



**AGENDA
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING
CITY HALL COUNCIL CHAMBERS
109 EAST OLIVE ST.
BLOOMINGTON, IL 61701
WEDNESDAY, NOVEMBER 20, 2019 at 4:00 P.M.**

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT

D. MINUTES Consideration, review and approval of Minutes from the Sept. 18, 2019 meeting.

E. REGULAR AGENDA

- A. SP-04-19** Consideration, review and approval of a petition for a special use permit for a Sports/Fitness Establishment in the M-1 District for property located at 1601 S Bunn St., submitted by Nordines' Heating and Cooling Supply, Inc. (Ward 1).
- B. Z-08-19** Consideration, review and approval of a petition for a fence variance located at 916 W. Wood Street, submitted by Mr. Steven Barr. The applicant is requesting to face the unfinished side of the fence towards the neighbor's yard (Ward 6).
- C. Z-10-19** Consideration, review and approval of a petition for a parking lot front yard variance located at 9 Heartland Drive, submitted by Dr. Stephen Pilcher. The applicant is requesting a six feet reduction in the front yard setback from the parking lot (Ward 3).

F. OTHER BUSINESS

G. NEW BUSINESS

- A.** Approve 2020 meeting dates.

H. ADJOURNMENT

**DRAFT
MINUTES
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, SEPTEMBER 18, 2019
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

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

Members absent: Mr. Michael Rivera Jr, and Mr. Richard Vitengruber

Also present: Mr. George Boyle, Assistant Corporation Counsel
Ms. Casey Weeks, Assistant City Planner
Ms. Katie Simpson, City Planner

Ms. Harris called the meeting to order at 4:02 p.m. Ms. Simpson called the roll; with six members present, the Zoning Board of Appeals established a quorum.

PUBLIC COMMENT: None.

MINUTES: The Zoning Board of Appeals reviewed the July 17, 2019 regular meeting minutes. Mr. Ballantini motioned to approve the minutes as corrected. Seconded by Mr. Noonan. The motion to accept the minutes as amended, was unanimously approved, 4-0 by voice vote.

1. REGULAR AGENDA

- A. SP-03-19 Consideration, review and approval of a petition for a special use permit for a Sports/Fitness Establishment in the D-2 Downtown Transition District at 216 E. Grove Street, submitted by Axe Social LLC. (Ward 6).**

Ms. Simpson gave the staff recommendation in favor of the petition and presented findings. Staff reports how the application applies to the zoning ordinance and whether it fits with the comprehensive plan. Staff is recommending in favor for the petition for the sports and fitness establishment. The primary use would be for ax throwing, but the special use would also allow for dart throwing, badminton, other sports and recreational activities. The property is in the Downtown Transition District. The building was built in the early 1900s and has had various uses including storage, and auto parts sales. The building has been vacant for a few years. Staff is encouraged at the interest in reusing the building and bringing it back to life again. The Sports and fitness use is considered with a Special Use Permit. The Parking lot that serves this building is only half of the lot next door to the building with cross-easement access from US 51. There is also on-street parking on Gridley and Prairie. The Lincoln Parking Deck is within 500 feet to the building with free parking on nights and weekends. The petitioner is only developing a portion of the building. The total parking required is 36 spaces on site and 3 bicycle spaces.

There are established ax throwing leagues with as throwing establishments in Peoria and Chicago. There are established safety regulations, rules, and guidelines with the various sport leagues. Offices buffer the building to the east from residences. The *Bring It On Bloomington* Comprehensive Plan suggests that the City encourage development downtown and reuse of existing structures. It encourages business retention and recruitment in the downtown with a variety of uses and amenities for downtown residents and workers. The Standards are met with access to utilities and no new infrastructure. The owner will need to get a building permit to make sure the codes are met.

Petitioner was sworn in, Daniel Kelley with Grove Street Social. (Emailed exterior image for the record. Exhibit A)

The demographic is young to old multidimensional entertainment venue. An arena sport area with tailgate games like corn hole, 10 pin pigskin, and others. There are 5 spokes within the space: Ax throwing, arena games, karaoke rooms and virtual reality pit. We are applying for a beer and wine only liquor license to have a bar as well. It will take up about 12,000 square feet of space. We hope to have business hours Tuesday through Saturday at first then to expand. The closest ax throwing facility is in Peoria. There will be exterior site improvements including landscaping by the building owner.

There will be a closed toe shoe policy and the ability to rent shoes if needed. We will follow most industry standards with additional standards. Most facilities have fenced off lanes with an open front. We will have the lanes closed off like batting cages. Each minor will have to be accompanied by an adult. Another industry standard will not allow intoxicated individuals to participate. There will be a two drink maximum. We hope to be open by early January. The facility provides all the equipment with a total of ten targets. There are number of different games that are played by the different leagues.

Zoning Board will give a recommendation to City Council. Vote on the findings:

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; Amended that the industry standards including The World Ax Throwing League and the National Ax Throwing Federation will be followed. Mr. Terry Ballantini - Yes, Mr. Michael McFarland - Yes, Mr. Michael Rivera Jr - Yes, Mr. Tyler Noonan - Yes, Mr. Richard Vitengruber - Yes, and Chairperson Victoria Harris – Yes, approved 6-0.

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; Mr. Terry Ballantini - Yes, Mr. Michael McFarland - Yes, Mr. Tyler Noonan - Yes, and Chairperson Victoria Harris – Yes, approved 4-0.

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; Mr. Terry Ballantini - Yes, Mr. Michael McFarland - Yes, Mr. Tyler Noonan - Yes, and Chairperson Victoria Harris – Yes, approved 4-0.

4. that adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided; Mr. Terry Ballantini - Yes, Mr. Michael McFarland - Yes, Mr. Tyler Noonan - Yes, and Chairperson Victoria Harris – Yes, approved 4-0.

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; Mr. Terry

Ballantini - Yes, Mr. Michael McFarland - Yes, Mr. Tyler Noonan - Yes, and Chairperson Victoria Harris – Yes, approved 4-0.

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). Mr. Terry Ballantini - Yes, Mr. Michael McFarland - Yes, Mr. Tyler Noonan - Yes, and Chairperson Victoria Harris – Yes, approved 4-0.

Vote on condition to add that the Grove Street Social will adhere to the industry safety standards established by The World Ax Throwing League and the National Ax Throwing Federation will be followed. Mr. Terry Ballantini - Yes, Mr. Michael McFarland - Yes, Mr. Tyler Noonan - Yes, and Chairperson Victoria Harris – Yes, approved 4-0.

Vote to approve the Special Use permit with the safety condition. Mr. Noonan made a motion to approve, seconded by Mr. Ballantini. Mr. Terry Ballantini - Yes, Mr. Michael McFarland - Yes, Mr. Tyler Noonan - Yes, and Chairperson Victoria Harris – Yes, approved 4-0.

2. OTHER BUSINESS

- A. Sign Ordinance revisions/update - Joint meeting on September 11th. The sign ordinance survey will be online by the end of the week with a copy of the draft ordinance and sign presentation.

3. NEW BUSINESS

- A. Introduction of New Commissioner – Michael McFarland recently moved back to Bloomington from Normal where he served on the Normal Planning Commission for almost ten years.

ADJOURNMENT

Mr. Ballantini motioned to adjourn. Seconded by Mr. Noonan. The motion was approved by voice vote. The meeting adjourned at 4:44 PM.

Respectfully Submitted,
Casey Weeks
Assistant City Planner

CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
 October 17, 2019

CASE NUMBER	SUBJECT PROPERTY:	TYPE	SUBMITTED BY:
SP-04-19	1601 S Bunn Street	SPECIAL USE PERMIT	Katie Simpson City Planner

PETITIONER'S REQUEST:	
Section of Code: 44.6 Manufacturing Districts-Permitted and Special Uses	
Type	Request
Special Use permit	Sports and Fitness Establishment

Project Description	The petitioner is seeking a Special Use to allow a Sports and Fitness Establishment in the M-1 District for the property located at 1601 S Bunn St.
Staff Recommendation	Staff finds that the petition meets the Zoning Ordinance's standards required to allow a special use. Staff recommends that the Zoning Board of Appeals provide Council with a positive recommendation to approve the petition for a special use permit to allow a sports and fitness establishment for an indoor remote control racecar track in the M-1 District at 1601 S Bunn Street, with the following conditions: 1). The applicant should add a bike rack with space for two bicycles; and, 2). All activities are conducted indoors; and, 3). The applicant should receive a certificate of occupancy from the City of Bloomington Building Safety Division before opening to the public.



Figure 1 The building at 1601 S Bunn Street is outlined in yellow.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in the *Pantagraph* on Monday, September 30, 2019. Staff mailed notices to property owners within 500 ft of the subject property, and placed a large, metal notification sign on the property.

GENERAL INFORMATION

Applicant: Nordine's Heating and Cooling Supply, Inc.

PROPERTY INFORMATION

Legal Description: LOT 2, LUSH-SNYDER SUBIVISION
Existing Zoning: M-1 Restricted Manufacturing District
Existing Land Use: Building/trade construction services showroom and warehouse.
Property Size: approximately 1.18 acres (167' X 214')
PIN: 21-09-478-013

Surrounding Zoning and Land Uses

Zoning

North: R-1C Single-family Residential District
South: M-2 Heavy Manufacturing District
East: R-1 Residential District (unincorporated)
East: M-1 Manufacturing District (unincorporated)
West: M-1 Restricted Manufacturing District

Land Uses

North: Single family homes
South: Towing services
East: Home
East: Trucking services
West: Home, Offices

Analysis

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

BACKGROUND

1601 S. Bunn Street, the subject property, is located at the southwest corner of Bunn Street and Lafayette Street. The property is zoned M-1 Restricted Manufacturing District. The property is improved with a large metal building. The applicant, Nordine's Heating and Cooling Supply, Inc., leases the building and uses the space as an office, showroom and storage facility for heating and cooling materials.

Purpose and intention of the M-1 Restricted Manufacturing District.

The intent of this M-1 Restricted Manufacturing District is to provide for industrial, warehouse, storage and transfer service uses with an absence of objectionable external effects in areas that are suitable for this type of development by reason of topography, relative location, and adequate utility and transportation systems. Compatibility with surrounding districts is further assured by limiting development to low industrial densities. Just as industrial uses are excluded from residential areas to promote public health, safety, and welfare, so are residential subdivision developments excluded from this district (§44-601A).

The district allows a Sports/Fitness establishment with a special use permit. A Sports/Fitness establishment is defined as a building, or portion thereof, designed for the conduct of sports, leisure activities or other recreational activities.

Surrounding zoning and uses

The subject property is bordered by residential districts to the north, and other manufacturing zoning districts to the south, east and west. Directly south of the subject property is a towing service company and east of the property is a trucking company. Also, east of the property are homes, unincorporated. West of the subject property is a residence, and offices used by Felmley-Dickerson Co, a construction company.

PROJECT DESCRIPTION

Petitioner's request: The applicant has installed a 38' X 68' oval, dirt racecar track in the warehouse/storage portion of the building. The applicant is requesting a special use permit for Sports and Fitness Establishment in the M-1 District to allow the track to be used by the public. According to the applicant's application, approximately 6,042 square feet of existing storage/warehouse space is dedicated to the track and pit area. Roughly 5,917 square feet will remain storage space for the heating and cooling business. The remaining 2,919 square feet is reserved for offices and showroom.

The applicant intends to operate the racetrack on Wednesday evenings from 5:00 p.m. to 8:30 p.m. and Saturdays from 12:00 p.m. to 9:00 p.m. The heating and cooling business operates Monday through Friday from 8:30 a.m. to 4:30 p.m.

Parking

The site plan shows 33 parking spaces including two ADA spaces. Approximately 30 parking spaces are required for the race track, a ratio of one space per 200 square feet of gross floor area. Two parking spaces are required for the warehouse portion of the building, a ratio of one space per 2400 square feet of gross floor area. The retail portion of the building requires twelve parking spaces, one space per 250 square feet. A total of 44 spaces are required for these uses at the subject property. The table below illustrates additional parking exemptions that apply.

Description	Ratio	Adjustment	Total
Required Off-Street Parking	1:200; 1:2400; 1:250	44	44 required spaces
Required bicycle parking	5% required	2	2 bicycle spaces
Exemptions:			
<i>Within 1320 feet of residential uses</i>	<i>10% reduction</i>	-4	<i>40 spaces</i>
Amount of required off-street parking after applying relevant exemptions			40 parking spaces

Due to the times and nature of the two uses at this location, the city’s shared parking provisions could apply. Therefore, the site has adequate automobile parking. The applicant will need to add two bicycle parking spaces to the site to be compliant with the City’s bicycle parking requirement. Staff is recommending that this is added as a condition of the special use permit.

Building Safety

The building at 1601 Bunn Street was constructed in the 1970s. The portion of the building expecting to house the sports/fitness establishment use was designed for a storage/warehouse use. Building upgrades such as a fire suppression system, fire rated separations/walls, and additional bathrooms may be required because of the change of use and change in occupancy. The applicant should receive a certificate of occupancy from the Building Safety Division before opening to the public. Staff is recommending that the Zoning Board of Appeals also add this as a condition of the special use permit.

Lastly, to ensure that the proposed use does not impede ordinary development in the M-1 District, nor negatively impact the adjacent industrial uses, staff is also recommending that the Zoning Board of Appeals add a condition to contain the proposed use *within* the building. Staff discourages holding special events outside, which could generate noise and possibly cause safety issues with cars on Bunn Street and Lafayette Street. By adding the condition, it will help decrease noise generated from outdoor racing which could negatively impact the adjacent residences. Additionally, it avoids any potential conflicts between race cars and automobiles on Bunn Street and Lafayette Street.

Conformance with the Comprehensive Plan:

E.D. 1-1 Focus on retention and expansion of existing businesses.

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

- 1. that the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare**
The proposed indoor remote-controlled racing and racetrack will operate inside the existing building at 1601 S. Bunn Street. Additionally, it will operate during alternative hours from the existing heating and cooling business housed at the same location. While the M-1 district is intended for industrial and manufacturing uses, the district allows Sports and Fitness establishments with a special use permit. The use provides a transitional, and less intense use in the district which is more compatible to the adjacent residential uses. **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 current retail/storage use occupying the subject property and the proposed indoor racing use could provide a buffer and transition between the towing services and the residential uses. The staggered hours of operation enable shared parking between the uses and encourage off-street parking at this location. **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;** Staff is recommending that the Zoning Board of Appeals add the condition that the use operate inside the building to reduce potential negative impacts to the adjacent industrial and residential uses. **The standard is met.**
- 4. that adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;** Bunn Street and Lafayette Street are major collector roads. Lafayette Street is a truck route connecting Main St/US 51 and Morrissey St/US 150. The streets have adequate capacity for vehicles generated by the propose special use. Staff recommends the Zoning Board of Appeals add a condition to limit the operation to the inside of the building to avoid potential conflicts with the truck and vehicular traffic on Bunn and Lafayette Streets. **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 existing; no changes are proposed nor expected. **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. (Ordinance No. 2006-137).** The building was not designed for the proposed use and occupancy load. Additional upgrades may be required. Staff recommends the Zoning Board of Appeals add a condition that the application receive a Certificate of Occupancy from the Building Safety Division before opening to the public. **The standard is met.**

STAFF RECOMMENDATION:

Staff finds that the petition meets the Zoning Ordinance's standards required to allow a special use. Staff recommends that the Zoning Board of Appeals provide Council with a positive recommendation to **approve** the petition for a special use permit to allow a sports and fitness establishment for an indoor remote control racecar track in the M-1 District at 1601 S Bunn Street, with the following conditions:

- 1). The applicant should add a bike rack with space for two bicycles; and,
- 2). All activities are conducted indoors; and,
- 3). The applicant should receive a certificate of occupancy from the City of Bloomington Building Safety Division before opening to the public.

Respectfully submitted,
Katie Simpson

Attachments:

- Draft Ordinance
- Exhibit A-Legal Description
- Petition and supplemental documents from petitioner
- Site Plan
- Aerial Map
- Zoning Map
- Neighborhood Notice Map, Newspaper Notice and List of Addresses Notified

DRAFT
ORDINANCE NO. _____
AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A SPORTS AND FITNESS ESTABLISHMENT IN THE M-1 RESTRICTED MANUFACTURING DISTRICT, FOR PROPERTY LOCATED AT 1601 S BUNN STREET

WHEREAS, there was heretofore filed with the Community Development Department of the City of Bloomington, McLean County, Illinois, a petition and site plan requesting a Special Use Permit for a sports and fitness establishment in the M-1 Restricted Manufacturing District for certain premises hereinafter described in Exhibit(s) A, and commonly known at 1601 S Bunn Street; 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 complied with the standards and conditions for granting such special use, specifically:

- 1). The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
- 2). That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- 3). That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district;
- 4). That adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;
- 5). That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
- 6). That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

WHEREAS, the Bloomington Board of Zoning Appeals, voted to add the following additional conditions to the special use permit:

- 1). The applicant should add a bike rack with space for two bicycles; and,
- 2). All activities are conducted indoors; and,
- 3). The applicant should receive a certificate of occupancy from the City of Bloomington Building Safety division before opening to the public.

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

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

1. That the following conditions shall be met for a Special Use Permit for the premises hereinafter described in Exhibit(s) A:
 - a). The applicant should add a bike rack with space for two bicycles; and,
 - b). All activities are conducted indoors; and,
 - c). The applicant should receive a certificate of occupancy from the City of Bloomington Building Safety division before opening to the public.
2. That the Special Use Permit for a sports and fitness establishment in the M-1 Restricted Manufacturing District for the premises hereinafter described in Exhibit(s) A shall be, and the same is hereby approved.
3. This Ordinance shall take effect immediately upon passage and approval.

PASSED this _____ day of _____, 20____.

APPROVED this _____ day of _____, 20____.

Tari Renner, Mayor

ATTEST:

Leslie Yocum, City Clerk

Exhibit A

“Legal Description” for 1601 S. Bunn Street

LOT 2, LUSH-SNYDER SUBIVISION
PIN: 21-09-478-013

PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT:

1601 S. Bunn Street

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)

Nordine's Heating and Cooling Supply 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 M-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 Sports and Fitness Establishment, are allowed as a special use in a M-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 M-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 M-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,



Richard T. Marvel
Attorney for Nordines Heating and Cooling Supply Inc.
221 E. Front St.
Bloomington, IL 61701
309-807-2885
marvellaw@richmarvel.com

EXHIBIT A

Nordines Heating and Cooling Supply Inc.

Legal Description

LUSH-SNYDER SUB Lot 2

Parcel No. 21-09-478-013

Common Address: 1601 Bunn St, Bloomington, IL 61701

Special Use Permit Application

EXHIBIT B

Proposed Use

Exhibit B-1 – Proposed Use Photos

APPLICATION FOR SPECIAL USE
Proposed Use

APPLICANTS: Nordine's Heating and Cooling Supply Inc.

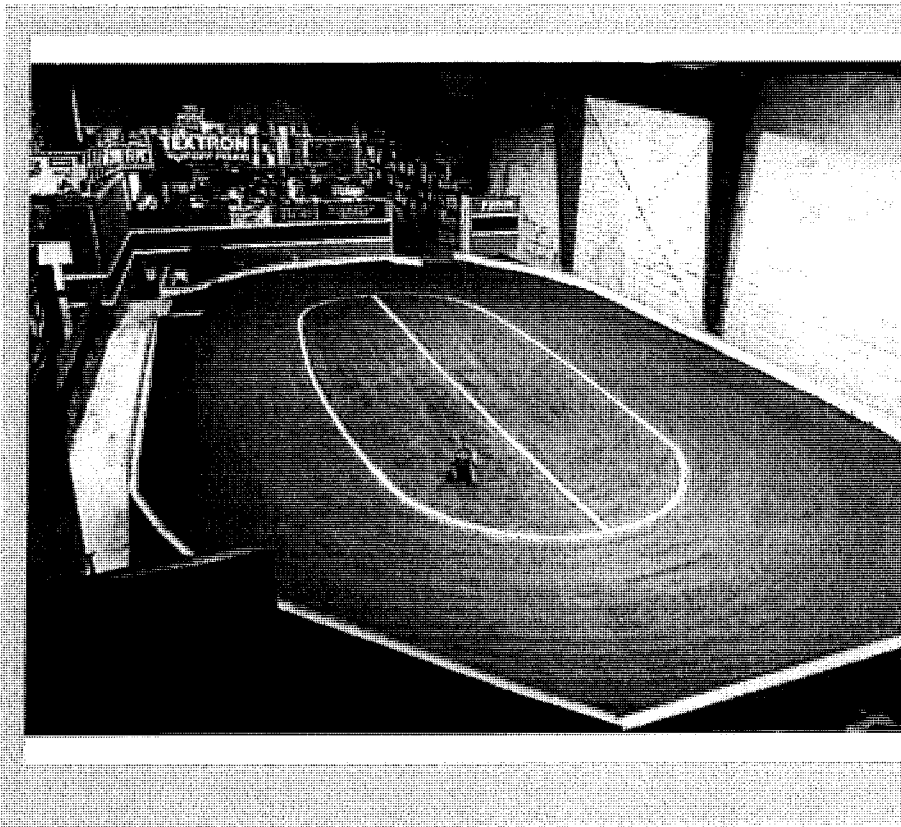
PROPERTY: 1601 S. Bunn Street, Bloomington, Illinois

The applicant is requesting a Special Use be granted to allow them to operate an Electric RC Dirt Race Car Track. The applicant currently owns and operates a heating and cooling supply company at this site. In addition to his current use, the applicant desires to operate an electric RC car dirt oval track for the sport of RC car racing.

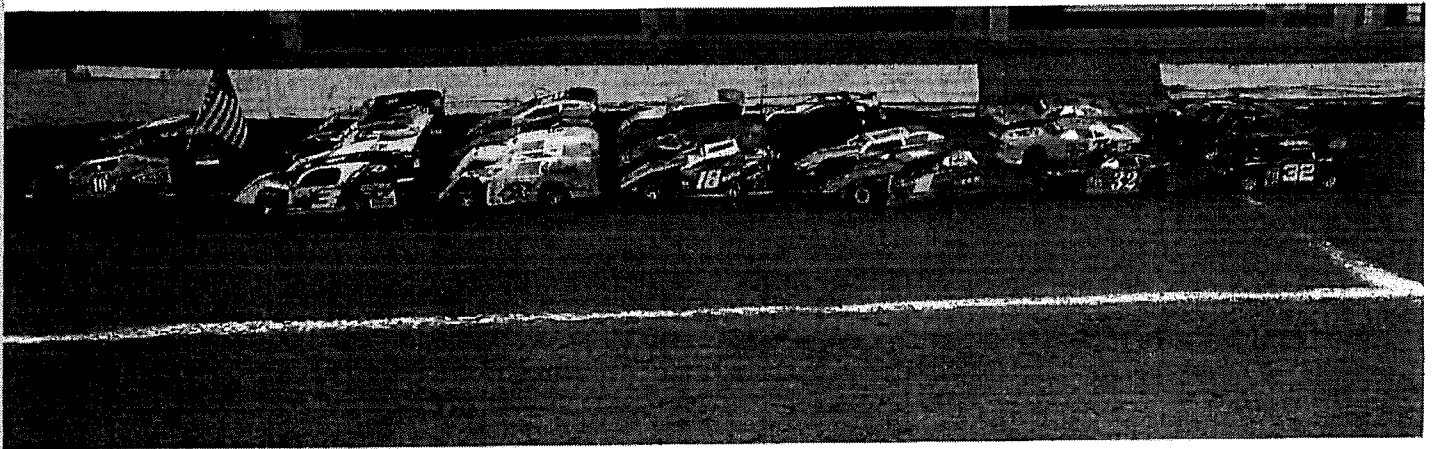
The track is 68 feet by 38 feet, oval in shape and constructed out of dirt. See *Photos attached hereto and incorporated herein as Group Addendum B.1*. The track is located entirely within the warehouse building located on the Property. The Track is part of a circuit of tracks located in the midwest for the purposes of conducting RC Car races. The RC Car classifications include: Ultimate RC Street Stocks, Somano's Hobbies SC A Modifieds, ARCDS Midwest Modifieds, ARCDS 10th Super Late Models and others.

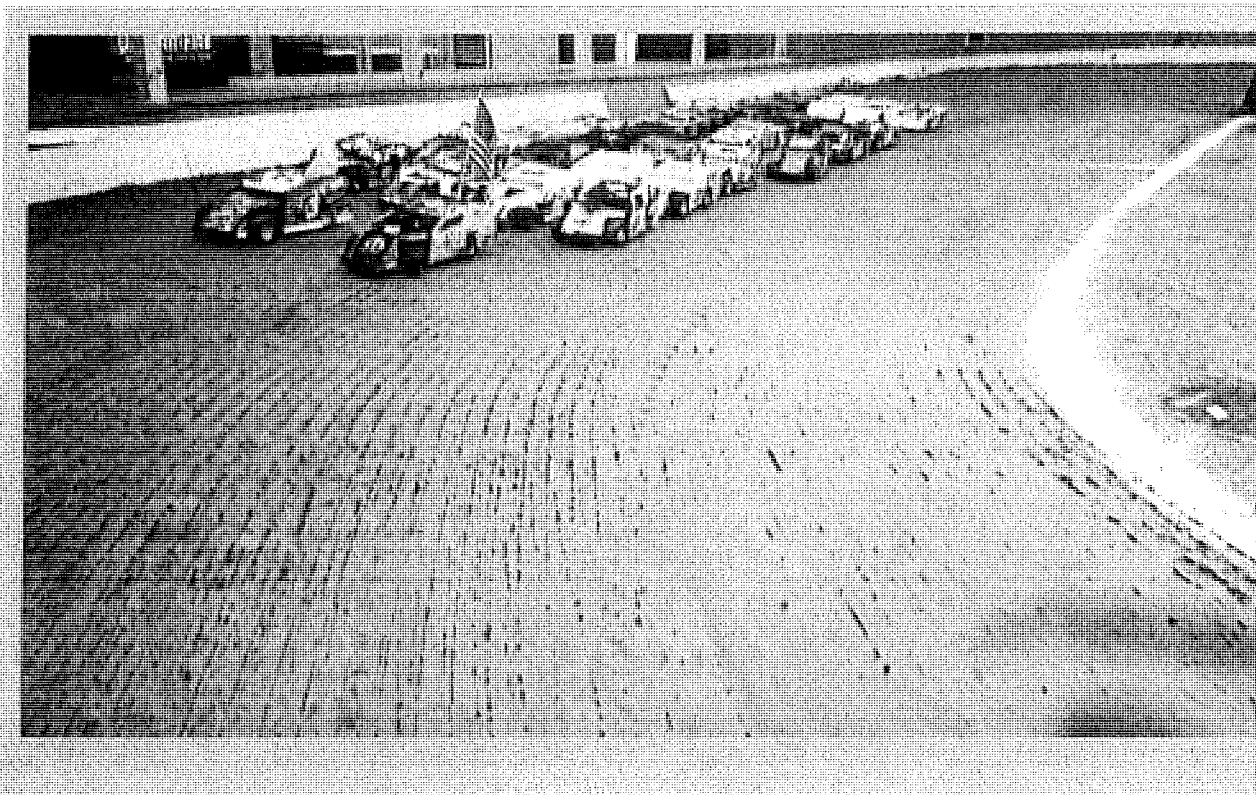
The RC Track is used for practice racing on Wednesday evenings from approximately 5:00 pm to 8:30 pm. The track is open on Saturdays from approximately 12:00 pm to 9:00 pm. The sport participation fee is generally \$15.00 per participant. In addition to the weekly uses the Owner anticipates the facility will be used for annual races.

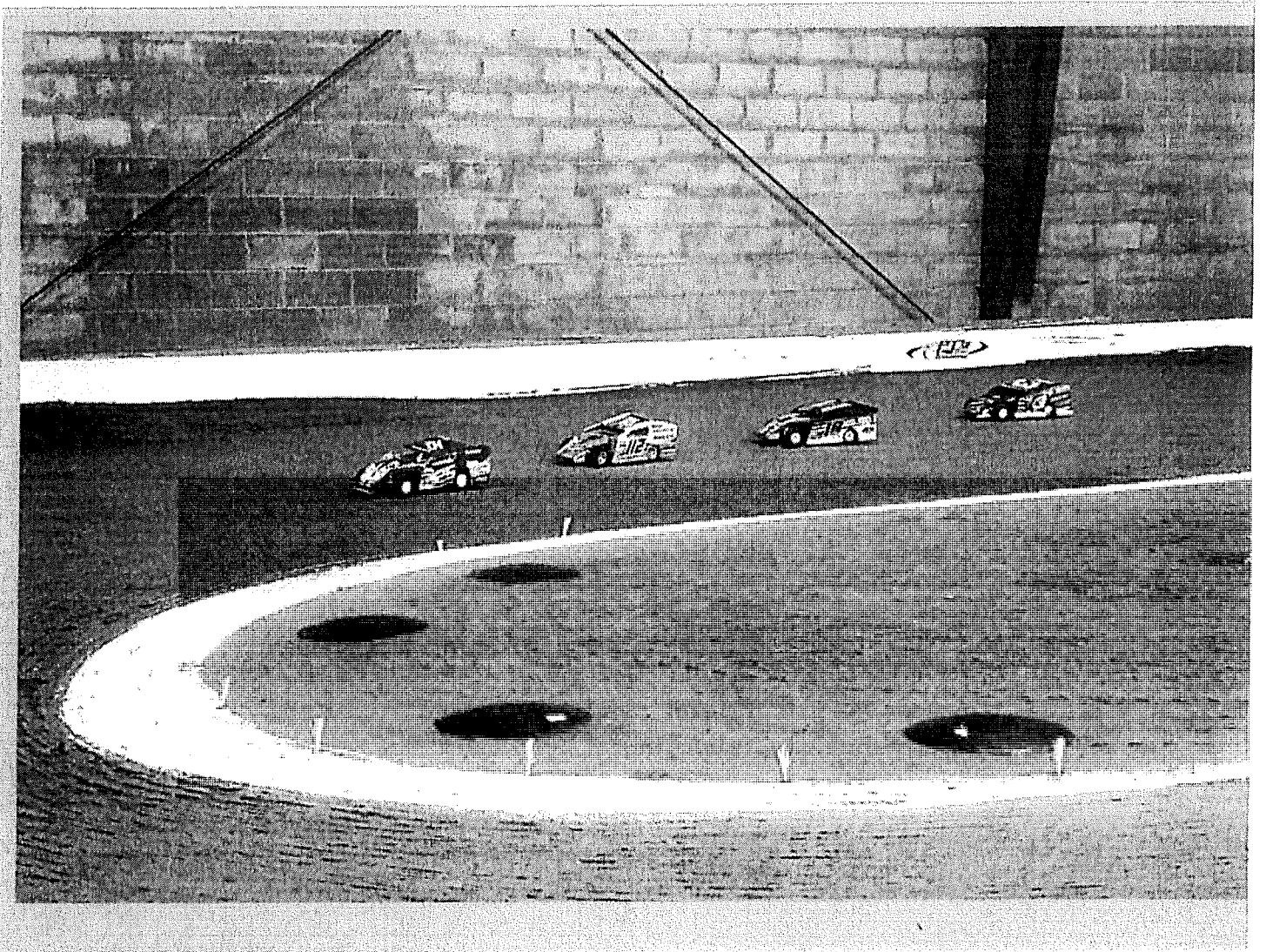












Special Use Permit Application

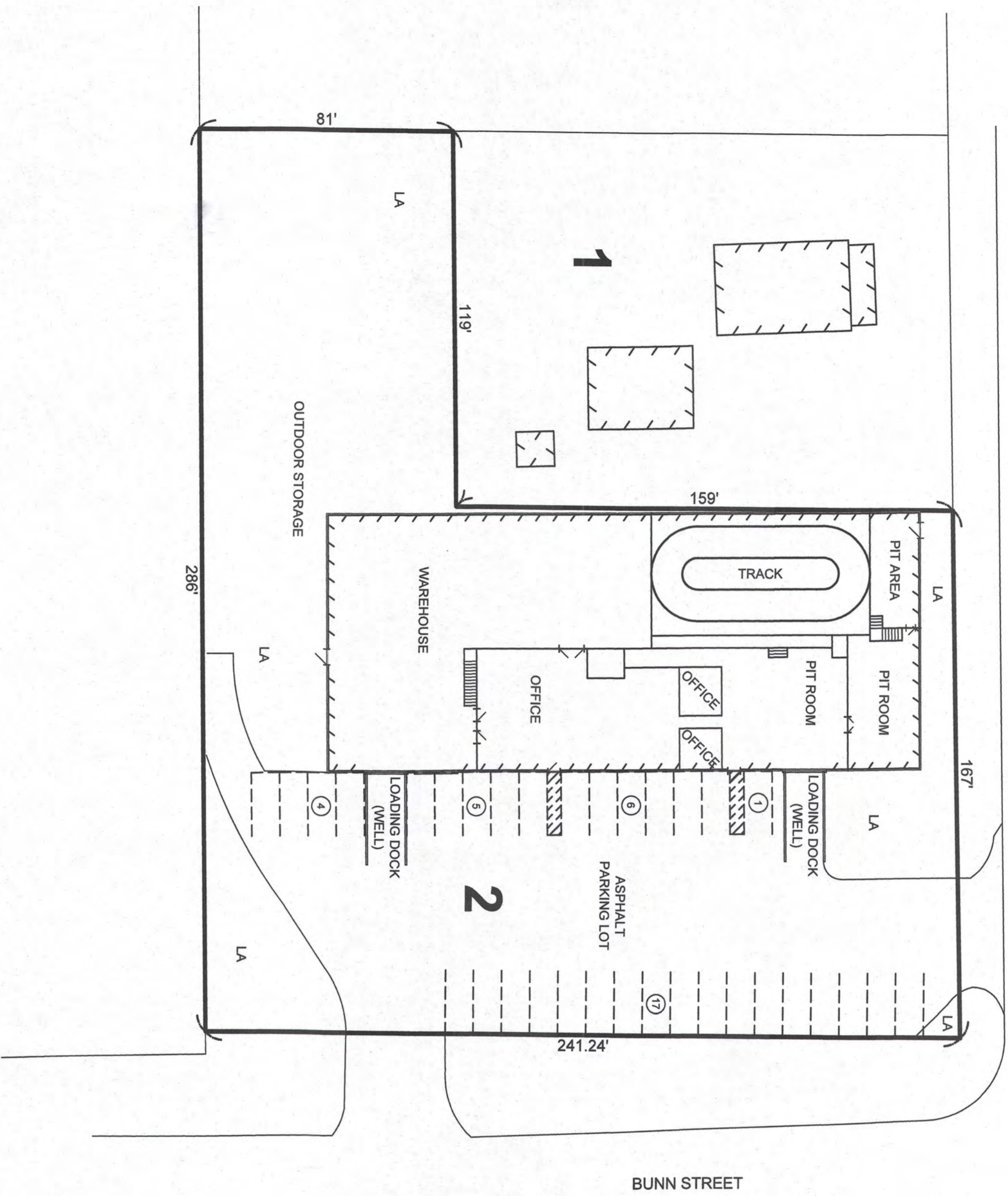
EXHIBIT C

Site Information and Special Use Factors

Site Information and Special Use Factors

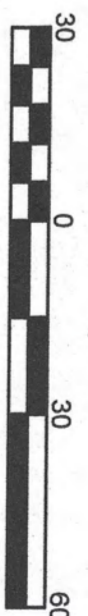
- I. **Description of the sight and surrounding properties.** The subject property consists of one parcel. The site is located at 1601 S. Bunn Street, in Bloomington, McLean County, Illinois (the subject "property") and legally described on Exhibit A. The site is near the intersection of Bunn Street and East Lafayette St. The property is Accessible from both Bunn Street and East Lafayette Street. The property is currently zoned M-1. The applicant Nordine's Heating and Cooling Supply Inc. is the Lessee of the property, which is owned by Richard Snyder. Nordine's desires to obtain a special use for the operation of a Sports and Fitness Establishment.
- II. **Requested Variance.** None.
- III. **Special Use Standards of Approval.** The application meets the requirements for the special use permit as stated in Chapter 44, 17-7 of the Bloomington City Code:
 - a. 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.
 - i. The proposed special use will not be detrimental to or endanger the health, safety, morals, comfort or welfare of the public. The RC Racetrack is entirely enclosed in an existing building. The cars that are operated on the track are electric RC Cars.
 - b. 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.
 - i. The proposed special use as a Sports Establishment will allow for a different sport and activity option in Bloomington that benefits the public. The facility allows for residents and individuals of all ages to participate as a family or individually independent of a person's age or health. The Facility is entirely enclosed, generates no noise and does not impact any adjoining property owner, or neighbor.
 - c. 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
 - i. The facility will utilize existing structures which is presently in use as a warehouse. This additional use will allow the further utilization of an existing structure, which expands the utility of the existing building and the city's existing improvements. The proposed special use will not impede the orderly development of the surrounding property for uses permitted in the district.

- d. That adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.
 - i. The proposed Special Use is at the intersection of two large, high capacity roadways. The proposed use will not increase the traffic or create any congestion on the adjacent roadways.
- e. That adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.
 - i. Adequate utilities, access roads, drainage and/or other necessary facilities have been or will be provided. The facility is located at a well developed intersection, which allows for access off of both Bunn Street and East Lafayette Street.
- f. 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.
 - i. The establishment, maintenance and operation of the special use will be in conformance with the intent of the district in which the special use is proposed to be located. That the Special Use shall conform to all other requirements of the M-1 Zoning District.



LAFAYETTE STREET

BUNN STREET



LEGEND

- BOUNDARY OF SUBJECT PREMISES
- EXISTING BUILDING EXTERIOR WALL
- MAN DOOR LOCATION
- OVERHEAD DOCK DOOR LOCATION
- EXISTING LANDSCAPE AREA/TURF
- PARKING SPACE DELIMITATION
- PARKING SPACE COUNT
- 9x20' PARKING SPACE

Petitioner/Applicant: Nordines Heating & Cooling Supply, Inc.
 1601 S. Bunn Street
 Bloomington, IL 61701

Owner:

Richard Snyder
 13001 NW 49th Avenue
 Vancouver, WA 98685-1963

Site Development Notes

1. Subject premises is currently zoned M-1.
2. Site plan is prepared based on record plat of subdivision, scaled drawing of existing building and interior partitioning provided by the owner with planimetric information of site improvements identified in MCGIS database map information.
3. There are no proposed site improvements planned for the subject premises. The site plan shows that the existing site pavement can accommodate thirty-three (33) standard vehicle parking spaces measuring 9' wide by 20' in length. Parking spaces are not currently marked by paint striping however, the potential layout for fixed paint striping is depicted by dashed lines.

Legal Description of Subject Premises

Lot 2 in Lush-Snyder Subdivision according to the Plat thereof recorded as Document No. 76-1452 being a part of the SE1/4 of Section 9, Township 23 North, Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois.



www.lybinc.com

REV.		
BK.		
DRN.		MB
DSN.		
APP.		X
		DPPB

**SPECIAL USE SITE PLAN EXHIBIT
 ELECTRIC RC DIRT RACE CAR TRACK
 NORDINES HEATING & COOLING SUPPLY, INC.
 1601 S. BUNN STREET
 BLOOMINGTON, ILLINOIS**

Lewis, Yockey & Brown, Inc.
 Consulting Engineers & Land Surveyors

Professional Design Firm Registration #184.000806

505 North Main Street Bloomington, Illinois Ph. (309) 829-2552	222 East Center Street LeRoy, Illinois Ph. (309) 962-8151	155 South Elm Street El Paso, Illinois Ph. (309) 527-2552
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SHEET

1

OF: 1

JOB #:

09/19/2019

5103.01

SEP 20 2019

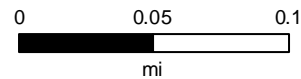
Aerial Map 1601 S Bunn St



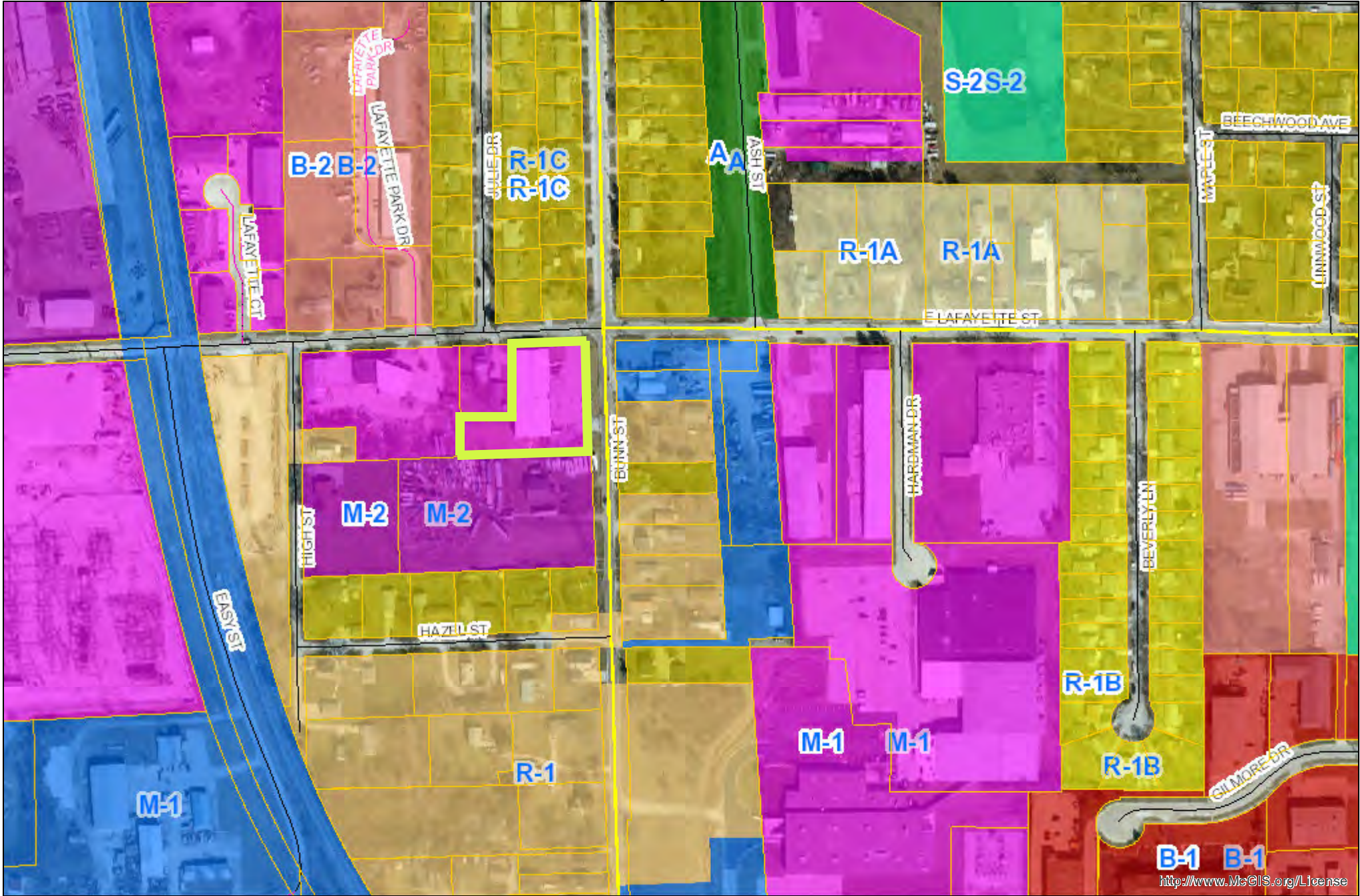
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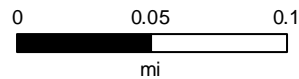
Zoning Map 1601 S Bunn St



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



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



Legal Inside

ing the approval of a special use permit for a Sports and Fitness Establishment, primarily used for electric remote control car racing, in M-1, Restricted Manufacturing District, at 1601 S. Bunn St. owned by Richard Snyder (13001 NW49th Ave. Vancouver WA 98685)

Steven Barr is requesting a Variance at 916 W Wood Street (FW KOCH'S ADDNW58' LOT 1 BLK 1 & LAWRENCE SUBN OF LOT 16 SUB NE 8-23-2EE139.5' LOT 18). The petitioner is requesting completed fence project remain with finished side facing property instead of facing outward.

Dr. Stephen Pilcher is requesting a Variance 9 Heartland Drive (HERSHEY CENTER LOT 4). The petitioner is requesting a 6' reduction of the 12' required front perimeter parking lot landscaping requirements.

All interested persons may present their views upon such matters pertaining to the above referenced cases at the public hearing. The petitioner or his/her Counsel/Agent must attend the meeting. In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk, preferably no later than five days before the hearing.

The City Clerk may be contacted either by letter at 109 E. Olive St., Bloomington, IL 61701, by telephone at 309-434-2240, or email cityclerk@cityblm.org. The City Hall is equipped with a text telephone (TTY) that may also be reached by dialing 309-829-5115.

Published: November 4, 2019
Published: November 4, 2019

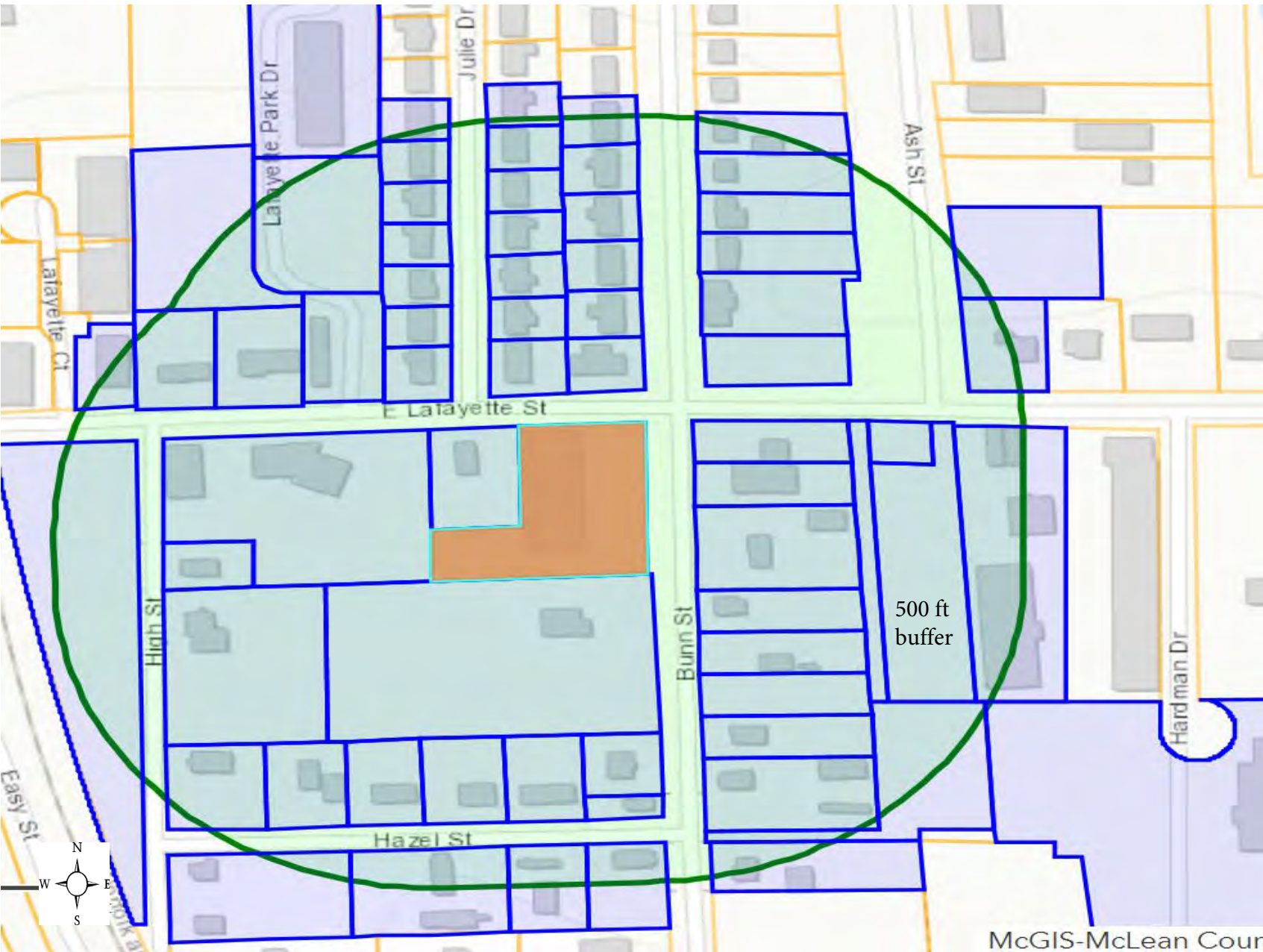
Legal Inside

63809
CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
ZONING BOARD OF
APPEALS
NOVEMBER 20, 2019

Notice is hereby given that the Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, November 20, 2019 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, for the following petitions:

Nordine's Heating & Cooling Supply Inc. 1601 S. Bunn St., Bloomington, IL 61701 (LUSH-SNYDER SUB LOT 2) request-

Public Hearing on Nov. 20, 2019 for a Special Use Permit at 1601 S. Bunn St.





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

November 1, 2019

Dear Property Owner or Resident:

The Zoning Board of Appeals will hold a public hearing on **Wednesday, November 20, 2019 at 4:00PM in the Council Chambers, 109 E. Olive Street, Bloomington, Illinois** to hear testimony for a petition submitted by Nordine's Heating & Cooling Supply Inc. (1601 S. Bunn St., Bloomington, IL 61701) for the approval of a special use permit for a sports and fitness establishment in M-1, Restricted Manufacturing District at *1601 S. Bunn St.* owned by Richard Snyder (*13001 NW49th Ave. Vancouver WA 98685*) at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent must attend the meeting.

REQUEST

The petitioner is requesting to allow for a sports and fitness establishment (indoor electric remote control car racing) in M-1, Restricted Manufacturing as a special use.

LEGAL DESCRIPTION: LUSH-SNYDER SUB LOT 2 (PIN: 21-09-478-013)

You are receiving this notification since you own property within a 500 foot radius of the land described above (refer to attached map). All interested persons may present their views upon said petition, or ask questions related to the petitioner's request at the scheduled public hearing. Copies of the submitted petition are available for public review at the Department of Community Development, 115 E. Washington St. Bloomington, IL 61701.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk at (309) 434-2240, preferably no later than five days before the hearing. Please note that cases are sometimes continued or postponed for various reasons (i.e lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting.

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

Sincerely,

Planning Division staff

Attachments:

Map of notified properties within 500 ft of subject property

MARILYN JEAN REESER TRUST
1519 JULIE DR
BLOOMINGTON, IL 61701

ELFRID VETELIO TORRES
1511 S BUNN ST
BLOOMINGTON, IL 61701

SCOTT DANIELSON
1522 JULIE DR
BLOOMINGTON, IL 61701

MELISSA MCCLAIN
1525 JULIE DR
BLOOMINGTON, IL 61701

RICHARD SPARKS
1513 BUNN ST
BLOOMINGTON, IL 61701

GARIN & KRISTA VANNOTE
1514 BUNN ST
BLOOMINGTON, IL 61701

LARRY & SHARON BLAKE
1519 BUNN ST
BLOOMINGTON, IL 61701

TRUST L101
317 N MAIN ST
BLOOMINGTON, IL 61701

JEFF BEACH
1022 E LAFAYETTE ST
BLOOMINGTON, IL 61701

DAVID MAYES
1529 JULIE DR
BLOOMINGTON, IL 61704

LUISA KALNIETIS
1516 BUNN ST
BLOOMINGTON, IL 61701

JOSHUA & AMBER RHODES
1518 BUNN ST
BLOOMINGTON, IL 61701

ANDREW & ANGELA SCOTT
1512 BUNN ST
BLOOMINGTON, IL 61701

JAMES & CAROL CARLIN
310 HAZEL STREET
BLOOMINGTON, IL 61701

J BRADFORD BRAY
306 HAZEL ST
BLOOMINGTON, IL 61701

MARILYN HETZ
902 CEDAR CT
EUREKA, IL 61530

CORA I CREWS
1608 BUNN STREET
BLOOMINGTON, IL 61701

DANIELLE & ROSE MARIE CRITES
PAVLOVICH
1518 JULIE DR
BLOOMINGTON, IL 61701

ROBERT WAGONER
1306 EASTHOLME AVE
BLOOMINGTON, IL 61701

KEVIN WALSH
810 E LAFAYETTE ST
BLOOMINGTON, IL 61701

STEPHANIE SANDERS
1401 FORREST ST
BLOOMINGTON, IL 61701

JAMES MALINOWSKI
1526 JULIE DR
BLOOMINGTON, IL 61701

G SPORTS CORPORATION
2011 SINCLAIR CT
BLOOMINGTON, IL 61704

KENNETH & NICOLE ARTMAN
1515 S BUNN
BLOOMINGTON, IL 61701

LIVING TRUST ELIZABETH HOLARIC
REVOCABLE
1002 E LAFAYETTE ST
BLOOMINGTON, IL 61701

MICHAEL MILLER
1517 S BUNN
BLOOMINGTON, IL 61701

KATHY LANE
106 HAZEL ST
BLOOMINGTON, IL 61701

DAVID SMITH
8 ASH ST
BLOOMINGTON, IL 61701

MOLLY MINTUS
1521 JULIE DR
BLOOMINGTON, IL 61701

MARK & LYNNE CISCO
1612 High St
BLOOMINGTON, IL 61701

FOUR ACRE LLC
401 E LAFAYETTE ST
BLOOMINGTON, IL 61701

FELMLEY DICKERSON CO
401 E LAFAYETTE ST
BLOOMINGTON, IL 61701

RICHARD SNYDER
13001 NW 49TH AVE
VANCOUVER, WA 98685

ROBERT DUNHAM
702 E LAFAYETTE ST
BLOOMINGTON, IL 61701

MICKEY & JEANNETTE HART HART
1527 JULIE DR
BLOOMINGTON, IL 61701

CORE 3 PROPERTY MANAGEMENT LLC
JODI BLOOMINGTON MF LLC
1716 R T DUNN DR SUITE 4
BLOOMINGTON, IL 61701

ABIGAIL WHEELER
1520 BUNN ST
BLOOMINGTON, IL 61701

WILLIAM VANDALSEN
800 E LAFAYETTE ST
BLOOMINGTON, IL 61701

SHARON GRIFFIN
1531 JULIE DR
BLOOMINGTON, IL 61701

HABITAT FOR HUMANITY
103 W JEFFERSON ST
BLOOMINGTON, IL 61701

RISK CAPITAL PARTNERS LLC
P O BOX 5089
LAFAYETTE, IN 47903

COREY YOUNG
1702 BUNN ST
BLOOMINGTON, IL 61701

ROD BAGOSY
304 HAZEL ST
BLOOMINGTON, IL 61701

RICHARD JONES
807 E LAFAYETTE ST
BLOOMINGTON, IL 61701

VANFLEET LAW OFFICES
7817 N KNOXVILLE AVE
PEORIA, IL 61614

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

JMH TRUCKING INC
1600 BUNN ST
BLOOMINGTON, IL 61701

DANIEL & VICKI CREWS
1610 BUNN ST
BLOOMINGTON, IL 61701

ERIC & DAWN HANEY
2406 W WASHINGTON ST
BLOOMINGTON, IL 61705

STEVE TIMMERMAN
3114 RUSTY LN
BLOOMINGTON, IL 61704

JMH TRUCKING INC
1600 BUNN ST
BLOOMINGTON, IL 61701

CYNTHIA SHEPHERD
PO BOX 3333
BLOOMINGTON, IL 61702

CARLOS & LAURELLE EMBRY
1616 BUNN ST
BLOOMINGTON, IL 61701

DANIELLE CAIL
1606 HIGH ST
BLOOMINGTON, IL 61701

AMEREN SERVICES ILLINOIS POWER CO
1901 CHOUTEAU AVE PO BOX 66149
SAINT LOUIS, MO 63166

TIMOTHY & KETTI SCHENK
1702 HIGH ST
BLOOMINGTON, IL 61701

**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
November 20, 2019**

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-08-19	Fence variance	Facing the unfinished side of the fence into neighbor's yard	Casey Weeks, Assistant City Planner

PROJECT DESCRIPTION:
The applicant installed a fence in the side yard, and the unfinished side faces the neighbor's yard.
APPLICANT'S REQUEST:

Section of Code: Zoning Chapter 44, 9-10. A. 3

Type of Variance	Request	Required	Variation
Fence construction	Face the unfinished side of fence toward the neighbor's yard.	All supporting poles must be placed on the inside of the property where the fence is erected, and the finished side must face out away from property.	The unfinished fence side facing the neighbor's yard.

STAFF RECOMMENDATION:	<p>Staff finds that the variance is the result of the actions of the applicant and is not the minimum action necessary.</p> <p>Staff recommends the Zoning Board of Appeals deny the variance to face the unfinished side of the fence towards the neighbor's yard at 916 W. Wood. (Ward 6)</p>
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Figure 1 The yellow line indicates the location of the fence.

NOTICE

The application has been filed in conformance with applicable procedural requirements and legal, public notice for the hearing was published in *The Pantagraph* on November 4, 2019.

GENERAL INFORMATION

Owner and Applicant: Steven Barr

PROPERTY INFORMATION

Legal description: LAWRENCE SUB LOT 16 SUB NE 8-23-2E E80' W180' LOT 18 & FW
KOCH'S ADDN W58' LOT 1 BLK 1

Existing Zoning: R-2 Mixed Residence District

Existing Land Use: Single Family

Property Size: (Irregular)

PIN: 21-08-228-074

Surrounding Zoning and Land Uses

Zoning

North: R-2 Mixed Residence District

South: P-2 Public Lands and Institutions

East: R-2 Mixed Residence District

West: R-2 Mixed Residence District

Land Uses

North: Single family homes

South: Miller Park

East: Single family homes

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



PROJECT DESCRIPTION

Background.

The petitioner installed a fence on the east side of his property along his neighbor's driveway in July, after receiving a fence permit. The fence is 70 feet, extending long from the front yard through the side yard. The fence was constructed with the unfinished side facing the neighbor's yard.

Figure 1 Fence at subject property 916 W. Wood Street. The unfinished side faces the neighbor's yard.

City Code Chapter 44, 9-19. A. 3. states, “all supporting poles must be placed on the inside of the property where the fence is erected, and the finished side must face out away from the property.” The new codes were adopted March 11, 2019 and affective April 1, 2019. The previous fence code did not stipulate which way the fence faced. The petitioner obtained a City Fence Brochure written for the previous city code and built his fence facing the unfinished side of the fence towards the neighbor’s yard. In the old Fence Brochure written in 2012, the following guidelines are given (see enclosed copy):

3. It is suggested that fences be placed 6 inches inside property lines to ensure location on the proper lot.
5. The City’s ordinances do not dictate the location of the “good” side of the fence.



Figure 2 View of the fence from neighbor's driveway at 915 W. Wood Street.



Figure 3 Image showing fence at 916 W. Wood meeting driveway of neighbor at 915 W. Wood.

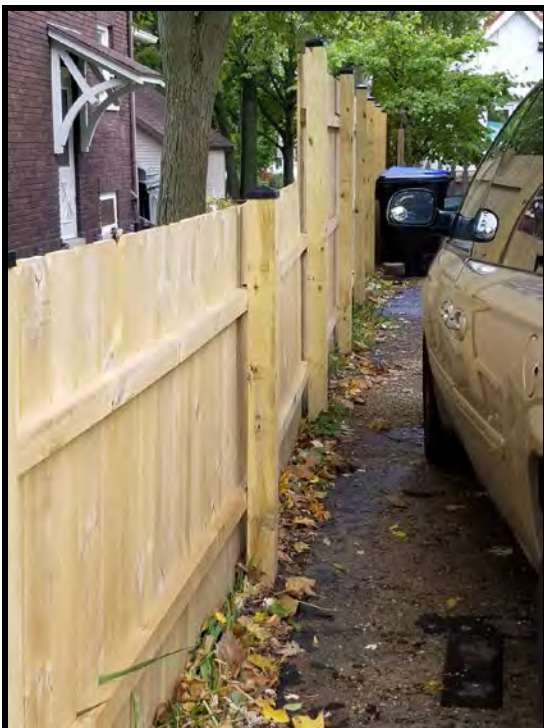


Figure 4 Fence at driveway of neighbor at 915 W. Wood Street.



Figure 5 View of neighbor's driveway at 915 W. Wood Street.



Figure 6 Fence at subject property 916 W. Wood Street.

Project Description:

Fences can be functional and/or decorative. Fences serve as a physical barrier intended to contain or restrict people, animals or objects within or from a given area. Privacy fences, typically six feet tall and opaque, can obstruct sight lines and visibility at driveways and intersections. Additionally, tall fences in front of residences function as a visual barrier and can create the appearance of an unsafe, secluded and uninviting neighborhood. Depending on the type of fence, placement of the unfinished and rear side can detract from the neighborhood. Tall, opaque fences in the front yard can also discourage interaction with neighbors and pedestrians. The Ordinance limits taller fences to back yards and permits shorter fences in front yards to reduce sight line obstructions, and to promote a welcoming and consistent feel from the public right-of-way.

The petitioner installed a fence on the eastern boundary of his property line from the front yard down the side yard for 70 feet. It is 4 feet tall in the front yard and 6 feet tall in the side yard. The fence was constructed with the unfinished side towards the neighbor's yard. The petitioner claims to have obtained a Bloomington Fence Brochure written for the previous codes following the adoption of the new codes on April 1, 2019. In the old Fence Brochure written in 2012, the following guidelines are given (see enclosed copy):

3. It is suggested that fences be placed 6 inches inside property lines to ensure location on the proper lot.

5. The City's ordinances do not dictate the location of the "good" side of the fence.

Staff conducted a site visit and the fence appears to be directly on, or very close to, the property line. Staff has not seen a survey. Staff saw a number of other homes with fences in the front and side yard on the 900 block of West Wood Street. A fence in a side yard at 919 W. Wood faces the unfinished side towards the property owner's yard and the finished side facing outward (See photo figures 7 and 8). A front yard fence at 923 West Wood Street faces the unfinished side towards the property owner's yard (see photo figures 10 and 11). A front and side yard fence at 929 and 905 W. Wood Street is finished on both sides (See photo figures 12, 13, 15, and 16). Regardless of the applicant's brochure, there permit was issued after the code was changed, therefore the new code applies.

Chapter 44, 9-10 Fence Regulations

A. General standards. Fences erected in the City of Bloomington shall comply with the following standards.

- (1) A fence may be located on a lot line and shall not protrude in full or in part onto any adjacent property or right-of-way.

- (2) The fence height shall be measured from the established grade on the fence owner's property to the top most section of said fence.

- (3) All supporting poles must be placed on the inside of the property where the fence is erected, and the finished side must face out away from the property.

(4) No fence shall be constructed in any drainage or access easement.

(5) No fence shall be constructed in any utility easement except wherein a release has been given in writing by the owner of the property absolving the City and/or utility company from all liability and damages resulting from the repair, inspection, maintenance, installation, or removal of utilities. The City and/or utility shall in no way be held liable for the replacement, repair, or re-erection of any fence within said easement.

EXAMPLES OF FENCES ON THE 900 BLOCK OF W. WOOD STREET



Figure 7 East side of 919 West Wood Street the unfinished side faces the property owner.



Figure 8 West side yard of 919 W. Wood Street unfinished side faces property owner.



Figure 9 West side of 919 W. Wood Street unfinished side faces property owner.



Figure 10 Front yard fence at 923 W. Wood Street.



Figure 11 Front yard fence at 923 W. Wood unfinished side faces property owner.



Figure 12 Fence at 929 W. Wood Street fence is finished on both sides.



Figure 13 Fence at 929 W. Wood Street fence is finished on both sides.



Figure 14 Fence on the west side of 907 W. Wood Street unfinished side faces property owner.



Figure 15 Looking west towards 907 W. Wood Street.



Figure 16 East side of 905 W. Wood Street shadowbox fence finished on both sides.

Analysis

Variations from Zoning Ordinance

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

FINDINGS OF FACT

The applicant has outlined the request for variation in the attached narrative and drawings. The Zoning Ordinance requires that the application 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 There is no physical characteristic that poses an unreasonable challenge to the petitioner. The side yard is relatively flat. **The standard is not met.**

That the variances would be the minimum action necessary to afford relief to the applicant; and The applicant has discussed alternatives with the building safety division. They could remove the finished side and locate it on the other side. He could move the fence pickets and runners to the other side of the posts so that the unfinished side was facing his property. **The standard is not met.**

That the special conditions and circumstances were not created by any action of the applicant; and the applicant installed the fence incorrectly. Codes and ordinances are available to the public and online. Additionally, the applicant failed to notify Building Safety for a rough-in inspection when the issue could have been caught and addressed. The special conditions were created by the applicant. **The standard is not met.**

That granting the variation request will not give the applicant any special privilege that is denied to others by the Code; and Fences located on the 900 block of W. Wood Street face the unfinished side toward the owner's property or are finished on both sides. The variance would give the applicant privilege not given to others. **The standard is not met.**

That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use of development of adjoining properties. Wood Street is a heavily trafficked road with high visibility adjacent to Miller Park. Allowing the unfinished side of the fence to face towards the neighbor would set a precedent for future fences to face outward. **The standard is not met.**

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

*Staff recommends the Zoning Board of Appeals **deny** the variance to face the unfinished side of the fence towards the neighbor at 916 W. Wood Street.*

Respectfully submitted,

Casey Weeks,
Assistant City Planner

Attachments:

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

APPLICATION TO ZONING BOARD OF APPEALS

Please consider this as our petition for a variance from the requirement(s) of the Zoning Code. I have provided all information requested herein and attached our site plan and fee.

Site Address: 916 W. WOOD ST.

Site Address: _____

Petitioner: STEVEN L. BARR Phone: [REDACTED]

Petitioner's Email Address: [REDACTED]

Petitioner's Mailing Address Street: 916 W. WOOD ST

City, State, Zip Code: BLOOMINGTON, IL 61701

Contractual interest in the property _____ yes _____ no

Signature of Applicant [REDACTED]

Brief Project Description:

THE PROJECT IS COMPLETE. PETITIONING TO LEAVE AS CONSTRUCTED.

Code Requirements Involved: CHAPTER 44 SEC 9-10 A3

Variiances(s) Requested: REQUEST IS TO LEAVE FENCE AS CONSTRUCTED. GOOD SIDE OF THE FINISHED SIDE IS FACING IN OR TOWARDS MY PROPERTY.

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.

SEE ATTACHMENT :

OCT 11 2019

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

REVERSING THE FENCE WILL BE DIFFICULT MAINLY BECAUSE NEIGHBOR DOES NOT WANT ME ON HER PROPERTY. SHE WOULD CONSIDER ME TRESSPASSING!

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

THE FENCE IS CONSTRUCTED FOLLOWING INSTRUCTIONS I WAS GIVEN FROM PAGE.

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

SEE ATTACHMENTS

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

NO, AS LONG AS OTHERS ARE PROVIDED WITH CURRENT AND UP TO DATE CODE INFORMATION.

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

THE ADDRESS OF THIS SITE IS IN AN OLD NEIGHBORHOOD WITH A LARGE VARIETY OF FENCING. THERE SHOULD NOT BE AN IMPACT ON NEIGHBORHOOD.

Attachment

Sometime in mid May or first part of June went to P.A.C.E. and inquired about regulations for construction of fence. I was handed a flier on Fences from the Building Safety Division.

Took estimate of construction cost to apply for permit on July 30th 2019. I met with an inspector from the Building Safety Division to discuss the permit. We had discussion in regards to placement and type of fencing. There was no discussion as to which side of fence was to face in or out of property. That information was provided in the flyer that I had obtained from the office.

Obtained permit and started construction July 30th 2019. Our neighbor called police and said I was trespassing and doing damage to her driveway. Construction was completed in the next couple of days.

In the next week a Code Enforcement Inspector stopped by my home and told me I was in violation of code for the fence and I needed to call him in the next couple of days to inform him of my plans to rectify the violation. I informed him that I constructed the fence under the guide lines that were provided in the flyer that was obtained in his office. He informed me that the ordinance changed April 1st, 2019. I informed him that I obtained the flyer after April 1st, 2019. His parting comment was that I needed to contact him with a plan to fix violation.

On August 5th or 6th I contacted a supervisor and discussed the situation. He said that he would discuss it with his staff and get back to me. I also left message with Code Enforcement Inspector.

I received no correspondence from P.A.C.E. until September 30th, 2019. On that date I received a Compliance Order from the Community Development Code Enforcement Division.

Fences

Fences installed within the City of Bloomington must meet the following minimal requirements. While this information has been compiled to be complete as possible, the staff of the Building Safety Division will make the final determination of code compliance.

- 1 Fences in the side and rear yards shall not exceed 6'-0" in height above natural grade.
- 2 Fences located in front yards shall not exceed 4'-0" in height above natural grade.
- 3 It is suggested that fences be placed 6 inches inside property lines to ensure location on the proper lot.
- 4 Barbed wire or similar materials are not permitted as fence materials.
- 5 The City's ordinances do not dictate the location of the "good" side of the fence.
- 6 Fences shall not be located in a visibility triangle. This is generally associated with corner lots.

For questions concerning this information or other matters, please call:

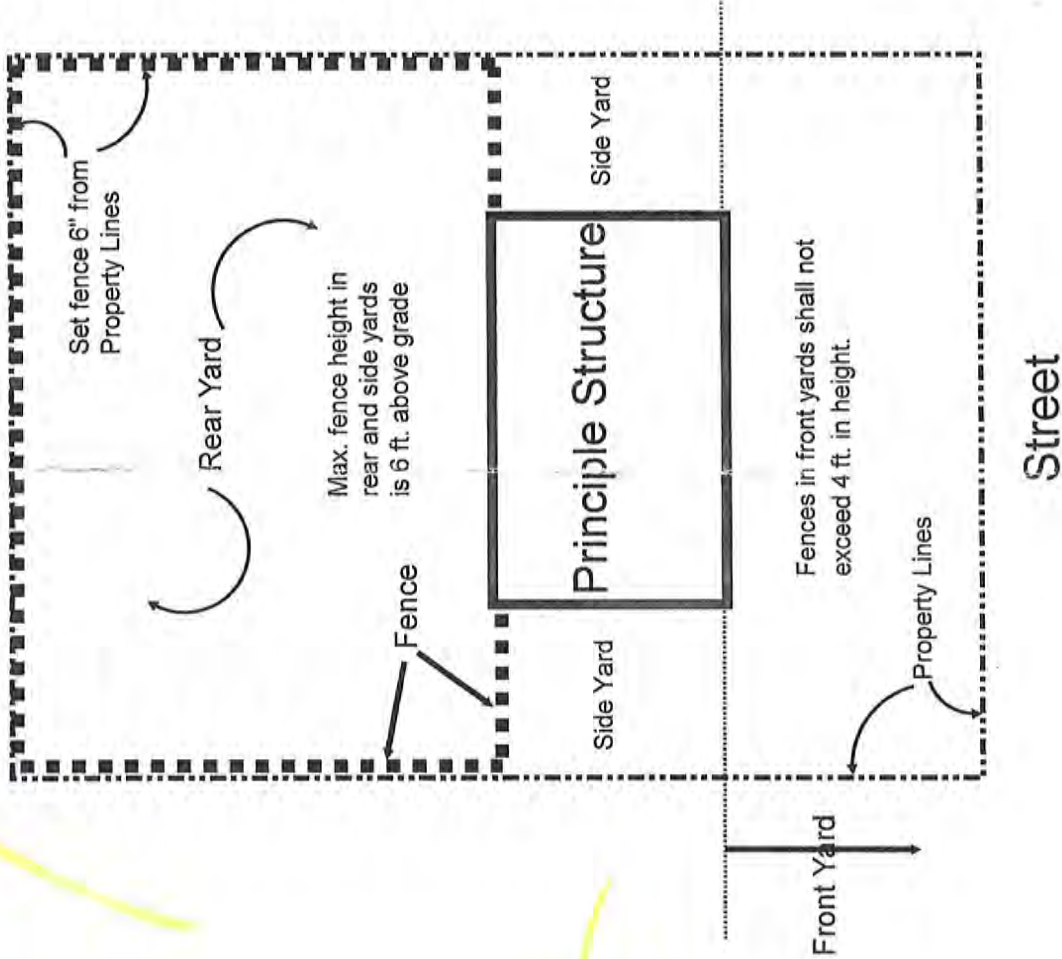
BUILDING SAFETY DIVISION
Planning and Code Enforcement
(309) 434-2226

Don't Forget to Call

J.U.L.I.E.

Before you dig!!

1-800-892-0123



Typical Fence Installation

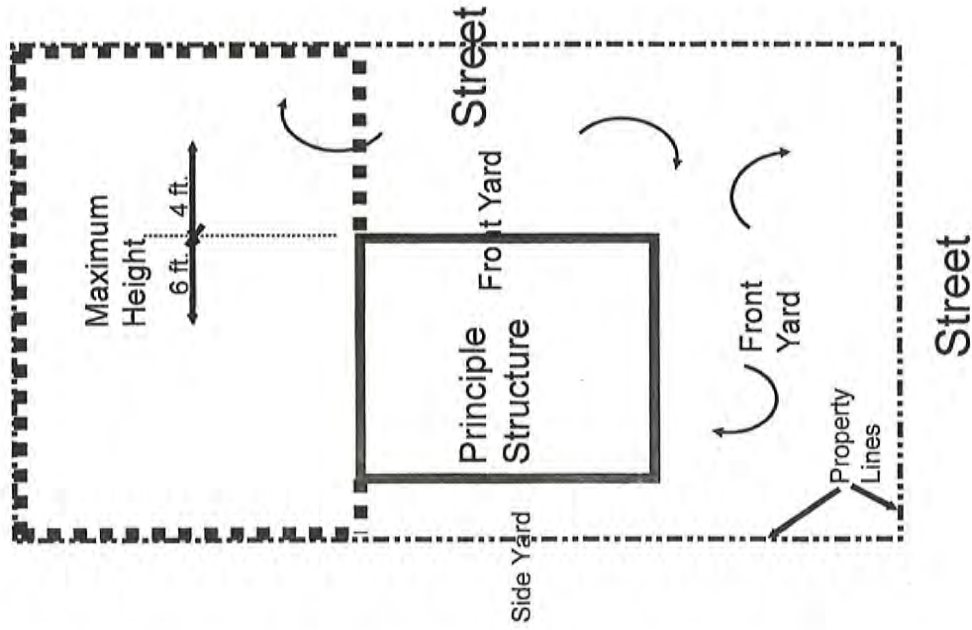
COPY



Fences



Building Safety Division
Planning and Code Enforcement



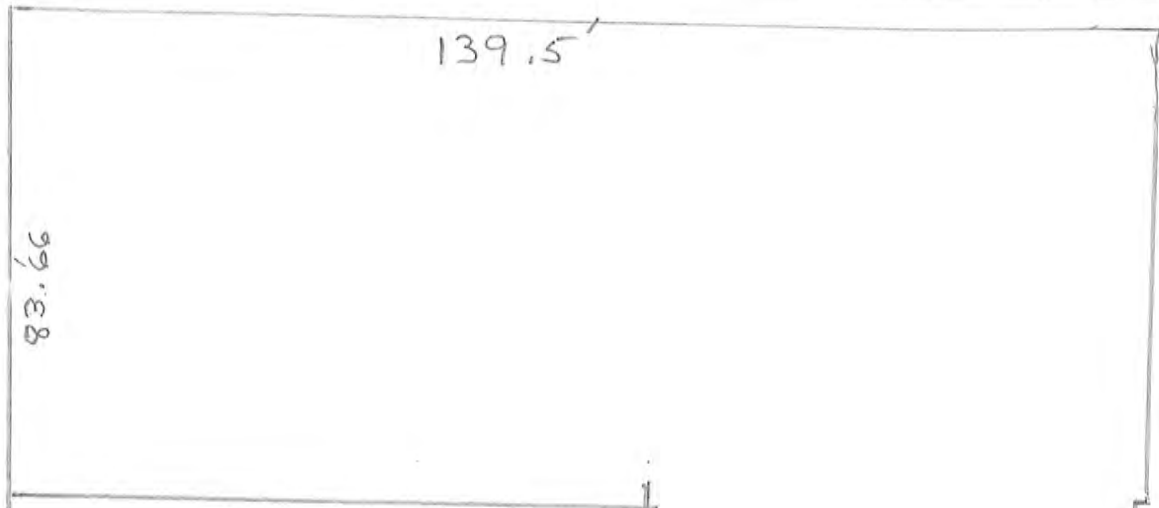
Corner Lot Example

Building Safety Division
Planning and Code Enforcement
P.O. Box 3157
Bloomington, IL 61702-3157

August 2012

N ↑

ELM ST.



235.52'

FENCE
70'

58'

WOOD ST

916 W. WOOD ST.



2 attachments



IMG-4047.jpg
3198K



IMG-4048.jpg
3094K

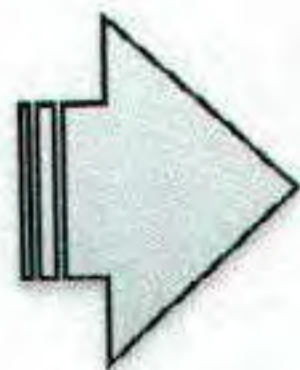
Fence or Tent Permit Application

Site Address: 916 W. WOOD ST		Office Use Only	
Unit #:		Application Number: 46285	
Is this part of a larger project? NO		Permit Issued:	
		Permit Number:	\$32
		Permit Ready to Issue:	
		Permit Fee:	
Scope of Work: FENCE ON EAST SIDE OF PROPERTY		Application Date:	
		Anticipated Start Date:	
		Anticipated End Date:	
Applicant (check one)	Name	Address	Phone
<input checked="" type="checkbox"/> Owner of Property	STEVE BARR	916 W. WOOD ST	[REDACTED]
<input type="checkbox"/> Contractor			

REQUIRED ITEMS TO BE SUBMITTED BY APPLICANT

	Site Plan drawn to Scale with Dimensions
Tent Permit	Install Date: _____ Removal Date: _____
Fence Permit	Height of Fence: 4' FRONT 6' SIDE
Either Permit	
Yes <input checked="" type="radio"/> No	Located on a Corner Lot?
Yes <input checked="" type="radio"/> No	Located in a Mobile Home Park? If yes, Park Approval required _____
TOTAL COST OF WORK: \$ 468.01	

Contractor/Applicant Signature: [REDACTED]



- PLEASE ATTACH PLANS / SKETCHES TO THIS APPLICATION.
- **NOTE: PERMITS MUST BE OBTAINED BEFORE WORK BEGINS.**
- SUBMISSION OF THIS FORM DOES NOT GUARANTEE OR GRANT APPROVAL TO START WORK.
- ACCEPTANCE OF PAYMENT DOES NOT CONSTITUTE A PERMIT.
- APPLICATION VOID IF WORK IS NOT STARTED WITHIN 6-MONTHS AFTER PERMIT ISSUANCE.

JUL 30 2019

MF

WOOD ST

SIDE WALK

916 W. WOOD ST

915 W. WOOD ST

FRONT YARD
4'

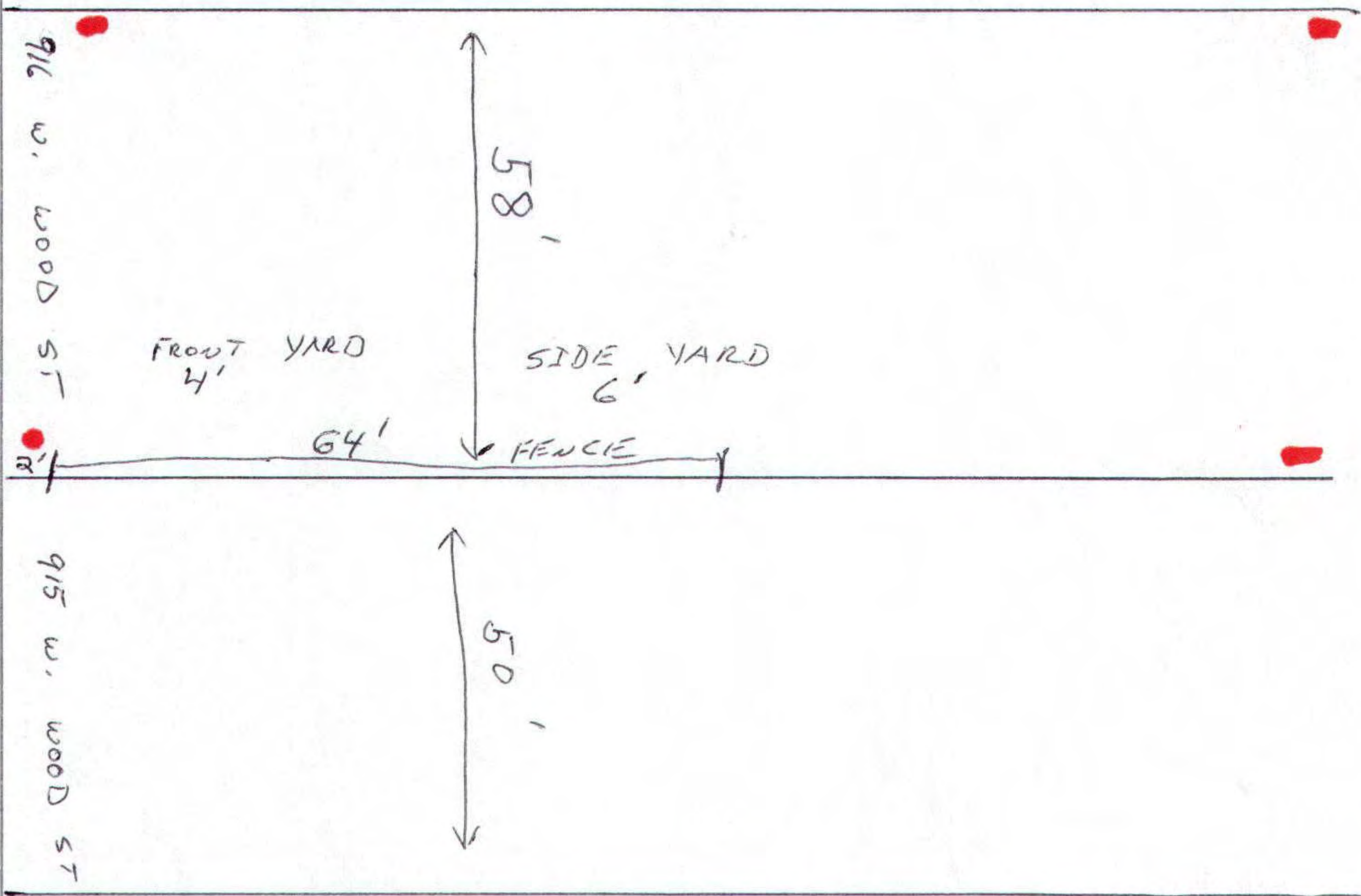
SIDE YARD
6'

58'

64'

FENCE

50'





QUOTE

Store 6987 NORMAL
795 VETERANS PARKWAY
NORMAL, IL 61761

Phone: (309) 452-4031
Salesperson: SHO53T
Reviewer: TAS1062

QUOTE

SOLD TO

Name: **BARR STEVE** Phone 1: [REDACTED]

Address: 916 W WOOD STREET Phone 2: [REDACTED]

City: BLOOMINGTON Company Name: [REDACTED]

State: IL Zip: 61701 Job Description: fence

County: MCLEAN

2019-07-29 14:56

Prices Valid Thru: 08/05/2019

CUSTOMER PICKUP #1

MERCHANDISE AND SERVICE SUMMARY

We reserve the right to limit the quantities of merchandise sold to customers

STOCK MERCHANDISE TO BE PICKED UP:

REF #	SKU	QTY	UM	DESCRIPTION	PI	TAX	PRICE EACH	EXTENSION	
R01	0000-897-671	8.00	EA	6'X8' PT PINE 6" DOG EAR FENCE PANEL /	A	Y	\$39.64	\$317.12	
R02	0000-257-974	7.00	EA	4X4-10FT #2 PT GC /	A	Y	\$11.27	\$78.89	
R03	0000-256-276	2.00	EA	4X4-8FT #2 PT GC /	A	Y	\$8.17	\$16.34	
R04	0000-929-514	5.00	EA	60LB QUIKRETE CONCRETE MIX /	A	Y	\$3.60	\$18.00	
SCHEDULED PICKUP DATE: 07/31/2019								MERCHANDISE TOTAL:	\$430.35

TOTAL CHARGES OF ALL MERCHANDISE & SERVICES

Policy Id (PI):
A: 90 DAYS DEFAULT POLICY;

'The Home Depot reserves the right to limit / deny returns. Please see the return policy sign in stores for details.'

ORDER TOTAL	\$430.35
SALES TAX	\$37.66
TOTAL	\$468.01
BALANCE DUE	\$468.01

END OF ORDER No. H6987-59732

*** CONTINUED ON NEXT PAGE ***

NOT VALID

FOR WILL CALL
MERCHANDISE PICK-UP
PROCEED TO WILL CALL OR
SERVICE DESK AREA
(Pro Customers, Proceed To The Pro Desk)

WILL CALL

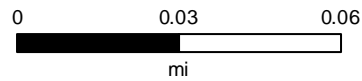
Will Call items will be held in the store for 7 days. For Will Call merchandise pick up, proceed to Will Call/Service Desk area(Pro Customers, proceed to the Pro Desk).

Returns: A 15% restocking fee applies to the return of regular special orders, i.e., special orders merchandise that is not custom made. Special orders that are custom uniquely designed or fitted to accommodate the requirements of a particular space or environment (some examples are cabinetry, countertops, floor and wall coverings, and window treatments) are non-returnable. Exceptions: Cancellations made by midnight on the third business day after the date of Your purchase; merchandise incorrectly ordered by Home Depot or by Professional; or merchandise damaged beyond repair in delivery or by Professional. Unless otherwise specified in this Agreement, all returns must be made within Home Depot's posted time frame.

TERMS AND CONDITIONS

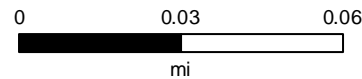


McGIS does not guarantee the accuracy of the information displayed. Only on-site verification or field surveys by a licensed professional land surveyor can provide such accuracy. Use for display and reference purposes only.





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



Legal Inside

ing the approval of a special use permit for a Sports and Fitness Establishment, primarily used for electric remote control car racing, in M-1, Restricted Manufacturing District, at 1601 S. Bunn St. owned by Richard Snyder (13001 NW49th Ave. Vancouver WA 98685)

Steven Barr is requesting a Variance at 916 W Wood Street (FW KOCH'S ADDNW58' LOT 1 BLK 1 & LAWRENCE SUBN OF LOT 16 SUB NE 8-23-2EE139.5' LOT 18). The petitioner is requesting completed fence project remain with finished side facing property instead of facing outward.

Dr. Stephen Pilcher is requesting a Variance 9 Heartland Drive (HERSHEY CENTER LOT 4). The petitioner is requesting a 6' reduction of the 12' required front perimeter parking lot landscaping requirements.

All interested persons may present their views upon such matters pertaining to the above referenced cases at the public hearing. The petitioner or his/her Counsel/Agent must attend the meeting. In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk, preferably no later than five days before the hearing.

The City Clerk may be contacted either by letter at 109 E. Olive St., Bloomington, IL 61701, by telephone at 309-434-2240, or email cityclerk@cityblm.org. The City Hall is equipped with a text telephone (TTY) that may also be reached by dialing 309-829-5115.

Published: November 4, 2019
Published: November 4, 2019

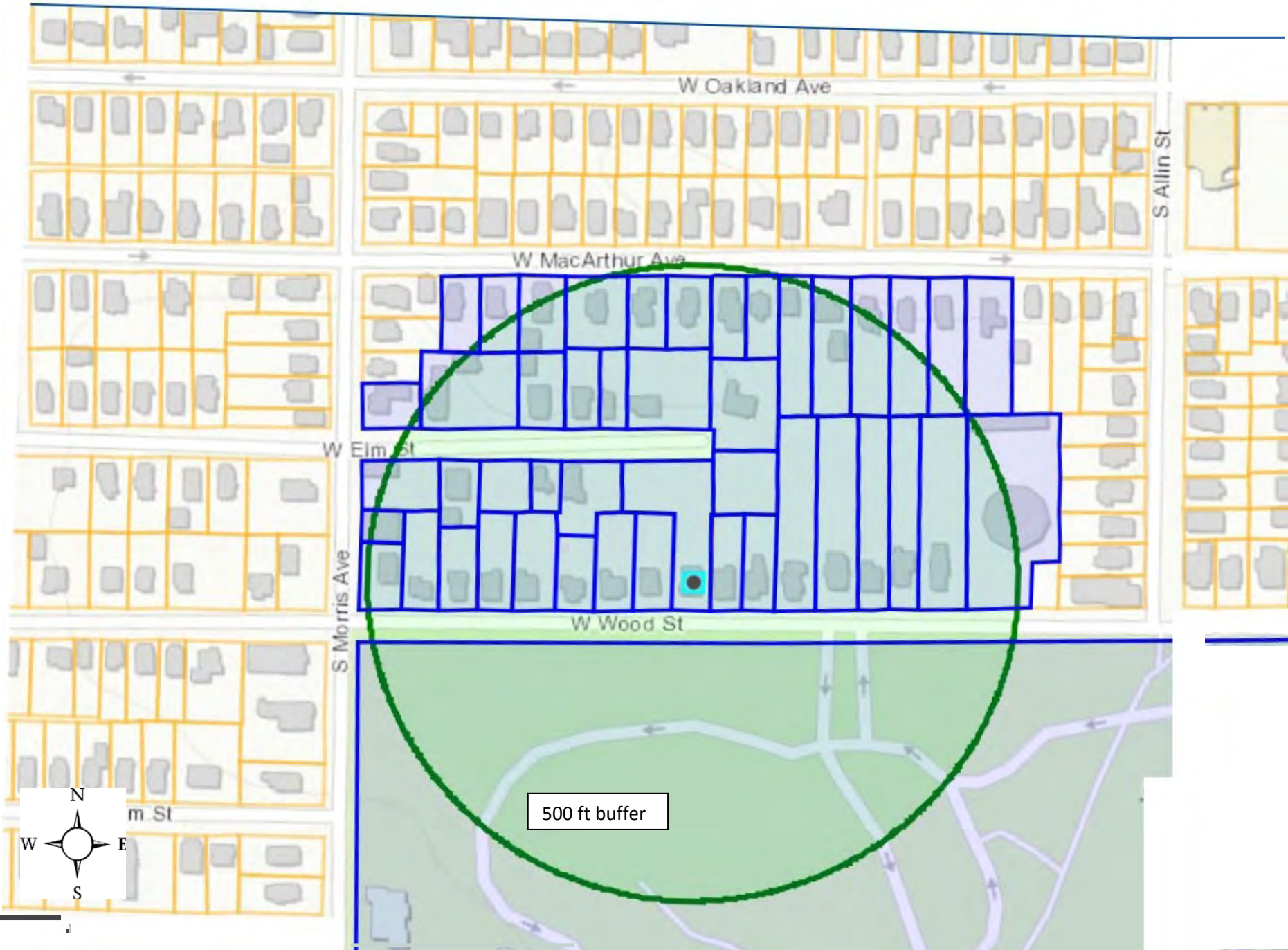
Legal Inside

63809
CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
ZONING BOARD OF
APPEALS
NOVEMBER 20, 2019

Notice is hereby given that the Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, November 20, 2019 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, for the following petitions:

Nordine's Heating & Cooling Supply Inc. 1601 S. Bunn St., Bloomington, IL 61701 (LUSH-SNYDER SUB LOT 2) request-

Public Hearing on Nov 20, 2019 for a Variance request at 916 W Wood St.





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

November 1, 2019

Dear Property Owner or Resident:

The Zoning Board of Appeals will hold a public hearing on **Wednesday November 20, 2019 at 4:00PM in the Council Chambers, 109 E. Olive Street, Bloomington, Illinois**, to hear testimony for a petition submitted by Steven Barr for approval of a variance request, for the property at **916 W Wood St.**, at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent must attend the meeting.

REQUEST

The petitioner is requesting a completed fence project remain with finished side facing property instead of facing outward.

LEGAL DESCRIPTION: FW KOCH'S ADDNW58' LOT 1 BLK 1 & LAWRENCE SUBN OF LOT 16 SUB NE 8-23-2EE139.5' LOT 18

You are receiving this courtesy notification since you own property within a 500 foot radius of the land described above (refer to attached map). All interested persons may present their views upon said petition, or ask questions related to the petitioner's request at the scheduled public hearing. Copies of the submitted petition are available for public review at the Department of Community Development, 115 E. Washington St. Bloomington, IL 61701. Communications in writing in relation to the petition may be sent to the Department of Community Development prior to the hearing, or presented at such hearing.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk at (309) 434-2240, preferably no later than five days before the hearing. Please note that cases are sometimes continued or postponed for various reasons (i.e lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting.

The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Katie'.

Katie Simpson, City Planner

Attachments:

Map of notified properties within 500 ft of subject property

STANLEY WINTERROTH
204 VAN SCHOICK ST
BLOOMINGTON, IL 617016567

JOE CLOTHIER
906 S MORRIS
BLOOMINGTON, IL 61701

MICHELLE MUELLER
908 W WOOD ST
BLOOMINGTON, IL 617016475

TIFFANY MCBRIDE
911 W WOOD ST APT C
BLOOMINGTON, IL 617016489

AMBERLY & LARYSSA CLARK RICHARDS
915 W WOOD ST
BLOOMINGTON, IL 617016475

LEONARD WILLIAMS
923 W WOOD ST
BLOOMINGTON, IL 617016462

MARY ANTOINETTE KINDEL
910 W WOOD
BLOOMINGTON, IL 61701

SCOTT YANTIS
910 W MACARTHUR AVE
BLOOMINGTON, IL 617016449

PAULA BUTLER
912 W MACARTHUR AVE
BLOOMINGTON, IL 617016449

RICHARD MILLER
930 W MACARTHUR AVE
BLOOMINGTON, IL 617016449

GREGORY & LORETTA WAHL SWANK
932 W MACARTHUR
BLOOMINGTON, IL 61701

MK2 PROPERTIES LLC
3105 CUMBRIA DR
BLOOMINGTON, IL 617041266

STEVEN P MILLS
922 W MACARTHUR AVE
BLOOMINGTON, IL 617016449

STEPHEN & SILVA PITTMAN
906 1/2 W MACARTHUR AVE
BLOOMINGTON, IL 617016449

KAMRA PIERCE
920 W MACARTHUR
BLOOMINGTON, IL 61701

MICHAEL MOCILAN
924 W MACARTHUR AVE
BLOOMINGTON, IL 617016449

MARGARET M KELLY FAMILY TRUST
921 W WOOD
BLOOMINGTON, IL 61701

JAMES WALKER
817 W ELM ST
BLOOMINGTON, IL 617016447

% APARTMENT MART INC AZH
PARTNERSHIP LLC
912 N Linden St
Bloomington, IL 617013353

DOLORES NICHOLS
917 W WOOD ST
BLOOMINGTON, IL 617016475

JUSTIN LONG
317 E WASHINGTON ST
TOWANDA, IL 617767581

SHIRLEY GILLENWATER
822 W ELM ST
BLOOMINGTON, IL 617016447

MARY ANTOINETTE KINDEL
910 W WOOD ST
BLOOMINGTON, IL 617016590

WILLIAM LUDWIG
923 1/2 W WOOD ST
BLOOMINGTON, IL 617016475

PENNY & DAVID SAPP
17470 AIR STRIP RD
HUDSON, IL 617489121

ARDYS SERPETTE
919 W WOOD ST
BLOOMINGTON, IL 617016475

DONNA WADE
808 S MORRIS AVE
BLOOMINGTON, IL 61701

SURENA FISH
909 W WOOD ST
BLOOMINGTON, IL 617016475

C DEANE HINSHAW
925 W WOOD ST
BLOOMINGTON, IL 617016475

DEBRA HAWKINS
610 DIXON AVE
EL PASO, IL 61738

KENNETH CLOTHIER
906 S MORRIS AVE
BLOOMINGTON, IL 61701

JAMES WALKER
821 W ELM ST
BLOOMINGTON, IL 617016447

JAMES WALKER
817 W ELM ST
BLOOMINGTON, IL 617016447

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

JOHN TAYLOR
830 W ELM ST
BLOOMINGTON, IL 617016447

MITCHELL JUNIS
825 W ELM ST
BLOOMINGTON, IL 617016447

FRANCES TEVOERT
934 W MAC ARTHUR
BLOOMINGTON, IL 61701

JANET & ROGER SMITH
8765 N 2600 EAST RD
LE ROY, IL 617527574

MICHAEL JAMES
829 W ELM ST
BLOOMINGTON, IL 617016447

CITY OF BLOOMINGTON
109 E OLIVE ST
BLOOMINGTON, IL 61701

TRACEY CHANDLER
926 W MACARTHUR ST
BLOOMINGTON, IL 61701

JEREMY SPENCER
314 GLENN AVE
NORMAL, IL 617613649

JACK & LYNETTE EDWARDS
9564 WALNUT WAY
BLOOMINGTON, IL 617055346

MIKE & SHIRLEEN SAPP
827 W ELM
BLOOMINGTON, IL 61701

STEVEN BARR
916 W WOOD ST
BLOOMINGTON, IL 617016475

**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
NOVEMBER 20, 2019**

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-10-19	9 Heartland Drive	Parking lot Variances	Casey Weeks Assistant City Planner

PROJECT DESCRIPTION:
Parking lot variances to allow for additional spaces.
PETITIONER'S REQUEST:

Section of Code: Chapter 44 Division 12-5. B. 1

Type of Variance	Request	Required	Variation
Two Front yard setbacks	6' front yard setback	12' between the public right-of-way	6 ft decrease

STAFF RECOMMENDATION:	<p>Staff finds that the variance will not give special privilege nor be detrimental to the character of the neighborhood. By preventing street parking, it will improve the character of the neighborhood.</p> <p><i>Staff recommends the Zoning Board of Appeals approve the variances for 9 Heartland Drive. (Ward 3)</i></p>
------------------------------	--



9 Heartland Drive

NOTICE

The application has been filed in conformance with applicable procedural requirements and legal, public notice for the hearing was published in *The Pantagraph* on November 4, 2019.

GENERAL INFORMATION

Owner and Applicant: Owner - Dr. Stephen Pilcher, Applicant – Russell Arbuckle, Architect

PROPERTY INFORMATION

Legal description: LOT 4 HERSHEY CENTER

Existing Zoning: C-1, Office District
Existing Land Use: Medical Office
Property Size: Approximately 55,161 sqft (243 X 227)
PIN: 21-01-151-010

Surrounding Zoning and Land Uses

Zoning

North: C-1, Office District
South: R-1B, Single Family Resident District
East: C-1, Office District
West: C-1, Office District

Land Uses

North: Medical Offices
South: Single family home(s)
East: Assisted living facility
West: Employment agency

Analysis

Submittals

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

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

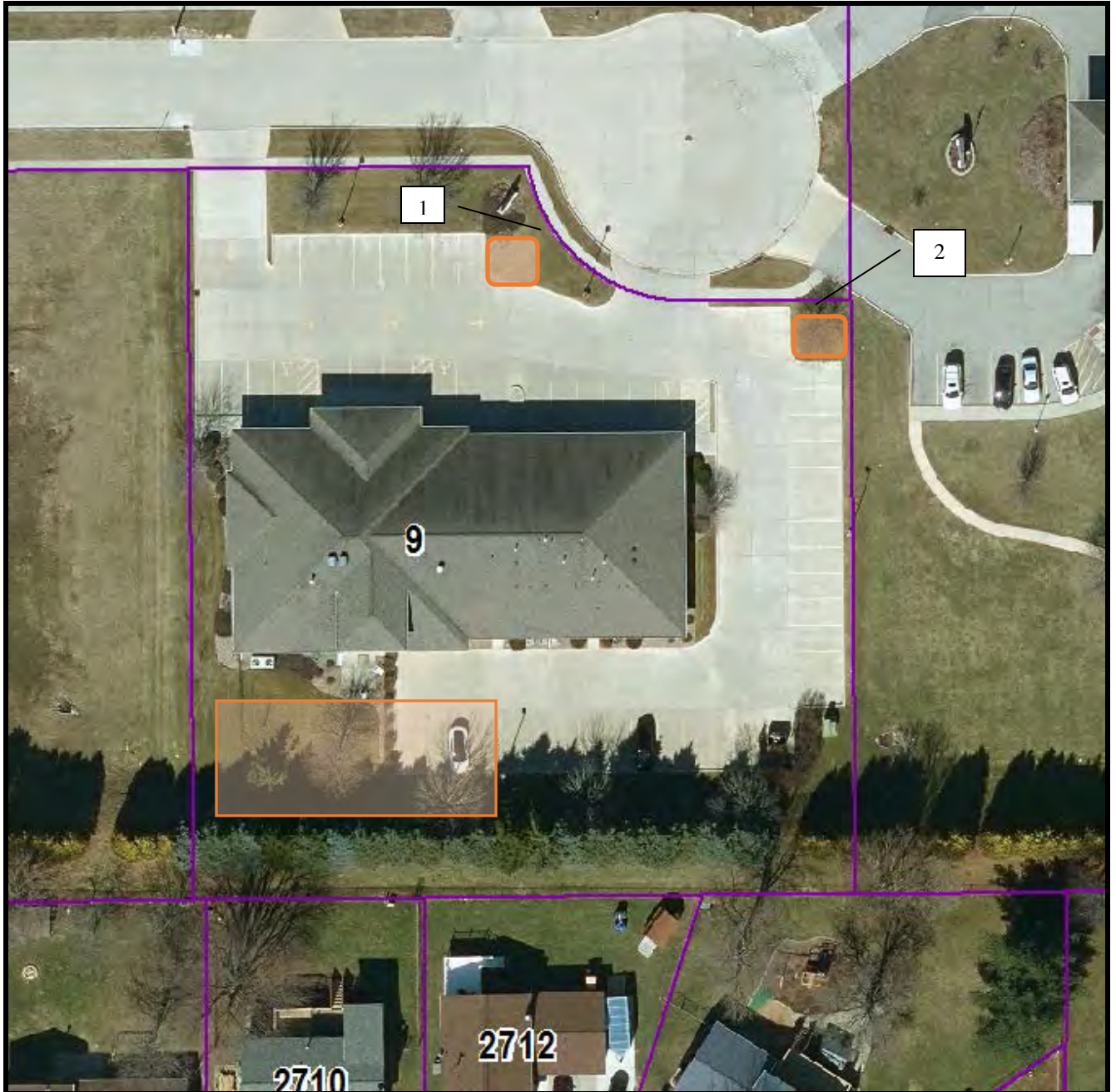


Figure 1 The 3 areas highlighted in orange are proposed extensions to the parking lot. The numbers mark the variances.

Variiances

1. Front yard variance with a setback not less than 6 feet versus the required 12 feet.
2. Front yard variance with a setback not less than 6 feet versus the required 12 feet.

PROJECT DESCRIPTION

Background.

The subject property, 9 Heartland Drive, is located on the end of a cul-de-sac. The street is occupied with medical offices, a bank, an assisted living facility, and an employment agency. The vacant lot to the west of 9 Heartland Drive serves as storm water detention for the entire street. The lot has a depth of approximately 227 feet and a width of 243 feet. The subject property and the immediate area were annexed into the City of Bloomington in 1970. The building was built in 2000 in compliance with city codes and was issued a certificate of occupancy in 2001.

Project Description: This medical office is located at the south end of a cul-de-sac. Parking needs have extended beyond the 51 existing spaces within the parking lot requiring staff and patients to park on the street. The total size of the medical office is 12,424 square feet which requires at least 50 spaces. The petitioner would like to add spaces in the front and rear of the building. The front spaces require a variance in the front yard reducing the set back from the required 12 feet to not less than 6 feet. The front spaces allow increased parking access for elderly and handicapped patients. Additional parking in the rear of the building allows for more employee spaces. The variance would allow for 11 additional spaces for a total of 62.

The subject property is the only irregularly shaped lot on the street due to the cul-de-sac rounding out and removing the northeast corner of the lot where the front yard variances are being requested. There is a need for additional off-street parking to accommodate patients and employees to prevent them from parking on the street.



Figure 2 This photo was taken on a weekday afternoon showing employees and/or patients utilizing street parking in front of the subject property, 9 Heartland Drive.



Figure 3 Street parking in front of the subject property.



Figure 4 Front view of the office from the cul-de-sac right-of-way.



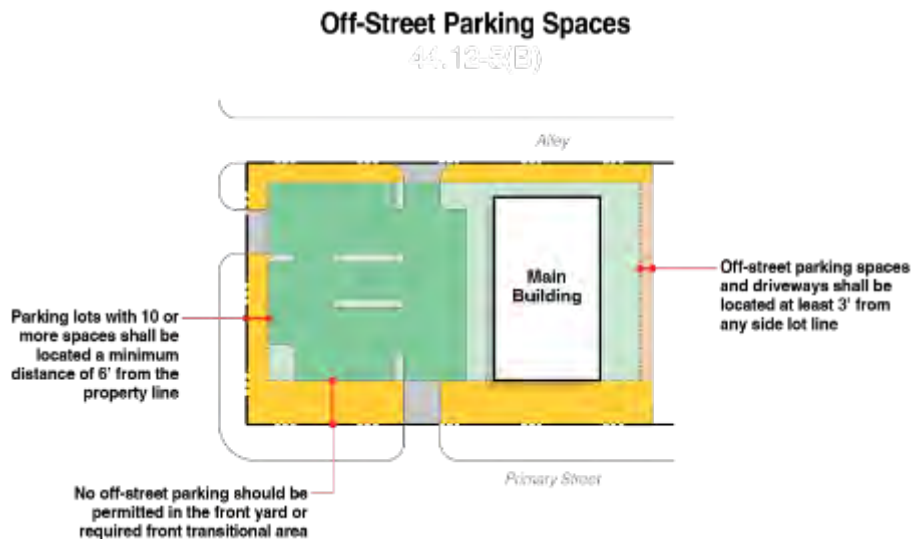
Figure 5 Front and side view of the office.



Figure 6 View of landscaping behind the office separating it from residential properties.

Chapter 44, Division 12-5 – Location and Yard Requirements

- A. Parking spaces required for all nonresidential and multifamily uses shall be located on the same lot or an adjoining lot, provided however, that where 10 or more parking spaces are required, such parking spaces may be provided in a shared parking facility subject to requirements of § 44-1204.
- B. Off-street parking spaces uses shall be located on a lot as follows:
- (1) No off-street parking spaces shall be permitted in the required front yard or required front transitional area, unless otherwise provided in this Code.
 - (2) All new and approved off-street parking spaces and driveways shall be located at least three feet from any side lot line.
 - (3) Where 10 or more parking spaces are required, off-street parking areas shall be located a minimum distance of six feet from the property line to accommodate a landscaped perimeter as provided in Article XIII.
 - (4) Legal nonconforming driveways may be reconstructed, but not expanded, at their existing location.
 - (5) Residential driveways shall comply with standards contained in § 44-404C of this Code.



Analysis

Variations from Zoning Ordinance

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

FINDINGS OF FACT

The applicant has outlined the request for variation in the attached narrative and drawings. The Zoning Ordinance requires that the application 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 northeast corner of the lot is removed by the cul-de-sac reducing space that could be utilized for parking. **The standard is met.**

That the variances would be the minimum action necessary to afford relief to the applicant; and this action along with additional work that does not require a variance are the least intrusive actions. The property is still within the maximum parking allowed, and the applicant is not requesting zero setbacks. **The standard is met.**

That the special conditions and circumstances were not created by any action of the applicant; and the conditions are created by having a lot reduced in size by the cul-de-sac right-of-way removing a portion of the lot that would be used for parking and setbacks. **The standards 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 to the east at the assisted living facility does not have a 12 feet setback from its parking lot located in the front yard. **The standard is met.**

That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use of development of adjoining properties. By keeping not less than 6 feet setback in the front yard, landscaping will remain and will not alter the character or impair the use of adjoining properties. Neighboring businesses would prefer to not have cars parking on the street. **The standard is met.**

STAFF RECOMMENDATION: Staff finds that the variance will not give special privilege nor be detrimental to the character of the neighborhood. There is a need for off-street parking to accommodate patients and employees. Allowing the variances will prevent cars from parking on the street.

*Staff recommends the Zoning Board of Appeals **approve** the variance for 9 Heartland Drive to allow a reduction in the two front yard setbacks.*

Respectfully submitted,
Casey Weeks
Assistant City Planner

Attachments:

- Variance Application
- Petitioner Statement of Findings of Fact
- Site Plan
- Letters of support from neighboring businesses
- Aerial Map
- Zoning Map
- Newspaper notice and neighborhood notice
- List of notified property owners

APPLICATION TO ZONING BOARD OF APPEALS

Please consider this as our petition for a variance from the requirement(s) of the Zoning Code. I have provided all information requested herein and attached our site plan and fee.

Site Address: 9 HEARTLAND DRIVE

Site Address: BLOOMINGTON, IL

Petitioner: DR. STEPHEN PILCHER Phone: [REDACTED]

Petitioner's Email Address: [REDACTED]

Petitioner's Mailing Address Street: 9 HEARTLAND DRIVE

City, State, Zip Code: BLOOMINGTON, IL 61704

Contractual interest in the property yes no

Signature of Applicant [REDACTED] ARCHITECT OF RECORD.

Brief Project Description:

RECONFIGURATION & ADDITION TO PARKING LOT.

Code Requirements Involved:

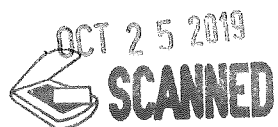
44-1307B1A-PARKING LOT LANDSCAPE REQUIREMENTS - FRONT YARD GREENSPACE SETBACK.

Variances(s) Requested:

6 FT REDUCTION OF FRONT PERIMETER PARKING LOT LANDSCAPING REQUIREMENTS (FROM 12 FT TO GREATER THAN 6 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.

ADDITIONAL LANDSCAPING SHALL BE ADDED TO REDUCE/ELIMINATE ANY PERCEIVED VISUAL IMPACT. VIRTUALLY ALL IMPACTED NEIGHBORING BUSINESSES HAVE SIGNED LETTER OF SUPPORT TO REDUCE ON-STREET PARKING ON ALREADY CROWDED CUL-DE-SAC.



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

NEARLY ALL BUSINESSES ON CUL-DE-SAC UTILIZE ON-STREET PARKING, MAKING IT DIFFICULT FOR PATIENTS AND STAFF TO FIND SUITABLE PARKING.

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

THIS ACTION ALONG W/ ADDITIONAL WORK THAT DOES NOT REQUIRE VARIANCES ARE THE LEAST INTRUSIVE ACTIONS - ~~TO~~

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

THE CONDITIONS ARE CREATED BY MULTIPLE SUCCESSFUL BUSINESSES ON A CUL-DE-SAC W/ LIMITED PUBLIC PARKING.

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

THIS REQUEST PROVIDES NO SPECIAL PRIVILEGE AND STILL ALLOWS THE PARKING LOT TOTAL COUNT TO BE UNDER THAT ALLOWED BY THE CODE.

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

THERE IS NO UNMITIGATED AFFECT TO THE NEIGHBORHOOD, AND NEIGHBORS SUPPORT ACTION.



Family Dental
GENERAL & COSMETIC DENTISTRY

Johnny J. Hernandez, DDS

October 15, 2019

City of Bloomington
Zoning Board Committee

Dear Sirs:

It has come to our attention that our neighbor Bloomington Primary Care Ltd is seeking a variance to expand their parking lot by two spaces in the front, and five spaces in the back, as well as making accommodations for a fire escape.

We have noticed that parking congestion is a problem in our cul-de-sac, and additional parking would be welcome for our business community. We do not find allowing them to approaching the boundaries of their lot, or exceeding the usual amount of parking spaces a problem. In fact, we find it helpful for our own customers.

Please consider allowing their request for a parking lot variance from the Zoning Board.

Sincerely,





October 17, 2019

City of Bloomington
Zoning Board Committee


Dear Sirs:

It has come to our attention that our neighbor Bloomington Primary Care Ltd is seeking a variance to expand their parking lot by two spaces in the front, and five spaces in the back, as well as making accommodations for a fire escape.

We have noticed that parking congestion is a problem in our cul-de-sac, and additional parking would be welcome for our business community. We do not find allowing them to approaching the boundaries of their lot, or exceeding the usual amount of parking spaces a problem. In fact, we find it helpful for our own customers.

Please consider allowing their request for a parking lot variance from the Zoning Board.

Sincerely,



Larry J. Kallembach
Chief Information Officer, EVP
Heartland Bank & Trust Company



HEARTLAND FOOT AND ANKLE ASSOCIATES, P.C.
Dr. Melissa J. Lockwood
Podiatrist

10 Heartland Drive
Suite B
Bloomington, IL 61704

Phone: 309-661-9975
Fax: 309-661-9920
www.heartlandfootandankle.com

October 17, 2019

City of Bloomington
Zoning Board Committee


Dear Sirs:

It has come to our attention that our neighbor Bloomington Primary Care Ltd is seeking a variance to expand their parking lot by two spaces in the front, and five spaces in the back, as well as making accommodations for a fire escape.

We have noticed that parking congestion is a problem in our cul-de-sac, and additional parking would be welcome for our business community. We do not find allowing them to approach the boundaries of their lot or exceeding the usual amount of parking spaces a problem. In fact, we find it helpful for our own customers.

Please consider allowing their request for a parking lot variance from the Zoning Board.

Sincerely,



Scott P. Heape
Practice Administrator/CFO

Sue Keogh, LCPC
9 Heartland Dr, Suite C
Bloomington IL, 61704

October 17, 2019

City of Bloomington
Zoning Board Committee

Dear Sirs:

It has come to our attention that our neighbor Bloomington Primary Care Ltd is seeking a variance to expand their parking lot by two spaces in the front, and five spaces in the back, as well as making accommodations for a fire escape.

We have noticed that parking congestion is a problem in our cul-de-sac, and additional parking would be welcome for our business community. We do not find allowing them to approaching the boundaries of their lot, or exceeding the usual amount of parking spaces a problem. In fact, we find it helpful for our own customers.

Please consider allowing their request for a parking lot variance from the Zoning Board.

Sincerely,



Susan Keogh, LCPC

ANDREW W. BACKUS, O.D., F.A.A.O.

6 HEARTLAND DRIVE, SUITE C
BLOOMINGTON, ILLINOIS 61704
(309) 663-0303

October 16, 2019

City of Bloomington
Zoning Board Committee

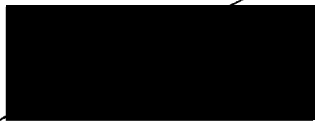
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Please consider allowing their request for a parking lot variance from the Zoning Board.

Sincerely,



Andrew W. Backus, O.D., F.A.A.O.





Comprehensive Health Services
Serving the heart and soul of our community

October 15, 2019

City of Bloomington
Zoning Board Committee

Dear Members of the Zoning Board:

It has come to our attention that our neighbor, Bloomington Primary Care Ltd, is seeking a variance to expand their parking lot by two spaces in the front, and five spaces in the back, as well as making accommodations for a fire escape.

We have noticed that parking congestion is a problem in our cul-de-sac and additional parking would be welcome for our business community. We do not find allowing them to approaching the boundaries of their lot, or exceeding the usual amount of parking spaces a problem. In fact, we find it helpful for our own customers and employees.

Please consider allowing their request for a parking lot variance from the Zoning Board.

Sincerely,

LANA BRANCH
COMPREHENSIVE HEALTH SERVICES
CHS TRANSPORT
OWNER/ADMIN

303 N HERSHEY SUITE B
BLOOMINGTON, IL 61704

P: 309-808-4409

F: 309-808-4936

KELLY

October 15, 2019

City of Bloomington
Zoning Board Committee


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Please consider allowing their request for a parking lot variance from the Zoning Board.

Sincerely,



Jhane Melton
Kelly Services
Talent Engagement Manager
303 N. Hershey Road
Suite D-3
Bloomington, IL



October 15, 2019

City of Bloomington
Zoning Board Committee

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Please consider allowing their request for a parking lot variance from the Zoning Board.

Sincerely,

A black rectangular redaction box covers the signature of Cassidy Lepper.

Cassidy Lepper

A black rectangular redaction box covers the signature of Rachel Salrin.

Rachel Salrin

A black rectangular redaction box covers the signature of Sam Resuali.

Sam Resuali

Kevin K. Schultz, D.D.S.

October 15, 2019

City of Bloomington
Zoning Board Committee

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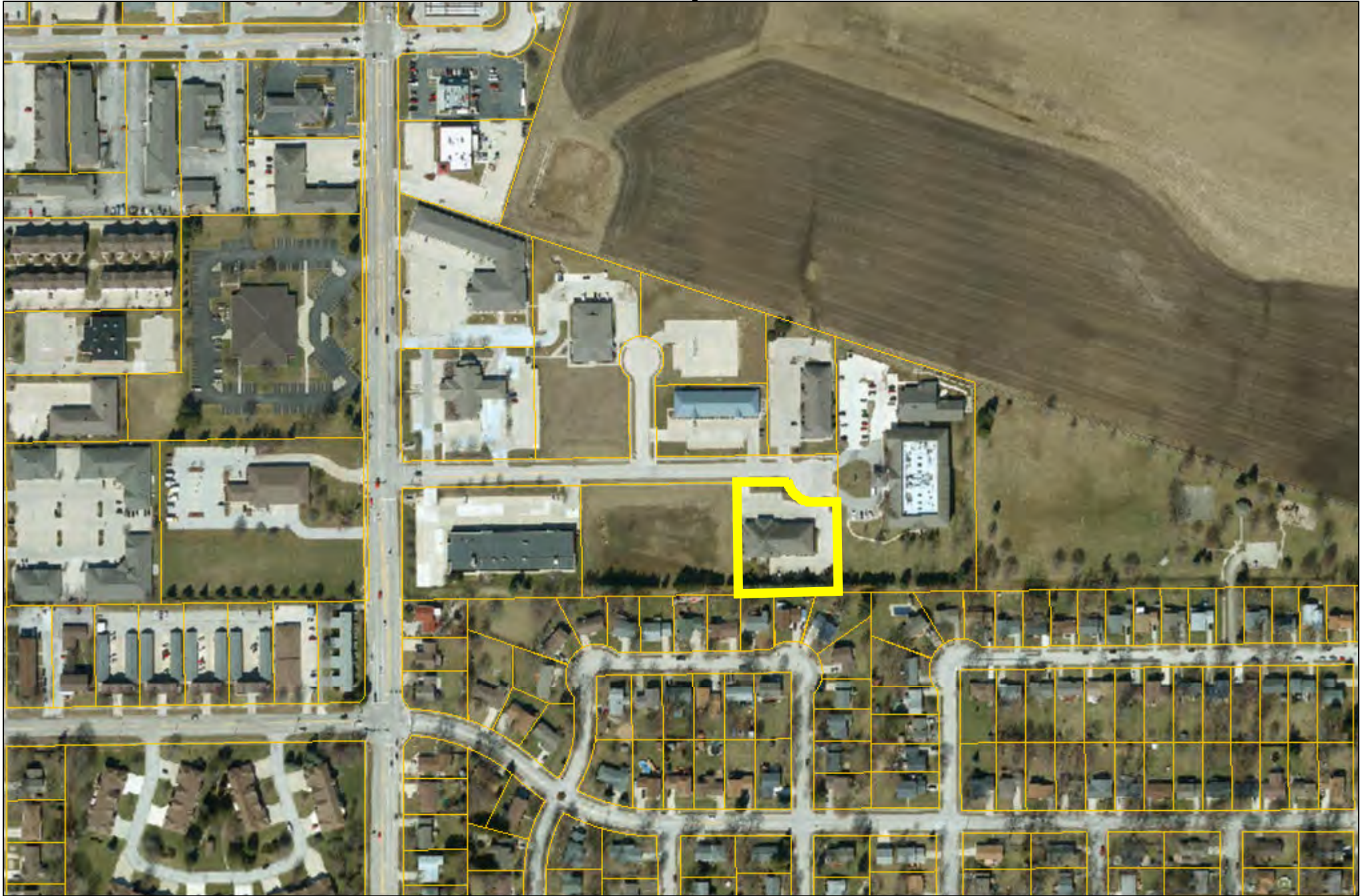
Please consider allowing their request for a parking lot variance from the Zoning Board.

Sincerely,

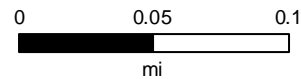


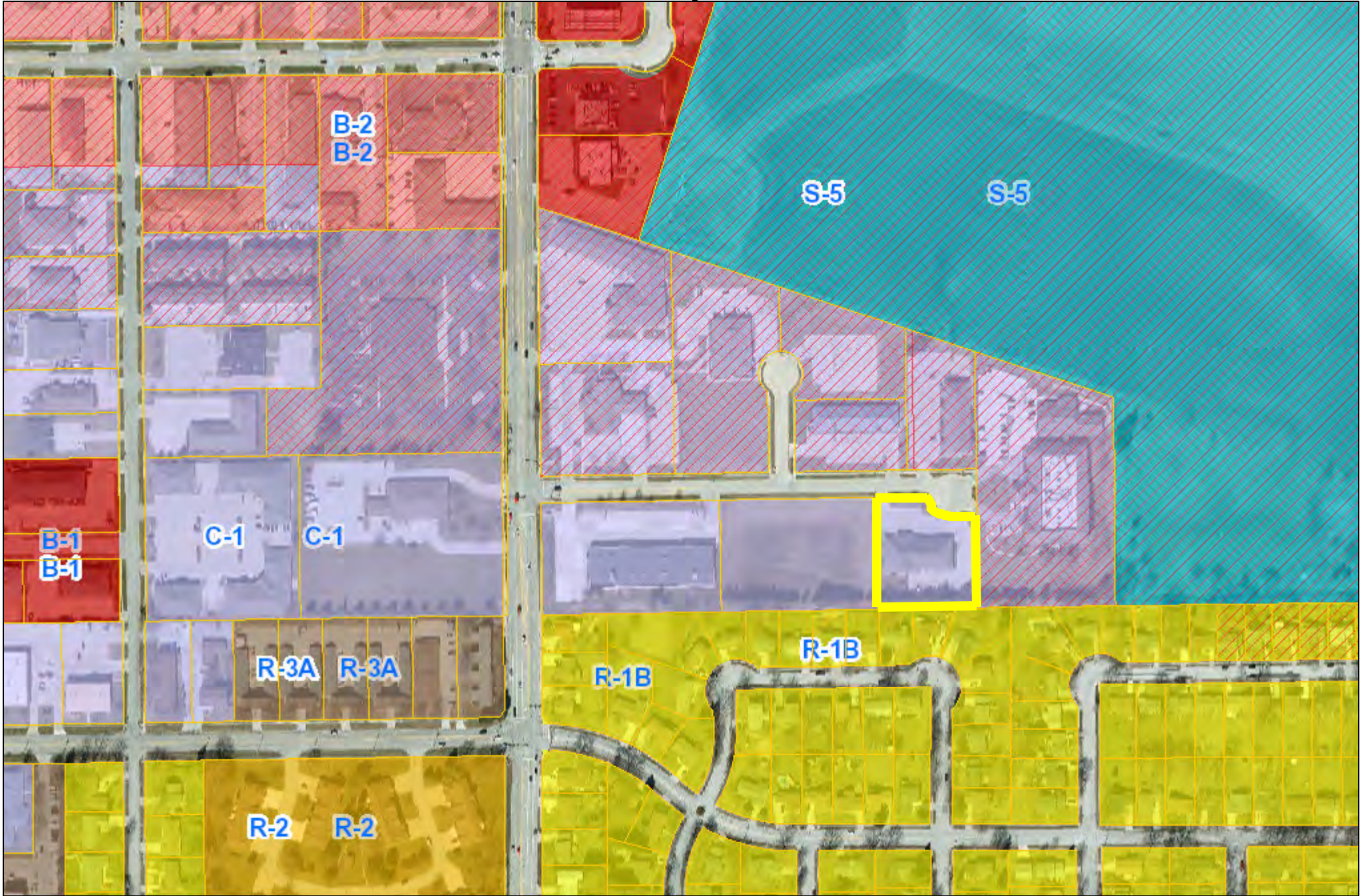
10 Heartland Drive, Suite C; Bloomington, Illinois 61704 (309) 663-1721



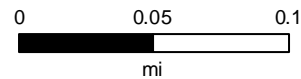


McGIS does not guarantee the accuracy of the information displayed. Only on-site verification or field surveys by a licensed professional land surveyor can provide such accuracy. Use for display and reference purposes only.





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Legal Inside

ing the approval of a special use permit for a Sports and Fitness Establishment, primarily used for electric remote control car racing, in M-1, Restricted Manufacturing District, at 1601 S. Bunn St. owned by Richard Snyder (13001 NW49th Ave. Vancouver WA 98685)

Steven Barr is requesting a Variance at 916 W Wood Street (FW KOCH'S ADDNW58' LOT 1 BLK 1 & LAWRENCE SUBN OF LOT 16 SUB NE 8-23-2EE139.5' LOT 18). The petitioner is requesting completed fence project remain with finished side facing property instead of facing outward.

Dr. Stephen Pilcher is requesting a Variance 9 Heartland Drive (HERSHEY CENTER LOT 4). The petitioner is requesting a 6' reduction of the 12' required front perimeter parking lot landscaping requirements.

All interested persons may present their views upon such matters pertaining to the above referenced cases at the public hearing. The petitioner or his/her Counsel/Agent must attend the meeting. In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk, preferably no later than five days before the hearing.

The City Clerk may be contacted either by letter at 109 E. Olive St., Bloomington, IL 61701, by telephone at 309-434-2240, or email cityclerk@cityblm.org. The City Hall is equipped with a text telephone (TTY) that may also be reached by dialing 309-829-5115.

Published: November 4, 2019
Published: November 4, 2019

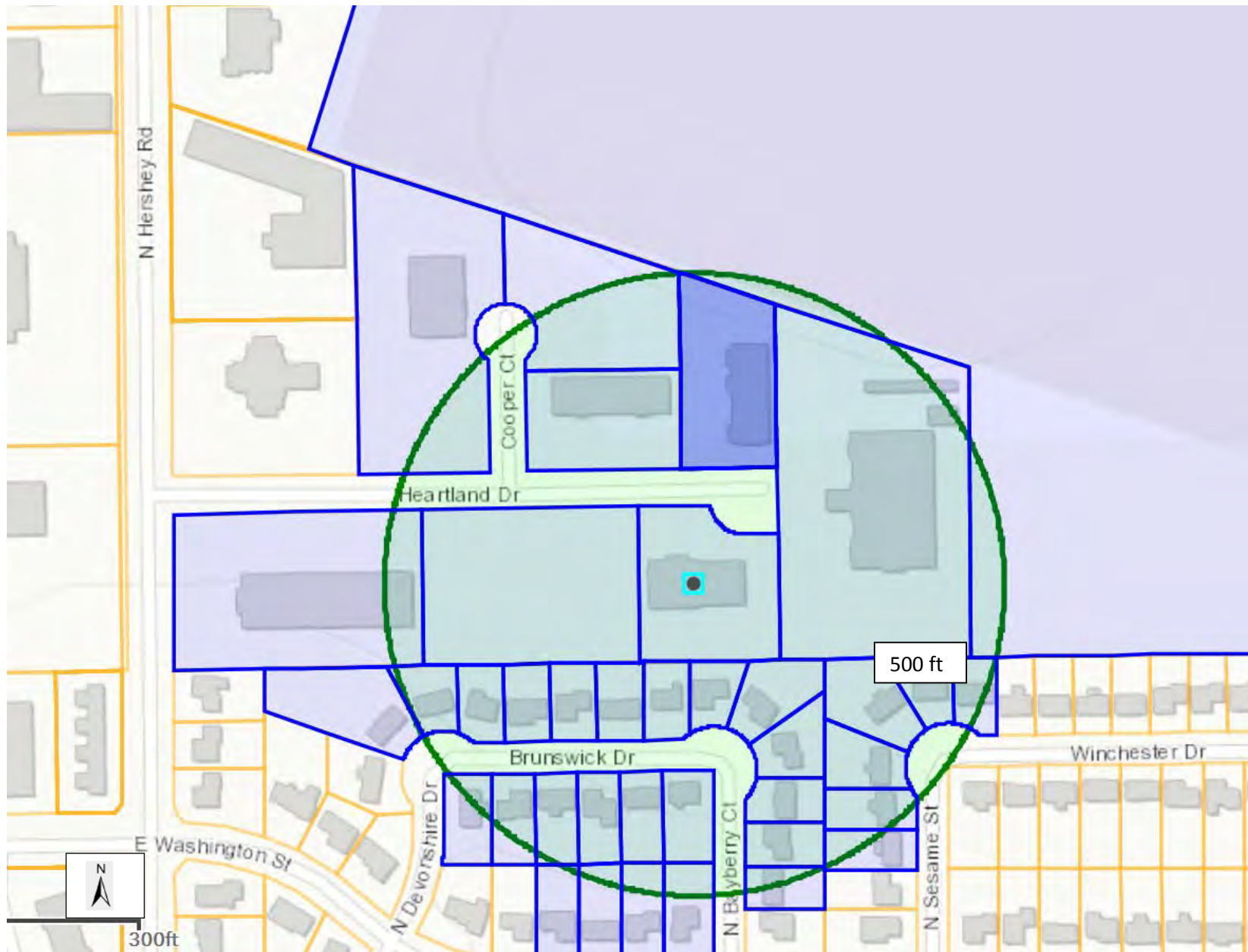
Legal Inside

63809
CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
ZONING BOARD OF
APPEALS
NOVEMBER 20, 2019

Notice is hereby given that the Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, November 20, 2019 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, for the following petitions:

Nordine's Heating & Cooling Supply Inc. 1601 S. Bunn St., Bloomington, IL 61701 (LUSH-SNYDER SUB LOT 2) request-

Public Hearing on Nov. 20, 2019 for a Variance request at 9 Heartland Dr.





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

November 1, 2019

Dear Property Owner or Resident:

The Zoning Board of Appeals will hold a public hearing on **Wednesday November 20, 2019 at 4:00PM in the Council Chambers, 109 E. Olive Street, Bloomington, Illinois**, to hear testimony for a petition submitted by Stephen Pilcher for approval of a variance request, for the property at **9 Heartland Dr.**, at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent must attend the meeting.

REQUEST

The petitioner is requesting a 6' reduction of the 12' required front perimeter parking lot landscaping requirements.

LEGAL DESCRIPTION: HERSHEY CENTER LOT 4

You are receiving this courtesy notification since you own property within a 500 foot radius of the land described above (refer to attached map). All interested persons may present their views upon said petition, or ask questions related to the petitioner's request at the scheduled public hearing. Copies of the submitted petition are available for public review at the Department of Community Development, 115 E. Washington St. Bloomington, IL 61701. Communications in writing in relation to the petition may be sent to the Department of Community Development prior to the hearing, or presented at such hearing.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk at (309) 434-2240, preferably no later than five days before the hearing. Please note that cases are sometimes continued or postponed for various reasons (i.e lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting.

The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Katie Simpson'.

Katie Simpson, City Planner

Attachments:

Map of notified properties within 500 ft of subject property

FRED DRAKE HEARTLAND BANK AND
TRUST COMPANY
PO BOX 67
Bloomington, IL 61702

PAUL LAZOEN
2710 BRUNSWICK DR
BLOOMINGTON, IL 61704

LESLIE DONNELLY
107 BAYBERRY
BLOOMINGTON, IL 61704

ANNE KASSON
114 N SESAME ST
BLOOMINGTON, IL 61704

TAMRA PURCELL
2710 E WASHINGTON ST
BLOOMINGTON, IL 61701

DEANNA ENGEL
108 N DEVONSHIRE DR
BLOOMINGTON, IL 61704

JUAN ARIAS
2706 BRUNSWICK
BLOOMINGTON, IL 61704

BRANDON & MARALINE HERALD
2707 BRUNSWICK DR
BLOOMINGTON, IL 61704

FRANKLIN MAYNOR
102 N BAYBERRY
BLOOMINGTON, IL 61704

JANET EMERSON
103 N DEVONSHIRE DR
BLOOMINGTON, IL 61704

KYLE SHICK
110 N SESAME ST
BLOOMINGTON, IL 61704

STEPHEN M & AMY LARSON
2704 BRUNSWICK DR
BLOOMINGTON, IL 61704

TONY & JESSICA NESBY
109 N BAYBERRY CT
BLOOMINGTON, IL 61704

LLOYD & SHARON PHILLIPS
2706 E WASHINGTON ST
BLOOMINGTON, IL 61704

SHIRK ONEAL HSHY
PO BOX 1549
BLOOMINGTON, IL 61702

CONWAY NEWTON
106 N DEVONSHIRE
BLOOMINGTON, IL 61704

EFRAIN ARIAS
2711 BRUNSWICK DR
BLOOMINGTON, IL 61704

THOMAS C AND MEIGAN C HOPPER
2705 BRUNSWICK DRIVE
BLOOMINGTON, IL 61704

SCOTT FISHER
2702 BRUNSWICK DR
BLOOMINGTON, IL 61704

BICKFORD OF BLOOMINGTON LLC
13795 S MUR LEN RD STE 301
OLATHE, KS 66062

JENNIFER HAAS
2712 BRUNSWICK DR
BLOOMINGTON, IL 61704

JOHN LUBBEN
2902 WINCHESTER DR
BLOOMINGTON, IL 61704

STEPHEN PILCHER
9 HEARTLAND DR STE A
BLOOMINGTON, IL 61704

STUART & JANET L FRANKEBERGER
2708 E WASHINGTON
BLOOMINGTON, IL 61704

JUDY K & COLEEN SEIDENSTICKER
DEFREESE
108 N SESAME ST
BLOOMINGTON, IL 61704

DOUGLAS FERRIER
2708 BRUNSWICK DR
BLOOMINGTON, IL 61704

THOMAS H & LINDA L SELLBERG
2709 BRUNSWICK DR
BLOOMINGTON, IL 61704

FRED DRAKE HEARTLAND BANK AND
TRUST COMPANY
PO BOX 67
Bloomington, IL 61702

CAROL LEARY
2703 BRUNSWICK DR
BLOOMINGTON, IL 61704

DONALD WHITESIDE
111 N BAYBERRY CT
BLOOMINGTON, IL 61704

DAVID MARTIN
112 N SESAME
BLOOMINGTON, IL 61704

ABIGAIL GANDHI
106 N SESAME ST
BLOOMINGTON, IL 61704

HEAPE FAMILY HOLDINGS
10 HEARTLAND DR STE B
BLOOMINGTON, IL 61704

CORY & KELLY LEESE
105 N BAYBERRY CT
BLOOMINGTON, IL 61704

BLOOMINGTON-NORMAL AIRPORT
AUTHORITY
3201 CIRA DR STE 200
BLOOMINGTON, IL 61704

KEVN SCHULTZ
10 Heartland Dr Ste C
BLOOMINGTON, IL 61704

AMANDA GLADHILL
103 N BAYBERRY CT
BLOOMINGTON, IL 61704

CASTA 5 LLC
13715 FAWN DR
BLOOMINGTON, IL 61705

Zoning Board of Appeals

Zoning Board of Appeals 2020 Meeting Schedule

Meetings will be on the third Wednesday of the Month
Located in the City of Bloomington City Council Chambers at 4:00 PM

Meeting dates will be as follows:

These meeting dates have to be submitted to city council for approval.

The Zoning Board of Appeals must approve these dates before staff can submit to the city clerk for council agenda consideration.

1/15/2020
2/19/2020
3/18/2020
4/15/2020
5/20/2020
6/17/2020
7/15/2020
8/19/2020
9/16/2020
10/21/2020
11/18/2020
12/16/2020

Signature: _____ Date: _____