

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

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PUBLIC COMMENT**

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

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

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

**5. REGULAR AGENDA**

- A. SP-03-17** Consideration, review and approval of a recommendation to City Council for a special use petition to allow a duplex in the R-1C district at 603 Seminary Ave submitted by Gerard Berthel and Karen Kineslla (**Ward 7**).

*City Council Date: April 24, 2017*

- B. Z-04-17** Consideration, review and approval of the petition for variances submitted by Gerard Berthel and Karen Kineslla for the property located at 603 Seminary Ave to allow:

- 1). a minimum lot width of 50 ft in lieu of 70 ft for a duplex in the R-1C district (44.10-4), and;
- 2). a minimum lot area of 7450 sq ft in lieu of 10,000 sq ft for a duplex in the R-1C district (44.10-4) (**Ward 7**).

**6. OTHER BUSINESS**

**7. NEW BUSINESS**

**8. ADJOURNMENT**

**For further information contact:**

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

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

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

Members absent: Ms. Meek

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

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

PUBLIC COMMENT: None

MINUTES: The Board reviewed the minutes from January 18, 2017. A motion to approve the minutes as proposed was made by Mr. Simeone; seconded by Mr. Bullington. The minutes were **approved** by a 6-0 voice vote.

Mr. Dabareiner confirmed the agenda item was published and Chairman Briggs confirmed the case was carried over from the previous meeting. Chairman Briggs explained the meeting procedures.

**Z-02-17 Consideration, review and approval of the petition for a variance submitted by Suzie McGuire for the property located at 3907 Rave Road to allow a rear yard setback of 14 feet in the R-1C district**

Chairman Briggs introduced the case. The following people were sworn in: William C. Wetzel, the petitioner's attorney, 115 W. Jefferson Street, Bloomington; Sue McGuire, the petitioner, 3907 Rave Road, Bloomington; and Chris Haze, the petitioner's contractor, 1011 N. Evans Street Bloomington. Mr. Wetzel explained that the petitioner asked to lay over the item last month so alternative options for the porch could be considered. He described the petitioner's intention is to enclose a portion of the porch with screens. Mr. Wetzel stated the petitioner received a building permit for this project and, contrary to the City's records, the permit does not indicate the need for a variance. He explained the petitioner's contractor was issued a stop order by City staff due to the need for a variance. Mr. Wetzel explained the petitioner has since modified their plans from original petition by reducing the size and location of the enclosed area. Mr. Wetzel explained he shared the amended site plan with City staff earlier today and asked that the original petition submitted to the Zoning Board of Appeals for the variance be amended to reflect the reduced variance. Mr. Wetzel invited the petitioner to present her case and he invited the contractor to explain the changed proposal for the porch.

Mr. Bullington clarified the variance that would be considered today. Mr. Wetzel explained that the petitioner is significantly reducing the size of the requested variance. Chairman Briggs asked if the downgrade in variance required new publication. Mr. Boyle confirmed the intention of the notice is to provide interested parties with an opportunity to support or object to the petition and the amended petition is asking for a smaller variance. Mr. Boyle noted that the permit issue was presented to the City at 2:30 pm this afternoon and consequentially, the City is unable to provide a witness. Mr. Dabareiner marked the amended site plan as “Exhibit A” and it was incorporated into the record. The plan was distributed to the Board members.

Ms. McGuire explained she purchased the home in 2015 and at that time the realtor had informed her she could add a screened porch. Chairman Briggs asked if Ms. McGuire was the original owner of the home. She confirmed she was not and that she had moved in as is. Mr. Haze noted the home is positioned on the lot to have a larger front yard setback which limits the size of allowable screened in porch area to five feet. He explained the amended petition would reduce the depth of the porch to ten feet as size they feel is the smallest they could build the screen porch. Mr. Bullington asked Mr. Haze to explain the plans for the new porch building. Mr. Haze explained the new drawing shows shortening the screened portion of the porch to twelve feet by ten feet. He added that the requested variance has been reduced by six feet leaving twenty feet of required yard remaining. Mr. Bullington clarified the property has an existing sixteen foot by twenty two foot deck and that the intention is to now screen a twelve foot by ten foot portion of this deck.

Mr. Bullington asked if the property has physical characteristics that make strict adherence to the code difficult. Mr. Haze explained that the position of the house and the larger front yard setback makes adding onto the back of the house difficult. Mr. Bullington asked if it were possible to add an addition to the front of the house. Mr. Haze confirmed it was possible. Mr. Butts asked about the orientation of the lot and whether its shape could be considered. Mr. Haze described the lot’s position on the curved part of the road but stated he believes the house is square with the back of the lot line. Mr. Wetzel commented on the significant size of the existing deck. He stressed the position of the homes on the lot creates a physical challenge and reduces the ability to use the back yard. He emphasized the deck and orientation of the home existed when the property was purchased. Mr. Kearney thanked the petitioner for attempting to reduce the size of the screened in porch and asked if there were any special circumstances requiring a screened in porch rather than an open air porch. Ms. McGuire stated the intention of the screened porch is to reduce the impacts of bugs.

Chairman Briggs asked for the city staff report. Ms. Simpson stated the presentation she has prepared is on the earlier petition. Mr. Bullington asked if staff is prepared to give a report on the amended petition or if staff needs an opportunity to respond to the changes. Mr. Kearney asked if staff is would be changing their recommendation based on the new petition. Mr. Dabareiner clarified that because the amended petition is a reduction, staff is prepared to give a report and that a factor in staff’s analysis may change.

Ms. Simpson stated staff recommended against the original petition. She explained that although the amended petition meets one of the factors for a variance, due to the fact that all five factors were not met, staff would be recommending against the amended variance request. She referenced Division 2 of the zoning ordinance and explained the purpose behind the city’s zoning regulations. Ms. Simpson shared photos of the neighborhood and explained this subdivision was planned to have a sixty foot front yard setback—twice the size of the

setback required by the city code. An aerial photo of the neighborhood was shared. Mr. Dabareiner pointed out that in this case the garage is built up to the setback line and the house is set back. He explained the house was built this way and the buyer was aware of it when acquiring the property. Chairman Briggs stated that the garage meets the average yard setback of the neighborhood. Mr. Dabareiner confirmed that other homes in the neighborhood have different designs and this particular design was provided for the property. He explained that when a buyer acquires a home the buyer is responsible for understanding the design and the potential restrictions. Ms. Simpson clarified that this neighborhood was built under the current zoning ordinance with a required setback and the block average consideration applies to properties built prior to the adoption of the initial zoning ordinance in 1960. She provided a zoning map and explained the dimensions of the property. Ms. Simpson noted this property exceeds the minimum area and width requirements for the R-1C zoning district as required by the zoning ordinance. She provided the original site plan and described the request for the variance emphasizing permitted obstructions in rear yards. Ms. Simpson explained open air porches are allowed in rear yards without a variance but enclosing the porch with a screen is not a permitted obstruction. She highlighted the purpose behind the rear yard separations for maintaining fifty feet of green space between homes and controlling density in the area.

Ms. Simpson explained the standards required for a variance. She stated staff was unable to identify a physical hardship on this property. She stated that, although, after reducing the size of the structure a variance could be considered to be the minimum action necessary, staff finds the other standards are still unmet and therefore cannot support the request variance.

Chairman Briggs asked about the size of the neighboring yards and whether they would be able to build a porch without a variance. Ms. Simpson stated the need to measure the other yards but that ultimately all property owners would be subject to the same twenty five foot setback requirement of the zoning ordinance. Chairman Briggs noted he feels the shape of the lot reduces the petitioner's yard. Mr. Simeone asked staff to provide explanation about the impacts reducing green space might have on public safety. Ms. Simpson explained the rear yard requirements contribute to the quality of life for residents by providing permeable surfaces to assist with water run-off and detention, and keeping homes from being built too close together which can also impact what neighbors are allowed to do with their homes. Mr. Butts asked if the amended petition would still provide the fifty foot separation contemplated in the zoning ordinance for this district. Ms. Simpson explained the separation is measured from the structure to the rear yard line; the variance would decrease that separation.

Mr. Butts asked for clarification on the difference between screening in the porch and an open porch. Mr. Dabareiner explained it is common for zoning ordinances to allow certain types of encroachments into the rear yard and at the time this code was created the distinction was important to the city. He explained that addition of walls and a roof increases to the mass of the structure. He noted controlling the massing is intended to protect view sheds and encourage light and air flow and is found in original zoning ordinances. Mr. Bullington clarified that evidence has not been provided, by the petitioner nor staff, showing that any other properties are granted special privilege over the petitioner. He asked if other options for expanding in the front would be possible. Ms. Simpson confirmed. Mr. Bullington clarified that the provision in the city code regarding the average yard setback does not apply to this property since it was built after the adoption of the code in 1960. Ms. Simpson confirmed that it does not apply.

Mr. Kearney asks if the curve in the street affects the placement of the house on the property. Ms. Simpson explained that staff does not feel the curve in the street does impacts the way the home is positioned. Mr. Dabareiner clarified that this house is situated in the straight section between two reverse curves of the road and is very close to rectangular. He explained if there was an impact it is maybe a couple feet, not significant enough to create this variance. Mr. Butts asked if the variance would allow the petitioner to then build on the footprint in the future or if they would be limited to only screening in the structure. Mr. Dabareiner explained that it would give them permission to expand it as a fully enclosed room and that we cannot put conditions on the variance. Ms. Simpson explained the variance stays with the property and not the property owner.

Mr. Kearney asked the petitioner's intentions to enclose the structure. Mr. Wetzel thanked the Zoning Board of Appeals for taking their roles seriously and asking clear questions. Mr. Wetzel stated he did not believe someone would be able to enclose the porch in the future. Mr. Wetzel stated he feels this is an unusual circumstance and the petitioner has made an effort to reduce the size of the variation. Mr. Wetzel explained there is no opposition from the neighbors and encouraged the Board to recognize the peculiar circumstances of the property.

There was brief discussion regarding the need for a motion to vote on the amended petition. It was determined that the amendment to the petition was made by the petitioner and a formal motion was not necessary. Mr. Kearney stated his understanding was that a roof and floor are permitted but walls are not allowed. Mr. Kearney also asked if it is possible to add a condition to the variance. Mr. Dabareiner explained the difficulty to enforce added conditions. There was brief discussion about the size of the room and what would be considered a habitable space. Other addition possibilities were discussed. Ms. Simpson explained seven feet is a minimum width necessary to be considered a habitable space by the building code.

Mr. Wetzel reinforced that he feels this is an appropriate circumstance for a variable and that it would be a hardship to not allow the petitioner to construct the room.

The Variance request for the amended petition of a five foot variance was **denied** with the following votes recorded: Mr. Brown—no; Mr. Bullington—no; Mr. Butts—no; Mr. Kearney—yes; Mr. Simeone—no; Chairman Briggs—yes.

**OTHER BUSINESS:**

**NEW BUSINESS:**

Chairman Briggs asked for nominations for a new chair. Mr. Simeone announced he will not be reapplying to serve after his term expires in April. Mr. Butts nominated Mr. Bullington and the nomination was seconded by Mr. Brown. Mr. Kearney motioned to nominate Mr. Brown and the nomination was seconded by Mr. Butts. Both parties accepted the nomination. Mr. Bullington was elected chair with the following votes recorded: Mr. Brown—Mr. Bullington; Mr. Bullington—Mr. Bullington; Mr. Butts—Mr. Bullington; Mr. Kearney—Mr. Brown; Mr. Simeone—abstain; Chairman Briggs—Mr. Bullington.

**ADJOURNMENT:**

The meeting was adjourned at 5:13 PM.

**Respectfully submitted**

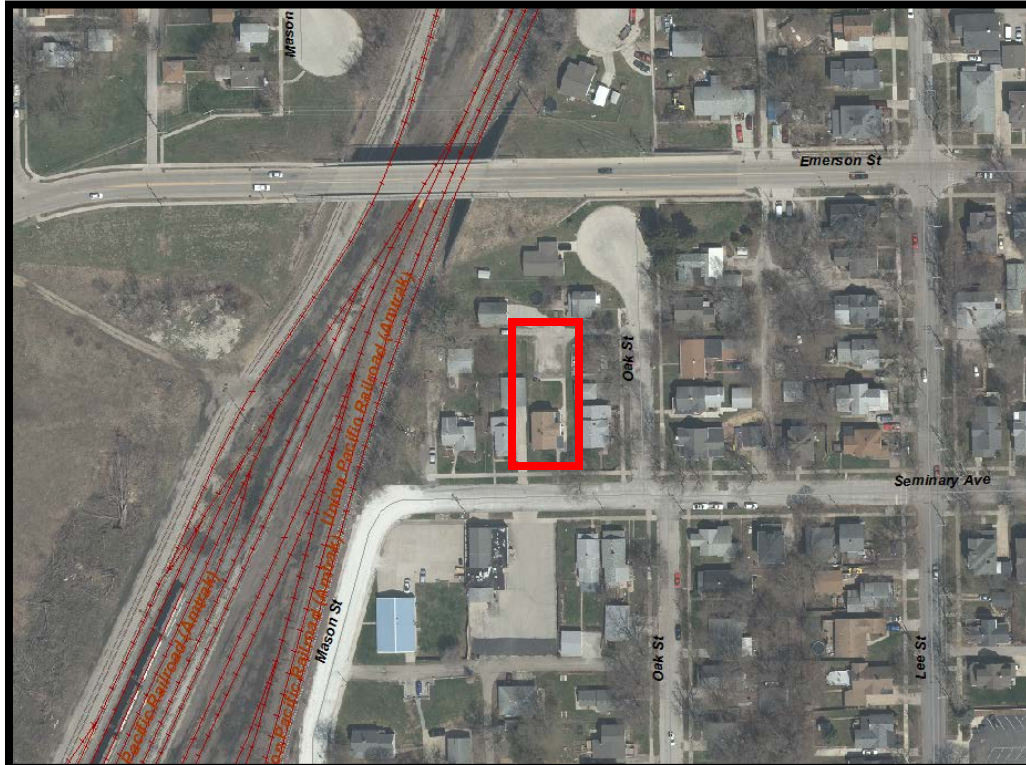
Katie Simpson, City Planner

**CITY OF BLOOMINGTON  
 REPORT FOR THE BOARD OF ZONING APPEALS  
 MARCH 15, 2017**

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
SP-03-17	603 Seminary Ave	Special Use	Katie Simpson, City Planner

<b>PETITIONER'S REQUEST:</b>	A special use permit to allow a duplex in the R-1C, Single Family Residential District.
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<b>STAFF RECOMMENDATION:</b>	Staff determines the <b>petition meets</b> the Zoning Ordinance's standards required to allow a special use for duplexes (4.10-3). <i>Staff recommends the Zoning Board of Appeals pass a motion providing Council with a recommendation to <b>approve</b> a special use permit for a duplex in the R-1C District at 603 Seminary Ave.</i>
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Location Map of Subject Property

N Δ



**NOTICE**

The application has been filed in conformance with applicable procedural requirements and public notice was published in *The Pantagraph* on February 27, 2017.

**GENERAL INFORMATION**

Owner and Applicant: Gerard Berthel and Karen Kinsella

**PROPERTY INFORMATION**

**Legal description**

WALNUT HILL LOT 9 BLK 10

Existing Zoning: R-1C, Single Family Residential District  
Existing Land Use: Formerly used as 3 apartments but destroyed by a fire  
Property Size: Approximately 7,450 square feet (50' X 149')  
PIN: 14-33-308-007

**Surrounding Zoning and Land Uses**

Zoning

North: R-1C, Single family residential district  
South: R-1C, Single family residential district  
South: M-1, Restricted manufacturing district  
East: R-1C, Single family residential district  
West: R-1C, Single family residential district  
West: M-1, Restricted manufacturing district

Land Uses

North: Single/two family home(s)  
South: Single/two family home(s)  
South: Social Club/Lodge  
East: Single/two family home(s)  
West: Single/two family home(s)  
West: Railroad tracks/ train depot

**Analysis**

Submittals

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

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

**PROJECT DESCRIPTION**



Picture of Subject Property

*Background*

The subject site is commonly known as 603 Seminary Street located east of the railroad tracks, west of N. Oak Street, north of Seminary Ave and south of W. Emerson Street. The neighborhood was established in 1887. It consists of single family homes. Duplexes are also found in the neighborhood. The parcel is approximately 7,450 square feet and was previously used as a three unit apartment building. In January 2017, the building was destroyed by a fire. The petitioner would like to rebuild and improve the subject property with a duplex. The R-1C district contemplates a higher density of single family homes and allows for duplexes with a special use permit. In addition to the bulk requirements of Chapter 44, a special use permit for a duplex has the following specific standards identified in Section 44.10-4:

- 1). Minimum Lot Area: 10,000 square feet
- 2). Minimum Lot Width: Seventy (70) feet
- 3). Maximum Height: Thirty five (35) feet or two (2) stories, whichever is less
- 4) Additional parking requirements: Two (2) parking spaces for each dwelling unit.

*Project Description:*

The petitioner proposes to construct a two-story duplex, approximately 1008 sq ft per floor. According to the site plan, the proposed duplex will comply with the twenty five (25) foot front and rear yard setbacks in the R-1C district and the six (6) foot side yard setbacks. Additionally, in the rear of the property, there is a concrete parking pad, approximately 45' X 35', and additional space for parking four vehicles. The zoning code allows parking in the rear yard.

**Link to Comprehensive Plan:** Goal H-1. *Ensure the availability of safe, attractive and high quality housing stock to meet the needs of all current and future residents of Bloomington.* The special use permit promotes housing options for residents.

Goal H-2. *Ensure reinvestment in the established older neighborhoods and compact development of the City.* The special use permit encourages new construction in an older part of the city which will add to the beautification of the area.

**Action by the Zoning Board of Appeals**

For each special use application the Zoning Board of Appeals shall report to the Council its findings of fact and recommendations, including 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 Zoning Board of 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 special use permit encourages the construction of a two unit building, which is less dense than the three unit building that previously existed. Additionally, the new construction will provide housing options that comply with the building and zoning codes geared at protecting the health and welfare of residents, and that contribute to the overall quality of

the neighborhood. Other duplexes are found nearby therefore the development is consistent and the property complies with off-street parking requirements which will reduce on-street congestion. The standard is met.

2. **That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;** the special use permit is consistent with patterns of neighborhood development. The duplex will comply with required setbacks and heights protecting the neighboring properties by allowing adequate green space and separation and maintaining a consistent building mass for the neighborhood. Parking will be provided on-site and in the rear of the property. 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;** duplexes exist in the neighborhood. The special use permit is consistent with other patterns of development. The proposed duplex is consistent with the mass of neighboring single-family and two-family homes. The standard is met.
4. **That the adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;** the property was improved with apartments. Utilities, access and roads are adequate. The new building will be constructed in the footprint of the former building. The construction will be required to comply with drainage requirements from the city's Engineering Department. 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;** Ingress and egress are provided in the rear of the property through an alley, as per the design of the neighborhood. Off street parking will be provided which should reduce congestion on the public streets. 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 Zoning Board of Appeals.** The proposed duplex meets the requirements explained in section 44.10-3. Section 44.10-4 requires a minimum lot width of seventy (70) feet and a minimum lot area of 10,000 sq ft. The petitioner is seeking variances from these requirements. If the variances are granted, the standard is met.

**STAFF RECOMMENDATION:**

Staff finds that the petition **has met the** Zoning Ordinance's standards required to allow a special use for duplexes. Staff recommends the Zoning Board of Appeals provide Council with a recommendation to **approve a special use petition** for a duplex in the R-1C district at 603 Seminary Ave, Case SP-03-17.

Respectfully submitted,

Katie Simpson  
City Planner

Attachments:

- Draft Ordinance
- Exhibit A-Legal Description
- Petition for a Special Use Permit
- Site Plan
- Aerial Map
- Zoning Map
- Newspaper Notice and Neighborhood Notice w/Map
- Notification Mailing List

DRAFT

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A**

**DUPLEX in the R-1C DISTRICT**

**FOR PROPERTY LOCATED AT: 603 Seminary 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 Duplex in the R-1C 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 duplex 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 603 W. Seminary Ave”

WALNUT HILL LOT 9 BLK 10

PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT:

603 SEMINARY

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)

GERARD BERGHEL  
KAREN KINSELLA

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 RIC 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 2 UNITS, are allowed as a special use in a RIC 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 RIC zoning district;

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

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

Respectfully submitted,

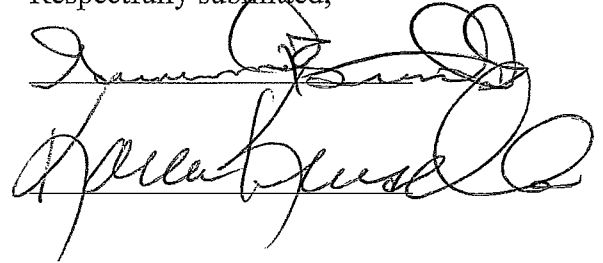




Exhibit "A"

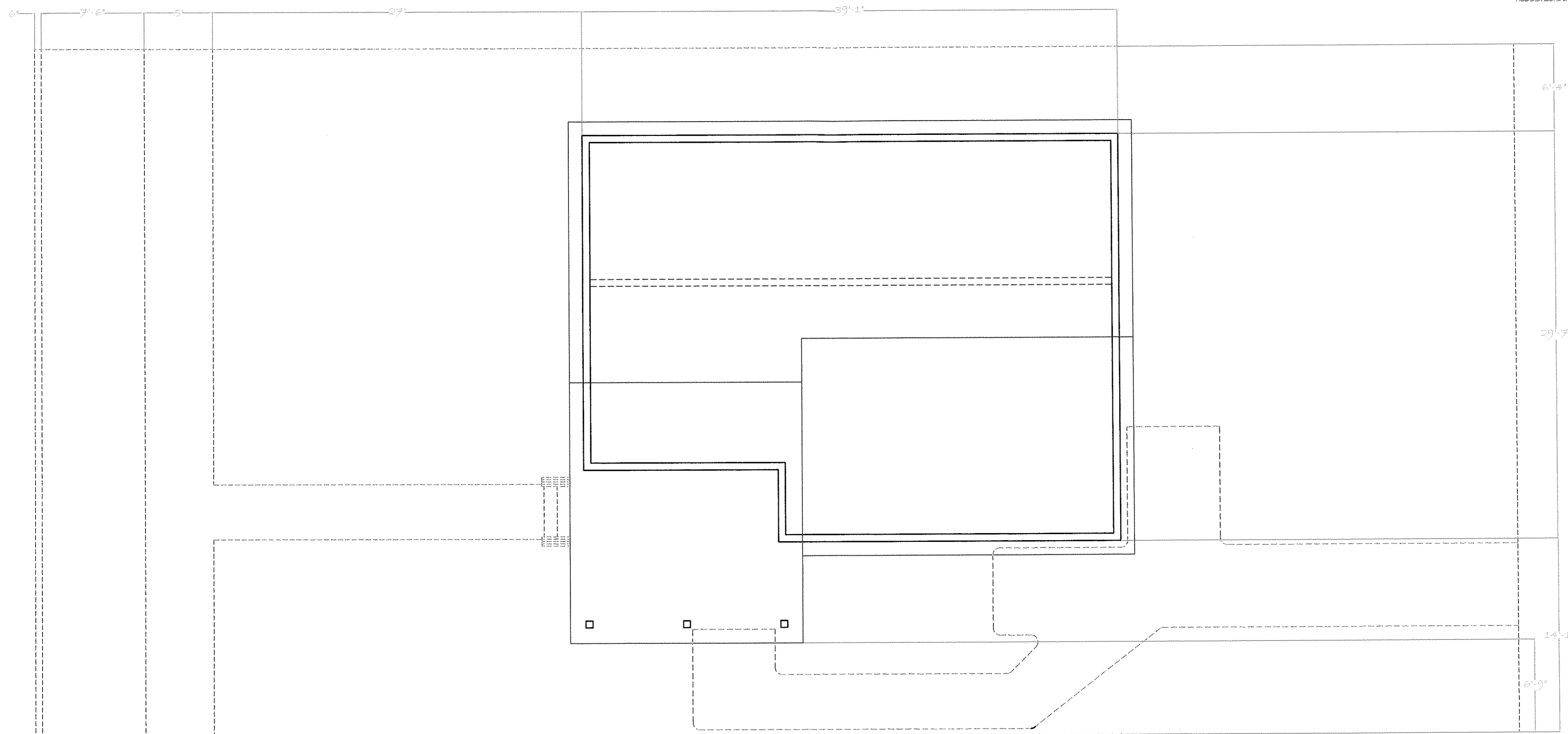
Legal Description for 603 W Seminary Street

WALNUT HILL LOT 9 BLK 10

603 Seminary Street,  
Bloomington, IL 61702

### Hadden Construction

Nicholaus Hadden - Owner  
PO Box 86, 210 S. Jefferson St.  
Flanagan, IL 61740  
309-303-7862  
haddenconstruction1@gmail.com

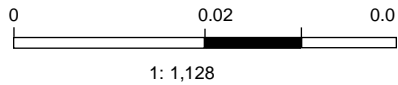


Site Plan  
149' x 50'  
Scale: 1/8"=1'

Drawn By:  
David R. Hadden  
309-434-0258  
davidhadden1010@gmail.com  
01/03/2017



Aerial view of 603 W Seminary Ave

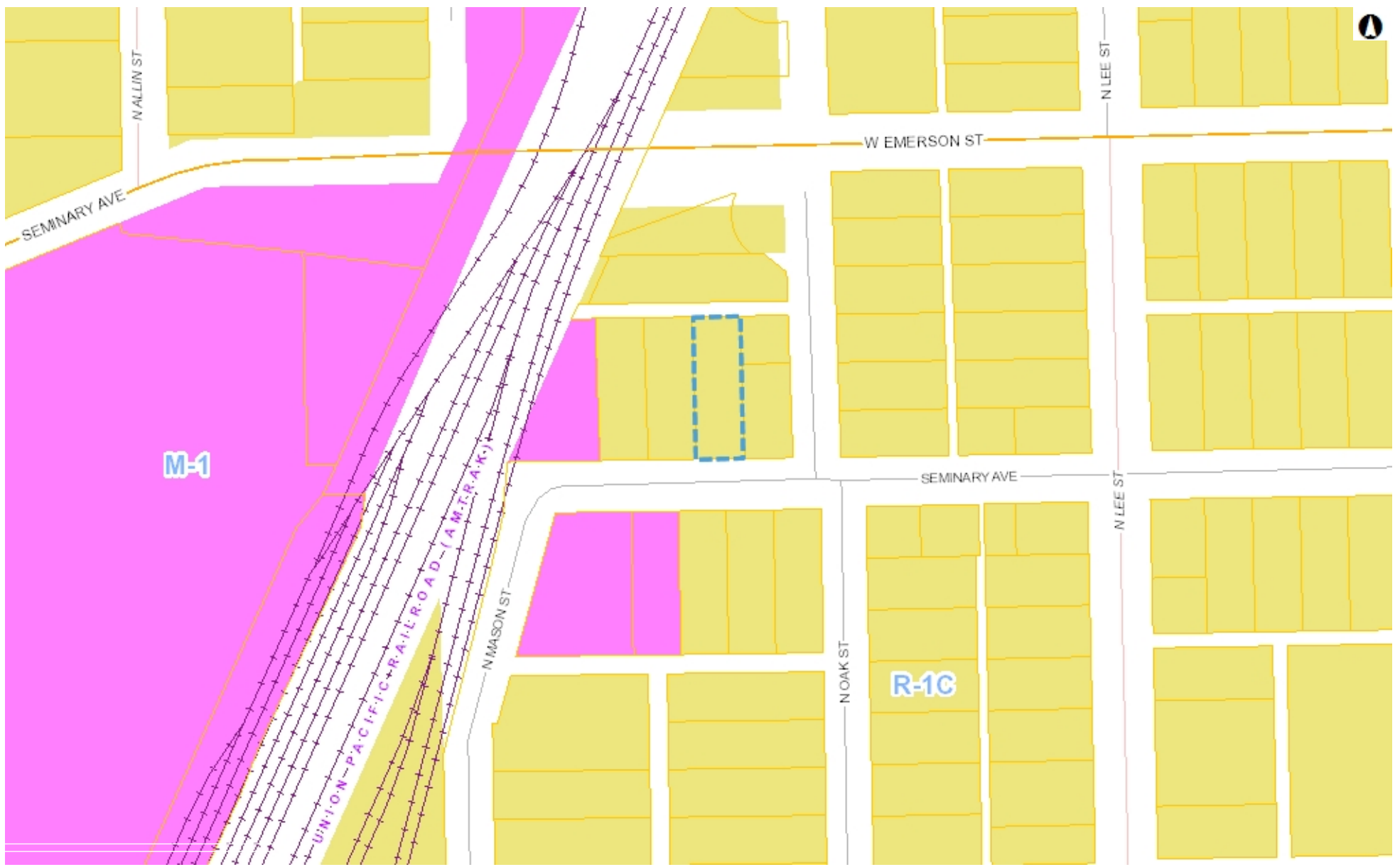


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Notes



# Zoning map for 603 W Seminary Ave



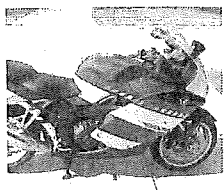
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Notes

**Cycles/ATV/Golf Carts**



**1200S 2006 model For an immaculately main-BMW motorbike. Rare low miles. Only gen-buyers should inquire. 7-6293**

**To Buy**

**AID for driveable or junk McLean County Auto e, 309-829-6231**

**Notices**

20866248  
E CIRCUIT COURT OF  
1TH JUDICIAL CIRCUIT  
AN COUNTY, ILLINOIS

**THE MATTER OF THE ESTATE OF:**

JAMES A. LEWIS,  
Deceased.  
CASE NO.: 2017 P 28

**CLAIM NOTICE**

Notice is given of the death of James A. Lewis. Letters of Executor's Estate were on February 3, 2017 to Huddlestone at 1201 North Drive, Bloomington, IL, who is the legal representative of the estate. The attorney for the estate is Barbara L. Huffman, McGreevy Williams, P.C., 6735 Vistagreen Way, Rockford, IL

Notice is given of the death of James A. Lewis. Letters of Executor's Estate were on February 3, 2017 to Huddlestone at 1201 North Drive, Bloomington, IL, who is the legal representative of the estate. The attorney for the estate is Barbara L. Huffman, McGreevy Williams, P.C., 6735 Vistagreen Way, Rockford, IL

**Classes, Workshops**

- North 02-27-17
- ♠ J 3
- ♥ 7 5 3 2
- ♦ A Q 8 5
- ♣ A K Q
- East
- ♠ A 2
- ♥ A K 10 9 8
- ♦ K 6 3
- ♣ 7 6 4
- South
- ♥ K Q 10 9 8 5 4
- ♦ 6 4
- ♠ 7 2
- ♣ 10 9

Dealer: East  
Unusable: East-West  
West North East

**Public Notices**

Notice is given of the death of James A. Lewis. Letters of Executor's Estate were on February 3, 2017 to Huddlestone at 1201 North Drive, Bloomington, IL, who is the legal representative of the estate. The attorney for the estate is Barbara L. Huffman, McGreevy Williams, P.C., 6735 Vistagreen Way, Rockford, IL

Claims against the estate may be filed in the office of the McLean County Circuit Clerk, Probate Division, at the McLean County Courthouse, 104 W. Front Street, Bloomington, IL 61701, or with the estate's legal representative, or both.

Copies of claims filed with the Circuit Clerk's Office, Probate Division, must be mailed or delivered to the estate's legal representative and to his/her attorney within ten (10) days after it has been filed.

DATED: February 13, 2017 By: McGreevy Williams, P.C.

By: Barbara L. Huffman  
Attorney for  
Michelle Huddlestone, Executor

Barbara L. Huffman, #6206077  
Attorney for Estate  
McGreevy Williams, P.C.  
6735 Vistagreen Way  
Rockford, IL 61107  
815.639.3700

20866266  
STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF  
THE ELEVENTH JUDICIAL  
CIRCUIT  
McLEAN COUNTY

ESTATE OF  
JAMES W. GAFFNEY,  
Deceased  
No. 16-P-218

**CLAIM NOTICE**

Notice is given of the death of James W. Gaffney of 400 North Allen Street, LeRoy, Illinois.

Letters of office were issued on November 1, 2016, to Rickie A. Gaffney, 107 Cardinal Drive, LeRoy, IL 61742-1307, as executor whose attorneys are, FABRICIUS & LINDIG, 320 West Jefferson Street, Suite 200, Ottawa, Illinois 61350.

Claims against the estate may be filed in the Office of the Circuit Clerk, McLean County Courthouse, Bloomington, Illinois 661701, or with the representative, or both, within six (6) months from the date of first publication of this Notice. If claim notice is personally mailed or delivered to a creditor of the above estate, then claim must be filed in the above entitled cause within three months from the date of mailing or delivery, whichever is later. Any claims not filed within the above periods are barred.

Copies of a claim filed with the Clerk must be mailed or delivered to the Representative and

**Public Notices**

to the attorney within ten (10) days after it has been filed.

DON R. EVERHART, JR.,  
CLERK OF THE ELEVENTH  
JUDICIAL CIRCUIT  
MCLEAN COUNTY, ILLINOIS

20866441  
STATE OF ILLINOIS,  
CIRCUIT COURT  
McLEAN COUNTY  
NOTICE OF FILING A  
REQUEST  
FOR NAME CHANGE  
(ADULT)

Request of:  
Navtej Singh  
Case Number 16MR1224  
There will be a court hearing on my request to change my name from:  
Navtej Singh  
to the new name of:  
Navtej Singh Dhillon.  
The court hearing will be held: on March 10, 2017 at 9 am at 104 W. Front Street, Bloomington, IL, McLean County In Courtroom # 5C.  
Navtej Singh

20866443  
STATE OF ILLINOIS,  
CIRCUIT COURT  
McLEAN COUNTY  
NOTICE OF FILING A  
REQUEST  
FOR NAME CHANGE  
(ADULT)

Request of:  
Prabjot Kaur Grewal  
Case Number 17MR74  
There will be a court hearing on my request to change my name from:  
Prabjot Kaur Grewal  
to the new name of:  
Prabjot Kaur Dhillon  
The court hearing will be held: on April 6, 2017 at 9am at 104 W. Front Street, Bloomington, IL, McLean County In Courtroom # 5C.  
Prabjot Kaur Grewal

**20867855  
CITY OF BLOOMINGTON  
PUBLIC HEARING NOTICE**

Public Notice is hereby given that the Zoning Board of Appeals will hold a public hearing on Wednesday March 15, 2017 at 4:00 PM in the Council Chambers, 109 E. Olive Street, Bloomington, Illinois to hear testimony on petitions submitted by Gerard Berthel and Karen Kinsella, requesting the following approvals for the property at 603 Seminary Street: 1) a Special Use Permit to allow a duplex in the R-1C, Single Family Residence District; 2) a Variance to allow a lot width of 50 ft in lieu of the 70 ft minimum (44.10-4); and 3) a Variance to allow a lot area of 7400 sq ft in lieu of the required 10,000 sq ft (44.10-4).

LEGAL DESCRIPTION: Walnut Hill, Lot 9 Block 10. PIN: 14-33-308-007

All interested persons may present their views upon such

**Public Notices**

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:  
February 27, 2017

**20868711**

**LEGAL NOTICE OF INVITATION TO BID CITY OF BLOOMINGTON, ILLINOIS**

Sealed bids will be received at the office of the City Clerk, City Hall, 109 East Olive Street, Bloomington, Illinois 61701, until 11:00 a.m. Central Time Monday, March 13, 2017, at which time they will be publicly opened and read for the following: BID # 2017-38 LAKE BLOOMINGTON WATER TREATMENT PLANT ANNEX ROOF REPLACEMENT. A pre-bid meeting will be held at the Lake Bloomington Water Treatment Plant located at 25539 Waterside Way, Hudson, IL, 61748 on Monday, March 6, 2017 at 1:00 p.m. Bid documents are to be obtained from the City of Bloomington Procurement Services by sending an email to procurement@cityblm.org. Respondents must provide their complete name, company name, street address, telephone number, fax number and their email address. Bid documents may also be obtained at the office of the City Clerk, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. Central time. Only contractors recorded with the City, as a bona fide plan holder, are eligible for the contract award. The City of Bloomington reserves the right to reject any and all bids and to waive technicalities. The City of Bloomington requires all contractors and vendors doing business with the City not to discriminate on the basis of race, age, color, religion, gender, ancestry, national origin, marital status, mental or physical disability unrelated to abil-

**Public Notices**

ity, familial status or sexual orientation. Bid must be accompanied by a Bid guaranty which shall not be less than five percent (5%) of the amount of the Bid. The successful bidder will be required to provide a Performance Bond and a Payment Bond in the amount equal to 100% of the contract price, within ten (10) business days after the proposal award. Contractors shall not pay less than the prevailing rates of wages to all laborers, workmen, and mechanics performing work under this contract, and shall comply with the requirements of the Illinois Prevailing Wage Act (820 ILCS 130/1-12). Jon C. Johnston, Procurement Manager  
Published February 27th, 2017  
Bloomington, Illinois

**20869119  
NOTICE**

Notice is hereby given that Adrian Deonte Arrington 2216 Rainbow Avenue Unit D Bloomington, IL 61704 is the full name and address of the person owning, conducting and transacting a business known as Seize The Moment 2216 Rainbow Avenue Unit D Bloomington, IL 61704. This publication is being made as provided under 805 ILCS 405/1.

**20869248  
VILLAGE OF DOWNS JOINT REVIEW BOARD MEETING NOTICE**

JOINT REVIEW BOARD MEETING NOTICE  
Village of Downs, Illinois  
TIF's #1, #2 and #3  
March 9, 2017 at 5:00 PM  
Village Hall  
211 S. Seminary  
Downs, IL

Notice is hereby given that on March 9, 2017 at 5:00 PM at the Village Hall 211 S. Seminary, Downs, Illinois; the joint review board for the Village of Downs, Illinois TIF's 1, 2 and 3 will hold an annual meeting as required by the Tax Increment Allocation Redevelopment Act. Members of the joint review board consist of a representative selected by each community college district, local elementary district, and high school district or each local community unit school district and county that has authority to directly levy taxes on the property within the applicable redevelopment project area, a representative selected by the Village and public member.

Julie James  
Village of Downs Clerk

Going out to eat? Pantagraph.com/restaurants is your guide to over 370 area restaurants. Go online to find the perfect place! Address, phone, pricing, menus and more.

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A	L	A	S		I	D	A	R	E		H	I	P	B	O	O	T	I	E	S		
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**Check out  
The Pantagraph  
GO! section**



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

February 16, 2017

Dear Property Owner or Resident:

The Zoning Board of Appeals will hold a public hearing on Wednesday March 15, 2017 at 4:00 PM in the Council Chambers, 109 E. Olive Street, Bloomington, Illinois to hear testimony on petitions submitted by Gerard Berthel and Karen Kinsella, requesting the following approvals for the property at 603 Seminary Street: 1) a Special Use Permit to allow a duplex in the R-1C, Single Family Residence District; 2) a Variance to allow a lot width of 50 ft in lieu of the 70 ft minimum (44.10-4); and 3) a Variance to allow a lot area of 7400 sq ft in lieu of the required 10,000 sq ft (44.10-4). All interested persons may present their views upon such matters pertaining thereto at the public hearing. The petitioner or his/her Counsel/Agent must attend the meeting. A legal description of the subject property is attached to this letter.

LEGAL DESCRIPTION: Walnut Hill, Lot 9 Block 10. PIN: 14-33-308-007

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

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

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

Sincerely,

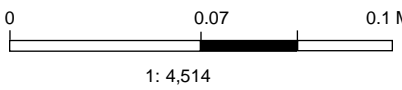
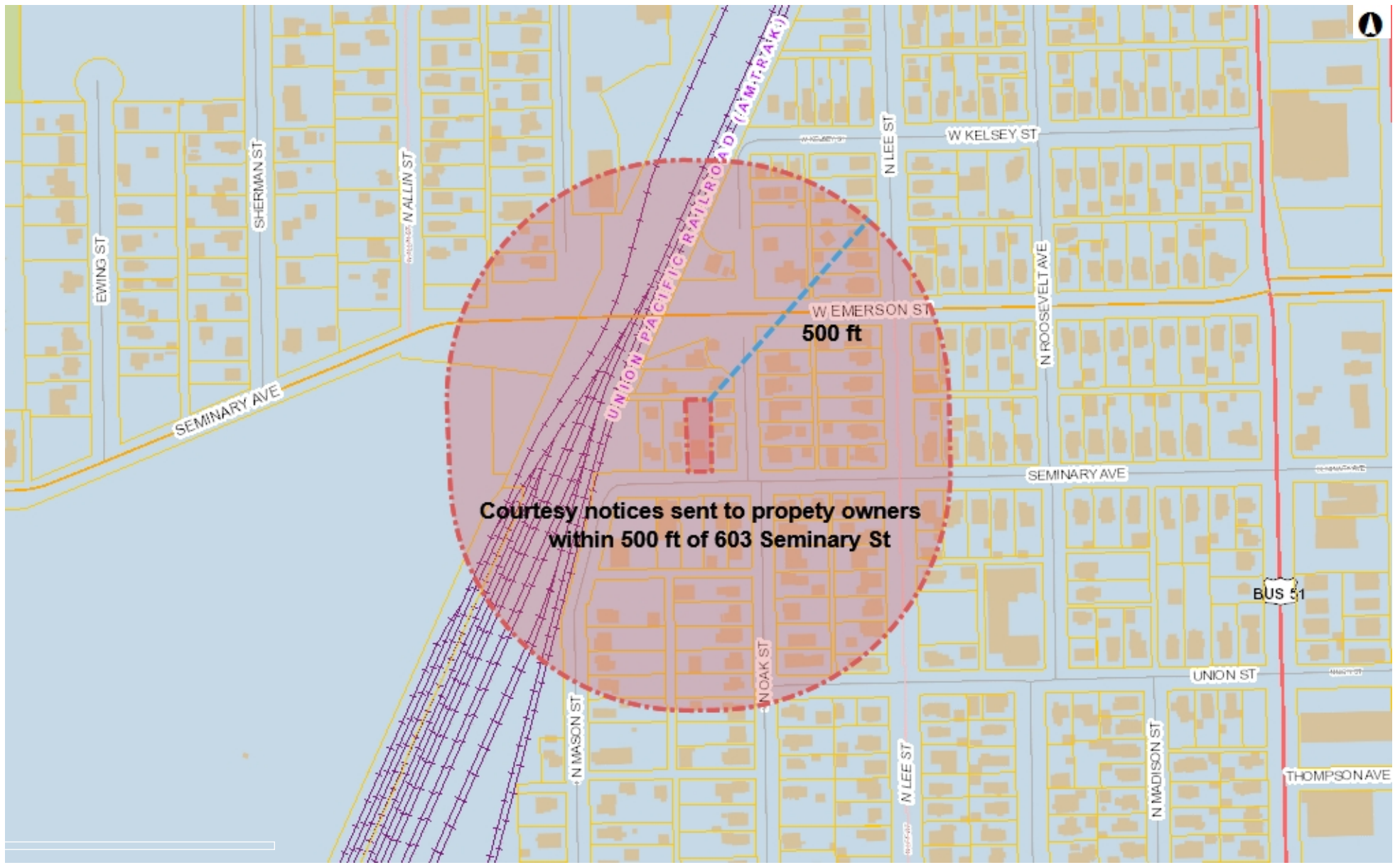
Katie Simpson  
City Planner

Attachments:

Map of notified properties within 500 ft of subject property



# Public Hearing for a Special Use Permit to allow a Duplex at 603 Seminary Street



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

Printed: 2/16/2017 3:39:23 PM

**Notes** Zoning Board of Appeals  
 Wednesday, March 15, 2017  
 109 E Olive Street  
 Bloomington IL 61701

MATTHEW L & LISA M SANTIS  
1025 SHADOWOOD LN  
CRYSTAL LAKE IL 600148386

SAM EVANS  
1221 N MASON ST  
BLOOMINGTON IL 617011648

BARBARA MCCOWAN  
1222 N OAK ST  
BLOOMINGTON IL 61701

NATHANIEL W TRICKEY  
1223 N MASON  
BLOOMINGTON IL 61701

STEPHEN & LAURA GAFFNEY  
1224 N OAK ST  
BLOOMINGTON IL 617011651

DAVID NABOROWSKI  
1225 N MASON ST  
BLOOMINGTON IL 617011648

KYLE D SUTTON  
1227 N MASON  
BLOOMINGTON IL 61701

RANDY KULL & MELVIN KULL ROAD-  
READY SIGNS  
1231 N MASON ST  
BLOOMINGTON IL 617011648

SUSAN PELAEZ  
1302 N LEE ST  
BLOOMINGTON IL 617011643

ANGEL K HALL  
1304 N LEE  
BLOOMINGTON IL 61701

Tamara Heiman  
1306 N Oak St  
Bloomington IL 617011653

LORI BALLARD  
1307 N OAK  
BLOOMINGTON IL 61701

ERIC EITNER  
1308 N LEE ST  
BLOOMINGTON IL 61701

RANDY MARRS  
1308 N OAK ST  
BLOOMINGTON IL 617011653

LARRY L FRITCHER  
1309 N LEE ST  
BLOOMINGTON IL 617011642

FIDEL & JOSEFINA GARCIA  
1309 N OAK  
BLOOMINGTON IL 61701

RUSSELL G STEVENS  
1310 N Lee St  
Bloomington IL 617011643

RHETT DILLEY  
1310 N MASON ST  
BLOOMINGTON IL 617011631

MAPLE HILL PROPERTIES LLC  
1311 N OAK ST  
BLOOMINGTON IL 61701

MATTHEW R WALTERS  
1312 N LEE ST  
BLOOMINGTON IL 61701

LEONARD T BOITNOTT  
1312 N MASON ST  
BLOOMINGTON IL 617011631

DAVID C HEINKEL  
1314 N MASON  
BLOOMINGTON IL 61701

JOSPEH L & CASSIE N KAUFMAN  
1315 N ALLIN ST  
BLOOMINGTON IL 617011601

DELTA PROPERTIES INC  
1316 E EMPIRE STE A  
BLOOMINGTON IL 61704

GERARD & KAREN KINSELLA BERTHEL  
14 BRIARWOOD AVE  
BLOOMINGTON IL 617011920

MICHAEL RADEMACHER  
1404 N LEE ST  
BLOOMINGTON IL 617011645

GREGORY VOGEL  
1405 N OAK ST  
BLOOMINGTON IL 617011654

AARON T WIESSING  
1408 N OAK ST  
BLOOMINGTON IL 617011655

MICHELLE BAUGHMAN  
1409 N. OAK ST.  
BLOOMINGTON IL 61701

ROBERT J WILLIAMS  
1409 SHERIDAN ST  
BLOOMINGTON IL 617013739



BRAD & MARTHA BUTZIRUS  
14225 N 900 EAST RD  
BLOOMINGTON IL 617046973

JONATHAN & LINDA CURTIS  
1502 NORTH LEE  
BLOOMINGTON IL 61701

LINDA L PATE  
1504 N LEE ST  
BLOOMINGTON IL 617011627

JESSICA PETERSON  
1504 N OAK ST  
BLOOMINGTON IL 61701

GEORGE D & TWILA BRADEN  
1506 N LEE ST  
BLOOMINGTON IL 617011627

DONNA THACKER  
1508 N LEE  
BLOOMINGTON IL 61701

KARRI TURNER  
1509 N OAK ST  
BLOOMINGTON IL 61701

LESTER & CAROL GLASSCOCK  
1510 N LEE  
BLOOMINGTON IL 61701

CASEY KETELSEN  
16 PEMBROOK CIR  
BLOOMINGTON IL 617046296

MCLT LV 21  
1716 R T DUNN DR STE 4  
BLOOMINGTON IL 617018730

BETTY R ROLEY  
1731 E LINCOLN ST  
BLOOMINGTON IL 617016966

% DAVID L. ROBBINS DAVID L & JODI S  
ROBBINS JOINT TENANCY LIVING TRUS  
18599 N APACHE PATH  
DANVERS IL 617329045

BRIAN JUNGHANS  
200 N LINDEN  
NORMAL IL 61761

KEVIN DRAEGER  
202 GRANDVIEW DR  
NORMAL IL 617613135

DML REAL ESTATE LLC  
202 N CENTER ST STE 2  
BLOOMINGTON IL 617013970

MARK & JENNIFER BOOLMAN  
204 S ALLIN ST  
BLOOMINGTON IL 617014932

EQUITY TRUST  
225 BURNS RD  
ELYRIA OH 440351512

LB LLLP  
24110 RON SMITH MEMORIAL HWY  
HUDSON IL 617487407

ANNETTA O MILLER TRUSTEE  
32 COUNTRY CLUB PL  
BLOOMINGTON IL 617013402

TIMOTHY J ROBERTS  
37895 NORMANDY RD  
WINCHESTER CA 925968447

PHILIP F ADELEYE  
3950 N LAKE SHORE DR APT 1228E  
CHICAGO IL 606133446

CROSSWINDS COMMUNITY CHURCH  
400 UNION ST  
BLOOMINGTON IL 617011699

RYAN & REBECCA LESSEN FIALA  
408 W Emerson St  
Bloomington IL 617011614

BRADLEY D & DEBORAH HANEY  
409 W EMERSON  
BLOOMINGTON IL 61701

D EDWIN LIND  
410 SEMINARY AVE  
BLOOMINGTON IL 617011665

JAMES P & SAMANTHA KIRKTON  
410 W EMERSON ST  
BLOOMINGTON IL 617011614

PAUL JOHNSON  
4681 E 1400 N RD  
DANVERS IL 61732

GENE LEGRAND  
503 MAPLE PL  
NORMAL IL 617613929

JASON L LEINBERGER  
504 W SEMINARY ST  
BLOOMINGTON IL 61701

HOMER A SOWDER III  
505 W EMERSON ST  
BLOOMINGTON IL 617011615

STEPHEN J WHALEN  
507 UNION ST  
BLOOMINGTON IL 617011675

PHILLIP S & JUDY ZAHN MILLER MILLER  
507 W SEMINARY  
BLOOMINGTON IL 61701

EVELYN JOYCE NEAL  
512 W KELSEY STREET  
BLOOMINGTON IL 61701

STEVEN LISTWAN  
513 SEMINARY AVE  
BLOOMINGTON IL 617011666

SHANE BROWN  
601 W SEMINARY  
BLOOMINGTON IL 61701

PHILLIP L & RACHEL BUNTING SMITH  
602 W SEMINARY  
BLOOMINGTON IL 61704

ROBERT LYLE REINER  
604 W SEMINARY AVE  
BLOOMINGTON IL 61701

RUSSELL BROCK  
605 W SEMINARY AVE  
BLOOMINGTON IL 617011668

TODD BUGG  
606 N LINDEN ST  
NORMAL IL 617611707

MAGDALENO & SANDRA NIETO  
607 SEMINARY AVE  
BLOOMINGTON IL 617011668

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

JAMES R VAN VALEY  
726 N JACKSON ST  
CLINTON IL 617271015

CRAWFORD PROPERTIES  
BLOOMINGTON LLC  
911 1/2 N MASON ST  
BLOOMINGTON IL 617012822

CHICAGO LOGAN DEVELOPMENT  
P O BOX 825  
NORMAL IL 61761

**CITY OF BLOOMINGTON  
REPORT FOR THE BOARD OF ZONING APPEALS  
MARCH 15, 2017**

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-04-17	603 Seminary Ave	Variance	Katie Simpson, City Planner

**PETITIONER'S REQUEST:**

Section of Code: 44.10-4 Special Use Requirements

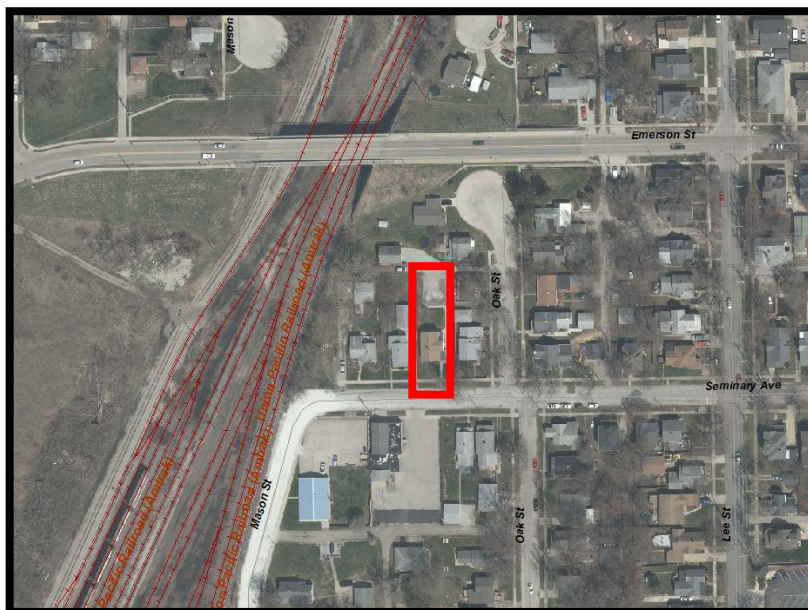
Type of Variance	Request	Required	Variation
Min. Lot Width	50 ft	70 ft	20 ft decrease

Section of Code: 44.10-4 Special Use Requirements

Type of Variance	Request	Required	Variation
Min. Lot Area	7450 sq ft	10,000 sq ft	2550 sq ft decrease

**STAFF  
RECOMMENDATION:**

Staff determines the **petition meets** the Zoning Ordinance's standards required to grant a variance (4.13-3).  
*Staff recommends the Zoning Board of Appeals **approve two** variances for 603 Seminary Ave to allow 1). a minimum lot width of 50ft in lieu of 70ft for a duplex in the R-1C district, and; 2) a minimum lot area of 7450 sq ft in lieu of 10,000 sq ft for a duplex in the R-1C district.*



Location Map of Subject Property

**NOTICE**

The application has been filed in conformance with applicable procedural requirements and public notice was published in *The Pantagraph* on February 27, 2017.

**GENERAL INFORMATION**

Owner and Applicant: Gerard Berthel and Karen Kinsella

**PROPERTY INFORMATION**

**Legal description**

WALNUT HILL LOT 9 BLK 10

Existing Zoning: R-1C, Single Family Residential District  
 Existing Land Use: Formerly used as 3 apartments but destroyed by a fire  
 Property Size: Approximately 7,400 square feet (50' X 149')  
 PIN: 14-33-308-007

**Surrounding Zoning and Land Uses**

Zoning

North: R-1C, Single family residential district  
 South: R-1C, Single family residential district  
 South: M-1, Restricted manufacturing district  
 East: R-1C, Single family residential district  
 West: R-1C, Single family residential district  
 West: M-1, Restricted manufacturing district

Land Uses

North: Single/two family home(s)  
 South: Single/two family home(s)  
 South: Social Club/Lodge  
 East: Single/two family home(s)  
 West: Single/two family home(s)  
 West: Railroad tracks/ train depot

**Analysis**

Submittals

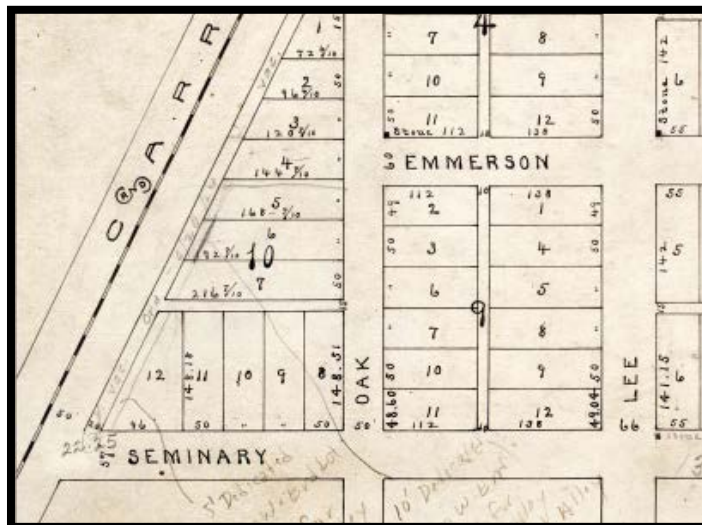
This report is based on the following documents, which are on file with the Community Development Department:

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

**PROJECT DESCRIPTION**

Pictured:  
 Plat of Subject  
 Property

Lot 9



*Background*

The subject site is commonly known as 603 Seminary Street located east of the railroad tracks, west of N. Oak Street, north of Seminary Ave and south of W. Emerson Street. The neighborhood was platted in 1887. The neighborhood consists primarily of single family homes but some duplexes also exist in the area.

The parcel is approximately 7,450 square feet and was previously used as a three unit apartment building. In January 2017, the building was destroyed by a fire. The petitioner would like to rebuild and improve the subject property with a duplex. The R-1C district contemplates a higher density of single family homes and allows for duplexes with a special use permit. In addition to the bulk requirements of Chapter 44, a special use permit for a duplex has the following specific standards identified in Section 44.10-4:

- 1). Minimum Lot Area: 10,000 square feet
- 2). Minimum Lot Width: Seventy (70) feet
- 3). Maximum Height: Thirty five (35) feet or two (2) stories, whichever is less
- 4) Additional parking requirements: Two (2) parking spaces for each dwelling unit.

The minimum lot area and width requirements are intended to maintain the 6 dwelling units/acre density of the R-1C district.

*Project Description:*

The petitioner proposes to construct a two-story duplex, approximately 1008 sq ft per floor. According to the site plan, the proposed duplex will comply with the twenty five (25) foot front and rear yard setbacks in the R-1C district and the six (6) foot side yard setbacks. Additionally, in the rear of the property, there is a concrete parking pad, approximately 45' X 35', and additional space for parking four vehicles. The zoning code allows parking in the rear yard. The additional requirements for a special use permit have established minimum lot area and widths, the property does not comply with these minimums.

The following is a summary of the requested variations:

**Applicable Code Sections:**

---

Section of Code: 44.10-4 Special Use Requirements

<b>Type of Variance</b>	<b>Request</b>	<b>Required</b>	<b>Variation</b>
Min. Lot Width	50 ft	70 ft	20 ft decrease

---

Section of Code: 44.10-4 Special Use Requirements

<b>Type of Variance</b>	<b>Request</b>	<b>Required</b>	<b>Variation</b>
Min. Lot Area	7450 sq ft	10,000 sq ft	2550 sq ft decrease

**Analysis**

**Variations from Zoning Ordinance**

The petitioner would like to build a two-story duplex and is seeking a special use permit.

The existing lot meets the minimum lot width and area required in the R-1C District of 50ft and 6,600 sq ft, respectively. However, the lot does not meet the additional requirements of 44.10-4.

The code's requirement of 10,000 sq ft and 70ft width is intended to protect the six dwelling unit per acre density of the R-1C district. This minimum width and minimum area are consistent with the bulk requirements of the R-1B, medium density single family home zoning district, which has a density of four dwelling units per acre.

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

### **FINDINGS OF FACT**

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

**That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and** the property was platted in 1887 and developed at the beginning of the 20<sup>th</sup> century. The lot was designed to be 50ft wide and 148.51 feet deep. This neighborhood was created for higher density development and includes a number of two-family homes originally constructed on the 50' X149' lots. The surrounding area is already developed and acquiring additional land is not an option. In this situation, the combination of the size of the lot, the year the neighborhood was established, and the developed, surrounding area creates a physical hardship which makes strict adherence to the code unreasonable. The standard is met.

**That the variances would be the minimum action necessary to afford relief to the applicant; and** the surrounding area is already developed and acquiring additional land to expand the size of the lot is not an option. The variance would be the minimum action necessary to afford relief, the proposed duplex complies with the other requirements of the R-1C district and would be compatible in mass and height to the other homes in the area. The standard is met.

**That the special conditions and circumstances were not created by any action of the applicant; and** the neighborhood was established over a century ago with 50 foot wide lots. The lot size has not changed since it was platted and since the area was developed. The circumstances were not created by the petitioner. The proposed duplex complies with all other requirements of the code. The standard is met.

**That granting the variation request will not give the applicant any special privilege that is denied to others by the Code; and** the neighborhood was planned in 1887 with lots 50 feet by 148.51 feet. This area was zoned R-2 (two family homes) in 1955, other duplexes exist in the neighborhood on lots that do not meet the minimum requirements of Section 44.10-4. These duplexes are consistent in mass and height with the surrounding single family homes. The

proposed duplex would also be consistent in mass and height. The variance will not award a special privilege to the applicant. 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 property had existed as a three unit apartment, the proposed duplex reduces the density of the neighborhood. In 1955, this area was zoned for two family dwelling units. In 1955, this area was zoned for two family dwelling units which would have allowed the establishment of duplexes on the existing lot sizes. The proposed duplex will blend with the single family and two family homes because it will be similar in mass and height and should help to maintain the original character of the neighborhood. Additionally, the proposed duplex complies with the parking and setback requirements which contribute to decreased on-site congestion and does not impair the development of adjoining properties. The standard is met.

**STAFF RECOMMENDATION:**

*Staff recommends the Zoning Board of Appeals **approve** two variances for 603 Seminary Ave to allow 1). a minimum lot width of 50ft in lieu of 70ft for a duplex in the R-1C district, and; 2) a minimum lot area of 7450 sq ft in lieu of 10,000 sq ft for a duplex in the R-1C district.*

Respectfully submitted,

Katie Simpson  
City Planner

Attachments:

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

CD 29054

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: 603 SEMINARY

Site Address: \_\_\_\_\_

Petitioner: GERARD BERTHEL / KAREN KINSELA Phone: 309 660-6831

Petitioner's Email Address: GERARDBERTHEL@YAHOO.COM

Petitioner's Mailing Address Street: 409 E LOCUST 61701

City, State, Zip Code: BLOOMINGTON, IL 61701

Contractual interest in the property  yes  no

Signature of Applicant 

Brief Project Description: FIRE ON 2<sup>ND</sup> FLR. REMODEL AFTER FIRE MAKING 3 UNITS INTO 2.

Code Requirements Involved: PLANS SUBMITTED TO MIKE CONROY. HE REVIEWED. MADE US AWARE OF ALL CODE REQUIREMENTS. EXISTING LOT IS 50 X 148.8

Variances(s) Requested:

- ① 50' LOT WIDTH REQUESTING VARIANCE AS 70' WIDTH IS REQUIRED. CODE 4410-4
- ② REQUEST VARIANCE FOR EXISTING LOT SIZE OF 7400 SQ FT. REQUIRED 10,000 SQ FT.

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





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

Chapter 44, Section 9.40(d)

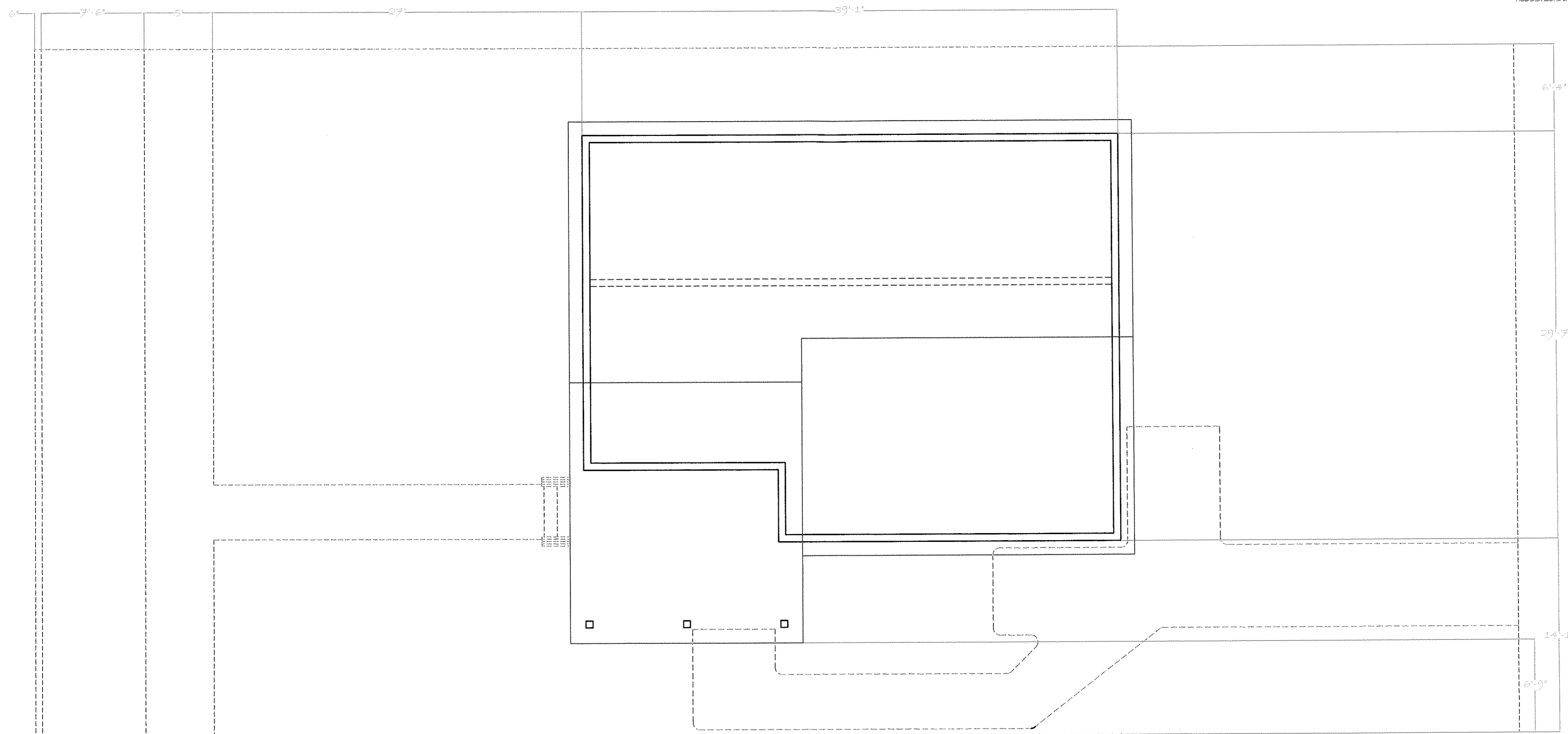
A variation from the terms of this Code shall not be granted by the Zoning Board of Appeals unless and until findings of fact are submitted demonstrating:

1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and
  
2. That the variance would be the minimum action necessary to afford relief to the applicant; and
  
3. That the special conditions and circumstances were not created by any action of the applicant; and
  
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  
BUILDING ALREADY EXIST AS 3 UNIT BLDG.
  
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.

603 Seminary Street,  
Bloomington, IL 61702

### Hadden Construction

Nicholaus Hadden - Owner  
PO Box 86, 210 S. Jefferson St.  
Flanagan, IL 61740  
309-303-7862  
haddenconstruction1@gmail.com



Site Plan  
149' x 50'  
Scale: 1/8"=1'

Drawn By:  
David R. Hadden  
309-434-0258  
davidhadden1010@gmail.com  
01/03/2017