

CITY OF BLOOMINGTON



JULY 8, 2015 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON
HEARING OFFICER
July 8, 2015 at 2:00 p.m.

*Kelly Conference Room #155

PETITION CONTINUED TO: July 22, 2015

- V-22-15 **Mesha Philley**
 508 W 3rd Street
 Request: Variance from side and rear yard building setback requirements to allow
 an addition to the existing residence.
 Case Manager: Eric Greulich

PETITION:

- V-20-15 **Sheryl Woodhouse Keese and Brian Keese**
 1026 S. Dunn St.
 Request: Variance from riparian buffer standards to construct a garage onto an
 existing home.
 Case Manager: Beth Rosenbarger

PETITIONER: Sheryl Woodhouse-Keese and Brian Keese
1026 S. Dunn Street

REQUEST: The petitioners are requesting a variance from riparian buffer standards.

Report Summary: The petitioners own a single family home located on the west side of S. Dunn Street midblock between E. Allen Street and E. Davis Street. The property is zoned Residential Core (RC) and is adjacent to a creek that runs along the north and west property lines. The petitioners are proposing to build an attached garage and an addition onto the existing home.

All surrounding properties are also zoned RC and utilized as single-family residences. All of the surrounding properties also have attached or detached garages. Petitioners are requesting to construct an attached garage and an addition to the existing home, which will encroach into the riparian buffer. The existing home is approximately 41 feet from the creek. The riparian buffer standards require a 25-foot buffer on each side of the creek, starting at the top of the stream's bank. The proposed addition would be approximately 18 feet from the creek. Petitioners propose a 12-foot riparian buffer, in order to allow access to the backyard, with native, riparian plants to mitigate the reduced setback. The native landscape plantings would run along the northern portion of the property.

Several surrounding properties have encroachments into the riparian buffer. As this creek runs through the neighborhood, there are several channelized sections included just west of the petitioners' property.

The proposal was presented to the Bryan Park Neighborhood Association Meeting. The BPNA had no objection to the proposal.

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. The added native landscape plantings will benefit the health of the riparian area.

- 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. Adjacent properties also have garages. 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 in requiring the standard riparian setbacks due to the peculiar conditions of the length of creek along the property. The location of the home on the property restricts expansion on the southern side and the riparian buffer restricts expansion on the northern side. The creek runs along approximately 162 feet of the property, which is a much more substantial length than surrounding properties due to the creek running along two property lines. The 25-foot buffer along the 162-foot portion of creek on the property results in a practical difficulty with little remaining buildable area on the lot.

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

1. A riparian buffer landscaping plan must be approved by the senior environmental planner prior to the issuance of a Certificate of Zoning Compliance.
2. The required riparian buffer easement shall be recorded prior to issuance of a Certificate of Zoning Compliance.
3. Parallel parking along Dunn Street will be removed.

Brian and Sheryl Woodhouse Keese
1026 South Dunn Street
Bloomington, IN 47401

May 14, 2015

Re: Development Standards Variance Request

To Whom It May Concern:

We are requesting a Development Standards Variance related to the home we own at 1026 South Dunn Street. There is a creek on the property for which code requires a 25 foot riparian buffer. We would like to add an addition to our home that ends 18 feet from the creek.

The property consists of two adjacent lots with a creek running along the northern and western edges. The house sits on the southern lot. Except for a deck that is attached to the house, the northern lot is undeveloped. We would like to make use of the northern lot by replacing the deck with an addition to the house. The proposed addition will include a two-car garage as well as an extra room. As part of the same project we will be extending the existing front porch and making other general improvements.

Our garage will not injure public health, safety, morals or the community's general welfare. We believe that it will benefit the neighborhood by increasing the curb appeal of our property. We have been postponing other improvements to the house and landscaping until we could obtain a variance and build the garage. Getting the garage in place will allow us to follow through on painting the house, replacing the roof, replacing and extending our front porch, and landscaping the yard. It will get our cars off the street and let us extend the lawn to the road.

The use and value of our neighbors' property will only be positively affected. The footprint of our current house is only 782 square feet and the addition will be only 24 feet wide. It will not look out of place or overpower other homes in the neighborhood. It will be similar in appearance to the home directly across the street. Our neighbors next door, across the street, and behind us all have two-car garages.

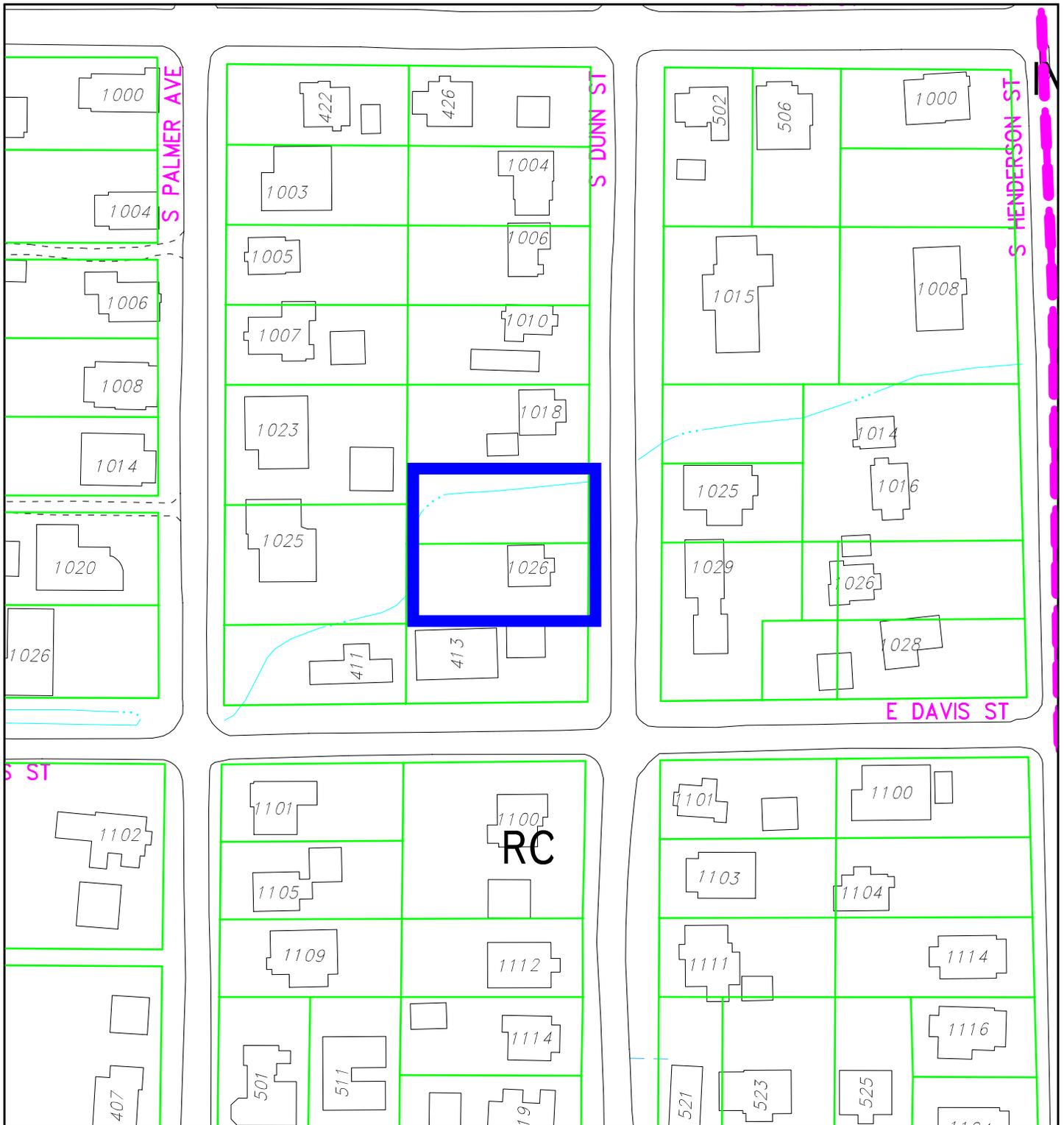
The strict enforcement of the riparian buffer would result in practical difficulties in the full use of the property. This is particularly true for this property in that the creek and its buffer occupy more than three-fourths of the lot, leaving an area only 17 feet wide in which to build. Allowing us to encroach on the buffer by 8 feet will relieve these difficulties and it will impact less than 5 percent of the total buffer on the property.

Even with such a minor encroachment, we will make efforts to mitigate any impact of building into the buffer. Included with the variance petition will be a landscaping plan to be developed with the assistance and approval of Linda Thompson, a senior city environmental planner. Specifically, a 12 foot buffer with native plantings will be worked into the existing landscaping along the creek.

Cordially,

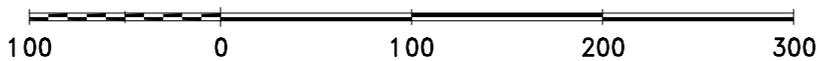
Brian and Sheryl Woodhouse Keese

V-20-15
Petitioners'
Statement



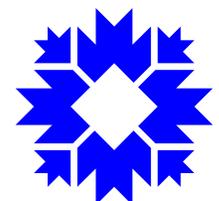
V-20-15 Hearing Officer
 1026 S. Dunn Street
 Location, Zoning, Buildings

By: rosenbab
 23 Jun 15

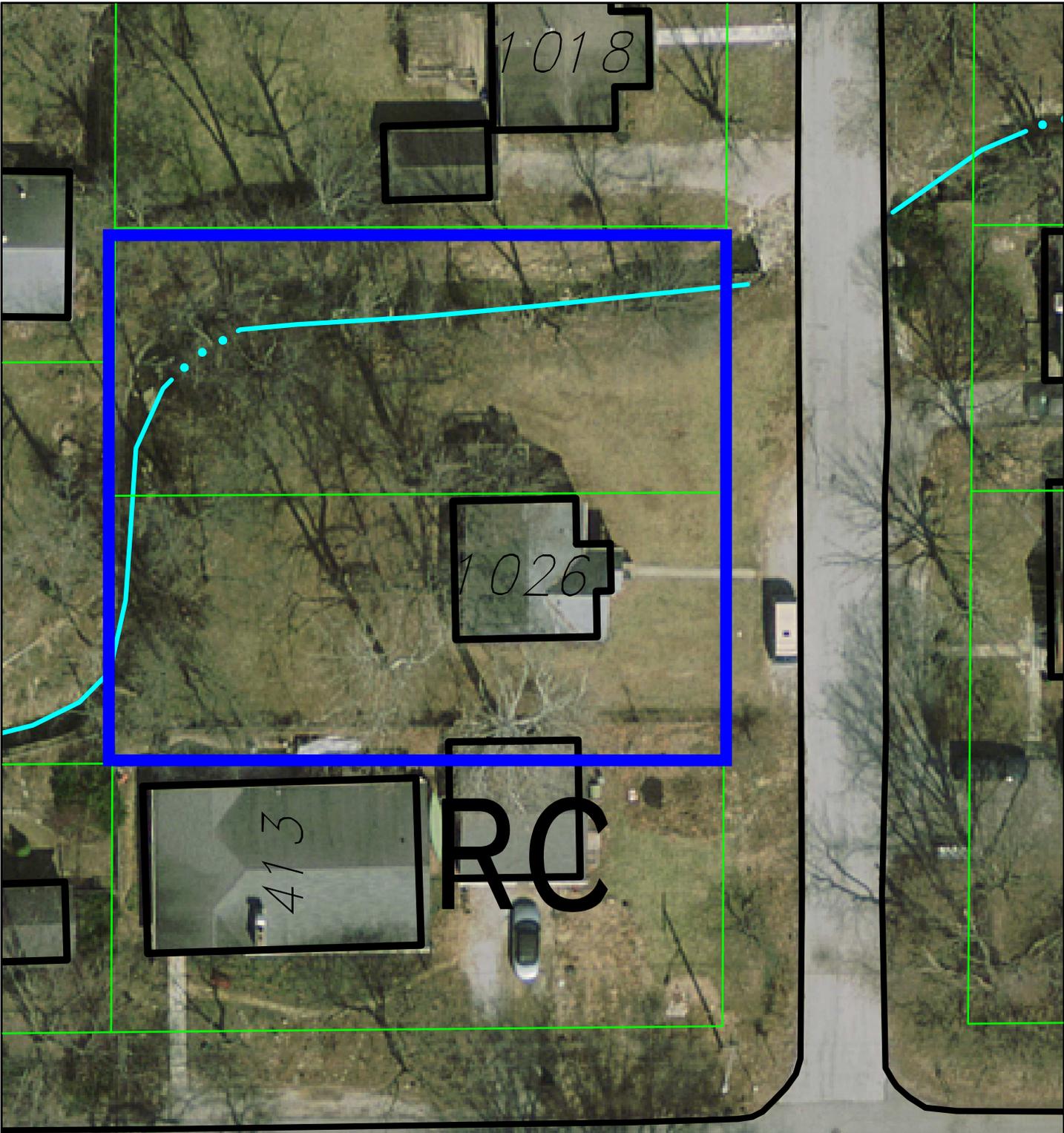


For reference only; map information NOT warranted.

City of Bloomington
 Planning & Transportation

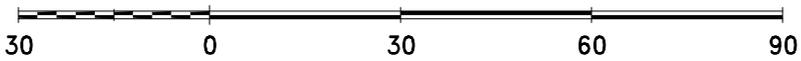


Scale: 1" = 100'



V-20-15 Hearing Officer
1026 S. Dunn Street
2014 Aerial Photography

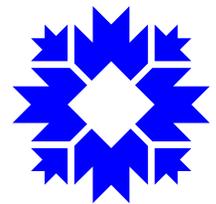
By: rosenbab
23 Jun 15



For reference only; map information NOT warranted.



City of Bloomington
Planning & Transportation



Scale: 1" = 30'

1026 South Dunn

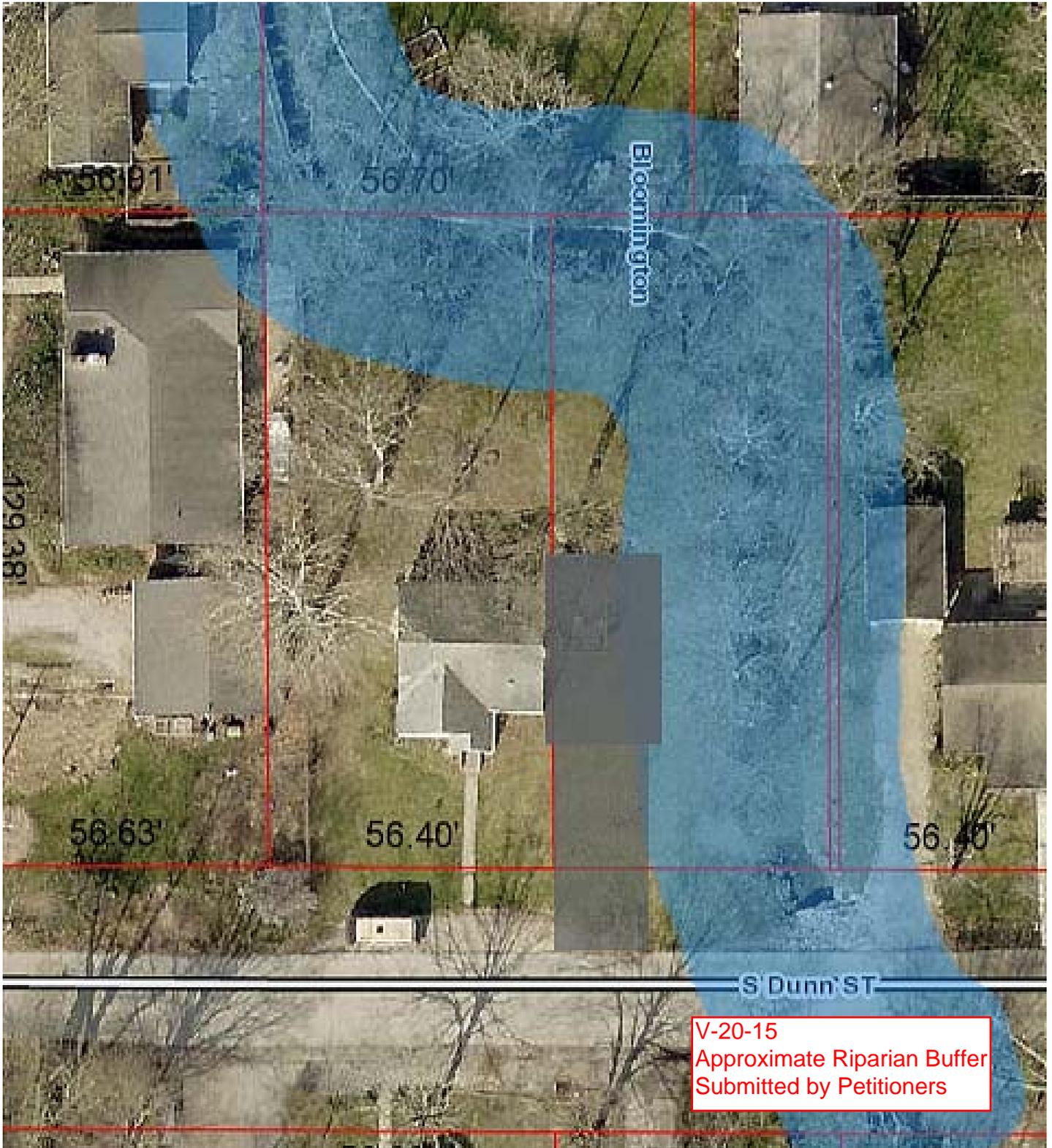
Existing Structure



V-20-15
Submitted by
Petitioners

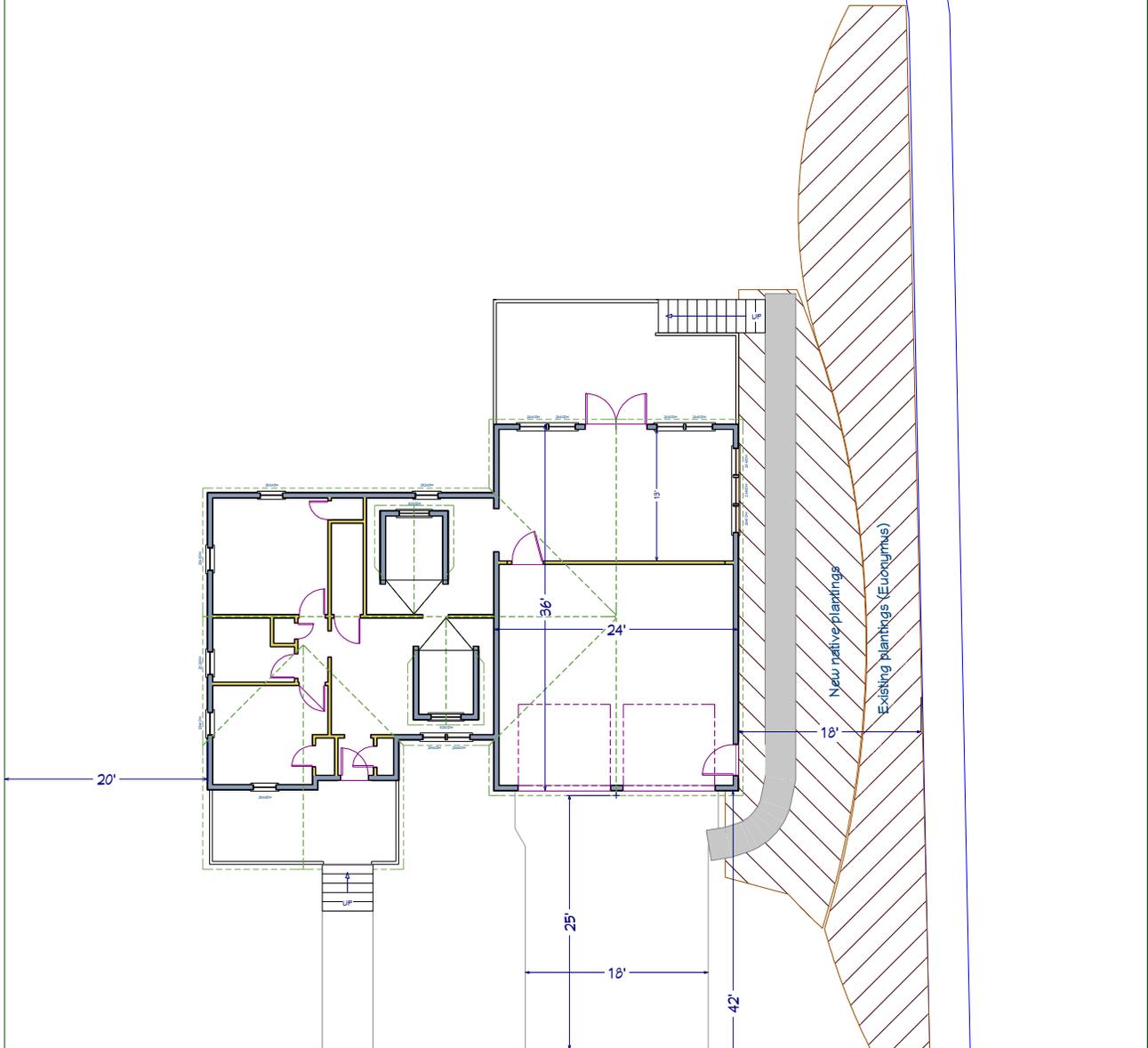
1026 South Dunn

Riparian buffer shown in blue approximately 25' from each stream bank.
Proposed addition show in gray, with driveway in light gray.



1026 S Dunn Street

parcels:
53-08-04-300-018.000-009 (Rogers Park Lot 33)
53-08-04-300-100.000-009 (Rogers Park Lot 34)



Dunn Street pavement

V-20-15
Site Plan
Submitted by
Petitioners



V-20-15
Site Plan
Submitted by
Petitioners



V-20-15
Site Plan
Submitted by
Petitioners