



Zoning Board of Appeals

Case #: 18-06-04-V

Prepared by: Mercy Davison, Town Planner

Variation Description: The owner of 222 Keiser would like to subdivide the lot into two lots in order to build two homes. As proposed, the lots would require lot size and lot frontage variances, and the houses would require setback variances.

Staff Recommendation: Denial

Property Location: 222 Keiser

Background: The property at 222 Keiser is approximately 8,300 sq. ft. in size. Within the R-1B zoning district, the following bulk requirements apply:

1. Minimum lot size of 6,600 sq. ft.
2. Minimum lot width of 60 feet
3. Minimum front yard and corner side yard setback of 25 feet
4. Minimum side yard setbacks of 6 feet
5. Minimum rear yard setback of 35 feet

The Town of Normal acquired the property in 2016, demolished the existing dilapidated home, and shortly thereafter turned it over to McLean County Habitat for Humanity for redevelopment as a Habitat home. The Town has a history of such land transfers with Habitat in order to help provide affordable housing within the community.

Habitat proposes to subdivide the lot into two new lots so that two homes may be built.

As shown on the attached line drawing, the proposed new lots would not be equal in size and would not meet the code minimum lot size of 6,600 sq. ft. – the west lot would be approximately 4,575 sq. ft. in size, and the east lot would be approximately 3,725 sq. ft. in size.

The west lot's 61-foot width would exceed the code minimum of 60 feet in width, but the east lot's 48 feet in width would require a variance.

Habitat is also requesting setback variances for both houses. Both would have a front yard setback of 15 feet, where code requires 25 feet. The west lot would have a corner side yard setback of 20 feet, where code requires 25 feet. Both houses would have rear yard setbacks of approximately 31.75 feet, where code requires at least 35 feet. Both houses would meet or greatly exceed the minimum 6-foot side yard setbacks.

Note that the attached aerial map of the property shows the previous home, which had a front yard setback of approximately 15 feet on Keiser and side yard to the north of approximately 8 feet. The new proposed homes would be situated significantly further away from the house to the north and closer to the detached garage adjacent to the east.

The house adjacent to the east has a front yard setback (along Bryan) of approximately 15 feet and a rear yard setback of approximately 35 feet. The house adjacent to the north has a front yard setback of approximately 25 feet.

A representative from Habitat for Humanity will be present to answer questions regarding the variance requests.

Adjacent Zoning and Surrounding Land Use

The property is zoned R-1B Single Family Residential as are all surrounding properties.

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 Analysis

Harmony and Purpose: The recently adopted Comprehensive Plan recommends that the Town begin to promote denser residential development, which could include a future amendment to the zoning code to permit smaller lot sizes and lesser setbacks. Such an amendment process has not yet begun.

There are many lots in this neighborhood with lot sizes and widths below the code minimum. The most common such lot dimensions are a 50-foot width and approximately 5,450 sq. ft. in size. The proposed Habitat lots are, therefore, not uncommonly narrow, but they would be quite a bit smaller than the surrounding lots. The proposed front yard setbacks of 15 feet would match that of the existing house to the east, and the proposed rear yard setbacks of 31.75 feet are very close to the code minimum.

In sum, it is only the small size of the proposed lots that leads staff to believe that the variances may have a negative impact on the harmony and purpose of the R-1B zoning classification.

Ability to Yield a Reasonable Return: Discussion on whether the property could yield a reasonable return should be considered speculative and inconclusive without the advisement of a licensed real estate appraiser. However, it seems unlikely that the inability to subdivide this property would impact the ability to yield a reasonable return.

Plight Due to Unique Circumstances: Town staff does not find unique circumstances that support the variance.

Recommendation: Denial

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				Tony Penn			
Gary Blakney				Todd Anderson			
Keith Palmgren							
Corrine Brand							

Chairman / Date

222 Keiser

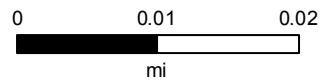


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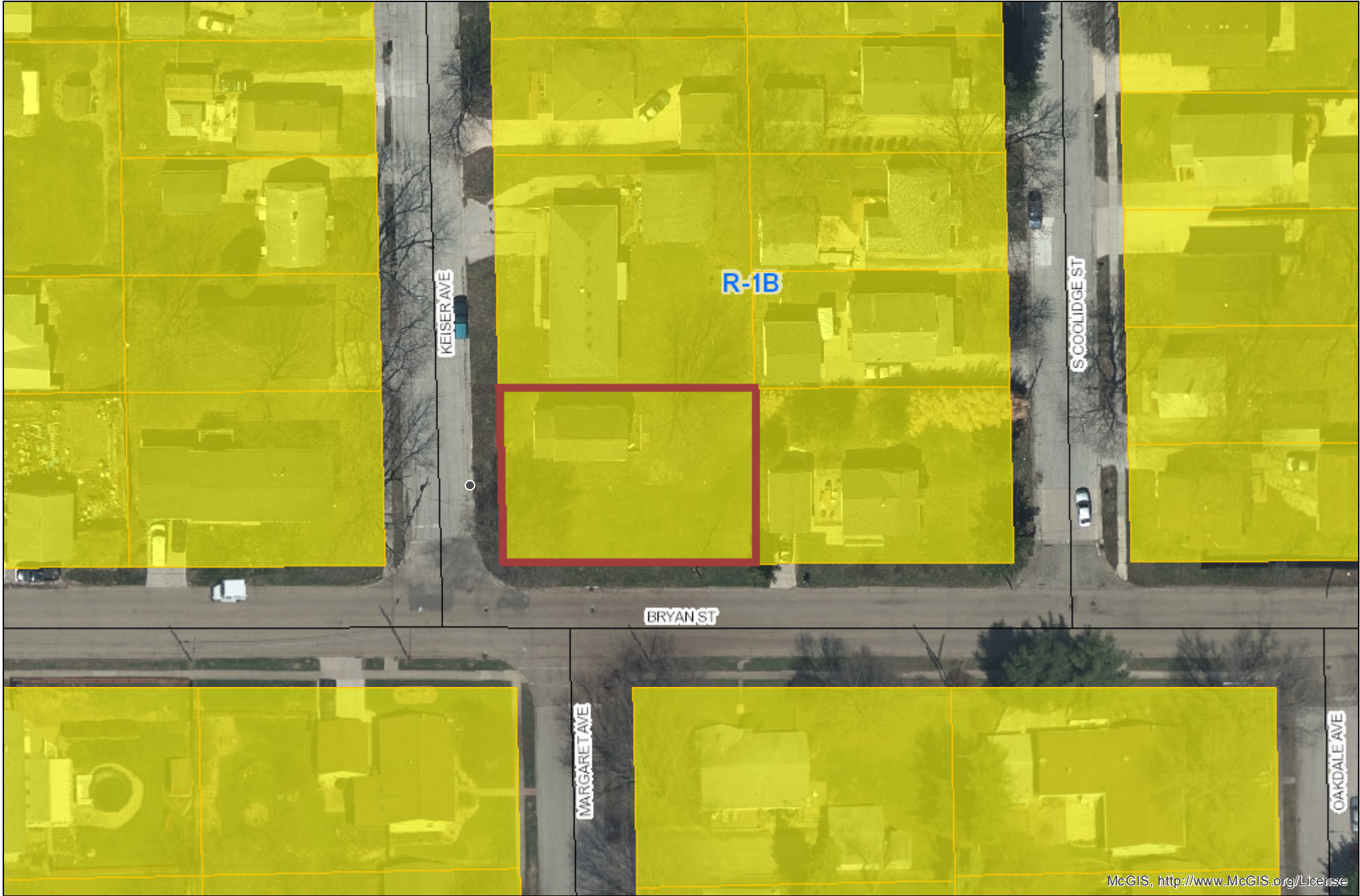


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1 inch = 72 feet



222 Keiser

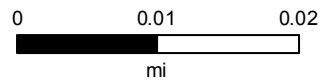


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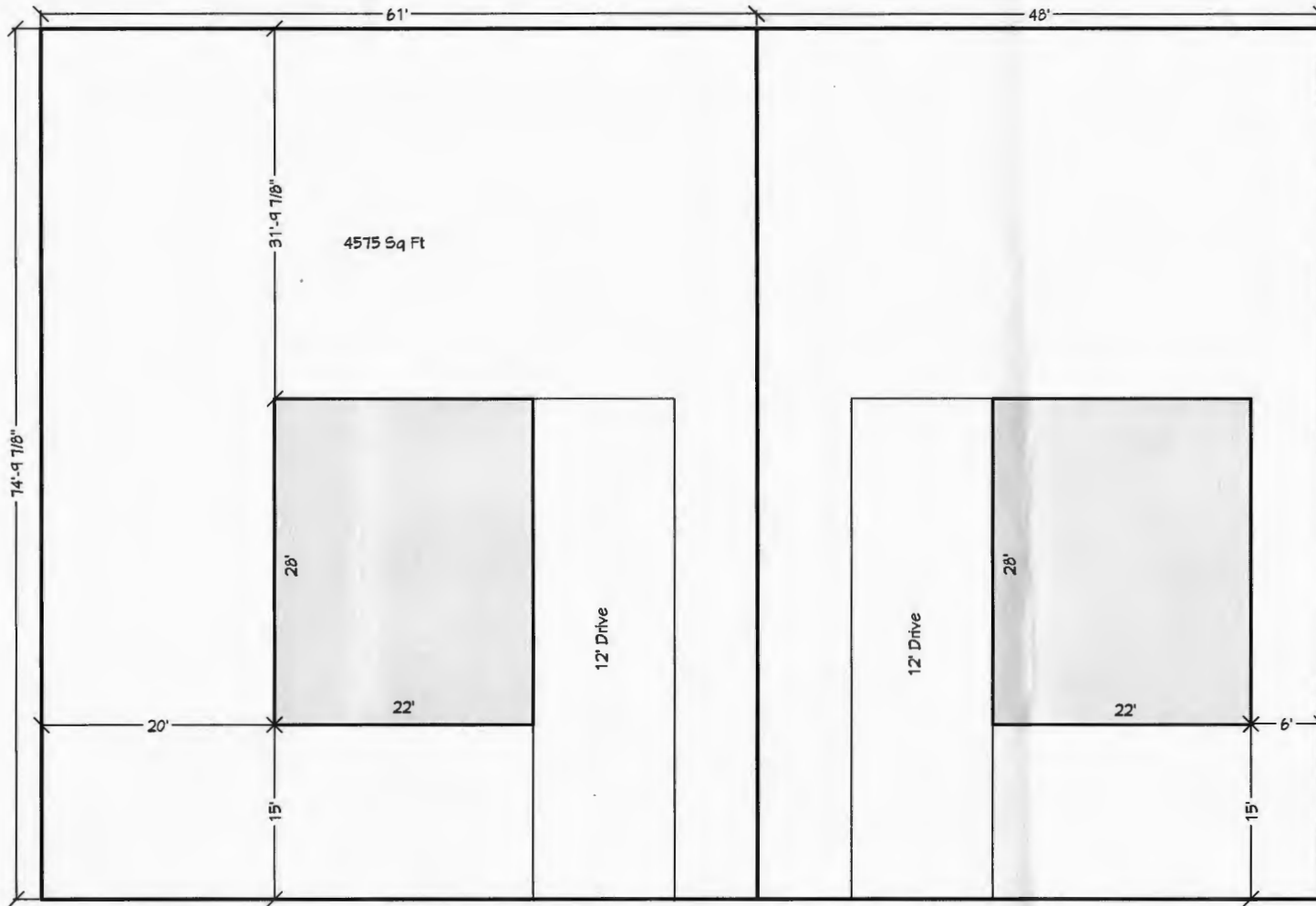


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KEISSER



BRYAN

**APPLICATION FOR:
ZONING VARIATION (R1 AND R2)**

PROJECT NAME: <u>222 Keiser Street</u>	
APPLICANT/REPRESENTATIVE NAME: <u>Habitat for Humanity McLean Co.</u> ADDRESS: <u>103 W. Jefferson</u> <u>Bloomington IL 61701</u> PHONE #: <u>309-827-3931</u> FAX #: <u>309-827-5347</u> E-MAIL ADDRESS: <u>jim.walters@habitatmclean.org</u> PROPERTY INTEREST: _____ (of applicant)	FOR OFFICE USE ONLY: FILE STAMP <div style="border: 2px solid green; border-radius: 50%; padding: 10px; text-align: center; color: green; font-weight: bold; font-size: 1.2em;"> RECEIVED MAY 08 2018 Town of Normal Clerk's Office </div> FILING FEE: <u>\$125.00</u> CASE NUMBER: _____ PUBLICATION DATE: _____ PUBLIC HEARING DATE: _____ COUNCIL ACTION DATE: _____ APPROVED _____ DENIED _____ ORDINANCE #: _____
OWNER NAME: <u>Habitat for Humanity McLean Co</u> ADDRESS: <u>103 W Jefferson</u> <u>Bloomington IL 61701</u> PHONE #: <u>309-8273931</u> FAX #: <u>309-827-5347</u> E-MAIL ADDRESS: <u>jim.walters@habitatmclean.org</u>	PROPERTY INFORMATION: ADDRESS: <u>222 Keiser Street - Normal</u> LOT SIZE IN SQUARE FEET: <u>75x109=8175</u> PRESENT USE: <u>Vacant</u> ZONING DISTRICT: <u>RIB</u> ADJACENT ZONING: NORTH: <u>RIB</u> SOUTH: _____ EAST: _____ WEST: _____
PROPERTY IDENTIFICATION NUMBER: <u>14-29-427-014</u> LEGAL DESCRIPTION: <u>Lots 49, 52, 53 Keiser Heights Addition</u> SECTION FROM CODE VARIATION IS BEING REQUESTED: <u>Lot width + area 15.6-5 E1</u> <u>Setbacks 15.6-5 E Z A C D</u>	

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

Lot area, building setbacks

Purpose of Variation Request: Will allow me to have Lots of 3,600 (48' Frontage)
and 4575 (FY + CSY setbacks of 15' (RY 25'))

rather than 60' Frontage + 6600 sqft lot area, FY + CSY of 25', RY of 35'

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: The proposed lot size request is compatible with many of the homes in the neighborhood. Most of the homes on Keiser and Coolidge are on 50' wide lots and also have a reduced or less than 25' front yard setback ranging from 15' to 23'

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: Habitat homes are new construction, using new materials, utilizing volunteer labor to save on costs. All of our homes are built to local code and are energy star certified. The homes we intend to build on Keiser are Two story, 3 bedroom - 1 1/2 bath and approximately 1232 square feet. We built this same exact home in 2017 at 601 Church Street in Normal and it appraised for \$145,000

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: Habitat for Humanity builds decent, safe, and affordable homes for hard working families. All homeowners must demonstrate an ability to pay (Habitat holds the mortgage's on these house) willingness to partner (each adult in the home gives 250 hours of "sweat" equity/building their own home) and a demonstrated need (including homeowner education). Habitat makes these mortgages affordable by utilizing donated land. Subdividing this lot into two lots instead of one help keep the mortgages affordable and homeowners current on payments, including property tax and insurance.

HAS A PREVIOUS VARIATION BEEN REQUESTED? YES or **NO**

DATE REQUEST WAS MADE: Not by Habitat - N/A 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

5-1-18
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

5-1-18
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.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held in the Council Chambers, City Hall, 11 Uptown Circle, Normal, McLean County, Illinois, at 5:00 p.m., prevailing time on the 21st day of June 2018. 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. Considerations will be given to the following request:

APPLICANT HABITAT FOR HUMANITY MCLEAN CO. of 103 W Jefferson, Bloomington, Illinois is petitioning for the property legally described as follows:

Keiser Heights Addition to Normal, Lots 49, 52 and 53, Block 2

Pin: 14-29-427-014

Common Location 222 Keiser Street, Normal, McLean County, Illinois

The applicant requests a variation to the Town of Normal Municipal Code Section 15.6-5 E(1) to permit lot sizes and lot frontages less than the required 6,600 square feet and 60 feet, respectively, and Section 15.6-5 E(2)(a), (c), and (d) for reduced front yard, corner yard, and rear yard setbacks.

A copy of the application and sketch plan is on file in the office of the Town Clerk at 11 Uptown Circle, Normal, Illinois, for public review and will be available at the public hearing.

Individuals with disabilities, who plan to attend the hearing, require certain accommodations in order to allow them to observe and participate, have questions regarding the accessibility of the facilities, or any individuals with limited English proficiency who need assistance communicating are requested to contact Interim Assistant City Manager, Teri Legner at (309) 454-9502.

Questions concerning this zoning matter should be directed to the City Planner at (309) 454-9590.

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

PUBLICATION DATE: May 31, 2018
The Normalite.