

**AGENDA
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, APRIL 18, 2018
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

4. MINUTES: Consideration, review and approval of Minutes from the March 21, 2018 meeting.

5. REGULAR AGENDA

A. Z-07-18 Consideration, review and action of a petition submitted by Ray Reed for a variance to allow a reduction in front yard setback by 9 ft at 202 Orleans Dr. **(Ward 5)**.

B. SP-04-18 Consideration, review and action of a petition submitted by Mary Ellers for a special use permit to allow a retail nonconforming use in the R-1C, High Density Single-Family Residence District at 802 N Morris Ave. **(Ward 7)**.

C. Z-09-18 Consideration, review and action of a petition submitted by George Peifer for a variance to allow 1) Closer than 10 ft from principle structure; and 2) 10 ft projection into side yard; and 3) 23% increase in allotted gross floor area for an accessory structure; and 4) exceeds the sq ft of the principle structure by 303 sq ft.; and 5) exceeds the 1000 sq ft requirement by 326 ft at 811 W Olive St. **(Ward 6)**.

D. Z-10-18 Consideration, review and action of a petition submitted by Habitat for Humanity for a variance to allow a reduction in rear yard setback by 6'11" at 407 N Allin St. **(Ward 7)**

6. OTHER BUSINESS

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 21, 2018
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

Members present: Mr. Jeff Brown, Mr. Michael Butts, Ms. Victoria Harris, Mr. Robert Schultz, Mr. Richard Veitengruber, and Chairman Tristan Bullington

Members absent: Ms. Barbara Meek

Also present: Mr. George Boyle, Assistant Corporation Counsel
Mr. Bob Mahrt, Community Development Director
Ms. Izzy Rivera, Assistant City Planner
Ms. Katie Simpson, City Planner

Chairman Bullington called the meeting to order at 4:05 p.m. Ms. Simpson called the roll; with six members present, the Zoning Board of Appeals established a quorum.

PUBLIC COMMENT: None.

MINUTES: The Zoning Board of Appeals reviewed the February 21, 2018 regular meeting minutes. Chairman Bullington amended a number of scrivener's errors, and amended a sentence on page 9 to read, "Chairman Bullington stated that he cannot agree with the staff finding that this would not be detrimental to the adjacent property owner." Mr. Boyle amended the last full paragraph on page 8 to read "less than five negative votes allows an appeal to City Council." Ms. Harris motioned to approve the minutes; Mr. Brown seconded the motion. The Board approved the minutes by voice vote, 6-0.

REGULAR AGENDA:

Z-04-18 Consideration, review and action of a petition submitted by EA Architecture and Design for a variance to allow a reduction in parking by 25 spots at 2301 Castleton Dr.(Ward 3). ~~WITHDRAWN~~

Z-08-18 Consideration, review and action of a petition submitted by John Reynolds for a variance to allow a four foot reduction in the front yard for a room addition at 1106 E Taylor St. (Ward 4).

Chairman Bullington introduced the case and swore in the petitioner, Mr. John Reynolds, 1106 E. Taylor St. Mr. Reynolds stated that he is attempting to improve his neighborhood and home. He mentioned that he would be removing the front porch and adding more living space and an extra bathroom. He stated space in the rear of the home is limited because he is also adding a small kitchen the home.

Ms. Simpson presented the staff report and staff's favorable recommendation for the variance. Ms. Simpson provided pictures of the subject property, the surrounding properties and an aerial view of the neighborhood. She described the zoning and the setback requirements. Ms.

Simpson noted the home and neighborhood were established before the adoption of the zoning ordinance. She stated the block lacks a consistent front yard setback but many of the homes share similar characteristics and features. She explained the block is a symmetric and shaped like a trapezoid. She described the significant change in elevation and showed pictures of the varying front yard slopes from the west side of the block to the east side of the block. She explained the difference in elevation is about ten (10) feet. She shared a sketchup model to show the existing conditions and changes following the addition. She explained the proposed addition results in a small expansion on the footprint that is consistent with the surrounding properties. Ms. Simpson provided staff's analysis of the standards for a variance and determined the petition meets the factors.

No one spoke in favor of the petition. No one spoke in opposition to the petition. Chairman Bullington declared the evidentiary hearing closed.

Chairman Bullington requested the Board establish a finding of fact. He explained the Board will take a position on each factor and state if the factor is "met" or "not met". Ms. Simpson called each factor and performed a roll call vote for each factor. The Board determined that case Z-08-18 met the factors for a variance (44.13-4D) by vote 6-0 with the following votes cast:

Factor 1. Mr. Brown—met; Mr. Butts—met; Ms. Harris—met; Mr. Schultz—met; Mr. Veitengruber—met; Chairman Bullington—met.

Factor 2. Mr. Brown—met; Mr. Butts—met; Ms. Harris—met; Mr. Schultz—met; Mr. Veitengruber—met; Chairman Bullington—met.

Factor 3. Mr. Brown—met; Mr. Butts—met; Ms. Harris—met; Mr. Schultz—met; Mr. Veitengruber—met; Chairman Bullington—met.

Factor 4. Mr. Brown—met; Mr. Butts—met; Ms. Harris—met; Mr. Schultz—met; Mr. Veitengruber—met; Chairman Bullington—met.

Factor 5. Mr. Brown—met; Mr. Butts—met; Ms. Harris—met; Mr. Schultz—met; Mr. Veitengruber—met; Chairman Bullington—met.

Chairman Bullington requested the Board vote in favor or against the petition for a variance, case Z-08-18. The Variance was approved unanimously, 6-0, with the following votes called: Mr. Brown—yes; Mr. Butts—yes; Ms. Harris—yes; Mr. Schultz—yes; Mr. Veitengruber—yes; Chairman Bullington—yes.

SP-03-18 Consideration, review and action of a petition submitted by Krishna Balakrishnan, Terra, LLC for a special use permit to allow for condominium development in the B-1, Highway Business District (Ward 3).

Chairman Bullington introduced case SP-03-18 and swore in the petitioner, Krishna Balakrishnan, 1904 Longwood Lane, Bloomington, IL. The petitioner explained he is having difficulty developing the subject property for commercial uses. He explained an assisted living center opened near the site, and he decided to develop the property with condominiums to serve as a transition between the single-family homes and the commercial uses. Chairman

Bullington asked the petitioner if he is aware of the conditions requested by staff, and if he agrees with the conditions. The petitioner affirmed that he agrees with the conditions and would seek to reduce the overall footprint of the development rather than the number of units. He would like to maintain twelve units but will reduce the footprint of each unit. Mr. Balakrishnan explained he held a neighborhood meeting with the residents and answered the questions of the residents.

Mr. Don Leaver, 1421 Norma Dr. stated that this item was withdrawn from the January 2018 Zoning Board of Appeals agenda. He asked for clarification about why the staff recommendation changed from a negative recommendation to a positive recommendation. He also asked if this was a variance or a zoning change, he requested clarification about the zoning process. Chairman Bullington asked if Mr. Leaver was speaking in favor of the petition, in opposition to the petition or asking questions. Mr. Leaver confirmed he is asking questions.

Ms. Rivera presented the staff report and explained staff is providing a positive recommendation for the Special Use permit with three conditions to reduce the foot print to a fifty (50) percent lot coverage, provide a fence to screen the parking lot from the residential homes, and place the attractive side of the fence outward. Ms. Rivera described the surrounding zoning and uses. She presented the site plan provided by the petitioner and described changes in the plan from the previous plan submitted in January 2018. She explained the petitioner is provided a greater setback from the abutting residential homes, decreased the height of the townhomes and altered the ingress and egress. She provided an aerial view highlighting the transitional yard requirements, parking requirements, height and floor area ratio requirements. She stated lights are required to be directed down and away from residential units. Ms. Rivera explained the floor area ratio and that the proposed building exceeds the allowed floor area ratio. She stated this is the reason staff recommended decreasing the number of units. Ms. Rivera presented a rendering showing what a reduced density development could look like. Ms. Rivera provided staff's analysis of the standards for a special use permit. Ms. Simpson added that the staff recommendation changed because additional information the petitioner provided additional information, including an overall concept for the area, which addressed prior staff concerns. The petitioner also revised the site plan to comply with City Code requirements. Ms. Simpson explained that the Special Use permit allows the Zoning Board to apply conditions, and requires a public hearing. She explained the special use provides a platform for addressing concerns when some uses require additional considerations.

Ms. Harris asked if special uses could provide a better transition between the residential homes and commercial uses. Ms. Simpson confirmed. Mr. Leaver stated there is no mix of residential and commercial in the area, and a mixed-use is deceiving. Mr. Leaver asked if multifamily apartments exist in other B-1 zoned properties. Ms. Simpson affirmed and added that multifamily was allowed in the B-1 district by right before 1997.

Chairman Bullington requested the Board establish a finding of fact for case SP-03-18. He explained the Board will take a position on each factor and state if the factor is "met" or "not met". Ms. Simpson called each Special Use factor (44.10-3C) and performed a roll call vote for each factor. The Board determined that case SP-03-18 met the factors for a special use by vote 6-0 with the following votes cast:

Factor 1. Mr. Brown—met; Mr. Butts—met; Ms. Harris—met; Mr. Schultz—met; Mr. Veitengruber—met; Chairman Bullington—met.

Factor 2. Mr. Brown—met; Mr. Butts—met; Ms. Harris—met; Mr. Schultz—met; Mr. Veitengruber—met; Chairman Bullington—met.

Factor 3. Mr. Brown—met; Mr. Butts—met; Ms. Harris—met; Mr. Schultz—met; Mr. Veitengruber—met; Chairman Bullington—met.

Factor 4. Mr. Brown—met; Mr. Butts—met; Ms. Harris—met; Mr. Schultz—met; Mr. Veitengruber—met; Chairman Bullington—met.

Factor 5. Mr. Brown—met; Mr. Butts—met; Ms. Harris—met; Mr. Schultz—met; Mr. Veitengruber—met; Chairman Bullington—met.

Factor 6. Mr. Brown—met; Mr. Butts—met; Ms. Harris—met; Mr. Schultz—met; Mr. Veitengruber—met; Chairman Bullington—met.

Chairman Bullington requested the Board vote to provide a favorable recommendation of the Special Use petition with the conditions requested by staff to City Council, case SP-03-18. The Special Use was approved with conditions, by a vote of 6-0, with the following votes called: Mr. Brown—yes; Mr. Butts—yes; Ms. Harris—yes; Mr. Schultz—yes; Mr. Veitengruber—yes; Chairman Bullington—yes.

OTHER BUSINESS:

NEW BUSINESS: Mr. Schultz stated he would like to discuss the meeting procedures, specifically voting on the individual factors. The Board briefly discussed the pros and cons of voting on each standard such as establishing a clear record verse time requirements.

ADJOURNMENT

Mr. Butts motioned to adjourn. Ms. Harris seconded the motion. The meeting adjourned at 4:54 p.m.

Respectfully Submitted,
Katie Simpson
Secretary

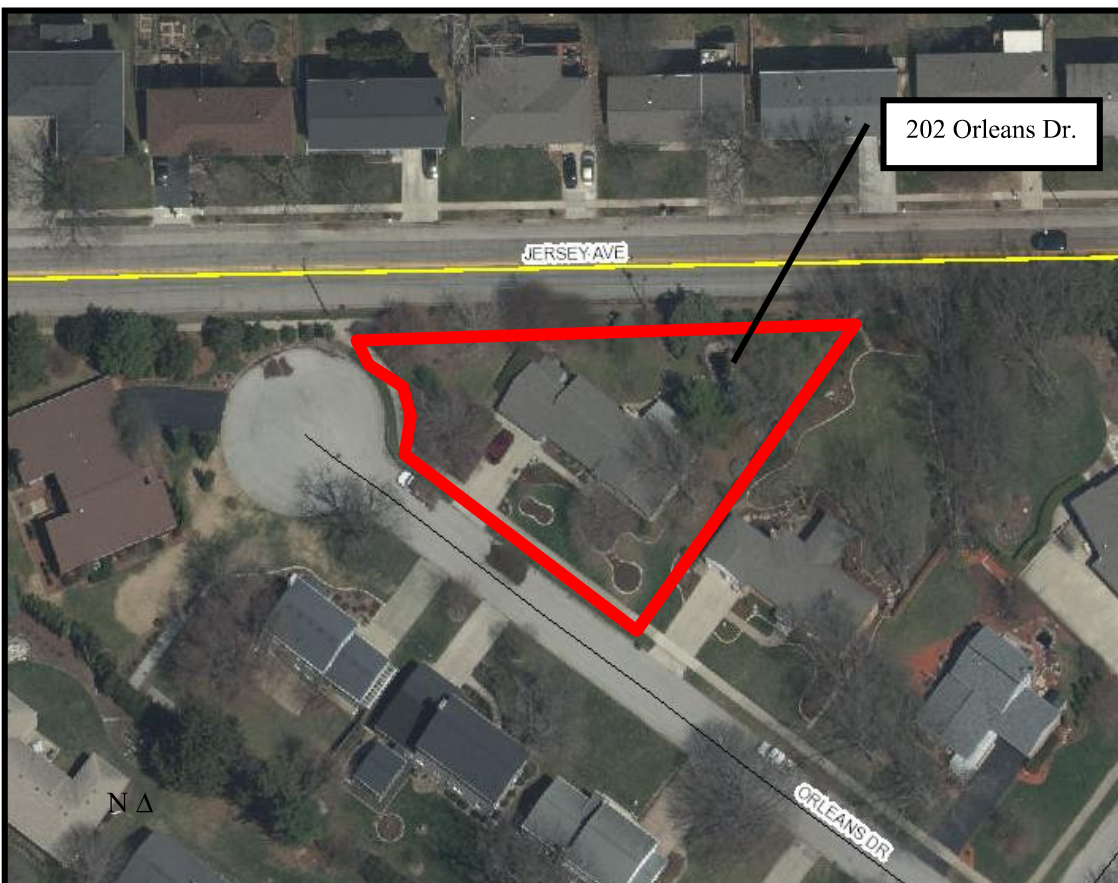
**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
APRIL 18, 2018**

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-07-18	202 Orleans Dr.	Variance	Izzy Rivera Assistant City Planner

PROJECT DESCRIPTION:
Adding a twenty three (23) foot by twelve (12) foot structure to the existing 2 car garage. The structure will encroach in the required front yard setback toward Jersey Avenue to the north.

PETITIONER'S REQUEST:			
Pertaining to Section of Code: 44.6-40 A Bulk Regulations			
Type of Variance	Request	Required	Variation
Front yard setback reduction	21'	30'	9' Reduction

STAFF RECOMMENDATION:	Staff recommends the Zoning Board of Appeals approve the variance for 202 Orleans Drive to allow a 9 foot reduction in the required front yard setback.
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NOTICE

The application has been filed in conformance with applicable procedural requirements and public notice was published in *The Pantagraph* on April 2, 2018.

GENERAL INFORMATION

Owner and Applicant: Ray Reed

PROPERTY INFORMATION

Legal description: RESUBN LOT 56, 74, 75, 76, 77, & 93 FIRST ADDN TO FLEETWOOD SUBN LOT 93

Existing Zoning: R1-B, Medium Density Single Family Residence District
Existing Land Use: Single family home
Property Size: Approximately 18, 088 sq ft (136 X 133)
PIN: 14-35-151-001

SURROUNDING ZONING AND LAND USES

Zoning

North: R-1A, Low Density Single-Family (Normal)
South: R-1B, Medium Density Single Family
East: R-1B, Medium Density Single Family
West: R-1B, Medium Density Single Family

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

PROJECT DESCRIPTION

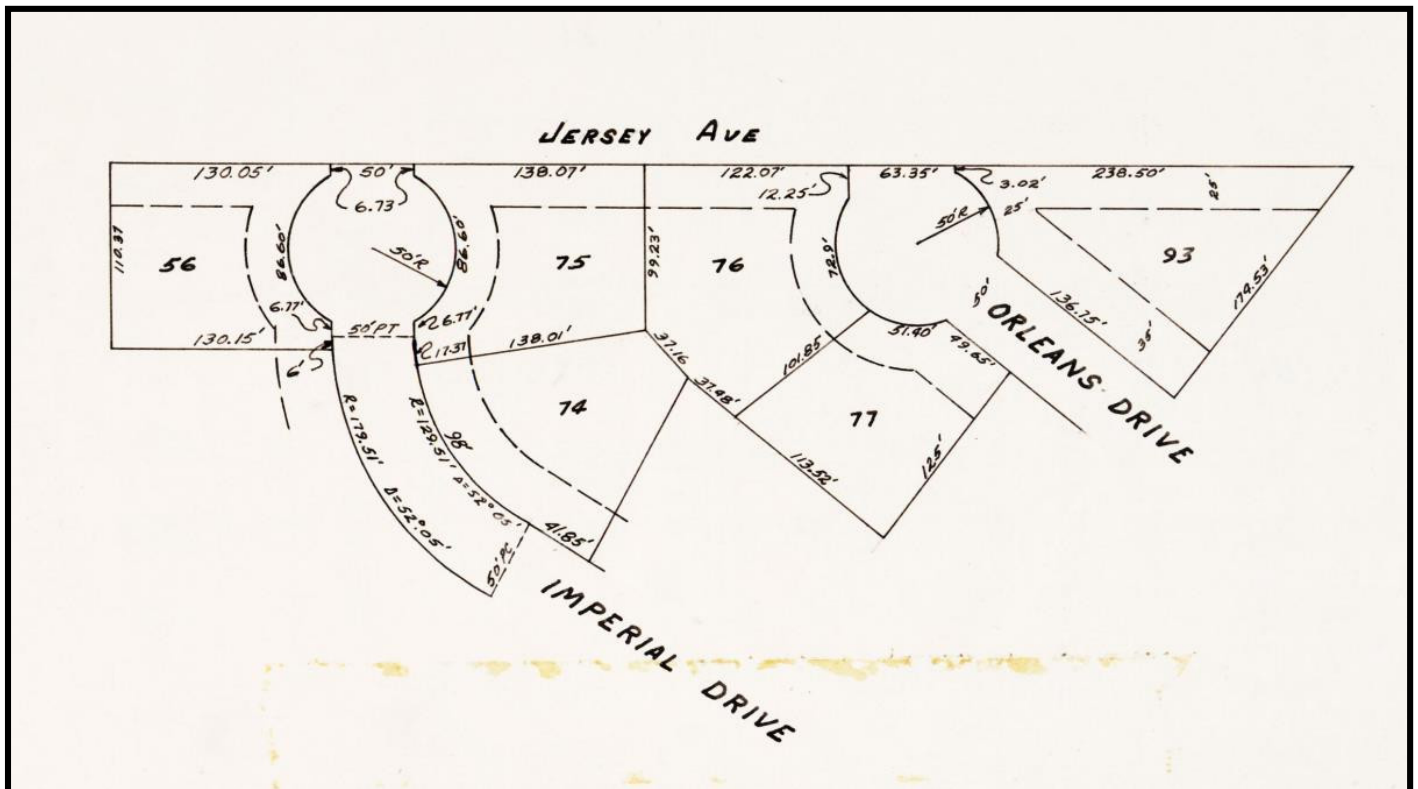


Background.

202 Orleans Dr., the subject property, is located west of Towanda Ave, south of Jersey Ave, and east of Parkview Dr. Jersey Ave. is the division between the City of Bloomington and the Town of Normal. The lot is relatively flat, with some minor elevation changes. The lot is a triangle shape causing variations

in width and length. The site is located within the Fleetwood Subdivision, which contains lots sizes larger than the minimum requirements. The minimum lot size width for the R-1B, Medium Density Single-Family Residence District is seventy (70) feet, lots in this street average approximately 100 feet in width. The principle structure was constructed in 1965.

Fleetwood Subdivision was established in the 1960's. In 1964, City Council approved an ordinance that indicated the building setback lines. Along Jersey Avenue the platted front yard setback would be twenty five (25) feet and along Orleans Drive the platted setback would be thirty five (35) feet (Ordinance # 1964-37)



The current Zoning Code has different required yard setbacks, the front yard setback for R-1B, Medium Density Single Family Residence District is thirty (30) feet. Staff must adhere to the current setback requirement put in place for the Zoning District.

In 2005, the petitioner requested a variance that would allow a six (6) foot fence along the yard towards Jersey Avenue, further establishing that yard as a front yard because the maximum fence height allowed in the front yard is four feet. The variance was approved by the Zoning Board of Appeals on August 17, 2005 by a vote of 4-0.

Project Description: The petitioner would like to add a one (1) car garage to the existing two (2) car garage. The petitioner proposes to extend the structure toward the northwest and build into the required front yard setback by nine (9) feet. Since the home is sandwiched between a cul-de-sac and public street, there are two (2) front yards to the property. Other lots are relatively square and have two side yards. The conditions associated with the subject property are unique.

The proposed addition will be twelve (12) feet by twenty-three (23) feet, expanding to the west. The proposed structure would be twenty-one (21) feet away from the north front yard property line towards Jersey Avenue and sixty-eight (68) feet to the corner of the lot toward the west of the property, and maintain the thirty (30) foot setback from the front yard along Orleans Street. The following is a summary of the requested variations:

Applicable Code Sections:

Section of Code: 44.7-2

Type of Variance	Request	Required	Variation
Front yard setback reduction	21'	30'	9' reduction

Analysis

Variations from Zoning Ordinance

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 lot is irregularly shaped, as well as sandwiched between a cul-de-sac and Jersey Ave. This gives the site two (2) front yards. The lots in this area are larger than the minimum standards. The lot's irregular shape poses an unreasonable challenge making construction on the site more difficult. **The standard is met.**

That the variances would be the minimum action necessary to afford relief to the applicant; and the petitioner is proposing a twelve-foot (12') structure and requesting a nine foot variance. If the petitioner reduced the size of the structure by three (3) feet, a variance would not be necessary. City parking spaces are nine-feet wide. However, a nine-foot (9') wide garage structure is not wide enough to accommodate a car, considering that that after construction, the actual usable space would be less than nine feet. A variance is required for any structure exceeding nine-feet (9') in width; therefore, a variance is the minimum action necessary to accommodate the proposed expansion. The addition to the garage would allow the homeowner to improve their home in a way which is consistent with other homes in the area. **The standard is met.**

That the special conditions and circumstances were not created by any action of the applicant; and. The subdivision was established before the current Zoning Code was established and the lots were larger, however because of the irregular shape the house is situated at an angle. The need for the variance is directly related to the location of the home, and the lot shape. **The standard is met.**

That granting the variation request will not give the applicant any special privilege that is denied to others by the Code; and the neighborhood consists of various three (3) car garage additions in order to afford homeowners more space. Most of these homeowners were able to improve and expand their garages without a variance because they expanded into the side yard. A required side yard setback is six-feet (6'). Due to the unique shape of the lot and its position with respect to the public streets, the variance would not give the applicant a privilege denied by others in the neighborhood. **The standards 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. By granting the variance, the neighborhood will not be altered, and will not be detrimental to the public welfare. The property is located on the corner of the cul-de-sac, and will have no impact on any neighbors to the west of the property. No space or encroachment will be done towards the properties to the east. **The standard is met.**

STAFF RECOMMENDATION:

*Staff recommends the Zoning Board of Appeals **approve** the variance for 202 Orleans Drive to allow a reduction in the front yard setback by nine (9) feet.*

Respectfully submitted,
Izzy Rivera
Assistant 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

#36147

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: 202 Orleans

Site Address: _____

Petitioner: RAY Reed Phone: [REDACTED]

Petitioner's Email Address: [REDACTED]

Petitioner's Mailing Address Street: 202 Orleans

City, State, Zip Code: BIM. IL. 61701

Contractual interest in the property X yes no

Signature of Applicant [REDACTED]

Brief Project Description:

Adding 3 car garage addition

Code Requirements Involved:

Code 44.6-40A Front yard setback of 25' on our irregular shaped lot.

Variances(s) Requested:

We would have 21' left after garage addition, a 4' setback reduction would be required.

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.

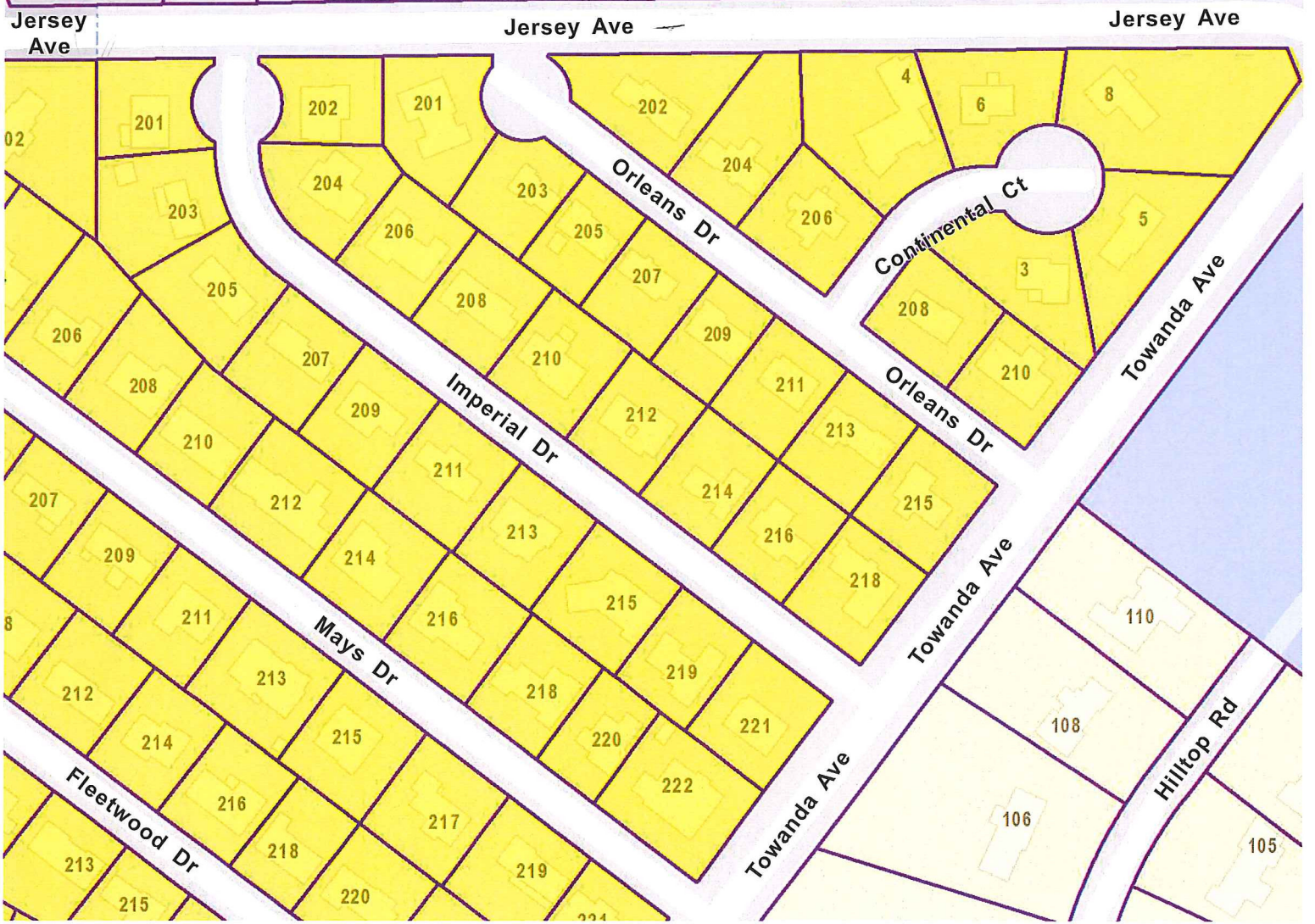
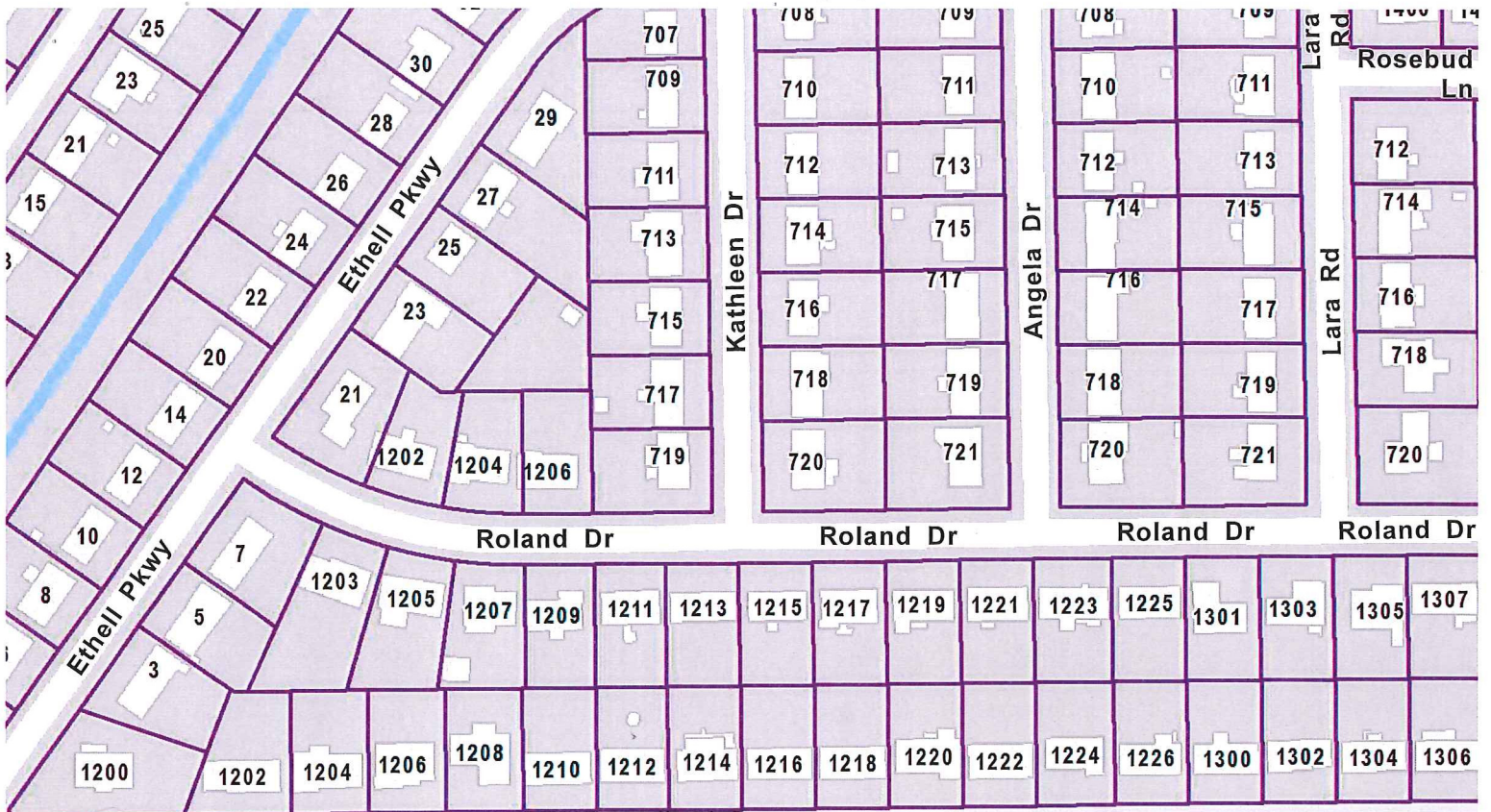
The reduction setback would not affect the neighbors on either side of existing house, as both are well away in distance. Besides an extra offstreet parking space, it would also allow city garbage containers to be stored inside vs outside as they are now.

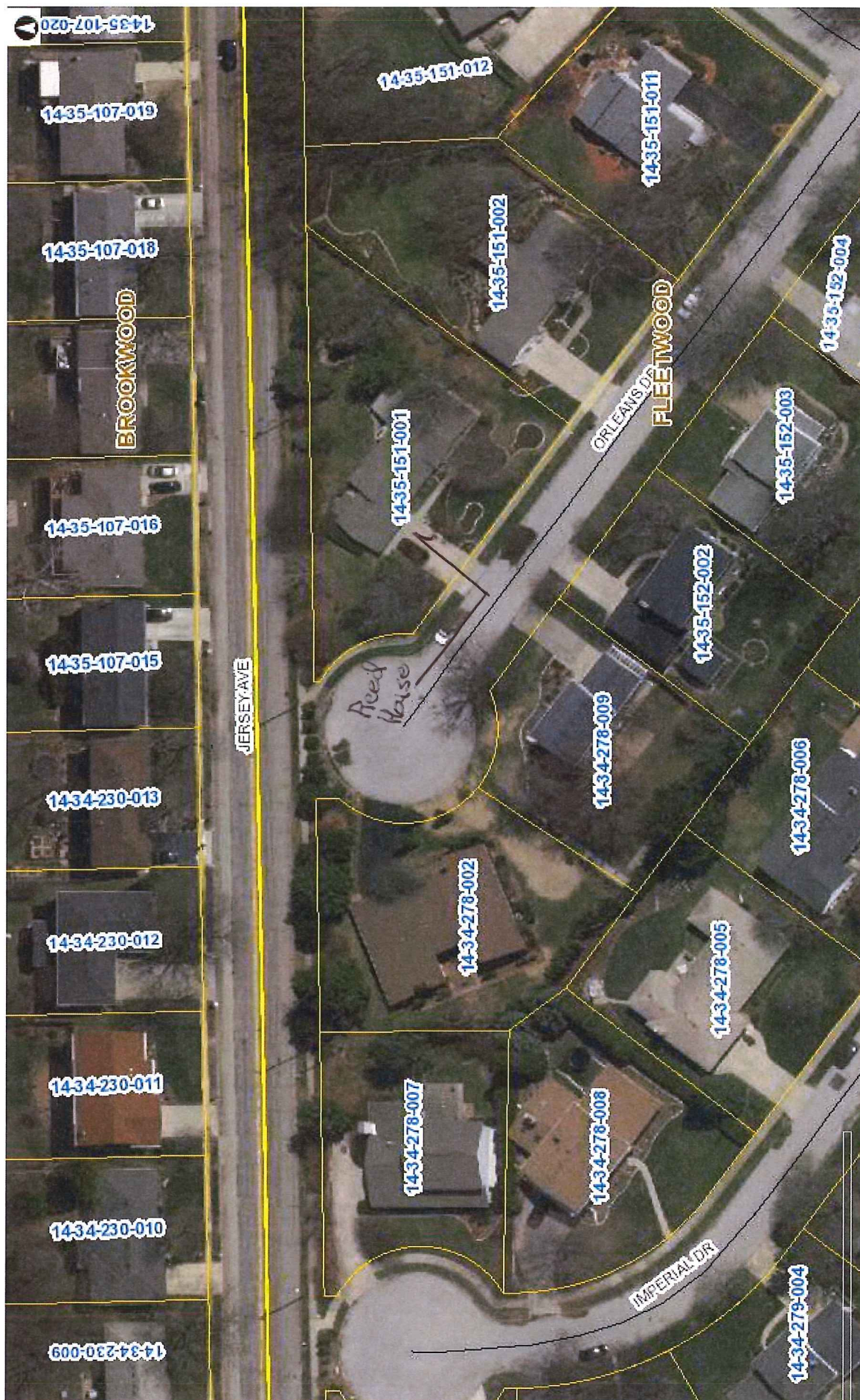
STATEMENT OF FINDINGS OF FACT
(Must be answered by the Petitioner)

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 properties original platting doesn't allow for adding a 3rd stall for the garage, on newer lots allowance can be made for irregular shaped lots.
2. That the variance would be the minimum action necessary to afford relief to the applicant; and
the original garage is very shallow in depth and width which does not allow for storage inside the garage for containers, riding lawn mower or lawn furniture for example.
3. That the special conditions and circumstances were not created by any action of the applicant; and
House is 60 years old and has had many owners. Space requirements were perceived very differently in that time period.
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
Variance will allow to have a small 3 car garage that many area home owners have, including others in this neighborhood.
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.
This property has plenty of space on the garage addition side of the house, approx. 80' with Jersey Ave behind existing house.





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KATIE SIMPSON
CITY PLANNER

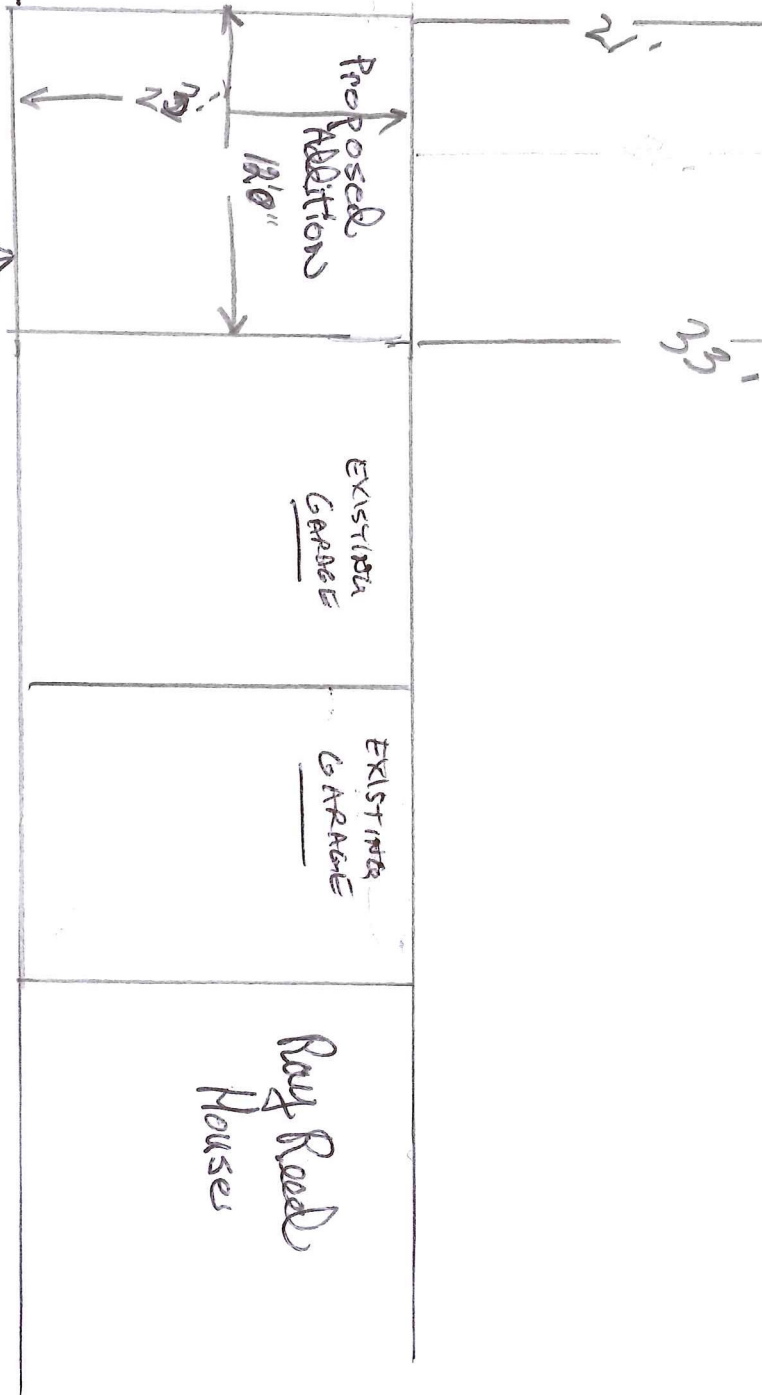
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Jessie Ave.
Fence

89' to corner of lot





Addition left of existing GARAGE



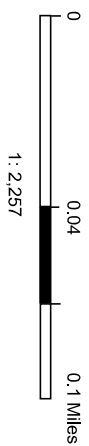
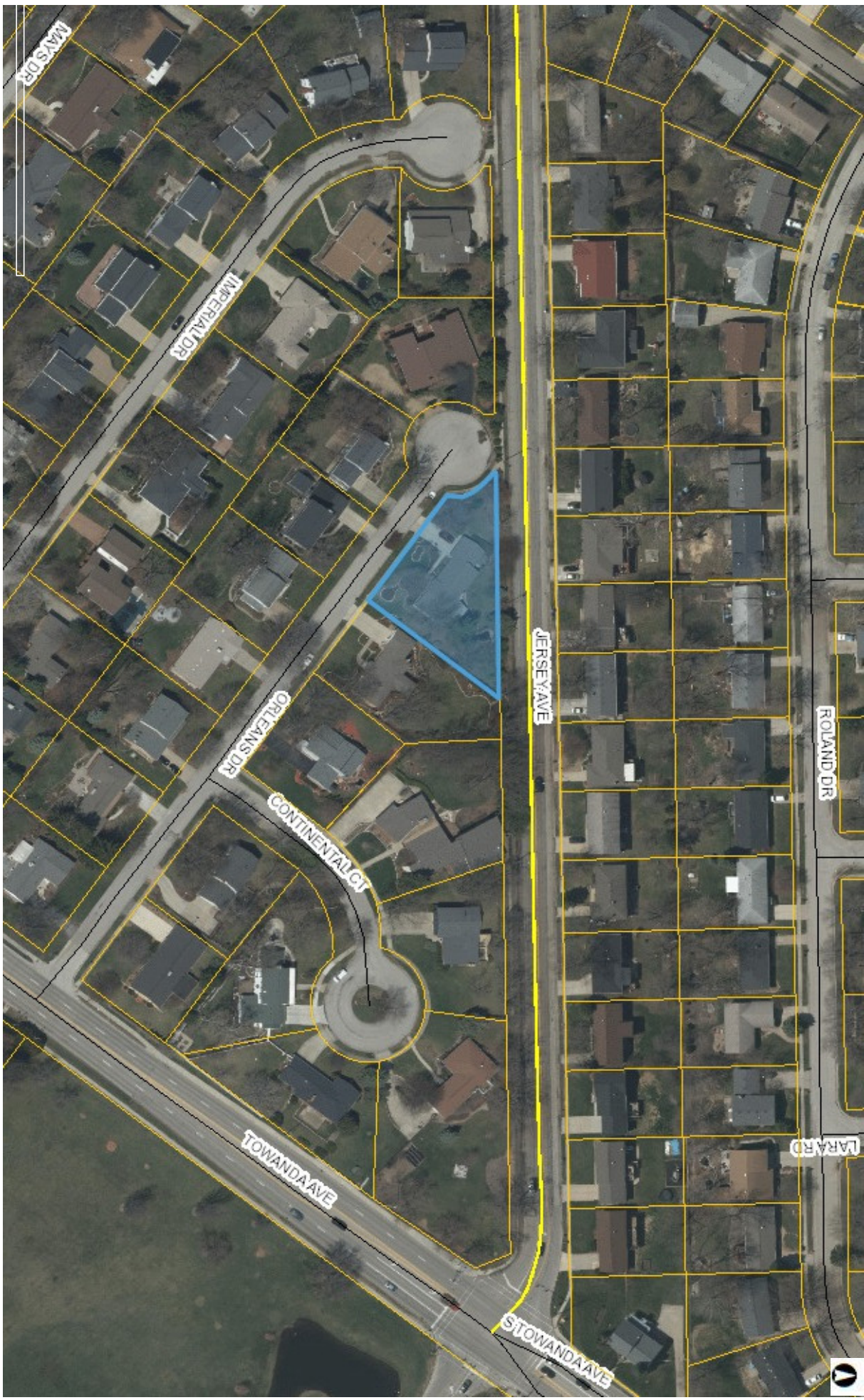
View from Cul de Sac toward existing GARAGE



EXISTING GARAGE AND HOUSE



202 Orleans Dr. Aerial Map



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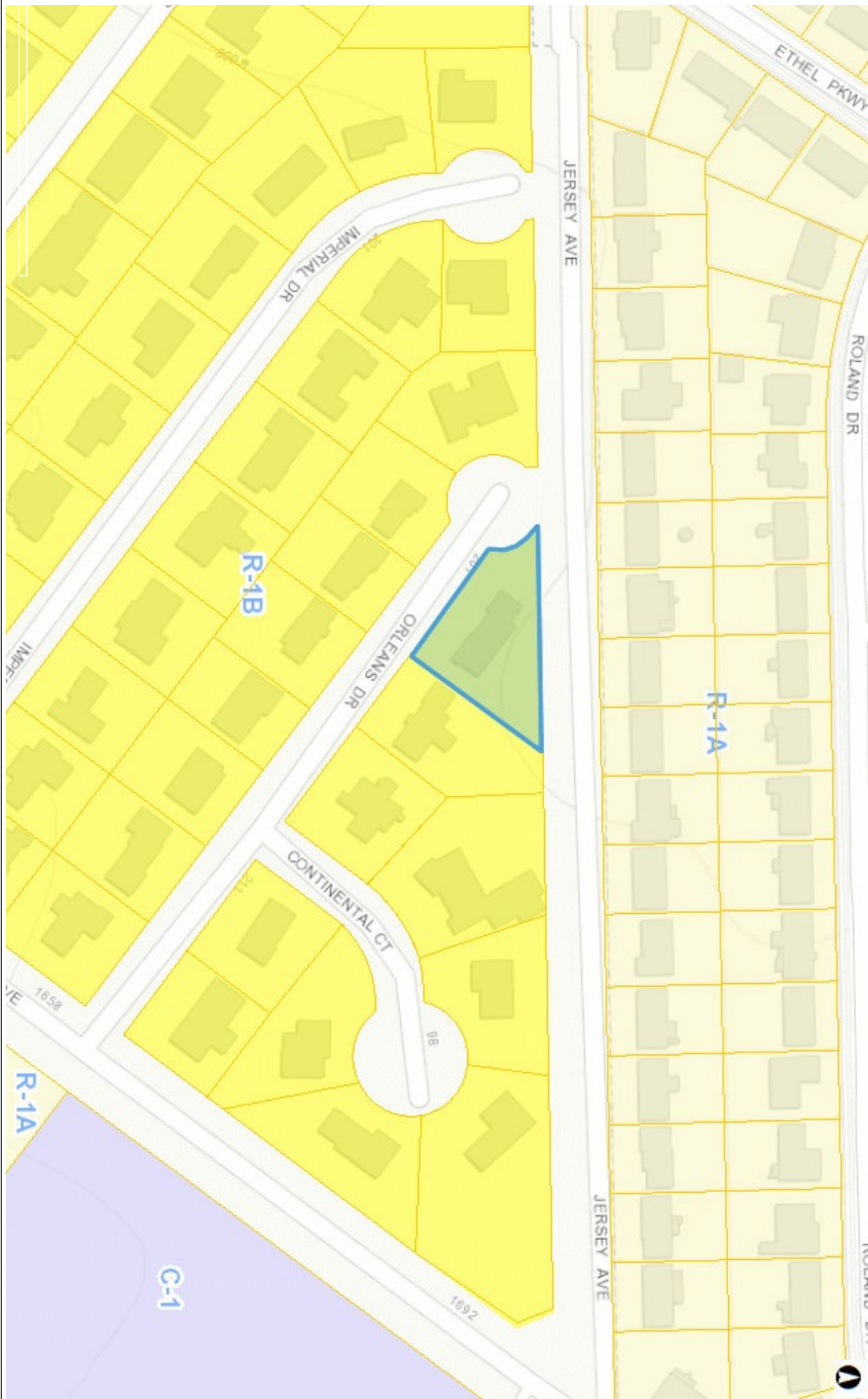
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Notes



202 Orleans Dr. Zoning Map



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Notes

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CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
APRIL 18, 2018

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 18, 2018 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, for the following petitions:

NAMES, LOCATION (LEGAL DESCRIPTION OF PROPERTY), VARIANCE REQUEST

Ray Reed, 202 Orleans Drive (RESUBN LOT 56, 74, 75, 76, 77 & 93 FIRST ADDN TO FLEETWOOD SUBN LOT 93), requesting a reduction in the required front yard setback from 30 ft to 21 ft, a 9 foot reduction, to allow an addition to an attached garage.

George Peifer, 811 W Olive Street (LANGES ADDN 6 2), requesting: 1) an accessory structure greater than 1000 ft, a 326 sqft increase; and 2) an accessory structure closer than 10 ft from the principle structure; and 3) an accessory structure projecting into the side yard by 10 ft; and 4) 23% increase in allotted gross floor area for an accessory structure; and 5) an accessory structure greater than the principle building, a 303 sqft increase, to allow the installation of a carport.

Habitat for Humanity, 407 Allin Street (SUBN BLK 26 WESTERN ADD S54.7' LOT 9), requesting a reduction in the required rear yard setback from 25 ft to 18'11", a 6'1" reduction, to allow for the construction of a principle structure.

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 2, 2018



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

April 2, 2018

Dear Property Owner or Resident:

The Zoning Board of Appeals will hold a public hearing on **Wednesday April 18, 2018 at 4:00PM in the Council Chambers, 109 E. Olive Street, Bloomington, Illinois** to hear testimony for a petition submitted by Ray Reed for the approval of a variance request, for the property located at **202 Orleans Drive** at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent must attend the meeting.

REQUEST

The petitioner is requesting a reduction in the required front yard setback from 30 ft to 21 ft, a 9 foot reduction, to allow an addition to an attached garage.

LEGAL DESCRIPTION: RESUBN LOT 56, 74, 75, 76, 77 & 93 FIRST ADDN TO
FLEETWOOD SUBN LOT 93

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 said petition, or ask questions related to the petitioner's request at the scheduled public hearing. Copies of the submitted petition are available for public review at the Department of Community Development, 115 E. Washington St. Bloomington, IL 61701. Communications in writing in relation to the petition may be sent to the Department of Community Development prior to the hearing, or presented 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 irivera@cityblm.org or call me at (309) 434-2448.

Sincerely,

Izzy Rivera, Assistant City Planner

Attachments:

Map of notified properties within 500 ft of subject property

Public Hearing on April 18, 2018 for a Variance request at 202 Orleans Dr



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Notes

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NORMAL, IL 61761

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NORMAL, IL 61761

MARK GERBER
1208 JERSEY AVE
NORMAL, IL 61761

SHEILA SNYDER
1216 JERSEY AVE
NORMAL, IL 61761

BEULAH FAY WHITMAN
1222 JERSEY AVENUE
NORMAL, IL 61761

DARIN WRIGHT
1219 ROLAND DR
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RAYMOND SCHMITT
1204 JERSEY AVE
NORMAL, IL 61761

KEVIN KURPIEL
1301 ROLAND DR
NORMAL, IL 61761

MOURAD ZRIZRI
1214 Jersey Ave
NORMAL, IL 61761

MARILYN KNUPPEL
1300 JERSEY AVE
NORMAL, IL 61761

CAROLYN ERWIN
1226 JERSEY AVE
NORMAL, IL 61761

GILBERT & PATRICIA DOWNEY
717 KATHLEEN DR
NORMAL, IL 61761

MARK MOORE
1206 Roland Dr
NORMAL, IL 61761

Emily Schieler
1225 Roland Dr
NORMAL, IL 61761

SCOTT SARVER
1203 ROLAND DR
NORMAL, IL 61761

REBECCA MEADOWS
1221 ROLAND DR
NORMAL, IL 61761

TRISHA GIBSON
721 ANGELA DR
NORMAL, IL 61761

JAMES HENKEL
718 KATHLEEN DR
NORMAL, IL 61761

MARY HENSON
1212 JERSEY AVE
NORMAL, IL 61761

RAND VEERMAN
6 THOMAS DR
NORMAL, IL 61761

BRENT & JESSICA FLINT
1224 JERSEY
NORMAL, IL 61761

SCOTT THOMPSON
1209 ROLAND DR
NORMAL, IL 61761

DONNA REDDING
1218 JERSEY AVE
NORMAL, IL 61761

PETER MANHART
100 MERGANSER COURT
DOWNS, IL 61736

JOSEPH KLETZ
1215 ROLAND DR
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BENJAMIN MARSHALL
1206 JERSEY AVE
NORMAL, IL 61761

VERTICE IRENE & CHARLES E & JOHN A
GRIFFIN
720 KATHLEEN DR
NORMAL, IL 61761

DELMAR JR & FE M LEATHERS
1210 JERSEY AVE
NORMAL, IL 61761

MEGAN & WES THOENNES
1211 ROALD DR
NORMAL, IL 61761

MAURICE AND SIERRA STRAWDER
1213 ROLAND DR
NORMAL, IL 61761



MARSHALL & LINDA TRUST STONE
1223 ROLAND DR
NORMAL, IL 61761

ANTHONY & KATHRYN TURNER
1207 Roland Dr
Normal, IL 61761

DAVID & DAWN UREWICZ
402 GRANDVIEW DR
NORMAL, IL 61761

WAYNE & JONI SCRITCHLOW
215 ORLEANS DRIVE
BLOOMINGTON, IL 61701

JUDIE BEY
212 IMPERIAL DR
BLOOMINGTON, IL 0

RUSSELL MYERS
213 IMPERIAL DR
BLOOMINGTON, IL 61701

RAY & DEBORAH REED JR
202 ORLEANS DR
BLOOMINGTON, IL 0

MARY JO DUDEK
4 CONTINENTAL CT
BLOOMINGTON, IL 61701

KEITH SCHULTZ
201 ORLEANS DR
BLOOMINGTON, IL 61701

RITA BUFFINTON
210 IMPERIAL DR
BLOOMINGTON, IL 61701

TIMOTHY ANDREW & MANDI VEST
MITCHELL
719 KATHLEEN DR
NORMAL, IL 61761

WILLIAM LONG
205 ORLEANS DR
BLOOMINGTON, IL 61701

JAMES E & JEANNIE M SWANSON
216 IMPERIAL DR
BLOOMINGTON, IL 61701

JOSEPH BOTT
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LOUIS & LYNDIA M BERNER
208 ORLEANS DR
BLOOMINGTON, IL 61701

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SYLVIA ANDERSON
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BRIAN BEAM
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THOMAS LUNDY
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JOHN G & DONNA NOTTOLI
209 IMPERIAL DR
BLOOMINGTON, IL 0

RUSSELL V & ROBERTA F BRANDT
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BLOOMINGTON, IL 61701

RALPH & TWARDOWSKI ELIZABETH
POORE
211 ORLEANS
BLOOMINGTON, IL 0

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E JOANNE FINNEGAN
201 IMPERIAL DR
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JEROME FLOTKOETTER
206 ORLEANS
BLOOMINGTON, IL 0



WARREN WICKHAM
213 ORLEANS DR
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LANCE HOLLOWAY
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DAVID & AIMEE DZIEKAN
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EDDIE JUAN ONTIVEROS
207 IMPERIAL DR
BLOOMINGTON, IL 61701

KELLY ROCK
204 IMPERIAL DR
BLOOMINGTON, IL 61701

Steven Ripley
8 Continental Ct
BLOOMINGTON, IL 61701

THOMAS & TERI LEGNER
215 IMPERIAL DR
BLOOMINGTON, IL 61701

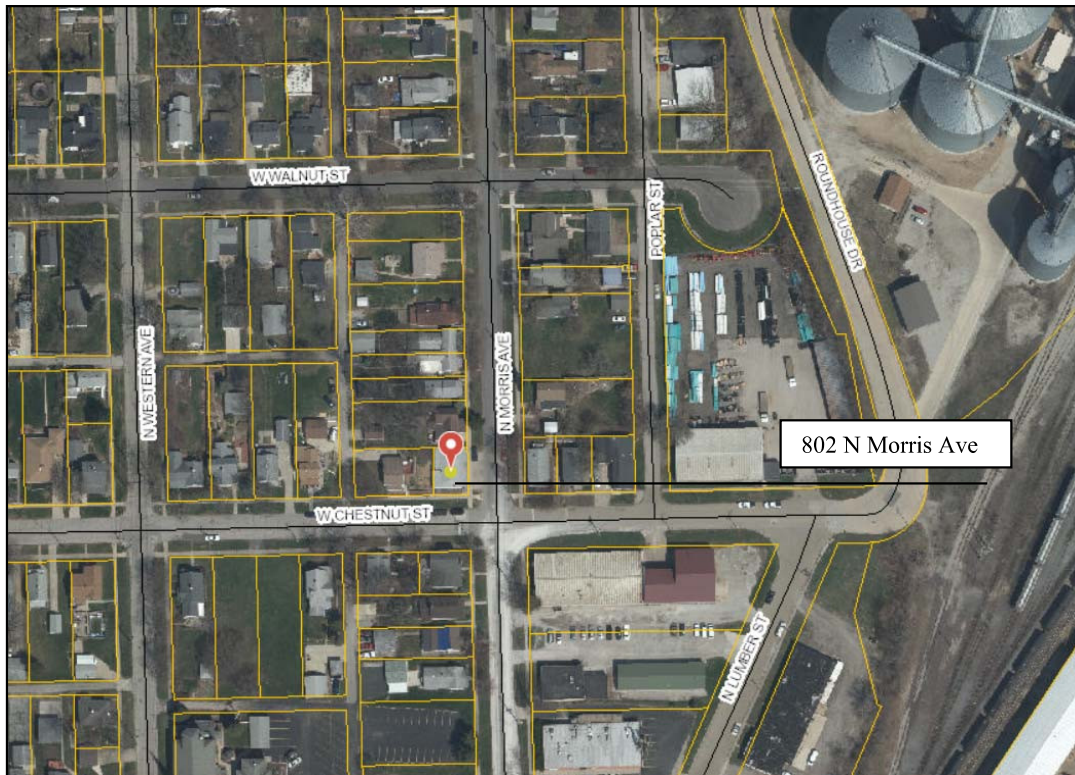
GERARD WIRTH
3 CONTINENTAL CT
BLOOMINGTON, IL 61701

CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
 April 18, 2018

CASE NUMBER	SUBJECT:	TYPE	SUBMITTED BY:
SP-04-18	802 N Morris Ave	Special use for a nonconforming use in the R-1C District	Katie Simpson, City Planner

PETITIONER'S REQUEST:			
Section of Code: 44.4-6 D. 3 Nonconformities			
Type	Request	Required	Variation
Special Use permit	Sewing/Resale	R-1C Permitted Uses	Allow a nonconforming use

Project Description	The petitioner is seeking a Special Use to allow a sewing and resale shop, a nonconforming use, in the R-1C district for the property located at 802 N. Morris Ave.
Staff Recommendation	Staff finds that the petition has met the Zoning Ordinance's standards required to allow a special use. Staff recommends approval of the requested special use for a sewing and resale shop in the R-1C district at 802 N. Morris Ave, case SP-04-18.



NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in the Pantagraph on Monday, April 2, 2018.

GENERAL INFORMATION

Owner and Applicant: M. Sue Eller,
Eller's Crafty Creations



LEGAL DESCRIPTION:

DIDLAKES ADDITION E40' LOT 6 BLOCK 3. PIN: 21-05-209-018

PROPERTY INFORMATION

Existing Zoning: R-1C, High Density Single-Family Residence District
Existing Land Use: Office/Laboratory (Case SP-07-16)
Property Size: approximately 2,206 square feet
PIN: 21-05-209-018

Surrounding Zoning and Land Uses

Zoning

North: R-1C, Single-Family Residential District
South: R-1C, Single-Family Residential District
East: R-1C, Single-Family Residential District
East: M-1 Restricted Manufacturing District
West: R-1C, Single-Family Residential District

Land Uses

North: Single family homes
South: Single family homes
East: Single family homes
East: Commercial/warehouse storage
West: Single family homes

Analysis

Submittals

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

1. Application for a special use
2. Site Plan
3. Aerial photographs
4. Site visit

PROJECT DESCRIPTION

The subject property, commonly known as 802 N. Morris Ave, is located at the intersection of N. Morris Ave and W. Chestnut Street. The subject property is approximately 2,206 square feet. According to the tax assessor's office, the lot is improved with a commercial building with approximately 849 gross usable square feet. The east parkway is paved with gravel and could accommodate, roughly, two (2) parallel off-street parking spaces. On-street parking is permitted on W. Chestnut St. and N. Morris Ave. The subject property is zoned R-1C, High Density Single-Family Residential District. The R-1C District allows for single-family homes and two-

family homes as a conditional use. Additionally the district allows for municipal services, such as police and fire, and contemplates day care centers, churches, university clubs, nursery schools, pre-schools, religious education facilities with a Special Use permit.

The subject property was built as a commercial structure. The 1956 Zoning Map shows that the zoning designation for the intersection of W. Chestnut St. and N. Morris Ave. was commercial, most likely a complement to the rail yard and grain silos located northwest of the subject property. Sometime between 1956 and 1988 the subject property's zoning designation changed from commercial to residential, and the building and its use earned a legal, nonconforming status. The lot, structure, and use are nonconforming; the subject property complies with the minimum lot width requirements for the R-1C district, 50ft, but the lot is incompliant with the minimum lot area requirements for the district. The structure does not comply with the setback standards of the R-1C district, and the current use is not permitted in the district. If the property were destroyed, the lot could potentially be redeveloped with a single family home. However, it is highly unlikely that such a structure could be rebuilt without requiring a variance from the R-1C setback requirements.

In 1982, the subject property was used as Farmland Meats. Barb's Country Corner occupied the building in 1993. Then later that same year, G&L Appliances became the main tenant. Section 44.4-6D3 permits the continuation of a nonconforming use in a nonconforming structure by Special Use permit, as long as no structural alterations are made, and as long as the Zoning Board of Appeals finds that the proposed use is "less nonconforming" or "more compatible" to the district than the existing use. In 2005, a special use permit was approved (Ord. 2005-124) which allowed the property to be used as a Musical Instrument Repair/Sales Shop. In January 2017, the City Council awarded a special use permit to allow Central Illinois Grain Inspection to operate an Office/Lab.

The petitioner is requesting a Special Use permit to allow the subject property to be used as a Sewing and Resale store. The petitioner has a similar craft store in Stanford, IL and hopes to open as second location in Bloomington, IL. According to the petitioner, the store would operate Tuesday through Saturday. Tailoring and alterations would occur mostly by appointment, but walk-ins would also be welcome. Staff is unaware of the proposed hours of operation. The petitioner hopes to use a portion of the building for a resale shop; staff is unaware of the size of the retail area. The petitioner expects to employ three to four employees. No changes to the building are proposed nor expected.

The petitioner is responsible for establishing that the proposed use is "less nonconforming" or "more compatible" than the previous use. City code requires three (3) off-street parking spaces for an 849 square foot space, one (1) space per 250 square feet of gross floor area, for a retail use at this site. The previous use, "offices", required four (4) off-street parking spaces, or one (1) space per 200 square feet of gross floor area. "Laboratories" also, part of the previous use, require one (1) space per 300 square feet of gross floor area, or three (3) total spaces at the subject property. Additionally, "offices" and "retail" uses share the same building construction classification, suggesting similar occupancy expectancies. While both comparisons do not clearly denote similar neighborhood impacts, these provide the Board with some guidance for making a decision.

Conformance with the Comprehensive Plan: The subject property is located within the Regeneration Area, as identified in the Comprehensive Plan. The Plan recommends creating walkable neighborhoods and prioritizing redevelopment in the Regeneration Area. A Special Use Permit could contribute to the following goals:

- Goal N-1 Ensure compact development of the City through denser, mixed-use developments and reinvestment in the established older neighborhoods.
- Goal N-1.1. Enhance the livability of all Bloomington neighborhoods.
- N-1.1d Identify opportunities for mixed-use developments and encourage such development to enhance neighborhoods.
- Goal N-1.2 Prioritize, with urgency, the revitalization of the neighborhoods in the Regeneration Area.

•

Action by the Board of Zoning Appeals.

For each special use application the Board of Zoning Appeals shall report to the Council its findings of fact and recommendations, including the stipulations of additional conditions and guarantees, when they are deemed necessary for the protection of the public interest or to meet the standards as specified herein. No special use application shall be recommended by the Board of Zoning Appeals for approval unless such Board shall find:

1. **that the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare;** the R-1C district contemplates single-family and two-family dwelling units. The subject property existed prior to a change in zoning classification. The property is legal, nonconforming. No changes to the building are proposed, the use is primarily office with 3-4 employees. The proposed use is similar to previous uses at this location. No additional signage is allowed at this location, and the Zoning Board may recommend conditions limiting the hours of operation and outdoor sidewalk sales, if deemed necessary. The standard is met.
2. **that the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;** no changes are proposed to the building, landscaping and parking. The proposed use is similar to previous uses such as the music repair/retail store. Additionally the amount of parking required for the retail use and the previous use are similar, approximately three (3) spaces. Therefore, no significant negative impacts and negative changes in property values are expected. The proposed store could provide an amenity to nearby residents. The standard is met.
3. **that the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district;** a commercial use has existed at this site for decades. No changes are proposed to the footprint of the building, parking, landscaping. While the proposed special use, while different than the previous office/laboratory use, the tailor services could be an amenity to the surrounding neighborhood, and encourages mixed-development in the Regeneration Area. The standard is met.

4. **that adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;** utilities and drainage currently exist and will be in compliance with City Code. The standard is met.
5. **that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;** all ingress and egress is existing; no new access is proposed. The standard is met.
6. **that the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals. (Ordinance No. 2006-137)** The subject property is a legal nonconforming structure on a nonconforming lot. Should the Zoning Board of Appeals feel it necessary, the Board may recommend Council place specific conditions on the property, such as additional screening, reductions in parking, or limitations on hours of operation and outdoor sidewalk sales/displays. The type and amount of signs are limited to what currently exists. Additional signs at this location would require a variance. The standard is met.

STAFF RECOMMENDATION:

Staff finds that the petition has met the Zoning Ordinance's standards required to allow a special use. Staff recommends **approval** of the requested **special use** for a sewing and resale shop in the R-1C district at 802 N. Morris Ave, case SP-04-18.

Respectfully submitted,
Katie Simpson, City Planner

Attachments:

- Draft Ordinance
- Exhibit A-Legal Description
- Petition
- Site Plan
- Aerial Photos
- Zoning Map
- List of permitted uses in the R-1C District
- Neighborhood Notice Map and List of Addresses Notified

DRAFT ORDINANCE NO. _____

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A
NONCONFORMING USE OF A SEWING AND RESALE SHOP IN THE R-1C
DISTRICT**

FOR PROPERTY LOCATED AT: 802 N MORRIS AVE

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting a Special Use Permit for a swing and resale shop, a nonconforming use, in the R-1C Single Family Residential District for certain premises hereinafter described in Exhibit(s) A; and

WHEREAS, the Bloomington Board of Zoning Appeals, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the Bloomington Board of Zoning Appeals, after said public hearing made findings of fact that such Special Use was less nonconforming than the previous use and such Special Use Permit would comply with the standards and conditions for granting such special permitted use for said premises as required by Chapter 44, Section 44.10-3C of the Bloomington, City Code, 1960; and

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

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

1. That the Special Use Permit for a sewing and resale shop, a nonconforming use in the R-1C District on the premises hereinafter described in Exhibit(s) A shall be and the same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this _____ day of _____, 20____.

APPROVED this _____ day of _____, 20____.

Tari Renner, Mayor

ATTEST:

Cherry Lawson, City Clerk

Jeff Jurgens, Corporate Counsel

Exhibit A

“Legal Description for 802 N Morris Ave”

DIDLAKES ADDITION E40’ LOT 6 BLOCK 3. PIN: 21-05-209-018

PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT:

802 W. Morris Ave Bloomington IL 61701

State of Illinois)
)ss.
County of McLean)

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF
BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

Now come(s)

Ellers Crafty Creations II / ELLERS RESALE
Sewing, Crafts, Alterations + RESALE STORE

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

1. That your petitioner(s) is (are) the owner(s) of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit(s)____, which is (are) attached hereto and made a part hereof by this reference, or is (are) a mortgagee or vendee in possession, assignee of rents: receiver, executor (executrix); trustee, lease, or any other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises presently has a zoning classification of R1C under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That under the provisions of Chapter 44, Section 44.6-30 of said City Code Sewing & Resale, are allowed as a special use in a R1C zoning district;
4. That the establishment, maintenance, or operation of said special use on said premises will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
5. That said special use on said premises will not be injurious to the use and enjoyment of other property in the immediate vicinity of said premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
6. That the establishment of said special use on said premises will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the R1C zoning district;

7. That the exterior architectural treatment and functional plan of any proposed structure on said premises will not be so at variance with either the exterior architectural treatment and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood adjacent to said premises;
8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided to said premises for said special permitted use;
9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and
10. That said special permitted use on said premises shall, in all other respects, conform to the applicable regulations of the RIC zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals.

WHEREFORE, your petitioner(s) respectfully pray(s) that said special use for said premises be approved.

Respectfully submitted,

[Redacted Signature]

Street Address: 802 N. Morris, Bloomington

Legal Description: DIDLAKES ADD E40' LOT 6 BLK 3

Parcel Number: 21-05-209-018

The North Point of the property is on N. Morris Avenue on the back side of the building.

The boundary lines of 802 N. Morris are 40 feet from West to East and 55' from South to North.

The location of the survey monuments (steel pins) are 40 feet from the sidewalk on the East side to the property line on the West side, and 55 feet from the sidewalk on the South to the property line on the North side.

3/26/2018

802 N Morris



N MORRIS AVE

W CHESTNUT ST

on Street Parking

Serving the community
in a professional manner
Real Estate Business

shops
parking



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0 20 40 Feet

McGIS, <http://www.McGIS.org/license>

Illinois Business Authorization

MARY ELLER

Loc. Code: 057-0029-9-001

DBA: ELLERS CRAFTY CREATIONS

Stanford
McLean County

105 S GRANT AVE

STANFORD IL 61774-7549

Certificate of Registration

Expiration date:

03/17/2016

Sales and use taxes and fees

(4022-9696)

Issued Date: 03/17/2011

Director
DEPARTMENT OF REVENUE

Exhibit A

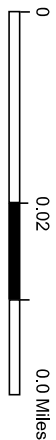
We do Sewing - Alterations - Mending -
Crafts - Upholstery, also Resale and
possibly Consignment

NAME

Ellers Crafty Creations II / Resale



802 N Morris Ave Aerial Map



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Notes



802 N Morris Ave Zoning Map



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Notes

Permitted Uses in the R-1C District	
Agency-Operated Family Homes	P
Agriculture	P
Cemeteries	S
Churches, Synagogues, Temples	S
Columbarium	S
Country Clubs, Golf Clubs	S
Day Care Centers	S
Dwellings, Single-Family	P
Dwellings, Two-Family	S
Electricity Regulating Substations	P
Flammable Liquid Pipelines	P
Forestry	P
Gas Regulatory Stations	P
Golf Courses - Not Miniature Golf	S
Group Homes for Parolees	S
Group Homes for Parolees	S
Irrigation Channels	P
Non-hazardous Storage, College/University	S
Non-residential College/Univer.Student Clubs & Assoc.	S
Nursery Schools	S
Offices, College/University	S
Parking Lot, College/University	S
Parking Lot, Noncommercial	S
Parks, Playgrounds, Aboretums	P
Police Stations, Fire Stations	P
Postal Services	P
Pre-Schools	S
Religious Education Facility	S
Sewage Lift Stations	P
Swimming Pools	S
Telecommunication Antenna Facilities	S
Telephone Exchange Substations	S
Utility Conduits, Lines, Pipelines	P
Water Pressure Control Stations	P
Water Purification Plants	P
Water Storage Reservoirs	P

20943947
CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
APRIL 18, 2018

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 18, 2018 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, petitions submitted by Mary Sue Eller of Ellers Crafty Creations for the approval of a special use permit for a retail nonconforming use in R-1C, High Density Single-Family Residence District for property located at 802 N Morris Avenue. The petitioner or his/her Counsel/Agent must attend the meeting and the subject property is legally described as follows:

Legal Description:
DIDLAKES ADD E40' LOT 6
BLK 3

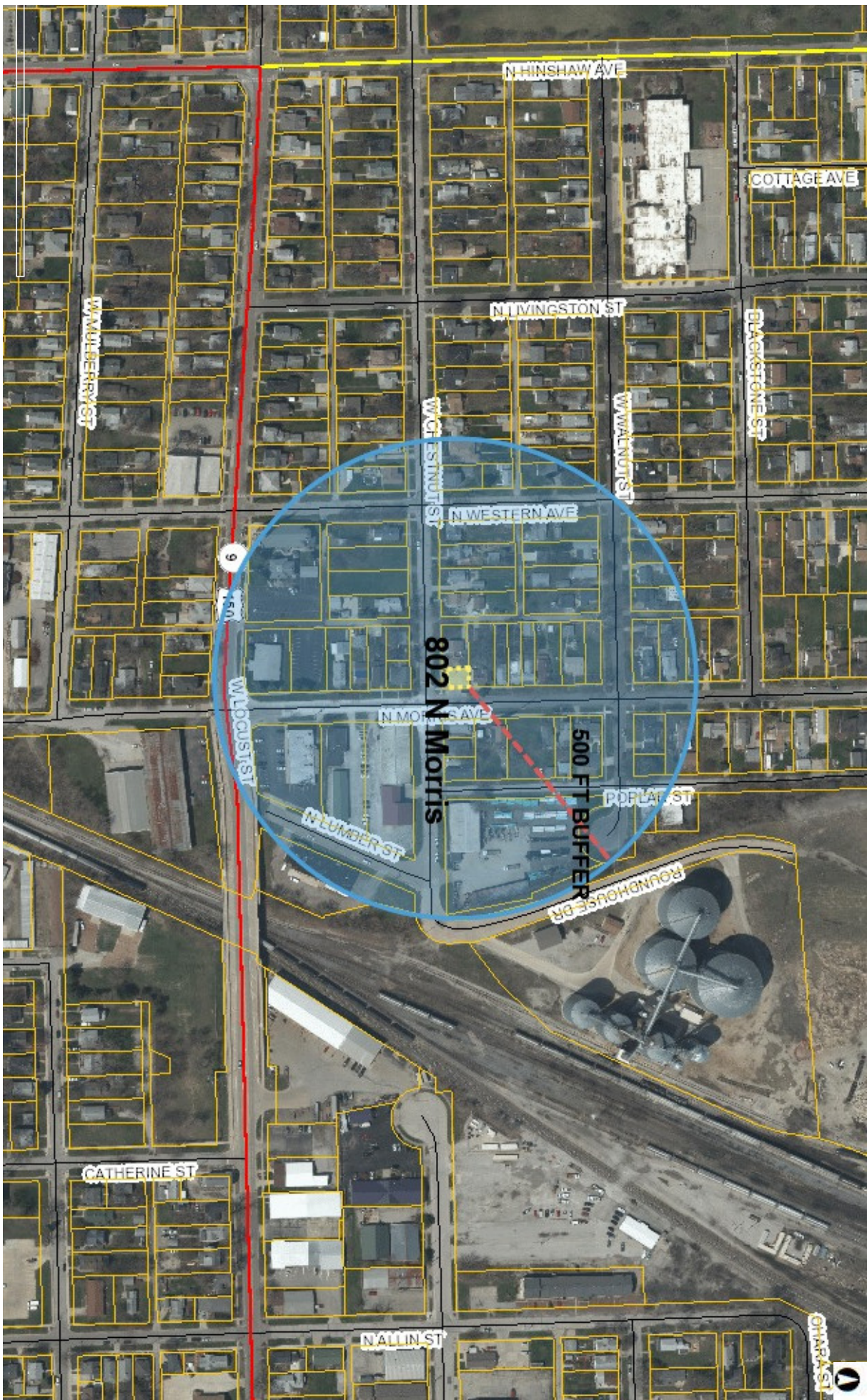
REQUEST

A request to allow for a sewing, crafts, alterations and resale business in R-1C, High Density Single-Family Residence District as a special use.

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: April 2, 2018



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Notes

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THOMAS HUBBARD
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ST PATRICKS ROMAN CATHOLIC
CHURCH
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DALLAS, TX 75225

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C/O AMCI CJTR LLC
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100
OFALLON, IL 63368

ANDREA LENZ
1210 BLACKSTONE ST
BLOOMINGTON, IL 61701

STEVEN & ANGIE THORP
814 N MORRIS AVE
BLOOMINGTON, IL 61701

VINEWOOD II LLC
1102 W LOCUST
BLOOMINGTON, IL 61701

THOMAS ABBOTT
509 WOODRIG RD
BLOOMINGTON, IL 61704

ROBERT WHEELER
1302 W CHESTNUT
BLOOMINGTON, IL 61701

EDWARD & CAROL LOCKWOOD PENA
3059 LYNDBURST N
DEERFIELD BEACH, FL 33442

EDWARD CARTER
1207 W CHESTNUT ST
BLOOMINGTON, IL 61701

DANIEL HALL
1209 W CHESTNUT ST
BLOOMINGTON, IL 61701

JENNA BOEHM
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BLOOMINGTON, IL 61701

RICHARD TRICKEL
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BLOOMINGTON, IL 61701

BENJAMIN COTTONE
3 ELLEN WAY
NORMAL, IL 61761

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BLOOMINGTON, IL 61701

JAMES WEST
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BLOOMINGTON, IL 61701

GENE KELLEY
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BLOOMINGTON, IL 61701

CARL THACKER
1806 E EMPIRE ST
BLOOMINGTON, IL 61701

ROBERT & DONNA ARMES
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BLOOMINGTON, IL 61701

JODY SCRANTON
1301 W CHESTNUT ST
BLOOMINGTON, IL 61701

THOMAS ABBOTT
1203 W CHESTNUT ST
BLOOMINGTON, IL 61701

MARK SCHIDGALL
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CARLOCK, IL 61725

JONATHAN LEE SMITH
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DARREL & JENIFER PETRI
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BLOOMINGTON, IL 61704

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BLOOMINGTON, IL 61701

TARA BAUMAN
1211 W CHESTNUT ST
BLOOMINGTON, IL 61701

DAVID & LUCY REYNOLDS
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BLOOMINGTON, IL 61701

MARY ANN KING
1212 W CHESTNUT ST
BLOOMINGTON, IL 61701

MARTIN HOENIGES
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BENJAMIN OWENS
1212 W WALNUT ST
BLOOMINGTON, IL 61701

JULIE ANN CROWE
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BLOOMINGTON, IL 61701

BARBARA SHELTER
449 DAHOON HOLLY DR
DAYTONA BEACH, FL 32117

JOHN HOENIGES
807 N WESTERN AVE
BLOOMINGTON, IL 61701

CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
APRIL 18, 2018

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-09-18	811 W Olive St.	Variance	Izzy Rivera Assistant City Planner

PROJECT DESCRIPTION:
Petitioner would like to install a two (2) stall car port in front of an existing garage.

PETITIONER'S REQUEST:			
Pertaining to Section of Code: 44.4-4 Accessory Buildings and Uses			
Type of Variance	Request	Required	Variation
Proximity to principle structure	1' separation	10'	9' reduction
Side yard projection	3'	6'	3' ↓
Gross floor area for rear yard	53%	30%	23% ↑
Exceed square foot of principle structure	1,326 sf	1,023 sf	303 sf ↑
Exceeds square foot requirement	1,326 sf	1,000 sf	326 sf ↑

STAFF RECOMMENDATION:	Staff determines the petition does not meet the Zoning Ordinance's standards required to grant a variance. The multiple variances would create an accessory structure which exceeds the neighborhood standard. <i>Staff recommends the Zoning Board of Appeals deny the variances for 811 W Olive St.</i>
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NOTICE

The application has been filed in conformance with applicable procedural requirements and public notice was published in *The Pantagraph* on April 2, 2018.

GENERAL INFORMATION

Owner and Applicant: George Peifer

PROPERTY INFORMATION

Legal description: LANGES ADDN 6 2

Existing Zoning: R2, Mixed Residence District
Existing Land Use: Single family home
Property Size: Approximately 5,750 square feet (50 X 115)
PIN: 21-05-436-040

SURROUNDING ZONING AND LAND USES

Zoning

North: R-2, Mixed Residence District
South: R-1C, High Density Single Family
East: R-2, Mixed Residence District
West: R-2, Mixed Residence District

Land Uses

North: Single family home(s)
South: Single family home(s)
East: Single family home(s), Church
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 Variance
2. Site Plan
3. Aerial photographs
4. Site visit

PROJECT DESCRIPTION



Background.

811 W Olive Street, the subject property, is located south of W. Washington Street, west of S. Allin St., and east of the Constitution Trail. The lot is relatively flat, and sits on a 5,570 square foot lot. The site is improved with a single family home approximately 1,023

square feet and a garage attached by a breezeway, approximately 864 square feet. The neighborhood consists of single-family homes with, most with detached garages.

The City of Bloomington Zoning Code permits “carports” in the required rear yard. However, it is subject to the bulk regulations pertaining to accessory structures, as it is considered an accessory structure. “Accessory structures” by definition are subordinate to the principal structure in size and the use must complement the principal use. The petitioner’s project proposes to request variances that would allow the accessory structure to exceed many of the bulk regulations set forth in the Zoning Ordinance.

Project Description: The petitioner would like to add a two (2) stall carport directly in front of the existing detached two car garage. The proposed carport is made of metal, and will consist of five (5) metal post that will be anchored into the ground. The proposed structure will be twenty-two (22) X twenty-one (21) feet, and will be eight (8) feet in height. A carport is considered an accessory structure, therefore the proposed carport must conform to Chapter 44.4-4 Accessory Structure requirements.



*Rendering of carport

The carport would be located directly in front of the existing two (2) car garage. The structure would be located approximately one (1) foot away from the principle structure, triggering the first of the variances. The structure would also extend ten (10) feet into the side yard. While it would be maintaining the required three (3) feet distance from the side property line. The area of the proposed carport, 462 square feet, along with area of the existing accessory structure creates a total area of 1,326 square feet. The Zoning Ordinance requires that an accessory structure, or combination of accessory structures, not exceed 1,000 square feet, the size of the principal building, or 30% the rear yard, whichever is more restrictive. The proposed carport creates a combined area of accessory structures that exceed the size of the principle building as well as exceed the 1,000 square foot allotted accessory structure foot print.

The following is a summary of the requested variations:

Applicable Code Sections:

Section of Code: 44.4-4 Accessory Buildings and Uses

Type of Variance	Request	Required	Variation
Proximity to principle structure	1' separation	10'	9' reduction
Side yard projection	3'	6'	3' ↓
Gross floor area for accessory structure	53%	30%	23% ↑
Exceeds square foot of principle structure	1,326 sf	1,023 sf	303 sf ↑
Exceeds square foot requirement	1,326 sf	1,000 sf	326 sf ↑

Analysis

Variations from Zoning Ordinance

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 rectangular and relatively flat, with no physical characteristics making adherence to the Code difficult. . **The standard is not met.**

That the variances would be the minimum action necessary to afford relief to the applicant; and the additional accessory structure requires 5 variations from the Code. There would be a significant increase in the accessory structure footprint. Any addition would have to be reduced significantly but would still require a variance. The existing accessory structure and the carport would have to be reduced in order to comply with the code. **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 directly related to the petitioner's desire to store and protect various items including automobiles from the elements. The combination of the size of the proposed accessory structure and the size and location of the existing accessory structure are driving the request for the variance. The special circumstances are created by the applicant and are not related to any limiting features of the property. The petitioner is able to make reasonable use of the property as it exists. **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 accessory structure would result in exceeding the maximum requirements of the Code. These requirements apply to all residential zoning districts, granting the variance could result in a precedence. Additionally, there are no carports within the surrounding area, and no accessory structures of the proposed size. **The standards 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 with detached garages. The multiple variances would create an accessory structure which exceeds the neighborhood standard. The bulk regulations set forth by the Zoning Code are in place to protect views, circulation, storm water run-off, and manage unified development. **The standard is not met.**

STAFF RECOMMENDATION: Staff determines the petition does not meet the Zoning Ordinance's standards required to grant a variance. The multiple variances would create an accessory structure which exceeds the neighborhood standard.

*Staff recommends the Zoning Board of Appeals **deny** the variances for 811 W Olive St.*

Respectfully submitted,
Izzy Rivera
Assistant 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

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: 811 W. OLIVE ST
Site Address: Bloomington IL 61701
Petitioner: George Peifer Phone: [REDACTED]
Petitioner's Email Address: [REDACTED] .com
Petitioner's Mailing Address Street: 811 W OLIVE ST
City, State, Zip Code: Bloomington IL 61701
Contractual interest in the property X yes no

Signature of Applicant [REDACTED]

Brief Project Description: ADD A 2 car open car port
IN front of existing garage (22 x 21)
(22 x 21)

Code Requirements Involved:
Ch. 44 4-4 C2

Variances(s) Requested:
10 ft reduction

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 21 2018

X Fill out

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

There is ASPHALT there now

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

would be ABle to Build
a CAR Port

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

1st OWNER Built all that
is out there now - out front of garage

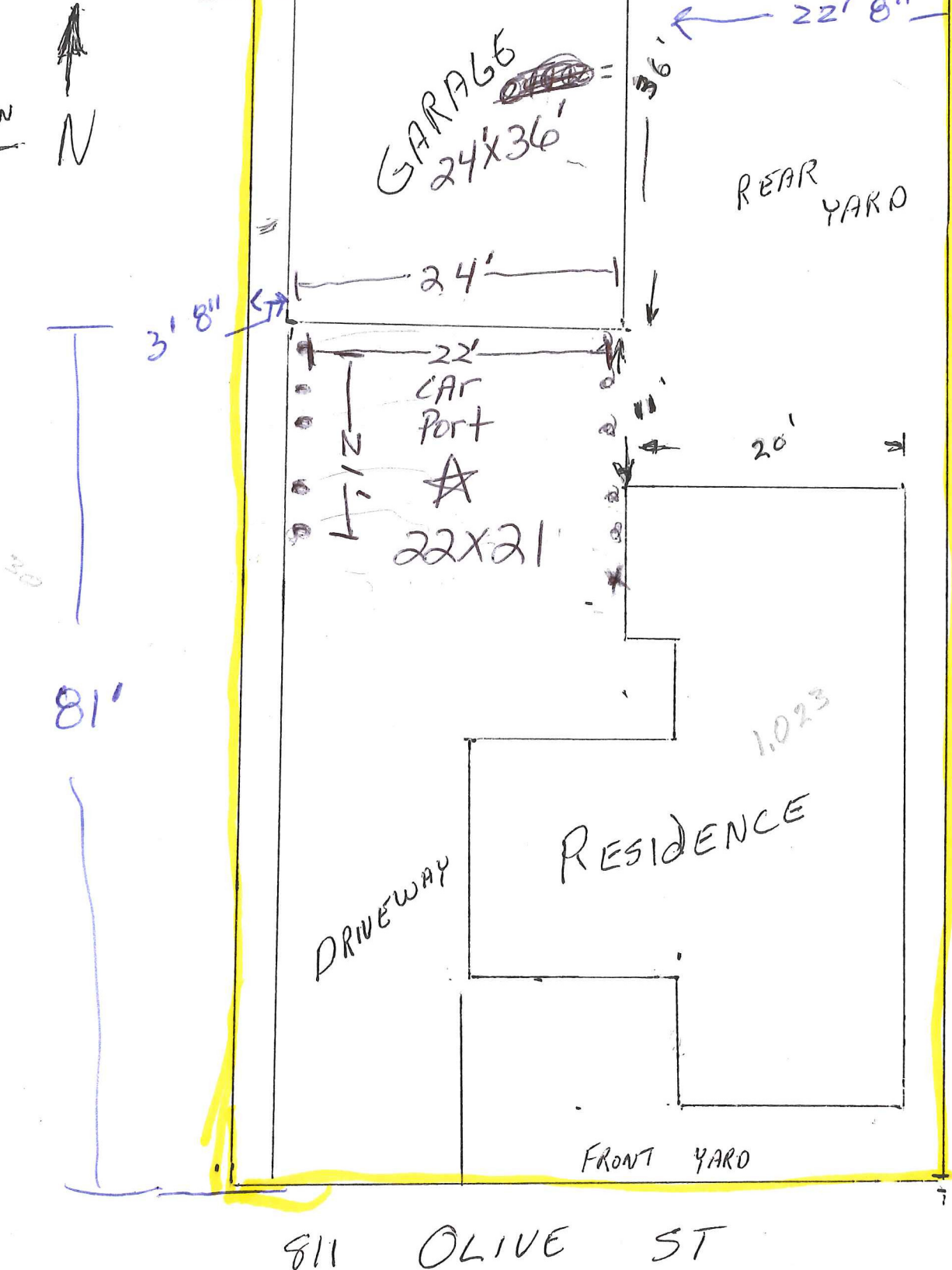
4. That the granting of the variance requested will not give the applicant any special privilege that is denied to others by the Code; and

ALL I.M ASKING
is to put Steel Poles close to house

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.

Not At All
will make my place nicer

3
32
SCALE



MAR 21 2018



811 W Olive St. Aerial Map



1: 1,128

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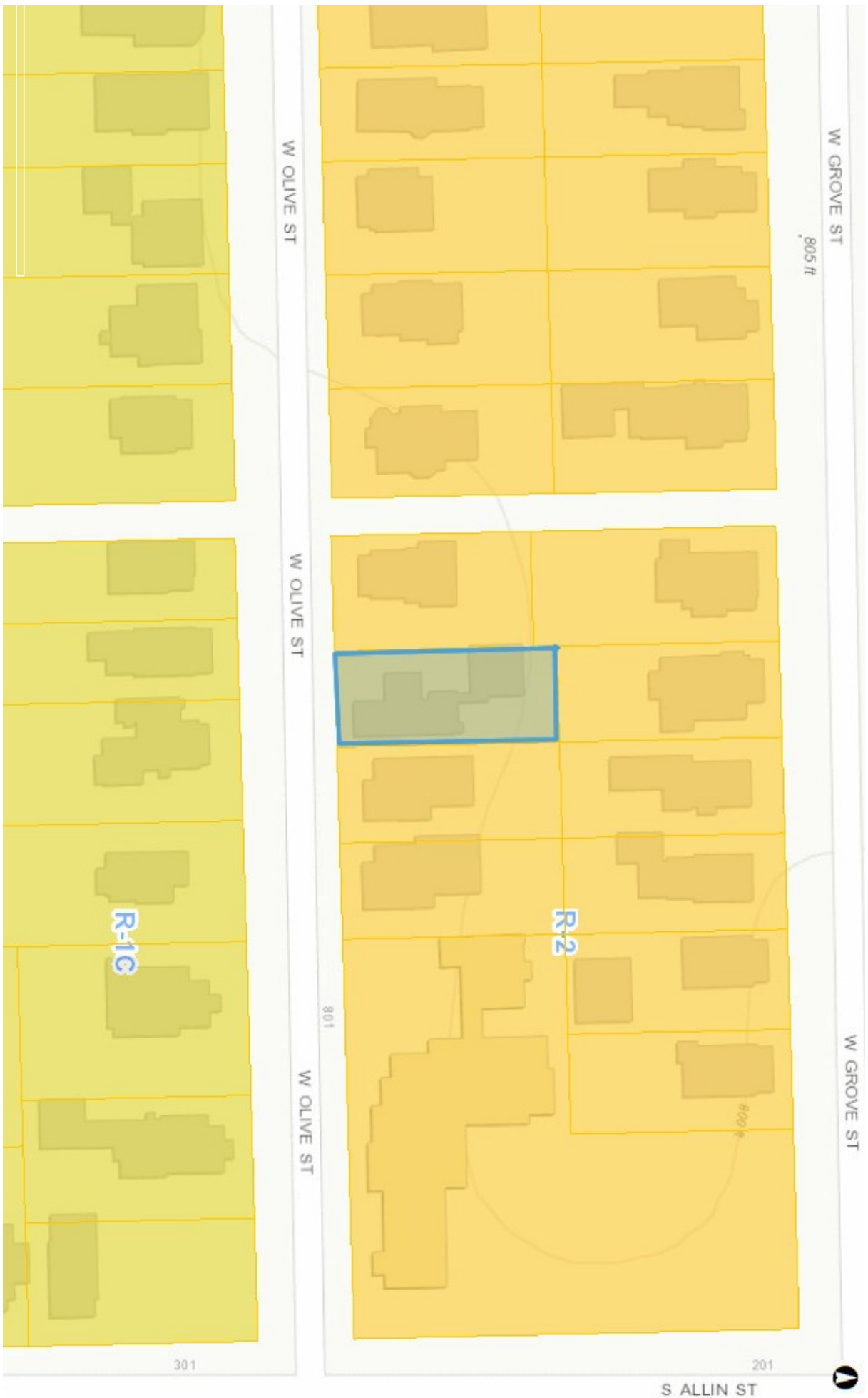
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Notes



811 W Olive St. Zoning Map



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Notes

20943951
CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
APRIL 18, 2018

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 18, 2018 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, for the following petitions:

NAMES, LOCATION (LEGAL DESCRIPTION OF PROPERTY), VARIANCE REQUEST

Ray Reed, 202 Orleans Drive (RESUBN LOT 56, 74, 75, 76, 77 & 93 FIRST ADDN TO FLEETWOOD SUBN LOT 93), requesting a reduction in the required front yard setback from 30 ft to 21 ft, a 9 foot reduction, to allow an addition to an attached garage.

George Peifer, 811 W Olive Street (LANGES ADDN 6 2), requesting: 1) an accessory structure greater than 1000 ft, a 326 sqft increase; and 2) an accessory structure closer than 10 ft from the principle structure; and 3) an accessory structure projecting into the side yard by 10 ft; and 4) 23% increase in allotted gross floor area for an accessory structure; and 5) an accessory structure greater than the principle building, a 303 sqft increase, to allow the installation of a carport.

Habitat for Humanity, 407 Allin Street (SUBN BLK 26 WESTERN ADD S54.7 LOT 9), requesting a reduction in the required rear yard setback from 25 ft to 18'11", a 6'1" reduction, to allow for the construction of a principle structure.

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 2, 2018



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

April 2, 2018

Dear Property Owner or Resident:

The Zoning Board of Appeals will hold a public hearing on **Wednesday April 18, 2018 at 4:00PM in the Council Chambers, 109 E. Olive Street, Bloomington, Illinois** to hear testimony for a petition submitted by George Peifer for the approval of a variance request, for the property located at **811 W Olive Street** at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent must attend the meeting.

REQUEST

The petitioner is requesting: 1) an accessory structure greater than 1000 ft, a 326 sqft increase; and 2) an accessory structure closer than 10 ft from the principle structure; and 3) an accessory structure projecting into the side yard by 10 ft; and 4) 23% increase in allotted gross floor area for an accessory structure; and 5) an accessory structure greater than the principle building, a 303 sqft increase, to allow the installation of a carport.

LEGAL DESCRIPTION: LANGES ADDN 6 2

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 said petition, or ask questions related to the petitioner's request at the scheduled public hearing. Copies of the submitted petition are available for public review at the Department of Community Development, 115 E. Washington St. Bloomington, IL 61701. Communications in writing in relation to the petition may be sent to the Department of Community Development prior to the hearing, or presented 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.

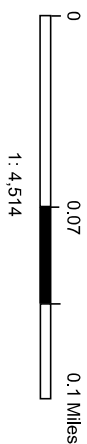
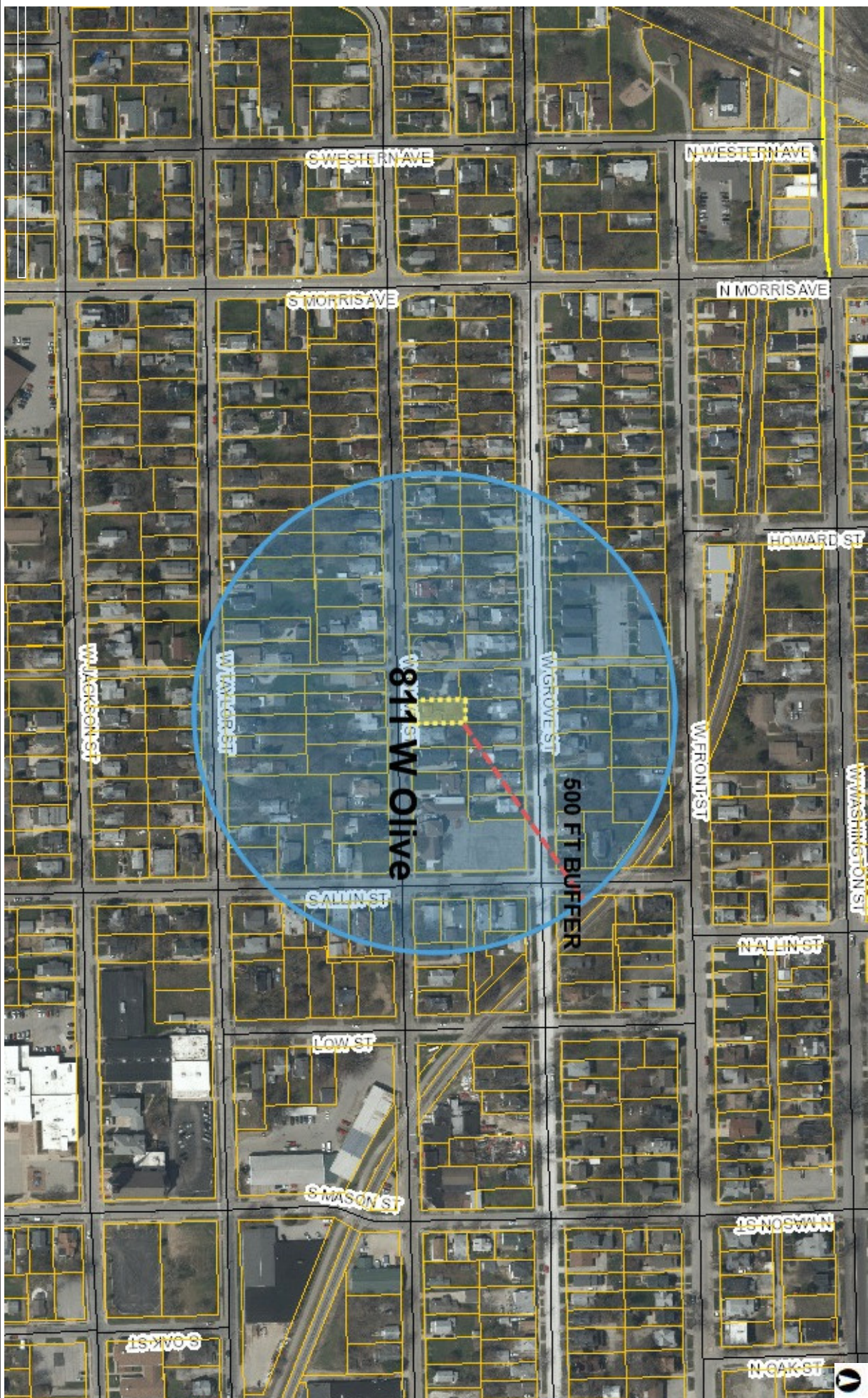
The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org. If you desire more information regarding the proposed petition or have any questions you may email me at irivera@cityblm.org or call me at (309) 434-2448.

Sincerely,

Izzy Rivera, Assistant City Planner

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

Public Hearing on April 18, 2018 for a Variance request at 811 W Olive



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Notes

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VICENTE & JENNIFER ADAME
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HARRY & MARY CAMPBELL
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BLOOMINGTON, IL 61704

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BLOOMINGTON, IL 61701

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BLOOMINGTON, IL 61701

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BLOOMINGTON, IL 61701

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BLOOMINGTON, IL 61701

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BLOOMINGTON, IL 61701

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DOROTHY PEASLEY
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BLOOMINGTON, IL 61701

ALL SEASONS PROPERTIES LLC
208 PRAIRIE RIDGE DR
LEXINGTON, IL 61753

EDUARDO & ADRIANA TINOCO
932 W FRONT ST
BLOOMINGTON, IL 61701

MEMED NURCESKI
110 W WASHINGTON ST
BLOOMINGTON, IL 61701

MICHELE CARROLL
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J J & CC ENTERPRISES LLC
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SANDRA HURSEY
930 W FRONT
BLOOMINGTON, IL 61701

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GARY BOUNDS
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BLOOMINGTON, IL 61701

SECRETARY OF HOUSING & URBAN DEV
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ATLANTA, IL 30303

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MILDRED GIDDINGS
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MICHAEL GUY
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BALTAZAR AGUILEA
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BLOOMINGTON, IL 61701

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BLOOMINGTON, IL 61701

GEORGE REYNAR
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BLOOMINGTON, IL 61701

WAYNE PELHANK
2625 Day Lily Run
The Villages, FL 32162

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BLOOMINGTON, IL 61701

DARIC G WHEET
916 W GROVE ST
BLOOMINGTON, IL 61701

MCLT LV 21
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BLOOMINGTON, IL 61701

BKT LLC
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BLOOMINGTON, IL 61701

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% T GAFFNEY
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BLOOMINGTON, IL 61702

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GARY WHITE
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BLOOMINGTON, IL 61701

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MYONA HENRY
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BLOOMINGTON, IL 61701

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MARSHA THORNTON
1001 W TAYLOR ST
BLOOMINGTON, IL 61701

KENT WALSH
914 W GROVE ST
BLOOMINGTON, IL 61701

JULIAN SIGLER
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BLOOMINGTON, IL 61701

DOUG PRICE
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BLOOMINGTON, IL 61701

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ROMELIA & ALEJANDRO AZA
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BLOOMINGTON, IL 61701

LUIS LOZADA FLORES
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BLOOMINGTON, IL 61701

LISA SCHULZ
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BLOOMINGTON, IL 61701

SCOTT HENSON
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BLOOMINGTON, IL 61701

MARK & JENNIFER BOOLMAN
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BLOOMINGTON, IL 61701



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FM BUILDING MANAGEMENT INC
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LEXINGTON, IL 61753

BRUCE & CYNTHIA THORNTON
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WAYMAN AFRICAN METHODIST
EPISCOPAL CHURCH
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BLOOMINGTON, IL 61701

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BLOOMINGTON, IL 61701

ZELMA BARBEE
606 W Grove St
BLOOMINGTON, IL 61701

CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
APRIL 18, 2018

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-10-18	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

Project Description	The petitioner is requesting the variance to allow for the construction of an affordable, single-family home on a nonconforming lot.
STAFF RECOMMENDATION:	Staff determines the petition meets the Zoning Ordinance's standards required to grant a variance (4.13-3). <i>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".</i>



NOTICE

The application has been filed in conformance with applicable procedural requirements and public notice was published in *The Pantagraph* on Monday, April 2, 2018.

GENERAL INFORMATION

Owner and Applicant: Jim Walters, 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. The lot smaller than our minimum lot requirements and, consequently, nonconforming. “Nonconforming” means the property does not comply with the requirements of the current ordinance. The property is approximately 3,630 square feet or 66 feet by 54 feet and does not meet the minimum lot area and width standards for the R-2 zoning district. Previously, the lot was improved with a single-family home. The City of Bloomington acquired the property and, due to the poor condition of the structure, demolished the house. The City donated the vacant lot to Habitat for Humanity, a local nonprofit organization focused on providing affordable, quality housing to Bloomington residents.

Habitat for Humanity intends to improve the property by constructing a 1,200 square foot single family home. The proposed house is the smallest footprint that Habitat for Humanity can reasonably construct on the property. However, due to the restricted lot size, a rear yard variance is necessary to accommodate the home. Additionally, City Code requires that new construction, commercial or residential, comply with the zoning requirements, including setbacks. In this instance, the proposed home complies with the required twenty-five (25) foot front yard and six (6) foot side yard setbacks.

The subject property was platted as deep, 66 foot wide lot. Eventually, the lot was parceled into two smaller lots, a configuration common to the neighborhood. Other nearby properties nearby have similar parcel dimensions. City sewer and water service is available to the subject property. The subject property abuts a parking lot used by the neighboring multi-family apartment complex. The parking lot is located on the east side (rear) of the subject property, and a six (6) foot wooden fence separates the two parcels. Front, rear, and side yard setbacks are required to ensure uniform development, and to provide adequate spacing and separation between structures to protect from fires, enable air and light circulation, and allow adequate greenspace. Additionally, setbacks are one tool to control and maintain the density of a neighborhood.

Project Description:

Habitat for Humanity is a registered 501c3 dedicated to constructing affordable single-family homes. The petitioner is requesting the variance to allow for the construction a 1,200 square feet (28 foot X 27 foot) single-family home on the subject property. Although, the property is nonconforming, City Code allows for the reconstruction of a residence on a nonconforming lot as long as the lot complies with bulk requirements of the zoning ordinance. The code requires a twenty-five (25) foot front and rear yard setbacks and six (6) foot side yard setback, measured from the foundation of the principal structure to the lot line. The petitioner is requesting a six (6) foot decrease in the required rear yard setback from twenty-five (25) feet to eighteen (18) feet.

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 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 nor encroach on the neighboring properties. The character of the neighborhood will not be altered by the variance. 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 related to the small 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 in the neighborhood are constructed on smaller lots. Granting the variance would allow reasonable use of the property would not afford special privilege to the petitioner. 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 homes with smaller, nonconforming lots. The proposed home complies with the side and front yard setbacks for this district. The proposed home also complies with district's maximum height requirements. The proposed setbacks allow for adequate fire separation for neighboring properties. Granting the variance will allow a consistent pattern of development for the neighborhood, and is

compatible with the nearby GAP¹ zoned homes. The variance will affect the separation between the subject property and the parcel to the east. However, it is highly unlikely that the east parcel could be subdivided and redeveloped, because the southern portion would not have access to public services, and the new parcel would not comply with City Code. Therefore, staff finds potential impacts, such as a disrupted view, on the adjoining property to be relatively benign. Furthermore, the existing fence provides a screen and separation to mitigate possible negative externalities created by the variance request. 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 and neighborhood notice
- List of notified property owners

¹ GAP is a form-based zoning district, adopted by City Council in 2007, that regulates the design of the neighborhood. This district has a different set of minimum lot standards and setbacks derived from existing conditions and existing neighborhood form.

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: Jim Walters, Habitat for Humanity Phone: 827-3931

Petitioner's Email Address: jim.walters@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 
/

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, and meet 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. footprint 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.

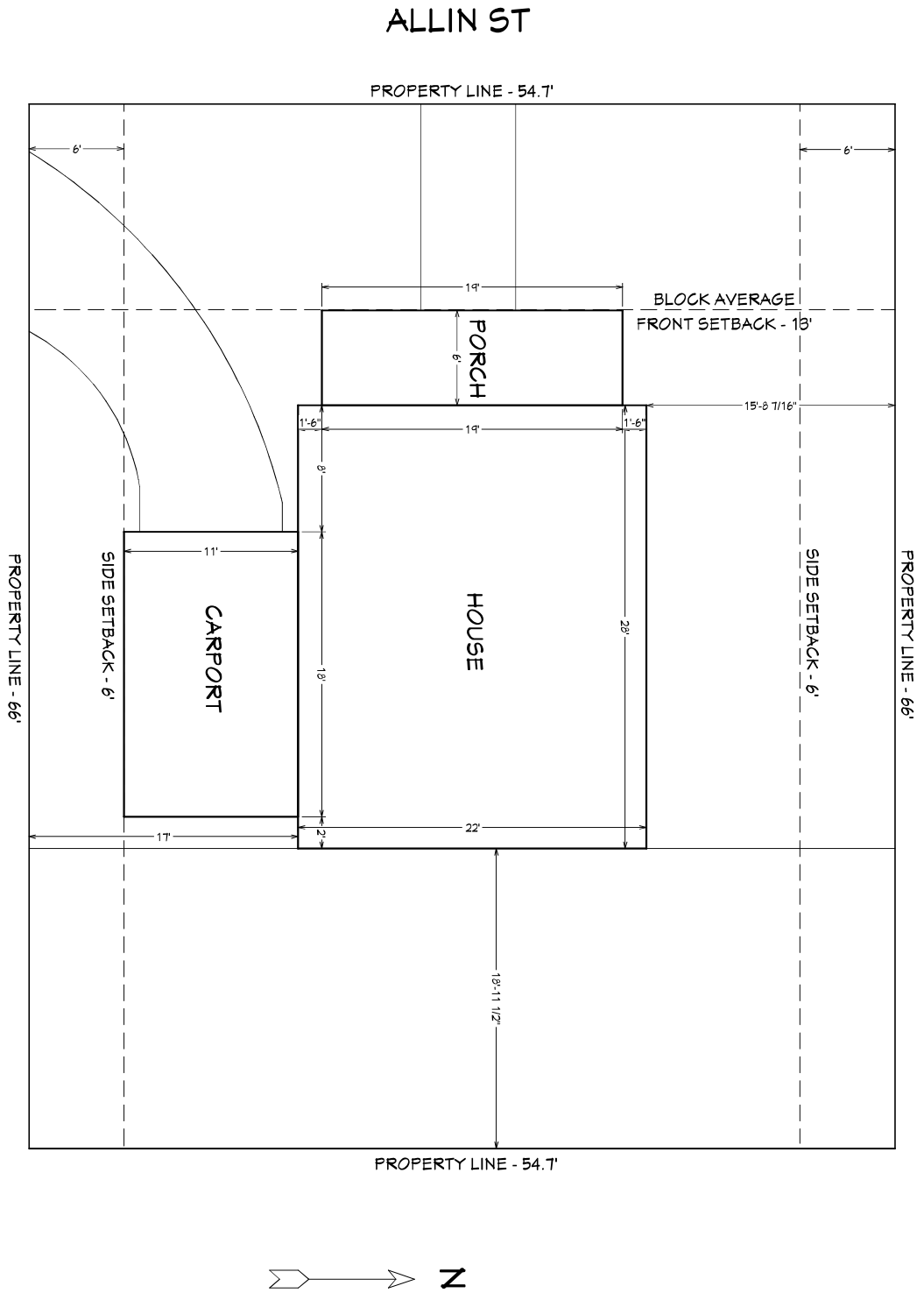
Approval of these variances will serve to maintain previously existing conditions, and will not change the character of the neighborhood. The home to be constructed will blend into the style of the neighborhood.

407 ALLIN ST, BLOOMINGTON, IL
HABITAT FOR HUMANITY

LOT PLAN #3

DATE:	9/1/17	SCALE:	1/4" = 1'
DRAWN BY:	WCM	PAGE:	3 of 5

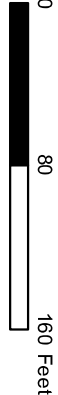
ALLEY



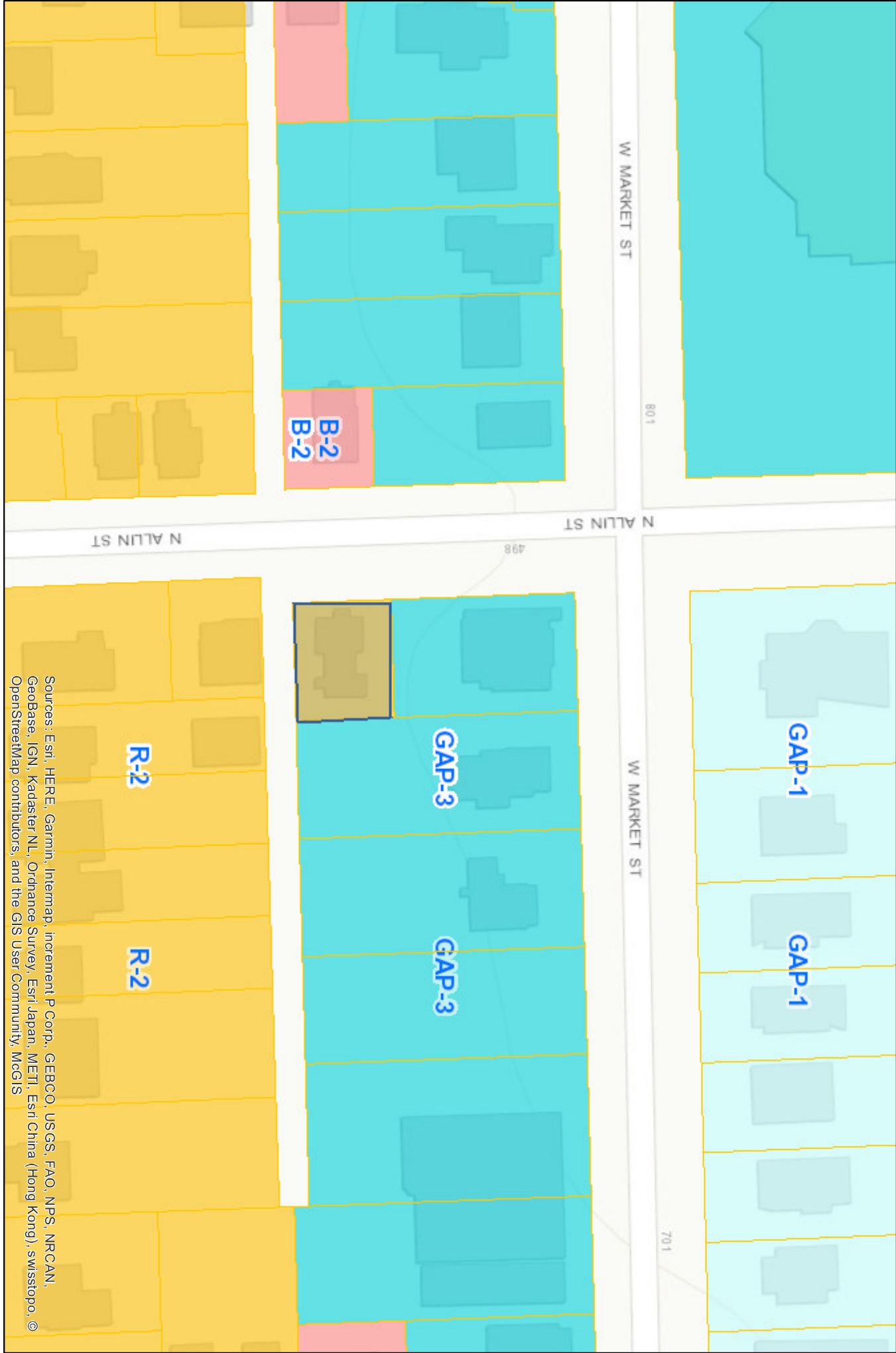
407 N Allin Aerial Map



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



407 N Allin Zoning Map



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community, McGIS



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20943951
CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
APRIL 18, 2018

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 18, 2018 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, for the following petitions:

NAMES, LOCATION (LEGAL DESCRIPTION OF PROPERTY), VARIANCE REQUEST

Ray Reed, 202 Orleans Drive (RESUBN LOT 56, 74, 75, 76, 77 & 93 FIRST ADDN TO FLEETWOOD SUBN LOT 93), requesting a reduction in the required front yard setback from 30 ft to 21 ft, a 9 foot reduction, to allow an addition to an attached garage.

George Peifer, 811 W Olive Street (LANGES ADDN 6 2), requesting: 1) an accessory structure greater than 1000 ft, a 326 sqft increase; and 2) an accessory structure closer than 10 ft from the principle structure; and 3) an accessory structure projecting into the side yard by 10 ft; and 4) 23% increase in allotted gross floor area for an accessory structure; and 5) an accessory structure greater than the principle building, a 303 sqft increase, to allow the installation of a carport.

Habitat for Humanity, 407 Allin Street (SUBN BLK 26 WESTERN ADD S54.7' LOT 9), requesting a reduction in the required rear yard setback from 25 ft to 18'11", a 6'1" reduction, to allow for the construction of a principle structure.

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 2, 2018



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

April 2, 2018

Dear Property Owner or Resident:

The Zoning Board of Appeals will hold a public hearing on **Wednesday April 18, 2018 at 4:00PM in the Council Chambers, 109 E. Olive Street, Bloomington, Illinois** to hear testimony for a petition submitted by Habitat for Humanity for the approval of a variance request, for the property located at **407 N Allin Street** at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent must attend the meeting.

REQUEST

The petitioner is requesting a reduction in the required rear yard setback from 25 ft to 18'11", a 6'1" reduction, to allow for the construction of a principle structure.

LEGAL DESCRIPTION: SUBN BLK 26 WESTERN ADD S54.7' LOT 9

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 said petition, or ask questions related to the petitioner's request at the scheduled public hearing. Copies of the submitted petition are available for public review at the Department of Community Development, 115 E. Washington St. Bloomington, IL 61701. Communications in writing in relation to the petition may be sent to the Department of Community Development prior to the hearing, or presented 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 irivera@cityblm.org or call me at (309) 434-2448.

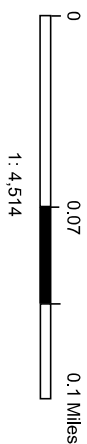
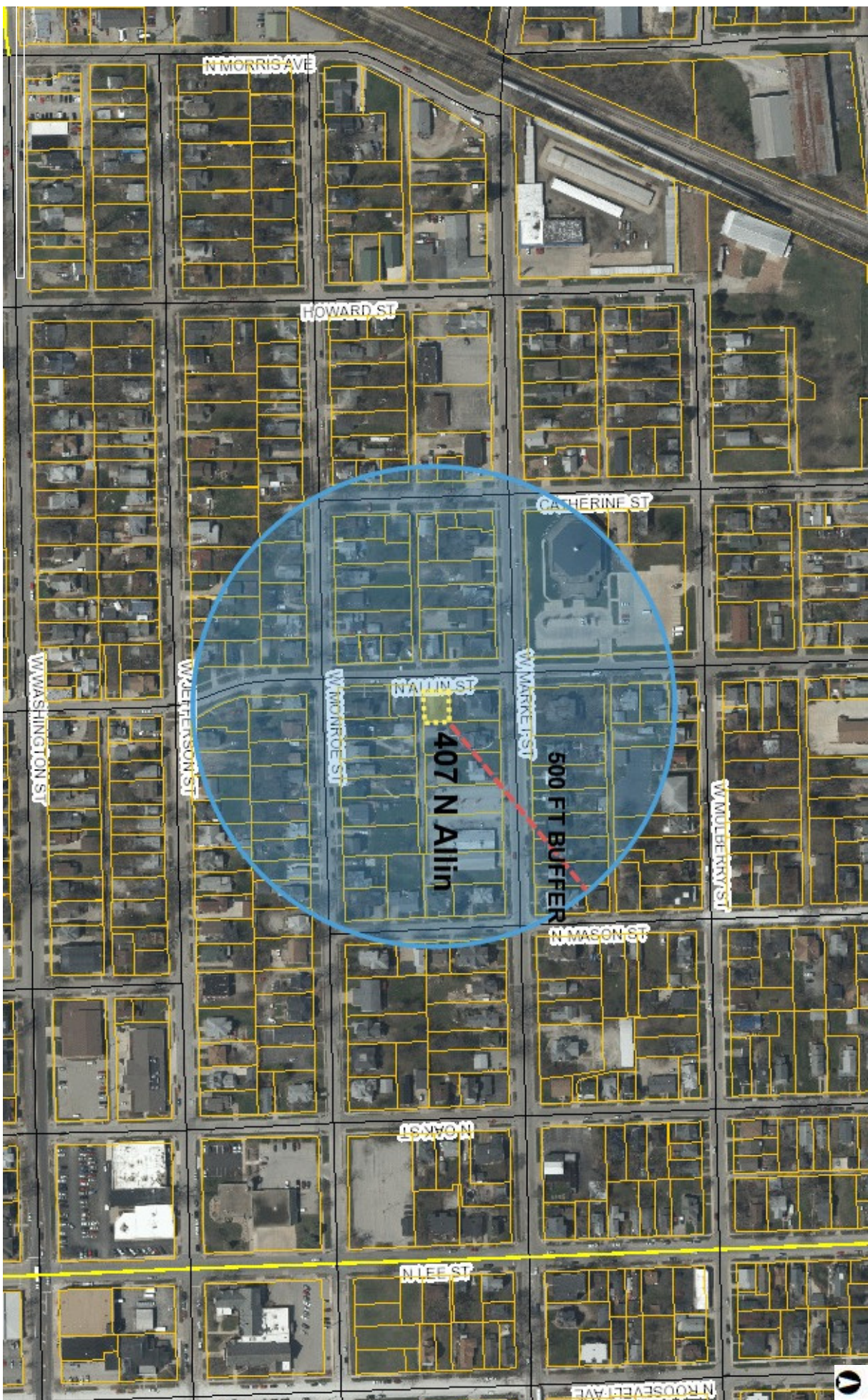
Sincerely,

Izzy Rivera, Assistant City Planner

Attachments:

Map of notified properties within 500 ft of subject property

Public Hearing on April 18, 2018 for a Variance request at 407 N Allin



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Notes

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BLOOMINGTON, IL 61701

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JAMES BROWNE
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NORMAL, IL 61761

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Jason Gibson
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KYLE WALDEN
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BLOOMINGTON, IL 61701

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BLOOMINGTON, IL 61701

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BLOOMINGTON, IL 61704

DENNIS PULLIAM
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BLOOMINGTON, IL 61701

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