

# CITY OF BLOOMINGTON



FEBRUARY 8 @ 2:00 p.m.  
CITY HALL -  
KELLY CONFERENCE ROOM #155

**PETITIONS:**

- V-4-12      **Andrew Manson**  
325 W. 15<sup>th</sup> St.  
Request: Variance from rear yard setback standards to construct a new single-family residence.  
*Case Manager: Katie Bannon*
  
- V-5-12      **JC Hart Co., Inc.**  
1647, 1639, 1629, 1613, 1609, 1605, 1601,  
1587, 1583, 1579, 1575, 1567 S. Ira St.  
Request: Variance from front yard setback requirements to legitimize an existing setback.  
*Case Manager: Patrick Shay*

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**PETITIONER:** Andrew Manson  
717 N. Keystone Ct., Bloomington, IN 47408

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**REQUEST:** The petitioner is requesting a variance from rear yard setback standards to construct a new single family house.

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**REPORT SUMMARY:** The subject property is located at 325 W. 15<sup>th</sup> St. It is a vacant lot and zoned Residential Core (RC). All surrounding properties have been developed with single family houses and are also zoned RC.

In RC zoning districts, the Unified Development Ordinance requires a rear setback of 25'. The intent of the rear setback requirement is to ensure single family houses have backyards and to permit houses that fit within the prevailing development pattern of the neighborhood.

The petitioner is proposing a new two-story single family house in approximately the same location as the house that formerly stood on the lot. The petitioner is requesting a variance to allow a 16' rear setback, rather than the 25' normally required. The former house on this lot had a 17' rear setback.

The standard for new RC lots is a minimum lot area of 7,200 square feet. The existing vacant lot is 3,621 square feet, a little over half of the size of today's minimum. All other development standards will be met with this proposal.

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**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 the variance will not negatively affect the public health, safety, morals, or general welfare of the community. The petitioner is proposing to replace a former single family house with another single family house.

- 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. The former house on the lot had a 17' rear setback with no known negative impacts. There is a mix of lot sizes and setbacks in the neighborhood. The two houses to the west are also on substandard lots with similar setbacks and house sizes to the proposed. The house to the south has a large setback from the subject property.

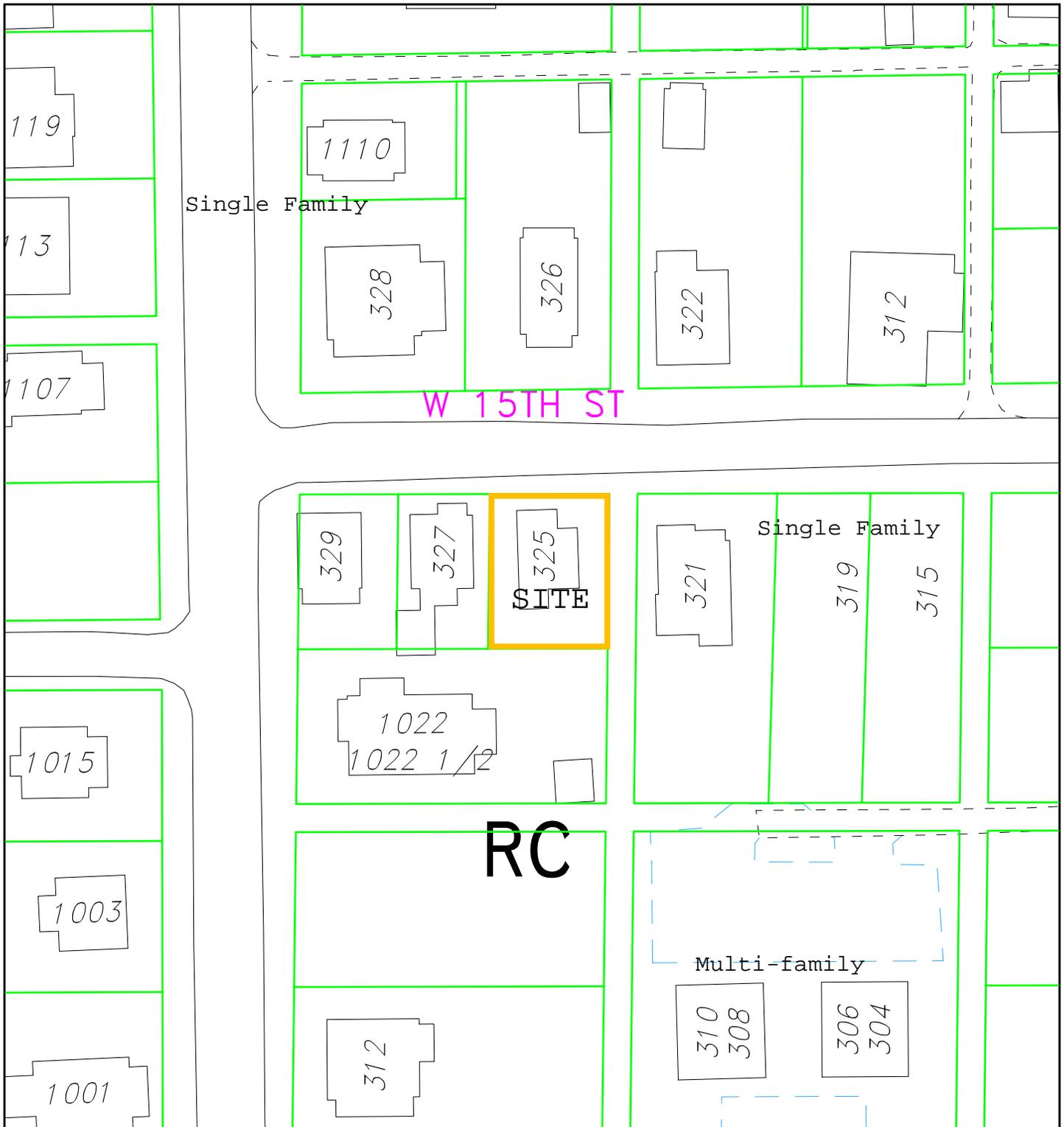
3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

**STAFF FINDING:** Staff finds that the substandard size of the lot, roughly half the size that's required today for a lot in the RC zoning district, results in a unique condition for the property. The small size of the lot is less than would be required under a current subdivision, creating a hardship in meeting standard setbacks intended for larger lots.

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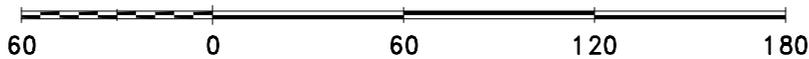
**RECOMMENDATION:** Based upon the written findings above, staff recommends approval of this petition with the following conditions of approval:

1. A concrete sidewalk with a minimum width of five feet shall be provided per the standards of BMC 20.05.010(b).
2. One large canopy street tree shall be planted per BMC 20.05.052.
3. A building permit is required prior to construction.
4. A right-of-way excavation permit is required prior to driveway construction. Driveway apron shall be surfaced with concrete.



V-4-12  
 325 W. 15th St.  
 Andrew Manson  
 Zoning and Land Use Map

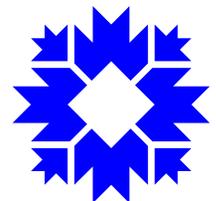
By: bannok  
 2 Feb 12



For reference only; map information NOT warranted.



City of Bloomington  
 Planning



Scale: 1" = 60'



Eric Greulich <greulice@bloomington.in.gov>

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## Andrew Manson variance

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Greg Galyan <g.galyan@yahoo.com>

Mon, Jan 23, 2012 at 5:30 PM

To: Eric Greulich <greulice@bloomington.in.gov>

I am requesting a variance from the required 25' rear building setback to 16' for my property at 325 W. 15th. Bloomington, Indiana. This will be a new home construction. The previous house that was on the lot was 17' from rear building setback.

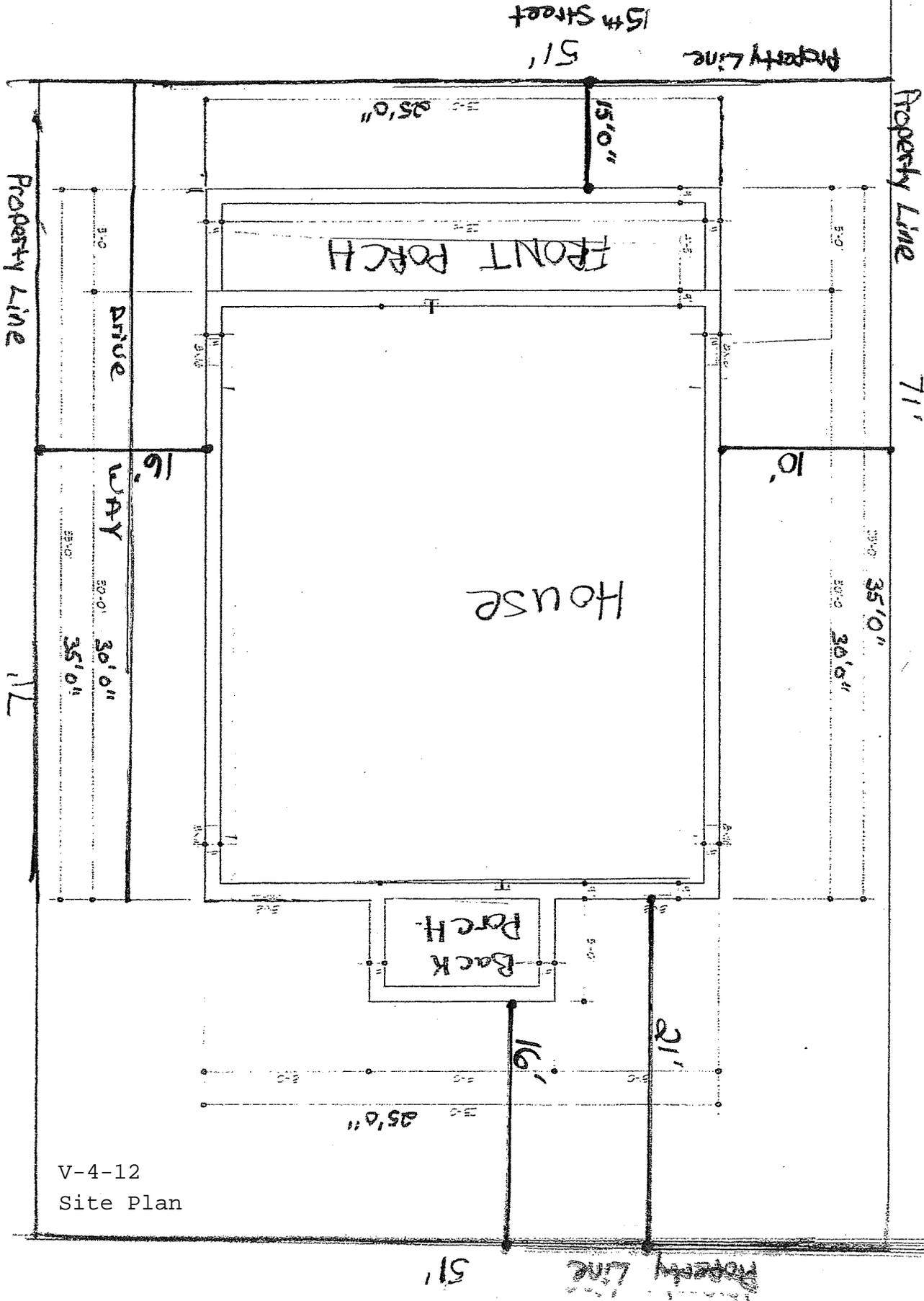
Sent from my iPhone

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V-4-12

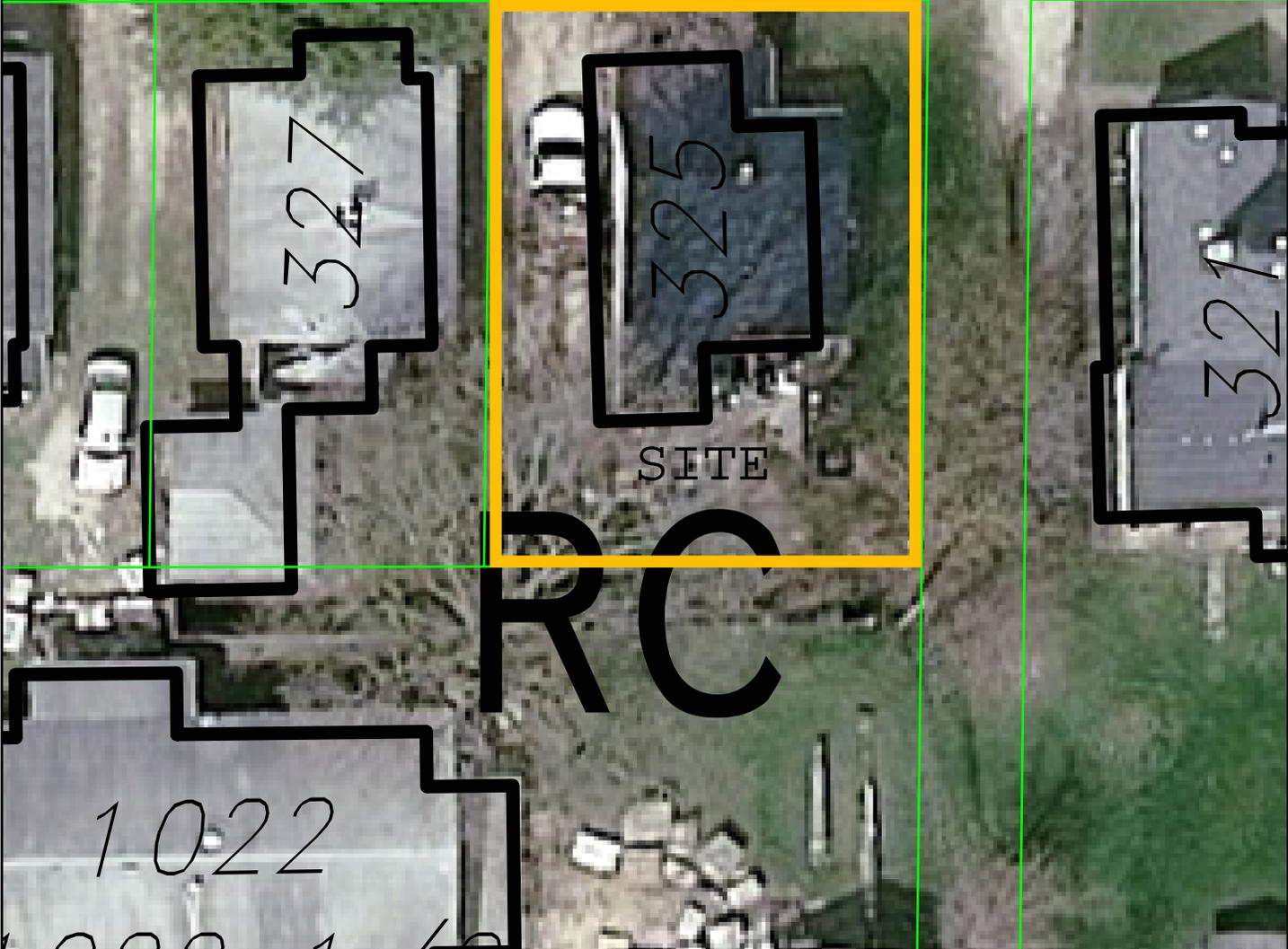
Petitioner's Statement

Site Plan



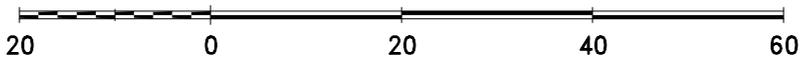
V-4-12  
Site Plan

W 15TH ST

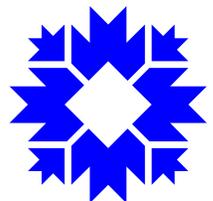


V-4-12  
 325 W. 15th St.  
 Andrew Manson  
 2010 Aerial Photo

By: bannonk  
 2 Feb 12



City of Bloomington  
 Planning



Scale: 1" = 20'

For reference only; map information NOT warranted.

**BLOOMINGTON HEARING OFFICER  
STAFF REPORT**

**LOCATION: 1567, 1575, 1579, 1583, 1587, 1601, 1605, 1609, 1613, 1629, 1639, &  
1647 S. Ira Street**

**CASE #: V-5-12**

**DATE: February 8, 2012**

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**PETITIONER:** JC Hart Company, Inc.  
805 City Center Drive #120, Carmel IN 46032

**CONSULTANT:** Smith Neubecker & Associates  
453 S. Clarizz Blvd, Bloomington

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**REQUEST:** The petitioners are requesting variance from front yard setback requirements.

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**REPORT SUMMARY:** The subject property is located along S. Ira Street within the Renwick Planned Unit Development (PUD) and is part of the townhome section of the PUD. Surrounding properties include single family homes (Smithwood), multi-family construction also developed by the petitioners, and The Village @ Renwick commercial center.

The required setback from the Ira Street right-of-way is 10 feet. There are six townhome buildings that have been constructed along this street. Due to an error in measurement from a subcontractor of the project, four of the structures (buildings 3, 5, 6, and 7) were not located in the proper location. In all of these instances, the error is very minimal, but does create an encroachment into the required 10-foot setback. These encroachments range from 0.22 – 1.5 feet at the maximum. This is a minimal encroachment. Staff does not find the violation to warrant the removal and relocation of the entire structures.

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**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 no injury to the public health, safety, morals, or general welfare to the community. The encroachments are virtually indistinguishable from what a conforming structure would be.

- 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. The use and intensity of the building will not change with this request. Setbacks are usually associated with adequate light, air, and safety issues. This variance will not compromise any of these items.

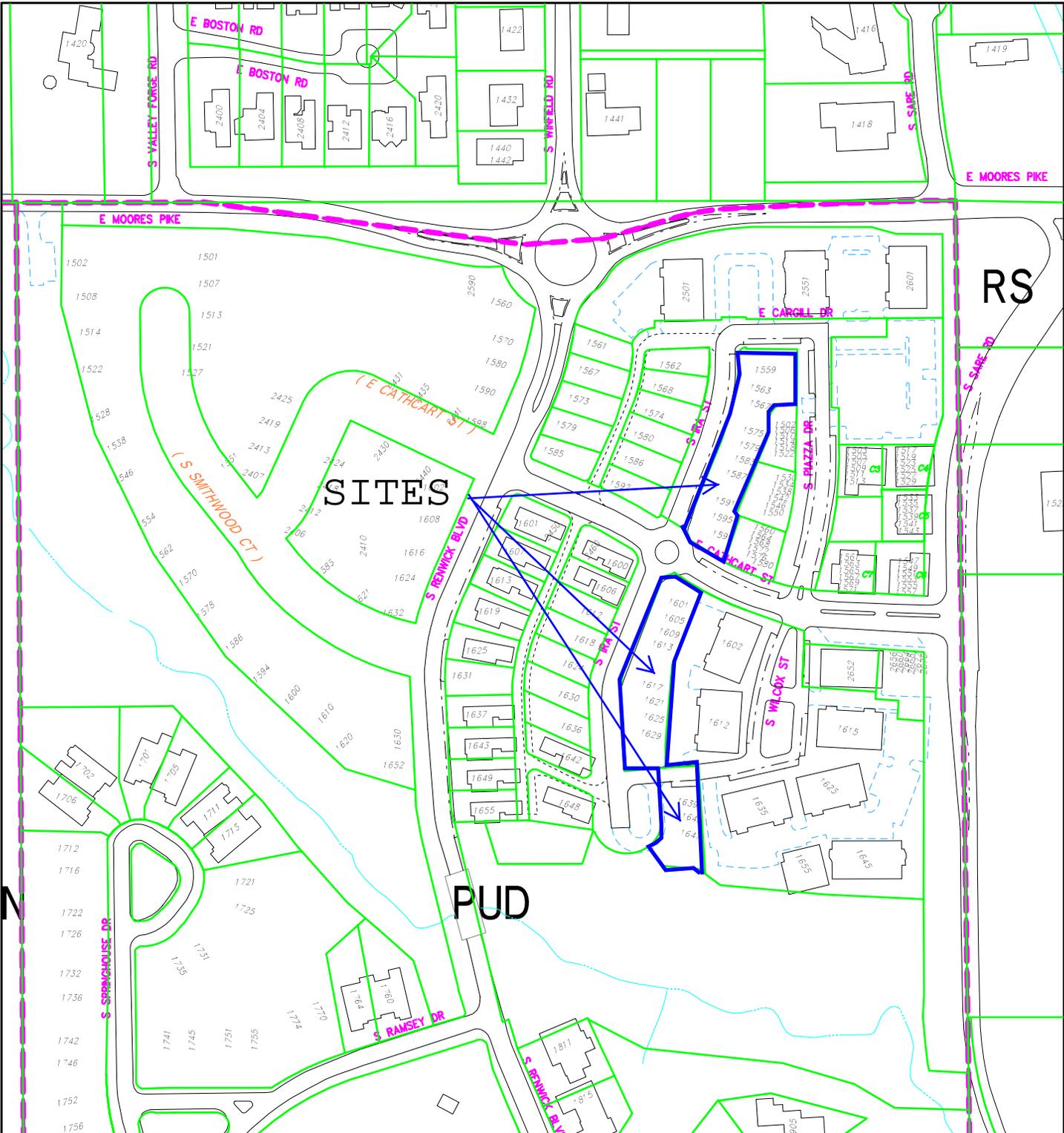
3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

**STAFF FINDING:** Strict application of the UDO would require portions of the building or the entire buildings to be removed. With the existing nature of the structure and the lack of any negative impacts to adjacent properties, staff finds that this removal would cause a practical difficulty that is unique to this property.

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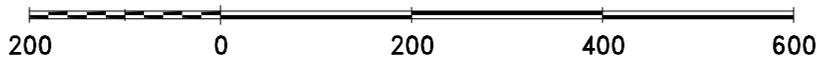
**RECOMMENDATION:** Based upon the written findings above, staff recommends approval of this petition with the following conditions of approval:

1. Prior to release of a building permit, the petitioner record commitment with the Monroe County Recorder which states that they shall agree to forgo any damages during the acquisition of any needed property for any future widening of S. Huntington Drive that would be incurred due to the approval of this variance.

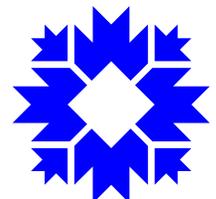


V-5-11 JC Hart Company, Inc.  
 Location Zoning Map

By: shayp  
 3 Feb 12



City of Bloomington  
 Planning



Scale: 1" = 200'

For reference only; map information NOT warranted.



Stephen L. Smith, P.E., L.S.  
Daniel Neubecker, LA  
Steven A. Brehob, BS.CnT.

January 20, 2012

Patrick Shay  
City of Bloomington Planning Department  
401 N. Morton Street  
Bloomington, IN. 47404

RE: Renwick Phase 3  
Setback Variance

Dear Patrick,

On behalf of our client, JC Hart Company, Inc., we respectfully request to be placed on the agenda for the City of Bloomington Hearing Officer for consideration of a front yard setback variance for 1643, 1639, 1629, 1613, 1609, 1605, 1601, 1587, 1583, 1579, 1575, 1567 S. Ira Street in Renwick Phase 3.

We request to reduce the front yard setback at these locations from 10' to 8.5'. The reason for this request is to alleviate building encroachments over the platted 10' front yard setback line. Buildings were inadvertently constructed over the front yard setback. This encroachment was discovered during completion of an as-built survey required for further subdividing the existing blocks to place lot lines along common unit wall lines for a condominium development. The requested variance will need to be obtained before the blocks can be further subdivided.

Should you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven A. Brehob', with a long horizontal flourish extending to the right.

Steven A. Brehob  
Smith Neubecker & Associates, Inc.

Cc: Jeff Bourff  
J:\4671\correspondence\_out\PSHay hearing officer\_1-20-12



Stephen L. Smith, P.E., L.S.  
Daniel Neubecker, LA  
Steven A. Brehob, BS.CnT.

## Petitioner's Statement

### Purpose

The purpose of the request is to reduce the front yard setback such that buildings previously constructed will be in compliance.

### Background

Portions of buildings 7, 6, 5 and 3 were inadvertently constructed over the building setback line. This was not done with malice, as there is no positive benefit to doing so. It was simply the result of an error made by a subcontractor.

### Location

The area of interest is located in Renwick Phase 3 along S. Ira Street. The exact location of the encroachments is shown on the Encroachment Exhibit.

### Adjacent Uses

Uses adjacent to the area of interest include multi-family residential, mixed use commercial and residential and single family residential.

### Extent of Encroachment

Because of the curving nature of S. Ira Street and the long linear building type, portions of 4 buildings have encroached beyond the front yard setback line. The minimum distance from the right-of-way line to the front of any building is 8.50'.

Portion of Building 7 (1643, 1639 S. Ira Street)

1.15' encroachment

Portion of Building 6 (1629 S. Ira Street)

1.0' encroachment

Building 5 (1613,1609,1605,1601 S. Ira Street)

0.51' to 1.50' encroachment

Building 3 (1587,1583,1579,1575,1567 S. Ira Street)

0.22' to 0.66' encroachment

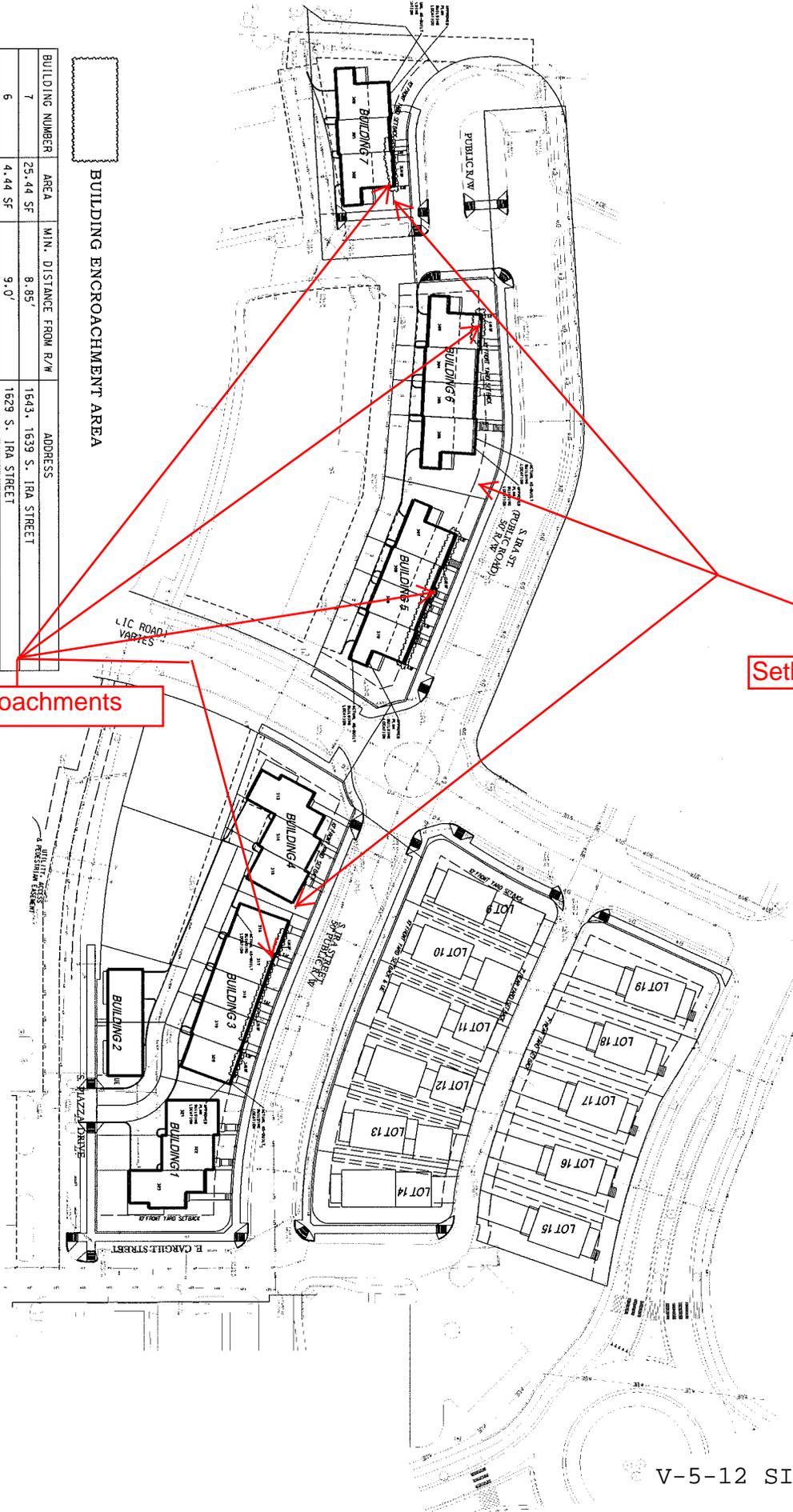
J:\4671\correspondence\_out\Petitioners statement for hearing officer\_1-20-12

BUILDING NUMBER	AREA	MIN. DISTANCE FROM R/W	ADDRESS
7	25,44 SF	8.85'	1643, 1639 S. IRA STREET
6	4,44 SF	9.0'	1629 S. IRA STREET
5	83.62 SF	8.50'	1613, 1609, 1605, 1601 S. IRA STREET
3	17,50 SF	9.34'	1587, 1583, 1579, 1575, 1567 S. IRA STREET

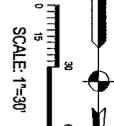
BUILDING ENCROACHMENT AREA

Small Encroachments

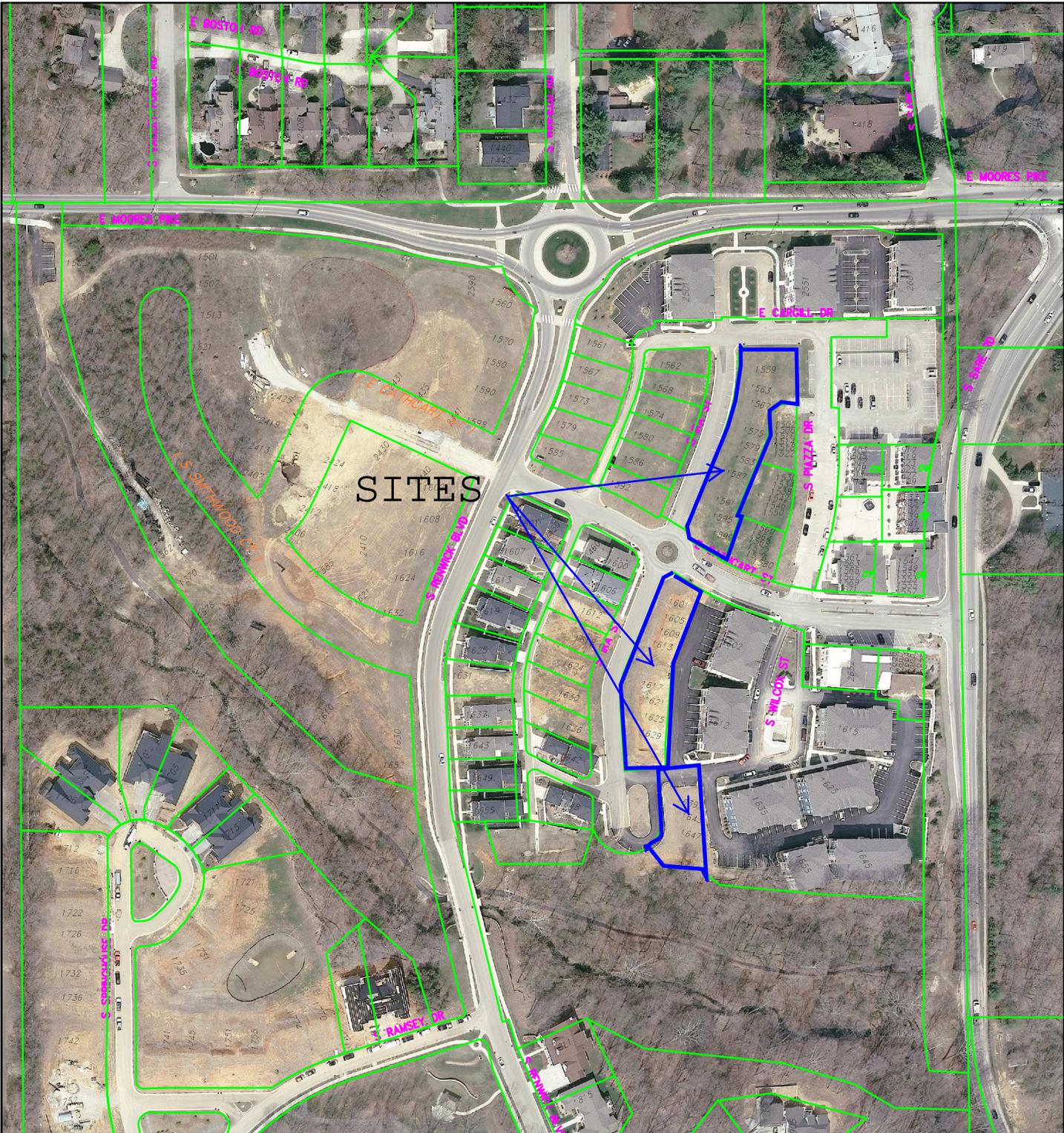
Setback Line



V-5-12 SITE PLAN

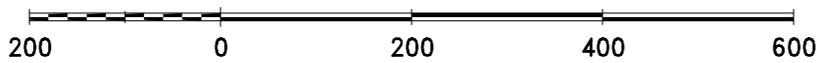


SHEET <b>1</b> OF 1	4671	DESIGNED SAB	CHECKED SAB	DATE 1/20/12	REVISIONS	BY	DATE	JOB TITLE <b>RENWICK PHASE 3                  BUILDING ENCROACHMENT</b>	1/1	Smith Neubecker & Associates, Inc. 2010 S. State Boulevard Indianapolis, Indiana 47401 Tel: (317) 538-6556 Fax: (317) 538-0513 www.sna.com

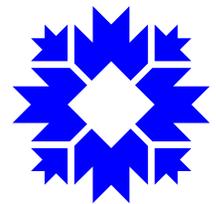


V-5-12 JC Hart Company  
Aerial Photo

By: shayp  
3 Feb 12



City of Bloomington  
Planning



Scale: 1" = 200'

For reference only; map information NOT warranted.