AGENDA
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, AUGUST 19, 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 July 15, 2015 meeting.

5. REGULAR AGENDA

A. 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. (Ward 5).

B. 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.

6. **OTHER BUSINESS**

7. **NEW BUSINESS**

8. **ADJOURNMENT**

MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, JULY 15, 2015, 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE ST., BLOOMINGTON, IL

Members present:	Mr. Ireland, Mr. Briggs, Mr. Kearney (arrived at 5:03), Mr. Simeone, Mr. Zimmerman
Members absent:	Ms. Meek
Also present:	Mr. Tom Dabareiner, Community Development Director Mr. George Boyle, Assistant Corporation Counsel Mr. Kevin Kothe, City Engineer Mr. Mark Woolard, City Planner

Mr. Woolard called the meeting to order at 4:03 p.m. and called the roll. A quorum was present.

PUBLIC COMMENT: None

The Board reviewed the minutes from June 17, 2015 and accepted the minutes as printed.

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

REGULAR AGENDA:
SP-02-15 Public Hearing and Review on the petition submitted by HL Bloomington, LLC and CIP, LLC requesting approval of a special use permit for multiple-family dwellings for the property located at 1021, 1025, 1031, 1037 and 1041 Ekstam Dr. Zoned B-1, Highway Business District.

Chairman Ireland introduced the case and explained it is a continuance from the previous meeting. Mr. Dabareiner and Mr. Boyle suggested the Board wait until Mr. Kearney arrives. Chairman Ireland stated that since they are only advisory and that there is a quorum that we will begin.

Chairman Ireland asked for the findings of the traffic study. Neil Finlen, Farnsworth Group, 2709 McGraw Dr., was sworn in at the previous meeting. He stated he would like to give an overview of the project and these are related to traffic. He said they intend to provide a playground to prevent children from going back and forth across Ekstam to other playground areas. The construction traffic would be done sequentially with the buildings to reduce congestion. They do not see a need to close Ekstam. The street capacity is in line with the land use. The land use steps down the intensity from the single-family uses, condominiums and then to the commercial uses. He said the average daily traffic counts on Ekstam were done for what is there now and in addition projected what this development would produce. Twenty percent was added to account for not being in the school period. They worked with Unit 5 to know what buses came in that area. He said with a street capacity at 12,000 vehicles per day, we are at about 2,800 on Ekstam. They also looked it as at a local street with a capacity at 5,000 vehicles per day

and they would still be well below the capacity for a local or collector street. The developer is fine with eliminating parking on the east side of Ekstam. This will not impede the visibility. It will make Ekstam more of collector than a local street.

Mr. Finlen explained the traffic counts at the three intersections at Route 9, Haeffele, Gerig and at the Ekstam curve. They were well within their capacity even with the same projections. They also assumed that all of the traffic would come to Route 9 even though some would not. The counts were done at the peaks.

Ms. Kathryn Schmitt, 1803 Myra Ridge Ct. Urbana, was sworn in. She stated 20 percent is to be added to the ADT received from the counter of 2,800. The apartment numbers were added which was about 40 cars. This is a picture for the worst case scenario. She explained the difference between a collector and local street and if you classify the street either way it is still well within its capacity. If cars parked on the street the traffic tends to be slower yet visibility for darting kids decreases. Without parked cars on the street there is good visibility yet the traffic tends to go faster. She explained the intersection studies and the queuing. The study showed there is not major queuing problems. The intersections are at a level of service of C up to and A and well within capacity. Mr. Zimmerman stated he has been out there and never seen a substantial problem. Ms. Schmitt stated the peak times of the roadway is not the same for the school buses. They used 20 percent for the school time addition even it may only be between 10 to 20 percent.

Mr. Finlen stated the traffic at the Buffalo Wild Wings intersection was never intended to create a C level of service. People hop the median and it was never the intent. If there is a problem it should be fixed. It would not be fair for this to impact this development review since the apartments are some distance away. The numbers and projections show the intersections function very well and may with a tweak at the Buffalo Wild Wings function a little better.

Mr. Hundman was previously sworn in. He stated if there was three bedrooms there would be less two or one bedrooms but the developer has not made that determination. They understand that they will have to live with the number of units that they have committed to. They are beyond the required amount of parking spaces by the code.

Mr. Finlen stated the Deneen family is willing to dedicate right-of-way for a temporary path. A permanent path would damage a pipe. He thought the park dedication fee could be used and maybe a mulch trail could be put in. Mr. Kothe stated a temporary trail would have to accommodate the drainage and with weather as in the last month it would wash it out. The city does not have resources to build a temporary trail and then try to maintain it. Mulch is not good for all users. A temporary trail would be destroyed when a road is built and it is not realistic at this time. There was discussion on running the street through, who bears the cost and if it should be tied to this development. Mr. Kothe stated there now is parkland on Pamela Drive.

Mr. Briggs asked about the percentage of school age children in the apartments. Mr. Finlen stated they do not know. He said when they worked for the development on the west side of Ekstam, there were not many children there. The people were often gone on the weekends.

Mr. Bugg was previously sworn in. He said he represents the developers and they had tried this before. His clients listened and have done what they needed to show this is a good project. They reduced the footprint, the number of units and looked at ways to deal with parking. They provide

the required parking by code and everything before the Board is well within the code. He said it is not fair to present standards that are not in the code and to say you cannot do this until there is a direct route to the park, all of the traffic problems at the corner by Buffalo Wild Wings are solved. There was a concern about traffic and they did a study and it is not even close to a problem. He said it is about his client's right to do the things that the code allows. Multi-family has already been done across the street and this is in keeping with what has been done and stepping the use down. He hopes these hearings do not become a cheering contest. It is about the rules, laws, and what is fair and right which is to allow the special use.

Renarda Dumas was previously sworn in. She stated this is in their back yard. It is the last piece of land for a park or something sufficient for their children. She asked if this is just a way to sell the land or is it really a need for the city and neighborhood. The other apartments are not 100 percent utilized and if these are also like that we will have a problem. If it is something that they want out of the property would there be some time for neighbors to come up with money to buy the land. The proposed park is small and on the other side of the apartment where they cannot see the kids. What happens when the apartment numbers dwindle? They have nowhere for the kids to play. They can drive to the park but cannot ride the bikes to the park. If she does not get out quickly to the bus stop she is stuck behind the buses. There is a bottleneck. The traffic has gotten heavier since the apartments have been built. She asked what would be offered for the other park by Sapphire Lake. The sidewalk up there is not complete. The numbers will be more than 20 percent. Kids do dart in and out and they do speed. Some do not have parking for their quests. She does not want to move and to put her son in another school. He mother-in-law from Alabama said we do not need any more apartments. Ms. Dumas said she hopes they will do something for the property owners and people who live there. It would be detrimental to remove the on-street parking.

William Shelton was previously sworn in. He stated according to Unit 5, in the open district 30 students in the apartments are bussed to Glen Elementary, 30 to Colene Hoose, 16 to North Pointe plus 82 from their subdivision. Adding more apartments will add students to the open district. There are almost 200 elementary students and for junior high there will also be a problem. The busses come from Pamela and exit through Haeffele.

Brantley Dumas, 1102 Ekstam Dr. #1, was sworn in. He stated the school has open enrollment because the students were for Benjamin which became overcrowded. He said they put them in open enrollment because they had the most children in one particular area. They would divide the children for different schools. Children who live Adjacent to each other could go to different schools. Additional children could lead to a change in schools. The bus stop has congested every morning. The traffic is very fast even with the parked cars. Adding more cars will add to the problem. For them it is about the neighborhood, the people who live there and their quality of life. They were told ten years that there would be access to McGraw Park.

Mr. Shelton stated the families with a single child would get moved around verses those with two children.

Peggy DeHaven was previously sworn in. She asked if the additional apartments can handle the additional water and sewer. She said the count was done over a holiday week and not accurate. There were no sporting events at that time. There are Friday nights when Buffalo Wild Wings is full at 5:00. There was a time when they were going to make two lanes off Route 9 and if it was

that congested will not the additional apartments make it worse. With the existing apartments not being full there are a 100 plus cars that are not being taken in to account. With summer vacation and the apartments not being full she said she does not see how the counts can be accurate. She asked what is the justification for additional apartments when employers are not increasing their work force. Avanti's traffic will have to come out to Gerig and cause further congestion. Ekstam is a short road to handle 3,000 plus cars a day. The existing apartments have just a small area to play with not much to play on. They are playing in the parking lots. The kids could be playing across the street. She said we were told there was too much traffic to add a median and yet this would add more. The Pamela Park may not ever get done. She asked why it should be their problem when we purchased the land knowing it was zoned B-1 and would be for business. She does not want to deal with the busses and has to leave early or wait to later.

Ms. Dumas stated she would want the developer to give the residents some time to purchase the land and know that they are serious.

Mr. Woolard stated the difference between subject site and the land on the south side of the airport is that this land for the apartments is not owned by the airport where the other land is airport property.

Mr. Briggs stated the FAA is requiring the airport to remove the soccer fields on the south side of the airport. He explained his research shows that athletic areas in an emergency situation have a chance of direct impact. High density is also inappropriate in those flight path areas. He said the FAA is very concerned about that and accidents do happen. He said the instruments do fail. He is concerned that we are putting a high density development in an area that we should not. There will be more air traffic over the next 20 years. His other concern is we would exasperate the school situation.

Mr. Bugg stated he thinks we have got way off track. This is a zoning and a land use question and the plane and schools are not an appropriate discussion. It is not the petitioner's job to show that there are not going to be any school problems, plane crashes and natural disasters but to comply with the zoning code which we have. He said it is only 68 units. He said this is all imagined problems. It is important to get to what we have presented and have to approve.

Mr. Briggs stated the finding of fact for the special use is not to be detrimental, or endanger the public health, safety, comfort and general welfare. He said these fall into that finding of fact.

Mr. Bugg said he disagrees with it being code related. The Broadmoor crash is not even close to the site. It is outside the standards for the committee.

Chairman asked about the occupancy rate. Mr. Bugg said his clients would not bring it forward if they did not think it was financially viable. They are hoping for 80 -90 percent and as high as possible. He said they have not been approached to purchase the property but they would entertain a reasonable offer. They are not in the business of providing a community park.

Mr. Kearney explained we have to review the project for the finding of facts. The issues discussed are pretty close to the general welfare. Mr. Bugg stated one cannot just pick whatever issue one wants and say it fits into that code's category. He does not believe it is the code's

structure to say that unless the school district fixes their issue you cannot have the special use. He does not think we should torture the code and say it is all about public welfare and safety.

Mr. Kothe said the capacity is there for water and sewer.

Mr. Finlen said they have tried to facilitate the connection to McGraw Park but staff has indicated that a temporary path would not be able to be used by roller bladers, strollers and similar users. There would be a need for a drainage structure. It did not look as if would be feasible. Parks and Recreation thought it would be better for a permanent path. It will be on the table in the future. He said the airport authority and the FAA have full knowledge of these projects. They are the experts and they say okay. He said they use flight patterns which are better for determinations than crash areas but the truth be told the planes could drop out of anywhere. It is a sad situation and we cannot get out of where they might fall.

Mr. Briggs said he brings it up because Minnesota Transportation is discouraging those situations. He said everything else you have done to accommodate the neighborhood is good. Schools is still an issue but the air traffic is his concern. He said there needs to be dialogue between the schools and the commissions.

Mr. Woolard stated staff has recommended approval conditioned upon the traffic study being provided with verification the traffic volume was acceptable and that has been provided. The standards need to be used in the review.

Mr. Simeone asked for clarification on the general standards for a special use as it applies to general welfare and safety. Mr. Dabareiner stated the standards need to be applied in terms of the immediate neighborhood. There are children in the immediate neighborhood already. School policies are not one of the standards. They can be changed and are completely irrelevant. It is based on what is in the neighborhood and in the district. In the B-1 we can have taverns, restaurants, and all kinds of other things that are allowed without seeing any of you and without a special use. Compared to those apartments are not that impactful. The courts require that we need to make these within the immediate neighborhood, are there similar uses and if children are a concern are there other children in the area. The issues of public health are addressed because it is already there. He explained you do not base the vote only on the general welfare because it is too broad but on the district and what can be found in the B-1 district.

Chairman Ireland explained that this is an advisory vote and the Council makes the decision. He said we appreciate everyone's testimony.

Mr. Kearney invited anyone to put on the record if there was an objection to him voting as he missed the hour of testimony. He did participate in the 2.5 hour hearing last month and did hear 75 minutes today so he personally feels informed enough to vote. But he did want to give anyone the opportunity to object to him voting based on him missing the hour. No one objected.

Mr. Kearney prefaced his vote by stating that all of the testimony he heard is in fact relevant. It may be the case that the standards are vague and he does not know if they are unconstitutionally vague. Nevertheless we are to weigh whether a special use is detrimental or will endanger public health, safety, comfort and general welfare and that is the job we are tasked to. He does not think it is appropriate to rewrite the code but it is our job to simply to do the best we can given the

language that we are given. Much of this if not the entirety is at the feet of the city. He does not fault the developer for the half-built roads, all of the other school issues and a growingly unpleasant area in which to try to raise a family. He has great concerns that there does not seem to be any plan and it is the city's job to either finish roads or not, finish park access or not, and help out. He wanted the developer to do, since the last meeting, what he can do. He cannot create a plan for the area even though it is needed. What he asked him to do was to try very hard to ease one problem that seemed under its control and to work with the nearby property owners to see if we can get these kids to the park. He did that and it was a real good example of good faith on the petitioner's part. He does not blame the petitioner for all of the other problems that are appropriately laid at the feet of the city. So because they answered the job he gave them and the concern that he had thought was in their control and they exercised good faith, his vote is yes.

Mr. Briggs prefaced his vote by stating the petitioner has done an excellent job trying to accommodate concerns from previous cases to this case but for the issues with the soccer field, the high density use and the airport, the City Council needs to take a closer look. He is voting no.

Chairman Ireland said one thing that was offered that still might be something that both sides can consider is the idea that they are working on a plan to get together with the developer. That may shed new light on things and wants to encourage that.

The vote on variance was approved with thee (3) voting in favor and two (2) against with the following votes being cast on roll call: Mr. Simeone--No; Mr. Kearney--Yes; Mr. Zimmerman--Yes; Mr. Briggs--No; Mr. Ireland—Yes.

Chairman Ireland stated the recommendation is that this should go forward but concerns have been expressed with not just public safety but with city planning and development which only the City Council can address.

Chairman Ireland thanked everyone for attending.

OTHER BUSINESS:
Any Other Business to Come Before the Board: None

NEW BUSINESS: None

ADJOURNMENT: 6:23 p.m.

Respectfully;

Mark Woolard

CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
AUGUST 19, 2015

SUBJECT:	TYPE:	SUBMITTED BY:
Z-04-15 2 Sunset Road	Variation to Allow a One Car Garage Addition and a Covered Deck Addition in Rear Yard	Mark Woolard City Planner

REQUEST
The petitioner is seeking variations from Section 44.6-40 of the Zoning Ordinance to allow a one car garage addition and a covered deck addition in the rear yard of a single-family residence.

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

GENERAL INFORMATION
Applicant: BJ Armstrong, Inc.

PROPERTY INFORMATION

Existing Zoning:	R-1A, Single-Family Residence District
Existing Land Use:	Single-Family Residence
Property Size:	18,774 square feet (0.431 acres)
PIN:	14-34-329-025

Surrounding Zoning and Land Uses

Zoning	Land Uses
North: R-1A, Single-Family Residence District	North: Single-Family Residence
South: R-1A, R-1B, Single-Family Residence District	South: Single-Family Residence
East: R-1A, Single-Family Residence District	East: Single-Family Residence
West: R-1B, Single-Family Residence District	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 Variance
2. Site Plan
3. Photographs
4. Aerial photograph

PROJECT DESCRIPTION

The subject site is commonly known as 2 Sunset Road and is located at the northwest corner of Emerson Street and Sunset Road. It is currently zoned R-1A, Single-Family Residence District. It has an existing single-family residence.

The property has an existing garage attached to the residence. The petitioner proposes to construct an additional one car garage space that will be attached to the south end of the existing garage. The petitioner also seeks to construct an addition in the form of a covered deck attached to the rear of the house.

The following is a summary of the requested variations:

Applicable Code Sections:

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

Type of Variance	Request	Current Requirement	Prior Requirement	Variation
Rear Yard for Garage	28' 6"	40	30'	1' 6"
Rear Yard for Covered Deck	18' 4"	40	30'	11' 8"

Analysis

Variations from Zoning Ordinance, Setback Variations

The petitioner's lot has a pie shape which narrows sharply to the southern portion of the site. It is also on a curve. Most nearby residences are on much larger rectangular lots. The combination of these unusual characteristics of the property makes it difficult for the types of additions that are the norm in the neighborhood and in the zoning district. These additions are not unusually large for the Sunset Road neighborhood. Many of the other nearby properties have three car garages and the proposal will be in line with those garages. The covered deck is 168 square feet and again is not unusually large for this neighborhood.

Based on the analysis and the findings of fact, staff supports the request for the variations.

FINDINGS OF FACT

The petitioner has outlined the request for variations in the attached application. 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 unusual shaped lot on a curve presents an unreasonable challenge for the additions and for strict adherence to the code.

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

The requested variations are the minimal needed to construct a reasonable sized covered deck and third car garage in this neighborhood.

That the special conditions and circumstances were not created by any action of the applicant; and
The applicant did not create the unusually shaped lot nor did he place it on a curve which creates the difficulty for the expansion.

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 variations will not give the applicant a special privilege because other properties in the neighborhood also have similar sized residences and garages.

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 variations will not be detrimental to the essential character of the neighborhood because other nearby residences have similar sized structures.

STAFF RECOMMENDATION:
Staff finds that the petition has demonstrated that there is a physical hardship with this property warranting approval of the variations and the approval will not grant a special privilege. Based on the above analysis and the standards for granting the variations being met as required by the Zoning Ordinance, staff recommends approval of the requested variations in Case Z-04-15.

Respectfully submitted,

Mark Woolard
City Planner

JUL 2 4 2015

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: 2 SUNSET ROAD

Site Address:

Petitioner: BJ ARMSTRONG, INC. Phone: (309) 663-2045

Petitioner's Email Address: BRYAN@BJARMSTRONG.COM

Petitioner's Mailing Address Street: 2401 E. EMPIRE, STE B

City, State, Zip Code: BLOOMINGTON, IL 61704

Contractual interest in the property X yes ____ no

Signature of Applicant BRYAN BORNDER
BJ ARMSTRONG, INC.

Brief Project Description:

1.) ONE CAR GARAGE ADDITION

2.) COVERED DECK ADDITION

Code Requirements Involved:

REAR YARD SETBACK REQUIREMENT

Variances(s) Requested:

ADJUST REAR YARD SETBACK TO ALLOW FOR GARAGE ADDITION & COVERED DECK ADDITION AS SHOWN ON PLAN.

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.

ABSENCE OF 3RD CAR GARAGE & COVERED OUTDOOR SPACE DEVALUES THE PROPERTY IN THIS SUBDIVISION.

UNIQUE SHAPE & SMALL SIZE OF THE PROPERTY LIMITS THE OPTIONS OF ADDING THE GARAGE & COVERED DECK.

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

   THE PROPERTY IS UNIQUE IN SHAPE AND SMALL IN SIZE, LIMITING THE BUILDING ENVELOPE CAPABILITIES

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

   THE EXISTING HOUSE SITS ON THE REAR YARD SETBACK LINE, MEANING ANY ADDITION WOULD ENCROACH ON THE REAR YARD SETBACK

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

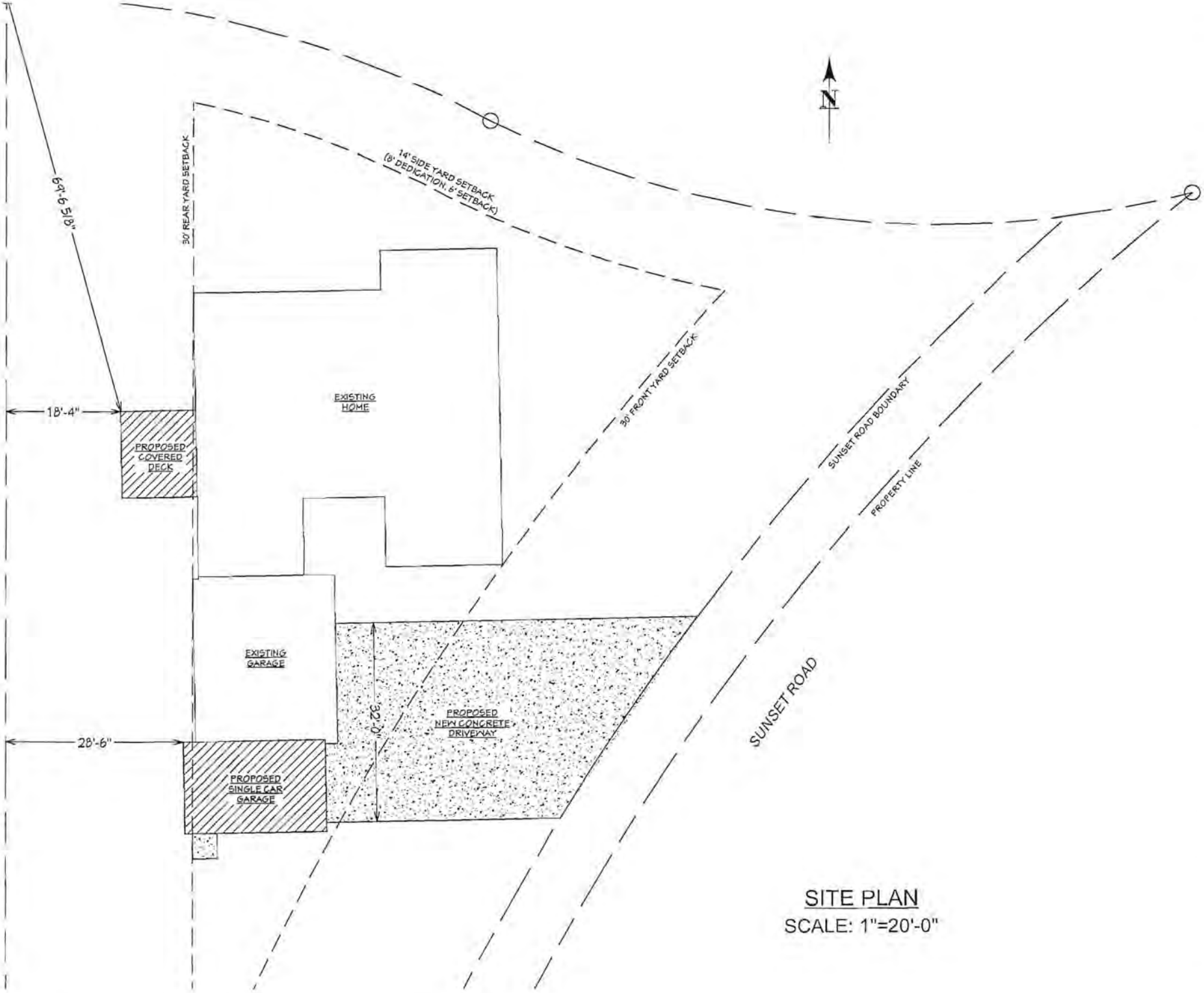
   THE SETBACK REQUIREMENTS AND EXISTING STRUCTURE WERE ALREADY IN PLACE

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

   NO SIMILAR PROPERTY AS FAR AS SHAPE & SIZE, THEREFORE NO SPECIAL PRIVILEGE

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.

   PROPOSE ADDITION WILL MATCH THE CHARACTER OF THE EXISTING STRUCTURE. MAJORITY OF OTHER NEIGHBORHOOD RESIDENCES ALREADY HAVE 3-CAR GARAGES



SITE PLAN

SCALE: 1"=20'-0"

7/3/2015
7/9/2015
7/10/2015
7/14/2015
-
-

Proposed Remodel For:
Caldwell Residence
2 Sunset Road
Bloomington, IL 61701

2401 E. Empire, Suite B
Bloomington, IL 61704
(309) 663-2045
www.BJArmstrong.com

SCALE: 1"=20'-0"

DRAWN BY: BB

DATE: 6/29/2015

DRAWING OF: Site Plan

SHEET: A-5

DWG FILE: 2 Sunset

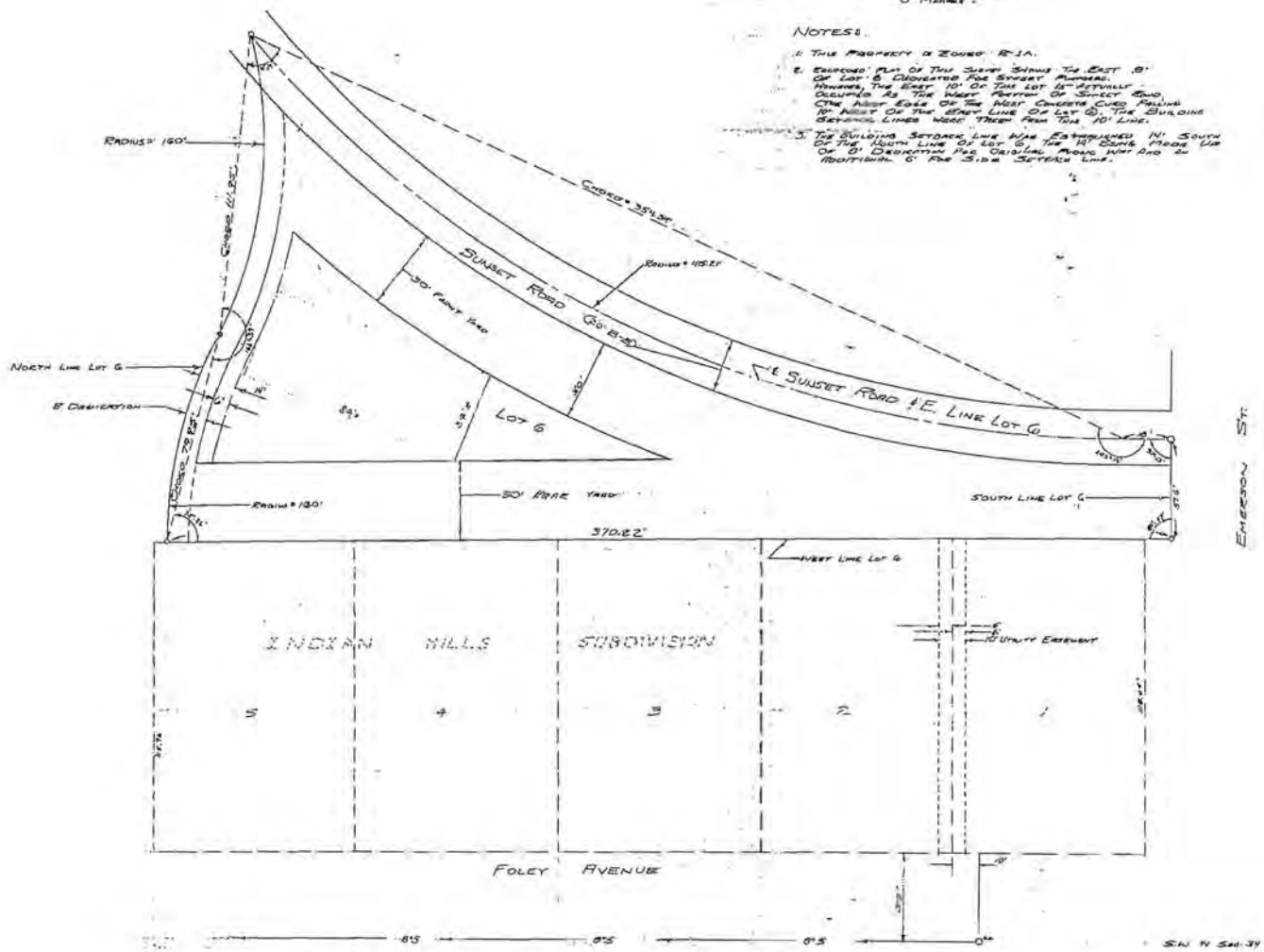
SCALE: 1"=20

LEGEND

- 1" Iron Pipe
- 5/8" Iron Rod
- Railroad Spike
- Building Setback Line
- 8" Sanitary Sewer
- Manhole

NOTES:

1. This Property is Zoned R-1A.
2. Enclosed Plat of This Survey Shows The East 8' Of Lot 6 Dedicated For Street Purposes. However, The East 10' Of The Lot Is Actually Occupied As The West Portion Of Sunset Road. The West Edge Of The West Concrete Curb Falling 10' West Of The Street Line Of Lot 6. The Building Setback Lines Were Taken From The 10' Line.
3. The Building Setback Line Was Extrapolated 14' South Of The North Line Of Lot 6. The 14' Bump Made Up Of 8' Dedication For Original Roadway West And An Additional 6' For Side Setback Line.



S.W. ¼ Sec. 39 T.24 N. R.2E. 3rd P.M.

I hereby certify that this is a true plat of a survey made for the Harel R. Ewing Estate of the following described property:

Lot 6 in Ewing & Evans Subdivision in the City of Bloomington, McLean County, Illinois.

FARNSWORTH & WYLIE, ENGINEERS
208 West Jefferson Street
Bloomington, Illinois

by
Galvin W. Davis
Registered Land Surveyor
No. 1985

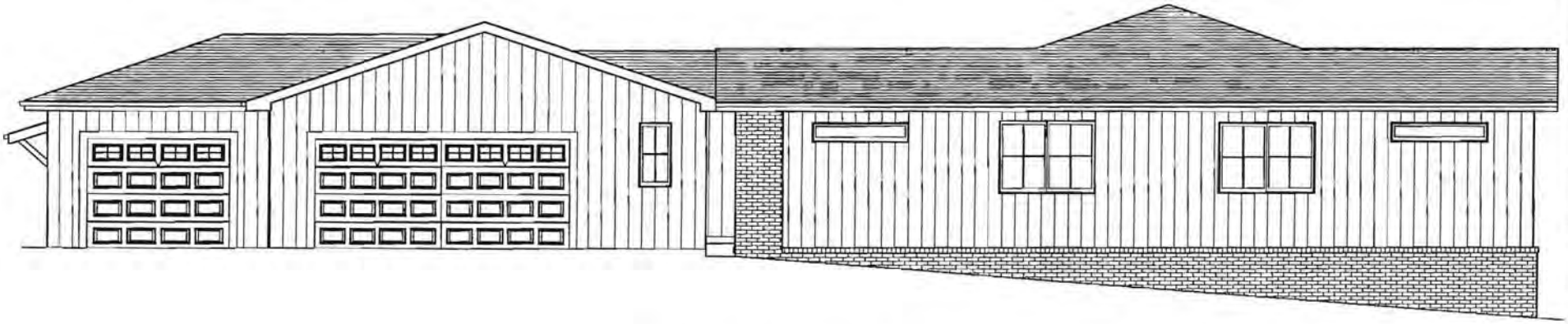
EWING ESTATE SURVEY

LOT 6 EWING & EVANS SUBDIVISION
BLOOMINGTON, ILLINOIS

FARNSWORTH & WYLIE
CONSULTING ENGINEERS
BLOOMINGTON, ILLINOIS

DATE 2-15-56
SCALE 1"=20'
DATE 2-21-70
SHEET 1 of 1

WEST ELEVATION



EAST ELEVATION

JUL 24 2015

7/3/2015
7/9/2015
7/10/2015
7/14/2015
-
-

Proposed Remodel For:
Caldwell Residence
2 Sunset Road
Bloomington, IL 61701

2401 E. Empire, Suite B
Bloomington, IL 61704
(309) 663-2045
www.BJArmstrong.com

SCALE: NTS

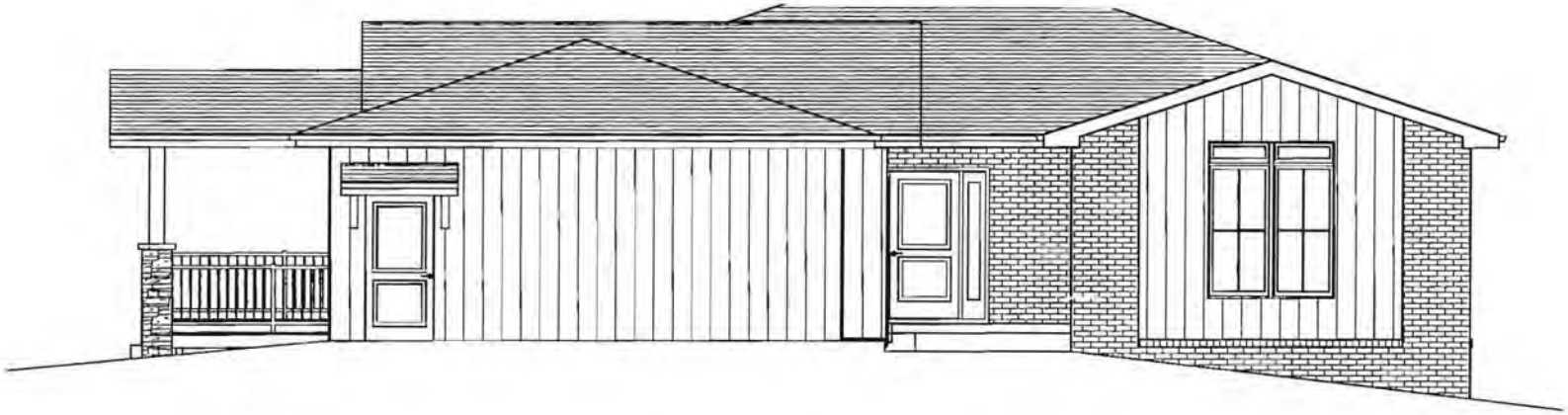
DRAWN BY: BB

DATE: 6/29/2015

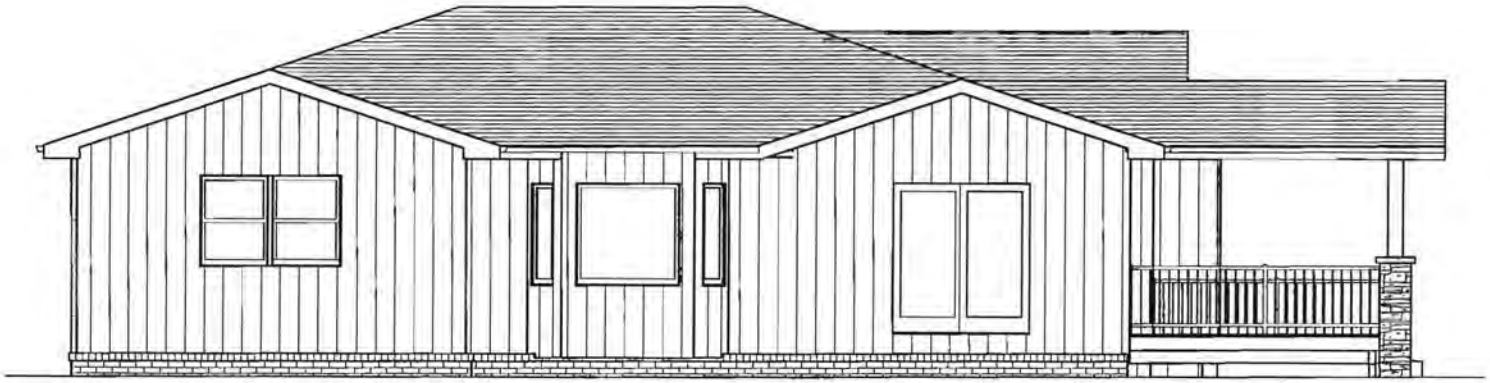
DRAWING OF: Proposed Elevations

SHEET: A-1

DWG FILE: 2 Sunset



NORTH ELEVATION



SOUTH ELEVATION

7/3/2015
7/9/2015
7/10/2015
7/14/2015
-
-

Proposed Remodel For:
Caldwell Residence
2 Sunset Road
Bloomington, IL 61701

2401 E. Empire, Suite B
Bloomington, IL 61704
(309) 663-2045
www.BJArmstrong.com

SCALE:
NTS

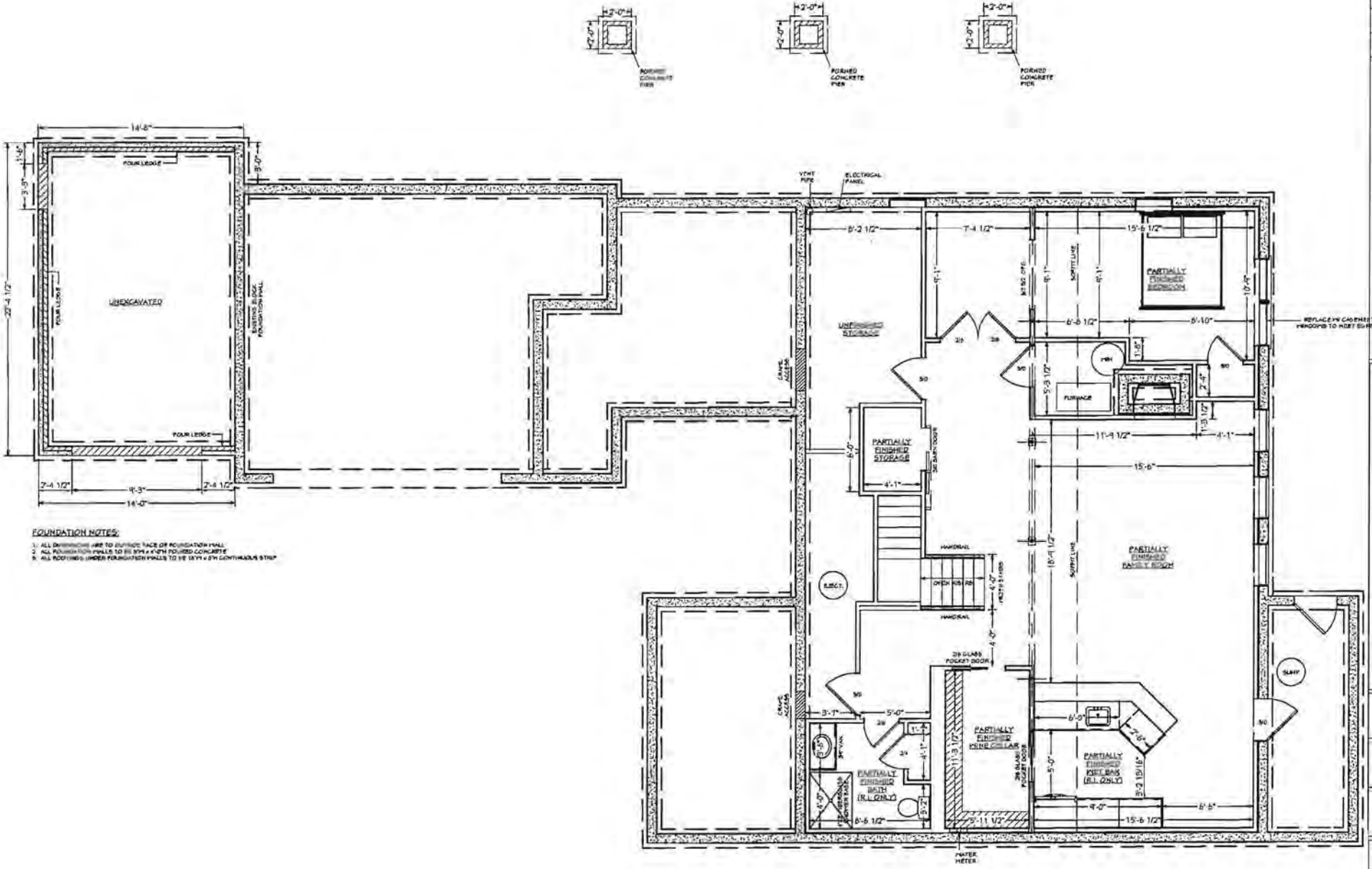
DRAWN BY:
BB

DATE:
6/29/2015

DRAWING OF:
Elevations

SHEET:
A-2

DWG FILE:
2 Sunset



FOUNDATION NOTES:

1. ALL DIMENSIONS ARE TO OUTSIDE FACE OF FOUNDATION WALL
2. ALL FOUNDATION WALLS TO BE 30"W x 12"H POURED CONCRETE
3. ALL FOOTINGS UNDER FOUNDATION WALLS TO BE 12"W x 6"H CONTINUOUS STRIP

BASEMENT FLOOR PLAN
CONCEPT
1,087 Finished Sq. Ft.

7/3/2015
7/9/2015
7/10/2015
7/14/2015
-
-

Proposed Remodel For:
Caldwell Residence
2 Sunset Road
Bloomington, IL 61701

2401 E. Empire, Suite B
Bloomington, IL 61704
(309) 663-2045
www.BJArmstrong.com

SCALE: NTS

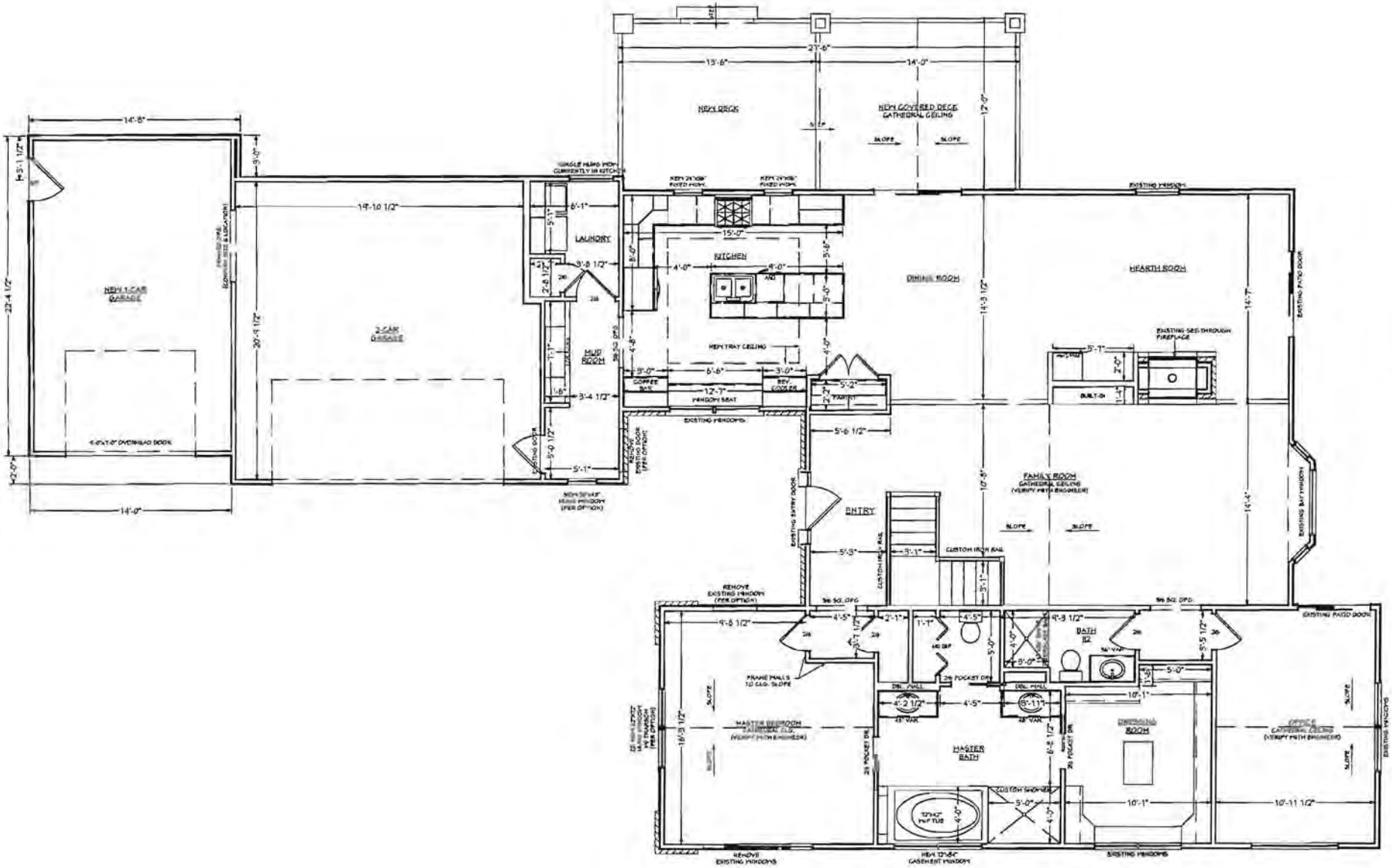
DRAWN BY: BB

DATE: 6/29/2015

DRAWING OF: Basement Floor Plan

SHEET: A-3

DWG FILE: 2 Sunset



PROPOSED
FLOOR PLAN

7/3/2015
7/9/2015
7/10/2015
7/14/2015
-
-

Proposed Remodel For:
Caldwell Residence
2 Sunset Road
Bloomington, IL 61701

2401 E. Empire, Suite B
Bloomington, IL 61704
(309) 663-2045
www.BJArmstrong.com

SCALE:
NTS

DRAWN BY:
BB

DATE:
6/29/2015

DRAWING OF:
Proposed
Floor Plan

SHEET:
A-4

DWG FILE:
2 Sunset

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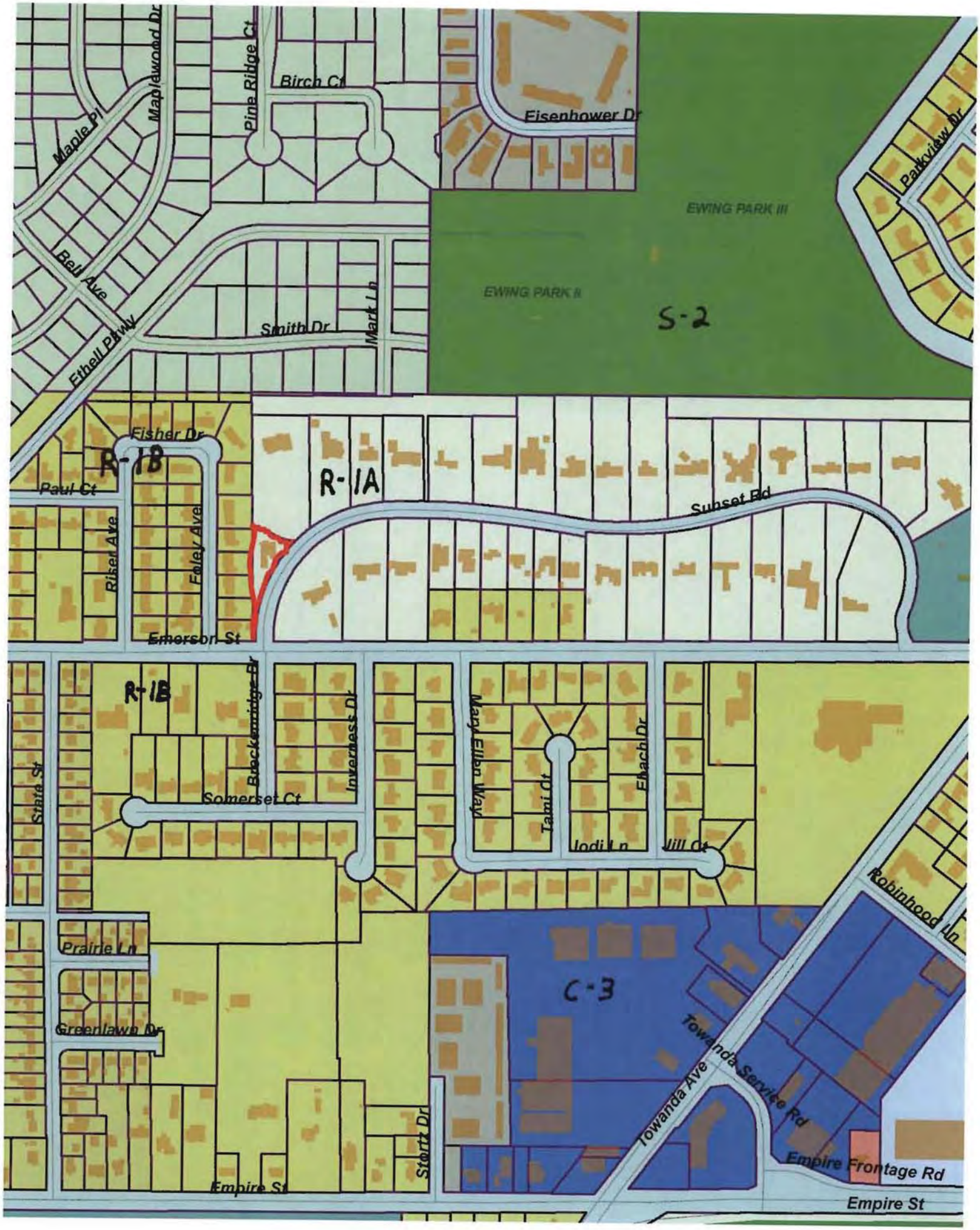
7
3
Foley Ave
Sunset Rd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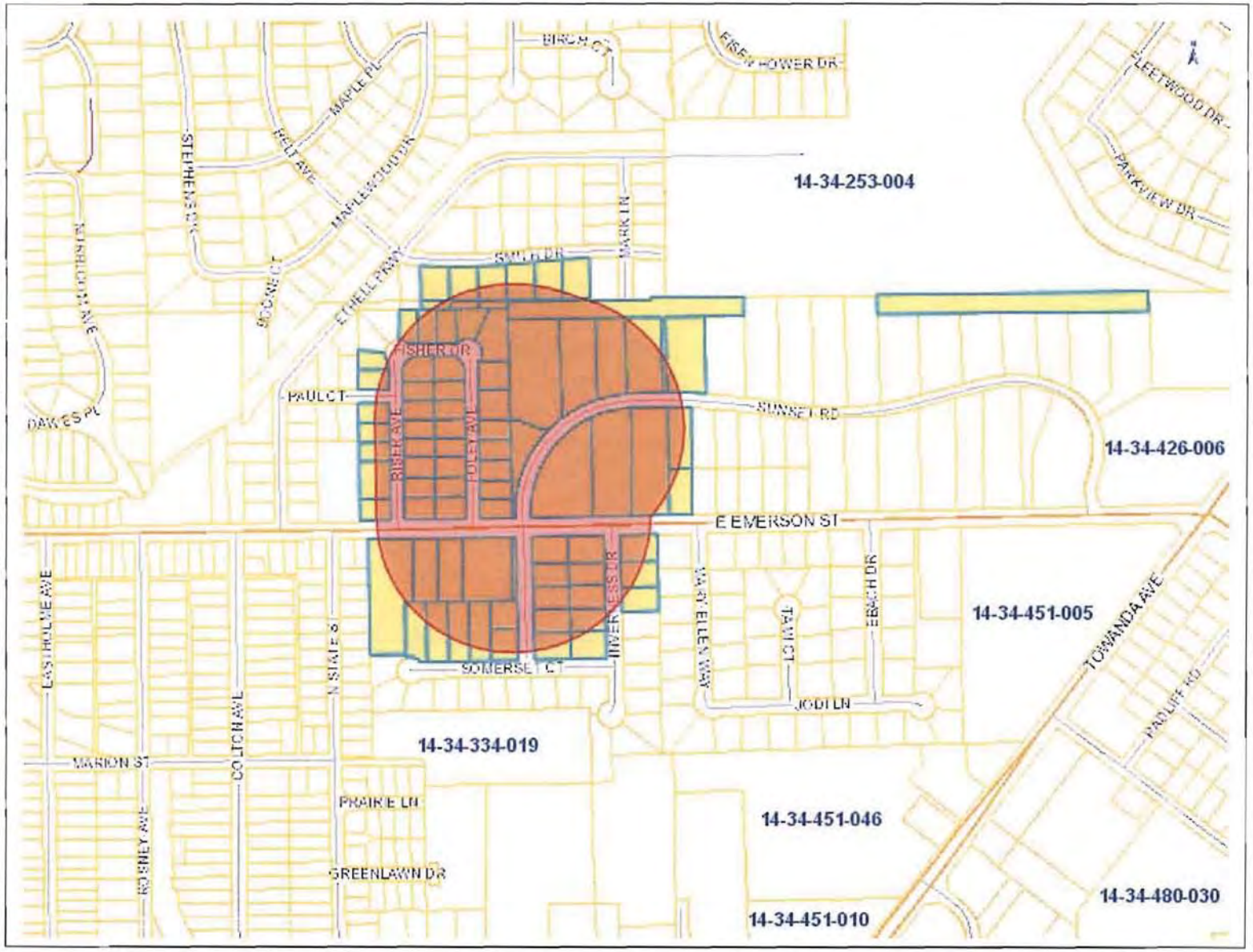
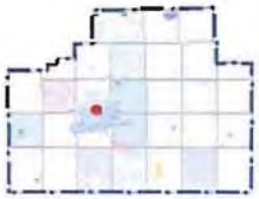
Maplewood Dr
Pine Ridge Ct
Birch Ct
Eisenhower Dr
Parkview Dr
EWING PARK III
EWING PARK II
S-2
Bell Ave
Ethell Pkwy
Smith Dr
Mark Ln
Fisher Dr
R-1B
Paul Ct
R-1A
Subset Rd
Riser Ave
Foley Ave
Emerson St
R-1B
Brockenridge Dr
Invernest Dr
Mary Ellen Way
Tami Ct
Ebach Dr
State St
Somerset Ct
Jodi Ln
Jill Ct
Robinhood Ln
Prairie Ln
C-3
Greenlawn Dr
Towanda Service Rd
Towanda Ave
Stortz Dr
Empire Frontage Rd
Empire St
Empire St

Property Owners Notified Within 500' of 2 Sunset Road





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

0 0.14 0.3 Miles

1: 8,619

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Notes

%SUSAN OCHELTREE SUSAN OCHELTREE REVOCABLE TRUST
15 Sunset Rd
Bloomington, IL 61701-2016

ADELINE E GLENWRIGHT
4 FISHER DR
BLOOMINGTON, IL 61701

ALICE E TULL
9 RISER AVE
BLOOMINGTON, IL 61701

ARDETH J SLOUGH
14 FOLEY AVE
BLOOMINGTON, IL 61701-1904

ARRON & CASSANDRA R PIRTLE
1 Foley Ave
Bloomington, IL 61701-1903

BRIAN D STENGER
8 BRECKENRIDGE
BLOOMINGTON, IL 61701

BRYAN & SABRINA FRY BORNDER
4 FOLEY AVE
BLOOMINGTON, IL 61701-1904

BRYAN ISBELL
5 FISHER DR
BLOOMINGTON, IL 61701

CAROL S WILLIAMSON
9 FISHER DR
BLOOMINGTON, IL 61701-1901

CASEY SCHEUER
10 FOLEY AVE
BLOOMINGTON, IL 61701-1904

CHARLES IRWIN
6 INVERNESS DR
BLOOMINGTON, IL 61701

CITY OF BLOOMINGTON
109 E OLIVE ST
BLOOMINGTON, IL 61701

CLIFFORD STAYTON
811 SMITH DR
NORMAL, IL 61761-3952

CLIFFORD T STAYTON
811 SMITH DR
NORMAL, IL 61761-3952

COREY L HAGER
12 RISER AVE
BLOOMINGTON, IL 61701-1906

COREY SIMPSON
8 FOLEY AVE
BLOOMINGTON, IL 61701

Courtney & Rueben Yoder L Welborn
8 Fisher Dr
Bloomington, IL 61701-1902

DAVID B ADELSBERGER
3 FOLEY AVE
BLOOMINGTON, IL 61701-1903

DEBRA S NORD
303 BRIGHAM SCHOOL RD
BLOOMINGTON, IL 61704-8631

DON STAUFFER
11 FOLEY AVE
BLOOMINGTON, IL 61701-1903

DONALD F FRANK
6 SOMERSET CT
BLOOMINGTON, IL 61701

DOUGLAS M ABBOTT
805 SMITH DR
NORMAL, IL 61761

EDWARD L KRAFT
7 BRECKENRIDGE DR
BLOOMINGTON, IL 61701-2025

ERIC ANDERSON
6 FOLEY
BLOOMINGTON, IL 61701

ERIC J & ADRIANA Y LAROSA-RANSOM RANSOM
3 RISER AVE
BLOOMINGTON, IL 61701

ERNEST RUDOW
2 FOLEY AVE
BLOOMINGTON, IL 61701-1904

F.BEASLEY LEFFEW
#1 INVERNESS DRIVE
BLOOMINGTON, IL 61704

GEORGE R HOUSKA TRUSTEE
813 SMITH DRIVE
NORMAL, IL 61761

GEORGE R HOUSKA TRUSTEE
813 SMITH DRIVE
NORMAL, IL 61761

GERALD & CHERILYN SYTAR
7 INVERNESS DR
BLOOMINGTON, IL 61701-2047

GLEN WHEELER
10 SOMERSET CT
BLOOMINGTON, IL 61701-2042

GORDON & PATRICIA WARREN
4 SOMERSET CT
BLOOMINGTON, IL 61701-2042

GREGORY W LAWLER
18 SOMERSET CT
BLOOMINGTON, IL 61701-2044

HERBERT & MARY FULLER
11 RISER AVE
BLOOMINGTON, IL 61701

HSI CHI CHIEN
5 RISER AVE
BLOOMINGTON, IL 61701-1905

JANET L BOITOS
10 RISER AVE
BLOOMINGTON, IL 61701-1906

JARED D LITWILLER
12 FOLEY AVE
BLOOMINGTON, IL 61701

JEFF & MELISSA BLAIR
3 INVERNESS DR
BLOOMINGTON, IL 61701-2047

JOAN M CAPODICE
8 SUNSET RD
BLOOMINGTON, IL 61701-2017

JOAN M MOWREY TRUSTEE
2 BRECKENRIDGE DR
BLOOMINGTON, IL 61701-2025

JOHN & ROBERTA MUIR
8 SOMERSET CT
BLOOMINGTON, IL 61701

JOHN J & KATHRYN A PAVLOU
12 SOMERSET CT
BLOOMINGTON, IL 61701-2042

JOHN L III WROAN TRUSTEE
17 MONARCH DR
BLOOMINGTON, IL 61704-9092

JOHN W FISK
15 RISER AVE
BLOOMINGTON, IL 61701-1905

JONATHAN S LAUGHLIN
15 FOLEY AVE
BLOOMINGTON, IL 61701-1903

JOYCE A RAY
16 RISER AVE
BLOOMINGTON, IL 61701

JOYCE GILLFILLAN TRUSTEE
14 SUNSET RD
BLOOMINGTON, IL 61701-2017

JUDITH K LANG
4 BRECKENRIDGE DR
BLOOMINGTON, IL 61701-2025

KAREN L FINCHAM
809 SMITH DR
NORMAL, IL 61761-3952

KAREN L FINCHAM
809 SMITH DR
NORMAL, IL 61761-3952

KEITH KABURECK
6 RISER AVE
BLOOMINGTON, IL 61701-1906

KEVIN KINGSTON
1408 E EMERSON ST
BLOOMINGTON, IL 61701-2054

KIMM SMITH
2 INVERNESS DR
BLOOMINGTON, IL 61701

KRISTIN FRIEDMAN
9 FOLEY AVE
BLOOMINGTON, IL 61701-1903

LINDA J NEBLOCK-WILSON
1 RISER AVE
BLOOMINGTON, IL 61701-1905

LOREN L & BETTY L CAVE
5 FOLEY AVE
BLOOMINGTON, IL 61701-1903

M DAVID & KATHRYN MARKER SNYDER SNYDER
16 SOMERSET CT
BLOOMINGTON, IL 61701-2044

MARJORIE E GOELZER - BANE
6 SCOFIELD CT
BLOOMINGTON, IL 61704-4809

MICHAEL D ABBOTT
805 SMITH DR
NORMAL, IL 61761

MICHAEL FINN
7 SUNSET RD
BLOOMINGTON, IL 61701-2016

MICHAEL J OCONNELL
2709 RIDGE RD
BLOOMINGTON, IL 61704-4561

MICHAEL K HAAS
10 FISHER DR
BLOOMINGTON, IL 61701-1902

MILES D BERTSCHE
807 SMITH DR
NORMAL, IL 61761-3952

MILES D BERTSCHE
807 SMITH DR
NORMAL, IL 61761-3952

NIKHIL K & JACKIE M BEUTOW CHOKSHI
16 SUNSET RD
BLOOMINGTON, IL 61701-2017

PATRICIA H OIEN
12 SUNSET RD
BLOOMINGTON, IL 61701-2017

PATRICK J O'ROURKE TRUSTEE
17 FOLEY AVE
BLOOMINGTON, IL 61701-1903

R CASEY LARTZ
5 INVERNESS DR
BLOOMINGTON, IL 61701-2047

RANDALL & KELLY HARBERT
10 SUNSET RD
BLOOMINGTON, IL 61701-2017

RANDY BUTTS
1203 E EMERSON
BLOOMINGTON, IL 61701

RANDY BUTTS
1203 E EMERSON ST
BLOOMINGTON, IL 61701-2071

RAYMOND C WURMNEST
11 DAWES PL
BLOOMINGTON, IL 61701-1925

RICHARD HECKER
7 FOLEY
BLOOMINGTON, IL 61701

ROBERT T FLEMING JR
1217 E EMERSON ST
BLOOMINGTON, IL 61701-2007

ROBERT W EDWARDS
2 SUNSET RD
BLOOMINGTON, IL 61701-2017

ROYCE ANN WOMACK
2 RISER AVE
BLOOMINGTON, IL 61701-1906

RUSSELL BUBERT
803 SMITH DR
NORMAL, IL 61761-3952

RUSSELL L & MARY L BUBERT
803 SMITH DR
NORMAL, IL 61761-3952

TED H FUNK
703 BROADWAY
NORMAL, IL 61761-3765

THOMAS P FRIEBURG
4 INVERNESS DR
BLOOMINGTON, IL 61701-2046

TRACY LYNN & BRADLEY ZIPPRICH
7 RISER AVE
BLOOMINGTON, IL 61701-1905

WEST BLOOMINGTON CONGREGATION OF JEHOVAS WITNESSES
1213 E EMERSON ST
BLOOMINGTON, IL 61701-2007

WILLIAM & DEBORAH PITCHER TRUSTEES
6 BRECKENRIDGE
BLOOMINGTON, IL 61701

CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
AUGUST 19, 2015

SUBJECT:	TYPE:	SUBMITTED BY:
Z-05-15	Interpretation of Chapter 44: Section 44.4-4 : Accessory Buildings and Uses	Mark Woolard City Planner

REQUEST
The petitioner is appealing a zoning interpretation of Chapter 44: Section 44.4-4: Accessory Buildings and Uses.

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

GENERAL INFORMATION
Applicant: Wesley Shepard

Submittal:
This report is based on the following document, which is on file with the Community Development Department: Application for an Appeal of an Interpretation.

PROJECT DESCRIPTION
This petition is appealing the interpretation that an accessory structure may not remain on a lot when there is no principal structure. There was a principal structure at one time but that was destroyed by fire and the accessory structure was never removed or a principal structure reconstructed.

The following is a summary of the requested interpretation:
Applicable Code Sections:
Chapter 44: Section 44.4-4: Accessory Buildings and Uses

ANALYSIS
The section of the code that the petitioner is referring to requires a principal structure. This requirement is evident as described in the following sections of the code which are in bold and italics. The first section is the definition section for accessory building, structure or uses as follows:

ACCESSORY BUILDING OR STRUCTURE OR USE: An accessory building, structure or use is one which:

A. Is subordinate to and clearly and customarily incidental to the principal building or principal use; and

B. Is subordinate in area, extent, and purpose to the principal building or principal use served; and

C. Contributes to the comfort, convenience, or necessity of occupants to the principal building or principal use served; and

D. Is located on the same lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served

Part A above requires the accessory structure to be subordinate to the principal building. The accessory structure cannot be subordinate when the principal building does not exist. Part B requires the accessory structure to be subordinate in area. Without a principal building it cannot be in compliance because the accessory structure square footage is approximately 768 square feet and the principal use is 0 square feet. It cannot contribute to the principal building per part C when the principal building use does not exist. Part D provides for exceptions where off-site parking facilities are part of a planned development which is not the case here. Thus per the definition section the accessory structure is outside the confines of the definition and not allowed.

The accessory use section of the code states the following:

Chapter 44: Section 44.4-4 : Accessory Buildings and Uses.
On a lot devoted to a permitted principal use, customary accessory uses and structures are authorized as specifically, or by necessary implication in this or any code, ordinance, rule or regulation applicable to the City. The following requirements are applicable to all accessory structures and uses, in addition to the requirements for accessory off-street parking facilities:

A. Accessory uses shall be compatible with the principal use and shall not be established prior to the establishment of the principal use, except as permitted hereafter.

This section stipulates the accessory structures are only allowed on a lot where a principal structure. Part A stipulates the accessory use shall be compatible to the principal use. Compatibility cannot occur when the principal use is nonexistent.

Chapter 44 : Section 44.4-6 : Nonconformities.

B. Nonconforming Uses of Land. Where at the time of passage of this Code or subsequent more restrictive amendment thereto, a lawful use of land exists which would not be permitted by the regulations imposed by this Code, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Code;

2. No such nonconforming use shall be move in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Code;

3. If any such nonconforming use of land ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this Code for the district in which such land is located; and

4. No additional structure not conforming to the requirements of this Code shall be erected in connection with such nonconforming use of land. (Ordinance No. 2006-137)

The petitioner does not state what language in the code is alleged to be misinterpreted however there is some indication the petitioner believes his accessory structure is "grandfathered." Based on the above, this does not qualify for the nonconforming status however even if it did there would only have been one year until compliance with the regulations are required.

FINDINGS OF FACT

The petitioner has not outlined any specific wording in the code that is questionable or demonstrated a reasonable interpretation warranting the petition's approval.

STAFF RECOMMENDATION:

Staff finds that the petition has not demonstrated a justifiable interpretation of Section 44.4-4 Chapter 44: Section 44.4-4 : Accessory Buildings and Uses which warrants an accessory structure without a principal structure nor demonstrated an interpretation to Section 44.4-6 (B) that suggests it is a legal nonconforming use. Staff recommends denial of the requested interpretation in Case Z-05-15.

Respectfully submitted,

Mark Woolard
City Planner

To: The City of Bloomington Zoning Board of Appeals

Notice of Appeal of Zoning Interpretation

I, the undersigned, hereby appeal an order, requirement, decision or determination of the Building Safety Division of the City of Bloomington regarding my Property at 1410 W. Oakland St. Bloomington, Illinois. (See Attached). I request a hearing before the Zoning Board of Appeals.

My Attorney is : R. Brian Hug
Attorney At Law
11 Bailey Court
Bloomington, IL 61704
309-242-6726

All notices shall be sent to me and to my attorney.

Wes Shepherd

Wesley Shepherd
613 S. Clayton Street
Bloomington, IL 61701

CITY OF Bloomington ILLINOIS

Community Development

BUILDING SAFETY DIVISION
115 E. Washington St., PO BOX 3157
Bloomington, IL 61702-3157
Phone: 309-434-2226

July 6, 2015

Wesley and Iona Shepherd
613 S. Clayton St.
Bloomington, IL 61701

Re: 1410 W. Oakland St.
Parcel 21-08-126-001

Letters have been sent regarding the above mentioned parcel. To date, the garage is still on the property.

At this time you have the option of demolishing the garage, the parcel may be sold to a neighboring property owner, the parcel may be sold to another individual to construct a single family residence or you can apply for a permit to build a single family structure.

The garage will need to be vacated and plans submitted to our office no later than August 6, 2015.

You are in violation of the following Bloomington City Codes:

Section 44.4-4: Accessory Buildings and Uses - On a lot devoted to a permitted principal use, customary accessory uses and structures are authorized as specifically, or by necessary implication in this or any code, ordinance, rule or regulation applicable to the City. The following requirements are applicable to all accessory structures and uses, in addition to the requirements for accessory off-street parking facilities:
A. Accessory uses shall be compatible with the principal use and shall not be established prior to the establishment of the principal use, except as permitted hereafter. The temporary outdoor storage (in shipping containers, storage containers, or in trailers) of materials for charitable and philanthropic organizations in the C-2 Neighborhood Shopping District, the C-3 Community/Regional Shopping District; the B-1 Highway Business District, the B-2 General Business Service District, the B-3 Central Business District, the M-1 Restricted Manufacturing District, the M-2 General Manufacturing District, and the W-1 Warehouse Park District; shall be permitted in front, rear, and side yards as an accessory use provided that such temporary outdoor storage use shall not be located in any way that impedes the use of any required off-street parking or loading spaces required by Division 7 of this Code and provided that a permit for such temporary outdoor storage use is issued by the Director of Planning and Code Enforcement. No containers shall be permitted on a site more than 90 days in any calendar year. Temporary storage for goods, products and materials associated with construction or remodeling of the principal structure shall not be subject to this section. (Ordinance No. 2006-137)

Section 44.Definitions - DWELLING UNIT: A dwelling unit is one or more rooms arranged or designed for the use of one (1) family living together as a single housekeeping unit with cooking, living, sanitary and sleeping facilities in a self-contained unit, so that access to the street and any additional facilities (such as laundry, heating units, etc.) can be gained without passing through any other residential or commercial unit. (Ordinance No. 2006-137)

CITY OF Bloomington ILLINOIS

Community Development

BUILDING SAFETY DIVISION
115 E. Washington St., PO BOX 3157
Bloomington, IL 61702-3157
Phone: 309-434-2226

You have the right to appeal this notice. The appeal must be in writing, accompanied by the appropriate fees, and delivered to the Director of the Planning and code Enforcement's office within ten (10) days of receipt of this letter.

The City of Bloomington may ticket and/or file suit against you in Administrative Court if you fail to comply, in order to recover costs, fines, and administrative fees.

Please call 434-2226 if you have any questions.

Respectfully,

Kathryn Gruber
Inspector III

Weldon St
1419
1417
1415
1413
Oakland Ave
1502
1408
1406
1404
Stockholm St
102
1
104
Humanity Ln
2

Euclid Ave
Iowa St
Indiana St
Weldon St
Magoun St
Oakland Ave
Lumber St
Humanity Ln
Stockholm St
Abby Ln
Miller St
Partner Pl
S-2
R-1C
R-1B
R-1B
R-1B
R-1C
R-1B
M-1
1606
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106 1/2
107
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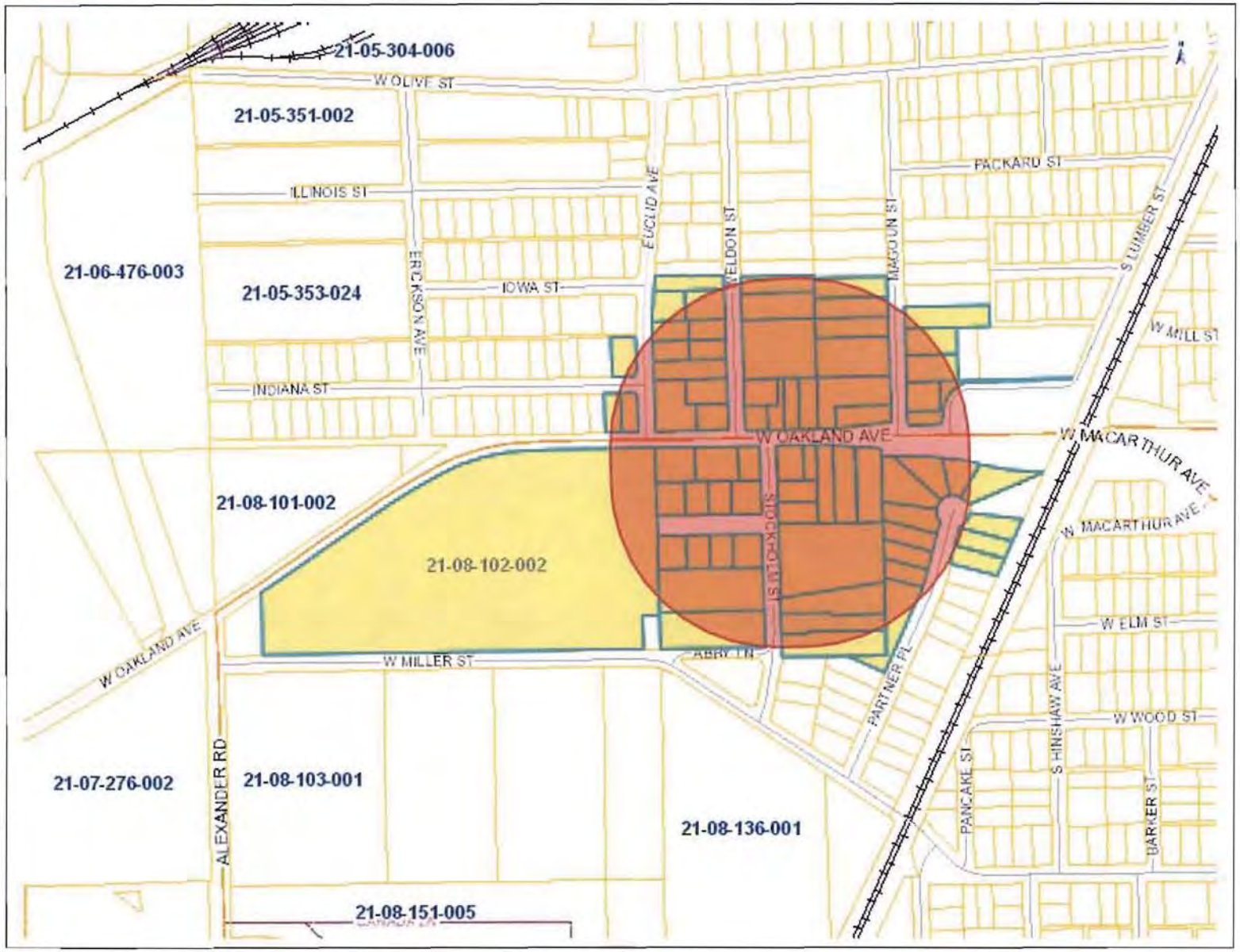
Property Owners Notified Within 500' of 1410 W Oakland



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

0 0.11 0.2 Miles

1: 6,974

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Notes

1410 W. Oakland

%Redbird Property Mgmt John Wollrab - 1606
200 N Linden St
Normal, IL 61761-3882

ABBY J HURLEY
109 STOCKHOLM ST
BLOOMINGTON, IL 61701-4766

AMY A VULGAMOTT
8 Partner Pl
Bloomington, IL 61701-6375

ANGELA G TYLER
6 PARTNER PL
BLOOMINGTON, IL 61701

ANGIE HAMILTON
5 HUMANITY LN
BLOOMINGTON, IL 61701

AUSTIN & MICHELLE FORD
120 MAGOUN ST
BLOOMINGTON, IL 61701-4772

BENJAMIN OWENS
13 PARTNER PL
BLOOMINGTON, IL 61701

BETH L BRADFORD
10 PARTNER PL
BLOOMINGTON, IL 61701

BETTY KINGSLEY
120 WELDON
BLOOMINGTON, IL 61701

BILLY J GLASSCOCK
1207 W OLIVE ST
BLOOMINGTON, IL 61701-4751

CAROL MACK
8 HUMANITY LN
BLOOMINGTON, IL 61701

CAROL SHAW
2 PARTNER PL
BLOOMINGTON, IL 61701

CARYN RHOADES
111 1/2 WELDON
BLOOMINGTON, IL 61701

CELESTE SIMS
7 HUMANITY LN
BLOOMINGTON, IL 61701

CHARLES & MARILYN BOYD
2122 W OAKLAND AVE
BLOOMINGTON, IL 61704

CHARLES & MARILYN BOYD
2122 W OAKLAND AVE
BLOOMINGTON, IL 61704

CHRISTINE SYMPSON
6 HUMANITY LN
BLOOMINGTON, IL 61701

Christy C. Gottschalk Revocable Living Trust
1406 W Oakland Ave
Bloomington, IL 61701-4746

CITY OF BLOOMINGTON
109 E OLIVE ST
BLOOMINGTON, IL 61701

CITY OF BLOOMINGTON
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