



**AGENDA
REGULAR SESSION
BOARD OF ZONING APPEALS
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
WEDNESDAY, June 15th, 2022, 4:00 P.M.**

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

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

4. MINUTES

Review and approval of the minutes of the May 18, 2022 regular Zoning Board of Appeals meeting.

5. REGULAR AGENDA

- a. **SP-03-22** Public hearing, review, and action on a petition submitted by Clem Properties, LLC, for a Special Use Permit for a Rooming House, with Variance, in the R-2 (Mixed Residence) District, for the property located at 709 Douglas Street. PIN: 21-04-281-015.
- b. **SP-04-22** Public hearing, review, and action on a petition submitted by Danielle King for a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District, for the property located at 19 Aberdeen Way. PIN: 14-36-177-023.
- c. **SP-05-22** Public hearing, review, and action on a petition submitted by Erik Goshorn for a Special Use Permit for Chicken-Keeping in the R-1B (Single-Family Residence) District, for the property located at 217 Magnolia Drive. PIN: 21-10-403-026.
- d. **SP-06-22** Public hearing, review, and action on a petition submitted by Linda Stroh for a Special Use Permit for Chicken-Keeping, with Variance, in the R-2 (Mixed Residence) District, for the property located at 601 S. Livingston Street. PIN: 21-05-462-008.

- 6. OLD BUSINESS**
- 7. NEW BUSINESS**
- 8. ADJOURNMENT**



**DRAFT
MINUTES**

**PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF
BLOOMINGTON, ILLINOIS
REGULAR MEETING
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
WEDNESDAY, May 18, 2022 4:00 P.M.**

The Zoning Board of Appeals convened in Regular Session in-person in the Government Center Chambers on the 4th floor, Room #400 at 4:02 p.m., Wednesday, May 18, 2022, with the following physically present staff members: Mr. Glen Wetterow, City Planner; Mr. Jon Branham, City Planner; Ms. Alissa Pemberton, Assistant City Planner; Ms. Kimberly Smith, Assistant Economic & Community Development Director; and Genevieve Rappold, Stevenson Fellow.

The meeting was called to order by Chairperson Ballantini at 4:02pm.

ROLL CALL

Attendee Name	Title	Status
Mr. Terry Ballantini	Chair	Present
Ms. Victoria Harris	Commissioner	Present (Virtually)
Mr. Michael Straza	Commissioner	Present
Mr. Tyler Noonan	Commissioner	Present
Ms. Nikki Williams	Commissioner	Present
Mr. George Boyle	Assistant Corporate Counsel	Present
Ms. Alissa Pemberton	Assistant City Planner	Present
Mr. Glen Wetterow	City Planner	Present
Mr. Jon Branham	City Planner	Present
Ms. Kimberly Smith	Assistant Economic & Community Development Director	Present

Mr. Branham called the roll. Mr. Noonan - Present, Mr. Straza - Present, Ms. Williams - Present, and Chair Ballantini - Present. (4-0). A quorum was present.

Ms. Pemberton noted that Ms. Harris was excused from attending in person and was present virtually, per City Code § 2-402B(2)(a) that permits virtual attendance for personal illness or disability.

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**PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS
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Chair Ballantini made motion to allow Ms. Harris to attend and participate remotely. Seconded by Commissioner Noonan. Roll call vote was taken, Mr. Noonan - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Chair Ballantini - Yes. (4-0). Motion was approved.

PUBLIC COMMENT

No public comment was provided.

MINUTES

Mrs. Harris motioned to approve the minutes from February 16, 2021, regular Zoning Board of Appeals meeting. Mr. Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Noonan - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Chair Ballantini - Yes. The motion was approved (5-0-0).

Mrs. Harris motioned to approve the minutes from April 20, 2021, regular Zoning Board of Appeals meeting. Mr. Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Noonan - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Chair Ballantini - Yes. The motion was approved (5-0-0).

REGULAR AGENDA

- A. V-01-22** Public hearing, review, and action on a petition submitted by Chad Ramsey (Keystone State Property,) for a Variance from Chapter 44, Division 505 of the Zoning Code, to allow a non-recessed entry in the D-1 (Central Business) District, for the property located at 102 W. Market Street.

Ms. Pemberton presented the staff report with a recommendation to approve the Variance request. Staff noted that the specific site plan may require additional detail during permitting to determine compliance with Building and Fire Codes—but nearly any improvement to this entryway will result in a need for the Variance. Granting the Variance would allow the petitioner to work with his design professionals and the various City reviewing departments to identify the best solution for the space. It was noted there are a significant number of existing entryways nearby that do not currently comply with the design criteria that is the subject of the Variance.

The Board did not have any questions for staff.

Petitioner, Chad Ramsey (1157 Gracefield Lane, Normal IL), stated this building is very old, and it is hard to make improvements without making major alterations. He stated the space tends to collect a lot of trash and debris. Additionally, he stated individuals congregate in the entryway. He would like to prevent from all these issues from continuing to occur by enclosing the entryway.

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Staff noted there was a public comment received in support of the application.

Council Member De Urban, Ward 6, spoke on behalf on the Petitioner. Ms. Urban noted this location is within her ward and felt the approval of the Variance would assist the Petitioner in resolving current issues.

No additional testimony was provided. The Chair closed the public hearing.

There was no discussion by the Commission.

Mr. Noonan made a motion to establish findings of fact that carrying out the strict letter of the Code does create a practical difficulty or a particular hardship for the Petitioner. Mr. Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Noonan - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Chair Ballantini - Yes. The motion was approved (5-0-0).

Mr. Straza made a motion to approve the petition submitted by Chad Ramsey (Keystone State Property,) for a Variance from Chapter 44, Division 505 of the Zoning Code, to allow a non-recessed entry in the D-1 (Central Business) District, for the property located at 102 W. Market Street. Mr. Noonan seconded.

Roll call vote: Ms. Harris - Yes, Mr. Noonan - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Chair Ballantini - Yes. The motion was approved (5-0-0).

B. SP-01-22 Public hearing, review, and action on a petition submitted by Noah Tang for a Special Use Permit for Chicken-Keeping in the R-D (Downtown Residence) District, for the property located at 504 E. Olive Street.

Ms. Pemberton presented the staff report with a recommendation to approve the Special Use Permit request. She stated the location of the chicken coop is at least ten feet away from all property lines. She stated food and other provisions will be kept, sealed, in the garage. She noted that, if approved, the recommendation would proceed to the City Council on June 13, 2022. She added that the Special Use can be revoked if subject standards are ever not met.

Petitioner Noah Tang (504 E. Olive Street) stated he has wanted to have chickens since purchasing the property. He views himself an urban homesteader, has existing gardens on his property, and wants to add to his ability to supply his own food. He provided details regarding the construction of the coop. He stated he intends to comply with regulations.

Chair Ballantini asked how long the applicant has owned the home. The petitioner stated he has owned the property since 2020.

Chair Ballantini asked if the petitioner has any experience raising chickens. Mr. Tang stated that he does, and added he has family members who are farmers and own chickens.

Chair Ballantini inquired about the intent for having chickens. Mr. Tang stated that he likes chickens. He stated the supply of eggs was another key reason as he likes knowing where his food comes from and being close to his food sources.

Chair Ballantini asked if the applicant had discussed this request with his neighbors. Mr. Tang confirmed he had met with many of his neighbors. He stated everyone he spoke to did not have concerns and were supportive of his request.

Chair Ballantini asked about lighting and feed storage. Mr. Tang stated the lighting is interior to the coop and on a timer; the feed would be stored in sealed containers within the garage.

No public comment or additional testimony was provided. The Chair closed the public hearing.

There was no discussion by the Commission.

Ms. Harris made a motion to establish findings of fact that all standards for approval of a Special Use Permit are met. Mr. Noonan seconded.

Roll call vote: Ms. Harris - Yes, Mr. Noonan - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Chair Ballantini - Yes. The motion was approved (5-0-0).

Mr. Straza made a motion to recommend approval of the petition submitted by Noah Tang for a Special Use Permit for Chicken-Keeping in the R-D (Downtown Residence) District, for the property located at 504 E. Olive Street. Mr. Noonan seconded.

Roll call vote: Ms. Harris - Yes, Mr. Noonan - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Chair Ballantini - Yes. The motion was approved (5-0-0). The motion passed.

Staff noted this will proceed to the City Council on June 13th, 2022.

C. SP-02-22 Public hearing, review, and action on a petition submitted by Project Equity Illinois, Inc. for a Special Use Permit for an Adult-Use Cannabis Dispensing Organization in the B-1 (General Commercial) District, for the property located at 1006 JC Parkway.

Ms. Pemberton presented the staff report with a recommendation to approve the Special Use Permit request. Staff noted that the Board is determining if the location is appropriate for this use. The proposed location is currently a vacant multi-tenant commercial shopping center. There are no protected uses within 500 feet or residential within 1,000, as is a condition for the Special Use. She stated there is a Place of Worship located somewhat nearby, but it is at a distance of at least 550 feet from the subject property. She added the

location is within close walking distance of three transit stops and the Petitioner is going to be providing bicycling parking. She stated the required security plan has been reviewed and approved by Bloomington Police Department, with no questions or concerns resulting. Operating hours are restricted by state law and will not be permitted past 10pm. The traffic volume is expected to be similar to what was previously generated at the location. She noted that, if approved, this recommendation would go to City Council on June 13, 2022.

Chair Ballantini asked if bicycle parking would result in less parking available. Ms. Pemberton stated she did not believe so but would have to defer to the petitioner on the specifics of the location of the bicycling parking.

Chair Ballantini inquired about the timeframe for completion of the project. Ms. Pemberton stated the timeframe is contingent upon State of Illinois approval of the project, so she was not able to provide a specific timeframe for completion.

Commissioner Harris inquired what was meant by the term “vertically integrated business”. Staff stated that the Petitioner has active cannabis businesses in multiple regulated markets and different stages of the industry. This has allowed them to be “vertically integrated” and to participate at each stage from production to distribution.

Commissioner Harris inquired about the required signage noting that cannabis is federally illegal. Staff noted this signage is a State requirement, as cannabis remains illegal under federal law.

Connor Johnston, (2633 McKinney Ave., Dallas TX) spoke on behalf of the Petitioner Project Equity Illinois, Inc (PEI). Mr. Johnston identified the partners in PEI and their experience within the cannabis industry. The team was assembled over two years ago to start the application process with the State of Illinois. He noted the application had to receive a perfect score on the State review to receive a license. He provided examples of their existing cannabis stores and how this proposed location would look similar.

Mr. Johnston noted they “know how to be good neighbors” as several of their existing facilities have residential occupants located directly above or adjacent to their businesses. He highlighted how they are subject to a healthy barrage of regulations related to the operation of this business, ranging from security to lighting. There will be no detrimental noise or odors emitted from the business. He identified the proposed location of the business and the neighboring business/uses. He emphasized how PEI went through a very thorough site selection analysis, and this was one of the locations identified in the analysis.

Mr. Johnston stated the proposed location is a vacant commercial shopping center and has 74 existing parking spaces. He stated they would be amenable to installing electric vehicle charging stations if the City desired. He emphasized the benefits to the community associated with their business, including 20 well-paying jobs with benefits for full-time employees. He stated they anticipate they will bring in \$300,000 in additional tax revenue

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each year. He stated they intend to fill the shopping center with other tenants which will bring in additional tax revenue for the City, and hopefully spur additional growth. Mr. Johnston added the hope of this type of business is to eliminate *illegal* cannabis operations and thus rid the City of the negative impacts associated with illegal cannabis operations. He stated they would be investing approximately \$100,000 into local business during the interior renovation and security enhancements on the property. He emphasized how their staff can provide expert guidance on the product to medical patients and those new to cannabis. He thanked staff for their assistance during the process.

Chair Ballantini inquired about the anticipated opening date. The petitioner stated the timeframe is unknown at this time. They stated the application process began two years ago and the lottery they won was over nine months ago. They are eager to get started as soon as possible, but it is dependent on the State review. Once permitting is complete, they expect approximately nine month build out time.

Chair Ballantini noted that he would be in support of electric vehicle charging stations being provided.

Chair Ballantini inquired if PEI had any facilities within the area. Mr. Johnston stated they do not have an existing facility within the area. The Petitioner noted they are only allowed to have one location within this area.

Chair Ballantini asked about clarification on ownership within PEI and other facilities. Mr. Johnston stated that some individuals within PEI do own other facilities, but none of them own facilities in Illinois.

No public comment or additional testimony was provided. The Chair closed the public hearing.

Staff noted that phones calls were received by neighboring businesses, but they had no objection to the application. Email communication was also received from Blain's Farm & Fleet, and they have no objection.

Chair Ballantini asked for clarification on the location of the nearby church. Ms. Pemberton indicated the church location on the map.

Staff reviewed each finding of fact associated with this Special Use application and provided recommendations associated with each finding. Ultimately, staff found all standards were met.

Ms. Harris made a motion to establish findings of fact that all standards for approval of a Special Use Permit are met. Mr. Noonan seconded.

Roll call vote: Ms. Harris - Yes, Mr. Noonan- Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Chair Ballantini - Yes. The motion was approved (5-0-0).

Mr. Noonan made a motion to recommend approval of the petition submitted by Project Equity Illinois, Inc. for a Special Use Permit for an Adult-Use Cannabis Dispensing Organization in the B-1 (General Commercial) District, for the property located at 1006 JC Parkway. Ms. Harris seconded.

Roll call vote: Ms. Harris - Yes, Mr. Noonan - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Chair Ballantini - Yes. The motion was approved (5-0-0).

Staff noted this will proceed to the City Council on June 13th, 2022.

NEW BUSINESS

Chair Ballantini noted the Board recently lost a member, Mr. McFarland, which leaves them with five current members. He asked staff to continue to reach out and search for new members.

OLD BUSINESS

None.

ADJOURNMENT

Commissioner Noonan motioned to adjourn. Commissioner Straza seconded. Ms. Harris - Yes, Mr. Noonan - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Chair Ballantini - Yes. The motion was approved (5-0-0). The meeting was adjourned at 5:14 P.M.



ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: June 15th, 2022

CASE NO: SP-03-22, Special Use Permit Rooming House with Variance

REQUEST: Public hearing, review and action on a petition submitted by Clem Properties for a Special Use Permit, for a Rooming House in the R-2 (Mixed Residence) District, with Variance, for the property located at 709 Douglas Street. PIN: 21-04-281-015.

BACKGROUND

Petitioners' request:

The Petitioner seeks a Special Use Permit to allow a Rooming House in the R-2 (Mixed Residence) District, per § 44-402B, which lists "Boarding and Rooming Houses" as a Special Use, subject to the Use Provisions of § 44-1019. One Variance from the Use Provision § 44-1019C(2) is requested allow the Petitioner to omit screening along the rear of the off-street parking area.

The Petitioner requests to create a four-room Rooming House to provide short-term rental for traveling professionals.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Sunday, May 29, 2022. Courtesy notices were mailed to 144 property owners within 500 feet of the subject property. A notice of public hearing sign was placed on the property for at least 15 days prior to the hearing.

ANALYSIS

Property Characteristics:

The property at 709 Douglas Street consists of 0.16 acres of land located at the southwest corner of N. Clinton Street and Douglas Street, in the Near East neighborhood. It currently holds a two-story brick structure, constructed in 1920, that appears to have been designed as a single-family home, but has been used as professional office space for an extended period of time. City of Bloomington records indicate office use by the American Red Cross in 1975, a Civil Engineering firm in 2002, Arnold Law Offices since 2015, until recent vacancy and sale.

The nearby properties (West of Clinton) are primarily multi-family and converted multi-family properties, interspersed with smaller single-family homes. Across Clinton, single-family and converted multi-family homes become mixed with local commercial. Eight off-street parking spaces are provided on site: two on the West the side of the property on a single-width driveway, and six in a parking area at the rear of the property. The parking area in the rear may be accessed from the East directly off Clinton Street, or from the West via an alley that is used by other properties on the block to access their off-street parking areas.

Surrounding Zoning and Land Uses:

	Zoning	Land Uses
North	B-1 (General Commercial)	Multi-Family Dwelling
South	R-2 (Mixed Residence)	Single-Family Dwelling
East	R-2 (Mixed Residence)	Single-Family Dwelling
West	R-2 (Mixed Residence)	Multi-Family Dwelling

Description of Current Zoning District:

The R-2 (Mixed Residence) District is intended to accommodate development characterized by a mixture of housing types at a high single-family and a low multiple-family dwelling unit density. Densities of up to approximately 13 dwelling units per acre are allowed. This district allows for the conversion of dwelling units in older residential areas of mixed dwelling unit types in order to extend the economic life of these structures and allow owners to justify expenditures for repairs and modernization and serves as a zone of transition between lower density residential districts and residential districts that permit greater land use intensity and dwelling unit density.

Subject Code Requirements:

§ 44-402B Allowed Uses Table lists “Boarding and Rooming Houses” as permitted with Special Use Permit.

§ 44-1019 [Ch. 44, 10-19] Group living facilities, boarding and rooming houses, homes for the aged.

- A. Location. Agency-Supervised Homes and Agency-Operated Group Homes shall be separated from another facility of the same use by a distance of at least 1,000 feet.
- B. Distribution. No more than three Agency-Operated Family Homes shall be located on a block face (both sides of a street between its intersection with two other consecutive streets).
- C. Parking.
 - (1) Access to off-street parking areas shall not be provided from an alley unless the alley constructed of all-weather pavement and has been designated by the City as one-way.
 - (2) Off-street parking shall be fully screened along the rear of the property.
 - (3) All parking and maneuvering shall be provided on-site; said parking shall be illuminated with lighting fixtures that comply with § 44-911D and that shall not

increase the intensity of light within 10 feet of a Residential District boundary line by more than 1/2 footcandles.

§ 44-1019D (Table 1019) requires a minimum lot area of 400 square feet per occupant, and minimum lot width of 60 feet.

STANDARDS FOR REVIEW

The Board of Zoning Appeals (ZBA) shall hold at least one administrative public hearing on any proposed Special Use and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Special Use meets all of the Standards of Approval listed in § 44-1707H and discussed below. The ZBA has the power to authorize variations to the Code where there would be practical difficulties or particular hardships in carrying out the strict letter. Decisions shall be made upon the determination that the Variance meets all of the Standards listed in § 44-1708F and discussed below.

Special Use Permit to allow a Rooming House in the R-2 (Mixed Residence) District

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

The establishment and operation of the Special Use will not be detrimental or endanger public health or welfare. Adjacent properties are primarily high-density multi-family rental properties, in character with the proposed Special Use, or office/commercial properties that would not be impacted by the change in use of this property. General rental requirements and the performance standards applicable to the District will still apply, including those for noise, light, and occupancy. ***Standard is met.***

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

This Special Use is proposed for establishment on a main transportation corridor, in an already developed area, surrounded by a mix of commercial and residential uses, and serves as a transitional property between the commercial properties to the north and northeast and more traditional single-family housing to the south and west. The properties adjacent to Clinton, between Douglas and Monroe, are zoned R-2 but multiple blocks in each direction north and south are zoned B-1 (General Commercial); this is an area of frequently varying intensity and the properties immediately adjacent to Clinton Street tend to be equally representative of the character of a B-2 (Local Commercial) District as that of the R-2, including accounting and insurance offices. The proposed Special Use is consistent with the

existing character and intensity of use in the vicinity and will not be injurious to the use and enjoyment of other property in the area. ***Standard is met.***

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

External structural changes are not proposed that would alter the visual character of the property, or negatively impact the ability of adjacent property owners to use or enjoy their property. Intensity of the use is not dissimilar from that of surrounding properties. This Special Use is supportive of Comprehensive Plan Goal H-1.1: Ensure that the housing to accommodate the new growth is a broad range (of types, sizes, ages, densities, tenancies and costs) equitably distributed throughout the City recognizing changing trends in age-group composition, income, and family living habits. ***Standard is met.***

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

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

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

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

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

The applicant will be required to acquire any and all appropriate permits for work on the property, and to maintain an active and appropriate account in the rental registry to operate the home as a Rooming House. The total lot area (6,900 square feet) is sufficient to meet the minimum 400 square feet required per occupant (§ 44-1019D), lighting will be added to the rear porch to illuminate the parking area as required (§ 44-1019C(3)), and the parking provided meets the off-street parking requirements (§ 44-1208) for group living uses. ***Standard is met.***

Variance to allow the Petitioner to omit screening along the off-street parking area.

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

The parking area for this property has served as a second entrance and turn-around for the alley that runs behind the homes on Douglas, as access to their off-street parking areas. The alley allows only one car at a time, so cars coming off Clinton use the existing parking area at 709 Douglas to pull off to the side if someone else is leaving the alley. Screening this parking area with fencing or landscaping would prohibit the current beneficial use of the lot by nearby residents and would decrease the visibility for drivers turning on/off Clinton. ***Standard is met.***

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

Requiring the applicant to meet the strict letter of the code would also require the applicant to move the access to the parking area to accommodate parking area screening, requiring a new curb cut and reworking of the parking area, or require an alternate Variance to § 44-1019C(1) for access from an alley. ***Standard is met.***

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

The subdivision was platted in 1900 as two lots, half the size of those on the block to the West. The lot formerly known as 506 Clinton held a residence that appears to have had a small off-street parking area on the south side of the home, with approach associated with approach to the alley. In 2016 the Douglas lot which holds the structure was combined with the Clinton lot that now holds the parking area, creating a lot more in character with the rest of the block, with rear alley access to the additional parking area and use of the wider-than-normal approach for the ally as the “curb cut” for the rear drive access to this property. ***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.**

The intent of the provision requiring screening along the entire rear of the parking area is to protect adjacent properties—which are used to living next to single-family or low-intensity residential uses—from the visual and audible impact of changes to the timing and frequency of traffic in the parking area. Were this property developed into two-family or multiple-family dwelling, also permitted in the R-2 District, no screening would be required for the parking area. However, this location has experienced traffic associated with the coming/going of an entire block worth of residential traffic for decades and the parking area has not been screened for the duration of the property’s use as a commercial office building. Granting this Variance will not give the applicant any special privilege that is denied to others by the code. ***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.

Granting this Variance would not be detrimental to the public welfare; it would continue to allow beneficial access and use by the nearby residents, while maintaining good lines of sight for motorists coming on/off Clinton and pedestrians walking south along that side of the road. In addition, the parking area has been in existence, without screening, for an extended time. Lighting installed on the rear of the property will be focused to provide security and visibility, without creating a nuisance for the neighbors to the rear of the property, as required by § 44-911D; a condition is recommended to codify this intent. ***Standard is met.***

STAFF RECOMMENDATION

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

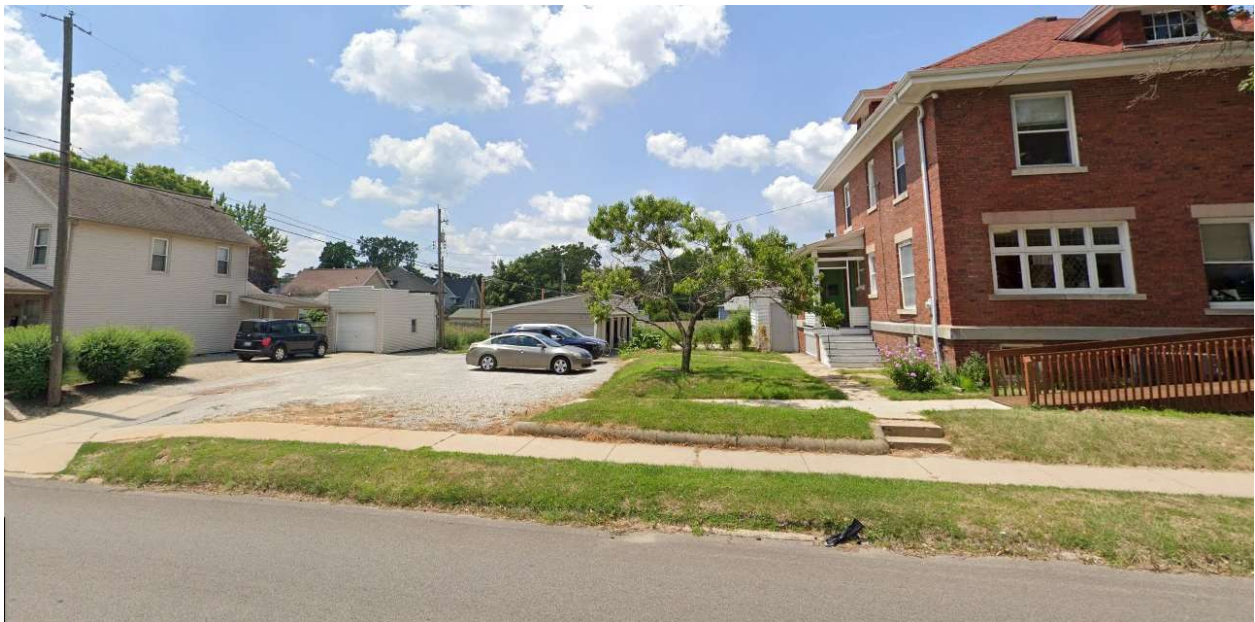
1. Motion to establish findings of fact that all **standards of approval for a Special Use are met.**
2. Motion to establish findings of fact that all **standards for a Variance are met** and that carrying out the strict letter of the Code does create hardship for the Petitioner.
3. Motion to recommend **approval of the petition** submitted by Clem Properties for:
 - A **Special Use Permit** for a Rooming House in the R-2 (Mixed Residence) District for the property located at 709 Douglas Street,
 - with a **Variance** to § 44-1019C(2) to not require the off-street parking to be screened along the rear of the property,
 - and the **condition** that any exterior lights installed on the rear of the property shall be so shielded and directed as to protect adjacent lot or lots across the alley from direct or reflected glare.

Respectfully submitted,
Alissa Pemberton
Assistant City Planner

Attachments:

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

Attachment 3- Ground-Level View(s)



Attachment 4 - Petitioner-Submission - Description of Project

I want to create a Rooming House to supply housing for travel nurses and other professionals intown on a temporary basis. I plan to provide shared cooking and eating areas, an exercise area, onsite parking, and private sleeping facilities for up to 4 unrelated people.

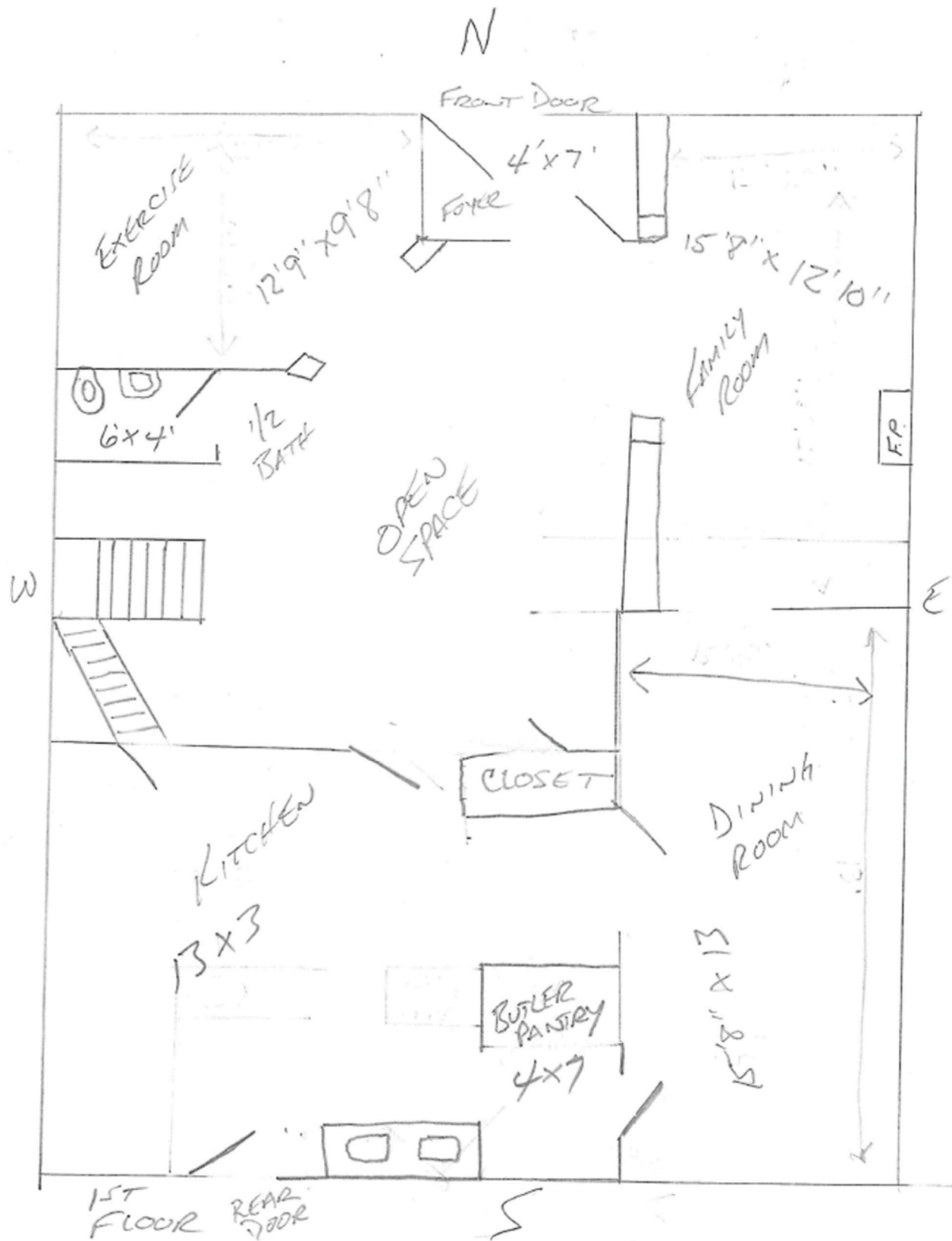
The structure itself is sound and will have modern kitchen and bath amenities installed. I hope to have on-site management or supervision of remaining rental rooms to keep the facility clean and managed indoors. I live in town so I can look at the property on a regular basis and having active tenants will help make sure the property remains in good condition.

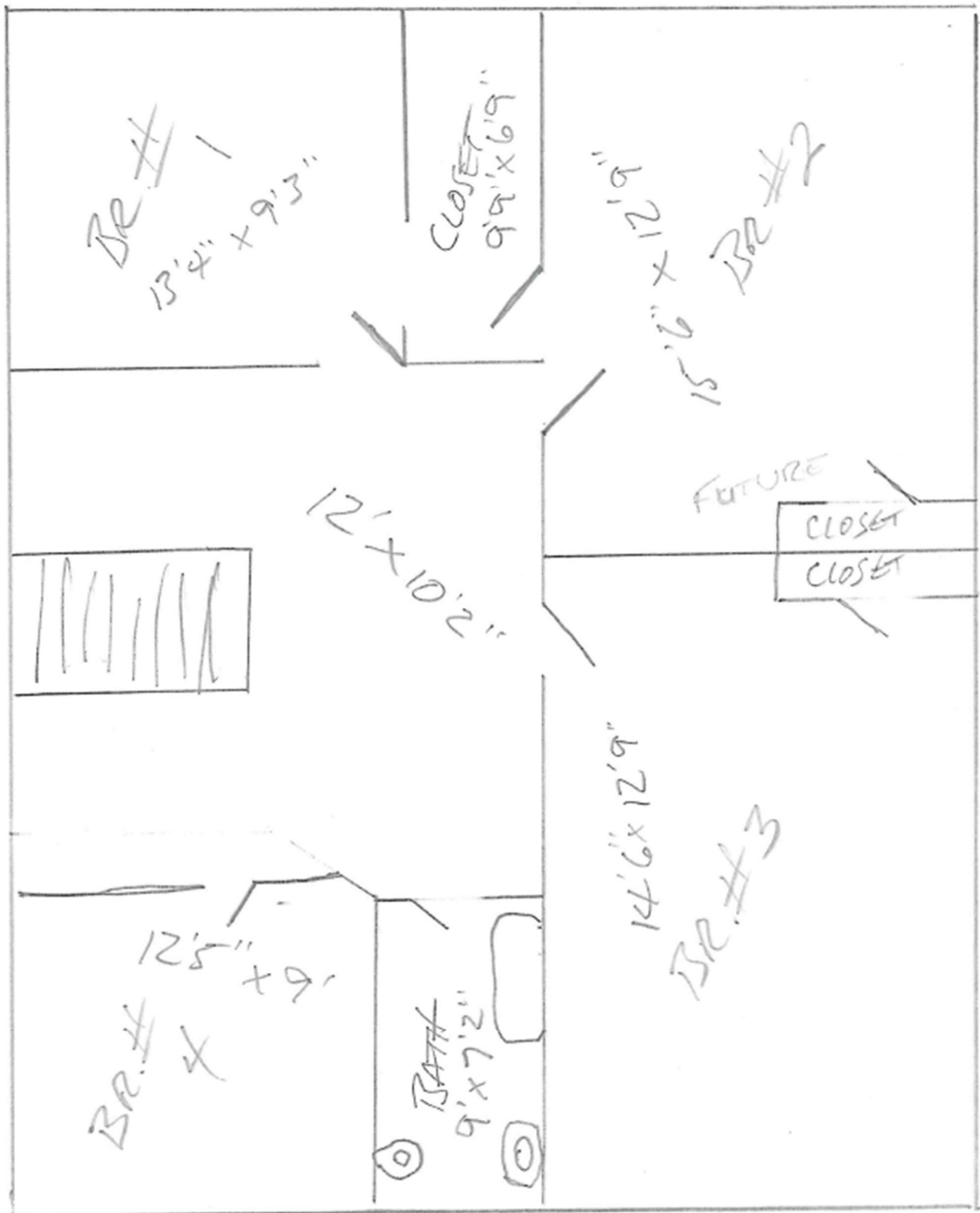
Having to frequently market and get the property ready for the next tenant means maintenance and keeping the property attractive is important. Safety is important to professionals living on the road too, so there are incentives to have a well-lit, safe, sound environment.

Very few modifications are proposed for the house; existing roads, parking, and utilities will be used. I don't expect to have a negative impact on the neighbors, and I won't be doing anything that would keep our neighbors from using their property.

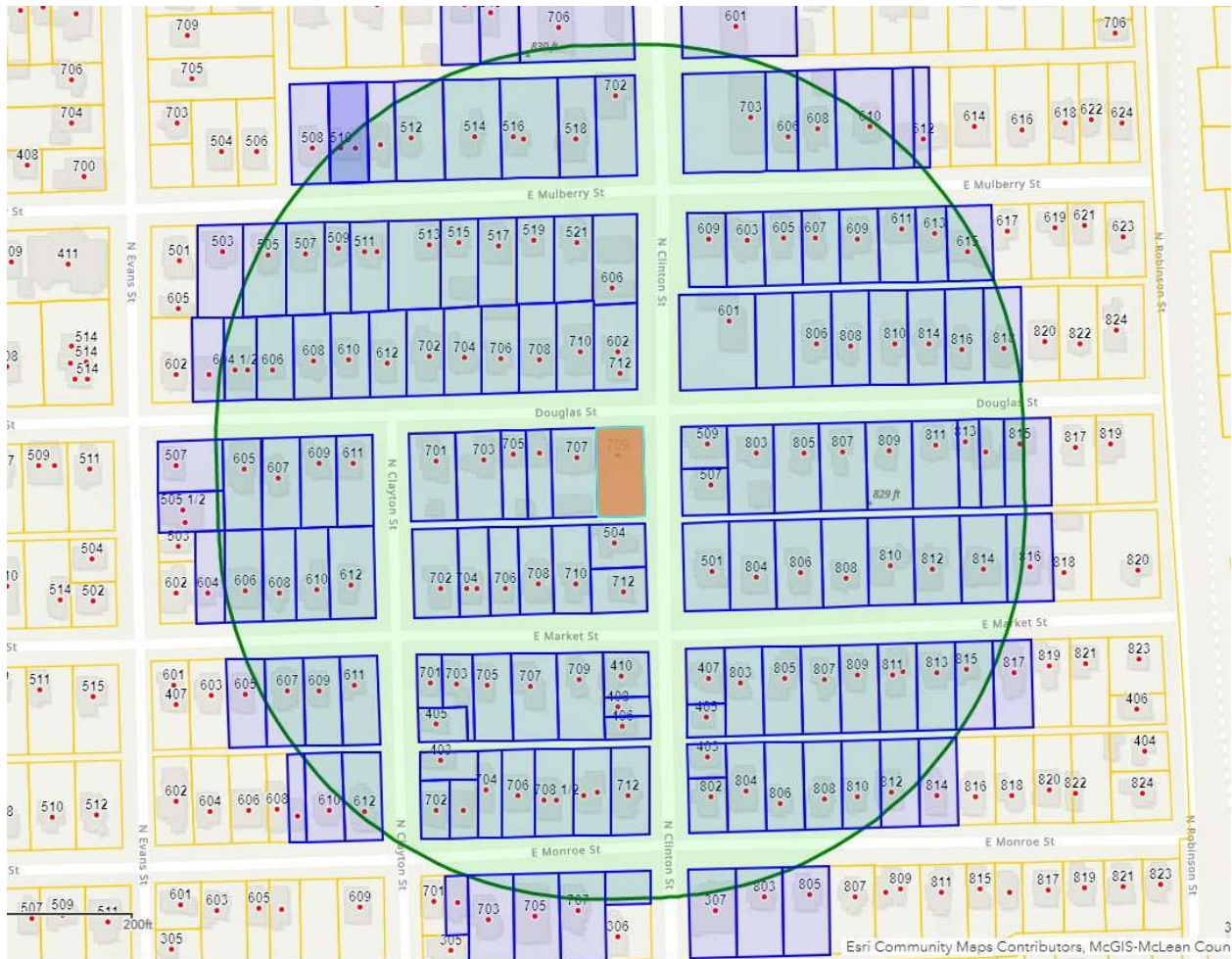
Six off-street parking spaces are already behind the home where you come off Clinton. Two additional parking spaces are in the driveway off Douglas Street. All appropriate building permits will be acquired. I keep our other rental properties registered and will register this one as appropriate.

Attachment 5 - Petitioner-Submission - Site Plan





Attachment 6 - Neighborhood notice map





ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: June 15th, 2022

CASE NO: SP-04-22, Special Use Permit for Chicken-Keeping

REQUEST: Public hearing, review and action on a petition submitted by Danielle King for a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District, for the property located at 19 Aberdeen Way. PIN: 14-36-177-023.

BACKGROUND

Petitioners' request:

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

The Petitioner desires to erect a wooden chicken coop and fenced enclosure in her backyard to keep no more than four egg-laying hens, to support our local food system, and to become self-reliant. The coop would be attached to an existing shed within her fenced backyard, and on the side of the deck opposite the street.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Sunday, May 29, 2022. Courtesy notices were mailed to 110 property owners within 500 feet of the subject property. A notice of public hearing sign was placed on the property at least 15 days prior to the hearing.

ANALYSIS

Property Characteristics:

The property at 19 Aberdeen Way consists of 0.23 acres of land located on the northwest corner of Aberdeen Way and Kapok Drive, in The Highlands neighborhood. This is a corner lot and therefor has two “front” yards that must be considered during location of the proposed coop. It is improved with a single-family home with attached garage. The rear yard of the

property, where the coop will be located, is enclosed by a chain link fence and contains a deck with additional privacy fencing that blocks the public view of the back patio area from most angles.

Surrounding Zoning and Land Uses:

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

Description of Current Zoning District:

The R-1C (Single-Family Residence) District is intended to provide primarily for the establishment of areas of higher density single-family detached dwelling units while recognizing the potential compatibility of two-family dwelling units as special uses. Densities of approximately eight dwelling units per acre are allowed. (§ 44-401C).

Subject Code Requirements:

§ 44-402B. "Allowed Uses Table" indicates Chicken Keeping is permitted as Special Use in the R-1C District.

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

- A. On lots less than or equal to one acre with a primary use of a single-family or two-family dwelling, 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.
- B. On lots greater than one acre with a primary use of a single-family or two-family dwelling, the keeping of up to four chickens plus one additional chicken per half acre in excess of one acre may be permitted as an accessory use and shall comply with Chapter 8 and Chapter 22 of the Bloomington Code, 1960, as amended...

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

STANDARDS FOR REVIEW

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

Special Use Permit to allow Chicken-Keeping in the R-1C (Single-Family Residence) District

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

The chickens will be located at least 10 feet away from all neighboring properties; the provided site plan meets all of the setback requirements of § 44-1011. The Petitioner intends to store the food in sealed buckets in the shed adjacent to the coop to deter pests. Chapters 8 & 22 of the City Code provide enforcement mechanisms, should the coop and enclosure fall into disrepair. ***Standard is met.***

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

The Special Use should not impair normal use and enjoyment of the surrounding properties. The coop will be screened from view from most angles, only viewable for a short distance as Kapok Drive approaches Aberdeen Way. The Special Use would also contribute to local food production, Goal HL-5.1 of the Comprehensive Plan. ***Standard is met.***

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

The proposed location of the coop meets the minimum setback requirements of 10 feet from the side and rear property lines. The portion of the property where the coop will be located is partially screened by structure and fencing. The Code defines Chicken-keeping as an appropriate accessory use for single-family dwellings, and this petition would not impede the normal and orderly development of surrounding properties in any way that was not already weighed—and determined to be appropriate—by the existence of the Special Use in the Code. ***Standard is met.***

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

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

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

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

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

The proposed Special Use is subject to, and conforms with, both the use provisions for chicken-keeping as stated in Chapter 44, 10-11 and the regulations of the R-1C district. *Standard is met.*

STAFF RECOMMENDATION

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

1. Motion to establish findings of fact that all standards for approval of a Special Use Permit are met.
2. Motion to recommend approval of the petition submitted Danielle King for a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District, for the property located at 19 Aberdeen Way.

Respectfully submitted,
Alissa Pemberton
Assistant City Planner

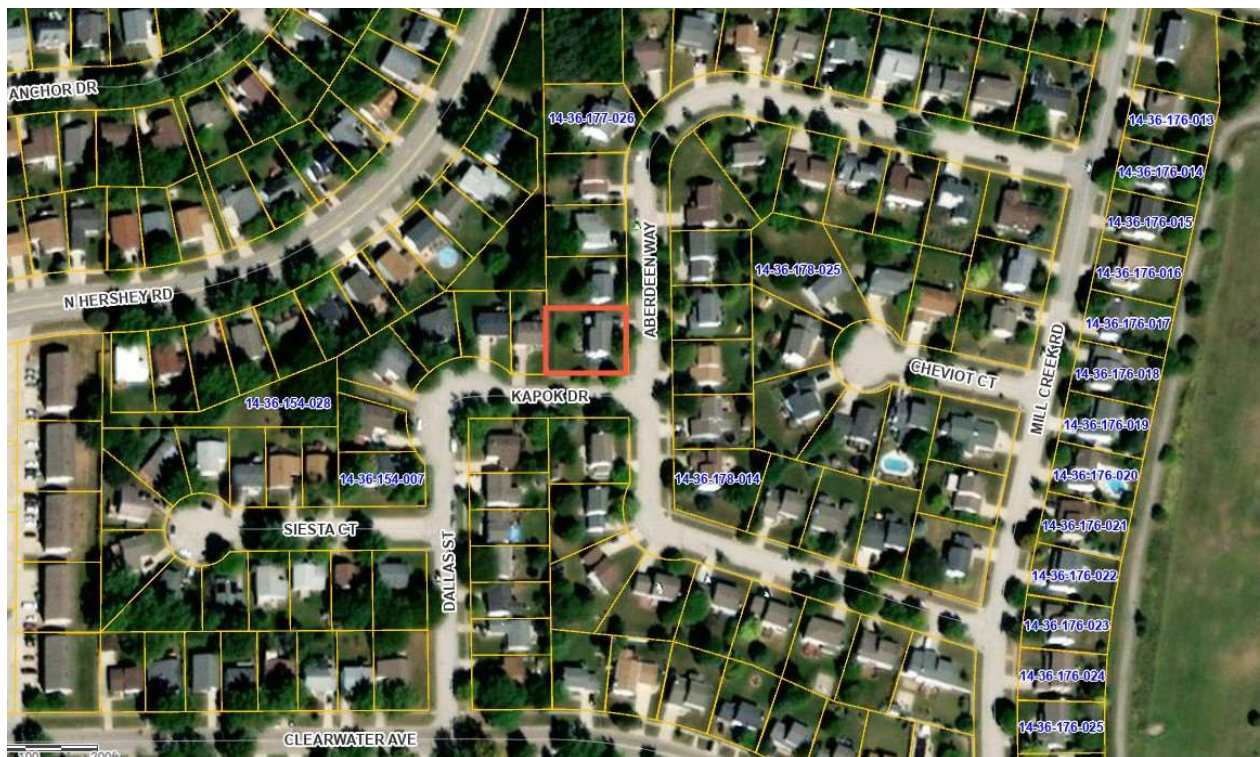
Attachments:

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

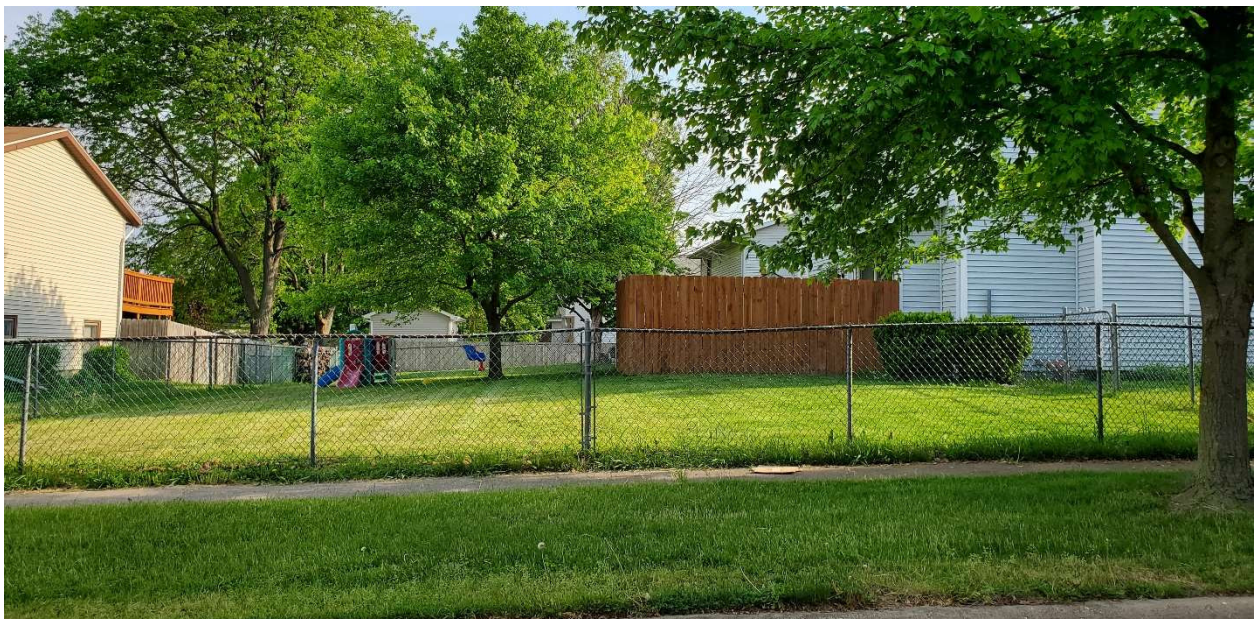
Attachment 1 - Zoning Map



Attachment 2 - Aerial Image



Attachment 3- Ground-Level View(s)



Attachment 4 - Petitioner-Submission - Description of Project

We would like to have 4 egg laying hens to keep in a small, neat, aesthetically pleasing coop. We would like to be able to teach our children responsibility and help them learn that food doesn't just come from a store.

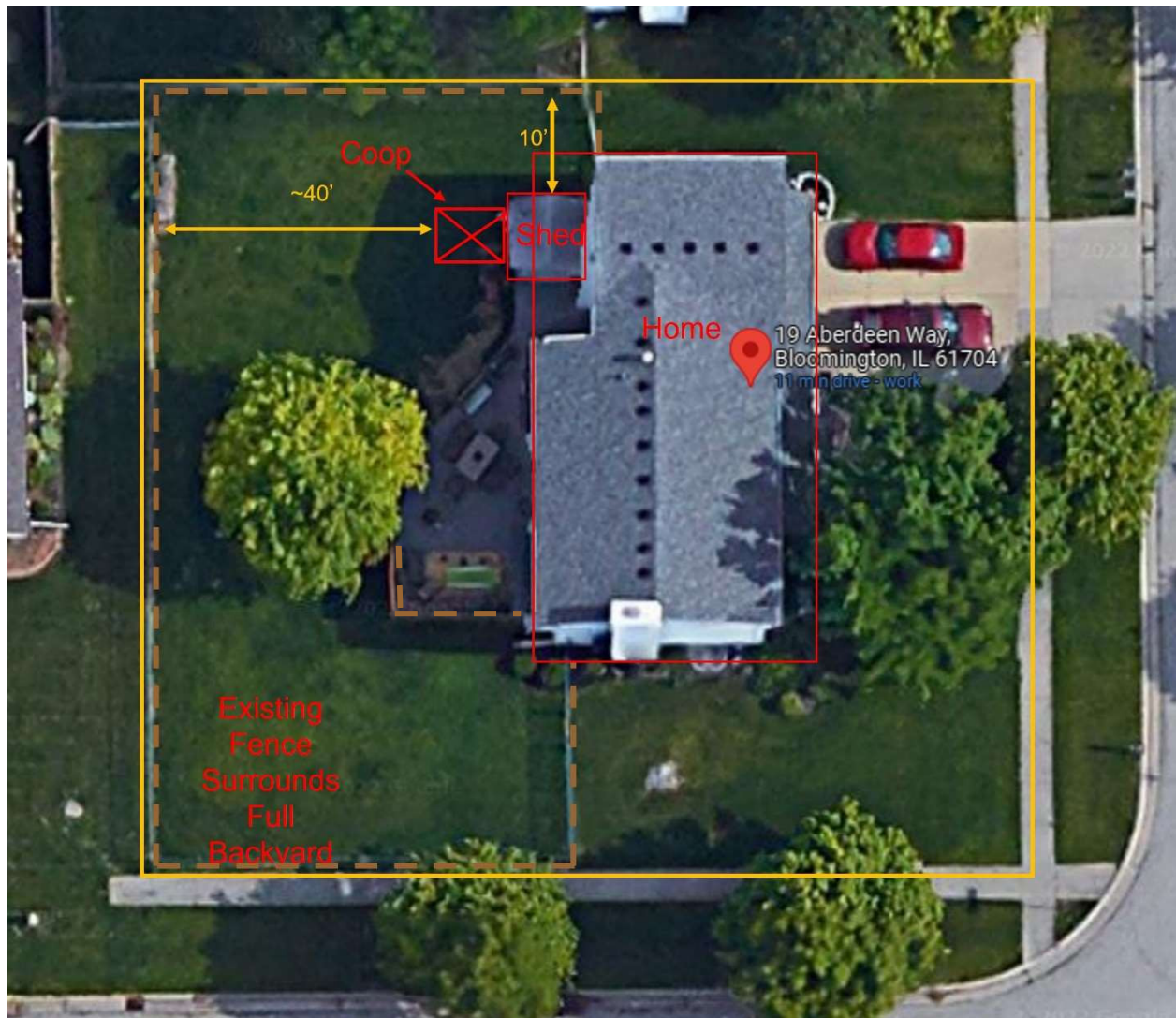
We plan on keeping a neat and tidy coop so that it is not an eyesore. Laying hens make very little noise and therefore will be of little impact to the neighborhood.

This special use permit would allow us to keep 4 laying hens which would conform to the district regulations. We have no HOA or covenant in our neighborhood.

The coop below is similar to the one planned for install; a run would be added.



Attachment 5 - Petitioner-Submission - Site Plan





ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: June 15th, 2022

CASE NO: SP-05-22, Special Use Permit for Chicken-Keeping

REQUEST: Public hearing, review and action on a petition submitted by Erik Goshorn for a Special Use Permit for Chicken-Keeping in the R-1B (Single-Family Residence) District, for the property located at 217 Magnolia Drive. PIN: 21-10-403-026.

BACKGROUND

Petitioners' request:

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

The Petitioner desires to erect a chicken coop and fenced enclosure in his backyard to keep no more than four hens, for the use of eggs and manure composting.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Sunday, May 29, 2022. Courtesy notices were mailed to 104 property owners within 500 feet of the subject property. A notice of public hearing sign was placed on the property at least 15 days prior to the hearing.

ANALYSIS

Property Characteristics:

The property at 217 Magnolia Drive consists of 0.16 acres of land located just south of Holiday Park in Meadowbrook Subdivision. It is improved with a single-family home and detached garage. The rear yard of this property, where the coop will be located, is enclosed by split rail and square wire fence.

Surrounding Zoning and Land Uses:

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

Description of Current Zoning District:

The R-1B (Single-Family Residence) District is intended to provide primarily for the establishment of areas characterized by moderate sized lots and single-family detached dwelling units for occupancy by families. In addition to these dwelling units, related recreational, religious, and cultural facilities intended to serve the immediately surrounding residents are allowed where such facilities are found to be compatible with surrounding residential development. (§ 44-401B).

Subject Code Requirements:

§ 44-402B. "Allowed Uses Table" indicates Chicken Keeping is permitted as Special Use in the R-1B District.

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

- A. On lots less than or equal to one acre with a primary use of a single-family or two-family dwelling, 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.
- B. On lots greater than one acre with a primary use of a single-family or two-family dwelling, the keeping of up to four chickens plus one additional chicken per half acre in excess of one acre may be permitted as an accessory use and shall comply with Chapter 8 and Chapter 22 of the Bloomington Code, 1960, as amended...

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

STANDARDS FOR REVIEW

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

Special Use Permit to allow Chicken-Keeping in the R-1B (Single-Family Residence) District

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

The chickens will be located at least 10 feet away from all neighboring properties; the provided site plan meets all of the setback requirements of § 44-1011. The Petitioner intends to store the food in sealed buckets in the adjacent garage to deter pests. Chapters 8 & 22 of the City Code provide enforcement mechanisms, should the coop and enclosure fall into disrepair. ***Standard is met.***

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

The Special Use should not impair normal use and enjoyment of the surrounding properties. The coop will be mostly screened by structures and will not be visible from the public roadway. The Special Use would also contribute to Goal HL-5.1 (Encourage local food production), HL-5.3 (Facilitate consumption of healthy, affordable, locally produced food for all residents), and NE-5.1 (Reduce the amount of waste and toxicity going to the landfill) of the 2035 Comprehensive Plan. ***Standard is met.***

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

The proposed location of the coop meets the minimum setback requirements of 10 feet from the side and rear property lines. The portion of the property where the coop will be located is screened from the public roadway by structures. The Code defines Chicken-Keeping as an appropriate accessory use for single-family dwellings, and this petition would not impede the normal and orderly development of surrounding properties in any way that was not already weighed—and determined to be appropriate—by the existence of the Special Use in the Code. ***Standard is met.***

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

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

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

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

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

The proposed Special Use is subject to, and conforms with, both the use provisions for Chicken-Keeping as stated in Chapter 44, 10-11 and the regulations of the R-1B (Single-Family Residence) District. ***Standard is met.***

STAFF RECOMMENDATION

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

1. Motion to establish findings of fact that all standards for approval of a Special Use Permit are met.
2. Motion to recommend approval of the petition submitted by Erik Goshorn for a Special Use Permit for Chicken-Keeping in the R-1B (Single-Family Residence) District, for the property located at 217 Magnolia Drive.

Respectfully submitted,
Alissa Pemberton
Assistant City Planner

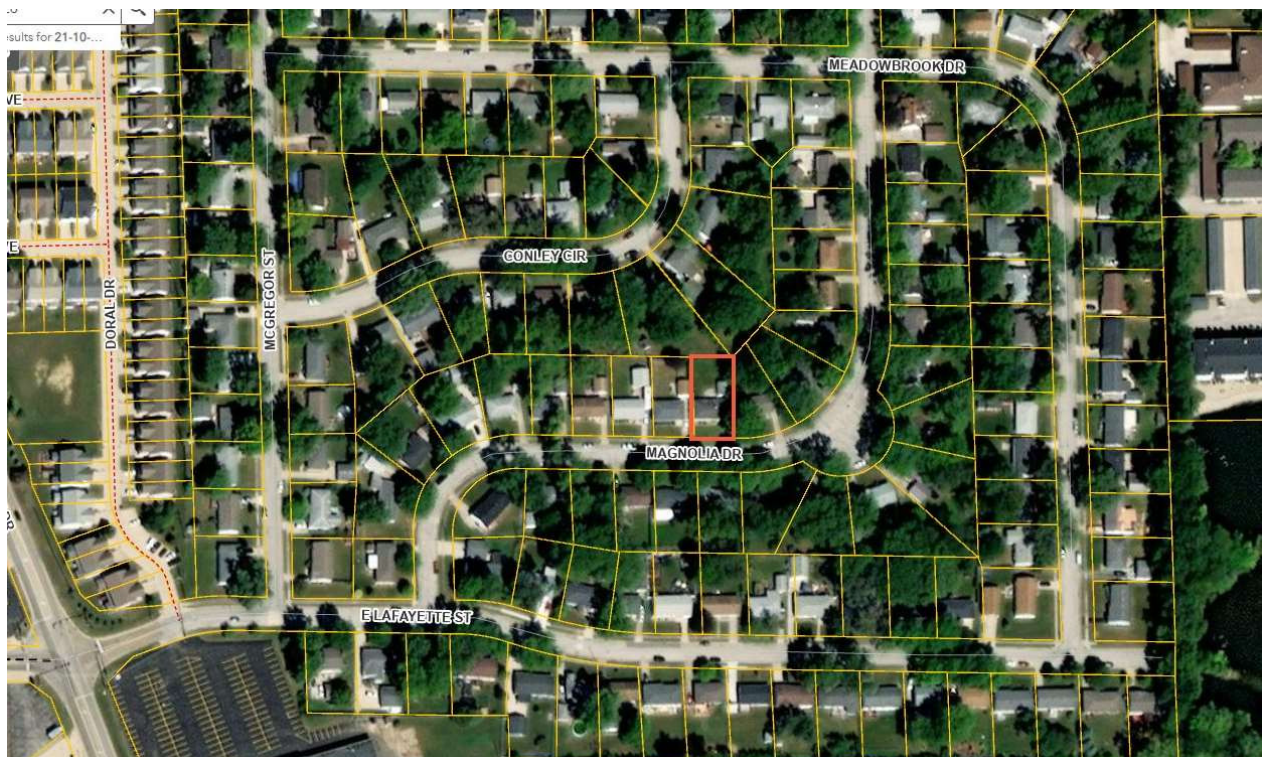
Attachments:

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

Attachment 1 - Zoning Map



Attachment 2 - Aerial Image



Attachment 3- Ground-Level View(s)



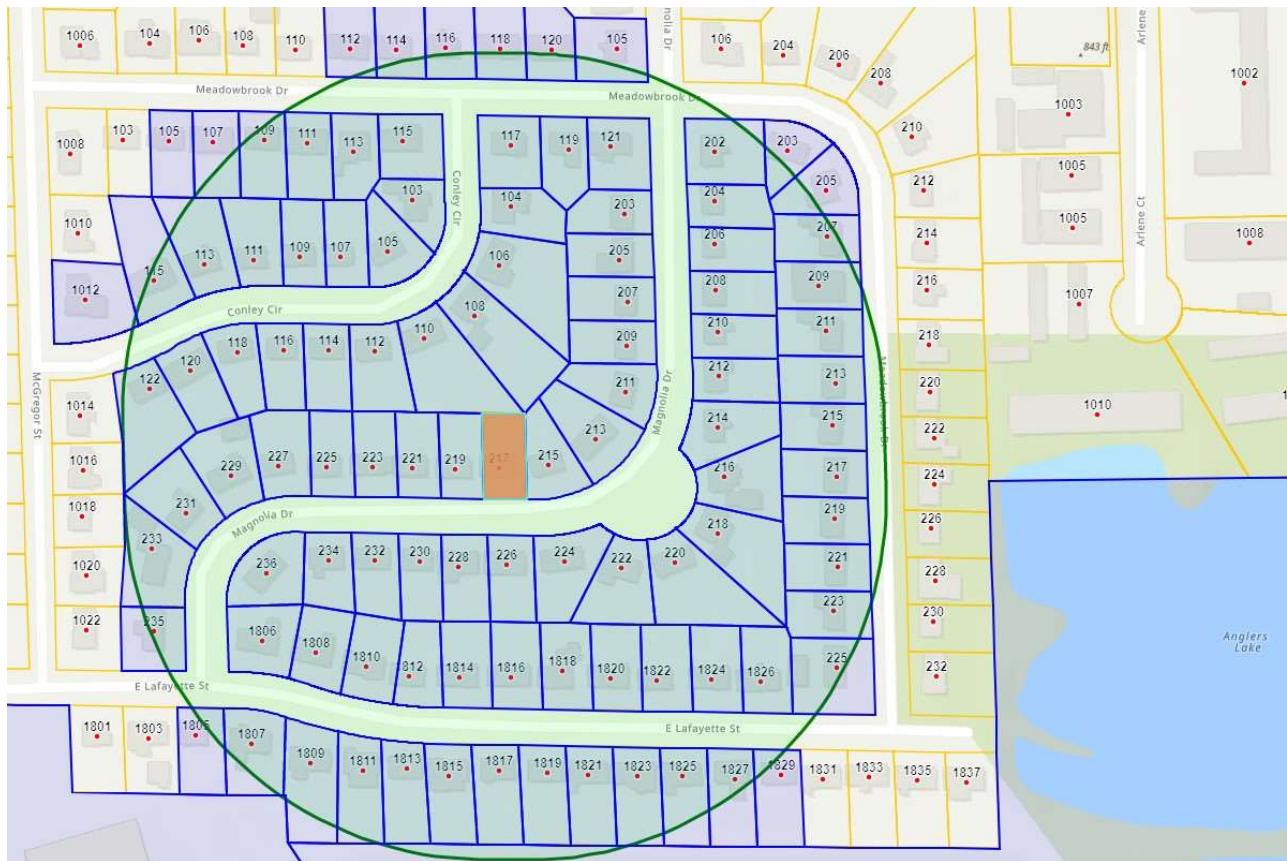
Attachment 4 - Petitioner-Submission - Description of Project

The proposal is for a Permit to keep and maintain a Chicken coop for no more than 4 chickens as permitted. Want to keep egg laying birds for use of eggs and composting manure. After speaking with neighbors, and taking the ease of care for this number of chickens, there should be no ill effects. The neighbor closest to the property line in question is supportive of the idea, and the area is not visible to passersby, so will not diminish property values.

Attachment 5 - Petitioner-Submission - Site Plan



Attachment 6 - Neighborhood notice map





ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS
FROM: Economic & Community Development Department
DATE: June 15th, 2022
CASE NO: SP-06-22, Special Use Permit for Chicken-Keeping, with Variance
REQUEST: Public hearing, review and action on a petition submitted by Linda Stroh for a Special Use Permit for Chicken-Keeping, with Variance, in the R-2 (Mixed Residence) District, for the property located at 601 S. Livingston Street. PIN: 21-05-462-008.

BACKGROUND

Petitioners' request:

The Petitioner seeks a Special Use Permit to allow Chicken-Keeping in the R-1C (Single-Family Residence), per § 44-1011, which states “On lots less than or equal to one acre with a primary use of a single-family or two-family dwelling, the keeping of up to four chickens may be permitted as an accessory use...” A Variance to allow the Petitioner to locate the coop in the side yard of the property is requested.

The Petitioner desires to install a small chicken coop with fenced enclosure and have up to four chickens in her yard. The coop would be located in the side yard, rather than the backyard as required by § 44-1011E, due to the nature and location of the lot and placement of other existing structures.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Sunday, May 29, 2022. Courtesy notices were mailed to 90 property owners within 500 feet of the subject property. A notice of public hearing sign was placed on the property at least 15 days prior to the hearing.

ANALYSIS

Property Characteristics:

The property at 601 S. Livingston Street consists of 0.12 acres of land located on the southwest corner of S. Livingston Street and W. Mill Street, in the Lang's Alley neighborhood. This is a corner lot and therefore has two “front” yards that must be considered during location of the proposed coop. It is improved with a single-family home with detached garage. The rear yard

of this property, where the Code designates chicken coops are to be placed, is wholly occupied by the single-car garage and driveway but a large vacant side yard exists on the south side of the property which would permit the coop to meet the setback requirements at all property lines, while still providing sufficient space for the appropriate care and wellbeing of the hens. Due to the location of the property on the corner, placement of a coop in the rear yard would be equally visible from public roadways in the rear and side yards.

Surrounding Zoning and Land Uses:

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

Description of Current Zoning District:

The R-2 (Mixed Residence) District is intended to accommodate development characterized by a mixture of housing types at a high single-family and a low multiple-family dwelling unit density. Densities of up to approximately 13 dwelling units per acre are allowed. This district allows for the conversion of dwelling units in older residential areas of mixed dwelling unit types in order to extend the economic life of these structures and allow owners to justify expenditures for repairs and modernization and serves as a zone of transition between lower density residential districts and residential districts that permit greater land use intensity and dwelling unit density (§ 44-401E).

Subject Code Requirements:

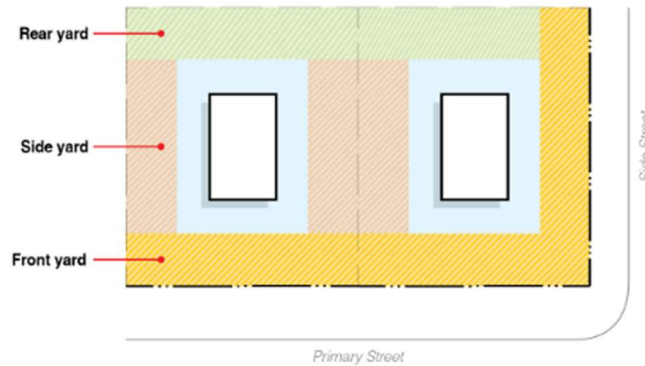
§ 44-402B. “Allowed Uses Table” indicates Chicken Keeping is permitted as Special Use in the R-2 District.

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

- A. On lots less than or equal to one acre with a primary use of a single-family or two-family dwelling, 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.
- B. On lots greater than one acre with a primary use of a single-family or two-family dwelling, the keeping of up to four chickens plus one additional chicken per half acre in excess of one acre may be permitted as an accessory use and shall comply with Chapter 8 and Chapter 22 of the Bloomington Code, 1960, as amended...

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

Diagram of yard classification from Chapter 44:



STANDARDS FOR REVIEW

The Board of Zoning Appeals (ZBA) shall hold at least one administrative public hearing on any proposed Special Use and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Special Use meets all of the Standards of Approval listed in § 44-1707H and discussed below. The ZBA has the power to authorize variations to the Code where there would be practical difficulties or particular hardships in carrying out the strict letter. Decisions shall be made upon the determination that the Variance meets all of the Standards listed in § 44-1708F and discussed below.

Special Use Permit to allow Chicken-Keeping in the R-2 (Mixed Residence) District

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

The chickens will be located at least 10 feet away from all neighboring properties; the provided site plan meets the setback requirements of § 44-1011. The Petitioner intends to store the food in sealed buckets in the detached garage on the property. Chapters 8 & 22 of the City Code provide enforcement mechanisms, should the coop and enclosure fall into disrepair. **Standard is met.**

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

The Special Use should not impair normal use and enjoyment of the surrounding properties. The Petitioner intends to install a commercially produced chicken coop and add a fenced enclosure. The Special Use would contribute to Goal HL-5.1 (Encourage local food production), HL-5.3 (Facilitate consumption of healthy, affordable, locally produced food for all residents), and NE-5.1 (Reduce the amount of waste and toxicity going to the landfill) of the 2035 Comprehensive Plan. **Standard is met.**

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

The proposed location of the coop meets the minimum setback requirements of 10 feet from the side and rear property lines. The portion of the property where the coop will be placed is partially screened from neighbors by a structure and fencing. The Code defines Chicken-keeping as an appropriate accessory use for single-family dwellings, and this petition would not impede the normal and orderly development of surrounding properties in any way that was not already weighed—and determined to be appropriate—by the existence of the Special Use in the Code. ***Standard is met.***

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

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

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

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

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

Other than as requested in the associated Variance, the proposed Special Use conforms with both the use provisions for chicken-keeping as stated in Chapter 44, 10-11 and the regulations of the R-2 district. ***Standard is met.***

Variance to allow the Petitioner to locate the coop in the side yard.

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

As a corner lot, this property has physical characteristics that pose unreasonable challenges for complying with Code provisions that require the placement of the coop in the rear yard. Due to the location and orientation of the home the rear yard of this property is smaller and narrower than the side yards and is already wholly occupied by an accessory structure and concrete driveway. ***Standard is met.***

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

Allowing the Petitioner to vary the location of the coop is the minimum action necessary to afford relief to the applicant; all other provisions and requirements can still be met by granting this Variance. To place the coop in the rear yard the Petitioner would be required to remove existing structures. In addition, placement of a coop in the rear yard could not meet the setback requirements for chicken-keeping and would require a Variance to that effect instead. ***Standard is met.***

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

The lot and existing structures were created prior to the applicant's acquisition of the property in 2019. ***Standard is met.***

4. **Granting the variation request will not give the applicant any special privilege that is denied to others by the Code.**

Due to the location of the property, placement of a coop in the rear yard would be equally visible from public roadways in the rear and side yards. In addition, were the same property addressed on W. Mill Street, instead of S. Livingston, identical placement of the coop would not require a Variance. ***Standard is met.***

5. **The granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use of development of adjoining properties.**

Granting this Variance would not be detrimental to the public welfare. Placement of a coop in the "side" yard on this property would permit the coop to meet setback requirements, while still providing sufficient space for the appropriate care and wellbeing of the hens. ***Standard is met***

STAFF RECOMMENDATION

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

1. Motion to establish findings of fact that all **standards for approval of a Special Use are met.**
2. Motion to establish findings of fact that all **standards for a Variance are met** and that carrying out the strict letter of the Code does create hardship for the Petitioner.
3. Motion to recommend **approval of the petition** submitted by Linda Stroh for:
 - A **Special Use Permit** for Chicken-Keeping in the R-2 (Mixed Residence) District, for the property located at 601 S. Livingston Street,
 - and **Variance** to § 44-1011E to allow a chicken coop in a side yard.

Respectfully submitted,
Alissa Pemberton
Assistant City Planner

Attachments:

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

Attachment 1 - Zoning Map



Attachment 2 - Aerial Image(s)



Attachment 3- Ground-Level View(s)



Attachment 4 - Petitioner-Submission - Description of Project

I would like to install a small chicken coop and run to have up to 4 chickens in my yard.

Chickens are good for the ecosystem; I teach a class on zero waste and we need to learn more ways to be more sustainable, whether you live in the City or the Country. I have a garden and instead of me buying a bag of chicken manure I will have my own to use. Chickens eat food scraps so my composting work will decrease. When I get extra produce from my garden I donate it to the mission.

I will keep the food in a covered metal can in the garage because I don't want any "unwelcome guests." My chickens will be contained my yard, there will be no roosters, and the coop will be 10 feet from any property line. I will make sure I do what the regulations say about how to keep them and store their food.

SMALL CHICKEN COOP

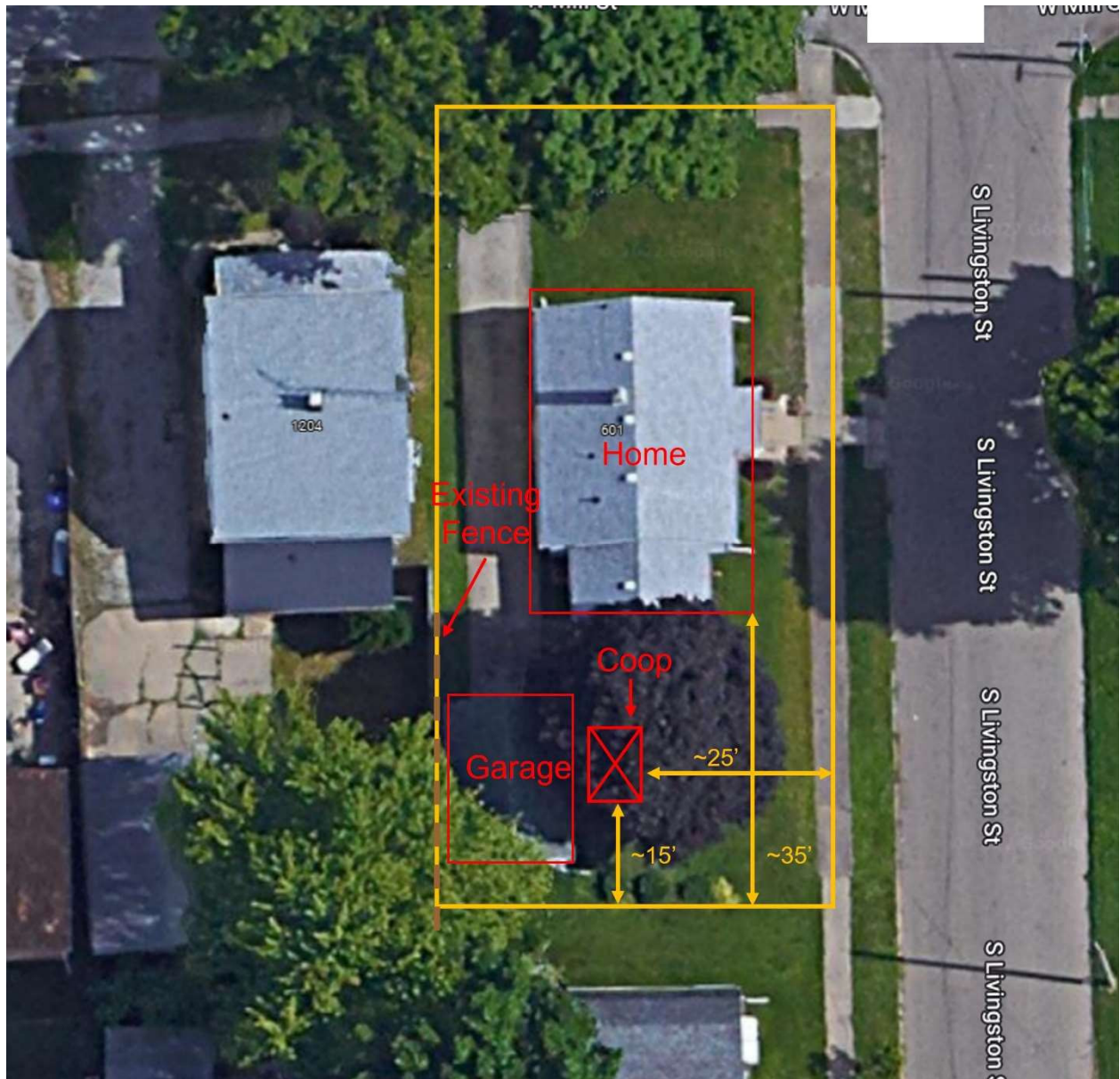


- Houses up to 5 chickens
- 1 Screened window
- 2 Nesting boxes
- 34" L x 45" W x 54 1/2" H
- Kit price: \$1,099 (takes approx. 1hr to assemble)
- Assembled price: \$1,249 (delivery not included)

Standard features on all chicken coops:

- Screened window(s) which open and close
- Nesting box(es)
- 2 vents (1 on each gable end to let air flow through the coop)
- 2 Roosts
- 1 Chicken door with treated wood ramp
- Flooring and siding has a treated resin
- The roof profile is designed so that rainwater runs off the back of the chicken coop.

Attachment 5 - Petitioner-Submission - Site Plan



Attachment 6 - Neighborhood notice map

