



AGENDA  
REGULAR SESSION  
ZONING BOARD OF APPEALS  
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400  
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701  
WEDNESDAY, MARCH 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 February 15, 2023, Zoning Board of Appeals meeting.

5. REGULAR AGENDA

- a. **SP-01-23** Public hearing, review, and action on a request submitted by Julie Bacon for approval of a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District, for the property located at 15 Shoal Creek Court. PIN: 15-31-129-002. (Ward 3.)
- b. **SP-02-23** Public hearing, review, and action on a request submitted by Jake Bennett for approval of a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District, for the property located at 42 Ravenswood Circle. PIN: 14-25-205-005. (Ward 9.)
- c. **V-02-23** Public hearing, review, and action on a request submitted by Tom Kirk for approval for a Variance from § 44-403 of the Zoning Code, to allow a reduced Rear Yard setback in the R-1B (Single-Family Residence) District, for the property located at 1905 Garling Drive. PIN: 21-10-279-001. (Ward 1.)
- d. **V-03-23** Public hearing, review, and action on a request submitted by Sebastian Jachymiak for approval for a Variance from § 44-1034 of the Zoning Code, to allow a reduced Rear Yard setback in the M-2 (General Manufacturing) District, for the property located at 2045 Ireland Grove Road. PIN: 21-15-226-036. (Ward 1.)

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).



**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, FEBRUARY 15, 2023 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, February 15, 2023, with the following physically present staff members: Mr. Glen Wetterow, City Planner; Ms. Alissa Pemberton, Assistant 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 4:07 pm.

**ROLL CALL**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
Mr. Terry Ballantini	Commissioner	Present
Ms. Victoria Harris	Commissioner	Absent
Mr. Michael Straza	Commissioner	Present
Mr. Tyler Noonan	Commissioner	Absent
Ms. Nikki Williams	Commissioner	Present
Mr. Zach Zwaga	Commissioner	Absent
Mr. Tim Foley	Commissioner	Present

Ms. Pemberton called the roll. Mr. Ballantini - Present, Ms. Williams - Present, Mr. Foley - Present, Chair Straza - Present. (4-0). A quorum was present.

Commissioner Ballantini made a motion to allow Commissioner Harris to attend the meeting virtually. Commissioner Williams seconded. Roll Call Vote. Mr. Ballantini - Yes, Ms. Williams - Yes, Mr. Foley - Yes, Chair Straza - Yes. (4-0). Ms. Harris is permitted to attend virtually. Technical issues prevented her from participating further.

**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.

Ms. Pemberton noted that several emailed comments were received by Staff; they were provided to the Board and Petitioner prior to the meeting and will become part of the record of the meeting.

## MINUTES

Commissioner Ballantini motioned to approve the minutes from the November 16, 2022, regular Zoning Board of Appeals meeting, as amended. Commissioner Williams seconded. Voice Vote. All Ayes. Motion Passed (4-0).

## REGULAR AGENDA

**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.**

Ms. Pemberton presented the staff report and background on the request. She noted there was currently a four-foot-tall chain link fence existing at the site. The Petitioner is requesting to replace this fence with a six-foot-tall shadowbox solid wood fence in the same location. Ms. Pemberton noted the physical characteristics of the property and neighboring uses. She noted several residential uses in the direct area are zoned commercially. She stated the Petitioner has expressed concern that the current fence does not adequately maintain dogs in the yard and does not provide a level of privacy desired along Oakland Avenue. The proposed fence is being placed at an angle to address line of site issues associated with the adjacent driveway.

Commissioner Ballantini inquired why no recommendation made by Staff. Ms. Pemberton noted the nuances of the application.

Chair Straza opened the public hearing.

**Petitioner, Mike Heath (515 S. McClun Street)** stated that if he is allowed to have the proposed fence it would benefit his family and the community. He highlighted traffic in the area and described noise that came from Oakland Avenue. He also stated a high level of light bleeds onto property from the neighboring commercial uses and traffic, which the proposed fence would help limit and prevent.

Commissioner Ballantini inquired as to the type of dog that lived at the property and how long it had resided there. Mr. Heath responded that it was a Boxer and had lived there nine years.

Commissioner Ballantini inquired what was at the neighboring lot before the Dollar General store. Mr. Heath responded that it had been a vacant lot prior to the Dollar General store. He noted there had been a 10-foot-tall fence surrounding the site.

Commissioner Ballantini noted concerns about safety and line of sight issues. He inquired if the Petitioner has considered adjusting the location of fence. Mr. Heath responded he did not wish to adjust the location. There was discussion regarding the height of a fence that would properly be able to contain a dog. Also, there was discussion regarding the elevated nature of the site and challenges which may impact driver vision.

Chair Straza reiterated Commissioner Ballantini's line of sight and safety concern.

Ms. Pemberton clarified what the Code allows regarding fences at the location. She stated the Petitioner could replace the current chain link fence with an opaque four-foot-tall fence. She noted other aspects of the Code as it applies to the zoning district.

Mr. Heath noted that if he could install a four-foot-tall fence by right it would still block vision, so he struggled with that item. He stated that his property and fence existed before the Dollar General store was constructed. He proposed possibly lowering the height of the fence toward the rear of property.

Ms. Pemberton noted line of site and other Code requirements would be reviewed when the building permit was submitted.

**David Robinson (407 Emerson Street)** stated as one exited the Dollar General property the current site elevation issues prevent a clear line of sight.

Commissioner Foley inquired if the Petitioner could reduce the distance the fence come out towards Oakland Avenue. He noted that a six-foot tall fence would make it harder to see around the site.

Chair Straza clarified the variance is not directly related to line of sight but rather fence height.

Mr. Boyle noted procedural items for the Board. Ms. Pemberton suggested the Board review each standard for approving a Variance.

Chair Straza closed the public hearing portion of the case.

Mr. Boyle stated they Board could review each standard and vote.

Chair Straza clarified the details of the Variance request is and what the Board is reviewing.

Chair Straza read Standard 1: That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult.

Commissioner Foley - Yes, Commissioner Williams - Yes, Commissioner Ballantini - Yes, Chair Straza - Yes. (4-0).



Chair Straza read Standard 2: That the Variance would be the minimum action necessary to afford relief to the applicant.

Commissioner Foley - Yes, Commissioner Williams - Yes, Commissioner Ballantini - No, Chair Straza - Yes. (3-1).

Chair Straza read Standard 3: That the special conditions and circumstances were not created by any action of the applicant.

Commissioner Foley - Yes, Commissioner Williams - Yes, Commissioner Ballantini - Yes, Chair Straza - Yes. (4-0).

Chair Straza read Standard 4: That granting the variation request will not give the applicant any special privilege that is denied to others by the Code.

Commissioner Foley - Yes, Commissioner Williams - Yes, Commissioner Ballantini - No, Chair Straza - Yes. (3-1).

Chair Straza read Standard 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.

Commissioner Foley - Yes, Commissioner Williams - Yes, Commissioner Ballantini - Yes, Chair Straza - Yes. Motion Passed (4-0).

Ms. Pemberton noted all standards have been reviewed. She inquired if there was interest in additional discussion or if someone was prepared to make a motion. Commissioner Ballantini stated he believed more discussion was needed.

Mr. Boyle stated a motion could be made that determined standards are met and then have discussion if needed. Commissioner Ballantini asked about the protocol if the Board did not think standards are met. Ms. Pemberton stated that a motion could be made to reflect that the standards were not met.

Chair Straza made a motion that the standards were met. Commissioner Williams seconded.

Commissioner Ballantini stated he remains concerned about line of sign issues and believes the Petitioner could comply with the Code. He stated corner lots have been reviewed by the Board before and he believes that it is not a unique situation or a unique hardship. He stated the Board has denied similar requests in the past. He added he believes there are other minimum actions the Petitioner could take.

Commissioner Foley - Yes, Commissioner Williams - Yes, Commissioner Ballantini - No, Chair Straza - Yes. Motion passed (3-1).

Ms. Pemberton noted next motion would be to approve or deny the Variance request. Chair Straza asked for a motion.

Commissioner Foley made motion to approve the Variance as requested. It was seconded by Commissioner Williams.

Commissioner Foley - Yes, Commissioner Williams - Yes, Commissioner Ballantini - No, Chair Straza - Yes. Motion passed (3-1).

#### **OLD BUSINESS**

None

#### **NEW BUSINESS**

The Board welcomed new Commissioner Foley. Commissioner Foley thanked the Board for allowing him to join.

#### **ADJOURNMENT**

Commissioner Ballantini made the motion to adjourn. Commissioner Williams seconded. Voice vote was held. All were in favor. (4-0)

The meeting was adjourned at 4:52 p.m.



## ZONING BOARD OF APPEALS

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**TO:** ZONING BOARD OF APPEALS  
**FROM:** Economic & Community Development Department  
**DATE:** March 15th, 2023  
**CASE NO:** SP-01-23, Special Use Permit for Chicken-Keeping  
**REQUEST:** Public hearing, review, and action on a request submitted by Julie Bacon for approval of a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District, for the property located at 15 Shoal Creek Court. PIN: 15-31-129-002.

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### BACKGROUND

#### *Request*

The Petitioner seeks a Special Use Permit to allow Chicken-Keeping in the R-1C (Single-Family Residence), per § 44-1011, which states “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...” No variations to the code are requested.

#### *Notice*

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Tuesday, February 28, 2023. Courtesy notices were mailed to 52 property owners within 500 feet of the subject property.

### ANALYSIS

#### *Property Characteristics*

The property at 15 Shoal Creek Court consists of 0.23 acres of land on Shoal Creek Court located near the intersection of Shoal Creek Court and Golden Eagle Road in the Golden Eagle Subdivision. It is improved with a single-family home with an attached garage. The rear yard of this property, where the coop will be located, is entirely screened by a six-foot tall wooden fence.

#### *Surrounding Zoning and Land Uses*

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	Zoning	Land Uses
North	R-1C (Single-Family Residence) District	Single-Family Dwelling Units
South	R-1C (Single-Family Residence) District	Single-Family Dwelling Units
East	R-1C (Single-Family Residence) District	Single-Family Dwelling Units
West	R-1C (Single-Family Residence) District	Single-Family Dwelling Units

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#### *Description of Current Zoning District*

The R-1C (Single-Family Residence) District is intended to provide primarily for the establishment of areas of higher density single-family detached dwelling units while recognizing the potential

compatibility of two-family dwelling units as special uses. Densities of approximately eight dwelling units per acre are allowed [...] (§ 44-401C).

*Subject Code Requirements*

§ 44-402B. “Allowed Uses Table” indicates Chicken Keeping is permitted as Special Use in the R-1C District.

§ 44-1011 [Ch. 44, 10-11] Chicken-Keeping (Use Provisions)

- 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 [...]

Chapter 8 (Animals and Fowl) and Chapter 22 (Health and Sanitation) of the City Code will also apply once the permit has been approved.

**STANDARDS FOR REVIEW**

The Board of Zoning Appeals (ZBA) shall hold at least one administrative public hearing on any proposed Special Use and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Special Use meets all of the Standards of Approval listed in § 44-1707H and discussed below.

***Special Use Permit to allow Chicken-Keeping in the R-1C (Single-Family Residence) District***

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.**

The chickens will be located at least 10 feet away from all neighboring properties; the provided site plan meets the setback requirements of § 44-1011. The Petitioner intends to store the food in sealed buckets in the garage on the property. Chapters 8 & 22 of the City Code provide enforcement mechanisms, should the coop and enclosure fall into disrepair. ***Standard is met.***

2. **The Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.**

The Special Use should not impair normal use and enjoyment of the surrounding properties. The coop is entirely screened by the existing fencing which would keep the chickens contained within the property. The Special Use would contribute to Goal HL-5.1 (Encourage local food production), and HL-5.3 (Facilitate consumption of healthy, affordable, locally produced food for all residents) of the 2035 Comprehensive Plan. ***Standard is met.***

3. **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 location of the coop meets the minimum setback requirements from the side and rear property lines. The portion of the property where the coop will be placed is entirely screened from neighbors by a structure and fencing. The coop and run are movable and, should the petitioner move, can be easily removed from the property. The Code defines Chicken-keeping as an appropriate accessory use for single-family dwellings, and this petition would not impede the normal and orderly

development of surrounding properties in any way that was not already weighed—and determined to be appropriate—by the existence of the Special Use in the Code. ***Standard is met.***

4. **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. ***Standard is met.***

5. **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 by existing conditions; no change is expected as the result of the Special Use Permit. ***Standard is met.***

6. **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.**

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-1C (Single-Family Residence) District. In addition, Special Use Permits are enforceable and revokable, should such use become a nuisance, be destroyed, or cease operations for a specific period. ***Standard is met.***

## **STAFF RECOMMENDATION**

Staff finds that the application meets all the standards for a Special Use Permit and recommends that the Zoning Board of Appeals take the following actions:

Motion to establish findings of fact that all ***standards for approval*** of a Special Use Permit ***are met***, and to ***recommend approval*** of the petition with no conditions.

Respectfully submitted,  
Jon Branham  
City Planner

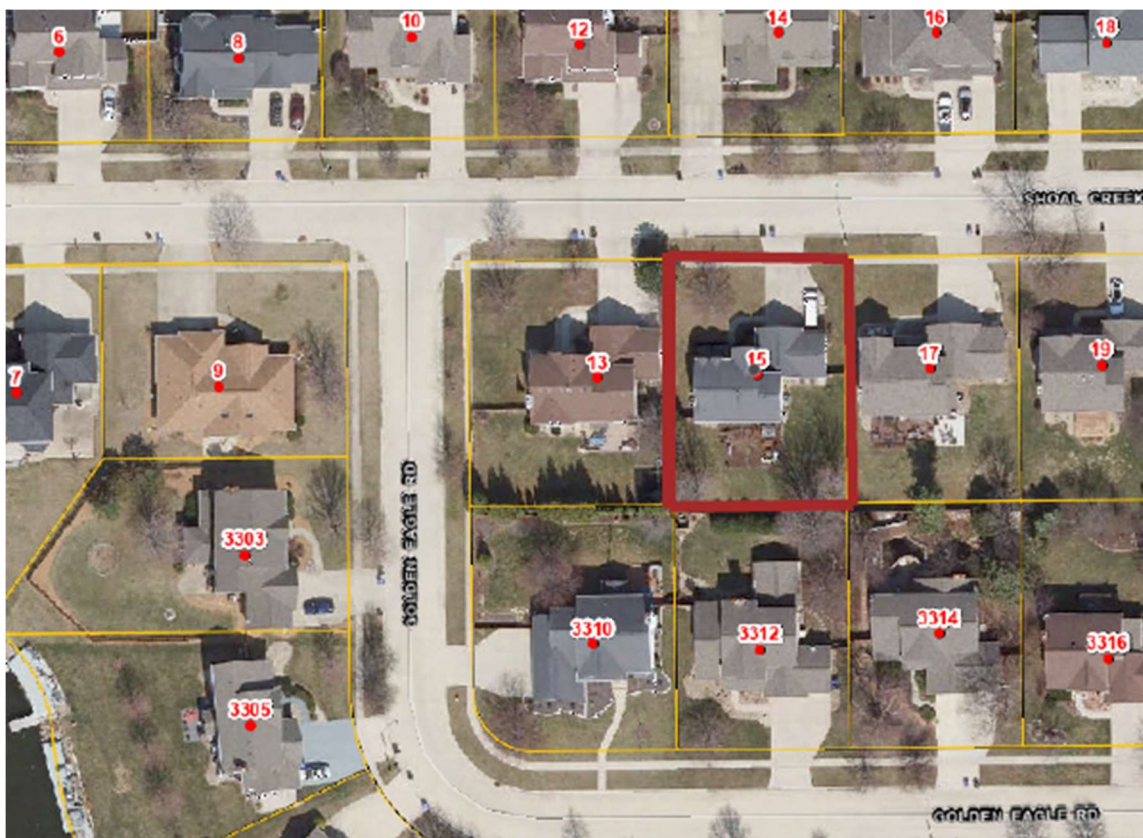
### **Attachments:**

1. Zoning Map
2. Aerial Image(s)
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(s)





*Attachment 3- Ground-Level View*



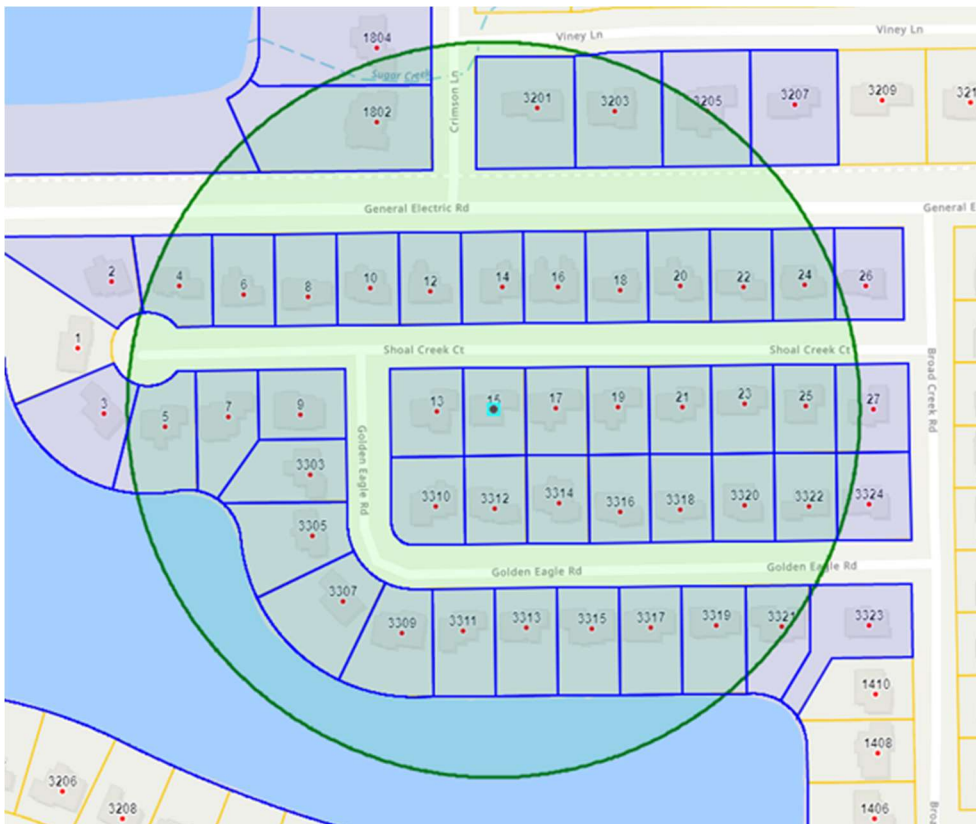
Attachment 4 - Petitioner-Submission - Description of Project

The chickens will be housed in a covered chicken coop.  
The chicken coop will be at least 10 feet from the property lines.  
The chicken feed will be kept in a secure container to keep out pests.  
The chickens will be kept for their eggs and not for slaughter.

Attachment 5 - Site Plan



Attachment 6 - Neighborhood notice map







## ZONING BOARD OF APPEALS

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**TO:** ZONING BOARD OF APPEALS  
**FROM:** Economic & Community Development Department  
**DATE:** March 15th, 2023  
**CASE NO:** SP-02-23, Special Use Permit for Chicken-Keeping  
**REQUEST:** Public hearing, review, and action on a request submitted by Jake Bennett for approval of a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District, for the property located at 42 Ravenwood Circle. PIN: 14-25-205-005.

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### BACKGROUND

#### *Request*

The Petitioner seeks a Special Use Permit to allow Chicken-Keeping in the R-1C (Single-Family Residence), per § 44-1011, which states “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...” No variations to the code are requested.

#### *Notice*

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Tuesday, February 28, 2023. Courtesy notices were mailed to 65 property owners within 500 feet of the subject property.

### ANALYSIS

#### *Property Characteristics:*

The property at 42 Ravenwood Circle consists of 0.25 acres of land on Ravenwood Circle located near the intersection of Park Ridge Road and Ravenwood Circle in the Eagle Ridge Subdivision. It is improved with a single-family home with an attached garage. The rear yard of this property, where the coop will be located, is entirely screened by a six-foot tall synthetic fence.

#### *Surrounding Zoning and Land Uses*

	Zoning	Land Uses
North	R-1C (Single-Family Residence) District	Single-Family Dwelling Units
South	R-1C (Single-Family Residence) District	Single-Family Dwelling Units
East	R-1C (Single-Family Residence) District	Single-Family Dwelling Units
West	R-1C (Single-Family Residence) District	Single-Family Dwelling Units

*Description of Current Zoning District*

The R-1C (Single-Family Residence) District is intended to provide primarily for the establishment of areas of higher density single-family detached dwelling units while recognizing the potential compatibility of two-family dwelling units as special uses. Densities of approximately eight dwelling units per acre are allowed [...] (§ 44-401C).

*Subject Code Requirements*

§ 44-402B. "Allowed Uses Table" indicates Chicken Keeping is permitted as Special Use in the R-1C District.

§ 44-1011 [Ch. 44, 10-11] Chicken-Keeping (Use Provisions)

- 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 [...]

Chapter 8 (Animals and Fowl) and Chapter 22 (Health and Sanitation) of the City Code will also apply once the permit has been approved.

**STANDARDS FOR REVIEW**

The Board of Zoning Appeals (ZBA) shall hold at least one administrative public hearing on any proposed Special Use and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Special Use meets all of the Standards of Approval listed in § 44-1707H and discussed below.

***Special Use Permit to allow Chicken-Keeping in the R-1C (Single-Family Residence) District***

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.**

The chickens will be located at least 10 feet away from all neighboring properties; the provided site plan meets the setback requirements of § 44-1011. The Petitioner intends to store the food in sealed buckets in the attached garage on the property. Chapters 8 & 22 of the City Code provide enforcement mechanisms, should the coop and enclosure fall into disrepair. ***Standard is met.***

2. **The Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.**

The Special Use should not impair normal use and enjoyment of the surrounding properties. The coop is entirely screened by the existing fencing which would keep the chickens contained within the property. The Special Use would contribute to Goal HL-5.1 (Encourage local food production), and HL-5.3 (Facilitate consumption of healthy, affordable, locally produced food for all residents) of the 2035 Comprehensive Plan. ***Standard is met.***

3. **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 location of the coop meets the minimum setback requirements from the side and rear property lines. The portion of the property where the coop will be placed is entirely screened from neighbors by a structure and fencing. The coop and run are movable and, should the petitioner move, can be

easily removed from the property. The Code defines Chicken-keeping as an appropriate accessory use for single-family dwellings, and this petition would not impede the normal and orderly development of surrounding properties in any way that was not already weighed—and determined to be appropriate—by the existence of the Special Use in the Code. ***Standard is met.***

- 4. 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. ***Standard is met.***

- 5. 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 by existing conditions; no change is expected as the result of the Special Use Permit. ***Standard is met.***

- 6. 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.**

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-1C (Single-Family Residence) District. In addition, Special Use Permits are enforceable and revokable, should such use become a nuisance, be destroyed, or cease operations for a specific period. ***Standard is met.***

## **STAFF RECOMMENDATION**

Staff finds that the application meets all the standards for a Special Use Permit and recommends that the Zoning Board of Appeals take the following actions:

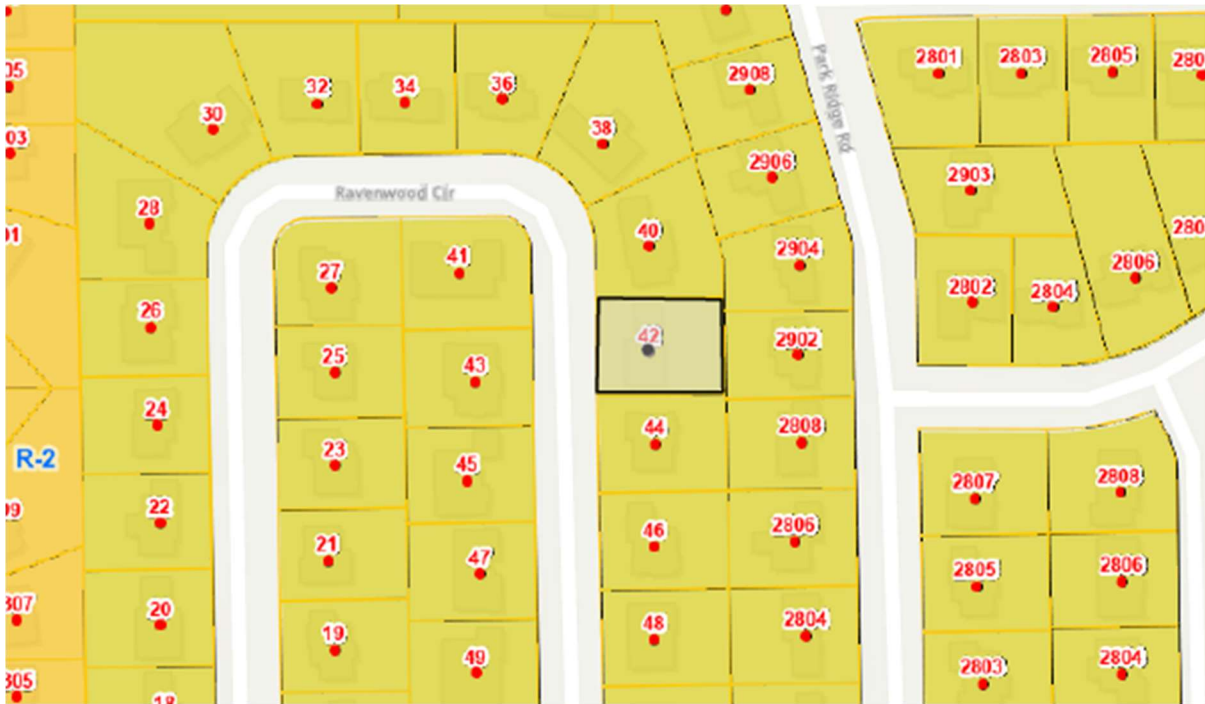
Motion to establish findings of fact that all ***standards for approval*** of a Special Use Permit ***are met***, and to ***recommend approval*** of the petition with no conditions.

Respectfully submitted,  
Jon Branham  
City Planner

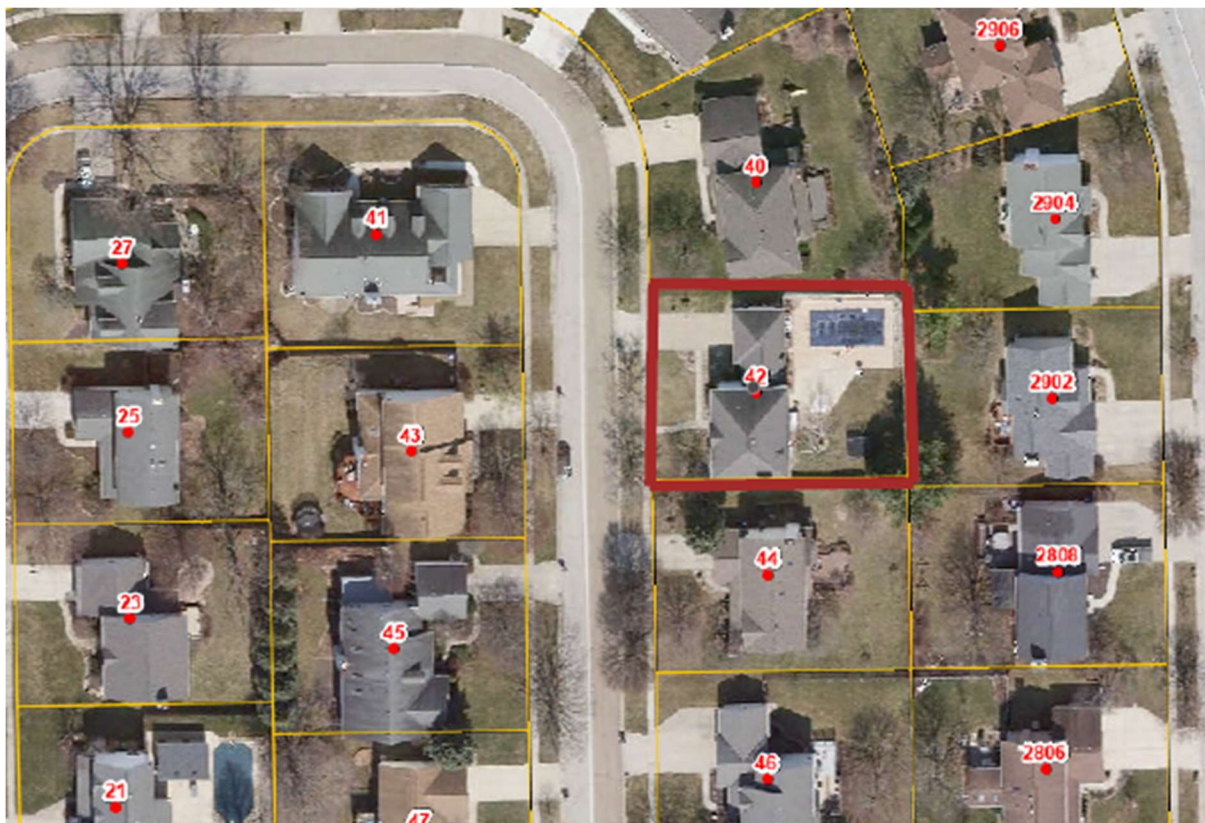
### **Attachments:**

1. Zoning Map
2. Aerial Image(s)
3. Ground-level View
4. Site Plan
5. Neighborhood notice map

Attachment 1 - Zoning Map



Attachment 2 - Aerial Image(s)





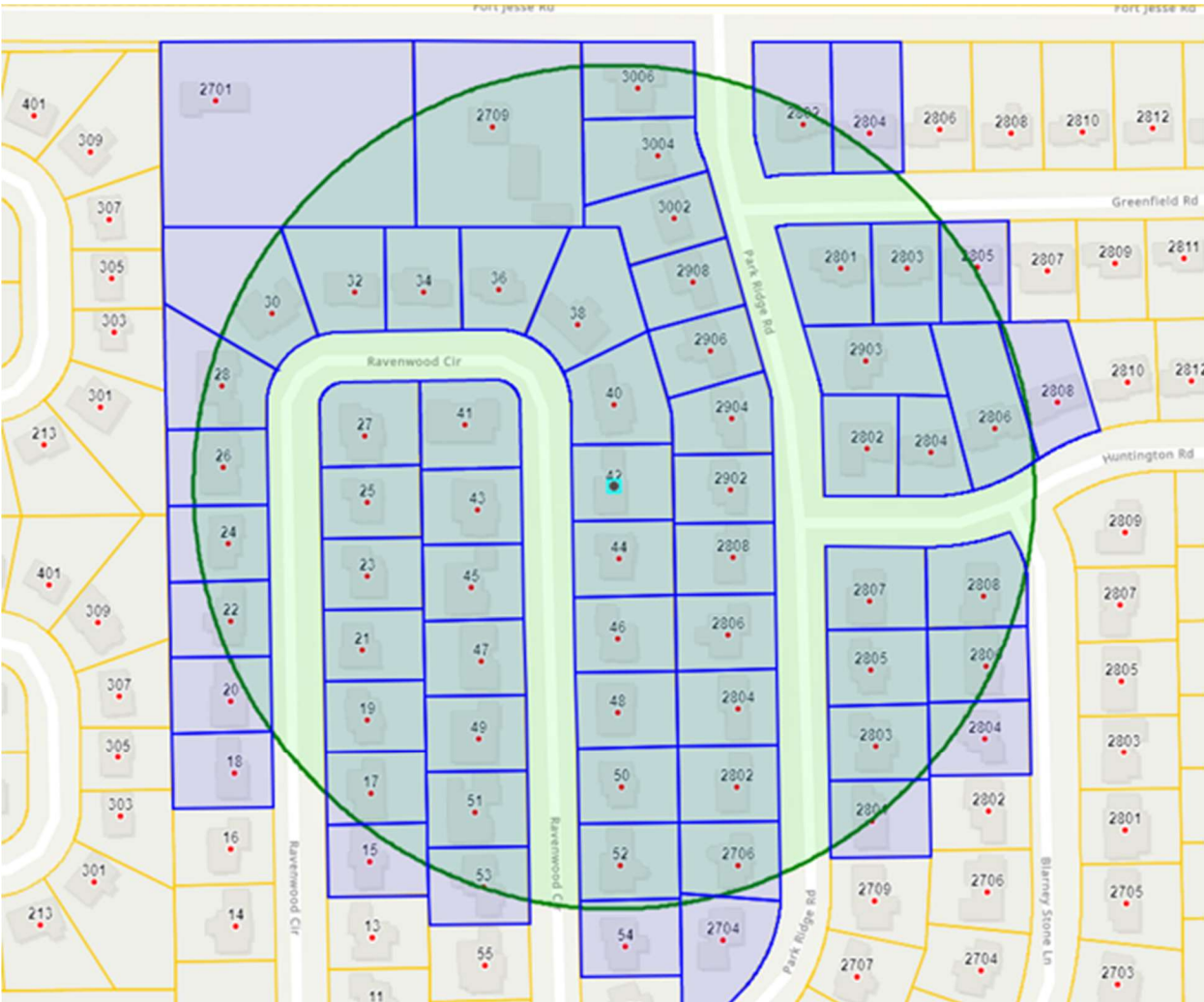
*Attachment 3 - Ground-level View*



Attachment 4 - Site Plan



Attachment 4 - Neighborhood notice map







## ZONING BOARD OF APPEALS

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**TO:** ZONING BOARD OF APPEALS  
**FROM:** Economic & Community Development Department  
**DATE:** March 15th, 2023  
**CASE NO:** V-02-23, Variance from § 44-403 of the Zoning Code  
**REQUEST:** Public hearing, review, and action on a request submitted by Tom Kirk for a Variance from § 44-403 of the Zoning Code, to allow a reduced Rear Yard setback in the R-1B (Single-Family Residence) District, for the property located at 1905 Garling Drive. PIN: 21-10-279-001.

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### BACKGROUND

#### *Request*

The Petitioner seeks a Variance from § 44-403A, the requirement of a minimum of 30-foot rear yard, to allow a 20-foot rear yard on the east side of the property.

The Petitioner desires to construct an addition to the existing single-family residence. The required setback along the east property line cannot be met under the Petitioner's current proposal. The existing rear yard setback is 20 feet, which is currently nonconforming. The Petitioner wishes to extend existing walls on the south and east sides of the existing residence, but not encroach further into each setback. The project was initiated by the Petitioner prior to obtaining a permit.

#### *Notice*

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Tuesday, February 28, 2023. Courtesy notices were mailed to 74 property owners within 500 feet of the subject property.

### ANALYSIS

#### *Property Characteristics*

The property at 1905 Garling Drive consists of approximately 0.19 acres of land at the intersection of Garling Drive and Arlene Drive, in the Town & County Addition to Bloomington. The property is surrounded by single-family residential zoning and dwellings. The streets and infrastructure necessary to support the proposed addition are already in place.

A 2016 Building Permit was approved for an addition to the south side of the home, based on the interpretation that **the south side of the property is the "side yard" and the east side of the property is the "rear yard."** At that time, the existing home already encroached into the required rear yard, having a setback of only 20 feet, but the location and design of the approved addition did not make the structure more nonconforming, as the south side of the structure conforms with the side



yard setback of 6-foot, and that addition did not span the entire depth of the existing structure, so the required 30-foot rear yard was not encroached upon as a result of that project.

*Surrounding Zoning and Land Uses*

	Zoning	Land Uses
North	R-1B (Single-Family Residence)	Single-Family Residence
South	R-1B (Single-Family Residence)	Single-Family Residence
East	R-1B (Single-Family Residence)	Single-Family Residence
West	R-1B (Single Family Residence)	Single-Family Residence

*Description of Current Zoning District*

The R-1B (Single-Family Residence) District is intended to provide primarily for the establishment of areas characterized by moderate sized lots and single-family detached dwelling units for occupancy by families. In addition to these dwelling units, related recreational, religious, and cultural facilities intended to serve the immediately surrounding residents are allowed where such facilities are found to be compatible with surrounding residential development.

*Subject Code Requirements*

§ 44-403A. Site dimensions table. All development in Residential Districts must comply with the requirements in Tables 403A through 403D and Diagram 403A unless otherwise expressly stated.

District	Lot Characteristics		Site Design			Development Intensity		
	Min. Lot Width (W)	Min. Lot Area (square feet)	Front Yard (F)	Side Yard (S)	Rear Yard (R)	Min. Lot Area per Dwelling Unit (square feet)	Max. Building Height	
			Min.	Min.	Min.		Feet	Stories
R-1A	125 feet	22,500	40 feet	16 feet	40 feet	22,500	35 feet	2.5
R-1B	70 feet	7,000	30 feet	6 feet	30 feet	7,000	35 feet	2.5
R-1C	50 feet	5,400	25 feet	6 feet	25 feet	5,400	35 feet	2.5

**STANDARDS FOR REVIEW**

As indicated in *Ch. 44, 17-8 Variations*, the Board of Zoning 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.

Corner lot properties are generally more restrictive with regard to the buildable area due to greater yard requirements on both street-facing sides of the property, but this is a condition common across all corner lots, so not unique to this case. *Standard is not met.*

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

Alternate siting of the proposed addition would not be feasible as the existing exterior walls would not be able to be extended in the same plane and create difficulty with interior layout. The

existing walls would be extended but not expand further into the setback. All other zoning requirements will need to be met. ***Standard is met.***

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

The applicant purchased the property with the existing nonconforming structure in place. ***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.**

No special privileges would be granted to the applicant under these circumstances. ***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 granting of the variance would not be detrimental, as the applicant is intending to extend an existing wall of the residence. After construction of the proposed addition, the view of the home from the street(s) will remain similar and consistent with the scale of the rest of the neighborhood. Adjacent properties will not be prevented from reasonable use of their lands, nor will public welfare be placed at risk. ***Standard is met.***

**STAFF RECOMMENDATION**

Staff finds that the application meets all the standards for a Variance application and recommends that the Zoning Board of Appeals take the following actions:

Motion to establish findings of fact that carrying out the strict letter of the Code ***does create a practical difficulty*** or particular hardship for the petitioner, and to ***approve the petition*** for Variances to § 44-403B.

Respectfully submitted,  
Jon Branham  
City Planner

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**Attachments:**

1. Zoning Map
2. Aerial Image
3. Ground-Level View(s)
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 Views (from Garling Drive)*





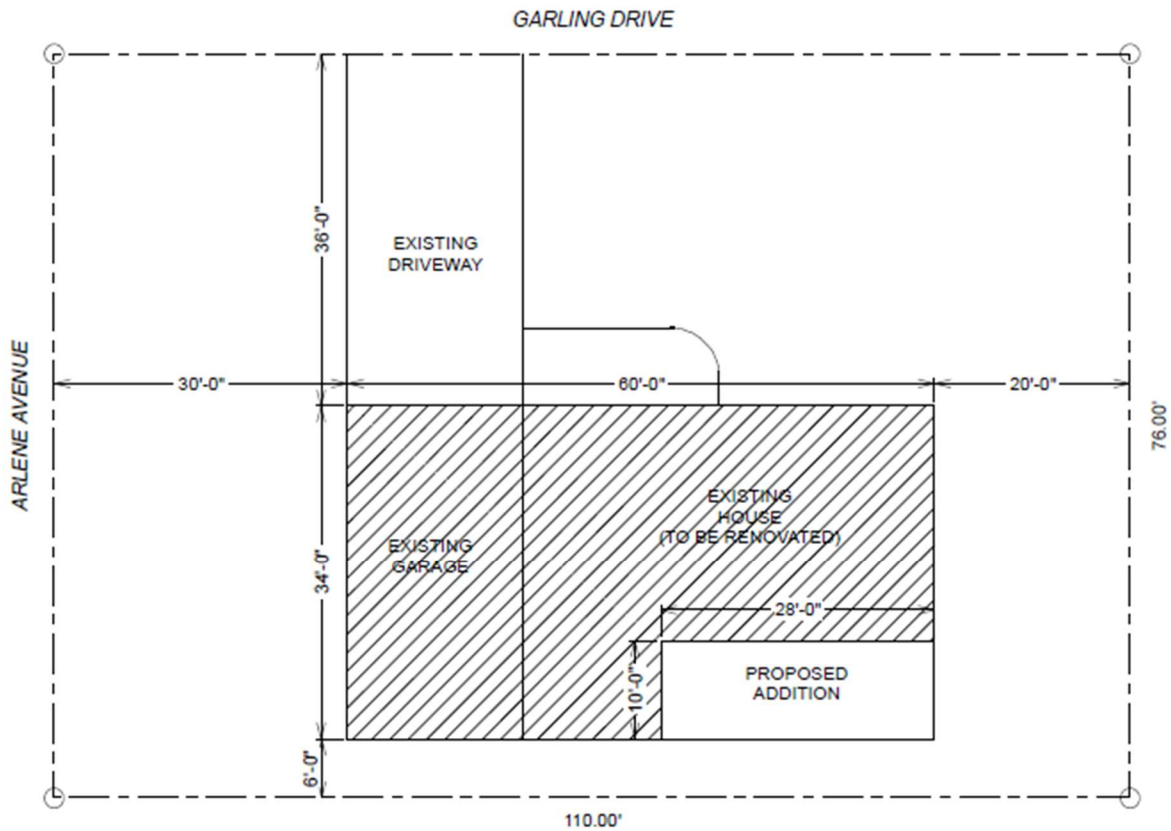
*Attachment 3 - Ground-Level View (from Arlene Drive)*



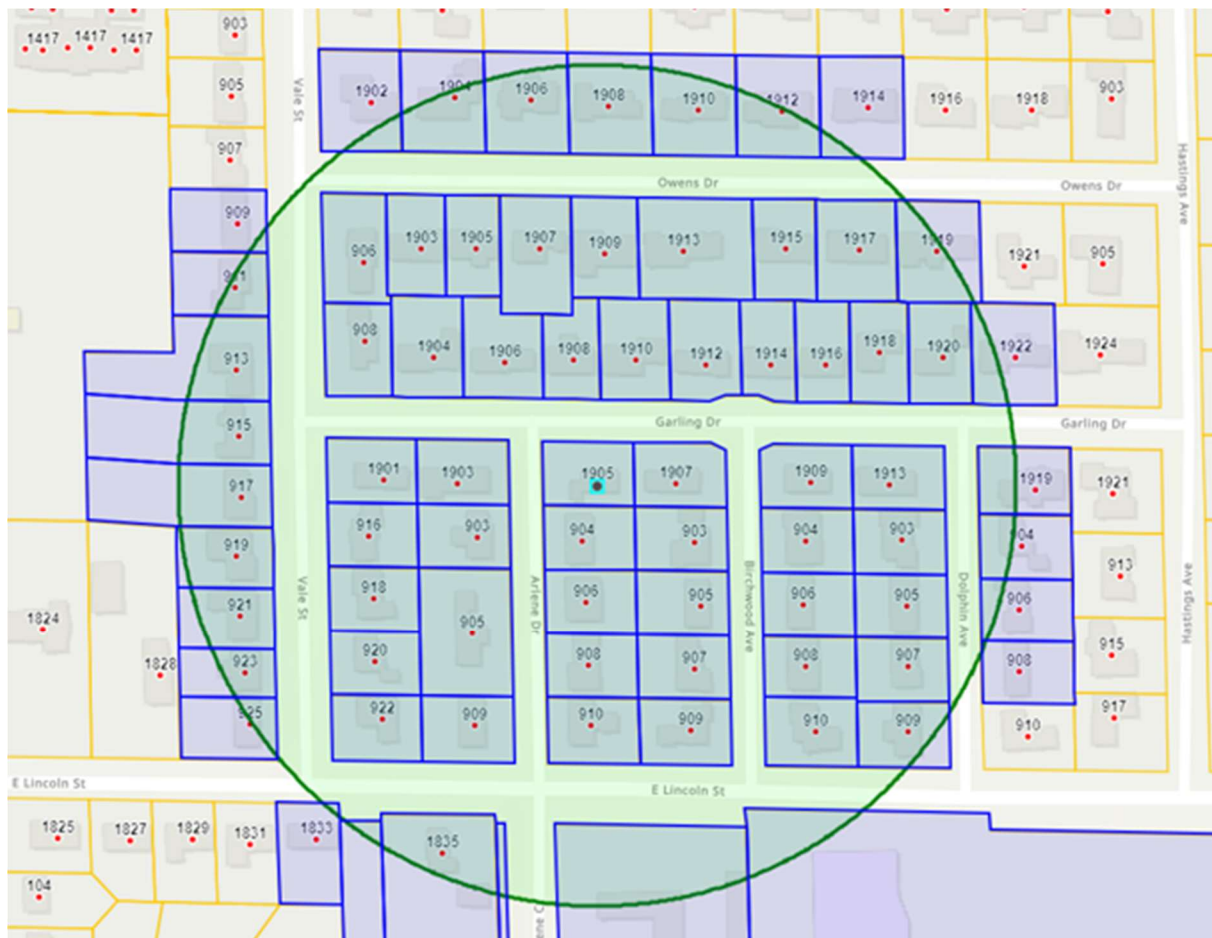
Attachment 4 - Petitioner-Submission - Description of Project

Home addition and remodel. The variance is sought to allow the south side of the house addition to have the same set back as the main structure of the house. The Variance does not create a new condition on the property, but extends the south side of the house in the same amount that exists presently.

Attachment 5 - Site Plan



Attachment 6 - Neighborhood notice map





## ZONING BOARD OF APPEALS

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**TO:** ZONING BOARD OF APPEALS  
**FROM:** Economic & Community Development Department  
**DATE:** March 15th, 2023  
**CASE NO:** V-03-23, Variances from § 44-403 of the Zoning Code  
**REQUEST:** Public hearing, review, and action on a request submitted by Sebastian Jachymiak for a Variance from § 44-1034 of the Zoning Code, to allow a reduced Rear Yard setback in the M-2 (General Manufacturing) District, for the property located at 2045 Ireland Grove Road. PIN: 21-15-2726-036.

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### BACKGROUND

#### *Request*

The Petitioner seeks a variance from § 44-1034, requirement of a minimum of 20-foot Rear Yard setback for Vehicle Repair & Service uses to allow a six-foot Rear Yard setback on one side of the property.

The Petitioner desires to construct a storage facility to compliment two existing building at the property, which functions as S & S Paint & Body Shop. There is not a Rear Yard setback requirement in the M-2 District, however, the additional standards for Vehicle & Repair Service uses require a 20-foot setback, which the Petitioner is unable to meet, and therefore requesting the Variance.

#### *Notice*

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Tuesday, February 28, 2023. Courtesy notices were mailed to 13 property owners within 500 feet of the subject property.

### ANALYSIS

#### *Property Characteristics*

The property at 2045 Ireland Grove Road consists of approximately 1.1 acres of land near the intersection of Ireland Grove Road and Mercer Avenue, in the Weldon's Addition to Bloomington. The subject property is surrounded primarily by General Manufacturing zoning and a variety of light industrial uses. The streets and infrastructure necessary to support the use are already in place and not changing. Parking at the site is sufficient.

#### *Surrounding Zoning and Land Uses*

	<b>Zoning</b>	<b>Land Uses</b>
North	B-1 (General Commercial)	Vehicle Sales & Service
South	M-2 (General Manufacturing)	Secondary Manufacturing Assembly Plant
East	M-2 (General Manufacturing)	Retail Sales
West	M-2 (General Manufacturing)	Mini Storage



*Description of Current Zoning District*

The M-2 (General Manufacturing) District is intended to provide for the more intense types of industrial and manufacturing uses which generally exhibit higher levels of objectionable external effects. This district should not be located adjacent to residential districts, and its contiguity to commercial and business areas should, wherever possible, be avoided. Uses permitted in this district will provide for those basic industries needed to expand employment opportunities within the City.

*Subject Code Requirements*

§ 44-603A. Site dimensions table. All development in Manufacturing Districts must comply with the requirements in Tables 603A unless otherwise expressly stated.

Table 603A: Bulk and Site Standards Manufacturing Districts								
District	Lot Characteristics		Site Design			Development Intensity		
	Min. Lot Width (W)	Min. Lot Area (square feet)	Front Yard (F)	Side Yard (S)	Rear Yard (R)	Floor Area Ratio (FAR)	Max. Building Height	
			Min.	Min.	Min.		Feet	Stories
M-1	—	—	20 feet	Min. 5 feet or 1/3 of building height for buildings > 3 stories		1.0	—	—
M-2	—	—	—	—	—	1.0	—	—

§ 44-1034F. Automobile Service Station Site and Bulk Standards table. All Vehicle Repair & Service uses must also comply with the additional requirements in Tables 1034A unless otherwise expressly stated.

Table 1034: Automobile Service Station Site and Bulk Standards						
Lot Standards			Site Design Standards			
Min. Lot Area	Min. Lot Width	Min. Lot Depth	Front Yard	Side Yard	Rear Yard	
10,000 square feet	70 feet	n/a	40 feet	15 feet	20 feet	

**STANDARDS FOR REVIEW**

As indicated in *Ch. 44, 17-8 Variations*, the Board of Zoning 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.

The applicant is unable to achieve a 20-foot setback for the proposed building due to the existing layout of structures on the property. **Standard is met.**

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

Alternate siting of the proposed storage area is not practically feasible. The applicant is still providing a six-foot setback from the rear property line. *Standard is met.*

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

The applicant wishes to expand at the site but is limited by the additional use standards for Vehicle & Repair Service. The conditions were not created by the applicant. *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.**

No special privilege would be provided to the applicant. *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 existing development in the neighborhood is largely of the same character. All other zoning requirements would be met. *Standard is met.*

**STAFF RECOMMENDATION**

Staff finds that the application meets all the standards for a Variance application and recommends that the Zoning Board of Appeals take the following actions:

Motion to establish findings of fact that carrying out the strict letter of the Code *does create a practical difficulty* or particular hardship for the petitioner, and to *approve the petition* for Variances to § 44-1034.

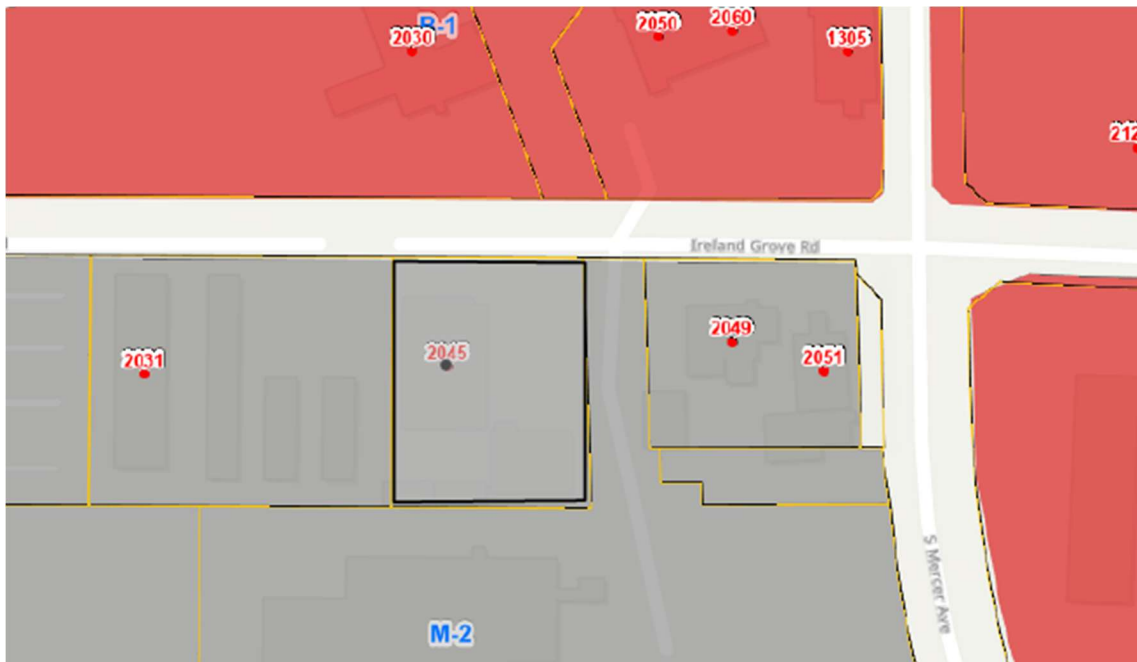
Respectfully submitted,  
Jon Branham  
City Planner

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**Attachments:**

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

Attachment 1 - Zoning Map



Attachment 1 - Aerial Image



Attachment 3 - Ground-Level Views (Front of Property)





*Attachment 3 - Ground-Level View (Rear of Property)*



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

The existing business at 2045 Ireland Grove Road is planning to add a third building to the site (Building #3) for accessory storage to complement the two existing buildings.

Attachment 5 - Site Plan



Attachment 6 - Neighborhood notice map

