



**AGENDA
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING
109 EAST OLIVE ST.
BLOOMINGTON, IL 61701
WEDNESDAY, June 17, 2020 at 4:00 P.M.**

**THIS MEETING WILL BE HELD VIRTUALLY.
LIVE STREAM AVAILABLE AT:
www.cityblm.org/live**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT**

This meeting is being held virtually via live stream. Public comment will be accepted up until 15 minutes before the start of the meeting. Written public comment must be emailed to publiccomment@cityblm.org and those wishing to speak live must register at <https://www.cityblm.org/register> prior to the meeting.

- 4. MINUTES** Consideration, review and approval of minutes from the meeting on May 20, 2020 meeting.

5. REGULAR AGENDA

Note, due to COVID-19 social distancing considerations, this meeting is held virtually. Those wishing to testify or comment remotely regarding a public hearing listed below must register at <https://www.cityblm.org/register> at least 15 minutes prior to the start of the meeting.

- A. SP-03-20** Public hearing, review and action on a petition for a special use permit submitted by Marsha K Wallace to allow chicken-keeping, up to 4 chickens, in the R-1C District at 1610 N Lee Street, Bloomington IL 61701 (Ward 7).
- B. Z-07-20** Public hearing, review and action on an application for variances submitted by Robert Hernandez to 1) expand a nonconforming structure and 2) decrease the required side yard setback from 6' to 1.5', a 4.5' decrease, to allow for a porch/addition at 1314 W Locust Street, Bloomington IL 61701 (Ward 7).
- C. Z-08-20** Public hearing, review and action on an application for a variance submitted by Chris and Andrea Goins to locate an above ground pool seven feet from the primary structure rather than ten feet located at 2 Greythorne Circle, Bloomington, IL 61701. (Ward 3)
- D. Z-09-20** Public hearing, review and action on an application for two variances submitted by Richard Gray to rebuild an accessory structure in the same location as the existing structure, in the side yard and closer than 10' to the principal structure at 1210 S. Mason St., Bloomington, IL 61701.

E. Z-10-20 Public hearing, review and action on an application submitted by Bobbie Amburgey for a fence variance to increase the allowed height by two feet in the front yard located at 1502 W. Chestnut Street. (Ward 7)

6. OTHER BUSINESS

7. NEW BUSINESS

8. ADJOURNMENT

Draft
MINUTES
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, May 20, 2020
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS
THE MEETING WAS LIVE STREAMED VIRTUALLY AT
WWW.CITYBLM.ORG/LIVE

Members present: Mr. Terry Ballantini, Mr. Michael McFarland, Mr. Michael Rivera Jr., Mr. Michael Straza, Mr. Tyler Noonan, and Chairperson Victoria Harris.

Members absent: none

Also present: Mr. George Boyle, Assistant Corporation Counsel
Mr. Bob Mahrt, Community Development Director
Mr. Craig McBeth, City of Bloomington Information Services
Ms. Katie Simpson, City Planner
Ms. Casey Weeks, Assistant City Planner

Chairperson Harris called the meeting to order at 4:03 p.m. Mr. Boyle explained the meeting was being held virtually via live stream due to Gubernatorial Executive Order extending certain sections of the Open Meetings Act during the COVID-19 pandemic to allow remote participation in meetings. He explained the instructions for participating in the meeting, meeting rules, and outlined the notification procedures taken by the city. Mr. Mahrt called the roll; with six members present, the Zoning Board of Appeals established a quorum.

PUBLIC COMMENT

This meeting was held virtually via live stream. Public comment was accepted up until 15 minutes before the start of the meeting. Written public comment could have been emailed to publiccomment@cityblm.org and those wishing to speak Live must register at <https://www.cityblm.org/register>. No one registered to speak for public comment, and no one submitted emailed public comment prior to the start of the meeting. No one attended the meeting in person to provide public comment.

MINUTES: The board reviewed and approved the minutes from the regular meeting on April 15, 2020. Moved by Mr. Rivera and seconded by Mr. Straza, the minutes were approved by voice vote 6-0.

REGULAR AGENDA: Those who wished to testify or comment remotely regarding a public hearing listed on the regular agenda must have registered at <https://www.cityblm.org/register> prior to the meeting. City Hall was open for testimony or comments to be made in-person. Note that, due to COVID-19 social distancing considerations, a maximum of 10 persons were allowed in City Hall at one time.

A. SP-02-20 Public hearing, review and action on a petition for a special use permit submitted by Eastview Christian Church to allow for the expansion of a place of worship in the R-1C, Single Family Residential District, for the property located at 401 W. Union Street Bloomington IL 61701 (Ward 7). Continued from April 15, 2020 regular meeting.

Speaking in favor of the petition: Tyler Hari—Petitioner, Mark Zimmerman, Michael Jones, Kevin Butler, Facilities Eastview; Barry Riley, District 87; David Taylor, United Way; Tara Ingham, Midwest Food Bank

Mr. Tyler Hari representing Eastview Church. Two members will be recusing themselves from the first two agenda items. Mr. Ballantini and Mr. McFarland are recusing themselves from voting. Mr. Ballantini will be recusing himself because he lives adjacent to the church and will be speaking as a witness. Mr. McFarland is a member of the church and is recusing himself. Mr. Tyler Hari is the Executive Pastor of Eastview Christian Church and was sworn in to make a statement regarding the project. He has been a long-time member of the community. About three years ago they set to explore a community center. Shelley Bower approached the church in 2018 about the facility and resources required to keep it up. We purchased the property in May of 2018 in order to maintain the community center. A house at 1301 N. Lee St. was vacant and taken down to expand the parking lot. In order to serve more people in an organized manner. We want to put more resources in the community center. Our desire is to launch a program in the fall with an afterschool program, and mentoring program, and provide food for families 80-100 families per week, counseling services. Community nights to bring residents together for grilling and conversation. Bloomington campus has provided 1,800 food boxes to families, and 3,200 first responders meals. We feel passionately about the project because we want to be good neighbors and be better neighbors by getting cars off the street. The plan includes landscaping and we would like to include a basketball hoop on the lot.

Six people have registered to speak in advance. Mr. Barry Riley, superintendent of schools, spoke in favor of the expansion of a special use. Mr. Riley noted that community center serves both adults and children, and since the outbreak of Covid19, the Center has taken on a larger role in serving the community.

Mr. David Taylor, president and CEO of the United Way of McLean County was the next witness to address the board in favor of the expansion. Mr. Taylor said the role that Eastview had undertaken in serving the community increased dramatically since the advent of Covid19, and their campus was critical in allowing them to partner with other agencies and offer that increased support to residents in need.

Mr. Kevin Butler, building director of Eastview Christian Church, spoke in support of the project. Mr. Butler said that they had given much consideration to the design of the parking area, of the aesthetics of the campus, and was confident that the project would prove to be a benefit to the area. Chairperson Harris asked if Mr. Butler anticipated more traffic that would require more parking spaces? Mr. Butler replied that they were always hoping for more traffic from the community, and that they were being proactive in trying to generate more traffic coming in to the Eastview campus. Mr. Butler went on to say that the main goal of the parking lot project was to aid the surrounding neighborhood by getting more cars from the church off the street.

Mr. Tyler Hari requested to make a comment. Mr. Hari said that Mr. Zimmerman and Mr. Butler had called into the meeting to be available to answer any questions that may have arisen during testimony, he had not planned for them to testify before the board.

Mr. Michael Jones, president for Western Ave. Community Center testified in support of the project. Western Avenue Community Center has been working with Eastview since they moved to the area in 2018, and Mr. Jones said he has witnessed the investment Eastview has made to their facilities. Mr. Jones said he thought it was a benefit for the neighborhood to be able to get cars off the streets by expanding the parking lot. He also noted Eastview's growing commitment to the community in the face of the need created by Covid19.

Next to address the board was Ms. Tara Ingham, executive director of the Midwest Foodbank, located in Normal. Ms. Ingham offered her support to the project. She noted that Midwest Foodbank worked extensively with Eastview, which operates one of the largest food pantries in McLean County. Ms. Ingham cited several projects that Eastview had undertaken with Midwest Foodbank as evidence of their commitment to the community. She offered her support for their project, since it would allow them to serve even more people.

Ms. Casey Weeks, Assistant City Planner, gave a staff report recommending the Zoning Board's approval of the project.

Mr. Terry Ballantini, an adjacent property owner to the Eastview Campus addressed the board with questions and concerns regarding the project. Mr. Ballantini owns the residence directly north of the Eastview Campus, across from the alleyway. Mr. Ballantini has two parking spaces on his property that accessed via the alley. Mr. Ballantini outlined his difficulties with Eastview's current use of the alleyway to distribute food from food pantry. The current traffic, both vehicular and pedestrian, has made it difficult at times for Mr. Ballantini to access the alleyway to reach his property, or to leave his property via the alleyway. There were a number of photos he provided to illustrate the issue. Mr. Ballantini hoped the new design would allow Eastview to keep the traffic generated by the food pantry on their parking lot and not utilize the alleyway.

Mr. Tyler Hari addressed Mr. Ballantini's concerns. He offered his commitment to address the issues directly. Mr. Ballantini again asked if the plan would allow Eastview to keep the traffic generated by the food pantry on their property, or they still intended to use the alleyway. Mr. Hari responded that the new design would utilize the parking lot, but that the current design was a result of the changes that had to be made to address concerns with COVID19. Mr. Herring said that the church also could add signage and manage traffic from Sunday services in a way that would lessen the use of the alleyway. Mr. Ballantini said that his main issues were with church personnel using the alleyway to park their vehicles, thus restricting his access, and the use of the alleyway by residents using the food pantry. He said he hoped the food pantry could utilize the new parking area and keep the alleyway free of additional traffic.

Mr. Kevin Butler noted that the use of the alleyway had only begun since the changes due to COVID19 and was the result of inclement weather during the times the food pantry was in operation. Mr. Butler said that the new design could accommodate changes to address Mr. Ballantini's concerns, and that they were getting the word out to not use the alley and offered to pay for signage that limited parking in the alleyway. Mr. Ballantini again asked that as part of the approval for the plan, that Eastview make commitment to not regularly use the alleyway for deliveries to or service from the Food Pantry.

Assistant Corporation Counsel Mr. George Boyle noted that in the staff report that there was a provision from the City of Bloomington's Ordinances that required that parking for non-residential uses in a residential district be located on the same parcel as the use. Mr. Boyle said that he understood that the petitioner had agreed to address this by creating the parking lot. Mr. Boyle asked Mr. Ballantini, that if he were asking for a specific condition for the Zoning Board to approve this use, that Mr. Ballantini be specific as to what was.

City Planner Katie Simpson addressed Mr. Boyle's Comments. She said the reason the Special Use is necessary is because right now the Code requires parking for all non-residential uses in a residential area to be on the same property. Currently, Eastview is on separate properties. They are planning on expanding the parking, which requires expanding the special use. The parking is serving the church, so it would be on the same property. The phased project involves vacating the North/South alley, which will be considered and acted on by City Council on May 26. That is a separate process, but it is part of the project. The Special Use would allow the church to expand their parking lot and consolidate their existing parking lot with the three residential lots on the west side of the property.

Mr. Ballantini said that vacating the North/South alley on the church's property would add to the current traffic issues and asked that the church find a way to keep the food pantry traffic on their property. Ms. Simpson presented the Board with the site plan to see the area being discussed, and said staff was available to answer any further questions they may have.

Chairperson Harris asked Mr. Ballantini if he would like to write the stipulation that everything would be done on the parking lot and not in his driveway. Mr. Herring asked if there needed to be separate stipulation written? He noted that the staff at Eastview had already said that they would work with Ballantini to address the issues. Mr. Ballantini responded by saying that agreeing to stipulation seemed to be a simple way to address his concerns. Mr. Boyle said it was possible to add conditions to the recommendation, and it was possible to ask the Board to do that. Mr. Boyle asked Mr. Ballantini if that was what he was requesting, so the Board could act on it. Mr. Boyle also asked Mr. Ballantini to be specific about the condition for approval of the Special Use that he was asking the Board to consider, so the Board could consider adding it, and the applicant could agree to accept it.

Mr. Ballantini asked that a stipulation be made that any activity from the Eastview Church takes place on their property, as stated earlier in the presentation and not in the alleyway. Chairperson Harris summarized the stipulation as all activity takes place on their property and not in the alleyway. Chairperson Harris asked the Board if they would like to add that condition. Mr. Boyle addressed the Board to point out that there might only be part of the use of the alleyway that the church could control. Chairman Harris then asked the Board to consider the stipulation being only on the parts of the traffic that the church could control. Chairman Harris asked if the provision could be stated as having the church restrict the traffic on all operations that they control on their property. Mr. Ballantini agreed to that wording.

Chairman Harris asked the Board for a vote on whether they would like to add that condition to the proposal. Mr. Boyle asked if the Board had any questions for the witnesses or asked the applicant if they wished to address the Board regarding the condition. Mr. Hari asked that Mr. Mark Zimmerman be allowed to address the Board. Mr. Zimmerman, the Chair of finance for Eastview Church, said he was concerned that the stipulation is asking them to relinquish their rights to ingress and egress to their own property.

Chairperson Harris asked Mr. Ballantini to affirm that he was asking to prevent parking in the alleyway, and not simply the use of the alleyway by the applicant. Mr. Ballantini said that what he was really asking for was the alleyway to stop being used as a drive through for the food pantry. He said he understood the alleyway could be used for things like deliveries, but he wanted the food pantry to be conducted on Eastview's property.

Mr. Zimmerman responded by saying that he understood Mr. Ballantini's request but wanted to make sure it was clarified. Mr. Herring said that he wanted to make clear that the alleyway could still be used by the church for things like deliveries. Mr. Ballantini responded by noting repeated issues with members of the church staff limiting his access to the parking spaces on his property. He noted that

removing the North/South alley could increase the problem. He said his issue was not using the alley for deliveries, it was using the alleyway to conduct the operation of the food pantry and parking by church staff.

Mr. Boyle asked Mr. Ballantini if he could state the stipulation as the church act in such a manner that the church activities take place on church property. Mr. Boyle said it was necessary to make the distinction since the church could not control the general access to the alley and they have a right to use the alley. Mr. Ballantini agreed to the stipulation as stated by Mr. Boyle. Mr. Herring asked if that included deliveries as well. Mr. Boyle said he wanted to find common ground to address the issues. Mr. Ballantini said that deliveries were not a problem. The issues were the parking and the pick ups. Mr. Boyle said that they would add with the exception of deliveries that may result in the temporary use of the right of way. Mr. Ballantini agreed to that wording. Mr. Zimmerman said that wording would be acceptable.

Chairman Harris asked if the stipulation could be stated as activities other than deliveries should not be taking place there. Mr. Boyle said it should be stated as church operations taking place on church property with the exception of deliveries. Mr. Boyle said he thought that was language that was acceptable to both parties. Mr. Ballantini and Mr. Zimmerman agreed that it was.

Mr. Michael Rivera addressed the board regarding the stipulation. He noted that there were several residents who use the alley, and he wanted to make sure that it applied to all residents who use it. Mr. Boyle said the stipulation addresses the use of the applicant's property, so it did take other residents into consideration.

Mr. Boyle asked if there were any other witnesses that wished to comment. There were none. Chairman Harris closed the Hearing and asked the board to consider the matter. She asked for a vote on the staff's findings with the stipulation as it was made. Mr. Boyle to have a vote on the findings of fact by staff.

Mr. Noonan made a motion to accept the finding of fact as a group. Mr. Straza seconded the motion. A roll call vote was conducted. Mr. Straza, Mr. Rivera, Mr. Noonan, and Chairperson Harris all voted Yes. There were votes against the motion Mr. Boyles asked the board to entertain a vote on whether the stipulation would be added to the final vote for the Special Use. Mr. Noonan made the motion to vote on the addition of the stipulation. Mr. Straza seconded the motion. Mr. Boyle said it was his understanding that the stipulation would be that church operations would take place son church property with the exception of deliveries to the property. Mr. Mahrt asked if the motion read to approve the findings of fact with the stipulation that church operations take place on church property with the exception of deliveries. Mr. Boyle said they were just voting on the stipulation. Mr. Mahrt took a roll call vote. Mr. Straza - Yes, Mr. Rivera - Yes, Mr. Noonan - Yes, and Chairperson Harris – Yes (4-0-0).

Mr. Boyle said that next the Board needed to take a vote to make a positive recommendation to the City Council with the previously approved stipulation. Mr. Straza made a motion to vote. Mr. Noonan seconded the motion. Mr. Rivera- Yes, Mr. Noonan - Yes, Mr. Straza – Yes, and Chairperson Harris- Yes (4-0-0).

B. Z-06-20 Public Hearing, review and action on an application for a variance submitted by Eastview Christian Church to reduce the amount of required parking for a place of worship located at 401 W. Union Street Bloomington IL 61701 from 69 parking spaces to 57 parking spaces, a 12-space reduction. (Ward 7). Continued from April 15, 2020 regular meeting

Next Ms. Weeks gave the staff report for case Z-06-20, the variance for a reduction of 12 spaces for off street parking for Eastview Church. The application met all requirements for a variance, and the

staff recommendation was to allow for the variance. Mr. Boyle asked to give the applicants the chance to give testimony of the variance if they wished. Mr. Herring said the plan being considered was the long-term vision for the property, and they had no future development plans for the property. There were no residents present to speak against granting the variance.

Chairperson Harris closed the Public Hearing and asked the Board to proceed with deliberation. Mr. Noonan made a motion to accept the findings of fact in total. Mr. Straza seconded the motion. A roll call vote was taken. Mr. Straza - Yes, Mr. Rivera - Yes, Mr. Noonan - Yes, and Chairman Harris - Yes (4-0-0).

Mr. Straza made a motion to accept the variance. Mr. Noonan seconded the motion. A Roll Call vote was taken. Mr. Rivera - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Chairperson Harris - Yes (4-0-0).

Chairperson Harris noted that both motions passed and closed Case Z-06-20. Chairperson Harris asked if there was any other business or new business for the board. At 5:29 Chairperson Harris asked for a motion to adjourn the meeting. Mr. Noonan made the motion. Chairperson Harris declared the meeting adjourned.

OTHER BUSINESS: None

NEW BUSINESS: None

ADJOURNMENT

The meeting adjourned at 5:29PM.

Respectfully Submitted,
Casey Weeks
Assistant City Planner

CITY OF BLOOMINGTON
 REPORT FOR THE BOARD OF ZONING APPEALS
 JUNE 17, 2020

CASE NUMBER	SUBJECT:	TYPE	SUBMITTED BY:
SP-03-20	1610 N Lee St	Special Use—Chicken Keeping in R-1C District	Katie Simpson, City Planner

PETITIONER'S REQUEST:			
Section of Code: 44.4-2 Residential Districts-Permitted and Special Uses and 44.10-11 Chicken Keeping Use Provisions			
Type	Request	Required	Special Use
Special Use permit	Chicken Keeping	Special use	Allow chicken keeping

Project Description	The petitioner is seeking a Special Use to allow chicken keeping in the R-1C District for the property at 1610 N Lee Street.
Staff Recommendation	Staff finds that the petition has met the Zoning Ordinance's standards required to allow a special use. Staff recommends approval of the requested special use for chicken keeping in the R-1C District.



NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in the *Pantagraph* on Monday, June 1, 2020

GENERAL INFORMATION

Petitioner: Marsha K Wallace

LEGAL DESCRIPTION: WALNUT HILL ADDN S33' N71.4' LOT 1 & 2 BLK 3

PROPERTY INFORMATION

Existing Zoning: R-1C Single Family Residential District
Existing Land Use: Single Family Home
Property Size: 33 X 142 (4,686 square feet)
PIN: 14-33-303-002

Surrounding Zoning and Land Uses

Zoning

North: R-1B Single Family Residential District
North: R-1C Single Family Residential District
South: R-1C Single Family Residential District
East: R-1C Single Family Residential District
West: M-1 Restricted Manufacturing

Land Uses

North: Single family home(s)
North: Single family home(s)
South: Single family home(s)
East: Single family home(s)
West: Railroad property/tracks

Analysis

Submittals

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

1. Application for a special use
2. Site Plan
3. Aerial photographs
4. Site visit

Photo below: Subject property

BACKGROUND

1610 N Lee Street, the subject property, is located south of W. Division Street, west of the Union Pacific Railroad Tracks, and west of N. Lee Street. The subject property is approximately 0.11 acres or 4,686 square feet. The property is a long, narrow, rectangular shape. It is zoned R-1C, Single Family Residential District and is improved with a single-family home. The subject property is adjacent to other R-1C, single-family homes, but the property's back yard abuts the railroad tracks.

On March 11, 2019 the City of Bloomington adopted a zoning ordinance that allows for chicken-keeping on residential lots by way of a special use permit, as long as the



chicken-keeping is incidental to a single-family or two-family dwelling. The applicant is requesting a special use permit to keep up to four chickens on this property. The ordinance requires all chicken coops to be setback a minimum of 10 feet on both the sides and the rear of the property. Chickens are required to have a covered enclosure and must either be kept within the covered enclosure or within a fenced area at all times. The ordinance prohibits the keeping of roosters and/or chickens for slaughter.



Photo: Rear yard 1610 N Lee Street.

PROJECT DESCRIPTION

The petitioner submitted a special use permit petition requesting a special use permit to allow chicken keeping. The applicant is proposing to locate the coop 12 feet from the north side lot line, and 12 feet from the rear lot line. A fenced area provides room for the chickens to run. The application appears to meet the use provisions of Chapter 44 Division 10-11.

Chapter 44 Division 10 in the Zoning Ordinance outlines the various standards that need to be met in order for chicken keeping to be allowed. Below is a breakdown of the various standards.

Division 10 Standards	Request	Met	Not Met
No chicken or roosters for slaughter	None	X	
No roosters	None	X	
Enclosure or fence	Fence and enclosure	X	
Feed or other items protected	Fenced or enclosed	X	
No enclosure in front yard	None	X	
Enclosure 10' from rear property line	12'	X	
Enclosure 10' from side property line	12'	X	

Conformance with the Comprehensive Plan: The Comprehensive Plan recommends creating more opportunities to promote local sourced food options. A Special Use Permit could contribute to the following goals:

- Goal HL-5 Provide access to healthy foods and promote food security to build community.
- HL-5.2 Facilitate local food processing and distribution.
- HL-5.2g Gather and distribute data on local food efforts in the community.
- Goal HL-5.3 Facilitate consumption of healthy, affordable, locally produces food for all residents.

Action by the Board of Zoning Appeals.

For each special use application the Board of Zoning Appeals shall report to the Council its findings of fact and recommendations, including the stipulations of additional conditions and guarantees, when they are deemed necessary for the protection of the public interest or to meet the standards as specified herein. No special use application shall be recommended by the Board of Zoning Appeals for approval unless such Board shall find:

- 1. that 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 applicant complies with the use standards for chicken keeping outlined in 44.10-11. The number of chickens is limited to a maximum of 4, and roosters are prohibited. Further, the special use permit is subject to the expiration and revocation standards outline in 17-7 and 17-15. The standard is met.
- 2. that the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;** The proposed use is incidental to the primary use of single family homes. No impairment of property values is expected. Further, by complying with the standards in 44.10-11 negative impacts associated with noise, smells, and pests are mitigated. The standard is met.
- 3. that 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 chicken-keeping is accessory to the primary use of single-family home. Normal and orderly development of the neighborhood should not be impacted by the special use. The standard is met.
- 4. that adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;** All structures are accessory to the primary structure which currently exists. No new infrastructure is required, and the size of the accessory structure is regulated by the city's accessory structure ordinance and building codes. The standard is met.
- 5. that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;** The special use will not generate additional traffic. The standard is met.
- 6. that 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. (Ordinance No. 2006-137).** The standard is met.

STAFF RECOMMENDATION: Staff finds that the petition has met the Zoning Ordinance's standards required to allow a special use. Staff recommends approval of the requested special use for chicken keeping at 1610 N Lee Street SP-03-20.

Respectfully submitted,
Katie Simpson,
City Planner

Attachments:

- Draft Ordinance
- Exhibit A-Legal Description
- Petition and supplemental documents from petitioner
- Site Plan
- Aerial Map
- Zoning Map
- Neighborhood Notice Map, Newspaper Notice and List of Addresses Notified



Photos: Adjacent properties and Railroad tracts that border subject property's rear yard.



DRAFT
ORDINANCE NO. _____

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR CHICKEN-KEEPING AS
AN ACCESSORY USE IN THE R-1C DISTRICT FOR PROPERTY LOCATED AT 1610 N
LEE STREET.**

WHEREAS, there was heretofore filed with the Community Development Department of the City of Bloomington, McLean County, Illinois, a petition and site plan requesting a Special Use Permit for a chicken-keeping, up to four chickens, as an accessory use to a single family or two family dwelling unit in the R-1C Single Family Residential District for certain premises hereinafter described in Exhibit(s) A; and

WHEREAS, the Bloomington Board of Zoning Appeals, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the Bloomington Board of Zoning Appeals, after said public hearing made findings of fact that such Special Use complied with use provisions of Chapter 44.10-11 and with the standards and conditions for granting such special use, specifically:

- 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;
- 2). That 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;
- 3). That 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;
- 4). That adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;
- 5). That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
- 6). That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

WHEREAS, the Bloomington Board of Zoning Appeals, voted to recommend that the City Council pass this ordinance; and

WHEREAS the City Council of the City of Bloomington has the power to pass this Ordinance and grant this special use permit with the recommended conditions.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Bloomington, McLean County, Illinois:

1. That the Special Use Permit for chicken-keeping up to four chickens, in the R-1C Single Family Residential District for the premises hereinafter described in Exhibit(s) A shall be, and the same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this _____ day of _____, 20____.

APPROVED this _____ day of _____, 20____.

Tari Renner, Mayor

ATTEST:

Leslie Yocum, City Clerk

EXHIBIT A

Legal Description – 1610 N Lee St

WALNUT HILL ADD S33' N 71.4' LOT 1 & 2 BLK 3

PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT:

1610 N. Lee St Bloomington IL 61761

State of Illinois)
)ss.
County of McLean)

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF
BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

Now come(s)

Marsha K. Wallace by
Attorney D. Mitchell Ernst

hereinafter referred to as your petitioner(s), respectfully representing and requesting as follows:

1. That your petitioner(s) is (are) the owner(s) of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit(s) I, which is (are) attached hereto and made a part hereof by this reference, or is (are) a mortgagee or vendee in possession, assignee of rents: receiver, executor (executrix); trustee, lease, or any other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises presently has a zoning classification of R-1C under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That under the provisions of, Chapter 44, Section 44.6-30 of said City Code Chicken Keeping, are allowed as a special use in a R-1C zoning district;
4. That the establishment, maintenance, or operation of said special use on said premises will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
5. That said special use on said premises will not be injurious to the use and enjoyment of other property in the immediate vicinity of said premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
6. That the establishment of said special use on said premises will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the R-1C zoning district;

7. That the exterior architectural treatment and functional plan of any proposed structure on said premises will not be so at variance with either the exterior architectural treatment and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood adjacent to said premises;
8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided to said premises for said special permitted use;
9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and
10. That said special permitted use on said premises shall, in all other respects, conform to the applicable regulations of the R-1C zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals.

WHEREFORE, your petitioner(s) respectfully pray(s) that said special use for said premises be approved.

Respectfully submitted,

A large black rectangular redaction box covering the signature and name of the petitioner(s).

X X X X X X X X X

2.



Division ST

5

marshawallace@yahoo.com



Map data ©2020, Map data ©2020 20 ft

Paris KY

Coop
Fence/Run

Marsha Wallace
1610 N LEE ST
B1M

304-533-0400

marsha-wallace@gmail.com

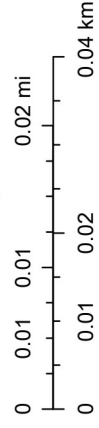
1610 N. Lee Street Special Use for Chickens



6/7/2020, 12:47:24 PM

Parcels

1:1,128



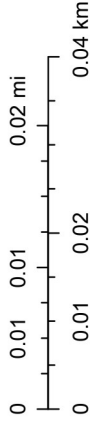
1610 N. Lee Street Special Use for Chickens



6/7/2020, 12:49:37 PM

- | | | | | | | |
|---------|--------|---------------|-------------|-----|-----|----|
| Parcels | C-1 | R-1 Lexington | R-2 | M-1 | GOV | R |
| AG | C-2 | R-2 | B-1 Danvers | C | O | AG |
| AG | PUBLIC | R-3 | B-2 | I | O | AG |
| AG | PUBLIC | R-3 | B-2 | I | O | AG |

1:1,128



82709

A Public Hearing before the Bloomington Zoning Board of Appeals will be held virtually on Wednesday, June 17, 2020 at 4:00 PM at www.cityblm.org /live on a petition submitted by Attorney Mitchell Ernst and Marsha K. Wallace for approval of a special use permit for chicken keeping in a R-1C Single-Family Residence District at 1610 N. Lee St., Bloomington, IL 61701 (PIN#14-33-303-002). Legally described as WALNUT HILL ADD S33' N 71.4' LOT 1 & 2 BLK 3.

The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org. To provide testimony on this item please register at least 15 minutes in advance of the start of the meeting at <https://www.cityblm.org/government/boards-commissions/register-for-public-comment>. Public comments can also be emailed at least 15 minutes prior to the start of the meeting to publiccomment@cityblm.org. This hearing will be accessible to individuals with disabilities in compliance with the ADA and other applicable laws. For special needs or accessible questions please contact the City Clerk at 109 E. Olive St., Bloomington, (309) 434-2240, cityclerk@cityblm.org or TTY at (309) 829-5115.

Published: June 1, 2020



Department of Community Development 115 E
Washington St, Ste 201
Bloomington IL 61701
(309)434-2226
planning@cityblm.org

June 3, 2020

Dear Property Owner or Occupant:

The Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a virtual public hearing on Wednesday, June 17, 2020 at 4:00 PM at www.cityblm.org/live on an application submitted by Attorney Mitchell Ernst and Marsha K. Wallace (1610 N. Lee St., Bloomington, IL 61701).

You are receiving this notice because you own or occupy property within a 500-foot radius of the subject property (refer to attached map). All interested persons may present evidence or testimony regarding said petitions, or ask questions related to the petitioner's requests at the scheduled public hearing.

The applicants are requesting approval of a special use permit for chicken keeping in a R-1C Single-Family Residence District at 1610 N. Lee St., Bloomington, IL 61701. Pursuant to Chapter 44 Div.10-11 of the City Code lots less than or equal to one acre with a primary use of a single-family or two-family dwelling, the keeping of up to four chickens may be permitted as an accessory use and shall comply with Chapter 8 and Chapter 22 of the Bloomington Code, 1960, as amended. Neither the keeping of roosters nor the keeping of chickens for slaughter shall be permitted.

The Subject Property is legally described as WALNUT HILL ADD S33' N 71.4' LOT 1 & 2 BLK 3

The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org. To provide testimony on this item please register at least 15 minutes in advance of the start of the meeting at <https://www.cityblm.org/government/boards-commissions/register-for-public-comment>. Public comments can also be emailed at least 15 minutes prior to the start of the meeting to publiccomment@cityblm.org. This hearing will be accessible to individuals with disabilities in compliance with the ADA and other applicable laws. For special needs or accessible questions please contact the City Clerk at 109 E. Olive St., Bloomington, (309) 434-2240, cityclerk@cityblm.org or TTY at (309) 829-5115, preferably no later than five days before the hearing.

If you desire more information regarding the proposed petitions or have any questions, you may email planning@cityblm.org or call (309) 434-2226. Please note this meeting could be subject to change based on a lack of quorum or other reasons. Notice of a change will also be posted online at www.cityblm.org.

Sincerely,

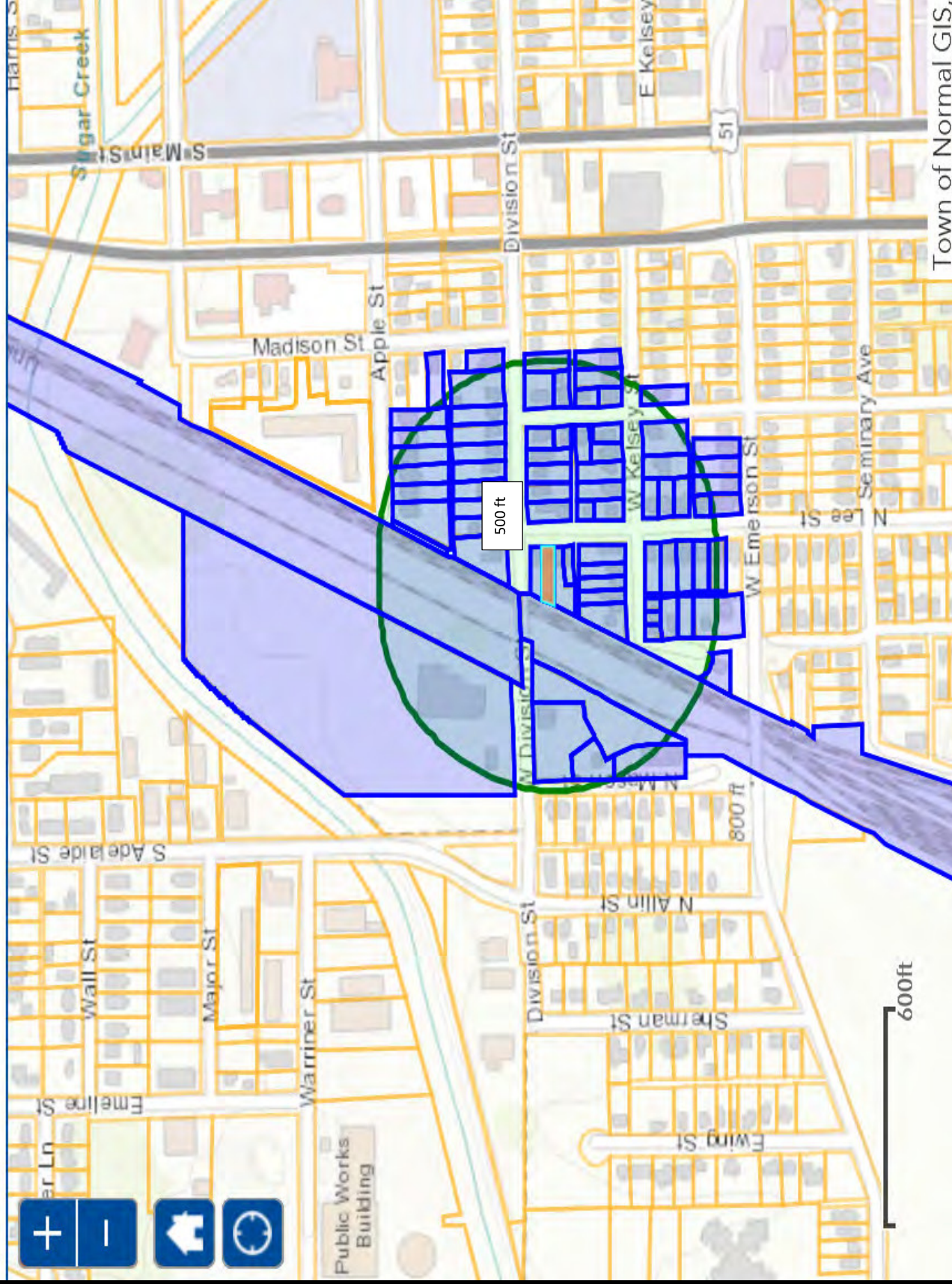
Planning Division staff

Attachment: Map of notified properties within 500 ft of subject property

Public Hearing on June 17, 2020 for a Special Use Permit request at 1610 N. Lee St.



McLean County Public Notification



Town of Normal GIS,

WILLIAM & ELIZABETH MYERS
1607 FAIRFIELD CT
NORMAL, IL 6176

ELLEN REETER
405 W EMERSON ST
BLOOMINGTON, IL 61701

MICHAEL & SHARON ASHENBREMER
11764 N 2400 EAST RD
DOWNS, IL 61736

DONNA THACKER
1508 N LEE
BLOOMINGTON, IL 61701

BRYAN & PAULA BENNETT
503 W Kelsey St
BLOOMINGTON, IL 61701

KIRK THIRTYACRE
507 W KELSEY ST
BLOOMINGTON, IL 61701

THOMAS LOUGHARY
212 W DIVISION ST
BLOOMINGTON, IL 61701

THOMAS & DAWN HENDERSON
214 W DIVISION ST
BLOOMINGTON, IL 61701

KARRI TURNER
1509 N OAK ST
BLOOMINGTON, IL 61701

STUART & ARIANA HALIMI HUMMEL
1609 N ROOSEVELT AVE
BLOOMINGTON, IL 61701

DUANE WITZIG
9885 N 1250 EAST RD
SHIRLEY, IL 61772

ALICE STALEY
1602 N LEE ST
BLOOMINGTON, IL 61701

MIMI OEHLER
1505 N LEE ST
BLOOMINGTON, IL 61701

STEVEN & JENNIE L PURCELL
407 W EMERSON
BLOOMINGTON, IL 61701

TIMOTHY HERRELL
1606 N ROOSEVELT AVE
BLOOMINGTON, IL 61701

THOMAS & CYNTHIA BREITBARTH
11555 UNDEROAK CT
RESTON, VA 20191

MICHAEL & SHARON ASHENBREMER
11764 N 2400 EAST RD
DOWNS, IL 61736

ROLLAN BRAKEBILL
406 W KELSEY ST
BLOOMINGTON, IL 61701

CLAYTON & ABBEY WALDER
1511 N LEE ST
BLOOMINGTON, IL 61701

SCOTT KORDING
2801 HENDRIX DR
BLOOMINGTON, IL 61704

ANITA BORN
1611 N LEE ST
BLOOMINGTON, IL 61701

ANGELA ROUSEY
409 W KELSEY
BLOOMINGTON, IL 61701

JAMES BRENNAN
1512 N LEE ST
BLOOMINGTON, IL 61701

GARY KATH
409 W EMERSON ST
BLOOMINGTON, IL 61701

C/O AMCI CJTR LLC
6698 KEATON CORP PARKWAY SUITE
100
OFALLON, MO 63368

GRIFFIN REOME INC
1433 A ST SE
WASHINGTON, DC 20003

THOMAS ABBOTT
509 WOODRIG RD
BLOOMINGTON, IL 61704

EVELYN JOYCE NEAL
512 W KELSEY STREET
BLOOMINGTON, IL 61701

LEWIS FOWLER
1507 N LEE ST
BLOOMINGTON, IL 61701

EDWARD & MARY WEATHERLEY
403 W KELSEY ST
BLOOMINGTON, IL 6170

GEORGE D & TWILA BRADEN 1506 N LEE ST BLOOMINGTON, IL 61701	JERROLD & ABARAH SOLTWEDEL 1509 N LEE ST BLOOMINGTON, IL 61701	JOHN FISH MICRO PROPERTIES LLC 3106 YORKSHIRE CT BLOOMINGTON, IL 61704
LESTER & CAROL GLASSCOCK 1510 N LEE BLOOMINGTON, IL 61701	KARRI TURNER 1509 N OAK ST BLOOMINGTON, IL 61701	MARK ABBOTT 1601 N LEE ST BLOOMINGTON, IL 61701
LUCY REYES 505 W KELSEY ST BLOOMINGTON, IL 61701	MICHAEL & SHARON ASHENBREMER 11764 N 2400 EAST RD DOWNS, IL 61736	CHICAGO LOGAN DEVELOPMENT P O BOX 825 NORMAL, IL 61761
RENOWNED PROPERTY MANAGEMENT PO BOX 611 BLOOMINGTON, IL 61702	DOUG ZEINE 1608 N ROOSEVELT AVE BLOOMINGTON, IL 61701	CONNIE SHANNON 313 W KELSEY ST BLOOMINGTON, IL 61701
LINDA PATE 1504 N LEE ST BLOOMINGTON, IL 61701	JONATHAN & SHARON ZWANZIG 316 W KELSEY ST BLOOMINGTON, IL 61701	Monica Shoemaker 404 W Division St BLOOMINGTON, IL 61701
ANTHONY CELLINI 406 W DIVISION BLOOMINGTON, IL 61701	TERRANCE BIRSA 14900 N 975 EAST RD BLOOMINGTON, IL 61705	NANCY SCHMIDGALL 1612 N LEE ST BLOOMINGTON, IL 61701
ZARIK DAVIS 1607 N ROOSEVELT AVE BLOOMINGTON, IL 61701	UNION PACIFIC RAILROAD CO PROPERTY TAX 1400 DOUGLAS ST STOP 1640 OMAHA, NE 68179	JESSICA PETERSON 1504 N OAK ST BLOOMINGTON, IL 61701
HOMER SOWDER 505 W EMERSON ST BLOOMINGTON, IL 61701	GENE LEGRAND 503 MAPLE PL NORMAL, IL 61761	TIMOTHY STONE 920 S SUMMIT BLOOMINGTON, IL 61701
NATALIE WHALEN 21135 E 1750 NORTH RD TOWANDA, IL 61776	STANLEY & THERESA HALL 922 W DIVISION ST NORMAL, IL 61761	LEO & CHERYL KEPNER 920 DIVISION NORMAL, IL 61761
JANET MACKENZIE 914 WEST DIVISION STREET NORMAL, IL 61761	COLIN STAMLER 111 KREITZER AVE BLOOMINGTON, IL 61701	MYRNA FOURNIER 902 W DIVISION NORMAL, IL 61761

MALLORY & EDUARDO PIMENTEL
918 DIVISION ST
NORMAL, IL 61761

JAMIE BALLENGER
908 DIVISION ST
NORMAL, IL 61761

AAO RENTALS LLC
25 FETZER CT APT 1
BLOOMINGTON, IL 61704

KRISTIN POTTS
916 DIVISION ST
NORMAL, IL 61761

ALYSHIA & ZACKARY BAINES
901 APPLE ST
NORMAL, IL 6176

LAM QUACH
903 APPLE ST
NORMAL, IL 61761

LAWRENCE HUNDMAN
405 N HERSHEY
BLOOMINGTON, IL 61704

PATRICIA ADCOCK
905 APPLE ST
NORMAL, IL 61761

THOMAS RAKESTRAW
909 APPLE ST
NORMAL, IL 61761

DAVID & THERESA FROST
907 APPLE ST
NORMAL, IL 61761

ERIC & HEATHER EVEN
911 APPLE ST
NORMAL, IL 61761

CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
JUNE 17, 2020

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-07-20	Variances	1. Expansion of a nonconforming Structure 2. 4.5' reduction in the side yard setback	Katie Simpson, City Planner

PROJECT DESCRIPTION:
The applicant constructed an enclosed porch/addition attached to the rear of the nonconforming single-family home and that encroached into the required side yard setback
APPLICANT'S REQUEST:

Section of Code: Zoning Chapter 44.1102 and 44.403

Type of Variance	Request	Required	Variation
Expansion of a nonconforming structure	Expand/Alter	Not allowed	Expand/Alter
Required side yard setback	1.5'	6'	-4.5'

STAFF RECOMMENDATION:	Staff finds that the variance is the result of the actions of the applicant and is not the minimum action necessary. Staff recommends the Zoning Board of Appeals deny the requested variances.
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NOTICE

The application has been filed in conformance with applicable procedural requirements and legal, public notice for the hearing was published in *The Pantagraph* on June 1, 2020.

GENERAL INFORMATION

Owner and Applicant: Roberto Hernandez

PROPERTY INFORMATION

Legal description: MAURER & SWEENEY'S ADDITION 5 1

Existing Zoning: R-1C Single-Family Residential District

Existing Land Use: Single Family

Property Size: 44 X 120 ft (5084 square feet)

PIN: 21-05-251-010

Surrounding Zoning and Land Uses

Zoning

North: R-1C Single Family Residential District

South: R-1C Single Family Residential District

East: R-1C Single Family Residential District

West: R-1C Single Family Residential District

Land Uses

North: Single family homes

South: Single family homes

East: Single 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 Variance
2. Site Plan
3. Aerial photographs
4. Site visit

PROJECT DESCRIPTION

Background: 1314 W Locust Street, the subject property, is located on the south side of W. Locust Street between N. Western Ave (east) and N. Hinshaw Ave (west). The property is improved with a single-family home, which appears to have been built prior to the adoption of the city code. The subject property is more narrow than other lots in the neighborhood, which have an average frontage of 50'. The lot is nonconforming since it does not meet the ordinances minimum lot width (50 ft) and lot area (5,400 sqft) for the R-1C District. Further, the home is located approximately 18" from the west side lot line and located near the neighbor's driveway. The home is setback roughly 9ft from the east lot line. The required side yard setback is 6ft in the R-1C District, therefore the structure is also classified as nonconforming. Other homes in the neighborhood have similar setbacks and siting on their lots.

Project Description: The applicant desires to construct a rear porch/three seasons room along the length of the house, approximately 34ft. The Zoning Ordinance defines a porch as "an

unenclosed horizontal surface consisting of a deck, slab or other similar construction attached to a main building and designed for outdoor seating or as a means of entry to the building; a porch is considered open if covered by a roof and open on the sides that do not abut the building; porches with railings, knee walls and screens shall be considered open porches.”

The applicant applied and paid for a building permit for porch framing on March 31, 2020. However, no permit was issued by the Building Safety Division. Staff received a complaint regarding the project. Code Enforcement Officers visited the property and discovered work on the addition had begun prior to receiving a building permit and any necessary variances. The Code Enforcement Officer issued a stop work order, and the applicant is requesting the variance. If the variance is denied, the applicant’s other options might include removing the addition, or altering the construction of the addition to comply with zoning setbacks. The proposed addition appears to be enclosed and will project 8ft into the rear yard. The proposed addition encroaches 4.5ft into the required side yard setback and expands the existing nonconforming structure. Variances from both the side yard setback and to expand the nonconforming structure are required prior to issuing building permits. Since it is enclosed, it would also be considered a room and may have additional building requirements. The original permit application did not include information regarding windows, doors, roofing, siding or ventilation. Additional building information is needed if these items are part of the project.



The side yard setback is intended to provide adequate fire separation, air circulation, light, and greenspace between structures. The location of one building may negatively impact the adjacent property owner’s ability to develop their land or add onto their home. It can cast shadows which

might hinder landscaping's ability to grow. Additionally, it can impact the type of construction necessary for any future improvements. For example, since the proposed porch encroaches into the side yard setback, it should be constructed with an approved fire rated assembly to prevent fire from spreading quickly to the adjacent property. If the Zoning Board of Appeals decides to approve the variances, the board should consider adding the condition that the construction meet building standards including fire rating.

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 applicant 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 relatively flat and deep. However, it is not as wide as other lots in the neighborhood leaving less room for an addition. Nonetheless, the porch/addition could be decreased in size or off-set to comply with the six-foot setback. The standard is not met.

That the variances would be the minimum action necessary to afford relief to the applicant; and The applicant could have reduced the size of the porch/addition or off-set the porch/addition to comply with the zoning setbacks. Alternative designs are possible. **The standard is not met.**

That the special conditions and circumstances were not created by any action of the applicant; and While the lot size is not related to actions of the applicant, the decision to begin construction prior to receiving a permit was the result of the applicant's actions. Alternative design options exist and could have been explored prior to construction. **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 Other homes in the neighborhood are off-set with a larger side yard setback on one side of the property and smaller setbacks on the other side. Other homes do not comply with the required 6ft setback and are nonconforming. Allowing the variance and approving the porch/addition would not necessarily give the applicant special privilege. **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. The expansion of the nonconforming structure could negatively impact

the adjacent property owner's ability to improve their property forcing the adjacent owner to off-set their improvements to comply with fire separation requirements, or to build any potential improvements with a higher standard of material. **The standard is not met.**

STAFF RECOMMENDATION: Staff finds that the variance is the result of the actions of the applicant and are not the minimum action necessary, alternative design options exist.

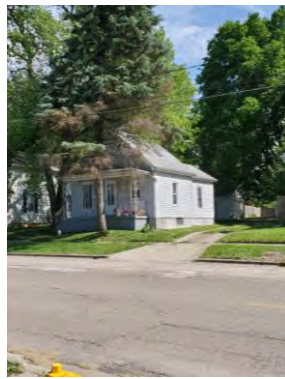
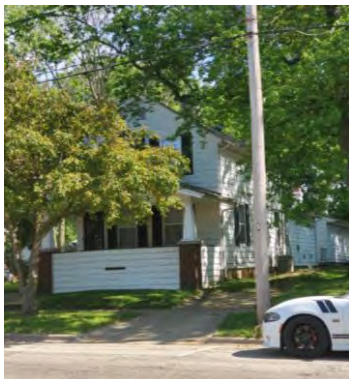
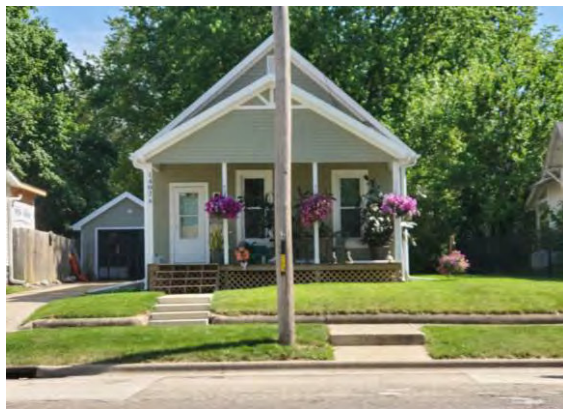
*Staff recommends the Zoning Board of Appeals **deny** the requested variances for the property at 1314 W Locust Street.*

Respectfully submitted,
Katie Simpson
City Planner

Attachments:

- Variance Application
- Applicant's Statement of Findings of Fact
- Site Plan
- Copy of Residential Building- New Construction permit application
- Aerial Map
- Zoning Map
- Newspaper notice and neighborhood notice
- List of notified property owners

Pictured Below: Adjacent homes and other homes in the neighborhood



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: 1314 W Locust St

Site Address: Bloomington IL 61701

Petitioner: Roberto Hernandez Phone: [REDACTED]

Petitioner's Email Address: [REDACTED]

Petitioner's Mailing Address Street: [REDACTED]

City, State, Zip Code: [REDACTED]

Contractual interest in the property ☐ yes ☐ no

Signature of Applicant: [REDACTED]

Brief Project Description:

Three Seasons Room attached to the back side of house.

Code Requirements Involved:

Chapter 45, Section 106.0:

Exceed ground floor and building structure of principle structure

Variances(s) Requested:

Exceed building area of principle structure
To allow the addition to remain as build within
6 feet of the property line - in line with rest of house.

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.

The room is consistent in size, depth, and height with the rest of the house. The only space that is being used is on the property, not interfering with other property.

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

To finish structure, need variance for extra sq.ft.

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

Just need variance to finish structure

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

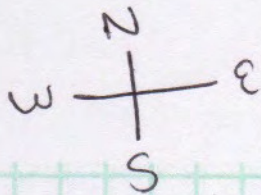
Just want to add extra room to the back of house. Was given text approval to start building after applying for permit

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

Just need variance for extra sq ft for structure - addition is same distance to property line as house

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.

I talked to the neighbor he told me that ~~the~~ he is fine, have no problem with build. Addition is no closer to property line than the rest of the house



Locust Street
43'

28'6"

8'8"

30'

House

25'8"

Porch Addition

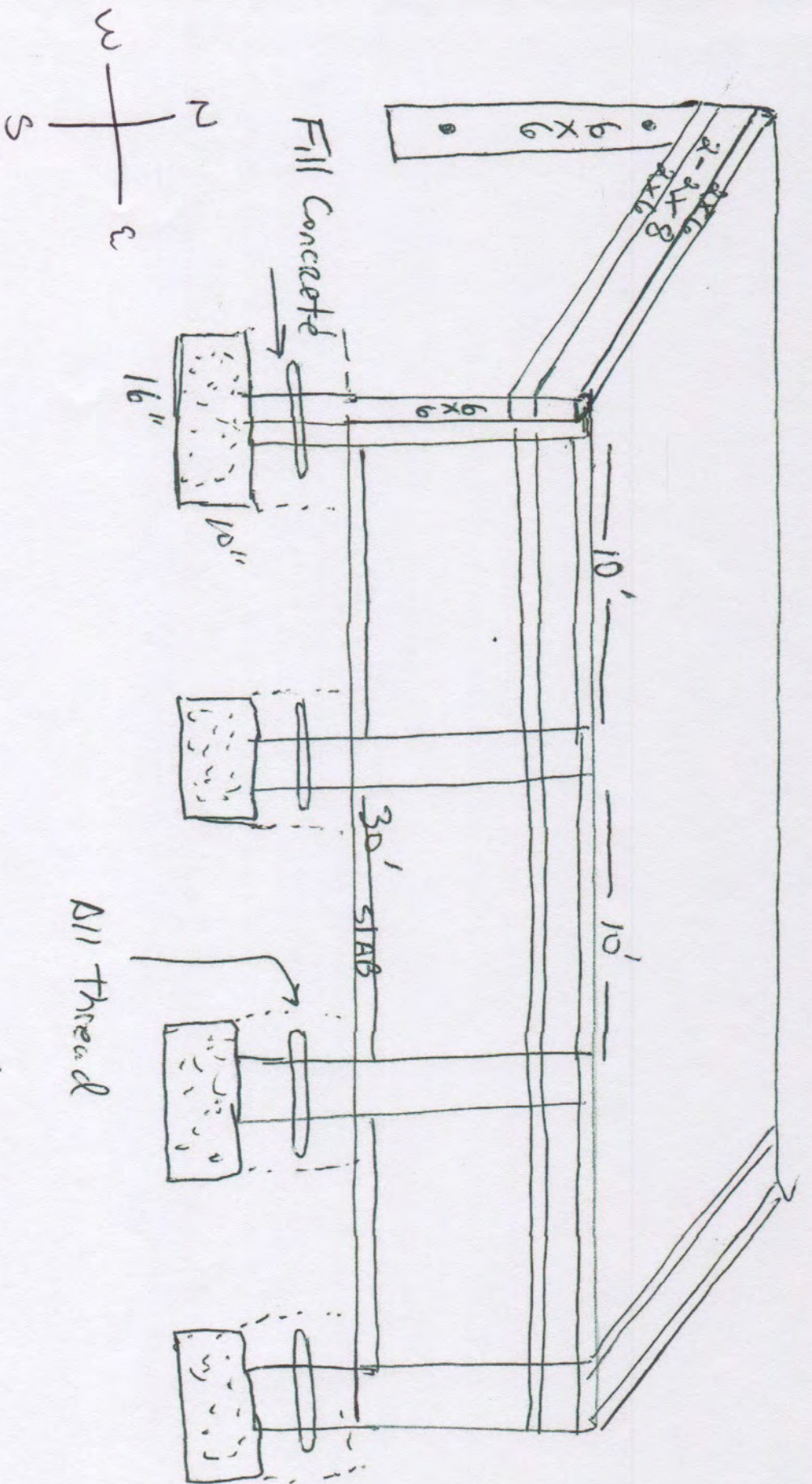
8'

30'

32"

Shed

Alley



- * Frame Openings Between Posts w/ 2x6
- * Pocket Beams in wall
- * LAG 6x6 to house
- * 2x8 RAFTER on 24" centers 4" heel notched @ Beam
- * Truss Ties @ Beams * $\frac{1}{4}$ " Sheathing



Community Development
 BUILDING SAFETY DIVISION
 115 E. Washington St., PO BOX 3157
 Bloomington, IL 61702-3157
 Phone: 309-434-2226
comdev@cityblm.org

Residential Building – New Construction Permit Application

Site Address: <u>1314 W. Locust</u>	Office Use Only Application Number: Permit Issued: Permit Number: Permit Ready to Issue: Permit Fee: Contacted: Phone Email
Lot # and Subdivision:	
Scope of Work: <u>Post Frame Rear Porch</u>	
Number of Units: <u>1</u>	Application Date: <u>3/30/20</u>
<u>Attached</u> or Detached Construction (circle one)	Anticipated Start: <u>3/31/20</u>
	Anticipated End Date: <u>4/13/20</u>

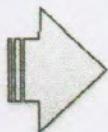
	NAME	ADDRESS	EMAIL	PHONE
OWNER OF LOT	<u>Roberto Hernandez</u>	<u>1314 W. Locust</u> <u>Bloomington IL</u>	<u>N/A</u>	
CONTRACTOR	<u>MM Builders</u>	<u>124 Massachusetts</u> <u>Washington IL</u>	<u>mmbuildersinc@</u> <u>yahoo.com</u>	<u>309-922</u> <u>0655</u>

SUBCONTRACTORS – PLEASE INCLUDE CONTACT INFORMATION

ELECTRICAL:	ROOFING (LIC. #):	HVAC:
PLUMBING:	EXCAVATOR:	
INSULATION - CONTACT - ADDRESS -PHONE NUMBER		

ITEMS TO BE SUBMITTED/COMPLETED BY APPLICANT

	Complete Site Plan			
	Complete Building Plans (Foundation, Floor, Elevations)			
	Signed Mandatory Offer for Residential Fire Protection – Contractor Information			
	Res Check or approved Non Governmental Program			
	Prescriptive or Performance			
	Performance – 3 rd Party Information:			
HEAT TYPE	<u>GAS</u> GEOTHERMAL (CIRCLE ONE)	DECK	YES <u>NO</u>	SIZE
SEWER TYPE	<u>CITY</u> PRIVATE (CIRCLE ONE)	PATIO	<u>YES</u> NO	SIZE <u>8x30</u>
WATER TYPE	<u>CITY</u> WELL (CIRCLE ONE)	FIREPLACE	YES <u>NO</u>	GAS WOOD ELECTRIC



- PLEASE ATTACH PLANS / SKETCHES TO THIS APPLICATION.
- NOTE: PERMITS MUST BE OBTAINED BEFORE WORK BEGINS.**
- SUBMISSION OF THIS FORM DOES NOT GUARANTEE OR GRANT APPROVAL TO START WORK.
- ACCEPTANCE OF PAYMENT DOES NOT CONSTITUTE A PERMIT.
- APPLICATION VOID IF WORK IS NOT STARTED WITHIN 6-MONTHS AFTER PERMIT ISSUANCE.



Community Development

BUILDING SAFETY DIVISION

115 E. Washington St., PO BOX 3157

Bloomington, IL 61702-3157

Phone: 309-434-2226

comdev@cityblm.org

	Finished Floor Area (fin. Sq. ft.)	Finished Basement Area (fin. Bsmnt sq.ft.)	Unfinished Basement Area (unfin sq. ft.)	Garages & Carports (garage sq. ft.)	Height/ Number of Stories	OFF ST. PARKING		Total # of Rooms	# OF BEDROOMS	# OF BATHROOMS	
						Outdoor	Indoor			F	P
AREA	240	0	0	0	1			1	0	0	0
RATE *					Total Fee						
TOTAL \$											

WALKOUT / LOOKOUT / EGRESS INVESTIGATION

APPLYING FOR: WALKOUT LOOKOUT EGRESS

Excavation/Utility/Curb Cut/Erosion Control PERMIT APPLICATION

Required Site Information (State in Square Feet)

Gross Area of Site (Lot Size): _____

Impervious Area located within Site (Footprint of Building): _____

Area of Site to be disturbed (Lot Size): _____

Width of Curb Cut: _____

**THE LACK OF AN EROSION PERMIT AND/OR OUTSTANDING ENGINEERING ISSUES MAY
DELAY THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY**

WATER BILL GOES TO:

WATER METER FEES

(circle one)

5/8x3/4" \$ 300 3/4x3/4" \$ 325 1" \$ 400 1-1/2" \$ 550 2" \$1,114 2" Compound \$2,324

SEWER SERVICE (YES/NO) (Circle One) 48 Hours is required to process Water Meter.

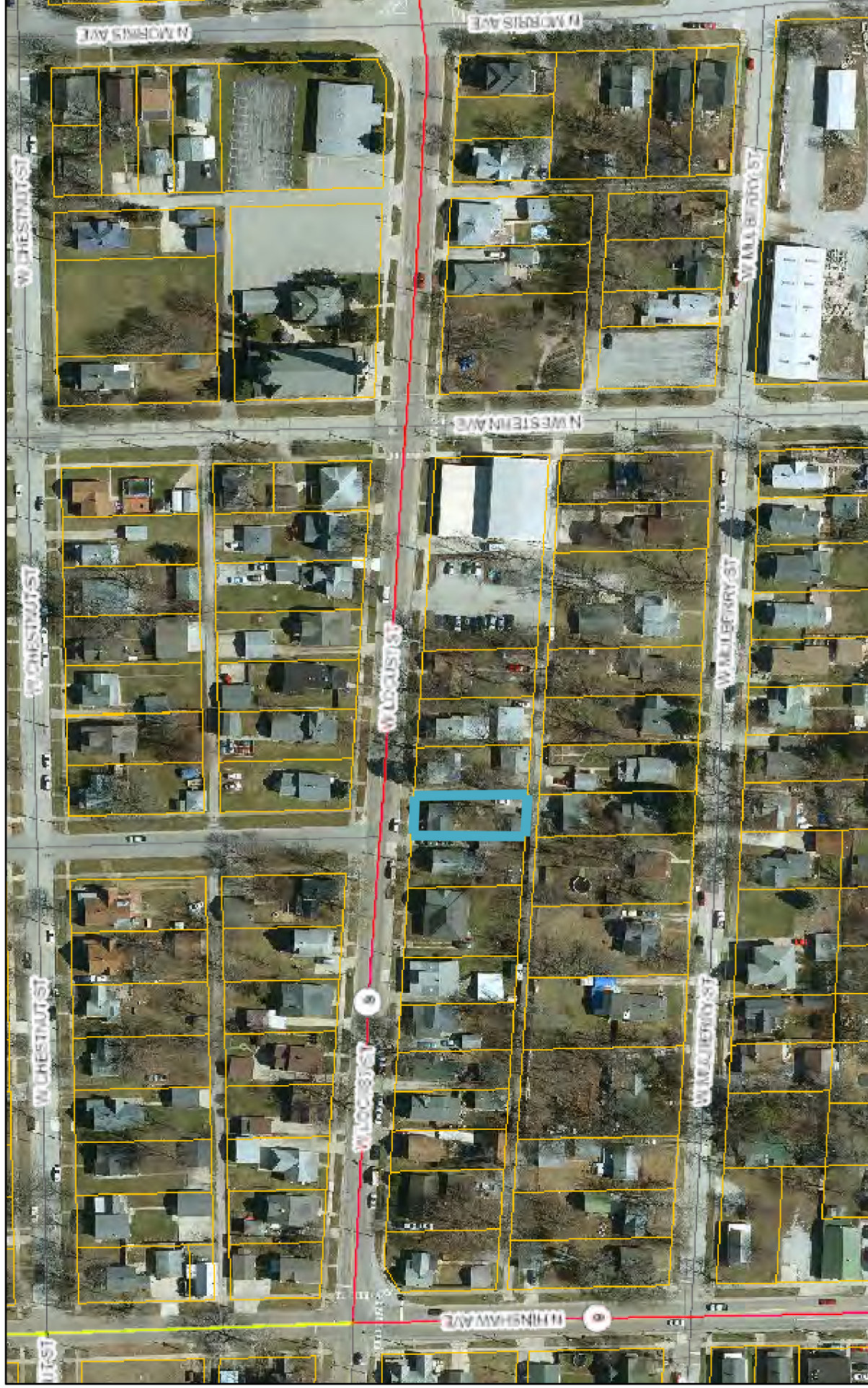
COST OF WORK (WITHOUT MECHANICALS)

4400.00

COST OF WORK (WITH MECHANICALS)

N/A

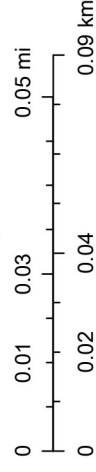
1314 W. Locust Street Variance



6/7/2020, 12:55:24 PM

Parcels

1:2,257



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1314 W. Locust Street Variance



6/7/2020, 12:57:53 PM

- Parcels
- Downs
- AG
- C-1
- C-2
- PUBLIC
- R-1 Lexington
- R-2
- R-3
- M-1
- R-2
- O-1
- Danvers
- C
- B-2
- B-2
- GOV
- I
- Colfax
- O
- AG
- R

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Legal Inside

82564

A Public Hearing before the Bloomington Zoning Board of Appeals will be held virtually on Wednesday, June 17, 2020 at 4:00 PM at www.cityblm.org /live on an the following applications: 1) Robert Hernandez requesting i). a variance to allow for the expansion of a nonconforming structure and ii). a variance to reduce the required side yard setback for a principal structure from 6' to 18", a 4.5' reduction at 1314 W. Locust St. (PIN# 21-05-251-000). Legally described as MAURER & SWEE-NEYS ADD LOT 5 BLK 1. 2) Christopher & Andrea Goins requesting a variance from the required 10' separation between the pool and the primary structure to 7', a 3' reduction to allow for installation of a swimming pool at 2 Greythorne Cir. (PIN# 15-31-154-001). Legally described as GOLDEN EAGLE 2ND ADD LOT 285. 3) Richard Gray requesting i). a variance from the required 10' separation between the building and the accessory structure to 6', a 4' reduction and ii). a variance to locate the structure in the required side yard for installation of a shed at 1210 S. Mason St. (PIN# 21-09-156-005). Legally described as LOT 2 SUB BLK 19 JAMES MILLERS 2ND ADD TO CITY & S1/2 VAC ALLEY LYG N & ADJ. 4) Bobbie Amburgey requesting a variance to increase from the required 4' maximum fence height to 6', a 2' increase to allow for installation of fence in front yard on a corner lot at 1502 W. Chestnut St. (PIN# 21-05-128-013). Legally described as MUSCHS ADD LOT 1. The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org. To provide testimony on this item please register at least 15 minutes in advance of the start of the meeting at <https://www.cityblm.org/government/boards-commissions/register-for-public-comment>. Public comments can also be emailed at least 15 minutes prior to the start of the meeting to publiccomment@cityblm.org. This hearing will be accessible to individuals with disabilities in compliance with the ADA and other applicable laws. For special needs or accessible questions please contact the City Clerk at 109 E. Olive St., Bloomington, (309) 434-2240, cityclerk@cityblm.org or TTY at (309) 829-5115.

Published: June 1,
2020 Published: June 1, 2020

82564



Department of Community Development 115 E
Washington St, Ste 201
Bloomington IL 61701
(309)434-2226
planning@cityblm.org

June 3, 2020

Dear Property Owner or Occupant:

The Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a virtual public hearing on Wednesday, June 17, 2020 at 4:00 PM at www.cityblm.org/live on an application submitted by Robert Hernandez (1314 W. Locust St. Bloomington, IL).

You are receiving this notice because you own or occupy property within a 500-foot radius of the subject property (refer to attached map). All interested persons may present evidence or testimony regarding said petitions, or ask questions related to the petitioner's requests at the scheduled public hearing.

The applicant is requesting i). a variance to allow for the expansion of a nonconforming structure and ii). a variance to reduce the required side yard setback for a principal structure from 6' to 18", a 4.5' reduction for construction of a three seasons room on the back of the house at 1314 W. Locust St., Bloomington, IL.

The Subject Property is legally described as MAURER & SWEENEYS ADD LOT 5 BLK 1.

The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org. To provide testimony on this item please register at least 15 minutes in advance of the start of the meeting at <https://www.cityblm.org/government/boards-commissions/register-for-public-comment>. Public comments can also be emailed at least 15 minutes prior to the start of the meeting to publiccomment@cityblm.org. This hearing will be accessible to individuals with disabilities in compliance with the ADA and other applicable laws. For special needs or accessible questions please contact the City Clerk at 109 E. Olive St., Bloomington, (309) 434-2240, cityclerk@cityblm.org or TTY at (309) 829-5115, preferably no later than five days before the hearing.

If you desire more information regarding the proposed petitions or have any questions, you may email planning@cityblm.org or call (309) 434-2226. Please note this meeting could be subject to change based on a lack of quorum or other reasons. Notice of a change will also be posted online at www.cityblm.org.

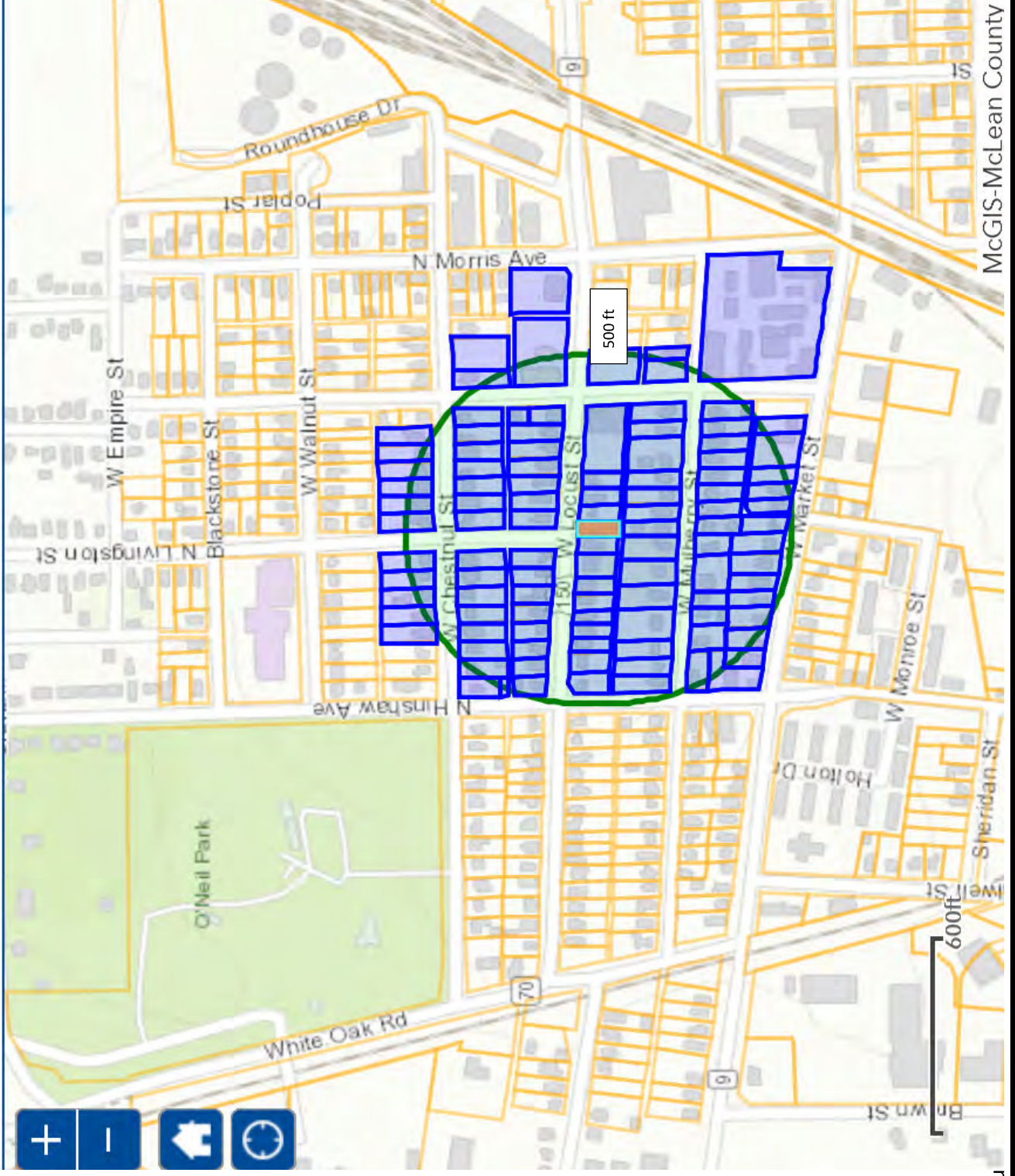
Sincerely,

Planning Division staff

Attachment: Map of notified properties within 500 ft of subject property



McLean County Public Notification



DELMAR LEATHERS 510 S MCLEAN ST HUDSON, IL 61748	RAYMOND ACTIS 1401 W LOCUST ST BLOOMINGTON, IL 61701	PATRICIA REEVE 1305 W Locust St BLOOMINGTON, IL 61701
SHEILA BROWN 1404 W LOCUST ST BLOOMINGTON, IL 61701	WILLIAM JACKSON 1309 W LOCUST BLOOMINGTON, IL 61701	DAVID KOESTNER 1311 W LOCUST ST BLOOMINGTON, IL 61701
BRENDA WALKER 1313 W LOCUST ST BLOOMINGTON, IL 61701	THOMAS ABBOTT 509 WOODRIG RD BLOOMINGTON, IL 61704	ANDREW SCOTT 1402 W LOCUST ST BLOOMINGTON, IL 61701
BRIDGET ALVAREZ 1320 W MULBERRY ST BLOOMINGTON, IL 6170	DONALD LINK 1318 W MULBERRY BLOOMINGTON, IL 61701	GERRY & CATHERINE ZIMMERMAN 1312 W MULBERRY BLOOMINGTON, IL 61701
NORMA SHOLTY 1313 W MULBERRY ST BLOOMINGTON, IL 61701	SALLIE HARTSFIELD 1311 W MULBERRY BLOOMINGTON, IL 61701	GUSTAVO MENDOZA 1403 W LOCUST BLOOMINGTON, IL 61701
KELLY CARLSON 1405 W LOCUST ST BLOOMINGTON, IL 61701	SECOND PRESBYTERIAN CHURCH 313 N EAST ST BLOOMINGTON, IL 61701	WILMA FOLICK 1307 W MULBERRY ST BLOOMINGTON, IL 61701
BNA INVESTMENT GROUP LLC LOCUST SERIES 2807 MOWREY DR BLOOMINGTON, IL 61704	FREDIE PAYNE 106 N WOODLAWN DOWNS, IL 61736	BRIAN WOODY 1310 W MULBERRY BLOOMINGTON, IL 61701
STANLEY STASZECKI 100 NORTH ST PO BOX 203 TOWANDA, IL 61776	WILLIAM GUSTAVSON 1323 W MULBERRY ST BLOOMINGTON, IL 61701	RUTH GIBSON 1412 W LOCUST ST BLOOMINGTON, IL 61701
SCOTT PETRI 1410 W LOCUST BLOOMINGTON, IL 61701	EZEKIEL FLYNN 221 DENMAN RD CARLOCK, IL 61725	TINA BRADEN 5317 N DIANE CT PEORIA, IL 616153407
RICHARD CHOINIÈRE 1309 W MARKET BLOOMINGTON, IL 61701	FRANCESCA MARTINEZ 1303 W MARKET BLOOMINGTON, IL 61701	JACK EDWARDS 9564 Walnut Way Bloomington, IL 61705

NOE MENDIOLA
1311 W MARKET ST
BLOOMINGTON, IL 61701

J BRIAN HELLER
P O BOX 213
WASHINGTON, IL 61571

STANLEY STASZECKI
PO BOX 203
TOWANDA, IL 61776

DENNIS PULLIAM
613 W MARKET ST
BLOOMINGTON, IL 61701

LEWIS WATSON
1416 W LOCUST ST
BLOOMINGTON, IL 61701

RUSSELL & JOYCE RICHARDS
1302 W MULBERRY
BLOOMINGTON, IL 61701

EDUARDO & HUGO URQUIZO
1321 W MULBERRY ST
BLOOMINGTON, IL 61701

MICHAEL DICKERSON
8758 N 2200 East Rd
Downs, IL 61736

GLENN NAUMAN
602 N WESTERN
BLOOMINGTON, IL 61701

WILLIAM GREGORY
1603 FAIRFIELD CT
NORMAL, IL 61761

FRANCIS & EVELYN REINHOLZ
1306 W MULBERRY ST
BLOOMINGTON, IL 61701

DEREK PALMER
1407 W LOCUST
BLOOMINGTON, IL 61701

CHARLES BELLEMEY
% KATHY L BELLEMEY 111 PATTON ST
PEKIN, IL 61554

THOMAS ABBOTT
509 WOODRIG RD
BLOOMINGTON, IL 61704

DARRELL MITCHELL
1310 W LOCUST ST
BLOOMINGTON, IL 61701

OSCAR OWENS
1867 1250TH AVE
LINCOLN, IL 62656

KELLI LEACH
1303 W MULBERRY ST
BLOOMINGTON, IL 61701

THOMAS STASZECKI
1326 W MULBERRY ST
BLOOMINGTON, IL 61701

ROSE GRAY
1315 W MULBERRY
BLOOMINGTON, IL 61701

EUGENE AUTH
1331 W MULBERRY ST
BLOOMINGTON, IL 61701

WILLIAM & REBECCA REINHOLZ
1610 SIX POINTS RD
BLOOMINGTON, IL 61701

DEWAYNE WILLHOITE
1324 W MULBERRY ST
BLOOMINGTON, IL 61701

ROBERTY WILLIAMS
18962 TERRACE VALLEY DR
BLOOMINGTON, IL 61705

JEREMIAH & ALLIE HELTON WOODY
1309 W MULBERRY ST
BLOOMINGTON, IL 61701

SARITA MENDIOLA
1319 W MULBERRY
BLOOMINGTON, IL 61701

ANGELA BROWN
843 HOMESTEAD RD
POCATELLO, ID 83202

RHINOS 602 N MAIN LLC
116 EASTVIEW DR
NORMAL, IL 61761

DENNIS COTTIER
1109 W COLLEGE AVE
NORMAL, IL 61761

DAVID & GENA NORRIS
183 N BARWELL LAKE RD
CARLOCK, IL 61725

REDBIRD PROPERTY MGT JOHN
WOLLRAB
200 N LINDEN ST
NORMAL, IL 61761

AMELIA COLUMNA ZUNIGA 1313 W MARKET ST BLOOMINGTON, IL 61701	RAUL & OLGA VAZQUEZ 1503 BILTMORE CT NORMAL, IL 61761	NEAL BAILEY 1413 W LOCUST ST BLOOMINGTON, IL 61701
KRISTOPHER & SAMANTHA PFISTER PARKER 1415 W LOCUST ST BLOOMINGTON, IL 61701	EUNICE TENNISON 1304 W CHESTNUT ST BLOOMINGTON, IL 61701	GLENN NELSON 18 KENFIELD CIR BLOOMINGTON, IL 61704
JERRY WHEELER 1308 W CHESTNUT BLOOMINGTON, IL 61701	JAMES & JANET L KILEY 1410 W CHESTNUT ST BLOOMINGTON, IL 61701	LEVI BURTON 1412 W CHESTNUT ST BLOOMINGTON, IL 61701
ROZANNE C & RICKARDO A RAMIREZ PO BOX 3334 BLOOMINGTON, IL 61702	MELVIN S & MYRA A COOPER 1404 W CHESTNUT ST BLOOMINGTON, IL 61701	KATHARINA HELD 1406 W CHESTNUT ST BLOOMINGTON, IL 61701
IDA KEMPIN 1409 W LOCUST ST BLOOMINGTON, IL 61701	ROBERT WHEELER 1302 W CHESTNUT BLOOMINGTON, IL 61701	EDITH SMITH 1310 W CHESTNUT ST BLOOMINGTON, IL 61701
BRIAN & CONSTANCE HARLAND 1402 W CHESTNUT BLOOMINGTON, IL 61701	DAVID WALKER 1312 W CHESTNUT ST BLOOMINGTON, IL 61701	JAMES SIDES 1314 W CHESTNUT ST BLOOMINGTON, IL 61701
ERIC WALKER 1408 N LEE ST APT 2 BLOOMINGTON, IL 61701	JILL SCHULL 1414 W CHESTNUT ST BLOOMINGTON, IL 61701	CRAIG CEBUHAR PO BOX 292 CARLOCK, IL 61725
DOROTHY WAGNER 1311 W CHESTNUT ST BLOOMINGTON, IL 61701	JESSE & CANDACE SMITH 1313 W CHESTNUT ST BLOOMINGTON, IL 61701	ILLINI HOME BUYERS OF BLOOMINGTON LLC PO BOX 5252 BLOOMINGTON, IL 61702
JAMES LASKOWSKI 1411 W LOCUST ST BLOOMINGTON, IL 61701	ROBERT & DONNA ARMES 1305 W CHESTNUT ST BLOOMINGTON, IL 61701	JENNA TAYLOR 1403 W CHESTNUT ST BLOOMINGTON, IL 61701
CARL YOUNG 1407 W CHESTNUT BLOOMINGTON, IL 61701	KENNETH & BARBARA SPELDE 123 BLUE CHURCH CT COLUMBIA, SC 29212	MARY ANN KING 1212 W CHESTNUT ST BLOOMINGTON, IL 61701

MELVIN COOPER
1404 W Chestnut St
BLOOMINGTON, IL 61701

FLAVIOUS & SHIRLEY STINSON
1405 W CHESTNUT ST
BLOOMINGTON, IL 61701

ST PATRICKS ROMAN CATHOLIC
CHURCH
1209 W LOCUST
BLOOMINGTON, IL 61701

**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
June 17, 2020**

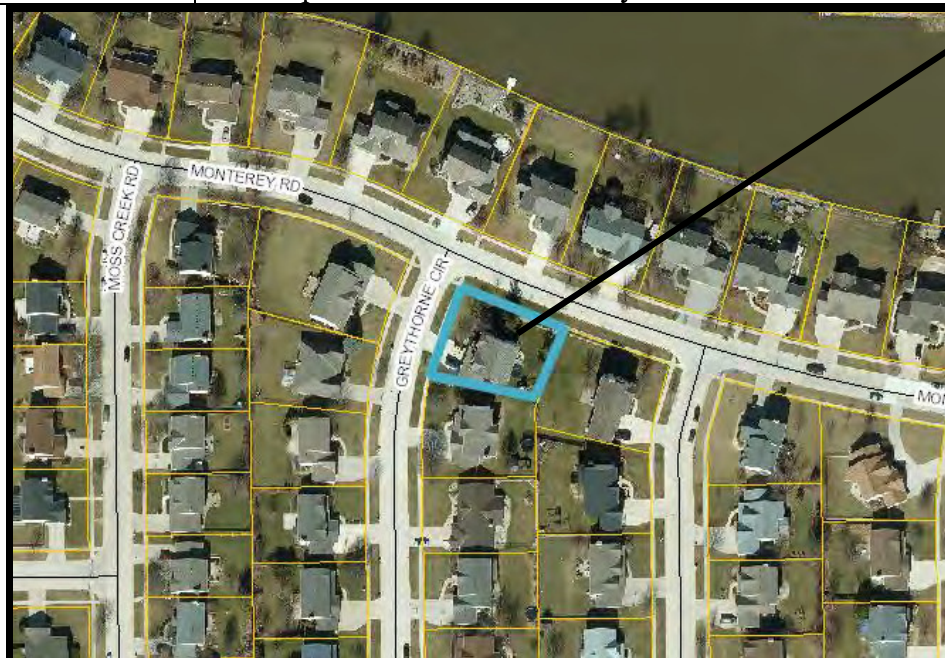
CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-08-20	Pool variance	3ft decrease in distance to principal structure	Casey Weeks, Assistant City Planner

PROJECT DESCRIPTION:
The applicant is seeking variance on the installation of an 18' above ground pool
APPLICANT'S REQUEST:

Section of Code: Chapter 44. 9-4 Accessory Structures

Type of Variance	Request	Required	Variation
Distance from principal structure	7ft	10ft	3ft decrease

STAFF RECOMMENDATION:	Staff finds that the variance will not give special privilege nor be detrimental to the character of the neighborhood. The physical characteristics due to the elevation change pose unreasonable challenges which make strict adherence to the Code difficult. Staff recommends the Zoning Board of Appeals allow the variance for the pool installation at 2 Greythorne Circle.
------------------------------	---



2 Greythorne Circle

Figure 1 The Subject Property is outlined in blue.

NOTICE

The application has been filed in conformance with applicable procedural requirements and legal, public notice for the hearing was published in *The Pantagraph* on June 1, 2020.

GENERAL INFORMATION

Owners and Applicants: Christopher and Andrea Goins

PROPERTY INFORMATION

Legal description: GOLDEN EAGLE 2ND ADD LOT 285

Existing Zoning: R-1C Single family residential
Existing Land Use: Single Family
Property Size: Lot is irregular corner lot 9,648 sqft
PIN: 15-31-154-001

Surrounding Zoning and Land Uses

Zoning

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

Land Uses

North: Single family homes
South: Single family homes
East: Single 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 Variance
2. Site Plan
3. Aerial photograph

Front yard setbacks



PROJECT DESCRIPTION

Background.

The subject property is located at 2 Greythorne Circle, the southeast corner of Monterey Road and Greythorne Circle. The property is less than a quarter of an acre, 9,648 square feet. The property is an irregular corner lot with two front yards. The rear yard has a slight slope, a 2-foot change in grade from the house to the back corners of the lot, closest to the sidewalk. The property has easements on all four sides including a 5ft utility easement on the south side, and a 7.5 ft utility easement on the east side.

The property is surrounded by single- family residential

homes. The neighborhood is developed with single-family homes and is zoned R-1C. The subject property was constructed in 1999. The patio cover was added in May of 2019. The patio remains open and unenclosed, but the patio roof projects 10ft into the rear yard. With the addition of the patio, the yard or the distance between the patio and the rear lot line is 27 feet.

Project Description:

The property owners are requesting variance for the installation of an 18' ft above ground swimming pool. The request for variance would be for 3' ft of relief, allowing the pool to be installed 7' instead of the required 10' of distance from the principal structure, in this case the patio roof. The city of Bloomington requires a 10-foot separation between principal structures and pools, and a six foot side and rear yard setback for the pool.

The following is a summary of the requested variations:

Applicable Code Sections: Table 9-4 Permitted Encroachments

Section of Code: Chapter 44, 9-4

Type of Variance	Request	Required	Variation
Variance for swimming pool distance to principal structure	7ft	10ft	3ft decrease

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 applicant 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.

- 1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and** The subject property is an irregular corner lot with 2 front yards. The property also has easements on the south and east sides, and a 2ft change in grade between the front yard and rear yard. The rear yard is relatively flat but slopes as it. The easements reduce the area where the pool can be located. When applying the 10ft separation, and staying out of the easements, the pool size is limited to 10 feet in the rear yard. This distance is not large enough to accommodate even the smallest above ground pool, creating a disadvantage for the property owner. **The standard is met.**
- 2. That the variances would be the minimum action necessary to afford relief to the applicant; and** The property owner has proposed installing an 18' diameter above ground pool on the property. Even installing a smaller pool would necessitate a variance

due to the existing easements on the south and east. The usable space between the patio roof and lot line is significantly reduced when accounting for both the 10ft separation and the 7.5ft easement. **The standard is met.**

3. **That the special conditions and circumstances were not created by any action of the applicant; and** The rear easement pushes the pool closer to the home. Additionally, the slope/grade of the land reduces the amount of flat surface area for locating the pool. **The 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; and** Granting this variance will not give the applicant special privilege, it will allow the applicant to make reasonable use of their property similar to others nearby. **The 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 proposed pool is placed in the backyard of a fenced in property. There are other pools in the neighborhood. This variance would not impair the use or development of adjoining properties. **The standard is met.**

STAFF RECOMMENDATION: Staff finds that the variance will not give special privilege nor be detrimental to the character of the neighborhood. The physical characteristics due to the elevation change pose unreasonable challenges which make strict adherence to the Code difficult.

*Staff recommends the Zoning Board of Appeals **allow** the variance for three feet of relief in the minimum distance between a swimming pool and a primary structure.*

Respectfully submitted,

Casey Weeks,
Assistant City Planner

Attachments:

- Variance Application
- Applicant's 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: 2 Greythorne Cir, Bloomington

Site Address: 15-31-154-001

Petitioner: Chris and Andrea Goins

Phone: [REDACTED]

Petitioner's Email Address: [REDACTED]

Petitioner's Mailing Address Street: [REDACTED]

City, State, Zip Code: [REDACTED]

Contractual interest in the property ☒ yes ☐ no

Signature of Applicant [REDACTED]

Brief Project Description:

Install an 18' above ground swimming pool in the Southeast corner of the back yard.

Code Requirements Involved:

6' away from fence line

10' away from structure

Variances(s) Requested:

We are requesting a variance to allow swimming pool to be 7' away from structure instead of 10'.

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.

I have recently been diagnosed with MS and to slow the loss of or at least maintain mobility, I need to partake in exercise to prevent muscle atrophy. My symptoms are loss of use in my legs or vision issues that happen sporadically. These symptoms impact my balance, which can cause me to fall. Therefore, I am unable to perform outdoor exercise such as walking, running or hiking. This would also limit my indoor exercise on a treadmill or other cardio equipment for safety issues. My doctor has suggested that swimming would provide a low impact, low stress form of movement for me with emphasis on safety since the water would support me with balance. Also, it isn't practical or safe for me to frequent a public or membership-type pool due to my lower immune system. Therefore, we have requested a variance so we could install an above ground pool to assist with my exercise and mobility.

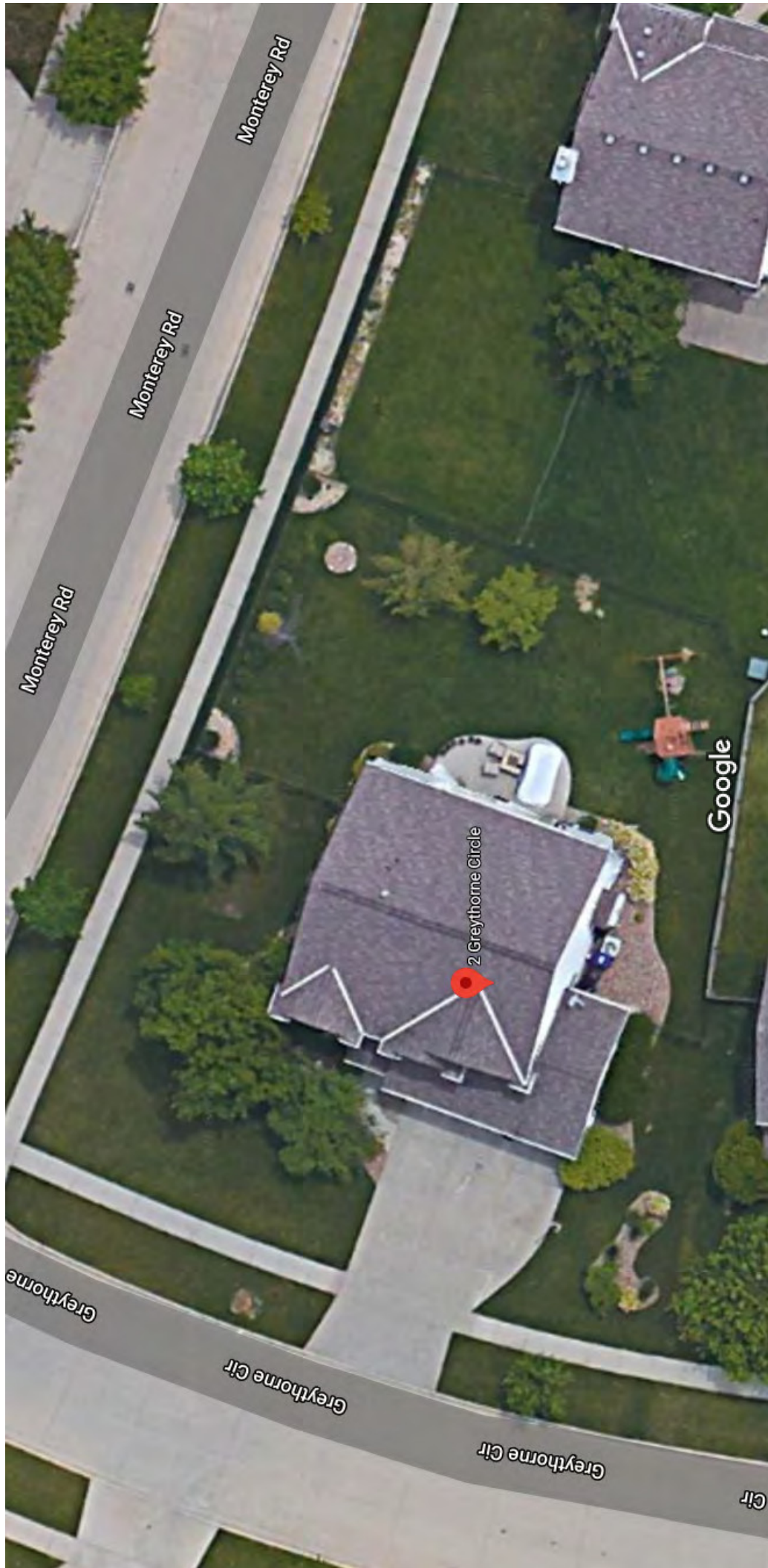
As stated above, MS has caused a walking disability and having the swimming pool closer to the home allows for a shorter distance to walk to get into pool.

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:

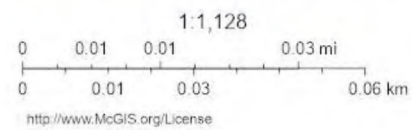
1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and
We have the inability to have a 10' distance adherence from the structure in the back yard with a 6' distance adherence from the fence line as the home is on a corner lot and we are considered to have two front yards.
2. That the variance would be the minimum action necessary to afford relief to the applicant; and
would allow for the above ground swimming pool to be installed and utilized for physical therapy by the homeowner whom has MS
3. That the special conditions and circumstances were not created by any action of the applicant; and
while we can be 10' away from the dwelling we are unable to adhere to the 10' distance code when measurements are considered from the pavilion southeast corner.
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
given that this swimming pool will be utilized by a family member with MS for therapy purposes and in addition placement in the southeast corner allows for additional privacy and easier access.
5. That the granting of this variance will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use or development of adjoining properties.
The pool will not be detrimental to the public welfare as we will be placing locks on the gates of the existing fence as needed. This will not alter the character of the neighborhood. The pool and property will be maintained with an aesthetic similarity to already developed adjacent properties.



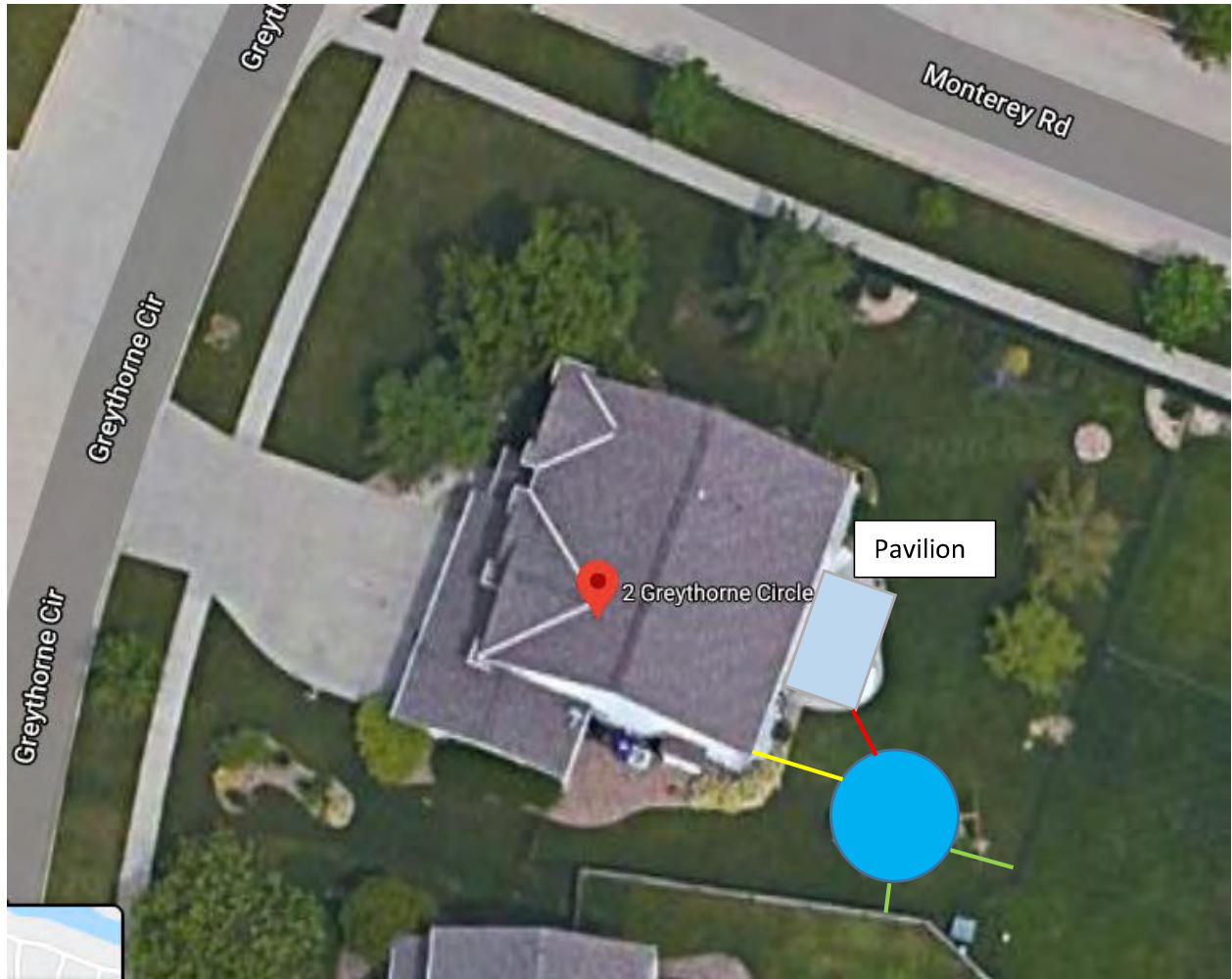
My Map



May 12, 2020



Measurements



Red line = 7' away from pavilion corner post

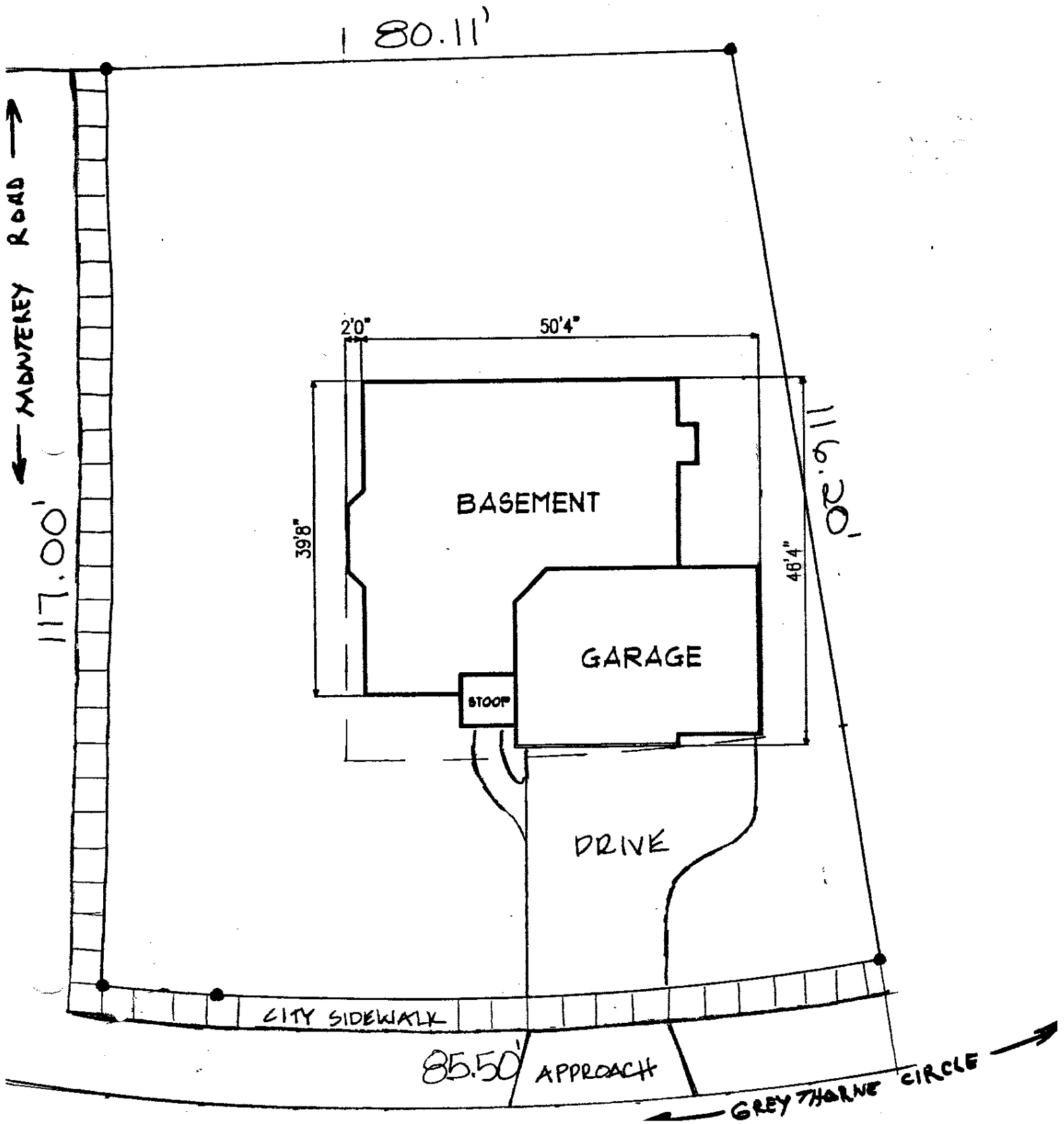
Yellow line = 15' away from dwelling

Green lines = 6' away from fence lines

16' pool

2 GREYTHORNE CIRCLE

$\frac{1}{16"} = 1'-0"$



2 Greythorne Circle Variance



6/7/2020, 1:01:58 PM

Parcels

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0 0.01 0.03 0.05 mi
0 0.02 0.04 0.09 km

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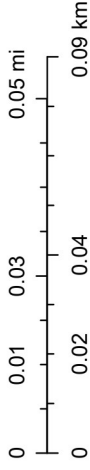
2 Greythorne Circle Variance



6/7/2020, 1:03:15 PM

- Parcels
- Downs
 - AG
- Lexington
- C-1
- C-2
- PUBLIC
- R-1
- R-2
- R-3
- M-1
- R-2
- B-1
- B-2
- Danvers
- C
- B-3
- GOV
- I
- O
- Colfax
- AG

1:2,257



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Legal Inside

82564

A Public Hearing before the Bloomington Zoning Board of Appeals will be held virtually on Wednesday, June 17, 2020 at 4:00 PM at www.cityblm.org /live on an the following applications: 1) Robert Hernandez requesting i). a variance to allow for the expansion of a nonconforming structure and ii). a variance to reduce the required side yard setback for a principal structure from 6' to 18", a 4.5' reduction at 1314 W. Locust St. (PIN# 21-05-251-000). Legally described as MAURER & SWEE-NEYS ADD LOT 5 BLK 1. 2) Christopher & Andrea Goins requesting a variance from the required 10' separation between the pool and the primary structure to 7', a 3' reduction to allow for installation of a swimming pool at 2 Greythorne Cir. (PIN# 15-31-154-001). Legally described as GOLDEN EAGLE 2ND ADD LOT 285. 3) Richard Gray requesting i). a variance from the required 10' separation between the building and the accessory structure to 6', a 4' reduction and ii). a variance to locate the structure in the required side yard for installation of a shed at 1210 S. Mason St. (PIN# 21-09-156-005). Legally described as LOT 2 SUB BLK 19 JAMES MILLERS 2ND ADD TO CITY & S1/2 VAC ALLEY LYG N & ADJ. 4) Bobbie Amburgey requesting a variance to increase from the required 4' maximum fence height to 6', a 2' increase to allow for installation of fence in front yard on a corner lot at 1502 W. Chestnut St. (PIN# 21-05-128-013). Legally described as MUSCHS ADD LOT 1. The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org. To provide testimony on this item please register at least 15 minutes in advance of the start of the meeting at <https://www.cityblm.org/government/boards-commissions/register-for-public-comment>. Public comments can also be emailed at least 15 minutes prior to the start of the meeting to publiccomment@cityblm.org. This hearing will be accessible to individuals with disabilities in compliance with the ADA and other applicable laws. For special needs or accessible questions please contact the City Clerk at 109 E. Olive St., Bloomington, (309) 434-2240, cityclerk@cityblm.org or TTY at (309) 829-5115.

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Department of Community Development 115 E
Washington St, Ste 201
Bloomington IL 61701
(309)434-2226
planning@cityblm.org

June 3, 2020

Dear Property Owner or Occupant:

The Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a virtual public hearing on Wednesday, June 17, 2020 at 4:00 PM at www.cityblm.org/live on an application submitted by Christopher & Andrea Goins (2 Greythorne Circle, Bloomington, IL 61704).

You are receiving this notice because you own or occupy property within a 500-foot radius of the subject property (refer to attached map). All interested persons may present evidence or testimony regarding said petitions, or ask questions related to the petitioner's requests at the scheduled public hearing.

The applicant is requesting a variance from the required 10' separation between the pool and the primary structure to 7', a 3' reduction to allow for installation of a swimming pool at 2 Greythorne Circle, Bloomington, IL 61704.

The Subject Property is legally described as GOLDEN EAGLE 2ND ADD LOT 285

The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org. To provide testimony on this item please register at least 15 minutes in advance of the start of the meeting at <https://www.cityblm.org/government/boards-commissions/register-for-public-comment>. Public comments can also be emailed at least 15 minutes prior to the start of the meeting to publiccomment@cityblm.org. This hearing will be accessible to individuals with disabilities in compliance with the ADA and other applicable laws. For special needs or accessible questions please contact the City Clerk at 109 E. Olive St., Bloomington, (309) 434-2240, cityclerk@cityblm.org or TTY at (309) 829-5115, preferably no later than five days before the hearing.

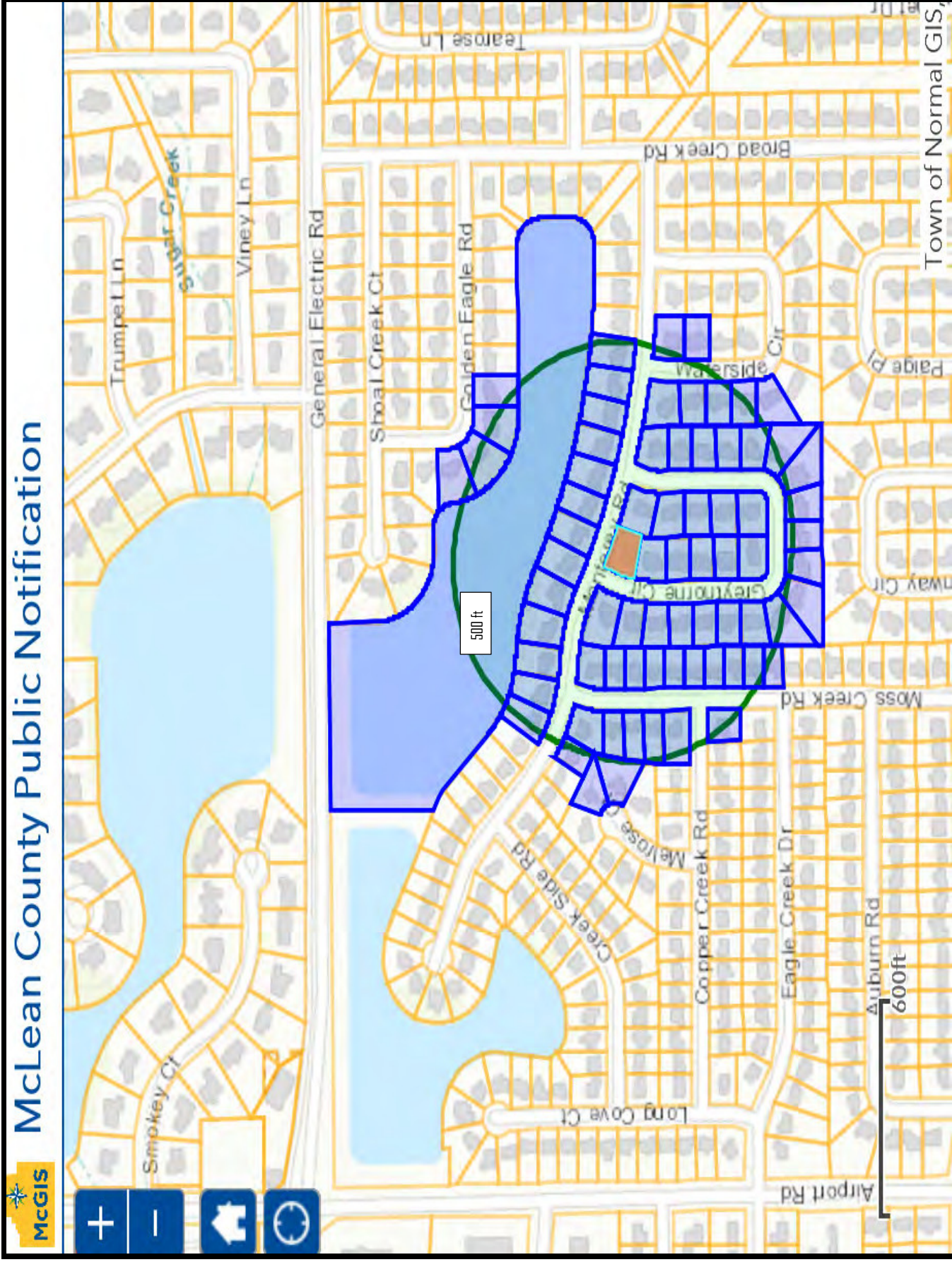
If you desire more information regarding the proposed petitions or have any questions, you may email planning@cityblm.org or call (309) 434-2226. Please note this meeting could be subject to change based on a lack of quorum or other reasons. Notice of a change will also be posted online at www.cityblm.org.

Sincerely,

Planning Division staff

Attachment: Map of notified properties within 500 ft of subject property

Public Hearing on June 17, 2020 for a Variance request at 2 Greythorne Circle



TOM PARK
21 Greythorne Cir
BLOOMINGTON, IL 61704

ERIC HAMMONS
19 GREYTHORNE CIR
BLOOMINGTON, IL 61704

MICHAEL & CINDY CLOCK
25 GREYTHORNE CIR
BLOOMINGTON, IL 61704

DOUGLAS & BRANDI KIMBALL
7 WATERSIDE CIR
BLOOMINGTON, IL 61704

ERIC THOMPSON
1403 MOSS CREEK RD
BLOOMINGTON, IL 61704

STEVEN & TERESA WALKER
10 GREYTHORNE CIR
BLOOMINGTON, IL 61704

TIMOTHY WOODSON
1414 MOSS CREEK RD
BLOOMINGTON, IL 61704

F BENNETT LILLEY
5 WATERSIDE CIR
BLOOMINGTON, IL 61704

NICOLAS & STEPHANIE KEARFOOT
32 GREYTHORNE CIR
BLOOMINGTON, IL 61704

JOHN & DEBORAH PETRILLO
31 GREYTHORNE CIR
BLOOMINGTON, IL 61704

ABYE DEREGE
15 GREYTHORNE CIR
BLOOMINGTON, IL 61704

MARIO DAVIS
30 GREYTHORNE CIR
BLOOMINGTON, IL 61704

CURT STEWART
17 GREYTHORNE CR
BLOOMINGTON, IL 61704

MICHAEL & GEORGANNE MORRIS
27 GREYTHORNE CIR
BLOOMINGTON, IL 61704

WILLIAM TOFT
1401 MOSS CREEK RD
BLOOMINGTON, IL 61704

MARK & KRISTY MCREYNOLDS
3126 MONTEREY RD
BLOOMINGTON, IL 61704

LARRY RUSSELL
1411 MOSS CREEK RD
BLOOMINGTON, IL 61704

WAYNE & MARILN ERICSON
35 GREYTHORNE CIR
BLOOMINGTON, IL 61704

ANDY & MICHELLE WITTMAN
3202 MONTEREY RD
BLOOMINGTON, IL 61704

KEVIN ONYSIO
7 GREYTHORNE CIR
BLOOMINGTON, IL 61704

BRENDON SCHROFT
13 GREYTHORNE
BLOOMINGTON, IL 61701

ROBERT POWERS
20 GREYTHORNE
BLOOMINGTON, IL 61704

STEVEN & SHERRI CHINSKI
9 WATERSIDE CIRCLE
BLOOMINGTON, IL 61704

ABBIE & HERMAN EDWARD JR ZINKAN
29 GREYTHORNE CIR
BLOOMINGTON, IL 61704

ANIBAL & BEATRIZ TORRES
23 GREYTHORNE CIR
BLOOMINGTON, IL 61704

CHRIS & ANDREA SIKORA
3125 MONTEREY RD
BLOOMINGTON, IL 61704

DONGMEI LUO
33 GREYTHORNE
BLOOMINGTON, IL 61704

JEFFREY YURGEN
5 GREYTHORNE CIR
BLOOMINGTON, IL 61704

ERIC HOSS
11 GREYTHORNE CIR
BLOOMINGTON, IL 61704

RANDY MCBEATH
4 WATERSIDE CIR
BLOOMINGTON, IL 61704

BROOKE AMAIREH
3309 GOLDEN EAGLE RD
BLOOMINGTON, IL 61704

ROCHELLE FRY
3 GREYTHORNE CIR
BLOOMINGTON, IL 61704

GREG CHAVERS
3304 MONTEREY RD
BLOOMINGTON, IL 61704

GARY & CYNTHIA WALTER
3131 COPPER CREEK RD
BLOOMINGTON, IL 617042

DAVID & MICHELLE MCPHERSON
1418 MOSS CREEK RD
BLOOMINGTON, IL 61704

SUSAN BRANDT
3210 MONTEREY RD
BLOOMINGTON, IL 61704

BIPIN SHAH
1405 MOSS CREEK
BLOOMINGTON, IL 61704

JOAN MCDONALD
3128 MONTEREY RD
BLOOMINGTON, IL 61704

MICHAEL & KAREN MILLIGAN
3208 MONTEREY RD
BLOOMINGTON, IL 61704

ARNELL & CHARNETTE GRIFFIN
4 GREYTHORNE CIRCLE
BLOOMINGTON, IL 61704

DEREK LAWLESS
1415 Moss Creek Rd
Bloomington, IL 6170

ERIC LAFFEY
1419 MOSS CREEK RD
BLOOMINGTON, IL 61704

PAUL BOEHM
1416 MOSS CREEK
BLOOMINGTON, IL 61704

RAYMOND & ANDREA MORRIS
9 GREYTHORNE CIR
BLOOMINGTON, IL 61704

MELISSA PAPOCCIA
1417 MOSS CREEK RD
BLOOMINGTON, IL 61704

ANDREA & CHRISTOPHER GOINS
2 GREYTHORNE CIR
BLOOMINGTON, IL 61704

DAVID WALKER
37 GREYTHORNE CIR
BLOOMINGTON, IL 61704

JAMES MILES
1 Waterside Cir
BLOOMINGTON, IL 61704

STEVE DOELLMAN
8 GREYTHORNE CIR
BLOOMINGTON, IL 61704

JEFFREY & LEZA KIRSHENBAUM
34 GREYTHORNE CR
BLOOMINGTON, IL 61704

STEPHEN STURM
1409 MOSS CREEK RD
BLOOMINGTON, IL 61704

MICHAEL HAMMEL
38 GREYTHORNE CIR
BLOOMINGTON, IL 61704

TIM KELLEY
1412 MOSS CREEK RD
BLOOMINGTON, IL 61704

ARIEL & AMIE HERNANDEZ
HERNANDEZ CIFUENTES
3311 GOLDEN EAGLE RD
BLOOMINGTON, IL 61704

ROBERT & CARRIE R REARDON
2 WATERSIDE CIR
BLOOMINGTON, IL 61704

RYAN & LAUREN OEHLER
3306 MONTEREY RD
BLOOMINGTON, IL 61704

JERRY FLETCHER
3206 MONTEREY RD
BLOOMINGTON, IL 61704

BEN & CAROLINE VAN AMAN JUSTICK
1413 MOSS CREEK RD
BLOOMINGTON, IL 61704

ALEXANDER LUTHE
3 WATERSIDE CIRCLE
BLOOMINGTON, IL 61704

ROSEMARY WEBER
6 GREYTHORNE CIR
BLOOMINGTON, IL 61704

ROGER HEIDEMAN
1 GREYTHORNE CIR
BLOOMINGTON, IL 61704

BRIAN & MICHELLE WAKEMAN
3204 MONTEREY
BLOOMINGTON, IL 61704

GLADYS RIVERA
9 MELROSE CT
BLOOMINGTON, IL 61704

JOHN ALMEIDA
3307 GOLDEN EAGLE
BLOOMINGTON, IL 61704

MICHAEL KORTKAMP
3214 MONTEREY RD
BLOOMINGTON, IL 61704

ROBERT EGAN
1407 MOSS CREEK RD
BLOOMINGTON, IL 61704

LARRY & LAURENE ZIEGLER
3308 MONTEREY RD
BLOOMINGTON, IL 61704

JON WILSON
3302 MONTEREY RD
BLOOMINGTON, IL 61704

GREGORY & CAROL MICHAELS
3212 MONTEREY RD
BLOOMINGTON, IL 61704

JOHN M HAMILTON CPA PC ARK II OF
BLOOMINGTON NORMAL INC
702 N CLINTON ST
BLOOMINGTON, IL 61701

BRAD LIVESAY
36 GREYTHORNE
BLOOMINGTON, IL 61704

ALLAN & JANICE BATES
3127 MONTEREY RD
BLOOMINGTON, IL 61704

MIKE BADOREK
3305 GOLDEN EAGLE RD
BLOOMINGTON, IL 61704

CHERYL WYATT
11 Melrose Ct
BLOOMINGTON, IL 61704

CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
JUNE 17, 2020

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-09-20	Variances	1.Allow and accessory structure in the side yard 2.Decrease separation between principal structure and accessory structure	Katie Simpson, City Planner

PROJECT DESCRIPTION:
The applicant would like to rebuild an accessory structure in the same location as the existing structure, in the side yard and closer than 10' to the principal structure
APPLICANT'S REQUEST:

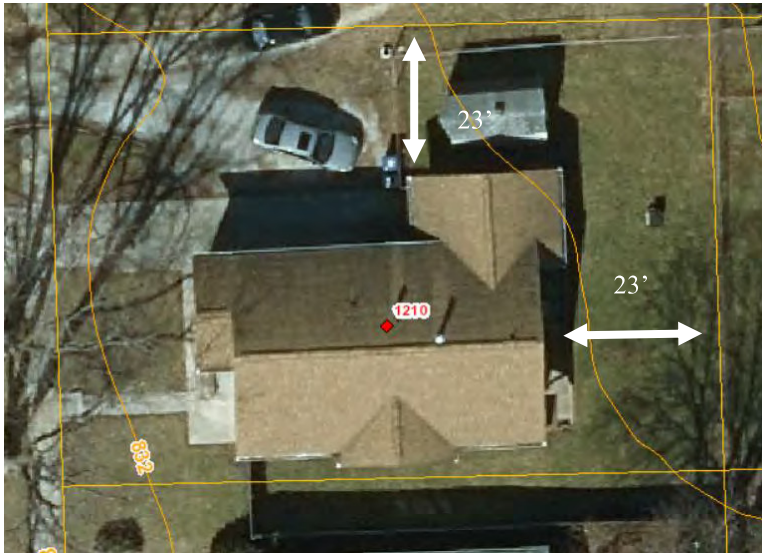
Section of Code: 44.908 Accessory Structures

Type of Variance	Request	Required	Variation
Accessory structure siting	Side yard	Rear Yard	Side Yard
Separation from principal structure	6'	10'	-4'

STAFF RECOMMENDATION:	Staff finds that the variance will not give special privilege nor be detrimental to the character of the neighborhood. The property was built before the zoning ordinance was established, the rear yard is less than the current minimum requirement and the proposed shed will replace an existing shed. If the neighborhood does not object to the request, staff recommends that the Zoning Board of Appeals approve <i>the variances for</i> 1). Allowing an accessory structure in the side yard and 2). decreasing the required separation between the principal structure and the accessory structure at 1210 S Mason St.
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Subject property



NOTICE

The application has been filed in conformance with applicable procedural requirements and legal, public notice for the hearing was published in *The Pantagraph* on June 1, 2020.

GENERAL INFORMATION

Owner and Applicant: Richard Gray

PROPERTY INFORMATION

Legal description: ASSR'S SUB OF BLK 19 MILLER'S 2ND ADD LOT 2 & S1/2 VAC ALLEY LYG N & ADJ

Existing Zoning: R-1C Single Family Residential District
Existing Land Use: Single Family home
Property Size: 67 X 99 (6682 sqft)
PIN: 21-09-156-005

Surrounding Zoning and Land Uses

Zoning

North: R-1C Single Family Residential District
South: R-1C Single Family Residential District
East: R-1C Single Family Residential District
West: R-1C Single Family Residential District

Land Uses

North: Single family homes
South: Single family homes
East: Single 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 Variance
2. Site Plan
3. Aerial photographs
4. Site visit

PROJECT DESCRIPTION

Background. 1210 S Mason Street, the subject property, is located on Bloomington's westside south of W.

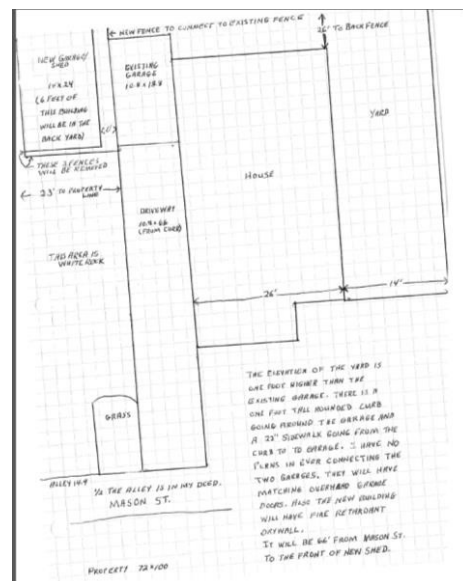
Existing shed, to be replaced



Miller Street, west of S. Mason Street and north of W. Bissell Street. The subject property is approximately 67 feet wide and 99 feet deep, approximately 6,682 square feet. The majority of the lots in the neighborhood are also 99ft deep. It is improved with a 1180 square foot craftsman cottage/bungalow style single family home. The house is approximately 23 feet from the rear lot line and 23 feet from the north side lot line. The back yard is approximately 1,733 square feet. The structure has a one-car attached garage, which is uncommon for this type of home and was added prior to 1970. The former property owner was granted a variance in 1971 to enlarge the attached garage, but never followed through with the project. It also has a detached 11 X 14 (154 sqft) foot shed located in the side yard of the property. The existing shed is also six-feet from the attached garage/principal structure. The subject property is adjacent to other single-family homes, many of which have detached garages and accessory structures. The subject property and adjacent properties are zoned R-1C, Single Family Residential District.

An 18' alley once bordered this property on the north. Around 1981, the city vacated the alley and the owner of 1210 S Mason Street acquired an additional 9ft, or half of the alley. Sometime after that, the existing shed was installed on the property. The 1982 aerial photo does not show the existing shed and staff cannot find permits for the shed. Based on the size of the structure, a permit may not have been required for its installation at that time. The existing shed is considered nonconforming. The ordinance allows the shed to be repaired but it cannot be replaced if destroyed. A new shed could be erected in a location conforming with the setbacks or after variances are granted to allow it in the existing location.

Project Description: The property owner is permitted to have an accessory structure that is the lessor of the following: 1) less than the size of the principal structure; 2) less than 1000 square feet or 3) one third the size of the back yard. In this case the owner would be permitted a maximum 577 square feet structure (1/3 the rear yard). The proposed shed meets the square footage requirements. Additionally, the ordinance only allows accessory structures in the rear yard and requires a 10ft separation from the principal structure. The applicant is requesting a building permit to reconstruct a new accessory structure where the current shed is located. Per the application, the existing shed is in poor condition. However, the owner would like to be able to build on the existing foundation/slab. The proposed accessory structure will be 14ft wide and 24ft long, a little wider and deeper than the current shed. The length of the shed could accommodate a vehicle (typically 20ft long) and/or a lawn mower and other garden tools. The proposed accessory structure is approximately 336 square feet, and will have a garage door that matches the attached garage. The property owner intends to remove the existing chain link fence from the front and side yard. The following is a summary of the requested variations:



Applicable Code Sections: 44.908 Accessory Structures

Section of Code:

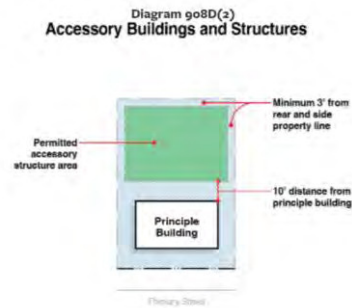
Type of Variance	Request	Required	Variation
Accessory structure siting	Side yard	Rear Yard	Side Yard
Separation from principal structure	6'	10'	-4'

The Zoning Ordinance defines “side yard” as the yard extending from the required front yard (front lot line to foundation of building) to the required rear yard (rear lot line to foundation of building).

Alternative Locations:

The property owner could consider moving/relocating the shed in the rear yard and 10ft away from the building.

However, given the small back yard, to do so would limit the owner’s ability to have a 14 X 24ft shed. Below is a photo showing area(s) where the applicant could potentially locate the shed in the rear yard and 10ft from the structure. The siting limits the size of the shed. The applicant would not be able to place the 14 X 24ft shed in these locations without necessitating a variance. The applicant could possibly place a 10X20 shed in the rear yard; reducing the size also reduces the versatility of the building. A standard rear yard for the R-1C district is 25ft wide. After applying the 10ft separation from the principal structure and 3ft separation from a rear lot line, a property owner could (in theory) have a 12ft wide shed in the R-1C district. The 23ft wide rear yard at 1210 S Mason, reduces the width of the shed the property owner can have without necessitating a variance. An alternative might be to expand the existing single car garage.



Additional considerations: While most other homes in the neighborhood have accessory structures located in the rear of their properties, based on the aerial map, the accessory structures at 1218 S. Mason and 1109 N Oak Street project/extend forward into the side yard. It is

uncommon, and disallowed by the current ordinance, to locate a shed adjacent to the principal structure, typically these buildings are further back on a property/behind the principal structure. Staff is unaware of past variances that allowed an accessory structure in the side yard. The accessory structures at 1111 S Oak and 1214, 1216, and 1218 S Mason St are less than 10ft from the principal structure, staff is familiar with past variances to reduce the separation between buildings. In some cases, the buildings materials and construction methods used may need to be adjusted to accommodate the reduced separation.

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 applicant 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 property was established prior to adoption of the ordinance. The home, which was built in the early 20th century, was not constructed with a garage. A single car garage was attached prior to 1970. This attachment is atypical for the style home, and for the neighborhood. The siting of the single car garage limits the location of accessory structures. The property has a narrow rear yard, less than the 25 ft required rear yard. Additionally, there is a 2ft change in grade between the elevation of the attached garage (832 contour), the detached accessory structure (834 contour), and the rear yard (836 contour). The yard rear yard has a slight slope. Additionally, when applying the setbacks from the ordinance, the nonconforming rear yard setback limits the size of the accessory structure that the applicant can install without a variance. **The standard is met.**

That the variances would be the minimum action necessary to afford relief to the applicant; and the proposed shed will require a variance regardless of its location. If it is moved to the rear of the property, it will need to be 3ft off the lot line and will still project into the side yard. To expand the existing accessory structure would also require a variance since the current accessory structure is nonconforming. The owner could consider reducing the size of the shed or attaching it to the existing single car garage. Staff is not sure why these options may or may not be feasible to the applicant. **More information is needed to determine if the standard is met.**

That the special conditions and circumstances were not created by any action of the applicant; and the neighborhood was established prior to the adoption of the ordinance and many of the existing properties do not conform to the standard setbacks of the code. The garage, attached by previous owners, limits the location of additional accessory structures. **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 While the ZBA has approved past variances to allow for a reduced separation between accessory structures and principals structures, staff is unaware of recent cases where the accessory structure is located in the side yard. The variances will allow the property owner to construct a 14' X 24' shed. The shed does not exceed our maximum accessory structure requirements and does not exceed the general massing of surrounding accessory structures. Allowing the shed to encroach into the side yard and allowing the variance for the reduced setback in this instance will allow the property owner to have an outbuilding comparable to others in the neighborhood. Without the variances, the size of the outbuilding the owner could construct would be less than other properties nearby. **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. The proposed project will involve removal of the chain link fence, which could be considered an improvement, and new investment in an accessory building. The proposed shed will be a similar height and is a similar mass to other accessory structures in the neighborhood. The location will not deviate from the location of the existing shed, which should not significantly alter neighborhood character from what currently exists. The proposed building should not impair the use and development of other properties. Unless there is objection from the surrounding neighborhood, **the standard is met.**

STAFF RECOMMENDATION: Staff finds that the variance **will not** give special privilege **nor** be detrimental to the character of the neighborhood. The property was built before the zoning ordinance was established, the rear yard is less than the current minimum requirement and the proposed shed will replace an existing shed. If the neighborhood does not object to the request, staff recommends that the Zoning Board of Appeals approve *the variances for* 1). Allowing an accessory structure in the side yard and 2). decreasing the required separation between the principal structure and the accessory structure at 1210 S Mason St.

Respectfully submitted,
Katie Simpson,
City Planner

Attachments:

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

Pictured below: adjacent properties



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: 1210 S. MASON BLOOMINGTON IL 61701

Site Address: _____

Petitioner: RICHARD L. GRAY Phone: [REDACTED]

Petitioner's Email Address: _____

Petitioner's Mailing Address Street: [REDACTED]

City, State, Zip Code: [REDACTED]

Contractual interest in the property ☒ yes ☐ no

Signature of Applicant [REDACTED]

Brief Project Description:

REPLACE OLD SHED WITH NEW SHED TO IMPROVE CURB
APPEAL. B

Code Requirements Involved:

44.9-8D FOUR FOOT REDUCTION IN THE 10 FOOT SEPERATION RULE.

44.9-4 LOCATE THE STRUCTURE IN THE SIDE YARD WHERE
AN OLDER STRUCTURE ALREADY EXIST.

(I WILL USE FIRE RETARDENT DRYALL IN THE INTERIOR)

Variances(s) Requested:

44.9-8D

44.9-4

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.

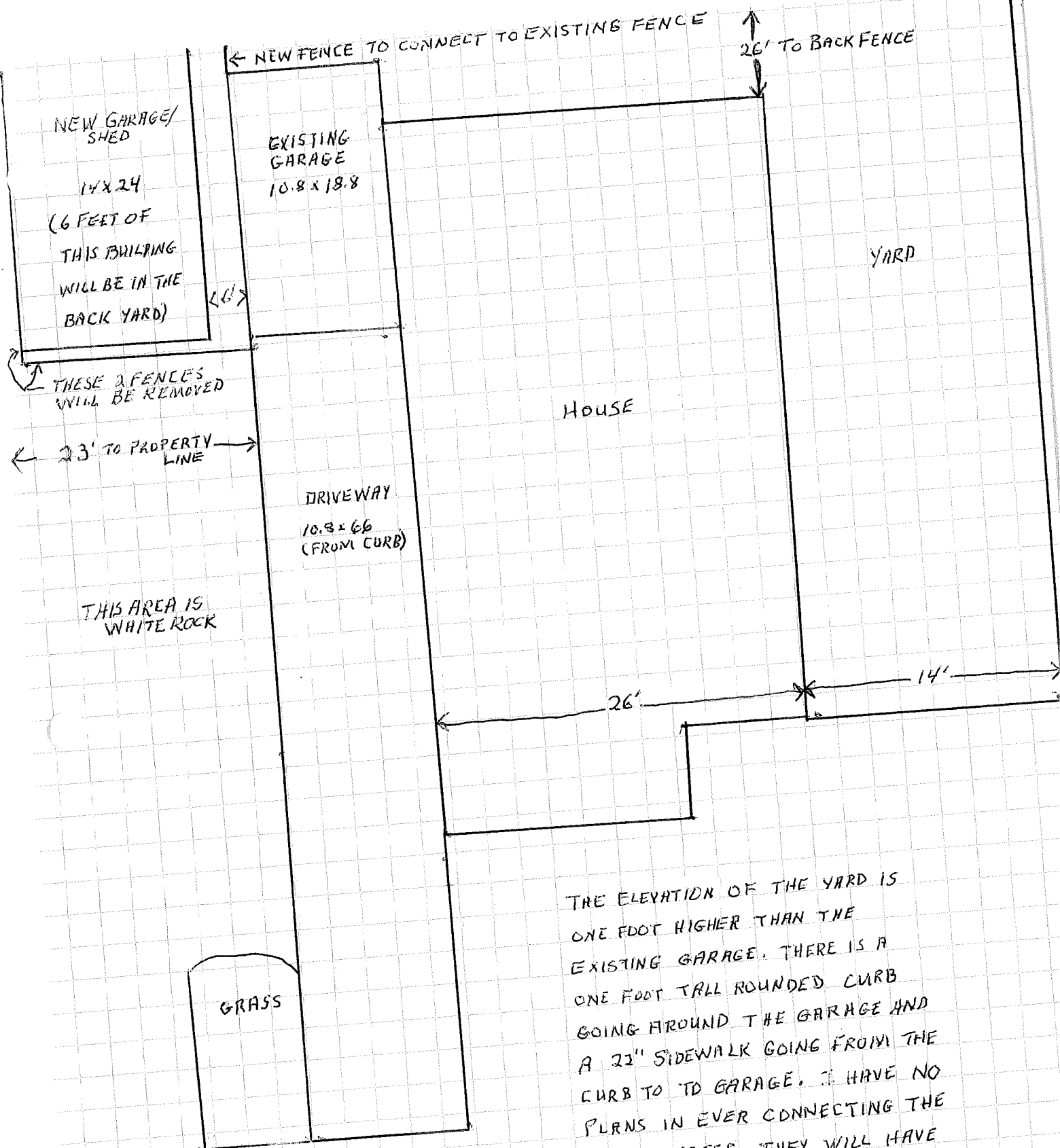
TO IMPROVE THE LOOK OF MY PROPERTY AND SOUTH HILL AREA.

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 FLOOR FEELS WEAK, THE PANELING ON THE INSIDE IS MADE OF PRESSED PAPER. THE DOORS ARE WEAK. THE SHINGLES ON THE ROOF SHOULD HAVE BEEN REPLACED YEARS AGO. THE BOTTOM FOOT OF THE OUTSIDE PANELING IS ROTTEN.
2. That the variance would be the minimum action necessary to afford relief to the applicant; and
THIS SHED WOULD BE IN NEED OF A TOTAL REBUILD TO MAKE IT SAFE AND SOUND.
3. That the special conditions and circumstances were not created by any action of the applicant; and
I JUST PURCHASED THIS PROPERTY LAST MONTH WITH PLANS TO MAKE IT ONE OF THE NICEST HOMES IN SOUTH HILL.
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
I CAN SEE NO REASON WHY THIS WOULD BE DENIED TO ANYONE.
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 WOULD NOT BE DETRIMENTAL TO ANY OF MY NEIGHBORS AND WOULD BE A DEFINITE IMPROVEMENT TO THE NEIGHBORHOOD.



THE ELEVATION OF THE YARD IS ONE FOOT HIGHER THAN THE EXISTING GARAGE. THERE IS A ONE FOOT TALL ROUNDED CURB GOING AROUND THE GARAGE AND A 22" SIDEWALK GOING FROM THE CURB TO TO GARAGE. I HAVE NO PLANS IN EVER CONNECTING THE TWO GARAGES. THEY WILL HAVE MATCHING OVERHEAD GARAGE DOORS. ALSO THE NEW BUILDING WILL HAVE FIRE RETARDANT DRYWALL.

IT WILL BE 66' FROM MASON ST. TO THE FRONT OF NEW SHED.

PROPERTY 72x100

ALLEY 14.9

1/2 THE ALLEY IS IN MY DEED.
MASON ST.

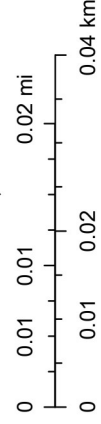
1210 S. Mason St. Variance



6/7/2020, 1:07:04 PM

Parcels

1:1,128



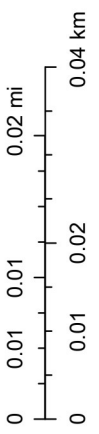
1210 S. Mason St. Variance



6/7/2020, 1:08:37 PM

- Parcels
- Downs
 - AG
- C-1
 - C-2
 - PUBLIC
- R-1 Lexington
 - R-2
 - R-3
- M-1
 - R-2
 - B-1 Danvers
 - B-2
- GOV
 - I
 - C
 - O
- R
 - Colfax
 - AG

1:1,128



Legal Inside

82564

A Public Hearing before the Bloomington Zoning Board of Appeals will be held virtually on Wednesday, June 17, 2020 at 4:00 PM at www.cityblm.org /live on an the following applications: 1) Robert Hernandez requesting i). a variance to allow for the expansion of a nonconforming structure and ii). a variance to reduce the required side yard setback for a principal structure from 6' to 18", a 4.5' reduction at 1314 W. Locust St. (PIN# 21-05-251-000). Legally described as MAURER & SWEE-NEYS ADD LOT 5 BLK 1. 2) Christopher & Andrea Goins requesting a variance from the required 10' separation between the pool and the primary structure to 7', a 3' reduction to allow for installation of a swimming pool at 2 Greythorne Cir. (PIN# 15-31-154-001). Legally described as GOLDEN EAGLE 2ND ADD LOT 285. 3) Richard Gray requesting i). a variance from the required 10' separation between the building and the accessory structure to 6', a 4' reduction and ii). a variance to locate the structure in the required side yard for installation of a shed at 1210 S. Mason St. (PIN# 21-09-156-005). Legally described as LOT 2 SUB BLK 19 JAMES MILLERS 2ND ADD TO CITY & S1/2 VAC ALLEY LYG N & ADJ. 4) Bobbie Amburgey requesting a variance to increase from the required 4' maximum fence height to 6', a 2' increase to allow for installation of fence in front yard on a corner lot at 1502 W. Chestnut St. (PIN# 21-05-128-013). Legally described as MUSCHS ADD LOT 1. The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org. To provide testimony on this item please register at least 15 minutes in advance of the start of the meeting at <https://www.cityblm.org/government/boards-commissions/register-for-public-comment>. Public comments can also be emailed at least 15 minutes prior to the start of the meeting to publiccomment@cityblm.org. This hearing will be accessible to individuals with disabilities in compliance with the ADA and other applicable laws. For special needs or accessible questions please contact the City Clerk at 109 E. Olive St., Bloomington, (309) 434-2240, cityclerk@cityblm.org or TTY at (309) 829-5115.

Published: June 1,
2020 Published: June 1, 2020

82564



Department of Community Development 115 E
Washington St, Ste 201
Bloomington IL 61701
(309)434-2226
planning@cityblm.org

June 3, 2020

Dear Property Owner or Occupant:

The Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a virtual public hearing on Wednesday, June 17, 2020 at 4:00 PM at www.cityblm.org/live on an application submitted by Richard Gray(1210 S. Mason St., Bloomington, IL 61701).

You are receiving this notice because you own or occupy property within a 500-foot radius of the subject property (refer to attached map). All interested persons may present evidence or testimony regarding said petitions, or ask questions related to the petitioner's requests at the scheduled public hearing.

The applicant is requesting i). a variance from the required 10' separation between the building and the accessory structure to 6', a 4' reduction and ii). a variance to locate the structure in the required side yard for installation of a shed at 1210 S. Mason St., Bloomington, IL 61701.

The Subject Property is legally described as LOT 2 SUB BLK 19 JAMES MILLERS 2ND ADD TO CITY & S1/2 VAC ALLEY LYG N & ADJ

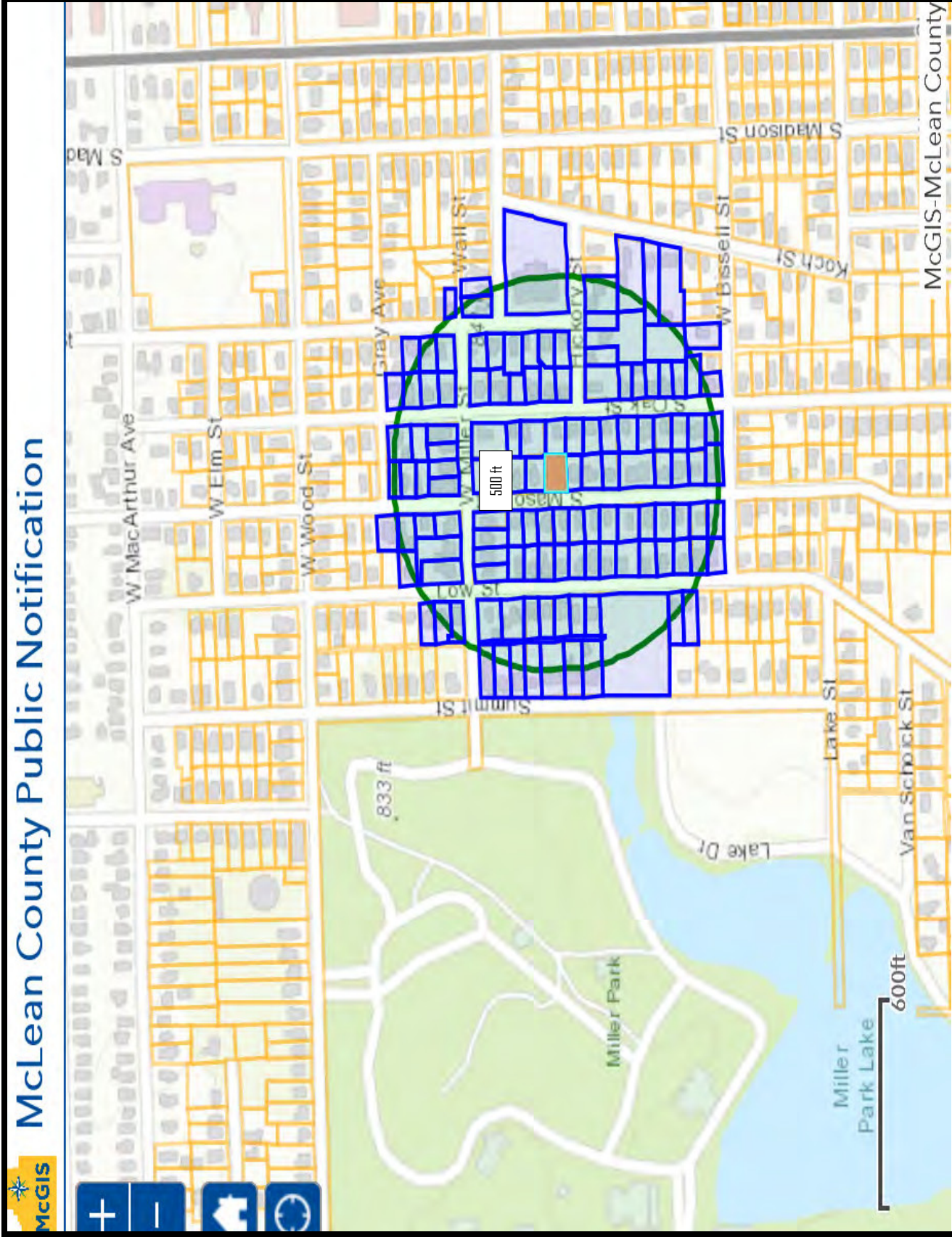
The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org. To provide testimony on this item please register at least 15 minutes in advance of the start of the meeting at <https://www.cityblm.org/government/boards-commissions/register-for-public-comment>. Public comments can also be emailed at least 15 minutes prior to the start of the meeting to publiccomment@cityblm.org. This hearing will be accessible to individuals with disabilities in compliance with the ADA and other applicable laws. For special needs or accessible questions please contact the City Clerk at 109 E. Olive St., Bloomington, (309) 434-2240, cityclerk@cityblm.org or TTY at (309) 829-5115, preferably no later than five days before the hearing.

If you desire more information regarding the proposed petitions or have any questions, you may email planning@cityblm.org or call (309) 434-2226. Please note this meeting could be subject to change based on a lack of quorum or other reasons. Notice of a change will also be posted online at www.cityblm.org.

Sincerely,

Planning Division staff

Attachment: Map of notified properties within 500 ft of subject property



THOMAS EWEN
901 SPEAR DR
NORMAL, IL 61761

RICHARD VEITENGRUBER
1222 S MASON ST
BLOOMINGTON, IL 61701

MICHAEL BACON
1221 S MASON
BLOOMINGTON, IL 61701

BRADLEY NAUMAN
1224 S MASON ST
BLOOMINGTON, IL 61701

DIRK STAUFFER
507 W BISSELL ST
BLOOMINGTON, IL 61701

CALVIN & CONNIE SCHICK
409 W BISSELL ST
BLOOMINGTON, IL 61701

NANCY SEMINGSON
1227 S MASON ST
BLOOMINGTON, IL 61701

DAVID & ELMA SCOTT
1223 LOW ST
BLOOMINGTON, IL 61701

VICKI EMMERT
603 W BISSEL
BLOOMINGTON, IL 61701

RONALD CURRY
1209 S OAK ST
BLOOMINGTON, IL 61701

DAVID AUSSIEKER
2830 RUTHERFORD DR
BLOOMINGTON, IL 61705

AARON & ASHLEY RUHRUP PASSFIELD
1210 S OAK ST
BLOOMINGTON, IL 61701

STEPHEN ROBERTS
1212 S OAK ST
BLOOMINGTON, IL 61701

STEFAN CSEVE
1213 S OAK ST
BLOOMINGTON, IL 61701

ROY & DELORES SUTTLE
601 WEST BISSELL STREET
BLOOMINGTON, IL 61701

ROBERT ALAN BEALE
1225 S LOW ST
BLOOMINGTON, IL 61701

CAITLIN SCHROEDER
1211 S OAK ST
BLOOMINGTON, IL 61701

LISA CRAIG
1226 S MASON
BLOOMINGTON, IL 61701

DEBBIE SHAW
1701 E EMPIRE ST
BLOOMINGTON, IL 61701

STEPHEN ROUSEY
1225 S MASON ST
BLOOMINGTON, IL 61701

JOSHUA SCHARF
1214 S OAK ST
BLOOMINGTON, IL 61701

MICHAEL KELLNER
1208 S OAK ST
BLOOMINGTON, IL 61701

MICHAEL GALLEGOS
908 E LOCUST ST
BLOOMINGTON, IL 61701

STEVE & VICKIE MAHRT
1316 IRONWOOD CC DR
NORMAL, IL 61761

JESSICA VALENTINE
1222 LOW ST
BLOOMINGTON, IL 61701

ROBERT BAKER
1211 KOCH ST
BLOOMINGTON, IL 6170

3T PROPERTIES LLC
6 FOX CREEK RD
TOWANDA, IL 61776

MATTHEW BROWNFIELD
1226 Low St
Bloomington, IL 6170

DIANN MCCORD
1223 S MASON ST
BLOOMINGTON, IL 61701

JOSE JUAN BENAVIDEZ GONZALEZ
405 W BISSELL ST
BLOOMINGTON, IL 61701

ANDREW REENER
1228 S MASON ST
BLOOMINGTON, IL 61701

RICKIE LEE BENECKE
910 S MASON ST
BLOOMINGTON, IL 61701

MRE GROUP LLC 1003 S OAK SERIES
1717 W KIRBY AVE #315
CHAMPAIGN, IL 61821

GENEVIEVE FEIST
1008 S OAK ST
BLOOMINGTON, IL 61701

TERESA BLAKENEY TRUSTEE
PO BOX 287
CARLOCK, IL 61725

CDG REAL ESTATE LLC
808 N COUNTRY FAIR DR
CHAMPAIGN, IL 61821

BENJAMIN RYAN
1107 S LOW ST
BLOOMINGTON, IL 61704

DAVID DUANE SCOTT
1223 LOW ST
BLOOMINGTON, IL 61701

ROBIN HOUCHIN
605 W MILLER ST
BLOOMINGTON, IL 61701

DARREL SALZMAN
1959 E 2150 NORTH RD
CONGERVILLE, IL 61729

KELLY CASALI
1213 KOCH ST
BLOOMINGTON, IL 61701

LELAND HOLTZ
1206 S OAK ST
BLOOMINGTON, IL 61701

BILL RAINWATER
1012 SUMMIT ST
BLOOMINGTON, IL 61701

JACQUELIN GIBONS
1207 S MASON ST
BLOOMINGTON, IL 61701

BRYON & REBECCA PHINNEY
502 W MILLER ST
BLOOMINGTON, IL 61701

JORDAN CAMPBELL
1002 S OAK ST
BLOOMINGTON, IL 61701

LUCAS & MEGAN WINTERS
8 TAMI CT
BLOOMINGTON, IL 61701

JACOB MANUEL
1205 S LEE ST
BLOOMINGTON, IL 61701

ARTHUR GREGG
1006 S OAK ST
BLOOMINGTON, IL 61701

AARON PETERSON
6706 FARMBROOK LN
KNOXVILLE, TN 37918

ANDY CASALI
1215 KOCH
BLOOMINGTON, IL 61701

RICKARDO & ROZANN RAMIREZ
9335 OLD PEORIA RD
BLOOMINGTON, IL 61701

DANIEL DIETSCH
1001 S OAK ST
BLOOMINGTON, IL 61701

KAREN LORCH
1207 S LEE
BLOOMINGTON, IL 61701

WILLIAM HERMES
1105 S LEE ST
BLOOMINGTON, IL 61701

WILLIAM ANDERSON
1113 S OAK ST
BLOOMINGTON, IL 61701

MARCIA ANN WEAVER
1109 LOW ST
BLOOMINGTON, IL 61701

ANDREW KUYKENDALL
45 BANDECON WAY
BLOOMINGTON, IL 61701

TODD FEEHAN
1202 W WOOD ST
BLOOMINGTON, IL 61701

TABITHA JOHNSON
1101 LOW ST
BLOOMINGTON, IL 61701

DARCIE ATKINS
1204 S MASON ST
BLOOMINGTON, IL 61701

METRO BIBLE & HEALTH CENTER
PO BOX 1816
BLOOMINGTON, IL 61702

BETTY SALCH
1014 SUMMIT ST
BLOOMINGTON, IL 61701

JUNETTE ARNOLD
603 W MILLER ST
BLOOMINGTON, IL 61701

CHRISTINE LAKE
1107 S OAK
BLOOMINGTON, IL 61701

CHARLES MURPHY
1215 S MASON ST
BLOOMINGTON, IL 61701

MARTY KELCH
1216 S MASON ST
BLOOMINGTON, IL 61701

ZACHERY & JESSICA HALL
500 HICKORY ST
BLOOMINGTON, IL 61701

TREVOR DITTMER
1112 Low St
BLOOMINGTON, IL 61701

JAMIE MUNCY
1110 S OAK ST
BLOOMINGTON, IL 61701

JON THOMS
606 W MILLER ST
BLOOMINGTON, IL 6170

SARA KELCH
1201 S LEE
BLOOMINGTON, IL 61701

JASON & MELISSA BREEDEN
1103 S LEE ST
BLOOMINGTON, IL 61701

CONNOR & ANDREW & GRACE
THOMPSON
914 S MASON ST
BLOOMINGTON, IL 61701

STEWART STEINER
P O BOX 451
MINIER, IL 61759

MARK HOFFMAN
1115 S LOW
BLOOMINGTON, IL 61701

MARK BURKS
1201 S OAK
BLOOMINGTON, IL 61701

DORIS TODD
504 HICKORY ST
BLOOMINGTON, IL 61701

PAUL DOUGLAS WILSON
5183 FM 2088
WINNSBORO, TX 75494

LAKEVIEW LOAN SERVICING LLC
4425 PONCE DE LEON BLVD 5TH FLOOR
CORAL GABLES, FL 33146

JUDITH STEARNS
306 E LOCUST ST APT 5
BLOOMINGTON, IL 61701

EDMUND SWEENEY
610 W MILLER
BLOOMINGTON, IL 61701

GILBERT BROCKWAY
24 INDEPENDENCE SQ
BLOOMINGTON, IL 61704

DARREL SALZMAN
1959 E 2150 NORTH RD
CONGERVILLE, IL 61729

ADAM LOSCAR
1118 LOW ST
BLOOMINGTON, IL 61701

JESSICA ANDES
1116 LOW ST
BLOOMINGTON, IL 61701

DARYL & BARBARA MAXWELL
1004 S OAK ST
BLOOMINGTON, IL 61701

TREYTON & KATHRYN DRAPER
1211 S LEE ST
BLOOMINGTON, IL 61701

ROBERT S & KATHLEEN A KRONES
1005 S LOW
BLOOMINGTON, IL 61701

CHAMPAIGN CAPITAL LLC
P O BOX 993
MAHOMET, IL 61853

KEVIN TUUK
18 SYLVAN LN
BLOOMINGTON, IL 61701

MARJORIE STONE
1009 S LOW ST
BLOOMINGTON, IL 61701

ALLEN GIBSON
503 W MILLER ST
BLOOMINGTON, IL 61701

TRENT BELLOTT
315 W MILLER ST
BLOOMINGTON, IL 61701

GARY JEWETT
1217 S MASON ST
BLOOMINGTON, IL 61701

DOMENIC FRIGUGLIETTI
9481 ORION DR
BLOOMINGTON, IL 6170

KATIA GALLEGOS
1209 S LEE ST
BLOOMINGTON, IL 61701

MEGAN HORATH
1213 S Mason St
BLOOMINGTON, IL 61701

BUCK HILL
1219 S MASON ST
BLOOMINGTON, IL 61701

JANETTE WILLIAMS
907 S MASON ST
BLOOMINGTON, IL 61701

AMBER & JOSE CABRERA
1206 S MASON ST
BLOOMINGTON, IL 6170

GARY GOODWIN
1002 SUMMIT ST
BLOOMINGTON, IL 61701

MARITZA VAZQUEZ
317 W MILLER
BLOOMINGTON, IL 61701

MARY AHLERS
910 LOW ST
BLOOMINGTON, IL 6170

DANIEL WINTERS
1120 S LOW
BLOOMINGTON, IL 61701

JAMES BURCHETT
1214 S MASON ST
BLOOMINGTON, IL 6170

MICHAEL HUGGETT
405 Carriage Hills Rd
Normal, IL 61761

BROOKE NICOLE SULLIVAN
1113 LOW ST
BLOOMINGTON, IL 61701

EDWARD MOORE
1209 S MASON
BLOOMINGTON, IL 61701

BENJAMIN RILEY
1211 S MASON ST
BLOOMINGTON, IL 6170

KEVIN HAZZARD
1202 S Mason St
BLOOMINGTON, IL 61701

DEAN DARNALL
1203 S OAK ST
BLOOMINGTON, IL 617016543

DAVID & JANEY L BARLING
501 W MILLER ST
BLOOMINGTON, IL 61701

TROY BOWMAN
909 S MASON
BLOOMINGTON, IL 61701

DANA MATUSZYK
1205 S OAK ST
BLOOMINGTON, IL 61701

LAURA LEE PETTIE
509 HICKORY ST
BLOOMINGTON, IL 61701

MICHELLE & JULIA GEARY STEWART
1218 S MASON ST
BLOOMINGTON, IL 61701

IGNACIO & ELIA XOCHIPA
1114 LOW ST
BLOOMINGTON, IL 61701

TIMOTHY & STEPHANIE WALSH
1010 SUMMIT ST
BLOOMINGTON, IL 61701

JACQUELINE CLIFFORD
1111 LOW ST
BLOOMINGTON, IL 61701

STEVE WHELAN
224 SPRING RIDGE DR
BLOOMINGTON, IL 61704

HAROLD & DARYL MAXWELL
1004 S OAK ST
BLOOMINGTON, IL 6170

TIMOTHY SAMUELSON
236 LOCUST ST
MINONK, IL 61760

THOMAS & CAROL MARSHALL
1007 LOW ST
BLOOMINGTON, IL 61701

RANDY SCOGIN
505 W MILLER
BLOOMINGTON, IL 61701

ANDREW REICHERT
1004 SUMMIT ST
BLOOMINGTON, IL 61701

CARI JOHNSON
9262 POLARIS DR
BLOOMINGTON, IL 61705

GABRIEL GOLDSMITH
1210 S MASON ST
BLOOMINGTON, IL 61701

TIMOTHY TEVORT
408 HICKORY ST
BLOOMINGTON, IL 61701

DAVID AUSSIEKER
2830 RUTHERFORD DR
BLOOMINGTON, IL 61705

**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
June 17, 2020**

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-10-20	Fence variance	2ft increase in fence height in front yard	Casey Weeks, Assistant City Planner

PROJECT DESCRIPTION:

The applicant would like to install a 6ft fence in the front yard, a 2 ft increase from the maximum height allowed

APPLICANT'S REQUEST:

Section of Code:

Type of Variance	Request	Required	Variation
Fence height in front yard	6ft	4ft	2ft increase

STAFF

RECOMMENDATION:

Staff finds that the variance is the result of the actions of the applicant and is not the minimum action necessary.

Staff recommends the Zoning Board of Appeals deny the variance for a six-foot fence in the required front yard at 1502 W. Chestnut St.



1502 W. Chestnut

Figure 1 The subject property is highlighted in orange.

NOTICE

The application has been filed in conformance with applicable procedural requirements and legal, public notice for the hearing was published in *The Pantagraph* on June 1, 2020.

GENERAL INFORMATION

Owner and Applicant: Bobbie Amburgey

PROPERTY INFORMATION

Legal description: MUSCHS ADD LOT 1

Existing Zoning: R-1C Single family residential

Existing Land Use: Single Family

Property Size: 137' X 60' (8,220 sqft)

PIN: 21-05-128-013

Surrounding Zoning and Land Uses

Zoning

North: P-2 Public Lands

South: R-1C Single Family Residence District

East: R-1C Single Family Residence District

West: R-1C Single Family Residence District

Land Uses

North: O'Neil Park

South: Single family residence

East: Single family residence

West: Single family residence

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

Required Front Yard

PROJECT DESCRIPTION



Background.

The subject property is located on the southwest corner of Chestnut St. and Hinshaw Ave. The property is less than a quarter of an acre, 8,220 square feet. The property is a corner lot with two front yards. Though on a corner, the lot is a standard rectangular shape.

Required Front Yard

The property across the street is O'Neil Park, a public park owned and maintained by the City of Bloomington. The neighborhood is developed with single-family homes and is zoned R-1C. The lot was previously improved with a single-family home. The home was demolished, and the subject property was constructed in 2020. The previous dwelling, per Google Street View, had a four-foot fence in both front yards.

Project Description:

Fences can be functional and/or decorative. Fences serve as a physical barrier intended to contain or restrict people, animals or objects within or from a given area. Privacy fences, typically six feet tall and opaque, can obstruct sight lines and visibility at driveways and intersections. Additionally, tall fences in front of residences function as a visual barrier and can create the appearance of an unsafe, secluded and uninviting neighborhood. Tall, opaque fences in the front yard can also discourage interaction with neighbors and pedestrians. The Ordinance limits taller fences to back yards and permits shorter fences in front yards to reduce sight line obstructions, and to promote a welcoming and consistent feel from the public right-of-way.

The petitioner is requesting a variance to install a 6ft fence in the required 25ft front yard setback on a corner lot. The maximum allowed height for a fence in the front yard of a residential district is 4ft. A front yard is defined as the space between the front lot line and the principal structure.

The following is a summary of the requested variations:

Applicable Code Sections: 44.9-10 Fence regulations

Section of Code: 44.9-10

Type of Variance	Request	Required	Variation
Fence variance in required front yard	6ft	4ft	2ft increase

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 applicant 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.

- 1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and** The subject property is a rectangular shaped corner lot with 2 front yards. There are no discernable physical characteristics that would prevent the owner from installing a fence that did not require variance. **The standard is not met.**

2. **That the variances would be the minimum action necessary to afford relief to the applicant; and** The property owner is allowed, per code, to install a 4ft fence in the front yard without necessitating a variance. Additionally, the property owner could install a six-foot fence outside of the front yard and in the rear and side yards. The property owned could install a fence that meets the standards set for in the City of Bloomington Zoning Ordinance (Chapter 44. 9-10.) **The standard is not met.**
3. **That the special conditions and circumstances were not created by any action of the applicant; and** The petitioner is able to install a 6ft fence on other areas of the property and a 4ft fence in the front yard without necessitating a variance. The 4ft fence allows the petitioner reasonable use of their property. **The standard is not met.**
4. **That granting the variation request will not give the applicant any special privilege that is denied to others by the Code; and** While are several corner lots on properties in the area that have 6 ft fences in their front yards, the vast majority of them were installed before the current standards were codified. Since the City of Bloomington Zoning Ordinance was adopted in March of 2019, no variances for 6 ft fences in front yards have been granted. **The standard is not 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 proposed fence does not block visibility for the neighbor or traffic on Hinshaw Ave. or Chestnut Streets. **The standard is met.**

STAFF RECOMMENDATION: Staff finds that the variance is the result of the actions of the applicant and is not the minimum action necessary.

*Staff recommends the Zoning Board of Appeals **deny** the variance for a six-foot fence in the required front yard at 1502 W. Chestnut St.*

Respectfully submitted,

Casey Weeks,
Assistant City Planner

Attachments:

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

Agenda Item 5. E.
Z-10-20
1502 W. Chestnut Street



Figure 2 Subject property at 1502 W. Chestnut St.



Figure 3 Subject property at the southwest corner of W. Chestnut St. and Hinshaw Ave.

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: 1502 W. CHESTNUT

Site Address: _____

Petitioner: BOBBIE AMBURGEY Phone: [REDACTED]

Petitioner's Email Address: [REDACTED]

Petitioner's Mailing Address Street: [REDACTED]

City, State, Zip Code: [REDACTED]

Contractual interest in the property X yes _____ no

Signature of Applicant [REDACTED]

Brief Project Description:

FENCE CONST.

Code Requirements Involved:

CH 44.9-10

Variances(s) Requested:

6 FOOT FENCE ON CORNER LOT

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.

THE FENCE WOULD PROVIDE SECURITY FOR
A DOG AND CHILDREN

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

TO FULLY ENJOY THE PROPERTY AND
CORNER LOT

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

CORNER LOT

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

CORNER LOT

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

CORNER LOT

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.

CORNER LOT ADJOINING ALLEY



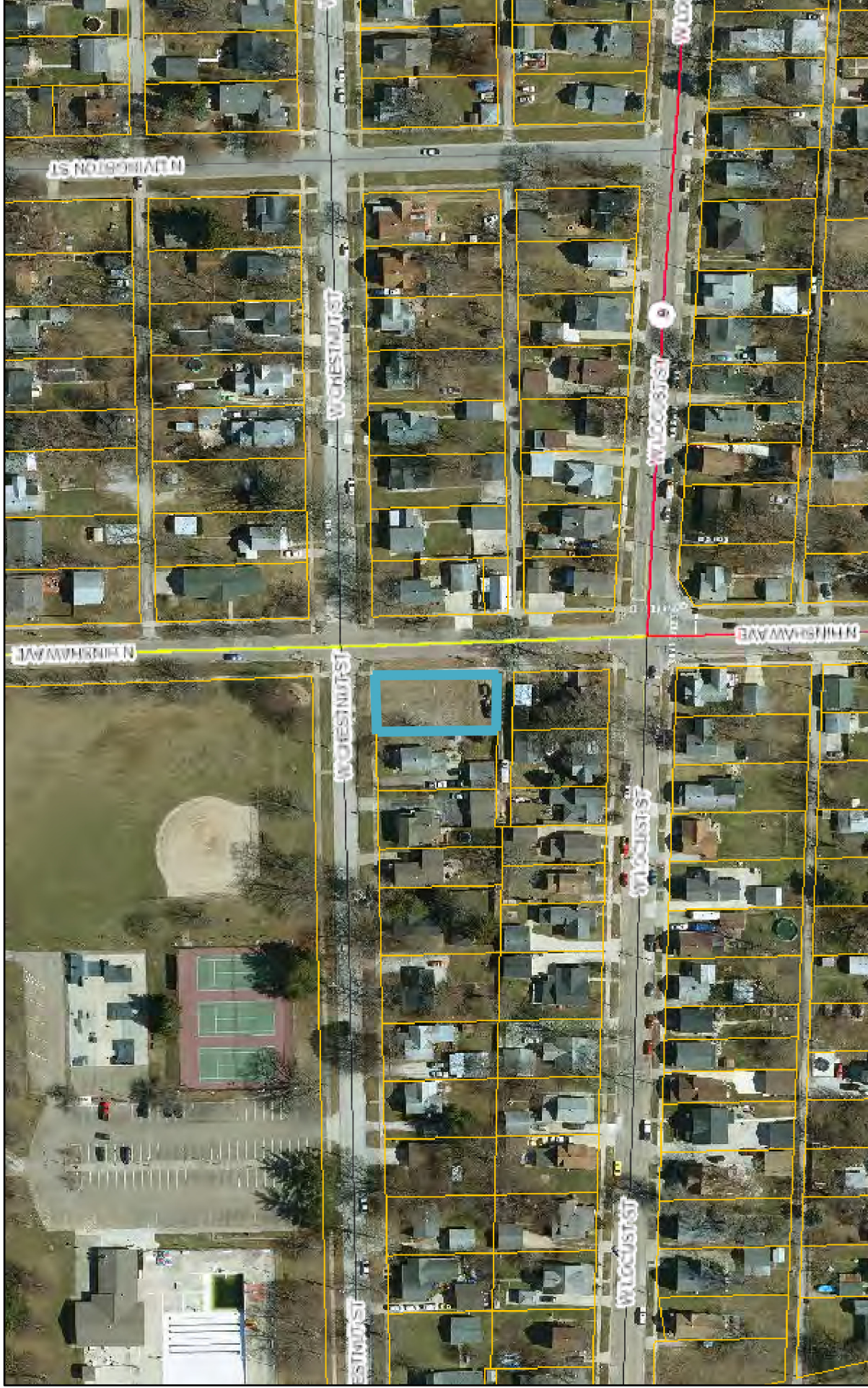
VARIANCE

TO THE CORNER YARD

FOR A SIX FOOT FENCE

1502 W CHESTNUT ST, BLOOMINGTON, IL HABITAT FOR HUMANITY	LOT PLAN	DATE: 06/12/2018	SCALE: Not to Scale
		DRAWN BY: MCM	PAGE: 1 of 6

1502 W. Chestnut St. Fence Variance



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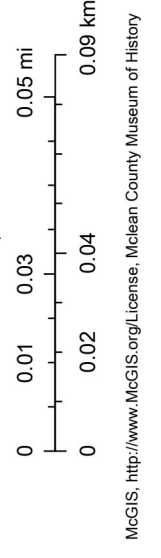
Parcels

1502 W. Chestnut St. Fence Variance



6/7/2020, 1:16:43 PM

1:2,257



Legal Inside

82564

A Public Hearing before the Bloomington Zoning Board of Appeals will be held virtually on Wednesday, June 17, 2020 at 4:00 PM at www.cityblm.org /live on an the following applications: 1) Robert Hernandez requesting i). a variance to allow for the expansion of a nonconforming structure and ii). a variance to reduce the required side yard setback for a principal structure from 6' to 18", a 4.5' reduction at 1314 W. Locust St. (PIN# 21-05-251-000). Legally described as MAURER & SWEE-NEYS ADD LOT 5 BLK 1. 2) Christopher & Andrea Goins requesting a variance from the required 10' separation between the pool and the primary structure to 7', a 3' reduction to allow for installation of a swimming pool at 2 Greythorne Cir. (PIN# 15-31-154-001). Legally described as GOLDEN EAGLE 2ND ADD LOT 285. 3) Richard Gray requesting i). a variance from the required 10' separation between the building and the accessory structure to 6', a 4' reduction and ii). a variance to locate the structure in the required side yard for installation of a shed at 1210 S. Mason St. (PIN# 21-09-156-005). Legally described as LOT 2 SUB BLK 19 JAMES MILLERS 2ND ADD TO CITY & S1/2 VAC ALLEY LYG N & ADJ. 4) Bobbie Amburgey requesting a variance to increase from the required 4' maximum fence height to 6', a 2' increase to allow for installation of fence in front yard on a corner lot at 1502 W. Chestnut St. (PIN# 21-05-128-013). Legally described as MUSCHS ADD LOT 1. The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org. To provide testimony on this item please register at least 15 minutes in advance of the start of the meeting at <https://www.cityblm.org/government/boards-commissions/register-for-public-comment>. Public comments can also be emailed at least 15 minutes prior to the start of the meeting to publiccomment@cityblm.org. This hearing will be accessible to individuals with disabilities in compliance with the ADA and other applicable laws. For special needs or accessible questions please contact the City Clerk at 109 E. Olive St., Bloomington, (309) 434-2240, cityclerk@cityblm.org or TTY at (309) 829-5115.

Published: June 1,
2020 Published: June 1, 2020

82564



Department of Community Development 115 E
Washington St, Ste 201
Bloomington IL 61701
(309)434-2226
planning@cityblm.org

June 3, 2020

Dear Property Owner or Occupant:

The Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a virtual public hearing on Wednesday, June 17, 2020 at 4:00 PM at www.cityblm.org/live on an application submitted by Bobbie Amburgey (1502 W. Chestnut St., Bloomington, IL 61701).

You are receiving this notice because you own or occupy property within a 500-foot radius of the subject property (refer to attached map). All interested persons may present evidence or testimony regarding said petitions, or ask questions related to the petitioner's requests at the scheduled public hearing.

The applicant is requesting a variance to increase from the required 4' maximum fence height to 6', a 2' increase to allow for installation of fence in front yard on a corner lot at 1502 W. Chestnut St., Bloomington, IL 61701.

The Subject Property is legally described as MUSCHS ADD LOT 1

The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org. To provide testimony on this item please register at least 15 minutes in advance of the start of the meeting at <https://www.cityblm.org/government/boards-commissions/register-for-public-comment>. Public comments can also be emailed at least 15 minutes prior to the start of the meeting to publiccomment@cityblm.org. This hearing will be accessible to individuals with disabilities in compliance with the ADA and other applicable laws. For special needs or accessible questions please contact the City Clerk at 109 E. Olive St., Bloomington, (309) 434-2240, cityclerk@cityblm.org or TTY at (309) 829-5115, preferably no later than five days before the hearing.

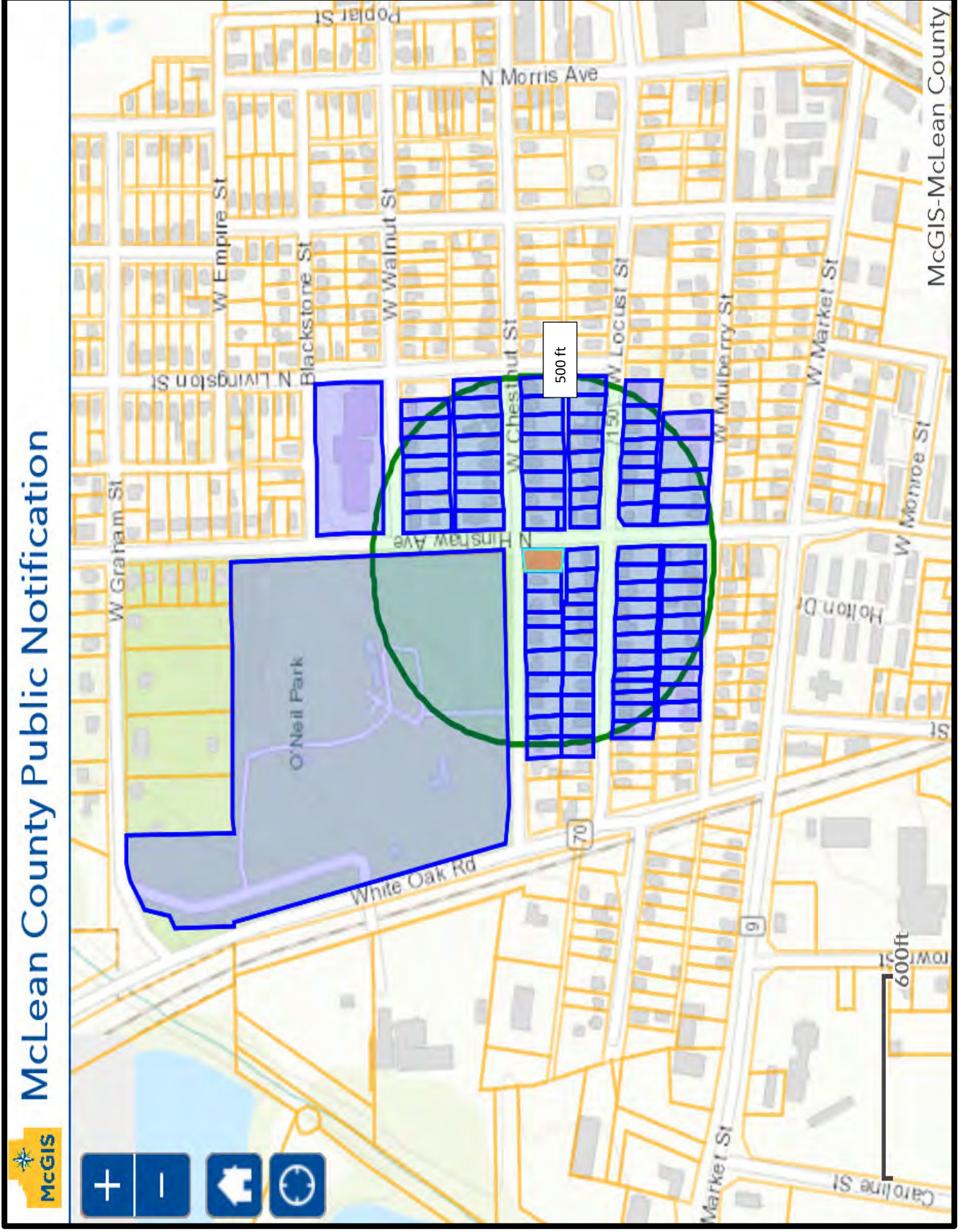
If you desire more information regarding the proposed petitions or have any questions, you may email planning@cityblm.org or call (309) 434-2226. Please note this meeting could be subject to change based on a lack of quorum or other reasons. Notice of a change will also be posted online at www.cityblm.org.

Sincerely,

Planning Division staff

Attachment: Map of notified properties within 500 ft of subject property

Public Hearing on June 17, 2020 for a Variance request at 1502 W. Chestnut St.



EDUARDO & HUGO URQUIZO
1321 W MULBERRY ST
BLOOMINGTON, IL 61701

PATRICIA AUTH
1516 1/2 W LOCUST ST
BLOOMINGTON, IL 61701

LIDIA SALTO HERRERA
1415 W MULBERRY ST
BLOOMINGTON, IL 61701

SANDRA ALFARO
1404 W WALNUT
BLOOMINGTON, IL 61701

TERESA BLAKENEY TRUSTEE
PO BOX 287
CARLOCK, IL 61725

SCOTT RICHARD
1415 W Chestnut St
BLOOMINGTON, IL 61701

BOBBI PFISTER
1416 W WALNUT ST
BLOOMINGTON, IL 61701

LEVI BURTON
1412 W CHESTNUT ST
BLOOMINGTON, IL 61701

MICHAEL BROOKS
1501 W LOCUST
BLOOMINGTON, IL 61701

KATHARINA HELD
1406 W CHESTNUT ST
BLOOMINGTON, IL 61701

NATHANIEL & CRYSTAL FOUGHT
1401 W MULBERRY ST
BLOOMINGTON, IL 61701

DAVID & GENA NORRIS
183 N BARWELL LAKE RD
CARLOCK, IL 61725

TTLREO 2 LLC
4747 EXECUTIVE DR STE 510
SAN DIEGO, CA 92121

RICHARD ASHENBREMER
1406 W WALNUT ST
BLOOMINGTON, IL 61701

BRUCE & CAROLYN HURLEY
1416 W CHESTNUT ST
BLOOMINGTON, IL 61701

NEAL BAILEY
1413 W LOCUST ST
BLOOMINGTON, IL 61701

CELESTINO SOTELO
1505 W Locust St
BLOOMINGTON, IL 61701

JOSHUA WHITE
1409 W CHESTNUT ST
BLOOMINGTON, IL 61701

ROGER MONKE
2841 JACOB LN
NORMAL, IL 61761

IDA KEMPIN
1409 W LOCUST ST
BLOOMINGTON, IL 61701

RHINOS 602 N MAIN LLC
116 EASTVIEW DR
NORMAL, IL 61761

EUGENE AUTH
1331 W MULBERRY ST
BLOOMINGTON, IL 61701

REDBIRD PROPERTY MGT
200 N LINDEN ST
NORMAL, IL 61761

JENNIFER BURLESON
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BLOOMINGTON, IL 61701

SHERIDAN SCHOOL BOARD OF
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BLOOMINGTON, IL 61701

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PARKER
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105 WILLIAM DR
NORMAL, IL 61761

MELVIN & MYRA COOPER
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BLOOMINGTON, IL 61701

BRIAN & CONSTANCE HARLAND
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BLOOMINGTON, IL 61701

RAYMOND ACTIS
1401 W LOCUST ST
BLOOMINGTON, IL 61701

GUSTAVO MENDOZA
1403 W LOCUST
BLOOMINGTON, IL 61701

DONALD BROWN
1518 W LOCUST ST
BLOOMINGTON, IL 61701

FREDIE PAYNE
106 N WOODLAWN
DOWNS, IL 61736

RUTH GIBSON
1412 W LOCUST ST
BLOOMINGTON, IL 61701

ALYSIA KOLE
1508 W LOCUST ST
BLOOMINGTON, IL 6170

CHARLES RICE
1512 W LOCUST
BLOOMINGTON, IL 61701

PATRICIA LANGLEY
1502 W LOCUST ST
BLOOMINGTON, IL 61701

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BLOOMINGTON, IL 61701

JOE JARVIS
115 N BONE DR
NORMAL, IL 61761

SHEILA BROWN
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BLOOMINGTON, IL 61701

KELLY CARLSON
1405 W LOCUST ST
BLOOMINGTON, IL 61701

CAROL DAUGHERTY
1520 W LOCUST ST
BLOOMINGTON, IL 61701

JAMES & PEARL JOHNSON
1409 1/2 W MULBERRY ST
BLOOMINGTON, IL 61701

SCOTT PETRI
1410 W LOCUST
BLOOMINGTON, IL 61701

CLARIONA TUCKER
1506 W LOCUST ST
BLOOMINGTON, IL 61701

DEREK PALMER
1407 W LOCUST
BLOOMINGTON, IL 61701

LEWIS WATSON
1416 W LOCUST ST
BLOOMINGTON, IL 61701

CECIL HENSON
1413 W MULBERRY ST
BLOOMINGTON, IL 61701

VANESSA MIDDLEBROOKS
1403 W MULBERRY ST
BLOOMINGTON, IL 61701

EUGENE & MARGARET KNUTH
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FARON & DOROTHY DALTON
1522 W Locust St
BLOOMINGTON, IL 61701

BNA INVESTMENT GROUP LLC LOCUST
SERIES
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BLOOMINGTON, IL 61704

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1323 W MULBERRY ST
BLOOMINGTON, IL 61701

EZEKIEL FLYNN
221 DENMAN RD
CARLOCK, IL 61725

CARL & PATRICIA HALL
1510 W LOCUST ST
BLOOMINGTON, IL 61701

GAYNET HOSKINS
1504 W LOCUST ST
BLOOMINGTON, IL 61701

JAMES TIPSORD
1411 W MULBERRY ST
BLOOMINGTON, IL 61701

KELSEY GRINDLE
1514 W LOCUST ST
BLOOMINGTON, IL 61701

YVONNE THOMAS
REVOCABLE LIVING TRUST 1405 WEST
MULBERRY
BLOOMINGTON, IL 61701

HABITAT FOR HUMANITY
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BLOOMINGTON, IL 61701

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BLOOMINGTON LLC
PO BOX 5252
BLOOMINGTON, IL 6170

CARL YOUNG
1407 W CHESTNUT
BLOOMINGTON, IL 61701

MIKE NELSON
1503 W LOCUST ST
BLOOMINGTON, IL 61701

FLAVIOUS & SHIRLEY STINSON
1405 W CHESTNUT ST
BLOOMINGTON, IL 61701

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1214 WINDSOR DR
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SANDRA PARKER 5 ELLEN WAY
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SONDRA HAYES
101 W WINSLOW AVE P O BOX 463
DANVERS, IL 61732

WILLIAM & ELIZABETH ARNOLD
1512 W CHESTNUT ST
BLOOMINGTON, IL 61701

AMANDA DIANE CINNAMON
1506 1/2 W CHESTNUT
BLOOMINGTON, IL 61701

ERIC WALKER
1408 N LEE ST APT 2
BLOOMINGTON, IL 61701

JAMES LASKOWSKI
MARJORIE LASKOWSKI 1411 W
LOCUST ST
BLOOMINGTON, IL 61701

CHRISTY GORDON
1414 W WALNUT ST
BLOOMINGTON, IL 61701

RICHARD & KAREN THOMAS
1504 W CHESTNUT ST
BLOOMINGTON, IL 61701

JENNA SELF
1505 1/2 W LOCUST
BLOOMINGTON, IL 61701

MARY & DAVID DUNKIN
1509 W LOCUST ST
BLOOMINGTON, IL 61701

MRE Group LLC 1515 W Locust Series
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Champaign, IL 61821

KENNETH PRICE
8811 DEVAULT PRICE CT
BLOOMINGTON, IL 61705

FRONT & WESTERN LLC
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BLOOMINGTON, IL 61701

ANGIE DOYLE
1506 W CHESTNUT ST
BLOOMINGTON, IL 61701

JILL SCHULL
1414 W CHESTNUT ST
BLOOMINGTON, IL 61701

JENNA TAYLOR
1403 W CHESTNUT ST
BLOOMINGTON, IL 61701

SCOTT RICHARD
1415 W CHESTNUT ST
BLOOMINGTON, IL 61701

MELVIN COOPER
1404 W Chestnut St
BLOOMINGTON, IL 61701

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EPIX PROPERTIES P O BOX 212
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PHILLIP ELLETT
1517 W LOCUST ST
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BRIDGETTE ALEXANDER
1514 W CHESTNUT ST
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GAYLEN BOURLAND
1508 W CHESTNUT ST
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