



BOARD OF ZONING APPEALS - REGULAR SESSION  
GOVERNMENT CENTER BOARDROOM, 4TH FLOOR, ROOM #400  
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701  
WEDNESDAY, MAY 17, 2023, 4:00 PM

1. Call to Order

2. Roll Call

3. Public Comment

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

4. Consent Agenda

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

- A. Review and approval of the minutes of the April 19, 2023, regular meeting of the Bloomington Zoning Board of Appeals, as requested by the Economic & Community Development Department. (Recommended Motion: Motion to accept the minutes, as presented)

5. Regular Session

- A. SP-07-23 - Public hearing, review, and action on a request submitted by Auto House of Bloomington, for approval of a **Special Use Permit** for Vehicle Repair and Service in the B-1 (General Commercial) District, for the property located at 10 Currency Drive (PIN: 21-15-105-002), as requested by the Economic & Community Development Department. (Recommended Motion: Motion to establish findings of fact that the standards for approval of a Special Use Permit are met, and to recommend **approval** of the request, with the condition that all landscaping requirements are met)
- B. SP-08-23 - Public hearing, review, and action on a request submitted by Preston Holdren, for approval of a **Special Use Permit for Chicken-Keeping** for the property located at 5 Northcrest Court (PIN: 21-02-102-005), as requested by the Economic & Community Development Department. (Recommended Motion: N/A. This case has been withdrawn.)
- C. SP-09-23 - Public hearing, review, and action on a request submitted by Kelsey Lachenberg, for approval of a **Special Use Permit for Chicken-Keeping** for the property located at 2603 Wellington Way (PIN: 21-01-352-008), as requested by the Economic & Community Development Department. (Recommended Motion: Motion

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

- D. SP-10-23 - Public hearing, review, and action on a request submitted by Curt Livesay, for approval of a **Special Use Permit** for a Specialty Food Shop, with drive though, in the M-1 (Restricted Manufacturing) District for the property located at 1601 General Electric Road (PIN: 14-35-201-005), as requested by the Economic & Community Development Department. (Recommended Motion: Motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend **approval** of the request with no conditions)
- E. SP-11-23 - Public hearing, review, and action on a request submitted by Towanda Development Corporation, for approval of a **Special Use Permit** for Multiple-Family Dwellings in the B-1 (General Commercial) District for the property located at 1234 & 1236 E. Empire Street (PINs: 14-34-452-008 & 14-34-452-003), as requested by the Economic & Community Development Department. (Recommended Motion: Motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend **approval** of the petition with no conditions)
- F. SP-12-23 - Public hearing, review, and action on a petition submitted by FMB Holding, Inc., requesting approval of a **Special Use Permit** for a Parking Lot in the B-1 (General Commercial) District for the property located at 302-304 Greenwood Avenue (PIN: 21-17-327-002), as requested by the Economic & Community Development Department. (Recommended Motion: Motion to continue the application to the June 21, 2023 Zoning Board of Appeals meeting)
- G. SP-13-23 - Public hearing, review, and action on a request submitted by AAO Rentals, LLC, for approval of a **Special Use Permit** for Single-Family Attached Dwellings in the B-1 (General Commercial) District for the property located at 1418 Woodbine Road (PIN: 15-31-226-022), as requested by the Economic & Community Development Department. (Recommended Motion: Motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend **approval** of the request with no conditions)
- H. V-06-23 - Public hearing, review, and action on a request submitted by Liliana Taimoorazi for approval of a Variance to allow a reduced Front Yard setback in the R-2 (Mixed Residence) District for the property located at 23 Rock Garden Court (PIN: 21-12-231-026), as requested by the Economic & Community Development Department. (Recommended Motion: Motion to establish findings of fact that all standards for approval of a Variance are met, and to **approve** of the request with no conditions)

## 6. New Business

## 7. Adjournment

Individuals with disabilities planning to attend the meeting who require reasonable accommodations to observe and/or participate, or who have questions about the accessibility of the meeting, should contact the City's ADA Coordinator at 309-434-2468 or

[mhurt@cityblm.org](mailto:mhurt@cityblm.org).



**REGULAR AGENDA ITEM NO. 4.A.**

**FOR BOARD OF ZONING APPEALS:** May 17, 2023

**WARD IMPACTED:** City-Wide Impact

**SUBJECT:** Review and approval of the minutes of the April 19, 2023, regular meeting of the Bloomington Zoning Board of Appeals, as requested by the Economic & Community Development Department.

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

**STRATEGIC PLAN LINK:**

Goal 1. Financially Sound City Providing Quality Basic Services

**STRATEGIC PLAN SIGNIFICANCE:**

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

**BACKGROUND:** N/A

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** N/A

**FINANCIAL IMPACT:** N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham

**ATTACHMENTS:**

[ZBA Minutes - 2023-04-19 DRAFT](#)





**MINUTES**  
**PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS**  
**REGULAR MEETING**  
**GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400**  
**115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701**  
**WEDNESDAY, APRIL 19, 2023 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, Wednesday, April 19, 2023, with the following physically present staff members: Mr. Jon Branham, City Planner; Ms. Alissa Pemberton, City Planner; Mr. George Boyle, Assistant Corporation Council.

The meeting was called to order by Chair Straza at 4:00 pm.

**ROLL CALL**

| Attendee Name        | Title        | Status  |
|----------------------|--------------|---------|
| Mr. Terry Ballantini | Commissioner | Present |
| Ms. Victoria Harris  | Commissioner | Present |
| Mr. Michael Straza   | Commissioner | Present |
| Ms. Nikki Williams   | Commissioner | Present |
| Mr. Zach Zwaga       | Commissioner | Present |
| Mr. Tim Foley        | Commissioner | Present |
| VACANT               | Commissioner | -       |

Ms. Pemberton called the roll. Mr. Ballantini - Present, Ms. Harris - Present, Ms. Williams - Present, Mr. Zwaga - Present, Mr. Foley - Present, Chair Straza - Present. With six members present, a quorum was established.

**PUBLIC COMMENT**

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

**MINUTES**

Commissioner Ballantini motioned to approve the minutes from the March 15, 2023, regular Zoning Board of Appeals meeting. Commissioner Zwaga seconded. Voice Vote. All Ayes. Motion Passed (6-0).

## REGULAR AGENDA

**SP-02-23 Public hearing, review, and action on a request submitted by Jake Bennett for approval of a Special Use Permit for Chicken-Keeping for the property located at 42 Ravenswood Circle. PIN: 14-25-205-005. (Ward 9.) Continued from the MARCH 15, 2023, meeting.**

Mr. Branham presented the staff report and background on the request, with a recommendation for approval. He stated the case had been continued from the previous meeting as the Petitioner was unable to attend.

Chair Straza opened the public hearing.

**Petitioner, Jake Bennett (42 Ravenswood Circle)** stated he does not share the concerns that have been previously raised. He stated he will not have roosters and is happy to speak with any concerned neighbors about potential issues. He stated his brother has raised chickens in the past. He added his children like chickens, so they are interested in having some of their own.

Commissioner Ballantini asked for affirmation that Mr. Bennett has read and understands the relevant rules. Mr. Bennett confirmed.

**Terry Miller (2808 Park Ridge Road)** stated he opposes the Special Use. He asked for clarification on whether the site plan meets the criteria.

Mr. Branham stated the site plan does not include dimensions from the coop to property lines, but the 10-foot minimum must be met to be permitted.

Mr. Miller stated he has concerns about the chicken food drawing prey animals. He stated that acquaintances at 7 Chloe Court informed him that 10 Chloe Court has a permit and still does cause issues for the neighbors.

**Roy Laws (2806 Park Ridge Road)** asked how to file a complaint if there do end up being issues with the chickens.

Ms. Pemberton explained for the audience how to file complaints with the City of Bloomington and clarified that there is no approved Special Use for Chicken-Keeping at 10 Chloe Court.

Mr. Laws thanked Staff for the information. He stated that you can smell chicken farms for miles when you drive by in the country. He added he had concerns about attracting other animals and the potential for avian flu.

**Mr. Bennett** replied that there are strict limits on the number of chickens that you can have on properties in the City; they are not interested in having a chicken farm in their backyard.

No additional testimony was received.

Chair Straza closed the public hearing portion of the case.

Commissioner Harris made motion to establish findings of fact that all standards for approval of a Special Use Permit are met and recommend approval of the Special Use Permit. Seconded by Commissioner Ballantini.

Mr. Ballantini - Yes, Ms. Harris - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Foley - Yes, Chair Straza - Yes. The motion passed (6-0).

Staff noted the case would be before City Council on May 22, 2023.

**V-04-23 Public hearing, review, and action on a request submitted by Mark Parker for approval of Variances for Front, Side, and Rear Yard setbacks for the property located at 703 N. Evans Street. PIN: 21-04-276-005.**

Mr. Branham presented the staff report and background on the request, with a recommendation for approval. He noted key property conditions, including the nonconforming lot and existing nonconforming structure.

Chair Straza opened the public hearing.

**Petitioner, Mark Parker (1101 E. Monroe Street)** described the challenge associated with trying to sell the property when the appraisal found the nonconformity. He stated they are not intending to expand or construct additional structures. He stated they need to be allowed to rebuild should the home be damaged, so the contract buyers can obtain the insurance and mortgage for the property.

No additional testimony was received.

Chair Straza closed the public hearing portion of the case.

Commissioner Ballantini made a motion to establish findings of fact that the standards for approval of a Variance are met, that carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner, and to approve the petition for Variances to § 44-403B, as presented. Seconded by Commissioner Harris.

Mr. Ballantini - Yes, Ms. Harris - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Foley - Yes, Chair Straza - Yes. The motion passed (6-0).

**SP-03-23 Public hearing, review, and action on a request submitted by Hayley Sefton for approval of a Special Use Permit for Chicken-Keeping for the property located at 2721 Essington Street. PIN: 21-18-379-011.**

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

Chair Straza opened the public hearing.

**Agent for the Petitioner, Theresa Eubanks (2721 Essington Street)** described her extensive experience raising chickens, stating the Petitioner has experience with them as well.

Commissioner Harris asked whether the run has walls and a roof. Ms. Eubanks explained the coop has solid walls like a house, but the run is open wire to allow air and grass access; it does have a roof of the same material.

Commissioner Ballantini asked for clarification whether the Petitioner currently had chickens. Ms. Eubanks stated not currently but had for many years previously.

Commissioner Ballantini asked if there was an existing fence on all sides of the property. Ms. Eubanks confirmed yes.

Commissioner Ballantini inquired whether they had spoken with neighbors. Ms. Eubanks stated they had spoken to both adjacent neighbors who expressed support.

No additional testimony was received.

Chair Straza closed the public hearing portion of the case.

Commissioner Harris made a motion to establish findings of fact that all standards for approval of a Special Use Permit are met and recommend approval of the Special Use Permit. Seconded by Commissioner Foley.

Mr. Ballantini - Yes, Ms. Harris - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Foley - Yes, Chair Straza - Yes. The motion passed (6-0).

Staff noted the case would be before City Council on May 22, 2023.

**SP-04-23 Public hearing, review, and action on a request submitted by Hannah Denney for approval of a Special Use Permit for Chicken-Keeping for the property located at 8 Holder Way. PIN: 14-36-333-004.**

Mr. Branham stated the request had been withdrawn by the applicant.

**SP-05-23 Public hearing, review, and action on a request submitted by Elliot Lusk for approval of a Special Use Permit for Chicken-Keeping for the property located at 1210 W. Mill Street. PIN: 21-05-462-020.**

Mr. Branham presented the staff report and background on the request, with a recommendation for approval. He noted characteristics of the property.

Chair Straza opened the public hearing.

**Petitioner, Elliot Lusk (1210 W. Mill Street)** described his experience with chickens and his intent for the location and construction of the coop. He stated he had reviewed the requirements and will adhere to them.

Commissioner Straza inquired if he had spoken with the neighbors. Mr. Lusk stated the neighbors have opposite work schedules, so he has not spoken to them.

Commissioner Ballantini inquired about the fencing at the property. Mr. Lusk stated a chain link fence surrounded the property.

Commissioner Ballantini asked about the location of food storage. Mr. Lusk stated food would be stored inside the garage in a waterproof container.

Commissioner Ballantini inquired about experience raising chickens. Mr. Lusk stated he had a biology degree and had worked in pest control; he stated he wanted to keep healthy birds.

No additional testimony was received.

Chair Straza closed the public hearing portion of the case.

Commissioner Harris made a motion to establish findings of fact that all standards for approval of a Special Use Permit are met and recommend approval of the Special Use Permit. Seconded by Commissioner Zwaga.

Mr. Ballantini - Yes, Ms. Harris - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Foley - Yes, Chair Straza - Yes. The motion passed (6-0).

Staff noted the case would be before City Council on May 22, 2023.

**SP-06-23 Public hearing, review, and action on a request submitted by Alex Welch for approval of a Special Use Permit for Chicken-Keeping for the property located at 612 N. Oak Street. PIN: 21-04-152-019.**

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

Chair Straza opened the public hearing.

**Petitioner, Alex Welch (612 N. Oak Street)** described his reason for wanting to have chickens. He

stated he has not had chickens before but has done lots of research and is prepared to keep them safe and clean. Has spoken to many of the neighbors.

Commissioner Straza asked where the food would be kept. Mr. Welch stated it will be kept in the garage, dry, and away from other animals.

No additional testimony was received.

Chair Straza closed the public hearing portion of the case.

Commissioner Harris made a motion to establish findings of fact that all standards for approval of a Special Use Permit are met and recommend approval of the Special Use Permit. Seconded by Commissioner Zwaga.

Mr. Ballantini - Yes, Ms. Harris - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Foley - Yes, Chair Straza - Yes. The motion passed (6-0).

Staff noted the case would be before City Council on May 22, 2023.

**V-05-23 Public hearing, review, and action on a request submitted by Project Oz for approval of a Variance for Rear Yard setback for the property located at 1105 W. Front Street. PIN: 21-05-410-006.**

Mr. Branham presented the staff report and background on the request, with a recommendation for approval. He noted the irregularly shaped property conditions, including a non-linear property line on the north side.

Chair Straza opened the public hearing.

**Petitioner, Lisa Thompson (1105 W. Front Street)** described the desire to expand to provide a multi-purpose youth center by extending the existing north wall of the building, which would require minor encroachment into the setback.

Commissioner Ballantini asked for clarification whether there would be any impact to the railroad property. Mr. Branham stated there would not be a direct impact.

Commissioner Harris inquired if noise would present an issue. Ms. Thompson stated the issue already exists so there is familiarity; She stated they are extending an existing wall but the new design does includes soundproofing.

No additional testimony was received.

Chair Straza closed the public hearing portion of the case.

Commissioner Harris made a motion to establish findings of fact that all standards for approval of

a Variance are met, that carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner, and to approve the petition for a Variance to § 44-503A, as presented. Seconded by Commissioner Ballantini.

Mr. Ballantini - Yes, Ms. Harris - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Foley - Yes, Chair Straza - Yes. The motion passed (6-0).

## **OLD BUSINESS**

None.

## **NEW BUSINESS**

Ms. Pemberton noted a new Commissioner will be joining at the next meeting.

## **ADJOURNMENT**

Commissioner Ballantini made the motion to adjourn. Commissioner Harris seconded. Voice vote was held. All were in favor. (6-0)

The meeting was adjourned at 5:05 p.m.



**REGULAR AGENDA ITEM NO. 5.A.**

**FOR BOARD OF ZONING APPEALS:** May 17, 2023

**WARD IMPACTED:** Ward 1

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

**RECOMMENDED MOTION:** Motion to establish findings of fact that the standards for approval of a Special Use Permit are met, and to recommend **approval** of the request, with the condition that all landscaping requirements are met.

**STRATEGIC PLAN LINK:**

Goal 3. Grow the Local Economy

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 3a. Retention and growth of current local businesses

**BACKGROUND:** The Petitioner seeks a Special Use Permit to allow a Vehicle Repair & Service facility in the B-1 (General Commercial) District, per § 44-402B.

- No waivers of the subject use provisions are requested.
- The Petitioner proposes to construct a one-story facility with six mechanical service bays and six detail bays.
- The facility will include 28 exterior parking spaces.
- One curb cut is proposed near the northeast corner of the property.

The Petitioner has not identified landscaping requirements, including perimeter and interior parking lot requirements. These items should be required to be met as a condition of the Special Use.

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

**FINANCIAL IMPACT:** Growth of local tax base.

Respectfully submitted for consideration.

Prepared by: Jon Branham

**ATTACHMENTS:**





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**TO:** ZONING BOARD OF APPEALS

**FROM:** Economic & Community Development Department

**DATE:** May 17, 2023

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

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

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### BACKGROUND

#### *Request:*

The Petitioner seeks a Special Use Permit to allow a Vehicle Repair & Service facility in the B-1 (General Commercial) District, per § 44-402B which states these may be permitted as Special Uses in the B-1 District. No waivers of Use Provisions are requested. The Petitioner proposes to construct a one-story facility with six mechanical service bays and six detail bays. The facility will include 28 exterior parking spaces. One curb cut is proposed near the northeast corner of the property.

The Petitioner has not identified landscaping requirements, including perimeter and interior parking lot requirements. These items should be required to be met as a condition of the Special Use.

#### *Notice:*

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

### ANALYSIS

#### *Property Characteristics:*

The subject property consists of 0.55 acres of land located near the intersection of Currency Drive and Commerce Parkway. The property is currently vacant. Neighboring properties are zoned B-1 (General Commercial) District and include a variety of commercial uses.

#### *Surrounding Zoning and Land Uses:*

| Zoning |                          | Land Uses                                      |
|--------|--------------------------|------------------------------------------------|
| North  | B-1 (General Commercial) | Multi-Family Dwellings / Restaurant            |
| South  | B-1 (General Commercial) | General Office                                 |
| East   | B-1 (General Commercial) | General Retail Sales                           |
| West   | B-1 (General Commercial) | Vacant (former Sports & Fitness Establishment) |

*Description of Current Zoning District:*

The B-1 (General Commercial) District is intended to facilitate the development of community and regional commercial areas. Customers in this district will generally use a motor vehicle to reach a desired establishment. The development contemplated in this district has such distinguishing characteristics as unified site planning and development that promotes a safe and conducive atmosphere for large volumes of shoppers; site accessibility such that the high volumes of traffic generated create minimal congestion and adverse impact upon surrounding land use; and unified architectural treatment of buildings rather than an assemblage of separate, conflicting store and structural types. (§ 44-501A).

*Subject Code Requirements:*

§ 44-402B, "Allowed Uses Table" indicates Vehicle Repair & Service permitted as Special Use in the B-1 District.

**STANDARDS FOR REVIEW**

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

Special Use Permit for Vehicle Repair & Service in the B-1 (General Commercial) 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, maintenance, and operation of a Vehicle Repair & Service use is appropriate for this area and will not be detrimental to the public health, safety, comfort, or general welfare of the surrounding commercial uses. 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 designation on the City's Future Land Use Map for this area is "Regional Commercial"; the proposed Special Use is consistent with that designation. The Special Use would contribute to Goal ED-4 (Enhance the image of Bloomington as a business friendly City) of the 2035 Comprehensive Plan. Infill of the currently vacant property can be expected to retain or improve property values within the neighborhood by increasing active occupancy and maintenance of the property. 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 use is consistent with the character of other uses in the area. The facility immediately adjacent to the subject property to the east is a Retail Sales use specializing in vehicle items, and another use south of the subject property at the end of Currency Drive is also a Vehicle

Repair & Service use. A variety of other uses surround the remainder of the subject property. Standard is met.

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

City water and sewer will be available to the property. Roadway and sidewalk access will need to be completed per City standards. The site will also be required to meet City drainage requirements. 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 proposed via one curb cut at the northeast portion of the property and will need to meet City standards. The use is required to provide sufficient off-street parking, per § 44-1212; 28 parking spaces are proposed which meets this requirement. 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 use will be required to meet the standards for the District, including provision of front and rear yards, exterior side yards, and any accessory structure setbacks. No waivers to the subject Use Provisions are requested or provided as part of this Special Use Permit. Standard is met.

## **STAFF RECOMMENDATION**

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

Motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend approval of the request with the condition that all landscaping requirements are met.

Respectfully submitted,  
Jon Branham  
City Planner

### **Attachments:**

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

[illegible]



*Attachment 3- Ground-Level View(s)*



#### Attachment 4 - Petitioner-Submission - Description of Project

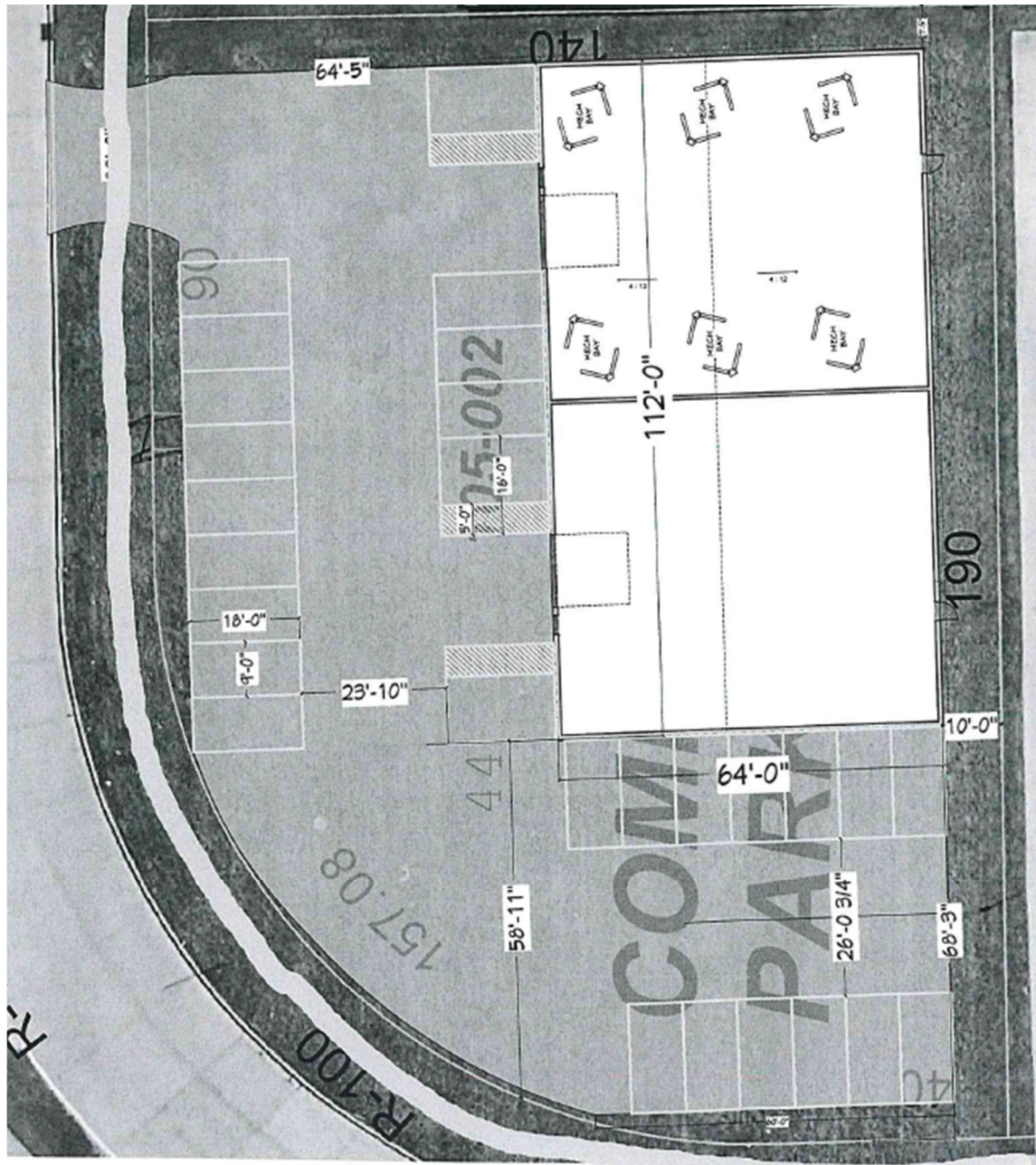
Auto House of Bloomington

Detail and small repair shed for Auto house vehicles only no outside customer repair or detail service

Property is on 10 Currency Drive, Bloomington

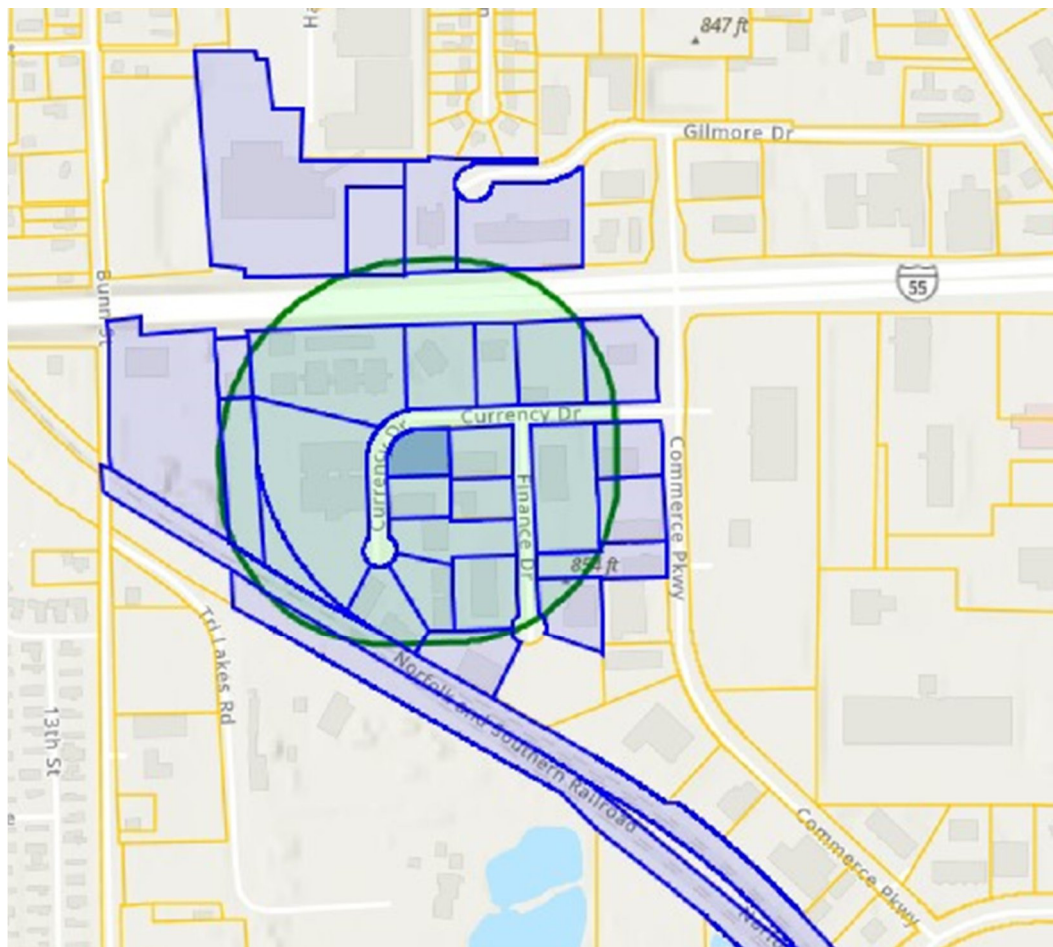
Pin Number is: 21-15-105-002

#### Attachment 5 - Site Plan





Attachment 6 - Neighborhood notice map







**REGULAR AGENDA ITEM NO. 5.B.**

**FOR BOARD OF ZONING APPEALS:** May 17, 2023

**WARD IMPACTED:** Ward 4

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

**RECOMMENDED MOTION:** N/A. This case has been withdrawn..

**STRATEGIC PLAN LINK:**

Goal 4. Strong Neighborhoods

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 4e. Strong partnership with residents and neighborhood associations

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

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

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Notice was published in The Pantagraph on Tuesday, May 2, 2023. Courtesy notices were mailed to 50 property owners within 500 feet of the subject property.

**FINANCIAL IMPACT:** N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham

**ATTACHMENTS:**

[SP-08-23\\_Staff\\_Report\\_-\\_5\\_Northcrest\\_Ct](#)

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**TO:** ZONING BOARD OF APPEALS

**FROM:** Economic & Community Development Department

**DATE:** May 17, 2023

**CASE NO:** SP-08-23, Special Use Permit for Chicken-Keeping

**REQUEST:** Public hearing, review, and action on a request submitted by Preston Holdren for approval of a Special Use Permit for Chicken-Keeping in the R-1B (Single-Family Residence) District, for the property located at 5 Northcrest Court. PIN: 21-02-102-005.

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### BACKGROUND

#### *Request*

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

#### *Notice*

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Tuesday, May 2, 2023. Courtesy notices were mailed to 50 property owners within 500 feet of the subject property.

### ANALYSIS

#### *Property Characteristics*

The property at 5 Northcrest Court consists of 0.41 acres of land located near the intersection of Northcrest Court and Country Club Place in the Northcrest Addition Subdivision. It is improved with a single-family home with an attached garage. The rear yard of this property, where the coop will be located, is entirely screened by a six-foot-tall solid fence.

#### *Surrounding Zoning and Land Uses*

| Zoning |                                         | Land Uses                    |
|--------|-----------------------------------------|------------------------------|
| North  | R-1B (Single-Family Residence) District | Single-Family Dwelling Units |
| South  | R-1B (Single-Family Residence) District | Single-Family Dwelling Units |
| East   | R-2 (Mixed Residence) District          | Two-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. The R-1B district allows densities of up to approximately six dwelling units per acre (§ 44-401C).

#### *Subject Code Requirements*

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

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

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

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

### **STANDARDS FOR REVIEW**

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

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

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

The chickens will be located at least 10 feet away from all neighboring properties; the provided site plan meets the setback requirements of § 44-1011. Chapters 8 & 22 of the City Code provide enforcement mechanisms, should the coop and enclosure fall into disrepair. Standard is met.

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

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

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

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

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

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

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

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

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

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

#### **STAFF RECOMMENDATION**

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

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

Respectfully submitted,  
Jon Branham  
City Planner

#### **Attachments:**

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

This map displays a residential subdivision with lots numbered 1 through 51. Lot 5 is highlighted with a red border. The map includes streets such as County Club Pl, Northeast Ct, and Fairway Dr. A blue 'R-1B' zoning label is located near lot 5. To the right of the main residential area, a red-shaded region is labeled 'Eastland Mall West Dr'.



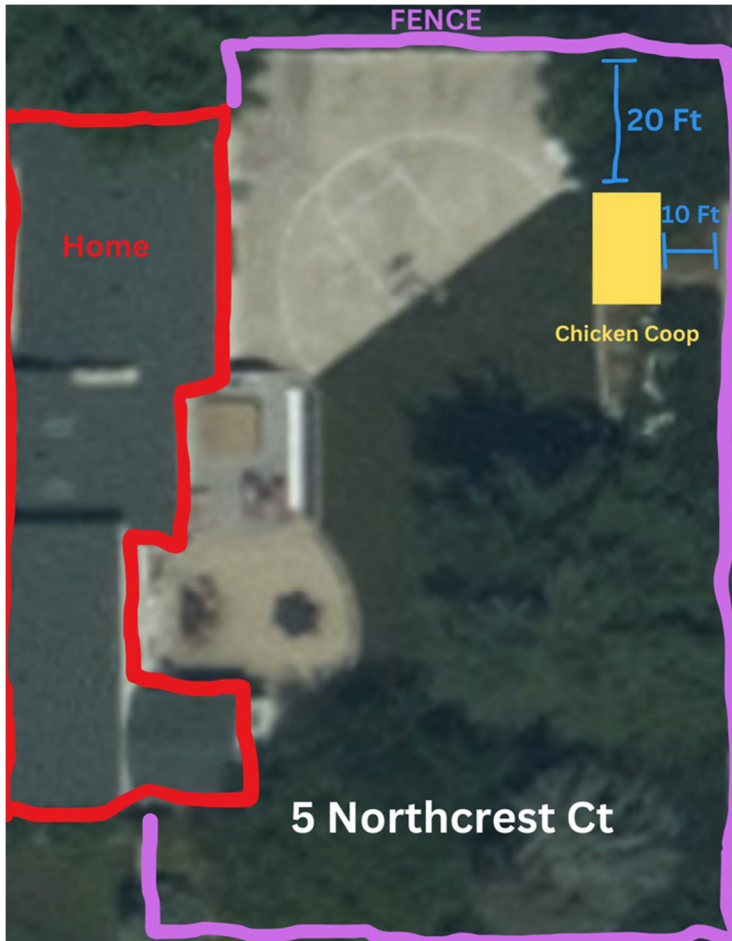
*Attachment 3- Ground-Level View*



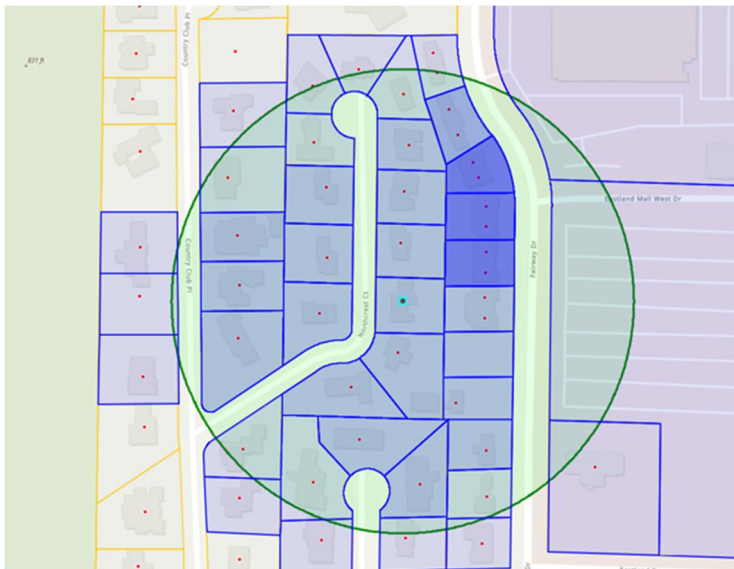
*Attachment 4 - Petitioner-Submission - Description of Project*

4 Hen chickens at 5 Northcrest Ct, Bloomington, IL. Hello, I would like to receive a special use permit to have 4 hen chickens at my families home, 5 Northcrest Ct. My 4 children, ages 6, 9, 11 and 12, and these chickens will not only help me teach them responsibility but also where their food comes from. Not only will these chickens be an invaluable teaching tool and source of food, they will also be companions for each of my four children. They are all extremely excited to have the opportunity to raise chickens from chicks to egg producers. Our big backyard will allow the chickens not to bother our neighbors, who are also excited of the chickens and fresh eggs. Please consider our application for a special use permit to have 4 hens at 5 Northcrest Ct.

Attachment 5 - Site Plan



Attachment 6 - Neighborhood notice map







**REGULAR AGENDA ITEM NO. 5.C.**

**FOR BOARD OF ZONING APPEALS:** May 17, 2023

**WARD IMPACTED:** Ward 3

**SUBJECT:** SP-09-23 - Public hearing, review, and action on a request submitted by Kelsey Lachenberg, for approval of a **Special Use Permit for Chicken-Keeping** for the property located at 2603 Wellington Way (PIN: 21-01-352-008), as requested by the Economic & Community Development Department.

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

**STRATEGIC PLAN LINK:**

Goal 4. Strong Neighborhoods

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 4e. Strong partnership with residents and neighborhood associations

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

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

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Notice was published in The Pantagraph on Tuesday, May 2, 2023. Courtesy notices were mailed to 63 property owners within 500 feet of the subject property.

**FINANCIAL IMPACT:** N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham

**ATTACHMENTS:**

[SP-09-23 Staff Report - 2603 Wellington Way.docx](#)





## ZONING BOARD OF APPEALS

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**TO:** ZONING BOARD OF APPEALS

**FROM:** Economic & Community Development Department

**DATE:** May 17, 2023

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

**REQUEST:** Public hearing, review, and action on a request submitted by Kelsey Lachenberg for approval of a Special Use Permit for Chicken-Keeping in the R-1B (Single-Family Residence) District, for the property located at 2603 Wellington Way. PIN: 21-01-352-008.

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### BACKGROUND

#### *Request*

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

#### *Notice*

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Tuesday, May 2, 2023. Courtesy notices were mailed to 63 property owners within 500 feet of the subject property.

### ANALYSIS

#### *Property Characteristics*

The property at 2603 Wellington Way consists of 0.34 acres of land located at the southeast intersection of Wellington Way and Hershey Road in the Williamsburg Estate Subdivision. It is improved with a single-family home with an attached garage. The rear yard of this property, where the coop will be located, is entirely screened by a six-foot-tall solid fence.

#### *Surrounding Zoning and Land Uses*

| Zoning |                                         | Land Uses                    |
|--------|-----------------------------------------|------------------------------|
| North  | R-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. The R-1B district allows densities of up to approximately six dwelling units per acre (§ 44-401B).

### *Subject Code Requirements*

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

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

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

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

## **STANDARDS FOR REVIEW**

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

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

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

The chickens will be located at least 10 feet away from all neighboring properties; the provided site plan meets the setback requirements of § 44-1011. Chapters 8 & 22 of the City Code provide enforcement mechanisms, should the coop and enclosure fall into disrepair. Standard is met.

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

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

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

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

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

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

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

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

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

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

## **STAFF RECOMMENDATION**

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

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

Respectfully submitted,  
Jon Branham  
City Planner

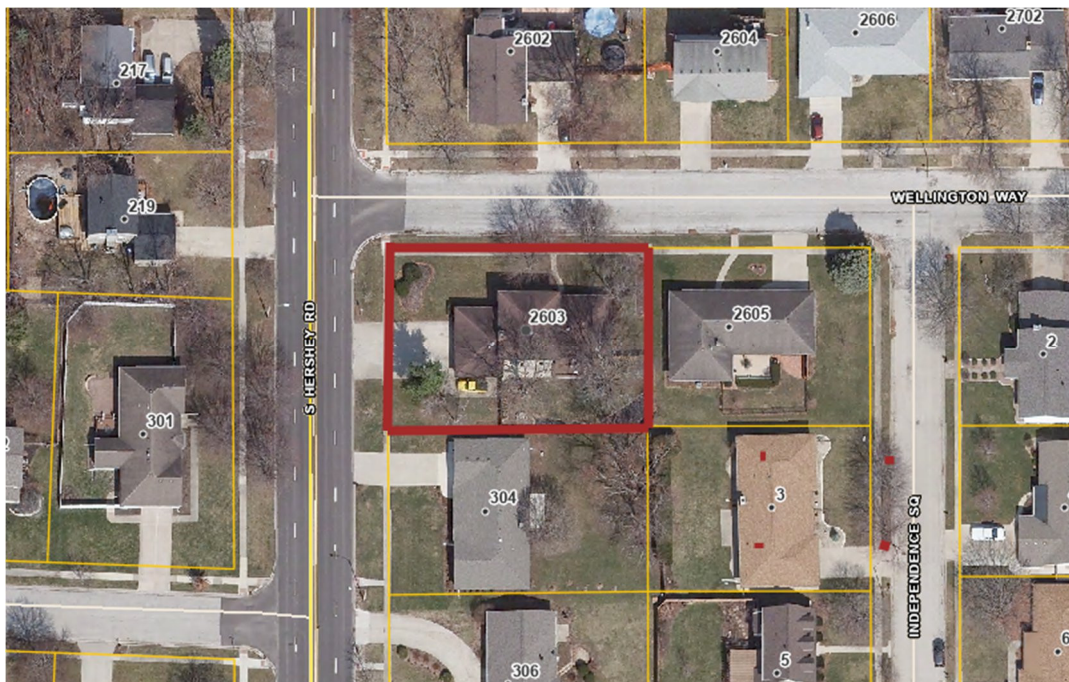
### **Attachments:**

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

### Attachment 1 - Zoning Map



### Attachment 2 - Aerial Image(s)





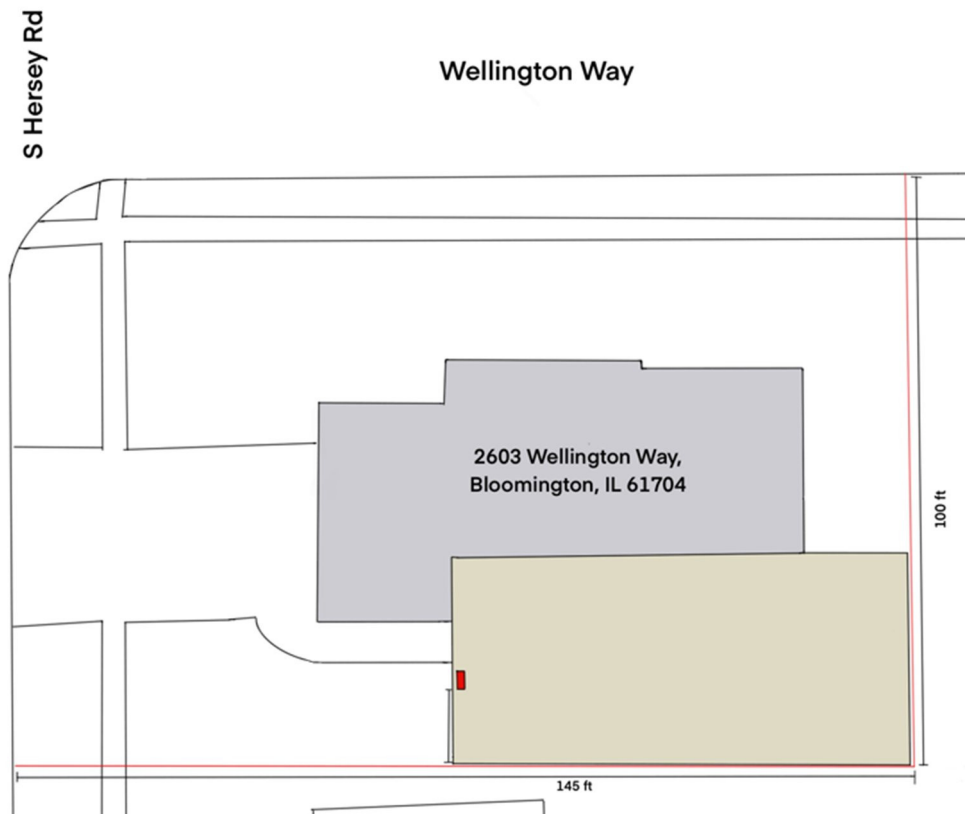
*Attachment 3- Ground-Level View*



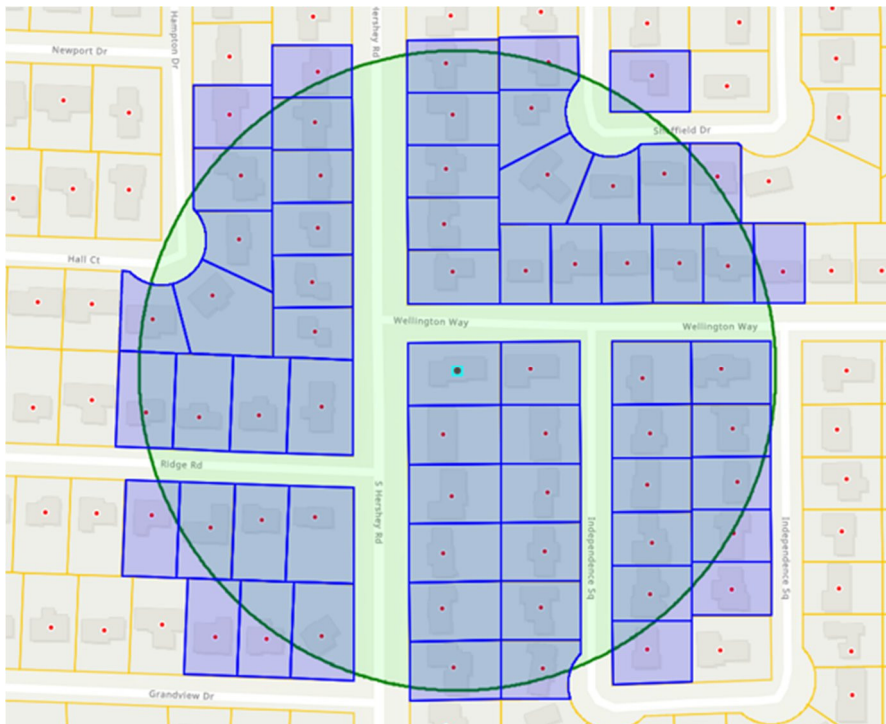
*Attachment 4 - Petitioner-Submission - Description of Project*

I am seeking a Special Use Permit to keep (2-4) hens at my address of 2603 Wellington Way, Bloomington, IL 61704. Our property is .33 acres and the back yard is fenced in. Under 44-101 On lots less than or equal to one acre with a primary use of a single-family... the keeping of up to four chickens may be permitted with special use permit as an accessory use and shall comply with Chapter 8 and Chapter 22 of the Bloomington Code, 1960.

Attachment 5 - Site Plan



Attachment 6 - Neighborhood notice map





**REGULAR AGENDA ITEM NO. 5.D.**

**FOR BOARD OF ZONING APPEALS:** May 17, 2023

**WARD IMPACTED:** Ward 5

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

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

**STRATEGIC PLAN LINK:**

Goal 5. Great Place - Livable, Sustainable City

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 5b. City decisions consistent with plans and policies

**BACKGROUND:** The Petitioner seeks a Special Use Permit to allow a Specialty Food Shop in the M-1 (Restricted Manufacturing) District, per § 44-402B.

- No waivers of use provisions are requested.
- The Petitioner proposes to construct a 400 square foot (40'x10') coffee shop and five employee parking spaces.
- The coffee shop will function as a dual-lane, drive-through only operation; walk-in customers will not be permitted.
- Vehicular access will be provided via an existing curb cut along G.E. Road and a newly proposed curb cut along Keaton Place.
- No modifications to any of the other existing structures on the property are proposed.

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

**FINANCIAL IMPACT:** Growth of local tax base.

Respectfully submitted for consideration.

Prepared by: Jon Branham

**ATTACHMENTS:**

[SP-10-23\\_-\\_Staff\\_Report\\_-\\_1601\\_GE\\_Rd](#)



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**TO:** ZONING BOARD OF APPEALS

**FROM:** Economic & Community Development Department

**DATE:** May 17, 2023

**CASE NO:** SP-10-23, Special Use Permit for Specialty Food Shop

**REQUEST:** Public hearing, review, and action on a request submitted by Curt Livesay for approval of a Special Use Permit for a Specialty Food Shop in the M-1 (Restricted Manufacturing) District, for the property located at 1601 G.E. Road. PIN: 14-35-201-005.

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### BACKGROUND

#### *Request:*

The Petitioner seeks a Special Use Permit to allow a Specialty Food Shop in the M-1 (Restricted Manufacturing) District, per § 44-402B which indicates Specialty Food Shops may be permitted as Special Uses in the M-1 District. No waivers of use provisions are requested. The Petitioner proposes to construct a 400 square foot (40'x10') coffee shop with five employee parking spaces at the northwest corner of the property. The coffee shop will function as a dual-lane drive-through only operation; walk-in customers will not be permitted. Vehicular access will be provided via an existing curb cut along G.E. Road and a newly proposed curb cut along Keaton Place. No modifications to any of the other existing structures on the property are proposed.

#### *Notice:*

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

### ANALYSIS

#### *Property Characteristics:*

The subject property consists of 29.98 acres of land located at the southeast intersection of G.E. Road and Keaton Place. The property is commonly known as the former General Electric plant and has been largely vacant for many years.

#### *Surrounding Zoning and Land Uses:*

|       | Zoning                        | Land Uses                              |
|-------|-------------------------------|----------------------------------------|
| North | B-1 (General Commercial)      | Retail Sales / Vehicle Sales & Service |
| South | B-1 (General Commercial)      | Retail Sales                           |
| East  | M-1(Restricted Manufacturing) | Vacant                                 |
| West  | B-1 (General Commercial)      | Retail Sales                           |

*Description of Current Zoning District:*

The M-1 (Restricted Manufacturing) District is intended to provide for industrial, warehouse, storage and transfer service uses with an absence of objectionable external effects in areas that are suitable for this type of development by reason of topography, relative location, and adequate utility and transportation systems. Compatibility with surrounding districts is further assured by limiting development to low industrial densities. Just as industrial uses are excluded from residential areas to promote public health, safety, and welfare, so are residential subdivision developments excluded from this district. (§ 44-601A).

*Subject Code Requirements:*

§ 44-402B, “Allowed Uses Table” indicates Specialty Food Shop permitted as Special Use in the M-1 District.

## **STANDARDS FOR REVIEW**

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

Special Use Permit for Specialty Food Shop in the M-1 (Restricted Manufacturing) 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, maintenance, and operation of a Specialty Food Shop is appropriate for this area and will not be detrimental to the public health, safety, comfort, or general welfare of the other surrounding commercial uses. 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 designation on the City’s Future Land Use Map for this area is “Employment Center”; this use would be complementary to that designation which is intended for the larger portion of the vacated G.E. plant. Most of the surrounding area, particularly along Veterans Parkway, are designated as “Regional Commercial” which would also be complementary. The Special Use would contribute to Goal ED-4 (Enhance the image of Bloomington as a business-friendly City), and Objective ED-4.2 (Prioritize infill and redevelopment to spur growth and reinvestment in the City) of the 2035 Comprehensive Plan. Partial infill of the currently vacant property can be expected to moderately improve property values within the neighborhood by decreasing blight and increasing active occupancy and maintenance of the property. 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 use is consistent with the character of other uses in the area. The uses adjacent to the site include compatible commercial uses. Other properties within a two-block radius largely contain commercial uses as well. Standard is met.

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

City water and sewer are already available to the property, roadway and sidewalk access is existing. 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 an existing curb cut along G.E. Road and a new curb cut along Keaton Place, which will need to meet City requirements and has been preliminarily approved by Public Works/Engineering. Drive-through queuing standards have been met. The use is required to provide one (1) off-street parking space, per Code requirement, but will provide five spaces to accommodate all potential employees. 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 use will be required to meet the standards for the District, including any provisions for bulk requirements. No waivers of use provisions are requested. Standard is met.

#### **STAFF RECOMMENDATION**

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

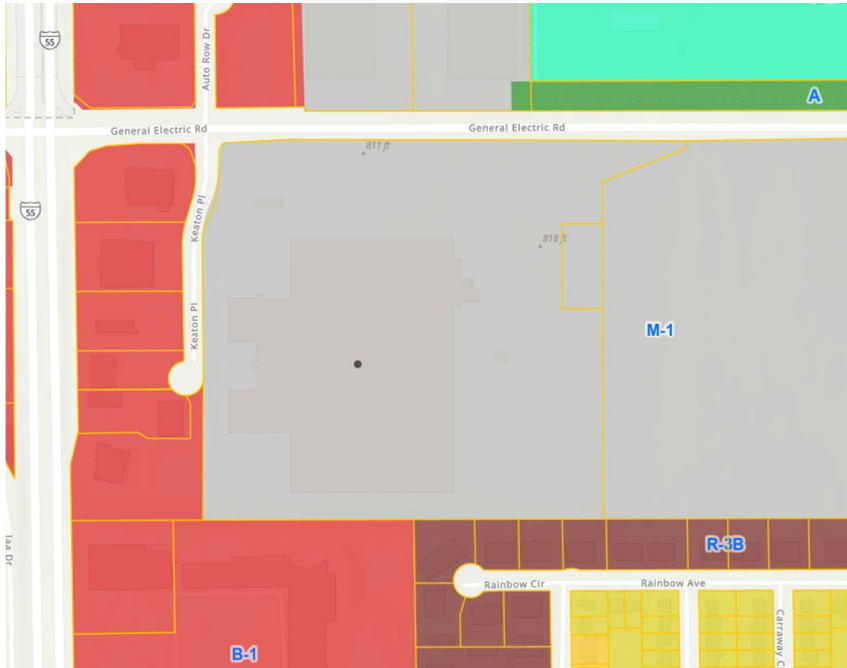
Motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend approval of the request with no conditions.

Respectfully submitted,  
Jon Branham  
City Planner

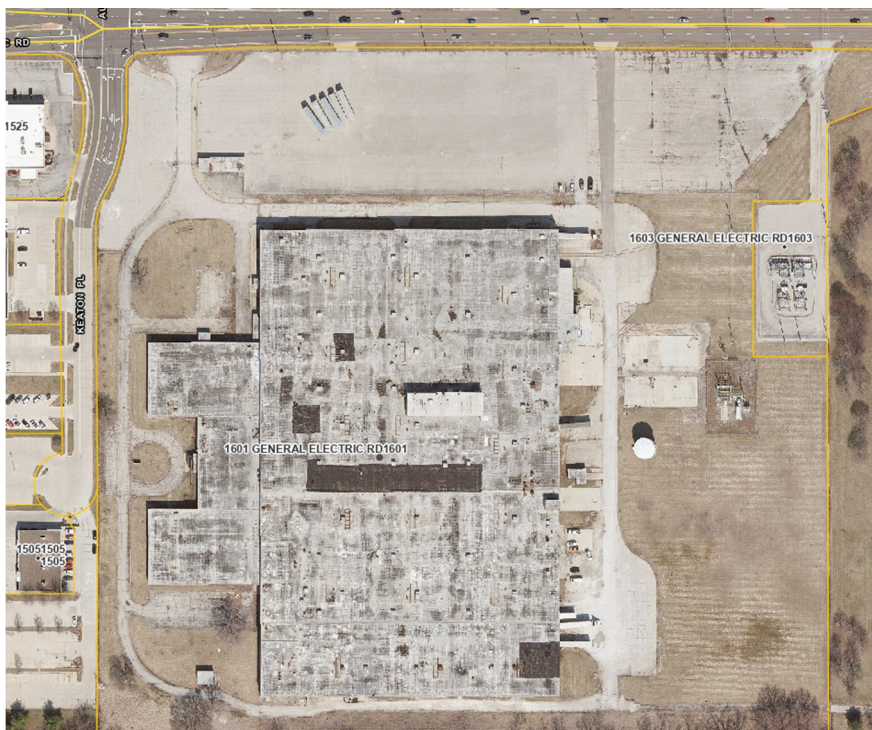
#### **Attachments:**

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

## Attachment 1 - Zoning Map



## Attachment 2 - Aerial Image



Attachment 3- Ground-Level View



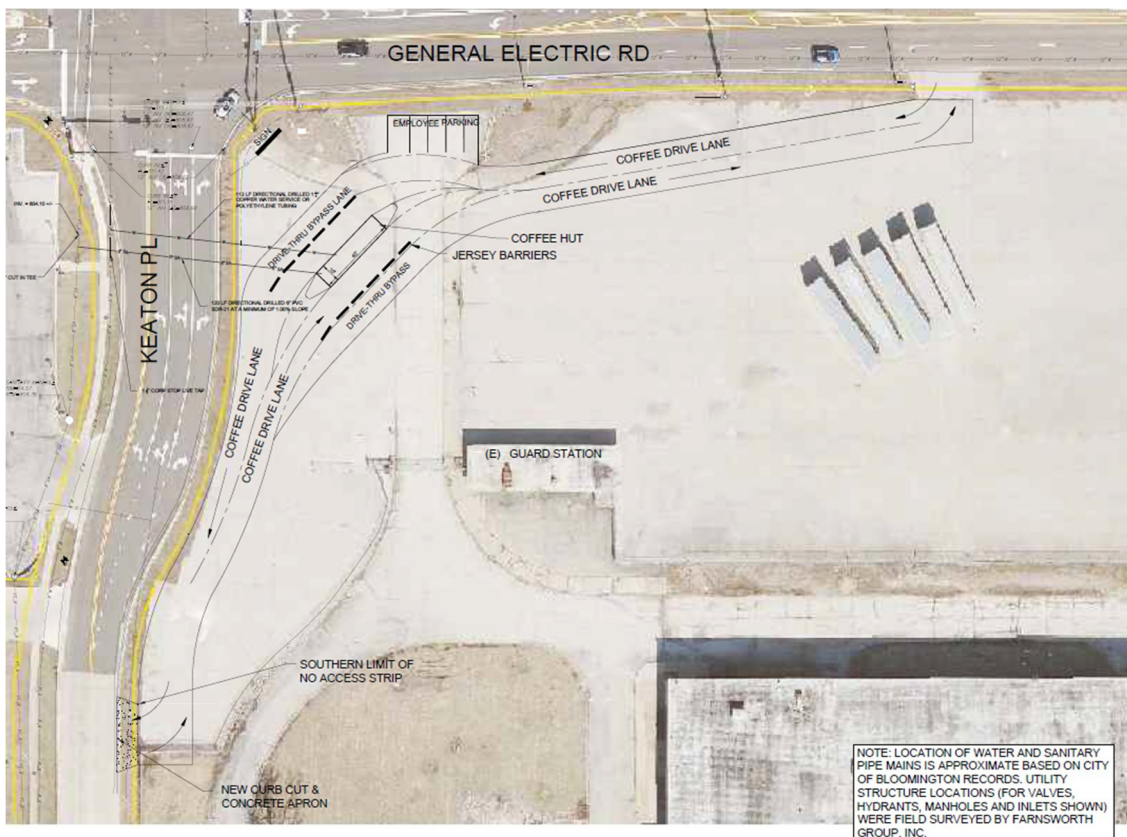
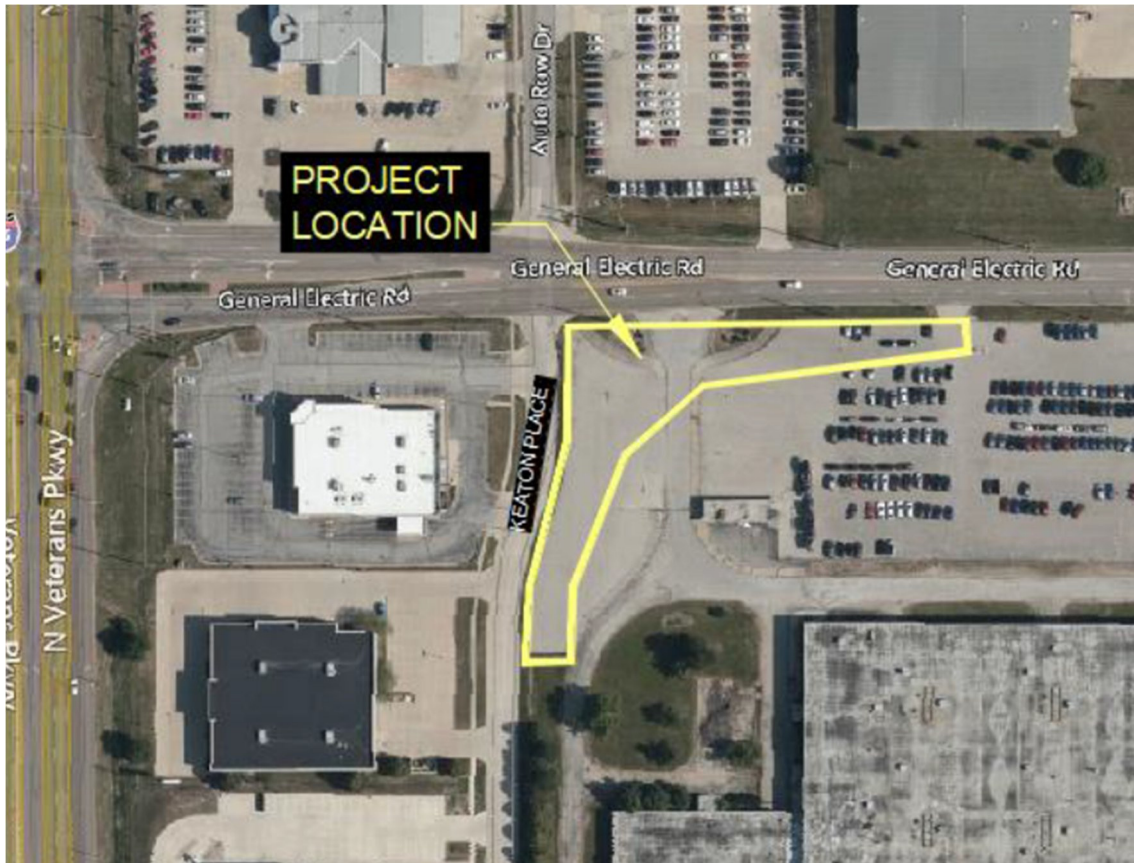
Attachment 4 - Petitioner-Submission - Description of Project

Drive-through Coffee Shop facility with employee parking stalls, signage, drive-through and drive through bypass lanes with access from General Electric Road and Keaton Place.  
Special Use for Coffee Shop (Specialty Food/Beverage Shop) on M-1 parcel, adjacent to B-1 parcels.

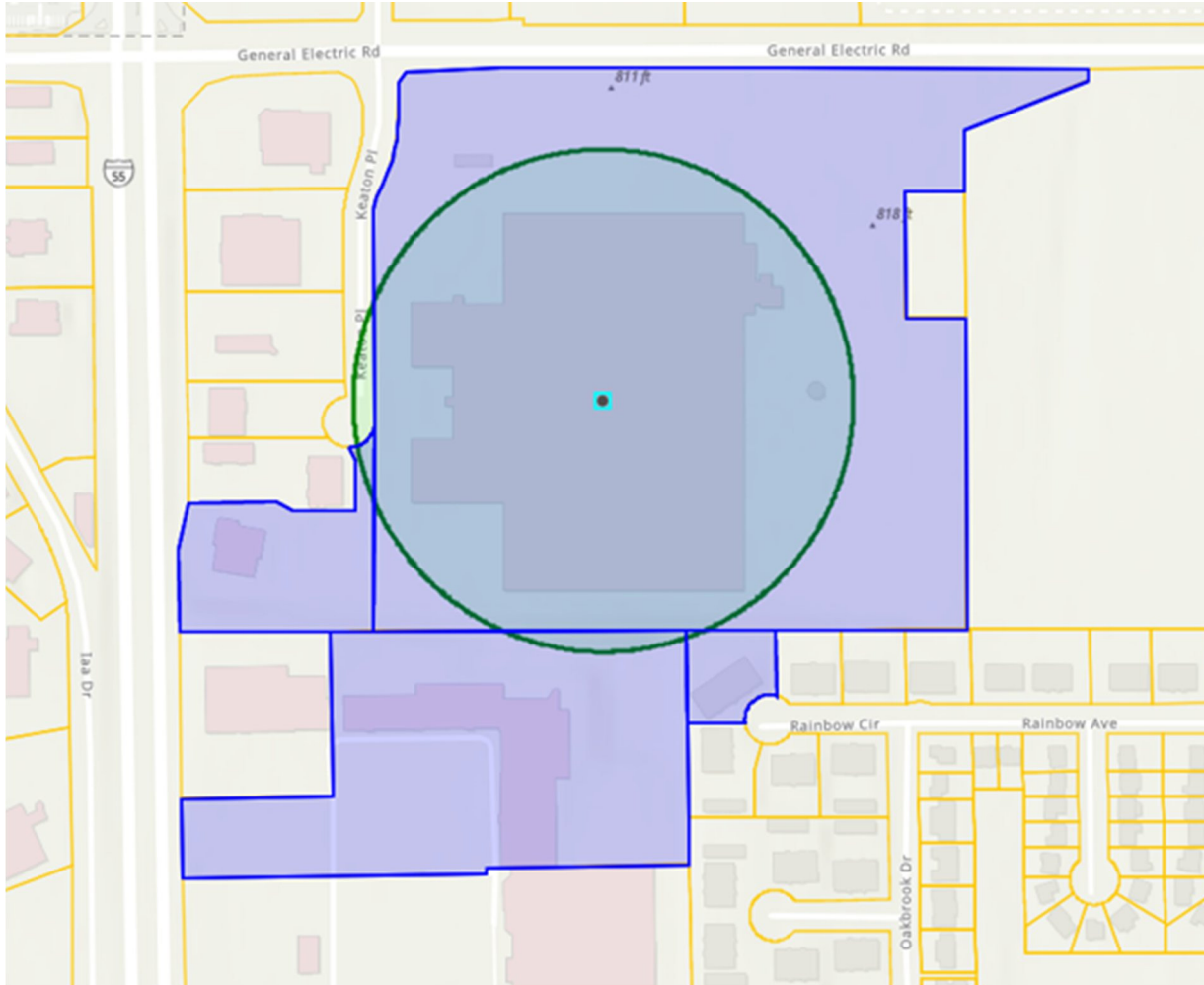




## Attachment 5 - Site Plans



*Attachment 6 - Neighborhood notice map*





**REGULAR AGENDA ITEM NO. 5.E.**

**FOR BOARD OF ZONING APPEALS:** May 17, 2023

**WARD IMPACTED:** Ward 4

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

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

**STRATEGIC PLAN LINK:**

Goal 5. Great Place - Livable, Sustainable City

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 5b. City decisions consistent with plans and policies

**BACKGROUND:** The Petitioner seeks a Special Use Permit to allow Multi-Family Dwelling in the B-1 (General Commercial) District, per § 44-402B.

- This project is for redevelopment of a site identified in the "Development Priorities" map as Tier 1 (Vacant and under-utilized land).
- The Petitioner proposes to construct a 12-unit, three-story apartment building at the site.
- The site will include 12 enclosed parking spaces and 12 exterior parking spaces.
- No waivers of use provisions are requested.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Notice was published in The Pantagraph on Tuesday, May 2, 2023. Courtesy notices were mailed to 28 property owners within 500 feet of the subject property.

**FINANCIAL IMPACT:** Growth of local tax base.

Respectfully submitted for consideration.

Prepared by: Jon Branham

**ATTACHMENTS:**

[SP-11-23\\_-\\_Staff\\_Report\\_-\\_1234-1236\\_E\\_Empire\\_St](#)



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**TO:** ZONING BOARD OF APPEALS

**FROM:** Economic & Community Development Department

**DATE:** May 17, 2023

**CASE NO:** SP-11-23, Special Use Permit for Multi-Family Dwellings

**REQUEST:** Public hearing, review, and action on a request submitted by Towanda Development Corporation for approval of a Special Use Permit for Multi-Family Dwellings in the B-1 (General Commercial) District, for the property located at 1234-1236 E. Empire Street. PINs: 14-34-452-003 and 14-34-452-008.

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### BACKGROUND

*Request:*

The Petitioner seeks a Special Use Permit to allow Multi-Family Dwelling in the B-1 (General Commercial) District, per § 44-402B which indicates Multi-Family Dwellings may be permitted as Special Uses in the B-1 District. No waivers of use provisions are requested. The Petitioner proposes to construct a 12-unit, three-story apartment building at the site. The site will also include 12 enclosed parking spaces and 12 exterior parking spaces.

*Notice:*

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Tuesday, May 2, 2023. Courtesy notices were mailed to 28 property owners within 500 feet of the subject property.

### ANALYSIS

*Property Characteristics:*

The subject property consists of 0.80 acres of land located at the intersection of E. Empire Street and Stortz Drive. The property is currently occupied by a mixed-use building containing a personal service use on the ground floor and residential above, as well as a separate retail use building. Neighboring properties are zoned for single family and multi-family residential use and commercial.

*Surrounding Zoning and Land Uses:*

|       | Zoning                         | Land Uses               |
|-------|--------------------------------|-------------------------|
| North | R-3A (Multi-Family Residence)  | Multi-Family Dwellings  |
| South | R-1B (Single-Family Residence) | Single-Family Dwellings |
| East  | B-1 (General Commercial)       | Restaurant              |
| West  | R-1B (Single-Family Residence) | Single-Family Dwellings |

*Description of Current Zoning District:*

The B-1 (General Commercial) District is intended to facilitate the development of community and regional commercial areas. Customers in this district will generally use a motor vehicle to reach a desired establishment. The development contemplated in this district has such distinguishing characteristics as unified site planning and development that promotes a safe and conducive atmosphere for large volumes of shoppers; site accessibility such that the high volumes of traffic generated create minimal congestion and adverse impact upon surrounding land use; and unified architectural treatment of buildings rather than an assemblage of separate, conflicting store and structural types (§ 44-501A).

*Subject Code Requirements:*

§ 44-402B, "Allowed Uses Table" indicates Multi-Family Dwelling Units permitted as Special Use in the B-1 District.

**STANDARDS FOR REVIEW**

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

Special Use Permit for Multiple-Family Dwellings in the B-1 (General Commercial) 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, maintenance, and operation of additional Medium Density Residential use(s) is appropriate for this area and will not be detrimental to the public health, safety, comfort, or general welfare of the surrounding Low and Medium Density Residential uses. 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 designation on the City's Future Land Use Map for this area is "Mixed Use"; the proposed use is consistent with that designation. The Special Use would contribute to Goal H-1 (Ensure the availability of safe, attractive and high-quality housing stock to meet the needs of all current and future residents of Bloomington) of the 2035 Comprehensive Plan. Redevelopment of the property can be expected to retain or improve property values within the neighborhood by decreasing blight and increasing active occupancy and maintenance of the property. 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 use is consistent with the character of other uses in the area. The structure immediately adjacent to the north contains Multi-Family Dwellings, and a Restaurant is directly to

the east. This use would serve as a buffer between the low-density residential to the west and the nearby commercial uses. The site is located along Empire Street, which contains moderate traffic volume and within walkable distance to the relevant Jr. High and High School. Standard is met.

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

City water and sewer are already available; roadway and sidewalk access is existing. The property is served by District 87 schools. Stormwater detention will be provided. 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 will be provided by consolidation of two existing entrances into a singular curb cut along Empire Street, which will be required to meet City and Illinois Department of Transportation standards. Provisions of sufficient off-street parking is required. 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 use will be required to meet all standards for the District, including provision of front and rear yards, exterior side yards, and any accessory structure setbacks. No waivers of use provisions are requested or provided as part of this Special Use Permit. Standard is met.

## **STAFF RECOMMENDATION**

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

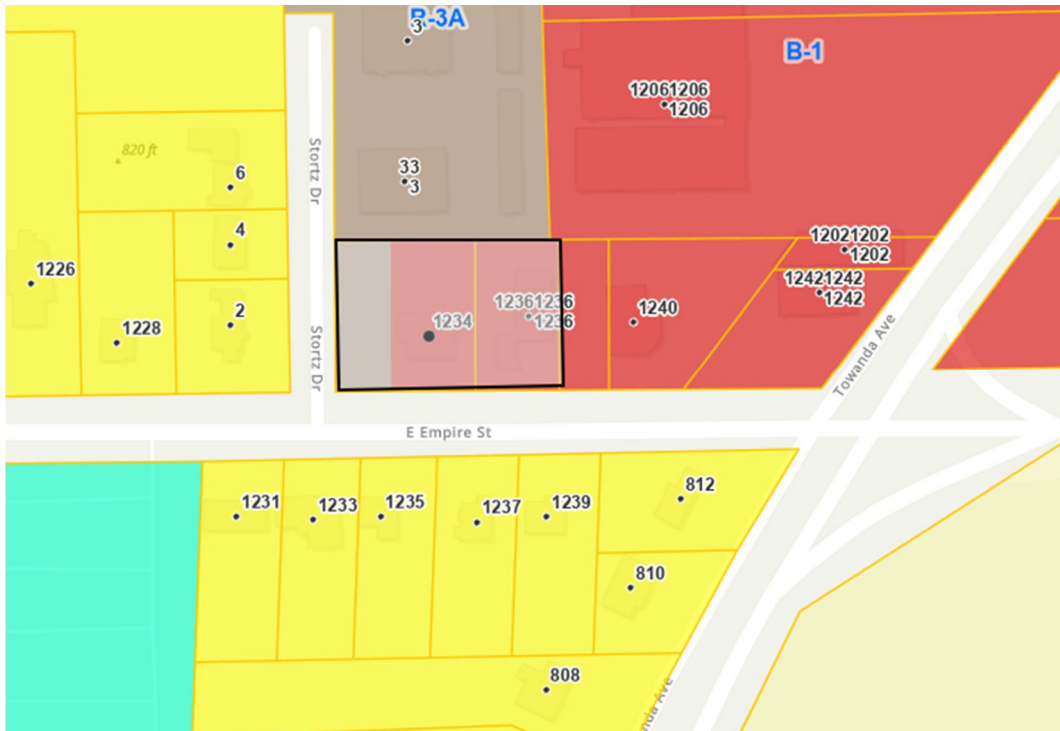
Motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend approval of the petition with no conditions.

Respectfully submitted,  
Jon Branham  
City Planner

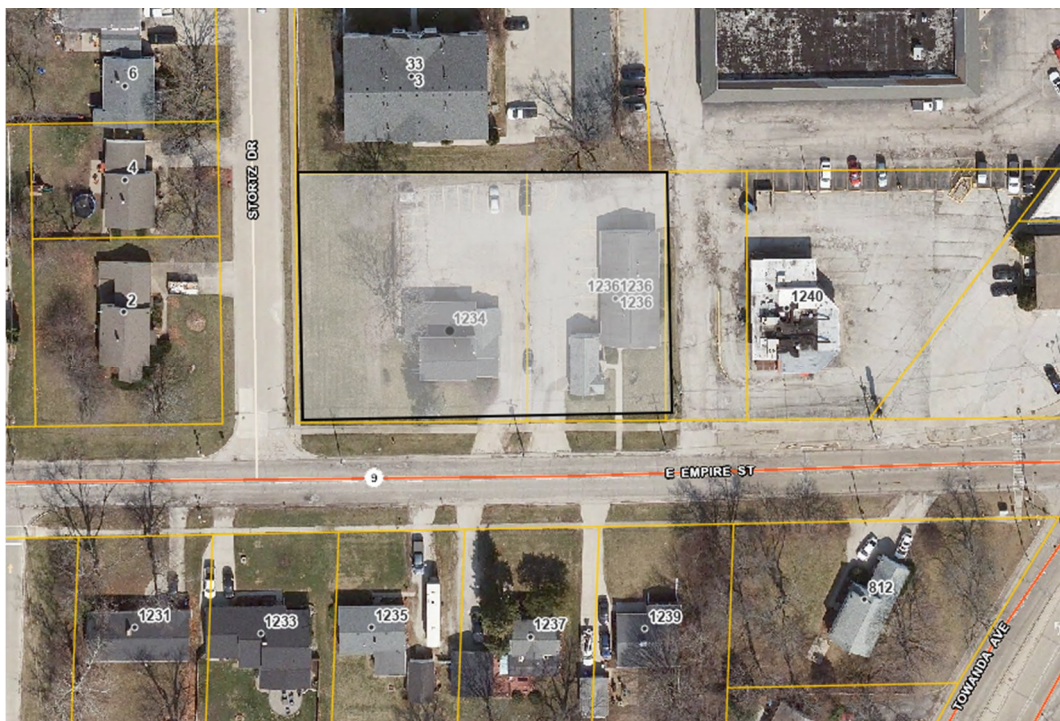
### **Attachments:**

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

## Attachment 1 - Zoning Map



## Attachment 2 - Aerial Image





*Attachment 3- Ground-Level View*

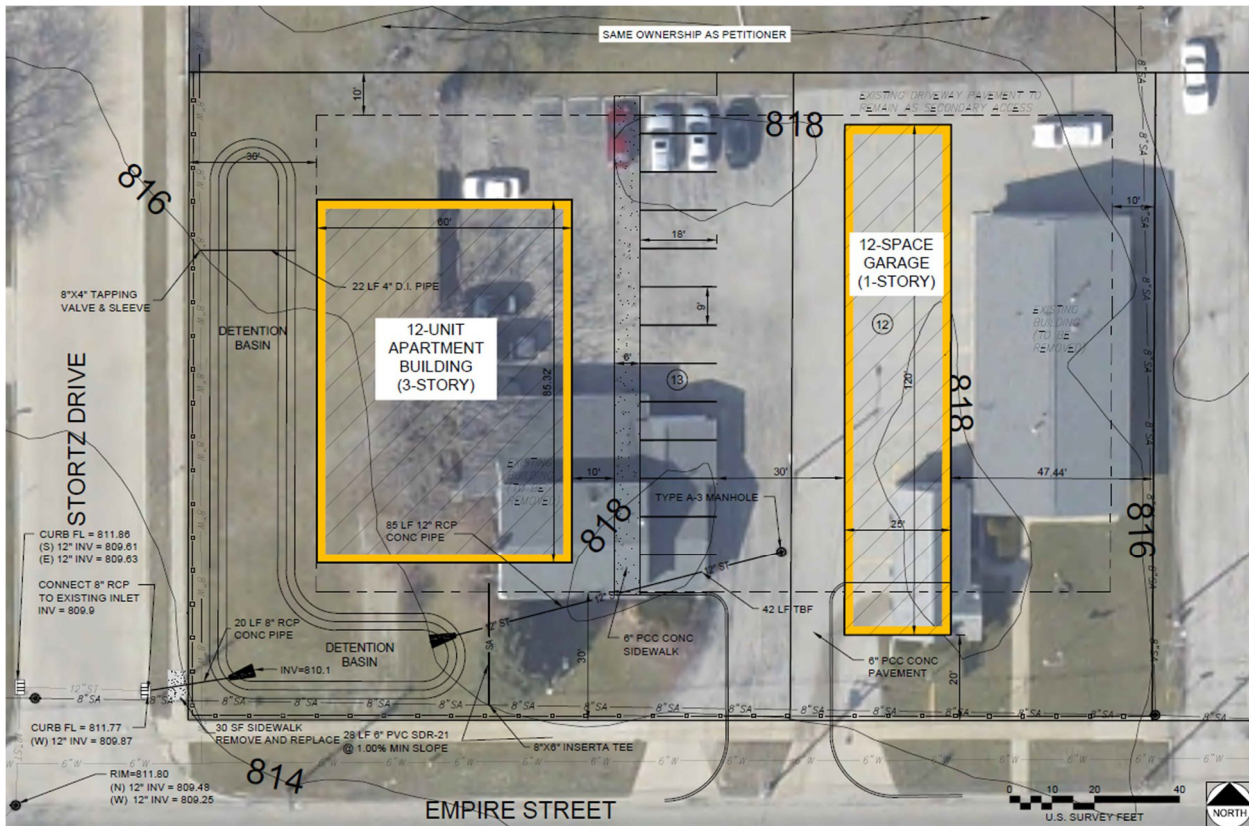


**Attachment 4 - Petitioner-Submission - Description of Project**

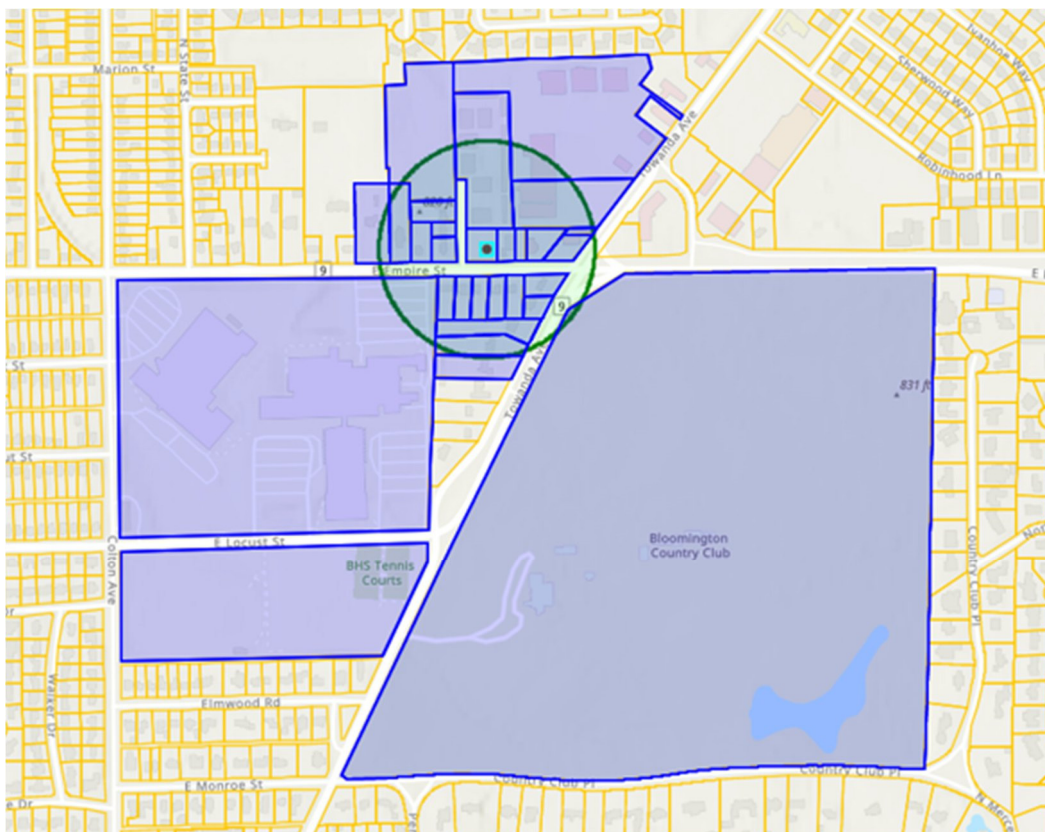
**Single Multi-Family Apartment Building with parking garage structure and parking stalls in lot with driveway access from Empire Street and an on-site detention basin. Taking the place of the current businesses and pavement adjacent to the Towanda Plaza shopping center.**



## Attachment 5 - Site Plan



## Attachment 6 - Neighborhood notice map





**REGULAR AGENDA ITEM NO. 5.F.**

**FOR BOARD OF ZONING APPEALS:** May 17, 2023

**WARD IMPACTED:** Ward 2

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

**RECOMMENDED MOTION:** Motion to continue the application to the June 21, 2023 Zoning Board of Appeals meeting.

**STRATEGIC PLAN LINK:**

Goal 5. Great Place - Livable, Sustainable City

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 5b. City decisions consistent with plans and policies

**BACKGROUND:** The Petitioner seeks a Special Use Permit to allow a Parking Lot in the B-1 (General Commercial) District, per § 44-402B.

- No waivers of use provisions are requested.
- The Petitioner proposes to construct a Parking Lot at the property.
- The applicant has requested this case be tabled until the next Regular Meeting of the Zoning Board of Appeals.

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

**FINANCIAL IMPACT:** N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham



**REGULAR AGENDA ITEM NO. 5.G.**

**FOR BOARD OF ZONING APPEALS:** May 17, 2023

**WARD IMPACTED:** Ward 3

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

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

**STRATEGIC PLAN LINK:**

Goal 5. Great Place - Livable, Sustainable City

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 5b. City decisions consistent with plans and policies

**BACKGROUND:** The Petitioner seeks a Special Use Permit to allow Single-Family Attached (Townhouse) Dwellings in the B-1 (General Commercial) District, per § 44-402B.

- No waivers of subject use provisions are requested.
- The Petitioner proposes to construct eight (8) two-story townhome units at the property with one-car garage spaces.
- The property is currently vacant and is listed as a Tier 1 Development Priority property in the Comprehensive Plan.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Notice was published in The Pantagraph on Tuesday, May 2, 2023. Courtesy notices were mailed to 54 property owners within 500 feet of the subject property.

**FINANCIAL IMPACT:** The proposed Special Use will add residential dwelling units on a Tier 1 Development Priority property, helping to fulfill the need for quality non-student multi-family housing identified in the EDC's Bloomington-Normal Housing Analysis. This will permit more of the local workforce to live locally, increasing the City's tax base and increasing future revenues for the City. Improving the vacant land will increase property taxes and require the developer to provide financial support for improvements to the adjacent roadways.

Respectfully submitted for consideration.

Prepared by: Jon Branham

**ATTACHMENTS:**

[SP-13-23\\_-\\_Staff\\_Report\\_-\\_1418\\_Woodbine\\_Rd](#)

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**TO:** ZONING BOARD OF APPEALS

**FROM:** Economic & Community Development Department

**DATE:** May 17, 2023

**CASE NO:** SP-11-23, Special Use Permit for Multi-Family Dwellings

**REQUEST:** Public hearing, review, and action on a request submitted by AAO Rentals for approval of a Special Use Permit for Single-Family Attached Dwellings in the B-1 (General Commercial) District, for the property located at 1418 Woodbine Road. PIN: 15-31-226-022.

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### BACKGROUND

*Request:*

The Petitioner seeks a Special Use Permit to allow Single-Family Attached Dwellings in the B-1 (General Commercial) District, per § 44-402B which indicates these may be permitted as Special Uses in the B-1 District. No waivers to use provisions are requested. The Petitioner proposes to construct eight (8) two-story townhome units at the property with one-car garage spaces.

*Notice:*

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Tuesday, May 2, 2023. Courtesy notices were mailed to 54 property owners within 500 feet of the subject property.

### ANALYSIS

*Property Characteristics:*

The subject property consists of 0.74 acres of land located near the intersection of G.E. Road and Woodbine Road. The property is currently vacant and is listed as a Tier 1 Development Priority property in the Comprehensive Plan. Neighboring properties have a variety of zoning districts and uses, largely consisting of offices and residential.

*Surrounding Zoning and Land Uses:*

| Zoning |                          | Land Uses               |
|--------|--------------------------|-------------------------|
| North  | C-1 (Office)             | General Offices         |
| South  | B-1 (General Commercial) | General Offices         |
| East   | B-1 (General Commercial) | Day-care Center         |
| West   | R-2 (Mixed Residence)    | Single-Family Dwellings |



*Description of Current Zoning District:*

The B-1 (General Commercial) District is intended to facilitate the development of community and regional commercial areas. Customers in this district will generally use a motor vehicle to reach a desired establishment. The development contemplated in this district has such distinguishing characteristics as unified site planning and development that promotes a safe and conducive atmosphere for large volumes of shoppers; site accessibility such that the high volumes of traffic generated create minimal congestion and adverse impact upon surrounding land use; and unified architectural treatment of buildings rather than an assemblage of separate, conflicting store and structural types (§ 44-501A).

*Subject Code Requirements:*

§ 44-402B, “Allowed Uses Table” indicates Single-Family Attached Dwelling Units permitted as Special Use in the B-1 District.

**STANDARDS FOR REVIEW**

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

Special Use Permit for Single-Family Attached Dwellings in the B-1 (General Commercial) 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, maintenance, and operation of medium-density residential uses as a buffer between the existing single-family and commercial uses in the area is appropriate and will not be detrimental to the public health, safety, comfort, or general welfare of the surrounding uses. 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 designation on the City’s Future Land Use Map for this area is “Employment Centers”; although the proposed Special Use is inconsistent with that designation, adjacent areas are considered “Emerging Areas” and also include Low- and High-Density Residential designations. The Special Use would contribute to Goal H-1 (Ensure the availability of safe, attractive and high-quality housing stock to meet the needs of all current and future residents of Bloomington) of the 2035 Comprehensive Plan. Infill of the currently vacant property can be expected to retain or improve property values within the neighborhood by decreasing blight and increasing active occupancy and maintenance of the property. 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 use is consistent with the character of other uses in the area. The structures immediately adjacent to the west are Single-Family Dwellings, other parcels within a two-block radius contain Multi-Family Dwellings, and nearby properties are utilized for lower-intensity commercial purposes, such as office and daycare. Standard is met.

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

City water and sewer are already available to the property, roadway and sidewalk access is existing. The property is served by District 87 schools. 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 to be provided by one new curb-cut which will be required to meet City Code. The use is required to provide sufficient off-street parking, per § 44-1212. 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 use will be required to meet the standards for the District, including provision of front and rear yards, exterior side yards, and any accessory structure setbacks. No waivers of use provisions are requested or provided as part of this Special Use Permit. Standard is met.

## **STAFF RECOMMENDATION**

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

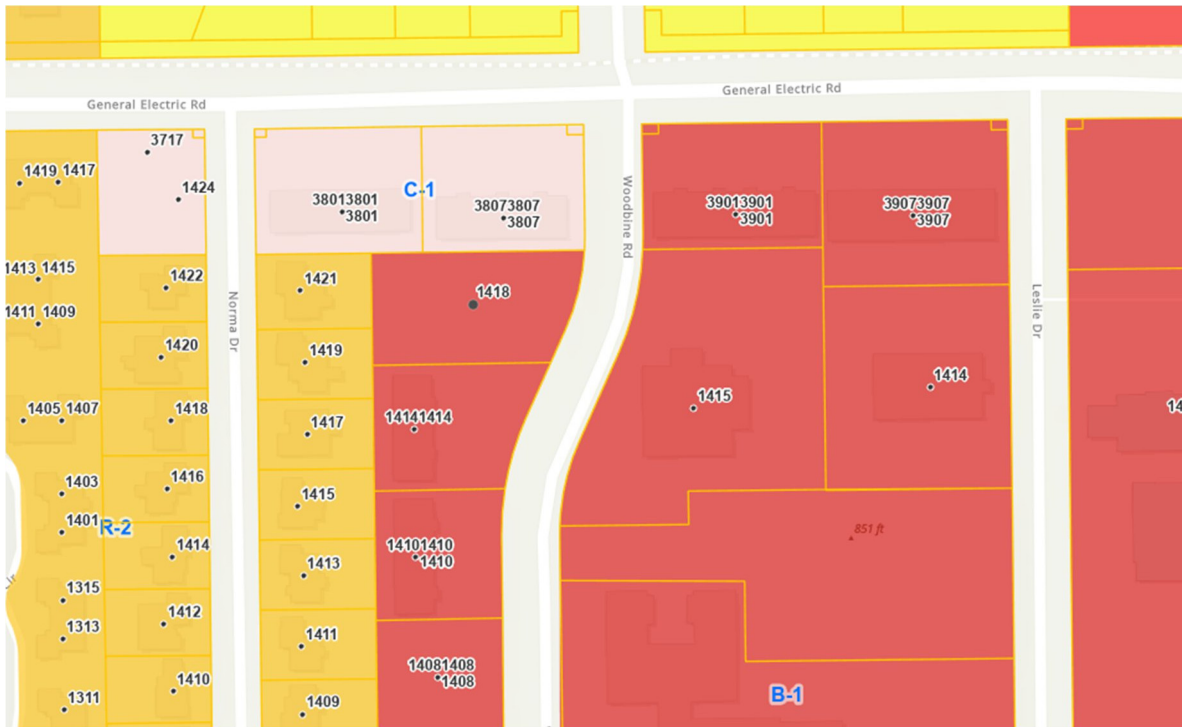
Motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend approval of the petition with no conditions.

Respectfully submitted,  
Jon Branham  
City Planner

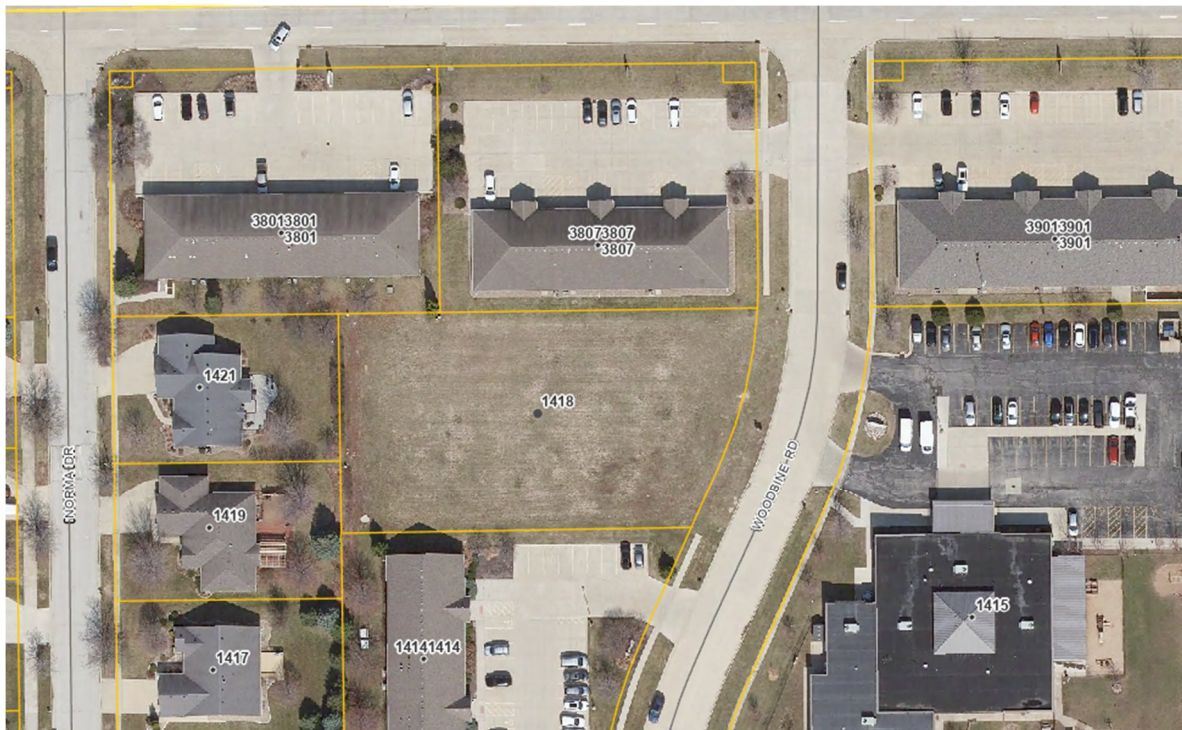
### **Attachments:**

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

## Attachment 1 - Zoning Map



## Attachment 2 - Aerial Image



*Attachment 3- Ground-Level View*

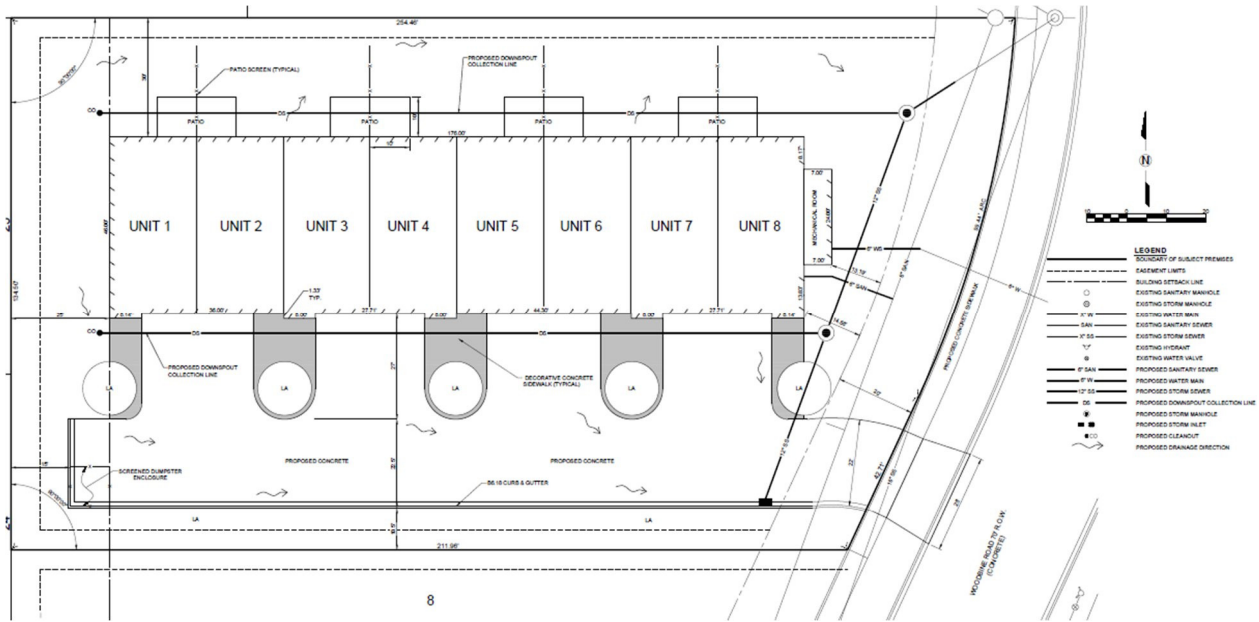


*Attachment 4 - Petitioner-Submission - Description of Project*

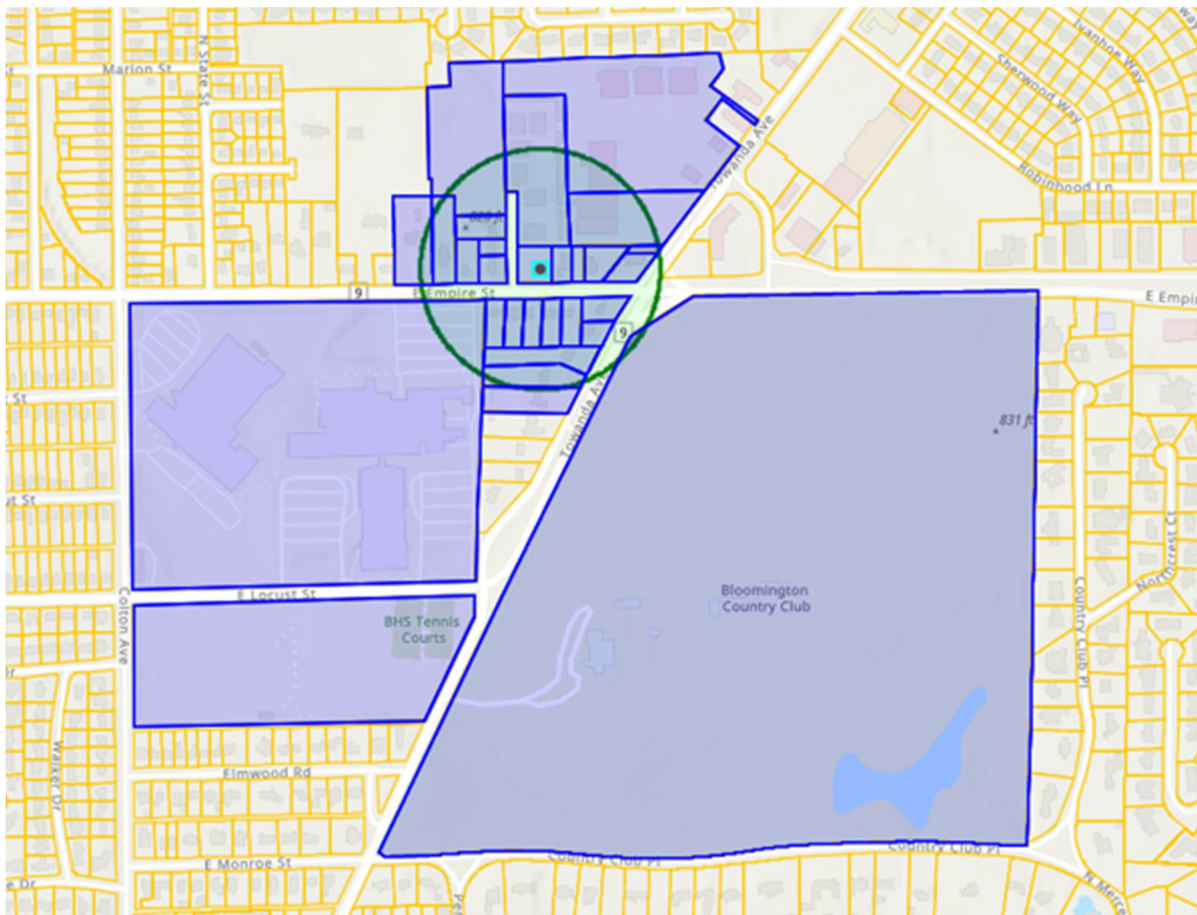
The project consists of construction of an eight (8) unit attached two-story townhouse style structure with single car garages (one per unit) on Lot 7 in Second Addition to Hawthorne Commercial Subdivision commonly known as 1418 Woodbine Road. A second parking space is provided for each unit on code compliant driveway in front of garage entrance doors.



## Attachment 5 - Site Plan



## Attachment 6 - Neighborhood notice map







**REGULAR AGENDA ITEM NO. 5.H.**

**FOR BOARD OF ZONING APPEALS:** May 17, 2023

**WARD IMPACTED:** Ward 3

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

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

**STRATEGIC PLAN LINK:**

Goal 5. Great Place - Livable, Sustainable City

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 5b. City decisions consistent with plans and policies

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

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

**FINANCIAL IMPACT:** N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham

**ATTACHMENTS:**

[V-06-23\\_-\\_Staff\\_Report\\_-\\_23\\_Rock\\_Garden\\_Ct](#)

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**TO:** ZONING BOARD OF APPEALS  
**FROM:** Economic & Community Development Department  
**DATE:** May 17, 2023  
**CASE NO:** V-06-23, Variance from § 44-403 of the Zoning Code  
**REQUEST:** Public hearing, review, and action on a request submitted by Liliana Taimoorazi for a Variance from § 44-403 of the Zoning Code, to allow a reduced Front Yard setbacks in the R-2 (Mixed Residence) District, for the property located at 23 Rock Garden Court. PIN: 21-12-231-026.

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## BACKGROUND

### *Request*

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

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

### *Notice*

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

## ANALYSIS

### *Property Characteristics*

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

### *Surrounding Zoning and Land Uses*

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

### *Description of Current Zoning District*

The R-2 (Mixed Residence) District is intended to accommodate development characterized by a mixture of housing types at a high single-family and a low multiple-family dwelling unit density.

Densities of up to approximately 13 dwelling units per acre are allowed. This district allows for the conversion of dwelling units in older residential areas of mixed dwelling unit types in order to extend the economic life of these structures and allow owners to justify expenditures for repairs and modernization and serves as a zone of transition between lower density residential districts and residential districts that permit greater land use intensity and dwelling unit density.

#### Subject Code Requirements

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

| Table 403B: Bulk and Site Standards R-2 District |                     |                             |                |               |               |                                               |                      |         |
|--------------------------------------------------|---------------------|-----------------------------|----------------|---------------|---------------|-----------------------------------------------|----------------------|---------|
| District                                         | Lot Characteristics |                             | Site Design    |               |               | Development Intensity                         |                      |         |
|                                                  | Min. Lot Width (W)  | Min. Lot Area (square feet) | Front Yard (F) | Side Yard (S) | Rear Yard (R) | Min. Lot Area per Dwelling Unit (square feet) | Max. Building Height |         |
|                                                  |                     |                             | Min.           | Min.          | Min.          |                                               | Feet                 | Stories |
| R-2                                              |                     |                             |                |               |               |                                               |                      |         |
| Detached Residential                             | 50 feet             | 6,600                       | 25 feet        | 6 feet        | 25 feet       | 6,600                                         | 35 feet              | 2.5     |
| Attached and Multi-Residential                   | 75 feet             | 7,000                       | 25 feet        | 6 feet        | 25 feet       | 3,300                                         | 35 feet              | 2.5     |

#### STANDARDS FOR REVIEW

As indicated in *Ch. 44, 17-8 Variations*, the Zoning Board of Appeals shall have the power to authorize Variations to this Code where there would be practical difficulties or particular hardships in carrying out the strict letter of those sections of this Code stated herein.

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

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

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

The Variance would allow for an expansion of an existing garage at the residence and would allow relief to the applicant to create an additional garage bay. Standard is met.

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

The applicant purchased the property as-is and did not create any special conditions or circumstances. Standard is met.

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

No special privileges would be granted to the applicant under these circumstances. Granting allows the applicant to make reasonable use of their property. Standard is met.

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

The granting of the Variance would not be detrimental, as the applicant is not intending to make significant changes to the residence. The view of the home from the street will remain similar and is consistent with the scale of the rest of the neighborhood. Adjacent properties will not be prevented from reasonable use of their lands, nor will public welfare be placed at risk. Standard is met.

#### **STAFF RECOMMENDATION**

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

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

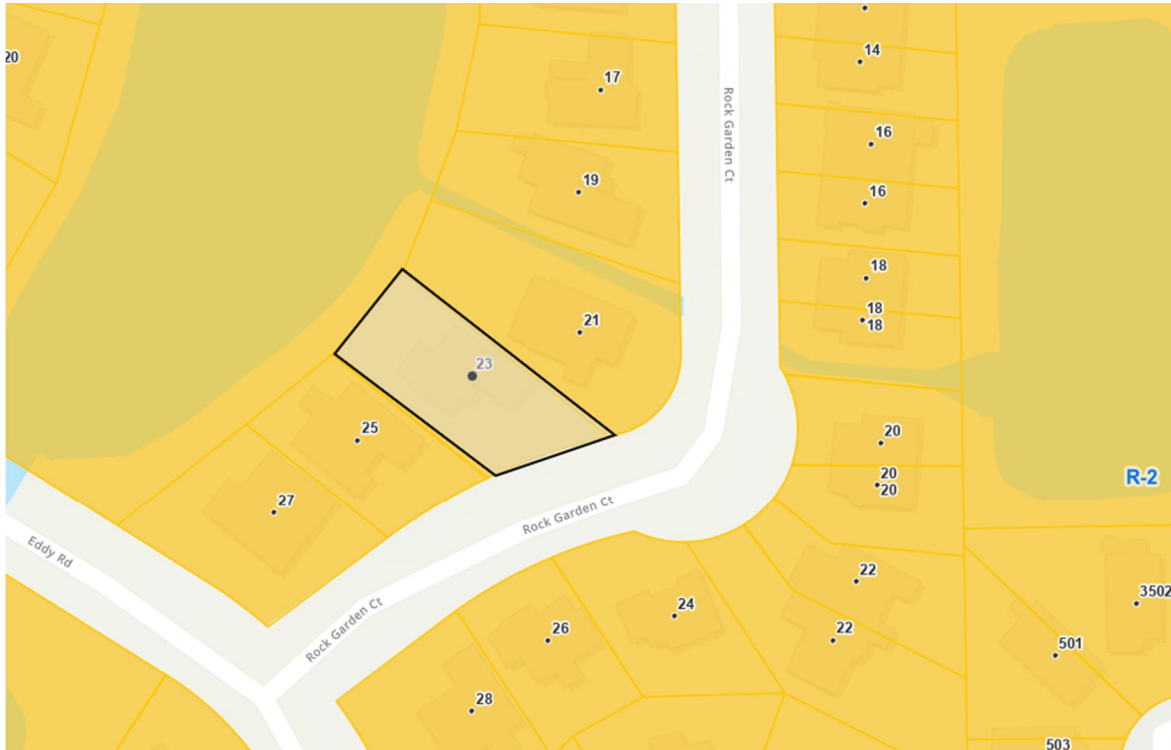
Respectfully submitted,  
Jon Branham  
City Planner

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#### **Attachments:**

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

Attachment 1 - Zoning Map



Attachment 2 - Aerial Image





*Attachment 3 - Ground-Level View*

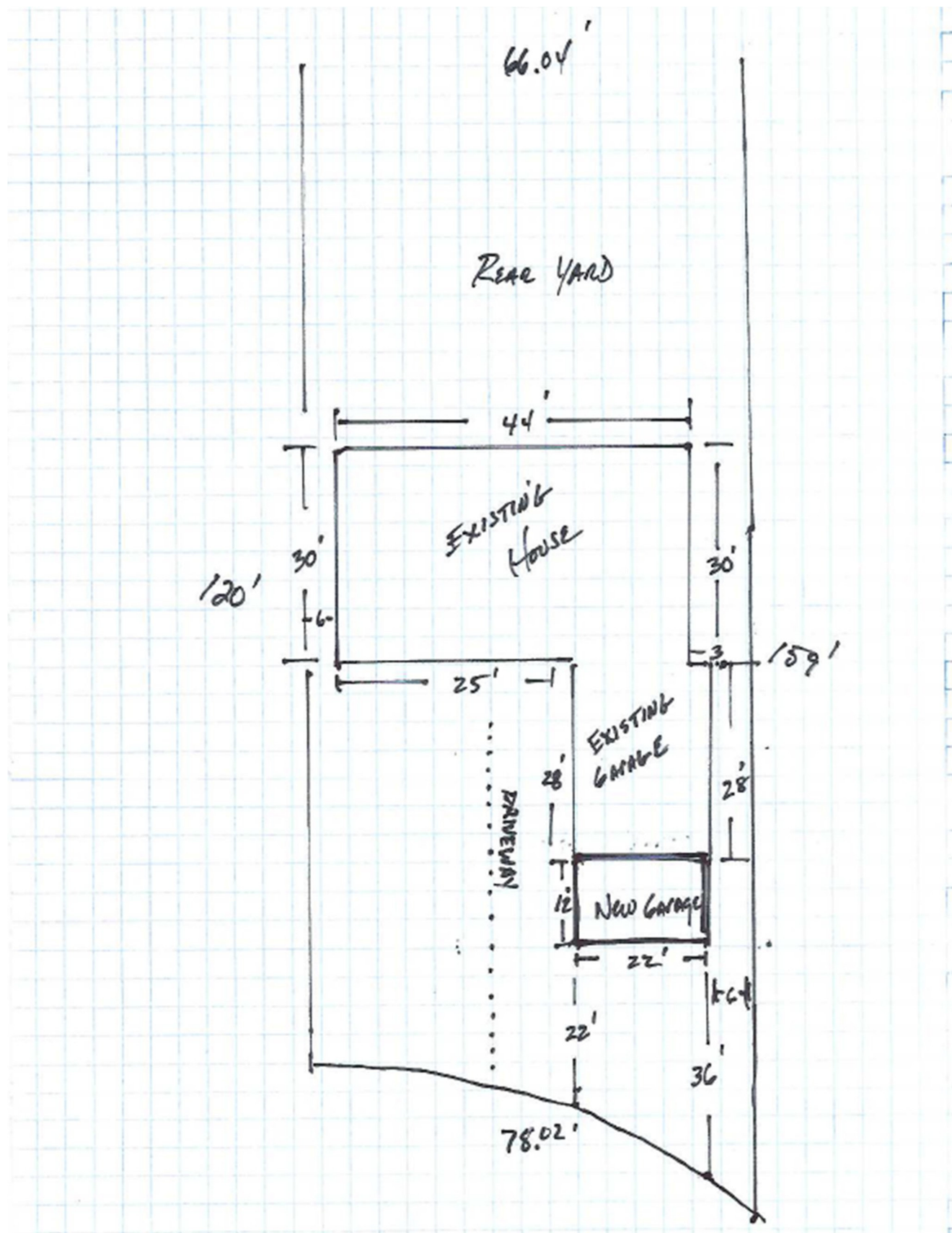


*Attachment 4 - Petitioner-Submission - Description of Project*

3rd car garage addition 12x22.

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

Attachment 5 - Site Plan



Attachment 6 - Neighborhood notice map

