

# CITY OF BLOOMINGTON



NOVEMBER 28, 2012 @ 2:00 p.m.  
CITY HALL -  
KELLY CONFERENCE ROOM #155

**PETITION CONTINUED TO:** December 12, 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-52-12      **Dirk Fraser**  
317 S. Jackson St.  
Request: Side and rear yard setback variances to allow construction of a detached garage.  
*Case Manager: Jim Roach*
- CU/V-53-12      **Seventh-Day Adventist Church**  
2230 N. Martha St.  
Request: Conditional use approval to allow a place of worship in a Single-family Residential (RS) zoning district. Also requested is a front yard setback variance for a porch.  
*Case Manager: Katie Bannon*
- V-54-12      **Khatchadour Palandjian**  
316 E. University St.  
Request: Variance from maximum density requirements.  
*Case Manager: Patrick Shay*

**BLOOMINGTON HEARING OFFICER  
STAFF REPORT  
LOCATION: 317 S. Jackson Street**

**CASE #: V-52-12  
DATE: November 28, 2012**

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**PETITIONER: Dirk Fraser  
317 S. Jackson Street, Bloomington**

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**REQUEST:** The petitioner is requesting side and rear setback variances for an accessory structure.

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**REPORT SUMMARY:** The subject lot is located on the east side of S. Jackson Street, between W. 3<sup>rd</sup> Street and W. Smith Ave. and is zoned Residential Core (RC). It is surrounded in all directions by single family uses. The property has been developed with a single family house and accessory structure. The house is located in the locally designated Prospect Hill Historic District and was built circa 1900.

The existing 13'x14' accessory structure is located within inches of the southern property line and is located 2.8 feet over the east property line and partially within the north-south alley. The petitioner wishes to have a larger garage in this same area. To accomplish this he proposed to construct a new 22'x14' building in roughly the same location, but move it out of the alley and further from the south property line. The petitioner proposes a 2 foot setback to the south and a 1 foot setback to the east. Construction of a new accessory structure requires compliance with current UDO setback of 5 feet to the rear and side property lines. The petitioner is requesting setback variances to place the new shed in roughly the same location as the existing shed.

The Historic Preservation Commission issued Certificates of Appropriateness for both the demolition (COA-31-12) and the new construction (COA-32-12) on November 8, 2012.

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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's Finding:** Staff finds no injury to the general welfare. This petition removes an existing obstruction from the public right-of-way.

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. While the new shed will be about 60% bigger than the existing one, this variance moves the structure further from the property lines. There are several other garages and sheds in this general area that are also located very close to

the property line. The accessory structure will now have adequate distance between the wall and the property line to allow for routine maintenance.

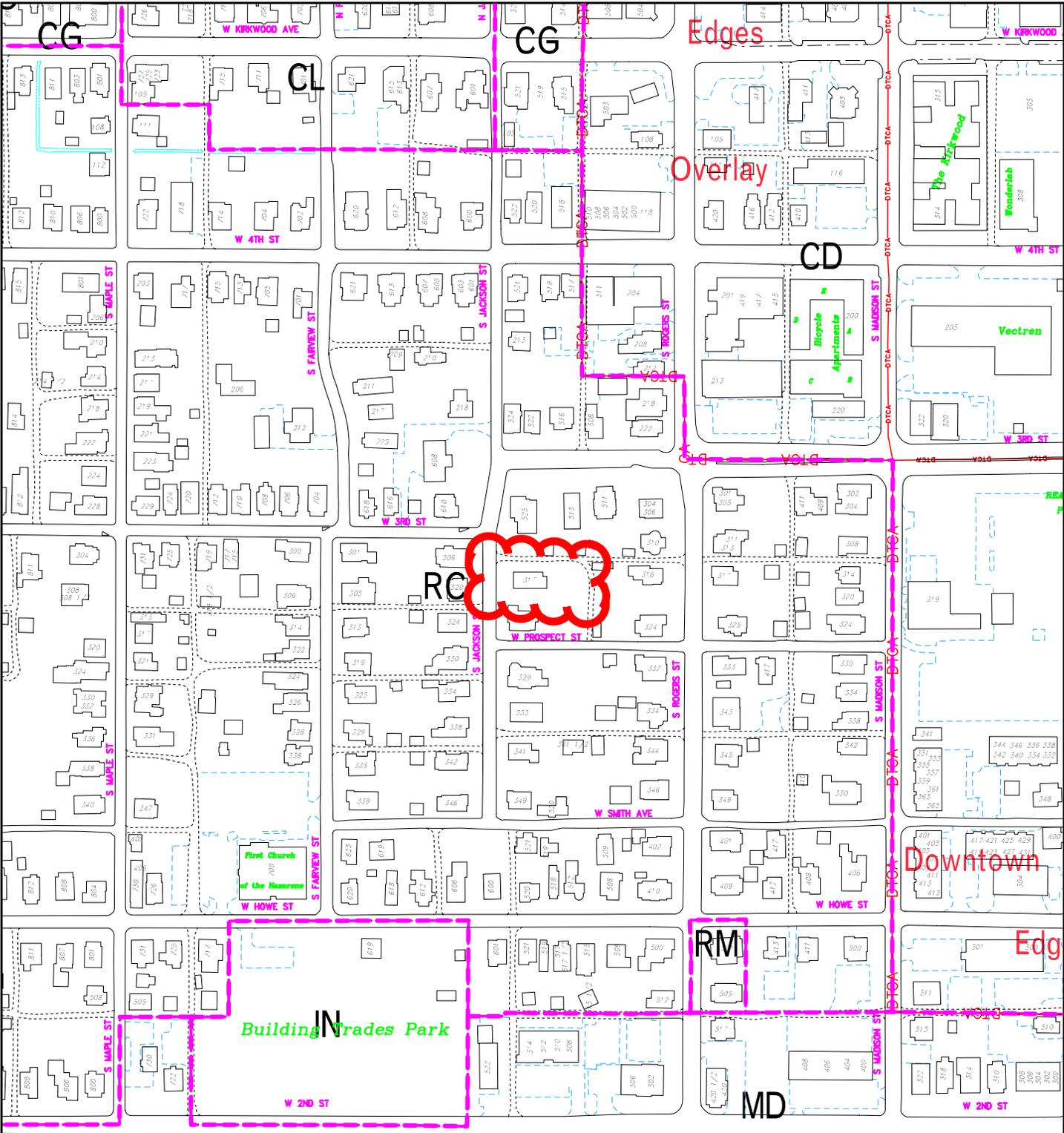
3. *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the variance will relieve practical difficulties.*

**Staff's Finding:** Staff finds peculiar conditions for the variance in the existing accessory structure setback and the historic pattern of the area. This structure is likely of the same age as the historic house. It appears on a 1927 Sanborn Fire Map. Other garages and sheds in this area were historically built very near to the property line. Peculiar condition is also found with a large tree located 14 feet north of the proposed structure's garage door. Practical difficulty is found that with the existing driveway location to the north of structure, that if the structure is required to meet setback requirements, the petitioner would not be able to effectively use the drive to enter the north side of the structure. The existing structure also has a door on its north side.

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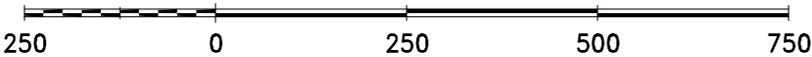
**RECOMMENDATION:** Based on the written findings, staff recommends approval of the variance.

1. Approval of this variance is contingent on approval of demolition and new construction Certificates of Appropriateness by the Historic Preservation Commission.



V-52-12  
Location and zoning map

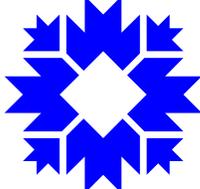
By: roachja  
20 Nov 12



For reference only; map information NOT warranted.



City of Bloomington  
Planning



Scale: 1" = 250'

The current shed on our property was built at the same time as the house (around 1900). The shed currently sits partially over the property line and is in very poor condition; there has been termite damage in the past. The condition of the shed means that repairing it is not feasible.

The property currently has three buildings on it, including the shed: the main house; a small outbuilding, now serving as a workshop; and the back shed itself. The main house is 27' 7" wide and 51' 2" long. The house is 19' 2" on each side from the north and south property lines and 22' from the west property line. The outbuilding is a 10' x 12' shed 4' 1" from the south property line, just east of the main house. The back shed is a 13' x 14' building overlapping the east property line, with the south side running along the south property line. It is 14' tall. The property was recently surveyed at .22 acre.

We wish to erect a new back shed, with the dimensions 22' x 14' at the ground and 23' x 16' at the eaves that would also be slightly taller at 15', on a cement slab. We proposed to locate it with the east eaves along the surveyed property line and the south wall 2' from the south property line. The back shed would have double doors opening to the north. This would put the doors approximately fourteen feet from the large walnut tree in our back yard.

The neighborhood is a residential historic district, with many similar buildings. At least three of the surrounding houses have garages with their walls running directly along the alley, and these are of comparable dimensions to the shed we propose to build. We propose to use our new building as a garage for a car and boat trailers and for storage. The new building will conform to the architectural vocabulary of the buildings in the neighborhood. Because we will be moving the building out of the alley, we will be improving vehicular access to the neighborhood.

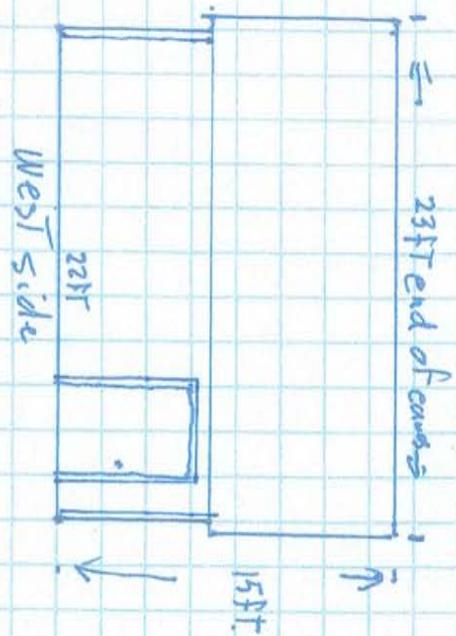
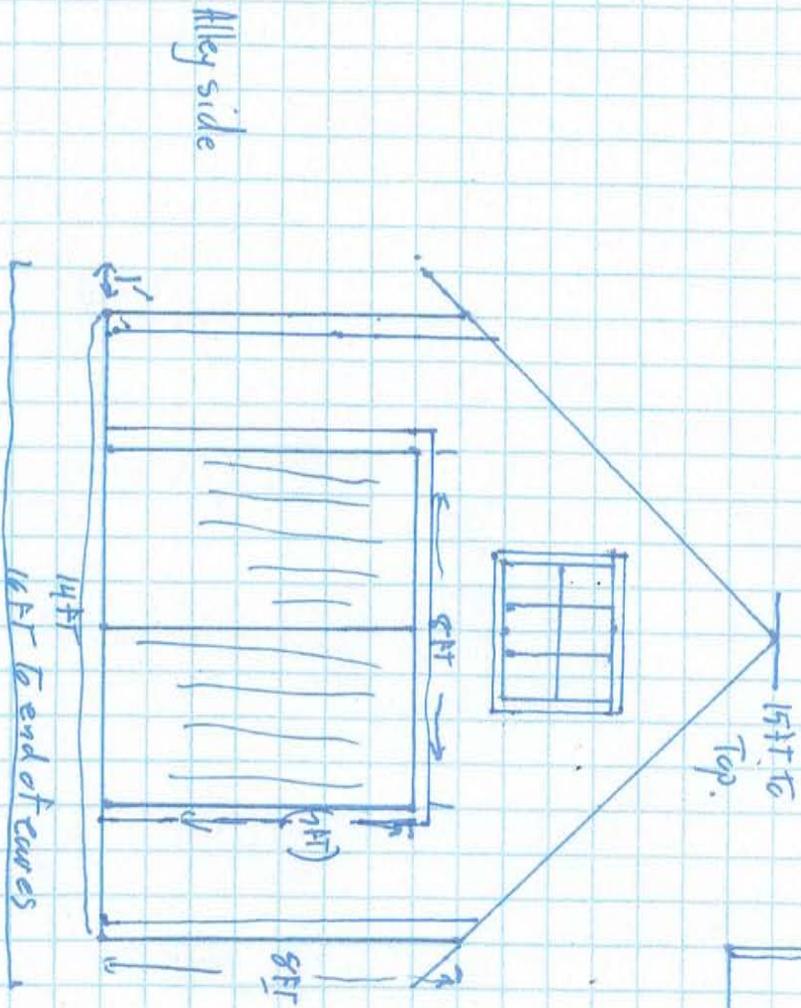
We are requesting the variance in location because if we moved the building to where the zoning permits, we would not be able to lengthen it, because of the location of the walnut tree, which would block the doors. In addition, we would lose the use of a substantial portion of our back yard.





317 S. Jackson St

Proposed new shed construction - similar to approved reconstruction but 1" taller and 2" wider.



South and East Sides are plain vertical board

Building - corrugated steel roof

- vertical 10" board siding
- concrete foundation
- electricity
- Both side door and north doors vertical board construction
- Window on north side 6 panes approx. 28" by 36"
- Framing at corners, window and doors 1" x 4"

**LOT NUMBER SIX (6) IN PROSPECT HILL ADDITION  
TO THE CITY OF BLOOMINGTON, INDIANA  
(PLAT CABINET B, ENVELOPE 25)**

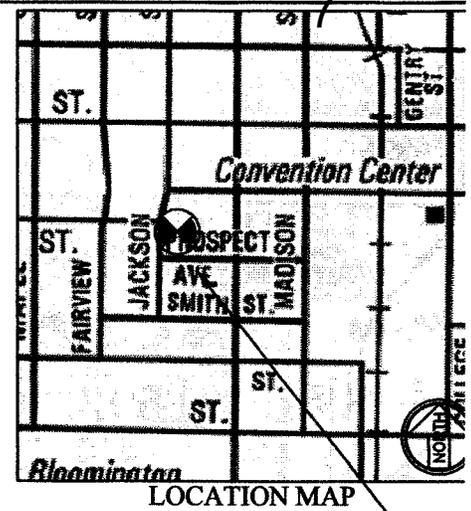
**NOTES:**

- 1) 5/8" Rebar will be set at all property corners.
- 2) Fieldwork completed September 2012.
- 3) Basis of bearing (Assumed).
- 4) Source of title Now or Formerly owned by Dirk Fraser & Leah Shopkow Deed Record 399, Pg. 144 as found in the office of the Monroe County Recorder.
- 5) Reference is made to a plat survey of Prospect Hill Addition as found in Plat Cabinet "B", Envelope 25 in the office of the Monroe County Recorder.
- 6) I affirm, under penalty for perjury, that I have taken responsible care to redact each Social Security Number in this document, unless required by law.

- ERIC L. DECKARD

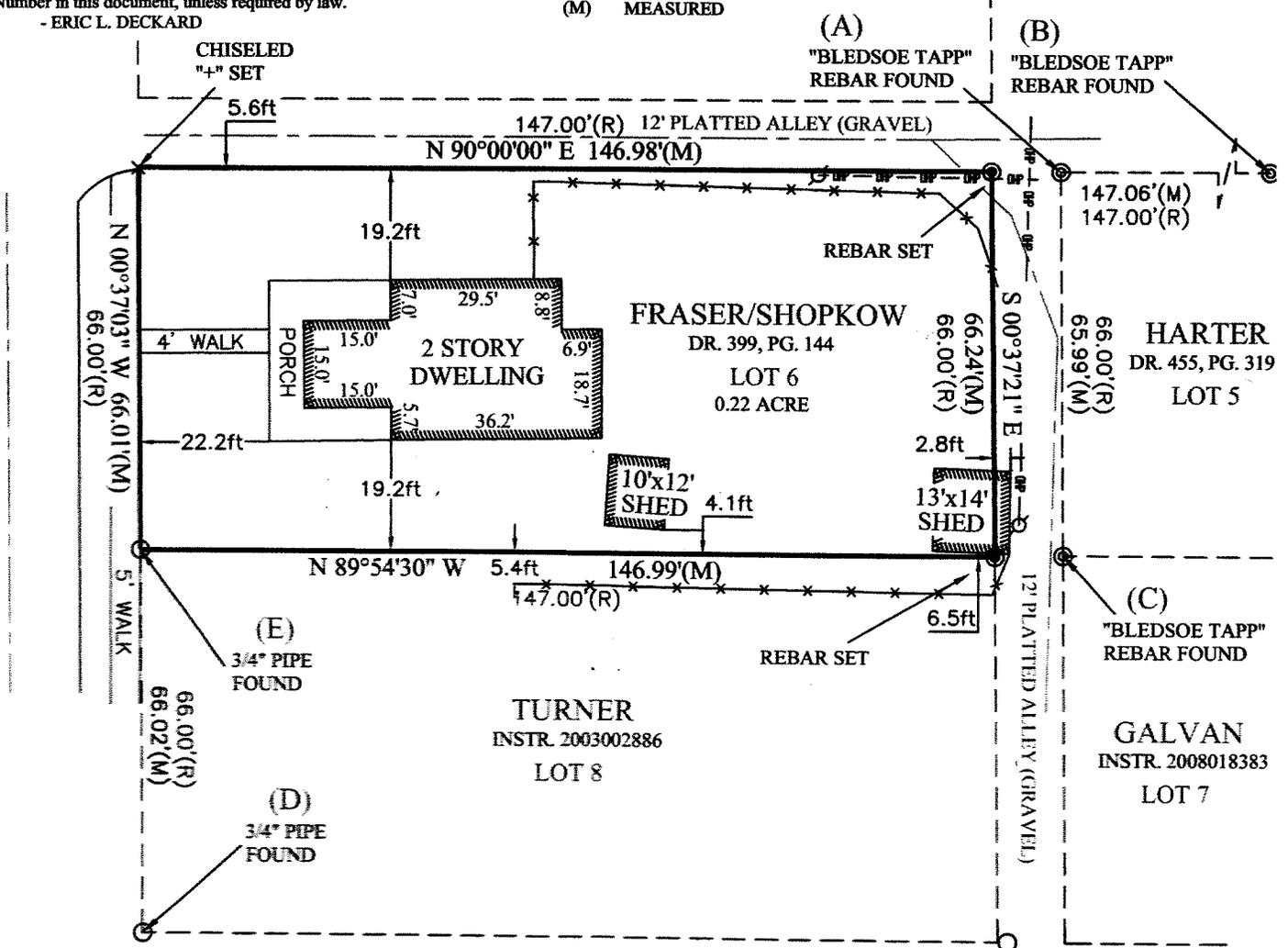
**LEGEND**

- STONE FOUND
- UTILITY POLE
- ⊙ REBAR FOUND
- ⊙ REBAR SET
- × CHISELED "+" SET
- ⊗ RR SPIKE FOUND
- PIPE FOUND
- x — x — FENCE
- △ MAG SPIKE SET
- (R) RECORD
- (M) MEASURED



LOCATION MAP

PROJECT LOCATION



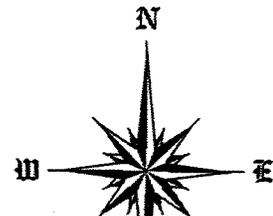
**CERTIFICATION**

The within survey was performed without benefit of source of title and is subject to any statement of facts revealed by the same.

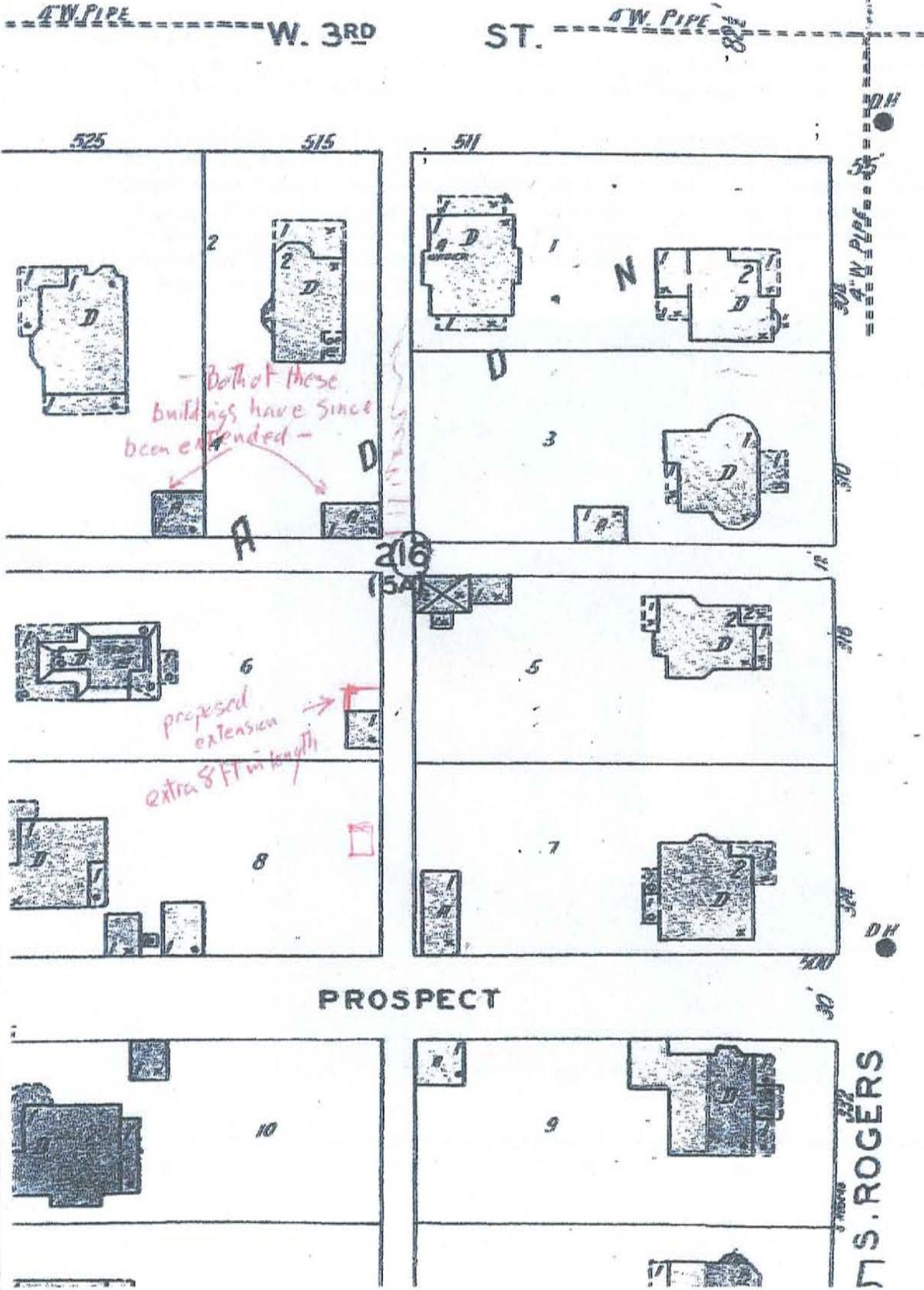
Easements have been located in the field and prepared with this survey drawing. This qualification will be removed upon receipt and inspection of current title work.

Subject to the above reservation, the survey work shown hereon was performed either by me or under my direct supervision and control and to the best of my knowledge and belief

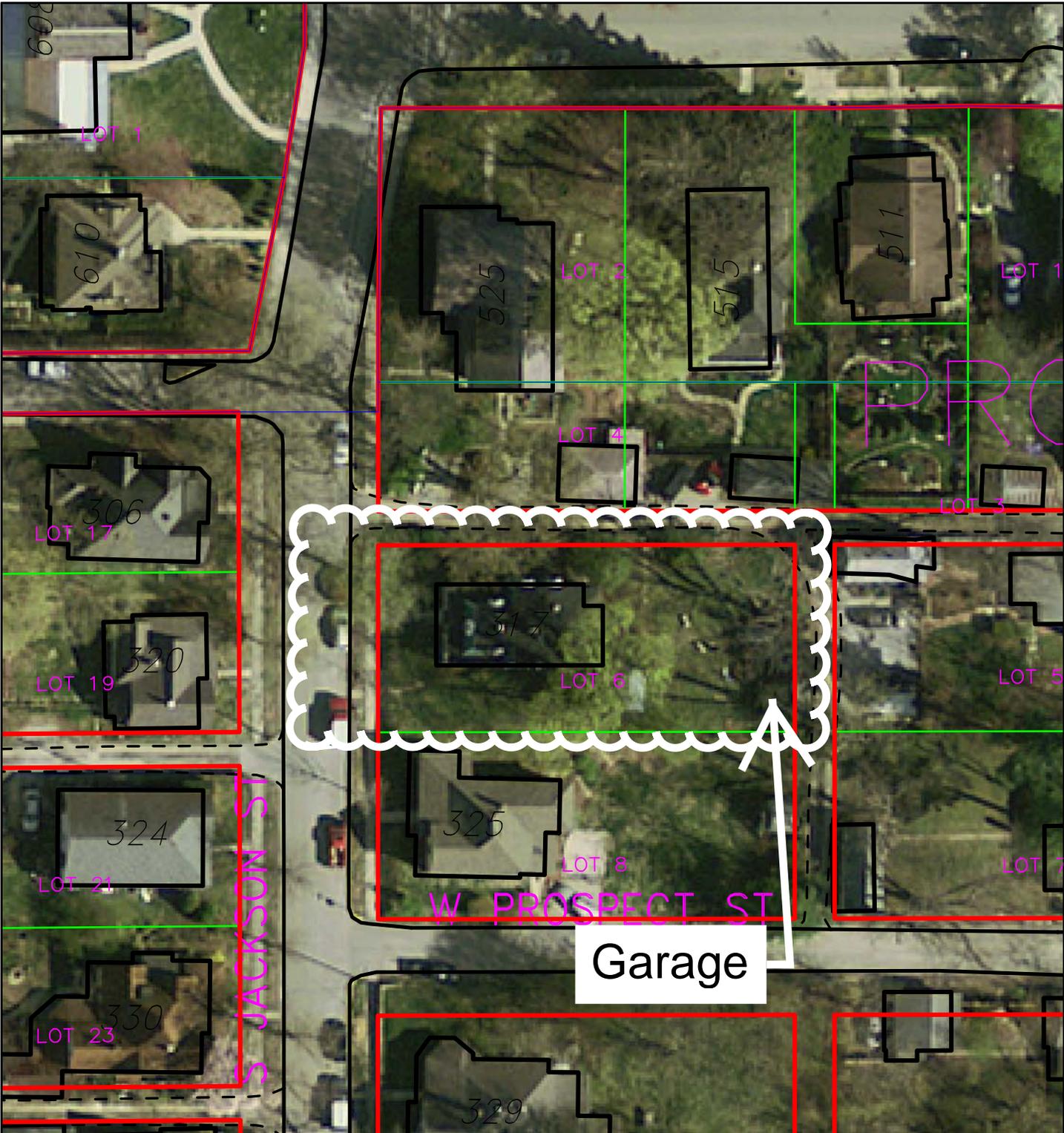
V-52-12  
Survey



April 1927 Sandborn Fire map.

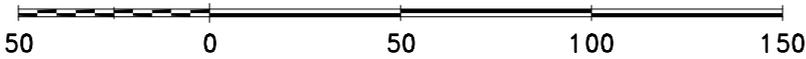


V-52-12  
1927 Sandborn Fire Map

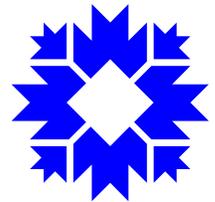


V-52-12  
2011 Aerial Photo

By: roachja  
20 Nov 12



City of Bloomington  
Planning



Scale: 1" = 50'

For reference only; map information NOT warranted.

**BLOOMINGTON HEARING OFFICER**  
**STAFF REPORT**  
**Location: 2230 N. Martha Street**

**CASE #: CU/V-53-12**  
**DATE: November 28, 2012**

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**PETITIONER: Seventh-Day Adventist Church**  
**2230 N. Martha St., Bloomington**

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**REQUEST:** The petitioner is requesting conditional use approval to allow a place of worship in a Residential Single Family (RS) district. Also requested is a variance from the front building setback for a covered porch.

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**SITE DESCRIPTION:** This property is located at the northeast corner of N. Martha Street and the State 45/46 Bypass and is located in a Residential Single Family (RS) zoning district. Surrounding land uses are single family houses to the north, east, and west and multi-family and commercial uses to the south. The property has been developed with a church and parking lot.

The petitioner is proposing a 108 square foot covered porch addition over an existing concrete slab. The porch would be to the south of the existing church and have a 91 foot setback from the Bypass.

Places of worship are allowed in the RS district as conditional uses. The Seventh-Day Adventist Church is requesting a conditional use approval for this expansion. Additionally, the petitioner is requesting a variance from the front yard setback along the Bypass. The minimum front building setback in the RS district is 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. There is only one other primary structure on the same block face on the Bypass. That structure has a front setback of approximately 124 feet from the right-of-way. Therefore, the church is not able to expand to the south without a variance.

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## **Criteria and Findings for Conditional Use Permits**

### **20.05.023 Standards for Conditional Use Permits**

No Conditional Use approval shall be granted unless the petitioner shall establish that the standards for the specific Conditional Use are met and that the following general standards are met.

- 1. The proposed use and development must be consistent with the Growth Policies Plan and may not interfere with the achievement of the goals and objectives of the Growth Policies Plan;*

**STAFF FINDING:** Staff routinely encourages development that accomplishes the policy goal of "Compact Urban Form". It is especially important to promote infill development and usage of under-developed sites. The proposed development is consistent with what was envisioned with the adoption of the Growth Policies Plan (GPP). This site is designated "Urban Residential" by the GPP. The Urban

Residential land use policies states:

“Single family residential development is the primary land use activity for this category with some additional uses such as churches, schools, home occupations, and multifamily housing. For new development in Urban Residential areas, the GPP recommends:

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

This site is surrounded by a variety of uses, including multi-family and commercial. Staff finds that the placement of a place of worship in close proximity to several established residential neighborhoods on a Primary Arterial street is consistent with the goals of the GPP.

2. *The proposed use and development will not create nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights;*

**Staff's Finding:** The proposed covered porch addition will not create a nuisance. The impacts from noise, smoke, odors, vibrations, and lighting will not differ significantly from the existing place of worship.

3. *The proposed use and development will not have an undue adverse impact upon the adjacent property, the character of the area, or the public health, safety and general welfare;*

**Staff's Finding:** Staff finds no adverse impacts to the adjacent properties or character of the area as a result of this petition.

4. *The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, stormwater management structures, and other services, or that the applicant will provide adequately for such services;*

**Staff's Finding:** The existing church is well served currently, and the covered porch addition will not require any improvements to facilities or services.

5. *The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;*

**Staff's Finding:** The site is located on the Bypass, which is classified as a Primary Arterial street. Access is from N. Martha Street and will not be changed as a result of this proposal.

6. *The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance;*

**Staff's Finding:** There are several streams on the property, which will not be

impacted by the small addition, which will be built over an existing concrete pad.

7. *The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood.*

**Staff's Finding:** No hazard, hardship, or nuisance to the adjacent neighborhood is found.

8. *Signage shall be appropriate to both the property under consideration and to the surrounding area. Signage that is out of character, in the Board of Zoning Appeal's determination, shall not be approved.*

**Staff's Finding:** No signage has been reviewed with this request.

9. *The proposed use and development complies with any additional standards imposed upon the particular use by Chapter 20.05; CU: Conditional Use Standards.*

**Staff's Findings:** There are no additional standards for places of worship.

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## 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 that this variance will not be injurious to the public health, safety, morals, and 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 negative impacts from this proposal on the areas adjacent to the property. The church will still have a front setback of 91 feet and is buffered from the property to the west by evergreen trees and from the property to the east by distance and a stream.

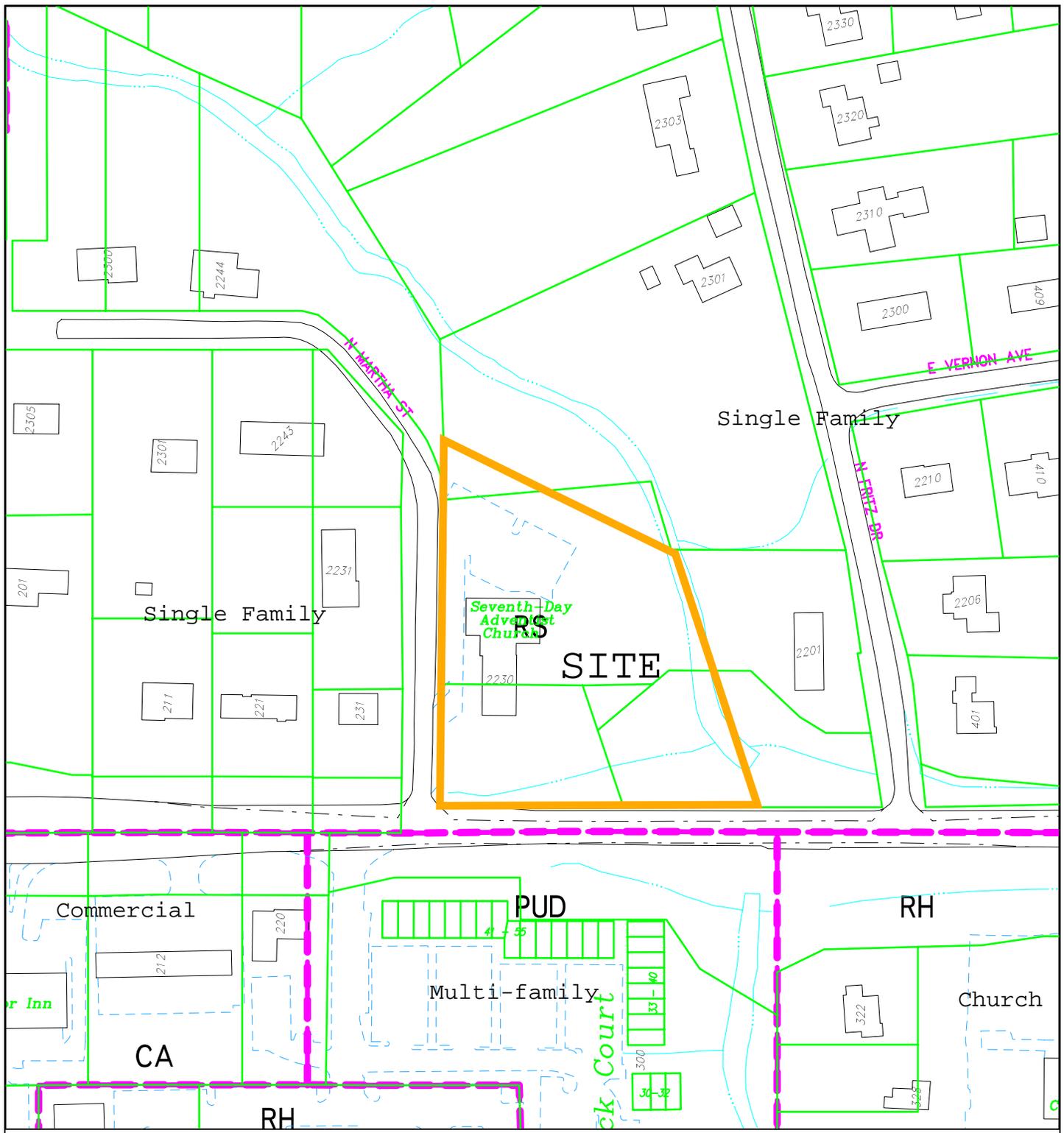
- 3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

**STAFF FINDING:** Staff finds peculiar condition in that there is only one other primary structure on the block face. Because the other existing structure is further from the right-of-way than the church, no expansion to the south side of the church is allowed without a variance. If the other structure did not exist, the

church would only be required to have a 15 foot front setback. The purpose of the block face average is to ensure that new development fits in with the pattern of the existing neighborhood. The two structures are approximately 270 feet away from one another, and the covered porch addition will still result in a 91 front foot setback so the church will not disrupt existing development patterns.

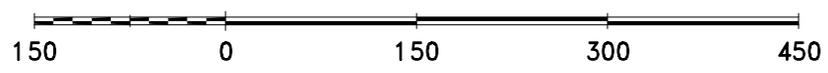
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**RECOMMENDATION:** Staff recommends approval of CU/V-53-12.

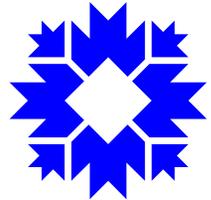


CU/V-53-12  
 2230 N. Martha St.  
 Seventh-Day Adventist Church  
 Land Use and Zoning Map

By: bannok  
 8 Nov 12



City of Bloomington  
 Planning



Scale: 1" = 150'

For reference only; map information NOT warranted.

Christopher Saylor  
2801 N-Walnut Street #7  
Bloomington IN 47404  
October 29, 2012

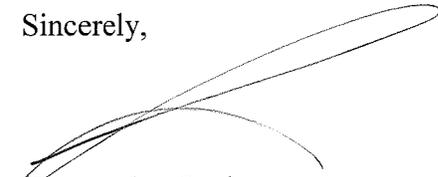
City of Bloomington Planning Department  
Board of zoning appeals  
401 N Morton Street  
Bloomington IN 47404

To whom it may concern:

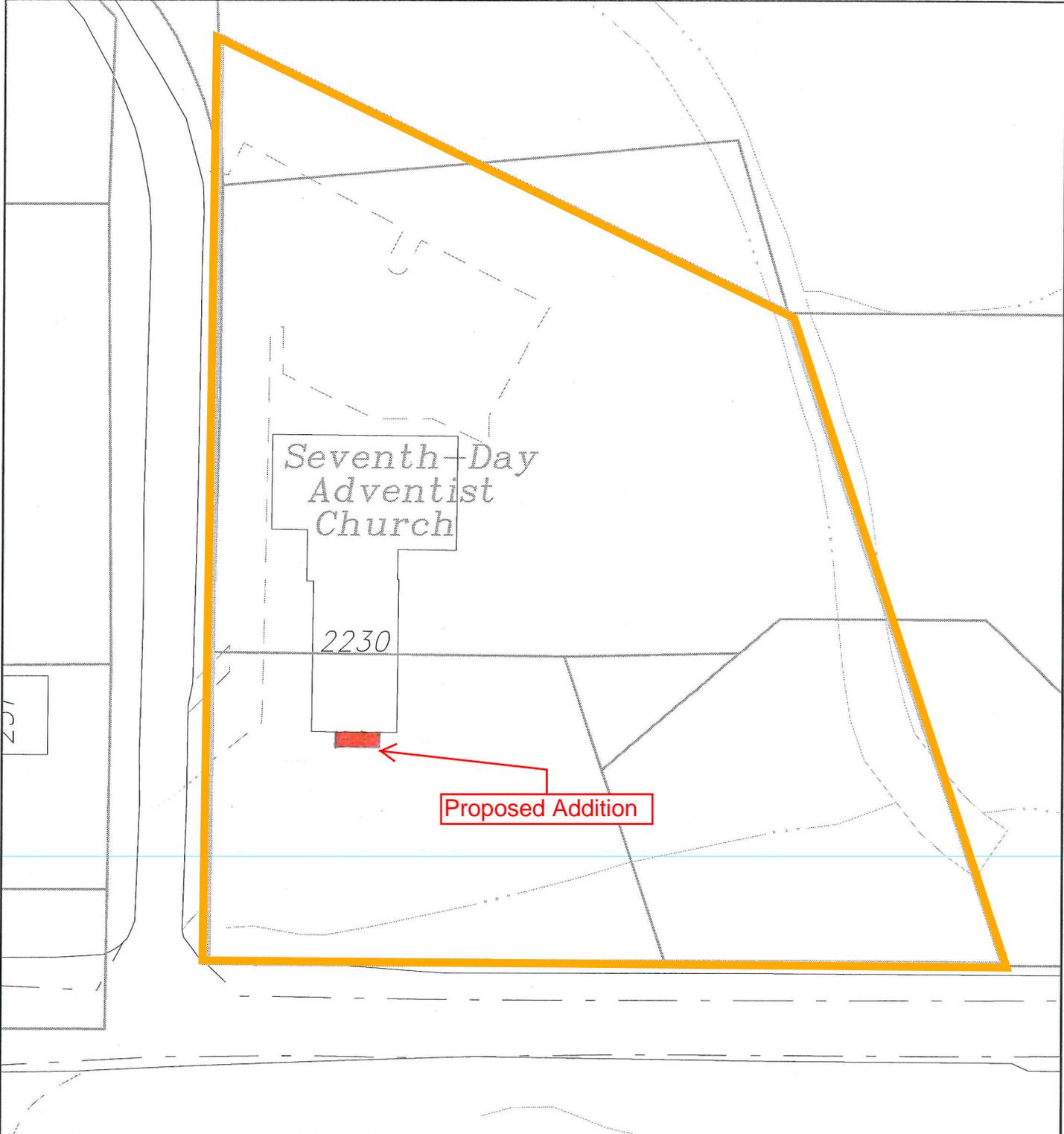
This petition is for a conditional use variance and a set back variance concerning the porch covering at Seventh Day Adventists Church 2230 N Martha Street Matlock Heights Partial Lots 17 & 18 in Bloomington IN.

The building sits on combined lots of approximately 1.8 acres at the North East corner of Martha Street and 45/46 bypass. The property is surrounded by single family dwellings on the North, West and East sides and the South Side is multi family apartment units. The building is currently used as a church and will continue to be used as such. The addition of the porch roof will not change current use or accessibility. There are no foreseeable issues with environmental changes or drainage because I won't be disturbing any ground during the project.

Sincerely,

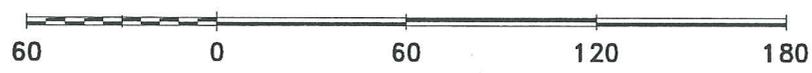


Christopher Saylor



CU/V-53-12  
Site Plan

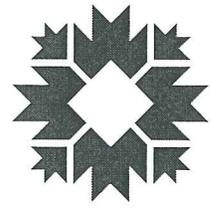
By: bannonk  
20 Nov 12



For reference only; map information NOT warranted.

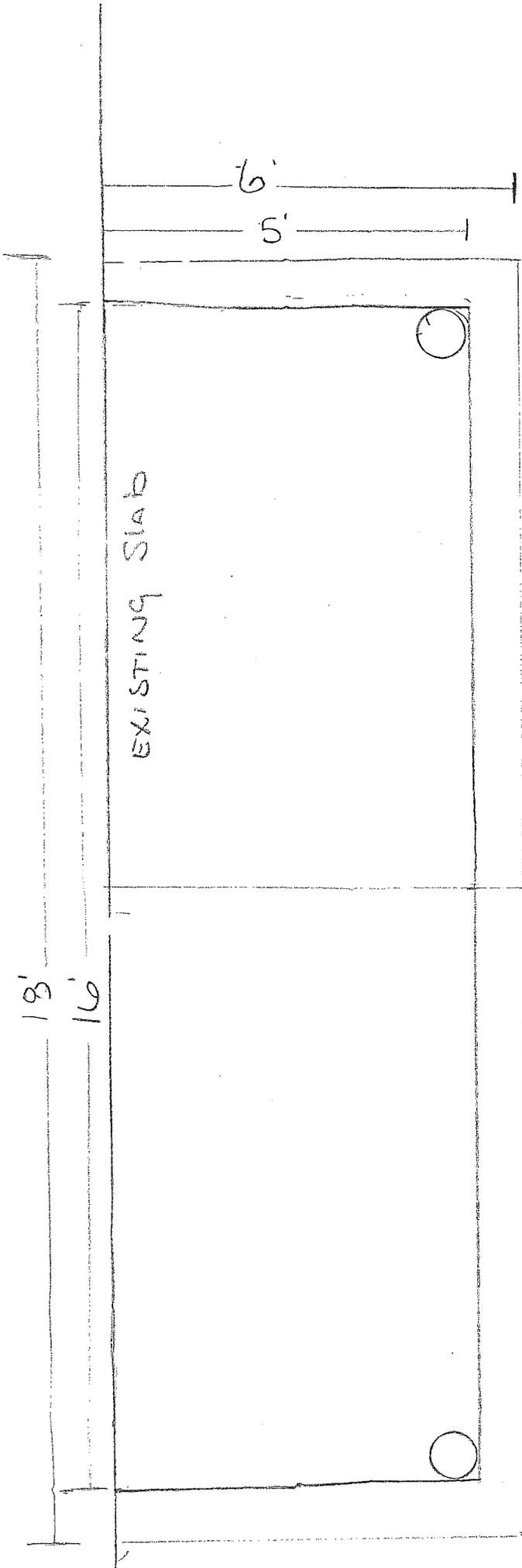


City of Bloomington  
Planning

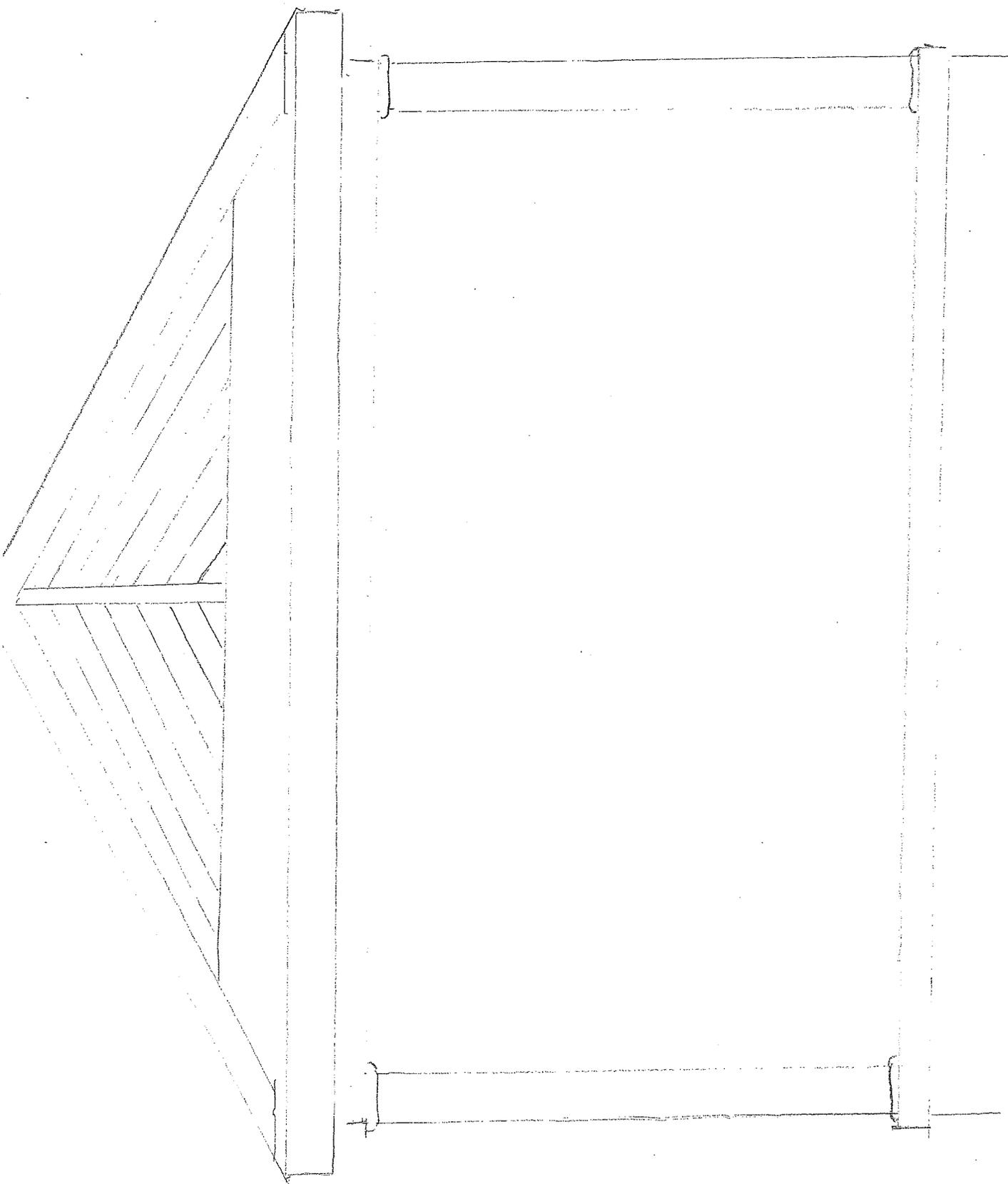


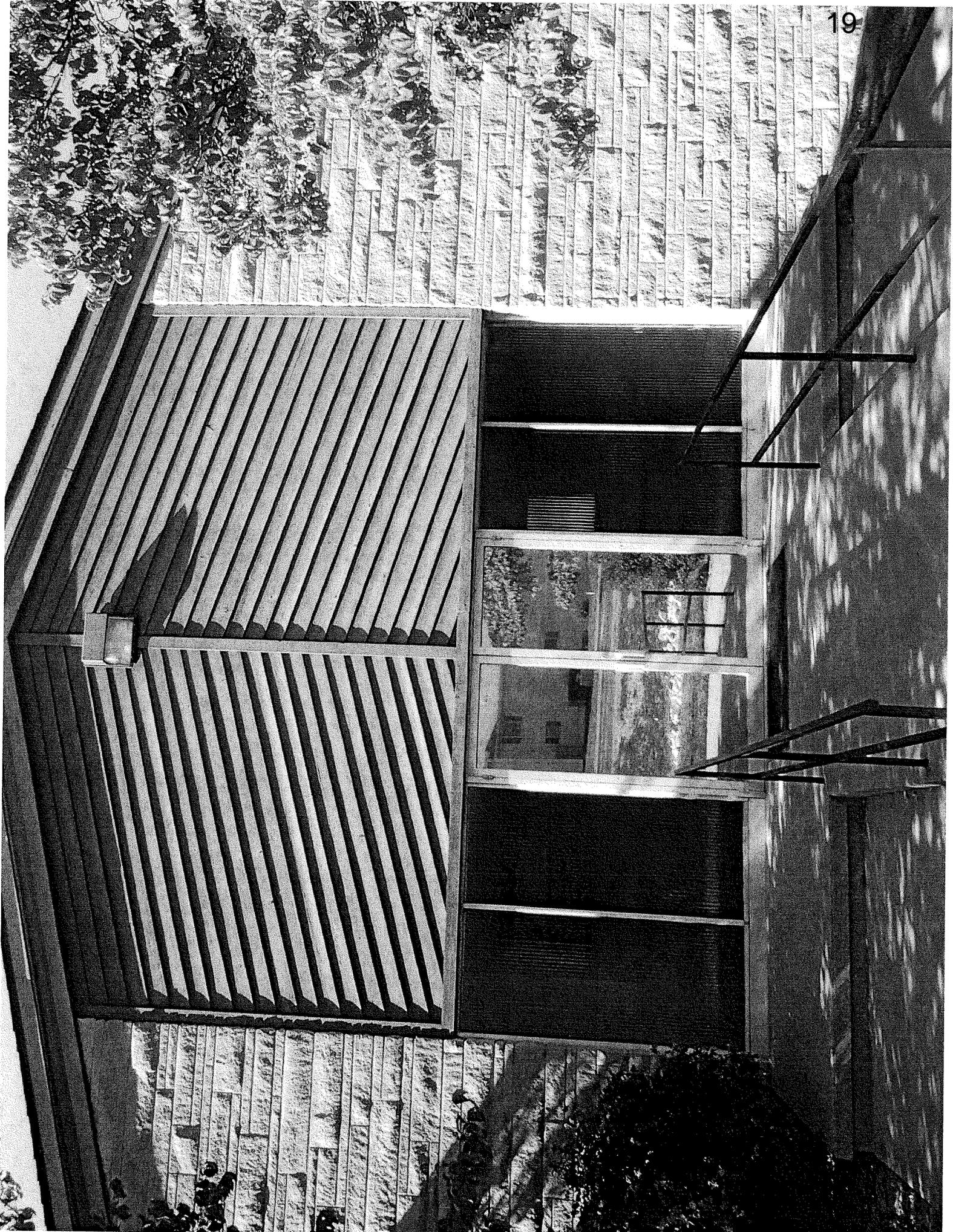
Scale: 1" = 60'

BUILDING



- 2x8 RAFTERS 24"OC
- 3-2x8 BEAMS
- 5/8 OSB DECKING
- 8" FIBERGLASS PANELS





View looking west

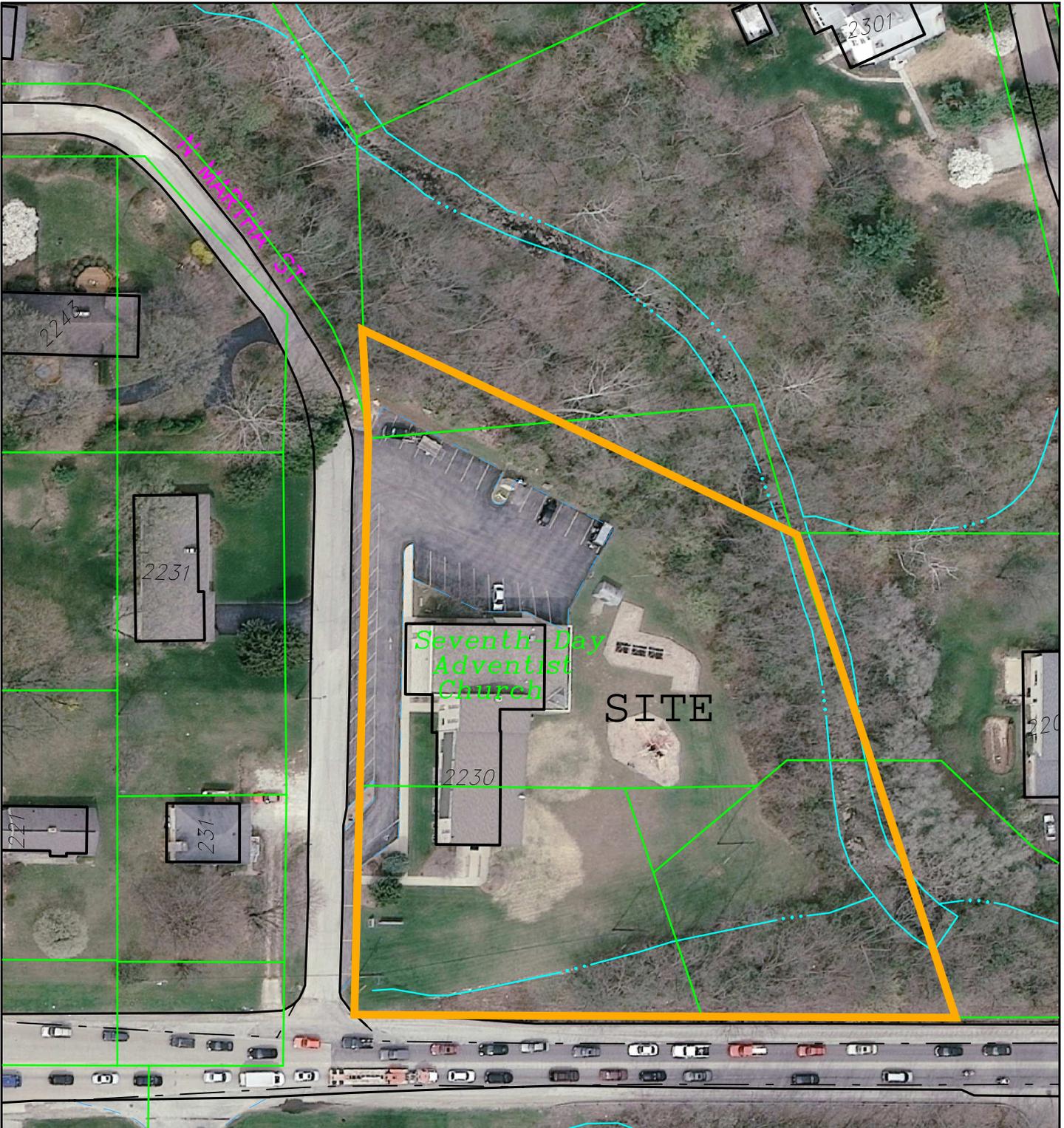


Existing south elevation



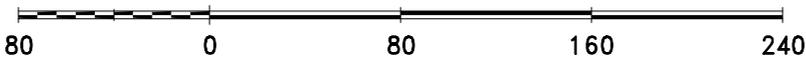
View Looking east



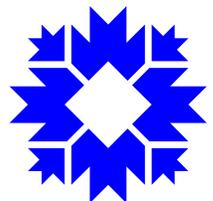


CU/V-53-12  
 2230 N. Martha St.  
 Seventh-Day Adventist Church  
 2010 Aerial Photo

By: bannonk  
 8 Nov 12



City of Bloomington  
 Planning



Scale: 1" = 80'

For reference only; map information NOT warranted.

**BLOOMINGTON HEARING OFFICER  
STAFF REPORT  
LOCATION: 316 E. University Street**

**CASE #: V-54-12  
DATE: November 28, 2012**

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**PETITIONER:** Khatchadour Palandjian  
PO Box 744, Bloomington

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**REQUEST:** The petitioner is requesting a variance from maximum density standards to allow a remodel of an existing apartment building.

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**REPORT SUMMARY:** The petitioner owns an existing apartment building located on the south side of E. University Street, midblock between S. Lincoln Street and S. Grant Street. The property is zoned Residential Multi Family (RM). This is an older apartment building that was developed with the following apartment breakdown:

Number of Units	Unit Type	DUE	Total Bedrooms
4	Eff	.8	4
9	1BR	2.25	9
2	2BR	10.05	4
15	3BR	2	30
30 Total Units		15.1	47 Total Bedrooms

At some time in the past, the petitioner remodeled the structure. The remodel resulted in the combination of two of the efficiency units being combined with two of the 2 bedroom units. Therefore the number of units was reduced by two and the number of bedrooms remained unchanged. Therefore the structure currently has 28 units and 47 bedrooms. To allow the units to remain as they are, a variance is necessary to legitimize a small increase in the density. Although the changes to the structure did not increase the number of bedrooms or occupants, the Dwelling Unit Equivalencies requirements increase the number of DUEs on the property from 15.1 to 15.36 units. This changes the overall density from approximately 28.02 un/ac to 28.13 un/ac. Staff finds this increase to be negligible in impacts, especially since the number of bedrooms did not increase.

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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. The alterations to the property were made several years ago with no impact to the number of bedrooms or occupants. The increase in density is only 0.11 units an acre.

- 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.*

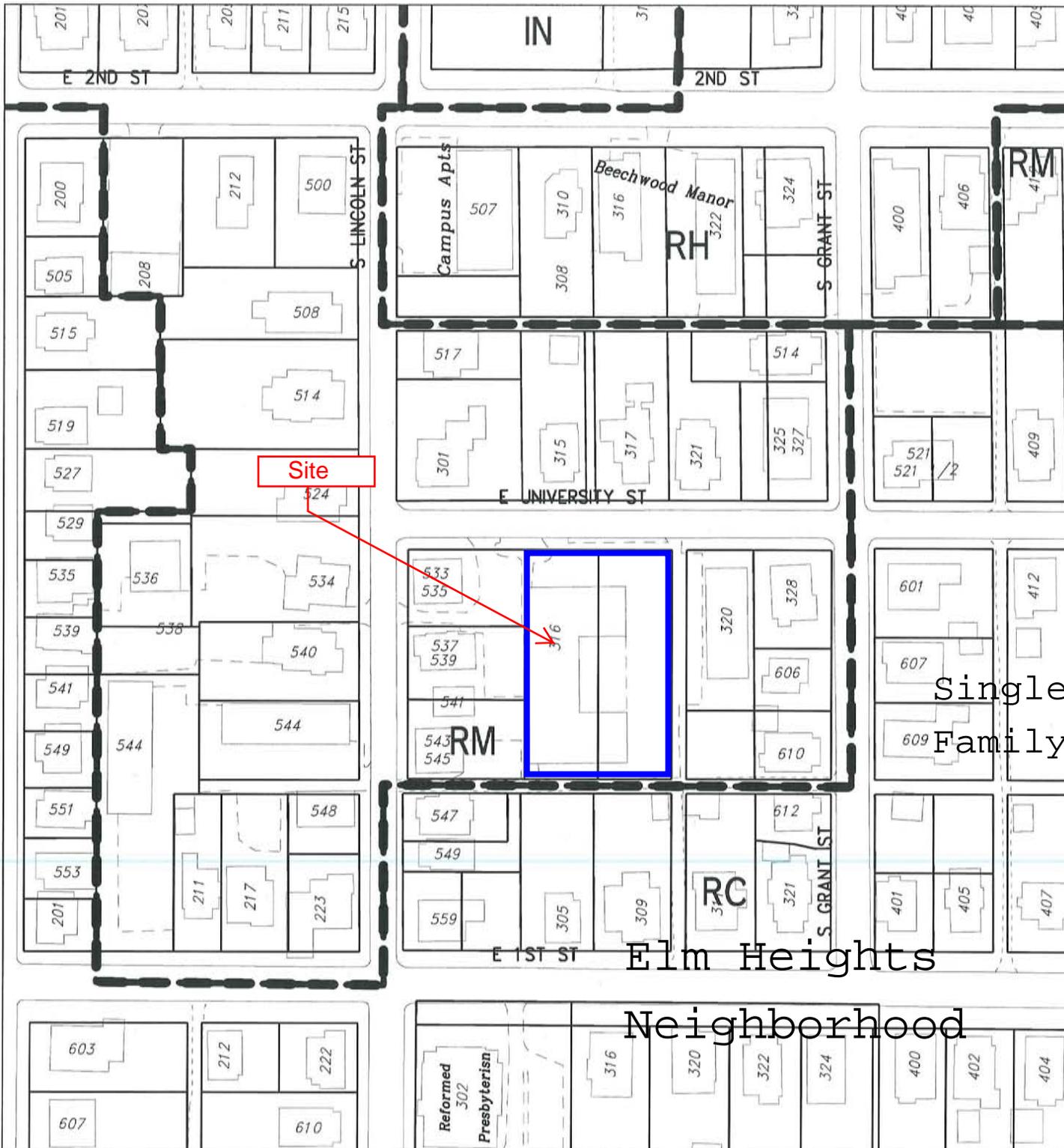
**STAFF FINDING:** Staff finds no adverse impact to the surrounding area. Staff has discussed this proposal with several surrounding property owners and received no negative feedback. The exterior and the use of the property are not changing with this request. Again, the number of bedrooms and occupants is not increasing and there will not be any 4 or 5 bedroom units approved with this request. These higher bedroom units are typically associated with increased neighborhood issues.

- 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 practical difficulty and peculiar condition with the negligible increase in density that has been proposed. This is an unusual situation where the alterations were made many years ago and have had no known measurable impacts. Staff finds that forcing the units to be reverted to their previous configuration will not serve specific community good, or reduce the impacts of the structure.

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



Site

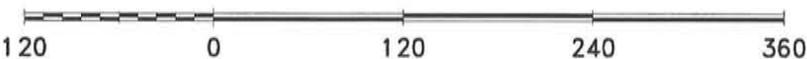
Single Family

Elm Heights

Neighborhood

V-54-12  
Location/Zoning Map

By: shayp  
20 Nov 12



For reference only; map information NOT warranted.

City of Bloomington  
Planning



Scale: 1" = 120'



## PETITIONER'S STATEMENT

Petitioner requests a Design Standard's Variance. The property consists of 28 apartments in a single building zoned multi-family. As originally constructed and used, the building consisted of 9 one bedroom apartments; 4 efficiency apartments; 2 three bedroom apartments and 15 two bedroom apartments. Approximately 10 years ago, the property manager remodeled 4 interior units combining two of the four efficiency apartments with two of the two bedroom apartments reducing the total apartment count to 28 and maintaining the same bedroom count. However, when the apartment building was originally constructed, the zoning ordinance calculated density based on the number of apartments. Under the UDO, the density is calculated based on dwelling unit equivalents ("DUE"). The assigned DUE value to an efficiency apartment is .33 DUE and the value for a two bedroom apartment is .60 DUE. A three bedroom apartment is assigned the standard DUE of 1. The effect of combining an efficiency apartment with a two bedroom apartment into a three bedroom apartment creates a DUE of 1, whereas the separate efficiency apartment and two bedroom apartment had a combined DUE of .93. The effect of the remodeling which combined 4 units into 2 units calculated under the DUE provision of the UDO increased the density by .28 DUE, although the total number of apartments was reduced by 2 and the bedroom count remained the same.

The remodeling of the apartment building and conversion of 4 separate apartments into 2 three bedroom apartments does not increase the occupancy load on the building. It does not increase the parking demand or requirement for parking. No exterior change has been made to the property. The building use by appearance and external impacts remain unchanged.

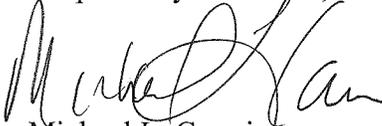
This request for variance is made necessary as a result of cycle inspections by the Housing and Neighborhood Development Program. Previous inspections continued to note 30 apartments and issued a certificate of occupancy based on 30 apartments. The inspection for the previous occupancy permit listed the apartments, which totaled only 28, although the occupancy permit continued to list 30 apartments. The change in the conversion of 4 apartments to 2 apartments was not noted.

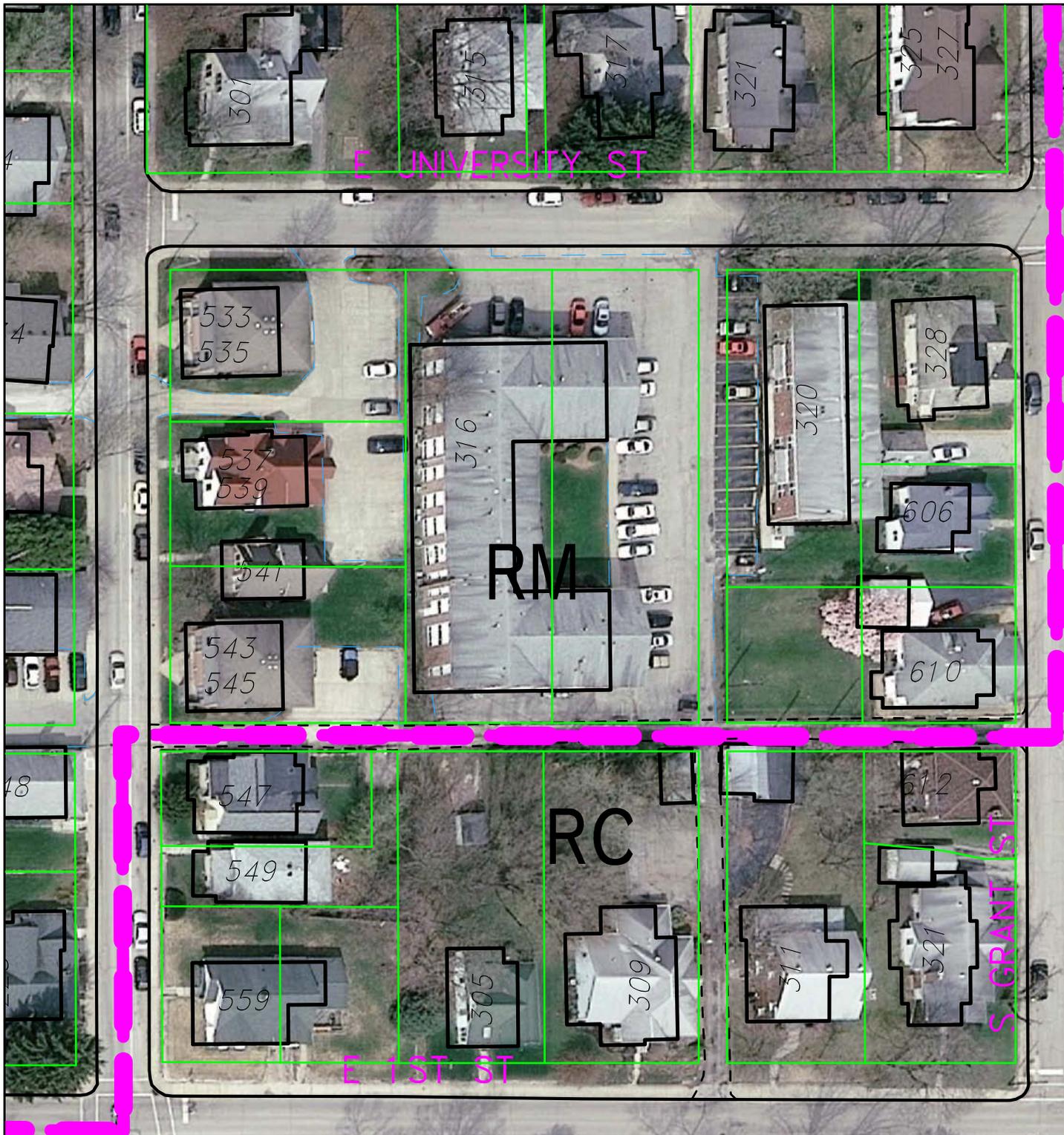
In the most recent cycle inspection for issuance of an occupancy permit, the specific apartment count was finally noted. There are no complaints by any occupant of the building or any neighbor with regard to the conversion and change in apartment configuration.

Under the prior ordinance, the conversion of 4 apartments to 2 apartments and the reduction of the overall apartment count would have been a reduction of density. The application of the dwelling unit equivalent concept in the UDO changes the calculation and renders the conversion of the 4 apartments to 2 apartments as an increase in density notwithstanding the same bedroom count and occupant load on the property.

Petitioner requests a Design Standards Variance to allow the conversion of the 4 apartments to 2 to remain.

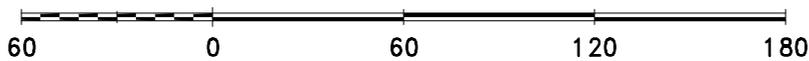
Respectfully submitted,

  
Michael L. Carmin  
Attorney for Petitioner

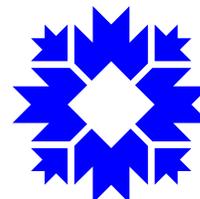


V-54-12 Khatchadour Palandjian  
 316 E. University  
 Site plan/Aerial Photo

By: shayp  
 20 Nov 12



City of Bloomington  
 Planning



Scale: 1" = 60'

For reference only; map information NOT warranted.