

CITY OF BLOOMINGTON



June 24, 2015 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON
HEARING OFFICER
June 24, 2015 at 2:00 p.m.

***Kelly Conference Room #155**

PETITIONS:

- V-18-15 **Robert Meadows and Barbara Moss**
812 W. 8th St.
Request: Variance from side yard setback standards to construct an addition to an existing single-family home.
Case Manager: Beth Rosenbarger

- V-19-15 **Marco Plastics, Inc.**
1616 S. Huntington Dr.
Request: Determinate sidewalk variance, and variances from driveway design and loading dock standards
Case Manager: James Roach

**BLOOMINGTON HEARING OFFICER
STAFF REPORT
LOCATION: 812 W. 8th Street**

**CASE #: V-18-15
DATE: June 24, 2015**

PETITIONER: Robert Meadows
812 W. 8th Street

REQUEST: The petitioner is requesting a variance from side yard building setback standards.

Report Summary: The petitioner owns a single family home located on the north side of W. 8th Street midblock between N. Maple Street and N. William Street. The property is zoned Residential Core (RC) and is a contributing surveyed historic structure. The petitioner is renovating the home in order to use it as a personal residence.

To the west of the existing home is an alley and a vacant lot. All other surrounding properties are utilized as single-family residences. The west side of the existing home encroaches into the side yard setback. It is unclear the exact encroachment, but it is estimated to be 4 feet from the property line. The required setback is 6 feet with a step back of an additional four feet for each story. The petitioner is proposing to construct an addition onto the west side of the home, which faces the alley. The proposed addition will be two stories and 5.5 feet from the property line. Although the proposed addition will be setback further than the existing home, it is considered to be an expansion of a nonconformity due to the addition of a second story, which should step back to 10 feet from the side property line.

There are multiple examples of existing shallow side yards and reduced setbacks on nearby properties, especially those adjacent to an alley. For example, the alley to the west of the subject property connects north to W. 9th Street. At that intersection, the two homes adjacent to the alley also have reduced side yard setback.

The petitioner presented the proposal to the Historic Preservation Commission. At the June 11, 2015 meeting of the HPC, the project was released from demolition delay. The petitioner also presented his plans to the Near Westside Neighborhood Association. The association expressed support for the petitioner at that 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 property is adjacent to an alley, where the reduced setback will have little to no impact on surrounding properties. 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:

Staff finds practical difficulty due to a combination of peculiar conditions in requiring the standard setbacks. The historic layout of the home, location of previous addition, and construction of the home in close proximity to the improved alley result in a west side addition as the most practical and feasible expansion of the existing home. Staff finds practical difficulty due to the constraints of the historic nature of the property, the presence of the improved alley, and the existing configuration.

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

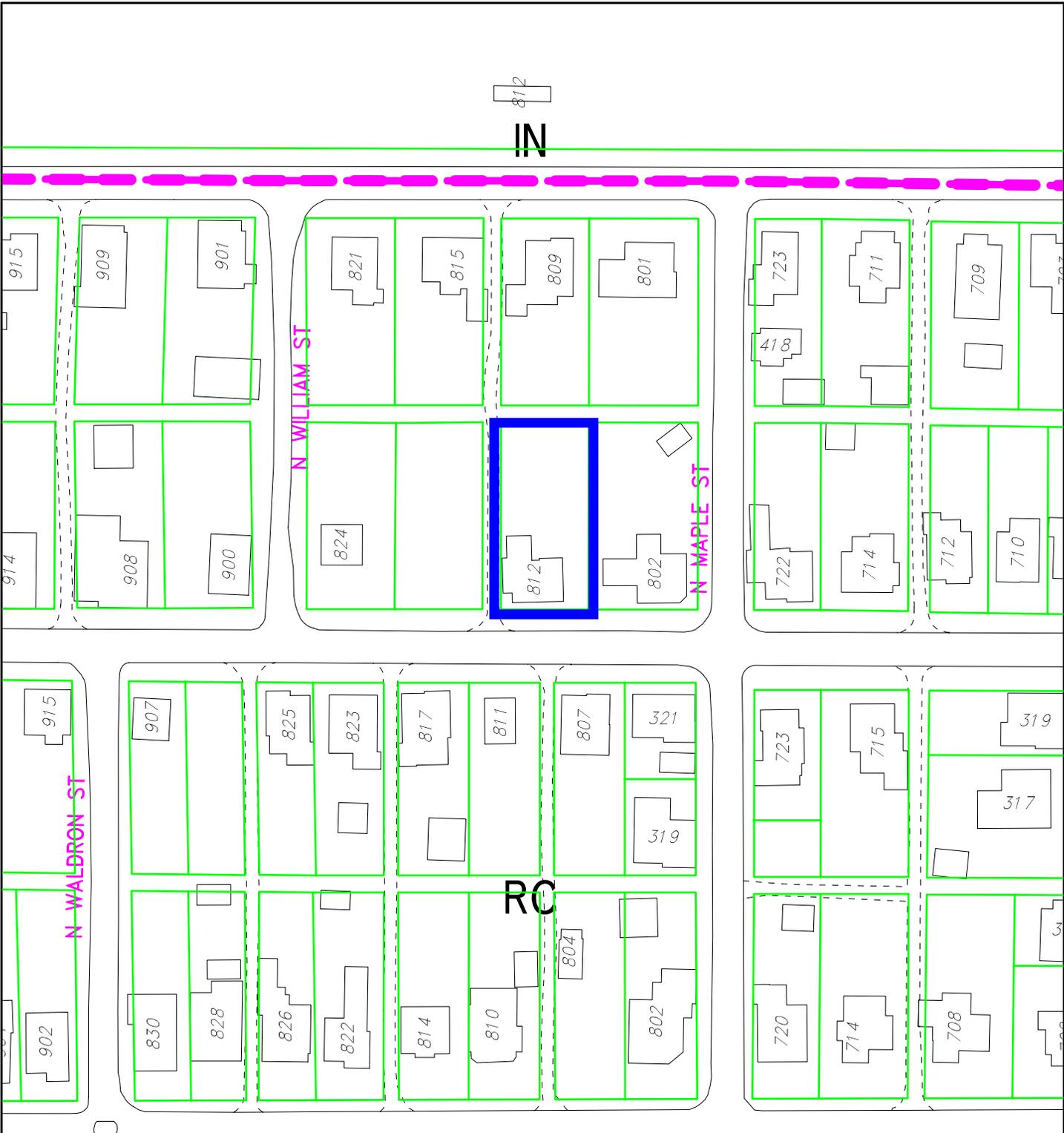
1. The addition must be consistent with the elevations and plans presented to the Historic Preservation Commission on June 11, 2015.

812 West 8th Street is a single story frame three bedroom, one bath residence constructed in 1899. The house, situated within the National Register historic district of the near Westside, is considered a contributing structure to the district. Additions, vinyl siding and replacement windows have altered the original appearance and configuration of the house. The house is located on a 62 foot by 132 foot lot on the north side of the street. The structure is setback approximately eight feet from the front (street) property line and approximately four feet from the westerly property line(alley). The ridge of the existing house is approximately twenty-two feet high. As with many of the original houses in this part of the city, the structure has poor or no foundation walls.

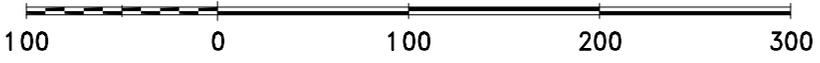
The applicants are requesting a variance to increase the height of the west elevation (alley). Proposed work will include the removal of a portion of the existing west façade and flat roof of an addition to the original structure. New work on this façade will include installation of new foundations, increasing the setback to reflect the original configuration of the gabled façade, construction of a new sloped roof and gable. The height of the new ridge will be approximately thirty feet.

Additional work, as a part of the renovation/restoration, includes a new roof, siding, wood windows, internal reconfiguration and finishes.

V-18-15
Petitioner's
Statement



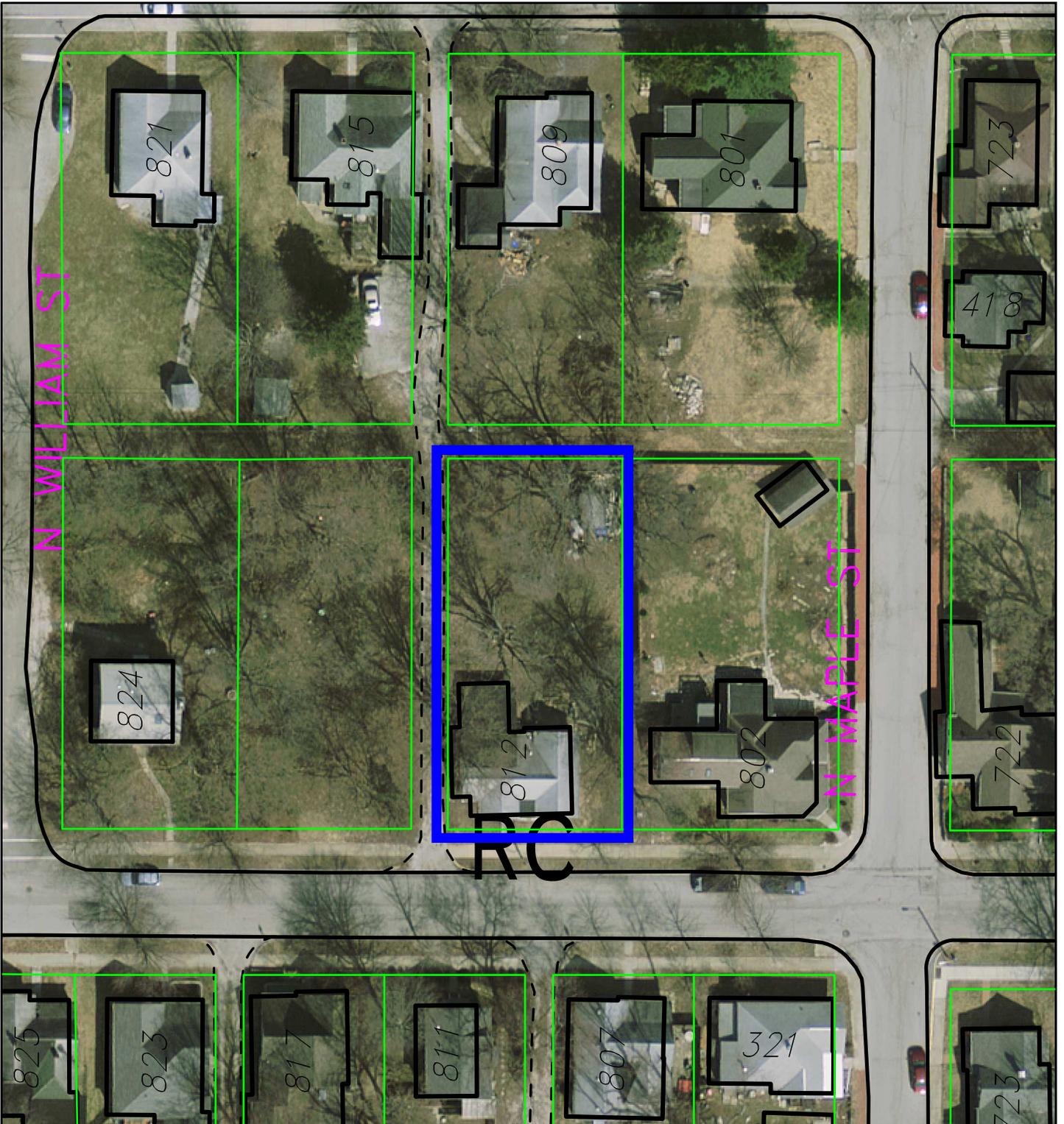
V-18-15
 812 W. 8th Street
 Hearing Officer
 Site location, Parcels, Buildings, Zoning
 By: rosenbab
 18 Jun 15



City of Bloomington
 Planning & Transportation

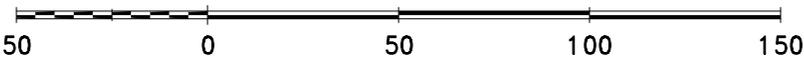
Scale: 1" = 100'

For reference only; map information NOT warranted.



V-18-15
 812 W. 8th Street
 Hearing Officer
 2014 Aerial Photography

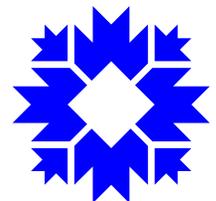
By: rosenbab
 18 Jun 15



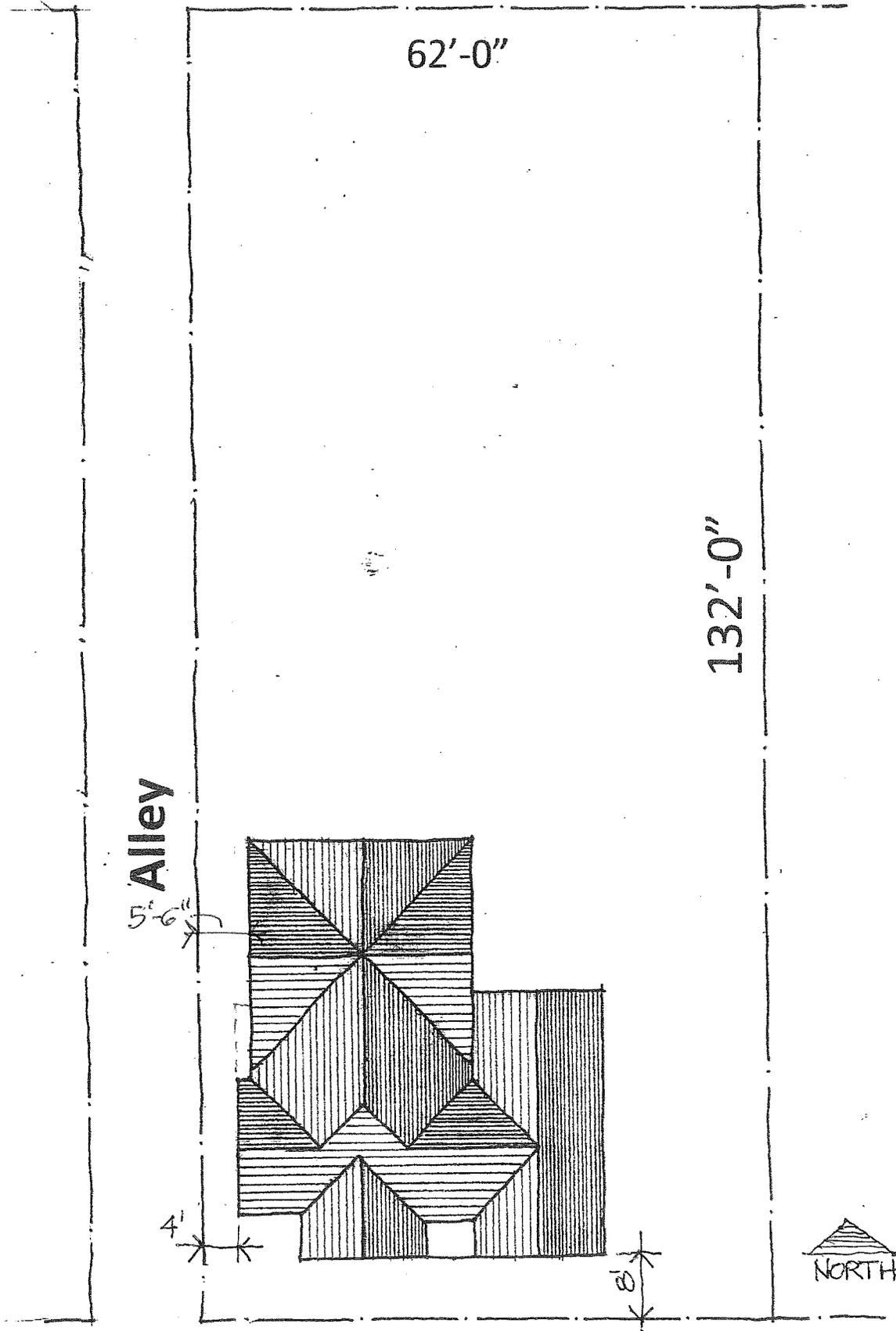
For reference only; map information NOT warranted.



City of Bloomington
 Planning & Transportation



Scale: 1" = 50'



WEST 8th Street

V-18-15
Site Plan



SOUTH ELEVATION – 812 WEST 8TH STREET

V-18-15
Exhibits from
petitioner



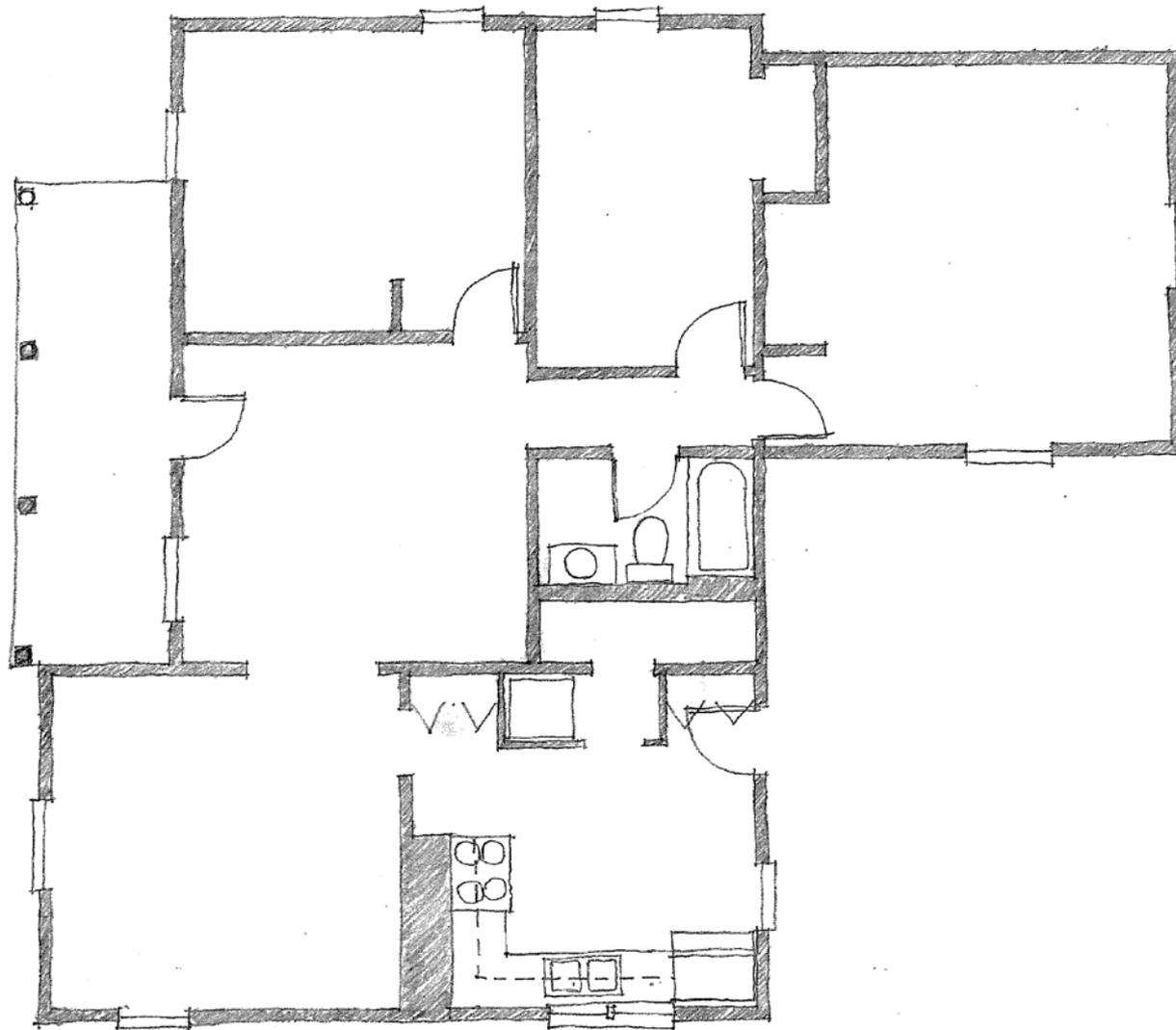
WEST ELEVATION – 812 WEST 8TH STREET

V-18-15
Exhibits from
petitioner



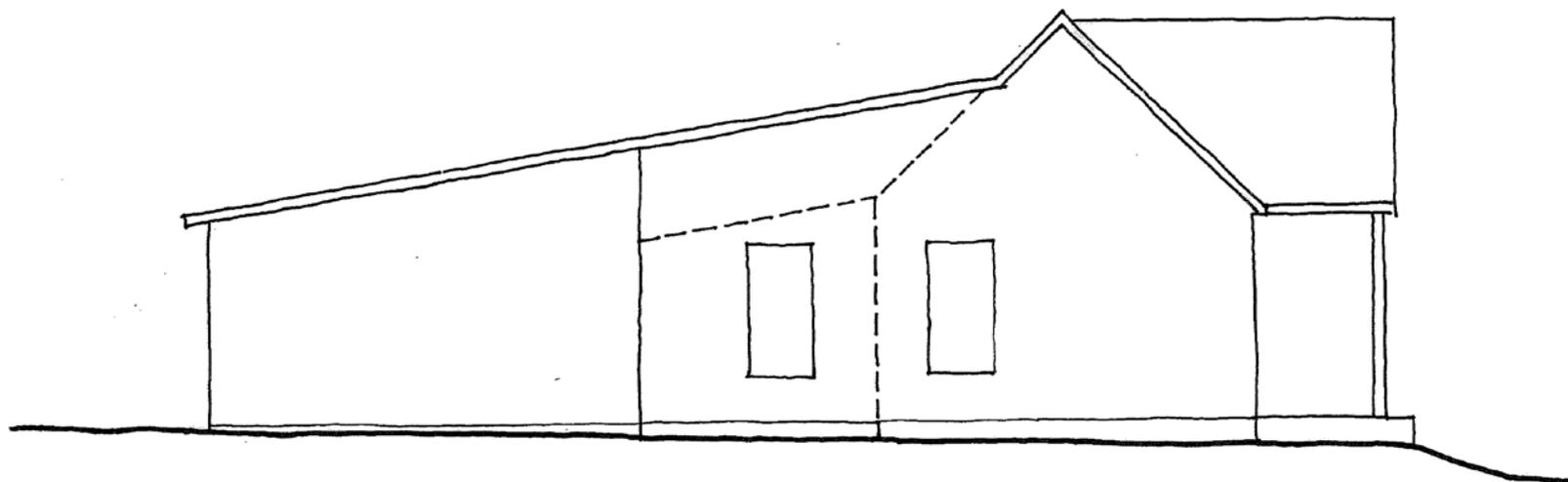
NORTHWEST CORNER – 812 WEST 8TH STREET

V-18-15
Exhibits from
petitioner



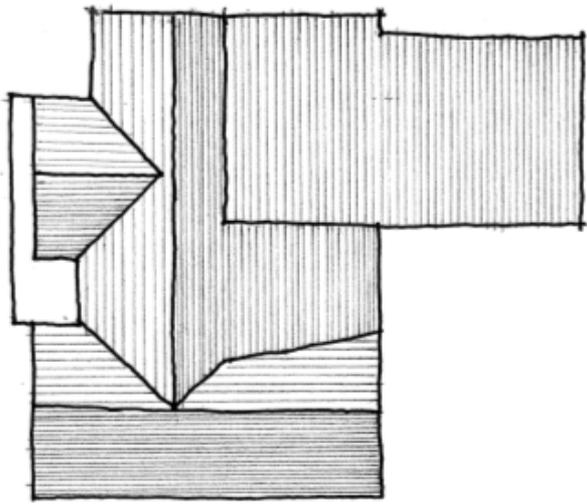
EXISTING FIRST FLOOR

V-18-15
Exhibits from
petitioner

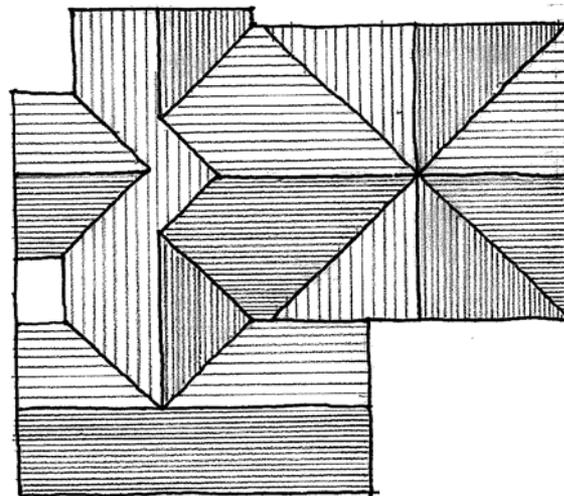


V-18-15
Exhibits from
petitioner

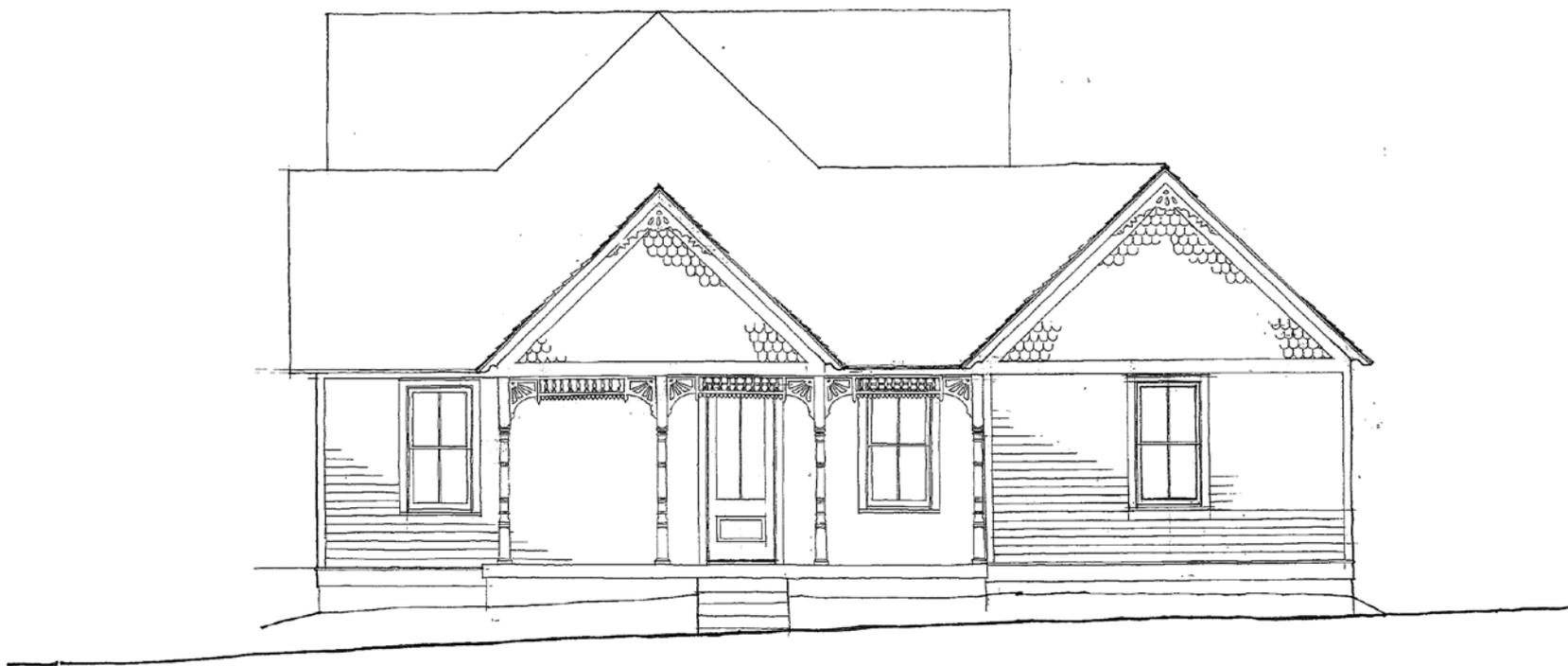
POSSIBLE ALTERATIONS/ADDITIONS



EXISTING ROOF LINE

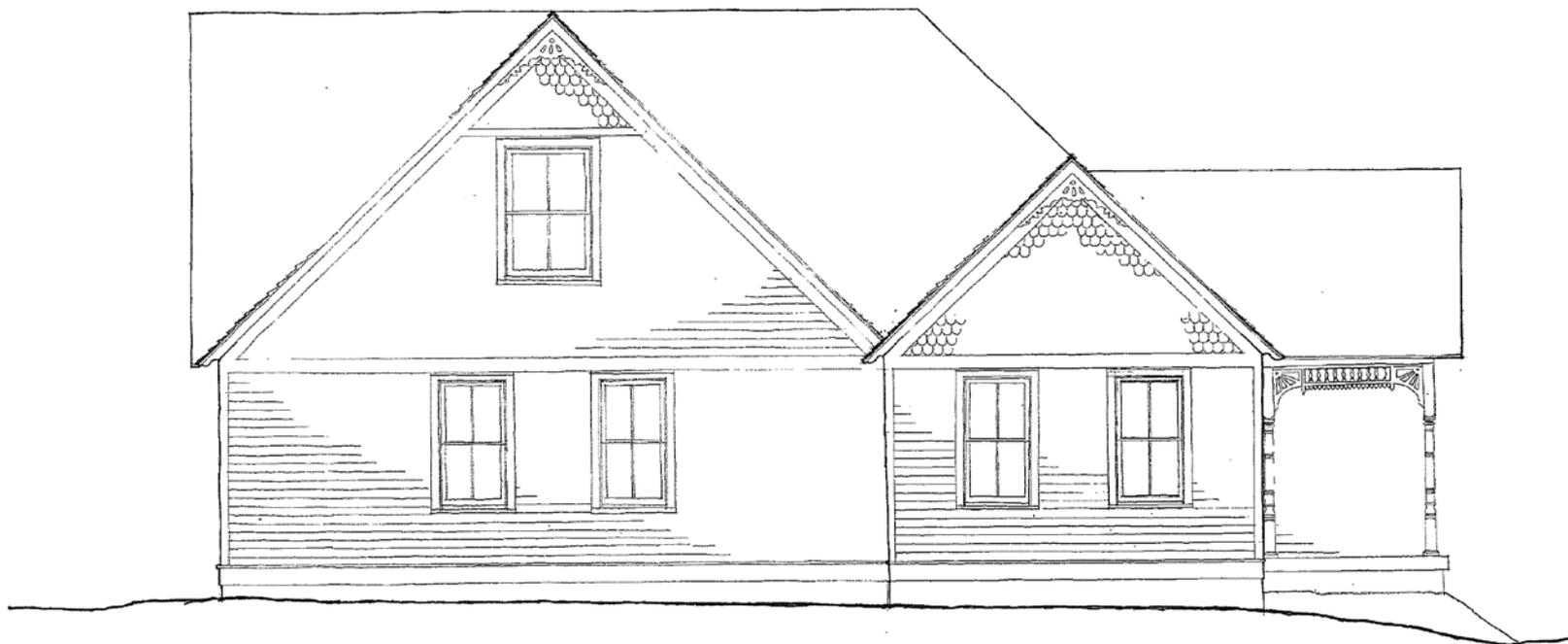


PROPOSED ROOF LINE



V-18-15
Exhibits from
petitioner

PROPOSED SOUTH ELEVATION



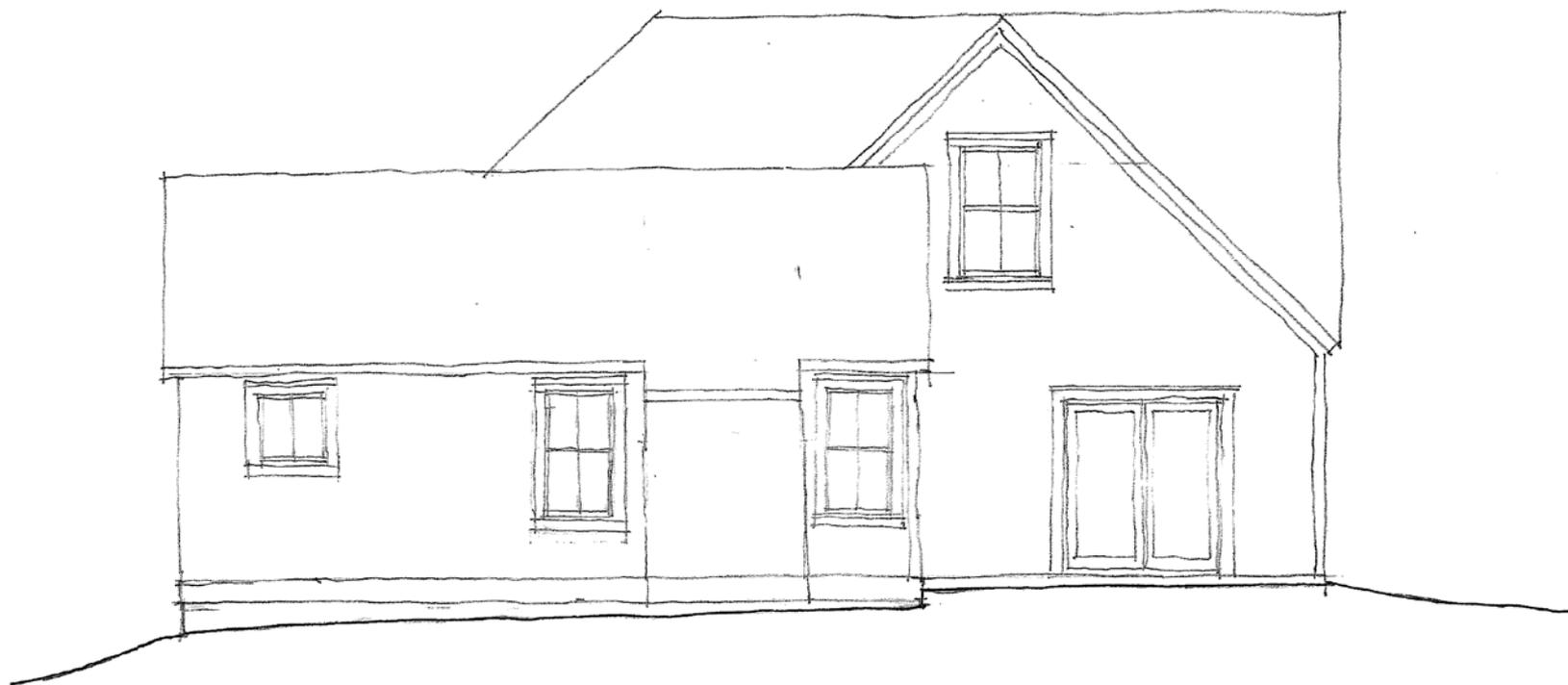
V-18-15
Exhibits from
petitioner

PROPOSED WEST ELEVATION



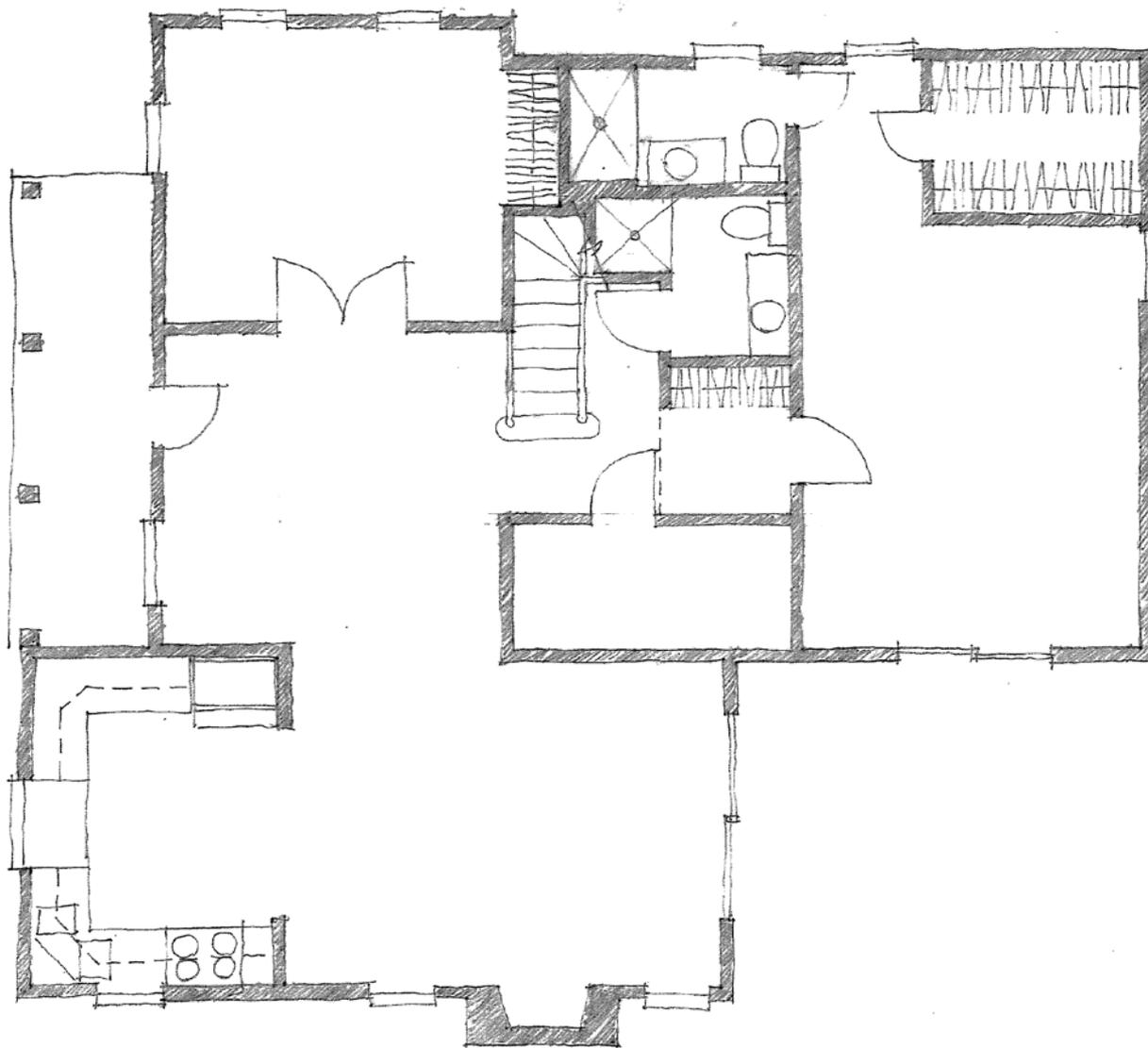
V-18-15
Exhibits from
petitioner

PROPOSED NORTH ELEVATION



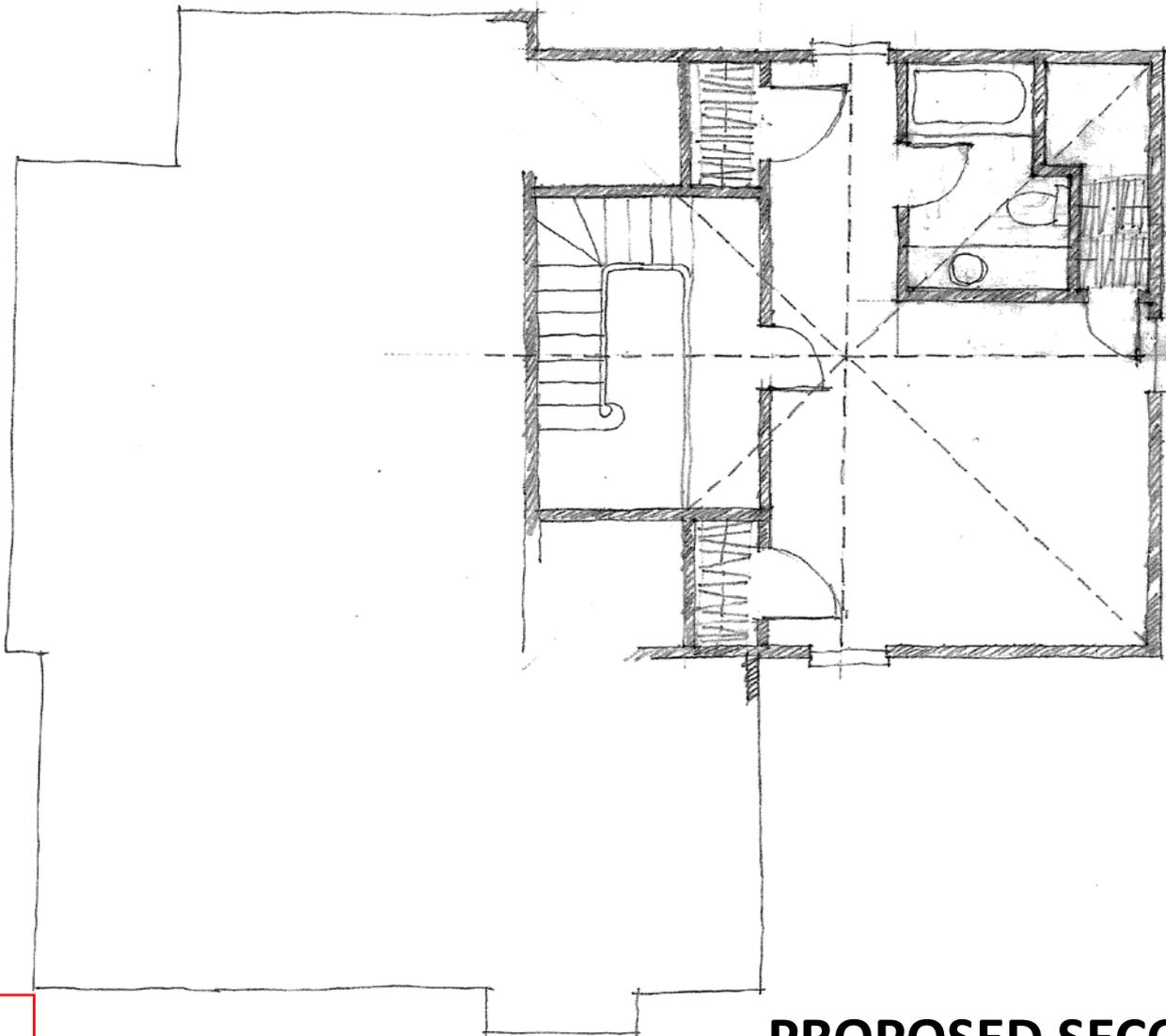
V-18-15
Exhibits from
petitioner

PROPOSED EAST ELEVATION



V-18-15
Exhibits from
petitioner

PROPOSED FIRST FLOOR



V-18-15
Exhibits from
petitioner

PROPOSED SECOND FLOOR

**BLOOMINGTON HEARING OFFICER
STAFF REPORT
LOCATION: 1616 S. Huntington Drive**

**CASE #: V-19-15
DATE: June 24, 2015**

**PETITIONER: Marco Plastic Inc.
1616 S. Huntington Drive, Bloomington**

**CONCULTANT: Bynum Fanyo & Associates
528 N. Walnut Street, Bloomington**

REQUEST: The petitioner is requesting variances from sidewalk, loading dock and driveway design standards.

REPORT SUMMARY: The subject lot is located on the west side of S. Huntington Drive, between E. Thornton Drive and E. Miller Drive and is zoned Industrial General (IG). It is surrounded to the north and west by the former Midland Cut Stone limestone mill property and to the east and south by single family homes. The property has been developed with a single story plastic injection manufacturing company and also includes land formerly occupied by the Midland Cut Stone mill. The Board of Zoning Appeals approved a rear and side yard setback variance for this use in 1992 (V-31-92) and a driveway and front setback variance in 2012 (V-51-12).

The petitioner proposes to construct a 8,950 square foot addition on the north side of the existing building on land that had previously been the stone mill. The former stone mill property is covered by ground and crushed stone fines and contains a creek and a wetland. The proposed addition requires compliance with several parts of the UDO. The submitted site plan complies with all UDO standards except loading dock and driveway design standards.

The petitioner proposes two loading docks on the building. One is on the rear of the building and one is near the rear of the north wall of the building. The north wall faces the unbuilt Thornton Dr. right-of-way. Due to the presence of the right-of-way, the north wall technically faces a front property line with the loading dock facing the future street. The UDO requires loading docks to be screened from adjacent residential districts by a wall. The petitioners are requesting a variance to allow the loading dock on the technical "front" of the building and to screen from the residential district to the north with evergreen trees instead of a wall. Staff believes that evergreen trees are more appropriate for screening the dock from the future street than a solid wall near the property line.

The UDO permits parking between the building and the street or street right-of-way in the IG zoning district. It does not however permit a driveway with no parking between the building and the right-of-way. The petitioners are requesting a variance to allow a driveway to access the rear of the property that would be between the building and the un-built portions of the Thornton Dr. right-of-way.

In addition to the loading dock and driveway variances, the petitioners are requesting a variance from sidewalk requirements in order to not be required to construct a sidewalk in the unbuilt Thornton Dr. right-of-way. Staff recommends a determinate sidewalk variance.

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's Finding: Staff finds no injury to the general welfare. These variances relate to the presence of an unbuilt public street right-of-way. This northern property line will function as a side property line until such time as Thornton Dr. is built.

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

Staff's Finding: Staff finds the use and value of the area adjacent to the property will not be affected in a substantially adverse manner. The closest adjacent residential use is nearly 250 feet north of the north property line of this site. This 250 feet is completely wooded.

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 variance will relieve practical difficulties.*

Staff's Finding: Staff finds peculiar conditions for the variance in the fact that while the north property line is technically a "front" property line, Thornton Dr. has not yet been built. Thornton Dr. will likely not be built until the property to the west has been redeveloped. Practical difficulty is found in that without approval of these variances, a drive could not be built to serve the rear of the property along the north side of the building addition. A loading dock would also be difficult to construct and be located in the rear and be screened from the undeveloped residential land to the north.

20.09.135 (d) Findings of Fact for Determinate Sidewalk Variance.

Pursuant to IC 36-7-4-918.5, the board of zoning appeals or hearing officer may grant a determinate variance from Section 20.05.010(b)(3) of the Unified Development Ordinance if, after a public hearing, it makes findings of fact in writing, that:

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

Staff Finding: Staff finds no injury in deferring construction of the sidewalk in the unbuilt Thornton Dr. right-of-way.

- (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; and*

Staff Finding: The adjacent parcel to the west is undeveloped and can only gain access with extension of Thornton Dr. The adjacent property to the north is also undeveloped.

- (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; and*

Staff Finding: Staff finds peculiar conditions in the fact that there is currently no street within the Thornton Dr. right-of-way. It would be impractical to construct a sidewalk prior to the construction of the street.

- (4) *The adjacent lot or tracts are at present undeveloped, but it appears that at some future date these lots or tracts will be developed, increasing the need for sidewalks for the protection and convenience of pedestrians; and*

Staff Finding: The adjacent parcel to the west is undeveloped and can only gain access with extension of Thornton Dr.

- (5) *The location of the lot or tract is such that the present pedestrian traffic does not warrant the construction of sidewalks, but it appears that in the future the pedestrian traffic may increase; and*

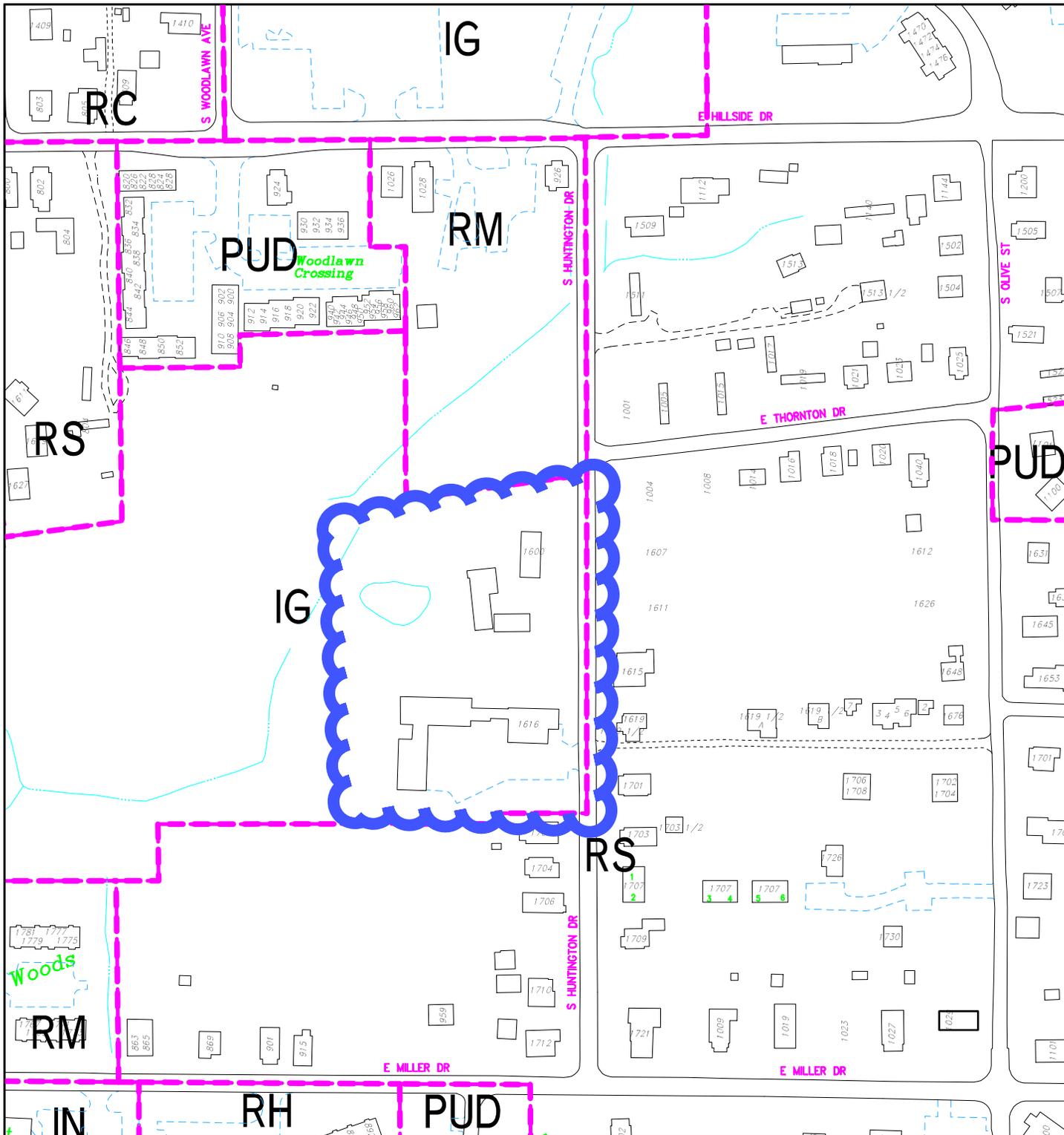
Staff Finding: No pedestrian traffic is anticipated between Huntington Drive and the vacant former stone mill property to the west until such a time as that property is redeveloped.

- (6) *Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.*

Staff Finding: Uniformity of development would best be served by constructing the sidewalk at such a time as when Thornton Dr. itself is built.

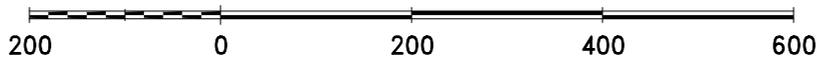
RECOMMENDATION: Based on the written findings, staff recommends approval of the variances with the following conditions.

1. A landscaping plan must be submitted which includes all required street trees, interior site landscaping, and parking lot landscaping. Landscaping within the riparian buffer must meet riparian buffer standards.
2. Based on the anticipated number of employees on the largest shift, parking on the entire site is limited to 20 spaces.
3. Prior to release of a grading permit, petitioner shall record the required wetland and riparian buffer easements.
4. A zoning commitment shall be recorded prior to release of a grading permit concerning the determinate sidewalk variance.
5. The discarded cut stone within the Thornton Drive right-of-way shall be removed by the petitioner prior to final occupancy.



V-19-15
Location Map

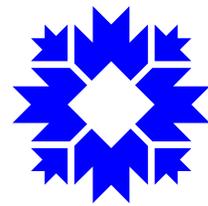
By: roachja
8 Nov 12



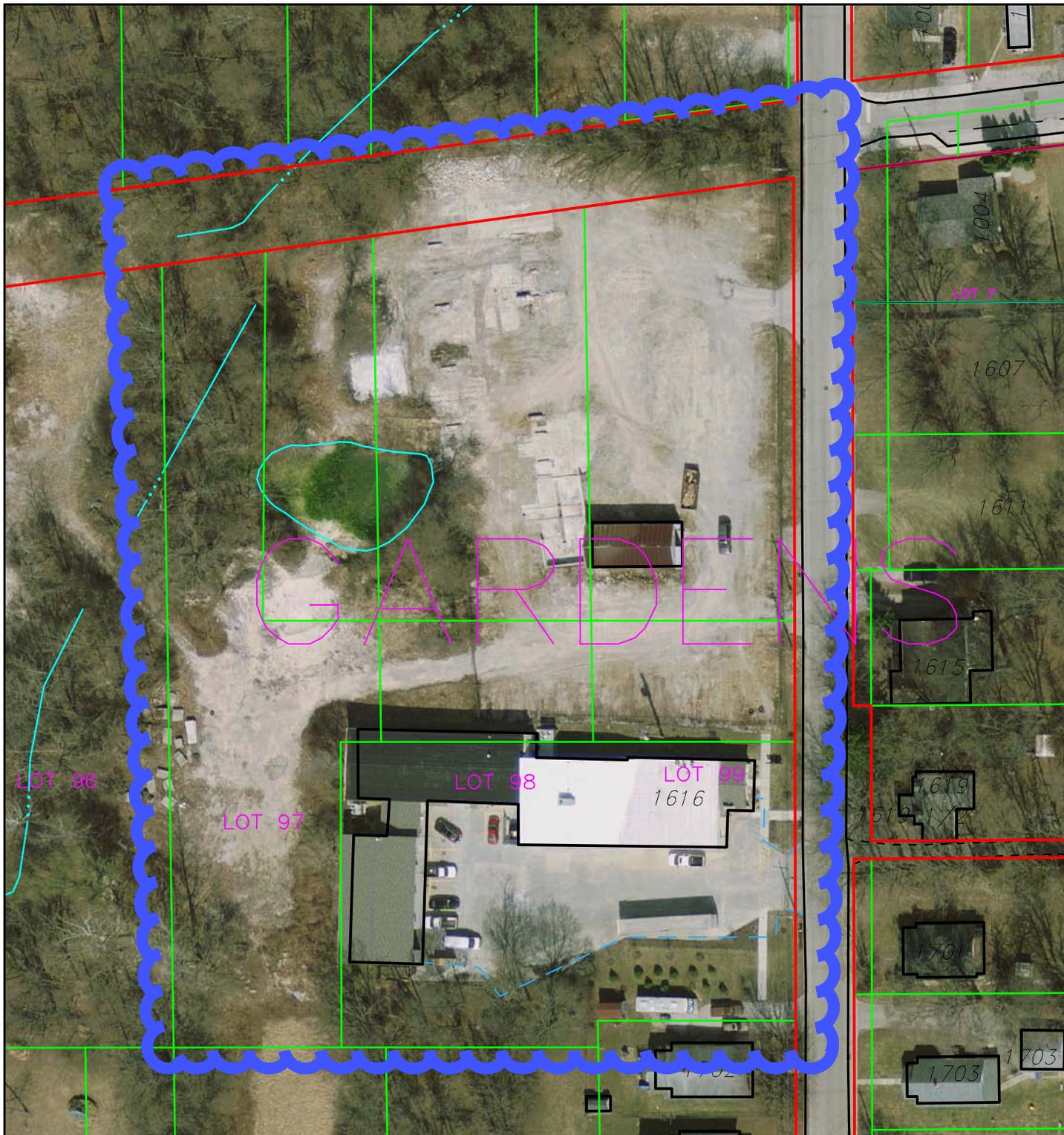
For reference only; map information NOT warranted.



City of Bloomington
Planning

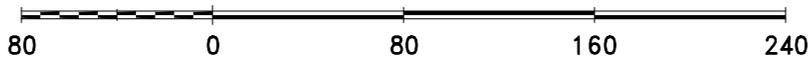


Scale: 1" = 200'



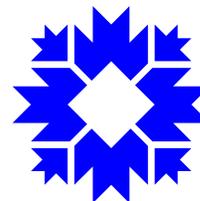
V-19-15
2014 Aerial Photo

By: roachja
17 Jun 15

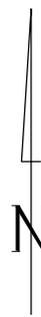


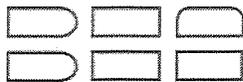
For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



Scale: 1" = 80'





BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

June 8, 2015

City of Bloomington Planning Department
And Hearing Officer
401 N. Morton Street
Bloomington, Indiana 47403

RE: Marco Plastics, Inc., 1616 S. Huntington Dr., Bloomington, IN 47401
Petitioner's Statement

Hearing Officer or To Whom It May Concern:

On behalf of Marco Plastics Inc., Bynum Fanyo & Associates, Inc. would like to request 3 (three) variances to 3 (three) City of Bloomington Unified Development Ordinance requirements for the new development north of the existing Marco Plastics Inc. location along S. Huntington Drive in Bloomington, IN. The property to be developed is directly adjacent north of the existing Marco Plastic, Inc. lot addressed as 1616 S. Huntington Dr., Bloomington, IN 47401 and at the southwest corner of E. Thorton Drive and S. Huntington Drive. The current property owner is MDW Properties. This property is currently zoned 'IG' (Industrial General). There are three existing entrances to the property and the proposed plan will only utilize one of these entrances for final development and use. The property will contain one new 8,950 sq. ft. building for light manufacturing of plastic products. The site will also include a small parking lot for employee parking, connecting drives, and truck loading bays from the proposed building.

The site has been designed to fit the above criteria obeying all Unified Development Ordinance (UDO) standards and setbacks throughout with the exception of 3 (three) requested variances:

1. The E. Thorton Drive un-developed ROW extends west from the intersection of E. Thorton Drive and S. Huntington Drive that borders the north side of the subject project site. The City of Bloomington has requested that any development that borders public ROW there should be pedestrian connectivity in the form of public sidewalks to that property in the public ROW. Since E. Thorton Drive is un-developed north of this property we are asking that the responsibility of the owner to build these new public sidewalks (along north side of property only) be waived.
2. The current plan requires a vehicular drive extending from S. Huntington Drive around the proposed building for truck access to the loading docks primarily. The UDO prohibits vehicular drives between a public ROW and a proposed building in the 'IG' zone. This would require a variance.

528 NORTH WALNUT STREET
812-332-8030

BLOOMINGTON, INDIANA 47404
FAX 812-339-2990

V-19-15
Petitioner's Statement

3. The current plan requires truck loading docks on the north and west sides of the proposed building for efficiency of operation. The UDO prohibits loading docks on the 'front' of a building between the building and a public ROW in the 'IG' zone. This would require a variance.

Thank you for your consideration in this matter to create a quality site plan that will exemplify Bloomington, Indiana's interests and become viable for Marco Plastics, Inc.

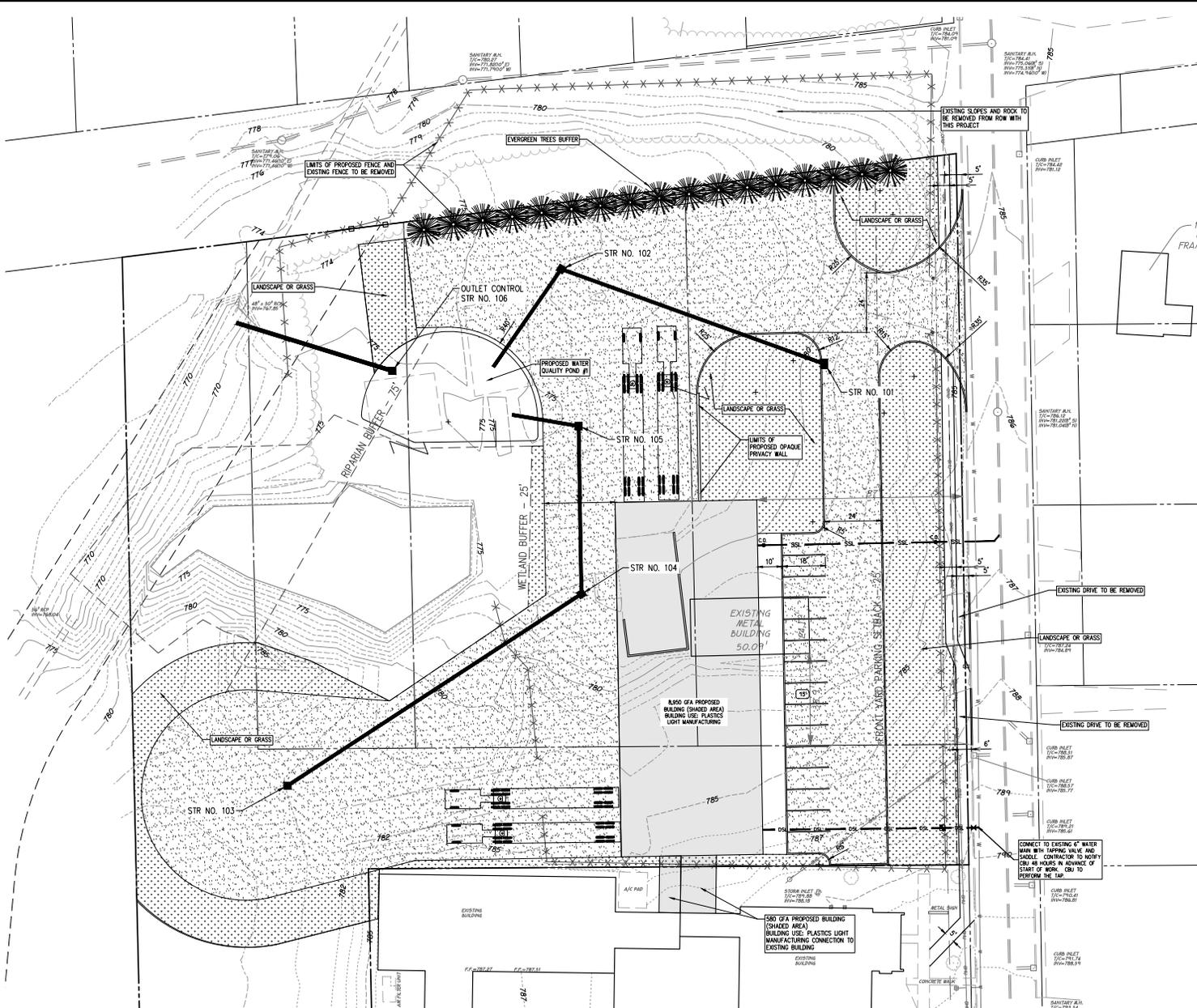
Sincerely,
Bynum Fanyo & Associates, Inc.

A handwritten signature in black ink, appearing to read 'D. Butler', written over a horizontal line.

Daniel Butler, PE, Project Engineer

COPY: BFA FILE #201504

V-19-15
Petitioner's Statement



EXISTING LEGEND

EXISTING FENCE	---
EXISTING WATER LINE	— W —
EXISTING OVERHEAD UTILITY LINES	— OHU —
EXISTING UNDERGROUND ELECTRIC LINES	— UGE —
EXISTING UNDERGROUND TELEPHONE LINES	— UGT —
EXISTING UNDERGROUND FIBER OPTIC LINES	— FO —
EXISTING GAS LINE	— GAS —
EXISTING CONTOUR	--- XXX ---
FLOW LINE	→ --- →
EXISTING SANITARY SEWER AND MANHOLE	— S —
EXISTING STORM SEWER AND INLET	— SS —
PROPERTY LINE	---
SETBACK LINE	---

SITE LEGEND

(A)	PROPOSED ROAD BITUMINOUS PAVING - REFER TO DETAIL
(F)	PROPOSED CONCRETE SIDEWALK - REFER TO DETAIL
(FT)	PROPOSED MONOLITHIC CURB AND SIDEWALK - REFER TO DETAIL
(13)	PROPOSED 6" STANDING CURB - REFER TO DETAIL
(C)	PROPOSED CURB TRANSITION, 6" LENGTH FROM 0" TO 6" CURB HEIGHT
(R)	PROPOSED ADA ACCESSIBLE RAMP WITH HANDRAILS - REFER TO DETAILS
(HR)	PROPOSED HAND RAIL - REFER TO DETAILS
(PB)	PROPOSED CONCRETE PARKING BUMPER BLOCK - REFER TO DETAIL
(21)	PROPOSED PARKING MARKING, PAINTED, SOLID, WHITE, 4" WIDE - REFER TO DETAIL
(21A)	PROPOSED ADA PARKING MARKING, PAINTED, SOLID, BLUE - REFER TO DETAIL
(RW)	PROPOSED REINFORCED MODULAR BLOCK RETAINING WALL - REFER TO ARCHITECTURAL DRAWINGS FOR DETAILS
(B)	PROPOSED BOLLARD - REFER TO DETAIL
(APS)	HANDICAP PARKING SIGN, REFER TO DETAIL
(VA)	VAN ACCESSIBLE SUPPLEMENTAL SIGN ACCORDING TO NATIONAL ADA STANDARDS - FASTEN BELOW HANDICAP PARKING SIGN WHERE INDICATED, REFER TO DETAIL
(DE)	PROPOSED 12" WIDE X 12" LONG X 6" HIGH OPAQUE DUMPSTER SCREEN W/ OPAQUE GATES - REFER TO DETAIL
[Shaded Area]	SEE ARCHITECTURAL & STRUCTURAL DRAWINGS FOR ALL SHADED AREAS

GRADING LEGEND

PROPOSED STORM PIPE AND INLET REFER TO PLAN FOR MORE INFORMATION	---
EXISTING CONTOUR	--- XXX ---
PROPOSED CONTOUR	--- XXX ---
PROPOSED FLOWING DIRECTION	→ --- →
(T) PROPOSED TOP OF WALL ELEVATION AT GRADE	(T)-XXX.XX
(B) PROPOSED BOTTOM OF WALL ELEVATION AT GRADE	(B)-XXX.XX
NOTE: ACTUAL FINISH ELEVATION TO BE OBTAINED FROM STRUCTURAL ENGINEER AND ARCHITECTURAL.	
PROPOSED SPOT GRADE ELEVATION	(S)-XXX.XX
(C) PROPOSED TOP OF CURB ELEVATION	(C)-XXX.XX
(P) PROPOSED EDGE OF PAVEMENT ELEVATION AT BOTTOM OF CURB	(P)-XXX.XX
FINISH FLOOR ELEVATION (SEE ARCHITECTURAL PLANS FOR CHANGES OF GRADE WITHIN BUILDING)	FF-XXX.XX
FINISH EDGE OF PAVEMENT AT GRADE	EP-XXX.XX
PIPE OR BOTTOM OF TRENCH DRAIN AT FINISHING INVERT ELEVATION (PROCES FROM BUILDING GIVEN BY PLUMBING/PIPE SUBMISSION ENGINEER - SEE PLUMBING AND PIPE SUBMISSION DRAWINGS FOR EXACT INVERT LOCATIONS)	IE-XXX.XX
MATCH THE EXISTING FINISH GRADE ELEVATION FOR BEST FIT OF FINISHING GRADE ADJUST TO THE FINISH CONDITION. NOTIFY THE ENGINEER OF ANY DISCREPANCIES	MEG-XXX.XX
NOTE: ALL WATER AND SEWER CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF BLOOMINGTON UTILITY SPECIFICATIONS	
NOTE: ALL INVERT ELEVATIONS PROVIDED DIRECTLY OUTSIDE THE BUILDINGS WERE GIVEN BY THE PLUMBING ENGINEER. CONTRACTOR SHALL COORDINATE WITH "Y" SERIES DRAWINGS FOR FINAL EXISTING BUILDING UTILITY INVERT ELEVATIONS	

NOTE TO CONTRACTOR

CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ENGINEER OF ANY INACCURACIES IN LOCATION OR ELEVATION OR ANY CONFLICTS PRIOR TO & AFTER ANY EXCAVATION. NO PAYMENT SHALL BE MADE TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES REQUIRED DUE TO CONFLICTING ELEVATIONS.

revisions:

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

BEA
BYNUM FANTY & ASSOCIATES, INC.
Bloomington, Indiana
628 North Walnut Street
(812) 332-8000 (Fax)

certified by:

PROPOSED
MARGO PLASTIC INC.
S HUNTINGTON DR.
BLOOMINGTON, IN 47401

title: SITE PLAN

designed by: DJB
drawn by: DJB
checked by: JSF
sheet no: C301
project no: 201504

V-19-15
Site Plan

