



AGENDA  
REGULAR SESSION  
BOARD OF ZONING APPEALS  
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400  
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701  
WEDNESDAY, FEBRUARY 15, 2023, 4:00 P.M.

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

Individuals wishing to provide emailed public comment must email comments to [publiccomment@cityblm.org](mailto:publiccomment@cityblm.org) at least 15 minutes before the start of the meeting. Individuals wishing to speak in-person may register at [www.cityblm.org/register](http://www.cityblm.org/register) at least 5 minutes before the start of the meeting.

**Note: To be considered *Testimony*, statements must be made in person or by duly authorized agent, during the public hearing for the specific Regular Agenda item.**

4. MINUTES

Review and approval of the minutes of the November 16, 2022, regular Zoning Board of Appeals meeting.

5. REGULAR AGENDA

A. **V-01-23** Public hearing, review, and action on a request by Jennifer Robinson for a Variance from § 44-910C of the Zoning Code to increase the allowable fence height in the front yard from four (4) feet to six (6) feet, in the B-2 (Local Commercial) District, for the property located at 515 S. McClun Street. PIN: 21-03-352-025. (Ward 4.)

6. OLD BUSINESS
7. NEW BUSINESS
8. ADJOURNMENT

Individuals with disabilities planning to attend the meeting who require reasonable accommodations to observe and/or participate, or who have questions about the accessibility of the meeting, should contact the City's ADA Coordinator at 309-434-2468 or [mhurt@cityblm.org](mailto:mhurt@cityblm.org).



**DRAFT  
MINUTES**

**PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS  
REGULAR MEETING  
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400  
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701  
WEDNESDAY, NOVEMBER 16, 2022 4:00 P.M.**

The Zoning Board of Appeals convened in Regular Session in-person in the Government Center Chambers on the 4th floor, Room #400, Wednesday, November 16, 2022, with the following physically present staff members: Mr. Jon Branham, City Planner; Mr. Glen Wetterow, City Planner; Ms. Kimberly Smith, Assistant Economic & Community Development Director; Mr. George Boyle, Assistant City Attorney.

The meeting was called to order by Chair Straza at 4:09 pm.

**ROLL CALL**

Attendee Name	Title	Status
Mr. Terry Ballantini	Commissioner	Present
Ms. Victoria Harris	Commissioner	Present
Mr. Michael Straza	Commissioner	Present
Mr. Tyler Noonan	Commissioner	Absent
Ms. Nikki Williams	Commissioner	Present
Mr. Zach Zwaga	Commissioner	Present
Ms. Kimberly Smith	Assistant Economic & Community Development Director	Present
Mr. Glen Wetterow	City Planner	Present
Mr. Jon Branham	City Planner	Present
Mr. George Boyle	Assistant City Attorney	Present

Mr. Branham called the roll. Ms. Harris - Present, Mr. Ballantini - Present, Ms. Williams - Present, Mr. Zwaga - Present, Chair Straza - Present. (5-0). A quorum was present.

**PUBLIC COMMENT**

Chair Straza opened the floor for public comment, reminding attendees that public comment is typically reserved for items not on the regular agenda.

There was no in-person public comment.

**DRAFT  
MEETING MINUTES**

**PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS  
WEDNESDAY, NOVEMBER 16, 2022**

## MINUTES

Commissioner Harris motioned to approve the minutes from the October 19, 2022, regular Zoning Board of Appeals meeting, as submitted. Commissioner Ballantini seconded. Voice vote was held. All were in favor (5-0).

## REGULAR AGENDA

**SP-14-22** Public hearing, review, and action on a petition submitted by Habitat for Humanity of McLean County requesting approval of a Special Use Permit for a Two-Family Dwelling in the R-1C (Single-Family Residence) District, for the property located at 1305 Bunn Street. PIN: 21-09-284-010.

Mr. Branham presented the staff report with a recommendation to approve the Special Use Permit. He noted that the previously discussed text amendments, which restored the ability to construct “zero-lot-line” duplexes, have been adopted so this project is now feasible. He noted no variations from City Code were requested. He stated the existing single-family detached home at the site had fallen into disrepair. He added the property had been originally conceived as three separate lots, so a subdivision could potentially result in three single-family residences at the property. He stated the request for a two-family residence would be lower in density.

Commissioner Ballantini inquired about the status of existing home. Mr. Wetterow stated that the home was vacant and severely deteriorated. He stated the home had recently been utilized for Fire Department training.

Chair Straza opened the public hearing.

**Petitioner, Roger Scott of Habitat for Humanity of McLean County (1305 Winterberry Circle)** provided further background on the project and history of the company construction program. He complimented City Staff on helping with guiding through process.

Mr. Straza inquired about property maintenance. Mr. Scott stated the property owners would be responsible for maintenance. He stated they would also draw up an agreement so that both parties would have to cooperate on maintenance issues that affect both units. He added the units would not be rentals, as the individual would own the building and underlying property.

Ms. Harris complimented Mr. Scott for the work Habitat is doing for the community. She inquired if this was something the organization was investigating nationally. Mr. Scott stated they are going to present this to Habitat International as a pilot program.

Mr. Ballantini wanted to clarify that the request is to allow two-family residential dwelling at the site. Mr. Branham confirmed the request.

Mr. Ballantini inquired whether there were any concerns from neighbors. Mr. Scott stated they did not receive any negative feedback.

Mr. Ballantini inquired about criteria for obtaining a home. Mr. Scott explained the application review process. He stated there was a goal is to have the mortgage payment total approximately \$650 per month, all-inclusive, utilizing other financial mechanisms and partnerships.

Mr. Ballantini inquired how long Habitat had been in operation. Mr. Scott responded 37 years.

Mr. Ballantini inquired how many duplex homes have they constructed over that timeline. Mr. Scott responded it would be the 198<sup>th</sup> home.

Mr. Straza inquired about garage locations. Mr. Scott stated there were no garages on the site and owners would park in driveways.

**Joel Misukonis, (1303 Bunn Street)** stated he owned the single-family residence directly located to the north of the subject property. He had concerns about the duplex development and how it may impact local property values. He stated he was conflicted as he understands and appreciates Habitat's mission. He stated he would be happier if a privacy fence between his property and the subject property was added.

Mr. Ballantini inquired whether Habitat would be willing to install a fence. Mr. Scott stated this was generally left to the discretion of property owners.

Mr. Ballantini inquired whether the Board could include a fence as a condition of any approval. Mr. Wetterow stated a condition could be added but it would have to be attached to a review standard.

Ms. Williams inquired whether any of the homes were handicap accessible. Mr. Scott stated they do have some, but they generally build the home to suit the needs of the future homeowner. If they need to construct specifically for a handicapped individual, then they will do so.

Mr. Ballantini inquired if disabled veterans were able to apply. Mr. Scott confirmed they were able to apply.

Mr. Straza inquired which standard could be applied for the potential fence condition. Mr. Branham stated the Commission would have to make that determination. Mr. Boyle suggested they examine all the standards.

The Board discussed the standards and whether they should require a fence. Mr. Ballantini noted that he understands the request but is not sure it is something the Board should require. Mr. Zwaga stated he is not in favor of requiring a fence. Mr. Harris agreed and stated the homes will be visual appealing so it should be at the discretion of property owners to install a fence.

Mr. Misukonis stated he had a concern about the location of a sewer main on the property and the potential impact it may have if shifting the location is needed. Mr. Wetterow stated this item had been initially reviewed by Public Works and they did not anticipate relocation.

No additional testimony was provided.

Chair Straza closed the public hearing.

No further Board discussion was held.

Commissioner Harris made a motion to establish findings of fact that all standards for approval of a Special Use Permit are met. Commissioner Ballantini seconded.

Ms. Harris - Yes, Mr. Ballantini - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Chair Straza - Yes. (5-0). Motion was approved.

Commissioner Ballantini made a motion to recommend approval of the petition with no conditions. Commissioner Harris seconded.

Ms. Harris - Yes, Mr. Ballantini - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Chair Straza - Yes. (5-0). Motion was approved.

Commissioner Ballantini inquired about the anticipated construction timeline. Mr. Scott stated construction would begin in spring 2023 and should be completed by year-end.

Mr. Branham noted the case will proceed to City Council on December 12, 2022.

**OLD BUSINESS** - None

**NEW BUSINESS** - None

#### **ADJOURNMENT**

Commissioner Harris made a motion to adjourn. Commissioner Ballantini seconded. Voice vote was held. All were in favor (5-0).

The meeting was adjourned at 4:49 p.m.



## ZONING BOARD OF APPEALS

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**TO:** ZONING BOARD OF APPEALS  
**FROM:** Economic & Community Development Department  
**DATE:** February 15, 2023  
**CASE NO:** V-01-23, Variance from § 44-910C of the Zoning Code  
**REQUEST:** Public hearing, review, and action on a petition submitted by submitted by Jennifer Robinson for a Variance from § 44-910C of the Zoning Code, to allow increased allowable fence height from four (4) feet to six (6) feet in the Front Yard, in the B-2 (Local Commercial) District, for the property located at 515 S. McClun Street. PIN: 21-03-352-025.

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### BACKGROUND

*Petitioners' Request:*

The Petitioner seeks a Variance from § 44-910C, the requirement of a maximum of four-foot-tall fence in the front yard, to allow a six-foot tall fence in the front yard at the property.

The Petitioner desires to construct a six-foot tall cedar shadowbox style board-on-board fence at the property. The property is a corner lot with an existing four-foot chain-link style fence along the south property line toward the rear of the property. Because this is a corner lot, the front yard extends along both street frontages. The maximum permitted height of a fence in the front yard in the subject zoning district is four feet. The Petitioner wishes to replace the chain-link fence with a taller non-transparent fence in the same location.

*Notice:*

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, January 30, 2023. Courtesy notices were mailed to 65 property owners within 500 feet of the subject property.

### ANALYSIS

*Property Characteristics:*

The property at 515 McClun Street consists of approximately 0.23 acres of land at the northwest intersection of Oakland Avenue and McClun Street, in the L.E. and J.B. Holmes Subdivision. It is improved with a single-family home, constructed c. 1925, with an accessory structure. There are two adjacent residential properties located to the north of the subject property also within

the B-2 zoning; the rear of the property abuts a commercial use in the B-2 zoning district, along Oakland Avenue. The residence fronts along McClun Street.

*Surrounding Zoning and Land Uses:*

	Zoning	Land Uses
North	B-2 (Local Commercial)	Single-Family Residence
South	B-1 (Local Commercial)	Storage Facility
East	B-1 (General Commercial)	Retail Business
West	B-2 (Local Commercial)	Retail Business

*Description of Current Zoning District:*

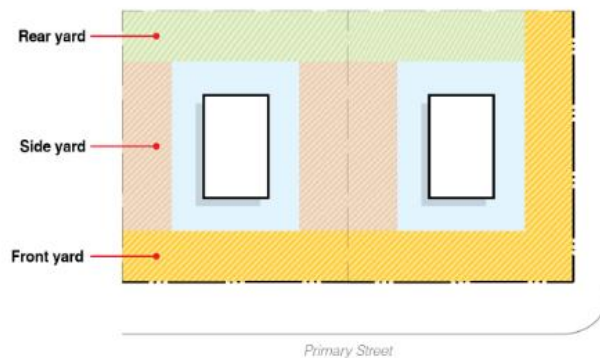
The B-2 (Local Commercial) District is to provide retail, commercial and service establishments, including retail stores and personal service facilities, which serve the frequently recurring needs of surrounding local employment areas and residential neighborhoods. In addition to serving commercial purposes, this district encourages a mix of land uses, continued community investment through infill and site renovations, and a development form that supports mixed transportation modes, such as bicycle, pedestrian, and public transportation in addition to personal vehicles. Neighborhood shopping centers, particularly with a supermarket as a principal or anchor tenant, are appropriate at prominent intersections. The protection of surrounding residential properties from adverse impacts is a primary focus of this district.

*Subject Code Requirements:*

§ 44-910C. Maximum Fence Height.

Table 910: Maximum Permitted Fence Height			
Districts	Front yard	Side Yard	Rear Yard
Agricultural Districts	8 feet	8 feet	8 feet
Residential Districts	4 feet	6 feet	6 feet
Business Districts	4 feet	8 feet	8 feet
Manufacturing Districts	—	—	—
Public Interest Districts	4 feet	8 feet	8 feet

Diagram 910  
Maximum Permitted Fence Height



## STANDARDS FOR REVIEW

As indicated in *Ch. 44, 17-8 Variations*, the Zoning Board of Appeals shall have the power to authorize variations to this Code where there would be practical difficulties or particular hardships in carrying out the strict letter of those sections of this Code stated herein.

- 1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult.**

Due to the configuration of the property along a street which experiences heavier traffic than a local residential street, and is adjacent to other commercial uses, a four-foot-tall non-opaque fence may not be adequate for safety and privacy. However, the existing chain link fence sits upon a two-foot-tall retaining wall, which effectively creates an existing six-foot barrier. A four-foot tall opaque fence could potentially achieve the same results.

- 2. That the Variance would be the minimum action necessary to afford relief to the applicant.**

Allowing a two-foot taller solid fence at the location would be a minimal impact and could alleviate issues at the site identified by the petitioner.

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

The current condition of the property was not created by the applicant. The home on this property has existed for almost 100 years, while a busy transportation corridor and commercial area has developed around it. The current chain link fence has existed at the property for an extended time and has not been effective, according to the petitioner. Additionally, the B-2 District would allow for a potentially taller structure to extend to the property line as there are no front yard setback requirements for structures.

- 4. That granting the variation request will not give the applicant any special privilege that is denied to others by the Code.**

No special privileges would be experienced by the applicant if the Variance is granted as the property is unique in the direct area as it fronts on Oakland Avenue and is adjacent to commercial uses. The fence would be replacing an existing fence in the same location for and is not being expanded. Additionally, a six-foot tall solid fence exists directly to the west of the property and would be consistent with that style of fence.

- 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 fence would not likely impact the public welfare or character of the neighborhood. The fence would be replacing an existing fence that only faces out to a commercial property and a heavily utilized street. However, a non-opaque fence could create site vision issues for the adjacent driveway located directly west of the site.

## **RECOMMENDATION**

The Board should review the standards for a Variance application and whether to approve or deny the request. If there is consensus, the Board may take the following action:

Motion to establish findings of fact that carrying out the strict letter of the Code does or does not create a practical difficulty or particular hardship for the petitioner, and motion to approve or deny the petition for a Variance to § 44-910C.

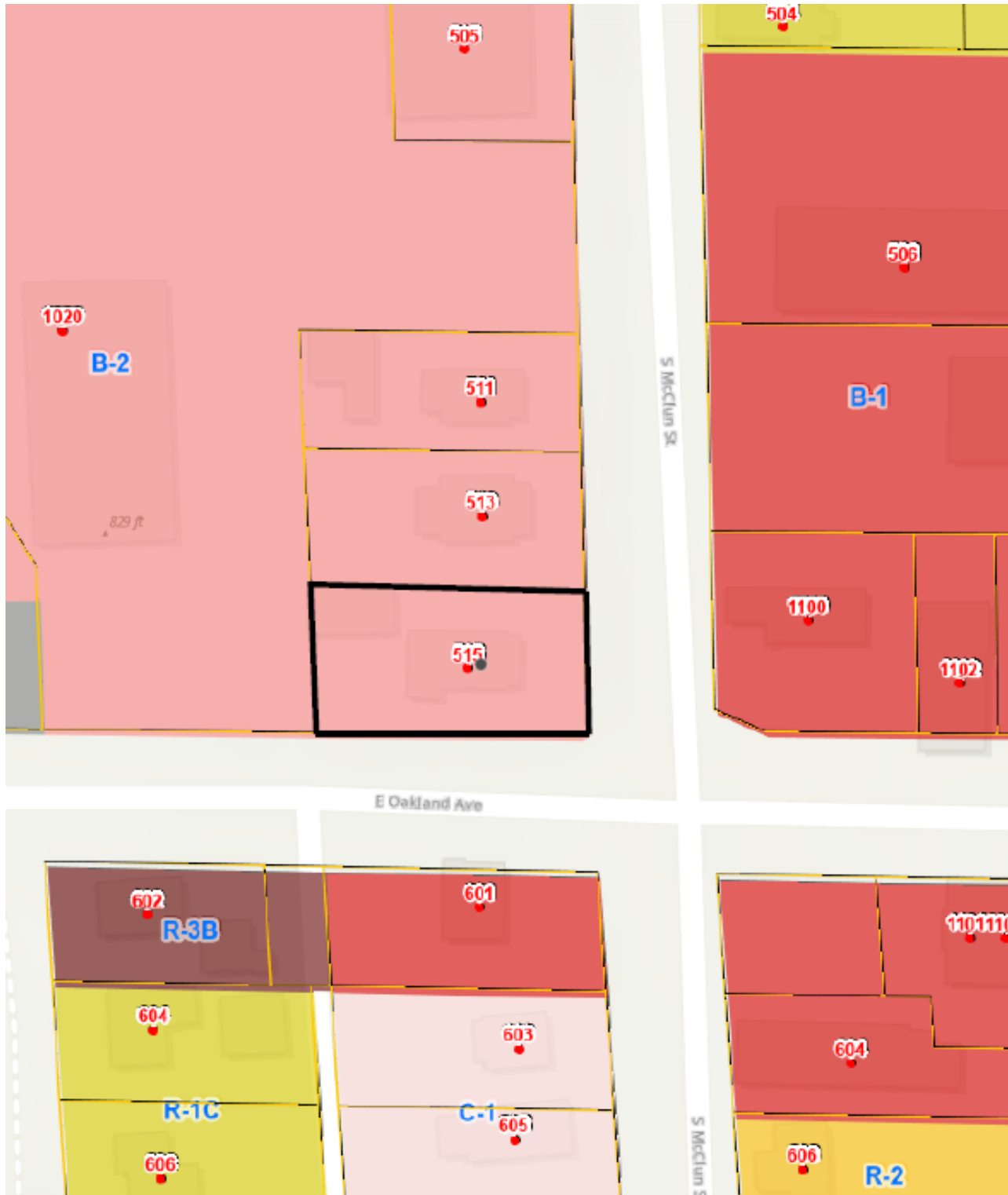
Per § 44-1708H, the Board may attach conditions to any approval. Decisions of the Board are final but may be appealed if in accordance with § 44-1708I.

Respectfully submitted,  
Jon Branham  
City Planner

### **Attachments:**

1. Zoning Map
2. Aerial Image
3. Ground-Level View
4. Petitioner-Submission - Description of Project
5. Site Plan
6. Neighborhood notice map

Attachment 1 - Zoning Map



Attachment 2 - Aerial Image



Attachment 3 - Ground-Level View



*Attachment 4 - Petitioner-Submission - Description of Project*

New 6' wood shadowbox fence to be installed which will enclose the back of the property. The current metal fence does not meet the safety needs of pet ownership as the dog can climb/jump the fence onto Washington street. The requested fence will also protect the dog and pedestrian from potentially unsafe encounters. Additionally, litter is being left and thrown into the back yard including broken glass and food waste. This creates an unsafe environment for the grandchildren/dog to play in.

*Attachment 5 - Site Plan*



Attachment 6 - Neighborhood notice map

