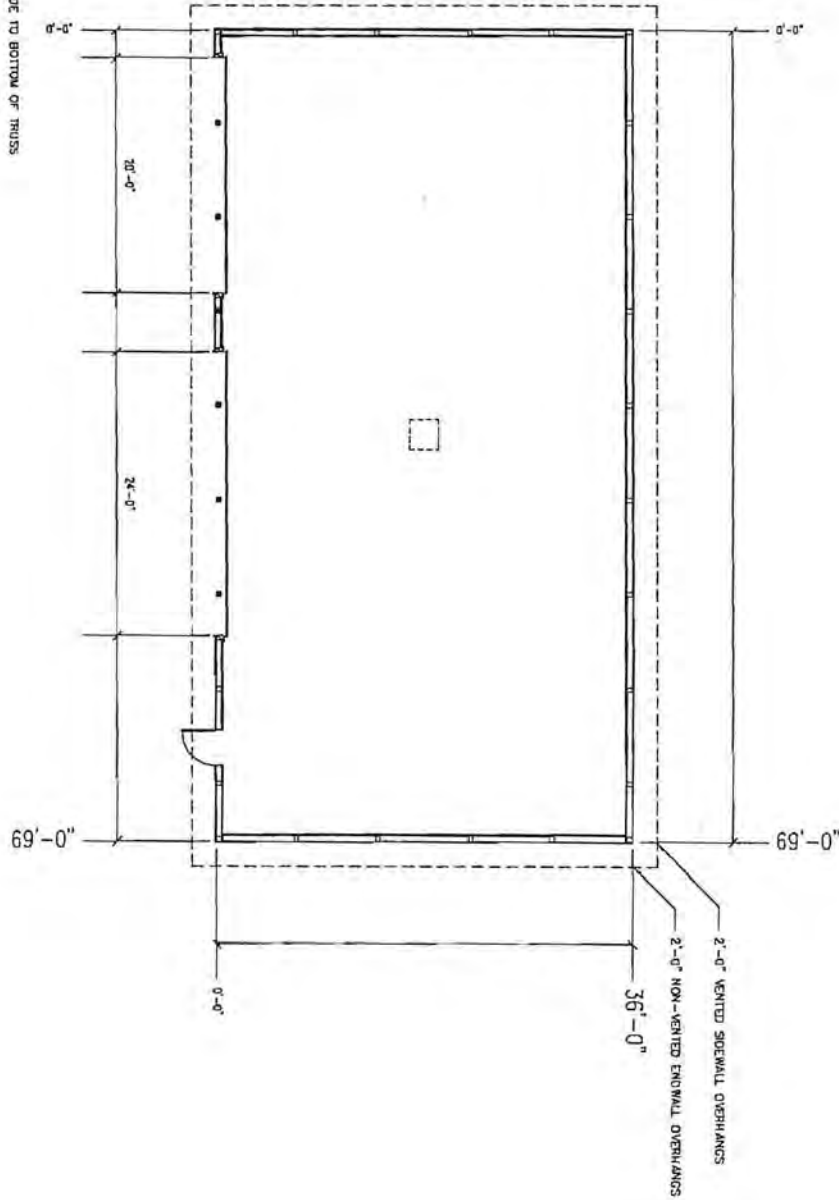
Peak Height	21'6"
Soffit Height	15' 3.5"
Grade to Heel	14'
Roof Pitch	4/12



© HORTON RILEY CO., INC. F.D. NO. 299 HORTON & RILEY CO. 229-001/47

EXHIBIT 3

BUILDING HEIGHT 14'-0" GRADE TO BOTTOM OF TRUSS.



NOT DRAWN TO SCALE

ST. JOHN'S LUTHERAN CHURCH
BLOOMINGTON, IL.

MORTON BUILDINGS, INC.



DATE	
BY	
CHECKED	
APPROVED	

PROJECT	
DESCRIPTION	
DATE	
BY	
CHECKED	
APPROVED	

SCALE	
DATE	

EXHIBIT 4



Approx. Location

LEGAL DESCRIPTION

Name: St. John's Evangelical Lutheran Church

Address: 1617 E. Emerson St., Bloomington, IL 61701

Subdivision: BOSWORTHS SUB OF LOT 1 OF SUB. OF SW ¼ AND SE ¼ SEC 34

Plot ID: 14-34-451-005

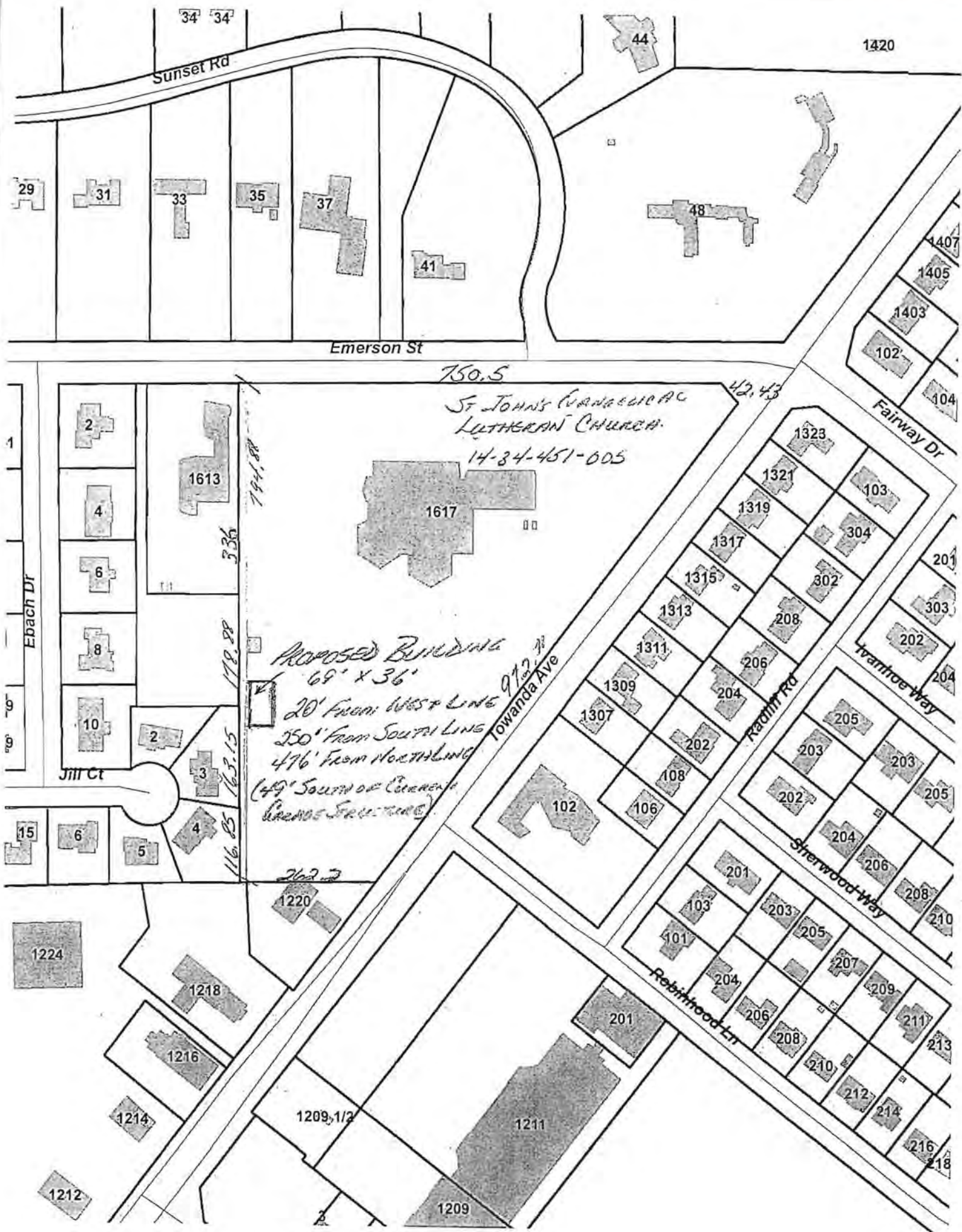
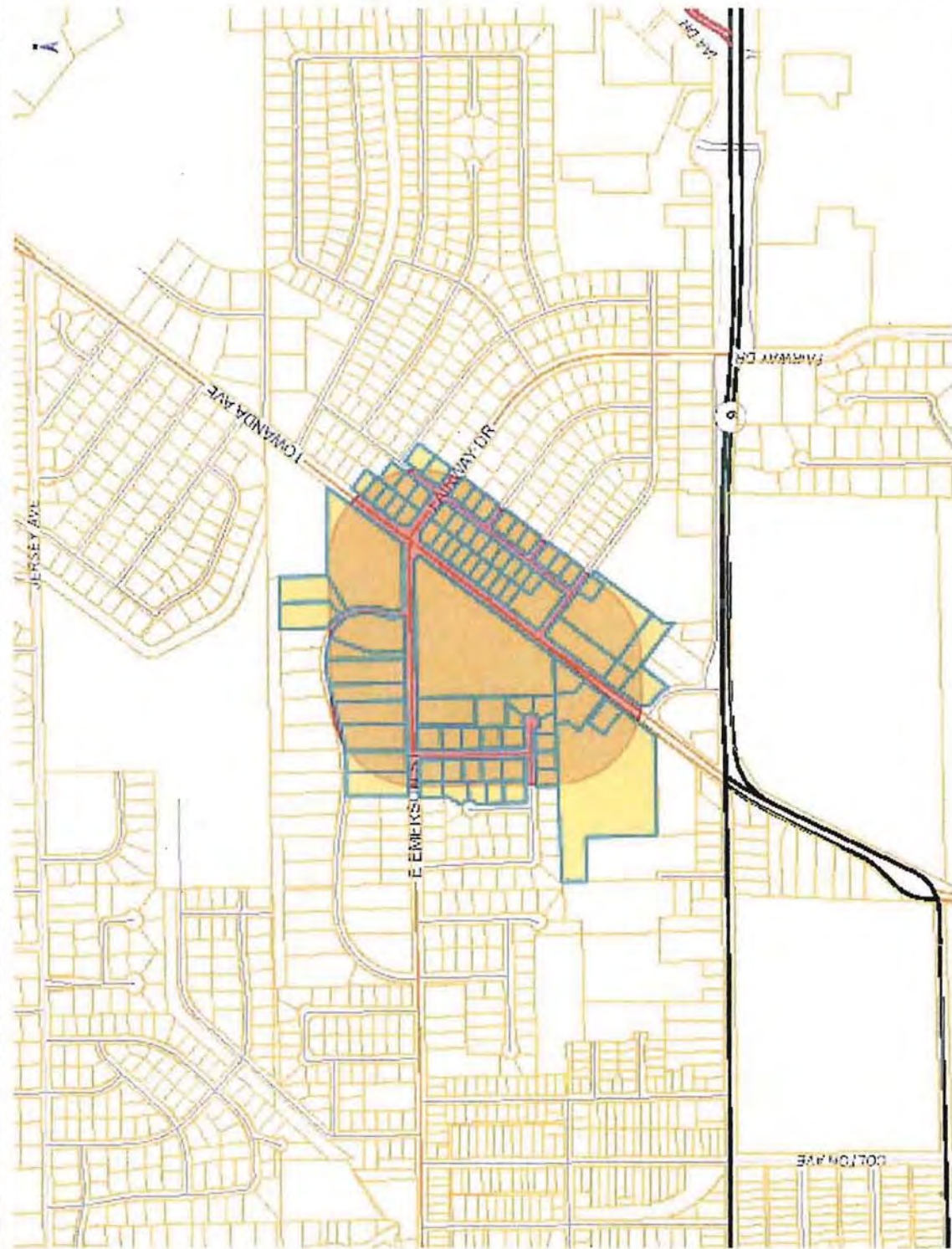


EXHIBIT 1



Notification radius for 1617 E Emerson



- Legend**
- Parcels
 - Interstates
 - US_Highways
 - State_Highways
 - County_Highways
 - Minor_Arterial
 - Major_Collector
 - Minor_Collector
 - Local_Road_Street
 - Railroad
 - County



Notes

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

0.4 Miles

0.22

1: 13,765

Printed: 10/15/2015 11:45:50 AM