

CITY OF BLOOMINGTON



MARCH 5, 2014 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

PETITIONS:

- V-2-14 **Elmore-Orego, LLC**
304 W. Kirkwood Ave.
Request: Variance from back-out parking standards.
Case Manager: Patrick Shay

- V-5-14 **Jeff Mease**
406 S. Madison St.
Request: Variance from front yard building setback standards to allow the addition of a carport.
Case Manager: Eric Greulich

- V-6-14 **Allan MacKay**
525 S. Jordan Ave.
Request: Variance from side yard setback standards to allow the addition of a carport.
Case Manager: Patrick Shay

BLOOMINGTON HEARING OFFICER
LOCATION: 304 W. Kirkwood Avenue

CASE #: V-2-14
DATE: March 5, 2014

PETITIONER: Elmore-Orego, LLC
 304 W. Kirkwood Avenue, Bloomington

CONSULTANT: Smith Neubecker & Associates
 453 S. Clarizz Blvd, Bloomington

REQUEST: The petitioner is requesting variances from back-out parking standards.

SUMMARY: The subject property is located on the west side of the B-Line Trail between W. Kirkwood Avenue and W. 6th Street. This 0.78 acre site is currently occupied by a one-story office building. The subject property and the surrounding properties to the north, south, and west are zoned Commercial Downtown (CD) and are within the Downtown Core Overlay (DCO). The properties to the east are within the CD district and within the Courthouse Square Overlay (CSO).

The petitioner received Plan Commission approval in December (Case#SP-33-13) to construct a new 4-story, mixed-use structure. The structure would include approximately 12,640 square feet of non-residential space, much of which would house the petitioner's existing offices on the first floor. In addition, the petitioner is proposing 35 units and up to 65 bedrooms on the upper three floors. The second and third floors would have 32 units and 53 potential bedrooms (47 bedrooms and 6 dens). The partial fourth floor is proposed to include 3 large penthouse units with up to 12 bedrooms (9 bedrooms with 2 offices and an exercise room shown). The majority of the parking for the use will be located within an interior garage accessed by an adjacent alley way. The two level parking area would have approximately 61 parking spaces and would be accessed from the alley to the west by two vehicle entries.

The petitioner's plan also included eight new back-out parking spaces onto the adjacent alley. The CD district allows for a maximum of 8 back-out parking spaces off of alley ways. However, the UDO only permits such spaces on sites less than 20,000 square feet and this site is approximately 34,000 square feet. This code requires that larger sites create more traditional parking areas for required parking

In addition to these 69 parking spaces, the removal of two street cuts along Kirkwood Ave. allows for up to three additional parallel parking spaces to be added to the street inventory consistent with the Kirkwood streetscape. The adjacent property owner has expressed some concern with the proposed curbing and its potential impact to his delivery truck movements. Staff will work with the Public Works Department to determine the appropriate curb layout for Kirkwood.

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 this petition. The spaces will have adequate site distances. Furthermore, there are several locations in the downtown where back-out alley parking is provided in a safe manner. The plan also removes two existing drive cuts and parking area adjacent to the B-Line Trail.

- 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.*

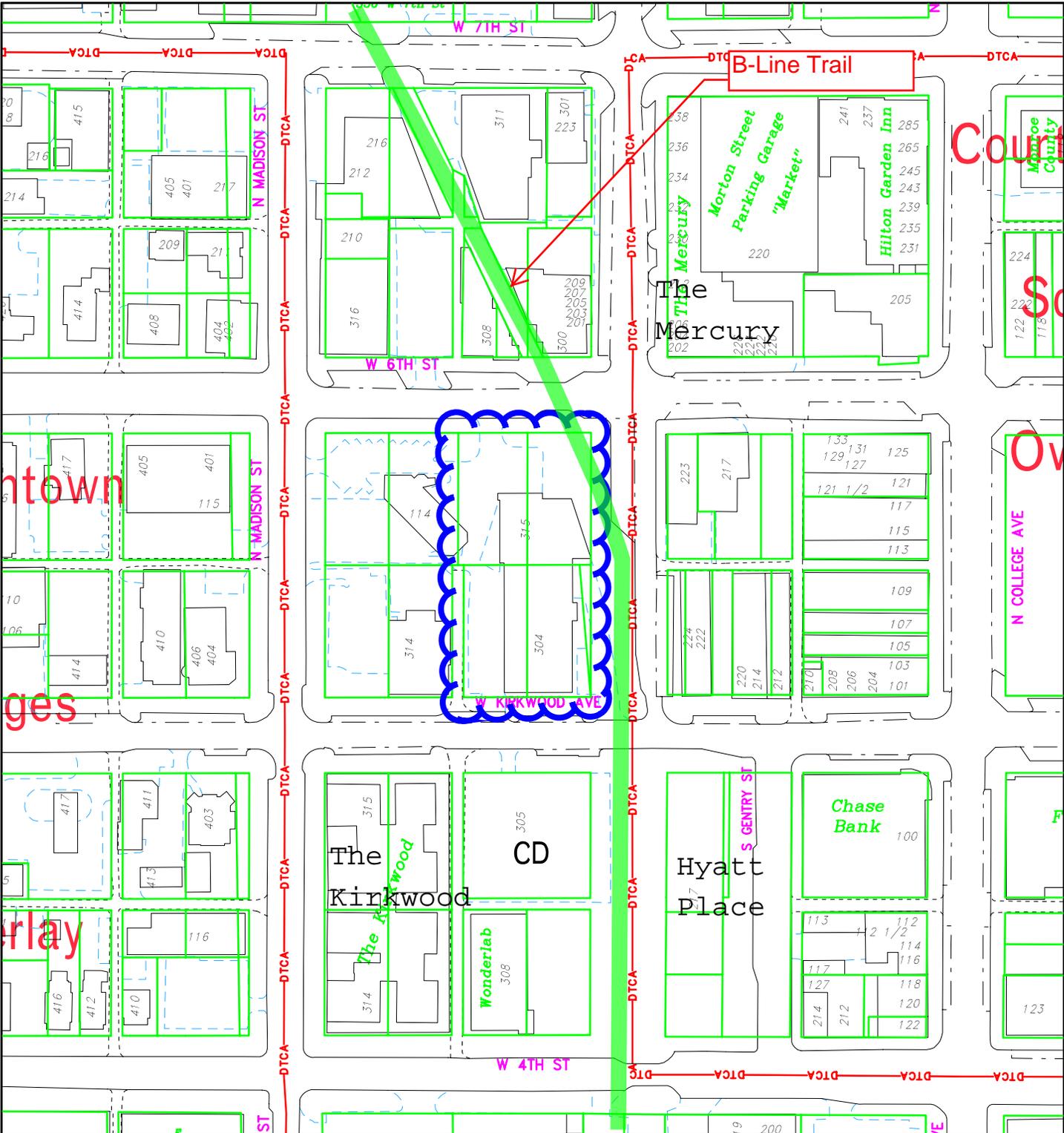
STAFF FINDING: Staff finds no adverse impacts to the use and value of the surrounding area. The construction, as proposed, will allow the redevelopment of an underutilized site and the expansion of a successful local business.

- 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 that the proposed spaces are not being used to meet any zoning requirements and will be replacing spaces that are currently located in a similar location. The proposed site plan has provided for significant structured parking and is seeking a request to reestablish 8 of approximately 14 parking spaces that are currently located adjacent to the existing alley. These spaces will provide a relatively low number of customer and client parking spaces and have been found desirable by the Plan Commission. They are not being used to meet any zoning standards. Back-out spaces are more efficient and require less paved area on the site. By not allowing these spaces, the site will only have the number of parking spaces further reduced with no on-site parking for public customers.

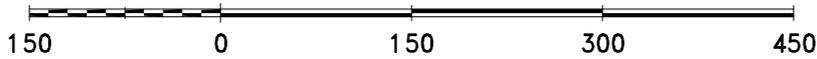
RECOMMENDATION: Based upon the written findings above, staff recommends approval of V-2-14 with the following condition:

1. The petitioner will continue to work with the City to determine the appropriate curb design for the alley intersection with W. Kirkwood Avenue.

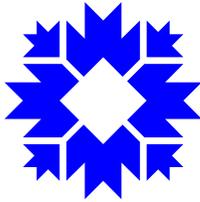


V-2-14 Elmore-Orego LLC
 Location/Zoning Map
 304 W. Kirkwood Avenue

By: shapp
 5 Aug 13

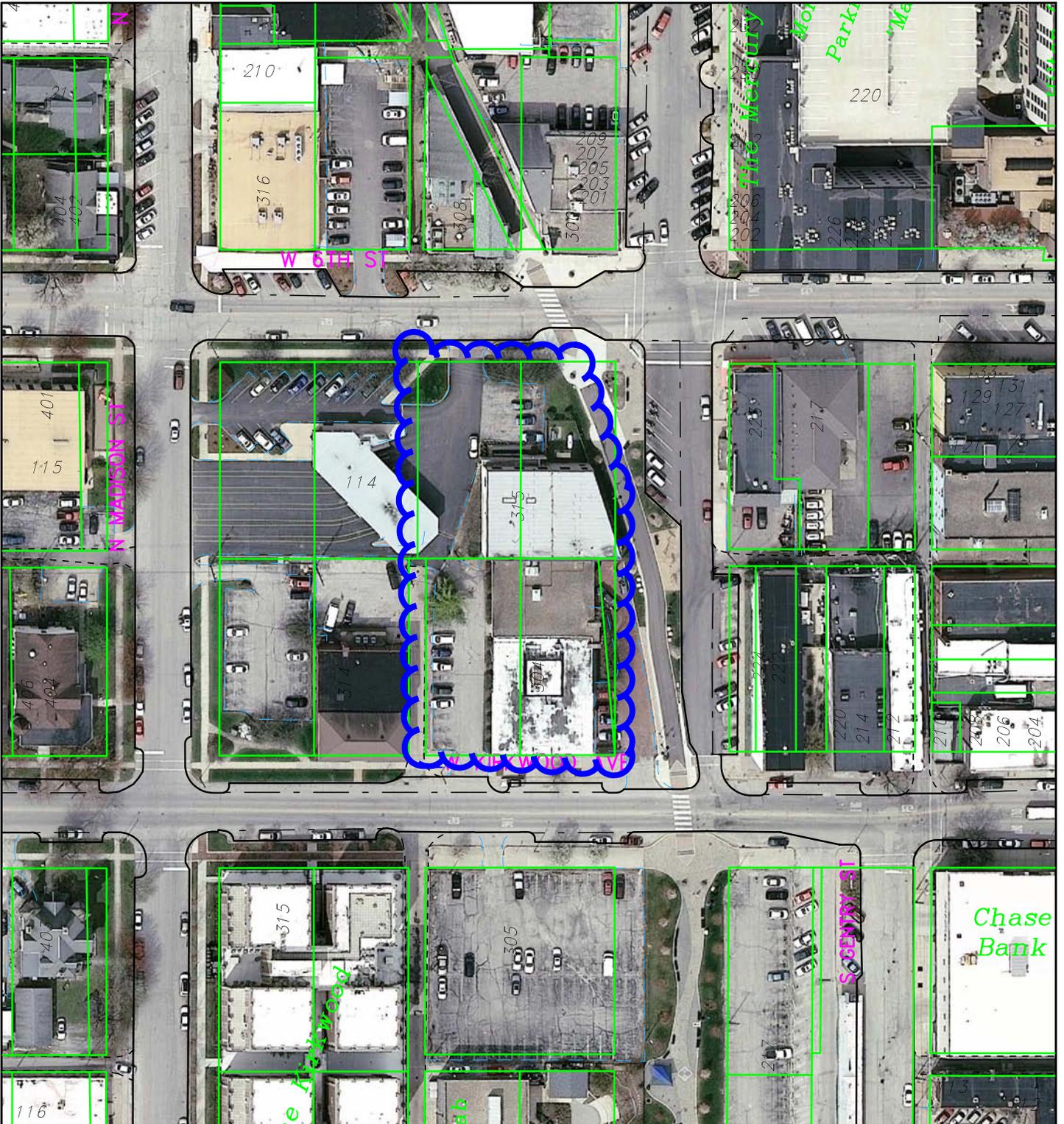


City of Bloomington
 Planning



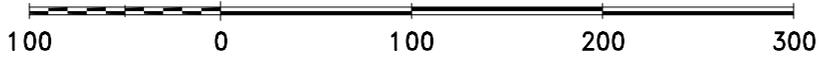
Scale: 1" = 150'

For reference only; map information NOT warranted.

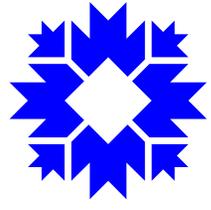


V-2-14
Aerial Photo

By: shapp
5 Aug 13



City of Bloomington
Planning



Scale: 1" = 100'

For reference only; map information NOT warranted.

Smith Brehob & Associates, Inc.



Providing professional land planning, design, surveying and approval processing for a sustainable environment.

Stephen L. Smith P.E., L.S.
Steven A. Brehob B.S.Cn.T.

January 23, 2014

City of Bloomington Planning Department
C/o Pat Shay
Showers Building
Bloomington, Indiana

Re: Alley Parking Variance
Hearing Officer Application
304 West Kirkwood

Dear Pat,

We are making application to the Hearing Officer for variance to allow parking off the alley for the Elmore-Orego building and site at 304 West Kirkwood Avenue.

The site plan for 304 West Kirkwood was approved by the Plan Commission as Case # SP-33-13 on December 9, 2013. The site plan shows 8 parking spaces off the alley subject to a variance. Section 20.05.070 (k) allows up to eight back out spaces from an alley but only for sites of 20,000 sf or less. The 304 West Kirkwood site has 0.78 acres or about 34,000 sf.

Your standard application form and fee are attached. All of the drawings and documents for the site plan are on file with Case #-33-13.

Very truly yours,

Stephen L Smith
Smith Brehob & Assoc., Inc.

Cc; file, McHenry, Weaver-Sherman
Encl

**BLOOMINGTON HEARING OFFICER
STAFF REPORT
LOCATION: 406 S. Madison St.**

**CASE #: V-05-14
DATE: March 5, 2014**

PETITIONER: Jeff Mease
406 S. Madison St., Bloomington, IN

CONSULTANT: Herndon Design
511 W. 4th Street, Bloomington, IN

REQUEST: The petitioner is requesting a variance from front yard building setback requirements to build an attached carport.

REPORT SUMMARY: The subject property is located at the northwest corner of S. Madison Street and W. Howe Street and is zoned Residential Core (RC). The property has been developed with a single family residence. The petitioner received a variance in 2005 (V-22-05) to allow for the front porch on the east side of the house to be reconstructed and expanded.

The petitioner is proposing to remodel the interior of the residence, construct a new addition on the west side of the residence, and construct a new carport on the north side of the residence. The property has public streets along the north (Smith St.), east (Madison St.) and south (Howe St.) sides. The proposed carport will extend from the north side of the residence approximately 22' toward Smith St. Carports are required to be 10' behind the front of the residence. Since this property has public road frontage on 3 sides, the petitioner has found difficulty in meeting the front yard setback requirement and is requesting a variance from that standard.

The petition site is located in the Prospect Hill Historic District. The proposed addition and work to the building was reviewed to ensure compliance with the applicable historic standards and was issued a Certificate of Appropriateness (COA-03-14) from the Historic Preservation Commission at their February 13, 2014 hearing.

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 this variance request will not negatively affect the public health, safety, morals, or general welfare of the community. There are several houses and garages that have been constructed along Smith Ave. with a reduced

setback similar to the proposed garage with no negative impacts to public health, safety, morals, or 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.*

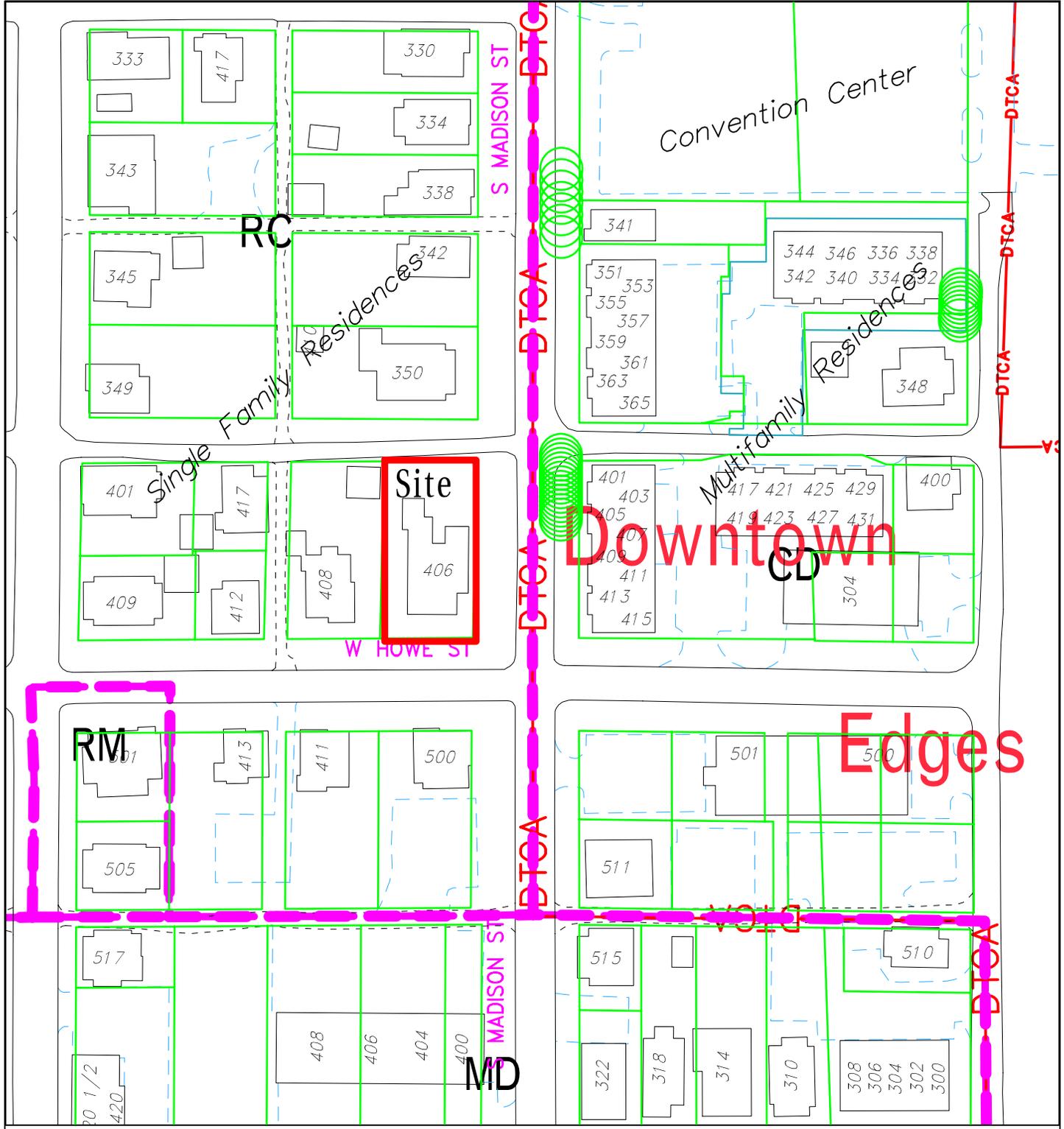
STAFF FINDING: Staff finds no adverse impacts to the use and value of the surrounding area associated with the proposed variance. The Historic Preservation Commission has issued a Certificate of Appropriateness to review the proposal and ensure compatibility with the neighborhood and historic preservation guidelines.

- 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. The property has three public street frontages that make it difficult to place a carport on the property and meet the setback requirements. The adjacent street frontages of Howe and Madison Street have historically been developed as the predominant street frontages and Smith Ave. has historically been developed more as a sideyard with substantially reduced setbacks. The petitioner is continuing this established development pattern with the proposed addition. Practical difficulty is found in that the UDO requires carports to be constructed 10' behind the front of the house and this would require a substantial addition to the house. The proposed addition is also a carport with open sides and will have less impacts than a detached garage.

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

1. Approved per terms and conditions of Certificate of Appropriateness COA-03-14.
2. A building permit is required prior to construction.



V-05-14 Jeff Mease

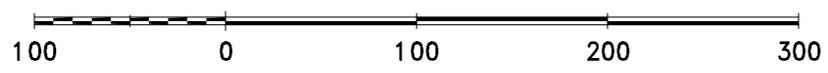
406 S Madison St

Hearing Officer

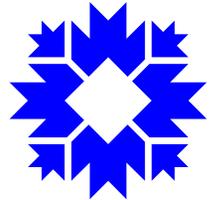
Site Location, Zoning, Land Use, Parcels

By: greulice

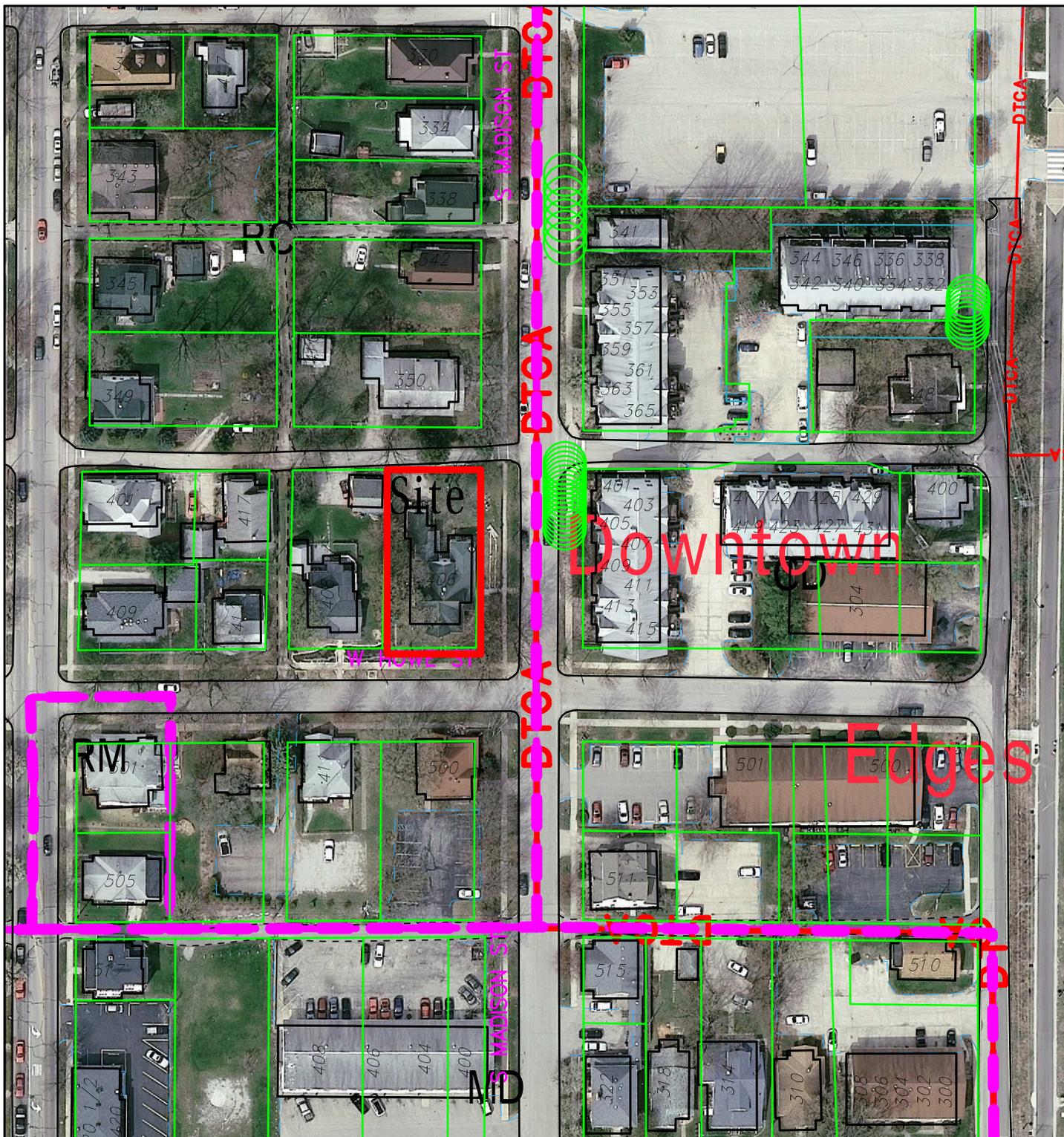
28 Feb 14



City of Bloomington
Planning

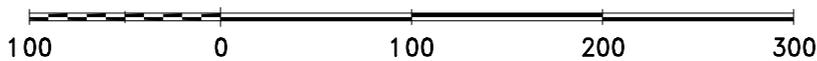


Scale: 1" = 100'

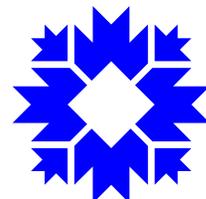


V-05-14 Jeff Mease
 406 S Madison St
 Hearing Officer
 2010 Aerial Photograph

By: greulice
 28 Feb 14



City of Bloomington
 Planning



Scale: 1" = 100'

Petitioner's Statement - 406 S. Madison Street.

02 17 14

The owner is planning a modest addition to the existing square footage of his home at 406 S. Madison (474 square feet) which will house a new laundry and guest bath as well as an enclosed breezeway mudroom to the North side Kitchen entrance. The planned renovation will also replace a portion of the existing house at the back North side due to its deteriorating condition as well as the addition of a porte-cochere to the North along Smith Street. This project was unanimously approved by the BHC on February 13th.

The proposed porte-cochere is the purpose of the variance request. Due to site conditions parking is limited to the North side of the house near Smith Street. This area has been used for years by past owners as well as the current owner being the only viable location for this purpose. As an improvement the current owner is requesting permission to construct a covered parking area in the form of a porte-cochere for two vehicles.

The site at 406 S. Madison is unique in that it is a lot with 3 street frontages, Howe to the South, Madison to the East and Smith Street to the North. The lot is also narrow along the East - West axis providing no options, as stated above, for locating parking other than what is currently being utilized to the North of the lot near Smith Street. Smith Street is scaled as, and primarily functions as, an alley, a statement that was reiterated by members of the Historical Preservation Commission during our meeting with them on Feb. 13th. Included with this document are photos of nearby and adjacent properties along Smith Street that show an existing precedent of a nearly 0 ft. set back from the street in some instances and a standard minimal set back of just a few ft. in most others. The property just to the West has an existing detached garage within 8 ft. of Smith Street. This building has a nearly identical location and setback as the porte-cochere that is being proposed.

Effort has been made to design, what we believe will serve as an improvement along Smith Street. Respect for the existing scale, the lightness of a porte-cochere rather than an enclosed garage as well as the use of materials that evoke the period of the existing house all work to achieve this.

We are requesting a variance for a modification in the front set back requirements of 25' from Smith Street to a nominal 9 ft..

Respectfully submitted,

Herndon Design

V-05-14
Petitioner Statement

406 S. MADISON - 1



AERIAL LOOKING SOUTHWEST



LOOKING WEST

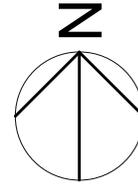
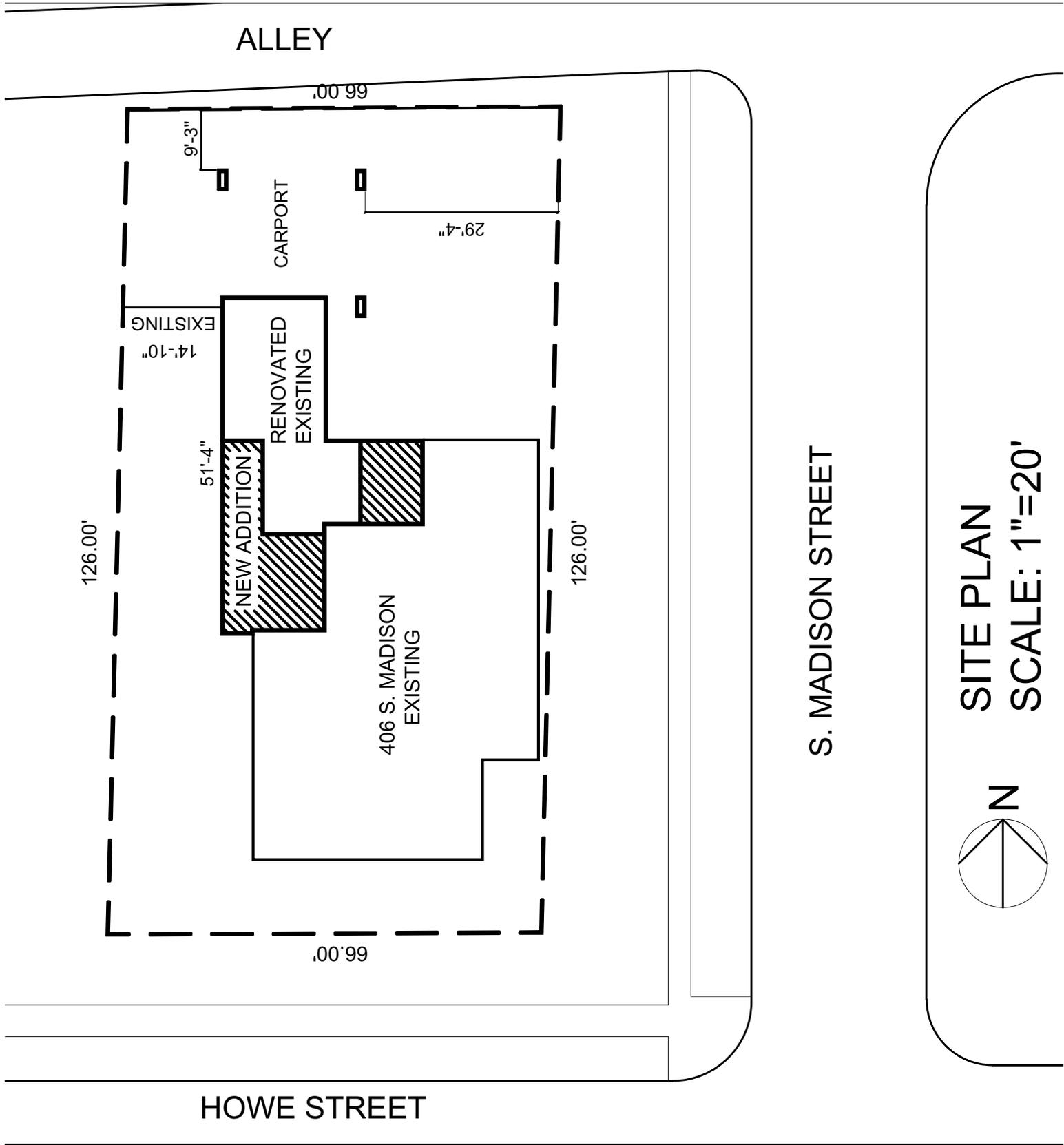
406 S. MADISON - 2



LOOKING SOUTHWEST



LOOKING SOUTH



SITE PLAN
SCALE: 1"=20'

S. MADISON STREET

BLOOMINGTON HEARING OFFICER
LOCATION: 525 S. Jordan Avenue

CASE #: V-6-17
DATE: March 5, 2014

PETITIONER: Allan Mackay
 525 S. Jordan Avenue

REQUEST: The petitioner is requesting variance from side yard setback standards to allow for the addition of an attached carport.

	Required	Proposed
Side building setback	6 feet	Approximately 2 feet

SUMMARY: The petitioner owns a single family home on the east side of S. Jordan Avenue midblock between E. 2nd Street and E. Hunter Avenue. The site is zoned Residential Core (RC) and is located within the Elm Heights Neighborhood. The petitioner is seeking to add an attached carport that extends from the home 11 feet to cover an existing pull-off parking space. The current property has no garage or carport. The posts for the structure will be placed at the required 6-foot setback and will overhang the setback by 4'3".

The proposal is located within the Elm Heights local historic district and has received a Certificate of Appropriateness (COA-02-14) from the Historic Preservation Commission (HPC) at its February 13, 2014 hearing. The proposed carport roof will be shingled and a screening fence will be placed between the carport and the street to screen the parking area.

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. This area of Elm Heights has several non-conforming setbacks. There is also a large amount of green space on this lot to achieve a reasonable level of light and air for this and surrounding structures. Injury is also minimized by the roof overhang being located adjacent to an alley.

- 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.*

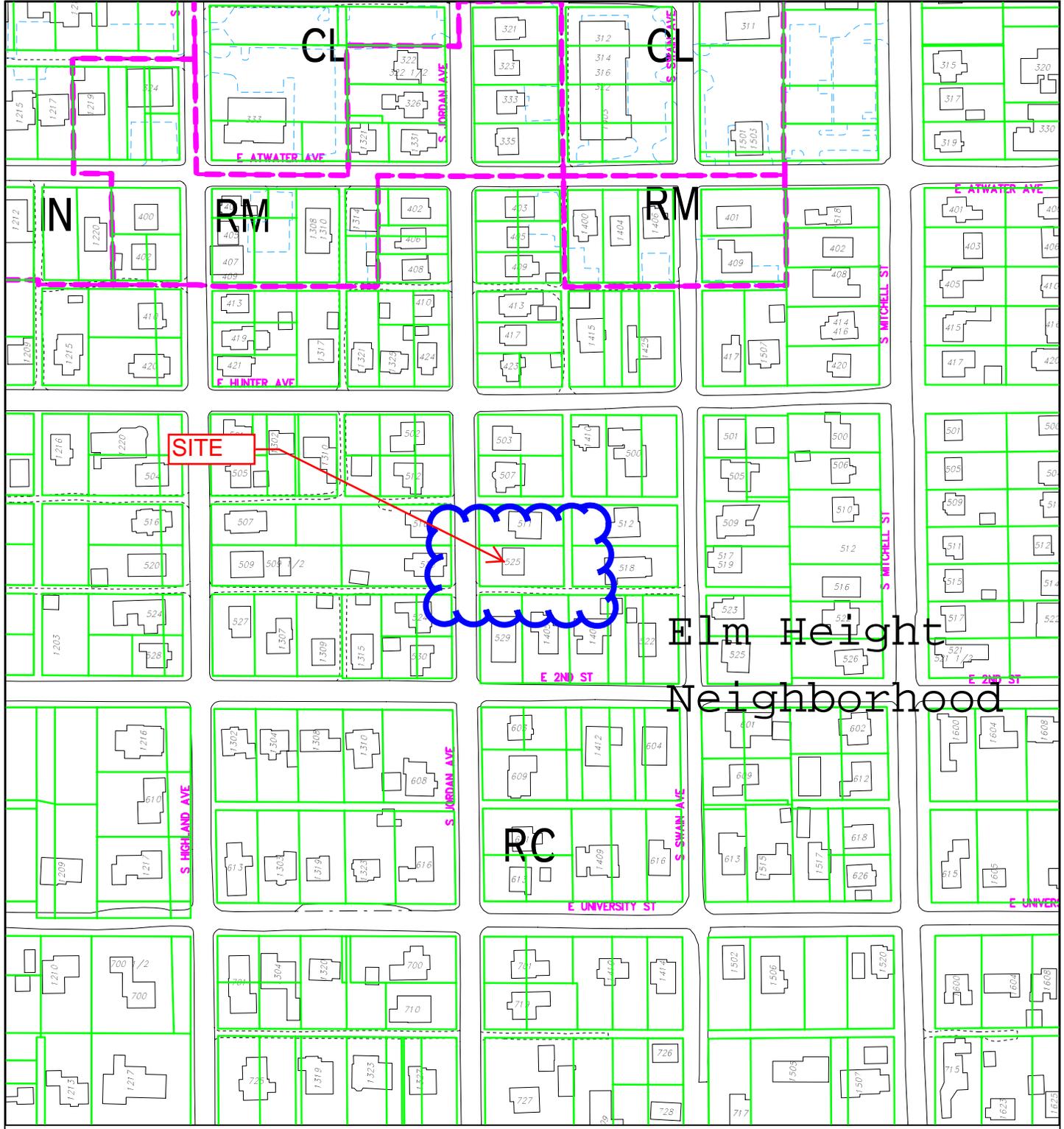
STAFF FINDING: Staff finds no negative effects from this proposal on the areas adjacent to the property. While the structure will be closer to the property line than permitted by the UDO, the carport will not be out of place with the surrounding area as evidenced by the approval of a COA by the HPC.

- 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 in not allowing the proposed carport to be constructed a manner that is consistent with the historical development pattern of the neighborhood. Peculiar condition is found in these historic development patterns of the area as well as the existing location of the home. The proposed location is the most logical place for a covered parking space. The petitioner has only proposed a single covered space and the lack of walls will minimize the visual impacts of the structure. The inclusion of this area within a local historic district shows that this area is unique and that an additional level of review by the HPC will ensure that a compatible design is achieved.

RECOMMENDATION: Based upon the written findings above, staff recommends approval of V-6-14 with the following conditions:

1. The petitioner must secure a building permit prior to construction.
2. The petitioner must construct the carport consistent with the Certificate of Appropriateness granted by the Historic Preservation Commission.

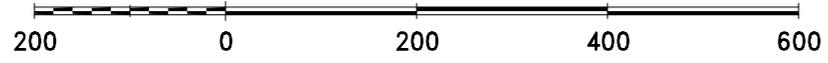


Elm Height
Neighborhood

V-6-14 Allan Mackay

525 S. Jordan Avenue
Location/Zoning/Land Use map
Hearing Officer

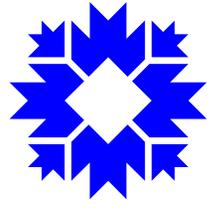
By: shapp
7 Dec 12



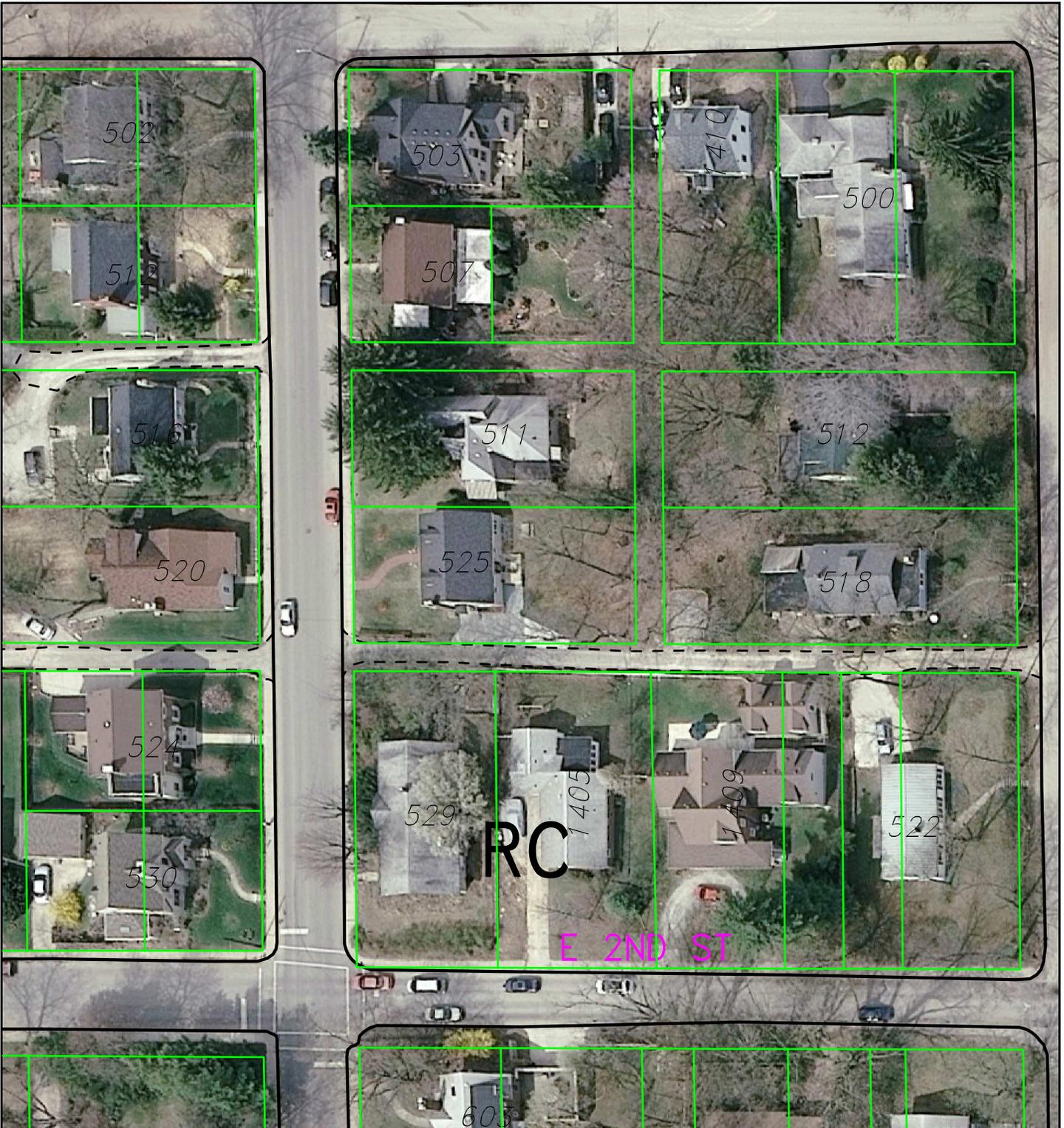
For reference only; map information NOT warranted.



City of Bloomington
Planning

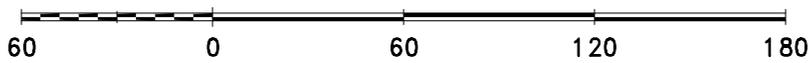


Scale: 1" = 200'

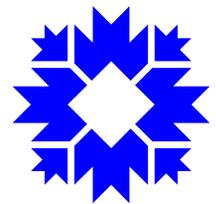


V-6-14 Mackay
Aerial Photo

By: shayp
7 Dec 12



City of Bloomington
Planning



Scale: 1" = 60'

For reference only; map information NOT warranted.

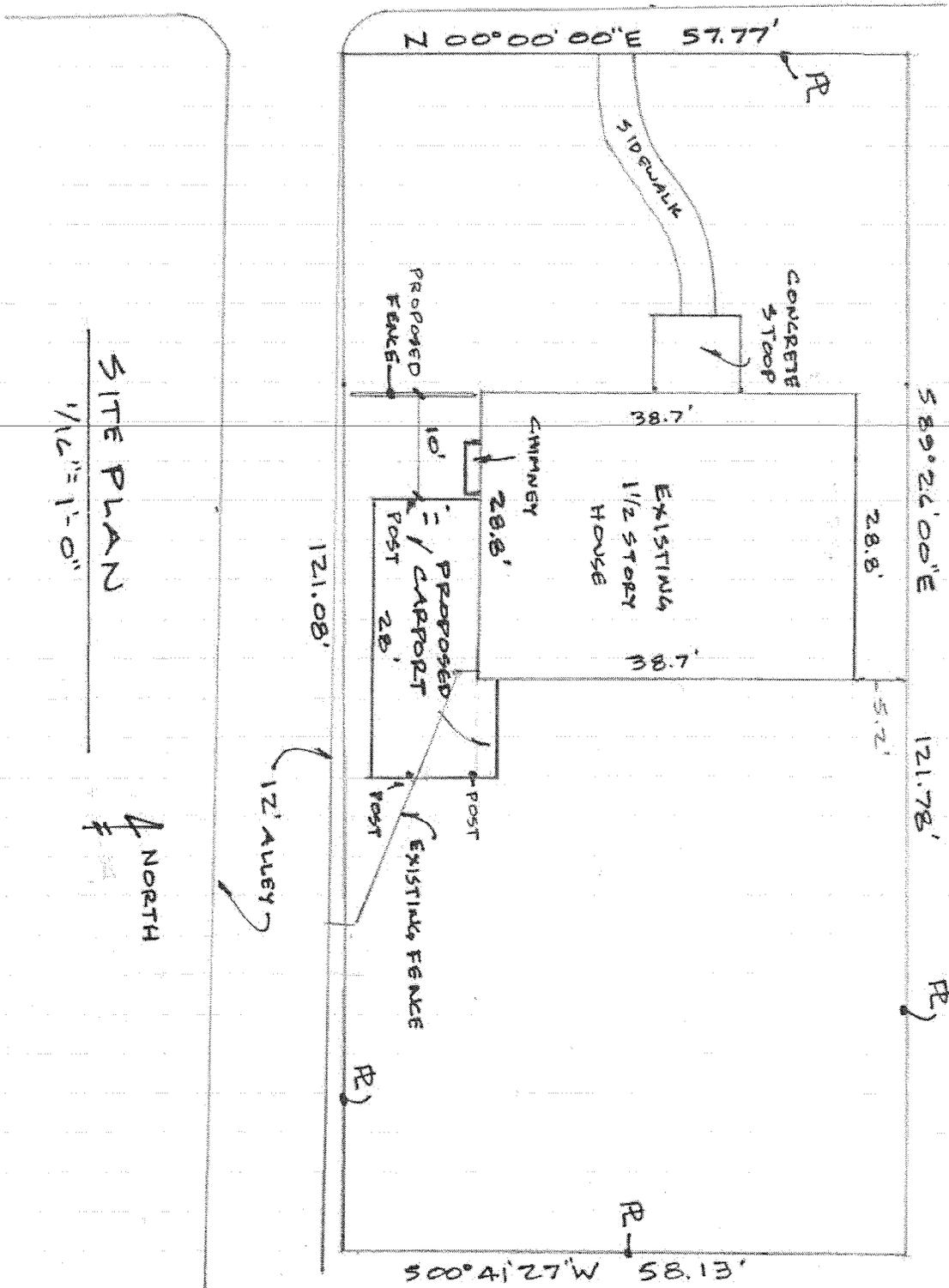
2. A description of the nature of the proposed modifications or new construction:

We are proposing to add a carport over the existing parking area. Including replacing existing broken concrete with cobblestone pad. Also, adding fence section to improve curb appeal.

3. A description of the materials used.

Stamped concrete wood frame new fence panels, asphalt shingles to match home and fiber cement siding.

JORDAN AVENUE

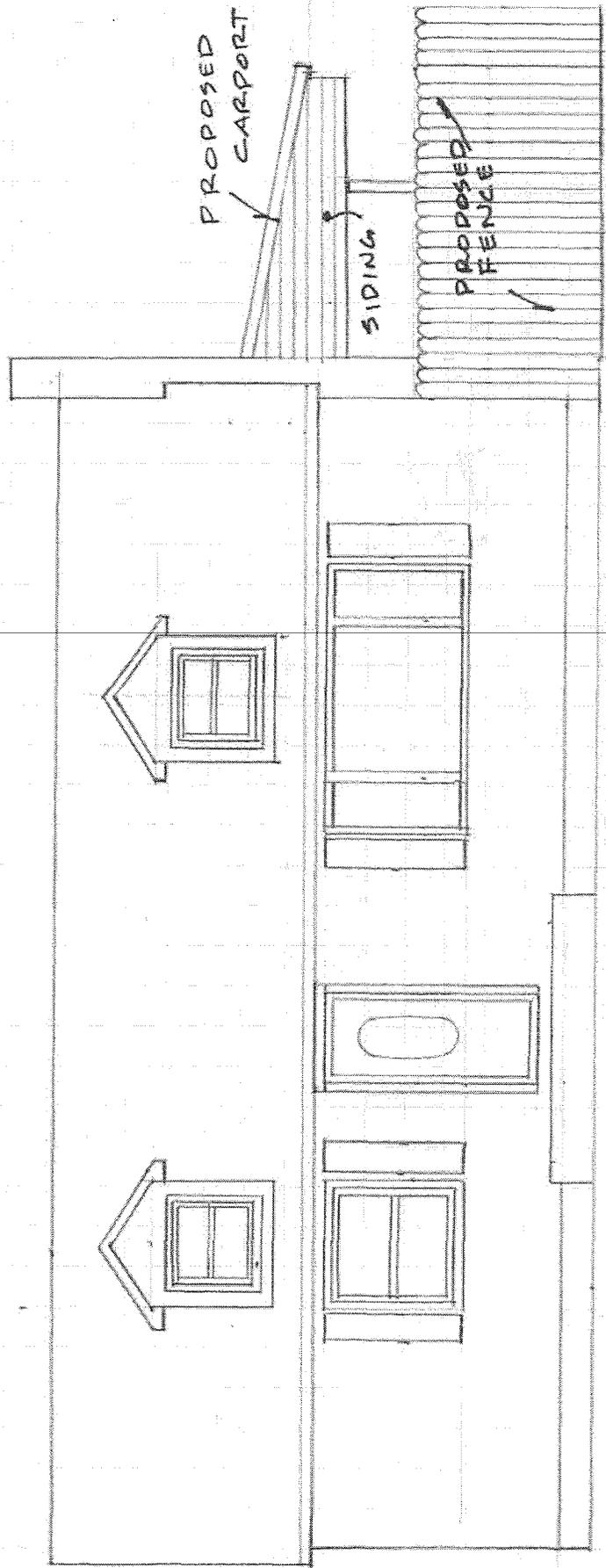


SITE PLAN
1/4" = 1'-0"



525 S. JORDAN AVE.
BLOOMINGTON, IN

HAL WEAVER
525 S. JORDAN AVE.
BLOOMINGTON, IN

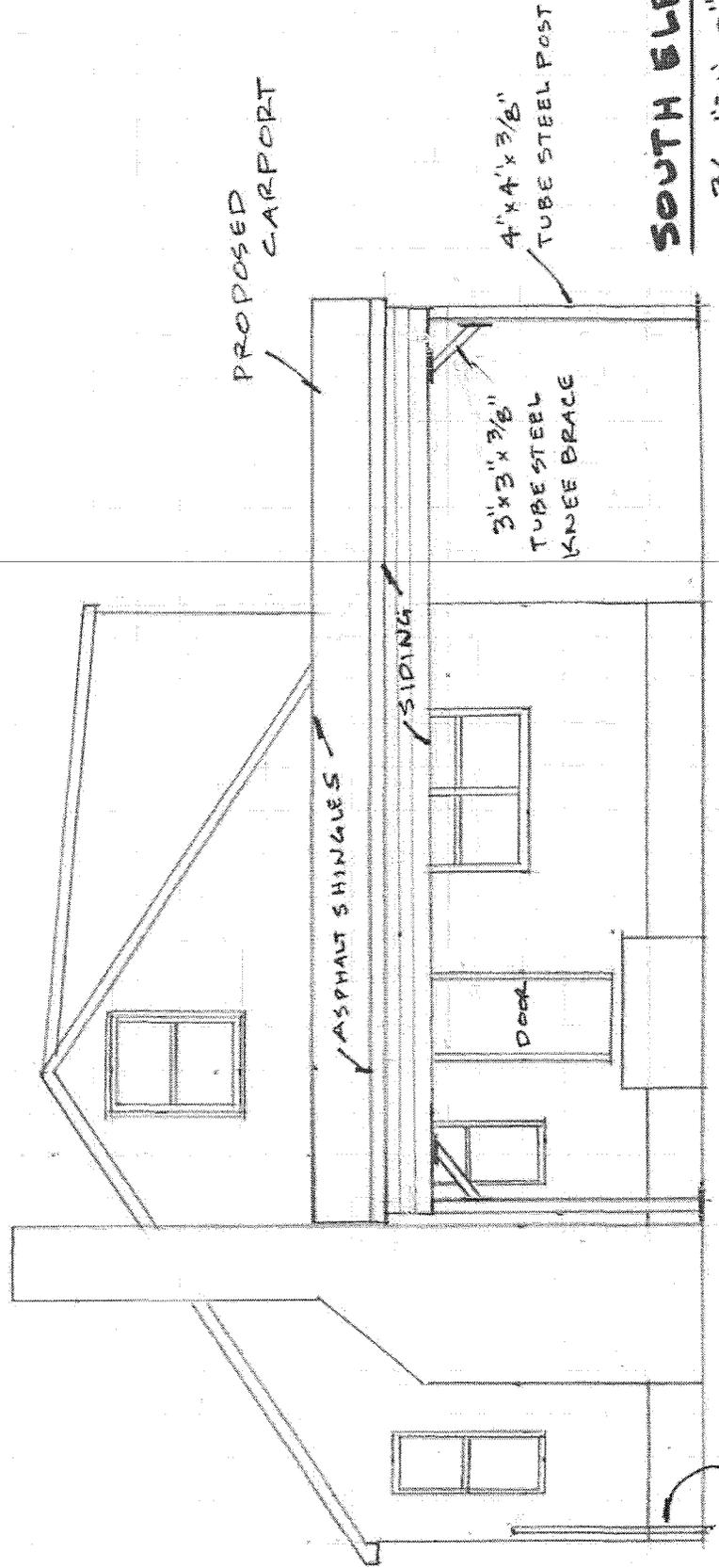


WEST ELEVATION

3/16" = 1'-0"

V-6-14
Elevations

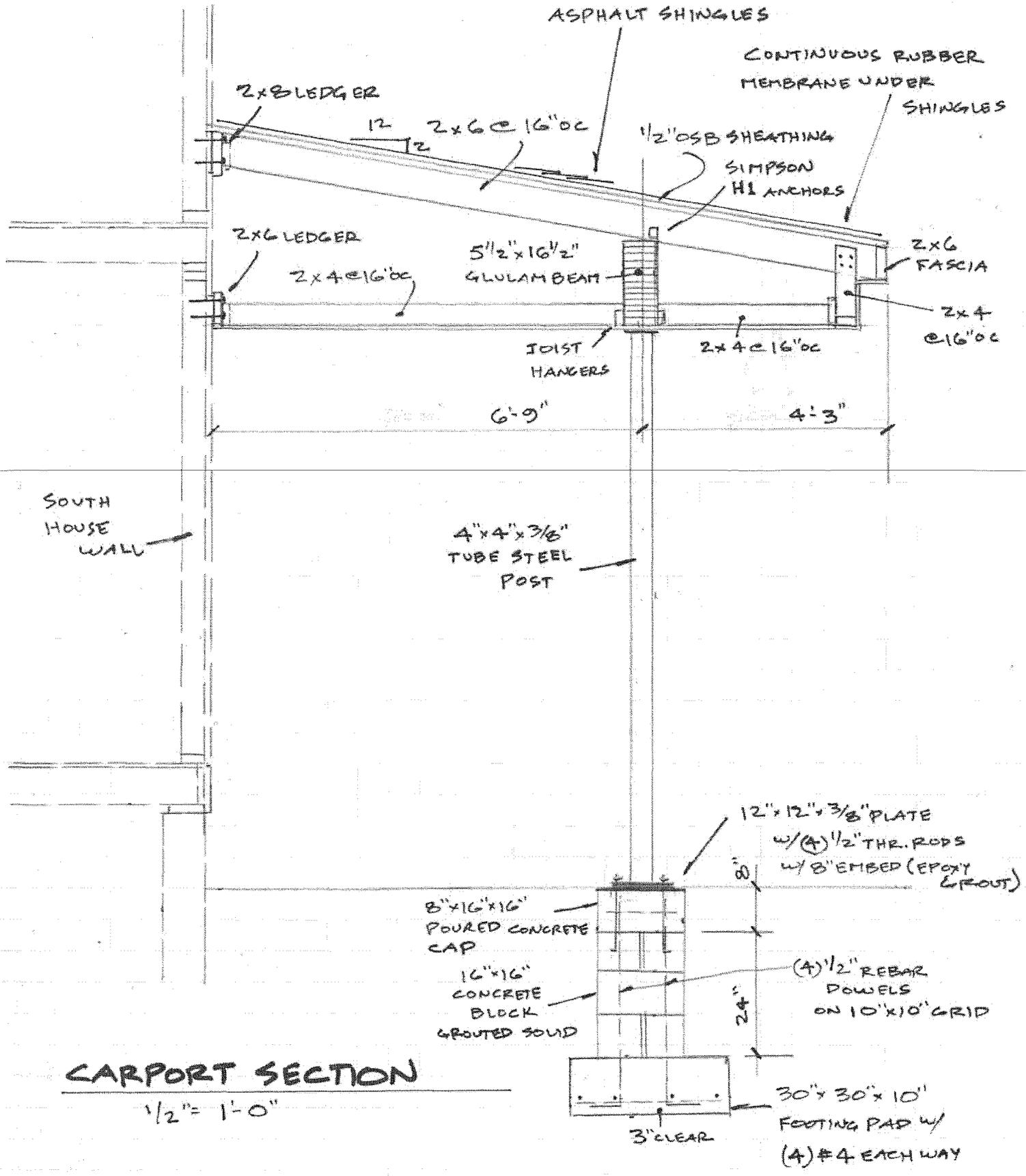
HAL WEAVER
525 S. JORDAN AVE.
BLOOMINGTON, IN



25
SOUTH ELEVATION

3/16" = 1'-0"

PROPOSED
FENCE



CARPORT SECTION

1/2" = 1'-0"



