

# CITY OF BLOOMINGTON



OCTOBER 1, 2014 @ 2:00 p.m.  
CITY HALL -  
KELLY CONFERENCE ROOM #155

# AGENDA

CITY OF BLOOMINGTON  
HEARING OFFICER  
October 1, 2014 at 2:00 p.m.

\*Kelly Conference Room #155

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## PETITIONS:

- UV/V-33-14 **The NRP Group**  
2960 S. Walnut St.  
Request: Use variance to allow ground floor dwelling units. Also requested are variances from driveway setback and riparian buffer standards to allow a new multi-family residential development.  
Case Manager: Eric Greulich
- V-35-14 **Michael and Debra Wade**  
1031 S. Jordan Ave.  
Request: Variance from front yard setback standards to allow an addition to a single-family house.  
Case Manager: Jim Roach

**BLOOMINGTON HEARING OFFICER  
STAFF REPORT  
Location: 2960 S. Walnut Street**

**CASE #: UV/V-33-14  
DATE: October 1, 2014**

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**PETITIONER:** The NRP Group, LLC  
5309 Transportation Blvd, Cleveland, OH

**CONSULTANT:** American Structurepoint Inc.  
7260 Shadeland Station, Indianapolis, IN

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**REQUEST:** The petitioner is requesting a use variance to allow ground floor residential units in a Commercial Arterial (CA) zoning district. Also requested are variances from driveway setback and riparian buffer standards.

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<b>Area:</b>	<b>5.33 Acres</b>
<b>Zoning:</b>	<b>Commercial Arterial (CA)</b>
<b>GPP Designation:</b>	<b>Community Activity Center</b>
<b>Existing Land Use:</b>	<b>Motel</b>
<b>Proposed Land Use:</b>	<b>Multi-family Residences</b>
<b>Surrounding Uses:</b>	<b>East</b> - Offices/Self Storage Units
	<b>South</b> - Automobile Dealership/U-Haul
	<b>West</b> - Duplexes
	<b>North</b> - Duplexes

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**CASE HISTORY:** This site received approval from the Board of Zoning Appeals in October 2012 under UV/V-42-12. Since that time, the petitioner has been seeking funding for the project and has not been successful. Since the variance approval is only valid for 3 years, the petitioner is seeking a re-approval of the variances previously requested. The proposed development plan has undergone minor revisions, but remains relatively unchanged in terms of density, parking, and layout.

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**REPORT SUMMARY:** This 5.33 acre property is located at 2960 S. Walnut St. and had been developed with a bar/dance club and 2 motel buildings and is zoned Commercial Arterial (CA). Since the original hearing, the bar/dance club has been removed as the result of a fire. Surrounding land uses include offices and storage units to the east, an automobile dealership to the south, and a duplex development to the north and west.

The property has a mild east-to-west slope with scattered interior trees and a vegetated fence row along the property borders. There is a small creek that flows from a box culvert under Walnut Street that is collected by a swale along the southern property line of the site which eventually discharges to Clear Creek to the west. This creek is subject to the riparian buffer standards of the UDO. A portion of the floodplain from Clear Creek also extends onto this property and has been shown on the site plan. A portion of this area will be disturbed for utility crossings and to remove some soil to offset fill associated with the utility lines.

The petitioner is proposing to remove all of the existing buildings except for the limestone clubhouse building and construct 4 new multifamily residential buildings that will be used for affordable housing. There will be a total of 96 units and 180 bedrooms on the property with 36 one-bedroom units, 36 two-bedroom units, and 24 three-bedroom units. A total of 148 parking spaces are being proposed for the units. With this proposal, there would be a new 5' wide concrete sidewalk and tree plot installed along Walnut Street as required.

The petitioner is requesting a use variance to allow ground floor residential units. Also requested are a variance from driveway setback requirements to allow the existing driveway to remain and a riparian buffer variance to allow encroachment into the required 75' setback requirement from a stream bank.

The Plan Commission heard this case at the October 8, 2012 meeting and voted 8-0 to send this to the Board of Zoning Appeals with a positive recommendation for the requested use variance. That positive recommendation is still in effect for this current hearing.

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#### **SITE PLAN REVIEW:**

**Access:** The petitioner would be utilizing the existing drive cut onto Walnut St. Minor changes would be done to the drive cut to re-align it with the parking lot changes. The current drive cut is approximately 70' from the adjacent drive to the south and does not meet the 100' setback requirement. The petitioner is requesting a variance to allow for the existing driveway to remain. The location of existing driveways on the adjacent properties and an adjacent driveway on the opposite side of Walnut Street make installing a compliant driveway location difficult.

**Pedestrian Facilities:** There is an existing sidewalk along a portion of the property frontage. The sidewalk will be extended to the north property line with this petition and be continuous across the frontage. There will also be a series of internal sidewalks that connect the development to the sidewalk along Walnut Street. New ramps will be installed along the sidewalk intersection with the drive.

**Parking:** The proposed development is not required to provide any parking spaces, but will have 148 parking spaces to serve the needs of the tenants. The parking area is required to have a minimum of 7 islands with a tall, canopy tree planted in each and these have been shown on the landscape plan. A total of 30 bicycle parking spaces are required and have been shown. Bicycle parking will be provided both inside the buildings as well as covered bike racks adjacent to the buildings.

**Environmental Features:** The property has a few scattered pine trees and a vegetated fence row along the north, west, and south property borders. The floodplain of Clear Creek encroaches onto the west and southwest portions of the site. The lowest finished floor elevation of the buildings has all been shown 2' higher than the flood elevation. The small creek that flows along the south property line is subject to the riparian buffer standards. There are currently several encroachments into this buffer including two buildings and

parking area. Staff has worked with the petitioner to maximize the distance from the proposed buildings and parking areas to the creek in order to provide the greatest opportunities for protection. The UDO requires a 75' setback from the top of creekbank and the site plan shows encroachments up to 37' from the creekbank on the east end of the site with a greater setback of almost 70' further west.

**Stormwater Detention/Utilities:** The grading plan shows two stormwater detention swales along the south side of the property to provide stormwater detention and improve stormwater runoff quality. In addition there will be underground detention provided under the parking areas through a series of pipes. Once constructed, stormwater runoff will be collected by inlets or swales and discharged into either the proposed underground detention chambers or the rain gardens. The western portion of the site will be collected by a storm sewer network while the eastern portion will be collected by one of two stormwater swales. The proposed swales will be planted with a wetland seed mix to provide water quality improvements before water enters Clear Creek. The outfall from the underground detention will discharge via either a 15-inch or 12-inch stormwater pipe outlet to the existing swale along the southern property line. There is an adjacent sanitary sewer line that is being connected to that runs along Pinewood Lane to the west. In order to achieve enough burial depth for the new sewer line a small amount of fill will need to be placed in the floodplain to bury the line. As a result of this fill, an equal amount of soil must be removed from the floodplain to compensate for the fill. A permit from the Department of Natural Resources must be approved prior to any disturbance in the floodplain.

**Architecture:** Elevations for the proposed buildings have been submitted and are included in the packet. The buildings will be approximately 43' tall and have sloped roofs with shingles. The façades will be finished with a mix of brick veneer, vinyl, shake accent siding, and decorative trim.

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#### **20.09.140 CRITERIA AND FINDINGS FOR USE VARIANCE:**

**Findings of Fact:** Pursuant to IC 36-7-4-918.4. the Board of Zoning Appeals or the Hearing Officer may grant a variance from use if, after a public hearing, it makes findings of fact in writing, that:

*(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and*

**Staff Finding:** Staff finds no injury with the use variance request for ground floor units. This site is immediately adjacent to another multi-family complex to the north. The prohibition of ground level units was intended to achieve a mix of uses along commercial corridors. Staff finds the area to have an adequate mix of uses due to the surrounding commercial developments.

*(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and*

**Staff Finding:** Staff finds no adverse impacts associated with the proposed use variance. Furthermore, Staff finds the proposed development of a poorly maintained site with a desired use and improved environmental sensitivity only increases the value of surrounding properties.

- (3) *The need for the variance arises from some condition peculiar to the property involved; and*

**Staff Finding:** Staff finds peculiar condition in that the presence of established commercial uses and commercially zoned land surrounding this site reduces the need for this property to have commercial uses. In addition, the narrow lot width and long length of the property make redevelopment with all commercial uses difficult.

- (4) *The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and*

**Staff Finding:** Staff finds the strict application of the Unified Development Ordinance will place an unnecessary hardship in that there are adequate commercial services surrounding the site and additional commercial space is not needed in this area. This use will provide a needed affordable housing component to the City. The requirement to have ground floor commercial space on every building on this property creates a hardship in its development. In addition, this site is further north on Walnut Street than other commercial uses and transitions to strictly residential developments north of this, with limited commercial uses further north.

- (5) *The approval does not interfere substantially with the Growth Policies Plan.*

**Staff Finding:** The Plan Commission and Staff find that this proposal does not substantially interfere with the Growth Policies Plan. The GPP designates this property as Community Activity Center (CAC). The CAC designation “is designed to provide community-serving commercial opportunities in the context of a high density, mixed-use development.” The small size of the property does not provide an opportunity to develop the site as envisioned by a typical CAC, however some of the relevant policies for this area state that:

- *Residential units may also be developed as a component of the CAC, and would be most appropriate when uses are arranged as a central node rather than along a corridor.*
- *Buildings should be developed with minimal street setbacks to increase pedestrian and transit accessibility.*
- *Street cuts should be limited as much as possible to reduce interruptions of the streetscape.*
- *Incentives should be created to encourage the inclusion of second-story residential units in the development of Community Activity Centers.*

In addition to the policies of the CAC, the GPP’s guiding principles have several policy

recommendations that relate to this petition. The “Sustain Economic and Cultural Vibrancy” guiding principle states:

- *...the redevelopment of under-utilized parcels should not be neglected in favor of open land outside of the City.*
- *Within Bloomington, there are significant numbers of properties within downtown, along arterial roadways, and even in core neighborhoods that could be better utilized through redevelopment strategies.*

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## **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:** The granting of a variance from these standards will not be injurious to the public health, safety, morals, and general welfare. A substantial amount of the property will be coming closer to compliance with current standards by removing existing encroachments of buildings and parking area. There are no known traffic hazards associated with the distance of the current driveway from adjacent driveways. There will be substantial amount of encroachments removed from the current riparian buffer with new landscaping and vegetation installed that will greatly improve the buffer from the creek from existing conditions.

- 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. The redevelopment of this property will only improve the condition of the property and impacts on adjacent properties.

- 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 in the determination that the proposed drive location will be safer than a compliant setback due to the location of the drive on the east side of Walnut St. The narrow width of the lot and existing encroachments create practical difficulty in the use of the property. Staff has worked with the petitioner to maximize the setback from the riparian buffer and feels confident the proposed site plan meets the intent of the riparian buffer standards.

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**PLAN COMMISSION RECOMMENDATION:** The Plan Commission reviewed the plan and the use variance request at their October 8, 2012 meeting. The Plan Commission voted 8:0 to forward the use variance request to the BZA with a positive recommendation. The Plan Commission found that the proposed use variance does not interfere with the Growth Policies Plan.

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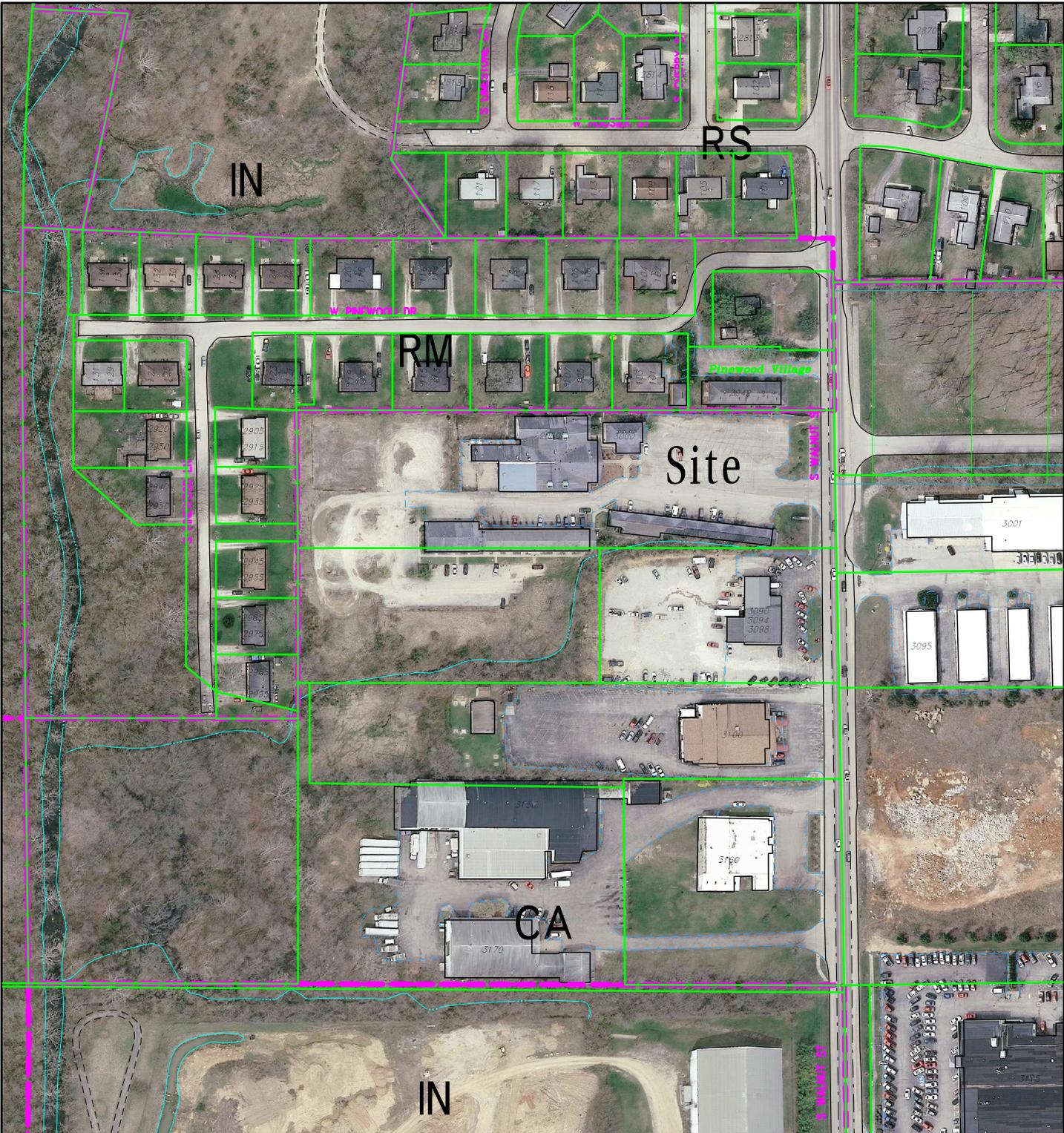
**CONCLUSION:** With the exception of the requested variances, the proposed site plan meets the requirements of the Unified Development Ordinance. The removal of several dilapidated buildings, along with site and landscape improvements, will provide improvements to the property and a re-investment in the southern Walnut Street corridor. The extension of the sidewalk across the property frontage will also help complete a sidewalk system along Walnut St. that was started with a City project. The narrow width of this property and shape of the lot make a general Community Activity Center difficult. Furthermore, the lack of ground floor commercial space at this location does not interfere with the goals and policies of the Growth Policies Plan. The presence of several commercial centers immediately surrounding this property provides commercial service opportunities in this area. This project would provide a needed affordable housing project along with redeveloping an underdeveloped property. The Board of Zoning Appeals approved these variances in 2012 with a unanimous vote.

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**RECOMMENDATION:** Based upon the written report, staff recommends approval of the requested variances with the following conditions:

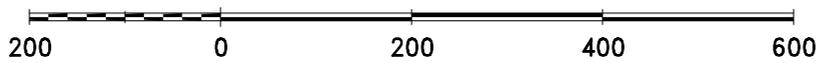
1. Thirty (30) Class II bicycle parking spaces are required.
2. The riparian buffer area must be planted in accordance with UDO requirements.
3. A complete photometric plan must be submitted and approved prior to issuance of a building permit.
4. A permit from the Department of Natural Resources must be approved prior to any disturbance in the floodplain.



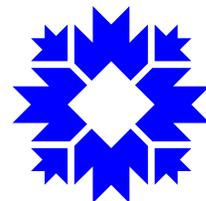


UV/V-33-14 The NRP Group  
 1960 S Walnut Street  
 Hearing Officer  
 2010 Aerial Photograph

By: greulice  
 25 Sep 14



City of Bloomington  
 Planning & Transportation



Scale: 1" = 200'

For reference only; map information NOT warranted.

PETITION

Bloomington Pointe is a comprehensive neighborhood revitalization development on a site of a previously used for a bar/restaurant and an existing short term stay motel to a multifamily neighborhood. Bloomington Pointe proposes to develop a green design multi-unit residential facility for the purpose of providing housing for families

Bloomington Pointe will provide a high quality green universally designed affordable housing option for 96 families living in Bloomington. The energy efficient cottage and garden style apartment homes will meet and exceed the IHCD Minimum Development Standards for new construction buildings including Special Housing Needs. The Universal Design Features will be constructed to the Blue Ribbon status. Additionally, Bloomington Pointe has been designed to incorporate the High Performance Housing Characteristics for energy efficiency and will achieve the building certification of LEED or equivalent rating.

Bloomington Pointe will offer a pedestrian-oriented neighborhood including multiple bike racks, playground and public bus stop. Additionally a Community Clubhouse complete with a large living room offering a flat screen TV, oversized fireplace, kitchenette, common laundry room computer room and offices will greet the new residents at the entrance.

This property is located at 2960 S. Walnut Street, Bloomington, IN 47402. The Petitioner is requesting a Use Variance to allow for ground floor residential dwelling units zoned commercial arterial and a riparian buffer variance and driveway setback variance from the City of Bloomington, Monroe County, Indiana.

By:  \_\_\_\_\_

J. David Heller

Managing Member

NRP Properties LLC

5309 Transportation Boulevard

Cleveland, Ohio 44125

State of Ohio

UV/V-33-14  
Petitioner Statement







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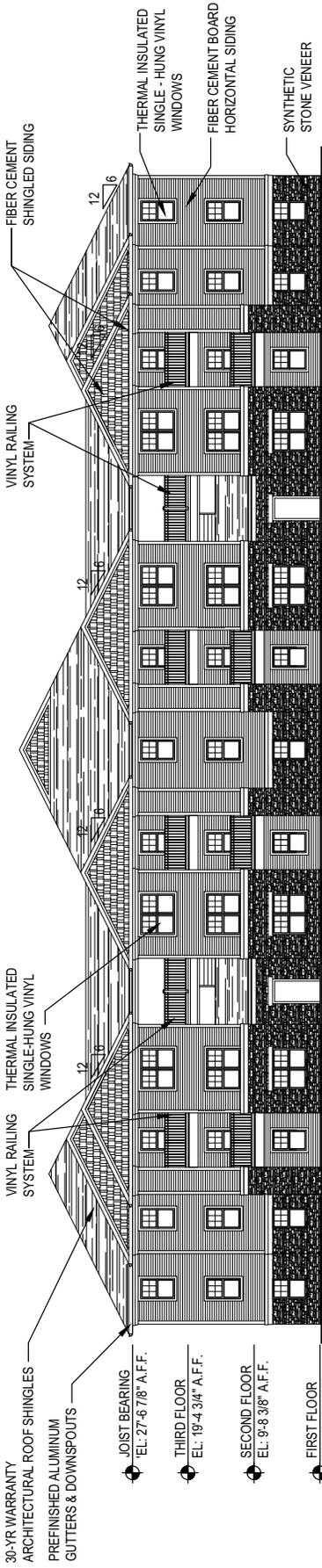
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SUBMITTAL 2014**

**BUILDING TYPE I  
ELEVATIONS**

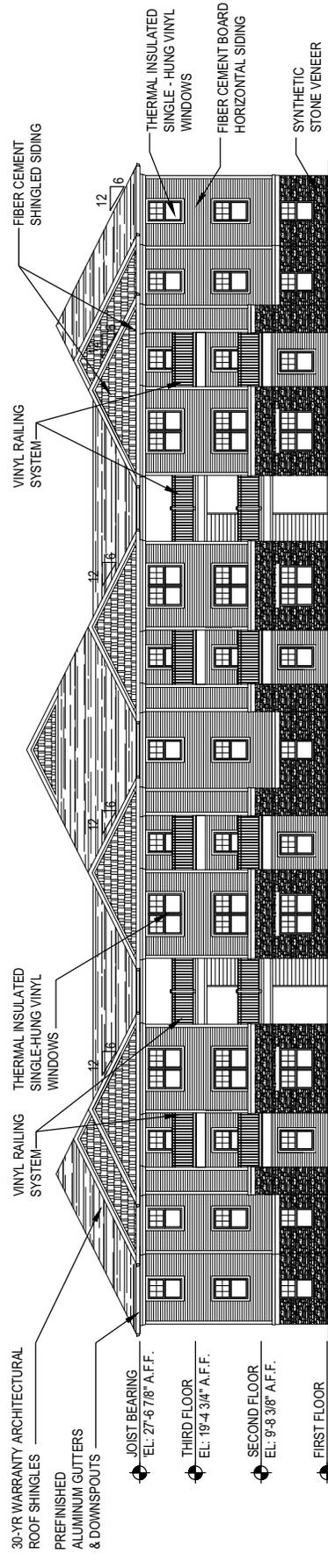
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0 2' 4' 8' 16'

PROJECT # 10289  
DRAWN BY  
CHECKED BY  
FILE NAME  
PLOT DATE  
DATE: 2/2013  
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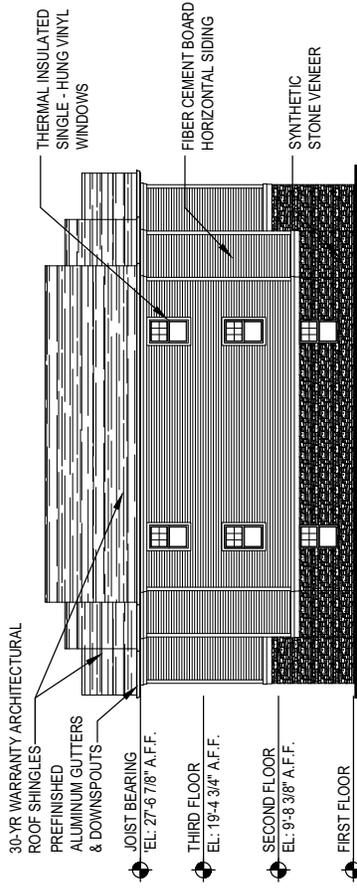
**A-3.01**



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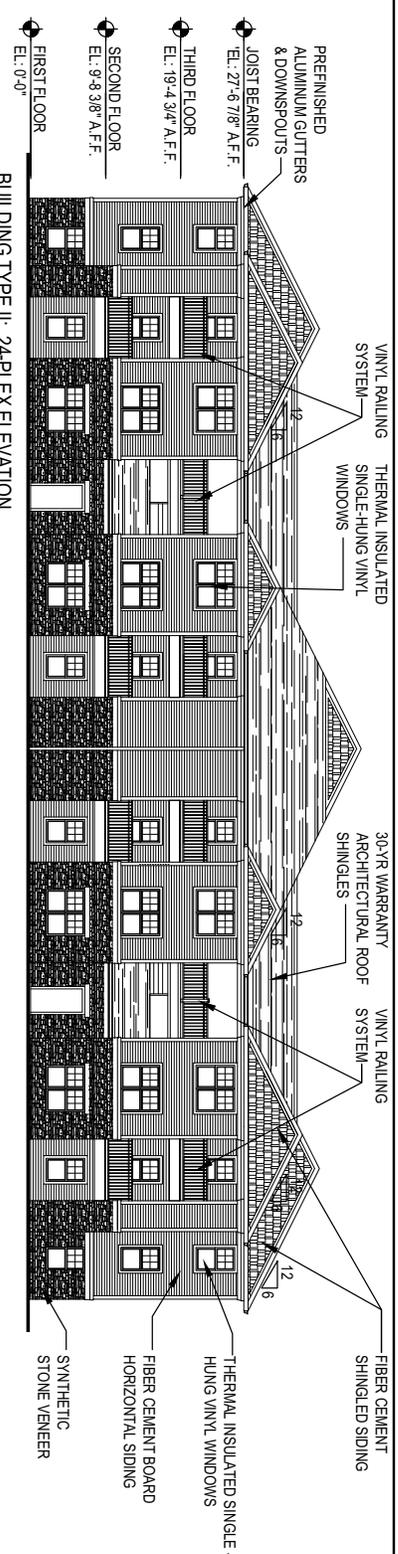


**BUILDING TYPE I: 24-PLEX ELEVATION  
FRONT ELEVATION**  
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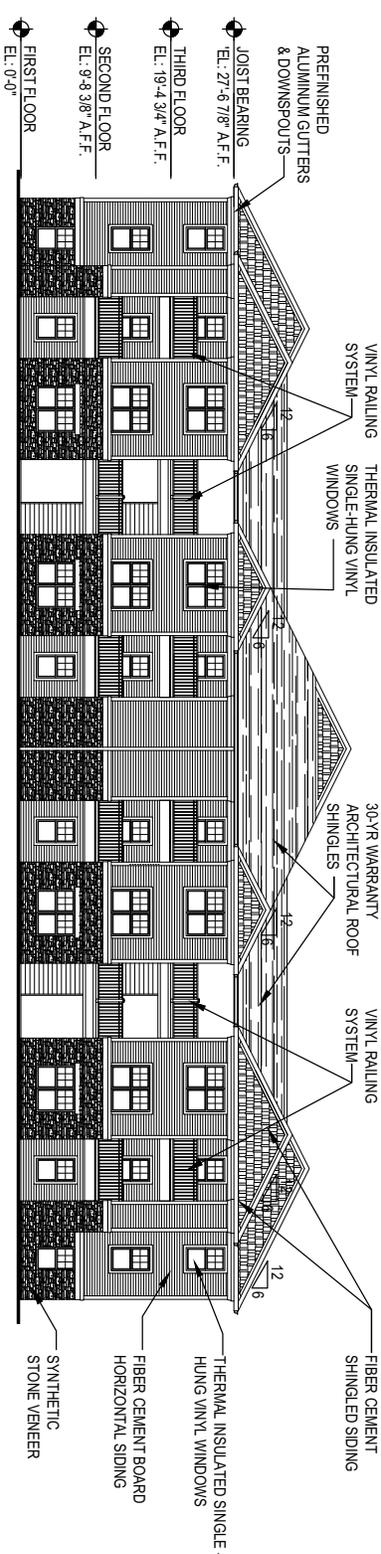


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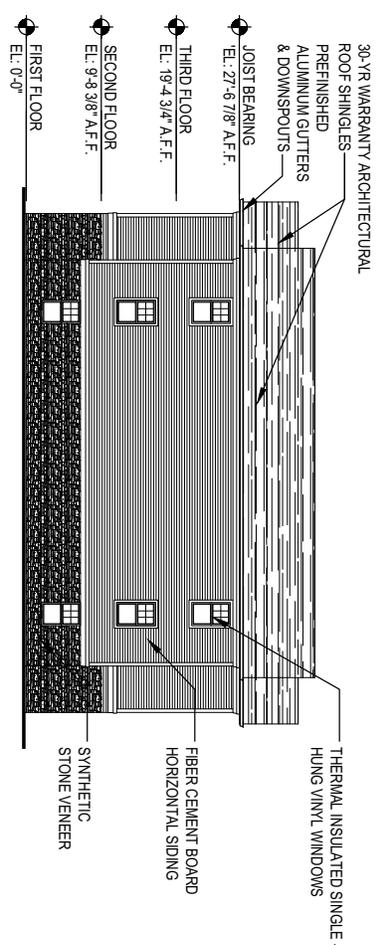
**UVV-33-14  
Building Elevations**



**BUILDING TYPE II: 24-PLEX ELEVATION**  
REAR ELEVATION  
SCALE: 1/16" = 1'-0"



**BUILDING TYPE II: 24-PLEX ELEVATION**  
FRONT ELEVATION  
SCALE: 1/16" = 1'-0"



**BUILDING TYPE II: 24-PLEX ELEVATION**  
TYPICAL SIDE ELEVATION  
SCALE: 1/16" = 1'-0"

**UVV-33-14**  
**Building Elevations**

**TAX CREDIT**  
**SUBMITTAL 2014**

**BUILDING TYPE II**  
**ELEVATIONS**

SCALE: 1/16" = 1'-0"  
0' 2' 4' 8' 16'  
PROJECT # \_\_\_\_\_  
DRAWN BY \_\_\_\_\_  
CHECKED BY \_\_\_\_\_  
FILE NAME \_\_\_\_\_  
RDL DATE \_\_\_\_\_  
DATE: 02/23/13  
CONTRACT #: 2013  
ALRIGHTS RESERVED

**A-3.02**

**UV/V-33-14  
Elevations**



**RDL** 17  
ARCHITECTS

**RDL ARCHITECTS**  
16102 Chagrin Blvd, Suite 200  
Shaker Heights, OH 44120  
Tel: 216-752-4300  
Fax: 216-752-4301  
www.rdlarchitects.com

**BLOOMINGTON  
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BLOOMINGTON, IN

**CHR**  
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*Community Housing Resource Partners*  
P. O. Box 83132  
San Antonio, TX 78283  
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**TAX CREDIT  
SUBMITTAL 2014**

RENDERED  
ELEVATION

SCALE: N.T.S.

PROJECT #	1709
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FILE NAME	0204.2.2013
PROJECT DATE	
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**A-3.03**





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**TAX CREDIT  
SUBMITTAL 2014**

**CLUBHOUSE  
RENDERED ELEVATION**

SCALE: 1/8" = 1'-0"

PROJECT #	12888
DRAWN BY	
CHECKED BY	
FILE NAME	Clubhouse 2.2013
PLOT DATE	

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**A-4.03**

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**PETITIONER:** Michael and Debra Wade  
1155 Benson Ct., Bloomington

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**REQUEST:** The petitioners are requesting a variance from the front yard setback for a side loaded garage addition.

	Existing	Required	Proposed
Front setback	62.5 feet from centerline	Min. 65 feet from centerline	62.5 feet from centerline

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**SUMMARY:** The petitioners own a single family home on the east side of S. Jordan Ave., 2 properties south of its intersection with E. Southdowns Drive. The home has a open sided carport that extends toward the street from the main mass of the house. This carport opens to the north side and a drive curves from the street to enter it. The petitioners desire to have an enclosed garage instead of the carport. The existing carport and house roof lines are not designed in such a way to allow it to be easily converted into a garage. The petitioners propose to demolish the carport and rebuild it as an enclosed garage. The garage would be no closer to the street than the existing carport, but would be wider.

With demolition of the carport, the new addition must meet minimum front setback requirements. Based on the location of other houses on the block, this addition must be at least 65 feet from the centerline of S. Jordan Ave. The proposed garage is no closer to the street than the existing carport, but is only 62.5 feet from the centerline (31.5 feet from right-of-way). The petitioners are requesting a variance to allow the garage closer to the street than required.

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**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. The garage would still be located an adequate distance from the street, with side loading doors, to allow for cars to be parked on the driveway.

- 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. The proposed garage replaces an existing carport than has existed on the lot for many years with no issues. The proposed addition and changes to the house would unify the architectural design of the house. In addition, several adjacent property owners have signed a letter stating they have no objections.

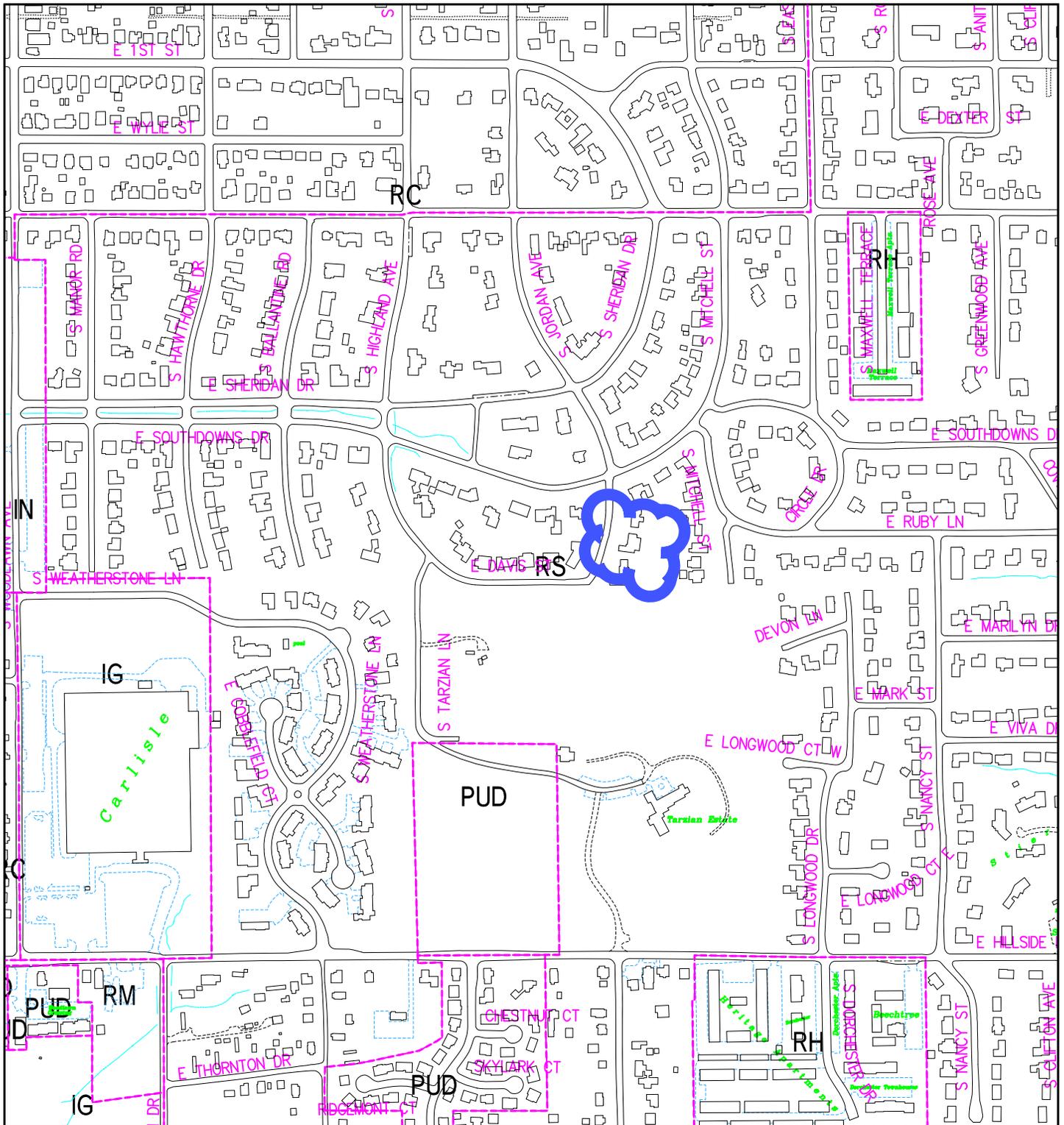
- 3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

**STAFF FINDING:** Staff finds peculiar conditions in the location of the existing carport and driveway and the deeper than normal setback. The typical minimum setback from a structure in the RS zoning district is 40 feet from centerline of a street. The larger required setback for this lot is based on the larger setbacks of other homes on this block. The proposed garage will be no closer than the existing carport. Practical difficulty is found in the desire to reutilizes the existing disturbed area on the lot and driveway. A complying setback would require more earth disturbance to remove the portions of the drive and carport foundation that do not meet the current setback standard.

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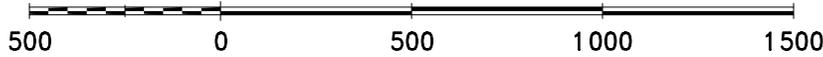
**RECOMMENDATION:** Based upon the written findings above, staff recommends approval of V-35-14 with the following condition:

1. Garage architecture must be consistent with the submitted elevations.



V-35-14  
Location Map

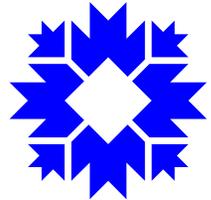
By: roachja  
24 Sep 14



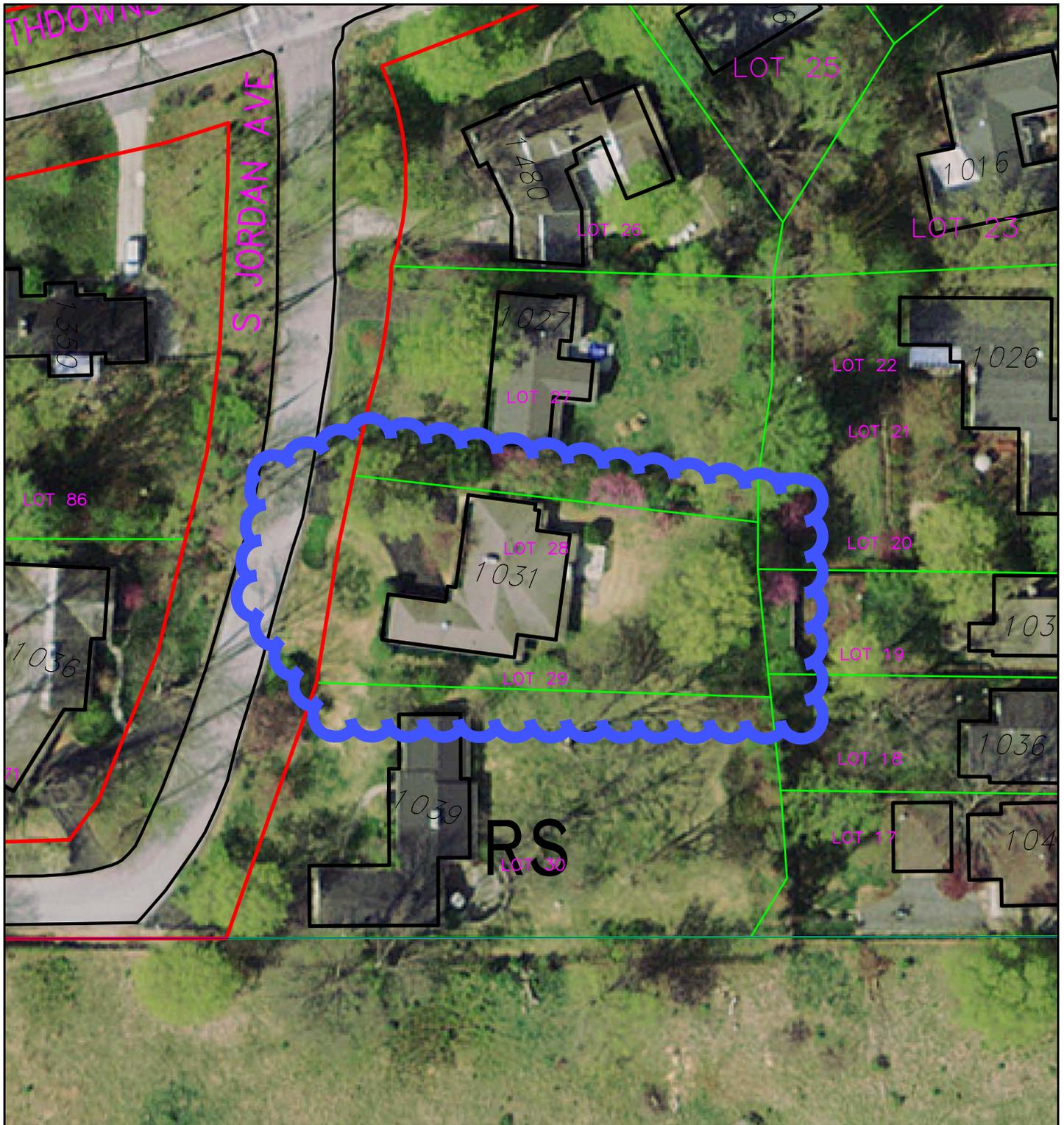
For reference only; map information NOT warranted.



City of Bloomington  
Planning & Transportation

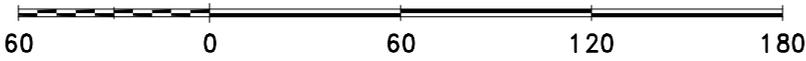


Scale: 1" = 500'



V-35-14  
2011 Aerial photo

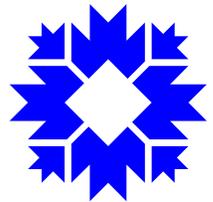
By: roachja  
24 Sep 14



For reference only; map information NOT warranted.



City of Bloomington  
Planning & Transportation



Scale: 1" = 60'

# Petitioner Statement

Date: September 04, 2014

To: City of Bloomington Planning & Transportation Department Hearing Officer

From: Michael & Debra Wade, Property Owners

Re: Minimum Front Building Setback Variance for 1031 South Jordan Avenue

Dear Hearing Officer,

This letter is to request approval for a minimum front building setback variance to allow the construction of a 2-car garage to replace an existing carport at the front of the residential structure at 1031 South Jordan Avenue in Bloomington, IN. The proposed structure addition is 21' x 24' to be located as shown on the provided site plan. The west elevation of the new structure will be located at the western edge of the existing carport. There currently is no garage structure on the property.

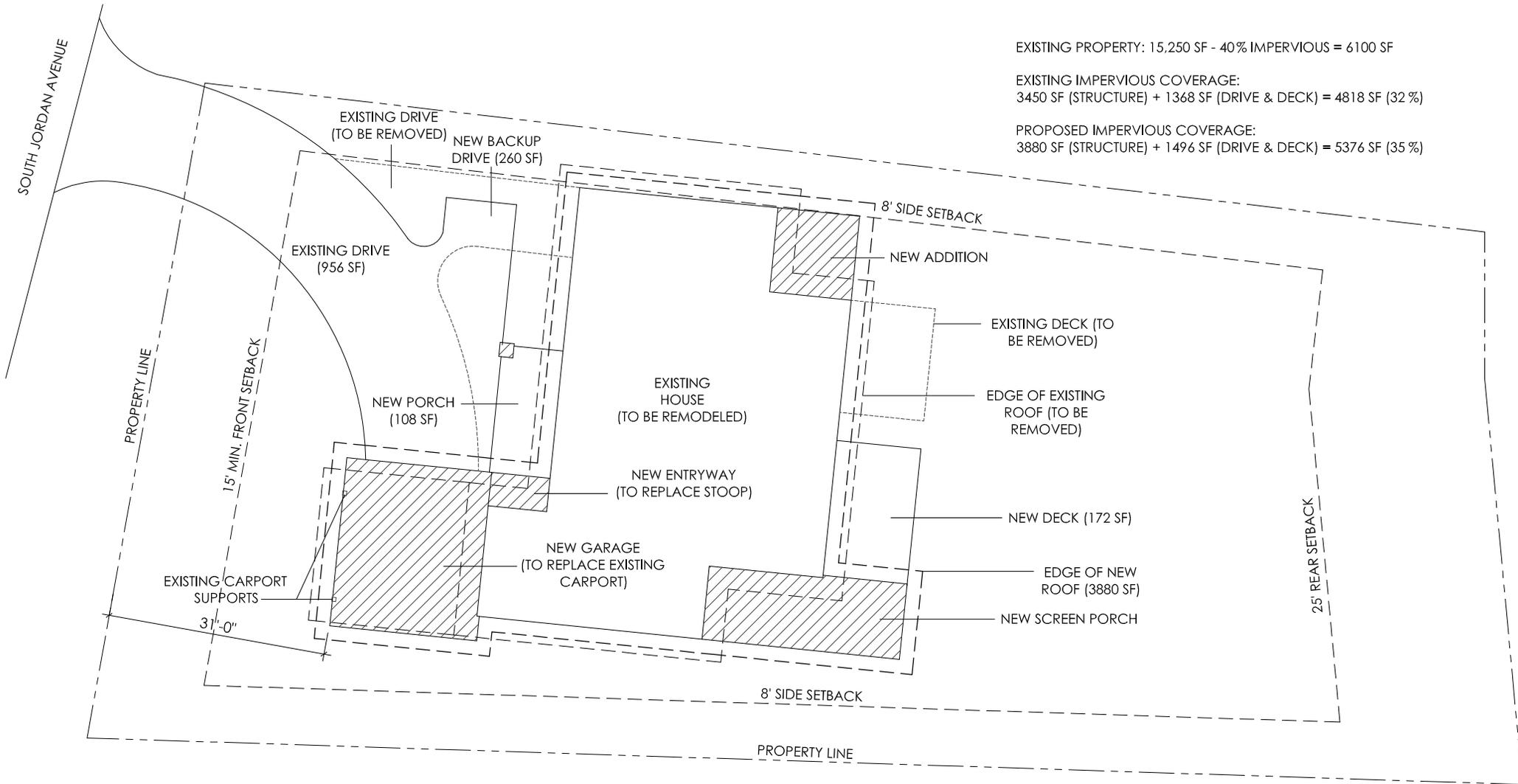
A variance is sought because the UDO requires the minimum front building setback to be "15 feet or the block face average setback of the existing primary structures on the same block face, whichever is more." In this case the block face average setback is greater, however, the garage of the property to the south is about as close to the right of way as this proposed structure. Also, adjacent properties to the west are closer to the right of way. All other development requirements (including setbacks, impervious surface coverage, etc.) will be met. In addition, neighbors along this block of Jordan Avenue have expressed support for the proposal as documented in a signed statement (submitted separately to the Planning staff).

Thank you for your time and consideration.

Sincerely,



Michael & Debra Wade, Owners

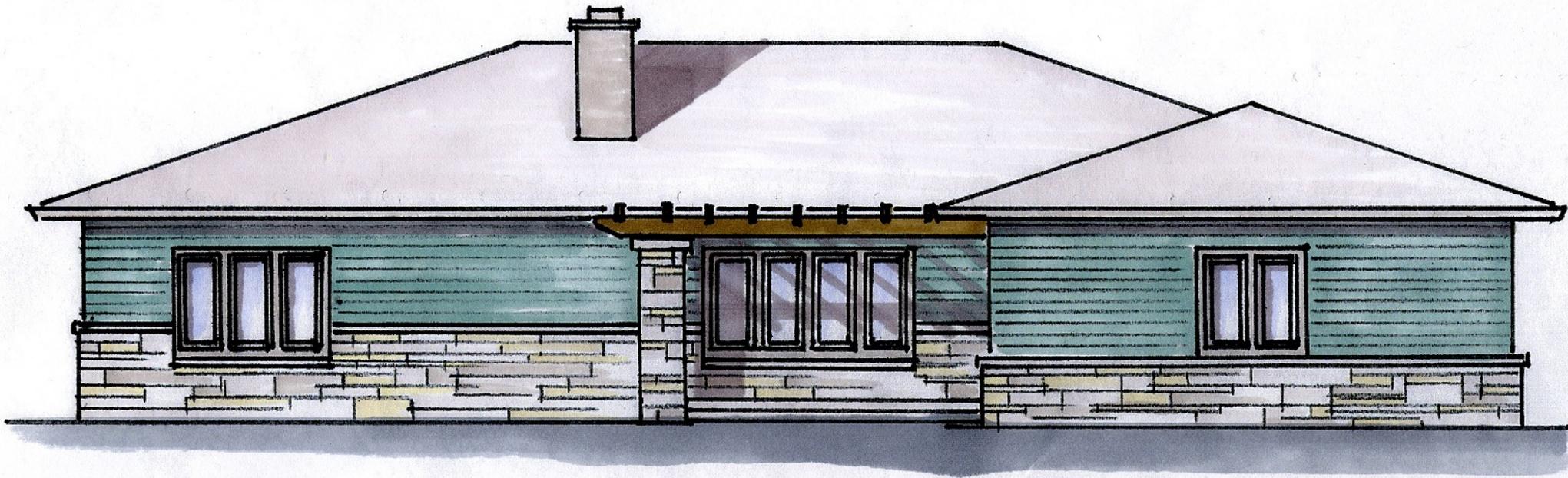


EXISTING PROPERTY: 15,250 SF - 40% IMPERVIOUS = 6100 SF

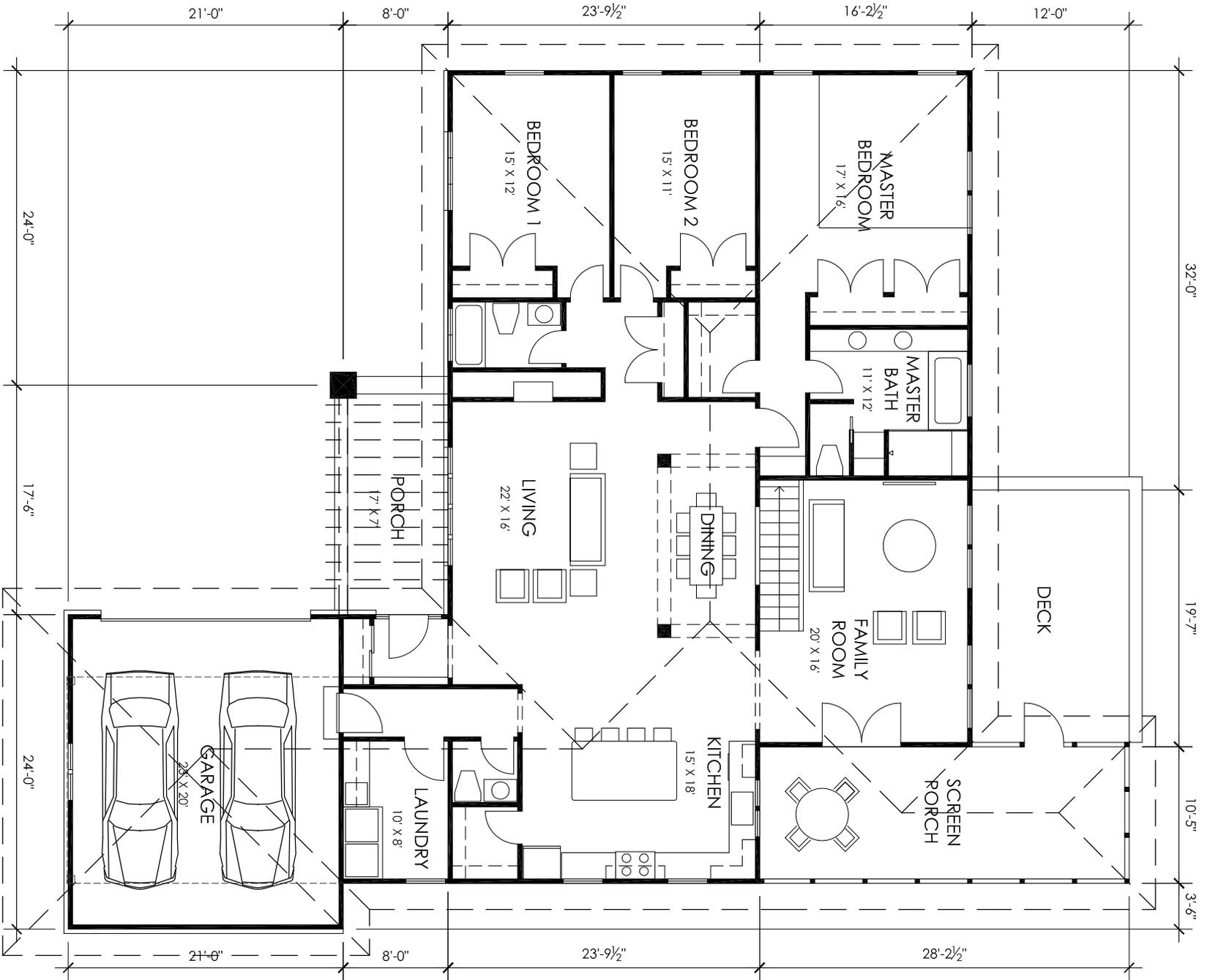
EXISTING IMPERVIOUS COVERAGE:  
 3450 SF (STRUCTURE) + 1368 SF (DRIVE & DECK) = 4818 SF (32 %)

PROPOSED IMPERVIOUS COVERAGE:  
 3880 SF (STRUCTURE) + 1496 SF (DRIVE & DECK) = 5376 SF (35 %)

# WADE RESIDENCE SITE PLAN SCALE: 1" = 20'-0"



V-35-14  
Elevation



# FIRST FLOOR PLAN

SCALE: 3/32" = 1'-0"

## Notice of Variance Request

Dear Neighbors: Michael and I are currently planning the remodel of the ranch home on 1031 S. Jordan. We are planning to convert the existing carport into a garage: The garage will not extent closer to the street than the current carport.

To do this we will need a variance from the city planning department. To expedite this process it would be helpful to have all neighbors on this block review the front exterior plan and agree not to object to the exterior front facing plan. Please sign below and add your address.

Thank you

Frances A. Hill / Amy Chapman 1036 S. Jordan Ave 47401  
Victoria C. Haus / Stephen 1480 E. Southdown Dr. 47401  
Ann E. Liles / Peter Johnson 1039 S. Jordan Ave 47401  
Marcelyn Stockton 1027 South Jordan Ave 47401

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