CITY OF BLOOMINGTON

BOARD OF ZONING APPEALS

October 20, 2016 @ 5:30 p.m.

COUNCIL CHAMBERS #115
CITY HALL

CITY OF BLOOMINGTON
BOARD OF ZONING APPEALS
October 20, 2016 at 5:30 p.m. ***Council Chambers - Room #115**

ROLL CALL

MINUTES TO BE APPROVED: 9/22/16

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

PETITIONS:

· UV-28-16 **Bloomington Car Wash**
542 S. Walnut St.
Request: Use variance to allow an expansion of an existing, legal non-conforming car wash in a Commercial Downtown (CD) zoning district.
Case Manager: Jackie Scanlan

· UV-29-16 **J. Kip May (Kip May Photography)**
1301 W. 6th St.
Request: Use variance to allow a photography studio in an existing building in a Residential Core (RC) zoning district.
Case Manager: Jackie Scanlan

Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call 812-349-3429 or e-mail human.rights@bloomington.in.gov.

BLOOMINGTON BOARD OF ZONING APPEALS **CASE #: UV-28-16**
STAFF REPORT **DATE: October 20, 2016**
Location: 542 S. Walnut Street

PETITIONER: Jordan Root (Bloomington Car Wash)
1201 W. Estate Drive, Bloomington

REQUEST: The petitioner is requesting a use variance to allow expansion of a legal nonconforming car wash in the Commercial Downtown zoning district.

Area:	**0.66 Acres**	
Zoning:	**Commercial Downtown (CD)**	
Overlay:	**Downtown Gateway (DGO)**	
GPP Designation:	**Community Activity Center**	
Existing Land Use:	**Car Wash**	
Proposed Land Use:	**Carwash**	
Surrounding Uses:	**North** –	Pawn Shop
	East –	Restaurant
	South –	Restaurant
	West –	Grocery Store

REPORT: The petition site is located just north of East 1st Street on the west side of South Walnut Street. The property is zoned Commercial Downtown (CD) and is in the Downtown Gateway Overlay (DGO). The site currently contains a legal nonconforming 5,260 square foot car wash building, an accessory canopy structure over a vacuum area, and associated parking areas.

The petitioner proposes to update the property by removing the existing vacuum area and canopy structure and installing automated registration machines with new canopies in that location. A new vacuum arch will be installed to the northeast of the building. The proposal also includes reconfiguration of existing parking and landscaping on the property. The Unified Development Ordinance does not allow a 'car wash' use in the CD district. The use at this location is legal nonconforming, and thus requires a use variance to expand. The construction of new canopies qualifies as expansion. The main building will not be expanded with this petition.

The building has been located on the site since 1973. Much about vehicles and car washes has changed since that time and the updates requested by the petitioner will help to improve safety at the site and modernize the operation. As vehicle technology has changed, many cars can no longer be turned off and left in neutral to run through the car wash. This presents staffing and safety issues as employees must move in and out of running vehicles while they move through the car wash. The new registration system allows the car owner to remain in the vehicle through the wash cycle, thereby creating a safer experience for customers and employees. The new location of the vacuum area will allow non-full service customers to access the vacuum area without queueing with the full service customers, increasing efficiency. The new configuration will require that 891 square feet of

landscaping be removed. 945 square feet of new landscaping area will be added in the southwest portion of the lot, enhancing the buffering between uses.

No additional square footage is being added to the main building on the lot. The new facility design is intended to improve and expedite the car wash process, in order to improve safety for all involved. The petitioner is requesting a use variance for expansion of a legal nonconforming use, which is the addition of the new canopies. Reconfiguration of parking and additional landscaping are also included in the proposal.

PLAN COMMISSION RECOMMENDATION: The Plan Commission reviewed this use variance request at its October 10, 2016 meeting. The Plan Commission voted unanimously to forward the use variance request to the BZA with a positive recommendation.

20.09.140 CRITERIA AND FINDINGS FOR USE VARIANCE:

Pursuant to IC 36-7-4-918.4., the Board of Zoning Appeals or the Hearing Officer may grant a variance from use 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 to public health, safety, morals, and general welfare with the modernization of the car wash use. Approval would allow for modernization and safety upgrades that would not require expansion of the main building.

(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; and

Staff Finding: Staff finds no substantial adverse impacts to the adjacent area from this request. The use will continue on the site, but in a more efficient and safe manner. Landscaping will be added to improve the site and the separation from the neighboring property to the south.

(3) The need for the variance arises from some condition peculiar to the property involved; and

Staff Finding: Staff finds peculiar condition in the fact that this property is designed for a very particular type of development, a car wash, which has been operational on this site for over 40 years. The use is legal nonconforming and can continue in its current condition legally. However, car technology necessitates safety improvements than only this type of development requires.

(4) The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and

Staff Finding: Staff finds that strict application of the UDO constitutes an unnecessary hardship because the UDO would not allow the requested improvements, which are improvements necessitated by the passage of time that will improve overall safety and pedestrian flow at the site for both employees and patrons.

(5) The approval does not interfere substantially with the Growth Policies Plan.

Staff Finding: The Growth Policies Plan (GPP) designates this property as Community Activity Center (CAC). The CAC "is designed to provide community-serving commercial opportunities in the context of a high density, mixed use development. The CAC must be designed to serve not only the pedestrian traffic from nearby neighborhoods, but also a community-wide group of users that may drive a personal vehicle to the CAC." Land use policies for this area state that:

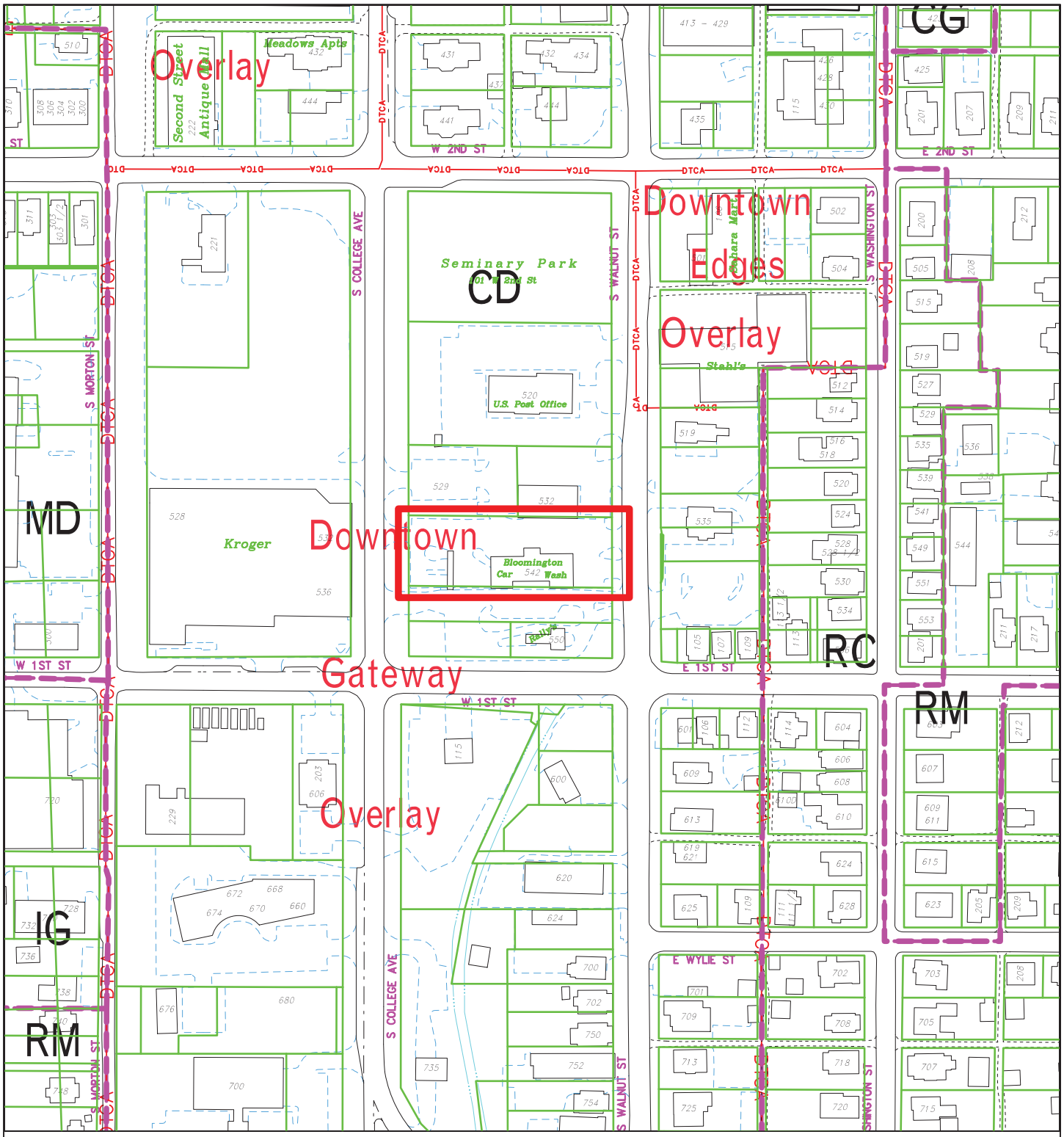
> *The primary land use in the CAC should be medium scaled commercial retail and service uses*
>
> *Residential units may also be developed as a component of the CAC, and would be most appropriate when uses are arranged as a central node rather than along a corridor*

The car wash has been operating at the petition site for over 40 years and contains a community-serving use that is valuable to a wide group of users that drive personal vehicles. The site is also located along a major corridor in the CAC area. While the GPP promotes development of residential units in the CAC, it makes a distinction between locating residential uses in nodes, as opposed to along a corridor. At this time, the surrounding uses of the petition site are more conducive to continued medium scaled commercial, retail, and service uses than they are to the creation of a node that incorporates residential units. The Plan Commission found that this request does not substantially interfere with the general and specific policies of the GPP for this area, and the continuation of this type of use at this location is in fact supported by the GPP.

CONCLUSION: Staff finds that expansion of this legal nonconforming use is appropriate given the specialization of the building and the nature of the surroundings. The proposal will increase safety at the site and increase the amount of greenspace as well.

RECOMMENDATION: Staff recommends approval of this Use Variance with the following condition.

1. The use variance only applies to the proposal as submitted. Any future expansion of use will require additional use variance review.



City of Bloomington
Planning & Transportation

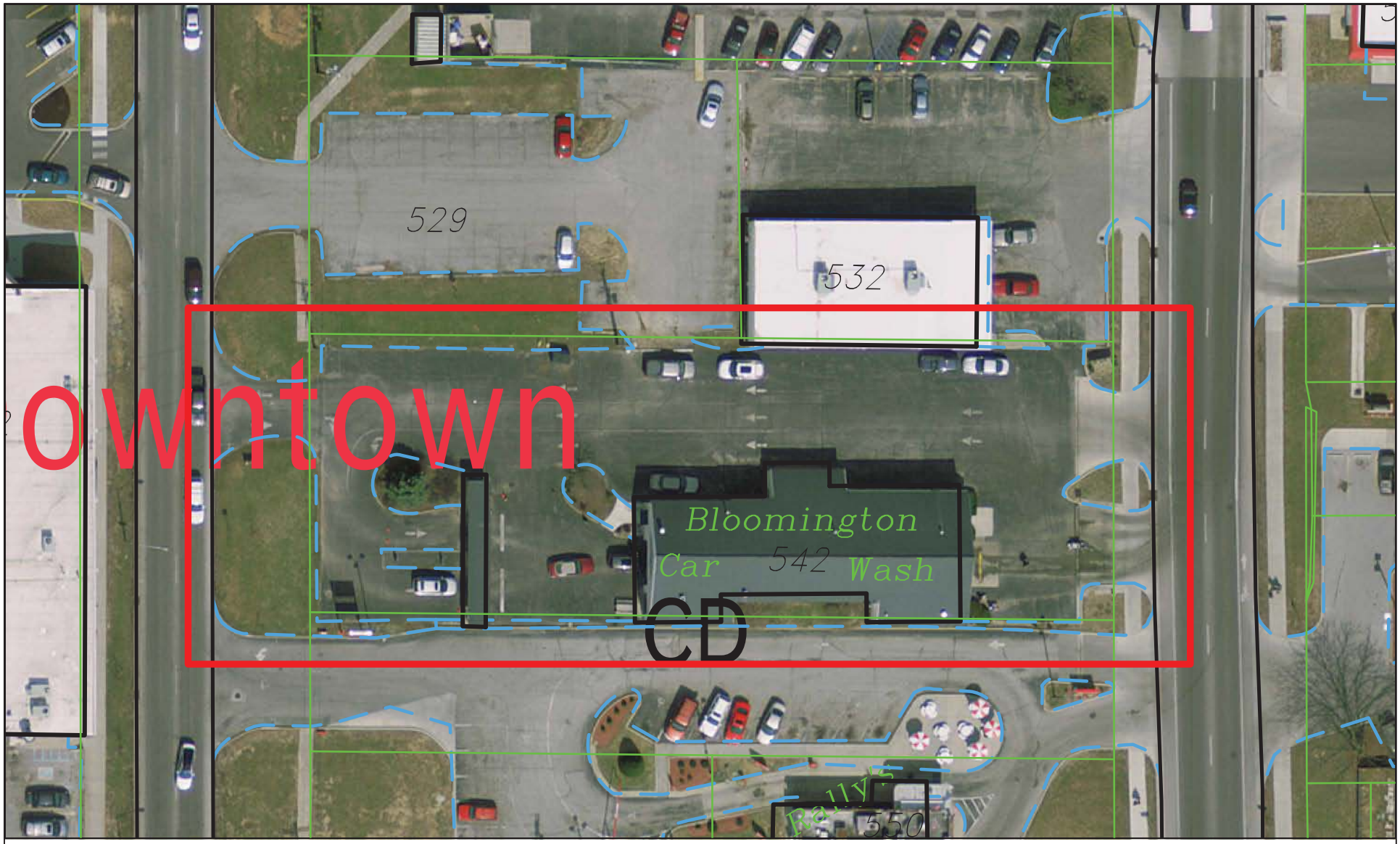
By: scanlanj
5 Oct 16

200 0 200 400 600

N

Scale: 1" = 200'

For reference only; map information NOT warranted.



By: scanlanj
5 Oct 16

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For reference only; map information NOT warranted.

N

City of Bloomington
Planning & Transportation

Scale: 1" = 50'

To Whom It May Concern:

Bloomington Car Wash Center is looking to update the exterior layout of our facility. The updates are necessary to increase the safety of our employees, keep up to date with ever changing car technology, and make the exterior and full-service car washes more efficient.

We would like to install a new vacuum arch to the northeast side of the building. This will help the efficiency of exterior washes. Those customers wishing to purchase only the exterior option do not have to wait on full-service cars to be vacuumed. We will be replacing the existing vacuum area on the west side of the building with kiosk pay stations. The current structure which houses the vacuum pipes is dilapidated and with the new vacuum area it is no longer necessary. The kiosk pay stations will be covered by a canopy and allow the customer to stay in their car for the duration of the car wash. This increases the safety of our employees as they are no longer "catching" cars to help them exit the car wash tunnel. To accommodate the kiosk pay stations and the vacuum arch we will be moving, adding, and replacing parking and landscape areas. We will be eliminating 891 square feet of current landscaping, but installing 945 square feet of new landscaping on the west end of the building.

Over the last few years many updates have been made to car technology. Many cars now have key fobs instead of keys, customers often take these key fobs with them when exiting their car. This causes an issue when an employee tries to "catch" their car at the end of the tunnel. The employee must act fast to stop the flow of traffic in the tunnel, find the customer, retrieve the key fob and then drive the car out of the tunnel. Many new cars also cannot be turned off and left in neutral. Since all cars going through the car wash tunnel must be in neutral, we must send these cars through left on. For the safety of all employees and customers, an employee must ride a car that has to be left on through the tunnel. On a normal business day, this leaves us a man down in the back area slowing down the car wash process. With the new car wash process mentioned below, these safety issues are no longer a concern as customers are taking their own car into, through, and out of the car wash tunnel.

Current Car Wash Process

1. Customer pulls into the vacuum area.
2. Employee takes order.
3. Customer exits car and enters building to wait and pay.
4. Employee vacuums car for full-service wash and then pulls car into tunnel for prepping.

   OR

   Employee pulls car straight into tunnel for prepping for an exterior only wash.
5. Car is prepped by employee in the tunnel and sent through the car wash tunnel.
6. Employee "catches" car at the end of the tunnel and drives car out to the finishing area.
7. Car is towel dried and interior windows are washed for a full-service wash.

   OR

   Car is towel dried for exterior only wash.
8. Car is complete and customer exits building upon paying.

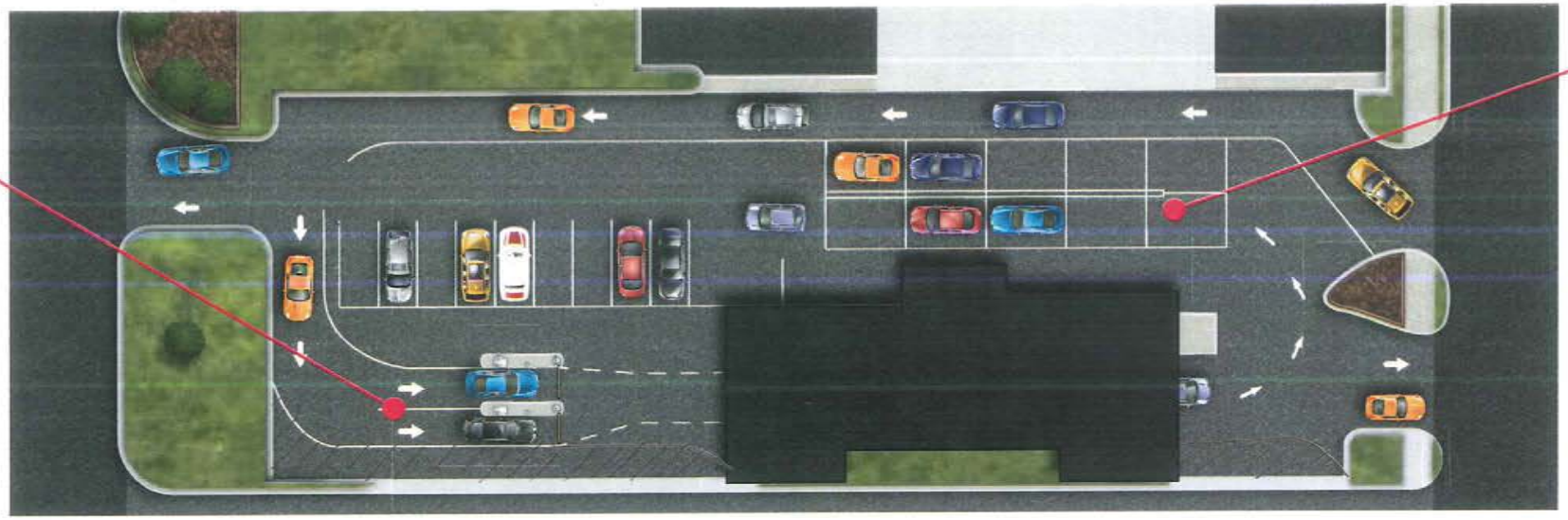
New Car Wash Process

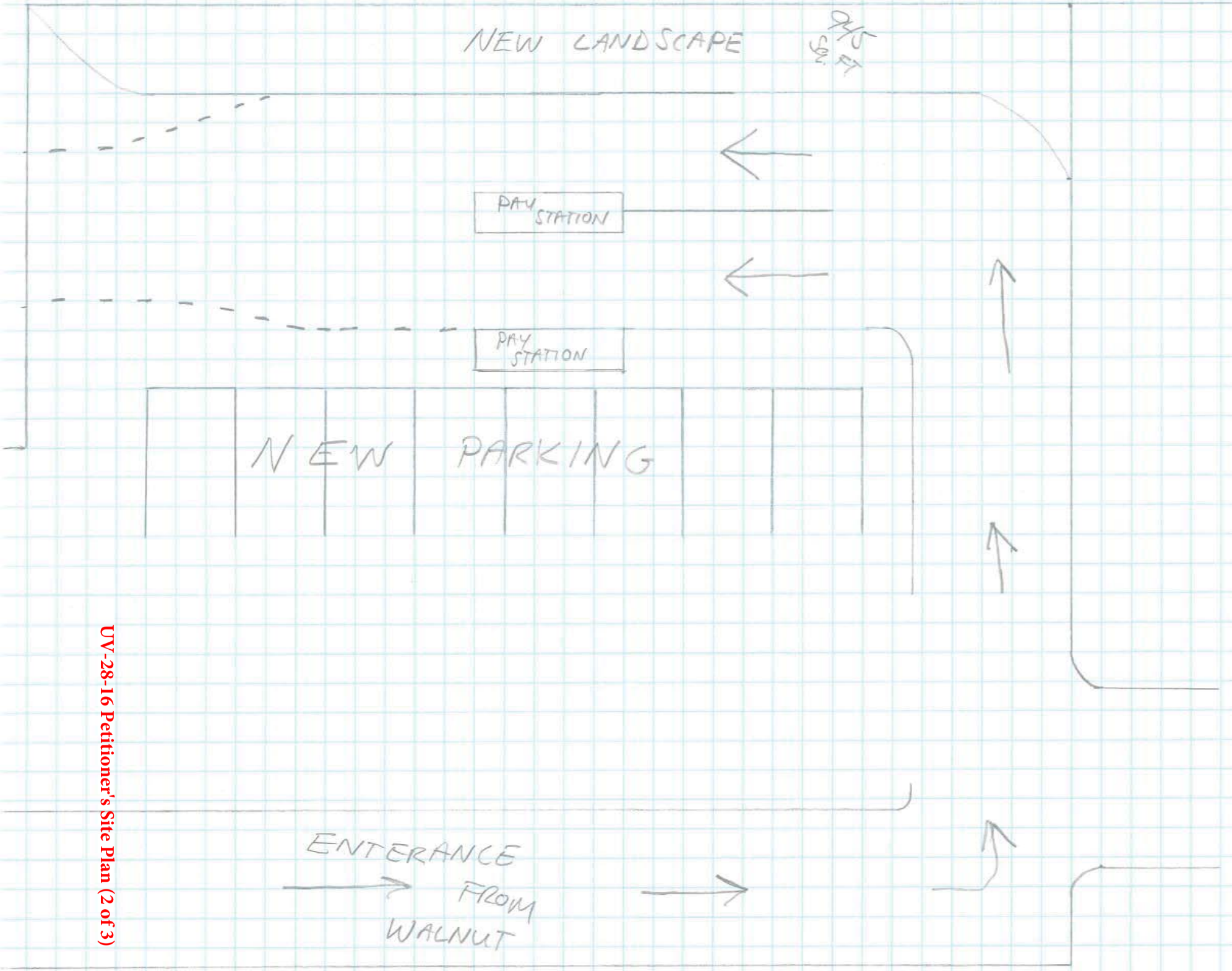
1. Customer pulls up to the kiosk/pay station. Customer will choose and pay for wash at kiosk.
2. Once the transaction is complete and the arm raises the customer will pull car into tunnel.
3. Employees will prep the car while customer stays in car.
4. Car continues through tunnel for car wash.
5. Upon exit of car wash tunnel the customer has two options.
   a. **Exterior Wash:** Pull straight ahead for employees to towel dry the car's exterior.
   b. **Full-Service Wash:** Pull out and around to the north side of the building to the vacuum arch. Customer exits the car and enters building to wait. Employee vacuum interior, wash interior windows, and towel dry the exterior of the car.

UV-28-16 Petitioner's Site Plan (1 of 3)

DRB Systems
CONCEPTUAL RENDERING

Bloomington Car Wash
542 S Walnut St, Bloomington, IN 47401
Flex Serve





UV-28-16 Petitioner's Site Plan (2 of 3)

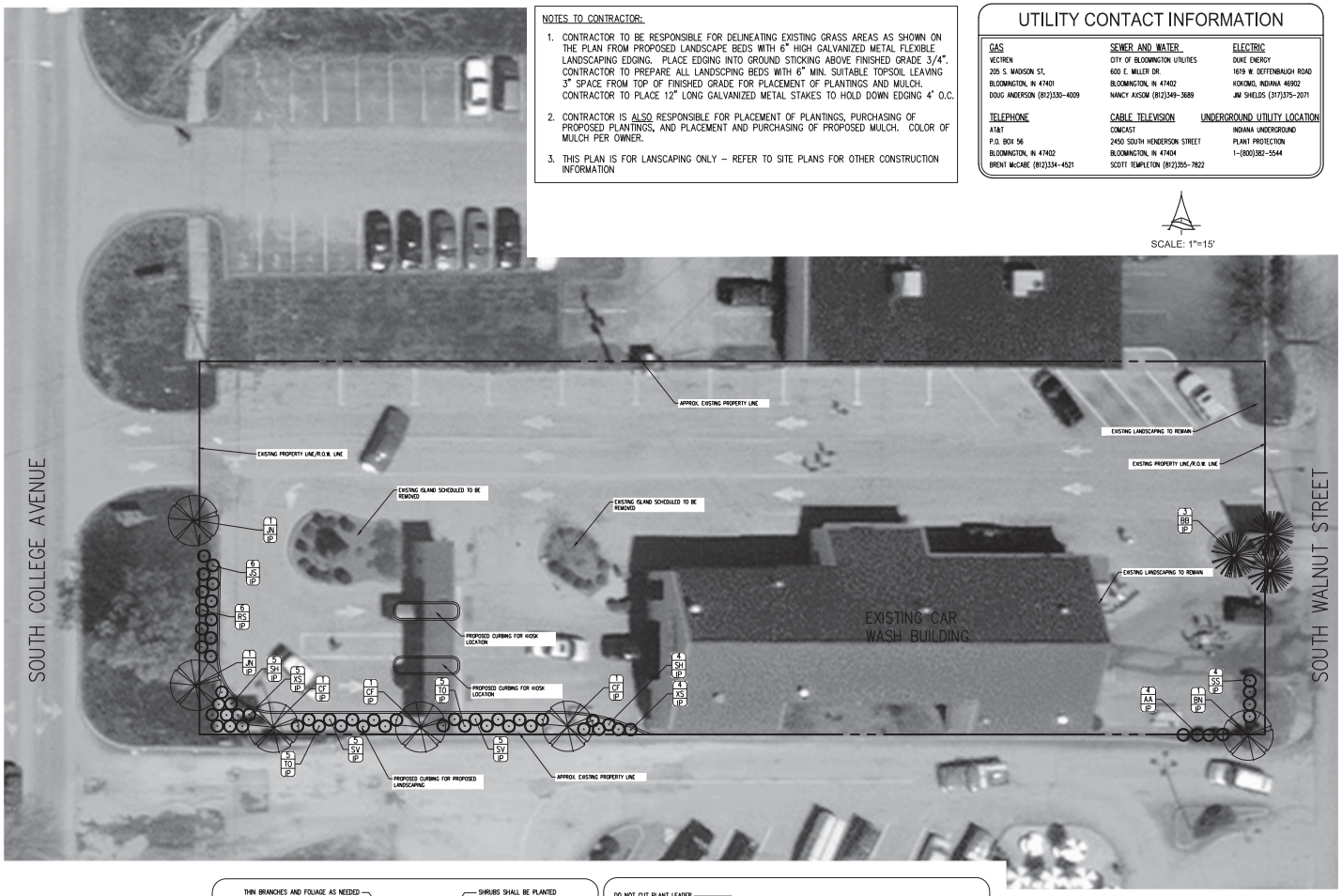
NOTES TO CONTRACTOR:

1. CONTRACTOR TO BE RESPONSIBLE FOR DELINEATING EXISTING GRASS AREAS AS SHOWN ON THE PLAN FROM PROPOSED LANDSCAPE BEDS WITH 6" HIGH GALVANIZED METAL FLEXIBLE LANDSCAPING EDGING. PLACE EDGING INTO GROUND STICKING ABOVE FINISHED GRADE 3/4". CONTRACTOR TO PREPARE ALL LANDSCPING BEDS WITH 6" MIN. SUITABLE TOPSOIL LEAVING 3" SPACE FROM TOP OF FINISHED GRADE FOR PLACEMENT OF PLANTINGS AND MULCH. CONTRACTOR TO PLACE 12" LONG GALVANIZED METAL STAKES TO HOLD DOWN EDGING 4' O.C.
2. CONTRACTOR IS ALSO RESPONSIBLE FOR PLACEMENT OF PLANTINGS, PURCHASING OF PROPOSED PLANTINGS, AND PLACEMENT AND PURCHASING OF PROPOSED MULCH. COLOR OF MULCH PER OWNER.
3. THIS PLAN IS FOR LANSCAPING ONLY – REFER TO SITE PLANS FOR OTHER CONSTRUCTION INFORMATION

UTILITY CONTACT INFORMATION

GAS	SEWER AND WATER	ELECTRIC
VECTREN	CITY OF BLOOMINGTON UTILITIES	DUKE ENERGY
205 S. MADISON ST,	600 E. MILLER DR.	1619 W. DEFFENBAUGH ROAD
BLOOMINGTON, IN 47401	BLOOMINGTON, IN 47402	KOKOMO, INDIANA 46902
DOUG ANDERSON (812)330-4009	NANCY AXSOM (812)349-3689	JIM SHIELDS (317)375-2071
TELEPHONE	**CABLE TELEVISION**	**UNDERGROUND UTILITY LOCATION**
AT&T	COMCAST	INDIANA UNDERGROUND
P.O. BOX 56	2450 SOUTH HENDERSON STREET	PLANT PROTECTION
BLOOMINGTON, IN 47402	BLOOMINGTON, IN 47404	1-(800)382-5544
BRENT McCABE (812)334-4521	SCOTT TEMPLETON (812)355-7822	

SCALE: 1"=15'



PLANT LIST

LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
LARGE CANOPY DECIDUOUS TREES					
	JN	QUERCUS PALUSTRIS	PIN OAK	2	2" CAL., B & B
SMALL / MEDIUM DECIDUOUS TREES					
	CF	BETULA PLATYPHYLLA	COLUMNAR PINNACLE BIRCH	3	2" CAL., B & B
	BN	BETULA NIGRA	RIVER BIRCH	1	2" CAL., B & B
EVERGREEN TREES					
	BB	PICEA PUNGENS 'BABY BLUE EYES'	DWARF BLUE SPRUCE	3	6' HEIGHT 6' HEIGHT
DECIDUOUS SHRUBS - INTERIOR PLANTINGS					
	AA	ARONIA ARBUTIFOLIA	BLACK CHOKEBERRY	4	18" HEIGHT*
	SV	SYRINGA VULGARIS	LILAC	10	18" HEIGHT*
	SS	FESTUCA GLAUCA 'ELIJAH BLUE'	ELIJAH BLUE FESCUE	4	3 GALLON CONTAINER
	XS	RUDBECKIA HIRTA	BLACK-EYED SUSAN	9	18" HEIGHT*
	SH	SPOROBULUS HETEROLEPSIS	PRAIRIE DROPSEED	9	18" HEIGHT*
EVERGREEN SHRUBS - INTERIOR PLANTINGS					
	RS	RHODODENDRON SPECIES	RHODODENDRON	6	18" HEIGHT*
	TO	THUJA OCCIDENTALIS 'EMERALD GREEN'	EMERALD GREEN ARBORVITAE	10	3 GALLON CONTAINER
	JS	JUNIPER SPECIES	COMMON JUNIPER	6	3 GALLON CONTAINER

XX PLANT QUANTITY
XX PLANT KEY (TYPE)
XX REQUIREMENT DESIGNATION (AS SEEN BELOW)

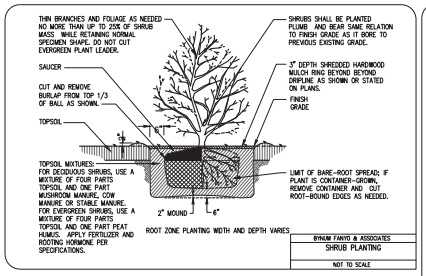
PL=PARKING LOT PERIMETER PLANTINGS
#=INTERIOR PLANTINGS
ST=STREET TREES
PB=PARKING LOT BUMPOUTS

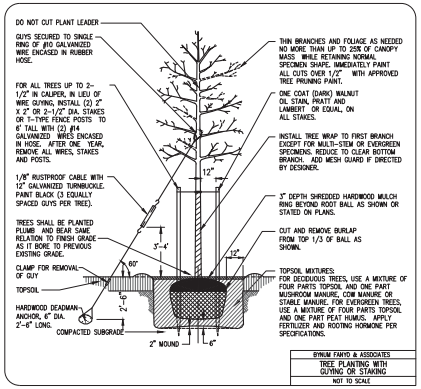
*CONTAINER OR BALL AND BURLAP CONDITION ACCEPTABLE

NOTE: SPECIES SHOWN THAT ARE NOT LISTED IN THE CITY OF BLOOMINGTON ZONING ORDINANCE CHAPTER 20.05 TABLES OF RECOMMENDED PLANT MATERIALS ARE GIVEN BOTANICALLY COMPARABLE DENSITY VALUES.

LANDSCAPE NOTES

- ☒ 1. ALL PLANT MATERIAL SHALL ARRIVE ONSITE IN A HEALTHY, VIGOROUS CONDTION AND BE FREE OF PESTS AND DISEASE.
- ☒ 2. ALL PLANTS SHALL BE CONTAINER GROWN OR BALLED AND BURLAPPED AS INDICATED IN THE PLANT LIST.
- ☒ 3. ALL TREES SHALL BE STRAIGHT-TRUNKED, FULL HEADED AND MEET ALL REQUIREMENTS SPECIFIED.
- ☒ 4. ALL TREES SHALL BE GUYED OR STAKED PLUMB AS SHOWN IN THE DETAILS.
- ☒ 5. ALL PLANTING MASS BEDS SHALL BE SPADE CUT UNLESS SPECIFIED WITH A MOW STRIP OR OTHER INSTALL EDGING. TREES TO HAVE A 5' DIAMETER MULCH RING.
- ☒ 6. ALL PLANTING AREAS SHALL BE COMPLETELY MULCHED WHERE SPECIFIED.
- ☒ 7. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES, SITE APPURTENANCES, ETC. WHICH OCCURS AS A RESULT OF THE LANDSCAPE CONSTRUCTION. PLANTING LOCATIONS MAY REQUIRE ADJUSTMENTS IN FIELD TO AVOID OVERHEAD AND UNDERGROUND UTILITIES.
- ☒ 8. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES AND SPECIES SHOWN ON THESE PLANS BEFORE PRICING THE WORK.
- ☒ 9. THE CONTRACTOR IS RESPONSIBLE FOR FULLY MAINTAINING ALL PLANTING AND LAWN AREAS INCLUDING, BUT NOT LIMITED TO: WATERING, SPRAYING, MULCHING, PRUNING, FERTILIZING, ETC., UNTIL WORK IS ACCEPTED IN FULL BY THE OWNER.
- ☒ 10. THE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF ONE (1) YEAR BEGINNING ON THE DATE OF TOTAL ACCEPTANCE. THE CONTRACTOR SHALL PROMPTLY MAKE ALL REPLACEMENTS BEFORE OR AT THE END OF THE GUARANTEE PERIOD.
- ☒ 11. THE OWNER SHALL APPROVE THE STAKING LOCATION OF ALL PLANT MATERIAL PRIOR TO INSTALLATION.
- ☒ 12. AFTER BEING DUG AT THE NURSERY SOURCE, ALL TREES IN LEAF SHALL BE ACCLIMATED FOR TWO (2) WEEKS UNDER A MIST OR DRIP IRRIGATION SYSTEM PRIOR TO INSTALLATION. WATER ALL SPECIMENS WITHIN 24 HOURS OF PLANTING.
- ☒ 13. ANY NEW OR TRANSPLANTED PLANT MATERIAL WHICH DIES, TURNS BROWN OR DEFOLIATES PRIOR TO TOTAL ACCEPTANCE OF THE WORK SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY AND SIZE TO MEET ALL PLANT LIST SPECIFICATIONS.
- ☒ 14. STANDARDS SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK" REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
- ☒ 15. ALL SHRUB, GROUNDCOVER, ANNUAL AND HERBACEOUS PERENNIAL PLANTING BEDS ARE TO BE COMPLETELY COVERED WITH HARDWOOD MULCH TO A MINIMUM DEPTH OF FOUR INCHES.
- ☒ 16. DURING THE GROWING SEASON ALL ANNUALS AND HERBACEOUS PERENNIALS SHALL REMAIN IN A HEALTHY CONDITION THROUGHOUT THE CONSTRUCTION PERIOD.
- ☒ 17. ALL PLANT MATERIAL QUANTITIES SHOWN ARE APPROXIMATE. CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLETE COVERAGE OF ALL PLANTING BEDS AT SPACING SHOWN ON PLANS.
- ☒ 19. ALL DISTURBED AREAS NOT INCLUDED IN LANDSCAPE MULCH BEDS ARE TO BE DEBRIS-RAKED AND FINED-GRADED AS NEEDED, THEN MULCH SEEDED (OR SODDED, PER PLAN) AND WATERED UNTIL A HEALTHY STAND OF TURF IS ESTABLISHED.
- ☒ 20. ANY PLANT OR OTHER LANDSCAPE MATERIAL SUBSTITUTIONS INSTALLED WITHOUT DESIGNER AND/OR OWNER APPROVAL SHALL BE REPLACED AT CONTRACTOR'S EXPENSE. ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE OWNER BEFORE, DURING AND AFTER INSTALLATION.





DIAL '811' BEFORE YOU DIG

PER INDIANA STATE LAW IC8-1-26.

IT IS AGAINST THE LAW TO EXCAVATE WITHOUT NOTIFYING THE UNDERGROUND LOCATION SERVICE TWO (2) WORKING DAYS BEFORE COMMENCING WORK.

NOTE TO CONTRACTOR

CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ENGINEER OF ANY SHALLOW ELEVATIONS 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.

UV-28-16 Petitioner's Site Plan (3 of 3)

revisions:

ARCHITECTURE
CIVIL ENGINEERING
PLANNING
BYNUM FANYO & ASSOCIATES, INC.
528 north walnut street
bloomington, indiana
(812) 332-8030
(812) 339-2990 (fax)

certified by:

PROPOSED
BLOOMINGTON CAR WASH CENTER
542 S. WALNUT STREET
BLOOMINGTON, INDIANA 47401

title: SITE LANDSCAPE PLAN

designed by: DJB
drawn by: DJB
checked by: JSF
sheet no: C301
project no.: 401651

12

BLOOMINGTON BOARD OF ZONING APPEALS **CASE #: UV-29-16**
STAFF REPORT **DATE: October 20, 2016**
Location: 1301 W. 6th Street

PETITIONER: J. Kip May (Kip May Photography)
2521 Skyline Drive, Bloomington

REQUEST: The petitioner is requesting a use variance to allow a photographic studio use in a Residential Core zoning district.

Area:	**0.26 Acres**	
Zoning:	**Residential Core (RC)**	
GPP Designation:	**Urban Residential**	
Existing Land Use:	**Vacant / Parking**	
Proposed Land Use:	**Photography Studio**	
Surrounding Uses:	**North** –	Dwelling, Single-Family (detached)
	East –	Dwelling, Single-Family (detached)
	South –	Dwelling, Single-Family (detached)
	West –	Dwelling, Single-Family (detached)

REPORT: The petition site is located at the southwest corner of West 6th and North Adams Streets. The property is zoned Residential Core (RC) and contains a 3,000 square foot building that was a former place of worship, as well as a roughly 3,100 square foot parking lot. Surrounding uses are all single family residential.

The petitioner proposes to use the building as a photographic studio. The Unified Development Ordinance does not allow the use 'photographic studio' in the RC district, so a variance is needed to operate at the site. If the variance is granted, the petitioner will have to bring the site into compliance with site plan requirements on the property, such as concrete sidewalk with ADA-compliant ramps on both Adams and 6th Streets, bike racks, and appropriate landscaping.

The building was formerly a place of worship, but has not been used as such for years and is currently vacant. In 2013, a petitioner proposed to use the petition site as a residence and received a conditional use approval for a home occupation. That development did not occur.

The UDO does not allow many commercial uses in the RC zone in order to protect neighborhoods from incompatible uses. Per the Petitioner's Statement, the studio is low volume, generating only light traffic, and will not have a negative impact on the surrounding residential uses. Because of the non-residential nature of the building and site, re-use as a residence would be difficult and is unlikely.

A representative of the 6th & Ritter Neighborhood provided a letter of support for the petition. The letter mentions the existence of other small businesses in the area, such as Kleindorfer's Hardware & Variety Store, and indicates that the neighbors appreciate a mix

of property uses.

The petitioner is requesting a use variance to use the existing non-residential building and site as a photographic studio in an RC district.

PLAN COMMISSION RECOMMENDATION: The Plan Commission reviewed this use variance request at its October 10, 2016 meeting. The Plan Commission voted unanimously to forward the use variance request to the BZA with a positive recommendation.

20.09.140 CRITERIA AND FINDINGS FOR USE VARIANCE:

Pursuant to IC 36-7-4-918.4., the Board of Zoning Appeals or the Hearing Officer may grant a variance from use 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 to public health, safety, morals, and general welfare with a photographic studio use. Approval would allow use of an existing vacant non-residential building with no expansion.

(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; and

Staff Finding: Staff finds no substantial adverse impacts to the adjacent area from this request. Conversely, staff finds that re-use of a vacant site, with the addition of site improvements, such as sidewalks and landscaping, will have a positive impact on the adjacent area.

(3) The need for the variance arises from some condition peculiar to the property involved; and

Staff Finding: Staff finds peculiar condition in the fact that this property is developed with a non-residential building and associated parking lot in a residential zone. The property has not been designed or developed for residential use.

(4) The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and

Staff Finding: Staff finds that strict application of the UDO constitutes an unnecessary hardship because the UDO assumes residential development in the RC district, but the existing building and parking lot on this site are not easily used for a permitted single family use.

(5) The approval does not interfere substantially with the Growth Policies Plan.

Staff Finding: The Growth Policies Plan (GPP) designates this property as Urban Residential. Urban "areas include those parts of the city developed after the Core Residential areas were built-out. Some minor development is still taking place in these areas…Urban Residential areas have good access to roads, public water and sewer, and other public services." Land use policies for this area state that:

> *Develop sites for predominantly residential uses; however, incorporate mixed residential densities, housing types, and nonresidential services where supported by adjacent land use patterns*

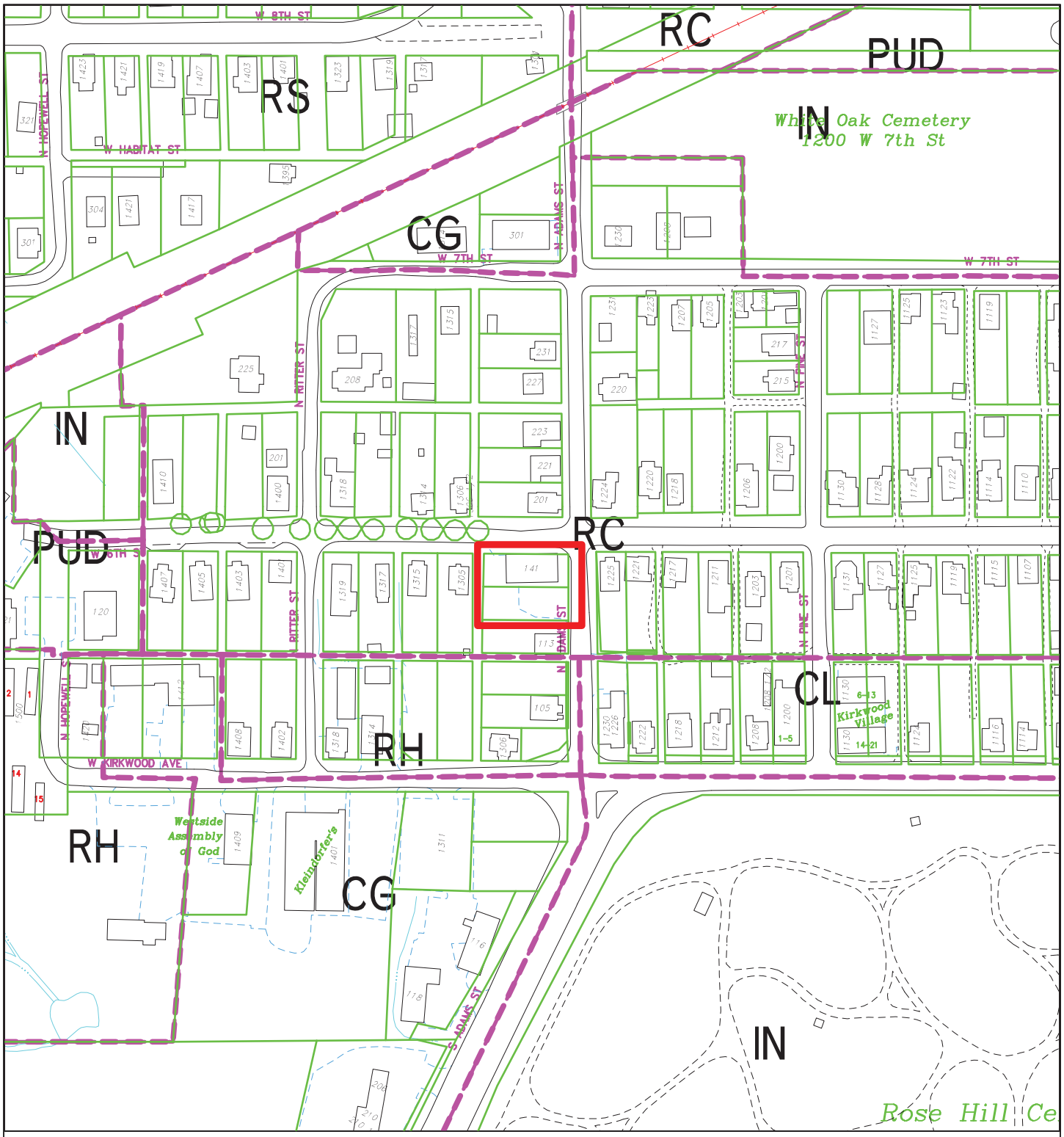
Although the primary uses in the area are residential, staff finds that the low impact photographic studio is a use that is compatible in the residential area, and will allow for reuse of an existing vacant non-residential building and property. The Plan Commission found that this request does not substantially interfere with the general and specific policies of the GPP for this area.

CONCLUSION: Staff finds that this is an appropriate use in this non-residential building with existing parking lot. The nature of the use is low-intensity and will utilize an existing structure that is vacant. This petition will also extend the sidewalk network farther west on 6th Street, improving pedestrian access in the neighborhood.

RECOMMENDATION: Staff recommends approval of this Use Variance with the following conditions.

1. Petitioner will work with staff to update the landscape plan to include additional required plantings.

2. If no Building permit is required, the petitioner must obtain a Change in Use permit.



City of Bloomington
Planning & Transportation

By: scanlanj
5 Oct 16

200 0 200 400 600

N

Scale: 1" = 200'

For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation

By: scanlanj
5 Oct 16

20 0 20 40 60

N

Scale: 1" = 20'

For reference only; map information NOT warranted.

Petitioner's Statement:
Submitted by: J. Kip May (9-6-16)

This petition is a proposal for a Use Variance to purchase the former Apostolic Light House Pentecostal Church located at 1301 W. 6th St. The proposal is to convert the church building into a photography studio. The approval of this proposed project will not be injurious to the public health, safety, morals and general welfare of the community. Our clientele (Kip May Photography LLC) are primarily families and business clients. We are a low volume studio, so traffic in and out of the building and parking lot is consistently light.

The variance will not adversely affect the surrounding property values. Improvements to the exterior and interior of the building will also include all requirements of city ordinance, ie: installing sidewalks, landscaping, bicycle rack, ADA parking, etc. This unique property was built for a small church and is not conducive for a private residence, but will make an excellent space for a photography studio and/or professional office space.

The approval of the Use Variance does not interfere with the goals and objectives of the Growth Policies Plan. Additionally the 6th and Ritter Neighborhood Association has unanimously approved the request for a zoning variance to include a photography studio. A letter of approval from the Neighborhood Association's president, Mr. David Walter, accompanies this petition.

18 shrubs (50% evergreen)

City of Bloomington
Planning & Transportation

UV-29-16 Petitioner's Site Plan

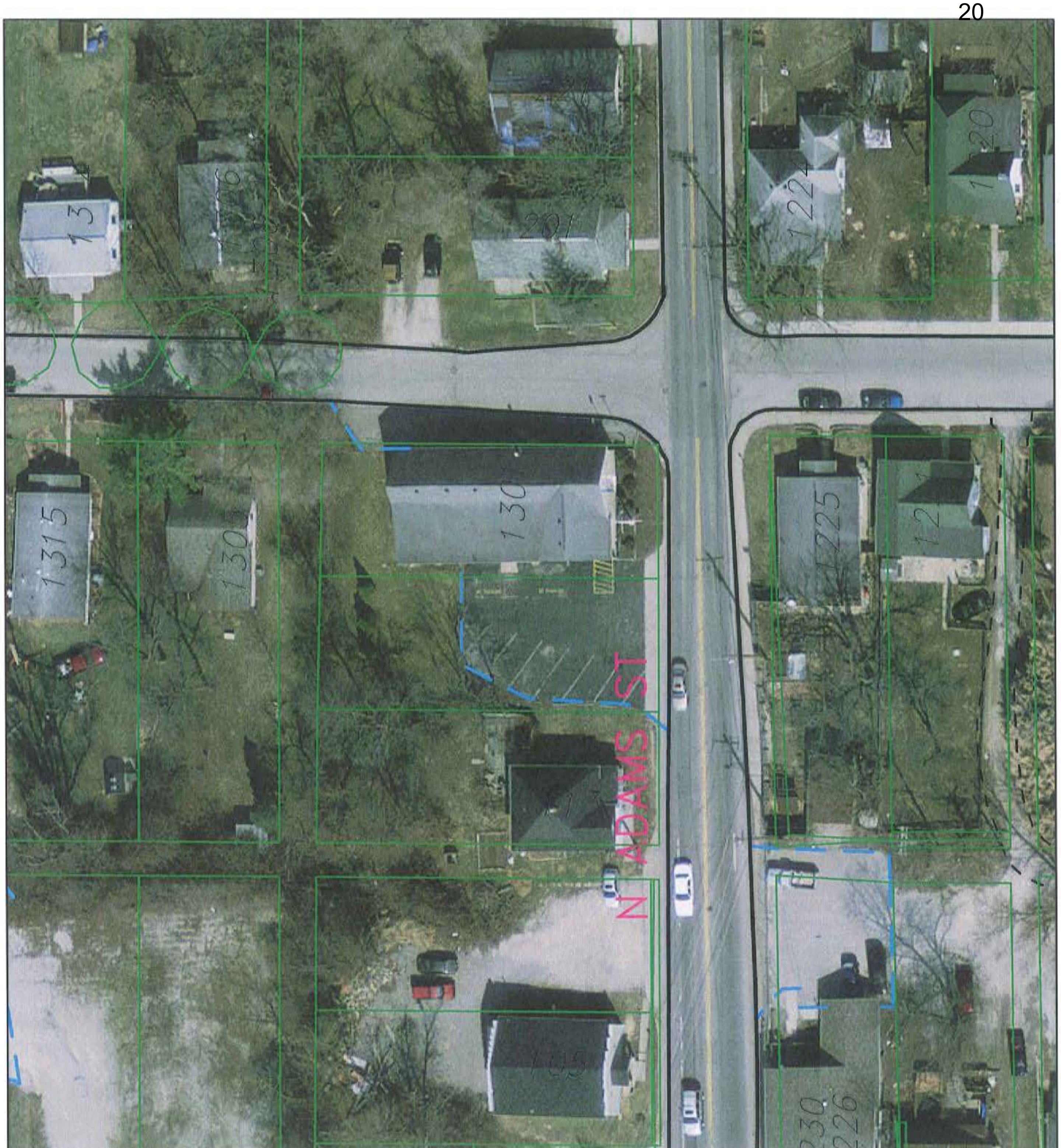
By: greulice
31 Aug 16

30 0 30 60 90

N

Scale: 1" = 30'

For reference only; map information NOT warranted.



City of Bloomington
Planning & Transportation

By: thompsol
13 Sep 16

50 0 50 100 150

N

Scale: 1" = 50'

For reference only; map information NOT warranted.

Contextual Aerial

August 30, 2016

Mr. Kip May

114 E. Smith Avenue

Bloomington, IN 4701

Dear Mr. May,

Thank you for contacting me about your interest in the former Apostolic Light House church located at 1301 W. 6th Street. I understand that you want to purchase the building and use it for your photography business.

I have spoken with some of my neighbors about this and they are supportive of your proposed use. Many of the neighbors have lived here for decades and we appreciate having a mix of property uses. As you may be aware, the 6th & Ritter Neighborhood has zoning for several small businesses, including the landmark Kleindorfer's Hardware & Variety Store.

I hope that this letter will help you with obtaining the necessary variance for your business to relocate to this building.

If I can be of further assistance, please let me know.

Sincerely,

David P. Walter

208 N. Ritter Street

Bloomington, IN 47404

(812) 336-33098 home (812) 855-0035 office