

CITY OF BLOOMINGTON



December 10, 2014 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON
HEARING OFFICER
December 10, 2014 at 2:00 p.m.

*Kelly Conference Room #155

PETITION:

- V-42-14 **Zeta Chapter of Phi Gamma Delta, Inc.**
431 N. Woodlawn Ave.
Request: Variances from maximum building height and maximum number of back-out parking spaces on an alley for the construction of a new fraternity building.
Case Manager: Jim Roach

BLOOMINGTON HEARING OFFICER
STAFF REPORT
Location: 431 N. Woodlawn Ave.

CASE #: V-42-14
DATE: December 10, 2014

PETITIONERS: Zeta chapter of Phi Gamma Delta Inc.
631 E. 3rd Street, Bloomington

CONSULTANTS: Darla Brown, Sturgeon & Brown, PC
PO Box 1234, Bloomington

REQUEST: The petitioners are requesting variances from maximum height and parking setbacks to allow back-out parking spaces on an alley in order to facilitate construction of a fraternity.

SUMMARY: The property in question is made up of five platted lots on the north side of E. 8th Street between N. Woodlawn Ave. and N. Park Ave. The lots are currently owned by Indiana University and contain five historic residential structures in the University Courts Historic District. Indiana University plans to relocate these to other lots within the district and sell the land to Phi Gamma Delta (Fiji). The property is 0.87 acres and is zoned Institutional (IN). Fraternities are a permitted land use in the IN district.

The proposed fraternity is 3 stories tall with a full basement. Because of the existing grade of the lots, the building sits considerably higher on the lot than the street. As measured along the grade, 95% of the building meets the 50 foot maximum height of the IN zoning district. The petitioners are proposing a single basement level door than cuts into the grade. The UDO technically measures the height of the building from the bottom of this door to the tallest part of the foot. With that in mind, the building is 60 feet tall. A variance is required to allow for a building that is taller than 50 feet in height.

No parking is required for this use. The petitioners are proposing 15 back-out parking spaces, with no side setback, along the east-west alley just to the north of the lot. The UDO prohibits back-out parking on alleys for any lot larger than 0.37 acres. The property is surrounded on three sides by streets. The proposed location of the parking is the only location that will meet minimum parking setback requirements. A parking setback variance is required to allow for the back-out parking.

The design of this building, including its height, was reviewed by the Historic Preservation Commission on November 13, 2014 and a Certificate of Appropriateness was approved based on the design in this packet.

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. None of the variances requested will result in a public safety concern.

- 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.*

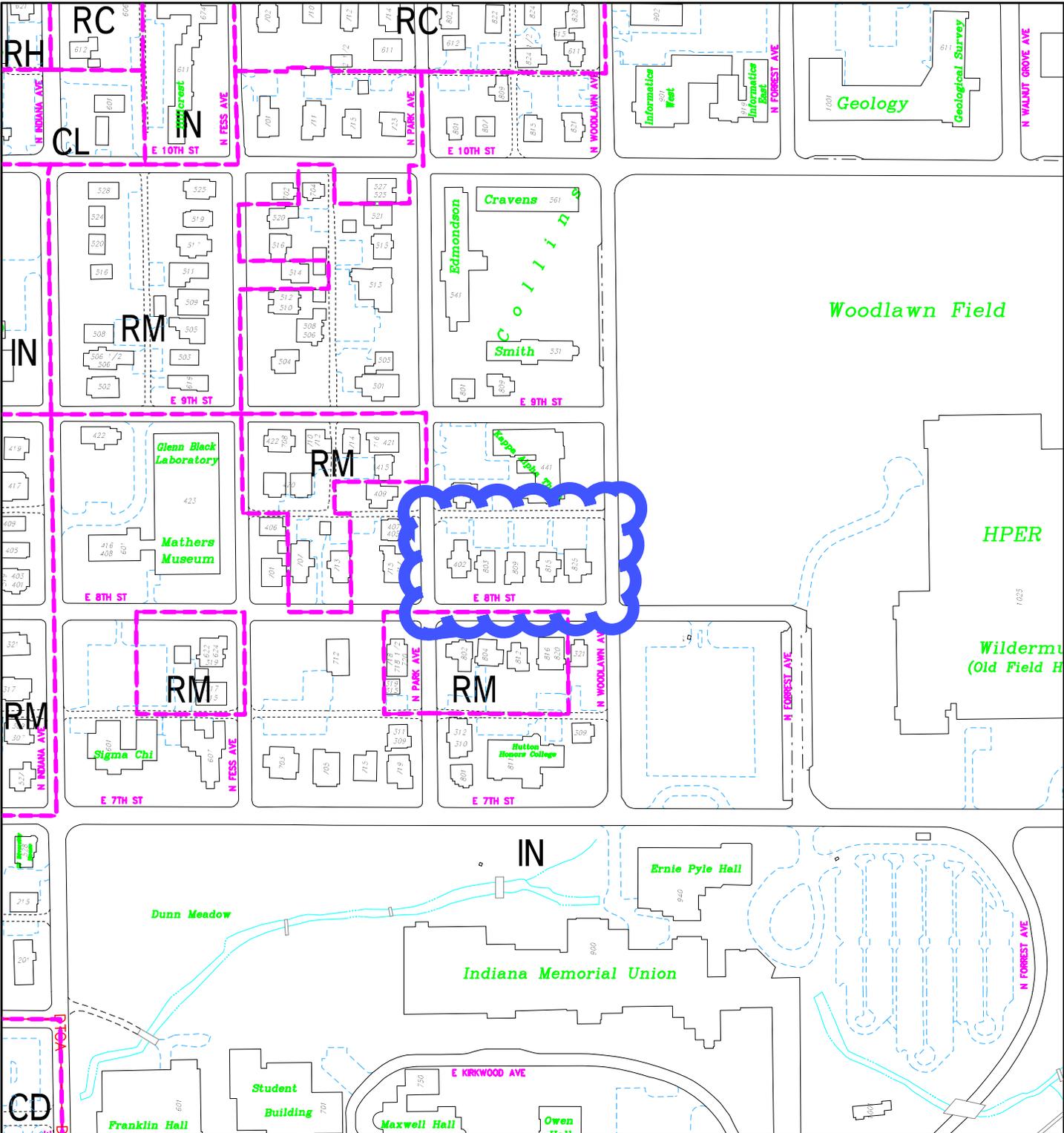
STAFF FINDING: Staff finds no negative impacts from the proposed variance. Other institutional uses in this area, including the property immediately to the north and one of the existing buildings on this site utilize back-out parking. All other uses along this alley are institutional uses. The back-out parking will not interfere with any single family homes. The perceived height of the building is 3-stories and 50 feet tall, which is in keeping with other institutional uses in the area such as the Kappa Alpha Theta sorority to the north.

- 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 grade of the lot and the fact that the lot is surrounded on three sides by streets. The building is built on the grade of the lot and 95% of the building meets the 50 foot height maximum. The 5% of the building that does not meet the height requirement is a single basement level door to provide secondary and emergency access to this space. The street three setbacks create difficulty in designing a site plan to meet parking setbacks. Practical difficulty is found in the need to provide egress from the basement and provide some parking on the lot to accommodate a portion of the fraternity's parking needs for visitors, staff and deliveries.

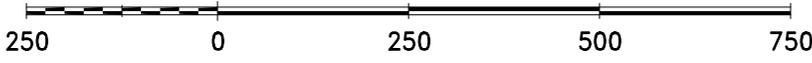
RECOMMENDATION: Based on the written findings of this report, staff recommends approval of V-42-14 with the following conditions:

1. Approved per all terms and conditions of Certificate of Appropriateness #COA-39-14.



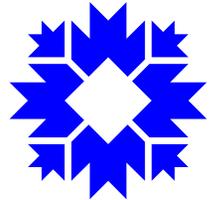
v-42-14
Location Map

By: roachja
5 Dec 14



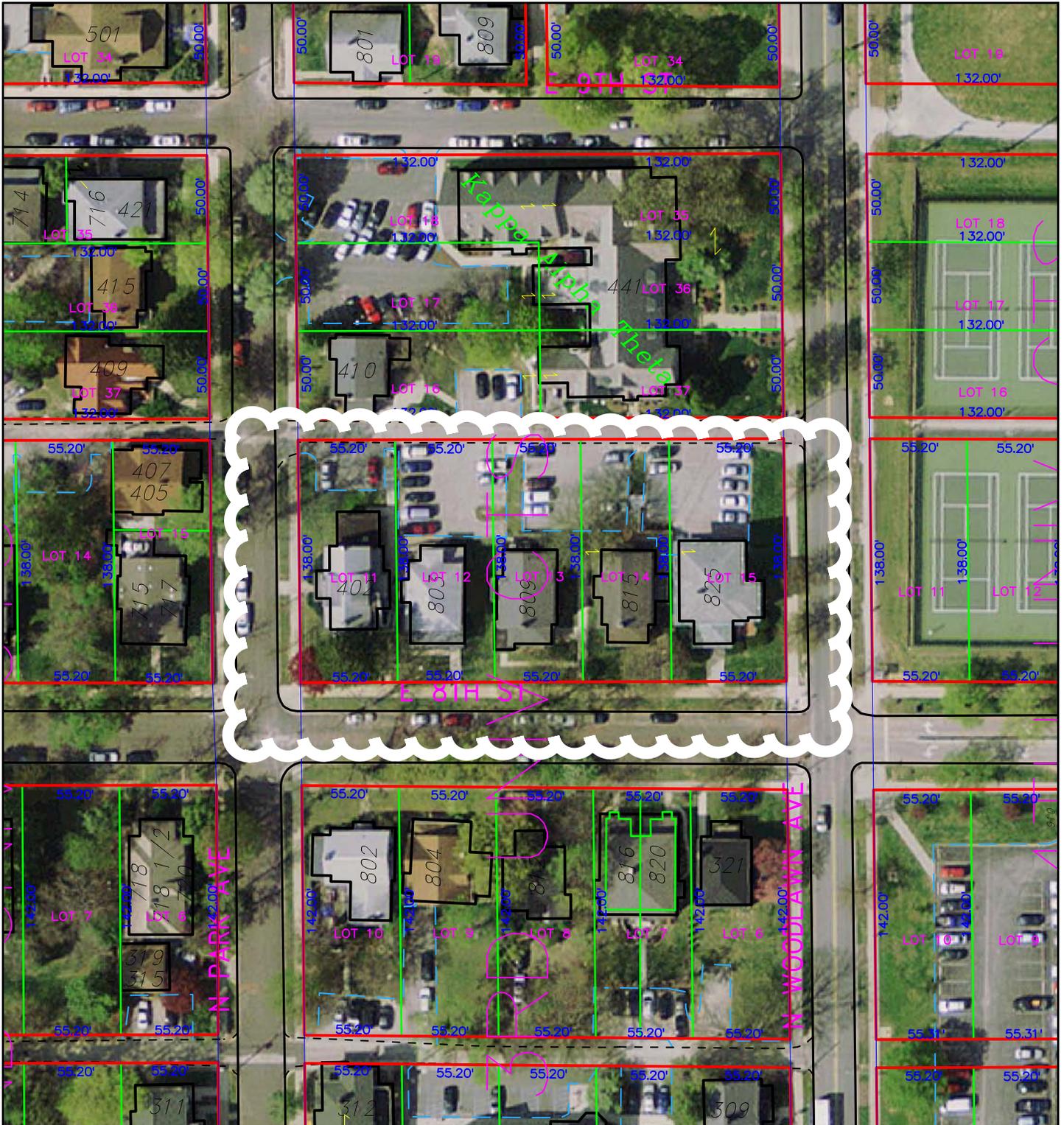
For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



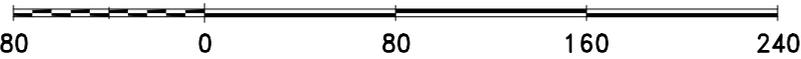
Scale: 1" = 250'



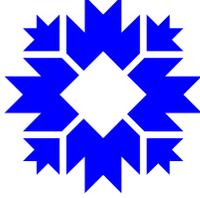


v-42-14
2011 Aerial Photos

By: roachja
5 Dec 14



City of Bloomington
Planning & Transportation



Scale: 1" = 80'

For reference only; map information NOT warranted.



INDIANA UNIVERSITY
 OFFICE OF THE VICE PRESIDENT
 FOR CAPITAL PLANNING AND FACILITIES

November 24, 2014

Mr. James Roach
 City of Bloomington Planning Department
 401 N. Morton Street
 Suite 130
 P.O. Box 100
 Bloomington, IN 47402

Re: Permission from Indiana University to apply for Variances and Permits

Dear Mr. Roach:

It is my understanding that the House Corporation of Zeta Chapter of Phi Gamma Delta, Inc. ("House Corporation") is a potential purchaser of real estate owned by Indiana University located at the northwest corner of East 8th Street and Woodlawn Avenue, Bloomington, Indiana and has requested Indiana University grant it permission to apply to the City of Bloomington Planning Department for variances, a grading permit, a building permit, and other permits necessary for the construction of a fraternity house on said real estate. Indiana University hereby grants House Corporation's request for permission and consents to House Corporation's filing applications for said variances and permits and any affiliated required documents as a prospective purchaser.

Indiana University is not waiving any rights it has as owner of the real estate by granting permission for House Corporation to make said applications solely as a prospective purchaser. Please be so kind as to provide me with copies of any documents House Corporation files for the University's records. Thanks so much.

Sincerely,

Shokrina Radpour Beering, Esq.
 Associate Vice President for Capital Planning
 and Facilities and Associate General Counsel

cc: Darla S. Brown, Esq.
 Peter C. King, Esq.

STURGEON & BROWN, PC*Attorneys at Law*

P.O. Box 1234

120 West Seventh Street, Suite 110

Bloomington, Indiana 47402-1234

Telephone (812) 332-9476

Fax (812) 331-8819

Suzanne Sturgeon
Darla S. Brown
Frank A. Barnhart
Of Counsel

Alfred Evens (1935-1949)
Leroy Baker (1935-1989)

November 24, 2014

Mr. James Roach
Senior Planner
City of Bloomington
Planning Department
401 N. Morton Street, Suite 160
P.O. Box 100
Bloomington, Indiana 47402

RE: Hearing Officer, City of Bloomington
Zeta Chapter of Phi Gamma Delta, Inc.
Fiji House Fraternity Project
Petitioner's Statement

Dear Mr. Roach:

Please accept this correspondence as Phi Gamma Delta's Petitioner's Statement for Variance Review. The following documents outline the Project scope. Please take time to review and contact us with any additional questions.

Project Overview

The proposed Project is a three-story fraternity house with full basement to be located at the corner of East 8th Street and Woodlawn Avenue in Bloomington, Monroe County, Indiana. The basement area will consist of a multipurpose room, pool room, weight room, laundry, bike racks and storage units. The first floor will consist of the kitchen, a pantry, storage, living room, dens, a guest apartment and bedroom and bathrooms. The top two floors will be the living quarters for the students. The building is 52,000 square feet. Natural limestone will be used for the exterior and composite slate roofing will be used for the roofing.

Mr. James Roach
Page 2
November 24, 2014

At its November 13, 2014 meeting, the City of Bloomington Historic Preservation Commission granted a Certificate of Appropriateness to build the fraternity house in the University Courts Historic District.

Indiana University currently owns the property upon which the fraternity will be constructed. Once Phi Gamma Delta meets its funding obligations, it will send a funding notice to the University and the real estate will thereafter be transferred to Phi Gamma Delta.

Phi Gamma Delta seeks a variance from the height requirements of the City of Bloomington Unified Development Ordinance, which allow a maximum of 50 feet for primary structures in the Institutional Zone under Sections 20.05.050 and 20.02.520 of the UDO. Phi Gamma Delta also seeks a variance from the parking standards of the UDO, specifically Section 20.05.070, which reads in relevant part as follows:

20.05.070 PK-01 [Parking Standards; General]

- (j) Back-out Parking: Unless specifically stated otherwise in the Unified Development Ordinance, all on-site parking areas shall be designed to prevent vehicles from backing onto public streets.
- (k) Back-out Parking Waiver: Back-out parking within the required side or rear setback may be allowed onto adjacent alleys subject to the following standards:
- (1) The lot in question does not exceed 20,000 square feet in area;
 - (2) A maximum of eight (8) back-out parking spaces are permitted per site; and
 - (3) Parking shall directly access an improved alley.

Variance from Maximum Height Requirement

Phi Gamma Delta asks to be allowed a variance from the maximum allowable height requirement. Measuring at grade level, the height of the building will measure ten (10) feet higher than what is permitted by the UDO. The impact of this increase upon the adjacent street is minimal as the basement entry is approximately 9.83' wide in a total building width of approximately 193', representing just 5% of this building facade and about 1.5% of the total building perimeter. The remainder of the façade meets the UDO maximum height. In addition, the exposed facade is hidden by the angled walls framing the entry, leaving the section of building that exceeds 50' only indirectly visible from 8th Street at an oblique angle.

Mr. James Roach
Page 3
November 24, 2014

Variance from the Parking Standards and Landscaping Standards

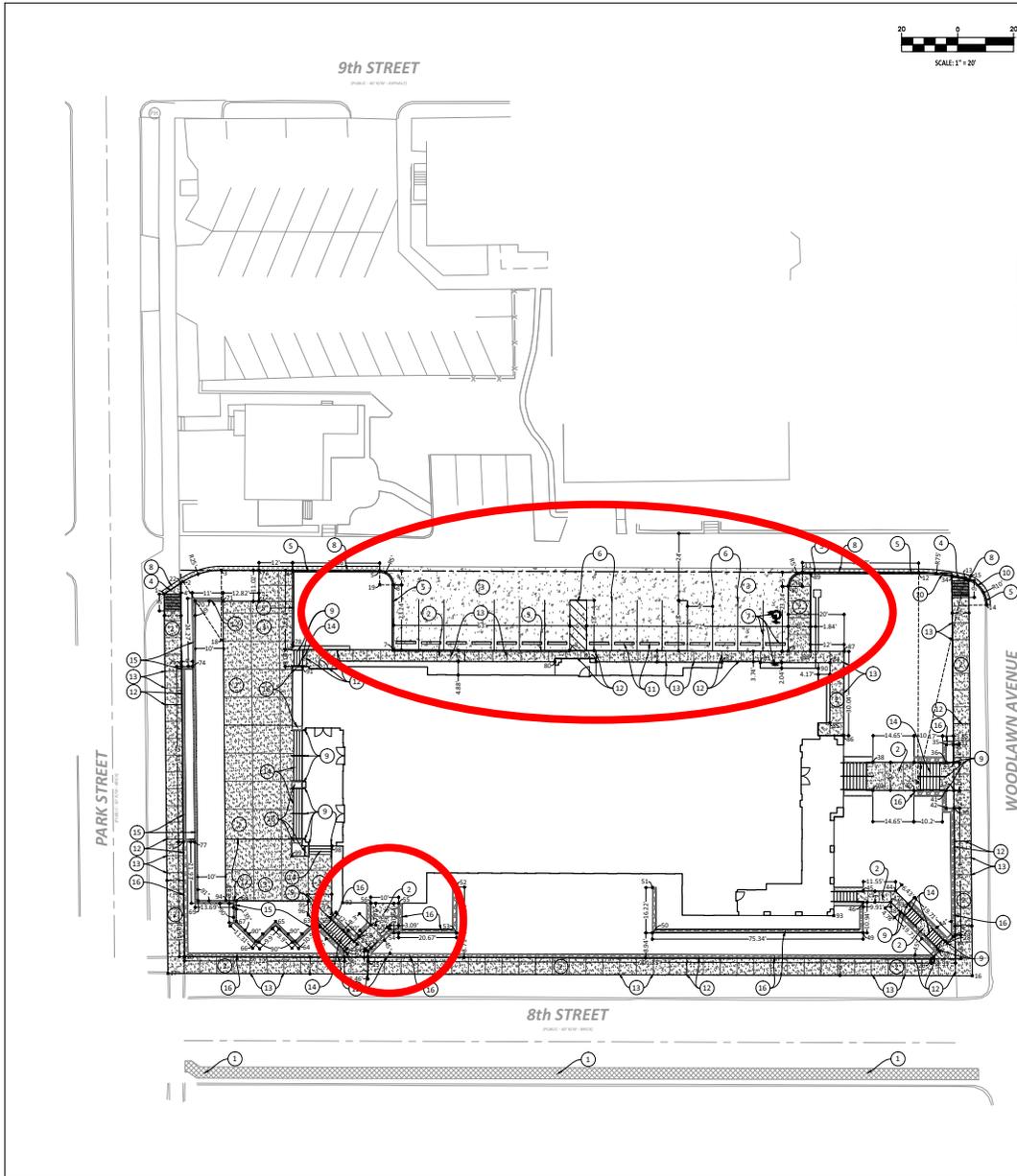
Phi Gamma Delta asks to be allowed a variance from the Parking Standards and Landscaping Standards. The UDO prohibits parking spaces designed so as to allow backing out onto public streets. However, a back-out parking waiver may be granted within the required side or rear setback onto adjacent alleys if the lot in question does not exceed 20,000 square feet in area, and a maximum of eight (8) back-out parking spaces are permitted per site; and the parking directly accesses an improved alley. The grant of a variance to Phi Gamma Delta for back out parking would not compromise the function or usability of the adjacent alley. In fact, it essentially widens and improves access to adjacent properties for much of its length. Specifically, Phi Gamma Delta seeks to be allowed 15 total back-out parking spaces.

Respectfully submitted,



Darla S. Brown

DSB:jm



CONTROL POINTS			CONTROL POINTS		
POINT #	NORTHING	EASTING	POINT #	NORTHING	EASTING
1	1428829.0191	311167.3108	51	1428724.1720	311341.8127
2	1428833.4298	311174.0853	52	1428724.3262	311271.8195
3	1428837.4790	311187.8102	53	1428707.8347	311271.7641
4	1428837.3933	311213.1949	54	1428707.9225	311251.0990
5	1428837.2986	311244.3594	55	1428718.5630	311251.1299
6	1428832.2774	311246.3424	56	1428718.5979	311241.1299
7	1428829.0213	311248.2639	57	1428712.8423	311241.1038
8	1428806.8181	311312.2618	58	1428704.9709	311235.2325
9	1428808.5546	311330.2622	59	1428715.4562	311226.7472
10	1428831.7948	311330.3416	60	1428709.2578	311248.0046
11	1428836.7779	311335.3585	61	1428701.4105	311240.1573
12	1428836.6374	311436.9411	62	1428701.4353	311231.6969
13	1428834.7263	311453.5126	63	1428712.0450	311221.0834
14	1428825.1027	311467.2688	64	1428705.0377	311214.0903
15	1428833.8033	311454.7936	65	1428712.0377	311207.0903
16	1428832.6819	311456.1096	66	1428725.0377	311202.0903
17	1428869.5293	311168.6377	67	1428712.0407	311183.0813
18	1428812.4792	311187.7260	68	1428719.4532	311193.0877
19	1428832.2883	311124.3425	69	1428719.4532	311179.3941
20	1428831.7779	3111305.3416	70	1428826.4796	311178.3372
21	1428761.6378	311436.6876	71	1428826.4576	311168.3368
22	1428832.8993	311172.2702	72	1428826.4073	311201.1575
23	1428699.5061	311174.5794	73	1428837.4328	311201.1650
24	1428699.3403	311231.6969	74	1428823.2156	311177.5699
25	1428699.3155	311240.1573	75	1428803.1761	311173.5671
26	1428698.7248	311441.5043	76	1428740.4465	311174.1777
27	1428701.5720	311444.3515	77	1428740.4860	311178.1864
28	1428704.4005	311447.1800	78	1428810.3927	311213.2030
29	1428707.1837	311448.9731	79	1428805.0985	311229.2552
30	1428752.5122	311448.5508	80	1428804.8359	311326.9632
31	1428770.1408	311448.3403	81	1428806.7691	311326.9638
32	1428758.8189	311448.4913	82	1428804.6345	311306.5879
33	1428768.8107	311448.3589	83	1428804.5981	311303.1378
34	1428835.1498	311448.7807	84	1428804.5040	311406.2546
35	1428775.1494	311448.8031	85	1428782.9639	311405.1817
36	1428768.8195	311448.7817	86	1428778.4431	311410.1664
37	1428768.8583	311435.2818	87	1428808.4870	311410.2680
38	1428768.8078	311420.6241	88	1428808.5275	311398.2631
39	1428758.8078	311420.6024	89	1428836.2678	311388.2368
40	1428758.8583	311425.2480	90	1428802.4740	311401.0808
41	1428758.8195	311446.7480	91	1428803.0267	311216.7484
42	1428752.4861	311446.7523	92	1428718.7142	311231.1302
43	1428718.3354	311433.2450	93	1428714.1214	311406.6159
44	1428722.8802	311428.7003	94	1428719.5513	311189.3821
45	1428722.9193	311417.1456	95	1428719.3531	311218.8014
46	1428718.9183	311417.1321	96	1428714.3435	311218.7819
47	1428718.8858	311427.0377	97	1428714.6265	311227.1675
48	1428715.8070	311426.4168	98	1428738.0112	311227.7490
49	1428707.8896	311417.0282	99	1428735.3698	311212.6498
50	1428707.8603	311341.7580			

GENERAL NOTES

- ALL DIMENSIONS ARE TO FACE OF CURB, POINT OF TANGENCY, EDGE OF PAVEMENT, OR EDGE OF WALK, UNLESS OTHERWISE NOTED. ALL INCHES ARE TO FACE OF CURB UNLESS NOTED OTHERWISE. COORDINATE DIMENSIONS WITH ARCHITECTURAL DRAWINGS AND CENTER SIDEWALKS WITH RESPECTIVE ENTRANCES. CONTRACTOR SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO BEGINNING WORK.
- CONTRACTOR IS REQUIRED TO VERIFY FIELD CONDITIONS AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO BEGINNING WORK.
- ALL DISTURBED AREAS SHALL RECEIVE 6" OF TOP SOIL, MULCH AND SEED OR BE IMPROVED AS NOTED OTHERWISE.
- REFER TO PLAN FOR DETAILS CORRESPONDING TO PLAN NOTES.
- SIGNAGE AND PAVEMENT MARKINGS SHALL COMPLY WITH THE INDIANA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
- ALL STREET CUTS FOR UTILITIES AND OTHER IMPROVEMENTS SHALL BE REPAIRED TO MATCH EXISTING PAVEMENT SECTION OR BETTER.

PLAN NOTES

- BRICK PAVEMENT PATCH - REFER TO DETAILS
- CONCRETE PAVEMENT, 4" THICK - REFER TO DETAIL
- PERVIOUS CONCRETE PAVEMENT - REFER TO DETAIL
- ADA COMPLIANT RAMP AND CONCRETE CURB TRANSITION, 1:12 SLOPE MAX. WITH 50" DEEP GROVES AT 6" O.C. - REFER TO DETAILS
- 6" STANDING CONCRETE CURB - REFER TO DETAIL
- PAVEMENT MARKING, 4" WIDE, WHITE - AUTO PARKING
- ADA COMPLIANT VAN PARKING SPACE, INCLUDES PAVEMENT MARKING, 4" WIDE, BLUE, PAINTED WHEEL-CHAIR SYMBOL, CONCRETE WHEEL STOP AND ACCESSIBLE RESERVED PARKING SIGN - SEE DETAILS
- ASPHALT PAVEMENT PATCH - REFER TO DETAIL
- HANDRAIL-REFER TO DETAIL
- CONCRETE CURB TRANSITION, REFER TO DETAIL
- CONCRETE WHEEL STOP (TYPICAL) - REFER TO DETAIL
- EXPANSION JOINT (TYPICAL) - REFER TO DETAIL
- SCORE JOINT (TYPICAL) - REFER TO DETAIL
- CONCRETE STEPS - REFER TO DETAIL
- LIMESTONE VENEER WALL "LU" STYLE - REFER TO DETAIL
- LIMESTONE VENEER WALL "NEIGHBORHOOD" STYLE - REFER TO DETAIL

CERTIFICATION

11-07-14
JOB # 1317
SHEET #

LEGEND

- LIMITS OF BRICK PAVEMENT PATCH
- LIMITS OF CONCRETE PAVING
- PAVEMENT STRIPING 2" ON CENTER
- LIMITS OF PERVIOUS PAVING
- "LU" STYLE WALLS
- "NEIGHBORHOOD" STYLE WALLS

PHI GAMMA DELTA FRATERNITY HOUSE
INDIANA UNIVERSITY
BLOOMINGTON, INDIANA

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BEDFORD BLOOMINGTON PAOLI

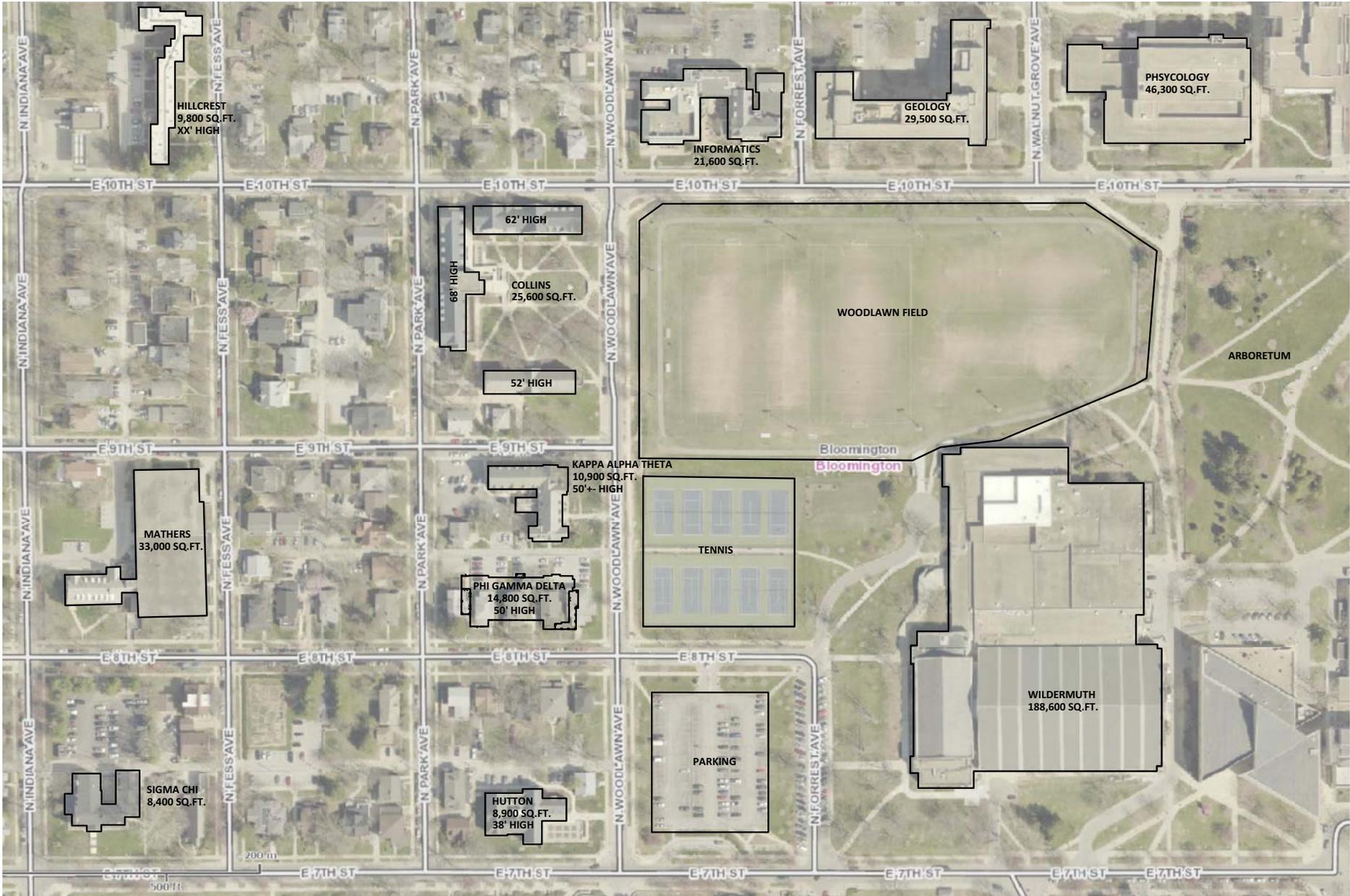
REVISIONS

C301

V-42-14
Site Plan



V-42-14
Rendering





V-42-14
Height comparison



V-42-14
Height comparison



V-42-14
Height comparison



V-42-14
Height comparison



V-42-14
Height comparison