

CITY OF BLOOMINGTON



JUNE 30, 2011 @ 5:30 p.m.
COUNCIL CHAMBERS #115
CITY HALL

ROLL CALL

MINUTES TO BE APPROVED: None at this time.

PETITION WITHDRAWN:

- UV-9-11 **Gerald Sowders** (Sowders Landscaping)
1461 W. Bloomfield Rd.
Request: Use variance to allow outdoor storage within a Commercial Arterial (CA) zoning district.
Case Manager: Patrick Shay

PETITIONS CONTINUED TO: July 28, 2011

- V-10-11 **Anita Sciscoe** (Bread of Life Soup for the Soul)
1300 S. Walnut St.
Request: Variance from sign standards to allow a projecting sign.
Case Manager: Eric Greulich
- V-17-11 **Debby Herbenick**
528 S. Highland Ave.
Request: Variance from maximum fence height standards.
Case Manager: Jim Roach

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

PETITIONS:

- UV/V-20-11 **Omega Properties**
1200 N. Walnut St.
Request: Use variance to allow first floor apartments, and variances from minimum parking, parking setback, building setback, and landscaping standards.
Case Manager: Jim Roach
- UV-21-11 **Michael Korus**
120 E. Dixie St.
Request: Use variance to allow multi-family occupancy within a Residential Core (RC) zoning district.
Case Manager: Patrick Shay

**BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 1200 N. Walnut Street**

**CASE #: UV/V-20-11
DATE: June 30, 2011**

PETITIONER: Omega Properties/Vision Holdings, LLC
3707 E. Winston St., Bloomington

CONSULTANT: Tabor/Bruce Architects
1101 S. Walnut St., Bloomington

REQUEST: The petitioner is requesting a use variance to allow for first floor residential dwelling units within the Commercial General (CG) zoning district. Also requested are variances from minimum parking number, front parking setback, front building setback, and landscaping standards.

Zoning:	CG
Area:	0.23 acres (10,018 sq. ft.)
GPP Designation:	Community Activity Center
Existing Land Use:	3 Multi-Family homes
Proposed Land Use:	Multi-Family
Surrounding Uses:	North - Multi-Family (Scholars Rock) South - Commercial East - Single Family (Garden Hill Neighborhood) West - Commercial

SUMMARY: The property in question is located at the northeast corner of E. 16th Street and N. Walnut Street. The property is 0.23 acres in size, zoned Commercial General (CG), and has been developed with three single unit structures. There are approximately six parking spaces currently located on the east side of the property along a north/south alley. The property is bordered by single family homes in the Garden Hill Neighborhood to the east, commercial uses to the south and west, and apartments (Scholar's Rock) to the north.

The petitioner previously applied to the Board of Zoning Appeals in 2007 (V-50-07) for a package of variances to remove all three residential buildings and construct one, three-story mixed-use building. That petition was denied in response to various concerns raised by neighbors in the adjacent Garden Hill Neighborhood.

The petitioner has continued to work with the neighborhood to address their concerns and is now coming forward with a revised project that has been scaled back to resolve the issues raised by the neighborhood. The petitioner is now proposing to remove only two of the residential buildings and will replace them with two, one-unit residential buildings in the same approximate location. The existing two-story, 4-bedroom house at the northeast corner of 16th and Walnut will be replaced with another two-story, 4-bedroom house. The one-story, 2-bedroom house to the east of the corner will be replaced with a one-story, 3-bedroom house. There will be a total of 3 units and 10 bedrooms on the overall site. The property currently has 3 units and 9 bedrooms. Parking for the project will be provided by six parking spaces located directly off of the

alley to the east in the same location as the existing parking spaces. The new spaces will be longer to allow for adequate turning movements from the alley.

To achieve this, the petitioner is requesting a package of variances and a use variance to allow for ground floor residential units in the Commercial General zoning district. The following development standard variances are being requested:

	Required	Proposed
Front Building Setback (16 th Street)	15' from ROW	10' from ROW
Front Parking Setback (16 th Street)	20' behind building	Even with building
Minimum Number of Parking Spaces	10 parking spaces	6 spaces (on-site) + 6 on-street spaces
Buffer Yard Landscaping	3 deciduous trees + 6 evergreen trees	3 deciduous trees (throughout property) + 6 evergreen (within buffer yard)

The Plan Commission reviewed this petition for compliance with the Growth Policies Plan at the June 13, 2011 meeting. The Plan Commission found that this petition did not substantially interfere with the Growth Policies Plan and voted 7:0 to send this to the Board of Zoning Appeals with a positive recommendation.

SITE PLAN DETAILS:

Architecture: The two new houses will both be finished in hardiplank siding, fiberglass shingles, and will have pitched roofs similar to surrounding residential houses. Elevations for both houses are included in the packet.

Parking: The UDO requires ten parking spaces for the ten residential bedrooms in this development. The petitioner is proposing to provide 6 on-site parking spaces located along the alley to the east. In addition, there are six parking spaces that are located in front of this property along 16th Street. To further justify a parking reduction, the petition site is also located along an existing Bloomington Transit route along Walnut Street.

Setbacks and Bufferyard: The petitioner proposes two setback variances for the project. The first is a variance from the front setback along 16th Street. Due to the average distance from the street of other houses on this block, a minimum 15 foot setback from the right-of-way is required. The petitioner proposes a 10 foot setback to match the closest house to the east. In comparison, the two existing buildings to be removed along 16th street are located approximately zero feet and five feet from the right-of-way.

The second variance is from the front parking setback on 16th Street. The petitioner proposes a zero foot setback from the front building wall, instead of the required 20

feet. This would be about 10 feet from the right-of-way. Without this variance, two parking spaces would need to be removed, dropping the parking even further below the minimum. The proposed parking is located on the rear of the lot, will be accessed from the north-south alley to the east. In comparison, the existing parking area is located about three feet from the 16th Street right-of-way.

Landscaping: The landscape plan meets all of the landscaping standards except for the type of trees planted in the buffer yard. The petitioner is required to install one deciduous canopy tree and two evergreen trees for every 25 feet of property adjacent to the residential district to the east. The petitioner is required to install 3 deciduous canopy trees and 6 evergreen trees. There is room to install the six evergreen trees, however due to the number of parking spaces off of the alley and small size of the lot, the petitioner is not able to install the required 3 deciduous trees within the buffer yard. To comply with the number of landscaping plantings required for the buffer yard, the petitioner has instead placed these outside of the buffer area.

Street Trees: With this project, two new street trees will be added along 16th Street. Due to the location of an existing monolithic sidewalk, a retaining wall, and lack of existing right-of-way beyond the sidewalk there will not be a traditional tree plot along Walnut Street. The petitioner will be planting trees in front of the buildings adjacent to the sidewalk that will function as street trees. One additional tall canopy tree needs to be shown along Walnut Street.

Sidewalks: With this project, the existing sidewalk along 16th Street will be repaired to fix several sections that have become elevated due to freezing and thawing of the subsurface. The new sidewalk along 16th Street must be installed to meet ADA slope requirements. There are steps located at the intersection of the sidewalk along 16th Street that will be removed.

CRITERIA AND FINDINGS

20.09.130 (e) Standards for Granting Variances from Development

Standards: A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

1. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.*

Staff's Finding: No adverse impact to adjacent properties is anticipated. There is adequate on-street parking on nearby streets to handle potential spillover parking. The proposed setbacks along with elevation changes and landscaping, will provide adequate distance to property lines and protection to neighboring homeowners. Furthermore, redevelopment of and reinvestment in this underutilized property could potentially increase the value of surrounding properties.

2. *The approval will not be injurious to the public health, safety, morals, and general*

welfare of the community.

Staff's Finding: Staff finds no injury to the general welfare. This proposal will allow redevelopment of several dilapidated residential buildings with only one additional bedroom and will further many of the goals of the Growth Policies Plan. The proposed use of the property is identical to the existing use.

3. *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the variance will relieve practical difficulties.*

Staff's Finding: Staff finds peculiar conditions in the small size of the property (0.23 acres, which is less than half of the minimum lot size in the CG district), the redevelopment nature of the project and its location at a corner of two streets. The required setbacks and bufferyards would allow for a 55 foot wide and 50 foot deep building area, but would only allow for a single sided parking lot with three parking spaces. Three parking spaces are not enough to accommodate the needs of the tenants and would result in practical difficulties in the redevelopment of the lot. Peculiar conditions for the parking variance are found in the existing on-site parking spaces and the on-street parking available in the area. The alley to the east allows for access to parking without the creation of a large parking lot and would increase the setback from the existing conditions. The proposed ten foot building setback is much greater than the existing zero foot building setback on the lot. The variance requested will allow for redevelopment of the property more consistent with the polices of the GPP than the existing development.

20.09.140 CRITERIA AND FINDINGS FOR USE VARIANCE:

Findings of Fact: Pursuant to IC 36-7-4-918.4. the Board of Zoning Appeals or the Hearing Officer may grant a variance from use if, after a public hearing, it makes findings of fact in writing, that:

- (1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and*

Staff Finding: Staff finds no injury with the use variance request for ground floor units. No negative impacts have been noted by the existing residences on the property.

- (2) *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and*

Staff Finding: Staff finds no adverse impacts associated with the proposed use variance. Again, no adverse impacts have been demonstrated by the existing residences. The petitioner is not increasing the number of units or buildings on the property and only increasing the number of bedrooms by one. Furthermore, the Garden Hill Neighborhood Association is supportive of this request.

(3) *The need for the variance arises from some condition peculiar to the property involved; and*

Staff Finding: Staff finds peculiar condition in that the presence of commercial uses and commercially zoned land along Walnut St. and the adjacent street corners lessens the need for this property to have commercial uses. The historical lack of commercial use on this property also adds to its peculiar condition.

(4) *The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and*

Staff Finding: Staff finds the strict application of the Unified Development Ordinance will place an unnecessary hardship in that it does not allow for the replacement of the existing residences. The new residences will be in the same approximate location as the existing structures and are not increasing the density of units.

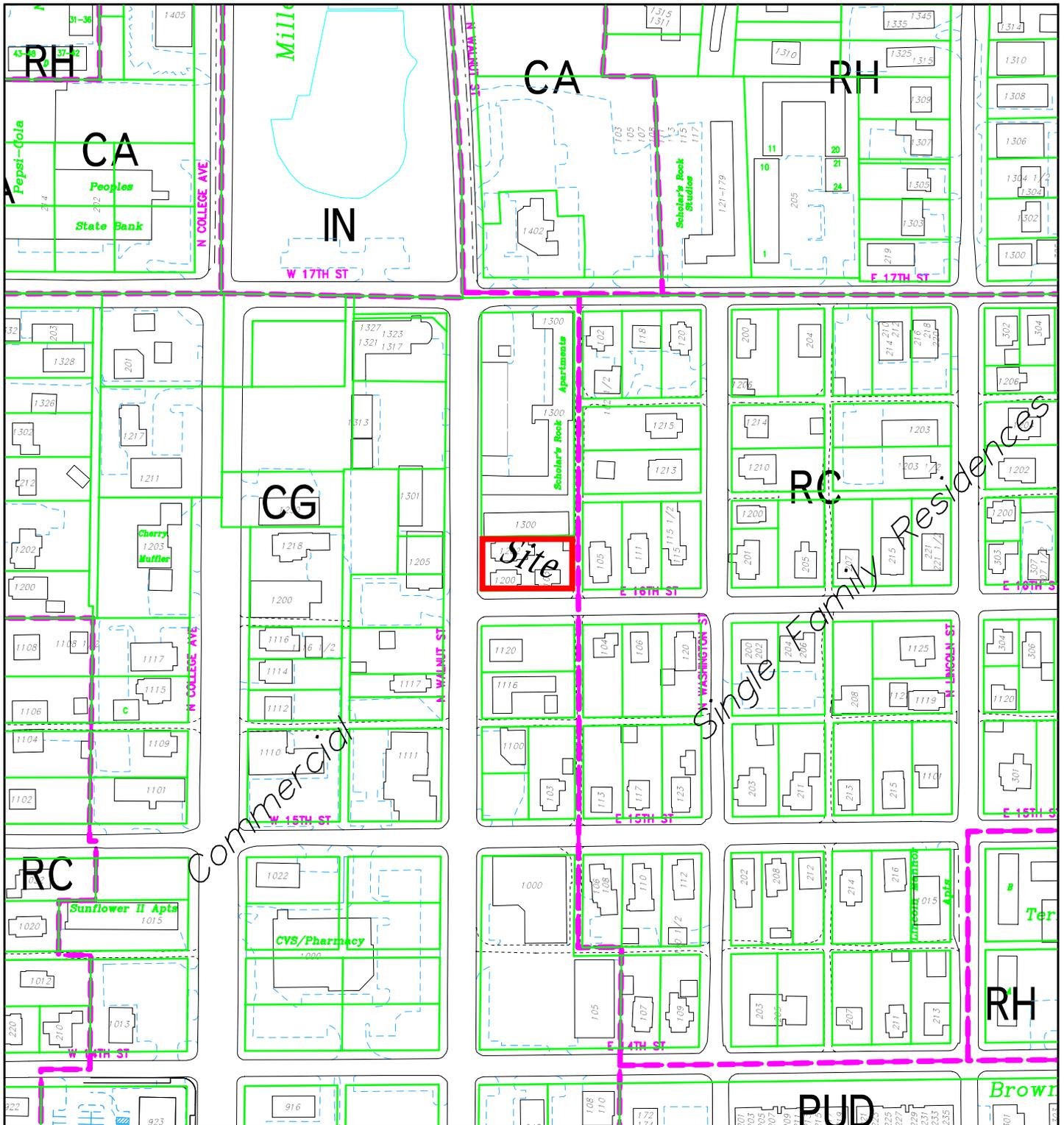
(5) *The approval does not interfere substantially with the Growth Policies Plan.*

Staff Finding: The Plan Commission and Staff find that this proposal does not substantially interfere with the Growth Policies Plan. The petitioner has balanced the layout of the property to meet as many requirements of the Unified Development Ordinance as possible while redeveloping this underutilized parcel.

CONCLUSION: Staff finds that the site plan provides an appropriate level of rehabilitation of the site that still compliments the adjacent residential neighborhood. The small size of this property does not provide a viable opportunity for a Community Activity Center or commercial space. The lack of ground floor commercial space at this location does not interfere with the goals and policies of the Growth Policies Plan and allows for the replacement of two single family homes with better quality residences.

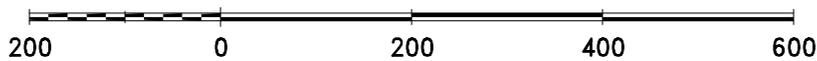
RECOMMENDATION: Staff recommends approval of the variances requested with the following conditions of approval:

1. Building elevations and architecture must be consistent with submitted elevations.
2. The petitioner shall execute a recorded commitment which states that the petitioner shall agree to forgo any damages during the acquisition of any needed property for widening of N. Walnut Street that would be incurred due to the approval of this variance. This commitment must be recorded prior to release of any building permits.
3. One additional tall canopy tree needs to be shown along Walnut Street.



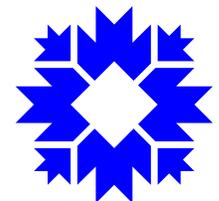
UV/V-20-11 Omega Properties
 1200 N Walnut Street
 Board of Zoning Appeals
 Site Location, Zoning, Parcels, Land Use

By: greulice
 24 Jun 11



For reference only; map information NOT warranted.

City of Bloomington
 Planning



Scale: 1" = 200'

PLAN COMMISSION

Petitioner's Statement

Concerning the petition of **Omega Properties** for the purpose of consideration of their Petition for

Use Variance

For the property located at **1200 N Walnut Street and 103 E 16th Street.**, Bloomington, Indiana.

After a previous proposal was denied for this site, the petitioner has met with the neighborhood committee, review and supported the proposed historic guidelines and is now bringing a smaller, revised petition for development of the small .23 acre site. The site is at the edge of the CG zone and borders the RC zone to the east alley/property line. The three existing structures on the site are all residential scale rentals and are also outlined within the proposed Garden Hill historic district. The structure at 103 East 16th Street has been un-occupied for the past year as a structural engineer has deemed is unsafe to occupy.

After several meetings with the Garden Hill subcommittee, the petitioner applied for and gained a Certificate of appropriateness for the demolition of 103 East 16th Street and a Certificate of Appropriateness for the design and construction of the replacement structure from the Bloomington Historic Preservation Commission.

The site currently contains the three residential structures with 9 total bedrooms and occupancy permits for 13. It is our intention to adhere to the proposed guidelines and create structures that re-create the dwellings found within the neighborhood. The petitioner shall re-use the structure as is at 1202 N Walnut Street which once was a single family home and replace the other two structures with structures similar to single family homes in scale, style and materials. The two story structure located at 1200 North Walnut Street will eventually be replaced with a new, Craftsman style two story structure containing 4 bedrooms and the two bedroom, 3 occupant, 1.5 story unit located at 103 East 16th street will be replaced with a one story, 3 bedroom residence.

The allowed density for the area is 15 units per acre which is 3.5 units per acre for the .23 acre site. In keeping with the residential scale of the neighborhood, we are not seeking a density waiver and will build 3 units that total 3.5 acres for the site with a total of the existing 3 bedroom unit, a new 4 bedroom unit and a new 3 bedroom unit. The design of 103 East 16th Street will follow a familiar scale of the Gabled Ell style that is found in many of Bloomington's older neighborhoods. Because we are designing smaller scale structures that mostly "replace" the existing structures, we are not changing the density nor the heights and even the parking demands than what currently exists now. This is the reason for our use variance request as we cannot justify the addition of commercial space in an area where a) There is an abundance of vacant commercial space and b) The neighbors do not wish to see the additional commercial space and related traffic that it may bring.

The "neighborhood" style of the proposed new structures does not easily support ground floor commercial space for we are purposefully trying to keep them as small scale structures that simply replace similar structures which are existing. Our neighborhood meetings and review of the previous proposal really drove the concept to create a small scale development. The last proposal had strong opposition from the neighborhood but support from the planning department; a mixed signal, and inevitably was denied by the Board of Zoning Appeals. This proposal seeks to replace one old, non original and structurally unsafe home with a more historically correct small scale residence and a non historic two story structure with a two story more significant gateway design.

The immediate neighbor and the subcommittee support the parking proposal, which will be more organized than what currently exists and the proposed landscape will meet as much as possible for such a small site, the required landscaping design.

We have tried to listen to the concerns of the neighbors in the creation of this proposal and hope as they that this plan will become a guide on how future development could occur in the Garden Hill neighborhood with structures rich in local historic character, smaller in scale, and greater input sought from the neighborhood and adjoining neighbors, we ask for your approval of our requests.

Sincerely,



Doug Bruce LEED AP
TABOR/BRUCE ARCHITECTURE & DESIGN
1101 S Walnut Street
Bloomington, IN 47401
(812) 332-6258

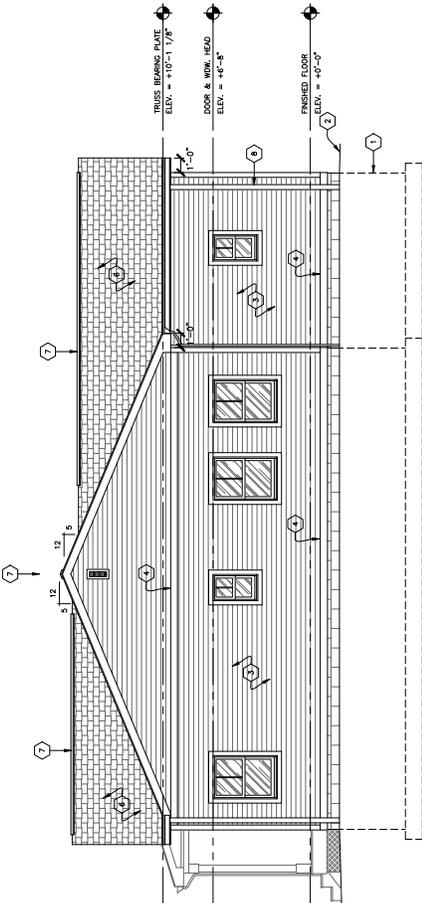
REVISIONS

A NEW RESIDENTIAL BUILDING FOR:
OMEGA PROPERTIES
 103 EAST 16TH STREET
 BLOOMINGTON, INDIANA 47404-3534

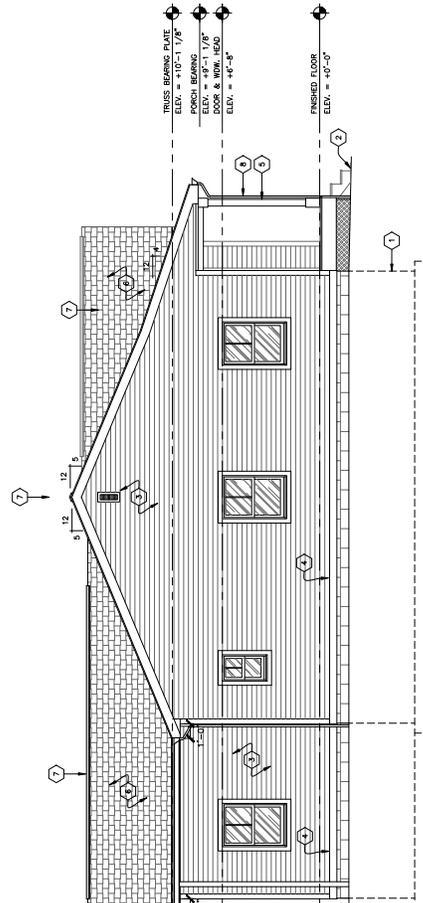
PROJECT NO. 218
 DATE 08/24/11
 DRAWN BY T.P.P.
 CHECKED BY D.M.B.

SHEET NAME
EXTERIOR ELEVATIONS

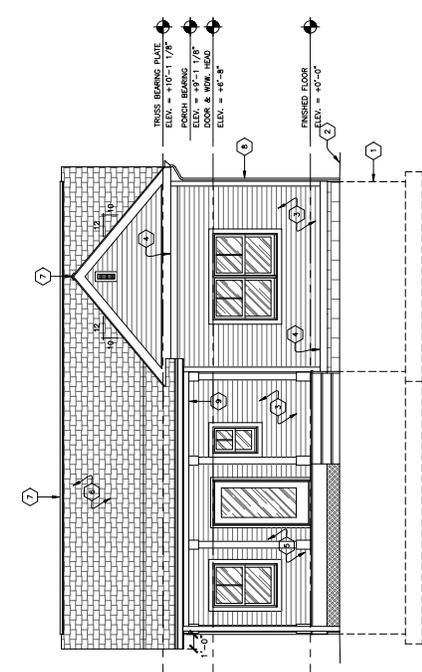
SHEET NO.
AE201



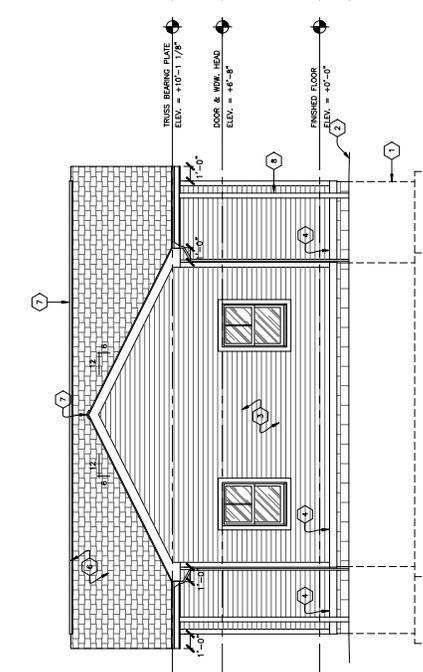
2
 EAST ELEVATION
 1/4" = 1'-0"



4
 WEST ELEVATION
 1/4" = 1'-0"



1
 SOUTH ELEVATION
 1/4" = 1'-0"



3
 NORTH ELEVATION
 1/4" = 1'-0"

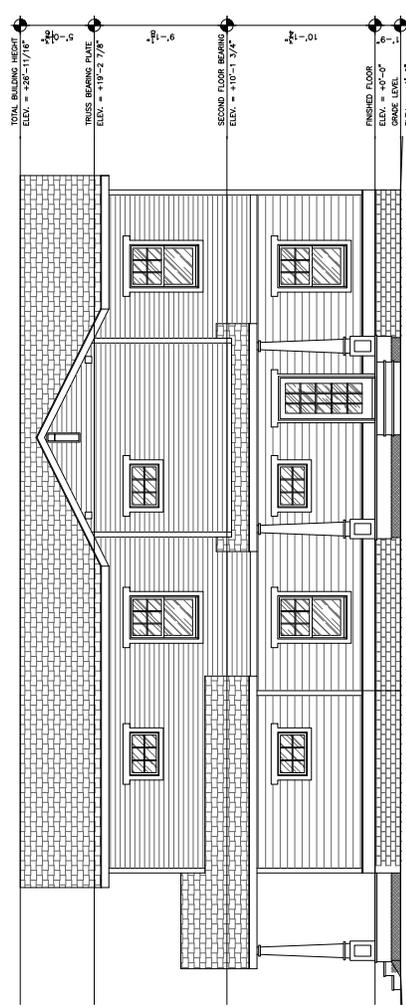
- EXTERIOR ELEVATION NOTES:**
1. REPAIRED/POURED CONC. FOUNDATION WALL CONC. FITS & SUB SYSTEM. CONC. FINISH TO MATCH EXISTING.
 2. FINISHED GRADE ELEVATION VARIES. SLOPE MIN. 1/4" PER FOOT AWAY FROM BUILDING @ ALL LOCATIONS.
 3. ALL EXTERIOR FINISHES TO BE PERMANENTLY PROTECTED FROM WEATHER. W.P.C. INSTRUCTIONS: CALC. ALL CRT. & ALL TRIM BOARDS.
 4. C. CERTAINEAU FIBER CEMENT TRIM BOARD - PRIME & PAINT PER MFG.
 5. 1/2" X 4" FIBER CEMENT TRIM BOARD - PRIME & PAINT PER MFG.
 6. 1" X 4" FIBER CEMENT TRIM BOARD - PRIME & PAINT PER MFG.
 7. 1" X 4" FIBER CEMENT TRIM BOARD - PRIME & PAINT PER MFG.
 8. 2"x7" ALUMINUM DOWNSPOUTS. CONNECT TO UNDERGROUND PIPE TO STORM DRAIN.
 9. PAINTED BEARBOARD ON PORCH CEILING.

THIS PLAN SET CONTAINS THE INFORMATION NECESSARY FOR THE CONSTRUCTION OF THE EXTERIOR ELEVATIONS OF THE BUILDING. THE INFORMATION AND CONSTRUCTION OF THESE AND ALL OTHER ELEVATIONS IS THE RESPONSIBILITY OF THE ARCHITECT. THE ARCHITECT'S OFFICE SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION AND CONSTRUCTION OF THESE AND ALL OTHER ELEVATIONS. THE ARCHITECT'S OFFICE SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION AND CONSTRUCTION OF THESE AND ALL OTHER ELEVATIONS.

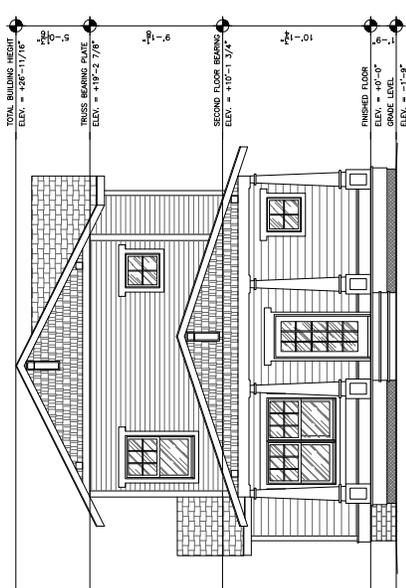
REVISIONS

RENOVATION & ADDITION FOR:
 PROJECT NAME
 STREET
 BLOOMINGTON, INDIANA 47404

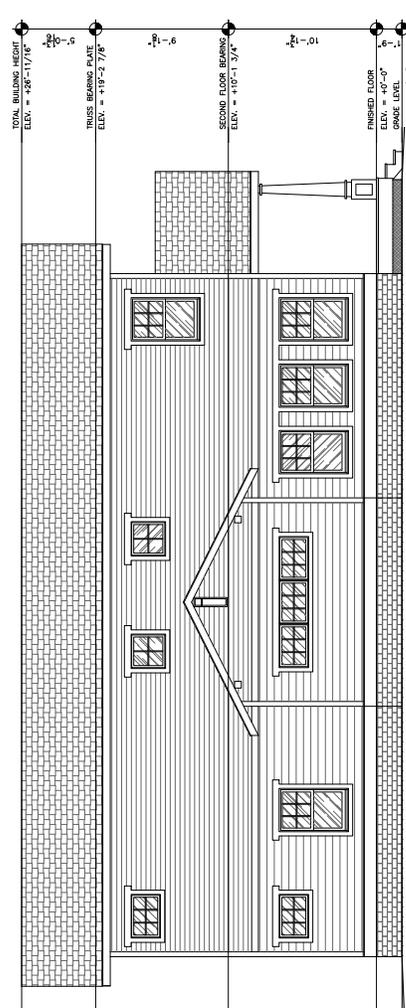
SEAL
 PROJECT NO. 2000
 DATE 05/10/09
 DRAWN BY AL. OGDON
 CHECKED BY
 EXTERIOR ELEVATIONS
 SHEET NAME
 SHEET NO. AE201



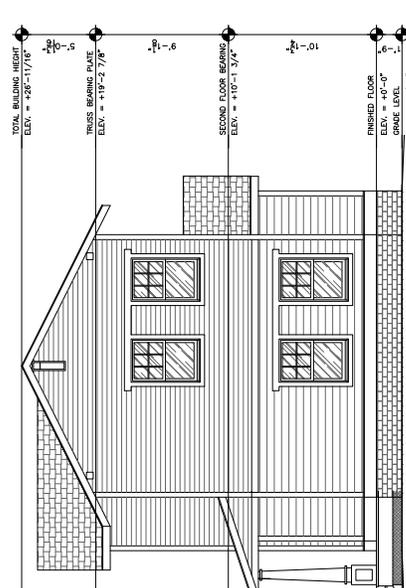
1
 1/4" = 1'-0"
 EXTERIOR ELEVATION



1
 1/4" = 1'-0"
 EXTERIOR ELEVATION



1
 1/4" = 1'-0"
 EXTERIOR ELEVATION



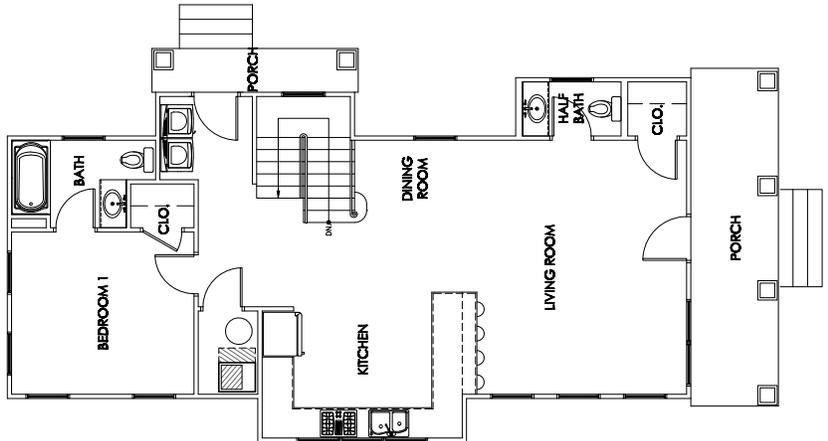
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 1/4" = 1'-0"
 EXTERIOR ELEVATION

EXTERIOR ELEVATION NOTES:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
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THIS PLAN HAS BEEN PREPARED BY TLABOR ARCHITECTURE & DESIGN INC. IN THE COURSE OF PROFESSIONAL SERVICE PROVIDED TO THE CLIENT. IT IS THE PROPERTY OF TLABOR ARCHITECTURE & DESIGN INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF TLABOR ARCHITECTURE & DESIGN INC.

1 FIRST FLOOR PLAN 1/8" = 1'-0" 800 SQ. FT.



1 FIRST FLOOR PLAN
1/8" = 1'-0"
800 SQ. FT.

FLOOR PLAN NOTES:

1. DIRECT LIGHT GAS ONLY FINISHES BY ELECTRONIC GUNTING (SMALL SPOTS) SHALL BE USED FOR ALL FINISHES PER 100.00, 100.00, & 100.00.
2. FINISHES MIN. 20% BLOCKING FOR FUTURE GARBAGE TO BE INSTALLED. SHOWER STALL BLOCKING SHALL BE ADJACENT TO OTHER FINISHES SHELL PER 100.00 & SHALL SUPPORT (LOAD UP 250 LBS. SLOPE DOWN FROM TO DRAIN) (NOT 45° FOOT AWAY FROM BLDG.)
3. LIGHT GROUND FROM BATH, HALL, KITCHEN, CLOSET PER FINISHES.

GENERAL NOTES:

- ALL DIMENSIONS SHALL BE TO FINISH UNLESS OTHERWISE NOTED.
- ALL INTERIOR DIMENSIONS ARE SHOWN STUD TO STUD AND DO NOT INCLUDE WALL FINISHES.
- ALL NEW WALLS SHALL BE FINISHED TO MATCH EXISTING SURFACES INCLUDING PRIMER & PAINT.
- FIELD VERIFY PLAN DIMENSIONS PRIOR TO ANY CASERWORK FABRICATION.
- ALL NEW WALLS SHALL BE FINISHED TO MATCH EXISTING SURFACES INCLUDING PRIMER & PAINT.

SYMBOLS LEGEND

- ▬ DENOTES NEW FULL-HEIGHT WALLS
- ▬ DENOTES EXISTING WALLS TO REMAIN
- DETAIL #
- SHEET #
- DENOTES SECTION INDICATOR
- DENOTES DETAIL INDICATOR
- ROOM #
- ELEVATION #
- DENOTES ELEVATION INDICATOR
- DENOTES SPACE IDENTIFIER
- DENOTES "TARGET" ELEVATION
- DENOTES SPOT ELEVATION
- DENOTES NEW DOOR AND FRAME SYMBOL TO REFERENCE OPENING SCHEDULE
- EXTERIOR WINDOW #
- D.S. DOWNPOUT LOCATION
- DEMOLITION NOTE
- PLAN NOTE
- REGION NOTE

REVISIONS

NO.	DESCRIPTION

PROJECT NAME

RENOVATION & ADDITION FOR:
STREET
BLOOMINGTON, INDIANA 47404

SEAL

PROJECT NO.	
SITE	
DATE	
DESIGNED BY	
CHECKED BY	
DATE	

FIRST FLOOR PLAN

SHEET NO. AE101

TLABOR ARCHITECTURE & DESIGN INC.

1101 S. VANDERBILT STREET - BLOOMINGTON, IN 47403
TELEPHONE: 317.332.4488 FAX: 317.332.4489



REVISIONS

A NEW RESIDENTIAL BUILDING FOR
OMEGA PROPERTIES
 108 EAST 16TH STREET
 BLOOMINGTON, INDIANA 47404-3534

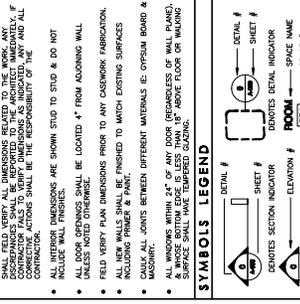
PROJECT NO.	018
SITE	018001
DESIGNED BY	HAZUPA
CHECKED BY	EL. MCKEE
SHEET NAME	BUILDING 'B' FOUNDATION & FLOOR PLAN
SHEET NO.	AE101

AE101

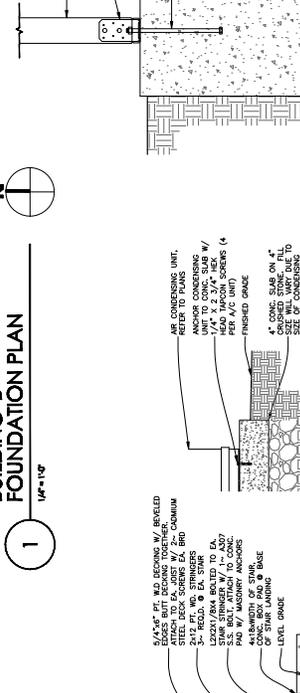
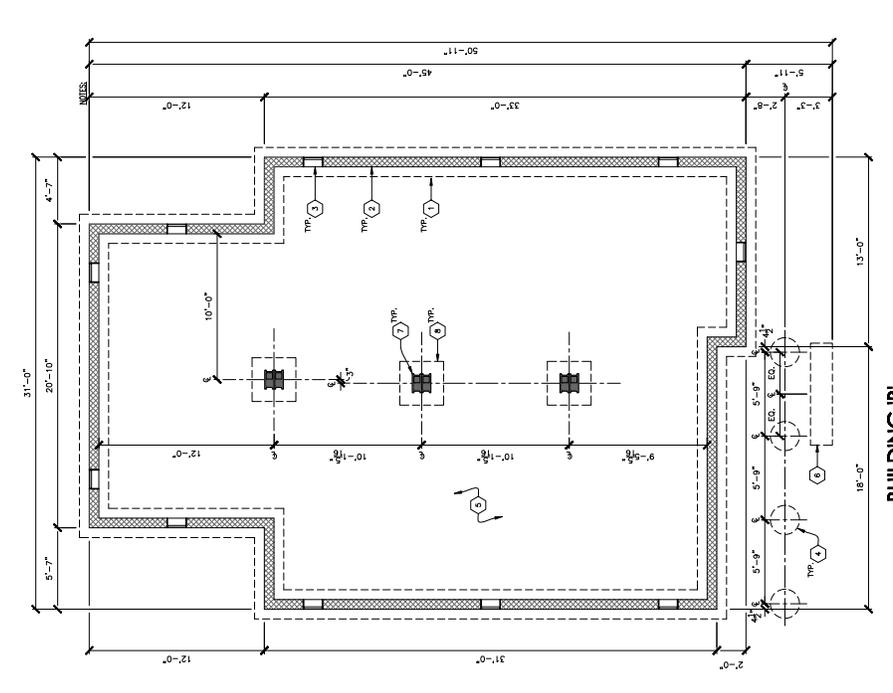
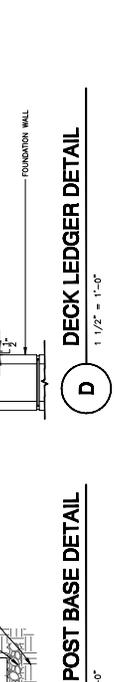
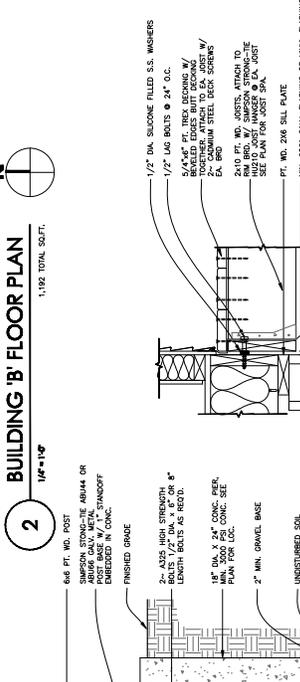
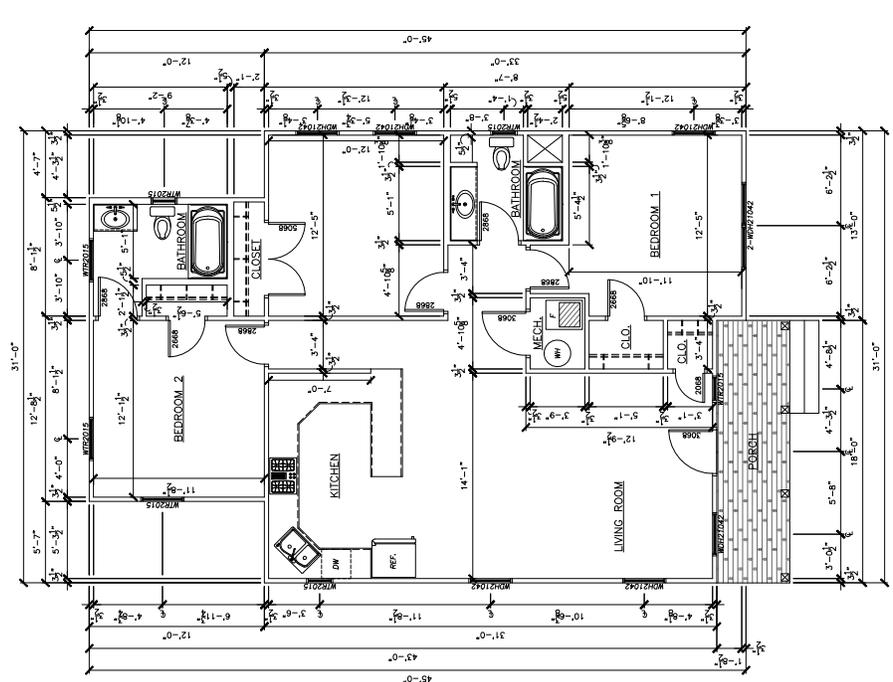
- FOUNDATION PLAN NOTES:**
- CONC. 2"-5" x 1'-0" CONC. FTS. W/ 2 #4 CONC. LONGITUDINAL FOOTING REINFORCING A MIN. OF 30 BAR DIAMETERS. (C.C. TOP AS SHOWN ON PLANS.)
 - 8" CMU BLOCK FDN. WALL W/ ALL CORERS GROUTED SOLID.
 - 150# CONCRETE SAND-SPACE VERT. MIN 3" FROM EDGES & CENTER AS SHOWN ON PLANS.
 - 18" DIA. X 24" CONC. FILLED SINKHOLE PER.
 - 4" MIN. GRAVEL BASE OVER 0.20 HOUSING @ CONDENSATE LANDING 18" X 18" WITH STAIR, CONC. BOX AND @ BASE OF STAIR
 - 1'-4" X 1'-4" CMU PER W/ ALL CORERS GROUTED SOLID.
 - 3'-0" X 3'-0" X 1'-0" CONC. FTS. W/ 4 #4 BARS
 - EA. WALL

- FOUNDATION PLAN NOTES:**
- ALL CONCRETE TO BE CONSTRUCTED PER ACI 301.4. EXPOSED VERTICAL EDGES TO HAVE 2" CHAMFER.
 - CONCRETE SHALL BE PLACED PER ACI 301.6.
 - EMBEDDED ITEMS SHALL BE INSTALLED PER ACI 301.6.
 - CURING & PROTECTION OF CONCRETE SHALL BE PER ACI 301.12.
 - SLAB CONCRETE SHALL BE 4000 P.S.I. W/ 606 W/ 14M1.48 PROPORTIONED PER ACI 301.3.
 - CONCRETE SHALL BE 3500 P.S.I. CONCRETE SHALL BE 3500 P.S.I..
 - PROPORTIONED PER ACI 301.3.
 - SLAB SURFACE TOLERANCE TO BE PER ACI 10.1. FINISH TO BE PER ACI 10.2.
 - ALL REINFORCEMENT SHALL BE FURNISHED & INSTALLED PER ACI 301.5.
 - REINFORCEMENT SHALL BE INSTALLED IN ACCORDANCE WITH IRC 2000 REQUIREMENTS.
 - PROVIDE 2" THICK 2'-8" HIGH RIGID PERIMETER INSULATION @ BUILDING PERIMETER (TYPICAL).
 - ALL FOUNDED FOOTINGS ARE 24" X 12" WITH 3-F #4 BARS.
 - LOCAL SOIL CONDITIONS AND/OR LOCAL PRACTICE MAY NECESSITATE A LOCAL CONTRACTOR OR BUILDING INSPECTOR. SOIL BEARING CAPACITY IS ASSUMED TO BE 7.5 T.
 - ALL FOUNDATIONS SHALL BE SET ON UNFINISHED FLOOR SLAB. ALL ORGANIC MATERIAL & SLOPED AS REQUIRED TO MAINTAIN THE REQUIRED DEPTH BELOW THE FINAL GRADE, VERIFY WITH LOCAL CODE.
 - WITH A MIN. BURIED 12" TO HAVE 1/2" AIRSPACE @ SIDES & ENDS
 - INSTALL A NOMINAL 4" DIA. PERFORATED DRAIN TILE WITH FILTER FABRIC BELOW THE TOP OF THE FOOTING & DRAIN TO EXTERIOR.
 - CONTRACTOR TO VERIFY FOUNDATION WALL LOCATIONS & COORDINATE BACKGROUND/FOUNDATION WALLS. NOTIFY ARCHITECT IF DISCREPANCY IS FOUND.
 - PROVIDE 8'-0" WALL URETHANE WATERPROOFING TO ALL BORED WALLS BELOW GRADE. INSTALL PER MANUFACTURER'S INSTRUCTIONS.

- GENERAL ARCHITECTURAL NOTES:**
- ALL NEW CONCRETE MASSING SHALL BE CASTED IN PLACE.
 - SMALL FIELD VERIFY ALL DIMENSIONS RELATED TO THE WORK. ANY DISCREPANCY SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. ALL DIMENSIONS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
 - ALL INTERIOR DIMENSIONS ARE SHOWN STUD TO STUD & DO NOT INCLUDE WALL FINISHES.
 - FIELD VERIFY PLAN DIMENSIONS PRIOR TO ANY CASEWORK FABRICATION. UNLESS NOTED OTHERWISE.
 - ALL NEW WALLS SHALL BE FINISHED TO MATCH EXISTING SURFACES INCLUDING PRIMER & PAINT.
 - ALL WALL JOINTS BETWEEN DIFFERENT MATERIALS E.G. GYPSUM BOARD & BRICK SHALL BE FINISHED TO MATCH EXISTING SURFACES.
 - ALL INTERIOR DIMENSIONS ARE SHOWN STUD TO STUD & DO NOT INCLUDE WALL FINISHES.
 - FIELD VERIFY PLAN DIMENSIONS PRIOR TO ANY CASEWORK FABRICATION. UNLESS NOTED OTHERWISE.
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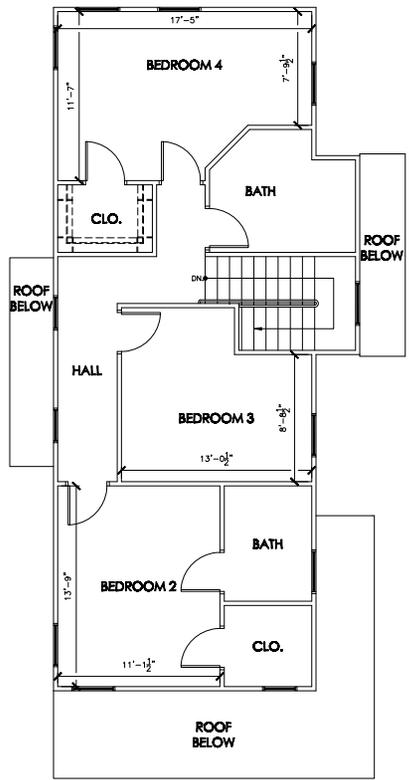
DETAIL #
 SHEET #
 ROOM #
 ELEVATION #
 SPACE #
 DENOTES ELEVATION INDICATOR
 DENOTES SPACE IDENTIFIER
 DENOTES NEW DOOR AND FRAME SYMBOL TO REFERENCE OPENING SCHEDULE
 EXTERIOR WINDOW #
 D.S. DOWNSPOUT LOCATION
 REVISION NOTE
 PLAN NOTE



FOUNDATION PLAN NOTES:

- CONC. 2"-5" x 1'-0" CONC. FTS. W/ 2 #4 CONC. LONGITUDINAL FOOTING REINFORCING A MIN. OF 30 BAR DIAMETERS. (C.C. TOP AS SHOWN ON PLANS.)
- 8" CMU BLOCK FDN. WALL W/ ALL CORERS GROUTED SOLID.
- 150# CONCRETE SAND-SPACE VERT. MIN 3" FROM EDGES & CENTER AS SHOWN ON PLANS.
- 18" DIA. X 24" CONC. FILLED SINKHOLE PER.
- 4" MIN. GRAVEL BASE OVER 0.20 HOUSING @ CONDENSATE LANDING 18" X 18" WITH STAIR, CONC. BOX AND @ BASE OF STAIR
- 1'-4" X 1'-4" CMU PER W/ ALL CORERS GROUTED SOLID.
- 3'-0" X 3'-0" X 1'-0" CONC. FTS. W/ 4 #4 BARS
- EA. WALL

THESE PLANS ARE COPYRIGHTED AND ARE SUBJECT TO COPYRIGHT PROTECTION AS "ARCHITECTURAL WORK" UNDER SEC. 102 OF THE COPYRIGHT ACT, 17 U.S.C. AS AMENDED BEGINNING 1909 AND FEDERAL ARCHITECTURAL DRAWING COPYRIGHT PROTECTION ACT OF 1960. THE PROTECTION INCLUDES BUT IS NOT LIMITED TO THE DESIGN FORM AS WELL AS THE ARRANGEMENT AND COMPOSITION OF SPACES AND ELEMENTS OF THE DESIGN UNDER SUCH PROTECTION. UNAUTHORIZED USE OF THESE PLANS, WHOLE OR IN PART, REPRESENTS AN ILLEGAL VIOLATION OF THE COPYRIGHT AND WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW. THESE PLANS ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF TABOR BRUCE ARCHITECTURE & DESIGN INC.



1 SECOND FLOOR PLAN
1/4" = 1'-0"
825 SQ. FT.

FLOOR PLAN NOTES:

- ① DIRECT VENT GAS ONLY FIREPLACE W/ ELECTRONIC IGNITION (SHALL MEET REQUIREMENTS OF T-24, INSTALL PER I.B.C., I.M.C., & MFC. SPECS. UL #221.88)
- ② PROVIDE MIN. 2X8 BLOCKING FOR FUTURE GRAB BAR TO BE MOUNTED 34"-36" A.F.F. (TYP.) @ ADAPTABLE TOILETS & SHOWER STALLS). SHOWER STALL BLOCKING SHALL BE ADJACENT TO FIBERGLASS SHELL PER I.B.C. & SHALL SUPPORT LOAD OF 250 LBS.
- ③ SLOPE CONC. PORCH TO DRAIN (1/4" PER FOOT AWAY FROM BLDG.) LIGHT BROOM FINISH CONC. INTEGRAL COLOR PER OWNER.

GENERAL NOTES:

- ALL WORK IS TO BE DONE IN ACCORDANCE WITH ALL GOVERNING CODES AND REGULATING AGENCIES. THIS PROJECT IS DESIGNED AND DOCUMENTED PER THE ARCHITECT'S INTERPRETATION OF THE CODE REQUIREMENTS. VARIOUS GOVERNING AGENCIES SOMETIME INTERPRET THE CODES, LAWS, AND ORDINANCES DIFFERENTLY. THESE AGENCIES HAVE JURISDICTION TO REQUIRE CHANGES IN DESIGN AND CONSTRUCTION INCLUDING THOSE AGENCIES INVOLVED WITH THE "AMERICANS WITH DISABILITIES ACT".
- THE ARCHITECTURAL PLANS SHOWN HEREIN MAY NOT CORRESPOND TO PLANS FINALLY APPROVED BY THE ARCHITECT, OWNER, OR NECESSARY AGENCIES. IT IS THE RESPONSIBILITY OF THE PARTY OR PARTIES RELYING ON THESE PLANS TO VERIFY & CONFIRM SAID ARCHITECTURAL PRIOR TO CONSTRUCTION.
- DO NOT SCALE DRAWINGS. DIMENSIONS SHALL PREVAIL. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS RELATED TO THE WORK. ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY. IF CONTRACTOR FAILS TO VERIFY DIMENSIONS AS INDICATED, ANY AND ALL CORRECTIVE ACTIONS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- ALL INTERIOR DIMENSIONS ARE SHOWN STUD TO STUD AND DO NOT INCLUDE WALL FINISHES.
- ALL DOOR OPENINGS SHALL BE LOCATED 4" FROM ADJOINING WALL UNLESS NOTED OTHERWISE.
- FIELD VERIFY PLAN DIMENSIONS PRIOR TO ANY CASEWORK FABRICATION.
- ALL NEW WALLS SHALL BE FINISHED TO MATCH EXISTING SURFACES INCLUDING PRIMER & PAINT.

SYMBOLS LEGEND

	DENOTES NEW FULL HEIGHT WALLS		DENOTES EXISTING WALLS TO REMAIN
	DETAIL #		DETAIL #
	SHEET #		SHEET #
	DENOTES SECTION INDICATOR		DENOTES DETAIL INDICATOR
	ELEVATION #		SPACE #
	SHEET #		SPACE #
	DENOTES ELEVATION INDICATOR		DENOTES SPACE IDENTIFIER LABEL
	LABEL		4'-0"-0"
	DENOTES TARGET ELEVATION		DENOTES SPOT ELEVATION
	DENOTES NEW DOOR AND FRAME SYMBOL TO REFERENCE OPENING SCHEDULE		D.S. DOWNSPOUT LOCATION
	EXTERIOR WINDOW #		PLAN NOTE
	1 DEMOLITION NOTE		REVISION NOTE

TABOR BRUCE ARCHITECTURE & DESIGN INC.
1015 S. WALKER STREET, BLOOMINGTON, IN 47404
TELEPHONE: (317) 338-5888 FAX: (317) 338-5889

REVISIONS

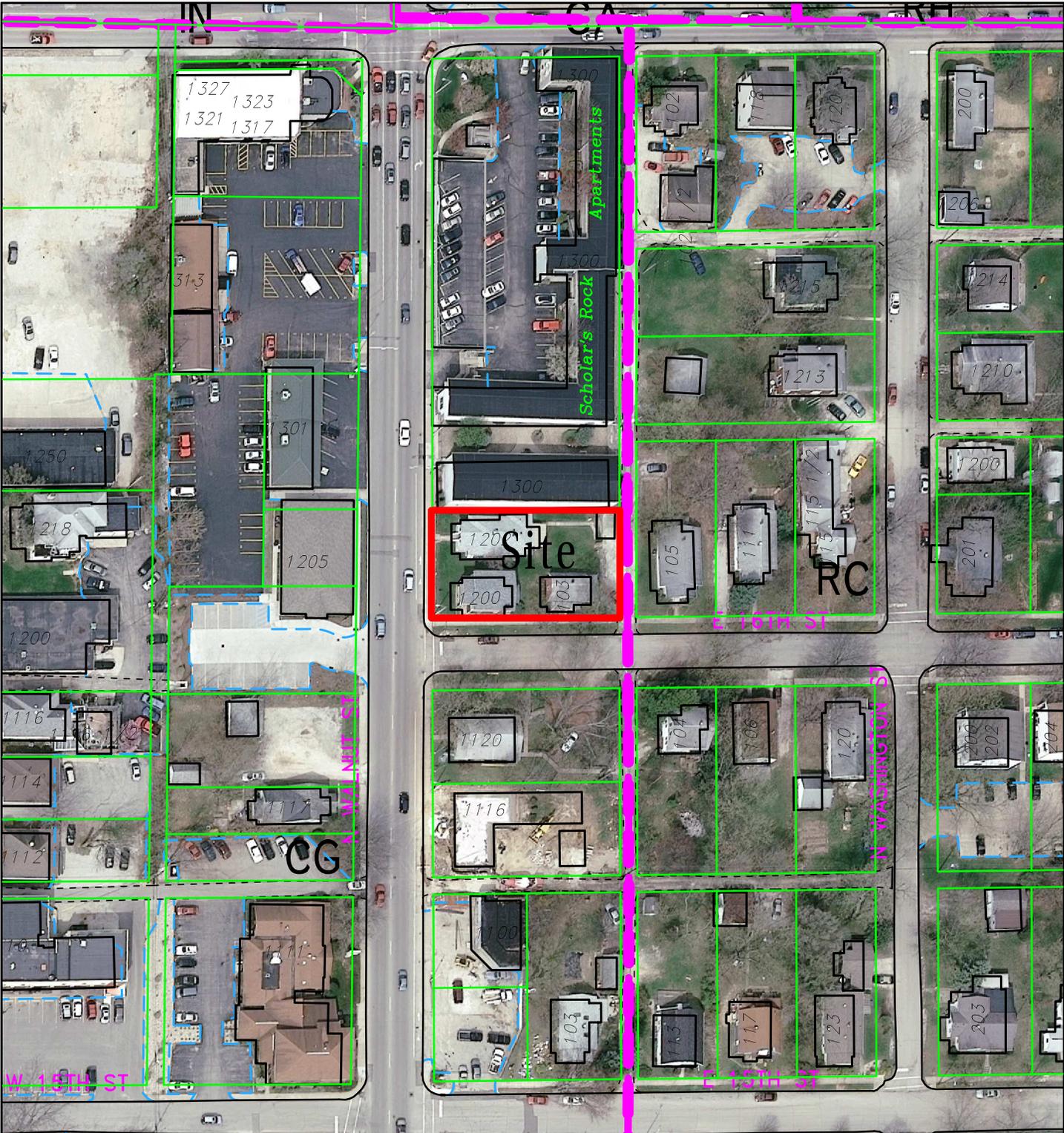
RENOVATION & ADDITION FOR:
PROJECT NAME
STREET
BLOOMINGTON, INDIANA 47404

SEAL

PROJECT NO.	2002
DATE	08/29/02
DRAWN BY	DRAGON BY
CHECKED BY	D. BRUCE
SHEET NAME	SECOND FLOOR PLAN
SHEET NO.	

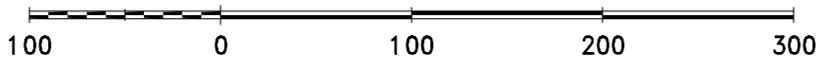
AE201

J:\Clients\2021\10\Comm\Arch\02\01\Conceptual\020101\Views\1\AE201 Second Floor Plan.dwg, AECO, 4/26/2011 1:54:08 PM



UV/V-20-11 Omega Properties
 1200 N Walnut Street
 Board of Zoning Appeals
 2010 Aerial Photograph

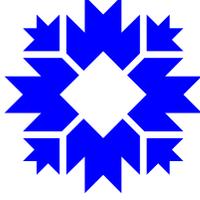
By: greulice
 24 Jun 11



For reference only; map information NOT warranted.



City of Bloomington
 Planning



Scale: 1" = 100'

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 120 E. Dixie Street

CASE #: UV-21-11
DATE: June 30, 2011

PETITIONER: Michael Korus
120 E. Dixie St., Bloomington

REQUEST: The petitioner is requesting a use variance to allow a maximum of 5 unrelated adults to occupy a residential unit within the Residential Core zoning district.

Zoning:	RC
GPP Designation:	Residential Core
Existing Land Use:	Multi-family
Proposed Land Use:	Multi-family
Surrounding Uses:	East – Mixed Residential (Bryan Park Neighborhood) South – Mixed Residential (Bryan Park Neighborhood) West – Commercial North – Mixed Residential (Bryan Park Neighborhood)

REPORT: The property in question is located at the southwest corner of E. Dixie Street and S. Washington Street. There are two existing structures on the property. The corner building (900 S. Washington) has two, 1 bedroom units and the second structure (120 E. Dixie) has a single unit with 3 bedrooms. The property received variances in 1990 to allow the single unit structure to be relocated from a downtown location to this lot. The property was zoned multi-family (RM) at that time and allowed for multiple units on the property.

The petitioner purchased the property in 2004 rented the two units in the corner building and occupied the single unit structure. The petitioner was aware of the multi-family zoning of the property and intended to use the owner-occupied unit as an additional rental in the future. Occupancy of individual units within this zoning district was limited to a maximum of 5 unrelated adults unless further reduced due to size restrictions of the Property Maintenance Code (PMC).

The two units in the corner building had a maximum occupancy of 2 unrelated adults each due to restrictions of the PMC, while the single unit structure would have had a maximum occupancy of 5 unrelated adults had been rented. Although the single unit structure would have been eligible for an occupancy limit of 5, that occupancy was established since the structure was being utilized as an owner-occupied unit.

With the adoption of the Unified Development Ordinance (UDO) in 2007, the Plan Commission and Common Council were asked to evaluate a few multi-family zoned areas within core neighborhoods to determine if they should be downzoned to single family to better achieve the City's goal of protecting and enhancing core neighborhoods. The petitioner's property was located within one of the discussion areas.

This area considered for downzoning included 11 properties along S. Washington St. between commercially zoned properties along S. Walnut Street and residential properties within the Bryan Park Neighborhood that were already zoned single family. Although staff recommended retaining the multi-family zoning, the 11 properties were downzoned to Residential Core (RC). Staff's position was based on the fact that the rezoning would result in all 11 properties, including the petitioner's, being considered lawful non-conforming properties. Furthermore, 10 of the properties (again including the petitioner's) had multiple units. It should be noted that one of these structures (901 S. Washington) has recently been converted from a duplex structure into a single family home.

With the zoning change, the maximum occupancy for any individual unit in the area was reduced from 5 to 3 unrelated adults. Four of the 11 properties had units with occupancy permits for more than 3 unrelated adults and were eligible for certificates of non-conforming use regarding occupancy. As previously stated, the petitioner would have been allowed to rent the structure to 5 unrelated adults. However, since it was utilized as an owner-occupied structure, it was not eligible for a certificate of non-conforming use for higher occupancy.

The petitioner now intends to move from this structure and register it as a rental unit. With the RC zoning and without a certificate of non-conforming use, the structure may only be rented to a maximum of 3 unrelated adults. The petitioner is seeking a use variance to allow the 3 bedroom home to have a multi-family occupancy of 5 unrelated adults. The petitioner also stated that he had intended to finish the mostly unfinished basement and add two new bedrooms. Staff has notified the petitioner that additional bedrooms would not have been permitted with either the old zoning or the current zoning due to code limitations on maximum density and minimum parking.

20.09.140 CRITERIA AND FINDINGS FOR USE VARIANCE:

Findings of Fact: Pursuant to IC 36-7-4-918.4. the Board of Zoning Appeals or the Hearing Officer may grant a variance from use if, after a public hearing, it makes findings of fact in writing, that:

(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community

Staff Finding: Staff finds no injury to public health, safety, morals or general welfare of the community. There increase in occupancy to 5 unrelated adults would not have a significant impact the community as a whole.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner

Staff Finding: Staff finds that although the immediately surrounding area is similar to the petitioner's in terms of use and density, the proposed occupancy increase is directly in conflict with the policies of trying to protect and enhance core neighborhoods. The further increase in occupancies in these areas would only create additional pressures

on existing single family homes in the neighborhood and would increase the potential for negative impacts associated with higher densities such as noise and trash.

(3) *The need for the variance arises from some condition peculiar to the property involved*

Staff Finding: Although it can be argued that the petitioner's situation is unique in that he could have rented 120 E. Dixie to more than 3 unrelated adults, the fact is that this property had the same opportunities that the surrounding areas and was treated in the same manner as all of the surrounding properties. There are no unique factors to the property itself when considering density. Any uniqueness is found only in how the petitioner utilized the property.

(4) *The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and*

Staff Finding: Staff finds no hardship with this request. Prior to the 2007 ordinance change, the property was already grandfathered to allow more units (3) than the 0.21 acre parcel would have been permitted at that time. Although the ordinance change reduced the potential number of occupants at 120 E. Dixie, the property had utilized its full potential number of bedrooms and density. Therefore, staff finds that a reasonable use of the property was not compromised by the ordinance change and that no hardship exists. Furthermore, only 4 of the other 11 properties have units with allowable occupancies of more than 3.

(5) *The approval does not interfere substantially with the Growth Policies Plan*

Staff Finding: The petitioner's property is designated as a Core Residential area by the Growth Policies Plan (GPP). The intent of the Core Residential area states that:

"The predominant land use for this category is single family residential; This district is designed primarily for higher density single family residential use. The existing single family housing stock and development pattern should be maintained with an emphasis on limiting the conversion of dwellings to multi-family or commercial uses".

The overall use of the petitioner's property is considered multi-family since there is more than one unit on the lot. The structure in question is a single unit with single family occupancy. He is seeking to have an allowance of multi-family occupancy within this structure.

The Core Residential also gives the following land use guidance:

"Allow multi-family redevelopment along designated major streets, in transition areas between the downtown and existing single family residential areas, and when appropriately integrated with adjacent uses per adopted form district requirements."

"Discourage the conversion of single family homes to apartments"

The Core Residential areas encompass several zoning districts including RC, RM and RH zones. Staff contends that the RM and RH zoned areas within the Core Residential designation are the appropriate multi-family redevelopment areas that were envisioned with the 2007 UDO update. Other areas, zoned RC, are areas where gradual encouragement of single family occupancy should be recommended. Furthermore, even though there was a high percentage of multi-family and rental usage in the 11-property area that was downzoned in 2007, there was still a decision made to rezone the area to single family to restrict occupancy and limit density impacts.

The Conserve Community Character guiding principle of the GPP observes that:

“In 1985, the City, in response to community concerns, changed the zoning ordinance to restrict the occupancy of single family homes to three (3) unrelated adults. The zoning ordinance was further amended in 1995 to place more properties within the single family occupancy restriction. This was carried out in order to prevent core neighborhoods from going to a majority of rental units. The effect of this regulation has been that the proportion of owner occupied units has increased in some core neighborhoods”

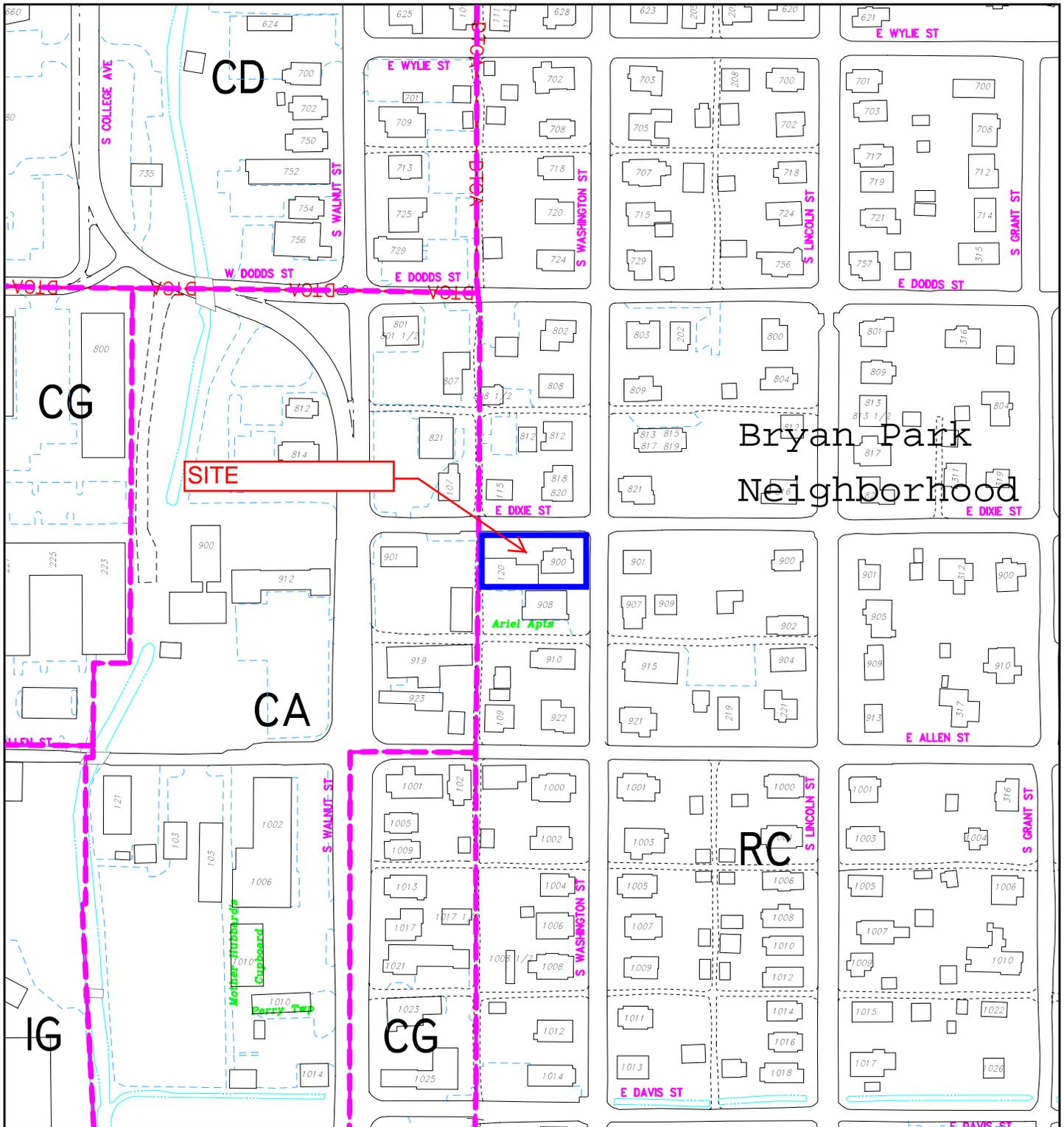
This principle is further supported by Implementation Measure #2 for Conserve Community Character that states “Maintain the current maximum occupancy standard of three (3) unrelated adults within single family residential zoning districts”.

PLAN COMMISSION RECOMMENDATION: The Plan Commission reviewed this use variance request at their June 13, 2011 meeting. The Plan Commission voted 6:2 to forward the use variance request to the BZA with a negative recommendation.

NEIGHBORHOOD INPUT: The petitioner presented their proposal to the Bryan Park Neighborhood Association and several members spoke at the Plan Commission meeting. Overall, the neighborhood was not in favor of granting a variance to allow a higher occupancy.

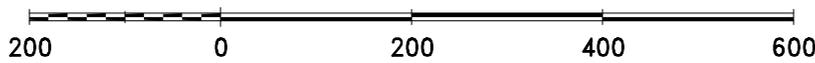
CONCLUSION: Staff is sympathetic to the petitioner’s case due to the heavy multifamily density in the area as well as the petitioner’s inability to register the property for nonconforming status due to its owner-occupancy. However, staff ultimately finds that the Plan Commission and Common Council understood the potential impacts to individual properties that were rezoned in 2007. Even with the non-conformities that existed, it was determined that future increases in density and occupancy should not be permitted or encouraged. Staff also notes that the petitioner already has multiple units on the property, and that a 3 person occupancy restriction for the single unit structure precisely matches the structure’s current bedroom count. The 2007 rezoning should be viewed as a policy change for this area intended to guide future development in the direction of single family use and occupancy.

RECOMMENDATION: Staff recommends denial of the use variance request.

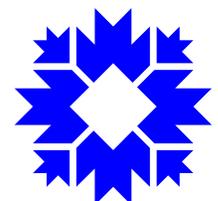


UV-13-11(PC) & UV-21-11(BZ)
 Location/Zoning/Land Use Map

By: shapp
 23 May 11



City of Bloomington
 Planning



Scale: 1" = 200'

For reference only; map information NOT warranted.

Use Variance Petition: History and Introduction

A note from the petitioner, Michael J. Korus, regarding his property at 120 E Dixie Street, Bloomington IN 47401

I bought my home at 120 E Dixie Street in June of 2004. The owner of several different single family and duplex rental properties in the Bryan Park and nearby neighborhoods, I planned to live in the home for a number of years and to later use the house as a rental when my family situation called for a different neighborhood. The Dixie property was zoned multi-family.

In 2007, the new UDO rezoned the property to Core Residential. Affected property owners received notice of the change. The properties adjacent to my home were being used as rentals at the time and were granted Certificates of Non-Conforming use to keep their current occupancy. Since my home was owner occupied, unlike the properties that surround me, I was not eligible to be grandfathered for an existing use. If I would have made the property a rental immediately, I would not have this issue, a 5 person occupancy would have been available, and I would have been issued a Certificate of Non-Conforming Use, just as I received on the duplex I own next to me, and other surrounding neighbors received on their properties. In essence, because I chose to live in the neighborhood instead of making the house a rental earlier, I was put in this difficult position.

In 2010 I got engaged and my soon-to-be wife and I started looking for a new home for us to start our married life. When it came time to turn my home on Dixie into a rental, we came to grips with the true effect of the zoning on our family. Without a Use Variance, the 2,400 sq foot home would be unsustainable as a 3-person rental. And, we found the property to be devalued not because the desirability of the neighborhood or the quality of the home had changed, but because of a zoning decision.

As a landlord, I have a proven reputation of restoring homes in the Bryan Park and surrounding area and maintaining high quality rentals. I respectfully petition the board for a Use Variance allowing multi-family occupancy within a Residential Core Zoning District and appreciate your time and attention to consider the attached request.

Findings of fact

1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

The change effects only use of the property with regards to occupancy of a single home and does not impact public health, safety, morals, and general welfare of the community. As a landlord, I have a proven record of maintaining high quality rentals for my tenants.

2) The use and value of the area adjacent to the property included in the Use Variance will not be affected in a substantially adverse manner

The properties adjacent to 120 E Dixie Street include multi-family units, duplexes, a 12-unit apartment building and associated parking lot, a salvage yard, a commercial variety store, and a used car dealership. To grant the Use Variance would be in alignment with the surrounding property use and would not affect the properties in an adverse manner.

3) The need for the Use Variance arises from some condition peculiar to the subject property itself.

120 E Dixie St was Owner-Occupied in 2007 when the new UDO was Instated

When the UDO was adopted, several properties around my home were rezoned from Multi-Family to Residential Core. Those rental property owners were allowed to apply for a certificate of nonconforming use, allowing them to maintain their 2007 occupancy levels going forward—up to 5-person.

Since I lived in the property, I was not eligible to apply for that same certificate of nonconforming use. Had I moved away from the neighborhood and rented the property before February 2007, I could have, like my neighbors, been issued a 5-person occupancy permit. And, I could have applied for a certificate of nonconforming use to maintain that occupancy level going forward. Because I continued to live in the house, the house is now only eligible for a 3-person occupancy permit.

120 E Dixie St is located on a Single Parcel Containing Two Properties

I own the parcel, which contains two properties. This makes the home difficult to sell and a financial burden to rent as an investment property with the 3-person occupancy that could be awarded with Residential Core zoning. Selling would require subdividing the lots and installing sidewalks. Since the original purchase price assumed multi-family zoning and an accompanying 5-person occupancy permit, it would be unrealistic to expect a similar price for a property that sits surrounded by high occupancy rentals but which can only rent to a maximum of 3 unrelated adults.

4) The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if they are applied to the subject property.

The Monroe County Assessor uses a gross rent multiplier of 118 to determine property value of investment properties in the Bryan Park neighborhood.

- 5-person occupancy house collecting \$400/month in rent from each tenant, the property is assessed at \$236,000.
- 3-person occupancy collecting \$400/month, the assessment would be \$141,600.

The change of zoning makes 120 E Dixie ineligible to be a 5-person rental and causes hardship on the owner by significantly reducing the property value.

Personally, this strict enforcement leaves me unable to sell or rent my home and to create a new home with my soon-to-be wife. The property is not sustainable with only a 3-person occupancy permit as afforded under the Core Residential zoning. To sell the house is to lose significant value not because of the property or the characteristics of the neighborhood, but because of a zoning decision.

5) The approval of the Use Variance does not interfere substantially with the goals and objectives of the Growth Policies Plan.

The Growth Policies Plan speaks of several areas, which indicate that a Use Variance for the property at 120 E Dixie would be in alignment with the overall plan.

“Allow multi-family redevelopment along designated major streets, in transition areas between the downtown and existing single family residential areas, and when appropriately integrated with adjacent uses per adopted form district requirements.”

The property is located adjacent to commercial properties and is in a transitional zone between the major artery of Walnut and the beginning of the true residential neighborhood which begins at Washington.

“Multi-family residential . . . may be appropriate for this district when compatibly designed and properly located to respect and compliment single family dwellings . . .”

“Discourage the conversion of single family homes to apartments.”

I desire to have the property retain its current residential feel and have no desire to convert the property to apartments or otherwise disrupting the residential feel of the property.

The home is not of significant historic nature to the neighborhood. Maps presented at the Bryan Park Neighborhood Association meeting designate the house as “non-contributing” to the overall feel of the neighborhood since it is not built in a traditional style. In fact, the house was moved from another location. It originally sat at the corner of 4th and Lincoln

downtown until it was condemned by the City so that a new fire house could be constructed. The house was then moved to its current location.



These are examples
of the
“Residential Core”
And some commercial
properties I see every day.

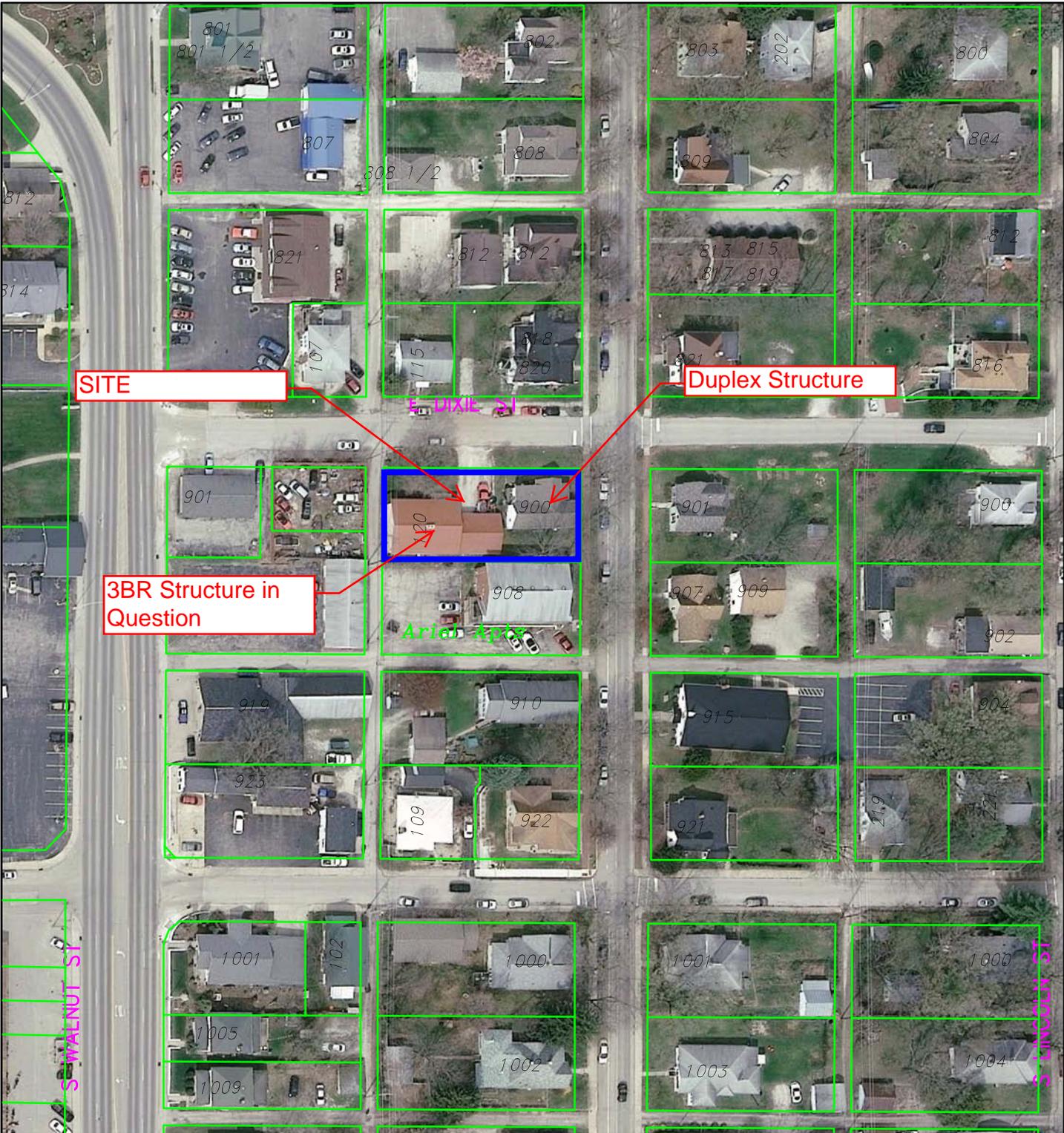




.....More of what I see each day. That 3 Story 12 Unit Apartment Complex is 11 feet from my house. It blocks the sun most of the morning. The Junk yard is 15 feet from my house. The duplex next to me is 7 feet from my House.

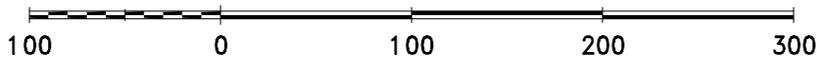
**This is the view of well
maintained properties
many wish for in the
Bryan Park Neighborhood.**



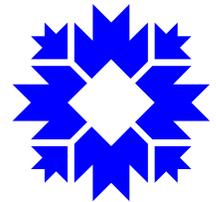


UV-13-11(PC)& UV-21-11 (BZA)
 Michael Korus
 Aerial Site Plan

By: shayp
 23 May 11

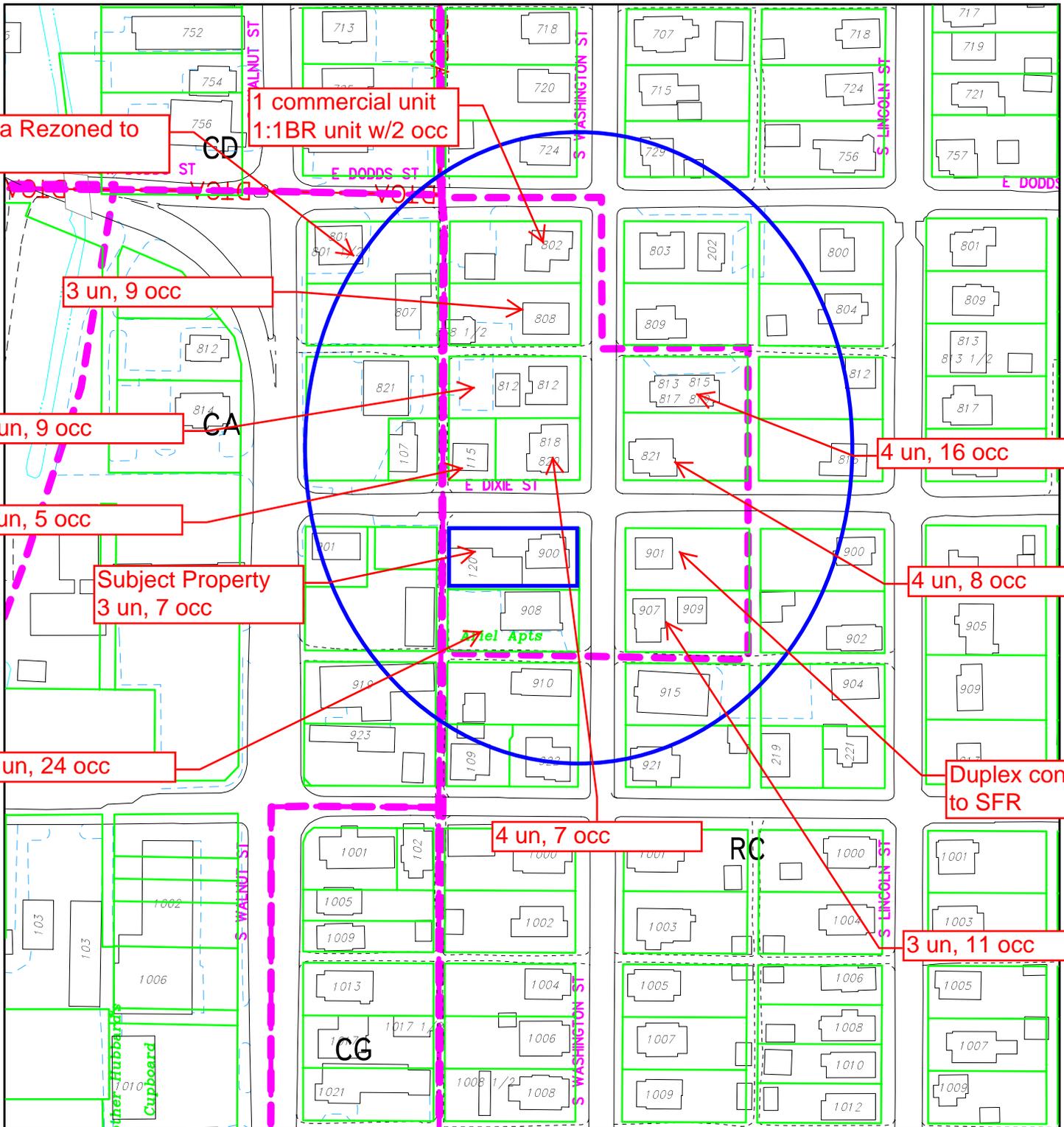


City of Bloomington
 Planning



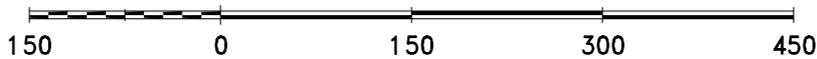
Scale: 1" = 100'

For reference only; map information NOT warranted.

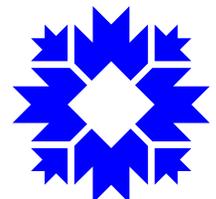


UV-13-11(PC) & UV-21-11(BZA)
 Unit and Occupancy Breakdown
 of 2007 Downzoned Area

By: shapp
 6 Jun 11



City of Bloomington
 Planning



Scale: 1" = 150'

For reference only; map information NOT warranted.