

CITY OF BLOOMINGTON



MARCH 19, 2014 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

PETITIONS:

- UV/V-4-14 **Root-Deckard, LLC**
1512 S. Walnut St. & 106 W. Southern Dr.
Request: Use variance to allow a photography studio in the Industrial General (IG) zoning district. Also requested are variances from front yard building and parking setbacks, maximum impervious surface coverage, and buffer yard landscaping requirements.
Case Manager: Patrick Shay

- V-7-14 **Jim Bere**
431 E. 10th St.
Request: Variances from front yard building setback and side yard building setback for the construction of a new single-family house.
Case Manager: Jim Roach

- V-8-14 **CFC Properties**
101 W. Kirkwood Ave.
Request: Variance from signage standards.
Case Manager: Patrick Shay

**BLOOMINGTON HEARING OFFICER
STAFF REPORT****CASE #: UV/V-04-14
DATE: March 19, 2014****Location: 1512 S. Walnut Street & 106 W. Southern Drive**

PETITIONERS: Root-Deckard, LLC
1512 S. Walnut Street, Bloomington**CONSULTANTS:** Bailey-Weiler
700 N. Rogers Street, BloomingtonBledsoe Riggert & Guerrettaz
1351 W. Tapp Road, Bloomington

REQUEST: The petitioners are requesting a use variance to allow a photographic studio within an Industrial General (IG) zoning district. Also requested are variances from frontyard building and parking setback standards, maximum impervious surface coverage, and buffer yard landscaping standards.

SUMMARY: The petitioner owns an existing commercial structure at the northwest corner of S. Walnut Street and W. Southern Drive. This structure is currently occupied by an accountant's office and a photography studio. This property is 0.18 acres and will allow the petitioner to expand the existing accounting office.

In addition to this property, the petitioner has also gained control of a 0.36 acre property to the west that is at the northeast corner of W. Southern Drive and S. College Avenue. This property is located across an alley and is currently vacant. The property has had several mobile homes in the past that have been removed. The property is also encumbered by regulated floodplain on the western portion (approximately 25%) of the side along S. College Ave.

The petitioner is proposing to construct a new structure along Southern Dr. and relocate the photography studio that is currently housed in the building along Walnut St. to the new building. A second building is planned for a future phase, but would not be constructed at this time.

The property along Walnut Street is zoned Commercial Arterial (CA) while the properties west of the alley are zoned Industrial General (IG). The majority of these Industrial properties are currently being used as residential structures. Office uses are permitted within this district, but photography studios are a specific use listed in the UDO. Therefore, a use variance is being sought by the petitioner to allow the relocation of the photography studio into the proposed building.

The petitioner is also seeking variances from four development standards. On the eastern property, the petitioner's existing site is well over the maximum impervious coverage standards and is nearly 90% impervious surface. They are adding an additional 0.18 acre parcel to allow for the addition. There will also be a large amount of greenspace that is retained with the site plan. The Commercial Arterial zoning

allows for only 60% impervious surface coverage. If developed separately, this 0.18 acre parcel could have 60% impervious surface coverage. By combining the lots, the petitioner would not be able to do any addition. As proposed the coverage will be approximately 69% impervious surface, but will be much closer to compliance than the existing site. No new parking is approved on this site.

The new construction site west of the alley would require a building and parking setback of 50 feet from the centerline of Southern Dr. The existing structure on the eastern lot is approximately 35 feet from the centerline. The petitioner has proposed to place both the parking and the building at approximately 45 feet from the centerline. Staff finds this to be an appropriate setback and supports this variance.

The petitioner has proposed to add parking to serve both the proposed addition and the proposed building. To maximize greenspace and to stay out of the floodplain, the petitioner has proposed to utilize the allowable 8 back-out parking spaces off of the alley. In addition to this parking, the petitioner has proposed to add up to 13 on-street parking spaces along the north side of the street. The petitioner has also agreed to dedicate right-of-way so these spaces are located within the public right-of-way. There is also a 10 foot bufferyard required along the eastern property line of the western lot. This is required to provide additional buffer between industrial properties and commercial properties. Since the proposed use is a commercial use, and the majority of the buffer area is parking, the petitioner has requested a variance from the additional landscaping required for the buffer area. The petitioner would still be required to provide and install all of the normal landscaping requirements for the lot.

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 requests. The use variance will have much less impact than the potential uses that are permitted on the site. Furthermore, most industrial uses would be difficult to place on this lot due to the small size and the floodplain located on the western portion of the site.

- (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; and*

Staff Finding: Staff finds no negative impacts. Staff finds that the proposed photography studio should increase the value of the surrounding area. The former mobile homes have been removed, including some encroachment into the floodplain. The new construction should provide for desirable redevelopment and stabilization of this area.

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

Staff Finding: Staff finds the peculiar condition in the combination of the small size, the limited opportunity for aggregation, and the floodplain. These factors make a traditional industrial use to be very difficult to locate at this location and that the proposed use is a better alternative that will allow for an improvement to this depressed property.

(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; and*

Staff Finding: Strict application of the UDO would make finding a user more difficult to develop as the property's characteristics will make it difficult to place an industrial user. Staff finds that the addition of a photography studio to this area to be a desirable improvement.

(5) *The approval of the use variance does not interfere substantially with the goals and objectives of the Growth Policies Plan.*

Staff Finding: This property is designated as Urban Residential by the Growth Policies Plan (GPP). The GPP gives the following land use guidance for this area:

- *Develop sites for predominantly residential uses; however, incorporate mixed residential densities, housing types, and nonresidential services where supported by adjacent land use patterns.*

Although this area is designated as Urban Residential, it is zoned Industrial General. Residential uses are not permitted. The floodplain in the area also makes any new residential very difficult as well as any large redevelopment projects. Staff finds that the low intensity commercial use as proposed will allow for a desirable redevelopment of the property and will bring additional stability to the surrounding area. It is a small scale project that respects the existing residential structures in the area with minimal negative impacts. The Plan Commission found this use to be consistent with the GPP.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

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

STAFF FINDING: Staff finds no injury with this petition. None of the variances requested will result in a public safety concern.

- 2) *The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.*

STAFF FINDING: Staff finds no negative impacts from the proposed variance. This redevelopment should only enhance and improve the value of the surrounding area as well as allow for the expansion of a successful local business.

- 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 Development Standards Variance will relieve the practical difficulties.*

STAFF FINDING: Staff finds the peculiar condition in the combination of the small size, the limited opportunity for aggregation, and the floodplain. Furthermore, staff finds the reduced setback of the building on the eastern lot to provide additional peculiar condition for the proposed setbacks. In addition, staff finds the potential for 60% of the 0.18 acre parcel to also create a unique situation. The petitioner is developing much less than 60% of that lot, but is required the variance only because they are aggregating it with the existing lot.

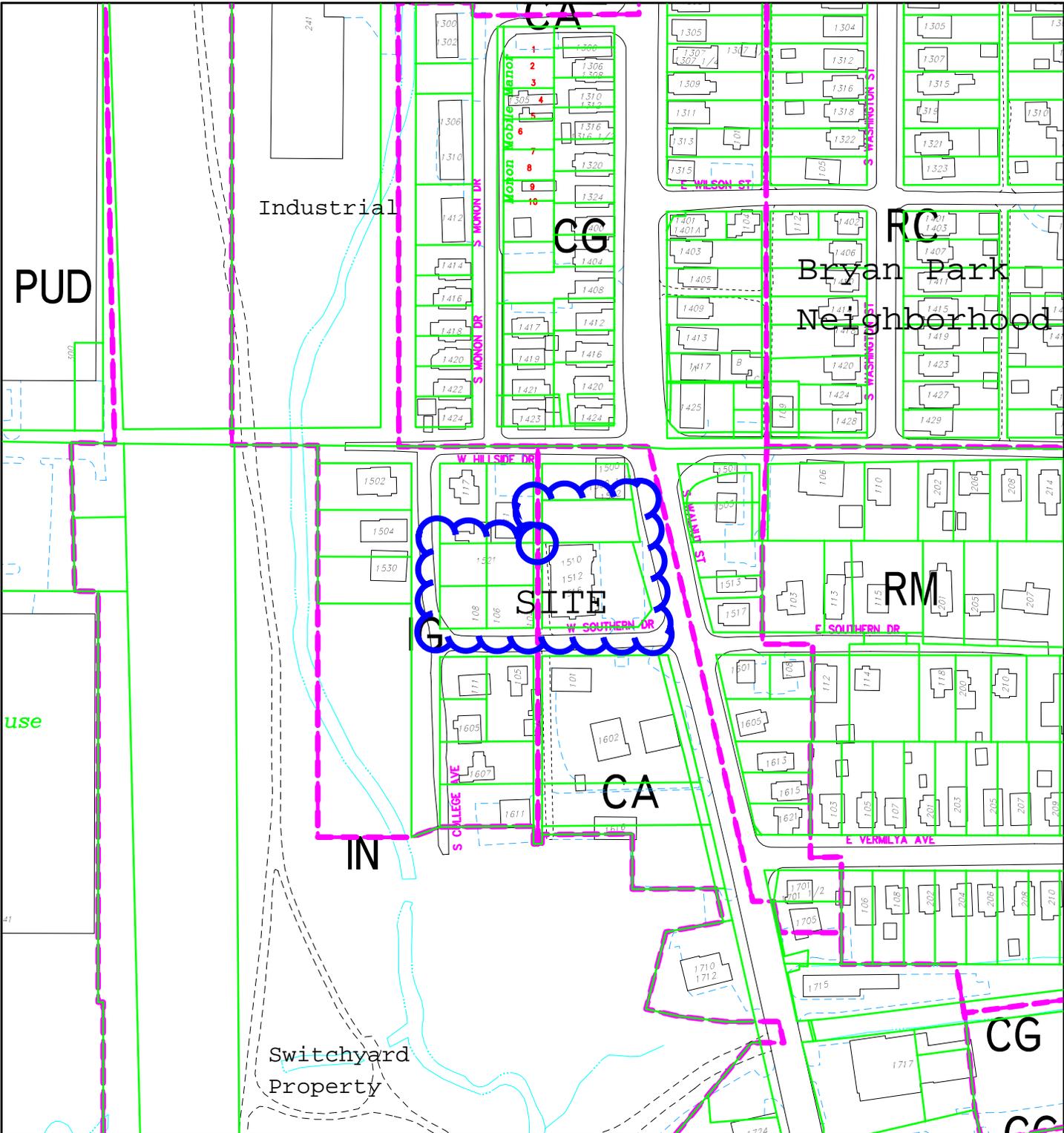
PLAN COMMISSION RECOMMENDATION: The Plan Commission voted unanimously to forward the use variance request with a positive recommendation. They concluded that the proposed use did not substantially interfere with the Growth Policies Plan and furthered many of the guiding principles.

NEIGHBOR INPUT: A neighbor across Southern Drive has expressed concerns regarding stormwater runoff that is currently conveyed toward his property. The new construction east of the alley is proposed to be directed further to the west. The proposed new spaces adjacent to the existing building along Southern Dr. would direct water to the neighbor. The petitioner has agreed to work with staff to redirect water more toward the west and not toward the south side of Southern Drive.

RECOMMENDATION: Based on the written findings of this report, staff recommends approval of UV/V-04-14 with the following conditions:

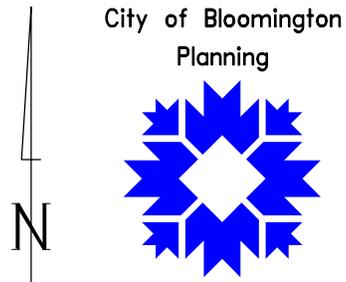
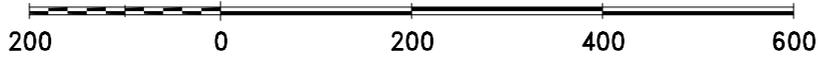
1. Prior to release of a building permit, the petitioner shall sign and record a zoning commitment waiving any future damages to the value of the property because of road widening.
2. The petitioner must deed the area of street parking to the City of Bloomington prior to the release of any permits.
3. The petitioner must either dedicate right-of-way or place a pedestrian easement on any areas of sidewalk along the public streets prior to final occupancy.

4. Architecture must be consistent with the submitted elevations.
5. All required grading, building, and right-of-way excavation permits must be received prior to any construction activities.



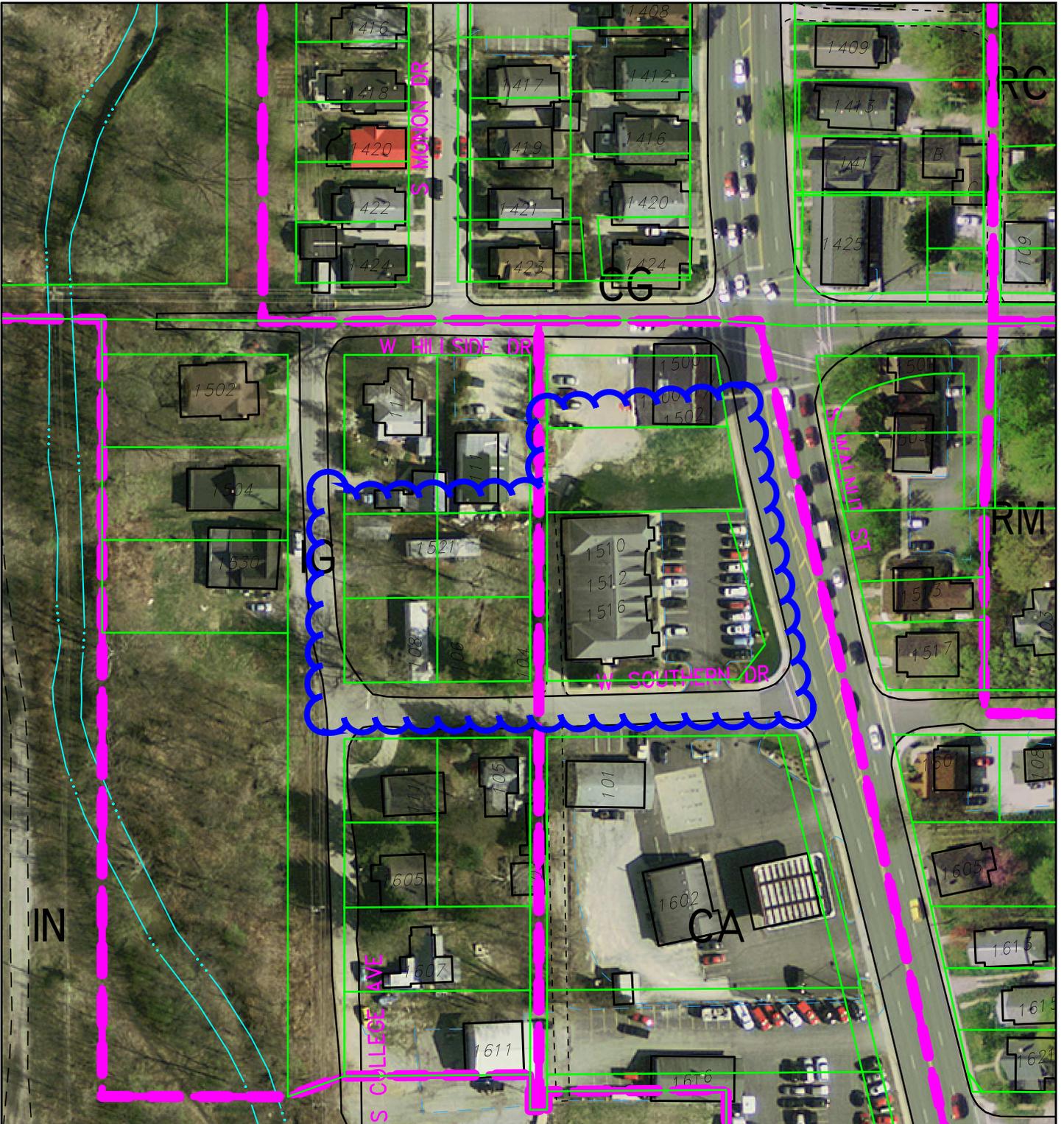
UV/V-4-14 Root-Deckard, LLC
Location Map

By: shapp
6 Mar 14



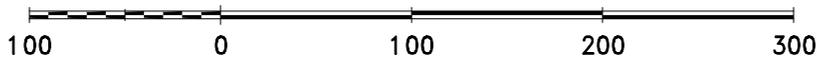
Scale: 1" = 200'

For reference only; map information NOT warranted.

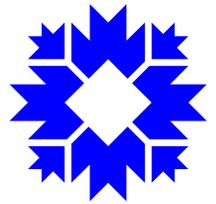


UV/V-4-14
Aerial Photo

By: shayp
6 Mar 14



City of Bloomington
Planning



Scale: 1" = 100'

February 11, 2014

Patrick Shay
City of Bloomington, Planning Department
401 N. Morton St., Suite 160
PO Box 100
Bloomington, IN 47402-0100

Re: Root Deckard Development
Petitioner's Statement
BRG Project No. 5472

Dear Patrick,

On behalf of Root-Deckard, we are requesting review by the Plan Commission and approval from the Hearing Officer for a use variance as well as a package of incidental variances necessary to utilize the site effectively for the intended use. Proposed is building expansion of the existing Root building, which is located at 512 S Walnut and a new building on the site to their immediate west, along Southern Drive. We would like to be placed on the next available Plan Commission meeting agenda and subsequently on the Hearing Officer agenda once heard by the Plan Commission.

The building expansion will take place predominantly on a small lot immediately north of the existing Root building, both zoned CA. The proposed new development is accessed from Southern Driver and the existing alley behind and west of the Root building is zoned IG. This new facility will include a photography studio, which is generating the need for a use variance. Surrounding land uses are mixed, with zoning in the area consistently IG or CA.

The requested variances, listed below, are needed to adapt the new site to this use as well as utilize the existing non-conforming Root building site.

1. Use variance to allow photography studio use within IG district on the west site
2. Front building setback on the west site
3. Front parking setback on the west site
4. Landscape bufferyard requirements on the west site along the alley
5. Maximum impervious coverage for the east site

The use variance is necessary since the IG zone does not allow photography studio and plans are for a photography studio user in the existing building to be relocated to this new building.

The front building setback for the west site, while short of meeting code, is situated 10' further back from Southern Drive than the existing Root building.

The front parking setback is to allow the alley back out parking to be setback even with the new building, but 10' back of the existing Root building.

The landscape bufferyard is required between the IG zone and the CA zone. However, in this case there are several relevant factors. In order to reduce impervious surface and stay out of floodplain along the west side of the west site, we are proposing back out parking into the alley. This is the most efficient solution for providing the necessary parking as well as presenting the least amount of new impervious surface. However, in doing so, we are left with only 5' of space between the sidewalk edge and proposed buildings. This is not enough area to meet bufferyard requirements. In addition, the proposed use is the same as the existing use on the CA site (existing Root building).

UV/V-4-14
Petitioner's Statement

Maximum impervious surface allowed in the CA zone (east site) is 60% and 70% in the IG zone (west site). Proposed on the CA lot is 68.5%. By using on street and alley parking, we have been able to hold the impervious surface on the west site at around 45%. That figure would be if both buildings were developed on the west site. Combined, the east and west sites have less about 60% impervious surface.

The subject plans have been submitted to CBU for review. We understand, from initial consultation with CBU, that stormwater detention will not be required, due to the project proximity with the adjacent floodway. At this time, there is no planned extension of what or sewer mains, simply laterals to serve the new building.

Included with this petitioners statement is the application form and fee, as well as site, grading and drainage, utility and landscape plans. We will follow up with additional detail and revisions based upon staff feedback prior to the final application deadline.

Please contact me if you have any questions.

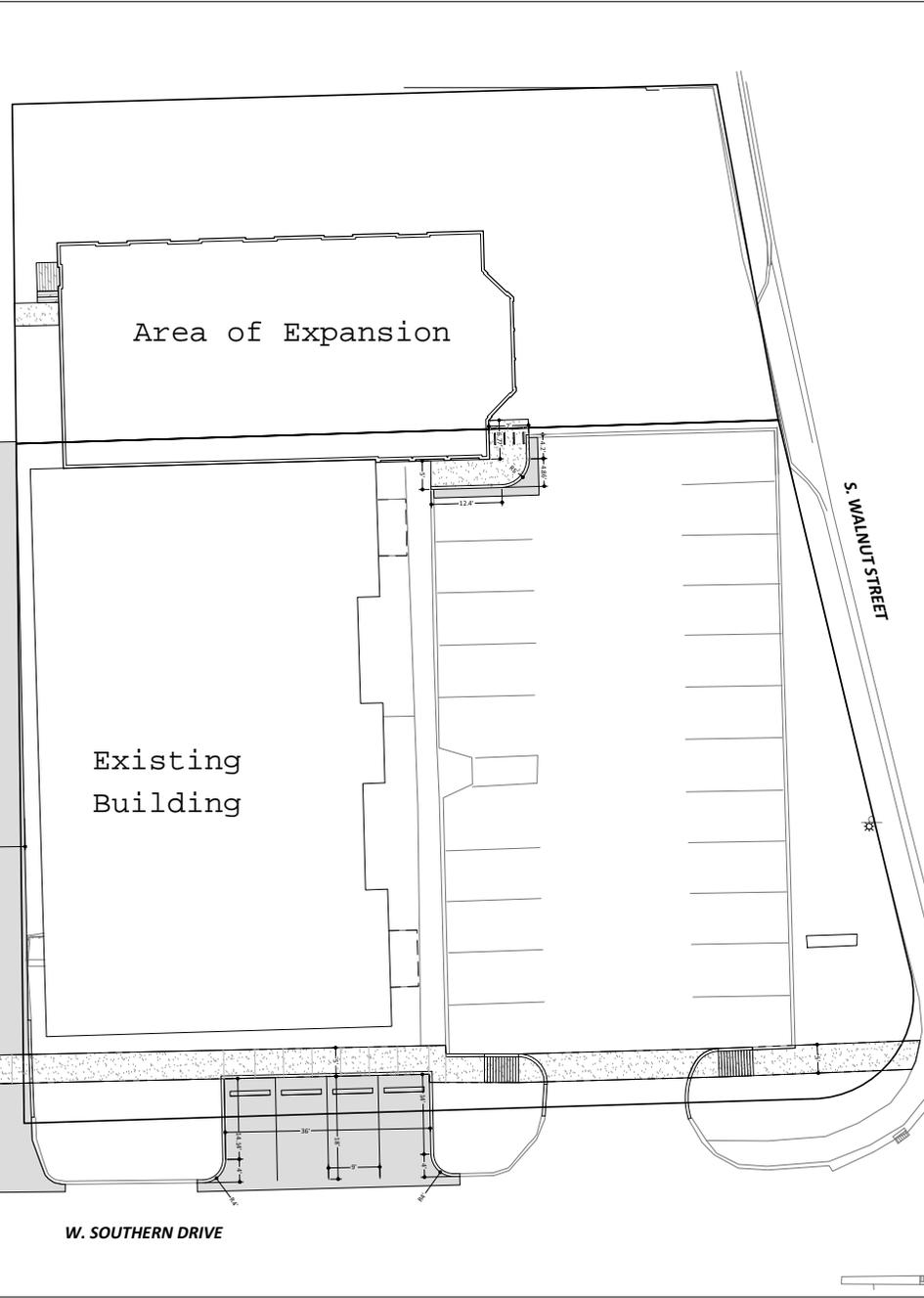
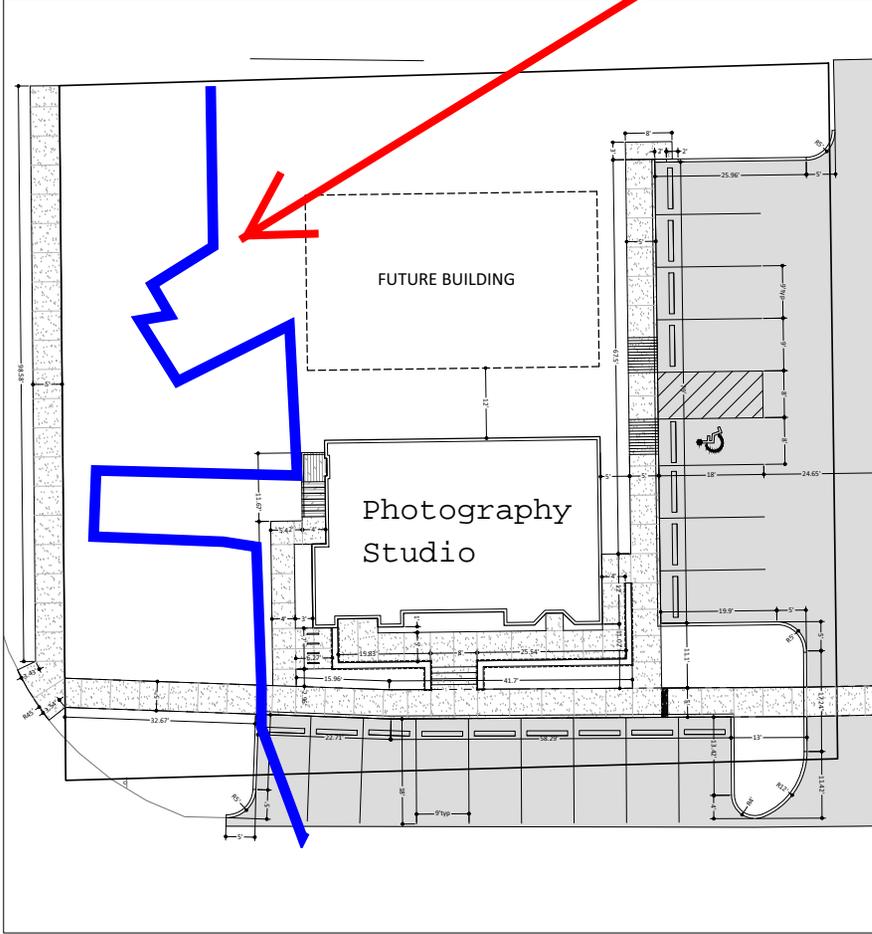
Sincerely,



Dan Neubecker, Project Manager

xc: Craig Bailey, Bailey-Weiler
File – Project No. 5472

LEGEND	PLAN NOTES
LIMITS OF NEW ASPHALT SIDEWALK	① ASPHALT PAVEMENT - REFER TO DETAILS
LIMITS OF NEW 4" THICK CONCRETE PAVING	② CONCRETE PAVEMENT, 4" THICK - REFER TO DETAIL
PAVEMENT STRIPING 2" O.C.	③ INTEGRAL CURB AND WALK - REFER TO DETAIL
LIMITS OF ASPHALT PAVEMENT PATCH	④ ADA COMPLIANT RAMP AND CONCRETE CURB TRANSITION, 1:12 SLOPE MAX. WITH 3/8" DEEP GROOVES AT 9" O.C. - REFER TO DETAILS
	⑤ DERESSED INTEGRAL CURB AND WALK - REFER TO DETAIL
	⑥ 4" STANDING CONCRETE CURB - REFER TO DETAIL
	⑦ PAVEMENT MARKING, 4" WIDE, WHITE - AUTO PARKING
	⑧ ADA COMPLIANT CAR PARKING SPACE INCLUDES PAVEMENT MARKING, 4" WIDE, BLUE, PAINTED WHEELCHAIR SYMBOL, CONCRETE WHEEL STOP AND ACCESSIBLE RESERVED PARKING SIGN - (SEE DETAILS)
	⑨ ADA COMPLIANT VAN PARKING SPACE INCLUDES PAVEMENT MARKING, 4" WIDE, BLUE, PAINTED WHEELCHAIR SYMBOL, CONCRETE WHEEL STOP AND VAN ACCESSIBLE RESERVED PARKING SIGN - (SEE DETAILS)
	⑩ ASPHALT PAVEMENT PATCH - REFER TO DETAIL
	⑪ HANDRAIL-REFER TO DETAIL
	⑫ CONCRETE CURB TRANSITION, REFER TO DETAIL
	⑬ BICYCLE RACK - TO INCLUDE 4 PARKING SPACES
	⑭ CONCRETE WHEEL STOP (TYPICAL) - REFER TO DETAIL
	⑮ EXPANSION JOINT (TYPICAL) - REFER TO DETAIL
	⑯ SCORE JOINT (TYPICAL) - REFER TO DETAIL
	⑰ SEGMENTAL BLOCK WALL - REFER TO DETAIL
	⑱ CONCRETE STEPS - REFER TO DETAIL
	⑳ SPECIAL PAVING - REFER TO DETAIL



1351 West Tapp Road
 Bloomington, Indiana 47403
 Phone: 812.336.8277
 Fax: 812.336.0817
 www.brgovl.com

BLOOMINGTON BEDFORD PAOLI

PRELIMINARY
 NOT FOR
 CONSTRUCTION

ROOT-DECKARD PLAN DEVELOPMENT
 Street Address
 City, State ZIP
 BRG Project No: 5472

SITE IMPLEMENTATION PLAN

10' 0' 5' 10' NORTH
 SCALE: 1" = 10'

Date: Issue:
 00-00-0000 NOT FOR CONSTRUCTION

REVISION SCHEDULE		
Rev. #	Rev. Description:	Issue Date

Drawn By: DLN
 Designed By: DLN
 Checked By: WSR

C301

UV/V-4-14
 Site Plan



UV/V-4-14 New Building



ROOT DEVELOPMENT



NEW ADDITION



UVV-4-14
Building Addition

BLOOMINGTON HEARING OFFICER
STAFF REPORT
LOCATION: 431 E. 10th Street

CASE #: V-07-14
DATE: March 19, 2014

PETITIONER: Jim Bere
547 Baronne St., New Orleans, LA

CONSULTANT: Dream Builders
5488 E. SR 46, Bloomington

REQUEST: The petitioner is requesting variance front building setback and side building setback variance to construction a single family house.

REPORT SUMMARY: The subject property is located at the northwest corner of E. 10th Street and N. Dunn Street. and is zoned Residential Multifamily (RM). The property has been developed with a single family residence that had one time included a commercial use in a storefront style addition. The property is located in the Old Northeast Downtown Neighborhood.

The petitioner is proposing to demolish the existing house and build a new 2-story house. The building is not listed on the City's Survey of Historic Sites and Structures. The existing house has been developed with a 0-foot front setback on both Dunn St. and 10th St. and the property is approximately 49 feet wide at the south end. A 55-foot setback off of the centerline of Dunn St. and a 15 side setback from the western property line would create a buildable area of only 2-5 feet in width. The proposed sideyard setback is 7 feet, which is an increase from the existing 2 feet. This setback may reduce after the petitioner completes a property survey. The proposed front setback on Dunn Street is 8 feet from the ROW and along 10th Street is 15 feet from the ROW. This is an increase on both street from the existing situation and puts the new house in line with existing structures along both street. This creates a buildable area of about 35 feet in width. Variances are requests for all three of these setback reductions.

The petitioner presented this case to the Old Northeast Neighborhood Association on Monday February 28th. The project received a mostly favorable response. Staff has spoken to other nearby property owners about the project and answered questions about future plans for widening of both 10th St. and Dunn St and the general staff desire to create pedestrian friendly, walkable streets that match historic setbacks.

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

STAFF FINDING: Staff finds that this variance request will not negatively affect the public health, safety, morals, or general welfare of the community. There are many houses along both Dunn St. and 10th St. with a reduced setback similar to the proposal no negative impacts to public health, safety, morals, or general welfare.

- 2) *The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.*

STAFF FINDING: Staff finds no adverse impacts to the use and value of the surrounding area associated with the proposed variance. These variances will allow for the construction of a new house with setbacks larger than the existing structure on the lot. The lot will continue to be used for residential uses.

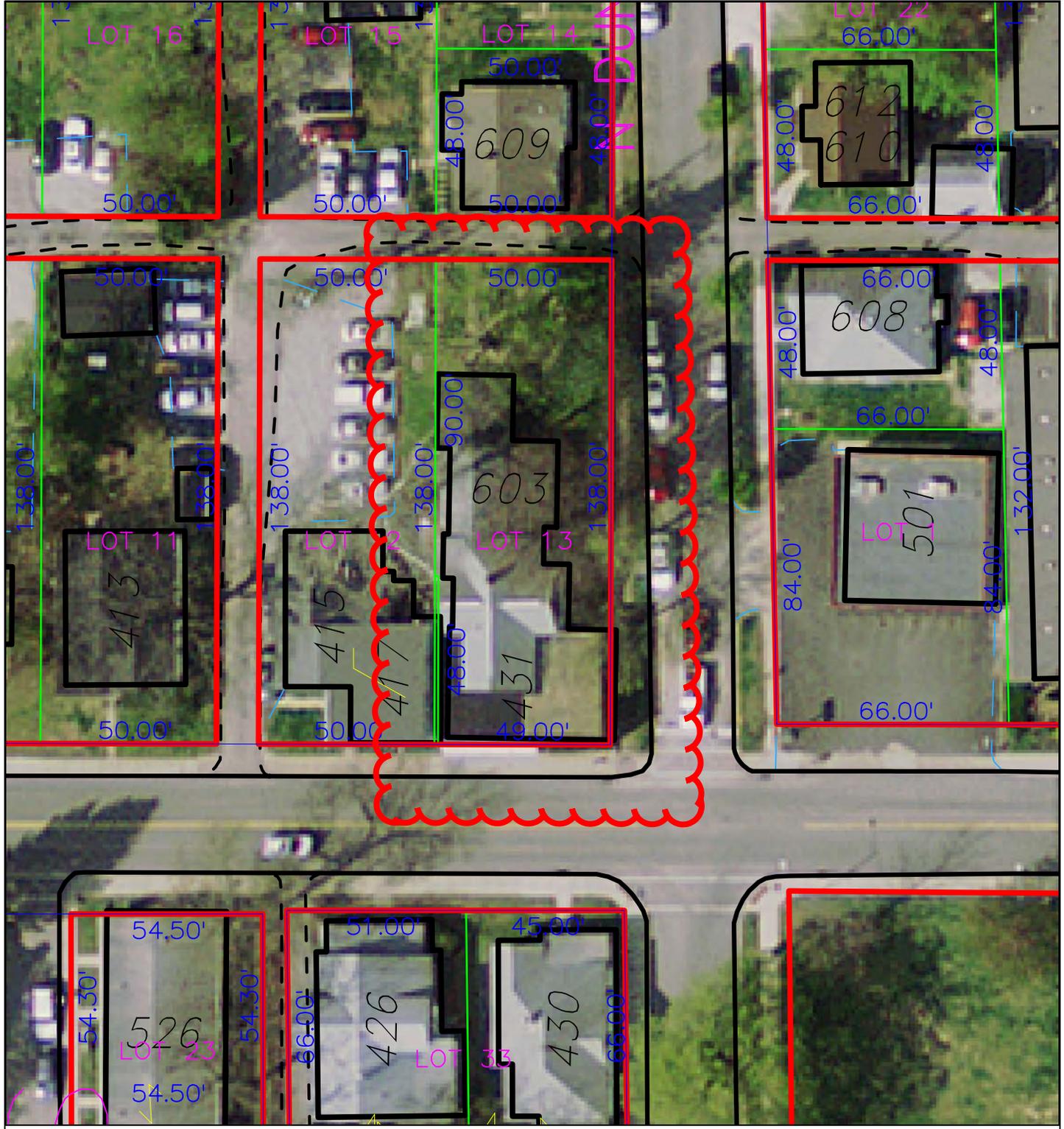
- 3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

STAFF FINDING: Staff finds peculiar conditions. This legal lot of record has two street frontages along classified streets that make it difficult to build any structure. The strict application of the setback requirements will result in practical difficulties in the use of the property because they make the lot unbuildable. The proposed setbacks are very similar to the setbacks on other lots in the area.

RECOMMENDATION: Based upon the written findings above, staff recommends approval of this petition with the following conditions:

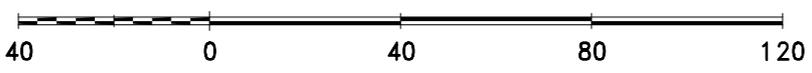
1. Prior to release of a building permit, the petitioner shall submit a current survey of the property. If the survey shows lot dimensions different than shown on the site plan, the new house shall maintain an 8 foot front setback on Dunn Street. Side setback can be reduced to no less than 4 feet.
2. Prior to release of a building permit, the petitioner shall sign and record a zoning commitment waiving any future damages to the value of the property because of road widening.

3. Prior to release of a building permit, the petitioner shall confer with City Utilities to determine the appropriate foundation design because of the close proximity to a storm sewer box culvert within the Dunn Street Right-of-way.
4. As part of construction, the petitioner shall upgrade the sidewalk curb ramps at the intersection of 10th and Dunn to meet current APA requirements.



V-07-14
2011 Aerial Photo

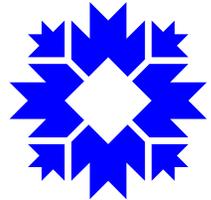
By: roachja
11 Mar 14



For reference only; map information NOT warranted.



City of Bloomington
Planning



Scale: 1" = 40'

PROPERTY

**Corner of:
603 N. Dunn St. &
431 E. 10th Street
Bloomington, IN 47408**

Date Filed: March 3, 2014

Filed By: Dream Builders Brafford, LLC on Behalf of Jim Bere (Homeowner)

Filer:

Dream Builders Brafford, LLC

President: Micky L. Brafford

Vice President: Gregory P. Daniels

Vice President of Operations: Shamus McPhee

5488 E. State Road 46

Bloomington, IN 47401

Phone: (812) 337-7637

Fax: (812) 355-5565

E-mail: mbrafford@proesgroup.com

Homeowner:

Jim Bere

547 Baronne St. (Apt. B506)

New Orleans, LA 70113

Phone: (504) 602-5067

E-mail: jimbere@live.com

Goal:

- Build a single family home on the above location that will be owner occupied.
- Remove current structure & bring the property closer in-line with the surrounding neighborhood and properties.
- Build an aesthetically appealing structure / residence.

Background:

The current property has been modified several times over the past 70+ years. It is our understanding that it began as a residence around 1930 and progressed over the years into a retail “fur” sales business in the 1950’s. When the previous owner decided to turn the front of the property into retail they added on a significant amount of space that pushed the structure out to a “zero” lot line. After the original owners passed away it became student rentals which was expanded multiple times as seen on our site plans. (Exhibit A)

The new, proposed home owner (see Exhibit B-contract) plans to live in the new home. The following proposal has been presented to the Old N.E. Neighborhood Association on Monday February 24, 2014. They were in full support of the proposal and expressed their excitement in seeing the current property returned back to what its original intentions were. They also enjoyed the idea that it would be “owner occupied”.

Proposal:

It is our desire to make the following changes to the current property and structures.
(See Exhibit C - Current Elevations)

1. Remove current structure to prepare the location for a new residence that is more in line with the surrounding neighborhood (please see our proposed elevations – Exhibit D supplied).
 - * There is a similar design a few blocks away at 512 N. Prow St. (Built - 2005). (See Exhibit E)

2. Request a variance in the setbacks for the home to:

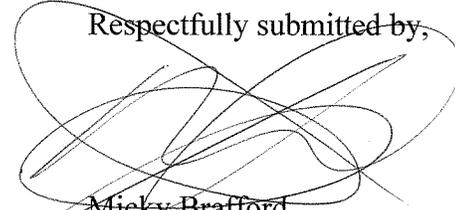
- 8'0 on the Dunn Street side
- 7'0 on the west side (next to adjacent home)
- 15'0 (per code) on the East 10th Street side
- The current lot (see Exhibit F) is 50' wide and 130' deep
- Our proposed home would be 35' wide and 32' deep including the 8'0 deep porch on the front of the home.
- The request for variance would allow us to build a home of adequate size (but only 35' wide).
- By constructing this new home we will also be able to pull the structure away from the current "zero" lot line on all sides.

3. Request a variance in the setbacks for the driveway:

- It is our desire to have at least 2 possibly 4 parking spaces to the rear (or north) of the home accessible through the alley.
- To the west (adjacent home) we would be 7'0 back from the property line.
- To the east (Dunn Street) we would be 20'0 back from the property line.
- This would allow us to have adequate parking for the homeowner and any guests to prevent a need for street parking.

Thank you for considering our proposal.

Respectfully submitted by,


Micky Brafford
President
Dream Builders Brafford, LLC

On behalf of the proposed owner, Jim Bere.

EXHIBITS

- A) Site plans showing before & after foot prints
- B) Contract to purchase Not included in
Packet
- C) Street views / pictures of current property
- D) "New" proposed exterior elevations
- E) Similar - Existing home
- F) Site plan with proposed set backs

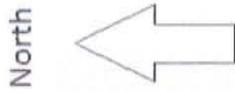
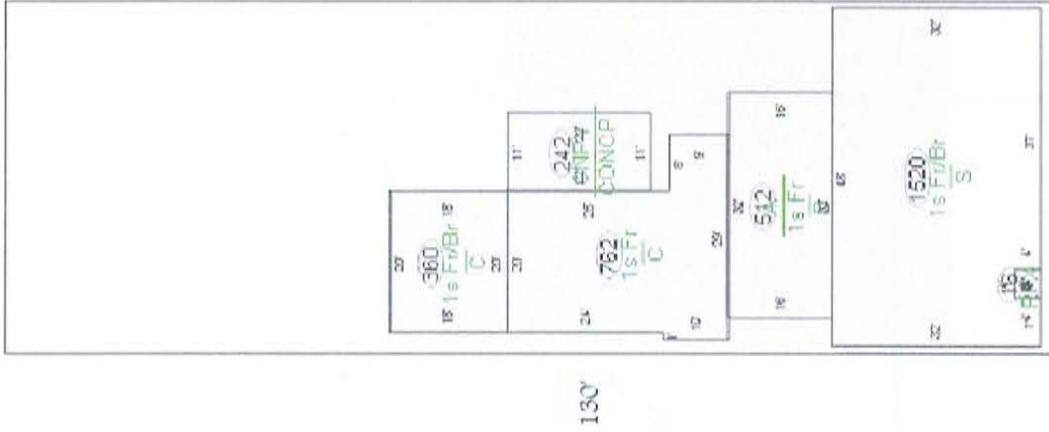
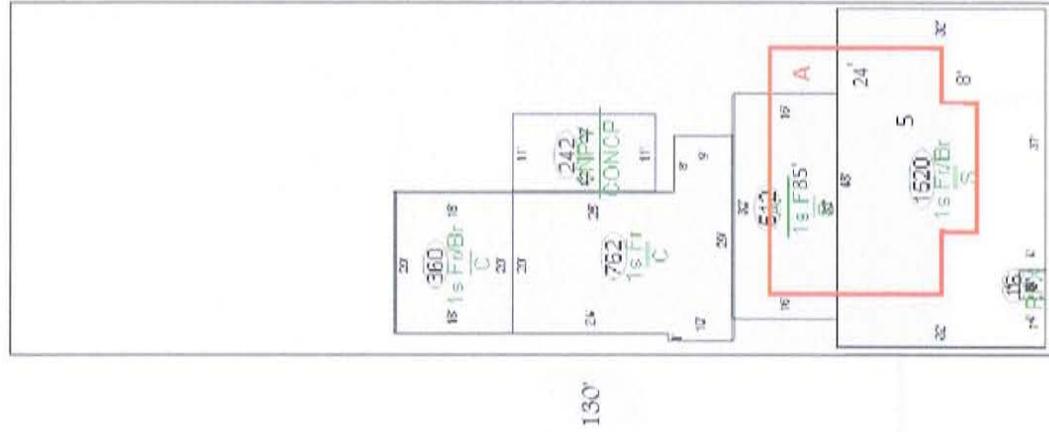


Figure 1



Existing Structure

Figure 2



Overlay View

Figure 3



Proposed Structure (red)

(A)

(c)

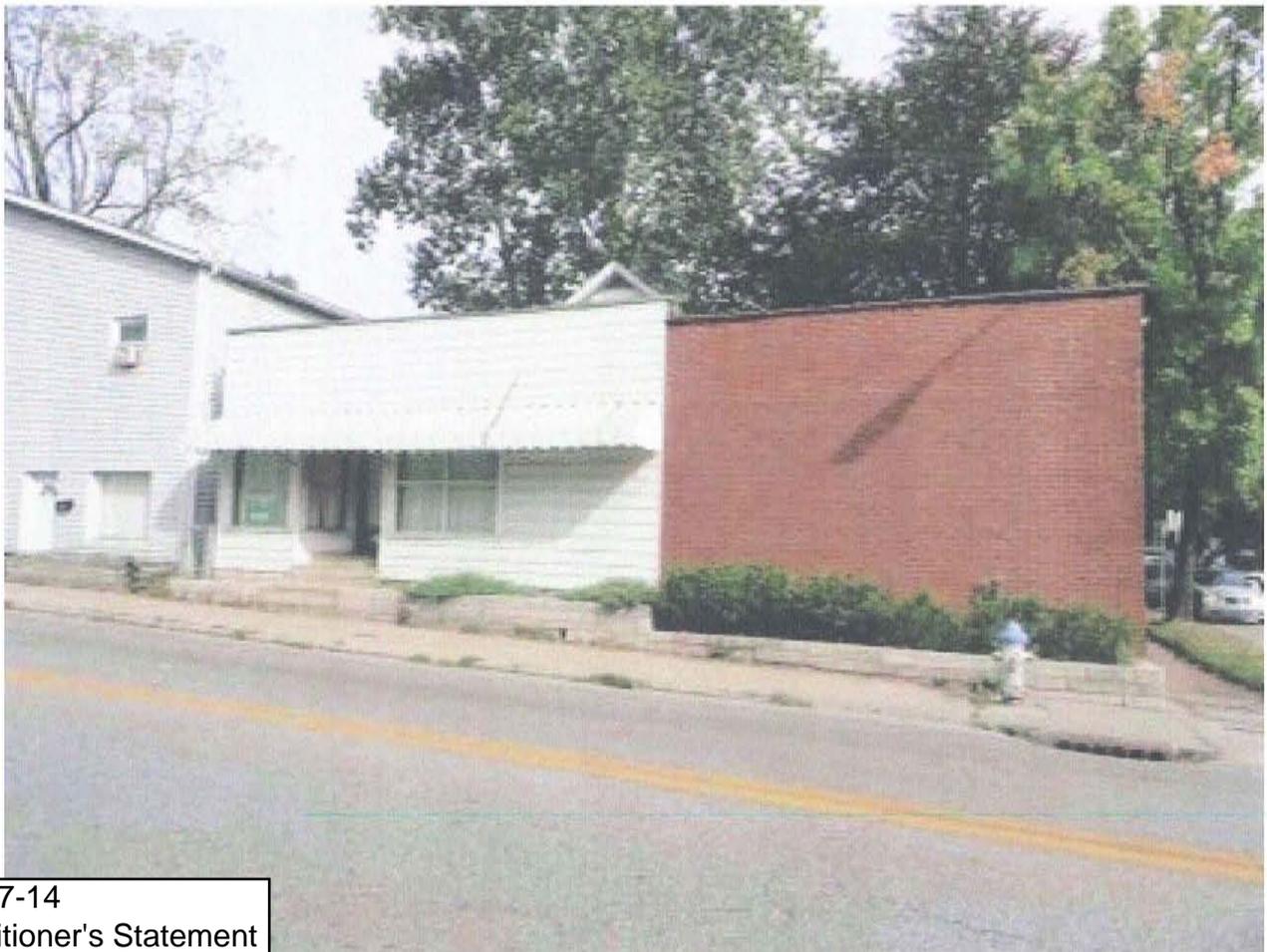
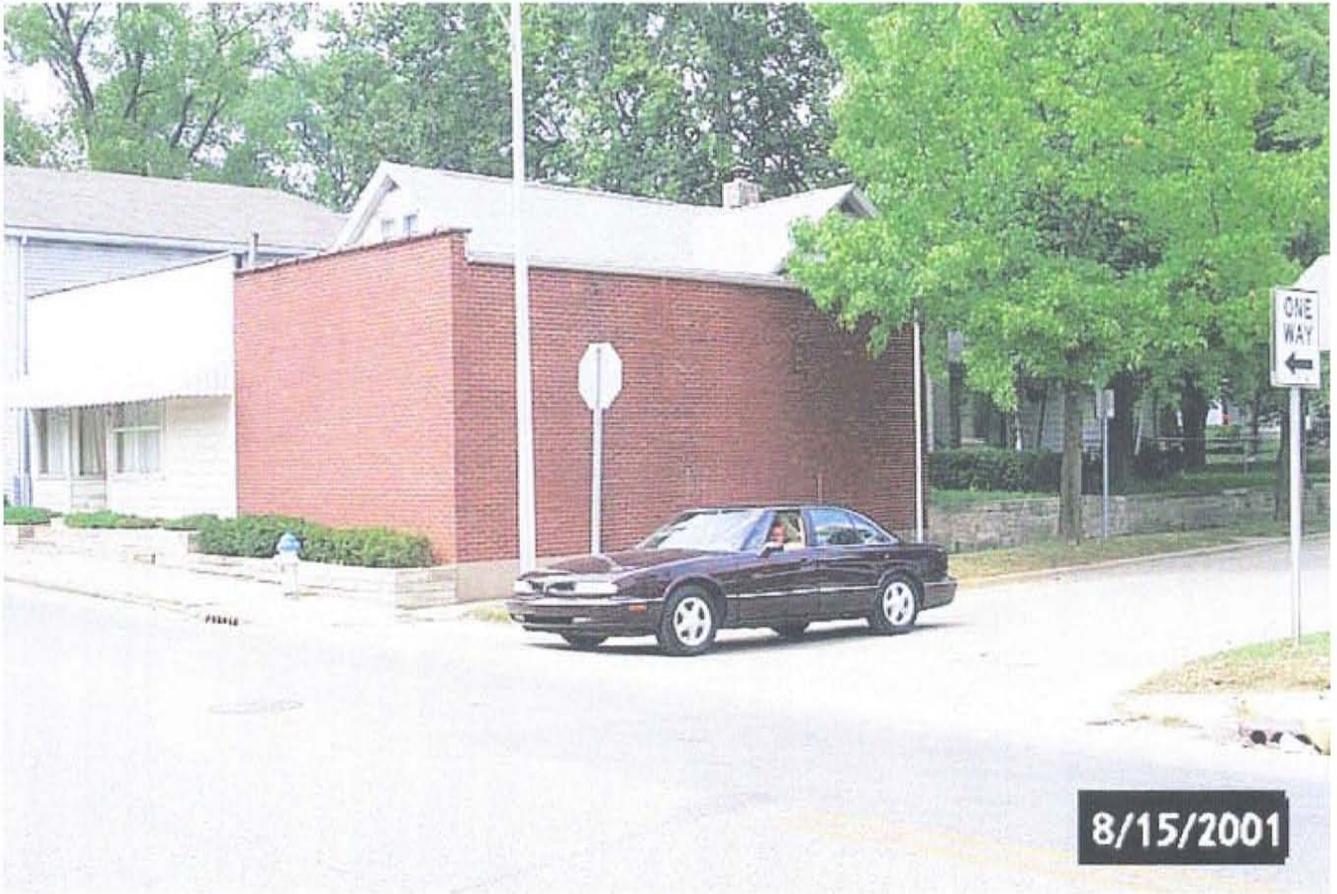


8/15/2001

(10th St and N. Dunn St.)



V-07-14
Petitioner's Statement

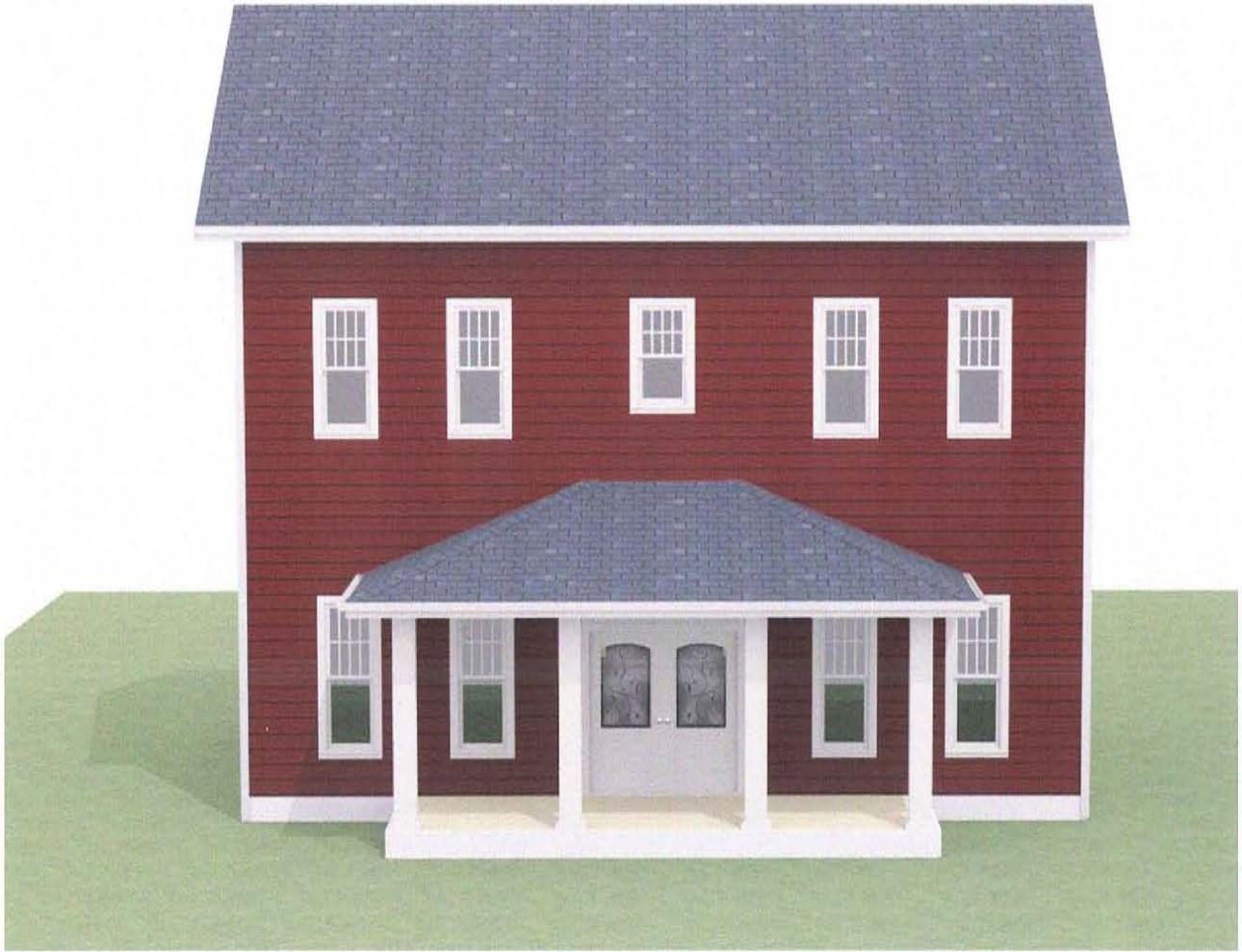


V-07-14
Petitioner's Statement

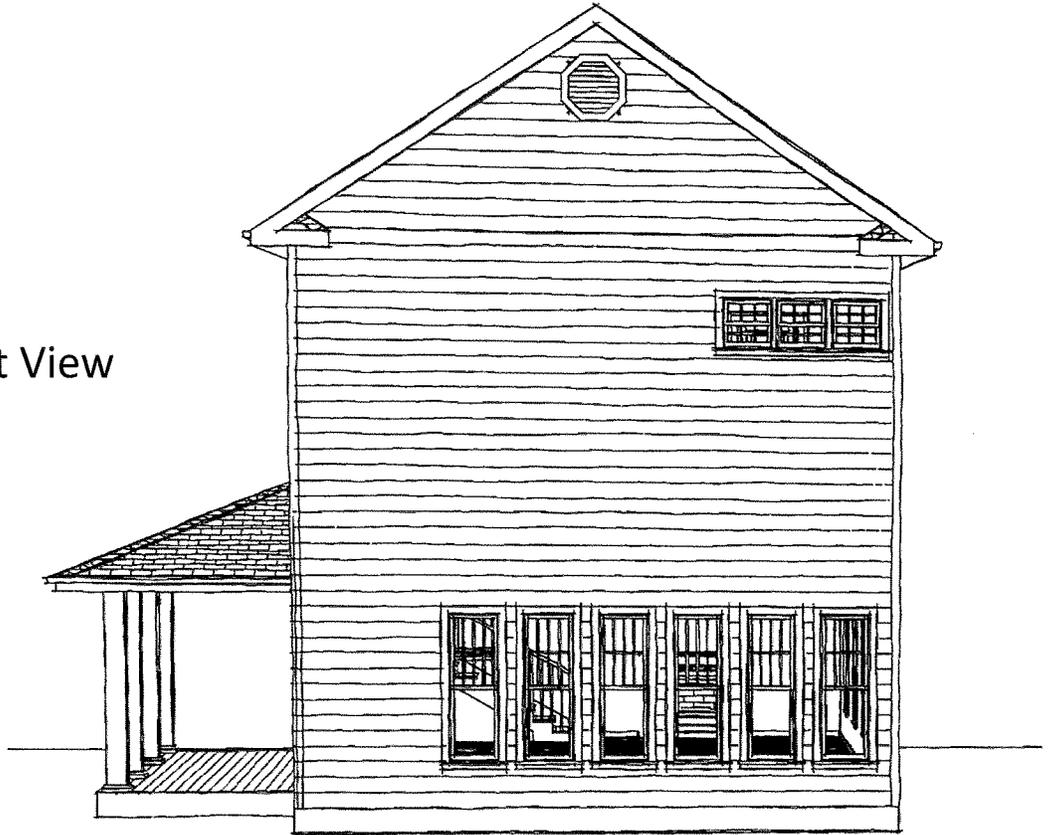


(D)

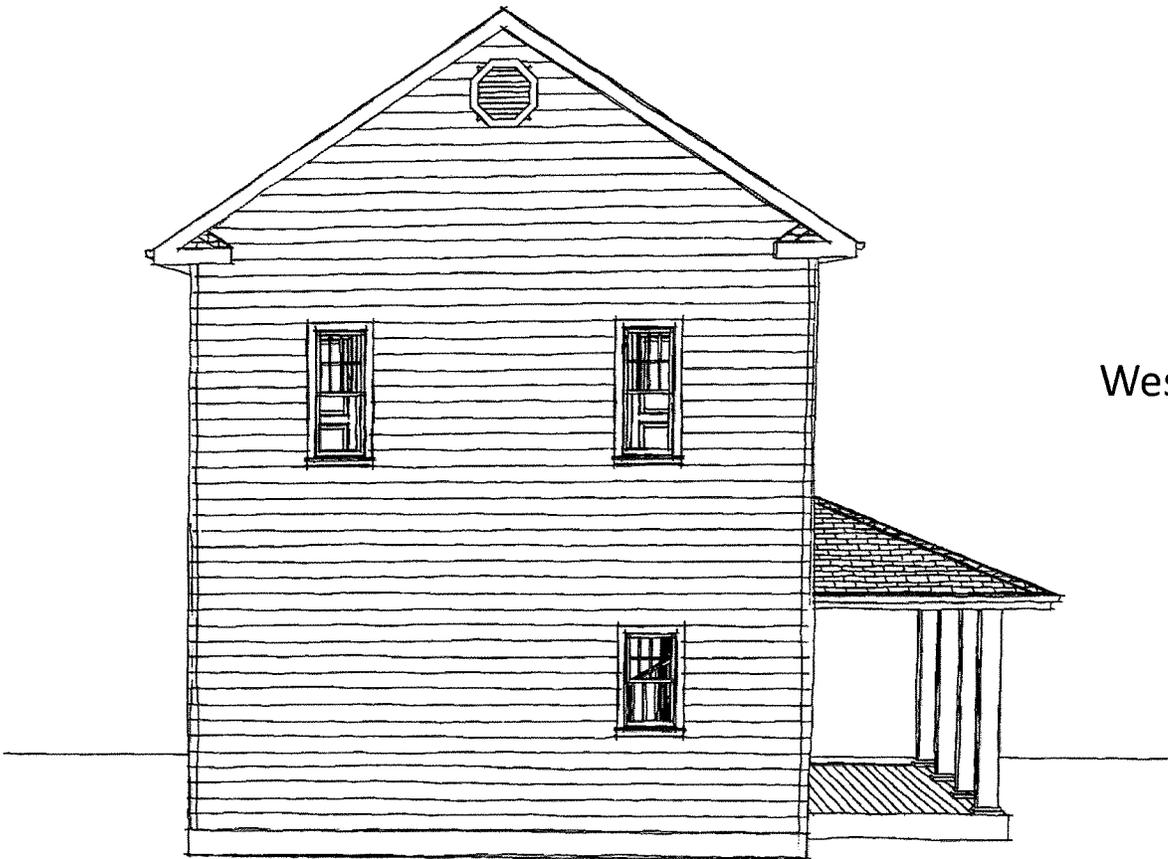
10th Street View



Dunn St View

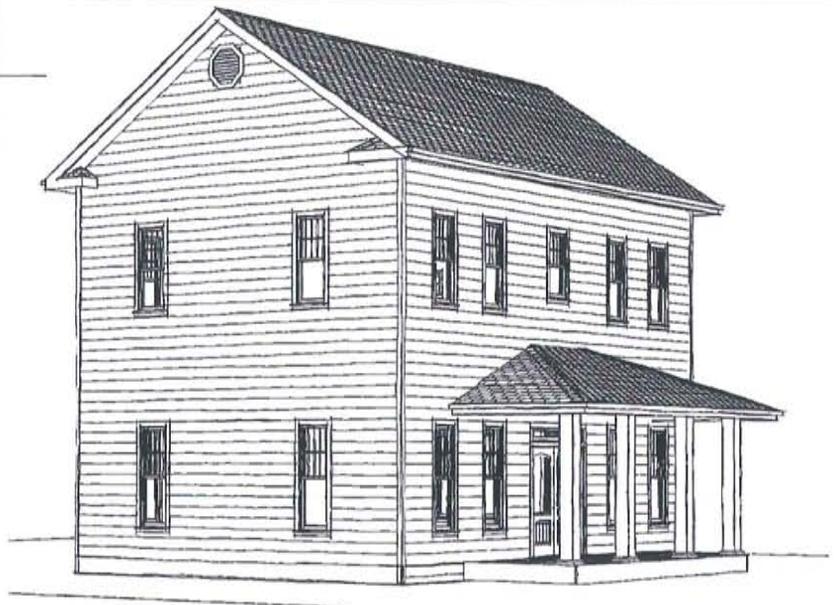
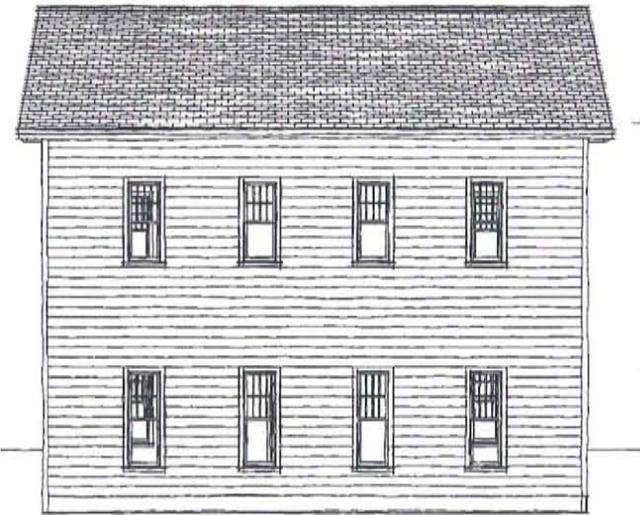
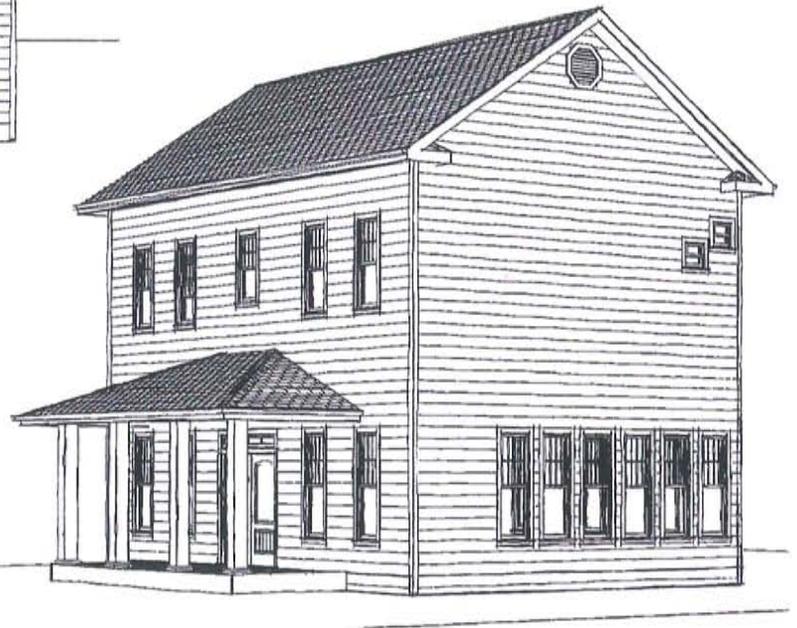
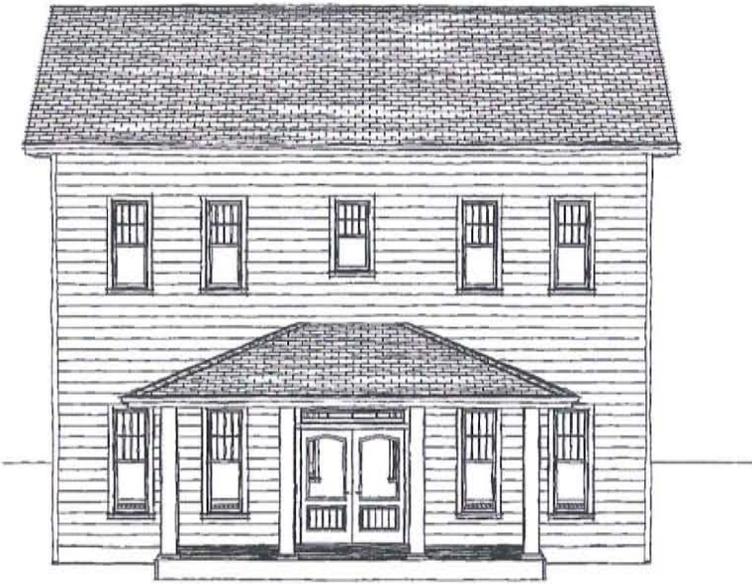


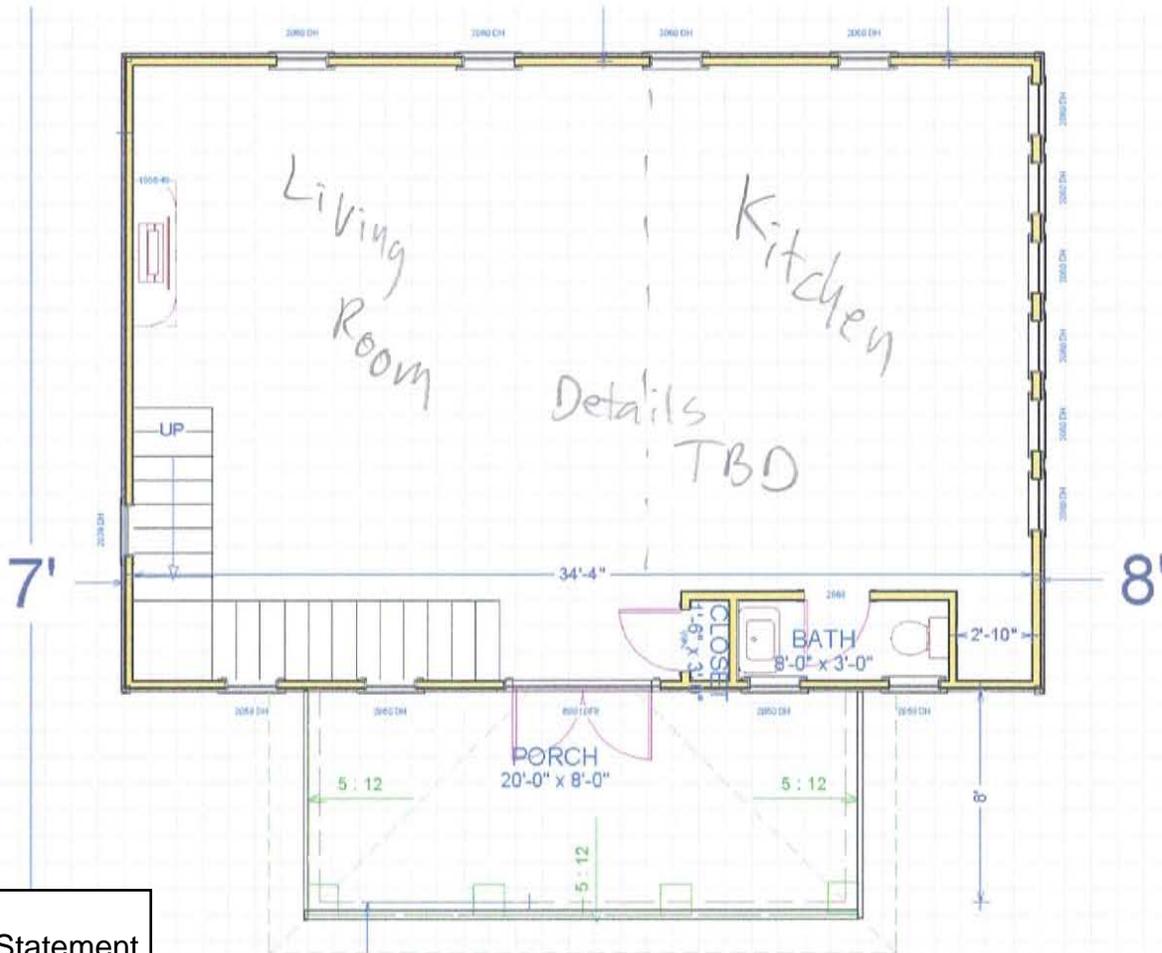
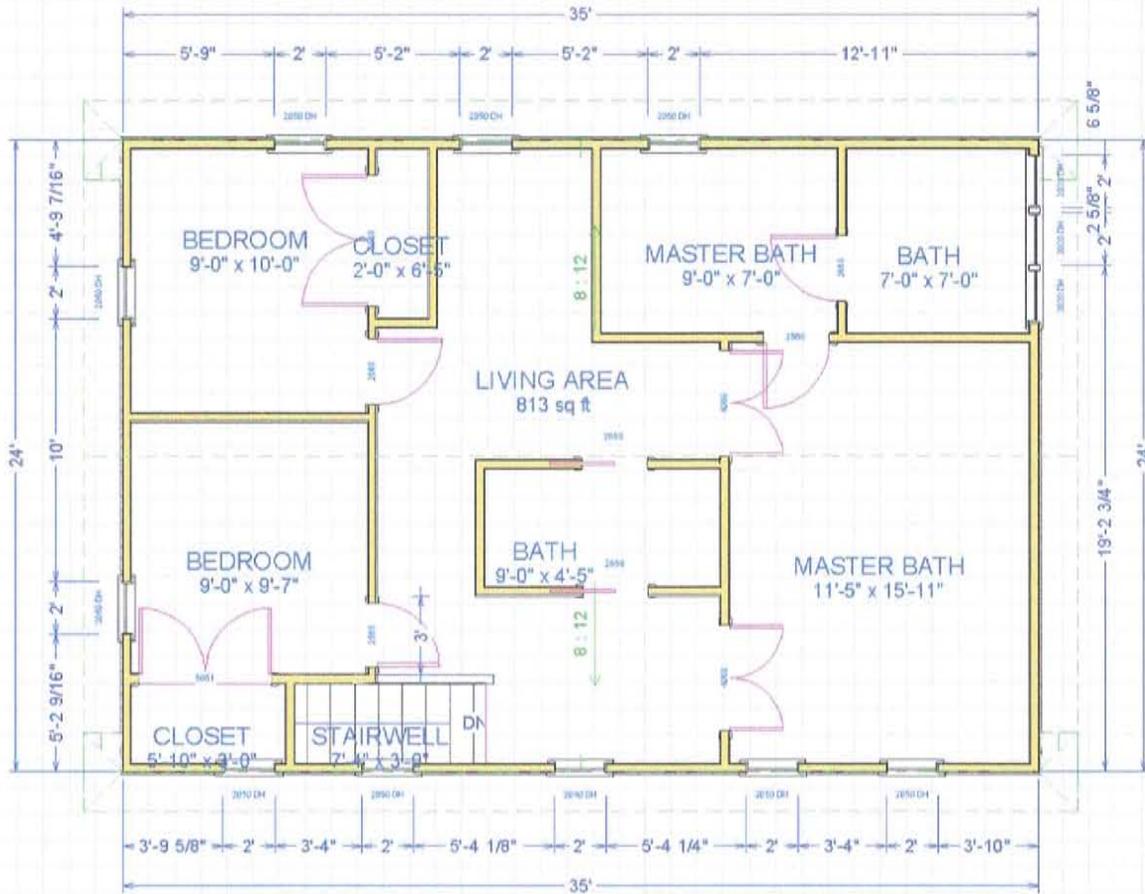
West View



View from the North

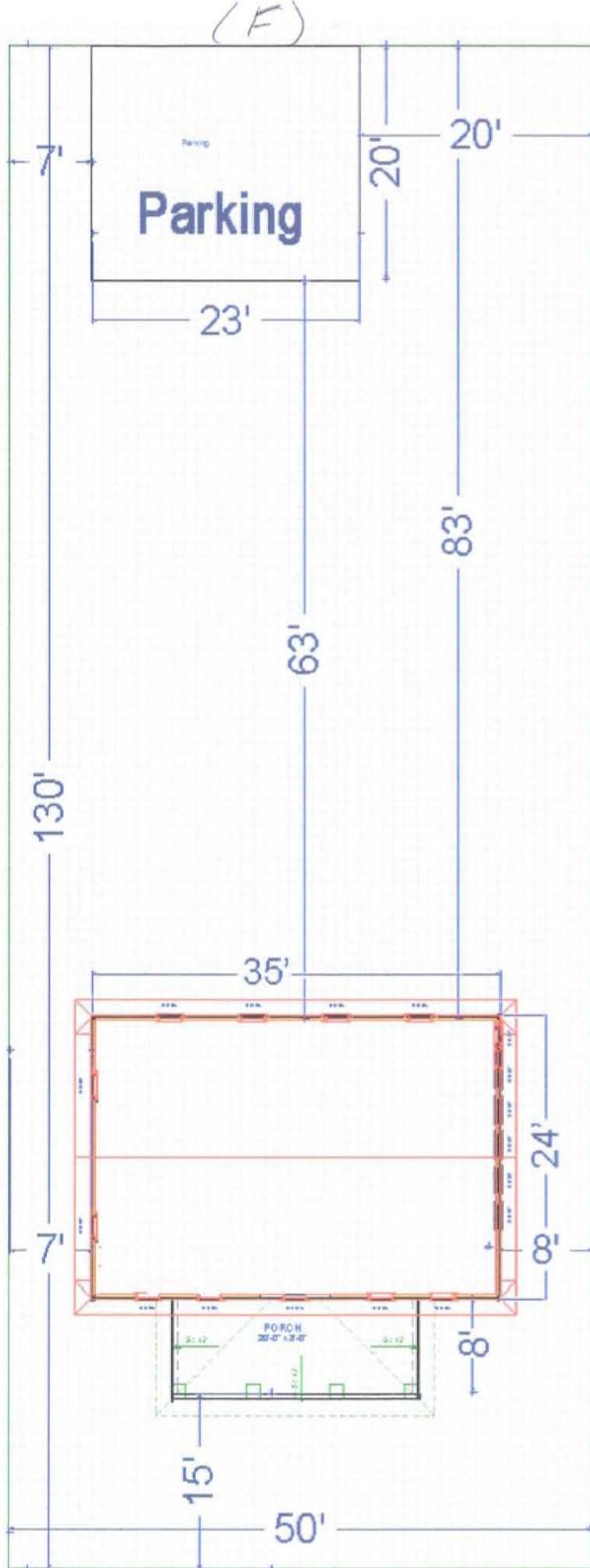


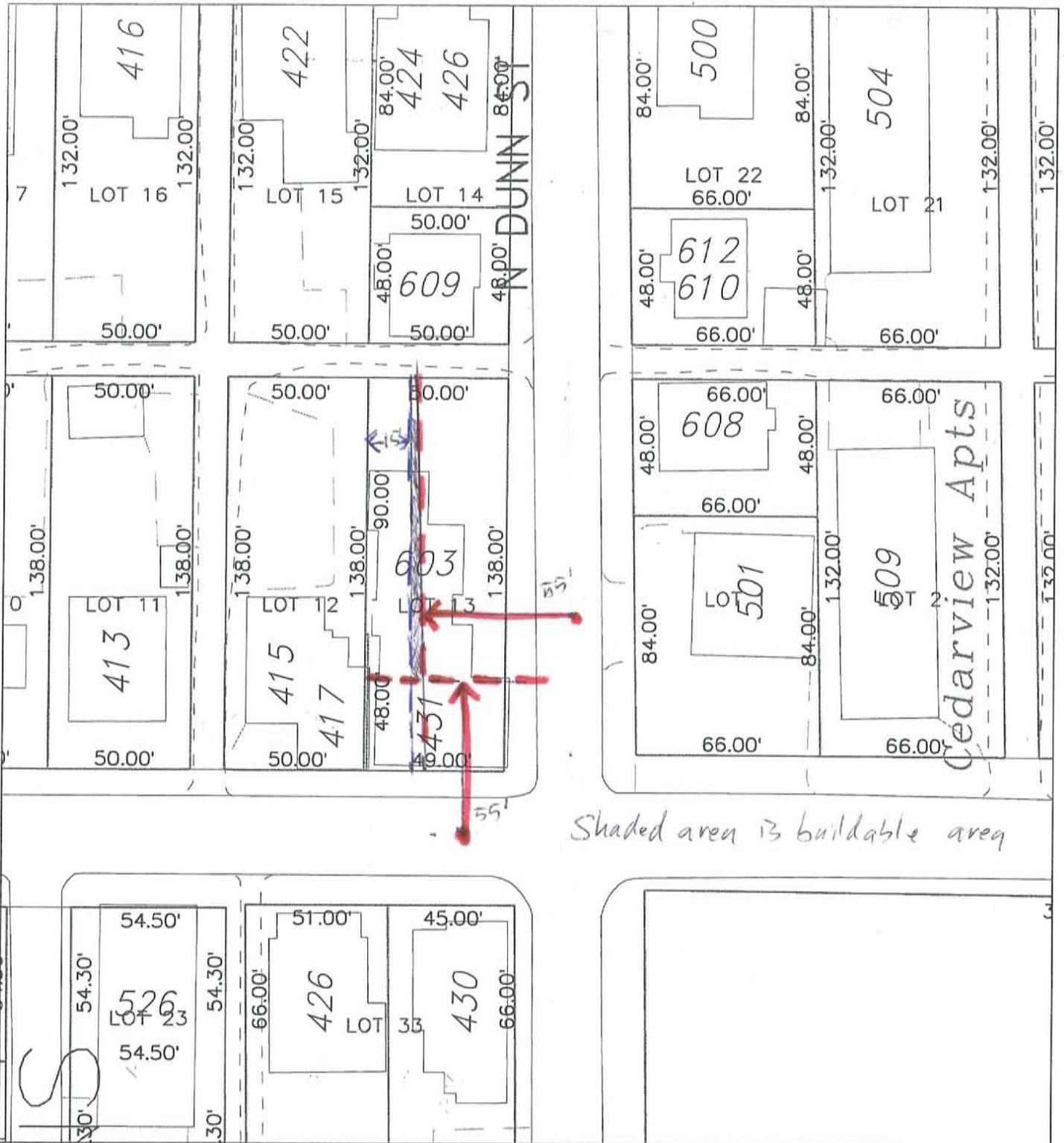






V-07-14
Petitioner's Statement

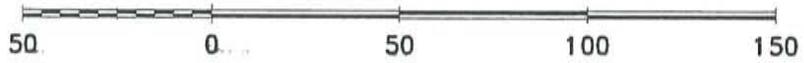




Shaded area is buildable area

V-07-14
UDO Buldable Area

By: roachja
12 Mar 14



For reference only; map information NOT warranted.



City of Bloomington
Planning

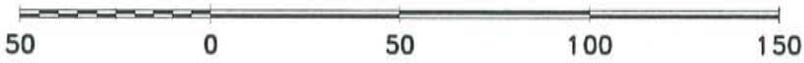


Scale: 1" = 50'



V-07-14
 Proposed Buldable
 Area

By: roachja
 12 Mar 14



For reference only; map information NOT warranted.



City of Bloomington
 Planning



Scale: 1" = 50'

BLOOMINGTON HEARING OFFICER
LOCATION: 101 W. Kirkwood Avenue

CASE #: V-08-14
DATE: March 19, 2014

PETITIONER: CFC Properties
PO Box 729, Bloomington

REQUEST: The petitioner is requesting variances from signage standards.

SUMMARY: The petitioner's request has been prompted by a permit to replace an existing wall sign advertising the Fountain Square Mall. The Mall currently has four wall signs that advertise the center. The current Unified Development Ordinance (UDO) only allows for one center sign of 20 square feet. The petitioner is seeking a variance to allow all four signs to be legitimized and allowing one of the signs (facing Walnut Street) to be replaced with a sign of the same size (33 square feet). No other changes are being proposed.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

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

STAFF FINDING: Staff finds no injury with this request. No new sign area is being proposed with this request. The petitioner is only seeking to keep the existing sign area.

- 2) *The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.*

STAFF FINDING: Staff finds no negative impacts from this variance, this site generated much of the downtown renewal many years ago and continues to be an economic driver for the downtown.

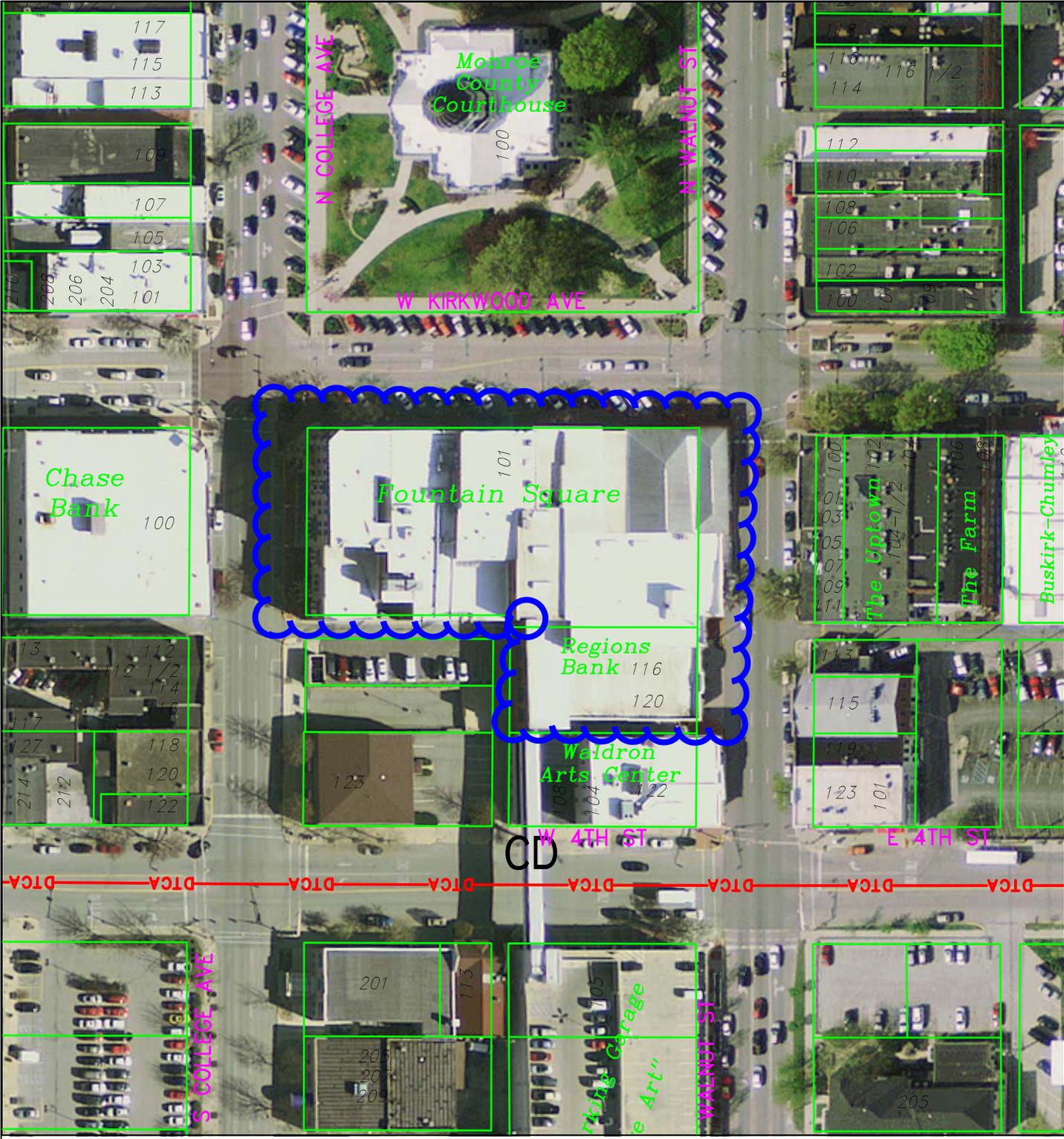
- 3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

STAFF FINDING: Staff finds peculiar condition in the scale of this structure. This is the largest retail center in the downtown. Due to the large size of the property and the multiple street frontages, the existing signage is appropriate and does not appear to be out of scale with other downtown center signs. This variance will

simply allow the existing signage to remain and be upgraded with similar signs of the same size in the future.

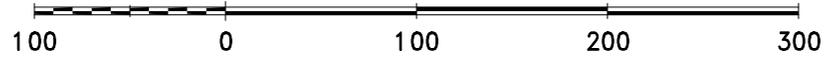
RECOMMENDATION: Based upon the written findings above, staff recommends approval of V-08-14 with the following condition.

1. The petitioner must receive a sign permit prior to installing any new signage.

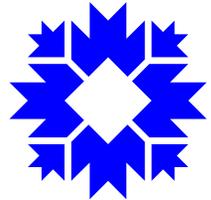


V-8-14
Aerial Photo

By: shayp
14 Mar 14



City of Bloomington
Planning



Scale: 1" = 100'

For reference only; map information NOT warranted.

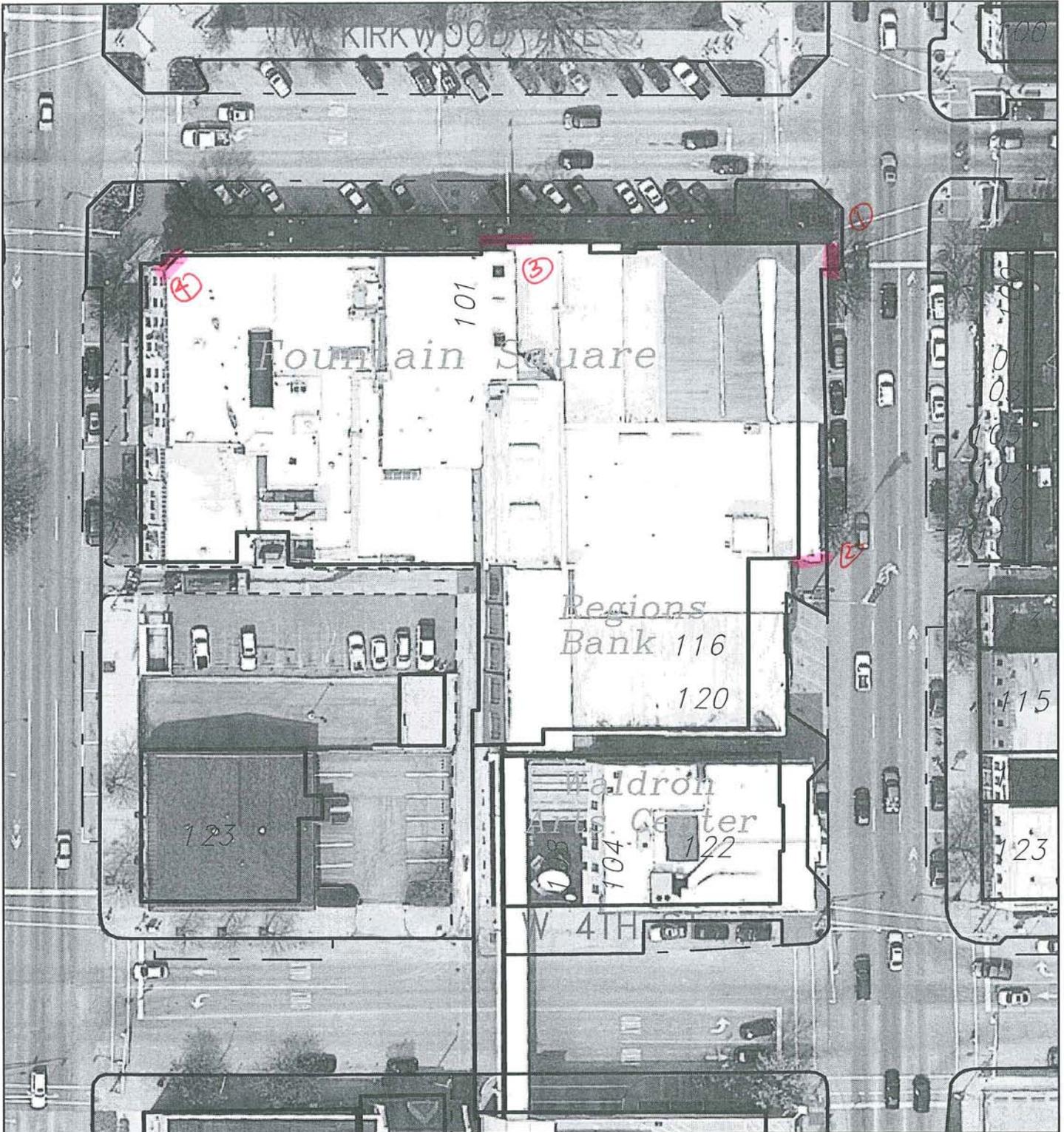


CFC PROPERTIES
320 W. EIGHTH ST., SUITE 200
P.O. BOX 729
BLOOMINGTON, IN 47402-0729 USA
PHONE: 812.332.0053 FAX: 812.333.4680
WWW.CFCINCORPORATED.COM

March 4, 2014

CFC Properties proposes to replace the existing signs on the Northeast corner of Fountain Square Mall. The sign measurements are 54 wide by 92 tall. We propose to replace the sign with a foam high density urethane (HOU) material used for exterior signage at the existing location.

V-8-14
PETITIONER'S
STATEMENT



SITE PLAN & SIGN INDEX

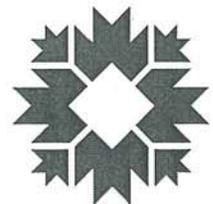
By: bannonk
4 Mar 14



For reference only; map information NOT warranted.



City of Bloomington
Planning



Scale: 1" = 60'

Sign 4



Sign 3



Sign 1



Sign 2

**FOUNTAIN
SQUARE
MALL**

Fountain Square Mall

RESTAURANTS

RETAIL

PROFESSIONAL

(Detailed directory listing follows)