



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

WEDNESDAY, JUNE 16, 2021 4:00 P.M.

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

[www.cityblm.org/live](http://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](http://www.cityblm.org/register), and/or 2) those persons wishing to provide written comment must email their comments to [publiccomment@cityblm.org](mailto: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](http://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](mailto: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 May 19, 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. Z-15-21 Public hearing, review, and action on a petition submitted by Vicente & Jennifer Adame for a variance from Chapter 44, Division 9-8D to allow for the construction of a 1,200 square foot detached garage that exceeds the maximum 1,000 square foot floor area for an accessory structure, for the property located at 1111 E. Grove Street, Bloomington, IL 61701, PIN: 21-03-376-012 (Ward 4).
- B. Z-16-21 Public hearing, review, and action on a petition submitted by Richard & Roxanna Wright for a variance from Chapter 44, Division 9-10 to allow the construction of a six-foot tall fence in the front yard, for the property located at 713 Ohara Street, Bloomington, IL 61701, PIN: 21-04-101-002 (Ward 7).

- C. Z-17-21 Public hearing, review, and action on a petition submitted by W. Randall Wilson for a variance from Chapter 44 Division 4-3 to allow a five-foot reduction in the required rear yard setback and facilitate an addition to a nonconforming structure, for the property located at 1 Walker Drive, Bloomington IL 61701, PIN: 21-03-155-009 (Ward 4).

6. OLD BUSINESS
7. NEW BUSINESS
8. ADJOURNMENT



**DRAFT  
MINUTES**

**PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF  
BLOOMINGTON, ILLINOIS  
REGULAR MEETING  
COUNCIL CHAMBERS  
109 EAST OLIVE STREET  
BLOOMINGTON, IL  
WEDNESDAY, MAY 19, 2021 4:00 P.M.**

**THIS MEETING WAS HELD VIRTUALLY. LIVE STREAM AVAILABLE AT:  
[www.cityblm.org/live](http://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 registered at [www.cityblm.org/register](http://www.cityblm.org/register), and/or 2) those persons wishing to provide written comment emailed their comments to [publiccomment@cityblm.org](mailto:publiccomment@cityblm.org).

Members of the public could also attend the meeting at City Hall. Attendance was limited to 10 people including staff and Board/Commission members and required compliance with City Hall COVID-19 protocols and social distancing. Participants and attendees were encouraged to attend remotely.

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, Chairperson Victoria Harris, and Commissioner Michael McFarland attending in-person in City Hall’s Council Chambers.

The Meeting was called to order by Chairperson Victoria Harris at 4:09 PM and livestreamed to the public at [www.cityblm.org/live](http://www.cityblm.org/live).

**ROLL CALL**

| <b>Attendee Name</b>  | <b>Title</b>  | <b>Status</b> |
|-----------------------|---|---------------|
| Ms. Victoria Harris   | Chairperson   | Present       |
| Mr. Terry Ballantini  | Commissioner  | Present       |
| Mr. Michael McFarland | Commissioner  | Present       |
| Mr. Michael Straza    | Commissioner  | Present       |
| Mr. Tyler Noonan      | Commissioner  | Present       |
| Ms. Nikki Williams    | Commissioner  | Present       |
| 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       |

**DRAFT  
MEETING MINUTES**

**PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS  
WEDNESDAY, MAY 19, 2021**

## COVID-19

This meeting was held virtually via livestream pursuant to the gubernatorial executive order 2021-06. Public comment was accepted up until 15 minutes before the start of the meeting.

## PUBLIC COMMENT

No public comment.

## MINUTES

Chairperson Harris made one correction to the previous meeting's minutes. Mr. Straza motioned to approve the minutes from April 21, 2021 regular Zoning Board of Appeals meeting as amended. Mr. McFarland seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The motion was approved (6-0-0).

## REGULAR AGENDA

- 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).

Ms. Kelly presented the staff report and staff's recommendation of approving the special use with the condition that the parking lot is screened from view of the street.

Gene LeGrand, the applicant, was sworn in for testimony. He described his proposed project.

Mr. Ballantini asked whether six cars would be the maximum amount stored on the lot. Mr. LeGrand confirmed that would be the case. Mr. Ballantini asked if he would be amenable to extending the fence to screen the parking lot. Mr. LeGrand indicated that he would be willing to screen the parking lot up to the access drive.

Cheryl Dawdy was sworn in for testimony. She spoke to the efficiency of 604 W Division in meeting the provisions of the special use permit they were granted and raised concerns about the impact of a dealership on the neighborhood. Ms. Dawdy was supportive of the suggested condition that the fence be extended to screen the parking lot.

Mr. Ballantini asked whether extending the fence to the driveway would be feasible. Mr. LeGrand affirmed that it would be.

Mr. Ballantini motioned to vote on the Findings of Fact separately. Mr. Noonan seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The motion was approved (6-0-0).

Roll call vote on the first finding: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The standard was found to be met (6-0-0).

Regarding the second finding, Mr. Ballantini motioned to accept the condition and find the standard met. Mr. Noonan seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The standard was found to be met with the condition (6-0-0).

Roll call vote on the third finding: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The standard was found to be met (6-0-0).

Roll call vote on the fourth finding: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The standard was found to be met (6-0-0).

Roll call vote on the fifth finding: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The standard was found to be met (6-0-0).

Roll call vote on the sixth finding: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The standard was found to be met (6-0-0).

Mr. Noonan motioned to recommend approval of the special use with the condition that the fence be extended to the opening of the driveway. Mr. Ballantini seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The motion carried (6-0-0).

- 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).

Ms. Kelly presented the staff report. She stated that staff recommended in favor of approving the special use permit in this case.

Dominique Medley, the applicant, was sworn in for testimony. She described the use as proposed, stating her intention to keep four chickens.

Chairperson Harris inquired as to the method of food storage. Ms. Medley said that chicken feed would be stored in airtight, pest-proof containers.

Three emails in opposition to the special use permit were entered into the record.

Mr. Ballantini motioned to accept the findings of fact in whole. Mr. McFarland seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The motion carried (6-0-0).

Mr. Ballantini motioned to recommend approval of the special use. Mr. Noonan seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The motion carried (6-0-0).

- C. 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).

Ms. Simpson presented staff's recommendation that the requested variance be approved. The property is located in a historic district but is not zoned with an S-4 Historic Designation itself. Ms. Simpson further explained that the lot is considered legal nonconforming in its dimensions.

Chairperson Harris spoke to the aesthetic and historic importance of the garages in this neighborhood.

Ms. Laura Edwards, the petitioner, was sworn in for testimony. Mr. Noonan asked whether she would be continuing to use brick for the structure. Ms. Edwards affirmed that she would be.

Ms. Simpson read an email comment in opposition to the garage's expansion into the record. Ms. Edwards replied that she would be amenable to keeping the garage footprint as is.

Mr. Ballantini asked how long Ms. Edwards had lived at the property. She replied that they moved to the property in 2005.

Mr. Ballantini motioned to accept the findings as presented in the staff report. Mr. Straza seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The motion carried (6-0-0).

Mr. Straza motioned to recommend approval of the variance. Mr. Noonan seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The motion carried (6-0-0).

- D. 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).

Ms. Simpson presented staff's recommendation in favor of granting the special use permit and variance requested. She explained the physical location and context of the site.

Chairperson Harris mentioned that the lack of noise generated by the proposed activity should be a consideration in granting setback variances.

Tristan Bullington, the petitioner's attorney, was sworn in for testimony. David Bailey, representative of the petitioner, was sworn in for testimony. Mr. Bullington spoke to the suitability of the proposed use for the subject property, suggesting that the building might otherwise remain vacant.

Mr. Bailey, representative of the petitioner, spoke to the business' low impact on neighboring properties at sites where franchises have been installed, due in part to the fact that the shop does not take on totaled cars. He also mentioned the relatively high rate of pay employees of the chain receive.

Chairperson Harris asked how many people are typically employed at a given site. Mr. Bailey replied that there are generally 12 employees to start.

Mr. Straza motioned to accept the findings of fact as presented by staff. Mr. Ballantini seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The motion carried (6-0-0).

Mr. Ballantini motioned to recommend the special use permit and requested variance to City Council. Mr. Straza seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The motion carried (6-0-0).

## **OLD BUSINESS**

There was none.

**NEW BUSINESS**

**A. Election of a Chair**

Chairperson Harris nominated Mr. Ballantini for Chair. Mr. Ballantini accepted. No other nominations were offered. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The motion carried (6-0-0).

**ADJOURNMENT**

The meeting was adjourned at 5:52.

DRAFT



## ZONING BOARD OF APPEALS

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**TO:** Zoning Board of Appeals  
**FROM:** Economic & Community Development Department  
**DATE:** June 16, 2021  
**CASE NO:** Z-15-21, Variance  
**REQUEST:** Public hearing, review, and action on a petition submitted by Vicente & Jennifer Adame for a variance from Chapter 44, Division 9-8D to allow for the construction of a 1,200 square foot detached garage that exceeds the maximum 1,000 square foot floor area for an accessory structure, for the property located at 1111 E. Grove Street, Bloomington, IL 61701, PIN: 21-03-376-012 (Ward 4).

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Above: 1111 E Grove Street, 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 Saturday, May 29, 2021. Courtesy notices were mailed to 92 property owners within 500 feet of the subject property.

### PROPERTY INFORMATION

Subject Property: 1111 E Grove Street  
Applicants: Vicente and Jennifer Adame  
Existing Zoning: R-1C Single-family Residence District  
Existing Land Use: Single-family residence  
Property Size: 32,044 square feet (94 feet X 340 feet)  
PIN: 21-03-376-012



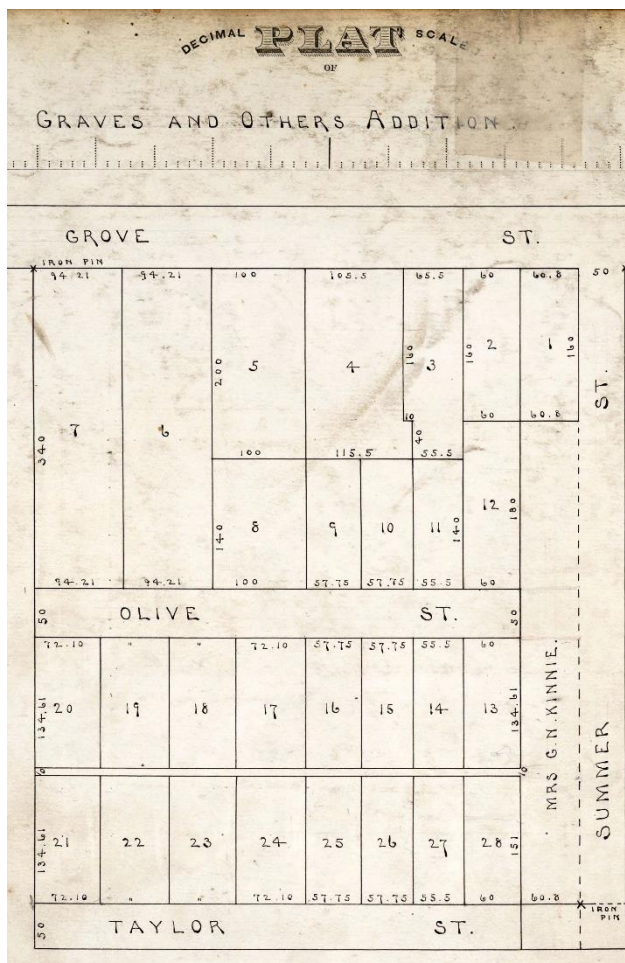
**SURROUNDING ZONING AND LAND USES**

|       | Zoning                                     | Land Uses   |
|-------|--|---|
| North | R-3A Multiple-Family Residence, R-1C       | Multi-family homes, single-family homes             |
| South | R-1C                                       | Single-family homes                                 |
| East  | R-3A, R-1C                                 | Multi-family homes, single-family homes             |
| West  | R-1C, R-3A, R-3B Multiple-Family Residence | Single-family homes, duplexes, multi-family housing |

**PROJECT DESCRIPTION**

*Background:*

The subject property, 1111 E Grove Street, is located east of the East Grove Street Historic District, bounded by Denver Street (west) and S State Street (east). Among several other properties in the area, it was rezoned from R-3A to R-1C in 1999. The subject property is part of the Graves and Others Addition (Lot 6), which was established in 1895 and has subsequently been replatted over time (Figure 1). The parcel is substantially larger than any other in the subdivision, spanning from E Grove Street to E Olive Street. An adjacent property, 1107 E Grove Street, originally had the same dimensions as the subject property at the time the neighborhood was established; it has since been subdivided.



**Figure 1:** The original Graves and Others Addition plat, recorded in 1895.

The property is improved with a two-story single-family home built in the early 1900s. The McClean County Assessor reports that the parcel features a 252 square foot attached garage.

*Petitioners' request:*

The applicants seek to build a larger, detached garage at the subject property and are requesting approval of the following variance to facilitate its construction:

A 200 square foot expansion of the 1,000 square foot maximum area for accessory buildings in the R-1C District. (Ch. 44.9-8)

The requested variance exceeds the maximum allowable area for accessory structures in the R-1C District by 20%. See Table 1 for the site standards required of the R-1C District.

**Table 1:** Division 9.8 Accessory Building Standards.

| Standard                             | Required | Proposed | % Difference |
|--------------------------------------|----------|----------|--------------|
| Height (ft)                          | 14       | ≤ 14     | ≤ 0%         |
| Setback from principal building (ft) | 10       | 21       | 110%         |
| Setback from side lot line (ft)      | 3        | 3        | 0%           |
| Setback from rear lot line (ft)      | 3        | 175      | 5,733%       |
| Gross floor area (ft <sup>2</sup> )  | 1,000    | 1,200    | 20% *        |

\* Variance requested

### 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. 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.* Strict adherence to the Code is possible; the proposed structure could be built as an attached garage without the need of a variance related to the size of the addition. There are no physical characteristics existent on the lot that would prevent the garage from being built in compliance with the code. **The standard is not met.**
2. *That the variance would be the minimum action necessary to afford relief to the applicant.* The applicant could potentially build the proposed structure as an attached garage by right. **The standard is not met.**
3. *That the special conditions and circumstances were not created by any action of the applicant.* The subdivision was established in 1895 and the structure built in the early 1900s, a substantial amount of time prior to the Zoning Ordinance’s adoption in 1969. The standards of the R-1C District do not necessarily contemplate parcels of the subject property’s size. The proposed garage meets all other requirements of accessory structures, including the stipulation that it be smaller than the principal building and not exceed 30% of the rear yard area. **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.* There appear to be other accessory structures in the neighborhood exceeding the 1,000 square foot maximum, or properties featuring multiple accessory structures which each individually constitute less than 1,000 square feet in area. Additionally, the subject property is more than twice the size of any other lot in proximity to it. The proposed structure does not exceed the proportions of the subject property in relation to the standards of the R-1C District. **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 garage as proposed shall be relatively inconspicuous from both E Grove and E Olive Streets based on the indicated setbacks. It is not anticipated to have a negative impact on surrounding development or the

public welfare. As it is not out of proportion with the size of the subject property, it likewise shouldn't have an effect on the character of the neighborhood. **The standard is met.**

**STAFF RECOMMENDATION**

Staff finds that the application does not meet the standards for variance and recommends denial of the variance. Staff recommends the Board take the following actions:

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

Motion to deny the requested variance from Chapter 44, Division 9-8D to allow for the construction of a 1,200 square foot detached garage that exceeds the maximum 1,000 square foot floor area for an accessory structure, for the property located at 1111 E. Grove Street, Bloomington, IL 61701, PIN: 21-03-376-012 (Ward 4).

Respectfully submitted,

Caitlin Kelly  
Assistant City Planner

Attachments:

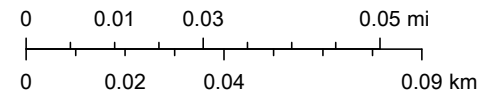
- Variance application available online at <https://www.cityblm.org/home/showpublisheddocument/26355/637564040517000000>
- Aerial map
- Zoning map
- Neighborhood notice and map

# Z-15-21 Aerial Map



5/25/2021, 8:24:46 AM

1:2,257

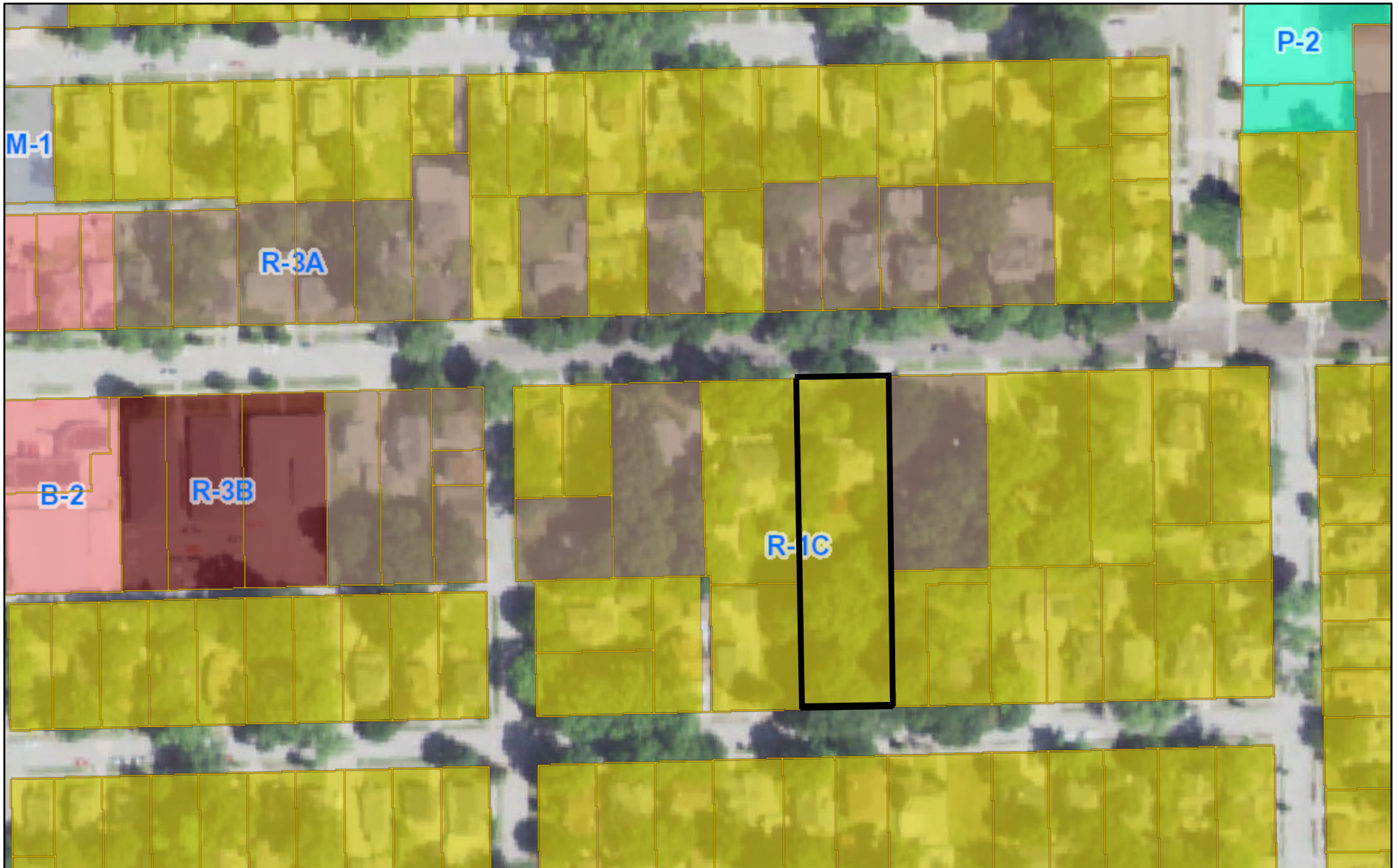


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Web AppBuilder for ArcGIS

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 |

# Z-15-21 Zoning Map

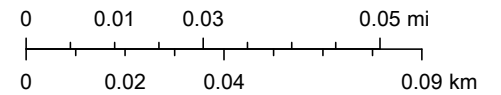


5/25/2021, 8:26:21 AM

NAIP 2019

- Red: Band\_1
- Green: Band\_2

1:2,257



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

May 28, 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, June 16, 2021 at 4:00 PM at [www.cityblm.org/live](http://www.cityblm.org/live) on an application submitted Vicente & Jennifer Adame.

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 for a variance from Chapter 44, Division 9-8D to allow for the construction of a 1,200 square foot detached garage that exceeds the maximum 1,000 square foot floor area for an accessory structure, for the property located at 1111 E. Grove Street, Bloomington, IL 61701, PIN: 21-03-376-012.

The application is online at [www.cityblm.org/zoning](http://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](http://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](mailto: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](http://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](mailto:cityclerk@cityblm.org) or TTY at (309) 829-5115, preferably no later than five days before the hearing.

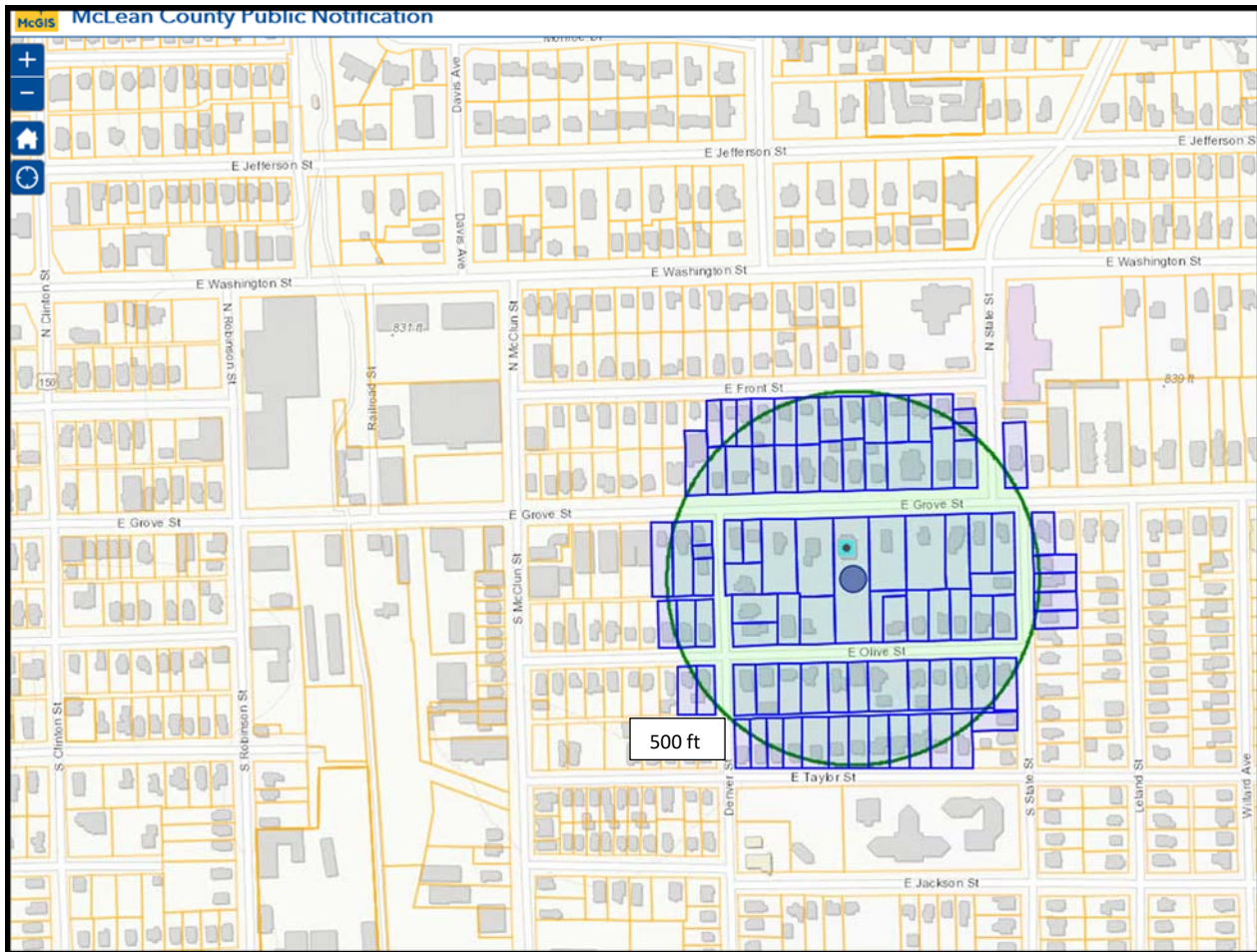
If you desire more information regarding the proposed petition or have any questions, you may email [planning@cityblm.org](mailto:planning@cityblm.org) or call (309)434-2226.

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](http://www.cityblm.org).

Sincerely,

Planning Division staff

Map of notified properties within 500 ft of subject property





## ZONING BOARD OF APPEALS

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**TO:** Zoning Board of Appeals  
**FROM:** Economic & Community Development Department  
**DATE:** June 16, 2021  
**CASE NO:** Z-16-21, Variance  
**REQUEST:** Public hearing, review, and action on a petition submitted by Richard & Roxanna Wright for a variance from Chapter 44, Division 9-10 to allow the construction of a six-foot tall fence in the front yard, for the property located at 713 Ohara Street, Bloomington, IL 61701, PIN: 21-04-101-002 (Ward 7).

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**Above:** 713 Ohara Street, outlined in red.

### NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Saturday, May 29, 2021. Courtesy notices were mailed to 72 property owners within 500 feet of the subject property.

### PROPERTY INFORMATION

Subject Property: 713 Ohara Street  
Applicants: Roxanna Wright  
Existing Zoning: R-1C Single-Family Residence District  
Existing Land Use: Single-family residence  
Property Size: 6,950 square feet (50 feet X 139 feet)  
PIN: 21-04-101-002



**SURROUNDING ZONING AND LAND USES**

|       | Zoning                             | Land Uses                             |
|-------|------------------------------------|---------------------------------------|
| North | R-2 Mixed Residence                | Single-family homes, two-family homes |
| South | R-1C                               | Single-family homes                   |
| East  | R-1C                               | Single-family homes                   |
| West  | R-1C, M-1 Restricted Manufacturing | Single-family homes, rail yard        |

**PROJECT DESCRIPTION**

*Background:*

The subject property, 713 Ohara Street, is located east of the Union Pacific Railroad, north of Ohara Street, and south of W Empire Street. W Empire Street terminates with a cul-de-sac. The subject property fits the definition (Chapter 44 Division 16-13) of a “through lot”<sup>1</sup> since it has frontage on more than one street; subsequently, it is considered to have two front yards on each frontage. The property is zoned R-1C and is improved with a single-family home. The adjacent lots are similarly “through” lots improved with single-family homes.

*Pictured (right): Aerial view of the subject property. Front yards in yellow*



*Petitioners’ request:*

The applicants seek to build a six-foot fence along W Empire Street, technically considered a front yard under the terms of the Zoning Ordinance because of the property’s status a through lot. The maximum permitted height of front yard fence is four feet. The applicant therefore requests the following variance:

For a variance to allow the construction of a six-foot tall fence in the front yard. (Ch. 9-10)

**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. 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.* Although the subject property’s principal structure is oriented towards Ohara Street, per code, the property technically has a front yard in the rear along W Empire Street. The code defines front yard as the space between the street and foundation of the building. Strict adherence to the code would limit the property owner’s ability to fence in the portion of the yard in use as a rear yard. **The standard is met.**
2. *That the variance would be the minimum action necessary to afford relief to the applicant.* A variance is necessary to install the taller fence. Since the code limits the

<sup>1</sup> <https://ecode360.com/34416475>

height of fences in a front yard and defines the front yard as the space between the street and principal structure, a variance would be necessary regardless of placement of the fence. **The standard is met.**

3. *That the special conditions and circumstances were not created by any action of the applicant.* The lot was platted between the two streets. The circumstances were not created by the applicant. **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.* The 700 block of Ohara Street have a similar configuration. Nearby homes have constructed accessory structures between the principal structure and W Emerson Street establishing a precedence to treat this yard like a rear yard. The applicant will not receive special privileges. Additionally, since W Empire terminates in a cul-de-sac, the fence variance should not negatively impact property owners to the west. **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 neighborhood is established. The homes along the 700 block of Ohara Street traditionally treat the space between W Empire and the principal structure as a rear yard. The fence variance should not negatively impact the character of the neighborhood. **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 from Chapter 44, Division 9-10 to allow the construction of a six-foot tall fence in the front yard, for the property located at 713 Ohara Street, Bloomington, IL 61701, PIN: 21-04-101-002 (Ward 7).

Respectfully submitted,  
Katie Simpson  
City Planner

#### Attachments:

- Variance application available online at <https://www.cityblm.org/home/showpublisheddocument/26357/637564041398430000>
- Aerial map
- Zoning map
- Neighborhood notice and map

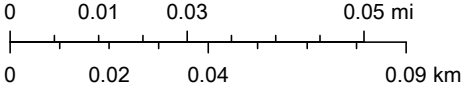
# Aerial Map



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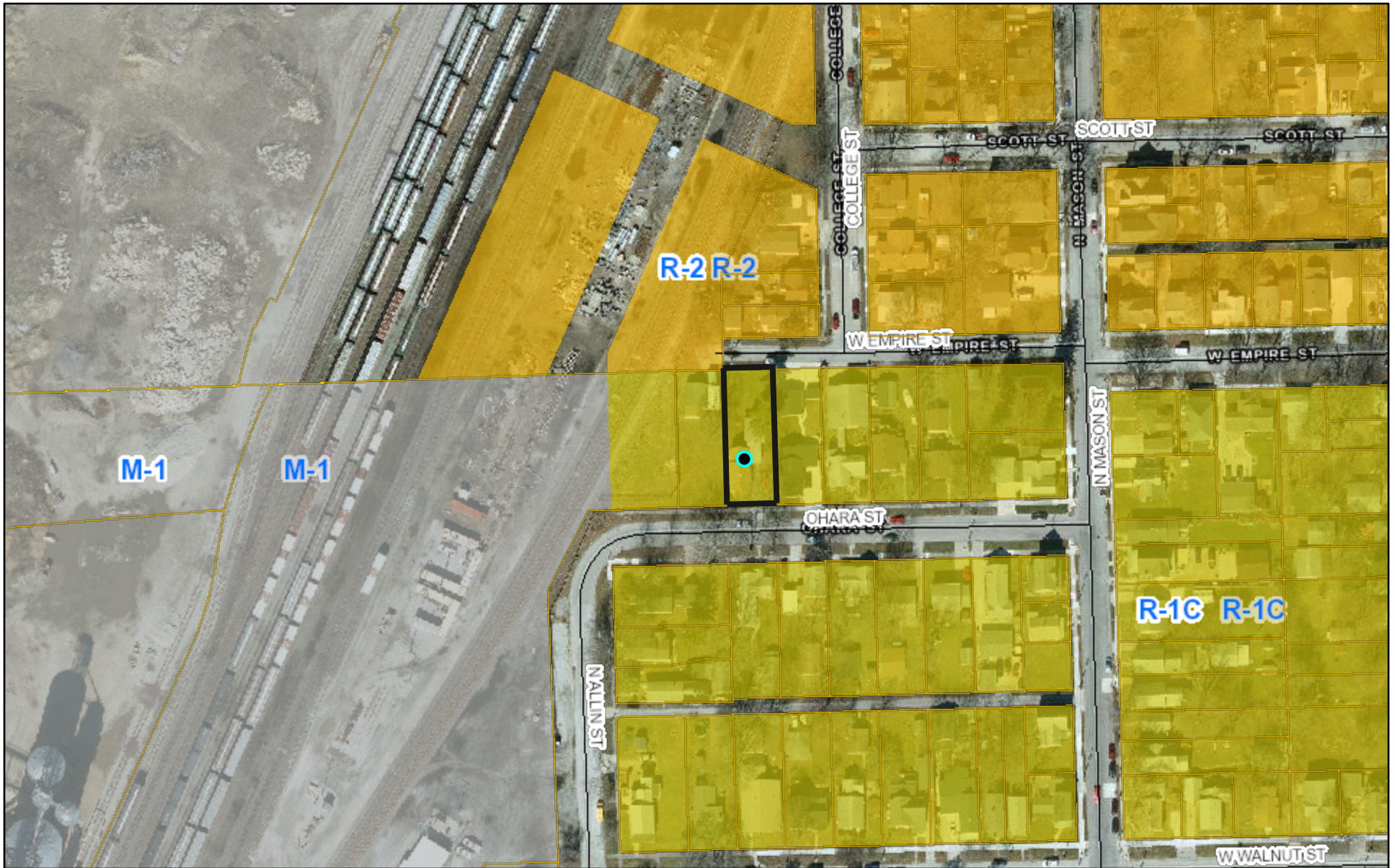
1:2,257

- Parcels
- Streets
- Alleys
- Freeway\_Expressway
- Freeway\_Expressway\_Ramp
- Highway
- Interstate
- Interstate Ramp
- Local\_Road\_Street
- Major\_Collector
- <all other values>



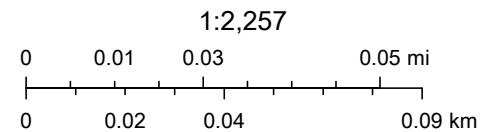
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# Zoning Map



6/1/2021, 4:07:58 PM

- |                    |                         |                   |                          |
|--------------------|-------------------------|-------------------|--------------------------|
| Parcels            | Freeway_Expressway_Ramp | Interstate Ramp   | Minor_Arterial           |
| Alleys             | Highway                 | Local_Road_Street | Minor_Collector          |
| <all other values> | Interstate              | Major_Collector   | Other_Principal_Arterial |



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

May 28, 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](http://www.cityblm.org/live) on an application submitted Richard & Roxanna Wright.

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 for a variance from Chapter 44, Division 9-10 to allow the construction of a six-foot tall fence in the front yard, for the property located at 713 Ohara Street, Bloomington, IL 61701, PIN: 21-04-101-002.

The application is online at [www.cityblm.org/zoning](http://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](http://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](mailto: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](http://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](mailto:cityclerk@cityblm.org) or TTY at (309) 829-5115, preferably no later than five days before the hearing.

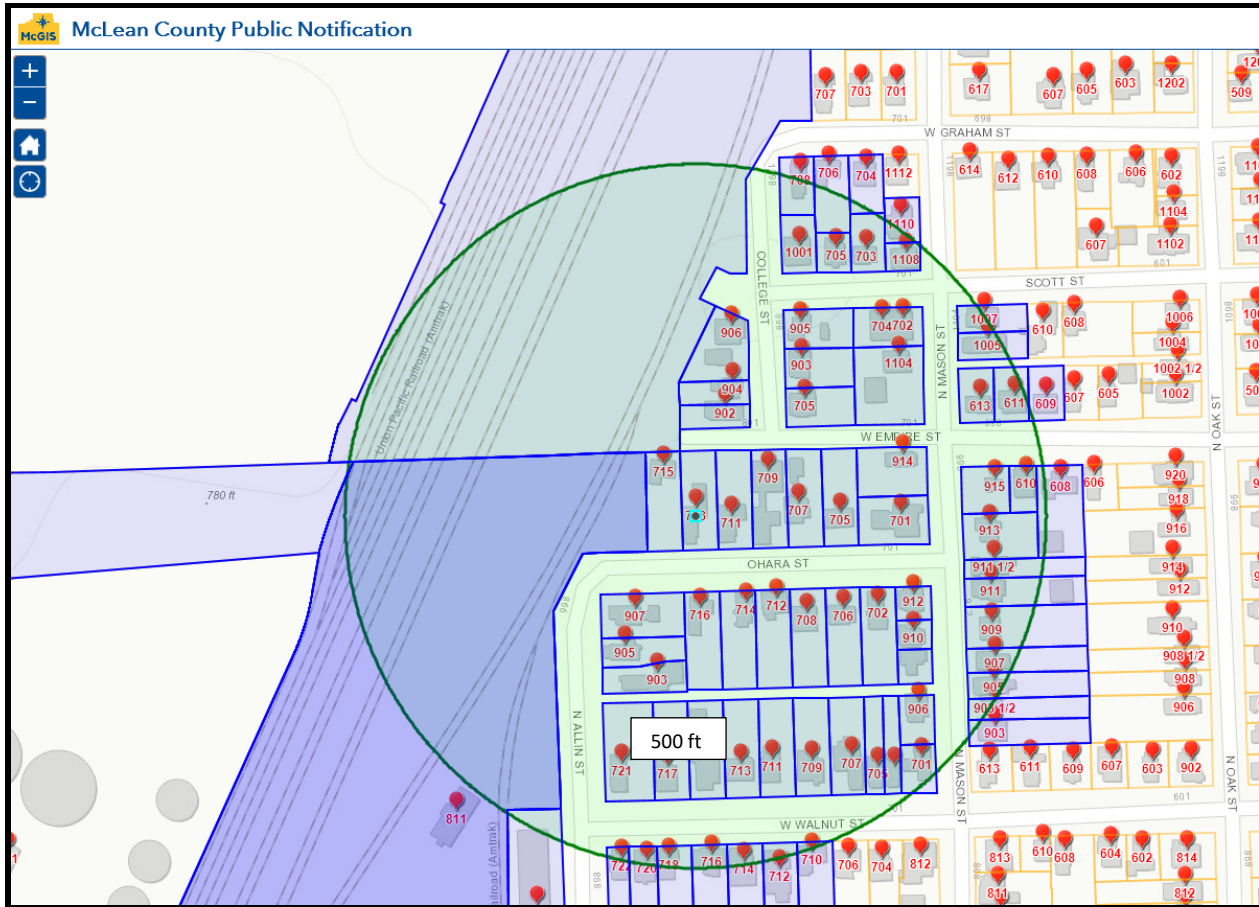
If you desire more information regarding the proposed petition or have any questions, you may email [planning@cityblm.org](mailto:planning@cityblm.org) or call (309)434-2226.

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](http://www.cityblm.org).

Sincerely,

Planning Division staff

Map of notified properties within 500 ft of subject property





## ZONING BOARD OF APPEALS

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**TO:** Zoning Board of Appeals  
**FROM:** Economic & Community Development Department  
**DATE:** June 16, 2021  
**CASE NO:** Z-17-21, Variance  
**REQUEST:** Public hearing, review, and action on a petition submitted by W. Randall Wilson for a variance from Chapter 44 Division 4-3 to allow a five-foot reduction in the required rear yard setback and facilitate an addition to a nonconforming structure, for the property located at 1 Walker Drive, Bloomington IL 61701, PIN: 21-03-155-009 (Ward 4).

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**Above:** 1 Walker 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 Saturday, May 29, 2021. Courtesy notices were mailed to 67 property owners within 500 feet of the subject property.

### PROPERTY INFORMATION

Subject Property: 1 Walker Drive  
Applicants: W. Randall Wilson  
Existing Zoning: R-1B Single-family Residence District  
Existing Land Use: Single-family residence  
Property Size: 10,540 square feet (85 feet X 124 feet)  
PIN: 21-03-155-009

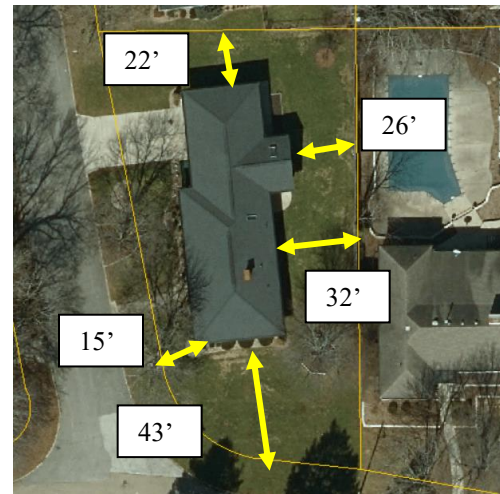
**SURROUNDING ZONING AND LAND USES**

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

**PROJECT DESCRIPTION**

*Background:*

The subject property, 1 Walker Drive, is located on the corner of Walker Drive and Monroe Drive. It is part of the Davis 1945 Home Place Addition. The subject property is improved with a single-story, single-family home built in the 1950s, prior to the adoption of the Zoning Ordinance. As such, with a front yard setback of 15' and a rear yard setback of 26', it is considered a legal non-conforming structure; the R-1B District requires 30-foot front and rear yard setbacks.



*Petitioners' request:*

The applicants seek to build a 10' x 12' bathroom addition on the rear portion of the home. The applicant is requesting approval of the following variance to facilitate its construction:

To allow a five-foot reduction in the required rear yard setback and facilitate an addition to a nonconforming structure (Ch. 44.4-3)

The requested variance would permit the addition to encroach four feet into the required rear yard setback for the R-1B District. Table 1 contextualizes this figure in relation to other dimensions of the lot, as well as the site standards required of the R-1B District.

**Table 1:** Division 4.3 Bulk and Site Standards of the R-1B District.

| Standard                            | Required | Proposed | % Difference |
|-------------------------------------|----------|----------|--------------|
| Minimum lot width (ft)              | 70       | 85       | 21%          |
| Minimum lot area (ft <sup>2</sup> ) | 7,000    | 10,540   | 50.6%        |
| Front yard setback (ft)             | 30       | 15       | -50%         |
| Side yard setback (ft)              | 6        | 22       | 266.7%       |
| Rear yard setback (ft)              | 30       | 26       | -13.3% *     |
| Building height (stories)           | 2.5      | 1        | -60%         |

\* Variance requested

**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. 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 property is negatively impacted by the curved Walker Drive, reducing the buildable area. Further, the property was established prior to adoption of the Zoning Ordinance. The existing structure is considered legal nonconforming, as it does not meet the thirty-foot required setbacks. **The standard is met.**
2. *That the variance would be the minimum action necessary to afford relief to the applicant.* The home does not meet the required thirty-foot setback. Any addition would require a variance. The petitioner has rotated the proposed addition to limit the extent of the requested variance. **The standard is met.**
3. *That the special conditions and circumstances were not created by any action of the applicant.* The variance is related to the property's configuration and the existing conditions 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.* The proposed addition and variance are related to the rear yard setback of the irregularly shaped lot. The circumstances necessitating the variance are unique to the property. **The standard is met.**
5. *That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use of development of adjoining properties.* The proposed variance should not negatively impact the neighborhood character as the variances are related to the rear yard and the proposed addition is keeping within the existing footprint of the home. **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 from Chapter 44 Division 4-3 to allow a five-foot reduction in the required rear yard setback and facilitate an addition to a nonconforming structure, for the property located at 1 Walker Drive, Bloomington IL 61701, PIN: 21-03-155-009 (Ward 4).

Respectfully submitted,  
Katie Simpson  
City Planner

#### Attachments:

- Variance application available online at <https://www.cityblm.org/home/showpublisheddocument/26398/637582347676730000>
- Aerial map
- Zoning map
- Neighborhood notice and map

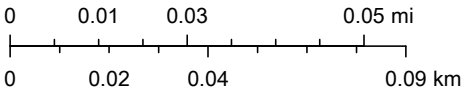
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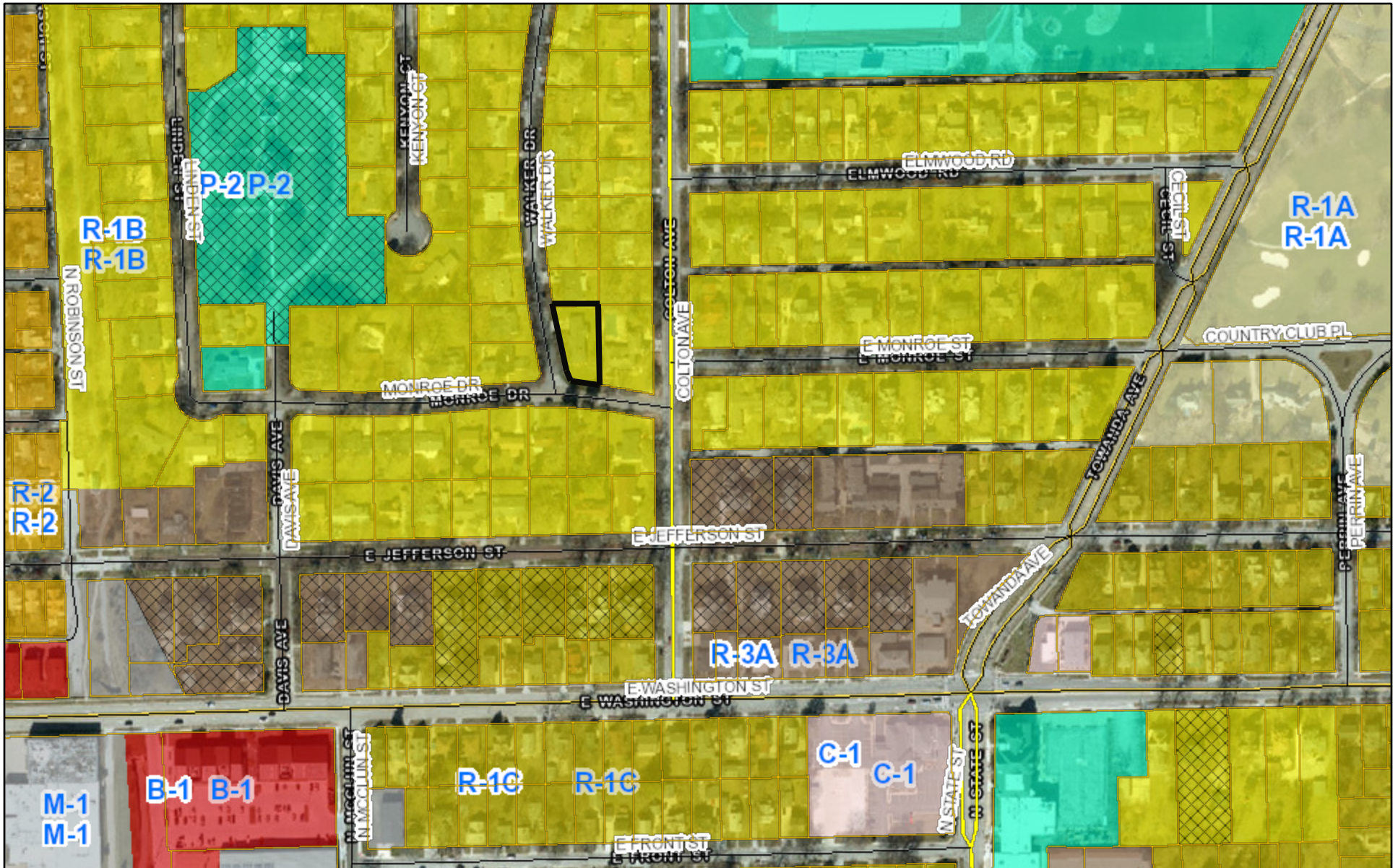
1:2,257

- Parcels
- Streets
- Freeway\_Expressway\_Ramp
- Interstate Ramp
- Alleys
- <all other values>
- Highway
- Local\_Road\_Street
- Freeway\_Expressway
- Interstate
- Major\_Collector



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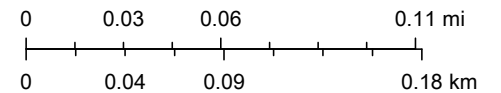
# Zoning Map



6/1/2021, 5:03:25 PM

- |                      |                      |                           |                            |                   |
|----------------------|----------------------|---------------------------|----------------------------|-------------------|
| □ Parcels            | Streets              | — Freeway_Expressway_Ramp | — Interstate Ramp          | — Minor_Arterial  |
| - Alleys             | — <all other values> | — Highway                 | — Local_Road_Street        | — Minor_Collector |
| — Freeway_Expressway | — Interstate         | — Major_Collector         | — Other_Principal_Arterial |                   |

1:4,514



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

May 28, 2021

Dear Property Owner or Occupant:

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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 for a variance from Chapter 44, Division 4-3 to allow a five-foot reduction in the required rear yard setback and facilitate an addition to a nonconforming structure, for the property located at 1 Walker Drive, Bloomington, IL 61701, PIN: 21-03-155-009.

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Sincerely,

Planning Division staff

Map of notified properties within 500 ft of subject property

