

**AGENDA
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, APRIL 19, 2017
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

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

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

4. MINUTES: Consideration, review and approval of Minutes from the March 15, 2017 meeting.

5. REGULAR AGENDA

A. Z-08-17 Consideration, review and approval of the petition for a variance submitted by Susan Atkins and Mark Rhodes for the property located at 206 Tanner Street to allow an accessory structure greater than 1000 sqft, 408 sqft increase (**Ward 9**)

B. Z-09-17 Consideration, review and approval of the petition for variances submitted by Stan Geison from Habitat for Humanity for the property located at 407 N Allin Street to allow a rear yard setback of 18'11", a 6'1" decrease.
(**Ward 9**).

C. Z-10-17 Consideration, review and approval of the petition for variances submitted by Paul Young for the property located at 2 Briarwood Ave to allow:

- 1). An accessory structure greater than 1000 sqft, 282 sqft increase
- 2). An accessory structure greater than the principal structure, 170 sqft increase (**Ward 7**)

D. Z-11-17 Consideration, review and approval of the petition for variances submitted by Jeff Dodson for the property located at 701

Marshall Ln to allow a six (6) foot fence in the required front yard, a two (2) foot increase. (**Ward 7**)

6. OTHER BUSINESS

A. Resolution of Appreciation to Richard “Dick” Briggs for service to the City of Bloomington Zoning Board of Appeals

B. Resolution of Appreciation to Robert A. Kearney for service to the City of Bloomington Zoning Board of Appeals

C. Resolution of Appreciation to James Simeone for service to the City of Bloomington Zoning Board of Appeals

7. NEW BUSINESS

8. ADJOURNMENT

For further information contact:

Katie Simpson, City Planner
Department of Community Development
Government Center
115 E. Washington Street, Bloomington, IL 61701
Phone: (309) 434-2226 Fax: (309) 434-2857
E-mail: ksimpson@cityblm.org

**DRAFT MINUTES
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, MARCH 15, 2017
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

Members present: Chairman Bullington, Mr. Briggs, Mr. Brown, Mr. Butts, Ms. Meek, and Mr. Simeone

Members absent: Mr. Kearney

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

At 4:04PM, Mr. Dabareiner called the roll. With six members in attendance, a quorum was present.

PUBLIC COMMENT: Steve Listwan, 513 W. Seminary Avenue, stated that public debt in taxation without representation for future generations.

MINUTES: The Board reviewed the minutes from February 15, 2017. Mr. Briggs added a statement about the right to appeal a result if the majority has less than five votes. A motion to approve the minutes as corrected was made by Mr. Butts; seconded by Mr. Briggs. The minutes were **approved** by a 6-0 voice vote.

Chairman Bullington explained the meeting procedures.

SP-03-17 Consideration, review and approval of a recommendation to City Council for a special use petition to allow a duplex in the R-1C district at 603 Seminary Ave submitted by Gerard Berthel and Karen Kineslla

Mr. Gerard Berthel and Nicholas Hadden, were sworn in. Mr. Berthel explained that they had a fire and decided to rebuild, and they wish to take it from a 3 unit apartment to a two unit apartment but need a special use to do so. He indicated the structure would be the same footprint. Mr. Simeone asked if the outside of the building would be changed for access purposes; Mr. Hadden responded in the affirmative and while those changes are on the plans the living space itself would rest on the same footprint. Mr. Simeone asked for better plans to review. Ms. Meek asked if these was a remodel or a rebuild; Mr. Hadden indicated it was a new building from the foundation on up.

Mr. Steven Listwan, 513 Seminary Avenue, was sworn in. Mr. Listwan stated he believes this will be high quality housing, in character with the neighborhood. He added it will attract like people to the neighborhood and his investment is welcome. Mr. Listwan stated he supports the duplex and the variances.

Mr. Randy Mars, 1308 N. Oak Street, was sworn in. Mr. Mars stated he originally wanted it single family but now supports the proposed duplex.

Ms. Simpson provided the staff report and recommended in favor of the special use for a duplex. She showed a photo from Google Earth of the former structure which had burned down. She provided the location and described the neighborhood. Ms. Simpson stated the property is zoned R-1C and identified the surrounding uses. She described the access to the property and the tenant parking area which will accommodate 4-5 vehicles. She noted there are existing duplexes in the area. Ms. Simpson noted that the special use permit aligns with the vision of the comprehensive plan. She reviewed the standards for granting a special use and concluded that the standards were met. She stated that access and utilities are all adequate and the mass of the building is consistent with that found in the neighborhood.

Ms. Meek confirmed that the off-street parking requirements are met. Ms. Simpson indicated four spaces are needed and at least four are provided.

Mr. Butts motioned for approval of the special use; seconded by Ms. Meek. The motion **passed** 6-0 with the following votes: Mr. Butts—yes; Ms. Meek—yes; Mr. Briggs—yes; Mr. Brown—yes; Mr. Simeone—yes; Chairman Bullington—yes.

Z-04-17 Consideration, review and approval of the petition for variances submitted by Gerard Berthel and Karen Kineslla for the property located at 603 Seminary Ave to allow: 1) a minimum lot width of 50 ft in lieu of 70 ft for a duplex in the R-1C district (44.10-4), and; 2) a minimum lot area of 7450 sq ft in lieu of 10,000 sq ft for a duplex in the R-1C district (44.10-4)

Chairman Bullington provided an opportunity for the petitioner or anyone else to come forward and make a separate case regarding the variances. Because no one expressed an interest in doing so, he turned the presentation back over to Ms. Simpson.

Ms. Simpson provided the staff report focused on the two variances requests. She stated staff supports the two variances. She stated that many duplexes exist in the neighborhood on similarly sized lots. Because the neighborhood was established prior to the existence of the codes in question, she added, undersized lots are common in the area. Ms. Simpson reviewed the standards for granting a variance. She believes there is a physical hardship not of the owner's making which make it difficult to comply with the code. She stated there are similar or denser rental uses in the neighborhood and the duplex is consistent with the intended and allowed uses here. She believes neighborhood character will be maintained.

Mr. Butts motioned for approval of the special use; seconded by Mr. Briggs. The variance requests **passed** 6-0 with the following votes: Mr. Butts—yes; Mr. Briggs—yes; Mr. Brown—yes; Ms. Meek—yes; Mr. Simeone—yes; Chairman Bullington—yes.

Chairman Bullington explained the ZBA approved the variance, which they have the authority to do, and the ZBA has made a favorable recommendation to the City Council on the special use. He suggested the petitioner talk with staff for more information.

OTHER BUSINESS:

Mr. Briggs asked about the financial disclosure form and whether he needed to fill it out. Mr. Dabareiner responded that the form asks about business conducted over the prior year, so should be completed. Mr. Boyle explained that staff, commission and board members need to fill it out.

Ms. Meek stated that she will be reappointed for two years. Mr. Boyle confirmed that terms continue through April.

NEW BUSINESS:

ADJOURNMENT:

Mr. Butts motioned to adjourn; seconded by Mr. Brown. It was approved by voice vote and the meeting was adjourned at 4:31PM.

Respectfully submitted

Tom Dabareiner, AICP

Secretary

CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
APRIL 19, 2017

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-08-17	206 Tanner St	Variance	Katie Simpson, City Planner

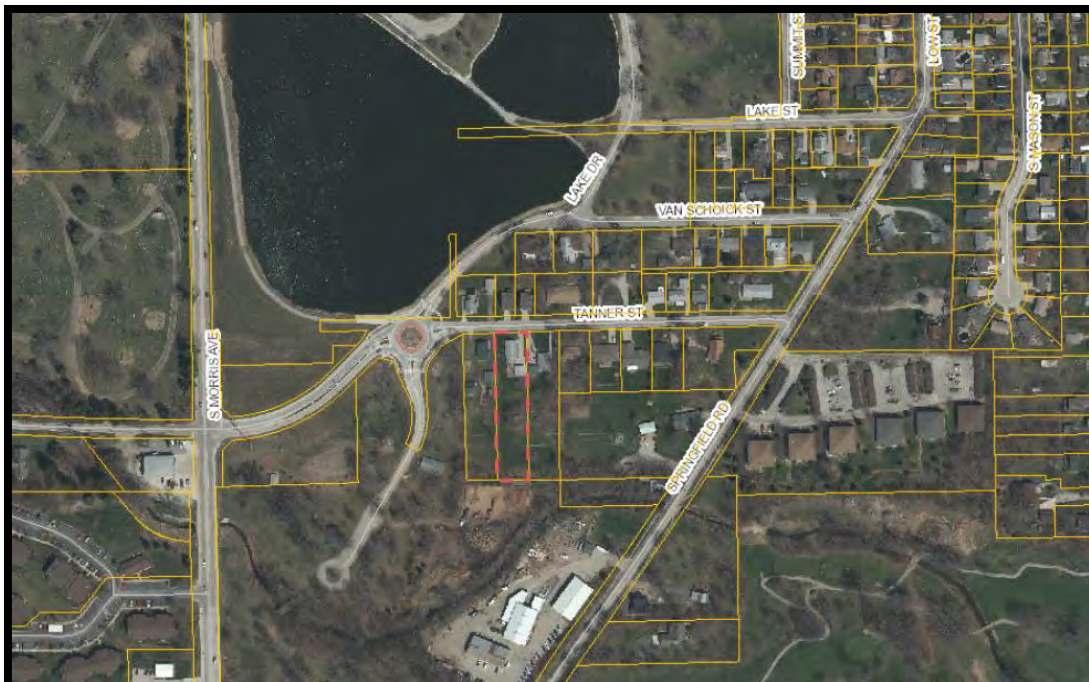
PETITIONER'S REQUEST:

Section of Code: 44.4-4C Accessory Structure Requirements

Type of Variance	Request	Required	Variation
Allow accessory structure > 1000 sqft	1408 sqft	1000 sqft	408 sqft increase

**STAFF
RECOMMENDATION:**

Staff determines the **petition does not meet** the Zoning Ordinance's standards required to grant a variance (4.13-3).
*Staff recommends the Zoning Board of Appeals **deny** the variance for 206 Tanner Street to allow accessory structure(s) greater than 1000 sqft.*



NOTICE

The application has been filed in conformance with applicable procedural requirements and public notice was published in *The Pantagraph* on April 3, 2017.

GENERAL INFORMATION

Owner and Applicant: Susan Atkins and Mark Rhodes

PROPERTY INFORMATION

Legal description

SUB SE 8-23-2E W80' E160' Lot 7

Existing Zoning: R-1C, Single Family Residential District
Existing Land Use: Single family home with detached garage
Property Size: Approximately 30,560 sqft (80' X 382')
PIN: 21-08-430-004

Surrounding Zoning and Land Uses

Zoning

North: R-1C, Single family residential district
South: S-2, Public Lands and Institutions
East: R-1C, Single family residential district
West: S-2, Public Lands and Institutions
West: R-1C, Single family residential district

Land Uses

North: Single/two family home(s)
South: Parks and Recreation Dept. Storage
East: Single/two family home(s)
East: Miller Park
West: Single/two family home(s)

Analysis

Submittals

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

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

PROJECT DESCRIPTION

Pictured:
206 Tanner
St.



Background

The subject site is commonly known as 206 Tanner Street located east of Miller Park and north of a City of Bloomington Parks and Recreation storage facility. The lot is improved with a single family home and detached garage. A smaller wood shed also exists on the property. The lot is a little smaller than an acre, approximately 30,650 sqft (80ft by 382 ft), and deeper than most lots in the City of Bloomington. The neighborhood consists of single family homes, most with detached garages. The area is less dense than other neighborhoods in Bloomington due to the surrounding parks and wooded areas. The lots on the south side of Tanner are relatively flat in the front portions closer to Tanner St and slope in the rear down towards the Parks and Recreation facility. There also appears to be an east-west utility easement that bisects these properties. The area is somewhat wooded and the rear of the property is screened. 208 Tanner Street has multiple accessory structures that exceed code but a variance was awarded to this property in 2004 allowing them to construct a 24' by 24' shed, total structure areas was increased to 1,336 sqft. The variance was approved 5-0 although staff recommended denial.

Density increases on the north side of Tanner Street and the lot sizes are also smaller. Most homes have one accessory structure on their property.

The petitioner would like to construct an additional 26ft by 32ft (832sqft) accessory structure in the rear yard.

The City of Bloomington Zoning Ordinance allows for:

- 1). up to 1000 sqft of accessory structure, or
- 2). up to 30% of the rear yard, or
- 3). or accessory structures smaller than the floor area of the principal structure, whichever is less.

The existing detached garage is 24ft by 24ft (576 sqft). The existing detached garage is closer than ten (10) feet from the house and is therefore nonconforming. If the new building is built as proposed, the total amount of accessory structure for the property would be 1,408sqft exceeding the maximum allowances of the code by 408sqft.

Project Description:

The petitioner proposes to construct an 832 sqft accessory structure in the rear yard of the home. The structure would be a two car garage, twelve (12) ft tall with two 9' by 10' overhead garage doors. The petitioner would like additional space to park collector cars and/or yard equipment. The petitioner has a 576 sqft detached garage. The addition of the proposed accessory structure would increase the floor area of accessory structures for this property 408 sqft over the maximum allowance.

The following is a summary of the requested variations:

Applicable Code Sections:

Section of Code: 44.4-4C Accessory Structure Requirements

Type of Variance	Request	Required	Variation
Allow accessory structure > 1000 sqft	1408 sqft	1000 sqft	408 sqft increase

Analysis

Variations from Zoning Ordinance

The petitioner proposes to construct a 26ft by 32ft by 12ft two-car garage/accessory structure at 206 Tanner Street. Staff is concerned about access to the proposed structure. The site plan shows the accessory structure positioned directly behind the existing garage. Due to the width of the lot, a second curb cut would not be permitted at this site. The City of Bloomington's Manual of Practice for Public Improvements only allows one curb cut for residential lots less than 100 ft wide. As it is placed the petitioner would be required to either convert the existing garage into a drive through garage or drive through the yard to access the proposed two car garage. Access is not the primary topic of discussion but should be considered by the Zoning Board of Appeals.

The Zoning Board of Appeals may grant variances only in specific instances where there would be practical difficulties or particular hardships in carrying out strict adherence to the Code. Staff's findings of fact are presented below. It is incumbent on each Zoning Board of Appeals member to interpret and judge the case based on the evidence presented and each of the Findings of Fact.

FINDINGS OF FACT

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

That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and the subject property is larger than most properties in this zoning district. It is screened on the south side by a wooded area. It is also highly unlikely it would be subdivided into two lots, due to limited access on the south side. Nonetheless, the code provides a maximum requirement for all accessory structures in the City of Bloomington. There appears to be no physical hardship posing unreasonable challenges making strict adherence to the Code difficult. If the proposed garage were smaller or if the petitioner removed the existing garage, it would be possible to comply with the standards of the code. The standard is not met.

That the variances would be the minimum action necessary to afford relief to the applicant; and the applicant has other options besides this variance. The proposed garage could be decreased by 408 sqft, (a 424 sqft building would be permitted by the Code). Expanding the existing structure or attaching it to the home could be other possibilities but variances would also be required in both instances. Nonetheless, the existing garage could be removed and the petitioner would be allowed to build a 1000 sqft accessory structure that could house. Removing the existing garage could also eliminate a nonconforming structure. The standard is not met.

That the special conditions and circumstances were not created by any action of the applicant; and the need for the variance is related to the petitioner's desire to store yard equipment and/or collector cars. The combination of the size of the proposed accessory structure and the existing accessory structures are driving the request for the variance. Although the lot is

larger than most, the requested variance would not be necessary if the structure were smaller (a one car garage could be built) or if the existing structure were removed. The standard is not met.

That granting the variation request will not give the applicant any special privilege that is denied to others by the Code; and adjacent properties have more than one accessory structure, such as 208 Tanner Street. A variance was awarded for 208 Tanner Street in 2004 (Z-21-04) allowing accessory structures totaling 1,336 sqft. Staff also recommended denial in the previous case but the variance was approved 5-0. However, other properties in Bloomington are restricted to the 1000 sqft requirement of the code unless a variance is awarded. The standard is not met.

That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use of development of adjoining properties. To access the proposed accessory structure the petitioner would either have to request an additional curb cut, which would not be permitted, or drive through the yard or alter the existing accessory structure to have two garage doors and function as a drive through car-port. These changes could alter the character of the neighborhood. Furthermore, the structure could potentially block the views of the adjoining properties. The standard is not met.

STAFF RECOMMENDATION:

*Staff recommends the Zoning Board of Appeals **deny** the variance for 206 Tanner Street to allow accessory structure(s) greater than 1000 sqft.*

Respectfully submitted,

Katie Simpson
City Planner

Attachments:

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

29 805

APPLICATION TO ZONING BOARD OF APPEALS

Please consider this as our petition for a variance from the requirement(s) of the Zoning Code. I have provided all information requested herein and attached our site plan and fee.

Site Address: 206 Tanner St.

Site Address: _____

Petitioner: Susan Atkins / Mark Rhodes Phone: 309-275-1397

Petitioner's Email Address: Susan.atkins61761@comcast.net / rhodes.mark77@gmail.com

Petitioner's Mailing Address Street: 206 Tanner St.

City, State, Zip Code: Bloomington, IL 61701

Contractual interest in the property _____ yes ☒ no

Signature of Applicant  

Brief Project Description:

Erect a 26' X 32' X 12' 2 car garage

Code Requirements Involved:

44.4-4 C. Section 4
necessary structure greater than 1000'

Variances(s) Requested:

asking for additional 408' sq. ft

Reasons to Justify Approval by the Zoning Board of Appeals: Your justifications for approval must also be provided in the statement of Findings of Fact.

MAR 20 2017

STATEMENT OF FINDINGS OF FACT
(Must be answered by the Petitioner)

Chapter 44, Section 9.40(d)

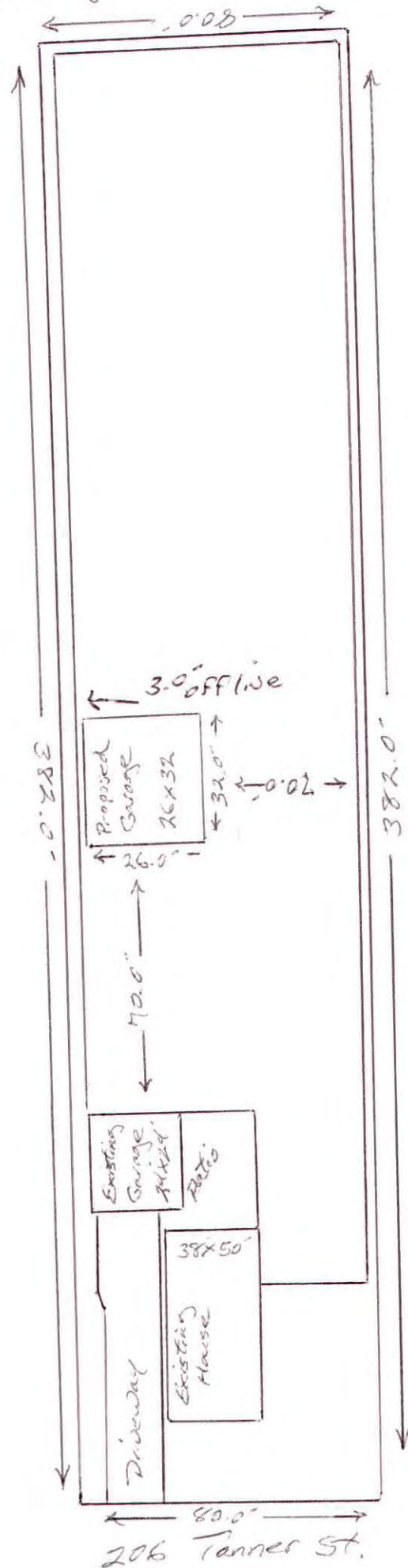
A variation from the terms of this Code shall not be granted by the Zoning Board of Appeals unless and until findings of fact are submitted demonstrating:

1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and
The existing garage is to close to the house to attach. Narrow Drive and adjacent property are to close
2. That the variance would be the minimum action necessary to afford relief to the applicant; and
So, this I feel is my last option I have talked w/ all of my neighbors and they have no issue with this
3. That the special conditions and circumstances were not created by any action of the applicant; and
our property is adjacent to Bloomington parks maint. we have no alleys or anywhere else on our property to park additional yard equip. or my collector car (71 chevrolle)
4. That the granting of the variance requested will not give the applicant any special privilege that is denied to others by the Code; and
my neighbors have separate buildings on their property aside from De-tached garages.
5. That the granting of this variance will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use or development of adjoining properties.
our neighborhood is well taken care of. This garage I am requesting will have the same color vinyl siding and be well maintained. It will blend in nicely w/ the layout of existing properties

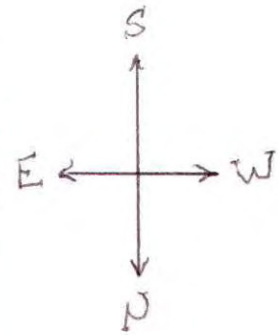
Thank you for your time on this matter.

*Sincerely
Mark Rhodes*

Bloomington Parks Maint.



Scale 1" = 40'



SCANNED



\$7,583.78

Variation: Vinyl siding
Dimensions: 26' W x 32' L x 12' H

Dimensions: 26' W x 32' L x 12' H

Model Number: 1959503

Menard SKU: 1959503

Garage Stalls: Two Car

Type: Gable

Overall Width: 26 foot

Overall Length: 32 foot

Sidewall Height: 12 foot

Shop by Siding: Vinyl

Wall Sheathing Type: OSB

Includes: Garage Plan

Number of Service Doors: 1

Number of Windows: 1

Roof Framing Type: Truss

Roof Sheathing Type: OSB

Roof Slope: 4/12

Roofing Type: Shingles

Square Footage: 832

Siding Type: D4 Vinyl

Size Of Eave Overhang: 12 inch

Size Of Gable Overhang: 12 inch

Soffit Type: Aluminum

Size Of Overhead Door(s): (2) 9'W x 10'H

Number Of Overhead Doors: 2

Online Availability

✖ Ship to Home

Not eligible for Ship to Home

Ship to Store - Free!

Estimated arrival date 03/30/2017

Store Availability

Visit a Store to Special Order

Product Description

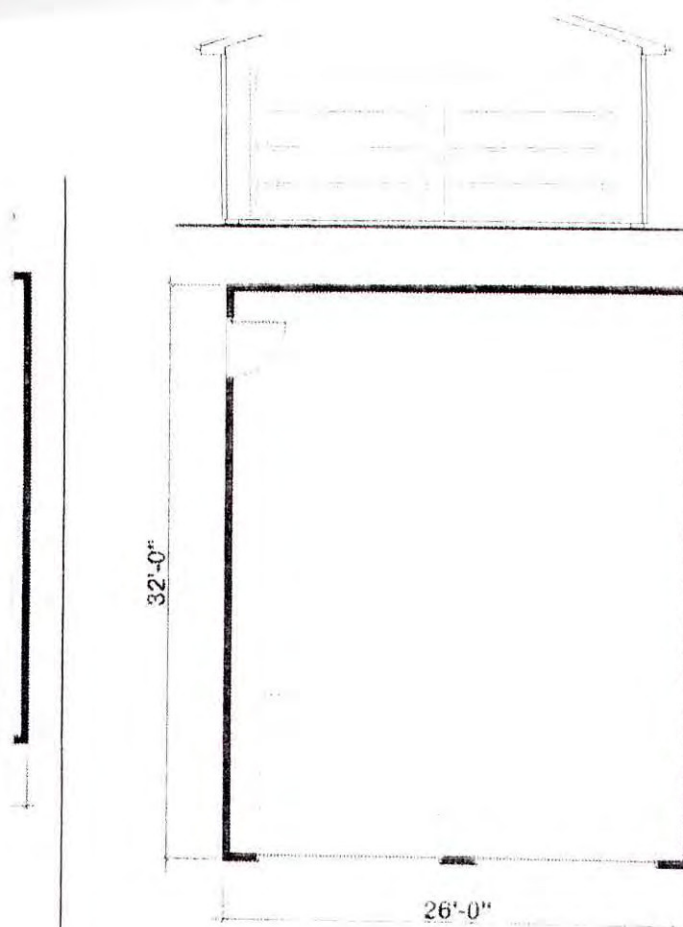
The 26' x 32' x 12' 2-Car Garage features two 9' x 10' overhead garage doors, one window and a prehung entry door. The garage has a 12" overhang on four sides. Some of the garage materials include oriented strand board (OSB) roof sheathing, 30-year shingles, 2" x 4" studs, roof edge, nails and hardware. This garage requires cutting and assembly.

- Cutting and assembly required
- Two 9' x 10' overhead garage doors
- One prehung entry door and one window
- 12" overhang on four sides
- 1/2" OSB roof sheathing, 30-year shingles
- Preassembled clear span trusses 24" on center
- 2" x 6" studs 16" on center
- Includes roof edge, nails and hardware
- Building plans included

Brand Name: Menards

Please Note: Prices, promotions, styles and availability may vary by store and online. While we do our best to provide accurate item availability information, we cannot guarantee in-stock status and availability as inventory is sold and received continuously throughout the day. Inventory last updated 3/18/2017 at 5:00am EST. Online orders and products purchased in-store qualify for rebate redemption. Rebates are provided in the form of a Menards® Merchandise Credit Check valid towards purchases at any Menards® retail store. Not valid for purchases on MENARDS.COM®.





26'W x 32'L x 12'H

- Two 9' x 10' overhead garage doors
- One prehung steel entry door
- One window
- 1/2" OSB roof sheathing
- Traditional 3-Tab Shingles
- Preassembled clear span trusses 24" on center
- 12" overhang on all four sides
- 2" x 6" studs 16" on center
- Aluminum soffit and fascia
- Construction guide 195-9500

 **SCANNED**



Aerial View 206 Tanner Street



0 0.07 0.1 Miles

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Notes

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Zoning Map 206 Tanner Street



0 0.07 0.1 Miles

1: 4,514

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Notes



Department of Community Development
115 E Washington St, Ste 201
Bloomington IL 61701

March 31, 2017

Dear Property Owner or Resident:

The Zoning Board of Appeals will hold a public hearing on Wednesday April 19, 2017 at 4:00 PM in the Council Chambers, 109 E. Olive Street, Bloomington, Illinois to hear testimony on for the following petitioner(s) requesting variance in the regulations of the described property:

Petitioner(s)	Property Address	Legal Description
Susan Atkins and Mark Rhodes	206 Tanner Street	SUB SE 8-23-2E W80' E160' LOT 7

Request: requesting an accessory structure greater than 1000 sqft, a 408 sqft increase

All interested persons may present their views upon such matters pertaining thereto at the public hearing. The petitioner or his/her Counsel/Agent must attend the meeting.

You are receiving this courtesy notification since you own property within a 500 foot radius of the land described above (refer to attached map). All interested persons may present their views upon matters pertaining to the requested special use during the public hearing. Communications in writing in relation thereto may be filed with the Department of Community Development, or at such hearing. In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk at (309) 434-2240, preferably no later than five days before the hearing.

Please note that cases are sometimes continued or postponed for various reasons (i.e lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting.

The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org. If you desire more information regarding the proposed petition or have any questions you may email me at ksimpson@cityblm.org or call me at (309) 434-2226.

Sincerely,

Katie Simpson
City Planner

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



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Notes



CAROL & JAMES LOGSDON
101 TANNER ST
BLOOMINGTON IL 617016559

JEANNE HNETKOVSKY
104 TANNER ST
BLOOMINGTON IL 61701

LISA G ALLEN
107 TANNER ST
BLOOMINGTON IL 617016559

THOMAS A GUTTSCHOW
1810 SPRINGFIELD RD
BLOOMINGTON IL 617016554

GREGORY EUGENE SWANSON
202 TANNER ST
BLOOMINGTON IL 617016562

STANLEY D WINTERROTH
204 VAN SCHOICK ST
BLOOMINGTON IL 617016567

DAVID & DAVA ZSCHAU
206 VAN SCHOICK
BLOOMINGTON IL 61701

DOUGLAS RICHARD WEY
209 TANNER ST
BLOOMINGTON IL 617016561

KENNETH & SUZANNE C ALMEIDA
RICHARDSON
102 Tanner St
Bloomington IL 617016560

RANDY MARS
105 Tanner St
Bloomington IL 617016559

MARK ALSENE
110 Van Schoick St
Bloomington IL 617016565

ARTHUR TURNER JR
1803 SPRINGFIELD RD
BLOOMINGTON IL 617016553

MARIO & KRISTEN MAJOR
200 VAN SCHOICK ST
BLOOMINGTON IL 617016567

CYNTHIA DEHART
203 TANNER ST
BLOOMINGTON IL 617016561

JOHN L BEVILL
205 TANNER ST
BLOOMINGTON IL 617016561

JOHANNAH ISAIA
207 TANNER ST
BLOOMINGTON IL 617016561

HOLLY J HEDGES
103 TANNER
BLOOMINGTON IL 61701

JAMES & CONNIE KERRICK
106 TANNER ST
BLOOMINGTON IL 617016560

JOHN M & CAROL A KERRICK
112 VAN SCHOICK ST
BLOOMINGTON IL 617016565

KIMBERLEY S GUTTSCHOW
1808 SPRINGFIELD RD
BLOOMINGTON IL 617016554

RONALD L ASHENBREMER
200 W TANNER ST
BLOOMINGTON IL 61701

WOODROW W MORTON III
204 TANNER ST
BLOOMINGTON IL 617016562

SUSAN ATKINS
206 Tanner St
Bloomington IL 617016562

JAMES E & SUSAN K SMITH
208 TANNER ST
BLOOMINGTON IL 617016562

20875678

CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
APRIL 19, 2017

Notice is hereby given that the Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, April 19, 2017 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, for the following petitioners requesting variance

www.pantagraph.com

Public Notices

in the regulations of the following described properties:

NAMES, LOCATION (LEGAL DESCRIPTION OF PROPERTY), REQUEST

Susan Atkins and Mark Rhodes, 206 Tanner St (SUB SE 8-23-2E W80' E160' LOT 7), requesting an accessory structure greater than 1000 sqft, a 408 sqft increase.

Stan Geison on behalf of Habitat for Humanity, 407 N. Allin St (SUBN BLK 26 WESTERN ADD S54.7' LOT 9), requesting a reduction in the required rear yard setback from 25ft to 18ft 11in, a 6ft 1in reduction.

Paul Young, on behalf of Mr. and Mrs. John Hollister, 2 Briarwood Ave (BRIARWOOD SUB E10' LOT 16 ALL LOT 17 & 18 BLK 2), requesting: 1) an accessory structure greater than 1000 sqft, a 282 sqft increase; and 2) an accessory structure greater than the principal building, a 170 sqft increase.

Jeff Dodson, 701 Marshall Ln (LES WILSON SECOND SUB LOT 29), requesting a six (6) foot fence in lieu of the four (4) foot maximum allowed in the front yard of a residential property, a two (2) foot increase.

All interested persons may present their views upon such matters pertaining to the above referenced cases at the public hearing. The petitioner or his/her Counsel/Agent must attend the meeting. In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk, preferably no later than five days before the hearing.

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

Published: Monday, April 3, 2017

CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
APRIL 19, 2017

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-09-17	407 N Allin St	Variance	Katie Simpson, City Planner

PETITIONER'S REQUEST:

Section of Code: 44.6-40 Bulk Requirements

Type of Variance	Request	Required	Variation
Rear yard setback	18'11"	25'	6'1" decrease

**STAFF
RECOMMENDATION:**

Staff determines the **petition meets** the Zoning Ordinance's standards required to grant a variance (4.13-3).
*Staff recommends the Zoning Board of Appeals **approve** the variance for 407 N Allin St to allow a reduction in the required rear yard setback from 25' to 18'11".*



NOTICE

The application has been filed in conformance with applicable procedural requirements and public notice was published in *The Pantagraph* on April 3, 2017.

GENERAL INFORMATION

Owner and Applicant: Stan Geison, Habitat for Humanity

PROPERTY INFORMATION

Legal description

SUBN BLK 26 WESTERN ADD S54.7' LOT 9

Existing Zoning: R-2 Mixed Residential
Existing Land Use: Vacant
Property Size: Approximately 3630 sqft (55'X66')
PIN: 21-04-159-008

Surrounding Zoning and Land Uses

Zoning

North: GAP-3
South: R-2, Mixed Residential
East: GAP-3
West: B-2, General Business Service District
West: GAP-3

Land Uses

North: Multifamily/single family home(s)
South: Single/two family homes
East: Multifamily home(s)
West: Single/two family homes
West: Single/two family home(s)

Analysis

Submittals

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

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

PROJECT DESCRIPTION

Pictured:
407 N Allin
Street



Background

The subject property is commonly known as 407 N. Allin Street. It is smaller than our minimum lot requirements and consequentially nonconforming. The property is approximately 3,630 square feet or 66 ft by 54ft. It was previously improved with a home but is currently vacant. The City of Bloomington acquired the dilapidated home and had it demolished. The vacant lot was recently donated to Habitat for Humanity to be improved with a 1,200 square foot single family home. The home is the smallest footprint that Habitat for Humanity can construct to make reasonable use of the property. Consequentially, to accommodate the home, a rear yard variance is necessary. Additionally, to construct on a nonconforming parcel, city code requires the setbacks be met. In this instance, the proposed home complies with front and side yard setbacks. The petitioner is requesting a six (6) foot decrease in the required rear yard setback.

The lot was originally platted as a 66ft wide lot that was very deep and was eventually parceled off into its current formation. Other properties nearby have similar parcel configurations. The lot has water and sewer. It is bordered on the rear (east side) by a parking lot to accommodate the neighboring multifamily home. A six (6) foot wooden fence separates the subject property from the east property.

Project Description:

Habitat for Humanity is a registered 501c3 dedicated to constructing affordable single family homes. The petitioner would like to construct a 1,200 sqft single family home (28' X 27') on the subject property. The property is considered nonconforming since it is smaller than the minimum lot width and lot area requirements for the R-2, Mixed Residential District. Nonetheless, City Code allows the reconstruction of a residence on a nonconforming lot as long as the lot complies with bulk requirements of the zoning ordinance. 25ft front and rear yard setbacks and six (6) foot side yard setbacks are required. The petitioner is requesting a variance to reduce the rear yard setback.

The following is a summary of the requested variations:

Applicable Code Sections:

Section of Code: 44.6-40 Bulk Requirements

Type of Variance	Request	Required	Variation
Rear yard setback	18'11"	25'	6'1" decrease

Analysis

Variations from Zoning Ordinance

The petitioner is requesting a six (6) ft decrease in the required rear yard setback for the R-2 Mixed Residential District.

The Zoning Board of Appeals may grant variances only in specific instances where there would be practical difficulties or particular hardships in carrying out strict adherence to the Code. Staff's findings of fact are presented below. It is incumbent on each Zoning Board of Appeals member to interpret and judge the case based on the evidence presented and each of the Findings of Fact.

FINDINGS OF FACT

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

That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and the subject property is smaller than the minimum requirements and was previously improved with a single family home. The size of the lot presents a physical hardship that restricts reasonable use of the property and makes strict adherence to the setback requirements of the code difficult. The property complies with all of the other bulk requirements of the code. The standard is met.

That the variances would be the minimum action necessary to afford relief to the applicant; and the petitioner proposes to construct a home with a very small footprint. The proposed home complies with front and side yard setbacks and would not impose a restriction on the neighboring properties nor alter the character of the neighborhood. The standard is met.

That the special conditions and circumstances were not created by any action of the applicant; and the neighborhood consists of single family homes situated on similar smaller lots. The circumstances were not created by the petitioner and are due to the lot size. The standard is met.

That granting the variation request will not give the applicant any special privilege that is denied to others by the Code; and other homes exist in the neighborhood on smaller lots. Granting the variance would allow reasonable use of the property. The standard is met.

That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use of development of adjoining properties. The surrounding neighborhood consists of single family home located on smaller lots. The home complies with the side and front yard setbacks for this district. The proposed home will also comply with maximum height requirements. The proposed setbacks allow for adequate fire separation for neighboring properties and is consistent with the patterns of development for the neighborhood. Additionally, the surrounding GAP zoning has setback requirements consistent with those proposed by the petitioner. The setback will impact the property to the east the most and this property cannot be parceled into smaller lots due to access and size requirements, therefore the likeliness of constructing a principal building or home on the rear portion of the property to the east is very low. Lastly, since this property once housed a single family home, view sheds will not be altered from what previously existed. The standard is met.

STAFF RECOMMENDATION:

Staff recommends the Zoning Board of Appeals approve the variance for 407 N Allin St to allow a reduction in the required rear yard setback from 25' to 18'11".

Respectfully submitted,

Katie Simpson
City Planner

Attachments:

- Variance Application
- Petitioner Statement of Findings of Fact
- Site Plan
- Aerial Map Zoning Map
- Newspaper notice (see Item A) and neighborhood notice
- List of notified property owners

PIN: 2104159008

29953

APPLICATION TO ZONING BOARD OF APPEALS

Please consider this as our petition for a variance from the requirement(s) of the Zoning Code. I have provided all information requested herein and attached our site plan and fee.

Site Address: 407 Allin St

Site Address: Bloomington, IL 61701

Petitioner: Stan Geison, Habitat for Humanity Phone: 827-3931

Petitioner's Email Address: sgeison@habitatmclean.org

Petitioner's Mailing Address Street: 103 W. Jefferson St.

City, State, Zip Code: Bloomington, IL 61701

Contractual interest in the property X yes no

Signature of Applicant Stan Geison

Brief Project Description:

Construct a single family 1200 sq ft affordable home to be sold to a qualifying low to moderate income family.

Code Requirements Involved:

44.6-40 Rear Setback

Variances(s) Requested:

Variance to reduce rear setback by 6'1" to 18'11"

Reasons to Justify Approval by the Zoning Board of Appeals: Your justifications for approval must also be provided in the statement of Findings of Fact.

Habitat for Humanity intends to build a small, affordable home to be sold to a low or moderate income family on this lot donated by the City of Bloomington for this purpose. This home will replace a previously existing house on this lot. This lot is in an older section of the city and is too small to meet current setback requirements. The variance requested to reduce the rear setback requirement is the minimum change needed to allow construction of a new home on the property.

STATEMENT OF FINDINGS OF FACT

(Must be answered by the Petitioner)

Chapter 44, Section 9.40(d)

A variation from the terms of this Code shall not be granted by the Zoning Board of Appeals unless and until findings of fact are submitted demonstrating:

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

The lot is a small lot in the older section of Bloomington that previously contained a single family home. The home to be constructed will have a 22'x28' footprint plus a 6' front porch, an setback requirements. Due to the size of the lot, the rear setback requirement cannot be met.

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

Habitat will build a 3 bedroom two story house on this lot. This house has a 616 sq. ft. foot print plus the front porch. It is the plan with the smallest footprint that we build. The rear setback variance requested is the minimum needed to allow us to build this home on the lot.

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

The lot was donated to Habitat by the City of Bloomington for the express purpose of constructing an affordable home for a low to moderate income family.

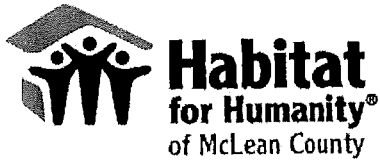
4. That the granting of the variance requested will not give the applicant any special privilege that is denied to others by the Code; and

-The variances requested do not provide substantially different lot sizes and setbacks from other existing lots in the neighborhood.

-Several lots of comparable size in the neighborhood have existing houses on them.

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

Approval of these variances will serve to maintain previously existing conditions, and will not change the character of the neighborhood. The home to be constructed will blend into the style of the neighborhood.



March 24, 2017

Katie Simpson
City Planner
City of Bloomington, IL

Katie, with this letter you will find the Application to the Zoning Board of Appeals that Bill McConnell and I discussed with you earlier this week. We are asking for this to be added to the agenda for the meeting with the Board on April 19, 2017.

I also am respectfully requesting that the City consider waiving the fees typically associated with bringing an item in to the Board for review. As a builder of affordable housing, each dollar we save allows us to further our ministry to help low income families achieve home ownership. This in turn adds another tax paying unit to the tax rolls for the City.

I am also providing a letter recognizing us as a 501 c3 not for profit organization.

Thank you for your assistance,

A handwritten signature in cursive script that reads "Stan Geison".

Stan Geison
Executive Director
Habitat for Humanity of McLean County



CINCINNATI OH 45999-0038

In reply refer to: 0245781422
Aug. 18, 2014 LTR 4168C 0
37-1173273 000000 00

00017298
BODC: TE

HABITAT FOR HUMANITY OF MCLEAN
COUNTY INC
MCLEAN COUNTY HFH
103 W JEFFERSON ST
BLOOMINGTON IL 61701-3904

044337

Employer Identification Number: 37-1173273
Person to Contact: Mrs. Herald
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

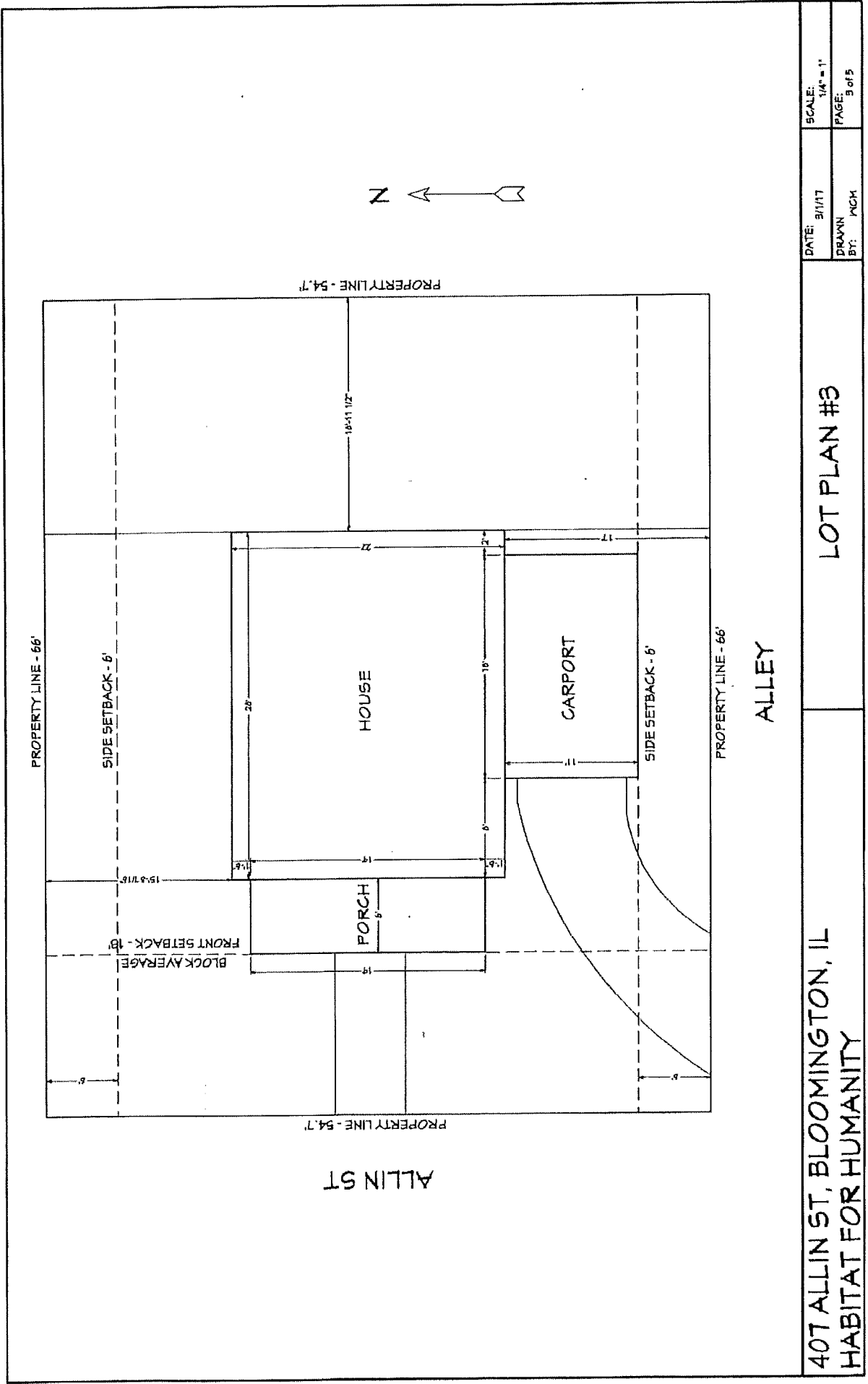
This is in response to your Apr. 24, 2013, request for information regarding your tax-exempt status.

Our records indicate that you were recognized as exempt under section 501(c)(3) of the Internal Revenue Code in a determination letter issued in September, 1985.

Our records also indicate that you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Please refer to our website www.irs.gov/eo for information regarding filing requirements. Specifically, section 6033(j) of the Code provides that failure to file an annual information return for three consecutive years results in revocation of tax-exempt status as of the filing due date of the third return for organizations required to file. We will publish a list of organizations whose tax-exempt status was revoked under section 6033(j) of the Code on our website beginning in early 2011.



407 ALLIN ST, BLOOMINGTON, IL		LOT PLAN #3		DATE: 3/1/17	SCALE: 1/4" = 1'
HABITAT FOR HUMANITY				DRAWN BY: MCH	PAGE: 5 of 5

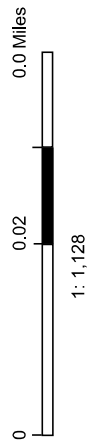


Aerial View 407 N Allin St



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Notes



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Zoning Map 407 N Allin St



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Notes



Department of Community Development
115 E Washington St, Ste 201
Bloomington IL 61701

March 31, 2017

Dear Property Owner or Resident:

The Zoning Board of Appeals will hold a public hearing on Wednesday April 19, 2017 at 4:00 PM in the Council Chambers, 109 E. Olive Street, Bloomington, Illinois to hear testimony on for the following petitioner(s) requesting variance in the regulations of the described property:

Petitioner(s)	Property Address	Legal Description
Stan Geison on behalf of Habitat for Humanity	407 N. Allin St	SUBN BLK 26 WESTERN ADD S54.7' LOT 9

Request: requesting a reduction in the required rear yard setback from 25ft to 18ft 11in, a 6ft 1in reduction

All interested persons may present their views upon such matters pertaining thereto at the public hearing. The petitioner or his/her Counsel/Agent must attend the meeting.

You are receiving this courtesy notification since you own property within a 500 foot radius of the land described above (refer to attached map). All interested persons may present their views upon matters pertaining to the requested special use during the public hearing. Communications in writing in relation thereto may be filed with the Department of Community Development, or at such hearing. In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk at (309) 434-2240, preferably no later than five days before the hearing.

Please note that cases are sometimes continued or postponed for various reasons (i.e lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting.

The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org. If you desire more information regarding the proposed petition or have any questions you may email me at ksimpson@cityblm.org or call me at (309) 434-2226.

Sincerely,

Katie Simpson
City Planner

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



0 0.07 0.1 Miles

1: 4,514

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Notes

CHARLES & WALTER BIESIADA SILA
1 KNOLLCREST CT
NORMAL IL 617612444

RAMNIK & RANJAN KHANT
1000 AUTUMN RIDGE CT
PRINCETON IL 61356

LLOYD E & EVA E THACKER
1003 W COLLEGE AVE
NORMAL IL 617612429

WILLIAM P LABOUNTY
101 W POPLAR ST
NORMAL IL 617611636

Jason Gibson
1015 Morgan St
Normal IL 617613306

HABITAT FOR HUMANITY
103 W JEFFERSON ST
BLOOMINGTON IL 617013904

VINCENTE ADAME
1111 E GROVE ST
BLOOMINGTON IL 617014210

MID CENTRAL COMMUNITY ACTION
1301 W WASHINGTON
BLOOMINGTON IL 61701

ALLSEASONS PROPERTIES LLC
1310 E EMPIRE ST
BLOOMINGTON IL 617013420

JASON & EMILY ANDRIS
14148 N 900 EAST RD
BLOOMINGTON IL 617056916

Brad Butzirus
14225 N 900 East Rd
Bloomington IL 617056973

HADI ZAHARAN
1600 NORTHBROOK DR APT 7
NORMAL IL 617611191

FREDERICK & PAULA HAFNER
1717 Braden Dr
Normal IL 617612349

LUE WALTERS
1903 N TOWANDA
NORMAL IL 61761

BONNIE JO OSTLING
201 W OLIVE ST
BLOOMINGTON IL 617015093

JOHN C WIEDA JR
202 E JACKSON
TOWANDA IL 61776

ALBERTO PALAFOX
204 N ALLIN ST
BLOOMINGTON IL 617013817

CRIS & DEANNA HARRELL
247 S SYCAMORE ST
EL PASO IL 61738

JOSEPH T THORNTON JR
30 KLEGGSTONE CIR
BLOOMINGTON IL 617041508

HAROLD FRANZEN
3019 E 1600 NORTH RD
FLANAGAN IL 617408903

ELIZABETH AYERS
304 N ALLIN ST
BLOOMINGTON IL 617013819

HARLAN D BABBITT
305 SOUTHGATE DR
BLOOMINGTON IL 617047636

PARKWAY CARWASH
307 GREENBRIAR DR
NORMAL IL 617612280

ROBERT C & MARIAN L REIMANN
316 S LUCERNE BLVD
LOS ANGELES CA 900204747

ANNETTA O MILLER TRUSTEE
32 COUNTRY CLUB PL
BLOOMINGTON IL 617013402

XINGNA CHEN
3435 S CLAREMONT
CHICAGO IL 60608

YOUTHBUILD INC
360 WYLIE DR # 305
NORMAL IL 617615500

TIMOTHY L KEYES
401 N ALLIN ST
BLOOMINGTON IL 617013820

ADAM KOHLENBERG
404 N MASON
BLOOMINGTON IL 61701

CLARA E POTTS
406 N MASON ST
BLOOMINGTON IL 617013846

RAMIRO VARGAS
407 Catherine St
Bloomington IL 617013822

JOSEPH ONEIL JOYCE
5020 W 71ST ST
INDIANAPOLIS IN 462684116

DENNIS PULLIAM
613 W MARKET ST
BLOOMINGTON IL 61701

KRISTINA L JOHNSON
701 W MONROE ST
BLOOMINGTON IL 617013851

HENRY & SOPHIE CHARLES DICK
707 W MARKET ST
BLOOMINGTON IL 617012843

RICHARD & TERESA DEPAEPE
710 W MONROE ST
BLOOMINGTON IL 617013852

TRACY HEBB
711 W MONROE ST
BLOOMINGTON IL 617013851

DEBBY PEINE
713 W MARKET ST
BLOOMINGTON IL 617012843

CHUCK & JENNIFER FRANKS BOYER
714 W MONROE ST
BLOOMINGTON IL 617013852

SHARON MANNIX
716 W MULBERRY ST
BLOOMINGTON IL 617012858

REYNALDO S GONZALEZ
408 N ALLIN ST
BLOOMINGTON IL 617013821

KYLE J WALDEN
505 N ALLIN ST
BLOOMINGTON IL 617012834

DURAN OWNERSHIP GROUP LLC
613 WHISPERING PINES CC LN
NORMAL IL 617615361

SONNY GARCIA
703 W MONROE
BLOOMINGTON IL 61701

ROSEMARY K KIRK
709 W MARKET ST
BLOOMINGTON IL 61701

RAYMOND & NICOLE VAN ETEN
711 W JEFFERSON
BLOOMINGTON IL 61701

BRENNIA WHITWOOD
712 W MONROE ST
BLOOMINGTON IL 61701

RICHARD H TAYLOR
714 HEATHERHILL RD
BLOOMINGTON IL 617048606

JOYCE CONELY
714 W MULBERRY
BLOOMINGTON IL 61701

CAROLYN J STEELE
717 W MONROE ST
BLOOMINGTON IL 617013851

LARRY KNUTH
4400 INDUSTRY DR
BARTONVILLE IL 616072846

ALICIA J DAWDY
507 N ALLIN ST
BLOOMINGTON IL 617012834

BLOOMNORM LLC
666 DUNDEE RD STE 1102
NORTHBROOK IL 600622735

LILLIAN A & BETTY B PROCHNOW
705 W MARKET ST
BLOOMINGTON IL 617012843

JUAN VILLARREAL
709 W MONROE
BLOOMINGTON IL 61701

JAMES P BROWNE
711 W Market St
Bloomington IL 617012843

ROBERT W WHEELER
713 W JEFFERSON STREET
BLOOMINGTON IL 61701

DEBORAH D GANT
714 W MARKET
BLOOMINGTON IL 61701

EVELIO G ALVAREZ
715 W JEFFERSON
BLOOMINGTON IL 61701

ALTHEA BELLAMY
718 W MONROE
BLOOMINGTON IL 61701

JAMES D PETTIGREW
8 PICKWICK LN
MACKINAW IL 617559674

MT PISGAH BAPTIST CHURCH
801 W MARKET ST
BLOOMINGTON IL 617012845

JAMES STEELE
801 W MONROE ST
BLOOMINGTON IL 617013853

MT PISGAH BAPTIST CHURCH
801 WEST MARKET ST
BLOOMINGTON IL 61701

ROBERT A WICK
802 Karin Dr
Normal IL 617613144

FELIPE ALVAREZ
802 W MARKET
BLOOMINGTON IL 61701

THOMAS A KUMMER
802 W MONROE
BLOOMINGTON IL 61701

STEVE WIGGINS
804 W MONROE ST
BLOOMINGTON IL 617013854

JOANNE LITTELL
808 BRYAN ST
NORMAL IL 617612873

VERNAL D KESSINGER
808 W MONROE ST
BLOOMINGTON IL 617013854

KEITH KELLY
809 W MONROE
BLOOMINGTON IL 61701

WINSTON & WELLIS ALEXANDER
811 W JEFFERSON ST
BLOOMINGTON IL 61701

SUSAN RUSH
811 W MONROE
BLOOMINGTON IL 61701

SAMUEL CROSSLEY
812 W MONROE
BLOOMINGTON IL 61701

JOHN & TERESA BLAKENEY
8585 E 1950 NORTH RD
BLOOMINGTON IL 617046811

SYLVIA VENTURA
901 W MONROE ST
BLOOMINGTON IL 617013855

DIAMOND AUTOMOBILE SERVICE &
SALES
902 W MARKET ST
BLOOMINGTON IL 617012848

CATHLEEN A OLSEN
902 W Monroe St
Bloomington IL 617013856

RAUL ALVAREZ
903 W MONROE
BLOOMINGTON IL 61704

JACK O & LYNN M EDWARDS
9564 WALNUT WAY
BLOOMINGTON IL 617055346

EMPIRE TAX CORP
PO BOX 1452
DECATUR IL 625251452

CINDY M SHEPARD
PO BOX 3333
BLOOMINGTON IL 617023333

RICHARD L GREEN
RR 2
DANVERS IL 617329802

**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
APRIL 19, 2017**

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-10-17	2 Briarwood Ave	Variance	Katie Simpson, City Planner

PETITIONER'S REQUEST:

Section of Code: 44.4-4C Accessory Structures

Type of Variance	Request	Required	Variation
Accessory Structure > 1000 sqft	1,282 sqft	1000 sqft	282 sqft increase

Type of Variance	Request	Required	Variation
Accessory Structure>Principal Structure	1,282 sqft	1,112 sqft	170 sqft increase

**STAFF
RECOMMENDATION:**

Staff determines the **petition does not meet** the Zoning Ordinance's standards required to grant a variance (4.13-3).
*Staff recommends the Zoning Board of Appeals **deny** the variances for 2 Briarwood Ave to allow an accessory structure greater than 1000 sqft (282sqft increase) and greater than the principal structure (170sqft increase).*



N Δ

NOTICE

The application has been filed in conformance with applicable procedural requirements and public notice was published in *The Pantagraph* on April 3, 2017.

GENERAL INFORMATION

Owner and Applicant: Paul Young, on behalf of Mr. and Mrs. John Hollister (property owners)

PROPERTY INFORMATION

Legal description BRIARWOOD SUB E10' LOT 16 ALL LOT 17 & 18 BLK 2

Existing Zoning: R-1C, Single family residential
Existing Land Use: Single family home with accessory structure
Property Size: Approximately 15,318 sqft (138' X 111')
PIN: 14-34-301-018

Surrounding Zoning and Land Uses

Zoning

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

Land Uses

North: Single family home(s)
South: Single family home(s)
East: Single family home(s)
West: Single family home(s)

Analysis

Submittals

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

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

PROJECT DESCRIPTION

Pictured:
206 Tanner St.



Background

The subject site is commonly known as 2 Briarwood Ave and consists of two lots combined to form one larger parcel, approximately 15,318 square feet (138' X 111'). The subject property is improved with a single family home and detached garage/accessory structure. A smaller shed also exists on the property. The subject property exists within Bloomington's core and is surrounded by single family homes. It is an urban setting. Larger lots, exceeding 10,000 sqft, exist in Bloomington, however those tend to be located in more rural environments or within the R-1B and R-1A, low density single family residential zoning districts. The neighborhood was built around 1920 or 1925. It consists of smaller homes located on narrow, deep lots with smaller detached one and two car garages. The principal structure on the property is 1,112 square feet. The existing accessory structure is approximately 807 square feet.

The petitioner would like to add 412 square feet onto the existing garage. The finished accessory structure would have a gross floor area of 1,282 square feet. The petitioner proposes to remove the smaller shed.

The City of Bloomington Zoning Ordinance allows for:

- 1). up to 1000 sqft of accessory structure, or
- 2). up to 30% of the rear yard, or
- 3). or accessory structures smaller than the floor area of the principal structure, whichever is less.

The requested variances are to allow an accessory structure greater than the principal structure, a 170 sqft increase (approximately 15.2%) and to allow an accessory structure greater than 1000 square feet, a 282 sqft increase (approximately 28.2%).

Project Description:

The petitioner would like to add on to the existing accessory structure. As per city code, accessory structures are required to be three feet away from the lot lines. The existing structure is nonconforming in that it is located closer than three feet to the rear lot line. The petitioner proposes to bring the nonconforming setback into conformance with the code. They would also like to add 408 square feet to the north side of the accessory structure to be used as a library/reading room. The proposed structure would be situated at least three feet from the side and rear property lines.

The following is a summary of the requested variations:

Applicable Code Sections:

Section of Code: 44.4-4C Accessory Structures			
Type of Variance	Request	Required	Variation
Accessory Structure > 1000 sqft	1,282 sqft	1000 sqft	282 sqft increase

Type of Variance	Request	Required	Variation
Accessory Structure>Principal Structure	1,282 sqft	1,112 sqft	170 sqft increase

Analysis

Variations from Zoning Ordinance

The petitioner is requesting two variances from Section 44-4C to allow for an accessory structure that would exceed the gross floor area of the principal structure by 15.2% or 170 sqft and the maximum requirement of 1000 sqft by 28.2% or 282 sqft. The variances would enable the expansion of the existing 807 sqft accessory structure.

The Zoning Board of Appeals may grant variances only in specific instances where there would be practical difficulties or particular hardships in carrying out strict adherence to the Code. Staff's findings of fact are presented below. It is incumbent on each Zoning Board of Appeals member to interpret and judge the case based on the evidence presented and each of the Findings of Fact.

FINDINGS OF FACT

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

That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and the subject property consists of two regular lots combined under a single parcel. It exceeds the average lot size for the neighborhood as well as the minimum lot width and area of the R-1C district. The property is relatively flat with no identifiable physical characteristics posing unreasonable challenges to meet the maximum accessory structure requirements of the zoning ordinance. The lot is a corner lot but the front yard setbacks are maintained. The standard is not met.

That the variances would be the minimum action necessary to afford relief to the applicant; and the accessory structure currently complies with City Code. Additionally a 193 square foot addition would be allowed without a variance. The proposed addition could also be added to the rear of the principal structure, as long as a ten (10) foot separation between the accessory structure and principal structure was maintained. The standard is not met.

That the special conditions and circumstances were not created by any action of the applicant; and the requested variances are directly related to the proposed expansion of the structure and the petitioner's desire to add a library/reading room onto the existing accessory structure. If the addition were smaller it would comply with City Code. The special circumstances are created by the applicant and not directly related to a physical hardship or limiting, unique circumstances associated with the property. The petitioner is able to make reasonable use of the property as it exists, a smaller addition would not hinder that reasonable use nor would adding onto the existing principal structure. The standard is not met.

That granting the variation request will not give the applicant any special privilege that is denied to others by the Code; and the proposed expansion would result in an accessory structure exceeding the maximum requirements of city code. These requirements apply to all residential zoning districts and granting the variances could potentially result in precedence. Additionally, other properties in the neighborhood would not be allowed to have a structure of

this size because not only would the lot sizes not allow for it but also it would deviate from the established neighborhood character. Essentially, the 1,282 square foot accessory structure could easily be converted into a principal structure which could impact the density and character of the neighborhood. For example, if a future property owner decided to convert the accessory structure into a dwelling unit by adding a kitchen and bathroom, the three feet setbacks would not allow adequate fire separation (at least 10 feet) from this unit and any accessory structures located on neighboring properties. The standard is not met.

That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use of development of adjoining properties. The neighborhood is developed with smaller single family homes on narrow lots, each with detached one and two car garages. Although the subject property is located on two lots, the accessory unit exceeds the gross floor area of the principal structure as well as other principal structures in the neighborhood. The potential of using the accessory structure as a dwelling unit exists and could essentially alter the density of the neighborhood. Additionally, the City's zoning ordinance imposes height and bulk regulations on accessory structures to protect view sheds, reduce the likelihood of converting these structures into principal units or illegal uses, and to reduce the likelihood of displacing storm water, which, if displaced enough could potentially flood neighboring properties. Although the proposed addition will maintain a height less than 14 ft, the bulk of the structure can still potentially block view sheds and could possibly, due to its mass, impact neighboring properties. An addition on the existing principal structure would align better with the neighborhood character. The standard is not met.

STAFF RECOMMENDATION:

Staff recommends the Zoning Board of Appeals deny the variances for 2 Briarwood Ave to allow an accessory structure greater than 1000 sqft (282 sqft increase) and greater than the principal structure (170 sqft increase).

Respectfully submitted,

Katie Simpson
City Planner

Attachments:

- Variance Application
- Petitioner Statement of Findings of Fact
- Site Plan
- Aerial Map Zoning Map
- Newspaper notice (see Item A) and neighborhood notice
- List of notified property owners

29950

young architects 211 s prospect box 1484 bloomington, il 61704 662-5612

APPLICATION TO ZONING BOARD OF APPEALS

Please consider this as our petition for a variance from the requirement(s) of the Zoning Code. I have provided all information requested herein and attached our site **plan** and fee.

Site Address: 2 Briarwood Avenue

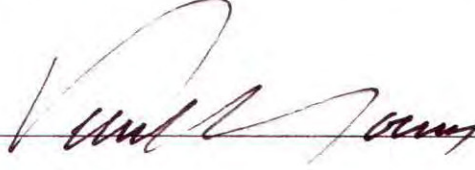
Petitioner: Paul Young Phone: 662-5612

Petitioner's Email Address: youngarchitects@frontier.com

Petitioner's Mailing Address Street: 211 South Prospect Street

City, State, Zip Code: Bloomington, Illinois 61704

Contractual interest in the property ☒ X yes ☐ no

Signature of Applicant 

Brief Project Description:

Adding a 412 square foot addition onto an existing accessory structure

Code Requirements Involved:

Section 44.4-4 C 4

Variances(s) Requested:

- Accessory structure greater than*
- 1) Exceeds 1,000 Square Feet
 - 2) Exceeds Gross Floor Area of Principal Building

Reasons to Justify Approval by the Zoning Board of Appeals: Your justifications for approval must also be provided in the statement of Findings of Fact.

MAR 24 2017

STATEMENT OF FINDINGS OF FACT

(Must be answered by the Petitioner)

Chapter 44, Section 9.40(d)

A variation from the terms of this Code shall not be granted by the Zoning Board of Appeals unless and until findings of fact are submitted demonstrating:

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

See Supplemental Sheet Item 1

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

See Supplemental Sheet Item 2

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

See Supplemental Sheet Item 3

4. That the granting of the variance requested will not give the applicant any special privilege that is denied to others by the Code; and

See Supplemental Sheet Item 4

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

See Supplemental Sheet Item 5

MEMO

To: Ms Katie Simpson - City Planner
City of Bloomington - Government Center
115 East Washington Street - P.O. Box 3157
Bloomington, Illinois 61762 - 3157

From: Paul Young

Date: March 24, 2017

Re: **Hollister Residence - Center for Contentment**
2 Briarwood Avenue - Bloomington, Illinois
Submission of Variances Request

STATEMENT OF FINDINGS OF FACTS

- Item 1** - The property in question poses *“unreasonable challenges”* in that:
- Principal Building was build in 1923 when most principal buildings were smaller than the residences that are being built today.
 - Most attached garages and accessory garage structure are larger than the 1,000 square feet requirement.
- Item 2** - The granting of this variance would be the minimum action necessary to afford relief to this resident. The requested variance is a **28.2 %** increase in code accessory building allowed areas and **15.2 %** larger than the principal building.
- Item 3** - The special conditions and circumstances were existing when applicant bought this property in 1916.
- Item 4** - The granting of this variance will not give this applicant any special privilege that would not be available to any other applicant under the current **Bloomington City Code** afforded under **Chapter 44 - Zoning Code, Section 44.4-4 and Section 44.13-4.**
- Item 5** - Further granting of this variance will not be detrimental to the public welfare, alter the character of the neighborhood, nor impair the development of adjoining properties.

The granting of this variance would enhance and further elevate the terrific character that has been a magnet in this unique **Briarwood Neighborhood**

Please review the enclosed supplemental documents delineating these environmental enhancements.

*Ms. Katie Simpson
City of Bloomington - City Planner
March 24, 2017
Page 2*

We also discussed and analyzed these accessory building code requirements to this **Hollister Residence - Center for Contentment Scheme 2 - Floor Plan** specific items concerning *dimensions, stories, heights, and areas* as follows:

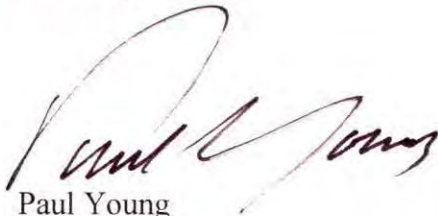
	<u>CODE</u>	<u>ACCESSORY STRUCTURE</u>
Height	<i>14 feet</i>	<i>13' - 8"</i>
Rear Yard	<i>5,363 square feet x 30 percent = 1,609 square feet</i> <i>1,609 square feet</i>	<i>Scheme 2 - 1,282 square feet</i>
Principal Building	<i>1,112 square feet</i>	<i>Scheme 2 - 1,282 square feet</i>
Maximum Area	<i>1,000 square feet</i>	<i>Scheme 2 - 1,282 square feet</i>

I am also forwarding for additional information regarding these **Variance Requests** to assist in your staff review the following:

- *Sheet A-1.2 Scheme 2 - Floor Plan*
- *Sheet A-2.2 Scheme 2 - South Elevation and East Elevation*
- *Sheet A-3.2 Scheme 2 - North Elevation and West Elevation*
- *Sheet A-4.2 Scheme 2 - South to North Section - Looking East*
- West to East Section - Looking North

If any additional information is required, please advise.

Sincerely,



Paul Young
Young Architects

cc: **Mr. and Mrs. John Hollister**

Enclosures:

MAR 24 2017

March 24, 2017

Ms Katie Simpson - City Planner
City of Bloomington - Government Center
115 East Washington Street - P.O. Box 3157
Bloomington, Illinois 61762 - 3157

Re: **Hollister Residence - Center for Contentment**
2 Briarwood Avenue - Bloomington, Illinois
Submission of Variances Request

Dear Ms. Simpson:

Regarding our meeting on Tuesday, March 21, 2017 please find enclosed for discussion and review an **APPLICATION TO ZONING BOARD OF APPEALS**. We understand the **Zoning Board of Appeals** meets every third Wednesday of each month and respectfully request out petition be allowed on the agenda for the meeting Wednesday, April 19, 2017.

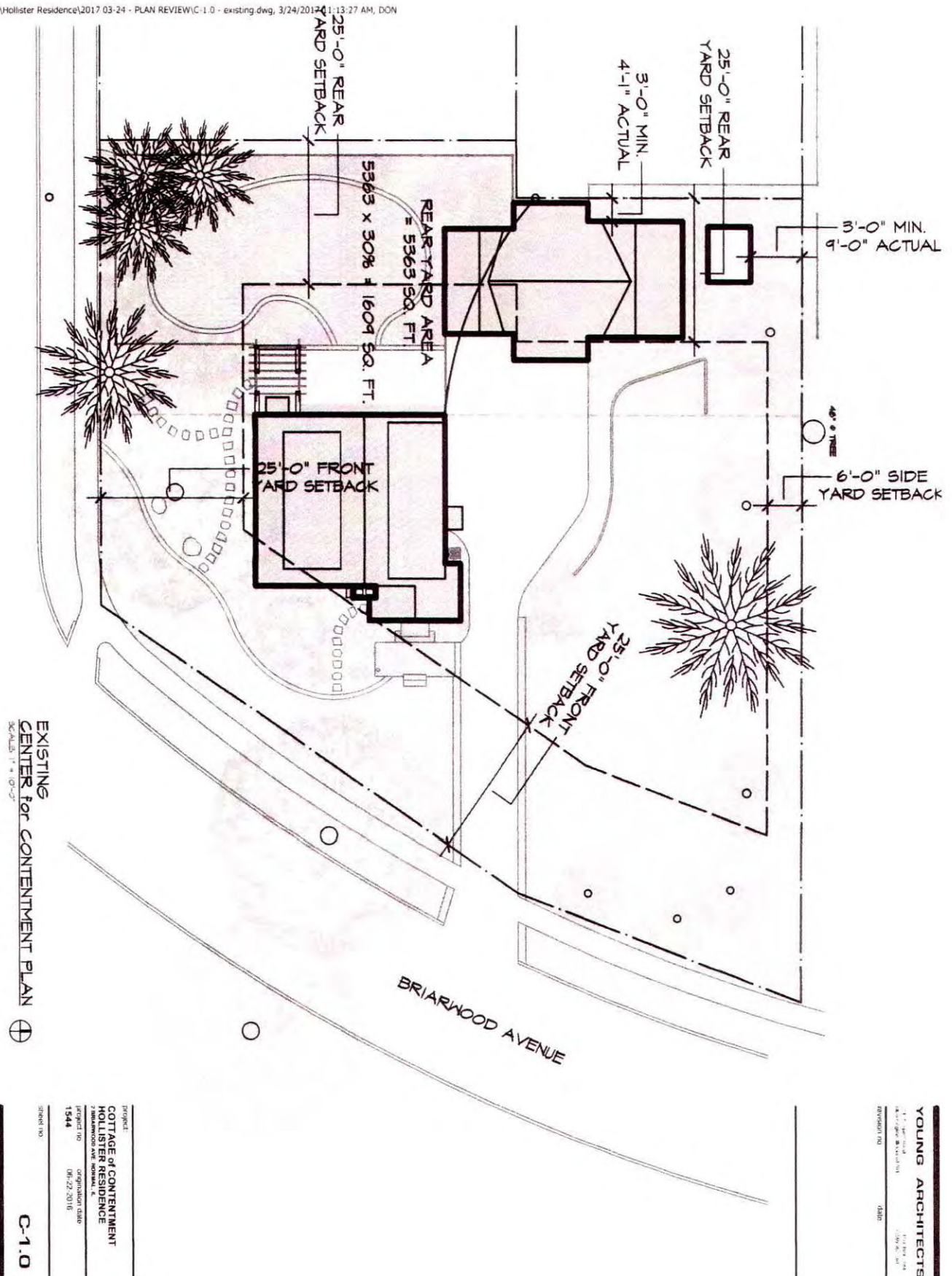
Attached, *as discussed*, are the following:

- | | | | |
|---|---|---------------------------|--------------------|
| - | Filling Fee | Check Number 34257 | \$ 125.00 |
| - | Application to Zoning Board of Appeals | | |
| - | Findings of Fact | | |
| - | Site Plan - Existing | 8 1/2" x 11" | - 1 copy |
| | | 18" x 24" | - 12 copies |
| - | Site Plan - Proposed | 8 1/2" x 11" | - 1 copy |
| | | 18" x 24" | - 12 copies |

We reviewed the **City of Bloomington City Code - Chapter 44 Zoning - Section 44.4.4 Accessory Buildings and Uses** requirements pertinent to this **Variances Requested**.

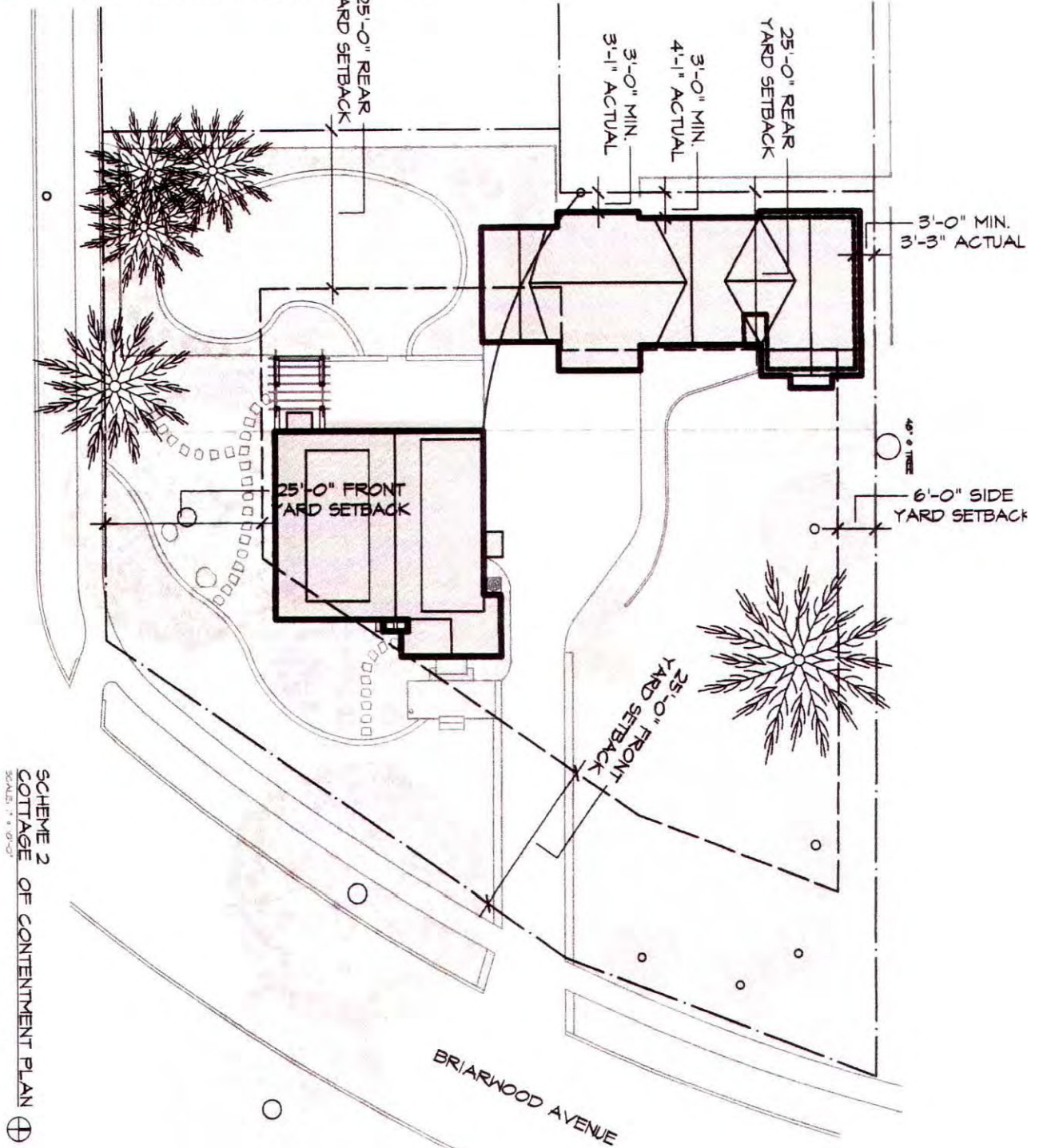
- No accessory structure is allowed in the front or side yard
- No accessory structure shall be closer that 10 feet from a principal building
- No accessory structure shall not exceed 1 story or 14 feet in height
- No accessory structure shall not exceed 30 percent of the rear yard
- No accessory structure shall not exceed 1,000 square feet
- No accessory structure shall not exceed the principal building square footage

MAR 24 2017



YOUNG ARCHITECTS
1111 N. GARDEN AVE.
CHICAGO, ILL. 60610
TEL: 312.329.1111
WWW.YOUNGARCHITECTS.COM

MAR 24 2017

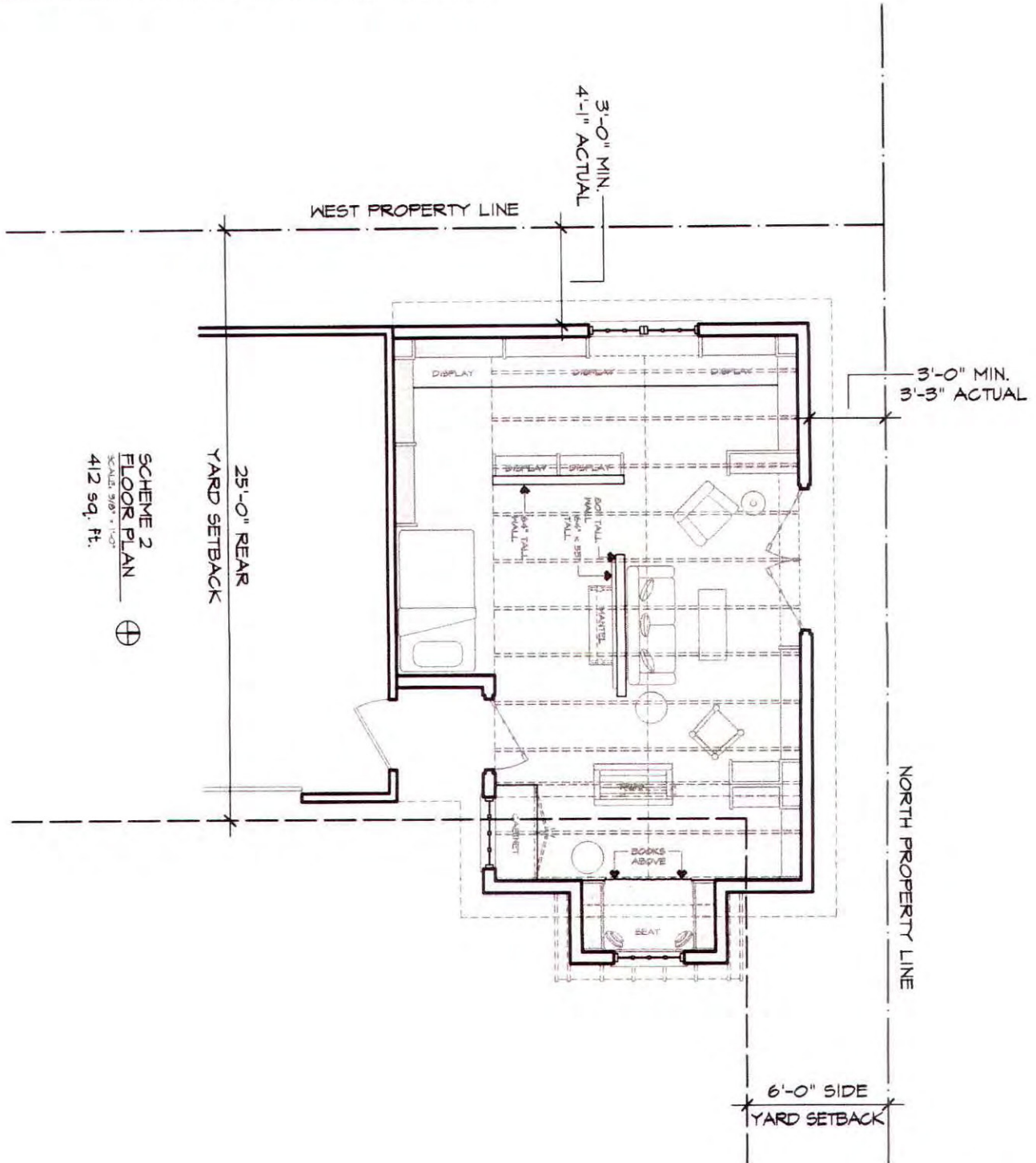


SCHEME 2
COTTAGE OF CONTENTMENT PLAN
SCALE: 1" = 8'-0"

Project:	COTTAGE OF CONTENTMENT HOLLISTER RESIDENCE
Project No:	1544
Organization:	1544
Date:	08-22-2016
Sheet No:	C-1.2

YOUNG ARCHITECTS
1111 1/2 ST. N. W.
ALBUQUERQUE, NM 87102
Phone: 505.263.1111
Fax: 505.263.1112
www.youngarchitects.com

MAR 24 2017

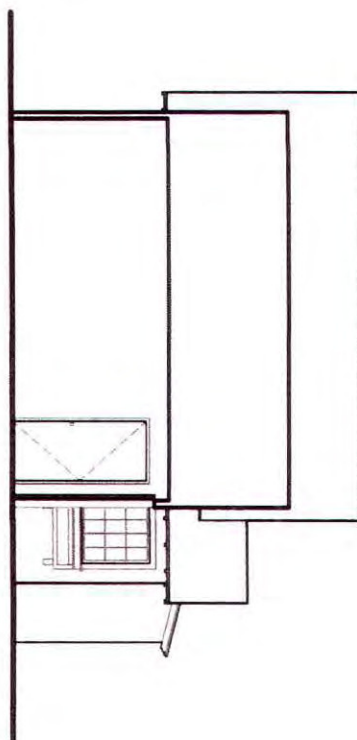


YOUNG ARCHITECTS
1111 1st Ave. N.
St. Petersburg, FL 33701
727.321.1111
www.youngarchitects.com
PROJECT NO. 09-08-2017
DATE 03-24-2017
DESIGNED BY DON
PERMITTED BY 03-24-2017

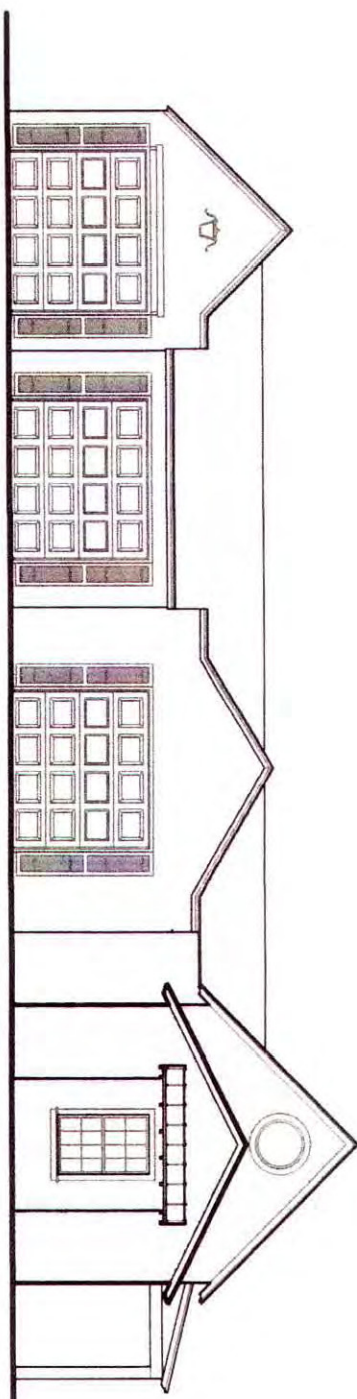
PROJECT:
COTTAGE OF CONTENTMENT
HOLLISTER RESIDENCE
2111 1st Ave. N.
St. Petersburg, FL 33701
PROJECT NO. 09-08-2017
DATE 03-24-2017
DESIGNED BY DON
PERMITTED BY 03-24-2017

A-1.2

MAR 24 2017



SCHEME 2
SOUTH ELEVATION
SCALE 1/4" = 1'-0"

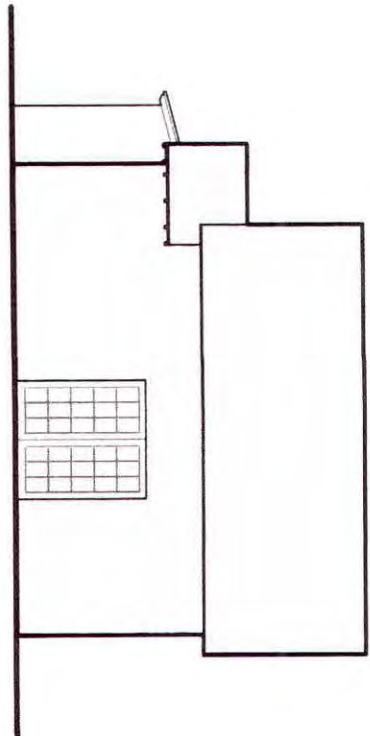


SCHEME 2
EAST ELEVATION
SCALE: 1/4" = 1'-0"

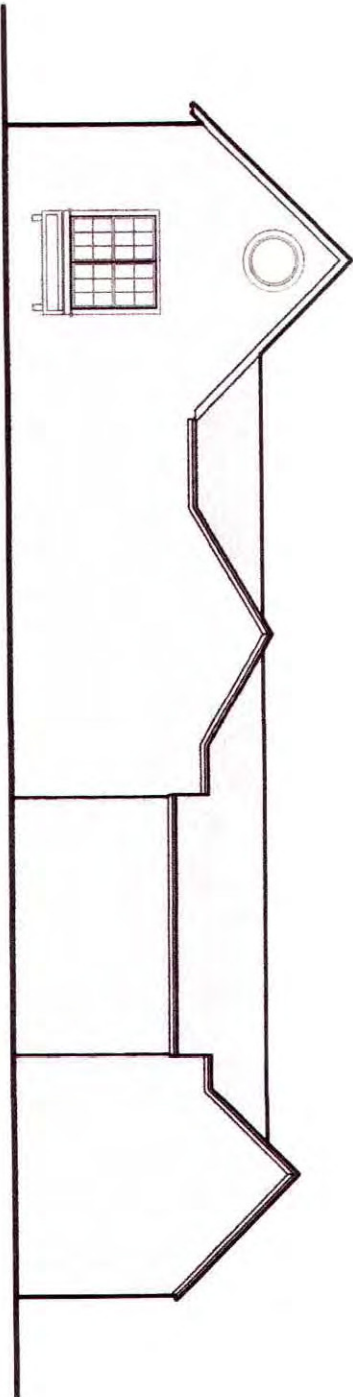
project:
COTTAGE OF CONTENTMENT
HOLLISTER RESIDENCE
2 BRIMMOROCK AVE. NORFOLK, IL
project no.:
544
completion date:
08-22-2016
sheet no.

A-2.2.2

MAR 24 2017



SCHEME 2
NORTH ELEVATION
SCALE: 1/4" = 1'-0"

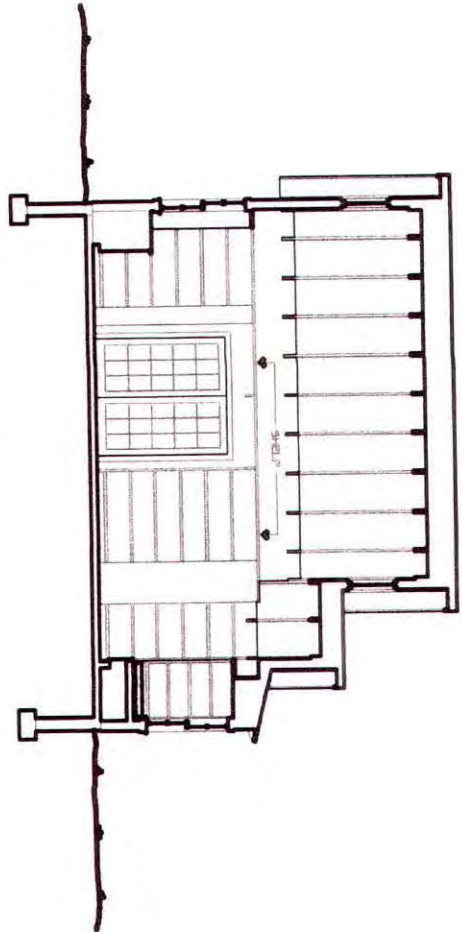


EXISTING ———> | <—— COTTAGE
SCHEME 2
WEST ELEVATION
SCALE: 1/4" = 1'-0"

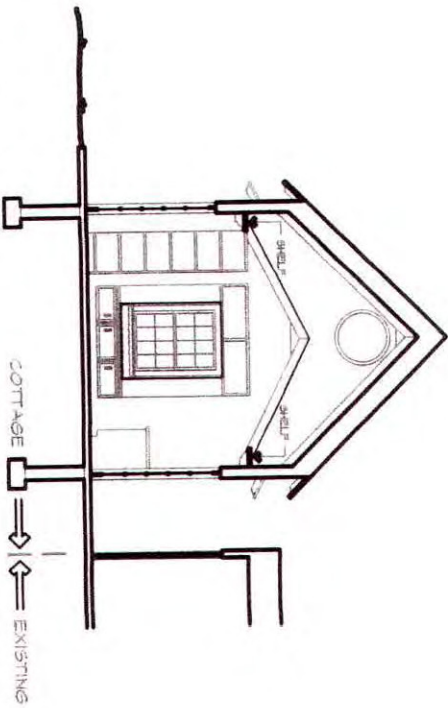
YOUNG ARCHITECTS
111 Devon Road
Beverly Hills, CA 91607
Tel: 310.274.1111
Fax: 310.274.1112
www.youngarchitects.com
Drawing No. 1000

Project:
COTTAGE of CONTENTMENT
HOLLISTER RESIDENCE
1 BRANFORD AVE. HOLMISTON, CT
Project No. 1000
Revision Date 06-22-2016
1944
Sheet No.
A-3.2

MAR 24 2017



SCHEME 2
WEST TO EAST BUILDING SECTION - LOOKING NORTH
A
A4.2
SCALE: 1/8" = 1'-0"



SCHEME 2
NORTH TO SOUTH BUILDING SECTION - LOOKING EAST
B
A4.2
SCALE: 1/8" = 1'-0"

YOUNG ARCHITECTS
ARCHITECTS
1000 N. 10TH AVE.
SUITE 200
DENVER, CO 80202
TEL: 303.733.1111
WWW.YOUNGARCHITECTS.COM

REVISION NO. DATE

PROJECT:
COTTAGE of CONTENTMENT
HOLLISTER RESIDENCE
2 BEDROOMS ONE BATH, 1.5
1544
ORGANIZATION DATE
06-22-2016

SHEET NO.

A-4.2

MAR 24 2017



Aerial View 2 Briarwood Ave



0 0.04 0.1 Miles

1: 2,257

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

Notes

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Zoning Map 2 Briarwood Ave



0 0.04 0.1 Miles

1: 2,257

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

Notes

Printed: 4/10/2017 5:47:35 PM



Department of Community Development
115 E Washington St, Ste 201
Bloomington IL 61701

March 31, 2017

Dear Property Owner or Resident:

The Zoning Board of Appeals will hold a public hearing on Wednesday April 19, 2017 at 4:00 PM in the Council Chambers, 109 E. Olive Street, Bloomington, Illinois to hear testimony on for the following petitioner(s) requesting variance in the regulations of the described property:

Petitioner(s)	Property Address	Legal Description
Paul Young, on behalf of Mr. and Mrs. John Hollister	2 Briarwood Ave	BRIARWOOD SUB E10' LOT 16 ALL LOT 17 & 18 BLK 2

Request: 1) an accessory structure greater than 1000 sqft, a 282 sqft increase; and 2) an accessory structure greater than the principal building, a 170 sqft increase

All interested persons may present their views upon such matters pertaining thereto at the public hearing. The petitioner or his/her Counsel/Agent must attend the meeting.

You are receiving this courtesy notification since you own property within a 500 foot radius of the land described above (refer to attached map). All interested persons may present their views upon matters pertaining to the requested special use during the public hearing. Communications in writing in relation thereto may be filed with the Department of Community Development, or at such hearing. In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk at (309) 434-2240, preferably no later than five days before the hearing.

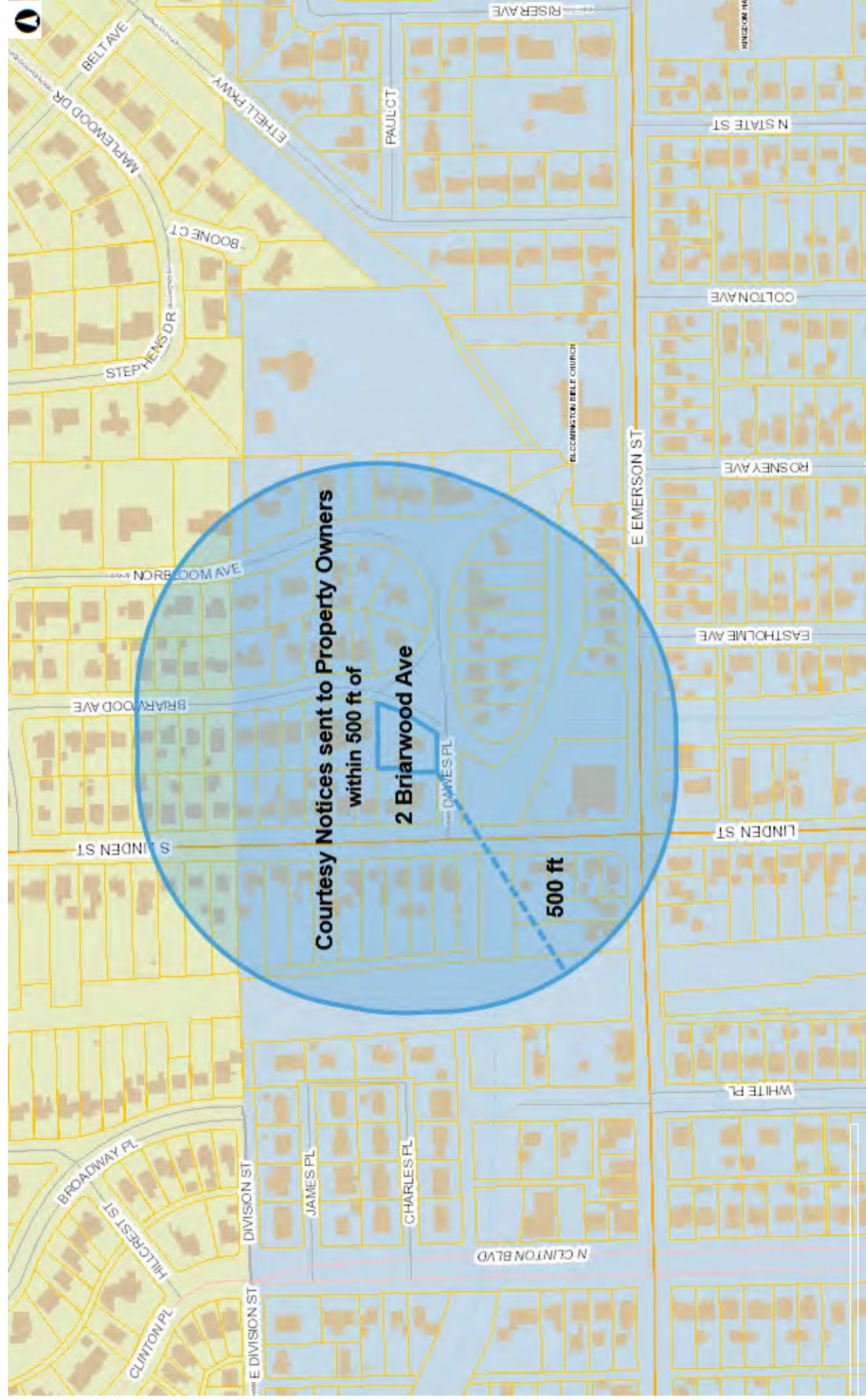
Please note that cases are sometimes continued or postponed for various reasons (i.e lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting.

The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org. If you desire more information regarding the proposed petition or have any questions you may email me at ksimpson@cityblm.org or call me at (309) 434-2226.

Sincerely,

Katie Simpson
City Planner

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



MOORE REVOCABLE LIVING TR
% MARY MOORE AS TRUSTEE 16
NORBLOOM AVE
BLOOMINGTON IL 617011950

JANICE R DICKSON
10 BRIARWOOD AVE
BLOOMINGTON IL 61701

DAVID W MEECE
11 BRIARWOOD AVE
BLOOMINGTON IL 617011919

JOHN ARMSTRONG
12 KLEGGSTONE CIR
BLOOMINGTON IL 617041508

JOSEPH A & MARIA L JACOBS
NOVOTNY
13 NORBLOOM AVE
BLOOMINGTON IL 617011949

PAUL F & JUDITH M FELTH
1312 S LINDEN ST
NORMAL IL 617613718

RANDALL HENDRIKS
1319 S LINDEN ST
NORMAL IL 61761

SCOTT T SCHAHNER
1406 N LINDEN ST
BLOOMINGTON IL 617011940

MACKENZIE CROUCH
15 NORBLOOM AVE
BLOOMINGTON IL 617011949

BARRY L & SUZANNE KAUFMAN
1506 N LINDEN ST
BLOOMINGTON IL 61701

MELANIE LERETTE
1 DAWES PL
BLOOMINGTON IL 61701

ANITA & HAL CHIDO
1006 OAK ST
SUGAR GROVE IL 605549307

R C WURMNEST M/M
11 DAWES PL
BLOOMINGTON IL 617011925

ALICE MAGINNIS
12 NORBLOOM AVE
BLOOMINGTON IL 617011950

JACKIE D MOTT
1308 S LINDEN ST
NORMAL IL 617613718

ENRIQUE A VUELVAS
1313 S LINDEN
NORMAL IL 61761

GERARD BERTHEL
14 BRIARWOOD
BLOOMINGTON IL 61701

DOYLE MARTIN
1408 N LINDEN
BLOOMINGTON IL 61701

FRANK S HURSH
1503 N LINDEN
BLOOMINGTON IL 61701

MARK S & TANYA K RICHMOND
1507 LINDEN ST
BLOOMINGTON IL 617011941

JOSEPH & CHERYL PETELIN
1 SHALIMAR PT
BLOOMINGTON IL 617059094

KENLEY KAISERSHOT
1012 PINE MEADOWS CT
NORMAL IL 617615437

KELLY MESCH
12 BRIARWOOD AVE
BLOOMINGTON IL 617011920

ERIN E GASPERSO
13 DAWES PLACE
BLOOMINGTON IL 61701

J MARTIN AND KATHY ECKERT
1310 S LINDEN
NORMAL IL 61761

ANNE E SETTANNI
1314 S LINDEN ST
NORMAL IL 617613718

CYNTHIA J WILLIAMS
1404 N LINDEN ST
BLOOMINGTON IL 617011940

DARCY GREDE
15 BRIARWOOD AVE
BLOOMINGTON IL 61701

CASEY TOLIVER
1505 N LINDEN ST
BLOOMINGTON IL 617011941

LYNN C IRVIN
1508 N LINDEN ST
BLOOMINGTON IL 61701

STEVEN J RUBENDALL
1509 N LINDEN
BLOOMINGTON IL 61701

NICHOLAS & KAYLYN SHAVER
1512 N LINDEN ST
BLOOMINGTON IL 61701

HAROLD J & EDITH LENORA LEIGHT
1516 N LINDEN ST
BLOOMINGTON IL 617011942

VALERIE FOSTER
1522 N LINDEN ST
BLOOMINGTON IL 617011942

MARTHA A JAHNKE
17 BRIARWOOD AVE
NORMAL IL 617613907

WILLIAM L HUTSON
1932 N LAMBERT DR
NORMAL IL 617615261

STEPHEN M PETERSEN
20 NORBLOOM AVE
BLOOMINGTON IL 61701

JEANNE & RHONDAL MCKINNEY
HOWARD
21 NORBLOOM
BLOOMINGTON IL 61701

VINCE L SAMPSON
23 BRIARWOOD
NORMAL IL 61761

MELISA KNITTER
3 Briarwood Ave
Bloomington IL 617011919

LORI DEVORE
1510 N LINDEN ST
BLOOMINGTON IL 617011942

IAN & AMANDA REHTMEYER MINTER
1514 N LINDEN ST
BLOOMINGTON IL 617011942

CHRISTIE A BUCHANAN
1518 N LINDEN ST
BLOOMINGTON IL 61701

DARIN & ANDREA MARKERT
15927 PEBBLE BEACH RD
BLOOMINGTON IL 617054705

MARY E LAPHAM
18 BRIARWOOD AVE
NORMAL IL 617613908

JOHN D & DIANE M HOLLISTER
2 BRIARWOOD AVE
BLOOMINGTON IL 617011920

KAREN BECKWITH
2001 WOODFIELD RD
BLOOMINGTON IL 617042452

AUBREY FREITAG
22 BRIARWOOD AVE
NORMAL IL 617613908

STACY L PREWITT
26 NORBLOOM AVE
NORMAL IL 61761

JEREMY BRUNK
3 Dawes Pl
Bloomington IL 617011925

ANTHONY HAROLD HAYES
1511 N LINDEN
BLOOMINGTON IL 61701

ROBERT J GLOVER
1515 N LINDEN ST
BLOOMINGTON IL 617011941

ANDREW S KUBIAK
1520 N LINDEN ST
BLOOMINGTON IL 617011942

LEARNING CENTER NOBEL
1615 W CHESTER PIKE
WEST CHESTER PA 193826223

MOLLY OROURKE
19 BRIARWOOD
NORMAL IL 61761

DONNA R CHILES
2 DAWES PL
BLOOMINGTON IL 617011926

ADRIENNE OHLER
21 Briarwood Ave
Normal IL 617613907

SHARON S VOGL
22 NORBLOOM
NORMAL IL 61761

ROBERT C PEITHMAN
2707 NE MASON ST
PORTLAND OR 972116545

ROBERT EISENMANN
427 CLEARVIEW RD
EL PASO IL 617389616

VALERIE K CURTIS
5 BRIARWOOD AVE
BLOOMINGTON IL 617011919

LYNN MCCAIN
5 DAWES PL
BLOOMINGTON IL 617011925

ROGER & RITA DONOVAN
5 NORBLOOM AVE
BLOOMINGTON IL 617011949

DELBERT C & DORIS J FAGERLAND
501 MCKINLEY ST
NORMAL IL 617611525

KAREN MILLS
6 BRIARWOOD AVE
BLOOMINGTON IL 617011920

ROSE M PEEPLES
7 BRIARWOOD AVE
BLOOMINGTON IL 617011919

LORRAINE MRS OLSON
7 DAWES PL
BLOOMINGTON IL 617011925

ANDREW & MELISSA LITWILLER
7 Norbloom Ave
Bloomington IL 617011949

BARRY L TAPKE
710 E EMERSON ST
BLOOMINGTON IL 617011858

ELIZABETH R WISE
8 BRIARWOOD AVE
BLOOMINGTON IL 617011920

KENNETH H WEY
8 DAWES PL
BLOOMINGTON IL 61701

GERALD L HOUSTON
808 E ELM ST
BLOOMINGTON IL 617015453

JAMES RIDGEWAY
809 E EMERSON ST
BLOOMINGTON IL 617011907

DENNIS MILLER
812 E EMERSON
BLOOMINGTON IL 61701

MICHAEL P ENSIGN
9 BRIARWOOD AVE
BLOOMINGTON IL 61701

BEVIN COWIE
9 DAWES PL
BLOOMINGTON IL 617011925

GERRIT SINCLAIR
9 NORBLOOM AVE
BLOOMINGTON IL 617011949

JENNIFER MALTMAN
902 E EMMERSON
BLOOMINGTON IL 61701

SUSAN SCHUBER
906 E EMERSON ST
BLOOMINGTON IL 617011910

LISA R DEVER
908 E Emerson St
Bloomington IL 617011910

SHEILA E TAYLOR
9130 POLARIS DRIVE
BLOOMINGTON IL 61705

BLOOMINGTON-NORMAL
RECLAMATION DISTRICT
PO BOX 3307
BLOOMINGTON IL 617023307

FREEDOM OIL CO
PO BOX 3697
BLOOMINGTON IL 617023697

CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
APRIL 19, 2017

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-11-17	701 Marshall Ln	Variance	Katie Simpson, City Planner

PETITIONER'S REQUEST:

Section of Code: 44.4-4C Accessory Structures

Type of Variance	Request	Required	Variation
Front Yard Fence	6'	4'	2' increase

STAFF

RECOMMENDATION:

Staff determines the **petition meets** the Zoning Ordinance's standards required to grant a variance (4.13-3).
*Staff recommends the Zoning Board of Appeals **approve the** variances for 701 Marshall Ln to allow a 6 ft fence in the front yard.*



N Δ

NOTICE

The application has been filed in conformance with applicable procedural requirements and public notice was published in *The Pantagraph* on April 3, 2017.

GENERAL INFORMATION

Owner and Applicant: Jeff Dodson

PROPERTY INFORMATION

Legal description LES WILSON SECOND SUB LOT 29

Existing Zoning: R-1B, Medium density single family residential
Existing Land Use: Single family home
Property Size: Approximately 16,092 sqft (108' X 149')
PIN: 21-06-226-011

Surrounding Zoning and Land Uses

Zoning

North: R-1B, Single family residential
South: B-1, Highway Business District
East: B-1, Highway Business District
West: R-1B, Single family residential

Land Uses

North: Single family home(s)
South: Red Roof Inn
East: Red Roof Inn
West: Single family home(s)

Analysis

Submittals

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

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

PROJECT DESCRIPTION



Background

The subject site is commonly known as 701 Marshall Lane. It is located south of Truckers Lane and Market Street and is adjacent to the Red Roof Inn. The property is improved with a single family home facing west. The property is zoned R-1B, single family residential and is bordered by B-1, Highway business district to the south and east. The neighborhood is improved with similar ranch style single family homes. The property is relatively flat with a small slope in the rear. It sits about ten feet higher than the adjacent hotel.

Project Description:

The subject site has a six (6) foot fence along the south, side property line. The fence provides a barrier and screening between 701 Marshall Lane and the Red Roof Inn, zoned B-1. The fence transitions to a four (4) foot fence as it encroached into the front yard of the property. The petitioner is requesting a variance to increase this four (4) foot tall section of fence to six (6) feet. To provide extra privacy and screening from the hotel residents. This area was once screened with trees, but recently some of these trees have died and were removed so the screening is less dense.

The following is a summary of the requested variations:

Applicable Code Sections:

Section of Code: 44.4-4C Accessory Structures

Type of Variance	Request	Required	Variation
Front Yard Fence	6'	4'	2' increase

Analysis

Variations from Zoning Ordinance

Since the fence is located in the required front yard, where four feet is the maximum permitted height, a variance is needed to fulfill this request.

The Zoning Board of Appeals may grant variances only in specific instances where there would be practical difficulties or particular hardships in carrying out strict adherence to the Code. Staff's findings of fact are presented below. It is incumbent on each Zoning Board of Appeals member to interpret and judge the case based on the evidence presented and each of the Findings of Fact.

FINDINGS OF FACT

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

That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and the property is relatively flat but adjacent to a commercial site. The property sits at a higher elevation to the commercial site. Under the current zoning ordinance, a transitional yard with fencing and screening would be required for business zones adjacent to residential. The two feet variance could allow the petitioner to make reasonable use of their property and provide screening. The standard is met.

That the variances would be the minimum action necessary to afford relief to the applicant; and a four foot fence exists but due to the height of the adjoining hotel, four feet is inadequate to provide screening and separation. The standard is met.

That the special conditions and circumstances were not created by any action of the applicant; and the commercial development occurred after the residential property was built, the height of the development reduces the functionality of the existing four (4) foot fence. The conditions were not created by the applicant but are directly related to the surrounding development and more intense use in the adjacent B-1 District. Also, the need for the fence is related to the removal of existing screening on the commercial property. The standard is met.

That granting the variation request will not give the applicant any special privilege that is denied to others by the Code; and other properties in this neighborhood have six foot fences in the front yard. Additionally, 701 Marshall Street is bordered by a business development. The proposed fence will not extend in front of the home but will run along the side property line. It will not block visibility and therefore is not giving the applicant special privilege denied by others in the code. The variance will allow the property owner to mitigate the impacts of the neighboring development and experience a quality of life received by other residential homeowners in other parts of the City. The standard is met.

That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use of development of adjoining properties. The additional screening will provide benefit to the other residences in the neighborhood in addition to the property owner. It will enhance a physical barrier between the business district and residential district and help mitigate environmental, noise and light impacts from the business development. The neighborhood character is preserved and public welfare is maintained. The standard is met.

STAFF RECOMMENDATION:

Staff recommends the Zoning Board of Appeals approve the variances for 701 Marshall Ln to allow a 6 ft fence in the front yard.

Respectfully submitted,

Katie Simpson
City Planner

Attachments:

- Variance Application
- Petitioner Statement of Findings of Fact
- Site Plan
- Aerial Map Zoning Map
- Newspaper notice (see Item A) and neighborhood notice
- List of notified property owners

29952

APPLICATION TO ZONING BOARD OF APPEALS

Please consider this as our petition for a variance from the requirement(s) of the Zoning Code. I have provided all information requested herein and attached our site plan and fee.

Site Address: 701 MARSHALL LN

Site Address: _____

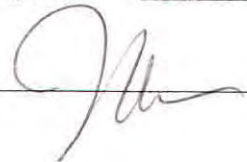
Petitioner: JEFF DODSON Phone: 532 0849

Petitioner's Email Address: jdodson11@yahoo.com

Petitioner's Mailing Address Street: 701 MARSHALL LN

City, State, Zip Code: Bloom IL 61701

Contractual interest in the property ☒ yes ☐ no

Signature of Applicant 

Brief Project Description:

EXTEND 6' FENCE ALONG SOUTH OF PROPERTY

Code Requirements Involved:

44.4-5

Variances(s) Requested:

RAISE 4' FRONT YARD FENCE TO 6'

RAISE FENCE 2'

Reasons to Justify Approval by the Zoning Board of Appeals: Your justifications for approval must also be provided in the statement of Findings of Fact.

S HORT ST.

MARSHALL LN

NEW FENCE
35'

RED ROOF I UN

EXISTING FENCE

HOUSE

JEFF DODSON
701 MARSHALL LN

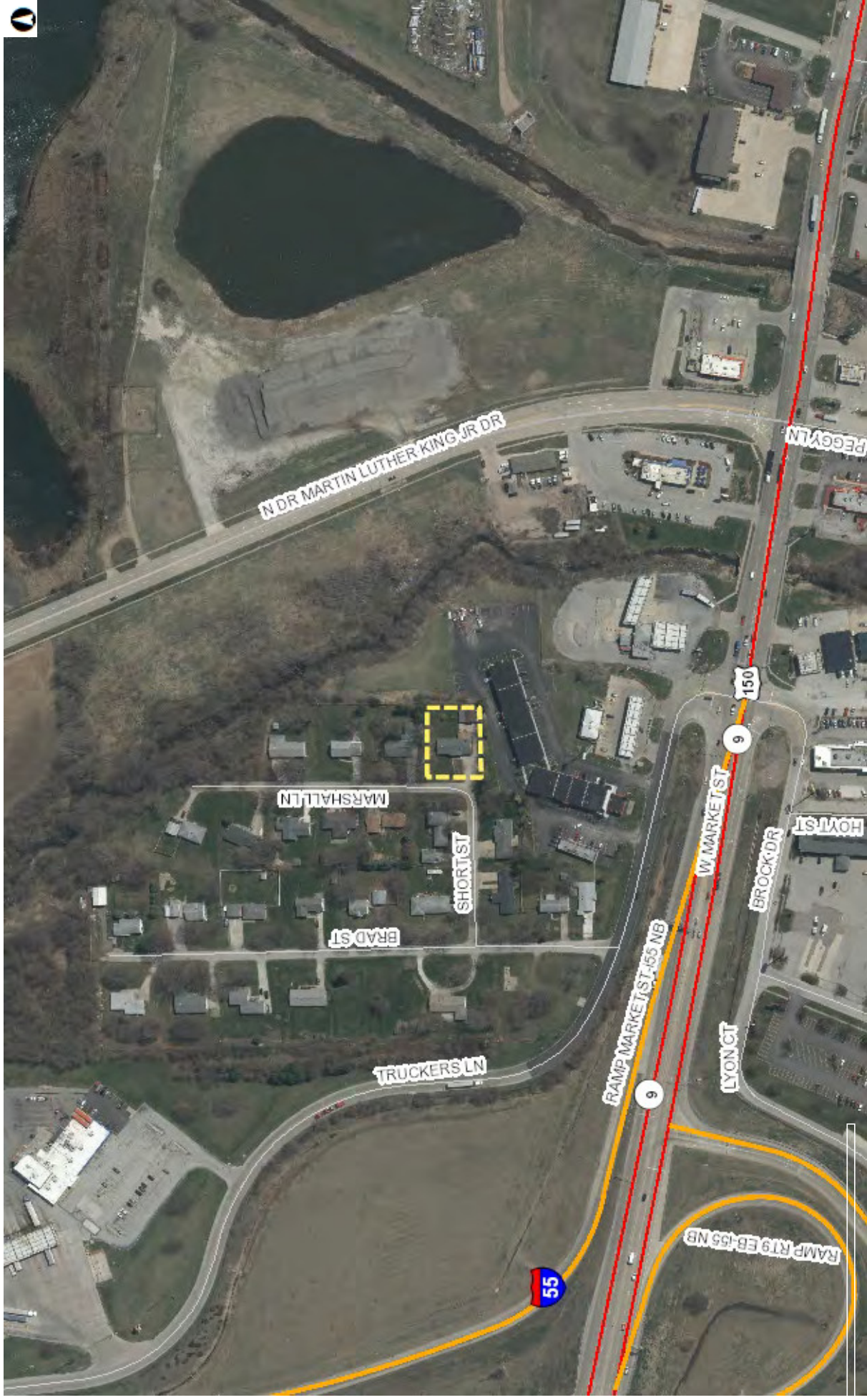
GARAGE

SCANNED

MAR 07 2017



Aerial View 701 Marshall Lane



Notes

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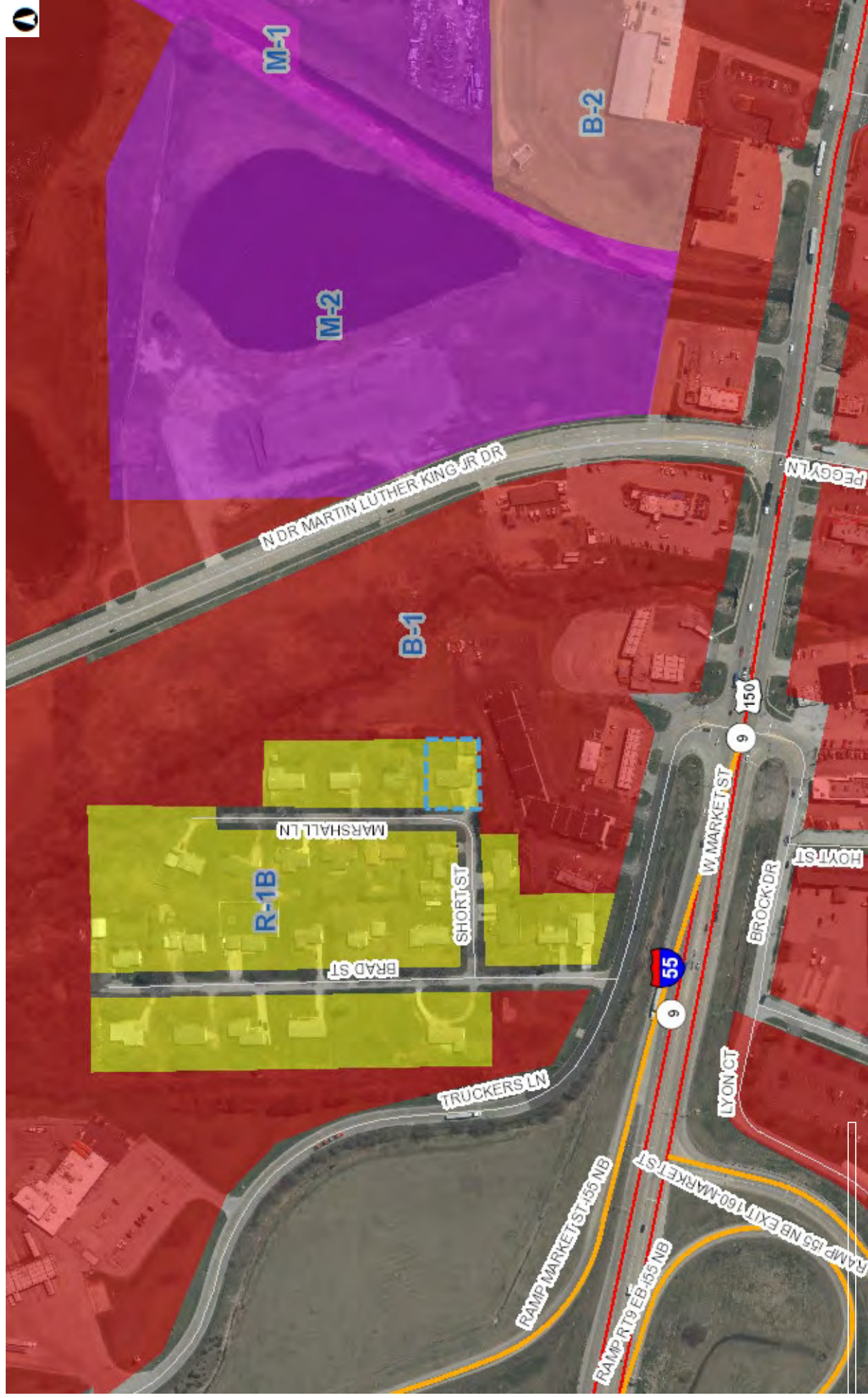
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Zoning Map 701 Marshall Ln



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Notes



Department of Community Development
115 E Washington St, Ste 201
Bloomington IL 61701

March 31, 2017

Dear Property Owner or Resident:

The Zoning Board of Appeals will hold a public hearing on Wednesday April 19, 2017 at 4:00 PM in the Council Chambers, 109 E. Olive Street, Bloomington, Illinois to hear testimony on for the following petitioner(s) requesting variance in the regulations of the described property:

Petitioner(s)	Property Address	Legal Description
Jeff Dodson	701 Marshall Ln	LES WILSON SECOND SUB LOT 29

Request: requesting a six (6) foot fence in lieu of the four (4) foot maximum allowed in the front yard of a residential property, a two (2) foot increase

All interested persons may present their views upon such matters pertaining thereto at the public hearing. The petitioner or his/her Counsel/Agent must attend the meeting.

You are receiving this courtesy notification since you own property within a 500 foot radius of the land described above (refer to attached map). All interested persons may present their views upon matters pertaining to the requested special use during the public hearing. Communications in writing in relation thereto may be filed with the Department of Community Development, or at such hearing. In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk at (309) 434-2240, preferably no later than five days before the hearing.

Please note that cases are sometimes continued or postponed for various reasons (i.e lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting.

The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org. If you desire more information regarding the proposed petition or have any questions you may email me at ksimpson@cityblm.org or call me at (309) 434-2226.

Sincerely,

Katie Simpson
City Planner

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

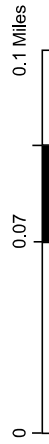


Public Hearing for a variance request for a 6' fence in the front yard on Wednesday April 19, 2017



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Notes



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ANDY MORSKI
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BLOOMINGTON IL 617019533

Elizabeth Bartels
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Bloomington IL 617019534

FRED A & SHIRLEY LEIBACH
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BLOOMINGTON IL 617019539

ROGER C FITCHORN
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MCLEAN COUNTY LAND TRUST
307 E GROVE ST
BLOOMINGTON IL 617015231

THOMAS AND JANET BRADY
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BLOOMINGTON IL 61701

SANDRA K BARTELS
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BLOOMINGTON IL 617019538

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BLOOMINGTON IL 61701
EDWIN S PARKER
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BLOOMINGTON IL 617019535

LEWIS N WATSON
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BLOOMINGTON IL 617019539

JON J SERAPIN
712 MARSHALL LN
BLOOMINGTON IL 617019538

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