



**AGENDA
REGULAR SESSION
BOARD OF ZONING APPEALS
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
WEDNESDAY, OCTOBER 19, 2022, 4:00 P.M.**

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

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

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

4. MINUTES

Review and approval of the minutes of the September 21, 2022, regular Zoning Board of Appeals meeting.

5. REGULAR AGENDA

- a. **V-08-22** Public hearing, review, and action on a petition submitted by BP Homes, LLC requesting approval for Variances from § 44-403 of the Zoning Code, to allow reduced Front, Side, and Rear Yards in the R-2 (Mixed Residence) District, for the property located at 2 Megan Court. PIN: 21-19-202-031. (Ward 2.) *Tabled from the September 21, 2022, Regular Meeting.*
- b. **SP-15-22** Public hearing, review, and action on a petition submitted by Curtis Squires requesting approval of a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District, for the property located at 2803 Longmeadow Lane. PIN: 15-30-128-018. (Ward 9.)
- c. **SP-16-22** Public hearing, review, and action on a petition submitted by Farnsworth Group, Inc. requesting approval of a Special Use Permit for Multiple-Family Dwellings in the R-2 (Mixed Residence) District, for the property located at the northwest corner of Lutz Road and S. Morris Avenue. PIN: 21-17-451-005. (Ward 2.)

6. OLD BUSINESS
7. NEW BUSINESS
8. ADJOURNMENT



**DRAFT
MINUTES**

**PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS
REGULAR MEETING
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
WEDNESDAY, SEPTEMBER 21, 2022 4:00 P.M.**

The Zoning Board of Appeals convened in Regular Session in-person in the Government Center Chambers on the 4th floor, Room #400, Wednesday, September 21, 2022, with the following physically present staff members: Mr. Jon Branham, City Planner; Mr. Glen Wetterow, City Planner; Ms. Alissa Pemberton, Assistant City Planner; Ms. Kimberly Smith, Assistant Economic & Community Development Director; Mr. George Boyle, Assistant City Attorney.

The meeting was called to order by Staff Liaison, Ms. Pemberton, at 4:25 pm.

ROLL CALL

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

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

PUBLIC COMMENT

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

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There was no public comment.

MINUTES

Commissioner Harris motioned to approve the minutes from the August 17, 2022, regular Zoning Board of Appeals meeting. Commissioner Zwaga seconded.

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

REGULAR AGENDA

SP-13-22 Public hearing, review, and action on a petition submitted by Brein Stinson for approval of a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District, for the property located at 1035 E. Front Street. PIN: 21-03-307-019.

Ms. Pemberton stated that she recused herself from this case due to potential conflict of interest, and that Mr. Wetterow has been the staff member in charge and will present.

Mr. Wetterow presented the staff report with a recommendation to approve the Special Use Permit. Mr. Wetterow noted the location of the coop results in it being entirely screened from neighboring properties. Mr. Wetterow identified the additional fencing provided by the petitioner. Mr. Wetterow noted that this was another case related to an enforcement complaint. Mr. Wetterow noted the petitioner only has the allowed number of hens per code. Mr. Wetterow emphasized the petitioner was extremely apologetic for not obtaining the Special Use before obtaining the chickens, as they had read the Code related to Chicken-Keeping but did not realize it required a Special Use.

The Board did not have any questions for staff.

Chair Ballantini opened the public hearing.

Petitioner, Brein Stinson (1035 E. Front Street) stated they obtained the chickens without realizing a Special Use permit was required and apologized for doing so. Ms. Stinson noted that when they purchased the chicks, they were not aware that one of them was a male. Once they realized the chick was a male, they immediately attempted to find him a new home as they did not want to cull him. They were able to find the rooster a new home in Danvers, IL so noise should no longer be an issue. Ms. Stinson emphasized there should no longer be any issues associated with the rooster or keeping the hens.

Chair Ballantini asked the Petitioner how long they have had the chickens. Ms. Stinson stated they have had the chickens for about a year. Ms. Stinson noted that the rooster was a recent addition; two of their original group of chickens were killed and when they bought chicks to

DRAFT

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replace them is then they accidentally purchased the rooster. Chair Ballantini asked her to clarify what she meant by killed. Ms. Stinson stated they have foxes in the neighborhood, and they believe foxes killed them. Chair Ballantini asked if the new fencing helped in repelling the foxes. Ms. Stinson replied she believed it did as that was the only recent change they have made. However, she is not sure exactly how they got in the enclosure in the first place. Chair Ballantini asked if there have been any issues since the installation of the additional fencing. Ms. Stinson stated they have not had any issues since.

Chair Ballantini asked the number of chickens they have presently. Ms. Stinson stated they have the four permitted by the code.

Chair Ballantini asked for confirmation that the rooster has been relocated. Ms. Stinson stated that is correct.

Chair Ballantini asked about the storage of the food. Ms. Stinson stated the food is stored in sealed containers in their garage.

Chair Ballantini inquired why the petitioner wanted chickens. Ms. Stinson stated they have a large family with six children, so part of the reasoning is economical and the other is to serve as a learning experience to the children. Chicken-Keeping teaches the children where their food comes from and a sense of responsibility in caring for the chickens.

Chair Ballantini asked the petitioner if they were aware of the complaint mentioned by staff. Ms. Stinson stated she was aware and assumed it was because of the rooster; she thought the matter should be addressed since the rooster has been relocated.

Chair Ballantini asked the petitioner if she had talked with their neighbors about keeping the chickens. The petitioner stated they had not.

There were no additional questions for the petitioner from the Board.

No additional testimony was provided.

Chair Ballantini closed the public hearing.

No Board discussion was held.

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

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

Commissioner Zwaga made a motion to recommend approval of the petition submitted by Brein Stinson for approval of a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District, for the property located at 1035 E. Front Street. Commissioner Harris seconded.

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

Mr. Wetterow noted that this item will go before Council for final approval on October 24, 2022.

V-07-22 Public hearing, review, and action on a petition submitted by Cell Electric for a Variance from § 44-1031E(2)(b) of the Zoning Code, to allow a solar array in the front yard in the M-1 (Restricted Manufacturing) District, for the property located at 1004 E. Oakland Avenue. PIN: 21-04-486-013.

Ms. Pemberton presented the staff report with a recommendation to approve the Variance. She noted that this is the second of this type of Variance within the year, and text amendments are moving forward to clarify the siting requirements for arrays in non-residential districts.

Chair Ballantini asked for clarification as to whether the array would be visible from the street since it would be located behind a fence. Ms. Pemberton confirmed that the location would be hidden from view.

Chair Ballantini opened the public hearing.

Petitioner, Ron Spencer of Cell Electric (1004 E. Oakland Avenue) stated that Cell Electric is a solar and electrical contractor and would like to install a solar array to promote their business and reduce their electric use. The part of the property proposed for installation is the best location.

Chair Ballantini clarified that Cell Electric is not the owner of the property. Mr. Spencer verified that Cell Electric rents the property but has the property owner's approval to install the array which will be owned by Cell Electric.

Commissioner Harris inquired as to the efficiency of ground-mounted solar, as compared to rooftop. Mr. Spencer stated that there is little difference, as long as they are facing south.

Commissioner Zwaga inquired as to whether there would be any potential for glare or from the array onto the adjacent roadway. Mr. Spencer stated that angle and elevation should keep there from being any glare or distraction to motorists on Oakland.

No additional testimony was provided.

Chair Ballantini closed the public hearing.

No Board discussion was held.

Mr. Pemberton informed the Board that it is acceptable for motions to be combined for efficiency, as long as both requirements are included in the motion (finding of facts or meeting of criteria AND recommendation or decision on the case.)

Commissioner Harris made a motion to establish findings of fact that carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner, and to approve the petition as submitted. Commissioner Zwaga seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, and Mr. Ballantini - Yes. (5-0). Motion was approved.

V-08-22 Public hearing, review, and action on a petition submitted by BP Homes, LLC for Variances from § 44-403 of the Zoning Code, to allow reduced Front, Side, and Rear Yards in the R-2 (Mixed Residence) District, for the property located at 2 Megan Court. PIN: 21-19-202-031. (Ward 2). *Tabled to the October 19, 2022, Regular Meeting.*

Chair Ballantini explained that this case will be tabled until the next meeting. Ms. Pemberton noted that the need to table was due to a lack of publication of notice by The Pantagraph and not due to any insufficiency or inability on the part of the Petitioner.

V-09-22 through V-14-22 Public hearing, review, and action on a petition submitted by BP Homes, LLC for Variances from § 44-403 of the Zoning Code, to allow reduced Front, Side, and Rear Yards in the R-2 (Mixed Residence) District, for the property located at 4, 6, 8, 10, 12, and 14 Megan Court. PINs: 21-19-202-030, 21-19-202-029, 21-19-202-028, 21-19-202-026, 21-19-202-027, and 21-19-202-025.

Commissioner Ballantini stated the Board preference to review all of these cases together and asked the Petitioner whether this was acceptable. The Petitioner stated this was acceptable. Chair Ballantini asked if anyone on the Board or in attendance was opposed to reviewing the cases concurrently. No objection was made.

Ms. Pemberton presented the staff reports with recommendations to approve the Variances, with a Condition similar to the provision that was present in the prior Code for the planned zero lot line type of development. She noted that text amendments are moving forward to address the unintentional exclusion of similar development during the last Code update.

Commissioner Harris asked for clarification that the fire wall is required on the zero-setback side of the buildings due to how close the buildings are to each other. Ms. Pemberton noted that Building Code—not Zoning Code—requires the firewall due to the possibility of construction on the adjacent lot.

Chair Ballantini inquired as to whether the homes on the other side of the street are already constructed this way and with the same conditions as Staff has proposed for these Variances. Ms. Pemberton verified that by being built under the prior Zoning Code they would have been required to provide drainage and access easements that were conveyed with the property. Chair Ballantini clarified that granting the two Variances with the Condition would essentially provide the same situation for the continued development as was the case for the existing development.

Petitioner, Mark Fetzer of B.P. Homes (1305 Winterberry Circle) stated that they are trying to complete the development that has been planned for the subdivision all along. Alternatives have been reviewed, including replating and restructuring lots, but with the existing easements and utilities in place there are few options to be able to move forward with completing the subdivision. Prior to the Zoning Code change these lots would have been ready for construction with just a building permit, but they had not been ready to proceed due to the housing market at that time.

Chair Ballantini asked about the timeline for beginning work. Mr. Fetzer stated that they plan to begin work within 30 days of receiving approval for the Variances; plans are progressing through the Building Safety Division but will begin work as soon as permits can be acquired. They plan to construct all seven at once, if possible.

Chair Ballantini asked if they were the same firm that constructed the other homes on the street. Mr. Fetzer answered in the affirmative.

Chair Ballantini asked if they have had any complaints or problems with the existing units. Mr. Fetzer answered in the negative, stating the construction type is a fairly common one for the age, having a number of other developments of the same type in town. He stated his belief that zero-lot and duplex-type development is needed and his hope that changes can be made to the R-2 zoning to re-allow some of the housing types that have been disallowed.

No additional testimony was received.

Ms. Pemberton asked that the Board vote on each case separately, for the record.

Commissioner Harris made a motion, related to **case V-09-22**, to establish **findings of fact**, as presented by Staff, that carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner. Commissioner Zwaga seconded.

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

Commissioner Straza made a motion, related to **case V-09-22**, to **approve the Petition** for both Variances to § 44-403B, **with the Condition** that no portion of any structure shall encroach onto an adjacent property without an agreement approving of such, including but not limited to: eaves and

gutters, chimneys, air conditioning compressors, and other functional or architectural features which may extend beyond the principal building wall. Commissioner Harris seconded.

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

Mr. Boyle clarified that each property must be taken separately, but the motion for each property may be compound to include the findings of fact and the approval of the Variances.

Commissioner Zwaga made a motion, related to **case V-10-22**, to establish **findings of fact**, as presented by Staff, that carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner, and to **approve the Petition** for both Variances to § 44-403B, **with the Condition** that no portion of any structure shall encroach onto an adjacent property without an agreement approving of such, including but not limited to: eaves and gutters, chimneys, air conditioning compressors, and other functional or architectural features which may extend beyond the principal building wall. Commissioner Straza seconded.

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

Commissioner Zwaga made a motion, related to **case V-11-22**, to establish **findings of fact**, as presented by Staff, that carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner, and to **approve the Petition** for both Variances to § 44-403B, **with the Condition** that no portion of any structure shall encroach onto an adjacent property without an agreement approving of such, including but not limited to: eaves and gutters, chimneys, air conditioning compressors, and other functional or architectural features which may extend beyond the principal building wall. Commissioner Harris seconded.

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

Commissioner Harris made a motion, related to **case V-12-22**, to establish **findings of fact**, as presented by Staff, that carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner, and to **approve the Petition** for both Variances to § 44-403B, **with the Condition** that no portion of any structure shall encroach onto an adjacent property without an agreement approving of such, including but not limited to: eaves and gutters, chimneys, air conditioning compressors, and other functional or architectural features which may extend beyond the principal building wall. Commissioner Straza seconded.

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

Commissioner Harris made a motion, related to **case V-13-22**, to establish **findings of fact**, as presented by Staff, that carrying out the strict letter of the Code does create a practical difficulty

or particular hardship for the petitioner, and to **approve the Petition** for both Variances to § 44-403B, **with the Condition** that no portion of any structure shall encroach onto an adjacent property without an agreement approving of such, including but not limited to: eaves and gutters, chimneys, air conditioning compressors, and other functional or architectural features which may extend beyond the principal building wall. Commissioner Zwaga seconded.

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

Commissioner Harris made a motion, related to **case V-14-22**, to establish **findings of fact**, as presented by Staff, that carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner, and to **approve the Petition** for both Variances to § 44-403B, **with the Condition** that no portion of any structure shall encroach onto an adjacent property without an agreement approving of such, including but not limited to: eaves and gutters, chimneys, air conditioning compressors, and other functional or architectural features which may extend beyond the principal building wall. Commissioner Zwaga seconded.

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

OLD BUSINESS - Elections for Chair and Vice-Chair

Ms. Pemberton explained the process of nominating and voting for Chair and Vice-Chair.

Commissioner Harris nominated Commissioner Straza as Chair. Seconded by Commissioner Ballantini. Commissioner Straza accepted the nomination.

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

Commissioner Straza nominated Commissioner Ballantini as Vice-Chair. Seconded by Commissioner Harris. Commissioner Ballantini accepted.

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

NEW BUSINESS - None

ADJOURNMENT

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

The meeting was adjourned at 5:35 p.m.



ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS
FROM: Economic & Community Development Department
DATE: October 19, 2022
CASE NO: V-08-22, Variances from § 44-403 of the Zoning Code
REQUEST: Public hearing, review, and action on a petition submitted by submitted by BP Homes, LLC for Variances from § 44-403 of the Zoning Code, to allow reduced Front, Side, and Rear Yards in the R-2 (Mixed Residence) District, for the property located at 2 Megan Court. PIN: 21-19-202-031.

BACKGROUND

Petitioners' request:

The Petitioner seeks a Variance from 1) the § 44-403B, requirement of a minimum of 6-foot side yard to allow a 0-foot side yard on one side of the property, and 2) a Variance from the § 44-403B requirement of a 25-foot front yard to allow a 20-foot front yard.

The Petitioner desires to construct a single-family detached “zero-lot line” home on a parcel that was originally platted to be such, but no longer permits the development type under the changed Zoning Code. This Variance is related to those requested in cases V-08-22 through V-14-22; each vacant lot remaining within the partially completed subdivision that surrounds Megan Court requires similar Variance(s) to allow completion of the subdivision development.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, October 3, 2022. Courtesy notices were mailed to 13 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics:

The property at 2 Megan Court consists of approximately 0.19 acres of land near the intersection of Beich Road and Ashley Drive, in the Bill’s Place Subdivision. At 50 feet wide, the property is not a sub-standard width, but does have a 20-foot wide utility and no-access easement on the north side which already contains the utilities necessary to serve the subject and surrounding dwellings. Nearby properties have been developed in the proposed “zero-lot line” format. The

streets and infrastructure necessary to support the neighborhood and subject dwelling are already in place.

Surrounding Zoning and Land Uses:

	Zoning	Land Uses
North	R-2 (Mixed Residence)	Vacant (Single Family Residence)
South	R-2 (Mixed Residence)	Vacant (Single Family Residence)
East	Unincorporated	Major Transportation Corridor (I-55)
West	R-2 (Mixed Residence)	Single Family Residence

Description of Current Zoning District:

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

Subject Code Requirements:

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

District	Lot Characteristics		Site Design			Development Intensity		
	Min. Lot Width (W)	Min. Lot Area (square feet)	Front Yard (F)	Side Yard (S)	Rear Yard (R)	Min. Lot Area per Dwelling Unit (square feet)	Max. Building Height	
			Min.	Min.	Min.		Feet	Stories
R-2								
Detached Residential	50 feet	6,600	25 feet	6 feet	25 feet	6,600	35 feet	2.5
Attached and Multi-Residential	75 feet	7,000	25 feet	6 feet	25 feet	3,300	35 feet	2.5
Other Uses	50 feet	7,000	25 feet	6 feet	25 feet	7,000	15 feet	1

STANDARDS FOR REVIEW

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

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

Having been platted for a form of development which was subsequently made infeasible through the Zoning Code update in 2019, the lot has restrictions on structure location that other lots do not normally possess. Due to the existing utilities and associated easement, construction of a single-family detached dwelling presents unreasonable challenges with strict adherence to the Code. *Standard is met.*

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

Alternate siting of the proposed dwelling would require moving existing utilities, vacating the utility easement (a process to which Public Works has expressed opposition), and re-platting of the remaining properties within the subdivision. *Standard is met.*

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

This subdivision, and the subject property, were platted in 2007 and intended for “zero-lot line” development (see former City of Bloomington Zoning Code § 44.12-11C). Prior to the Zoning Code change in 2019, the form of development planned for the Bill’s Place subdivision was permitted, by right, in the R-2 (Mixed Residence) District. *Standard is met.*

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

Applications for similar Variances have been submitted for the other associated properties; to prevent the need for future Variances in other subdivisions, text amendments have been proposed to restore this form of development which was unintentionally removed during the Code update. *Standard is met.*

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

The existing development in the neighborhood is of the same character and siting as that proposed for the remaining vacant properties. *Standard is met.*

ADDITIONAL CONSIDERATIONS

One of the purposes for applying setbacks to primary structures is to help ensure that encroachment on adjacent properties does not become an issue; this is a potential concern for the properties that are the subject of these related Variance(s). Based on in-person review of

the existing construction present within the development, in comparison to the building plans submitted for the construction of those dwellings, it appears that most—if not all—of the existing zero-lot structures likely have eaves and attached utilities that encroach on the adjacent properties. Staff asserts that approval of a 0-foot side yard does not equate to City-endorsed encroachment onto adjacent properties during or after construction of the proposed dwelling and proposes a Condition to clarify such.

STAFF RECOMMENDATION

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

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

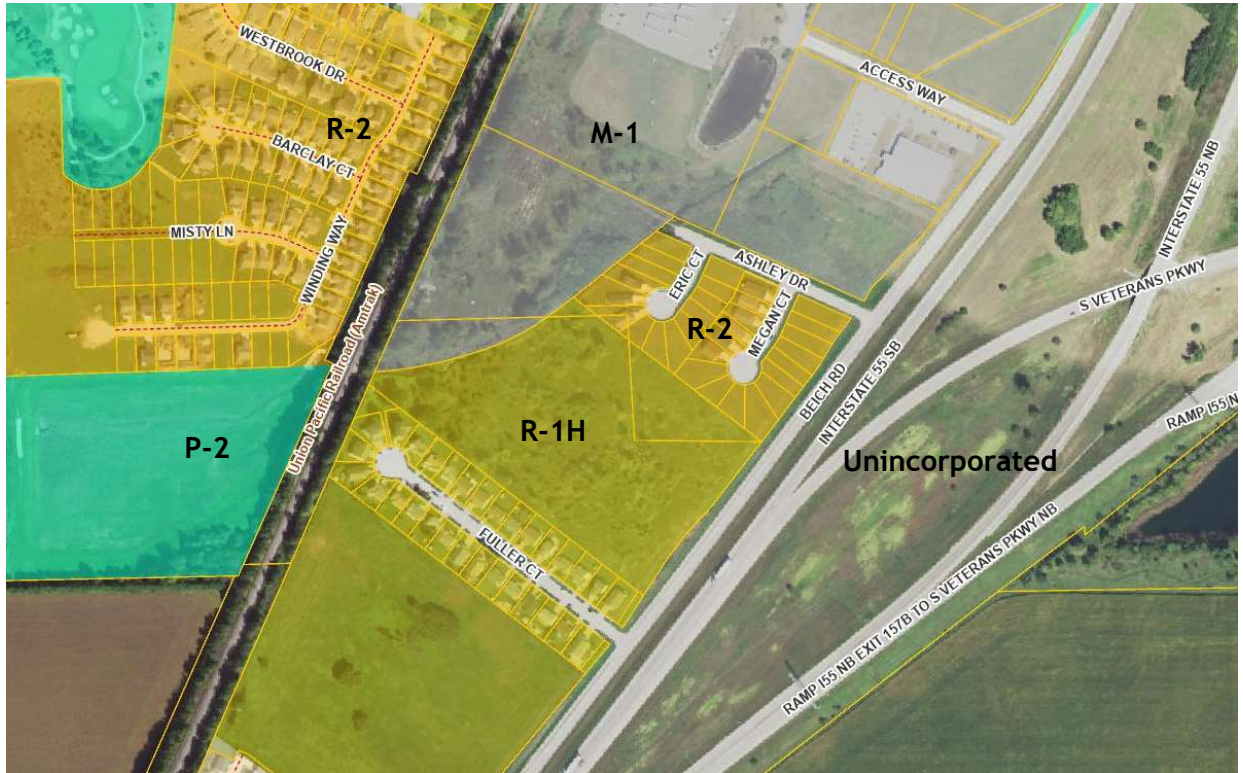
No portion of any structure shall encroach onto an adjacent property without an agreement approving of such, including but not limited to: eaves and gutters, chimneys, air conditioning compressors, and other functional or architectural features which may extend beyond the principal building wall.

Respectfully submitted,
Alissa Pemberton
Assistant City Planner

Attachments:

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

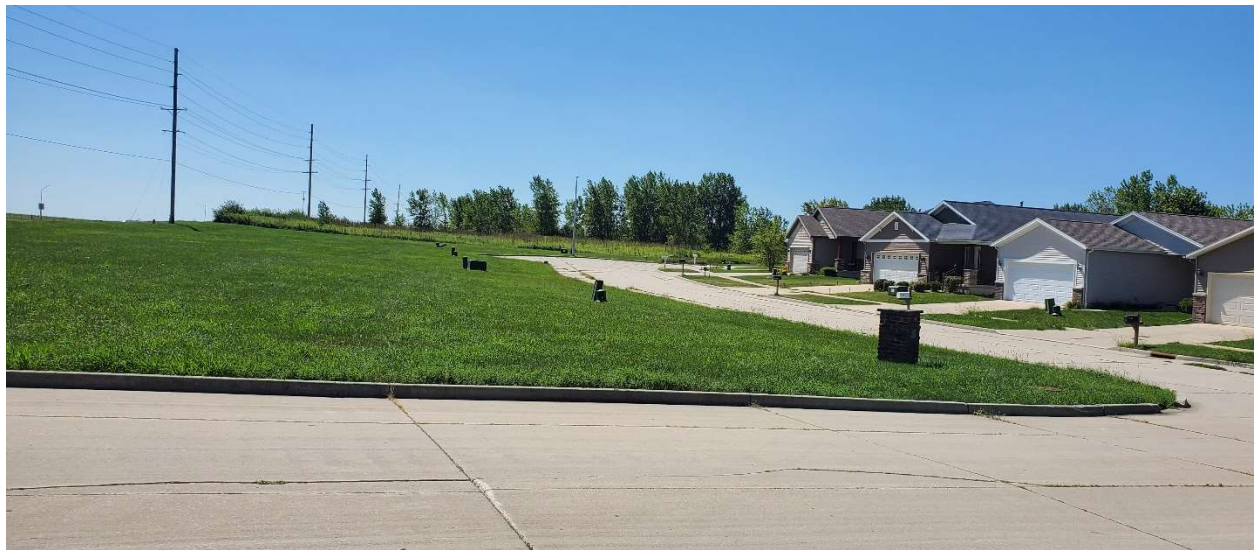
Attachment 1 - Zoning Map



Attachment 1 - Aerial Image



Attachment 3 - Ground-Level View(s)

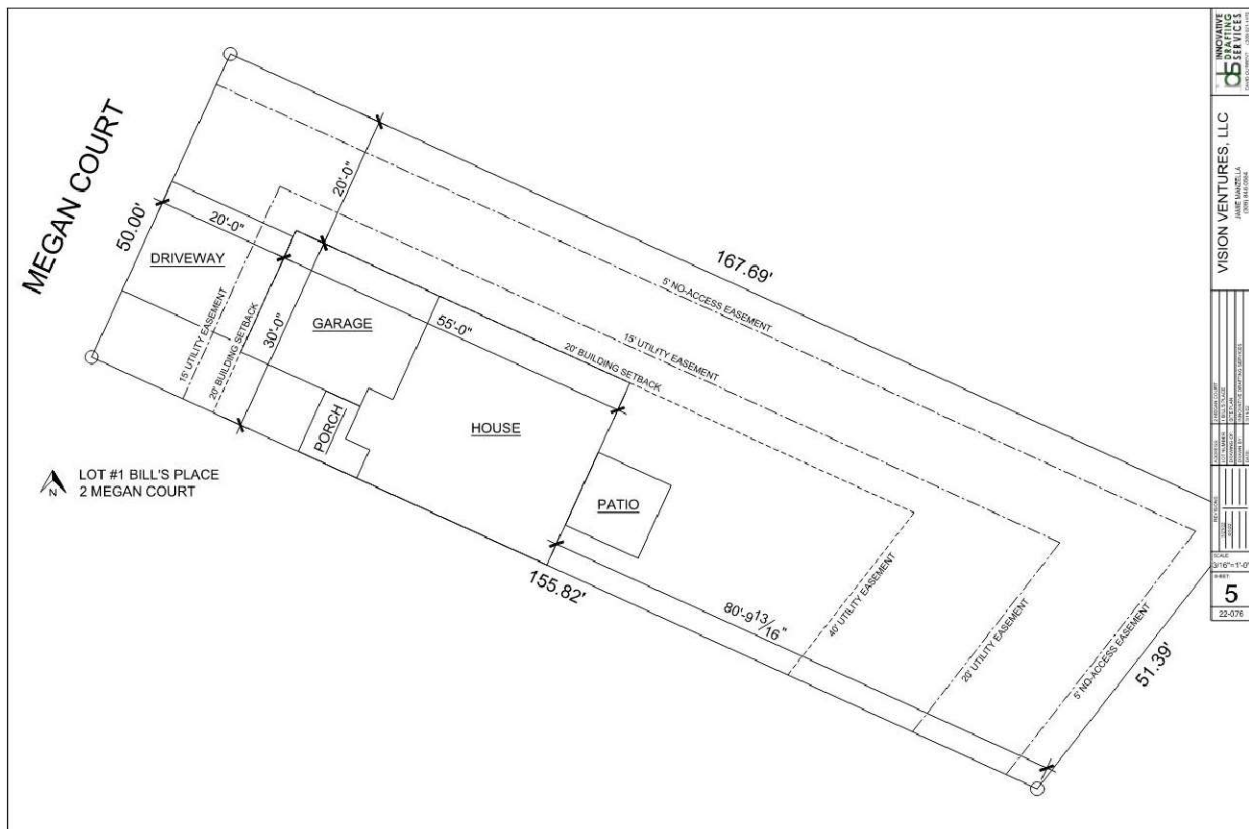


Attachment 4 - Petitioner-Submission - Description of Project

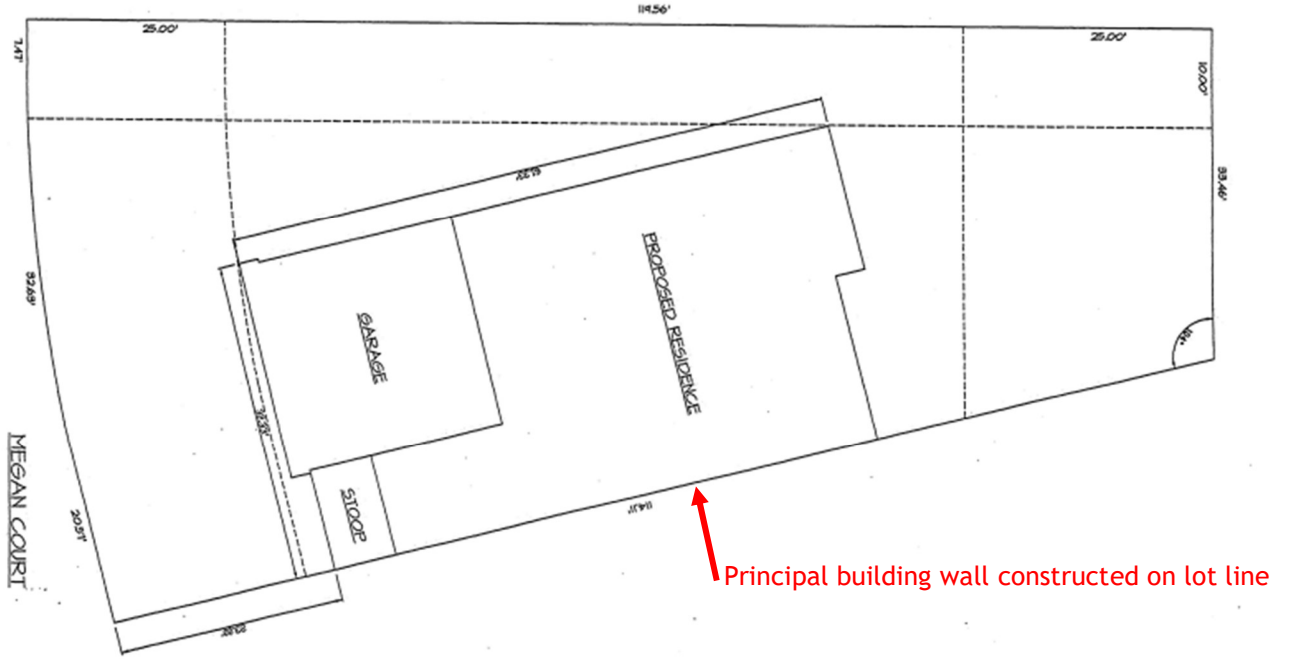
Construction of a new single family residence in a R-2 zoning area. When this area was originally developed the zoning code allowed for detached zero-lot line homes. Since then the zoning code has changed. To keep things conforming in the subdivision variances are required for side yard and front yard setbacks. We are asking for a variance on the front yard setback to allow it to be 20" and the south side yard to be 0".

Have looked at downsizing house but due to small size of lots that is not possible. Considered reworking utility easements but there are already utilities in place.

Attachment 5 - Site Plan

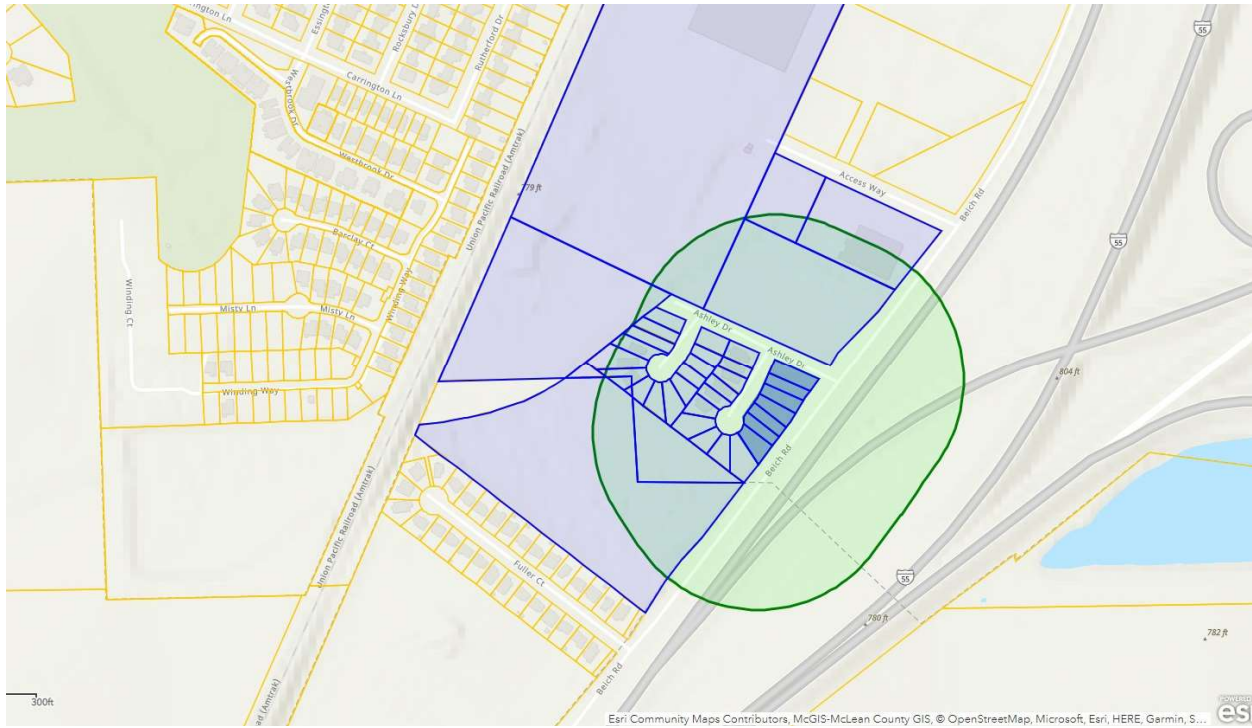


Attachment 6 - Existing Development Encroachment Example(s)



Encroachments onto adjacent properties, if building plan is built to-spec

Attachment 7 - Neighborhood notice map





ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS
FROM: Economic & Community Development Department
DATE: October 19, 2022
CASE NO: SP-15-22, Special Use Permit for Chicken-Keeping
REQUEST: Public hearing, review, and action on a petition submitted by Curtis Squires requesting approval of a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District, for the property located at 2803 Longmeadow Lane. PIN: 15-30-128-018.

BACKGROUND

Petitioners' request:

The Petitioner seeks a Special Use Permit to allow Chicken-Keeping in the R-1C (Single-Family Residence) District, per §44-1011, which states "On lots less than or equal to one acre with a primary use of a single-family or two-family dwelling, the keeping of up to four chickens may be permitted as an accessory use..." No variations to the code are requested.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, October 3, 2022. Courtesy notices were mailed to 90 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics:

The property at 2803 Longmeadow Lane consists of 0.2 acres of land located south of Fort Jesse Road in the Eagle Crest North Subdivision (1st ADD.) It is improved with a single-family home and attached garage. The rear yard of the property, where the coop will be located, is fully fenced with 6-foot privacy fence.

Surrounding Zoning and Land Uses:

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

Description of Current Zoning District:

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

Subject Code Requirements:

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

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

- A. On lots less than or equal to one acre with a primary use of a single-family or two-family dwelling, the keeping of up to four chickens may be permitted as an accessory use [...]

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

STANDARDS FOR REVIEW

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

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

- 1. The establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, or general welfare.**

The chickens will be located at least 10 feet away from all neighboring properties; the provided site plan meets the setback requirements of § 44-1011. The Petitioner intends to store the feed and additional items in a manner that will not attract pests. Chapters 8 & 22 of the City Code provide enforcement mechanisms, should the coop and enclosure fall into disrepair. ***Standard is met.***

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

The Special Use should not impair normal use and enjoyment of the surrounding properties. The coop will be fully screened from the public roadway by a 6-foot privacy fence. The Special Use would also contribute to Goal HL-5.1 (Encourage local food production) and HL-5.3 (Facilitate consumption of healthy, affordable, locally produced food for all residents) of the 2035 Comprehensive Plan. ***Standard is met.***

3. **The establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district.**

The proposed location of the coop meets the minimum setback requirements of 10 feet from the side and rear property lines. The Code defines Chicken-Keeping as an appropriate accessory use for single-family dwellings, and this petition would not impede the normal and orderly development of surrounding properties in any way that was not already weighed—and determined to be appropriate—by the existence of the Special Use in the Code. *Standard is met.*

4. **Adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.**

The property is served by city utilities and roads; no change to facilities is necessary as part of this Special Use Permit. *Standard is met.*

5. **Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

Ingress and egress are provided by existing conditions; no change is expected as the result of the Special Use Permit. *Standard is met.*

6. **The Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals.**

The proposed Special Use is subject to, and conforms with, both the use provisions for Chicken-Keeping as stated in Chapter 44, 10-11 and the regulations of the R-1C (Single-Family Residence) District. In addition, Special Use Permits are enforceable and revokable, should such use become a nuisance, be destroyed, or cease operations for a specific period. *Standard is met.*

STAFF RECOMMENDATION

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

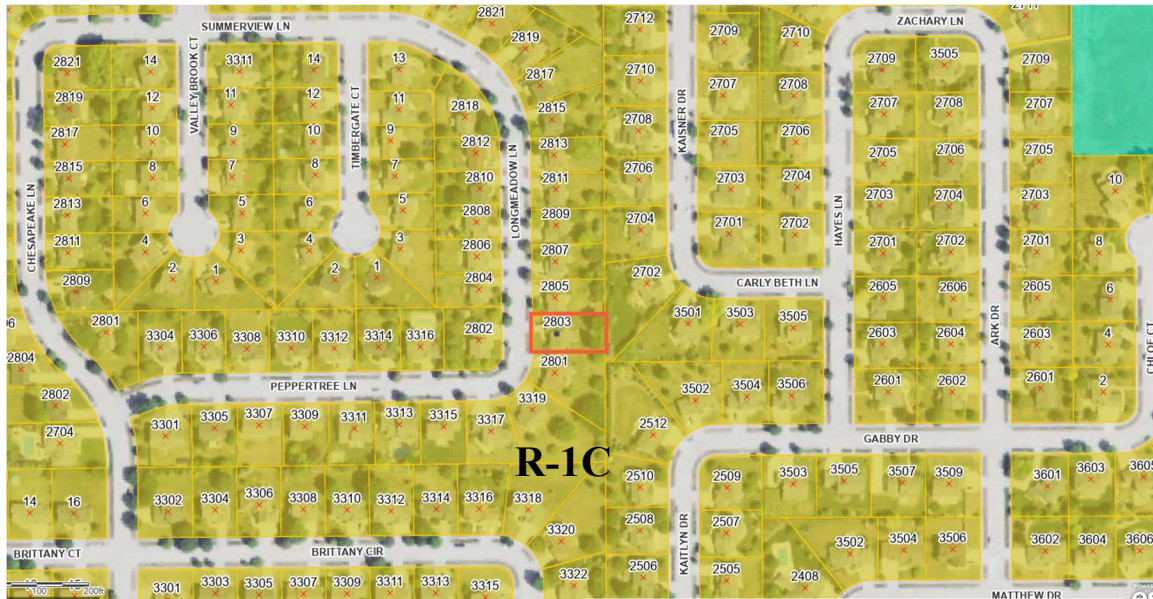
Motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend approval of the petition with no conditions.

Respectfully submitted,
Alissa Pemberton
Assistant City Planner

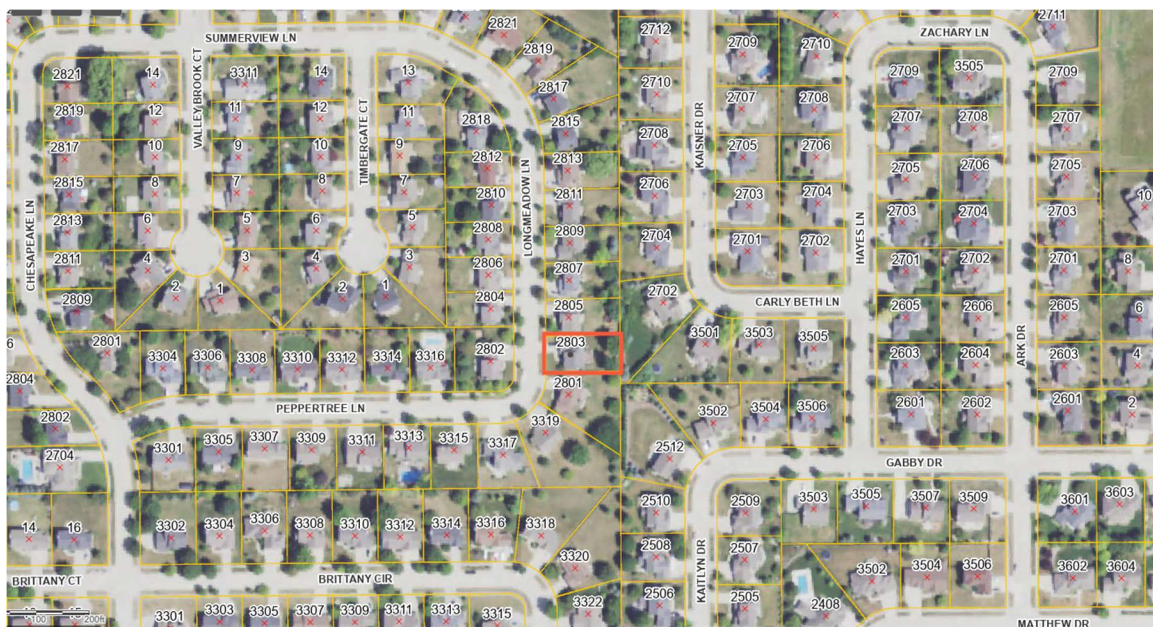
Attachments:

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

Attachment 1 - Zoning Map



Attachment 2 - Aerial Image



Attachment 3- Ground-Level View(s)



Attachment 4 - Petitioner-Submission - Description of Project

The purpose of this special use permit is to apply for the keeping of backyard chickens (4) and no roosters at 2803 Longmeadow Lane. The chickens will be for the purpose of egg laying and education for children. They will not be used for slaughter. This use has been authorized in the City of Bloomington with a special use permit. The coop will be in the backyard located in the northeast corner of the property, set back 15 feet from the Northern and Eastern property line, and will be covered and fenced. 2803 Longmeadow Lane already has a fully fenced backyard. Feed and additional items used in chicken keeping will be properly stored as not to attract pests.

The chicken coop will be offset from adjacent property lines by 15 feet in both directions in the northeast corner of the property. The chickens will be adequately maintained and cared for. Additionally, the chickens will be enclosed in a coop preventing them from leaving the yard. In the event they were to escape the coop, the backyard at 2803 is fully fenced with a 6-foot privacy fence. A photo will be attached to show where the chicken coop will be located. In the photo, the chicken coop will take the place of the swing set, which is set to be taken down in the coming weeks.

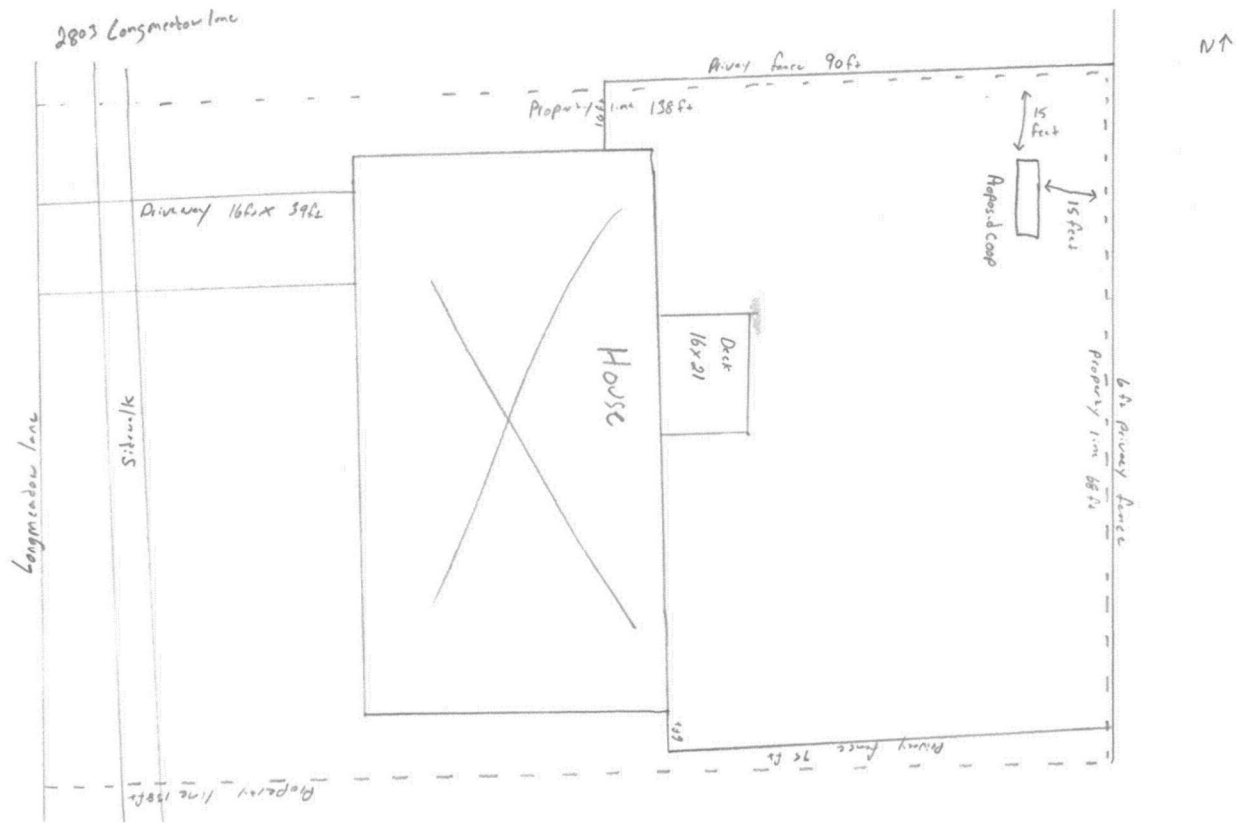
The chickens will be enclosed in a coop preventing them from leaving the yard. The coop will be offset from the nearest property line by 15 feet. In the event they were to escape the coop, the backyard at 2803 is fully fenced with a 6-foot privacy fence. It would be my assumption that if neighbors were not notified of the chickens, they would not be aware of their presence.

The chickens will be kept in an enclosure in the backyard of 2803 Longmeadow Lane that will not impact the surrounding properties.

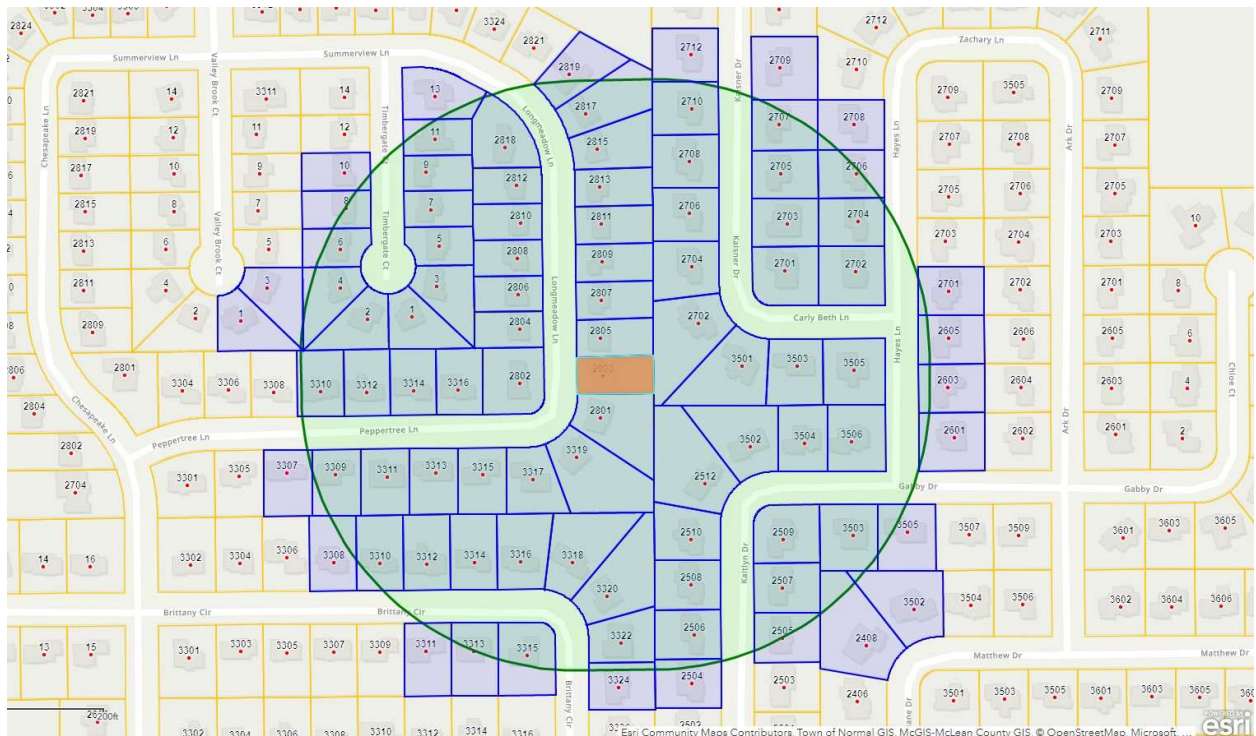
A chicken coop will be established in the backyard that will be free standing. No other improvements will need to be made.



Attachment 5 - Site Plan



Attachment 6 - Neighborhood notice map





ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: October 19, 2022

CASE NO: SP-16-22, Special Use Permit for Multiple-Family Dwellings

REQUEST: Public hearing, review, and action on a petition submitted by Farnsworth Group, Inc. requesting approval of a Special Use Permit for Multiple-Family Dwellings in the R-2 (Mixed Residence) District, for the property located at the northwest corner of Lutz Road and S. Morris Avenue. PIN: 21-17-451-005.

BACKGROUND

Petitioners' request:

The Petitioner seeks a Special Use Permit to allow Multiple-Family Dwellings in the R-2 (Mixed Residence) District, per § 44-402B which indicates Multiple-Family Dwelling Units permitted as Special Use in the R-2 District. No variations to the code are requested.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, October 3, 2022. Courtesy notices were mailed to 96 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics:

The subject property (PIN 21-17-451-005) consists of 12.15 acres of land located at the northwest corner of S. Morris Avenue and Lutz Road, adjacent to the Wittenberg Woods at Prairie Vista Subdivision. The property is currently vacant. Public utilities have been installed along a planned street connection between Treeline Drive and Timberline Drive.

The 2003 Annexation Agreement for this area provided a Concept Plan and density guidelines for the original 53.66-acre tract, designating R-2 zoning for lots 218, 219, and 220, with development of multiple-family character, and a density not to exceed 12 dwelling units per acre (Z-14-03). The Preliminary Plan for Wittenberg Woods at Prairie Vista Subdivision breaks the same existing PIN into three lots, changing the numbers to 216-218, with a Detention area on lot 218 (Ordinance Number 2003-97). These conditions and restrictions are represented in

the proposal for the subject Special Use Permit. Additional Final Plats are expected to complete development of the overall subdivision represented in the Concept Plan.

Surrounding Zoning and Land Uses:

	Zoning	Land Uses
North	R-2 (Mixed Residence) District & R-1C (Single-Family Residence) District	Vacant & Single-Family Dwelling Units
South	R-1 (County)	Agricultural Sales, Single-Family Dwelling & Electricity Transfer/Sub-Station
East	A (Agricultural) District & P-2 (Public Lands & Institutions) District	Single-Family Dwelling & Golf Course
West	R-2 (Mixed Residence) District & R-1C (Single-Family Residence) District	Vacant & Single-Family Dwelling Units

Description of Current Zoning District:

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

Subject Code Requirements:

- § 44-402B, “Allowed Uses Table” indicates Multiple-Family Dwelling Units permitted as Special Use in the R-2 District.
- § 44-1208, “Off-street parking requirements” specifies the computation of required automobile and bicycle parking spaces required for the number of units developed. Additional items within this article will regulate the form and construction of those spaces and the associated site circulation.
- § 44-13, “Landscaping and Screening” provides the requirements for general landscaping and screening, as well as specifics related to parking lot landscaping and refuse collection area screening.

STANDARDS FOR REVIEW

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

Special Use Permit for Multiple-Family Dwellings in the R-2 (Mixed Residence) District.

- 1. The establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, or general welfare.**

The establishment, maintenance, and operation of additional Low-to-Medium Density Residential uses is appropriate for this area and will not be detrimental to the public health, safety, comfort, or general welfare of the surrounding Low-to-Medium Density Residential uses. ***Standard is met.***

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

While the designation on the City's Future Land Use Map for this area is "Low Density Residential" (under 8 units per acre), much of the surrounding designation and existing development is "Medium Density Residential" as was outlined in the Annexation Agreement and codified in the subsequent zoning approval. Completion of the long-standing plan for this subdivision will result in the completion of associated transportation and utility improvements, benefiting properties to the west and north. The Special Use would contribute to Goal H-1 (Ensure the availability of safe, attractive and high-quality housing stock to meet the needs of all current and future residents of Bloomington) of the 2035 Comprehensive Plan. ***Standard is met.***

- 3. The establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district.**

The proposed use (multiple-family dwellings on a single lot with density of no greater than 12 units per acre) is consistent with the original Annexation Agreement Concept Plan and discussions surrounding the Preliminary Plan for the Wittenberg Woods Subdivision, including the area designated for stormwater and the single-family development indicated outside the current project area, adjacent to Timberline Drive. ***Standard is met.***

- 4. Adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.**

The western portion of the subject property has been designated for stormwater detention for the developed area; public water and sewer are already available on the parcel. Sufficient on-site circulation has been provided to prevent backup onto the public street. The 2003 Annexation Agreement requires the interior street (connection of Treeline and Timberline) to be built to City minor street standard; the construction of this connection is the responsibility of the developer, as is the timeline for completion.

The 2003 Annexation Agreement requires the owner of the subject property to provide “an Adjacent Substandard Roadway Guaranty and Surety,” to be “posted at final platting or paid at completion of the road to City major street standards, whichever occurs last,” for both Morris Avenue and Lutz Road. According to City of Bloomington Public Works:

- At this time, the northern half of Lutz Road, between Handel and Morris, is constructed to City major street standards and no additional improvements are planned; payment will be due upon final platting of this area.
- At this time, Morris Avenue is *not* constructed to City major street standards and upgrades are planned for future years; the developer will need to bond for the substandard roadway.

Public Works does not oppose the development of multiple family dwellings in this area prior to completion of the Treeline-Timberline connection and the improvement of Morris Avenue. *Standard is met.*

5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Ingress and egress are provided off the secondary roadway (Lutz, as opposed to Morris) to reduce speed prior to entry onto the property. Long-term, an additional connection to Timberline will further reduce congestion in the area.

The site provides 108 off-street parking spaces, as well as four bike racks each with a 7-bike capacity. Multiple-family uses require 1.5 spaces per efficiency or one-bedroom dwelling unit and 2 spaces per 2 or more-bedroom dwelling units (§ 44-1208E) and bicycle parking at a rate of 25% of required vehicle parking (§ 44-1213E(3).) No off-street parking discounts have been applied. *Standard is met.*

Unit Type	Number of Units	Required Off-Street Parking Spaces
1-bedroom	32	48
2-bedroom	24	48
Required Off-Street Parking Spaces, Based on Use		96
Total Required Off-Street Parking Spaces		96
Total Available Off-Street Parking Spaces		108
Balance - Auto		12
Total Required Bike Parking Spaces		24
Total Available Bike Parking Spaces		28
Balance - Bike		4

6. The Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals.

Preliminary review of the landscaping plan indicates compliance with the requirements of § 44-1307; detailed review of materials and specifications will be completed during permitting. The location and screening of the proposed refuse collection areas meet the requirements of § 44-1308E. Outdoor lighting will be required to comply with § 44-911D to protect adjacent lots from direct or reflected glare. *Standard is met.*

STAFF RECOMMENDATION

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

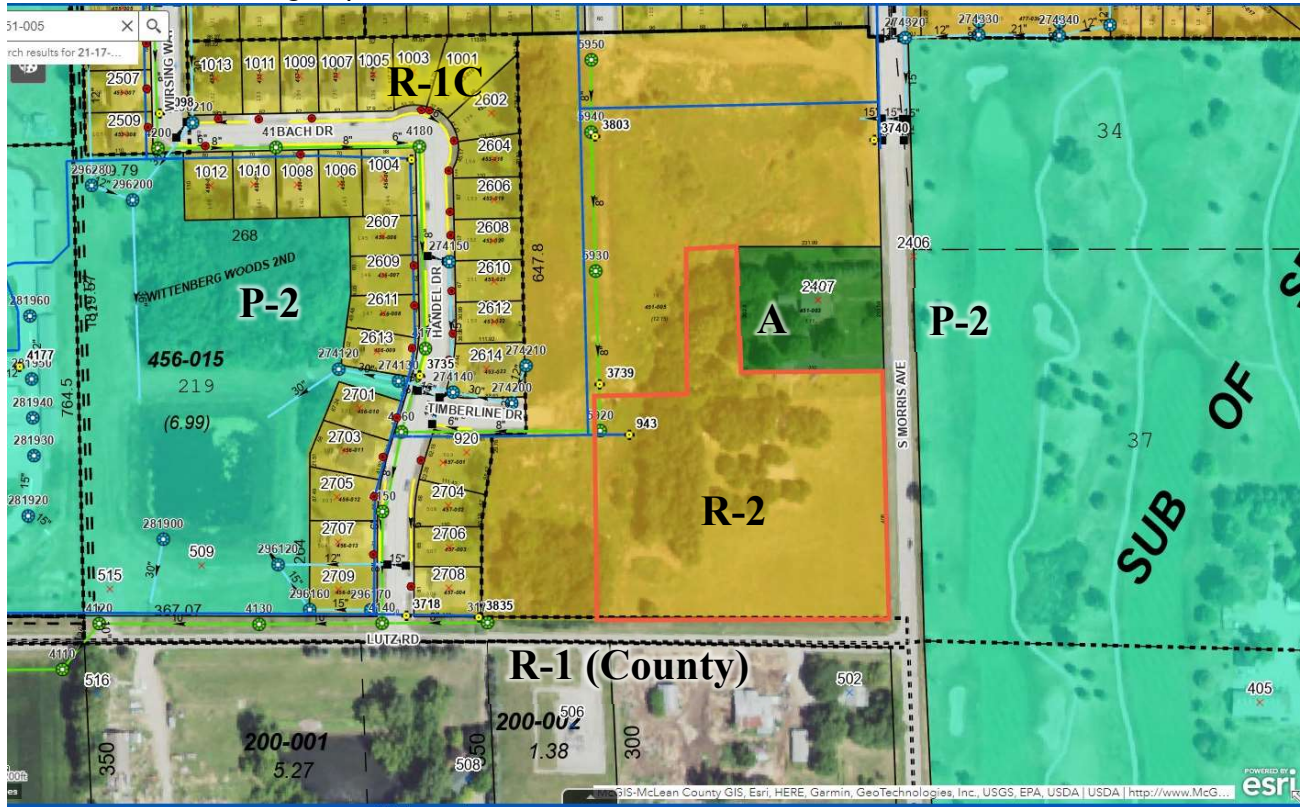
Motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend approval of the petition with no conditions.

Respectfully submitted,
Alissa Pemberton
Assistant City Planner

Attachments:

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

Attachment 1 - Zoning Map



Attachment 2 - Aerial Image



Attachment 3- Ground-Level View(s)





Attachment 4 - Petitioner-Submission - Description of Project

Four Proposed Multifamily dwelling apartment buildings totaling 56 units on an approximately 4.95ac site (less than 13units/ac based on site plan boundary in red) at the NW corner of Morris Ave and Lutz Rd.

Site Plan allows room for potential future single family attached/detached development integration, providing a mix of residential use for the site to capitalize on the views of the adjacent golf course.

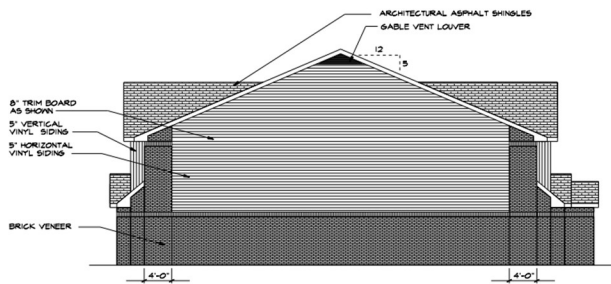
The southwestern most portion of the parcel is for proposed detention (to be designed) to meet/exceed site drainage needs per C.O.B. code. Watermain and sewer access are available and will be adequately provided. Lutz Rd. access is provided per Site Plan and connection to future extension of Timberline Drive to the Wittenberg Woods Subdivision is also to be provided.

Ingress/egress from Lutz Rd. and, in the future, to Timberline Drive alleviates congestion from higher traffic volume on Morris Ave, while still maintaining easy site access.



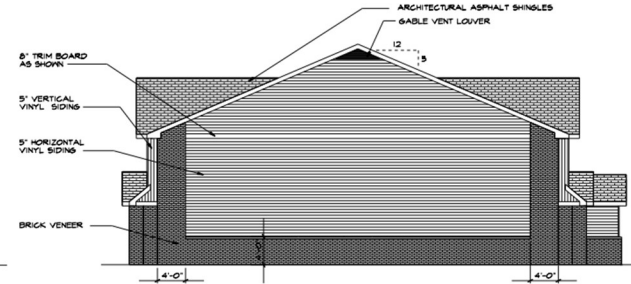
12-UNIT FRONT ELEVATION

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



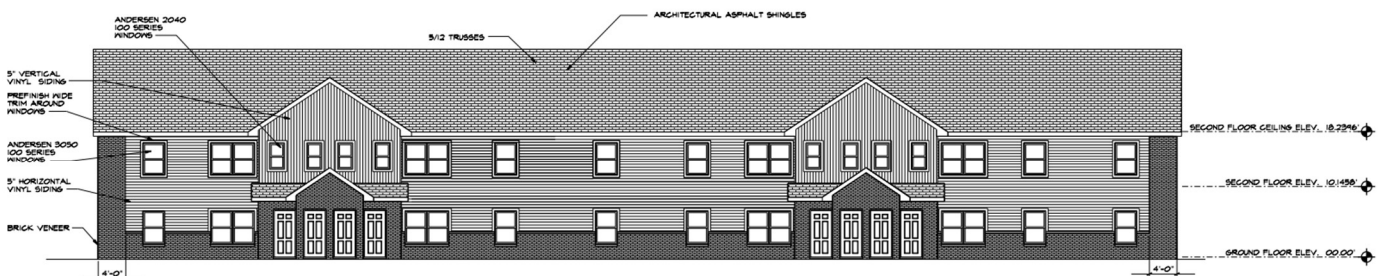
12-UNIT SIDE ELEVATION

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



16-UNIT SIDE ELEVATION

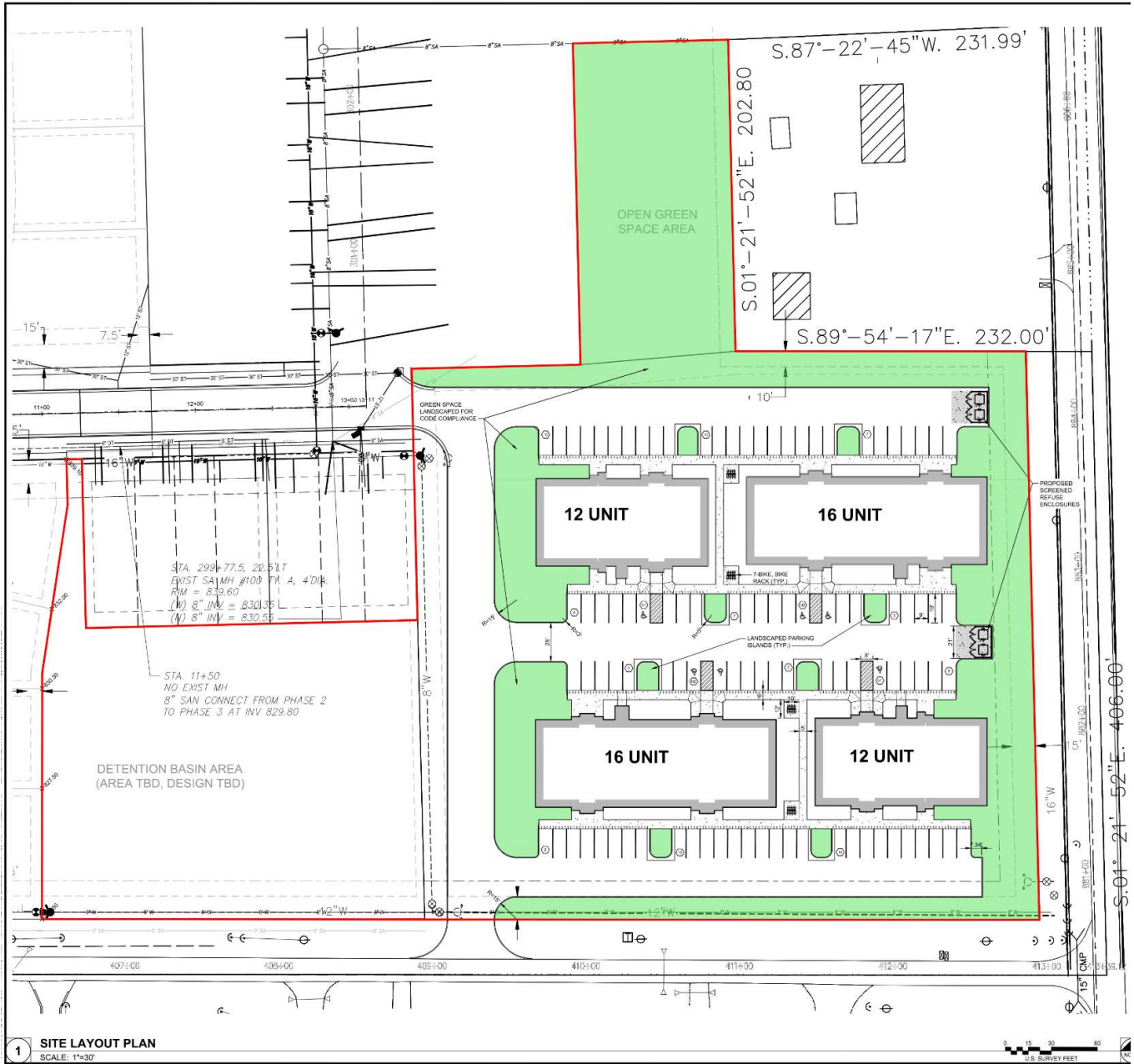
SCALE: 1/8" = 1'-0"



16-UNIT FRONT ELEVATION

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

Attachment 5 - Site Plan



Attachment 6 - Site Plan Overlay on Aerial Image (Staff Prepared)



Attachment 7 - Neighborhood notice map

