

# CITY OF BLOOMINGTON



AUGUST 8, 2012 @ 2:00 p.m.  
CITY HALL -  
KELLY CONFERENCE ROOM #155

**PETITIONS:**

- V-34-12      **Betty Mercer**  
1317 N. Washington St.  
Request: Variance from front yard setback requirements to construct an attached carport.  
*Case Manager: Katie Bannon*
  
- V-35-12      **Sherry Lifer and Margaret Emmert**  
918 W. 3rd St.  
Request: Variance from side yard building setback requirements to construct a new residence.  
*Case Manager: Patrick Shay*

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**PETITIONER:** Betty Mercer  
1317 N. Washington St., Bloomington, IN 47408

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**REQUEST:** The petitioner is requesting a variance from front yard setback standards to construct an attached carport.

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**REPORT SUMMARY:** The subject property is located at 1317 N. Washington Street. It has been developed with a single family house and is zoned Residential High Density Multifamily (RH). Surrounding properties have been developed with a mix of single family houses and multi-family apartment buildings.

In RH zoning districts, the Unified Development Ordinance requires a front setback of 15 feet from the proposed right-of-way indicated on the Thoroughfare Plan or the block face average setback of the existing primary structures on the same block face, whichever is more. The intent of the front setback requirement is to ensure compatibility of new development with the prevailing existing development pattern of the neighborhood.

The petitioner is proposing a new 22' by 12' carport attached to the front of the existing single family house. The other existing primary buildings on the same block face have front setbacks of approximately 10', 18', 24', 30', 34', and 43'. The existing house on the subject property has a 33' front setback. The petitioner is requesting a variance to allow an 11' front setback, rather than the 30' required.

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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 be injurious to the public health, safety, morals, or general welfare of the community. The surrounding area has many lots with front yard parking and one lot with a carport with a similar front setback with no known negative impacts.

- 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 substantially adverse impacts to the use and value of the surrounding area associated with the proposed variance. The purpose of the front setback requirement is to create uniformity on a block and protect against inappropriate infill development. The existing block face is not intact with greatly varying front setbacks and building types. Newer multi-family development has been built with small front setbacks on same block face as 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 peculiar condition in the varied range of parking found in the area. There is a high number of different parking areas both structured and surfaced. There are other carport structures along Washington Street as well as large pull-off areas. Staff finds that prohibiting the petitioner from adding a single carport space to an existing parking area will not enhance the area.

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

1. A building permit is required prior to construction.



July 17, 2012

Ms. Lynne Darland

Re: Hearing officer Meeting  
at 2 p.m. on Aug. 8, 2012

I am a 87-year old retired school teacher, and I have lived at 1317 N. Washington Street since 1945.

A few days ago I submitted site plans to the Monroe County Building Department to build an attached carport to my home. I wish to protect my car from the weather - sun, wind, hail, sleet and ice. Because of the severity of the storms during the last few years, (large hail, damaging wind) and because of the extreme heat this summer, it has become very important to protect cars sitting in open areas.

I have discussed building this carport with Ms. Katie Bannon, Planning Department, who will support my building an attached carport as specified in the site plan.

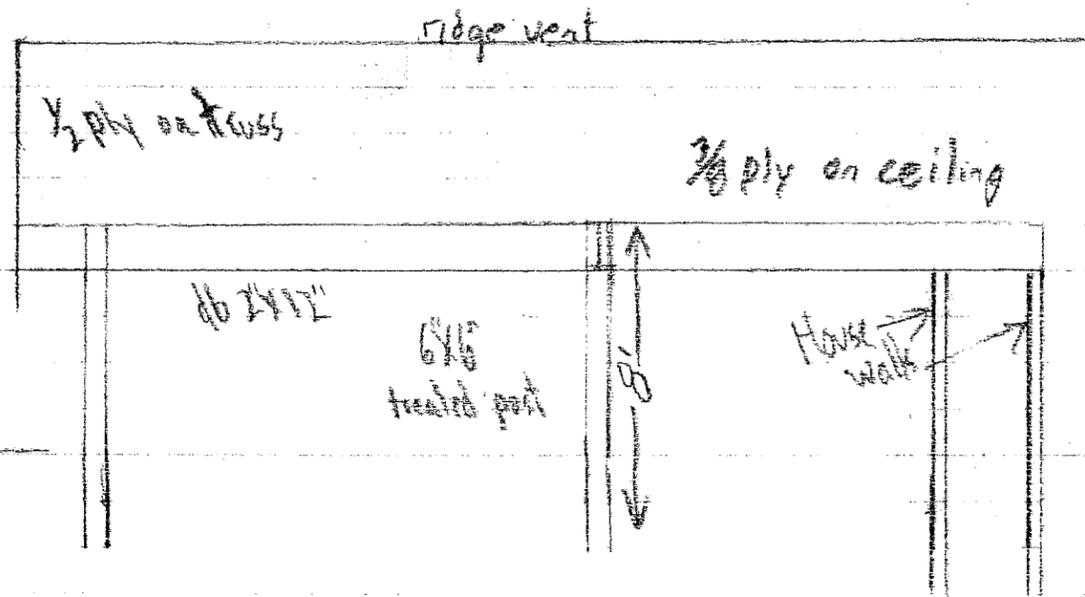
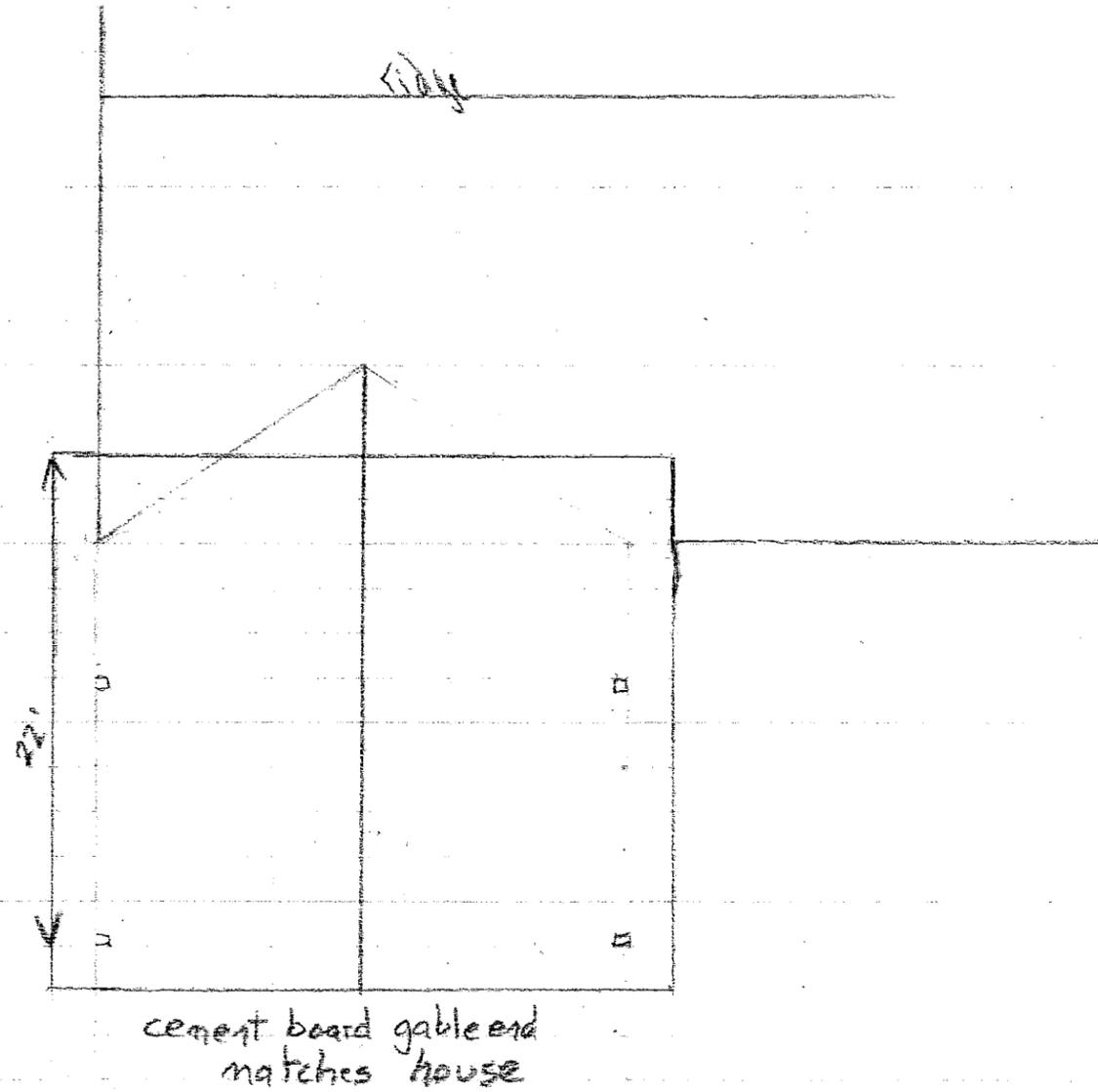
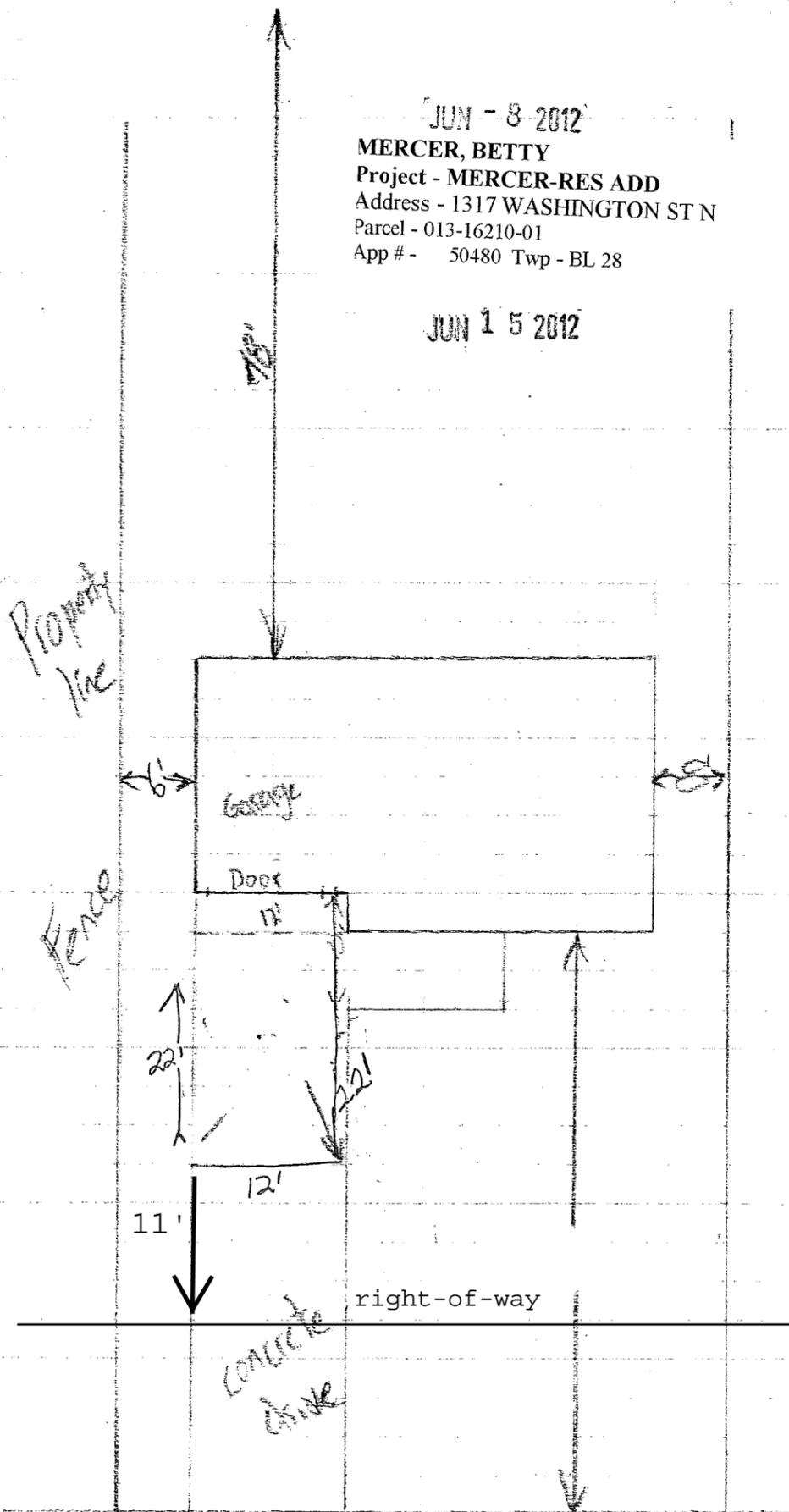
I look forward to meeting with you on August 8.

Betty Greer

339-0030

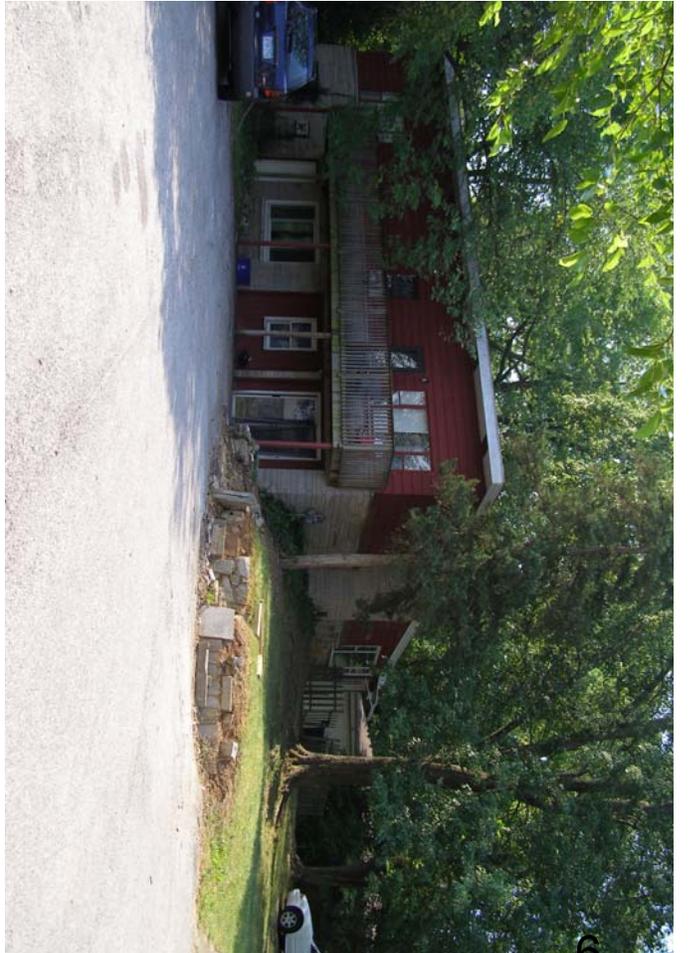
JUN - 8 2012  
MERCER, BETTY  
Project - MERCER-RES ADD  
Address - 1317 WASHINGTON ST N  
Parcel - 013-16210-01  
App # - 50480 Twp - BL 28

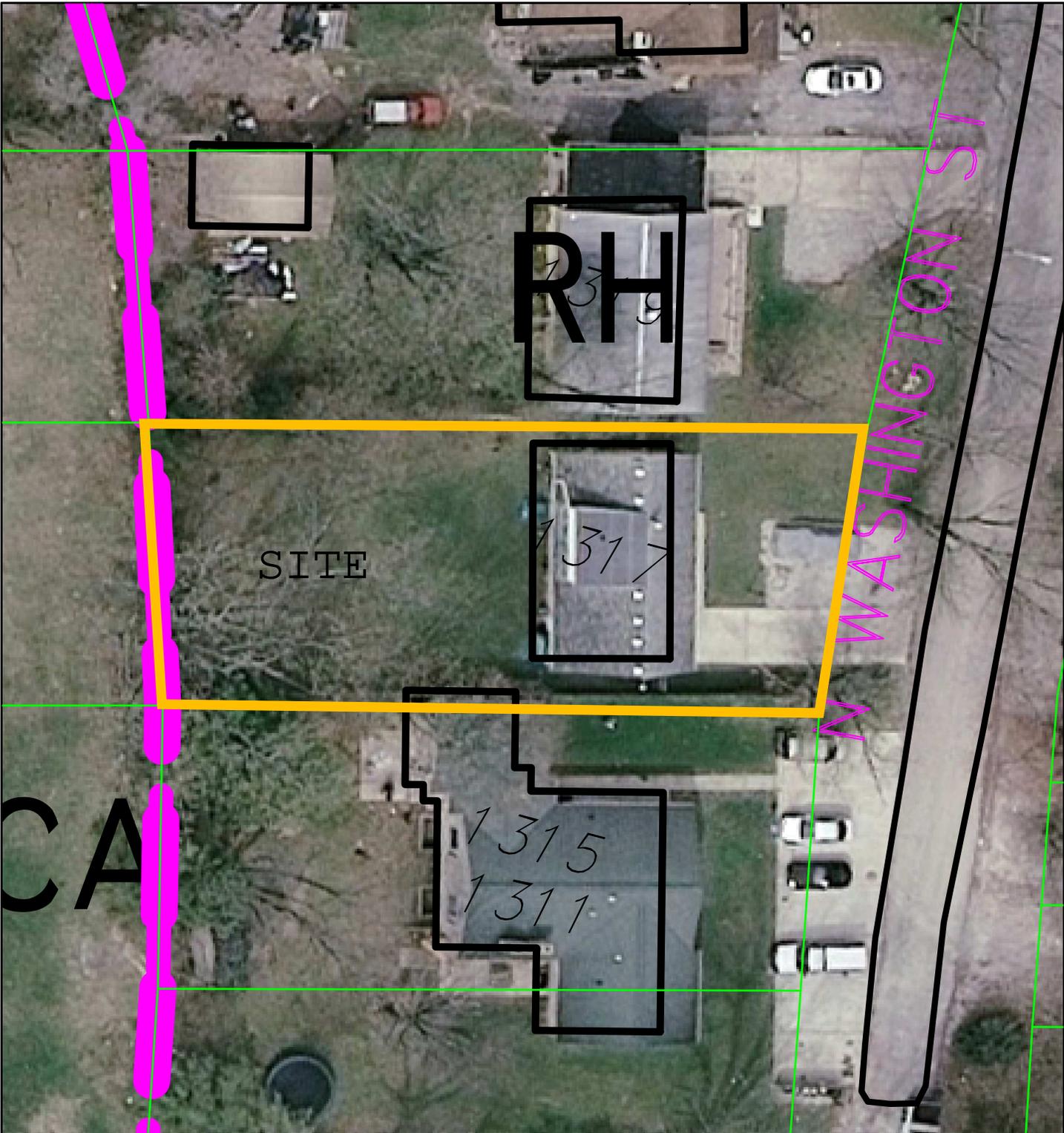
JUN 15 2012



V-34-12  
Site Plan

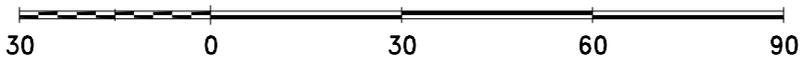
1317 N. Washington





V-34-12  
 1317 N. Washington St.  
 Betty Mercer  
 2010 Aerial Photograph

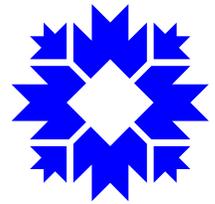
By: bannok  
 1 Aug 12



For reference only; map information NOT warranted.



City of Bloomington  
 Planning



Scale: 1" = 30'

**BLOOMINGTON HEARING OFFICER**  
**STAFF REPORT**  
**LOCATION: 918 W. 3<sup>rd</sup> Street**

**CASE #: V-35-12**  
**DATE: August 8, 2012**

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**PETITIONER:** Sherry Lifer and Margaret Emmert  
918 W. 3<sup>rd</sup> Street

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**REQUEST:** The petitioner is requesting variance from sideyard setback standards to allow a new single family home.

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**REPORT SUMMARY:** The petitioner purchased a home in the 900 block of W. 3<sup>rd</sup> Street. It is located on the north side of the street immediately west of an improved alley and the Rosehill Cemetery. The property is zoned Residential Core (RC) and falls within the Prospect Hill neighborhood. The petitioner had originally proposed to construct an addition to an existing home.

The petitioner is now proposing to construct a new structure to replace the former structure. It is anticipated that the structure will be very similar to the former structure along 3<sup>rd</sup> Street, but will extend further north on the lot. The petitioner is seeking a variance to allow the new structure to be placed at the same setback as the former home. Staff finds this to be an appropriate setback. The property is only 41 feet in width and would have a setback that is in character with the area. The petitioner is only proposing a reduced setback for the portion of the structure that is located where the former home was located. The rear of the structure would be offset to meet the required 6-foot setback . All other planning requirements are met with this proposal.

Since this property is located within the Prospect Hill Conservation District, the proposed construction will also require a Certificate of Appropriateness from the Historic Preservation Commission.

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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 community welfare. The proposed setback is consistent with the development pattern of the surrounding area. The property has also historically had a structure with this setback.

- 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 on the surrounding area. The reduced setback will not reduce the value of the area due to the high number of similar setbacks.

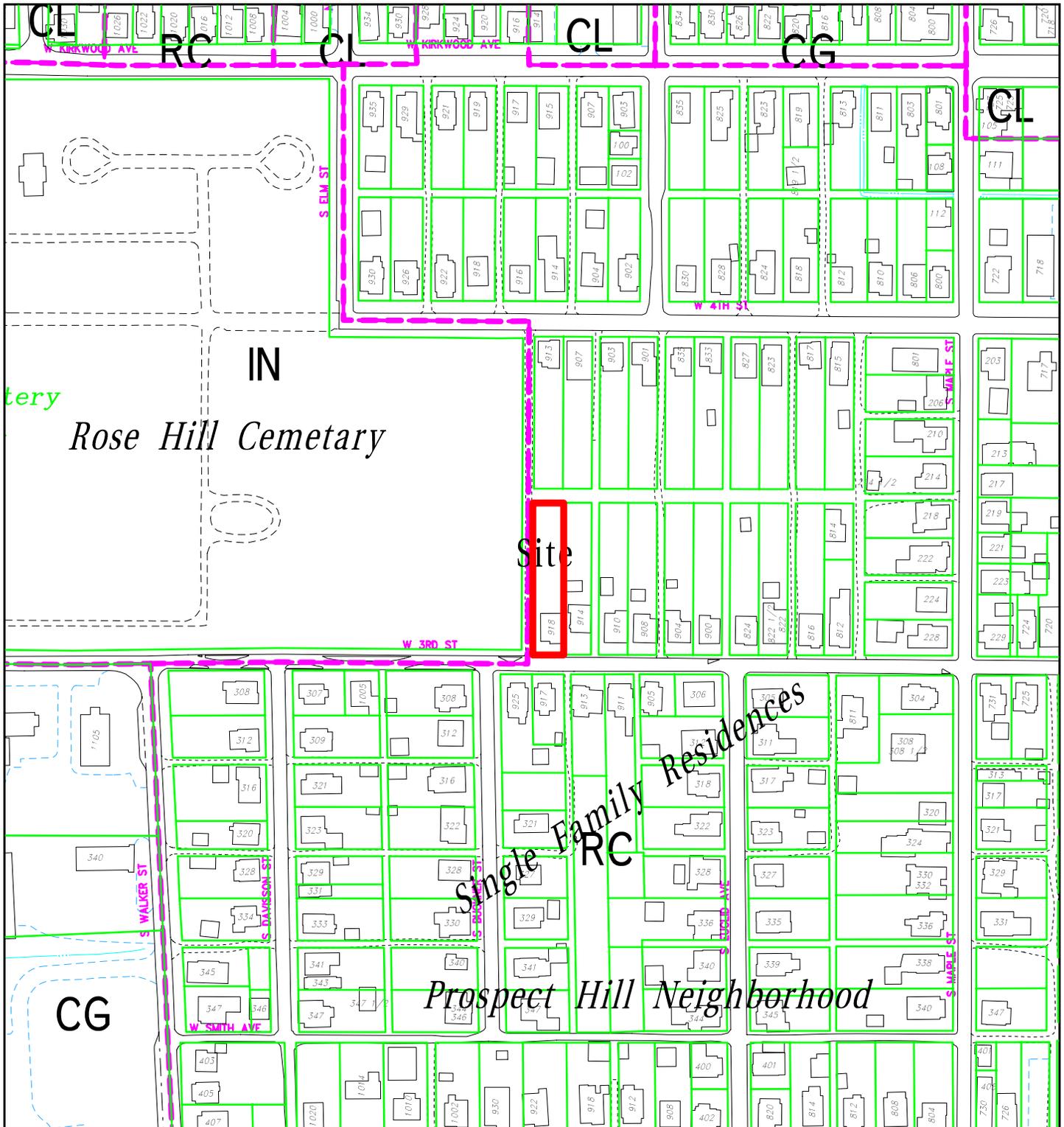
- 3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

**STAFF FINDING:** Staff finds peculiar condition in the combination of the narrow lot width (41') and the historical development pattern of both the lot and the surrounding area. Staff finds hardship in not allowing the petitioner to reconstruct along the historic setback of the property. Nearly every home on the blockface has at least one substandard sideyard setback. An approval will only allow the petitioner to continue this development pattern.

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

1. A building permit must be obtained prior to construction.
2. A Certificate of Appropriateness from the Historic Preservation Commission must be granted prior to the release of a building permit.



V-35-12

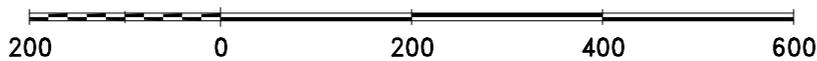
918 W 3rd Street

Hearing Officer

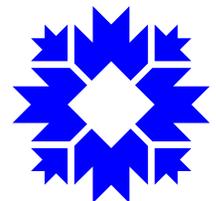
Site Location, Zoning, Land Use, Parcels

By: greulice

3 Aug 12



City of Bloomington  
Planning



Scale: 1" = 200'

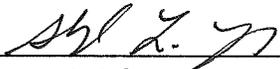
For reference only; map information NOT warranted.

Petitioners' Statement

The petitioners request a variance to the side-yard setback, which will allow petitioner's to replicate the footprint and placement of the original structure in the construction of a new gabled-ell house and addition. The original structure was three (3) feet over the side yard setback and the petitioners request the equivalent variance of three (3) feet. The addition to the gabled-ell is in compliance with the six (6) foot setback requirement and is not included in this request for variance.

The property is located at 918 W. 3<sup>rd</sup> Street, legal description 013-45840-00 Batman's Lot 21 53-05-412-011.000-005. Lot size is forty-one (41) feet wide (east to west) by two hundred sixteen (216) feet deep (north to south). The surrounding land uses are: east, north and south-single family residential; west -cemetery.

The property is currently, and will continue to be, used as a single family residence. In addition to the primary structure, the property has a two-car garage under construction. Vehicular access to the property will be via a twelve (12) foot concrete apron (to be constructed), off an alley to the west of the property, leading to a permeable surface driveway. There exist no environmental issues or unusual drainage plans of which the petitioners are aware of being relevant to the variance being sought. The building plans for the property, including the 3 foot side-yard setback, are in compliance with the applicable permeable/impermeable surface requirements.

  
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Sherry L. Lifer

  
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Margaret R. Emmert

V-35-12  
Petitioner's  
Statement

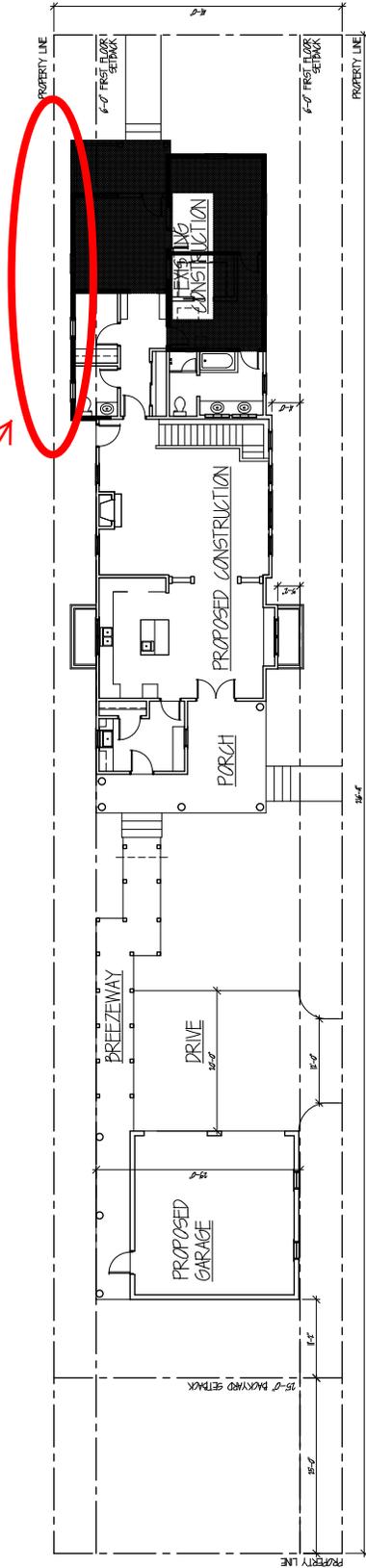


LIFER / EMMERT HOUSE  
 ADDITION & RENOVATION  
 918 WEST 3RD ST.  
 BLOOMINGTON - INDIANA

ARCHITECT PROJECT NO. JANUARY 10, 2012  
 DATE REV. MAY 7, 2012

SITE PLAN &  
 GARAGE PLAN

SHEET NO. C100  
 SCHEMATIC DESIGN

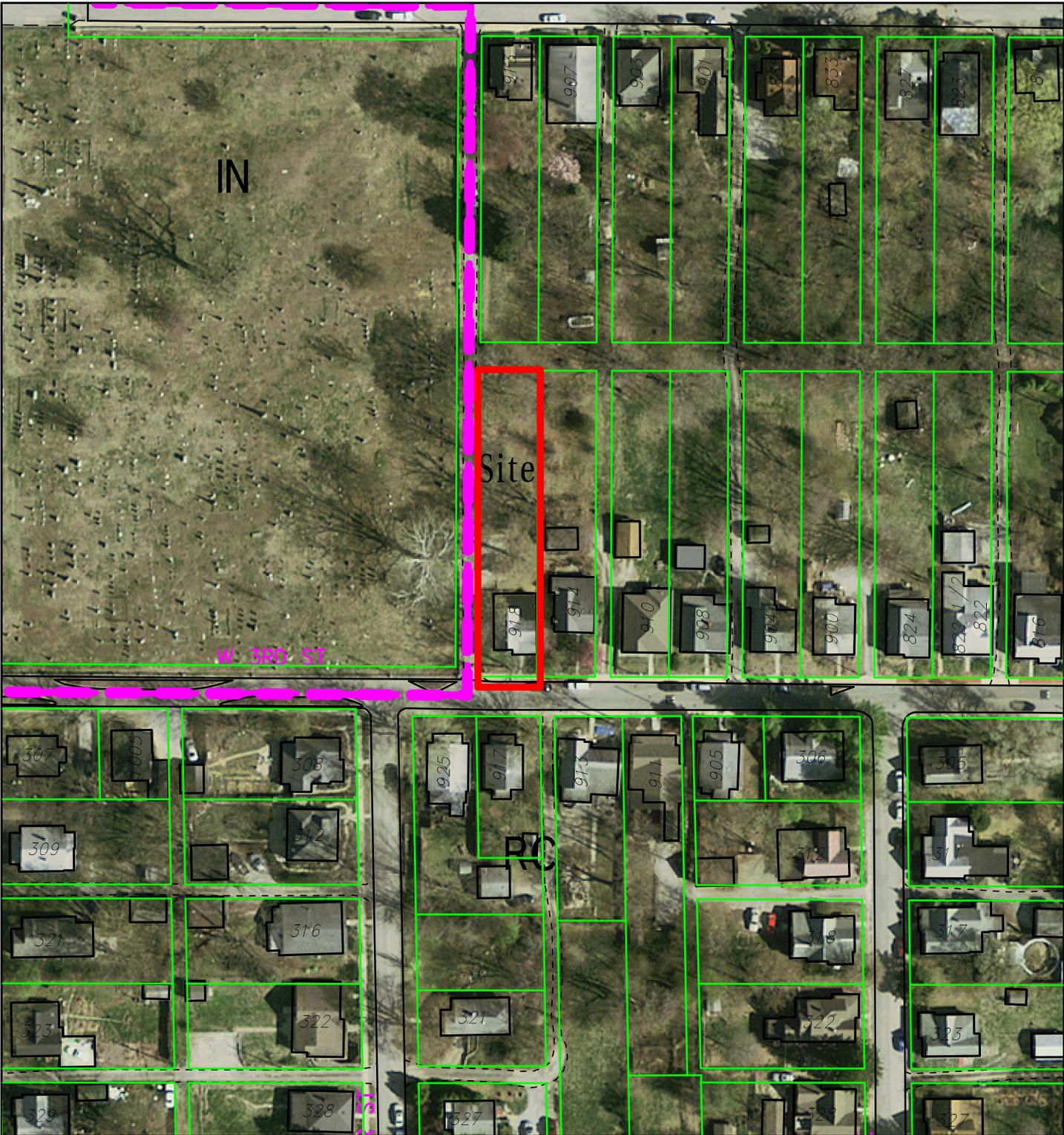


Area of Setback Variance



SITE PLAN  
 SCALE 1/8" = 1'-0"

V-35-12  
 Site Plan



IN

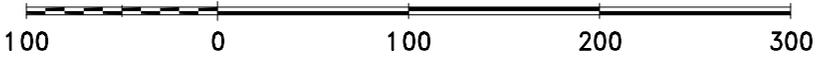
Site

W 3RD ST

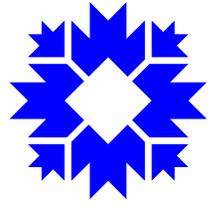
PC

V-35-12  
 918 W 3rd Street  
 Hearing Officer  
 2011 Aerial Photograph

By: greulice  
 3 Aug 12



City of Bloomington  
 Planning



Scale: 1" = 100'

For reference only; map information NOT warranted.