

AGENDA
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, OCTOBER 19, 2016
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

A public comment period not to exceed thirty (30) minutes will be held during each Board and Commission meeting, as well as all regularly scheduled City Council meetings, Committee of the Whole meetings, meetings of committees and/or task forces (hereinafter "committees") created by the City Council, work sessions, and special meetings of the City Council. Nothing herein shall prohibit the combination of meetings, at which only one public comment period will be allowed.

Anyone desiring to address the Board, Commission, Committee or City Council, as applicable, must complete a public comment card at least five (5) minutes before the start time of the meeting. Public comment cards shall be made available at the location of the meeting by City staff at least 15 minutes prior to the start time of the meeting. The person must include their name, and any other desired contact information, although said person shall not be required to publicly state their address information. If more than five individuals desire to make a public comment, the order of speakers shall be by random draw. If an individual is not able to speak due to the time limitation and said individual still desires to address the individuals at a future meeting of the same type, said individual shall be entitled to speak first at the next meeting of the same type. (Ordinance No. 2015-46))

5. MINUTES: Consideration, review and approval of Minutes from the September 21, 2016 meeting.

6. REGULAR AGENDA

A. Z-32-16 Consideration, review and approval of a variance application submitted by Jennifer and Thomas Coon for a variance request to re-establish two adjacent, nonconforming lots of record under common ownership for residential purposes for the property located at 1203 S. Livingston Street (**Ward 6**).

B. Z-37-16 Consideration, review and approval of a variance application submitted by Jennifer and Thomas Coon for a variance request to allow a side yard of five (5) feet in lieu of the required six (6) feet for the property located at 1203 S. Livingston Street (**Ward 6**).

C. Z-38-16 Consideration, review and approval of a variance application submitted by Eric Voelzke for a variance request to allow a front yard of twenty-five (25) feet in lieu of the required thirty (30) feet for the property located at 805 Vale Street (**Ward 4**).

D. Z-39-16 Consideration, review and approval of a variance application submitted by Jeff Kochevar of a variance to allow a reduction in the parking lot perimeter landscaping from the required setback to zero (0) along the north and west borders of the property located at 1340-1344 E Empire Street. (**Ward 5**).

7. OTHER BUSINESS

8. NEW BUSINESS

Zoning Ordinance Update Kick-Off Meeting
Wednesday, October 26, 2016
4:00 pm 109 E. Olive Street
Houseal Lavigne Associates

9. ADJOURNMENT

For further information contact:

Katie Simpson, City Planner

Department of Community Development

Government Center

115 E. Washington Street, Bloomington, IL 61701

Phone: (309) 434-2226 Fax: (309) 434-2857

E-mail: ksimpson@cityblm.org

DRAFT MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
Wednesday, September 17, 2016, 4:00 P.M.
Council Chambers, City Hall
109 East Olive Street, Bloomington, Illinois

Members present: Chairman Briggs, Mr. Brown, Mr. Bullington, Mr. Butts, Ms. Meek, Mr. Kearney, Mr. Simeone

Members absent: None

Also present: Mr. Tom Dabareiner, Community Development Director
Mr. George Boyle, Assistant Corporation Counsel
Ms. Katie Simpson, City Planner

Mr. Dabareiner opened the meeting at 4:02 p.m. and called the roll. With six members in attendance (Mr. Kearney arrived at 4:03), a quorum was present.

PUBLIC COMMENT: None

The Board reviewed the minutes from July 20, 2016. Ms. Meek offered two corrections. A motion to approve the minutes with corrections was made by Mr. Kearney; seconded by Ms. Meek, and was **approved** by a 7-0 vote as follows: Mr. Kearney—yes; Ms. Meek—yes; Mr. Brown—yes; Mr. Bullington—yes; Mr. Butts—yes; Mr. Simeone—yes; Chairman Briggs—yes.

Chairman Briggs confirmed today's case had been published and explained the meeting procedures. City staff introduced themselves. Mr. Dabareiner stated all items were properly published.

REGULAR AGENDA:

Chairman Briggs explained that the second case on the agenda needed to be heard first due to availability of staff.

Z-30-16 Consideration, review and approval of a variance application submitted by Frederick and Jean KupperSmith for a variance request to allow an accessory structure to be four (4) feet away from the principal structure in lieu of the required ten (10) feet separation for the property located at 1015 ½ E Front Street.

Chairman Briggs introduced the case. Fredrick KupperSmith, 5 Hidden Lake Court, Bloomington, owner of the property at 1015-½ E. Front Street, was sworn in. Mr. KupperSmith stated he had removed an upper level porch and the new porch was larger than shown on the plans. He stated he was not aware there was a problem until the City's building inspector arrived, who noted the garage was too close. Mr. KupperSmith stated it does not look that bad and photos are in the ZBA packet. He stated that the timber footings were rotting and he had them replaced with concrete footings, which made the porch closer to the garage. Chairman Briggs asked if this

caused the porch to be bigger; Mr. Koppersmith confirmed it did. Chairman Briggs asked if he had a building permit; Mr. Koppersmith indicated he did, but that he got it October 2015 but did not finish the work. In early 2016, Mr. Koppersmith stated that he wanted to make the porch bigger than shown on the plans originally submitted. In a conversation with the inspector, Mr. Koppersmith felt he had permission from the inspector to proceed, but when the inspection occurred the porch was too large. Ms. Meek asked if the dimension between the garage and old porch changed from the existing porch and the new porch; Mr. Koppersmith stated it did not change.

Renee Russin-Brewer, 1015 E. Front Street, was sworn in. She asked if the garage was going to move. Chairman Briggs stated that the garage may need to move but not onto her property.

Ms. Simpson presented the staff report. She stated staff recommends against the variance. She showed a photo of the property and noted it is a nonconforming lot. She showed an aerial photo and described the surrounding uses. Ms. Simpson stated that the October 2015 permit was to replace the stairway and porch, but the work actually completed was larger than approved in the permit. She showed some photos, noting that the new roofline on the porch results in an expansion of the principle structure and an expansion of the nonconformity. Ms. Simpson stated the petitioner has alternatives to correct the problem, such as removing the addition, moving the garage or thatching the garage with an appropriate firewall. Staff discussed the standards for approving a variation and concluded the standards were not met.

Mr. Bullington clarified that the house can exist in its current form with the garage and the old porch, as long as it is not made larger because the house is nonconforming; Ms. Simpson stated that the porch was enlarged which brought it closer to the garage. Mr. Bullington asked if enlarging the front portion of the house would have required this approval; Ms. Simpson confirmed we would. Mr. Bullington asked if the rationale behind this is that the City does not wish to see expansion or continuation of nonconforming structures; Mr. Simpson responded in the affirmative.

Mr. Simeone asked how the original permit was approved for the add-on; Ms. Simpson stated that the porch and stairs are allowed structures, but once the porch was enclosed it became larger an expanded the nonconforming house, bringing it too close to the garage. Ms. Simpson added that the zoning code requires that variances be obtained prior to construction, rather than retroactively.

Mr. Butts asked if the addition encompassed both upper and lower levels of the house; Ms. Simpson stated that the lower level porch was not enclosed by the addition, but the upper level porch was enclosed. Mr. Dabareiner add that by enclosing the porch on the upper level, the petitioner added a room which changed the status of the porch into a room. Mr. Dabareiner added a staff concern that approval of this variance after the fact would result in future cases coming before the ZBA where someone intentionally builds outside of the approved plans then comes to ask for forgiveness.

Mr. Butts asked if moving the garage actually corrects the situation because the distance from its corner would remain less than ten feet from the new porch; Ms. Simpson concurred with this finding. Chairman Briggs asked if there was sufficient room to move the garage; Ms. Simpson stated there may not be enough room.

Ms. Meek asked whether the four foot dimension is from the garage to the lower porch or the upper level; Ms. Simpson stated both. Mr. Simeone asked if the building permit was issued in error because the distance does not seem to have changed; Ms. Meek responded that the difference is the expansion due to the new roof. Chairman Briggs stated that difference is the roof and the enclosing of the porch into a livable space that triggered the need for this discussion.

Mr. Koppersmith stated the new porch roofline extends about two feet farther than the prior version, which was screened in. Chairman Briggs asked if it had been livable space; Mr. Koppersmith stated it had not been livable space. Mr. Koppersmith stated he enclosed the space; in response to a question, he added he extended heating and air conditioning into the new room.

Mr. Kearney asked about the need for the 10-foot distance requirement and the fire code reasons, and whether that was the case before the expansion too; Ms. Simpson confirmed that the distance is a fire code concern now and before.

Chairman Briggs repeated that the status of the porch was changed to livable space which requires the need for variance. He asked if the original permit was intended only to replace what had been there; Mr. Koppersmith stated that he wanted it bigger but those new plans were not submitted. Chairman Briggs summarized that the original design was approved but it appears to have been enclosed without a permit.

Mr. Simeone stated he understands the City's position but is concerned that the neighbor does not want the garage moved so an exception might be needed.

The petition was **denied** by a 2-5 vote as follows: Brown—no; Mr. Bullington—no; Mr. Butts—no; Mr. Kearney—no; Ms. Meek—yes; Mr. Mr. Simeone—yes; Chairman Briggs—no.

Chairman Briggs advised the petitioner to work with the staff on options.

Z-27-16 Consideration, review and approval of a variance application submitted by Scott Hunter for a variance request to allow a rear setback of twenty six (26) feet in lieu of the required thirty (30) feet setback in the R-1B District for the property located at 1924 Garling Drive.

Chairman Briggs introduced the case. Mr. Scott Hunter, 1924 Garling Drive, was sworn in. Mr. Hunter stated he would like to spend more time in the back yard so would like to enclose the patio and the size he wanted requires the encroachment into the backyard.

Mr. Bullington asked what physical characteristics are in place which prevents compliance with the code; Mr. Hunter stated his preferred location for the patio needs the variance. Mr. Hunter noted he does not want it located elsewhere in relation to the house. Mr. Bullington asked if the property was flat and relatively square; Mr. Hunter said yes. Chairman Briggs asked if he could make it narrower and meet the setback; Mr. Hunter stated the patio exists and he wanted to build atop it. Ms. Meek asked about access to the house and its relationship to the enclosure; Mr. Hunter stated a person will step outside the house first, then into the enclosure. Chairman Briggs asked what would be lost in the four feet needed to meet the code; Mr. Hunter stated that the layout he wants with a dining area requires the additional area.

Ms. Simpson presented the City staff report and stated staff recommends against approval of the variance. She presented an aerial photo and described the surrounding area. She stated the petitioner proposes an enclosure that would encroach about four feet into the rear yard. She stated there are options available to the petitioner to meet the code, such as building atop the existing patio. She stated there are no physical hardships forcing use of the encroached area. She added that a house to the north may have obtained variance for their porch.

Mr. Simeone asked about staff's recommendation to oppose when two of the standards are met; Ms. Simpson stated the code requires all five standards be met. Mr. Kearney stated that this is not the City's consistent position, especially when it comes to Special Uses.

Chairman Briggs asked about the applicable building code and what might be built in the future without a permit. Mr. Dabareiner stated Code Enforcement is successful in obtaining compliance when building occurs without a permit; he reviewed the basic concerns with the case and stated he did not want to assume there would be a future violation. Mr. Bullington asked if the standards were the same used if the petitioner were expanding the kitchen or a bedroom this distance; Mr. Dabareiner stated yes.

Mr. Hunter added that there is a shed on the existing patio which would conflict with expanding the enclosure. Chairman Briggs and Mr. Kearney described a different layout which might work.

The petition was **denied** by a 1-6 vote, as follows: Brown—no; Mr. Bullington—no; Mr. Butts—no; Mr. Kearney—no; Ms. Meek—no; Mr. Simeone—yes; Chairman Briggs—no.

Chairman Briggs introduced case Z-31-16, but the petitioner had not yet arrived. He stated he would move this case to the end. Mr. Brown indicated he had to leave.

Z-32-16 Consideration, review and approval of a variance application submitted by Jennifer and Thomas Coon for a variance request to re-establish two adjacent, nonconforming lots of record under common ownership for residential purposes for the property located at 1203 S. Livingston Street.

Chairman Briggs introduced the case and clarified that one of the variances sought did not get published so the Board would only be considering the lot split into two nonconforming lots. He added that the five foot variance would be considered next time. Ms. Jennifer Coon, 1203 S. Livingston, was sworn in. Ms. Coon stated that the five foot variance is important to the discussion of the lot split. Ms. Coon stated that in 2013, the neighboring house at 1205 S. Livingston burned down, but the garage remained, and the Coons eventually purchased the lot. She stated they own 1205 outright but the property at 1203 has a mortgage, although the two parcels had been combined into one. She noted it is difficult reviewing the lot split without discussing the other variance because it affects where the adjacent lot line can be located, but shifting the line one foot could affect them financially with their mortgage. Ms. Coon presented a letter for the record from a neighbor, which was marked Exhibit A.

Mr. Bullington asked if the ZBA would be hearing the case on the other variance next month; staff stated yes. He then motioned to postpone discussion of this case until the two issues can be heard together; seconded by Mr. Simeone. Mr. Kearney asked if the two topics can be considered

separately or if they are dependent; Ms. Simpson stated they are related. Mr. Dabareiner stated that approving a lot split alone would re-create the problem that originally forced the lot combination because the new lot would have an accessory structure on it without a principle structure, which is not allowed. Chairman Briggs stated that this case is complicated so the postponement will allow discussion of both requests, noting that the petitioner needs to return anyway. The **motion to postpone consideration was approved** by a 6-0, as follows: Mr. Bullington—yes; Mr. Simeone—yes; Mr. Butts—yes; Mr. Kearney—yes; Ms. Meek—yes; Mr. Chairman Briggs—yes.

Z-33-16 Consideration, review and approval of a variance application submitted by Peter and Mary Ellen Falstad for a variance request to allow a rear setback of twenty six (26) feet in lieu of the required thirty (30) feet in the R-1B District for the property located at 2014 Withers Ln.

Chairman Briggs introduced the case and corrected the case number. Mr. Peter Falstad, 2014 Withers Lane, was sworn in. Mr. Falstad stated he wishes to build a four-season room but the lot is triangular in shape and a portion of the proposed new structure would encroach into the setback. Mr. Bullington asked if the physical hardship is the unusual triangular shape of the lot; Mr. Falstad stated yes and added that a different location would force access to be through their bedroom.

Ms. Simpson provided the City staff report and recommended in favor of the variance given the triangular lot. She showed photos of the house and an aerial, with the zoning and surrounding uses. She reviewed standards, noting that the vast majority of the neighborhood's lots can build a similar structure because they have rectangular lots, which is not the case for the petitioner.

Chairman Briggs noted that given the lot's shape and its location on the cul-de-sac forces the house to sit back farther than if it were a rectangular shape. Mr. Simeone noted the located of an easement in the rear of the yard which further inhibits use of the backyard.

Mr. Falstad added the four season room would be built upon a crawl space, not the patio. The petitioner's request for a variance was **approved** by a 6-0, as follows: Mr. Bullington—yes; Mr. Butts—yes; Mr. Kearney—yes; Ms. Meek—yes; Mr. Simeone—yes; Mr. Chairman Briggs—yes.

Z-31-16 Consideration, review and approval of a variance application submitted by Jennifer Vericella Prado/RJV Construction for a variance request to allow a six (6) foot fence in the front yard of a corner lot in lieu of the permitted four (4) foot fence requirement for the property located at 1102 Elmwood Rd.

Chairman Briggs introduced the case. Mr. Bob Vericella, 1116 E. Monroe, and Mr. Marcello Prado, 1102 Elmwood Road, were sworn in. Mr. Prado stated he and his wife purchased the property a few months ago with an existing four-foot high solid fence, but they request 6-feet for privacy.

Ms. Karen Fleming, 1104 Elmwood Road, was sworn in. Ms. Fleming asked if the new fence will be in the same footprint as the existing fence.

Ms. Elizabeth Fox Anvick, 20 Walker Drive, was sworn in. She stated her concern that the fence may block the sight triangle needed.

Ms. Simpson presented the City staff report and recommended against the variance, as proposed. She showed an aerial of the property and discussed the surrounding uses. She indicated the location of an alley behind the rear of the petitioner's property. She noted, being a corner lot, there are two front yards which require four-foot high fence maximums. She stated other four-foot tall fences exist in the front yards of neighboring properties. Ms. Simpson stated that the property slopes significantly from front to rear, experiencing a four foot drop. She reviewed the standards, concluding that the grade difference might be considered a physical hardship but others with the same slope maintain a four-foot fence in their front yards. She recommended against the variance as requested but proposed an alternative design which would allow the fence to step up in height as the grade declines towards the rear of the property up to six feet in height.

Mr. Bullington, Mr. Kearney and Chairman Briggs sought clarification of the alternative, from where the fence would be limited to four feet in height to where it might extend to six feet in height. Ms. Meek clarified that the fence begins at the northwest corner of the house. Mr. Vericella confirmed the fence location to the best of his recollection. There was discussion about the diagram the petitioner had submitted versus the actual location of the fence. Mr. Dabareiner asked that any motion in favor include that the six foot height should begin north of the structure of the house. Mr. Butts' marked up a plan showing his understanding of where six feet would be allowed versus the four foot height. Board members and the petitioner reviewed the drawing.

Chairman Briggs summarized that the new fence would be located in the same footprint of the existing fence and the six foot height would extend the length along the sidewalk beginning at the point west of the northwest corner of the house nearest the sidewalk.

Mr. Simeone asked staff about the sight triangle; Ms. Simpson noted that 15 feet of distance extends from the termination of the fence at the alley to the street. She stated this provides adequate sight distance.

Ms. Fox-Anvick continued asking about the sight distance. Mr. Simeone expressed his disagreement with City staff's analysis. Mr. Butts stated there will be no significant difference for drivers leaving the alley from a sight distance perspective.

The petitioner's request was amended by Mr. Bullington to link Exhibit A to consideration of a motion to approve a variance; seconded by Mr. Butts. This motion to add Exhibit A was **approved** by a 6-0, as follows: Mr. Bullington—yes; Mr. Butts—yes; Mr. Kearney—yes; Ms. Meek—yes; Simeone—yes; Mr. Chairman Briggs—yes.

This motion to approve the variance as shown in Exhibit A was **approved** by a 4-2, as follows: Mr. Bullington—yes; Mr. Butts—yes; Mr. Kearney—no; Ms. Meek—yes; Mr. Simeone—no; Mr. Chairman Briggs—yes.

OLD BUSINESS:

There was a brief discussion about the status of text amendments to the zoning ordinance.

NEW BUSINESS:

Mr. Butts was welcomed to the Zoning Board.

Chairman Briggs mentioned the upcoming reception for board members and commissioners to be held at 5:00PM at the BCPA on Tuesday, October 11, 2016.

ADJOURNMENT: 5:50PM

Respectfully,

Tom Dabareiner AICP

**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
OCTOBER 19, 2016**

SUBJECT:	TYPE:	SUBMITTED BY:
Z-32-16 1203 S Livingston St.	A variance request to re-establish two abutting, nonconforming lots of record under common ownership	Katie Simpson City Planner

REQUEST

The petitioner is seeking a variance request re-establish two abutting, nonconforming lots of record under common ownership (44.4-6) for the property at 1203 S. Livingston Street.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in the Pantagraph on October 3, 2016.

GENERAL INFORMATION

Owner and Applicant: Jennifer and Thomas Coon

PROPERTY INFORMATION

Existing Zoning: R-1C, High density single family residential district
 Existing Land Use: Single family home
 Property Size: Approximately 12,420 square feet (90 X 138)
 PIN: 21-08-254-032

Surrounding Zoning and Land Uses

Zoning

North: R-1C, Single family residential
 South: R-1C, Single family residential
 East: S-2 Public Land and Institutions
 West: R-1C Single family residential

Land Uses

North: Single family homes
 South: Single family homes
 East: Park Hill Memorial Cemetery
 West: Single family homes

Analysis

Submittals

This report is based on the following documents, which are on file with the Community Development Department:

1. Application for Variation
2. Site Plan
3. Aerial photographs
4. Site visit

PROJECT DESCRIPTION

The subject property is commonly known as 1203 S. Livingston Street and is located in the R-1C District. The property is approximately 12,420 square feet (90 X 138). The property was originally platted in 1904 as two (2) forty five (45) feet wide lots. About five years ago when these parcels were under separate ownership, the principal structure at 1205 S. Livingston St (PIN 21-08-254-012) was destroyed in a fire leaving only the existing accessory structure. Shortly after, the petitioner, who resides at 1203 S. Livingston St, purchased 1205 S. Livingston St at which time the two nonconforming lots came under common ownership. The City Code requires that two adjoining, nonconforming lots under common ownership be deemed a single parcel (section 44.4-6A).

The petitioner is applying for a variance to re-establish the two nonconforming lots. Section 44.4-6 of the Zoning Ordinance allows two or more abutting lots of record to be re-established as long as they are a minimum of forty (40) feet wide, development of the lots is appropriate and compatible and the request meets all other standards of the code. The two lots would have a shared access and the properties have utilities.

The petitioner plans to convert the existing accessory structure, or garage, at 1205 S. Livingston into a home. The garage at 1205 S. Livingston Street is five (5) feet from the former property line. City Code permits accessory structures to be constructed a minimum of three (3) feet from a property line and at the time the garage was constructed as an accessory structure it was in compliance with City Code. However if the garage is to be converted into a single family home, or principal structure, the structure will need to meet the six (6) foot setback required in the R-1C District. Otherwise, the garage as a principal structure would be a considered a nonconforming structure, which can have other implication for the property owner specifically for future financing and rebuilding. After re-establishing the two lots, the petitioner could address the setback by moving the side lot line between 1203 S. Livingston and 1205 S. Livingston to the north one (1) foot. Shifting the lot line to the north would address the nonconformity while ensuring all other existing structures are in accordance with Code.

The following is a summary of the requested variations:

Applicable Code Sections:

Section (44.4-6) Nonconformities

Type of Variance	Request	Required	Variance
Re-establish two abutting lots of record	45 ft wide	50 ft wide	5 ft decrease in width

Analysis

Variations from Zoning Ordinance

The Zoning Board of Appeals may grant variances only in specific instances where there would be practical difficulties or particular hardships in carrying out strict adherence to the Code. Staff’s findings of fact are presented below. It is incumbent on each Zoning Board of Appeals member to interpret and judge the case based on the evidence presented and each of the Findings of Fact.

FINDINGS OF FACT

The petitioner has outlined the request for variation in the attached narrative and drawings. The Zoning Ordinance requires that the petition meet the findings of fact as outlined below.

That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and the lots in this neighborhood were platted in 1904 prior to the adoption of the current code and were created as 45 feet wide lots. The standard is met.

That the variances would be the minimum action necessary to afford relief to the applicant; and the variance would be the minimum action necessary to afford relief for re-establishing the two lots. To avoid creating a nonconforming structure, the petitioner northern lot line of 1205 S. Livingston should move one (1) foot to the North. The standard is met.

That the special conditions and circumstances were not created by any action of the applicant; and the lots were platted in 1904 and were 45 feet wide. Other properties in the area have 45 foot wide lots. The standard is met.

That granting the variation request will not give the applicant any special privilege that is denied to others by the Code; and surrounding properties are 45 feet wide, as that was the width established in 1904. The standard is met.

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 variance will re-establish a 45 foot wide lot. If the petitioner wishes to convert the garage into a principal structure, they will be creating a nonconforming structure and should seek other remedies (such as moving the lot line or moving the structure) to address this. The standard is met.

STAFF RECOMMENDATION:

Staff finds that the petition has met the Zoning Ordinance's standards required to allow a variance. Staff recommends **approval** of the requested variance in Case Z-32-16; Staff recommends the middle property line be moved one (1) foot to the north to avoid the creation of a nonconforming structure at 1205 S. Livingston.

Respectfully submitted,

Katie Simpson
City Planner

Attachments:

- Variance Application
- Petitioner Statement of Findings of Fact
- Site Plan
- Aerial Map
- Zoning Map
- List of notified property owners within a 500 ft radius of property
- Legal Ad/Newspaper publication

City of Bloomington
Planning and Zoning
115 E. Washington St.
Bloomington, IL 61701

August 17, 2016

To Whom It May Concern:

Attached are two site plans. One site plan is as the adjacent parcels exist, and the other is our proposed plan for the two parcels. We appreciate the opportunity for you to review our proposal to re-subdivide the two parcels.

To give a little background, the parcel at 1203 S. Livingston St. has been occupied by Thomas Coon for over thirty years. In 2005 Thomas Coon purchased 1203 S. Livingston St. from his landlord. In the spring of 2013, the lot at 1205 S. Livingston had a house fire which destroyed the existing house but left the garage unscathed. Thomas purchased the lot at 1205 S. Livingston in the fall of 2013. In 2015 our mortgage holder indicated our monthly mortgage payment for 1203 S. Livingston was to be higher due to a property tax increase in 2014 and a shortage in escrow. We did not discover until mid- 2015 that it was due to the city combining the parcels and sending the property taxes for 1205 S. Livingston, a parcel paid for in full, to the mortgage holder for 1203 S. Livingston, although we had questioned why we did not receive a tax bill for 1205 S. Livingston.

The intent at the time of purchasing 1205 S. Livingston was to leave the parcels at 1203 and 1205 S. Livingston separate and to eventually upgrade the existing garage to a residence of some sort. In 2015, it was explained to us by the assessor's office that the property taxes had gone to our mortgage holder but no explanation for this was given. In July of 2016, it was finally explained to us that the parcel number for 1205 S. Livingston had been deleted because of a city ordinance that allowed the city to combine the parcels.

We would like to apply for a building permit, and in order to do so, respectfully request that the parcels that are now listed solely under 1203 S. Livingston be re-subdivided back to their original lines. We wish to keep both parcels in line with much of the neighborhood which have lots that are approximately 45 feet wide. In doing so, we would also be staying uniform for the area, specifically with the 1200 block of S. Livingston, in keeping with a smaller home on each lot. Please see our attached site plans indicating such. Please note that the site plans are as accurate as possible based upon existing pins.

Thank you in advance for your time and attention in reviewing our proposal.

Sincerely,

Thomas and Jennifer Coon

26315

APPLICATION TO ZONING BOARD OF APPEALS

Please consider this as our petition for a variance from the requirement(s) of the Zoning Code. I have provided all information requested herein and attached our site plan and fee.

X Site Address: 1203 S. Livingston St. Bloomington

Site Address: 1205 S. Livingston St. Bloomington

Petitioner: Jennifer and Thomas Coon Phone: 309-828-8656

Petitioner's Email Address: jennycoon3@gmail.com

Petitioner's Mailing Address Street: 1203 S. Livingston St.

City, State, Zip Code: Bloomington, IL 61701

Contractual interest in the property yes no

Signature of Applicant Jennifer L. Coon Thomas J. Coon

Brief Project Description:

add on to accessory structure and convert accessory structure to dwelling

Code Requirements Involved:

44.4-6(A)

Variances(s) Requested:

re-establish a lot of record previously combined with an adjacent lot

Reasons to Justify Approval by the Zoning Board of Appeals: Your justifications for approval must also be provided in the statement of Findings of Fact.

The intent at the time of purchasing the adjacent lot was to place a dwelling on the lot at such time as we could afford to do so. A dwelling existed on the property for decades before the dwelling was destroyed by fire, and due to the configuration of adjacent lots, the most logical remedy is to revert back to the original parcels which were combined by the city with no notice to the property owner.

AUG 29 2016

STATEMENT OF FINDINGS OF FACT
(Must be answered by the Petitioner)

Chapter 44, Section 9.40(d)

A variation from the terms of this Code shall not be granted by the Zoning Board of Appeals unless and until findings of fact are submitted demonstrating:

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

The property cannot be otherwise subdivided as all lots on the block are nonconforming. The adjacent lot is nonconforming and cannot ~~give any~~ be divided, i.e. 1203 cannot give 1205 five feet or it will not conform to code.

2. That the variance would be the minimum action necessary to afford relief to the applicant; and

The minimum action, and most logical, to revert the combined parcels back to their original single and separate parcels, will afford relief to the applicant and appears to be the only option available.

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

The dwelling that existed at 1205 S. Livingston St. for decades was destroyed by fire. The city combined the parcels at 1203 S. Livingston St. and 1205 S. Livingston St. with no notice to the owner of the properties when the intent of purchasing 1205 S. Livingston St. was to replace the dwelling when able to do so.

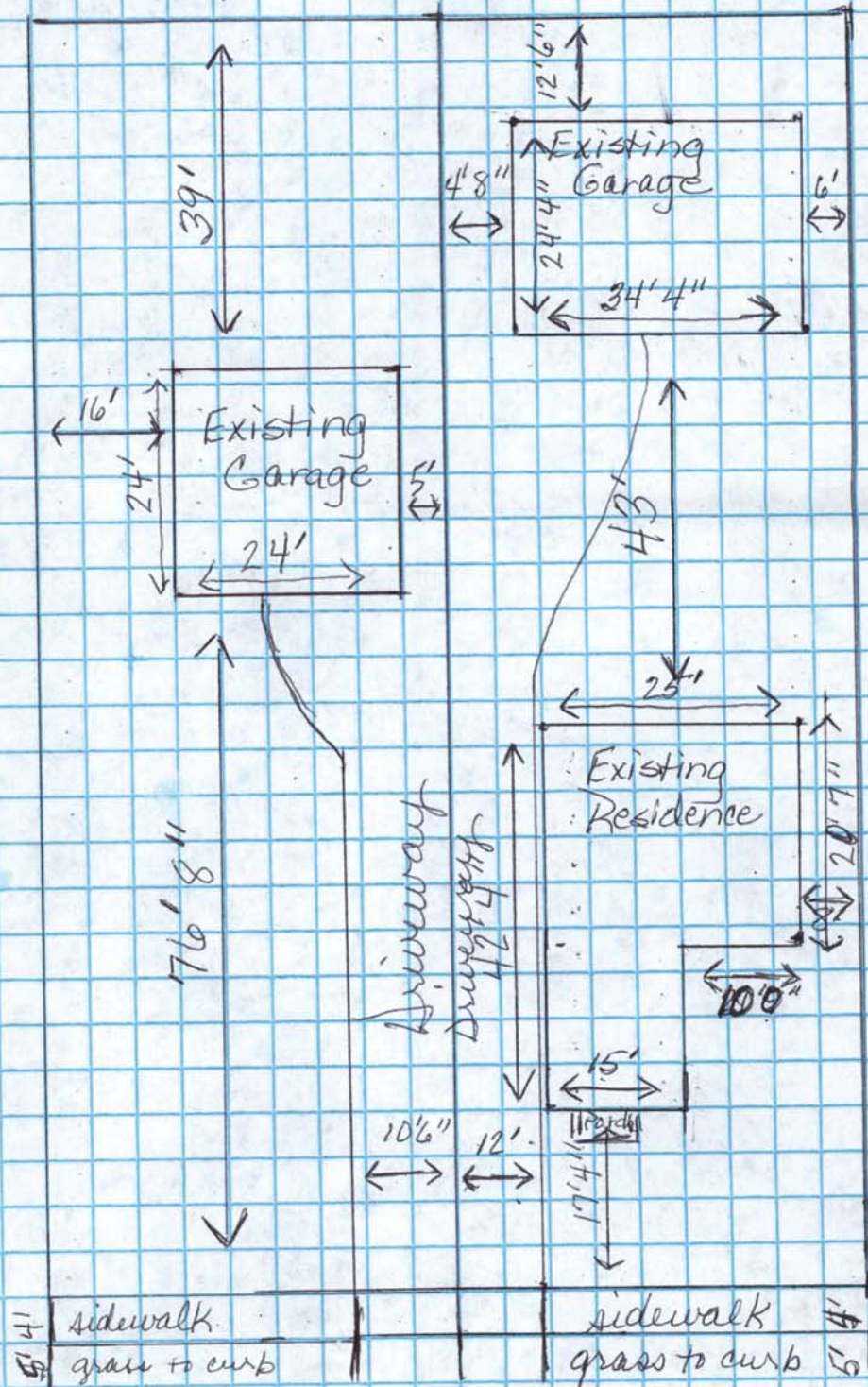
4. That the granting of the variance requested will not give the applicant any special privilege that is denied to others by the Code; and

Five of the ^{other} six dwellings on the block sit on parcels that are 45 ft. wide or less. The sixth dwelling that sits on more than one parcel was purchased as such decades ago. ~~The~~ allowing the variance will place the parcels as conforming to the majority of the block.

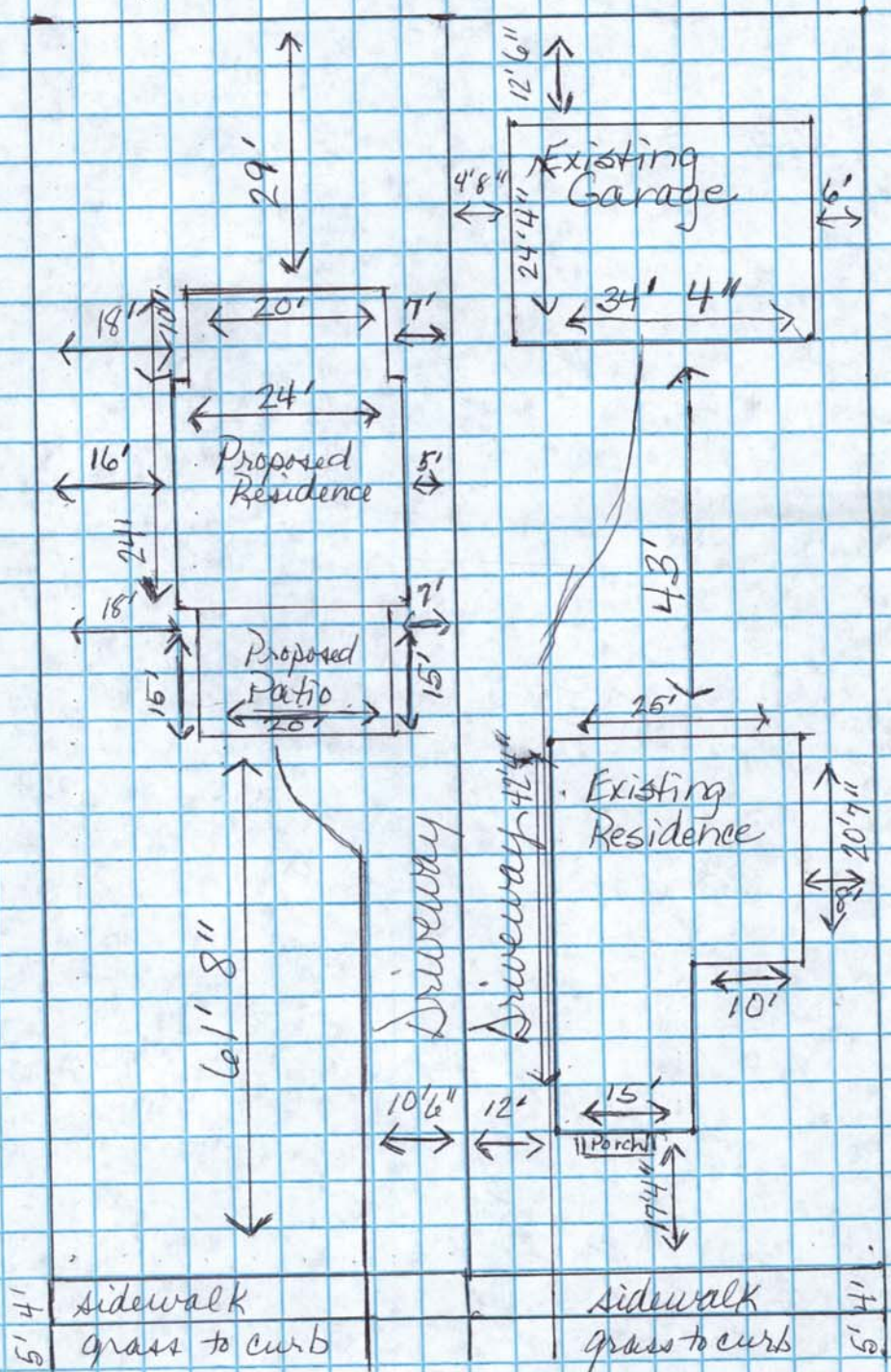
5. That the granting of this variance will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use or development of adjoining properties.

As stated in #4, allowing the variance will more uniformly align the parcels with the majority of the block. Therefore, granting the variance should be an asset to the neighborhood and keep more in line with its essential character.

1203 S. Livingston St.
 1205 S. Livingston St.
 Bloomington, IL
 Existing Site

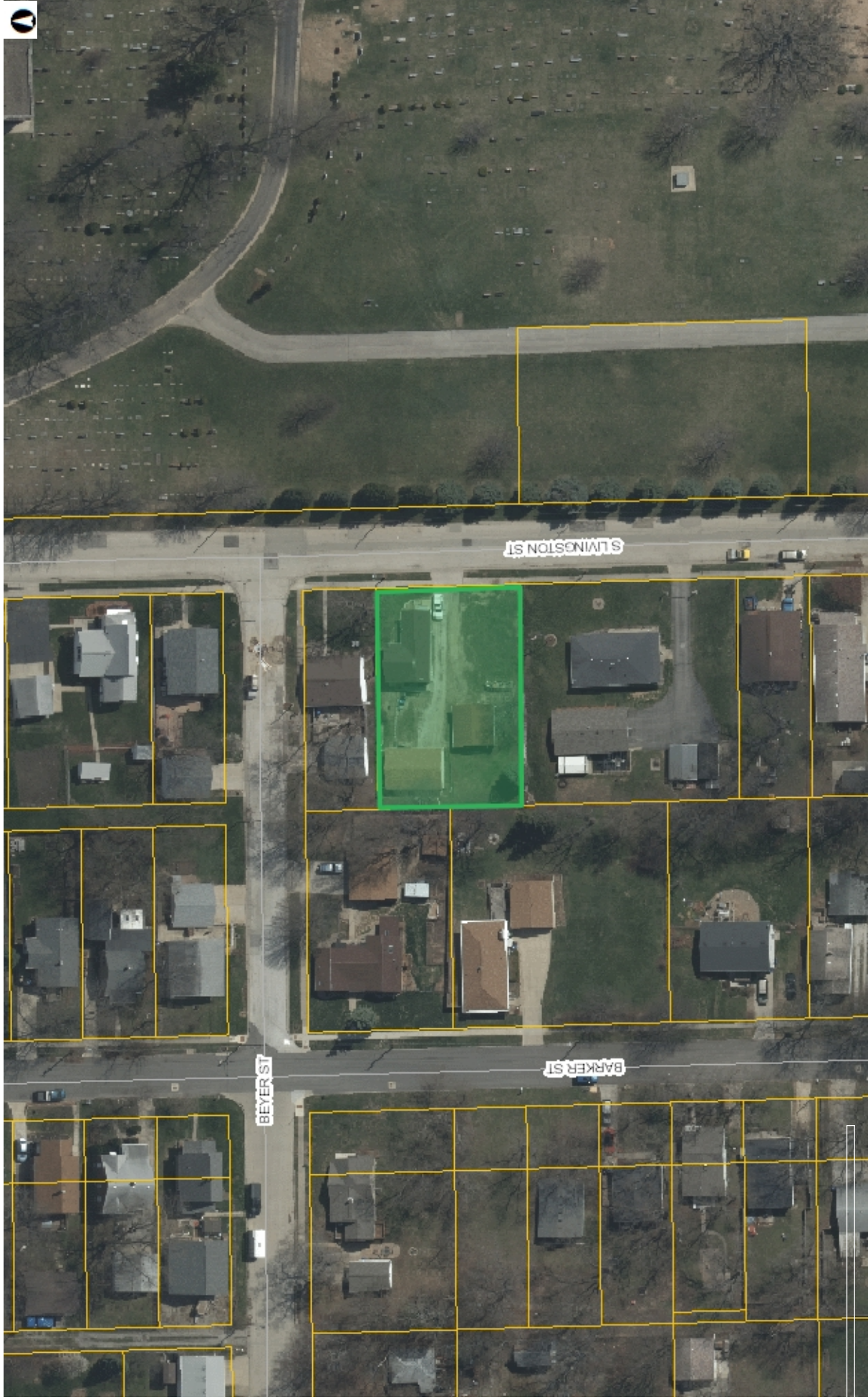


1203 S. Livingston St.
 1205 S. Livingston St.
 Bloomington, IL
 Proposed Residence





Aerial View-1203 Livingston St



12

0.02

0.0 Miles

1: 1,352

By using any McGIS products or services, you indicate your acceptance of the Licensing Agreement:

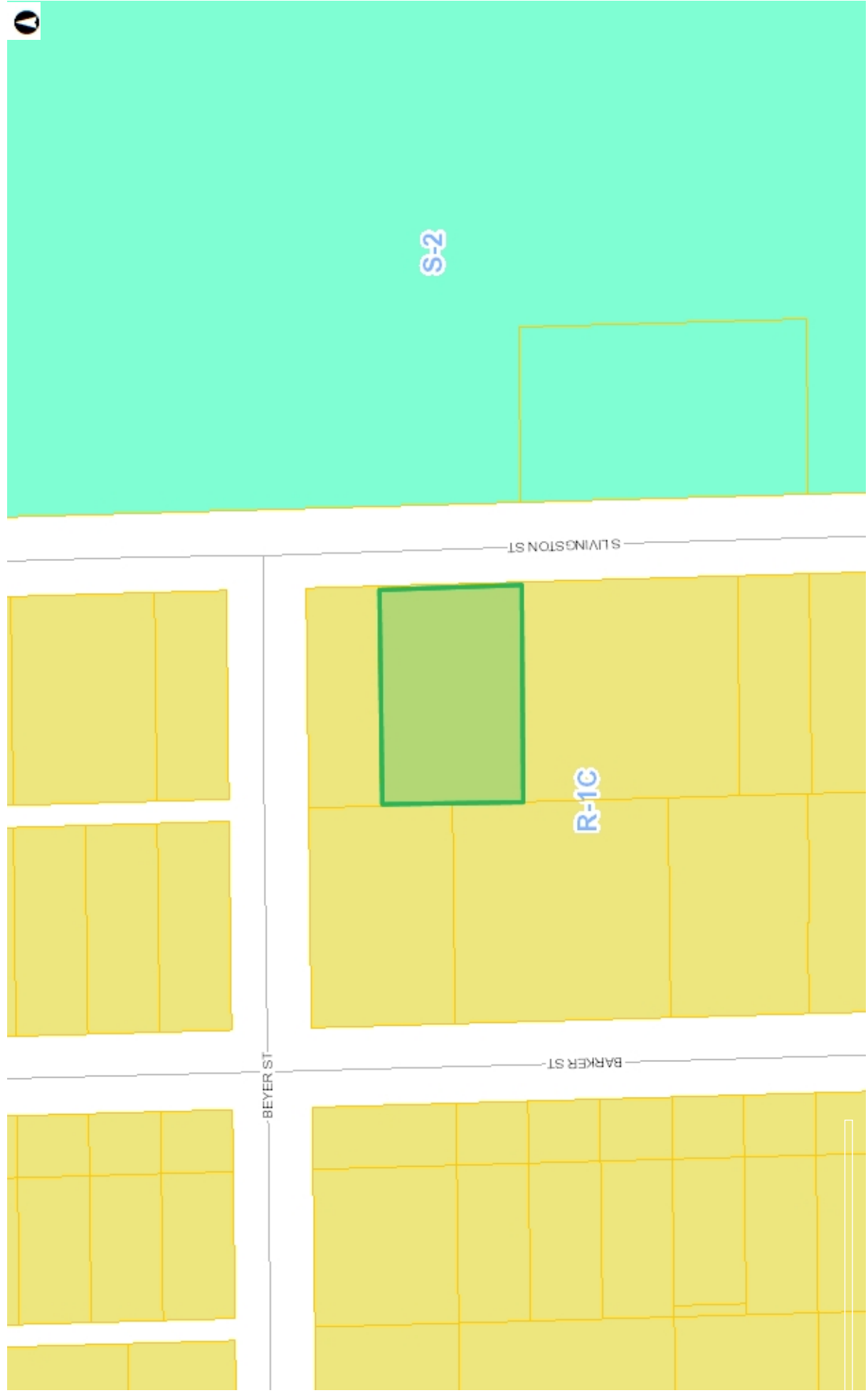
<http://www.McGIS.org/License>

Notes

Printed: 9/9/2016 10:52:27 AM



Zoning Map-1203 Livingston Street



Notes

<http://www.McGIS.org/License>

By using any McGIS products or services, you indicate your acceptance of the Licensing Agreement:

Printed: 9/9/2016 10:54:30 AM



1: 1,352



Department of Community Development
115 E Washington St, Ste 201
Bloomington IL 61701

September 9, 2016

Dear Property Owner or Resident:

The City of Bloomington Zoning Board of Appeals will hold a public hearing on **Wednesday, September 21, 2016 at 4:00 p.m. in the City Council Chambers, City Hall, 109 E. Olive Street, Bloomington, Illinois** for a petition submitted by Thomas and Jennifer Coon for the approval a variance from Chapter 44 of the City Code to reestablish two abutting, nonconforming lots of record for residential use at the property located at *1203 S Livingston St*. The petitioner or his/her Counsel/Agent must attend the meeting and the subject property is described as follows:

Legal Description:

PARKVIEW SUB LOT 169 & 170 AND E1/2 VAC ALLEY LYG N & ADJ

You are receiving this courtesy notification since you own property within a 500 foot radius of the land described above (refer to map on back). All interested persons may present their views upon matters pertaining to the requested variance during the public hearing.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk at (309) 434-2240, preferably no later than five days before the hearing.

Please note that cases are sometimes continued or postponed for various reasons (i.e lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting. The hearing's agenda will be available at www.cityblm.org. If you desire more information regarding the proposed petition or have any questions you may call me at (309) 434-2226 or email me at ksimpson@cityblm.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katie Simpson', with a long horizontal flourish extending to the right.

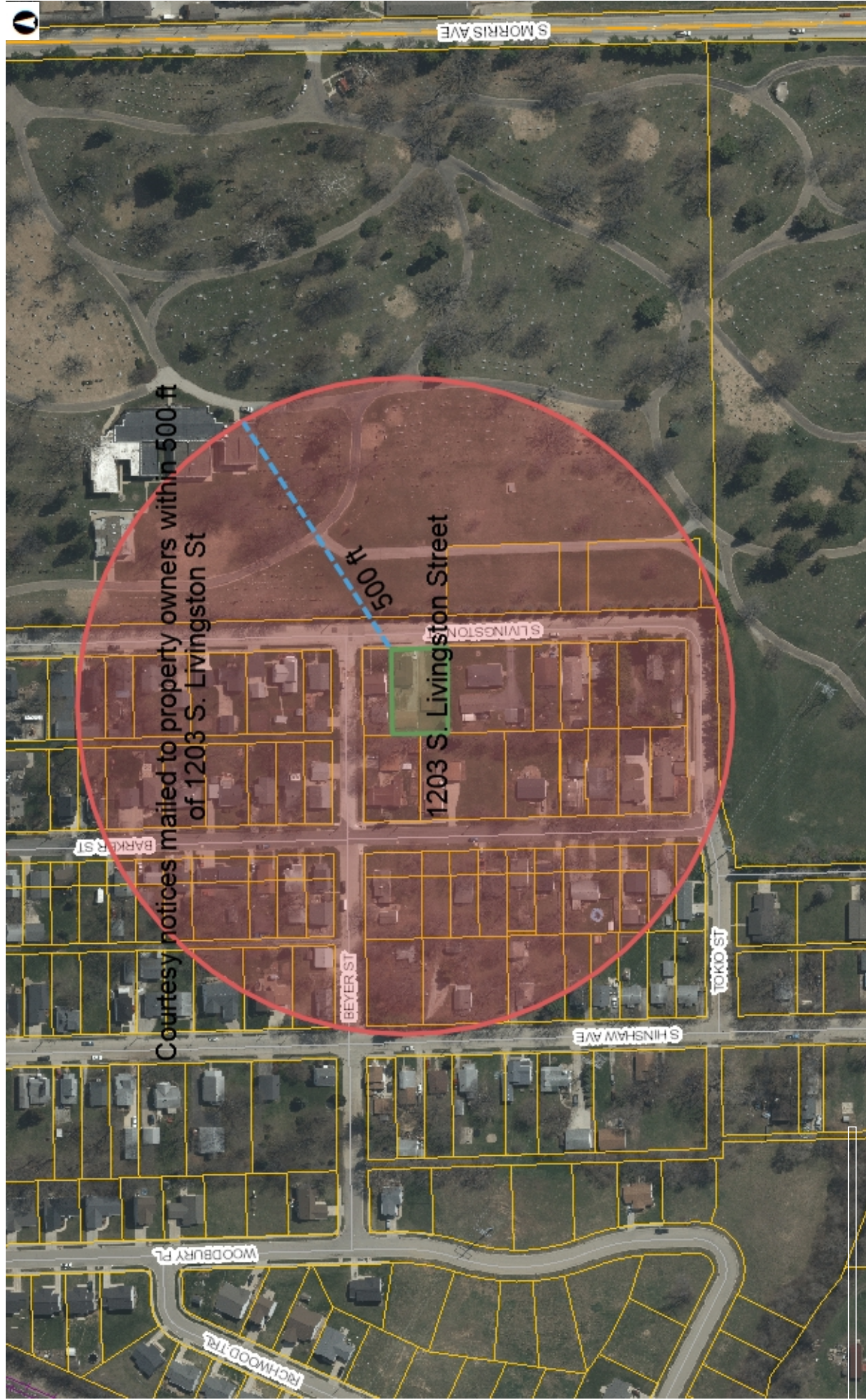
Katie Simpson
City Planner

Attachment

Location Map of properties notified within 500 feet of the subject property



Public hearing for a variance request for 1203 S. Livingston Street at 4:00 pm at 109 E. Olive Street Bloomington, IL



Courtesy notices mailed to property owners within 500 ft of 1203 S. Livingston St

1203 S. Livingston Street

Notes

<http://www.McGIS.org/License>

By using any McGIS products or services, you indicate your acceptance of the Licensing Agreement:

0.1 Miles



1: 3,455

Printed: 9/9/2016 11:51:51 AM

JOYCE BUSS
1118 BARKER ST
BLOOMINGTON IL 617016327

DALE G THOMAS
1107 S LIVINGSTON
BLOOMINGTON IL 61704

GEORGE ADAMS
1214 S BARKER ST
BLOOMINGTON IL 61701

JANICE K OUTLAW
1112 BARKER ST
BLOOMINGTON IL 617016327

DIANE L ROBINSON
1118 S HINSHAW
BLOOMINGTON IL 61701

ALAN WILLIAMS
1127 Barker St
Bloomington IL 617016326

RICHARD C MCCORMICK
1222 BARKER ST
BLOOMINGTON IL 617016329

SCOTT LYNCH
606 N Main St
Bloomington IL 617013010

GERALD L PIERSON
1220 S HINSHAW AVE
BLOOMINGTON IL 617016318

HELEN SWICK
1221 S LIVINGSTON ST
BLOOMINGTON IL 617016339

RYAN D CHRISTENSEN SOLE MEMBER
ILLINI HOME BUYERS OF
BLOOMINGTON LLC
PO BOX 6031

BRADLEY JEAKINS
1212 S HINSHAW AVE
BLOOMINGTON IL 617016318

LARRY SPENCER JR
1217 S BARKER
BLOOMINGTON IL 61701

ANDREA BRUEGGEMANN
1220 Barker St
Bloomington IL 617016329

ABBY TEN HAKEN
1213 S LIVINGSTON ST
BLOOMINGTON IL 617016339

BEVERLY J JONES
1124 S HINSHAW AVE
BLOOMINGTON IL 617016317

CAREY HENSLEY
1225 BARKER ST
BLOOMINGTON IL 617016328

STEPHEN KANSKI
1121 S LIVINGSTON ST
BLOOMINGTON IL 617016338

JOHN E WILLIAMS
1109 S LIVINGSTON
BLOOMINGTON IL 61701

CAROL KELLEHER
1122 BARKER ST
BLOOMINGTON IL 617016327

BEATRICE JOHNSON
2605 E WASHINGTON ST
BLOOMINGTON IL 617044675

DONNA SCHMIDT
1218 S BARKER AVE
BLOOMINGTON IL 61701

CECILIA SCHAFFER
1218 S HINSHAW
BLOOMINGTON IL 61701

MARILYN MAYS
1217 S LIVINGSTON ST
BLOOMINGTON IL 617016339

CAROLYN J BUTLER
1123 S LIVINGSTON ST
BLOOMINGTON IL 61701

DANIEL A COUILLARD
108 S SEMINARY AVE
PARK RIDGE IL 600683827

MARK BARNETT
1124 S BARKER
BLOOMINGTON IL 61701

ALAN BRAYFIELD
1817 E LAFAYETTE ST
BLOOMINGTON IL 617017014

JOAN H SCHAPMIRE
1117 S LIVINGSTON ST
BLOOMINGTON IL 617016338

JEFFREY R JORDINE
1115 BARKER ST
BLOOMINGTON IL 617016326

EMILY WATKINS
1209 S BARKER
BLOOMINGTON IL 61701

WILLIAM L DAVIS
1200 S BARKER
BLOOMINGTON IL 61701

ADRIA LYONS
1302 BEYER ST
BLOOMINGTON IL 617016353

HORACIO ALMANZA
1201 S LIVINGSTON
BLOOMINGTON IL 61701

PAUL JR & JENNIE C TURNER
1215 S LIVINGSTON
BLOOMINGTON IL 61701

PARK HILL MEMORIAL ASSOCIATION
INC
1105 S MORRIS
BLOOMINGTON IL 61701

SHAWN E BOWEN
1117 BARKER ST
BLOOMINGTON IL 617016326

BERTHA R MARTINEZ
1114 S HINSHAW AVE
BLOOMINGTON IL 617016317

CAROLYN S TICE
1116 S BARKER
BLOOMINGTON IL 61701

DONALD R RICHARDS
1208 S HINSHAW AVE
BLOOMINGTON IL 617016318

BILLY J GLASSCOCK
1207 W OLIVE ST
BLOOMINGTON IL 617014751

JENNIFER ABELS
1213 BARKER ST
BLOOMINGTON IL 617016328

MARK KLETZ TRUSTEE
1120 S HINSHAW AVE
BLOOMINGTON IL 617016317

LATONYA S REED
1221 S BARKER ST
BLOOMINGTON IL 61701

JUDITH K FOWLER
6609 N TALISMAN TER
PEORIA IL 616152352

OCTAVIO GONZALEZ
1206 SOUTH BARKER
BLOOMINGTON IL 61701

RICHARD A SWICK
1209 S LIVINGSTON ST
BLOOMINGTON IL 617016339

KEVIN G & JENNIFER L HENDERSON
1114 BARKER ST
BLOOMINGTON IL 617016327

DEREK WHITE
1113 Barker St
Bloomington IL 617016326

LAWRENCE SPENCE M/M
1121 S BARKER
BLOOMINGTON IL 61701

DALE C PHILBY
1123 BARKER ST
BLOOMINGTON IL 61701

PARK HILL MEMORIAL ASSOCIATION
INC
1105 S MORRIS
BLOOMINGTON IL 61701

PARK HILL MEMORIAL ASSOCIATION
INC
1105 S MORRIS AVE
BLOOMINGTON IL 617016352

ADRIA LYONS
1302 BEYER ST
BLOOMINGTON IL 617016353

BILLY J GLASSCOCK
1207 W OLIVE ST
BLOOMINGTON IL 617014751

JENNIFER ABELS
1213 BARKER ST
BLOOMINGTON IL 617016328

LARRY SPENCE JR
1217 S BARKER
BLOOMINGTON IL 61701

DANIEL A COUILLARD
108 S SEMINARY AVE
PARK RIDGE IL 600683827

LANE T & STACY DECKARD COLYER
1111 S LIVINGSTON ST
BLOOMINGTON IL 617016338

EMILY WATKINS
1209 S BARKER
BLOOMINGTON IL 61701

Easy Peel® Labels
Use Avery® Template 5160®



Feed Paper



Bend along line to
expose Pop-Up Edge™



AVERY® 5960™

THOMAS COON
1203 S LIVINGSTON
BLOOMINGTON IL 61704

Étiquettes faciles à peler
Utilisez le gabarit AVERY® 5160®



Sens de
chargement

Repliez à la hachure afin de
révéler le rebord Pop-Up™



www.avery.com¹⁸
1-800-GO-AVERY



Pantagraph Publishing

The Pantagraph

301 WEST WASHINGTON ST. P.O. BOX 2907
BLOOMINGTON, ILLINOIS 61702-2907
PHONE 309-829-9000

Certificate of Publication

City of Bloomington
PO Box 3157
Bloomington, IL 617023157

ACCOUNT #	60072323	DATES APPEARED	
AD ORDER #	20840757		
INVOICE DATE	10/3/2016		10/3/2016
AMOUNT	208.24		

Paste Tear Sheet Here

STATE OF ILLINOIS,
COUNTY OF MCLEAN
CITY OF BLOOMINGTON

} SS:

The Pantagraph Publishing Co. hereby certifies that it is now and has been for more than one year continuously, d/b/a **The Pantagraph**, a daily secular newspaper of general circulation in said County, published in the City, County and State aforesaid, and further certifies that said newspaper has been continuously published at regular intervals of more than once each week with more than a minimum of fifty issues per year for more than one year prior to the first publication of the notice, and further certifies that **The Pantagraph** is a newspaper as defined by the Statutes of the State of Illinois in such cases made and provided, and further hereby certifies that a notice of which the annexed notice is a true copy, has been regularly published in said paper.

By Janette Johnson

Date 10-3-2016

OCT 07 2016

20840757
CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
October 19, 2016

Notice is hereby given that the Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, October 19, 2016 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, petitions submitted by Thomas and Jennifer Coon for the approval two (2) variances from Chapter 44 of the City's Code on property located at 1203 S. Livingston at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent must attend the meeting and the subject property is described as follows:

Legal Description:
PARKVIEW SUB LOT 169 & 170 AND E1/2 VAC ALLEY LYGN & ADJ
REQUEST

A request for two (2) variances from Chapter 44 of the City's Code to 1) re-establish two, abutting nonconforming lots of record under common ownership; and, 2) to allow a side yard setback of five (5) feet in lieu of the required six (6) foot setback. The petitioner would like to re-establish the lot at 1205 S. Livingston and convert the accessory structure into a principal structure.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk, preferably no later than five days before the hearing.

The City Clerk may be contacted either by letter at 109 E. Olive St., Bloomington, IL 61701, by telephone at 309-434-2240, or email cityclerk@cityblm.org The City Hall is equipped with a text telephone (TTY) that may also be reached by dialing 309-829-5115.

Published: Monday October 3, 2016

**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
OCTOBER 19, 2016**

SUBJECT:	TYPE:	SUBMITTED BY:
Z-37-16 1203 S Livingston St.	A variance request to a side yard setback of five (5) foot in lieu of six (6) feet (44.6-40A)	Katie Simpson City Planner

REQUEST

The petitioner is seeking a variance request to a side yard setback of five (5) foot in lieu of six (6) feet (44.6-40A) for the property at 1203 S. Livingston Street.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in the Pantagraph on October 3, 2016.

GENERAL INFORMATION

Owner and Applicant: Jennifer and Thomas Coon

PROPERTY INFORMATION

Existing Zoning: R-1C, High density single family residential district
 Existing Land Use: Single family home
 Property Size: Approximately 12,420 square feet (90 X 138)
 PIN: 21-08-254-032

Surrounding Zoning and Land Uses

Zoning

North: R-1C, Single family residential
 South: R-1C, Single family residential
 East: S-2 Public Land and Institutions
 West: R-1C Single family residential

Land Uses

North: Single family homes
 South: Single family homes
 East: Park Hill Memorial Cemetery
 West: Single family homes

Analysis

Submittals

This report is based on the following documents, which are on file with the Community Development Department:

1. Application for Variation
2. Site Plan
3. Aerial photographs
4. Site visit

PROJECT DESCRIPTION

The subject property is commonly known as 1203 S. Livingston Street and is located in the R-1C district. The property is approximately 12,420 square feet (90 X 138). The property was originally platted in 1904 as two (2) forty five (45) feet wide lots. The petitioner is seeking a variance to re-establishing the two original lots (Case Z-32-16) and plans to convert the existing accessory structure, or garage, at 1205 S. Livingston into a principal structure to be used as a home. The property is zoned R-1C, single family residential district, which contemplates higher densities of single family residences, approximately 6.6 dwellings per acre. The garage, an accessory structure, at 1205 S. Livingston Street is five (5) feet from the former property line. Accessory structures are allowed three feet from the property line. However, if the garage is to be converted into a single family home, or principal structure, the structure will need to meet the six (6) foot setback required in the R-1C district. Otherwise, the garage as a principal structure would be a considered a nonconforming structure, which can have other implication for the property owner specifically for future financing and rebuilding.

The petitioner is seeking a variance for a reduction in the side yard setback to address the nonconformity. The nonconformity was created by the actions of the petitioner when the two 45 foot wide lots were re-established. It is the intent of the Code to allow nonconformities to continue until they are removed but *not* to encourage their survival (44.4-6). As the variance goes with the property, granting the variance would prolong the existing nonconformity, allowing for it to be rebuilt if destroyed, and give a special privilege to the applicant that is denied by other owners of nonconforming structures.

Staff believes there are alternative solutions to the variance request. The petitioner could address the setback by moving the side lot line between 1203 S. Livingston and 1205 S. Livingston to the north one (1) foot. Shifting the lot line to the north could address the nonconformity while ensuring all other existing structures are in accordance with the Zoning Ordinance. The petitioner could move the garage one foot to the north. The garage could also be torn down and a principal structure could be rebuilt to comply with the Code. The latter options are more costly than the former. Staff believes the most appropriate option is to address this issue by shifting the property line.

The following is a summary of the requested variations:

Applicable Code Sections:

Section (44.6-40) Side yard setback requirements

<u>Type of Variance</u>	<u>Request</u>	<u>Required</u>	<u>Variance</u>
Side yard setback	5 ft wide	6 ft wide	1 ft decrease

Analysis

Variations from Zoning Ordinance

The Zoning Board of Appeals may grant variances only in specific instances where there would be practical difficulties or particular hardships in carrying out strict adherence to the Code. Staff’s findings of fact are presented below. It is incumbent on each Zoning Board of Appeals member to interpret and judge the case based on the evidence presented and each of the Findings of Fact.

FINDINGS OF FACT

The petitioner has outlined the request for variation in the attached narrative and drawings. The Zoning Ordinance requires that the petition meet the findings of fact as outlined below.

That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and the property is flat. Although the re-established lot width would be 45 feet, it is possible to construct a principal structure which meets the required setbacks of the code. There are no identifiable physical hardships or practical difficulties. The standard is not met.

That the variances would be the minimum action necessary to afford relief to the applicant; and other solutions are available to the petitioner such as shifting the lot line, moving the garage, building a principal structure that meets the requirements of the code. The standard is not met.

That the special conditions and circumstances were not created by any action of the applicant; and the lots existed as nonconforming lots and the circumstances regarding the destruction of the principal structure at 1205 S Livingston were not created by the action of the petitioner. However the petitioner wishes to re-establish the lots and convert the accessory structure into a principal structure in order to rent or sell the property. In doing so, the petitioner is creating a nonconforming structure which, by the intent of the Code, can be maintained but cannot be expanded or rebuilt if destroyed. Shifting the lot line one foot would eliminate the nonconformity and would not be injurious to surrounding property owners. The standard is not met.

That granting the variation request will not give the applicant any special privilege that is denied to others by the Code; and surrounding properties have 45 foot wide lots, most have a six foot side yard but some are nonconforming and located closer to the property line than code allows. If these properties are destroyed they would be required to rebuild and meet code. Granting the variance would go against the intent of the code by sanctioning a nonconforming structure and awarding the applicant a privilege denied by others. The standard is not met.

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. Other properties are able to maintain the required setbacks. The functions of the Code's bulk requirements are to maintain open areas, densities and general consistency in appearance. The public welfare is maintained by these requirements. The standard is not met.

STAFF RECOMMENDATION:

Staff finds that the petition has not met the Zoning Ordinance's standards required to allow a variance. Staff recommends **denial** of the requested variance in Case Z-37-16.

Respectfully submitted,

Katie Simpson

City Planner

Attachments:

- Variance Application
- Petitioner Statement of Findings of Fact
- Site Plan
- See additional attachments from Agenda Item A

APPLICATION TO ZONING BOARD OF APPEALS

Please consider this as our petition for a variance from the requirement(s) of the Zoning Code. I have provided all information requested herein and attached our site plan and fee.

Site Address: ~~1203 S. Livingston St., Bloomington~~

Site Address: 1205 S. Livingston St., Bloomington

Petitioner: Jennifer and Thomas Coon Phone: 309-828-8656

Petitioner's Email Address: jennycoon3@gmail.com

Petitioner's Mailing Address Street: 1203 S. Livingston St.

City, State, Zip Code: Bloomington, IL 61701

Contractual interest in the property yes no

Signature of Applicant Jennifer L. Coon Thomas Coon

Brief Project Description:

add on to accessory structure and convert accessory structure to dwelling

Code Requirements Involved:

44.6-40

Variances(s) Requested:

allow existing structure to stand as is with 5 foot easement on north side yard

Reasons to Justify Approval by the Zoning Board of Appeals: Your justifications for approval must also be provided in the statement of Findings of Fact.

The accessory structure was built before the 6-foot requirement was written and has been in existence for decades. The accompanying dwelling was destroyed by fire and had previous owners re-built the dwelling there would be no question of the easement of accessory structure.

STATEMENT OF FINDINGS OF FACT
(Must be answered by the Petitioner)

Chapter 44, Section 9.40(d)

A variation from the terms of this Code shall not be granted by the Zoning Board of Appeals unless and until findings of fact are submitted demonstrating:

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

Almost all parcels on the block are more narrow than current city code making land characteristics difficult to move without changing current grades and drainage. It would be unreasonable to remove an accessory structure in good repair that has been sitting in its current location for decades.

2. That the variance would be the minimum action necessary to afford relief to the applicant; and

The minimum action necessary affording relief to the applicant would be to allow a 1-foot variance and allow the accessory structure to remain in its current location where it has been for decades.

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

The accompanying main dwelling was destroyed by fire, leaving the detached accessory structure untouched. The applicant did not build the accessory structure, but did purchase the parcel with the intent to ~~replace~~ construct a dwelling when able to afford to do so. The parcels at 1203 and 1205 S Livingston were combined by the city with no notice to property owner while property owner was determining best course of action to construct dwelling.

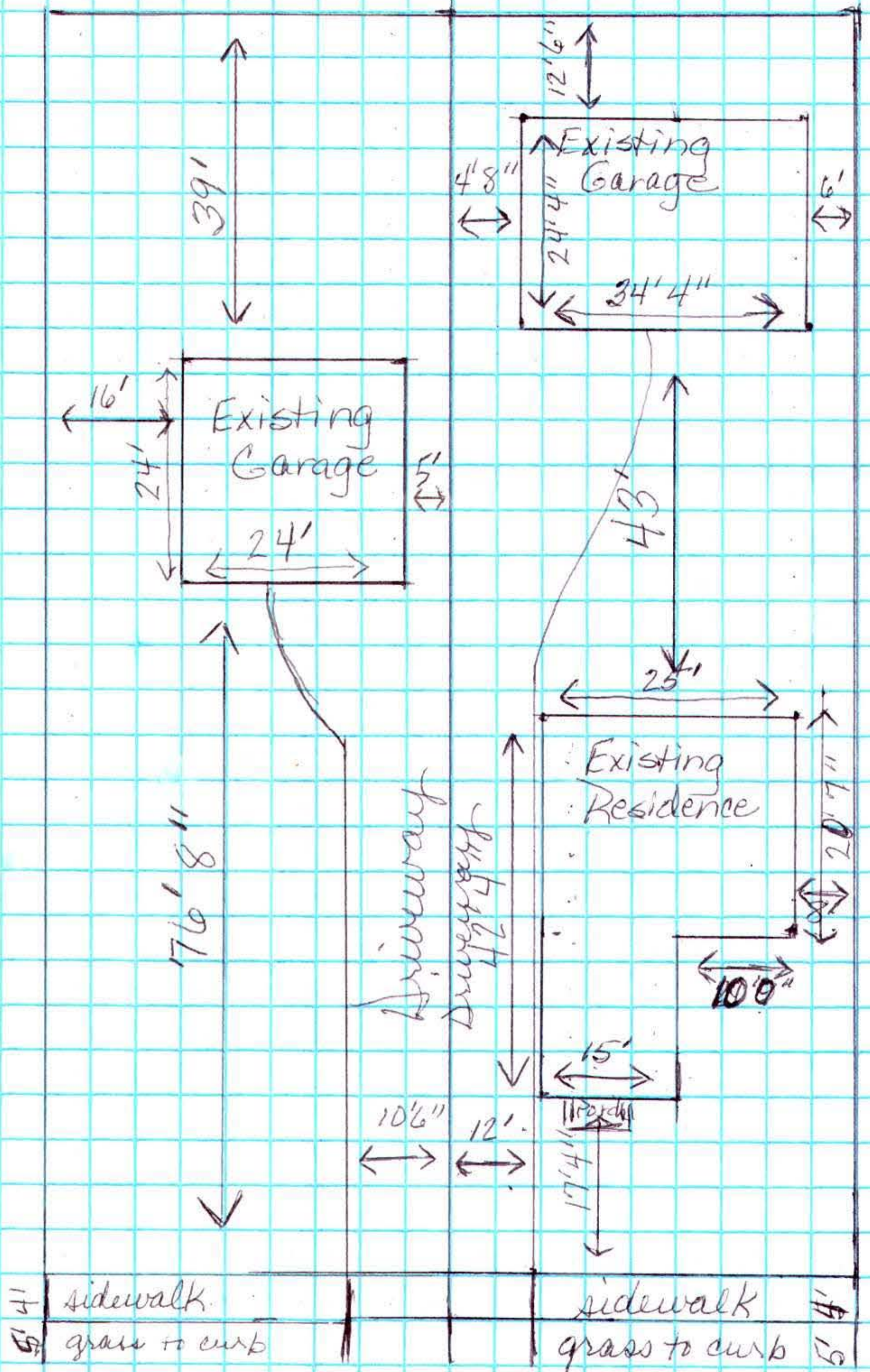
4. That the granting of the variance requested will not give the applicant any special privilege that is denied to others by the Code; and

Most of the other parcels on the block have homes or accessory structures nonconforming to city code. Due to city code at the time of their construction. All but one of the homes on the block sit on narrow parcels. All lots on the block are less than the current requirement of 50 feet wide, and only 1 dwelling sits on more than 1 parcel and was purchased as such decades ago.

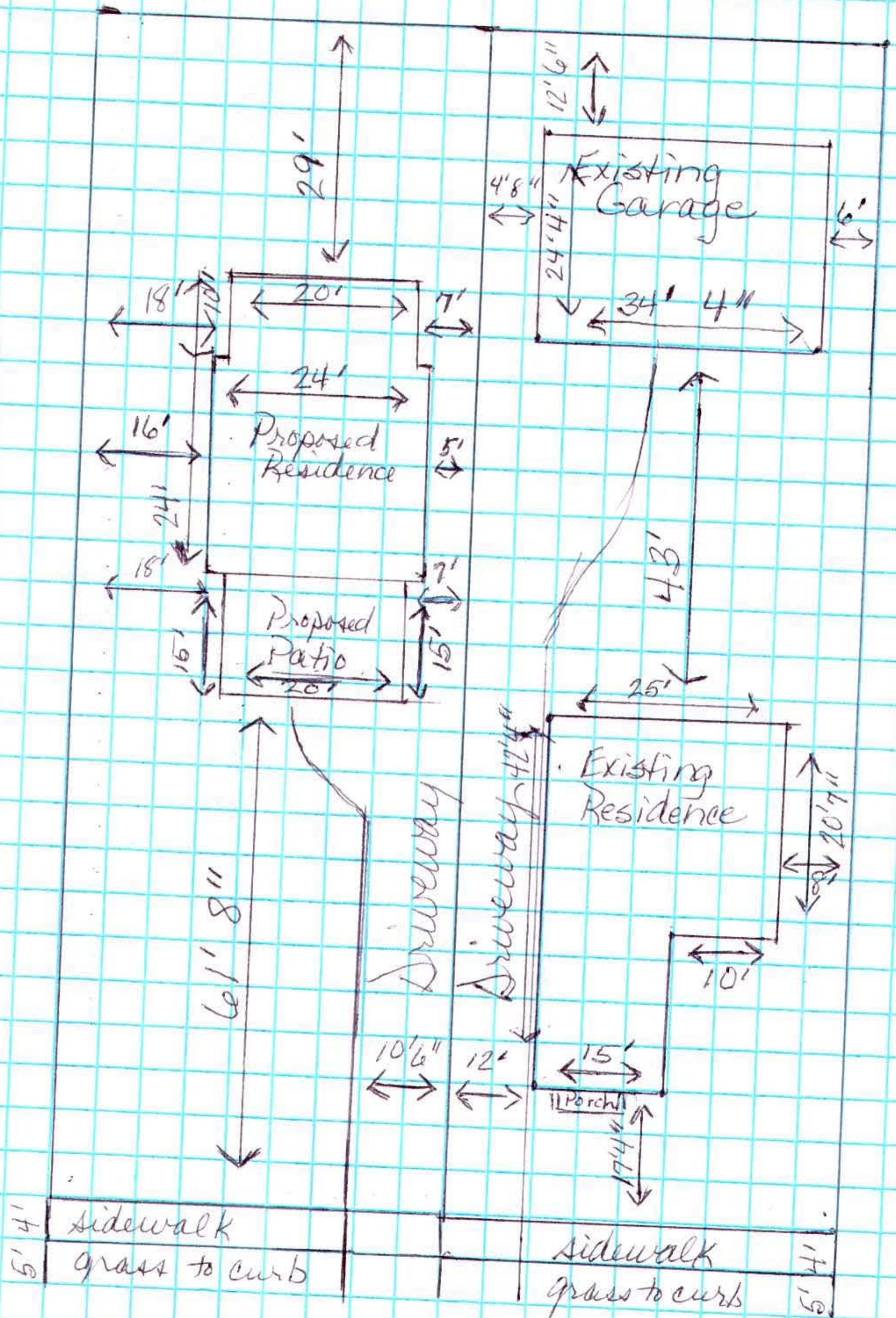
5. That the granting of this variance will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use or development of adjoining properties.

Granting the variance will allow a dwelling and parcel to be uniform with the majority of the parcels in the neighborhood; thus, allowing a dwelling to be in-line with others with respect to lot size, dwelling square footage, and appearance. Leaving the accessory structure as it has stood for decades will not impair any adjoining properties, and may, in fact, be an asset.

1203 S. Livingston St.
 1205 S. Livingston St.
 Bloomington, IL
 Existing Site



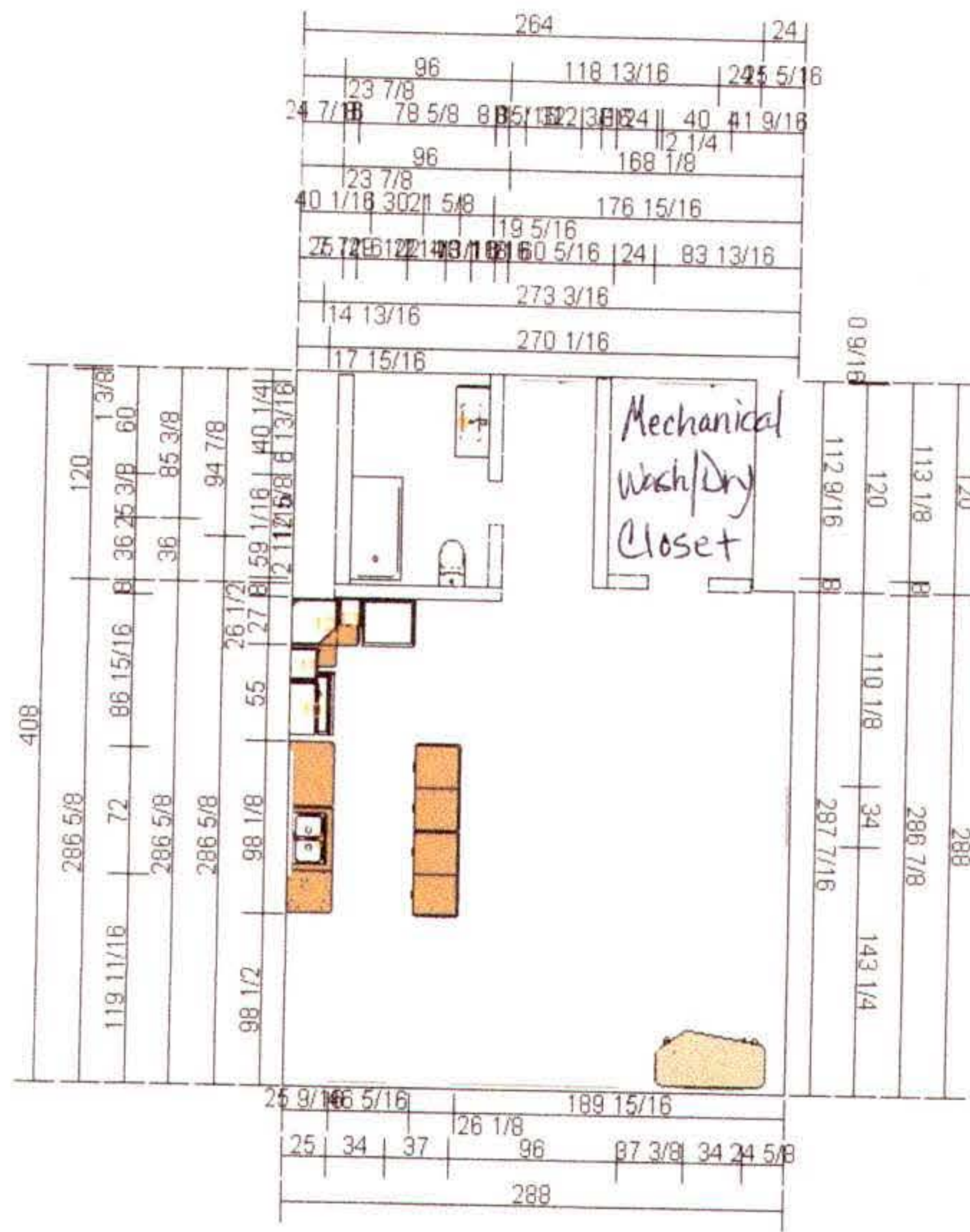
1203 S. Livingston St.
 1205 S. Livingston St.
 Bloomington, IL
 Proposed Residence





Garage 1205-2 - Plan View
0000-9455-0534

All measurement in inches



**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
OCTOBER 19, 2016**

SUBJECT:	TYPE:	SUBMITTED BY:
Z-38-16 Front Yard Variance for 805 Vale Street	Setback of 25 feet in stead of 30 feet (44.6-40A) in the R-1B, Single Family Residential District	Katie Simpson City Planner

REQUEST

The petitioner is seeking a variance to allow for a front yard setback of 25 feet in lieu of the required 30 feet (44.6-40A) in the R-1B, Single Family Residential District. The subject property is commonly located at 805 Vale Street.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in the Pantagraph on October 3, 2016.

GENERAL INFORMATION

Owner and Applicant: Eric Voelzke

PROPERTY INFORMATION

Existing Zoning: R-1B, Single Family Residential District
 Existing Land Use: Single Family home
 Property Size: Approximately 16,940 sq ft
 PIN: 21-10-209-015

Surrounding Zoning and Land Use

Zoning

North: R-1B, Single family residential
 South: R-1B, Single family residential
 East: R-1B, Single family residential
 West: R-1C, Single family residential

Land Uses

North: Single family homes
 South: Vacant lot
 East: Single family homes
 West: Single family homes

Analysis

Submittals

This report is based on the following documents, which are on file with the Community Development Department:

1. Application for Variation
2. Site Plan
3. Aerial photographs
4. Site visit

PROJECT DESCRIPTION

The subject site is commonly known as 805 Vale Street, located near the corner of Vale St and Golden Dr. The property is a large, relatively flat, rectangular lot, approximately 16,940 sq ft (70' X 242'). The property is zoned R-1B, medium density single family residential. This zoning district is intended for moderate sized lots and densities of four (4) dwellings per acre.

The petitioner is requesting a variance for a front yard setback decrease of five (5) feet. The petitioner would like to add a front porch (10' X 16') that extends ten (10) feet beyond the front of the house. The site has a thirty five (35) foot front yard setback and the porch, if built as proposed, will encroach five (5) feet into this setback. The R-1B district requires a thirty (30) foot front yard setback. Open terraces, decks and balconies are permitted obstructions in the front yard. Porches, which by definition have a roof, are not permitted obstructions in the front yard. By constructing a porch, the petitioner triggers the need for relief from the Code.

The following is a summary of the requested variations:

Applicable Code Sections:

Section 44.6-40A

Type of Variance	Request	Required	Variance
Front yard setback	25ft	30ft	5ft decrease

Analysis

Variations from Zoning Ordinance

The Zoning Board of Appeals may grant variances only in specific instances where there would be practical difficulties or particular hardships in carrying out strict adherence to the Code. Staff's findings of fact are presented below. It is incumbent on each Zoning Board of Appeals member to interpret and judge the case based on the evidence presented and each of the findings of fact.

FINDINGS OF FACT

The petitioner has outlined the request for variation in the attached narrative and drawings. The Zoning Ordinance requires that the petition meet the findings of fact as outlined below.

That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and

The lot is flat. It currently exceeds the setback. There is no identifiable physical hardship. The standard is not met.

That the variances would be the minimum action necessary to afford relief to the applicant; and

the petitioner proposes to alter the existing structure by expanding the roof line. Other obstructions that do not require expanding the roof line such as an open air, uncovered deck would be allowed in the front yard. A similar objective to the porch could be achieved without needing to expand the structure. Many neighboring homes have front decks instead of porches. The standard is not met.

That the special conditions and circumstances were not created by any action of the applicant; and the lot and building are existing and currently comply with the Zoning Ordinance. The petitioner is requesting to expand the building's roofline five (5) feet into the front yard. Alternative structures are permitted such as open decks. Additionally, if the porch were five (5) feet smaller a variance would not be necessary. The standard is not met.

That granting the variation request will not give the applicant any special privilege that is denied to others by the Code; and neighboring properties comply with the setback regulations in Section 44.6-40. Most have open air decks instead of porches. The standard is not met.

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. Other properties with front porches are able to maintain the required setbacks. The functions of the Code's bulk requirements are to maintain open areas, densities and general consistency in appearance. The public welfare is maintained by these requirements. The standard is not met.

STAFF RECOMMENDATION:

Staff finds that the petition has not met the Zoning Ordinance's standards required to allow a variance. Staff recommends **denial** of the requested variance in Case Z-38-16.

Respectfully submitted,

Katie Simpson
City Planner

Attachments:

- Variance Application
- Petitioner Statement of Findings of Fact
- Site Plan
- Aerial Map
- Zoning Map
- Newspaper notification
- Neighborhood notice and list of notified property owners

26797

APPLICATION TO ZONING BOARD OF APPEALS

Please consider this as our petition for a variance from the requirement(s) of the Zoning Code. I have provided all information requested herein and attached our site plan and fee.

Site Address: 805 Vale st Bloomington

Site Address: same

Petitioner: Eric Valzke Phone: 309-838-2998

Petitioner's Email Address: e.valzke@hotmail.com

Petitioner's Mailing Address Street: 805 Vale st.

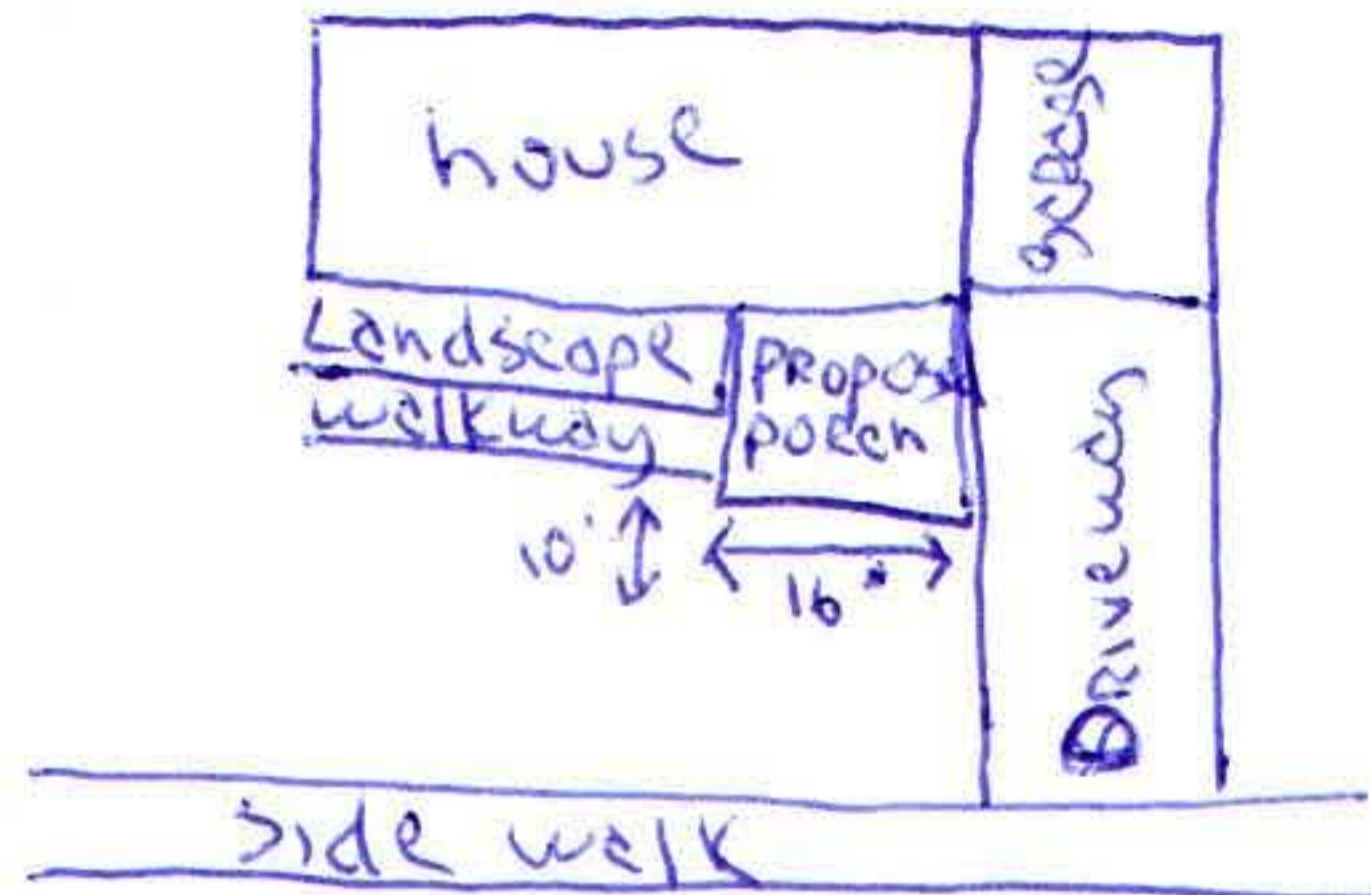
City, State, Zip Code: Bloomington IL 61701

Contractual interest in the property _____ yes no

Signature of Applicant 

Brief Project Description:

front porch with roof.
16' long By 10' Deep



Code Requirements Involved:

30' feet of frontal property

Variiances(s) Requested:

front property measures 35' feet so I can only build porch 5' out, want to build out an additional 5' feet to make the porch 10'. that would make the frontal property 25' from house to property line.

Reasons to Justify Approval by the Zoning Board of Appeals: Your justifications for approval must also be provided in the statement of Findings of Fact.

STATEMENT OF FINDINGS OF FACT
(Must be answered by the Petitioner)

Chapter 44, Section 9.40(d)

A variation from the terms of this Code shall not be granted by the Zoning Board of Appeals unless and until findings of fact are submitted demonstrating:

1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and
there is no front walk to my home. I installed a walk in front of my home for the mail man access and access to my second drive. 5' porch would also not be wide enough for my elderly father
2. That the variance would be the minimum action necessary to afford relief to the applicant; and if could come out the additional 5' feet it would meet up with the walk I installed for the mail man and access to my second drive. It would also be deep enough for the steps on my driveway side for my elderly father.
3. That the special conditions and circumstances were not created by any action of the applicant; and for the U.S postal service ~~access~~
4. That the granting of the variance requested will not give the applicant any special privilege that is denied to others by the Code; and no special privileges.
5. That the granting of this variance will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use or development of adjoining properties. other homes on the block have covered porches as well, and nothing will impair any properties or buildings.



Aerial View 805 Vale Street



1: 4,514

By using any McGIS products or services, you indicate your acceptance of the Licensing Agreement: <http://www.McGIS.org/License>

Printed: 10/11/2016 9:26:30 AM

Notes



Zoning Map 805 Vale Street



By using any McGIS products or services, you indicate your acceptance of the Licensing Agreement: <http://www.McGIS.org/License>

Printed: 10/11/2016 9:25:05 AM

Notes

The Pantagraph
301 WEST WASHINGTON St. P.O. BOX 2907
BLOOMINGTON, ILLINOIS 61702-2907
PHONE 309-829-9000

Certificate of Publication

City of Bloomington
PO Box 3157
Bloomington, IL 617023157

ACCOUNT #	60072323	DATES APPEARED	
AD ORDER #	20840754		
INVOICE DATE	10/3/2016		10/3/2016
AMOUNT	192.44		

Paste Tear Sheet Here

STATE OF ILLINOIS,
COUNTY OF MCLEAN
CITY OF BLOOMINGTON

} SS:

The Pantagraph Publishing Co. hereby certifies that it is now and has been for more than one year continuously, d/b/a **The Pantagraph**, a daily secular newspaper of general circulation in said County, published in the City, County and State aforesaid, and further certifies that said newspaper has been continuously published at regular intervals of more than once each week with more than a minimum of fifty issues per year for more than one year prior to the first publication of the notice, and further certifies that **The Pantagraph** is a newspaper as defined by the Statutes of the State of Illinois in such cases made and provided, and further hereby certifies that a notice of which the annexed notice is a true copy, has been regularly published in said paper.

By Janette Johnson

Date 10-3-2016

OCT 07 2016

20840754
CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
October 19, 2016

Notice is hereby given that the Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, October 19, 2016 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, petitions submitted by Eric Voelzke for the approval a variance from Chapter 44 of the City's Code on property located at 805 Vale Street at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent

must attend the meeting and the subject property is described as follows:
Legal Description:
SELTZER SUB LOT 2
REQUEST

A request for a variance from Chapter 44 of the City's Code to allow a front yard setback of twenty five (25) feet in lieu of the required thirty (30) foot setback. The petitioner would like to build a front porch addition on the property that will extend five (5) feet into the front yard setback.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk, preferably no later than five days before the hearing. The City Clerk may be contacted either by letter at 109 E. Olive St., Bloomington, IL 61701, by telephone at 309-434-2240, or email cityclerk@cityblm.org. The City Hall is equipped with a text telephone (TTY) that may also be reached by dialing 309-829-5115.
Published: Monday October 3, 2016



Department of Community Development
115 E Washington St, Ste 201
Bloomington IL 61701

September 28, 2016

Dear Property Owner or Resident:

The Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, October 19, 2016 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, to hear testimony on a petition submitted by Eric Voelzke for the approval a variance from Chapter 44 of the City's Code on property located at 805 Vale Street at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent must attend the meeting and the subject property is described as follows:

Legal Description:
SELTZER SUB LOT 2

REQUEST

A request for a variance from Chapter 44 of the City's Code to allow a front yard setback of twenty five (25) feet in lieu of the required thirty (30) foot setback. The petitioner would like to build a front porch addition on the property that will extend five (5) feet into the front yard setback.

You are receiving this courtesy notification since you own property within a 500 foot radius of the land described above (refer to map on back). All interested persons may present their views upon matters pertaining to the requested variance during the public hearing.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk at (309) 434-2240, preferably no later than five days before the hearing.

Please note that cases are sometimes continued or postponed for various reasons (i.e lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting. The hearing's agenda will be available at www.cityblm.org. If you desire more information regarding the proposed petition or have any questions you may call me at (309) 434-2226 or email me at ksimpson@cityblm.org.

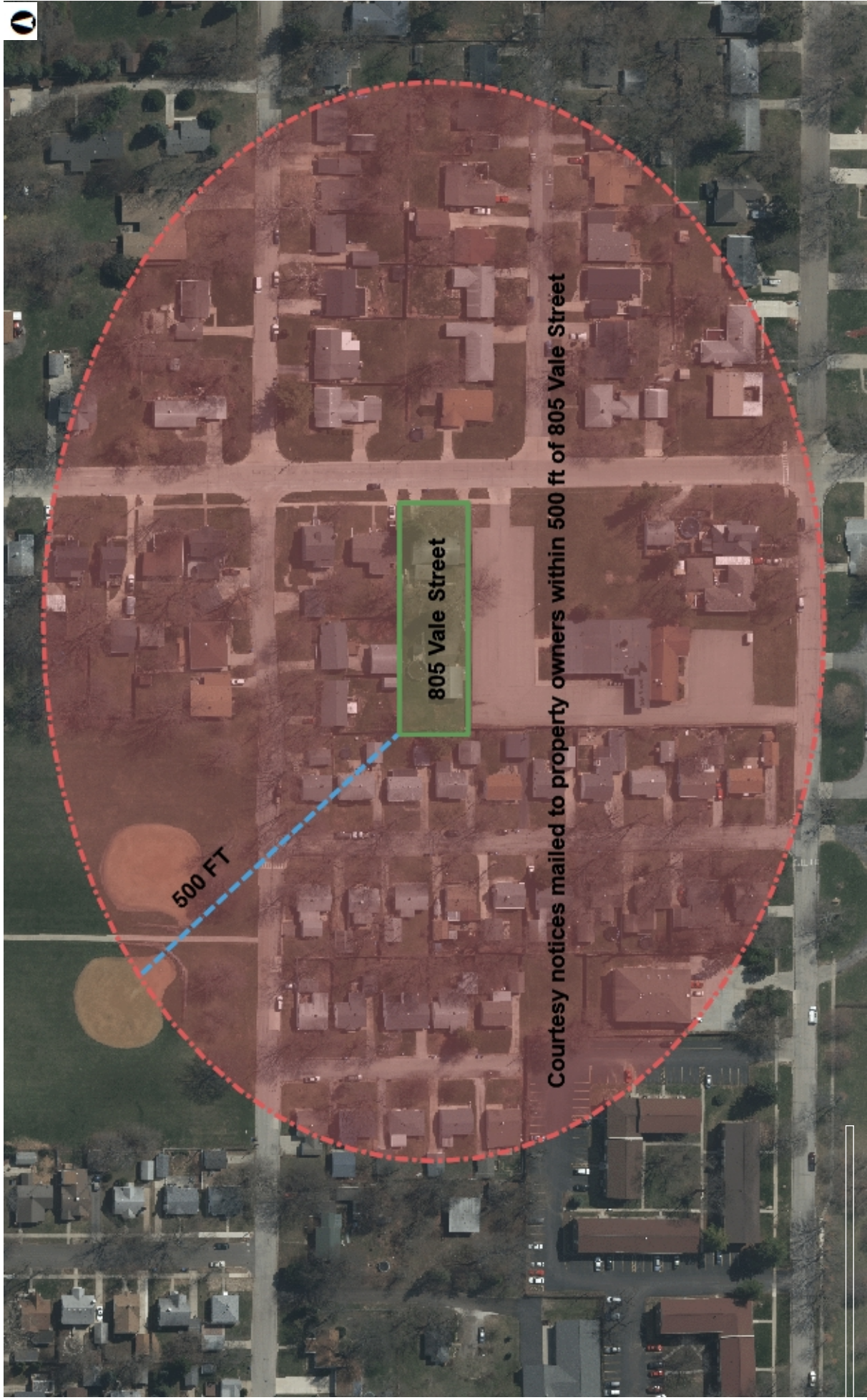
Sincerely,

Katie Simpson
City Planner

Attachment
Location Map with 500 foot notification buffer



Public Hearing for a variance at 805 Vale Street



JERRY D LANG M/M
4 BRECKENRIDGE DR
BLOOMINGTON IL 617012025

FRANK PURNELL JR
1909 GOLDEN DR
BLOOMINGTON IL 617015735

JON & MARY BETH REYES SNYDER
801 VALE ST
BLOOMINGTON IL 617015769

CHERYL A PETERSON
4 WACH DR
BLOOMINGTON IL 61701

JUDY A GREEN
1806 CLOUD ST
BLOOMINGTON IL 617017043

HEATHER J BROWN
2205 JESSAMINE RD
BLOOMINGTON IL 617041521

JUDITH K MATHIESON
318 HILLSIDE LN
BLOOMINGTON IL 617012112

ROBIN DEDMOND THOMPSON
15 RYAN DR
BLOOMINGTON IL 617017008

SPENCER H LEARNED
713 VALE ST
BLOOMINGTON IL 617015621

WILLIAM F & CLARE MALOTT
714 VALE ST
BLOOMINGTON IL 617015622

GLORIA BAINS
1804 CLOUD ST
BLOOMINGTON IL 617017043

CHERYL EDMUNDS
2 WACH DR
BLOOMINGTON IL 617017009

GARY & CONNIE K RAPP
3703 BAYWOOD RD
BLOOMINGTON IL 617042805

ERIC VOELZKE
805 VALE ST
BLOOMINGTON IL 617015769

JESSICA A MOFFITT
1907 GOLDEN DR
BLOOMINGTON IL 61701

DAVID NIERSTHEIMER
715 VALE ST
BLOOMINGTON IL 617015621

DIANE BREWINGTON
9 WACH DR
BLOOMINGTON IL 61701

DANIEL R SEAWAY
10 Ryan Dr
Bloomington IL 617017062

WESTON PROPERTIES LLC
102 S PRAIRIE STREET
BLOOMINGTON IL 61701

GREGORY M & LEA WHALEN SCHULER
1908 GOLDEN DR
BLOOMINGTON IL 61701

JEREMY T BRANDOW
2209 WINCHESTER DR
CHAMPAIGN IL 618216308

JENNIFER HASKINS
1 Ryan Dr
Bloomington IL 617017008

LAURIE J CAMPBELL
9 RYAN DR
BLOOMINGTON IL 61701

CHARLES L UNGER
1904 GOLDEN DR
BLOOMINGTON IL 61701

WILLIAM D DAVIS
7 RYAN DR
BLOOMINGTON IL 617017008

FREDERICK R BATTY
1903 GOLDEN DR
BLOOMINGTON IL 61701

DENNIS L NEWMAN
19379 Lakewood Dr
Bloomington IL 617055343

OAKLAND SCHOOL BOARD OF
EDUCATION
300 E MONROE
BLOOMINGTON IL 61701

JEFFREY P ALBEE
11028 PEAR TREE RD
DEWITT IL 617359437

EDWARD J CALLAHAN
1803 CLOUD ST
BLOOMINGTON IL 617017042

REAL ESTATE PARTNERS LLC
9600 WALNUT WAY
BLOOMINGTON IL 617055345

ABIGAIL LIES
14 RYAN DR
BLOOMINGTON IL 617017062

LORI L EDWARDS
711 S VALE
BLOOMINGTON IL 61701

IMMANUEL BAPTIST CHURCH
811 S VALE
BLOOMINGTON IL 61701

ROBERT W HAHN
1003 BRIGHTON AVE
MACKINAW IL 617557526

DENNIS NEWMAN
19379 Lakewood Dr
Bloomington IL 617055343

MARGARET NAN HERRELL
20 RYAN DR
BLOOMINGTON IL 617017062

BRADLEY D MARSHALL
1909 Cloud St
Bloomington IL 617015731

JACK R & JUDITH E GORDON
710 VALE ST
BLOOMINGTON IL 617015622

GAIL M LEVERICH
903 S VALE
BLOOMINGTON IL 61701

SABRINA FAIRCHILD
1905 Golden Dr
Bloomington IL 617015735

MICHAEL C POHLMANN
2 Ryan Dr
Bloomington IL 617017062

DENNIS M DRINAN
1906 GOLDEN DR
BLOOMINGTON IL 61701

KEVIN BOYER
11 RYAN DR
BLOOMINGTON IL 617017008

DANIEL J KLAPP
1902 CROXTON AVE
BLOOMINGTON IL 617015702

WADE D MCJACOBS
16121 SW AUDUBON ST UNIT 101
BEAVERTON OR 970032939

ALVIN ROGER TIMLER
18 RYAN DR
BLOOMINGTON IL 617017062

TOM JONES
20 EDGEWOOD CT
BLOOMINGTON IL 617017833

KENNETHE & JUDITH E HUFF
717 SOUTH VALE ST
BLOOMINGTON IL 61701

KENNETH SENG
358 DENMAN RD
CARLOCK IL 617259043

DAVID BASSETT
3865 RAMIREZ RDG
MALIBU CA 902656318

CATHY A LANNIE
901 S VALE ST
BLOOMINGTON IL 61701

KARI NOYES
PO BOX 334
WILLIAMSVILLE IL 62693

DOLA K LAMB
5 RYAN DR
BLOOMINGTON IL 617017008

ALLISON SLOCUM
5 WACH DR
BLOOMINGTON IL 61701

PAMELA SCHOPP
10057 E 550 NORTH ROAD
SHIRLEY IL 61772

CHARLES S TOWNSEND
6 RYAN DR
BLOOMINGTON IL 617017062

GARY E VOGEL
1902 CLOUD ST
BLOOMINGTON IL 617015732

LEE C BORK
8 WACH DR
BLOOMINGTON IL 617017009

MARK M OVERFELT
1808 Croxton Ave
Bloomington IL 617017013

MICHAEL & KATHERINE PATERNOSTER
1901 CLOUD ST
BLOOMINGTON IL 617015731

DONNA SACRY
8 RYAN DRIVE
BLOOMINGTON IL 61701

JOHN & JANET COUILLARD
2404 NORTHWOOD LN
BLOOMINGTON IL 617042420

DR CRAIG A & KATHERINE E BOWARS
1415 CROXTON AVE
BLOOMINGTON IL 617017057

CHERIS LARSON
12 Ryan Dr
Bloomington IL 617017062

IMMANUEL BAPTIST CHURCH
811 S VALE
BLOOMINGTON IL 61704

JAMES E CLOTHIER
1901 CROXTON AVE
BLOOMINGTON IL 617015701

JOAN A BLACKMORE
3080 COUNTY ROAD 1300 N
EL PASO IL 617389308

% LAWRENCE B IRWIN APARTMENT
INVESTORS XVIII LIMITED
PARTNERSHIP
1628 W COLONIAL PKWY

MICHELLE REYNOLDS
1903 CLOUD ST
BLOOMINGTON IL 617015731

MARY ANN FORD
709 S VALE
BLOOMINGTON IL 61701

JOANNE BERTAGNA
716 S VALE
BLOOMINGTON IL 61701

STEPHEN M & CONNIE J BEMILLER
707 VALE ST
BLOOMINGTON IL 617015621

JUDITH A SKURKA
1901 GOLDEN DR
BLOOMINGTON IL 617015735

DALE WARREN BALLINGER
1806 CROXTON AVE
BLOOMINGTON IL 617017013

**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
OCTOBER 19, 2016**

SUBJECT:	TYPE:	SUBMITTED BY:
Z-39-16 Perimeter landscaping setback 1340-1344 E Empire St.	A reduction in the parking lot perimeter landscaping from the required setback to zero (0) along the north and west borders of the property.	Katie Simpson City Planner

REQUEST

The petitioner is seeking a variance to allow a reduction in the parking lot perimeter landscaping from the required setback to zero (0) along the north and west borders of the property located at 1340-1344 E Empire Street.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in the Pantagraph on October 3, 2016.

GENERAL INFORMATION

Owner and Applicant: Jeff Kochevar

PROPERTY INFORMATION

Existing Zoning: B-1, Highway Business District
 Existing Land Use: Retail
 Property Size: Approximately 250 X 201 (50, 250) sq ft
 PIN: 14-35-352-005; 14-35-352-004

Surrounding Zoning and Land Use

Zoning

North: R-3A, Multi-family Residential District
 South: B-1, Highway Business District
 East: B-1, Highway Business District
 West: B-1, Highway Business District

Land Uses

North: Apartments
 South: Bank
 East: Car wash
 West: Retail

Analysis

Submittals

This report is based on the following documents, which are on file with the Community Development Department:

1. Application for Variation
2. Site Plan
3. Aerial photographs
4. Site visit

PROJECT DESCRIPTION

The subject site is commonly known as 1340 and 1344 E Empire Street, located at the intersection of corner of Fairway Dr and Empire Frontage Rd. The petitioner proposes to retrofit the building at 1344 E. Empire for retail use and to demolish the building at 1340 E. Empire to provide parking for the retail at 1344 E Empire St. Both parcels will be combined so that parking is located onsite. The building located at 1344 E Empire is approximately 16,732 sq ft. The petitioner proposes to use 10,000 sq ft for retail and 6,732 sq ft for storage, requiring a minimum of 43 parking spaces. Since the parking lot is greater than nine (9) spaces the parking lot has a perimeter landscaping setback requirement of twelve (12) ft along frontages and six (6) feet along sides and rears.

The proposed site plan shows a reconfiguration of the site’s existing entrances and exits and includes a shared access with the property owner to the west. The petitioner is able to meet the perimeter landscaping setbacks for portions of the property along the north and east. However, due to the parking space and aisle constraints, the petitioner is unable to meet the requirements for the entire property. The southeastern site access from Fairway Dr. will be closed. Furthermore the majority of the south and east sides of the property will be converted into pervious, grass and landscaping area with the addition of sidewalks along the southern portion of the property. A fence is proposed along the north property line to provide a buffer for the neighboring apartments.

1344 E Empire St was developed in 1964 as a furniture store and recently operated Rooms Direct furniture store. 1340 E. Empire was constructed in 1966 as a boot shop and recently operated as a salon. As Bloomington’s east side developed, right of way was acquired by the City to enlarge Fairway Dr. and the Empire Street Frontage Roads and meet increasing traffic demands. Consequentially, the site currently contains very little green space. Additionally, the acquisition of right-of-way has created a physical hardship for meeting the parking and landscaping requirements of the Code. The petitioner intends to meet the landscaping point requirement (43 points) but will locate the majority of the landscaping in the south and east portions of the property. The petitioner is unable to meet the perimeter landscaping setback requirements around the perimeter of the property.

The following is a summary of the requested variations:

Applicable Code Sections:

Section 44.7-2

<u>Type of Variance</u>	<u>Request</u>	<u>Required</u>	<u>Variance</u>
Frontage perimeter landscaping setback	0ft	12 ft	12 ft decrease
Side and Rear Yard Perimeter Landscaping Setback	0ft	6ft	6ft decrease

Analysis

Variations from Zoning Ordinance

The Zoning Board of Appeals may grant variances only in specific instances where there would be practical difficulties or particular hardships in carrying out strict adherence to the Code. Staff’s findings of fact are presented below. It is incumbent on each Zoning Board of Appeals

member to interpret and judge the case based on the evidence presented and each of the findings of fact.

FINDINGS OF FACT

The petitioner has outlined the request for variation in the attached narrative and drawings. The Zoning Ordinance requires that the petition meet the findings of fact as outlined below.

That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and the City has acquired portions right-of-way along the south and east portion of the property decreasing the original setbacks and decreasing the ability to meet the parking and landscaping requirements of the Code. The standard is met.

That the variances would be the minimum action necessary to afford relief to the applicant; and in order to meet the parking requirements the petitioner established shared access agreement with the property owner to the west and is proposing landscaping along the east and southern portion of the property. The addition of the fence to the north of the property will provide screening from the residential development. The petitioner has exhausted other actions and is providing substantially more green space on the east and south of the property. In order to meet the other obligations of the code, such as number of parking spaces and aisle widths the variance would be the minimum action necessary. The standard is met.

That the special conditions and circumstances were not created by any action of the applicant; and the lot size has decreased due to increased traffic demands and the need for more public right-of-way. The standard is met.

That granting the variation request will not give the applicant any special privilege that is denied to others by the Code; and the existing parking configuration and drive aisles do not meet code. The petitioner is proposing more green space and a reconfiguration of the existing parking lot layout that provides safer on-site circulation. The petitioner will still meet the landscaping point requirements. The standard is met.

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 on site traffic circulation is poor. The south eastern entrance is dangerous because it is located too close to the intersection. The petitioner proposes to close the entrance and reconfigure the parking lot to facilitate safer on-site circulation. The south entrances will be reconfigured and 12 foot landscaping islands will be added. Additionally the south and eastern portions of the property will be converted into green space to balance the impervious surface and allow for landscaping. The petitioner also proposes to provide detention for the property. The proposed improvements will not be detrimental to public welfare and the variance will be mitigated by additional green space and fencing elsewhere on the property. The standard is met.

STAFF RECOMMENDATION:

Staff finds that the petition has not met the Zoning Ordinance’s standards required to allow a variance. Staff recommends **approval** of the requested variance in Case Z-39-16.

Respectfully submitted,

Katie Simpson
City Planner

Attachments:

- Variance Application
- Petitioner Statement of Findings of Fact
- Site Plan
- Aerial Map
- Zoning Map
- Newspaper notice
- Neighborhood notice and list of notified property owners

APPLICATION TO ZONING BOARD OF APPEALS

Please consider this as our petition for a variance from the requirement(s) of the Zoning Code. I have provided all information requested herein and attached our site plan and fee.

Site Address: 1340 E. Empire Street

Site Address: 1344 E. Empire Street

Petitioner: Entitlement and Engineering Solutions, Inc. Phone: (303)572-7997

Petitioner's Email Address: Jeff Kochevar

Petitioner's Mailing Address Street: 518 17th Street, Suite 1575

City, State, Zip Code: Denver, Colorado 80205

Contractual interest in the property ___x___ yes _____ no

Signature of Applicant _____

Brief Project Description:

The proposed site includes the demolition of the existing building located at 1340 E. Empire Street (west portion of the site) and a retrofit of the existing building at 1344 E. Empire Street (east portion of the site). The two parcels will be combined and the west portion will serve as the parking lot for the retrofit. The building will be used as a retail store (10,000-s.f) and storage for the retail store (6,732-s.f.). The parking requirements per code are 40 parking spaces for the retail and 3 parking spaces for the storage for a total of 43 parking stalls. The current site plan shows 47 parking stalls.

Code Requirements Involved:

Parking Lot Landscaping and Screening:

(7) A minimum landscaped setback area shall be provided between the public right-of-way line and parking lots or parking garages containing more than nine (9) parking spaces in accordance with the following table: 10 + spaces equals' minimum setback of 12-feet.

(8) Perimeter Landscaping. Minimum landscaped setbacks shall be provided along all the other sides of the parking lot or parking garage other than between the property line and edge of the parking lot or parking garages in accordance with the following table: 10 + spaces equals' minimum perimeter setback of 6-feet.

Variances(s) Requested:

The variances required for this site plan are the following;

1. Landscape setback to the east (a small portion of east side, toward the northeast) – 12 ft not obtainable.
2. Landscape setback to the north – 6-ft not obtainable.
3. Landscape setback to the west – 6 ft not obtainable.

Reasons to Justify Approval by the Zoning Board of Appeals: Your justifications for approval must also be provided in the statement of Findings of Fact.

Removal of the landscape setback to the north and west allows the existing building to be utilized and provides a wider drive aisle for traffic and emergency vehicles. The current parking lot configuration will also provide a safer parking lot scenario for both the subject property and the adjacent property to the west, the piano store. Although the landscape setbacks will be reduced throughout the site, the previously paved portion of the site to the east and south will be replaced with landscaping to meet code.

STATEMENT OF FINDINGS OF FACT
(Must be answered by the Petitioner)

Chapter 44, Section 9.40(d)

A variation from the terms of this Code shall not be granted by the Zoning Board of Appeals unless and until findings of fact are submitted demonstrating:

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

The existing parking configuration and drive aisle on the east parcel (east side of Rooms Direct) does not meet code. The City stated that with the future development of the area and the current traffic study underway the southeast access off Fairway Drive would be closed off due to the proximity to the intersection. This created an impossible scenario for a parking condition similar to existing which relocated the majority of parking to the west side of the site. In order to maintain parking counts per code, the site layout will utilize an access easement agreement with the adjacent property to the west, the piano store. In order to facilitate the best possible traffic movement throughout the site, as well as emergency services vehicles the north drive will remain as a 25-ft drive aisle with no landscape setback to the north.

2. That the variance would be the minimum action necessary to afford relief to the applicant; and

The 6-ft landscape setback for the north is installed at the northwest corner because it is the only feasible option if a 25-ft drive aisle is to be maintained for the flow of traffic. The 12-ft setback for the east is only encroached upon at the northeast corner in order to maintain a parking count that meets code. The remainder of the east property boundary meets the current code.

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

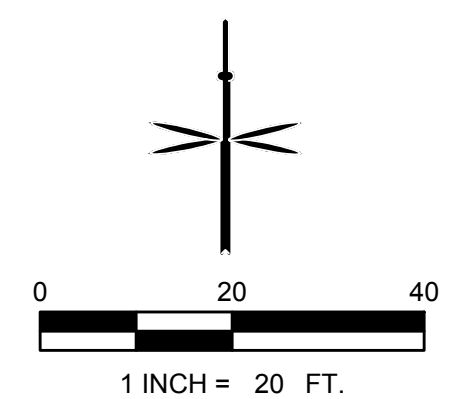
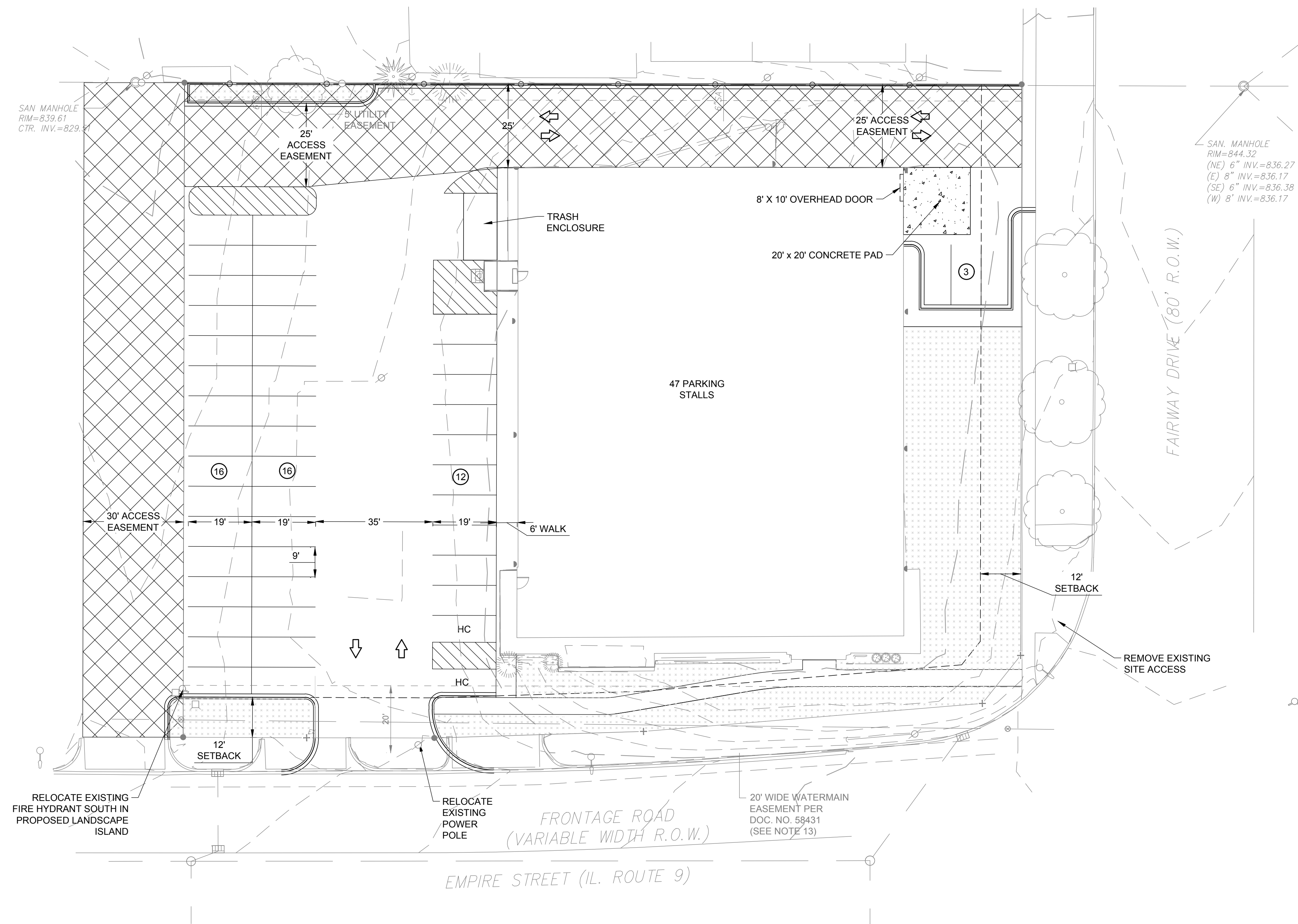
The variances requested are a result of achieving the parking counts per code while preserving the existing building footprint and providing a safe parking lot that meets code. Since this is not a complete redevelopment, utilizing the existing building location has created some difficulty since the existing parking conditions and drive aisle especially on the east side do not meet current standards. The removal of the southeast drive access limits the available space that can be utilized for parking. The creation of a parking lot to fit within these constraints given the size of the building has been a product of existing conditions and not by design.

4. That the granting of the variance requested will not give the applicant any special privilege that is denied to others by the Code; and

The variances requested are landscape setbacks. The landscape requirements and planting material will continue to meet the requirements of the code but will be placed in the south and east portion of the site.

5. That the granting of this variance will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use or development of adjoining properties.

The installation of these variances will maintain the integrity of the area and adjacent properties while bringing the parking lot up to code. An access agreement with the property owner to the west, the piano store, has been executed. This will allow the users of the subject property to access the drive aisle 30-ft to the west of the west property boundary. It will also allow the piano store users to exit the drive aisle to the north of the subject property. A proposed curb will be installed along the north property boundary per the direction of the City. This will prevent cross traffic from the commercial parcels from entering the residential properties to the north. There are no known access easement agreements documented with the residential properties to the north. Additionally, the improvements through the site include widening the drive aisles for emergency vehicles.



No.	REVISION	BY	DATE

**PRELIMINARY
NOT FOR
CONSTRUCTION**

EES
ENGINEERING & CONSULTANTS, Inc.
518 17th Street
Suite 1770
Bloomington, IL 61820
www.ees.usa.com
309-572-7997

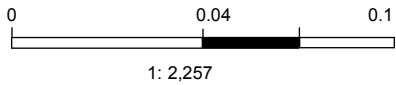
**DEVELOPMENT PLAN
GH DEVELOPMENT
SITE PLAN**

PROJECT NO:
DESIGNED BY: SPM
DRAWN BY: SPM
DATE: 09/23/16

P1.0



Aerial View 1340-1344 E. Empire St



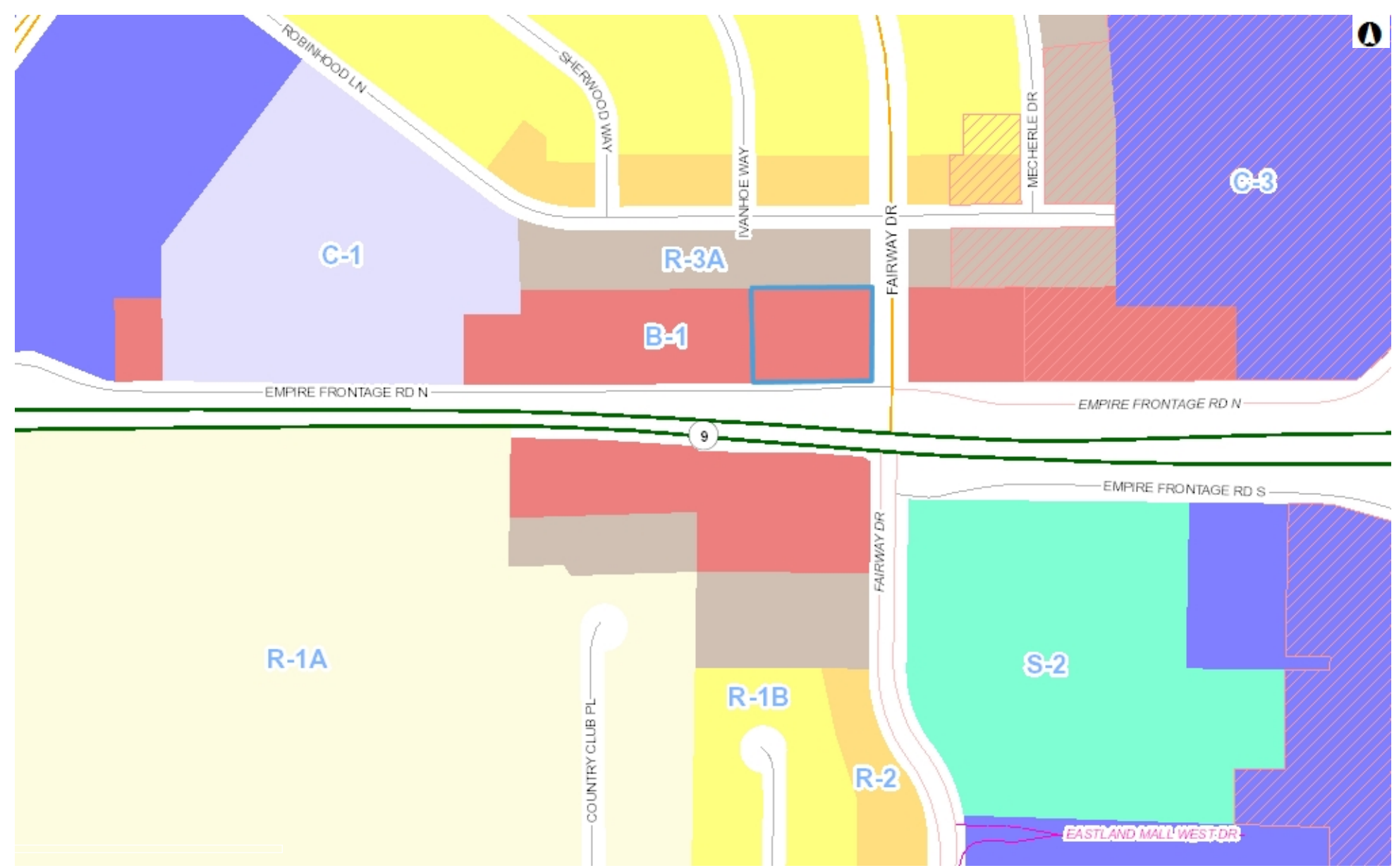
By using any McGIS products or services, you indicate your acceptance of the Licensing Agreement: <http://www.McGIS.org/License>

Printed: 10/11/2016 9:19:08 AM

Notes



Zoning Map 1340-1344 E. Empire St



By using any McGIS products or services, you indicate your acceptance of the Licensing Agreement: <http://www.McGIS.org/License>

Printed: 10/11/2016 9:22:24 AM

Notes

Pantagraph Publishing

The Pantagraph

301 WEST WASHINGTON ST. P.O. BOX 2907
BLOOMINGTON, ILLINOIS 61702-2907
PHONE 309-829-9000

Certificate of Publication

City of Bloomington
PO Box 3157
Bloomington, IL 617023157

ACCOUNT #	60072323	DATES APPEARED	
AD ORDER #	20840758		
INVOICE DATE	10/3/2016		10/3/2016
AMOUNT	224.04		

STATE OF ILLINOIS,
COUNTY OF MCLEAN
CITY OF BLOOMINGTON

} SS:

The Pantagraph Publishing Co. hereby certifies that it is now and has been for more than one year continuously, d/b/a **The Pantagraph**, a daily secular newspaper of general circulation in said County, published in the City, County and State aforesaid, and further certifies that said newspaper has been continuously published at regular intervals of more than once each week with more than a minimum of fifty issues per year for more than one year prior to the first publication of the notice, and further certifies that **The Pantagraph** is a newspaper as defined by the Statutes of the State of Illinois in such cases made and provided, and further hereby certifies that a notice of which the annexed notice is a true copy, has been regularly published in said paper.

By Janette Johnson

Date 10-3-2016

OCT 07 2016

20840758
CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
October 19, 2016

Here

Notice is hereby given that the Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, October 19, 2016 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, on petitions submitted by Jeff Kochevar of Entitlement and Engineering Solutions, Inc. for the approval a variance from Chapter 44 of the City's Code on property located at 1340-1344 E. Empire Street at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent must attend the meeting and the subject property is described as follows:

Legal Description:
SECOND ADDN TO FAIRWAY
KNOLLS ADDN LOT 135 &
E50' LOT 152; and SECOND
ADDN TO FAIRWAY KNOLLS
ADDN (EX 350 SQ FT OF ILL
PER DEED 69-232) W75' LOT
152

REQUEST
A request for a variance from Chapter 44 of the City's Code to allow a perimeter landscaping setback of zero (0) in lieu of the required perimeter and parking lot landscaping along the north and west portions of the property. The petitioner proposes to redevelop the two lots for retail use and is asking for the variance to be able to meet parking and aisle requirements.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk, preferably no later than five days before the hearing.

The City Clerk may be contacted either by letter at 109 E. Olive St., Bloomington, IL 61701, by telephone at 309-434-2240, or email cityclerk@cityblm.org. The City Hall is equipped with a text telephone (TTY) that may also be reached by dialing 309-829-5115.

Published: Monday October 3, 2016



Department of Community Development
115 E Washington St, Ste 201
Bloomington IL 61701

September 28, 2016

Dear Property Owner or Resident:

The Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, October 19, 2016 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, on a petition submitted by Jeff Kochevar of Entitlement and Engineering Solutions, Inc. for the approval a request for a variance from Chapter 44 of the City's Code to allow a perimeter landscaping setback of zero (0) in lieu of the required perimeter and parking lot landscaping along the north and west portions of the property located at 1340-1344 E Empire Street. The petitioner proposes to redevelop the two lots for retail use and is asking for the variance to be able to meet parking and aisle requirements. All interested persons may present their views upon such matters pertaining thereto at the public hearing. The petitioner or his/her Counsel/Agent must attend the meeting. The subject property is described as follows:

Legal Description:

SECOND ADDN TO FAIRWAY KNOLLS ADDN LOT 135 & E50' LOT 152; and SECOND ADDN TO FAIRWAY KNOLLS ADDN (EX 350 SQ FT OF ILL PER DEED 69-232) W75' LOT 152

You are receiving this courtesy notification since you own property within a 500 foot radius of the land described above (refer to map on back). All interested persons may present their views upon matters pertaining to the requested variance during the public hearing.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk at (309) 434-2240, preferably no later than five days before the hearing.

Please note that cases are sometimes continued or postponed for various reasons (i.e lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting. The hearing's agenda will be available at www.cityblm.org. If you desire more information regarding the proposed petition or have any questions you may call me at (309) 434-2226 or email me at ksimpson@cityblm.org.

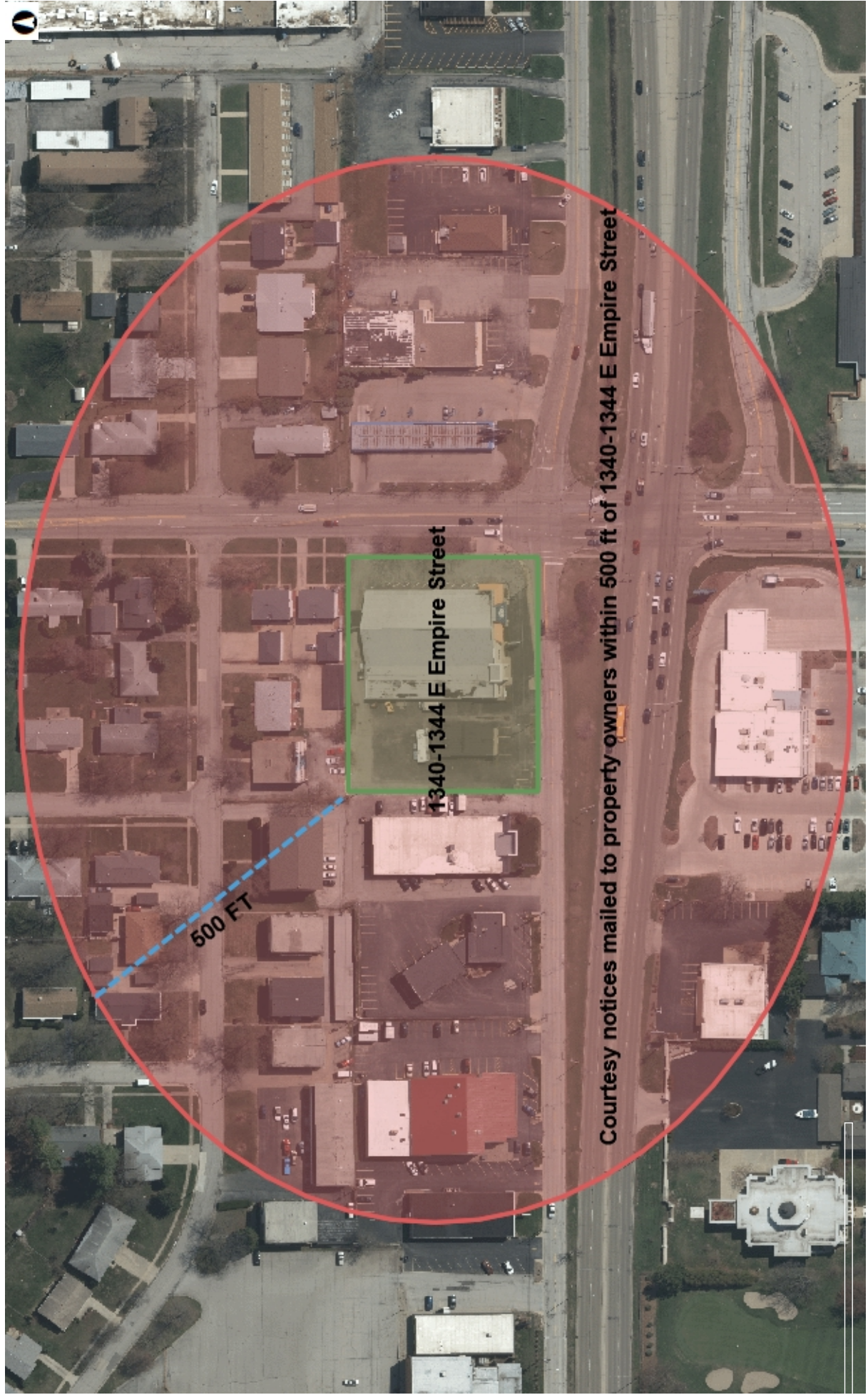
Sincerely,

Katie Simpson
City Planner

Attachment
Location Map with 500 foot notification buffer



Public hearing for a variance at 1340-1344 E Empire Street



FRANCES J MORTIMORE
226 IVANHOE WAY
BLOOMINGTON IL 617013407

MONSTER PROPERTIES LLC
2445 HAVERFORD RD
SPRINGFIELD IL 62791

CHRISTOPHER CUSHMAN
5 BREWSTER ST UNIT 368
GLEN COVE NY 115422549

ERMA M MC DANIEL
204 IVANHOE WAY
BLOOMINGTON IL 617013407

ERIC & DESIREE CAWTHON
2905 W WELLINGTON
BLOOMINGTON IL 61704

JOHN MICHAEL
123 FINCHAM WAY
TOWANDA IL 617767524

J GALT PROPERTIES LLC
28 GRAPE VINE LN
BLOOMINGTON IL 617048529

KENNETH & LORRAINE WILMERT
8995 N 1625 EAST RD
BLOOMINGTON IL 617045558

SEEMAN ENTERPRISES LLC
1310 E EMPIRE ST
BLOOMINGTON IL 617013420

JOHN & CHARLOTTE BLACK
223 FAIRWAY DR
BLOOMINGTON IL 617012108

JAMES J KIRK
221 IVANHOE WAY
BLOOMINGTON IL 61701

BETTY HOLMES TRUSTEE
223 IVANHOE WAY
BLOOMINGTON IL 617013406

STEPHEN C SHAFER
1403 COUNTRY LAKE DR
CHAMPAIGN IL 618216436

ROGER E & VERONICA WELCH
240 ROBINHOOD LANE
BLOOMINGTON IL 61701

RICHARD T RUSSELL
225 FAIRWAY DR
BLOOMINGTON IL 61701

JANET K MILLER
226 FAIRWAY DR
BLOOMINGTON IL 617012148

ANN ZIMMERMAN
9829 N 2700 EAST RD
FORREST IL 617419573

ALPHA J SWEENEY
222 SHERWOOD WAY
BLOOMINGTON IL 617013419

COMMERCE BANCSHARES, INC.
8000 Forsyth Blvd
Saint Louis MO 631051797

TERRY M NICHOLS
5 MONARCH DR
BLOOMINGTON IL 617049092

AMT PROPERTIES
19710 E 850 NORTH RD
BLOOMINGTON IL 61705

MEGAN A NAMOFF
1344 E EMPIRE ST
BLOOMINGTON IL 617013420

ROBERT B PALMER
3091 N WATER ST
DECATUR IL 625262464

APARTMENT MART
PO BOX 670 912 N LINDEN
BLOOMINGTON IL 617020670

RICHARD T MARVEL
405 W FRONT ST
BLOOMINGTON IL 61701

TERRY W DODDS
305 ROBINHOOD
BLOOMINGTON IL 61701

TERRY & PATRICIA SNYDER
1541 39TH ST
SACRAMENTO CA 958166720

TAOUFIK ZEMMEL
120 SHERINGHAM DR
NORMAL IL 617614350

KENNETH J CLOTHIER
906 S MORRIS AVE
BLOOMINGTON IL 61701

MUSTAALI CARBAIDWALA
2344 MORNING DEW DR
LITTLE ELM TX 750687631

NEVA BARBARA MONNINGER TRUSTEE
315 Mecherle Dr
Bloomington IL 617012115

ALYSSA TRIMPE
224 IVANHOE WAY
BLOOMINGTON IL 617013407

TWO H INVESTORS LLC
700 W MAIN ST
EL PASO IL 617381471

DELTON L OLTMAN
309 FAIRWAY DR
BLOOMINGTON IL 617013403

JAMES L MAGIRL
1927 SE 10TH STREET
FORT MYERS FL 339901857

JOHN R TARVIN
2209 FOXTAIL ROAD
BLOOMINGTON IL 61704

KYLE R SELLERS
222 IVANHOE WAY
BLOOMINGTON IL 617013407

CHARLES WILLIAMS
1325 E Empire St
Bloomington IL 617013421

PAMELA D OREAR
618 W RAVINWOODS RD
PEORIA IL 616151369

CHARLES W WILLIAMS
1325 E EMPIRE ST
BLOOMINGTON IL 617013421

UNITED STATES AM
PO DEPT EXEMPT 6-15-72 1511 E
EMPIRE
BLOOMINGTON IL 61701