

CITY OF BLOOMINGTON



May 1, 2013 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON
HEARING OFFICER
May 1, 2013 at 2:00 p.m.

*Kelly Conference Room #155

PETITION:

- V-19-13 **Sura Tala**
405 N. Driscoll Dr.
Request: Variances from minimum lot area, side & rear setbacks, parking requirements, and maximum impervious surface standards to allow a 2-lot single-family subdivision.
Case Manager: Patrick Shay

**BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT**

**CASE #: UV-19-13
DATE: May 1, 2013**

Location: 405 W. Driscoll Drive & 1300 S. Madison Street

PETITIONER: Sura Gail Tala
88920 E. Southshore Drive, Unionville

REQUEST: The petitioner is requesting variances from minimum lot area, side and rear yard setbacks, and maximum impervious surface coverage standards to allow a two- lot single family 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 – Single Family (McDoel Garden Neighborhood) South – Multi-family West – Mixed-Residential North – Single Family (McDoel Garden Neighborhood)

REPORT: The property in question is located at the southwest corner of W. Driscoll Street and S. Madison Street. This property is considered lawful non-conforming due to there being two existing residential structures on the single family property. The petitioner is now seeking a subdivision of this property to be divided and placing each of the existing homes on individual lots that could be sold separately allowing for an owner occupied situation in each lot.

For the subdivision to be approved, the petitioner must receive variances from minimum lot area, side and rear yard setbacks, and maximum impervious surface standards of the Unified Development Ordinance (UDO). No changes to the structures are being proposed. This approval would only allow a new property line to be added to place each home on their own lot.

The existing lot is approximately 8756 square feet. The proposed lots would be approximately 3964 and 4792 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.

Although the aggregate impervious surface coverage would not change, the proposed property line would result in one of the two lots being over the maximum impervious surface coverage standard. The line would also result in the western lot (405 W. Driscoll) no longer being considered a side property line and would now be regulated as a rear yard that has a 25-foot setback rather than a 6-foot side yard setback.

Although the main portions of the building would meet the 6-foot sideyard setback (1-story)

and 10-foot (2-story) setback standard. The western structure also has a roofed deck that would be less than a foot from the new property line. This would need to receive a variance prior to a subdivision being approved.

The petitioner has also agreed to remove a secondary parking space that is accessed by the eastern lot, but is located on the western lot immediately adjacent to the sidewalk. The petitioner plans to create a raised planter in this area to remove the non-conforming second drive.

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. The structures will now be placed on their own individual lots and will be considered single family units. 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.*

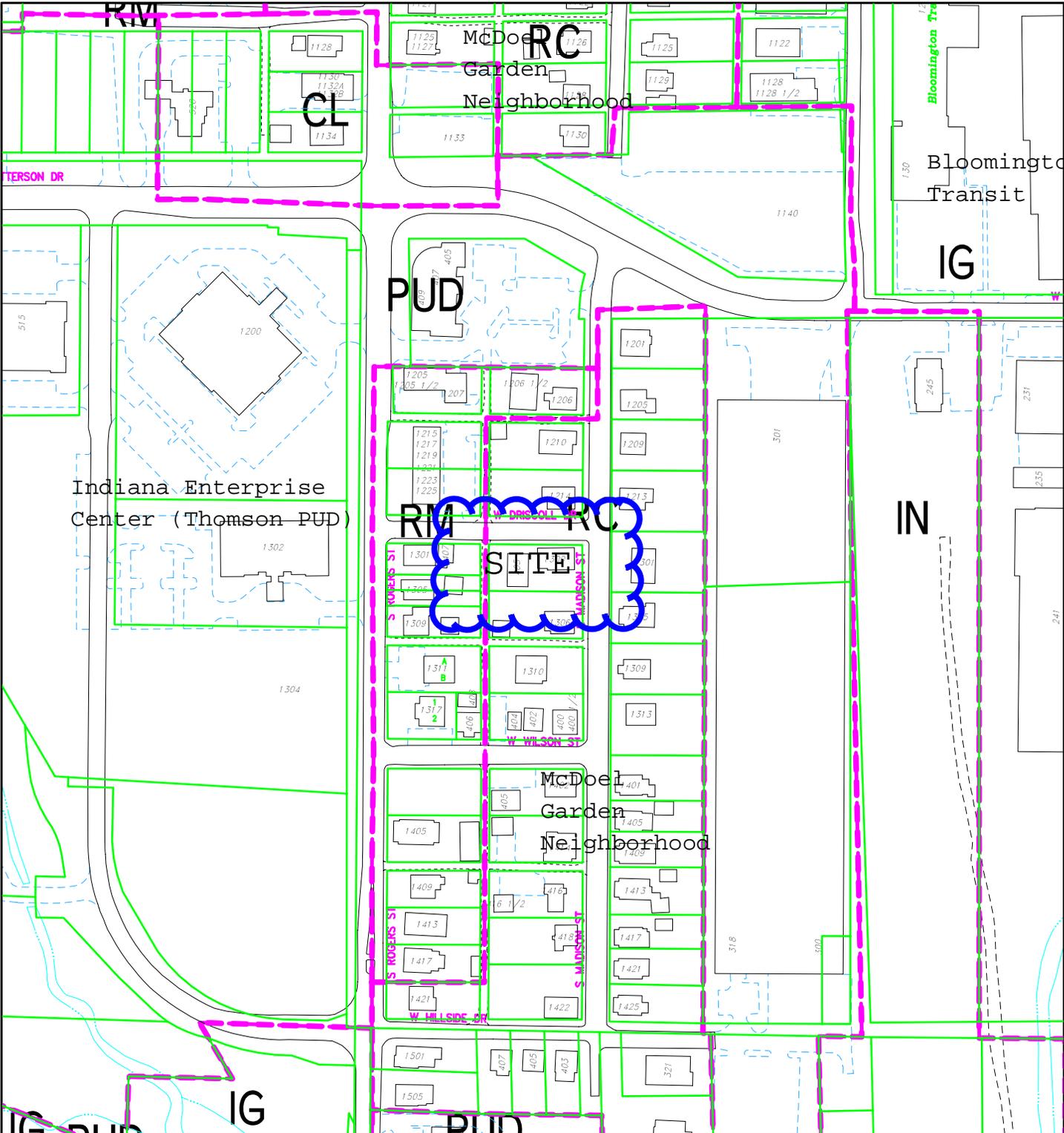
Staff Finding: Staff finds no injury to public health, safety, morals or general welfare of the community. No new exterior construction is approved with this permit. The site will not be altered with the subdivision request.

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 two buildings on a single lot within a single family (RC) zoning district. Staff finds the most desirable land use to be single family. This variance will allow for the properties to 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.

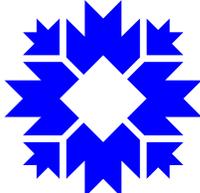
RECOMMENDATION: Staff recommends approval of the use variance request with the following condition:

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



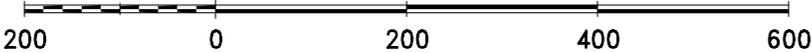
V-19-13 Sura Gail Tala
 Location/Zoning/Land Use Map
 1300 S. Madison & 405 W. Driscoll

City of Bloomington
 Planning



Scale: 1" = 200'

By: shapp
 26 Apr 13



For reference only; map information NOT warranted.

409 Driscoll

I am applying for the following variances in order to separate 2 houses on a single lot into 2 lots as advised by the Planning Office:

Lot area west and east

Rear set back west

Maximum impervious surface covering west

Side set back west

Parking east

Within one year I will remove parking space on west lot into a raised bed area.

409 Driscoll is being removed from 1300 Madison Lot to create its own Lot,

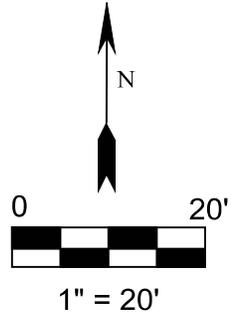
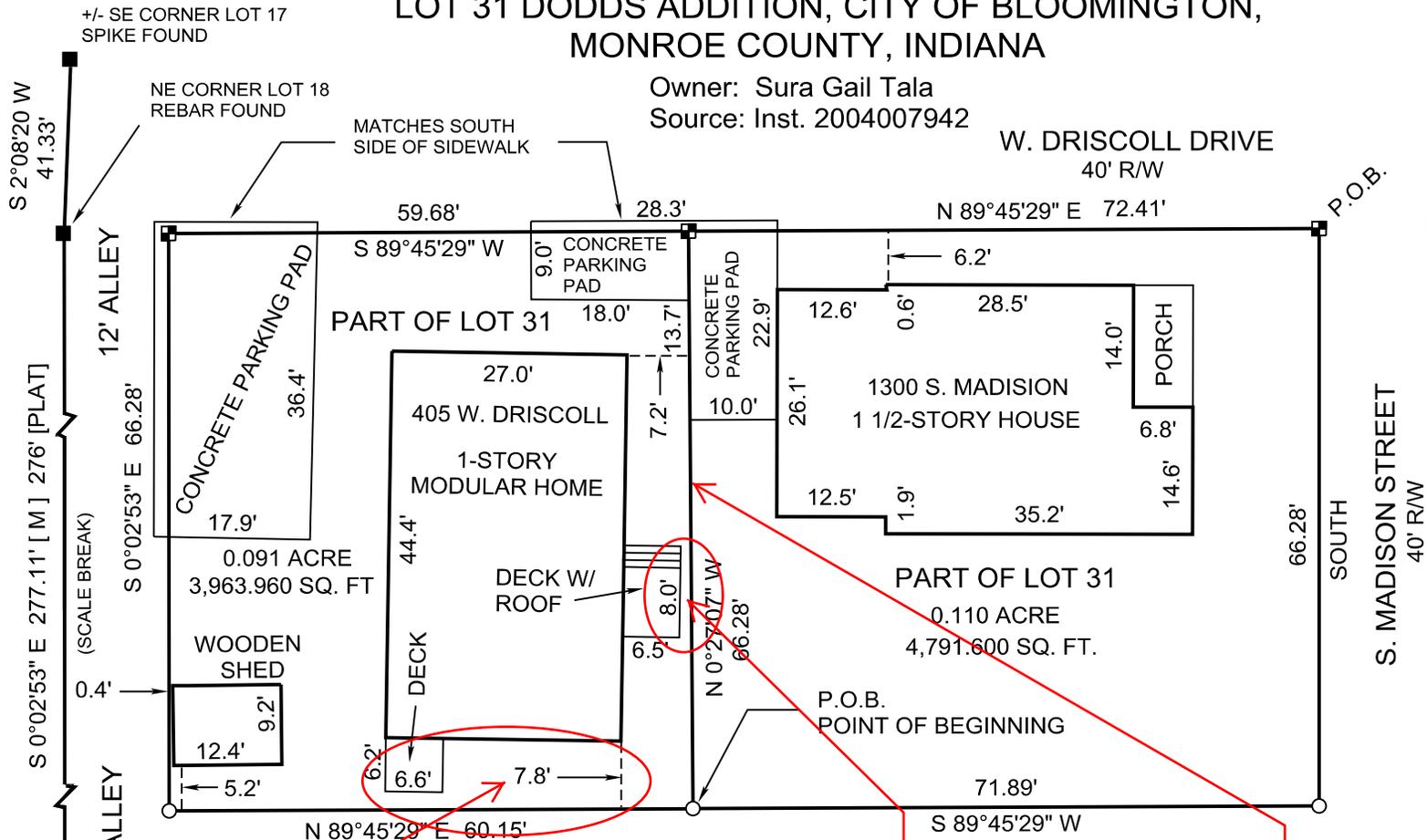
SURIA GAIL TALIA
8920 Southshore Drive
Unionville In. 47468
812 336-4050

V-19-13 Petitioner's
Statement

TOTAL Variance fee[†] = 380.⁰⁰

LOT 31 DODDS ADDITION, CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA

Owner: Sura Gail Tala
Source: Inst. 2004007942



Area of rear yard setback variance

Area of Side yard setback variance

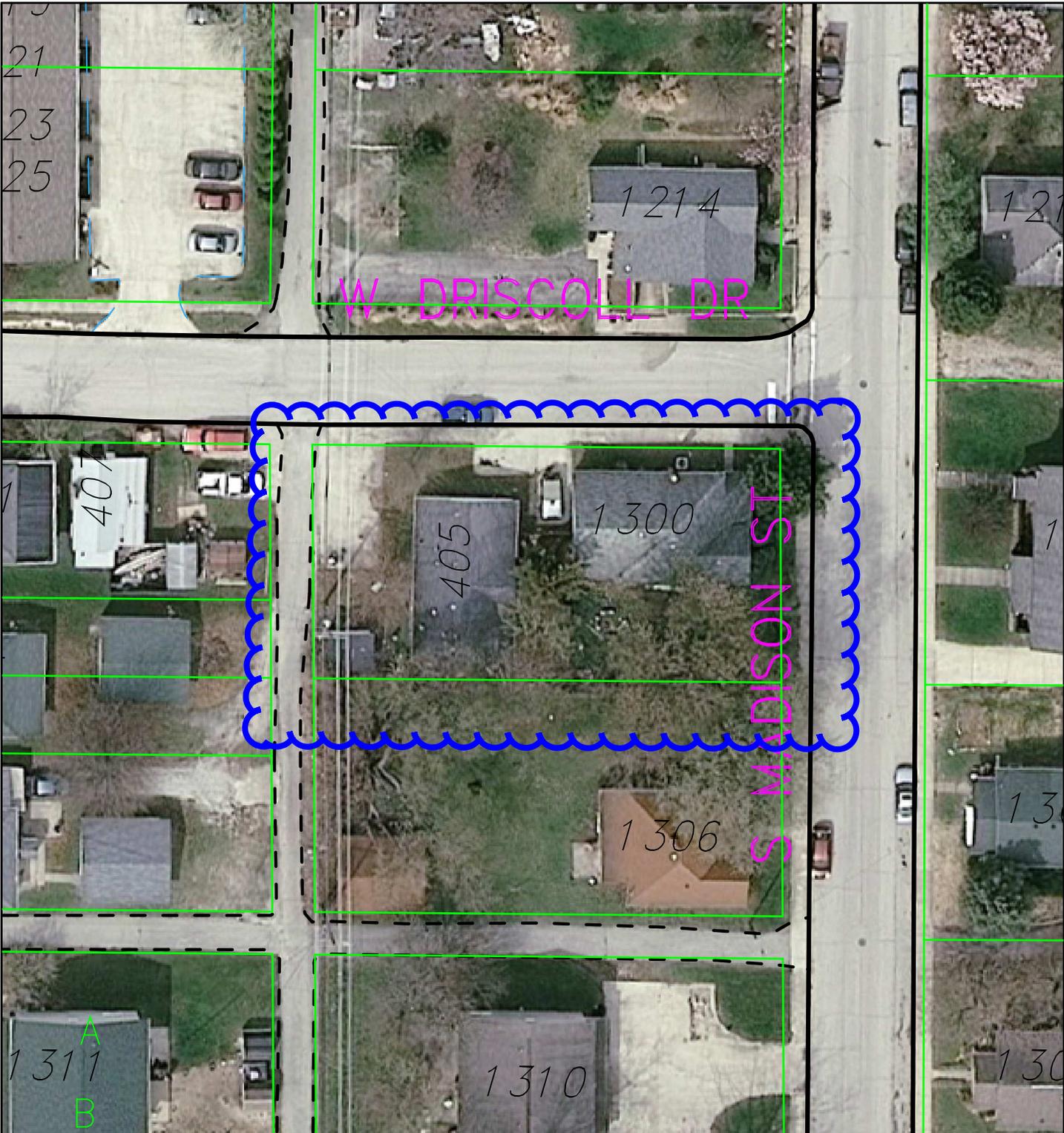
Proposed Property Line

LEGEND	
○	5/8-inch Diameter Rebar W/ Cap Engraved "CURRY 890006" Set
■	MAG Nail Set
[M]	Measured This Survey

DOUGLAS R. CURRY
INDIANA L.S. 890006

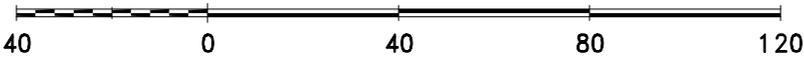
D C SURVEYING INC.
1107 E. AZALEA LANE
BLOOMINGTON, IN 47401-4395
812-335-2403 tel
dcsurveying@comcast.net

V-19-13
Site Plan

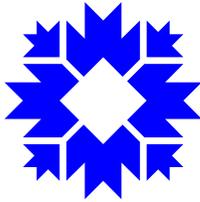


V-19-13 Aerial Photo

By: shayp
26 Apr 13



City of Bloomington
Planning



Scale: 1" = 40'

For reference only; map information NOT warranted.