



**AGENDA
REGULAR SESSION
BOARD OF ZONING APPEALS
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
WEDNESDAY, APRIL 20, 2022 4:00 P.M.**

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

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

- 4. MINUTES**

Review and approval of the minutes of the February 16, 2022 regular Zoning Board of Appeals meeting.

- 5. REGULAR AGENDA**

- a. **V-01-22** Public hearing, review, and action on a petition submitted by Chad Ramsey (Keystone State Property,) for a variance from Chapter 44, Division 505 of the Zoning Code, to allow a non-recessed entry in the D-1 (Central Business) District, for the property located at 102 W Market Street (PIN: 21-04-188-008).

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



**DRAFT
MINUTES**

**PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF
BLOOMINGTON, ILLINOIS
REGULAR MEETING
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
WEDNESDAY, FEBRUARY 16, 2022 4:00 P.M.**

The Zoning Board of Appeals convened in Regular Session in-person in the Government Center Chambers on the 4th floor, Room #400 at 4:04 p.m., Wednesday, February 16, 2022. The meeting was called to order by Chairperson Ballantini.

City Attorney, George Boyle, provided a statement of requirements for virtual meetings under the current Executive Order and Open Meetings Act. Substantive issues will require roll-call votes.

ROLL CALL

Attendee Name	Title	Status
Mr. Terry Ballantini	Commissioner	Present
Ms. Victoria Harris	Commissioner	Present
Mr. Michael McFarland	Commissioner	Present
Mr. Michael Straza	Commissioner	Present
Mr. Tyler Noonan	Commissioner	Not Present
Ms. Nikki Williams	Commissioner	Present
Mr. George Boyle	Assistant Corporate Counsel	Present
Ms. Alissa Pemberton	Assistant City Planner	Present
Mr. Jon Branham	City Planner	Present
Ms. Kimberly Smith	Assistant Economic & Community Development Director	Present

PUBLIC COMMENT

No public comment was provided.

MINUTES

Mr. Straza motioned to approve the minutes from November 17, 2021 regular Zoning Board of Appeals meeting. Mr. McFarland seconded.

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

**DRAFT
MEETING MINUTES**

**PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS
WEDNESDAY, FEBRUARY 16, 2022**

REGULAR AGENDA

- A. **SP-07-21** Public hearing, review, and action on a petition submitted by Costigan & Wollrab, P.C. on behalf of Chicago Title Company Land Trust No. 8002368759 for a special use permit to allow a sports and fitness establishment in the M-1, Restricted Manufacturing District for the property located at 1601 G.E. Rd, Bloomington, IL 61704, PIN: 14-35-201-005 (Ward 5).
REQUEST TO CONTINUE TO MARCH MEETING.
- B. **Z-02-22** Public hearing, review, and action on a petition submitted by Terry Stahly for a variance from Chapter 44, Division 403 to allow for a reduction to a 6-foot side yard, for the property located at 62 Country Club Pl, Bloomington, IL 61701, PIN: 21-03-226-003 (Ward 8).

Assistant City Planner Pemberton presented the staff report, with a recommendation to approve the variance request. Staff clarified that all standards must be met.

David Armstrong, 207 W Jefferson, Suite 400, representing the applicant, provided additional background, highlighting the previous variance to approve a reduced setback, and the maintenance of the visual character through the proposed project.

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

There was no discussion by the Commission.

Ms. Harris made a motion to establish findings of fact that carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the Petitioner. Mr. Straza seconded. Roll call vote: Ms. Harris - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Chairperson Ballantini - Yes. The motion was approved (5-0-0).

Ms. Harris made a motion to approve the petition submitted by Terry Stahly for a variance from Chapter 44, Division 403 to allow for a reduction to a 6-foot side yard, for the property located at 62 Country Club Pl, Bloomington, IL 61701. Mr. Straza seconded.

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

- C. **Z-03-22** Public hearing, review, and action on a petition submitted by Morgan Bishop of Halo Solar for a variance from Chapter 44, 1031 to allow the placement of a private solar energy system in the front yard, for the property located at 2407 Beich Rd, Bloomington, IL 61705, PIN: 21-18-403-002 (Ward 2).

Ms. Pemberton presented the staff report with a recommendation to approve the variance request. Staff clarified that all standards must be met. One written comment was received in favor of petition. Justin Bellas. 2/8 via email.

Applicant Morgan Bishop, Halo Solar, Goodfield, IL. Provided additional background. Alternative locations have been explored; this is the only location feasible for the proposed project.

Chairperson Ballantini had a question as to whether location on the roof is an option. Roof installation is possible, per Mr. Bishop, but not something that the owner is interested in pursuing due to the additional structural support that would be necessary, and the possibility of associated issues.

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

There was no discussion by the Commission.

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

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

Mr. McFarland made a motion to approve the petition submitted by Morgan Bishop of Halo Solar for a variance from Chapter 44, 1031 to allow the placement of a private solar energy system in the front yard, for the property located at 2407 Beich Rd, Bloomington, IL 61705. Ms. Harris seconded.

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

NEW BUSINESS

Mr. Branham and Ms. Pemberton both introduced themselves as new City Staff since the previous meetings.

OLD BUSINESS

Ms. Harris inquired about a precedent, with regard to case Z-02-22, since there are many lots in the City that are smaller than what is currently required for the zoning district and each of them could claim the same restriction. Attorney Boyle responded regarding the difference between “Legal Precedent” that is required to be considered when reviewing future cases, compared to setting a precedent for process or behavior. Staff clarified that each of those property owners has access to the same right to request for Variance, but each case would still have to go through the full process of application and hearing to receive it.

ADJOURNMENT

Commissioner Straza motioned to adjourn. Chair Ballantini seconded. All were in favor. The meeting was adjourned at approximately 4:34 P.M.



ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: April 20th, 2022

CASE NO: V-01-22, Request for Variance

REQUEST: Public hearing, review and action on a petition submitted by Chad Ramsey (Keystone State Property, LLC, 1157 Gracefield Ln, Normal, IL 61761) for a variance from Chapter 44, Division 505 of the Zoning Code, to allow a non-recessed entry in the D-1 (Central Business) District, for the property located at 102 W Market Street (PIN: 21-04-188-008).

BACKGROUND

Petitioners' request:

The Petitioner seeks a variance from §44-505B(1)(d), which states, "All entries shall be recessed from the front building wall a minimum of three and a maximum of eight feet deep, and be no greater than eight feet in width." **This request is related to alteration of an existing structure, not new construction.**

The Petitioner desires to "enclose [the] entrance alcove and improve the existing stair," to protect against further damage to the entrance and stair, enhance building security, and improve the ease of ingress and egress for clients and employees. The Petitioner proposes to enclose the alcove by extending the face of the current façade with a combination of brick and glass, as well as providing a doorway that sits flush with the current façade.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Tuesday, April 5, 2022. Courtesy notices were mailed to 57 property owners within 500 feet of the subject property.

Property Characteristics:

The subject property consists of 0.1 acres of land located at the southwest corner of N Main Street and W Market Street, in downtown Bloomington. The N Main Street frontage is currently occupied by *Crossroads Fair Trade Goods & Gifts*, while the W Market Street frontage is occupied by *Illinois Tattoo Company*. The N Main Street frontage has a recessed

entrance that conforms with the Building Characteristics for the D-1 (Central Business) District; the W Market Street entrance is constructed in a way that indicates original usage as secondary or “non-frontage” entrance to the building, and consists of a 3’ 10” deep recessed area, with side-facing door leading to a stairway, and a short bumped-out knee-wall to provide ground area for plantings. Due to the location and characteristics of the current entryway, it is difficult to see until you are immediately adjacent, tends to collect litter, and is commonly used as a source of cover for people without homes.

Adjacent buildings have entrances off of Market Street, similar to those requested by the Petitioner, but they were constructed under previous versions of the Zoning and Building Codes, and are no longer allowed.

Surrounding Zoning and Land Uses:

Zoning		Land Uses
North	D-2 (Downtown Transitional)	Surface parking lot
South	D-1 (Central Business)	Wilson Cycle Sales & Service
East	D-1 (Central Business)	Surface parking lot
West	D-1 (Central Business)	McLean Country Center for Human Services

ANALYSIS

Description of Current Zoning District:

The intent of this D-1 (Central Business) District is to provide for a variety of retail, office, service, residential and cultural amenities in the central business area of the City. This area has historically served as Bloomington's major retail and community center and will continue in this capacity moving forward. In addition to commercial and governmental functions, arts and establishments supporting the arts are emphasized. Residential uses, particularly mixed-use or multifamily residential development at a high density, are recognized as essential to the vitality of the district. While visitors are likely to access the D-1 district by vehicle, pedestrian access and circulation is prioritized in the downtown core. Recognizing the essential importance of building proximity to the public sidewalk and adjoining structures, provisions are made for the development of collective off-street parking facilities by public and private interests.

Subject Code Requirements:

§44-505B.1. Building Characteristics in the D-1 District.

- a. The primary ground-floor entrance shall face a public street.
- b. A building facade shall occupy at least 95% of the front setback line.
- c. Clear, non-reflective windows shall comprise at least 75% of the front facade between two and eight feet above the sidewalk.
- d. All entries shall be recessed from the front building wall a minimum of three and a maximum of eight feet deep, and be no greater than eight feet in width.**

STANDARDS FOR REVIEW

As indicated in *Ch. 44, 17-8 Variations*, the Board of Zoning 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. - *Standard is met.***

A majority of the buildings in this part of downtown are single-frontage buildings, with shared party walls and recessed entryways for the primary story. The subject building does have a recessed entryway on the N Main Street primary frontage. The location of the entryway proposed for improvement, however, is on the secondary frontage, and at the bottom of a stairway which presents unique challenges that make strict adherence to the Code difficult.

2. **That the variance would be the minimum action necessary to afford relief to the applicant. - *Standard is met.***

Any alteration of the subject entrance—excluding major structural renovation of the interior staircase and internal access points—will be unable to comply with the recessed entry portion of the Code; the level of structural alteration of the building that would be required to comply with the Code is impractical due to the historic nature of the structure. Approval of a variance that would allow non-recessed enclosure of the subject entryway would protect use, retain much of the visual integrity of the current building envelope, and is the minimum action necessary to afford relief to the applicant. Approval of a Variance to the Zoning Code does not provide approval to vary from the Building Code, or any other permitting or review requirements for the project.

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

The subject building was constructed over 100 years ago, around 1900, and was purchased by the Petitioner in 2019; the exterior has not been substantially altered in recent history, but the Code has changed to include Design Criteria to which the entrance proposed for improvement does not conform.

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

The primary story side-entrance of the business located at 102 W Market Street is somewhat unique, and the slightly tucked in nature of the entrance is further unique. Very few other properties in the D-1 (Central Business) District share this

characteristic; granting this variation request will not give the applicant any special privilege.

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. - *Standard is met.*

Granting this Variance would not be detrimental but would—in fact—be consistent with the character of the adjacent properties, while potentially improving the safety and visual appeal of Market Street. Many of the stairwells that provide access to occupants of the upper stories in Downtown Bloomington—even those that access from primary frontages, like Main Street—are flush to the façade, or very close to it.

Additional Considerations:

The subject property is within the Target Area for the *Harriett Fuller Rust Façade Program*, which supports the continued revitalization of Bloomington’s central business district and the involvement of private property owners. As such, ***this project could be eligible for a grant of up to 50% of the total project cost, not to exceed \$25,000.*** Staff encourages the Petitioner to seek this funding if it is determined the project to be eligible.

STAFF RECOMMENDATION

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

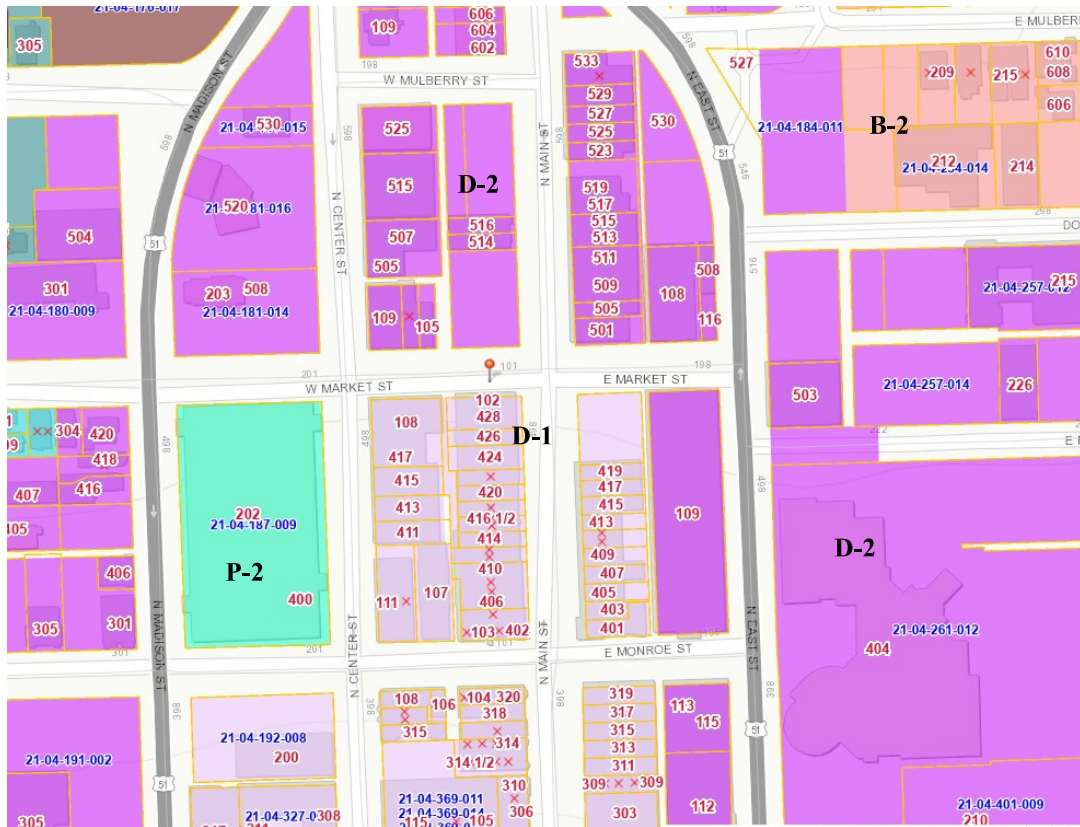
1. Motion to establish findings of fact that all **standards are met** and that carrying out the strict letter of the Code **does create hardship** for the Petitioner.
2. Motion to recommend **approval** of the petition submitted Chad Ramsey for a variance from Chapter 44, Division 505 of the Zoning Code, to allow a non-recessed enclosure of an existing entryway in the D-1 (Central Business) District, for the property located at 102 W Market Street.

Respectfully submitted,
Alissa Pemberton
Assistant City Planner

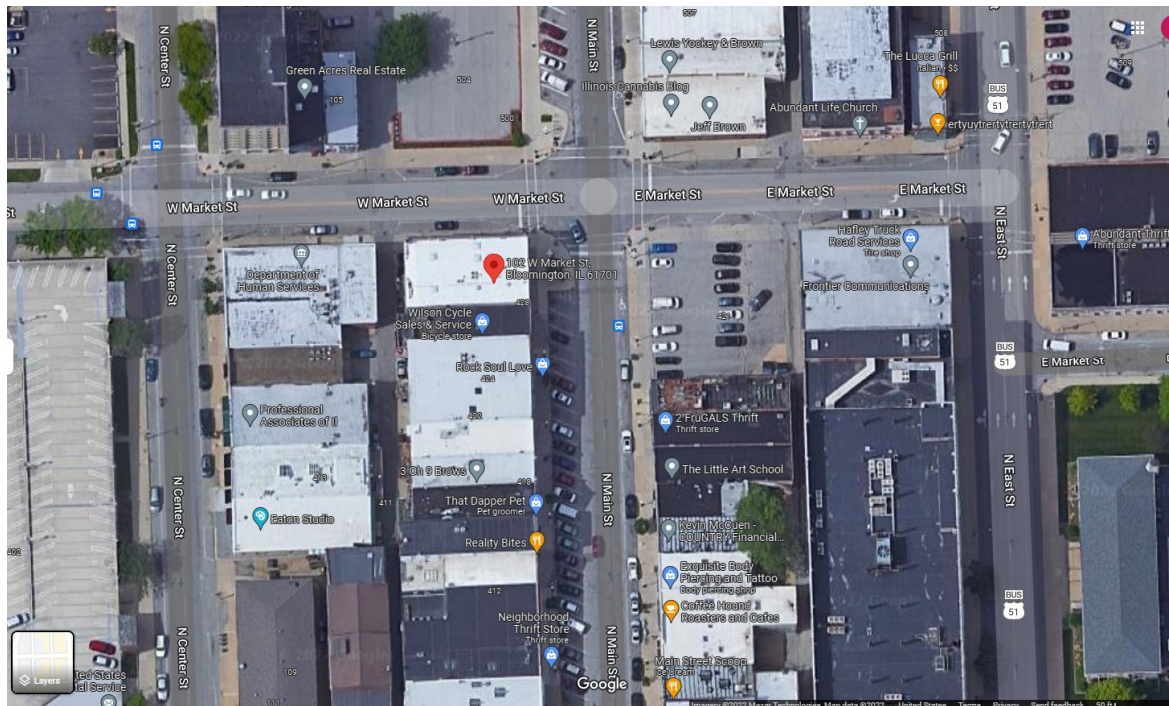
Attachments:

1. Zoning Map for 102 W Market St and Surrounding Areas
2. Aerial Image of 102 W Market Street
3. Ground-Level View of 102 W Market Street
4. Petitioner-Submission - Proposed Entrance Elevation
5. Petitioner-Submission - Site Plans (Full sized copies to be provided in person)
6. Examples of surrounding façade-flush upper-story entryways
7. Neighborhood notice and map

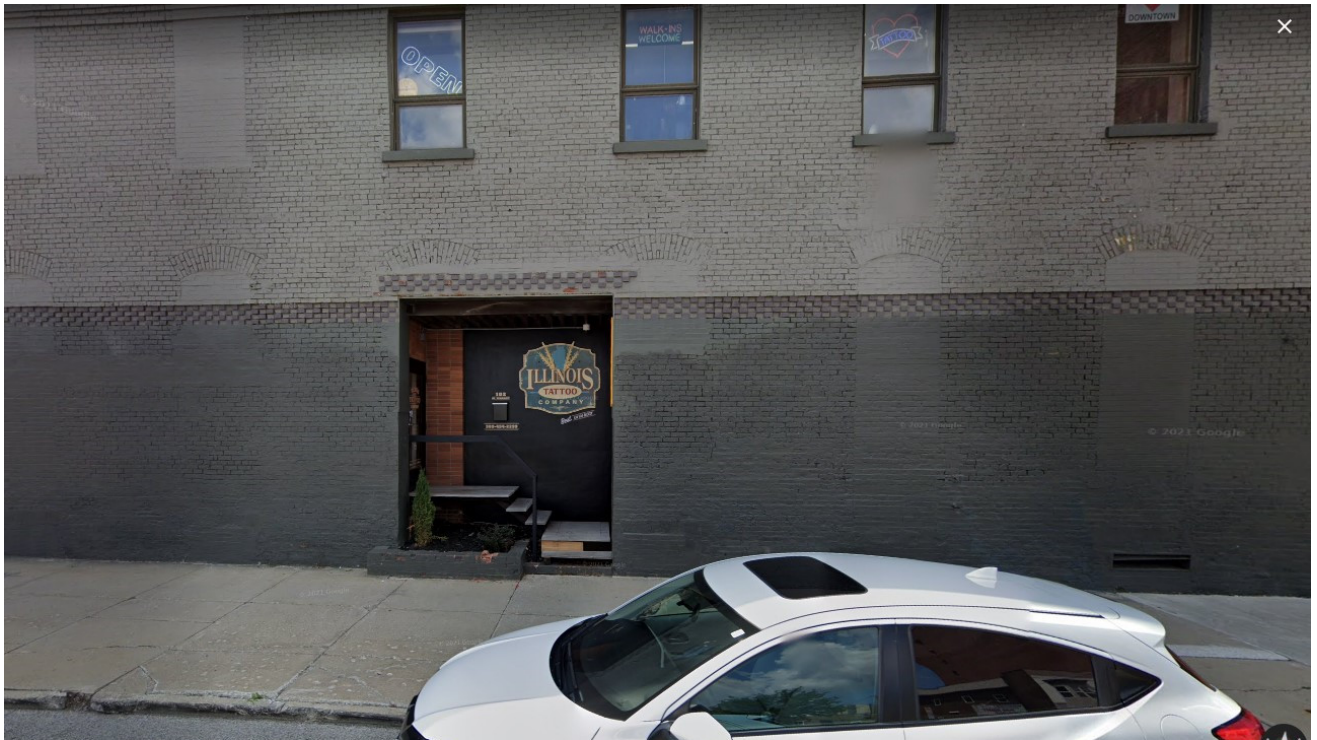
Attachment 1 - Zoning Map for 102 W Market St and Surrounding Areas



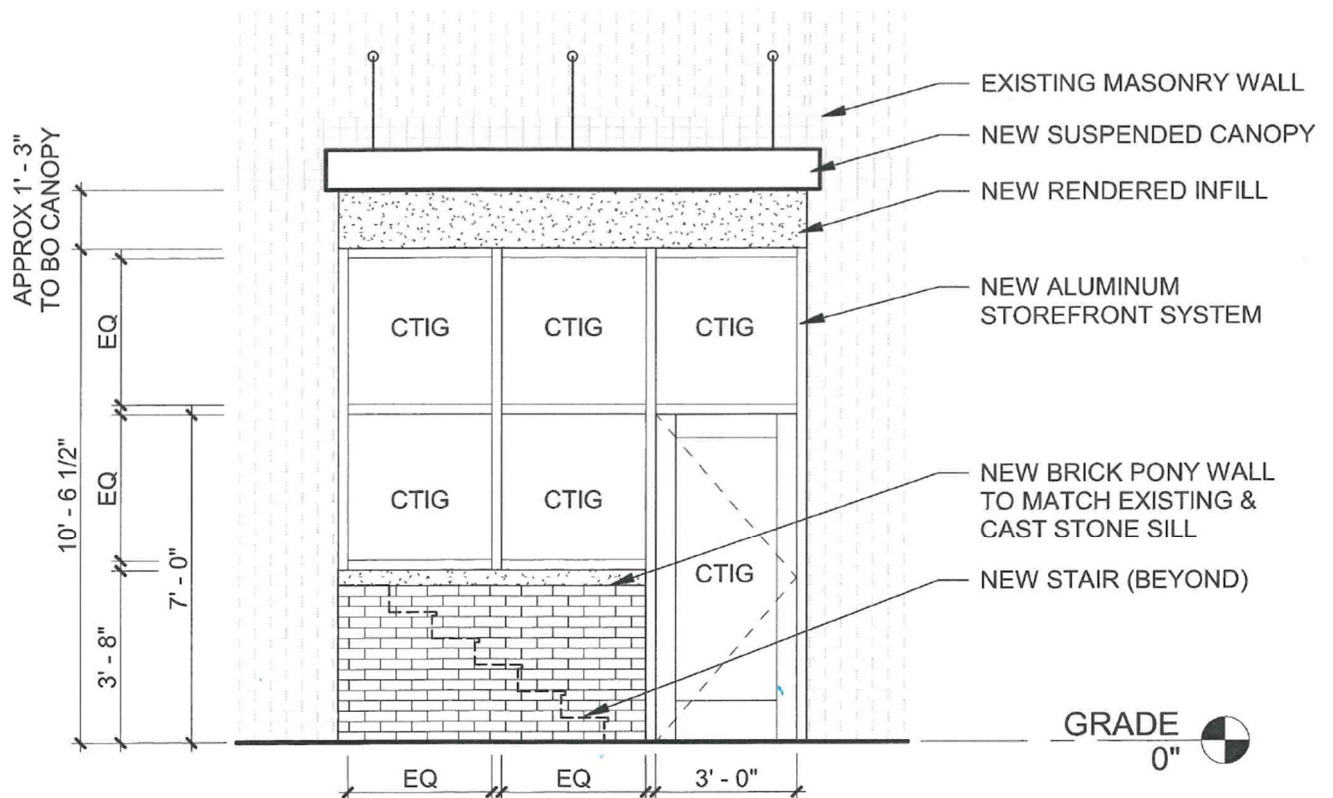
Attachment 2 - Aerial Image of 102 W Market Street



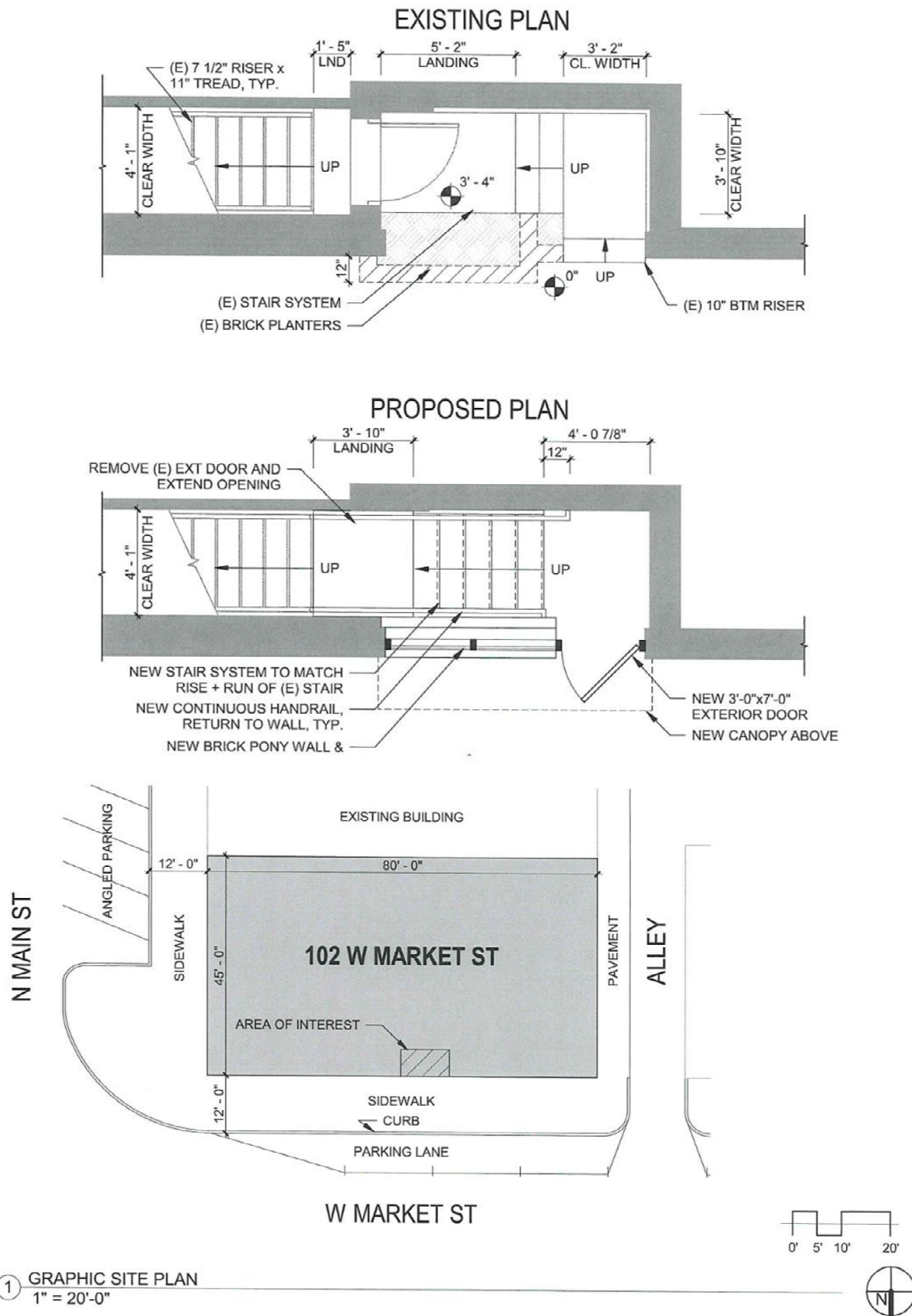
Attachment 3- Ground-Level View of 102 W Market Street



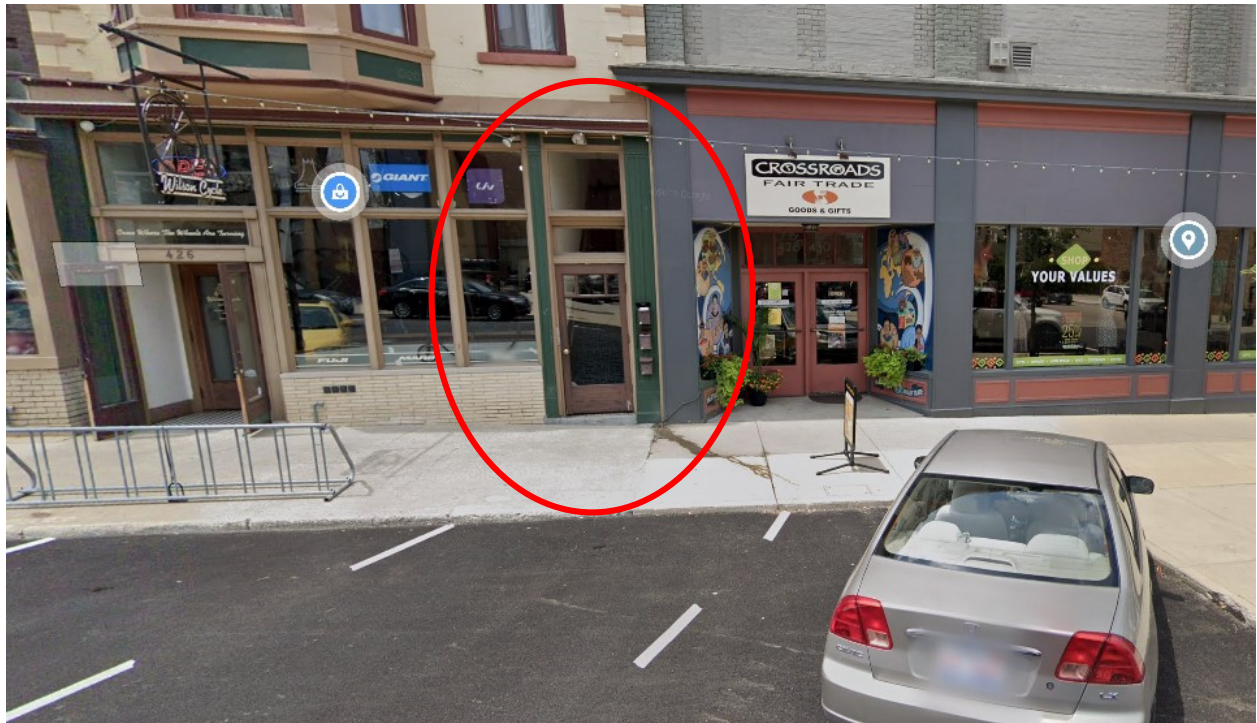
Attachment 4 - Petitioner-Submission - Proposed Entrance Elevation



Attachment 5 - Petitioner-Submission - Site Plans (Full sized copies to be provided in person)



Attachment 6 - Examples of surrounding façade-flush upper-story entryways



Attachment 7 - Neighborhood notice and map



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

March 31, 2022

NOTICE OF PUBLIC HEARING

Re: 102 W. Market Street, Bloomington, IL 61701 (V-01-22)

Dear Property Owner,

This is a courtesy notice sent to you because you own property within 500 feet of the subject property.

WHAT: The Zoning Board of Appeals will hold a public hearing on the following case: Review and Action on a petition for a **Variance** from Chapter 44, Division 505 of the Zoning Code, **to allow a non-recessed entry in the D-1 (Central Business) District**, for the property at 102 W Market Street (PIN: 21-04-188-008)

WHEN: Wednesday, April 20th, 2022 at 4:00 PM

WHERE: Government Center Chambers, 4th Floor, Room #400, 115 E Washington St, Bloomington, IL 61701

WHO: Applicant and property owner, Chad Ramsey of Keystone State Property

HOW TO LEARN MORE:

- The agenda and informational packet for the hearing will be available prior to the hearing on the City of Bloomington website <https://www.cityblm.org/government/boards-commissions>.
- The Zoning Code of the City of Bloomington may be viewed online at <https://ecode360.com/34414578>

HOW TO PARTICIPATE:

- Should you wish to provide testimony at the public hearing, you may appear in-person.
- Those persons wishing to provide public comment may email publiccomment@cityblm.org.

This hearing will be accessible to individuals with disabilities in compliance with the ADA and other applicable laws. For special needs contact the City Clerk at 115 E. Washington St., Ste 103, Bloomington, IL 61701, (309) 434-2240, cityclerk@cityblm.org, or TTY at (309) 829-5115.

Please note this meeting could be subject to change based on a lack of quorum or other reasons. Notice of a change will be posted online at <https://www.cityblm.org/government/boards-commissions>.

For questions contact the Economic & Community Development Department at 309-434-2226, Option 5.

Sincerely,

Planning Division Staff
Economic & Community Development Department

