



ZONING BOARD OF APPEALS - REGULAR SESSION
GOVERNMENT CENTER CONFERENCE ROOM, 3RD FLOOR, ROOM #345
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
WEDNESDAY, AUGUST 16, 2023, 4:00 PM

1. Call to Order

2. Roll Call

3. Public Comment

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

4. Consent Agenda

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

- A. Review and approval of the minutes of the July 19, 2023, regular meeting of the Bloomington Zoning Board of Appeals. (Recommended Motion: Motion to accept the minutes, as presented.)

5. Regular Session

- A. SP-21-23 - Public hearing, review, and action on a request submitted by Ashley Carrasco, for approval of a **Special Use Permit for Chicken-Keeping**, for the property located at 1233 Dogwood Lane (PIN: 14-35-455-009). (Recommended Motion: Motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend **approval** of the request with no conditions.)
- B. SP-20-23 - Public hearing, review, and action on a request submitted by FMB Holdings, Inc., for approval of a **Special Use Permit** for a Vehicle Sales & Service Use, in the B-1 (General Commercial) District for the property located at 415 Detroit Drive (PIN: 22-07-200-035). (Recommended Motion: Motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend **approval** of the request with no conditions.)

6. New Business

7. Adjournment

Individuals with disabilities planning to attend the meeting who require reasonable accommodations to observe and/or participate, or who have questions about the

accessibility of the meeting, should contact the City's ADA Coordinator at 309-434-2468 or mhurt@cityblm.org.



REGULAR AGENDA ITEM NO. 4.A.

FOR ZONING BOARD OF APPEALS: August 16, 2023

WARD IMPACTED: City-Wide Impact

SUBJECT: Review and approval of the minutes of the July 19, 2023, regular meeting of the Bloomington Zoning Board of Appeals.

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

STRATEGIC PLAN LINK:

Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

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

BACKGROUND: N/A

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham

ATTACHMENTS:

[ZBA Draft Minutes - 2023-07-19](#)



**DRAFT MINUTES
ZONING BOARD OF APPEALS - REGULAR SESSION
WEDNESDAY, JULY 19, 2023, 4:00 PM**

The Zoning Board of Appeals convened in regular session at 4:02 PM, July 19, 2023. Chair Straza called the meeting to order.

Roll Call

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

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

Public Comment

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

No public comment was provided.

Consent Agenda

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

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

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

Motion carried (viva voce).

Item 4.A. Review and approval of the minutes of the June 21, 2023, regular meeting of the Bloomington Zoning Board of Appeals.

Regular Session

The following item was presented:

Item 5.A. SP-18-23 - Public hearing, review, and action on a request submitted by Chelsea Smith, for approval of a **Special Use Permit** for Chicken-Keeping for the property located at 1004 Durham Drive (PIN: 21-12-209-015).

Mr. Branham provided the staff report and background on the request, with a recommendation for approval. He noted the special use process and use provisions associated with chicken-keeping, as well as key property conditions including a fully screened rear yard. He identified private deed restrictions that exist for the subject property, which the City cannot enforce as a private agreement between the residents.

Board Chair Straza opened the public hearing.

Chelsea Smith (1004 Durham Drive), Applicant, provided further background on the request. She stated she spoke with her adjacent neighbors and there was general support. She indicated her local Homeowner's Association (HOA) does not allow barnyard animals to be kept by owners, but that other neighbors have reached out in support. She read the letter she submitted with the application, including statements related to health concerns and the HOA's restrictions.

Board Member Harris asked whether the City's Ordinance supersedes HOA items. Mr. George Boyle, Assistant Corporation Counsel, responded that ordinances do not supersede HOA items, but instead are separate. He advised the Board to judge the case based on its merits per the City Code.

Vice Board Chair Ballantini asked the Applicant how many HOA board members she had spoken to about this issue. Ms. Smith responded she had talked to three members of the board.

Mr. Boyle stated there was hearsay as part of the applicant's statement. He explained testimony is provided only by those in-person. He clarified that persons who emailed opinions are considered public comment and not testimony.

Board Chair Straza asked if there was an image of the proposed coop. Mr. Branham responded that a picture of the coop was not included with the application materials.

Ms. Smith stated they already have a coop picked out and it has been constructed. She added the chickens are already at the residence. She stated she originally bought them as chicks with no intent to permanently keep them, but later decided to keep them.

Peggy Jacobs (1006 Durham Drive), spoke on behalf of the request, stating she is a HOA Board Member. She stated she is in favor of the chickens and has no issues.

Catherine Sturdyvin (3114 Preston Drive) spoke on behalf of the request, highlighted positive characteristics of the applicant, and stated that she has no concerns that the Applicant can maintain the standards of the special use.

Jeff Hindman (3206 Yorkshire Court) spoke against the request. He stated he is the President of the HOA and was not approached by the Applicant. He stated that he is against the item due to it being in violation of the covenants of the HOA agreement.

Board Member Zwaga asked if there has been resistance from other members in the HOA. Mr. Hindman responded yes.

Vice Board Chair Ballantini asked if the covenants have been updated since chicken-keeping became legal in the City in 2019. Mr. Hindman responded no.

Diana Nealey (1003 Matlock Drive), spoke against the request. She stated she does not want chickens in the Oakridge Subdivision. She expressed confusion about the process and allowable placement of the coop.

Tom McComas (15 Hayloft Road), spoke against the request. He stated that the chickens were obtained prior to being brought to any of the neighbors' attention. He expressed concern that the chickens may cause problems with other animals in the area. He said the coop is nice and well kept, however it is against the covenants. He stated that is the same reason why he cannot have a shed on his property.

Board Member Webb asked about whether the Restrictive Covenants could be considered as part of the Board's decision. Mr. Boyle stated the Restrictive Covenants could not be considered a factor. He stated the Board's scope of work is reviewing the standards in our Code.

Michelle McComas (15 Hayloft Road), spoke against the request. She agreed with Mr. McComas' statement. She expressed concern about what could happen if the chickens flew over the fence. Additionally, she was concerned about letters submitted in favor of the request.

Chair Straza clarified that emails or letter submitted are considered public comment, not testimony.

Vice Board Chair Ballantini asked the Applicant if the chickens roam freely in the yard. Ms. Smith stated they are in the backyard sometimes, but she is happy to do what she needs to do to comply.

Ms. Pemberton discussed prior cases and requests, and what forms of structures and site plans have been reviewed and approved in the past.

Board Chair Straza closed the public hearing.

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

Roll call.

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

Motion passed.

Mr. Branham noted the case would proceed to the August 28th City Council meeting.

The following item was presented:

Item 5.B. V-09-23 - Public hearing, review, and action on a request submitted by Kris Spaulding, representing owner Michael Wiese, for approval of a **Variance** to allow a reduced Rear Yard setback in the R-1C (Single-Family Residence) District for the property located at 18 Pembroke Circle (PIN: 21-12-152-014).

Mr. Branham presented the Staff Report and background on the request, with recommendation for approval. He noted key property conditions including the curvilinear nature of the lot.

Board Chair Straza opened the public hearing.

Kris Spaulding (715 N. Morris Avenue), representing the Applicant, spoke on behalf of the request to provide further background and stated the irregularly shaped lot results in a small portion of one corner of the addition encroaching into the required yard.

Board Chair Straza closed the public hearing.

Board Member Harris made a motion, seconded by Board Member Zwaga, to establish findings of fact that all standards for approval of a Variance are met, and to approve the request for a 23.7-foot rear yard on the south side of the property.

Roll call.

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

Motion passed.

The following item was presented:

Item 5.C. SP-17 -23 - Public hearing, review, and action on a request submitted by William Bentley, for approval of a **Special Use Permit** for a Vehicle Repair & Service Use, in the B-1 (General Commercial) District for the property located at 1508 S. East Street (PIN: 21-09-339-015).

Mr. Branham presented the staff report and background on the request, with a recommendation for approval.

Board Chair Straza opened the public hearing.

William Bentley (1508 S. East Steet), Applicant, provided further background on the request. He noted the building's previous use as a Kennel, and stated he is trying to

convert it to a vehicle repair or detail shop. He stated the shop would be in character with the surrounding nonresidential uses, which include vehicle service uses.

Board Member Harris asked whether the location has previously been utilized as a Vehicle Repair use. Mr. Bentley responded no, it has been a Kennel since about 2001 and closed just over one year ago.

Bridget Larkin (15 Berenz Place) stated her testimony just included questions, as she was neither for nor against the proposal. She asked what the plan is for the shop, hours of operation, and general type of work that would occur at the site. She reviewed previous issues with the Kennel use. She stated she has a six-foot privacy fence at her property, but she does have concerns about possible chemical use and fumes.

Mr. Bentley explained the back half of the building interior is open space where they will be detailing vehicles. He stated the hours of operation would be normal business hours; 9pm would be the latest they would work. He explained the noise inside should be minimal as the building is made of concrete block. He stated that they will not be using any unusual chemicals and that an oil/grease separator will be required.

Board Chair Straza closed the public hearing.

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

Roll call.

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

Motion passed.

Mr. Branham noted the case would proceed to the August 28th City Council meeting.

The following item was presented:

Item 5.D. **SP-16-23** - Public hearing, review, and action on a request submitted by Nita Patel, for approval of a **Special Use Permit** for a Live/Work Unit, in the B-1 (General Commercial) District for the property located at 806 S. Eldorado Road (PIN: 21-11-251-032).

Vice Chair Board Ballantini recused himself from the case, due to proximity of his personal business.

Mr. Branham presented the staff report and background on the request, with a recommendation for approval. He noted the definition of “Live/Work” unit and other details of the proposal.

Board Chair Straza opened the public hearing.

Dilip Patel (806 S. Eldorado Road), Applicant, provided further background the request. He stated the reasoning behind the request.

Board Chair Straza closed the public hearing.

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

Roll call.

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

Abstentions: Vice Board Chair Ballantini

Motion passed.

Mr. Branham noted the case would proceed to the August 28th City Council meeting.

The following item was presented:

Item 5.E. V-08-23 - Public hearing, review, and action on a request submitted by Michael Watson, representing owner Luke Hermes, for approval of a **Variance** to allow a reduced side yard setback in the R-1A (Single-Family Residence) District for the property located at 1406 E. Washington Street (PIN: 21-03-426-003).

Mr. Branham presented the Staff Report and background on the request, with a recommendation for approval. He noted key property conditions, including a substandard lot width and the encroachment of the existing residence into the side yard.

Board Chair Straza opened the public hearing.

Michael Watson (123 Sheringham Drive, Normal, IL), representing the Applicant, spoke on behalf of the request. He provided further background and stated the existing home is approximately 11 feet from the side property line and is legal nonconforming. He stated a high percentage of the homes in the neighborhood do not meet the current setback requirements. He stated the adjacent neighbor has no issues with the request. He added this would be consistent with the existing character of the neighborhood.

Board Chair Straza closed the public hearing.

Board Member Noonan made a motion, seconded by Board Member Harris, to establish findings of fact that all standards for approval of a Variance are met, and to approve of the request for a six-foot side yard on the east side of the property.

Roll call.

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

Motion passed.

The following item was presented:

Item 5.F. V-10-23 - Public hearing, review, and action on a request submitted by Evergreen Racquet Club for approval of a **Variance** to allow reduced minimum off-street parking requirements in the P-3 (Airport) District, for the property located at 3203 E. Washington Street (PIN: 21-01-326-003).

Mr. Branham presented the staff report and background on the request, with a recommendation for approval. He noted key existing site conditions and proposed improvements including the addition of parking spaces, stormwater detention, and improved flow of traffic circulation on the site. He stated the size of site for the specified use does not directly equate to the required parking; he stated the Applicant has also provided parking study information to justify the request.

Chair Straza opened the public hearing.

John Robertson (3 Redstone Court), representing the Applicant, spoke on behalf of the request. He elaborated on the improvements planned for the site. He stated they conducted a parking study over the course of 30 days which indicated the planned parking is sufficient to meet the daily demand. He also discussed shared parking and shuttling agreements for event dates that result in higher parking volume.

Chair Straza asked for affirmation of the statement provided by the Applicant regarding the overflow parking agreements. The Applicant confirmed that the parking study they performed showed that they have adequate parking, or have a plan to provide adequate parking, for the existing and proposed on-site uses.

Kimberly Kernosky (3207 Winchester Drive), expressed concerns about stormwater issues that could result from improvements on the site. She stated her backyard faces the north side of the property and they have had occasional flooding issues previously.

Mr. Robertson responded and further explained proposed site improvements. He stated they would be adding berms which are designed to enclose the north and west portions of the property to guide stormwater flow to the planned detention area. He stated water coming off the courts and asphalt should be adequately addressed, and the addition of detention should improve existing conditions.

Neil Finlen (2709 McGraw Drive), Engineer for the Applicant, further elaborated on planned improvements to the site and stormwater management. He stated they are aware of the existing drainage issues at the site. He stated that the requested reduction in parking allows for detention and overland flow to the basin.

Chair Straza closed the public hearing.

Board Member Harris made a motion, seconded by Board Member Foley, to establish findings of fact that all standards for approval of a Variance are met, and to approve the request for a Variance from § 44-1208, the requirement of a minimum of 280 off-street parking spaces, to allow 74 off-street parking spaces at the property.

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

The following item was presented:

Item 5.G. **SP-19-23** - Public hearing, review, and action on a request submitted by Bloomington 77 Developments, LLC, for approval of a **Special Use Permit** for Multiple-

Family Dwellings in the M -1 (Restricted Manufacturing) District for the property generally located north of W. Market Street (State Route 9), near the eastern termination of Old Peoria Road, consisting of approximately 77 acres (PIN: 13-36-326-002).

Mr. Branham presented the staff report and background on the request, with a recommendation for approval. He noted that this request is in conjunction with an Annexation Agreement and Zoning Map Amendment.

Chair Straza opened the public hearing.

Nathan Hinch (201 E. Grove Street), representing the Applicant, spoke on behalf of the request. He highlighted how the project complies with the Comprehensive Plan and the need for residential uses in the community.

Vice Chair Ballantini inquired how many total units were proposed. Mr. Hinch responded that 790 units are proposed.

Phil Hoffmann (504 Grant Street, Normal, IL), representing the Applicant, provided further background on the types of units proposed.

Chair Straza closed the public hearing.

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

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

New Business

Mr. Branham introduced new City Staff members to the Board: Kelly Pfeifer, Assistant Economic & Community Development Director and John Myers, Assistant City Planner.

Adjournment

Board Member Foley made a motion, seconded by Commissioner Zwaga, to adjourn.

AYES: Vice Board Chair Ballantini; Board Chair Straza; Board Member Foley; Board Member Webb; Board Member Williams; Board Member Zwaga, Board Member Harris.
Motion carried (viva voce).

The Meeting Adjourned at 5:28 p.m.

CITY OF BLOOMINGTON

Chair Michael Straza

Jon Branham Staff Liaison



REGULAR AGENDA ITEM NO. 5.A.

FOR ZONING BOARD OF APPEALS: August 16, 2023

WARD IMPACTED: Ward 5

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

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

STRATEGIC PLAN LINK:

Goal 4. Strong Neighborhoods

STRATEGIC PLAN SIGNIFICANCE:

Objective 4e. Strong partnership with residents and neighborhood associations

BACKGROUND: The Applicant seeks a Special Use Permit to allow Chicken-Keeping in the R-1C (Single-Family Residence) District, per § 44-1011, which states, "On lots less than or equal to one acre with a primary use of a single-family or two-family dwelling...the keeping of up to four chickens may be permitted with special use permit as an accessory use..."

- No waivers to the subject Use Provisions are requested.
- The location of the proposed coop meets the minimum setback requirements from the side and rear property lines.
- The portion of the property where the coop will be placed is entirely screened from neighbors by existing fencing.
- Chapter 8 (Animals and Fowl) and Chapter 22 (Health and Sanitation) of the City Code will also apply once the permit has been approved.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice was published in The Pantagraph on Monday, July 31, 2023. Courtesy notices were mailed to 108 property owners within 500 feet of the subject property.

FINANCIAL IMPACT: N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham

ATTACHMENTS:

[SP-21-23 Staff Report - 1233 Dogwood Ln.docx](#)

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: August 16, 2023

CASE NO: SP-21-23, Special Use Permit for Chicken-Keeping

REQUEST: Public hearing, review, and action on a request submitted by Ashley Carraso for approval of a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District, for the property located at 1233 Dogwood Lane. PIN: 14-35-455-009.

BACKGROUND

Request

The Applicant seeks a Special Use Permit to allow Chicken-Keeping in the R-1C (Single-Family Residence) District, per § 44-1011, which states, “On lots less than or equal to one acre with a primary use of a single-family or two-family dwelling, the keeping of up to four chickens may be permitted as an accessory use...” No waivers to the subject use provisions are requested.

Notice

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, July 31, 2023. Courtesy notices were mailed to 108 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics

The property at 1233 Dogwood Lane consists of 0.16 acres of land located near the intersection of Arrowhead Drive and Dogwood Lane in the Holiday Knolls Subdivision. It is improved with a single-family home with a detached garage. The rear yard of this property, where the coop will be located, is entirely screened by a six-foot-tall solid fence.

Surrounding Zoning and Land Uses

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

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. (§ 44-401C).

Subject Code Requirements

§ 44-908C-2. "Accessory Building and Uses" indicates Chicken Keeping is permitted as an Accessory Use subject to the provisions of this subsection and any additional requirements of Article X.

§ 44-1011 [Ch. 44, 10-11] Chicken-Keeping (Use Provisions)

- A. On lots less than or equal to one acre with a primary use of a single-family or two-family dwelling, or primary use of 1) preschools, 2) private and public schools, and 3) boarding schools, the keeping of up to four chickens may be permitted as an accessory use and shall comply with Chapter 8 and Chapter 22 of the Bloomington Code, 1960, as amended [...]

Chapter 8 (Animals and Fowl) and Chapter 22 (Health and Sanitation) of the City Code will also apply once the permit has been approved.

STANDARDS FOR REVIEW

The Zoning Board of Appeals (ZBA) shall hold at least one public hearing on any proposed Special Use and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Special Use meets all the Standards of Approval listed in § 44-1707H and discussed below.

Special Use Permit to allow Chicken-Keeping in the R-1C (Single-Family Residence) District

- 1. 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 chickens will be located at least 10 feet away from all neighboring properties; the provided site plan meets the setback requirements of § 44-1011. Chapters 8 & 22 of the City Code provide enforcement mechanisms, should the coop and enclosure fall into disrepair. Standard is met.

- 2. 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 Special Use should not impair normal use and enjoyment of the surrounding properties. The coop is entirely screened by the existing fencing which would keep the chickens contained within the property. The Special Use would contribute to Goal HL-5.1 (Encourage local food production), and HL-5.3 (Facilitate consumption of healthy, affordable, locally produced food for all residents) of the 2035 Comprehensive Plan. Standard is met.

- 3. 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 location of the coop meets the minimum setback requirements from the side and rear property lines. The portion of the property where the coop will be placed is entirely screened from neighbors

by fencing. The coop and run are movable and, should the petitioner move, can be easily removed from the property. The Code defines Chicken-keeping as an appropriate accessory use for single-family dwellings, and this petition would not impede the normal and orderly development of surrounding properties in any way that was not already weighed—and determined to be appropriate—by the existence of the Special Use in the Code. Standard is met.

4. Adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.

The property is served by City utilities and roads; no change to facilities is necessary as part of this Special Use Permit. Standard is met.

5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Ingress and egress are provided by existing conditions; no change is expected as the result of the Special Use Permit. Standard is met.

6. 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.

The proposed Special Use is subject to, and conforms with, both the use provisions for Chicken-Keeping as stated in Chapter 44, 10-11 and the regulations of the R-1C (Single Family Residence) District. In addition, Special Use Permits are enforceable and revokable, should such use become a nuisance, be destroyed, or cease operations for a specific period. Standard is met.

STAFF RECOMMENDATION

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

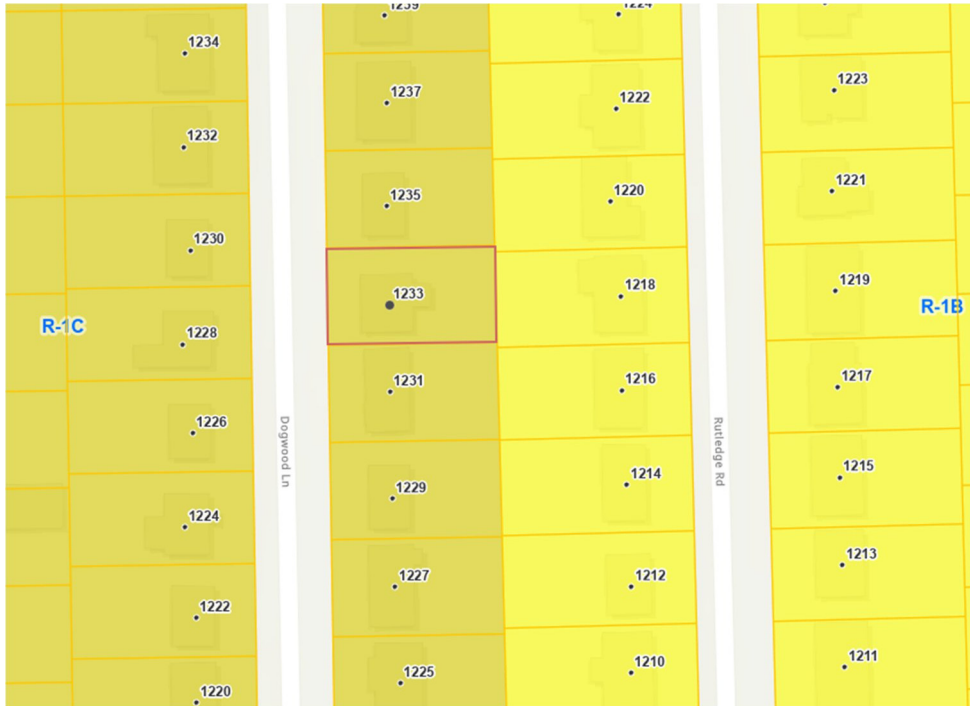
Motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend approval of the request with no conditions.

Respectfully submitted,
Jon Branham
City Planner

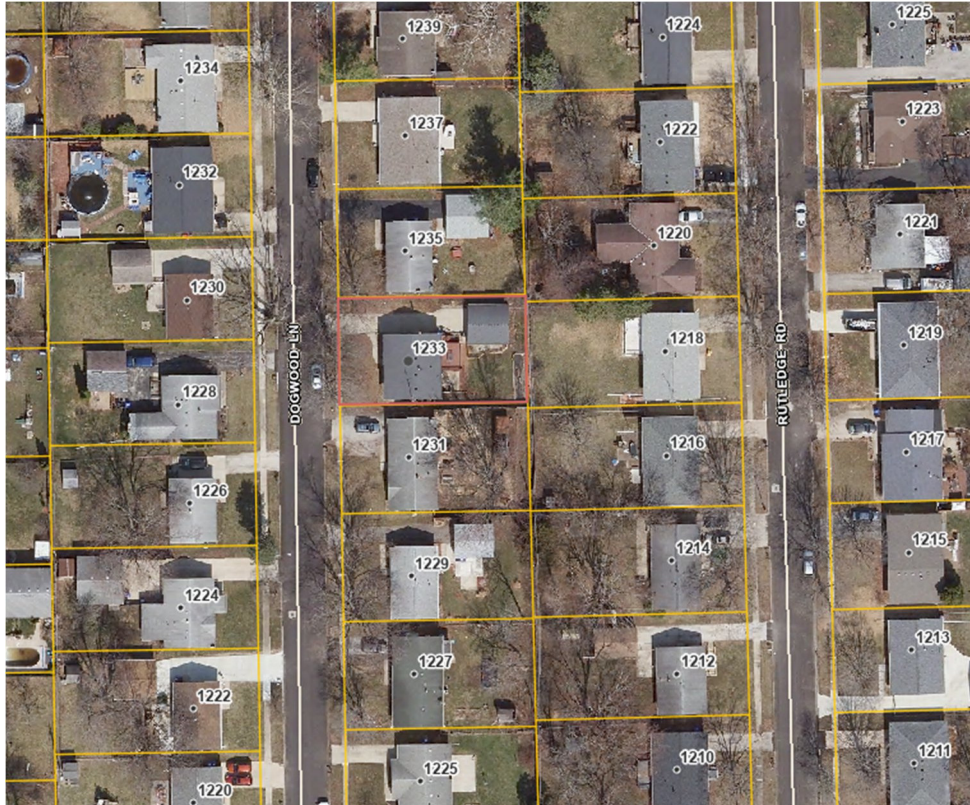
Attachments:

1. Zoning Map
2. Aerial Image
3. Ground-Level Views
4. Petitioner-Submission - Description of Project
5. Site Plan
6. Neighborhood notice map

Attachment 1 - Zoning Map



Attachment 2 - Aerial Image



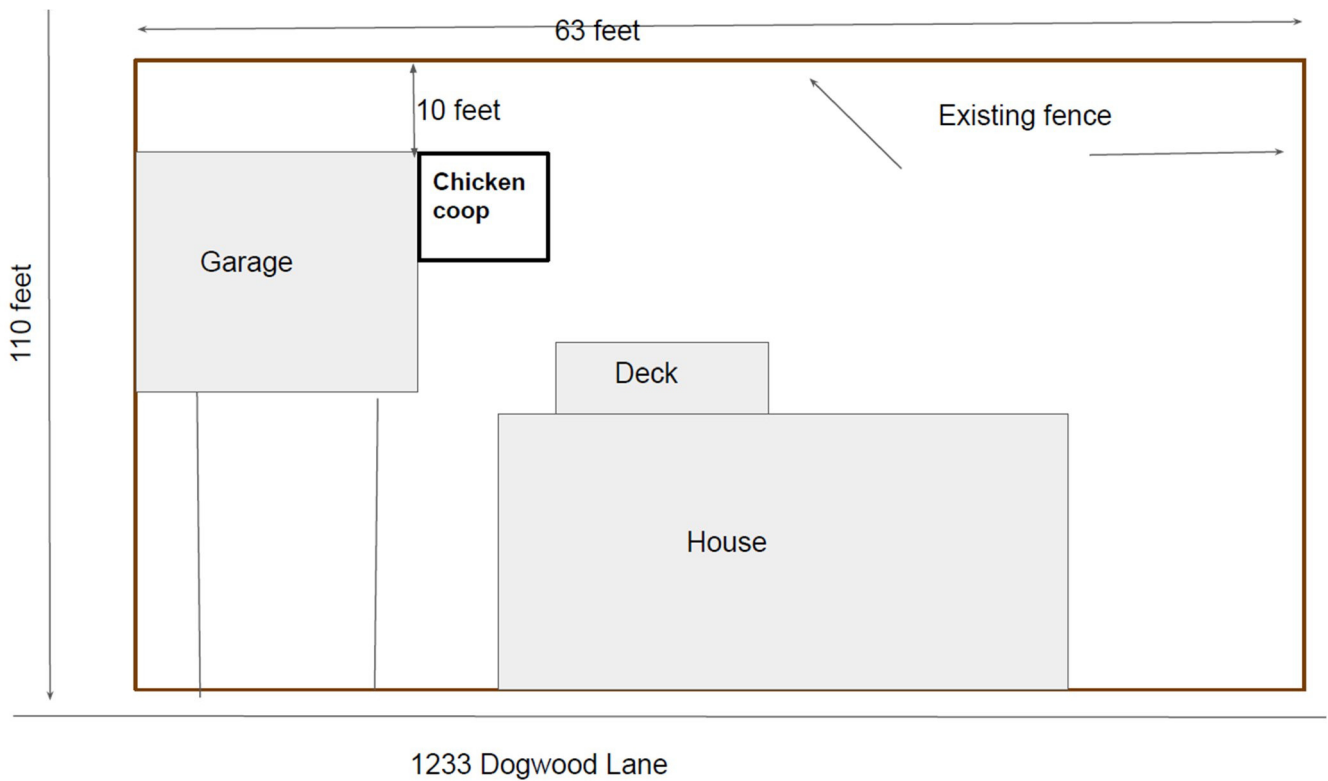
Attachment 3- Ground-Level Views



Attachment 4 - Petitioner-Submission - Description of Project

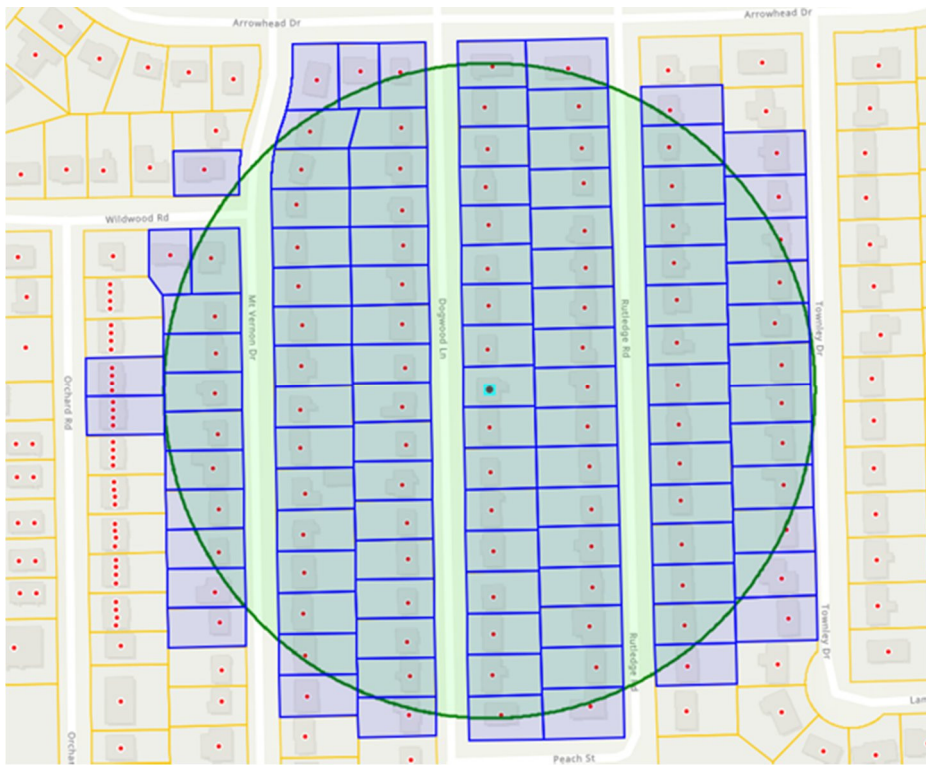
Chicken keeping- back yard, would like to have a few chickens for our family

Attachment 5 - Site Plan



**a 10' x 5' fenced run area will also be attached to the west side of the coop.*

Attachment 6 - Neighborhood notice map





REGULAR AGENDA ITEM NO. 5.B.

FOR ZONING BOARD OF APPEALS: August 16, 2023

WARD IMPACTED: Ward 8

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

RECOMMENDED MOTION: Motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend **approval** 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 Special Use Permit to allow a Vehicle Sales & Service in the B-1 (General Commercial) District, per § 44-502B.

- No waivers of use provisions are requested.
- The Applicant proposes to convert a former Theater use into a Vehicle Sales & Service use.
- Vehicular access will be provided via existing curbs cut along Detroit Drive.
- No exterior modifications to the property are proposed at this time.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice was published in The Pantagraph on Monday, July 31, 2023. Courtesy notices were mailed to 25 property owners within 500 feet of the subject property.

FINANCIAL IMPACT: Growth of local tax base.

Respectfully submitted for consideration.

Prepared by: Jon Branham

ATTACHMENTS:

[SP-20-23 - Staff Report - 415 Detroit Dr](#)

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: August 16, 2023

CASE NO: SP-20-23, Special Use Permit for Vehicle Sales & Service

REQUEST: Public hearing, review, and action on a petition submitted by FMB Holdings, Inc. requesting approval of a Special Use Permit for a Vehicle Sales & Service Use in the B-1 (General Commercial) District, for the property located at 415 Detroit Drive. PIN: 22-07-200-035.

BACKGROUND

Request:

The Applicant seeks a Special Use Permit to allow a Vehicle Sales & Service in the B-1 (General Commercial) District, per § 44-502B which indicates Vehicle Sales & Service may be permitted as Special Uses in the B-1 District. No waivers to use provisions are requested. The Applicant proposes to modify the interior to accommodate the proposed use. There are no anticipated exterior modifications proposed for the property at this time. According to the Applicant, the property will be primarily utilized for the selling of vehicles. Any servicing of vehicles would occur at the rear of the property.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, July 31, 2023. Courtesy notices were mailed to 25 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics:

The subject property consists of 8.32 acres of land located near the intersection of E. Oakland Avenue and Detroit Drive. The property is currently vacant and was formerly occupied as a Theater. Neighboring properties are zoned B-1 (General Commercial) District and contain a mix of commercial uses or are vacant.

Surrounding Zoning and Land Uses:

Zoning		Land Uses
North	B-1 (General Commercial)	Vehicle Repair & Service
South	B-1 (General Commercial)	Office / Vacant
East	B-1 (General Commercial)	Vacant
West	B-1 (General Commercial)	Vacant

Description of Current Zoning District:

The B-1 (General Commercial) District is intended to facilitate the development of community and regional commercial areas. Customers in this district will generally use a motor vehicle to reach a desired establishment. The development contemplated in this district has such distinguishing characteristics as unified site planning and development that promotes a safe and conducive atmosphere for large volumes of shoppers; site accessibility such that the high volumes of traffic generated create minimal congestion and adverse impact upon surrounding land use; and unified architectural treatment of buildings rather than an assemblage of separate, conflicting store and structural types. (§ 44-501A).

Subject Code Requirements:

§ 44-502B, "Allowed Uses Table" indicates Vehicle Sales & Service permitted as a Special Use in the B-1 District.

STANDARDS FOR REVIEW

The Zoning Board of Appeals (ZBA) shall hold at least one public hearing on any proposed Special Use and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Special Use meets all of the Standards of Approval listed in § 44-1707H and discussed below.

Special Use Permit for Vehicle Sales & Service in the B-1 (General Commercial) District.

- 1. 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 establishment, maintenance, and operation of a Vehicles Sales & Service use is appropriate for this location and will not be detrimental to the public health, safety, comfort, or general welfare of the other surrounding uses. Standard is met.

- 2. 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 designation on the City's Future Land Use Map for this area is "Regional Commercial"; the proposed Special Use would not have a negative impact on other uses appropriate for within that designation. The Special Use would contribute to Goal ED-4 (Enhance the image of Bloomington as a business-friendly City), and Objective ED-4.2 (Prioritize infill and redevelopment to spur growth and reinvestment in the City) of the 2035 Comprehensive Plan. The proposed Special Use can be expected to maintain property values within the neighborhood by ensuring active occupancy and maintenance of the property. Standard is met.

- 3. 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 proposed use is consistent with the character of other uses in the area. The uses adjacent to the site include a Vehicle Repair & Service use and other compatible commercial uses. Other properties within a two-block radius contain all commercial uses or are commercially zoned vacant property. Standard is met.

4. **Adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.**

City water and sewer are already available to the property, roadway and sidewalk access is existing. Standard is met.

5. **Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

Ingress and egress are provided by two existing curbs cut along Detroit Drive, which had previously served the former Theater use for an extended time. No exterior modifications are proposed with this request. Standard is met.

6. **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.**

The use would be required to meet the standards for the District, including any provisions for bulk requirements, although no exterior modifications are proposed. If any changes occur or servicing of vehicles is further pursued at the site, that would also need to meet all related Code requirements for those changes. No waivers are requested or provided as part of this Special Use Permit. Standard is met.

STAFF RECOMMENDATION

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

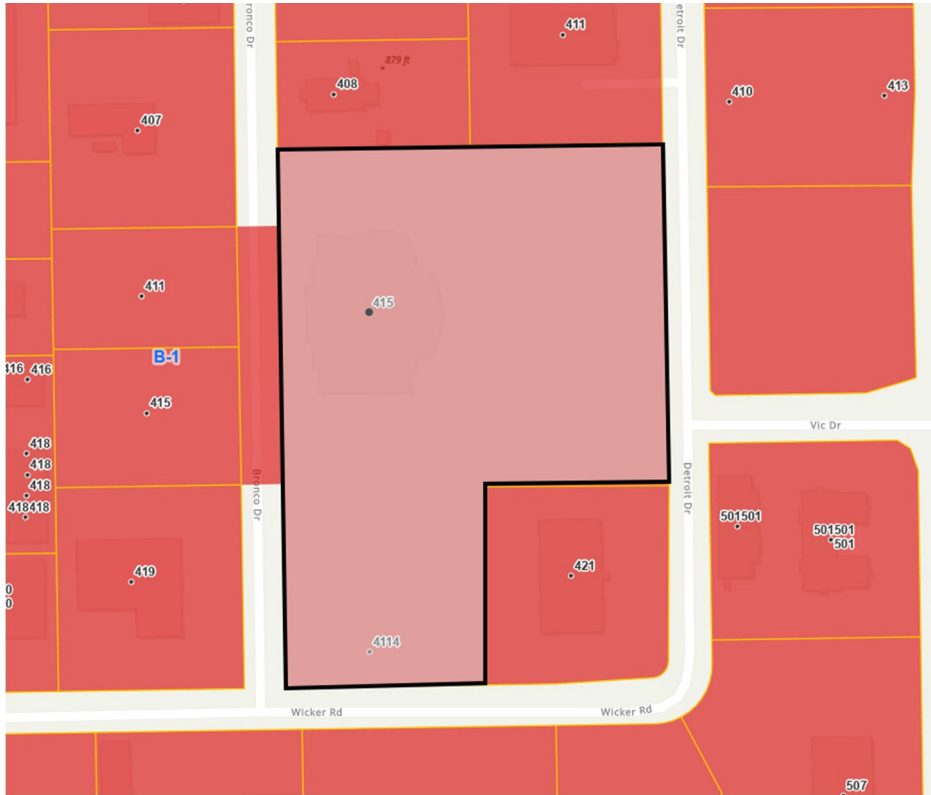
Motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend approval of the request with no conditions.

Respectfully submitted,
Jon Branham
City Planner

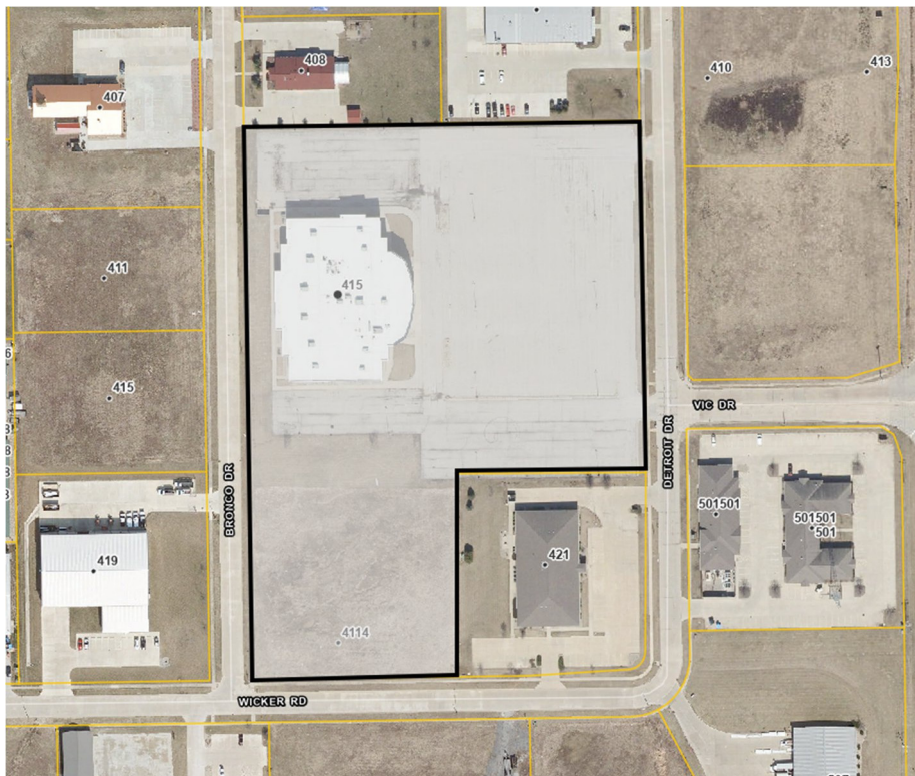
Attachments:

1. Zoning Map
2. Aerial Image
3. Ground-Level View
4. Petitioner-Submission - Description of Project
5. Neighborhood notice map

Attachment 1 - Zoning Map



Attachment 2 - Aerial Image



Attachment 3- Ground-Level View



Attachment 4 - Petitioner-Submission - Description of Project

Short Project Description: This property is a former movie theater. The property was constructed for this use and has a large adjoining parking lot. The theater closed approximately two years ago and has remained vacant. Applicant recently closed on the purchase of this real estate and desires to use the premises for the purpose of automobile sales and service if a new movie theater tenant cannot be located. No additional construction would be anticipated other than interior remodeling and improvements to make it usable for this new purpose.

Attachment 5 - Neighborhood notice map

