



AGENDA
ZONING BOARD OF APPEALS
REGULAR MEETING
COUNCIL CHAMBERS
109 EAST OLIVE STREET
BLOOMINGTON, IL

WEDNESDAY, MAY 19, 2021 4:00 P.M.

THIS MEETING WILL BE HELD VIRTUALLY. LIVE STREAM AVAILABLE AT:

www.cityblm.org/live

Prior to 15 minutes before the start of the meeting, 1) those persons wishing to provide public comment or testify at the meeting must register at www.cityblm.org/register, and/or 2) those persons wishing to provide written comment must email their comments to publiccomment@cityblm.org.

Members of the public may also attend the meeting at City Hall. Attendance will be limited to 10 people including staff and Board/Commission members and will require compliance with City Hall COVID-19 protocols and social distancing. Participants and attendees are encouraged to attend remotely. The rules for participation and physical attendance may be subject to change due to changes in law or to executive orders relating to the COVID-19 pandemic occurring after the publication of this agenda. Changes will be posted at www.cityblm.org/register.

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC COMMENT

This meeting is being held virtually via live stream. Public comment will be accepted up until 15 minutes before the start of the meeting. Written public comment must be emailed to publiccomment@cityblm.org and those wishing to speak live must register at <https://www.cityblm.org/register> prior to the meeting.

4. MINUTES Review the minutes of the April 21, 2021 regular Zoning Board of Appeals meeting.

5. REGULAR AGENDA

Note, due to COVID-19 social distancing considerations, this meeting is held virtually. Those wishing to testify or comment remotely regarding a public hearing listed below must register at <https://www.cityblm.org/register> at least 15 minutes prior to the start of the meeting.

- A. SP-02-21 Public hearing, review, and action on a petition submitted by Gene LeGrand for a special use permit for vehicle sales in the M-1 Restricted Manufacturing District, for the property located at 1321 N Mason Street, Bloomington, IL 61701, PIN: 14-33-302-017 (Ward 7).
- B. SP-03-21 Public hearing, review, and action on a petition submitted by Dominique Medley for a special use permit for the keeping of chickens in the R-1B Single Family Residence District, for the property located at 810 Snyder Drive, Bloomington, IL 61701, PIN: 21-11-153-007 (Ward 1).

- C. Z-13-21 Public hearing, review, and action on a petition submitted by Harriett & Lew Steinbach for a variance from Chapter 44 Division 9-10C to allow a six-foot fence in lieu of a four-foot fence in the required front yard for the property located at 2 Ebach Drive, Bloomington, IL 61701, PIN: 14-34-451-034 (Ward 4). **WITHDRAWN**
- D. Z-14-21 Public hearing, review, and action on a petition submitted by Laura Edwards for variance(s) from Chapter 44 Division 4-3 to allow the reconstruction of an attached garage with a six-foot reduction in the side yard setback, for the property located at 1409 Fell Avenue, Bloomington, IL 61701, PIN: 14-33-476-007 (Ward 4).
- E. SP-04-21 Public hearing, review, and action on a petition submitted by David Bailey on behalf of Oldacre McDonald, LLC for a special use permit with variance(s) for vehicle repair and service in the B-1 General Commercial District, for the property located at 1025 Wylie Drive, Bloomington, IL 61705, PIN: 14-31-353-006 (Ward 7).

6. OLD BUSINESS

7. NEW BUSINESS

A. Election of Chair

8. ADJOURNMENT



DRAFT

MINUTES

**PUBLISHED BY THE AUTHORITY OF
THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS
WEDNESDAY, APRIL 21, 2021 4:00 P.M.
WWW.CITYBLM.ORG/LIVE**

The Zoning Board of Appeals convened in Regular Session virtually via zoom conferencing with the City Planner, Katie Simpson, Kimberly Smith, Assistant Director of Economic & Community Development, and Commissioner Michael McFarland in-person in City Hall’s Council Chambers. The meeting was live streamed to the public at www.cityblm.org/live. The Meeting was called to order by Chairperson Victoria Harris at 4:04 PM.

ROLL CALL

Attendee Name	Title	Status
Ms. Victoria Harris	Chairperson	Present
Mr. Terry Ballantini	Commissioner	Present
Mr. Michael McFarland	Commissioner	Present
Mr. Michael Straza	Commissioner	Absent
Mr. Tyler Noonan	Commissioner	Present
Ms. Nikki Williams	Commissioner	Absent
Mr. George Boyle	Assistant Corporate Counsel	Present
Ms. Kimberly Smith	Assistant Economic & Community Development Director	Present
Ms. Katie Simpson	City Planner	Present
Ms. Caitlin Kelly	Assistant City Planner	Present

COVID-19

This meeting was held virtually via live stream. Public comment was accepted up until 15 minutes before the start of the meeting. Written public comment were to be emailed to publiccomment@cityblm.org and those wishing to speak live were required to register at <https://www.cityblm.org/register> prior to the meeting.

PUBLIC COMMENT

No public comment.

MINUTES

Mr. Ballantini motioned to approve the minutes from February 17, 2021 meeting. Mr. Noonan seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Noonan - Yes, Chairperson Harris - Yes. The motion was approved (4-0-0).

REGULAR AGENDA

DRAFT

MEETING MINUTES

**PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS
WEDNESDAY, APRIL 21, 2021**

- A. SP-01-21 Public hearing, review, and action on a petition submitted by Lori Kiley and Brenda Roberts to request a Special Use permit in the R-1C, Single Family Residence District, for the keeping of chickens, for the property located at 1612 W Locust Street, Bloomington, IL 61701, PIN: 21-05-176-009 (Ward 7).

Chairperson Harris introduced the case. Ms. Kelly provided the staff report and positive recommendation. She described the surrounding zoning and adjacent uses. She described the location of the chicken coop and proposed enclosure. Ms. Kelly provided photos of the site and highlighted staff's analysis determined the standards to be met and provided analysis in relation to the goals of the comprehensive plan.

Lori Kiley, was sworn in. She provided testimony that she and her mother had been wanting to have chickens. She described the fencing and explained that she intends to store the food in the garage in a large food container. Chairperson Harris clarified the storage of food will be in the garage. Ms. Kiley affirmed this.

Mr. Ballantini asked how long the applicant has lived at the residence. Ms. Kiley confirmed they purchased the house in June 2020. Mr. Ballantini asked if the applicant had spoken to her neighbors. Ms. Kiley affirmed and stated her neighbors did not express concerns. Mr. Ballantini asked if she had spoken to the people directly behind. Ms. Kiley stated that she spoke with the person directly to the behind and left.

No one else spoke on the petition. Chairperson Harris closed the public hearing.

Mr. Ballantini motioned to accept the findings of fact as presented by staff. Mr. Noonan seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Noonan - Yes, Chairperson Harris - Yes. The motion was approved (4-0-0).

Mr. Ballantini motioned to approve the variance. Mr. McFarland seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Noonan - Yes, Chairperson Harris - Yes. The motion was approved (4-0-0).

OLD BUSINESS

There was none.

NEW BUSINESS

There was none.

ADJOURNMENT

Mr. Ballantini moved to adjourn at 4:22 PM. Mr. Noonan seconded. Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Noonan - Yes, Chairperson Harris - Yes. The motion was approved (4-0-0). The meeting adjourned at 4:22 PM.



ZONING BOARD OF APPEALS

TO: Zoning Board of Appeals
FROM: Economic & Community Development Department
DATE: May 19, 2021
CASE NO: SP-02-21, Special Use Permit
REQUEST: Public hearing, review, and action on a petition submitted by Gene LeGrand for a special use permit for vehicle sales in the M-1 Restricted Manufacturing District, for the property located at 1321 N Mason Street, Bloomington, IL 61701, PIN: 14-33-302-017 (Ward 7).



Above: 1321 N Mason, outlined in black.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, May 3, 2021. Courtesy notices were mailed to 86 property owners within 500 feet of the subject property.

PROPERTY INFORMATION

Subject Property: 1321 N Mason Street
Applicants: Gene LeGrand
Existing Zoning: M-1 Restricted Manufacturing District
Existing Land Use: Office
Property Size: 0.25 acres
PIN: 14-33-302-017

SURROUNDING ZONING AND LAND USES

	Zoning	Land Uses
North	M-1, P-2 Public Lands and Institutions	Vehicle repair, utilities
South	M-1, R-1C Single-Family Residence District	Office, single-family homes
East	M-1, R-1C	Railroad, single-family homes
West	R-1C	Single-family homes

PROJECT DESCRIPTION

Background:

1321 N Mason Street is located near the Union-Pacific Railroad’s intersection with W Division Street, on the north side of the City’s municipal limits. The subject property and the properties abutting it to the north and south, 604 W Division and 1315 N Mason, originally made up one parcel under the ownership of PEMCO Mutual Insurance Company. The subject property is improved with an office building; constructed in the late 1970s, this building was originally the PEMCO office.

The subject property is adjacent to predominantly residential and industrial uses. Residences lie directly across Mason Street to the west, and other residential neighborhoods are separated from the subject parcel by the Union-Pacific Railroad to the east. To the north is the Bloomington Water Department. The site lies within the M-1 District, allowing for a multitude of commercial, agricultural, and light industrial uses by right. Most automotive uses in this District require a special use permit if located adjacent to residential zoning, as the subject property is. Recently, 604 W Division was granted a special use permit for vehicle repair and service.

Petitioners’ request:

The applicant is seeking a special use permit to facilitate limited vehicle sales at the subject property. The applicant plans to keep up to six cars onsite at any given time, conducting most sales either online or through auctions.

Compliance with the Comprehensive Plan:

- N-1.1b Ensure sensitive transitions from residential to nonresidential.
- ED-1.1 Focus on retention and expansion of existing businesses.
- ED-4.2 Prioritize infill and redevelopment to spur growth and reinvestment in the City

STANDARDS FOR REVIEW

Ch. 44, 17-7 Special uses.

For each special use application, the Board of Zoning Appeals shall report to the Council its findings of fact and recommendations, including the stipulations of additional conditions and guarantees, when they are deemed necessary for the protection of the public interest or to meet the standards as specified herein. No special use application shall be recommended by the Board of Zoning Appeals for approval unless all of the following factors are found:

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.* Due to the relatively small scale of the proposed use, it is unlikely that activity at this site will reach a level disruptive to surrounding properties. In previous cases, neighbors have expressed concern about the amount of parking on Mason Street occupied for commercial purposes; per Chapter 29, Section 108 of the Municipal Code, vehicles for sale cannot be

displayed on the roadway. Any vehicles sold at this property would therefore have to be parked onsite. **The standard is met.**

2. *That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.* The proposed use is consistent with the special use granted at 604 W Division. The subject property itself is screened from neighboring parcels to the east by several trees and distanced from them by the railroad. A vinyl fence has recently been constructed at 604 W Division. Staff recommends extending this fence in order to screen the parking lot of the subject property, which will be used to store cars for sale. With this condition, **the standard is met.**
3. *That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district.* The proposed use is anticipated to have a minimal impact on surrounding properties. The added condition regarding parking lot screening will further lessen this impact. **The standard is met.**
4. *That adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.* The property is served by a 30" storm sewer which cuts across the western portion of the property. Ingress and egress are provided by an existing access drive; no changes are proposed. The parking lot onsite is paved with concrete. **The standard is met.**
5. *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.* The Municipal Code stipulates that vehicles displayed for sale may not be parked in the roadway, ensuring that the proposed use will not occupy on-street parking spaces. Because most of the sales are to occur off-site, minimal trip generation is anticipated. **The standard is met.**
6. *That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals. (Ordinance No. 2006-137).* The subject property is regulated by all applicable regulations of the Zoning Ordinance. Were the building or parking lot to be expanded, they may need to be brought into conformance with landscaping standards. **The standard is met.**

STAFF RECOMMENDATION

Staff finds that the application meets the standards for a special use and recommends approval of the special use with the recommended condition. Staff recommends that the Board take the following actions:

Motion to establish findings of fact that the subject property meets the special use criteria in Chapter 44, 17-7 of the City Code.

Motion to recommend that City Council approve the special use permit for vehicle sales in the M-1 Restricted Manufacturing District, for the property located at 1321 N Mason Street, Bloomington, IL 61701, PIN: 14-33-302-017 (Ward 7), with the following condition:

Condition:

1. That the parking lot is screened from view of the street.

Respectfully submitted,
Caitlin Kelly
Assistant City Planner

Attachments:

- Draft ordinance
- Special use petition, available online at <https://www.cityblm.org/home/showpublisheddocument/26257/637547654539130000>
- Aerial map
- Zoning map
- Neighborhood notice and map

ORDINANCE NO. 2021 - _____

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR VEHICLE SALES IN THE M-1,
LIMITED MANUFACTURING DISTRICT, FOR THE PROPERTY LOCATED AT 1321 N
MASON STREET**

WHEREAS, there was heretofore filed with the Economic & Community Development Department of the City of Bloomington, McLean County, Illinois, a petition requesting a special use permit for vehicle sales for the property located at 1321 N Mason Street (PIN: 14-33-302-017), legally described in Exhibit “A” and hereinafter referred to as “Property”, which is attached hereto and made part hereof by this reference; and

WHEREAS, said petition included a site plan, illustrated in Exhibit “B” and hereinafter referred to as “Plan”; and

WHEREAS, the Bloomington Zoning Board of Appeals, after proper notice was given, conducted a public hearing on said petition for the special use at the Property; and

WHEREAS, the Bloomington Zoning Board of Appeals, made findings of fact that such Special Use as illustrated in the Plans hereinafter described in Exhibit B, complied with the standards for granting such special use, and 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; and
- 6.) That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located; and,

WHEREAS, the City Council is authorized to adopt this Ordinance and grant this special use permit.

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

1. The above recitals are incorporated into and made a part of this ordinance as though fully set forth herein.
2. The Council hereby adopt the findings of fact made by the Zoning Board of Appeals.

3. The Special Use Permit for vehicle sales, for the property at 1321 N Mason Street, legally described in Exhibit “A” and illustrated in Exhibit “B” which is attached hereto and made part hereof by this reference, is hereby approved with the following condition:
 - a. That the parking lot is to be screened from view of the street.
4. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this ___ day of May 2021.

APPROVED this _____ day of May 2021.

CITY OF BLOOMINGTON

ATTEST

Mboka Mwilambwe, Mayor

Leslie Smith-Yocum, City Clerk

DRAFT

EXHIBIT A

Legal Description

LEGRAND SUBDIVISION

LOT 2

DRAFT

EXHIBIT B

LOT 3
0.70 ACRES±

LOT 2
0.25 ACRES±

604 W.
DIVISION STREET

1321 N.
MASON ST.

PARCEL NO.
14-33-302-011

WAITE & PARR'S ADDITION

VACATED



N.01°-29'-25"W. 138.00'

114.00'

11.4'

10.8'

6.0'

CONCRETE

CON.

CON.

CON.

CON.

CON.

CON.

CON.

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CON.

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CON.

CON.

CON.

S.01°-29'-25"E. 155.00'

GRASS

MILLINGS

MILLINGS

GRASS

MILLINGS

GRASS

CONCRETE

EAST R.O.W. LINE
MASON STREET

NER BLOCK 1
.40 ACRES
W CORNER
WAITE & PARR'S SUB.

E. LINE WEST
LOTS 3 & 10 II
WAITE & PARR

N.88°-30'-35"E. 69.00'

24.00'

S.32°-13'-35"E. 85.30'

45.00'
S.88°-35'-35"W.

63.16'

65.00'
S.57°-59'-08"W. 128.16'M (128'R)

W.R.

Parking
N.36°-41'-55"W.

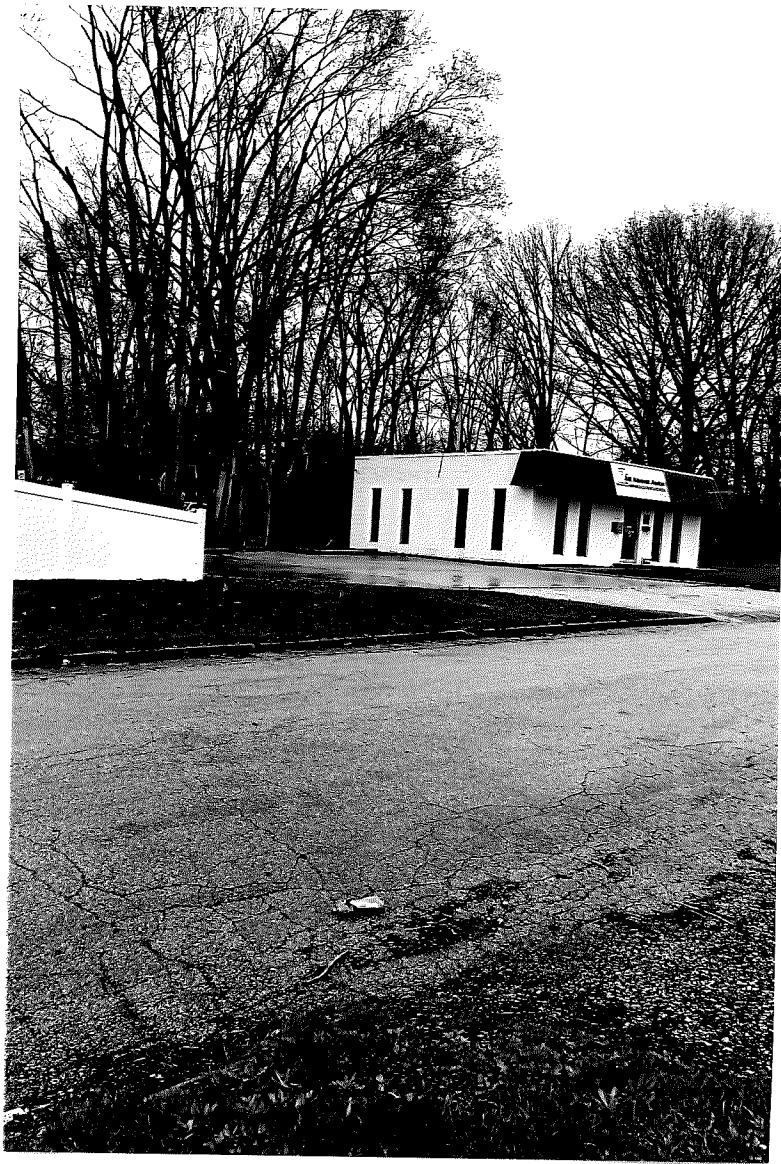
91.95'
8.05'

N.27°-58'-55"W.
33.56'

GRASS

(50' R.O.W.)

PARCEL NO. 013



LeGRAND Sub lot 2

Tax Code 4001

Property Use Code 0060

1321 N Mason ST.

I would like to sell some CARS on the lot. Most of my sales will be done online & at the Auctions. I should only have very few CARS on site at one time, 5 or 6.

There is a new fence put up to block the view of the Repair Shop, and a row of trees behind the lot to block the view of the CARS behind my business.

It is a small business and I should not have any trash to worry about.

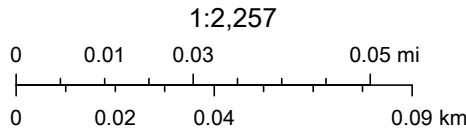
Thank you.

Yours Le Grand

SP-02-21 Aerial Map



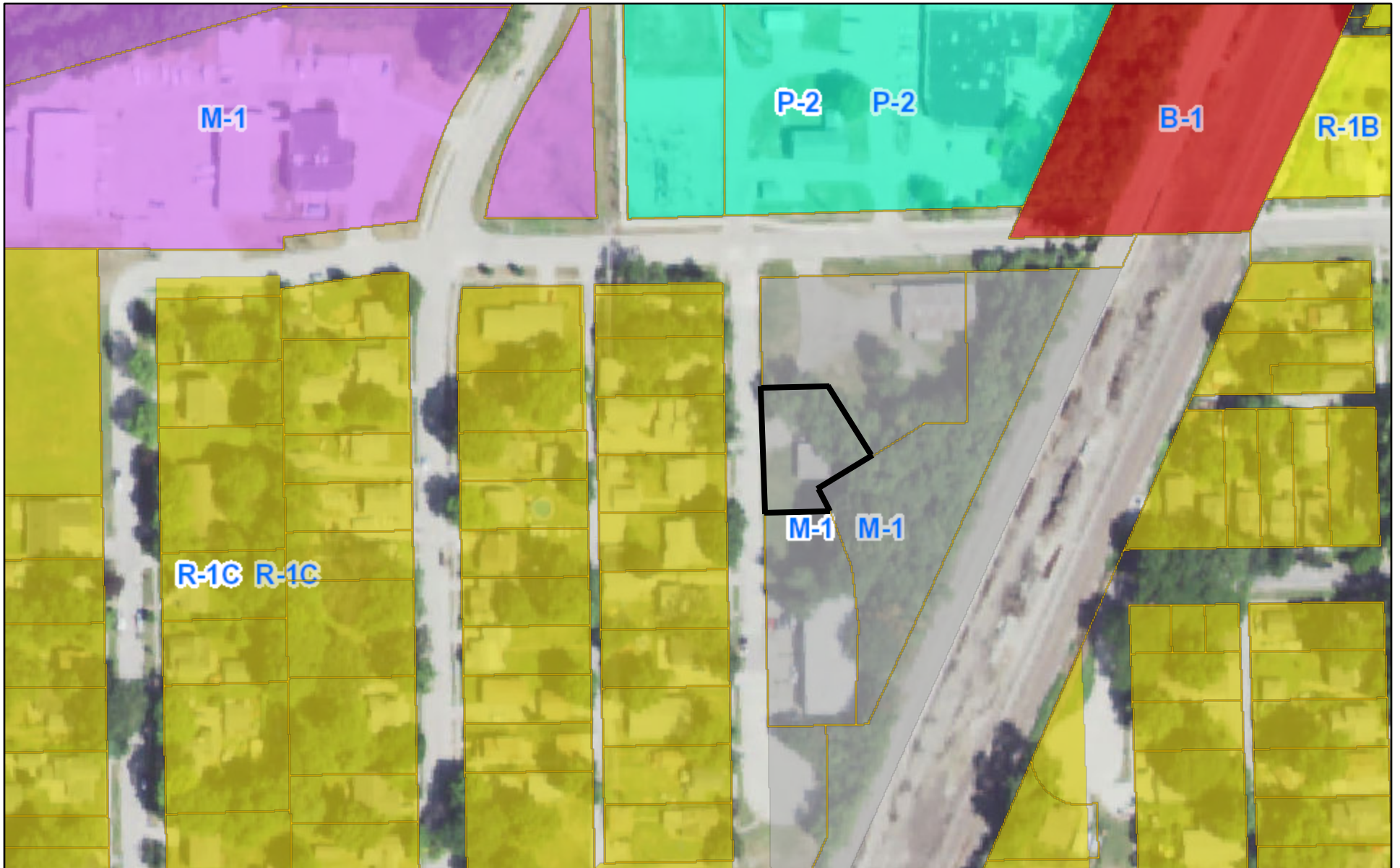
5/4/2021, 7:59:00 AM



Town of Normal GIS, McGIS-McLean County GIS, Esri, HERE, Garmin,

Web AppBuilder for ArcGIS

SP-02-21 Zoning Map

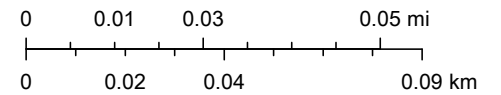


5/4/2021, 8:00:30 AM

NAIP 2019

- Red: Band_1
- Green: Band_2

1:2,257



Town of Normal GIS, McGIS-McLean County GIS, Esri, HERE, Garmin,

Web AppBuilder for ArcGIS

Town of Normal GIS, McGIS-McLean County GIS, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | <http://www.McGIS.org/License> | Mclean County Museum of History | McGIS | FEMA, McGIS | City of Bloomington |



Economic & Community Development
Department
115 E Washington St, Ste 201
Bloomington IL 61701
(309)434-2226
planning@cityblm.org

April 30, 2021

Dear Property Owner or Occupant:

The Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a virtual public hearing on Wednesday, May 19, 2021 at 4:00 PM at www.cityblm.org/live on an application submitted by Gene LeGrand.

You are receiving this notice because you own or occupy property within a 500-foot radius of the subject property (refer to attached map). All interested persons may present evidence or testimony regarding said petition, or ask questions related to the petitioner's request at the scheduled public hearing.

The applicant is requesting approval of a special use permit at 1321 N Mason Street, Bloomington, IL 61701 (PIN: 14-33-302-017) to allow vehicle sales in the M-1 Restricted Manufacturing District.

The application is online at www.cityblm.org/zoning. The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org/zoning. To provide testimony on this item please register at least 15 minutes in advance of the start of the meeting at <https://www.cityblm.org/government/boards-commissions/register-for-public-comment>. Public comments can also be emailed at least 15 minutes prior to the start of the meeting to publiccomment@cityblm.org.

Members of the public may attend the meeting at City Hall. Attendance will be limited to 10 people including staff and Board/Commission Members and will require compliance with City Hall COVID-19 protocols and social distancing. Participants and attendees are encouraged to attend remotely.

The rules for physical attendance may be subject to change due to changes in law or to executive orders related to the COVID-19 pandemic occurring after delivery of this notice. Changes will be posted at www.cityblm.org/register.

This hearing will be accessible to individuals with disabilities in compliance with the ADA and other applicable laws. For special needs or accessible questions please contact the City Clerk at 109 E. Olive St., Bloomington, (309) 434-2240, cityclerk@cityblm.org or TTY at (309) 829-5115, preferably no later than five days before the hearing.

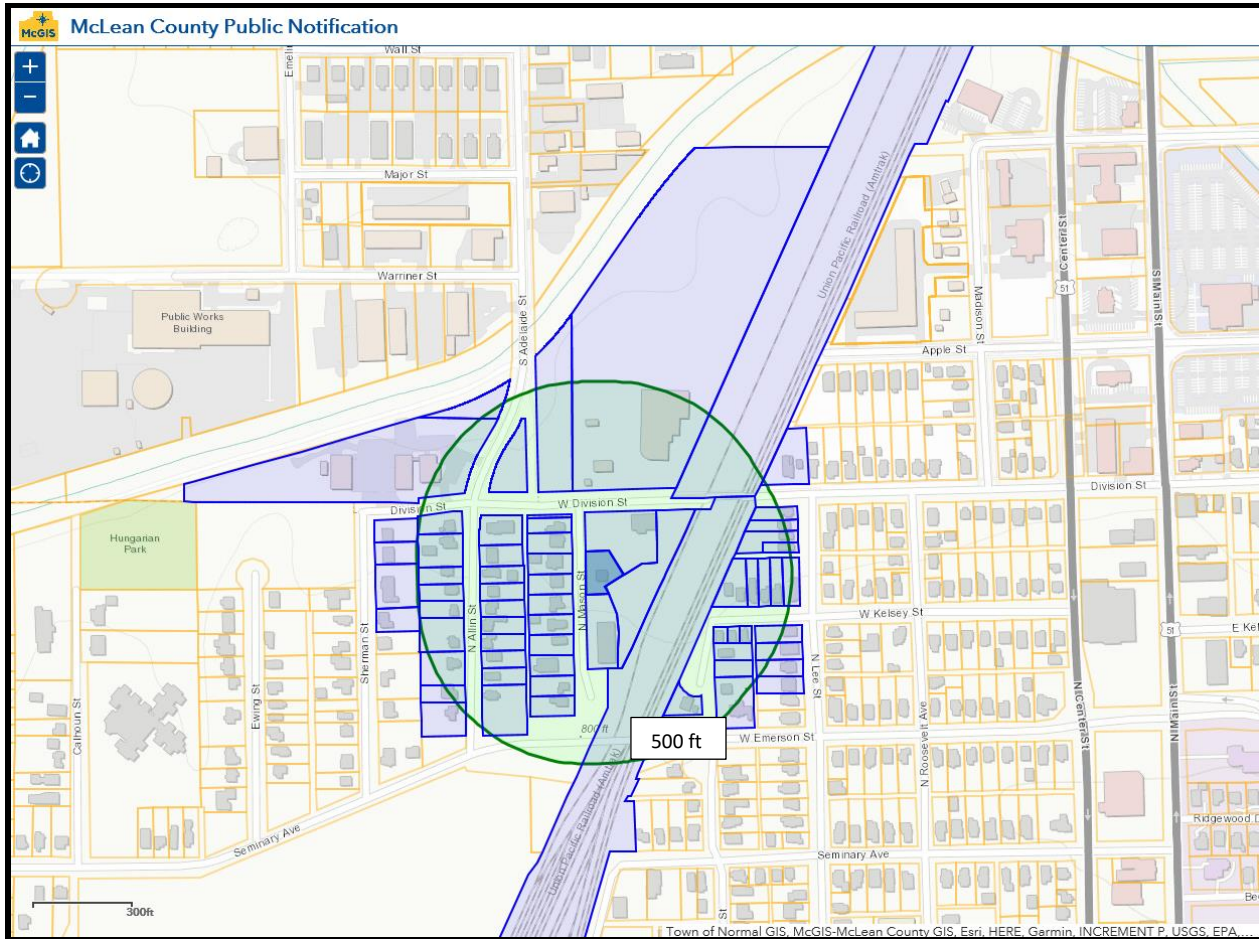
If you desire more information regarding the proposed petition or have any questions, you may email planning@cityblm.org or call (309)434-2226.

Please note this meeting could be subject to change based on a lack of quorum or other reasons. Notice of a change will also be posted online at www.cityblm.org.

Sincerely,

Planning Division staff

Map of notified properties within 500 ft of subject property





ZONING BOARD OF APPEALS

TO: Zoning Board of Appeals
FROM: Economic & Community Development Department
DATE: May 19, 2021
CASE NO: SP-03-21, Special Use Permit
REQUEST: Public hearing, review, and action on a petition submitted by Dominique Medley for a special use permit for the keeping of chickens in the R-1B Single Family Residence District, for the property located at 810 Snyder Drive, Bloomington, IL 61701, PIN: 21-11-153-007 (Ward 1).



Above: The subject property, outlined in black.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, May 3, 2021. Courtesy notices were mailed to 87 property owners within 500 feet of the subject property.

PROPERTY INFORMATION

Subject Property: 810 Snyder Drive
Applicants: Dominique Medley
Existing Zoning: R-1B Single-Family Residence District
Existing Land Use: Single-family home
Property Size: 95' x 134' (12,730 square feet)
PIN: 21-11-153-007

SURROUNDING ZONING AND LAND USES

	Zoning	Land Uses
North	R-1B, B-2 Local Commercial	Single-family homes, retail center
South	R-1B, R-3B Multiple-Family Residence	Single-family homes, retirement community
East	R-3B, C-1 Office	Apartments, offices
West	R-1B, R-1A Single-Family Residence	Single-family homes

PROJECT DESCRIPTION

Background:

On March 11, 2019, Bloomington City Council approved a comprehensive update to the Zoning Ordinance, to allow chicken-keeping as a special use in all residential districts, subject to the standards of Chapter 44, 10-11 and Chapter 44, 17-7. These standards also require adherence to Chapter 8 (Animals and Fowl) and Chapter 22 (Health and Sanitation) of the City Code once the permit has been approved. Since the adoption of the update, one special use permit has been granted. A special use offers the opportunity for neighborhood input and provides the City a mechanism to require conditions to help ensure compliance with required standards.

810 Snyder Drive is located toward the east side of Bloomington, close to the intersection of E Oakland Avenue and S Mercer Avenue. The surrounding neighborhood is primarily residential in character, featuring several lots measuring roughly a quarter of an acre in size, and single-family homes which span the width of the parcel. The subject property is 95 feet in width and 134 feet in length, and is improved with a residence and accessory structures. A portion of the rear yard is enclosed by a fence and landscaping, leaving at its widest approximately 25 feet of open space between the fence and the adjacent parcel to the east.

Petitioners' request:

The petitioner is seeking a special use permit for the keeping of chickens at the subject property. She proposes to keep the coop in the southeast corner of the fenced-in portion of her rear yard, approximately 26 feet from the rear property line, 50 feet from the northern property line, and 38 feet from the southern property line (see attached site plan). As the subject property is less than an acre in size, the petitioner may keep up to four chickens on their property, per Chapter 44, 10-11.

Division 10-11 further outlines use provisions relevant to chicken-keeping. An analysis of whether the proposal meets the provisions of Division 10-11 is provided under Standards for Review.

STANDARDS FOR REVIEW

The requested special use is subject to the standards for granting a special use (Chapter 44, 17-7), as well as to the use provisions pertaining to chicken-keeping specifically (Chapter 44, 10-11). The Board will establish findings of facts for both sets of standards.

Ch. 44, 17-7 Special uses.

For each special use application, the Board of Zoning Appeals shall report to the Council its findings of fact and recommendations, including the stipulations of additional conditions and guarantees, when they are deemed necessary for the protection of the public interest or to meet the standards as specified herein. No special use application shall be recommended by the Board of Zoning Appeals for approval unless all of the following factors are found:

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.* Chickens shall be kept in a coop located within a fenced portion of the rear yard, roughly 50 feet from the northern property line, 38 feet from the southern property line, and 26 feet from the rear property line to the east. In this way, the chickens will be located at least 25 feet away from all neighboring properties. **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 portion of the property where the coop will be kept is fenced and partially screened by both the fencing and landscaping. The special use, if approved, contributes to local food production, a goal of the Comprehensive Plan. **The standard is met.**
 3. *That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district.* The proposed location of the coop exceeds the minimum setback requirements of 10' from the side and rear property lines. Additionally, chicken-keeping shall be an accessory use to an otherwise residential property, subject to the use provisions of Ch. 44, 10-11. The special use should not impair normal development of the surrounding property should the use provisions relating to chicken-keeping be adhered to. **The standard is met.**
 4. *That adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.* The property is served by city utilities and roads. No change to facilities is necessary as part of this special use permit. **The standard is met.**
 5. *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.* Ingress and egress are provided; no change is expected as a result of the special use permit. **The standard is met.**
 6. *That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals. (Ordinance No. 2006-137).* The proposed special use is subject to and conforms with both the use provisions for chicken-keeping as stated in Chapter 44, 10-11 and the regulations of the R-1B district. **The standard is met.**
- Ch. 44, 10-11 Chicken-keeping.
- A. *On lots less than or equal to one acre with a primary use of a single-family or two-family dwelling, the keeping of up to four chickens may be permitted as an accessory use and shall comply with Chapter 8 and Chapter 22 of the Bloomington Code, 1960, as amended.* Because the petitioner's property is less than an acre in size, they are permitted to keep no more than four chickens. **The standard is met.**
 - B. *On lots greater than one acre with a primary use of a single-family or two-family dwelling, the keeping of up to four chickens plus one additional chicken per half acre in excess of one acre may be permitted as an accessory use and shall comply with Chapter 8*

and Chapter 22 of the Bloomington Code, 1960, as amended. The standard is not applicable.

- C. *Neither the keeping of roosters nor the keeping of chickens for slaughter shall be permitted. The applicant shall only keep hens; no roosters are permitted. The applicant shall not keep poultry for slaughter. **The standard is met.***
- D. *Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times. The applicant proposes to keep the chickens in a covered enclosure, in a fenced portion of the rear yard. **The standard is met.***
- E. *Enclosures are not permitted in any front or side yard and shall be set back a minimum distance of 10 feet from all property lines. The coop shall be located in the rear yard, at least 25 feet away from all property lines. **The standard is met.***
- F. *All feed and other items associated with the keeping of chickens that are likely to attract or to become affected by pests shall be protected and stored. The applicant intends to store feed in plastic, food-grade bins, which are difficult for mice and other pests to access. **The standard is met.***

STAFF RECOMMENDATION

Staff finds that the application meets the use provisions required of chicken-keeping as well as all the standards for a special use, and recommends approval of the special use. Staff recommends that the Zoning Board of Appeals take the following actions:

Motion to establish findings of fact that the subject property meets the special use criteria in Chapter 44, 17-7 and use provisions for chicken-keeping in Chapter 44, 10-11 of the City Code.

Motion to recommend City Council approve the petition submitted by Dominique Medley for a special use permit for the keeping of chickens in the R-1B Single Family Residence District, for the property located at 810 Snyder Drive, Bloomington, IL 61701, PIN: 21-11-153-007 (Ward 1).

Respectfully submitted,
Caitlin Kelly
Assistant City Planner

Attachments:

- Draft ordinance
- Special use petition, available online at <https://www.cityblm.org/home/showpublisheddocument/26259/637547656377330000>
- Aerial map
- Zoning map
- Neighborhood notice and map

ORDINANCE NO. 2021 - _____

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR CHICKEN-KEEPING IN THE R-1B, SINGLE-FAMILY RESIDENCE DISTRICT, FOR THE PROPERTY LOCATED AT 810 SNYDER DRIVE

WHEREAS, there was heretofore filed with the Economic & Community Development Department of the City of Bloomington, McLean County, Illinois, a petition requesting a special use permit for the keeping of chickens, for the property located at 810 Snyder Drive (PIN: 21-11-153-007), legally described in Exhibit “A” and hereinafter referred to as “Property”, which is attached hereto and made part hereof by this reference; and

WHEREAS, said petition included a site plan, illustrated in Exhibit “B” and hereinafter referred to as “Plan”; and

WHEREAS, the Bloomington Zoning Board of Appeals, after proper notice was given, conducted a public hearing on said petition for the special use at the Property; and

WHEREAS, the Bloomington Zoning Board of Appeals, made findings of fact that such Special Use as illustrated in the Plans hereinafter described in Exhibit B, complied with the standards for granting such special use, and 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; and
- 6.) That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located; and,

WHEREAS, the Bloomington Zoning Board of Appeals, made findings of fact that such Special Use as illustrated in the Plans hereinafter described in Exhibit B, complied with the use provisions for chicken-keeping, and specifically:

- 1.) On lots less than or equal to one acre with a primary use of a single-family or two-family dwelling, the keeping of up to four chickens may be permitted as an accessory use and shall comply with Chapter 8 and Chapter 22 of the Bloomington Code, 1960, as amended.
- 2.) On lots greater than one acre with a primary use of a single-family or two-family dwelling, the keeping of up to four chickens plus one additional chicken per half

acre in excess of one acre may be permitted as an accessory use and shall comply with Chapter 8 and Chapter 22 of the Bloomington Code, 1960, as amended.

- 3.) Neither the keeping of roosters nor the keeping of chickens for slaughter shall be permitted.
- 4.) Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.
- 5.) Enclosures are not permitted in any front or side yard and shall be set back a minimum distance of 10 feet from all property lines.
- 6.) All feed and other items associated with the keeping of chickens that are likely to attract or to become affected by pests shall be protected and stored.

WHEREAS, the City Council is authorized to adopt this Ordinance and grant this special use permit.

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

1. The above recitals are incorporated into and made a part of this ordinance as though fully set forth herein.
2. The Council hereby adopt the findings of fact made by the Zoning Board of Appeals.
3. The Special Use Permit for chicken-keeping, for the property at 810 Snyder Drive, legally described in Exhibit "A" and illustrated in Exhibit "B" which is attached hereto and made part hereof by this reference, is hereby approved.
4. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this ___ day of May 2021.

APPROVED this _____ day of May 2021.

CITY OF BLOOMINGTON

ATTEST

Mboka Mwilambwe, Mayor

Leslie Smith-Yocum, City Clerk

EXHIBIT A

Legal Description

NOTTOLI SUBDIVISION

LOT 6

DRAFT

EXHIBIT B

810 Snyder Dr,
Bloomington, IL 61701

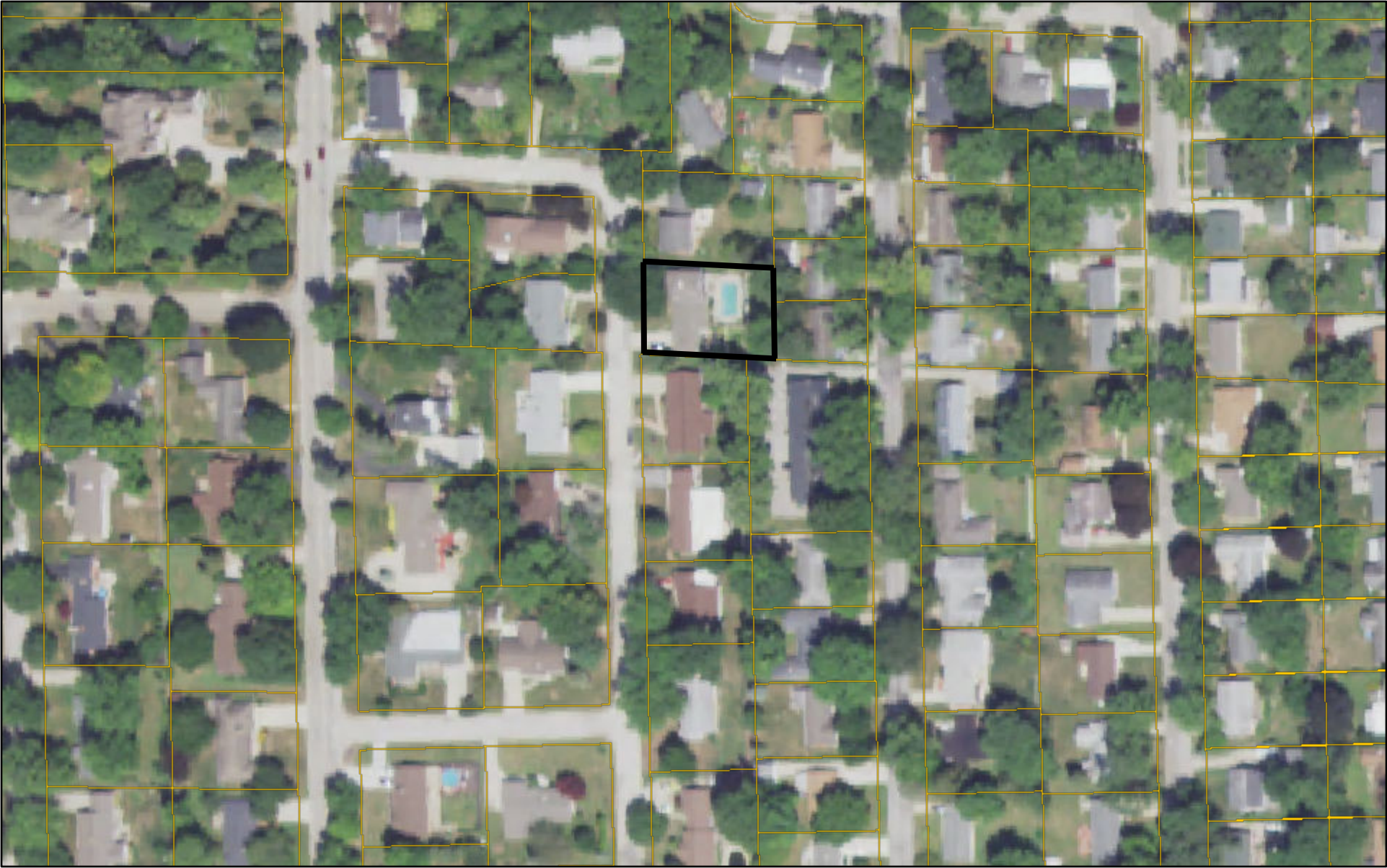
50'-3/4"

26'-3"

38'-1/4"

Google

SP-03-21 Aerial Map

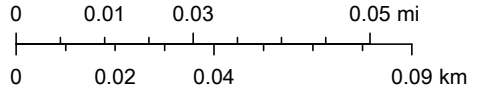


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NAIP 2019

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- Green: Band_2

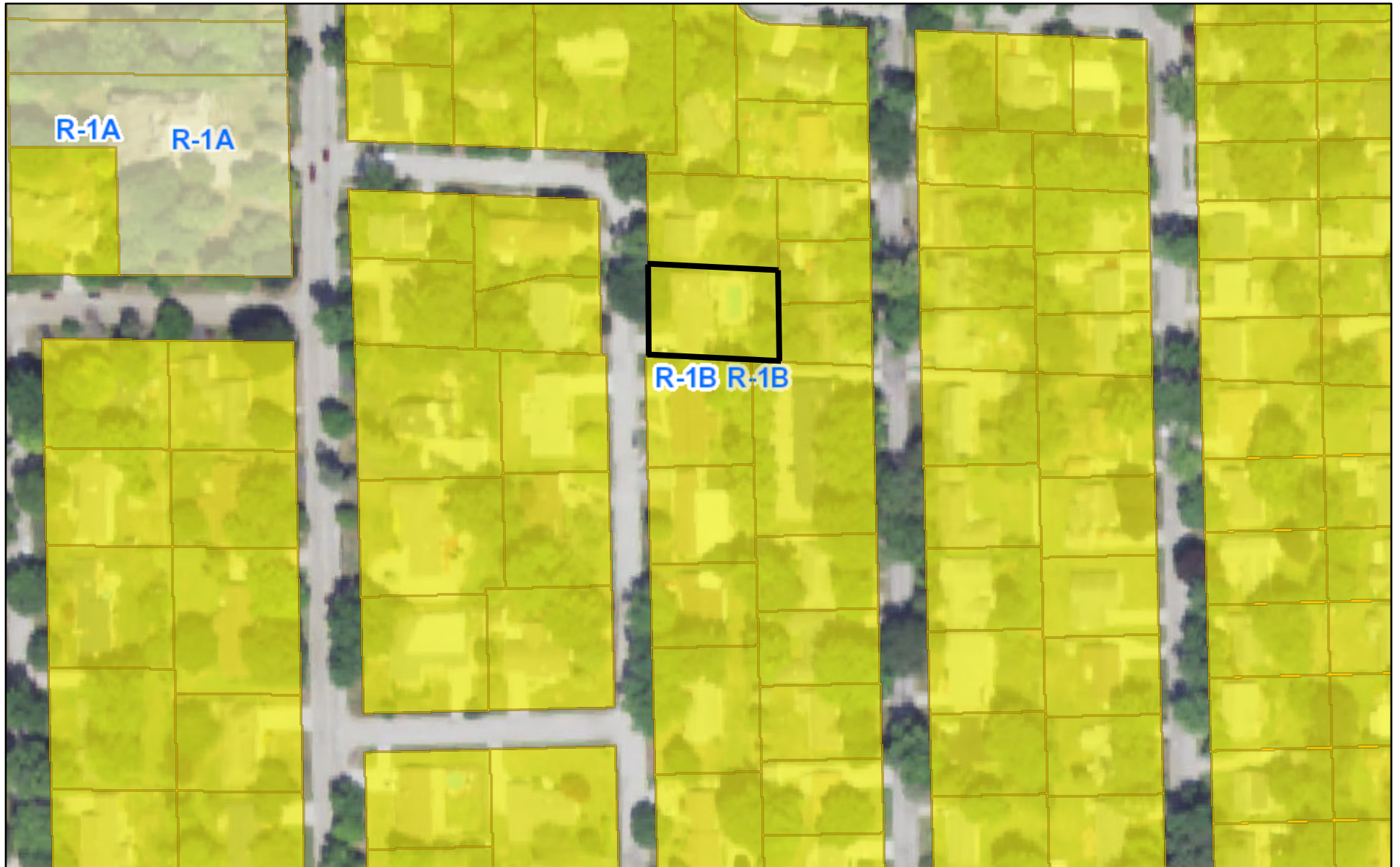
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McGIS-McLean County GIS, Esri, HERE, Garmin, INCREMENT P, USGS,

Web AppBuilder for ArcGIS

SP-03-21 Zoning Map

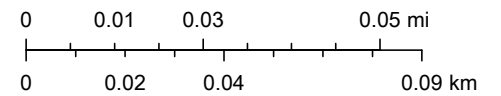


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NAIP 2019

- Red: Band_1
- Green: Band_2

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McGIS-McLean County GIS, Esri, HERE, Garmin, INCREMENT P, USGS,

Web AppBuilder for ArcGIS



Economic & Community Development
Department
115 E Washington St, Ste 201
Bloomington IL 61701
(309)434-2226
planning@cityblm.org

April 30, 2021

Dear Property Owner or Occupant:

The Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a virtual public hearing on Wednesday, May 19, 2021 at 4:00 PM at www.cityblm.org/live on an application submitted by Dominique Medley.

You are receiving this notice because you own or occupy property within a 500-foot radius of the subject property (refer to attached map). All interested persons may present evidence or testimony regarding said petition, or ask questions related to the petitioner's request at the scheduled public hearing.

The applicant is requesting approval of a special use permit at 810 Snyder Drive, Bloomington, IL 61701, PIN: 21-11-153-007 for the keeping of chickens in the R-1B Single Family Residence District.

The application is online at www.cityblm.org/zoning. The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org/zoning. To provide testimony on this item please register at least 15 minutes in advance of the start of the meeting at <https://www.cityblm.org/government/boards-commissions/register-for-public-comment>. Public comments can also be emailed at least 15 minutes prior to the start of the meeting to publiccomment@cityblm.org.

Members of the public may attend the meeting at City Hall. Attendance will be limited to 10 people including staff and Board/Commission Members and will require compliance with City Hall COVID-19 protocols and social distancing. Participants and attendees are encouraged to attend remotely.

The rules for physical attendance may be subject to change due to changes in law or to executive orders related to the COVID-19 pandemic occurring after delivery of this notice. Changes will be posted at www.cityblm.org/register.

This hearing will be accessible to individuals with disabilities in compliance with the ADA and other applicable laws. For special needs or accessible questions please contact the City Clerk at 109 E. Olive St., Bloomington, (309) 434-2240, cityclerk@cityblm.org or TTY at (309) 829-5115, preferably no later than five days before the hearing.

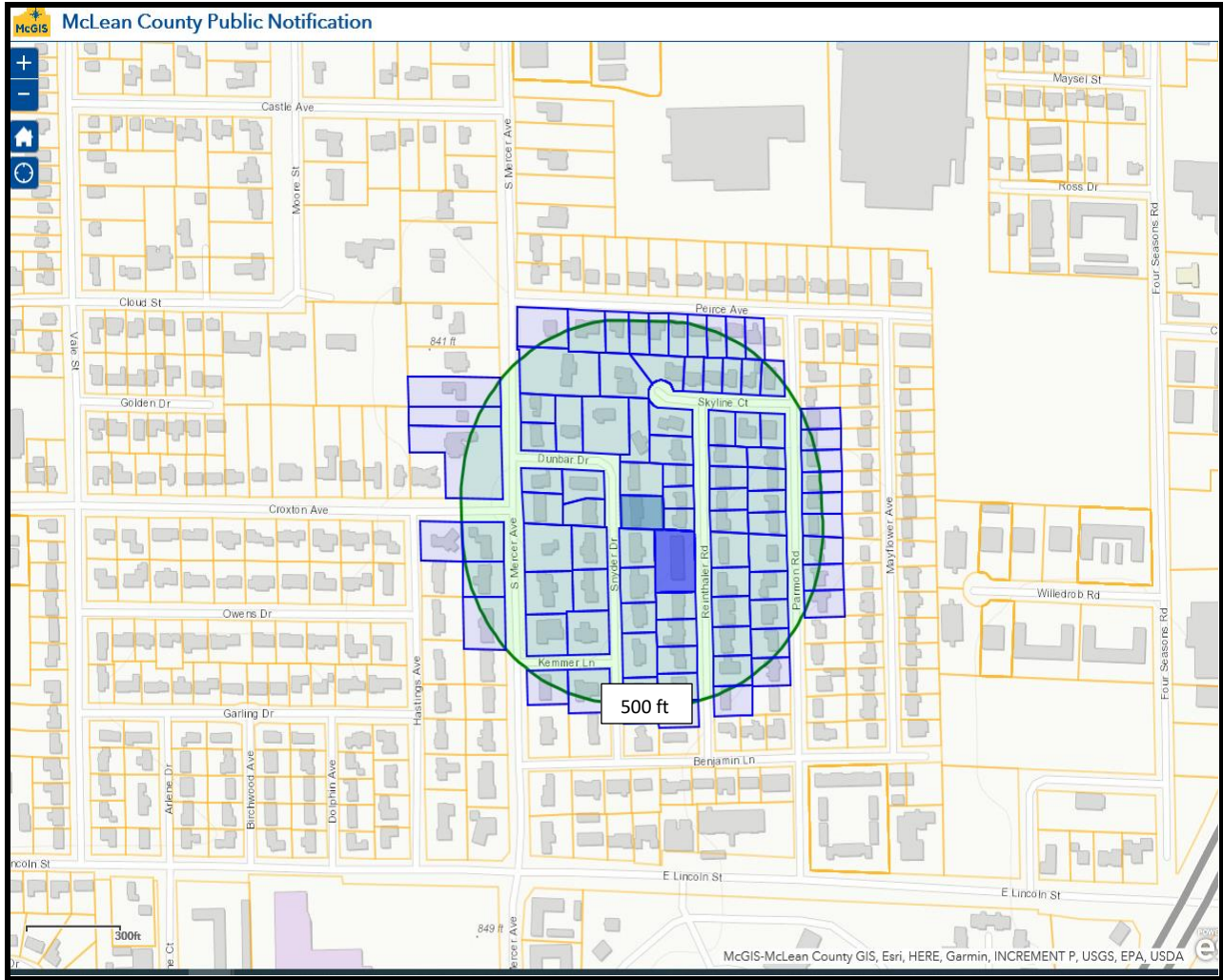
If you desire more information regarding the proposed petition or have any questions, you may email planning@cityblm.org or call (309)434-2226.

Please note this meeting could be subject to change based on a lack of quorum or other reasons. Notice of a change will also be posted online at www.cityblm.org.

Sincerely,

Planning Division staff

Map of notified properties within 500 ft of subject property





WITHDRAWN

ZONING BOARD OF APPEALS

TO: Zoning Board of Appeals
FROM: Economic & Community Development Department
DATE: May 19, 2021
CASE NO: Z-13-21 Variance
REQUEST: Public hearing, review, and action on a petition submitted by Harriett & Lew Steinbach for a variance from Chapter 44 Division 9-10C to allow a six-foot fence in lieu of a four-foot fence in the required front yard for the property located at 2 Ebach Drive, Bloomington, IL 61701, PIN: 14-34-451-034 (Ward 4).



Above: 2 Ebach Drive, outlined in black.

Upon further review, 2 Ebach Drive received a variance for a six-foot fence in 1997, case Z-30-97. The proposed fence does not deviate from the previously approved variance. No additional variance or action by the Zoning Board of Appeals is needed. This case has been removed from the agenda.



ZONING BOARD OF APPEALS

TO: Zoning Board of Appeals
FROM: Economic & Community Development Department
DATE: May 19, 2021
CASE NO: Z-14-21, Variances
REQUEST: Public hearing, review, and action on a petition submitted by Laura Edwards for a variance from Chapter 44 Division 4-3 to allow the reconstruction of an attached garage with a six-foot reduction in the side yard setback, for the property located at 1409 Fell Avenue, Bloomington, IL 61701, PIN: 14-33-476-007 (Ward 4).



Above: 1409 Fell Avenue, outlined in black.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, May 3, 2021. Courtesy notices were mailed to 86 property owners within 500 feet of the subject property.

PROPERTY INFORMATION

Subject Property: 1409 Fell Avenue
Applicants: Laura Edwards
Existing Zoning: R-1B Single-family Residence District
Existing Land Use: Single-family residence
Property Size: 8,538 square feet (50 feet X 171 feet)
PIN: 14-33-476-007

SURROUNDING ZONING AND LAND USES

	Zoning	Land Uses
North	R-1B Single-Family Residence District	Single-family homes
South	R-1B Single-Family Residence District	Single-family homes
East	R-1B Single-Family Residence District	Single-family homes
West	R-1C Single-Family Residence District	Single-family homes

PROJECT DESCRIPTION

Background:

The subject property, 1409 Fell Avenue, is located on the east side of Fell Avenue, bounded by Emerson Street (north) and University Avenue (south). The subject property is located within the White Place National Register Historic District. The property is zoned R-1B, Single-Family Residence District and improved with a brick two-and-a-half story single-family home constructed in the Prairie Style, built in the early 1900's. The subject property has an attached brick single-car garage built to match the home. The existing garage is approximately 11 feet by 20 feet. The southwest corner of the garage is attached to the single-family home and located approximately six inches from the side lot line.



Above: The subject property.
Source: Google Maps

Division 4.3 Bulk Requirements of the R-1B District:

Standard	Required	Existing	Comments
Minimum Lot Width (feet)	70	50	Legal nonconforming
Minimum Lot Area (square feet)	7,000	8,538	Compliant
Front yard setback (feet)	30	31	Compliant
Side yard setback (feet)	6	0.5	Legal nonconforming
Rear yard setbacks (feet)	30	91	Compliant
Building Height (stories)	2.5	2.5	Compliant

The White Place District was established at the beginning of the twentieth century, prior to the city's adoption of Zoning Regulations. The neighborhood consists of long, narrow lots with access to public allies. The District is known for its architecturally designed Prairie, Spanish, Four Square and Dutch Colonial homes that are sited near the public street, with massings that comprise the majority of the fifty-foot lot width. The District also includes several Sears Homes built from kits and plans with similar siting. Additionally, the District's many carriage houses, attached garages, and detached garages are a visual narrative of Bloomington's transition from the use of private carriage to private automobile. For 1409 Fell Ave, both the garage and the home are contributing to the White Place National Register District's period of significance. Few flat-roofed, single-car attached garages remain intact within this district.

Petitioners' request:

The applicant identified that the existing garage is beyond repair and intends to reconstruct the garage. The applicant is requesting approval of a variance to facilitate the reconstruction of the attached garage:

- 1) A six-foot reduction in the required R-1B side yard setback (44.4-3)

STANDARDS FOR REVIEW

The petitioner has outlined the request for variation in the attached application and drawings. The Zoning Board of Appeals have the power to authorize variations to this code, and to allow the enlargement and structural alterations of nonconforming structures. Such variances shall be granted only when the variation would be in harmony with this Code's general purpose and intent. The Zoning Ordinance requires that the petition meet each of the findings of fact as outlined below.

1. *That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult.* The subject property is narrower than a standard R-1B lot, with a width of 50 feet in lieu of 70 feet. Further, the property is improved with an established home with large massing, built up to the front and side yard setbacks. The neighborhood was established prior to adoption of the ordinance and prior to the predominance of the private automobile. If the property met the minimum lot width of the district, a variance for an attached garage would not be needed. The need for the variance is related to the lot width, the siting and massing of the home, and the historic character of the neighborhood. **The standard is met.**
2. *That the variance would be the minimum action necessary to afford relief to the applicant.* Due to the nonconforming lot width, a variance is needed to facilitate an attached garage. Alternative detached garages could be considered; however, these configurations result in the elimination of a contributing historic resources and potential alteration of neighborhood character. The purpose and intent of the Zoning Ordinance is to preserve the integrity of neighborhoods in the community and to preserve and protect historic locations, structures, and groups of structures. **The standard is met.**
3. *That the special conditions and circumstances were not created by any action of the applicant.* The home and lot were established prior to the creation of the code and the side yard setbacks. The current garage is considered legal nonconforming due to the width of the property. Reconstruction or rehabilitation of the existing garage would necessitate a variance due to the lot width and siting of the home. **The standard is met.**
4. *That granting the variation request will not give the applicant any special privilege that is denied to others by the Code.* Attached and detached garages are frequently located directly on the side lot line within the White Place neighborhood, as the neighborhood and many accessory structures were established before the adoption of side yards and accessory structure regulations. Most were added after the primary residence was constructed. Approval of the variances will not result in special privilege for the applicant. **The standard is met.**
5. *That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use of development of adjoining properties.* The need for the variance is directly related to the lot width, building massing, and historic integrity of the neighborhood. While not currently designated as a local historic landmark, the property's garage is recognized as contributing to the White Place National Register Historic District. To deny the

variance would require building a garage that is incompatible with the period of significance and the neighborhood character. Further, it could result in the loss of an irreplaceable resource that denotes an important period in Bloomington history as well as the history of the private automobile. As previously stated, variances shall be granted when the variance would be in harmony with the Code's purpose and intention. Division 1-2 of Chapter 44 states the Code is intended to protect the integrity of the neighborhood and to preserve historic structures. **The standard is met.**

STAFF RECOMMENDATION

Staff finds that the application meets the standards for variance and recommends approval of the variance. Staff recommends the Board take the following actions:

Motion to establish findings of fact that the subject property meets the variance criteria in Chapter 44.17-8 of the City Code.

Motion to approve the requested variance to allow the reconstruction of an attached garage with a six-foot reduction in the side yard setback, for the property located at 1409 Fell Avenue, Bloomington, IL 61701, PIN: 14-33-476-007 (Ward 4).

Respectfully submitted,
Katie Simpson
City Planner

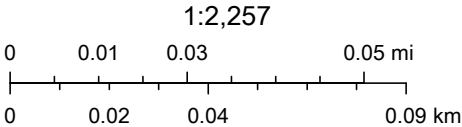
Attachments:

- Variance application available online at <https://www.cityblm.org/home/showpublisheddocument/26267/637547688857770000>
- Aerial map
- Zoning map
- Neighborhood notice and map

Aerial Map



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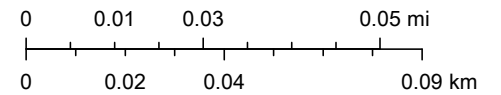
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McGIS, Mclean County Museum of History

Zoning Map



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McGIS, Mclean County Museum of History



Economic & Community Development
Department
115 E Washington St, Ste 201
Bloomington IL 61701
(309)434-2226
planning@cityblm.org

May 3, 2021

Dear Property Owner or Occupant:

The Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a virtual public hearing on Wednesday, May 19, 2021 at 4:00 PM at www.cityblm.org/live on an application submitted Laura Edwards.

You are receiving this notice because you own or occupy property within a 500-foot radius of the subject property (refer to attached map). All interested persons may present evidence or testimony regarding said petition, or ask questions related to the petitioner's request at the scheduled public hearing.

The applicant is requesting approval of a variance(s) from Chapter 44 Division 11-2A1 to allow the reconstruction of a nonconforming attached garage and Division 4-3 to permit a six-foot reduction in the side yard setback, for the property located at 1409 Fell Avenue, Bloomington, IL 61701, PIN: 14-33-476-007.

The application is online at www.cityblm.org/zoning. The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org/zoning. To provide testimony on this item please register at least 15 minutes in advance of the start of the meeting at <https://www.cityblm.org/government/boards-commissions/register-for-public-comment>. Public comments can also be emailed at least 15 minutes prior to the start of the meeting to publiccomment@cityblm.org.

Members of the public may attend the meeting at City Hall. Attendance will be limited to 10 people including staff and Board/Commission Members and will require compliance with City Hall COVID-19 protocols and social distancing. Participants and attendees are encouraged to attend remotely.

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This hearing will be accessible to individuals with disabilities in compliance with the ADA and other applicable laws. For special needs or accessible questions please contact the City Clerk at 109 E. Olive St., Bloomington, (309) 434-2240, cityclerk@cityblm.org or TTY at (309) 829-5115, preferably no later than five days before the hearing.

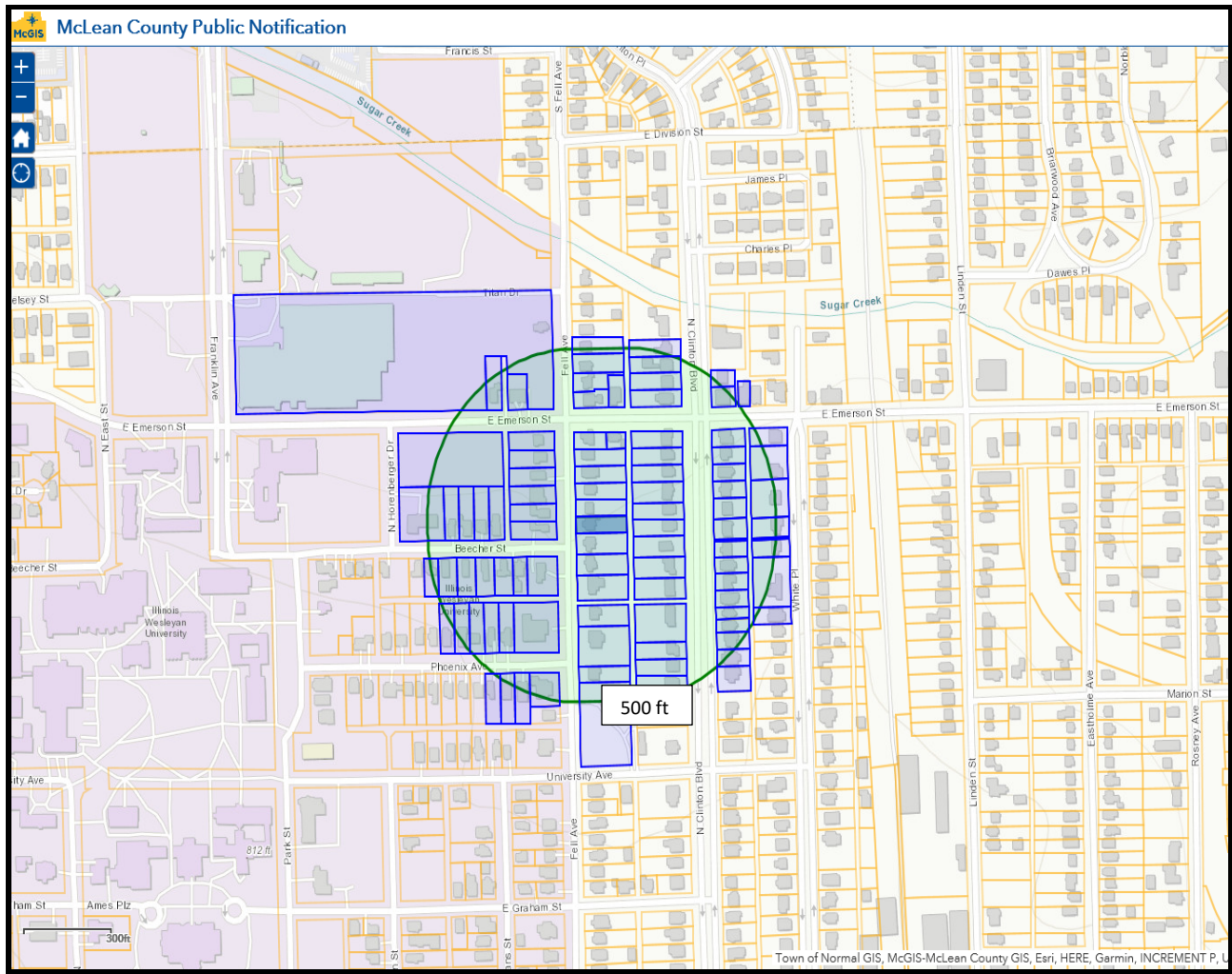
If you desire more information regarding the proposed petition or have any questions, you may email planning@cityblm.org or call (309)434-2226.

Please note this meeting could be subject to change based on a lack of quorum or other reasons. Notice of a change will also be posted online at www.cityblm.org.

Sincerely,

Planning Division staff

Map of notified properties within 500 ft of subject property





ZONING BOARD OF APPEALS

TO: Zoning Board of Appeals
FROM: Economic & Community Development Department
DATE: May 19, 2021
CASE NO: SP-04-21, Special Use Permit
REQUEST: Public hearing, review, and action on a petition submitted by David Bailey on behalf of Oldacre McDonald, LLC for a special use permit with variance(s) for vehicle repair and service in the B-1 General Commercial District, for the property located at 1025 Wylie Drive, Bloomington, IL 61705, PIN: 14-31-353-006 (Ward 7).



Above: 1025 Wylie Drive, outlined in black.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, May 3, 2021. Courtesy notices were mailed to 86 property owners within 500 feet of the subject property.

PROPERTY INFORMATION

Subject Property: 1025 Wylie Drive
Owner: Aldi Inc.
Applicants: David Bailey, on behalf of Oldacre McDonald, LLC
Existing Zoning: B-1 General Commercial District
Existing Land Use: Vacant/Former Grocery Store
Property Size: Approximately 2.7 acres (220 feet X 550 feet)
PIN: 14-31-353-006

SURROUNDING ZONING AND LAND USES

	Zoning	Land Uses
North	B-1 General Commercial District	Theater/Hotel
South	B-1 General Commercial District	Retail/Restaurants
East	B-1 General Commercial District	Apartments
West	B-1 General Commercial District	Vacant/Retail

PROJECT DESCRIPTION

Background:

1025 Wylie Drive is located south of W Market Street and west of Wylie Drive. The property is improved with a commercial building that previously operated as an Aldi grocery store. The property has been vacant since Aldi relocated to the corner of W Market Street and Maple Hill Road in 2019. The subject property is zoned B-1 General Commercial District and surrounded by other B-1 zoned properties, including an apartment complex located east of the site.

Petitioners' request:

The applicant is seeking a special use permit to facilitate redevelopment of the vacant building as a vehicle repair shop, Caliber Collision. No changes are proposed to the existing building footprint or design. Included in the application is a detailed description of services and operations for the business. Vehicle Repair is regulated by Division 10-34 of the City Code. This section outlines additional bulk, height, and use provisions for the repair facility. According to the application, all repair services are to be conducted inside the building, and larger engine/transmission repairs are contracted to other local businesses¹. The average storage time for a vehicle is seven days². In addition to the special use permit, the applicant seeks a variance from the setback requirement.

The existing building is approximately 15,000 square feet. The applicant is proposing converting the building into 2,000 square feet of office/business space and 12,000 square feet of repair space. A bay door will be added to the south and west elevations. No changes are proposed to the existing 19-foot parapet. The property has adequate parking with 109 spaces.

Compliance with the Comprehensive Plan:

The subject property is identified as a Tier 1-Infill Redevelopment Priority. The Future Land Use map shows the site as Regional Commercial, consistent with the property's B-1 Zoning Classification. Approval of the special use permit and requested variance(s) aligns with the following goals of the Comprehensive Plan:

- Goal ED-1. Ensure a broad range of employment opportunities for all residents.
- Objective ED-1.2 Leverage community assets in attracting businesses.
- Goal ED-4 Enhance the image of Bloomington as a business-friendly community.
- Objective ED-4.2 Prioritize infill and redevelopment to spur growth and reinvestment in the City.

¹ Petitioner's Exhibit 1.

² Petitioner's Exhibit 1.

STANDARDS FOR REVIEW

The requested special use is subject to the standards for granting a special use (Chapter 44, 17-7), as well as to the use provisions pertaining to vehicle repair and service specifically (Chapter 44, 10-34). The Board will establish findings of facts for both sets of standards.

Ch. 44, 17-7 Special uses.

For each special use application, the Board of Zoning Appeals shall report to the Council its findings of fact and recommendations, including the stipulations of additional conditions and guarantees, when they are deemed necessary for the protection of the public interest or to meet the standards as specified herein. No special use application shall be recommended by the Board of Zoning Appeals for approval unless all of the following factors are found:

1. *That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare.* The proposed use is a professional service consistent and compatible with the surrounding retail uses. According to the application, the operations are conducted completely indoors, which decreases or potentially eliminates negative externalities associated with an auto repair facility. All repair vehicles will be stored in a fenced area in the rear of the property. **The standard is met.**
2. *That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.* The proposed use is compatible in scale with the adjacent retail and restaurant uses. The building is over 120 feet from a residential boundary line or residential property, consistent with the requirements of Division 10-34. **The standard is met.**
3. *That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district.* The proposed use will generate less traffic than the previous use, having less of an impact on adjacent development. According to the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, an "auto care center" can generate approximately 3.11 trips per 1000 square feet of gross floor area at evening peak hours. The proposed facility could generate as many as 45 vehicles (coming and going) at one time in the evening peak hours. This number is calculated as a combination of employees leaving, people picking up vehicles, and people dropping off vehicles. This number is also significantly less than the PM traffic that could be generated by a retail facility less than 100,000 square feet in area, which generates a daily average of 6.4 trips per 1000 square feet of gross floor area.³ The proposed use has hours of operation similar to the surrounding uses and generates a similar amount of traffic. **The standard is met.**
4. *That adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.* The property is served by Wylie Drive, a collector road. The street system is adequate for the proposed use. Since the project is a redevelopment of an existing building, all utilities and facilities serving the property exist and are adequate for commercial use. **The standard is met.**

³ NCHRP Report 365. *Travel Estimation Techniques for Urban Planning*. 1998. Page 21.

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. No changes are proposed to the site's ingress and egress. The applicant is proposing a fence to separate customer vehicles from repair vehicles. **The standard is met.***
6. *That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals. (Ordinance No. 2006-137). The proposed special use complies with the purpose and intention of the B-1 District and is compatible with the surrounding uses. The applicant is requesting a variance in the side yard setback. Once the variance is approved, **the standard will be met.***

Chapter 44, 10-34 Vehicle repair and service

- A. *Location. Not more than two automobile service stations shall be permitted on the quadrants of an intersection and shall not be located closer than 120 feet of a Residential District boundary. The proposed building exceeds the minimum 120-foot setback from a residential boundary line. **The standard is met.***
- B. *Site standards.*
 - a. *No curb cuts shall be permitted within 10 feet of a side lot line or 20 feet of a street intersection. **The standard is met.***
 - b. *Any area where inoperative vehicles are intended to be stored for a period of more than 10 days shall be fully screened in accordance with Article XIII of this Code to prevent such vehicles from being viewed from a public street or area. Inoperative vehicles will be stored the rear of the parking lot, fenced from public view and secured. According to the applicant's application, vehicles will be stored for an average of seven days. **The standard is met.***
 - c. *All service equipment (lubrication equipment, hydraulic lifts, etc.) and repair and maintenance work shall be inside the principal building. **The standard is met.***
 - d. *The following activities are expressly prohibited in conjunction with, or accessory to, an automobile service station: aviation sales, automobile sales, boat sales, farm implement sales, house-car trailer sales, mobile home sales, recreation vehicle sales or auto body work, straightening of auto body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than otherwise typical of automobile service stations. **The standard is met.***
- C. *Outdoor lighting. In addition to the standards of § [44-911](#), all exterior lighting fixtures shall be directed away from a Residential District and shall not increase the intensity of light within 10 feet of a Residential District boundary line by more than 1/2 footcandle. **The standard is met.***
- D. *Building height. The maximum permitted building height shall be 20 feet or one story, whichever is lower. **The standard is met.***

E. *The following minimum site and bulk standards shall be required for the siting and development of any automobile service station.*

Table 1034: Automobile service station site and bulk standards

Standard	Required	Provided	Comments
Min. Lot Area (feet)	10,000	2.75 acres	Compliant
Min. Lot Width (feet)	70	220	Compliant
Min. Lot Depth (feet)	N/A	N/A	N/A
Front Yard (feet)	40	170	Compliant
Side Yard (feet)	15	9.5	Variance Requested
Rear Yard (feet)	20	160	Compliant

Chapter 44, 17-8 Variances

The applicant is requesting a variance to allow for a five-foot six-inch reduction from the 15-foot required side yard setback. Staff recommends approval of the variance and finds the following:

1. *That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult.* The building and property were developed in conformance with the setbacks of the B-1 District. The building is existing and shifting the building to the south by five feet would unduly burden the applicant. The building will be modified and improved to comply with fire separation and fire rating requirements. **The standard is met.**
2. *That the variance would be the minimum action necessary to afford relief to the applicant;* Alternatives such as relocating the building or removing a wall are impractical and burdensome. **The standard is met.**
3. *That the special conditions and circumstances were not created by any action of the applicant; and* The property involves reusing an existing building. The building was established in compliance with the requirements of the B-1 District, which has a minimum five-foot side yard setback. While the building exceeds the five-foot minimum, it was not constructed as a repair shop and does not meet the additional setback requirements of code. The variance is necessary to facilitate redevelopment of a vacant and underutilized building. **The standard is met.**
4. *That granting the variation requested will not give the applicant any special privilege that is denied to others by the Code.* The proposed variance is related to the existing building. Additional upgrades for compliance with fire separation may be required to meet building code, however, the side yard setback will not give the applicant special privilege, as it is related to the existing conditions of the lot and will allow for redevelopment of a vacant building. **The standard is met.**
5. *That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonable impair the use or development of adjoining properties.* The property abuts a parking lot on the north side. The setback variance will allow for continued use of a vacant building and will not impair the use of the adjacent property. **The standard is met.**

STAFF RECOMMENDATION

Staff finds that the application meets the standards for special use permit and the requested variance and recommends approval of the special use with the requested variance. Staff recommends the Board take the following actions:

Motion to establish findings of fact that the subject property meets the special use criteria in Chapter 44.17-7, the Use Provisions for Vehicle Repair and Service in Division 10-34, and the variance criteria in Chapter 44.17-8 of the City Code.

Motion to recommend City Council approve the special use permit, with the following variances:

Variances:

1. A five-foot, six-inch reduction in the required 15-foot side yard setback for a vehicle repair and service station (44.10-34F).

Respectfully submitted,
Katie Simpson
City Planner

Attachments:

- Draft ordinance
- Special use petition, available online at <https://www.cityblm.org/home/showpublisheddocument/26261/637547678224430000>
- Aerial map
- Zoning map
- Neighborhood notice and map

DRAFT

ORDINANCE NO. 2021 - _____

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR VEHICLE REPAIR IN THE B-1, GENERAL COMMERCIAL DISTRICT, FOR THE PROPERTY LOCATED AT 1025 WYLIE DRIVE.

WHEREAS, there was heretofore filed with the Economic & Community Development Department of the City of Bloomington, McLean County, Illinois, a petition requesting a special use permit for vehicle repair for the property located at 1025 Wylie Drive (PIN: 14-31-353-006) and requesting a variance from the required side yard setback, legally described in Exhibit "A" and hereinafter referred to as "Property", which is attached hereto and made part hereof by this reference; and

WHEREAS, said petition included a site plan, illustrated in Exhibit "B" and hereinafter referred to as "Plan"; and

WHEREAS, the Bloomington Zoning Board of Appeals, after proper notice was given, conducted a public hearing on said petition for the special use and variance at the Property; and

WHEREAS, the Bloomington Zoning Board of Appeals, made findings of fact that such Special Use as illustrated in the Plans hereinafter described in Exhibit B, complied with the standards for granting such special use, and 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; and
6. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located; and,

WHEREAS, the Board, found that such Special Use also complied with the standards for a Vehicle Repair and Service Station (Chapter 44 Division 10-34), specifically:

1. Location. Not more than two automobile service stations shall be permitted on the quadrants of an intersection and shall not be located closer than 120 feet of a Residential District boundary;

2. No curb cuts shall be permitted within 10 feet of a side lot line or 20 feet of a street intersection;
3. Any area where inoperative vehicles are intended to be stored for a period of more than 10 days shall be fully screened in accordance with Article [XIII](#) of this Code to prevent such vehicles from being viewed from a public street or area;
4. All service equipment (lubrication equipment, hydraulic lifts, etc.) and repair and maintenance work shall be inside the principal building;
5. The following activities are expressly prohibited in conjunction with, or accessory to, an automobile service station: aviation sales, automobile sales, boat sales, farm implement sales, house-car trailer sales, mobile home sales, recreation vehicle sales or auto body work, straightening of auto body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than otherwise typical of automobile service stations;
6. Outdoor lighting. In addition to the standards of § [44-911](#), all exterior lighting fixtures shall be directed away from a Residential District and shall not increase the intensity of light within 10 feet of a Residential District boundary line by more than 1/2 footcandle;
7. Building height. The maximum permitted building height shall be 20 feet or one story, whichever is lower;
8. The minimum site and bulk standards shown in Table 1034 shall be required for the siting and development of any automobile service station; and,

WHEREAS, the Board, found that the requested variance for a reduction in the required side yard also complied with the standards for a Variance (Chapter 44 Division 17-8), specifically:

1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult;
2. That the variance would be the minimum action necessary to afford relief to the applicant;
3. That the special conditions and circumstances were not created by any action of the applicant; and The property involves reusing an existing building;
4. That granting the variation requested will not give the applicant any special privilege that is denied to others by the Code;
5. That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonable impair the use or development of adjoining properties; and

WHEREAS, the City Council is authorized to adopt this Ordinance and grant this special use permit and requested variance.

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

1. The above recitals are incorporated into and made a part of this ordinance as though fully set forth herein.

2. The Council hereby adopt the findings of fact made by the Zoning Board of Appeals.
3. The Special Use Permit for vehicle sales, for the property at 1025 Wylie Drive, legally described in Exhibit "A" and illustrated in Exhibit "B" which is attached hereto and made part hereof by this reference, is hereby approved with the following variance:
 - a. A five-foot six-inch reduction from the required fifteen-foot side yard setback on the north side of the property.
4. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this __ day of May 2021.

APPROVED this _____ day of May 2021.

CITY OF BLOOMINGTON

ATTEST

Mboka Mwilambwe, Mayor

Leslie Smith-Yocum, City Clerk

EXHIBIT A

Legal Description

1025 Wylie Drive

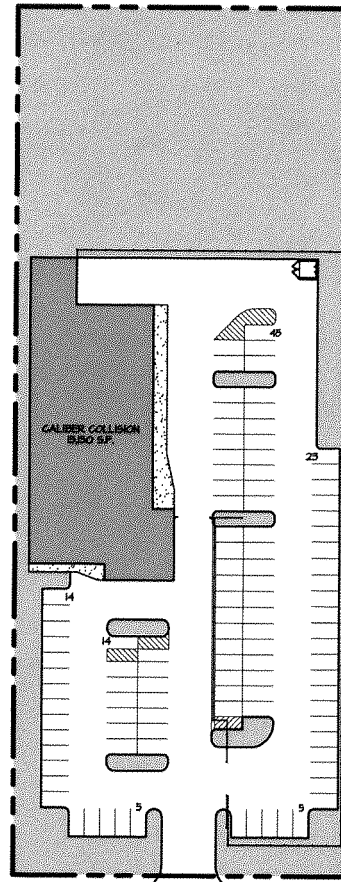
(14-31-353-006)

Interchange City West Subdivision 8th Addition

Lot 20-B

DRAFT

SITE PLAN



SITE DATA	
LAND AREA:	2.75± ACRES
BUILDING AREA:	15,150 S.F.
PARKING DATA:	PROVIDED 106 CARS 7.0 ± 1 KSF

EXHIBIT

3

PENGDAD 800-631-6989

SITE PLAN

DRAWING
1025 Wylie Drive_02

DATE
08-26-20

DRAWN BY
S. Beckett

SCALE
NTS

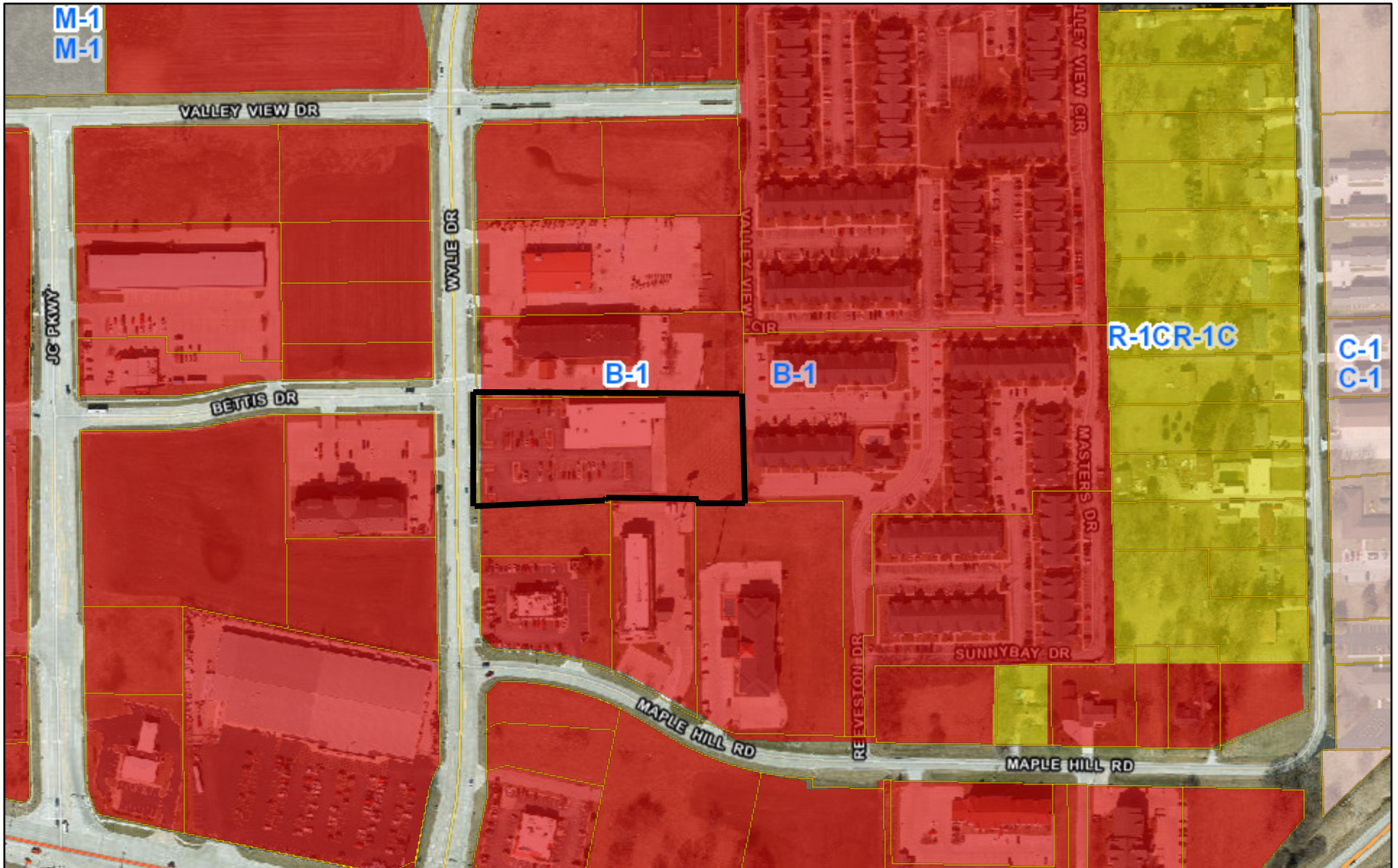


1025 WYLIE DRIVE
BLOOMINGTON, ILLINOIS



3841 GREEN HILLS VILLAGE DRIVE
NASHVILLE, TENNESSEE 37216
PHONE (615) 268-5444 FAX (615) 383-8866

Zoning Map



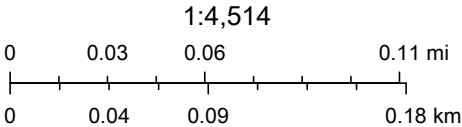
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0 0.03 0.06 0.11 mi
0 0.04 0.09 0.18 km
McGIS, <http://www.McGIS.org/License>, Mclean County Museum of History

Aerial Map



5/5/2021, 12:39:31 PM



McGIS, <http://www.McGIS.org/License>, Mclean County Museum of History



Economic & Community Development
Department
115 E Washington St, Ste 201
Bloomington IL 61701
(309)434-2226
planning@cityblm.org

April 30, 2021

Dear Property Owner or Occupant:

The Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a virtual public hearing on Wednesday, May 19, 2021 at 4:00 PM at www.cityblm.org/live on an application submitted by David Bailey on behalf of Oldacre McDonald, LLC (3841 Green Hills Village Dr. Suite 400 Nashville, TN 37215).

You are receiving this notice because you own or occupy property within a 500-foot radius of the subject property (refer to attached map). All interested persons may present evidence or testimony regarding said petition, or ask questions related to the petitioner's request at the scheduled public hearing.

The applicant is requesting approval of a special use permit with variance (s) for vehicle repair and service in the B-1 General Commercial District, for property located at 1025 Wylie Drive, Bloomington, IL 61705, PIN: 14-31-353-006.

The application is online at www.cityblm.org/zoning. The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org/zoning. To provide testimony on this item please register at least 15 minutes in advance of the start of the meeting at <https://www.cityblm.org/government/boards-commissions/register-for-public-comment>. Public comments can also be emailed at least 15 minutes prior to the start of the meeting to publiccomment@cityblm.org.

Members of the public may attend the meeting at City Hall. Attendance will be limited to 10 people including staff and Board/Commission Members and will require compliance with City Hall COVID-19 protocols and social distancing. Participants and attendees are encouraged to attend remotely.

The rules for physical attendance may be subject to change due to changes in law or to executive orders related to the COVID-19 pandemic occurring after delivery of this notice. Changes will be posted at www.cityblm.org/register.

This hearing will be accessible to individuals with disabilities in compliance with the ADA and other applicable laws. For special needs or accessible questions please contact the City Clerk at 109 E. Olive St., Bloomington, (309) 434-2240, cityclerk@cityblm.org or TTY at (309) 829-5115, preferably no later than five days before the hearing.

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

Please note this meeting could be subject to change based on a lack of quorum or other reasons. Notice of a change will also be posted online at www.cityblm.org.

Sincerely,

Planning Division staff

Map of notified properties within 500 ft of subject property

