

# CITY OF BLOOMINGTON



July 22, 2015 @ 2:00 p.m.  
CITY HALL -  
KELLY CONFERENCE ROOM #155

**CITY OF BLOOMINGTON**  
**HEARING OFFICER**  
July 22, 2015 at 2:00 p.m.

**\*Kelly Conference Room #155**

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**PETITIONS CONTINUED TO AUGUST 27, 2015 BOARD OF ZONING APPEALS:**

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

**PETITIONS:**

- V-24-15      **Heather Maritano**  
335 S. Fairview Street  
Request: Variance from rear yard building setback requirements to construct a shed.  
*Case Manager: Beth Rosenbarger*
- V-25-15      **EH2, LLC (David Jacobs)**  
1203 E. 2nd Street  
Request: Variance from front and rear yard building setback requirements to construct a new residence.  
*Case Manager: Eric Greulich*

**BLOOMINGTON HEARING OFFICER**  
**STAFF REPORT**  
**LOCATION: 335 S. Fairview St.**

**CASE #: V-24-15**  
**DATE: July 22, 2015**

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**PETITIONER:** Heather Maritano  
335 S. Fairview Street, Bloomington

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**REQUEST:** The petitioner is requesting a variance from rear yard accessory building setback standards to allow the construction of a shed.

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**SUMMARY:** The property is located at 335 S. Fairview St. and is zoned Residential Core (RC). The property has been developed with a single family residence and there are alleys running along the north and east property lines. The alley to the north is improved; however the alley running along the east property line is unimproved. The lot is surrounded on three sides by single family homes and a church to the west. The property is located within the Prospect Hill Historic District.

The property previously had a shed in a similar location to the proposed shed. The petitioner would like to construct a slightly larger accessory structure to utilize as both a garden shed and an accessory space.

The UDO requires detached sheds to be located 5 feet from side and rear property lines. The petitioner would like to place the shed within the rear yard setback in order to accommodate a larger accessory structure while maintaining a consistent setback for accessory structures on adjacent properties. At the intersection of the two alleys, the other three properties each have detached accessory structures built on the property lines with a zero setback. The petitioner is requesting a variance to allow an approximately 3 foot setback from the rear property line. The shed would meet all other requirements. The lot is substandard at approximately 6,500 square feet, where 7,200 square feet is the minimum lot size for the RC district.

The proposed structure is in character with the surrounding area as evidenced with the granting of a Certificate of Appropriateness (COA-16-15) from the Historic Preservation Commission at its May 14, 2015 meeting.

The petitioner presented this project to the Prospect Hill Neighborhood Association at their July 6, 2015 neighborhood meeting. The neighborhood association supported the variance and expressed that the proposed location of the shed more closely reflected historic accessory structure locations for this neighborhood.

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#### **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. There will be no change in the use of the property as a result of the proposal. There are several sheds with similar setbacks in the immediate area with no known negative impacts.

- 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 substantially adverse impacts from this proposal on the areas adjacent to the property. There are several accessory structures on the surrounding adjacent properties that are located on a side or rear property line with no known negative impacts. The presence of the alley adjacent to the shed provides the open space desired by setback requirements. The new shed will have a greater set back than other nearby detached structures. As mentioned previously, this request was supported by the neighborhood association and Historic Preservation Commission.

- 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 historic development pattern of detached structures in this neighborhood located within the required setbacks, especially when adjacent to an alley combined with the location of fencing and existing parking on the property. Practical difficulty is found in the fact that strict application of the terms of the UDO would not allow the proposed shed to be constructed in the location of the current shed without a variance, and due to the smaller lot size, the standard setback would consumer a greater proportion of the property than intended. The new shed will have a greater setback than the surrounding structures and will preserve the historic development pattern of the alleys. 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 alley provides additional space between properties and the neighbor also has a detached structure along the alley.

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**RECOMMENDATION:** Based upon the written findings above, staff recommends approval of the variance request with the following condition:

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.

**Request for variance:****Petitioner:**

Heather Maritan  
335 S. Fairview Street  
Bloomington, IN 47403

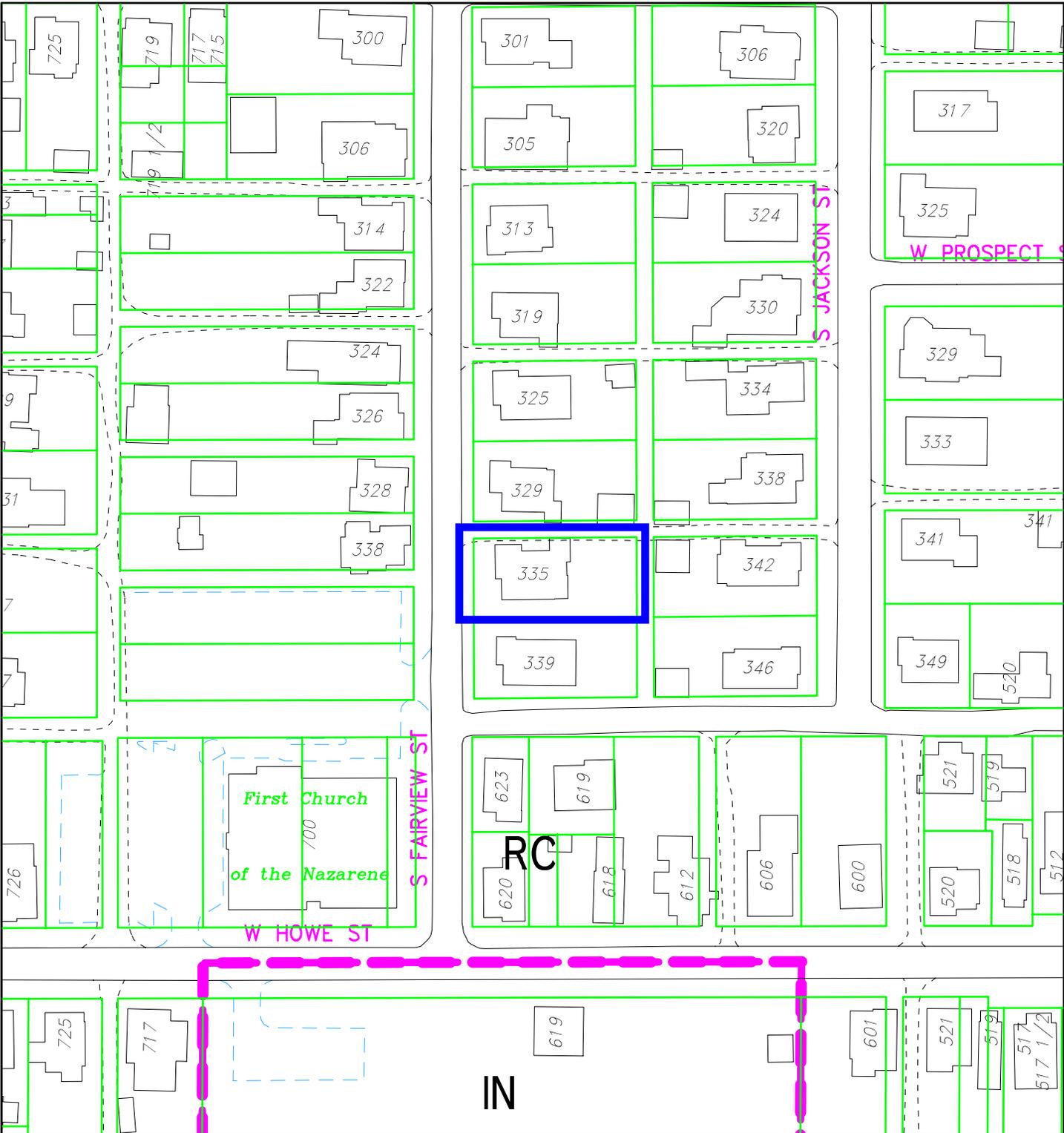
812-323-8230

We are seeking a variance to build an 11 x15 garden office/ shed along the back of our property. Our design has been approved by the Historical Commission. The variance we seek is in regards to the setback along the eastern edge of our property, we request that we are allowed to build along the property line, or to have no more than a 3 foot setback. We request this setback for the following reasons:

- 1) Meeting the required setback would mean removal of an existing privacy fence section in order to accommodate the measurements of the new building; it would also encroach on existing landscape features such as established trees, shrubs and flower garden.
- 2) Our neighbor's garage has been built right on the property line so our new structure would match the line of existing structures at the intersection of alleyways. This is not critical, and in fact I don't want to build on the property line, but do recognize that there may be a larger neighborhood aesthetic to consider.
- 3) The 6 foot setback creates a useless space that opens the possibility of being used for unattractive storage by residents in the future – hidden from owner's view but visible to neighbors, and view from Smith Street. The actual alleyway along the property is no longer used – it is a green space that we maintain. Moving north on this alley there is dense shrub growth encroaching from all sides, it is not passable except by single file foot traffic. It ends completely four houses to the north. Going South the alley is maintained grass and shrubs for 2 houses, ending in Smith Street. Our property line is in direct view of the 2 houses (the area in question) along Jackson Street, though the house directly behind the proposed area is a has a garage adjacent to the proposed site.

A set back of 3 feet allows for the design as approved by the Historical Commission and does not interfere with existing structures. It also more closely matches the line of existing structures at the corner of 4 properties on the alleyway crossing.

V-24-15  
Petitioner's Statement



V-24-15

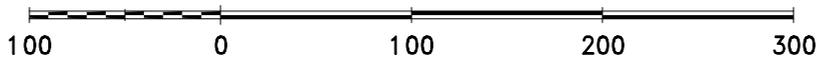
335 S. Fairview Street

Hearing Officer

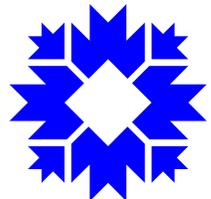
Location Map: Zoning, Parcels, Buildings

By: rosenbab

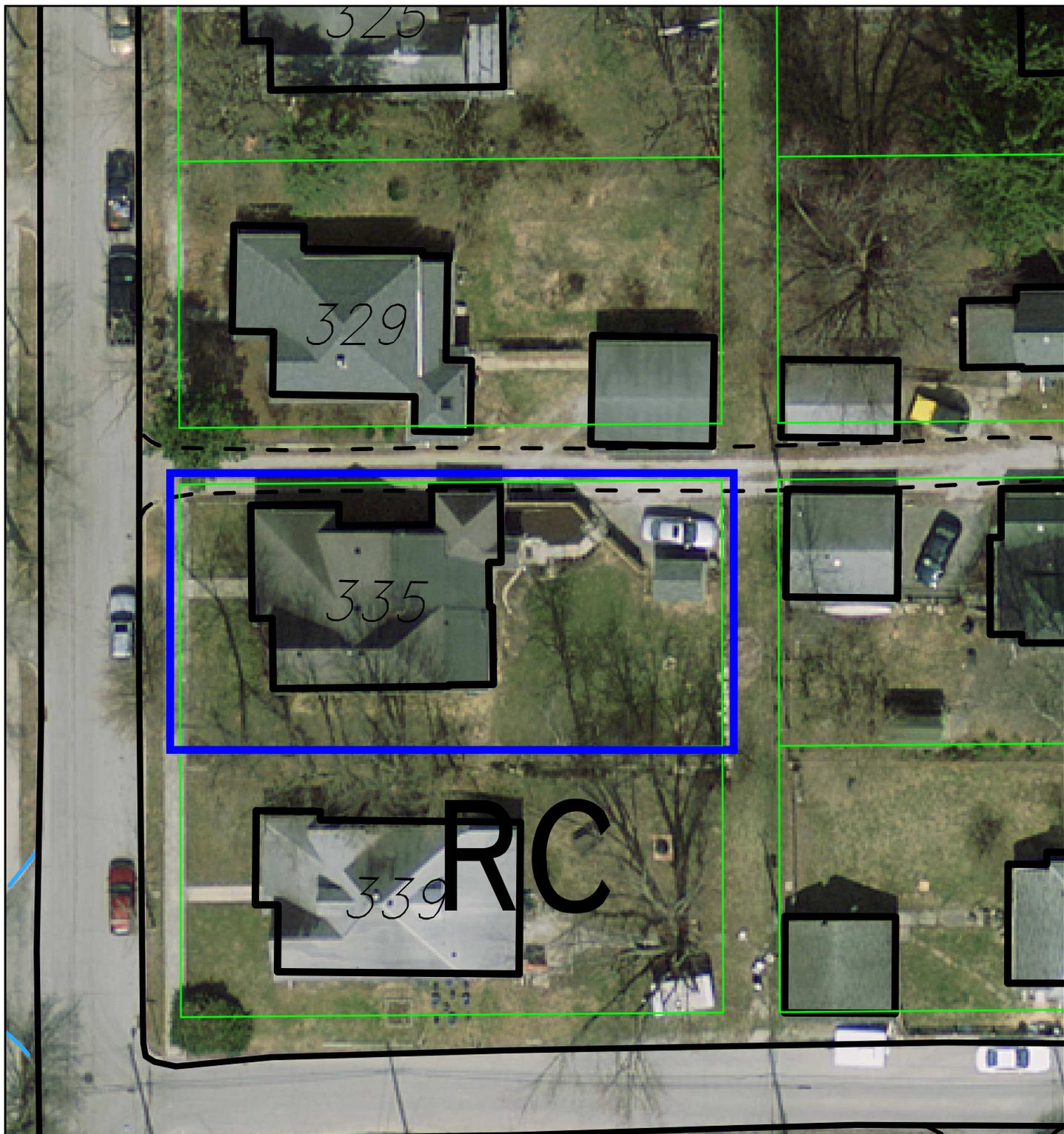
16 Jul 15



City of Bloomington  
Planning & Transportation

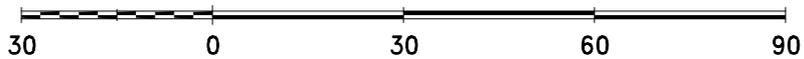


Scale: 1" = 100'



V-24-15  
 335 S. Fairview Street  
 Hearing Officer  
 2014 Aerial Photography

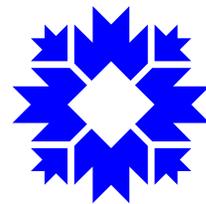
By: rosenbab  
 16 Jul 15



For reference only; map information NOT warranted.



City of Bloomington  
 Planning & Transportation



Scale: 1" = 30'

# CERTIFICATE OF APPROPRIATENESS

Issued by  
The  
Bloomington Historic Preservation Commission

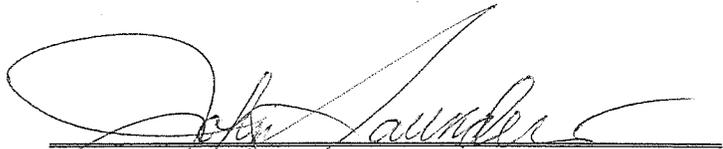
**ADDRESS** 335 South Fairview Street.: Greater Prospect Hill Historic District.

For the following work:

Request to build a rear accessory building as depicted in the attached plans and specification submitted to the Commission with the option of a design which has a north south gable ridge with an open porch and fenestration facing the rear of the house if the owner wishes.

A copy of the complete approved plans may be obtained from the City of Bloomington, 401 N. Morton, Department of Department of Housing and Neighborhood Development under case number COA-16-15

This Certificate is effective for two years following the date of issue. Exterior work outside the scope of this approval is not permitted and subject to fines outlined in Municipal Code, Title 8, Chapter 8.16.020.



John Saunders Chairman  
Bloomington Historic Preservation Commission

Approved May 14, 2015

V-24-15  
HPC Exhibits  
from petitioner

Summary

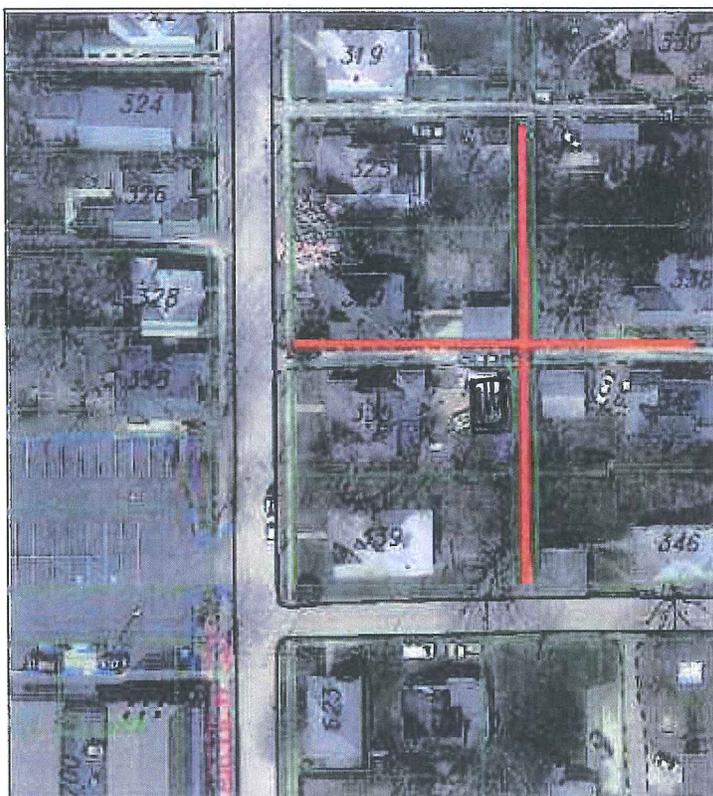
Request to remove a noncontributing shed and build a 11x<sup>15</sup>~~18~~ combination storage shed and office.

COA-16-15

335 South Fairview  
Greater Prospect Hill Historic District  
Owner: Heather Maritano  
~~Representative Diane Galdes~~

Zoning RC

242 C 335 House; Carpenter Builder/ Gabled-ell, c.1904



Fairview Street in Greater Prospect Hill is known for its consistent streetscape of gabled ell houses and this is one of the better examples. The rear of the house is framed by intersecting alleys, which run along the north and east sides of the lot. The owner wishes to remove a prefabricated shed from the rear yard and build a multiuse accessory building. The access will be off the east-west alley. A privacy fence runs along the rear (north-south) alley which is not improved. Because the house has an addition that juts to the north very close to the alley, the proposed structure will not be



visible from the street. It is set back about 17' from the side alley (the only improved one) and so is tucked directly behind the house. There are no additional planning considerations. The other three

V-24-15  
HPC Exhibits  
from petitioner

lots at this location have garages, The existing garages are in the 550 square foot range. This structure will be approximately half that size and there is no detached garage structure on the lot. Since this is new construction, it goes to the full commission for review, and the fundamental criteria have not changed from the era of Conservation Districts.

#### EXISTING CONDITIONS

The house is frame with a limestone foundation and rock-faced limestone porch. There is a small 8x10 shed in the rear yard. It is prefabricated and not historically linked with the house.

#### \* PROPOSED CHANGES

The shed will be removed. The new structure will have a long shed roof with the lower elevation facing the alley. The front (facing south) will have ~~square columns on plinths and a centrally located door with side windows framing it. The entrance is located beneath an approximately 5' shed roof porch.~~ The submitted design shows cement board lapped siding, with corner boards, cornice trim and a bottom drip course trim.



From the Greater Prospect Hill Guidelines:

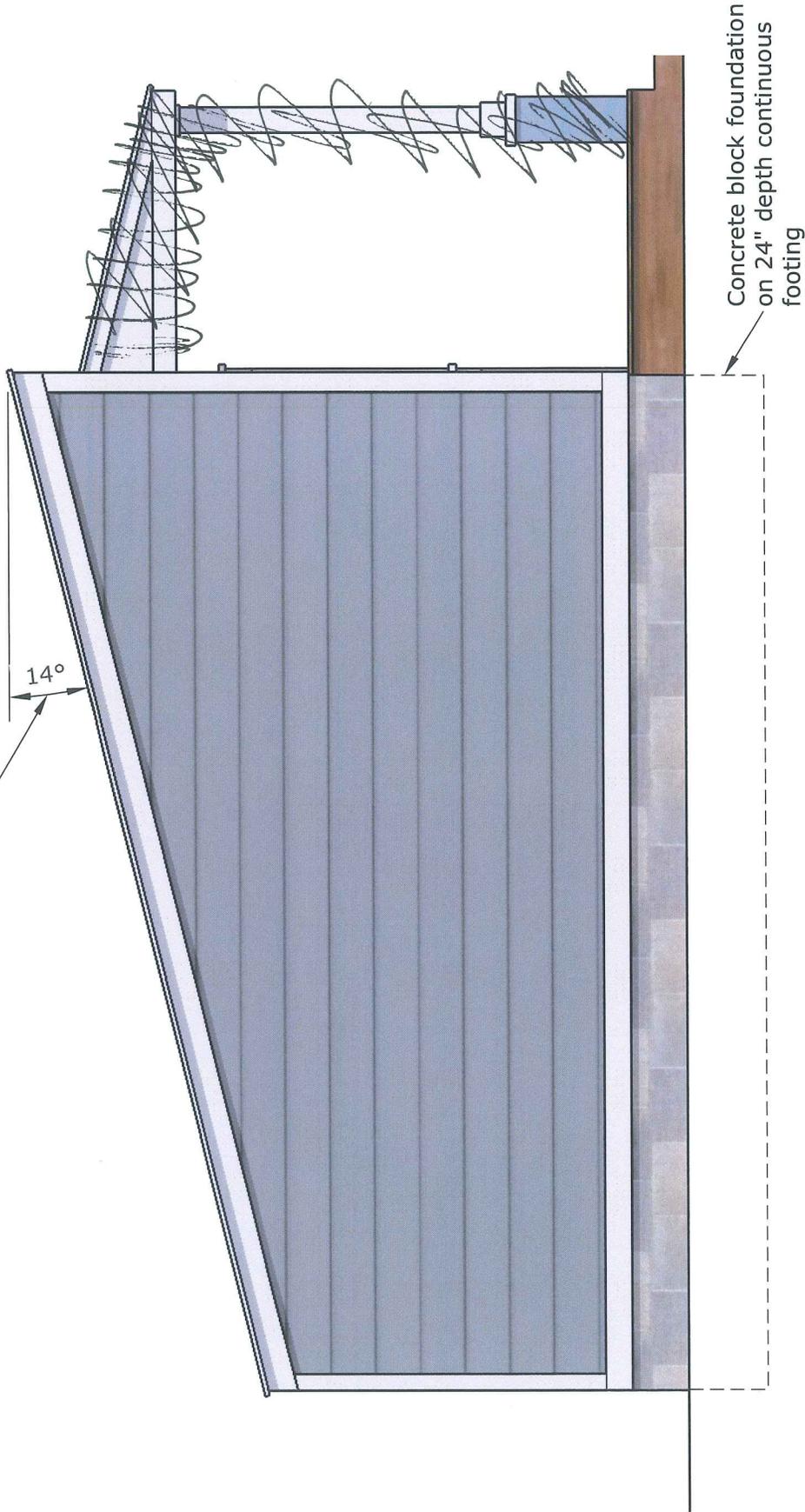
**ACCESSORY STRUCTURES**  
**SUBJECT TO REVIEW AND APPROVAL:**

V-24-15  
 HPC Exhibits  
 from petitioner

20

3:12 ROOF PITCH

14°

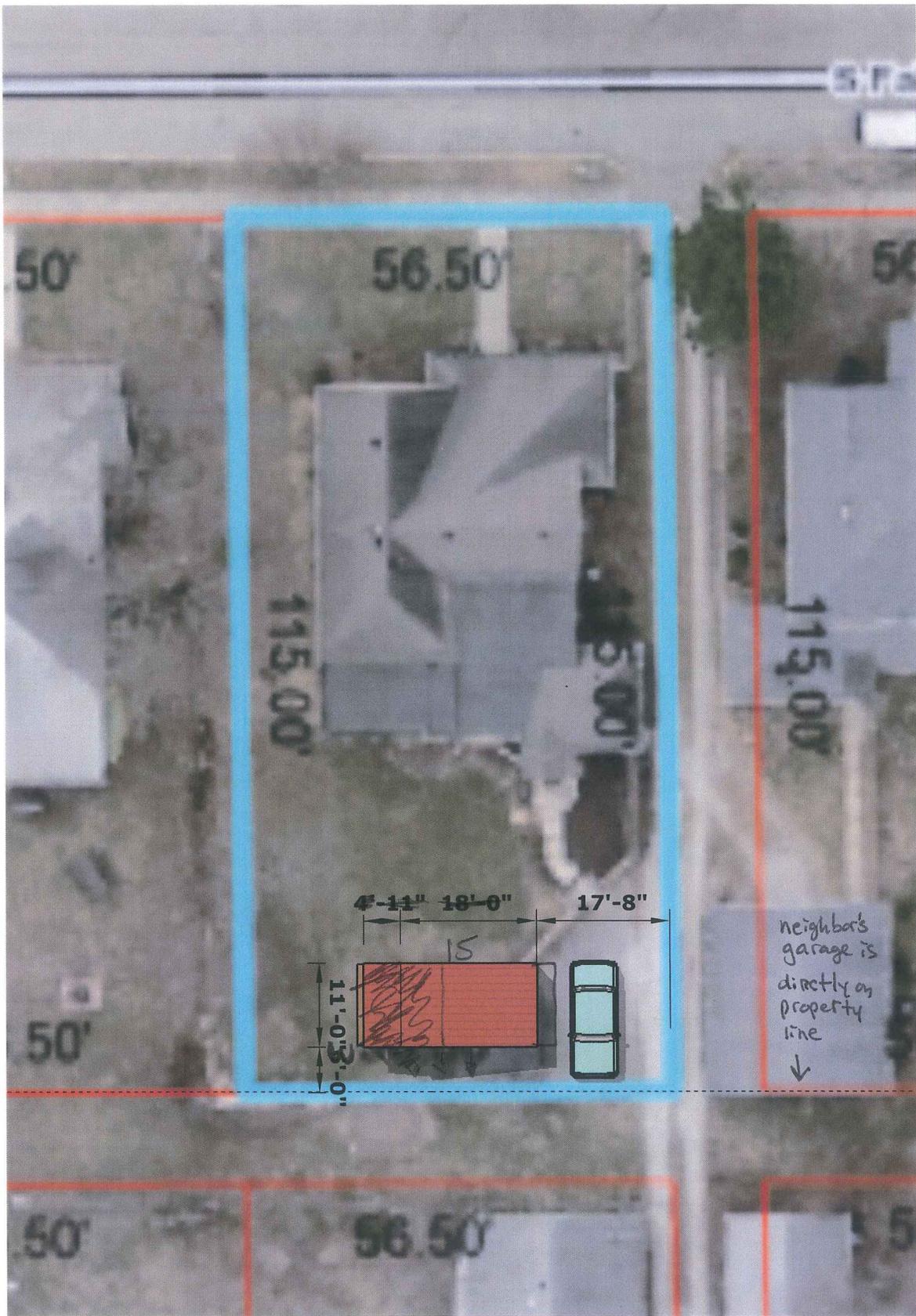


335 SOUTH FAIRVIEW, BLOOMINGTON, IN  
 PARCEL # 53-08-05-102-03  
 MARITANO, HEATHER / OWNER

**PROPOSED GARDEN OFFICE EAST ELEVATION**

NOT TO SCALE

V-24-15  
 HPC Exhibits  
 from petitioner



**PROPOSED GARDEN OFFICE PLAN VIEW**

NOT TO SCALE

335 SOUTH FAIRVIEW, BLOOMINGTON, IN  
PARCEL # 53-08-05-102-03  
MARITANO, HEATHER / OWNER

V-24-15  
Shed location  
Exhibit from petitioner

Seeking Variance to  
move 3 feet to east -  
not setback 6 ft., setback 3 or less





*View of alley along north property line, from Fairview St. looking east*



*View of alley along east property line, from alley intersection, looking south*



*View of backyard from alley intersection, looking southwest*

**BLOOMINGTON HEARING OFFICER  
STAFF REPORT  
LOCATION: 1203 E. 2<sup>nd</sup> Street**

**CASE #: V-25-15  
DATE: July 22, 2015**

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**PETITIONER:** EH2, LLC (David Jacobs)  
508 W. 3<sup>rd</sup> Street., Bloomington

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**REQUEST:** The petitioner is requesting variances from front and rear yard building setback standards to allow the construction of a new single family residence.

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**REPORT SUMMARY:** The property is located at 1203 E 2nd Street and is zoned Residential Core (RC). There is a 12' platted alley that runs along the west and north sides of the property. The site is also located within the Elms Heights Historic District. This 66'x116' (7,656 sq. ft.) property had been developed with a single family residence which was removed in 2010. A variance (V-18-10) from rear yard setbacks was approved in 2010 to allow for a new residence on this property, however that residence was not constructed and the property has remained vacant.

The petitioner has been working with the Elm Heights Neighborhood Association and the Historic Preservation Commission on a new site plan for this lot as well as the adjacent property to the north that is also owned by the petitioner. As part of that approval process, the Neighborhood Association was concerned about maintaining the historic setback of the previous house on this site, as well as the preservation of two mature trees along the front of this lot. The build-to-line required in this zoning district does not allow the existing trees to be preserved nor allow the proposed residence to be placed on the lot to match the previous setback. A Certificate of Appropriateness was recently issued under COA-28-15 for the construction of a new residence on this lot, pending the approval of these required variances.

The Unified Development Ordinance requires a residence to be constructed 15' from the existing right-of-way or the block face average, whichever is less. Due to the setback of the existing residences to the east and west of this lot, a new residence is required to be 12' from the front property line. In order to save the existing trees along the front of this lot, the petitioner is requesting a front yard building setback variance to allow the residence to be set back 22' from the front property line. This increased front yard setback to preserve the existing trees also requires the residence to encroach into the required 25' rear yard setback by 7'. The petitioner is also requesting a variance from the rear yard building setback requirements to allow a 21' setback rather than the required 25' setback.

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## **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 that this variance request will not be injurious to the public health, safety, morals, or general welfare of the community. The previous residence had the same front yard setback with no negative impacts.

- 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. Again, the previous residence was at a similar setback with no negative impacts. The presence of the alley along the rear of the property mitigates the reduced rear setback by providing open space typically achieved with a compliant setback. The petitioner also owns the property to the north that is most impacted by the reduced rear yard setback. In addition, a Certificate of Appropriateness was approved by the Historic Preservation Commission and the neighborhood subcommittee that reviewed compatibility with the neighborhood.

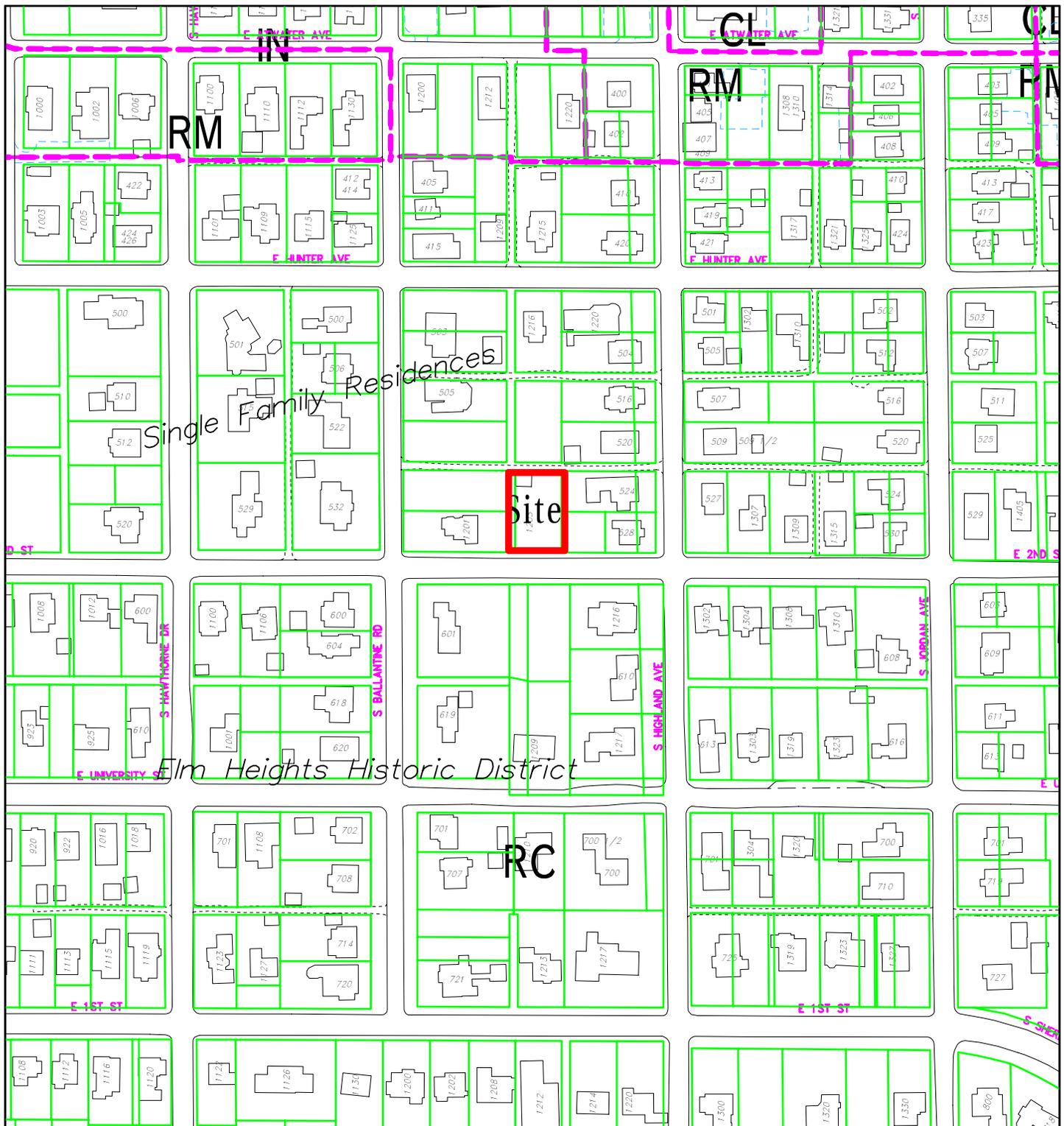
- 3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

**STAFF FINDING:** Staff finds peculiar condition in the location of the previous home that the setback requirements do not allow the petitioner to utilize the previous location of the residences that would allow existing landscaping to be preserved. The goals of the neighborhood association and historic preservation commission to appropriately place a residence on this lot conflicts with zoning code requirements and creates a practical difficulty in placing the house in the desired location. The granting of the variance will relieve the practical difficulties by allowing the house location that is most compatible with the surrounding properties and achieve the stated goals of the historic district which create a peculiar condition for this property.

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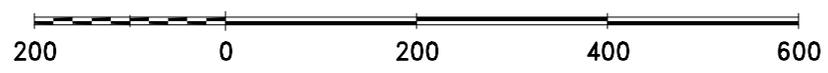
**RECOMMENDATION:** Based upon the written findings above, staff recommends approval of this petition with the following conditions:

1. A building permit is required prior to construction.
2. All terms and conditions of #COA-28-15 are binding on this petition.



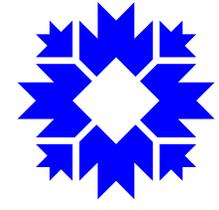
V-25-15 EH2, LLC (David Jacobs)  
 1203 E 2nd Street  
 Hearing Officer  
 Site Location, Zoning, Land Use, Parcels

By: greulice  
 16 Jul 15

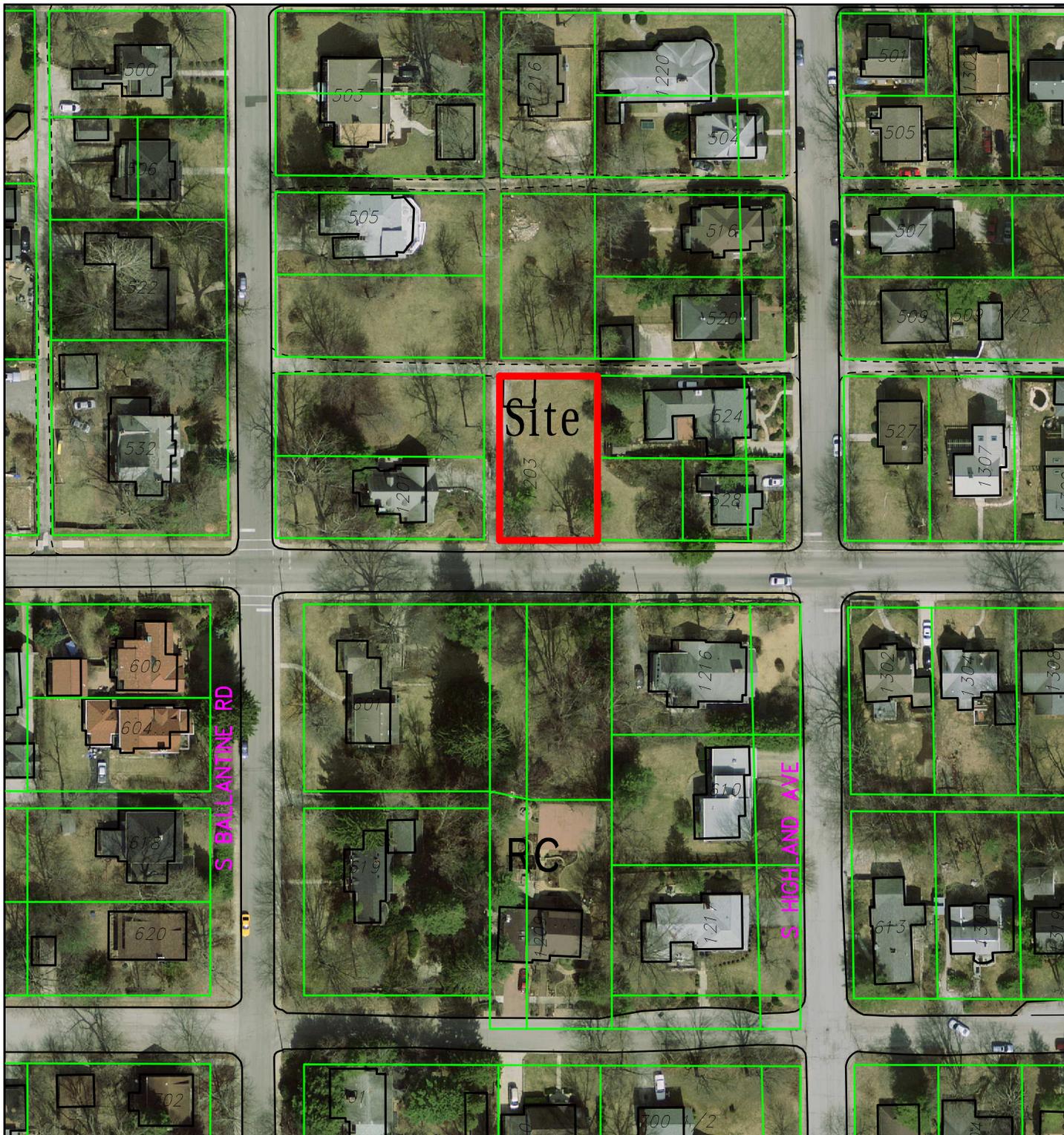


For reference only; map information NOT warranted.

City of Bloomington  
 Planning & Transportation



Scale: 1" = 200'



V-25-15 EH2, LLC (David Jacobs)

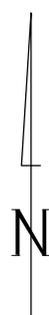
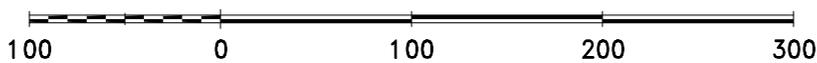
1203 E 2nd Street

Hearing Officer

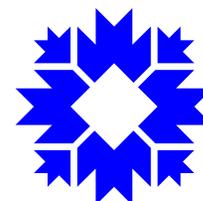
2014 Aerial Photograph

By: greulice

16 Jul 15



City of Bloomington  
Planning & Transportation



Scale: 1" = 100'

For reference only; map information NOT warranted.

1203 East 2nd Street  
Bloomington Indiana

### Petitioner's Statement

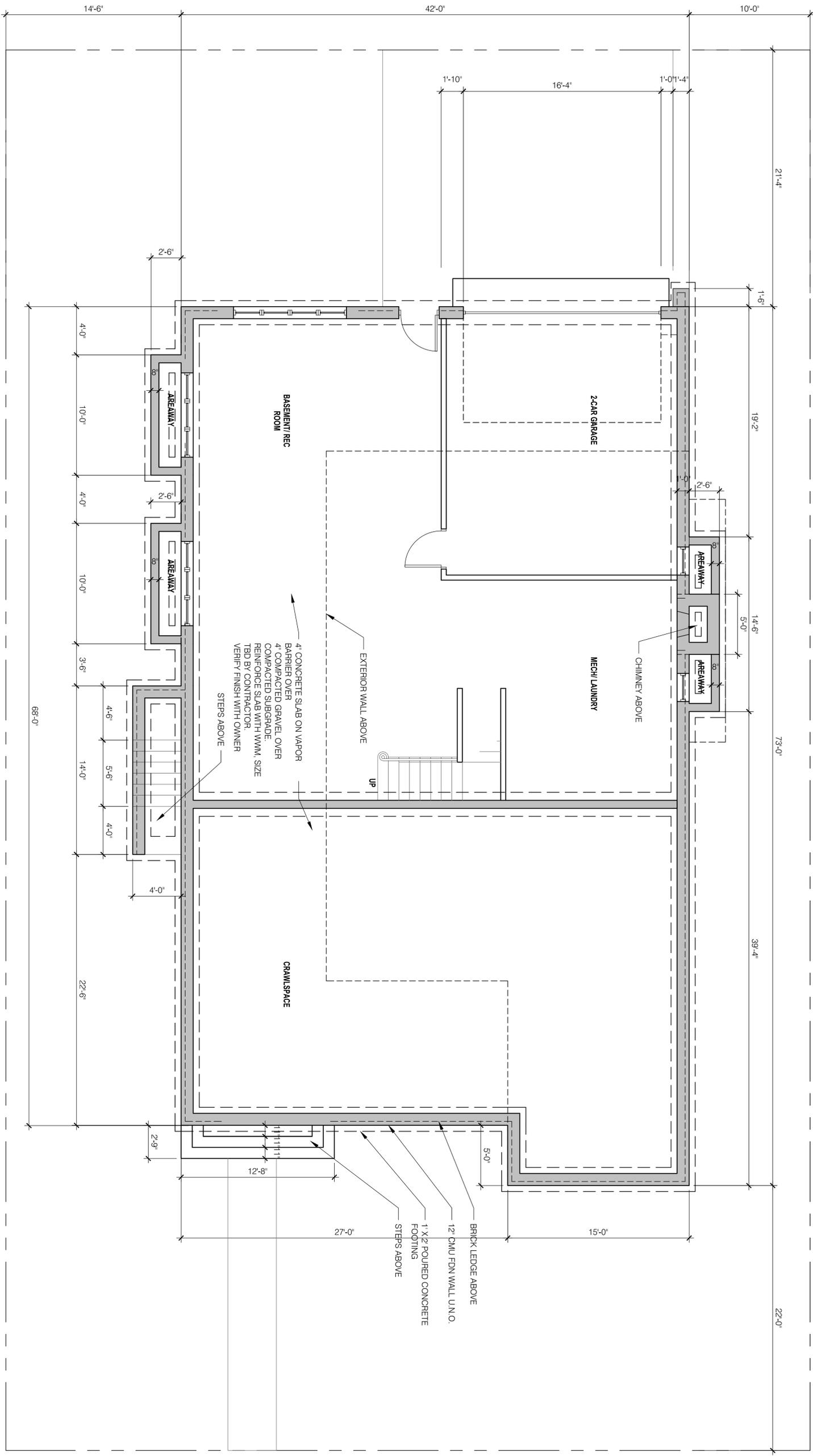
The property is located at 1203 East 2nd street on lot 9 of the of the Whitaker subdivision.

The request involved relief from the 15 foot front yard setback and the 25 foot rear yard setback of this lot. Petitioner seeks a 7 foot variance for the front yard from 15 feet to 22 feet; and a 7 foot variance for the back yard from 25 feet to 18 feet.

The design of the project has been planned to be sensitive and complementary to the neighborhood's scale and context. The siting of the structure reinforces the built edge of Second Street while the stone veneer blends with the surrounding homes. Critical to the overall design solution will be a landscape design that will provide a sense of continuity along the 2nd street landscaped edge. Additionally, petitioner desires to save the two large maple trees approximately 10 feet off of 2<sup>nd</sup> St. which flanked the original house on the site, and which would need to otherwise be removed for foundation installation if this variance is not granted. The 22' build-to line would be approx where the original house at 1203 once stood.

Materials include Indiana limestone in a random ashlar pattern utilizing a variety of textures and finishes along with cut limestone trim and detailing. The roof as well as dormers and portions of the second floor will be clad in metal, again with appropriate residential scale and detail.

V-25-15  
Petitioner Statement



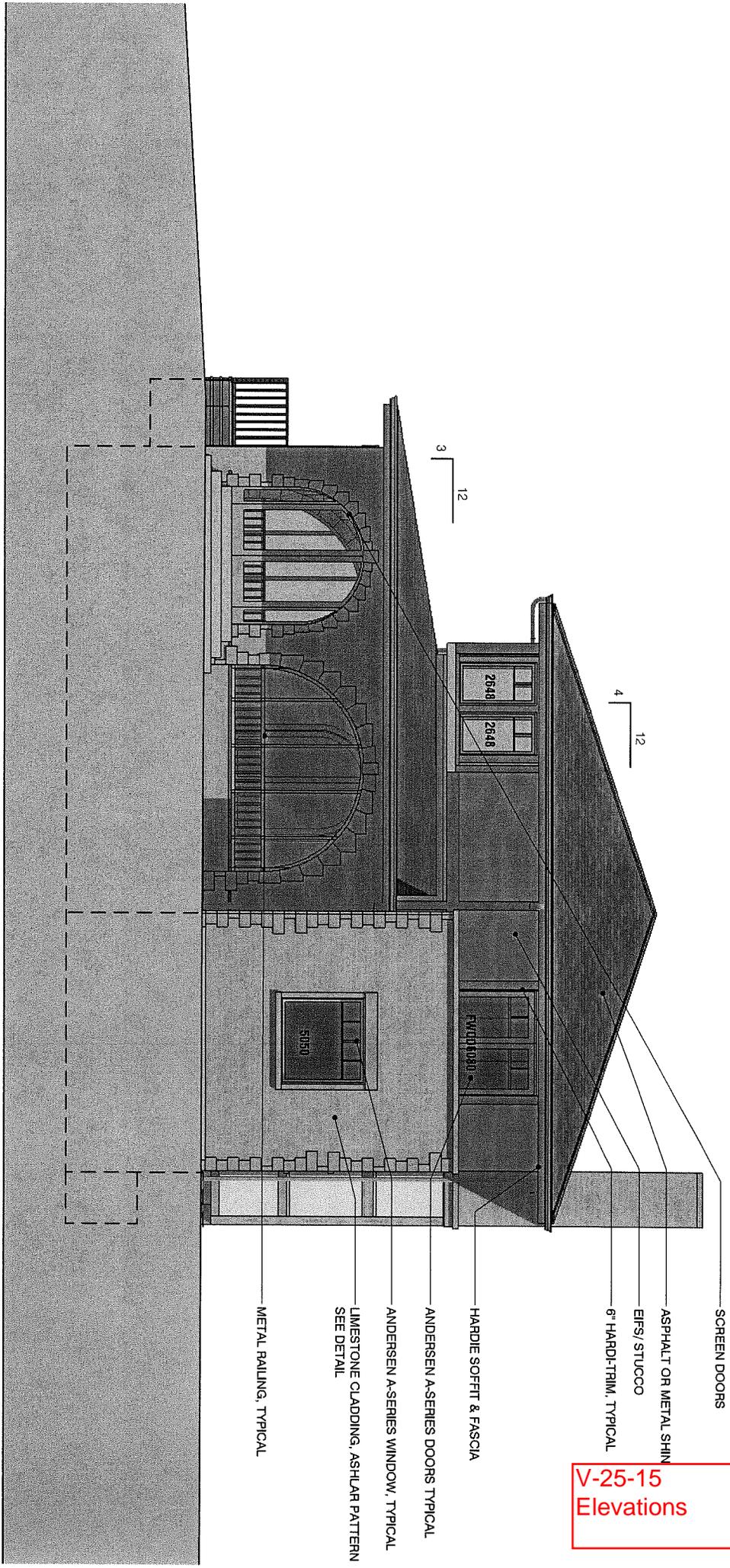
**01** LOT 9 FOUNDATION/ BASEMENT PLAN

HISTORIC COMMISSION ASSISTANCE  
**LOT 9 FOUNDATION/ BASEMENT PLAN**

06.23.2015

**A2.1**

V-25-15  
 Site Plan



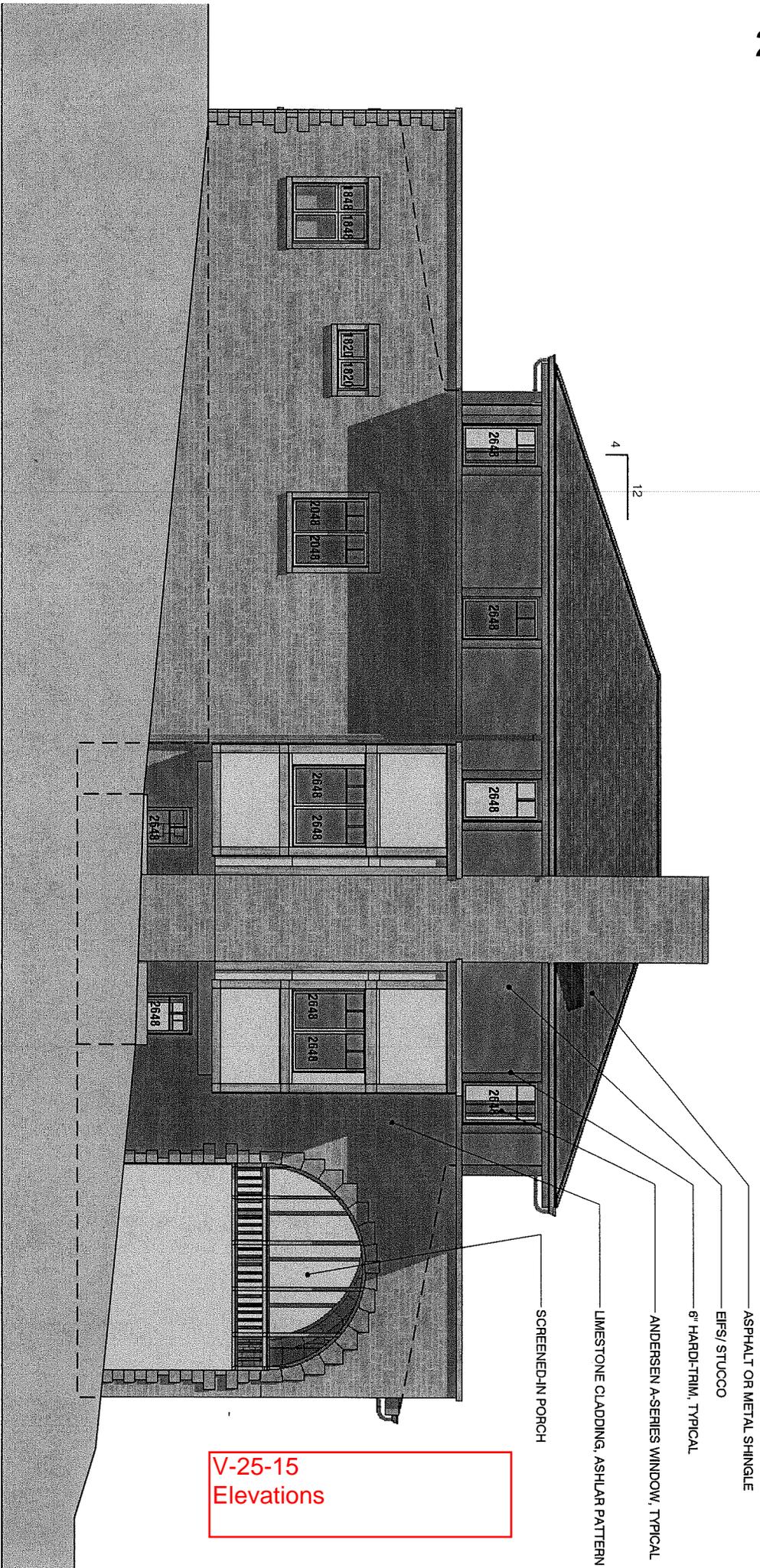
V-25-15  
Elevations

3/16" = 1'-0"

June 19, 2015 Project No. 15005

LOT 9 - SOUTH ELEVATION  
HISTORIC COMMISSION ASSISTANCE - 15005

BROWNING  
DAY MULLINS  
DIERDORF  
LEADERSHIP + DESIGN



V-25-15 Elevations

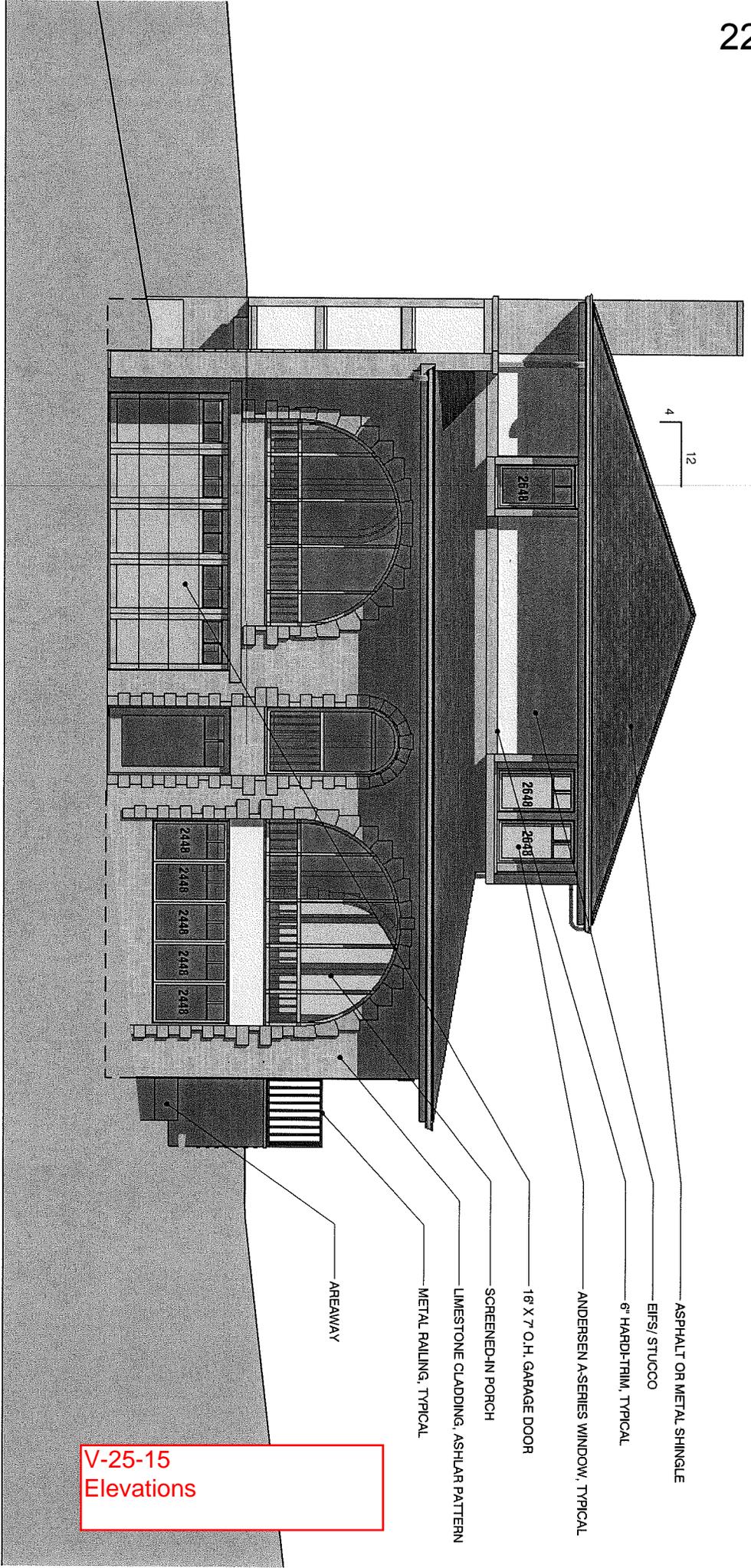
3/16" = 1'-0"

June 19, 2015 Project No. 15005

HISTORIC COMMISSION ASSISTANCE - 15005

LOT 9 - EAST ELEVATION

BROWNING DAY MULLINS DIERDORF LEADERSHIP + DESIGN



4  
12

ASPHALT OR METAL SHINGLE

EIFS/STUCCO

6" HARD-TIM, TYPICAL

ANDERSEN A-SERIES WINDOW, TYPICAL

18 X 7 O.H. GARAGE DOOR

SCREENED-IN PORCH

LIMESTONE CLADDING, ASHLAR PATTERN

METAL RAILING, TYPICAL

AREAWAY

V-25-15 Elevations

3/16" = 1'-0"

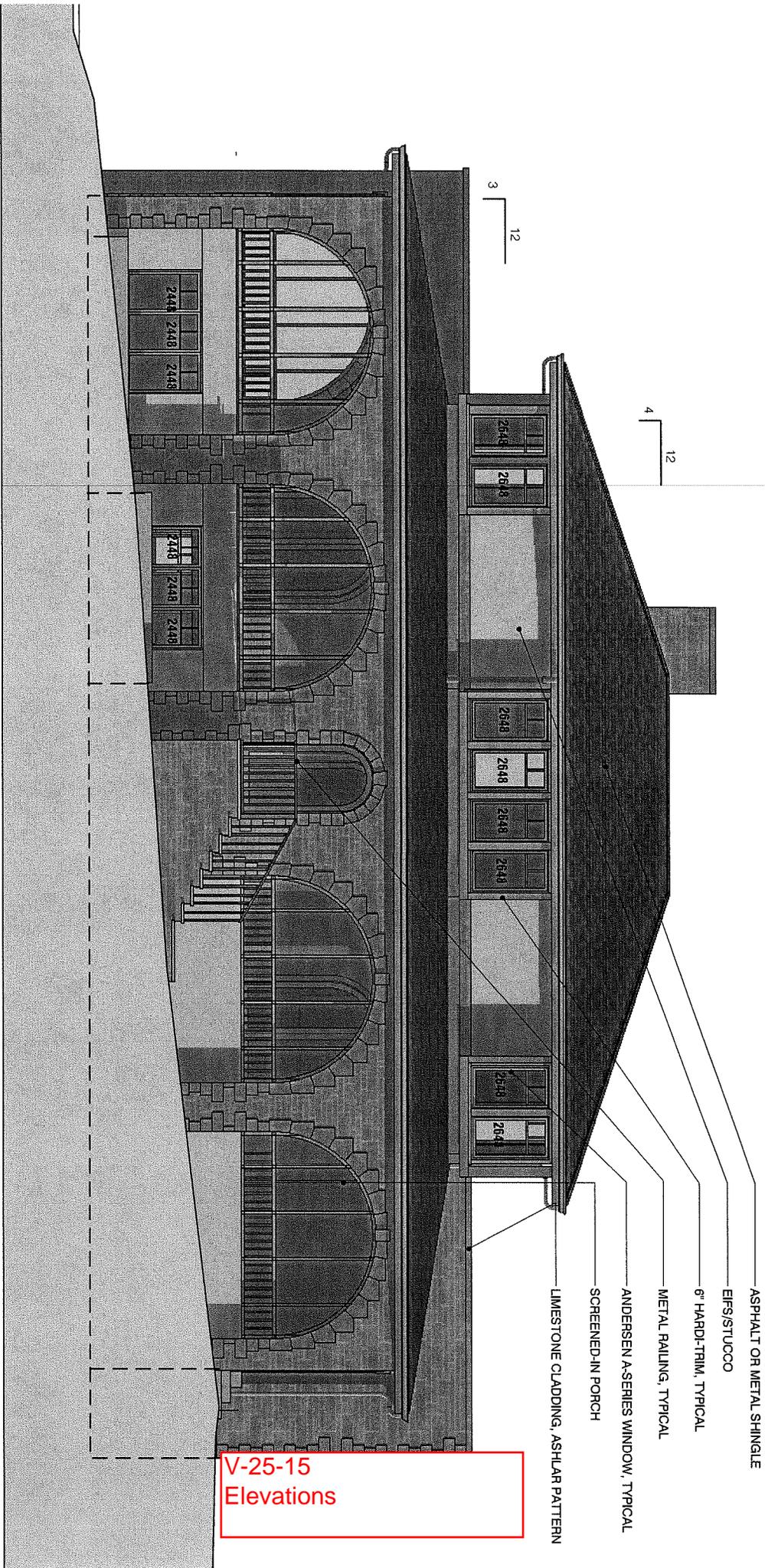
June 19, 2015

Project No. 15005

LOT 9 - NORTH ELEVATION

HISTORIC COMMISSION ASSISTANCE - 15005

BROWNING  
DAY MULLINS  
DIERDORF  
LEADERSHIP + DESIGN



V-25-15 Elevations

3/16"=1'-0"

June 19, 2015 Project No. 15005

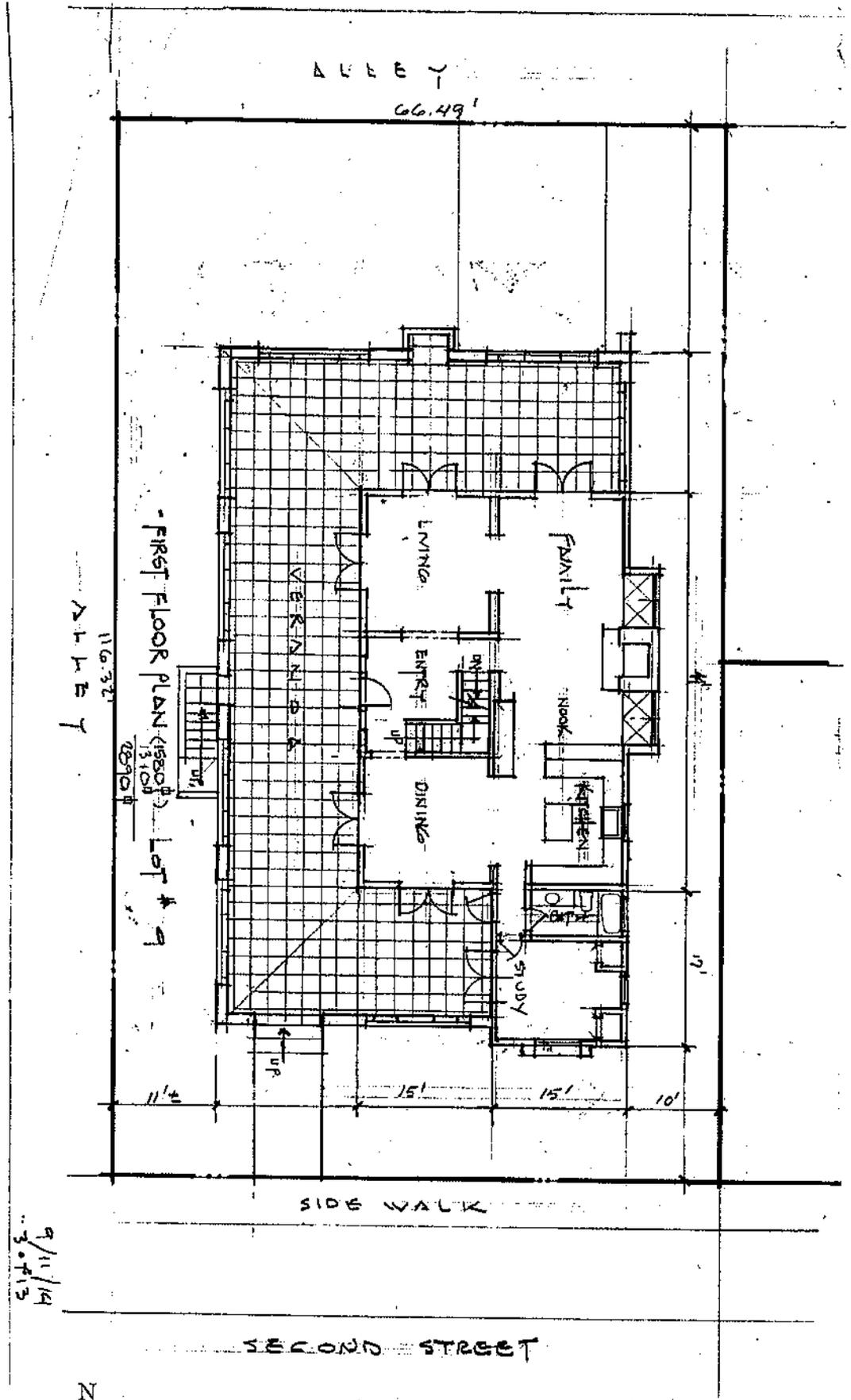
LOT 9 - WEST ELEVATION  
 HISTORIC COMMISSION ASSISTANCE - 15005

BROWNING  
 DAY MULLINS  
 DIERDORF  
 LEADERSHIP + DESIGN

June 19, 2015 Project No. 15005

HISTORIC COMMISSION ASSISTANCE - 15005

LOT 9 - FIRST FLOOR PLAN



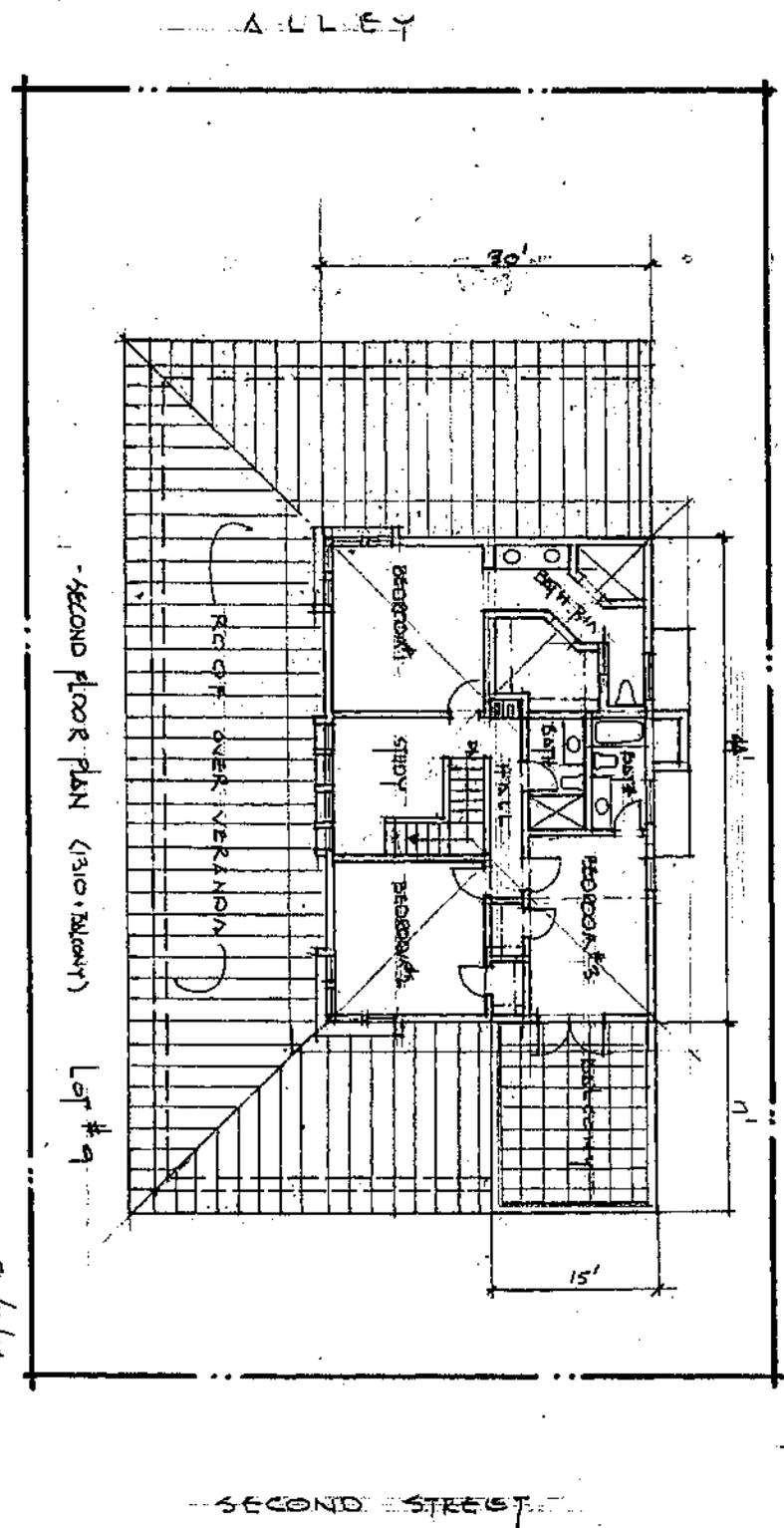
V-25-15 First Floor Plan

BROWNING DAY MULLINS DIERDORF LEADERSHIP + DESIGN

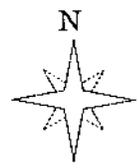
June 19, 2015  
Project No. 15005

HISTORIC COMMISSION ASSISTANCE - 15005

LOT 9 - SECOND FLOOR PLAN



9/11/14  
4 of 13



V-25-15  
Second Floor Plan

BROWNING  
DAY MULLINS  
DIERDORF  
LEADERSHIP + DESIGN