

# CITY OF BLOOMINGTON



October 15, 2014 @ 2:00 p.m.  
CITY HALL -  
KELLY CONFERENCE ROOM #155

**PETITIONS:**

- V-36-14      **James Wood**  
1521 W. 11<sup>th</sup> St.  
Request: Variance from front yard building setback standards to allow a new detached garage.  
Case Manager: Eric Greulich
  
- CU/V-37-14   **New Hope Family Shelter, Inc.**  
311 W. 2<sup>nd</sup> St.  
Request: Conditional Use approval to allow a child daycare center within a Medical (M) zoning district. Also requested is a variance from minimum lot area for a child daycare center.  
Case Manager: Patrick Shay
  
- V-38-14      **Jason Fickel and Constance Furey**  
1108 E. University St.  
Request: Variance from front yard setback standards to allow the reconstruction of an existing carport.  
Case Manager: Jim Roach

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**PETITIONER:** James Wood  
1521 W. 11<sup>th</sup> Street, Bloomington, IN

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**REQUEST:** The petitioner is requesting a variance from front yard building setback standards to allow a new detached garage.

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**REPORT SUMMARY:** This 0.41 acre property is located at 1521 W. 11<sup>th</sup> Street and is zoned Residential Single-family (RS). Surrounding land uses include an industrial office to the south, offices and single family residences to the north, west, and east. The property has been developed with a single family residence and a one-car detached garage. There is one drivecut on the property that connects the existing garage to 11<sup>th</sup> Street to the north.

The petitioner would like to replace the existing one-car detached garage with a two-car detached garage in approximately the same location. The front of the existing garage is located at the same setback distance from the street as the residence. There is a septic system on the property that is located directly behind the existing garage and that prevents the proposed new garage from being located any further back from the street to meet front yard setback requirements. The proposed garage would meet the 5' side yard setback requirement. The existing house and the proposed garage would be over 60' from 11<sup>th</sup> Street right-of-way.

The Unified Development Ordinance requires that a detached garage be located 10' behind the front of the house. The petitioner is requesting a variance to allow for the proposed garage to be located at the same setback as the existing garage, which is even with the front of the house.

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**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. The location of the garage will be setback over 60' from the street and will have minimal impacts.

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 construction of a new garage will not have a negative impact on property values or surrounding uses.

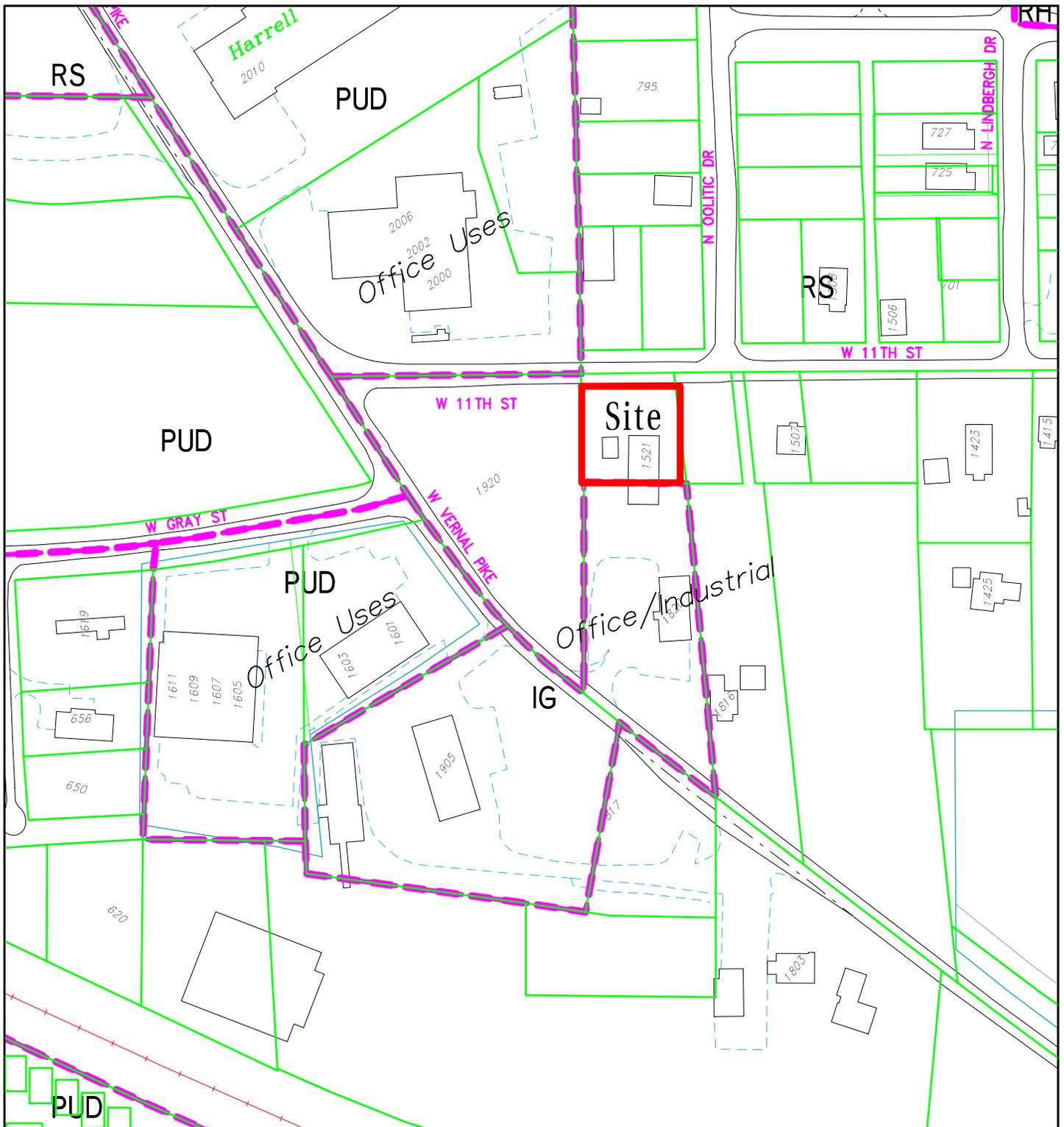
3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

**STAFF FINDING:** Staff finds peculiar condition in that the location of the existing septic system provides a practical difficulty in locating the garage at the required setback. The petitioner has placed the location of the detached garage as far back from the street as is possible and as close to the septic system as possible. As mentioned, the proposed garage will match the setback of the existing garage and will be even with the front of the existing residence, therefore not extending in front of the house. The garage will also be located more than 60' from the right-of-way and this significant setback helps mitigate any impact from the reduced setback of 10' behind the house.

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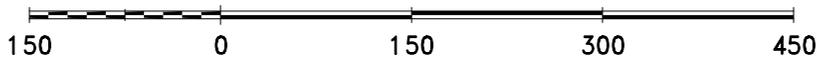
**RECOMMENDATION:** Based upon the written findings above, staff recommends approval of this petition with the following conditions:

1. The garage must be architecturally compatible with the existing residence.



V-36-14 James Wood  
 1521 W 11th Street  
 Hearing Officer  
 Site Location, Zoning, Land Use, Parcels

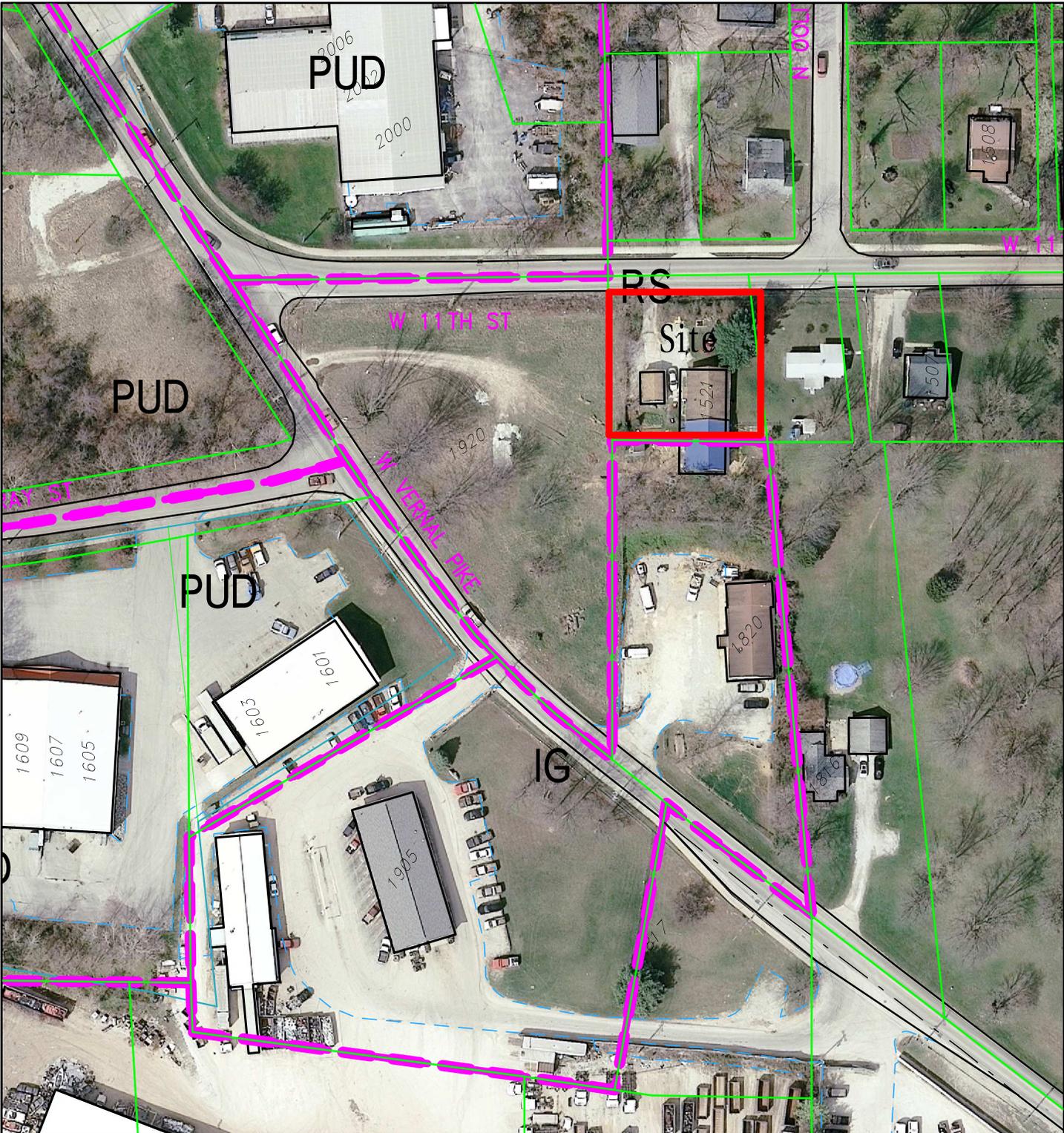
By: greulice  
 9 Oct 14



City of Bloomington  
 Planning & Transportation

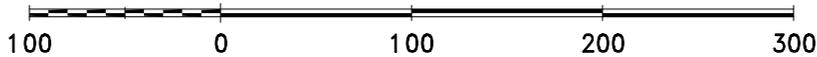
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For reference only; map information NOT warranted.



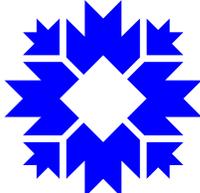
V-36-14 James Wood  
 1521 W 11th Street  
 Hearing Officer  
 2010 Aerial Photograph

By: greulice  
 9 Oct 14



For reference only; map information NOT warranted.

City of Bloomington  
 Planning & Transportation



Scale: 1" = 100'



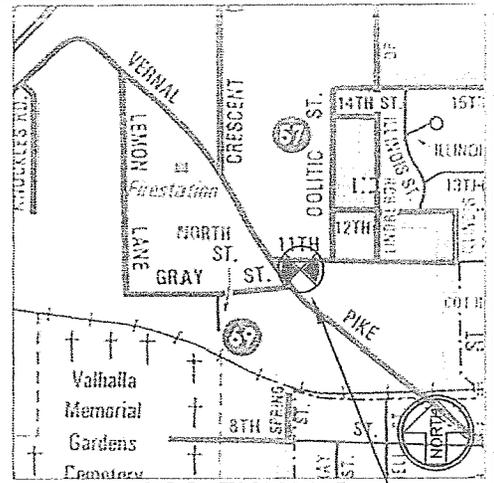
To the City of Bloomington Hearing Officer:

Petition for building a garage.

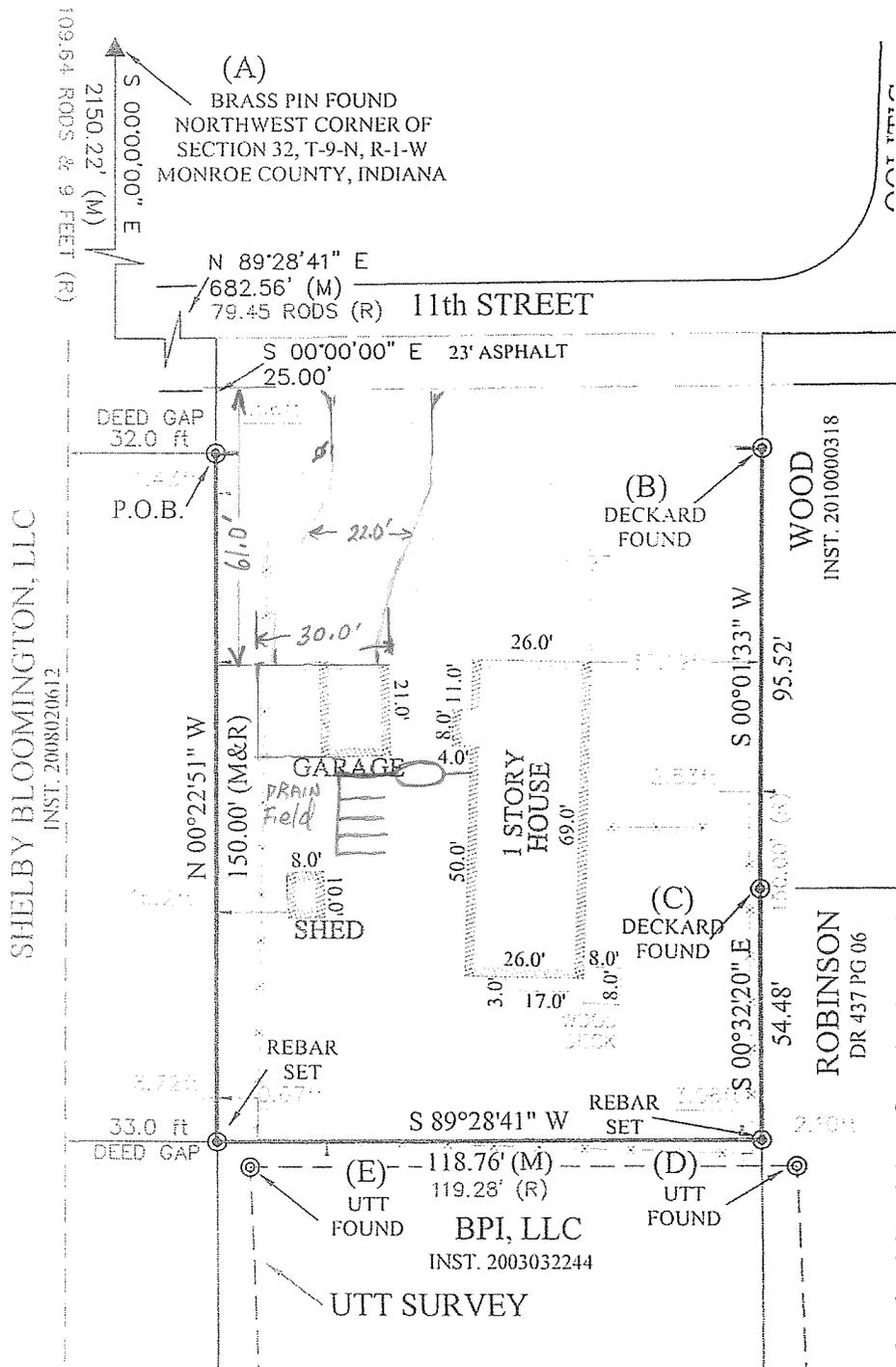
The property address is located at 1521 W. 11<sup>th</sup> Street and encompasses 0.41 acres. I am requesting a variance to be able to demolish the existing garage, and build A 30ft by 21ft garage in its place. I would like to keep the front of the new garage in line with the front of the house. The reason we cannot set the garage further back is because our septic tank drain field is approximately 3 feet behind the existing garage. The city sewer is not close enough for us to reasonably connect to. The new garage will be finished with vinyl siding and with a blue metal residential roof. We wish to also to increase the width of the driveway to 22 feet match the larger garage and provide more off road parking for our family and any visitors.

V-36-14  
Petitioner Statement

A PART OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 9 NORTH, RANGE 1 WEST, MONROE COUNTY, INDIANA



PROJECT LOCATION

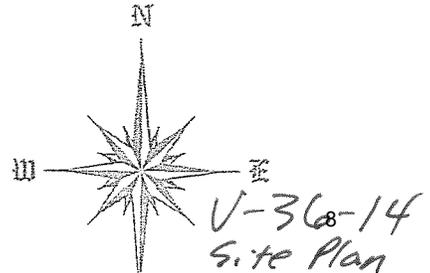


LEGEND

- STONE FOUND
- UTILITY POLE
- ⊙ REBAR FOUND
- ⊙ REBAR SET
- IRON PIN FOUND
- ⊗ RR SPIKE FOUND
- PIPE FOUND
- × FENCE
- △ MAG SPIKE SET
- (R) RECORD
- (M) MEASURED

NOTES:

- 1) 5/8" Rebar will be set at all property corners.
- 2) Fieldwork completed August 2014.
- 3) Basis of bearing (State Plane - Indiana West).
- 4) Source of title Now or Formerly owned by James W. Wood Jr. and Iris L. Wood as found in Deed Record 312 Page 567 in the Office of the Monroe County Recorder.
- 5) Reference is made to a plat survey by C.D. Graham dated November 16, 2001 job number 01-677.
- 6) Reference is made to a survey performed by Eric L. Deckard for Wood dated June 3rd, 2010.
- 7) Reference is made to survey performed by Kevin Potter for T.C.I. Cable TV dated December 4th, 1991.
- 8) Reference is made to a survey performed by Lee Utt for Copus Corp. dated October 13, 2003.
- 9) I affirm, under penalty for perjury, that I have taken responsible care to redact each Social Security number in this document, unless required by law.



CERTIFICATION

The within survey was performed without benefit of source of title and is subject to any statement of facts revealed by the same.

Easements have been located in the field and prepared with this survey drawing. This qualification will be removed upon receipt and inspection of current title work.

- ERIC L. DECKARD

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**PETITIONER:**        **New Hope Family Shelter, Inc.  
311 W. 2<sup>nd</sup> St., Bloomington, IN 47403**

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**REQUEST:** The petitioner is requesting conditional use approval to allow a child daycare center within a Medical (MD) zoning district. Also requested is a variance from the minimum lot area requirements for a daycare center.

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**SITE DESCRIPTION:** The property is located on the south side of W. 2<sup>nd</sup> St. and is zoned Medical (MD). It has been developed with a one-story, four-bedroom, single-family house. The property is owned by Indiana University Health Bloomington Hospital, and the house has been vacant for some time. Surrounding uses are apartments to the north, IU Health Bloomington to the south, another house used as a homeless shelter by New Hope to the east, and primarily vacant single family houses to the west.

The petitioner is proposing to utilize the existing residence for a child daycare center. This location would provide daycare for children living in the adjacent homeless shelters along 2<sup>nd</sup> Street that are also owned and operation by the petitioner. These adjacent residences are utilized as temporary housing for families experiencing homelessness. The petitioner expects up to a maximum of 24 children could be taken care of at any one maximum time. There is a playground on the adjacent property to the east that will be utilized by the daycare center. The structure will also be used for after-school care and limited adult education space.

The Unified Development Ordinance (UDO) states that daycare centers within the MD district may be approved as conditional uses. The petitioner is requesting conditional use approval to allow the existing house to be used as a child daycare center. Also requested is a variance from the minimum lot size for a daycare. The UDO requires a minimum of 15,000 sq. ft. for the minimum lot size for a daycare center.

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**SITE PLAN ISSUES:**

**Access:** This property, as well as the adjacent properties along the south side of 2<sup>nd</sup> Street, all utilize an existing parking lot located immediately off of an alley from 2<sup>nd</sup> Street for parking needs. There will not be any new drivecuts on W. 2<sup>nd</sup> St. with this proposal.

**Landscaping:** There are several existing trees on this property that satisfy most of the landscaping requirements. The petitioner will also be installing several new trees and shrubs along the front to meet landscaping requirements. No parking is provided onsite.

**Automobile Parking:** Although no parking spaces are required, the petitioner has secured parking spaces in the adjacent gravel parking lot to the south for use by the families at the shelter as well as the limited staff that will be on the property.

**Bike Parking:** Four Class II bicycle parking spaces will be installed.

**Pedestrian Facilities:** There is an existing sidewalk along W. 2<sup>nd</sup> St. No other pedestrian facilities are required.

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## Criteria and Findings for Conditional Use Permits

### 20.05.023 Standards for Conditional Use Permits

No Conditional Use approval shall be granted unless the petitioner shall establish that the standards for the specific Conditional Use are met and that the following general standards are met.

1. *The proposed use and development must be consistent with the Growth Policies Plan and may not interfere with the achievement of the goals and objectives of the Growth Policies Plan;*

**Staff's Finding:** The property is designated "Public/Semi-Public/Institutional" by the Growth Policies Plan (GPP). This land use category promotes public and semi-public services which this proposed use satisfies by providing child daycare needs for families in need of temporary emergency housing.

2. *The proposed use and development will not create nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights;*

**Staff's Finding:** The proposed use will not create a nuisance. There are several residential homes, other than the petitioner's emergency housing, located in close proximity to this use on the south side of 2<sup>nd</sup> Street. The children will be located within the structure for the majority of the day.

3. *The proposed use and development will not have an undue adverse impact upon the adjacent property, the character of the area, or the public health, safety and general welfare;*

**Staff's Finding:** Staff finds no adverse impacts to the adjacent properties or character of the area as a result of this use. The surrounding properties to the south and west are owned by the property owner. The property will maintain a residential character. Furthermore, staff has not received any negative comments regarding the impacts of the existing shelters.

4. *The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, stormwater management structures, and other services, or that the applicant will provide adequately for such services;*

**Staff's Finding:** The site is adequately served by existing public utilities. No upgrades to the infrastructure are needed for the proposed use. The parking spaces are accessed by existing drivecuts on S. Morton St. that have no known negative impacts.

5. *The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;*

**Staff's Finding:** The site is located directly off of W. 2nd St., which is classified as a primary arterial. This location will not require traffic to utilize any neighborhood streets.

6. *The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance;*

**Staff's Finding:** There are no known natural, scenic, or historic features of significant importance on the property. In addition, the proposed changes to the site and structure will improve the neighborhood's appearance. The house is not listed as a historic structure.

7. *The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood.*

**Staff's Finding:** The hours of operation, lighting, or trash and waste collection will not pose a hazard, hardship, or nuisance to the surrounding neighborhood.

8. *Signage shall be appropriate to both the property under consideration and to the surrounding area. Signage that is out of character, in the Board of Zoning Appeal's determination, shall not be approved.*

**Staff's Finding:** No signage is approved with this request.

9. *The proposed use and development complies with any additional standards imposed upon the particular use by Chapter 20.05; CU: Conditional Use Standards.*

### **20.05.030 Additional Criteria for Child Day Care Center**

- (a) **Proof of Licensing:** When a license is required by the State, proof of licensing shall be presented with the application for the Conditional Use approval. Day care centers exempt from State licensing requirements shall provide proof of exemption.

**Staff's Finding:** The petitioner has provided evidence that no State license is required since this user is not being compensated.

- (b) **Compliance with Applicable Regulations:** The day care center operator shall be responsible for compliance with all applicable City ordinances and State and federal statutes and regulations.

**Staff's Finding:** The petitioner has verified that no additional permits or approvals would be needed.

- (c) Screening: The day care center shall be screened from adjacent properties with a fence or vegetative buffer, and an adequate fenced play area shall be provided.

**Staff's Finding:** There is a large amount of existing vegetation that encompasses the rear yards of all of these lots along 2<sup>nd</sup> Street. The playground and the back yard of this specific property will have a fence to provide security.

- (d) Minimum Lot Area: The minimum lot area for child day care centers shall be 15,000 square feet or the minimum lot area for the zoning district, whichever is greater.

**Staff's Finding:** The petitioner is seeking a variance from this requirement based on the fact that the petitioner owns all of the adjoining properties and that this area functions more as a campus than individual properties.

- (e) Site Security: Site design and supervision characteristics shall ensure the safety of the users.

**Staff's Finding:** As mentioned, there will be a fence surrounding the rear yard of this property as well as the adjacent property to the east where the playground is located.

- (f) Proximity: A child day care center shall not be located closer than five hundred (500) feet to any other adult or child day care center.

**Staff's Finding:** There are no other day care centers within 500 feet.

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## 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. The ability to use this site for a day care center provides a needed resource to the adjoining properties and families. In addition, this approval greatly improves the morals and general welfare of the community by providing supervised care and education for children.

- 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 petitioner owns all of the surrounding properties and they have been developed with similar uses.

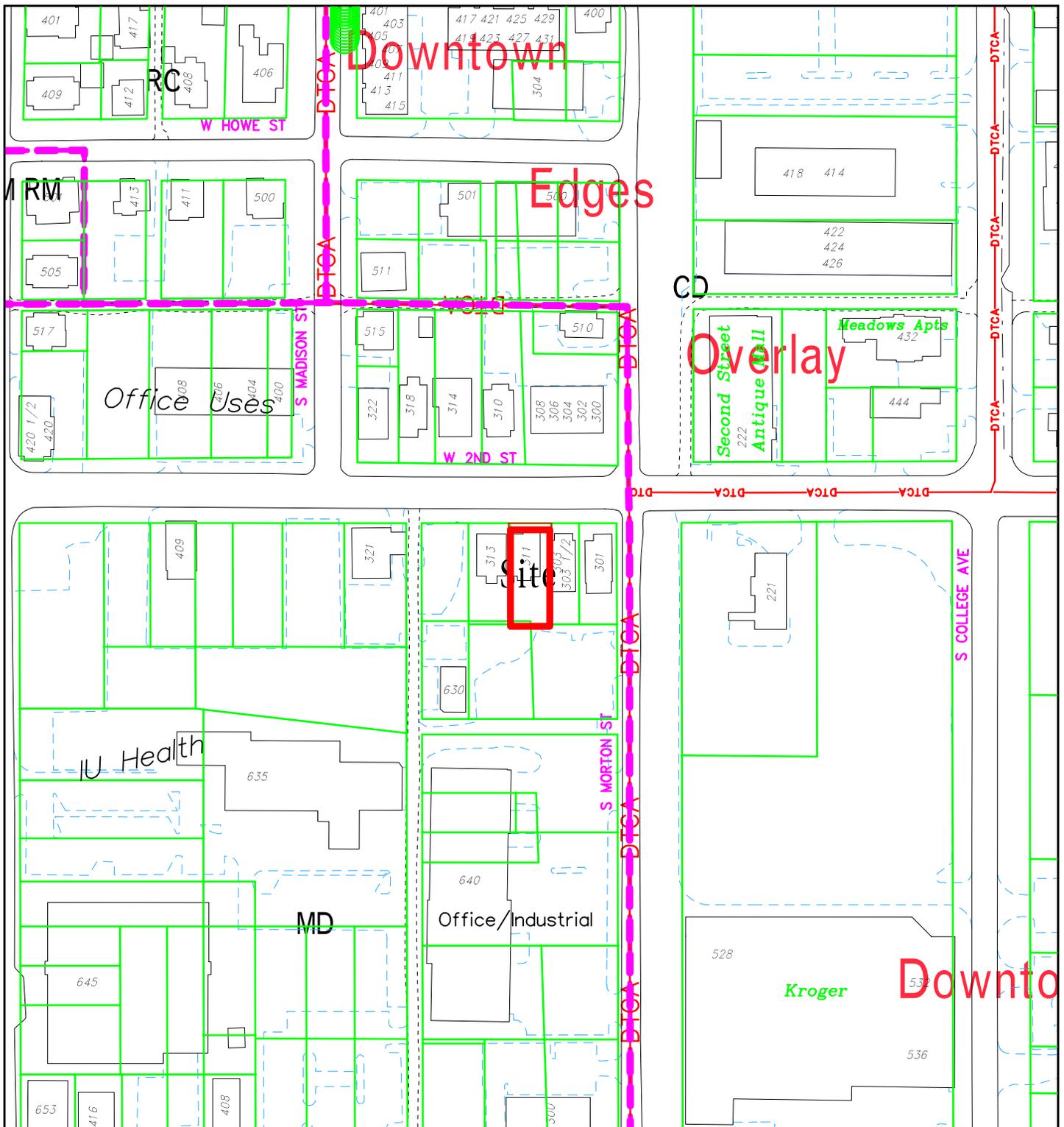
3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

**STAFF FINDING:** Staff finds peculiar condition in that while this specific property is not 15,000 sq. ft. in size, the petitioner owns all of the surrounding properties and these properties function more as a campus, rather than as individual properties. The intent of the minimum lot size requirement was to insure adequate buffering from a daycare center and adjacent properties that may not be compatible. Since the petitioner owns all of the surrounding properties, the buffering would not be necessary.

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**RECOMMENDATION:** Staff recommends approval of CU/V-37-14 with the following condition:

1. Four Class II bicycle parking spaces are required to be installed.
2. All landscaping must be installed prior to occupancy.



CU/V-37-14 New Hope Family Shelter

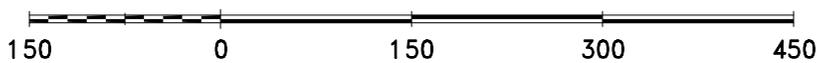
311 W 2nd Street

Hearing Officer

Site Location, Zoning, Land Use, Parcels

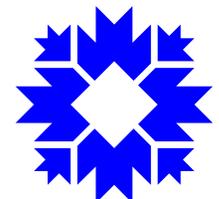
By: greulice

9 Oct 14



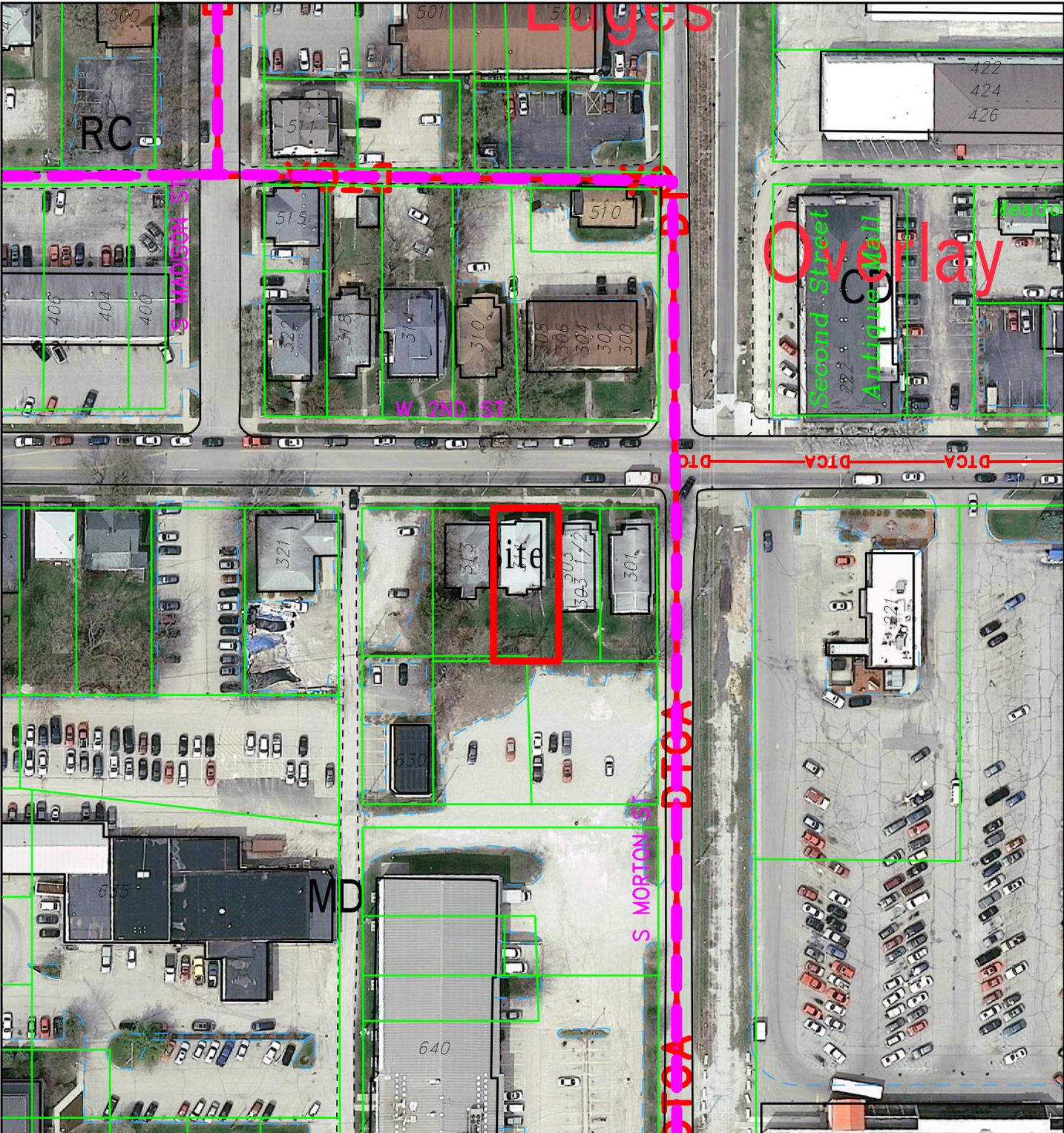
For reference only; map information NOT warranted.

City of Bloomington  
Planning & Transportation



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Scale: 1" = 150'



CU/V-37-14 New Hope Shelter

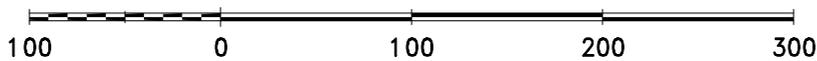
311 W 2nd Street

Hearing Officer

2010 Aerial Photograph

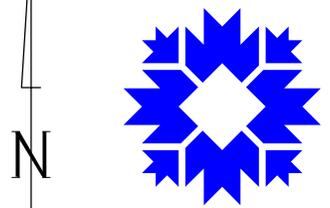
By: greulice

9 Oct 14



For reference only; map information NOT warranted.

City of Bloomington  
Planning & Transportation



Scale: 1" = 100'

## Petitioner's Statement

The proposed use of the building at 311 W 2<sup>nd</sup> Street is as a home for New Hope's Children's Program. It will house offices for the children's program staff in addition to resources for children experiencing homelessness. The clientele will be comprised of children currently living at New Hope and those recently graduated from the program. Additionally, the program may invite other children to participate in early childhood education activities.

During the day, the facility will be used to provide care and education for children whose parents are working, looking for work, or otherwise attempting to mitigate their homelessness; and to children seeking early childhood educational experiences. In the evening, the facility will house afterschool programming for our school aged children including space for homework help, technological resources, art and music, and quiet reading. At times, the space may also be used to facilitate adult education activities including budgeting or parenting classes.

At maximum, we anticipate having no more than 24 people at a given time. No individuals will sleep in the space. For the next several months, we do not anticipate any significant increase in traffic or need for parking, as the majority of users will be individuals living at the shelter houses at 409 and 303 W 2<sup>nd</sup> Street and staff and volunteers from 301 W. 2<sup>nd</sup> Street.

We are investigating the possibility of using the space to provide more formalized care and education for early childhood beginning sometime in 2015. If we decide to pursue this endeavor, we anticipate slightly increased traffic during pick-up and drop-off times. Because the facility would not serve a large number of children and because pickup and drop-off times would be staggered, we do not anticipate that this would present any significant impediment to traffic patterns. We anticipate having no more than six staff at any given time.

All children will be supervised by an adult staff member or volunteer at all times.

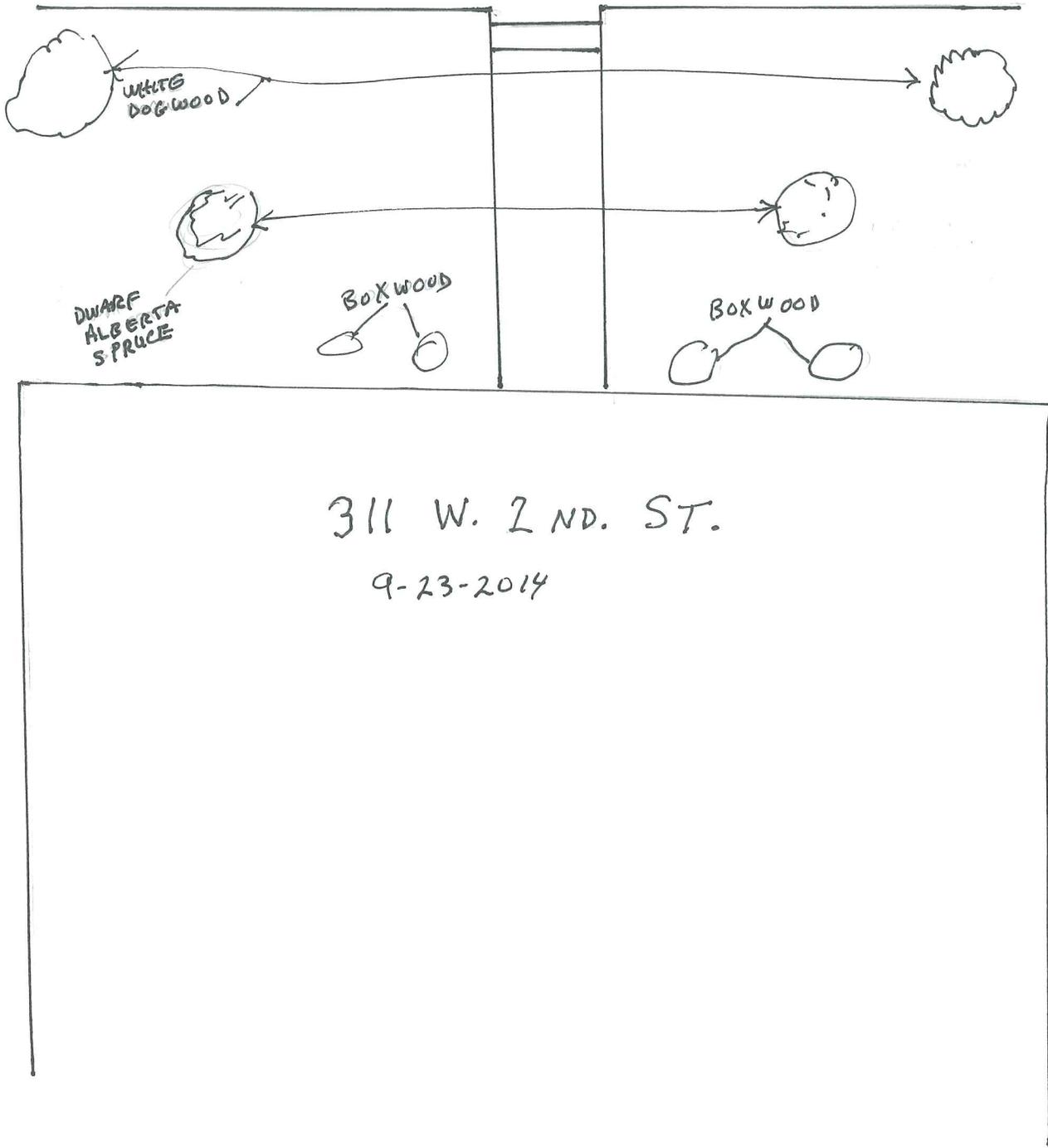
Will operate approximately from 7:00am to 9:00pm.

September 22, 2014

*cu/v-37-14*  
*Petitioner Statement*

311 W. SECOND LANDSCAPING PLAN

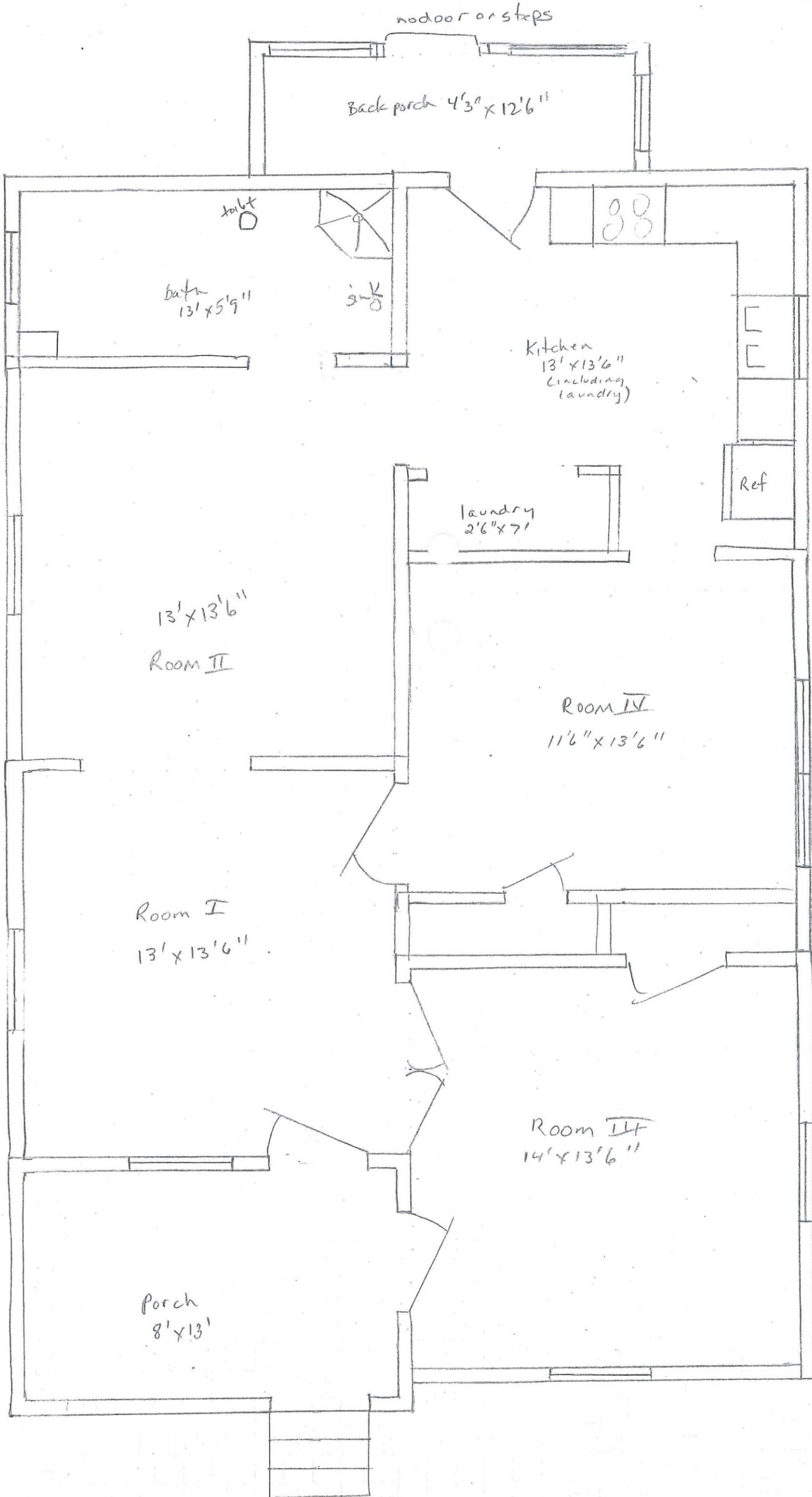
SIDEWALK



311 project

4/2/14

311 W 2nd  
NAFS  
Proposed  
Education Center



11.5

CU/V-37-14  
Floor Plan

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**PETITIONER:** James Fickel and Constance Furey  
1108 E. University St., 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	19 feet from property line	Min. 25 feet from property line	19 feet from property line

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**SUMMARY:** The petitioners own a single family home on the south side of E. University Street mid-block between S. Hawthorne Drive and S. Ballantine Rd. The property is located within the Residential Core (RC) zoning district. This Mid-Century Modern house, built in 1954, is listed as a contributing historic structure in the Elm Heights Historic Local District. The home has an open sided carport attached to its northeast corner. The driveway and concrete carport pad have deteriorated and need to be replaced. In order to accomplish this, the petitioners propose to remove the carport and reconstruct it. The design would be more in keeping with the original 1950s house design, however new construction requires compliance with current setbacks. The UDO requires that front facing carports maintain a minimum 25 foot setback from the right-of-way. This requirement is to ensure that a car can park on a driveway without blocking the sidewalk and so that carports and garages do not dominate the front face of a house. A variance is required to reconstruct this carport in its present location.

This project was issued a staff level historic Certificate of Appropriateness, COA-33-14.

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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 carport would still be located an adequate distance from the street to allow for most cars to park on the driveway without blocking the sidewalk.

- 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 carport replaces an existing carport than has existed on the lot for many years with no issues. As evidenced by the issued Certificate of Appropriateness, the replacement carport will still be in keeping with the historic style of the house.

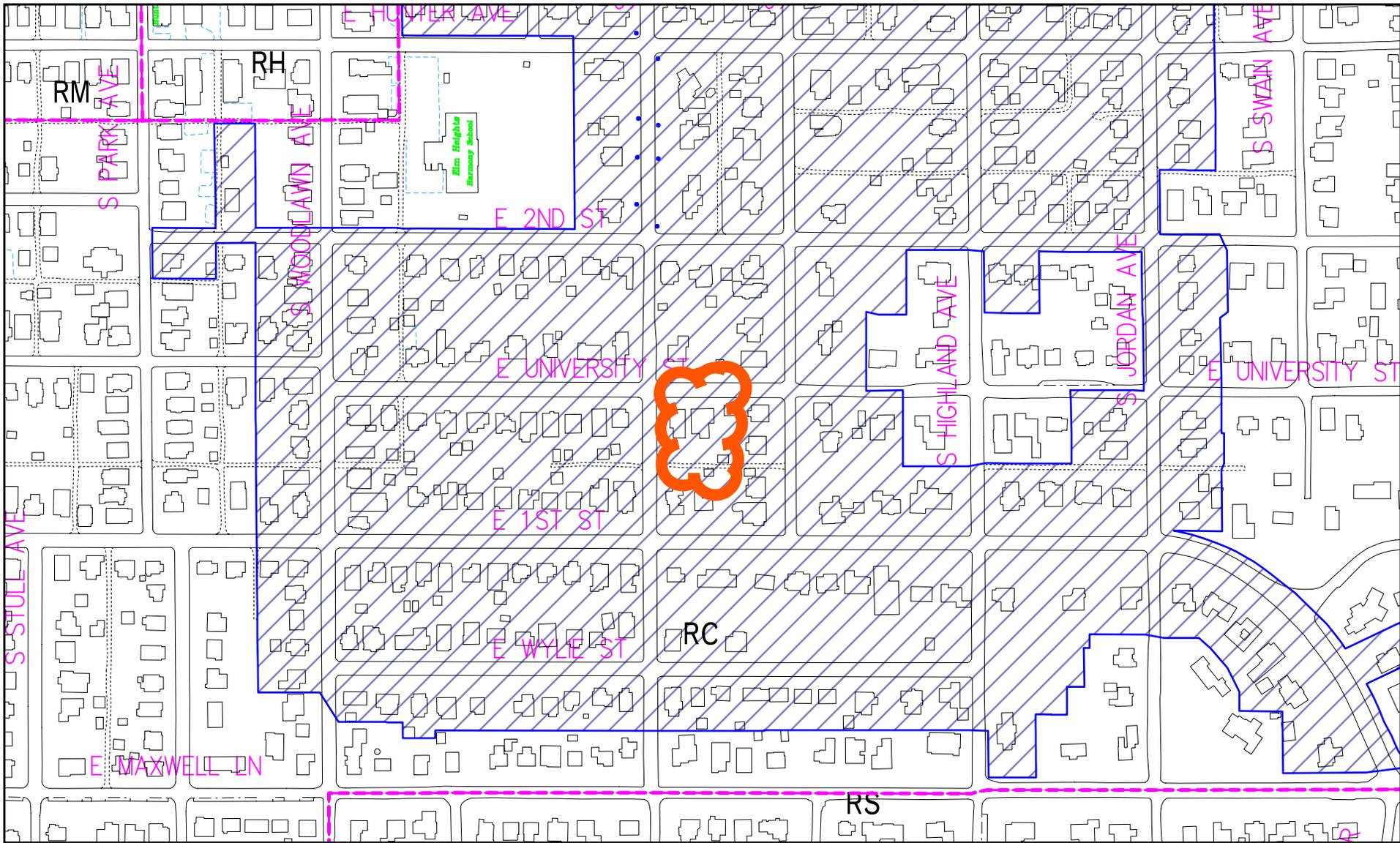
- 3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

**STAFF FINDING:** Staff finds peculiar conditions in the location of the existing carport. The carport was part of the original 1954 design of this historic house. Practical difficulty is found in that the driveway, carport pad and carport itself cannot practically be repaired in place. The replacement carport will be the same size or smaller than the existing carport. A complying setback would prohibit the reconstruction of this historic feature of the house.

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**RECOMMENDATION:** Based upon the written findings above, staff recommends approval of V-38-14 with the following condition:

1. This variance is subject to all terms and conditions of Certificate of Appropriateness # COA-33-14.



V38-14  
Location Map

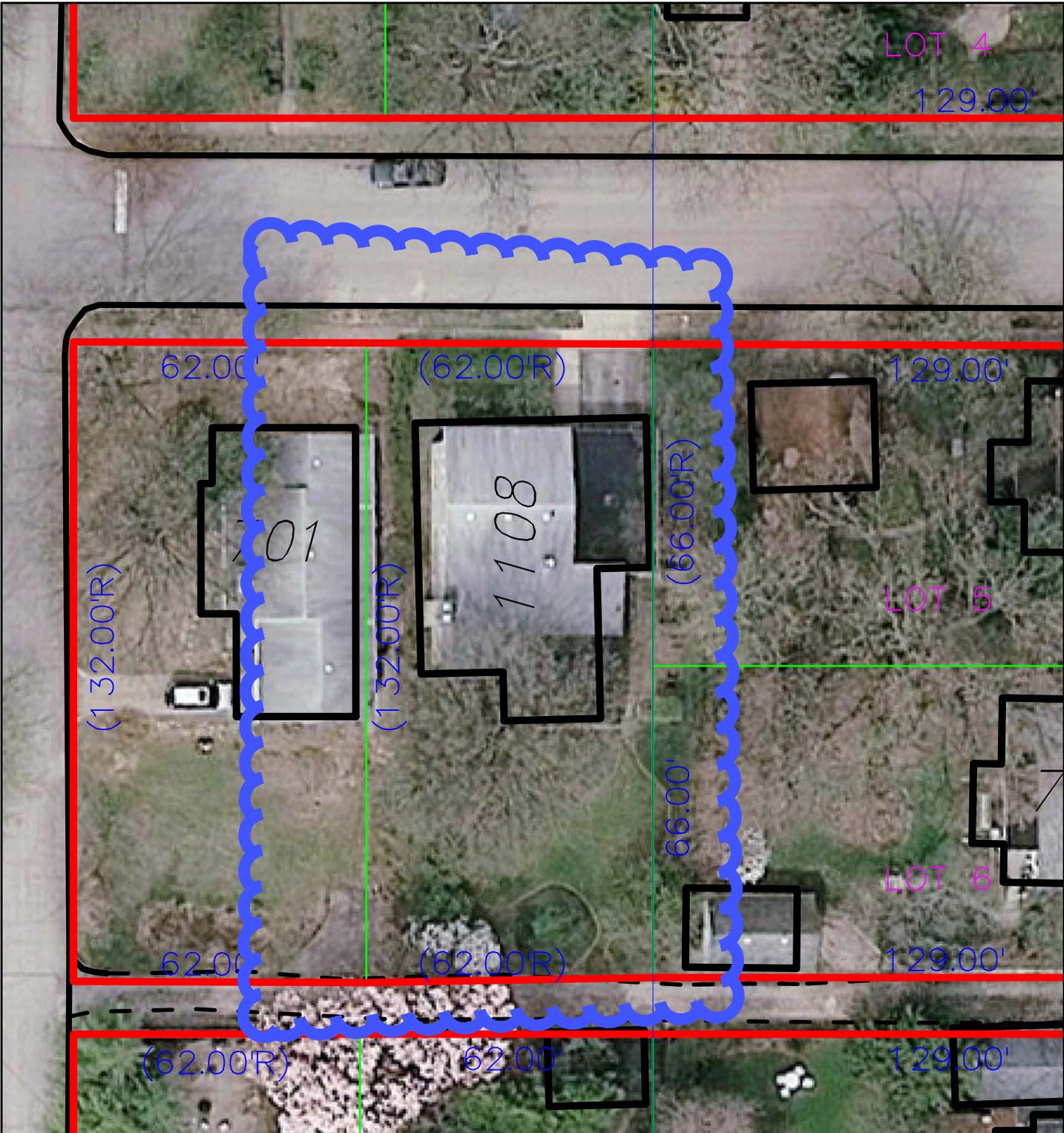
By: roachja  
7 Oct 14



For reference only; map information NOT warranted.

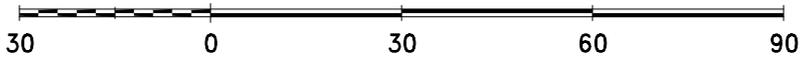
City of Bloomington  
Planning & Transportation

Scale: 1" = 300'

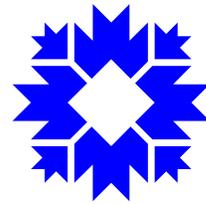


V-38-14  
2010 Aerial Photo

By: roachja  
7 Oct 14



City of Bloomington  
Planning & Transportation



Scale: 1" = 30'

For reference only; map information NOT warranted.

**JIM FOSTER CONSTRUCTION, INC**

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**Planning and Transportation Hearing Officer**

**RE: Zoning variance application for project @ 1108 E. University, Bloomington, IN**

**This project proposes to replace the existing carport of a 1950's home in the Elm Heights Historical District. The structure is being removed to facilitate the replacement of the existing concrete/asphalt driveway/carport/entryway with new concrete surfaces, and the repair of an adjacent existing exterior basement stairwell wall that is failing. The new carport will be constructed on the existing foundation of the existing structure and will have the same (or slightly smaller) overall footprint. The structure currently, and historically, is being used as a one car carport and entryway to the residence. The new structure will provide the same use and use the same driveway location. This is a single family residence in a residential neighborhood, and has the approval of the Elm Heights Neighborhood Assn. and the Bloomington Historical Preservation Commission.**

**We are requesting variance of the 25' front setback from the sidewalk requirement. The current (and proposed) structure is approx. 19 ft back from the sidewalk.**

**Regards,**



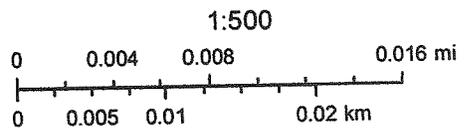
**James M. Foster  
Jim Foster Construction, Inc.  
Representing Jason Fickel and Constance Furey, Homeowners**

V-38-14 Petitioner's Statement
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# Monroe County, IN



September 19, 2014



V-38-14  
Site Plan

ceiling  
grooved plywood

5'-0"

floor level #1

# REAR ELEVATION

2" steel pipe  
welded to shape

4'-0"

cast iron cap  
support



built-up roof

grooved plywood

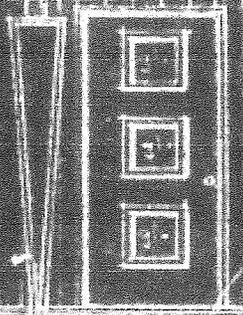
built-up roof

ceiling

6'-0"  
see detail above

gate

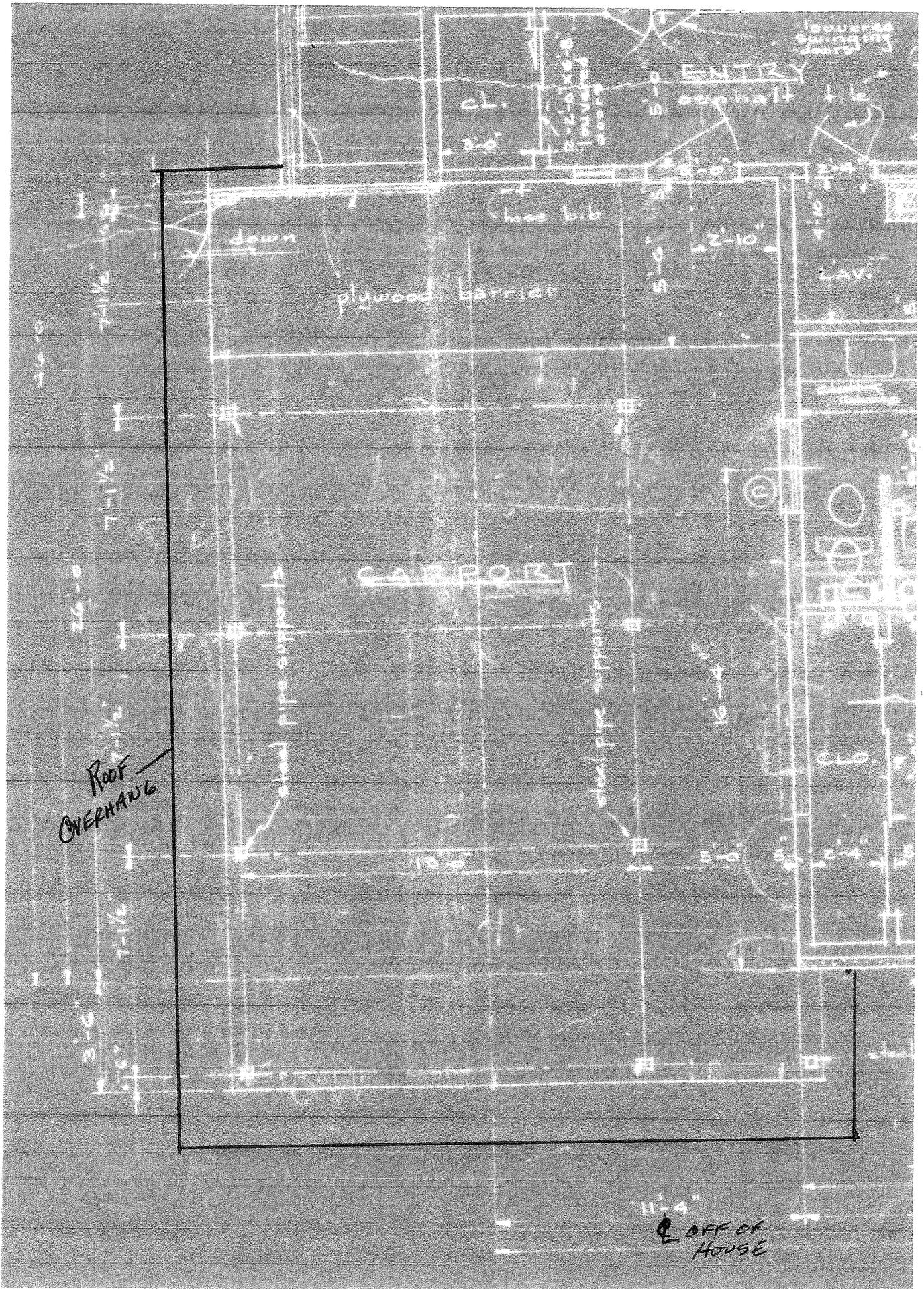
6'-0"



ceiling

steel pipe supports

4" steel pipe col.



**STAFF APPROVAL**

Summary

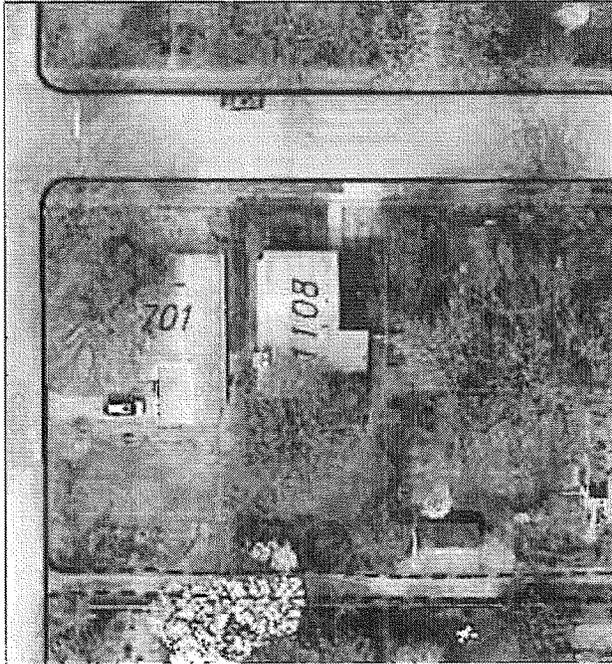
Restoration (reconstruction) of a car port from the 1952 blueprints.

COA-33-14

**1108 East University  
Elm Heights Historic District  
Owner: Jason Fickel**

1. C 1108 House: Mid-Mod, c. 1950

RC



This property was included in the Elm Heights Historic District but was not included in the 2001 Survey. This is a two story mid-century house built in 1954. The owner has access to the original blueprints.

Existing Conditions: the drive and concrete pad associated with the carport has deteriorated and warrants replacement. The carport above it will have to be replaced. The owner proposes to reconstruct the carport from the original plans and include the original design for the supports which were the classic 50s vee shaped columns. The existing structure is supported by plain metal poles.



The owner documented the original plans and staff considers this restoration work considering that the existing carport was not built to the specifications called for in the plans. The Neighborhood subcommittee concurred.



1067 E University St

1067 E University St

Bloomington, Indiana

Street View - Oct 2013

V-38-14  
Site Photo