



AGENDA
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING
CITY HALL COUNCIL CHAMBERS
109 EAST OLIVE STREET; BLOOMINGTON, IL 61701
WEDNESDAY, AUGUST 15, 2018, at 4:00 P.M.

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

4. MINUTES Consideration, review and approval of Minutes from the July 18, 2018 meeting.

5. REGULAR AGENDA

A. Z-17-18 Consideration, review and action of a petition submitted by Ken Ratcliff for variance to allow a 1'8" increase in fence height in front yard, from the required 4 foot fence height at 1502 E. Olive Street. (Ward 4).

B. Z-18-18 Consideration, review and action of a petition submitted by Randy & Liz Butts for a variance to allow a 12'6" reduction in the required front yard setback from 62 feet (block average) to 49 feet 6 inches, for an addition to the existing garage at 3 Cherrywood Lane. (Ward 5).

6. OTHER BUSINESS

7. NEW BUSINESS

8. ADJOURNMENT

**MINUTES
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, JULY 18, 2018
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

Members present: Ms. Barbara Meek, Mr. Robert Schultz, Mr. Jeff Brown, Mr. Terry Ballantini, Mr. Veitengruber and Chairman Tristan Bullington

Members absent: Ms. Victoria Harris

Also present: Mr. George Boyle, Assistant Corporation Counsel
Mr. Bob Mahrt, Community Development Director
Ms. Izzy Rivera, Assistant City Planner

Chairman Bullington called the meeting to order at 4:00 p.m. Mr. Mahrt called the roll; with six members present, the Zoning Board of Appeals established a quorum.

PUBLIC COMMENT: None.

MINUTES: The Zoning Board of Appeals reviewed the June 20, 2018 regular meeting minutes.

Ms. Meek motioned to approve the minutes, seconded by Mr. Brown. The Board approved the minutes by voice vote, 6-0.

REGULAR AGENDA:

Z-15-18 Consideration, review and action of a petition submitted by Kurt Amacher for variances to allow 1) exceeding the 1,000 sq ft requirement by 168 sq ft; and 2) exceed the sq ft of the principle structure by 400 sq ft to allow a carport in the rear yard at 702 E Miller St. (Ward 1).

Chairman Bullington introduced the case and swore in the petitioner, Mr. Kurt Amacher, 702 E Miller St. He stated he would like to add a car port in front of his existing garage on a concrete slab left over from the previous garage. Mr. Amacher will have to extend the slab to fit the entire car port on it. He stated the car port will be reduced in size from 20 X 20 to 18 X 20. Mr. Amacher built the existing garage larger so that he could fit a pool table and use the extra space for storage. He would like to add the car port so that he will have shade during the summer months.

Ms. Rivera presented the staff report and the recommendation to deny the variances. Ms. Rivera provided pictures of the subject property, the surrounding properties and an aerial view of the neighborhood as well as the zoning view. She stated carports are permitted in the rear yard, but they must adhere to the accessory structure regulations. Ms. Rivera stated the carport would fail to comply the following standard set forth in the Code for accessory structures: The car port

would require two variances as it exceed the size of the principle structure as well as the 1,000 sq ft threshold for accessory structures.

Ms. Rivera provided staff's analysis of the standards for a variance and determined the petition does not meet the factors. The site does not have characteristics that make adherence to the code difficult, the petitioner is able to use the property as is, and the variance would exceed all maximum requirements. For these reasons staff made a recommendation to deny the request for the two variances.

Mr. Schultz asked if the petitioner had considered other options. Mr. Amacher stated he would like a carport as that would provide the result he was looking for in his back yard.

No one spoke in favor of the petition. No one spoke in opposition to the petition. Chairman Bullington declared the evidentiary hearing closed.

Chairman Bullington requested the Board establish a finding of fact for case Z-15-18. He explained the Board will take a position on each factor and state if the factor is "met" or "not met". Mr. Mahrt called each factor and performed a roll call vote for each factor. The Board determined that case Z-15-18 did not meet the factors for a variance (44.13-4D) with the following votes cast:

Factor 1. Mr. Brown—not met; Mr. Ballantini—not met; Ms. Meek—not met; Mr. Schultz—not met; Mr. Veitengruber—not met; Chairman Bullington—not met.

Factor 2. Mr. Brown—not met; Mr. Ballantini—not met; Ms. Meek—not met; Mr. Schultz—not met; Mr. Veitengruber—not met; Chairman Bullington—not met.

Factor 3. Mr. Brown—not met; Mr. Ballantini—not met; Ms. Meek—not met; Mr. Schultz—not met; Mr. Veitengruber—not met; Chairman Bullington—not met.

Factor 4. Mr. Brown—not met; Mr. Ballantini—not met; Ms. Meek—not met; Mr. Schultz—not met; Mr. Veitengruber—not met; Chairman Bullington—not met.

Factor 5. Mr. Brown—not met; Mr. Ballantini—not met; Ms. Meek—not met; Mr. Schultz—not met; Mr. Veitengruber—not met; Chairman Bullington—not met.

Chairman Bullington requested the Board vote in favor or against the petition for a variance, case Z-15-18. The variance was denied, 6-0, with the following votes called:

Mr. Brown—no; Mr. Ballantini—no; Ms. Meek—no; Mr. Schultz—no; Mr. Veitengruber—no; Chairman Bullington—no.

Z-16-18 Consideration, review and action of a petition submitted by Seth Jacob of Clearstone Construction Studio and Ben and Leisa Johnston for a variance to allow 1) a reduction in the required front yard from 120' to 57'; and 2) expansion of a non-conforming structure by 7.2' for the addition of a garage at 40 Sunset Rd. (Ward 4).

Chairman Bullington introduced the case and swore in the petitioner, Mr. Seth Jacobs, contractor and Ben Johnson, owner of 40 Sunset Rd. Mr. Jacobs stated there are many renovations being done to the home. The homeowners would like to expand the home, making it easier for access, as it is a tri level home. As the owner gets older they will be able to live more comfortably with the renovations. The existing garage is a tight space, and that is why they would like to expand it. Mr. Jacobs stated he worked within the setbacks where he could, however the average setback for the block is very high and would require a variance.

Mr. Johnston stated he would like to be careful when designing and making sure the expansion is in line with the block and Sunset Rd community. He would like to make sure that his neighbors are aware of the expansion and are comfortable with the design. Mr. Johnston stated the expansion would be appropriate to the original structure.

Mr. Schultz asked if the garage was the only expansion. Mr. Jacobs stated that was the only expansion that required a variance and it would only be expanding south towards the street and not towards any neighbors lot.

Chairman Bullington asked if anyone would like to speak in favor or against case Z-16-18.

Chairman Bullington swore in Ms. Retina Foehr, 38 Sunset Rd. Bloomington, IL. Ms. Foehr stated she is a neighbor who is trying to sell the lot next to 40 Sunset Road. She had the house torn down and is currently a vacant lot. She asked the Board if the new setback is approved, how that would impact new owners at the site she is trying to sell. She is also concerned with the trash bins and construction materials being placed on her property.

Chairman Bullington stated the approval of the variance would only be set for 40 Sunset Road and if another property was seeking relief they would have to seek variances specific for their property.

Ms. Meek stated there are neighborhoods with a set front yard setback line, however in Sunset Rd there are ranges of setback sizes, some larger others smaller. The approval of the variance would be for 40 Sunset Road and the average front yard setback for Sunset Rd would change since the numbers would be different.

Chairman Bullington swore in Mr. Bob Reardon, 32 Sunset Rd. Mr. Reardon stated there have been some arguments in the past about front yard setbacks, some that have caused legal cases. The setbacks have changed over time and he would like any new changes to be in line with the block and not cause any significant problems to any other community member.

Chairman Bullington swore in Roland Thompson, 42 Sunset Rd. Mr. Thomson stated he was in favor of the expansion. He stated the property had been vacant for 5 years and not in good shape. With the new expansion and remodeling the home will no longer be a blight to the street.

Chairman Bullington swore in Mary Williams, 44 Sunset Rd. Ms. Williams stated she is supportive of the variance to expand the setback. She would like to be cautious and make sure that the design will be in line with the rest of the neighborhood and that the expansion will not disrupt the character of Sunset Rd.

Ms. Rivera presented the staff report and staff's favorable recommendation for the variance. She provided pictures of the subject property, the surrounding properties and an aerial view of the neighborhood as well as the zoning view. The site is located in a subdivision with large lots ranging in size up to and over an acre. The setbacks are also ranging in size from 14 feet to over 200 feet. Since the site is located on a smaller lot, the average setback of 120' creates a hardship and makes additions more difficult to accommodate. The site is also nonconforming as it does not meet the average setback. The setback for the R-1A zoning classification is 40 feet, which the house does meet, however since it is an established non-conforming home, a variance would still need to be requested for any variance smaller or larger.

Ms. Rivera provided staff's analysis of the standards for a variance and determined the petition meets the factors. The site has a much smaller setback than the average, the neighborhood was established before the code, any action would require a variance since it is nonconforming, and the new setback would be in line with the rest of the neighborhood and not cause significant disruption.

Chairman Bullington declared the evidentiary hearing closed.

Chairman Bullington requested the Board establish a finding of fact. Mr. Schultz motioned to adopt the City's findings as fact for all factors. Seconded by Ms. Meek.

Chairman Bullington explained a vote of "yes" would adopt the City's findings of fact as to the five factors. The motion was approved 6-0 with the following votes cast in favor on roll call: Mr. Brown—yes; Mr. Ballantini—yes; Ms. Meek—yes; Mr. Schultz—yes; Mr. Veitengruber—yes; Chairman Bullington—yes.

Chairman Bullington requested the Board vote in favor or against the petition for a variance, case Z-16-18. The variance was approved unanimously, 6-0, with the following votes called: Mr. Brown—yes; Mr. Ballantini—yes; Ms. Meek—yes; Mr. Schultz—yes; Mr. Veitengruber—yes; Chairman Bullington—yes.

NEW BUSINESS: Mr. Schultz discussed scenarios for recusal. He will be following up with legal in order to determine a clear understanding and procedure for recusals in the future.

ADJOURNMENT

Mr. Brown motioned to adjourn. Seconded by Ms. Meek. The motion was approved by voice vote. The meeting adjourned at 5:00 p.m.

Respectfully Submitted,
Izzy Rivera
Assistant City Planner

CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
AUGUST 15, 2018

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-17-18	1502 E Olive St	Variance	Katie Simpson City Planner

PROJECT DESCRIPTION:
Construct a scalloped 5' fence in the required front yard on a corner lot

PETITIONER'S REQUEST:			
Pertaining to Section of Code: 44.4-5 Lots and Yards			
Type of Variance	Request	Required	Variation
Increase in allowed fence height in required front yard	65" at tallest point (~6ft)	4'	1.8' to 2' increase

STAFF RECOMMENDATION:	Staff believes there is enough information at the time of this report to find that factors 1, 4, and 5 are met. If the petitioner presents additional evidence at the hearing to support factors 2 and 3, then staff feels that the ZBA could grant the variance. However, without additional information, staff cannot support the variance requested. <i>Staff recommends the Zoning Board of Appeals deny the variances for 1502 E Olive St.</i>
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NOTICE

The application has been filed in conformance with applicable procedural requirements and public notice was published in *The Pantagraph* on July 30, 2018.

GENERAL INFORMATION

Owner and Applicant: Ken Ratcliff

PROPERTY INFORMATION

Legal description: WARNER & CARTER'S EAST LAWN SUBN PT E1/2 SE SEC 3 TWP 23
2E LOT 13 BLK 1

Existing Zoning: R-1C, High Density Single Family Residence
Existing Land Use: Single family home
Property Size: Approximately 6,845 square feet (50 X 136)
PIN: 21-03-432-013

SURROUNDING ZONING AND LAND USES

Zoning

North: R-1C, High Density Single Family
South: R-1C, High Density Single Family
East: R-1C, High Density Single Family
West: R-1C, High Density Single Family

Land Uses

North: Single family homes(s)
South: Single family home(s)
East: Single family home(s)
West: Single family home(s)

ANALYSIS

Submittals

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

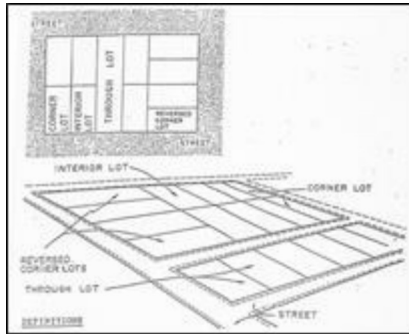
1. Application for Variance
2. Site Plan
3. Aerial photographs
4. Site visit

PROJECT DESCRIPTION



Top: View of subject property from Moore St.
Left: View of subject property from E. Olive St.

Background:



Chapter 44, Appendix "A" Figure 3

The subject property, located at 1502 E. Olive St., is a corner lot positioned at the northeast corner of E. Olive St. and Moore St.. The subject property has a lot area of, approximately, 6,845 square feet, with 50 feet of lot frontage on E. Olive St. The lot is 136 feet deep. The property is part of the Warner & Carter's East Lawn Subdivision platted in 1905. According to the Bloomington Township Tax Assessor, in 1925, the subject property was improved with a single family home. The home was built with the following setbacks (measured from the foundation of the principal structure to the lot line): front (Olive St)-30 ft; east side-8ft; rear-app. 60ft; west side/front (Moore St)-12 ft. Moore Street was also platted in 1905 with sixty (60) feet of right-of-way dedicated to the city. The street pavement is approximately 25 feet wide with roughly 17.5 feet of parkway on the east and west sides of the road. The subject property is zoned R-1C, Single Family Residential District.

The Zoning Ordinance adopted in 1960 and amended periodically, states that a corner lot should have two (2) required front yard setbacks. In this case, the required front yard setback would be 30 feet along Moore St, but the home was built prior to the adoption of this regulation. Earlier versions of Bloomington's Zoning Ordinance, stated that corner lots should have a front yard setback along the short side of the lot, and a minimum five yard setback along the long side of the lot. The subject property and neighboring properties align with the 1941 and 1956 Ordinance requirements. Additionally, the homes on Moore St face either north or south; and no homes between Taylor St and Grove St. face Moore St.



Project Description: The petitioner would like to enclose the rear portion of their lot with scalloped fence. It is staff's understanding that the fence would be similar to the fence pictured on page 2. The fence would be approximately 65" at its highest point, roughly six (6) feet. The proposed fence would project eleven (11) feet into the required front yard on the west side of the lot, and run parallel to the west lot line before connecting with the garage (see site plan shown above). The Zoning Ordinance permits a four (4) foot fence by right in the required front yard of a home. The petitioner needs a two (2) foot variance to accommodate the six (6) foot fence.

Fences can be functional and decorative. Fences create a physical barrier intended to contain or restrict people, animals or objects within or from a given area. Privacy fences, typically six feet tall and opaque, can obstruct sight lines and visibility at driveways and intersections. Additionally, tall fences in front of residences function as a visual barrier and can create the appearance of an unsafe, secluded and uninviting neighborhood. Tall, opaque fences in the front yard can also obstruct sight lines and discourage interaction with neighbors. The Ordinance

limits taller fences to back yards and permits shorter fences in front yards to reduce sight line obstructions.

The following is a summary of the requested variations:

Applicable Code Sections:

Pertaining to Section of Code: 44.4-5 Lots and Yards

Type of Variance	Request	Required	Variation
Increase in allowed fence height in required front yard	65" at tallest point (~6ft)	4'	1.8' to 2' increase



Sketch-up model of the proposed fence, looking north at the intersection of Moore St. and East Olive St. *Model is for conceptual purposes and does not include elevations.

Analysis

Variations from Zoning Ordinance

The Zoning Board of Appeals may grant variances only in specific instances where there would be practical difficulties or particular hardships in carrying out strict adherence to the Code. It is incumbent on each Zoning Board of Appeals member to interpret and judge the case based on the evidence presented and each of the Findings of Fact. Staffs' analysis and findings are as follows:

FINDINGS OF FACT

The petitioner has outlined the request for variation in the attached narrative and drawings. The Zoning Ordinance requires that the petition meet the findings of fact as outlined below.

That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and the subject property is located on the northwest corner of the intersection of Moore St. and Olive St. The property was developed prior to the adoption of the zoning ordinance, and prior to the "two front yard setback rule" established after 1960. This city block, on Moore St between Olive St and Grove St, is unique because the homes on Moore St. face either north or south; no homes take their address from Moore St between Olive St and Grove St. The "front" yards on this block function more like a side yard and were designed as a side yards. Since the proposed fence will not obstruct sight distances at

the alley or down the street, and because a fence is this particular location would not create the appearance of an uninviting neighborhood, staff feels the strict application of the ordinance would pose unreasonable hardship on this particular property owner. **The standard is met.**

That the variances would be the minimum action necessary to afford relief to the applicant; and the petitioner could install a four (4) foot fence without necessitating a variance. However, the petitioner is proposing a scalloped fence that will vary in height, peaking at about 5'5". The fence is a "middle ground" to allow some privacy for the petitioner while minimizing the amount of variation requested. **The standard is not met, however staff feels the petitioner is making a good faith effort to reduce the size of the variance requested.**

That the special conditions and circumstances were not created by any action of the applicant; and the subject property is a corner lot. Corner lots have additional constraints such as additional setbacks and prohibitions on sight distance obstructions, but these are common throughout the City. The lot is relatively flat, however there is a four (4) foot change in elevation between the street and the lot line. The lot was established prior to the adoption of the two front yard setback regulation, and the width of the subject property is less than other corner lots established after the adoption of the ordinance. Nonetheless, while the lot has some physical challenges, outside of the lack of front facing homes on Moore St. these conditions are fairly common to older parts of Bloomington, and the requested variation appears to be created by the property owner's request for a taller fence. **The standard is not met.**

That granting the variation request will not give the applicant any special privilege that is denied to others by the Code; and in 2008, the Zoning Board unanimously approved a variance for 1424 E. Olive St, which allowed the installation of a six (6) foot fence in the required front yard. The report from Z-15-08 references variances for the construction of six (6) foot fences in the front yards at 204 Mercer Ave, 1327 E. Grove St, and 502 S. State Street. **The standard is met.**

That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use of development of adjoining properties. The fence would be located on the east side of Moore St, which does not have sidewalk. The fence will be set back far enough from the alley, at least 15ft, to avoid obstructing sight lines for vehicles entering and exiting the alley. Additionally, the homes on Moore St. face either north or south; therefore the proposed fence will not block visibility from the front of any of the homes and will not result in a secluded or uninviting appearance. The home at 1424 E. Olive St has a similar six (6) foot fence and the installation would not alter the character of the neighborhood nor impair use of adjoining properties. **The standard is met.**

STAFF RECOMMENDATION: Staff believes there is enough information at the time of this report to find that factors 1, 4, and 5 are met. If the petitioner presents additional evidence at the hearing to support factors 2 and 3, then staff feels that the ZBA could grant the variance. However, without additional information, staff cannot support the variance requested. *Staff recommends the Zoning Board of Appeals deny the variances for 1502 E Olive St.*

Respectfully submitted,

Katie Simpson
City Planner

Attachments:

- Variance Application
- Petitioner Statement of Findings of Fact
- Site Plan

- Aerial Map
- Zoning Map
- Newspaper notice and neighborhood notice
- List of notified property owners

2-17-18

#38855

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: 1502 E Olive St.

Site Address: _____

Petitioner: Ken Ratcliff Phone: _____

Petitioner's Email Address: _____

Petitioner's Mailing Address Street: 1502 E Olive

City, State, Zip Code: Bloomington IL 61701

Contractual interest in the property _____ yes ☒ no

Signature of Applicant _____

Brief Project Description:

Fence install on sideyard. We wish to make some of fence higher than 4'. Estimated height will be ~65" at highest point

Code Requirements Involved:

"Fences located in required front yards shall not exceed 4' in height"

Variances(s) Requested:

Fence height -

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



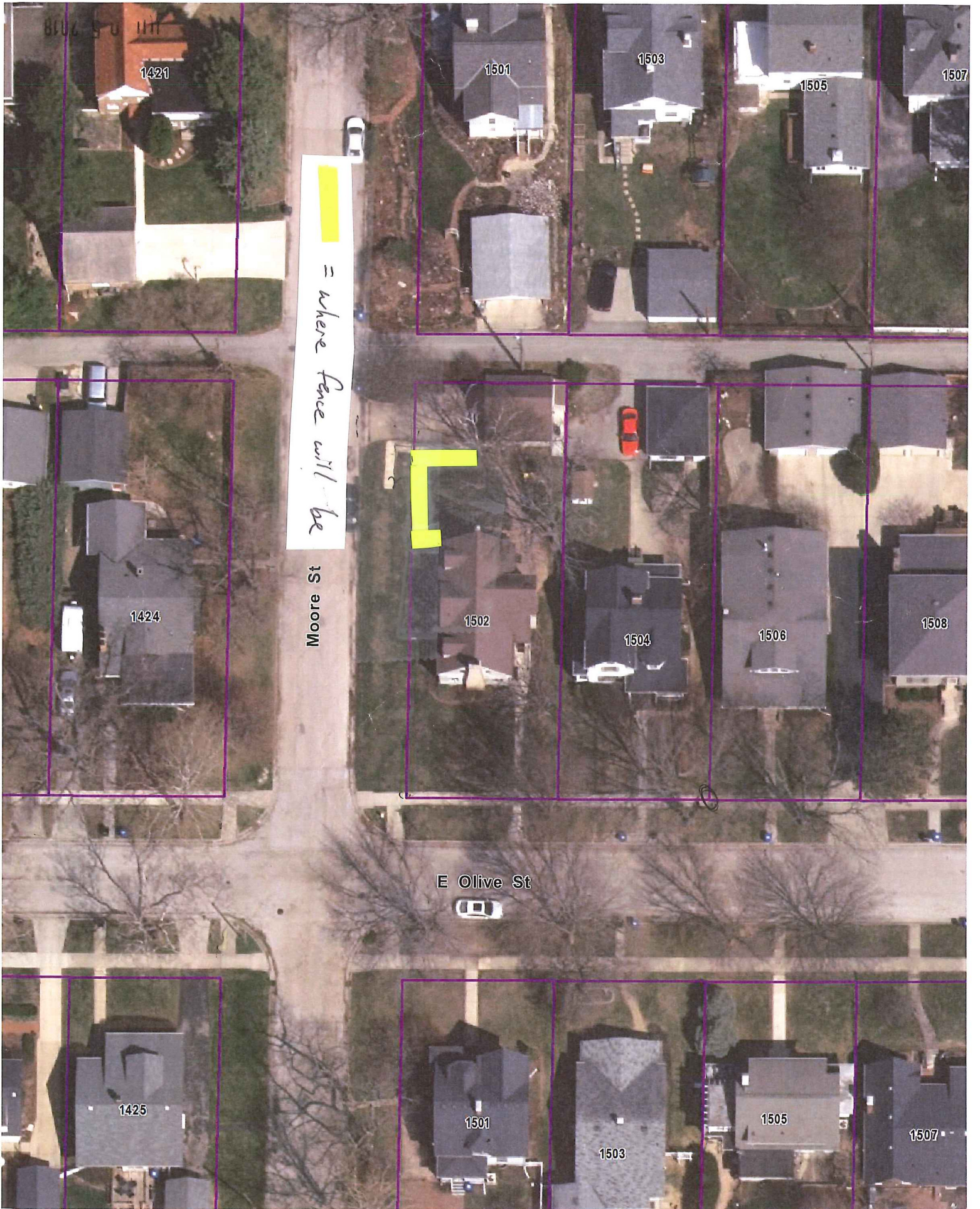
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STATEMENT OF FINDINGS OF FACT
(Must be answered by the Petitioner)

Chapter 44, Section 9.40(d)

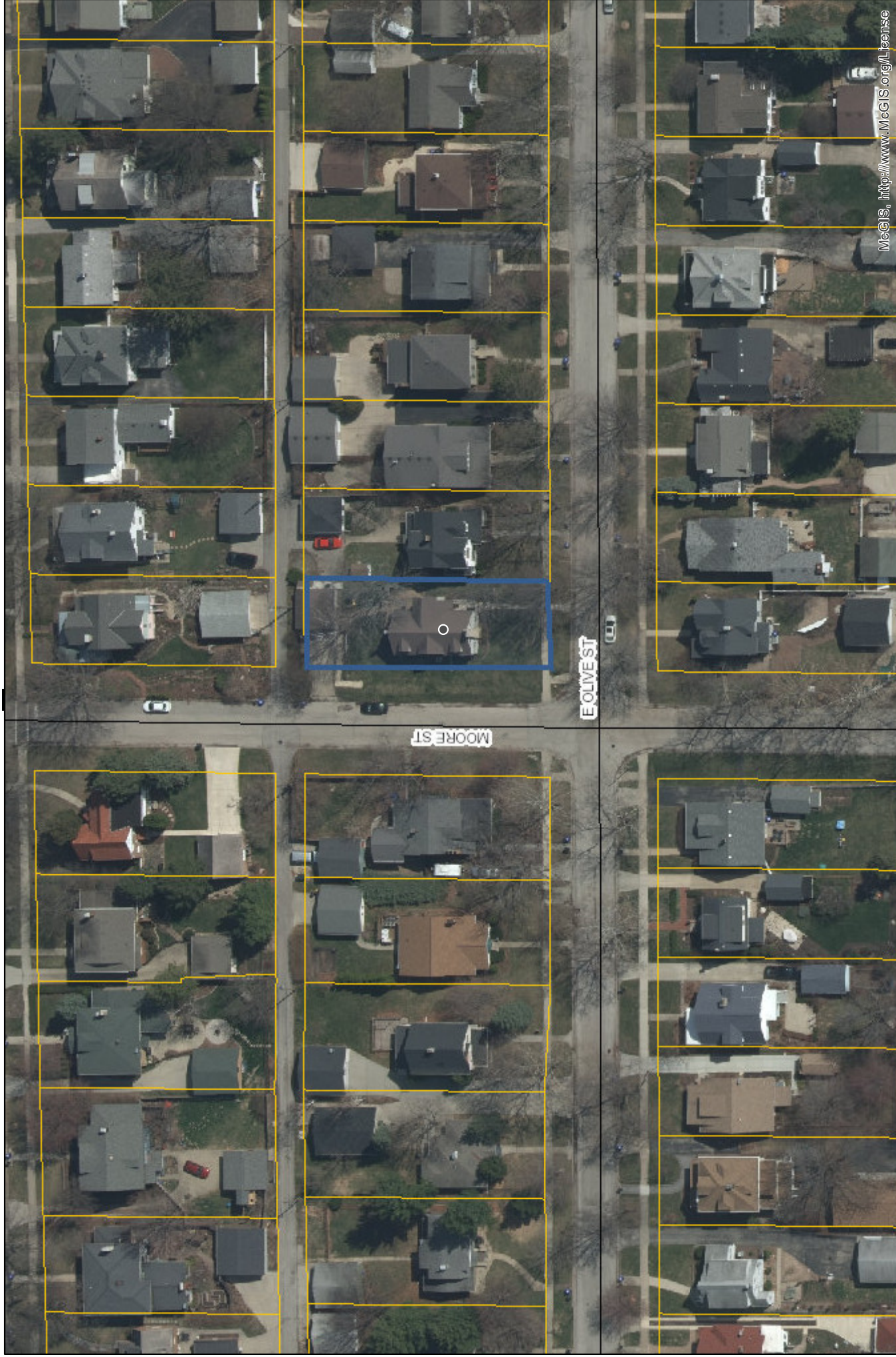
A variation from the terms of this Code shall not be granted by the Zoning Board of Appeals unless and until findings of fact are submitted demonstrating:

1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and
Yes. Elevation falls ~ 12" inches in 25 feet. Our fence will be scalloped style with 8' lower middle than posts. With 4 foot fence, it would be ~ 28 inches at highest part of yard.
2. That the variance would be the minimum action necessary to afford relief to the applicant; and *Will not go up to 72" at posts - we chose scalloped style of fence for appeal and ability to see in and out of our yard.*
3. That the special conditions and circumstances were not created by any action of the applicant; and *No. Elevation of our yard. 80 year old house and our lot is about .4 foot higher than Moore St. We are on corner of Olive and Moore*
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. Many of same variances for fences granted for 6 foot fence in side yard in 2 block radius of us. Across Moore from us and neighbors on end of our block.*
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. *No. Not at all.*
We have chosen a scalloped style cedar fence which enhance our property and be attractive for our neighborhood. It will be similar or smaller than other fences on corner lots in our neighborhood.

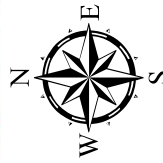


Aerial 1502 E Olive

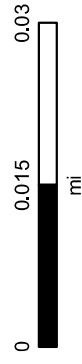
8/8/2018



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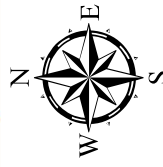


Zoning_1502 E Olive

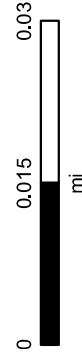
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Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community, McGIS



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Legal Inside

6802
CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
AUGUST 15, 2018

Notice is hereby given that the Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, August 15, 2018 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, for the following petitions:

NAMES, LOCATION (LEGAL DESCRIPTION OF PROPERTY), VARIANCE REQUEST

Ken Ratcliff, 1502 E Olive St. (WARNER & CARTERS EAST ALWN SUB PT E182 SE 3-23-2E LOT 13 BLK 1), requesting a 1'8" increase in fence height in front yard, from the required 4 foot fence height.

Randy & Liz Butts, 3 Cherrywood Lane (THE CRESTVIEW SUBN (EX N25' ST) N235' LOT 2), requesting a 12'6" reduction in the required front yard setback from 62 feet (block average) to 49 feet 6 inches, for an addition to the existing garage.

All interested persons may present their views upon such matters pertaining to the above referenced cases at the public hearing. The petitioner or his/her Counsel/Agent must attend the meeting. In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk, preferably no later than five days before the hearing.

The City Clerk may be contacted either by letter at 109 E. Olive St., Bloomington, IL 61701, by telephone at 309-434-2240, or email cityclerk@cityblm.org. The City Hall is equipped with a text telephone (TTY) that may also be reached by dialing 309-829-5115.



Department of Community Development
115 E Washington St, Ste 201
Bloomington IL 61701

Aug 2, 2018

Dear Property Owner or Resident:

The Zoning Board of Appeals will hold a public hearing on **Wednesday August 15, 2018 at 4:00PM in the Council Chambers, 109 E. Olive Street, Bloomington, Illinois**, to hear testimony for a petition submitted by Ken Ratcliff for approval of a variance request, for the property at **1502 E Olive St.**, at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent must attend the meeting.

REQUEST

The petitioner is requesting a 1' 8" increase in fence height in front yard, from the required 4 foot fence height.

LEGAL DESCRIPTION: WARNER & CARTERS EAST ALWN SUB PT E182 SE 3-23-2E LOT 13 BLK 1

You are receiving this courtesy notification since you own property within a 500 foot radius of the land described above (refer to attached map). All interested persons may present their views upon said petition, or ask questions related to the petitioner's request at the scheduled public hearing. Copies of the submitted petition are available for public review at the Department of Community Development, 115 E. Washington St. Bloomington, IL 61701. Communications in writing in relation to the petition may be sent to the Department of Community Development prior to the hearing, or presented at such hearing.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk at (309) 434-2240, preferably no later than five days before the hearing. Please note that cases are sometimes continued or postponed for various reasons (i.e lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting.

The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org.

If you desire more information regarding the proposed petition or have any questions you may email me at irivera@cityblm.org or call me at (309) 434-2341.

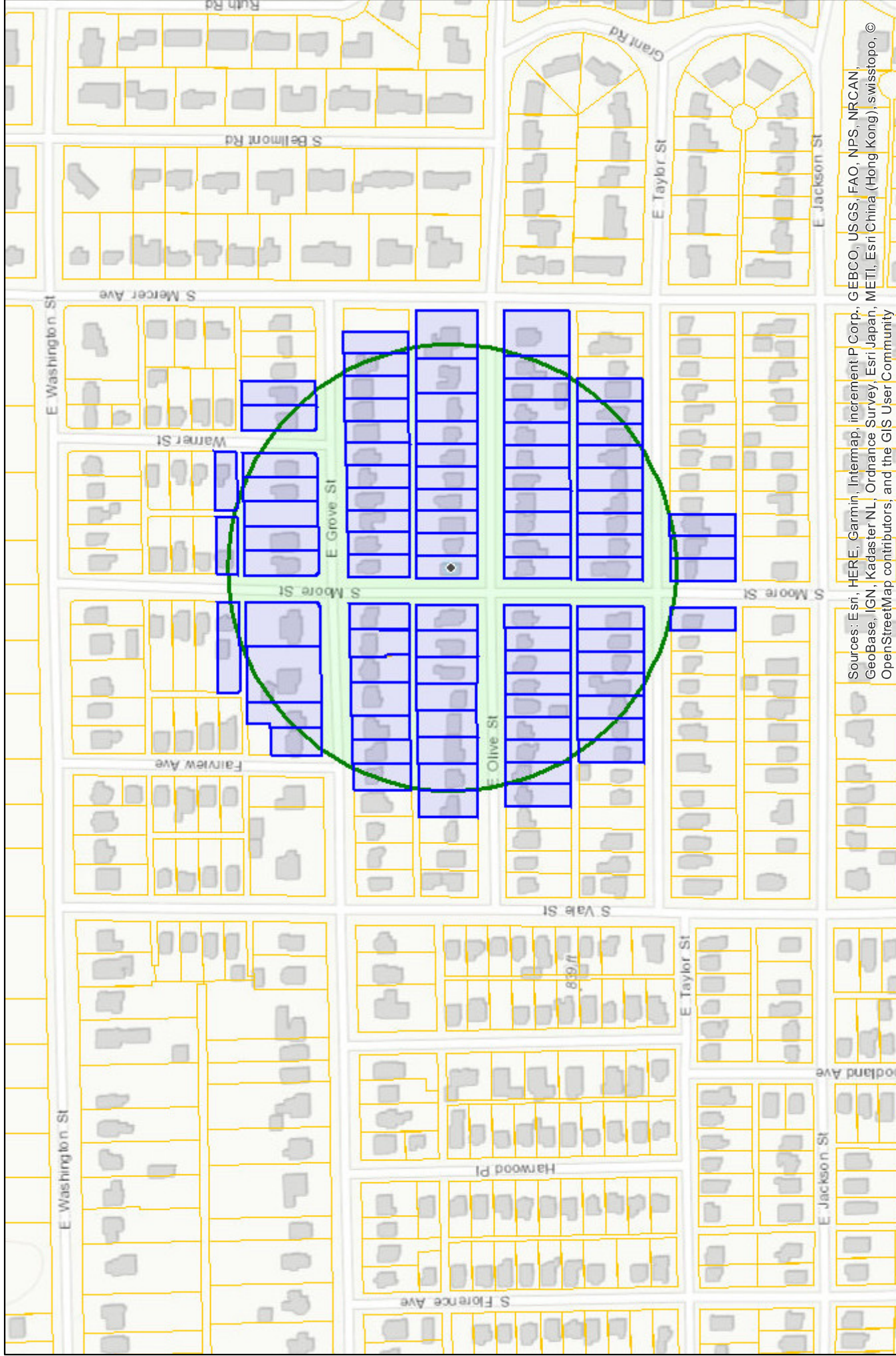
Sincerely,

Izzy Rivera, Assistance City Planner

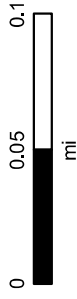
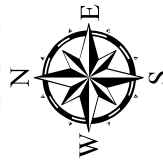
Attachments:

Map of notified properties within 500 ft of subject property

1502 E Olive St. 500 FT Buffer



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community



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JAMES GRAEHLING
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Bloomington, IL 61701

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**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
AUGUST 15, 2018**

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-18-18	3 Cherrywood Ln	Variance	Izzy Rivera Assistant City Planner

PROJECT DESCRIPTION:
12'6" garage expansion that encroaches into the average front yard

PETITIONER'S REQUEST:			
Pertaining to Section of Code: 44.4-5 front yard setbacks			
Type of Variance	Request	Required	Variation
Reduce the front yard setback from the block average	49'6"	62'	12'6" decrease

STAFF RECOMMENDATION:	Staff determines the petition does meets the Zoning Ordinance's standards required to grant a variance. <i>Staff recommends the Zoning Board of Appeals approve the variance requests for 3 Cherrywood Ln</i>
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NOTICE

The application has been filed in conformance with applicable procedural requirements and public notice was published in *The Pantagraph* on July 30, 2018.

GENERAL INFORMATION

Owner and Applicant: Randy and Liz Butts

PROPERTY INFORMATION

Legal description: THE CRESTVIEW SUBN (EX N25' ST) N235' LOT 2

Existing Zoning: R-1A, Low Density Single Family Residence
Existing Land Use: Single family home
Property Size: Approximately 44,100 square feet (210 X 210)
PIN: 14-35-301-002

SURROUNDING ZONING AND LAND USES

Zoning

North: R-1A, Low Density Single Family
South: R-1A, Low Density Single Family
South: R-1B, Medium Density Single Family
East: R-1A, Low Density Single Family
West: R-1A, Low Density Single Family

Land Uses

North: Single family homes(s)
South: Single family home(s)
South: Single family homes(s)
East: Single family home(s)
West: Single family home(s)

ANALYSIS

Submittals

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

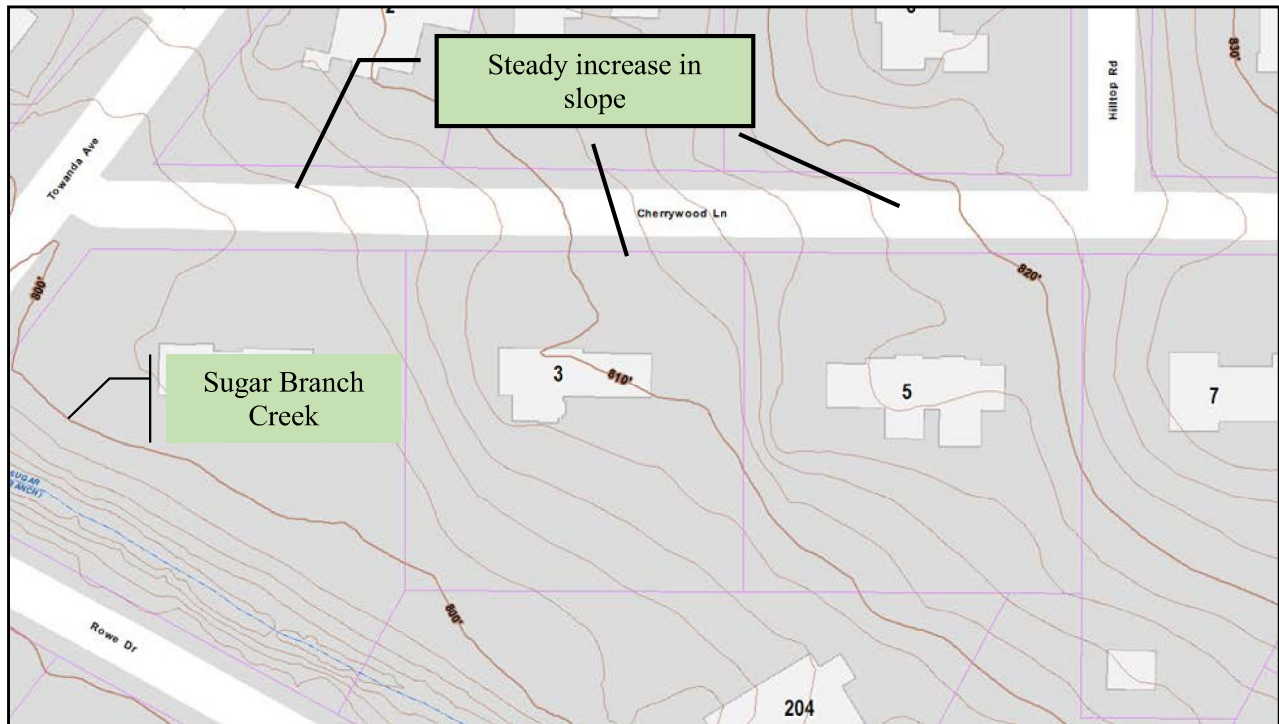
1. Application for Variance
2. Site Plan
3. Aerial photographs
4. Site visit

PROJECT DESCRIPTION



Agenda Item 5B
Z-18-18
3 Cherrywood Lane

Background: The subject property, 3 Cherrywood Lane, is zoned R-1A, Single Family Residence District. The lot is approximately 44,100 square feet, and is larger than the minimum lot requirements for the R-1A zoning district. This site is located within Crestview Subdivision, which was annexed into the city in 1957. The home located on the subject property was built in 1958. The neighborhood is surrounded by low density and medium density residential development. This area consists of sprawled ranch style homes. Currently there is an approximate front yard setback of 61 feet, 21 feet greater than the minimum required front-yard setback of the R-1A District of 40 feet. The average front-yard setback of 62 feet for the neighborhood was established during a zoning case in 2010. The average front-yard was created by taking the measurements from properties along Cherrywood Lane as well as Hilltop Road. Hilltop Road is located off Cherrywood Lane, with lots similar in size and appearance to those on Cherrywood Lane. The lots along Hilltop Road are also zoned R-1A. The city zoning ordinance states that when a neighborhood was built prior to the adoption of the code, the average front yard setback of the block is the established setback rather than the setback dictated by code (44.4-5).



The area contains elevation changes, such as an increase in elevation going east along Cherrywood Lane. The slope increase begins at 1 Cherrywood Lane with a 5% increase, which steadily increases eastwards towards 5 Cherrywood Lane. In the rear of the site there is a gradual decline towards Sugar Branch Creek, which is located south of the subject property. The contour map also shows a natural flow of storm water along the east side of the property flowing southwest towards Sugar Creek. Any new development constructed in its path could cause pooling or redirection of natural flow.

Project Description:

The petitioner is proposing a third car stall addition to an existing attached garage. The addition is a 12'6" extension into the front yard. The garage expansion is an addition to the principle structure which will encroach into the front yard, expanding past the average front yard setback, requiring a variance (44.4-5). According to the McLean County GIS records, there is currently a setback of approximately 62 feet which is within the average front yard setback established for the area. The addition would not only change the subject sites front yard setback to approximately fifty (50) feet but could also decrease the average setback for the area. The existing garage is approximately twenty-three (23) feet wide and twenty-three (23) feet in depth. The expansion would add an average car stall of approximately twelve (12) feet.

The following is a summary of the requested variations:

Applicable Code Sections:

Section of Code: 44.4-5 front yard setbacks

Type of Variance	Request	Required	Variation
Reduce the front yard setback from the block average	49'6"	62'	12'6" decrease

Analysis

Variations from Zoning Ordinance

The Zoning Board of Appeals may grant variances only in specific instances where there would be practical difficulties or particular hardships in carrying out strict adherence to the Code. It is incumbent on each Zoning Board of Appeals member to interpret and judge the case based on the evidence presented and each of the Findings of Fact. Staffs' analysis and findings are as follows:

FINDINGS OF FACT

The petitioner has outlined the request for variation in the attached narrative and drawings. The Zoning Ordinance requires that the petition meet the findings of fact as outlined below.

That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and the neighborhood was established prior to the adoption of the zoning ordinance. The neighborhood consists of larger lots with gradual elevations heading east on Cherrywood Lane. The subject property also contains elevation dips in the rear toward Sugar Creek which could impact development. There is also a natural flow of storm water directly east of the structure. The topography of the site imposes challenges to the petitioner limiting their ability to improve the home in certain areas. **The standard is met.**

That the variances would be the minimum action necessary to afford relief to the applicant; and development towards the rear of the home would not require a variance, however the topography could present a problem for construction, as well as the natural flow of storm water. The proposed addition could also be considered less intense, and compatible to the character of the neighborhood. **The standard is met.**

3 Cherrywood Lane

That the special conditions and circumstances were not created by any action of the applicant; and the neighborhood was established before the adoption of the code. There are changes in elevation along Cherrywood Ln and behind the property that limit the areas where expansion or construction could take place. This is directly related to the property, physical characteristics of the neighborhood and the character of the neighborhood. **The standard is met.**

That granting the variation request will not give the applicant any special privilege that is denied to others by the Code; and another property in the neighborhood received a similar variances for a front yard setback decrease (5 Cherrywood Ln: Z-02-10). There have also been several garage additions and expansions in the area. The petitioner will maintain a front yard which aligns consistently with the surrounding properties, the driveway aisles and maintain the character of the sprawling ranch style homes. **The standard is met.**

That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use of development of adjoining properties. The proposed variance is minor and will not significantly change the character of the neighborhood nor impair the surrounding developments. Because of the staggered elevation changes along Cherywood Ln, views should not be impacted. **The standard is met.**

STAFF RECOMMENDATION: Staff determines the petition does meets the Zoning Ordinance's standards required to grant a variance.

*Staff recommends the Zoning Board of Appeals **approve** the variances for 3 Cherrywood Ln.*

Respectfully submitted,
Izzy Rivera
Assistant City Planner

Attachments:

- Variance Application
- Petitioner Statement of Findings of Fact
- Site Plan
- Contours Map
- Aerial Map
- Zoning Map
- Newspaper notice and neighborhood notice
- List of notified property owners

Z-18-18

39147

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: 3 Cherrywood Lane

Site Address: Bloomington, IL 61701

Petitioner: Randy and Liz Butts

Phone: [REDACTED]

Petitioner's Email Address: Randy A. Butts

Petitioner's Mailing Address Street: 14 Siesta Court

City, State, Zip Code: Bloomington, IL 61704

Contractual interest in the property (yes) ~~no~~ DD

Signature of Applicant [REDACTED]

Brief Project Description:

3 Cherrywood Lane, Bloomington, IL 61701

Renovation to existing structure with an addition to the rear of the house adding a master suite and an addition to the front of the house adding a third car garage.

Code Requirements Involved:

Front Yard Setback

Variance(s) Requested:

Allow for addition of third bay to garage at the front of the house adjoining existing side load garage.

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

We are proposing a 49'6" setback on the front of the house, well over the 40' required for R1A. The proposed addition to the front of the house would not visually protrude farther than other houses on the street. The requested amount of only 15% more than the current setback of the house coincides with the visual aspect. With that said variances have also been approved by the Board on this side of the street to other homeowners.



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 the 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

Current side load garage does not allow for any other location for updating garage to a third bay.

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

With the addition design we have held the third bay for the garage to a minimum size.

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

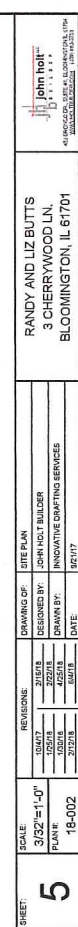
The current R1A zoning for this property allows for 40' setback. However greater setbacks were implemented during original construction. This makes the average setback greater than 40' requiring a variance.

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

To our knowledge there have been variances granted to others on said street.

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.

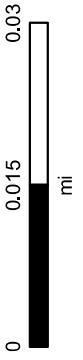
No. We have made every effort to maintain and blend into the existing character while enhancing the architectural design



RANDY AND LIZ BUTTS
3 CHERRYWOOD LN.
BLOOMINGTON, IL 61701

Contours Map 3 Cherrywood Ln

8/8/2018



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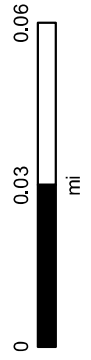


Aerial 3 Cherrywood Ln

8/8/2018

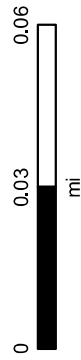


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Legal Inside

6802
CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
AUGUST 15, 2018

Notice is hereby given that the Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, August 15, 2018 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, for the following petitions:

NAMES, LOCATION (LEGAL DESCRIPTION OF PROPERTY), VARIANCE REQUEST

Ken Ratcliff, 1502 E Olive St. (WARNER & CARTERS EAST ALWN SUB PT E182 SE 3-23-2E LOT 13 BLK 1), requesting a 1'8" increase in fence height in front yard, from the required 4 foot fence height.

Randy & Liz Butts, 3 Cherrywood Lane (THE CRESTVIEW SUBN (EX N25' ST) N235' LOT 2), requesting a 12'6" reduction in the required front yard setback from 62 feet (block average) to 49 feet 6 inches, for an addition to the existing garage.

All interested persons may present their views upon such matters pertaining to the above referenced cases at the public hearing. The petitioner or his/her Counsel/Agent must attend the meeting. In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk, preferably no later than five days before the hearing.

The City Clerk may be contacted either by letter at 109 E. Olive St., Bloomington, IL 61701, by telephone at 309-434-2240, or email cityclerk@cityblm.org. The City Hall is equipped with a text telephone (TTY) that may also be reached by dialing 309-829-5115.



Department of Community Development
115 E Washington St, Ste 201
Bloomington IL 61701

Aug 2, 2018

Dear Property Owner or Resident:

The Zoning Board of Appeals will hold a public hearing on **Wednesday August 15, 2018 at 4:00PM in the Council Chambers, 109 E. Olive Street, Bloomington, Illinois**, to hear testimony for a petition submitted by Ken Ratcliff for approval of a variance request, for the property at **1502 E Olive St.**, at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent must attend the meeting.

REQUEST

The petitioner is requesting a 1' 8" increase in fence height in front yard, from the required 4 foot fence height.

LEGAL DESCRIPTION: WARNER & CARTERS EAST ALWN SUB PT E182 SE 3-23-2E LOT 13 BLK 1

You are receiving this courtesy notification since you own property within a 500 foot radius of the land described above (refer to attached map). All interested persons may present their views upon said petition, or ask questions related to the petitioner's request at the scheduled public hearing. Copies of the submitted petition are available for public review at the Department of Community Development, 115 E. Washington St. Bloomington, IL 61701. Communications in writing in relation to the petition may be sent to the Department of Community Development prior to the hearing, or presented at such hearing.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk at (309) 434-2240, preferably no later than five days before the hearing. Please note that cases are sometimes continued or postponed for various reasons (i.e lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting.

The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org.

If you desire more information regarding the proposed petition or have any questions you may email me at irivera@cityblm.org or call me at (309) 434-2341.

Sincerely,

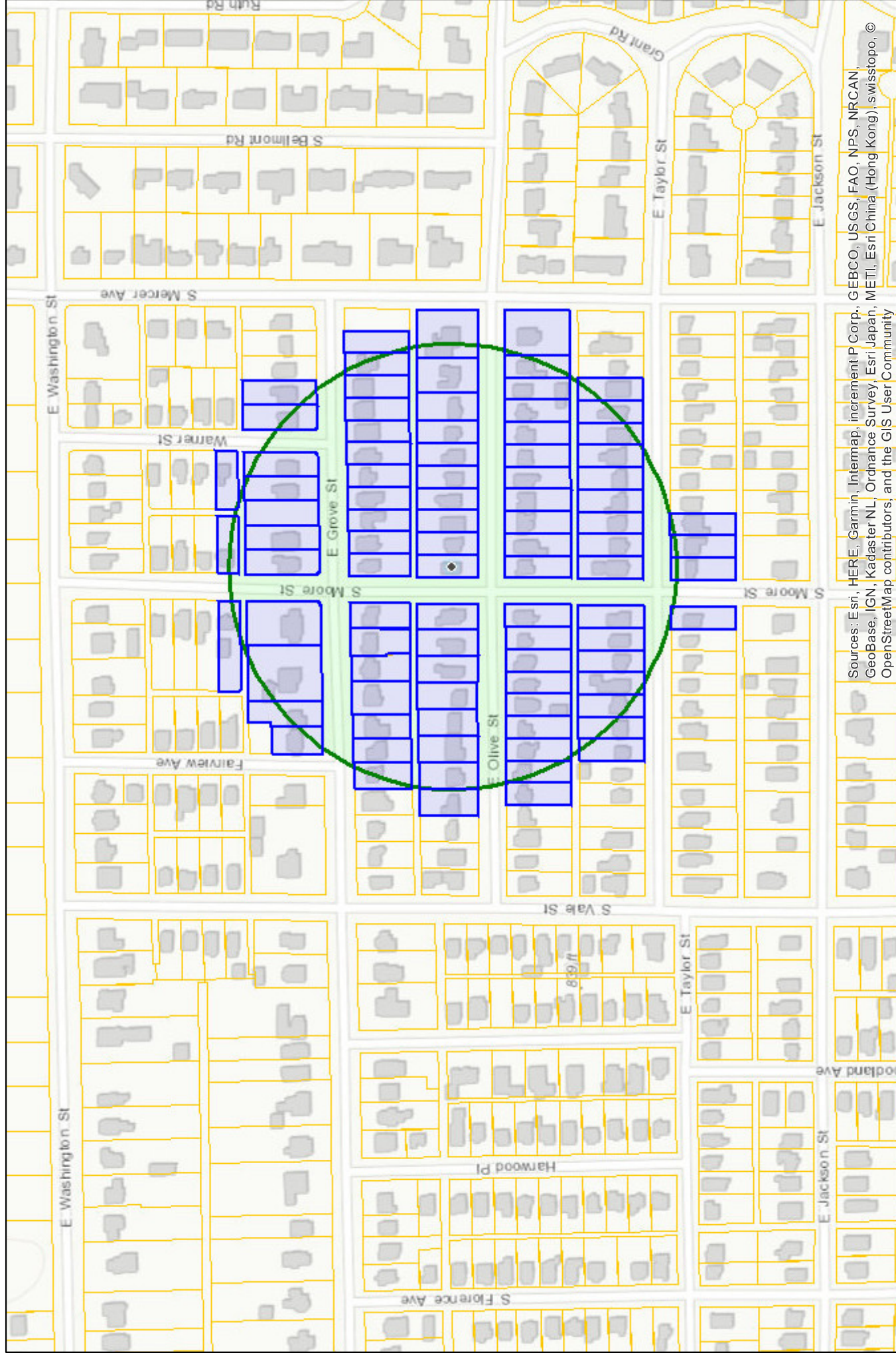
Izzy Rivera, Assistance City Planner

Attachments:

Map of notified properties within 500 ft of subject property

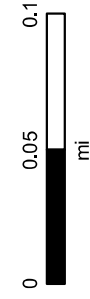
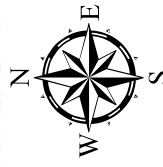
7/24/2018

Public Notice on Aug 15, 2018 for a Variance request for 1502 E Olive St. (500 FT Buffer)



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community

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