



AGENDA
ZONING BOARD OF APPEALS
REGULAR MEETING
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
WEDNESDAY, NOVEMBER 17, 2021, 4:00 P.M.

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

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

4. MINUTES Review and approval of the minutes of the August 18, 2021 regular Zoning Board of Appeals meeting
5. REGULAR AGENDA
 - A. Z-25-21 Public hearing, review, and action on a petition submitted by Sarah Heatley to obtain a variance from Chapter 44, Division 4-3, Residential Bulk and Site Standards, to reduce the required side yard setback from six feet to two feet, for the property located at 903 Bunn Street, Bloomington, IL 61701, PIN: 21-09-278-008 (Ward 1).

6. OLD BUSINESS
7. NEW BUSINESS
8. ADJOURNMENT



**DRAFT
MINUTES**

**PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF
BLOOMINGTON, ILLINOIS
REGULAR MEETING
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
WEDNESDAY, AUGUST 18, 2021 4:00 P.M.**

The Zoning Board of Appeals convened in Regular Session in-person in the Government Center Chambers on the 4th floor, Room #400 at 4:05 p.m., Wednesday, August 18, 2021. The meeting was called to order by Chairperson Ballantini.

ROLL CALL

Attendee Name	Title	Status
Mr. Terry Ballantini	Commissioner	Present
Ms. Victoria Harris	Commissioner	Present
Mr. Michael McFarland	Commissioner	Absent
Mr. Michael Straza	Commissioner	Present
Mr. Tyler Noonan	Commissioner	Present
Ms. Nikki Williams	Commissioner	Present
Mr. George Boyle	Assistant Corporate Counsel	Present
Ms. Kimberly Smith	Assistant Economic & Community Development Director	Present
Mr. Joe Hennerfeind	Interim City Planner	Present

PUBLIC COMMENT

No public comment.

MINUTES

Chairperson Harris motioned to approve the minutes from June 16, 2021 regular Zoning Board of Appeals meeting. Mr. Noonan seconded. Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, and Chairperson Ballantini - Yes. The motion was approved (5-0-0).

REGULAR AGENDA

Interim City Planner Joe Hennerfeind indicated Cases Z-15-21, Item A, and SP-05-21, Item D, were withdrawn:

- B. Z-18-21 Public hearing, review, and action on a petition submitted by David Long for a variance from Chapter 44, Division 4-3 for a reduction in the required rear yard setback to facilitate the construction of an addition, in the R-1C (Single Family Residence) zoning district, for the property located at 3202 Cave Creek Road, Bloomington, IL 61704, PIN: 21-12-427-017 (Ward 3).

Mr. Noonan recused himself due to a potential, perceived conflict of interest, and physically left the room.

Interim City Planner Joe Hennerfeind presented the staff report with a recommendation of to deny the variance request.

Petitioner Mr. David Long, 1407 Steeple Case Drive, Bloomington, Illinois, the petitioner, on behalf of his client, the property owner, was sworn in for testimony. He stated the existing structure was poorly constructed, and the owner would like better use of the space. He also indicated the footprint will be slightly smaller in part because the existing steps will be removed.

Ms. Harris and Mr. Hennerfeind clarified that although the measurement of the footprint is proposed to be smaller, a variance is still needed because the setback to the property line is measured from the wall, not the steps.

Chairperson Ballantini asked if plans could be altered to meet requirements. Mr. Long indicated they'd prefer the wider footprint.

Assistant Corporate Counsel Boyle clarified that approve a variance, all five standards must be met, and voted on with a minimum of four members. He also offered Mr. Long an opportunity to response to the standards before closing the hearing.

Mr. Long iterated his customer is not the original homeowner. The original owner added a small dinette area that increased the encroachment in the rear yard. When the current owner purchased, they didn't know a future expansion would require a variance. He added he has done this before and has been allowed.

There was no public testimony.

Chairperson Ballantini closed the public hearing.

Ms. Harris motioned to accept the findings of fact as presented. Mr. Straza seconded. Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Chairperson Ballantini - Yes. The motion was approved (4-0 with 1 abstention).

Ms. Harris motioned to deny the variance requested. Mr. Straza seconded. Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Chairperson Ballantini - Yes. The motion was approved (4-0 with 1 abstention).

Chairperson Ballantini indicated to the petitioner to work with staff for next steps. Assistant Corporate Counsel Boyle indicated he will receive correspondence regarding appeal rights.

Mr. Noonan returned to the meeting.

- C. **Z-19-21** Public hearing, review, and action on a petition submitted by Judith Webster for a variance from Chapter 44, Division 12-6A to allow for the construction of a second driveway opening on a residential property less than 100 feet in width, in the R-2 (Mixed Residence) zoning district, for the property located at 911 W Grove Street, Bloomington, IL 61701, PIN: 21-05-434-034 (Ward 6).

Interim City Planner Joe Hennerfeind presented the staff report with a recommendation to approve the variance request.

Ms. Harris clarified with staff, that a legal nonconforming property is something built or subdivided prior to the present code.

Petitioner Ms. Judith Webster, of 911 W. Grove, was sworn in for testimony. She stated this is a recent purchase; was a former rental. The tenant graveled in the west side. She checked with the City to see if she could convert the gravel to a driveway. She indicated she is flexible on the driveway location. She started with a permit that was denied and is holding for approval of a variance.

There was no public testimony.

Mr. Straza motioned to accept the findings of fact as presented. Mr. Noonan seconded. Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, and Chairperson Ballantini - Yes. The motion was approved (5-0-0).

Mr. Noonan motioned to approve the variance requested. Ms. Harris seconded. Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, and Chairperson Ballantini - Yes. The motion was approved (5-0-0).

- E. **SP-06-21** Public hearing, review, and action on a petition submitted by Federico Forti on behalf of Fervalue USA, Inc. for a special use permit for food & kindred industries in the M-1 Restricted Manufacturing District, for the property located at 2501 Beich Road, Bloomington, IL 61705, PIN: 21-18-451-003 (Ward 2).

Interim City Planner Joe Hennerfeind presented the staff report with a recommendation to approve the special use request.

Chairperson Ballantini clarified the parking requirement, and that an updated landscaping plan would be submitted prior to the building permit.

Petitioner Federico Forti, of Fervalue USA, Inc., was sworn in for testimony. He explained current production at the plant, and that the next step is to produce their own chocolate at the factory. This is the reason for the expansion.

There was no public testimony.

Mr. Noonan motioned to accept the findings of fact as presented. Ms. Harris seconded. Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, and Chairperson Ballantini - Yes. The motion was approved (5-0-0).

Ms. Harris motioned to approve the variance requested. Mr. Noonan seconded. Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, and Chairperson Ballantini - Yes. The motion was approved (5-0-0).

Chairperson Ballantini thanked the petitioner for their investment in the community.

NEW BUSINESS

No items.

OLD BUSINESS

No items.

ADJOURNMENT

Ms. Harris motioned to adjourn. Mr. Noonan seconded. All were in favor. The meeting was adjourned at approximately 6:30 PM.

DRAFT



ZONING BOARD OF APPEALS

TO: Zoning Board of Appeals

FROM: Economic & Community Development Department

DATE: November 17, 2021

REQUEST: Z-25-21 Public hearing, review, and action on a petition submitted by Sarah Heatley to obtain a variance from Chapter 44, Division 4-3, Residential Bulk and Site Standards, to reduce the required side yard setback from six feet to two feet, for the property located at 903 Bunn Street, Bloomington, IL 61701, PIN: 21-09-278-008 (Ward 1).



Above: 903 Bunn Street (Source: Google)

BACKGROUND

Notice:

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, November 1, 2021. Courtesy notices were mailed to 55 property owners within 500 feet of the subject property.

Petitioners' request:

The petitioner is seeking a 4-foot variance from Chapter 44, Division 4-3, Residential Bulk and Site Standards, to reduce the required side yard setback from six feet to two feet to allow the expansion of the primary structure. The petitioner wants to build an addition onto her existing home that would connect the home to the existing garage. This would make the garage a part of the primary structure. The existing garage is a legal nonconforming building which sits only two feet off the existing property line. Most of the home and addition will meet the required six-foot side yard setback except for the section of the existing garage.

Lot requirements are shown in the following table.

Table 403A: Bulk and Site Standards R-1 Districts								
District	Lot Characteristics		Site Design			Development Intensity		
	Min. Lot Width (W)	Min. Lot Area (square feet)	Front Yard (F)	Side Yard (S)	Rear Yard (R)	Min. Lot Area per Dwelling Unit (square feet)	Max. Building Height	
			Min.	Min.	Min.		Feet	Stories
R-1A	125 feet	22,500	40 feet	16 feet	40 feet	22,500	35 feet	2.5
R-1B	70 feet	7,000	30 feet	6 feet	30 feet	7,000	35 feet	2.5
R-1C	50 feet	5,400	25 feet	6 feet	25 feet	5,400	35 feet	2.5
R-1H	50 feet	5,400	25 feet	6 feet	25 feet	5,400	35 feet	2.5

Property Characteristics:

The subject property consists of 0.20 acres of land centrally located in Bloomington, near the intersection of E Miller St and Bunn St. The property is improved with a single-family home and detached garage. The properties surrounding the property are a mixture of single-family residential, mixed residential and industrial. This property and the neighboring properties have topographic changes in the rear of the properties.

SURROUNDING ZONING AND LAND USES

	Zoning	Land Uses
North	R-2	Duplex
South	R-1C	Single-Family Residence
East	R-2	Single-Family Residence
West	M-1	Single-Family Residence



STANDARDS FOR REVIEW

As indicated in Ch. 44, 17-8 Variations, the Zoning Board of Appeals shall be guided by those purposes, standards, and objectives of this Code and shall not recommend the adoption of

any amendment unless it finds that such amendment is in the public interest and not solely for the benefit of the applicant.

Standards for Consideration of Rezoning

Standard	Discussion	Finding
<i>That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult</i>	Although the property meets the minimum lot width requirement of 50 feet; it is 13% narrower; however, the subject lot area exceeds the minimum requirement by 60%. Further, the existing home encroaches three feet into the required minimum setback of 25 feet (is built 22 feet from the front property line). Additionally, the existing home as currently built meets the minimum side and rear yard setbacks. It is the proposed connection of the garage to the home that will cause the need for the variance.	Standard is not met.
<i>That the variance would be the minimum action necessary to afford relief to the applicant</i>	The variance requested is minimum amount of action necessary to afford relief to the applicant. The intent of the variance requested is to prevent having to partially demolish the existing garage.	Standard is met.
<i>That the special conditions and circumstances were not created by any action of the applicant</i>	The circumstances are created by the actions of the applicant. The applicant has the ability to make the addition to the home compliant with minimum side yard setback	Standard is not met.
<i>That granting the variation requested will not give the applicant any special privilege that is denied to others by the Code</i>	The granting of this variance could be construed as a special privilege denied to others by the Code. The subject lot width of 43.5 feet; although slightly narrower than the minimum required width of 50 feet, the subject lot area is 8613 square feet, which exceeds the minimum lot width requirement of 5400 by 60%. h	Standard is not met.
<i>That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonable impair the use or development of adjoining properties</i>	The requested variance will not be detrimental to the public welfare but will alter the essential character of the neighborhood. The variance will result in a primary structure that sits two feet from the side of the property. The majority of the surrounding properties have primary structures which meet the minimum side yard setback.	Standard is not met.

STAFF RECOMMENDATION

Staff finds that the application does not meet all the standards for a variance and recommends that the Zoning Board of Appeals take the following actions:

1. Motion to establish findings of fact that the subject property does not meet the variance criteria in Chapter 44.17-8 of the City Code
2. Motion to deny the variance to reduce the required side yard setback from six feet to two feet, for the property located at 903 Bunn Street, Bloomington, IL 61701, PIN: 21-09-278-008 (Ward 1).

Respectfully submitted,

Glen Wetterow
City Planner

Attachments:

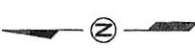
- Site Plans
- Aerial map
- Zoning map

SITE PLAN

PART OF LOT 2 IN BLOCK 6 IN BELL'S ADDITION TO BLOOMINGTON IN THE E.1/2 N.E.1/4 OF SECTION 9, T.23N., R.2E., 3P.M., CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

Legal Description

Lot 2 in Block 6 in Bell's Addition to the City of Bloomington, EXCEPT 62 feet off the West side of Lot 2 in the E.1/2 of the N.E.1/4 of Section 9 Township 23 North, Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois.

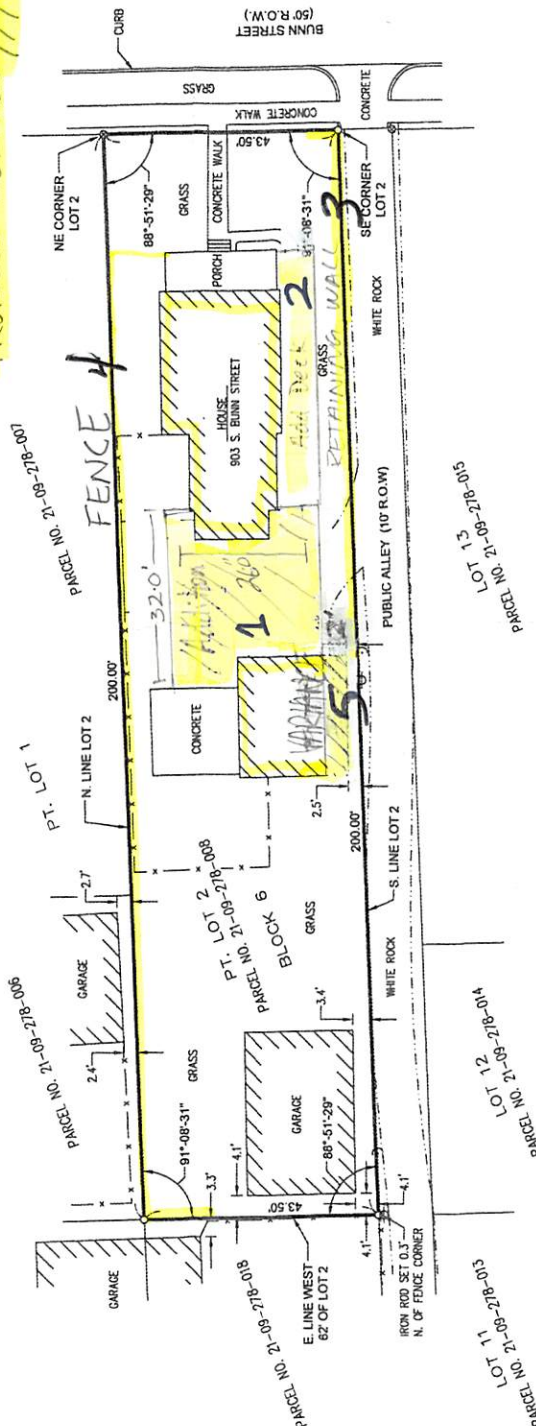


SCALE: 1" = 15'

- LEGEND**
- BOUNDARY OF SUBJECT PREMISES
 - FENCE LINE
 - BUILDING LINE
 - WHITE ROCK LIMITS LINE
 - IRON ROD FOUND
 - IRON ROD SET
 - POWER POLE
 - GUY ANCHOR

EXISTING

PROPOSED ADDITION

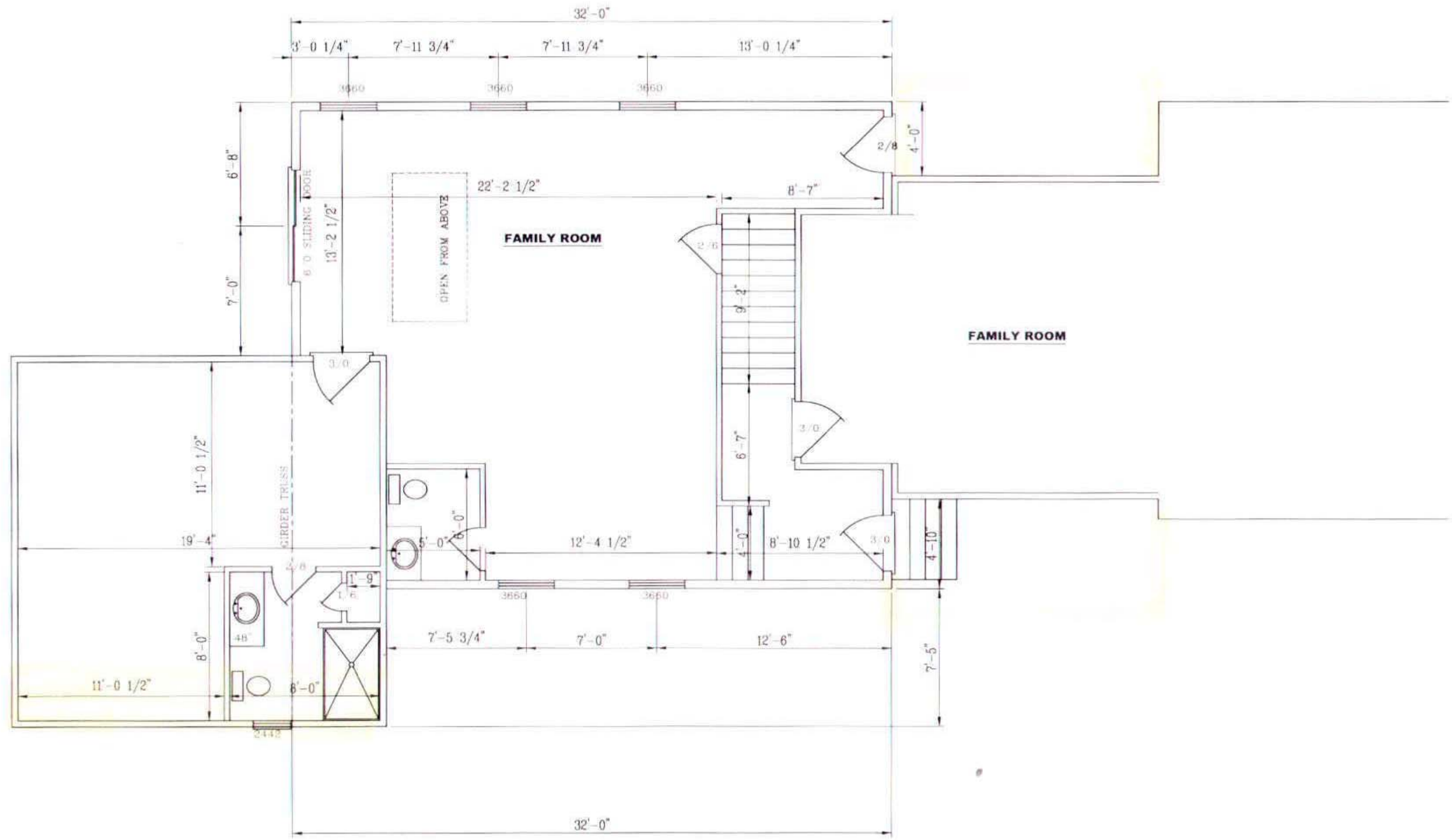


- Proposed site plan scope
- 1 - Addition between Structures 32' x 26'
 - 2 - Add wrap deck
 - 3 - Retaining wall
 - 4 - Fence
 - 5 - Set Back Variance

Amended Permit sheet 3

* MODIFICATION

Application # 62159



RP6827
SHEET 3 4

HEATLEY RESIDENCE
903 BUNN ST
FIRST FLOOR PLAN
SCALE: 1/4"=1'-0"
DR. BY: BRT
10/12/21

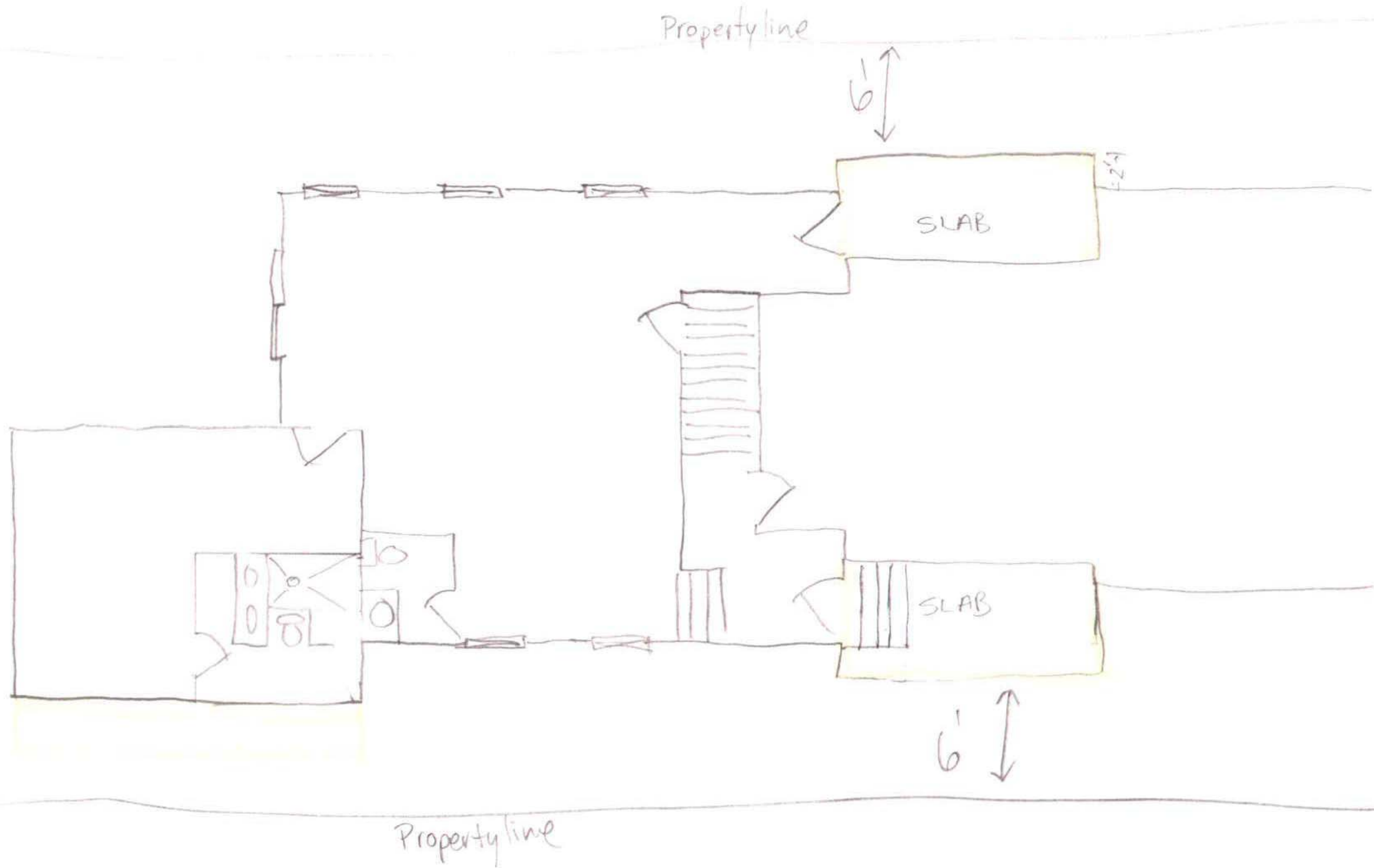


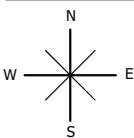
DATE	REVISION
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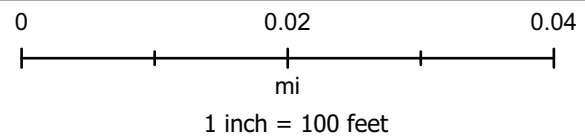
- see Modification sheet 3

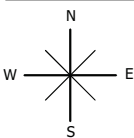
Application # 62159





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