

CITY OF BLOOMINGTON



JANUARY 9, 2013 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON
HEARING OFFICER
January 9, 2013 at 2:00 p.m.

*Kelly Conference Room #155

FORWARDED TO: The Board of Zoning Appeals (Meeting Date: 2/14/13)

- V-59-12 **Bloomington Public Transportation Corp. (BT)**
301 S. Walnut St.
Request: Variance from wall height and driveway standards for a transportation terminal.
Case Manager: Jim Roach

PETITIONS:

- V-58-12 **Joseph Fitzgerald**
212 S. Rogers St.
Request: Side yard setback variance to allow a second story addition.
Case Manager: Katie Bannon
- V-60-12 **Michael Korus**
120 E. Dixie St.
Request: Variances from minimum lot area and side yard setback standards.
Case Manager: Patrick Shay

PETITIONER: Joseph Fitzgerald
3790 Inverness Farm Road, Bloomington, IN 47401

CONSULTANT: Paul Engle, Blue Line Building and Design
3729 N. Easy Street, Bloomington, IN 47404

REQUEST: The petitioner is requesting a variance from the side yard setback standards to allow a second story addition to an existing commercial building.

REPORT SUMMARY: The subject property is located at 212 S. Rogers Street. It is zoned Commercial Downtown (CD) and is in the Downtown Edges Overlay District. The property has been developed with a two-story building, which was most recently used as a restaurant. The building currently has a zero-foot side setback to the south and a four-foot side setback to the north. The lot is long and narrow, approximately 141 feet long by 31 feet wide. Properties to the north and east are also zoned CD and used commercially or residentially. Properties to the south and west are zoned Residential Core (RC) and used primarily as single family houses.

The petitioner is proposing a 152 square foot second-story addition along the existing zero-foot side setback to the south. In the Downtown Edges Overlay District, the Unified Development Ordinance requires a minimum side setback of seven feet. The petitioner is requesting a variance from the required seven-foot side setback to construct the addition.

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 addition will not be injurious to the public health, safety, morals, or general welfare of the community. This area of the Prospect Hill Neighborhood has many structures with non-conforming setbacks. The property to the south of the subject property has a driveway next to the proposed addition area, enabling a reasonable level of light and air for this and surrounding structures.

- 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.*

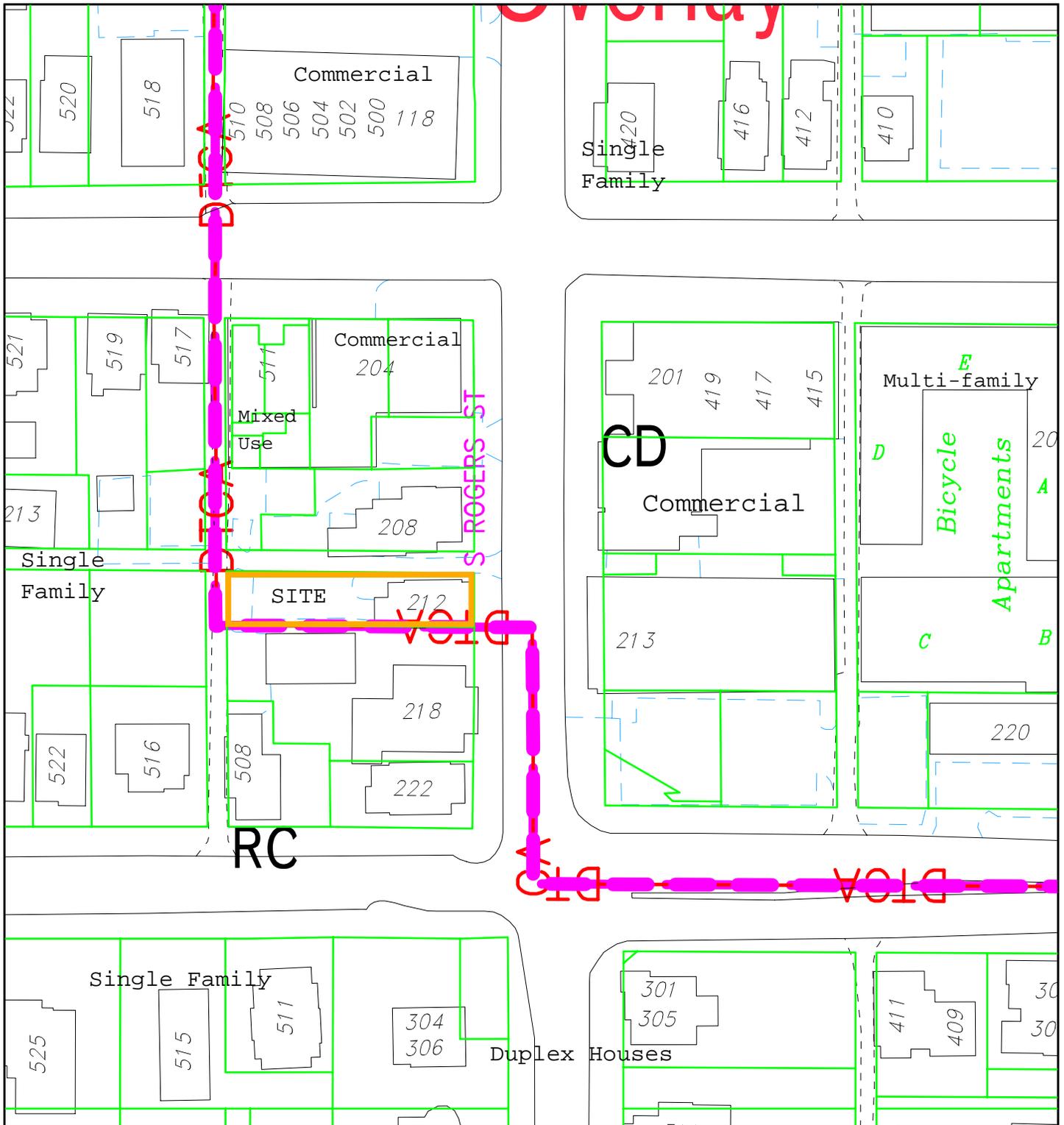
STAFF FINDING: Staff finds no adverse impacts to the use and value of the surrounding area associated with the proposed variance. The existing side setback is zero feet with no known negative impacts. The zero-foot side setback is consistent with the development pattern of the neighborhood. Every building on the same block face as the subject property has at least one zero-foot side setback. Staff has not received any calls of opposition from neighbors.

- 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 narrow lot and existing side setback present practical difficulties in the building of a second-story addition which meets the requirements of the UDO. This property is unique in that it was developed prior to modern zoning standards and is on a very narrow lot. A second-story addition aligned with the existing side setback will be more aesthetically appealing and historically appropriate than if it were forced to setback seven feet from the existing structure.

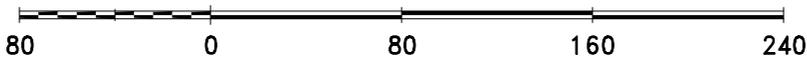
RECOMMENDATION: Based upon the written findings above, staff recommends approval of this petition with the following condition of approval:

1. A building permit is required prior to construction of the addition.



Land Use and Zoning Map
 V-58-12
 212 S. Rogers St.
 Joseph Fitzgerald

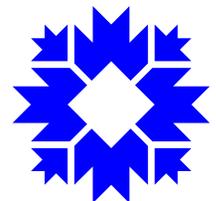
By: bannok
 3 Jan 13



For reference only; map information NOT warranted.



City of Bloomington
 Planning



Scale: 1" = 80'

BLUE LINE

building & design inc

December 13, 2012

To: City of Bloomington Planning Department/Hearing Officer

From: Paul Engle, President, Blue Line building & design inc (representing Joseph and Heidi Mariam Fitzgerald (property owners)

Re: Petition for variance of easement set-back for 212 S. Rogers Street Renovation

We respectfully ask for your consideration in granting a variance of the seven-foot easement set-back requirement for a proposed project at 212 S. Rogers St., Bloomington IN.

The subject structure is currently vacant and most recently housed a restaurant business known as The Owlery. It is the intent of the current owners, Joseph and Heidi Mariam Fitzgerald, to renovate the building to be used as an artists' studio, boutique, low-intensity retail store, professional office, and/or other permitted uses.

The proposed renovation of this building includes the structural rebuilding of the south exterior wall and foundation on the footprint of the existing wall. Also planned is the addition of a small second story dormer approximately 16'x9'6" that opens to the existing second story, the placement of which will not extend beyond the current extent of the building. The exterior finish will be painted fiber cement lap siding that has the similar appearance of most of the traditional homes in the vicinity. The existing building is 1578 square feet including the first and second story. The dormer addition will add 152 square feet, which is less than ten percent of the total existing space.

The structure sits on a deep and narrow lot approximately 34 feet wide and 145 feet deep. The property may be accessed from two alleys: one extends from east to west between Rogers St. and Jackson St., bordering the subject property, and the second access borders the property and extends south to north between Third St. and Fourth St. There is currently a four-car parking lot behind the building.

There are no recognized environmental issues or drainage problems, nor will the proposed construction have an effect on drainage.

The neighboring properties to the immediate north and south consist of former single-family dwellings that have been converted to multiple rental units. The Army-Navy Store and an early childhood academy are directly across Rogers St. to the east. Single-family residences and rental units are across the alley to the west.

This proposed addition and the new roofing, siding, and double-hung windows on the south exposure will vastly enhance the aesthetic appeal of the property. It is our hope that the City of Bloomington will recognize the described improvements as positive and grant this appeal.

Builder Member, NAHB, IHB, MCBA

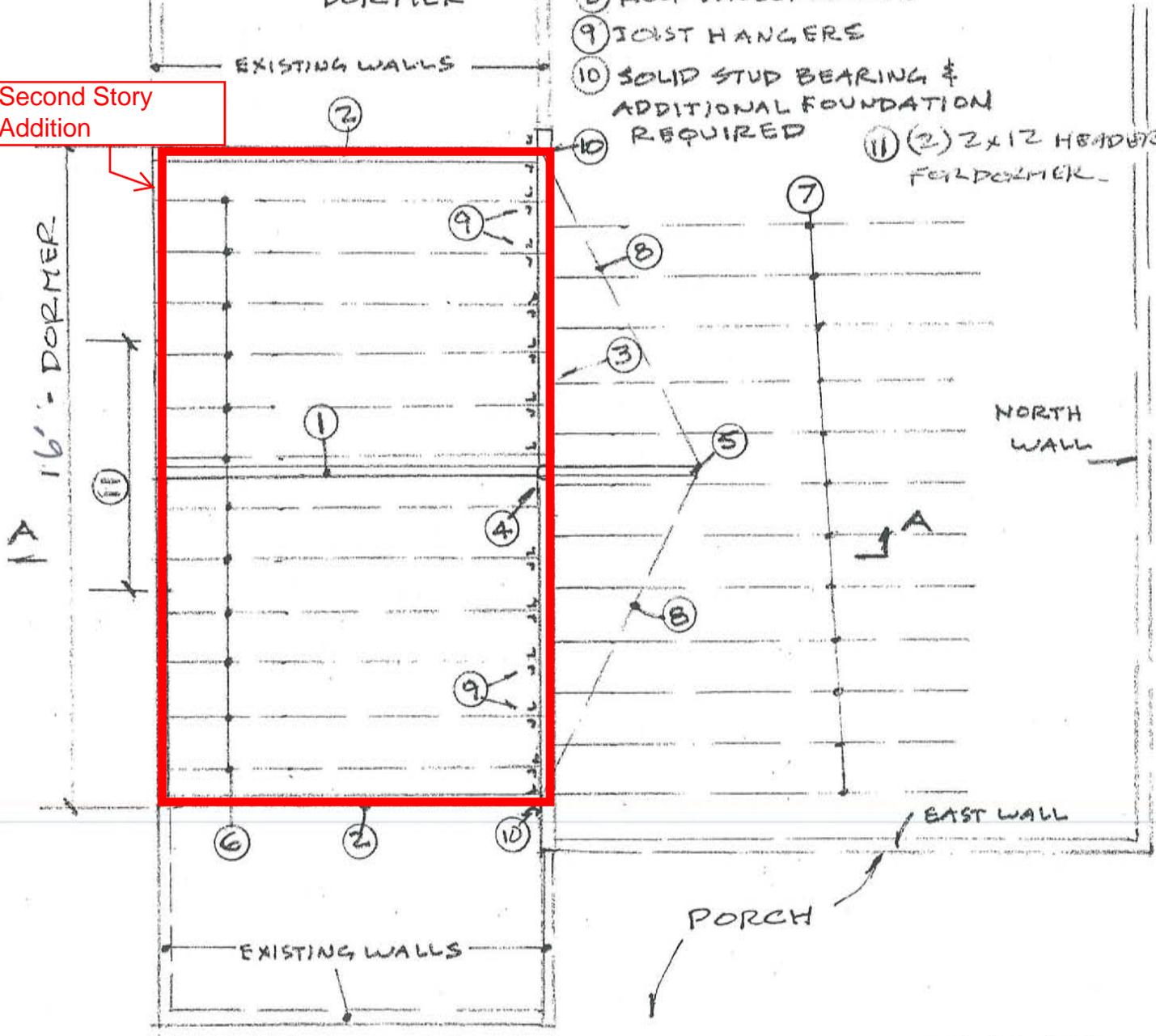
www.2blueline.com

3729 north easy street bloomington Indiana 47404 812 935-5071

- ① 3 1/2" x 9 1/2" LVL RIDGE BEAM
- ② 3 1/2" x 9 1/2" LVL IN BOTTOM OF DORMER WALL
- ③ 7" x 16" LVL BEAM OR (4) 1 3/4" x 16" LVL BEAM
- ④ 3" ø STEEL POST FROM RIDGE BEAM TO 7" x 16" LVL
- ⑤ EXTEND RIDGE BEAM TO ROOF VALLEY

- ⑥ 2x6 @ 12" OC OR 2x8 @ 16" OC FLOOR JOISTS
- ⑦ 2ND FLOOR JOISTS
- ⑧ ROOF VALLEY ABOVE
- ⑨ JOIST HANGERS
- ⑩ SOLID STUD BEARING & ADDITIONAL FOUNDATION REQUIRED
- ⑪ (2) 2x12 HEADER FOR DORMER

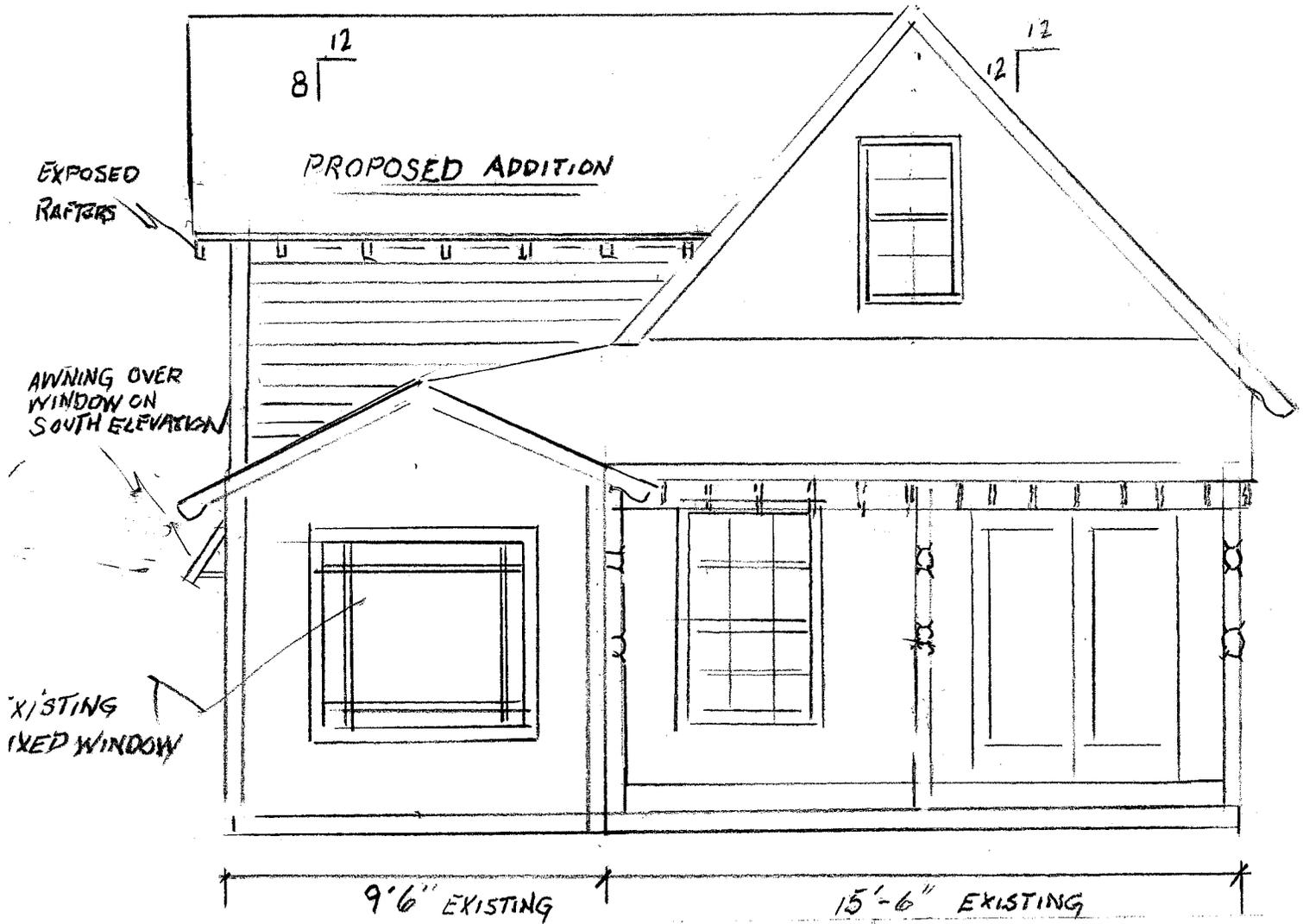
Second Story Addition



KEVIN B. POTTER
9/22/2012

V-58-12

FRAMING PLAN
BLUELINE BUILDING
S. ROGERS STREET
BLOOMINGTON, IN
6



EAST ELEVATION

Blue Line building & design inc.

Project: 212 S. ROGERS

Date: 11/19/12

Scale: 1/4" = 1'-0"

812 935-5071

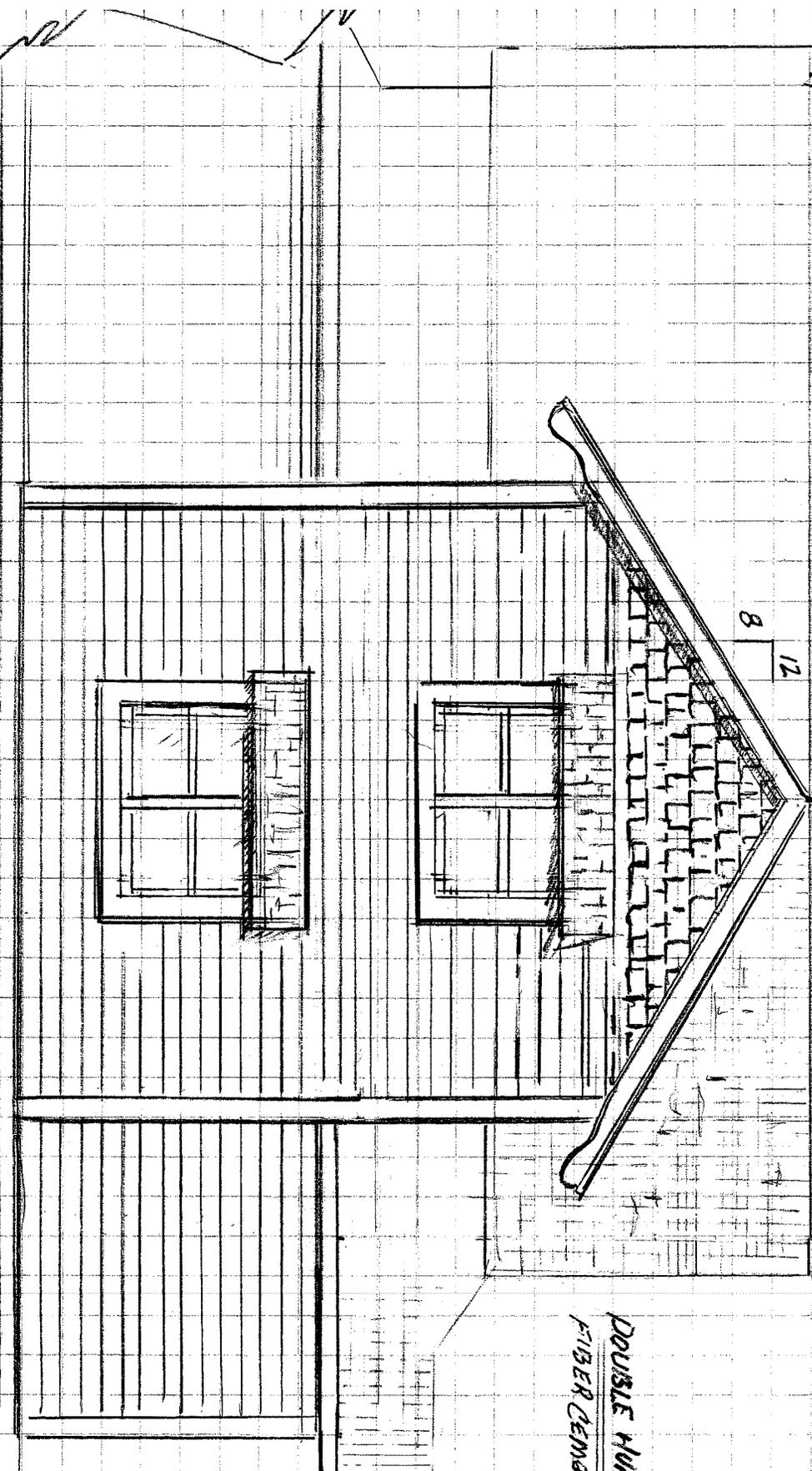
Blue Line building & design inc.

Project: 212 S RIVERS

Date: 11/25/12

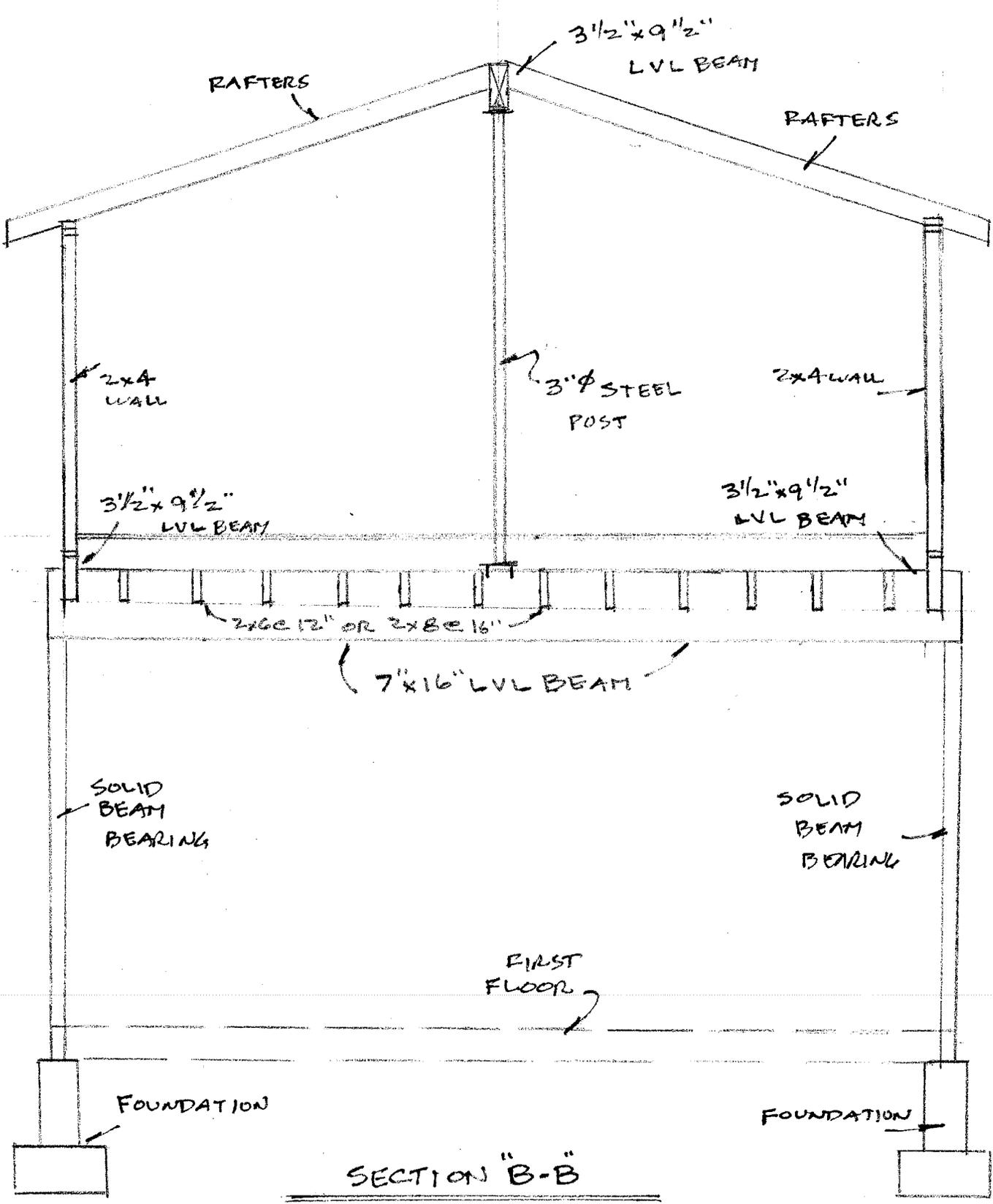
Scale: 1/4" = 1'-0"

812.935.5071



DOUBLE HUNG WINDOWS
FIBER CEMENT SIPING

KEVIN B. POTTER
9/22/2012
3/8" = 1'-0"

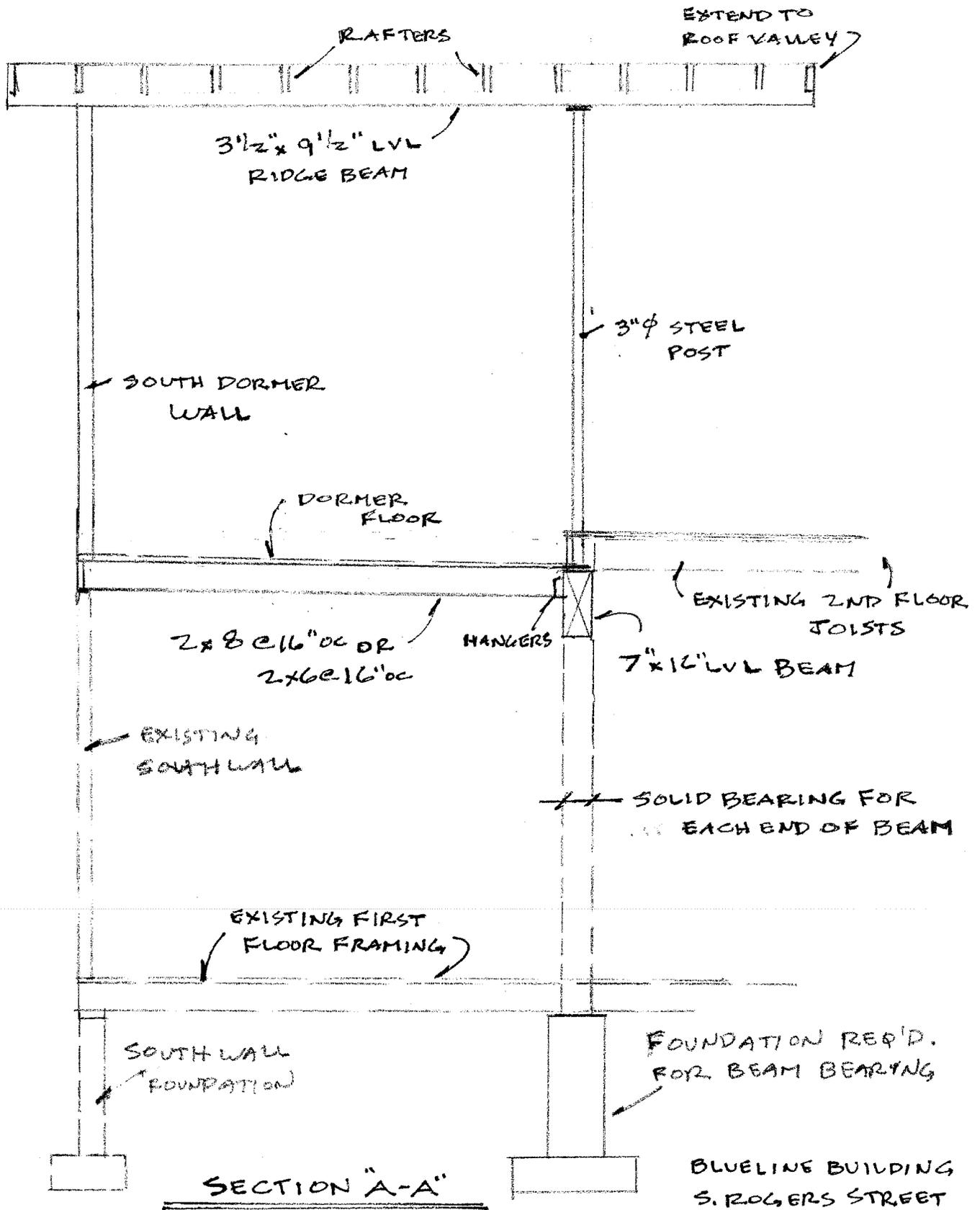


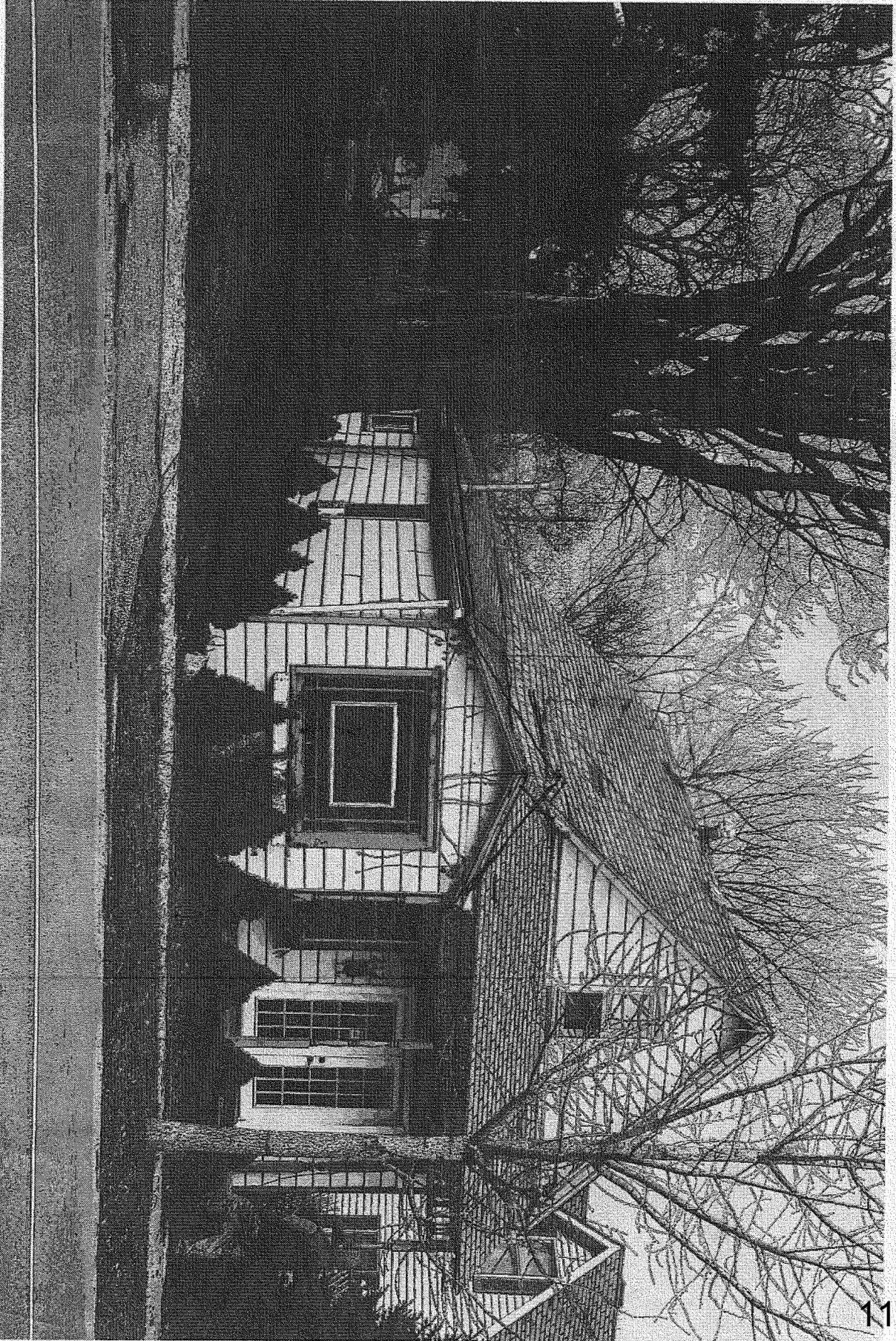
BLUELINE BUILDING
S. ROGERS STREET
BLOOMINGTON, TN

KEVIN B. POTTER

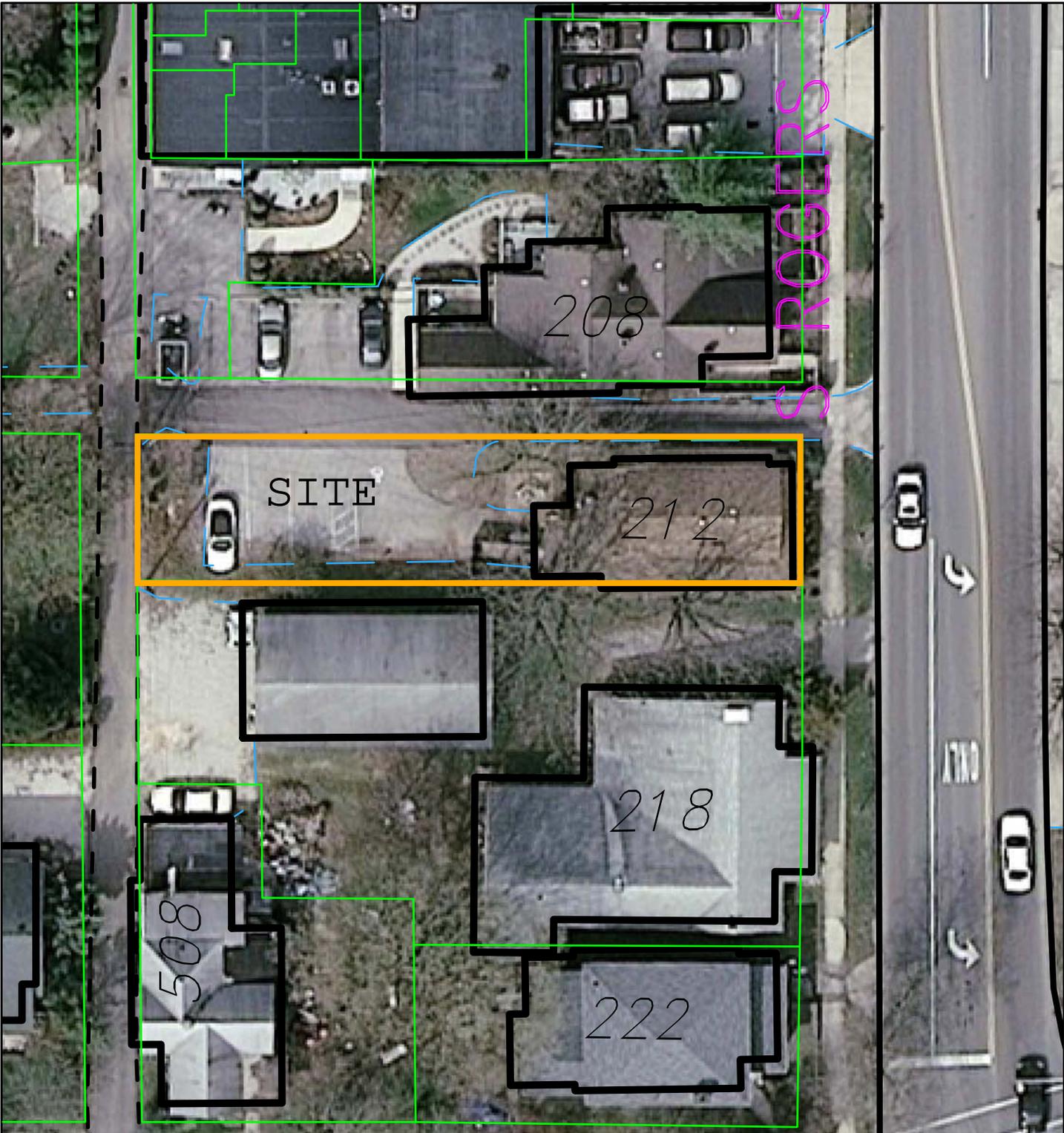
9/22/2012

$\frac{3}{8}'' = 1'-0''$



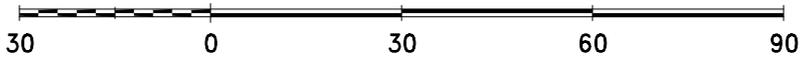


V-58-12
Photo of
Existing Building

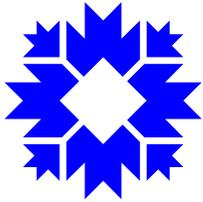


2010 Aerial Photograph
 V-58-12
 212 S. Rogers St.
 Joseph Fitzgerald

By: bannok
 3 Jan 13



City of Bloomington
 Planning



Scale: 1" = 30'

For reference only; map information NOT warranted.

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 120 E. Dixie Street & 900 S. Washington Street

CASE #: UV-60-12
DATE: January 9, 2013

PETITIONER: Michael Korus
120 E. Dixie St., Bloomington

REQUEST: The petitioner is requesting variances from maximum lot area and sideyard setback standards to allow a two-lot residential subdivision in a Residential Core zoning district.

Zoning:	RC
GPP Designation:	Residential Core
Existing Land Use:	Multi-family
Proposed Land Use:	Multi-family and Single Family
Surrounding Uses:	East – Mixed Residential (Bryan Park Neighborhood) South – Mixed Residential (Bryan Park Neighborhood) West – Commercial North – Mixed Residential (Bryan Park Neighborhood)

REPORT: The property in question is located at the southwest corner of E. Dixie Street and S. Washington Street. There are two existing structures on the property. The corner building (900 S. Washington) has two, 1 bedroom units and the second structure (120 E. Dixie) has a single unit with 3 bedrooms. The property received variances in 1990 to allow the single unit structure to be relocated from a downtown location to this lot. The property was zoned multi-family (RM) at that time and allowed for multiple units on the property.

The petitioner purchased the property in 2004, rented the two units in the corner building and occupied the single unit structure. The petitioner was denied a request to allow a higher residential occupancy in the single unit structure. With the review of that request, it was discussed that a more desirable situation would be to place both structures on individual lots that would allow for them to be sold separately and have a higher likelihood of an owner-occupant in the future.

The petitioner is now seeking such a subdivision of this property. To allow for a subdivision, the petitioner needs to receive variances from minimum lot area and sideyard setback standards for the proposed lots. The existing lot is approximately 66' x 140.5' or 9270 square feet. The proposed lots would be approximately 3790 and 5480 square feet respectively. This is less than the 7200 square feet required by the Unified Development Ordinance (UDO). The petitioner will also be seeking a waiver from the subdivision requirement that corner lots be a minimum 50% larger than the minimum lot size. The proposed lot sizes may ultimately be smaller due to right of way dedication required with the future subdivision request.

The petitioner is proposing to create a new property line between the two existing structures. There is currently about 7 feet between the structures the new lot line would

create setbacks of 3.2 and 3.9 feet respectively. This is less than the zoning standard of 6 feet as required by the UDO.

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

Staff Finding: Staff finds no adverse impacts associated with this request. Similar variances have been granted in the past to allow for a decrease in the number of lawful non-conforming units. There are currently 3 non-conforming units on this property. With the proposed subdivision, there will only be the two units within the corner structure that will be on a common lot. The third unit, located at 120 E. Dixie, will now be placed on its own individual lot and will be a conforming single family unit. Staff finds that this situation is more desirable and will more easily allow an owner-occupied situation.

2. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

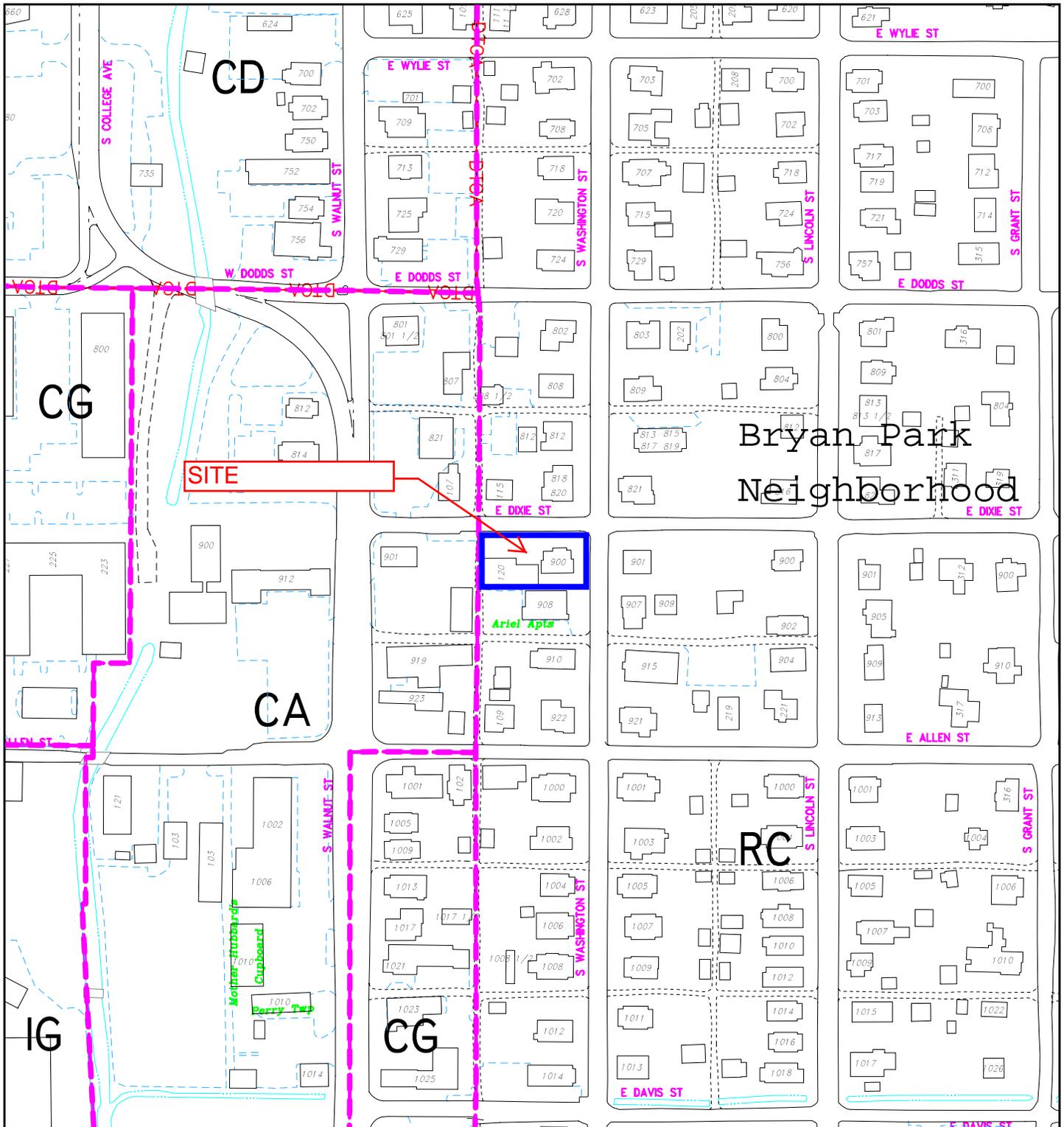
Staff Finding: Staff finds no injury to public health, safety, morals or general welfare of the community. No new exterior construction is approved with this permit. The site will not be altered with the subdivision request with the exception of a sidewalk that will be required to be installed along Dixie Street with the subdivision.

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 that peculiar condition is found in the location of three units in two buildings on a single lot within a single family (RC) zoning district. Since the zoning on this property was changed from multi-family to single family, staff finds the most desirable land use to be single family. This variance will allow for one of the units to be changed to a single family home that can be sold and used independently. Staff finds practical difficulty in not allowing this subdivision to occur and allowing the property to be brought closer to compliance with current zoning standards. Approval of this variance will not change the physical improvements to the property and would allow a more desirable situation.

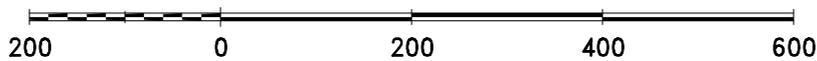
RECOMMENDATION: Staff recommends approval of the use variance request with the following condition:

1. This approval is contingent upon a subsequent subdivision approval.

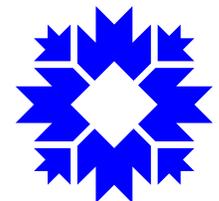


V-60-12 Michael Korus
 Location/Zoning/Land Use Map

By: shapp
 23 May 11



City of Bloomington
 Planning



Scale: 1" = 200'

For reference only; map information NOT warranted.

City of Bloomington Planning Department (Hearing Officer Meeting)

The property is located on the Southwest corner of Washington & Dixie Streets and consists of 0.22 total Acres. Two houses are situated on Lot 12 to include the original 1920's home at 900 S Washington St and a 1950's ranch home with attached garage that was moved to the current location over 20 years ago to make way for the fire station on the corner of 4th & Lincoln Streets.

The home at 900 S Washington St is a rental duplex. The home at 120 E Dixie St is an owner occupied residence. The property is surrounded by single family, high density multi-family, and commercial uses. The uses of each property on the lot would remain the same.

Subdivision of the parcel would allow each home to be situated on its own lot. However, standards for side yard setback and minimum lot area would not be met, and this is the reason for the variance requests.

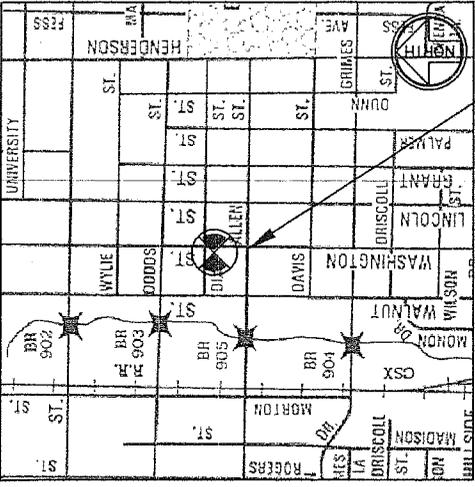
LOT NUMBER 12 IN SOUTH PARK, A SUBDIVISION OF SEMINARY LOT 69 IN SECTION 4, T-8-N, R-1-W (PLAT CAB. "B", ENV. 9-10) CITY OF BLOOMINGTON, INDIANA

- NOTES:**
- 1) Rebar will be set at all property corners.
 - 2) Fieldwork completed April 2012.
 - 3) Basis of bearing (Assumed).
 - 4) Source of title Now or Formerly owned by Roy Costello, Instrument Number 2007011374 as found in the office of the Monroe County Recorder.
 - 5) Reference is made to a plat survey of South Park Addition to the City of Bloomington as found in Plat Cabinet "B", Envelope 9-10 in the office of the Monroe County Recorder.
 - 6) Reference is made to two (2) surveys performed by Lee Utt: 1) For Lot 12 in South Park dated May 8th, 1990; 2) For Lot 9 in South Park dated April 27th, 1973.
 - 7) 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.

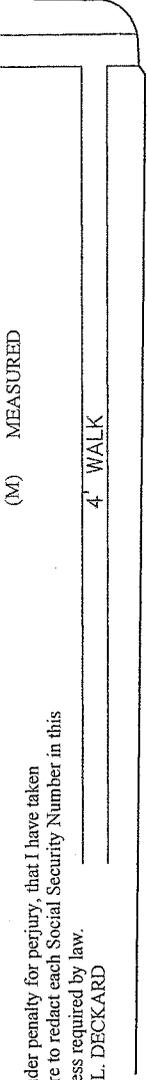
- ERIC L. DECKARD

LEGEND

- STONE FOUND
- UTILITY POLE
- ⊙ REBAR FOUND
- ⊙ REBAR SET
- PK NAIL FOUND
- ⊗ RR SPIKE SET
- PIPE FOUND
- X — FENCE
- △ MAG SPIKE SET
- (R) RECORD
- (M) MEASURED

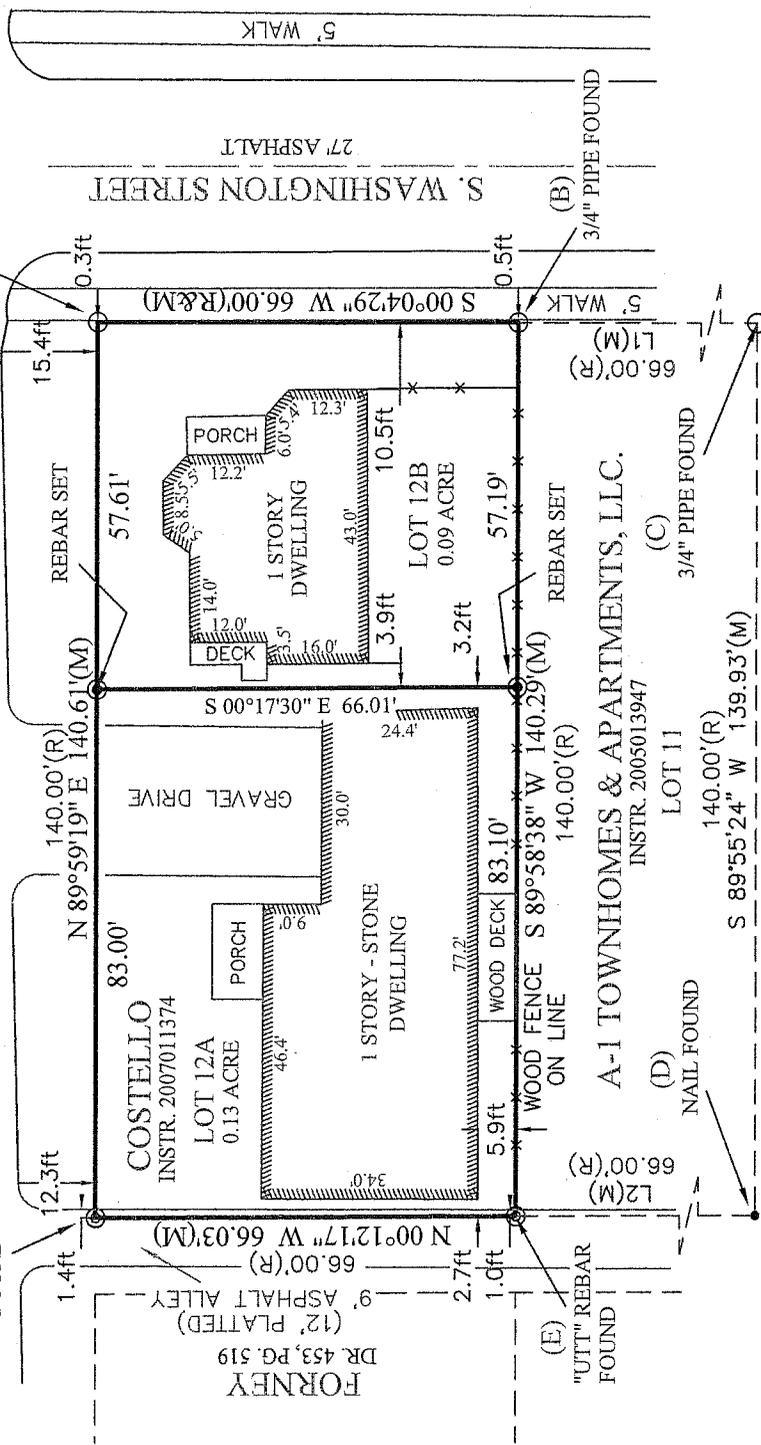


PROJECT LOCATION



(F) P.O.B.(LOT 12A)
"UTT" REBAR FOUND
E. DIXIE STREET
24' ASPHALT - 50' R/W

(A) P.O.B.(LOT 12B)
3/4" PIPE FOUND



CERTIFICATION

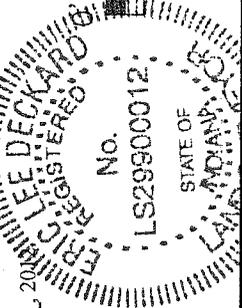
The within survey was performed without benefit of title and is subject to any statement of facts revealed by the same.

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.

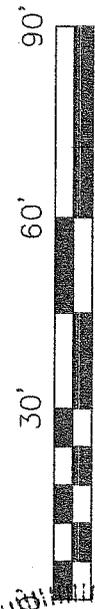
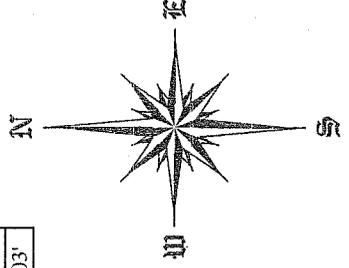
Subject to the above reservation, the survey work shown hereon was performed either by me or under my direct supervision and control and to the best of my knowledge and belief was performed according to the survey requirements in 865 IAC 1-12-1 through 1-12-19.

Certified this 3 day of April, 2012.

Eric L. Deckard
Eric L. Deckard
Registered Surveyor LS29900012
State of Indiana



LINE	BEARING	DISTANCE
L1	S 00°06'34" W	65.90'
L2	N 00°11'58" W	66.03'



SCALE 1" = 30'

MICHAEL KORUS

DECKARD LAND SURVEYING
1604 S. HENDERSON ST.
BLOOMINGTON IN. 47401
(812)961-0235

BOUNDARY SURVEY

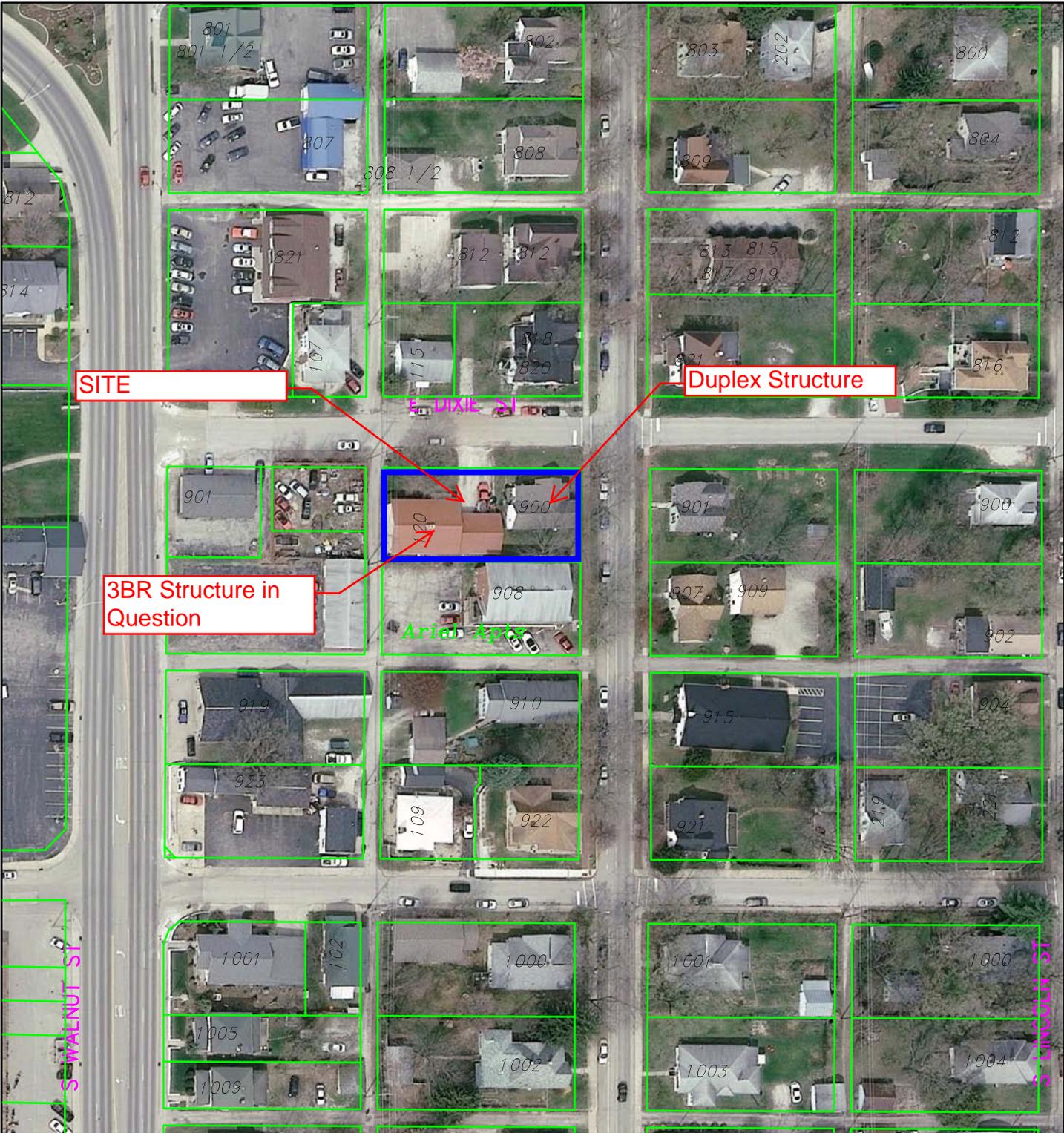
SHEET
1 OF 5

DRAWN BY: AEW
DATED: 04/03/12

CHECKED BY:
ELD

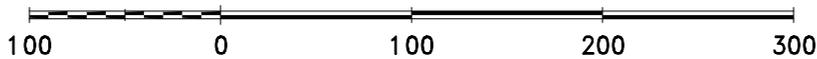
SCALE
1"=30'

PROJECT NO. 12-32

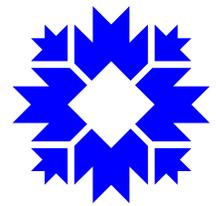


V-60-12 Michael Korus
Aerial Photo

By: shayp
23 May 11



City of Bloomington
Planning



Scale: 1" = 100'

For reference only; map information NOT warranted.