



AGENDA
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING
CITY HALL COUNCIL CHAMBERS
109 EAST OLIVE STREET; BLOOMINGTON, IL 61701
WEDNESDAY, JUNE 20, 2018, AT 4:00 P.M.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT**
- 4. MINUTES** Consideration, review and approval of Minutes from the May 16, 2018 meeting.
- 5. REGULAR AGENDA**
 - A. Z-12-18** Consideration, review and action of a petition submitted by Randy Walker for a variance to allow a reduction in rear yard setback at 303 Seville Rd. (Ward 8).
 - B. Z-14-18** Consideration, review and action of a petition submitted by Robert Datley for a variance to allow a reduction in number of parking spaces by 1 parking space at 802 N Main St. (Ward 6).
- 6. OTHER BUSINESS**
- 7. NEW BUSINESS**
 - A. Introduction of New Commission – Terry Ballantini
- 8. ADJOURNMENT**

**DRAFT MINUTES
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, MAY 16, 2018
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

Members present: Mr. Jeff Brown, Ms. Barbara Meek, Mr. Robert Schultz, Ms. Victoria Harris and Chairman Tristan Bullington

Members absent: Mr. Richard Veitengruber

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

Chairman Bullington called the meeting to order at 4:02 p.m. Ms. Simpson called the roll; with five members present, the Zoning Board of Appeals established a quorum.

PUBLIC COMMENT: None.

MINUTES: Ms. Harris corrected a scrivener's error on page three of the April 18, 2018. Ms. Harris motioned to approve the minutes as corrected. Ms. Meek seconded the motion. The Board approved the minutes by voice vote 5-0.

REGULAR AGENDA

Z-11-18 Consideration, review and approval of a petition submitted by COB on behalf of FOB Development for a 5 foot reduction in required parking lot landscaping setback in lieu of 12 feet along the western edge of the property all south of platted lot 13 of Empire Business Park development.

Chairman Bullington introduced the case. Ms. Simpson was sworn in and presented the case. She explained the city is submitting the petition on behalf of FOB Development. Ms. Simpson described the subject property, zoning, and surrounding uses. She explained the subject property is located at the northeast corner of Airport Rd and Route 9, and is vacant. The owner has plans to subdivide the land and develop the site with medical offices. Ms. Simpson stated the city requested a similar variance last year for the northern lot, Lot 13. She stated that due to increased development the City is requesting a variance for the rest of the western lots. She explained that staff believes the City created a hardship when the City widened Airport Rd and there is no longer enough land to locate a sidewalk safely on the east side of the road. Ms. Simpson presented staff's analysis and findings of fact.

No one spoke in favor of the petition. No one spoke against the variance request. Mr. Schultz motioned to adopt the staff finding of facts. Ms. Meek seconded the motion. The motion passed 5-

0 with the following votes cast: Mr. Schultz—yes; Ms. Meek—yes; Ms. Harris—yes; Mr. Brown—yes; Chairman Bullington—yes.

The Board voted to approve the variance unanimously, 5-0, with the following votes cast: Mr. Schultz—yes; Ms. Meek—yes; Ms. Harris—yes; Mr. Brown—yes; Chairman Bullington—yes.

OTHER BUSINESS: None

NEW BUSINESS

Recognition of Appreciation: Chairman Bullington presented a Resolution of Appreciation to Mr. Michael Butts for two years of service with the Zoning Board of Appeals.

ADJOURNMENT

Mr. Brown motioned to adjourn. Ms. Harris seconded the motion. The motion passed unanimously by voice vote. The meeting adjourned at 4:15.

CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
JUNE 20, 2018

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-12-18	303 Seville Rd	Variance	Izzy Rivera, Assistant City Planner

PETITIONER'S REQUEST:

Section of Code: 44.6-40 Bulk Requirements

Type of Variance	Request	Required	Variation
Rear yard setback	24'	30'	6' decrease

Project Description	The petitioner is requesting the variance to allow for the construction of a screened porch.
STAFF RECOMMENDATION:	Staff determines the petition does not meet the Zoning Ordinance's standards required to grant a variance (4.13-4). <i>Staff recommends the Zoning Board of Appeals deny the variance for 303 Seville Rd to allow a reduction in the required rear yard setback from 30' to 24'.</i>



N Δ

NOTICE

The application has been filed in conformance with applicable procedural requirements and public notice was published in *The Pantagraph* on Monday, June 4, 2018.

GENERAL INFORMATION

Owner and Applicant: Randy Walker

PROPERTY INFORMATION

Legal description

FOURTH ADDN TO EAST GATE SUBN S56' LOT 38 & N52' LOT 39

Existing Zoning: R-1B, Medium Density Single-Family Residence District
Existing Land Use: Single Family Home
Property Size: Approximately 13,716 sqft (108' X 127')
PIN: 21-02-353-011

Surrounding Zoning and Land Uses

Zoning

North: R-1B, Medium Density Single Family
South: R-1B, Medium Density Single Family
East: R-1B, Medium Density Single Family
East: R-3A, Medium Density Multiple Family
West: R-1B, Medium Density Single Family

Land Uses

North: Single family homes
South: Single family homes
East: Single family homes
East: Apartments, multiple family homes
West: Single family homes

Analysis

Submittals

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

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

PROJECT DESCRIPTION

Pictured:
303 Seville Rd



Background

The subject property is commonly known as 303 Seville Road and is located in the East Gate Subdivision. The property is located south of E Olive St and east of S Mercer Ave. The lot is approximately 107 feet wide, relatively flat, and larger for the R-1B zoning classification. The minimum lot size width for the R-1B zoning classification is seventy (70) feet. The average lot size width for the block on Seville Rd is 103 feet. The principle structure was built in 1955.

In Chapter 44, open porches and decks are considered permitted obstructions in the required rear yards (44.4-5G.4). However screened in structures would be considered additions that would become part of the principle structure and cannot encroach on the required rear yard. The subject property is larger, however is set back further on the lot leaving less room for larger additions in the rear yard.

Project Description: The petitioner would like to add a screened in porch 15' X 16' (240 sq ft), directly outside the sliding patio door leading into the home. The proposed porch would be behind the home and not visible from the street. The porch would include a roof line coming off the principle structure, thus resulting in the expansion of the current home's footprint. The petitioner is requesting the variance to create a smaller rear yard. The code requires a thirty (30) feet rear yard setbacks measured from the principal structure to the lot line. The petitioner is requesting a six (6) foot decrease in the required rear yard setback from thirty (30) feet to twenty four (24) feet.

The petitioner would like to avoid moving the porch to a different area of the home and not have to install another door, as he would like to have access from the porch to the home. He would also like to place furniture in the porch which needs more space.

The following is a summary of the requested variations:

Applicable Code Sections:

Section of Code: 44.6-40 Bulk Requirements

Type of Variance	Request	Required	Variation
Rear yard setback	24'	30'	6' reduction

Analysis

Variations from Zoning Ordinance

The petitioner is requesting a six (6) ft decrease in the required rear yard setback for the R-1B, Medium Density Single Family Residence District, in order to construct an enclosed porch, resulting in an addition to the principle structure.

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

FINDINGS OF FACT

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

That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and the subject property is larger than the minimum requirements, and following the neighborhood character, is set back further on the lot with a larger front yard setback. The location where the petitioner would like to place the addition has a setback of 39 feet. The petitioner could have 9 feet of depth for a porch without needing a variance. The property complies with all of the other bulk requirements of the code. The standard is not met.

That the variances would be the minimum action necessary to afford relief to the applicant; and the petitioner proposes a structure that has 15 feet of depth, if the porch was widened, and shortened there would be no need for a variance. The petitioner could also move the porch from its proposed location, to a location where there is more space. The proposed structure would encroach the neighboring properties to the west. The Zoning Ordinance outlines rear yard setbacks in order to protect the community and other residents from obstructing views, light and air, and to control density. The standard is not met.

That the special conditions and circumstances were not created by any action of the applicant; and the neighborhood consists of single-family homes situated on similar, larger lots. This gives the petitioner the room to create a porch of reasonable size. The size of the porch the petitioner is requesting is larger than a standard room size and could be reduced in order to avoid a variance. The variance request is directly related to petitioners desire to have the enclosed porch be a specific size and to have room for larger furniture. The petitioner is able to make reasonable use of the property as it exists. The standard is not met.

That granting the variation request will not give the applicant any special privilege that is denied to others by the Code; and the neighborhood consists of various enclosed porches or accessory structures only visible from aerial photography. The petitioner is able to have an enclosed porch by reducing the depth. By granting a variance to reduce the rear yard and approve a larger addition, special privilege could be given to the applicant. The standard is not met.

That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use of development of adjoining properties. Other properties with accessory structure or enclosed porches are able to maintain the required rear yard setbacks. The petitioner would also be permitted to build an enclosed porch by reducing the depth of the porch and staying outside of the required rear yard setback. The Code's bulk regulations are there to maintain open and green spaces and protect views and air circulation. The public welfare is dependent on maintaining these provisions. The standard is not met.

STAFF RECOMMENDATION:

Staff recommends the Zoning Board of Appeals deny the variance for 303 Seville Rd to allow a reduction in the required rear yard setback from 30' to 24'.

Respectfully submitted,

Izzy Rivera
Assistant City Planner

Attachments:

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

2.12.18

App # 37834

APPLICATION TO ZONING BOARD OF APPEALS

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

Site Address: 303 Seville Rd.

Site Address: _____

Petitioner: Randy Walker Phone: _____

Petitioner's Email Address: RSCONSTRUCTION94@YA

Petitioner's Mailing Address Street: 303 Seville Rd.

City, State, Zip Code: Bloomington, IL 61701

Contractual interest in the property ☒ yes ☐ no

Signature of Applicant _____

Brief Project Description:

Add a 15' x 16' screened porch to the back of the house.

Code Requirements Involved:

30' Rear Set back and 6' side Set back

Variances(s) Requested:

Encroach into the rear set back by 6', leaving 24' to the rear property line.

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

This porch Addition would Add Value to the home & Neighborhood. It would help block the Western Sun from the back of our home and provide A shaded area to enjoy the outdoors. The existing house is placed unusually deep on the property, limiting the back Yard space.

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

Chapter 44, Section 9.40(d)

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

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

The house sits unusually far back from the street 52' leaving a minimal space for expansion in the back.

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

The location of the screened porch addition is on the back of the house where the sliding patio door is. Any other placement would require a new door opening to be created. Also any smaller size won't fit a table or furniture.

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

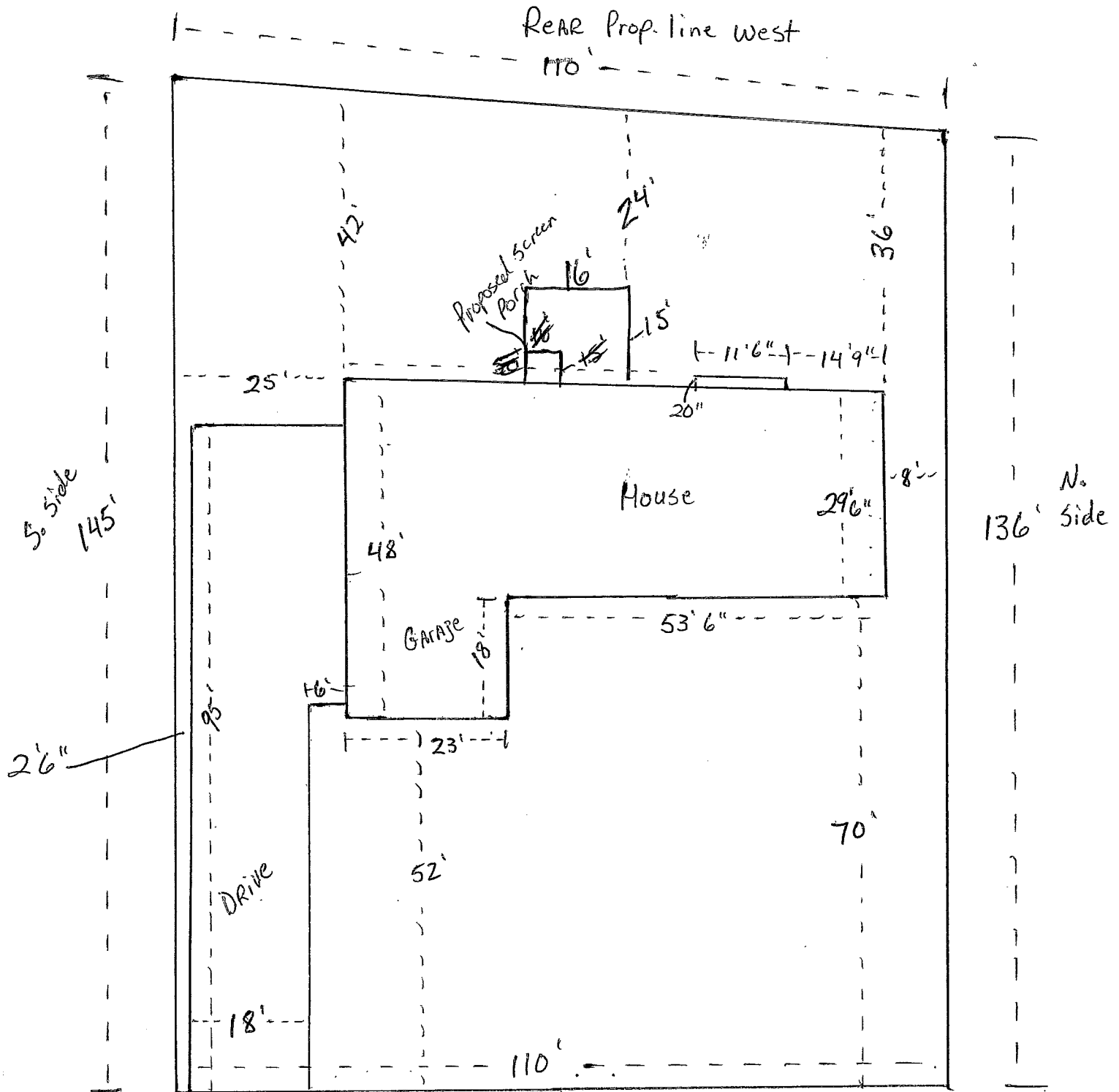
The house again sits unusually far off the street which is what really creates this circumstance.

4. That the granting of the variance requested will not give the applicant any special privilege that is denied to others by the Code; and
- This would not give me any special privilege as the new porch would not be visible from the street and they are rather common in the neighborhood.*

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

This porch addition would have no negative impact on the neighbors. Not visible from the street.

Site Plan for 303 Seville Road

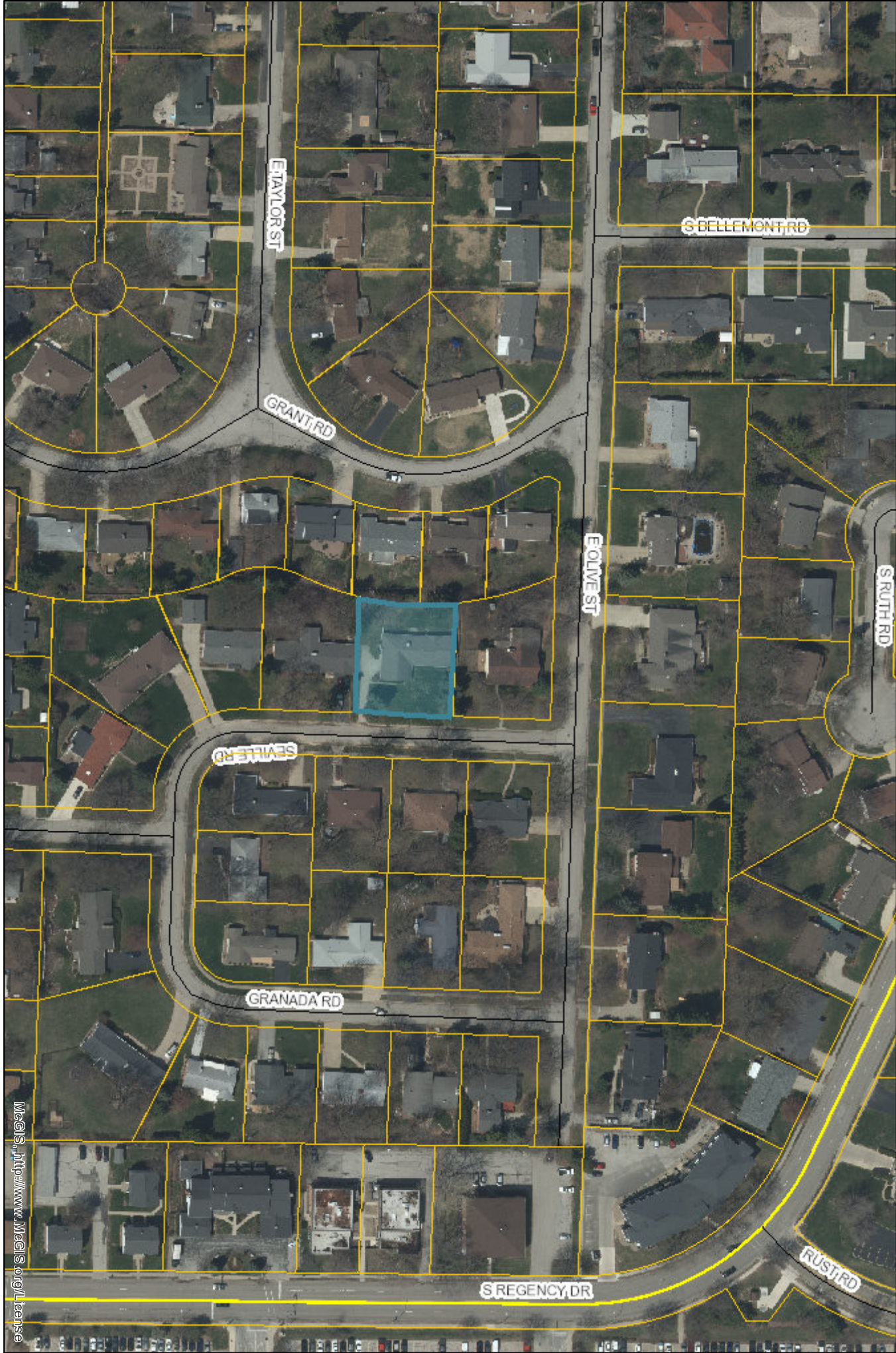


303 Seville Rd.

Legal description

FOURTH ADDN TO EAST GATE SUBN S56' LOT 38 & N52' LOT 39

303 Seville Rd Aerial Map

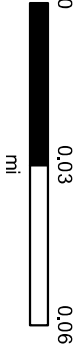


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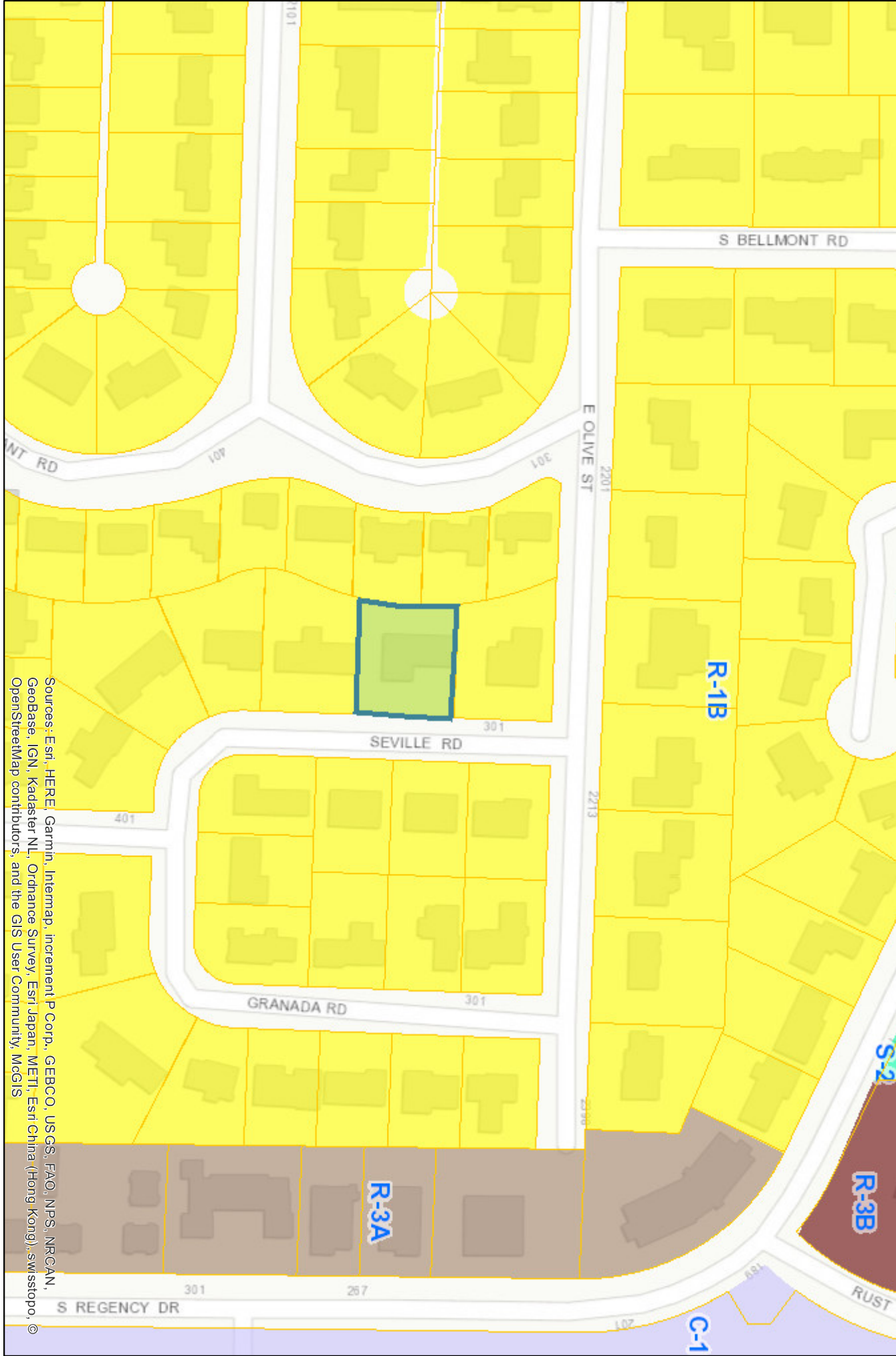


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1 inch = 188 feet



303 Seville Rd Zoning Map

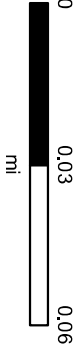


Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, OpenStreetMap contributors, and the GIS User Community, McGIS



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1 inch = 188 feet



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CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
JUNE 20, 2018

Notice is hereby given that the Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, June 20, 2018 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, for the following petitions:

Randy Walker, 303 Seville Rd., Bloomington, IL 61701 PIN: 21-02-353-011 (FOURTH ADDN TO EAST GATE SUBN S56' LOT 38 & N52' LOT 39) requesting a reduction in the required rear yard setback from 30 ft to 24 ft, a 6 foot reduction, to allow the construction of an enclosed porch.

Aaron Uftring of Indigo Hospitality Group for Property at 1505 N Veterans Parkway, Suite A PIN: 14-35-203-004 (H.O.S. SUB LOT 1 1.02 ACRES), requesting a reduction in the required rear yard setback from 5 ft to 2.5, a 2.5 foot reduction, to allow the construction of an addition.

Robert Deatley of Barber & Deatley, Inc for the property at 802 N. Main St. PIN: 21-04-132-010 (ALLIN, GRIDLEY & PRICKETTS ADDN L8 & 9 12) requesting a reduction in required parking spaces from 30 to 29, a 1 space reduction.

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

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

www.pantagraph.com

Public Notices

Hall is equipped with a text telephone (TTY) that may also be reached by dialing 309-829-5115.

Published: Monday, June 4, 2018



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

June 4, 2018

Dear Property Owner or Resident:

The Zoning Board of Appeals will hold a public hearing on **Wednesday June 20, 2018 at 4:00PM in the Council Chambers, 109 E. Olive Street, Bloomington, Illinois** to hear testimony for a petition submitted by Randy Walker for the approval of a variance request, for the property located at **303 Seville Rd** at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent must attend the meeting.

REQUEST

The petitioner is requesting a reduction in the required rear yard setback from 30 ft to 24 ft, a 6 foot reduction, to allow the construction of an enclosed porch.

LEGAL DESCRIPTION: FOURTH ADDN TO EAST GATE SUBN S56' LOT 38 & N52' LOT 39

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

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

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

If you desire more information regarding the proposed petition or have any questions you may email me at irivera@cityblm.org or call me at (309) 434-2448.

Sincerely,

Izzy Rivera, Assistant City Planner

Attachments:

Map of notified properties within 500 ft of subject property



JACOB & NERISSA HOLLOWAY
2204 E OLIVE
BLOOMINGTON, IL 61701

HENRY BRUENS
2114 E JACKSON ST
BLOOMINGTON, IL 61701

RONALD & DOROTHY MURRAY
115 S Regency Dr
Bloomington, IL 61701

BEVERLY KLUDAS
2109 E TAYLOR ST
BLOOMINGTON, IL 617015

MARION STOOPS
2204 E JACKSON ST
BLOOMINGTON, IL 61701

LAURA ELIZABETH COEN
303 GRANADA RD
BLOOMINGTON, IL 61701

DUANE FRICHTL
312 GRANADA RD
BLOOMINGTON, IL 61701

ROBERT SCHULTZ
301 GRANADA RD
BLOOMINGTON, IL 61701

RJV PROPERTIES LLC
125 S BELLEMONT RD
BLOOMINGTON, IL 61701

MARY JANE BRADY
114 S BELLEMONT RD
BLOOMINGTON, IL 61701

KATHLEEN POLLOCK
305 GRANADA RD
BLOOMINGTON, IL 61701

LOGAN VAUGHN
309 GRANADA RD
BLOOMINGTON, IL 61701

ESTHER RAWLINGS
307 GRANADA RD
BLOOMINGTON, IL 61701

JAMES RIEFFEL
309 SEVILLE RD
BLOOMINGTON, IL 61701

DORIS ANN BOBBIT
2116 E JACKSON ST
BLOOMINGTON, IL 61701

ALEX & VANESSA SCHULMAN
304 GRANADA RD
BLOOMINGTON, IL 61701

RODNEY MAUPIN
304 GRANT RD
BLOOMINGTON, IL 61701

MILDRED TEBRUGGE
314 GRANADA RD
BLOOMINGTON, IL 61701

RITA KELLY
310 GRANADA RD
BLOOMINGTON, IL 61701

JACK & FAYE BESS
306 GRANADA RD
BLOOMINGTON, IL 61701

RONALD GARRIGUS
308 GRANADA RD
BLOOMINGTON, IL 61701

JUSTON P & ROBYN SEGLEM
301 SEVILLE RD
BLOOMINGTON, IL 61701

RONALD & NORMA SCOTT
306 SEVILLE RD
BLOOMINGTON, IL 61701

JACQUELINE WAKEFIELD
2302 E OLIVE
BLOOMINGTON, IL 61701

JERRY COX
P O BOX 6011
BLOOMINGTON, IL 61702

RICHARD & DIANA MARIANI
2208 E OLIVE ST
BLOOMINGTON, IL 61701

BRAD & SUZETTE BERNSTEIN
149 KENILWORTH AVE
KENILWORTH 60043

P-W CATTLE CO
21222 Hawthorne Ridge Rd
Downs, IL 61736

CINDY BROWN
2306 E Jackson St
BLOOMINGTON, IL 61701

SECRETARY OF HUD INFORMATION
SYSTEMS NTWK CORP
OKLAHOMA CITY, OK 73107

SALLY HERR
1911 E GONDOLA CT
GILBERT, AZ 85234

MATTHEW CROSBY
302 GRANADA RD
BLOOMINGTON, IL 61701

DAVID WEBER
2115 E TAYLOR ST
BLOOMINGTON, IL 61701

PATRICIA YATES
117 S REGENCY DR
BLOOMINGTON, IL 61701

CARLOS HURTADO
308 Seville Rd
BLOOMINGTON, IL 61701

TERRENCE & LINDA SCHAEFER
302 SEVILLE RD
BLOOMINGTON, IL 61701

DIANE & HUBERT WUESTHOFF
406 GRANT RD
BLOOMINGTON, IL 61701

TYSON MOHR
2214 E OLIVE ST
BLOOMINGTON, IL 61701

ALAN STEPHENS
121 S REGENCY DR
BLOOMINGTON, IL 61701

FRED PINGLE
112 S BELLEMONT RD
BLOOMINGTON, IL 61701

JASON & AUDREY DAVIS
116 S BELLEMONT RD
BLOOMINGTON, IL 61701

STEVEN & CHRISTINA GROTH
22019 OAK LN
MORTON, IL 61550

WILBERT LEONARD
115 RUTH RD
BLOOMINGTON, IL 61701

MARTIN ERWIN
2212 E OLIVE ST
BLOOMINGTON, IL 61701

WILLIAM LUCAS
2206 E OLIVE
BLOOMINGTON, IL 61701

BRITTNEY ALGAR
402 GRANT RD
BLOOMINGTON, IL 61701

ROBERT SIMPSON
120 RUTH RD
BLOOMINGTON, IL 61701

WOLF SHADOW PROPERTIES LLC
21222 HAWTHORNE RIDGE RD
DOWNS, IL 61736

ERIC SKAGGS
403 GRANT RD
BLOOMINGTON, IL 61701

TERRANCE L & PAMELA KIESEWETTER
113 RUTH RD
BLOOMINGTON, IL 61701

DAVID & JUDITH DAVENPORT
2113 E TAYLOR ST
BLOOMINGTON, IL 61701

BARBARA GOEBEL
608 KINGSLEY ST STE A
NORMAL, IL 61761

SUZANNE & DIANE PUGSLEY
2302 E JACKSON ST
BLOOMINGTON, IL 61701

GREGORY D & ANN MILLER
410 GRANT RD
BLOOMINGTON, IL 61701

DANNY PERGANSON
302 Grant Rd
BLOOMINGTON, IL 61701

WILLIAM & BARBARA TAFT
121 RUTH RD
BLOOMINGTON, IL 61701

JEAN BARNETT
119 RUTH RD
BLOOMINGTON, IL 61701

BARBARA GOEBEL
608 KINGSLEY ST STE A
NORMAL, IL 61761

MR & MRS MIGLIN
313 SEVILLE
BLOOMINGTON, IL 61701

GARY LUCAS
2206 E JACKSON ST
BLOOMINGTON, IL 61701

RONALD SUTTON
17756 E 575 North Rd
Heyworth, IL 61745

Mr. & Mrs. LYONS
114 RUTH RD
BLOOMINGTON, IL 61701

PAUL A & GWINN CAMPBELL
116 RUTH RD
BLOOMINGTON, IL 61701

KURT & LISA HOLLAND
405 GRANT
BLOOMINGTON, IL 61701

PAMELA BIER
1532 BEVERLY DRIVE
CLEARWATER, FL 33764

MARGARET THEIS
6 HIDDEN LAKE CT
BLOOMINGTON, IL 61704

RANDY WALKER
303 SEVILLE RD
BLOOMINGTON, IL 61701

DAVID LEE ODETTE
308 GRANT ST
BLOOMINGTON, IL 61701

LANCE & SHARON MCCORMICK
311 SEVILLE RD
BLOOMINGTON, IL 61701

STEVEN ROPER
205 ELLIS AVE
NORMAL, IL 61761

THOMAS PETERSEN
307 SEVILLE RD
BLOOMINGTON, IL 61701

WILLIAM DURAKO
305 GRANT RD
BLOOMINGTON, IL 61701

ROBERT LANDRY
2114 E TAYLOR ST
BLOOMINGTON, IL 61701

WILLIAM & JEANNE KERBER
2112 E TAYLOR ST
BLOOMINGTON, IL 61701

VICKI GAMBLE
2110 E TAYLOR ST
BLOOMINGTON, IL 61701

KURT & JENNIFER HUDSON
303 GRANT
BLOOMINGTON, IL 61701

LORI BLANKENSHIP
1613 E OLIVE ST
BLOOMINGTON, IL 61701

JASON MICHALSKI
1611 E OLIVE ST
BLOOMINGTON, IL 61701

EDMUND HETTINGER
1609 E OLIVE ST
BLOOMINGTON, IL 61701

DAVID A & SHIRLEY A DEERWESTER
1607 E OLIVE ST
BLOOMINGTON, IL 61701

CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
JUNE 20, 2018

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-14-18	802 N Main St.	Variance	Katie Simpson City Planner

PETITIONER'S REQUEST:

Section of Code: 44.7-2 Parking Reduction

Type of Variance	Request	Required	Variation
Reduction in required parking	29	30	1 space decrease

Project Description	The petitioner is requesting the variance to allow for the construction of a fast food restaurant
STAFF RECOMMENDATION:	Staff determines the petition meets the Zoning Ordinance's standards required to grant a variance (4.13-4). <i>Staff recommends the Zoning Board of Appeals approve the variance for a one space parking reduction 802 N. Main St.</i>



NOTICE

The application has been filed in conformance with applicable procedural requirements and public notice was published in *The Pantagraph* on Monday, June 4, 2018.

GENERAL INFORMATION

Owner and Applicant: Robert DeAtley, Barber & DeAtley Inc.

PROPERTY INFORMATION

Legal description

ALLIN, GRIDLEY & PRICKETTS ADDN L8 & 9 12

Existing Zoning: B-1, Highway Business District
Existing Land Use: Former Gas/Service Station
Property Size: Approximately 13,068 sqft (132' X 99')
PIN: 21-04-132-010

Surrounding Zoning and Land Uses

Zoning

North: B-1, Highway Business District
South: B-1, Highway Business District
East: S-1, University District
East: C-1, Office District
West: B-1, Highway Business District
West: R-2, Mixed Residential District

Land Uses

North: Car Wash
South: Church
East: Former IWU building
East: Former Electrolux Site
West: Vacant lot/Parking lot
West: Two family homes/Church

Analysis

Submittals

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

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

Pictured:
802 N Main St.



PROJECT DESCRIPTION

Background

The subject property has a common address of 802 N. Center St. The property is located at the northwest corner of N. Main St. and E. Chestnut St. Main St./Rt 66 is a one-way, northbound, state controlled route. Chestnut St. is a two-way, city road. Center St, located east of the site, is a one-way, southbound, state controlled route. The property is zoned B-1, Highway Business District and was previously used as a gas/service station. The surrounding area is improved with similar auto-oriented businesses. The gas/service station, which was once a busy stop on Route 66, is now vacant. In 2016, the owner removed the gas tanks and the property is currently listed for sale. The subject property is approximately 13,000 square feet. It is adjacent to a vacant lot, also zoned B-1 Highway Business District. The

petitioner has an interest to purchase the subject property and the adjoining lot. The petitioner intends to develop both parcels, approximately 33,000 square feet, with a fast food restaurant and drive-thru. The project involves demolishing the former gas station and reconstructing a new facility on both properties. The site plan is attached to this report.

Project Description: The zoning ordinance requires one parking space per 100 square feet of gross floor building area. The proposed restaurant is 2,991 square feet, including 330 square feet of walk-in cooler and vestibule area. Additionally, the zoning ordinance requires staff to round – up to the nearest parking space when calculating/interpreting minimum requirements; therefore, the code requires 30 parking spaces. City staff reviewed multiple versions of the site plan and the final version addresses staff’s site circulation concerns. The one-way, state controlled routes limit the ingress and egress options for development of this site. Additionally, staff is allowing an ‘entrance only’ access on Chestnut St, since the entrance would be located very close to the Main St./Chestnut St. intersection and an entrance/exit could cause congestion and back-up on the state routes. The petitioner could accommodate the required 30 spaces, if the entrance aisle located at the south side of 802 N. Main St. were bi-directional and 90 degree parking were provided. However, for safety purposes, staff requested that the petitioner reduce the size of the entrance and provide angled parking to denote one-way traffic. The petitioner is able to provide 29 parking spaces while maintaining the required landscaping setbacks, and meeting the minimum parking dimensions.

The following is a summary of the requested variations:

Applicable Code Sections:

Section of Code: 44.7-2 Parking Reduction

Type of Variance	Request	Required	Variation
Parking Reduction	29 spaces	30 spaces	1 space reduction

Analysis

Variations from Zoning Ordinance

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

FINDINGS OF FACT

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

That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and the subject property is located between two state controlled, one-way routes. Access is limited on Chestnut St. to reduce back-up onto the state routes. Consequently, staff requested the petitioner incorporate angled parking into the design to denote one-way traffic. Staff feels the angled parking will reduce confusion and promote better circulation as well as increase safety. Angled parking, however, takes up more

space and can be difficult to accommodate on this site. The variance request is directly related to the circulation constraints of the site and the safety concerns of staff. The standard is met.

That the variances would be the minimum action necessary to afford relief to the applicant; and the petitioner could reduce landscaping setbacks to accommodate the additional parking space, however, the reduction would still necessitate a variance. Furthermore, a reduction in setbacks will push the parking lot closer to the sidewalk and could result in unsafe walking conditions. The standard is met.

That the special conditions and circumstances were not created by any action of the applicant; and the site circulation constraints create the conditions necessitating a variance. Additionally, city staff are limiting the entrance on Chestnut St and requesting angled parking. The standard is met.

That granting the variation request will not give the applicant any special privilege that is denied to others by the Code; and the site plan complies with other city codes and ordinances. The requested variance is somewhat benign and the variance will not grant special privilege since the petitioner is providing enough parking for the proposed occupancy load of the development. The standard is met.

That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use of development of adjoining properties. Granting the variance encourages safe, on-site circulation and adequate landscaping setbacks between the parking lot/drive aisles and the sidewalk. The variance will allow for better development while the petition is still able to provide adequate parking spaces for patrons and workers. The standard is met.

STAFF RECOMMENDATION: Staff determines the **petition meets** the Zoning Ordinance's standards required to grant a variance (4.13-4).

*Staff recommends the Zoning Board of Appeals **approve** the variance for a one space parking reduction 802 N. Main St.*

Respectfully submitted,

Katie Simpson
City Planner
Attachments:

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

APPLICATION TO ZONING BOARD OF APPEALS

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

Site Address: 802 N. Main St., Bloomington IL

Site Address: _____

Petitioner: Robert DeAtley, Barber & DeAtley, Inc. Phone: 

Petitioner's Email Address: barberdeatley@aol.com

Petitioner's Mailing Address Street: 611 N. Goodwin Ave

City, State, Zip Code: Urbana, IL 61801

Contractual interest in the property X yes no

Signature of Applicant 

Brief Project Description:

See attached sheet

Code Requirements Involved:

See attached sheet

Variances(s) Requested:

See attached sheet

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

See attached sheet

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Legal Description

Tract A: 802 N. Main St. (PIN 21-04-132-010), including two tracts:

Lot 8, except the South 6 feet thereof in Block 12 in Allin, Gridley and Pickett's Addition to the City of Bloomington, in McLean County, Illinois.

Lot 9 and the South 6 feet of Lot 9 in Block 12 in Allin, Gridley and Pickett's Addition to the City of Bloomington, in McLean County, Illinois.

Tract B: The northwest corner of the intersection of Center St. and Chestnut St. and the vacated alley that had been north of both tracts (PIN 21-04-132-013):

Lot 7 in Block 12 in Allin, Gridley and Pickett's Addition to the City of Bloomington, in McLean County, Illinois.

Lot 10 in Block 12, in Allin, Gridley and Pickett's Addition to the City of Bloomington, in McLean County, Illinois.

Both tracts, combined, total approximately 0.75 acres.

Brief Project Description

Project involves removal of the existing abandoned Quinn Service building, shed, storage building, paving, and previously vacated paving, and construction of a new approx. 2,991 square Burger King fast food restaurant with dual drive thru lanes, parking, etc.

Code Requirements Involved

Section 44.7-2 H Minimum of Off Street Parking Spaces Required

Variance(s) Requested

Reduction in the number of parking spaces required by one space.

Reasons to Justify Approval by the ZBA:

As the City and franchisee reviewed previous Site Plans which complied with or exceeded the minimum required parking requirements, staff identified concerns including a need to limit potential conflicts with traffic at the intersections of Chestnut St. and Eastbound US-150 and Westbound US-150, and a desire to increase the stacking of vehicles at the drive thru que beyond the minimum required by ordinance. Staff suggested and franchisee agreed to rotate building 90 degrees and to provide one way ingress only from Chestnut St., which greatly increased drive thru stacking capacity and reduced the possibility of conflicts with traffic on the adjacent highway. But in making these staff recommended changes, developer can now only fit 29 parking spaces on the site and not the required 30 parking spaces. However, franchisee and developer has built a 3,256 gross S.F. store in Urbana with 28 parking spaces, and a 3,074 gross S.F. store in Peoria with 27 parking spaces, and both function very well without any parking challenges. This 2,991 S.F. store will have fewer gross S.F. than either of those stores, and have fewer dining room seats, therefore the reduction from the required 30 spaces will not have an adverse impact. Moreover, in calculating the square footage used to determine minimum

MAY 25 2018

parking requirements, neither Urbana nor Peoria counted the 195 S.F walk in cooler/freezer or 135 S.F. of vestibules in the computation. If such a reduction was allowed in Bloomington, a variance would not be needed as 29 parking spaces would exceed the requirement. The reduction in one space is the minimum action necessary to allow the building to shift orientation and avoid issues with the two adjacent state highways.

Statement of Findings of Fact Petitioner Responses

1. The site is situated between Eastbound and Westbound US-150, with a stoplight intersection at the southeast corner. IDOT imposes strict guidelines on the locations of access with proximity to the intersections. Property could not develop as a Burger King while providing the necessary site circulation, city requested additional drive thru stacking and limited access from Chestnut St., compliance with IDOT, and still also meet the parking requirements.
2. Variance is for just one parking space. In previous submissions that were not brought forward for permitting, City staff worked with developer to locate space for one additional space, so as to reduce the required reduction from what would have been 2 spaces to just 1 space.
3. Property could not develop as a Burger King while providing the necessary site circulation, city requested additional drive thru stacking and limited access from Chestnut St., compliance with IDOT, and still also meet the parking requirements. The building footprint proposed already is a reduction in the Burger King ROC-SQ concept footprint. An additional parking space could be provided only if the developer sought and received other variances to reduce the parking lot buffer yard / parking lot setback. Applicant feels a reduction in one space is the best solution.
4. The site plan as submitted meets all other requirements of local codes / ordinances, and the reduction in the minimum parking spaces allowed by one space was the minimum needed to allow the redevelopment of this blighted corner.
5. The granting of the requested variance will not be detrimental to the public, nor would it impair the use or development of the adjoining properties. The business will still provide more parking than it requires, and the development fully sits within the setbacks and will provide the landscaping required by local ordinance. Project will improve a blighted corner.

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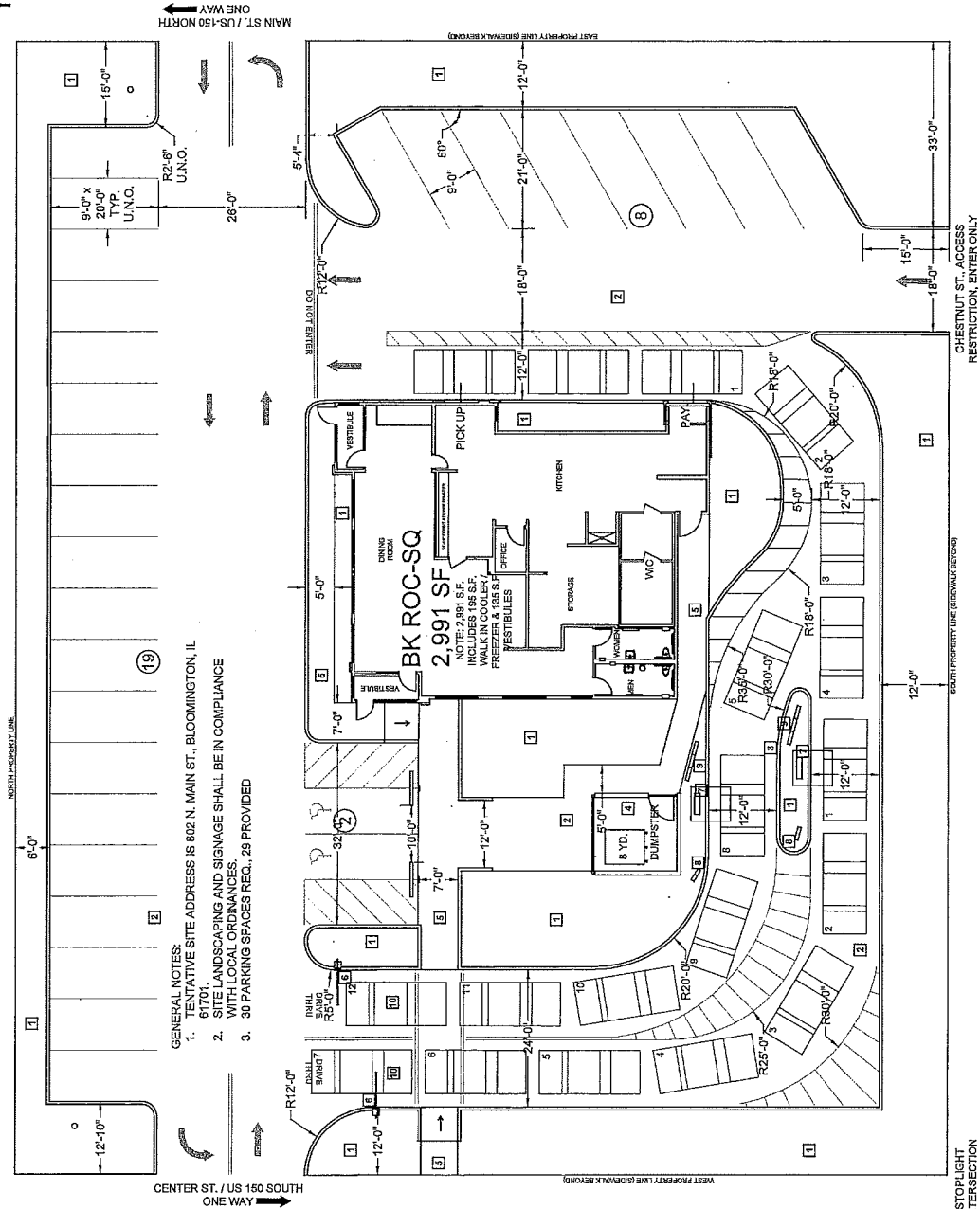


GENERAL NOTES

1. This drawing is conceptual in nature. Detailed construction and survey drawings shall be prepared and stamped as required for building permit, pending mutual approval of site plan and applicable variances.
2. Proposed redevelopment is expected to be completed during calendar year 2018.
3. New curbs shown shall be concrete barrier type curbs.
4. Setbacks from property line to face of curb shall be as shown on this drawing.
5. Sidewalks & aprons, just beyond R.O.W. line, are not shown on this drawing, but shall be provided as a part of the development.
6. The parcels involved in the redevelopment shall be combined by buyer into one lot via a plat consolidation, prior to issuance of building permits.
7. Site lighting, drainage, and landscaping shall be in compliance with the local ordinances and shall be submitted at time of building permit application.

KEYED NOTES

1. Landscape / Grass.
2. Concrete pavement.
3. Concrete barrier curbs at island, for protection of Order Confirmation Unit (OCU), Menu Board, & Pre-Sell Menu Board.
4. Trash enclosure to be constructed of concrete block and steel gates. Exterior face of block shall be covered with fiber cement panels to match building. Gates shall be galvanized. Height to top of trash enclosure walls and gates shall be min. 8'-10" above grade, to fully screen dumpster.
5. ADA compliant concrete sidewalk with ramps.
6. 2020 Drive Thru Clearance Bar.
7. 2020 Drive Thru Order Confirmation Unit.
8. 2020 Digital Drive Thru Pre-Sell Menu Board, 2'-3/4" wide X 4'-9" tall.
9. 2020 Digital Drive Thru Menu Board, 6'-11" wide X 4'-9" tall.
10. Drive Thru stacking area- vehicle placement shown depicts 20'-0" clear, bumper to bumper.



- GENERAL NOTES:
1. TENTATIVE SITE ADDRESS IS 802 N. MAIN ST., BLOOMINGTON, IL 61701.
 2. SITE LANDSCAPING AND SIGNAGE SHALL BE IN COMPLIANCE WITH LOCAL ORDINANCES.
 3. 30 PARKING SPACES REQ., 29 PROVIDED

CONCEPTUAL SITE PLAN

Burger King ROC-SQ
802 N. Main St.
Bloomington, IL 61701

C1

SCALE:
1" = 20'-0"

DATE: 5/24/18

BARBER & DEATLEY, INC.
GENERAL CONTRACTORS 611 X GOODWIN URBANA, IL 61803-0235
TEL (317) 367-5350 FAX (317) 367-9483
FOUNDED 1949

MAY 25 2018

Legal Description 802 N Main

ALLIN, GRIDLEY & PRICKETTS ADDN L8 & 9 12

802 N Main St Aerial Map

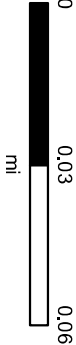


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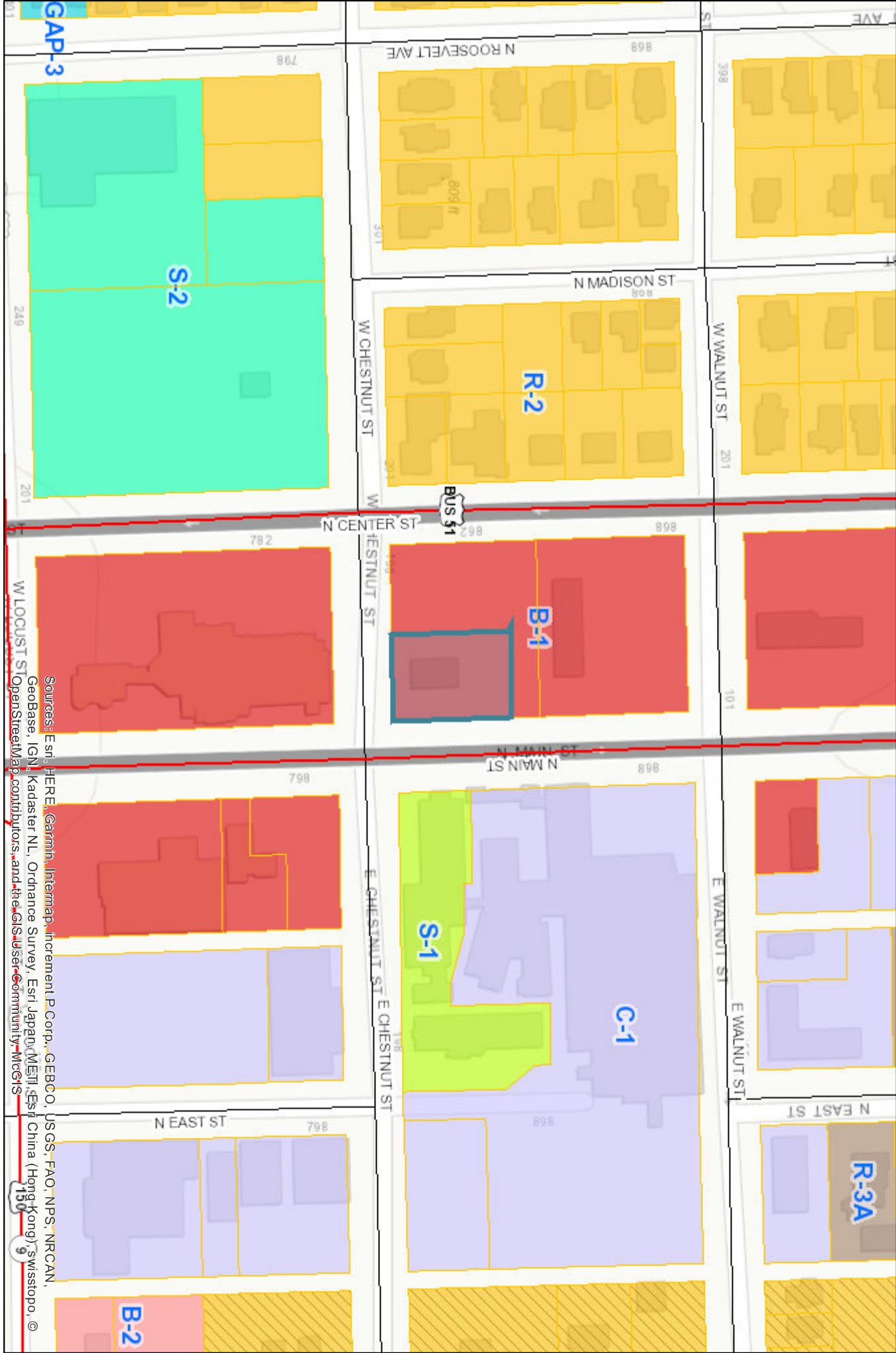


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1 inch = 188 feet

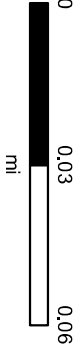


802 N Main St Zoning Map



McGIS does not guarantee the accuracy of the information displayed. Only on-site verification or field surveys by a licensed professional surveyor can provide such accuracy. Use for display and reference purposes only.

1 inch = 188 feet



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



20954441
CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
JUNE 20, 2018

Notice is hereby given that the Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, June 20, 2018 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, for the following petitions:

Randy Walker, 303 Seville Rd., Bloomington, IL 61701 PIN: 21-02-353-011 (FOURTH ADDN TO EAST GATE SUBN S56' LOT 38 & N52' LOT 39) requesting a reduction in the required rear yard setback from 30 ft to 24 ft, a 6 foot reduction, to allow the construction of an enclosed porch.

Aaron Uftring of Indigo Hospitality Group for Property at 1505 N Veterans Parkway, Suite A PIN: 14-35-203-004 (H.O.S. SUB LOT 1 1.02 ACRES), requesting a reduction in the required rear yard setback from 5 ft to 2.5, a 2.5 foot reduction, to allow the construction of an addition.

Robert Deatley of Barber & Deatley, Inc for the property at 802 N. Main St. PIN: 21-04-132-010 (ALLIN, GRIDLEY & PRICKETTS ADDN L8 & 9 12) requesting a reduction in required parking spaces from 30 to 29, a 1 space reduction.

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

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

www.pantagraph.com

Public Notices

Hall is equipped with a text telephone (TTY) that may also be reached by dialing 309-829-5115.

Published: Monday, June 4, 2018



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

June 4, 2018

Dear Property Owner or Resident:

The Zoning Board of Appeals will hold a public hearing on **Wednesday June 20, 2018 at 4:00PM in the Council Chambers, 109 E. Olive Street, Bloomington, Illinois** to hear testimony for a petition submitted Robert DeAtley on behalf of Barber & DeAtley, Inc. for approval of a variance request, for the property at **802 N Main St.**, at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent must attend the meeting.

REQUEST

The petitioner is requesting a reduction in the required parking spaces from 30 to 29, a 1 space reduction.

LEGAL DESCRIPTION: ALLIN, GRIDLEY & PRICKETTS ADDN L8 & 9 12

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

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

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

If you desire more information regarding the proposed petition or have any questions you may email me at irivera@cityblm.org or call me at (309) 434-2448.

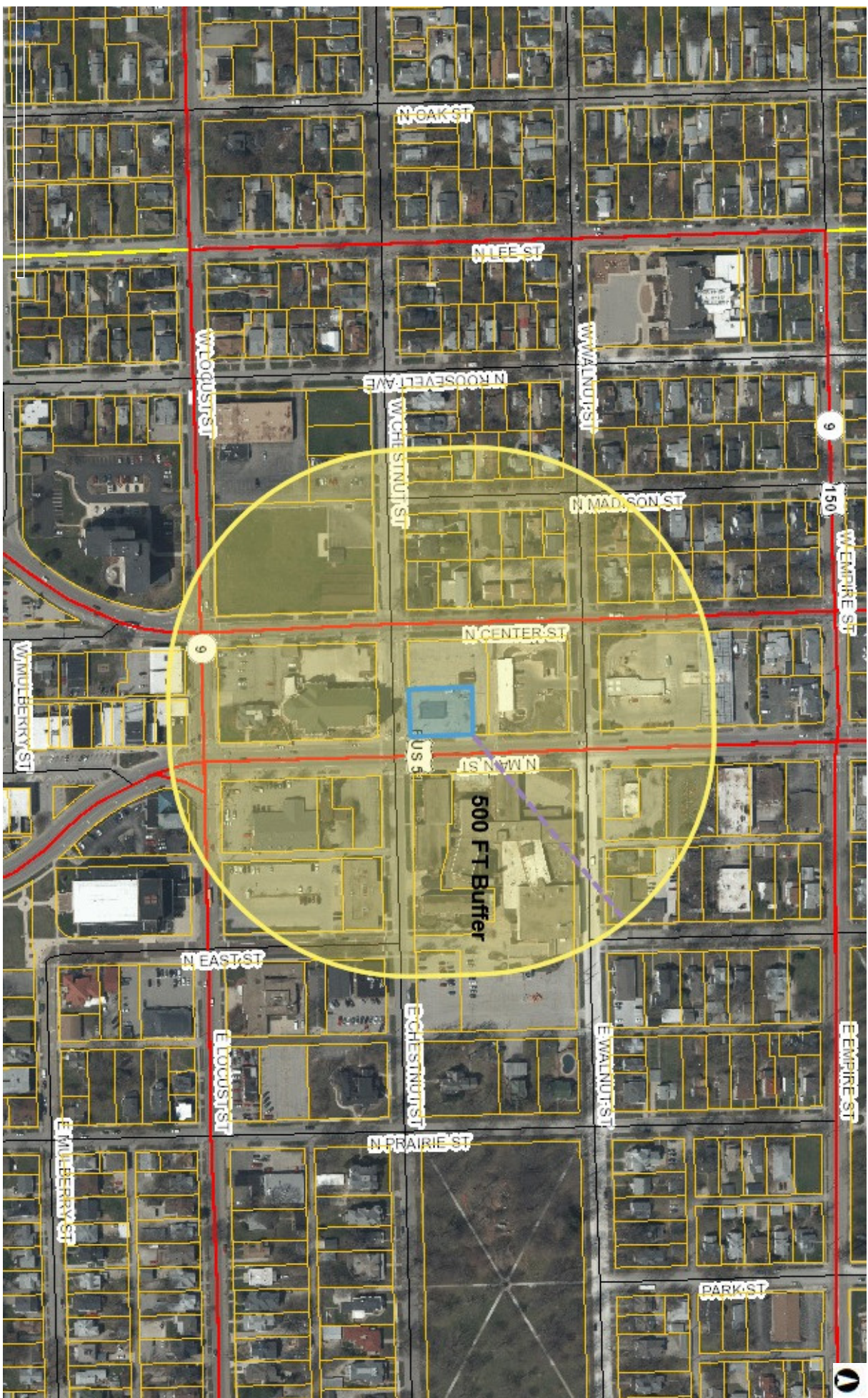
Sincerely,

Izzy Rivera, Assistant City Planner

Attachments:

Map of notified properties within 500 ft of subject property

Public Hearing on June 20, 2018 for a Variance request at 802 N Main



0 0.07 0.1 Miles

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Notes

JASON L & HOLLY C CHAPMAN 808 N MADISON ST BLOOMINGTON, IL 61701	FAITH BAPTIST CHURCH 804 N CENTER BLOOMINGTON, IL 61701	HOLY TRINITY CHURCH 704 N MAIN ST BLOOMINGTON, IL 61701
CYNTHIA SHEPARD PO BOX 3333 BLOOMINGTON, IL 61702	MICHAEL MANNA 419 N MAIN ST BLOOMINGTON, IL 61701	WILLIAM L & GRACIE CUSHMAN 904 N CENTER BLOOMINGTON, IL 61701
KELBY CUMPSTON 901 N MADISON ST BLOOMINGTON, IL 61701	DOUGHERTY PROSPECT LLC 2390 E FEDERAL DR DECATUR, IL 62526	G 5 OF MCLEAN COUNTY LLC 2203 EASTLAND DR STE 8 BLOOMINGTON, IL 61704
BLOOMING GROVE PROPERTIES LLC 25017 WOOD THRUSH CIR HUDSON, IL 61748	BOB HERMES PO BOX 707 HUDSON, IL 61748	BRIAN VASQUEZ 812 N MADISON ST BLOOMINGTON, IL 61701
PATRICK & MICHELLE WHEELER 207 W CHESTNUT BLOOMINGTON, IL 61701	D ROBERT SWIBAKER 1411 N LINDEN ST NORMAL, IL 61761	ILLINOIS WESLEYAN UNIVERSITY PO BOX 2900 BLOOMINGTON, IL 61702
MARY T & JAMES O ENGAN 908 N EAST ST BLOOMINGTON, IL 61701	BRAD BUTZIRUS P O BOX 6226 BLOOMINGTON, IL 61702	STEVE PARKER PARKER MCLEAN COUNTY ENTERPRISES LLC BLOOMINGTON, IL 61701
SEAN BOZARTH 311 S MAIN ST NORMAL, IL 61761	KEVIN DRAEGER 1113 PINE RIDGE CT NORMAL, IL 61761	ANDREW L & KAREN S EGGENBERGER 905 N MADISON ST BLOOMINGTON, IL 61701
MARK & KATHLEEN MANDROS 15992 RAINTREE RD BLOOMINGTON, IL 61704	KELLY CICCOLO 1005 PARK ST BLOOMINGTON, IL 61701	G 5 OF MCLEAN COUNTY LLC 2203 EASTLAND DR STE 8 BLOOMINGTON, IL 61704
SASIL PROPERTIES, LLC 1020 LONGMEADOW LN WESTERN SPRINGS 60558	STEFEN ROBINSON 809 N MADISON ST BLOOMINGTON, IL 61701	HOME INVESTMENTS II LLC 1716 R T DUNN DR STE 4 BLOOMINGTON, IL 61701
ILLINOIS WESLEYAN UNIVERSITY PO BOX 2900 BLOOMINGTON, IL 61702	6 PROPERTY LLC 116 EASTVIEW DR NORMAL, IL 617612439	THOMAS L & ELLEN J BRENNAN 806 N MADISON ST BLOOMINGTON, IL 61701

WAYNE & MARY PELHANK
2625 Day Lily Run
The Villages 32162

ELMO QUINN
405 W LOCUST ST
BLOOMINGTON, IL 61701

FAITH BAPTIST CHURCH INC
804 N CENTER
BLOOMINGTON, IL 61701

KEITH & CINDY RANNEY
25049 WOOD THRUSH CIR
HUDSON, IL 61748

RALPH & MARY KAY KILLIAN SCHMITT
28153 E 1100 NORTH RD
ELLSWORTH, IL 61737

G 5 OF MCLEAN COUNTY LLC
2203 EASTLAND DR STE 8
BLOOMINGTON, IL 61704

ANTHONY WINGERT
201 W CHESTNUT ST
BLOOMINGTON, IL 61701

JOHN SNYDER
205 W CHESTNUT ST
BLOOMINGTON, IL 61701

IKE CHIU
615 N MAIN
BLOOMINGTON, IL 61701

THORNTONS, INC.
10101 LINN STATION RD
LOUISVILLE, KY 40223

RJV PROPERTIES LLC
125 S BELLEMONT RD
BLOOMINGTON, IL 61701

TAQUERIA EL PORTON
1331 N ALLIN
BLOOMINGTON, IL 61701

CANDLELIGHT APPARTMENTS LLC
1713 TULLAMORE SUITE C
BLOOMINGTON, IL 61704