

CITY OF BLOOMINGTON



OCTOBER 16, 2013 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON
HEARING OFFICER
October 16, 2013 at 2:00 p.m.

*Kelly Conference Room #155

PETITION:

- V-48-13 **Paul and Heather Johnson**
1599 E. Rhorer Rd.
Request: Variance from accessory structure standards.
Case Manager: Patrick Shay

BLOOMINGTON HEARING OFFICER
LOCATION: 1599 E. Rhorer Road

CASE #: V-48-13
DATE: October 16, 2013

PETITIONER: Paul and Heather Johnson
 1599 E. Rhorer Road, Bloomington

REQUEST: The petitioner is requesting a variance from accessory structure standards to construct a 3060 square foot accessory structure.

	Requirement	Proposed
Maximum Area	840 square feet	3060 square feet
Maximum Height	20 feet	Approx. 28 feet

SUMMARY: The petitioners own a single family home within the Sherwood Estates Planned Unit Development (PUD). The PUD has been developed with mostly smaller single family lots. This portion of the PUD has an underlying zoning of Residential Single Family which limits enclosed accessory structures to a maximum of 840 Square feet and 20 feet in height. The majority of this project was developed with suburban style single family lots. However, the property in question is much larger in nature and has a more rural context than the majority of the development.

The 4.25-acre property currently includes a large single family home with no accessory structures. The petitioners are proposing to construct an accessory building that would include a garage and an indoor basketball court within a barn style structure. The proposed structure is just over 3000 square feet in area. Although this property has an underlying zoning that restricts the size and the height of accessory structures to 840 square feet and 20 feet respectively, the property is more characteristic of Residential Estate (RE) zoning. The 4.25-acre property exceeds the minimum lot standards of 2.5 acres. Furthermore, the properties immediately to the east of the petitioners' property has an RE underlying zoning including a contiguous property that the petitioners own. The proposed structure would be permitted on the lots to the east as RE zoning does not restrict the size of accessory structures and has a 30 foot height limit. This allowance reflects the appropriateness of barn-type structures in the more rural RE zoned areas. The petitioner also owns one of these lots and has a total of approximately 9.5 acres of land.

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 with the proposed addition. There are other barn structures to the east. The proposed structure will be 30 feet from the north property line and approximately 120 feet from the nearest residential structure.

- 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.*

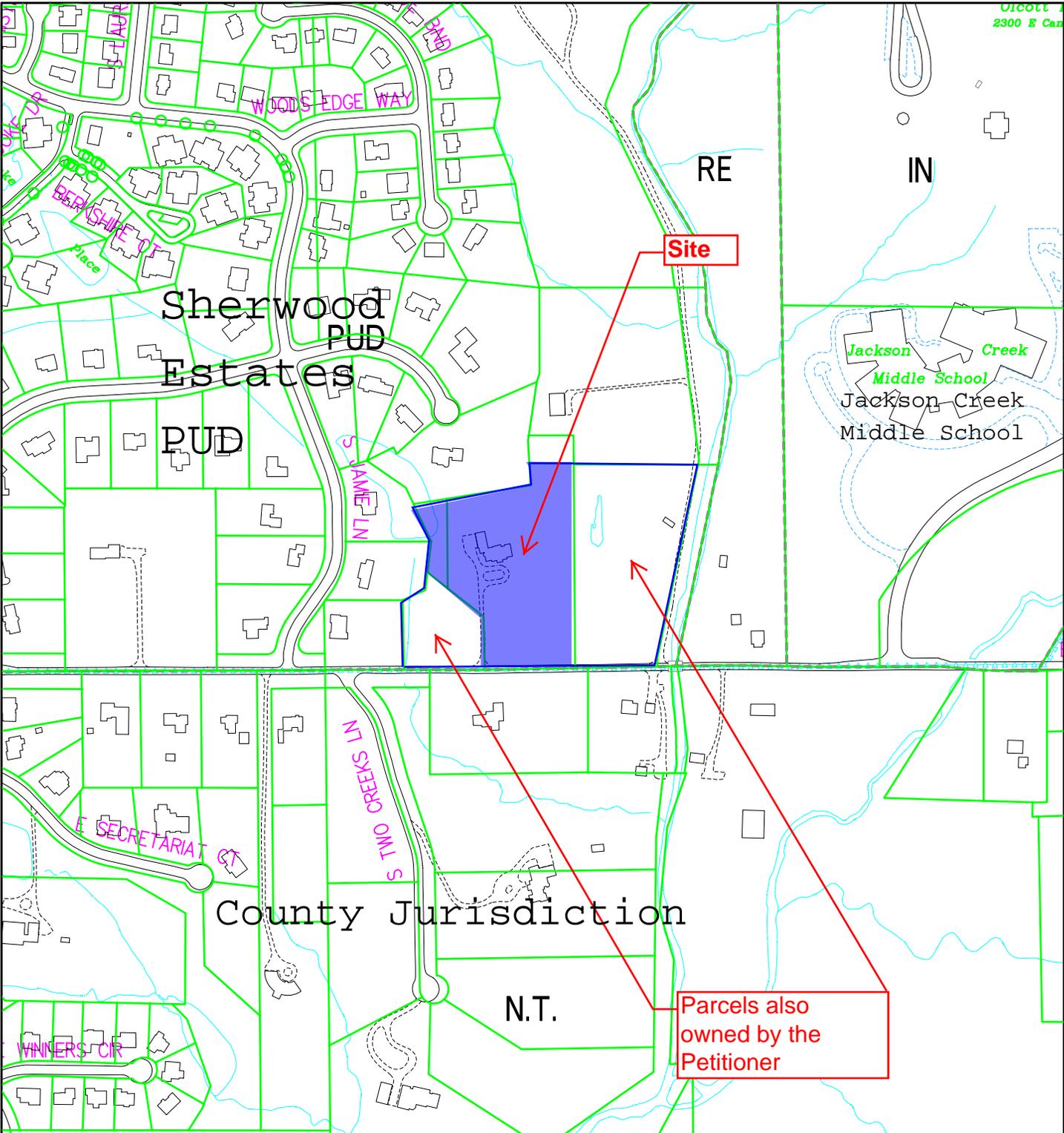
STAFF FINDING: Staff finds no negative effects from the proposed setback. No impact to the use of adjacent properties has been identified.

- 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 conditions in the large size and rural nature of the subject property. A 4.25-acre developed tract is unusual to find within a developed area. No further subdivision of this property is anticipated. The property functions more closely to the estate lots to the east that currently have similar barn structures. Staff finds practical difficulty in not permitting this structure to be constructed in a manner consistent with the surrounding area.

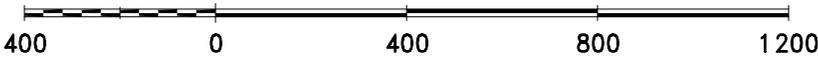
RECOMMENDATION: Based upon the written findings above, staff recommends approval of V-48-13 with the following condition:

1. The height of the structure is limited to 30 feet in height.

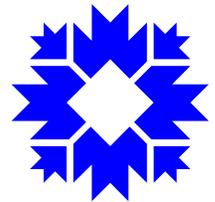


V-48-13 Paul and Heather Johnson
1599 E. Rhorer Road

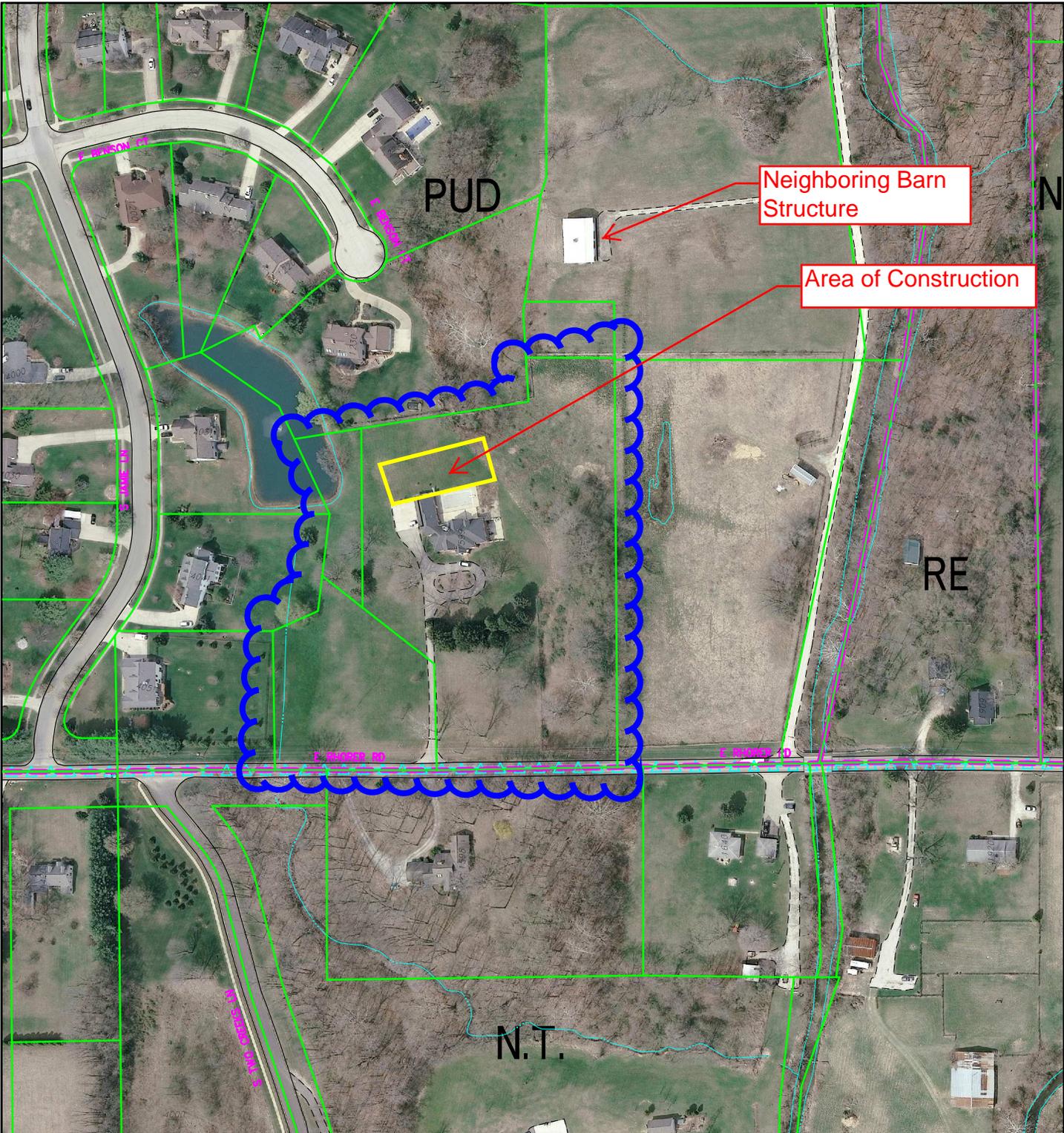
By: shapp
9 Oct 13



City of Bloomington
Planning

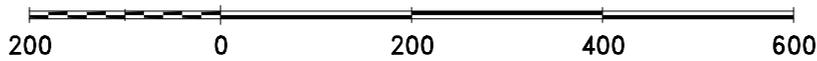


Scale: 1" = 400'



V-48-13
Aerial Photo

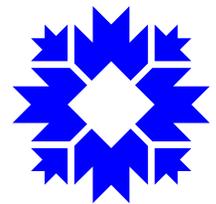
By: shayp
9 Oct 13



For reference only; map information NOT warranted.



City of Bloomington
Planning



Scale: 1" = 200'

To whom it may concern,

The property and residence belonging to Paul and Heather Johnson, located at 1599 E. Rhorer Rd. Bloomington, IN 47401 is where we are hoping to build a new accessory structure for use as a garage and basketball court area.

The Johnsons and I do not feel that this structure will affect the public health, safety, morals or general welfare of the community because it will be placed on the property away from roadways and will be a private enclosed structure.

The proposed structure should not affect the value of adjacent properties due to the distance from the adjacent properties and the existing lots to the east already have similar style structures on them.

We feel that this variance should be considered due to the large area of land that is owned by the Johnsons. The total connected land they own in this area is approx. 9.5 acres and the lot the house is located on is approx. 4.25 and they are not within a subdivision.

Thank You,

Tim Roberts

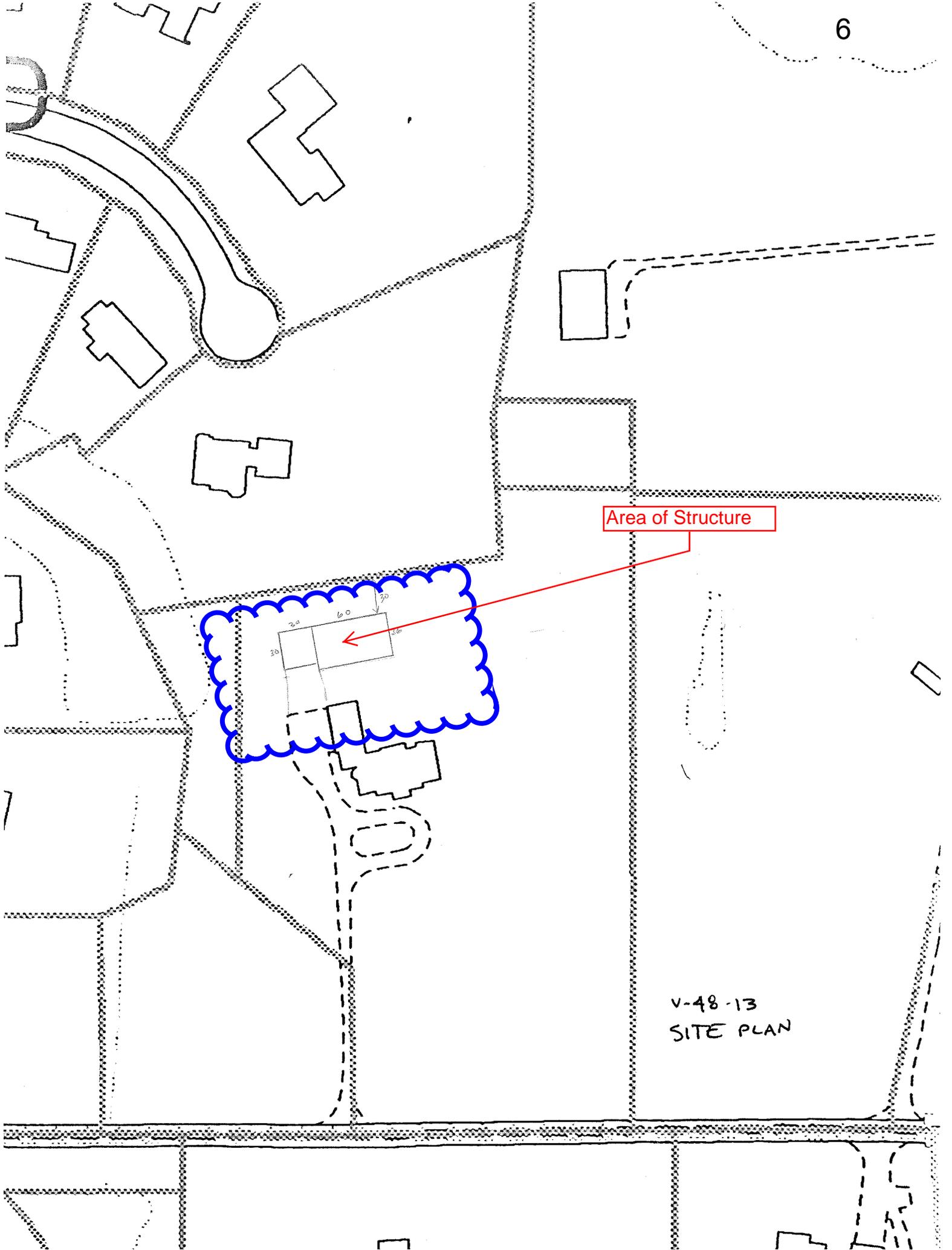


Craft Construction LLC.

812-322-3675

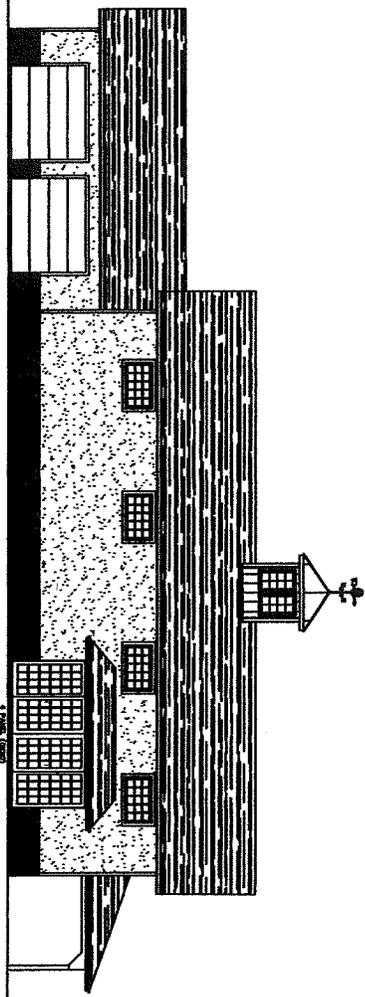
troberts@craftconstructionllc.com

V-48-13 Petitioner's
Statement

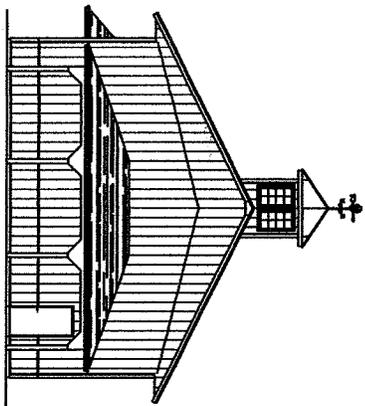


Area of Structure

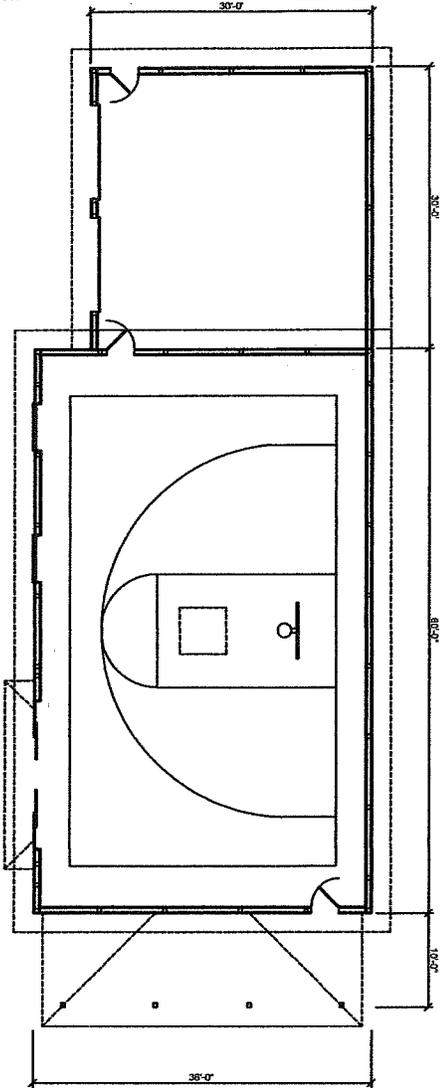
V-48-13
SITE PLAN



SOUTH ELEVATION



EAST ELEVATION



COLUMN PLAN

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PAUL & HEATHER JOHNSON



MORTON BUILDINGS, INC.



MORTON BUILDINGS, INC. P.O. BOX 397 MORTON, IL 61550-0397 309-263-7474

OWNER: GRENCASTLE IN
ADDRESS: [REDACTED]

DESIGNED BY:	M. DAVIS
DATE:	7-11-13
REVISIONS:	7-23-13
REVISED DATE:	8-17-13
APPROVED DATE:	
APPROVED BY:	

SCALE: 1/4" = 1'-0"
SHEET NO. 1 OF 1

V-48-13 Floor Plan and Elevations