

**AGENDA
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, JULY 19, 2017
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

A public comment period not to exceed thirty (30) minutes will be held during each Board and Commission meeting, as well as all regularly scheduled City Council meetings, Committee of the Whole meetings, meetings of committees and/or task forces (hereinafter "committees") created by the City Council, work sessions, and special meetings of the City Council. Nothing herein shall prohibit the combination of meetings, at which only one public comment period will be allowed.

Anyone desiring to address the Board, Commission, Committee or City Council, as applicable, must complete a public comment card at least five (5) minutes before the start time of the meeting. Public comment cards shall be made available at the location of the meeting by City staff at least 15 minutes prior to the start time of the meeting. The person must include their name, and any other desired contact information, although said person shall not be required to publicly state their address information. If more than five individuals desire to make a public comment, the order of speakers shall be by random draw. If an individual is not able to speak due to the time limitation and said individual still desires to address the individuals at a future meeting of the same type, said individual shall be entitled to speak first at the next meeting of the same type. (Ordinance No. 2015-46))

4. MINUTES: Consideration, review and approval of Minutes from the May 17, 2017 meeting.

5. REGULAR AGENDA

A. Z-22-17 Consideration, review and approval of the petition for a variance submitted by Matthew Mink for the property located at 1532 N. Hershey Rd to allow an additional parking space in the require front yard in the R-1C, Single Family Residential District (**Ward 5**)

B. SGN-01-17 Consideration, review and approval of a text amendment to Chapter 3, Section 6.9 of the City of Bloomington Municipal Code to allow for the installation of LED signs on publicly funded, not-for-profit transit vehicles.

6. OTHER BUSINESS

7. NEW BUSINESS

8. ADJOURNMENT

For further information contact:

Katie Simpson, City Planner

Department of Community Development

Government Center

115 E. Washington Street, Bloomington, IL 61701

Phone: (309) 434-2226 Fax: (309) 434-2857

E-mail: ksimpson@cityblm.org

**DRAFT MINUTES
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, MAY 17, 2017
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

Members present: Chairman Bullington, Mr. Brown, Ms. Meek, and Mr. Veitengruber

Members absent: Mr. Butts

Also present: Mr. George Boyle, Assistant Corporation Counsel
Ms. Katie Simpson, City Planner

At 4:01PM, Ms. Simpson called the roll. With four members in attendance, a quorum was present.

PUBLIC COMMENT: None.

MINUTES: The Board reviewed the minutes from April 19, 2017. A motion to approve the minutes was made by Mr. Brown; seconded by Ms. Meeks. The minutes were **approved** by a 4-0 voice vote.

Z-16-17 Consideration, review and approval of the petition for a variance submitted by Catherine Reynolds for the property located at 2902 Bardwell Rd to allow a six (6) foot fence in the front yard of a residence, a two (2) foot increase (Ward 2)

Chairman Bullington introduced Case Z-16-17 and explained the meeting procedures. Ms. Catherine Reynolds, 2902 Bardwell Rd, was sworn in. Ms. Reynolds explained that she is requesting a six (6) foot fence and stated that the fence does not impede site lines. She stated the purpose is to keep the dog safe and that she is concerned a four foot fence will not be sufficient to keep their dog in the back yard.

Chairman Bullington explained the finding of facts and asked the petition if there was a physical characteristics pertaining to the property that makes it difficult to meet the code. Ms. Reynolds explained the house is designed with a sliding door accessing the back yard from the house. She stated she is concerned about the wear and tear on the door as well as entering and exiting from the home when the dog is messy. She stated she it would be helpful to let the dog access through the garage. Ms. Reynolds explained that she was informed she would be able to do this when she purchased the home.

Chairman Bullington asked the petition to explain the photographs she submitted. Chairman Bullington marked the aerial view of the home as Exhibit 1. Ms. Reynolds explained the driveway is 26 feet from the inside of the sidewalk. She pointed out where she would like the fence to be installed on the property. Ms. Reynolds stated that a photo in the packet shows a temporary fence and explained that the temporary fence does not allow access to the garage.

Ms. Meek clarified the location of the fence. Ms. Reynolds explained that there is no door on the garage yet, but she would like to add one. Chairman Bullington explained he marked Exhibit 1 with blue ink to illustrate where the fence would go. Mr. Brown asked a clarifying question about the sliding door and the future door in the garage.

No one was present to testify in favor or against the petition. Ms. Simpson provided the staff report, she stated staff is recommending against the variance requested. She described the property and shared photos from a site visit. Ms. Simpson described the zoning and the setbacks. She explained a 15 foot easement exists in the front yard and any fence would only be permitted outside of that easement. Ms. Simpson explained staff is concerned about the impacts on the lot directly behind the subject property. The lot is vacant and has not been developed. She stated the lot has two addresses and the address assigned would correspond to where access is taken. She stated that there are no “no access” strips or any remedies that would preclude the property from taking access on Springdale Rd. Ms. Simpson shared renderings prepared by staff that illustrate where, based on the site plan, the fence would go. She shared alternatives that are allowed by code. Ms. Simpson summarized the findings of fact and shared staff’s analysis. She explained staff was unable to find a physical hardship and determined the findings were not met.

Mr. Veitengruber asked if the house was set back exactly 25ft. Ms. Simpson explained that based on the final plat and the site plan, it appears the house is 25ft to 26ft from the lot line. She stated the building setback on the final plat is shown as 25ft.

Chairman Bullington explained the voting procedures for the variance, and explained that if the variance is denied, the Board will hold a discussion on the findings of fact for their decision. He explained four votes are needed and that the petitioner would have the option of an appeal if the petition is denied.

The variance request was **denied** 4-0 with the following votes: Mr. Brown—no; Ms. Meek—no; Mr. Veitengruber—no; Chairman Bullington—no. A motion to adopt the findings of facts as analyzed in the staff report was made by Mr. Brown, seconded by Mr. Veitengruber. The motion was **approved** 4-0 with the following votes: Mr. Brown—yes; Ms. Meek—yes; Mr. Veitengruber—yes; Chairman Bullington—yes.

OTHER BUSINESS:

None

NEW BUSINESS:

Mr. Boyle introduced Mr. Alex Baldwin, a legal intern that will be working with the City. Mr. Veitengruber introduced himself and provided a brief summary of his background and experience.

ADJOURNMENT:

Ms. Meek motioned to adjourn, approved by voice vote and the meeting was adjourned at 4:26PM.

Respectfully submitted

Katie Simpson
Acting Secretary

CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
July 19, 2017

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-22-17	1532 N Hershey Rd	Variance	Katie Simpson, City Planner

PETITIONER'S REQUEST:

Section of Code: 44.7-2.C.3 Accessory off-street parking spaces

Type of Variance	Request	Required	Variation
Residential Parking	4' addition to allow parking in front yard	Parking not allowed	4' increase and accessory parking

STAFF

RECOMMENDATION:

In this case, due to a proliferation of widened driveways and front yard, accessory, parking spaces on N Hershey Rd, there is practical difficulty in carrying out strict adherence to the City Code.

*Staff recommends the Zoning Board of Appeals **approve** the variances for 1532 N Hershey Rd to allow a four (4) foot driveway expansion and a parking space in the front yard of the R-1C district.*

1532 N
Hershey Rd



N Δ

NOTICE

The application has been filed in conformance with applicable procedural requirements and public notice was published in *The Pantagraph* on July 3, 2017.

GENERAL INFORMATION

Owner and Applicant: Matthew Mink

PROPERTY INFORMATION

Legal description: LAKEWOOD ESTATES SUB 1ST ADD LOT 219

Existing Zoning: R-1C, High density single family residential
Existing Land Use: Single family home
Property Size: Approximately 5,040 (45 X 112)
PIN: 14-36-152-052

Surrounding Zoning and Land Uses

Zoning

North: R-1C, Single family residential
South: R-1C, Single family residential
East: R-1C, Single family residential
West: R-1C, Single family residential

Land Uses

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

Analysis

Submittals

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

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

PROJECT DESCRIPTION



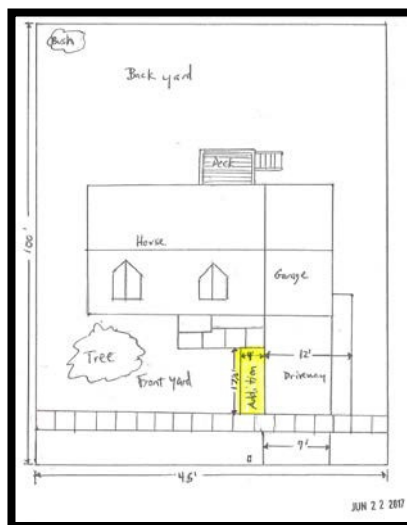
Background.

1532 N. Hershey Road, the subject property, is located on a curve south of Rainbow Rd and north of Clearwater Drive. The lot is approximately 45 ft wide and relatively flat. The width is less than the minimum requirements for the R-1C district. Additionally, under the current zoning ordinance, the subject

Agenda Item A
Z-22-17
1532 N Hershey Rd

property is considered to be nonconforming. It does not meet the minimum requirements for lot width and area. The property was constructed in 1978 as a single family home with a one car garage. At the time the neighborhood was planned, Hershey Rd was intended to eventually be used as a four lane major arterial road, but had not yet been developed as one. Hershey Road was permitted to have on-street parking which could be removed should the extra lanes become necessary. Additionally families owned fewer cars required few off-street parking spaces.

Currently, Hershey Rd is one of the most traveled roads in Bloomington and on-street parking has been reduced, and in some cases, eliminated completely. Since 1960, the City has also widened the road a few times. Furthermore, the average number of vehicles owned by American families has also increased. The petitioner is requesting a variance that would allow them to add additional concrete in-front of their home to facilitate accessory off-street parking.



Project Description: The petitioner would like to add a four (4) foot concrete pad in-front of their home. The additional concrete would provide the petitioner with an extra off-street accessory parking space. A number of concrete parking pads currently exist in the front yards of homes along N. Hershey Rd. Most driveway expansions are towards the lot line and away from the principal structure, however many pass directly in-front of the principal structure. Staff is unable to find documentation that variances were granted permitting these driveway additions. It is also possible that some of these pads were created by the City when Hershey Rd was previously widened. These parking pads do not appear to be in conformance with the intent of City Code. Nonetheless, there is an abundance of off-street, front yard parking spaces along N. Hershey Rd. that makes strict adherence to the code difficult in this neighborhood.

The following is a summary of the requested variations:

Applicable Code Sections:

Section of Code: 44.4-5G2 Permitted Obstructions in Required Yards

Type of Variance	Request	Required	Variation
Residential Parking	4' addition to allow parking in front yard	Parking not allowed	4' increase and accessory parking

Analysis

Variations from Zoning Ordinance

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

FINDINGS OF FACT

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

That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and the lot, although existing on a curve, is relatively flat and square. N. Hershey Rd is an arterial road and experiences high traffic volumes. On-street parking on Hershey is limited to specific blocks and times. The property complies with the minimum requirements of the Municipal Code, but other similar neighboring properties have expanded driveways and added parking spaces in front of their home. The standard is met.

That the variances would be the minimum action necessary to afford relief to the applicant; and on-street parking is permitted on the street behind the house and the property currently complies with minimum parking requirements. The additional parking is accessory. Nonetheless, the proliferation of widened driveways and added spaces has set precedence for this neighborhood, to deny the request would be to give special privilege to the other property owners. The standard is met.

That the special conditions and circumstances were not created by any action of the applicant; and the request to widen the driveway is related to the request for additional parking. Because on-street parking is not always feasible or appropriate, especially on arterial roads, the zoning ordinance requires residential uses to provide off-street parking. The home complies with the current parking requirements of the ordinance, at least one off-street, sheltered parking space and a single car driveway that can accommodate a second vehicle. The standard is not met.

That granting the variation request will not give the applicant any special privilege that is denied to others by the Code; and along N. Hershey Road a number of off-street parking spaces have been added in the front yard, in front of the principal structure. There is a proliferation of front yard parking spaces, although staff can find no evidence of variances being granted for these spaces. The applicant will not receive special privileges. The standard is met.

That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use of development of adjoining properties. A number of spaces have already been added and a number of driveways have been widened along N. Hershey Rd, particularly south of GE and north of Veterans Parkway. The standard is met.

Due to a proliferation of widened driveways and front yard parking spaces on N Hershey Rd, there is practical difficulty in carrying out strict adherence to the City Code in this case.

STAFF RECOMMENDATION:

*Staff recommends the Zoning Board of Appeals **approve** the variances for 1532 N Hershey Rd to allow a four foot driveway expansion and a parking space in the front yard of the R-1C district*

Respectfully submitted,
Katie Simpson
City Planner

Agenda Item A
Z-22-17
1532 N Hershey Rd

Attachments:

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

Ballen names/addressing ¹⁴⁻³⁶⁻¹⁵²⁻⁰⁵²
Legder: Lakewood Estates Sub 1st Add Lot 219

32121

APPLICATION TO ZONING BOARD OF APPEALS

Please consider this as our petition for a variance from the requirement(s) of the Zoning Code. I have provided all information requested herein and attached our site plan and fee.

Site Address: 1532 N. Hershey rd.

Site Address: _____

Petitioner: Matthew Mink Phone: 309-663-7013

Petitioner's Email Address: Matt.mink1532@comcast.net

Petitioner's Mailing Address Street: 1532 N. Hershey rd.

City, State, Zip Code: Bloomington, IL 61704

Contractual interest in the property x yes no

Signature of Applicant Matthew Mink

Brief Project Description:

We would like to add an additional 4 feet of concrete on the left side of our driveway.

Code Requirements Involved:

Section 44.7-2C3

Variances(s) Requested:

Location of off-street parking

CREATE ADDITION PARKING SPACE IN REQUIRED FRONT YARD

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

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

Chapter 44, Section 9.40(d)

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

1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and
The property has single car driveway with parking restrictions on the street. we would like to add an additional 4 feet of concrete on the left side of our driveway.
2. That the variance would be the minimum action necessary to afford relief to the applicant; and
the variance would allow multiple cars to park at the location.

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

The parking restrictions were implemented by the city and the drive way was constructed when the house was built.

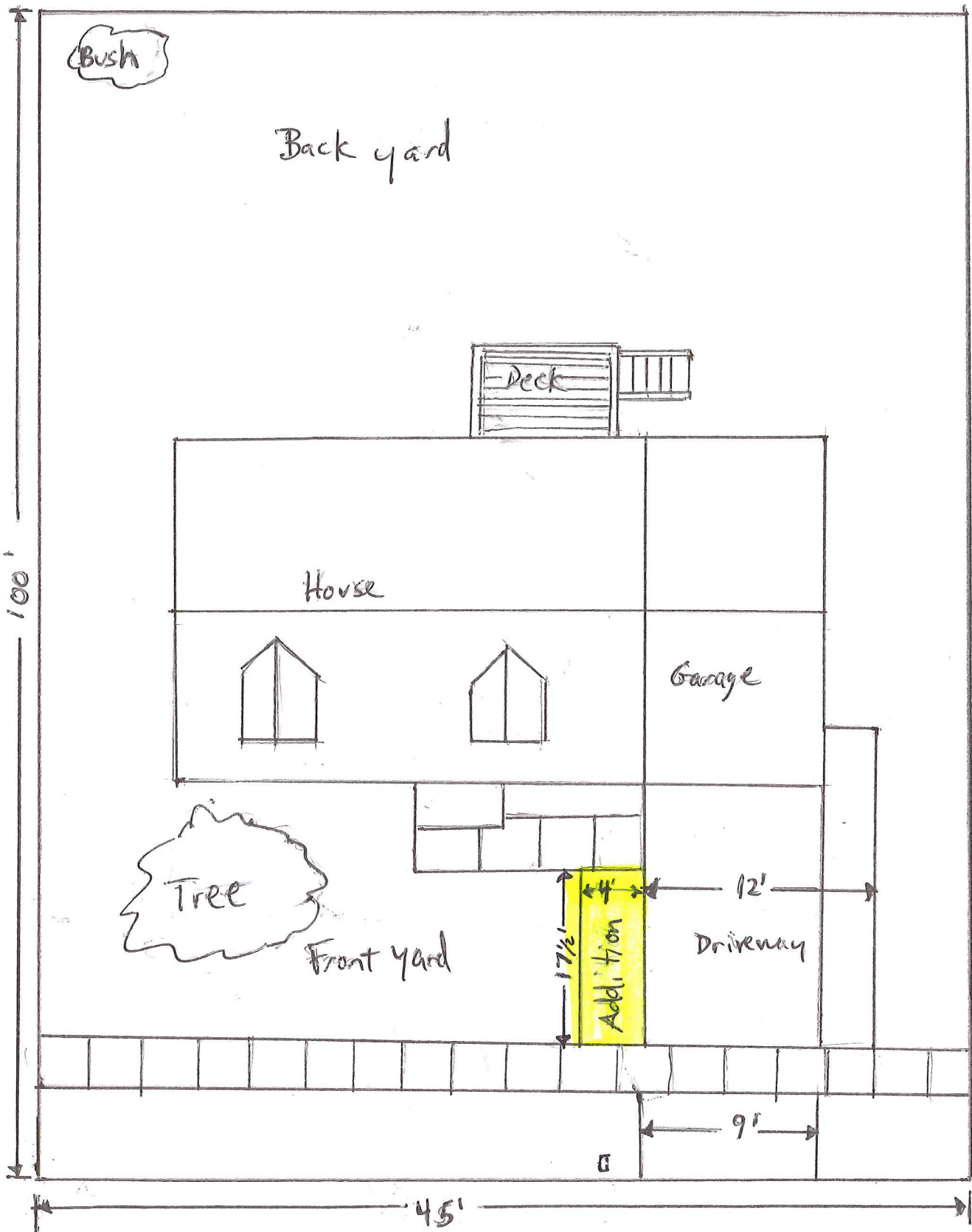
4. That the granting of the variance requested will not give the applicant any special privilege that is denied to others by the Code; and

Numerous homes on Hergley rd. have already expanded their drive ways in the same fashion.

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

The variance will not be detrimental to the public welfare or alter the character of the neighborhood. Many homes have the expansion in place. This variance will be in the same fashion as other homes along the road.

JUN 22 2017



JUN 22 2017



Notes

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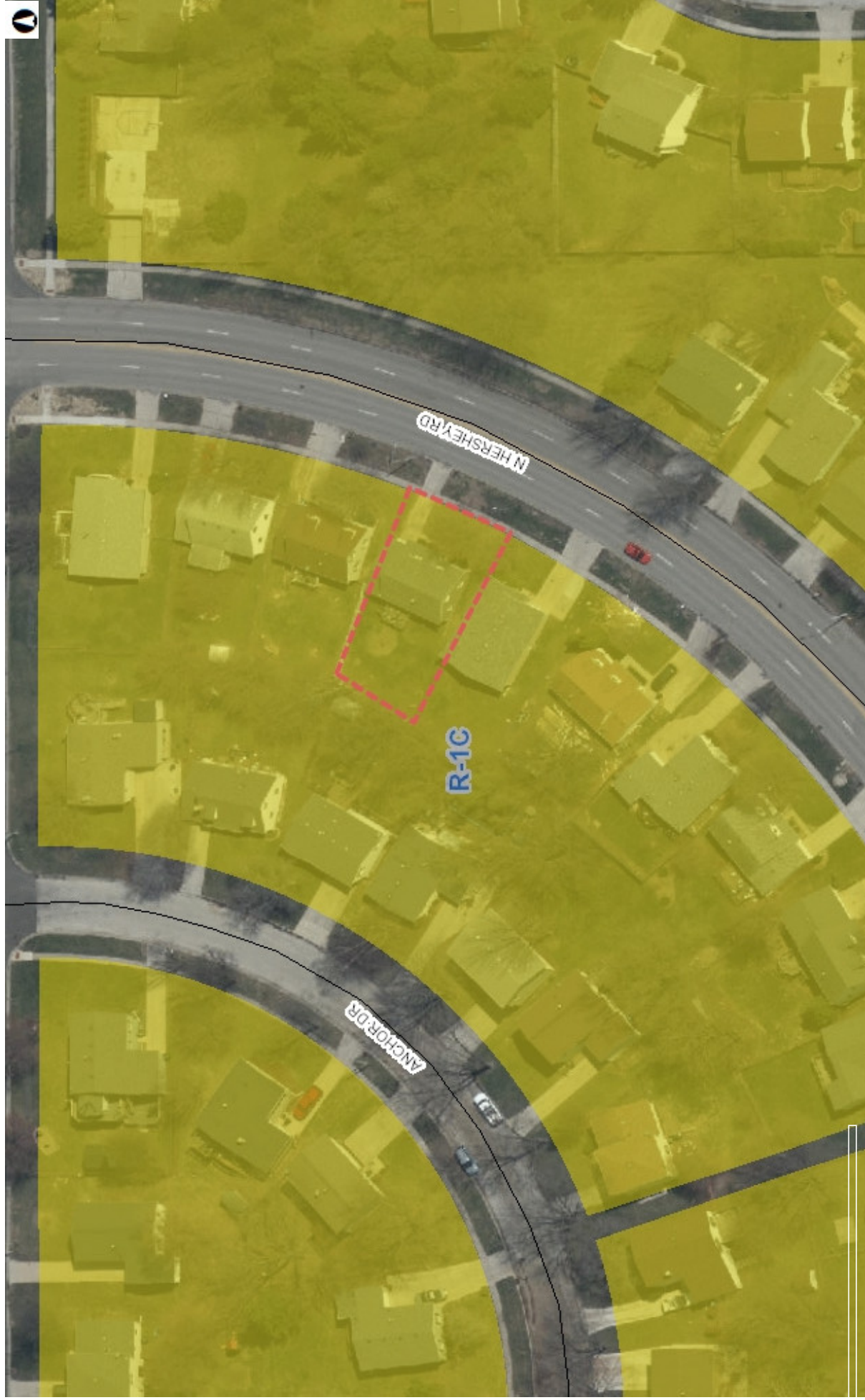
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Public Notices

200, and to any employer or association of employers and any person or association of employees who have filed, or file their names and addresses, requesting copies of the same.
Bloomington Normal Airport Authority
3201 CIRA Dr. Suite 200
McLean County
By: Carl G. Olson

Public Notices

cityclerk@cityblm.org The City Hall is equipped with a text telephone (TTY) that may also be reached by dialing 309-829-5115.
Published: July 3, 2017

208947149
CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
JULY 19, 2017

Notice is hereby given that the Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, July 19, 2017 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, petitions submitted by Matthew Mink for the approval of a variance from Chapter 44 of the City's Code on property located at 1532 N. Hershey Rd., at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent must attend the meeting and the subject property is described as follows:

Legal Description:
LAKEWOOD ESTATES SUBN
1ST ADDN LOT 219
REQUEST

A request for a variance from Chapter 44 of the City's Code to create additional parking space in required front yard in the R-1C, Single Family Residential District (44.7-2 C3).

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk, preferably no later than five days before the hearing.

The City Clerk may be contacted either by letter at 109 E. Olive St., Bloomington, IL 61701, by telephone at 309-434-2240, or email



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

July 6, 2017

Dear Property Owner or Resident:

The City of Bloomington Zoning Board of Appeals will hold a public hearing on **Wednesday, July 19, 2017 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois** for a petition submitted by **Matthew Mink** requesting a variance from Chapter 44 of the City Code to create an additional parking space in the required front yard in the R-1C, Single family residential district (44.7-2 C3).

The subject property is legally described as:

LAKWOOD ESTATES SUBN 1ST ADDN LOT 219
PIN: 14-36-152-052

You are receiving this notification since you own property within a 500 foot radius of the land described above (refer to map on back). All interested persons may present their views upon matters pertaining to the requested rezoning during the public hearing.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk at (309) 434-2240, preferably no later than five days before the hearing.

Please note that cases are sometimes continued or postponed for various reasons (i.e lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting. The hearing's agenda and supporting materials will be available at <http://www.cityblm.org/government/advanced-components/documents/-folder-308>. If you desire more information regarding the proposed petition or have any questions you may contact me by phone, (309) 434-2226, or email, ksimpson@cityblm.org.

Sincerely,

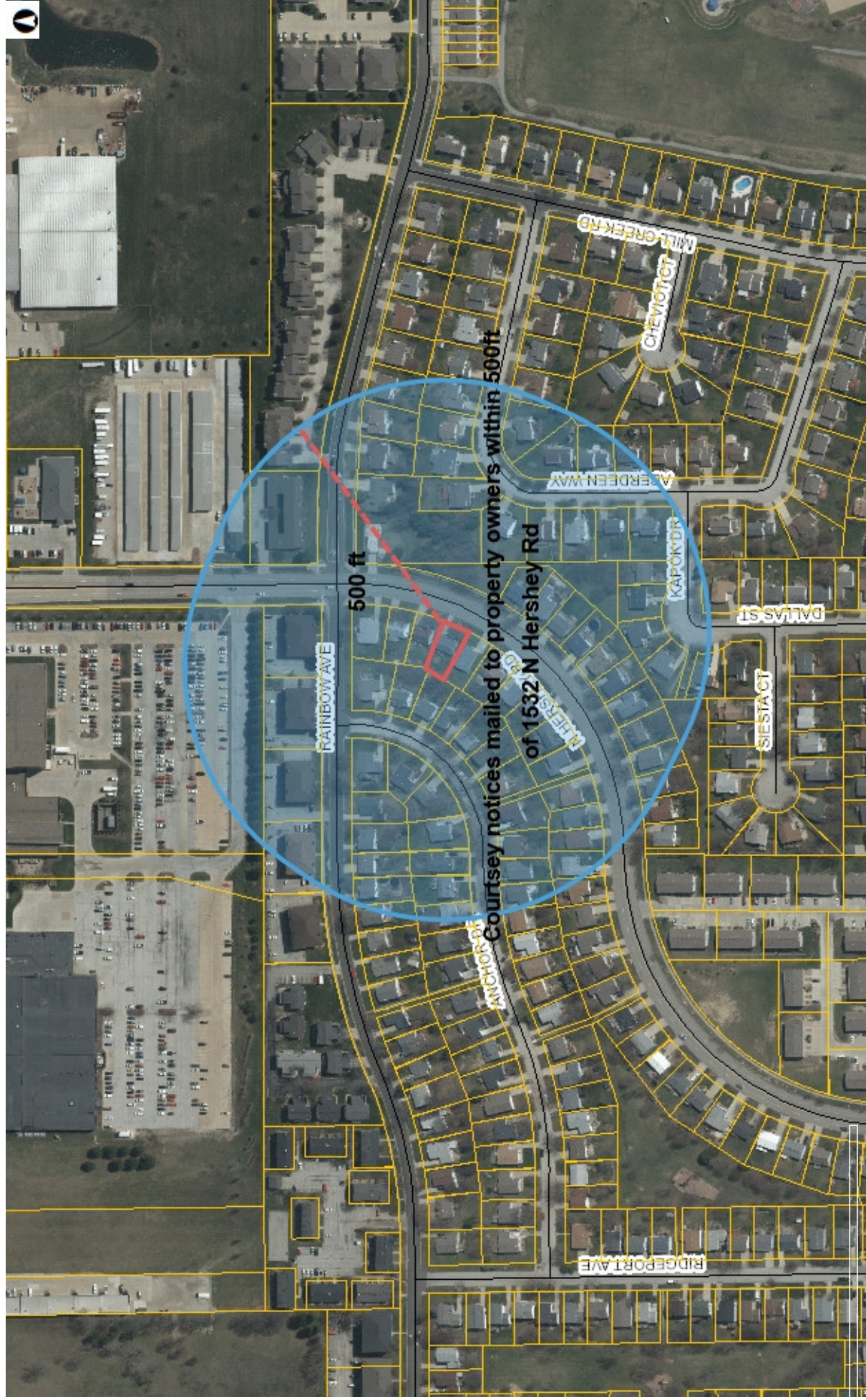
A handwritten signature in black ink, appearing to read "Katie Simpson", written over a horizontal line.

Katie Simpson
City Planner

Attachments:
Location Map



PUBLIC HEARING ON A VARIANCE REQUEST TO ALLOW A PARKING SPACE IN THE FRONT YARD AT 1532 N HERSHEY RD



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Notes

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BLOOMINGTON IL 61704

CHERIE KOCH
3555 RIALTO HTS APT 215
COLORADO SPRINGS CO 80907

JUAN VEGA
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BLOOMINGTON IL 61704

CARLOS A & BETY SANCHEZ
2411 RAINBOW AVE
BLOOMINGTON IL 61704

EASTGATE COLONIAL CORP
PO Box 670
BLOOMINGTON IL 61702

ANGELA GRAY
1510 N HERSHEY RD
BLOOMINGTON IL 61704

NICHOLAS SMITH
2601 HAYES LN
BLOOMINGTON IL 61704

EMANUAL COLLIER
PO BOX 1843
BLOOMINGTON IL 61702

JIM HASKELL
2415 RAINBOW AVE
BLOOMINGTON IL 61704

MICHAEL & KELLY WILSON
2601 Rainbow Ave
BLOOMINGTON IL 61704

BRADLEY THOMAS STEWART
37 ABERDEEN WAY
BLOOMINGTON IL 61704

SUSAN FARNEY
1524 N HERSHEY RD
BLOOMINGTON IL 61704

JAMES MASON
1518 N HERSHEY RD
BLOOMINGTON IL 61704

COUNTRY LIFE INSURANCE CO
1701 TOWANDA AVE
BLOOMINGTON IL 61701

KEITH E & KIMBERLY A THROOP
2407 ANCHOR DR
BLOOMINGTON IL 61704

THOMAS J. & CHELSIE HARROUN
CHANEY
2408 ANCHOR DR
BLOOMINGTON IL 61704

RYAN & TERRI HUBER
4286 E 1300 NORTH RD
STANFORD IL 61774

BRUCE PHILLIPS
311 S Main St
Normal IL 61761

RICK CLEM
1220 GEORGE DR
Normal IL 61761

JUSTIN BEERUP
25 ABERDEEN WAY
BLOOMINGTON IL 61704

HAWKINS WILLIAMS
2403 ANCHOR DR
BLOOMINGTON IL 61704

THOMAS SCHLUETER
2507 RAINBOW
BLOOMINGTON IL 61704

DAVID DEUSS
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BLOOMINGTON IL 61704

TERRANCE & LEAH BOND
34 Aberdeen Way
BLOOMINGTON IL 61704

TERESA BERNER
1413 DALLAS ST
BLOOMINGTON IL 61704

SCOTT & HEATHER STONER
2423 ANCHOR DR
BLOOMINGTON IL 61704

MARK PIERCY
2416 Anchor Dr
BLOOMINGTON IL 61704

MICHAEL KIEDAISCH
22 ABERDEEN WAY
BLOOMINGTON IL 61704

JOYCE ABOSEDE ADELEKAN
1520 N HERSHEY RD
BLOOMINGTON IL 61704

RICHARD NOWELL
5805 HAWTHORNE LN
CRYSTAL LAKE IL 60014

THERESA POWER
2606 KAPOK DR
BLOOMINGTON IL 61704

LAKEWOOD/HILLCREST EST
HOMEOWNERS ASSOC
PO BOX 1441
BLOOMINGTON IL 61702

FELICITAS SEBASTIAN
2414 ANCHOR DR
BLOOMINGTON IL 61704

WAYNE TIMM
1408 DALLAS
BLOOMINGTON IL 61701

THOMAS & DEBRA CONROY
2418 ANCHOR DR
BLOOMINGTON IL 61704

BLAKE HEFFERNAN
2505 RAINBOW AVE
BLOOMINGTON IL 61704

EASTGATE COLONIAL CORP
% HAROLD HOEFERLE
BLOOMINGTON IL 61702

RANDY L & EMILY E MILLER
20 ABERDEEN WAY
BLOOMINGTON IL 61704

CURT KESSLER
1529 N HERSHEY RD
BLOOMINGTON IL 61704

JOSHUA & JESSICA STEARNS
1537 N HERSHEY RD
BLOOMINGTON IL 61704

CHARLES DILL
2602 KAPOK DR
BLOOMINGTON IL 61704

JAMES L & JOHN G KINNEY MARLOWE
2407 RAINBOW AVE
BLOOMINGTON IL 61704

LAKEWOOD/HILLCREST EST
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PO BOX 1441
BLOOMINGTON IL 61702

NANCY SUMMERS
23 ABERDEEN WAY
BLOOMINGTON IL 61704

RICARDO BAEZ
2 CHEVIOT CT
BLOOMINGTON IL 61704

SABRINA LAWRENCE
1534 N HERSHEY
BLOOMINGTON IL 61704

LURA RICE
2421 ANCHOR DR
BLOOMINGTON IL 61704

CHRISTOS & NANCY MOUSTOUKKIS
18 ABERDEEN WAY
BLOOMINGTON IL 61704

JOHN POWER
19 ABERDEEN WAY
BLOOMINGTON IL 61704

FRANCISCO J & ARACELI ARIAS
2415 ANCHOR DR
BLOOMINGTON IL 61704

JESSE FRANKLIN
207 S Evergreen Ln
BLOOMINGTON IL 61704

DARRELL J & LORETTA A THIRTYACRE
1533 N HERSHEY RD
BLOOMINGTON IL 61704

MATTHEW MINK
1532 N HERSHEY RD
BLOOMINGTON IL 61704

DENNIS STEVENSON
2406 ANCHOR DR
BLOOMINGTON IL 61704

DANIEL REELAND
1526 N. HERSHEY RD
BLOOMINGTON IL 61704

CHERI RAYMOND
1 PLANTATION CT
BLOOMINGTON IL 61704

DOUGLAS HARDWICK
21 ABERDEEN WAY
BLOOMINGTON IL 61704

STEVEN & HEATHER M BROWN
1527 N Hershey Rd
BLOOMINGTON IL 61704

JENNIFER COX
2405 Anchor Dr
BLOOMINGTON IL 61704

MATTHEW POWELL
27 ABERDEEN WAY
BLOOMINGTON IL 61704

CARL HILL
1536 N HERSHEY
BLOOMINGTON IL 61704

BRIAN CHASE
36 ABERDEEN WAY
BLOOMINGTON IL 61704

DAVID & TRACIE TERVEN
24 ABERDEEN
BLOOMINGTON IL 61704

DAVID BLANKS
31 ABERDEEN WAY
BLOOMINGTON IL 61704

NICHOLAS J & DENISE R DORR
33 ABERDEEN WAY
BLOOMINGTON IL 61704

ROBIN HAWKINS
1512 N HERSHEY RD
BLOOMINGTON IL 61704

RODNEY SMITHSON
53 BROOKSHIRE GREEN
BLOOMINGTON IL 61704

CLETE R & ASHLEY BLACKWELL
1514 N HERSHEY RD
BLOOMINGTON IL 61704

JAMES TURNER
1531 N HERSHEY RD
BLOOMINGTON IL 61704

CHAD HARMON
2410 ANCHOR DR
BLOOMINGTON IL 61704

BOYD OTIS BEATY
1517 N HERSHEY RD
BLOOMINGTON IL 61704

MICHAEL & TRISHA FILLIMAN
1525 N HERSHEY RD
BLOOMINGTON IL 61704

RICHARD MILLS
% APARTMENT MART
BLOOMINGTON IL 61702

CAROL JEAN LAUHER
1521 N HERSHEY RD
BLOOMINGTON IL 61704

ANITA THOMPSON
1310 INGLEWOOD CIR
BLOOMINGTON IL 61704

MANDRIEL BROWN
1528 N HERSHEY RD
BLOOMINGTON IL 61704

KENNETH L & NANCY J KENNEDY
29 ABERDEEN WY
BLOOMINGTON IL 61704

SCOTT PATTERSON
35 ABERDEEN WAY
BLOOMINGTON IL 61704

JOHN KERCHEVAL
2417 Anchor Dr
BLOOMINGTON IL 61704

BRANDON & LINDSAY FISCUS
2413 ANCHOR DR
BLOOMINGTON IL 61704

DAVID L & LORI A HALLATT
1516 N HERSHEY RD
BLOOMINGTON IL 61704

MICHELLE KAUFFMAN
1410 DALLAS
BLOOMINGTON IL 61704

MICHAEL NEWBERRY
2409 ANCHOR DR
BLOOMINGTON IL 61704

TERRY MALONE
2411 ANCHOR DR
BLOOMINGTON IL 61704

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**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
July 19, 2017**

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
SGN-01-17	Chapter 3, Section 6.9: Electrical Portable Signs	Sign Code Amendment	Tom Dabareiner AICP Community Development Director

PETITIONER’S REQUEST:

That **Chapter 3, Section 6.9** of the **Bloomington City Code, Electrical Portable Signs**, be amended to read as follows: (added text is underlined)

Use and display of electrical signs is prohibited, except for permanent LED signs no larger than 8 square feet on publicly funded, not-for-profit transit vehicles.

The sign ordinance states the ZBA “shall review and advise the Administrator regarding proposed changes to [Chapter 3].” **Chapter 3, Section 12.1**

STAFF RECOMMENDATION:	<i>Staff recommends the Zoning Board of Appeals approve the text amendment as presented and recommend it to the Administrator for further action.</i>
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GENERAL INFORMATION

Applicant: Sign Administrator, City of Bloomington

PROJECT DESCRIPTION

Background

Connect Transit asked to place LED signs on the rear of each of their buses. The static picture and text messages will change no more frequently than every 8 seconds and contain advertising, which is sold as a revenue source for the transit system. However, the City’s sign code prohibits portable electronic signs, broadly defined as “any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source...[and] not permanently attached to the ground or a building.”

It is unlikely this portion of the sign code, adopted in 1986, anticipated the appearance of relatively lightweight, flat LED signage able to be placed securely on the exterior of moving vehicles.

Sign Code Amendment 3-6.9

Public transportation is an important component of sustainable urban infrastructure. Staff recommends the text amendment exception to the prohibition against electrical signs, because the benefit to public transportation from the revenue accrued will be substantial relative to the benefit from keeping the blanket prohibition in the ordinance.

Proposed Text and Considerations

In evaluating the proposal, staff considered whether these signs would become a distraction for drivers. Representatives from the City Manager's office, Police Department and Fire Department saw a demonstration of the proposed sign on the Connect Transit premises. They concluded that the LED signs and periodically rotating static images as proposed would not become a hazard for drivers. Furthermore, the proposed text amendment was developed with the City's Legal Department with the intent of limiting the proliferation of signs by limiting the types of vehicles upon which the LED signs can be placed. As proposed, only bus systems that are both publicly funded and not-for-profit could install these signs. This wording limits the number of vehicles allowed to attach these signs, thereby addressing the potential distractions stemming from having large numbers of these signs on multiple vehicles competing for a driver's attention.

The signs would remain subject to other requirements in the sign ordinance relating to how the sign is secured to the vehicle and its time-of-day brightness. Also, animated signs remain prohibited. This first step would allow Connect Transit to move forward within the next several weeks.

Analysis

Unlike Chapter 44, there are no Findings of Fact required for considering a proposed sign ordinance amendment. Instead, it calls for consideration by the ZBA whose members make a recommendation to the City Council for their final action. Guidance may be drawn from **Chapter 3, Section 1.2: Findings and Statement of Purpose**, which is provided and addressed below.

Authorizes the use of signs visible from public right-of-way provided the signs are:	STAFF RESPONSE
(a) compatible with permitted, special, or accessory uses allowed in the district and surrounding land;	Permanent electrical signs are allowed in the City with certain constraints. Technology now allows these signs to be smaller, lighter and mobile.
(b) designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety;	The signs must be installed in compliance with the sign, structural and electrical codes, similar to all sign installations. The City's Police and Fire Departments have determined that these signs do not pose additional traffic safety risks.
(c) legible, readable and visible in the circumstances in which they are used;	Because the signs contain advertising, legibility is essential, and may not likely pose a problem.
(d) not violative of the reasonable rights of	All publicly funded, not-for-profit transit

other advertisers whose messages are displayed.	vehicles can install these signs. The distinction between public uses and private uses is located elsewhere in the sign ordinance and the Municipal Code.
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STAFF RECOMMENDATION *Staff recommends the Zoning Board of Appeals **approve** the text amendment to Chapter 3, Section 6.9 of the City of Bloomington Municipal Code to allow for the installation of LED signs on publicly funded, not-for-profit transit vehicles, and recommend it to the Administrator for further action.*

Respectfully submitted,

Tom Dabareiner AICP
Community Development Director

Attachments:

- Sheet with sample sign



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