



AGENDA
REGULAR SESSION
ZONING BOARD OF APPEALS
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
WEDNESDAY, APRIL 19, 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 at least 15 minutes before the start of the meeting. Individuals wishing to speak in-person may register at 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 March 15, 2023, regular Zoning Board of Appeals meeting.

5. REGULAR AGENDA

- a. **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 for the property located at 42 Ravenswood Circle. PIN: 14-25-205-005. (Ward 9.) *Continued from the MARCH 15, 2023, meeting.*
- b. **V-04-23** Public hearing, review, and action on a request submitted by Mark Parker for approval of Variances for Front, Side, and Rear Yard setbacks for the property located at 703 N. Evans Street. PIN: 21-04-276-005. (Ward 6.)
- c. **SP-03-23** Public hearing, review, and action on a request submitted by Hayley Sefton for approval of a Special Use Permit for Chicken-Keeping for the property located at 2721 Essington Street. PIN: 21-18-379-011. (Ward 2.)
- d. **SP-04-23** Public hearing, review, and action on a request submitted by Hannah Denney for approval of a Special Use Permit for Chicken-Keeping for the property located at 8 Holder Way. PIN: 14-36-333-004. (Ward 5.)
- e. **SP-05-23** Public hearing, review, and action on a request submitted by Elliot Lusk for approval of a Special Use Permit for Chicken-Keeping for the property located at 1210 W. Mill Street. PIN: 21-05-462-020. (Ward 6.)

- f. **SP-06-23** Public hearing, review, and action on a request submitted by Alex Welch for approval of a Special Use Permit for Chicken-Keeping for the property located at 612 N. Oak Street. PIN: 21-04-152-019. (Ward 6.)
- g. **V-05-23** Public hearing, review, and action on a request submitted by Project Oz for approval of a Variance for Rear Yard setback for the property located at 1105 W. Front Street. PIN: 21-05-410-006. (Ward 6.)

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.



**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, MARCH 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, March 15, 2023, with the following physically present staff members: Mr. Jon Branham, City Planner; Ms. Alissa Pemberton, City Planner; Ms. Kimberly Smith, Assistant Economic & Community Development Director; Ms. Melissa Hon, Economic & Community Development Director; Mr. George Boyle, Assistant Corporation Council, Mr. Jeff Jurgens, Corporation Council.

The meeting was called to order by Chair Straza at 4:03 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
Mr. Tim Foley	Commissioner	Present

Ms. Pemberton called the roll. Mr. Ballantini - Present, Ms. Harris - Present, Mr. Noonan - Absent, Ms. Williams - Present, Mr. Zwaga - Present, Mr. Foley - Present, Chair Straza - Present. With six members present, a quorum was established.

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.

MINUTES

Commissioner Harris noted that she was virtually present at the last meeting but was unable to participate due to technical issues.

Mr. Branham noted an amendment to the Minutes from the last meeting, indicating that the case was announced as “passed” but due to the slim quorum and the margin of the vote the item was not passed, and Staff was working with the applicant to identify an appropriate path forward.

Commissioner Harris motioned to approve the minutes from the February 15, 2022, regular Zoning Board of Appeals meeting, as amended. Commissioner Ballantini seconded. Voice Vote. All Ayes. Motion Passed (6-0).

REGULAR AGENDA

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.

Mr. Branham presented the staff report and background on the request, with a recommendation for approval. He noted key property conditions, including a fully screened rear yard.

Chair Straza opened the public hearing.

Petitioner, Julie Bacon (15 Shoal Creek Court) described her interest in chicken-keeping for eggs.

Commissioner Ballantini asked for clarification on why the Petitioner wanted to keep chickens and whether any neighbors are aware of the Petitioner’s request. Ms. Bacon explained her desire for chicken-keeping, and stated she has spoken with her closest neighbor and they did not have objections.

Commissioner Harris inquired whether the Petitioner has raised chickens previously. Ms. Bacon replied in the negative, noting that she was taking a class on raising them from the chicken provider, and has the resources needed for appropriate care.

No additional testimony was received.

Chair Straza closed the public hearing portion of the case.

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

Mr. Ballantini - Yes, Ms. Harris - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Foley - Yes, Chair Straza - Yes. The motion passed (6-0).

Commissioner Harris made motion to recommend approval of the Special Use Permit. Seconded

by Commissioner Ballantini.

Mr. Ballantini - Yes, Ms. Harris - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Foley - Yes, Chair Straza - Yes. The motion passed (6-0).

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.

Mr. Branham presented the staff report and background on the request, with a recommendation for approval. He noted key property conditions, including a fully screened rear yard, and that the coop would be required to meet the 10-foot setback in the Code, despite the dimensions being absent on the submitted site plan.

Chair Straza opened the public hearing.

The petitioner was not in attendance to speak.

Terry Miller (2808 Park Ridge Road) stated that he is one of the rear neighbors and is opposed to the request. He stated he believed that chickens were noisy and had an unpleasant odor. He noted their ability to fly and potential to end up in other yards. He also stated his concern related to the potential increase in prey animals in the area.

Commissioner Ballantini asked whether the speaker's property is fenced. Mr. Miller stated his property is fenced with wrought iron and the Petitioner's is fenced with a vinyl privacy fence.

Mr. Zwaga asked whether the Petitioner had spoken with them. He replied they had not.

Commissioner Ballantini explained that many speakers have discussed smell, noise, and prey animals during other similar cases, but to-date he is unaware of any complaints related to properties that have approved Special Use Permits for Chicken-Keeping.

Steve Wittington (2902 Park Ridge Road) stated his property is located directly behind the Petitioner. He stated his concerns. He inquired about the process if the Petitioner violates the required standards. He stated that he is concerned that everyone in his neighborhood could start having chickens.

Chair Straza explained that all property owners may request the same Special Use Permit.

Commissioner Ballantini explained that violations could be reported and the City's Code Enforcement unit would investigate.

Chair Straza closed the public hearing portion of the case.

Commissioner Ballantini stated they should hold the case since the Petitioner was not here to respond considering the opposition.

Commissioner Harris noted that there are protocols in place if residents violate codes. She noted if there are problems residents have a right to complain.

Mr. Wittington asked if they would receive another notice. Mr. Branham stated they would not since it would be continued to a date certain, which would be April 19, 2023.

Commissioner Ballantini made a motion to continue the hearing to the next regularly scheduled meeting of the Zoning Board of Appeals. Seconded by Commissioner Harris.

Mr. Ballantini - Yes, Ms. Harris - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Foley - Yes, Chair Straza - Yes. The motion passed (6-0).

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.

Mr. Branham presented the staff report and background on the request, with a recommendation for approval.

Commissioner Ballantini asked for clarification on the location of the proposed addition. Mr. Branham provided further details.

Chair Straza asked for an explanation of “setback” and “nonconforming,” for the benefit of the attending public. Mr. Branham explained buildable area for structures, how corner lots differ from interior lots with two front yards, and the required setbacks for the zoning district.

Commissioner Zwaga inquired about the reason for the structure being nonconforming. Mr. Branham stated the current home was built by a previous owner when the required setbacks likely differed and is nonconforming under the current ordinance standards.

Chair Straza opened the public hearing.

Rich Marvel, Attorney for the Petitioner (221 E. Front Street) stated that the home was constructed in the 1950s, prior to current setback requirements, and his client wants to “square off” the existing residence by constructing the proposed addition. He stated the existing wall would simply be extended and not encroach further into the setback. He stated additional requirements and other codes will need to be met prior to construction as well.

Mr. Marvel explained that the visible concrete foundation is where the walls will continue upward

to enclose some of the metalwork currently visible on the property. He stated confusion in acquiring the building permit resulted in his client originally proceeding without a permit. He said his client is now moving forward with the variance process, and then will obtain necessary permits. He added the gravel present in the front yard is a function of construction work.

Jenna Kerns (916 Vale Street) stated that she is in favor of the Variance. She stated the case is not about the Petitioner's art. She said completing this process will help the Petitioner complete his home and may address some of the concerns of other residents.

Jennifer Wagner (1913 Garling Drive) stated the Petitioner essentially tore down the original house. She stated Mr. Kirk told her he is turning the house into a museum. She related conditions of the neighborhood and stated a belief that Mr. Kirk wants to expand into the rest of the neighborhood. She expressed additional concerns about traffic in the neighborhood and safety hazards of items located on the property. She presented 12 pictures and a letter from neighbors to the Petitioner, attached to this record as Exhibit "B."

Mr. Boyle reviewed what could be accepted as Exhibits.

Commissioner Ballantini explained that the zoning for the neighborhood is not a business district, and that museums would not be permitted in a residential district.

Mr. Marvel objected to submission of the evidence as the Petitioner had not had an opportunity to review.

Peggy Wade (1915 Owens Drive) asked Staff to show the picture of the front of the house and asked for clarification on what would be inside and outside of the residence.

Mr. Branham clarified that the height limitation for the District will need to be met. Chair Straza explained that if height requirement is not met additional steps would need to be taken.

Mr. Branham also explained the role of the Community Enhancement Division and how items not related to the Variance request could be addressed.

Cathy Pratty (703 S. Moore Street) stated she is speaking on behalf of her brother, John, (1912 Garling Drive) also. She requested that the Board deny the Variance and cited sections of the Code related to the process and requirements for granting Variances. She stated the Petitioner had not proven there is a hardship that should result in a Variance. She noted other homes in the neighborhood are mostly ranch homes. She referenced additional sections of the Code. She added she had concerns about maintenance and the impact to property values in the neighborhood.

Scott Hunter (1924 Garling Drive) stated that with all the rules that exist he is surprised that what has happened on the property has been allowed to occur.

Emily Lesher (1514 S. Mason Street) explained her concerns about safety on the property. She stated there are many children in the neighborhood and she is worried that the property could be dangerous.

Rich Marvel, Attorney for the Petitioner (221 E. Front Street) responded, stating that his client will not have a museum in his home. He stated If his client owns additional properties as rentals that is his right as long as he complies with all the other appropriate regulations. He stated this request is about a Variance to extend an existing wall built in the 1950s. He reiterated his client would need to comply with several other regulations. He added the condition of the property at the current time was due to construction being incomplete.

Chair Straza asked whether renderings were available. Mr. Marvel presented a rendering for the Board's review (attached to this record as Exhibit "A") and displayed on the screen for all attendees to view.

Mr. Marvel stated he has now reviewed and has no objection to admission of the previously discussed photographs (attached to this record as Exhibit "B,") but does object to admission of the correspondence due to inclusion of hearsay.

Commissioner Ballantini asked for clarification on the other property previously discussed which the Petitioner owned that contained additional art storage. Mr. Marvel provided additional details.

Commissioner Ballantini asked if the large part of what is currently exposed will be enclosed upon completion of the construction project. Mr. Marvel confirmed that was accurate.

Mr. Boyle and Chair Straza discussed procedural items.

Mr. Marvel stated he did not have any cross-examination for other speakers.

Chair Straza closed the public hearing portion of the case.

Commissioner Ballantini stated his understanding was that the issue at hand was related to the residence being constructed in the 1950s, and that the code requirements have changed several times since that time.

Commissioner Harris inquired whether there was any objection of the proposed height. Mr. Branham noted the height would need to meet the overall height requirement and noted the mixture of single- and two-story structures in the area and the lack of any design criteria to assist with massing between structures.

Chair Straza inquired if anyone in neighborhood could have up to two and ½ stories. Mr. Branham confirmed yes.

Commissioner Ballantini asked for clarification that Staff views the findings of fact as met. Mr. Branham confirmed that was correct.

Chair Straza stated the rendering helps with the understanding of the Variance request and how the residence will look when construction was complete.

Commissioner Ballantini made a 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. Seconded by Commissioner Harris.

Mr. Ballantini - Yes, Ms. Harris - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Foley - Yes, Chair Straza - Yes. The motion passed (6-0).

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.

Mr. Branham presented the staff report and background on the request, with a recommendation for approval, noting that the setback requirement is the result of a Use Provision for the specific use, not because of normal bulk and site standards. He stated an alternate use on the property would not require the same setback.

Commissioner Ballantini asked whether Staff was aware of other similar Variances that have been granted. Mr. Branham noted similar Variances had been approved via the Site Plan concurrent review process.

Chair Straza opened the public hearing.

Robert Lenz, Attorney for the Petitioner, (202 N. Center Street) stated that the intent of the additional building is as an automotive detail shop. The nature of the specific use and description of the general use standards are not well-aligned; he noted the use is dissimilar to that of a fueling station.

Commissioner Ballantini inquired whether renderings for the building were available.

Paul Young, Architect for the Petitioner, (211 S. Prospect Road) provided the renderings and stated he felt aesthetics were subject to opinion.

Commissioner Ballantini inquired whether a previous building was located there prior to the current one. Mr. Young stated yes.

Mr. Lenz stated often certain uses are aggregated, which results in a broad generalization of

appropriate regulation. He further described details of the proposal.

Commissioner Ballantini asked how long the Petitioner has owned the property. Mr. Lenz indicated approximately eight or nine years.

Chair Straza closed the public hearing portion of the case.

Commissioner Harris made a 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. Seconded by Commissioner Zwaga.

Mr. Ballantini - Yes, Ms. Harris - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Foley - Yes, Chair Straza - Yes. The motion passed (6-0).

OLD BUSINESS

None.

NEW BUSINESS

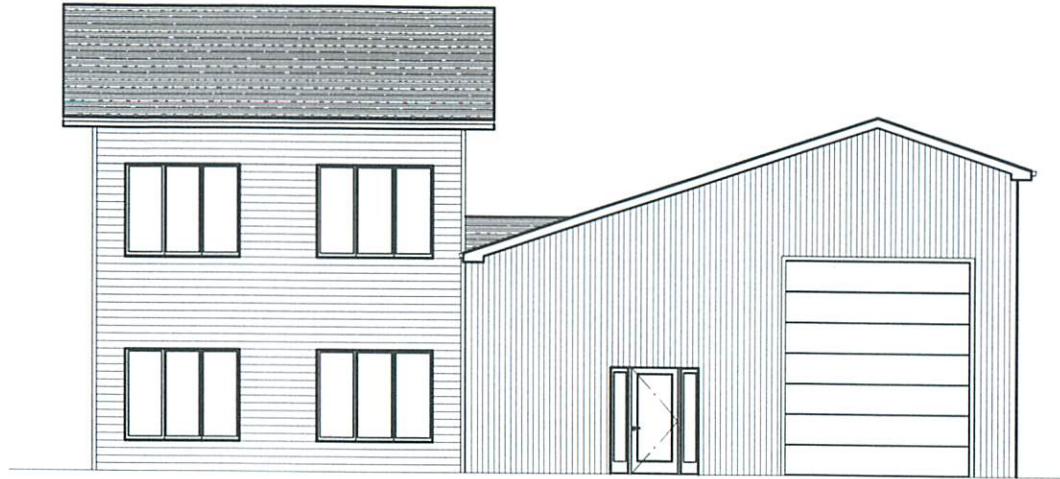
None.

ADJOURNMENT

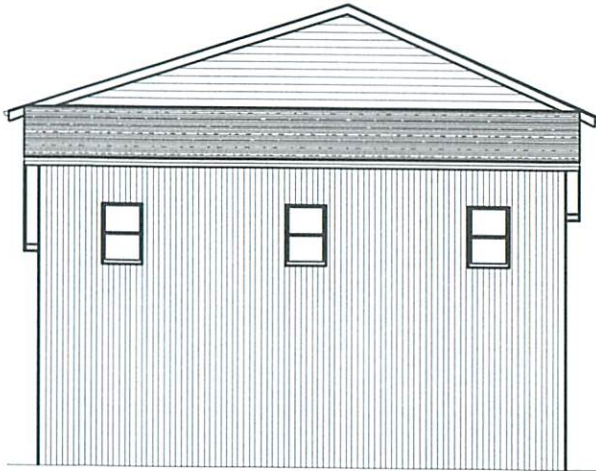
Commissioner Ballantini made the motion to adjourn. Commissioner Harris seconded. Voice vote was held. All were in favor. (6-0)

The meeting was adjourned at 5:39 p.m.

Exhibit A: 1905 Garling Drive - Renderings



NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION

SHEET:

1

SCALE:
1/8"=1'-0"

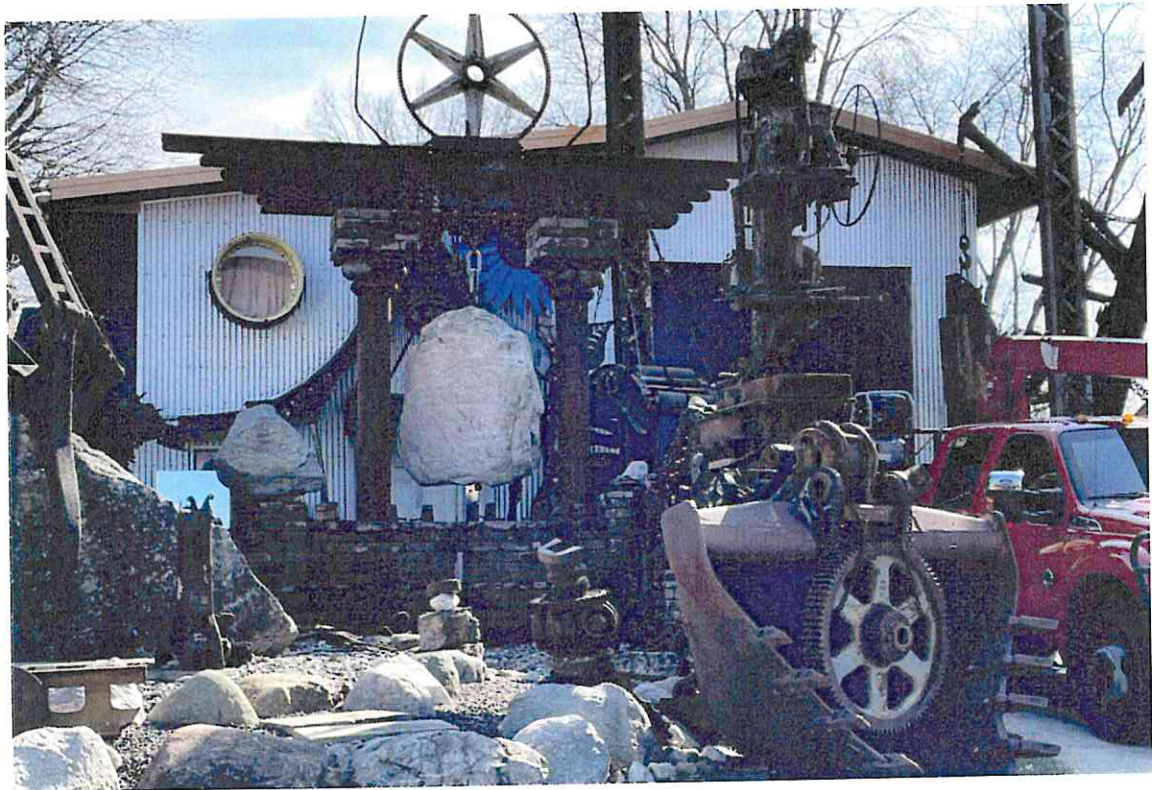
ADDITION/RENOVATION
1905 GARLING DRIVE
BLOOMINGTON, IL 61701

EXTERIOR
ELEVATIONS

3/9/23

Exhibit B: 1905 Garling Drive - Submitted Photos















ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS
FROM: Economic & Community Development Department
DATE: April 19, 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.
CONTINUED FROM MARCH 15th MEETING

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.

The item was continued at the March 15th Zoning Board of Appeals meeting, as the Petitioner was not present and potential concerns were identified by neighbors.

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

§ 44-908C-2. “Accessory Building and Uses” indicates Chicken Keeping is permitted as an Accessory Use subject to the provisions of this subsection and any additional requirements of Article X.

§ 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, or primary use of 1) preschools, 2) private and public schools, and 3) boarding schools, 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 Zoning Board of Appeals (ZBA) shall hold at least one 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:

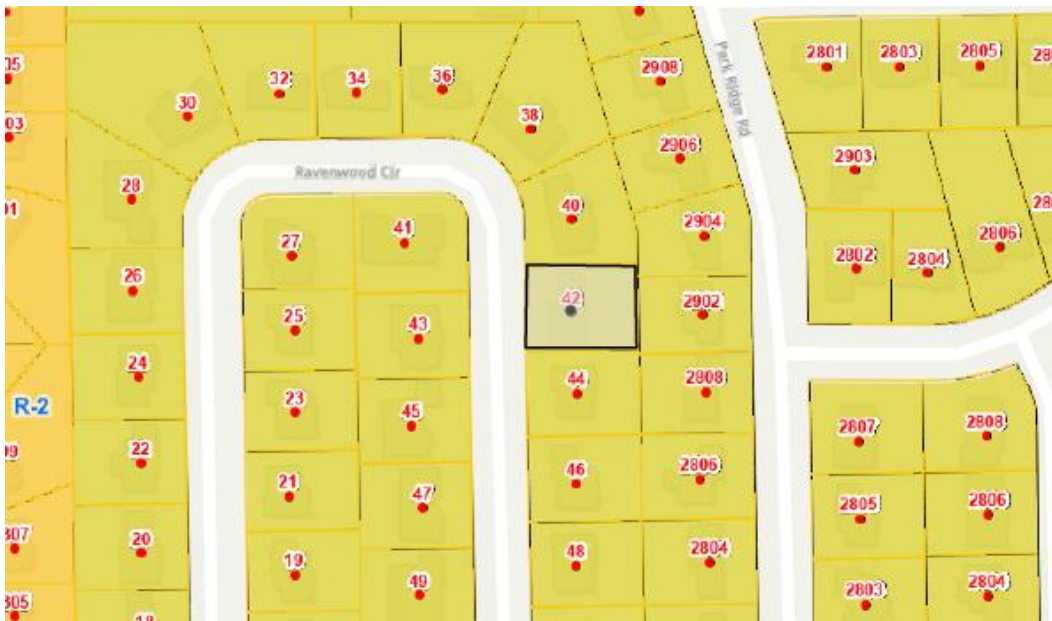
Motion to establish findings of fact that all ***standards for approval*** of a Special Use Permit ***are met***, and to ***recommend approval*** of the petition with no conditions.

Respectfully submitted,
Jon Branham
City Planner

Attachments:

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

Attachment 1 - Zoning Map



Attachment 2 - Aerial Image(s)



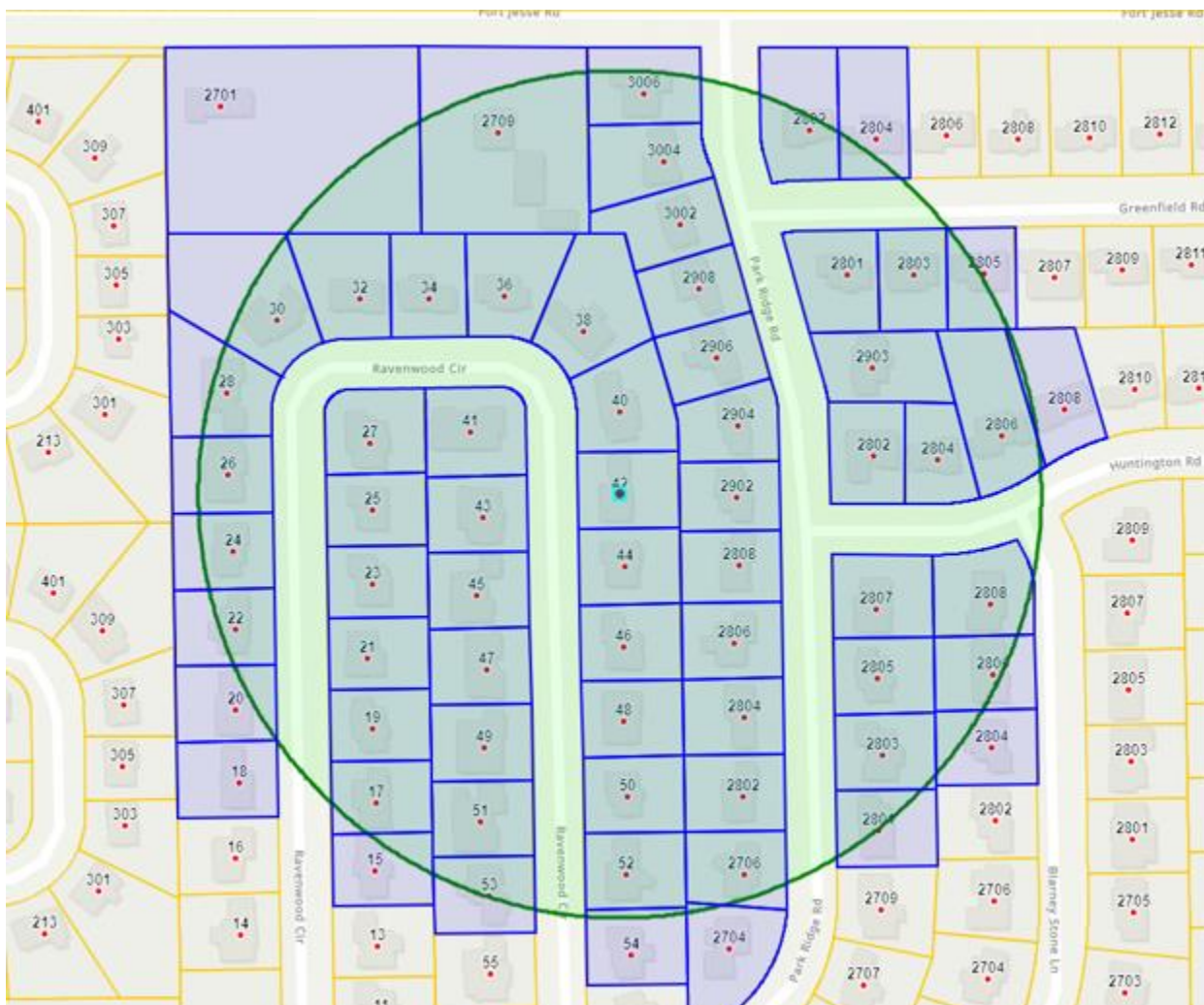
Attachment 3 - Ground-level View



Attachment 4 - Site Plan



Attachment 4 - Neighborhood notice map





ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: April 19, 2023

CASE NO: V-04-23, Variance from § 44-403 of the Zoning Code

REQUEST: Public hearing, review, and action on a request submitted by Mark Parker for Variances from § 44-403 of the Zoning Code, to allow reduced Front, Side, and Rear Yard setbacks in the R-2 (Mixed Residence) District, for the property located at 703 N. Evans Street. PIN: 21-04-276-005.

BACKGROUND

Request

The Petitioner seeks Variances from § 44-403A, the requirement of a minimum of 25-foot front yard, to allow a 15-foot front yard on the west side of the property; the requirement of a minimum of a six-foot side yard, to allow a four-foot side yard of the north side of the property and a four-foot side yard on the south side of the property; and the requirement of a minimum of a 25-foot rear yard, to allow a seven-foot rear yard on the east side of the property.

The Petitioner desires the variances for the existing constructed residence “as-is,” as the structure is currently nonconforming in the zoning district and a sale is pending at the property. The Petitioner wishes to make the residence a conforming structure (in order to have an ability to rebuild in the event the residence is destroyed). No modifications to the existing structure are proposed.

Notice

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Friday, March 31, 2023. Courtesy notices were mailed to 108 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics

The property at 703 N. Evans Street consists of approximately 0.07 acres of land near the intersection of Evans Street and Mulberry Street, in the Flagg's Addition to Bloomington. The property is surrounded by a mix of residential zoning and dwellings. Necessary streets and infrastructure are already existing.

Surrounding Zoning and Land Uses

	Zoning	Land Uses
North	R-2 (Mixed Residence)	Single-Family Residence
South	R-2 (Mixed Residence)	Vacant
East	R-2 (Mixed Residence)	Single-Family Residence
West	R-3A (Multi-Family Residence)	Single-Family Residence

Description of Current Zoning District

The R-2 (Mixed Residence) District is intended to accommodate development characterized by a mixture of housing types at a high single-family and a low multiple-family dwelling unit density. Densities of up to approximately 13 dwelling units per acre are allowed. This district allows for the conversion of dwelling units in older residential areas of mixed dwelling unit types in order to extend the economic life of these structures and allow owners to justify expenditures for repairs and modernization and serves as a zone of transition between lower density residential districts and residential districts that permit greater land use intensity and dwelling unit density.

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.

Table 403B: Bulk and Site Standards R-2 District								
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-2								
Detached Residential	50 feet	6,600	25 feet	6 feet	25 feet	6,600	35 feet	2.5
Attached and Multi-Residential	75 feet	7,000	25 feet	6 feet	25 feet	3,300	35 feet	2.5
Other Uses	50 feet	7,000	25 feet	6 feet	25 feet	7,000	15 feet	1

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.

The existing property is very restrictive regarding the buildable area due to the smaller size of the property as a nonconforming lot and yard requirements. The structure was constructed many years ago with areas extending into the current setback areas. The Petitioner purchased the residence as an existing legal nonconforming structure and is not seeking to encroach further into any existing setback. **Standard is met.**

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

The Variance would allow for the rebuilding of the structure in the event of destruction and therefore would allow relief to the applicant. **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 and lot 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. Granting allows the applicant to make reasonable use of their property which otherwise is unsalable. *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 Variances would not be detrimental, as the applicant is not intending to make any changes at the residence. The view of the home from the street will remain the same and is 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. In addition, the Variance requested would result in rebuilding in a location slightly further from the existing residence to the east, in order to be more protective of other properties if the residence needs to be reconstructed. *Standard is met.*

STAFF RECOMMENDATION

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

Motion to establish findings of fact that the standards for approval a Variance are met, 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, as presented.

Respectfully submitted,
Jon Branham
City Planner

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



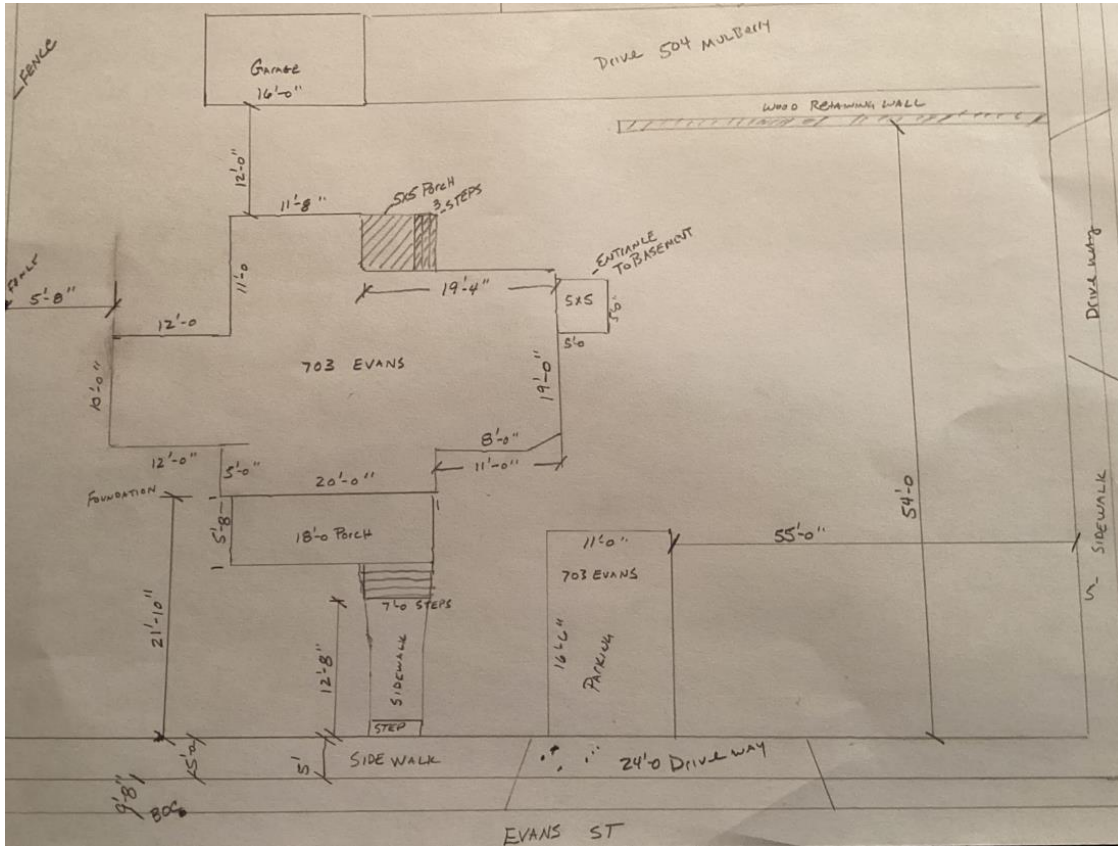
Attachment 3 - Ground-Level View



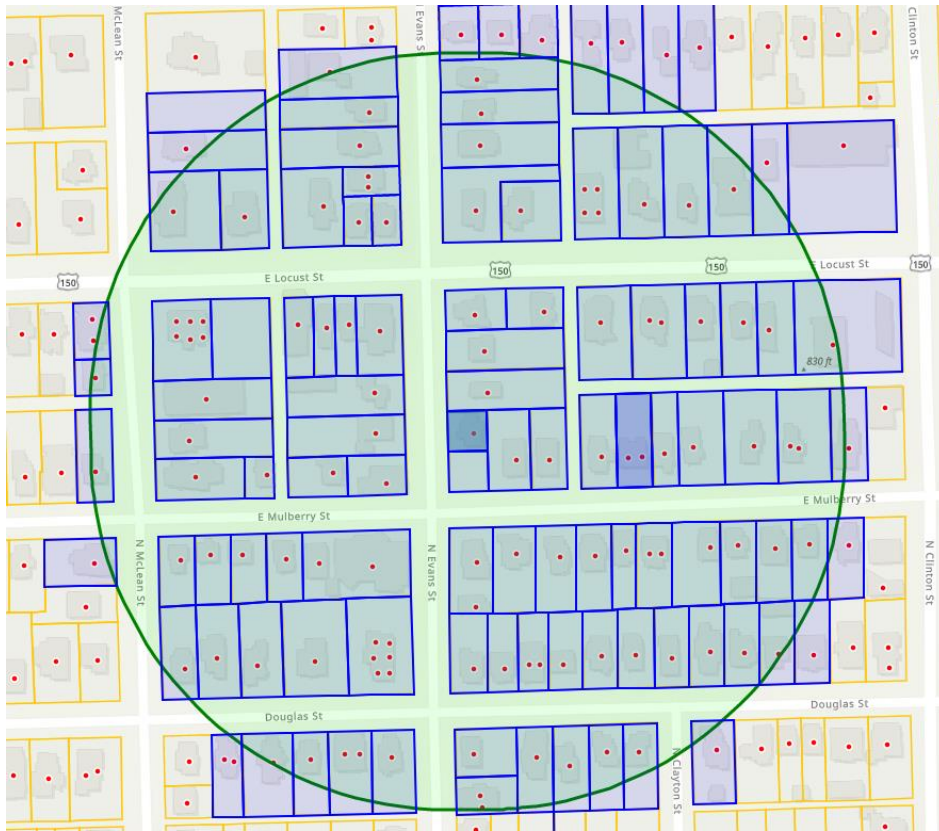
Attachment 4 - Petitioner-Submission - Description of Project

Need Variance to be able to sell the home for appraisal and title company

Attachment 5 - Site Plan



Attachment 6 - Neighborhood notice map





ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS
FROM: Economic & Community Development Department
DATE: April 19, 2023
CASE NO: SP-03-23, Special Use Permit for Chicken-Keeping
REQUEST: Public hearing, review, and action on a request submitted by Hayley Sefton for approval of a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District, for the property located at 2721 Essington Street. PIN: 21-18-379-011.

BACKGROUND

Request

The Petitioner seeks a Special Use Permit to allow Chicken-Keeping in the R-1C (Single-Family Residence) District, 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 Friday, March 31, 2023. Courtesy notices were mailed to 122 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics

The property at 2721 Essington Street consists of 0.16 acres of land located near the intersection of Essington Street and Bainbridge Lane in the Pepper 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 wooden fence and a four-foot-tall chain link 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

§ 44-908C-2. "Accessory Building and Uses" indicates Chicken Keeping is permitted as an Accessory Use subject to the provisions of this subsection and any additional requirements of Article X.

§ 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, or primary use of 1) preschools, 2) private and public schools, and 3) boarding schools, 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 Zoning Board of Appeals (ZBA) shall hold at least one 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 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. 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 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.***

- 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.***

- 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.***

- 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
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)



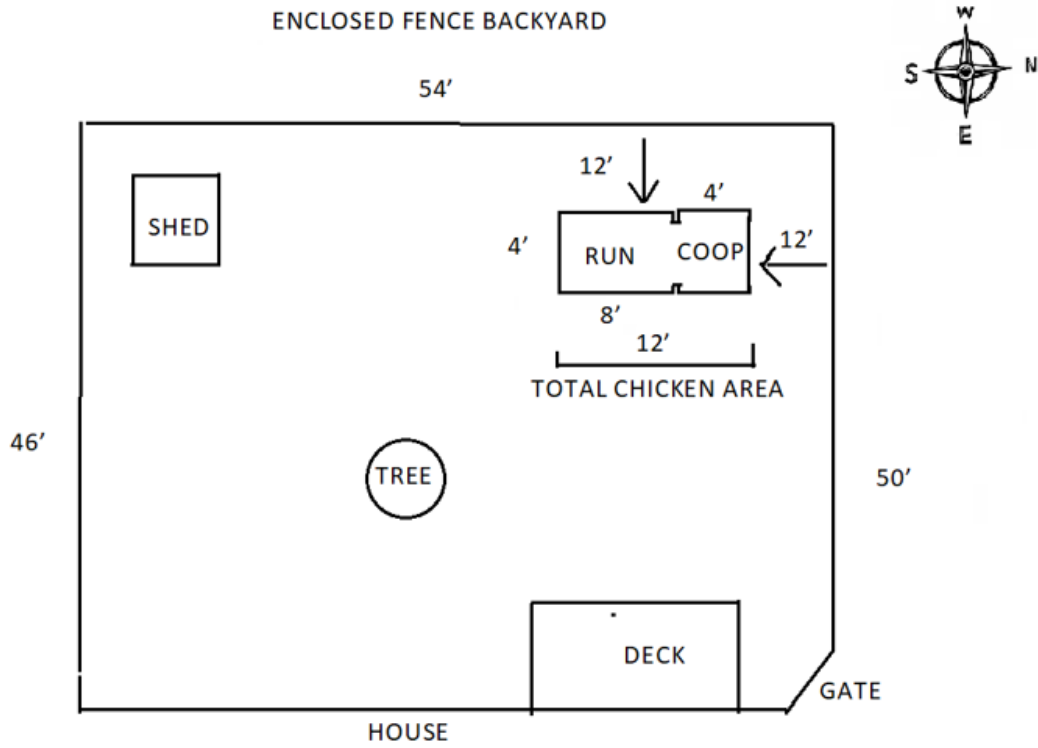
Attachment 3- Ground-Level View



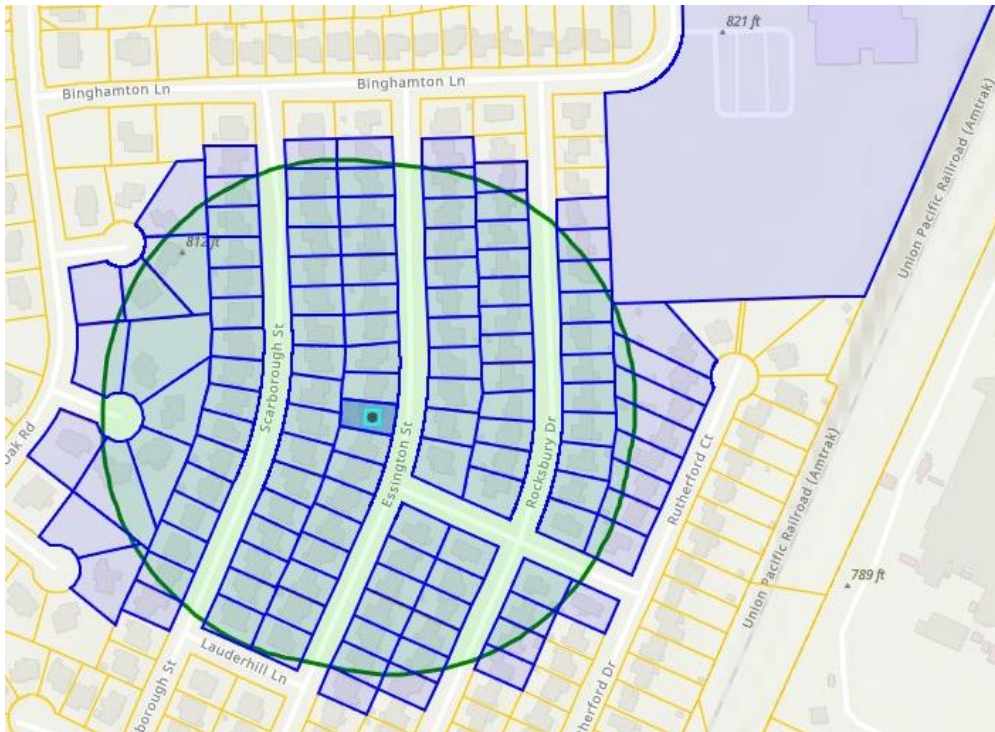
Attachment 4 - Petitioner-Submission - Description of Project

This Special Use Permit will be used to establish a small backyard chicken coop to house no more than four chickens selected from breeds known to be docile and quiet. The property owner is the applicant. The backyard is completely enclosed with established fences. The chicken coop will include an attached covered run. The chicken coop will be 4'x4' and the attached covered run will be 4'x8'.

Attachment 5 - Site Plan



Attachment 6 - Neighborhood notice map





ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS
FROM: Economic & Community Development Department
DATE: April 19, 2023
CASE NO: SP-04-23, Special Use Permit for Chicken-Keeping
REQUEST: Public hearing, review, and action on a request submitted by Hannah Denney for approval of a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District, for the property located at 8 Holder Way. PIN: 14-36-333-004.

BACKGROUND

Request

The Petitioner seeks a Special Use Permit to allow Chicken-Keeping in the R-1C (Single-Family Residence) District, 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 Friday, March 31, 2023. Courtesy notices were mailed to 87 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics

The property at 8 Holder Way consists of 0.18 acres of land located near the intersection of Holder Way and Clearwater Avenue in The Highlands East 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

	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

§ 44-908C-2. "Accessory Building and Uses" indicates Chicken Keeping is permitted as an Accessory Use subject to the provisions of this subsection and any additional requirements of Article X.

§ 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, or primary use of 1) preschools, 2) private and public schools, and 3) boarding schools, 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 Zoning Board of Appeals (ZBA) shall hold at least one 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. 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 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:

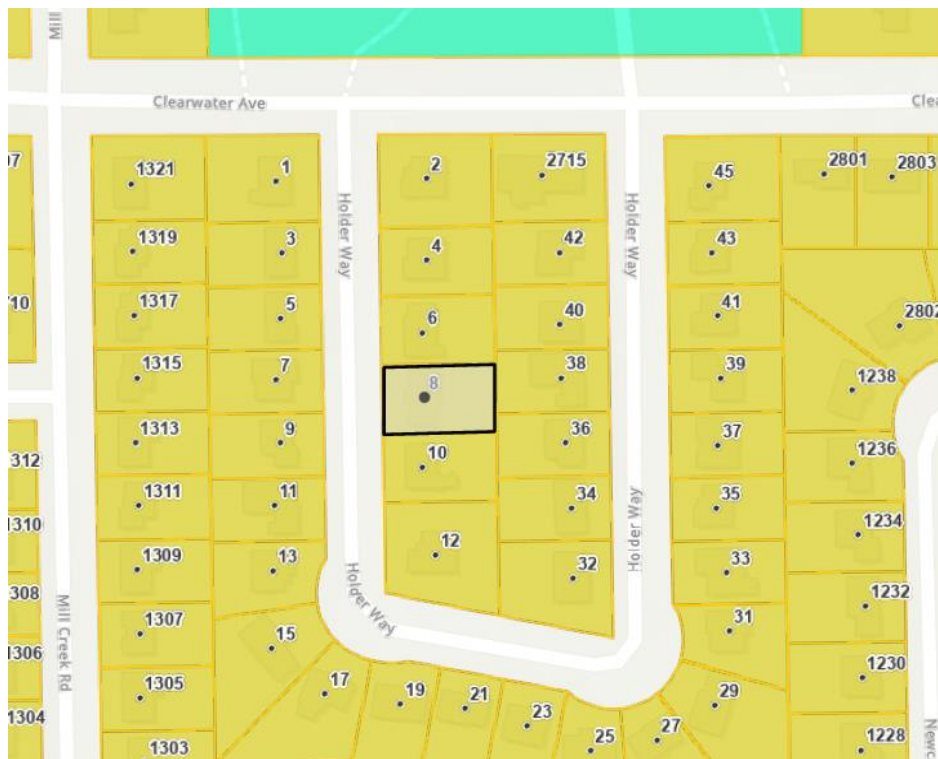
Motion to establish findings of fact that all ***standards for approval*** of a Special Use Permit ***are met***, and to ***recommend approval*** of the petition with no conditions.

Respectfully submitted,
Jon Branham
City Planner

Attachments:

1. Zoning Map
2. Aerial Image
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)



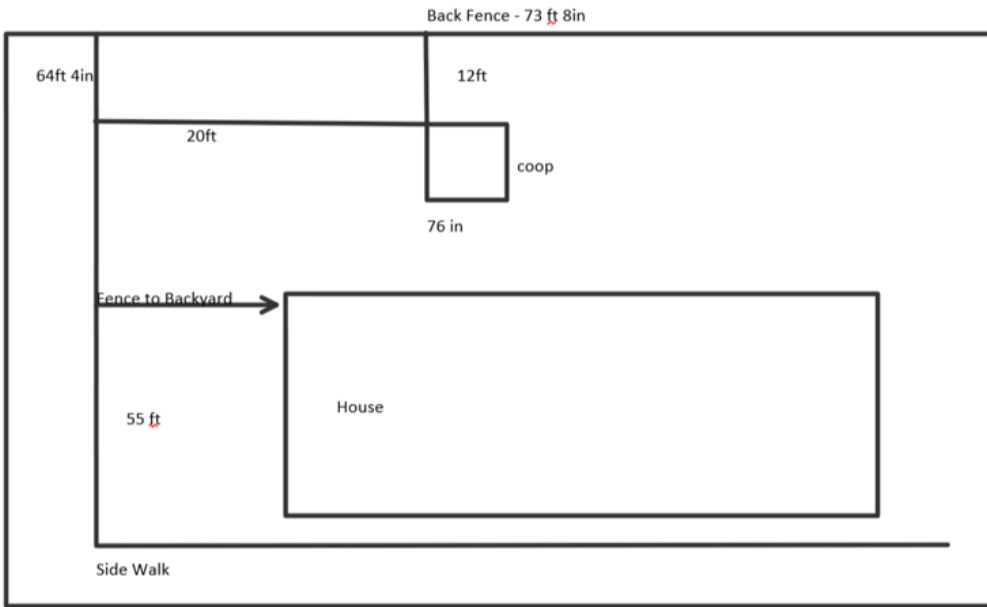
Attachment 3- Ground-Level View



Attachment 4 - Petitioner-Submission - Description of Project

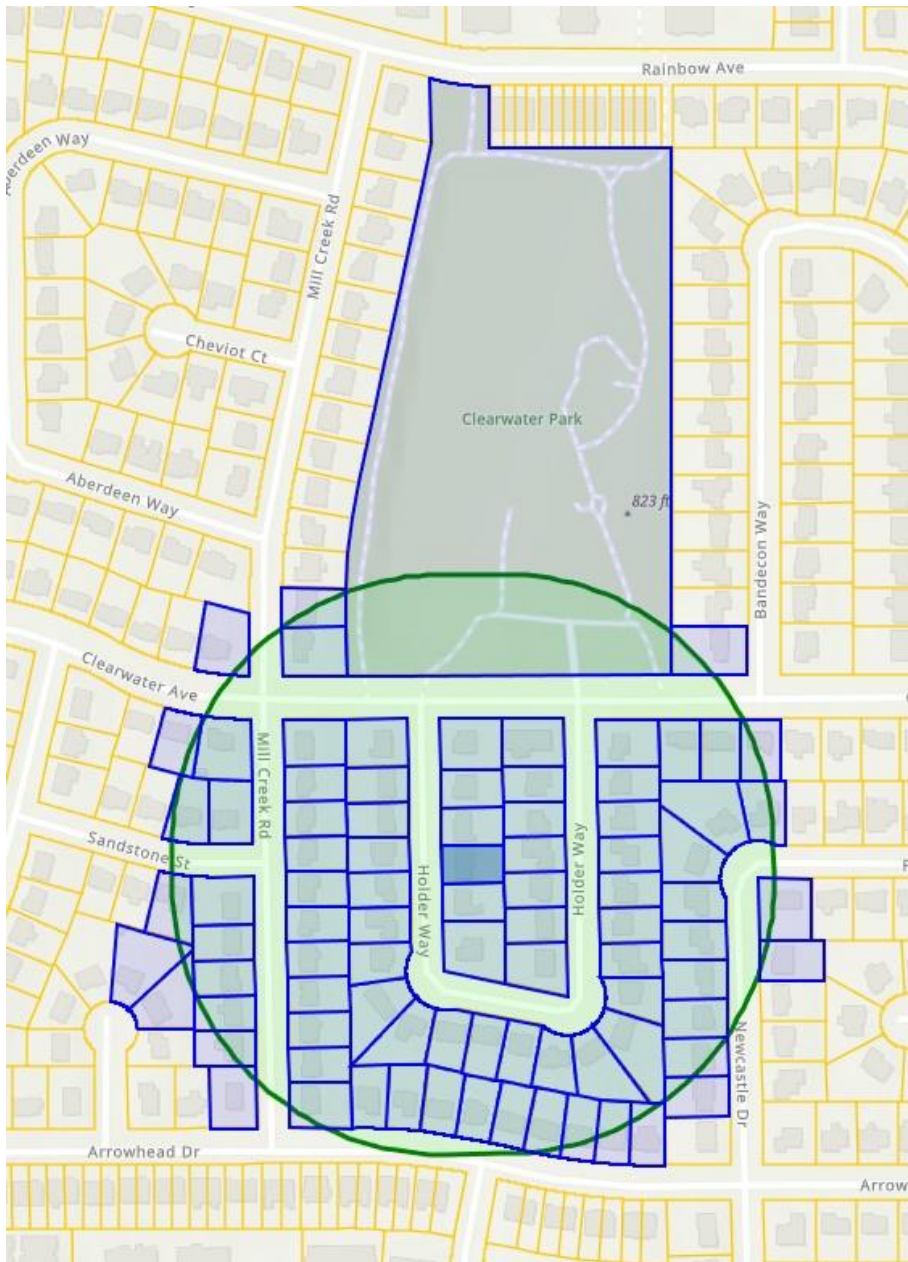
With rising egg prices and a personal interested in growing food, we would like to raise 4 golden comet hens for egg production only. The coop will be over 10ft from all property lines and the chickens will be provided a enclosed/covered coop and will remain in fenced in run at all times in backyard. Additionally, everything will with comply with Chapter 8 and Chapter 22 of the Bloomington Code, 1960, as amended.

Attachment 5 - Site Plan



Holder Way

Attachment 6 - Neighborhood notice map





ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS
FROM: Economic & Community Development Department
DATE: April 19, 2023
CASE NO: SP-05-23, Special Use Permit for Chicken-Keeping
REQUEST: Public hearing, review, and action on a request submitted by Elliot Lusk for approval of a Special Use Permit for Chicken-Keeping in the R-2 (Mixed Residence) District, for the property located at 1210 W. Mill Street. PIN: 21-05-462-020.

BACKGROUND

Request

The Petitioner seeks a Special Use Permit to allow Chicken-Keeping in the R-2 (Mixed Residence) District, 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 Friday, March 31, 2023. Courtesy notices were mailed to 87 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics

The property at 1210 W. Mill Street consists of 0.40 acres of land located near the intersection of W. Mill Street and S. Livingston Street in the Citizens Addition to Bloomington. It is improved with a single-family home with a detached garage. The rear yard of this property, where the coop will be located, is screened by a four-foot-tall chain link fence and existing landscaping. The railroad also abuts the property directly to the west.

Surrounding Zoning and Land Uses

	Zoning	Land Uses
North	R-2 (Mixed Residence) District	Single-Family Dwelling Units
South	R-2 (Mixed Residence) District	Single-Family Dwelling Units
East	R-2 (Mixed Residence) District	Single-Family Dwelling Units
West	R-1C (Single-Family Residence) District	Railroad Property

Description of Current Zoning District

The R-2 (Mixed Residence) District is intended to accommodate development characterized by a mixture of housing types at a high single-family and a low multiple-family dwelling unit density. Densities of up to approximately 13 dwelling units per acre are allowed. This district allows for the conversion of dwelling units in older residential areas of mixed dwelling unit types in order to extend the economic life of these structures and allow owners to justify expenditures for repairs and modernization and serves as a zone of transition between lower density residential districts and residential districts that permit greater land use intensity and dwelling unit density (§ 44-401E).

Subject Code Requirements

§ 44-908C-2. "Accessory Building and Uses" indicates Chicken Keeping is permitted as an Accessory Use subject to the provisions of this subsection and any additional requirements of Article X.

§ 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, or primary use of 1) preschools, 2) private and public schools, and 3) boarding schools, 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 Zoning Board of Appeals (ZBA) shall hold at least one 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-2 (Mixed 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. 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 and landscaping 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 fencing and railroad tracks. 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-2 (Mixed 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:

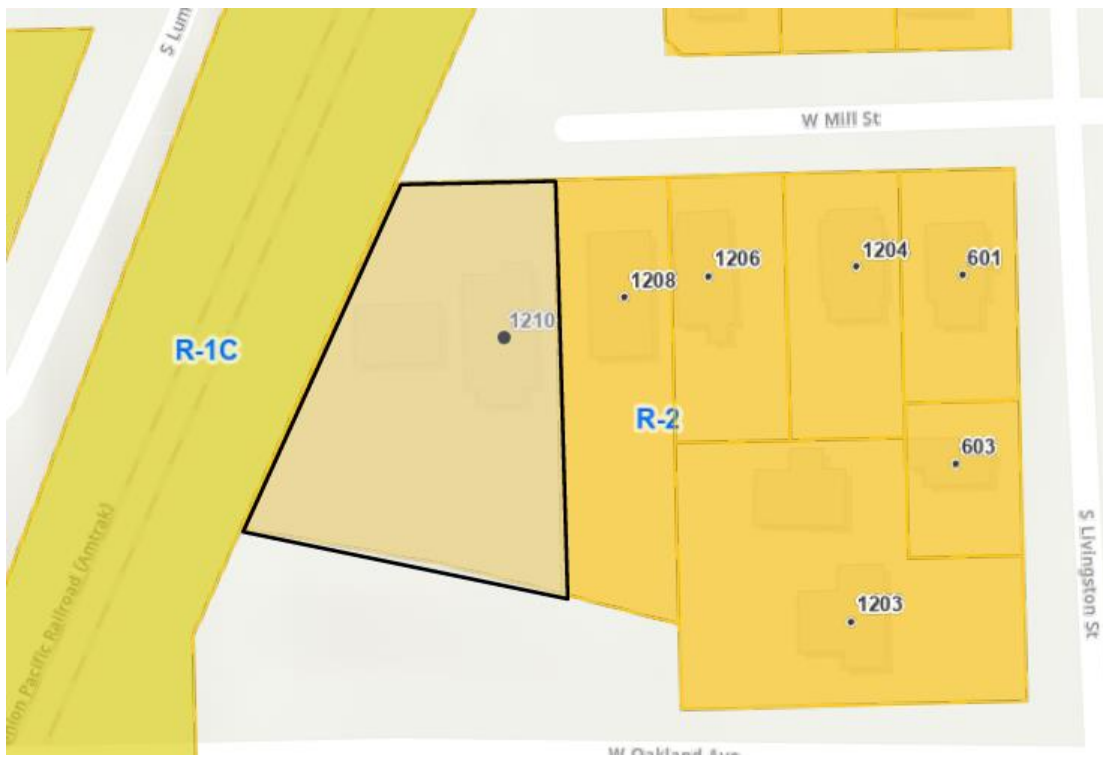
Motion to establish findings of fact that all ***standards for approval*** of a Special Use Permit ***are met***, and to ***recommend approval*** of the petition with no conditions.

Respectfully submitted,
Jon Branham
City Planner

Attachments:

1. Zoning Map
2. Aerial Image
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)

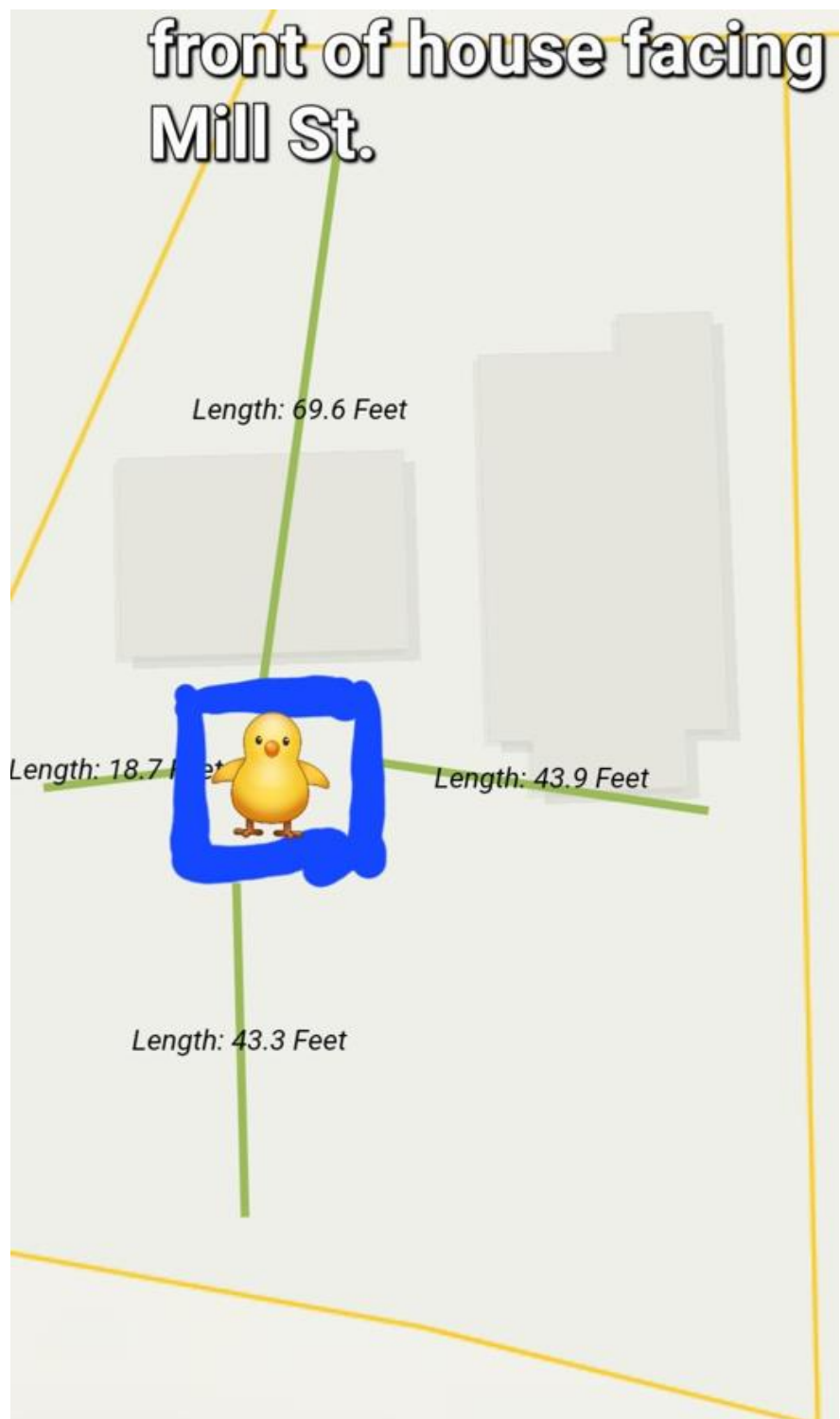


Attachment 3- Ground-Level View



Attachment 4 - Petitioner-Submission - Description of Project

Allowing the keeping of up to four hens at 1210 W Mill St in
Bloomington



Attachment 6 - Neighborhood notice map





ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS
FROM: Economic & Community Development Department
DATE: April 19, 2023
CASE NO: SP-06-23, Special Use Permit for Chicken-Keeping
REQUEST: Public hearing, review, and action on a request submitted by Alex Welch for approval of a Special Use Permit for Chicken-Keeping in the GAP-3 Neighborhood District, for the property located at 612 N. Oak Street. PIN: 21-04-152-019.

BACKGROUND

Request

The Petitioner seeks a Special Use Permit to allow Chicken-Keeping in the GAP-3 Neighborhood District, 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 Friday, March 31, 2023. Courtesy notices were mailed to 134 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics

The property at 612 N. Oak Street consists of 0.35 acres of land located at the intersection of Locust Street and Oak Street in the Gridley, Allin & Prickett Neighborhood. It is improved with a multi-family residence with a detached 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

	Zoning	Land Uses
North	GAP-3 (Single-Family Residence) District	Eating & Drinking Establishment
South	GAP-3 (Single-Family Residence) District	Single-Family Dwelling Units
East	GAP-3 (Single-Family Residence) District	Multi-Family Dwelling Units
West	GAP-3 (Single-Family Residence) District	Multi-Family Dwelling Units

Description of Current Zoning District

The GAP-3 Neighborhood District allows for the development of House, Manor, Multi-Family, and Iconic Buildings. Apartment Buildings are permitted on corner lots. This district also allows a select list of special uses to occur on Market Street [...] (§ 44-6-26).

Subject Code Requirements

§ 44-908C-2. “Accessory Building and Uses” indicates Chicken Keeping is permitted as an Accessory Use subject to the provisions of this subsection and any additional requirements of Article X.

§ 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, or primary use of 1) preschools, 2) private and public schools, and 3) boarding schools, 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 Zoning Board of Appeals (ZBA) shall hold at least one 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 GAP-3 Neighborhood 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. 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 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 GAP-3 Neighborhood 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:

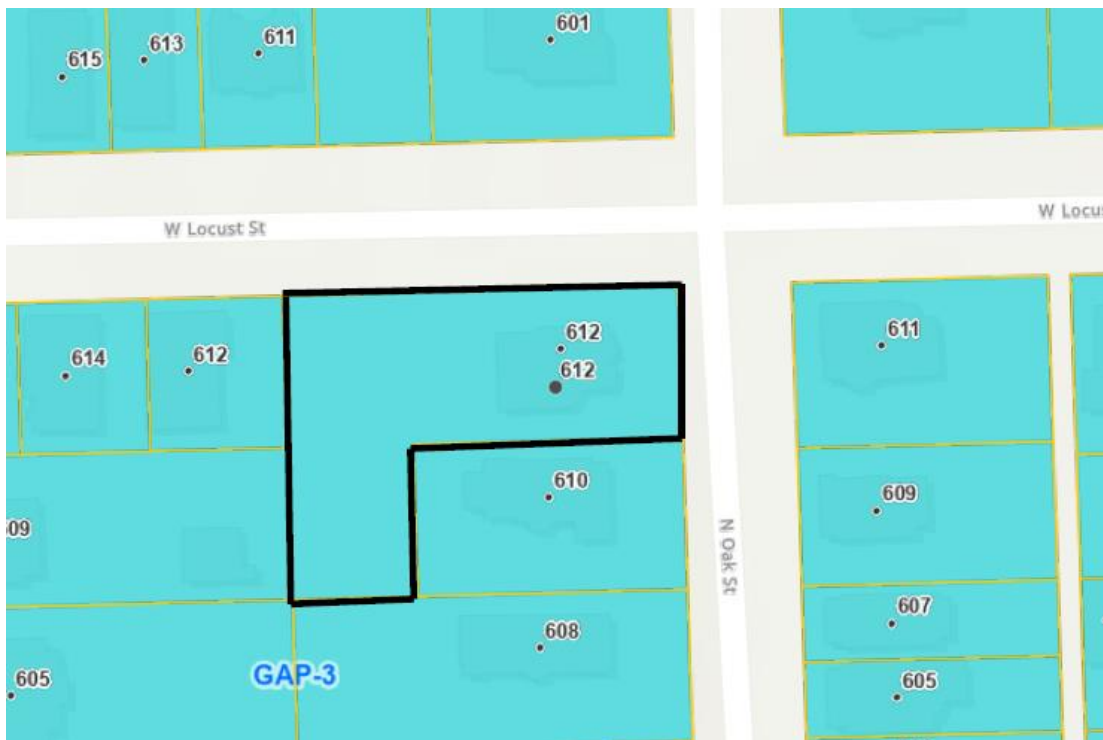
Motion to establish findings of fact that all ***standards for approval*** of a Special Use Permit ***are met***, and to ***recommend approval*** of the petition with no conditions.

Respectfully submitted,
Jon Branham
City Planner

Attachments:

1. Zoning Map
2. Aerial Image
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)



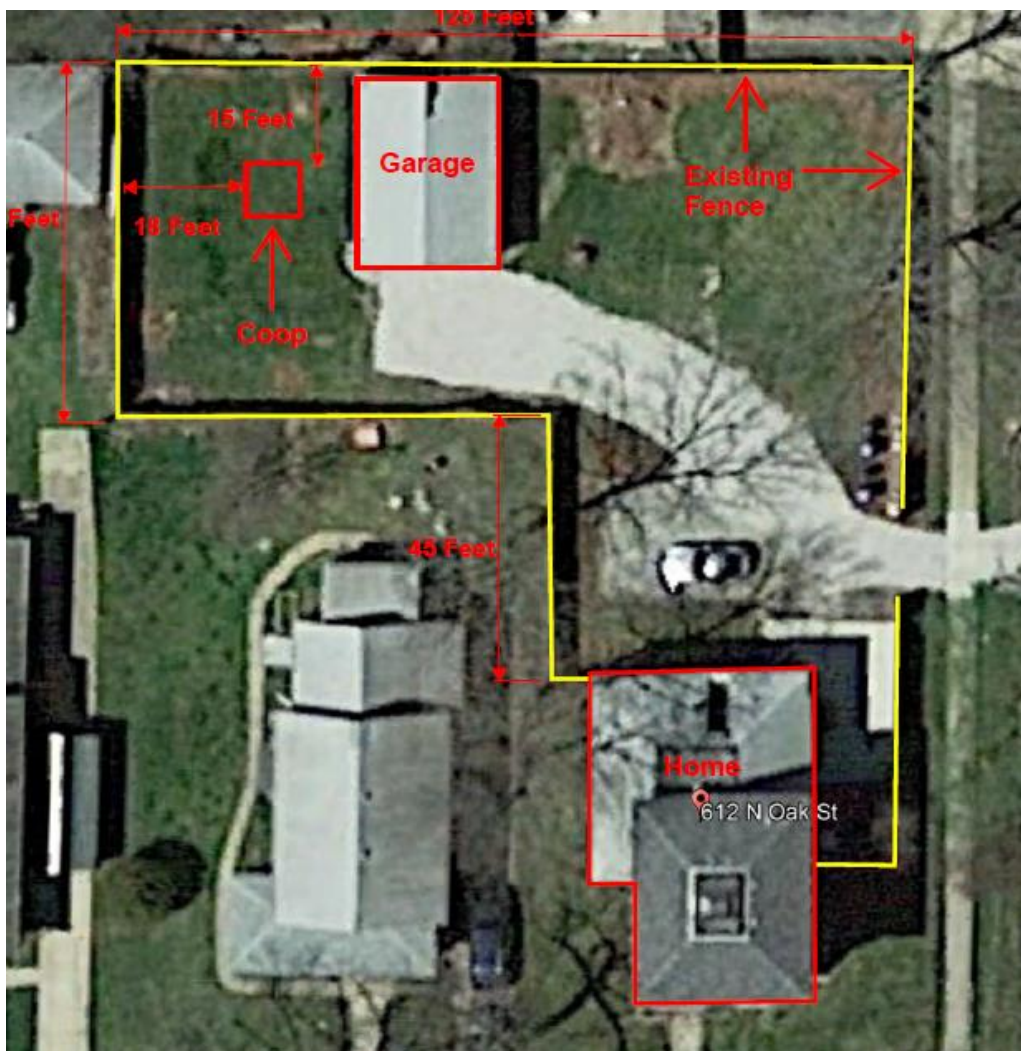
Attachment 3- Ground-Level View



Attachment 4 - Petitioner-Submission - Description of Project

We plan to have 4 backyard chickens on our property for the use of raising them as pets, egg laying, and being self-sustainable. We plan on buying breeds that are quiet, docile, and family friendly, and of course we will NOT have a rooster as outlined in the requirements. We will be buying a chicken coop that has adequate space for each hen. We will also have an attached, fenced in area for the chickens to roam but it will be far away from property lines, fully enclosed, and out of sight from neighbors. We have a great relationship with our neighbors, and this will not affect any of them.

Attachment 5 - Site Plan



Attachment 6 - Neighborhood notice map





ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: April 19, 2023

CASE NO: V-05-23, Variance from § 44-503 of the Zoning Code

REQUEST: Public hearing, review, and action on a request submitted by Project Oz for a Variance from § 44-503 of the Zoning Code, to allow a reduced Rear Yard setback in the B-2 (Local Commercial) District, for the property located at 1105 W. Front Street. PIN: 21-05-410-006.

BACKGROUND

Request

The Petitioner seeks a Variance from § 44-503A, the requirement of a minimum of a five-foot rear yard, to allow a 1.74-foot rear yard on the north side of the property.

The Petitioner desires to construct an addition to the existing conforming building. The required setback along the north property line cannot be met under the Petitioner’s current proposal, due to the irregular shape of the property. The Petitioner wishes to extend an existing wall on the north side of the existing building.

Notice

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Friday, March 31, 2023. Courtesy notices were mailed to 89 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics

The property at 1105 W. Front Street consists of approximately 0.59 acres of land at the intersection of Front Street and Western Avenue, in the Loehr’s Addition to Bloomington. The property is surrounded by a mix of commercial, manufacturing, and residential zoning. The streets and infrastructure necessary to support the proposed addition are already in place.

Surrounding Zoning and Land Uses

	Zoning	Land Uses
North	B-2 (Local Commercial)	Mixed-Use
South	R-2 (Mixed Residence)	Multi-Family Residence
East	R-2 (Mixed Residence)	Single-Family Residence
West	M-2 (General Manufacturing)	Public Utility

Description of Current Zoning District

The B-2 (Local Commercial) District is intended 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

§ 44-503A. Site dimensions table. All development in Business Districts must comply with the requirements in Tables 503A and 503B and Diagram 503A unless otherwise expressly stated.

Table 503A: Bulk and Site Standards B-1, B-2 and C-1 Districts								
District	Lot Characteristics		Site Design			Development Intensity		
	Minimum Lot Width (W)	Minimum Lot Area (square feet)	Front Yard (F)	Side Yard (S)	Rear Yard (R)	Floor Area Ratio (FAR)	Maximum Building Height	
			Min.	Min.	Min.		Feet	Stories
B-1	—	—	—	Minimum 5 feet or 1/3 of building height for buildings > 3 stories		0.8		
B-2	—	—	—	Minimum 5 feet		0.5	30 feet	2
C-1	—	—	20 feet	Min. 5 feet or 1/3 of building height for buildings > 3 stories	20 feet	1.0		

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 property is irregular in shape and the northern property line is non-linear, which poses an unreasonable challenge with the proposed addition. The Petitioner is not seeking to encroach any further than the existing building currently sits on the north side of the property, but rather maintain the same building line. *Standard is 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 wall would not be able to be extended in the same plane and would create difficulty with the interior layout.

The existing wall would be extended, but not expand any farther towards the north. **Standard is met.**

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

The conditions and circumstances were not created by the applicant. The lot shape is the result of the railroad tracks located directly to the north, which align at a diagonal angle to the subject property. **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. The abnormal lot shape is the cause of complication. **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 building. After construction of the proposed addition, the view of the building from the surrounding street(s) will remain similar and consistent with the scale of the rest of the area. 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 approval of a Variance 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 Variance are met, 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 a Variance to § 44-503A, as presented.

Respectfully submitted,
Jon Branham
City Planner

Attachments:

1. Zoning Map
2. Aerial Image
3. Ground-Level View(s)
4. Petitioner-Submission - Description of Project
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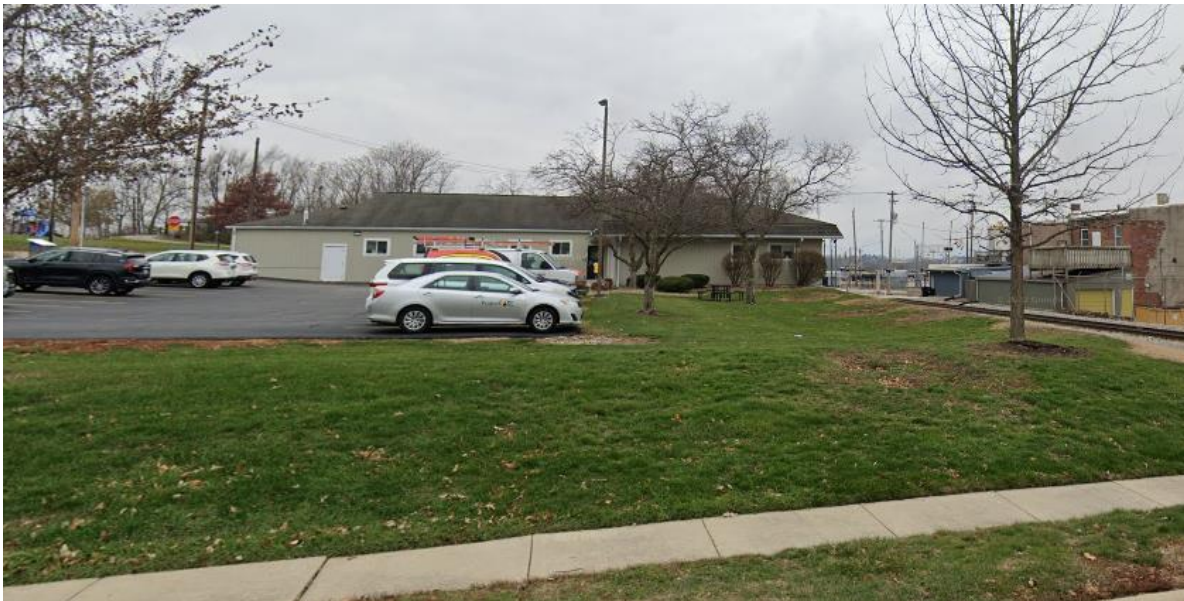
Attachment 1 - Zoning Map



Attachment 2 - Aerial Image



Attachment 3 - Ground-Level Views



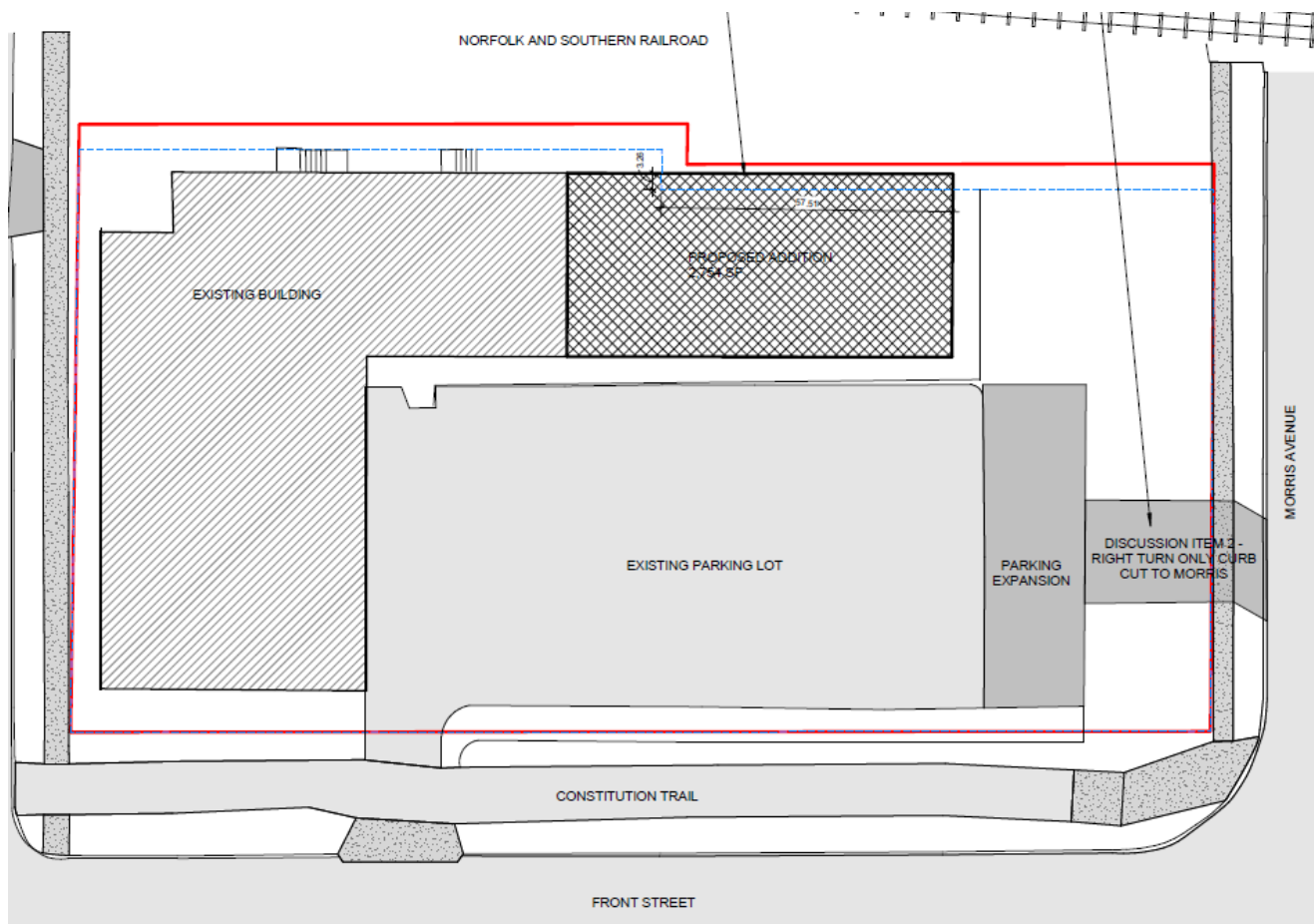


Attachment 4 - Petitioner-Submission - Description of Project

Project Oz is a non-profit established in 1973 and headquartered in West Bloomington that provides services for homeless and runaway youth, prevention education, and school outreach to over 6,000 young people each year. In order to meet the growing needs of the youth and families we serve for shelter and support, Project Oz needs more space.

We plan to accomplish this by constructing a 2,754 square foot addition to our existing building and renovating an additional 1,030 square feet in our existing facility. In order to make the best use possible of our space and property, we are requesting a variance to Chapter 44, 5-3 of the zoning code, which requires a 5-foot setback from the property line in the rear and side yards for B-2 zoned properties. We request permission to allow the north wall of the new addition to extend 3.26 feet into the required 5-foot setback in the rear yard.

Attachment 5 - Site Plan



Attachment 6 - Neighborhood notice map

