



**AGENDA
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING
CITY HALL COUNCIL CHAMBERS
109 EAST OLIVE ST.
BLOOMINGTON, IL 61701
WEDNESDAY, APRIL 15, 2020 at 4:00 P.M.**

**LIVE STREAM AVAILABLE AT:
www.cityblm.org/live**

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT

D. MINUTES Consideration, review and approval of minutes from the meeting on February 19, 2020 meeting.

E. REGULAR AGENDA

- A. SP-02-20** Public hearing, review and action on a petition for a special use permit submitted by Eastview Christian Church to allow for the expansion of a place of worship in the R-1C, Single Family Residential District, for the property located at 401 W. Union Street Bloomington IL 61701 (Ward 7).
- B. Z-06-20** Public Hearing, review and action on an application for a variance submitted by Eastview Christian Church to reduce the amount of required parking for a place of worship located at 401 W. Union Street Bloomington IL 61701 from 69 parking spaces to 57 parking spaces, a 12-space reduction. (Ward 7).
- C. Z-05-20** Public Hearing, review and action on an application for a variance submitted by Metro Fibernet LLC to allow a 6ft fence in lieu of the maximum 4ft fence allowance in the front yard of a business at 2014 Cabintown Road, Bloomington IL 61704, a 2ft increase. (Ward 2).

F. OTHER BUSINESS

G. NEW BUSINESS

H. ADJOURNMENT

DRAFT
MINUTES
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, FEBRUARY 19, 2020
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS

Members present: Mr. Terry Ballantini, Mr. Michael McFarland, Mr. Michael Rivera Jr, Mr. Michael Straza, Mr. Tyler Noonan, and Chairperson Victoria Harris.

Members absent: none

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

Ms. Harris called the meeting to order at 4:03 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 November 20, 2019 regular meeting minutes and the minutes from the September 11, 2019 joint meeting with the Planning Commission. Mr. McFarland motioned to approve the minutes for both meetings. Seconded by Mr. Rivera The motion to accept the minutes as amended, was unanimously approved, 6-0 by voice vote.

REGULAR AGENDA:

SP-01-20 Consideration, review and approval of a petition for a special use permit for a Sports/Fitness Establishment in the M-1 District for property located at 1707 E Hamilton Road submitted by Back Yard Social, LLC (Ward 1).

Chairperson Harris opened the public hearing and introduced the case. Mr. Daniel Kelly, representing Back Yard Social, applicant, was sworn in. He explained that he is petition for a special use permit to allow axe throwing and a recreational use at 1707 E Hamilton Road. Chairperson Harris asked about sharpening the axes and having an orientation. Mr. Kelly confirmed they grind the axes using a file and have an axe throwing coach on staff. Mr. Ballantini commented that the Board approved a special use permit in November 2019 and asked why the applicant has returned to the ZBA with a new location. Mr. Kelly explained that he encountered some challenges and additional costs associated with the previous

location. He stated that this site is more conducive to the use given the layout of the building. Mr. Kelly explained that he is proposing a family friendly with multiple activities that people can do over an over. He stated this is similar to the previous property in square foot. He stated that he plans on installing custom bike racks to promote the proximity with the Constitution Trail. No one spoke against the petition. No one, outside of the applicant, spoke in favor of the petition.

Ms. Casey Weeks, Assistant City Planner, presented the staff report and recommendation. She described the site and shared photos, maps, and an aerial view of the property. She described surrounding uses including a golf learning center near by. Ms. Weeks described the purpose and intention of the M-1 zoning district. She explained that the site complied with parking and is located near the Constitution Trail. She explained that the Zoning Board approved a similar special use permit with the condition that the building comply with the standards for the World Axe Federation and International Axe Federation. Ms. Weeks described similar facilities in the region and how this project aligns with the Comprehensive Plan.

Mr. Rivera asked about liquor licensing. Mr. Kelly explained how he would provide safety and mitigate the impacts of alcohol use. He explained that he intends to apply for a liquor license in the future.

Mr. Ballantini motioned to adopt the staff findings of fact. Mr. McFarland seconded the motion. The Board voted to adopt the staff findings with the following votes cast: Mr. Terry Ballantini - Yes, Mr. Michael McFarland - Yes, Mr. Michael Rivera Jr—Yes; Mr. Michael Straza—Yes; Mr. Tyler Noonan - Yes, and Chairperson Victoria Harris – Yes.

Mr. Rivera motioned to approve the Special Use Permit with the condition that the property comply with the World Axe Federation and International Axe Federation. Mr. Ballantini seconded the motion. The Board approved the special use permit with a condition by a vote of 6-0, with the following votes cast on roll call: Mr. Michael Rivera Jr—Yes; Mr. Terry Ballantini - Yes, Mr. Michael McFarland – Yes; Mr. Michael Straza—Yes; Mr. Tyler Noonan - Yes, and Chairperson Victoria Harris – Yes.

OTHER BUSINESS: None

NEW BUSINESS: Chairperson Harris recognized Mr. Veitengruber for his service on the Bloomington Zoning Board of Appeals.

Mr. Michael Straza introduced himself.

ADJOURNMENT

The meeting adjourned at 4:30PM.

Respectfully Submitted,
Katie Simpson
City Planner

CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
April 15, 2020

CASE NUMBER	SUBJECT:	TYPE	SUBMITTED BY:
SP-02-20	401 W. Union St.	Religious Place of Worship in the R-1C, Single-Family Residential District	Casey Weeks Assistant City Planner
Z-06-20	401 W. Union St.	Decrease required number of parking spaces	Casey Weeks Assistant City Planner

PETITIONER'S REQUEST:			
Section of Code: 44. 4-2 Residential Districts – Permitted and Special Uses			
Type	Request	Required	Special Use
Special Use permit	Religious Place of Worship in R-1C, Single-family Residence District	Special use	Church renovation and expansion
Section of Code: 44. 12-8 – Off-Street Parking Requirements			
Variance	57 parking spaces	69 parking spaces	Reduce the number of required parking spaces by 12

Project Description	The petitioner is seeking a Special Use to allow for the expansion of an existing Place of Worship in the R-1C district and a variance for a decrease in the number of required parking spaces for the property located at 401 Union Street.
Staff Recommendation	Staff finds that the petition has met the Zoning Ordinance's standards required to allow a special use and a variance in the required number of parking spaces. Staff recommends that the Zoning Board of Appeals provide Council with a positive recommendation to approve the petition for a special use permit to allow a place of worship in the R-1C District and a parking variance at 401 Union Street.



Figure 1 The parking renovation area adjacent to 401 W. Union St. is shaded in orange.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in the *Pantagraph* on Monday, March 30, 2020.

GENERAL INFORMATION

Petitioner: Eastview Christian Church

LEGAL DESCRIPTION: WESLEYAN SUB SEMINARY BLK MAJORS SEMIANRY ADD LOT 10, WESLEYAN SUB SEMINARY BLK MAJORS SEMINARY ADD LOTS 11 & 12, WESLEYAN SUBN SEMINARY BLK MAJOR'S SEMINARY ADDN LOT 13 (PIN: 14-33-354-011, 14-33-354-013, 14-33-354-007)

PROPERTY INFORMATION

Existing Zoning:	R-1C Single-Family Residential District
Existing Land Use:	Vacant, parking lot, and residential
Property Size:	approx. 28,428 ft ²
PIN:	14-33-354-011, 14-33-354-013, 14-33-354-007

Surrounding Zoning and Land Uses

Zoning

North: R-1C Single-Family Residential District
South: R-2 Mixed Residence District
East: R-1C Single-Family Residential District
West: R-1C Single-Family Residential District

Land Uses

North: Residential
South: Residential
East: Church/Residential
West: Residential

Analysis

Submittals

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

1. Applications for a special use and variance
2. Site Plan
3. Aerial photographs
4. Site visit

BACKGROUND

The applicant, Eastview Christian Church, owns 401 W. Union Street and recently acquired the adjacent properties at 1309 N. Lee St., 1301 N. Lee St., and 1303 N. Lee St. Collectively, the subject property is approximately 28,428 square feet in area. 1309, 1301, and 1303 N. Lee Street are improved with single family homes. The applicant demolished the property at 1301 N. Lee St to expand the parking lot to serve the church at 401 W. Union. A parking lot was previously developed at 1303 N. Lee Street. Staff does not have information on the date the church was constructed but the 1940 Polk Directory suggests the church existed prior to 1940. Local historic significance of the church has not been determined yet. . The subject properties are zoned R-1C Residential District which requires a special use permit for a place of worship. Additionally, the ordinance requires that parking for nonresidential uses located in a residential district be located on the same parcel as the use. The site is located north of the North Roosevelt Street Historic District.

Eastview Christian Church serves multiple uses to the residents in the area. They function as a school, food pantry, childcare center, and place of worship. The building they occupy was constructed prior in the residential neighborhood to adoption of the City's Zoning Ordinance. It is considered to have a lawful special use. The demolition and expansion of the parking lot constitutes an expansion of special use and requires a public hearing. The amount of required parking spaces for the church facilities was calculated by the number of pew seats totaling 166 seats and 8,185 square feet of classroom space visible to the public. The number of pew seats requires 55 parking spaces and the area of classroom space requires 41 parking spaces for a total of 96 parking spaces. Adjustments for location to nearby bus route, pedestrian access, and on-street parking bring the total required number of parking spaces to 69.

	<i>Reduction</i>	<i>Total</i>
Total Spaces Required		96
Bicycle Parking required		5

10% reduction/bus route	10	86
10% reduction/residential route	10	76
On Street Parking (.5 spaces/space)	14	69 <i>Total Parking spaces required after exemptions</i>

PROJECT DESCRIPTION

Petitioner's request:

The petitioner is requesting a special use permit for a place of worship at the former United Brethren in Christ building at 401 Union Street. In addition to the special use permit, the petitioner is requesting a parking variance to reduce the number of required parking spaces by twelve. As part of this project, the petitioner has requested the City vacate the alley running north-south on the west side of the church which is currently being reviewed and processed by the public works department. The petitioner has provided a site plan proposing the development of the alley running north-south on the west side of the church, the vacant lot at the northeast corner of W. Union Street and N. Lee Street, and their existing parking lot at 1303 N. Lee Street to be developed as phase 1 into 45 parking spaces. Phase 2 of development proposes the demolition of the existing residence at 1309 N. Lee Street and creating nine regular parking spaces, three handicapped spaces, and an enclosed dumpster. Five bicycle spaces have been provided on the site plan. The Zoning Board of Appeals is not required to review or comment on the Alley Vacation, which will be reviewed by the City Council.

Parking

Staff was unable to visit the site on a Sunday during service hours to witness the capacity and need for parking. State law also prevents the congregation from meeting due to the COVID19 outbreak and social distancing requirements during this time. Since a portion of the parking requirements includes classroom space, staff reviewed the parking at Bent Elementary School which includes grades K-5, has a building area of 25,474 square feet, and is located three blocks south of Eastview Christian Church. There are thirty-six off-street parking spaces provided for Bent Elementary School. The proposed use requires 69 off-street parking spaces. The proposed plan provides 57 parking spaces.

Description	Ratio	Adjustment	Total
Required Off-Street Parking	The greater of 1 space per 200 GFA or 1 space per 3 seats in the main assembly area (12-8E)	10 space reduction for being near bus route, 10 space reduction for pedestrian access, and 7 space reduction due to on street parking	69 required spaces
Required bicycle parking	5% required		5 bicycle spaces
Amount of required off-street parking after applying relevant exemptions			69 parking spaces

Conformance with the Comprehensive Plan:

In the Comprehensive Plan this area is identified as low-density residential. Allowing the parking variance to decrease the required number of parking spaces would prevent further demolition of residences surrounding the church to accommodate for parking. Preserving the character of the low-density residential area, and preventing the demolition of single-family homes, while allowing the continued use of the church building is a priority.

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 proposed use for a place of worship in addition to religious services will offer childcare, preschool, and a food pantry for surrounding residents. The use will be contained within the block and will not spill over beyond the natural borders of Lee Street and N. Roosevelt Street. **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;** The proposed use is categorized as institutional, which is similar to Bent Elementary School located three blocks to the south and has thirty-eight off-street parking spaces. The majority of the maximum parking needs will only occur once a week. Additionally, the project proposed adding parking that increases the usability and life of the historic building at 401 Unions Street, helping to maintain neighborhood character and vitality. This expansion of the use shall not impair property values of nearby residences. **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;** The special use shall not impede normal development of nearby residences. Eastview Christian Church provides services needed by nearby residents. The expansion of the parking lot will not encroach beyond Lee and Roosevelt Streets into the adjacent residential neighborhood. Additionally, the added parking will help remove congestion on the street during peak hours, improving pedestrian visibility and safety. **The standard is met.**
- 4. that adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;** Utilities will not be needed for this development. Drainage and storm

water run-off will be adequately planned for as a requirement for development of the plan provided. **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;** The lot has two existing ingress/egress accesses, one from W. Union Street and a second from N. Lee Street. No new ingress/egress 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 building exists, and the proposed use encourages the adaptive reuse of the building at 401 W. Union Street. Preserving the character of the low-density residential area and preventing further demolition of single-family homes, while allowing the continued use of the church building is a priority. **The standard is met.**

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.

1. **that the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult;** The building and use existed prior to adoption of the ordinance. The building is landlocked by a surrounding residential district. Historically, this site was designed to serve the needs of the immediate residents who could walk to church and would not need to drive and park a vehicle. Not granting the variance will encourage additional demolition of surrounding single-family homes since additional land is not readily available. The landlocked nature of the site creates a physical hardship that makes strict adherence to the code unreasonable. **The standard is met.**
2. **that the variances would be the minimum action necessary to afford relief to the applicant; and** the petitioner has currently demolished one single family home in order to provide additional parking, and is proposing to demolish two additional homes for expansion of this parking area. The City does not want to encourage demolition of other homes in order to provide parking spaces beyond the petitioner's proposed 57 spaces. The variance will allow contribute to the economic vitality and reuse of the historic building. The applicant is employing the minimum parking dimensions, and meeting landscaping requirements. To accommodate more off street parking would most likely necessitate an additional variance from the landscaping requirements. Staff supports the parking reduction variance since landscaping will improve the aesthetic of the parking lot, assist with drainage, and help cool the parking lot. **The standard is met.**

3. **That the special conditions and circumstances were not created by any action of the applicant; and** The historic use and parking needs of this site were determined and designed to address the immediate residents who could walk to church and would not need to drive and park and vehicle. Parking regulations and increased vehicle usage have altered these requirements over time. **The 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; and** Bent Elementary School, another institutional use located three blocks south, has nine less parking spaces than the petitioner is proposing. **The 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 proposed parking variance will discourage further demolition of the surrounding neighborhood, protecting the neighborhood character. The petitioner proposes to provide adequate landscaping and screening. **The standard is met.**

STAFF RECOMMENDATION:

Staff finds that the petition meets the Zoning Ordinance's standards required to allow a special use. Staff recommends that the Zoning Board of Appeals provide Council with a positive recommendation to **approve** the petition for a special use permit to allow a place of worship in the R-1C Single-Family Residence District and parking variance at 401 W. Union Street.

Respectfully submitted,
Casey Weeks
Assistant City Planner

Attachments:

- Draft Ordinance
- Exhibit A-Legal Description
- Exhibit B-Special Use Site Plan and Landscaping Plan
- Special Use Petition and supplemental documents from petitioner
- Variance Application and supplemental documents from applicant
- Site Plan
- Landscaping Plan
- Aerial Map
- Zoning Map
- Neighborhood Notice Map, Newspaper Notice and List of Addresses Notified



Figure 2 Eastview Christian Church located at 401 W. Union.



Figure 3 Lot and alley to the west of Eastview Christian Church to be developed into a parking lot.



Figure 4 Northeast corner of N. Lee Street and W. Union Street (1301 N. Lee St.) to be developed into parking lot.



Figure 5 View of classrooms next to Eastview Christian Church. Alley to be vacated by the City runs north-south next to the classrooms.



Figure 6 Residence at 1309 N. Lee Street pictured here is proposed to be demolished in phase 2 of the parking lot development.



Figure 7 Residence at 1309 N. Lee Street showing alley access on the north side of the house.



Figure 8 View looking south across the vacant lot at 1301 N. Lee Street at the residences on the south side of W. Union Street.



Figure 9 View of residences located on the west side of the 1300 block on N. Lee Street across from the parking lot.

ORDINANCE NO. _____

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR THE EXPANSION OF A PLACE OF WORSHIP IN THE R-1C SINGLE FAMILY RESIDENTIAL DISTRICT, FOR PROPERTY LOCATED AT 401 W. UNION STREET

WHEREAS, there was heretofore filed with the Community Development Department of the City of Bloomington, McLean County, Illinois, a petition and site plan requesting a Special Use Permit for the expansion of a place of worship in the R-1C Single Family Residential District for certain premises hereinafter described in Exhibit(s) A and an application for a variance requesting a 12 space reduction in required parking; 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 as illustrated in the Site and Landscape Plans hereinafter described in Exhibit(s) B, complied with the standards and conditions for granting such special use, specifically:

- 1). The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
- 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;
- 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;
- 4). That adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;
- 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;
- 6). That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

WHEREAS, the Bloomington Board of Zoning Appeals, also voted to approve the requested variance also denoted on Exhibit B.

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

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

1. That the Special Use Permit for the expansion of a place of worship for the property at 401 W Union Street, legally described in Exhibit A and depicted in Exhibit(s) B, be approved.
2. That the city approve a variance for a 12 space reduction in required parking.

3. This Ordinance shall take effect immediately upon passage and approval.

PASSED this _____ day of _____, 20____.

APPROVED this _____ day of _____, 20____.

Tari Renner, Mayor

ATTEST:

Leslie Yocum, City Clerk

Exhibit A
“Legal Description”

Lots 6,7,9 and 9 in Wesleyan Subdivision of Seminary Block in Major’s Seminary Addition to the
City of Bloomington in McLean County, Illinois

DRAFT



Farnsworth
GROUP
2709 MCGRAW DRIVE
BLOOMINGTON, ILLINOIS 61704
(309) 663-8435 / info@f-w.com

www.f-w.com
Engineers | Architects | Surveyors | Scientists

Preliminary
NOT FOR CONSTRUCTION

PROJECT: P.J. Hoerr

Eastview Church - Bloomington Church Parking Improvements

Section 33, T 24 N, R 2 E, 3RD PM
401 Union Street
Bloomington, IL 61701

DATE:	03/17/2020
DESIGNED:	MAB
DRAWN:	MAB
REVIEWED:	JLH
FIELD BOOK NO.:	

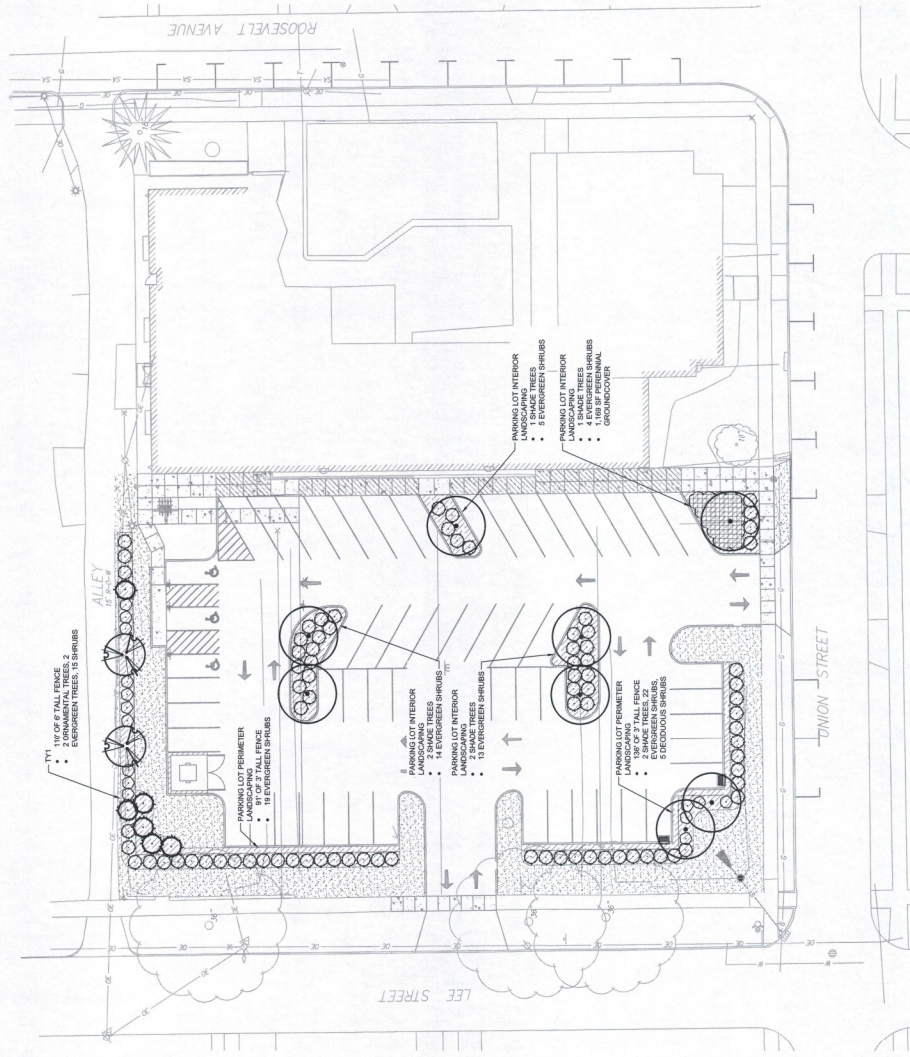
LANDSCAPE PLAN

Source: *Author's calculations*.

11

PROJECT NO.:

0191136.00



LANDSCAPE PLAN

SCALE: 1"=20'

CONCEPT PLANT SCHEDULE

	SHADE TREE	8
	EVERGREEN TREE	6
	ORNAMENTAL TREE	2
	EVERGREEN SHRUB	27
	DECIDUOUS SHRUB	34
	SHRILLED + HARDWOOD MULCH, 3" DEPTH	3,796 sf
	TURF - SEED	7,877 sf
	PERENNIALS/GRASSES	1,168 sf

PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT:

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) Eastview Christian Church

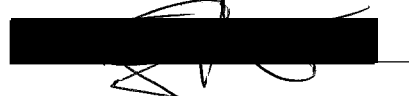
hereinafter referred to as your petitioner(s), respectfully representing and requesting as follows:

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 R-1C 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 Religious Places of Worhsip, are allowed as a special use in a R-1C 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 R-1C 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 R-1C 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,

A black rectangular redaction box covers the signature of the petitioner(s). A handwritten mark, possibly initials, is visible just below the redaction box.

3/17/2020

ORDINANCE NO. _____

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A

Eastview Christian Church

FOR PROPERTY LOCATED AT: 401 Union St., Bloomington, IL

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 _____
Church 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 Permit would comply with the standards and conditions for granting such special permitted use for said premises as required by Chapter 44, Section 44.6-30 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 Church
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____.

Mayor

ATTEST:

City Clerk

Exhibit A

Lots 6, 7, 8 and 9 in Wesleyan Subdivision of Seminary Block in Major's Seminary Addition to the City of Bloomington, in Mclean County, Illionois.

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: 401 Union Street Site

Address: Bloomington, IL

Petitioner: Eastview Christian Church Phone: [REDACTED]

Petitioner's Email Address: [REDACTED]

Petitioner's Mailing Address Street: 1500 N. Airport Rd.

City, State, Zip Code: Normal, IL 61761

Contractual interest in the property X yes no

Signature of Applicant [REDACTED] 3/17/2020

Brief Project Description:

The project involves a two-phased expansion to the existing parking lot. A detailed parking matrix is included to establish the number of required spaces with applicable reduction opportunities applied. Total number of spaces required is 69 and the total spaces provided is 57. Required number of 5 bicycle parking spaces is provided.

Code Requirements Involved:

Section 44.12-8: *Places of worship require 1 parking space per 200 GFA or 1 space per 3 seats in the main assembly area.*

Variances(s) Requested:

- 1. Reduction in the required number of parking spaces provided pursuant to the attached parking matrix.*

Required number of parking spaces = 69

Provided number of parking spaces = 57

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.

Available land to develop as off-street parking is limited to existing adjacent residential lots that become available to purchase.

Site conditions have permeated over time.

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 original church building and school, although were constructed at different times, were erected before parking requirements were adopted or were allowed to serve the needs of the residential district during the time they were built. Surrounded by residential lots and adjacent to an Alley at the time, there was little opportunity to develop formal parking spaces other than the existing parking lot on the west side of the Alley.

Limited availability of land depended on lot purchases on the west side of the Alley over time which inhibited opportunities to add more parking.

The residential lot area on the west side of the Alley along with the vacated alley propose the only available property to develop needed parking and would not be enough to provide the total number of code required spaces.

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

The parking space and aisle dimensions used comply with the current ordinance and, respecting current setback requirements, offer the maximum number of parking spaces the site area will accommodate as shown on the attached exhibit.

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

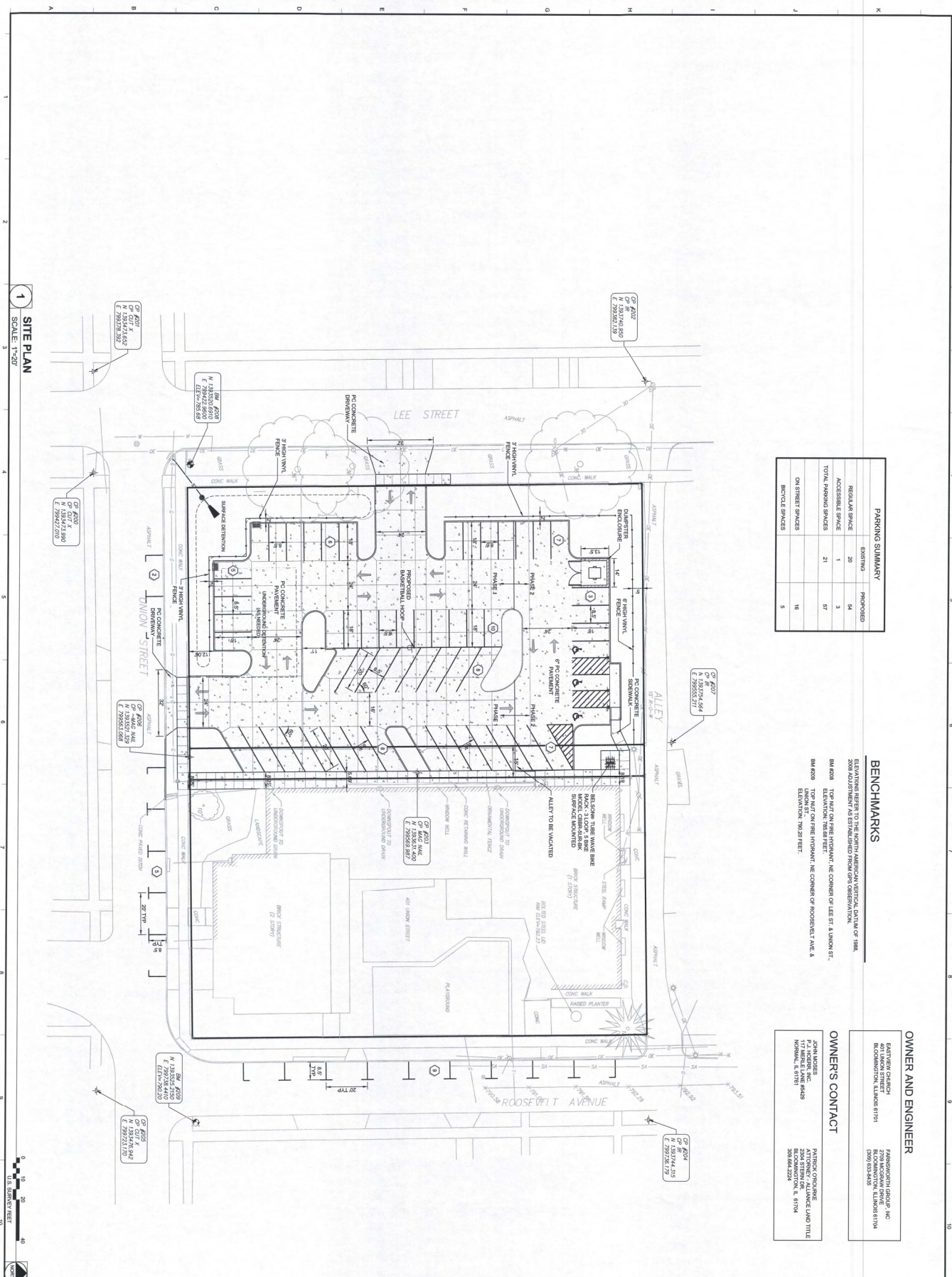
The restrictive characteristics of the lot is an existing condition that has permeated since original construction.

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

This facility will provide on-site parking in a zoning district where parking is currently prohibited but has been allowed as a pre-existing condition.

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.

Off street parking currently exists to serve the facility within a residential district. New parking would occupy the remaining lots within the block. Adjacent residential property is buffered by street and alley right-of-way on all sides.



PARKING SUMMARY			
EXISTING	PROPOSED		
REGULAR SPACES	20	54	
ACCESSIBLE SPACES	1	3	
TOTAL PARKING SPACES	21	57	
ON STREET SPACES		16	
SCOTCH SPACES	5		

BENCHMARKS

ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988.
2008 ADJUSTMENT AS ESTABLISHED FROM GPS OBSERVATION.
BM 4200 TOP SURF ON FIRE HYDRANT, NE CORNER OF LEE ST. & UNION ST.,
ELEVATION: 765.88 FEET.
BM 4201 TOP SURF ON FIRE HYDRANT, NE CORNER OF ROOSEVELT AVE. &
ELEVATION: 760.29 FEET.

OWNER AND ENGINEER

EASTVIEW CHURCH
401 UNION STREET
BLOOMINGTON, IL 61701

FARNSWORTH GROUP, INC.
2709 MACOMBY DRIVE
BLOOMINGTON, IL 61704
(309) 663-8435

OWNERS CONTACT

JOHN HARRIS, INC.
17 MARBLE LAKE PARK
NORWALK, IL 61051

PATRICK COUNTESS
2044 STEVEN CR.
NORWALK, IL 61051
309.664.2224



Farnsworth
GROUP

2709 MACOMBY DRIVE
BLOOMINGTON, IL 61704
(309) 663-8435 / fgroup@fgroup.com

Engineers | Architects | Surveyors | Scientists

DATE DESCRIPTION

Preliminary
NOT FOR CONSTRUCTION

PROJECT

Eastview Church -
Bloomington Church
Parking Improvements

Section 33, T 24 N, R 2 E, 3RD PM

401 Union Street
Bloomington, IL 61701

DATE: 03/17/2020

DESIGNED: CME

DRAWN: CME

REVIEWED: JMG

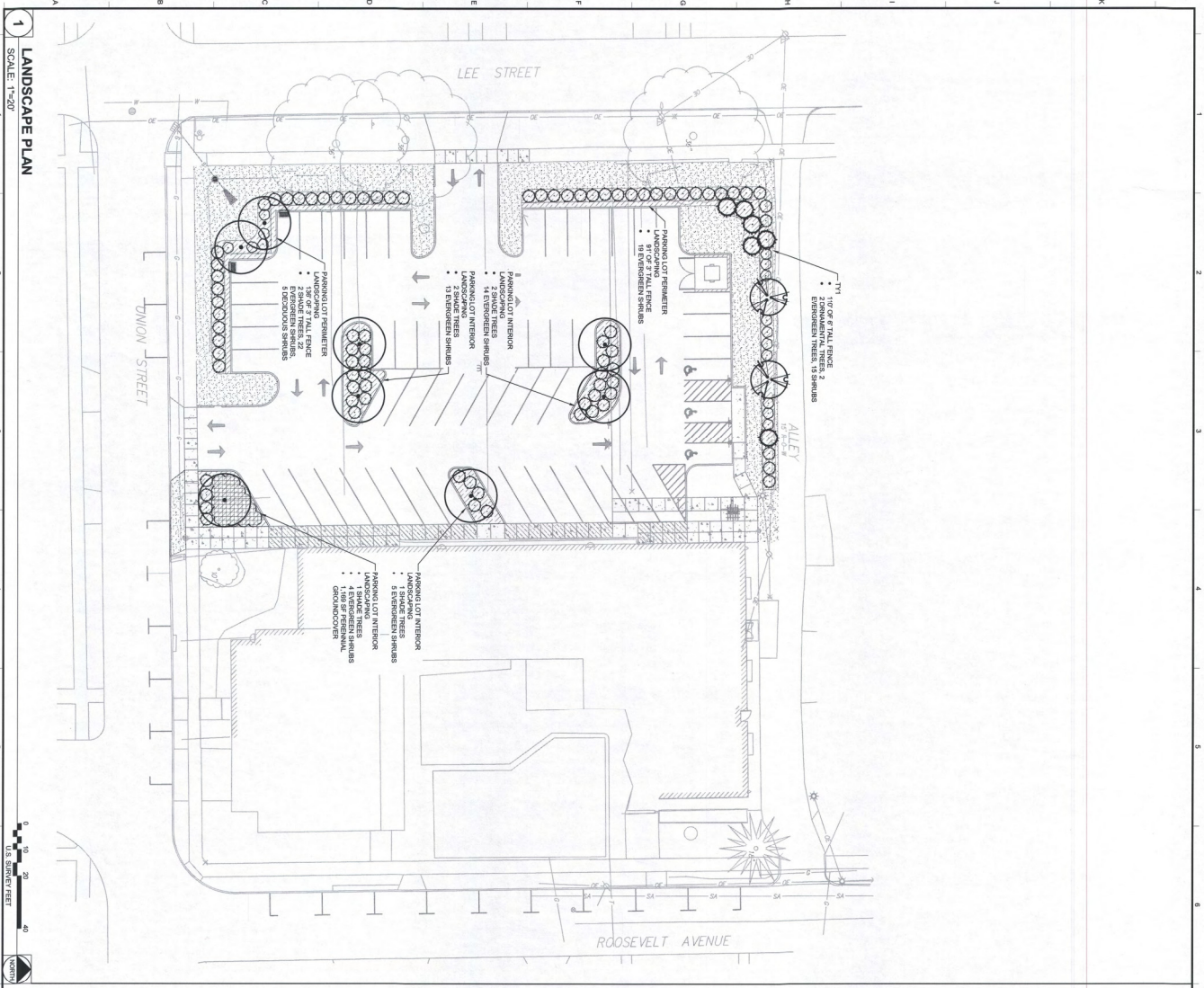
FIELD BOOK NO.: BM13218

SITE PLAN FOR
SPECIAL USE PERMIT

SHEET NUMBER

1

PROJECT NO.: 019136.00



CONCEPT PLANT SCHEDULE			
	SHADE TREE	8	
	EVERGREEN TREE	6	
	ORNAMENTAL TREE	2	
	EVERGREEN SHRUB	27	
	DECIDUOUS SHRUB	34	
	SHREDDED HARDWOOD MULCH, 3" DEPTH	3,790 sf	
	TURF - SEED	7,877 sf	
	PERENNIAL GRASSES	1,189 sf	



Farnsworth
Group
1770 N. CALDWELL
BLOOMINGTON, ILLINOIS 61704
(815) 643-3435 / info@fng.com
www.fng.com
Engineers Architects Scientists
Date: 03/17/2020
DATE DESCRIPTION:

Preliminary
NOT FOR CONSTRUCTION

P.J. Hoerr

**Eastview Church -
Bloomington Church
Parking Improvements**

Section 31, 24 N. R. 2 E. 3RD PM
401 Union Street
Bloomington, IL 61701
DATE: 03/17/2020
DESIGNED: MAB
DRAWN: MAB
REVIEWED: J.L.H.
FIELD BOOK NO.:
LANDSCAPE PLAN

L1.1

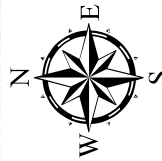
PROJECT NO.: 0191106.00

Aerial Map 401 W Union St

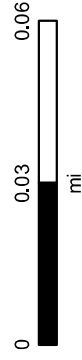
4/8/2020



McGIS, Melean County Museum of History



McGIS does not guarantee the accuracy of the information displayed. Only on-site verification or field surveys by a licensed professional land surveyor can provide such accuracy. Use for display and reference purposes only.

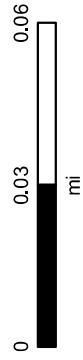
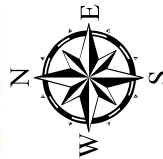


Zoning Map 401 W Union St

4/8/2020



McGIS, Melean County Museum of History



McGIS does not guarantee the accuracy of the information displayed. Only on-site verification or field surveys by a licensed professional land surveyor can provide such accuracy. Use for display and reference purposes only.



Legal Inside

**78395
NOTICE**

A Public Hearing before the Bloomington Zoning Board of Appeals will be held on Wednesday, April 15, 2020 at 4:00 PM, in City Hall, 109 E. Olive St., Bloomington on applications submitted Eastview Christian Church (1500 N. Airport Rd., Normal, IL 61761) for 1). the approval of a variance for a reduction in the required number of parking spaces provided from 69 parking spaces to 57 parking spaces, and 2). the approval of special use permit to allow for the expansion of a religious place of worship in the R-1C Single-Family Residence District for the subject property located at 401 Union Street Bloomington, IL 61701 owned by Eastview Christian Church (1500 N. Airport Road., Normal, IL 61761). Online streaming of the public hearing will be available at www.cityblm.org/live.

The Subject Property is legally described as
WESLEYAN SUB SEMINARY
BLK MAJORS SEMINARY
ADD LOT 6 THRU 9: WESLEYAN SUB SEMINARY BLK MAJORS SEMINARY ADD LOT 10: WESLEYAN SUB SEMINARY BLK MAJORS SEMINARY ADD LOT 13
(PINS: 14-33-354-013, 14-33-354-007, 14-33-354-011)

The application is available for review at the (Online) <https://www.cityblm.org/government/boards-commissions/zoning-board-of-appeals>, City offices are currently closed due to COVID-19.

This hearing will be accessible to individuals with disabilities in compliance with the ADA and other applicable laws. For special needs please contact the City Clerk at 109 E. Olive St., Bloomington, (309) 434-2240, cityclerk@cityblm.org or TTY at (309) 829-5115.

Published: Monday, March 30, 2020



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

April 7, 2020

Dear Property Owner or Resident:

The Zoning Board of Appeals will hold a public hearing on **Wednesday, April 15, 2020 at 4:00PM** in the Council Chambers, 109 E. Olive Street, Bloomington, Illinois to hear testimony for applications submitted by Eastview Christian Church (1500 N. Airport Rd., Normal, IL 61761) for 1). the approval of a variance for a reduction in the required number of parking spaces provided from 69 parking spaces to 57 parking spaces, and 2). the approval of the special use permit to allow for the expansion of a religious place of worship in the R-1C Single-Family Residence District for the property located at 401 Union Street Bloomington, IL 61701 owned by Eastview Christian Church (1500 N Airport Rd., Normal, IL 61761) 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.

The Subject Property is legally described as:

WESLEYAN SUB SEMINARY BLK MAJORS SEMINARY ADD LOT 6 THRU 9; WESLEYAN SUB SEMINARY BLK MAJORS SEMIANRY ADD LOT 10; WESLEYAN SUB SEMINARY BLK MAJORS SEMINARY ADD LOT 13 (PINS: 14-33-354-013, 14-33-354-007, 14-33-354-011)

You are receiving this notification since you own property within a 500 foot radius of the land described above (refer to attached map). The application is available for review (Online) at <https://www.cityblm.org/government/boards-commissions/zoning-board-of-appeals>. City offices are currently closed.

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. Online streaming of the public hearing will be available at www.cityblm.org/live.

If you desire more information regarding the proposed petitions or have any questions you may email us at planning@cityblm.org or call us at (309) 434-2226.

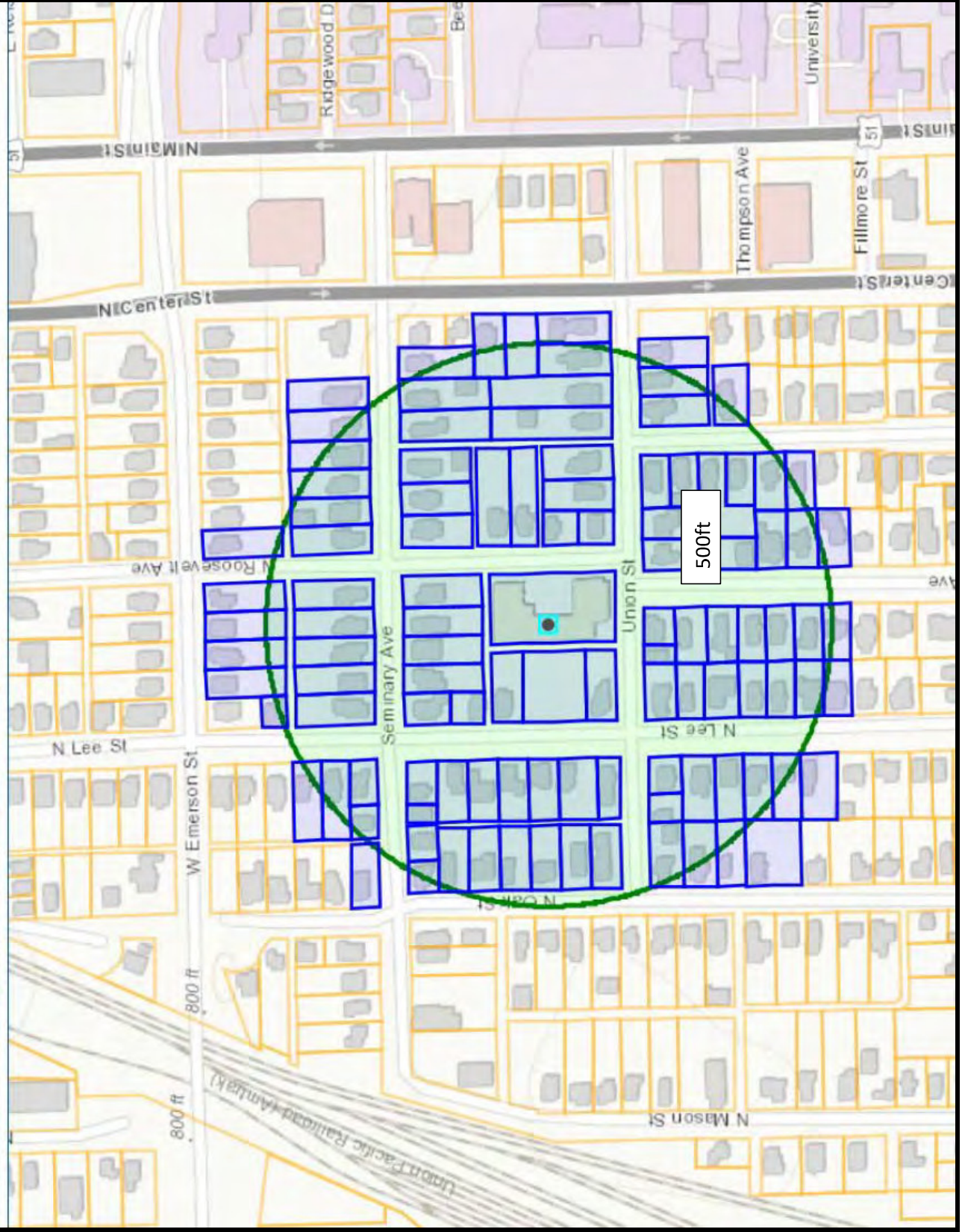
Sincerely,

Planning Division staff

Attachments:

Map of notified properties within 500 ft of subject property

McLean County Public Notification



KEVIN DRAEGER 1113 PINE RIDGE CT NORMAL, IL 61761	JASON LEINBERGER 504 W SEMINARY ST BLOOMINGTON, IL 61701	TIMOTHY ROBERTS 37895 NORMANDY RD WINCHESTER, CA 92596
MR & MRS STEVEN LISTWAN 513 Seminary Ave BLOOMINGTON, IL 61701	DEBRA LEE HARRIS 402 W SEMINARY BLOOMINGTON, IL 61701	DANIEL MEINERS 408 SEMINARY AVE BLOOMINGTON, IL 61701
D EDWIN LIND 3122 RUDDER LN APT 203 BLOOMINGTON, IL 61704	DAVID & GENA NORRIS 183 N BARWELL LAKE RD CARLOCK, IL 61725	JEFFREY ANDERSON 24212 GREENLEAF RD FARMER CITY, IL 61842
JOHN KERNER 208 W SEMINARY BLOOMINGTON, IL 61701	MAJEED ABU QULBAIN 16596 LILAC LN LOCKPORT, IL 60441	DAN & HELEN KILLIAN 404 W EMERSON ST BLOOMINGTON, IL 61701
RODNEY & BECKY CROSIER 406 W EMERSON BLOOMINGTON, IL 61701	DERRICK DAWSON 2905 HILLSBORO BLVD AURORA, IL 60503	PHILLIP S & JUDY ZAHN MILLER MILLER 507 W SEMINARY BLOOMINGTON, IL 61701
ANN CRUMPLER 204 SEMINARY AVE BLOOMINGTON, IL 61701	KURTIS & AMY HERALD 201 MAYS DR BLOOMINGTON, IL 61701	PAUL & MAUREEN JUDD-REYNOLDS REYNOLDS 401 W SEMINARY AVE BLOOMINGTON, IL 61701
WAYNE PELHANK 501 N MAIN ST STE 11 BLOOMINGTON, IL 61701	MICHAEL RADEMACHER 1404 N LEE ST BLOOMINGTON, IL 61701	ANGELA BALLANTINI 404 SEMINARY AVE BLOOMINGTON, IL 61701
MARY BROCKETT 1210 ROSNEY AVE BLOOMINGTON, IL 61701	BENJAMIN & JENNIFER TARMANN 204 W UNION ST BLOOMINGTON, IL 61701	ERIN MAUBACH 206 UNION ST BLOOMINGTON, IL 61701
KEVIN DRAEGER IRA EQUITY TRUST COMPANY CUSTODIAN 1113 PINE RIDGE CT NORMAL, IL 61761	SUSAN PELAEZ 1302 N LEE ST BLOOMINGTON, IL 61701	MARK & JENNIFER BOOLMAN 204 S ALLIN ST BLOOMINGTON, IL 61701
ROBERT GENTUSO 1214 N LEE ST BLOOMINGTON, IL 61701	MR & MRS JULIAN GLOMB 12422 OAK PARK AVENUE PALOS HEIGHTS, IL 60463	JAMES VAN VALEY 726 N JACKSON ST CLINTON, IL 61727

	DEBORAH DEERWESTER 1218 N ROOSEVELT BLOOMINGTON, IL 61702	CYNTHIA SHEPHERD PO BOX 3333 BLOOMINGTON, IL 61702
STEVEN & JESSICA LISTWAN 513 W SEMINARY BLOOMINGTON, IL 61701	JANICE KIPER 1006 Janice Ave Le Roy, IL 61752	JACOB ESTES 1207 N LEE ST BLOOMINGTON, IL 61701
HARRY ZIEGLER 405 SEMINARY AVE BLOOMINGTON, IL 61701	GREGORY RICHARDS 316 W Emerson St BLOOMINGTON, IL 61701	WILLIAM SEXTON 1215 N MADISON ST BLOOMINGTON, IL 61701
ERIC EITNER 1308 N LEE ST BLOOMINGTON, IL 61701	LORI BALLARD 1307 N OAK BLOOMINGTON, IL 61701	JOHN & AMY SCOTT 1218 N MADISON ST BLOOMINGTON, IL 61701
EDWARD BOYER 1212 N MADISON ST BLOOMINGTON, IL 61701	BRYCE SANDERS 1211 N ROOSEVELT AVE BLOOMINGTON, IL 61701	RYAN & REBECCA LESSEN FIALA 2795 SEDONA DR NORMAL, IL 61761
KAREN HURST 248 E IDLEWOOD ST MORTON, IL 61550	STEPHEN MURRAY 1222 N MADISON ST BLOOMINGTON, IL 61701	MARY ANN HUNT 1214 N MADISON ST BLOOMINGTON, IL 61701
DIANN THOMPSON 1213 N ROOSEVELT AVE BLOOMINGTON, IL 61701	ANDREW MENSSEN 206 SEMINARY AVE BLOOMINGTON, IL 61701	GREGORY OVERFELT 208 UNION ST BLOOMINGTON, IL 61701
DENISE & CHAD A MAYES 604 WREN RD BLOOMINGTON, IL 61704	ANNA ROBINSON 1311 N OAK ST BLOOMINGTON, IL 61701	STEVE JUNGHANS 15772 CALOOSA CREEK CIR FT MEYERS, FL 33908
STEPHEN & BARBARA WHALEN 504 UNION ST BLOOMINGTON, IL 61701	KAREN HURST 248 E IDLEWOOD ST MORTON, IL 61550	5K ENTERPRISES LLC 22 CLINTON PL NORMAL, IL 61761
DAVID KEIM 301 W UNION ST BLOOMINGTON, IL 61701	STACY RANDLE 303 UNION ST BLOOMINGTON, IL 61701	RICK & GARNET ALLEN 1216 N MADISON BLOOMINGTON, IL 61701

MICHAEL KEATHLEY
207 W SEMINARY
BLOOMINGTON, IL 61701

BRANDON WALDEN
409 SEMINARY AVE
BLOOMINGTON, IL 61701

DENISE A & CHAD A MAYES
604 WREN RD
BLOOMINGTON, IL 61704

CLARENCE JR & VIKKI L FALLS
207 W UNION
BLOOMINGTON, IL 61701

DARIN & ANDREA MARKERT
15427 PEBBLE BEACH RD
BLOOMINGTON, IL 61705

MARK KING
PO BOX 1947
BLOOMINGTON, IL 61702

JAMES SEABOURNE
1209 N LEE ST
BLOOMINGTON, IL 61701

BRIAN JUNGHANS
200 N LINDEN
NORMAL, IL 61761

PEARL CALHOUN
1920 N MIDWAY AVE
NORMAL, IL 617615255

RUSSELL ORRILL
1212 N ROOSEVELT AVE
BLOOMINGTON, IL 61701

RONALD GLENN
209 SEMINARY AVE
BLOOMINGTON, IL 61701

JAMES BRENNAN
211 W SEMINARY
BLOOMINGTON, IL 61701

MATTHEW WALTERS
1312 N LEE ST
BLOOMINGTON, IL 61701

STEPHEN WHALEN
507 UNION ST
BLOOMINGTON, IL 61701

DEANNA KUEHLING
1216 N LEE ST
BLOOMINGTON, IL 61701

MARK & JENNIFER BOOLMAN
204 S ALLIN ST
BLOOMINGTON, IL 61701

TINA JONES
1303 N ROOSEVELT AVE
BLOOMINGTON, IL 61701

JAMES BRENNAN
211 W SEMINARY
BLOOMINGTON, IL 61701

SCOTT BRITTIN
1221 N LEE ST
BLOOMINGTON, IL 61701

ZOELLER & BURCHAM PROPERTIES LLC
1808 SIX POINTS RD
BLOOMINGTON, IL 61705

STEVEN LISTWAN
513 SEMINARY AVE
BLOOMINGTON, IL 61701

JACK & RUTH DENNEY
213 SEMINARY AVE
BLOOMINGTON, IL 61701

DML REAL ESTATE LLC
202 N CENTER ST STE 2
BLOOMINGTON, IL 61701

EASTVIEW CHRISTIAN CHURCH
1500 AIRPORT RD
NORMAL, IL 61761

TRENT BOITNOTT
1217 N OAK ST
BLOOMINGTON, IL 61701

MAPLE HILL PROPERTIES LLC
2401 E EMPIRE ST STE B
BLOOMINGTON, IL 61704

LAWERANCE GROVER
1211 N LEE ST
BLOOMINGTON, IL 61701

RANSOM CARR
1214 N ROOSEVELT AVE
BLOOMINGTON, IL 61701

RUTH RICE
612 E FRONT ST
BLOOMINGTON, IL 61701

BARBARA MURRELL
1220 N ROODEVELT AVENUE
BLOOMINGTON, IL 61701

WILLIAM BURNS
1218 1/2 N LEE ST
BLOOMINGTON, IL 61701

BENJAMIN & BRIANNE MILLS
1212 N LEE ST
BLOOMINGTON, IL 61701

OLLIE WILKERSON
1204 N ROOSEVELT AVE
BLOOMINGTON, IL 61701

LARRY FRITCHER
1309 N LEE ST
BLOOMINGTON, IL 61701

MCLT LV 21
1716 R T DUNN DR STE 4
BLOOMINGTON, IL 61701

JASON ROHDE
5037 THORNTON DR
SUMMERVILLE, SC 29485

ERIC DIX
1210 N LEE ST
BLOOMINGTON, IL 61701

RUSSELL STEVENS
1310 N Lee St
BLOOMINGTON, IL 61701

KAREN HURST
248 E IDLEWOOD ST
MORTON, IL 615502

JUAN VARGAS
1803 WIDERMERE DR
NORMAL, IL 61761

MAURY WHALEN
PO BOX 206
HUDSON, IL 61748

SHARON ORTIZ
1213 N LEE ST
BLOOMINGTON, IL 61701

DANIEL WEBER
1219 N OAK ST
BLOOMINGTON, IL 61701

FIDEL GARCIA
1309 N OAK ST
BLOOMINGTON, IL 61701

ROBERT WILLIAMS
35150 E 500 NORTH RD
ARROWSMITH, IL 61722

CEVAT KARASEN
305 W CHESTNUT ST
BLOOMINGTON, IL 61701

DARIN & ANDREA MARKERT
15927 PEBBLE BEACH ROAD
BLOOMINGTON, IL 61701

CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
April 15, 2020

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-05-20	Fence variance	2ft increase in front yard	Casey Weeks, Assistant City Planner

PROJECT DESCRIPTION:
The applicant is proposing a 6ft fence in the front yard, a 2 ft increase from the maximum height
APPLICANT'S REQUEST:

Section of Code:

Type of Variance	Request	Required	Variation
Fence height in front yard	6ft	4ft	2ft increase

STAFF RECOMMENDATION:	Staff finds that the petition has met the Zoning Ordinance's standards required to allow a variance to increase the height of the front yard fence. Staff recommends that the Zoning Board of Appeals provide Council with a positive recommendation to approve the petition for a variance in fence height in the B-1 District at 2014 Cabintown Road.
------------------------------	---



Figure 1 2014 Cabintown Road is marked with an orange point.

NOTICE

The application has been filed in conformance with applicable procedural requirements and legal, public notice for the hearing was published in *The Pantagraph* on March 30, 2020.

GENERAL INFORMATION

Owner and Applicant: Metro Fibernet LLC, Justin Long

PROPERTY INFORMATION

Legal description: METRO COMMUNICATIONS SUB LOT 2 .87 ACRES

Existing Zoning: B-1 General Commercial District

Existing Land Use: Storage

Property Size: 165' X 210' (34,650 sqft)

PIN: 21-17-351-016

Surrounding Zoning and Land Uses

Zoning

North: B-1 General Commercial District

South: B-1 General Commercial District

East: B-1 General Commercial District

West: B-1 General Commercial District and

R-1B Single family residential

Land Uses

North: Memory Care Facility

South: UPS Distribution Center

East: Single family home (for sale)

West: UPS Distribution Center/Single family homes

Analysis

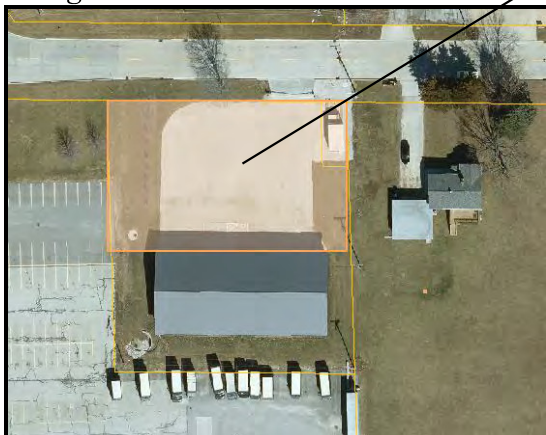
Submittals

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

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

PROJECT DESCRIPTION

Background.



The area shaded in orange is the front yard.



Subject Property at
2014 Cabintown
Road

Figure 2 Google Map showing the location of the subject property at 2014 Cabintown Road.

The subject property is located on the south side of Cabintown Road (Google Maps labels it as New Cabintown Road). The property is approximately a 0.87 acre, 34,650 square feet. The applicant would like to install a six-foot fence in the front yard of a storage facility to protect equipment that will be stored at the site. Cabintown Road runs south off of Fox Creek Road. The road makes a ninety degree turn to the east and is referred to as New Cabintown Road on Google Maps. Cabintown Road and New Cabintown Road is used to access some single-family homes on the west side of Cabintown Road, a UPS distribution center, Illinois Department of Transportation supply facility, and plant nurseries on the north side of New Cabintown Road. A memory care facility lies to the north of the subject property at the southeast corner of Fox Creek Road and Cabintown Road. The Illinois Department of Transportation has a supply facility at the east end of New Cabintown Road with an existing six-foot fence and gate surrounding the property and in the front yard. The property west of the IDOT facility also has a six-foot fence surrounding the property and in the front yard.

The single-family home to the east of the subject property appears to be vacant and has a for sale sign in the yard. Allowing a six-foot fence variance in the front yard of the subject property may block some visibility when cars are leaving the driveway at the adjacent residence if the fence is opaque. New Cabintown Road is not heavily trafficked, so drivers shall be able to safely exit the driveway at the adjacent residence by driving to the edge of the driveway allowing them to see oncoming traffic and safely exit.

Due to the location of 2014 Cabintown Road being on a street with low visibility and traffic, and being surrounded by properties zoned as B-1 General Commercial, it is staff's opinion that the height variance of the fence in the front yard should be granted. Two other properties on the same road have a six-foot fence existing in the front yard providing greater security to protect materials and equipment stored on the sites.

Project Description:

Staff conducted a site visit and saw two properties on the same road as the subject property with a six-foot fence in the front yard including the IDOT facility and its neighboring property to the west. All of those properties are zoned as B-1 General Commercial District.

The following is a summary of the requested variations:

Applicable Code Sections: 44.9-10 Fence regulations

Section of Code: 44.9-10

Type of Variance	Request	Required	Variation
Fence variance in required front yard	6ft	4ft	2ft increase

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 applicant 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 garage is located at the rear of the property creating a large front yard and setback from Cabintown Road. In order to utilize the existing parking lot and secure equipment stored on the lot and in the front yard, it is necessary to increase the height of the fence in the front yard. **The standard is met.**

That the variances would be the minimum action necessary to afford relief to the applicant; and The property owner is allowed, per code, to install a 4ft fence without necessitating a variance. Allowing a variance in fence height would afford the petitioner to increase the security of materials and equipment stored at the site. **The standard is met.**

That the special conditions and circumstances were not created by any action of the applicant; and The building and parking lot were constructed prior to the petitioner's ownership. **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 two other properties on the same street have a six-foot fence in the front yard. **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. Staff has not received complaints from the neighbors. The fence does not block visibility for the neighbor or traffic on Cabintown Road. **The standard is met.**

STAFF RECOMMENDATION: Staff finds that the variance is not the result of the actions of the applicant and is the minimum action necessary.

*Staff recommends the Zoning Board of Appeals **approve** the variance for a six-foot fence in the front yard at 2014 Cabintown Road.*

Respectfully submitted,
Casey Weeks,
Assistant City Planner

Attachments:

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



Figure 3 Photo of the subject property looking to the southwest. Notice the distance the building is setback from the road creating a large front yard.



Figure 4 The subject property.



Figure 5 View to the east showing the adjacent single-family home in the background.



Figure 6 Showing the side yard between the subject property and the single-family home to the east.



Figure 7 Photo of properties to the east of the subject property on Cabintown Road with an existing six-foot fence in the front yard.



Figure 8 IDOT facility located on the same road as the subject property.



Figure 9 Photo of six-foot fence in the front yard at 2004 Cabintown Road.



Figure 10 Looking west on Cabintown Road in front of the subject property showing the memory care facility on the right and single-family homes straight ahead.

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: 2014 Cabintown Rd

Site Address: Bloomington IL 61701

Petitioner: Metro Fibernet LLC Phone [REDACTED]

Petitioner's Email Address: [REDACTED]

Petitioner's Mailing Address Street: 300 E Walnut St

City, State, Zip Code: Evansville, IN 47713

Contractual interest in the property X yes no

Signature of Applicant [REDACTED]

By: Lohn H. Weber
Title: Chief Financial Officer

REVIEWED

By Anita Larson at 1:21 pm, 3/18/20

Brief Project Description:

Metro Fibernet LLC is seeking to install a six-foot fence around the perimeter of the gravel yard at 2014 Cabintown Road. The intent is to connect to the existing fence that is surrounding the utility fence and HUT in the utility easement of the property. This fence is already six feet. Metro Fibernet LLC is seeking a relaxation of the four-foot maximum fence height along the front of a commercial property (Bloomington Code CH 44,9-10). The attached drawing outlines the location of the fence and 20 foot setback from Cabintown Road. Project to be completed by a licensed contractor, SK Fence, and to be a black vinyl coated fence. Attached quote for review.

Code Requirements Involved:

City of Bloomington Code Chapter 44, Article IX, 9-10 (Fence Regulations)

Variances(s) Requested:

Relaxation of Chapter 44, Article IX, 9-10 (Fence Regulations) regarding Business Districts front yard maximum fence height. Code limits front yard fence to four feet. Seeking relaxation of code to allow for a six foot fence.

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.

There is already a six foot fence on the property around the utility Hut and small yard area seen in the site map. The intent is to connect to the existing fence at the front of the property and on the East side of the property. The property will also be unoccupied most of the time and the six-foot fence will offer more security to equipment, supplies, and vehicles stored in the yard area.

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

Property location and adjacent property uses warrant the use of a fence to protect company equipment, supplies, and vehicles. A four foot fence is not a sufficient barrier to prevent vandalism, theft, or destruction of company property.

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

Metro Fibernet is seeking the minimum variance needed to secure its property and assets. The increase from a four-foot fence to a six-foot fence will be a better deterrent for crime, theft, and vandalism.

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

The request is not from the actions of Metro Fibernet LLC. The company is seeking a variance to better connect to the existing six-foot fence on the site and better secure equipment, supplies, and vehicles stored in the yard.

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

Given that Metro Fibernet LLC intends to connect to an existing six foot fence on its own property within a utility easement, there is no special privilege that is given to Metronet that would not reasonably be given to others by the Code.

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.

The fence will not be detrimental to public welfare, or alter the character of the neighborhood. The business district has several large warehouses and outside storage yards. This fence is commonplace in nearly all industrial areas in Bloomington. Furthermore, there is already a six –foot fence on the property around the utility Hut.



ESTIMATE

SK Fence
"Installers of Quality"

DATE: JANUARY 20, 2020

305 Tiffany Ct. Champaign, IL 61822
Phone 217-398-4812 Fax 217-398-5061

TO Metronet
300 E Walnut Street
Evansville, IN 47713

PROJECT	DUE DATE	REP
2014 Cabintown Rd Bloomington		Tom Williams

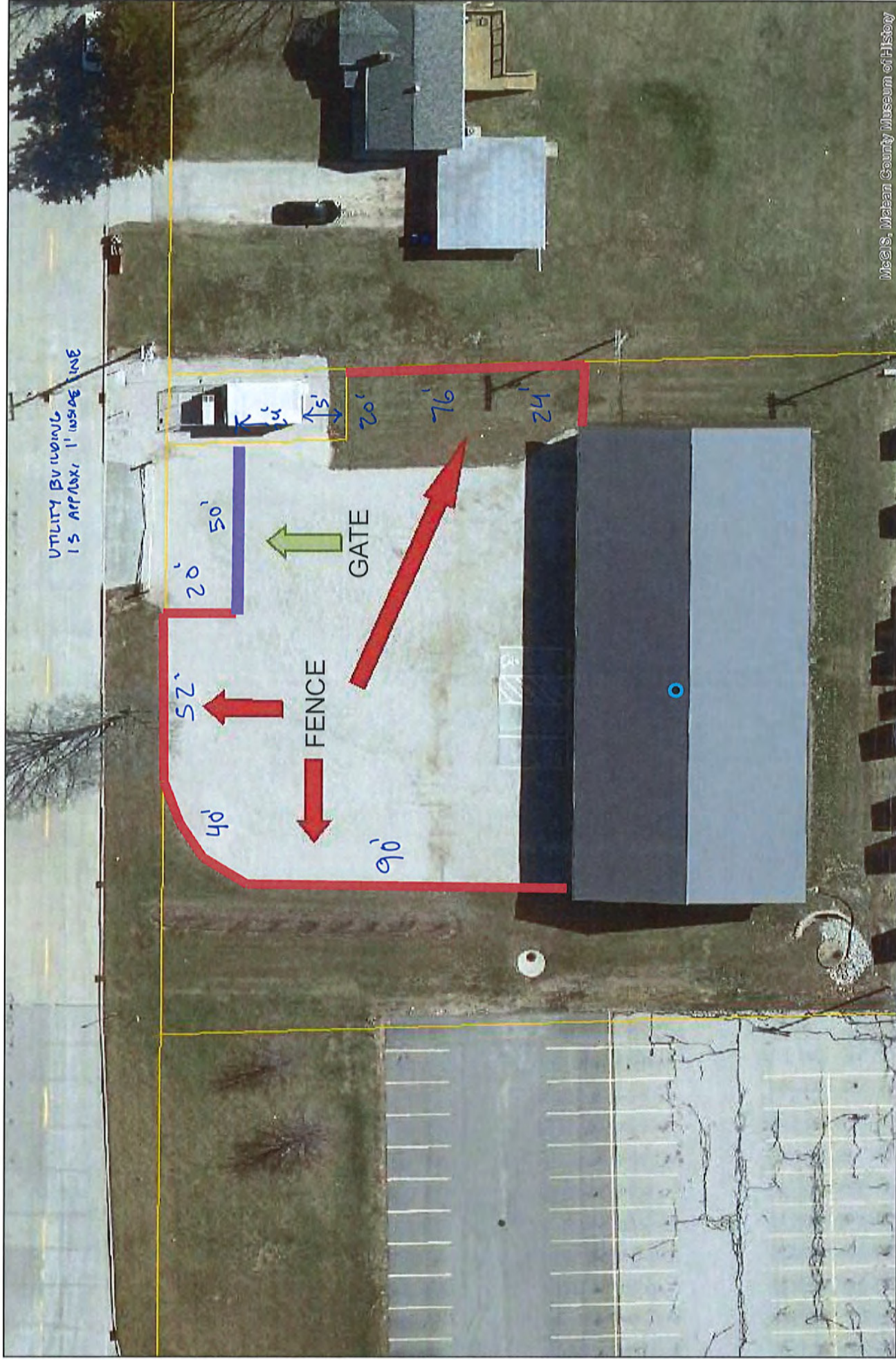
DESCRIPTION	TOTAL
SK Fence will furnish all material and labor to install 377' of 6' tall Black Vinyl Coated chain link w/1-20' Opening Double Swing Gate Total Cost = \$16,125.00 Fence height must be approved by city before proceeding. Current zoning does not allow for heights above 4' tall.	

Acceptance of proposal: The above prices, specifications, and conditions, are satisfactory and are hereby accepted. You are authorized to do the work specified. Payment will be made as outlined. If you wish to accept this proposal, you must return a signed copy prior to starting work specified. (Note: all proposals are good for 30 days)-----
Please initial next to accepted option above-----

To accept this quote, sign here and return: _____

THANK YOU FOR YOUR BUSINESS!

2014 CABINTOWN RD



McGIS, Mahan County Museum of History



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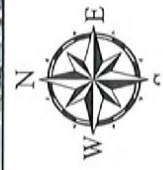


McLean County GIS Consortium

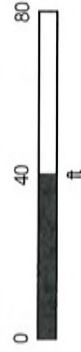
3/18/2020



McGIS, Maean County Museum of History



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Aerial Map 2014 Cabintown Road

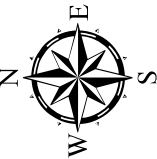
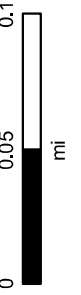
4/8/2020



McGIS, Melean County Museum of History

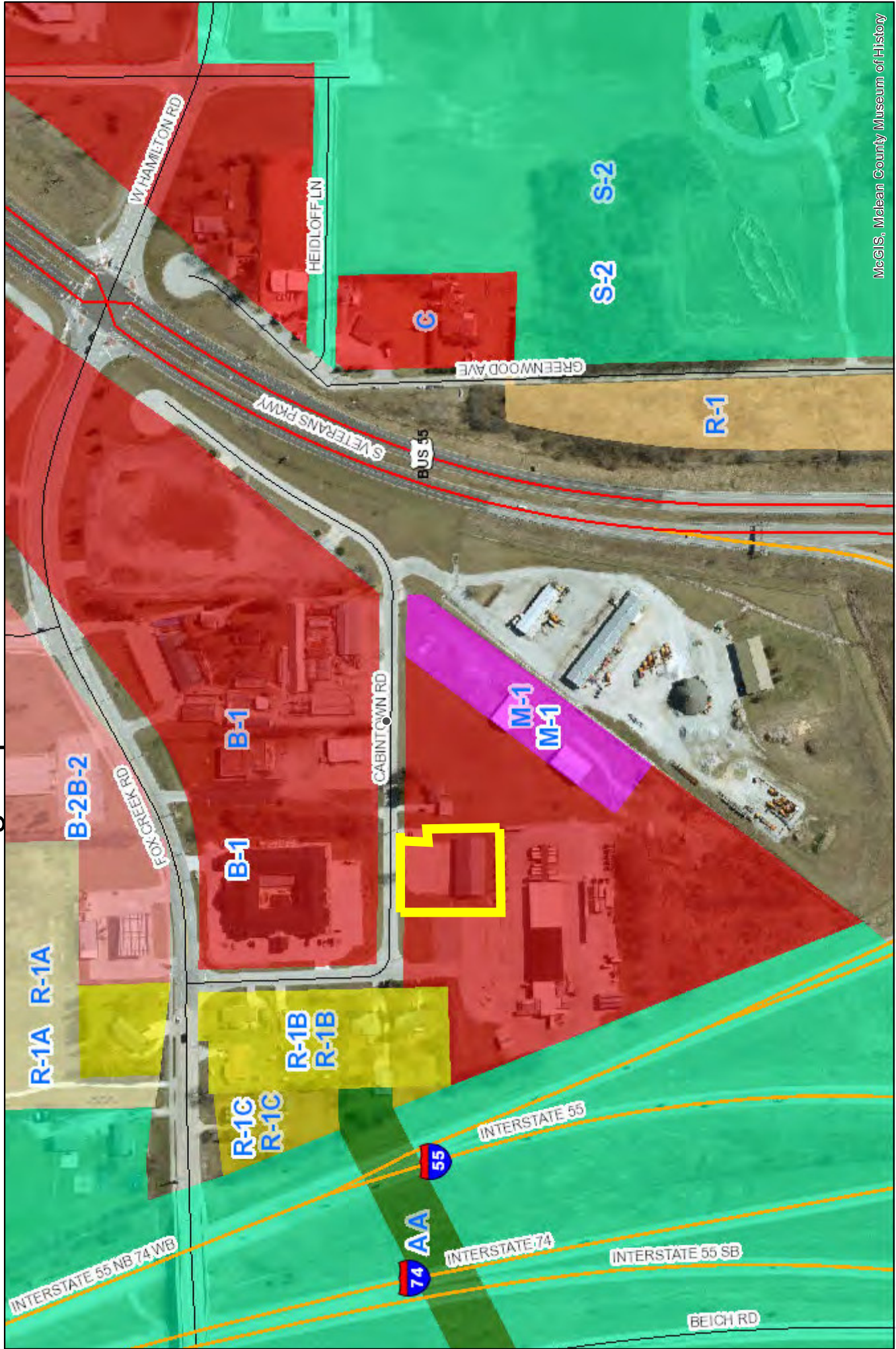


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Zoning Map 2014 Cabintown Road

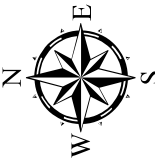
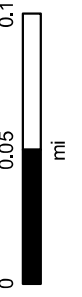
4/8/2020



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Legal Inside

78441

NOTICE

A Public Hearing before the Bloomington Zoning Board of Appeals will be held on Wednesday, April 15, 2020 at 4:00 PM, in City Hall, 109 E. Olive St., Bloomington on application submitted by Metro Fibernet LLC (300 E. Walnut St., Evansville, IN 47713) for the approval of a variance for an increase in the front yard fence height from four feet to six feet in the B-1 General Commercial District for the subject property located at 2014 Cabintown Rd., Bloomington, IL 61701 owned by Bellas Landscaping (2405 Fox Creek Rd., Bloomington, IL 61705). Online streaming of the public hearing will be available at www.cityblm.org/live.

The Subject Property is legally described as

METRO COMMUNICATIONS
SUB LOT 2 .87 ACRES (PIN:
21-17-351-016)

The application is available for review at the (Online) <https://www.cityblm.org/government/boards-commissions/zoning-board-of-appeals>. City offices are currently closed due to COVID-19.

This hearing will be accessible to individuals with disabilities in compliance with the ADA and other applicable laws. For special needs please contact the City Clerk at 109 E. Olive St., Bloomington, (309) 434-2240, cityclerk@cityblm.org or TTY at (309) 829-5115.



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

April 7, 2020

Dear Property Owner or Resident:

The Zoning Board of Appeals will hold a public hearing on **Wednesday, April 15, 2020 at 4:00PM** in the Council Chambers, 109 E. Olive Street, Bloomington, Illinois to hear testimony for a petition submitted by Metro Fibernet LLC (300 E. Walnut St., Evansville, IN 47713) for the approval of a variance for an increase in the front yard fence height from four feet to six feet in the B-1 General Commercial District (44.9-10C) for the subject property located at **2014 Cabintown Rd., Bloomington, IL 61701** owned by Bellas Landscaping (2405 Fox Creek Rd., Bloomington, IL 61705) 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.

The Subject Property is legally described as:

METRO COMMUNICATIONS SUB LOT 2 .87 ACRES (PIN: 21-17-351-016)

You are receiving this notification since you own property within a 500 foot radius of the land described above (refer to attached map). The application is available for review at the (Online) <https://www.cityblm.org/government/boards-commissions/zoning-board-of-appeals>. City offices are currently closed due to COVID-19.

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. Online streaming of the public hearing will be available at www.cityblm.org/live. If you desire more information regarding the proposed petition, intend to participate in the public hearing, or have any questions you may email us at planning@cityblm.org or call us at (309) 434-2226.

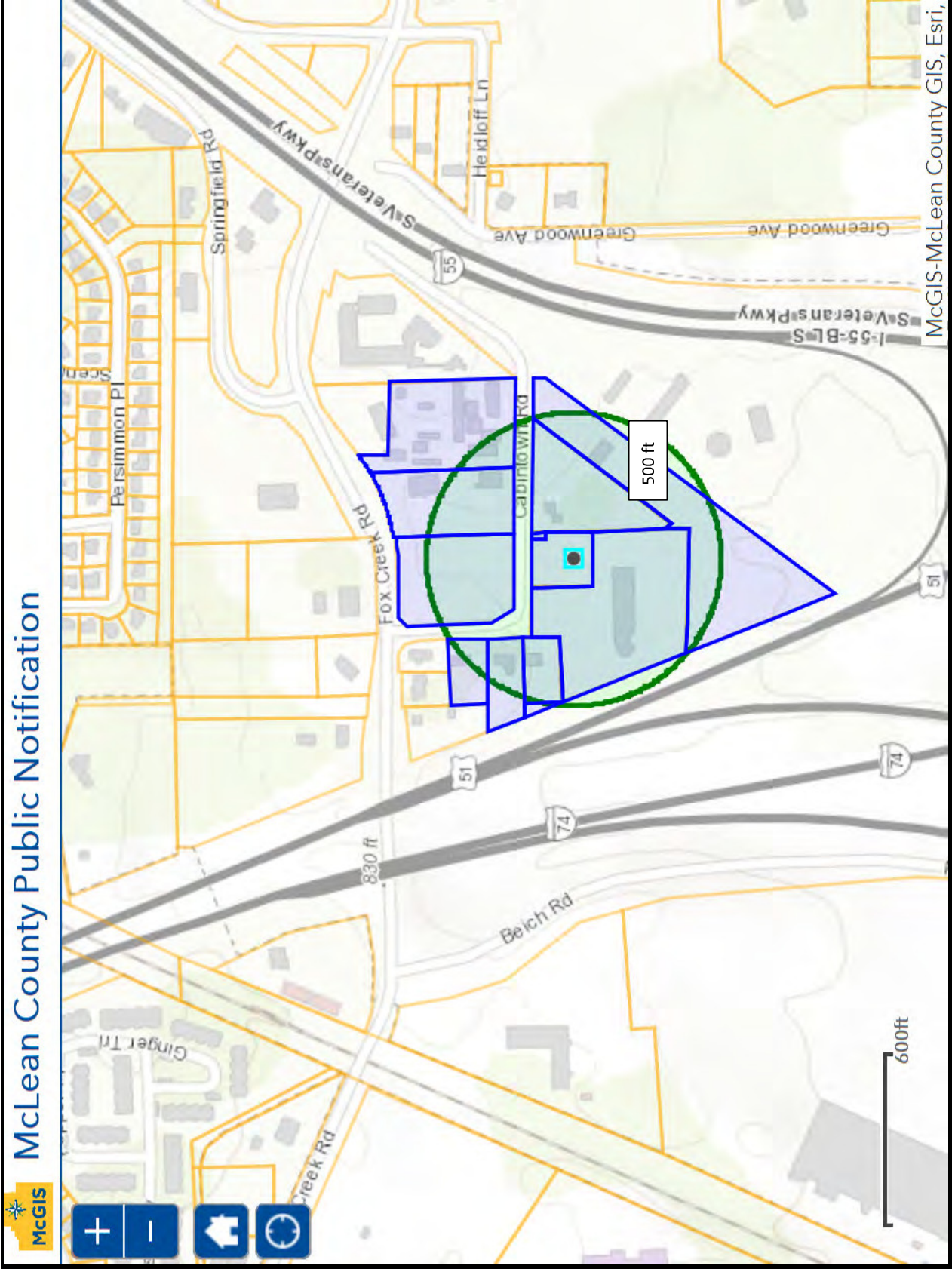
Sincerely,

Planning Division staff

Attachments:

Map of notified properties within 500 ft of subject property

Public Hearing on April 15, 2020 for a Variance Request at 2014 Cabintown Rd.



first_name last_name	address1 address2	city state_code zip_code
BELLAS LANDSCAPING LLC	2405 FOX CREEK RD	BLOOMINGTON, IL 61701
DONALD & SANDRA SEARS	2106 CABINTOWN RD	BLOOMINGTON, IL 61701
BT-OH LLC	ATTN REAL ESTATE DEPT 55 GLENLAKE PARKWAY	ATLANTA, GA 30328
PAMELA HICKS	2707 SOUTHLAWN DR	BLOOMINGTON, IL 61705
THOMAS MCWHORTER	2104 CABINTOWN RD	BLOOMINGTON, IL 61701
NEIL & JESSICA NEWNUM	2102 CABINTOWN RD	BLOOMINGTON, IL 61701
WENDELL NIEPAGEN GREENHOUSES LLC	2010 FOX CREEK RD	BLOOMINGTON, IL 61701
LABORERS INTL UNION AFL-CIO 362	2012 FOX CREEK RD	BLOOMINGTON, IL 61701
MCC NETWORK SERVICES LLC	8 S WASHINGTON ST	SULLIVAN, IL 61951
RHC INVESTMENTS LLC	2402 18TH ST	CHARLESTON, IL 61920