



Zoning Board of Appeals

Case #: 11-03-03-V

Prepared by: Mercy Davison, Town Planner

Variation Description: The owner of 600 Hester proposes to construct a new apartment building with a 49'6" height, which exceeds the code-permitted maximum height of 45'.

Staff Recommendation: Approval

Property Location: 600 Hester

Background: The property at 600 Hester currently contains a 2-story, 6-unit apartment building, which the owner would like to redevelop. The proposed new building will have four floors of residential units above one floor of parking built mostly below grade. The parking can not be entirely below grade because the property has a significant amount of topography – roughly 13 feet of fall from south to north. Thus, while the parking level will not be seen from the north, it will be seen from the south. (Or in other words, the building will appear to be taller on the south side than the north side.)

Because 600 Hester has R-3A zoning within the Parking Impact Zone, Sec. 15.7-4(O) permits the building to be up to four stories or 45 feet in height. Building height on a flat site is measured from grade to the average height of the roof slope. When the site is not flat, as is the case at 600 Hester, height is measured from the average grade around the building. When this formula is applied to the proposed building at 600 Hester, the height is 49'6".

The owner of 600 Hester will be present to answer questions regarding the variance requests.

Adjacent Zoning and Surrounding Land Use

	Zoning District	Land Use
Subject Property	R-3A Medium Density Multiple Family	Multiple Family
Adjacent North	S-1 University	Railroad & ISU
Adjacent East	R-3A Medium Density Multiple Family	Multiple Family
Adjacent South	R-3A Medium Density Multiple Family	Multiple Family
Adjacent West	R-3A Medium Density Multiple Family	Multiple Family

Variation Standards Section 15.12-4(D)

The Zoning Board of Appeals shall prepare findings of fact from the evidence adduced at the administrative public hearing indicating the extent to which the following items are demonstrated:

1. Granting of the variation will be in harmony with the purpose and intent of the Zoning Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
2. The property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the bulk, sign, or off-street parking and loading regulations of the zoning classification of the property in question.
3. The plight of the owner is due to special circumstances.

Under Illinois state law and Town of Normal code, the Zoning Board of Appeals shall grant a variation only if each of the above standards has been satisfied.

Staff Recommendation

Harmony and Purpose: The minor height variance will not affect the harmony and purpose of the R-3A zoning district. Furthermore, the proposed new building will meet the code-permitted height on the south side, where it adjoins another apartment structure.

Ability to Yield Reasonable Return: Restricting the building to three stories in order to meet the height requirement could impact the ability of the owner to yield a reasonable return.

Plight Due to Unique Circumstances: The unusual amount of topography on the site creates a unique circumstance.

Recommendation: Town staff recommends in favor of the requested variance.

Staff recommends the ZBA proceed with the public hearing and, following its findings of fact, determine whether the application has met all the three standards required for the approval of the requests.

Zoning Board Action

- _____ Approved
- _____ Conditionally Approved
- _____ Denied

To all Applicant(s) - Please note that:

- a. The approved variation will expire within one year from the date of the Board decision if the applicant failed to obtain a building permit (Section 15.12-5(E)(3))
- b. No application for variation which has been denied wholly or in part by the Zoning Board shall be submitted for a period of one year from the date of said order of denial except on the grounds of error in the original proceedings or change of conditions found to be valid by the Zoning Board of Appeals (Sec. 15.12-5(E)(2))
- c. Decisions of the Zoning Board of Appeal concerning a variation request in R-2, R-3A, R-3B, B-1, B-2, C-1, C-2, C-3, M-1, and M-2 Zoning Districts shall be considered a provisional decision for a period of 10 days. During the 10-day provisional period, any member of the Town Council may file in writing with the City Clerk a stay of decision. This provision gives the Council the opportunity to review the action of the Zoning Board and render a final decision, which may only be reviewed in the courts in accordance with the applicable statutes and law of the State of Illinois. Please see Sec. 15.12-5(E)(1)(a) of the Zoning Code for additional information.

	AYE	NAY	OTHER		AYE	NAY	OTHER
Randy Schaab				Corrine Brand			
Janet Hood				Tony Penn			
Gary Blakney				Todd Anderson			
Keith Palmgren							

Chairman / Date



600 Hester

Hester Ave

S-1

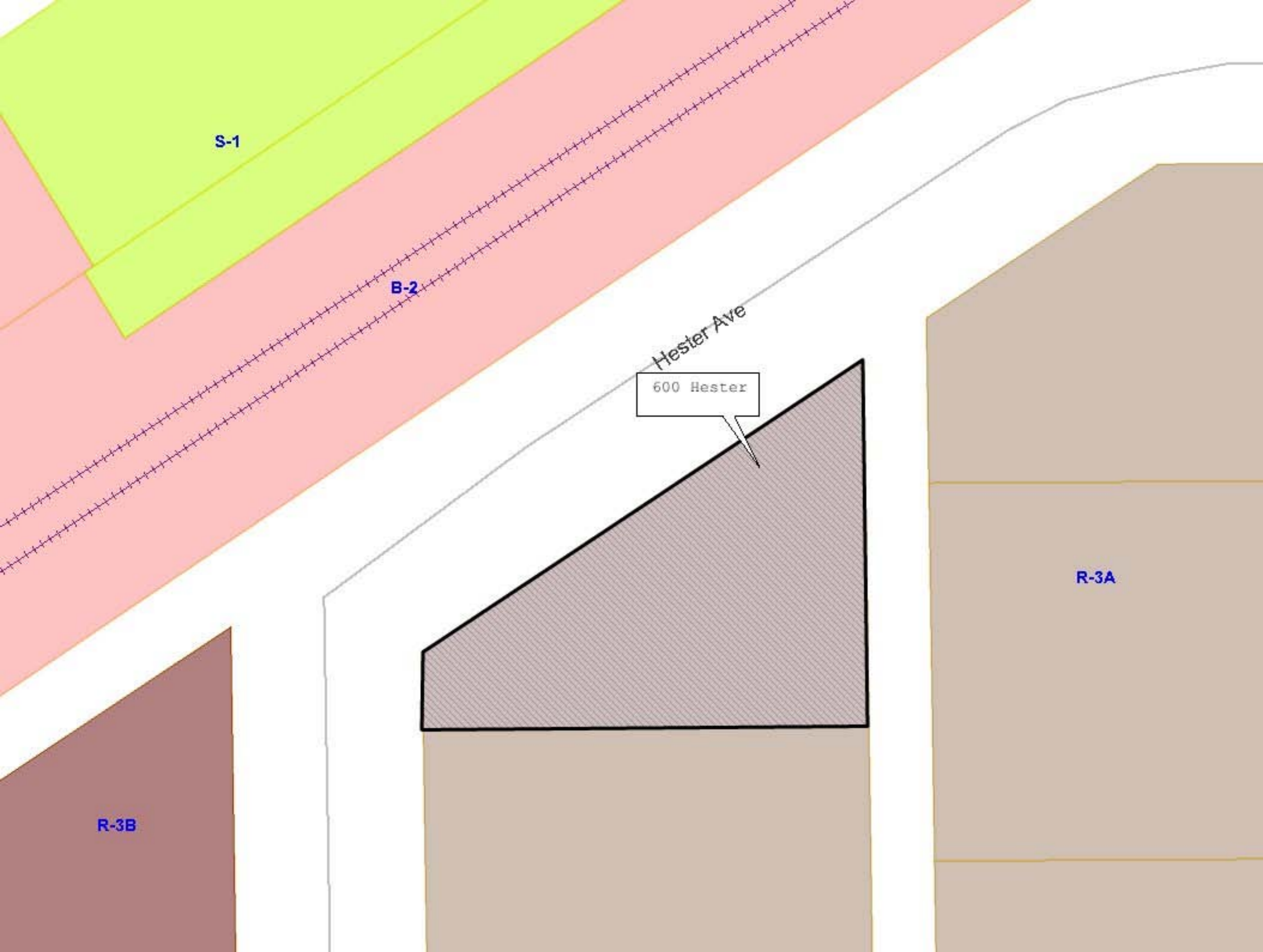
B-2

Hester Ave

600 Hester

R-3A

R-3B



Mercy

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held in the Council Chambers, City Hall, 100 E. Phoenix Avenue, Normal, McLean County, Illinois at 5:00 p.m., prevailing time on the 17th day of March, 2011. Consideration will be given to certain proposed changes or amendments to Chapter 15 ZONING of the Municipal Code of the Town of Normal, Illinois, 1969, as amended. Consideration will be given to the following request:

APPLICANT RUSSELL ARBUCKLE, ARCHITECT, 2416 E. WASHINGTON, C3, Bloomington, IL, representing OWNER JOHN BROWN/BROWN ENTERPRISES 2205 Jessamine Rd., Bloomington, IL, is petitioning for the property legally described as follows:

The North ½ of Lot 21 and All of Lot 22 in Block 2 of the Fell Park Place Addition to the Town of Normal, McLean County, Illinois, and Vacated Irving Right-of-Way Immediately Adjacent Thereto.

The applicant requests variations as provided for in SEC. 15.12-4 VARIATIONS, to SECTION 15.7-4 (O) BUILDING HEIGHT of the Municipal Code of the Town of Normal.

The applicant is requesting the variation to allow a 49'6" building height for a proposed new construction, rather than the allowed 45' building height. The common location of the property is 600 Hester Ave., Normal, Illinois.

A copy of the application and sketch plan is on file in the office of the Town Clerk for public review and will be available at the public hearing. Questions concerning this zoning matter should be directed to the City Planner at 454-2444.

Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting or facilities, are requested to contact the ADA Coordinator at 454-9519.

TOWN OF NORMAL, ILLINOIS
ZONING BOARD OF APPEALS
Todd Anderson
Chairman

PUBLICATION DATE: February 24, 2011;
The Normalite.

Notice mailed 2-25-11



APPLICATION FOR:
ZONING VARIATION (R1 AND R2)

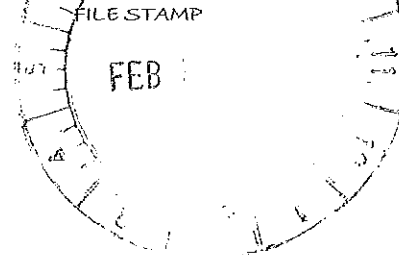
Normal

PROJECT NAME: PATRIOT STATION

APPLICANT/REPRESENTATIVE

NAME: Russell Arbuckle, Architect
ADDRESS: 2416 E. Washington CS
Evanston IL 61704
PHONE #: 309 663-7111 FAX #: 309 663-7222
E-MAIL ADDRESS: russarbuckle@aol.com
PROPERTY INTEREST: ARCHITECT (of applicant)

FOR OFFICE USE ONLY:



FILING FEE: \$125.00
CASE NUMBER:
PUBLICATION DATE:
PUBLIC HEARING DATE:
COUNCIL ACTION DATE:
APPROVED DENIED
ORDINANCE #:

OWNER

NAME: John Brown / Brown Enterprises
ADDRESS: 2205 JESSAMINE
Evanston IL 61704
PHONE #: 215-6250 FAX #:
E-MAIL ADDRESS: jbrown2205@comcast.net

PROPERTY INFORMATION:

ADDRESS: 600 HESTER AVE.
LOT SIZE IN SQUARE FEET:
PRESENT USE: STUDENT HOUSING
ZONING DISTRICT: R-3A
ADJACENT ZONING:
NORTH: B2/S1
SOUTH: R-3A
EAST: R-3A
WEST: R-3B

PROPERTY IDENTIFICATION NUMBER:

600 HESTER AVE

LEGAL DESCRIPTION:

SECTION FROM CODE VARIATION IS BEING REQUESTED:

Reason for Variation Request: (Lot Area, Width, Front/Rear/Side Yard Setback or Parking):

- LOT HAS 12+ FEET OF FALL
- HEIGHT VARIATION OF 1'-6" OR LESS.

Purpose of Variation Request: Will allow me to have

49'6" 45' allowed.
Hipped ROOF AND 9 FT FLOOR TO CEILING HEIGHTS (Student Apt. Building) rather than FLAT ROOF AND 8 FT FLOOR TO CEILING HEIGHTS.

VARIATION STANDARDS (Attach Separate Page if Necessary):

1. The granting of the variation will be in harmony with the purpose and intent of the Zoning Code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

EXPLAIN: BUILDING IS STILL 4 STORIES OR A STORY OVER PARKING WHICH IS ALLOWED IN THIS ZONING - BUT WITH THE WAY CODE IS AND TAKING AVERAGES OF A STEEPLY SLOPING SITE IT CAUSES US TO BE SLIGHTLY OVER 45' REQUIREMENT

2. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by bulk, sign, or off-street and loading regulations of the zoning classification of the property in question.

EXPLAIN: ~~THE~~ ~~PRO~~ ~~PER~~ ~~MIT~~ ~~TED~~ ~~ROOF~~ ~~OR~~ ~~9~~ ~~FT~~ ~~CEILING~~ ~~S~~ - PITCHED ROOF ~~RE~~ ~~DUCES~~ ~~MAINTENANCE~~ ~~7~~ ~~9~~ ~~FT~~ ~~CEILING~~ ~~S~~ ARE INDUSTRY STD. IN APTS. DUE TO FIRE SEPARATION/ DUCTWORK REQM'TS.

3. The plight of the owner is due to special circumstances. (circumstances that prevent the property - not the structure of the property from meeting the minimum required by Code)

EXPLAIN: THE SLOPE OF THE LAND CAUSES THE AVG. GRADE TO BE SKEWED WHEN CALCULATING HEIGHT.

HAS A PREVIOUS VARIATION BEEN REQUESTED? YES or NO

DATE REQUEST WAS MADE: _____ APPROVED OR DENIED

REQUIRED ATTACHMENTS (Twenty-Two (22) Copies of the Following)

1. Attach Twenty-Two (22) copies of a plot plan drawn to scale, noting the scale used, showing the actual size and shape of the lot or property; location, ground area, dimensions and identification of use of all existing and proposed buildings and structures and dimensions of front, side and rear yards. **PLEASE NOTE** If plot plan is on 8 1/2 x 11" paper, you need only attach the original and additional copies will be made with your application.
2. _____
3. _____

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachments, documents, or plans submitted herewith are true to the best of my knowledge and belief.

[Signature]
APPLICANT SIGNATURE

2-14-2011
DATE

CERTIFICATION BY PROPERTY OWNER

I certify that I am the owner of the property, which is subject of this request. The applicant has received my approval to proceed with this request.

[Signature]
OWNER SIGNATURE

2-14-11
DATE

You will be notified of the date and time of the Zoning Board of Appeals Meeting. You and/or your representative must be present at the meeting and be prepared to present your case to the Zoning Board of Appeals. If you and/or your representative are not present, the Commission may not hear your request.

NO.	DATE	REVISION

EDWARDS ARCHITECTS, L.L.C.
 2416 E. WASHINGTON ST. SUITE C-3
 BLOOMINGTON, ILLINOIS 61704
 PHONE: (309) 663-1111 FAX: (309) 663-1222

HESTER APARTMENTS - JOHN BROWN

DATE:	02/20/02
SCALE:	1/4" = 1'-0"
DRAWN BY:	WA
CHECKED BY:	WA
SHEET:	ONE
OF:	TWO

