



**AGENDA
REGULAR SESSION
BOARD OF ZONING APPEALS
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
WEDNESDAY, July 20th, 2022, 4:00 P.M.**

- 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 www.cityblm.org/register at least 5 minutes before the start of the meeting.

4. MINUTES

Review and approval of the minutes of the May 18, 2022, and June 15, 2022, regular Zoning Board of Appeals meeting.

5. REGULAR AGENDA

- a. SP-03-22* Public hearing, review, and action on a petition submitted by Clem Properties, LLC, for a Special Use Permit for a Rooming House, with Variance, in the R-2 (Mixed Residence) District, for the property located at 709 Douglas Street. PIN: 21-04-281-015. (Ward 4). *Continued from the June 15, 2022, meeting.*
- b. SP-04-22* Public hearing, review, and action on a petition submitted by Danielle King for a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District, for the property located at 19 Aberdeen Way. PIN: 14-36-177-023. (Ward 5). *Continued from the June 15, 2022, meeting.*
- c. SP-05-22* Public hearing, review, and action on a petition submitted by Erik Goshorn for a Special Use Permit for Chicken-Keeping in the R-1B (Single-Family Residence) District, for the property located at 217 Magnolia Drive. PIN: 21-10-403-026. (Ward 1). *Continued from the June 15, 2022, meeting.*
- d. SP-06-22* Public hearing, review, and action on a petition submitted by Linda Stroh for a Special Use Permit for Chicken-Keeping, with Variance, in the R-2 (Mixed Residence) District, for the property located at 601 S. Livingston Street. PIN: 21-05-462-008. (Ward 6). *Continued from the June 15, 2022, meeting.*
- e. SP-10-22* Public hearing, review, and action on a petition submitted by Larissa Langellier for a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District for the property located at 2813 Chesapeake Ln. PIN: 15-30-129-005. (Ward 9).

- f. **SP-07-22** Public hearing, review, and action on a petition submitted by Jose Aguas for a Special Use Permit for Personal Care Services (Nail Care) in the R-D (Downtown Neighborhood Residence) District for the property located at 701 E. Washington Street. PIN: 21-04-433-001. (Ward 1).
- g. **SP-08-22** Public hearing, review, and action on a petition submitted by Nexus Church for a Special Use Permit for a Place of Worship in the B-1 (General Commercial) District for the property located at 802 S. Eldorado Road. PIN: 21-11-251-020. (Ward 8).
- h. **SP-09-22** Public hearing, review, and action on a petition submitted by IHG Property LLC for a Special Use Permit for a Dwelling Unit, Two-Family, in the B-2 (Local Commercial) District for the property located at 802 E. Grove Street. PIN: 21-04-437-009. (Ward 1).
- i. **V-02-22** Public hearing, review, and action on a petition submitted by QuikTrip Corporation for Variances from § 3-5 of the Advertising Sign Code to allow increased sign area and height in the B-1 (General Commercial) District for the property located at 223 Bloomington Heights Road. PIN: 21-06-102-004. (Ward 7).
- j. **V-03-22** Public hearing, review, and action on a petition submitted by Steve and Mary Blessent for Variances from § 44-908D of the Zoning Code to allow reduced distance to side lot line, alley right-of-way lines, and principal building wall, in the R-1C (Single-Family Residence) District for the property located at 917 W. McArthur Street. PIN: 21-06-102-004. (Ward 6).
- k. **V-05-22** Public hearing, review, and action on a petition submitted by Jones Sign Company, on behalf of The Bloomington Normal YMCA, for a Variance from § 3-408A of the Advertising Sign Code to allow additional signage in the C-1 (Office) District for the property located at 202 St. Joseph Drive. PIN: 21-02-307-004. (Ward 8).

6. OLD BUSINESS

7. NEW BUSINESS

8. ADJOURNMENT



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MINUTES**

**PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF
BLOOMINGTON, ILLINOIS
REGULAR MEETING
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
WEDNESDAY, May 18, 2022 4:00 P.M.**

The Zoning Board of Appeals convened in Regular Session in-person in the Government Center Chambers on the 4th floor, Room #400 at 4:02 p.m., Wednesday, May 18, 2022, with the following physically present staff members: Mr. Glen Wetterow, City Planner; Mr. Jon Branham, City Planner; Ms. Alissa Pemberton, Assistant City Planner; Ms. Kimberly Smith, Assistant Economic & Community Development Director; and Genevieve Rappold, Stevenson Fellow.

The meeting was called to order by Chairperson Ballantini at 4:02pm.

ROLL CALL

Attendee Name	Title	Status
Mr. Terry Ballantini	Chair	Present
Ms. Victoria Harris	Commissioner	Present (Virtually)
Mr. Michael Straza	Commissioner	Present
Mr. Tyler Noonan	Commissioner	Present
Ms. Nikki Williams	Commissioner	Present
Mr. George Boyle	Assistant Corporate Counsel	Present
Ms. Alissa Pemberton	Assistant City Planner	Present
Mr. Glen Wetterow	City Planner	Present
Mr. Jon Branham	City Planner	Present
Ms. Kimberly Smith	Assistant Economic & Community Development Director	Present

Mr. Branham called the roll. Mr. Noonan - Present, Mr. Straza - Present, Ms. Williams - Present, and Chair Ballantini - Present. (4-0). A quorum was present.

Ms. Pemberton noted that Ms. Harris was excused from attending in person and was present virtually, per City Code § 2-402B(2)(a) that permits virtual attendance for personal illness or disability.

**DRAFT
MEETING MINUTES**

**PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS
WEDNESDAY, MAY 18, 2022**

Chair Ballantini made motion to allow Ms. Harris to attend and participate remotely. Seconded by Commissioner Noonan. Roll call vote was taken, Mr. Noonan - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Chair Ballantini - Yes. (4-0). Motion was approved.

PUBLIC COMMENT

No public comment was provided.

MINUTES

Mrs. Harris motioned to approve the minutes from February 16, 2021, regular Zoning Board of Appeals meeting. Mr. Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Noonan - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Chair Ballantini - Yes. The motion was approved (5-0-0).

Mrs. Harris motioned to approve the minutes from April 20, 2021, regular Zoning Board of Appeals meeting. Mr. Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Noonan - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Chair Ballantini - Yes. The motion was approved (5-0-0).

REGULAR AGENDA

- A. V-01-22** Public hearing, review, and action on a petition submitted by Chad Ramsey (Keystone State Property,) for a Variance from Chapter 44, Division 505 of the Zoning Code, to allow a non-recessed entry in the D-1 (Central Business) District, for the property located at 102 W. Market Street.

Ms. Pemberton presented the staff report with a recommendation to approve the Variance request. Staff noted that the specific site plan may require additional detail during permitting to determine compliance with Building and Fire Codes—but nearly any improvement to this entryway will result in a need for the Variance. Granting the Variance would allow the petitioner to work with his design professionals and the various City reviewing departments to identify the best solution for the space. It was noted there are a significant number of existing entryways nearby that do not currently comply with the design criteria that is the subject of the Variance.

The Board did not have any questions for staff.

Petitioner, Chad Ramsey (1157 Gracefield Lane, Normal IL), stated this building is very old, and it is hard to make improvements without making major alterations. He stated the space tends to collect a lot of trash and debris. Additionally, he stated individuals congregate in the entryway. He would like to prevent from all these issues from continuing to occur by enclosing the entryway.

DRAFT

MEETING MINUTES

PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS
WEDNESDAY, MAY 18, 2022

Staff noted there was a public comment received in support of the application.

Council Member De Urban, Ward 6, spoke on behalf on the Petitioner. Ms. Urban noted this location is within her ward and felt the approval of the Variance would assist the Petitioner in resolving current issues.

No additional testimony was provided. The Chair closed the public hearing.

There was no discussion by the Commission.

Mr. Noonan made a motion to establish findings of fact that carrying out the strict letter of the Code does create a practical difficulty or a particular hardship for the Petitioner. Mr. Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Noonan - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Chair Ballantini - Yes. The motion was approved (5-0-0).

Mr. Straza made a motion to approve the petition submitted by Chad Ramsey (Keystone State Property,) for a Variance from Chapter 44, Division 505 of the Zoning Code, to allow a non-recessed entry in the D-1 (Central Business) District, for the property located at 102 W. Market Street. Mr. Noonan seconded.

Roll call vote: Ms. Harris - Yes, Mr. Noonan - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Chair Ballantini - Yes. The motion was approved (5-0-0).

B. SP-01-22 Public hearing, review, and action on a petition submitted by Noah Tang for a Special Use Permit for Chicken-Keeping in the R-D (Downtown Residence) District, for the property located at 504 E. Olive Street.

Ms. Pemberton presented the staff report with a recommendation to approve the Special Use Permit request. She stated the location of the chicken coop is at least ten feet away from all property lines. She stated food and other provisions will be kept, sealed, in the garage. She noted that, if approved, the recommendation would proceed to the City Council on June 13, 2022. She added that the Special Use can be revoked if subject standards are ever not met.

Petitioner Noah Tang (504 E. Olive Street) stated he has wanted to have chickens since purchasing the property. He views himself an urban homesteader, has existing gardens on his property, and wants to add to his ability to supply his own food. He provided details regarding the construction of the coop. He stated he intends to comply with regulations.

Chair Ballantini asked how long the applicant has owned the home. The petitioner stated he has owned the property since 2020.

Chair Ballantini asked if the petitioner has any experience raising chickens. Mr. Tang stated that he does, and added he has family members who are farmers and own chickens.

Chair Ballantini inquired about the intent for having chickens. Mr. Tang stated that he likes chickens. He stated the supply of eggs was another key reason as he likes knowing where his food comes from and being close to his food sources.

Chair Ballantini asked if the applicant had discussed this request with his neighbors. Mr. Tang confirmed he had met with many of his neighbors. He stated everyone he spoke to did not have concerns and were supportive of his request.

Chair Ballantini asked about lighting and feed storage. Mr. Tang stated the lighting is interior to the coop and on a timer; the feed would be stored in sealed containers within the garage.

No public comment or additional testimony was provided. The Chair closed the public hearing.

There was no discussion by the Commission.

Ms. Harris made a motion to establish findings of fact that all standards for approval of a Special Use Permit are met. Mr. Noonan seconded.

Roll call vote: Ms. Harris - Yes, Mr. Noonan - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Chair Ballantini - Yes. The motion was approved (5-0-0).

Mr. Straza made a motion to recommend approval of the petition submitted by Noah Tang for a Special Use Permit for Chicken-Keeping in the R-D (Downtown Residence) District, for the property located at 504 E. Olive Street. Mr. Noonan seconded.

Roll call vote: Ms. Harris - Yes, Mr. Noonan - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Chair Ballantini - Yes. The motion was approved (5-0-0). The motion passed.

Staff noted this will proceed to the City Council on June 13th, 2022.

C. SP-02-22 Public hearing, review, and action on a petition submitted by Project Equity Illinois, Inc. for a Special Use Permit for an Adult-Use Cannabis Dispensing Organization in the B-1 (General Commercial) District, for the property located at 1006 JC Parkway.

Ms. Pemberton presented the staff report with a recommendation to approve the Special Use Permit request. Staff noted that the Board is determining if the location is appropriate for this use. The proposed location is currently a vacant multi-tenant commercial shopping center. There are no protected uses within 500 feet or residential within 1,000, as is a condition for the Special Use. She stated there is a Place of Worship located somewhat nearby, but it is at a distance of at least 550 feet from the subject property. She added the

location is within close walking distance of three transit stops and the Petitioner is going to be providing bicycling parking. She stated the required security plan has been reviewed and approved by Bloomington Police Department, with no questions or concerns resulting. Operating hours are restricted by state law and will not be permitted past 10pm. The traffic volume is expected to be similar to what was previously generated at the location. She noted that, if approved, this recommendation would go to City Council on June 13, 2022.

Chair Ballantini asked if bicycle parking would result in less parking available. Ms. Pemberton stated she did not believe so but would have to defer to the petitioner on the specifics of the location of the bicycling parking.

Chair Ballantini inquired about the timeframe for completion of the project. Ms. Pemberton stated the timeframe is contingent upon State of Illinois approval of the project, so she was not able to provide a specific timeframe for completion.

Commissioner Harris inquired what was meant by the term “vertically integrated business”. Staff stated that the Petitioner has active cannabis businesses in multiple regulated markets and different stages of the industry. This has allowed them to be “vertically integrated” and to participate at each stage from production to distribution.

Commissioner Harris inquired about the required signage noting that cannabis is federally illegal. Staff noted this signage is a State requirement, as cannabis remains illegal under federal law.

Connor Johnston, (2633 McKinney Ave., Dallas TX) spoke on behalf of the Petitioner Project Equity Illinois, Inc (PEI). Mr. Johnston identified the partners in PEI and their experience within the cannabis industry. The team was assembled over two years ago to start the application process with the State of Illinois. He noted the application had to receive a perfect score on the State review to receive a license. He provided examples of their existing cannabis stores and how this proposed location would look similar.

Mr. Johnston noted they “know how to be good neighbors” as several of their existing facilities have residential occupants located directly above or adjacent to their businesses. He highlighted how they are subject to a healthy barrage of regulations related to the operation of this business, ranging from security to lighting. There will be no detrimental noise or odors emitted from the business. He identified the proposed location of the business and the neighboring business/uses. He emphasized how PEI went through a very thorough site selection analysis, and this was one of the locations identified in the analysis.

Mr. Johnston stated the proposed location is a vacant commercial shopping center and has 74 existing parking spaces. He stated they would be amenable to installing electric vehicle charging stations if the City desired. He emphasized the benefits to the community associated with their business, including 20 well-paying jobs with benefits for full-time employees. He stated they anticipate they will bring in \$300,000 in additional tax revenue

DRAFT

MEETING MINUTES

PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS
WEDNESDAY, MAY 18, 2022

each year. He stated they intend to fill the shopping center with other tenants which will bring in additional tax revenue for the City, and hopefully spur additional growth. Mr. Johnston added the hope of this type of business is to eliminate *illegal* cannabis operations and thus rid the City of the negative impacts associated with illegal cannabis operations. He stated they would be investing approximately \$100,000 into local business during the interior renovation and security enhancements on the property. He emphasized how their staff can provide expert guidance on the product to medical patients and those new to cannabis. He thanked staff for their assistance during the process.

Chair Ballantini inquired about the anticipated opening date. The petitioner stated the timeframe is unknown at this time. They stated the application process began two years ago and the lottery they won was over nine months ago. They are eager to get started as soon as possible, but it is dependent on the State review. Once permitting is complete, they expect approximately nine month build out time.

Chair Ballantini noted that he would be in support of electric vehicle charging stations being provided.

Chair Ballantini inquired if PEI had any facilities within the area. Mr. Johnston stated they do not have an existing facility within the area. The Petitioner noted they are only allowed to have one location within this area.

Chair Ballantini asked about clarification on ownership within PEI and other facilities. Mr. Johnston stated that some individuals within PEI do own other facilities, but none of them own facilities in Illinois.

No public comment or additional testimony was provided. The Chair closed the public hearing.

Staff noted that phones calls were received by neighboring businesses, but they had no objection to the application. Email communication was also received from Blain's Farm & Fleet, and they have no objection.

Chair Ballantini asked for clarification on the location of the nearby church. Ms. Pemberton indicated the church location on the map.

Staff reviewed each finding of fact associated with this Special Use application and provided recommendations associated with each finding. Ultimately, staff found all standards were met.

Ms. Harris made a motion to establish findings of fact that all standards for approval of a Special Use Permit are met. Mr. Noonan seconded.

Roll call vote: Ms. Harris - Yes, Mr. Noonan- Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Chair Ballantini - Yes. The motion was approved (5-0-0).

Mr. Noonan made a motion to recommend approval of the petition submitted by Project Equity Illinois, Inc. for a Special Use Permit for an Adult-Use Cannabis Dispensing Organization in the B-1 (General Commercial) District, for the property located at 1006 JC Parkway. Ms. Harris seconded.

Roll call vote: Ms. Harris - Yes, Mr. Noonan - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Chair Ballantini - Yes. The motion was approved (5-0-0).

Staff noted this will proceed to the City Council on June 13th, 2022.

NEW BUSINESS

Chair Ballantini noted the Board recently lost a member, Mr. McFarland, which leaves them with five current members. He asked staff to continue to reach out and search for new members.

OLD BUSINESS

None.

ADJOURNMENT

Commissioner Noonan motioned to adjourn. Commissioner Straza seconded. Ms. Harris - Yes, Mr. Noonan - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Chair Ballantini - Yes. The motion was approved (5-0-0). The meeting was adjourned at 5:14 P.M.



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MINUTES**

**PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS
REGULAR MEETING
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
WEDNESDAY, June 15, 2022 4:00 P.M.**

The Zoning Board of Appeals convened in Regular Session in-person in the Government Center Chambers on the 4th floor, Room #400 at 4:00 p.m., Wednesday, June 15, 2022. The meeting was called to order by Chairperson Ballantini.

ROLL CALL

Attendee Name	Title	Status
Mr. Terry Ballantini	Commissioner	Present
Ms. Victoria Harris	Commissioner	Not Present
Mr. Michael Straza	Commissioner	Not Present
Mr. Tyler Noonan	Commissioner	Not Present
Ms. Nikki Williams	Commissioner	Not Present
Ms. Alissa Pemberton	Assistant City Planner	Present
Ms. Kimberly Smith	Assistant Director of Planning	Present
Mr. Glen Wetterow	City Planner	Present
Mr. George Boyle	City Attorney	Present

Chair Ballantini stated that he was the only Commissioner in attendance. There was no quorum. Chairperson Ballantini stated no business could be conducted at this meeting as a quorum was not reached. Chairperson Ballantini stated that the following cases would be moved to the next regularly scheduled meeting of the Zoning Board of Appeals on July 15th, 2022 at 4:00pm, at the same location:

1. SP-03-22 Public hearing, review, and action on a petition submitted by Clem Properties, LLC, for a Special Use Permit for a Rooming House, with Variance, in the R-2 (Mixed Residence) District, for the property located at 709 Douglas Street. PIN: 21-04-281-015.
2. SP-04-22 Public hearing, review, and action on a petition submitted by Danielle King for a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District, for the property located at 19 Aberdeen Way. PIN: 14-36-177-023.
3. SP-05-22 Public hearing, review, and action on a petition submitted by Erik Goshorn for a Special Use Permit for Chicken-Keeping in the R-1B (Single-Family Residence) District, for the property located at 217 Magnolia Drive. PIN: 21-10-403-026.

**DRAFT
MEETING MINUTES**

**PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS
WEDNESDAY, JUNE 15, 2022**

4. SP-06-22 Public hearing, review, and action on a petition submitted by Linda Stroh for a Special Use Permit for Chicken-Keeping, with Variance, in the R-2 (Mixed Residence) District, for the property located at 601 S. Livingston Street. PIN: 21-05-462-008.

PUBLIC COMMENT

Chair Ballantini opened the floor for public comment, reminding attendees that public comment is typically reserved for items not on the agenda. City Attorney Boyle explained to attendees that no action would be taken and public hearings will be at the following meeting.

Patrick (Rikk) Mcalerney (607 E. Douglas) - introduced himself as a Coordinator for the Douglas Street Neighborhood Watch and expressed concerns that neighbors are talking about a “halfway house” going in at 709 Douglas Street. Attorney Boyle advised that staff can share information on the case with him. Ms. Pemberton offered to share the meeting packet with Mr. Mcalerney and answer any questions he has as a member of the public.

No further statements or inquiries were made as part of public comment. Ms. Pemberton announced to other attendees that staff can provide additional information on any of the cases on the agenda, upon request.

ADJOURNMENT

The meeting was adjourned at 4:05 p.m.



ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: REISSUED: July 20th, 2022 (June 15th, 2022)

CASE NO: SP-03-22, Special Use Permit Rooming House with Variance

REQUEST: Public hearing, review and action on a petition submitted by Clem Properties for a Special Use Permit, for a Rooming House in the R-2 (Mixed Residence) District, with Variance, for the property located at 709 Douglas Street. PIN: 21-04-281-015.

BACKGROUND

Petitioners' request:

The Petitioner seeks a Special Use Permit to allow a Rooming House in the R-2 (Mixed Residence) District, per § 44-402B, which lists "Boarding and Rooming Houses" as a Special Use, subject to the Use Provisions of § 44-1019. One Variance from the Use Provision § 44-1019C(2) is requested allow the Petitioner to omit screening along the rear of the off-street parking area.

The Petitioner requests to create a four-room Rooming House to provide short-term rental for traveling professionals.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Sunday, May 29, 2022. Courtesy notices were mailed to 144 property owners within 500 feet of the subject property. A notice of public hearing sign was placed on the property for at least 15 days prior to the hearing.

ANALYSIS

Property Characteristics:

The property at 709 Douglas Street consists of 0.16 acres of land located at the southwest corner of N. Clinton Street and Douglas Street, in the Near East neighborhood. It currently holds a two-story brick structure, constructed in 1920, that appears to have been designed as a single-family home, but has been used as professional office space for an extended period of time. City of Bloomington records indicate office use by the American Red Cross in 1975, a Civil Engineering firm in 2002, Arnold Law Offices since 2015, until recent vacancy and sale.

The nearby properties (West of Clinton) are primarily multi-family and converted multi-family properties, interspersed with smaller single-family homes. Across Clinton, single-family and converted multi-family homes become mixed with local commercial. Eight off-street parking spaces are provided on site: two on the West the side of the property on a single-width driveway, and six in a parking area at the rear of the property. The parking area in the rear may be accessed from the East directly off Clinton Street, or from the West via an alley that is used by other properties on the block to access their off-street parking areas.

Surrounding Zoning and Land Uses:

	Zoning	Land Uses
North	B-1 (General Commercial)	Multi-Family Dwelling
South	R-2 (Mixed Residence)	Single-Family Dwelling
East	R-2 (Mixed Residence)	Single-Family Dwelling
West	R-2 (Mixed Residence)	Multi-Family Dwelling

Description of Current Zoning District:

The R-2 (Mixed Residence) District is intended to accommodate development characterized by a mixture of housing types at a high single-family and a low multiple-family dwelling unit density. Densities of up to approximately 13 dwelling units per acre are allowed. This district allows for the conversion of dwelling units in older residential areas of mixed dwelling unit types in order to extend the economic life of these structures and allow owners to justify expenditures for repairs and modernization and serves as a zone of transition between lower density residential districts and residential districts that permit greater land use intensity and dwelling unit density.

Subject Code Requirements:

§ 44-402B Allowed Uses Table lists “Boarding and Rooming Houses” as permitted with Special Use Permit.

§ 44-1019 [Ch. 44, 10-19] Group living facilities, boarding and rooming houses, homes for the aged.

- A. Location. Agency-Supervised Homes and Agency-Operated Group Homes shall be separated from another facility of the same use by a distance of at least 1,000 feet.
- B. Distribution. No more than three Agency-Operated Family Homes shall be located on a block face (both sides of a street between its intersection with two other consecutive streets).
- C. Parking.
 - (1) Access to off-street parking areas shall not be provided from an alley unless the alley constructed of all-weather pavement and has been designated by the City as one-way.
 - (2) Off-street parking shall be fully screened along the rear of the property.
 - (3) All parking and maneuvering shall be provided on-site; said parking shall be illuminated with lighting fixtures that comply with § 44-911D and that shall not

increase the intensity of light within 10 feet of a Residential District boundary line by more than 1/2 footcandles.

§ 44-1019D (Table 1019) requires a minimum lot area of 400 square feet per occupant, and minimum lot width of 60 feet.

STANDARDS FOR REVIEW

The Board of Zoning Appeals (ZBA) shall hold at least one administrative 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. The ZBA has the power to authorize variations to the Code where there would be practical difficulties or particular hardships in carrying out the strict letter. Decisions shall be made upon the determination that the Variance meets all of the Standards listed in § 44-1708F and discussed below.

Special Use Permit to allow a Rooming House in the R-2 (Mixed 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 establishment and operation of the Special Use will not be detrimental or endanger public health or welfare. Adjacent properties are primarily high-density multi-family rental properties, in character with the proposed Special Use, or office/commercial properties that would not be impacted by the change in use of this property. General rental requirements and the performance standards applicable to the District will still apply, including those for noise, light, and occupancy. ***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.**

This Special Use is proposed for establishment on a main transportation corridor, in an already developed area, surrounded by a mix of commercial and residential uses, and serves as a transitional property between the commercial properties to the north and northeast and more traditional single-family housing to the south and west. The properties adjacent to Clinton, between Douglas and Monroe, are zoned R-2 but multiple blocks in each direction north and south are zoned B-1 (General Commercial); this is an area of frequently varying intensity and the properties immediately adjacent to Clinton Street tend to be equally representative of the character of a B-2 (Local Commercial) District as that of the R-2, including accounting and insurance offices. The proposed Special Use is consistent with the

existing character and intensity of use in the vicinity and will not be injurious to the use and enjoyment of other property in the area. ***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.**

External structural changes are not proposed that would alter the visual character of the property, or negatively impact the ability of adjacent property owners to use or enjoy their property. Intensity of the use is not dissimilar from that of surrounding properties. This Special Use is supportive of Comprehensive Plan Goal H-1.1: Ensure that the housing to accommodate the new growth is a broad range (of types, sizes, ages, densities, tenancies and costs) equitably distributed throughout the City recognizing changing trends in age-group composition, income, and family living habits. ***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 applicant will be required to acquire any and all appropriate permits for work on the property, and to maintain an active and appropriate account in the rental registry to operate the home as a Rooming House. The total lot area (6,900 square feet) is sufficient to meet the minimum 400 square feet required per occupant (§ 44-1019D), lighting will be added to the rear porch to illuminate the parking area as required (§ 44-1019C(3)), and the parking provided meets the off-street parking requirements (§ 44-1208) for group living uses. Additionally, 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.***

Variance to allow the Petitioner to omit screening along the off-street parking area.

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

The parking area for this property has served as a second entrance and turn-around for the alley that runs behind the homes on Douglas, as access to their off-street parking areas. The alley allows only one car at a time, so cars coming off Clinton use the existing parking area at 709 Douglas to pull off to the side if someone else is leaving the alley. Screening this parking area with fencing or landscaping would prohibit the current beneficial use of the lot by nearby residents and would decrease the visibility for drivers turning on/off Clinton. ***Standard is met.***

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

Requiring the applicant to meet the strict letter of the code would also require the applicant to move the access to the parking area to accommodate parking area screening, requiring a new curb cut and reworking of the parking area, or require an alternate Variance to § 44-1019C(1) for access from an alley. ***Standard is met.***

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

The subdivision was platted in 1900 as two lots, half the size of those on the block to the West. The lot formerly known as 506 Clinton held a residence that appears to have had a small off-street parking area on the south side of the home, with approach associated with approach to the alley. In 2016 the Douglas lot which holds the structure was combined with the Clinton lot that now holds the parking area, creating a lot more in character with the rest of the block, with rear alley access to the additional parking area and use of the wider-than-normal approach for the ally as the “curb cut” for the rear drive access to this property. ***Standard is met.***

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

The intent of the provision requiring screening along the entire rear of the parking area is to protect adjacent properties—which are used to living next to single-family or low-intensity residential uses—from the visual and audible impact of changes to the timing and frequency of traffic in the parking area. Were this property developed into two-family or multiple-family dwelling, also permitted in the R-2 District, no screening would be required for the parking area. However, this location has experienced traffic associated with the coming/going of an entire block worth of residential traffic for decades and the parking area has not been screened for the

duration of the property's use as an office building. Granting this Variance will not give the applicant any special privilege denied to others. ***Standard is met.***

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

Granting this Variance would not be detrimental to the public welfare; it would continue to allow beneficial access and use by the nearby residents, while maintaining good lines of sight for motorists coming on/off Clinton and pedestrians walking south along that side of the road. In addition, the parking area has been in existence, without screening, for an extended time. Lighting installed on the rear of the property will be focused to provide security and visibility, without creating a nuisance for the neighbors to the rear of the property, as required by § 44-911D; a condition is recommended to codify this intent. ***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:

1. Motion to establish findings of fact that all standards of approval for a Special Use are met.
2. Motion to establish findings of fact that all standards for a Variance are met and that carrying out the strict letter of the Code does create hardship for the Petitioner.
3. Motion to recommend approval of the petition submitted by Clem Properties for:
 - A **Special Use Permit** for a Rooming House in the R-2 (Mixed Residence) District for the property located at 709 Douglas Street,
 - with a **Variance** to § 44-1019C(2) to not require the off-street parking to be screened along the rear of the property,
 - and the **condition** that any exterior lights installed on the rear of the property shall be so shielded and directed as to protect adjacent lot or lots across the alley from direct or reflected glare.

Respectfully submitted,
Alissa Pemberton
Assistant City Planner

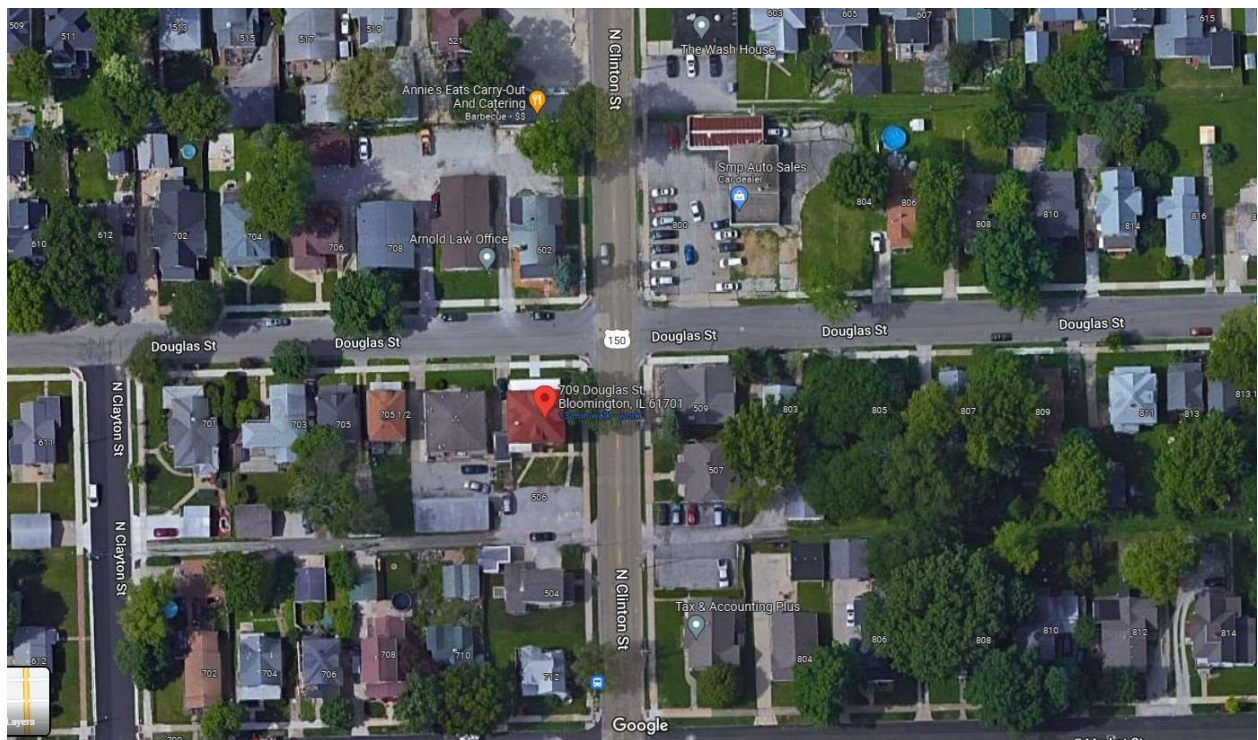
Attachments:

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

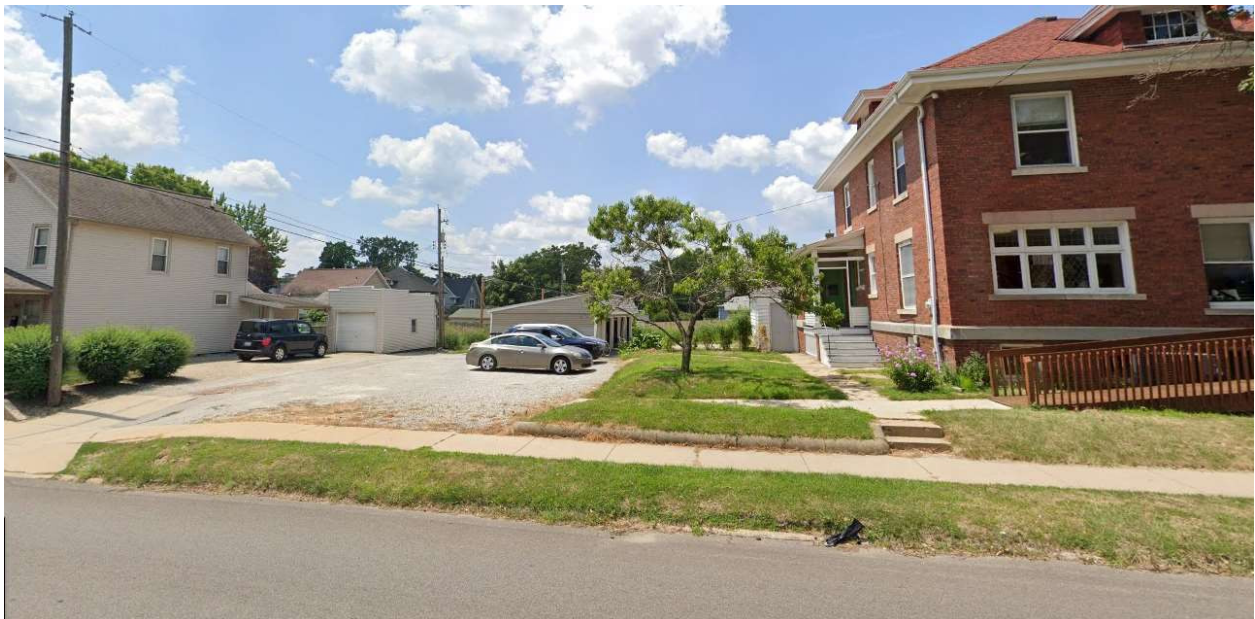
Attachment 1 - Zoning Map



Attachment 2 - Aerial Image



Attachment 3- Ground-Level View(s)



Attachment 4 - Petitioner-Submission - Description of Project

I want to create a Rooming House to supply housing for travel nurses and other professionals intown on a temporary basis. I plan to provide shared cooking and eating areas, an exercise area, onsite parking, and private sleeping facilities for up to 4 unrelated people.

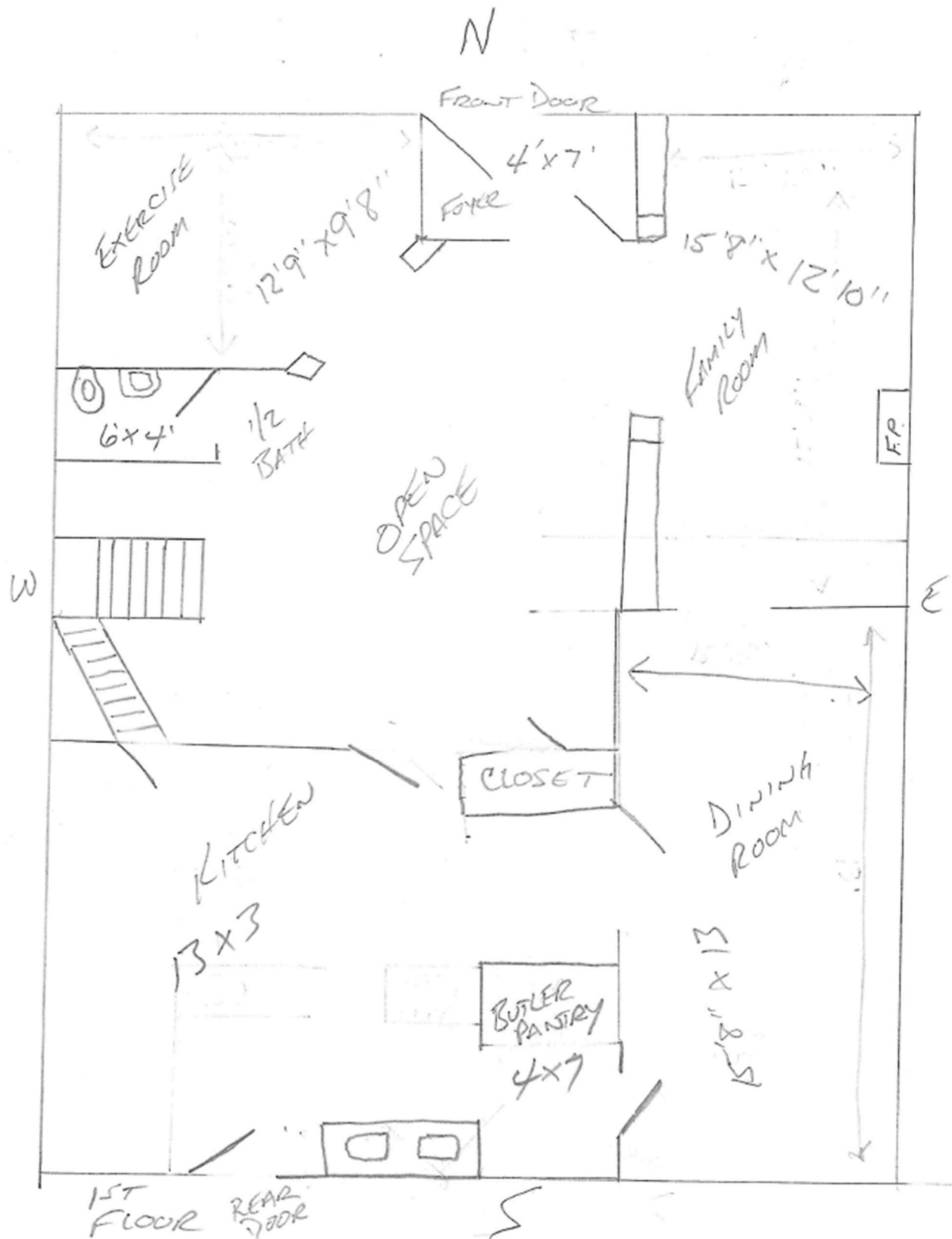
The structure itself is sound and will have modern kitchen and bath amenities installed. I hope to have on-site management or supervision of remaining rental rooms to keep the facility clean and managed indoors. I live in town so I can look at the property on a regular basis and having active tenants will help make sure the property remains in good condition.

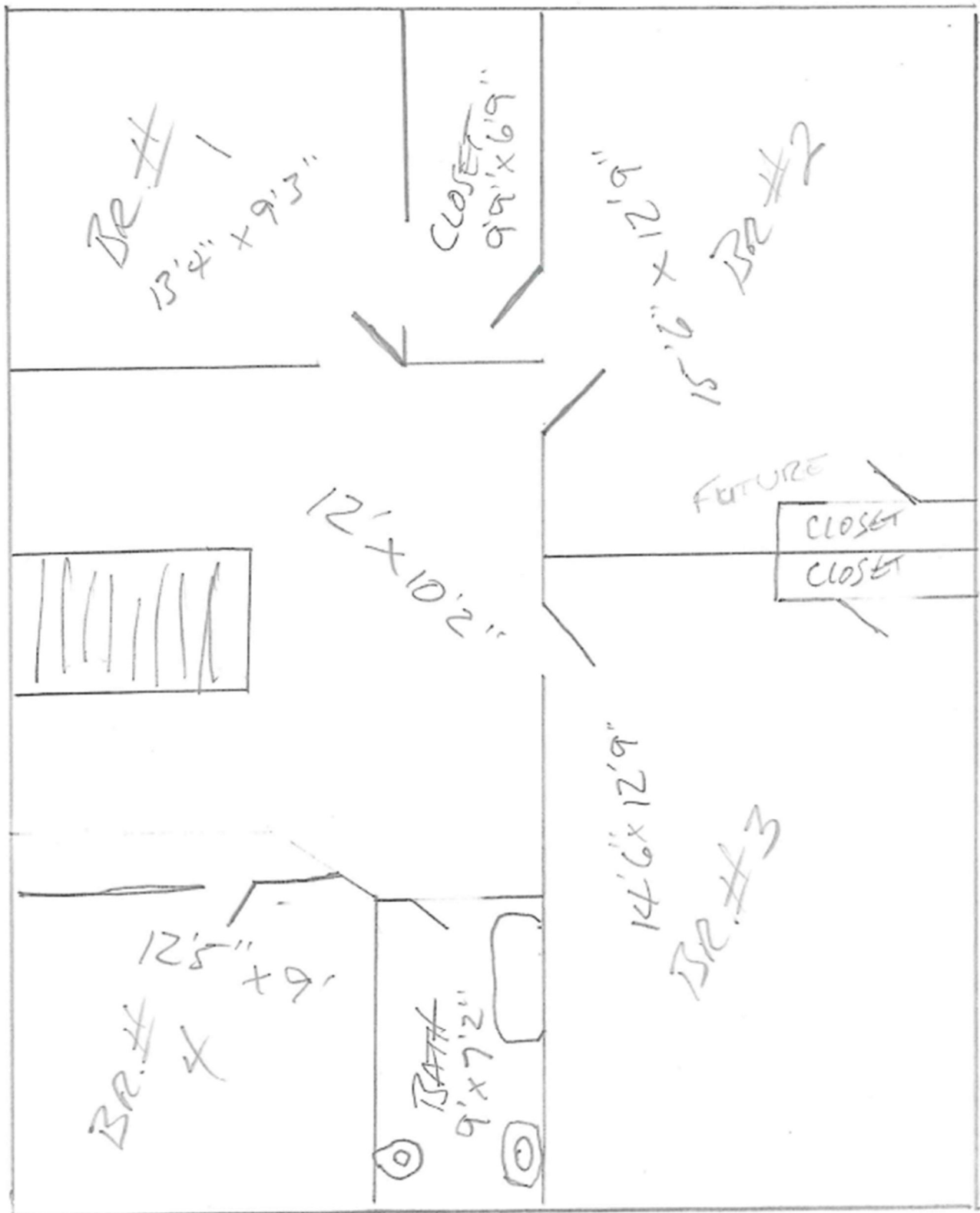
Having to frequently market and get the property ready for the next tenant means maintenance and keeping the property attractive is important. Safety is important to professionals living on the road too, so there are incentives to have a well-lit, safe, sound environment.

Very few modifications are proposed for the house; existing roads, parking, and utilities will be used. I don't expect to have a negative impact on the neighbors, and I won't be doing anything that would keep our neighbors from using their property.

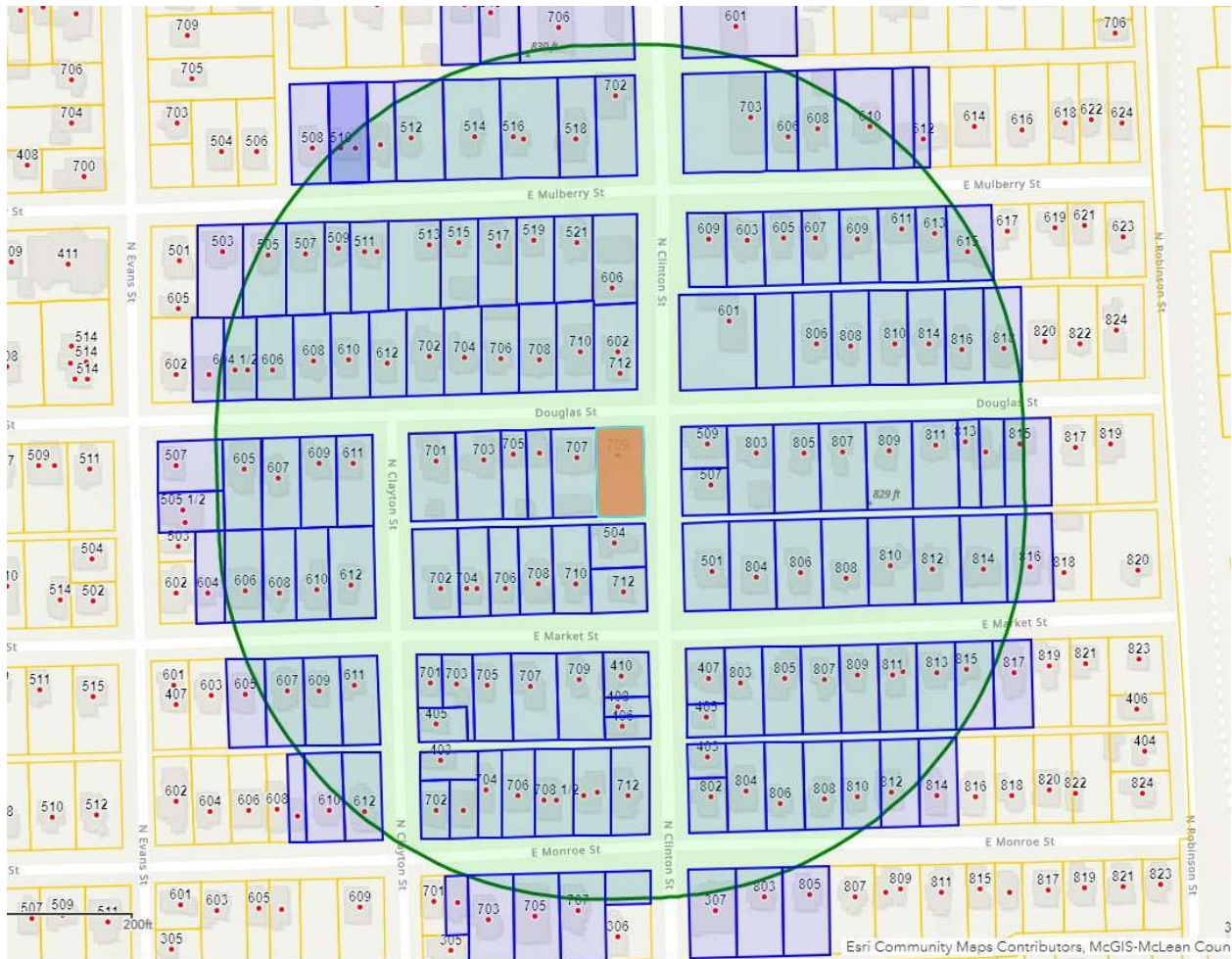
Six off-street parking spaces are already behind the home where you come off Clinton. Two additional parking spaces are in the driveway off Douglas Street. All appropriate building permits will be acquired. I keep our other rental properties registered and will register this one as appropriate.

Attachment 5 - Petitioner-Submission - Site Plan





Attachment 6 - Neighborhood notice map





ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: REISSUED: July 20th, 2022 (June 15th, 2022)

CASE NO: SP-04-22, Special Use Permit for Chicken-Keeping

REQUEST: Public hearing, review and action on a petition submitted by Danielle King for a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District, for the property located at 19 Aberdeen Way. PIN: 14-36-177-023.

BACKGROUND

Petitioners' request:

The Petitioner seeks a Special Use Permit to allow Chicken-Keeping in the R-1C (Single-Family Residence), 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 variations to the code are requested.

The Petitioner desires to erect a wooden chicken coop and fenced enclosure in her backyard to keep no more than four egg-laying hens, to support our local food system, and to become self-reliant. The coop would be attached to an existing shed within her fenced backyard, and on the side of the deck opposite the street.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Sunday, May 29, 2022. Courtesy notices were mailed to 110 property owners within 500 feet of the subject property. A notice of public hearing sign was placed on the property at least 15 days prior to the hearing.

ANALYSIS

Property Characteristics:

The property at 19 Aberdeen Way consists of 0.23 acres of land located on the northwest corner of Aberdeen Way and Kapok Drive, in The Highlands neighborhood. This is a corner lot and therefore has two “front” yards that must be considered during location of the proposed coop. It is improved with a single-family home with attached garage. The rear yard of the

property, where the coop will be located, is enclosed by a chain link fence and contains a deck with additional privacy fencing that blocks the public view of the back patio area from most angles.

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-1C (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. (§ 44-401C).

Subject Code Requirements:

§ 44-402B. “Allowed Uses Table” indicates Chicken Keeping is permitted as Special Use in the R-1C District.

§ 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, 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.
- B. On lots greater than one acre with a primary use of a single-family or two-family dwelling, the keeping of up to four chickens plus one additional chicken per half acre in excess of one acre 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 Board of Zoning Appeals (ZBA) shall hold at least one administrative 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 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 all of the setback requirements of § 44-1011. The Petitioner intends to store the food in sealed buckets in the shed adjacent to the coop to deter pests. 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 will be screened from view from most angles, only viewable for a short distance as Kapok Drive approaches Aberdeen Way. The Special Use would also contribute to local food production, Goal HL-5.1 of the 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 proposed location of the coop meets the minimum setback requirements of 10 feet from the side and rear property lines. The portion of the property where the coop will be located is partially screened by structure and fencing. 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 district. Additionally, 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:

1. Motion to establish findings of fact that all standards for approval of a Special Use Permit are met.
2. Motion to recommend approval of the petition submitted Danielle King for a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District, for the property located at 19 Aberdeen Way.

Respectfully submitted,
Alissa Pemberton
Assistant City Planner

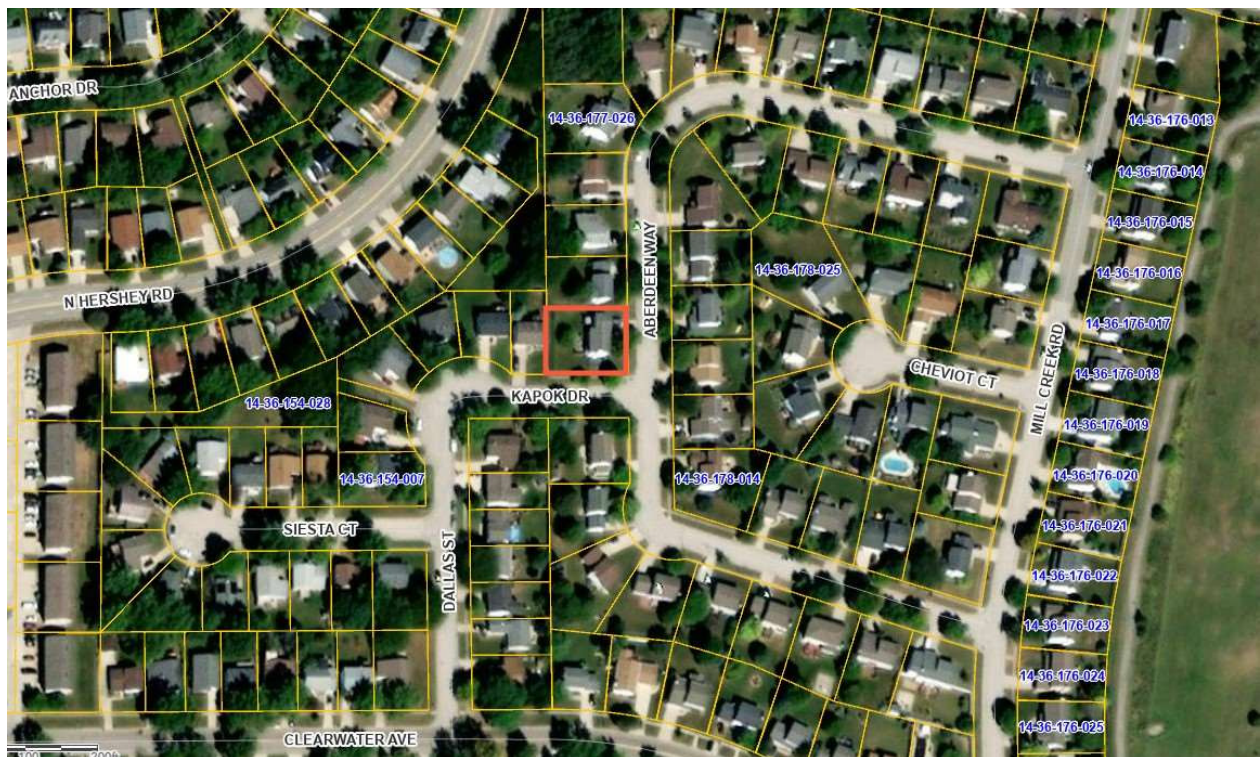
Attachments:

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

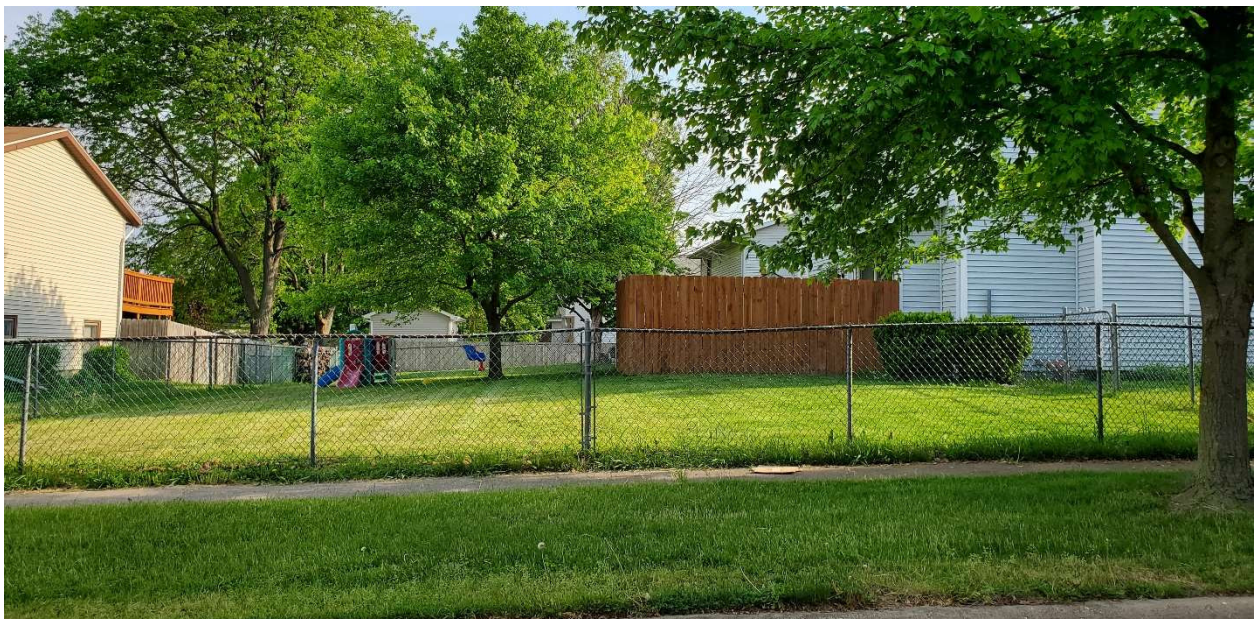
Attachment 1 - Zoning Map



Attachment 2 - Aerial Image



Attachment 3- Ground-Level View(s)



Attachment 4 - Petitioner-Submission - Description of Project

We would like to have 4 egg laying hens to keep in a small, neat, aesthetically pleasing coop. We would like to be able to teach our children responsibility and help them learn that food doesn't just come from a store.

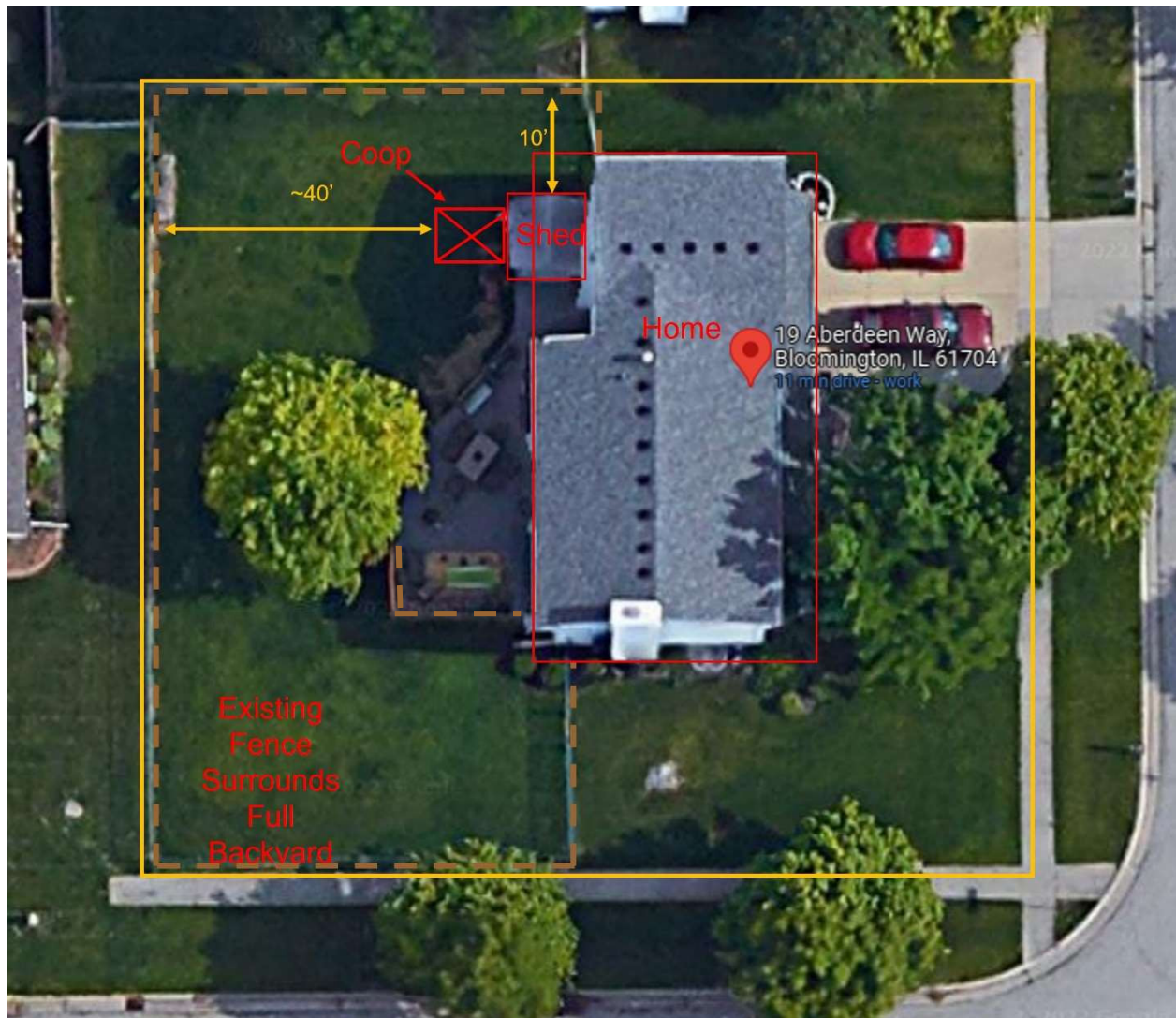
We plan on keeping a neat and tidy coop so that it is not an eyesore. Laying hens make very little noise and therefore will be of little impact to the neighborhood.

This special use permit would allow us to keep 4 laying hens which would conform to the district regulations. We have no HOA or covenant in our neighborhood.

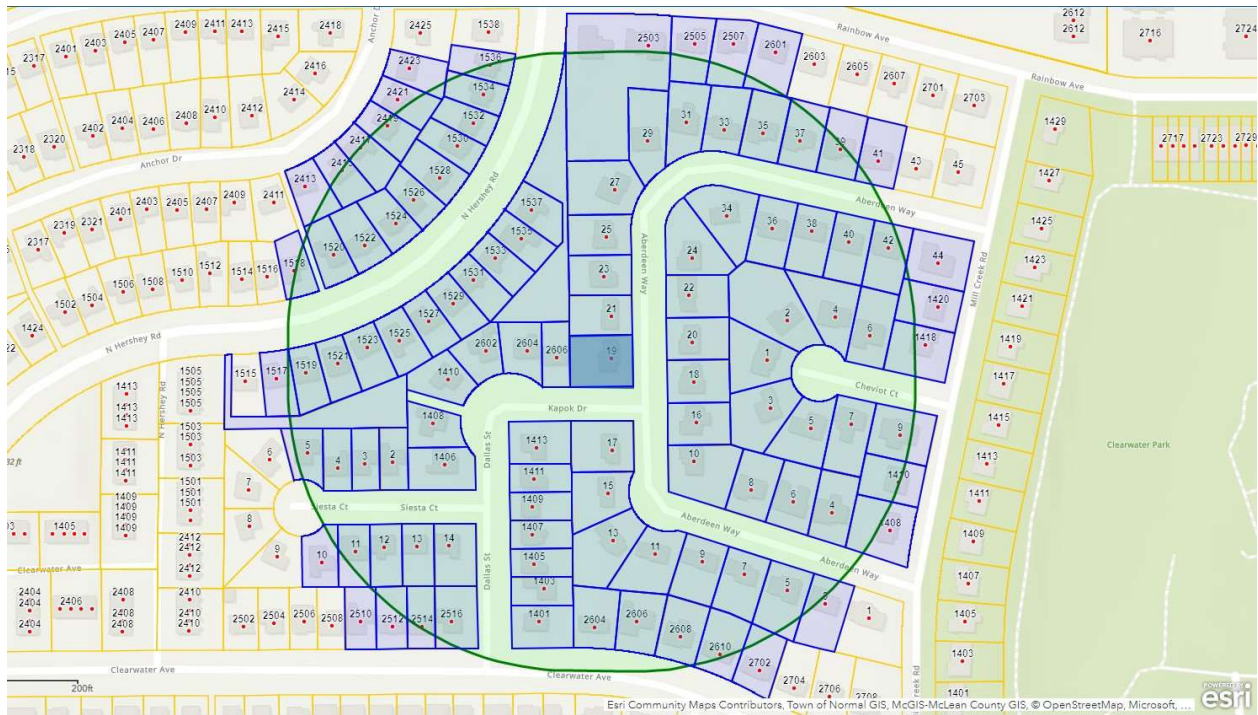
The coop below is similar to the one planned for install; a run would be added.



Attachment 5 - Petitioner-Submission - Site Plan



Attachment 6 - Neighborhood notice map





ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: REISSUED: July 20th, 2022 (June 15th, 2022)

CASE NO: SP-05-22, Special Use Permit for Chicken-Keeping

REQUEST: Public hearing, review and action on a petition submitted by Erik Goshorn for a Special Use Permit for Chicken-Keeping in the R-1B (Single-Family Residence) District, for the property located at 217 Magnolia Drive. PIN: 21-10-403-026.

BACKGROUND

Petitioners' request:

The Petitioner seeks a Special Use Permit to allow Chicken-Keeping in the R-1B (Single-Family Residence), 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 variations to the code are requested.

The Petitioner desires to erect a chicken coop and fenced enclosure in his backyard to keep no more than four hens, for the use of eggs and manure composting.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Sunday, May 29, 2022. Courtesy notices were mailed to 104 property owners within 500 feet of the subject property. A notice of public hearing sign was placed on the property at least 15 days prior to the hearing.

ANALYSIS

Property Characteristics:

The property at 217 Magnolia Drive consists of 0.16 acres of land located just south of Holiday Park in Meadowbrook Subdivision. It is improved with a single-family home and detached garage. The rear yard of this property, where the coop will be located, is enclosed by split rail and square wire fence.

Surrounding Zoning and Land Uses:

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

Description of Current Zoning District:

The R-1B (Single-Family Residence) District is intended to provide primarily for the establishment of areas characterized by moderate sized lots and single-family detached dwelling units for occupancy by families. In addition to these dwelling units, related recreational, religious, and cultural facilities intended to serve the immediately surrounding residents are allowed where such facilities are found to be compatible with surrounding residential development. (§ 44-401B).

Subject Code Requirements:

§ 44-402B. "Allowed Uses Table" indicates Chicken Keeping is permitted as Special Use in the R-1B District.

§ 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, 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.
- B. On lots greater than one acre with a primary use of a single-family or two-family dwelling, the keeping of up to four chickens plus one additional chicken per half acre in excess of one acre 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 Board of Zoning Appeals (ZBA) shall hold at least one administrative 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 to allow Chicken-Keeping in the R-1B (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 all of the setback requirements of § 44-1011. The Petitioner intends to store the food in sealed buckets in the adjacent garage to deter pests. 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 will be mostly screened by structures and will not be visible from the public roadway. The Special Use would also contribute to Goal HL-5.1 (Encourage local food production), HL-5.3 (Facilitate consumption of healthy, affordable, locally produced food for all residents), and NE-5.1 (Reduce the amount of waste and toxicity going to the landfill) 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 proposed location of the coop meets the minimum setback requirements of 10 feet from the side and rear property lines. The portion of the property where the coop will be located is screened from the public roadway by structures. 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-1B (Single-Family Residence) District. Additionally, 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:

1. Motion to establish findings of fact that all standards for approval of a Special Use Permit are met.
2. Motion to recommend approval of the petition submitted by Erik Goshorn for a Special Use Permit for Chicken-Keeping in the R-1B (Single-Family Residence) District, for the property located at 217 Magnolia Drive.

Respectfully submitted,
Alissa Pemberton
Assistant City Planner

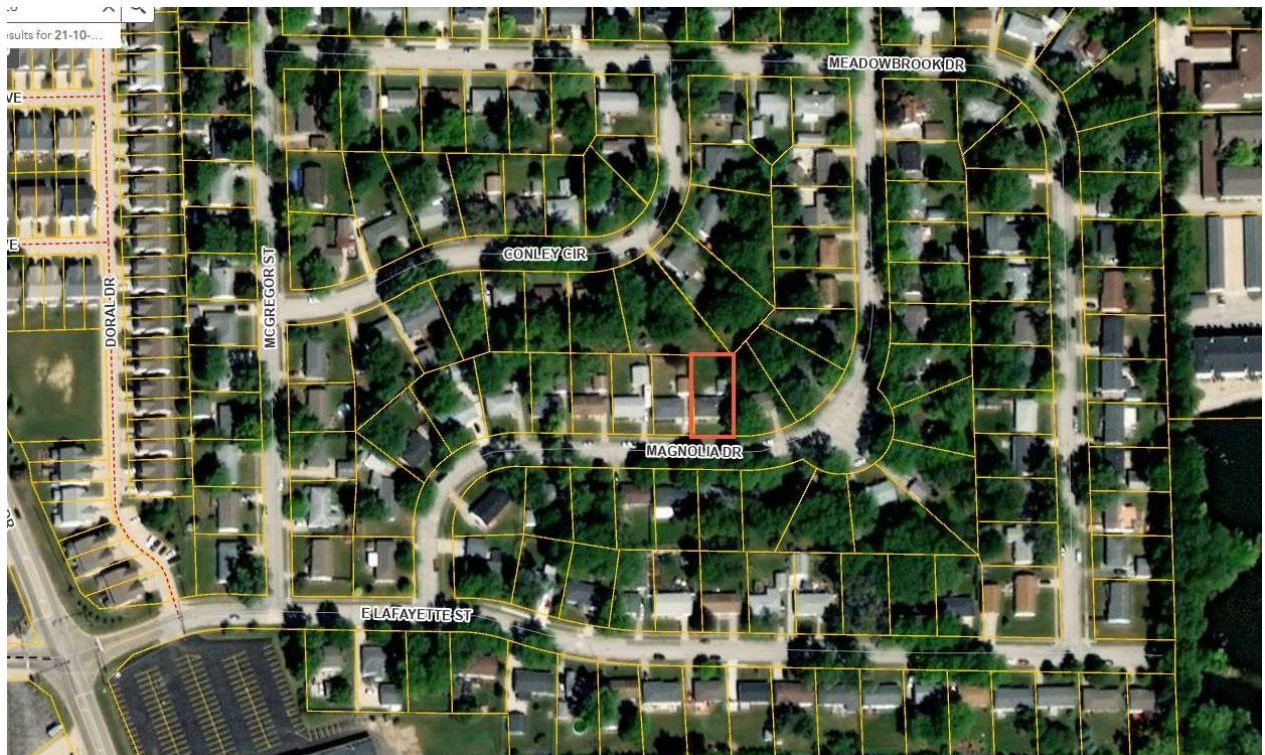
Attachments:

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

Attachment 1 - Zoning Map



Attachment 2 - Aerial Image



Attachment 3- Ground-Level View(s)



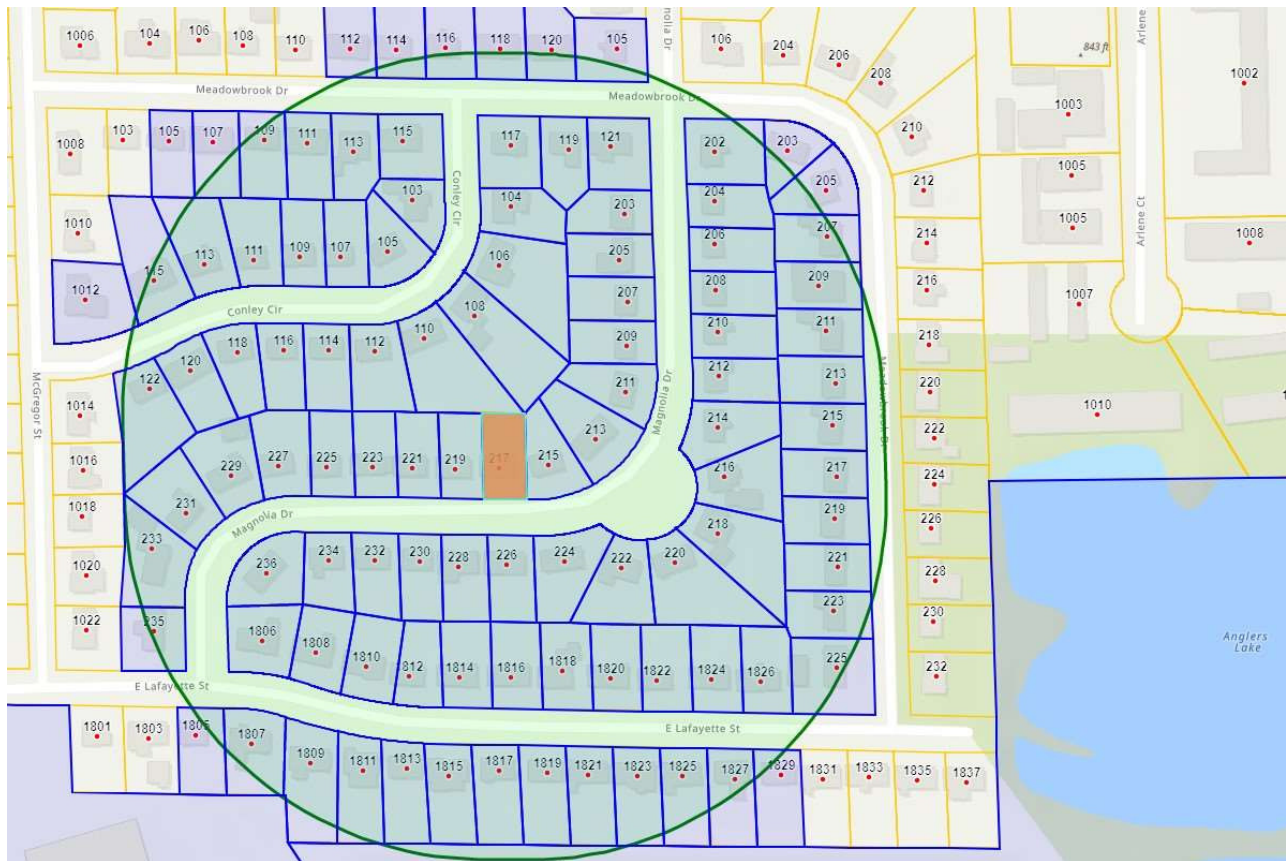
Attachment 4 - Petitioner-Submission - Description of Project

The proposal is for a Permit to keep and maintain a Chicken coop for no more than 4 chickens as permitted. Want to keep egg laying birds for use of eggs and composting manure. After speaking with neighbors, and taking the ease of care for this number of chickens, there should be no ill effects. The neighbor closest to the property line in question is supportive of the idea, and the area is not visible to passersby, so will not diminish property values.

Attachment 5 - Petitioner-Submission - Site Plan



Attachment 6 - Neighborhood notice map





ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: REISSUED: July 20th, 2022 (June 15th, 2022)

CASE NO: SP-06-22, Special Use Permit for Chicken-Keeping, with Variance

REQUEST: Public hearing, review and action on a petition submitted by Linda Stroh for a Special Use Permit for Chicken-Keeping, with Variance, in the R-2 (Mixed Residence) District, for the property located at 601 S. Livingston Street. PIN: 21-05-462-008.

BACKGROUND

Petitioners' request:

The Petitioner seeks a Special Use Permit to allow Chicken-Keeping in the R-1C (Single-Family Residence), 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..." A Variance to allow the Petitioner to locate the coop in the side yard of the property is requested.

The Petitioner desires to install a small chicken coop with fenced enclosure and have up to four chickens in her yard. The coop would be located in the side yard, rather than the backyard as required by § 44-1011E, due to the nature and location of the lot and placement of other existing structures.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Sunday, May 29, 2022. Courtesy notices were mailed to 90 property owners within 500 feet of the subject property. A notice of public hearing sign was placed on the property at least 15 days prior to the hearing.

ANALYSIS

Property Characteristics:

The property at 601 S. Livingston Street consists of 0.12 acres of land located on the southwest corner of S. Livingston Street and W. Mill Street, in the Lang's Alley neighborhood. This is a corner lot and therefor has two "front" yards that must be considered during location of the proposed coop. It is improved with a single-family home with detached garage. The rear yard

of this property, where the Code designates chicken coops are to be placed, is wholly occupied by the single-car garage and driveway but a large vacant side yard exists on the south side of the property which would permit the coop to meet the setback requirements at all property lines, while still providing sufficient space for the appropriate care and wellbeing of the hens. Due to the location of the property on the corner, placement of a coop in the rear yard would be equally visible from public roadways in the rear and side yards.

Surrounding Zoning and Land Uses:

Zoning		Land Uses
North	R-2 (Mixed Residence) District	Single-Family Dwelling Units
South	R-2 (Mixed Residence) District	Single-Family Dwelling Units
East	R-2 (Mixed Residence) District	Single-Family Dwelling Units
West	R-2 (Mixed Residence) District	Single-Family Dwelling Units

Description of Current Zoning District:

The R-2 (Mixed Residence) District is intended to accommodate development characterized by a mixture of housing types at a high single-family and a low multiple-family dwelling unit density. Densities of up to approximately 13 dwelling units per acre are allowed. This district allows for the conversion of dwelling units in older residential areas of mixed dwelling unit types in order to extend the economic life of these structures and allow owners to justify expenditures for repairs and modernization and serves as a zone of transition between lower density residential districts and residential districts that permit greater land use intensity and dwelling unit density (§ 44-401E).

Subject Code Requirements:

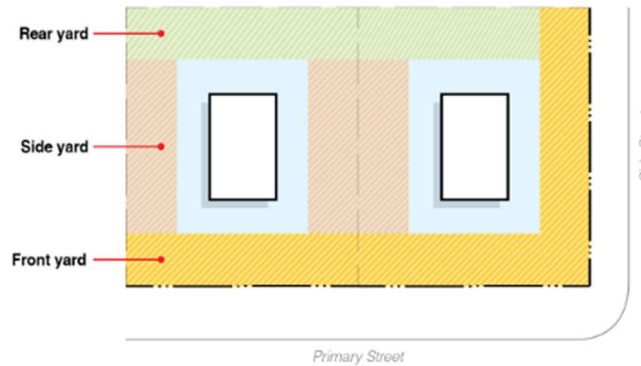
§ 44-402B. “Allowed Uses Table” indicates Chicken Keeping is permitted as Special Use in the R-2 District.

§ 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, 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.
- B. On lots greater than one acre with a primary use of a single-family or two-family dwelling, the keeping of up to four chickens plus one additional chicken per half acre in excess of one acre 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.

Diagram of yard classification from Chapter 44:



STANDARDS FOR REVIEW

The Board of Zoning Appeals (ZBA) shall hold at least one administrative 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. The ZBA has the power to authorize variations to the Code where there would be practical difficulties or particular hardships in carrying out the strict letter. Decisions shall be made upon the determination that the Variance meets all of the Standards listed in § 44-1708F and discussed below.

Special Use Permit to allow Chicken-Keeping in the R-2 (Mixed 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. The Petitioner intends to store the food in sealed buckets in the detached garage on the property. 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 Petitioner intends to install a commercially produced chicken coop and add a fenced enclosure. The Special Use would contribute to Goal HL-5.1 (Encourage local food production), HL-5.3 (Facilitate consumption of healthy, affordable, locally produced food for all residents), and NE-5.1 (Reduce the amount of waste and toxicity going to the landfill) 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 proposed location of the coop meets the minimum setback requirements of 10 feet from the side and rear property lines. The portion of the property where the coop will be placed is partially screened from neighbors by a structure and fencing. 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.**

Other than as requested in the associated Variance, the proposed Special Use conforms with both the use provisions for chicken-keeping as stated in Chapter 44, 10-11 and the regulations of the R-2 district. Additionally, 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.***

Variance to allow the Petitioner to locate the coop in the side yard.

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

As a corner lot, this property has physical characteristics that pose unreasonable challenges for complying with Code provisions that require the placement of the coop in the rear yard. Due to the location and orientation of the home the rear yard of this property is smaller and narrower than the side yards and is already wholly occupied by an accessory structure and concrete driveway. ***Standard is met.***

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

Allowing the Petitioner to vary the location of the coop is the minimum action necessary to afford relief to the applicant; all other provisions and requirements can still be met by granting this Variance. To place the coop in the rear yard the Petitioner would be required to remove existing structures. In addition, placement of a coop in the rear yard could not meet the setback requirements for chicken-keeping and would require a Variance to that effect instead. ***Standard is met.***

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

The lot and existing structures were created prior to the applicant's acquisition of the property in 2019. ***Standard is met.***

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

Due to the location of the property, placement of a coop in the rear yard would be equally visible from public roadways in the rear and side yards. In addition, were the same property addressed on W. Mill Street, instead of S. Livingston, identical placement of the coop would not require a Variance. ***Standard is met.***

5. 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.

Granting this Variance would not be detrimental to the public welfare. Placement of a coop in the "side" yard on this property would permit the coop to meet setback requirements, while still providing sufficient space for the appropriate care and wellbeing of the hens. ***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:

1. Motion to establish findings of fact that all standards for approval of a Special Use are met.
2. Motion to establish findings of fact that all standards for a Variance are met and that carrying out the strict letter of the Code does create hardship for the Petitioner.

3. Motion to recommend **approval of the petition** submitted by Linda Stroh for:
- A **Special Use Permit** for Chicken-Keeping in the R-2 (Mixed Residence) District, for the property located at 601 S. Livingston Street,
 - and **Variance** to § 44-1011E to allow a chicken coop in a side yard.

Respectfully submitted,
Alissa Pemberton
Assistant City Planner

Attachments:

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

Attachment 1 - Zoning Map



Attachment 2 - Aerial Image(s)



Attachment 3- Ground-Level View(s)



Attachment 4 - Petitioner-Submission - Description of Project

I would like to install a small chicken coop and run to have up to 4 chickens in my yard.

Chickens are good for the ecosystem; I teach a class on zero waste and we need to learn more ways to be more sustainable, whether you live in the City or the Country. I have a garden and instead of me buying a bag of chicken manure I will have my own to use. Chickens eat food scraps so my composting work will decrease. When I get extra produce from my garden I donate it to the mission.

I will keep the food in a covered metal can in the garage because I don't want any "unwelcome guests." My chickens will be contained my yard, there will be no roosters, and the coop will be 10 feet from any property line. I will make sure I do what the regulations say about how to keep them and store their food.

SMALL CHICKEN COOP

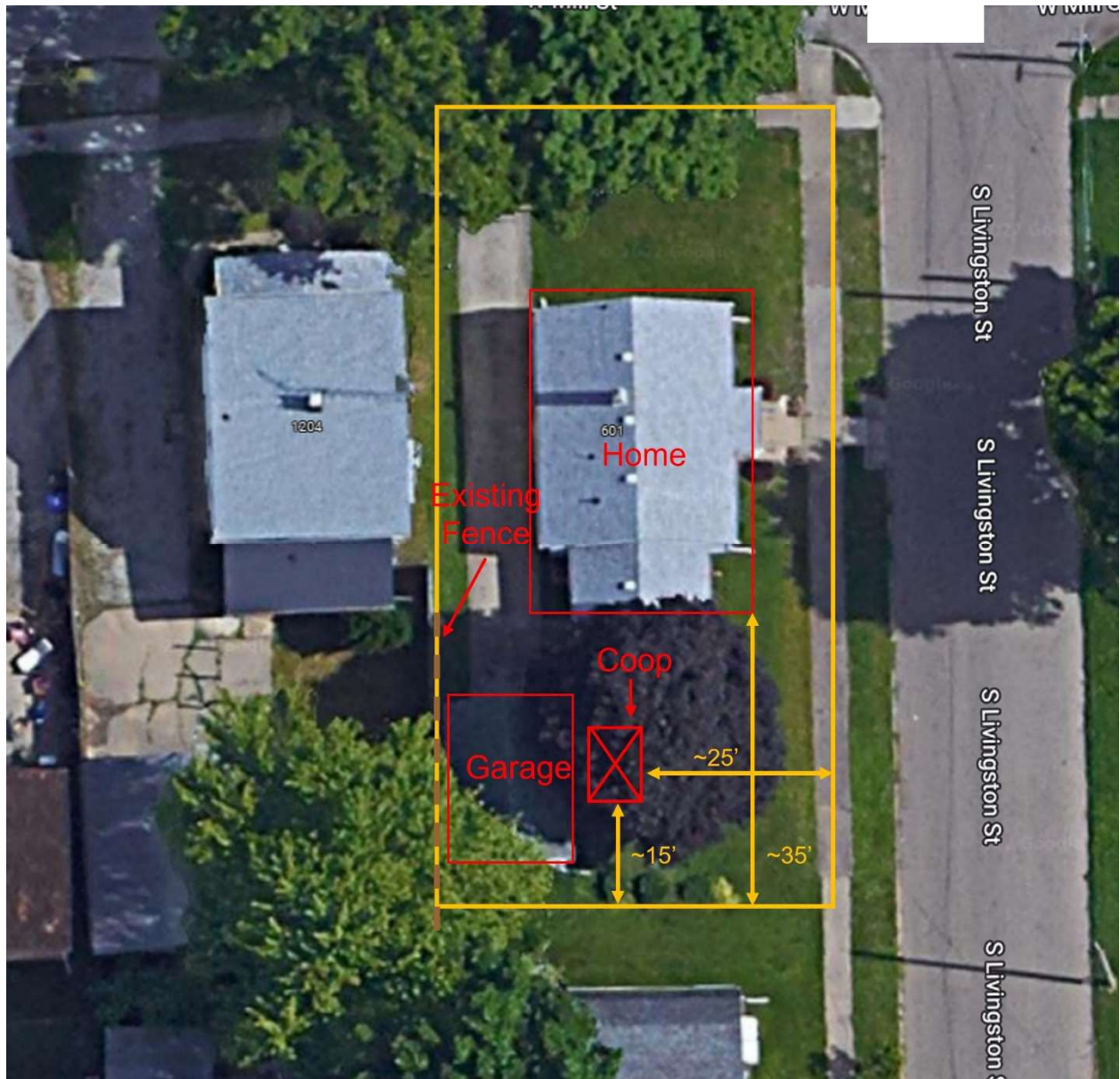


- Houses up to 5 chickens
- 1 Screened window
- 2 Nesting boxes
- 34" L x 45" W x 54 1/2" H
- Kit price: \$1,099 (takes approx. 1hr to assemble)
- Assembled price: \$1,249 (delivery not included)

Standard features on all chicken coops:

- Screened window(s) which open and close
- Nesting box(es)
- 2 vents (1 on each gable end to let air flow through the coop)
- 2 Roosts
- 1 Chicken door with treated wood ramp
- Flooring and siding has a treated resin
- The roof profile is designed so that rainwater runs off the back of the chicken coop.

Attachment 5 - Site Plan



Attachment 6 - Neighborhood notice map





ZONING BOARD OF APPEALS

TO:	ZONING BOARD OF APPEALS
FROM:	Economic & Community Development Department
DATE:	July 20th, 2022
CASE NO:	SP-10-22, Special Use Permit for Chicken-Keeping
REQUEST:	Public hearing, review and action on a petition submitted by Larissa Langellier for a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District for the property located at 2813 Chesapeake Ln. PIN: 15-30-129-005.

BACKGROUND

Petitioners' request:

The Petitioner seeks a Special Use Permit to allow Chicken-Keeping in the R-1C (Single-Family Residence), 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 variations to the code are requested.

The Petitioner erected a chicken coop and fenced enclosure in her backyard to keep chickens as companion animals and was subsequently informed by Code Enforcement that chicken-keeping requires a Special Use Permit in the City of Bloomington. The Petitioner submitted an application for the subject permit by the following deadline and seeks to lawfully continue chicken-keeping as an accessory use on her property.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Friday, July 1, 2022. Courtesy notices were mailed to 87 property owners within 500 feet of the subject property. A notice of public hearing sign was placed on the property at least 15 days prior to the hearing.

ANALYSIS

Property Characteristics:

The property at 2813 Chesapeake Lane consists of 0.2 acres of land located south of Fort Jesse Road in the Eagle Crest North Subdivision. It is improved with a single-family home and attached garage. The rear yard of this property, where the coop will be located, is partially screened by a wooden fence on the rear and north sides of the property.

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-1C (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. (§ 44-401C).

Subject Code Requirements:

§ 44-402B. “Allowed Uses Table” indicates Chicken Keeping is permitted as Special Use in the R-1C District.

§ 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, 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.
- B. On lots greater than one acre with a primary use of a single-family or two-family dwelling, the keeping of up to four chickens plus one additional chicken per half acre in excess of one acre 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 Board of Zoning Appeals (ZBA) shall hold at least one administrative 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 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. The Petitioner

intends to store the food in sealed containers and treat the hens with Elector PSP to deter pests, including mites, lice, flies, and rodents. 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 will be partially screened from the public roadway by structures. The property is bordered by fencing to the north and east, as well as evergreen tree coverage on the rear (east). The Special Use would also 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 proposed location of the coop meets the minimum setback requirements of 10 feet from the side and rear property lines. 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:

1. Motion to establish findings of fact that all standards for approval of a Special Use Permit **are met**.
2. Motion to recommend **approval** of the petition submitted by Larissa Langellier for a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District for the property located at 2813 Chesapeake Lane.

Respectfully submitted,
Alissa Pemberton
Assistant City Planner

Attachments:

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

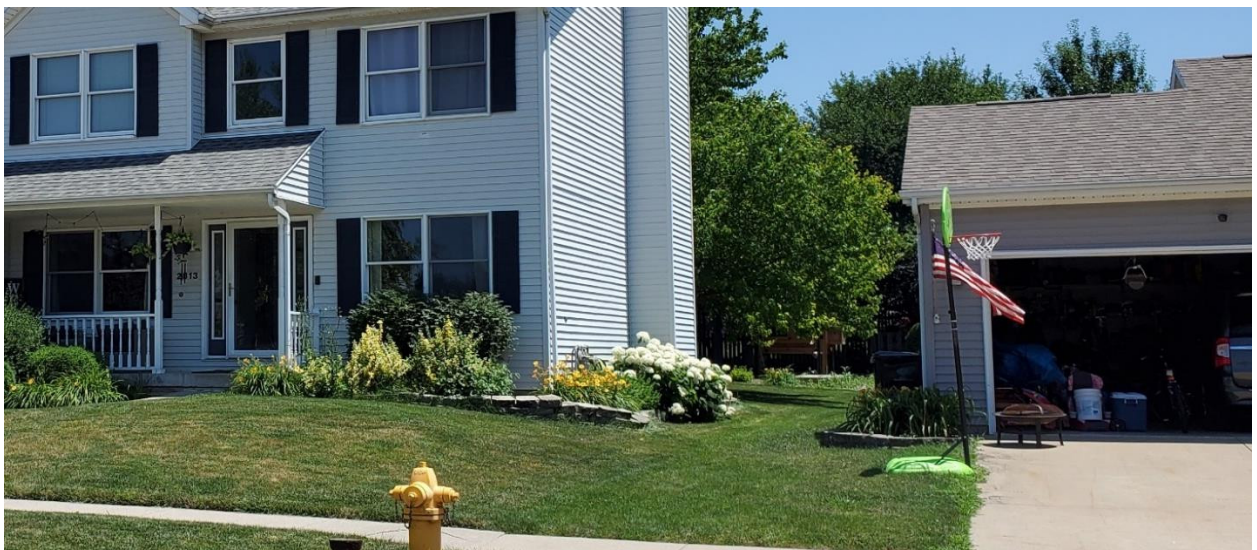
Attachment 1 - Zoning Map



Attachment 2 - Aerial Image



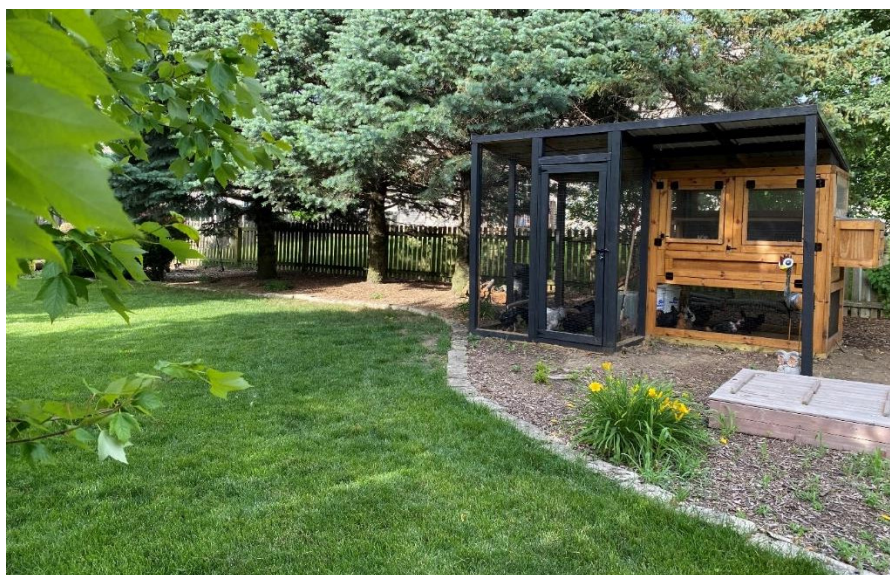
Attachment 3- Ground-Level View(s)



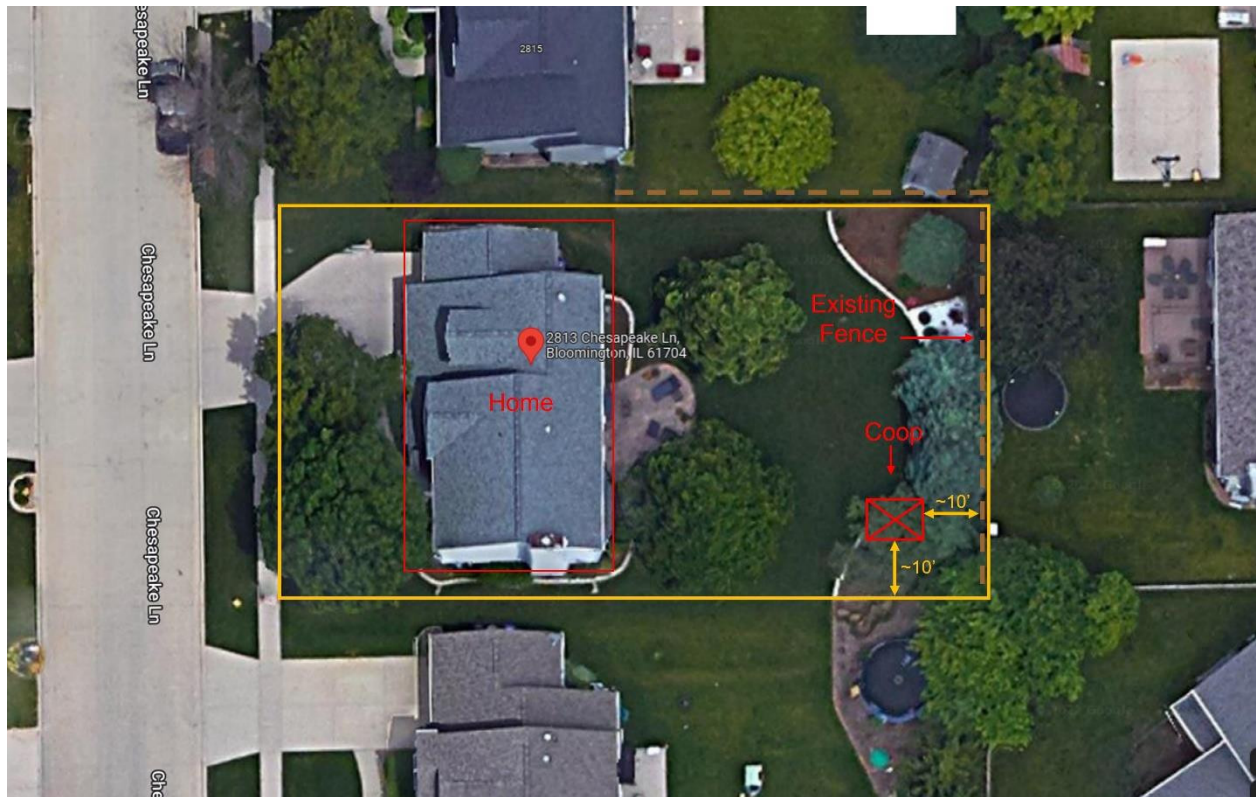
Attachment 4 - Petitioner-Submission - Description of Project

Build new chicken coop to house and care for chickens to be used as emotional support animals. Plan to put up 12' x 8' chicken coop on southeast corner of property, 10' from property lines with permission from neighbors as a courtesy.

The proposed project will pose no danger to the public. The structure includes solid enclosure as well as extra wire containment so that no birds will escape and predators cannot enter. In the unlikely scenario that chickens should escape, they pose no threat to citizens.



Attachment 5 - Site Plan



Attachment 6 - Neighborhood notice map





ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: July 20, 2022

CASE NO: SP-07-22, Special Use Permit for Personal Care Services

REQUEST: Public hearing, review and action on a petition by Jose Aguas for a Special Use Permit for Personal Care Services (Nail Care) in the R-D (Downtown Neighborhood Residence) District for the property located at 701 E. Washington Street. PIN: 21-04-433-001.

BACKGROUND

Petitioners' request:

The Petitioner seeks a Special Use Permit to allow Personal Care Services (Nail Care), per § 44-402B, which indicates that “Personal Care: Barber Shop, Beauty Salon, Day Spa, etc” uses require a Special Use Permit in the R-D (Downtown Neighborhood Residence) District. No variations to the code are requested.

The Petitioner desires to operate a nail salon in the front half of the lower floor of a converted single-family home. The salon existed previously at another location.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Friday, July 1, 2022. Courtesy notices were mailed to 78 property owners within 500 feet of the subject property. A notice of public hearing sign was placed on the property at least 15 days prior to the hearing.

ANALYSIS

Property Characteristics:

The property at 701 E. Washington Street consists of 0.12 acres of land located at the southeast corner of E. Washington Street and N. Clayton Street, two blocks from the Central Business District, in the Dimmitt's Grove neighborhood. The property has been improved with a single-family home constructed around 1886 and converted to multi-family property many years ago; it is currently owned and operated as a rental property by the Petitioner. The

property holds three currently licensed residential two-bedroom rental units (one in the rear of the ground floor, the other above the ground floor) and has six off-street parking spaces in the rear of the building. No residential rental units access the property through the primary front entrance of the building that would be the entrance of the subject Special Use.

Surrounding Zoning and Land Uses:

	Zoning	Land Uses
North	R-D (Downtown Neighborhood Residence)	Single-Family/Multi-Family Dwelling Units
South	R-D (Downtown Neighborhood Residence)	Single-Family/Multi-Family Dwelling Units
East	R-D (Downtown Neighborhood Residence)	Single-Family/Multi-Family Dwelling Units
West	R-D (Downtown Neighborhood Residence)	Single-Family/Multi-Family Dwelling Units

Description of Current Zoning District:

The R-D (Downtown Neighborhood Residence) District is intended to accommodate primarily residential areas adjacent to Bloomington's Central Business District characterized by a mixture of housing types and scales, including large and small lot single-family detached and attached homes as well as low-intensity multifamily buildings. New development and redevelopment in the district is intended to be supportive of the overall historic character of the area and prioritize the preservation of historic structures. This district allows for the conversion of single-family detached properties to multifamily or office uses to preserve the integrity of historic structures and extend their economic life by allowing owners to justify expenditures for repairs and modernization. (§ 44-401(l)).

Subject Code Requirements:

§ 44-402B indicates that “Personal Care: Barber Shop, Beauty Salon, Day Spa, etc” uses require a Special Use Permit in the R-D (Downtown Neighborhood Residence) District, with reference to Note 2.

§ 44-402B Notes 2 states, “The maximum permitted floor area is 1,600 square feet for Clothing Care; 1,000 square feet for Personal Care or 5,000 square feet for Drug Stores, Pharmacies, and Grocery Stores.”

§ 44-1208E (Table of Off-Street Parking Requirements) lists “Dwelling Unit, single-family attached; two-family; multiple-family; live/work” uses as requiring 1.5 spaces per efficiency or one-bedroom dwelling unit; 2 spaces per 2 or more-bedroom dwelling units, and “Personal care: barber shop, beauty salon, day spa, etc.” uses as requiring 1 space per 250 GFA.

§44-1209 (Table of Adjustment to Required Parking) allows for reductions to required parking associated with access to transit, pedestrian access, public parking lots, and on-street parking.

No Zoning Use Provisions are identified for Personal Care uses.

§ 3-402B (Advertising Sign Code - Residence Districts) One [facia] identification sign having a total sign area not exceeding 32 square feet for each lot occupied by nonresidential uses except for lots occupied by legal nonconforming uses which shall be permitted to have a total sign area not exceeding the total sign area of all identification signs presently located on the lot occupied by such nonconforming uses. (Signs exempted by § 3-8 would also be allowed on the premises.)

STANDARDS FOR REVIEW

The Board of Zoning Appeals (ZBA) shall hold at least one administrative 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 to allow Personal Care Services in the R-D (Downtown Neighborhood 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 Petitioner states that the salon is structurally separated from the residential units in the building, with a separate entrance, HVAC and ventilation systems, windows large enough for exit in emergencies, and GFCI outlets have been provided, as needed. The Petitioner states that he maintains necessary State and local health and professional licenses, as well as liability insurance. Appointments for the salon are planned between 10:00am and 6:00pm so additional noise or movement will not be disruptive to the general comfort or welfare of the building or nearby residents. ***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 Petitioner proposes to operate the nail salon similarly to the way in which a “Home Occupation” would be allowed, by right, and with similar impact as if the unit were rented as an additional residential dwelling unit. The proposal is for operation by appointment only, in less than 25% of the gross floor area of the structure. Other than signage that will be permitted by the City’s Advertising Sign Code, the existence of the salon is not expected to be significantly apparent beyond the boundaries of the site. Operation by appointment will also help to ensure that the salon does not create pedestrian, automobile, or truck traffic significantly in excess of the normal amount of the district (§ 44-1020A). ***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.**

No external changes to the building are planned related to the proposed use. Operation by appointment should result in the salon's traffic and impact to surrounding areas being similar to that which could be expected if unit were rented as a residential dwelling. Additionally, this property is half a block from the commercial corridor on Clinton Street, fronting a primary access road for Downtown Bloomington; business development Downtown and residential development east can be expected to overtake the impact of this Special Use in terms of the increase of traffic and character impact to the surrounding properties. ***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, accessed from the corner side street as required by § 44-1206A(5); no change to this condition is expected as the result of the Special Use Permit. One dedicated parking space will be provided for the salon, allowing for the residential units to meet their minimum parking requirements, and an additional parking space in excess of the required minimums.

With applicable discounts, the three residential rental units require four dedicated off-street parking spaces. The three residential rental units (two bedroom) require six off-street parking spaces, to start, but have the following associated discounts for location: 1) reduction of one required off-street parking space associated with two legal on-street parking spaced immediately abutting the property, 2) reduction of an additional required off-street parking space associated with access to transit within 900 feet (10%) and pedestrian access (10%). ***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 R-D district allows for the conversion of single-family detached properties, like the structure at 701 E. Washington Street, to multifamily or office uses. The external impact of the proposed Special Use is expected to be similar to that of a law or professional office and aligns with the intent of the District and practical use of the area. ***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:

1. Motion to establish findings of fact that all standards for approval of a Special Use Permit are met.
2. Motion to recommend approval of the petition submitted by Jose Aguas for a Special Use Permit for Personal Care Services (Nail Care) in the R-D (Downtown Neighborhood Residence) District for the property located at 701 E. Washington Street

Respectfully submitted,
Alissa Pemberton
Assistant City Planner

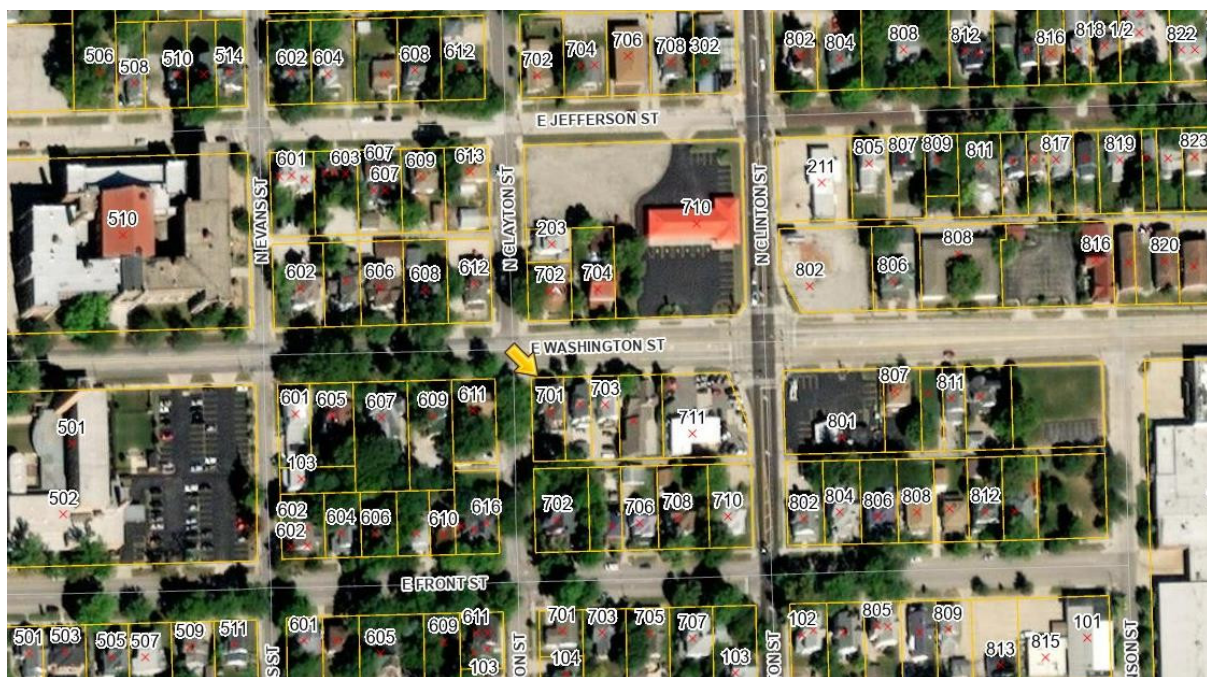
Attachments:

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

Attachment 1 - Zoning Map



Attachment 2 - Aerial Image



Attachment 3- Ground-Level View(s)



Attachment 4 - Petitioner-Submission - Description of Project

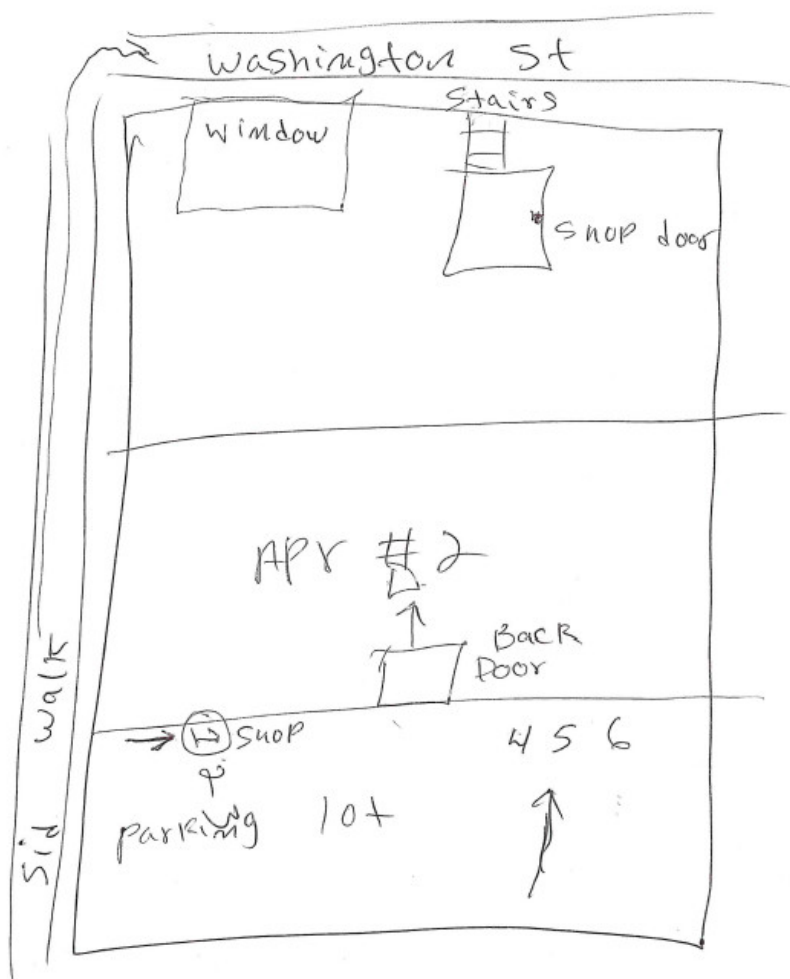
Nail salon in front half of the lower floor of a converted single-family home in R-3B. Previously had salon elsewhere, moving to new location. There is no change to the outside of the building related to this use. The unit is isolated from the other units; has its own

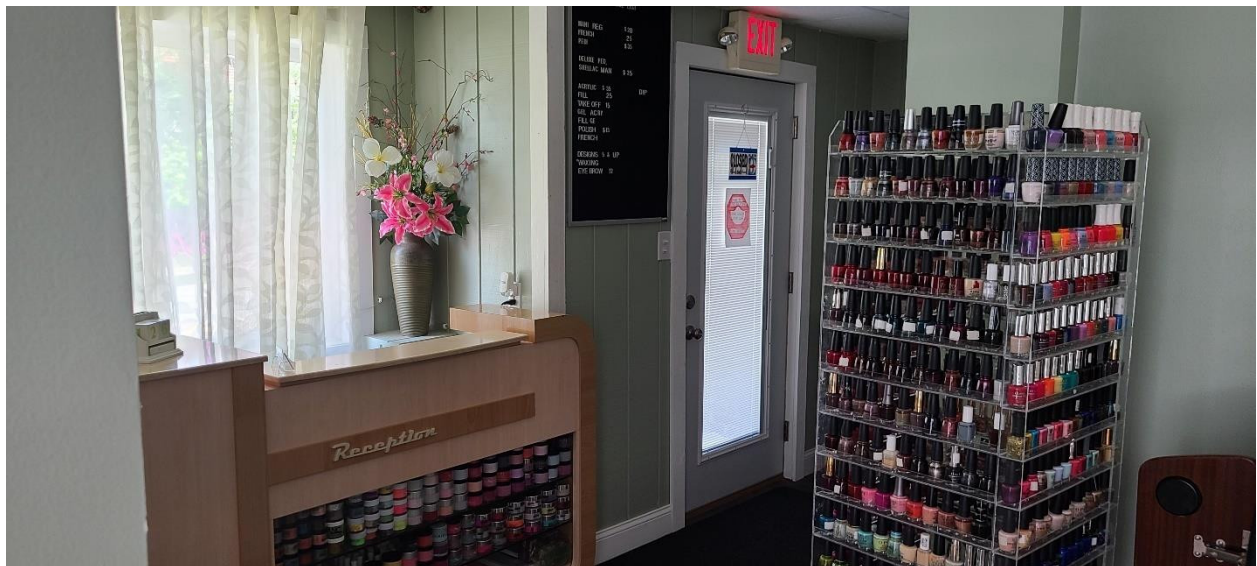
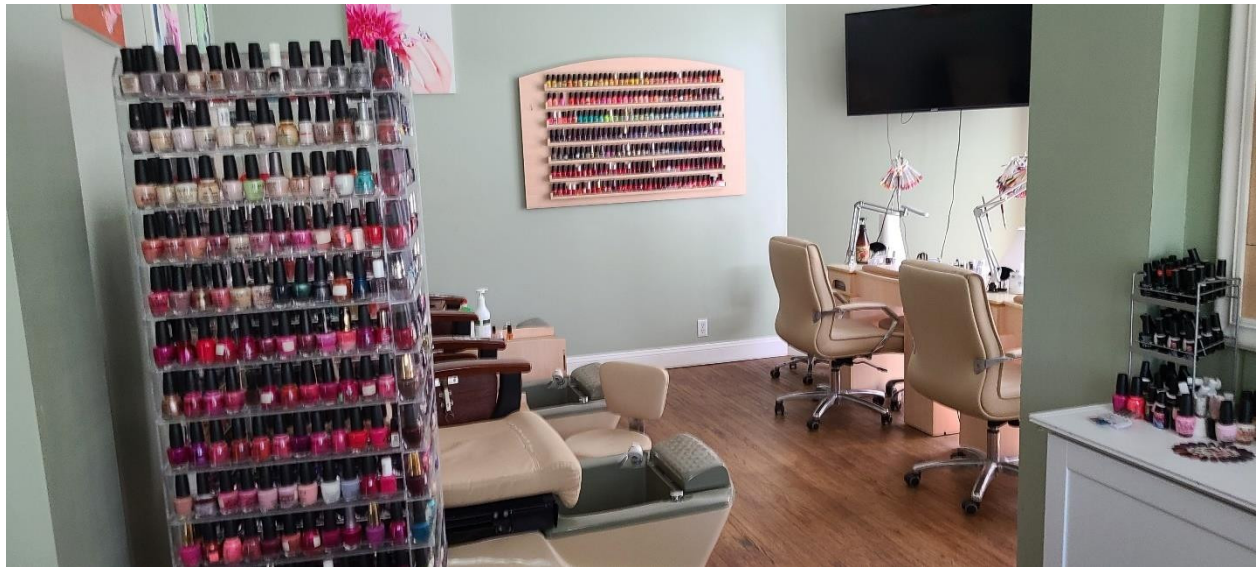
a/c, heat, and vent system. Shop will have liability insurance, as is the building. The windows are large enough for exit and doors are in working condition for emergency exit. Fire extinguishers present on site and the outlets are GFCI when needed.

This salon will operate by appointment only so the traffic and impact to surrounding areas will be the same or less than if it were rented as an apartment. There is one dedicated off-street parking space which complies with the off-street parking requirements for my small nail salon. Usually take appointments between 10am and 6pm so there won't be negative impacts to the other residents in the building at night. No external changes planned for the building so it shouldn't change what others can do on their property. Going into an existing building; no changes to roads or traffic.

I am licensed and insured, as required by the State, have my business license, and I will make sure I get permits for any plumbing and electrical work, as required by the City.

Attachment 5 - Petitioner-Submission - Site Plan





Attachment 6 - Neighborhood notice map





ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: July 20, 2022

CASE NO: SP-08-22, Special Use Permit for Place of Worship in B-1

REQUEST: Public hearing, review, and action on a petition submitted by Nexus Church for a Special Use Permit for a Place of Worship in the B-1 (General Commercial) District for the property located at 802 S. Eldorado Road. PIN: 21-11-251-020.

BACKGROUND

Petitioners' request:

The Petitioner seeks a Special Use Permit to allow the establishment of a Place of Worship facility, per § 44-502A, which indicates Place of Worship uses require Special Use Permits in the B-1 (General Commercial) District. No variations to the code are requested.

The Petitioner desires to relocate the existing congregation and facility of Nexus Church from the current location at 716 E. Empire Street to the eastern-most suite (B) within an existing, partially-vacant commercial building at 802 S. Eldorado Road. Activities will include Sunday morning assemblies and small gatherings for events and activities throughout the week, with seating for 75 in the main assembly area. Exterior changes to the building are not planned, other than the addition of exterior signage, as approvable by the Advertising Sign Code.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Friday, July 1, 2022. Courtesy notices were mailed to 31 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics:

The property at 802 S. Eldorado Road consists of approximately one acre of land located southeast of E. Oakland Avenue and Veterans Parkway, on a frontage road that is accessible from the north off Oakland and the south off E. Lincoln Street. The property was improved in 1972 with an approximately 15,000 square foot commercial building and 54 parking spaces; two

of the four Suites present in the building are currently vacant. The property is owned by a commercial real estate company; the Petitioner has approval from the property owner to seek the requested Special Use Permit.

Surrounding Zoning and Land Uses:

Zoning		Land Uses
North	B-1 (General Commercial)	Restaurant
South	B-1 (General Commercial)	Liquor Store
East	R-3B (Mixed Residence)	Multi-Family Dwelling Units
West	Right of Way, then B-1/R-3B	Transportation Corridor

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:

§ 44-502A indicates that “Place of Worship” uses require Special Use Permits in the B-1 (General Commercial) District.

§ 44-1208E (Table of Off-Street Parking Requirements) lists “Place of Worship” as requiring the greater of 1 space per 200 GFA or 1 space per 3 seats in the main assembly area.

No Zoning Use Provisions are identified for Place of Worship.

§ 44-1308A Areas of low visual interest or visually intrusive site elements, such as trash collection, mechanical equipment, open storage, service areas, loading docks and blank walls, shall be screened from off-site view. Screening shall be established on all sides of such elements except where an opening is required for access. If access is possible only on a side that is visible from a public street, a removable or operable screen shall be required. Screening techniques may include, but are not limited to, hedgerows, fencing, wing walls, parapets, and building insets.

§ 3-409A (Advertising Sign Code - C-2, C-3, B-1 and B-2 Districts) On-premise signs may be of any type provided that the total sign area of all such signs in each premise shall not exceed three square feet for each lineal foot of frontage on a public street, or approved private street meeting City standards, or public place, or 300 square feet, whichever is greater. The maximum area of each sign shall not exceed 300 square feet unless otherwise restricted by this Code.

STANDARDS FOR REVIEW

The Board of Zoning Appeals (ZBA) shall hold at least one administrative 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 to allow Place of Worship 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 presence of B-1 zoning and indication of this area on the City's Future Land Use Map as "Employment Center/Regional Commercial" indicate that the establishment, maintenance, and operation of periodically intensive uses are appropriate for this area and will not be detrimental to the public comfort or general welfare. The nature of the use is not one that creates noxious or hazardous externalities so is not expected to endanger public health or safety. The site is immediately accessible from two public roads and does not require movement through the nearby residential properties for ingress or egress. ***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 property, and the adjacent properties, have been in operation as commercial properties for many decades and the expectation of general commercial uses continuing is reasonable. Since proposed structural modifications are to the interior of the building only, the use will not significantly change the characteristics of the site or create negative impacts to property values. ***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.**

No significant external changes to the building are planned related to the proposed use. Parking and access requirements have been met. Additionally, the backfill of vacant commercial properties is important for the maintenance and property values of the subject and surrounding properties. ***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 to this condition is expected as the result of the Special Use Permit.

The applicable parking minimum from § 44-1208E is the requirement of 1 space per 3 seats in the main assembly area, for a requirement of 25 spaces. The site provides 54 off-street parking spaces, with uses of the other units requiring 25 spaces (4,000 SF instructional studio), 9 spaces (2,300 SF retail), and an undetermined number of spaces (vacant). Currently, Fusion Martial Arts operates Monday through Thursday in the evenings and Normal Gadgets operates Monday through Saturday during normal business hours. The target days and times for the operation of Nexus Church are compatible with the other businesses in the facility and will allow the maximum extent of the parking lot to be available for use during those hours. Additionally, Nexus Church has permission from the property owner at 808 S. Eldorado Road to use the parking area on that site as overflow, if necessary. ***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.

Special Use Permits are enforceable and revokable, should such use become a nuisance, be destroyed, or cease operations for a specific period. In addition, as a rental property with plans for alterations that require building permits, the premises will be reviewed for compliance and condition multiple times prior to, and during occupancy and operation of the Special Use. ***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:

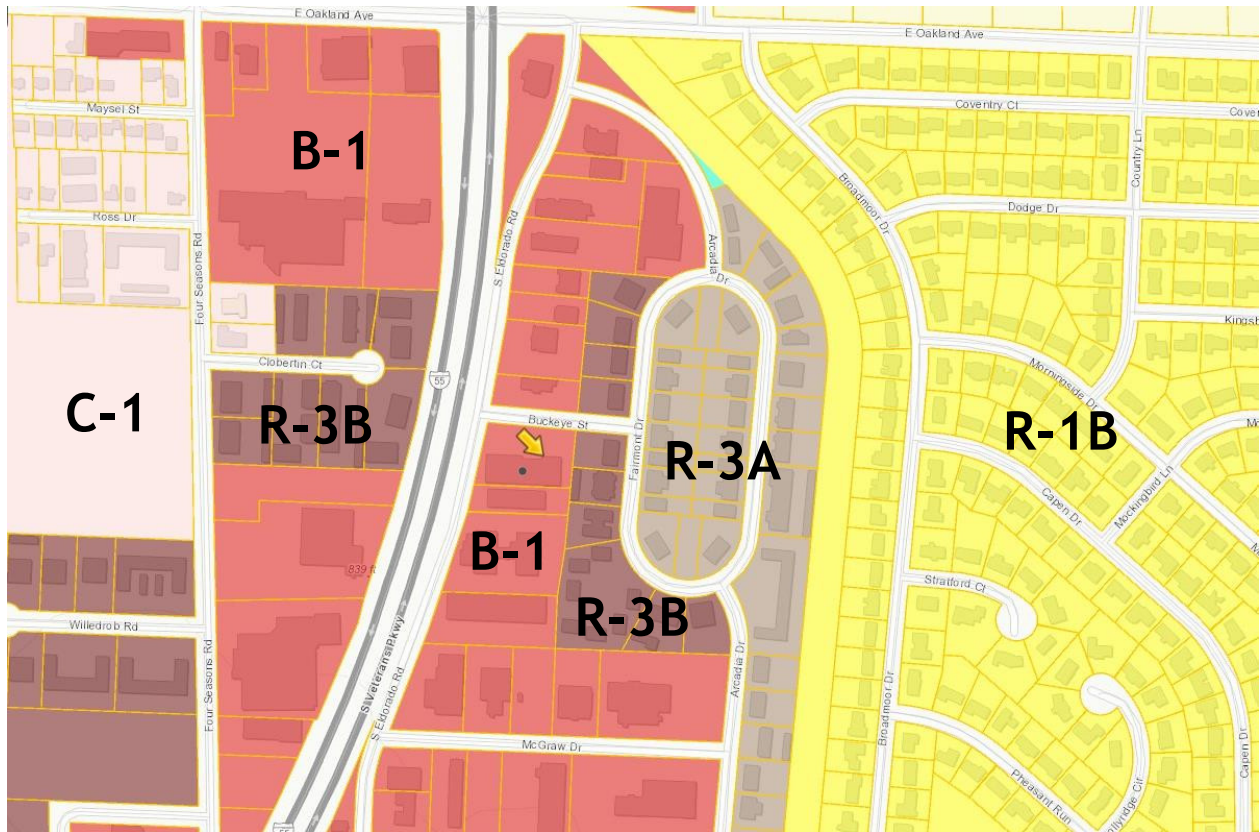
1. Motion to establish findings of fact that all standards for approval of a Special Use Permit **are met.**
2. Motion to recommend:
 - a. **Approval** of the petition submitted by Nexus Church for a Special Use Permit for a Place of Worship in the B-1 (General Commercial) District for the property located at 802 S. Eldorado Road,
 - b. **With the condition** that screening is added for the shared trash collection area, as required by § 44-1308A.

Respectfully submitted,
Alissa Pemberton
Assistant City Planner

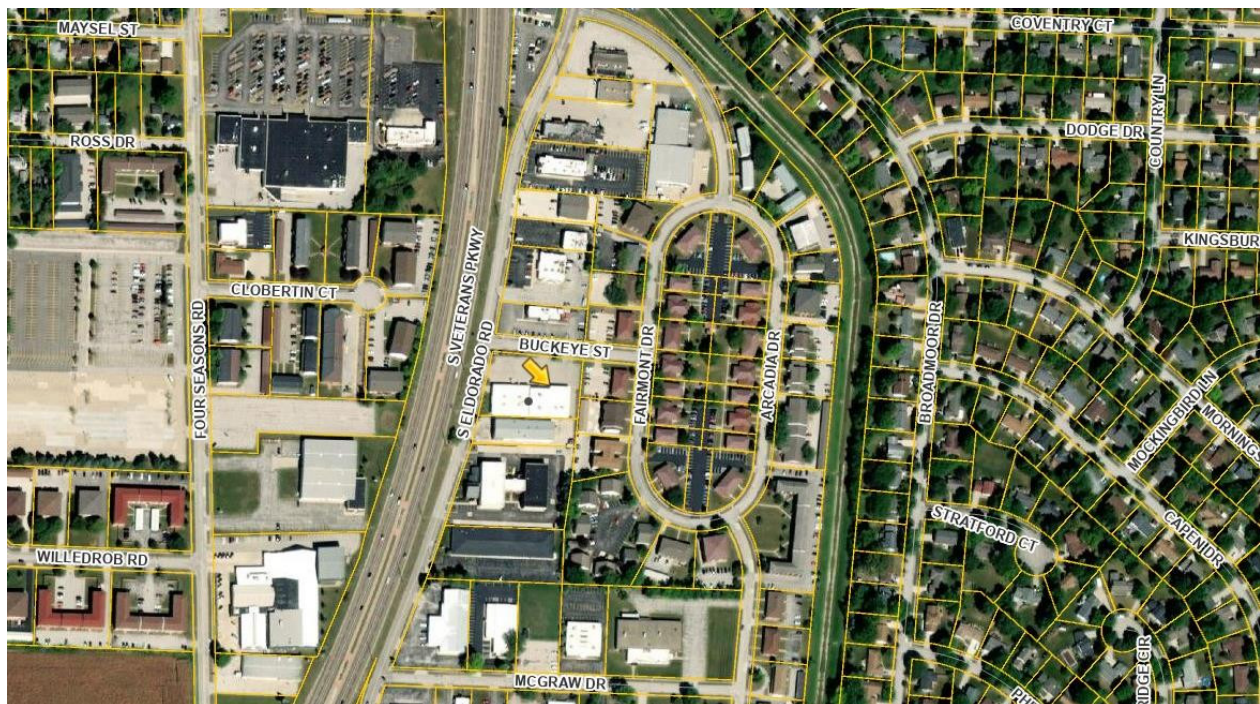
Attachments:

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

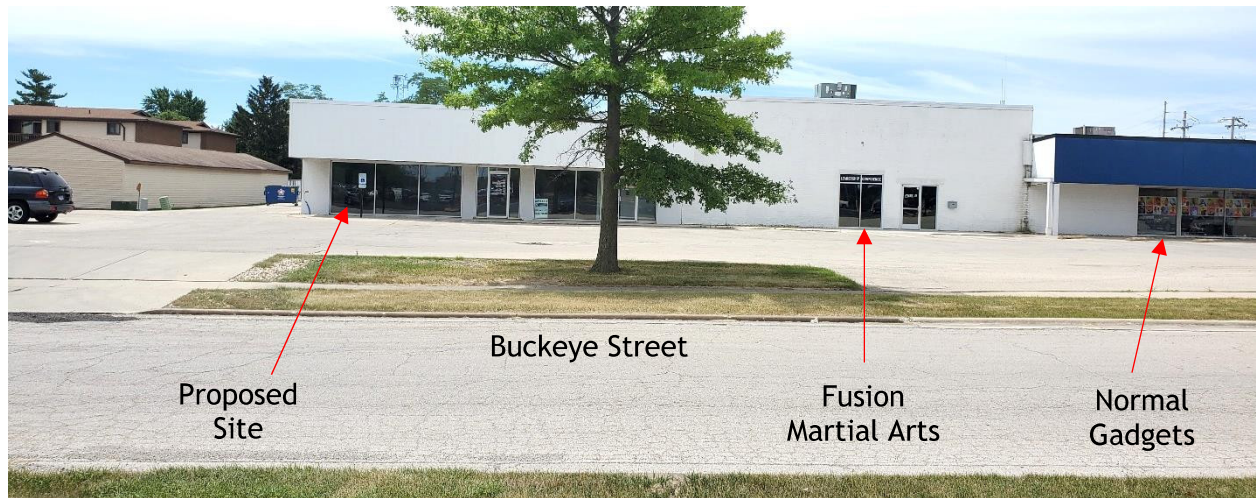
Attachment 1 - Zoning Map



Attachment 2 - Aerial Image



Attachment 3- Ground-Level View(s)





Attachment 4 - Petitioner-Submission - Description of Project

Nexus Church is seeking to re-zone this space from retail to an assembly. We plan to make minor interior changes to the property: 1. Adding a kitchenette next to the existing bathrooms with one sink and a refrigerator. 2. We will remove a few walls to make larger office areas. We will repair the flooring, ceilings and doorways once the walls are removed. 3. We will be removing the existing Point of Sale countertop in the middle of the main showroom and repairing all flooring under the countertop. An exterior sign will be installed by a sign company. We will have Sunday morning assemblies and small gatherings for events and activities throughout the week.

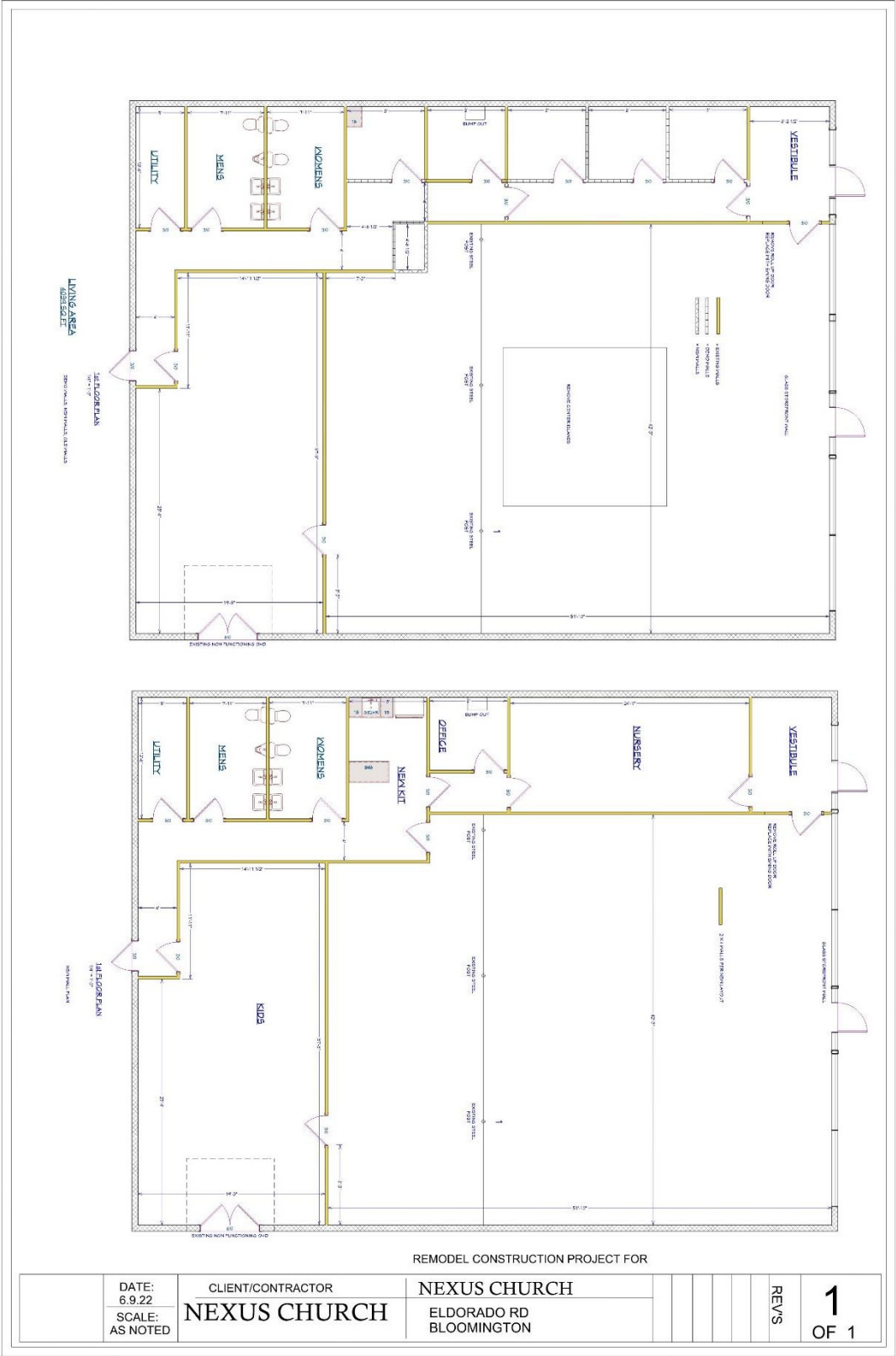
We've considered purchasing our current space. We have considered purchasing another space that the owner tore down to build apartment buildings. We have considered other lease options, but this one seems the best as far as location, size and price.

Nexus Church is committed to serving it's communities needs. We make it our mission to improve public health, safety, comfort and the general welfare of our neighbors and surrounding community.

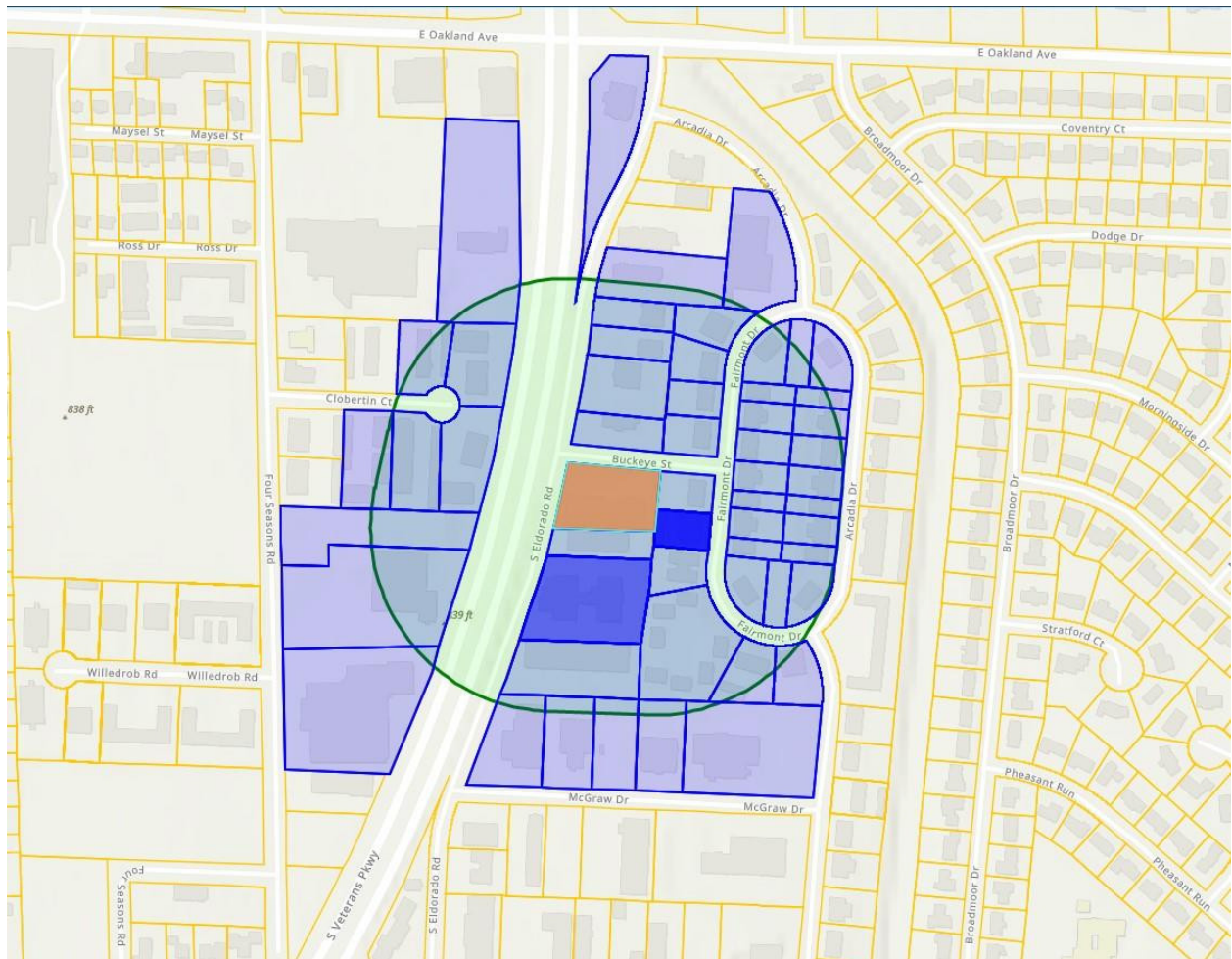
We believe that we will do nothing to decrease the value of the properties in the neighborhood. We seek only to provide a positive partnership to the tenants nearby. We have already spoken to the martial arts studio next door. They are excited to have us and want to partner with us in ministry. I imagine that our members will eat at Monical's Pizza next store and increase their revenue. We will do interior improvements to the building, put up a nice exterior sign and we will bring more life and activity to a space that has been sitting vacant or quite some time.

We foresee no impediments to the development or improvement of the surrounding property. The existing utilities, access roads, drainage and necessary facilities are adequate. The existing ingress and egress are sufficient.

Attachment 5 - Petitioner-Submission - Site Plan



Attachment 6 - Neighborhood notice map





ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: July 20th, 2022

CASE NO: SP-09-22, Special Use Permit for Dwelling Unit, Two-Family

REQUEST: Public hearing, review and action on a petition submitted by IHG Property LLC for a Special Use Permit for a Dwelling Unit, Two-Family, in the B-2 (Local Commercial) District, for the property located at 802 E. Grove Street. PIN: 21-04-437-009.

BACKGROUND

Petitioners' request:

The Petitioner seeks a Special Use Permit to allow a Dwelling Unit, Two-Family in the B-2 (Local Commercial) District, per §44-502, which states “a Special Use is required when the use adjoins a Residential District boundary line...” No variations to the code are requested.

The Petitioner desires to convert the commercial space located on the first floor in the existing building to residential space.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Friday, July 1, 2022. Courtesy notices were mailed to 90 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics:

The property at 802 E. Grove Street consists of 0.14 acres of land located at the northeast corner of E. Grove Street and S. Clinton Street, in the East Grove Street Historic District. It is currently occupied by a first-floor commercial space and two second floor residential units. Parking is located directly north of the building and via a parking lot to the east, which also serves the adjacent restaurant use. The property was likely originally occupied as a single-family residence prior to being converted to commercial and residential. The applicant intends to remodel the existing first floor space to accommodate the residential use. No other changes are proposed for the building at this time.

Surrounding Zoning and Land Uses:

	Zoning	Land Uses
North	R-2 (Mixed Residence)	Two-Family Dwelling Unit
South	B-2 (Local Commercial)	Personal Service
East	B-2 (Local Commercial)	Restaurant/Parking
West	R-2 (Mixed Residence)	Single-Family Dwelling

Description of Current Zoning District:

The B-2 (Local Commercial) District is intended to provide retail, commercial and service establishments, including retail stores and personal service facilities, which serve the frequently recurring needs of surrounding local employment areas and residential neighborhoods. In addition to serving commercial purposes, this district encourages a mix of land uses, continued community investment through infill and site renovations, and a development form that supports mixed transportation modes, such as bicycle, pedestrian, and public transportation in addition to personal vehicles. Neighborhood shopping centers, particularly with a supermarket as a principal or anchor tenant, are appropriate at prominent intersections. The protection of surrounding residential properties from adverse impacts is a primary focus of this district. (§ 44-501(B)).

Subject Code Requirements:

§ 44-502. “Allowed Uses Table” indicates Dwelling Unit, Two-Family is permitted as a Special Use in the B-2 District, when adjacent to residential property.

All other applicable sections of the Code would remain in effect for Two-Family Dwelling Units but are expected to be met.

STANDARDS FOR REVIEW

The Board of Zoning Appeals (ZBA) shall hold at least one administrative 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 a Dwelling Unit, Two-Family, in the B-2 (Local 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 proposed Special Use should not be detrimental in any way as it is within an existing building and no significant impact is expected. ***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. No exterior modifications are proposed, and the change of use would be occupying a vacant building space. ***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 conversion of the existing space from commercial to residential should not impact orderly development and improvement of surrounding properties. ***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 Special Use is subject to, and conforms with, the regulations of the B-2 (Local Commercial) District. ***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:

1. Motion to establish findings of fact that all standards for approval of a Special Use Permit **are met.**
2. Motion to recommend **approval** of the petition submitted IHG Property LLC for a Special Use Permit for a Dwelling Unit, Two-Family, in the B-2 (Local Commercial) District, for the property located at 802 E. Grove Street.

Respectfully submitted,
John Branham
City Planner

Attachments:

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

Attachment 1 - Zoning Map



Attachment 2 - Aerial Image



Attachment 3- Ground-Level View(s)



Attachment 4 - Petitioner-Submission - Description of Project

Convert the commercial space on the 1st floor from a commercial unit to residential. For all intents and purposes as it sits now it's essentially setup as a residential unit other than having a full bathroom and full kitchen. There are one or possibly two bedrooms (offices) and a living room with 2 fireplaces. The 1st floor will need the bathroom upgraded and front entry separated/or 1st floor entry secured. The plan is to modernize and add a full kitchen and full bath to the main level to allow for an additional apartment. No major changes externally and floor layout will include a kitchen and full bath on the back portion of the unit where the current partial kitchen exists.

Currently, the building has 2 residential units for rent upstairs and a sew shop in the lower unit. I would like to make the lower unit a residential unit. No change to the amount of units, just the use of the lower unit would change from commercial to residential. This would be a minimal change to its current use as there are already two residential units and one commercial unit at the property. I do not foresee any endanger the public health, safety, comfort or general welfare by converting the use of the lower unit as a residential property.

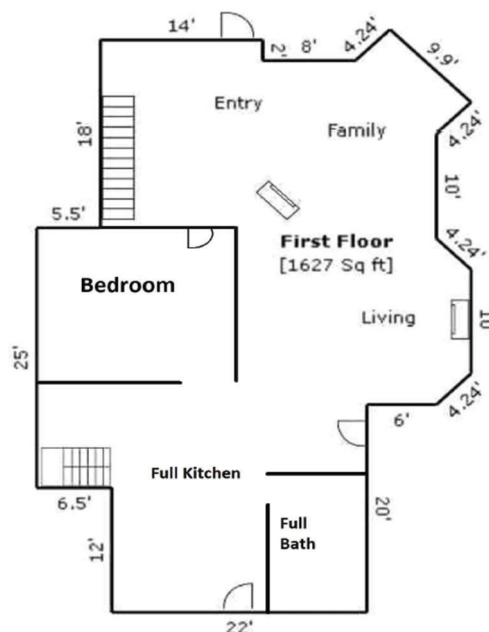
This change would have no impact to the surrounding properties and I will make sure the upkeep of the property conforms with city rental requirements and structurally maintain the property where it meets or exceeds its current valuations and does not impair property values in the immediate vicinity.

There will be no change to or impact to the surrounding properties as this building has already been a mixed use rental and commercial property.

The property has all the necessary utilities gas, electric, and water. No major upgrades to the existing property will be needed impacting roads, current drainage. There is a half bath on the main floor. I will be installing a full bathroom and modernizing the current kitchen area. There are 5 parking spots already designated for this building.

There are entrances from both Grove Street and Clinton to the property.

Attachment 5 - Proposed First Floor Plan



Attachment 6 - Neighborhood notice map





ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: July 20th, 2022

CASE NO: V-02-22, Variances from § 3-5 of the Advertising Sign Code

REQUEST: Public hearing, review, and action on a petition submitted by QuikTrip Corporation for Variances from § 3-5 of the Advertising Sign Code to allow increased sign area and height in the B-1 (General Commercial) District for the property located at 223 Bloomington Heights Road. PIN: 21-06-102-004.

BACKGROUND

On April 25, 2022, City Council passed Resolution 2022-12 “A Resolution Approving an Annexation Agreement with QuikTrip Corporation for Land Located West of I-55 and South of West Market Street, in McLean County, Illinois, Consisting of 80 Acres More or Less,” that included the following provision:

OUTLOT B TO BE USED FOR OFF PREMISE SIGNAGE AND DETENTION

Owner shall be entitled to use Outlot B for off premises signage to advertise any business being operated on the Property in the Owner’s sole discretion. The City will approve and accept a high rise sign having a maximum height of 150 feet to be constructed in a manner that is substantially similar to the signage plans and specifications set forth in Exhibit J. Owner shall comply with the IDOT rules and regulations in installing and maintaining signage on Outlot B. Outlot B may also be used by Owner for water detention purposes for the benefit of Lot 3.

While the Annexation Agreement and Petition have been adopted and executed, State Law requires a public hearing before the Zoning Board of Appeals in order to formalize the Variance. As part of the Annexation Agreement, the proposed sign has already been part of two public hearings before the Planning Commission and City Council. In addition to the discussion of the findings of fact detailed below, the information presented by QuikTrip regarding the need for the Variance and anticipated testimony at the Zoning Board of Appeals is expected to further support the Variance request.

Petitioners' request:

The petitioner seeks a variance from §3-5 (Freestanding or ground signs) to allow a 150-foot height for an off-premise, double-sided, lighted, ground-mounted high-rise sign. §3-501F does not provide for maximum heights greater than 50 linear feet from grade in the prescribed chart, and indicates the potential to permit increased height for signs adjacent to high-speed roads, but not a prescribed way to determine that maximum height.

The petitioner seeks a variance from §3-5 (Off-premise signs) to allow a double-sided, lighted, ground-mounted high-rise sign with one 362.6 square foot lighted cabinet and one 321.7 square foot remotely changeable digital cabinet, for a total of 684.3 square feet of signage on the subject property. §3-507 does not permit total sign areas in excess of 300 square feet.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Friday, July 1, 2022. Courtesy notices were mailed to 11 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics:

The property generally located at 223 Bloomington Heights Road consists of approximately 80 acres of vacant land, recently annexed to the City of Bloomington, south of W. Market Street and west of I-55. The original two parcels have an approved Preliminary Plan for subdivision into four lots and two outlots; the portion of the property that is the subject of this petition is currently listed as PIN 21-06-102-004; the approximately one-acre child parcel is indicated as "Outlot B" on the attached Preliminary Plan. The property indicated as lots one and two are planned for the development of a vehicle fueling station and convenience center in the near future; these lots are across a public right-of-way (Bloomington Heights Road) from the proposed high-rise sign.

Surrounding Zoning and Land Uses:

	Zoning	Land Uses
North	B-1, General Commercial	Bank / Restaurant / Retail / Hotel
South	A (County) Agricultural & M-1 (County) Restricted Manufacturing	Single Family Residential / Transfer Station
East	A (County) Agricultural & C (County) Commercial	Single Family Residential / Vacant / I-55 interchange
West	M-1 (County) Restricted Manufacturing	Vacant

Description of Current Zoning District:

B-1 General Commercial District. The intent of this B-1 General Commercial District is 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.

Subject Code Requirements:

§ 3-202 Definitions - OFF-PREMISE SIGN (OFF-SITE SIGNS) - It is a sign that advertises goods, products, services or facilities or directs persons to a different location from where the sign is installed.

§ 3-507A After February 8, 1981, it shall be unlawful for any person to erect any off-premise sign having a sign area in excess of 300 square feet unless and until a variance for such off-premise sign exceeding 300 square feet in sign area has been granted by the Sign Code Board of Review in accordance with Article XII of this Code.

§ 3-507E Any off-premise sign may be a freestanding sign, a fascia or wall sign, a roof sign, a projecting sign, a canopy sign, a sign on an awning, an incidental sign, a directional sign, a manual or automatic changeable copy sign, a changing sign, a rotating sign, or a special sign subject to the provisions of this Code for each of these aforementioned signs unless such provisions are restricted to on-premise signs.

§ 3-501F The maximum height of any portion of any freestanding or ground sign shall be accordance with Table 1. In joint or adjacent rights-of-way, the height of the sign will be regulated by the width and speed limit of the right-of-way immediately closest to the location of said sign.

Table 1		
Maximum Permitted Heights of Freestanding or Ground Signs		
Highway or Street Closest to the Location of the Sign		
Public Right-of-way Width	Official Speed Limits (miles per hour)	Maximum Height From Grade (linear feet)
60 feet or less	15 - 20	20*
	25 - 30	25
	35 - 50	30
More than 60 feet	15 - 20	30*
	25 - 30	40*
	35 - 50	50

NOTES:

- * Freestanding signs may have a maximum height of 100 feet above grade when located within 1,320 feet of the right-of-way line of a Federal Aid Interstate Highway interchange.
[Ord. No. 1998-95]

STANDARDS FOR REVIEW

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

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

The current Advertising Sign Code only provides a way to consider maximum heights of ground signs associated with speed limits up to 50 MPH. The location of the subject property is adjacent to an Interstate Highway with a speed limit of 70 MPH; our Code is unable to determine or prescribe appropriate maximum height in this instance. The Petitioner has supplied information regarding site conditions, including topography issues, that they believe requires the specified height of the sign for adequate visibility from I-55; in the absence of a prescription by the Code as to how to proceed at speeds of greater than 50 MPH, the Petitioner's methodology may be reasonably substituted as a foundation for determining appropriate height. Due to the increased height, increased size might reasonably be required for readability.

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

A variance to the maximum sign height and area is required to install the sign approved by City Council and submitted as part of this plan. No other provisions or conditions in this Code would allow the increase without Variance.

NOTE: The submitted site plan indicates that this sign will not be located within 1,320 feet of the right-of-way line of a Federal Aid Interstate Highway interchange, but the site plan also indicates that this location is approximate. Freestanding signs may have a maximum height of 100 feet above grade when located within 1,320 feet of the right-of-way line of a Federal Aid Interstate Highway interchange. Should the location of the sign change, this new restriction will take precedent.

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

The primary target audience for this sign is motorists on the adjacent highway—with a speed limit of greater than the 50 MPH considered by the Code and so not permissible by our Code for lack of cogitation—this is not a condition created by the applicant.

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

The applicant's situation is unique to the location and needs of the specific property as a newly annexed tract of commercially-designated land; it will not provide special privilege denied to others by the Code.

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

This sign's outlot location is away from residential use, and the design is consistent with the character of high-rise signs for similar uses in other communities.

MOTIONS FOR CONSIDERATION

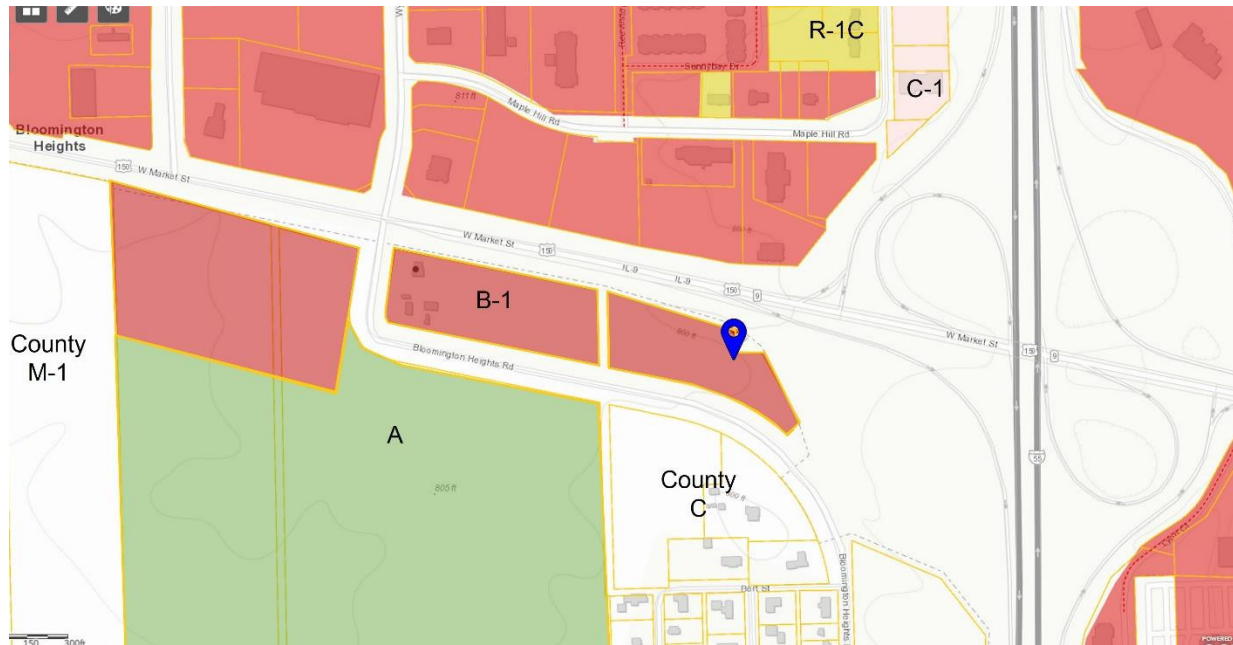
1. Motion to establish findings of fact that carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner.
2. Motion to recommend approval of the petition submitted by the QuikTrip Corporation, for Variances from § 3-5 of the Advertising Sign Code to allow increased sign area and height in the B-1 (General Commercial) District, for the property located at 223 Bloomington Heights Road, for a 684.3 SqFt double-sided, lighted, ground-mounted high-rise sign, allowing a height of up to 150 linear feet, subject to any and all other restrictions imposed by local, state, or federal transportation authorities.

Respectfully submitted,
Alissa Pemberton
Assistant City Planner

Attachments:

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

Attachment 1 - Zoning Map



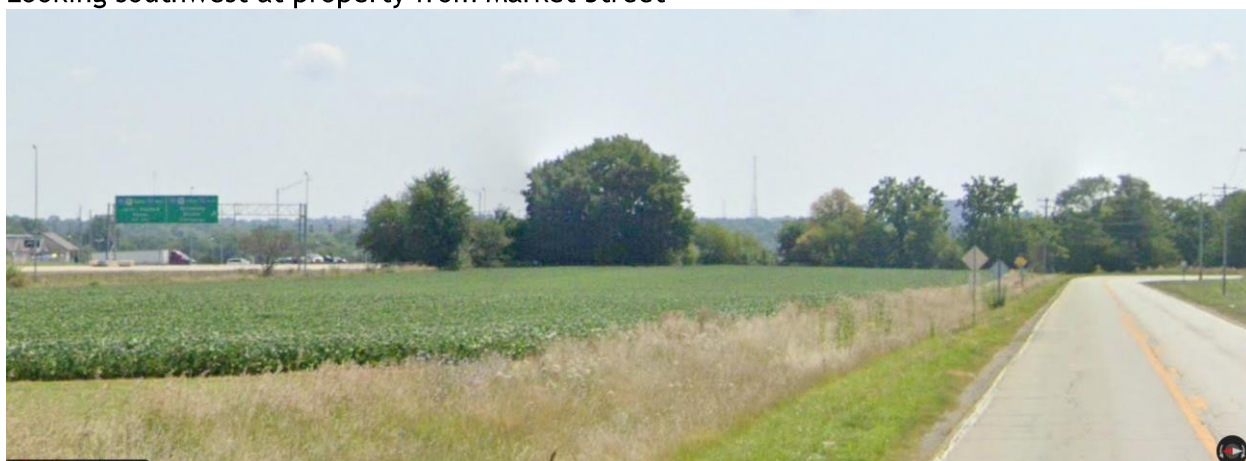
Attachment 1 - Aerial Image



Attachment 3 - Ground-Level View(s)



Looking southwest at property from Market Street



Looking northeast at property from Bloomington Heights Road

Attachment 4 - Petitioner-Submission - Description of Project

The Owner has recently annexed the property at issue into the City of Bloomington as part a project to operate a QuikTrip travel center on the Southside of Market Street between Wylie Drive and J.C. Parkway. In order to adequately advertise the travel center to people using the Interstate, a high rise sign having a maximum height of 150 feet is necessary. This type of sign, the height of the sign and the location of the sign have been approved by the City of Bloomington's City Council as part of an Annexation Agreement between the City of Bloomington and the Owner.

The Owner has studied the topography of the site and adjacent property using drone technology and has determined that to be adequately visible from the nearby interstate the sign needs to be 150 feet in height, 362 square feet, double-sided, lighted and ground mounted high rise sign.

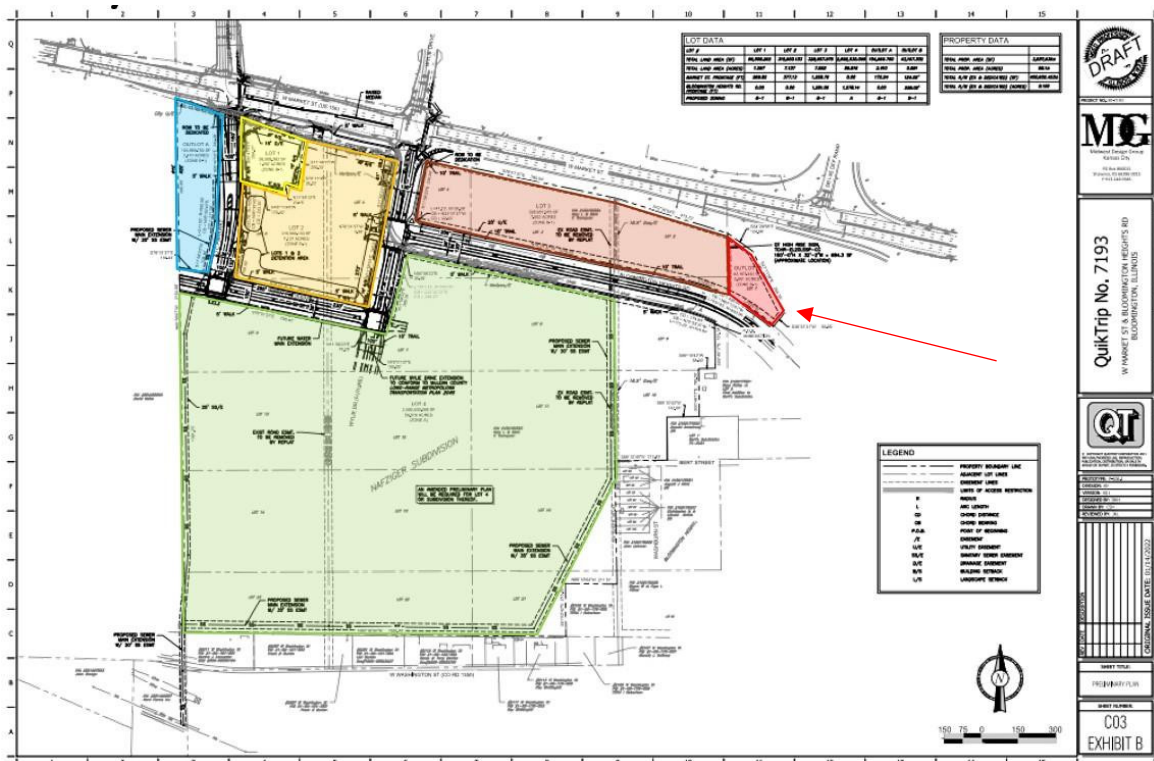
The property is located in a very commercial area, but is a distance a way from the Interstate due its proximity to on and off ramps. There is also quite a change in the topography at this location.

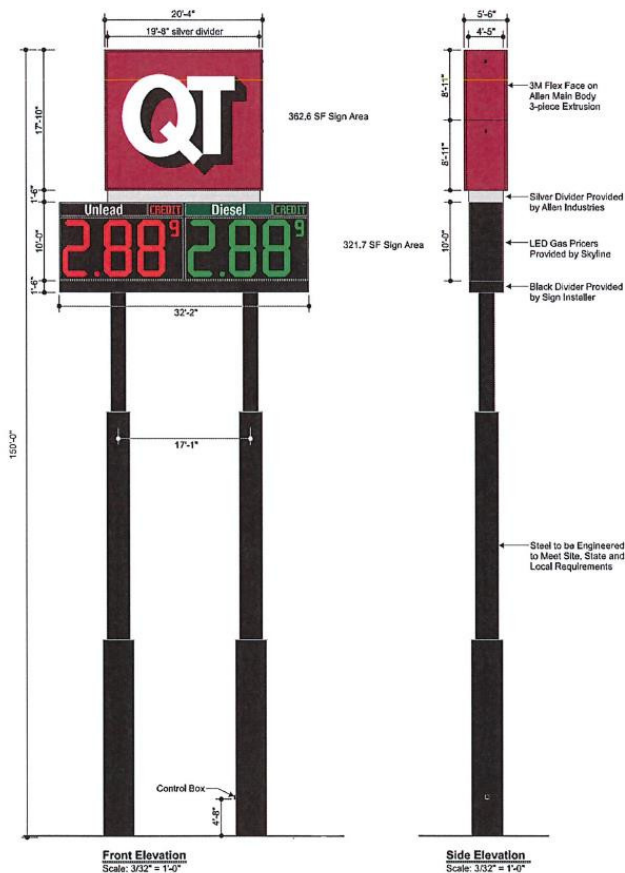
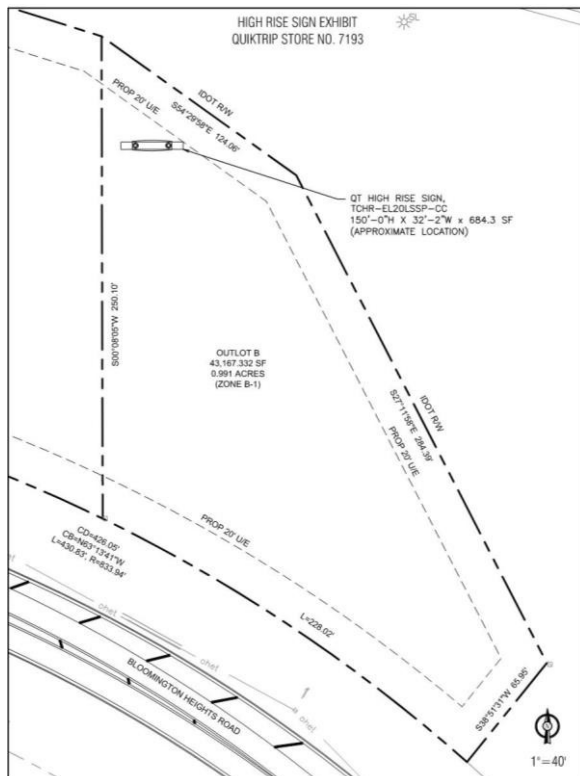
The placing of a 150 foot, 362 square foot, double-sided, lighted and ground mounted high rise sign on the property is compatible with the signage in the area and is the most efficient and minimum manner in which to advertise the owner's business to travelers on the nearby interstate.

The owner recently purchased the property for the purpose of owning and operating a QuikTrip travel center. The owner's plans have been approved by the City of Bloomington. The sign will be located on the owner's easternmost edge to reduce the size required. The topographic conditions existed at the time the owner purchased the property and the owner has not done made any changes that increase the size of the sign that is necessary to be seen on the nearby interstate.

The businesses in the area have adequate signage for their respective purposes. The granting of the variance will not provide the owner with a special privilege.

Attachment 5 - Site Plan





7193 -TCHR-EL20LSSP-CC
High Rise Sign

- QT Logo
- Silver Fabricated Aluminum Divider
- Two (2) Product LED Gas Price Sign
- 684.3 Square Feet Sign Area

Notes:

- 1.) Engineering provided by QT.
- 2.) Steel supports provided by QT.



7193 -TCHR20-ELSSP-CC

Project Information

Client
QuikT

Location

Blood

[illegible]

Notes

Store

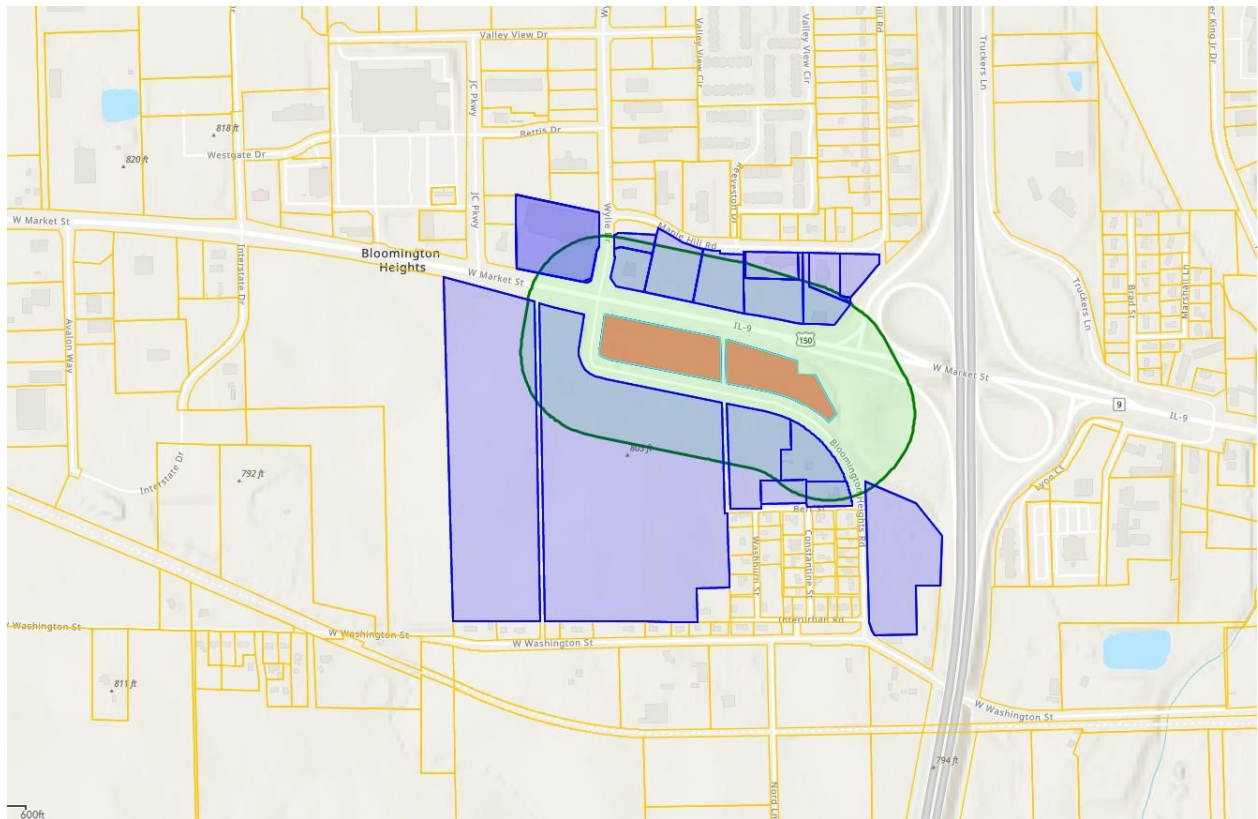
7193

Declaration

Declaration
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Attachment 6 - Neighborhood notice map





ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS
FROM: Economic & Community Development Department
DATE: July 20th, 2022
CASE NO: V-03-22, Variances from § 44-908D of the Zoning Code
REQUEST: Public hearing, review, and action on a petition submitted by Steve and Mary Blessent for Variances from § 44-908D of the Zoning Code to allow reduced distance to side lot line, alley right-of-way lines, and principal building wall, in the R-1C (Single-Family Residence) District for the property located at 917 W. McArthur Street. PIN: 21-06-102-004.

BACKGROUND

Petitioners' request:

The Petitioners seeks a variance from 1) § 44-908D, requirement of a minimum of 3 feet minimum distance to rear or side lot line to allow a 2 foot setback to the rear lot line, 2) a Variance from § 44-908D requirement of a minimum of 10 feet minimum distance to alley right-of-way line to allow a 3' setback to the alley right-of-way line, and 3) a Variance from § 44-908D requirement of a minimum of 10 feet minimum distance to principal building wall to allow a 3 foot distance to the principal building wall.

The Petitioners desire to construct a two-car detached garage in approximately the same location where a detached garage was previously located, but to reorient the structure to allow access from the front of the property, via a proposed driveway, instead of the adjacent alley.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Friday, July 1, 2022. Courtesy notices were mailed to 119 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics:

The property at 917 W. McArthur Street consists of approximately 0.22 acres of land just north of Miller Park, between S. Morris Avenue and S. Allin Street. The property has been improved with a single-family home constructed in 1925 and also held a two-car detached garage that

was accessed from the adjacent alley, until it was demolished in March, 2022, due to poor condition.

Surrounding Zoning and Land Uses:

Zoning		Land Uses
North	R-1C (Single Family Residence)	Single Family Residence
South	R-2 (Mixed Residence)	Single Family Residence
East	R-1C (Single Family Residence)	Single Family Residence
West	R-1C (Single Family Residence)	Single Family Residence

Description of Current Zoning District:

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

Subject Code Requirements:

§ 44-908D(2) Accessory buildings and structures shall comply with Table 908.

Table 908: Accessory Building and Structures				
Districts	Maximum Height	Min. Distance to Principal Building Wall	Min. Distance to Rear or Side Lot Line	Min. Distance to Alley Right-of-Way Line
Agricultural Districts	Equal to permitted height of district	10 feet	3 feet	10 feet*
Residential Districts	14 feet	10 feet	3 feet	10 feet*
Business Districts	Equal to permitted height of district	10 feet	3 feet	10 feet*
Manufacturing Districts	Equal to permitted height of district	10 feet	3 feet	10 feet*
Public Interest Districts	Equal to permitted height of district	10 feet	3 feet	10 feet*

Notes:

* When the entrance to the accessory building for motor vehicles is parallel to and facing such alley right-of-way line

STANDARDS FOR REVIEW

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

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

The home on the property is set further back on the property than most of the surrounding homes, creating a comparably shallow back yard which results in the inability to meet both the requirement of accessory structure location in the rear yard and the rear property line and principal structure setbacks. ***Standard is met.***

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

Granting this Variance is the minimum action necessary to allow the Petitioners to reconstruct a two-car garage on their property. While Variances are still required, the new garage will be more conforming than the prior garage as related to the property line and alley setbacks. Alternative locations for the garage would require restructuring of the home or movement of the existing shed and increased difficulty in accessing the garage from the alley. ***Standard is met.***

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

The location and construction of the home occurred almost 100 years ago. While it appears that additions have been added to the rear of the original home, even without the additions the setbacks would have been *difficult* (not impossible) to meet. Further, the additions to the home were made prior to purchase of the property by the current owners in 2015. ***Standard is met.***

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

None of the garages on the adjoining properties meet the alley setback minimum and many do not meet the property line setback either; granting these Variances would not give the applicant any special privilege that is denied to others by the Code. Reconstruction of a two-car garage on this property, as provide for in the attached site plan, would result in development that is consistent with the existing character of the neighborhood. ***Standard is met.***

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

By reorienting the garage and adding a driveway to access the garage directly from MacArthur the proposed plan, as a result of granting the requested Variances, would *improve* public welfare and the use of the adjoining properties by improving the

traffic flow for the other residents that access their drives and garages from the adjacent alley. ***Standard is met.***

STAFF RECOMMENDATION

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

1. Motion to establish findings of fact that carrying out the strict letter of the Code **does** create a practical difficulty or particular hardship for the petitioner.
2. Motion to recommend:
 - **Approval** of the petition submitted by Steve and Mary Blessent for Variances from § 44-908D of the Zoning Code to allow an accessory structure to have a 2 foot setback to the rear lot line, a 3' setback to the alley right-of-way line, and a 3 foot distance to the principal building wall,
 - **With the condition** that the accessory structure, and principal building as appropriate, are improved to comply with any necessary building and fire safety codes and conditions that are triggered as a result of the reduced distance between structures.

Respectfully submitted,
Alissa Pemberton
Assistant City Planner

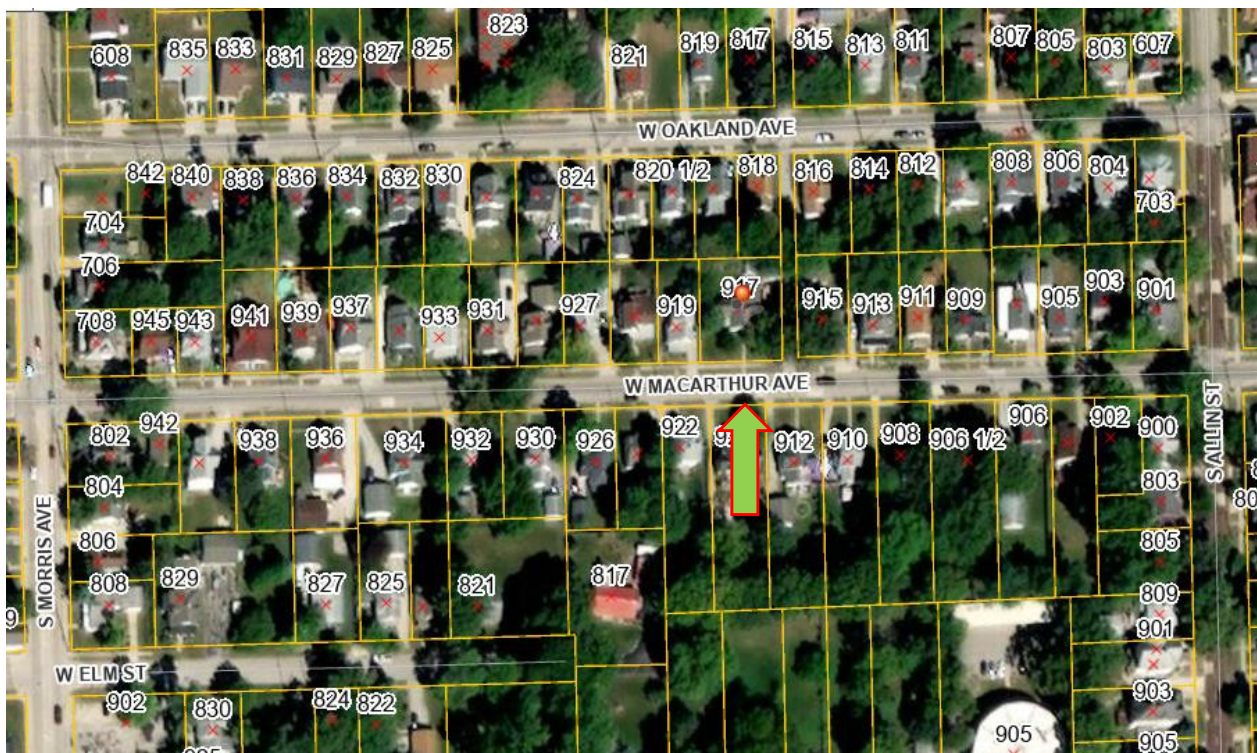
Attachments:

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

Attachment 1 - Zoning Map



Attachment 1 - Aerial Image



Attachment 3 - Ground-Level View(s)





Attachment 4 - Petitioner-Submission - Description of Project

Steven and Mary Blessent are the property owners of 917 W. MacArthur Avenue and are requesting variations to allow for the reconstruction of a detached garage that was in very poor condition. The garage was situated in the northeast corner of the lot and sat about 1' off the rear lot line and the alley lot line, and about 8' from the existing home. The garage has been demolished given its poor condition.

The property is 88' in width and 109' in depth. It is located west and adjacent to a City alley where the property took access to the garage. As the garage door faced south (or MacArthur Avenue) the access from the alley required entering the garage by a 90 degree turn making it a little difficult negotiate getting into the garage.

At this time the owners would like to reconstruct a 24' wide by 24' deep detached garage in the same general location it previously existed. The owners are requesting permission to locate the garage with a 2' setback to the rear lot line, a 3' setback off the alley lot line, and with a 3' setback to the existing house. The applicant would drywall the entire garage with 5/8" gypsum board for fire protection. As presented, the owners are requesting zoning variances from the three following code sections.

1. Variance from § 44-908D, requirement of a minimum of 3 feet minimum distance to rear or side lot line.
2. Variance from § 44-908D requirement of a minimum of 10 feet minimum distance to alley right-of-way line.
3. Variance from § 44-908D requirement of a minimum of 10 feet minimum distance to principal building wall.

With the current location of the home, moving the garage to a 10' setback would make entering the west parking space of the two-car garage difficult if not impossible. The 10' setback could be achieved with a single car garage, but this would not be as functional as the previous two-car garage.

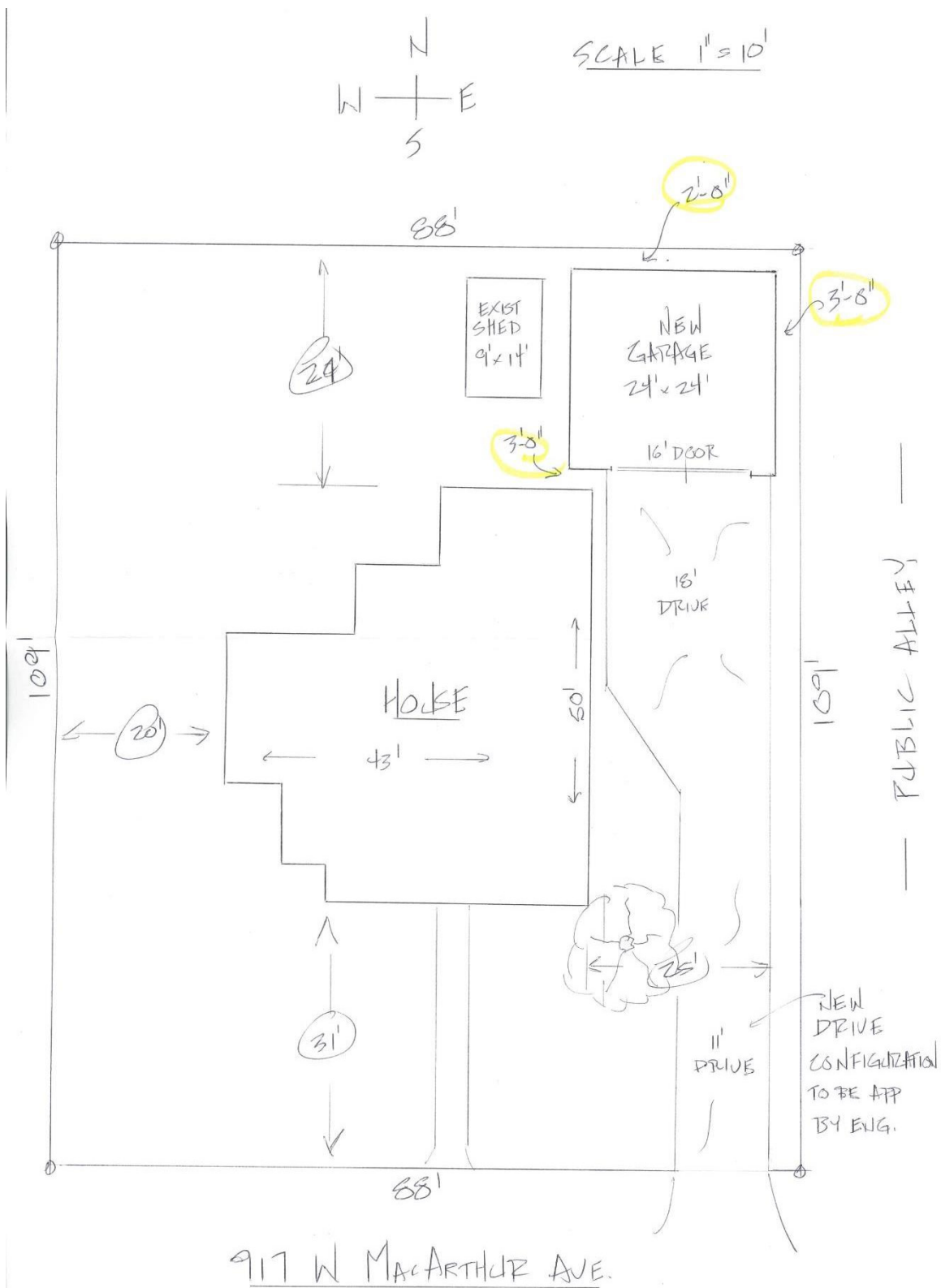
Granting the variances would eliminate the need to relocate an existing shed. In addition, if the garage were rotated 90 degrees to take straight access from the alley this would force the garage back to an 18'-20' setback from the alley. This would consume a fair amount of the existing back yard for the house.

Not knowing the history of when the current setbacks were established, it seems likely this garage was constructed prior to these required setbacks being established. The garage was an estimated 50-60 years old given its poor condition. Not that it's expected, but we would like to replace the garage in a similar location. While we still are requesting variations, the reconstruction would improve two previous setbacks to the rear and alley property lines.

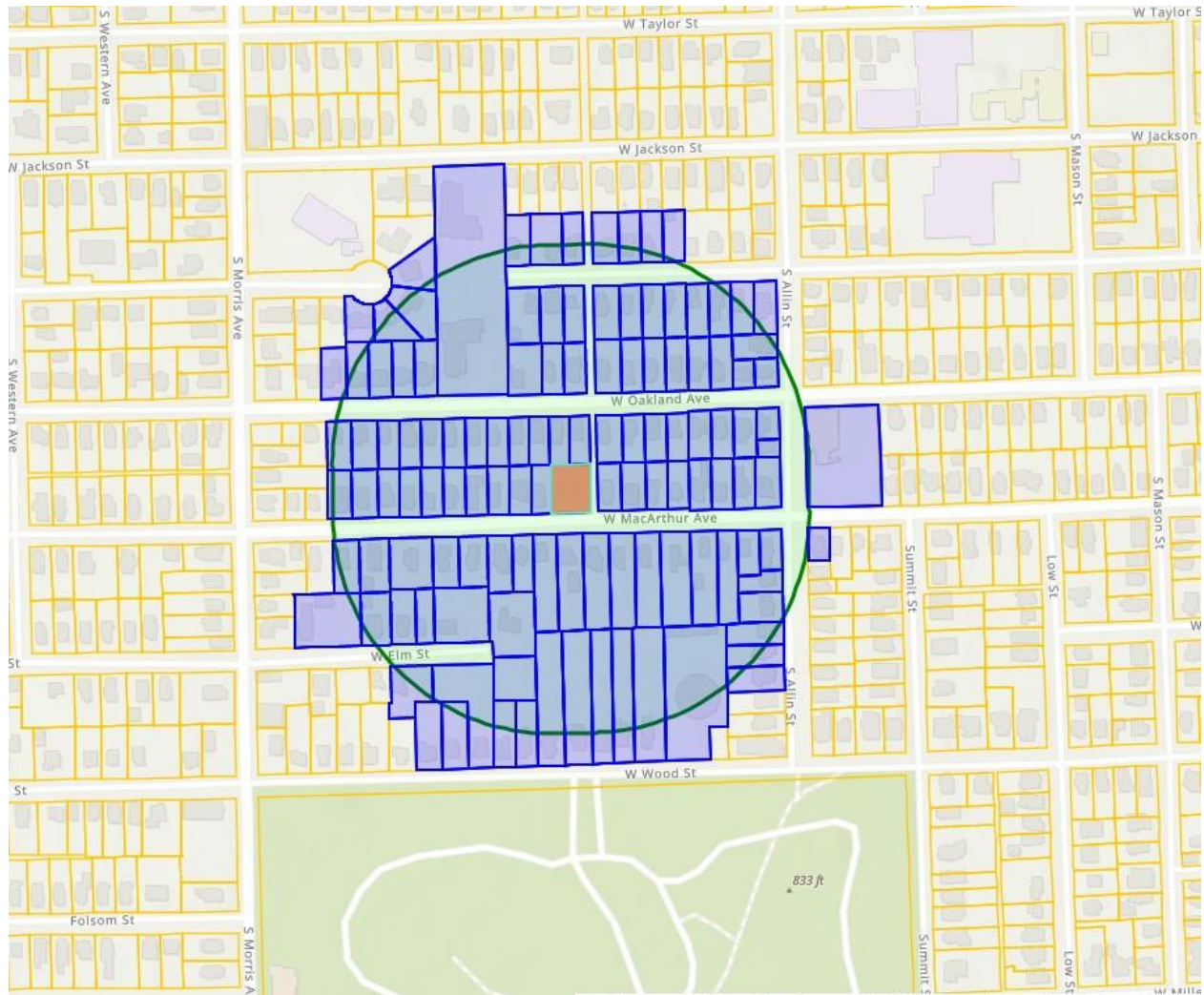
While likely under the same circumstances my previous garage existed, there are several properties with garage structures in the immediate and general vicinity that have deficient setbacks to side, rear, and alley lot lines. While not an expectation, we feel these variances would give us similar use of our property.

Again, the existing conditions of the neighborhood have a number of accessory structures deficient in setback by current code. We don't feel granting these variances would be detrimental to the adjacent properties or the neighborhood. We'd also note that our property has the benefit of a double lot base on most of the surrounding properties.

Attachment 5 - Site Plan



Attachment 6 - Neighborhood notice map





ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS
FROM: Economic & Community Development Department
DATE: July 20th, 2022
CASE NO: V-03-22, Variance from § 3-408A of the Sign Code
REQUEST: Public hearing, review, and action on a petition submitted by Jones Sign Company, on behalf of The Bloomington Normal YMCA, for a Variance from § 3-408A of the Advertising Sign Code to allow additional signage in the C-1 (Office) District for the property located at 202 St. Joseph Drive. PIN: 21-02-307-004.

BACKGROUND

Petitioners' request:

The Petitioners seeks a variance from § 3-408A of the Advertising Sign Code to allow additional identification signage on a newly constructed building in the C-1 (Office) District.

Currently, the Petitioners have a permit approved for two identification signs (one for each right-of-way adjacent to the parcel) and one exempt vinyl window graphic. The Petitioners desire to add an additional Identification Sign on the east side of the property, beyond the two allowed by the Advertising Sign Code, to provide the public the ability to identify the facility from all sides of the building.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Friday, July 1, 2022. Courtesy notices were mailed to 47 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics:

The property at 202 St. Joseph Drive consists of approximately six acres of land northwest of the intersection of E. Washington Street and N. Veterans Parkway, in the Medical Hills 7th Addition Subdivision. Development of a Sports and Fitness Establishment is currently underway on the site and is planned for completion this summer.

Surrounding Zoning and Land Uses:

	Zoning	Land Uses
North	C-1 (Office)	Medical Center
South	C-1 (Office)	General Office
East	B-1 (General Commercial)	Stormwater Detention, Transportation, General Retail
West	C-1 (Office)	Medical Office

Description of Current Zoning District:

The intent of this C-1 Office District is to accommodate office buildings primarily. Related retail, service, institution, and multiple-family uses commonly associated with office uses are allowed to a limited extent. This district may be applied as a transitional use buffer between residential uses and uses which would be incompatible with residential districts. The prime characteristics of this district are the low intensity of land coverage and the absence of such nuisance factors as noise, air pollutant emission, and glare.

Subject Code Requirements:

§ 3-102A The Advertising Sign Code regulates all varieties of signs, as defined within the City of Bloomington. The City Council in adopting this Code, finds:

- (1) That signs should be regulated in order to protect public investment, to promote the recreational value of public travel, to preserve natural beauty and to promote the reasonable orderly and effective display of signs; that the use and display of signs in a legitimate use of private property and is an integral part of the business and marketing functions of local economy and serves to promote and protect private investments in commerce and industry and that the regulatory standards set forth in this Code are consistent with customary use in this City and will properly carry out the purposes of this Code, more severe restrictions being inconsistent with customary use and ineffective to accomplish the purposes of this Code;
- (2) Signs visible from motor vehicles being driven upon streets in the City have a visual impact upon the drivers of those vehicles;
- (3) Easily read and well located signs can materially assist motorists and others in getting to their desired destination safely and efficiently;

§ 3-502 The maximum sign area on a building shall not exceed the allowed Zoning District square footage per lineal foot of lot frontage in Article IV multiplied by the building frontage. [Ord. No. 1988-33]

§ 3-408A One identification sign having a total sign area not exceeding two square feet for each lineal foot of frontage on a public street or private street or 200 square feet whichever is less.

§ 3-202 Definitions

BUILDING FRONTAGE - The linear length of a building facing the right-of-way or public place.

IDENTIFICATION SIGN - A sign on the premises which is limited to the name, address and number of a building, institution or person on the premises, and to the activity carried on in the building or institution, or the occupancy of the person provided that this type of sign is permitted only if the use of the premises is legal both in substance and at that location.

PUBLIC PLACE - Building frontage at least 30 feet wide which is accessible unobstructed for the Fire Department.

STANDARDS FOR REVIEW

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

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

While the subject property and project comprise the equivalent of an entire city block, due to the location and siting of the property, it has frontage on only two public right-of-way streets (Washington and St. Joseph) while most situations would result in this property having frontage on four different public right-of-way streets, one in each cardinal direction. This property has one single, curved public road that borders two sides of the property; in conventional grid-pattern property divisions, an intersection of two roads would be located at the northeast corner of the property, resulting in frontage on a third public road. In addition, the private drive that borders the west side of the property acts like a public street, for all intents and purposes. The drive that separates the OSF and YMCA property effectively continues Rust Road which terminates on the south side of E. Washington Street and is built to City specifications for private roads; per Engineering, removal of a few access points would make it eligible to be classified and accepted. ***Standard is met.***

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

Based on the intent of the Sign Code—including those to assist guidance and avoid distraction for motorists—and the calculation of sign allocation as based on linear feet of frontage, the practice of permitting for signs has been to allow one identification sign *per frontage*, each of which must comply with the maximum total sign area prescribed by the Code. As this property is bordered by two public roads and has already been permitted for two identification signs, granting this Variance is the minimum action necessary to afford relief to the applicant. ***Standard is met.***

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

While the intent of the Code indicates that it would be reasonable to provide an identification sign on each side of the subject property, the design of the subdivision and technicality that the three sides of the building bordering public right-of-way border only two public roads has resulted in a hardship regarding identification of the business that was not created by any action of the applicant. For comparison, strict adherence to the Code would result in the 0.7 acre property with a single driveway at the northeast corner of Washington and Regency being allocated the same amount of identification signage as the subject six acre property with multiple entry points. *Standard is met.*

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

The granting of this Variance request will not give the applicant any special privilege that is denied to others by the Code, but actually attempts to place them on equal footing by negating a technicality in the Code that has negatively impacted them. *Standard is met.*

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

Granting of this Variance 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; it will help meet an important intent of the Advertising Sign Code by providing “Easily read and well located signs [that] can materially assist motorists and others in getting to their desired destination safely and efficiently.” *Standard is met.*

STAFF RECOMMENDATION

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

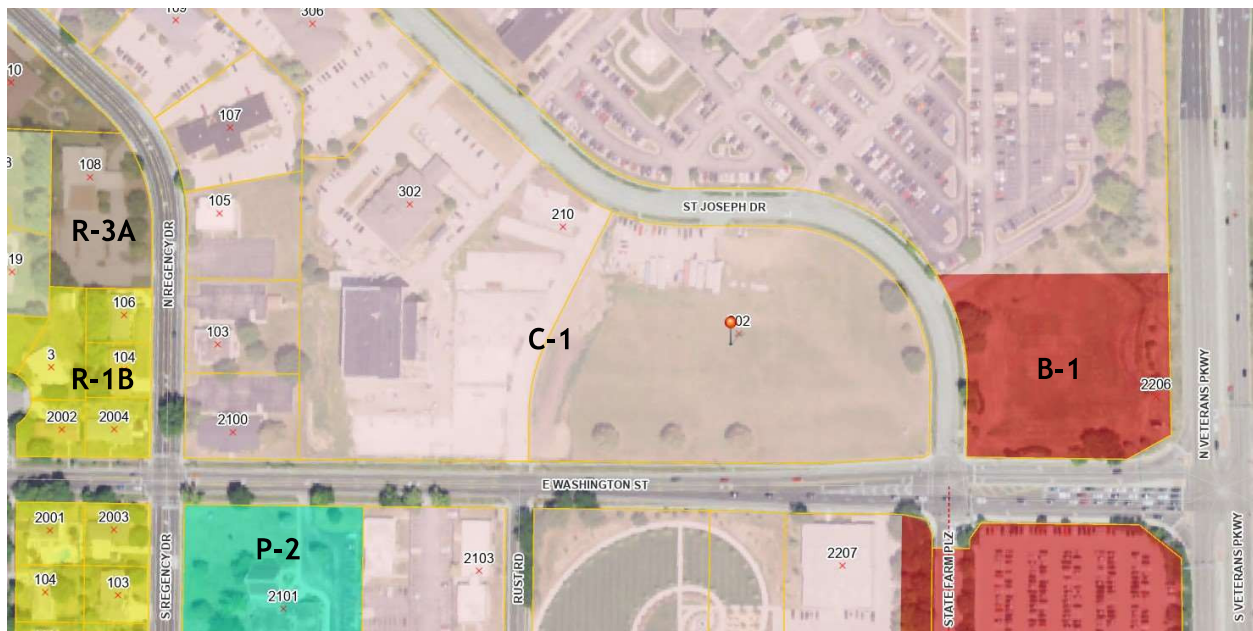
1. Motion to establish findings of fact that carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner.
2. Motion to recommend approval of the petition submitted by Jones Sign Company, on behalf of The Bloomington Normal YMCA, for a Variance from § 3-408A of the Advertising Sign Code to allow an additional identification sign in the C-1 (Office) District for the property located at 202 St. Joseph Drive.

Respectfully submitted,
Alissa Pemberton
Assistant City Planner

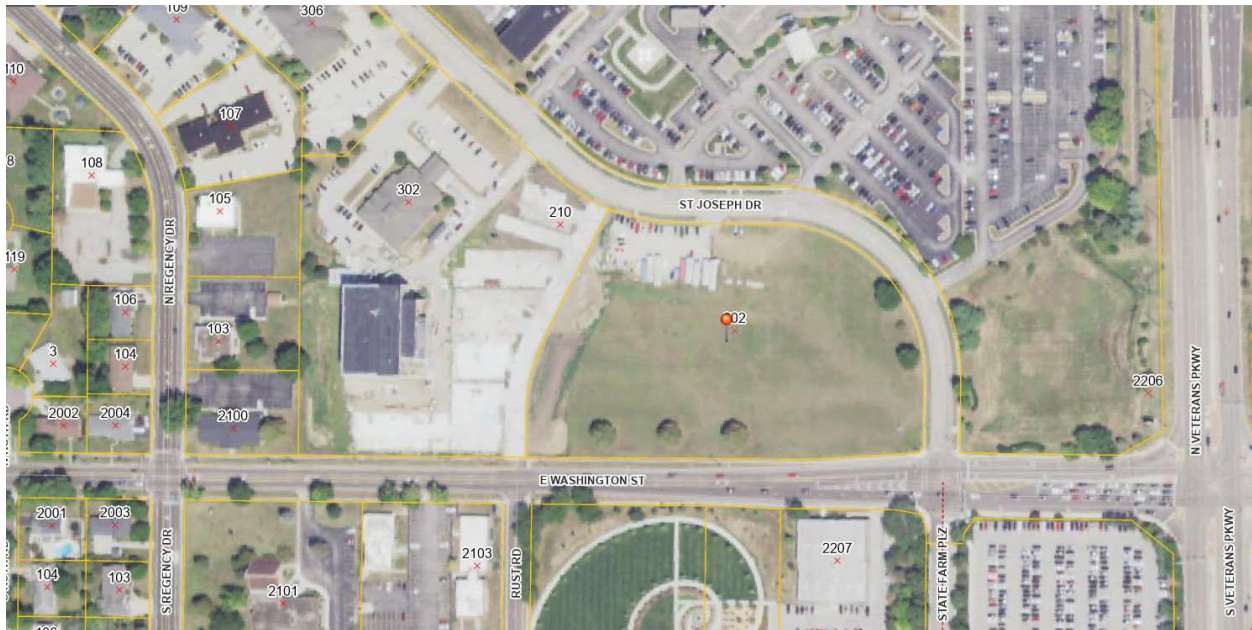
Attachments:

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

Attachment 1 - Zoning Map



Attachment 1 - Aerial Image



Attachment 3 - Ground-Level View(s)



Southeast corner of subject property (intersection of E. Washington Street and St. Joseph Drive)



Northeast corner of subject property (St. Joseph Drive curves to border the east and north side of the property)



Southwest corner of subject property (Rust Road terminates at the stop sign, “private drive” continues on the north side of E. Washington Street)

Attachment 4 - Petitioner-Submission - Description of Project

The Bloomington-Normal YMCA is partnering with Easterseals to build a new YMCA facility at 202 St Joseph Dr. Our goal with this new facility is to create a community center that will unite all Bloomington-Normal Residents, regardless of age, abilities, limitations, faith, ethnicity, or financial status. As well as to improve the physical, spiritual, and emotional health of our community.

We are seeking a variance of the above code requirements for the YMCA to have adequate signage on the East face of the facility. As well as to allow Easterseals, as a tenant of the new YMCA, to have signage at the main entrance of the facility. So that families seeking our services will be able to easily identify our location from the surrounding properties.

Since construction began, we have had numerous responses from members of the community that they did not know that the building on 202 St Joseph Dr was the new YMCA or that Easterseals is a part of the facility. Despite us already having temporary signage on the corners of Washington St and St Joseph Dr. to identify the site. We are seeking approval to allow our organizations to have better visibility so families seeking our organizations can find our location more easily.

Without a variance to the sign code, there would be no signage on the East face of the building to identify the YMCA. And with both of our parking lot entrances on the North side of the building. There would be no identifying markers on the building to direct people seeking Easterseals toward the YMCA.

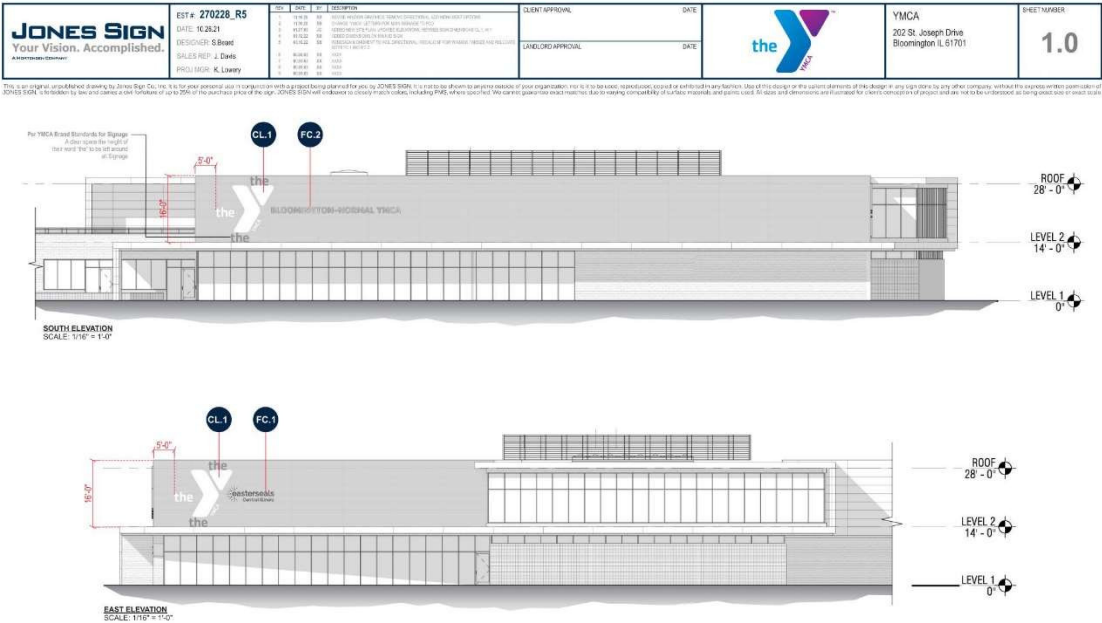
A variance to the sign code would allow the YMCA to be more identifiable from the East side of the building, and for Easterseals to be more identifiable as a tenant of the Y. Allowing families seeking both of our organizations to find us more easily.

Our need for a variance was not created by either the YMCA or Easterseals. The limitations imposed by the sign code inhibit us from having more identifying signage on the North or East face of our facility.

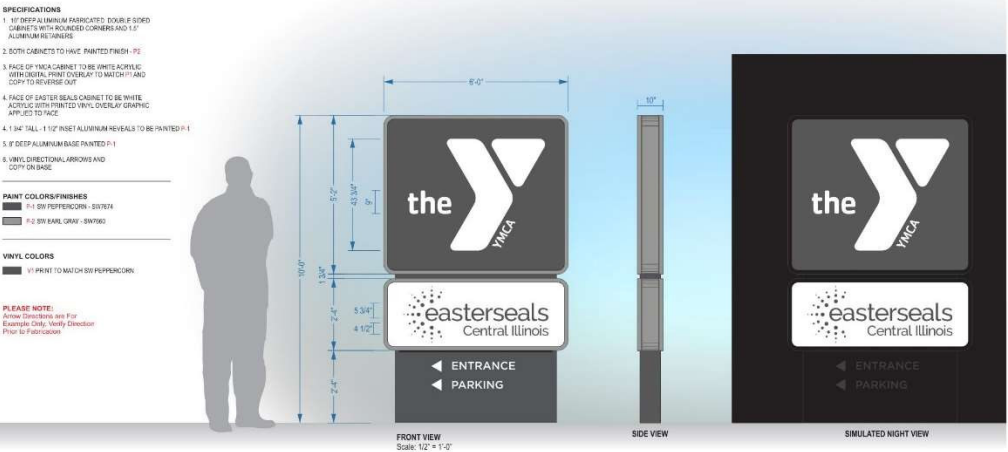
It is our belief that a variance to allow additional signage for on the YMCA property will not give either of our organizations any special privilege, but will allow the families in the community to better identify our facilities from other surrounding properties.

We do not believe this variation to be detrimental to the public welfare, essential character of the neighborhood, or to unreasonably impart the use or development of adjoining properties. Our intention by seeking this variance is solely to better identify our organizations within our new facility.

Attachment 5 - Site Plan



MS.1 DOUBLE SIDED INTERNALLY ILLUMINATED DIRECTIONAL GROUND SIGN - OPTION A
SQUARE FOOTAGE: 60 SF
(QTY: 1)



Attachment 6 - Neighborhood notice map

