

AGENDA
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, MAY 18, 2016
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS

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

A public comment period not to exceed thirty (30) minutes will be held during each Board and Commission meeting, as well as all regularly scheduled City Council meetings, Committee of the Whole meetings, meetings of committees and/or task forces (hereinafter "committees") created by the City Council, work sessions, and special meetings of the City Council. Nothing herein shall prohibit the combination of meetings, at which only one public comment period will be allowed.

Anyone desiring to address the Board, Commission, Committee or City Council, as applicable, must complete a public comment card at least five (5) minutes before the start time of the meeting. Public comment cards shall be made available at the location of the meeting by City staff at least 15 minutes prior to the start time of the meeting. The person must include their name, and any other desired contact information, although said person shall not be required to publicly state their address information. If more than five individuals desire to make a public comment, the order of speakers shall be by random draw. If an individual is not able to speak due to the time limitation and said individual still desires to address the individuals at a future meeting of the same type, said individual shall be entitled to speak first at the next meeting of the same type. (Ordinance No. 2015-46))

- 5. MINUTES:** Consideration, review and approval of Minutes from the March 16, 2016 meeting.
- 6. REGULAR AGENDA**
 - A. Z-12-16** Consideration, review and approval of the petition submitted by Mark Bowers for a Variance to allow for 50 parking spaces in lieu of the required 160 spaces/20 per court (44.7-2) for the property located at 4101 Wicker Road in the B-1, Highway Business District (**Ward 8**).
 - B. Z-13-16** Consideration, review and approval of the petition submitted by Prairie Signs Inc for a Variance to allow for two signs greater than 300 square feet for property located at 1500 E Empire in the C-3, Community/Regional Shopping District (**Ward 5**).
 - C. Z-14-16** Consideration, review and approval of the petition submitted by Prairie Signs Inc for a Variance to allow two signs greater than 30 feet tall for the property located at 1500 E Empire in the C-3, Community/Regional Shopping District (**Ward 5**).

- D. **Z-15-16** Consideration, review and approval of the petition submitted by James A Shirk for a Variance to allow for a transitional front yard setback of 16 feet in lieu of the required 25 feet for the property located at 921 E Washington Street in the B-1, Highway Business District (**Ward 4**).
- E. **Z-16-16** Consideration, review and approval of the petition submitted by Sandra and Donald McAuley for a Variance to allow for a side yard setback less than the required 6 feet for property located at 1508 Tralee Lane in the R-1C, Single-Family Residential District (**Ward 8**).
- F. **SP-03-16** Consideration, review and approval of the petition submitted by Shawn Pawley for a Special Use for an acupuncture clinic for property located at 1617 E Oakland in the R-1C, High Density Single-Family Residential District (**Ward 4**).

7. **OTHER BUSINESS**

8. **NEW BUSINESS**

9. **ADJOURNMENT**

DRAFT MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
Wednesday, March 16, 2016, 4:01 P.M.
Council Chambers, City Hall
109 East Olive Street, Bloomington, Illinois

Members present: Chairman Briggs, Mr. Ireland, Mr. Bullington, Mr. Kearney, Mr. Simeone,
Mr. Brown, Ms. Meek

Members absent: None

Also present: Mr. Tom Dabareiner, Community Development Director
Mr. George Boyle, Assistant Corporation Counsel
Ms. Katie Simpson, City Planner

Mr. Dabareiner opened the meeting at 4:01 p.m. and called the roll. With all seven members in attendance, a quorum was present.

PUBLIC COMMENT: None

The Board reviewed the minutes from February 17, 2016 and the minutes were **approved** unanimously, subject to two corrections.

Chairman Briggs explained the meeting procedures and introduced the staff present. Mr. Dabareiner stated all items were properly published.

REGULAR AGENDA:

SP-02-16. Consideration, review and approval of the petition submitted by Fredrick and Jean Kuppersmith for a Special use for a duplex under the Municipal Code 44.10-4. All for the property located at 1015-1/2 E. Front Street, R-1C Single Family Residential District.

Fredrick Kuppersmith, 5 Hidden Lake Court, owns the property at 1015-1/2 E. Front Street and was sworn in. Mr. Kuppersmith requested to reinstate the Special Use for a duplex. He provided background, noting that in the course of a full remodeling of the downstairs unit only a single unit was in use for a couple years, adding that the Special Use expired in that timeframe. The exterior of the building was also improved. It had been an apartment for about 60 years and Mr. Kuppersmith provided a history of the structure.

Vicki Tinervin, 1016 E. Grove, was sworn in. Ms. Tinervin noted she lives directly behind the property. She confirmed the subject property operated as a duplex before and that there were never any problems. Ms. Tinervin indicated she supports the reinstatement of the Special Use.

Ms. Simpson provided the staff report, stating that staff supports the request for a Special Use for a duplex. She provided an overview of the zoning on and near the property and noted other multi-family residential and duplexes were in the immediate neighborhood. She provided a photo of the property and a site plan, commenting that the property will function adequately as a duplex. She reviewed the findings of fact and recommended approval of the Special Use, with

the slightly narrower nonconforming lot width. Mr. Simeone asked why the Special Use request requires a 70 foot lot; Mr. Dabareiner explained the rationale for the 70-foot requirement is unclear but that the current lot is a lawful nonconforming lot. Ms. Meek asked why the property stopped being a duplex; Mr. Dabareiner noted that because it was vacant for a significant period of time the property lost its status to maintain a duplex.

Chairman Briggs requested a roll call vote on the Special Use Case SP-02-16, which was **approved** by a 7-0 vote as follows: Mr. Ireland—aye; Mr. Bullington—aye; Mr. Kearney—aye; Mr. Simeone—aye; Mr. Brown—aye; Ms. Meek—aye; Chairman Briggs—aye. A positive recommendation will be sent to Council, reported Chairman Briggs.

NEW BUSINESS:

Chairman Briggs reminded everyone of the need to complete the financial interest form.

ADJOURNMENT: 4:29PM

Respectfully,

Tom Dabareiner AICP

**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
MAY 18, 2016**

SUBJECT:	TYPE:	SUBMITTED BY:
Z-15-16 4101 Wicker Road	Variance to allow 50 parking spaces in lieu of the required 160 parking spaces for athletic court (44.7-2H1(4))	Katie Simpson City Planner

REQUEST

The petitioner is seeking a Variance to allow 50 parking spaces in lieu of the required 160 parking spaces for athletic court (44.7-2H1(a)(4)). The subject property is commonly located at 4101 Wicker Road.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

Owner and Applicant: Mark Bowers

PROPERTY INFORMATION

Existing Zoning: B-1, Highway Business District
Existing Land Use: Vacant lot to be developed with 6 indoor tennis courts and possibly 2 outdoor courts
Property Size: Approximately 2.50 acres
PIN: 22-07-200-063

Surrounding Zoning and Land Uses

Zoning

North: B-1, Highway Business District
North: M-1 Restricted Manufacturing District
South: Agriculture (unincorporated)
East: B-1, Highway Business District;
West: Agriculture (unincorporated)

Land Uses

North: Vacant
North: Carpentry/Gypsum Storage and Distribution
South: Agriculture/Vacant
East: Vacant
West: Vacant

Analysis

Submittals

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

1. Application for Variation

2. Site Plan
3. Aerial photographs
4. Site visit

PROJECT DESCRIPTION

The subject site is commonly known as 4101 Wicker Road and is triangular, corner lot located at the interchange of Olympia Drive and Wicker Road, east of Towanda Barnes Road and south of Oakland Avenue. The petitioner proposes to develop the site with a 45,136 sq foot tennis court facility consisting of approximately six (6) indoor courts and two (2) outdoor courts. The property is zoned B-1, Highway Business District. The proposed use is a permitted use.

The following is a summary of the requested variations:

Applicable Code Sections:

Section 44.7-2H1(a)(4)

Type of Variance	Request	Required	Variance
Athletic Court Parking	50	160 (20/court)	110 space decrease

Analysis

Variations from Zoning Ordinance

Section 44.7-2H1(a)(4) of the zoning ordinance requires 20 parking spaces per athletic court. The petitioner is proposing six indoor and two outdoor tennis courts; eight courts in total. The petitioner is proposing fifty (50) parking spots. Additionally, the petitioner shows thirty three (33) future spots on the submitted site plan; a total of 83 potential spots which could be accommodated on the lot.

Staff's findings of fact are presented below. It is incumbent on each Zoning Board of Appeals member to interpret and judge the case based on the evidence presented and each of the Findings of Fact.

FINDINGS OF FACT

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

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

The lot is approximately 2.50 acres but shaped as a triangle. Tennis courts must run north/south (to avoid sun shining in the eyes of players) and so the lot configuration is limited for this purpose. The petitioner will also need to accommodate As a result, the property has physical characteristics that pose unreasonable challenges to accommodate the required number of parking in addition to other requirements of the code such as setbacks, detention, landscaping etc. The standard is met.

That the variances would be the minimum action necessary to afford relief to the applicant; and The variance would be the minimum action necessary to afford relief to the applicant, as the requirement in the code assumes stadiums and athletic fields with higher numbers of players/patrons. The standard is met.

That the special conditions and circumstances were not created by any action of the applicant; and The lot is existing. Developing the lot with tennis courts limits the configuration of the lot and the amount of parking surfaces and spaces accommodated on the lot and is self-created. However, the triangular shape of the lot is the more restrictive factor. 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 Other tennis facilities in the community have fewer parking spaces than required by this Code. 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 parking should be sufficient to accommodate eight tennis courts with four players per court and employees. The petitioner is allocating space for future additional parking if needed. The majority of surrounding lots have not been developed yet and the variance should not impact the character of the neighborhood. The standard is met.

STAFF RECOMMENDATION:

Staff finds that the petition has met the Zoning Ordinance's standards required to allow a variance. Staff recommends **approval** of the requested variance in Case Z-12-16.

Respectfully submitted,

Katie Simpson
City Planner

Attachments:

- Variance Application
- Petitioner Statement of Findings of Fact
- Site Plan
- Legal Description
- Location Map and Aerial Map
- Zoning Map
- List of notified property owners within a 500 ft radius of property

23069

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

It's a large triangular shaped lot that needs runoff retention + not as much parking as deemed necessary by the code. In addition, tennis courts must run north/south (sun in eyes when you play) so I need to use back front for outdoor courts.

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

There would not be a need for 120 parking spots as the code states... with only 6 indoor courts on this site - we are estimating 40-50 spots at most. Evergreen RC has 8 indoor courts + 4 outdoor courts w/ 2 racquetball courts + they only have 58 spots... AND are NEVER Full.

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

Just by not needing that many... only a max of 4 people can play per court at a maximum.

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

precedence is already been set by Evergreen Racquet Club with their 58 spots... and our facility will be smaller.

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.

It will not... we will have the ability in the future to add more spaces if the need is there.

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: Lot 40 Olympia Drive (Quatron Theater ^{Business} Park)

Site Address: 4101 Wicker Rd - per Public Works

Petitioner: Mark Bowers (MMBowers, Inc) Phone: 309-824-9016

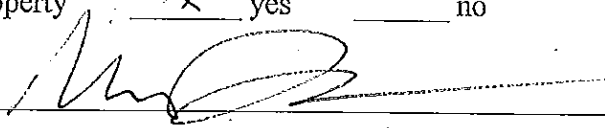
Petitioner's Email Address: mark@markbowershomes.com

Petitioner's Mailing Address Street: 19690 To Sarah Ct.

City, State, Zip Code: Bloomington IL 61705

Contractual interest in the property ☒ yes ☐ no

Signature of Applicant



Brief Project Description:

I plan to have an indoor tennis facility constructed with potentially 2 outdoor courts too + a rule 40x40 building with lobby / front desk + ^{office} ~~lobby~~ space w/ bathrooms. There will be 6 indoor courts maximum.

Code Requirements Involved:

According to Bob Combs, code says you need 20 parking spots per "court". Currently, ERC in town has 58 spots for 8 indoor tennis, 2 racquetball, fitness center, + 4 outdoor courts + practice hitting area... + they are never full!

Variance(s) Requested:

44.7-24.1a4
* To allow us to construct 40 parking spots with the facility.

we would surely not need 50 spots because we will be significantly smaller in size.

(AND) 44.7-26.08 → side perimeter landscaping for less than 6 feet.

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 will supply a ^{site} map when Farnsworth has it completed. See above for justification.

(PLATTED)

LOT 37

476.81'

(PLATTED)

LOT 38

476.81'

(PLATTED)

LOT 39

45' UTILITY & DRAINAGE
EASEMENT

584.75' RADIAL

(PLATTED)

LOT 40

(PLATTED)

(PLATTED)

LOT 41

LOT 26
(PLATTED)

290.00'

290.00'

LOT 34
(PLATTED)

290.00'

LOT 33
(PLATTED)

265.00'

300.00'

300.00'

OLYMPIA

278.00'

50.00'

48.26'

81.14'

176.50'

165.76'

120.69'

165.76'

200.00'

295.00'

120.69'

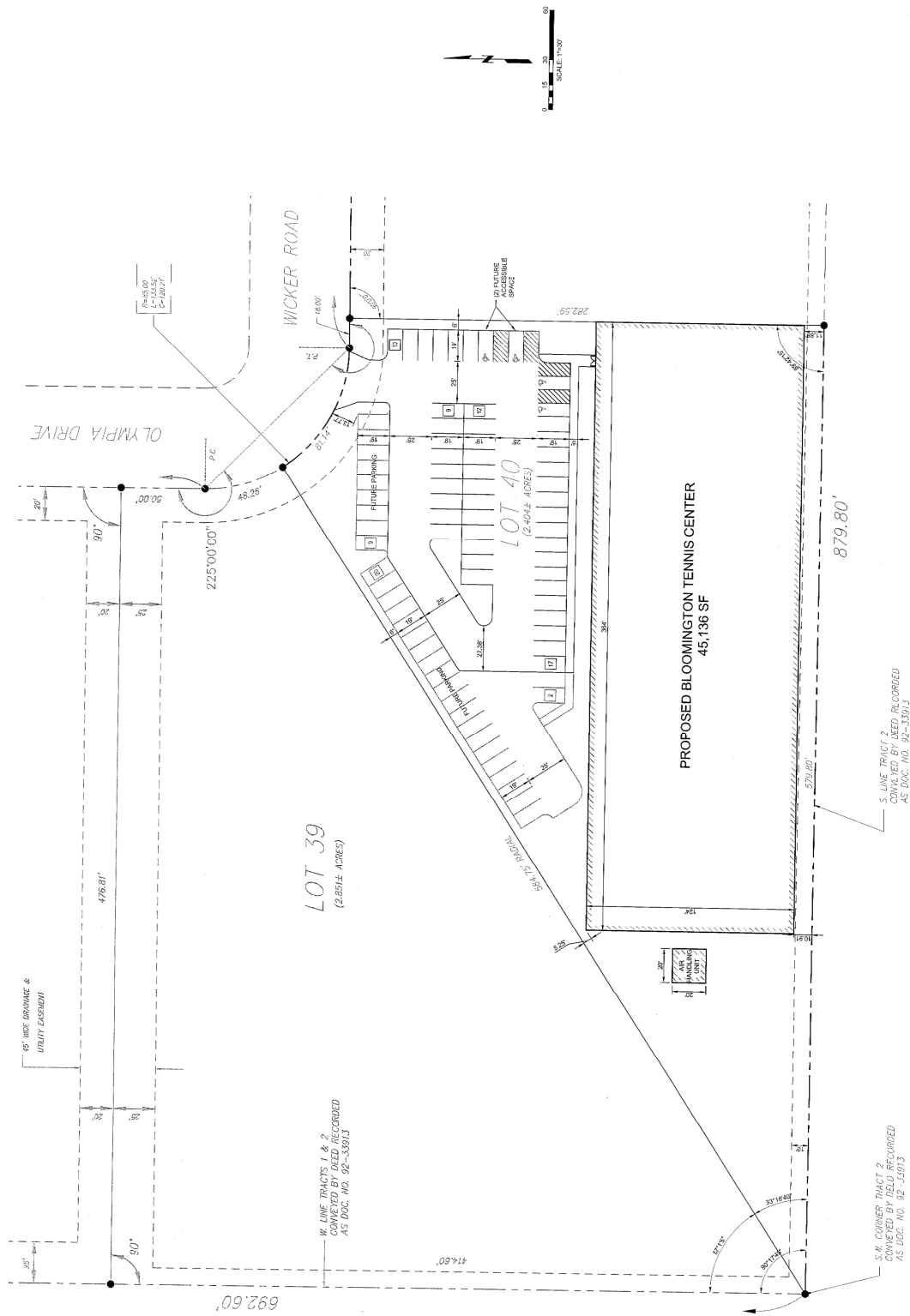
10'

20'

10'

90' 17' 4"

100.84'



BLOOMINGTON TENNIS CENTER

SITE LAYOUT CONCEPT

BLOOMINGTON, IL | 4/14/2016

MARK BOWERS



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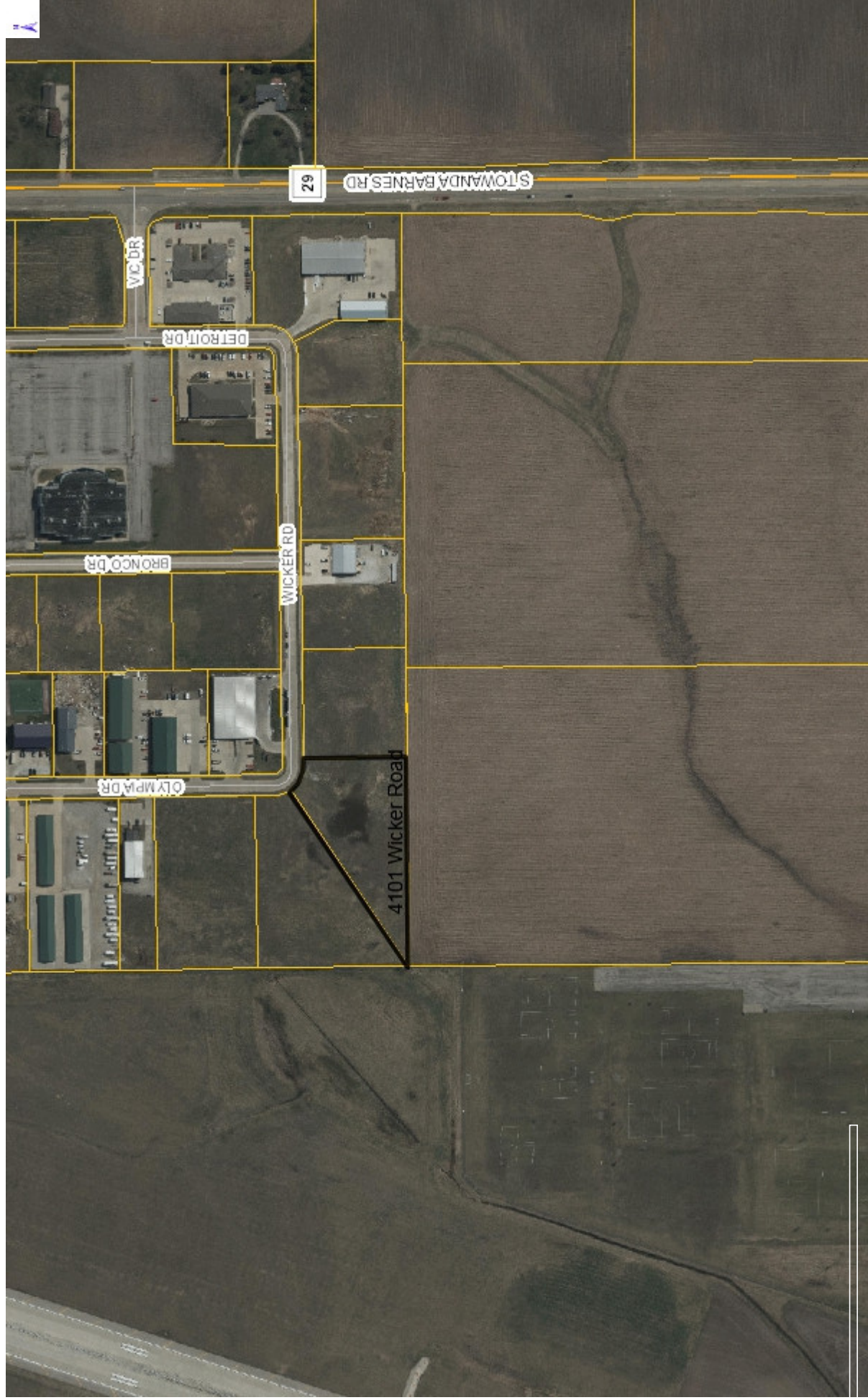
APR 15 2016

Legal Description

TOWANDA BARNES BUSINESS PARK 19TH ADD LT 40



4101 Wicker Aerial View



0 0.09 0.2 Miles



1: 5,996

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<http://www.McGIS.org/License>

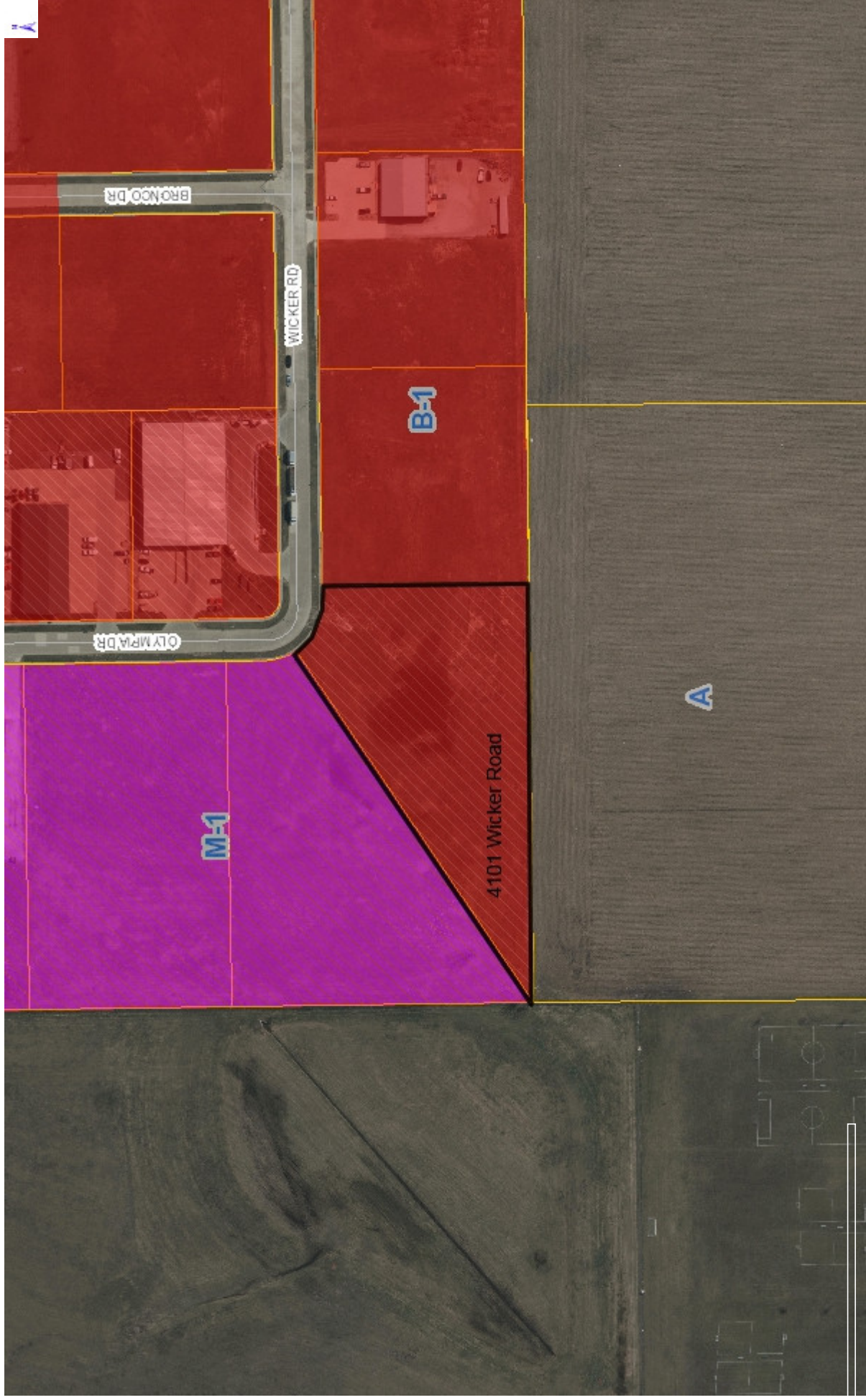
Notes

B-1 Zoning

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4101 Wicker Zoning Map



0 0.05 0.1 Miles By using any McGIS products or services, you indicate your acceptance of the Licensing Agreement: <http://www.McGIS.org/License>

1: 2,998

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Notes

B-1 Zoning

% CHRISTINE DAVIS CD PRYZ LLC
PO BOX 5020
BLOOMINGTON IL 612025020

BLOOMINGTON-NORMAL AIRPORT
AUTHORITY
3201 CIRA DR STE 200
BLOOMINGTON IL 617048396
ROGERS- FRANKE INVESTMENTS LLC
608 KINGSLEY SUITE A
NORMAL IL 61761

YEOMANS DISTRIBUTING COMPANY
% ALBERT E CIONI 2543 SILVERADO CIR
LAFAYETTE IN 479099142

% TECH ELECTRONICS INC CANOVA
PROPERTIES
6437 MANCHESTER AVE
SAINT LOUIS MO 631393492
MMM PROPERTIES OF CENTRAL
ILLINOIS
4109 WICKER RD
BLOOMINGTON IL 617045368
TIMOTHY O IVES
11 COUNTRY CLUB PL
BLOOMINGTON IL 617013486

AIRPORT SELF STORAGE LLC
321 N CLARK ST STE 800
CHICAGO IL 606544766
PRAIRIE VIEW LANDSCAPING & LAWN
CARE INC
9868 CLEARLAKE LN
BLOOMINGTON IL 61705
TOM THOENNES
1601 BUNN ST
BLOOMINGTON IL 617016997

**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
MAY 18, 2016**

SUBJECT:	TYPE:	SUBMITTED BY:
Z-13-16 Z-14-16 1500 E. Empire	Variances to allow: 1). two signs greater than 300 sqft; 2). two 45' tall signs in lieu of 30' tall signs	Katie Simpson City Planner

REQUEST

The petitioner is seeking Variances to allow: 1). two signs greater than 300 sqft (3-4.9); 2). two 45' tall signs in lieu of 30' tall signs (3-5.1). The subject property is commonly located at 1500 E Empire (Colonial Plaza).

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

Owner and Applicant: Prairie Signs

PROPERTY INFORMATION

Existing Zoning: C-3, Community/Regional Shopping District
Existing Land Use: Colonial Plaza Shopping Center
Property Size: Approximately 28.39 acres
PIN: 14-35-355-019

Surrounding Zoning and Land Uses

Zoning

North: R-3A, Multifamily Residential
South: Agriculture (unincorporated)
East: B-1, Highway Business District
West: R-3A, Multifamily Residential
West: B-1, Highway Business District

Land Uses

North: apartments
South: Eastland Mall
East: restaurants, businesses, CarMax
West: apartments
West: auto repair, restaurant, retail

Analysis

Submittals

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

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

PROJECT DESCRIPTION

Agenda Item 6.B and 6.C

The subject site is commonly known as 1500 E Empire Rd, or Empire Crossings (formerly Colonial Plaza). The site is set back from the main rights-of-way, Route 9 and Veterans Parkway. Access is provided via two frontage roads, IAA Drive and Empire Frontage Road.

Council recently created the Colonial Plaza TIF district to encourage the redevelopment of this area. The Plaza has been renamed to Empire Crossings and will be housed by a number of retailers. Three large signs currently exist for the Plaza. Two, located on the northeast and southwest corners of the property are in extreme disrepair with damages greater than fifty percent. These signs are nonconforming and greater than 300 ft and taller than 30 ft (the dimensions permitted in our code).

The petitioner is proposing to restore and remodel the existing signs. In doing so, they will need to replace the existing structural frame by over fifty percent, triggering the need to bring the signs into compliance with the Code. The petitioner is seeking the following two variances to allow for two signs equal to each other in size and message, and of equal size to the existing signs.

The following is a summary of the requested variations:

Applicable Code Sections:

Chapter 3, Section 4-9

Chapter 3, Section 5-1

Type of Variance	Request	Required	Variance
Total signage (sqft)/sign	540 sqft	300 sqft	80% increase
Sign height	45'	30'	50% increase

Analysis

Variations from Zoning Ordinance

The petitioner is proposing to restore and remodel the existing signs located on the northeast and southwest corners of 1500 E Empire. In doing so, they will need to replace the existing structural frame by over fifty percent, triggering the need to bring the signs into compliance with the Code. The petitioner is seeking the following two variances (3-4.9; 3-5.1) to allow for two signs equal to each other in size and message, and of equal size to the existing signs. The signs serve as signage for the entire plaza and offer a number of removable panels for businesses in the shopping center.

Staff's findings of fact are presented below. It is incumbent on each Zoning Board of Appeals member to interpret and judge the case based on the evidence presented and each of the Findings of Fact.

FINDINGS OF FACT

The petitioner has outlined the request for variation in the attached narrative and drawings. The Zoning Board of Appeals may grant a variance from the provisions or requirements of Chapter 3 of this code only where:

the literal interpretation and strict application of the provisions and requirements of Chapter 3 of this Code would cause undue and unnecessary hardship to the sign user because unique or unusual conditions pertaining to the specific building or parcel or property in question; and the Empire Crossings (formerly Colonial Plaza) shopping center is set back from Veterans Parkway/I-55 and Empire Street/Rt 9, decreasing the amount of visibility. The standard is met.

the granting of the requested variance would not be materially detrimental to the property owners in the vicinity; and the proposed signs are the same height and size as the existing signs. The proposed size is proportional to the size of the development and neighboring commercial shopping centers. The standard is met.

the unusual conditions applying to the specific property do not apply generally to other properties in the City; and other larger commercial developments in the City, such as Eastland Mall have frontage along major routes and highways. The subject property is set back and therefore requires a larger sign to be seen. The standard is met.

the requested variance would not permit the erection of a sign having sign area greater than eight hundred (800) square feet; and the proposed sign would have an area of approximately 540 sqft. The standard is met.

the granting of the variance will not be contrary to the general objectives set forth in Chapter 3 of this Code. (Ordinance No. 2012-71) the petitioner proposes the replace the existing signs, which were granted when Colonial Plaza was built. The signs are in a state of disrepair and are in need of replacing. The standard is met.

STAFF RECOMMENDATION:

Staff finds that the petition has met the Zoning Ordinance's standards required to allow a variance.

1. Staff recommends **approval** of the requested variance in **Case Z-13-16** for a variance to allow a sign greater than 300 sqft., and
2. Staff recommends **approval** of the requested variance in **Case Z-14-16** for a variance to allow a sign taller than 30'.

Respectfully submitted,

Katie Simpson
City Planner

Attachments:

- Variance Application
- Petitioner Statement of Findings of Fact
- Site Plan
- Legal Description
- Location Map and Aerial Map
- Zoning Map
- List of notified property owners within a 500 ft radius of property

23380

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: 1500 E Empire

Site Address: Empire Crossing (formerly Colonial Plaza)

Petitioner: Prairie Signs Inc. Phone: 309-452-0463

Petitioner's Email Address: dbubenik@prairiesigns.com

Petitioner's Mailing Address Street: 1215 Warriner St

City, State, Zip Code: Normal, IL 61761

Contractual interest in the property _____ yes _____ no

Signature of Applicant Aiane Submit

Brief Project Description:

Requesting a variance to allow property owner to replace 2 existing 45' Overall height multi-tenant pylon signs that exceed the allowable square footage with 2 new 45' overall height multi-tenant pylon signs that also exceed the allowable square footage.

Code Requirements Involved:

Chapter 3 Section 4.9

Chapter 3 Section 5.1

Variances(s) Requested:

Install 2 new 45' overall height multi-tenant pylon signs that exceed the allowable square footage of 300 square feet per sign

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.

We are replacing signs that have fallen into disrepair with similar size signs. Additionally, there is a need for larger tenant signs at this site in order to direct attention from Veterans Pkwy and also East Empire to the businesses located within the plaza. A smaller sign would not be as visible from the main roads.



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 subject property is located along IAA Drive setback from both East Empire and Veterans Parkway limiting visibility of the businesses located within. Larger signs would assist traffic along both routes.
2. That the variance would be the minimum action necessary to afford relief to the applicant; and
The current signs are in a condition not suitable to continue to re-use. The proposed new signs are a more contemporary and aesthetically pleasing design. The new design coincides with the updates taking place to the entire plaza. It is the goal of the property owners to breathe new life into the plaza, boosting revenue to this area of the community.
3. That the special conditions and circumstances were not created by any action of the applicant; and
the current signs are old and in need of replacement. They were originally approved by the City and the request being made is to allow for the same size but update with a fresher more pleasing look.
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
Due to the current condition of the existing signs being in disrepair, we are asking to replace with new signs of the same size.
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 new signs along with updates to the entire plaza will in fact refresh the entire area. The adjoining properties will most likely see improved revenues within the entire area of the plaza. Bringing new businesses to the plaza will only help the surrounding areas. The signs need to make a statement to the community at large drawing people in. With all of the new construction taking place in north Normal and also in the ISU area, this new and improved plaza should help to bring revenue back to Bloomington.

SPECIFICATIONS

EXISTING SIGN:

= 45' Overall Height

TENANT W/ HEADER:

= 792 sq. ft.

SIGN BASE:

= 288 sq. ft.



Standard Materials and colors to be used unless otherwise noted. Please see your representative if further clarification is required.

I.B.E.W.



Local 197

1215 Warriner St., Normal, IL 61761 • FAX: 309-454-8741
Phone: 309-452-0463 • Toll Free: 800-611-9090

www.prairiesigns.com

©2016 - Prairie Signs, Inc. _____
Scale: 1/8"=1'

File Modification: 04-15-16

Client ID: Empire Crossing

Location: E/16/Empire Crossing

File Name: Tenant Monument Dimensions

The prices, specifications, and conditions as described are satisfactory and are hereby accepted. You are authorized to do the work as specified.

Signature: _____

Date: _____

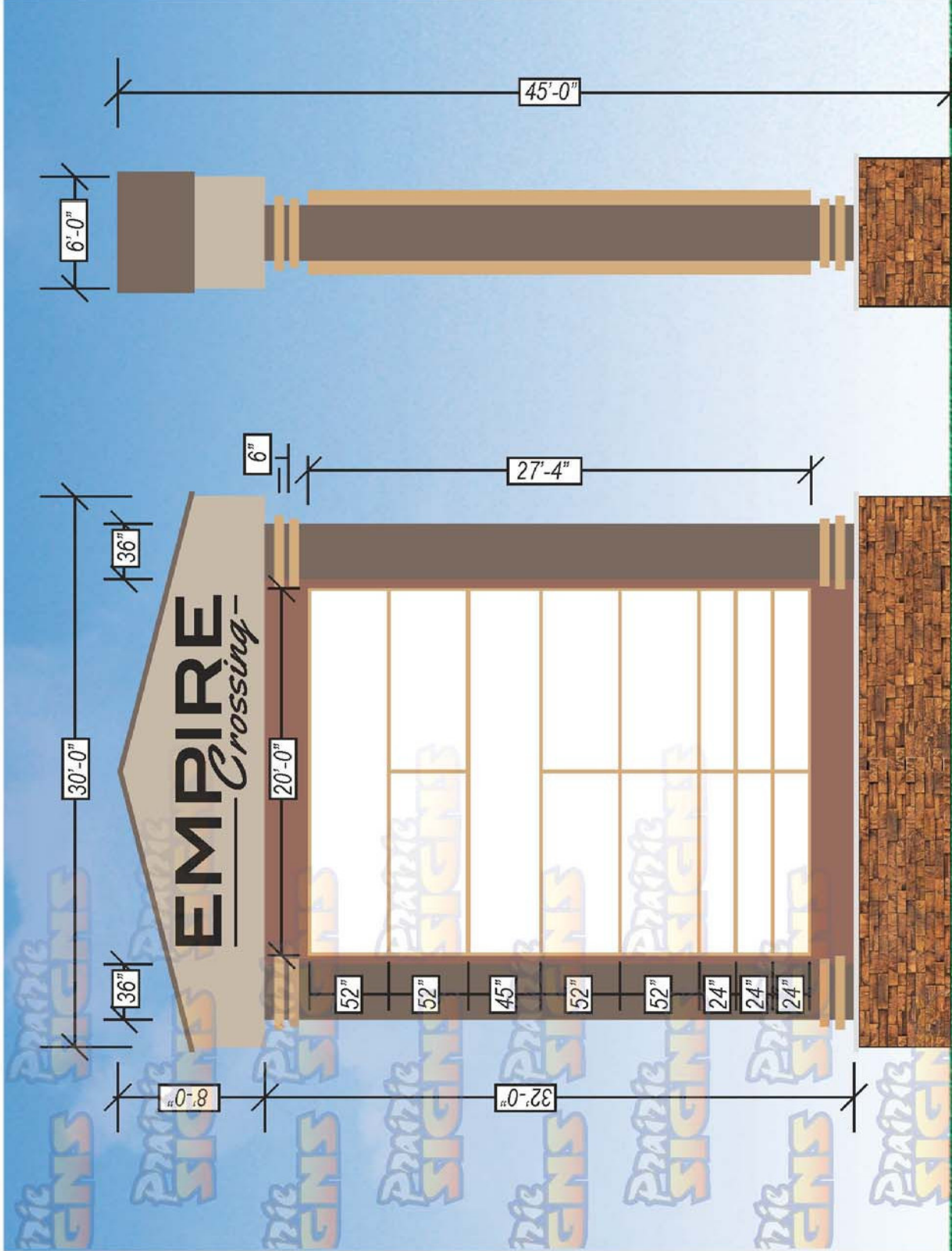
SPECIFICATIONS

NOTE:

Customer to provide
Vectorized Artwork
Current Artwork
not suitable for production

- Pantone Color Matching
System No. 4705 U
- Pantone Color Matching
System No. 7502 U
- Pantone Color Matching
System No. 7519 U
- Pantone Color Matching
System No. 7535 U

Standard Materials and colors to be
used unless otherwise noted.
Please see your representative if
further clarification is required.



The prices, specifications, and conditions as described are satisfactory
and are hereby accepted. You are authorized to do the work as specified.

Prairie SIGNS
I.B.E.W. Local 197
1215 Warriner St., Normal, IL 61761 • FAX: 309-454-8741
Phone: 309-452-0463 • Toll Free: 800-611-9090
www.prairiesigns.com

©2016 - Prairie Signs, Inc. _____
Scale: 1/8"=1' _____
File Modification: 05-06-16 _____
Client ID: Empire Crossing _____
Location: E/16/Empire Crossing _____
File Name: Tenant Monument Option Dim.. _____

NOTE:

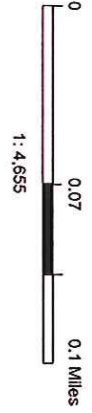
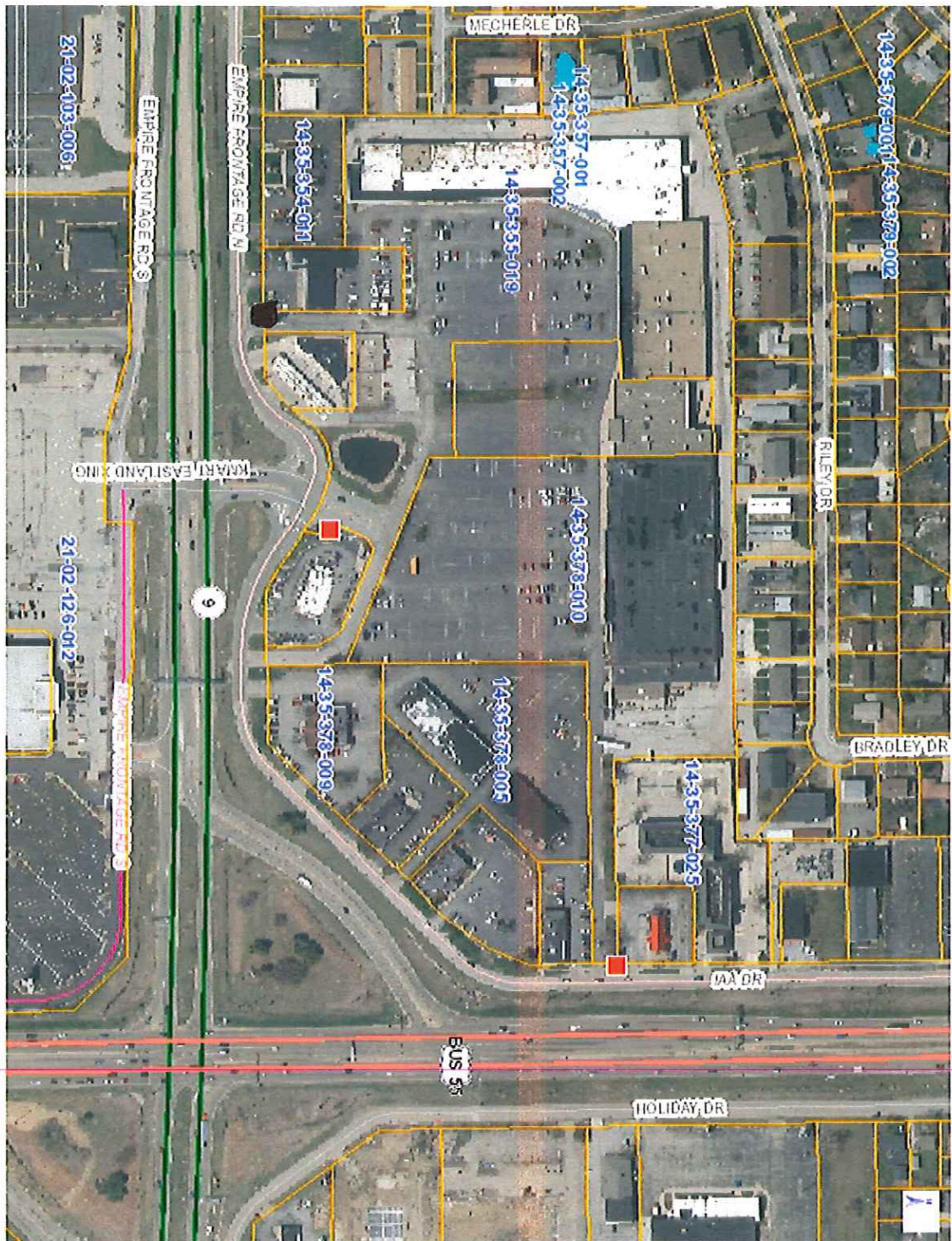
EMPIRE CROSSING:

TENANT CABINETS:

TOTAL SIGN AREA:

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1500 E EMPIRE: EMPIRE CROSSING



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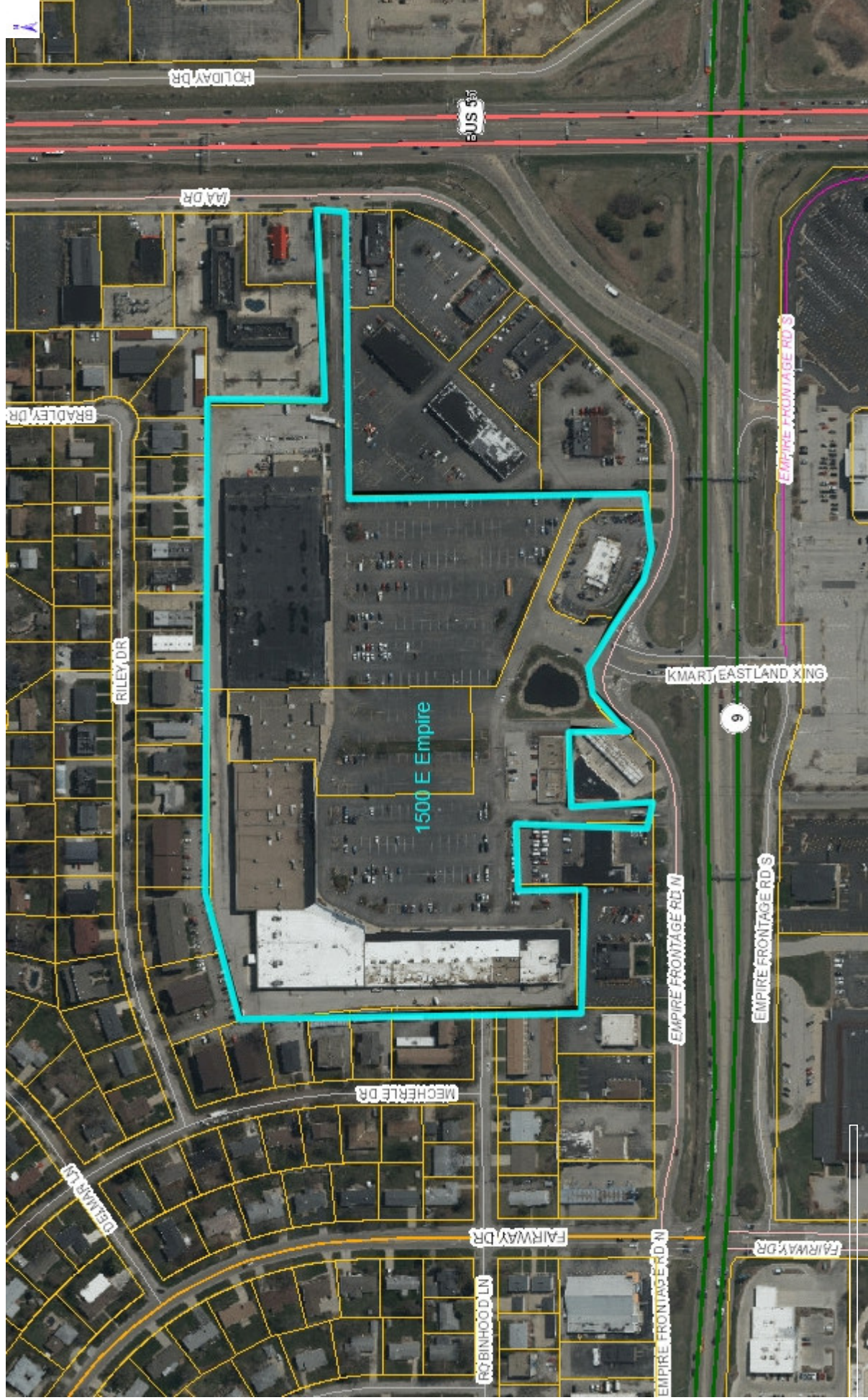
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- Legend**
- Parcels
 - Condo_Improve
 - Interstates
 - US_Highways
 - State_Highways
 - County_Highways
 - Minor_Arterial
 - Major_Collector
 - Minor_Collector
 - Local_Road_Street
 - Alleys
 - Private_Streets
 - Railroad
 - County
 - SIGN LOCATIONS

Notes



1500 E Empire Aerial View



Notes

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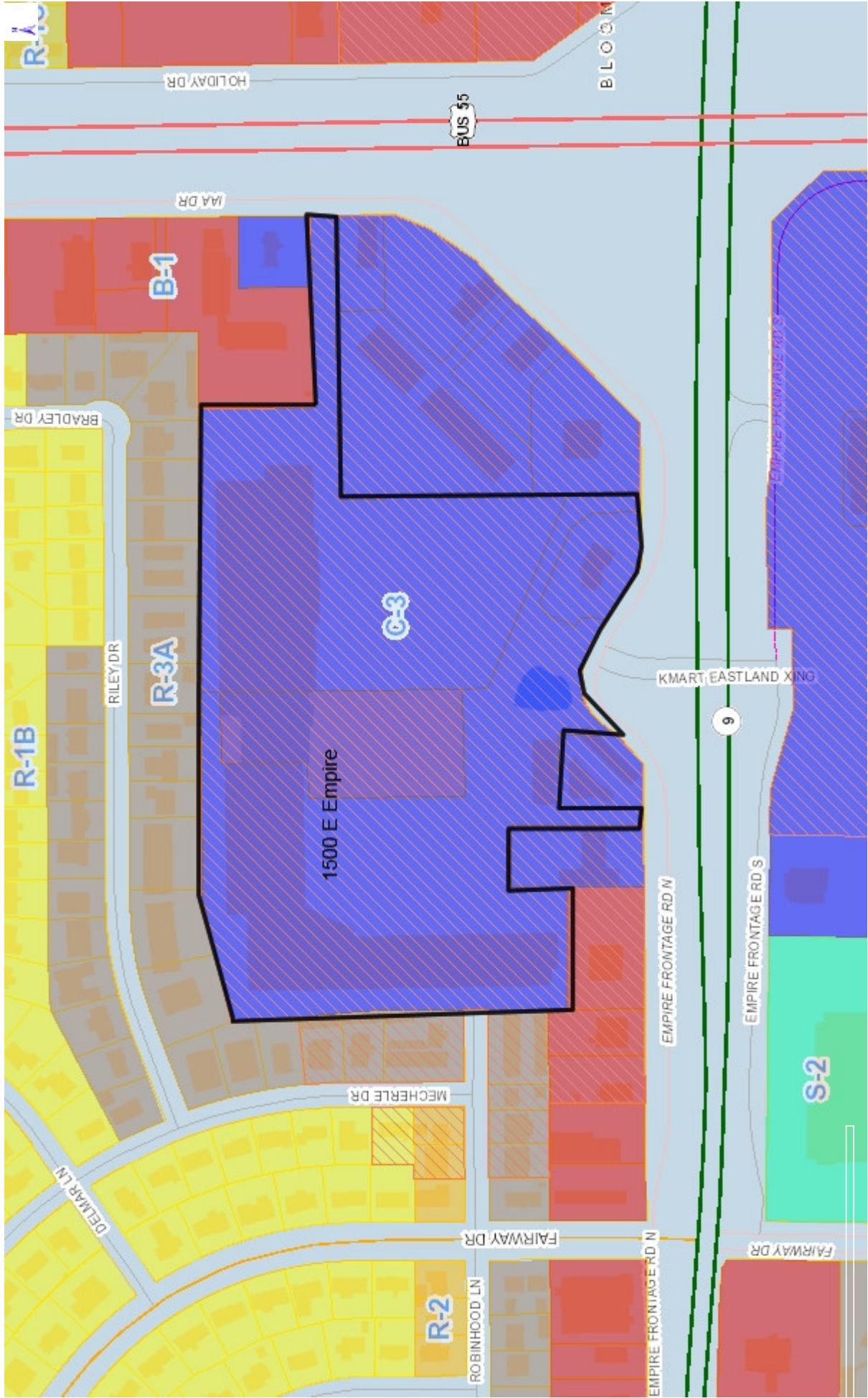
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1500 E Empire Zoning Map



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C-3 Zoning

% CBL & ASSOCIATES MANAGEMENT
INC EASTLAND MALL LLC

CBL CENTER SUITE 500 2030
HAMILTON PLACE BOULEVARD

ANN ZIMMERMAN
9829 N 2700 EAST RD
FORREST IL 617419573

ATTN PROPERTY/REAL ESTATE TAX
MACY'S
7 W SEVENTH STREET
CINCINNATI OH 45202

CAROLYN A SNYDER
311 MECHERLE DR
BLOOMINGTON IL 617012115

CHARLES E & DIANE L BROWN
305 HILLSIDE LN
BLOOMINGTON IL 617012112

CYNTHIA R GAMMELGARD
311 HILLSIDE LN
BLOOMINGTON IL 61701

DAVID A PRZYBYLSKI
336 RILEY DR
BLOOMINGTON IL 61701

DEBORAH WENTZEL
309 HILLSIDE LN
BLOOMINGTON IL 617012112

ELVENIA M MATHEWS
308 HILLSIDE LN
BLOOMINGTON IL 617012112

FAIRWAY APARTMENTS LLC
138 E BEAUFORT ST STE A
NORMAL IL 617613030

%BETTY J METZ TRABB-PARDO
HILFINGER TRUST
114 Riss Dr
Normal IL 617613229

ANTONIO MURILLO
332 RILEY DR
BLOOMINGTON IL 617012136

ATTN REAL ESTATE DEPT CC
PROPERTIES LLC
5400 University Ave
West Des Moines IA 502665950

Chad Carr
222 Fairway Dr
Bloomington IL 617012148

CHRISTOPHER CUSHMAN
5 BREWSTER ST UNIT 368
GLEN COVE NY 115422549

DANIEL J SCHMIDT
217 MECHERLE DR
BLOOMINGTON IL 617012113

DAVID WEAVER
5 CALADONIA COURT
BLOOMINGTON IL 617044185

Diana M Shelton
307 Mecherle Dr
Bloomington IL 617012115

EMIL O & CAROLYN KAY KLAUITTER
224 FAIRWAY DR
BLOOMINGTON IL 617012148

GARY A & TRACY PITTS WOLF SHADOW
PROPERTIES, LLC
21222 HAWTHORNE RIDGE RD
DOWNS IL 617369532

ANDREW C BUTTREY
302 MECHERLE DR
BLOOMINGTON IL 617012116

APARTMENT MART
PO BOX 670 912 N LINDEN
BLOOMINGTON IL 617020670

BRYAN & NAOMI ENNEKING
315 HILLSIDE LN
BLOOMINGTON IL 617012112

CHARLES & SHARON CUNNINGHAM
505 DELMAR LN
BLOOMINGTON IL 617012102

CORE 3
1716 R T DUNN DR STE 4
BLOOMINGTON IL 617018730

DARREN PHINNEY
307 HILLSIDE LN
BLOOMINGTON IL 617012112

DBA MCDONALDS R J JUST INC
1607 COMMERCE PARKWAY
BLOOMINGTON IL 61704

DOUGLAS R. & DENISE M. LITWILLER
302 N MINIER AVE PO Box 203
Minier IL 617590203

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BLOOMINGTON IL 61704

GEORGE W DYRE
403 DELMAR LN
BLOOMINGTON IL 617012101

GMAC
200 WITMER RD
HORSHAM PA 190442213

HAROLD C & GERTRUDE L HILL
401 DELMAR LANE
BLOOMINGTON IL 61701

HERIBERTO & J MARTIN ESPINOZA
334 RILEY DR
BLOOMINGTON IL 61701

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226 FAIRWAY DR
BLOOMINGTON IL 617012148

JIMMY D SCOTT
319 HILLSIDE LN
BLOOMINGTON IL 61701

JOHN G NOTTOLI
2302 E Oakland Ave
Bloomington IL 617015866

JOHN TORNQUIST
3 NORTHCREST CT
BLOOMINGTON IL 617013405

JUDITH K MATHIESON
318 HILLSIDE LN
BLOOMINGTON IL 617012112

MARK R PLOENSE M/M
309 MECHERLE DR
BLOOMINGTON IL 61701

MARTIN P GRUPP
306 HILLSIDE LN
BLOOMINGTON IL 617012112

GREG FINLEY
15 SCOFIELD CT
BLOOMINGTON IL 617044809

HAROLD SNYDER JR
303 HILLSIDE LN
BLOOMINGTON IL 61701

ISRAEL EMMANUEL
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220 MECHERLE DR
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JOHN GEORGE
305 MECHERLE DR
BLOOMINGTON IL 617012115

JSM PROPERTIES LLC
310 MECHERLE DR
BLOOMINGTON IL 617012142

KIMBERLY JACKSON
1256 SILVER OAK
NORMAL IL 61761

MAROTT PARTINERSHIP
516 N OGDEN # 162
CHICAGO IL 60622

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H J & PATRICIA MICHELS
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BLOOMINGTON IL 617012134

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TORNQUIST
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BLOOMINGTON IL 617013405

JOHN R TARVIN
2209 FOXTAIL ROAD
BLOOMINGTON IL 61704

JUANA LAZO & MARIEVIC L
HERNANDEZ DAWSON
319 RILEY DR APT 2
BLOOMINGTON IL 617012160

LYNN A & RICHARD B KWITKOWSKI
323 HILLSIDE CT
BLOOMINGTON IL 61701

MARS GROUP INC
2901 DEGARMO DR
BLOOMINGTON IL 61704

MICHAEL J PIERCE
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NORMAL IL 617617518

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SPRINGFIELD IL 62791

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P O BOX 2405
DECATUR IL 625242405

PHILIP HEINS
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BLOOMINGTON IL 617012116

NEVA BARBARA MONNINGER TRUSTEE
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TIMOTHY WALSH
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BLOOMINGTON IL 617012112

TRUST NO WGO 01 PATI OROURKA
TRUTEE
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BLOOMINGTON IL 617012148

WM T WHITEHOUSE
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NAIM SADIKU
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BLOOMINGTON IL 617013420

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BLOOMINGTON IL 617049092

TINA T LE
327 HILLSIDE CT
BLOOMINGTON IL 617012134

UNITED STATES AM
PO DEPT EXEMPT 6-15-72 1511 E
EMPIRE
BLOOMINGTON IL 61701

**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
MAY 18, 2016**

SUBJECT:	TYPE:	SUBMITTED BY:
Z-15-16 921 E Washington Street	Variance to allow a transitional front yard of 16 feet in lieu of the required 25 feet (44.4-5)	Katie Simpson City Planner

REQUEST

The petitioner is seeking a Variance to allow a transitional front yard of 16 feet in lieu of the required 25 feet (44.4-5). The subject property is commonly located at 921 E Washington Street.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

Owner and Applicant: James A Shirk/Foundry Square LLC (Kyle Glandon)

PROPERTY INFORMATION

Existing Zoning: B-1, Highway Business District
Existing Land Use: Vacant lot to be developed with a grocery store and retail
Property Size: Approximately 87,200 sq feet
PIN: 21-03-305-014

Surrounding Zoning and Land Uses

Zoning

North: R-3A, Low Density Multifamily
Residential w/S-4 Historic District
overlay
South: M-1, Restricted Manufacturing
District/ B-2 General Business
East: R-1C, High Density Single Family
Residential
West: M-1, Restricted Manufacturing
District

Land Uses

North: Single and multifamily housing
North: Constitution Trail (northwest)
South: Storage/retail
East: Single and two family housing
West: Beer Nuts Factory, Constitution Trail

Analysis

Submittals

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

1. Application for Variation

2. Site Plan
3. Aerial photographs
4. Site visit

PROJECT DESCRIPTION

The subject site is commonly known as 921 E Washington Street and located on the corner of Washington Street and McClun Street. The petitioner proposes to develop the site with a two story, neighborhood retail development of approximately 22,170 sq ft. Proposed uses include a grocery co-op, three (3) retail suites, and one (1) office. The property was rezoned from M-1, Restricted Manufacturing District to B-1, Highway Business District in 2013. The proposed uses are permitted in this district but, in accordance with Section 44.4-5 of the City's Zoning Code a transitional front yard is required for properties rezoned to business which abut a residential district. The lot is a corner lot, therefore two transitional front yards are required along Washington Street and along McClun Street.

The following is a summary of the requested variations:

Applicable Code Sections:

Section 44.4-5

Type of Variance	Request	Required	Variance
Transitional Front Yard	16'	25'	9' decrease

Analysis

Variations from Zoning Ordinance

Section 44.4-5 of the zoning ordinance requires a transitional front yard for properties rezoned after the adoption of the code to business, manufacturing, or commercial which abut a residential district. The rezoned lot is required to have a front yard setback equal to that of the abutting residential district. The subject property, a corner lot with two front yards, abuts the R-1C, High Density Single Family Residential District to the east. The front yard requirement for this district is 25'. The petitioner is proposing a 16' front yard in lieu of the required 25' in order to accommodate the desired amount of floor area for the proposed development.

This is an infill development site. The petitioner proposes to develop two buildings (totaling 22,170 gross square feet). The proximity to the constitution trail and surrounding residential encourages a more pedestrian friendly layout. The petitioner is proposing to locate parking in the back of the lot and to provide an open court yard area in between the two buildings at the front of the lot. The development meets the transitional yard requirement along Washington Street.

Staff's findings of fact are presented below. It is incumbent on each Zoning Board of Appeals member to interpret and judge the case based on the evidence presented and each of the Findings of Fact.

FINDINGS OF FACT

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

That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and recognizing the property's proximity to the Constitution Trail, the petitioner is proposing a more pedestrian friendly layout with a by placing the building closer to Washington Street and locating parking and traffic in the rear of the lot. Due to the size of the lot, the petitioner would be challenged to meet the additional requirements of the code (landscaping/screening, parking etc.) with the transitional yard setback. The standard is met.

That the variances would be the minimum action necessary to afford relief to the applicant; and; reconfiguring the lot would decrease the amount of onsite parking and landscaping available. The standard is met.

That the special conditions and circumstances were not created by any action of the applicant; and
The lot is existing and it is an infill development opportunity. The standard is met.

That granting the variation request will not give the applicant any special privilege that is denied to others by the Code; and
The neighborhood is older and many houses were constructed prior to the adoption of the zoning code. Front yards of the R-1C District to the east do not meet the required 25' setback, most are approximately 10-12 feet. The proposed 16' is compatible with surrounding front yards. 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 development should enhance the quality of life for surrounding residents, as this area is a nationally identified food desert. Granting the variance will allow the petitioner to efficiently achieve the desired amount of floor space for the grocery co-op. The standard is met.

STAFF RECOMMENDATION:

Staff finds that the petition has met the Zoning Ordinance's standards required to allow a variance. Staff recommends **approval** of the requested variance of a 16' transitional yard in Case Z-15-16.

Respectfully submitted,

Katie Simpson
City Planner

Attachments:

- Variance Application
- Petitioner Statement of Findings of Fact
- Site Plan

Agenda Item 6.D

- Legal Description
- Location Map and Aerial Map
- Zoning Map
- List of notified property owners within a 500 ft radius of property

#23418

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: **921 E Washington Street**

Site Address: **Bloomington, IL 61701**

Petitioner: **James A Shirk / Foundry Square LLC (Kyle Glandon)**

Phone: **309-533-9706 (Kyle Glandon, Architect and Developer)**

Petitioner's Email Address: **j.shirk@beernuts.com / kyle@workbenchco.com**

Petitioner's Mailing Address Street: **103 N Robinson Street**

City, State, Zip Code: **Bloomington, IL 61701**

Contractual interest in the property _____ yes _____ X no

Signature of Applicant _____  _____ 

Brief Project Description:

The Foundry is a two building neighborhood retail development totaling 22,170 gross square feet on an 87,200 square foot lot. The American Foundry and Furnace Co building was removed and site remediated in 2003. The project will be a true destination on the Constitution Trail providing necessary services currently unavailable in the neighborhood.

The eastern building, 921 E Washington will be solely occupied by Green Top Grocery Cooperative, a new business in town that has over 1,200 co-op members. The western building will be divided into 3 retail suites and 1 commercial office on the second level. These tenants have not announced publically their involvement in the project but are locally owned businesses that complement the neighborhood retail concept.

Code Requirements Involved:

Chapter 44: Section 44.4-5: Lots and Yards, Transitional Area Regulations, Front Yards

The lot was rezoned in February 2013 from M-1 to B-1. There is a property zoned R-1C across McClun Street and therefore are restricted to the Transitional Area Regulations.

Variances(s) Requested:

We would like to utilize a setback of 16 feet on the McClun Street frontage in lieu of the Front Yard setback required for R-1C zoning (25 feet).



APR 26 2016

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.

We feel that the McClun frontage is more appropriately viewed as a side yard given the orientation of the home in the R-1C zoning currently across McClun Street. Because the other adjacent properties on McClun Street are zoned M-1 and therefore require no setback, we feel that the 16' setback is an adequate transitional area and the provided setback is great than the average of the setbacks required between the M-1 and R-1C zoning districts.

As shown on Exhibit 2, we will be landscaping the east elevation of the building to soften this otherwise all brick building façade. All four sides of the proposed buildings will be brick veneer with a metal roof (4:12 pitch).

With the proposed 16' setback, the building will better align with Davis Ave therefore allowing patrons inside the grocery to enjoy views of the David Davis Mansion from the mezzanine coffee lounge.

On the west side of the project, we have included a striped bike lane to ensure safe passage from the Constitution Trail to the retail storefronts. The space required for this lane as well as bike racks on the west plaza prevents the buildings from shifting further west.

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 project is an urban infill lot with great variations in adjacent zoning including an M-1 parcel to the south that is built on the property line. The project has located all parking behind the building to better serve alternative transportation (walking, bike and bus). By locating the building to the front of the parcel, we are not able to use the parking lot as efficiently on the site as typical automobile focused strip mall type developments.

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

Any further setback would partially compromise a main design feature of the project (the public mezzanine for the grocery store) as well as reduce the public plaza between the two buildings.

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

The project appropriately satisfies all other zoning requirements including parking requirements despite the availability of alternative transportation and the excessive amount of space needed for drive aisles to access the rear parking 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

Because of unique characteristics of the site, it is unlikely another applicant could face identical constraints.

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 space gained by reducing this transitional area is being given back to the public in the increased width of the plaza area between 915 and 921 East Washington as well as the increased drive aisle along the Constitution Trail.







<u>Zoning Districts</u>	<u>Minimum Lot Size</u>		<u>Maximum Height</u>		<u>Max Floor Area</u>	<u>Required Yards</u>		
	<u>Area Per Dwelling Unit</u> <u>Sq. Ft.</u>	<u>Width</u> <u>Feet</u>	<u>Feet</u>	<u>Stories</u>	<u>% of Lot Area</u>	<u>Front Yard</u> <u>Feet</u>	<u>Side Yard</u> <u>Feet</u>	<u>Back Yard</u> <u>Feet</u>
A	43,560	150	35	2½	---	50	20	50
R-1A	22,500	125	35	2½	---	40	15	40
R-1B	10,000	70	35	2½	---	30	6	30
R-1C	6,600	50	35	2½	---	25	6	25
R-1H	6,600	50	35	2½	---	25	6	25
<u>R-2</u>								
(Single Family)	6,600	50	35	2½	---	25	6	25
(Two Family)	3,750	75	35	2½	---	25	6	25
(Other Permitted Uses)	7,000	50	15	2½	---	25	6	25
<u>R-3A</u>								
(Two Family Dwelling)	3,500	70	35	2½	---	30	10	30
(Multiple Family Dwelling)	---	70	35	2½	50	30	10	30
(Other Permitted Use)	7,000	70	35	2½	---	30	10	30
<u>R-3B</u>								
(Two Family Dwelling)	2,500	60	35	2½	---	20	6	25
(Multiple Family Dwelling)		60	65	6	80	20	9(b)	25
(Boarding, Lodging, Rooming, Tourist Houses, Group Quarters)	(c)	60	65	6	---	20	9(b)	25
(Other Permitted Uses)	7,000	60	65	6	---	20	9(b)	25
R-4	4,100	40	25	2	---	10(i)	5(i)	5(i)
S-1					100	(d)	(b) (d) (e)	(b)(d) (e)



WASHINGTON STREET

MC CLUN STREET

CONSTITUTION TRAIL



DAVIS AVE

No.	Description	Date

ARCHITECT
KYLE GLANDON, ARCHITECT LLC
1407 MAPLEWOOD DRIVE
NORMAL, IL 61761
309-553-9706
KYLEGLANDON@GMAIL.COM

CONSTRUCTION MANAGER
CATALYST CONSTRUCTION INC
210 S EAST STREET
BLOOMINGTON, IL 61701
309-831-15715
MKG@CATALYSTCONSTRUCTCS.COM

KYLE GLANDON, ARCHITECT LLC

LOCATION
915 & 921 E. WASHINGTON ST
BLOOMINGTON, IL 61701

DEVELOPER
WORKBENCH COLLABORATIVE
PO BOX 1549
BLOOMINGTON, IL 61704
LACEY@WORKBENCHCO.COM
309-867-4553

OWNER
FOUNDRY SQUARE LLC
PO BOX 1549
BLOOMINGTON, IL 61704
LACEY@WORKBENCHCO.COM
309-867-4553

4/26/16

EX2

ARCHITECTURAL SITE PLAN

Legal Description

SUB OF S 1/2 SEC 3-23-2E PT LOT 4 BEG NE COR, W258.4', SE243.72', E248.14', N242.31'
TO POB



921 E Washington Aerial View



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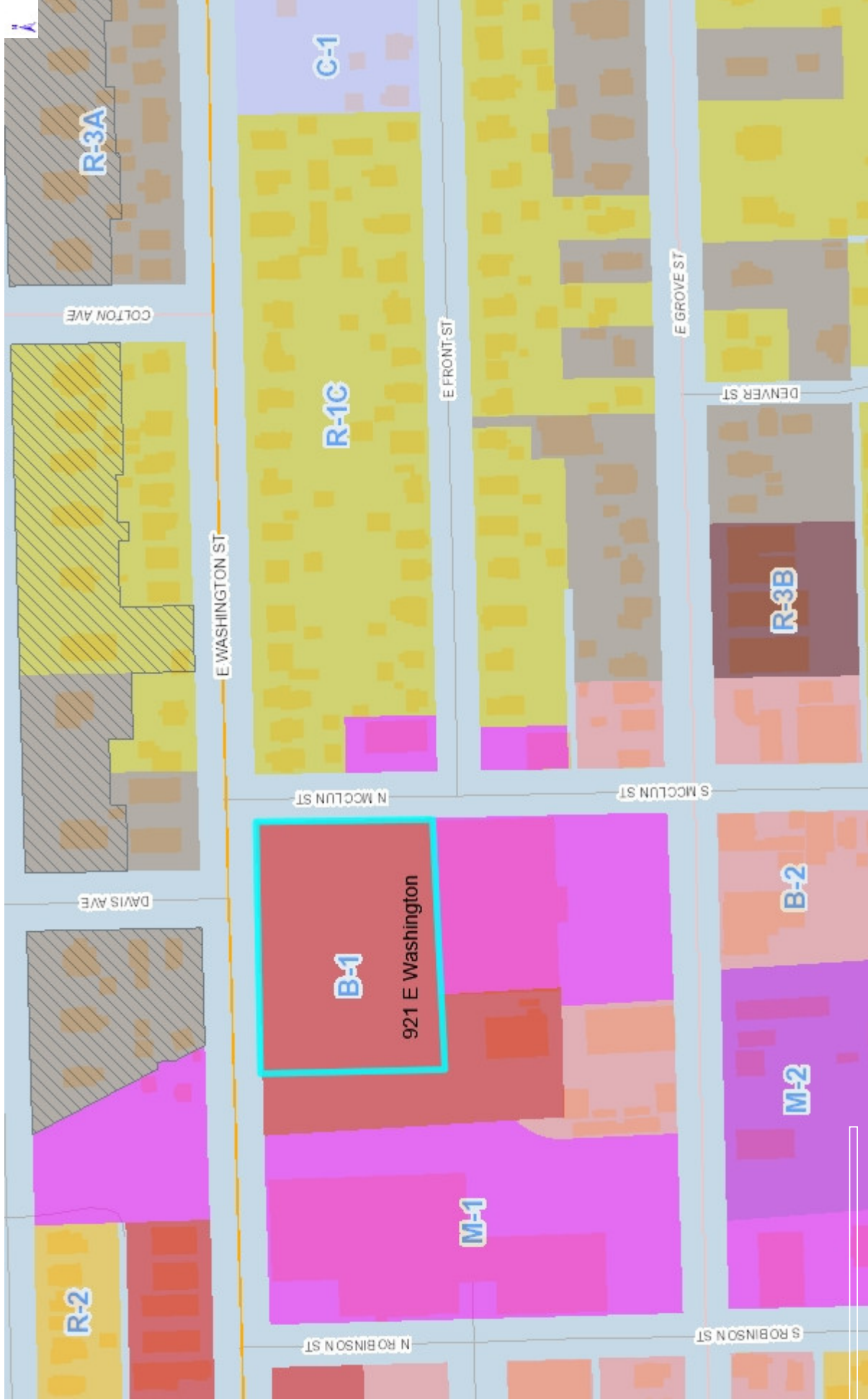
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Notes
B-1 Zoning

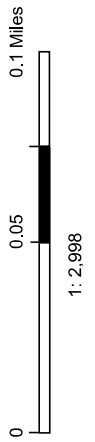


921 E Washington Zoning Map



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Notes
B-1 Zoning



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6 THOMAS DR
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A B HATCHERY & GARDEN CENTER
916 E GROVE ST
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ADAM ROSENGREN
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BRIDGEVIEW IL 60455

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ANCHOR IL 617209634

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CHRISTOPHER L NYWEIDE
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58183 N BARWELL LAKE RD
CARLOCK IL 61725

DAVID M & LISA M BARTON
1007 E JEFFERSON ST
BLOOMINGTON IL 617014142

DAVID MARQUARDT
1006 E FRONT ST
BLOOMINGTON IL 617013732

DKNA LLC
700 W MAIN ST
EL PASO IL 617381471

DONNIE B & MAURA A CRITTENDEN
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BLOOMINGTON IL 61704

DORETTA E GORDON
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BLOOMINGTON IL 617014147

DOROTHY SUMMERS
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BLOOMINGTON IL 61701

DOYLE G & TERESA TJADEN
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BLOOMINGTON IL 61701

ELIZABETH ALARCON
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BLOOMINGTON IL 617014239

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BLOOMINGTON IL 617047285

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BLOOMINGTON IL 617014108

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BLOOMINGTON IL 617014146

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JAMES T DEFENBAUGH
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BLOOMINGTON IL 61701

JANINA BURCHETT
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JENNIFER R WILKES
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BLOOMINGTON IL 61701

JESPER L JOEFFSON
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Bloomington IL 617014146

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JOHN E WYSSMAN
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BLOOMINGTON IL 617014142

JOHN R & SANDARA D BENTLEY
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BLOOMINGTON IL 617014143

JOSEPH T THORNTON
929 E GROVE ST APT B
BLOOMINGTON IL 617014291

JSP LLC
305 S VETERANS PKWY STE 230
NORMAL IL 617617603

JUAN FRANCISCO RINCON
1009 E WASHINGTON ST
BLOOMINGTON IL 617014146

KATHLEEN E SPAHN
1003 E FRONT ST
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KENNETH W & CAROLYN R BARLING
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BLOOMINGTON IL 617014201

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MICHAEL TALKINGTON
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BLOOMINGTON IL 617044156

MIKE FINN
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MIKE TALKINGTON
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TERRENCE M ONEIL
1008 E WASHINGTON ST
BLOOMINGTON IL 617014147

TERRY L ADREON TRUSTEE
9520 N 2200 East Rd
Downs IL 617369635

TIMOTHY WATSON
1016 E FRONT
BLOOMINGTON IL 61701

TORRINGTON LLC
311 S MAIN ST
NORMAL IL 617612968

TRACE & JENNIFER LAMBERT
819 E JEFFERSON ST
BLOOMINGTON IL 61701

VIRTUOSO LLC
412 OLDE COURT RD
SAINT CHARLES MO 633033898

**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
MAY 18, 2016**

SUBJECT:	TYPE:	SUBMITTED BY:
Z-16-16 1508 Tralee Lane	Variance to allow a side yard of less than the required 6' yard in the R-1C district	Katie Simpson City Planner

REQUEST

The petitioners are seeking a Variance to allow a side yard of less than the required 6' yard in the R-1C district (44.6-40). The subject property is commonly located at 1508 Tralee Lane and the petitioner would like to extend their driveway 9'5" to the north to allow for an 8' parking space next to their garage. As per the code, all parking and/or accessory structures must be, at least, 3' from the side property line in the residential districts, therefore this remaining side yard would be approximately 4'.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

Owner and Applicant: Sandra and Donald McAuley

PROPERTY INFORMATION

Existing Zoning: R-1C, High Density Single Family Residential
Existing Land Use: Single Family Residence
Property Size: Approximately 7,548 sq feet
PIN: 21-12-477-025

Surrounding Zoning and Land Uses

Zoning

North: R-1C, High Density Single Family
South: R-1C, High Density Single Family
East: R-3A, Low Density Multifamily
West: R-1C, High Density Single Family

Land Uses

North: Single family housing
South: Single family housing
East: Multifamily housing
West: Single family housing

Analysis

Submittals

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

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

PROJET DESCRIPTION

The subject site is commonly known as 1508 Tralee Lane and located in the second addition to the White Eagle South Subdivision, north of Ireland Grove Road. The petitioners would like to extend their driveway to the north to allow for an additional parking space on the side of the existing garage.

The following is a summary of the requested variations:

Applicable Code Sections:

Section 44.4-5

<u>Type of Variance</u>	<u>Request</u>	<u>Required</u>	<u>Variance</u>
Side Yard	4'	6'	2' decrease

Analysis

Variations from Zoning Ordinance

Section 44.6-40 requires single family houses in the R-1C district to have a side yard of 6'.

Additionally, parking is allowed in the side yard as long as 3' from the property line. The petition is requesting a variance from the required side yard to allow for an additional 8', paved parking space along the north side of the existing garage. They are also proposing to widen the driveway by approximately 9'5" to allow access to the space. The proposed side yard is 4'.

Staff's findings of fact are presented below. It is incumbent on each Zoning Board of Appeals member to interpret and judge the case based on the evidence presented and each of the Findings of Fact.

FINDINGS OF FACT

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

That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and the property is located near a T intersection with Crossgate Drive. A fire hydrant is located in front of the property limiting the amount of on-street parking available. The driveway and garage are currently large enough to accommodate two vehicles. The lot is approximately 68' wide. The existing side yard is approximately 12'. A variance is necessary to accommodate the additional parking space. The standard is met.

That the variances would be the minimum action necessary to afford relief to the applicant; and the variance would be the minimum action necessary to afford relief. The standard is met.

That the special conditions and circumstances were not created by any action of the applicant; and the petitioner is seeking to add a parking space to accommodate their work vehicle. The side yard, driveway and garage are existing. The limited on street parking in front of their house is due to the proximity of the house to the intersection and fire hydrant. 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 a number of three car garages and wide driveways exist in the neighborhood. 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 additional parking space would decrease the amount of congestion near the intersection of Crossgate Drive and Tralee Lane. It would improve visibility The standard is met.

STAFF RECOMMENDATION:

Staff finds that the petition has met the Zoning Ordinance's standards required to allow a variance. Staff recommends **approval** of the requested variance in Case Z-16-16.

Respectfully submitted,

Katie Simpson
City Planner

Attachments:

- Variance Application
- Petitioner Statement of Findings of Fact
- Site Plan
- Legal Description
- Location Map and Aerial Map
- Zoning Map
- List of notified property owners within a 500 ft radius of property

#23358

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: 1508 Tralee Lane, Bloomington

Site Address: _____

Petitioner: Donald E McAuley + Sandra J Phone: (309) 663-4940

Petitioner's Email Address: don.mcauley@comcast.net

Petitioner's Mailing Address Street: 1508 Tralee Ln.

City, State, Zip Code: Bloomington IL 61704

Contractual interest in the property ☒ yes ☐ no

Signature of Applicant Donald E McAuley

Brief Project Description:

Construct a concrete parking pad to the northside of the garage and connect to current driveway to provide a wider driveway for third vehicle parking.

Code Requirements Involved:

44.7-2 44.6-80.

Variances(s) Requested:

Variance from the 6 foot side yard set back required in the R-1C District.

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.

We would like to be able to ~~protect~~ park our truck off of the street.



APR 25 2016

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:

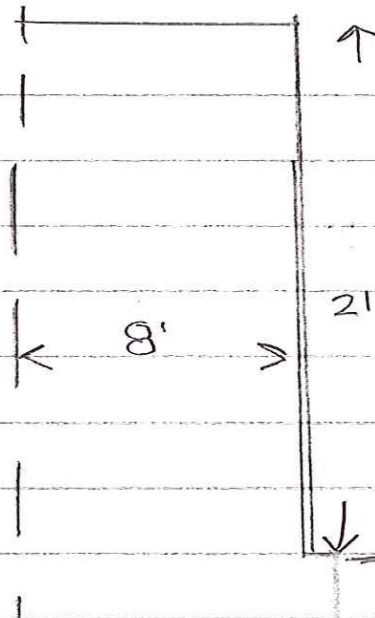
1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and
Parking our third vehicle on the street causes a hazard to traffic flow. The house sits across from a "T" intersection and when a car is parked in front of the house, the traffic flow becomes congested.
2. That the variance would be the minimum action necessary to afford relief to the applicant; and
The variance would allow for extra space to park the third vehicle, especially in the winter for snow & ice removal.
3. That the special conditions and circumstances were not created by any action of the applicant; and

NONE

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
Provides a safe place for parking and is not an inconvenience to neighbors, and for driving on the road. It will also keep the sidewalk area clear and not interfere with ~~vision~~ seeing any pedestrians.
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 extra concrete slab would keep the street clear of extra vehicles on the street, which is a safer environment for the neighborhood.

1508 Tralee Lane

5" Concrete



garage

Current driveway

18

Expand concrete
driveway for parking
of third vehicle

City SIDEWALK

Google Maps

1508 Tralee Ln, Bloomington, IL 61704 to 1508 Tralee Ln, Bloomington, IL 61704 Walk 7 ft, 1 min



Imagery ©2016 Google, Map data ©2016 Google 20 ft

via Tralee Ln

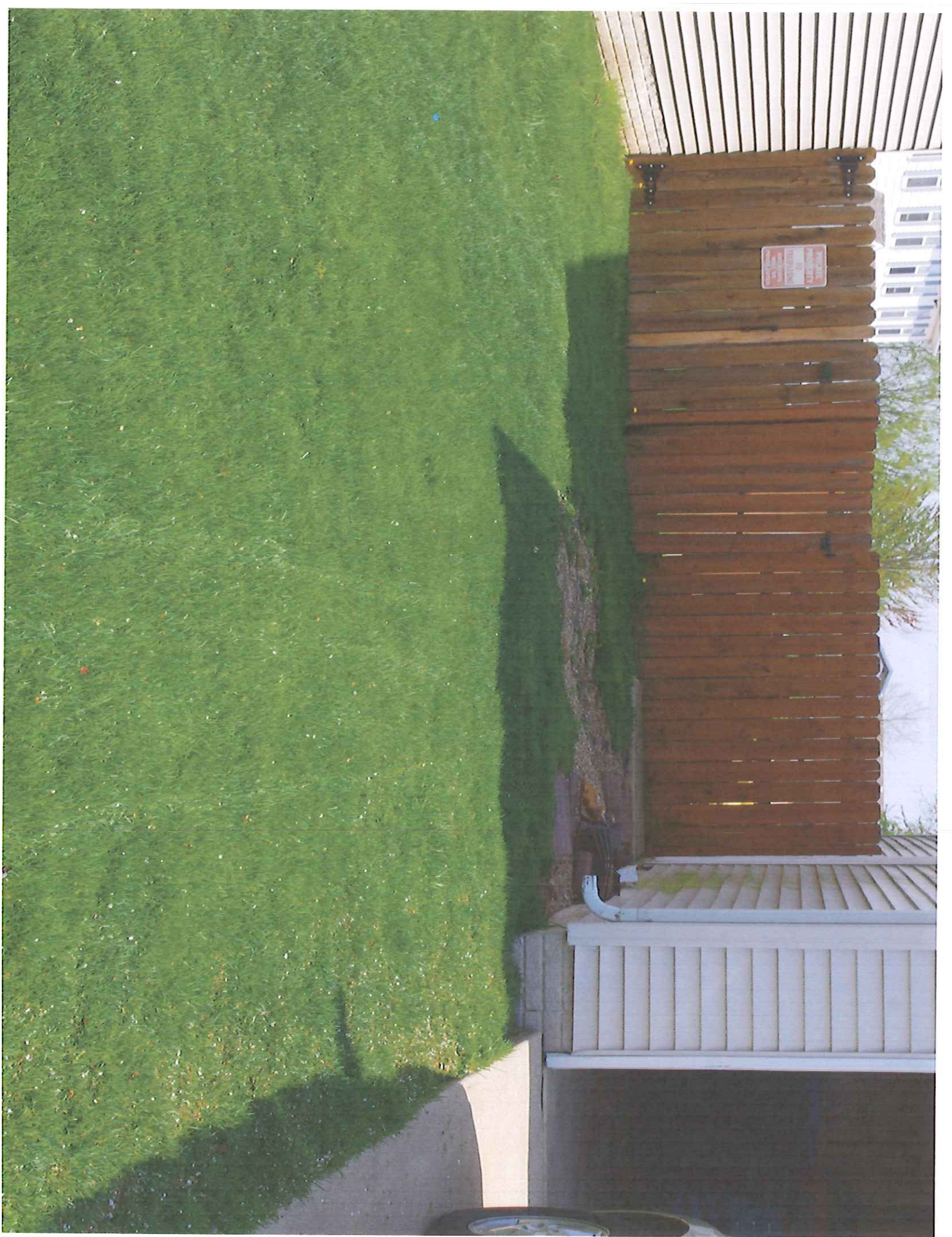
1 min

7 ft

Google Maps





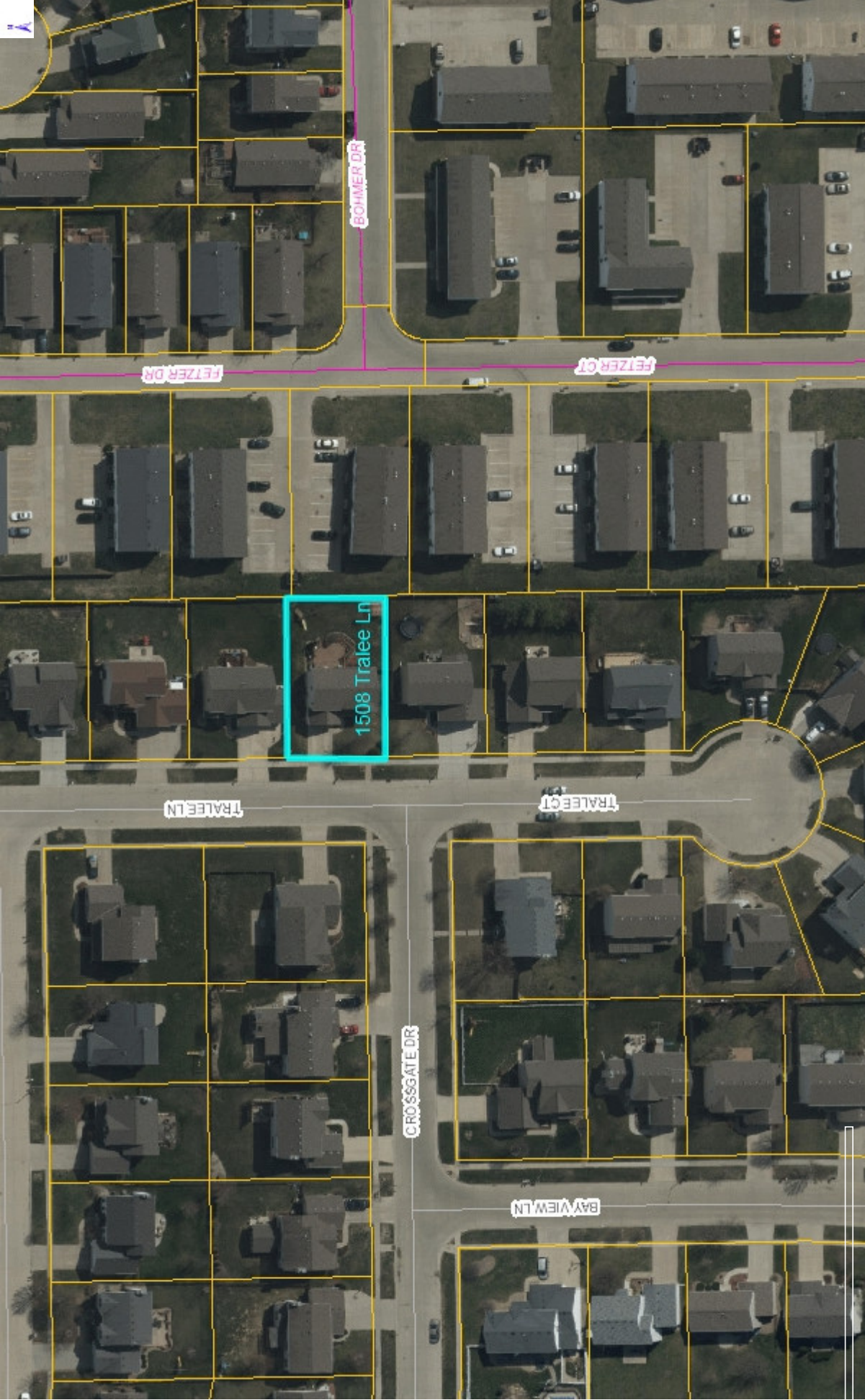


Legal Description

WHITE EAGLE SOUTH 2ND ADD LOT 108



1508 Tralee Ln - Aerial View



Notes

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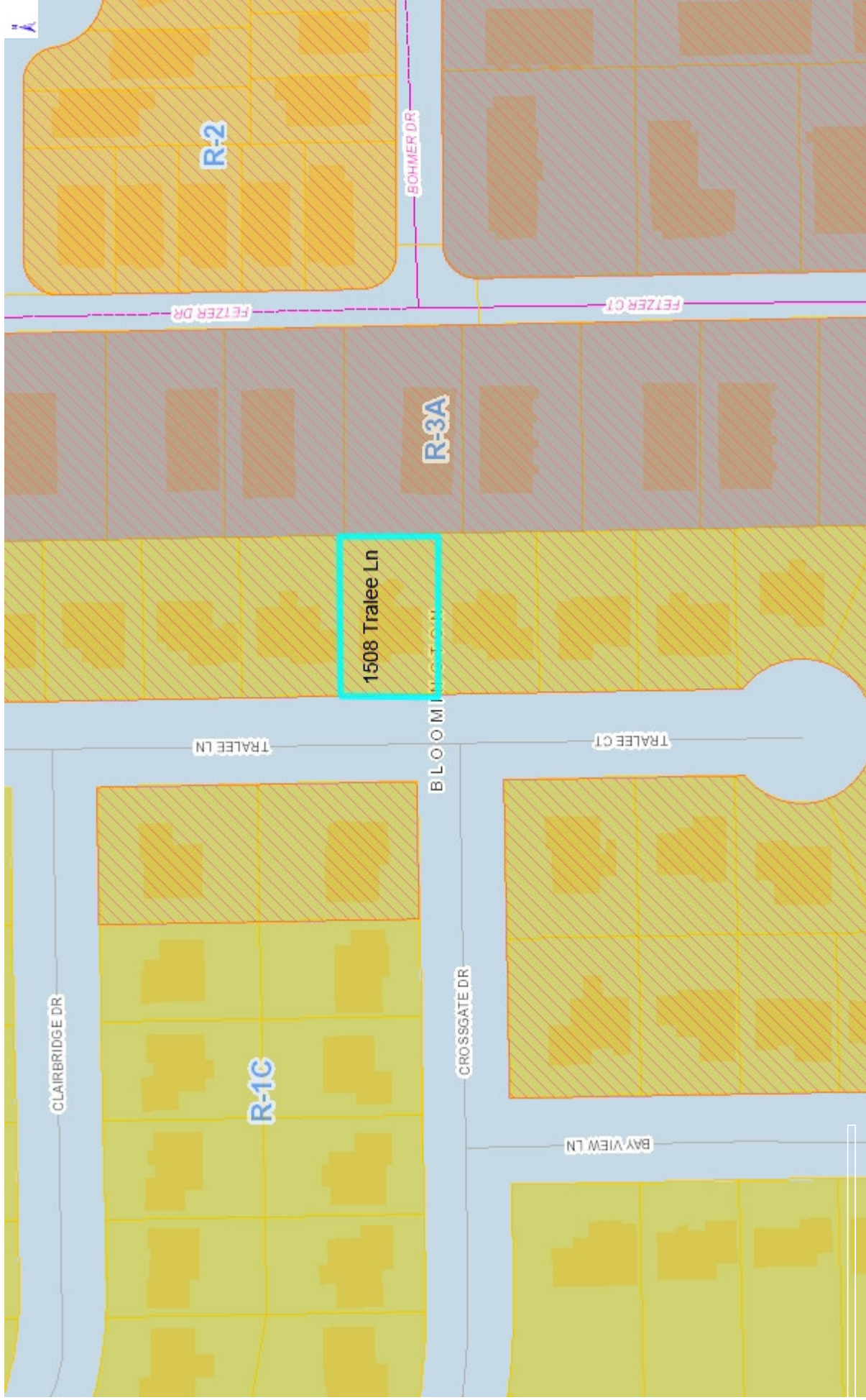
0.02

1: 1,499

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1508 Tralee Ln Zoning Map



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Notes
R-1C Zoning

1: 1,499

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**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
MAY 18, 2016**

SUBJECT:	TYPE:	SUBMITTED BY:
SP-03-16 1617 E Oakland Ave	Special use to allow an acupuncture clinic in the R-1C, Single family residential district	Katie Simpson, City Planner

REQUEST

The petitioner is seeking a special use to allow an acupuncture clinic in the R-1C, Single family residential district. The building is currently operating as a real estate office, a nonconforming use. Under section 44.4-6 D.3, a nonconforming use can be changed to a less nonconforming use by applying for a special permit for the lesser nonconforming use.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

Owner and Applicant: Sean Pawley

PROPERTY INFORMATION

Existing Zoning: R-1C, High Density Single-Family Residence District
Existing Land Use: Residential
Property Size: Approximately 8000 sqft (50' X 160')
PIN: 21-10-205-020

Surrounding Zoning and Land Uses

Zoning

North: R-1C, Low Density Single-Family Residence
South: R-1B, Med Density Single-Family Residence
East: R-1B, Med Density Single-Family Residence
West: S-2 Public Land and Institutions

Land Uses

North: Single-family house
South: Single-family house
East: Single-family house
West: Oakland Elementary School

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

PROJECT DESCRIPTION

The subject site is commonly known as 1617 E Oakland Avenue and is located adjacent of Oakland Elementary School near the corner of Oakland Avenue and Vale Street. The site exists within the R-1C High Density Single-Family Residential District. The district allows for higher densities of single and two family homes. The district also contemplates a few lower intensity uses with a special use. Such uses include day care centers, nursery schools, offices for a college or university, and religious education facilities. The existing lot is 8,000 square feet and is developed with offices and a two bedroom dwelling (approximately 2646 sqft).

The lot has existed as a nonconforming use prior to 1990 when a variance was granted to add parking. In 2005, the building use was changed from insurance office to the less nonconforming use of real estate office. As per section 44.4-6 (D)3 of the Code, for any nonconformity, a special use may be permitted to allow for a change of use to a lesser nonconforming use. The petitioner is proposing to change the use from real estate office to acupuncture clinic. The clinic will house one acupuncture specialist and one office manager. The petitioner proposes that the amount of traffic generated by the clinic will be less than the existing use since the clinic will have limited hours and clients. The petitioner proposes to continue to rent the dwelling space.

The petitioner proposes no changes to the existing lot or structure, with the exception of bringing the building into compliance with ADA standards.

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; and** the R-1C district contemplates single-family and two-family dwelling units, and light office/home occupations, such as a Day Care Center, with a special use permit. The building has existed as a nonconformity for decades. The proposed acupuncture clinic will have less foot traffic than the existing real estate office.
- 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 property has existed as a nonconformity for decades. No noticeable change or impact will be visible to 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;** the surrounding properties include single-family structures. The property previously existed as a nonconformity, the proposed uses is less impactful than the existing

offices. There are approximately four parking spaces located in the rear of the property. The petitioner would not be allowed to add parking but feels the existing amount is sufficient to accommodate the amount of clients and employees they expect to have, in addition to the occupants renting the dwelling unit.

4. **that adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;** utilities and drainage currently exist and will be in compliance with city code. Any resurfacing which may occur should be approved by the Engineering Department to ensure drainage and detention requirements are 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;** all ingress and egress is existing; no new access is proposed.
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)** Section 44.4-6 (D)3 requires a special use permit be issued if a nonconformity is to change uses. The proposed use is less intense than the existing use. The petitioner proposes to have a maximum of two employees (one acupuncturist, one office manager). The number of clients will also be minimal.

STAFF RECOMMENDATION:

Staff finds that the petition has met the Zoning Ordinance's standards required to allow a special use. Staff recommends the Zoning Board of Appeals recommend Council **approve** the requested **special use** in Case SP-03-16.

Respectfully submitted,

Katie Simpson, City Planner

Attachments:

- Petition
- Exhibit A-Legal Description
- Draft Ordinance
- Site Plan
- Zoning Map
- Aerial Photos
- Neighborhood Notice Map and List of Addresses Notified

PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT:

1617 E. Oakland Ave

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)

Sean Pawley

Michelle Pawley

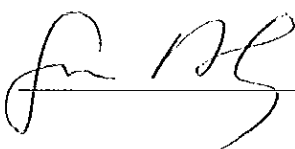
hereinafter referred to as your petitioner(s), respectfully representing and requesting as follows:

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)____, 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 RIC 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 44.4-603 (Nonconforming), are allowed as a special use in a RIC 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 RIC 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 RIC 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,

Legal Description for 1617 E Oakland Ave:

Parcel #2110205020

County Clerk's Subdivision W 50 ft, S 160 ft, N 193 ft, Lot 17

ORDINANCE NO. _____

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A

Acupuncture Clinic

FOR PROPERTY LOCATED AT: 1617 E. Oakland Ave.

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting a Special Use Permit for a Acupuncture Clinic for certain premises hereinafter described in Exhibit(s) _____; 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 Permit would comply with the standards and conditions for granting such special permitted use for said premises as required by Chapter 44, Section 44.6-30 of the Bloomington City Code, 1960; and

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

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

1. That the Special Use Permit for a _____ on the premises hereinafter described in Exhibit(s) _____ shall be and the same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this _____ day of _____, 20____.

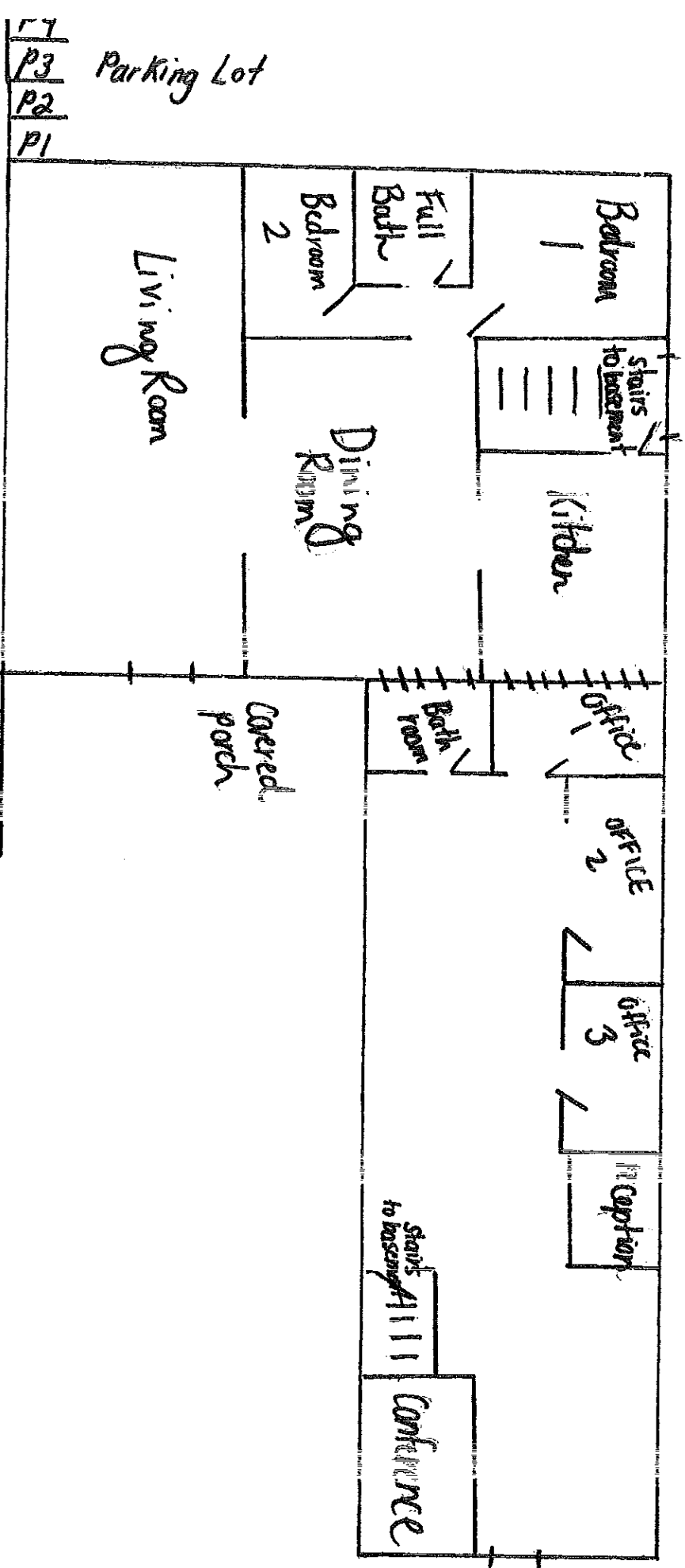
APPROVED this _____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

1017 E Oakland Ave



Map not scale

Office 1 - 15x8
Office 2 - 11x10 1/2
Office 3 - 11x8 1/2
Conference - 7x12

CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE

Notice is hereby given, the Zoning Board of Appeals will hold a Public Hearing on Wednesday, May 18, 2016 at 4:00 PM in the City Council Chambers, 109 E. Olive Street; Bloomington, Illinois to hear testimony on a petition submitted by Sean and Michelle Powley, requesting approval of a Special Use Permit to allow an acupuncture business in an R 1C, Single Family Residence District on property located at 1617 E. Oakland Avenue.

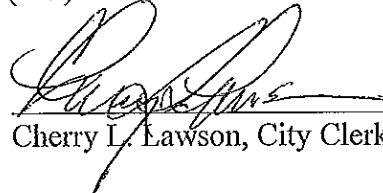
LEGAL DESCRIPTION: EXHIBIT A

The west 50 feet, south 160 feet, north 193 feet of Lot 17 in the County Clerk's Subdivision to the City of Bloomington, in McLean County, Illinois. PIN: 21-102-05-020.

All interested persons may present their views upon such matters pertaining thereto. Said Petition and all accompanying documents are on file and available for public inspection in the Office of the City Clerk.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk, preferably no later than five (5) days before the hearing.

The City Clerk may be contacted either by letter at 109 E. Olive Street, Bloomington, IL 61701, by telephone at (309) 434-2240, or by email: cityclerk@cityblm.org. City Hall is equipped with a text telephone (TTY) that may also be reached by dialing (309) 829-5115.


Cherry L. Lawson, City Clerk

Published: Pantagraph Newspaper, May 2, 2016



1617 E Oakland Ave - Zoning View

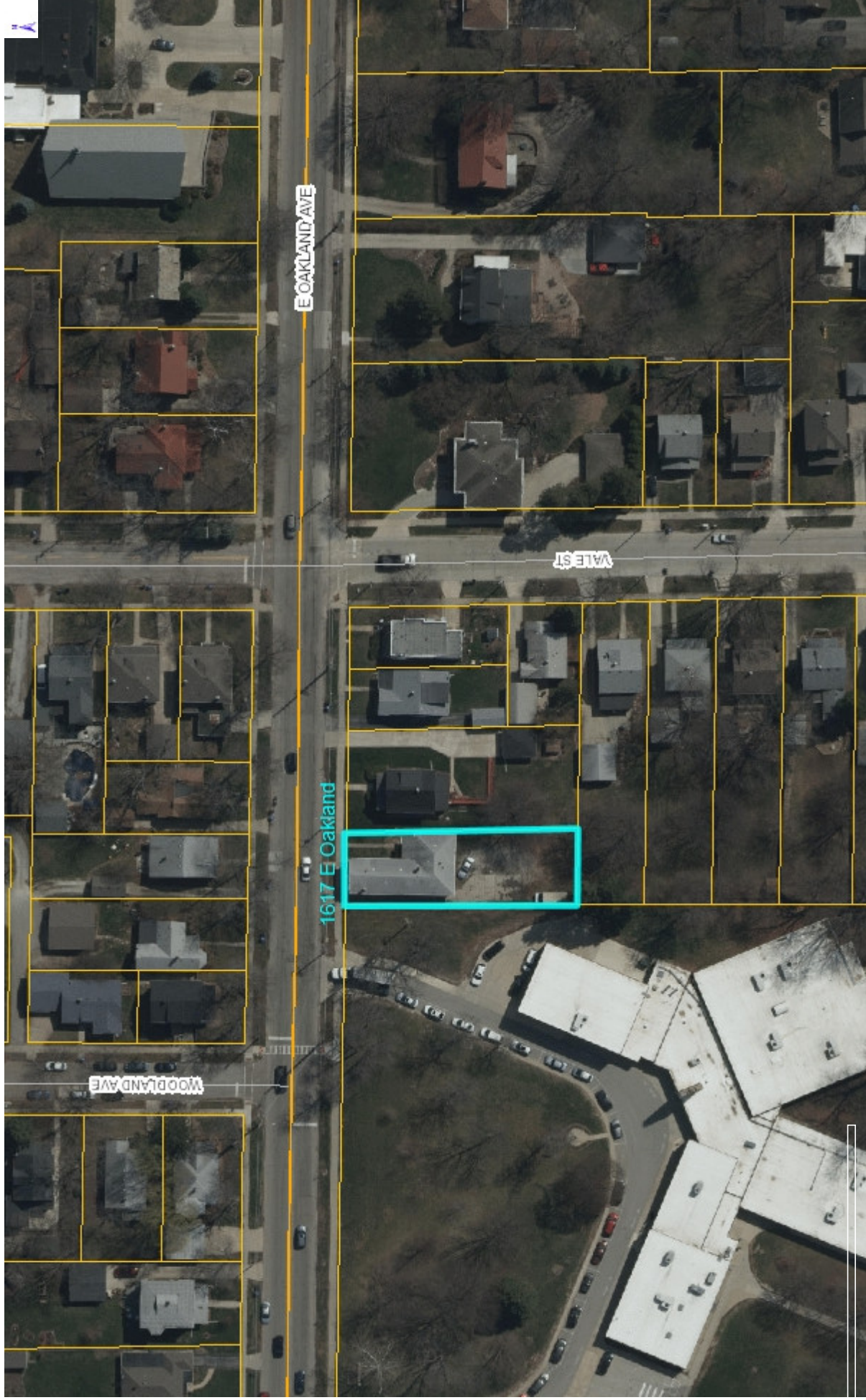


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Notes
R-1C Zoning



1617 E Oakland Ave - Aerial View



Notes

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BLOOMINGTON IL 617015619

Brian Briggs
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Bloomington IL 617015668

CHARLES V MCGUIRE
1709 E JACKSON ST
BLOOMINGTON IL 617015635

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BLOOMINGTON IL 61701

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BLOOMINGTON IL 617012133

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ST MATTHEWS EPISCOPAL CHURCH
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CHAPMAN
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ASHLEY DIETZ
512 FLORENCE AVE
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BREANNE GRABER
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BLOOMINGTON IL 61701

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% CAROLYN GERLING 701 VALE ST
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DIANN L KAMP
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DULCE MENENDEZ
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FRANCES A MASSIE
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BLOOMINGTON IL 617015622

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BLOOMINGTON IL 61704

J & E HOLDINGS LTD
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BLOOMINGTON IL 617047923

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BLOOMINGTON IL 617015671

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Bloomington IL 617015674

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NORMAL IL 617611329

KAYLYN EASH
501 Vale St
Bloomington IL 617015668

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BLOOMINGTON IL 61701

LORI MILLER
1608 E OAKLAND AVE
BLOOMINGTON IL 617015618

LOUIS & GILLIAN BOSQUET
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BLOOMINGTON IL 617015602

LUCERN & STEPHEN BRIENEN
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DANVERS IL 617320002

LYNDA B & MICHAEL KINATE MANSON
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BLOOMINGTON IL 617015620

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BLOOMINGTON IL 617042770

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AUSTILL
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BLOOMINGTON IL 617015668

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BLOOMINGTON IL 61701

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BLOOMINGTON IL 617015668

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EDUCATION
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BLOOMINGTON IL 61701

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509 S VALE
BLOOMINGTON IL 61701

PAMELA ETCHESON
205 REBECCA LN
NORMAL IL 617612721

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BLOOMINGTON IL 617015754

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BLOOMINGTON IL 617015617

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ROGER BRUCKER
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BLOOMINGTON IL 61701

ROSS KENNEDY
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BLOOMINGTON IL 61701

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BLOOMINGTON IL 617015619

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CAMPBELL
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