



AGENDA
McLEAN COUNTY ZONING BOARD OF APPEALS
Tuesday, November 2, 2021
115 East Washington St., Room 400, Bloomington, IL

CALL TO ORDER BY CHAIR

ROLL CALL BY SECRETARY AND DECLARATION OF A QUORUM

APPROVAL OF MINUTES

APPEARANCE BY MEMBERS OF THE PUBLIC ON NON-AGENDA RELATED TOPICS (*An opportunity is provided for members of the public to address the public officials **on matters not listed below**. Public comment will not exceed 20 minutes. Each member of the public will be allowed 3 minutes of commentary.*)

7:00 P.M. – Case ZV-21-02, an application of Scott and Janet Whitehouse in case ZV-21-02 on parcel 31-21-301-008. They are requesting a variance in side setback requirements to allow a proposed detached garage to be 8 feet from the property line rather than 20 feet as required in the A-Agriculture District on property in West Township at 4377 N 3200 East Rd., Arrowsmith, IL. This is a final decision.

DISCUSSION OF PETITION

NEXT MEETING DATE – 7:00 P.M., Tuesday, December 7, 2021

ADJOURNMENT

RECORD OF MINUTES

McLEAN COUNTY ZONING BOARD OF APPEALS

Tuesday, September 7, 2021

Room 400, Government Center, 115 E. Washington Street, Bloomington, Illinois

1. CALL TO ORDER: Chair, James Finnigan called the meeting to order at 7:00 PM.
2. ROLL CALL: Secretary Philip Dick called the roll and noted the presence of a quorum as follows: James Finnigan, Rick Dean, Michael Kuritz, Ruth Novosad, Mary Beth Taylor and Brian Bangert. Julia Turner was absent. Also present were Darrell Mitchell, Zoning Enforcement Officer and Samantha Vasquez, Civil Assistant State's Attorney.
3. APPROVAL OF MINUTES: Motion was made by Kuritz/Taylor to approve the minutes from the August 3, 2021 Zoning Board of Appeals meeting.

The minutes were approved by voice vote.

4. APPEARANCE BY MEMBERS OF THE PUBLIC: No one came forward to speak on matters not on the agenda.
5. REGULAR AGENDA:

Case ZV-21-01, an application of Richard Miller in case ZV-21-01 on parcel 13-15-400-003. He is requesting a variance in front setback requirements to allow a proposed single-family dwelling to be 50 feet from the centerline of the road rather than 60 feet as required in the A-Agriculture District on property in Dry Grove Township at 17033 N 975 East Rd., Bloomington, IL.

Secretary Dick called the case, provided exhibits to the board, and submitted a staff report for review. He indicated the seven standards for a variance are met.

Richard Miller, 49 Pebblebrook Court, Bloomington, IL appeared to give testimony and was sworn. Mr. Miller indicated that he bought the property for his son to build a dwelling on it. He said that his son works in the Danvers area, and that his son wants to improve the property.

The board reviewed and discussed the seven standards and found them met.

Motion was made by Kuritz/Taylor to approve case ZV-21-01.

The roll call vote was six members for the motion to grant, none opposed, and Member Turner was absent.

Case ZA-21-02, an application of LeRoy Investment Group, LLC by Scott Brown in case ZA-21-02 on parcel 30-21-477-001. It is requesting a map amendment to change the zoning classification from C-Commercial District to R-1 Single Family Residence District on property in Empire Township at 26812 US Hwy. 150, LeRoy, IL.

Secretary Dick called the case, provided exhibits to the board, and submitted a staff report for review. He indicated the seven standards for a map amendment are met.

Scott Brown, 2925 Bear Claw St., Normal, IL appeared to give testimony and was sworn. Mr. Brown indicated that they took down the bowling alley that was on the property since the roof fell in. He said that they have the property, with a house on it, sold if they can get financing for the property. He said that they can get financing if the property is rezoned to the R-1 District. He indicated that the truck trailers on the property would be removed after the property is sold.

The board reviewed and discussed the seven standards and found them met.

Motion was made by Novosad/Bangert to recommend approval of case ZA-21-02.

The roll call vote was six members for the motion to recommend approval, none opposed, and Member Turner was absent.

6. ADJOURNMENT: The Chair declared the meeting adjourned at 7:25 PM.

McLean County Department of Building and Zoning

STAFF REPORT FOR A VARIANCE

CASE NUMBER ZV-21-02

1. REFERENCE

- a. Hearing date: November 2, 2021
- b. Applicants' names and address: Scott and Janet Whitehouse 108 W. Van Buren St., Farmer City, IL 61842
deaconscoottandjanet@gmail.com
- c. Owners' names and address: Same

2. VARIANCE REQUESTED: For a variance in side setback requirements to allow a proposed detached garage to be 8 feet from the property line rather than 20 feet as required in the A-Agriculture District.

3. LOCATION, CURRENT ZONING AND LAND USE:

- a. Property location: 4377 N 3200 East Rd., Arrowsmith, IL 61722
- b. Size of Parcel: One acre
- c. Township: West Township
- d. Parcel Number: 31-21-301-008
- e. Existing zoning: A-Agriculture District
- f. Existing land use: Single-family residence

4. SURROUNDING ZONING:

- a. North: A-Agriculture District
- b. South: A-Agriculture District
- c. East: A-Agriculture District
- d. West: A-Agriculture District

5. SURROUNDING LAND USE:

- a. North: Single-family residence
- b. South: Township buildings
- c. East: Crop production
- d. West: Crop production

6. BACKGROUND INFORMATION: The applicants propose to build a detached garage accessory to a residence on the property that is closer to the side property line than the Zoning Ordinance allows. A detached garage approximately eight feet from the side property line had formerly been located on the property.

7. STAFF ANALYSIS: The analysis of the seven standards listed in Section 350-17.F.(1) (c) (Standards for Variances) of the McLean County Code as they apply to this variance request is as follows:

- 1. **The physical surroundings, shape, or topographical conditions of the specific property will not cause a particular hardship to the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.** Although the applicants would like to place the proposed garage 8 feet from the side property line, there is a vacant area

- adjacent to the proposed garage (to the north) that would allow the structure to be placed 20 feet from the side property line.
2. **The conditions upon which a petition for a variance is based are not unique to the property for which the variance is sought and are applicable generally to other property within the same zoning classification.** The proposed garage could be placed 20 feet from the side property line on the subject one-acre lot. There are also other areas on the lot where the proposed garage could be sited that meet County setback requirements.
 3. **The purpose of the variance is not based exclusively upon a desire to make more money out of the property.** The applicants want their son who lives in the house on the property to use the proposed garage.
 4. **The alleged difficulty or hardship is not caused by this ordinance and has been created by persons presently having an interest in the property.** A detached garage could be reasonably placed on the property 20 feet from the side property line as the ordinance requires. However, the applicants prefer to place the garage 8 feet from the property line because they state that it would be too close to the middle of the property.
 5. **The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.** The adjacent property to the south is occupied by West Township buildings that would not be negatively impacted by the proposed variance.
 6. **The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public street, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.** The proposed variance would not likely impact adjacent properties since a garage had been located at a similar location for many years without negative impact.
 7. **The variance requested is not the minimum variance that will make possible the reasonable use of the land or structure.** The applicants could make a reasonable use of the land and the proposed garage if it would be located 20 feet from the side property line.
 8. **CONCLUDING OPINION:** Staff recommends that this application does not meet all of the standards set forth in Section 350-17.F. (1) (c) (Standards for Variances) of the McLean County Code.

Respectfully submitted, *


Philip Dick, AICP, Director