

CITY OF BLOOMINGTON



October 17, 2012 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON
HEARING OFFICER
October 17, 2012 at 2:00 p.m.

*Kelly Conference Room #155

PETITION CONTINUED TO: October 31, 2012

- V-46-12 **REI Investments** (Hyatt Place Hotel)
 217 W. Kirkwood Ave.
 Request: Variances from sidewalk, signage, and driveway standards.
 Case Manager: Patrick Shay

PETITIONS:

- V-45-12 **Pick & Roll III, LLC** (Orange Leaf)
 2550 E. 3rd St.
 Request: Front yard setback variance to allow a patio along 3rd Street.
 Case Manager: Patrick Shay

- V-47-12 **Indiana Gamma Housing, LLC**
 1115 N. Jordan Ave.
 Request: Variance from driveway separation requirements for a new Sigma Alpha
 Epsilon fraternity house.
 Case Manager: Jim Roach

BLOOMINGTON HEARING OFFICER
STAFF REPORT
Location: 2550 E. 3rd Street

CASE #: V-45-12
DATE: October 17, 2012

PETITIONER: Pick & Roll III, LLC
 2732 Briggs Bend, Bloomington

REQUEST: The petitioner is requesting a variance from front setback standards.

REPORT SUMMARY: The petitioner is proposing to remodel the western portion of an existing building at 2550 E. 3rd Street. This structure is the former Cheeseburger in Paradise and is currently being used by HuHot. The current tenant is not using the western portion of the building and the petitioner is proposing to remodel this area to create a new retail space for Orange Leaf, a frozen yogurt store.

Staff finds this remodel to be a desirable alteration that will create additional storefront glass to the building and more visual interest. The petitioner is also intending to create a patio area between the structure and 3rd St. There is approximately 13 feet between the structure and the right-of-way line. The UDO would allow for a patio area to encroach into the setback by 6 feet. The current building is built at the setback so a 6-foot patio is permitted. The petitioner is requesting a setback variance to allow a 10-foot patio and a 3-foot setback.

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. The proposed improvements will increase the desired pedestrian interest of the structure. The variance will only allow a more viable patio width than the 6 feet that would be permitted.

- 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 proposal. Conversely, this proposal will help to achieve the goals of getting more voids and storefront glass to the building as well as creating more visual interest along 3rd St.

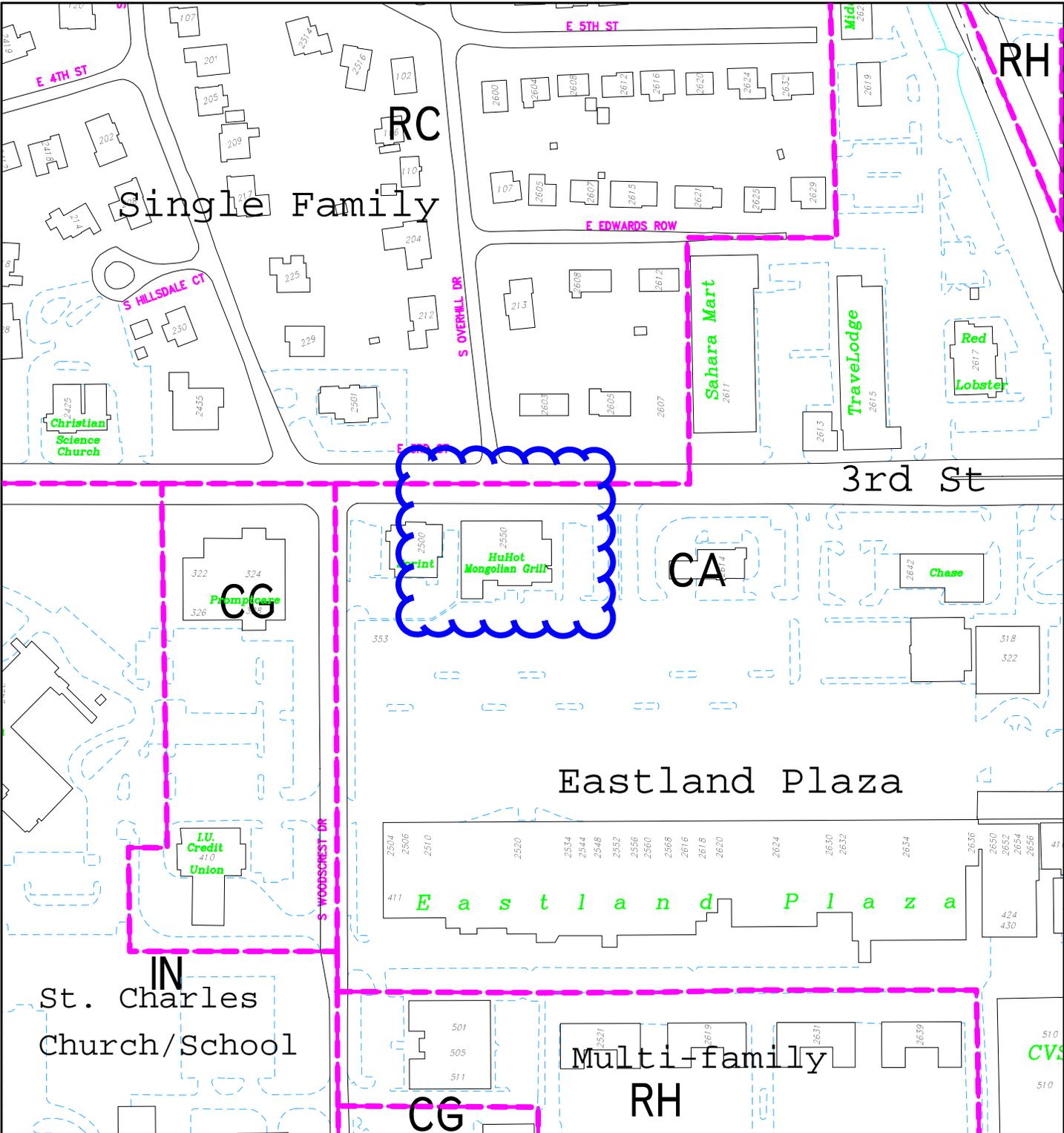
- 3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical*

difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.

STAFF FINDING: Staff finds hardship in not allowing a 10-foot patio area. The property is unique in that it has essentially 2 rear sides of structures facing one another with high visibility from an arterial roadway. The proposal would help improve this space and create a new pedestrian entrance to the building. This type of project should be encouraged. The variance requested will have very little impact and will allow for a more customary width of outdoor dining space.

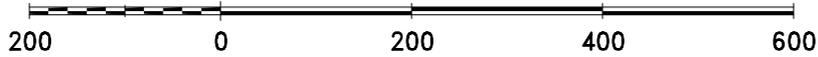
RECOMMENDATION: Based on the written findings above, staff recommends approval of V-45-12 with the following conditions.

1. The patio must be constructed with pervious pavers.
2. Landscaping must meet UDO requirements.

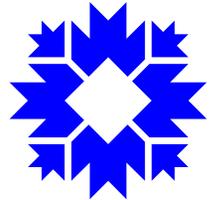


V-45-12 Orange Leaf
 2550 E. 3rd Street
 Location Map
 Hearing Officer

By: shayp
 12 Oct 12



City of Bloomington
 Planning



Scale: 1" = 200'

For reference only; map information NOT warranted.

Smith Neubecker & Associates, Inc.



"Providing professional land planning, design, surveying and approval processing for a quality environment."

Stephen L. Smith P.E., L.S.
Daniel Neubecker L.A.
Steven A. Brehob, B.S.Cn.T.

City of Bloomington Hearing Officer
C/o Pat Shay
Planning Department
Showers Building
Bloomington, Indiana

October 1, 2012

Re; Orange Leaf Patio and Awning Setback Variances
2550 East Third Street

Dear Pat and Hearing Officer,

We are seeking setback variances to allow a patio and building awnings in the setback area of East Third Street in front of the proposed Orange Leaf and along the west property line.

Orange Leaf is planning to remodel and occupy the rear of the building that houses HuHut. The new retail yogurt shop will use the western portion of the building and have frontage on both Third Street and the Eastland Plaza parking lot. The remodel includes new windows, doors, awnings, the patio in front of the building and connecting sidewalk/handicap ramp; refer to the attached site plan and building elevation.

Variance is sought to allow a 12' wide patio adjacent to the building. That will result in 0.71' from the patio to the existing right of way and from 1.09' to 2.51' from the patio to the Third Street sidewalk. This area will receive shrub/hedge landscaping to provide separation. A sidewalk/ramp will connect the Patio to the Third Street sidewalk and to the door on the west side of the building.

Awnings are proposed to project 1' from the north and west sides of the building as shown on the attached elevation drawing and require variance since the existing building encroaches into the setback.

Thank you for your assistance enabling this reuse of vacant retail space into the Orange Leaf frozen yogurt store.

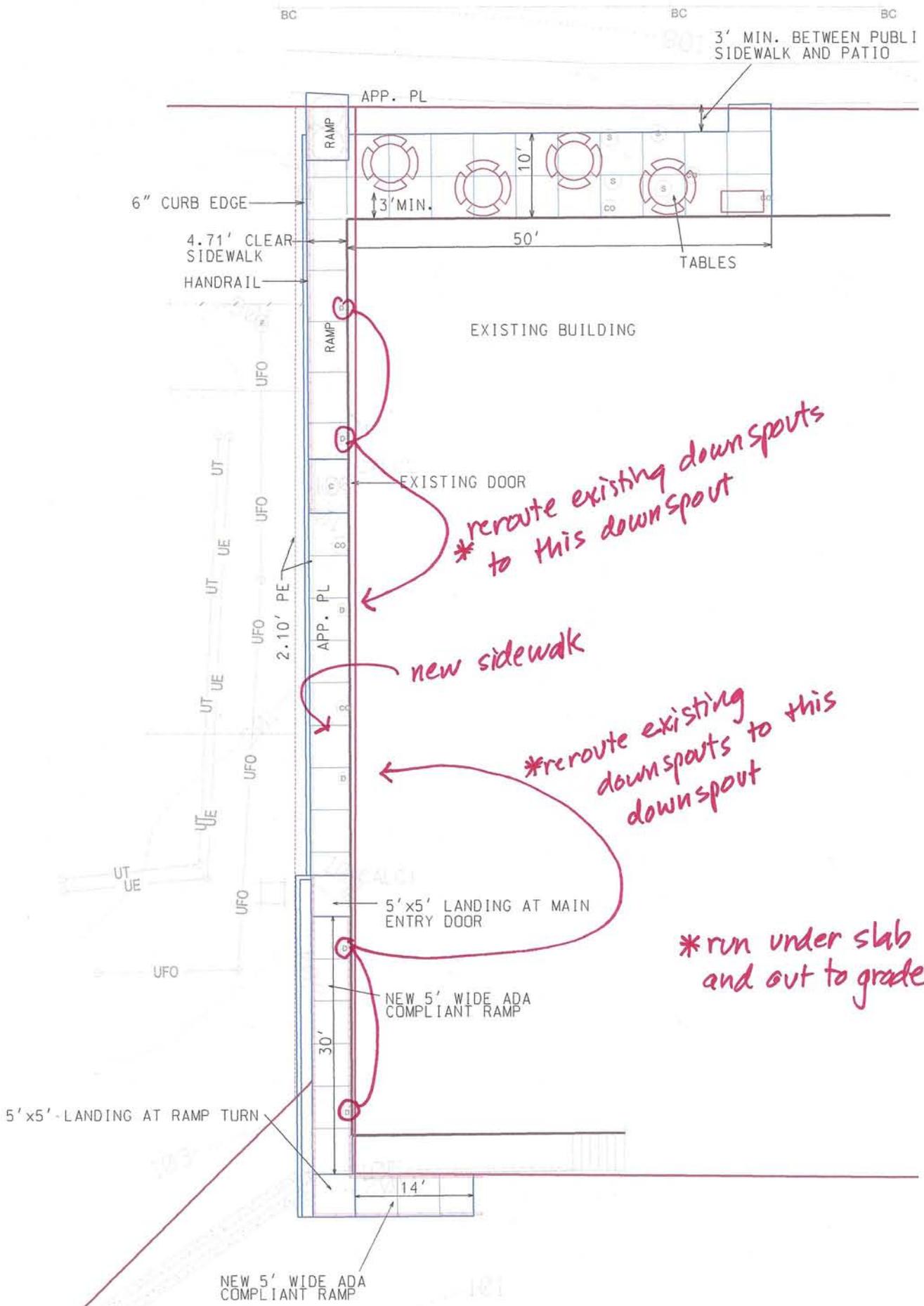
Very truly yours,

Stephen L. Smith
Engineer for Orange Leaf

Cc; file, Murray
encl

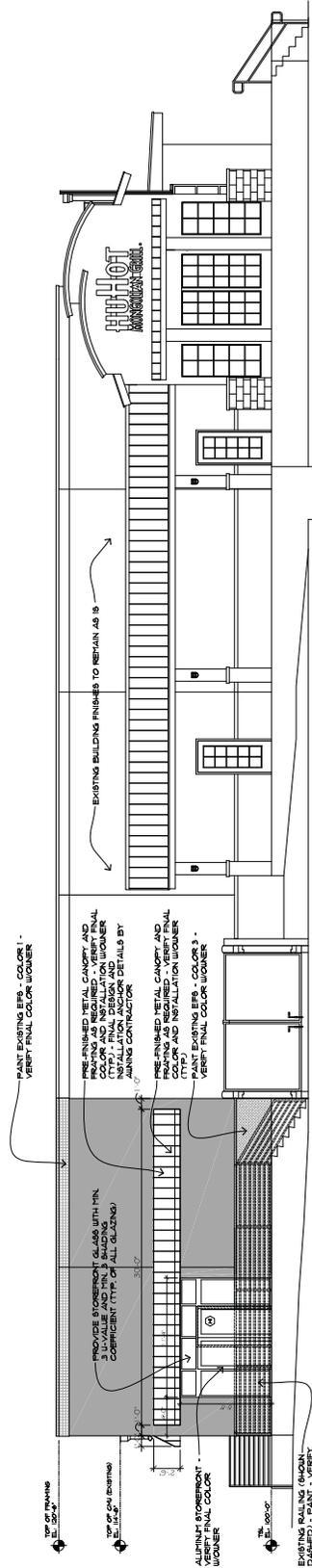
453 S. Clarizz Boulevard
Bloomington, Indiana 47401/4865/approval processing/variance app letter, 10-1-12
Telephone 812 336-6536
FAX 812 336-0513
www.snainc.com

V-45-12
Petitioner's
Statement



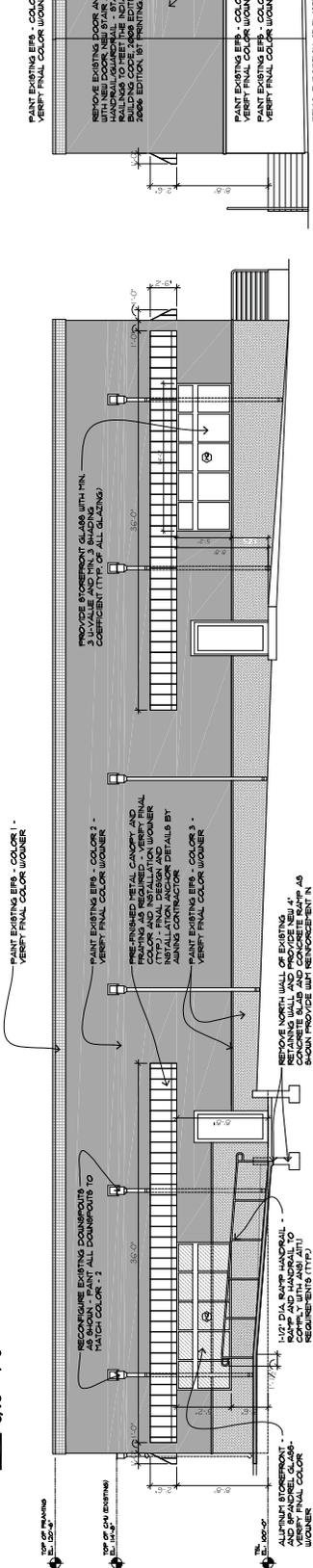
**run under slab and out to grade*

V-45-12 site plan detail



4 south exterior elevation
 3/16" = 1'-0"

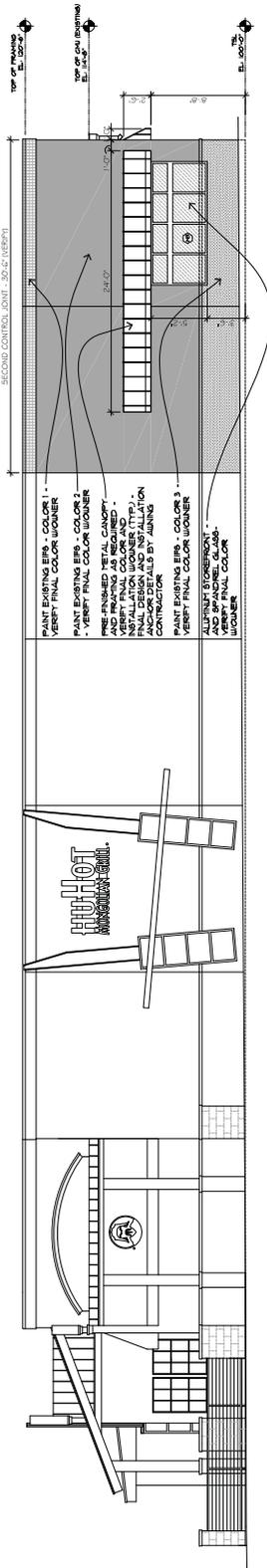
OVERALL SOUTH EXTERIOR ELEVATION WALL AREA = 496 S.F.
 ALUMINUM STOREFRONT AREA (15%) = 74 S.F.
 ACTUAL WALL OPENING AREA = 802 S.F.



3 west exterior elevation
 3/16" = 1'-0"

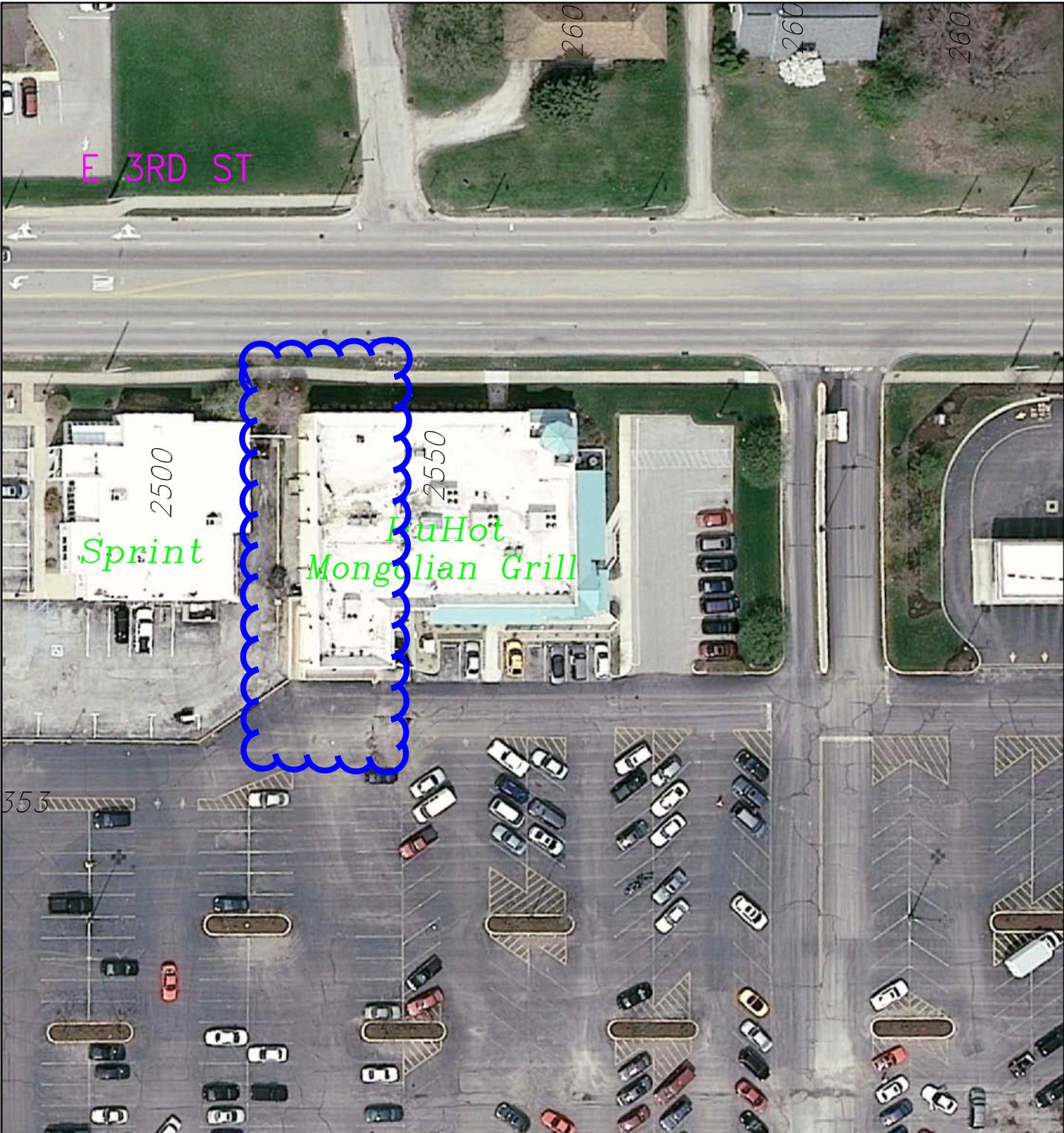
OVERALL WEST EXTERIOR ELEVATION WALL AREA = 2,191 S.F.
 ALUMINUM STOREFRONT AREA (15%) = 329 S.F.
 ACTUAL WALL OPENING AREA = 1,862 S.F.

2 partial east exterior elevation
 3/16" = 1'-0"



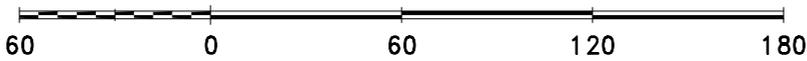
1 north exterior elevation
 3/16" = 1'-0"

V-45-12 Proposed Elevations

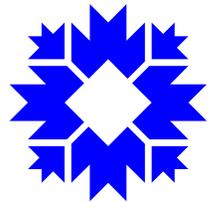


V-45-12 Aerial Photo

By: shayp
12 Oct 12



City of Bloomington
Planning



Scale: 1" = 60'

For reference only; map information NOT warranted.

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
LOCATION: 1115 N. Jordan Ave.

CASE #: V-47-12
DATE: October 17, 2012

PETITIONER: Indiana Gamma Housing, LLC
1856 Sheridan Rd., Evanston, IL

REQUEST: The petitioner is requesting a variance from minimum driveway separation requirements.

REPORT SUMMARY: This approximately 1.2 acre property is located on the west side of N. Jordan Avenue between E. Lingelbach Lane and E. Law Lane and is zoned Institutional. Surrounding land uses to the north, east and south are fraternities and sororities. To the west is IU's Sembower Field. The property is currently vacant but at one time was developed with a chapter house for the Sigma Alpha Epsilon fraternity.

The fraternity is currently designing a new building that will be setback approximately 100 feet from the road (per the recorded setback) and include parking at the rear of the lot. The petitioner would like to utilize the existing driveway cut at the far southern end of the property. This would allow them to construct a drive down the south property line to the rear parking lot and position the building north of the drive. This drive is approximately 30 feet from the drive at the Evans Scholars house to the south.

The UDO requires a 100 foot setback between drives. There is a location on the property that would meet this requirement. This location is the exact middle of the lot. Because of the need to situate parking in the rear of the lot, constructing a drive in the middle of the lot would require the removal of an existing tree, cutting a new drive cut and an awkward curve to the pull the drive around the building. The petitioner is requesting a variance from the driveway separation requirements to utilize the existing drive-cut.

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's Finding: Staff finds no injury to the general welfare. The existing drive cut functioned for many years with no known concerns.

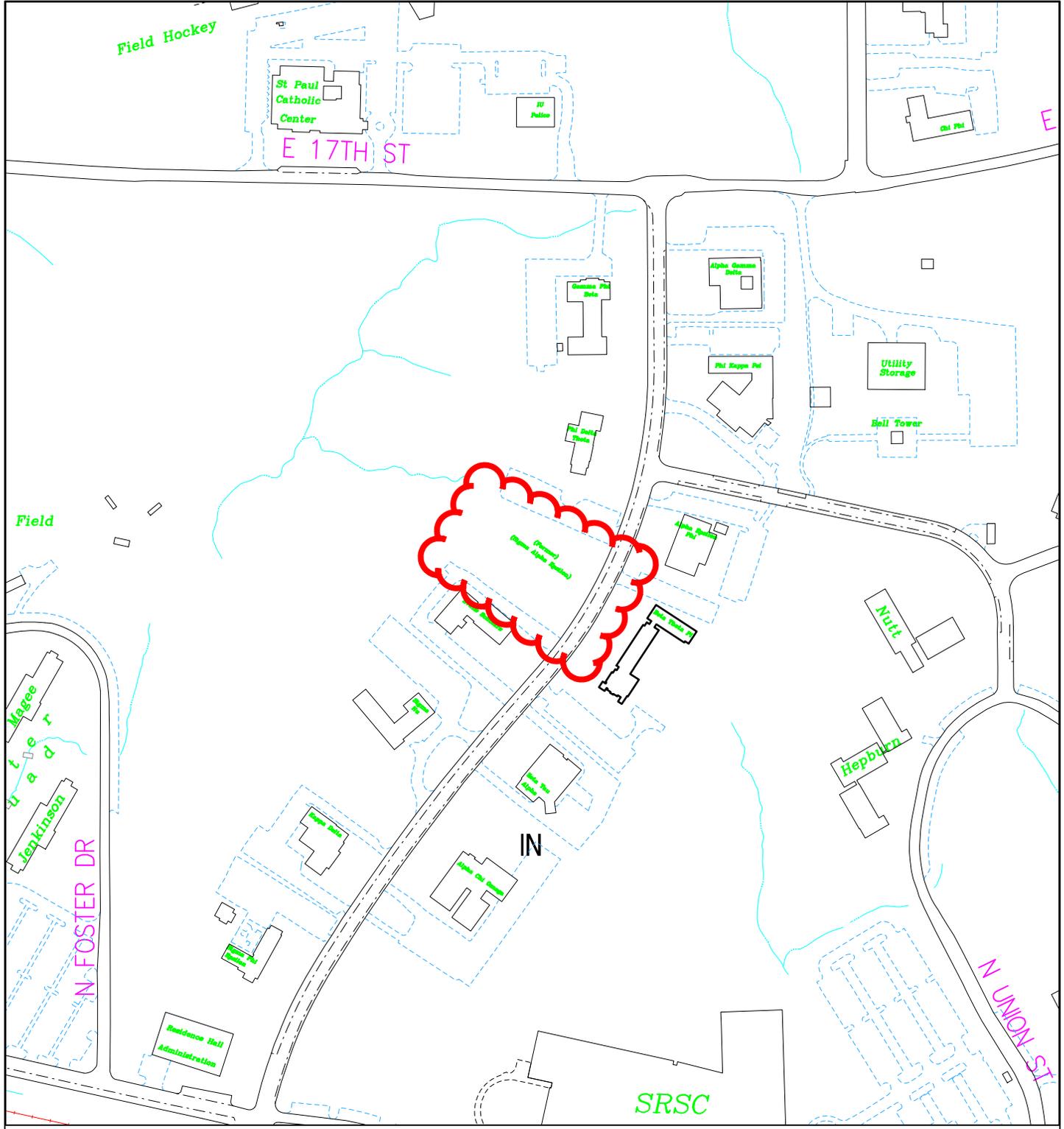
2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.*

Staff's Finding: Staff finds the use and value of the area adjacent to the property will not be negatively impacted. Other chapter houses on N. Jordan Ave. have driveways close to the property line in order to access rear parking lots.

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.*

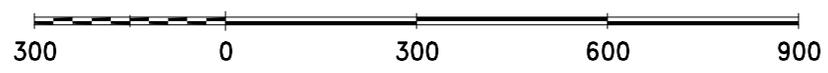
Staff's Finding: Staff finds peculiar conditions for the parking variance in the location of the existing curb cut and the closeness of the next drive cut to the south. Practical condition is found in that the only location on the property that would meet the 100 foot separation requirements is in the middle of the lot. Because this property is to be developed with a single building, the drive would have to curve toward the south and a tree removed to access the rear of the lot. This may also violate the UDO's front driveway angle minimums (minimum 45 degrees).

RECOMMENDATION: Based on the written findings, staff recommends approval of the variance.

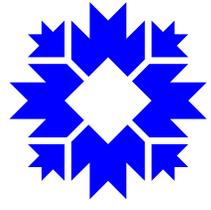


V-47-12
Location map

By: roachja
12 Oct 12



City of Bloomington
Planning



Scale: 1" = 300'

For reference only; map information NOT warranted.



October 02, 2012

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

Re: SAE Gamma Chapter House at Indiana University
 Petitioner's Statement
 BRG Project No. 7600

Dear Jim,

On behalf of Indiana Gamma Housing, LLC, we are applying for a driveway separation variance from the UDO requirement of 100' to approximately 30' for their proposed new SAE house on the Indiana University Campus. The site is located at 1115 N. Jordan Avenue.

We propose to use the existing driveway cut that has served this lot for many years. Although the lot is currently vacant, as the original house was demolished, the proposed facility and site layout is essentially the same as what was originally built. To relocate the drive would prove a hardship to our ability to utilize the site in its intended fashion and would likely require the loss of several significant existing trees that it is our desire to preserve.

In addition, to meet this UDO requirement will significantly increase the amount of impervious surface area, reduce overall green space and negatively affect our vehicular circulation. Currently vehicles can come straight in and out. To relocate the drive would require a series of circuitous, tight 90° turns to access the parking area at the rear of the site.

It is our understanding that this variance request will be heard by the hearing officer on October 17th.

Included with this petitioners statement is the \$200 application fee. Since the site and plans are currently under review for permitting, you already have in your possession a complete set of construction drawings, including the site, grading and drainage, utility and landscape plans as well as a full set of architectural plans for the proposed building. Notices will be sent to adjacent property owners will be mailed by Friday, as required. Let us know if there is something further you need from us.

Please contact me if you have any questions.

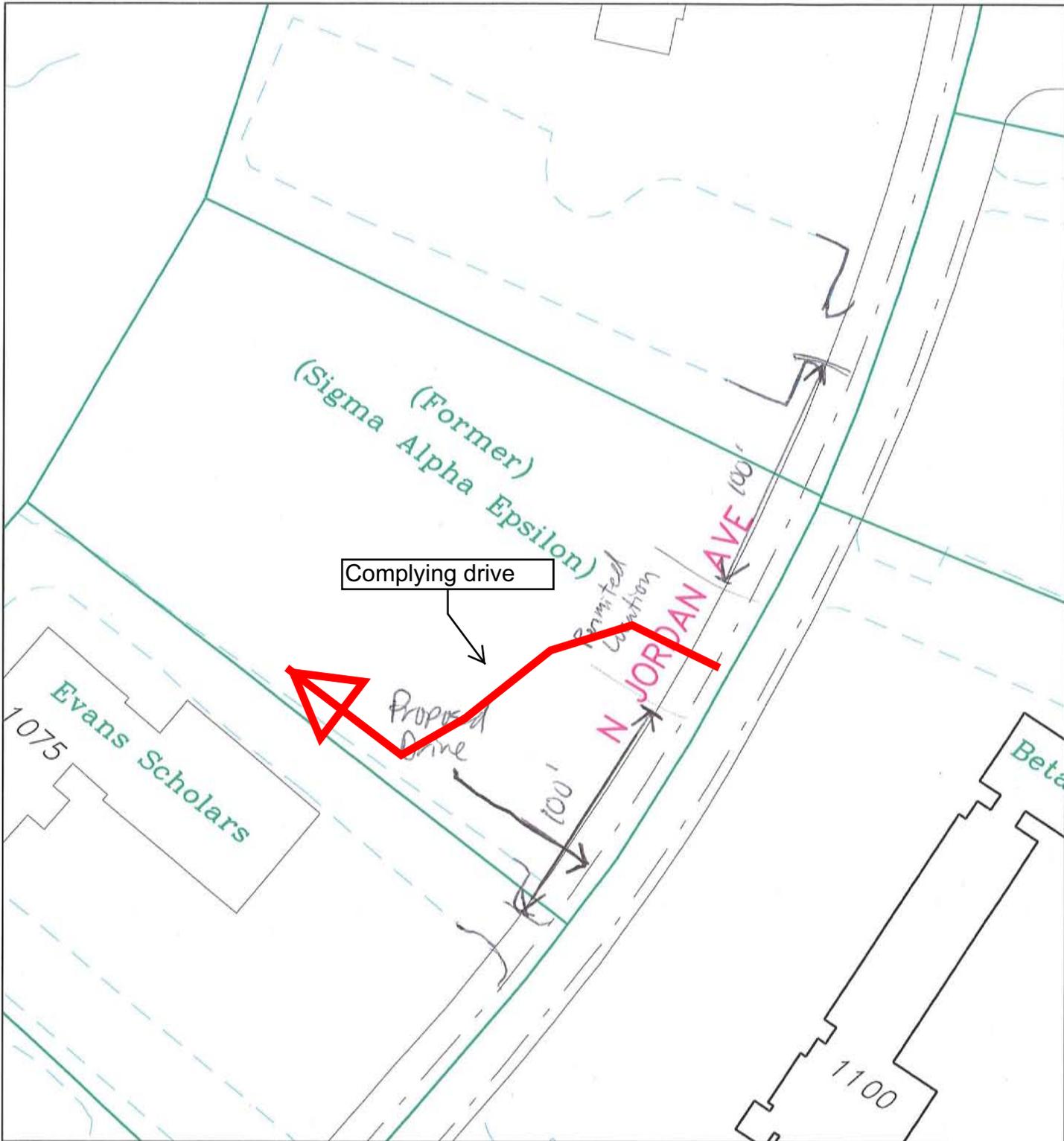
Sincerely,

A handwritten signature in blue ink, appearing to read 'Dan Neubecker'.

Dan Neubecker, Project Manager
 Bledsoe Riggert Guerrettaz

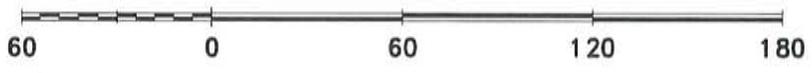
xc: File – Project No. 7600

V-47-12 Petitioner's Statement



V-47-12
Site analysis

By: roachja
12 Oct 12



City of Bloomington
Planning



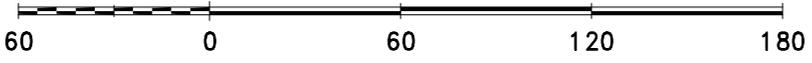
Scale: 1" = 60'

For reference only; map information NOT warranted.



V-47-12
2011 aerial photo

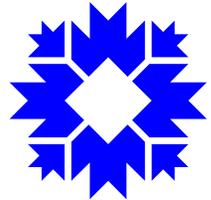
By: roachja
12 Oct 12



For reference only; map information NOT warranted.



City of Bloomington
Planning



Scale: 1" = 60'