

CITY OF BLOOMINGTON



May 15, 2013 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON
HEARING OFFICER
May 15, 2013 at 2:00 p.m.

*Kelly Conference Room #155

PETITION:

- V-22-13 **Naomi Posner-Horie**
900 S. Ransom Lane
Request: Variance from front yard setback standards to allow construction of a detached garage.
Case Manager: Patrick Shay

**BLOOMINGTON HEARING OFFICER
STAFF REPORT
LOCATION: 900 S. Ransom Lane**

**CASE #: V-22-13
DATE: May 15, 2013**

PETITIONER: Naomi Posner-Horie
900 S. Ransom Lane, Bloomington

REQUEST: The petitioner is requesting a variance from the front yard building setback standard for a detached garage.

REPORT SUMMARY: The subject property is located at 900 S. Ransom Lane. The property is zoned Residential Single Family (RS) and has been developed with a single family home. The petitioner is proposing to construct a new detached garage of 720 square feet. Detached garages have a minimum front setback of 10 feet behind the front façade of the home. The petitioner has placed the structure approximately 35 feet behind the front of the main house. However, the lot in question has public streets on both the east and west by public streets, Ransom Ln. to the east and Peachtree Ln. to the west. The house in question is oriented to the east (Ransom Ln.) and both streets are very narrow in terms of roadway width and right-of-way width.

The placement of the garage in compliance with the setbacks would allow only a 28-foot wide buildable area and would block an existing deck on the north side of the home. The deck would then have buildings immediately to both the north and south with little light and little exposure. The petitioners are proposing to place the structure further to the west, just past the deck. Staff finds this to be an appropriate placement that meets the intent of the setback to require detached garages to be placed behind the front of the home. It will also utilize an existing drive cut onto Ransom Ln.

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 with this request. The proposed garage will be an adequate distance from all adjoining properties and will not be placed in close proximity of Peachtree Lane to the west. The petitioner has also created an inset into the building to help accommodate the health of an adjacent tree.

- 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.*

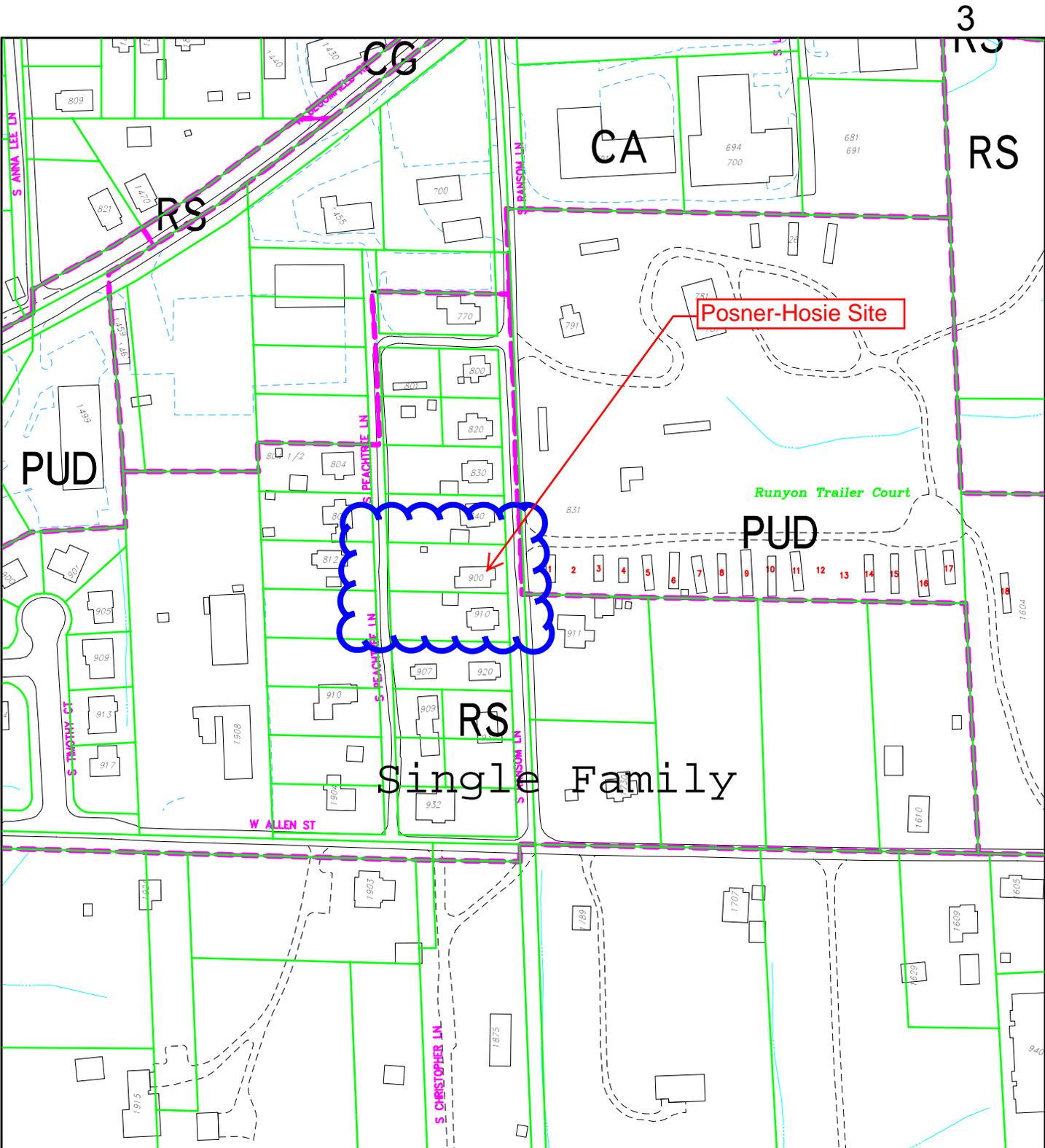
STAFF FINDING: Staff finds no adverse impacts to the use and value of the surrounding area associated with the proposed variance. There is an existing detached garage located immediately to the north that is in a very similar location. Furthermore, staff finds this to be a desirable investment into the 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 the double frontage nature of this lot creates a unique practical difficulty in locating a garage that sets a minimum of 10 feet behind both technical “fronts” of the home. The petitioner is proposing a detached structure in character with the established setback patterns of the neighborhood. It has been recessed from the function front of the home and will not have a significant visual impact to the Peachtree Ln. Streetscape.

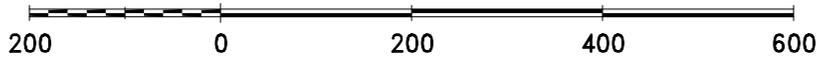
RECOMMENDATION: Based upon the written findings above, staff recommends approval of this petition with the following conditions of approval:

1. A building permit is required prior to construction.

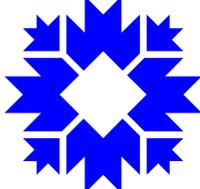


V-22-13 Naomi Posner-Hosie
 900 S. Ransom Lane
 Location/Zoning/Land Use Map

By: shapp
 10 May 13



City of Bloomington
 Planning



Scale: 1" = 200'

For reference only; map information NOT warranted.

900 S Ransom Lane, Bloomington, IN 47403, 812.322.4205 nyph19@gmail.com

April 29, 2013

City of Bloomington Planning Department

To whom it may concern:

This is my statement in regards to our application for a Development Standards Variance to a strict application of the Unified Development Ordinance for permission to build a garage on our property.

1. The garage as proposed will not in any way injure the public health, safety, morals or general welfare of the community. It would be difficult to prove otherwise.
2. The garage as proposed will not in any way adversely affect the use or value of the property adjacent to us. Indeed, if anything, it could be argued that it will add value to it.
3. There are practical difficulties in strictly applying the Unified Development Ordinance.
 - a. The primary reason for this practical difficulty is the fact that our property has 2 "fronts". Our house faces and has an address on Ransom Ln, but the rear faces Peachtree La. The existence of 2 fronts limits our ability to build a garage as proposed. However, if the rear of our home were in actuality not considered a "front", the Ordinance would allow for the construction. Indeed, if we build a garage according to the Ordinance, the garage will be aesthetically less pleasing than if we build it according to our plan. Our proposed plan allows the garage to sit back a bit from the front of the house, whereas we would otherwise have to build it very close to the front of the house thereby creating an effect that would be less pleasing to the eye. This seems to be the exact opposite of what the reasoning is for having the Ordinance limit construction to within 10 feet of the front of the house.
 - b. Another practical difficulty is that if we build a garage according to the strict interpretation of the Ordinance, we will be forced to block a significant amount of light and space to two side entrances and on the north side of our house. There seems little point in having doors and windows and then to build a garage that blocks them.
 - c. Another practical difficulty is less a difficulty than the fact that at least 3 other homes on our street have garages that are located in a similar place relative to the homes as the one which we are proposed. Hence, our proposed garage does not in any way create an exception to the already existing layout of our neighborhood.

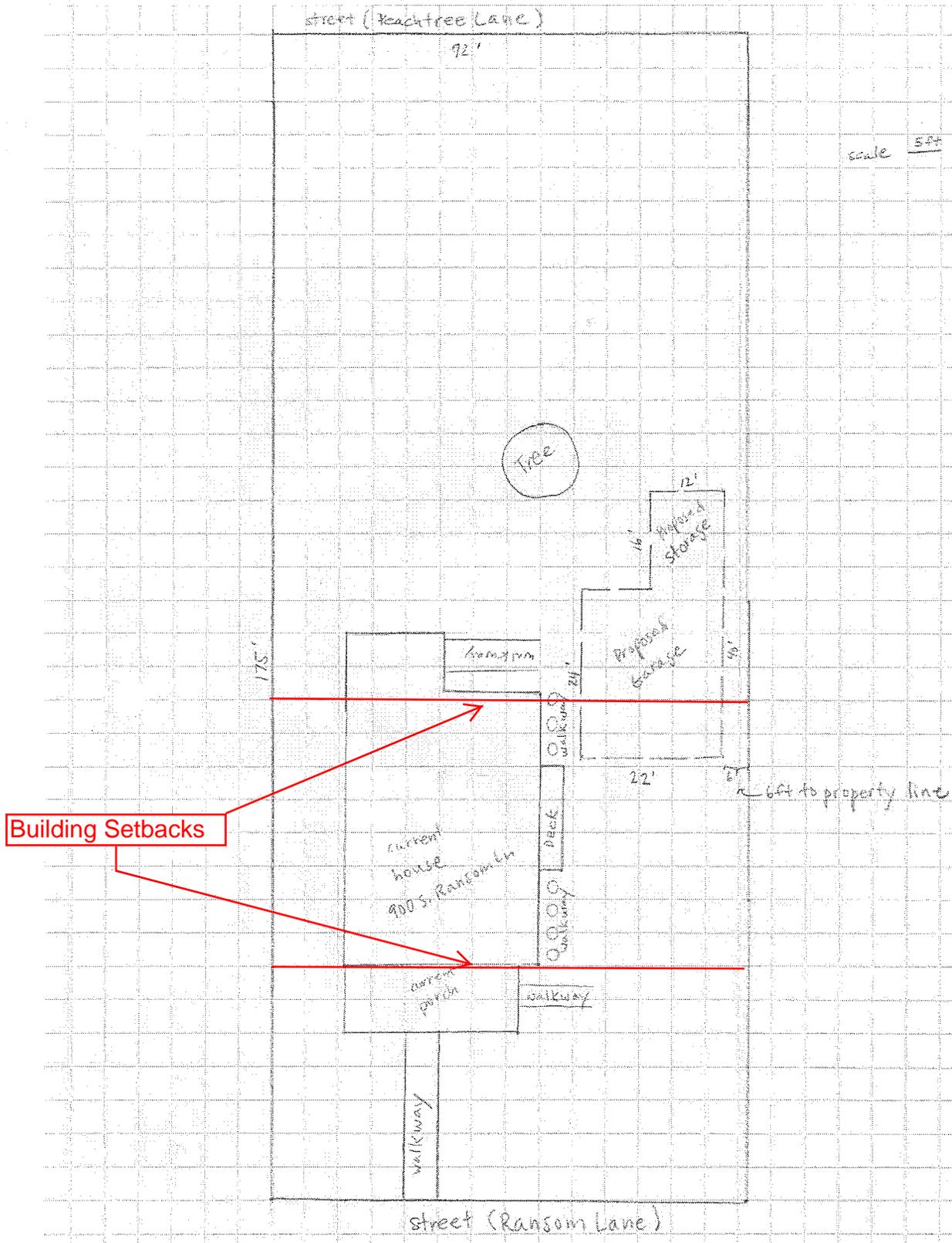
It is my hope that this statement will assist you to allow a variance for our garage to be constructed.

Sincerely,



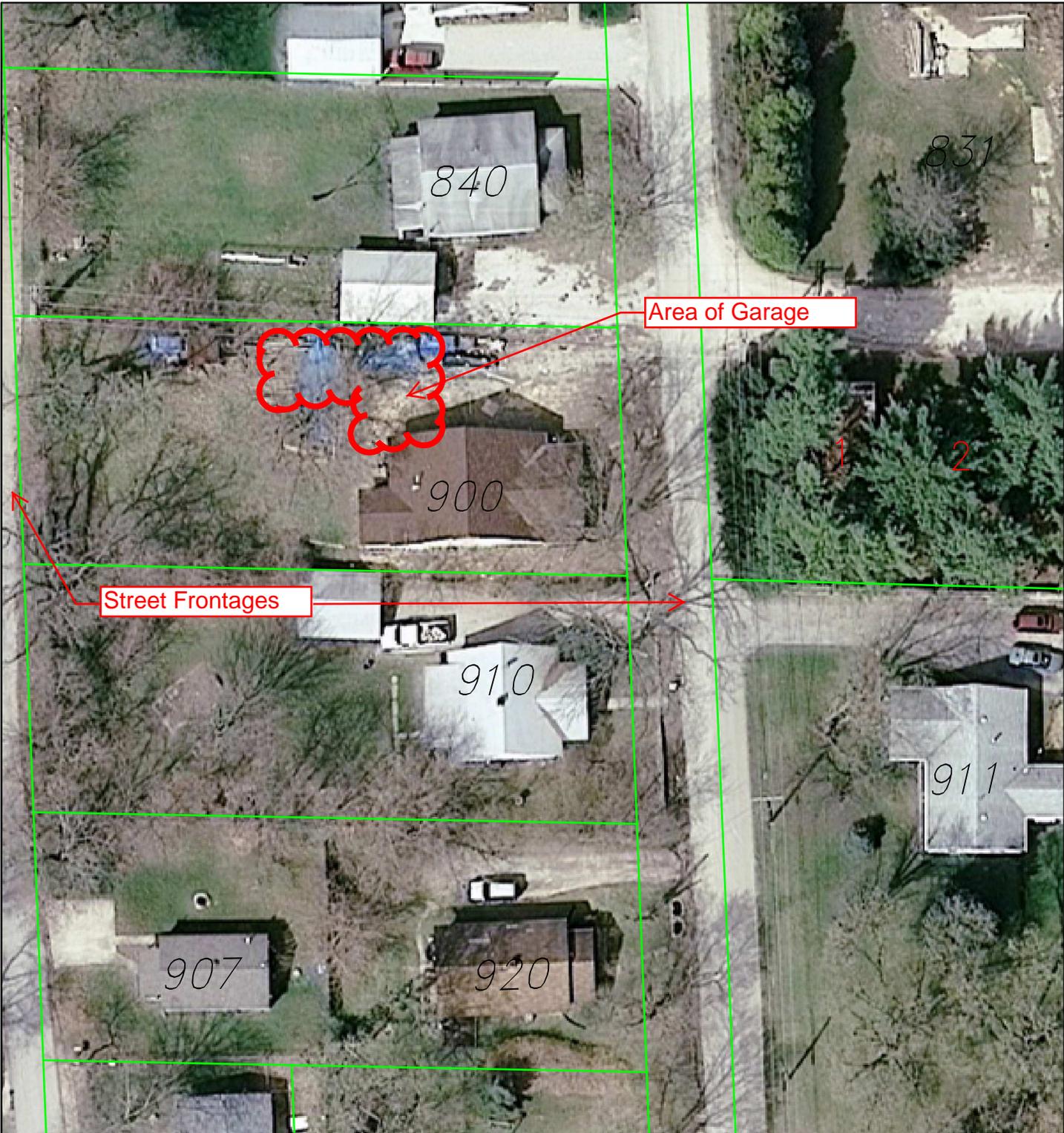
Naomi Posner-Horie

V-22-13 Petitioner's
Statement



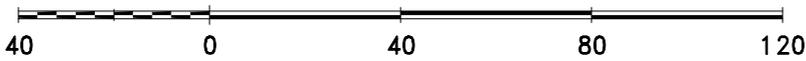
Building Setbacks

V-22-13
Site Plan

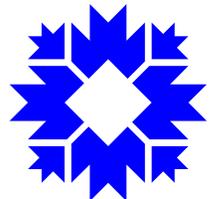


V-22-13 Aerial Photo

By: shayp
10 May 13



City of Bloomington
Planning



Scale: 1" = 40'

For reference only; map information NOT warranted.