

# CITY OF BLOOMINGTON



April 26, 2012 @ 5:30 p.m.  
COUNCIL CHAMBERS #115  
CITY HALL

## AGENDA

CITY OF BLOOMINGTON  
BOARD OF ZONING APPEALS  
April 26, 2012 at 5:30 p.m.

Council Chambers - Room #115

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ROLL CALL

MINUTES TO BE APPROVED: February 23, 2012

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### PETITION:

- UV-12-12 **Tim Mueller**  
910/908 E. 2<sup>nd</sup> St.  
Request: Use variance to allow an addition to an existing duplex within a Residential Core (RC) zoning district.  
*Case Manager: Katie Bannon*

**BLOOMINGTON BOARD OF ZONING APPEALS  
STAFF REPORT  
Location: 908-910 E. 2<sup>nd</sup> St.**

**CASE #: UV/V-12-12  
DATE: April 26, 2012**

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**PETITIONER:** Tim Mueller  
910 E. 2<sup>nd</sup> St.

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**REQUEST:** The petitioner is requesting a use variance to allow additions to an existing duplex structure within a Residential Core (RC) zoning district.

The petitioner is also requesting a development standards variance from paving the existing driveway.

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**SUMMARY:** The property is located on the south side of E. 2<sup>nd</sup> Street between S. Woodlawn Avenue and S. Hawthorne Drive and is zoned Residential Core (RC). It has been developed with a one-story duplex with a walkout basement and detached garage. Surrounding uses are Harmony School to the north and primarily single family houses to the west, south, and east. The duplex is located within the Interim Elm Heights Historic District. The additions received a Certificate of Appropriateness from the Bloomington Historic Preservation Commission at their April 12, 2012 meeting.

The existing building contains two dwelling units. A two-bedroom owner-occupied unit is located on the first floor. The second one-bedroom unit is in the walkout basement on the rear of the house. The petitioner proposes to build two additions to the first floor unit, one 66 square foot addition to the bathroom and one 84 square foot addition to the kitchen. The kitchen addition would replace an existing covered porch located generally in the same area. No bedrooms will be added or expanded.

The Unified Development Ordinance (UDO) only allows single family residential uses within the RC district. The petitioner is requesting a use variance to allow an expansion to this lawful nonconforming use.

The UDO also requires that when any addition is made to an existing multifamily residential building, substandard parking surfaces must be paved. The petitioner is requesting a variance from paving the existing gravel driveway.

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**PLAN COMMISSION RECOMMENDATION:** The Plan Commission reviewed the use variance request at their April 9, 2012 meeting. The Plan Commission voted 8:0 to forward the use variance request to the BZA with a positive recommendation.

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**20.09.140 CRITERIA AND FINDINGS FOR USE VARIANCE:**

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 expansion of use. No additional bedrooms will be added, and the additions will be a minor expansion of an existing lawful nonconforming use.

- (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 substantial adverse impacts to the adjacent area from this request. The building has been used as a duplex for many years with no known negative impacts. There are several other duplexes within the neighborhood. The Elm Heights Neighborhood Association is in support of the variance.

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

**Staff Finding:** Staff finds peculiar condition in the limited nature of the additions. The kitchen addition is essentially replacement of an existing porch area that does not have a foundation. The bathroom expansion will allow for a more accessible space and will also allow for better aging in place.

- (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 that the strict application of the UDO constitutes an unnecessary hardship in not allowing these relatively minor additions. The proposed additions to the bathroom and kitchen will not have any substantive impact to the intensity of the property. These are minor intensifications of the use and no changes to bedrooms are proposed.

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

**Staff Finding:** The GPP designates this property as “Core Residential (CR)”. The fundamental goal of these areas is to protect and enhance “the unique character, urban form, and land use pattern of the near-downtown residential areas.” With respect to multi-family in the CR, the GPP states “Multi-family (medium and high-density) residential ... may be appropriate for this district when compatibly designed and properly located to respect and compliment single family dwellings.” The Historic Preservation Commission approved the proposed architecture, finding it was appropriate for the neighborhood. The Plan Commission found that the proposed expansion to the lawful nonconforming use will not substantially interfere with the goals of the GPP.

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**20.09.130 (e) CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE:**

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's Finding:** Staff finds no injury with the petition. The gravel drive will not be expanded or changed with this proposal.

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's Findings:** Staff finds that the use and value of the adjacent area will not be affected in a substantially adverse manner. This duplex and many other houses in the neighborhood currently have gravel driveways with no known negative impacts.

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 Findings:** Staff finds practical difficulty in the combination of the existing nature of the gravel drive, the relatively minor nature of the additions, and the prevalence of other gravel drives within the immediate area. This duplex is located within a primarily single family neighborhood. Gravel is permitted for the driveways of single family houses, and many other driveways in the neighborhood are gravel. Therefore the proposed drive is consistent with the character of the area.

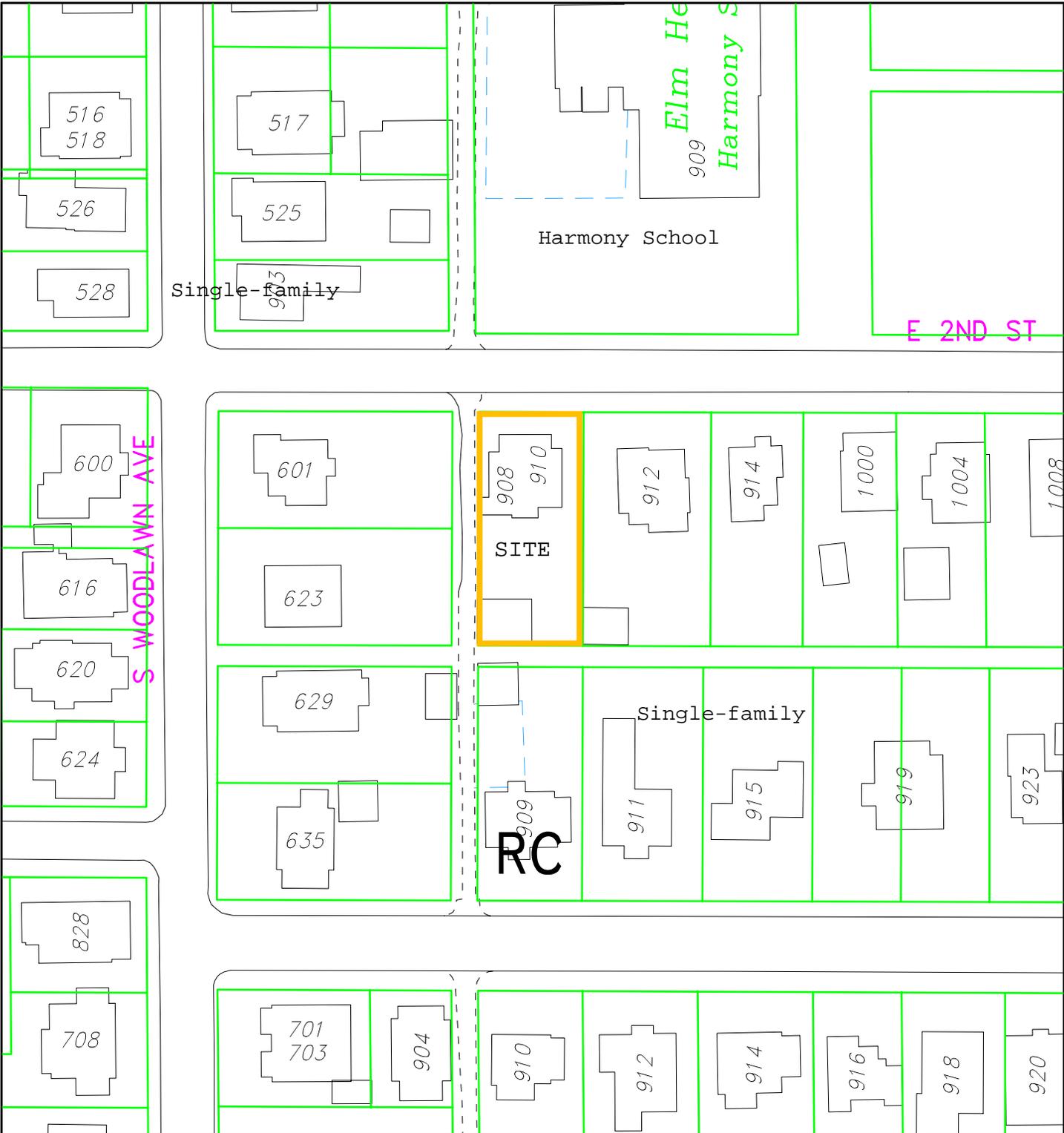
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**CONCLUSION:** Staff finds that this is an appropriate variance for an existing lawful nonconforming use. No additional bedrooms will be added, and the additions will be a minor expansion of an existing lawful nonconforming use. Staff finds that the development standards variance is appropriate considering the small addition within a primarily single family neighborhood.

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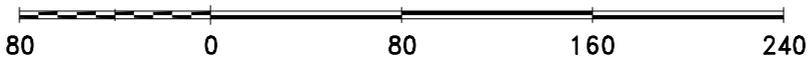
**RECOMMENDATION:** Based upon the written findings above, staff recommends approval of UV/V-12-12 and the requested variances with the following conditions:

1. Any future expansion of the use will require a new use variance.



UV/V-12-12  
 908-910 E. 2nd St.  
 Tim Mueller  
 Surrounding Land Use and Zoning Map

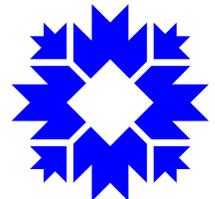
By: bannok  
 30 Mar 12



For reference only; map information NOT warranted.



City of Bloomington  
 Planning



Scale: 1" = 80'

## PETITIONERS STATEMENT

We request a use variance to allow modest expansion of a non-conforming two-unit house at 910/908 E 2<sup>nd</sup> St. Zoning is RC with a proposed Historic District under interim regulation. The house has accommodated an apartment in a semi-exposed basement since the 60's or earlier. We have occupied the main floor since we purchased the house as a run-down student rental in 1983, gradually renovating everything. The main floor has about 1030 sq. ft. of floor area excluding unheated front porch. The lower level apartment is under 600 sq. ft. excluding its unheated entry porch. The house is on a 59' x 132' platted lot abutting a 15', platted alley to the west, which serves as access to the 600 sq. ft. garage and surface parking adjacent to the garage. Half of the garage is finished space used as our storage and workshop. Before our purchase, it apparently was used as an illicit rental.

Surrounding land uses are varied, with rentals predominating west of Woodlawn and north of 2<sup>nd</sup>. Harmony School, serving grades k-12, is across 2<sup>nd</sup> St. There are two non-conforming multi-family buildings at Woodlawn and University, and several two-unit houses within a block in either direction on Woodlawn. Owner occupied houses predominate to the east and south.

The proposed expansion consists of three components: a bathroom addition of about 60 sq. ft. on the east side of the house; reconstruction of a rickety room at the back of the house with slight modification of its footprint; and a new back porch. There will be no alteration of drainage patterns, with all roof discharges directed to the street or to the alley, which drains to the street. Nothing flows to the south or east.

The rickety but fully finished room started as a porch that was enclosed long ago and has been used an adjunct to the kitchen, with kitchen storage and a counter/desk. It sits on loose-laid rock piers with no foundation and has a low ceiling. A pantry is cantilvered out from the wall. The staff takes the position that, once demolished, replacement would constitute expansion of a non-conforming use, requiring a use variance. In addition, we want to replace the cantilvered pantry and the rest of the wall from which it projects with a straight wall and roofline. That element would balance floor area eliminated with area gained, with no net gain.

The back door opens directly onto steps down to the yard. The building code will require a landing at the door for any reconstruction. We want this to be big enough to accommodate the door's swing with room for a wheelchair or walker and a place to set packages down while opening the door. To this end we propose a porch 7' deep across the 12.5' width of the reconstructed room, covered with an extension of the roof gable. The new porch would occupy area presently covered by a vine roofed pergola structure slightly larger than the proposed porch.

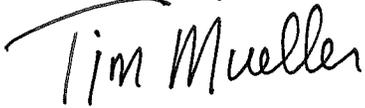
Both the back porch and the bathroom addition are motivated by improved handicapped accessibility. We became acutely aware of our home's deficiencies when our aged mother spent several months with us a couple of years ago. The bathroom is very tight with only 18" at one point between a closet corner and the sink. It is not possible to access the facilities using a walker. The addition would accommodate a walk or wheel-in shower area and a tub, freeing up the existing area so that the facilities can be

rearranged for ease of access. It is possible that we may again have to have our mother live with us, and we plan to "age in place" here.

Both additions will be compatible in design and materials with the existing bungalow architecture, with gable rooflines echoing the trim features of the front gable. A Certificate of Appropriateness from the Historic Preservation Commission will be required and will be considered by the HPC on April 12.

In summary, the proposed expansion consists of a 6' x 11' bathroom addition on the east side, reconstruction of the approximately 8 ½ x 12' room at the back with elimination of the jog in its east wall, and construction of an open, roofed back porch of 7' x 12'. These new features will not create potential for any increase in the occupancy of the premises and will not increase the propensity to cause disturbance to neighbors. They will improve livability and the property's appeal to owner occupants, particularly those who might want to grow old here.

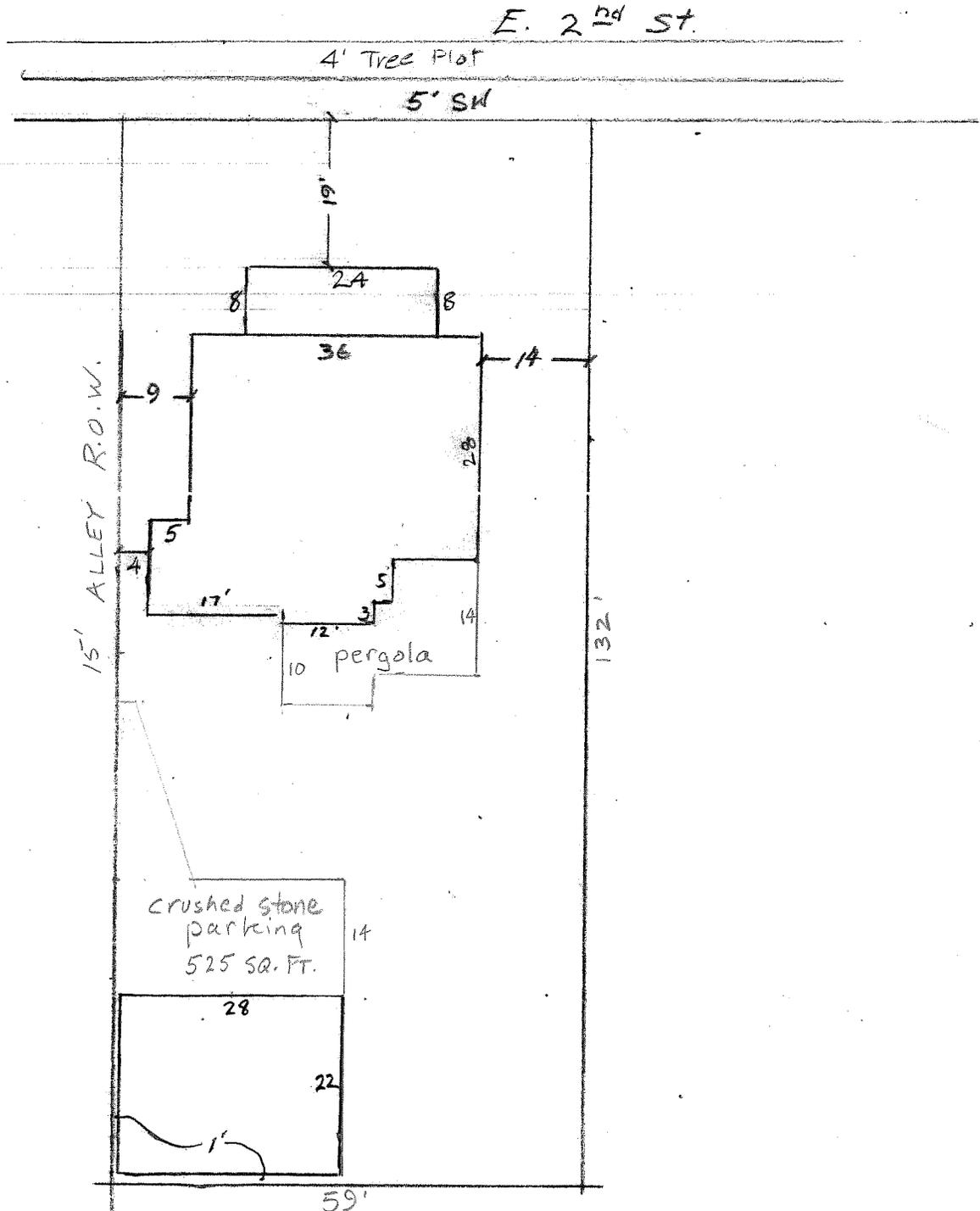
Thank you for your consideration.

  
Tim Mueller

  
Jenny Southern

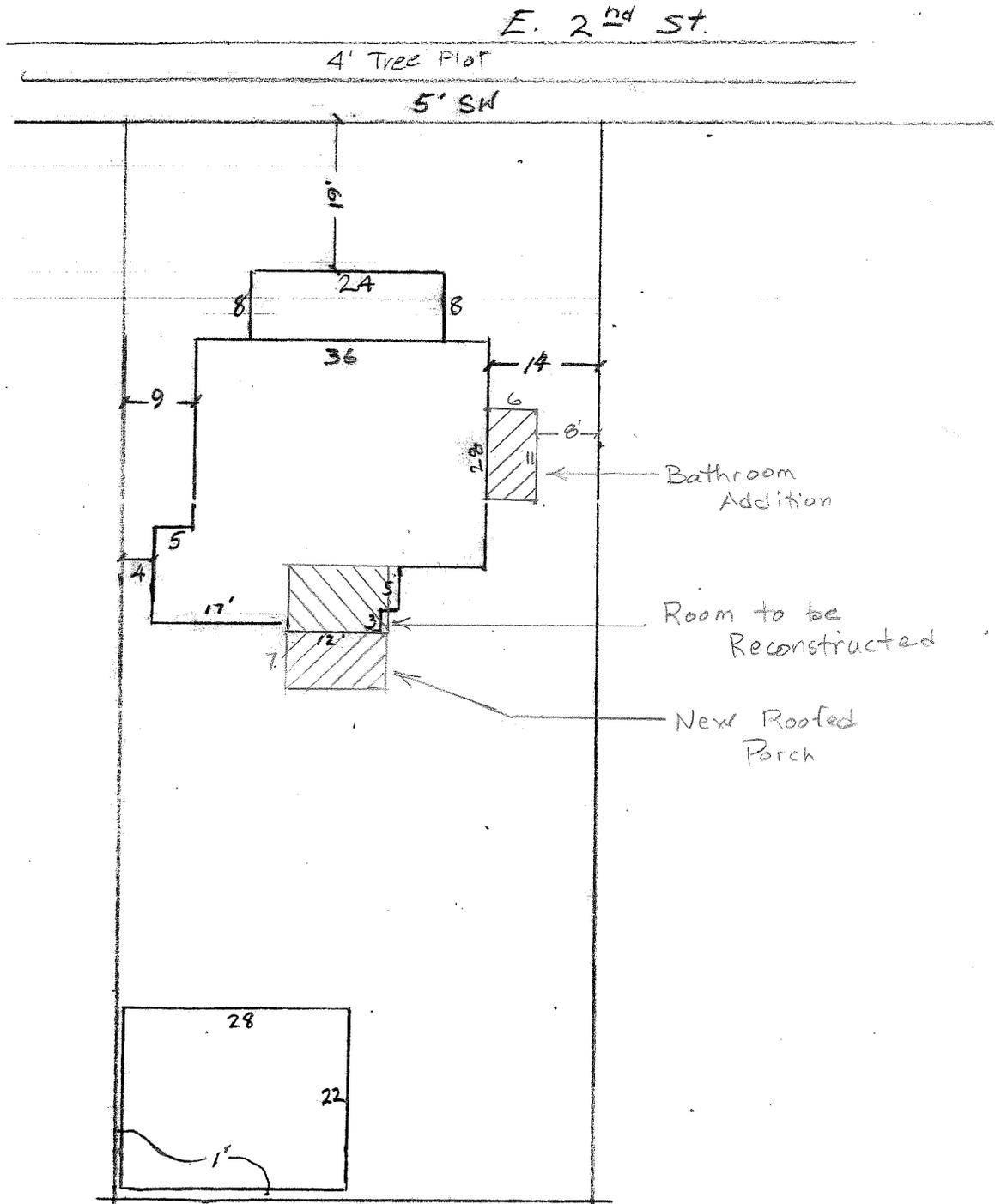
EXISTING

1" = 20'



# PROPOSED

1" = 20'



Bathroom Addition

Room to be Reconstructed

New Roofed Porch

PITCH & SHINGLES MATCH EXISTING

VERTICAL TRIM REPEATED  
ON GABLE OF ROOM  
AND ON OPEN PORCH  
GABLE

BRACKETS AS ON FRONT

← DARK STAINED WOOD DOOR

SOUTH ELEVATION

VIEW FROM BACK YARD

1/2" = 1'

LIMESTONE STEPS

OPTIONAL  
5  
2-1/2" x  
4-1/2" x  
12"

ALTERNATIVE:

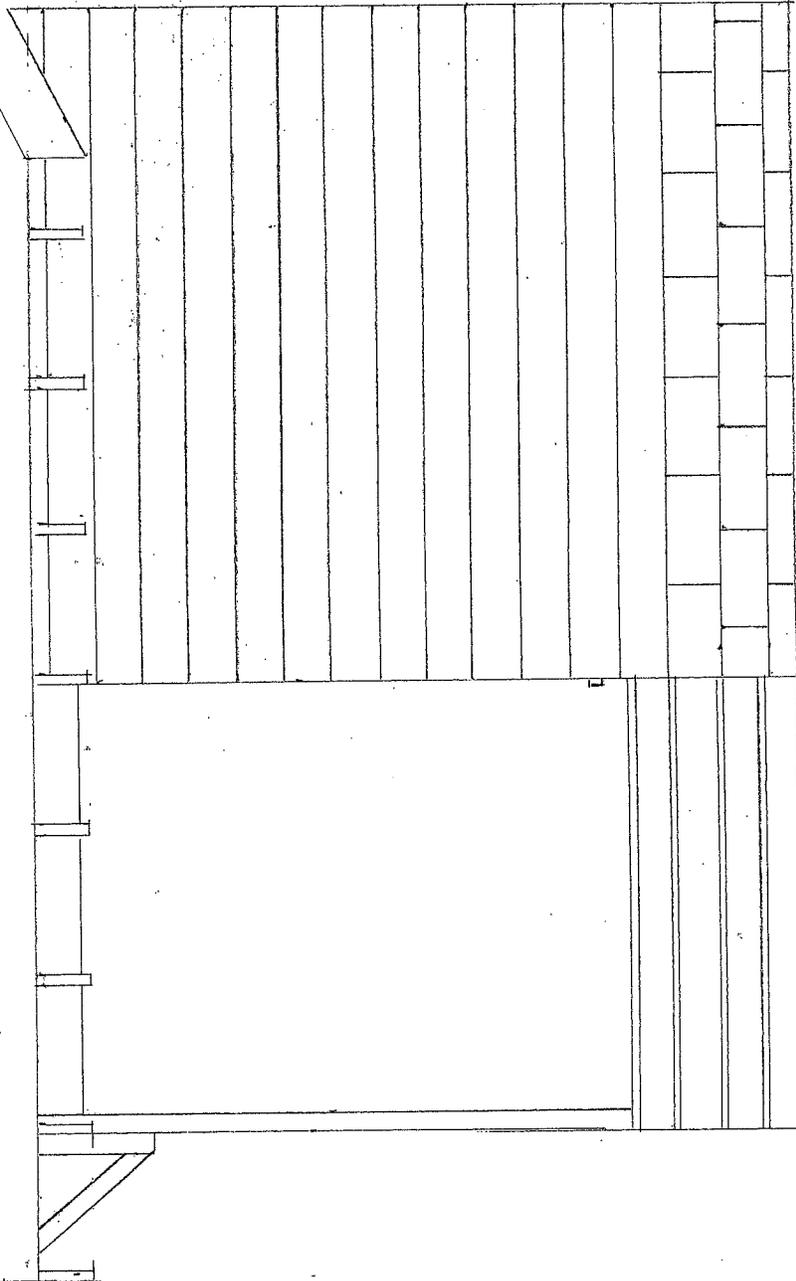
SPACE 3 WINDOWS

TO FILL WALL

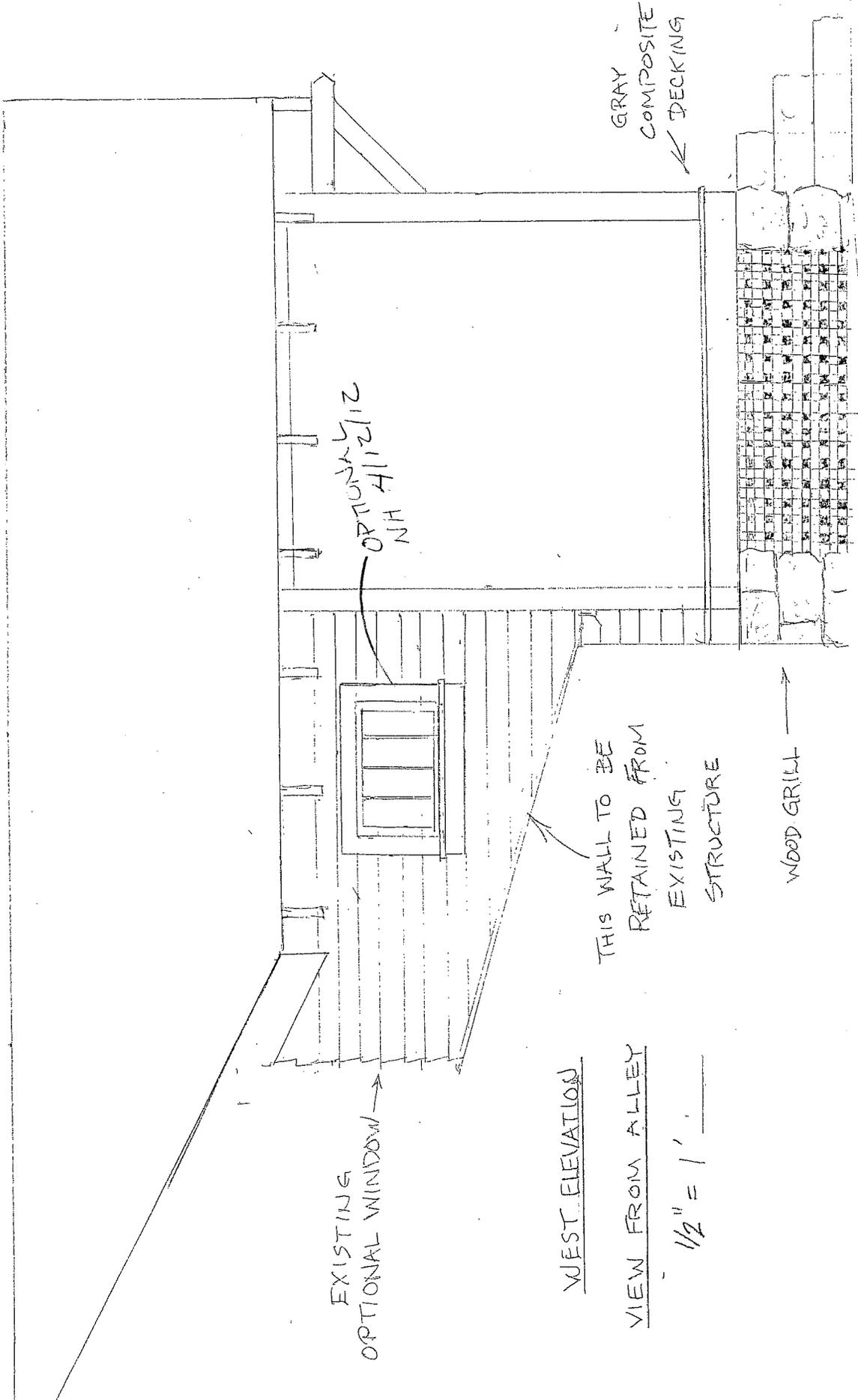
WIDTH

UV/V-12-12  
Elevation

Right side  
1/2" = 1'



UV/V-12-12  
Elevation

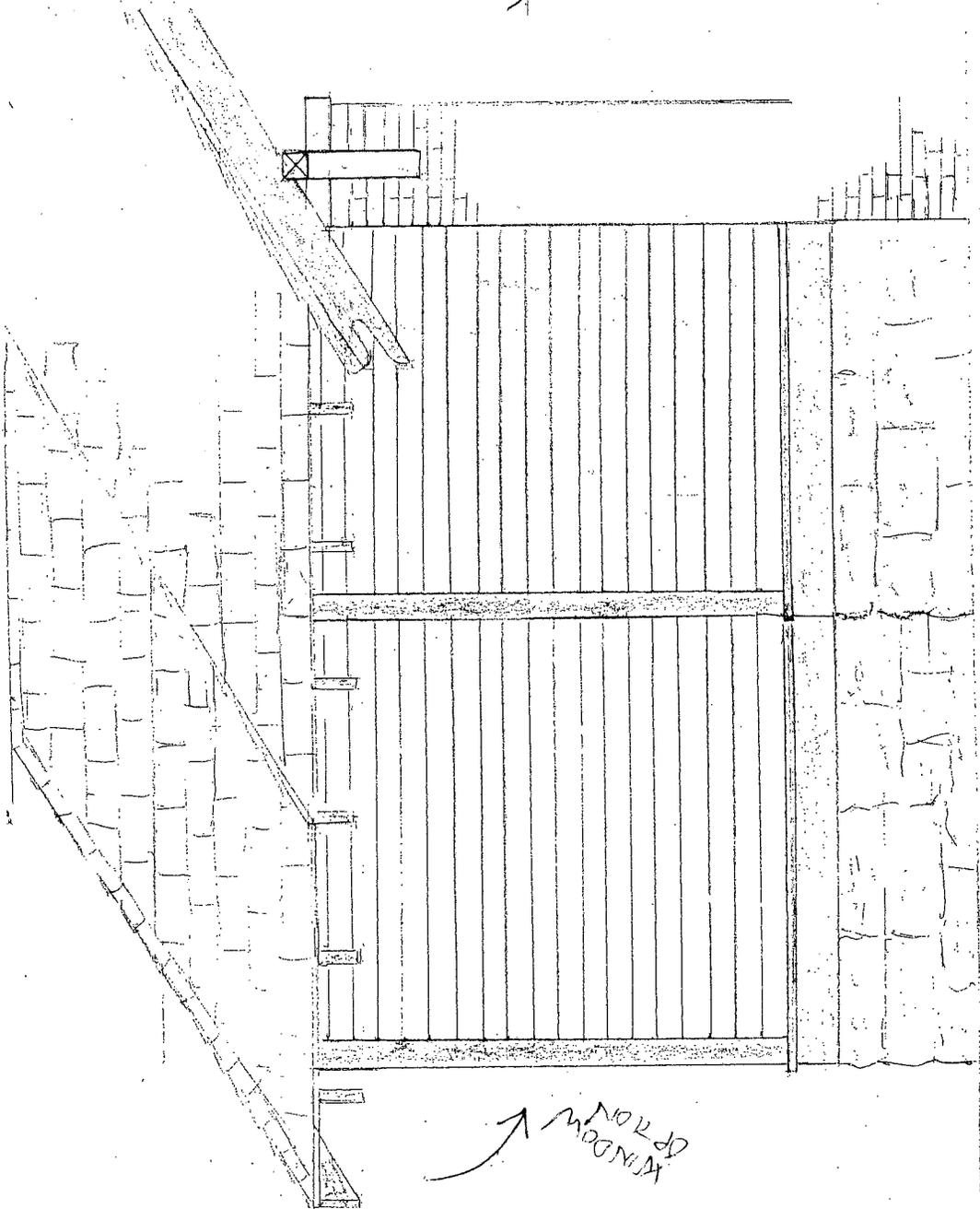


UV/V-12-12  
Elevation

NORTH ELEVATION  
VIEW FROM FRONT YARD

1/2" = 1'

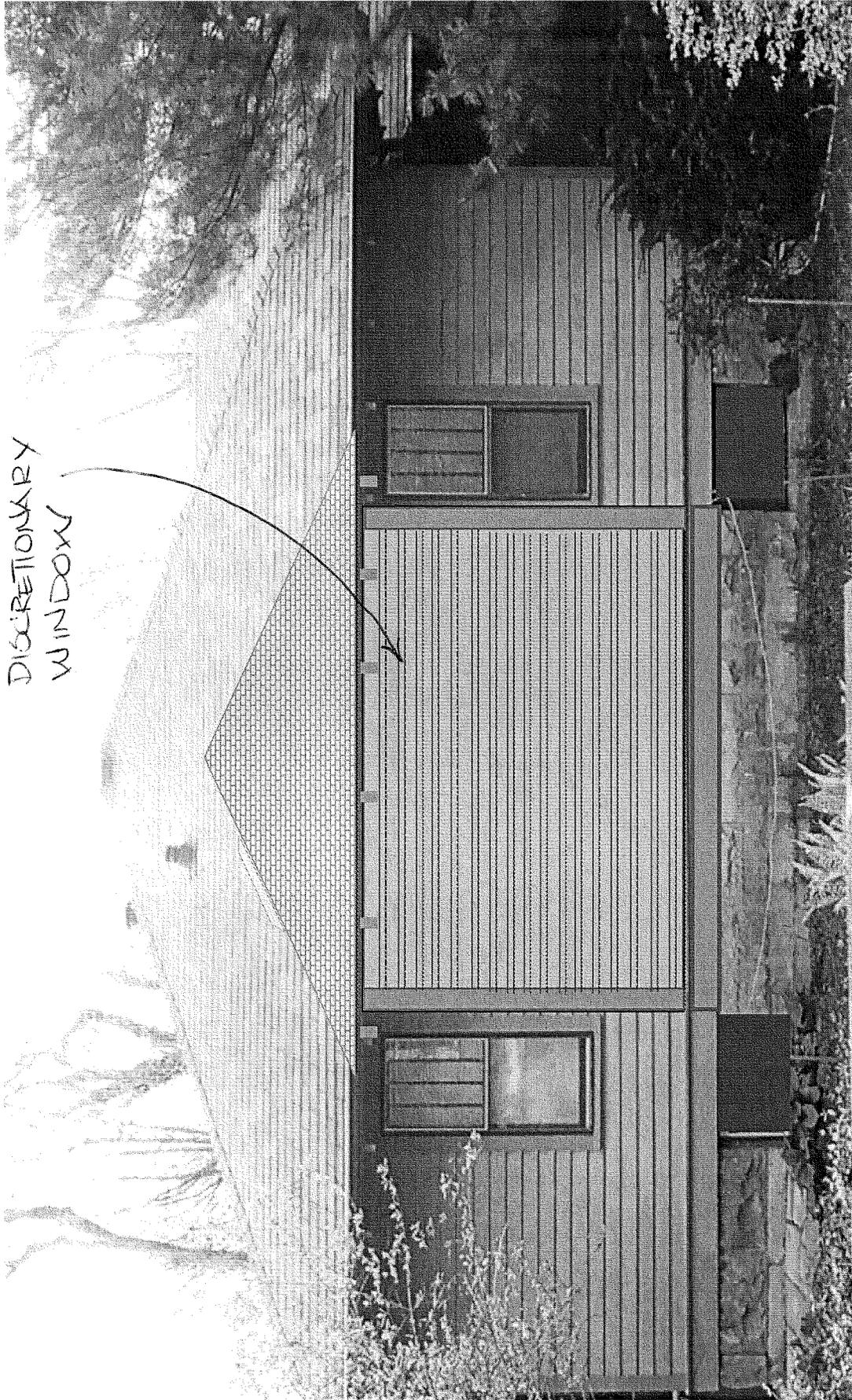
NO WINDOWS  
OR DOORS  
MINIMUM  
GENERAL  
ZIRZAHIN



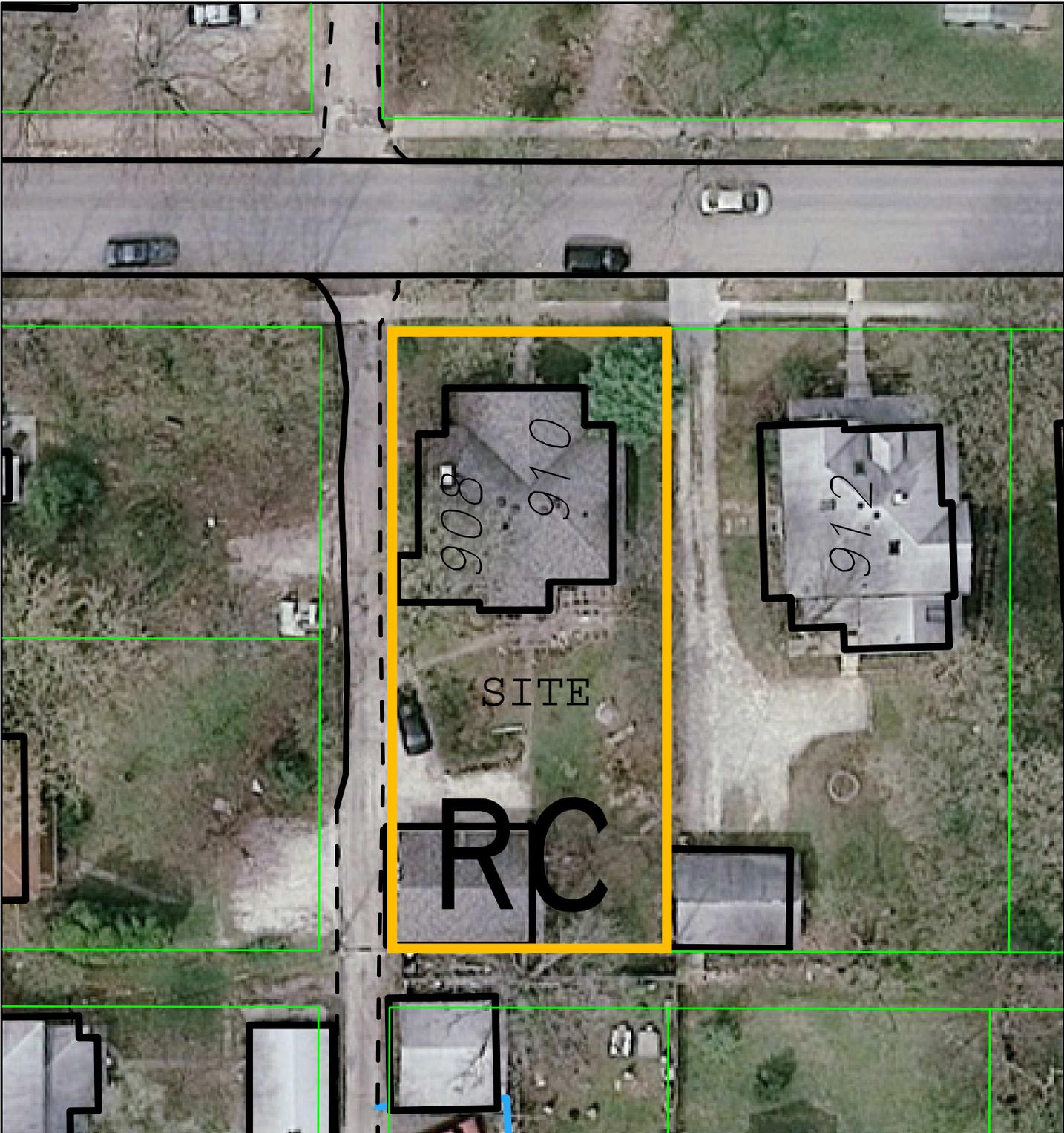
↑ WINDOW FROM NORTH

UV/V-12-12  
Elevation

UV/V-12-12  
Elevation

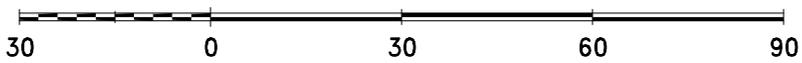


910 E. 2<sup>nd</sup> bathroom addition. Match eave detail, trim and foundation, hip roof, exposed tail rafters, salvage limestone block foundation or facing. Limestone will approximate size and treatment of block on areas visible from the public right-of-way. Possible skylight on rear slope.

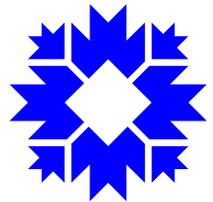


UV/V-12-12  
908-910 E. 2nd St.  
Tim Mueller  
2010 Aerial Photo

By: bannonk  
30 Mar 12



City of Bloomington  
Planning



Scale: 1" = 30'

For reference only; map information NOT warranted.



Katie Bannon <bannonk@bloomington.in.gov>

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**Fw: Mueller/Southern Variance**

1 message

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**Suzann Mitten Owen** <suzann\_owen@hotmail.com>

Mon, Apr 9, 2012 at 1:49 PM

To: bannonk@bloomington.in.gov

**From:** [Suzann Mitten Owen](#)  
**Sent:** Monday, April 09, 2012 1:44 PM  
**To:** [bannonk@bloomington.in.gov](mailto:bannonk@bloomington.in.gov)  
**Subject:** Mueller/Southern Variance

We have surveyed all of the members of the Elm Heights Neighborhood Association board about the plans for 910 E. Second Street, and we are in support of the improvements that Tim Mueller and Jenny Southern wish to make on that property. We think it will significantly improve the property and help to keep it owner occupied for years to come. We support granting any variances that may be required.

SUZANN MITTEN OWEN, EHNA treasurer  
611 South Jordan Avenue  
Bloomington, Indiana 47401  
(812) 336-5337

UV/V-12-12  
Neighborhood Letter