



BOARD OF ZONING APPEALS - REGULAR SESSION
GOVERNMENT CENTER BOARDROOM, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
WEDNESDAY, JUNE 21, 2023, 4:00 PM

1. Call to Order

2. Roll Call

3. Public Comment

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

4. Consent Agenda

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

- A. Review and approval of the minutes of the May 17, 2023, regular meeting of the Bloomington Zoning Board of Appeals. (Recommended Motion: Motion to accept the minutes, as presented.)

5. Regular Session

- A. SP-14-23 - Public hearing, review, and action on a request submitted by Michael Buragas, for approval of a **Special Use Permit for Chicken-Keeping** for the property located at 1303 E. Washington Street (PIN: 21-03-405-008). (Recommended Motion: Motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend **approval** of the request with no conditions.)
- B. SP-14-23 - Public hearing, review, and action on a request submitted by Cecily Exner, for approval of a **Special Use Permit for Chicken-Keeping** for the property located at 1 Breckenwood Court (PIN: 22-07-303-001). (Recommended Motion: Motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend **approval** of the request with no conditions.)
- C. SP-12-23 - Public hearing, review, and action on a petition submitted by FMB Holding, Inc., requesting approval of a **Special Use Permit** for a Parking Lot in the B-1 (General Commercial) District for the property located at 302-304 Greenwood Avenue (PIN: 21-17-327-002). (Recommended Motion: No action required. The Petitioner has withdrawn the request.)

- D. SP-07-23 - Public hearing, review, and action on a request submitted by Auto House of Bloomington, for approval of a **Special Use Permit** for Vehicle Repair and Service in the B-1 (General Commercial) District, for the property located at 10 Currency Drive (PIN: 21-15-105-002). (Recommended Motion: No action required. Application withdrawn.)
- E. V-07-23 - Public hearing, review, and action on a request submitted by William Galloway for approval of a **Variance** to increase the allowable fence height in the Front Yard from four feet to six feet, in the R-1B (Single Family Residence) District for the property located at 301 Country Lane Road (PIN: 21-02-453-025). (Recommended Motion: Motion to establish findings of fact that all standards for approval of a Variance are met, and to **approve** of the request with no conditions.)
- F. V-06-23 - Public hearing, review, and action on a request submitted by Liliana Taimoorazi for approval of a **Variance** to allow a reduced Front Yard setback in the R-2 (Mixed Residence) District for the property located at 23 Rock Garden Court (PIN: 21-12-231-026). (Recommended Motion: Option 1: Motion to establish findings of fact that all standards for approval of a Variance are met, and to **approve** of the request with no conditions. Option 2: Motion to establish findings of fact that the fifth standard for approval of a Variance is not met, and to **deny** the request.
)

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 BOARD OF ZONING APPEALS: June 21, 2023

WARD IMPACTED: City-Wide Impact

SUBJECT: Review and approval of the minutes of the May 17, 2023, regular meeting of the Bloomington Zoning Board of Appeals.

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

STRATEGIC PLAN LINK:

Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

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

BACKGROUND: N/A

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham

ATTACHMENTS:

[ZBA Minutes - 2023-05-17 DRAFT](#)



**DRAFT MINUTES
BOARD OF ZONING APPEALS - REGULAR SESSION
WEDNESDAY, MAY 17, 2023, 4:00 PM**

The Board of Zoning Appeals convened in regular session at 4:02 PM , May 17, 2023. Chair Michael Straza called the meeting to order.

Roll Call

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

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.

Chair Straza opened the floor for public comment, reminding attendees that public comment is typically reserved for items not on the regular agenda. There was no in-person public comment.

Consent Agenda

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

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

Jon Branham, Staff Liaison directed the clerk to call roll:

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

Motion carried (viva voce).

Item 4.A. Review and approval of the minutes of the April 19, 2023, regular meeting of

the Bloomington Zoning Board of Appeals, as requested by the Economic & Community Development Department.

Regular Session

The following item was presented:

Item 5.A. SP-07-23 - Public hearing, review, and action on a request submitted by Auto House of Bloomington, for approval of a **Special Use Permit** for Vehicle Repair and Service in the B-1 (General Commercial) District, for the property located at 10 Currency Drive (PIN: 21-15-105-002), as requested by the Economic & Community Development Department.

Mr. Branham presented the staff report and background on the request, with a recommendation for approval. He noted key property conditions, including adjacent uses and the character of the area. He noted a landscaping plan has not been submitted that indicates compliance. He recommended an approval be conditioned upon the applicant's final plans meeting the landscaping requirements.

Chair Straza opened the public hearing.

No persons were present to provide testimony.

Chair Straza closed the public hearing.

Board Member Balantini expressed a desire to have the applicant present to discuss to case and the rest of the Board concurred.

Vice Board Chair Ballantini made a motion, seconded by Board Member Harris, to table the case until the next regular meeting to allow the applicant to attend.

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

Motion passed.

The following item was presented:

Item 5.B. SP-08- 23 - Public hearing, review, and action on a request submitted by Preston Holdren, for approval of a **Special Use Permit for Chicken-Keeping** for the property located at 5 Northcrest Court (PIN: 21-02-102-005), as requested by the Economic & Community Development Department.

Mr. Branham advised the Board that the case had been withdrawn by the Applicant and no action is required at this time.

The following item was presented:

Item 5.C. SP-09-23 - Public hearing, review, and action on a request submitted by Kelsey Lachenberg, for approval of a **Special Use Permit for Chicken-Keeping** for the property

located at 2603 Wellington Way (PIN: 21-01-352-008), as requested by the Economic & Community Development Department.

Mr. Branham presented the staff report and background on the request, with a recommendation for approval. He noted key property conditions, including the fully screened rear yard.

Board Member Webb asked for verification that roseters are not permitted. Mr. Branham confirmed.

Chair Straza opened the public hearing.

Austin Lachenberg (2603 Wellington Way) provided further background on the request. He stated his family would like to keep chickens for eggs. He stated they would not consider utilizing them for meat and they would not have roosters.

Comm Harris inquired if the Applicant had previous experience with chickens. Mr. Lachenberg responded he did not but was eager to try it. He described the type of chickens they would have and that the food would be stored in sealed five-gallon containers in the garage.

Board Member Ballantini inquired if the rear yard was currently fenced and asked for further clarification on the coop location. Mr. Lachenberg stated the yard was currently fenced and specifically indicated where the coop would be located.

Board Member Webb inquired whether the Applicant had reached out to neighbors. Mr. Lachenberg stated he had contacted a few who were in favor of the proposal.

Leslie Littell (304 S. Hershey Road) stated she had concerns related to noise and the potential to attract predators. She noted that foxes are already in the neighborhood. She inquired about the factors for approval.

Chair Straza asked staff to review the standards. Mr. Branham read the standards for approving a Special Use from the Code. Board Member Ballantini provided additional information on the requirements for chicken-keeping in the Code.

Ms. Littell added her concerns about drainage and the Applicant's dogs' interaction with the chickens. She inquired whether the coop would be able to be seen above the fence.

Ben Phillips (3 Independence Square) inquired about the size of the chicken coop. He affirmed the prior speaker's statement about drainage in the neighborhood.

Mr. Lachenberg stated the coop would be 51 inches tall, which would be well below the existing six-foot-tall fence. He added that a compost bin is what is recommended for chicken waste. He stated the coop would be approximately 20-feet away from southern property line. He stated he had no issues with drainage in his rear yard. He would provide additional protection for the chickens within the yard if dogs were not agreeable to living with them.

Board Member Ballantini inquired if the image provided was the specific coop model. Mr. Lachenberg confirmed.

Board Member Ballantini inquired about the height requirement for coops. Mr. Branham stated it must be 15-feet or less, which is consistent for all accessory structures.

Board Member Phillips requested clarification on the chicken wire. Mr. Lachenberg stated the chicken wire would be four-feet-tall which would provide additional protection from the dogs, if needed.

Board Member Harris inquired about the waste disposal. Mr. Lachenberg stated it would be composted.

Staff stated they would contact Ms. Littell with information on the research done prior to the passage of the original ordinance and what to do if she has future complaints.

Chair Straza closed the public hearing.

Board Member Harris made a motion, seconded by Vice Board Chair Ballantini to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend approval of the request to Council with no conditions.

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

Motion passed.

The following item was presented:

Item 5.D. SP-10-23 - Public hearing, review, and action on a request submitted by Curt Livesay, for approval of a **Special Use Permit** for a Specialty Food Shop, with drive through, in the M -1 (Restricted Manufacturing) District for the property located at 1601 General Electric Road (PIN: 14-35-201-005), as requested by the Economic & Community Development Department.

Mr. Branham presented the staff report and background on the request, with a recommendation for approval. He noted key property conditions, including adjacent uses and the character of the area. He indicated a new curb cut that would be required off Keaton Place would be provided.

Chair Straza asked for clarification whether the current entrance on the west side would be closed to provide parking spaces. Mr. Branham confirmed.

Chair Straza opened the public hearing.

Curt Livesay (2904 Hubbard Drive) thanked the Board for their time. He provided a presentation, attached to this record as Exhibit "A." He explained the history of his family and how he arrived at the concept being proposed. He introduced the rest of the Jasper's Leadership Team and discussed the business plan and need for the proposed use.

Vice Board Chair Ballantini made a motion, seconded by Board Member Harris, to accept Mr. Livesay's preservation as Exhibit "A."

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

Motion passed.

The Board briefly discussed the proposal and thanked Mr. Livesay for his endeavors.

Chair Straza closed the public hearing.

Board Member Harris made a motion, seconded by Board Member Williams, to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend approval of the request to Council with no conditions.

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

Motion passed.

The following item was presented:

Item 5.E. SP-11-23 - Public hearing, review, and action on a request submitted by Towanda Development Corporation, for approval of a **Special Use Permit** for Multiple-Family Dwellings in the B-1 (General Commercial) District for the property located at 1234 & 1236 E. Empire Street (PINs: 14-34-452-008 & 14-34-452-003), as requested by the Economic & Community Development Department.

Mr. Branham presented the staff report and background on the request, with a recommendation for approval. He noted key property conditions, including adjacent uses and the general character of the area.

Chair Straza opened the public hearing.

Neil Finlen (2709 McGraw Drive) stated he appreciates the coordination with City Staff on moving this project forward. He stated the intent is to assist with current housing crisis. He stated the proposed development is compatible with the area and adjacent developments.

Chair Straza inquired whether there were any concerns with traffic impact. Mr. Finlen stated there was not. He stated they would be combining two existing access points into one and that should improve any current traffic issues.

Board Member Ballantini inquired about the anticipated timeframe. Mr. Finlen stated as soon as possible.

Board Member Webb inquired whether the three stories proposed would fit with the existing aesthetic. Mr. Finlen stated it would closely match what is there now, which are two-and-one-half story units. He stated they would prefer to keep all floors above grade with the new construction.

Chair Straza closed the public hearing.

Board Member Foley made a motion, seconded by Board Member Webb, to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend approval of the request to Council with no conditions.

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

The following item was presented:

Item 5.F. SP-12-23 - Public hearing, review, and action on a petition submitted by FMB Holding, Inc., requesting approval of a **Special Use Permit** for a Parking Lot in the B-1 (General Commercial) District for the property located at 302-304 Greenwood Avenue (PIN: 21-17-327-002), as requested by the Economic & Community Development Department.

Mr. Branham stated that the Applicant had requested the case be continued to the next regular meeting.

Vice Board Chair Ballantini made a motion, seconded by Board Member Harris, to table the case until the next regular meeting to allow the applicant to attend.

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

The following item was presented:

Item 5.G. SP- 13- 23 - Public hearing, review, and action on a request submitted by AAO Rentals, LLC, for approval of a **Special Use Permit** for Single-Family Attached Dwellings in the B-1 (General Commercial) District for the property located at 1418 Woodbine Road (PIN: 15-31-226-022), as requested by the Economic & Community Development Department.

Mr. Branham presented the staff report and background on the request, with a recommendation for approval. He noted key property conditions, including adjacent uses and the general character of the area.

Chair Straza opened the public hearing.

Derrick Williams (4 Waterside Circle) further described the project, and stated they are trying to help address the housing crisis, as previously discussed. He highlighted the combination of single-family and multiple-family uses existing in the area.

Donald Leaver (1421 Norma Drive) stated he did not agree that the second review standard was met. He stated rentals could impact property values differently than owner-occupied units. He expressed concern about drainage. He stated that his rear yard is adjacent to the site and had concerns about screening.

Board Member Ballantini explained that the City's final review are still be required. Staff clarified setback and landscaping requirements, and noted drainage review would also be required.

Andrew Hunt (1405 Winterberry Circle) expressed concerns about traffic and parking as related to childcare center across the street. He inquired when Woodbine Road was going to be connected Pamela Drive.

Ms. Pemberton explained status of Woodbine development southward as part of alternate development and clarified that cannot be a condition of this case as it is an unrelated property owner.

Mr. Williams thanked others for the comments. He stated there was landscaping planned, and emphasized the trees proposed for the entire western border of the property.

Board Member Harris inquired about parking details. Mr. Williams stated there would be an enclosed parking space for each occupant, plus an additional exterior space to allow visitors.

Board Member Foley asked for clarification on landscaping requirements. The Applicant provided and explained the landscaping plan, attached to this record as Exhibit "B."

Chair Straza asked about the ownership of the units. Mr. Williams stated they would be high-end rentals and they want them to be visually attractive. He stated there could be an option to split lots so they could be sold in the future.

Mr. Hunt inquired whether a condition could be added that no parking be allowed on the street adjacent to the use. Staff stated that could not be considered a condition but directed Mr. Hunt to monitor and report any issues.

Chair Straza closed the public hearing.

Vice Board Chair Ballantini made a motion, seconded by Board Member Harris, to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend approval of the request to Council, with the condition that the landscape plan provided during the public hearing is included in the approval.

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

Motion passed.

The following item was presented:

Item 5.H. V-06-23 - Public hearing, review, and action on a request submitted by Liliana Taimoorazi for approval of a Variance to allow a reduced Front Yard setback in the R-2 (Mixed Residence) District for the property located at 23 Rock Garden Court (PIN: 21-12-231-026), as requested by the Economic & Community Development Department.

Mr. Branham presented the staff report and background on the request, with a recommendation for approval. He noted key property conditions, including the curvilinear nature of the front property line.

Board Member Webb recused himself as a resident in the immediate vicinity. Chair Straza inquired whether the Applicant was present. Mr. Branham stated the Applicant was not present.

Board Member Foley made a motion, seconded by Board Member Harris, to table the case until the next regular meeting to allow the applicant to attend.

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

ABSTENTIONS: Board Member Webb.

Motion passed.

New Business

Chair Straza welcomed the new Board Member, Ross Webb. Mr. Webb introduced himself.

Adjournment

Board Member Harris made a motion, seconded by Vice Board Chair Ballantini, to adjourn.

Jon Branham, Staff Liaison directed the clerk to call roll:

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

Motion carried (viva voce).

The Meeting Adjourned at 5:27 p.m.

CITY OF BLOOMINGTON

Chair Michael Straza

Staff Liaison Jon Branham

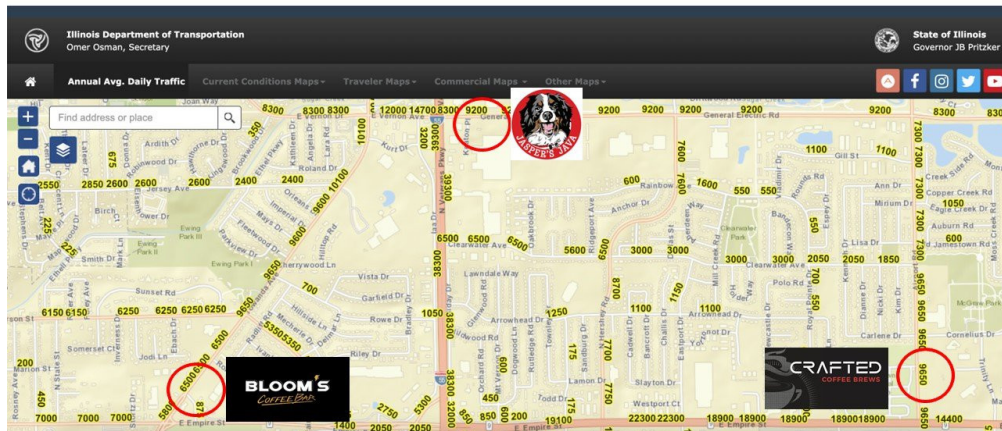
Exhibit A
Jasper's Coffee Presentation (SP-10-23)

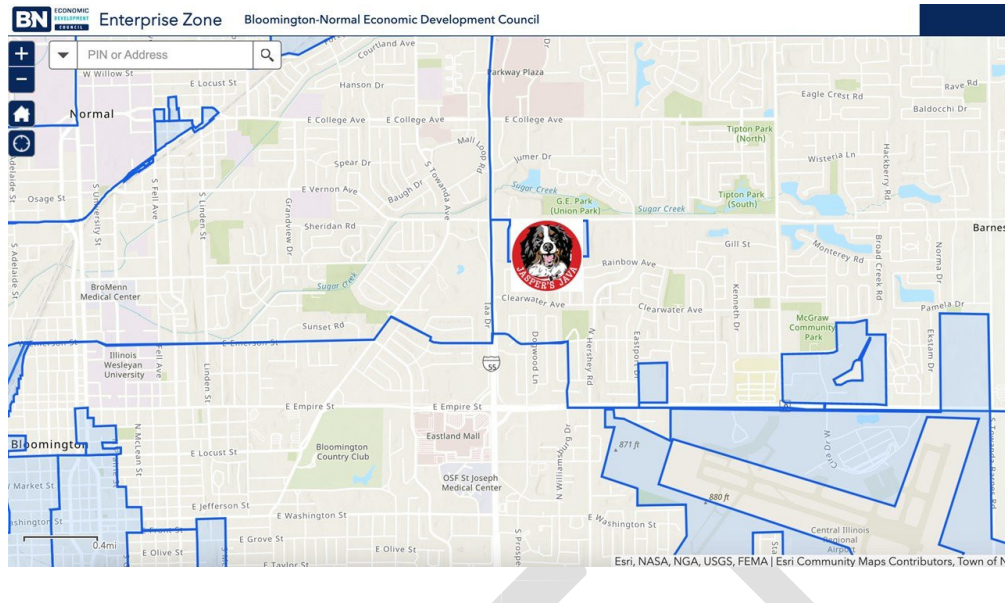






Drive-Thru Coffee - Bloomington





Transformative

*Jasper's Java is committed to helping people
and pets find their forever homes.*

Transformative



Potential Advertising Opportunities

- Social Media



- Local Organization Sponsorship
- Local Business Co-promotion
- Customer Loyalty



FC Central Illinois



Advertising Agreement

This contract serves as an agreement between FC Central Illinois and:

Jasper's Java
Advertiser/Company Name

TBD
Street Address, City, State and Zip Code

TBD
Telephone Number

Curt Livesay
Contact Person

Terms: This contract is non-cancelable by advertiser during the contract period and the advertiser acknowledges full and complete understanding of the terms herein. The advertiser further acknowledges upon signing this contract that it has not relied upon any promise, statement, or representation other than as contained herein and hereby acknowledges receipt of a copy of this contract. Full payment is to be received by FC Central Illinois before the advertisement is displayed. Advertisers will supply their own camera-ready artwork design for their ad and pay for the banner. Make checks payable to FC Central Illinois.



McLean County



SPONSORSHIP AGREEMENT

It is hereby agreed that McLean County PONY Baseball is an organization sanctioned by PONY Baseball/Softball and dedicated to the development of youth through organized baseball and softball competition, agrees to provide:

TEAM SPONSOR:

☐ \$300 PER YEAR

Sponsor has their company name placed on the back of a team uniform and is included on the list of sponsors/advertisers on the website, team homepage, league home page, and published with the team scores in local newspaper.

FIELD SIGN SPONSOR:

☐ 2 Yr Option (\$400 PER YR)
☐ 5 Yr Option (\$1,500; \$100 savings/year)

Sponsor has their company advertisement placed on a 4' x 8' sign located on a fence location and is included on the list of sponsors/advertisers on the website and league home page. A minimum two-year commitment is required to assist in offsetting the cost of creating/installing the sign. **Upgraded locations** are available at premium prices: High Traffic location inside main gate (+\$200/year); 12-month exposure at main gate facing Ireland Grove Road, also includes League Website Banner Sponsor (+\$400/year):

☐ High Traffic Location (+\$200/YR)

☐ 12 Mo Location (+\$400 PER YR)

TEAM/FIELD SIGN COMBO SPONSOR:

☐ \$600 PER YEAR

Sponsor has all of the benefits of a Team Sponsor and Field Sign Sponsor. A minimum two-year commitment is required to assist in offsetting the cost of creating and installing the sign.

SCOREBOARD SIGN SPONSOR:

☐ 2 Yr Option (\$1,000 PER YR)
☐ 5 Yr Option (\$4,500; \$100 savings/year)

Sponsor has their company name placed on the scoreboard and all the benefits of a Team Sponsor & League website banner sponsor.

Advertising / Sponsorship Opportunities



Co-Promotion Opportunities



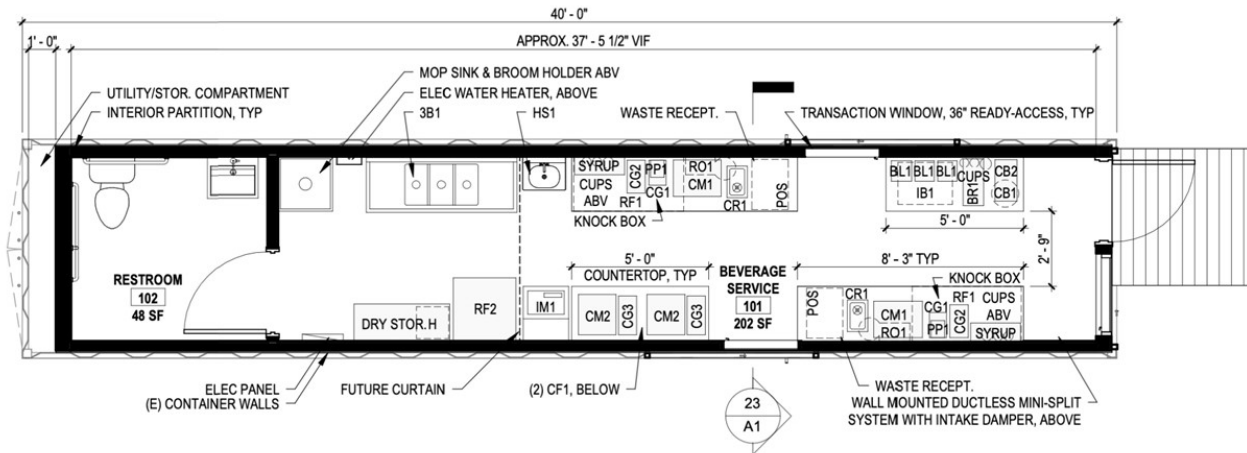
Co-Promotion Opportunities



Local Business Collaboration



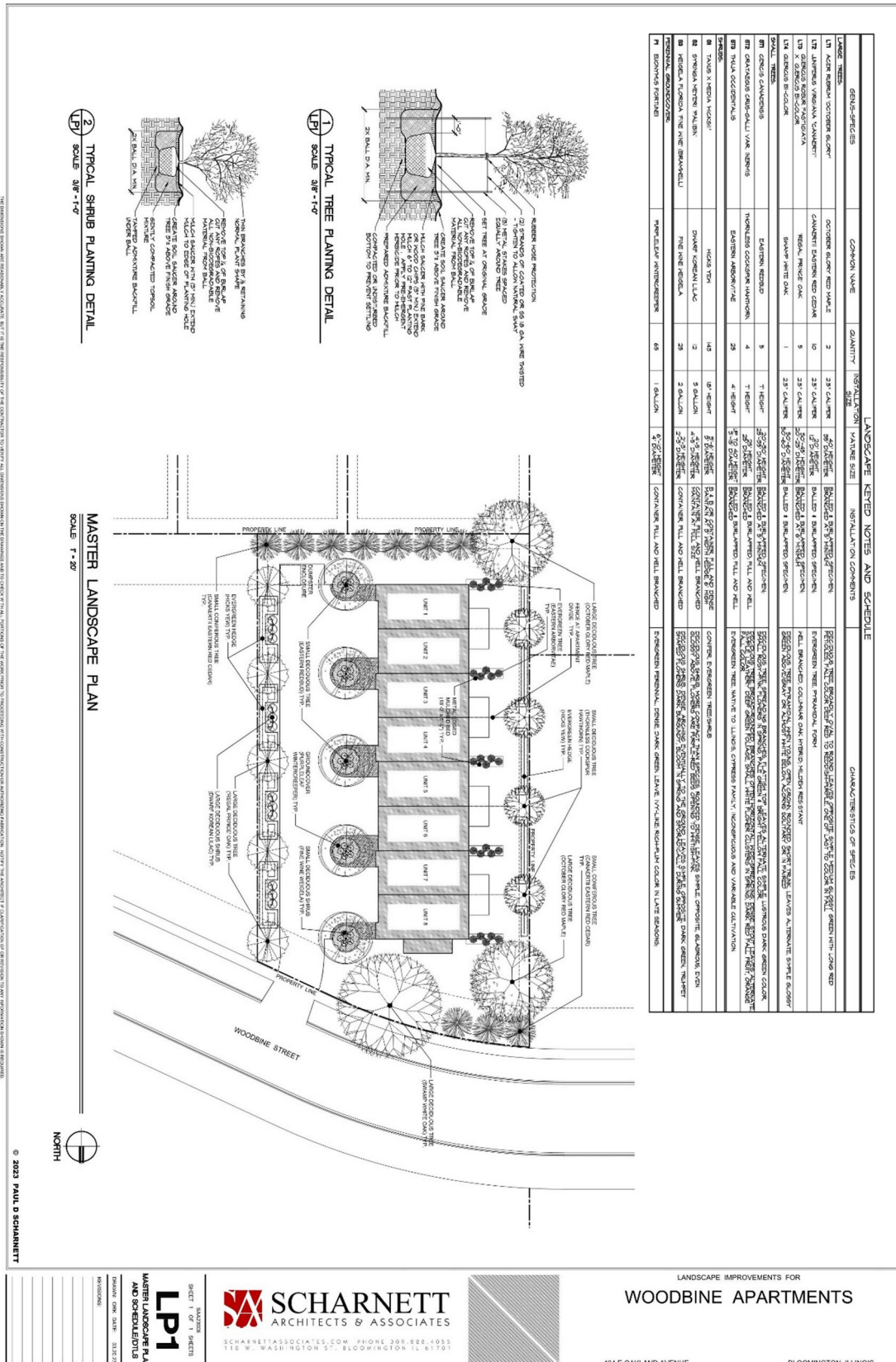
Workbench
COLLABORATIVE



① EQUIPMENT LAYOUT
1/4" = 1'-0"



Exhibit B Single-Family Attached Landscape Plan (SP-13-23)





REGULAR AGENDA ITEM NO. 5.A.

FOR BOARD OF ZONING APPEALS: June 21, 2023

WARD IMPACTED: Ward 4

SUBJECT: SP-14-23 - Public hearing, review, and action on a request submitted by Michael Buragas, for approval of a **Special Use Permit for Chicken-Keeping** for the property located at 1303 E. Washington Street (PIN: 21-03-405-008).

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

STRATEGIC PLAN LINK:

Goal 4. Strong Neighborhoods

STRATEGIC PLAN SIGNIFICANCE:

Objective 4e. Strong partnership with residents and neighborhood associations

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

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice was published in The Pantagraph on Monday, June 5, 2023. Courtesy notices were mailed to 59 property owners within 500 feet of the subject property.

FINANCIAL IMPACT: N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham

ATTACHMENTS:

[SP-14-23 Staff Report - 1303 E Washington St](#)

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: June 21, 2023

CASE NO: SP-14-23, Special Use Permit for Chicken-Keeping

REQUEST: Public hearing, review, and action on a request submitted by Michael Buragas for approval of a Special Use Permit for Chicken-Keeping in the R-1B (Single-Family Residence) District, for the property located at 1303 E. Washington Street. PIN: 21-03-405-008.

BACKGROUND

Request

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

Notice

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, June 5, 2023. Courtesy notices were mailed to 59 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics

The property at 1303 E. Washington Street consists of 0.30 acres of land located near the southeast intersection of E. Washington Street and Kreitzer Avenue. It is improved with a single-family home, with a parking pad for vehicles located in the rear yard. The rear yard of this property, where the coop will be located, is partially screened by a six-foot-tall solid fence.

Surrounding Zoning and Land Uses

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

Description of Current Zoning District

The R-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 (§ 44-401B).

Subject Code Requirements

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

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

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

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

STANDARDS FOR REVIEW

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

Special Use Permit to allow Chicken-Keeping in the R-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 the setback requirements of § 44-1011. Chapters 8 & 22 of the City Code provide enforcement mechanisms, should the coop and enclosure fall into disrepair. Standard is met.

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

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

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

The location of the coop meets the minimum setback requirements from the side and rear property lines. The portion of the property where the coop will be placed is entirely screened from neighbors to the east by fencing. The coop and run are movable and, should the petitioner move, can be easily removed from the property. The Code defines Chicken-keeping as an appropriate accessory use for single-family dwellings, and this petition would not impede the normal and orderly

development of surrounding properties in any way that was not already weighed—and determined to be appropriate—by the existence of the Special Use in the Code. Standard is met.

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

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

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

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

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

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

STAFF RECOMMENDATION

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

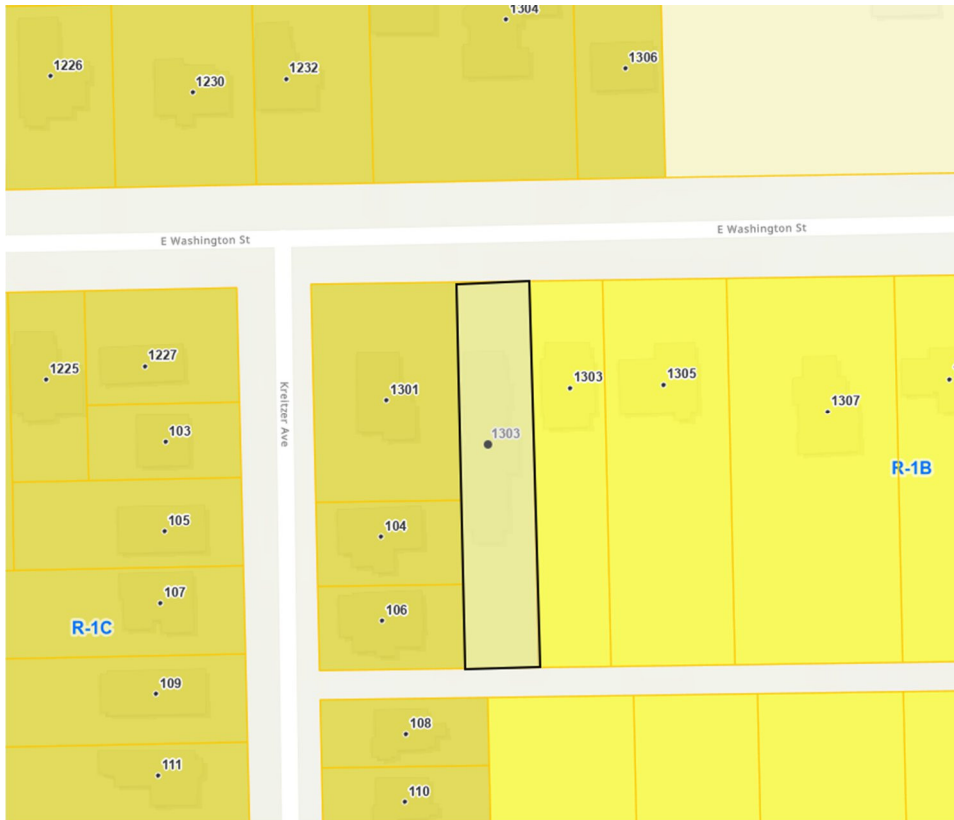
Motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend approval of the request with no conditions.

Respectfully submitted,
Jon Branham
City Planner

Attachments:

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



Attachment 4 - Petitioner-Submission - Description of Project

We would like to house up to four chickens in an exterior coop in our rear yard, in compliance with Bloomington Zoning Code, Chapter 44, 10-11.

Attachment 5 - Site Plan



Attachment 6 - Neighborhood notice map





REGULAR AGENDA ITEM NO. 5.B.

FOR BOARD OF ZONING APPEALS: June 21, 2023

WARD IMPACTED: Ward 8

SUBJECT: SP-14-23 - Public hearing, review, and action on a request submitted by Cecily Exner, for approval of a **Special Use Permit for Chicken-Keeping** for the property located at 1 Breckenwood Court (PIN: 22-07-303-001).

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

STRATEGIC PLAN LINK:

Goal 4. Strong Neighborhoods

STRATEGIC PLAN SIGNIFICANCE:

Objective 4e. Strong partnership with residents and neighborhood associations

BACKGROUND: The Petitioner seeks a Special Use Permit to allow Chicken-Keeping in the R-2 (Mixed Residence) District, per § 44-1011, which states, "On lots less than or equal to one acre with a primary use of a single-family or two-family dwelling...the keeping of up to four chickens may be permitted with special use permit as an accessory use..."

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice was published in The Pantagraph on Monday, June 5, 2023. Courtesy notices were mailed to 72 property owners within 500 feet of the subject property.

FINANCIAL IMPACT: N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham

ATTACHMENTS:

[SP-15-23 Staff Report - 1 Breckenwood Ct](#)

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: June 21, 2023

CASE NO: SP-09-23, Special Use Permit for Chicken-Keeping

REQUEST: Public hearing, review, and action on a request submitted by Cecily Exner for approval of a Special Use Permit for Chicken-Keeping in the R-2 (Mixed Residence) District, for the property located at 1 Breckenwood Court. PIN: 22-07-303-001.

BACKGROUND

Request

The Petitioner seeks a Special Use Permit to allow Chicken-Keeping in the R-2 (Mixed Residence) District, per § 44-1011, which states, “On lots less than or equal to one acre with a primary use of a single-family or two-family dwelling...the keeping of up to four chickens may be permitted with a Special Use Permit as an accessory use...” No waivers to the subject Use Provisions are requested.

Notice

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, June 5, 2023. Courtesy notices were mailed to 72 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics

The property at 1 Breckenwood Court consists of 0.20 acres of land located at the intersection of Breckenwood Court and Streid Drive in the Breckenwood Subdivision. It is improved with a single-family home with an attached garage. The rear yard of this property, where the coop will be located, is entirely screened by a six-foot-tall solid fence.

Surrounding Zoning and Land Uses

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

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

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

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

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

STANDARDS FOR REVIEW

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

Special Use Permit to allow Chicken-Keeping in the R-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. Chapters 8 & 22 of the City Code provide enforcement mechanisms, should the coop and enclosure fall into disrepair. Standard is met.

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

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

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

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

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

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

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

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

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

The proposed Special Use is subject to, and conforms with, both the use provisions for Chicken-Keeping as stated in Chapter 44, 10-11 and the regulations of the R-2 (Mixed Residence) District. In addition, Special Use Permits are enforceable and revokable, should such use become a nuisance, be destroyed, or cease operations for a specific period. Standard is met.

STAFF RECOMMENDATION

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

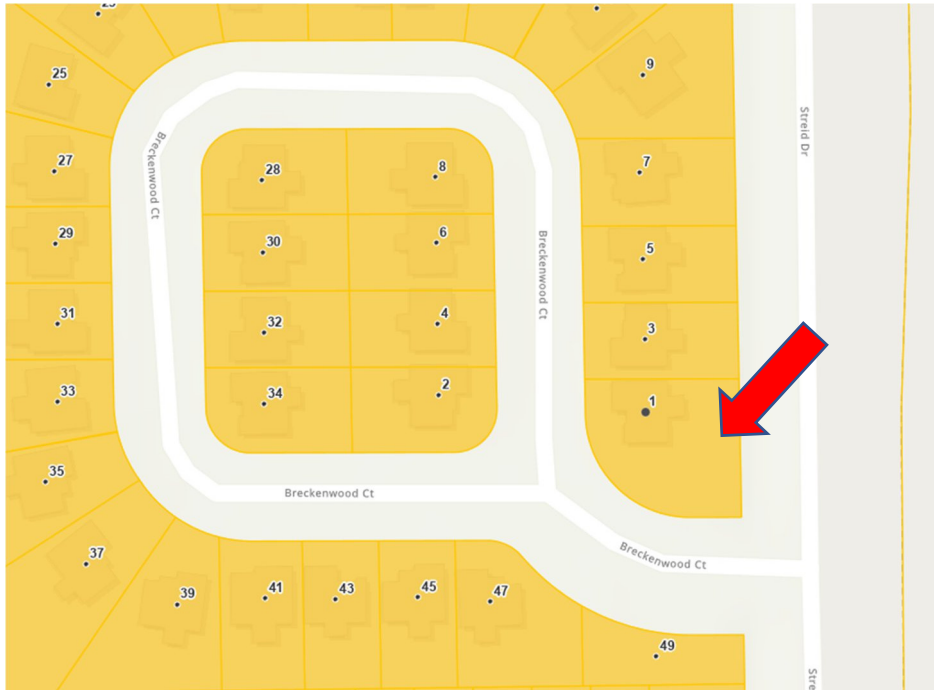
Motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend approval of the request with no conditions.

Respectfully submitted,
Jon Branham
City Planner

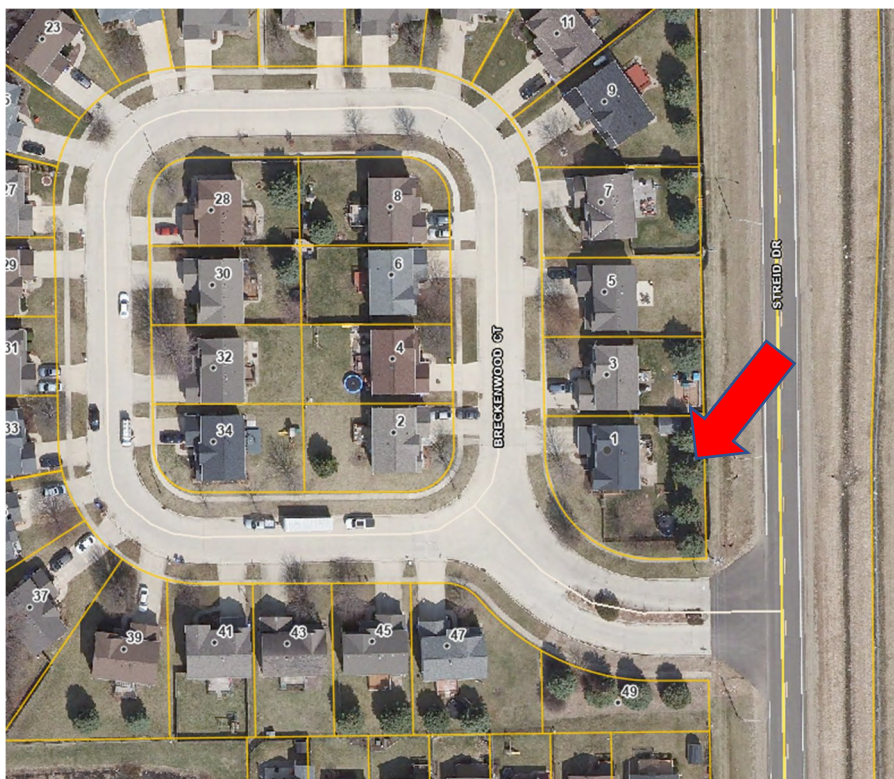
Attachments:

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

Attachment 1 - Zoning Map



Attachment 2 - Aerial Image



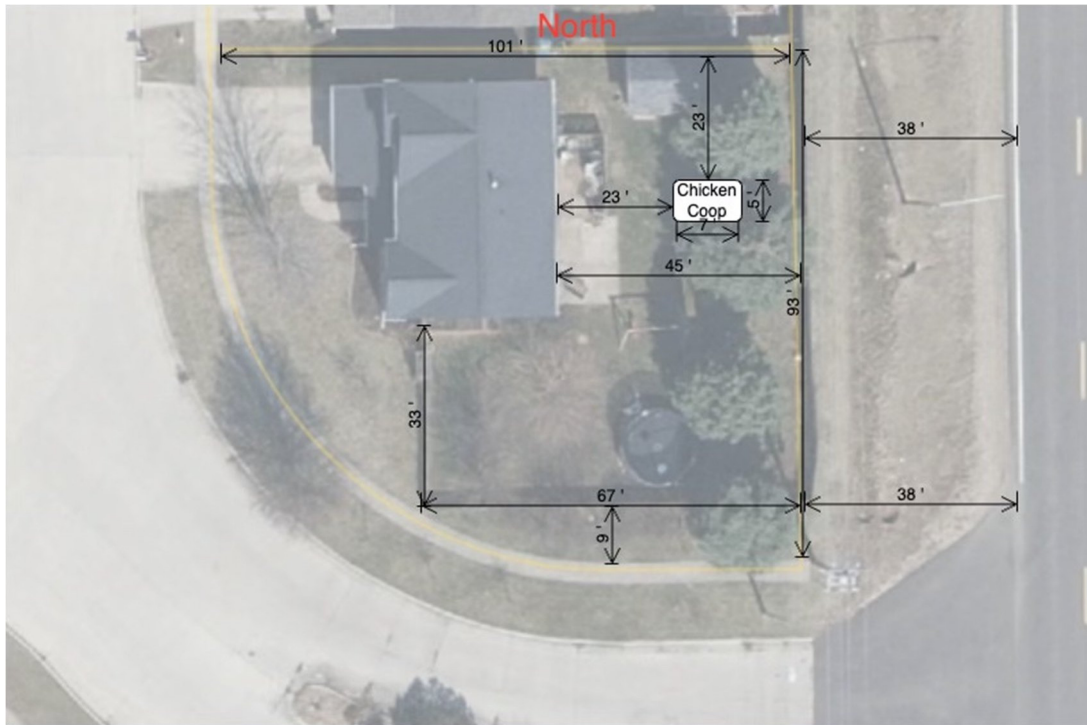
Attachment 3- Ground-Level View



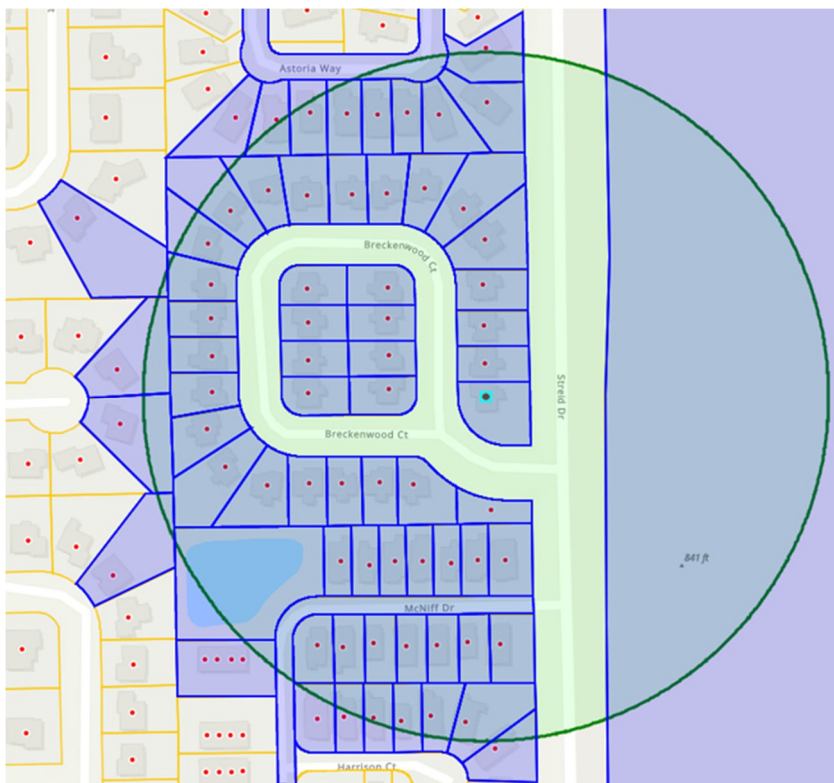
Attachment 4 - Petitioner-Submission - Description of Project

I would like to put a small chicken coop in my backyard to house up to four chickens. It will be at least ten feet from property lines.

Attachment 5 - Site Plan



Attachment 6 - Neighborhood notice map





REGULAR AGENDA ITEM NO. 5.C.

FOR BOARD OF ZONING APPEALS: June 21, 2023

WARD IMPACTED: Ward 2

SUBJECT: SP-12-23 - Public hearing, review, and action on a petition submitted by FMB Holding, Inc., requesting approval of a **Special Use Permit** for a Parking Lot in the B-1 (General Commercial) District for the property located at 302-304 Greenwood Avenue (PIN: 21-17-327-002).

RECOMMENDED MOTION: No action required. The Petitioner has withdrawn the request.

STRATEGIC PLAN LINK:

Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:

Objective 5b. City decisions consistent with plans and policies

BACKGROUND: N/A

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice was published in The Pantagraph on Tuesday, May 2, 2023. Courtesy notices were mailed to 12 property owners within 500 feet of the subject property.

FINANCIAL IMPACT: N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham

ATTACHMENTS:

[SP-12-23 - Staff Report - 302-304 Greenwood Ave - withdraw](#)



ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: June 21, 2023

CASE NO: SP-12-23, Special Use Permit for a Parking Lot

REQUEST: Public hearing, review, and action on a petition submitted by FMB Holding, Inc. requesting approval of a Special Use Permit for a Parking Lot in the B-1 (General Commercial) District, for the property located at 302-304 Greenwood Avenue. PIN: 21-17-327-002. CONTINUED FROM MAY MEETING

The Petitioner has withdrawn the request.



REGULAR AGENDA ITEM NO. 5.D.

FOR BOARD OF ZONING APPEALS: June 21, 2023

WARD IMPACTED: Ward 1

SUBJECT: SP-07-23 - Public hearing, review, and action on a request submitted by Auto House of Bloomington, for approval of a **Special Use Permit** for Vehicle Repair and Service in the B-1 (General Commercial) District, for the property located at 10 Currency Drive (PIN: 21-15-105-002).

RECOMMENDED MOTION: No action required. Application withdrawn.

STRATEGIC PLAN LINK:
Goal 3. Grow the Local Economy

STRATEGIC PLAN SIGNIFICANCE:
Objective 3a. Retention and growth of current local businesses

BACKGROUND: N/A

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in The Pantagraph on Tuesday, May 2, 2023. Courtesy notices were mailed to 22 property owners within 500 feet of the subject property.

FINANCIAL IMPACT: Growth of local tax base.

Respectfully submitted for consideration.

Prepared by: Jon Branham

ATTACHMENTS:
[SP-07-23 - Staff Report - 10 Currency Dr - June - withdraw](#)



ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: June 21, 2023

CASE NO: SP-07-23, Special Use Permit for Vehicle Repair & Service

REQUEST: Public hearing, review, and action on a request submitted by Auto House of Bloomington, requesting the approval of a Special Use Permit for Vehicle Repair & Service in the B-1 (General Commercial) District, for the property located at 10 Currency Drive. PIN: 21-15-105-002.

The Petitioner has requested to have the case withdrawn.



REGULAR AGENDA ITEM NO. 5.E.

FOR BOARD OF ZONING APPEALS: June 21, 2023

WARD IMPACTED: Ward 5

SUBJECT: V-07-23 - Public hearing, review, and action on a request submitted by William Galloway for approval of a **Variance** to increase the allowable fence height in the Front Yard from four feet to six feet, in the R-1B (Single Family Residence) District for the property located at 301 Country Lane Road (PIN: 21-02-453-025).

RECOMMENDED MOTION: Motion to establish findings of fact that all standards for approval of a Variance are met, 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 Petitioner seeks a Variance from § 44-910C, the requirement of a maximum of four-foot-tall fence in the Front Yard, to allow a six-foot-tall fence in the Front Yard at the property.

The Petitioner desires to construct a six-foot tall cedar board-on-board fence at the property. The property is a corner lot with an existing four-foot chain-link style fence along the north property line. Because this is a corner lot, the Front Yard extends along both street frontages. The maximum permitted height on a fence in the Front Yard in the subject zoning district is four feet. The Petitioner wishes to replace portions of the chain-link fence with a tall non-transparent fence in the same location for additional privacy.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice was published in The Pantagraph on Monday, June 5, 2023. Courtesy notices were mailed to 60 property owners within 500 feet of the subject property.

FINANCIAL IMPACT: N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham

ATTACHMENTS:

[V-07-23 - Staff Report - 301 Country Lane Rd](#)

TO: ZONING BOARD OF APPEALS
FROM: Economic & Community Development Department
DATE: June 21, 2023
CASE NO: V-07-23, Variance from § 44-910C of the Zoning Code
REQUEST: Public hearing, review, and action on a request submitted by William Galloway for a Variance from § 44-910C of the Zoning Code, to increase the allowable fence height in the R-1B (Single-Family Residence) District, for the property located at 301 Country Lane Road. PIN: 21-02-453-025.

BACKGROUND

Request

The Petitioner seeks a Variance from § 44-910C, the requirement of a maximum of four-foot-tall fence in the Front Yard, to allow a six-foot-tall fence in the Front Yard at the property.

The Petitioner desires the Variance for the construction of a six-foot tall cedar board-on-board fence at the property. The property is a corner lot with an existing four-foot-chain-link style fence along the north property line. Because this is a corner lot, the Front Yard extends along both street frontages. The maximum permitted height on a fence in the Front Yard in the subject zoning district is four feet. The Petitioner wishes to replace portions of the chain-link fence with a tall non-transparent fence in the same location for additional privacy.

Notice

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, June 5, 2023. Courtesy notices were mailed to 60 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics

The property at 301 Country Lane Road consists of approximately 0.30 acres of land at the intersection of Country Lane and Hall Court, in the Oakland Suburban Heights Subdivision. The property is surrounded by single-family residential zoning and dwellings. Necessary streets and infrastructure are already existing. A four-foot-tall chain link fence also is existing at the property.

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 (§ 44-401B).

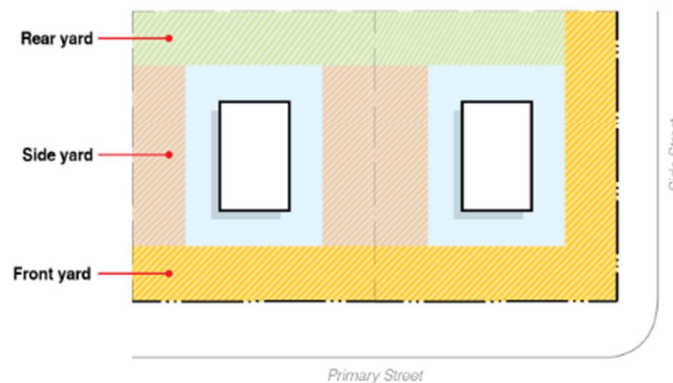
Subject Code Requirements

§ 44-910C. Maximum Fence Height.

Table 910: Maximum Permitted Fence Height

Districts	Front yard	Side Yard	Rear Yard
Agricultural Districts	8 feet	8 feet	8 feet
Residential Districts	4 feet	6 feet	6 feet
Business Districts	4 feet	8 feet	8 feet
Manufacturing Districts	—	—	—
Public Interest Districts	4 feet	8 feet	8 feet

**Diagram 910
Maximum Permitted Fence Height**



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 is restrictive regarding the allowed fenced area due to the nature of the property as a corner lot. The property has existing four-foot-tall fencing which extended into the Front Yard and encloses the Rear Yard. Approximately 20-foot-tall evergreen trees also surround a portion of the existing fenced area. The Petitioner is seeking to extend the height of the fence at locations where vision will not be impacted. Standard is met.

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

The Variance would allow for replacement of existing fencing at an increased height at the residence and would allow relief to the applicant to create additional security and privacy. 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. 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. Granting allows the applicant to make reasonable use of their property. The fence would be replacing an existing fence in the same location and is not being expanded. 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 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 of a Variance are met, carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner, and to approve the petition for a Variance to § 44-910C, as presented.

Respectfully submitted,
Jon Branham
City Planner

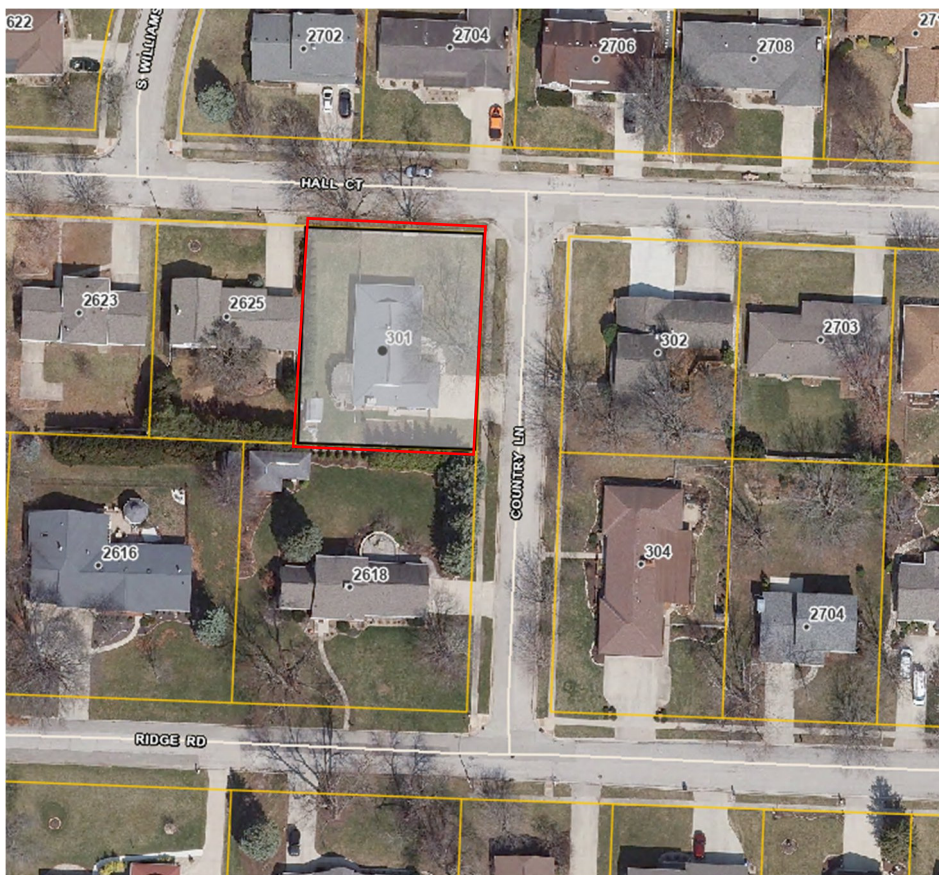
Attachments:

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



Attachment 3 - Ground-Level View



Attachment 4 - Petitioner-Submission - Description of Project

Requesting a variance to install a 6 foot fence to replace our current chain length fence at 301 Country Lane Bloomington. This is a corner lot, but the 6 ft fence will be at the back of the house and not a visibility problem for the corner.

Attachment 5 - Site Plan

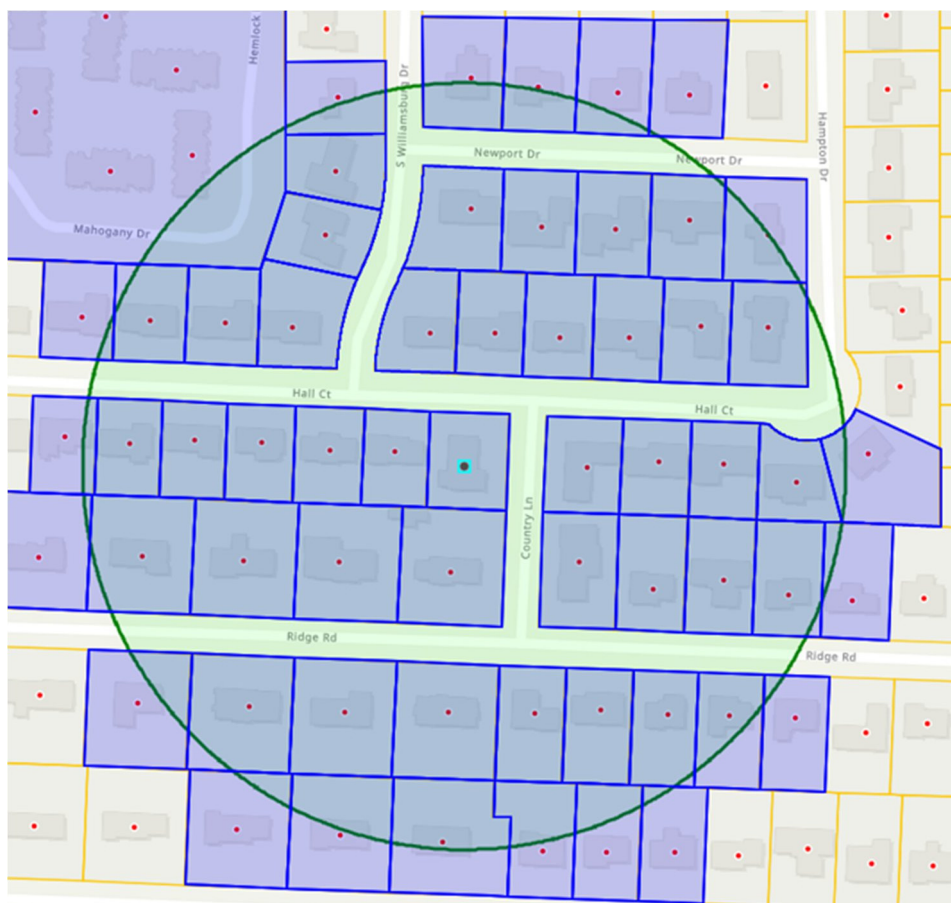


Existing Fence
Chain Link

Fence to Replace



Attachment 6 - Neighborhood notice map





REGULAR AGENDA ITEM NO. 5.F.

FOR BOARD OF ZONING APPEALS: June 21, 2023

WARD IMPACTED: Ward 3

SUBJECT: V-06-23 - Public hearing, review, and action on a request submitted by Liliana Taimoorazi for approval of a **Variance** to allow a reduced Front Yard setback in the R-2 (Mixed Residence) District for the property located at 23 Rock Garden Court (PIN: 21-12-231-026).

RECOMMENDED MOTION: Option 1: Motion to establish findings of fact that all standards for approval of a Variance are met, and to **approve** of the request with no conditions.
Option 2: Motion to establish findings of fact that the fifth standard for approval of a Variance is not met, and to **deny** the request.

STRATEGIC PLAN LINK:

Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:

Objective 5b. City decisions consistent with plans and policies

BACKGROUND: The Petitioner seeks a Variance from § 44-403A, the requirement of a minimum of 25-foot front yard, to allow a 22-foot front yard on the east side of the property. The Petitioner desires the Variance to construct an attached garage addition (12'x 22') to the existing residence. The curvilinear nature of the street would allow for the 25-foot front yard setback to be met on the northernmost corner of the proposed garage, but not on the southern corner.

This case was continued from the May 17, 2023 meeting.

Since the time of the originally scheduled hearing, Protective Covenants related to the property have been identified (McLean County Recorded Document 2023-2275), that include "Subdivision and no structural encroachments into the front yard or corner front yard as depicted on said plat shall be authorized," which would preclude legal construction of the proposed addition, even with an approved Variance. This consideration may impact whether factor five (5), "That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonable impair the use or development of adjoining properties" for granting a Variance is met.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice was published in The Pantagraph on Tuesday, May 2, 2023. Courtesy notices were mailed to 32 property owners within 500 feet of the subject property.

FINANCIAL IMPACT: N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham

ATTACHMENTS:

[V-06-23 - Staff Report - 23 Rock Garden Ct - June](#)

TO: ZONING BOARD OF APPEALS
FROM: Economic & Community Development Department
DATE: June 21, 2023
CASE NO: V-06-23, Variance from § 44-403 of the Zoning Code
REQUEST: Public hearing, review, and action on a request submitted by Liliana Taimoorazi for a Variance from § 44-403 of the Zoning Code, to allow a reduced Front Yard setbacks in the R-2 (Mixed Residence) District, for the property located at 23 Rock Garden Court. PIN: 21-12-231-026. CONTINUED FROM THE MAY MEETING.

BACKGROUND

Request

The Petitioner seeks a Variance from § 44-403A, the requirement of a minimum of 25-foot front yard, to allow a 22-foot front yard on the east side of the property.

The Petitioner desires the variance for the construction of an attached garage addition (12'x 22') to the existing residence. The curvilinear nature of the street would allow for the 25-foot front yard setback to be met on the northernmost corner of the proposed garage, but not on the southern corner.

Update

This case was continued from the May meeting, as the Petitioner was not present.

Notice

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Tuesday, May 2, 2023. Courtesy notices were mailed to 32 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics

The property at 23 Rock Garden Court consists of approximately 0.21 acres of land near the intersection of Eddy Road and Rock Garden Court, in the Old Farm Lakes Gardens Resubdivision. The property is surrounded by a mix of residential zoning and dwellings. Necessary streets and infrastructure are already existing.

Surrounding Zoning and Land Uses

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

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

§ 44-403A. Site dimensions table. All development in Residential Districts must comply with the requirements in Tables 403A through 403D and Diagram 403A unless otherwise expressly stated.

Table 403B: Bulk and Site Standards R-2 District								
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-2								
Detached Residential	50 feet	6,600	25 feet	6 feet	25 feet	6,600	35 feet	2.5
Attached and Multi-Residential	75 feet	7,000	25 feet	6 feet	25 feet	3,300	35 feet	2.5
Other Uses	50 feet	7,000	25 feet	6 feet	25 feet	7,000	15 feet	1

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 is restrictive regarding the buildable area due to the curvilinear nature of the property and street. The structure was constructed many years ago without consideration of potential expansion. The Petitioner meets the required setback partially but not completely due to the property irregularity, which is the reason for the variance. Standard is met.

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

The Variance would allow for an expansion of an existing garage at the residence and would allow relief to the applicant to create an additional garage bay. 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. 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. Granting allows the applicant to make 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. 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:

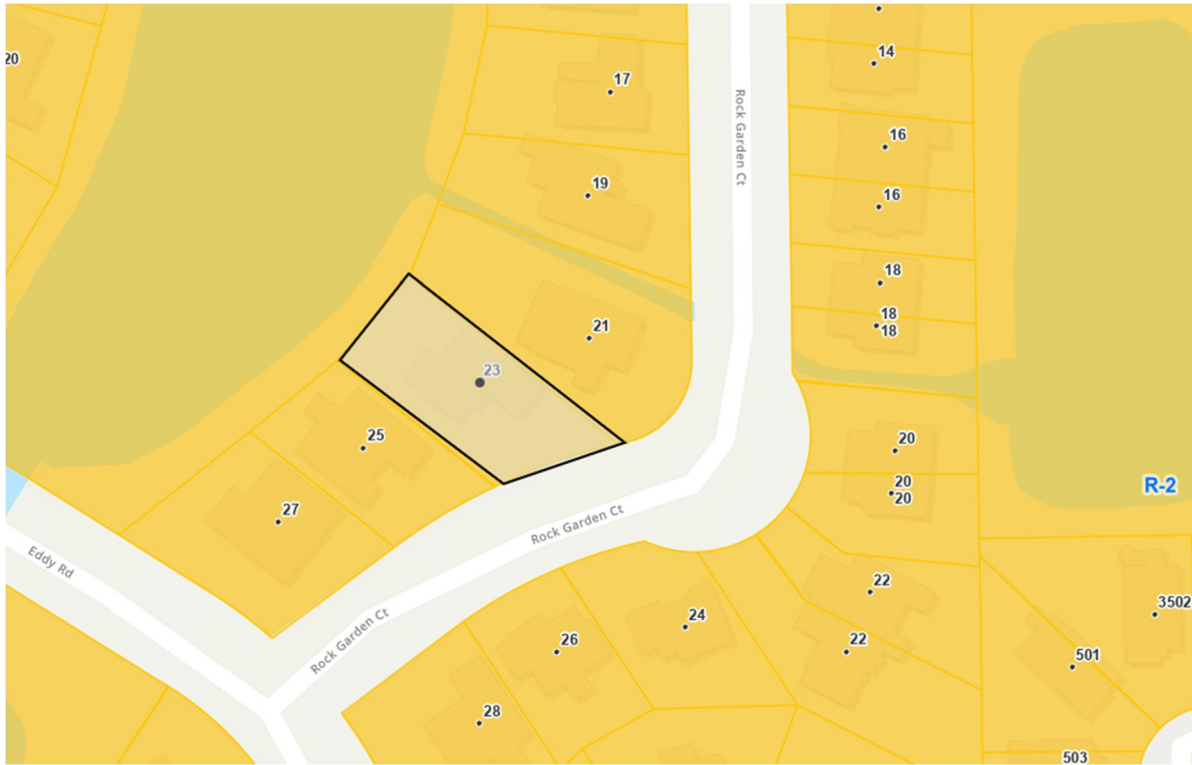
Motion to establish findings of fact that the standards for approval a Variance are met, carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner, and to approve the petition for a Variance to § 44-403A, as presented.

Respectfully submitted,
Jon Branham
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



Attachment 3 - Ground-Level View

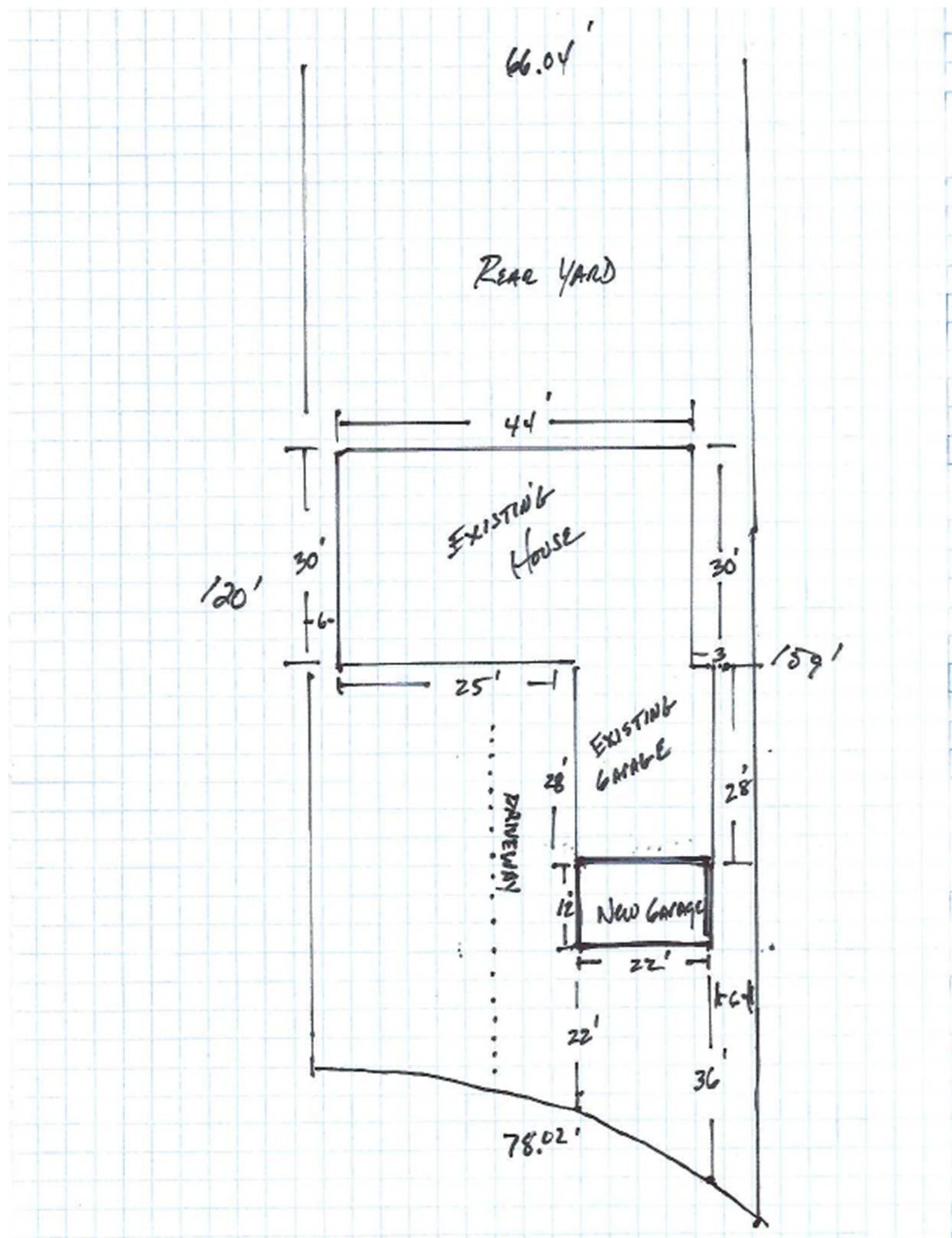


Attachment 4 - Petitioner-Submission - Description of Project

3rd car garage addition 12x22.

Due to curve of lot front 12 square feet of relief is all we are requesting for variance

Attachment 5 - Site Plan



Attachment 6 - Neighborhood notice map

