



ZONING BOARD OF APPEALS - REGULAR SESSION
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
WEDNESDAY, APRIL 17, 2024, 4:00 PM

1. Call to Order

2. Roll Call

3. Public Comment

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

4. Consent Agenda

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

- A. Review and approval of the minutes of the March 20, 2024, regular meeting of the Bloomington Zoning Board of Appeals. (Recommended Motion: Motion to accept the minutes, as presented.)

5. Regular Agenda

- A. V-03-24 - Public hearing, review, and action on a request submitted by Mark Fetzer, for approval of a Variance from to allow a reduced required Side Yard setback for the properties located at 6 Eric Court and 8 Eric Court (PINS: 21-19-202-012 and 21-19-202-011). (Recommended Motion: Motion to establish findings of fact that the **standards for approval a Variance are met**, carrying out the strict letter of the Code **does create a practical difficulty or particular hardship** for the Applicant, and to **approve** of the request with no conditions.)

6. New Business

7. Adjournment

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



REGULAR AGENDA ITEM NO. 4.A.

FOR ZONING BOARD OF APPEALS: April 17, 2024

WARD IMPACTED: City-Wide Impact

SUBJECT: Review and approval of the minutes of the March 20, 2024, regular meeting of the Bloomington Zoning Board of Appeals.

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

STRATEGIC PLAN LINK:

Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

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

BACKGROUND: N/A

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham

ATTACHMENTS:

[ZBA Minutes - 2024-03-20.pdf](#)



**DRAFT MINUTES
ZONING BOARD OF APPEALS - REGULAR SESSION
WEDNESDAY, MARCH 20, 2024, 4:00 PM**

The Zoning Board of Appeals convened in regular session at 4:01 PM, March 20, 2024. called the meeting to order.

Roll Call

Attendee Name	Title	Status
Terry Ballantini	Vice Board Chair	Present
Michael Straza	Board Chair	Present
Ross Webb	Board Member	Present
Tim Foley	Board Member	Present
Zachary Zwaga	Board Member	Present
Nikki Williams	Board Member	Present
Victoria Harris	Board Member	Present

City Staff present included Jon Branham, City Planner; Alissa Pemberton, City Planner; Kelly Pfeifer, Assistant Director of Economic and Community Development; and George Boyle, Assistant Corporation Counsel.

Public Comment

No public comment was provided.

Consent Agenda

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

Vice Board Chair Ballantini made a motion, seconded by Board Member Harris, to approve the consent agenda as presented.

Roll call.

AYES: Board Chair Straza; Vice Board Chair Ballantini; Board Member Webb; Board Member Harris; Board Member Williams; Board Member Zwaga; Board Member Foley

Motion passed.

Item 4.A. Review and approval of the minutes of the February 21, 2024, regular meeting of the Bloomington Zoning Board of Appeals.

Regular Agenda

The following item was presented:

Item 5.A. V-02-24 - Public hearing, review, and action on a request submitted by Maria Inez Zepeda- Griffieth, Owner, and Brian Jason, Agent, for approval of a Variance to allow a reduced required setback for an accessory structure for the property located at 1007 E. Jackson Street (PIN: 21-03-356-004).

Mr. Branham presented the staff report with a recommendation for approval of a Variance to the Side Yard requirements for an accessory structure. He noted the applicants are looking to utilize an existing concrete pad that remained from the previous garage structure. He added that the original garage and pad were considered legal nonconforming to the current Zoning Code standards.

Board Chair Straza opened the public hearing.

Brian Jason (1007 E. Jackson Street), Applicant, provided further background on the project. He noted that the previous garage was in disrepair and nonconforming. He added that he wants to use the existing pad and that property values may be impacted if he builds further into the yard. He noted that he has discussed the project with neighbors and had not heard of any issues or concerns.

Board Member Webb inquired about the concrete pad located behind the garage area. Mr. Jason stated that the rear pad is within Code and is not part of the current project. He stated that they are looking for a variance only for the garage location regarding the Side Yard setback.

Board Chair Straza closed the public hearing.

Mr. Branham reviewed the findings of facts required for a variance.

Board Member Harris made a motion, seconded by Board Member Webb, to establish findings of fact that the standards for approval of the Variance is met, that carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner, and to approve the Variance with no conditions.

Roll call.

AYES: Board Chair Straza; Vice Board Chair Ballantini; Board Member Webb; Board Member Harris; Board Member Williams; Board Member Zwaga; Board Member Foley

Motion passed.

The following item was presented:

Item 5.B. V-01-23 - Public hearing, review, and action on a request submitted by Laborers' Home Development Corporation, in conjunction with the City of Bloomington and City of Refuge Ministries, for approval of a Variance to the off-street parking requirements for the properties located at 408 E. Washington Street and 401 E. Jefferson Street (PINs: 21-04-407-009 and 21-04-407-007).

Mr. Branham presented the staff report with a recommendation for approval of a Variance to the required off-street parking requirements. He stated the project is a 52-unit, affordable housing development located at 408 E. Washington Street and 401 E. Jefferson. He stated that with reductions available in the Code, the project required 68 off-street parking spaces, and the Applicant is seeking 65 off-street parking spaces. He noted that the size of the property limits the availability of off-street parking. He added that located adjacent to the property are approximately 30 on-street parking spots. He also noted the proximity to public transit and pedestrian access.

Board Member Harris asked about bus route accessibility. Mr. Branham responded that the subject property is located along a bus route on Washington Street and is near the Connect Transit Hub.

Tim Ryan (703 Watford Drive), Applicant, provided additional information about the project. He noted that the proposal will include 1-, 2-, and 3-bedroom units. He stated that similar projects in other communities have provided less parking than what was required.

Board Member Ballantini asked about the cost of units. Mr. Ryan stated that they have not determined a cost per unit, but the final cost of construction will dictate the rental price per unit.

Board Chair Straza asked about the timeframe and feasibility of the project. Mr. Ryan stated that they are looking at Spring 2025 for the start of construction, but the timeline is dependent on potential tax credits.

Chair Straza closed the public hearing.

Ms. Pfeifer reminded the Board that the site plan review portion of the project is conditioned on the variance approval.

Vice Board Chair Ballantini made a motion, seconded by Board Member Harris, to establish findings of fact that the standards for approval of the Variance is met, that carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner, and to approve the Variance with no conditions.

Roll call.

AYES: Board Chair Straza; Vice Board Chair Ballantini; Board Member Webb; Board Member Harris; Board Member Williams; Board Member Zwaga; Board Member Foley
Motion passed.

New Business

There was no new business.

Adjournment

Board Member Harris made a motion, seconded by Board Member Williams, to adjourn the meeting.

AYES: Board Chair Straza; Vice Board Chair Ballantini; Board Member Webb; Board Member Harris; Board Member Williams; Board Member Zwaga; Board Member Foley
Motion passed.

The Meeting Adjourned at 4:25PM

CITY OF BLOOMINGTON

Michael Straza, Board Chair

Jon Branham, Staff Liaison



REGULAR AGENDA ITEM NO. 5.A.

FOR ZONING BOARD OF APPEALS: April 17, 2024

WARD IMPACTED: Ward 2

SUBJECT: V-03-24 - Public hearing, review, and action on a request submitted by Mark Fetzer, for approval of a Variance from to allow a reduced required Side Yard setback for the properties located at 6 Eric Court and 8 Eric Court (PINS: 21-19-202-012 and 21-19-202-011).

RECOMMENDED MOTION: Motion to establish findings of fact that the standards for approval a Variance are met, carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the Applicant, and to approve of the request with no conditions.

STRATEGIC PLAN LINK:

Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:

Objective 5b. City decisions consistent with plans and policies

BACKGROUND: The Applicant seeks a Variance from § 44-403A, the requirement of a minimum 6-foot side yard setback, to allow a zero-foot setback along the north side lot lines of both properties.

The Applicant proposes to construct two (2) one-and-a-half story, approximately 1,400 square foot, detached single-family dwellings at the subject properties. For detached single-family dwellings in the R-2 (Mixed Residence) District, a minimum side yard setback of six feet is required (§ 44-403A). Similar Variances were approved for Megan Court (numbers 2 through 14) in 2022 (V-08-22 through V-14-22).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in The Pantagraph on Monday, March 25, 2024. Courtesy notices were mailed to 39 property owners within 500 feet of the subject property.

FINANCIAL IMPACT: N/A

Respectfully submitted for consideration.

Prepared by: John Myers

ATTACHMENTS:

V-03-24 - [Staff_Report - 6 and 8 Eric Court](#)

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: April 17, 2024

CASE NO: V-03-24, Variance from § 44-403A of the Zoning Code

REQUEST: Public hearing, review, and action on a request submitted by Mark Fetzer, for a Variance from § 44-403A of the Zoning Code, to allow reduced Side Yard setback requirements in the R-2 (Mixed Residential) District for the properties located at 6 Eric Court and 8 Eric Court, PINs: 21-19-202-011 and 21-19-202-012.

BACKGROUND

Request

The Applicant seeks a Variance from § 44-403A, the requirement of a minimum six-foot side yard setback, to allow a zero-foot setback along the northern side lot lines of both properties.

The Applicant proposes to construct one-and-a-half story, 1,400+ SF, detached, single-family dwellings on each property. Detached single-family dwellings in the R-2 (Mixed Residence) District, require a minimum side yard setback of six (6) feet (§ 44-403A). Similar Variances were approved for Megan Court (numbers 2 through 14) in 2022 (V-08-22 through V-14-22).

The subject properties' Final Plat, Bill's Place Subdivision, was recorded on January 1, 2007 (Ord. No. 2007-003). The Bill's Place Subdivision was intended to be a "Cluster Subdivision" as defined in the 2006 Zoning Code, allowing for lot sizes to be reduced below the required bulk site standards of the zoning district. In R-2 (Mixed Residence) District, detached single-family dwellings were required to be constructed adjacent to one interior lot line and with at least a ten-foot side yard setback from the opposite interior side lot line (2006 Ed. § 44-6.80(b)).

Notice

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, March 25, 2024. Courtesy notices were mailed to 39 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics

The subject properties are two lots; a 3,876 square foot lot (6 Eric Ct.) and a 4,500 square foot (8 Eric Ct.), totaling roughly 8,376 square feet (0.2 acres), located south of Ashley Drive and west of Beich Road. Currently, the lots are vacant and undeveloped but with approved locations for curb cuts for access when developed. The surrounding properties are classified with the R-2 (Mixed Residence) District zoning. The surrounding land uses consist of a mix of single-family dwellings and vacant land expected to be developed, also, as single-family dwellings.

Surrounding Zoning and Land Uses

Zoning		Land Uses
North	R-2 (Mixed Residential)	Vacant
South	R-2 (Mixed Residential)	Vacant
East	R-2 (Mixed Residential)	Single-Family Dwelling
West	R-2 (Mixed Residential)	Single-Family Dwelling

Description of Current Zoning District

The R-2 Residence District is intended to accommodate development characterized by a mixture of housing types at a high single-family and a low multiple-family dwelling unit density. Densities of up to approximately 13 dwelling units per acre are allowed. This district allows for the conversion of dwelling units in older residential areas of mixed dwelling unit types in order to extend the economic life of these structures and allow owners to justify expenditures for repairs and modernization and serves as a zone of transition between lower density residential districts and residential districts that permit greater land use intensity and dwelling unit density.

Subject Code Requirements

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

Table 403B: Bulk and Site Standards R-2 District								
District	Lot Characteristics		Site Design			Development Intensity		
	Min. Lot Width	Min. Lot Area	Front Yard	Side Yard	Rear Yard	Min. Lot Area per Dwelling Unit	Max. Building Height	
	(W)	(square feet)	(F) Min.	(S) Min.	(R) Min.	(square feet)	Feet	Stories
R-2								
Detached Residential	50 feet	6,600	25 feet	6 feet	25 feet	6,600	35 feet	2.5
Attached and Multi-Residential	75 feet	7,000	25 feet	6 feet	25 feet	3,300	35 feet	2.5
Other Uses	50 feet	7,000	25 feet	6 feet	25 feet	7,000	15 feet	1

STANDARDS FOR REVIEW

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

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

The subject properties (6 and 8 Eric Ct) have widths of 38 feet and 45 feet, respectively, which was common for cluster developments in 2007, but would be considered nonconforming in the current Zoning Code. Additionally, both properties are subjected to large side yard utility easements, measuring 10 feet and 15 feet respectively. Considering the limited width of the lots and the recorded easements, the Applicant would be required to replat the lots to utilize the land effectively and to remove already-installed and City-approved utilities. Standard is met.

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

The Variance would allow for the construction of similar homes to the existing surrounding medium-density single-family detached houses without a replat subdivision. Standard is met.

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

The Applicant did not create any special conditions or circumstances. The properties were platted to the regulations and standards of the 2006 version of the Zoning Code. During the platting process, Planning Commission and City Council approved the sizes and design of the subdivision. Standard is met.

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

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

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

The granting of the Variance would not be detrimental or alter the essential character of the neighborhood. The surrounding area is comprised of similarly sized single-family dwellings as proposed. Adjacent properties will benefit from development and not be prevented from reasonable use of their lands, nor will public welfare be placed at risk. Standard is met.

STAFF RECOMMENDATION

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

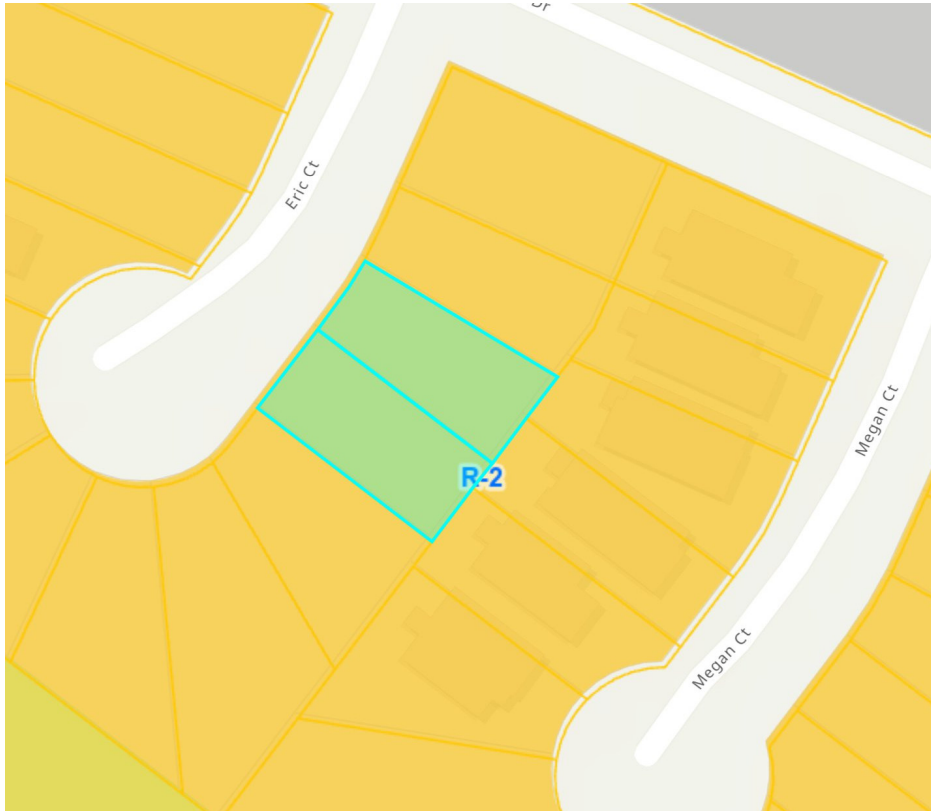
Motion to establish findings of fact that the standards for approval a Variance are met, carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the Applicant, and to approve the request for a Variance to § 44-403A, for both lots, as presented.

Respectfully submitted,
Jon Branham
City Planner

Attachments:

1. Zoning Map
2. Aerial Image
3. Ground-Level View
4. Bill's Place Subdivision, Final Plat
5. Site Plans
6. Building Design and Character
7. Neighborhood notice map

Attachment 1 - Zoning Map



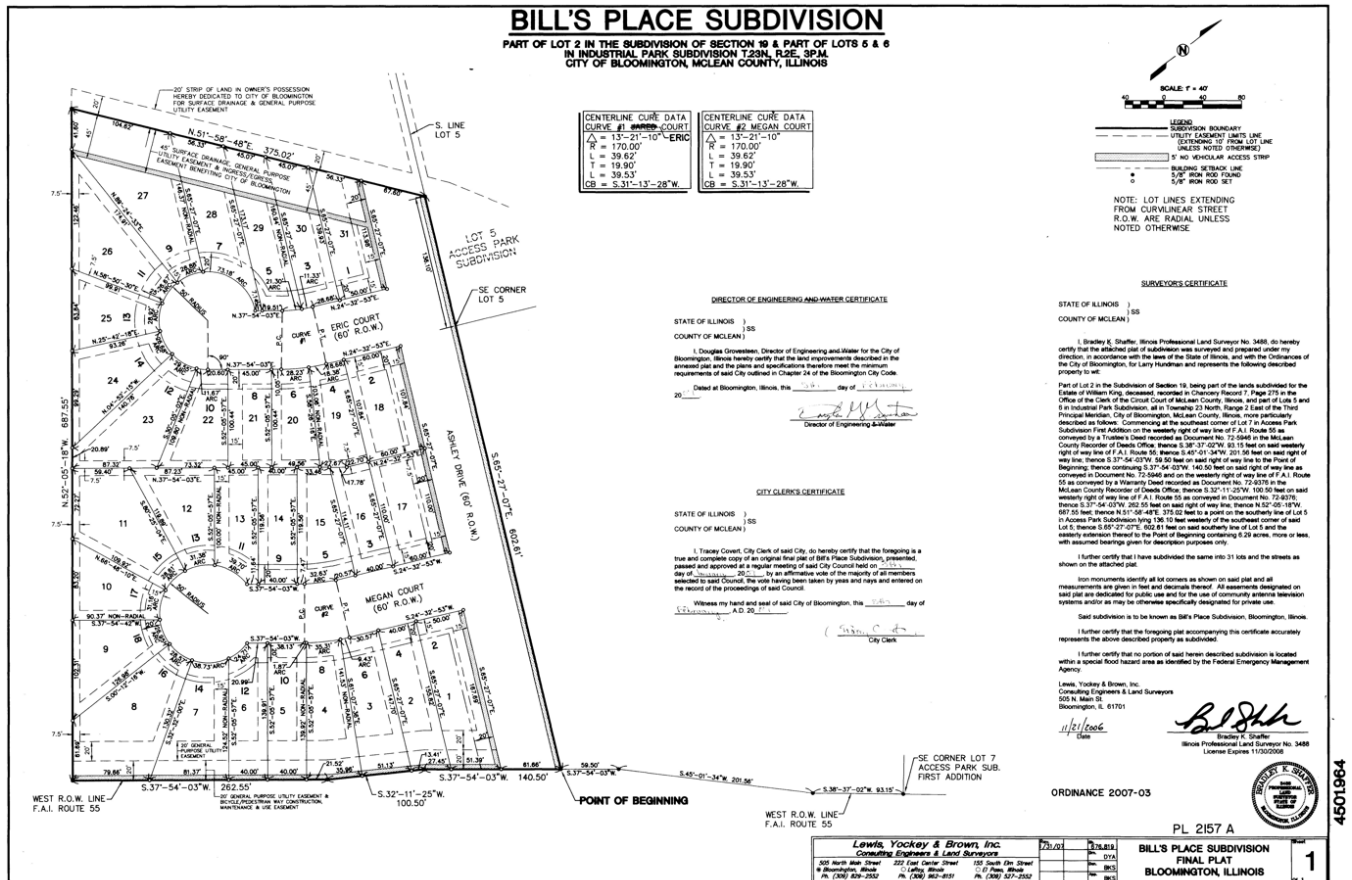
Attachment 2 - Aerial Image



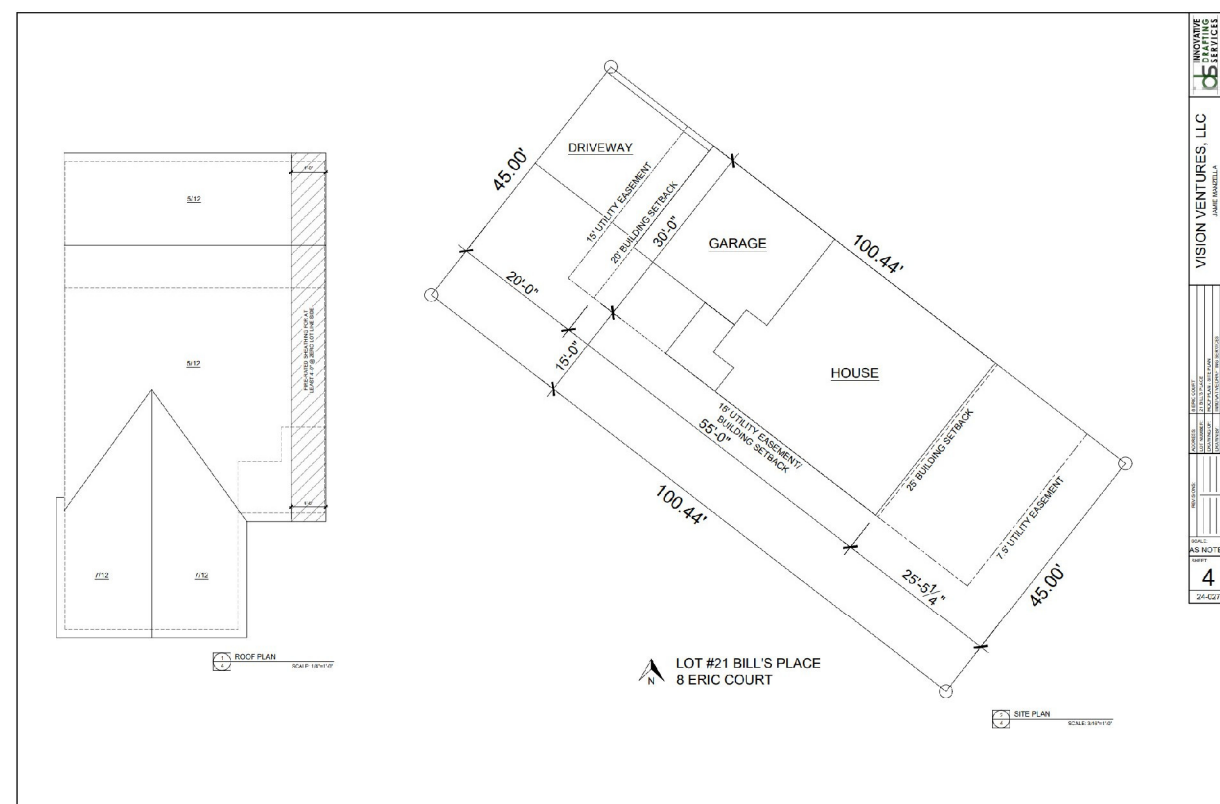
Attachment 3 - Ground-Level View



Attachment 4 - Bill's Place Subdivision, Final Plat



Architectural site plan for Lot #20 Bill's Place, 6 Eric Court. The plan shows a house, a garage, a driveway, and various setbacks. Dimensions include 10.05', 28.23', 71/16', 20'-0", 30'-0", 10'-0", 55'-0", 100.44', 28'-5 1/4", 49'-56", 7'-0" UTILITY EASEMENT BUILDING SETBACK, 25' BUILDING SETBACK, 16' UTILITY EASEMENT BUILDING SETBACK, 20' BUILDING SETBACK, and 16' UTILITY EASEMENT. A north arrow points towards the top left. A scale bar indicates 1/8" = 1'-0".



Attachment 6 - Building Design and Character



Attachment 7 - Neighborhood notice map

