

AGENDA
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, DECEMBER 21, 2016
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

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

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

5. MINUTES: Consideration, review and approval of Minutes from the November 16, 2016 meeting.

6. REGULAR AGENDA

A. SP-06-16 Consideration, review and approval of a special use petition submitted by the Laborers' Home Development Corp requesting Multi-Family Townhouses in the B-1 District for the property located at 902 Martin Luther King Jr. Drive, approximately 12.58 acres. **(Ward 7).**

B. SP-07-16 Consideration, review and approval of a special use petition submitted by Central Illinois Grain Inspection, Inc requesting a lesser nonconforming use in the R-1C district for the property located at 802 N Morris Ave. **(Ward 7).**

C. Z-47-16 Consideration, review and approval of the petition for a variance submitted by William R. Tetreault for the property located at 1316 W. Market Street to allow an accessory structure to be less than three (3) feet from the side lot line. **(Ward 7).**

7. OTHER BUSINESS

8. NEW BUSINESS

9. ADJOURNMENT

For further information contact:

Katie Simpson, City Planner

Department of Community Development

Government Center

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DRAFT MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
Wednesday, November 16, 2016, 4:00 P.M.
Council Chambers, City Hall
109 East Olive Street, Bloomington, Illinois

Members present: Chairman Briggs, Mr. Brown, Mr. Bullington, Mr. Butts (arrived 4:08PM), Mr. Kearney (arrived 4:02PM), Ms. Meek, Mr. Simeone

Members absent: None

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

At 4:00PM, Mr. Dabareiner called the roll. With five members in attendance, a quorum was present. Two members joined shortly after the meeting started. City staff introduced themselves.

PUBLIC COMMENT None

The Board reviewed the minutes from October 19, 2016. A motion to approve the minutes was made by Mr. Simeone, as amended to remove an incomplete sentence on page 3; seconded by Mr. Brown. The minutes were **approved** by a 6-0 voice vote.

Mr. Dabareiner confirmed all items were properly published. Chairman Briggs explained the meeting procedures.

Chairman Briggs introduced **Item E** on the agenda. He stated Item E on the Agenda was moved to the first spot on the regular agenda for discussion, given staff's request to layover the case, in case people were in attendance to comment. Ms. Simpson stated Item E regards the consideration, review and approval of petitions submitted by the City of Bloomington Public Works Department on behalf of 16 property owners and properties located between 1200 and 1500 blocks of N. Hershey Road, and within the 2200 and 2400 blocks of Arrowhead Drive and Clearwater Avenue requesting a variance to allow parking in the front yards in a residential district (44.7-2C). She asked that this case be layed over until the next meeting. Chairman Briggs asked if any member of the public was here for this case and there were none.

Mr. Bullington motioned to layover the case; seconded by Ms. Meek. The motion was **approved** by a 6-0 vote by voice vote.

Z-41-16 Consideration, review and approval of a variance application submitted by Maria T. Feger requesting:

1) **to allow an accessory structure that exceeds the fourteen (14) foot height maximum;**

2) to allow an accessory structure with a gross floor area larger than 1000 sq ft or the principal structure, whichever is less; for the property located at 1422 Butchers Lane.

Chairman Briggs introduced the case. David Armstrong, attorney for the petitioner, and Maria Feger, 1426 Butchers Lane, the petitioner, were sworn in. Mr. Armstrong acknowledged that he knows several members of the ZBA and that he grew up in the petitioner's neighborhood. He stated this is a unique property because of its size of 6.1 acres, bordered by unincorporated land. He noted that the original request from more than one year earlier was turned down by the ZBA and that the petitioner has since moved the accessory building's proposed location and made it smaller. He stated that several dilapidated pre-existing structures would be removed. He noted that he had met with Mr. Dabareiner who indicated the code allows the structure if it is attached to the existing house, becoming part of the principal structure. Mr. Armstrong stated it would be difficult or impossible to do this given the layout of the house. He added that the new proposed location is farther away from existing neighboring residences than last time and shielded by trees. He believes this is the minimum action required for the petitioner to obtain the accessory building. He stated the petitioner did not create the conditions where the existing principal structure is located. He stated his belief that no special privilege would be granted the petition because there are four properties of this size, zoned residential, in Bloomington, but none are bordered by two unincorporated properties.

Mr. Armstrong stated his belief that granting the variance improves the neighborhood by because the RV and other equipment will move inside. Alternatively, he indicated the petitioner could build the structure attached to the house, which he believes is objectionable because it would be seen by more neighbors. He also stated that the petitioner may sell this and two adjacent properties owned by the petitioner, with potential unspecified negative consequences to the neighborhood.

Mr. Armstrong stated he had two letters of support, with one already in the ZBA packet and the second (marked as Exhibit A) distributed at this hearing. He stated two additional exhibits (a diagram marked as Exhibit B and photos marked as Exhibit C) show the new location would have less impact on the mobile home park to the west, although it would be closer. He added that the petitioner would not be conducting a business from the accessory structure. He explained that the petitioner has race cars and the variance would allow centralization of those activities from several properties on to this one.

Chairman Briggs asked for an explanation of the diagram and the photos. Mr. Armstrong pointed out the location of the railroad tracks and the setbacks from the railroad property. Mr. Bullington asked about the other letter in the packet and asked if the letters came from anyone related to the petitioner; Mr. Armstrong stated in the negative and added that ZBA member Mr. Butts is an employee of Mr. Armstrong. Chairman Briggs asked Mr. Butts to recuse himself. Mr. Butts recused himself and left the room.

Susan Schaefer, 1404 Steeplechase Drive, was sworn in. She stated she has known the petitioner since they were teenagers. She stated that the petitioner asked for her advice on options and relocating the proposed building. She believes the new location with the variance would reduce impacts on the neighbors compared with the prior proposal and with attaching it to the house.

Elizabeth Sue Giger, 1408 Butchers Lane, was sworn in. She stated she can see part of the house and favors the proposed new location away from the house.

Chairman Briggs asked if there were any other persons who wished to speak in favor of the petition. There were none. Chairman Briggs asked for comments from any audience members speaking in opposition to the petition.

Elaine Rinehimer, 1506 Sweetbriar Drive, was sworn in. She stated she spoke in opposition at the last hearing and her objections have not changed. She noted the building itself will look fine. She stated the petitioner already has a business at this address but does not know what it is. She expressed concerns about traffic and stated the petitioner's traffic travels at a high rate of speed along Butchers Lane. She stated a concern over what new uses could be housed in the proposed structure. She stated that even if the petitioner limits the use of the building as indicated that future owners of the property may change the use of the building.

Karen Jones, 9 Stetson Drive, was sworn in. She stated her concern about noise from motorcycles in the past from the petitioner's property. She assumes the petitioner will be working on the race cars in the proposed building and is concerned about possible noise. She expressed concern over the impacts on the mobile home park.

Rick Dinser, 1602 Longden Avenue, was sworn in. Mr. Dinser stated granting the variance would provide a special privilege to the petitioner's property. He stated he also owns a large property and asked if the ZBA grants this variance will that open the door for him to build a large accessory building on his lot.

Deb Polzin, 1306 Anderson Street, was sworn in. She stated her neighbor had a large accessory building erected without going through this process and states it is a serious concern as it may impact the value of her property. She questioned if approval sets a precedent and repeated that it affects the property value.

Ms. Simpson presented the staff report. She stated staff opposes both the height and the floor area variances, and reminded the ZBA that the zoning ordinance restricts the height to 14 feet or less, and the gross floor area to that of the principal structure or 1,000 square feet, whichever is less. Ms. Simpson presented photographs of the properties. She stated the proposed structure is about 2,400 square feet and 22.6 feet tall.

Ms. Simpson provided an overview of the property and the area, noting the residential zoning in the area and identifying where the unincorporated areas exist adjacent to the property. She noted the property was annexed into the City by a previous owner. Chairman Briggs asked to review the typical annexation process. Mr. Dabareiner stated this was a voluntary annexation by a prior owner and Ms. Simpson stated the annexation came about due to the desire for a City water main extension to the property.

Ms. Simpson highlighted the petitioner's desire to store a tall RV and several other vehicles in the building. She pointed out that other larger structures in the area are either in McLean County or were annexed into the City with the large buildings. She added that these structures are nonconforming so if they were destroyed they could not be rebuilt, unless they adhered to the 14 foot maximum height and a smaller footprint.

Ms. Simpson reviewed the standards for granting a variance. She stated no physical property-related issues are forcing the building to be larger and that the size stems only from the petitioner's desired use; she stated a conforming smaller structure can still be built. She stated RVs are typically stored off-site in the community and the petitioner's circumstances are self-created directly related to the desire to store larger vehicles on their property. She stated granting a variance would give this property a special privilege because others are expected to meet the code unless proving a physical hardship or practical difficulty. She stated the building will be visible to the mobile home park residents impacting their view. Ms. Simpson stated granting the variance could establish a precedence and increases the possibility that the structure could be used for a commercial use at this location.

Chairman Briggs asked what the maximum height and floor area could be if the structure was part of the house. Mr. Dabareiner clarified that the structure would need to be made part of the house rather than simply located next to the house. Mr. Dabareiner added if it is part of the house there is no limit to the floor area because it becomes part of the principal structure and the height limit for a principal structure is 35 feet. Ms. Simpson added the principal use would still need to be residential. Ms. Meek clarified that if the accessory structure is made part of the house it would be allowed; Mr. Dabareiner stated that there is a difference between principal structures and accessory structures in the code.

Chairman Briggs asked about the other buildings on the property mentioned earlier. He asked about the height of the barn and whether it could be rebuilt if it burned down; Ms. Simpson stated the barn is nonconforming and could be rebuilt only as a conforming accessory structure.

Mr. Armstrong stated that the business on the property is an allowed home occupation, unrelated to the need for the accessory building. He stated there will be no increased traffic with the building other than to consolidate what is already going on. He noted the noise concerns raised by some relate to the previous owner of the property. He stated that Mr. Dinser's lot is quite different from his client's.

Chairman Briggs asked staff how noise concerns may be addressed; Mr. Dabareiner suggested calling the police when the noise occurs.

Chairman Briggs asked how long the petitioner has owned the property; Ms. Feger reported she purchased the property 2 ½ to 3 years ago and Mr. Armstrong stated his client owned the property next door for about 20 years.

Mr. Bullington asked what the physical characteristics of the property are that make compliance with the code difficult, other than merely having a large building to house what the petitioner wants. Mr. Armstrong stated that Petitioner could strictly adhere to the code, but to account for the desired size it would need to be part of the house. Mr. Armstrong stated that the land does not pose a problem which prevents adherence to the code.

Mr. Kearney noted that Mr. Armstrong is conceding the code standard regarding no obstructive physical characteristics. He asked about the other standards and whether this is a problem of their own making; Mr. Armstrong replied that the property is large and the location of the residence was not their decision. Mr. Armstrong repeated that if the ZBA votes in favor, he believes it is an improvement; if the ZBA votes no, either the structure is built

onto the house which will be more visible or his client will sell the properties to someone who could build a subdivision.

Mr. Bullington stated there is not a finding of fact that would allow him to conclude that since he does not like what else can be built there, a variance should be granted. He asked if there is anything in the code to allow that line of thinking. Mr. Armstrong said no, but he believes granting the variance would preserve the neighborhood.

Mr. Simeone stated he has difficulty with the “neighborhood preservation” claim because four neighbors spoke against the proposal. Mr. Armstrong stated he has two letters in favor and stated that some of the people who spoke in opposition are not impacted.

Chairman Briggs reviewed some of the concerns and believes that many were addressed by the new proposal. Mr. Bullington stated that even if he allows the neighbors want this, he cannot reconcile that with the other standards that fail; he added that there are no physical characteristics which require a larger building and believes this would provide a special privilege which others could use to apply for their own variances.

Chairman Briggs stated he believes the consolidation of race car activities argues in favor. He questioned whether the accessory structure could be attached by a breezeway and considered part of the principal structure; Mr. Bullington stated a breezeway is not a sufficient means for attaching the structure to the house.

Chairman Briggs called for a vote, noting that a yes vote is in favor of the petition and a no vote is opposed to the petition. Mr. Brown—no; Mr. Bullington—no; Mr. Kearney—no; Ms. Meek—yes; Mr. Simeone—no; Chairman Briggs—yes. The **petition fails** by a vote of 2-4.

Chairman Briggs stated an appeal to the City Council is possible when the majority vote is less than five in number. He asked the petitioner to work with staff if they wish to appeal. Mr. Butts rejoined the ZBA.

Z-42-16 Consideration, review and approval of a variance application submitted by Better Way Siding and Windows requesting:

- 1) **the expansion of a nonconforming structure;**
- 2) **a five (5) foot decrease in the rear yard setback for the property located at 11 Kenyon Ct. to add a sunroom onto the back of the house.**

Chairman Briggs introduced the case. Ryan Pritcher, Better Way Builders, 1501 N. Main, Peoria, and Karen Anderson, the petitioner, were sworn in. Mr. Pritcher stated that the petitioner wishes to create a room for the 90-year old father. He stated the property was in compliance when it was built in 1963 but the zoning was changes, which makes it nonconforming. The proposal would remain within the projected lines of the existing house. He stated they are asking for a five foot variance.

Mr. Brown asked if a ten foot sun room could work since this would not require a variance; Ms. Anderson stated that her father is blind and uses a walker, along with other maladies, and she wants to provide the space needed so it is comfortable and accessible.

Ms. Simpson provided the staff report and recommend against the variances to expand a nonconforming structure and allow a five foot variance from the setback. She provided a history of the property which includes a code change which amended the setback, making the structure nonconforming. She noted the zoning is R-1B and located the property relative to the David Davis Mansion. She stated the sun room as proposed would result in an expansion of a nonconforming structure, which is not allowed under the zoning code.

Mr. Bullington asked for the lot dimensions; Ms. Simpson did not have those figures. She reviewed the standards for granting a variance. She stated alternative layouts are feasible which would not trigger the variance and added that other properties in the area meet the larger setback.

Mr. Bullington asked whether space existed on the lot to build a conforming house; Ms. Simpson stated in the affirmative. Mr. Kearney asked whether the size of the lot can be a physical hardship; Ms. Simpson stated that it could be but not in this case. Mr. Dabareiner estimated the lot dimensions as about 100 by 100 feet. Ms. Meek asked if there is a code-related lot coverage maximum; Ms. Simpson replied the lot coverage is limited to commercial properties. Mr. Brown asked if the petitioner could build a covered porch; Ms. Simpson stated they can have a deck, but not a porch. Chairman Briggs stated this is similar to building an additional room and clarified what could be built; Mr. Dabareiner stated the nonconformity expansion is due to violating the setback in this case and that a conforming sunroom is possible without a variance if it extends 10 feet instead of the proposed 15 feet. Ms. Meek asked whether the hardship was created by the City by changing the code; Mr. Dabareiner stated amending the code is done intentionally in some cases to limit the continuation of nonconformities and that no code changes could be applied anywhere if they are considered a hardship. Mr. Kearney stated he believes the father's situation is a special circumstance not created by action of the applicant and he added that the ZBA has approved other variances similar in nature. There was general discussion about what makes a building nonconforming and what constitutes its expansion.

The petition is **approved** by a 4-3 vote with the following votes recorded: Mr. Brown—no; Mr. Bullington—no; Mr. Butts—no; Mr. Kearney—yes; Ms. Meek—yes; Mr. Simeone—yes; Chairman Briggs—yes. Both variances are approved.

Z-43-16 Consideration, review and approval of a variance application submitted by Ethan and Nancy Evans requesting a front yard setback of eighteen (18) feet and five (5) inches from the neighborhood average of twenty (20) feet and four (4) inches for the property located at 505 S Moore Street to construct a front porch.

Chairman Briggs introduced the case. Mr. Kearney noted that he lives across the street from the property and asked if the board had objections to his participation in the case. Mr. Boyle asked Mr. Kearney if he could judge the case fairly and if he had no financial or other disqualifying interests in the property. Mr. Kearney indicated in the affirmative. There being no objections from the City or others, Mr. Kearney continued to participate.

Ethan and Nancy Evans, 507 S. Moore Street, and Todd Romine, 808 Jersey Avenue, Normal, the contractor, were all sworn in. Mr. Evans stated they wish to build a porch and he referred to the packet for the design. He noted the design is consistent with this type of house and that

a similar one exists across the street. He said staff measured the house-to-setback distances for his house and neighboring houses and believes it was done incorrectly. He referred to the code and the averaging requirements, as well as the definitions for building and structure; consequently he believes the requested variance amounts to inches and not feet.

Mr. Evans stated that the building met setback requirements in the 1920s when the house was first constructed and most houses in the neighborhood have porches. He stated he needed a workable depth of at least eight feet, because a four foot table with chairs will require ten feet to fit on the porch. He stated no special privilege is given because most the neighboring houses have a porch. He believes the porch would fit in with the house and the neighborhood.

Mr. Bullington asked if ten feet is truly the minimum needed, when the building code requires only seven feet. Mr. Evans stated that the seven feet refers to a room, not a porch with table and chairs.

Mr. Simeone noted the petitioner's calculations show a difference of 8 inches between the staff's calculation and the petitioners; Mr. Evans replied in the affirmative.

Chairman Briggs noted that the corner lots on the block created a disadvantage when averaging setbacks because they are setback even more and that if a different system were used from that provided for in the code using only nearby houses the average setback would be much smaller.

Mr. Brown asked if the ten feet depth is providing the usable space desired; Mr. Evans replied in the affirmative.

Ms. Simpson provided the staff report and recommended against the variance. She presented photos of the property and the neighboring properties. She provided a brief history of the house. Staff believes a smaller porch with a seven foot depth could be built and would not require a variance. She concludes there are no physical hardships preventing constructing a compliant front porch. She states other properties have porches in the neighborhood and some are legal nonconforming while others are in compliance with current codes.

There was additional discussion about how to calculate setbacks and the average. Ms. Meek stated the block average is reduced just six inches if the variance is granted so the impact is minimal. Chairman Briggs asked again about the corner lots potentially skewing the calculations against the petitioner; Mr. Dabareiner stated that the averaging is to be based on the full block, not a subset of the block, and reminded everyone that the averaging tool is a way to be more forgiving in older neighborhoods.

Ms. Evans stated she is a designer and measured area porches and determined what size was best for the architecture and the use.

The petition was **approved** by a 6-1 vote with the following votes recorded: Mr. Brown—yes; Mr. Bullington—no; Mr. Butts—yes; Mr. Kearney—yes; Ms. Meek—yes; Mr. Simeone—yes; Chairman Briggs—yes.

Z-44-16 Consideration, review and approval of a variance application submitted by Public Building Commission of McLean County requesting

- 1) an increase the maximum floor area from 100% to 121%;**
- 2) a side yard setback of twelve and a half (12.5) feet in lieu of the required setback of one third (1/3) the building height for the property located at 104 W Front Street to as part of the McLean County Law and Justice Center expansion project.**

Chairman Briggs introduced the case. Don Adams, Farnsworth Group, and engineer for the project, and Eric Schmidt, McLean County, were both sworn in. Mr. Adams stated the County has been considering this project for a long time. He said the primary drivers are growth in the area and the nature of inmate mix and how they are treated. He stated the County considered building this outside the corporate limits or atop the existing jail or adjacent to the jail, with the decision resting on the last option for a variety of reasons. He added that the option that worked best is to the east of the existing jail, and there are several challenges faced by the County with this location. The site is zoned S-2, which has more restrictive bulk requirements not found in the adjacent B-3 district, he stated, but the desire is to achieve some of the same feel as a downtown with the building close to the sidewalk. Mr. Adams mentioned that the site is landlocked given constraints posed by utilities and believes this is the actual minimum space needed to meet the required services within the proposed jail.

Ms. Simpson provided the staff report and recommended in favor of both the needed variances. She presented photos of the existing jail and the site. She noted how the zoning code was not able to handle a new jail as efficiently as desired. She showed the dimensions of the affected lot, amounting to 4.23 acres. She explained how the code restricts building height using floor area ratio concepts and affects setbacks. Ms. Simpson stated that this is a highly visible location and the empty parking sends a bad message to people entering our downtown and also that we want to see a building mass compatible with a downtown design. She identified the some of the unusual site characteristics, such as the triangular shape of the lot and its extreme slope to the south. She noted the utility corridors in and around the property. She added that staff looked for other solutions like a rezoning. She concluded that staff does not believe the design and layout, with the variances, as proposed harms the downtown.

The petition was **approved** by a 7-0 vote with the following votes recorded: Mr. Brown—yes; Mr. Bullington—yes; Mr. Butts—yes; Mr. Kearney—yes; Ms. Meek—yes; Mr. Simeone—yes; Chairman Briggs—yes.

OTHER BUSINESS:

None

NEW BUSINESS:

Discussion and vote to hold or cancel the December ZBA Meeting scheduled for December 21, 2016

Ms. Simpson asked if the ZBA wished to meet in December given the proximity to the holidays. Ms. Meek asked if we had any cases; Ms. Simpson replied that other than the case laid over, no. Mr. Dabareiner explained that that case may not return to the ZBA at all as other options were under consideration. Chairman Briggs polled the board and only Mr. Simeone indicated he would not be available.

Vote to approve Zoning Board of Appeals meeting dates for 2017

Chairman Briggs mentioned the calendar item. The calendar was **approved** unanimously by voice vote.

Open Meetings Act

Chairman Briggs asked if commissioners and board members needed to renew their Open Meetings Act certification every year. Mr. Dabareiner replied he did not think so but would check and report back if members needed to do so.

Adjournment was unanimous by voice vote at the request of the Chairman.

ADJOURNMENT: 6:15PM

Respectfully,

Tom Dabareiner AICP
Community Development Director

**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
DECEMBER 21, 2016**

CASE NUMBER	SUBJECT:	TYPE	SUBMITTED BY:
SP-06-16	902 Martin Luther King Jr. Drive	Special use for townhomes in the B-1 District	Katie Simpson, City Planner

REQUEST

The petitioner is seeking a special use to develop 42 multifamily townhomes in the B-1 District.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in the *Pantagraph* on December 5, 2016.

GENERAL INFORMATION

Owner and Applicant: Laborer’s Home Development Corporation

LEGAL DESCRIPTION:

Lot 2 of the Kalamaya subdivision second addition in the east half of the southeast quarter of section 31 Township 24 North Range 2 East of the 3rd Principal Meridian, City of Bloomington, McLean County, Illinois.

PROPERTY INFORMATION

Existing Zoning: B-1, Highway Business District
 Existing Land Use: Vacant
 Property Size: approximately 12.57 acres
 PIN: 14-31-477-005

Surrounding Zoning and Land Uses

Zoning

North: B-1, Highway Business District
 South: B-1, Highway Business District
 South: R-1B Single Family Residential District
 East: B-1, Highway Business District
 West: B-1, Highway Business District

Land Uses

North: Vacant Land, Business Uses
 South: Vacant land
 South: Single family homes
 East: Chestnut Health Systems
 West: Truck Stop

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 site is approximately 12.57 acres located west of N. Martin Luther King Jr. Drive. The property is bounded by the interchanges of Martin Luther King Jr. (MLK JR) Drive and White Oak Road and Martin Luther King Jr. Drive and Market Street/Route 9. The area has developed with primarily auto-centered uses, including a truck station to the west, a Peterbilt Center, various storage areas and an agricultural equipment center. Chestnut Health Systems is also located directly east of the property.

The Laborer's Home Development Corporation have an interest in developing the property with 42 townhomes. They are seeking grant funding sources and therefore need the special use permit before moving into further into the grant application process. Chestnut Systems owns the subject property. They have an agreement with the petitioner to sell the subject property after the development receives grant funding. Chestnut intends to occupy approximately 19 of the housing units with clients enrolled in Chestnut permanent supported housing program.

The proposed development has seven buildings, accessed from a private driveway that gains ingress and egress from MLK JR Drive. Each building houses six dwelling units. The proposal includes a community building, play and park area with picnic tables and two grills. The rear portion of the property falls within the 100 year flood zone. Consequentially the development is pushed closer to MLK JR Drive. Staff is concerned about the possibility of adverse living conditions due to the vehicular and truck traffic on MLK JR Drive and would like to see additional setbacks, fencing and landscaping to help mitigate noise, light and air pollution.

The zoning code allows for multifamily dwellings and townhomes in the B-1 district with a special use permit. The special use permit has the following additional requirements:

- Max Floor Area: 50% of Lot
- Minimum Screening and Fencing: Parking should be screened from single and two family dwellings.
- Minimum Yard Requirements: Same as B-1 District
- Minimum Height Requirements: Same as B-1 District
- Parking: 2 spaces per unit.

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 Comprehensive Plan identifies the goal of promoting a variety of housing stock that meets the needs of residents of all ages and abilities. This proposal aims at addressing that goal. This property provides some shielding from the neighboring truck stop along the west side.

However, with the surrounding land uses, the high truck traffic and the potential business development of the area, staff would like to see additional setbacks and screening, particularly along MLK JR Drive, and a berm to the north, to ensure measures are taken to mitigate noise, light and air pollution and to promote an improved quality of life for future residents.

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;** A number of the townhomes will be used by Chestnut Health System clients which is very close to the townhomes. Afni, a larger employer, is located to the north. Bus stops are located along Martin Luther King Jr Drive. An additional berm to the north would mitigate noise, light and air pollution and help provide separation from more intense business uses which may be developed on the adjoining vacant lot in the future. The petitioner should consider adding a fence and screening along Martin Luther King Jr Drive to ensure the recreation area and tot lot are also adequately protected from the streets.
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 B-1 District contemplates a number of uses compatible with multifamily housing, such as a grocery store, retail, entertainment establishments. However this area has developed with the more industrial style uses allowed in the district. Since the development would be used by Chestnut patients, it is logical to located it near the facility but the presence of residential could shift the patterns of development in the area. Adequate screening and landscaping will help mitigate negative externalities associated with living near areas with high quantities of truck and vehicular traffic and also improve the experience and quality of life for future residents.
4. **that adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;** the utilities and access are adequate. The subject property has an easement for an existing Town of Normal water main which cannot be built over. Additionally the site plan shows the sidewalk along MLK Jr Drive as located on the subject property. Typically sidewalks are located on public right-of-way. The 20ft easement shown on the plat would be measured from the property line (six inches from the back of the sidewalk). This will impact the building setbacks as proposed on the site plan.
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;** Ingress and egress is adequate.
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 additional requirements outlined in Chapter 44 Section 10-4 are 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 multifamily homes in the B-1 District in Case SP-06-16 with the following conditions:

- A berm and screening be added to the north to separate the housing from the future business use on the neighboring property.
- The development should be fenced and screened with a six (6) foot fence and evergreens along Martin Luther King Jr. Drive
- The property line should show the sidewalk along Martin Luther King Jr. Drive as located within the public right-of-way, and the respective 20ft easement will be between the property line and the buildings.
- The southernmost interior Building B and the Community Building should be set back further.

Respectfully submitted,

Katie Simpson, City Planner

Attachments:

- Draft Ordinance
- Exhibit A-Legal Description
- Petition
- Site Plan
- Aerial Photos
- Zoning Map
- Neighborhood Notice Map and List of Addresses Notified

DRAFT ORDINANCE NO. _____

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A
MULTIFAMILY TOWNHOMES IN THE B-1, HIGHWAY BUSINESS DISTRICT
FOR PROPERTY LOCATED AT: 902 MARTIN LUTHER KING JR DRIVE**

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 multifamily townhomes in the B-1 Highway Business 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 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 Bloomington Board of Zoning Appeals, requested City Council incorporate additional conditions to mitigate the impacts of surrounding truck and vehicular traffic into this special use permit; 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 following conditions are hereby incorporated into this Special Use Permit for multifamily townhomes:
 - a) A berm and screening be added to the north to separate the housing from the future business use on the neighboring property.
 - b) The development should be fenced and screened with a six (6) foot fence and evergreens along Martin Luther King Jr. Drive
 - c) The property line should show the sidewalk along Martin Luther King Jr. Drive as located within the public right-of-way, and the respective 20ft easement will be between the property line and the buildings.

- d) The southernmost interior Building B and the Community Building should be set back further.
- 2. That the Special Use Permit for multifamily townhomes 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 902 Martin Luther King Jr. Drive”

Lot 2 of the Kalamaya subdivision second addition in the east half of the southeast quarter of section 31 Township 24 North Range 2 East of the 3rd Principal Meridian, City of Bloomington, McLean County, Illinois.

PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT:

902 Martin Luther King Dr., Bloomington, IL

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) **Laborers' Home Development Corp.**

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) A , 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 B-1 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 **Multiple-Family Townhouses** _____, are allowed as a special use in a B-1 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 B-1 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 B-1 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,



Executive Director

Exhibit A

Legal Description

Lot 2 of the Kalamaya subdivision second addition in the east half of the southeast quarter of section 31 Township 24 North Range 2 East of the 3rd Principal Meridian, City of Bloomington, McLean County, Illinois.

PIN:
14-31-477-005



October 26, 2016

Mr. Tim Ryan
Laborers Home Development Corp.
1 N Old State Capitol Plaza, Ste. 525
Springfield, IL 62701

via email

Dear Tim:

Chestnut Health Systems has consulted with the Laborers Home Development Corporation (LHDC) regarding its proposal to put 42 housing units on property owned by Chestnut in the 900 block of Martin Luther King Drive in Bloomington, Illinois. If the project is approved, Chestnut would enter into negotiations with the LHDC to sell the parcels necessary to facilitate the project .

In addition to the potential transaction for the property sale, Chestnut would intend to occupy an estimated 19 of the housing units with clients who are enrolled in our permanent supported housing program.

I look forward to pursuing this project with the LHDC.

Best wishes,

A handwritten signature in cursive script that reads "Alan Sender".

Alan Sender

Chief Operating Officer

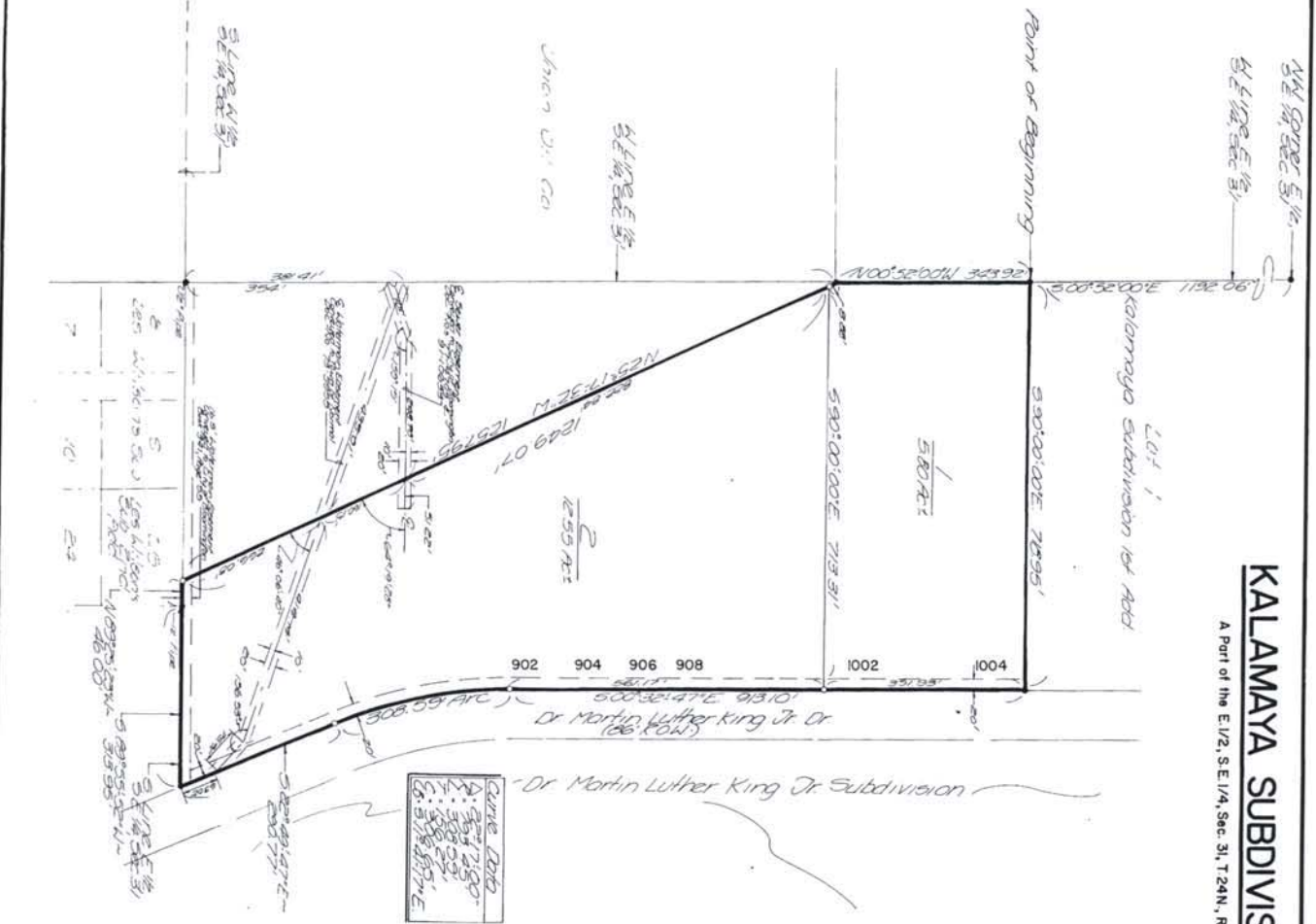
1003 Martin Luther King Jr. Drive
Bloomington, Illinois 61701

Phone: (309) 827-6026 Fax: (309) 820-3745 (Client Records)

www.chestnut.org

KALAMAYA SUBDIVISION 2ND ADDITION

A Part of the E 1/2, S E 1/4, Sec. 31, T 24N, R 2E, City of Bloomington, McLean Co., Ill.



DATE DIED

A. 3/21/1900
B. 3/21/1900
C. 3/21/1900
D. 3/21/1900
E. 3/21/1900
F. 3/21/1900
G. 3/21/1900
H. 3/21/1900
I. 3/21/1900
J. 3/21/1900
K. 3/21/1900
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W. 3/21/1900
X. 3/21/1900
Y. 3/21/1900
Z. 3/21/1900

DIRECTOR OF ENGINEERING AND WATER CERTIFICATE

STATE OF ILLINOIS)
 COUNTY OF MCLEAN) SS

I, George P. DeWitt, Director of Engineering and Water for the City of Bloomington, Illinois hereby certify that the plan and information contained herein is a true and correct copy of the original plan and information on file in the office of the Director of Engineering and Water for the City of Bloomington, Illinois, and that the same conform to the provisions of Chapter 24 of the Bloomington City Code.

Dated at Bloomington, Illinois, this _____ day of _____, 19____.

George P. DeWitt
 Director of Engineering & Water

CITY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
 COUNTY OF MCLEAN) SS

I, _____, City Clerk of said City of Bloomington, Illinois, do hereby certify that the foregoing is a true and correct copy of the original plan and information on file in the office of the City Clerk of said City of Bloomington, Illinois, and that the same conform to the provisions of Chapter 24 of the Bloomington City Code.

Dated at Bloomington, Illinois, this _____ day of _____, 19____.

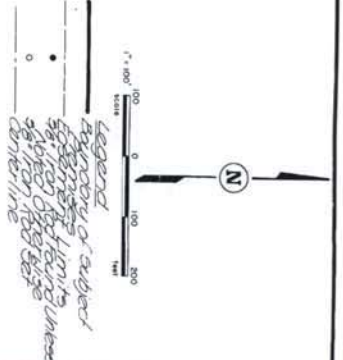
[Signature]
 City Clerk

STATE OF ILLINOIS)
 COUNTY OF MCLEAN) SS

I, _____, Illinois Professional Land Surveyor No. 2728, do hereby certify that the attached plat of subdivision was surveyed and prepared under my supervision and that the same conform to the provisions of the Illinois Land Surveying Act, Chapter 115 of the Illinois Revised Statutes, and that the same conform to the provisions of Chapter 24 of the Bloomington City Code.

Dated at Bloomington, Illinois, this _____ day of _____, 19____.

[Signature]
 Surveyor



SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
 COUNTY OF MCLEAN) SS

I, David P. Brown, Illinois Professional Land Surveyor No. 2728, do hereby certify that the attached plat of subdivision was surveyed and prepared under my supervision and that the same conform to the provisions of the Illinois Land Surveying Act, Chapter 115 of the Illinois Revised Statutes, and that the same conform to the provisions of Chapter 24 of the Bloomington City Code.

Dated at Bloomington, Illinois, this _____ day of _____, 19____.

[Signature]
 Surveyor

I further certify that the foregoing plat accompanying this certificate accurately represents the above described property as subdivided.

I further certify that a part of said herein described subdivision is located within the boundaries of the Kalamaya Subdivision 2nd Addition, Bloomington, Illinois, and that the same conform to the provisions of Chapter 24 of the Bloomington City Code.

I further certify that I have subdivided the same into 2 lots as shown on the attached plat.

Iron monuments identify all lot corners as shown on said plat and all monuments are given in feet and decimals thereof. All streets and easements are shown as shown on said plat and for the use of community antenna television systems.

Said subdivision is to be known as Kalamaya Subdivision 2nd Addition, Bloomington, Illinois.

DAVID P. BROWN
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2728

APRIL 20, 1995

DAVID P. BROWN
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2728

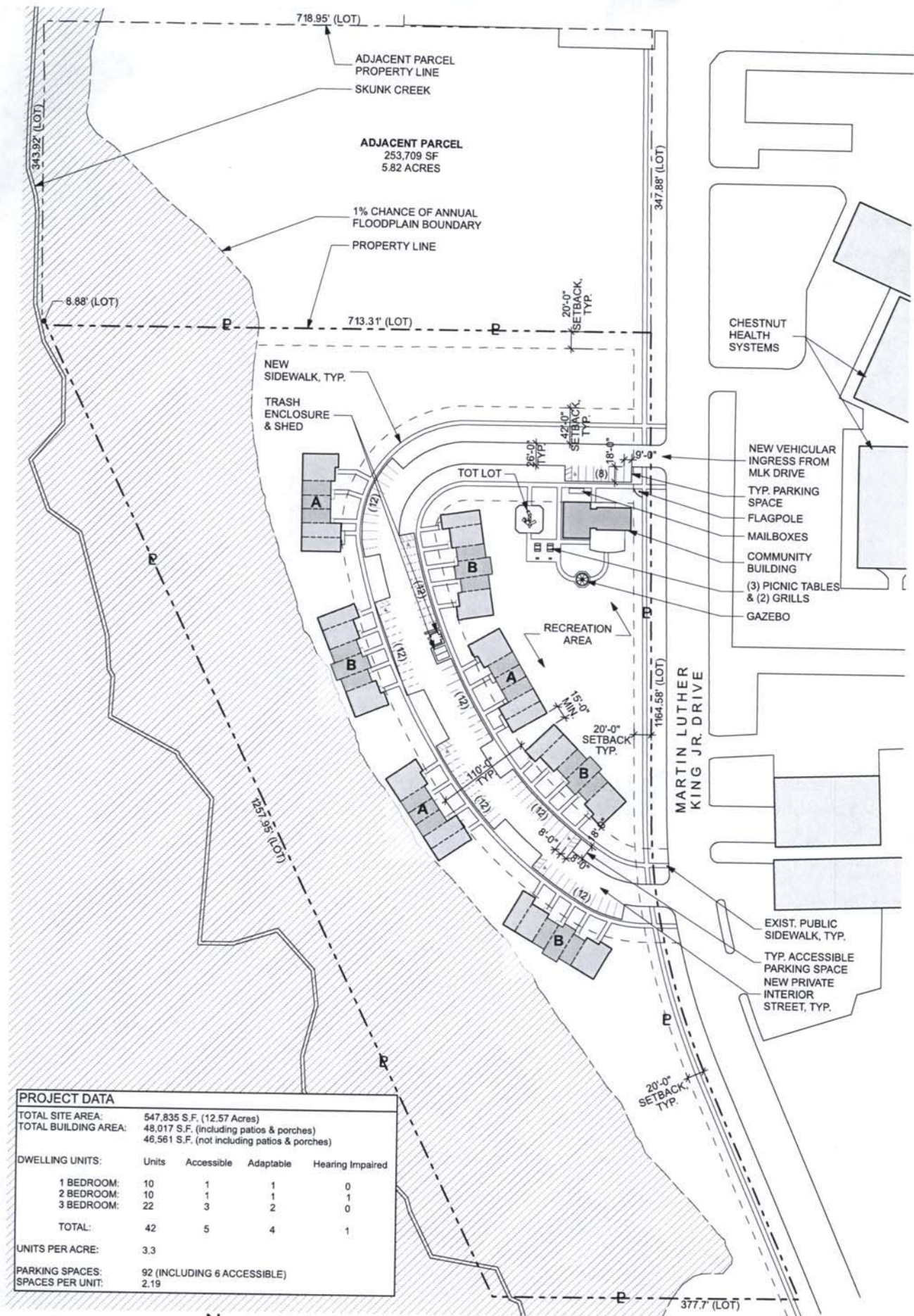
ORDINANCE 1995-46

FINAL PLAT

Kalamaya Subdivision 2nd Addition

PL 1145 C

DAVID P. BROWN
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2728



PROJECT DATA

TOTAL SITE AREA: 547,835 S.F. (12.57 Acres)
 TOTAL BUILDING AREA: 48,017 S.F. (including patios & porches)
 46,561 S.F. (not including patios & porches)

DWELLING UNITS:	Units	Accessible	Adaptable	Hearing Impaired
1 BEDROOM:	10	1	1	0
2 BEDROOM:	10	1	1	1
3 BEDROOM:	22	3	2	0
TOTAL:	42	5	4	1

UNITS PER ACRE: 3.3

PARKING SPACES: 92 (INCLUDING 6 ACCESSIBLE)
 SPACES PER UNIT: 2.19

A SITE PLAN
 SCALE: 1" = 100'



DRAFT-NOT FOR CONSTRUCTION
 Laborer's Home Development Corporation
 1 North Old State Capitol Plaza, Ste. 525
 Springfield, IL 62701

DAVID G PENN APARTMENTS
 Martin Luther King Jr. Drive
 Bloomington, IL 61701
 11/3/16

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WORN JERABEK WILTSE ARCHITECTS, P.C.
 401 West Superior St, Suite 400
 Chicago, IL 60654



COMMUNITY BUILDING PERSPECTIVE

DAVID G PENN CONSTRUCTION
Laborer's Home Development
1 North Old State Capital Plaza, Ste. 525
Springfield, IL 62701

DAVID G PENN APARTMENTS

Martin Luther King Jr. Drive
Bloomington, IL 61701
11/23/16

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WORN JERAMBA WILTSE ARCHITECTS, P.C.
401 West Superior St., Suite 400
Chicago, IL 60654



BUILDING 'A' PERSPECTIVE

PHOTOGRAPHY BY
LABORER & LEON CONSTRUCTION
1 North Old State Capital Plaza, Ste. 200
Springfield, IL 62701

DAVID G PENN APARTMENTS

Martin Luther King Jr. Drive
Bloomington, IL 61701
11/2/16

© 2016 WOMN, JENABEN WITTE ARCHITECTS, P.C.
WOMN JENABEN WITTE ARCHITECTS, P.C.
401 West Superior St, Suite 400
Chicago, IL 60654



BUILDING 'B' PERSPECTIVE

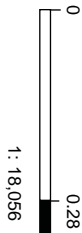
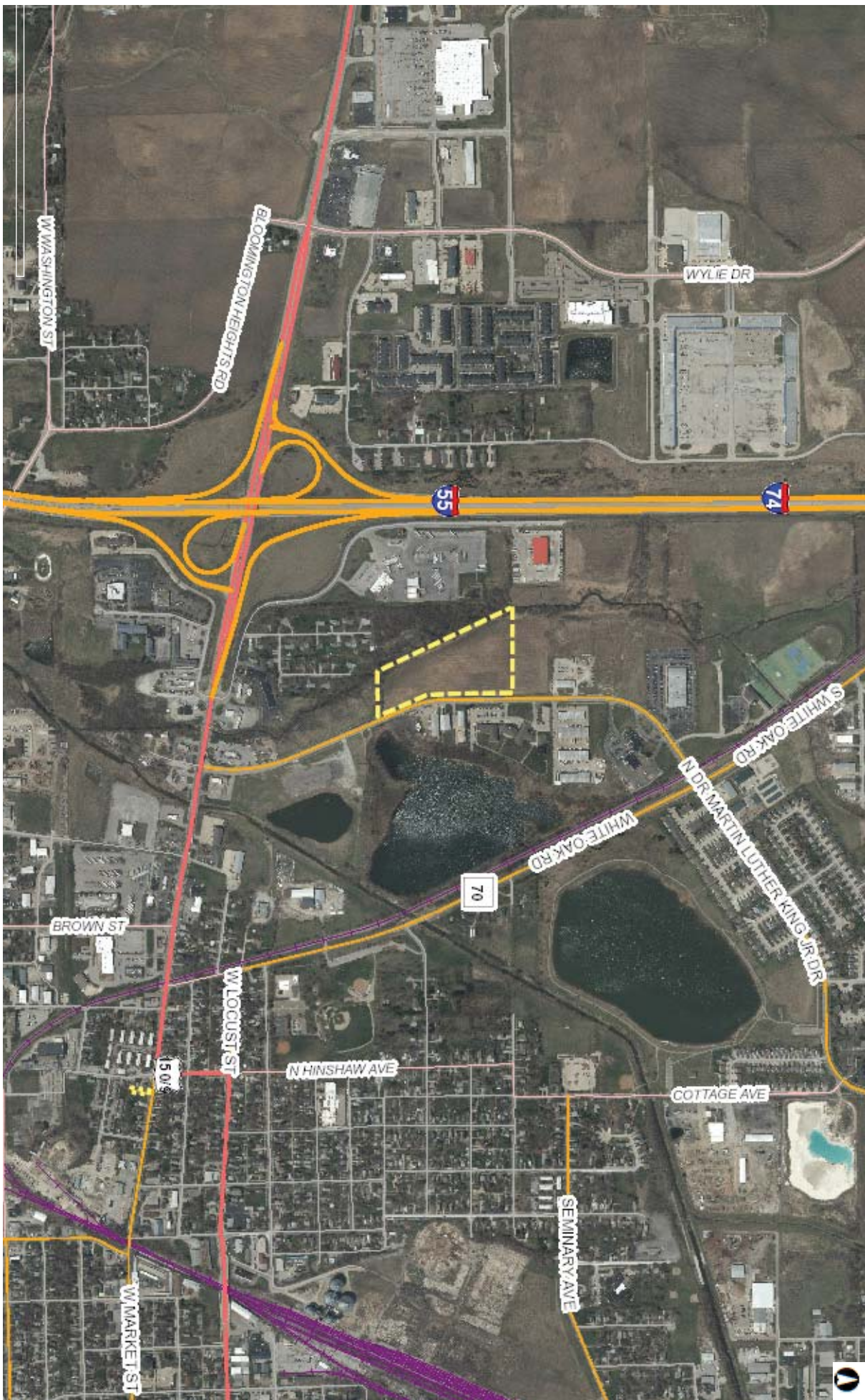
0847-1017 IGFA CONSTRUCTION
Laborer's Home Development
1 North Old State Capital Plaza, Ste. 525
Springfield, IL 62701

DAVID G PENN APARTMENTS

Marion Luther King Jr. Drive
Bloomington, IL 61701
11/23/16

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WORN, JERABEK, WITJSE ARCHITECTS, P.C.
401 West Superior St., Suite 400
Chicago, IL 60654

902 Martin Luther King Jr Drive-Aerial View



1 : 18,056

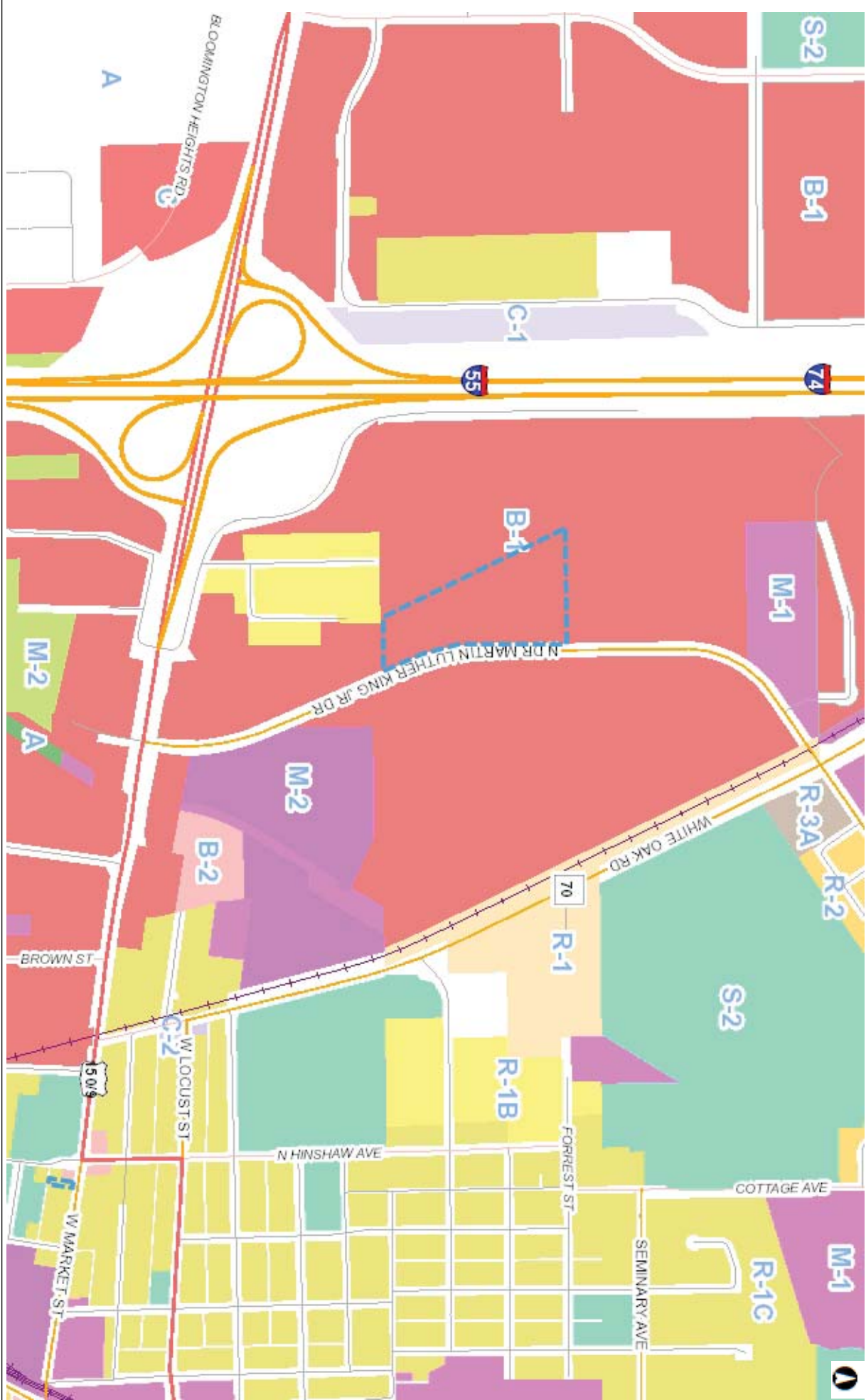
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Notes



902 Martin Luther King Jr. Drive-Zoning Map



1 : 13,225

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Notes

**CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE**

Public Notice is hereby given that the Zoning Board of Appeals will hold a public hearing on Wednesday December 21, 2016 at 4:00 PM in the Council Chambers, 109 E. Olive Street, Bloomington Illinois to hear testimony on a petition submitted by Laborer's Home Development Corp, requesting approval of a Special Use Permit to allow a Multi-Family Townhouse in a B-1, Highway Business District, on property located at 902 Martin Luther King Dr.

**LEGAL DESCRIPTION: Exhibit
A**

Lot 2 of the Kalamaya subdivision second addition in the east half of the southeast quarter of section 31 Township 24 North Range 2 East of the 3rd Principal Meridian, City of Bloomington, Mclean County, Illinois.
PIN: 14-31-477-005.

All interested persons may present their views upon such matters pertaining thereto. Said Petition and all accompanying documents are on file and available for public inspection in the Office of the City Clerk.

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 (5) 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.

Cherry Lawson
City Clerk

Published in the Pantagraph
December 5th, 2016



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

December 1, 2016

Dear Property Owner or Resident:

The Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, December 21, 2016 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, for a petition submitted by Laborers Home Development Corp for the approval a special use petition for the property located at 902 Martin Luther King Jr. Drive 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 and the subject property is described as follows:

Legal Description:

Lot 2 of the Kalamaya subdivision second addition in the east half of the southeast quarter of section 31, Township 24, North Range 2 East of the 3rd Principal Meridian, City of Bloomington, McLean County, Illinois PIN: 14-31-477-005

REQUEST

The petitioner is requesting a special use permit to allow for multifamily townhouses in the B-1, Highway Business District.

You are receiving this courtesy notification since you own property within a 500 foot radius of the land described above (refer to map on back). All interested persons may present their views upon matters pertaining to the requested variance during the public 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.

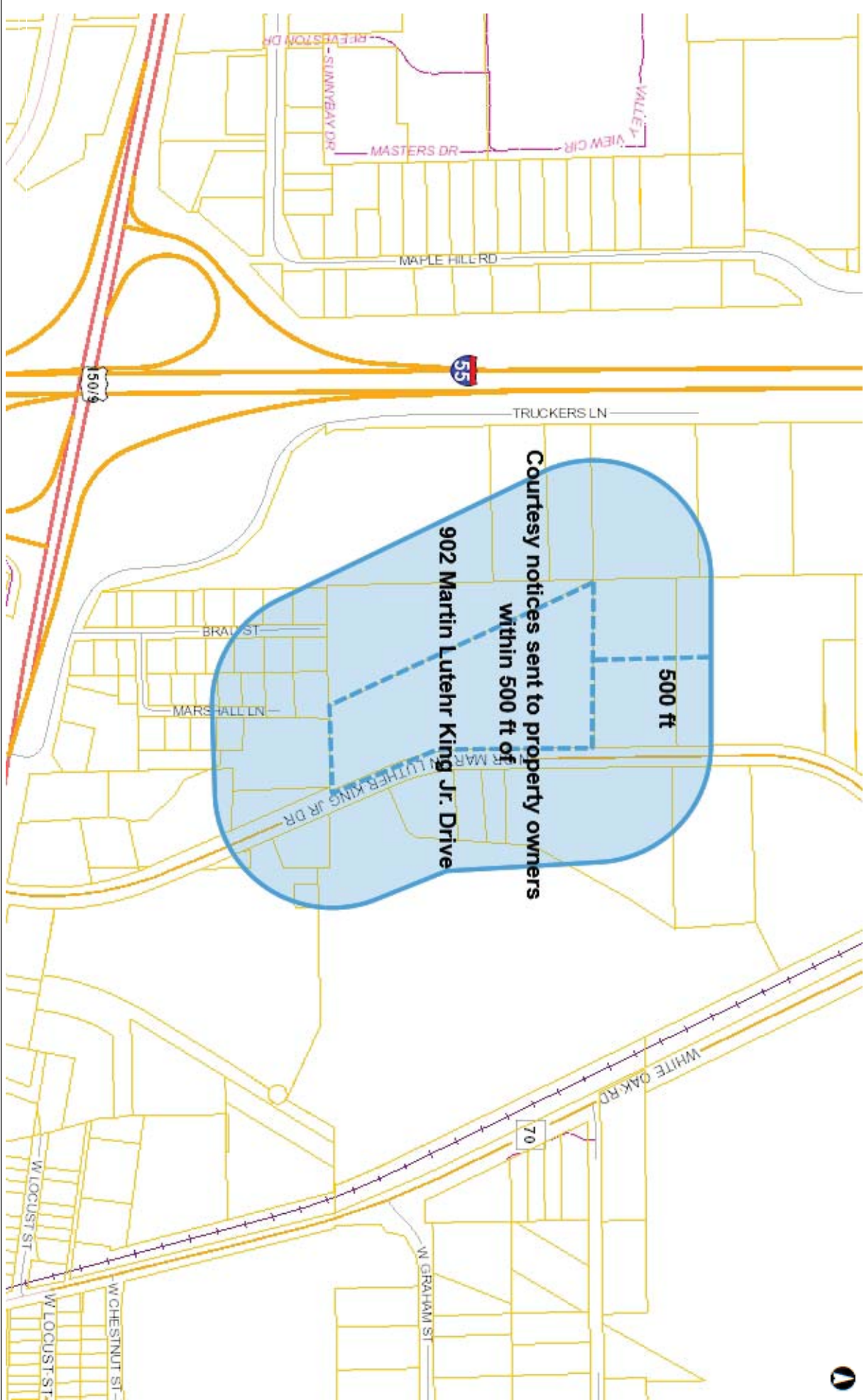
Please note that cases are sometimes continued or postponed for various reasons (i.e lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting. The hearing's agenda will be available at www.cityblm.org. If you desire more information regarding the proposed petition or have any questions you may call me at (309) 434-2226 or email me at ksimpson@cityblm.org.

Sincerely,

Katie Simpson
City Planner

Attachment
Location Map with 500 foot notification buffer

Public Hearing for a Special Use Permit to allow Multifamily Townhouses in the B-1 District



Courtesy notices sent to property owners
within 500 ft of
902 Martin Luther King Jr. Drive

500 ft

By using any McGIS products or services, you indicate your acceptance of the Licensing Agreement: <http://www.McGIS.org/License>



1 : 9,178

Printed: 11/29/2016 11:17:24AM

Notes

Zoning Board of Appeals
Wednesday, December 21, 2016 4:00 pm
109 E Olive Street

GLENN & SUSAN & SCOTT HENRICHS
% GLENN HENRICHS 217 S ORR DR
NORMAL IL 617613223

KALAMAYA FAMILY LLC
% RICHARD KALAMAYA 412 TERRY ST
LONGMONT CO 805015442

TOWN OF NORMAL
100 E PHOENIX
NORMAL IL 61761

CHESTNUT HEALTH SYSTEMS
1003 MARTIN LUTHER KING
BLOOMINGTON IL 61701

HOUSING AUTHORITY OF THE CITY OF
BLOOMINGTON
104 E WOOD
BLOOMINGTON IL 61701

MICHAEL & SHARON ASHENBREMER
11764 N 2400 EAST ROAD
DOWNS IL 61736

RALHP BURGER
1300 ARINGLL LN
MATTHEWS NC 28104

BLOOMINGTON PB LLC
1320 WALNUT RIDGE DR STE 100
HARTLAND WI 530298320

CHARLES J WYSOCKI
1504 MONTICELLO CT
MURFREESBORO TN 371291766

ROWE CONSTRUCTION CO
1523 COTTAGE AVE
BLOOMINGTON IL 617011503

INVESTMENT PARTNERS
1716 R T DUNN DR STE 4
BLOOMINGTON IL 617018730

DBA TRAVELCENTERS OF AMERICA TA
OPERATING LLC
24601 CENTER RIDGE ROAD SUITE 200
- TAX DEPARTMENT

DAVID M NESBIT
249 HARBOR VILLAGE DR
MADISON TN 371152294

HELMSING DEVELOPMENT GROUP LLC
3755 MUELLER RD
SAINT CHARLES MO 633018043

IRREVOCABLE DECLARATION OF TRUST
VIOET L. WOLL,
705 BRAD STREET
BLOOMINGTON IL 61701

FRED A & SHIRLEY LEIBACH
705 MARSHALL LN
BLOOMINGTON IL 617019539

SOHUM HOTELS BLOOMINGTON
7050 E 21ST ST
INDIANAPOLIS IN 462191708

ROGER C FITCHORN
706 MARSHALL LN
BLOOMINGTON IL 617019538

KEITH E. & AUDRA S. WATKINS
707 Brad St
Bloomington IL 617019534

LEWIS N WATSON
707 MARSHALL LN
BLOOMINGTON IL 617019539

ROBERT L MURPHY
708 BRAD ST
BLOOMINGTON IL 617019535

RENA F HODGES
709 BRAD STREET
BLOOMINGTON IL 61701

JUSTIN & CINDY LORTON GIBBS
710 BRAD ST
BLOOMINGTON IL 617019535

GEORGE BARBARA HINTHORN
711 BRAD ST
BLOOMINGTON IL 617019534

JON J SERAPIN
712 MARSHALL LN
BLOOMINGTON IL 617019538

TIMOTHY V & MARY MURRAY
RR 7 BOX 410
BLOOMINGTON IL 61704

STEVEN C & LINDA SPENCER
RR 7 BOX 411
BLOOMINGTON IL 61701

**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
DECEMBER 21, 2016**

CASE NUMBER	SUBJECT:	TYPE	SUBMITTED BY:
SP-07-16	802 N Morris Ave	Special use for lesser nonconforming use	Katie Simpson, City Planner

REQUEST

The petitioner is seeking a special use to allow a lesser nonconforming use in the R-1C district for the property located at 802 N. Morris Ave.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in the Pantagraph on Monday, December 5, 2016.

GENERAL INFORMATION

Owner and Applicant: Central Illinois Grain Inspection, Inc.

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: Commercial-Music Repair Shop
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 is commonly known as 802 N. Morris Ave and is located at the intersection of N. Morris Ave and W. Chestnuts Street. The site exists within the R-1C High Density Single-Family Residential District, but was originally developed for a commercial use. It is considered to have a nonconforming status. 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. It was determined that the proposed special use would have less impact than the previous use.

The petitioner, Central Illinois Grain Inspection, Inc., would like to use the building as an office. Central Illinois Grain Inspection, Inc. is a local business that tests grain samples for conditions like moisture, weight, damage and genetic modifications. The business is currently located at the Cargill Soybean Processing Plant but due to growth and expansion, the petitioner is seeking to open an additional office at the 802 N Morris Ave. location. Testing for larger customers are provided at their respective facilities, however, testing for smaller customers would be completed at a central lab location. In this case, the petitioner is proposing 802 N. Morris to be used as an office and central lab to serve smaller scale farmers and customers. The petitioner proposes to have 3-4 employees on site and to operate Monday through Friday from 6:30 AM to 4:00 PM.

The petitioner is proposing no changes to the building, landscaping or parking. The site currently has a gravel parking area which could accommodate roughly 3 vehicles. The parking area is also nonconforming. Additionally, both N. Morris Ave and W. Chestnut Street have on-street parking. The petitioner believes the majority of foot and vehicular traffic will be generated by their employees and will be less impactful than at the existing use. The petitioner states that type of tests which will be conducted do not involve hazardous materials, and the primary material besides grain is diluted water. Grain used for testing will be stored on shelving units in the lab in plastic bags and plastic totes. The USDA requires the petitioner to implement a rodent control program if rodents were to appear.

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 before the zoning district was applied to this neighborhood. The property is considered nonconforming. No changes to the building are proposed, the use is primarily office with 3-4 employees and regular working hours. Larger trucks are prohibited on N. Morris Ave north of Chestnut Street which will limit the travel of larger farm equipment and grain trucks through the residential neighborhood located north of Chestnut Street. The

petitioner is taking measures to prevent rodents and hazardous materials on the property. 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 hours of operation do not vary greatly from the existing business. The business owner should take precautions to decrease foot and vehicle traffic by employees. 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. Large trucks are prohibited on N. Morris Ave north of Chestnut Street.
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 considered to be a nonconforming structure and a nonconforming lot.

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 lesser nonconforming use (a Grain Inspection Laboratory and Office) in the R-1C district, case SP-06-18.

Respectfully submitted,
Katie Simpson, City Planner

Attachments:

- Draft Ordinance
- Exhibit A-Legal Description
- Petition
- Site Plan
- Aerial Photos
- Zoning Map
- Neighborhood Notice Map and List of Addresses Notified

DRAFT ORDINANCE NO. _____

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A

**LESSER NONCONFORMING USE OF GRAIN INSPECTION OFFICE/LAB 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 lesser 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 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 lesser nonconforming use of grain inspection office/lab 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 N. Morris, 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) CENTRAL ILLINOIS GRAIN INSPECTION, INC.

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

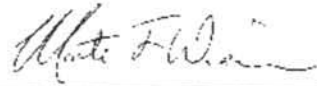
1. That your petitioner(s) is (are) the owner(s) of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit(s) A, which is (are) attached hereto and made a part hereof by this reference, or is (are) a mortgagee or vendee in possession, assignee of rents: receiver, 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 a lesser nonconforming use, 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,



Monte F. Weirman, President

Central Illinois Grain Inspection, Inc.

Exhibit A – Legal Description of Property

Site Plan - Special Use Permit

Street Address: 802 N. Morris, Bloomington, IL 61701

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.

We will use the existing sidewalks for our business. The sidewalk on the South side is located 7 feet from the building, 13 feet from the street, and 4 feet wide. The sidewalk on the East side is adjoined to the building, 14 feet from the street, and 5 feet wide. Their surface material is concrete.

We will use the existing parking area on the East side of the building and on-street parking for our business. The parking area is 5 feet from the building, adjoined to the street, 13 feet wide, and 55 feet long. The surface material of the parking area is gravel, and the street is asphalt.

We will use the existing building for our business. The building is a single level with basement (which will be used for storage only). It is 1,674 square feet on the main floor and 768 square feet in the basement. It is 44 feet long and 37 feet wide.

The building is located 24 feet from the street on the South side, 19 feet from the street on the East side, 4 feet from the property line on the North side, and 3 feet from the property line on the West side.

The building is 16 feet tall.

The building is 1 story with a basement.

The building design is a brick wood framed commercial-style building. It has an open main floor, and an unfinished basement (which will be used for storage).

The existing parking area will accommodate 3-4 parking spaces.

Exhibit B –Description of Business
for Special Use Permit

Street Address: 802 N. Morris, Bloomington, IL 61701

Applicant Legal Name: Central Illinois Grain Inspection, Inc.

Applicant Owner: Monte F. Weirman, President

Central Illinois Grain Inspection, Inc. formerly, Bloomington Grain Inspection, founded by Harold Weirman in 1935 has been operating on the West side of Bloomington IL since its inception. Gary Weirman, Harold's son took over ownership and operations of the business in 1977 and incorporated the business as Central Illinois Grain Inspection in 1982. Upon Gary's retirement in 2008, Monte Weirman, Gary's son took over ownership and operations of the business.

82 years later, our main office continues to be located at the Cargill soybean processing plant on the West side of Bloomington. Due to growth and expansion, we have determined the need to open a new office and desire to keep this location on the West side of Bloomington.

Our Business: Central Illinois Grain Inspection, Inc. ("CIGI") is an official inspection agency of the USDA's Federal Grain Inspection Service (FGIS). Under the FGIS oversight, CIGI helps move Illinois harvest into the marketplace by providing farmers, grain handlers, grain processors, grain exporters, and international buyers with sampling, inspection, process verification, weighing and stowage examination services that accurately and consistently describe the quality and quantity of the commodities being bought and sold. In a nutshell, we take samples of grain and run them through laboratory tests that can determine everything from Moisture, Test Weight, Damage to Mycotoxins and Genetically Modified (GMO's) of the grain.

Our proposed use of 802 N. Morris: Most of our services are provided on-site (at our customer's facilities) for our customers such as Cargill and AgRail in Bloomington, ADM and Tate & Lyle in Decatur, and other remote Grain Elevators. We maintain on-site labs for these customers. However, for smaller customers, we will bring their samples to a central lab location to run the tests on their samples. Occasionally, these same customers will bring samples to us for running certain tests which help them determine the quality and content of the samples. Our intent for use of this property is to maintain a central lab to serve our smaller customers.

Our business is relatively low traffic when compared to other businesses and our hours of operation are typically Monday through Friday from 6:30 AM to 4PM. We anticipate having approximately 3-4 employees on site at the 802 N. Morris facility at any given time during our normal hours. The 802 N. Morris property offers ample parking for our employees and company vehicles both on site and local street parking.

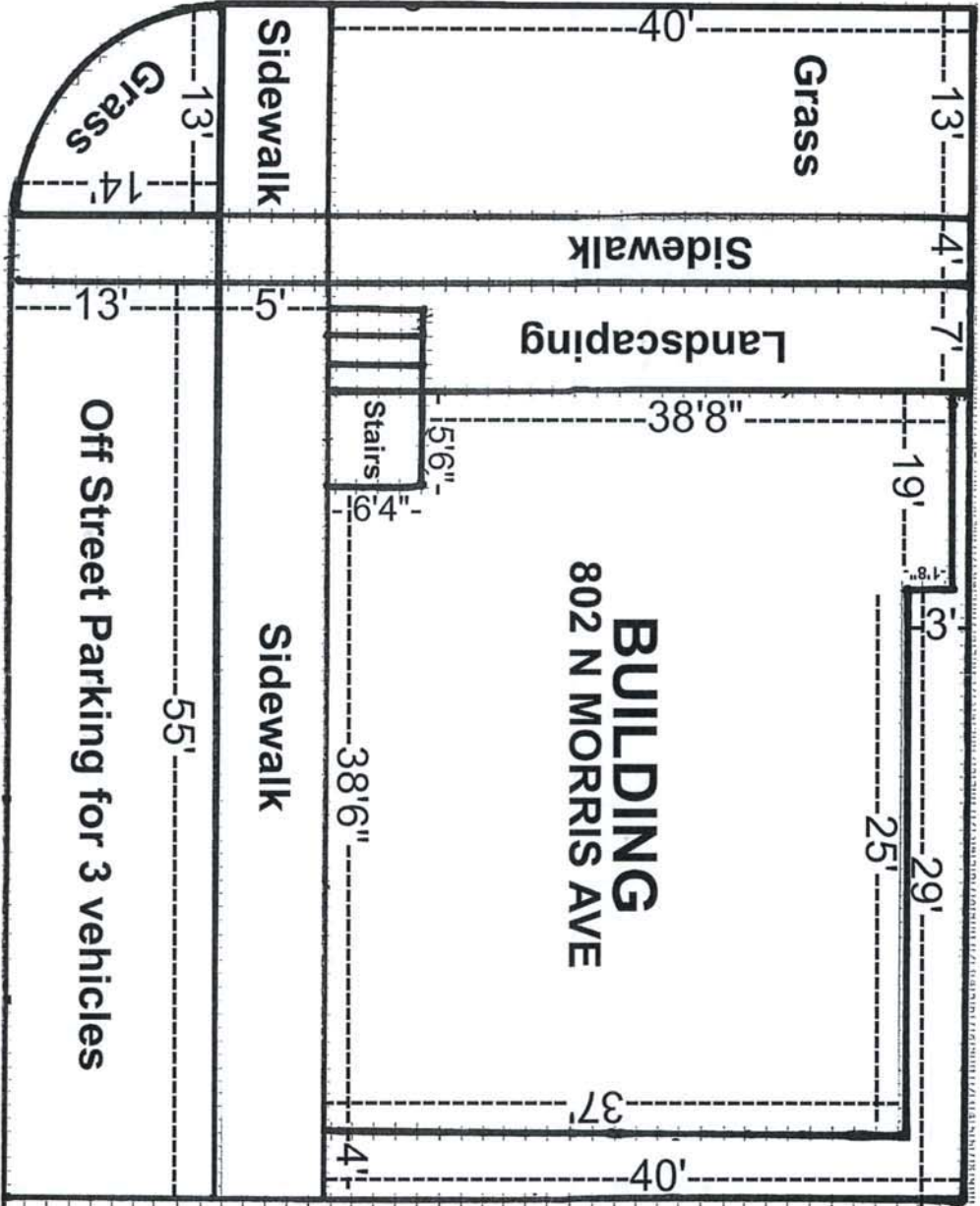
We currently have 5 company vehicles (mini-vans and ½ ton pick-up trucks) which are used to shuttle our employees to remote locations. We anticipate that, at most, 3-4 of these vehicles will be parked at or near the 802 Morris location. Most of our vehicles are either dispatched or will be parked at alternative locations such as Cargill, AgRail or employee homes. We do not anticipate that our flow of employees, customers or vehicles will disrupt the lives of the local residents in this area and hope to continue the solid relations that the owners of the building have established over the past 10 years.

We will use the existing 3 foot tall wire fencing which surrounds the North & West sides of the building. There is 40 feet of fencing on the North side and 48 feet of fencing on the West side.

We will utilize and properly maintain the existing landscaping & plant life for our business. There is currently grass on the South & South-East sides of the building. The grass on the South side is 13 feet wide and 40 feet long. The grass on the South-East side is pie-shaped and measures 13 feet, 14 feet, and 20 feet. We will also utilize the existing floral landscaping along the South side of the building which includes several types of perennial plants and bushes.

S

W CHESTNUT ST



W

N

N MORRIS AVE

E

802 N Morris Ave-Aerial View



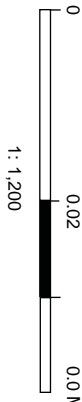
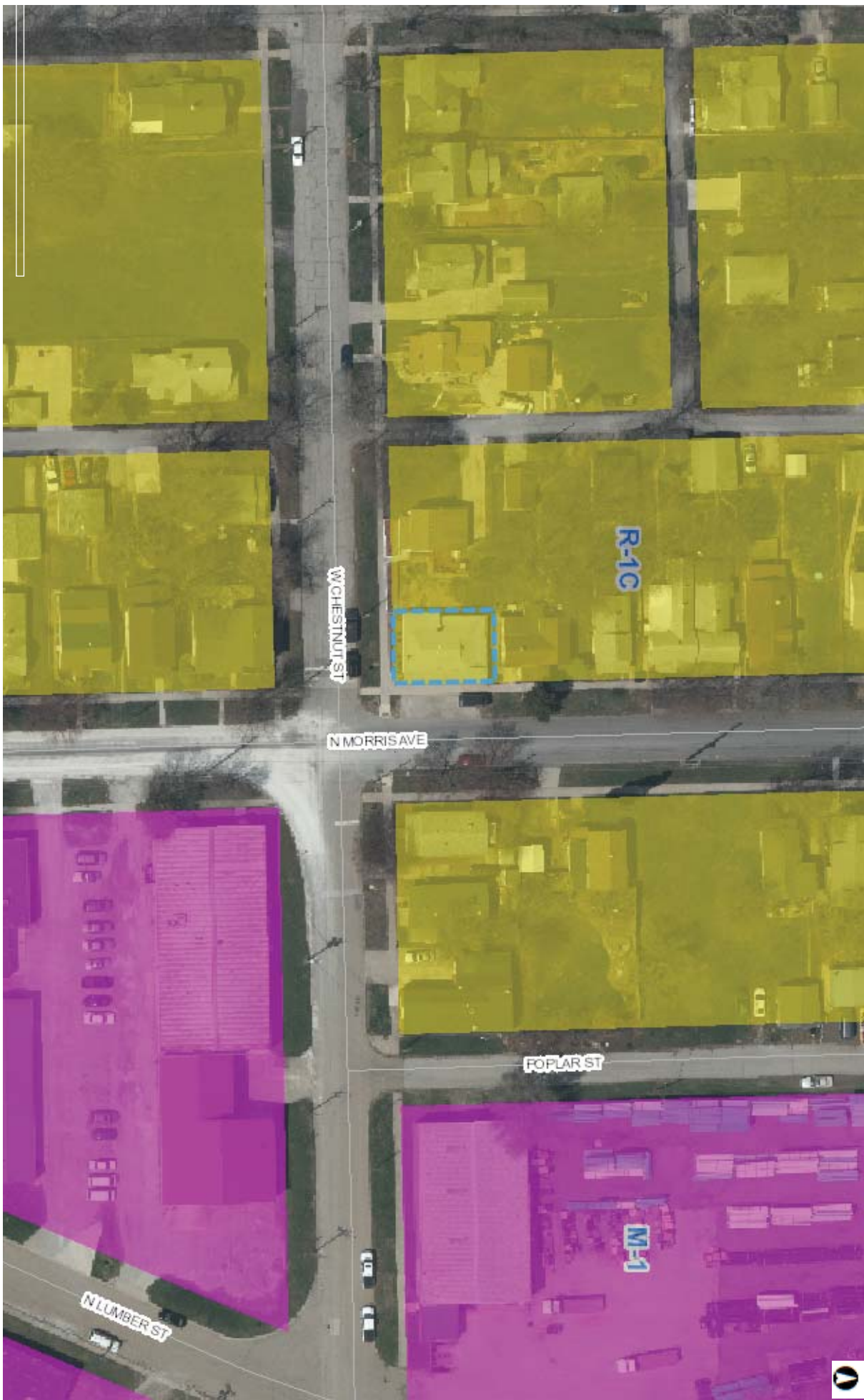
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Notes

802 N Morris - Zoning Map Ave



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Notes

20852448

**CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE**

Public Notice is hereby given that the Zoning Board of Appeals will hold a public hearing on Wednesday December 21, 2016 at 4:00 PM in the Council Chambers, 109 E. Olive Street, Bloomington Illinois to hear testimony on a petition submitted by Central Illinois Grain Inspection, Inc., requesting approval of a Special Use Permit to allow a lesser nonconforming use in a R-1C, Single Family Residence District, on property located at 802 N. Morris Ave.

**LEGAL DESCRIPTION: Exhibit
A**

DIDLAKES Addition E40' Lot 6
Block 3. Parcel Number:
21-05-209-018.

All interested persons may present their views upon such matters pertaining thereto. Said Petition and all accompanying documents are on file and available for public inspection in the Office of the City Clerk.

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 (5) 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.

**Cherry Lawson
City Clerk**

Published in the Pantagraph:
December 5th, 2016



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

December 1, 2016

Dear Property Owner or Resident:

The Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, December 21, 2016 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, for a petition submitted by Central Illinois Grain Inspection, Inc. for the approval a special use petition for the property located at 802 N. Morris Ave 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 and the subject property is described as follows:

Legal Description:
DIDLAKES ADD E40' LOT 6 BLK 3

REQUEST

The petitioner is requesting a special use permit to allow for a lesser nonconforming use in the R-1C district at 802 N. Morris Ave. The petitioner would like to use the property as an office for their grain inspection company

You are receiving this courtesy notification since you own property within a 500 foot radius of the land described above (refer to map on back). All interested persons may present their views upon matters pertaining to the requested variance during the public 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.

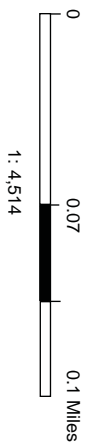
Please note that cases are sometimes continued or postponed for various reasons (i.e lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting. The hearing's agenda will be available at www.cityblm.org. If you desire more information regarding the proposed petition or have any questions you may call me at (309) 434-2226 or email me at ksimpson@cityblm.org.

Sincerely,

Katie Simpson
City Planner

Attachment
Location Map with 500 foot notification buffer

Public Hearing for a Special Use Petition to allow for a lesser non-conforming use in the R-1C District



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Notes

Zoning Board of Appeals
 Wednesday, December 21, 2016 at 4:00 pm
 109 E Olive Street, Bloomington IL

GENESIS PROPERTIES INC
% WMWETZEL-GENESIS PROP PO BOX
50

AURORA IL 605070050

VINEWOOD II LLC
1102 W LOCUST
BLOOMINGTON IL 61701

DEWITT J BECK III
1202 W CHESTNUT ST
BLOOMINGTON IL 617012606

MARIA R ALVAREZ
1205 W CHESTNUT ST
BLOOMINGTON IL 617012605

EDWARD CARTER
1207 W CHESTNUT ST
BLOOMINGTON IL 617012605

ST PATRICKS ROMAN CATHOLIC CONG-
PARS
1209 W LOCUST
BLOOMINGTON IL 61701

TARA BAUMAN
1211 W CHESTNUT ST
BLOOMINGTON IL 617012605

KATHRYN WOITH
1213 W WALNUT ST
BLOOMINGTON IL 61704

DAVID G & LUCY M REYNOLDS
1303 W CHESTNUT ST
BLOOMINGTON IL 617012607

ROBERT E & DONNA J ARMES
1305 W CHESTNUT ST
BLOOMINGTON IL 61701

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

GEORGE L CUSHING
1107 W CHESTNUT ST
BLOOMINGTON IL 617012783

THOMAS W ABBOTT
1203 W CHESTNUT ST
BLOOMINGTON IL 617012605

NITA HERALD
1206 BLACKSTONE
BLOOMINGTON IL 61701

JASON PASCAL
1208 W LOCUST ST
BLOOMINGTON IL 61701

DONNA M ANDRES
1209 W WALNUT ST
BLOOMINGTON IL 617012648

MARY ANN KING
1212 W CHESTNUT ST
BLOOMINGTON IL 61701

JODY SCRANTON
1301 W CHESTNUT ST
BLOOMINGTON IL 617012607

EUNICE L TENNISON
1304 W CHESTNUT ST
BLOOMINGTON IL 617012608

GLENN O NELSON
1306 W CHESTNUT ST
BLOOMINGTON IL 617012608

JEANETTE A HUGHES
1008 N WESTERN AVE
BLOOMINGTON IL 617011559

EDWARD J CARROLL
1112 COLTON AVE
BLOOMINGTON IL 617011922

JAMES MITCHELL
1204 W LOCUST ST
BLOOMINGTON IL 61701

MELODY ZESCHKE
1206 W LOCUST ST
BLOOMINGTON IL 61701

DANIEL P HALL
1209 W CHESTNUT ST
BLOOMINGTON IL 617012605

KELLY L YOW
1210 BLACKSTONE ST
BLOOMINGTON IL 617012662

BENJAMIN OWENS
1212 W WALNUT ST
BLOOMINGTON IL 617012649

ROBERT E WHEELER
1302 W CHESTNUT
BLOOMINGTON IL 61701

MICHAEL P SHELTON
1304 W WALNUT
BLOOMINGTON IL 61701

MARY B TOBIN
1407 N MAPLE
NORMAL IL 61761

THOMAS H HUBBARD
1902 MARZEL DR
BLOOMINGTON IL 617017106

DML REAL ESTATE
202 NORTH CENTER STREET SUITE 2
BLOOMINGTON IL 61701

R TRAVIS WIELAND
28 PEMBROOK CIR
BLOOMINGTON IL 617046296

BENJAMIN M COTTONE
3 ELLEN WAY
NORMAL IL 617612356

DARREL & JENIFER PETRI
3136 AUBURN RD
BLOOMINGTON IL 617048576

MARK SCHIDGALL
320 DENMAN RD
CARLOCK IL 61725

HPMI LLC
402 S ROOSEVELT
BLOOMINGTON IL 617015103

BARBARA A SHELTER
449 DAHOON HOLLY DR
DAYTONA BEACH FL 321177156

LINDA J & JAMES R WHEELOCK
503 E Taylor St
Bloomington IL 617015344

THOMAS LEE ABBOTT
509 WOODRIG RD
BLOOMINGTON IL 617045636

C/O AMCI CJTR LLC
6698 KEATON CORP PARKWAY SUITE
100
OFALLON MO 633688727

GENE D KELLEY JR
707 N LUMBER ST
BLOOMINGTON IL 617012706

VICKY NEHRT
712 N MORRIS
BLOOMINGTON IL 61701

DEWITT J BECK
714 N MORRIS AVE
BLOOMINGTON IL 61701

CARL THACKER
802 N MORRIS AVE
BLOOMINGTON IL 617012711

JOHN MASTERS
803 N MORRIS AVE
BLOOMINGTON IL 617012710

JUDITH BROWN
806 N MORRIS AVE
BLOOMINGTON IL 617012711

JENNA BOEHM
806 N Western Ave
Bloomington IL 617012661

JULIE ANN CROWE
807 1/2 N MORRIS AVE
BLOOMINGTON IL 617012710

MARK ZEMMEL
807 N MASON ST
BLOOMINGTON IL 61701

JASON THORP
807 N Morris Ave
Bloomington IL 617012710

JOHN G HOENIGES
807 N WESTERN AVE
BLOOMINGTON IL 617012660

MARTIN HOENIGES JR
808 N MORRIS AVE
BLOOMINGTON IL 617012711

NICHOLAS C HITCHINS
809 N Morris Ave
Bloomington IL 617012710

ANDREW MESSERSMITH
812 N MORRIS AVE
BLOOMINGTON IL 61701

STEVEN W & ANGIE THORP
814 N MORRIS AVE
BLOOMINGTON IL 617012711

HARBOUR PORTFOLIO VIII LP
8214 WESTCHESTER DR STE 635
DALLAS TX 752256124

JAMES D WEST
901 N MORRIS
BLOOMINGTON IL 61701

BRADLEY M SHELER
902 N MORRIS AVE
BLOOMINGTON IL 61701

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BLOOMINGTON IL 61701

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BLOOMINGTON IL 617012719

CHRIS SHOOK
PO BOX 165
LE ROY IL 617520165

ROZANNE C & RICKARDO A RAMIREZ
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BLOOMINGTON IL 617023334

EDWARD H PENNA
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**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
NOVEMBER 16, 2016**

CASE NUMBER	SUBJECT:	TYPE	SUBMITTED BY:
Z-47-16	1316 W Market Street	Variance for accessory structure setback	Katie Simpson, City Planner

REQUEST

The petitioner would like to rebuild an accessory structure. The previous structure was 10” from the side lot line and nonconforming, therefore the petitioner needs a variance to allow an accessory structure to be less than three feet from the side lot line in order to rebuild in the same footprint.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in the Pantagraph on December 5, 2016.

GENERAL INFORMATION

Owner and Applicant: William R. Tetreault

PROPERTY INFORMATION

Existing Zoning: R-1C, Single Family Residential District
 Existing Land Use: Single family home
 Property Size: Approximately 5400 (36 X 150)
 PIN: 21-05-255-002

Surrounding Zoning and Land Use

Zoning District

North: B-1, Highway Business District
 North: R-1C, Single Family Residential
 South: R-1C, Single Family Residential
 South: S-2, Public Lands
 East: R-1C, Single family residential
 West: B-1, Highway Business District

Land Uses

North: Antique store
 North Single family homes
 South: Single family homes
 South: Bloomington Housing Authority
 East: Vacant lot, single family homes
 West: Electric business

Analysis

Submittals

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

1. Application for Variation
2. Site Plan
3. Aerial photographs

4. Site visit

PROJECT DESCRIPTION

The subject site is commonly known as 1316 W Market Street. The lot is less than the minimum lot width and considered nonconforming. It was improved with a single family home and accessory structure. A fence separates the property from the vacant parcel to the east. When the accessory structure was built, it was constructed ten (10) inches from the lot line. It was considered nonconforming. Earlier this year the petitioner received a permit to repair the shed, but after starting work the shed collapsed. The scope of work then changed and the petitioner stopped reconstruction when learning that a variance was needed.

The subject property is 36 feet wide. The land slopes 4 feet to the south. To accommodate for the site's topography, the previous shed was built on a concrete slab. The petitioner is proposing to rebuild on the existing slab (12'2" wide), but due to the proximity near the lot line a variance is required. The proposed shed is 10' X 12'. There are no easements on the east side lot line of this property. The shed complies with all other requirements of the city code for accessory structures.

The following is a summary of the requested variations:

Applicable Code Sections:

Section 44.4-4C

Type of Variance	Request	Required	Variance
Accessory structure setback	10"	3'	2'2" decrease

Analysis

Variations from Zoning Ordinance

The petitioner seeks a variance from the three foot setback requirement for an accessory structure.

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

FINDINGS OF FACT

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

That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and the subject property slopes 4 feet to the south making it difficult to construct a shed anywhere else on the rear of the property. The lot is nonconforming and does not meet the minimum lot width. The combination of the lot width and slope create physical characteristics that make it difficult to relocate the shed off the slab. The standard is met.

That the variances would be the minimum action necessary to afford relief to the applicant; and the petitioner states that he is able to move and re-anchor the shed one foot to the west on the concrete slab. However, the slab is existing and is ten inches from the side lot line. While moving the shed may be possible it will most likely have little impact. Additionally it would still require a variance for the remaining one foot separation. The standard is met.

That the special conditions and circumstances were not created by any action of the applicant; and the lot size and topography create physical conditions not created by the applicant. 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 property's physical characteristics and size create a physical hardship triggering the need for the variance. Neighboring properties also have tool sheds in the rear of their homes. The proposed shed meets the city's requirements for height, gross floor area and separation between principal structures. No special privilege would be given in this case. 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 slab is existing and the shed complies with all other requirements of the code. The lot size and slope of the land make it difficult to relocate the shed on a different part of the property. The shed and slab are not constructed over any easements and the shed is consistent with the neighborhood character as many other homes have smaller tool and lawn sheds in the rear of their homes.

STAFF RECOMMENDATION:

Staff finds that the petition has met the Zoning Ordinance's standards required to allow a variance. Staff recommends **approval** of the requested variance in Case Z-47-16.

Respectfully submitted,

Katie Simpson
City Planner

Attachments:

- Variance Application
- Petitioner Statement of Findings of Fact
- Site Plan
- Aerial Map
- Zoning Map
- Newspaper notification
- Neighborhood notice and list of notified property owners

#28102

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: 1316 W Market St

Site Address: 1316 W Market St

Petitioner: William R. Tetreault Phone: 309-820-9580

Petitioner's Email Address: bill.tetreault@frontier.com

Petitioner's Mailing Address Street: 1316 W Market St

City, State, Zip Code: Bloomington, IL 67101

Contractual interest in the property X yes no

Signature of Applicant William R. Tetreault

Brief Project Description:

Replacement of a 10'x12' shed was in progress, original plan was to repair the existing shed which ended up not being possible. The framing of the new shed walls had been completed before the information was received that it would need to be located 3' from the property line, since it was now a new shed.

Code Requirements Involved:

Chapter 44: Section 44.4-4: Accessory Buildings and Uses

B 2: 2. No accessory building or structure shall be permitted nearer than ten (10) feet from the nearest wall of a principal building nor shall it be located nearer than three (3) feet from a side or rear lot line. No accessory building or structure shall be located or placed on any easement. No accessory buildings shall be permitted nearer than ten (10) feet to an alley right-of-way line when the entrance to the accessory building for motor vehicles is parallel to and facing such alley right-of-way line.

Variiances(s) Requested:

I am requesting a variance of 2 feet as opposed to 3 feet from the property line, to allow for the shed to be moved and built retaining its previous and current dimensions.

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 slab where the shed is sitting allows for movement of the shed away from the property line at 24 inches. It is currently 10 inches from the property line with 14 inches of concrete available to the inside of the yard.
- There are currently 14 masonry anchors holding the shed in place, the previous shed was not anchored. These anchors would have to be removed and cut off if the shed is moved or rebuilt again, new anchor locations drilled.
- The current concrete slab is the only level spot in the yard, moving the shed to 3 feet requires cutting the shed smaller than desired, as well as moving the shed. Trying to keep the shed at 10 feet wide and 3 feet from the property line would require pouring more concrete to extend the slab.

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 concrete slab is the only level location in the yard where this shed can be rebuilt.

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

A 1 foot variance with the shed moved two feet from its current location will allow for the shed to be moved and re-anchored without reducing the dimensions of the shed. Anchors would still need to be cut and replaced.

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

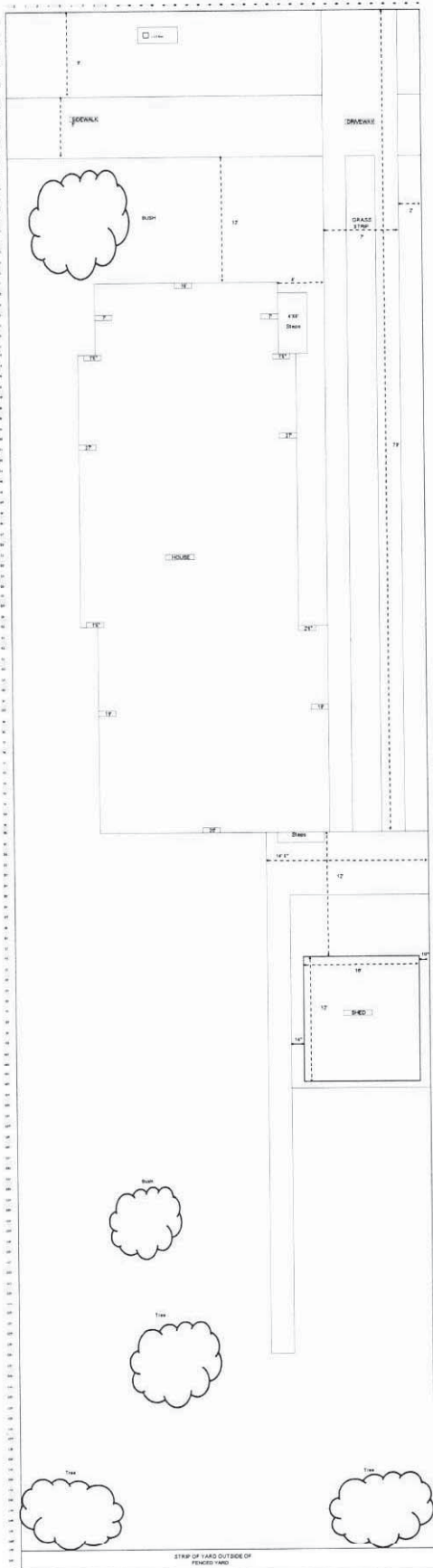
I had left a message for the contact I was working with on October 18th, when the scope of work had been changed, and continued work. An email was received on October 25 informing that since it was a new shed, a new shed permit was required. I spoke with Mike Conroy the following week by phone and was informed of the distance requirements from the property line, at which point I stopped working. I could not find the code requirements until November 28th, as I was looking in Chapter 10 for Building Codes, and not Chapter 44 Section 4-5 for Accessory Building and Uses.

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

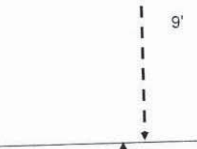
The shed will be in the same location and store the same types of equipment as before. The shed will not be any larger, but will be further from the property line.

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.

Several properties in the neighborhood have a garage or shed. The neighboring property at 1314 has a shed abutting the east property line. Current construction is to replace a previously existing shed, further from the property line, with the end result that it will be more presentable and durable than the previous shed. There currently is no residential dwelling on the opposite side of that property line.

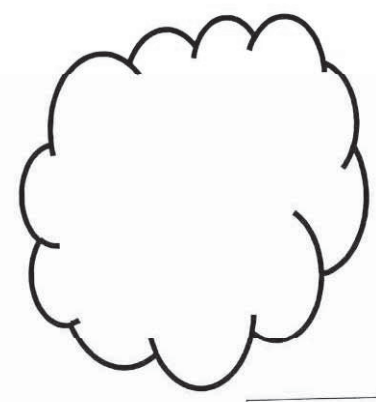


□ = 1/2 foot

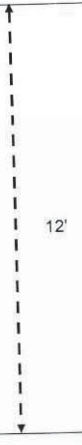


SIDEWALK
5'

DRIVEWAY



BUSH



GRASS STRIP
7'

2'

16'

4'

7'

7'

4'x6'
Steps

1'6"

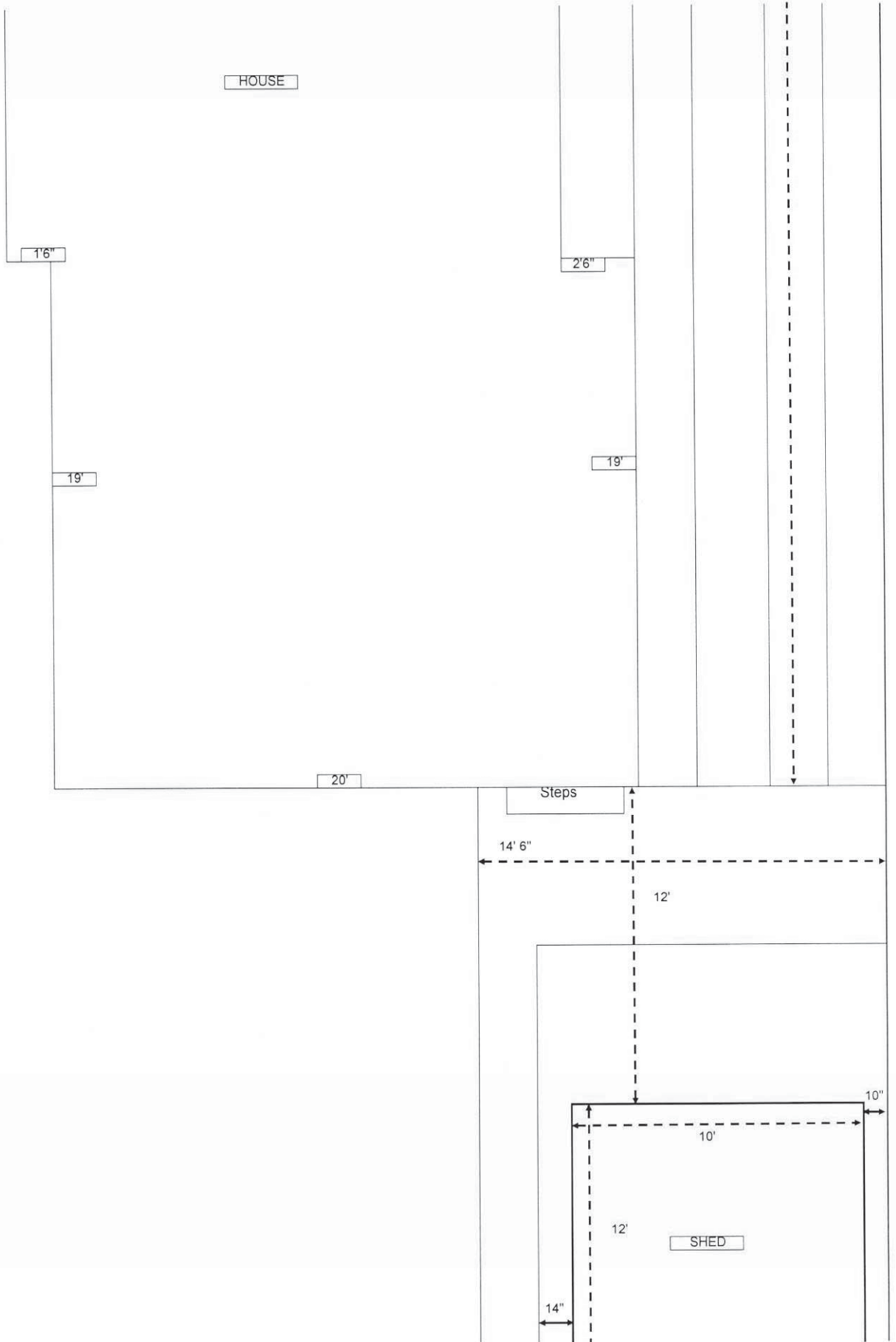
1'6"

27'

27'

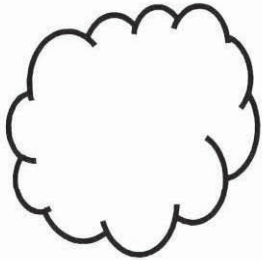
79'

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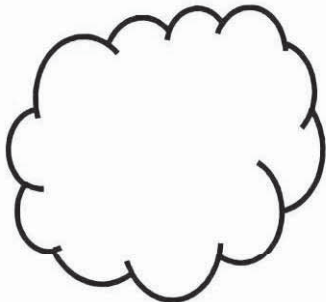


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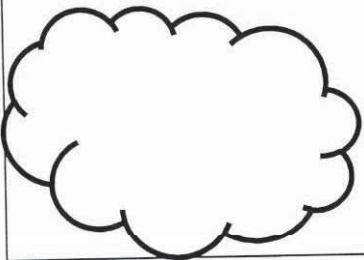
Bush



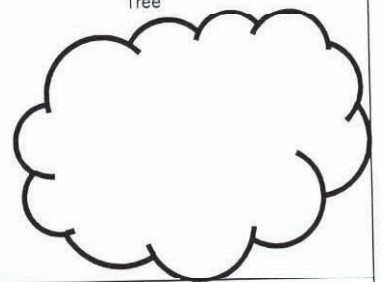
Tree



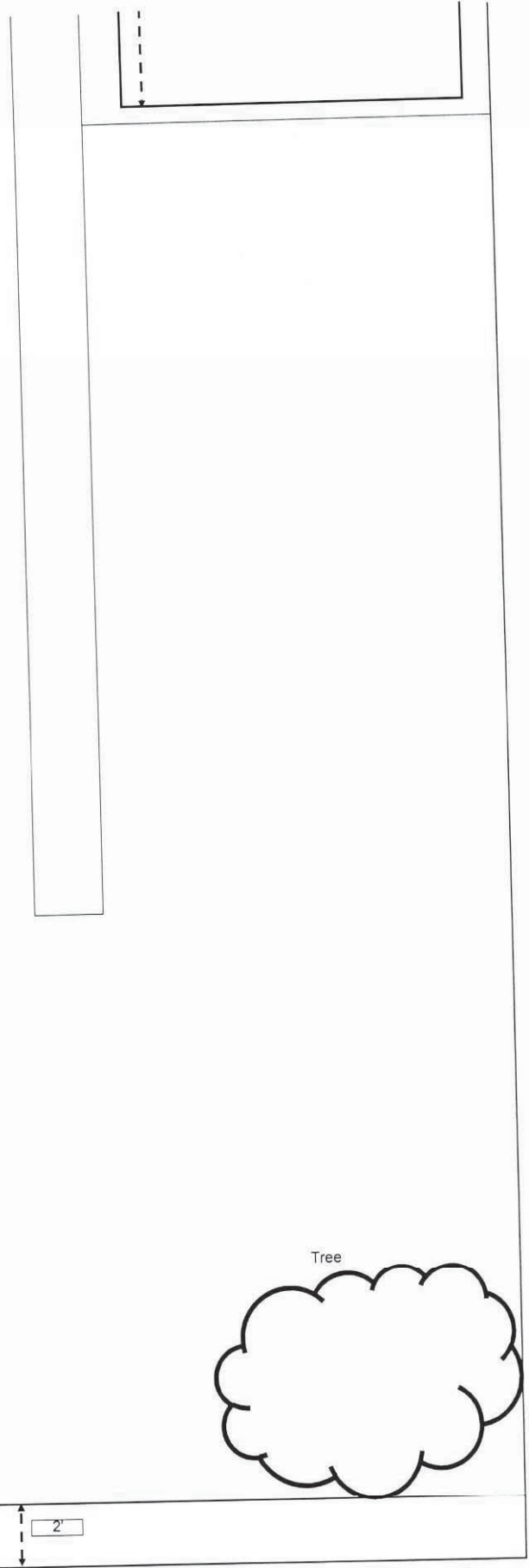
Tree



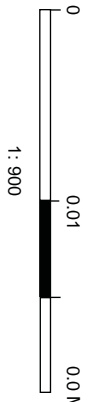
Tree



STRIP OF YARD OUTSIDE OF
FENCED YARD



1316 W Market Street-Aerial View

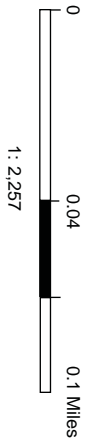
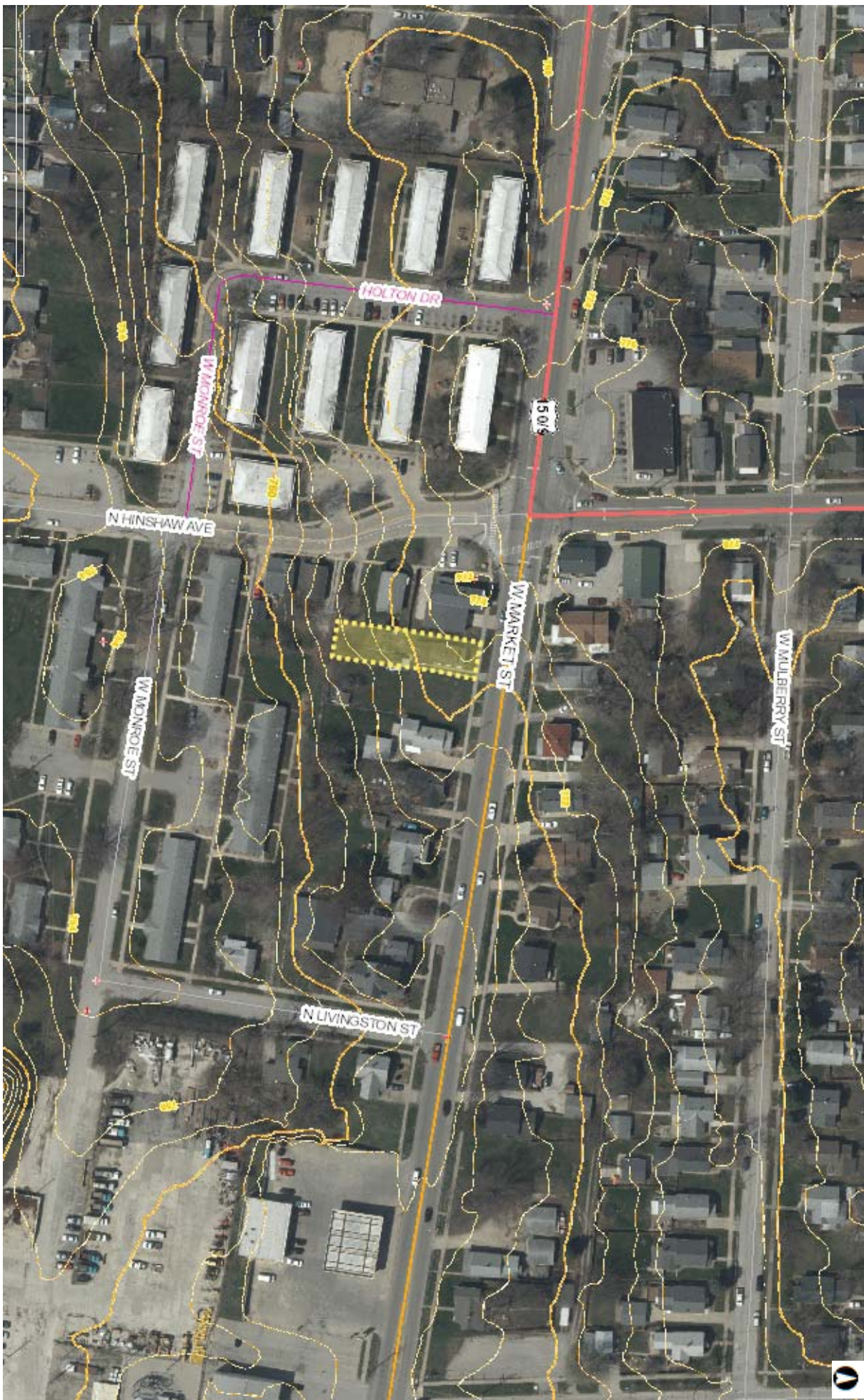


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Notes

1316 W Market Street-Aerial and Topography

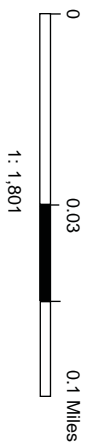
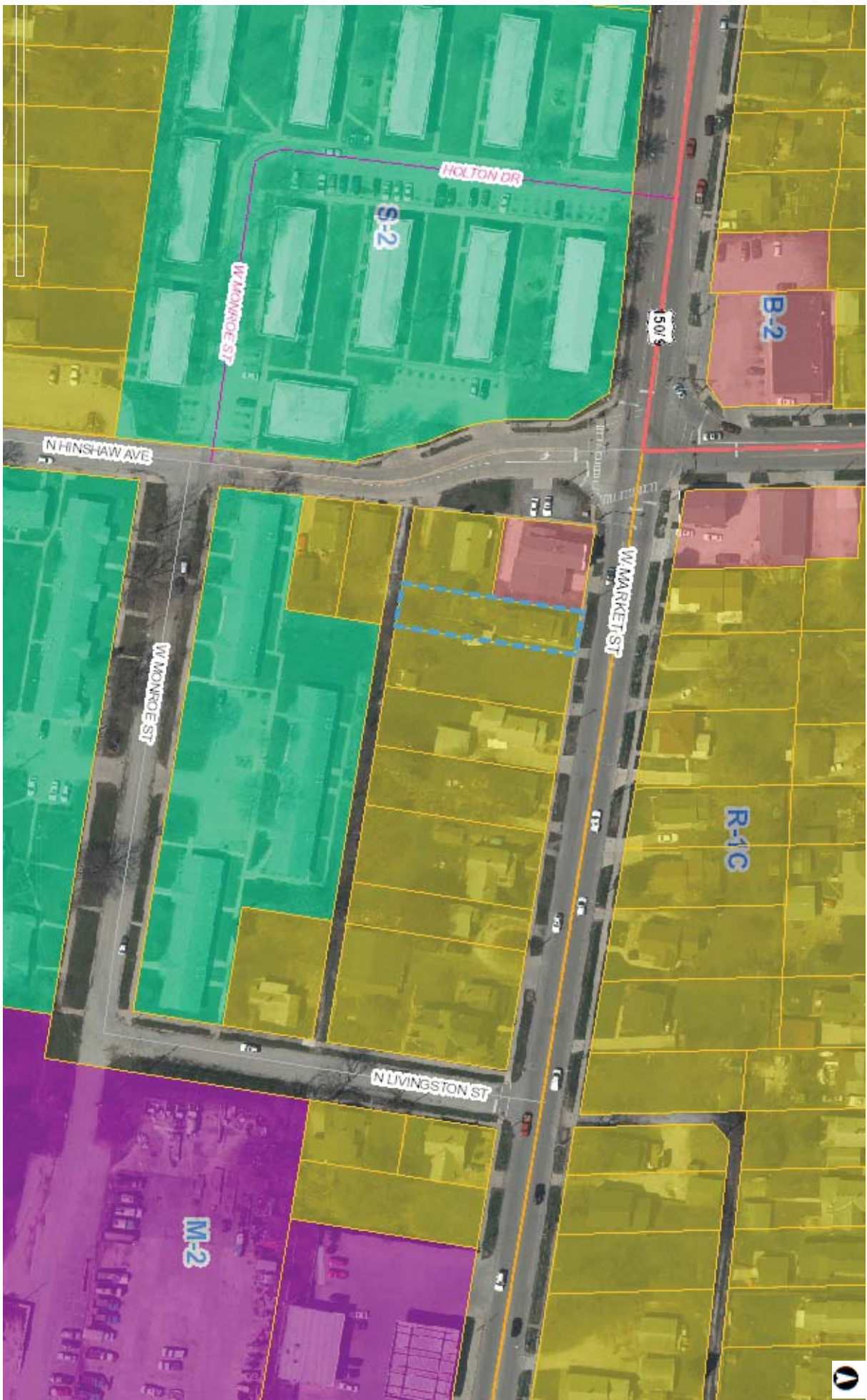


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Notes

1316 W Market Street-Zoning Map



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Notes

20852763
CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
DECEMBER 21, 2016

Notice is hereby given that the Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, December 21, 2016 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, petitions submitted by William R. Telreault for the approval of a variance from Chapter 44 of the City's Code on property located at 1316 W Market 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 and the subject property is described as follows:

Legal Description:
CRANMER'S ADDN E36' 8 3
REQUEST

A request for a variance from Chapter 44 of the City's Code to allow an accessory structure to be less than three (3) feet from the side lot line.

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, December 5, 2016



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

December 1, 2016

Dear Property Owner or Resident:

The Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, December 21, 2016 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, for a petition submitted by William R. Tetreault for the approval a variance from Chapter 44 of the City's Code for the property located at 1316 W Market 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 and the subject property is described as follows:

Legal Description:
CRANMERS E36' LOT 8 BLK 3

REQUEST

A request for a variance from Chapter 44 of the City's Code to allow an accessory structure to be built less than three (3) feet from the side lot line (44.4-4). The petitioner would like to reconstruct an accessory structure to be ten (10) inches from the side lot line.

You are receiving this courtesy notification since you own property within a 500 foot radius of the land described above (refer to map on back). All interested persons may present their views upon matters pertaining to the requested variance during the public 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 hearing's agenda will be available at www.cityblm.org. If you desire more information regarding the proposed petition or have any questions you may call me at (309) 434-2226 or email me at ksimpson@cityblm.org.

Sincerely,

Katie Simpson
City Planner

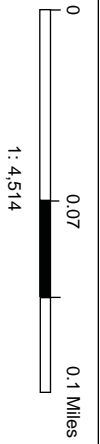
Attachment
Location Map with 500 foot notification buffer

Public Hearing for a variance request to allow an accessory structure less than 3ft from the side lot line



Courtesy notices sent to property owners
within 500 ft of
1316 W. Market Street

500 ft



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Printed: 11/29/2016 11:38:12 AM

Notes

Zoning Board of Appeals
Wednesday, December 21, 2016, 4:00 pm
109 E Olive Street, Bloomington, IL

CYNTHIA SHEPARD

% SHAKMAN ENTERPRISES PO BOX
3333

BLOOMINGTON IL 617023333

HABITAT FOR HUMANITY

103 W JEFFERSON ST

BLOOMINGTON IL 617013904

%MICHAEL WEIL ARC CKMST19001 LLC

106 YORK RD

JENKINTOWN PA 190463233

RHINOS 602 N MAIN LLC

116 EASTVIEW DR

NORMAL IL 617612439

FRANCESCA MARTINEZ

1303 W MARKET

BLOOMINGTON IL 61701

RICHARD CHOINIERE

1309 W MARKET

BLOOMINGTON IL 61701

RICHARD J BARSEMA

1311 W MARKET ST

BLOOMINGTON IL 61704

NORMA JEAN SHOLTY

1313 WEST MULBERRY

BLOOMINGTON IL 61701

WILLIAM R TETREULT

1316 W Market St

Bloomington IL 617012634

FLORENCE DENNIS TRUST

1320 W MULBERRY ST

BLOOMINGTON IL 617012645

NICOR GAS REAL ESTATE

10 PEACHTREE PL NE LOC 1150

ATLANTA GA 303094478

HOUSING AUTHORITY OF THE CITY OF
BLOOMINGTON

104 E WOOD

BLOOMINGTON IL 61701

DENNIS COTTIER

1109 W COLLEGE AVE

NORMAL IL 617614248

DARRELL BENEDICT

117 WEBSTER DR

LINCOLN IL 626562643

JEFF MENKEN

1304 1/2 W MARKET ST

BLOOMINGTON IL 617012634

BRIAN WOODY M/M

1310 W MULBERRY

BLOOMINGTON IL 61701

MARTHA KIRK

1312 W MARKET

BLOOMINGTON IL 61701

MARILYN J POOL

1315 W MARKET ST

BLOOMINGTON IL 617012633

DONALD J LINK

1318 W MULBERRY

BLOOMINGTON IL 61701

EDUARDO & HUGO URQUIZO

1321 W MULBERRY ST

BLOOMINGTON IL 617012644

STANLEY O STASZECKI

100 NORTH ST PO BOX 203

TOWANDA IL 617760203

MONTI APPRAISALS INC

10509 SEVILLA DR APT 201

FORT MYERS FL 339137029

%KATHY L. BELLEMEY BELLEMEY,
CHARLES

111 PATTON ST

PEKIN IL 61554

EDWARD R MONTENEGRO

1301 W TAYLOR

BLOOMINGTON IL 61701

ANGELA & RICKY ALMAGUER

1307 W MARKET ST

BLOOMINGTON IL 617012633

ROBERT G BLYGH

1310 W. MARKET ST

BLOOMINGTON IL 61701

GERRY & CATHERINE ZIMMERMAN

1312 W MULBERRY

BLOOMINGTON IL 61701

ROSE L GRAY

1315 W MULBERRY

BLOOMINGTON IL 61701

SARITA M MENDIOLA

1319 W MULBERRY

BLOOMINGTON IL 61701

MARY T ENGAN

1322 W MULBERRY ST

BLOOMINGTON IL 617012645

DENNIS GUSTAVSON
1323 W MULBERRY ST
BLOOMINGTON IL 617012644

DEWAYNE WILLHOITE
1324 W MULBERRY ST
BLOOMINGTON IL 617012645

THOMAS STASZECKI
1326 W MULBERRY ST
BLOOMINGTON IL 617012645

EUGENE AUTH
1331 W MULBERRY ST
BLOOMINGTON IL 617012644

NATHANIEL & CRYSTAL FOUGHT
1401 W MULBERRY ST
BLOOMINGTON IL 617012646

VANESSA MIDDLEBROOKS
1403 W MULBERRY ST
BLOOMINGTON IL 617012646

CHRISTINE REVER
1405 SHERIDAN ST
BLOOMINGTON IL 617013739

JEANETTE A KAVANAUGH
1406 W MULBERRY ST
BLOOMINGTON IL 617012647

DORIS J CAMP
1407 SHERIDAN ST
BLOOMINGTON IL 617013739

WILLIAM & DIANNE E PETERSEN JR
1407 W MARKET ST
BLOOMINGTON IL 617012635

STACEY NOPPE
1408 W MULBERRY
BLOOMINGTON IL 61701

CHELSEA M ZESCHKE
1409 SHERIDAN ST
BLOOMINGTON IL 617013739

APOLINAR SOTELO
1409 W MARKET ST
BLOOMINGTON IL 617012635

EUGENE A & MARGARET A KNUTH
1409 W MULBERRY ST
BLOOMINGTON IL 617012646

CYNTHIA M & WILLIAM H HACKMAN
SHEPARD
1410 S MAIN ST
BLOOMINGTON IL 617018705

LISA THOMPSON
1410 W Mulberry St
Bloomington IL 617012647

RALPH & DELORES ATHERTON
1411 SHERIDAN ST
BLOOMINGTON IL 617013739

APOLINAR SOTELO
1411 W MARKET ST
BLOOMINGTON IL 617012635

TAMARA FARRELL
1413 SHERIDAN ST
BLOOMINGTON IL 617013739

EMMETT G PRATHER
1413 W MARKET ST
BLOOMINGTON IL 617012635

WAPTA LIMITED PARTNERSHIP
155 N MYRTLE AVE
VILLA PARK IL 601812226

WILLIAM F & REBECCA E REINHOLZ
1610 SIX POINTS RD
BLOOMINGTON IL 617019518

OSCAR OWENS
1867 1250TH AVE
LINCOLN IL 626565062

OSCAR OWENS
1867 1250TH AVE
LINCOLN IL 626565062

%REDBIRD PROPERTY MGT JOHN
WOLLRAB
200 N LINDEN ST
NORMAL IL 617613882

JEFF ANDERSON ELECTRIC INC
24212 GREENLEAF RD
FARMER CITY IL 618429828

GLENN S PORZELIUS
328 BRIAR POINT RD
ALLARDT TN 385046049

ABEL & MARIA I AVILES NICIO-CRUZ
405 N HINSHAW AVE
BLOOMINGTON IL 617013724

DENNIS PULLIAM
613 W MARKET ST
BLOOMINGTON IL 617012841

BLOOMNORM LLC
666 DUNDEE RD STE 1102
NORTHBROOK IL 600622735

THOMAS A PEIFER
9 SHIELDS DR
BLOOMINGTON IL 617047040

MARK KING
PO BOX 1947
BLOOMINGTON IL 617021947

STANLEY O STASZECKI
PO BOX 203
TOWANDA IL 617760203

CYNTHIA SHEPARD
PO BOX 3333
BLOOMINGTON IL 617023333

MCLEAN CO ASPHALT CO
PO BOX 3547
BLOOMINGTON IL 61702

MARK HEIMANN
PO BOX 571
DANVERS IL 61732

YVONNE J THOMAS
REVOCABLE LIVING TRUST 1405 WEST
MULBERRY
BLOOMINGTON IL 61701

JUBRIAL SWEIS
SWEIS DEVELOPMENT LLC 6027 W
BELMONT AVE
CHICAGO IL 606345116