

CITY OF BLOOMINGTON



APRIL 29, 2015 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON
HEARING OFFICER
April 29, 2015 at 2:00 p.m.

***Kelly Conference Room #155**

PETITIONS:

- V-12-15 **Doug Wissing**
520 W. Howe St.
Request: Variance from side yard setback standards.
Case Manager: Patrick Shay

- CU-13-15 **Marc Ostroff**
1009 S. Rogers St.
Request: Conditional use approval for a home occupation to allow furniture repair and refinishing in an existing single-family house.
Case Manager: Beth Rosenbarger

BLOOMINGTON HEARING OFFICER
LOCATION: 520 W. Howe Street

CASE #: V-12-15
DATE: April 29, 2015

PETITIONER: Doug Wissing
 PO Box 1683, Bloomington

REQUEST: The petitioner is requesting a sideyard building setback variance to allow a partial second floor addition.

	Required	Proposed
Side building setback	10 feet	Approximately 6.5 feet

SUMMARY: The petitioner owns a single family home on the north side of W. Howe Street midblock between S. Fairview Street and S. Rogers Street. The site is zoned Residential Core (RC) and is located within the Prospect Hill Neighborhood. The petitioner is seeking to add a new dormer to the rear of the structure and finish existing attic space to create a second bedroom and an additional bathroom.

The proposed changes would require a 10-foot sideyard setback as the structure would become two-stories. The existing structure is approximately 6.5 feet from the east property line. The main portion of the structure that will be within this setback is the existing attic structure. The proposed structure is in character with the surrounding area as evidenced with the granting of a Certificate of Appropriateness (COA-01-15) from the Historic Preservation Commission at its February 12, 2015 meeting.

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. Prospect Hill has several non-conforming setbacks. The proposed changes will not increase the footprint of the structure and will have negligible impacts to the property to the east.

- 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, it is within the character of the surrounding area.

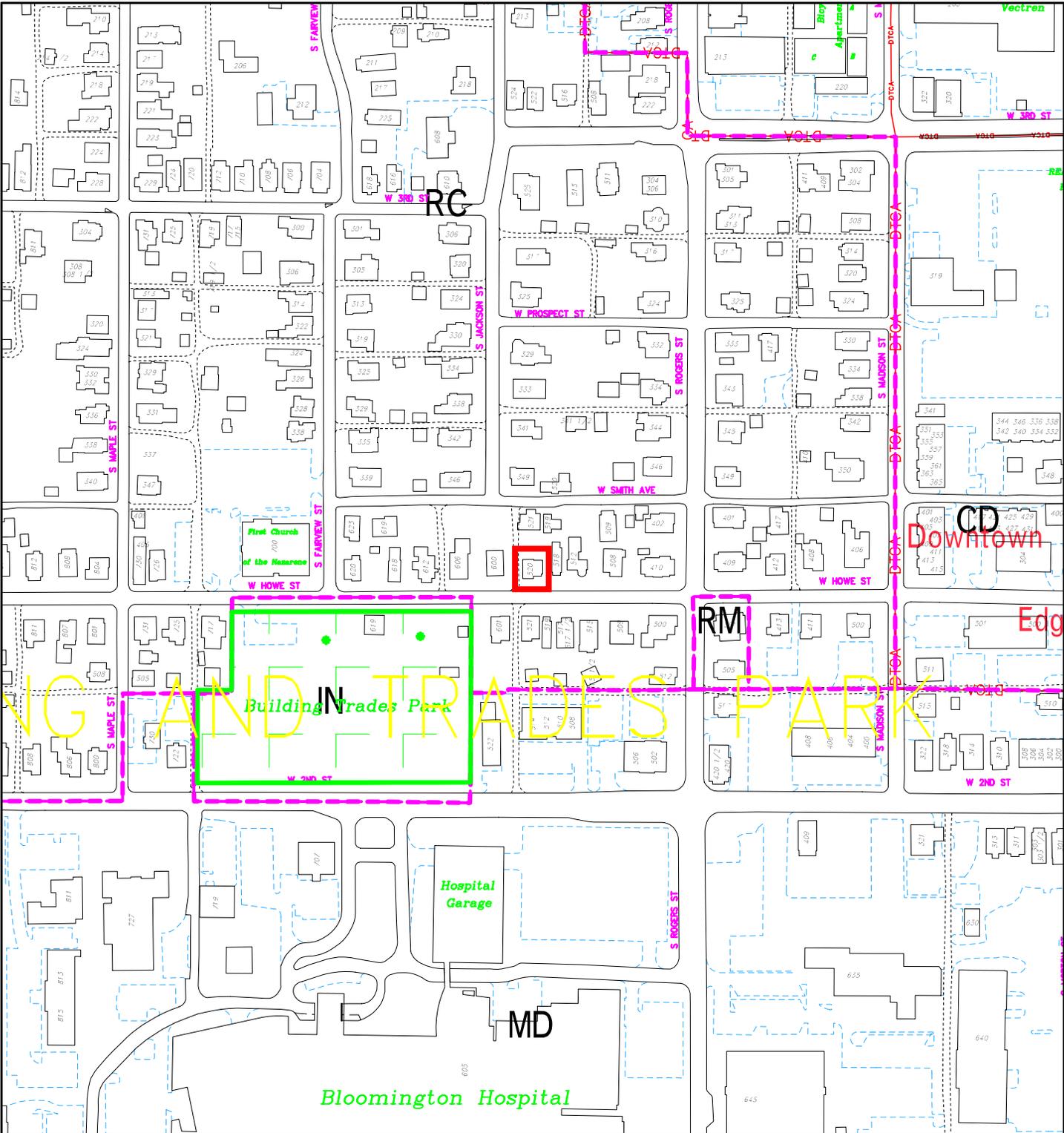
- 3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical*

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 dormer addition and remodel to be constructed a manner that is consistent with the historical development pattern of the neighborhood. Peculiar condition is found in the historic development patterns of the area as well as the existing location of the home. The inclusion of this area within a local historic district shows that this area is unique and has an additional level of review by the HPC. In addition, the proposed changes will have very little impact to the property to the east, as the footprint and roof height are not increasing.

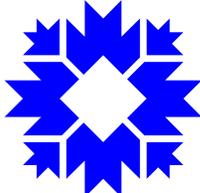
RECOMMENDATION: Based upon the written findings above, staff recommends approval of V-12-15 with the following conditions:

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

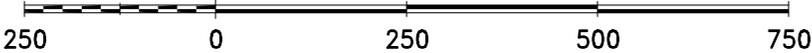


V-12-15
Location and
Zoning Map

City of Bloomington
Planning & Transportation

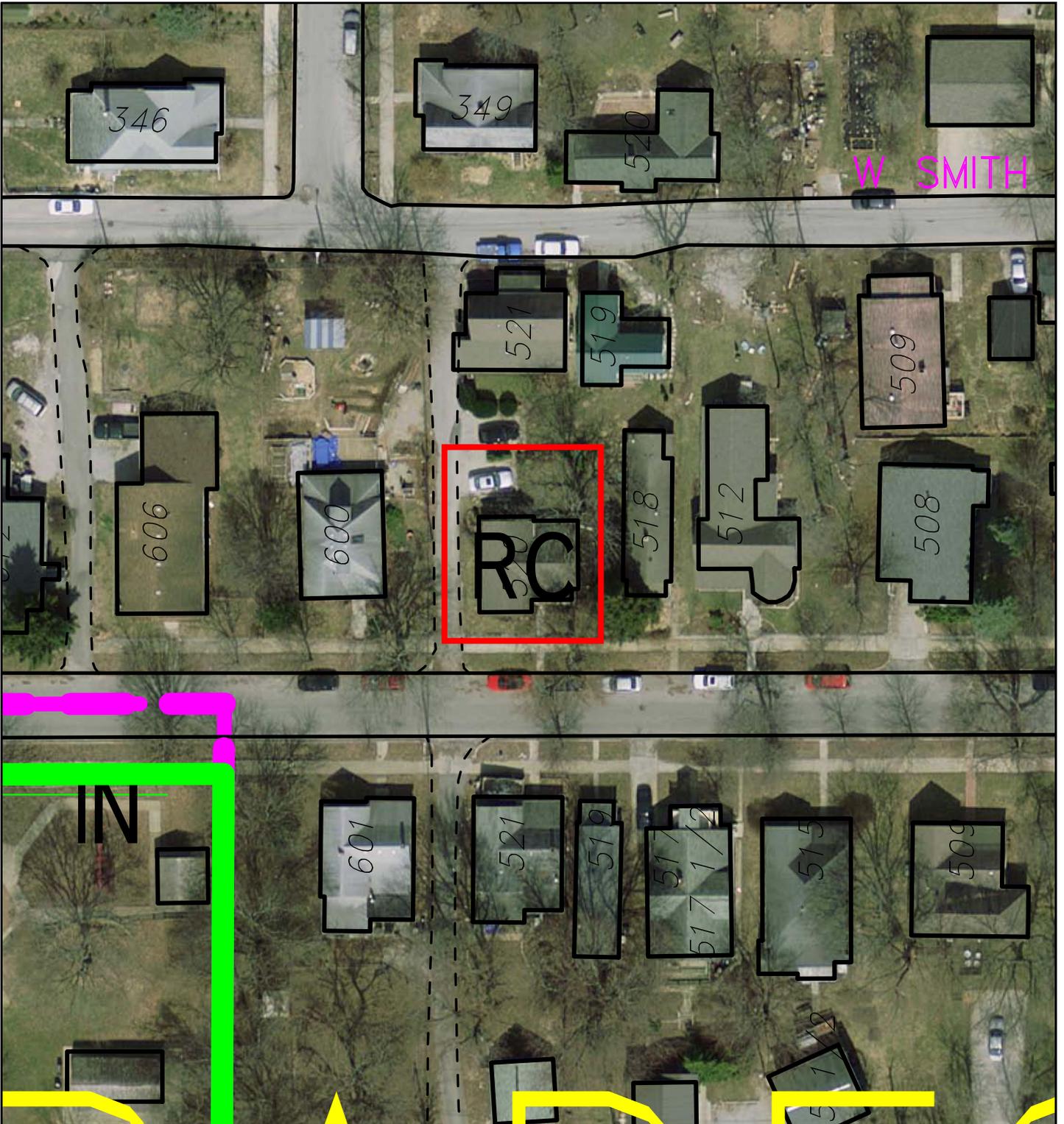


By: roachja
24 Apr 15



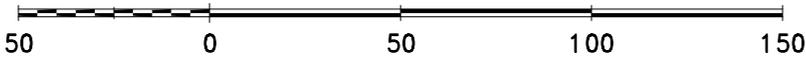
Scale: 1" = 250'

For reference only; map information NOT warranted.



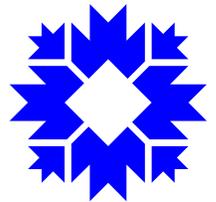
V-12-15
2014 Aerial Photo

By: roachja
24 Apr 15



For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



Scale: 1" = 50'



**Petitioner's Statement to
City of Bloomington Planning and Transportation Department Hearing Officer
regarding
520 W. Howe St. Variance Request**

I am requesting a side-yard setback variance for a proposed dormer on a 1-BR, 1-BA house at 520 W. Howe St. in Prospect Hill. The late-19th-century house is approximately 900 square feet in size. The proposed dormer, approximately 400-sf in size, is designed to convert underutilized attic space into one small garret bedroom, a ¾-bath, and a mechanical/storage room.

The variance is required because the side-yard setback is approximately 6'2" from the east property line, less than the 10' setback standard.

Following preliminary guidance by planner Patrick Shay, designer Jon Racek and I designed the dormer to stay within the house's original footprint, meet all of the Greater Prospect Hill Historic District Guidelines, and provide an attractive addition to the residence and the neighborhood.

Greater Prospect Hill Historic District and Historic Preservation Commission Review

The Prospect Hill neighbors on the Greater Prospect Hill Historic District design review committee supported the proposed dormer design.

Comments made by the GPHHD design review committee members:

"It is a well thought out design. It does not affect the character of the house from the street view. I can only offer my encouragement. I am always pleased to see home owners contribute to our neighborhood."

—John Vitello

"I see this in keeping with the neighborhood's feel and think it should receive staff approval."

—Margaret Fette

"Surprising how similar the solutions to these two cases are. With tight lots and many houses of similar design, i.e., 'Gable ells' I guess its no wonder that the solutions should look so similar."

I think this project will fit into the neighborhood context very nicely.

I'd like to reiterate that its important that these first few projects set good examples, and I think they do, to demonstrate that our 100 year old houses can evolve and remain relevant to current life styles.

How many ways can a Gable ell grow?"

—Patrick Murray (responding to CoAs for two Gabled-L projects, 520 W. Howe and 600 W. 4th)

"I agree with both Margaret and John and the changes to this property are reasonable and within the parameters of the guidelines."

I agree with Patrick's comments, that this project fits well within the guidelines and is a good example for future projects.

—Jeff Goldin

Following the GPHHD design review committee's recommendation, the City of Bloomington Historic Preservation Commission unanimously voted yes for the Certificate of Appropriateness certificate.

Prospect Hill Compact Urban Form and Dormers

The variance is required because the house's side-yard setback is approximately 6'2" from the east property line, less than the 10' setback standard.

The proposed dormer for this Gabled-L cottage is patterned on numerous Gabled-L dormers that citizens have built across the Prospect Hill, both historically and recently. Reflecting Prospect Hill's traditional compact urban form, many of the neighborhood's dormered houses have less than a 10' side-yard setback.

Here are a few random examples of the form among the many Gabled-L dormers in the Prospect Hill and Westside neighborhoods. Photos are provided:

Carr house, 600 W. Howe. Next door to 520 W. Howe, this vintage Gabled-L has a dormer that houses a small bedroom, ¾-bath and storage.

Fawcett house, 729 W. Howe. This recent remodel of a vintage Gabled-L included a large dormer addition.

Sturbaum house, 327 S. Jackson. This vintage Gabled-L was remodeled with a large dormer addition.

Murphy house, 727 W. 3rd St. This vintage Gabled-L was remodeled with a large dormer addition, as well as an expanded footprint addition and garage/workshop.

Gold house, 300 S. Fairview. This vintage Gabled-L has a historic dormer and a more recent remodeling.

O'Dea house, 305 S. Fairview. This vintage Gabled-L was remodeled with a large dormer addition, as well as an expanded footprint addition.

Roska house, 339 S. Euclid Ave. This vintage Gabled-L has a historic dormer.

Vernon house, 921 W. Howe. This vintage Gabled-L has a large contemporary dormer.

Development Standards Variance Criteria

The approval of this variance will not be injurious to the neighborhood and community's public health, safety, morals, and public welfare. This proposed adaptive re-use will enhance this historic structure, help insure its future sustainability, and provide esthetic and historic value to the neighborhood and community.

The proposed dormer will not adversely affect adjacent property: Firstly, the proposed addition is completely within the structure's existing footprint. Secondly, per the GPHHD design guidelines, the dormer will not even be visible from the streetscapes, both on the front (south) and the alley (west). Thirdly, the changes to the gable on the east side are minor. Lastly, the dormer's north-facing rear façade is modest in scale and congruent with historic styles.

Because of Prospect Hill's historical compact urban form, strict application of the UDO side-yard setback will result in practical difficulties in this area, where the house lots are particularly tight. This proposed small dormer will require a variance to relieve the practical difficulties.

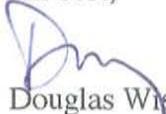
Conclusion

The 520 W. Howe dormer will convert this small cottage's underutilized attic space into a small bedroom, bath, and an accessible storage/mechanical room. The design is modest in scale, and congruent with historic neighborhood forms and esthetic guidelines. The improved house will enhance the historic Prospect Hill environment and provide a sustainable home for generations to come.

I respectfully request a side-yard setback variance to proceed with the dormer project.

I appreciate your consideration.

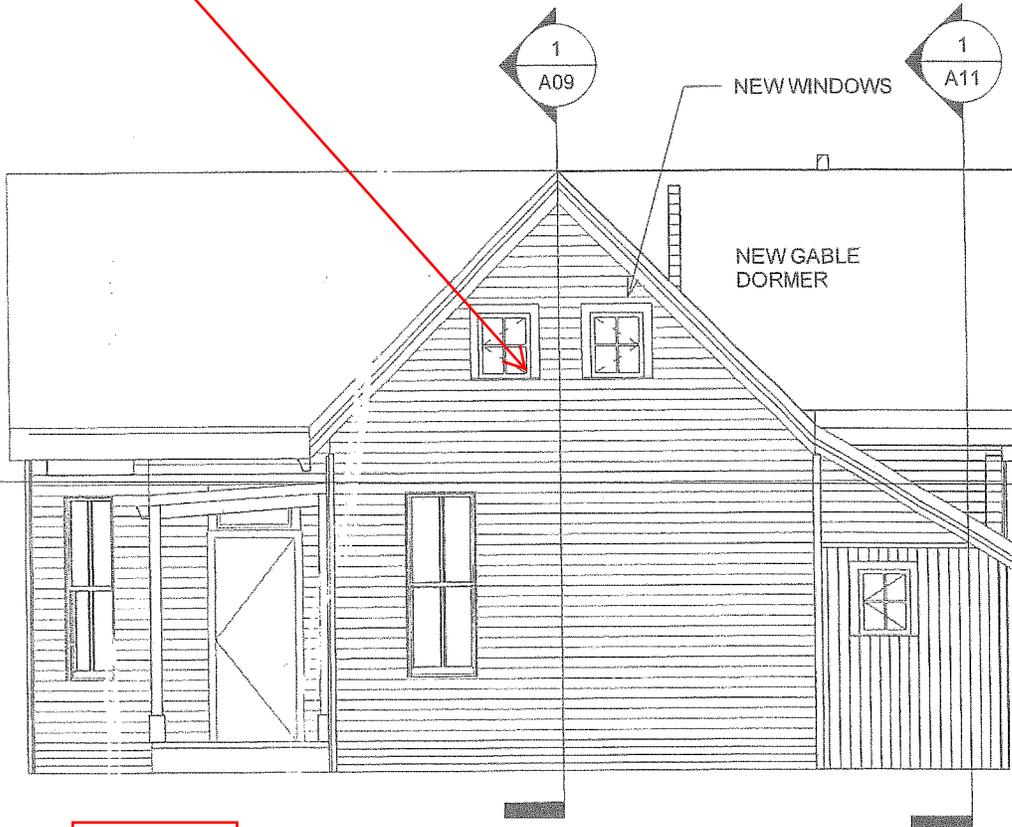
All best,



Douglas Wissing

213 S. Jackson St.
Bloomington, IN 47404
douglaswissing@gmail.com
(812) 360-2706

Attic Area to be finished



1 East
3/16" = 1'-0"

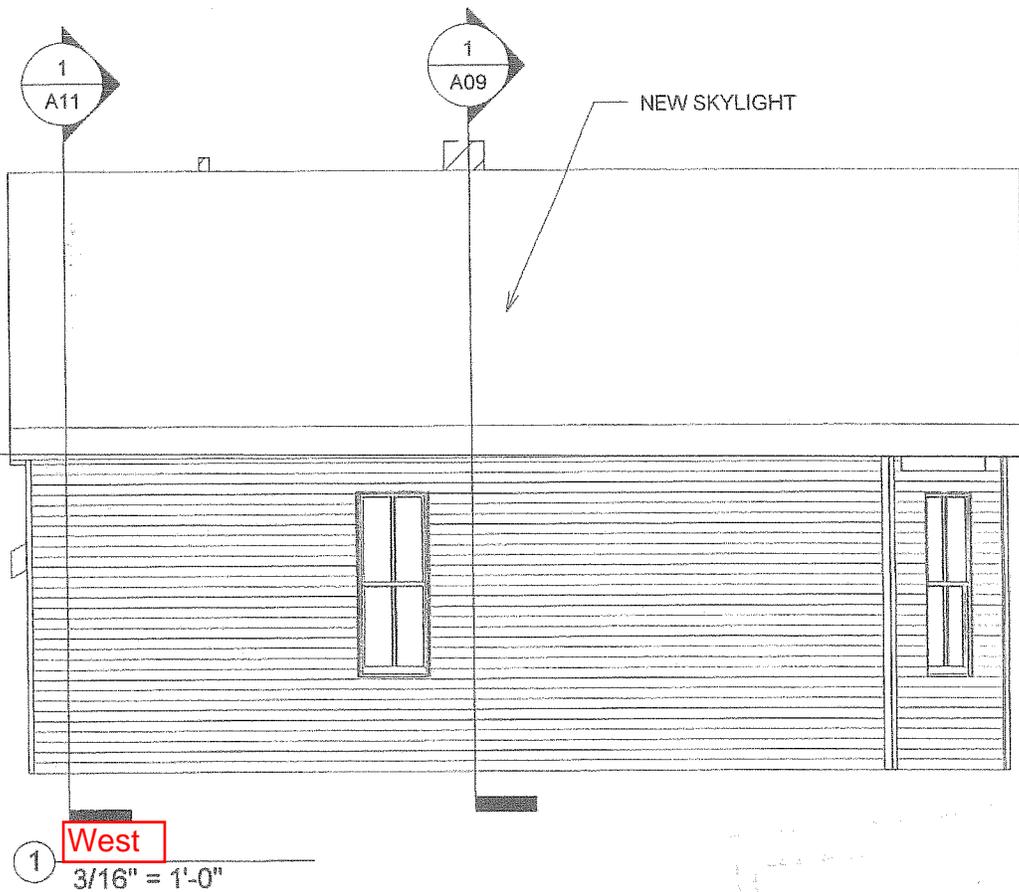
EAST

NOT FOR
CONSTRUCTION

WEST ELEVATION

Project number	Project Number	A06
Date	5/18/2014	
Drawn by	Author	
Checked by	Checker	
		Scale 3/16" = 1'-0"

6/17/2014 11:52:25 AM



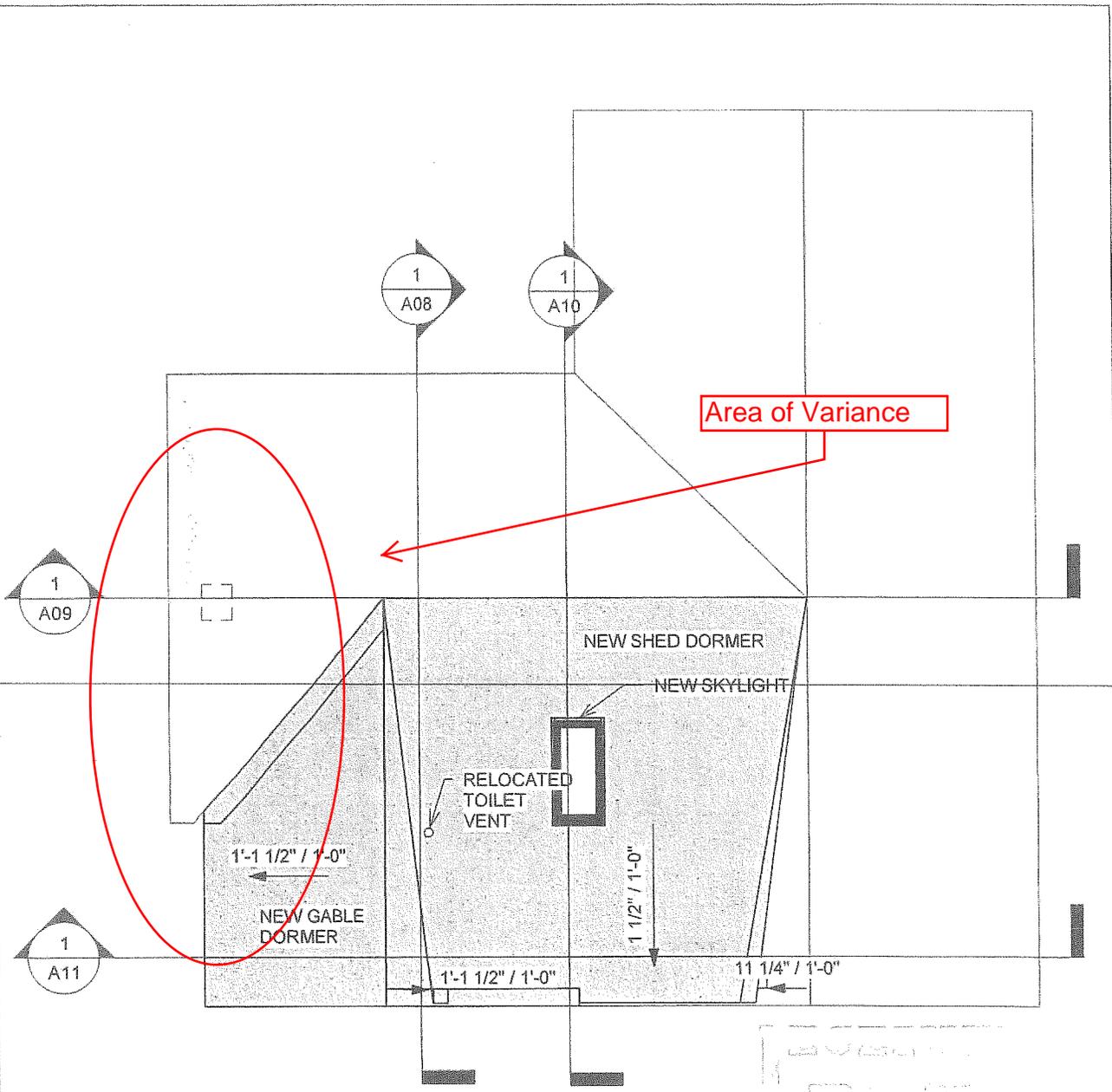
NOT FOR
CONSTRUCTION

EAST ELEVATION

Project number	Project Number	A07
Date	5/18/2014	
Drawn by	Author	
Checked by	Checker	
		Scale 3/16" = 1'-0"

6/17/2014 11:52:26 AM

HOWE STREET



① Roof
 3/16" = 1'-0"

APPROVED
 FEB 11 2015
 BY.....
 NORTH

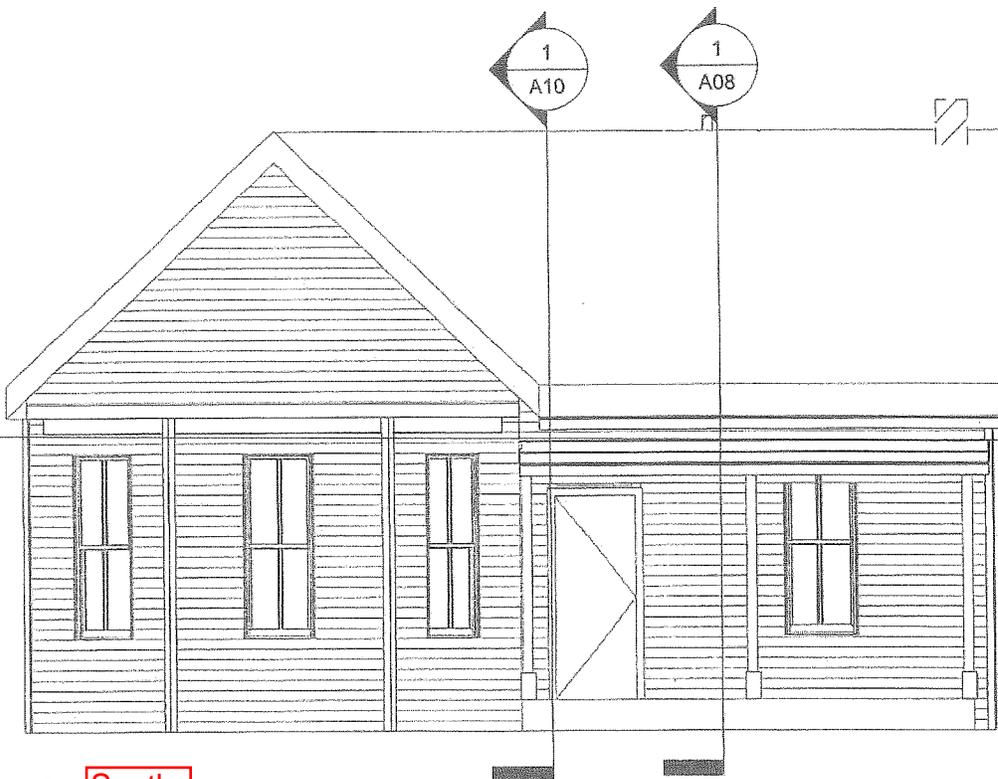
**NOT FOR
 CONSTRUCTION**

ROOF PLAN

Project number	Project Number	A03
Date	5/18/2014	
Drawn by	Author	
Checked by	Checker	
		Scale 3/16" = 1'-0"

6/17/2014 11:52:21 AM

V-12-15
 Site drawings



① South
3/16" = 1'-0"

APPROVED
FEB 2015
BY:

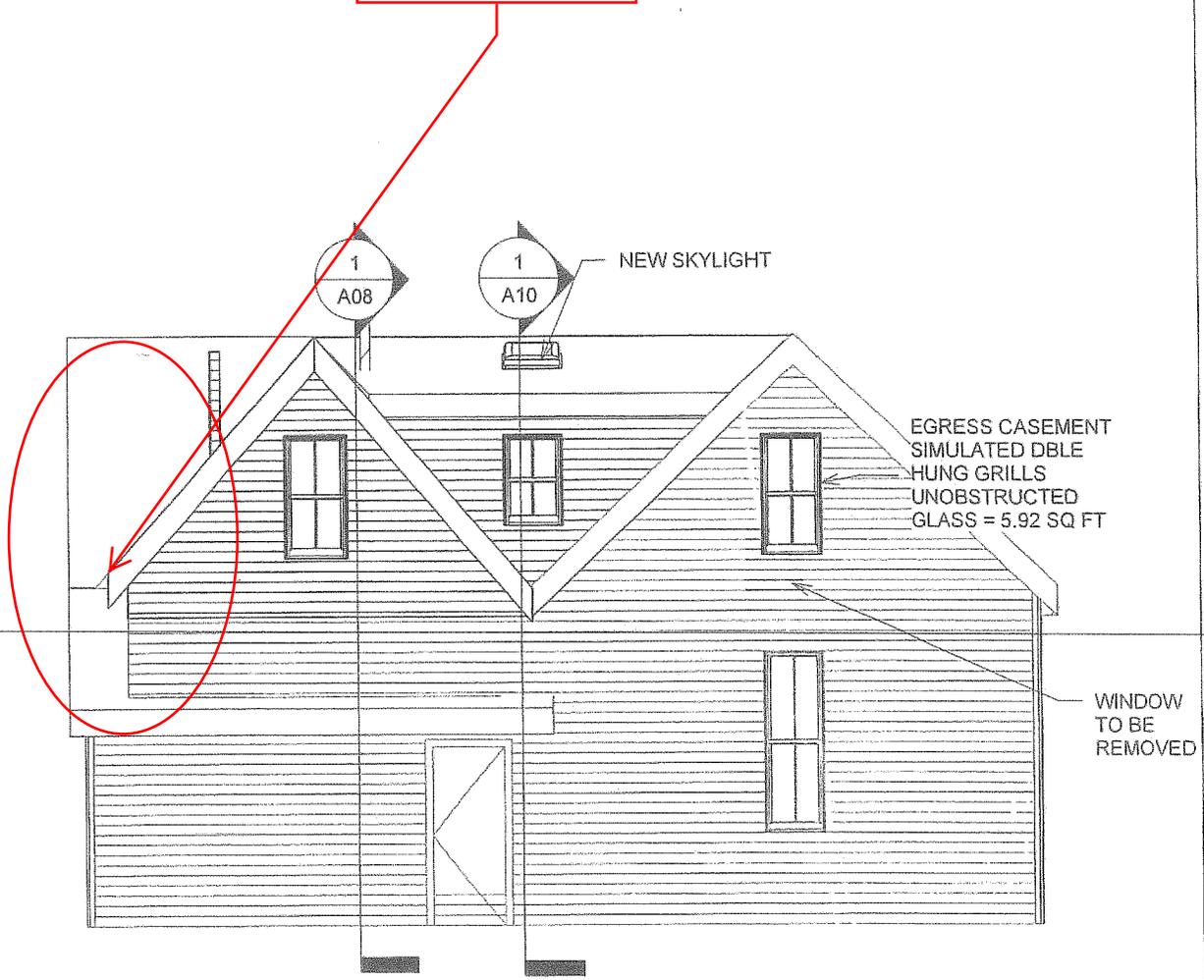
NOT FOR
CONSTRUCTION

NORTH ELEVATION

Project number	Project Number	A04
Date	5/18/2014	
Drawn by	Author	
Checked by	Checker	
		Scale 3/16" = 1'-0"

6/17/2014 11:52:22 AM

Area of Variance



① North
3/16" = 1'-0"

NORTH

NOT FOR
CONSTRUCTION

SOUTH ELEVATION

Project number	Project Number	A05
Date	5/18/2014	
Drawn by	Author	
Checked by	Checker	
		Scale 3/16" = 1'-0"

6/17/2014 11:52:24 AM

**BLOOMINGTON HEARING OFFICER
STAFF REPORT
LOCATION: 1009 S. Rogers Street**

**CASE#: CU-13-15
DATE: April 29, 2015**

PETITIONER: Marc Ostroff
1009 S. Rogers Street

REQUEST: The petitioner is requesting conditional use approval to allow a furniture repair and restoration business as a home occupation.

REPORT SUMMARY: The property is located on the east side of S. Rogers Street between W. Dodds Street and W. Allen Street. It is zoned Residential Core (RC) and has been developed with a single family residence. The property is surrounded by single family residential uses on all sides. The petitioner rents and lives in the home and wishes to operate a furniture repair and restoration business from the basement, with permission from the property owner.

There would not be any changes to the exterior of the building as part of this proposal. The petitioner would use approximately 236.5 sq. ft. of the 1,800 sq. ft. interior for the business. There is an existing crushed stone driveway, accessed from an east-west alley, that will be used for customers. There is also an attached basement garage that the petitioner uses for his personal vehicle. Bicycle parking can take place in the garage or on the covered front porch. A sidewalk is already in place along S. Rogers St.

This petition was presented to the McDoel Gardens Neighborhood Association at their meeting on April 2nd, 2015 and received a favorable response from the neighborhood. It was noted that other similar home occupations had existed in the neighborhood in the past with no issues.

OPERATIONS STANDARDS: BMC 20.05.051(e) lays out thirteen specific operations standards for home occupations.

1. Operator Residency Required: The petitioner lives in the home.
2. Maximum Number of Nonresident Employees: The petitioner is aware that only one (1) employee who does not reside in the house is permitted.
3. Maximum Floor Area: The house is approximately 1,800 square feet. The petitioner plans to use 236.5 square feet for the home occupation. This meets the restriction for no more than 15% of the interior square footage will be used for the home occupation.
4. Multiple Home Occupations: Only one home occupation is planned.
5. Residential Character: The petitioner will not be making any changes to the exterior of the residence for this request.
6. Location and Entrance: The home occupation will take place entirely within the house.
7. Outdoor Display and Storage: No outdoor display is planned.
8. Sales: No direct sales are planned.
9. Signage: The petitioner is aware of the signage requirements. A single, 2 square

foot sign is permitted on the wall of the house.

10. Off-street Parking and Loading: No additional driveway is planned. There is adequate parking on the existing driveway.
11. Hours of Operation: The petitioner is aware of the limitation on hours of operation, 8:00 AM to 8:00 PM.
12. Commercially Licensed Vehicles: No commercial vehicles are proposed.
13. Deliveries: The petitioner is aware of limitations on deliveries being conducted by typical residential delivery services.

Criteria and Findings for Conditional Use Permits

20.05.023(b) Conditional Use; General Standards

No Conditional Use approval shall be granted pursuant to *Chapter 20.09: Processes, Permits, and Fees* 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;*

STAFF FINDING: The Growth Policies Plan identifies this area as “Core Residential” and lists single family residential development as the primary land use with some additional uses, including home occupations.

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

STAFF FINDING: No additional lighting will be required for this proposed home occupation. Staff finds no concerns regarding noise, smoke, odors, vibrations, or lighting.

- 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 FINDING: Staff finds no adverse impact from this use. The house will continue to function as a single family home and will not change in appearance. There is adequate parking on the driveway and attached garage to provide parking needs for the residence and customers.

- 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 FINDING: This use requires no additional infrastructure service improvements.

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

STAFF FINDING: The use is a low traffic generator and since the property is located on S. Rogers Street, a Secondary Arterial roadway, no traffic will be directed through 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 FINDING: No exterior changes are being proposed with this home occupation.

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

STAFF FINDING: No special lighting or unusual hours of operation are proposed with this request. The business will not operate after 8 PM.

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

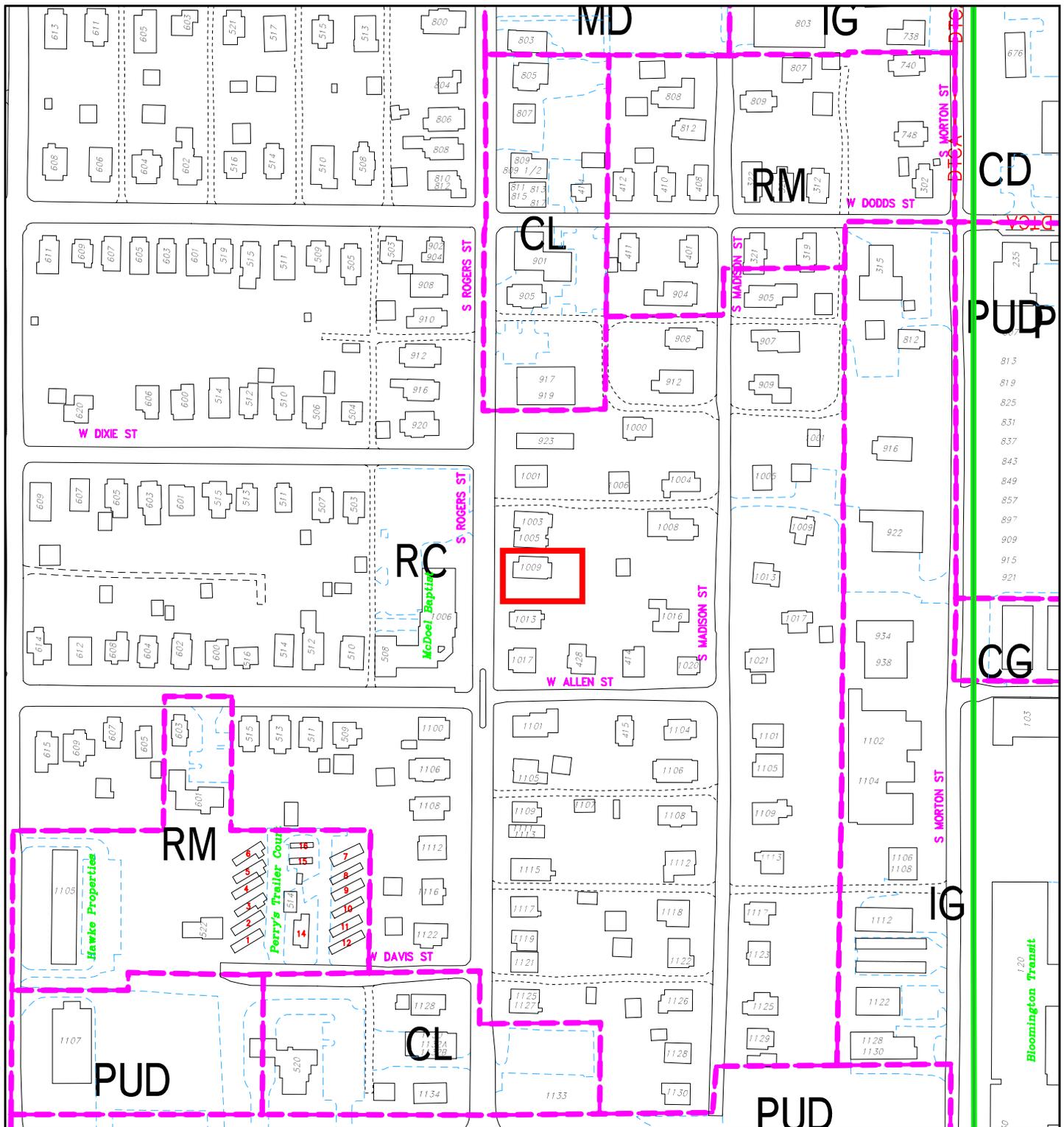
STAFF FINDING: Signage for a home occupation is limited to a maximum of two square feet [BMC 20.05.051(e)(9)] which is in keeping with the residential character.

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

STAFF FINDING: There are no additional conditions for home occupations.

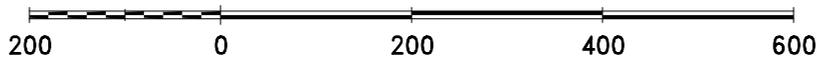
RECOMMENDATION: Based on the written findings above, staff recommends approval of this petition with the following condition:

1. Any future signage must receive a sign permit.

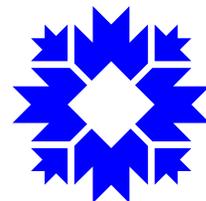


CU-13-15
Location and
zoning map

By: roachja
24 Apr 15



City of Bloomington
Planning & Transportation



Scale: 1" = 200'

For reference only; map information NOT warranted.



CU-13-15
2014 Aerial Photo

By: roachja
10 Apr 15



For reference only; map information NOT warranted.



City of Bloomington
Planning & Transportation



Scale: 1" = 30'

Case Statement for Bloomington Approval Home Based Business - Driftwood Refinishing & Repair

I am the owner/craftsman of Driftwood Refinishing and Repair, a small home-based business that I plan to re-open in Bloomington at 1009 S. Rogers Street. It operated in Delaware in the years 2011 through 2013. Twenty six years after a three-year stint on Bloomington radio in the mid-eighties, I chose to return to Bloomington and eventually retire here, because I loved the town so much.

The basement of the house I lease has been converted into shop/studio space for the venture. As a rule, I pick up pieces, bring them to the shop, and then deliver them back to the client when they are done. Rarely does anyone visit the shop, except the occasional person who brings something by for me to see, or someone who stops by because I have asked that they approve what direction I have chosen; in the color of stain, for instance.

My skill and experience stem from working in a professional shop in the mid-seventies, where the order of the day was working on very high end antiques, for a gentleman who could romanticize about even the most mundane of wood related tasks. He not only taught me about old-school craftsmanship but also to appreciate various types of fine woods, veneers, and joinery.

Most of the work is on furniture that is 50 or so years old, though generally not a museum piece, and sometimes not even ranking in the broadest sense of "Antique." I have done 25 year old dining room sets whose appearance grew out of the owner's favor. I do restore pieces to their original condition and general appearance, though I typically use stains and finishes that may not have been available when the piece was manufactured.

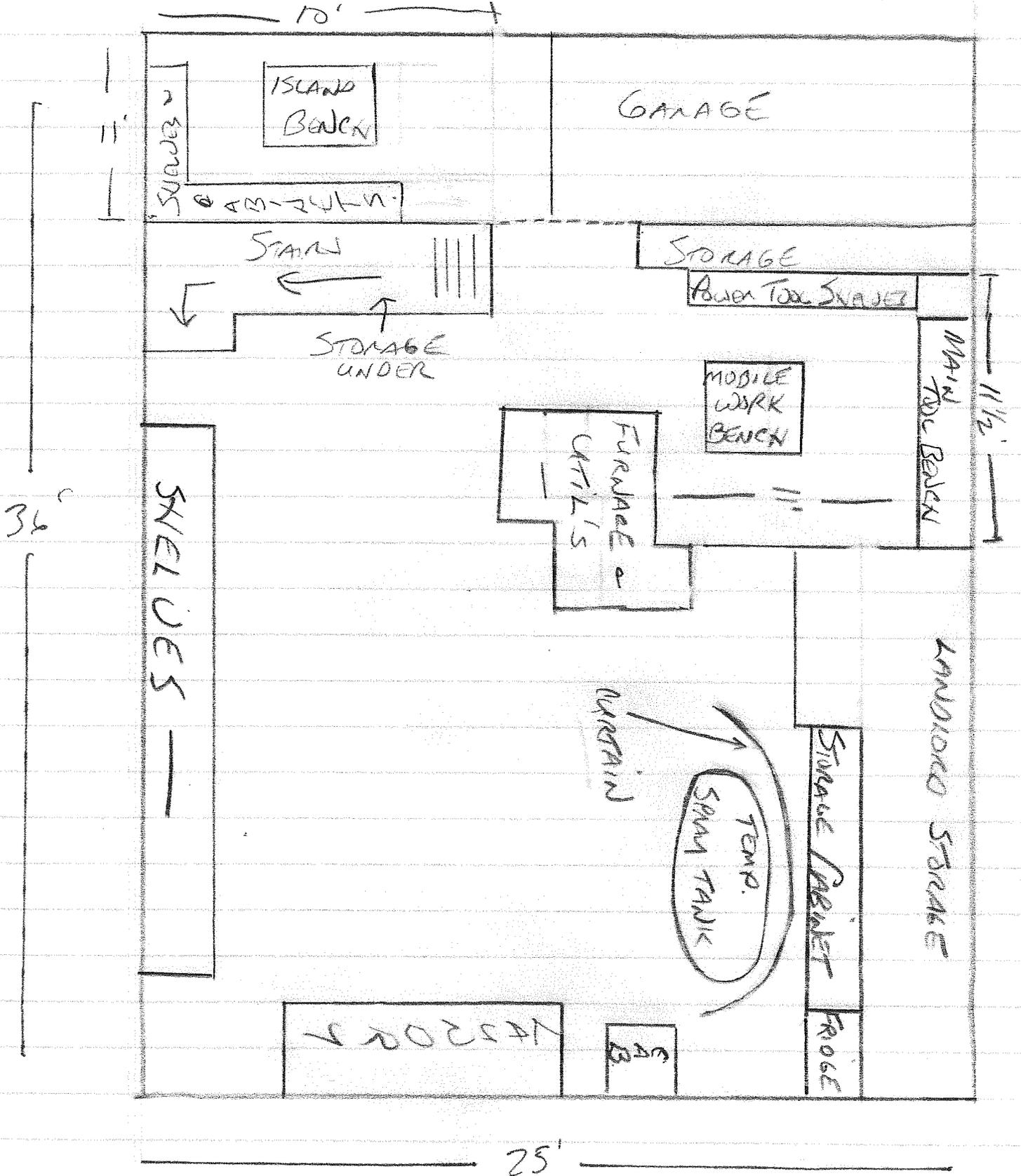
My materials are environmentally friendly and much more durable than traditional lacquers and shellac. For example, my stripper of choice (We do not dip anything in acid. It destroys the wood.), is made from soy beans. There are no fumes for my neighbors to smell, no chemicals that poison the ground, and no fire hazards of any kind. There isn't even any noise pollution or light that extends past the small windows of my basement.

The entire volume of work to be performed, in a couple of work areas in my basement, would be the equivalent of a quarter time job for me. I am the sole employee, and plan to pursue this primarily because I find the work gratifying. It's very rewarding to see a piece of furniture go from opaque and scaly, to bare naked, to back to its heyday state and gleaming. I wish that I could say that it was lucrative, but it is difficult to command the kind of wages that account for the hours it takes to do a piece justice.

I hope you find that my application satisfies all of the pertinent requirements, and that my proposed business does not pose any harm or convenience to my fellow Bloomington citizens. Thanks much for your consideration.

1009 S. Rogers St. —

BASEMENT LAYOUT 3/15



CU-13-15
Floor Plan



