

CITY OF BLOOMINGTON



February 10, 2016 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON
HEARING OFFICER
February 10, 2016 at 2:00 p.m.

***Kelly Conference Room #155**

PETITIONS:

- V-2-16 **Ron Vanzo and Stephanie Scales**
329 S. Buckner St.
Request: Variance from rear yard setback standards to construct an addition onto an existing home.
Case Manager: Beth Rosenbarger

- V-3-16 **Donald L. Cowden Revocable Trust**
2511 W. 3rd St.
Request: Variance from maximum parking standards to allow forty-two (42) parking spaces for a proposed restaurant.
Case Manager: Jackie Scanlan

BLOOMINGTON HEARING OFFICER
LOCATION: 329 S. Buckner Street

CASE #: V-02-16
DATE: February 10, 2016

PETITIONER: Stephanie Scales and Ron Vanzo
 329 S. Buckner Street, Bloomington

CONSULTANT: Marc Cornett, MCA Architects
 101 E. Kirkwood Ave., Bloomington

REQUEST: The petitioner is requesting a rear yard building setback variance to allow an addition to an existing home.

	Required	Proposed
Rear building setback	25 feet	10 feet

REPORT: The petitioners own a single family home on the east side of S. Buckner Street midblock between W. 3rd Street and W. Smith Avenue. The site is zoned Residential Core (RC) and is located within the Prospect Hill Neighborhood. The petitioner is seeking to construct a two-story addition onto the rear of the home to create more living space including two bedrooms and two bathrooms. The addition has a footprint of 528 square feet, but with a total of 914 square feet, as it is two stories. The existing home is 726 square feet with a covered porch of 168 square feet, for a total of 894 square feet.

The existing home is approximately 30 feet from the east property line. Previously, there was a detached garage located on the property, which was approximately 10 feet from the rear property line. The garage has been demolished and received a retroactive Certificate of Appropriateness (COA-16-02) from the Bloomington Historic Preservation Commission (BHPC). The petitioners would like to construct an addition in approximately the same location as the previous garage.

The proposed changes would require a 25-foot rear yard setback. The petitioners are requesting a rear yard variance to be within 10 feet of the rear property line. The minimum lot size in the RC district is 7,200 square feet. The petitioners' lot is 5,310 square feet, which is approximately three-quarters of the required size. If the lot were 30 feet longer, it would meet minimum lot size requirements and be able to construct an addition without encroaching into the setback. Additionally, there are two platted alleys that abut this property: one in the rear and one on the south side of the lot. The rear alley serves as an additional buffer on the rear of the property for this undersized lot. There is an exception in the UDO for the RC district to allow additions to be within 10 feet of the rear property line in some situations. This case does not meet the criteria for the exception, but it does maintain a setback of 10 feet.

The proposed structure is in character with the surrounding area as evidenced with the granting of a Certificate of Appropriateness for the addition (COA-16-02) from the Historic Preservation Commission at its January 14, 2016 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. Many homes in Prospect Hill have non-conforming setbacks. The proposed changes will reflect the setback of the previous garage and will benefit from the added buffer of the platted alley.

- 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 as determined by the BHPC (COA-16-02).

- 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 addition. Peculiar condition is found in a combination of factors: the substandard size of the lot, the historic development patterns, and the presence of the platted alley. The lot is smaller than minimum lot size requirements. 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 an additional buffer.

RECOMMENDATION: Based upon the written findings above, staff recommends approval of V-02-16 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.

DRAFT-BZA Petitioners Statement

1-25-2016

BZA, Board of Zoning Appeals-Hearing Officer

Request for a COB/UDO Development Standards Variance-Rear Yard Setback

329 S. Buckner St.

Ron Vanzo and Stephanie Scales Residence Addition

Petitioners Statement:

The owners of 329 S. Buckner St. respectfully ask permission to add on to their existing small house with the use of a rear yard setback variance. . It is located in the residential core district of Prospect Hill. They have a growing family and need to construct an addition to provide more bedrooms and bathrooms. The logical place to add on is at the rear of the existing house and lot where an existing garage was located. They would like to reuse, essentially the same footprint (20' x 24') and add an enclosed breezeway between the existing house and the proposed addition. In order to complete the project they need approval of a variance from rear yard building setback standards.

Variance Requested: Rear Yard Building Setback

The standard in the residential core (RC) district is a 25' setback and the owners would like to have a 10' setback.

Effective Setback:

The existing site adjoins a rear, unimproved, alley R.O.W. of 12' which will in effect create a 22' Rear Setback separation between the owner's and the neighbors to the East.

Lot Size:

The existing lot is 90' x 59' for a total of 5,310 SF

House SF:

The existing house is 726 SF with a 168 SF front porch for a total of 894 SF

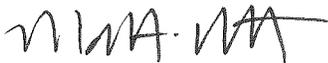
The proposed addition is 528 SF on the main floor and 328 SF in the attic for a total of 914 SF

Neighborhood Patterns:

Many other existing lots and structures in the neighborhood have undergone similar additions and remodels. The most consistent characteristic in the neighborhood is that the lots are a variety of sizes and that most of them are substandard in size.

To date, the owners have been to the PHNA neighborhood association meeting and the COB Historic Preservation Commission and have gotten support and the approvals necessary to bring the request forward to the COB BZA-Hearing Officer for consideration of this request.

Respectfully Submitted,



Marc Cornett

M C A architects + urbanists

V-02-16
Petitioner's
Statement

DRAFT-BZA-Hearing Officer Findings of Fact

1-25-2016

BZA, Board of Zoning Appeals-Hearing Officer

Request for a Development Standards Variance-Rear Yard Setback
329 S. Buckner St.
Ron Vanzo and Stephanie Scales Residence Addition

UDO 20.09.130

Petitions, BZA-Hearing Officer, Development Standards Variance,
Findings of Fact:

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community.

The approval will in fact add to the neighborhood's general welfare as it allows a family to remain in their home which will continue to stabilize the property, street and neighborhood.

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.

The use will remain the same as a single-family, owner-occupied residence. The value will be substantially increased which will also improve the values of the surrounding properties.

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.

The strict application of the UDO would discourage reuse and deny the modernization of the owner's property. The lot size is nonconforming (undersized at 5,310 SF, the RC Zoning lot size minimum is 7,200 SF). This hardship creates the outdated nature of the historic structures. In order to allow for the future growth of their family, the owner's need to add on so they can stay put.

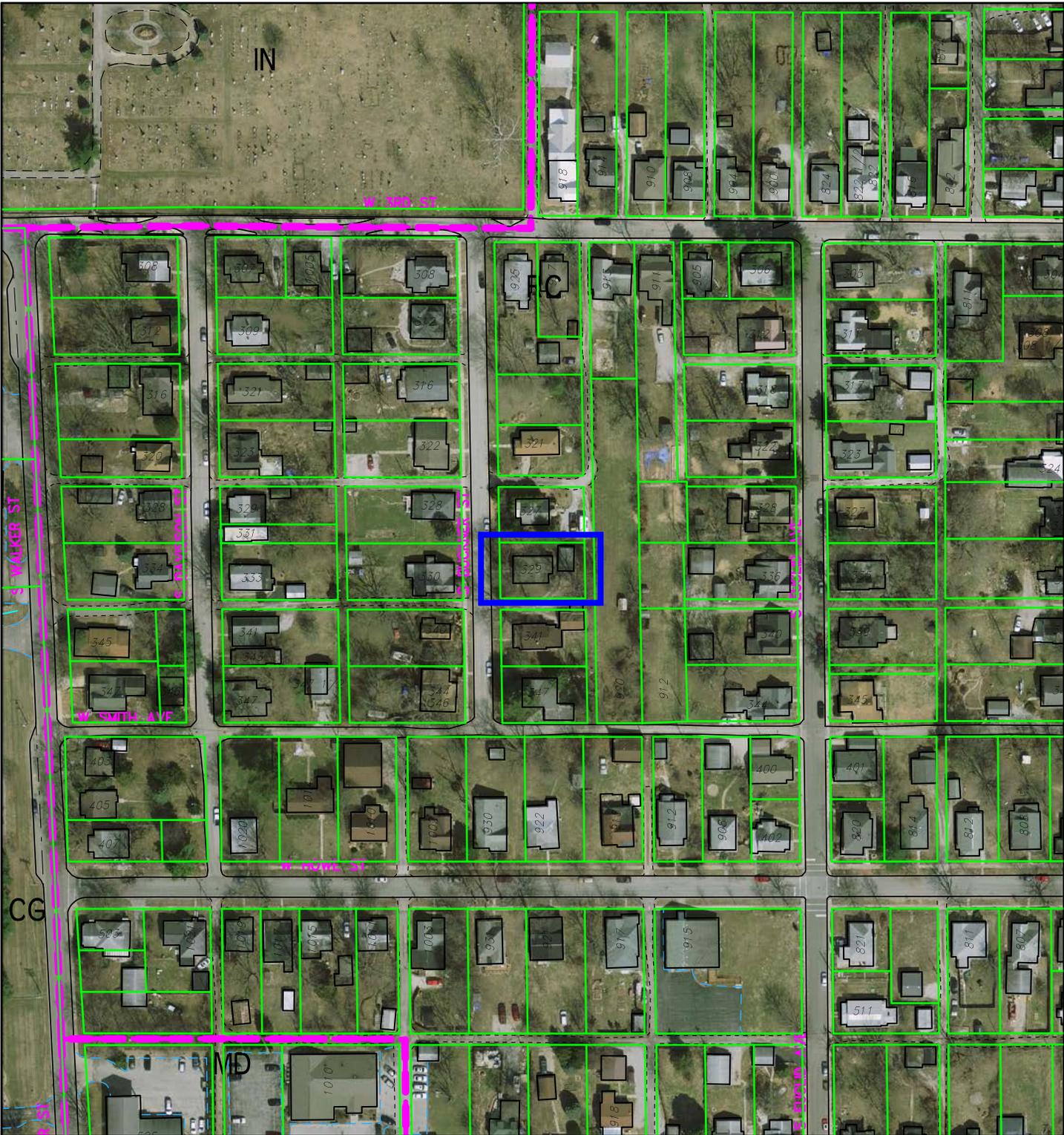
Respectfully Submitted,



Marc Cornett

M C A architects + urbanists

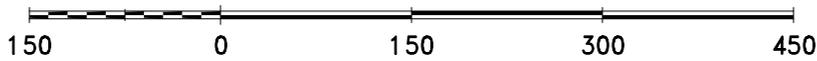
V-02-16
Petitioner's
Statement



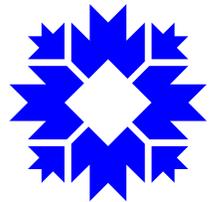
329 S. Buckner St.

By: rosenbab

23 Dec 15

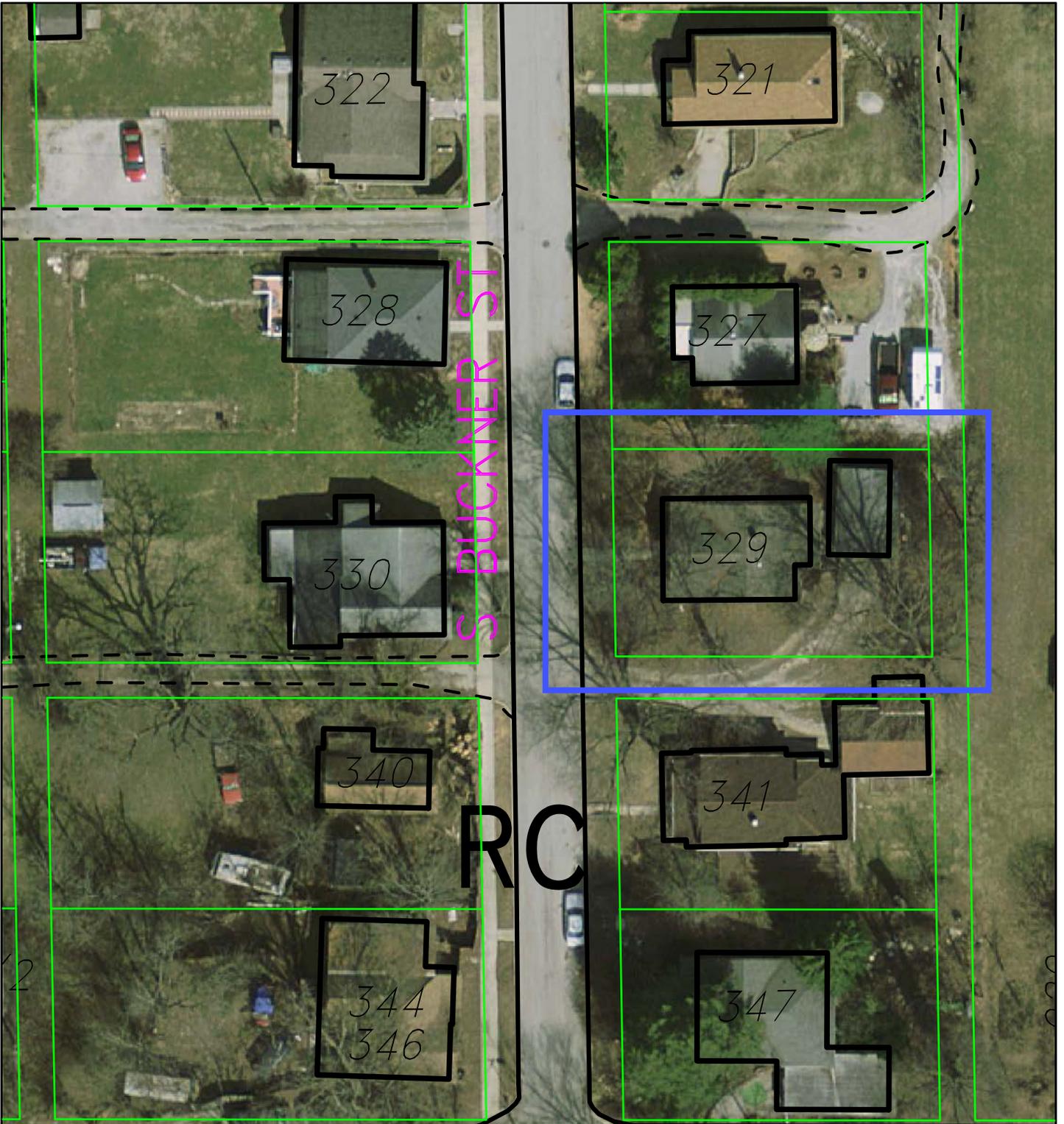


City of Bloomington
Planning & Transportation



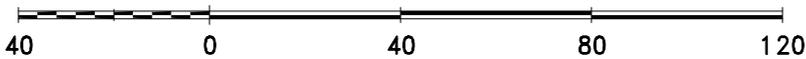
Scale: 1" = 150'

For reference only; map information NOT warranted.

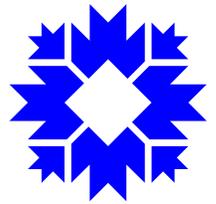


329 S. Buckner St.

By: rosenbab
23 Dec 15

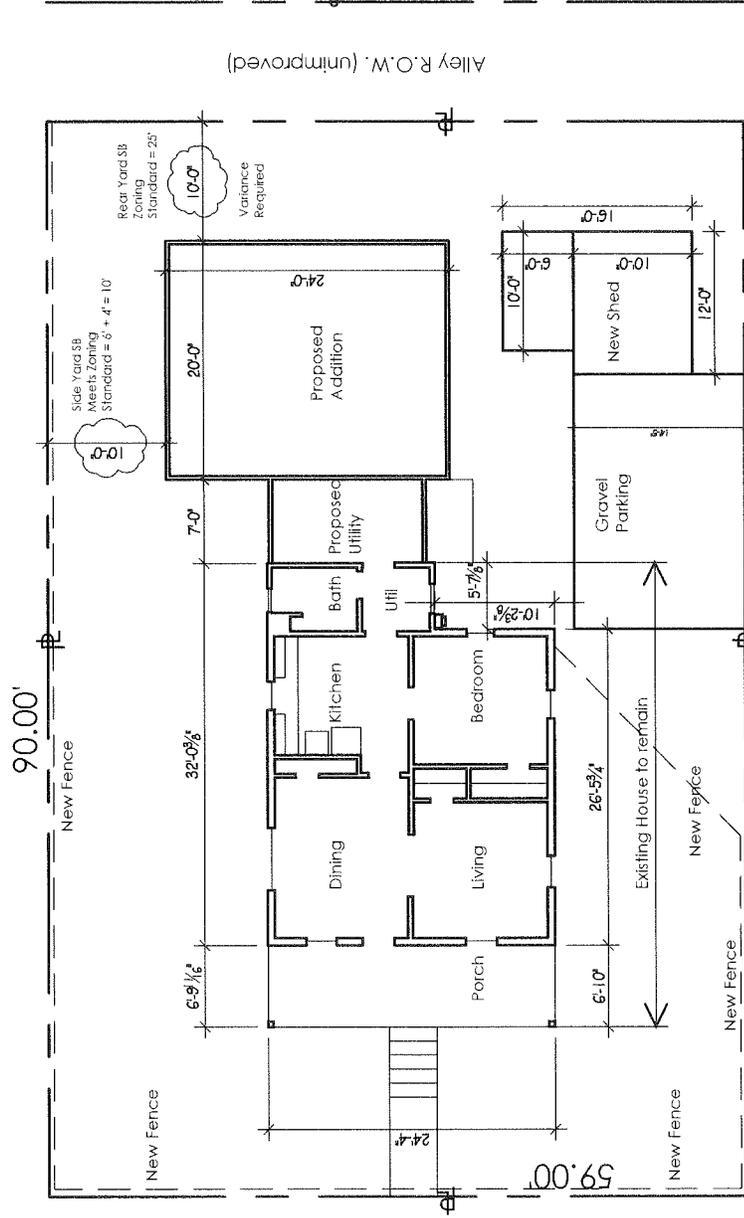


City of Bloomington
Planning & Transportation



Scale: 1" = 40'

For reference only; map information NOT warranted.



A Main Floor Plan/Site Plan - Proposed

Scale: 1" = 16'-0"



Alley R.O.W. (shared gravel driveway)

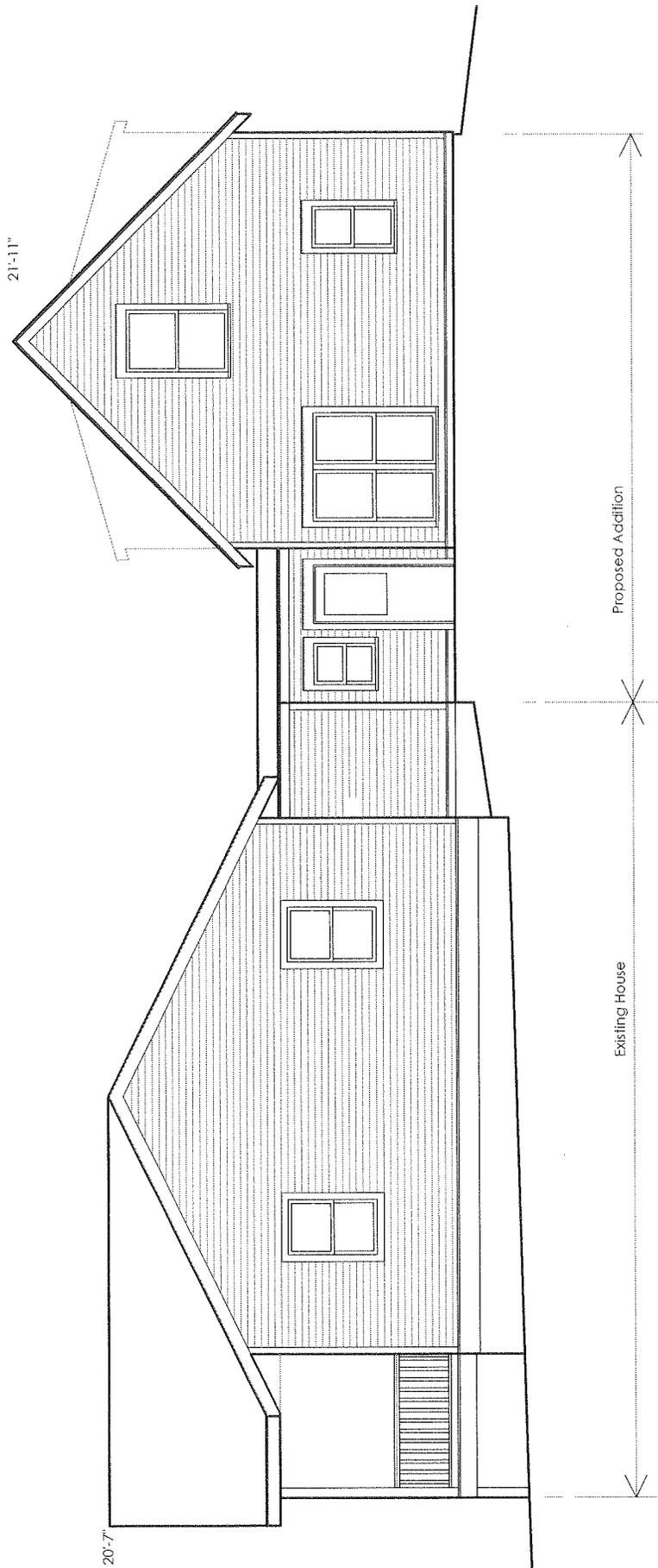
Ron and Stephanie Residence
329 S. Buckner St.

RC, residential Core Zoning
 Site Size: 90' x 59' = 5,310 SF
 Min. Lot Size = 7,200 SF
 Min. Lot Width = 55'
 Side Yard Setback = 6' + 4' = 10' for Two Story Structures
 Rear Yard Setback = 25' (In no case shall it be less than 10')
 Impervious Surface = 45% max. allowable. Actual Buildings, Sidewalks, Driveways, etc = 2,050 SF = 39% Impervious Surface Actual Coverage

V-02-16
Site Plan

S. Buckner St.

V-02-16
South
Elevation



A South Elevation
SCALE: 1/8" = 1'-0"

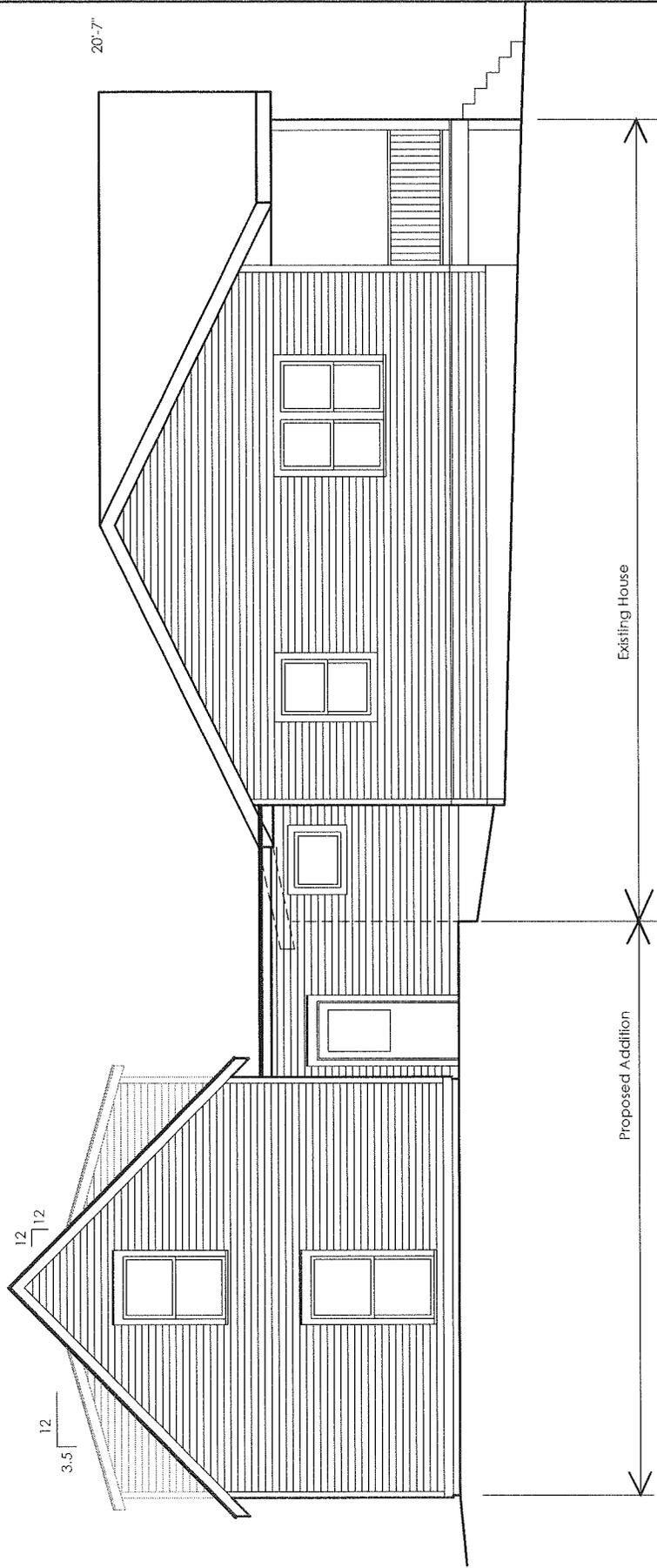
Ron and Stephanie Residence
329 S. Buckner St.

V-02-16
North
Elevation

21'-11"

3.5' | 12' | 12'

20'-7"



Existing House

Proposed Addition

A North Elevation
SCALE: 1/8" = 1'-0"

Ron and Stephanie Residence
329 S. Buckner St.

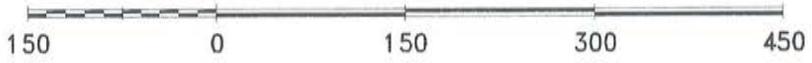
V-02-16
Petitioner's
Neighborhood
Lot Study



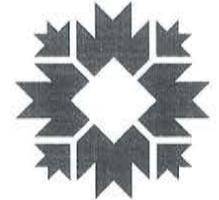
Lot Configurations of Surrounding Properties

- D2 = 2 dwellings on half lots
- Dup = Duplex types.
- Subd = Subdivided lot.

By: rosenbab
23 Dec 15



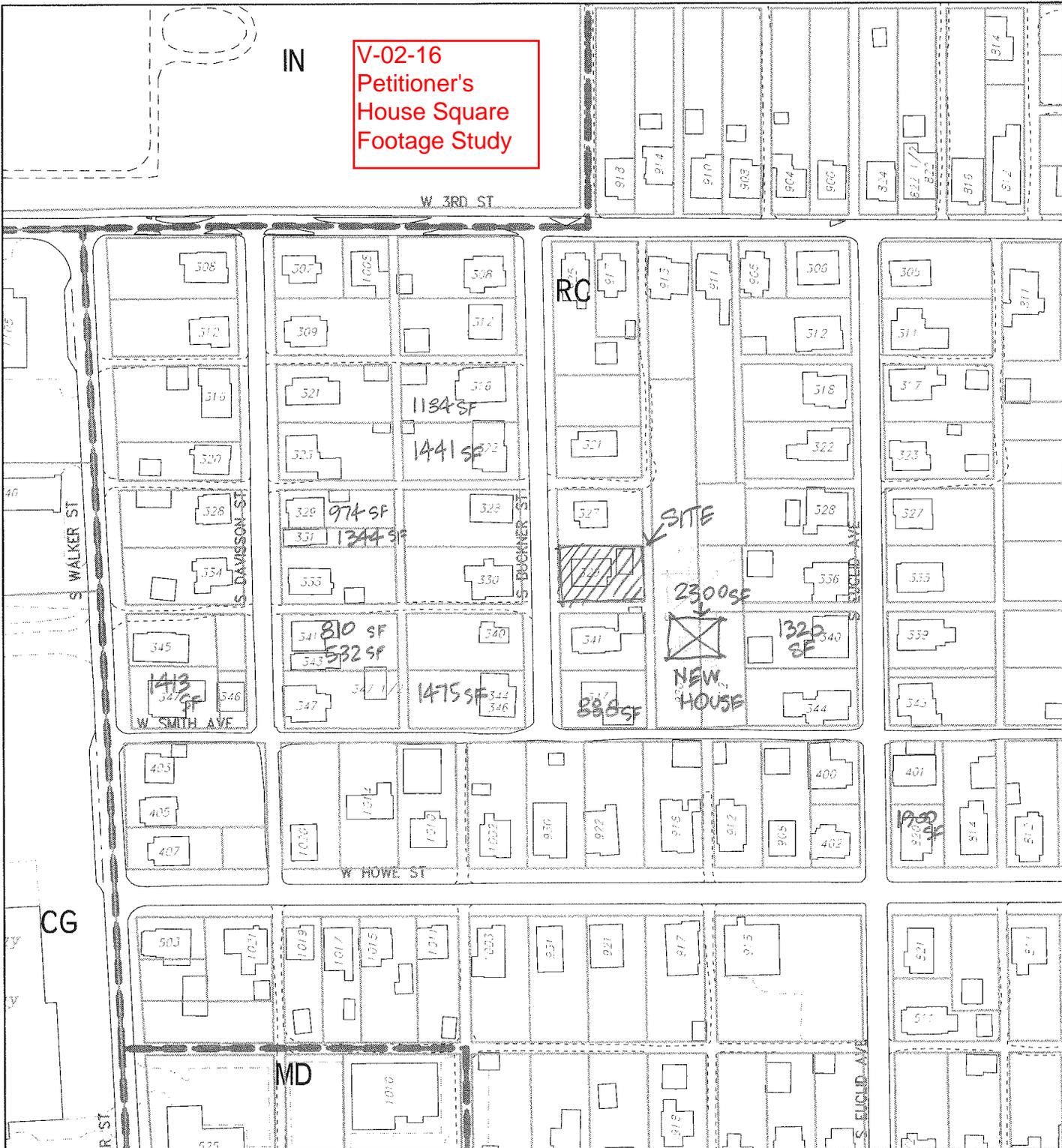
City of Bloomington
Planning & Transportation



Scale: 1" = 150'

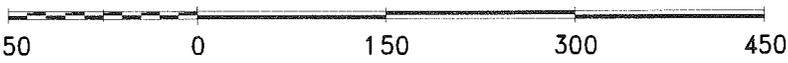
For reference only; map information NOT warranted.

V-02-16
Petitioner's
House Square
Footage Study

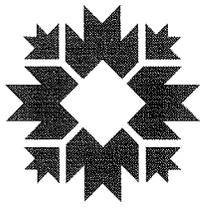


House S. Footages of Surrounding Properties.

By: rosenbab
23 Dec 15



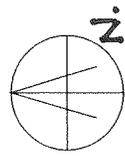
City of Bloomington
Planning & Transportation



Scale: 1" = 150'

For reference only; map information NOT warranted.

V-02-16
Petitioner's
Neighborhood
Lot Study



Prospect Hill

15 streets

w. Kirkwood

w. 2nd st.

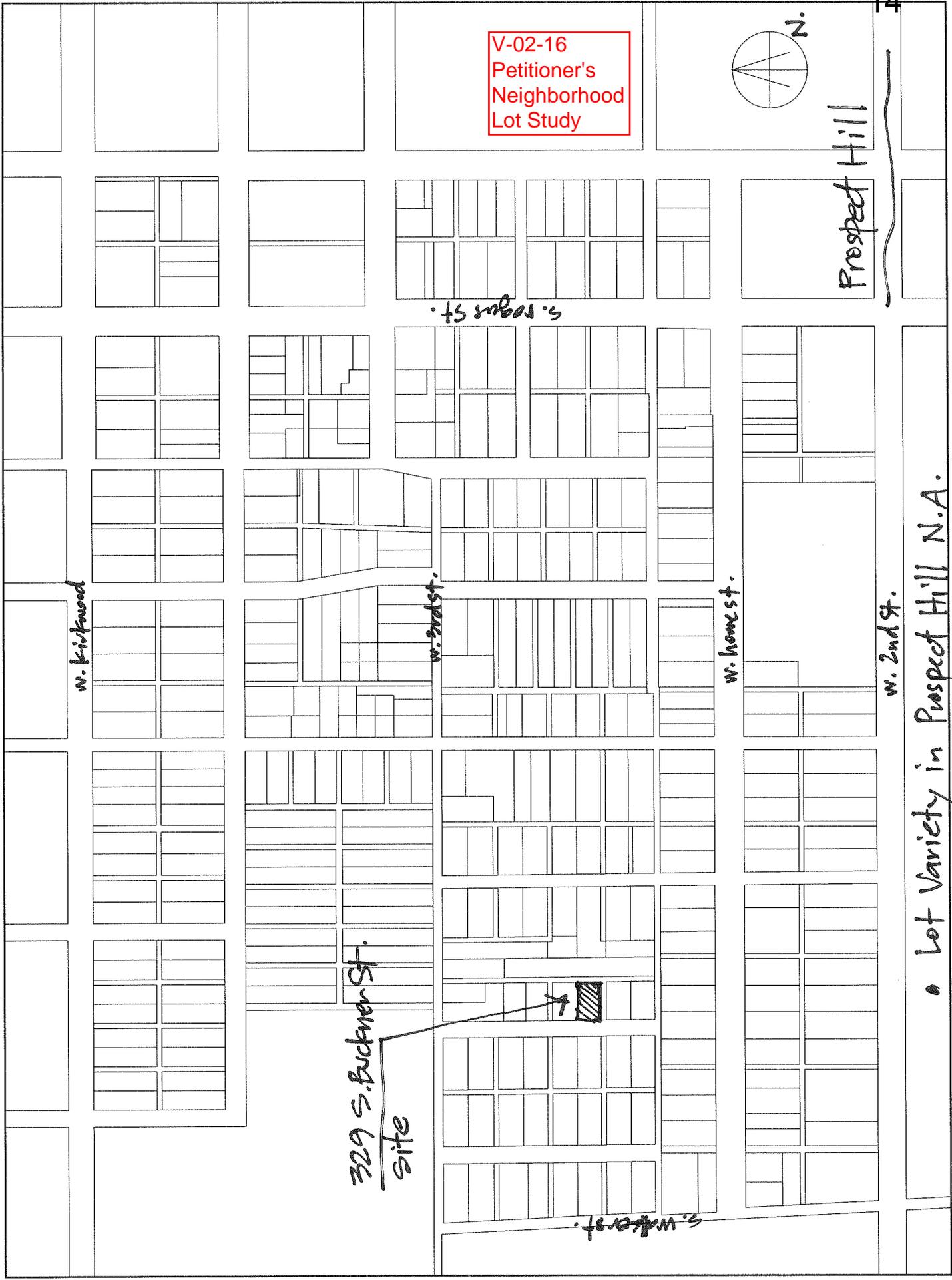
w. home st.

w. 2nd St.

329 S. Buckner St.
site

S. Wacker st.

• Lot Variety in Prospect Hill N.A.





329 S. Buckner St.

View from Buckner St. (looking South East)

V-02-16
Petitioner's
Existing Home on
Petitioner's Lot



329 S. Buckner St.

Existing Garage

V-02-16
Petitioner's
Previous Detached
Garage on
Petitioner's Lot

V-02-16
Petitioner's
Previous Detached
Garage on
Petitioner's Lot

329 S. Buckner St.
Existing Garage





Adjacent Properties

341 S. Buckner St. (next door to South)

Two Story House

M. Floor = 900 SF
 U Floor = 528 SF

1428 SF

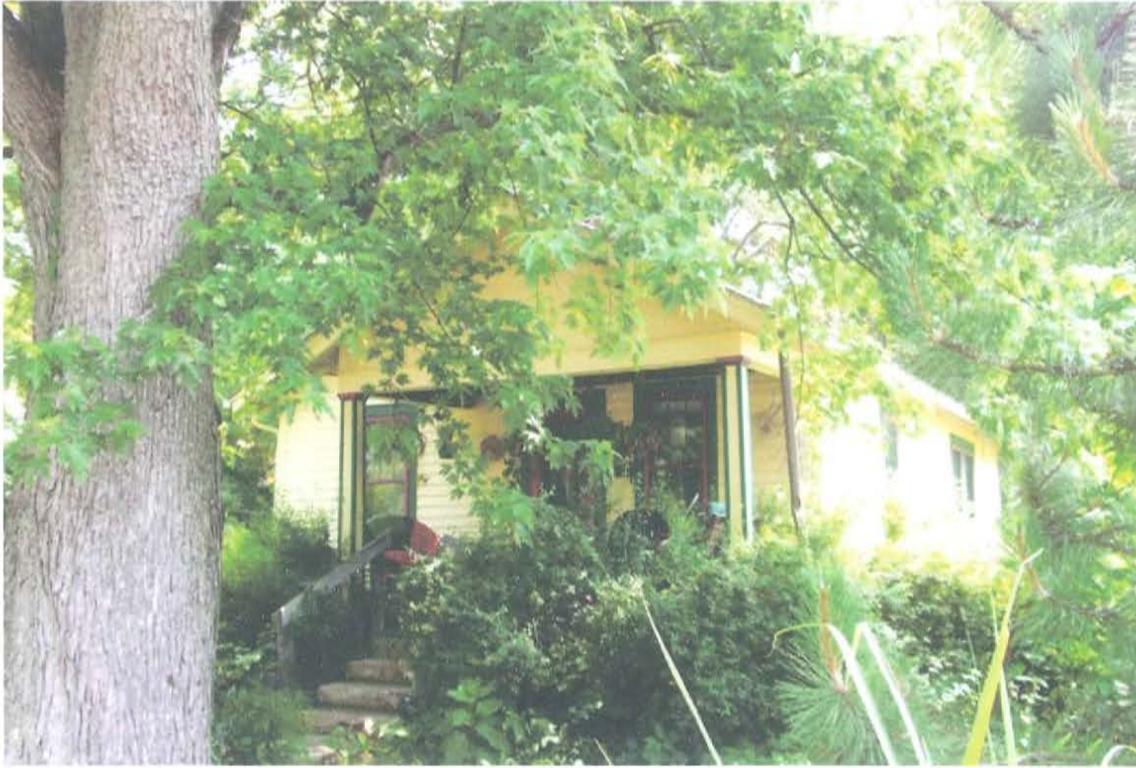
V-02-16
 Petitioner's
 Neighborhood
 Homes Photos



Adjacent Properties.

327 S. Buckner St.

V-02-16
Petitioner's
Neighborhood
Homes Photos



Adjacent Properties

321 S. Buckner St.

V-02-16
Petitioner's
Neighborhood
Homes Photos



Adjacent Properties

322 S. Buckner St.

V-02-16
Petitioner's
Neighborhood
Homes Photos

**BLOOMINGTON HEARING OFFICER
STAFF REPORT
LOCATION: 2511 W. 3rd Street**

**CASE #: V-3-16
DATE: February 10, 2016**

PETITIONER: Donald L. Cowden Revocable Trust (Tom Orman)
3111 Venture Boulevard, Bloomington

CONSULTANT: Jeff Fanyo, Bynum Fanyo and Associates
528 N. Walnut Street, Bloomington

REQUEST: The petitioner is requesting a development standards variance to the maximum parking standards to allow for 42 parking spaces for a restaurant.

REPORT: This 1.22 acre property is on the south side of W. 3rd Street, just west of Kimble Drive. The property is zoned Commercial Arterial (CA). Surrounding land uses include commercial and single family homes to the west, and commercial to the south, east and north.

The petitioner proposes to build a 4,628 square foot restaurant with associated parking on 1.22 acres. With new building construction, full site compliance is required. The petitioner will file to move the property line between the petition site and the property to the south to create the 1.22 acre parcel. For a restaurant under 5,000 square feet of ground floor area, the maximum parking standard is one parking space per 200 square feet of ground floor area. The maximum number of parking spaces allowed by the UDO is 23 parking spaces. The petitioner is proposing 42 parking spaces. As a result, the petitioner has requested a variance to the maximum parking standard to allow for the 42 spaces.

A restaurant of 5,000 square feet or greater is allowed one parking space per 100 square feet of ground floor area. The proposed restaurant is 372 square feet below the 5,000 square feet threshold. If the building was 5,000 square feet, the UDO would allow 50 parking spaces. If the 100 square feet standard is applied to the proposed size of 4,628 square feet, 46 parking spaces would be allowed.

The petitioner provided information about the use of parking lots at four Central Indiana locations of the same restaurant chain. The study was over three days from 10:00 am to 8:00 pm. Of the 132 hours observed, only 28 hours recorded 23 or less parked cars. All four locations recorded levels in the 40s, with two stores recording parking peaks in the 60s. The petitioner contends that these totals are typical of Culver's locations and are to be expected at this site. The petitioner believes that the requested 42 spaces will be necessary and adequate for this location.

There is no on-street parking available at this location. All other elements of the site plan are in compliance. The building will provide a pedestrian entrance with access to 3rd Street. Sidewalks are already in place on W. 3rd Street.

Based on the parking study provided by the petitioner and the lack of parking alternatives, including street parking, staff finds this to be an appropriate and not excessive amount of parking for this use.

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 with this request to provide 42 parking spaces.

- 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 with this request. This property is currently part of a larger holding that is almost entirely asphalt pavement. The 42 parking spaces will not increase this condition. More spaces limit spill over on the other lots because of lack of street places.

- 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 relationship of the size of the proposed restaurant to the more permissive parking standard of one parking space per 100 square feet of ground floor area. With the fact that the building size is so close to the finite threshold that would allow double the parking spaces and the lack of on-street parking at this location in combination with the parking study submitted indicating a pattern of high volume use at comparable stores, staff finds that the parking maximum presents practical difficulties for this site. Practical difficulties were established by the demonstrated fact that the parking need in excess of the permitted 23 spaces appears to be common and no other parking options are available at this site. Without the parking maximum variance, the parking space needs of this use could not be met in this or any other district. The Plan Commission and City Council, during the adoption of the UDO, acknowledged that unique situations might occur that are reasonable, but do not meet the letter of the parking maximum standard. Staff finds the proposal to be a reasonable request that can fit on the property and still meet all other development standards.

RECOMMENDATION: Based on the written findings above, staff recommends approval of V-3-16 with the following conditions:

1. A Certificate of Zoning Compliance is required prior to any construction or land disturbance.
2. Petitioner must file and have approved a lot line adjustment to create the 1.22 acre parcel before a Certificate of Zoning Compliance will be issued.
3. This approval is based on the use of the building as a restaurant. Any future change of use, as defined by the UDO, may require compliance with the parking maximum standards.



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

January 25, 2016
City of Bloomington
Transportation and Planning Department
401. N. Morton Street
Bloomington, Indiana 47403

Re: 2511 W. Third Street, Proposed Culvers Restaurant.

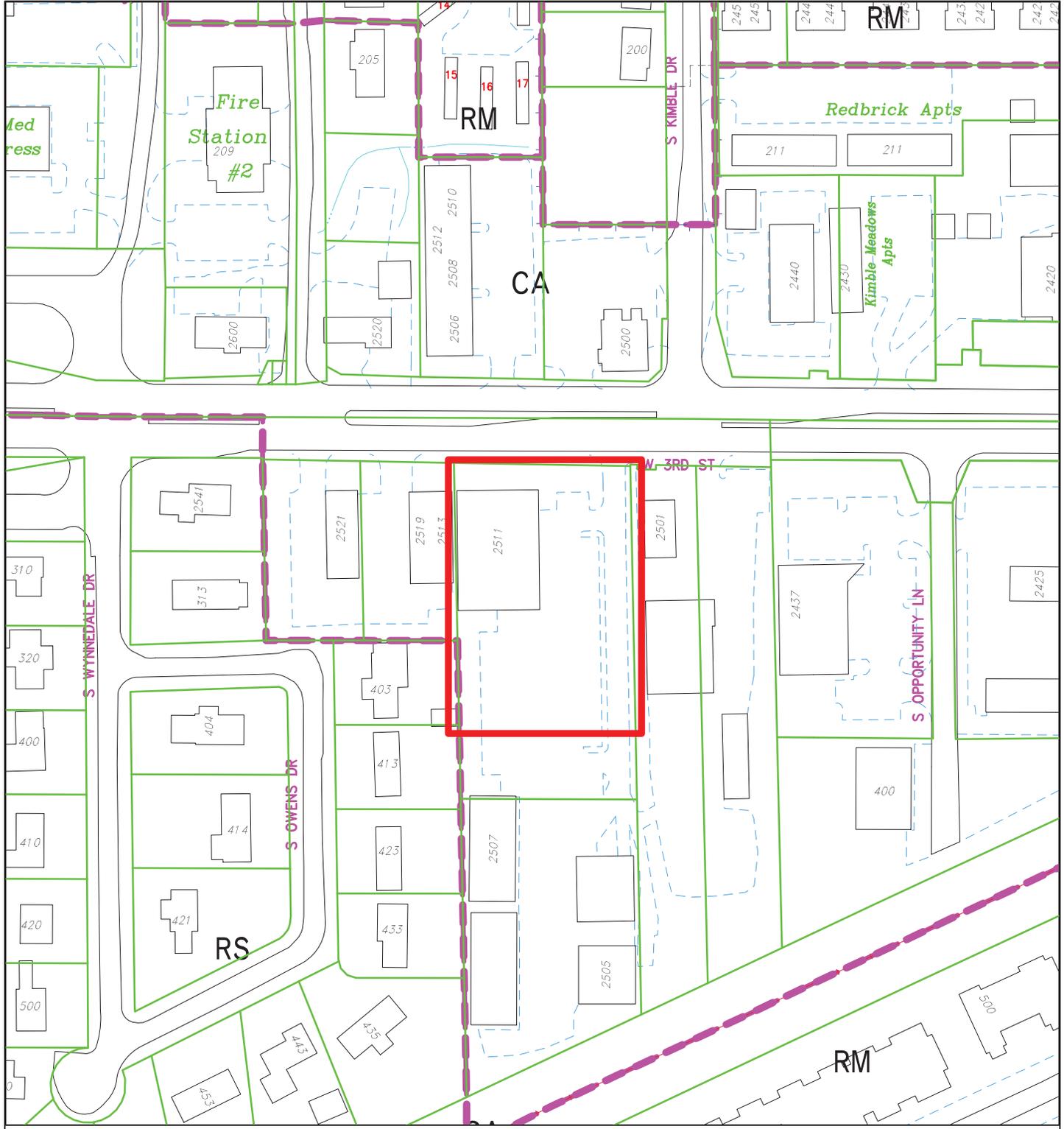
On behalf of Donald L. Cowden Revocable Trust, 2511 W.3rd Street, Bloomington, IN 47404-5226 we respectfully request a variance from the Maximum Parking Standards to allow a total of 42 parking spaces for the referenced restaurant.

The current standard allows one space per 200 gross square feet of restaurant up to 5000 gross square feet and 1 space per 100 gross square feet over 5000 gross square feet. Our proposed building has a total of 4628 gross square feet allowing for 23 parking spaces. Our needs for parking exceed this number as can be demonstrated on the attached sheet showing actual parking spaces utilized over a three-day period at 4 Culvers Restaurants in the Indianapolis area. We are requesting 42 parking spaces be allowed for this site to accommodate the demonstrated needs of this proposed restaurant. Please feel free to contact us at any time with questions or clarifications needed to fully understand our request.

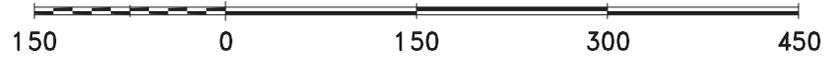
We thank you in advance for considering our request.

Sincerely,

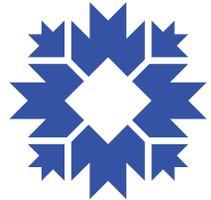
Jeffrey S. Fanyo P.E, CFM
Bynum Fanyo & Associates, Inc.
528 N Walnut Street
Bloomington, IN 47404



By: scanlanj
5 Feb 16



City of Bloomington
Planning & Transportation

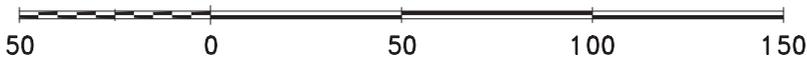


Scale: 1" = 150'

For reference only; map information NOT warranted.



By: scanlanj
5 Feb 16



For reference only; map information NOT warranted.



City of Bloomington
Planning & Transportation



Scale: 1" = 50'

Culvers parki king lot counts

	Fishers IN		Friday		W. 71st. Indy Friday		Greenfield IN Friday		W. 96th St. Carmel IN		
	Wed.	10/22/2015	10/23/2015	Wed.	10/21/2015	10/22/2015	10/23/2015	Wed.	10/21/2015	10/22/2015	10/23/2015
10:00AM	23	15	27	18	21	23	17	14	17	20	21
11:00 AM	38	20	34	26	29	32	20	22	34	23	32
12:00PM	45	29	42	34	38	40	39	36	41	31	45
1:00PM	37	37	38	25	37	41	26	27	36	23	44
2:00PM	26	30	27	18	25	25	20	25	25	20	28
3:00 PM	24	20	25	20	22	27	22	20	20	22	27
4:00 PM	38	38	41	26	34	35	25	22	33	31	26
5:00 PM	61	60	62	48	44	55	35	30	54	50	62
6:00 PM	55	52	59	37	42	48	33	38	62	69	65
7:00PM	43	49	53	32	40	37	28	26	45	42	36
8:00PM	31	30	44	26	31	30	25	30	34	38	40

Fishers has 62 total parking spots

W. 71st. Has 64 total parking spots

Greenfield has 70 spots

W 96th has 51 spots and leased an additional 24 from Menards next door

Data collected by Jeff Meyer who is the owner of all four of these Culvers. Jeff can be reached at 317-442-6999.

