

CITY OF BLOOMINGTON



May 27, 2015 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

**CITY OF BLOOMINGTON
HEARING OFFICER
May 27, 2015 at 2:00 p.m.**

***Kelly Conference Room #155**

PETITIONS:

- V-14-15 **Joshua Bennett**
410 W. Dodds St.
Request: Variance from side yard setback standards and variance from maximum impervious surface coverage standards to construct an addition to an existing single-family home.
Case Manager: Beth Rosenbarger

**BLOOMINGTON HEARING OFFICER
STAFF REPORT
LOCATION: 410 W. Dodds Street**

**CASE #: V-14-15
DATE: May 27, 2015**

PETITIONER: Joshua Bennett
410 W. Dodds Street

REQUEST: The petitioner is requesting variances from side yard building setback and maximum impervious surface standards to allow the construction of an addition to an existing home.

Report Summary: The petitioner owns and resides in a single family home located on the north side of W. Dodds Street midblock between S. Morton Avenue and S. Rogers Street. The property is zoned Residential Multifamily (RM). The two properties on either side of the petitioner's are also owner-occupied. There are registered rental properties across the street--on the south side of Dodds--and to the north of petitioner's home. The petitioner is planning to construct an addition onto the northeast side of the existing home.

The existing home encroaches into the standard setback and the addition would utilize the same setback as the existing home. The existing home is approximately 5 feet from the eastern property line, and the addition would also be 5 feet from the eastern property line. The required side yard setback for the RM district is 15 feet. In Residential Core (RC) districts, the side setback is 6 feet.

The property is 0.09 acres (4,276 sq. ft.), which is smaller than the minimum size of 0.5 acres (21,780 sq. ft.) for RM zoning and 0.16 acres (7,200 sq. ft) for RC zoning. The impervious surface coverage total is increasing from 51 percent to 57 percent due to the addition of approximately 256 square feet. In order to meet the maximum impervious surface standard of 40 percent, only 1,710 square feet of the lot could be covered, including the house, garage, and driveway. For comparison, on a lot that meets the minimum lot size standard, more than 13,000 square feet could be impervious. The petitioner currently shares a garage with his neighbor to the west. The existing home is 1,310 square feet, which includes an enclosed porch.

The adjacent property to the west of petitioner's currently exceed this limitation. This variance is further justified due to the on-site rain collection and reuse of the rainwater. This will help mitigate the additional impervious surface being added. Furthermore, single family zoning in the core of the City allows for up to 45% impervious surface. The use of the property and size of the lot functions more like an RC lot than an RM lot.

The petitioner's property is within the McDoel Gardens Historic District. The petitioner previously applied to the Historic Preservation Commission (HPC) to add a second-story addition. This addition would not have increased the amount of impervious surface area on the property; however, the request was denied by the HPC. The petitioner returned to the HPC with this proposal, which was approved at their May 14, 2015

meeting (COA-9-15). The proposed addition would allow for an investment into an owner-occupied home that provides an incentive to remain owner-occupied by adding a bathroom and some shared living space.

Neighborhood Input: The petitioner presented his plans to the McDoel Gardens Neighborhood Association. The association expressed support for the petitioner at the meeting.

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 no injury to the public health, safety, morals or general welfare of the community from the proposed variances. The proposed changes to the property will not cause any unsafe 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 adverse impacts to the use and value of the surrounding area associated with the proposed variance. The proposed changes should only increase the value of the property and subsequently the surrounding area by allowing continued investment and modern upgrades into the neighborhood.

- 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.*

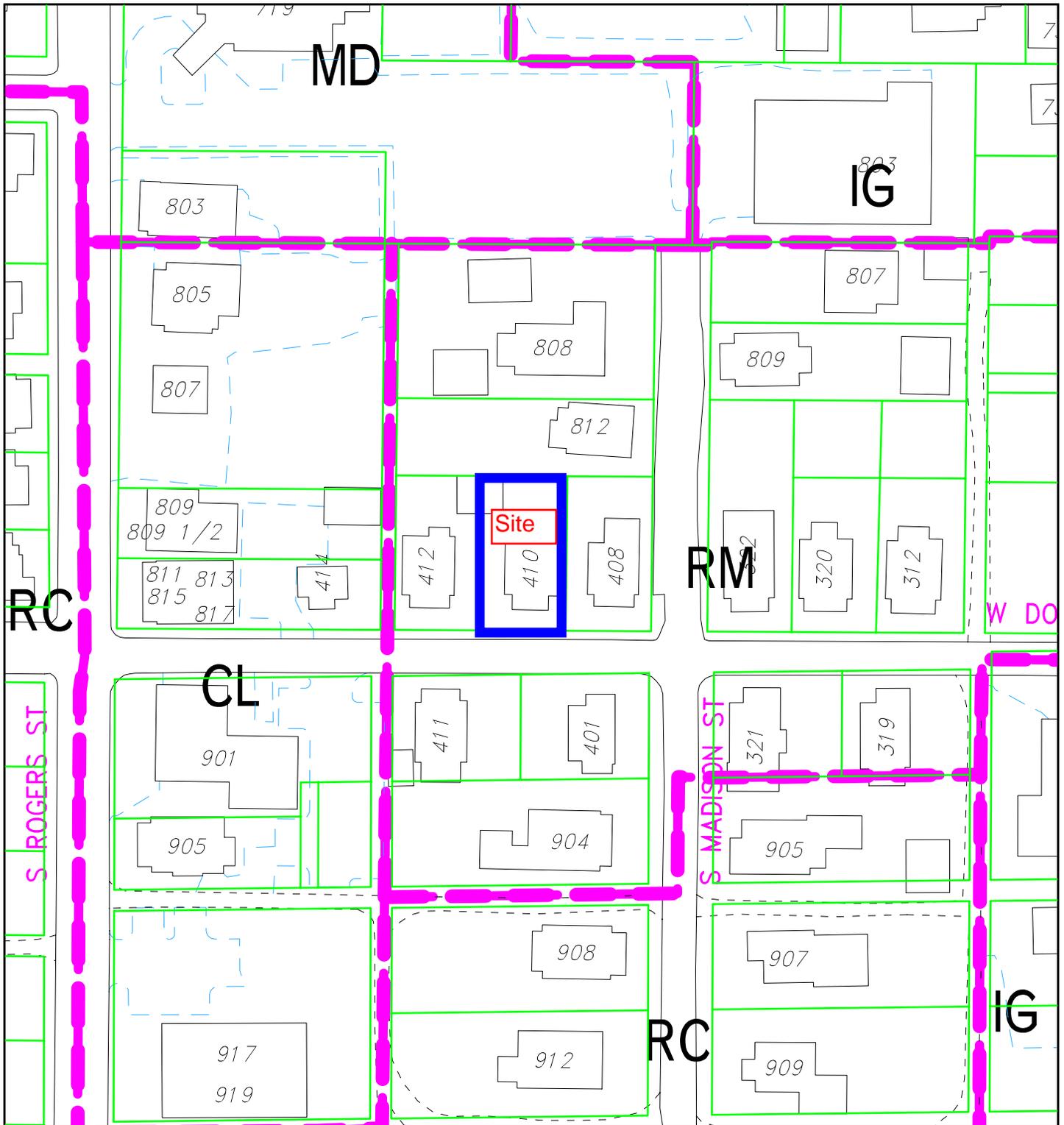
STAFF FINDING:

Side Setback: Staff finds practical difficulty in requiring the standard setbacks. This legal lot of record is 1/5 the size of the current required minimum lot size for the zoning district. The lot functions more as a Residential Core property, and even still, is just over half the required minimum lot size for the RC district. Staff finds practical difficulty due to the constraints of the lot size and the Historic District, which would not permit a second-story addition. The addition is utilizing the existing side setback and not increasing the encroachment.

Impervious Surface Coverage: Staff finds practical difficulty in requiring the petitioners to meet the 40% maximum impervious surface coverage. The property

already exceeds the impervious surface coverage and the property owners first attempted to construct an addition in such a manner so as to not increase the impervious surface area, which was denied by the Historic Preservation Commission. The minimal additional coverage is mitigated by the rainwater collection on this property. Peculiar conditions include that it is a single family residence within a multi-family zoning district. Finally, peculiar condition exists due to the small size of the lot compared with the minimum lot size for the district.

RECOMMENDATION: Based upon the written findings above, staff recommends approval of this petition.



V-14-15

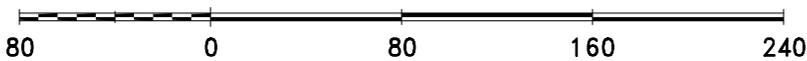
410 W. Dodds Street

Hearing Officer

Site Location, Zoning, Land Use, Parcels

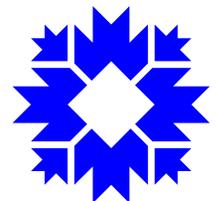
By: rosenbab

13 May 15



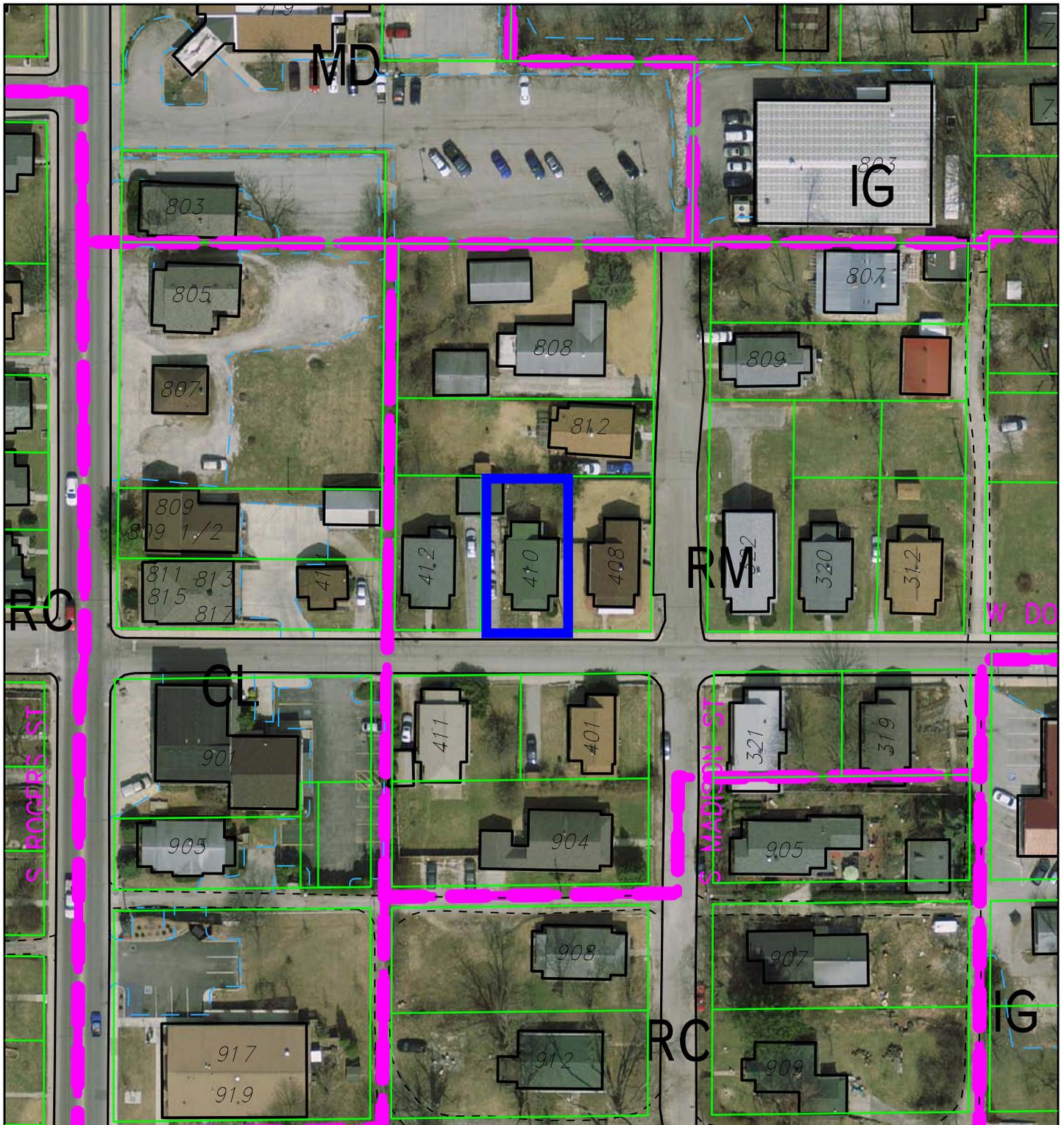
For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



Scale: 1" = 80'





V-14-15

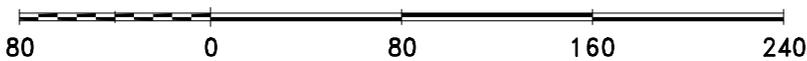
410 W. Dodds Street

Hearing Officer

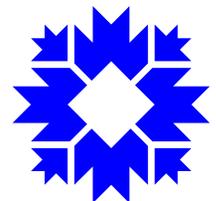
2014 Aerial Photograph

By: rosenbab

13 May 15



City of Bloomington
Planning & Transportation



Scale: 1" = 80'

For reference only; map information NOT warranted.



Image: East side of petitioner's home, side yard encroachment.



Image: Rain water collection on property.

V-14-15
Site images

May 8, 2015

To Board of Zoning Appeals,

I purchased my home at 410 West Dodds in August of 2001, less than three months before my daughter was born. It was initially intended to be a "starter" home, but over the past 14 years my family and I have become very comfortable in our neighborhood while observing many great improvements. While we love McDoel Gardens, we have become a little crowded in the space of our small house (less than 1000 square feet). We are proposing a construction project that would increase the square footage of our existing home.

In 2014 we presented our first construction plan, one that would not require a variance, to the Historic Preservation Board. At that time the Historic Preservation Board did not support the plan, explaining that after the completion of any construction project our house should "look the same as it did from the street." Since that meeting we have revised our construction plan. We believe that our revised plan is consistent with the recommendations that we received from the Historic Preservation Board. We will have our revised plan reviewed by the Historic Preservation Board to confirm. Our most recent proposed site plans have been submitted to City of Bloomington Planning Department.

Our revised construction plan requires two variances: side yard setback and maximum impervious surface coverage. The finished project would extend the north section of our house further north as well as east. The north extension would extend to 20 feet from our property line. This finished section would increase the square footage of a common area of our home. The east section would expand to align with the eastside of the existing home, which is six feet from the property line. The completed east extension would provide a utility room and a second bathroom.

While the addition will reduce some existing yard space, our yard includes an increasing variety of vegetable and herb gardens, vertical gardens, flowerbeds with native flowers, a peach tree, berry bushes and a strawberry patch. We have one rain-collecting barrel and eventually plan to install solar panels.

On May 7, 2015 I presented our proposed project at the McDoel Gardens Neighborhood Association meeting. The response was 100% supportive. In fact, two members of the Neighborhood Association volunteered to speak in support of our proposed project, if needed. I have not yet spoken to my neighbor directly west but I am confident that he will support the project. Our neighbor directly east of us has given his full support.

With the support of McDoel Gardens Neighborhood Association, we are very excited about the possibility of improving our existing home such that it will provide us with more space while also fitting within the recommendations from the Historic Preservation Board. We plan to stay in McDoel Gardens indefinitely and welcome any questions or comments about this proposed project.

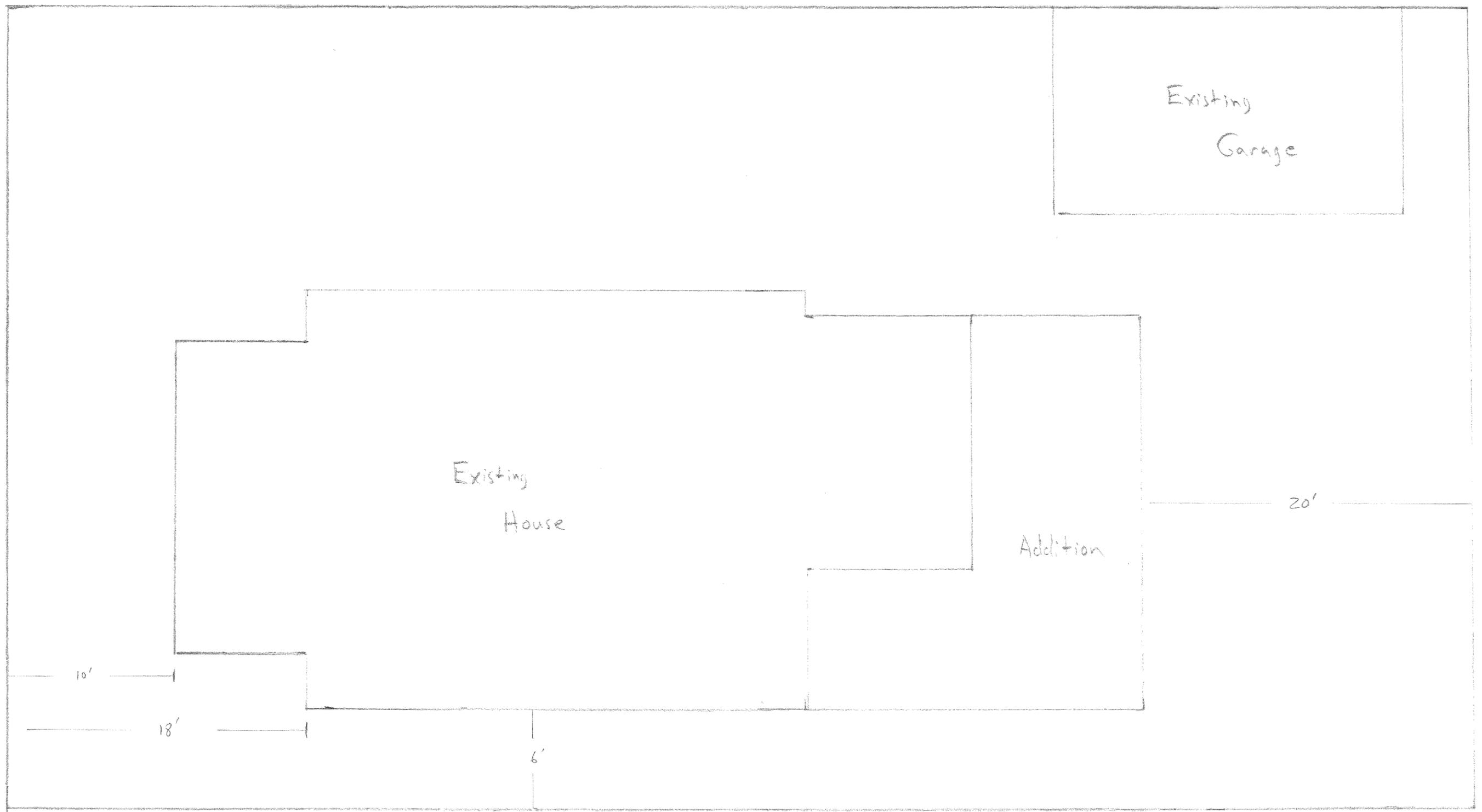
Sincerely,



Joshua Bennett & Virginia Hojas
410 West Dodds
Bloomington, IN 47403

V-14-15
Petitioner's
Statement

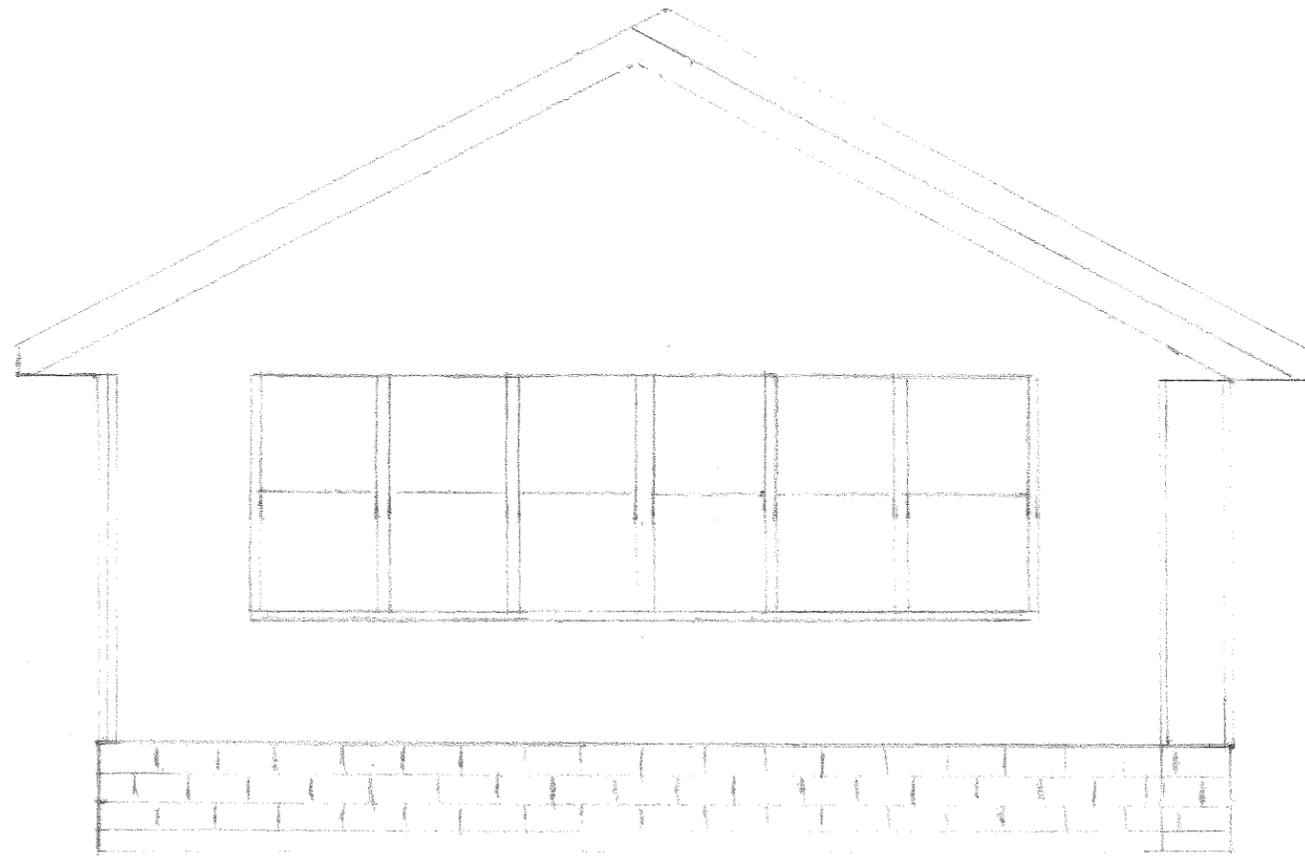
Bennett/Hojas Addition
410 West Dadds Street
Bloomington, IL 617403



SITE PLAN
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V-14-15
Site Plans

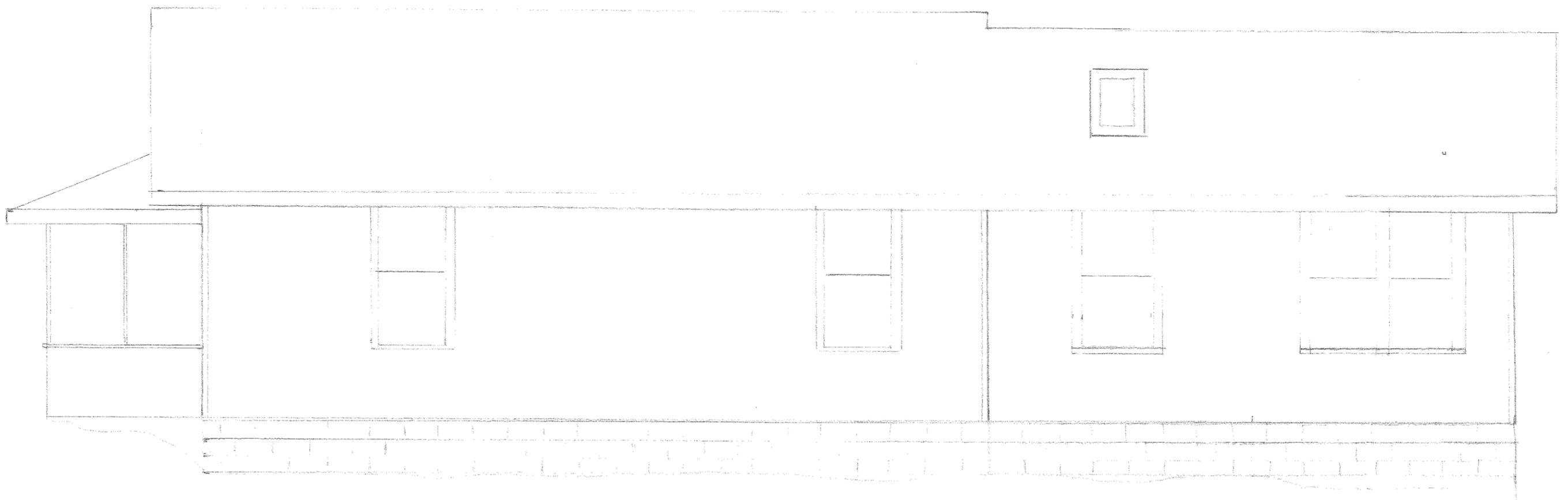
Bennett/Hojas Addition
410 West Dadds Street
Bloomington, IN 47403



NORTH
1/4" = 1'-0"

V-14-15
Site Plans

Bennett/Hojas Addition
410 West Dodds Street
Bloomington, IN 47403



EAST
1/4" = 1'-0"

V-14-15
Site Plans