



**ZONING BOARD OF APPEALS - REGULAR SESSION
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
WEDNESDAY, JULY 17, 2024, 4:00 PM**

1. Call to Order

2. Roll Call

3. Public Comment

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

4. Consent Agenda

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

- A. Review and approval of the minutes of the May 15, 2024, regular meeting of the Bloomington Zoning Board of Appeals. (Recommended Motion: Motion to accept the minutes, as presented.)

5. Regular Agenda

- A. V-04-24 - Public hearing, review, and action on a request submitted by Patricia Estes, for approval of a Variance to allow a reduced required rear yard setback for the property located at 314 Davis Avenue. PIN: 21-03-151-017. (Recommended Motion: Motion to establish findings of fact that the **standards for approval a Variance are met**, carrying out the strict letter of the Code **does create a practical difficulty** or particular hardship for the Applicant, and to **approve** of the request with no conditions.)
- B. V-05-24 - Public hearing, review, and action on a request submitted by William Spotts, for approval of a Variance to allow a reduced required setback for an accessory structure for the property located at 838 W. Oakland Avenue. PIN: 21-08-226-006. (Recommended Motion: Motion to establish findings of fact that the **standards for approval a Variance are met**, carrying out the strict letter of the Code **does create a practical difficulty** or particular hardship for the Applicant, and to **approve** of the request with no conditions.)
- C. V-06-24 - Public hearing, review, and action on a request submitted by Mike Bonneville, for approval of a Variance to allow a driveway width of greater than 24 feet at the sidewalk for the property located at 1902 Wakefield Lane. PIN: 14-25-454-020. (Recommended Motion: Motion to establish findings of fact that the

standards for approval a Variance are met, carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the Applicant, and to approve of the request with no conditions.)

- D. **SP-04-24** - Public hearing, review, and action on a request submitted by Mayer Zahn, with owner Ramesh Alturi, for approval of a **Special Use Permit** for a Vehicle Sales & Service Use, in the B-1 (General Commercial) District for the property located at 1513 Morrissey Drive (PIN: 21-10-453-002). (Recommended Motion: Motion to establish findings of fact that all standards for approval of a Special Use Permit are not met, and to recommend **continuation** of the request, subject to:
- Submitting a revised site plan to indicate all parking spaces for vehicles for sale as well as customer parking with parking space and drive-aisle dimensions. Vehicle traffic flow throughout site should also be identified. If access to the south vehicle access point is desired to be eliminated, a permanent solution should be identified. Refuse storage should also be identified.
 - Removal of temporary fencing. Permanent fencing may be installed per Code requirements.
 - Removal of illegal sign in the public right-of-way.

)

6. New Business

7. Adjournment

Individuals with disabilities planning to attend the meeting who require reasonable accommodations to observe and/or participate, or who have questions about the accessibility of the meeting, should contact the City's ADA Coordinator at 309-434-2468 or mhurt@cityblm.org.



REGULAR AGENDA ITEM NO. 4.A.

FOR ZONING BOARD OF APPEALS: July 17, 2024

WARD IMPACTED: City-Wide Impact

SUBJECT: Review and approval of the minutes of the May 15, 2024, regular meeting of the Bloomington Zoning Board of Appeals.

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

STRATEGIC PLAN LINK:

Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

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

BACKGROUND: N/A

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham, City Planner

ATTACHMENTS:

[ZBA Minutes - 2024-05-15.docx](#)



**DRAFT MINUTES
ZONING BOARD OF APPEALS - REGULAR SESSION
WEDNESDAY, MAY 15, 2024, 4:00 PM**

The Zoning Board of Appeals convened in regular session at 4:02 PM, May 15, 2024. called the meeting to order.

Roll Call

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

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

Public Comment

No public comment was provided.

Consent Agenda

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

Board Member Webb made a motion, seconded by Board Member Williams, to approve the consent agenda as presented.

Roll call.

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

Motion passed.

Item 4.A. Review and approval of the minutes of the April 17, 2024, regular meeting of the Bloomington Zoning Board of Appeals.

Regular Agenda

The following item was presented:

Item 5.A. SP-03-24 and V-04-24 - Public hearing, review, and action on a request submitted by Andrew Fell Architecture & Design, representing owner Curtis Boone, for approval of a Special Use Permit for an Assisted Living Facility (Independent Living) , in the B-1 (General Commercial) District, and a Variance to allow an increased Floor Area Ratio (FAR) for the property located at 1410 Leslie Drive (PIN: 15-31-227-024).

Mr. Branham presented the staff report with a recommendation for approval of the Special Use Permit and a Variance to the Floor Area Ratio requirement. He described the proposed development and identified the surrounding zoning and land uses. He noted the recent subdivision of the property and the reasoning for the requested Variance. He clarified that the original recommendation from staff regarding parking lot landscaping requirements could be disregarded since the parking area was fully enclosed.

Board Chair Straza opened the public hearing.

Andrew Fell (515 N. Hickory Ave., Champaign, IL), representing the Applicant, provided further background on the project. He agreed with staff's summary and added detail on the Variance request. He inquired if there were any additional questions.

Board Chair Straza inquired about the difference in the Floor Area Ratio requirement and proposal. Mr. Branham stated it was approximately 10% above the required amount.

There was no further Board questions or discussion.

Board Chair Straza closed the public hearing.

Mr. Boyle noted there should be separate motions for the special use and variance.

Board Member Zwaga made a motion, seconded by Board Member Harris, to establish findings of fact that all standards for approval of a Special Use Permit are met and to recommend approval of the request submitted by Andrew Fell Architecture & Design, representing owner Curtis Boone, for a Special Use Permit for an Assisted Living Facility (Independent Living) in the B-1 (General Commercial) District, for the property located at 1420 Leslie Drive.

Roll call.

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

Motion passed.

Board Member Harris made a motion, seconded by Board Member Zwaga, to establish findings of fact that the standards for approval of the Variance are met, that carrying out the strict letter of the Code does create a practical difficulty or

particular hardship for the petitioner, and to approve the Variance with no conditions.

Roll call.

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

Motion passed.

New Business

There was no new business.

Adjournment

Board Member Harris made a motion, seconded by Board Member Zwaga, to adjourn the meeting.

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

Motion passed.

The Meeting Adjourned at 4:16PM

CITY OF BLOOMINGTON

Michael Straza, Board Chair

Jon Branham, Staff Liaison



REGULAR AGENDA ITEM NO. 5.A.

FOR ZONING BOARD OF APPEALS: July 17, 2024

WARD IMPACTED: Ward 4

SUBJECT: V-04-24 - Public hearing, review, and action on a request submitted by Patricia Estes, for approval of a Variance to allow a reduced required rear yard setback for the property located at 314 Davis Avenue. PIN: 21-03-151-017.

RECOMMENDED MOTION: Motion to establish findings of fact that the standards for approval a Variance are met, carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the Applicant, and to approve of the request with no conditions.

STRATEGIC PLAN LINK:

Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:

Objective 5b. City decisions consistent with plans and policies

BACKGROUND: The Applicant seeks a Variance from § 44-403A (Table 403A), the requirement of a minimum distance of 30 feet to the Rear property line, to allow a 10'-8" Rear Yard setback.

The Applicant desires to construct an addition at the property. Formerly, a deck was located in the area of the proposed addition and extended further into the setback.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice was published in The Pantagraph on Monday, July 1, 2024. Courtesy notices were mailed to 56 property owners within 500 feet of the subject property.

FINANCIAL IMPACT: N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham, City Planner

ATTACHMENTS:

[V-04-24_-_Staff_Report-_314_Davis_Ave__3_.docx](#)

TO: ZONING BOARD OF APPEALS
FROM: Economic & Community Development Department
DATE: July 17, 2024
CASE NO: V-04-24, Variance from § 44-403A of the Zoning Code
REQUEST: Public hearing, review, and action on a request submitted by Patricia Estes, for a Variance from § 44-403A of the Zoning Code, to allow a reduced rear yard setback in the R-1B (Single-Family Residence) District, for the property located at 314 Davis Avenue. PIN: 21-03-151-017.

BACKGROUND

Request

The Applicant seeks a Variance from § 44-403A, the requirement of a minimum of a 30-foot rear yard setback, to allow a 10-foot, 8-inch rear yard setback on the west side of the property.

The Applicant desires the Variance for the construction of a room addition to the residence to replace a dilapidated deck partially enclosed with a 5-6' tall privacy fence wall. The proposed room addition would encroach into the required rear yard less than the former deck, which extended nearly to the property line. The existing residence itself was constructed with a 24-foot, 4-inch setback on the west side property.

Notice

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, July 1, 2024. Courtesy notices were mailed to 56 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics

The property at 314 Davis Avenue consists of approximately 0.2 acres (~8600 SF) of land at the intersection of Davis Avenue and Monroe Drive, in the Davis 1960 Homeplace Addition Subdivision. The property is surrounded by single-family residential uses to the north, west, and east, and a multiple-family residential use to the south. Necessary streets and infrastructure are already existing.

Surrounding Zoning and Land Uses

	Zoning	Land Uses
North	P-2 (Public Lands & Institutions)	Single-Family Residence
South	R-3B (Multi-Family Residence)	Multiple Family Residence
East	R-1B (Single-Family Residence)	Single-Family Residence
West	R-1B (Single-Family Residence)	Single-Family Residence

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. The R-1B district allows densities of up to approximately six dwelling units per acre.

Subject Code Requirements

§ 44-403A. Table 403A: Bulk and Site Standards for R-1 Districts

Table 403A: Bulk and Site Standards R-1 Districts								
District	Lot Characteristics		Site Design			Development Intensity		
	Min. Lot Width (W)	Min. Lot Area (square feet)	Front Yard (F)	Side Yard (S)	Rear Yard (R)	Min. Lot Area per Dwelling Unit (square feet)	Max. Building Height	
			Min.	Min.	Min.		Feet	Stories
R-1A	125 feet	22,500	40 feet	16 feet	40 feet	22,500	35 feet	2.5
R-1B	70 feet	7,000	30 feet	6 feet	30 feet	7,000	35 feet	2.5
R-1C	50 feet	5,400	25 feet	6 feet	25 feet	5,400	35 feet	2.5
R-1H	50 feet	5,400	25 feet	6 feet	25 feet	5,400	35 feet	2.5

STANDARDS FOR REVIEW

As indicated in *Ch. 44, 17-8 Variations*, the Zoning Board of 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 property is generally square (~ 90' x 100'). Front and rear yard setbacks are constructed to apply to lots that are most commonly rectangle-shaped. In this zoning district, the 30' front and rear setbacks would have allowed only a 30' x 40' house to be constructed if applied to both dimensions. The Code allows recognition of one side yard and one rear yard on corner lots based on the highest traffic street. In this case, the rear yard is placed in the shortest dimension of the lot greatly encumbering the property. Standard is met.

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

The Variance would allow for a room addition at the residence and would allow relief to the applicant to continue to utilize the property in a similar location of the former deck with less encroachment. The request still provides for more setback from the adjacent property than if that yard was considered the side yard. Standard is met.

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

The Applicant did not create any special conditions or circumstances. The residence and deck were constructed at a time when current setbacks did not apply. 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.

No special privileges would be granted to the applicant under these circumstances. Several area houses were constructed without regard to current zoning setback practice. Granting allows the Applicant to make continued reasonable use of their property and the continuation of the similar square footage as the former enclosed deck. 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.

The granting of the Variance would not be detrimental, as the applicant is not intending to make significant changes to the residence. The view of the home from the street will remain similar and the new addition would project less into the required rear yard than the former deck. The proposed addition would be consistent with the scale of the rest of the neighborhood. Adjacent properties will not be prevented from reasonable use of their lands, nor will public welfare be placed at risk. Standard is met.

STAFF RECOMMENDATION

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

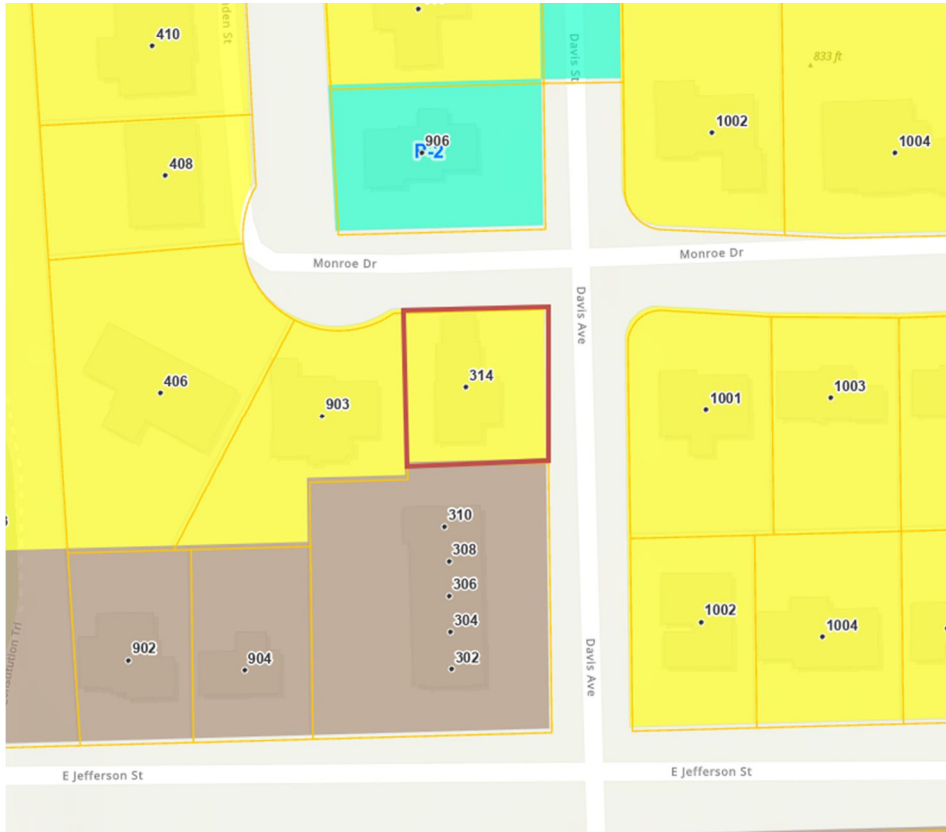
Motion to establish findings of fact that the standards for approval a Variance are met, carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the Applicant, and to approve the request for a Variance to § 44-403D, as presented.

Respectfully submitted,
Jon Branham
City Planner

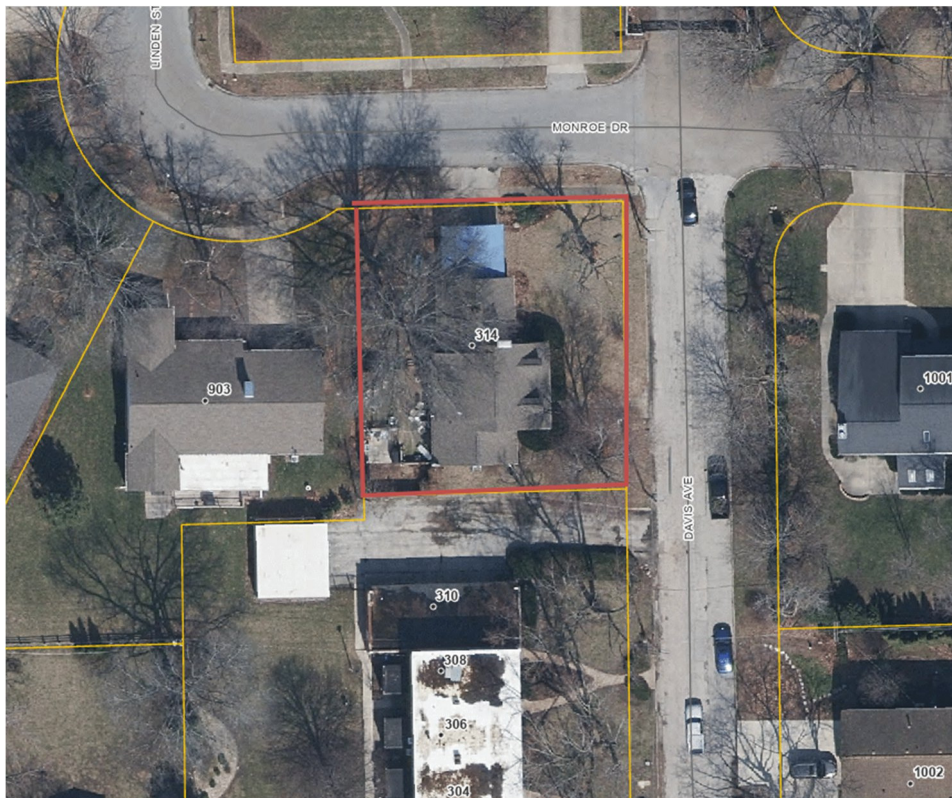
Attachments:

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

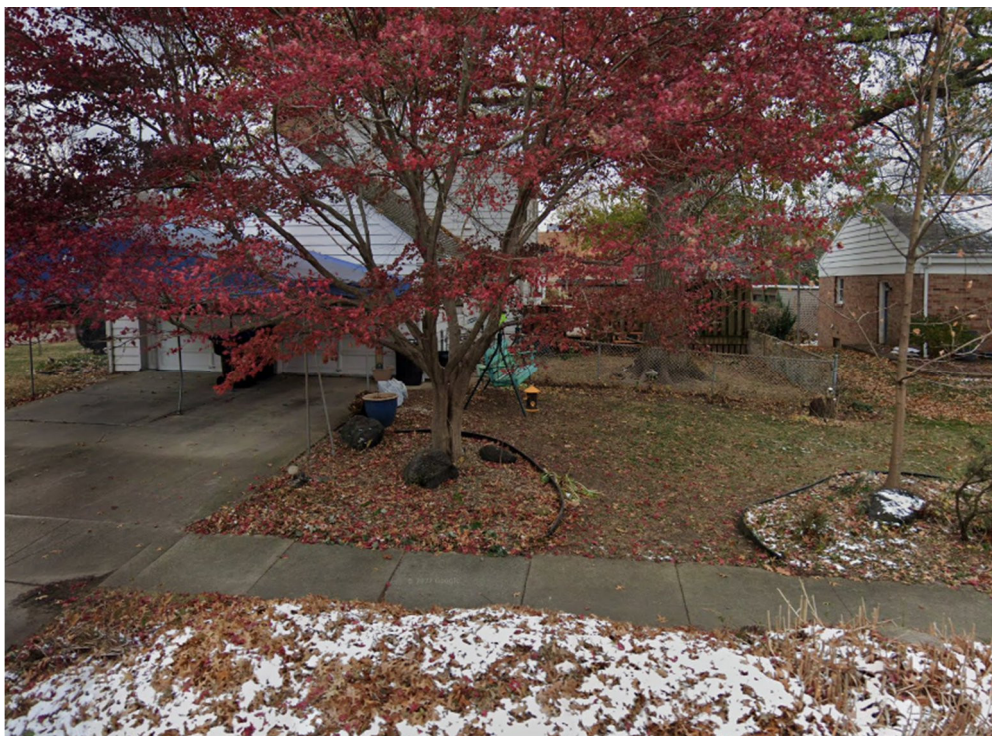
Attachment 1 - Zoning Map



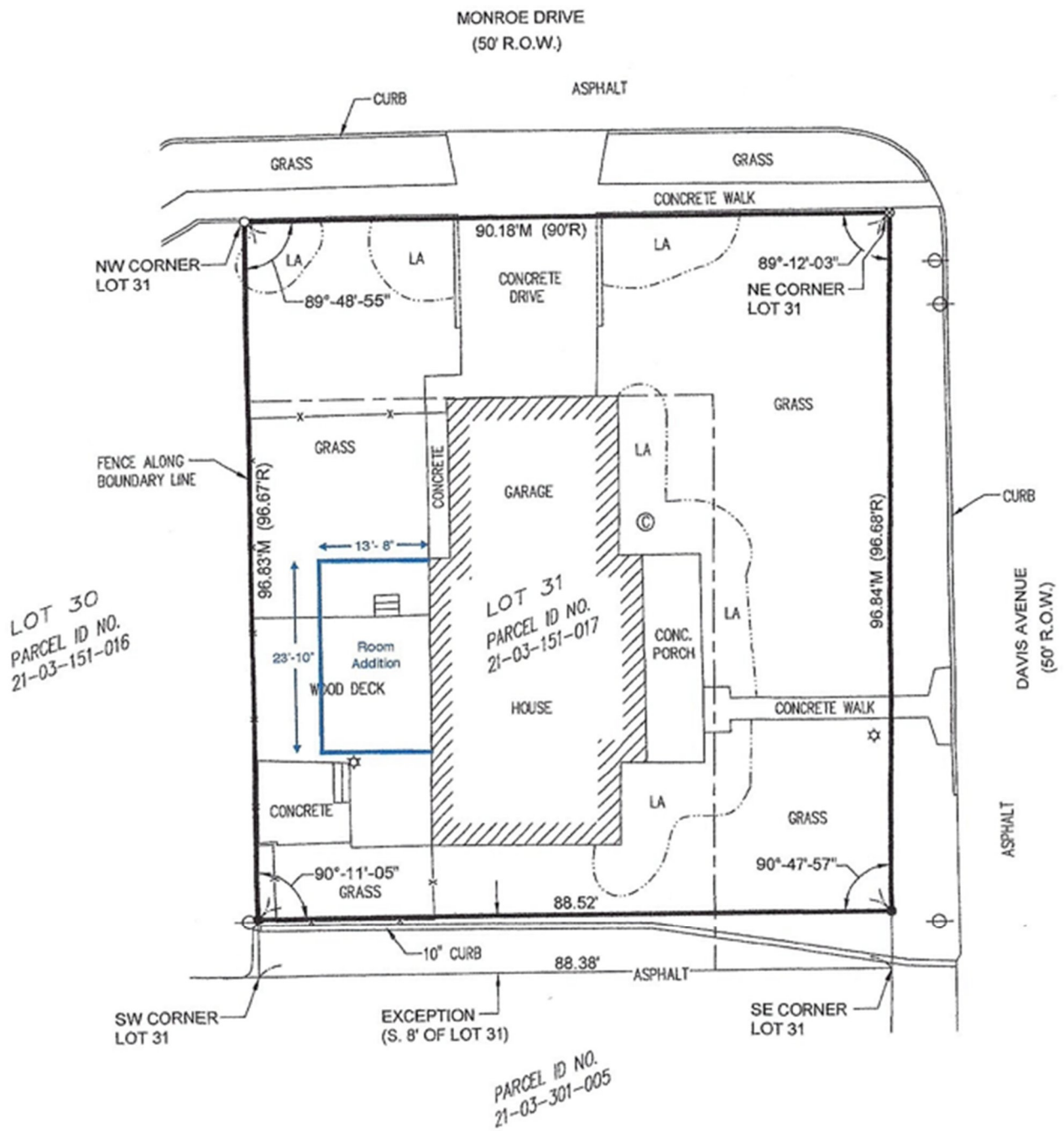
Attachment 2 - Aerial Image



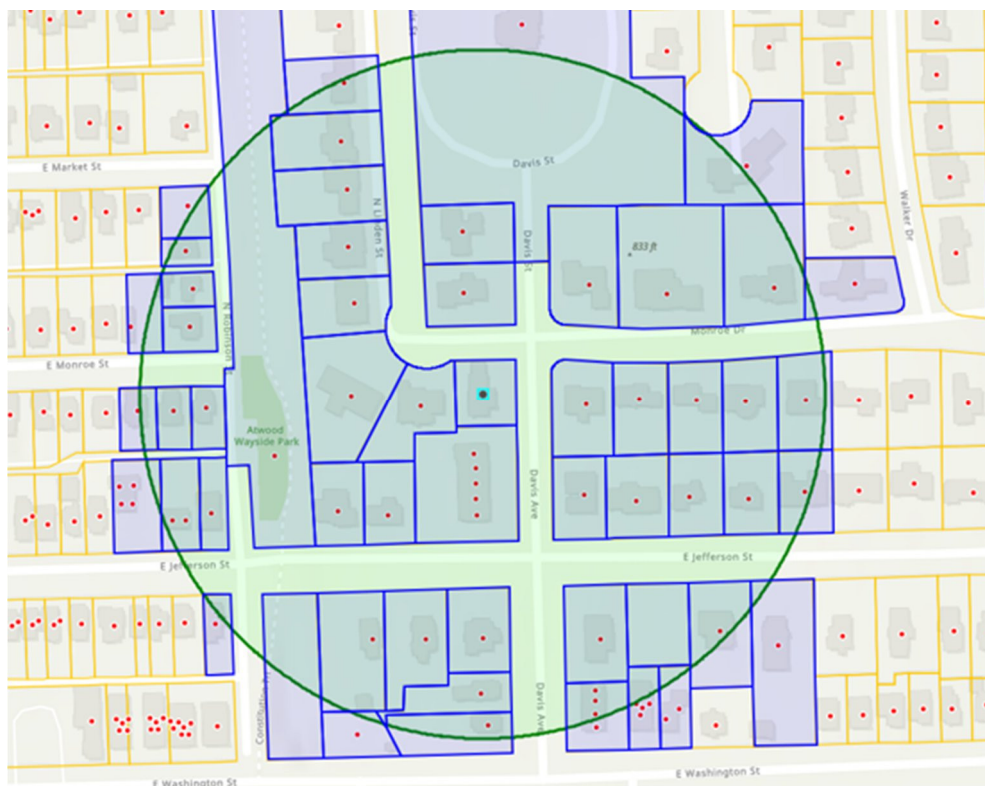
Attachment 3 - Ground-Level Views (with deck structure, then current day)



Attachment 4 - Site Plan



Attachment 5 - Neighborhood notice map





REGULAR AGENDA ITEM NO. 5.B.

FOR ZONING BOARD OF APPEALS: July 17, 2024

WARD IMPACTED: Ward 6

SUBJECT: V-05-24 - Public hearing, review, and action on a request submitted by William Spotts, for approval of a Variance to allow a reduced required setback for an accessory structure for the property located at 838 W. Oakland Avenue. PIN: 21-08-226-006.

RECOMMENDED MOTION: Motion to establish findings of fact that the standards for approval a Variance are met, carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the Applicant, and to approve of the request with no conditions.

STRATEGIC PLAN LINK:

Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:

Objective 5b. City decisions consistent with plans and policies

BACKGROUND: The Applicant seeks a Variance from § 44-908D (Table 908), the requirement of a minimum distance of three (3) feet to the Rear or Side property lines for accessory structures in Residential Districts, to allow an accessory structure with a 1'-0" Side Yard setback.

The Applicant desires to construct a detached garage at the property. The Applicant desires to use the partial approximate location of a former garage at the property, which encroaches two feet into the required three-foot side yard setback for accessory structures. The Applicant intends to meet the three-foot rear yard setback.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice was published in The Pantagraph on Monday, July 1, 2024. Courtesy notices were mailed to 93 property owners within 500 feet of the subject property.

FINANCIAL IMPACT: N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham, City Planner

ATTACHMENTS:

[V-05-24 - Staff Report - 838 W Oakland Ave.docx](#)

TO: ZONING BOARD OF APPEALS
FROM: Economic & Community Development Department
DATE: July 17, 2024
CASE NO: V-05-24, Variance from § 44-908.D of the Zoning Code
REQUEST: Public hearing, review, and action on a request submitted by Williams Spotts, for a Variance from § 44-908D of the Zoning Code, to allow a reduced setback for an accessory structure in the R-1C (Single-Family Residence) District, for the property located at 838 W. Oakland Avenue. PIN: 21-08-226-006.

BACKGROUND

Request

The Applicant seeks a Variance from § 44-908D, the requirement of a minimum of three-foot side yard setback for an accessory structure, to allow a one-foot side yard on the west side of the property.

The Applicant desires the Variance for the construction of a 700 square foot detached garage at the residence. The Applicant desires to use the partial approximate location of a former garage at the property, which encroaches two feet into the required three-foot side yard setback for accessory structures. The Applicant intends to meet the three-foot rear yard setback.

Notice

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, July 1, 2024. Courtesy notices were mailed to 93 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics

The property at 838 W. Oakland Avenue consists of approximately 0.15 acres of land near the intersection of W. Oakland Avenue and S. Morris Avenue, in the Kleins Place Addition Subdivision. The property is surrounded by single-family residential zoning and dwellings to the north, south, east, and west. Necessary streets and infrastructure are already existing.

Surrounding Zoning and Land Uses

	Zoning	Land Uses
North	R-1C (Single-Family Residence)	Single-Family Residence
South	R-1C (Single-Family 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 (Single-Family Residence) District is intended to provide primarily for the establishment of areas of higher density single-family detached dwelling units while recognizing the potential compatibility of two-family dwelling units as special uses. Densities of approximately eight dwelling

units per acre are allowed. This district may be applied to newly developing areas as well as the older residential areas of the City where larger houses have been or can be converted from single-family to two-family residences to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization.

Subject Code Requirements

§ 44-908D(2). Accessory building 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*

STANDARDS FOR REVIEW

As indicated in *Ch. 44, 17-8 Variations*, the Zoning Board of 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.**

Like many detached garages constructed when the neighborhood was development, and like many other detached garages in the direct neighborhood, the former garage was in an area which did not meet current setback requirements for accessory structures. Standard is met.

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

The Variance would allow for the construction of a detached garage at the residence and would allow relief to the applicant to utilize an existing area in the location of a former garage. The existing residence extends south which requires placement of the garage as far west as possible to meet setbacks between the structures and allow appropriate vehicular access. The Applicant also shares a driveway with the west neighbor which further limits placement of the detached garage. Standard is met.

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

The Applicant did not create any special conditions or circumstances. The former detached garage structure fell into disrepair and removal benefitted all surrounding properties. 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.**

No special privileges would be granted to the applicant under these circumstances. Area houses do not have attached garages. Detached garages are standard, and it is likely most do not meet current setback requirements. Granting allows the Applicant to make continued reasonable use of their property. 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.

The granting of the Variance would not be detrimental, as the applicant is not intending to make significant changes to the residence itself. The view of the home from the street will remain similar and is consistent with the scale of the rest of the neighborhood. Adjacent properties will not be prevented from reasonable use of their lands, nor will public welfare be placed at risk. Standard is met.

STAFF RECOMMENDATION

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

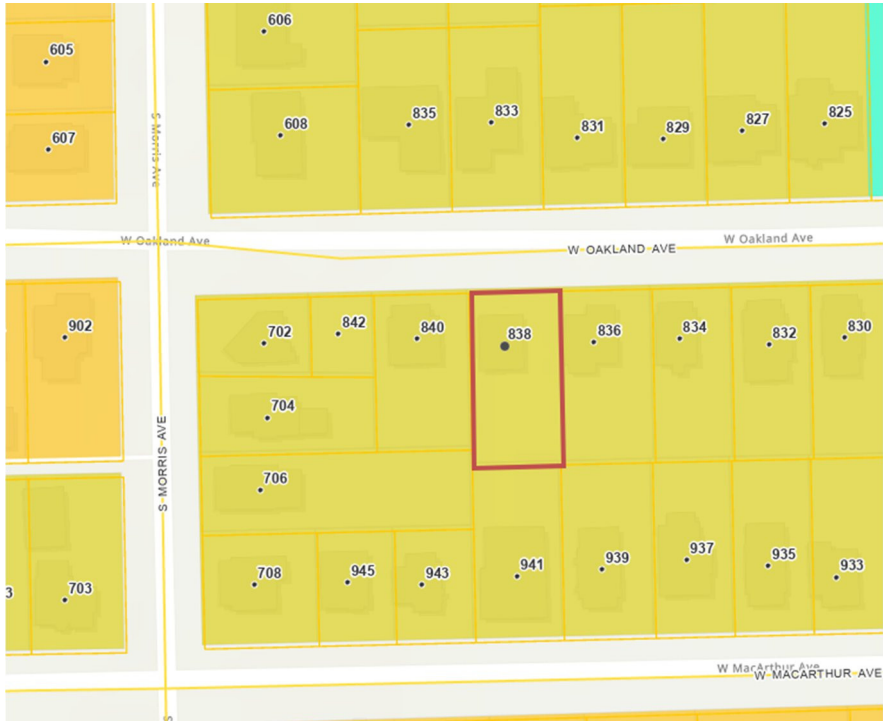
Motion to establish findings of fact that the standards for approval a Variance are met, carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the Applicant, and to approve the request for a Variance to § 44-908D, with the condition that the Applicant secures an access and drainage easement from affected neighbors to accommodate a three-foot area surrounding the exterior façade of the garage for maintenance purposes.

Respectfully submitted,
Jon Branham
City Planner

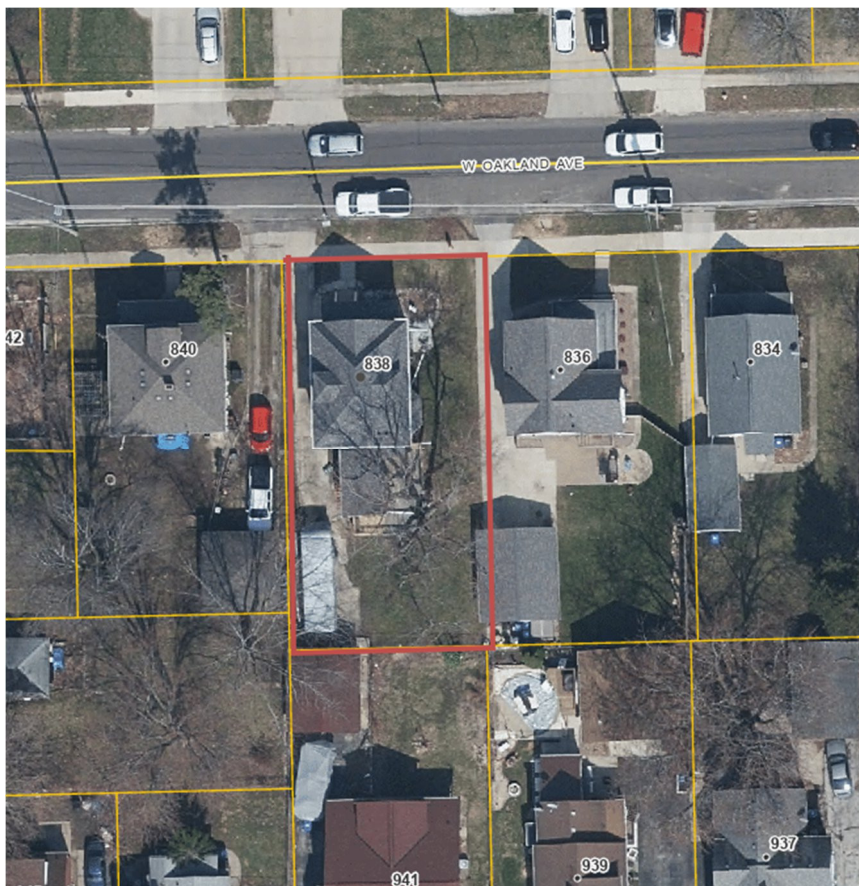
Attachments:

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

Attachment 1 - Zoning Map



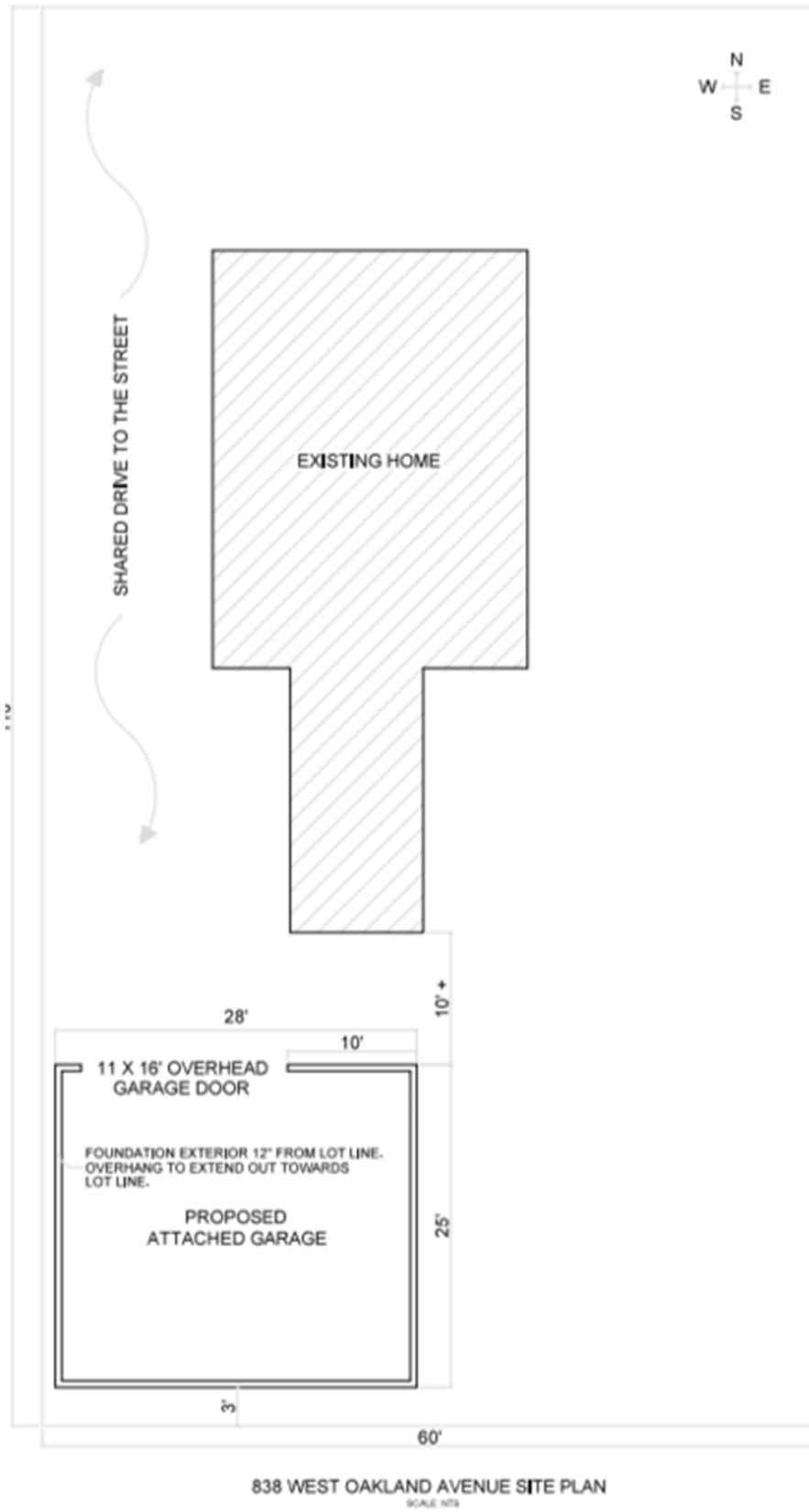
Attachment 2 - Aerial Image



Attachment 3 - Ground-Level View



Attachment 4 - Site Plan



Attachment 5 - Neighborhood notice map





REGULAR AGENDA ITEM NO. 5.C.

FOR ZONING BOARD OF APPEALS: July 17, 2024

WARD IMPACTED: Ward 9

SUBJECT: V-06-24 - Public hearing, review, and action on a request submitted by Mike Bonneville, for approval of a Variance to allow a driveway width of greater than 24 feet at the sidewalk for the property located at 1902 Wakefield Lane. PIN: 14-25-454-020.

RECOMMENDED MOTION: Motion to establish findings of fact that the standards for approval a Variance are met, carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the Applicant, and to approve of the request with no conditions.

STRATEGIC PLAN LINK:

Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:

Objective 5b. City decisions consistent with plans and policies

BACKGROUND: The Applicant seeks a Variance from § 44-404-C-2-b-2, the requirement of a maximum 24-foot-wide driveway at the property line, to allow a 31-foot-wide driveway at the property.

The Applicant desires the Variance for the construction of a 31-foot-wide driveway at the property. Per § 44-404. C.2.b.2, "The width of the driveway approach and the driveway at the sidewalk must be a minimum of 16 feet and shall not exceed 24 feet...." The Applicant desires to use the driveway to accommodate the attached garage, which provides three vehicle bays. The current driveway tapers from the attached garage to 21 feet at the street. The driveway would not exceed the garage width and would maintain a five-foot setback from the adjacent property.

The Applicant received City Council approval for the 31' width of the driveway in the public right-of-way in May, 2024.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice was published in The Pantagraph on Monday, July 1, 2024. Courtesy notices were mailed to 42 property owners within 500 feet of the subject property.

FINANCIAL IMPACT: N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham, City Planner

ATTACHMENTS:

V-06-24 - Staff Report - 1902 Wakefield Ln.docx
Resolution 2024-023

TO: ZONING BOARD OF APPEALS
FROM: Economic & Community Development Department
DATE: July 17, 2024
CASE NO: V-06-24, Variance from § 44-404.C of the Zoning Code
REQUEST: Public hearing, review, and action on a request submitted by Mike Bonneville, for a Variance from § 44-404C of the Zoning Code, to allow a driveway width of greater than 24 feet at the sidewalk in the R-1B (Single-Family Residence) District, for the property located at 1902 Wakefield Lane. PIN: 14-25-454-020.

BACKGROUND

Request

The Applicant seeks a Variance from § 44-404-C-2-b-2, the requirement of a maximum 24-foot-wide driveway at the property line, to allow a 31-foot-wide driveway at the property.

The Applicant desires the Variance for the construction of a 31-foot-wide driveway at the property. Per § 44-404. C.2.b.2, “The width of the driveway approach and the driveway at the sidewalk must be a minimum of 16 feet and shall not exceed 24 feet....” The Applicant desires to use the driveway to accommodate the attached garage, which provides three vehicle bays. The current driveway tapers from the attached garage to 21 feet at the street. The driveway would not exceed the garage width and would maintain a five-foot setback from the adjacent property.

The Applicant received City Council approval for the width of the driveway in the public right-of-way in May, 2024 (see attached resolution).

Notice

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, July 1, 2024. Courtesy notices were mailed to 42 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics

The property at 1902 Wakefield Lane consists of approximately 0.35 acres of land at the intersection of Wakefield Lane and Radbourne Drive, in the Tipton Trails Subdivision (3rd Addition). The property is surrounded by single-family residential zoning and dwellings to the north, south, east, and west. Necessary streets and infrastructure are already existing.

Surrounding Zoning and Land Uses

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

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. The R-1B district allows densities of up to approximately six dwelling units per acre.

Subject Code Requirements

§ 44-404-C(2)b(2). Off-street parking and loading.

The width of the driveway approach and the driveway at the sidewalk must be a minimum of 16 feet and shall not exceed 24 feet. The required width shall be maintained to a sufficient length to allow parking of cars on private property. Existing driveways less than 16 feet wide may be flared to the required width and length without widening the driveway approach only if plans are approved by the Director of Economic and Community Development.

[Amended 10-26-2020 by Ord. No. 2020-69]

STANDARDS FOR REVIEW

As indicated in *Ch. 44, 17-8 Variations*, the Zoning Board of 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 existing property was constructed with a three-bay attached garage and tapered driveway, which makes it more difficult for the Applicant to directly utilize. The Code does not necessarily address three-car garage bays with the limit of a 24-foot-wide driveway at the sidewalk. Standard is met.

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

The Variance would allow for the driveway to align with the garage bays at the residence and would allow relief to the applicant to access the garage bays more directly and safely. Standard is met.

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

The Applicant did not create any special conditions or circumstances. The residence was constructed with a three-car garage and the existing driveway that currently conforms to the Code. 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.

No special privileges would be granted to the applicant under these circumstances. Many residences in the direct vicinity have similar attached garages with three garage bays and tapered driveways. Some neighbors have adjusted the driveways to achieve more direct access. Granting allows the Applicant to make continued reasonable use of their property and garage spaces in a more direct fashion. 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.

The granting of the Variance would not be detrimental, as the applicant is not intending to make any changes to the residence itself. The view of the residence from the street will remain similar and remains consistent with the scale of the rest of the neighborhood. Adjacent properties will not be prevented from reasonable use of their lands, nor will public welfare be placed at risk. Standard is met.

STAFF RECOMMENDATION

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

Motion to establish findings of fact that the standards for approval a Variance are met, carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the Applicant, and to approve the request for a Variance to § 44-404C, as presented.

Respectfully submitted,
Jon Branham
City Planner

Attachments:

1. Zoning Map
2. Aerial Image
3. Ground-Level View
4. Site Plans
5. Neighborhood notice map
6. Resolution 2024-023 (separate attachment)

Attachment 1 - Zoning Map



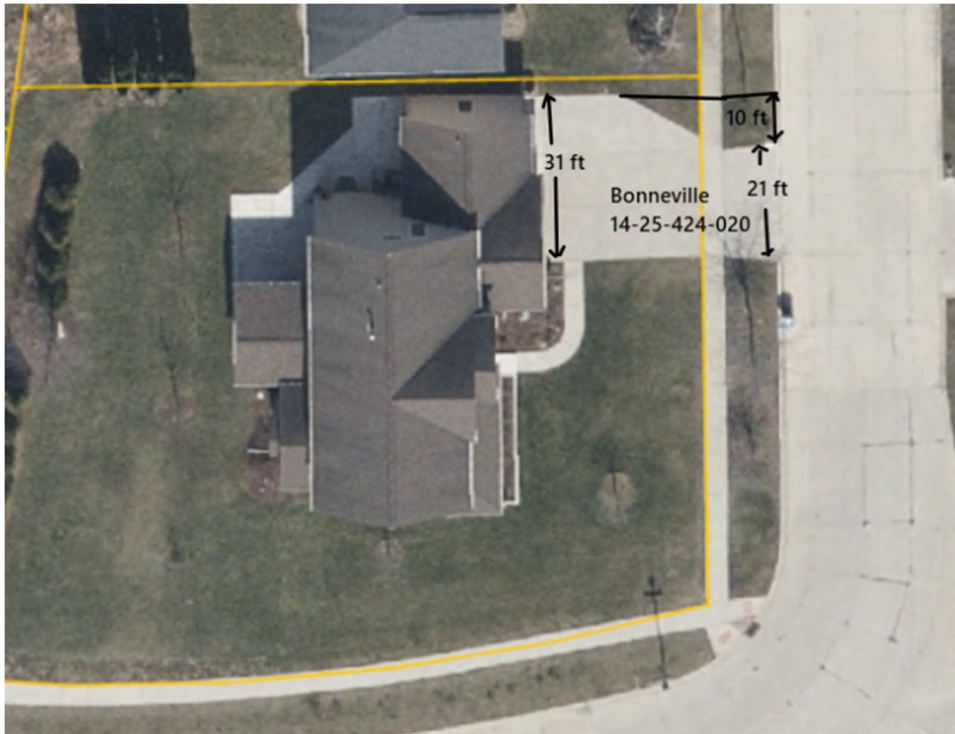
Attachment 2 - Aerial Image



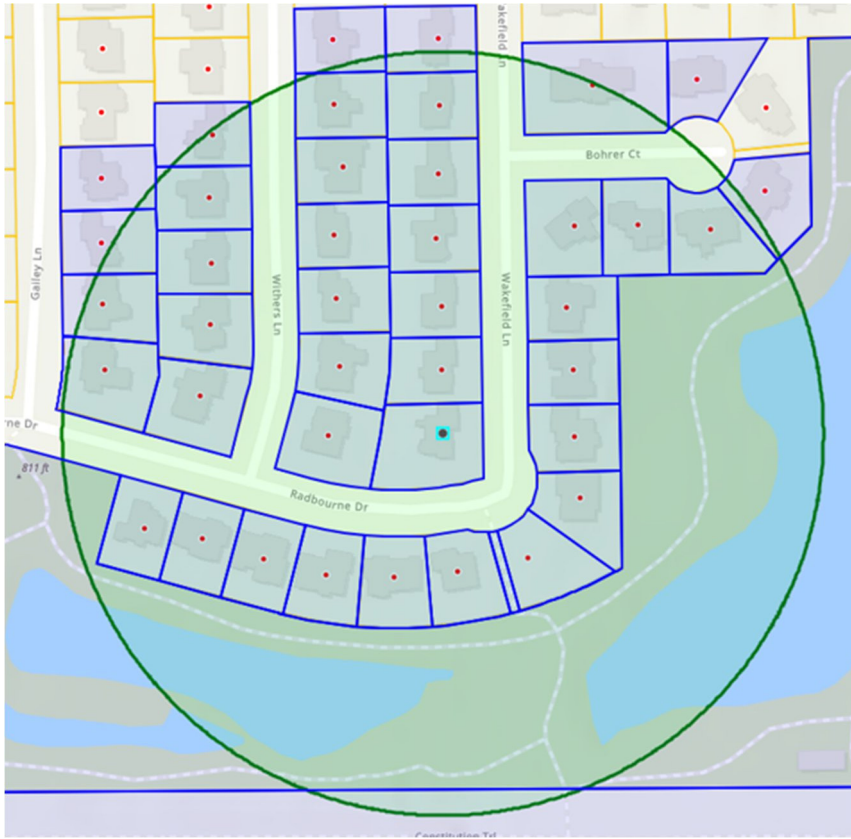
Attachment 3 - Ground-Level View



Attachment 4 - Site Plans



Attachment 5 - Neighborhood notice map



RESOLUTION NO. 2024 - 023

A RESOLUTION APPROVING A VARIANCE TO CHAPTER 38, SECTION 123, OF THE BLOOMINGTON CITY CODE TO ALLOW A PERMIT TO BE ISSUED FOR THE RECONSTRUCTION OF A DRIVEWAY AT 1902 WAKEFIELD LANE, BLOOMINGTON, ILLINOIS, 61704

WHEREAS, the City of Bloomington is committed to promoting an atmosphere in which residents increasingly take responsibility for their homes and neighborhoods; and

WHEREAS, the existing curb access width of the driveway at this location is 21 feet wide; and

WHEREAS, City Engineering staff foresees no negative impact as a result of widening the curb access to 31 feet at this location; and

WHEREAS, City Council has the authority to grant variances to City Code;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS:

Section 1. That the recitals set forth above are incorporated herein and City Manager, or designated representatives, are authorized to secure the variance, and any other necessary documents.

PASSED this 28th day of May 2024.

APPROVED this 30th day of May 2024.

CITY OF BLOOMINGTON



Mboka Mwilambwe, Mayor

ATTEST



Leslie Smith-Yocum, City Clerk





REGULAR AGENDA ITEM NO. 5.D.

FOR ZONING BOARD OF APPEALS: July 17, 2024

WARD IMPACTED: Ward 1

SUBJECT: SP-04-24 - Public hearing, review, and action on a request submitted by Mayer Zahn, with owner Ramesh Alturi, for approval of a **Special Use Permit** for a Vehicle Sales & Service Use, in the B-1 (General Commercial) District for the property located at 1513 Morrissey Drive (PIN: 21-10-453-002).

RECOMMENDED MOTION: Motion to establish findings of fact that all standards for approval of a Special Use Permit are not met, and to recommend **continuation** of the request, subject to:

- Submitting a revised site plan to indicate all parking spaces for vehicles for sale as well as customer parking with parking space and drive-aisle dimensions. Vehicle traffic flow throughout site should also be identified. If access to the south vehicle access point is desired to be eliminated, a permanent solution should be identified. Refuse storage should also be identified.
- Removal of temporary fencing. Permanent fencing may be installed per Code requirements.
- Removal of illegal sign in the public right-of-way.

STRATEGIC PLAN LINK:

Goal 5. Great Place - Livable, Sustainable City
Goal 3. Grow the Local Economy

STRATEGIC PLAN SIGNIFICANCE:

Objective 5b. City decisions consistent with plans and policies
Objective 3a. Retention and growth of current local businesses

BACKGROUND: The Applicant seeks a Special Use Permit to allow a Vehicle Sales & Service Use in the B-1 (General Commercial) District, per § 44-502B.

- The Applicant proposes to occupy a former Vehicle Fueling Station use into a Vehicle Sales & Service Use.
- Vehicular access will be provided via an existing curb cut along Morrissey Drive.
- No exterior modifications to the property are proposed.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice was published in The Pantagraph on Monday, July 1 1, 2024. Courtesy notices were mailed to 13 property owners within 500 feet of the subject property.

FINANCIAL IMPACT: Growth of local tax base.

Respectfully submitted for consideration.

Prepared by: Jon Branham, City Planner

ATTACHMENTS:

[SP-04-24 - Staff Report - 1513 Morrissey Dr.docx](#)

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: July 17, 2024

CASE NO: SP-04-24, Special Use Permit for Vehicle Sales & Service

REQUEST: Public hearing, review, and action on a petition submitted by Mayer Zahn, with owner Ramesh Alturi, requesting approval of a Special Use Permit for a Vehicle Sales & Service Use in the B-1 (General Commercial) District, for the property located at 1513 Morrissey Drive. PIN: 21-10-453-002.

BACKGROUND

Request:

The Applicant seeks a Special Use Permit to allow a Vehicle Sales & Service in the B-1 (General Commercial) District, per § 44-502B which indicates Vehicle Sales & Service may be permitted as Special Uses in the B-1 District. No waivers to Use Provisions are requested. The Applicant proposes to minimally modify the interior to accommodate the proposed use. There are no anticipated exterior modifications proposed for the property at this time. According to the Applicant, the property will be primarily utilized for vehicle sales (approximately 25-35 vehicles at any given time). No servicing of vehicles is expected at the property.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, July 1, 2024. Courtesy notices were mailed to 13 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics:

The subject property consists of 0.56 acres of land located near the intersection of Gilmore Drive and Morrissey Drive. There are two separate buildings on the site under common ownership. The site was formerly occupied as a Vehicle Fueling Station. Neighboring properties contain a mix of commercial uses.

Surrounding Zoning and Land Uses:

Zoning		Land Uses
North	B-1 (General Commercial)	General Retail Sales
South	B-1 (General Commercial)	Restaurant
East	B-1 (General Commercial)	Vehicles Sales & Service
West	B-1 (General Commercial)	Office / Construction Services

Description of Current Zoning District:

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

Subject Code Requirements:

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

§ 44-1034, Vehicle Sales and Service Use Provisions.

STANDARDS FOR REVIEW

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

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

- 1. The establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, or general welfare.**

The establishment, maintenance, and operation of a Vehicle Repair & Service Use is appropriate for this location and will not be detrimental to the public health, safety, comfort, or general welfare of the other surrounding uses. Standard is met.

- 2. The Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.**

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

- 3. The establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district.**

The proposed use is consistent with the character of other uses in the area. The uses adjacent to the site include a Vehicle Sales & Service Use across Morrissey Drive to the east and other compatible commercial uses. The addition of this Use does not result in a violation of § 44-1034A. Standard is met.

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

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

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

Ingress and egress are provided by existing curbs cut along Morrissey Drive, which serve both buildings on the site. The Applicant has blocked off the southern access point with temporary fencing. Existing vehicle and parking standards on the surface lot at the site should be further defined to meet Code requirements. The Applicant should identify three required parking spaces for the Vehicle Sales & Service Use as well as 11 required spaces for the General Retail use at the north building on the site. Standard is not met.

- 6. The Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals.**

The Use would be required to meet the standards for the District, including provisions for parking, fencing, screening, landscaping, and exterior lighting. Standard is not met.

STAFF RECOMMENDATION

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

Motion to establish findings of fact that all standards for approval of a Special Use Permit are not met, and to recommend continuation of the request, subject to:

- Submitting a revised site plan to indicate all parking spaces for vehicles for sale as well as customer parking with parking space and drive-aisle dimensions. Vehicle traffic flow throughout site should also be identified. If access to the south vehicle access point is desired to be eliminated, a permanent solution should be identified. Refuse storage should also be identified.
- Removal of temporary fencing. Permanent fencing may be installed per Code requirements.
- Removal of illegal sign in the public right-of-way.

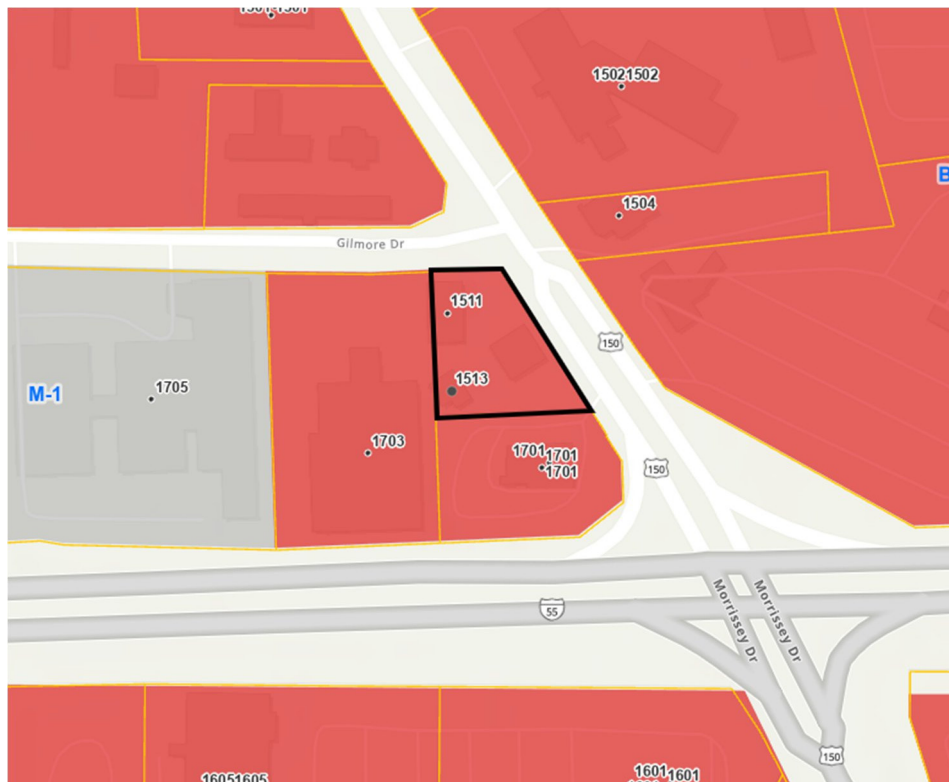
Respectfully submitted,
Jon Branham
City Planner

Attachments:

1. Zoning Map
2. Aerial Image
3. Ground-Level Views

4. Site Plan
5. Neighborhood notice map

Attachment 1 - Zoning Map



Attachment 2 - Aerial Image



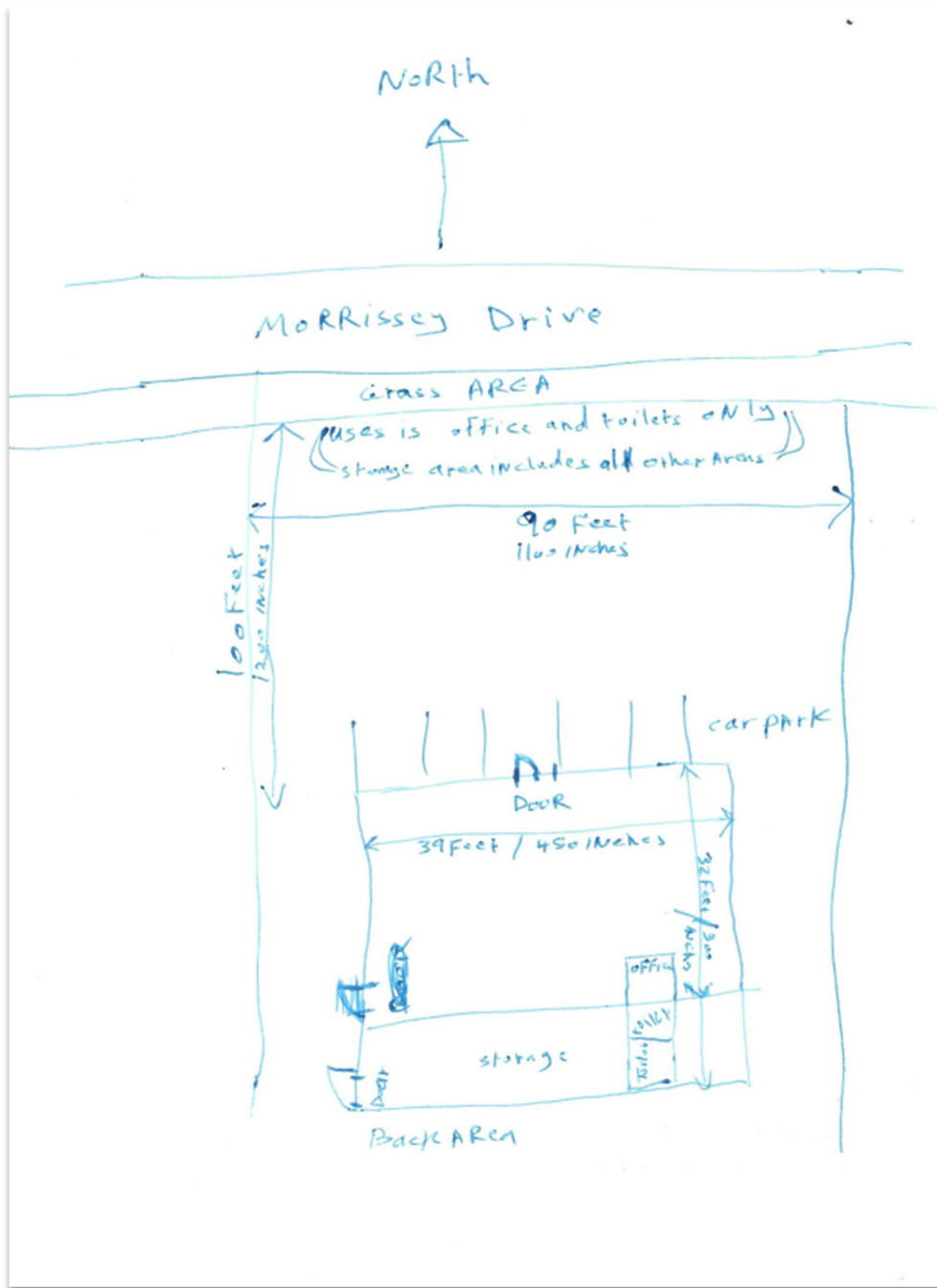
Attachment 3- Ground-Level Views







Attachment 4 - Site Plan



Attachment 5 - Neighborhood notice map

