



**ZONING BOARD OF APPEALS - REGULAR SESSION  
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400  
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701  
WEDNESDAY, SEPTEMBER 18, 2024, 4:00 PM**

**1. Call to Order**

**2. Roll Call**

**3. Public Comment**

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

**4. Consent Agenda**

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

- A. Review and approval of the minutes of the July 17, 2024, regular meeting of the Bloomington Zoning Board of Appeals. (Recommended Motion: Motion to accept the minutes, as presented.)

**5. Regular Agenda**

- A. **V-08-24** - Public hearing, review, and action on a request submitted by Habitat for Humanity of McLean County, for a Variance from § 44-403A of the Zoning Code, to allow a reduced front yard setback in the R-1C (Single-Family Residence) District, for the property located at 308 W. Stewart Street, PIN: 21-09-336-001. (Recommended Motion: Motion to establish findings of fact that the **standards for approval a Variance are met**, carrying out the strict letter of the Code **does create a practical difficulty** or particular hardship for the Applicant, and to **approve** of the request with no conditions.)
- B. **V-09-24** - Public hearing, review, and action on a request submitted by Ron Anderson & Donna Terven, for a Variance from § 44-908D(4)(a) of the Zoning Code, to allow an accessory structure of greater than 1,000 square feet in the R-1C (Single-Family Residence) District, for the property located at 1026 Maple Hill Road, PIN: 14-31-377-003. (Recommended Motion: Motion to establish findings of fact that the **standards for approval a Variance are met**, carrying out the strict letter of the Code **does create a practical difficulty** or particular hardship for the Applicant, and to **approve** of the request with no conditions.)
- C. **SP-04-24** - Public hearing, review, and action on a request submitted by Mayer Zahn, with owner Ramesh Alturi, for approval of a **Special Use Permit** for a Vehicle

Sales & Service Use, in the B-1 (General Commercial) District for the property located at 1513 Morrissey Drive (PIN: 21-10-453-002). *(Recommended Motion: Motion to establish findings of fact that all standards for approval of a Special Use Permit are not met, and to recommend **continuation** of the request, subject to:*

- *Submitting a revised site plan to indicate all parking spaces for vehicles for sale as well as customer parking with parking space and drive-aisle dimensions. Vehicle traffic flow throughout site should also be identified.*
- *Confirmation of ownership structure at property, including adjacent property located at 1511 Morrissey Drive. All interested parties must be acceptable to proposed use and site plan.*

)

## 6. New Business

## 7. Adjournment

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



**REGULAR AGENDA ITEM NO. 4.A.**

**FOR ZONING BOARD OF APPEALS:** September 18, 2024

**WARD IMPACTED:** City-Wide Impact

**SUBJECT:** Review and approval of the minutes of the July 17, 2024, regular meeting of the Bloomington Zoning Board of Appeals.

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

**STRATEGIC PLAN LINK:**

Goal 1. Financially Sound City Providing Quality Basic Services

**STRATEGIC PLAN SIGNIFICANCE:**

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

**BACKGROUND:** N/A

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** N/A

**FINANCIAL IMPACT:** N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham, City Planner

**ATTACHMENTS:**

[ZBA Minutes - 2024-07-17.docx](#)



**DRAFT MINUTES  
ZONING BOARD OF APPEALS - REGULAR SESSION  
WEDNESDAY, JULY 17, 2024, 4:00 PM**

The Zoning Board of Appeals convened in regular session at 4:01 PM, July 17, 2024. called the meeting to order.

**Roll Call**

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

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

**Public Comment**

No public comment was provided.

**Consent Agenda**

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

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

**Roll call.**

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

**Motion passed.**

Item 4.A. Review and approval of the minutes of the May 15, 2024, regular meeting of the Bloomington Zoning Board of Appeals.

## Regular Agenda

*The following item was presented:*

Item 5.A. V-04-24 - Public hearing, review, and action on a request submitted by Patricia Estes, for approval of a Variance to allow a reduced required Rear Yard setback for the property located at 314 Davis Avenue (PIN: 21-03-151-017).

Mr. Branham presented the staff report with a recommendation for approval of the Variance to the required Rear Yard setback. He described the property and identified the surrounding zoning and land uses. He noted the location of the proposed addition and the reasoning for the requested Variance.

Board Chair Straza opened the public hearing.

**David Armstrong (207 W. Jefferson Street, Suite 400), attorney representing the Applicant,** provided further background on the project. He agreed with staff's summary and added detail on the Variance request. He inquired if there were any additional questions.

**Scott Bolbeck (903 Monroe Drive),** stated he supported the requested Variance. He inquired about possible additional screening.

**Patricia Estes (314 Davis Street), Applicant,** stated she would be adding landscaping and fencing for privacy.

There was no further Board questions or discussion.

Board Chair Straza closed the public hearing.

**Vice Board Chair Ballantini made a motion, seconded by Board Member Harris, to establish findings of fact that the standards for approval of the Variance are met, that carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner, and to approve the Variance with no conditions.**

**Roll call.**

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

**Motion passed.**

*The following item was presented:*

Item 5.B. V-05-24 - Public hearing, review, and action on a request submitted by William Spotts, for approval of a Variance to allow a reduced required setback for an Accessory Structure for the property located at 838 W. Oakland Avenue (PIN: 21-08-226-006).

Mr. Branham presented the staff report with a recommendation for approval of the Variance to the required setback for an Accessory Structure. He described the property and identified the surrounding zoning and land uses. He noted the location of the proposed detached garage and the reasoning for the requested Variance. He stated an access and drainage easement should be required for maintenance purposes.

Board Chair Straza opened the public hearing.

**William Spotts (838 W. Oakland Avenue), Applicant**, provided further background on the project. He described the limitations for vehicular access on the property and outlined how maintenance would be performed on the structure.

There was no further Board questions or discussion.

Board Chair Straza closed the public hearing.

**Vice Board Chair Ballantini made a motion, seconded by Board Member Foley, to establish findings of fact that the standards for approval of the Variance are met, that carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner, and to approve the Variance with the condition that the Applicant secures an access and drainage easement from affected neighbors to accommodate a three-foot area surrounding the exterior façade of the garage for maintenance purposes.**

**Roll call.**

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

**Motion passed.**

*The following item was presented:*

Item 5.C. V-06-24 - Public hearing, review, and action on a request submitted by Mike Bonneville, for approval of a Variance to allow a driveway width of greater than 24 feet at the sidewalk for the property located at 1902 Wakefield Lane (PIN: 14-25-454-020).

Mr. Branham presented the staff report with a recommendation for approval of the Variance to the driveway width requirement. He described the property and identified the surrounding zoning and land uses. He noted that the Applicant recently received approval from the City Council for the driveway width located in the public right-of-way and the reasoning for the requested Variance on private property.

Board Chair Straza opened the public hearing.

The Applicant was not present.

**Charles Burrell (1906 Wakefield Lane)**, stated he was a neighbor of the property and was simply interested in understanding the details of the request.

There was no further Board questions or discussion.

Board Chair Straza closed the public hearing.

**Vice Board Chair Ballantini made a motion, seconded by Board Member Harris, to establish findings of fact that the standards for approval of the Variance are met, that carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner, and to approve the Variance with no conditions.**

**Roll call.**

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

**Motion passed.**

*The following item was presented:*

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

Mr. Branham presented the staff report with a recommendation to continue the request. He described the existing issues at the property and outlined additional items the Applicant needed to address.

Board Chair Straza stated there was not enough information to review the request at the current time and encouraged the Applicant to return with the required items.

**Board Member Foley made a motion, seconded by Vice Board Chair Ballantini, to continue the request to the next regularly scheduled meeting.**

**Roll call.**

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

**Motion passed.**

## **New Business**

There was no new business.

## **Adjournment**

**Board Member Harris made a motion, seconded by Board Member Webb, to adjourn the meeting.**

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

**Motion passed.**

The Meeting Adjourned at 4:45PM

**CITY OF BLOOMINGTON**

---

Michael Straza, Board Chair

---

Jon Branham, Staff Liaison

DRAFT

---

**TO:** ZONING BOARD OF APPEALS  
**FROM:** Economic & Community Development Department  
**DATE:** September 18, 2024  
**CASE NO:** V-08-24, Variance from § 44-403A of the Zoning Code  
**REQUEST:** Public hearing, review, and action on a request submitted by Habitat for Humanity of McLean County, for a Variance from § 44-403A of the Zoning Code, to allow a reduced front yard setback in the R-1C (Single-Family Residence) District, for the property located at 308 W. Stewart Street. PIN: 21-09-336-001.

---

### BACKGROUND

#### *Request*

The Applicant seeks a Variance from § 44-403A, the requirement of a minimum of a 25-foot front yard setback, to allow a 13-foot, 6-inch front yard setback on the west side of the property.

The Applicant desires the Variance for the construction of a new residence at the property, which is currently vacant. The proposed residence would encroach into the required front yard on the west side of the property. Since it is a corner lot, the front yard setback applies to both the north and west sides of the property.

#### *Notice*

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Tuesday, September 3, 2024. Courtesy notices were mailed to 95 property owners within 500 feet of the subject property.

### ANALYSIS

#### *Property Characteristics*

The property at 308 W. Stewart Street consists of a sub-standard zoning lot of approximately 0.09 acres (~4,200 SF) at the intersection of Stewart Street and S. Roosevelt Avenue, in the Davis Subdivision. The property is surrounded by single-family residential uses on all sides (one property is also vacant). Necessary streets and infrastructure are already existing.

#### *Surrounding Zoning and Land Uses*

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

### Description of Current Zoning District

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

### Subject Code Requirements

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

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

## STANDARDS FOR REVIEW

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

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

The property is undersized for the zoning district at approximately 4,200 square feet (~ 49.5' x 85') and located on a corner lot with increased setbacks which makes conforming new construction very challenging. In this zoning district, the setbacks would allow only a ~900 square foot house to be constructed if applied to all dimensions. This already includes relief for the front yard setback along Stewart Street as an average front yard setback along that side (10 feet rather than 25).

This lot was platted c.1900 and under today's subdivision standards would be required to provide additional width, due to the restrictive nature of accommodating traffic visibility and (Subdivision Principles of Planning, Manual of Practice). Instead, this lot is actually smaller than the interior lots on the block, having been re-subdivided sometime prior to the creation of our subdivision ordinance in 1955. In this case, the lot size combined with the required setbacks on the corner lot greatly encumber the property which held a single-family home until recently when demolition was forced due to age and condition. **Standard is met.**

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

The Variance would allow for a new residence at the property and would allow relief to the applicant to utilize the property in a similar location of a former residence, which also had a 13-foot setback

along the Roosevelt Avenue side. The request still provides for adequate setbacks from the adjacent properties to the east and south. **Standard is met.**

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

The Applicant did not create any special conditions or circumstances. The lot was created, and a former nonconforming residence was located at the property at a time when current setbacks did not apply. **Standard is met.**

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

No special privileges would be granted to the applicant under these circumstances. Several area houses were constructed without regard to current zoning setback practice in this direct area. Granting allows the Applicant to make reasonable use of their property and the continuation of the similar square footage and footprint as the former residence. **Standard is met.**

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

The granting of the Variance would not be detrimental, as the applicant is not intending to make significant changes to the property, but rather enhance it with a new residence. The view of the home from the street once the project is completed will remain similar and appropriate setbacks will be provided along the south and east sides. The proposed residence would be consistent with the scale of the rest of the neighborhood. Adjacent properties will not be prevented from reasonable use of their lands, nor will public welfare be placed at risk. **Standard is met.**

## **STAFF RECOMMENDATION**

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

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

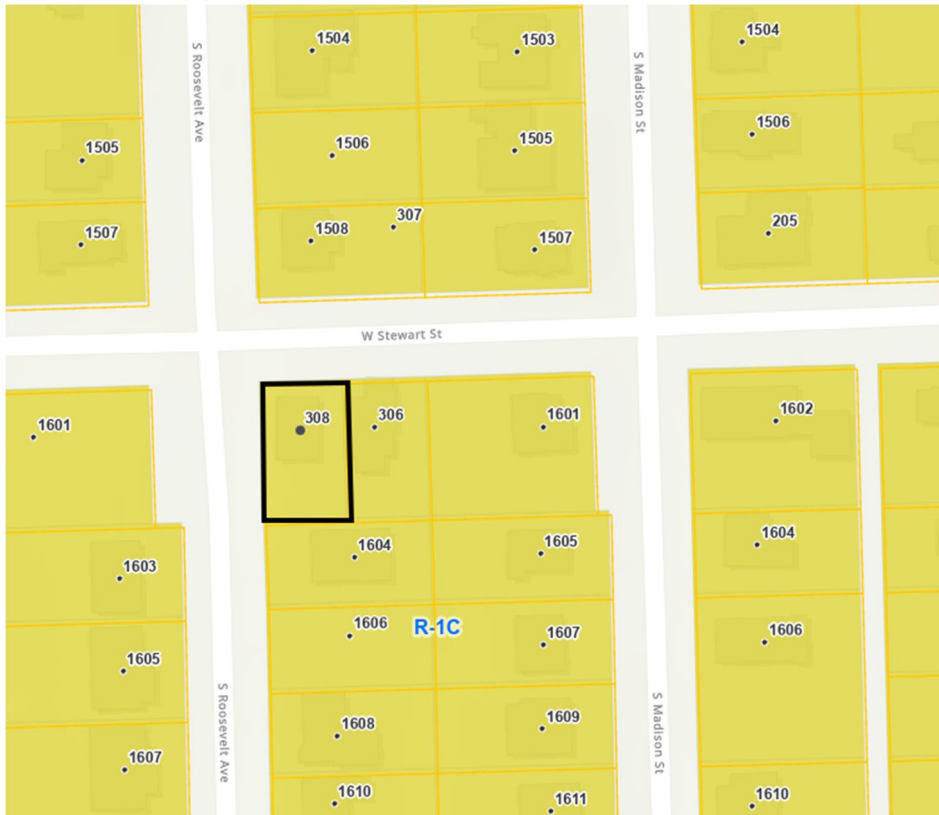
Respectfully submitted,  
Jon Branham  
City Planner

---

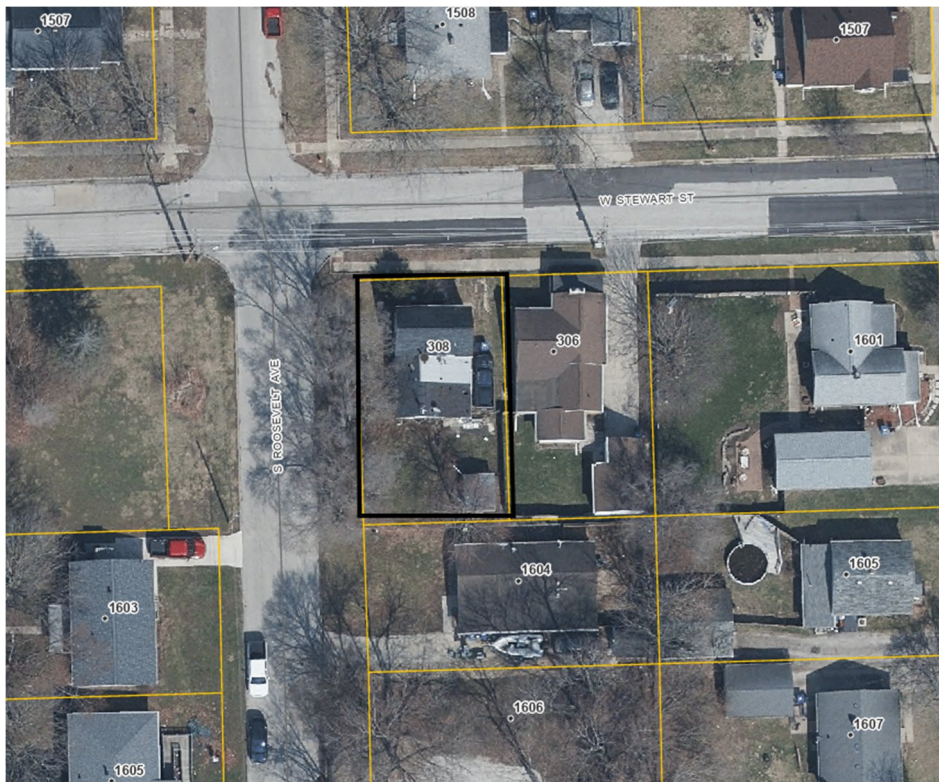
### **Attachments:**

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

## Attachment 1 - Zoning Map

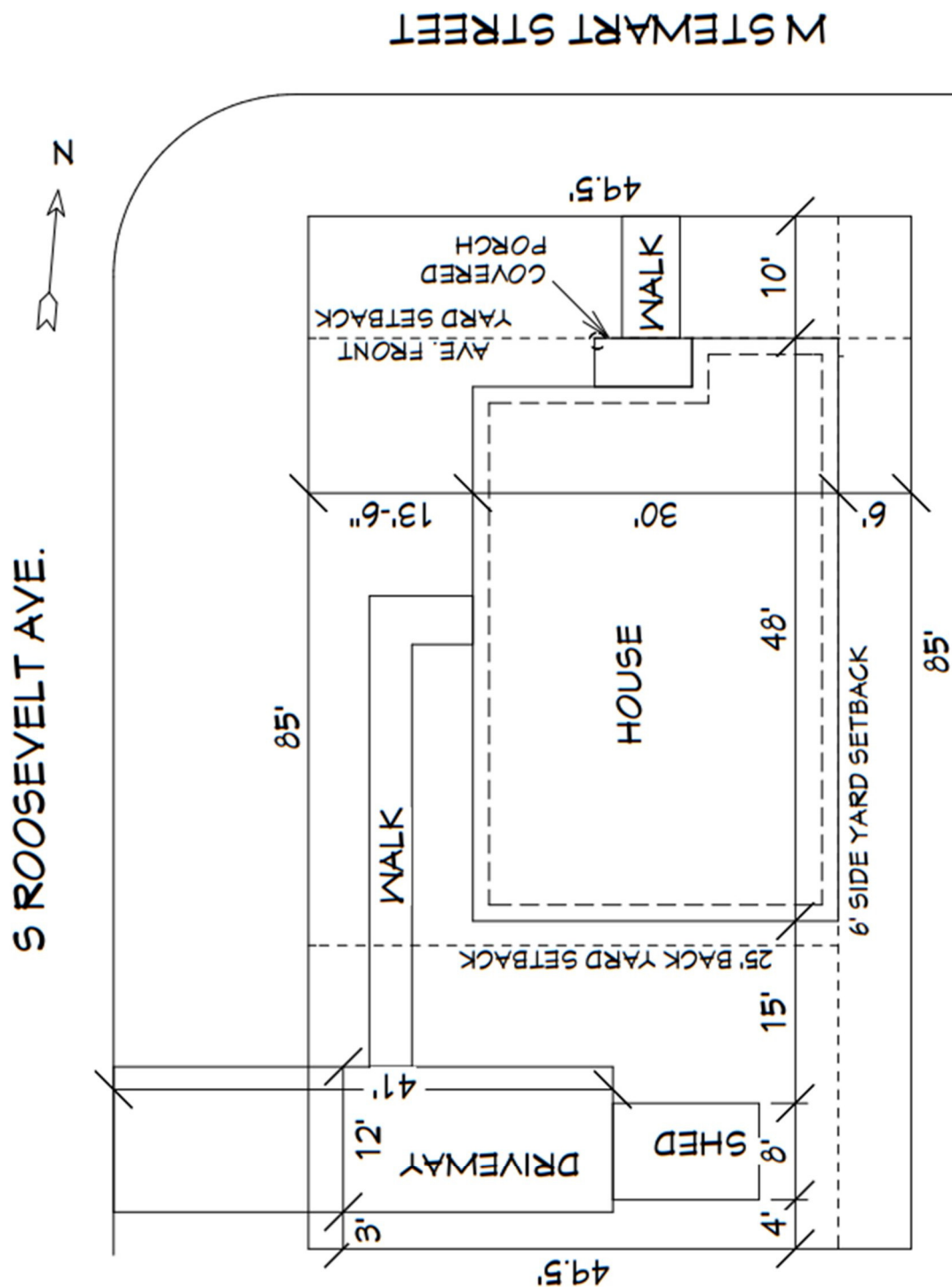


## Attachment 2 - Aerial Image

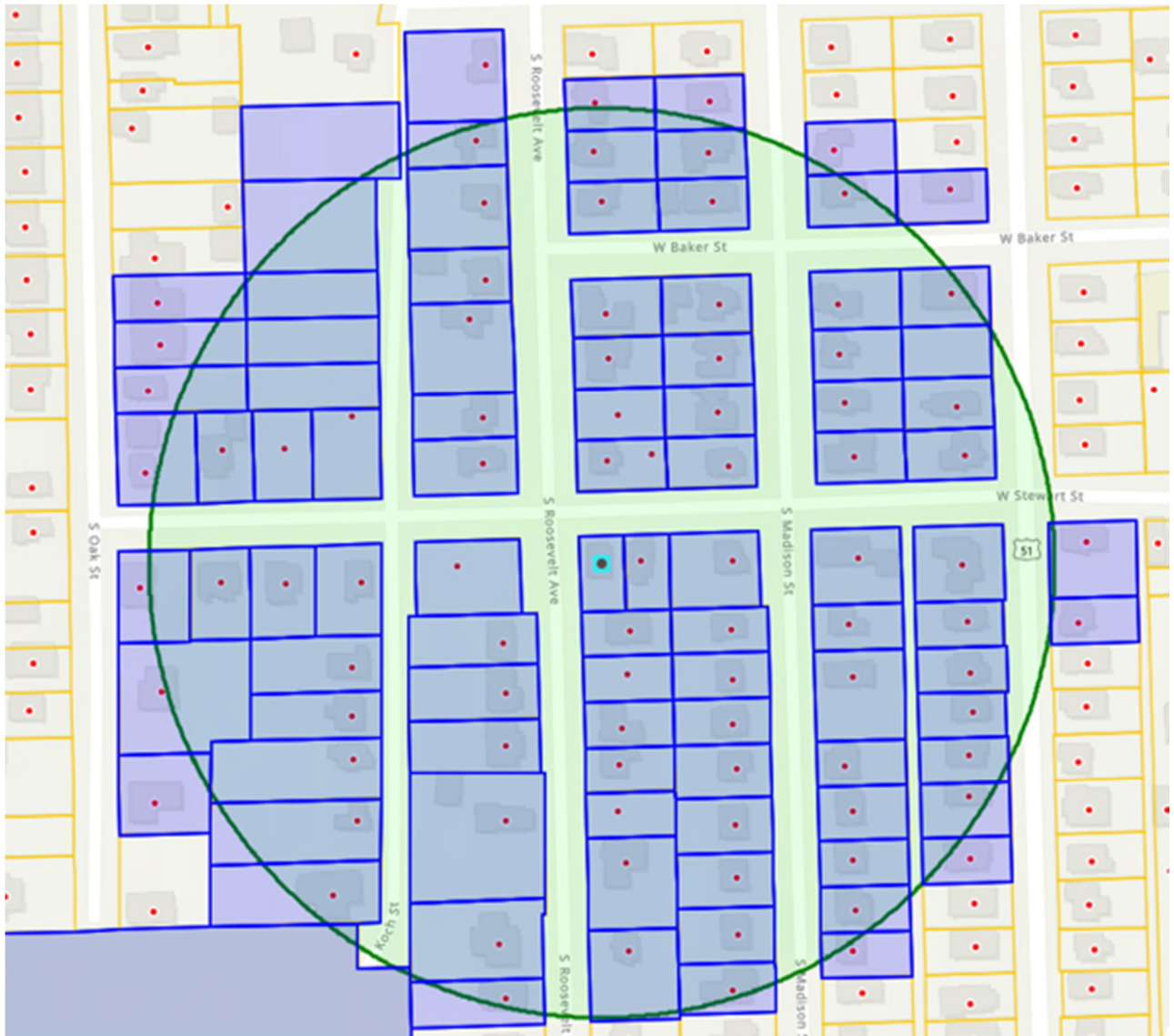


*Attachment 3 - Ground-Level View*





Attachment 5 - Neighborhood notice map





## **REGULAR AGENDA ITEM NO. 5.B.**

**FOR ZONING BOARD OF APPEALS:** September 18, 2024

**WARD IMPACTED:** Ward 7

**SUBJECT:** **V-09-24** - Public hearing, review, and action on a request submitted by Ron Anderson & Donna Terven, for a Variance from § 44-908D(4)(a) of the Zoning Code, to allow an accessory structure of greater than 1,000 square feet in the R-1C (Single-Family Residence) District, for the property located at 1026 Maple Hill Road. PIN: 14-31-377-003.

**RECOMMENDED MOTION:** Motion to establish findings of fact that the **standards for approval a Variance are met**, carrying out the strict letter of the Code **does create a practical difficulty** or particular hardship for the Applicant, and to **approve** of the request with no conditions.

**STRATEGIC PLAN LINK:**

Goal 5. Great Place - Livable, Sustainable City

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 5b. City decisions consistent with plans and policies

**BACKGROUND:** The Applicant seeks a Variance from § 44-908D(4)(a), the requirement of a maximum of 1,000 square feet for accessory structures in the subject zoning district, to allow an accessory structure of 1,350 square feet.

The Applicant desires to construct a detached garage at the property. The Applicant desires to use an existing driveway located to the side of the existing residence to provide vehicle access the garage. The Applicant intends to meet all other required yard and bulk requirements.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Notice was published in The Pantagraph on Tuesday, September 3, 2024. Courtesy notices were mailed to 11 property owners within 500 feet of the subject property.

**FINANCIAL IMPACT:** N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham, City Planner

**ATTACHMENTS:**

[V-09-24 - Staff Report - 1026 Maple Hill Rd \(2\) .docx](#)

---

**TO:** ZONING BOARD OF APPEALS  
**FROM:** Economic & Community Development Department  
**DATE:** September 18, 2024  
**CASE NO:** V-09-24, Variance from § 44-908.D of the Zoning Code  
**REQUEST:** Public hearing, review, and action on a request submitted by Ron Anderson & Donna Terven, for a Variance from § 44-908D of the Zoning Code, to allow an accessory structure of greater than 1,000 square feet in the R-1C (Single-Family Residence) District, for the property located at 1026 Maple Hill Road. PIN: 14-31-377-003.

---

### BACKGROUND

#### *Request*

The Applicant seeks a Variance from § 44-908-D-4-a, the requirement of a maximum of 1,000 square feet for accessory structures in the subject zoning district.

The Applicant desires the Variance for the construction of a 1,350 square foot detached garage at the residence. The Applicant intends to meet the three-foot rear yard setback for accessory structures as well as the 14-foot maximum height. Vehicle access to the detached garage is proposed via extending an existing driveway located along the south side of the residence.

#### *Notice*

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Tuesday, September 3, 2024. Courtesy notices were mailed to 11 property owners within 500 feet of the subject property.

### ANALYSIS

#### *Property Characteristics*

The property at 1026 Maple Hill Road consists of approximately 0.92 acres (~40,075 square feet) of land south of the intersection of Enterprise Drive and Maple Hill Road, in Sohn's Maple Hill Subdivision. The property is surrounded by single-family residential zoning and dwellings to the north and south. Vacant property is located to the east of the site and multi-family residences are located west of the site. Necessary streets and infrastructure are already existing.

#### *Surrounding Zoning and Land Uses*

| Zoning |                                | Land Uses               |
|--------|--------------------------------|-------------------------|
| North  | R-1C (Single-Family Residence) | Single-Family Residence |
| South  | R-1C (Single-Family Residence) | Single-Family Residence |
| East   | C-1 (Office)                   | Vacant                  |
| West   | B-1 (General Commercial)       | Multi-Family Residences |

### *Description of Current Zoning District*

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

### *Subject Code Requirements*

§ 44-908D(4)a. In an agricultural district or the R-1A, R-1B, R-1C, R1-H, R-2, or R-4 District, the gross floor area of an accessory building or structure shall not exceed the ground floor of the principal building or 1,000 square feet, whichever is less.

## **STANDARDS FOR REVIEW**

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

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

The subject property and most properties within the direct vicinity are much larger (40,000 square feet) than the minimum lot area for the subject zoning district (5,400 square feet) and have a greater ability to provide additional structures on the property for their benefit. ***Standard is met.***

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

The Variance would allow for the construction of a detached garage at the residence and would allow relief to the applicant to utilize the accessory structure without significantly impacting adjacent properties. The location of the proposed detached garage would essentially be within the “buildable area” of the property and would be approximately 200 feet from the rear property line. If the structure was attached to the residence, it would be permitted since it is located within the “buildable area”. Vehicular access would be provided by an existing driveway/sidewalk area located to the south of the residence, which would be extended and maintain at least three feet from the property line, so that would also be of minimal impact. Existing landscaping and fencing would also further assist with screening. ***Standard is met.***

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

The Applicant did not create any special conditions or circumstances. As previously stated, the lot area of the properties in the area are much larger than the typical R-1C District lot sizes. Several other properties in the area have larger accessory structures than the current Code allows. ***Standard is met.***

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

No special privileges would be granted to the applicant under these circumstances. Granting allows the Applicant to make continued reasonable use of their property. ***Standard is met.***

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

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

## STAFF RECOMMENDATION

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

Motion to establish findings of fact that the standards for approval a Variance are met, carrying out the strict letter of the Code **does create a practical difficulty** or particular hardship for the Applicant, and to **approve the request** for a Variance to § 44-908D, as submitted.

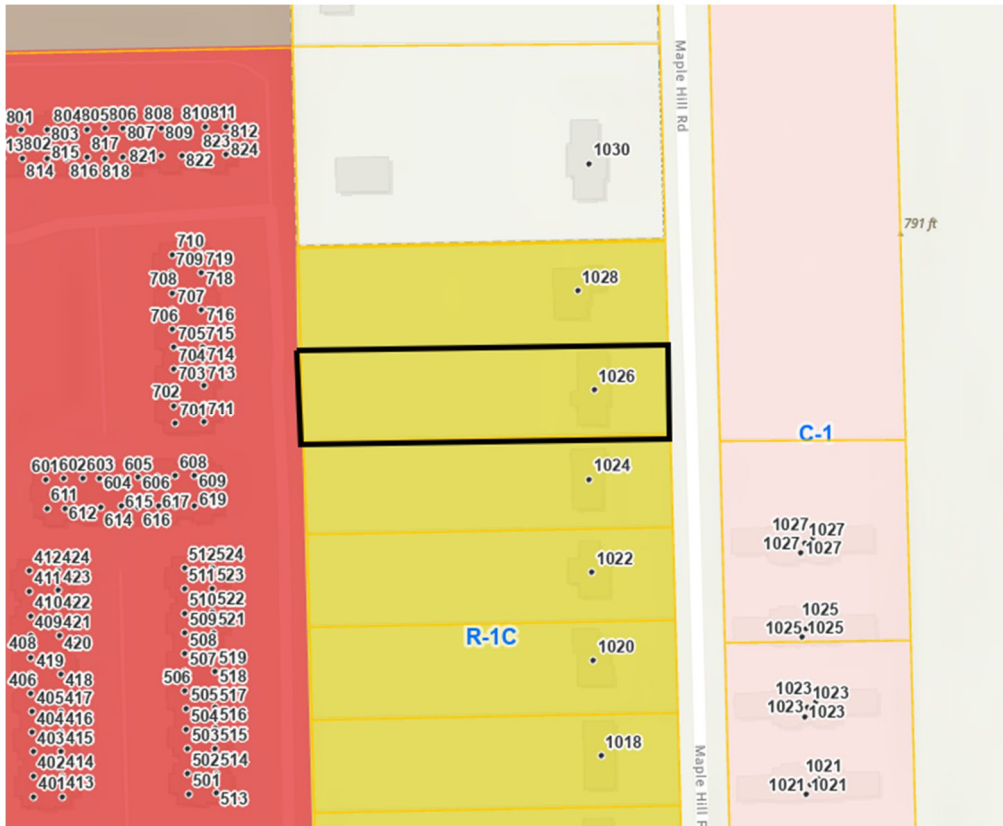
Respectfully submitted,  
Jon Branham  
City Planner

---

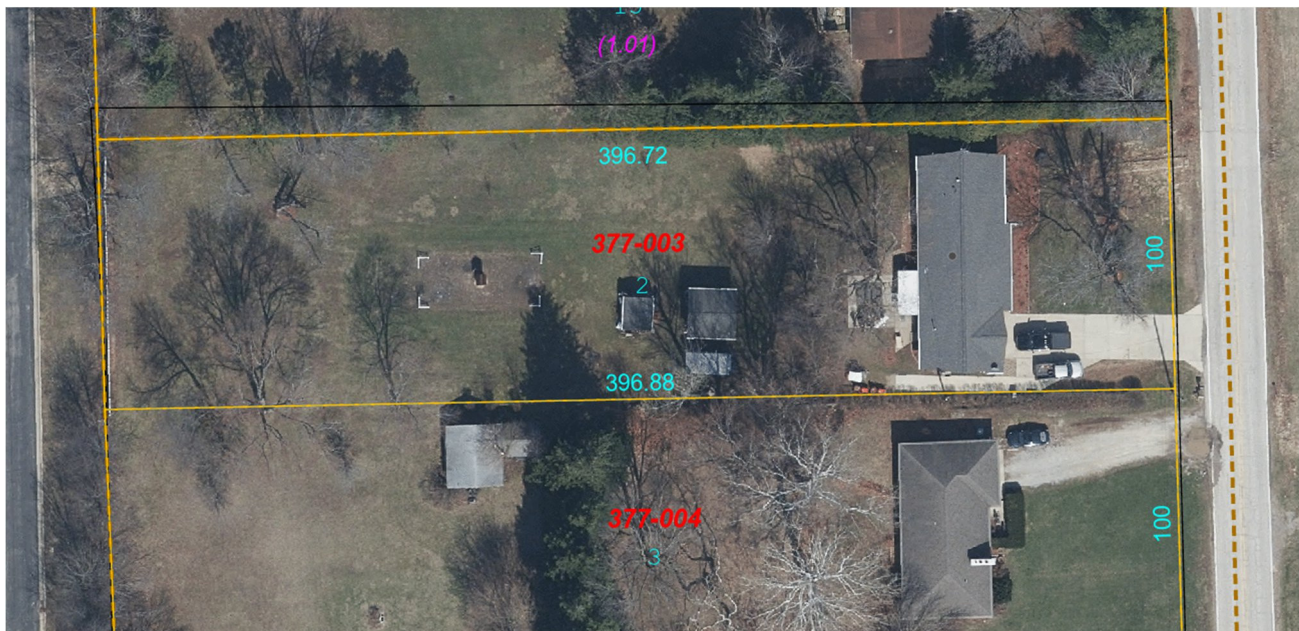
### Attachments:

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

## Attachment 1 - Zoning Map



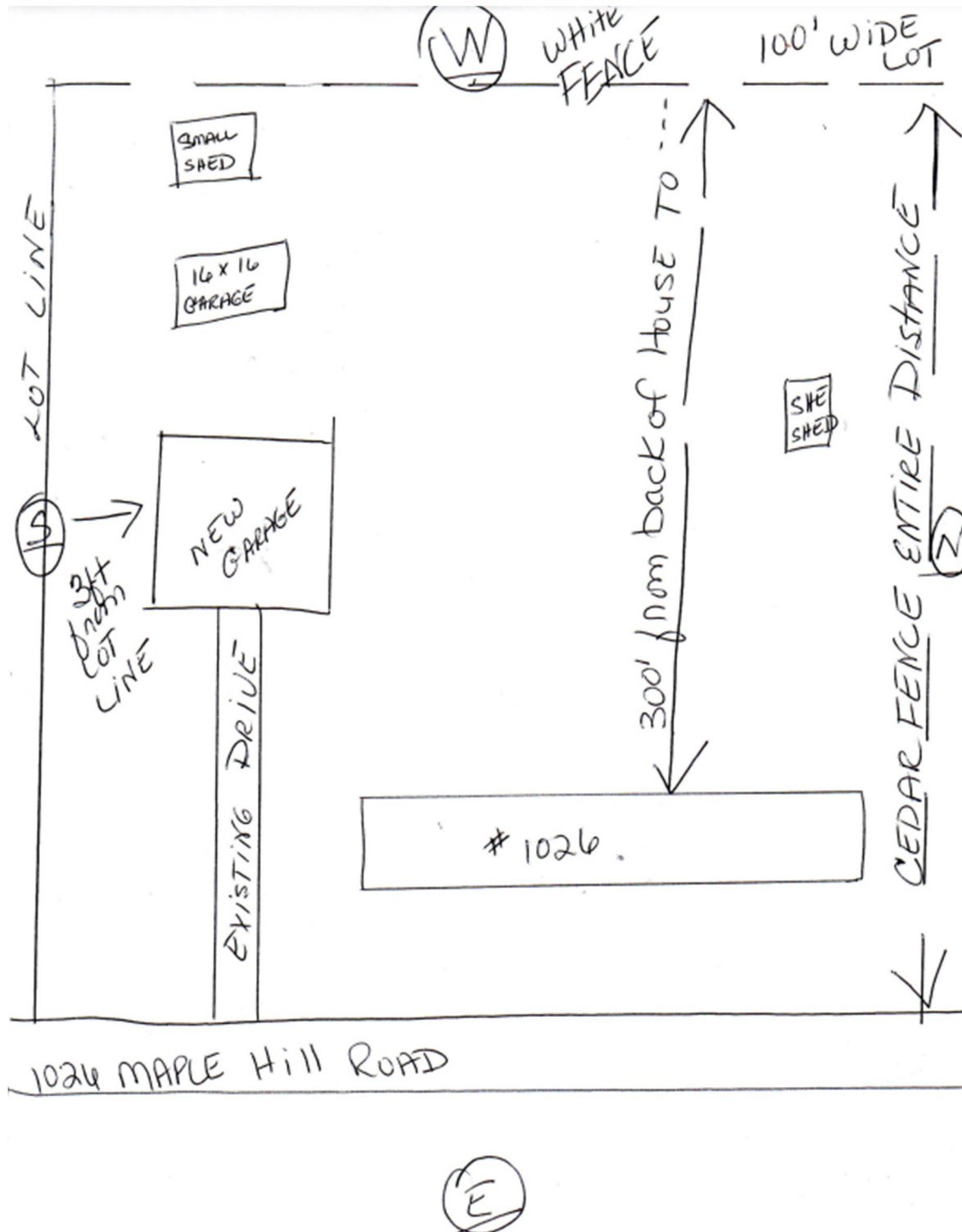
## Attachment 2 - Aerial Image



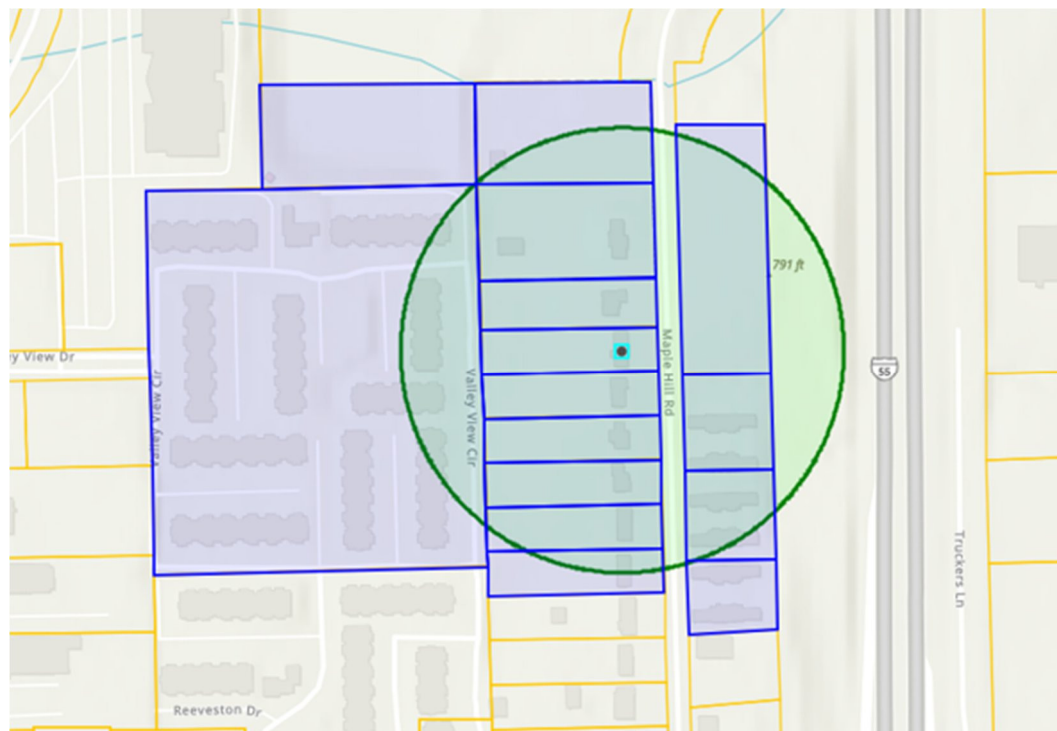
*Attachment 3 - Ground-Level View*



Attachment 4 - Site Plan



*Attachment 5 - Neighborhood notice map*





## **REGULAR AGENDA ITEM NO. 5.C.**

**FOR ZONING BOARD OF APPEALS:** September 18, 2024

**WARD IMPACTED:** Ward 1

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

**RECOMMENDED MOTION:** Motion to establish findings of fact that all standards for approval of a Special Use Permit are not met, and to recommend **continuation** of the request, subject to:

- Submitting a revised site plan to indicate all parking spaces for vehicles for sale as well as customer parking with parking space and drive-aisle dimensions. Vehicle traffic flow throughout site should also be identified.
- Confirmation of ownership structure at property, including adjacent property located at 1511 Morrissey Drive. All interested parties must be acceptable to proposed use and site plan.

**STRATEGIC PLAN LINK:**

Goal 5. Great Place - Livable, Sustainable City

Goal 3. Grow the Local Economy

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 5b. City decisions consistent with plans and policies

Objective 3a. Retention and growth of current local businesses

**BACKGROUND:** This item was continued from the July 17, 2024 meeting. Additional information, including an updated site plan and confirmation of ownership structure at the property was requested, and has not been completely verified.

The Applicant seeks a Special Use Permit to allow a Vehicle Sales & Service Use in the B-1 (General Commercial) District, per § 44-502B.

- The Applicant proposes to occupy a former Vehicle Fueling Station use into a Vehicle Sales & Service Use.
- Vehicular access will be provided via an existing curb(s) cut along Morrissey Drive.
- No exterior modifications to the property are proposed.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Notice was published in The Pantagraph on Monday, July 11, 2024. Courtesy notices were mailed to 13 property owners within 500 feet of the subject property. No additional notice is required, as this case was continued to a date-certain.

**FINANCIAL IMPACT:** Growth of local tax base.

Respectfully submitted for consideration.

Prepared by: Jon Branham, City Planner