

CITY OF BLOOMINGTON



NOVEMBER 16, 2016 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON
HEARING OFFICER
November 16, 2016 at 2:00 p.m.

*Kelly Conference Room #155

PETITIONS:

- V-33-16 **Sunny Day Properties, LLC**
933 W. Cascade Ave.
Request: Variance from parking standards to allow two back-out parking spaces
and a variance from front parking setback standards.
Case Manager: Eric Greulich

- V-36-16 **Frank Helt and Doriet Berkowitz**
915 E. University St.
Request: Variance from side yard building setback standards to allow a second
story addition.
Case Manager: Eric Greulich

**BLOOMINGTON HEARING OFFICER
STAFF REPORT
LOCATION: 933 W. Cascade Ave**

**CASE #: V-33-16
DATE: November 16, 2016**

PETITIONER: Sunny Day Property, LLC
3808 W. Vernal Pike

CONSULTANT: Michael Carmin
116 W. 6th Street, Suite #200

REQUEST: The petitioner is requesting variances from parking standards and from front parking setback standards to allow two back-out parking spaces.

REPORT SUMMARY: The property is located at 933 W. Cascade Ave and is zoned Residential Multifamily (RM). Surrounding land uses include single and multi-family residences to the west, north, and south with a mobile home park to the south. This 50'x130' (6,500 sq. ft.) property has never been developed. The petitioner also owns the property to the west. There is a public water line and sanitary sewer line that run through this property. The sanitary sewer line will be relocated in order for this lot to be developed with a new structure.

The petitioner is proposing to develop the property with a 2-unit multi-family building. The building will have a two-bedroom apartment downstairs and a one-bedroom apartment upstairs. Although the site is not required to provide any parking, the petitioner would like to provide 2 parking spaces located in front of the building.

The Unified Development Ordinance requires parking spaces to be located 20' behind the front of the structure and does not allow back-out parking onto a street. Given the narrow width of the property and the building setback requirements, it is not possible to provide parking on the property that would meet the UDO parking standards. The petitioner is therefore requesting a variance from the front parking setback standards and a variance to allow back-out parking.

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. There are several back-out driveways identical to what is proposed along this street for other multi-family structures with no known problems. This site is located at the end of Cascade

Avenue which is a low traffic street and terminates in a cul-de-sac thereby reducing possible conflicts.

- 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 variances. Again, there are several back-out parking situations along the street with no known problems. There are only two parking spaces proposed with this project so the impacts are no different than a typical single family residence and driveway. The ability to provide on-site parking reduces the congestion of parking on the street which improves the use of the street and reduces impacts to 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.*

STAFF FINDING: Staff finds peculiar condition in the small size and narrow width of this lot. The narrow lot in combination with the building setback requirements, creates a practical difficulty in constructing a parking lot that would meet the UDO requirements. The location of the two parking spaces in front of the building is typical of a single family residence. In addition, the location of existing public utility lines on the lot creates additional difficulty in the placement of a structure and parking on this lot.

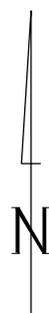
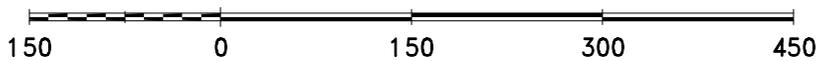
RECOMMENDATION: Based upon the written findings above, staff recommends approval of this petition with the following conditions:

1. The parking area must be landscaped to UDO standards.

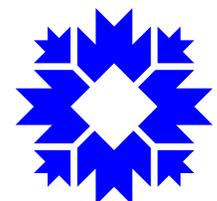


V-33-16 Sunny Day Properties, LLC
 933 W. Cascade Ave.
 Hearing Officer
 Site Location, Parcels, Zoning, Land Uses

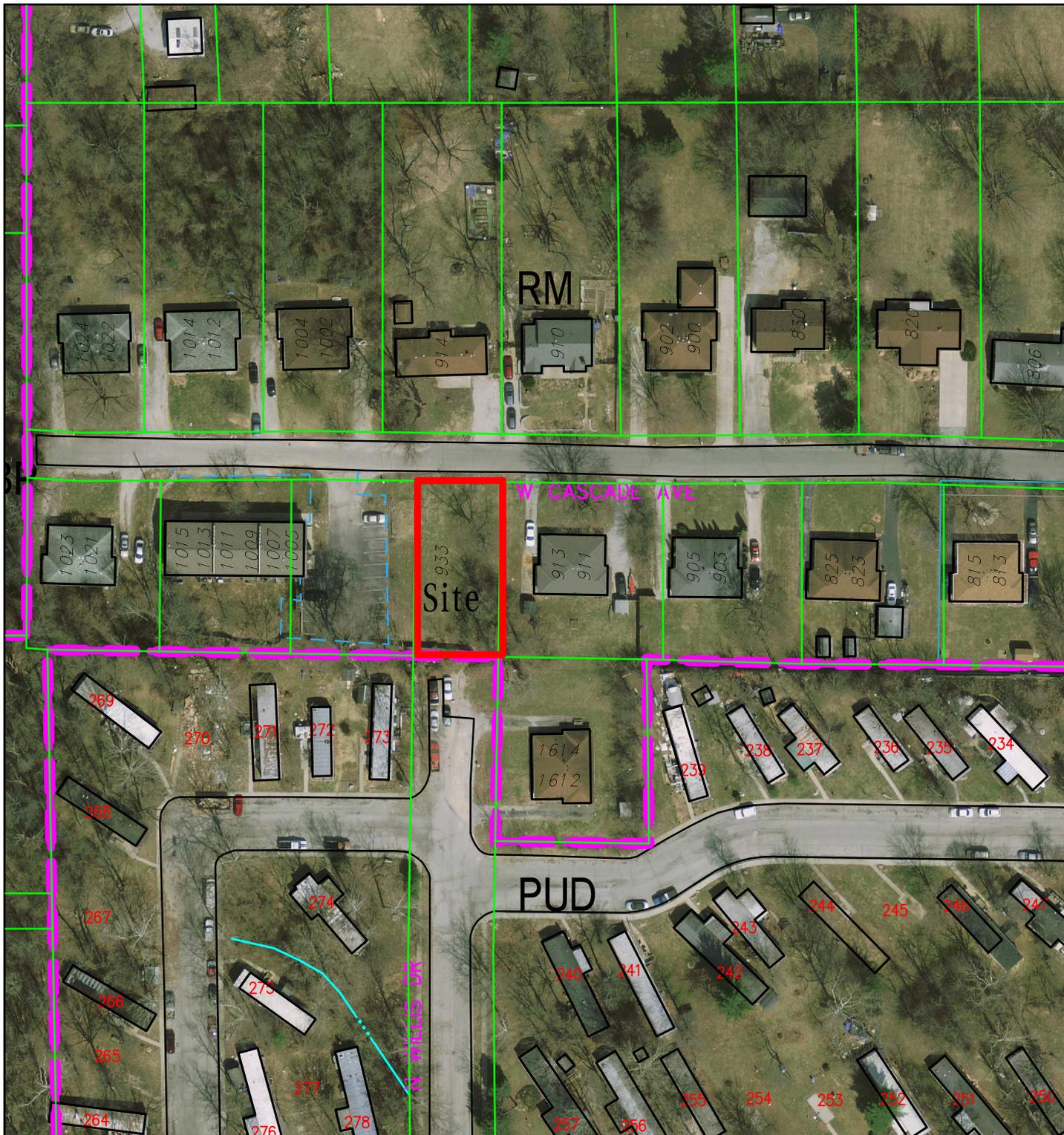
By: greulice
 10 Nov 16



City of Bloomington
 Planning & Transportation



Scale: 1" = 150'



V-33-16 Sunny Day Property, LLC

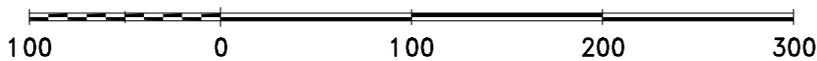
933 W Cascade Ave

Hearing Officer

2014 Aerial Photograph

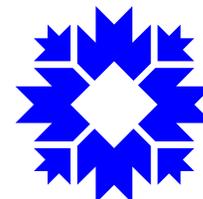
By: greulice

10 Nov 16



For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



Scale: 1" = 100'



116 West 6th Street, Suite 200
P.O. Box 2639
Bloomington, Indiana 47402-2639
TEL: 812.332.6556
FAX: 812.331.4511
michael@carminparker.com

October 17, 2016

City of Bloomington Board of Zoning Appeals

RE: Sunny Day Property, LLC
Our File No.: 20305-8

Sunny Day Property, LLC petitions for variance from front yard parking setback standards and to allow back out parking.

Petitioner owns the property located on West Cascades Avenue, Bloomington, Indiana, adjacent to 911 W. Cascades Avenue. Petitioner's lot is vacant and a specific street address has not been assigned. The parcel is 50 feet (street frontage) by 130 feet. The lot is encumbered by existing buried utility lines limiting the available footprint for construction of a residential building. Petitioner proposes to construct a 2-apartment building. The lot size and the limitations on the construction envelope limits the ability to design the lot for turnaround parking onsite. Because of the need to position the building parallel along the east property line, there is insufficient room to bring the building forward to the street with parking behind the parking setback line.

The block face along Cascades Avenue is consistent with driveways requiring back out parking onto Cascades Avenue. Many of the adjacent properties also have parking immediately beside and in front of the building line of the existing structures. The block face around the subject property is dominated by duplexes. Other portions of Cascades Avenue, including property owned by Petitioner immediately to the west, are apartment buildings.

Cascades Avenue dead ends west of the property. The development of the vacant tract at the end of the dead end street is possible, but unlikely. There is no pressure to develop the property given development limitations and site development difficulties on the tract.

The back out parking and parking in front of the building setback line would not be injurious to the health, safety or general welfare of the community nor cause adverse impact on the use and values of adjacent properties. Cascades Avenue is a low traffic volume dead end street. The existing parking for lots developed along the Cascades Avenue block face consistently utilize back out parking and parking in front of the front yard setback line. The surrounding



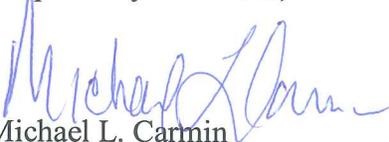
October 18, 2016

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development along Cascades Avenue is consistent with the variances proposed by petitioner. Enclosed with this Petition is an aerial photograph of the subject property and surrounding developed properties, which helps depict the consistent pattern of back out parking onto West Cascades Avenue and parking in front of the building front setback line.

Development of Petitioner's property is consistent with the existing development pattern along West Cascades Avenue and will not adversely affect the use and value of adjacent properties. Strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use and development of the property. A two-apartment building is consistent with the development pattern of duplexes along Cascades Avenue. The lot size and configuration with existing buried utility lines does not allow for a traditional duplex style development nor allow development of Petitioner's property consistent with the development pattern along the block face. The existing public utility lines on the lot do not allow for development of the lot with a driveway and parking behind the front building setback line or adjacent to the building or allow for interior parking circulation for direct exit onto Cascades Avenue. The variances would allow for reasonable development of the lot consistent with the development pattern on West Cascades Avenue and will relieve the practical difficulties by allowing development of the lot in a pattern consistent with the development pattern along the block face.

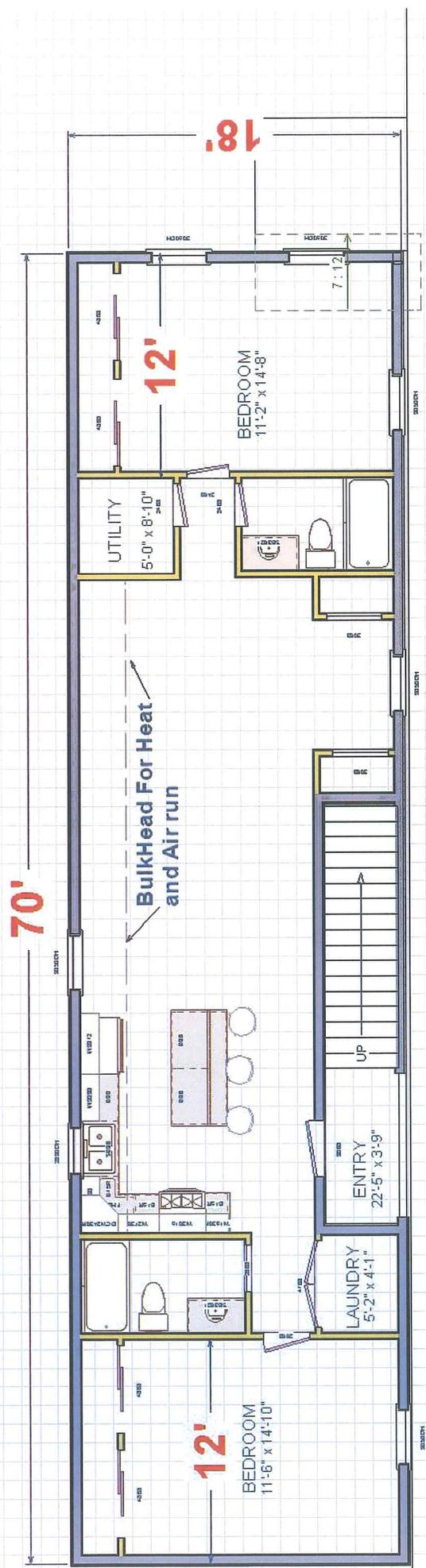
Respectfully submitted,



Michael L. Carmin
Attorney for Petitioner

MLC/srh
Enclosures
399646





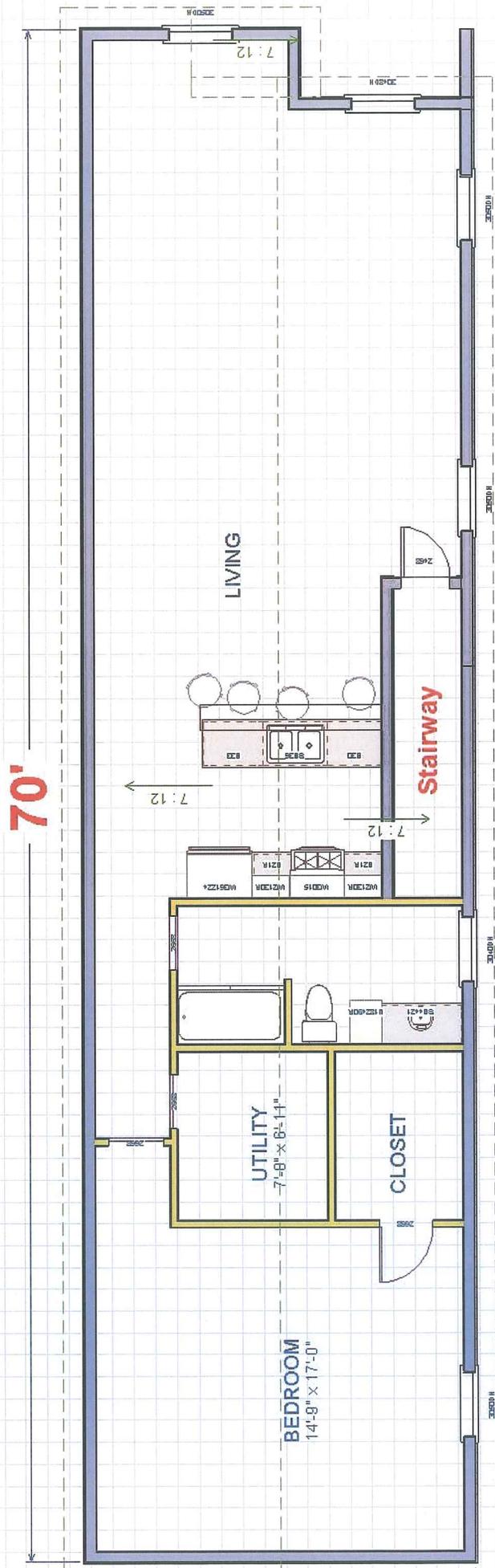
First Floor

70'

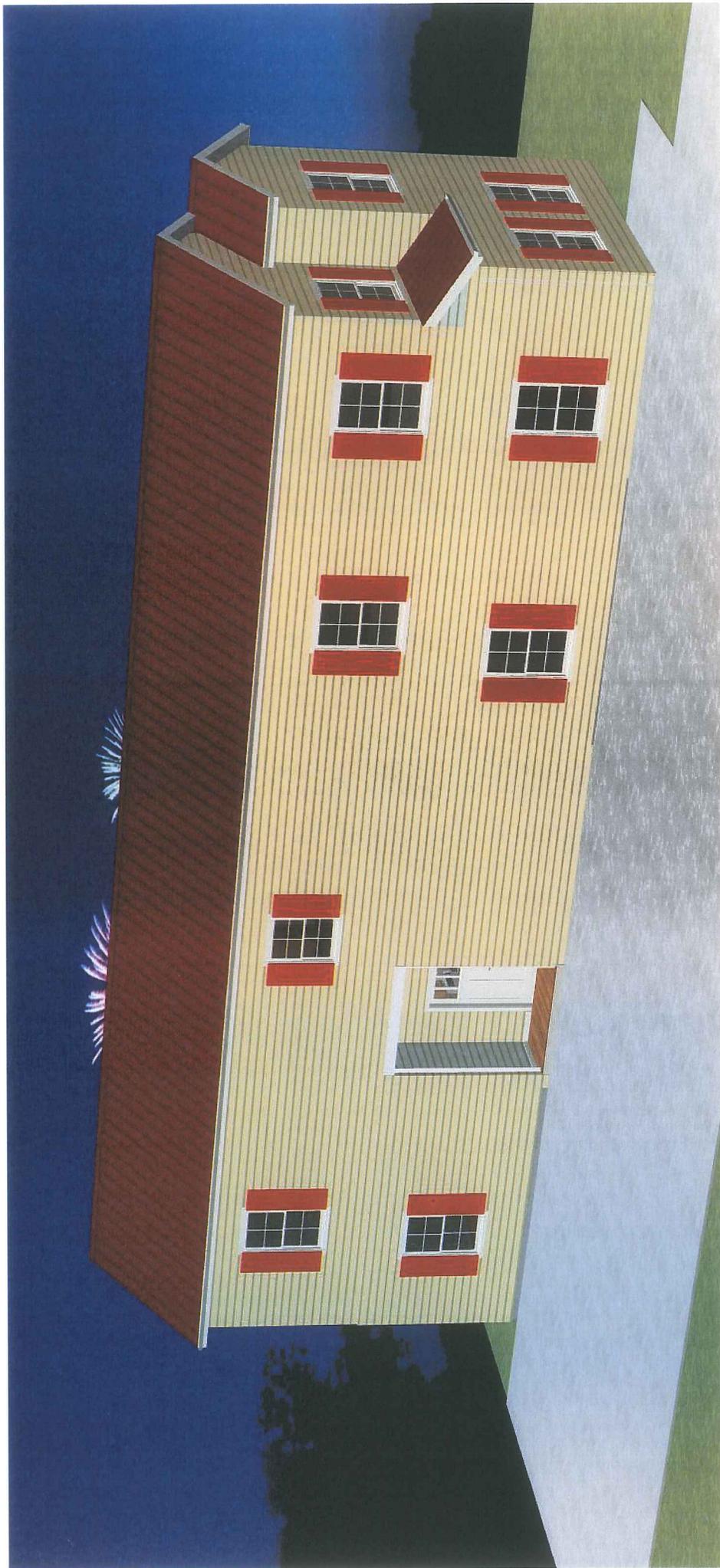
18'

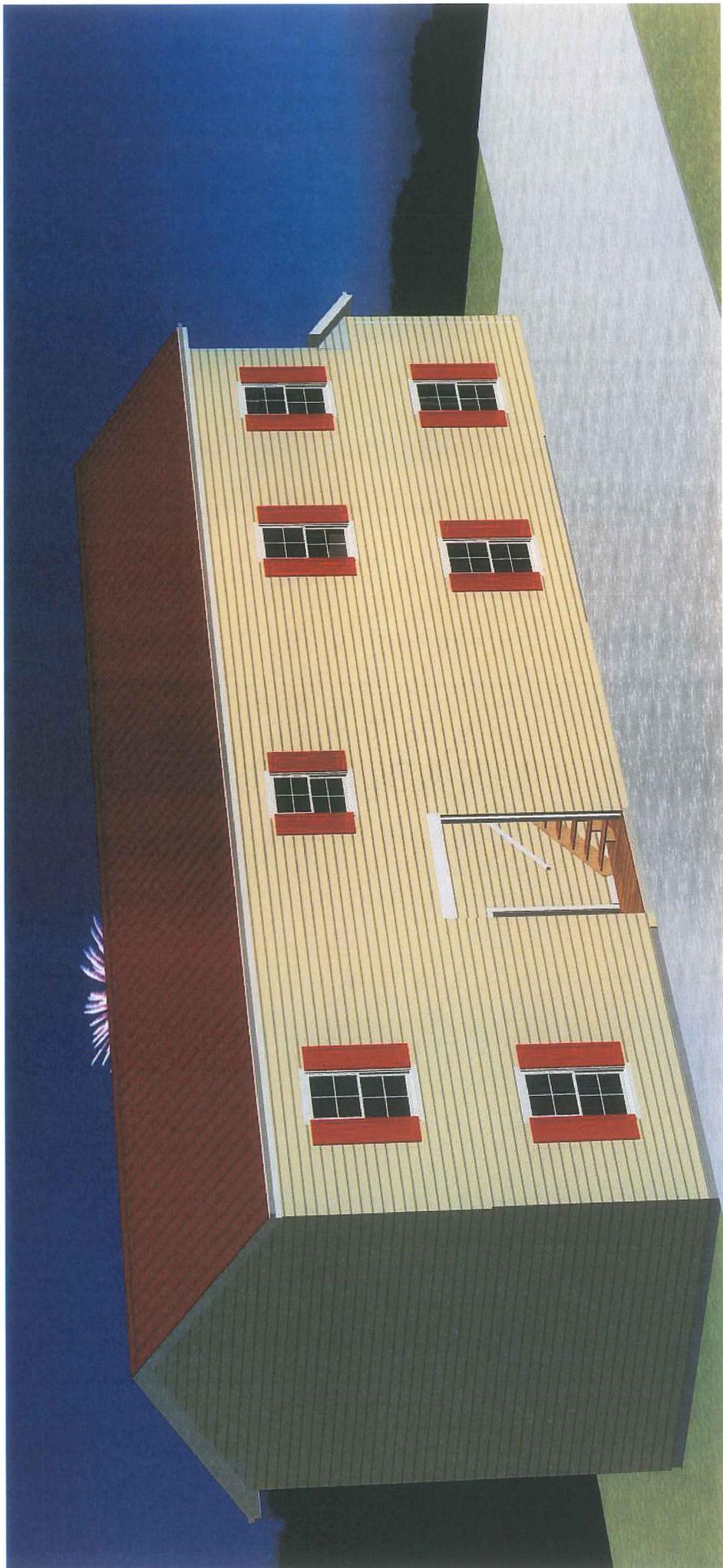
12'

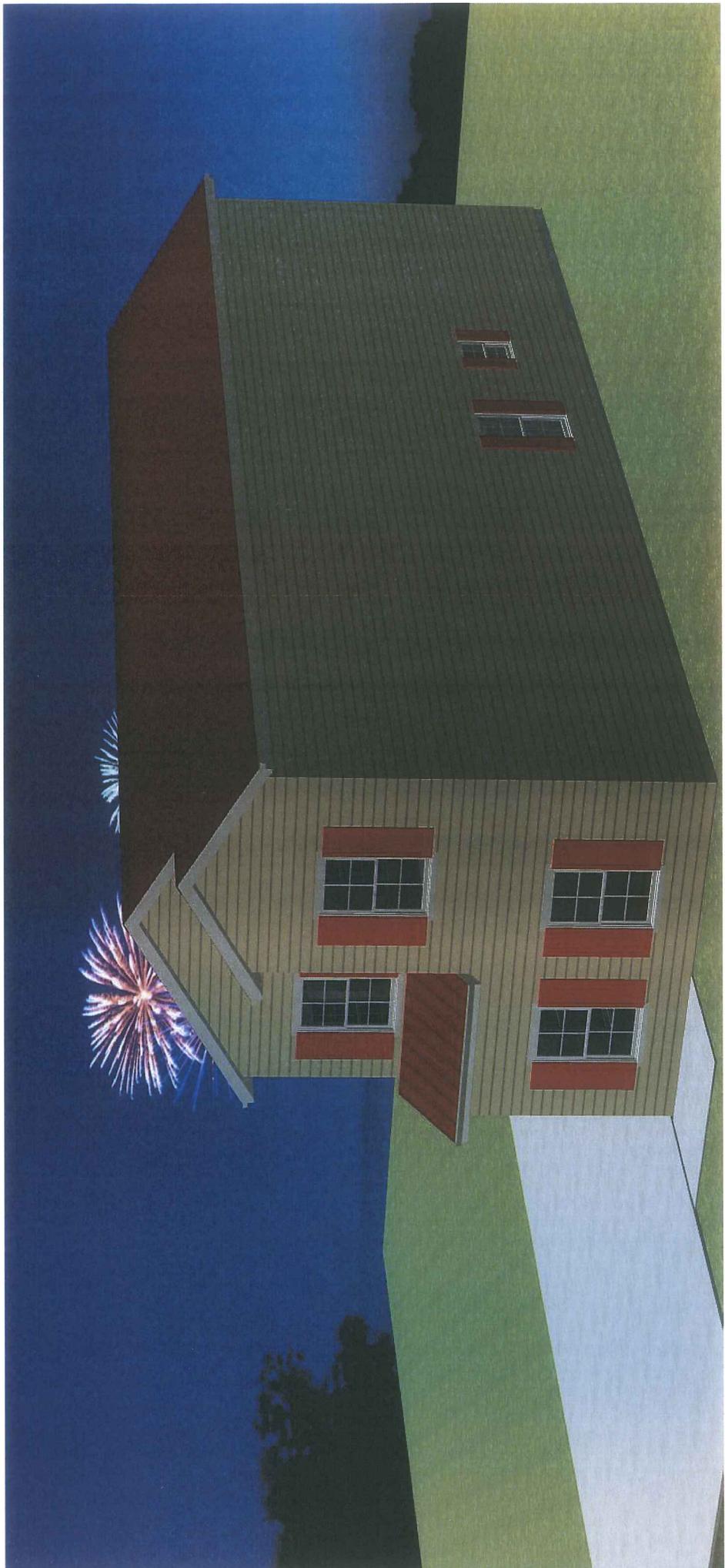
12'

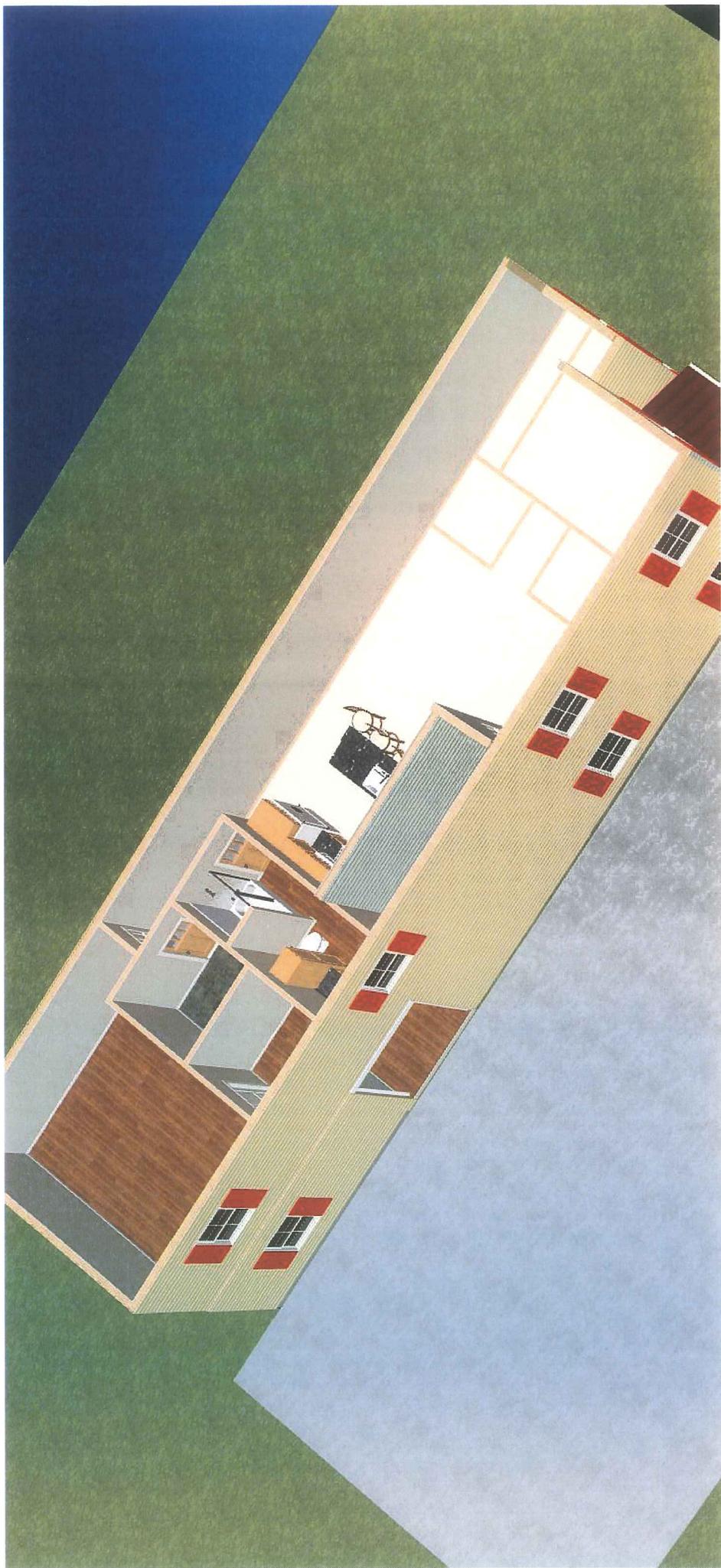


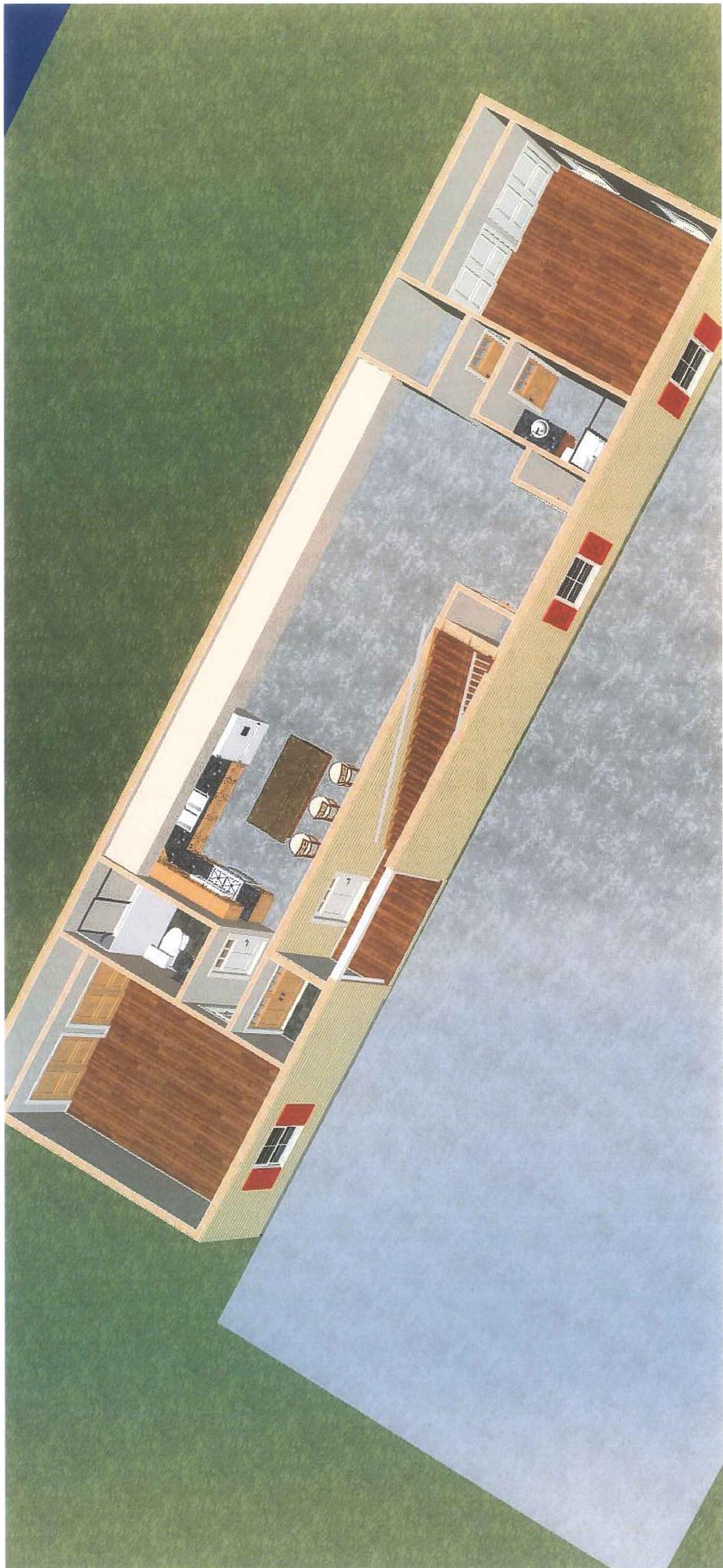
Second Story

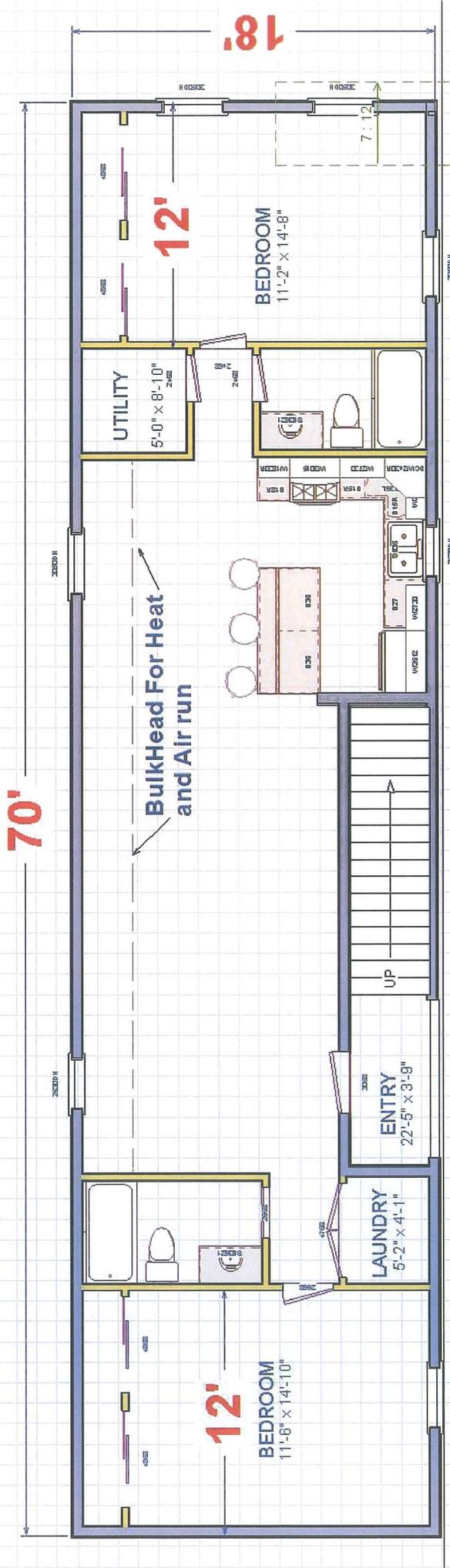












First Floor

Optional Kitchen Plan

**BLOOMINGTON HEARING OFFICER
STAFF REPORT
LOCATION: 915 E. University St**

**CASE #: V-36-16
DATE: November 16, 2016**

PETITIONER: Frank Helt and Doriet Berkowitz
915 E. University St.

REQUEST: The petitioner is requesting a variance from side yard building setback standards to allow a second story addition to an existing residence.

STAFF REPORT: The subject property is located at 915 E. University St., is zoned Residential Core (RC), and is located within the Elm Heights Neighborhood. This 0.18 acre property is approximately 62' wide and 132' deep and has been developed with a single family residence.

The petitioners are seeking to expand their existing home to add square footage. Rather than extend the footprint of the home, they are proposing to raise the roofline of the rear portion of the house and add additional square footage to the second floor of the home. The existing setback of the house to the east property line is approximately 6 feet.

The proposal is located within the Elm Heights local historic district but does not require a Certificate of Appropriateness (COA) from the Historic Preservation Commission (HPC) since the addition is not visible from public right-of-way. The petitioner has met with the Neighborhood Association who has expressed support for this petition.

The UDO requires a 10' setback for a 2-story structure and the petitioner is requesting a variance in order to utilize the existing 6' setback for the 2nd story addition.

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. This area of Elm Heights has several two-story structures with non-conforming setbacks. There is also a large amount of green space on this lot to achieve a reasonable level of light and air for this and surrounding structures.

- 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.*

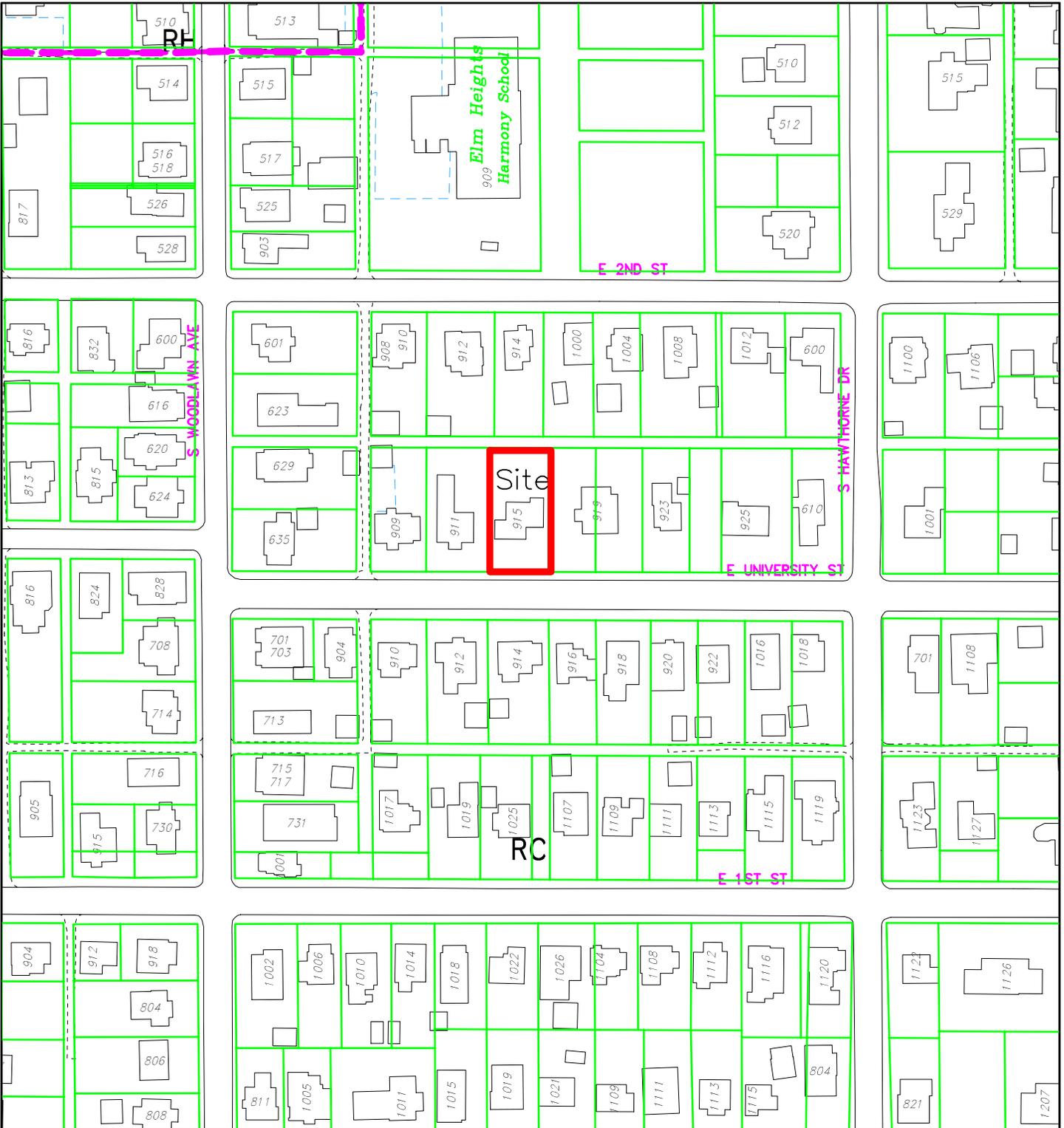
STAFF FINDING: Staff finds no negative effects from this proposal on the areas adjacent to the property. While the structure will be closer to the property line than permitted by the UDO, it will be located closer than the existing house. The addition will not be out of place with the surrounding area and was supported by the Neighborhood Association.

- 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 to expand in a manner that is consistent with the historical development pattern of the neighborhood. Peculiar condition is found in the historic development patterns of the area and the location of the existing two-story house in the setback. Staff finds that the petitioner has a reasonable expectation to expand the home in a manner similar to those around it.

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

1. A building permit is required prior to construction.



V-36-16 Frank Felt and Doriet Berkowitz

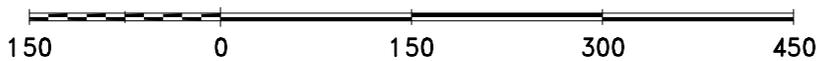
915 E University St

Hearing Officer

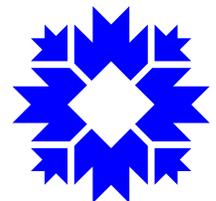
Site Location, Zoning, Parcels

By: greulice

10 Nov 16

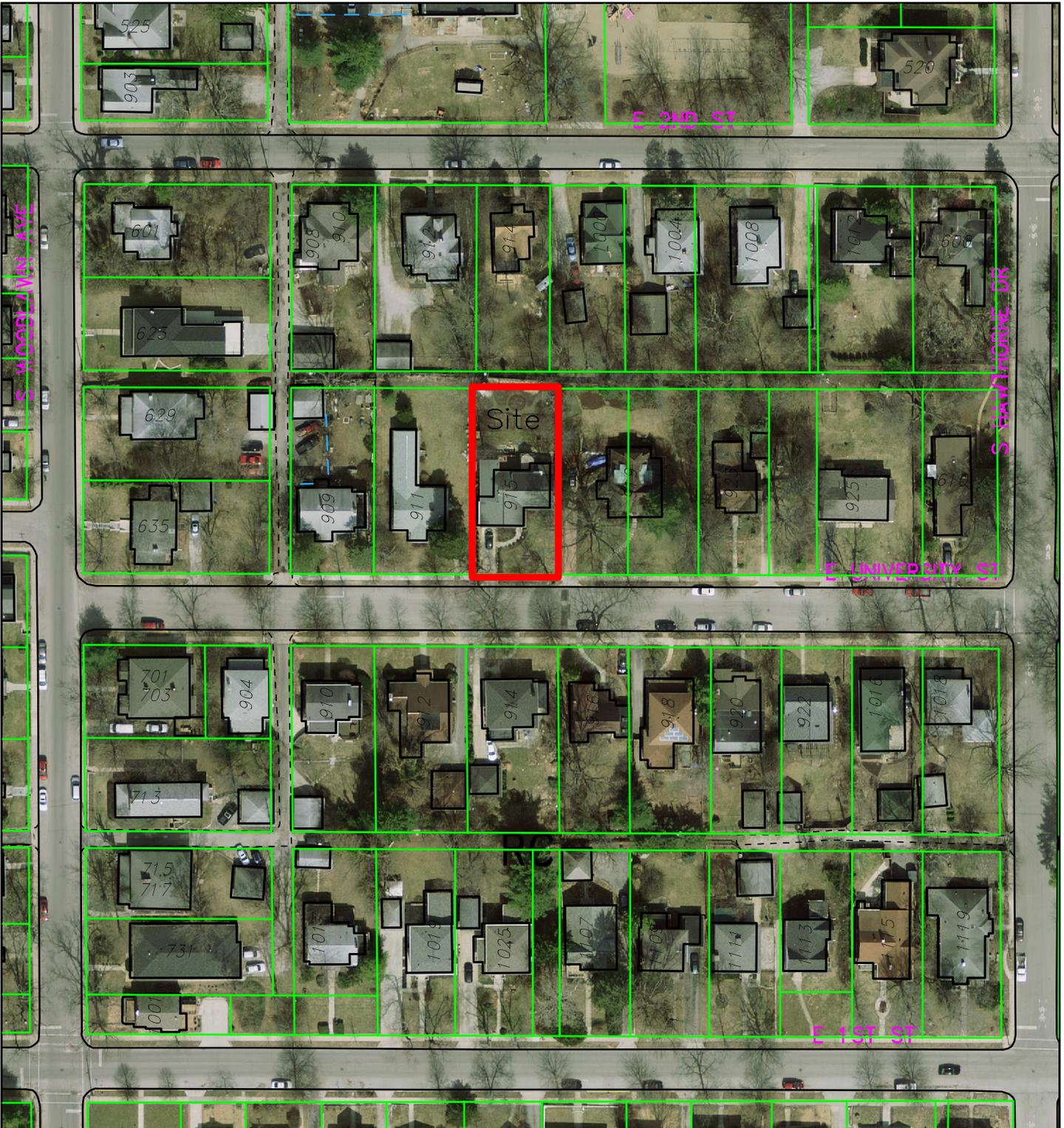


City of Bloomington
Planning & Transportation



Scale: 1" = 150'

For reference only; map information NOT warranted.



V-36-16 Frank Helt and Doriet Berkowitz

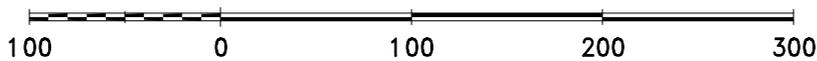
915 E University St

Hearing Officer

2014 Aerial Photograph

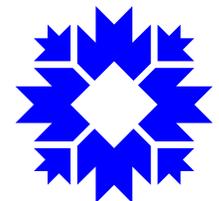
By: greulice

10 Nov 16



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City of Bloomington
Planning & Transportation



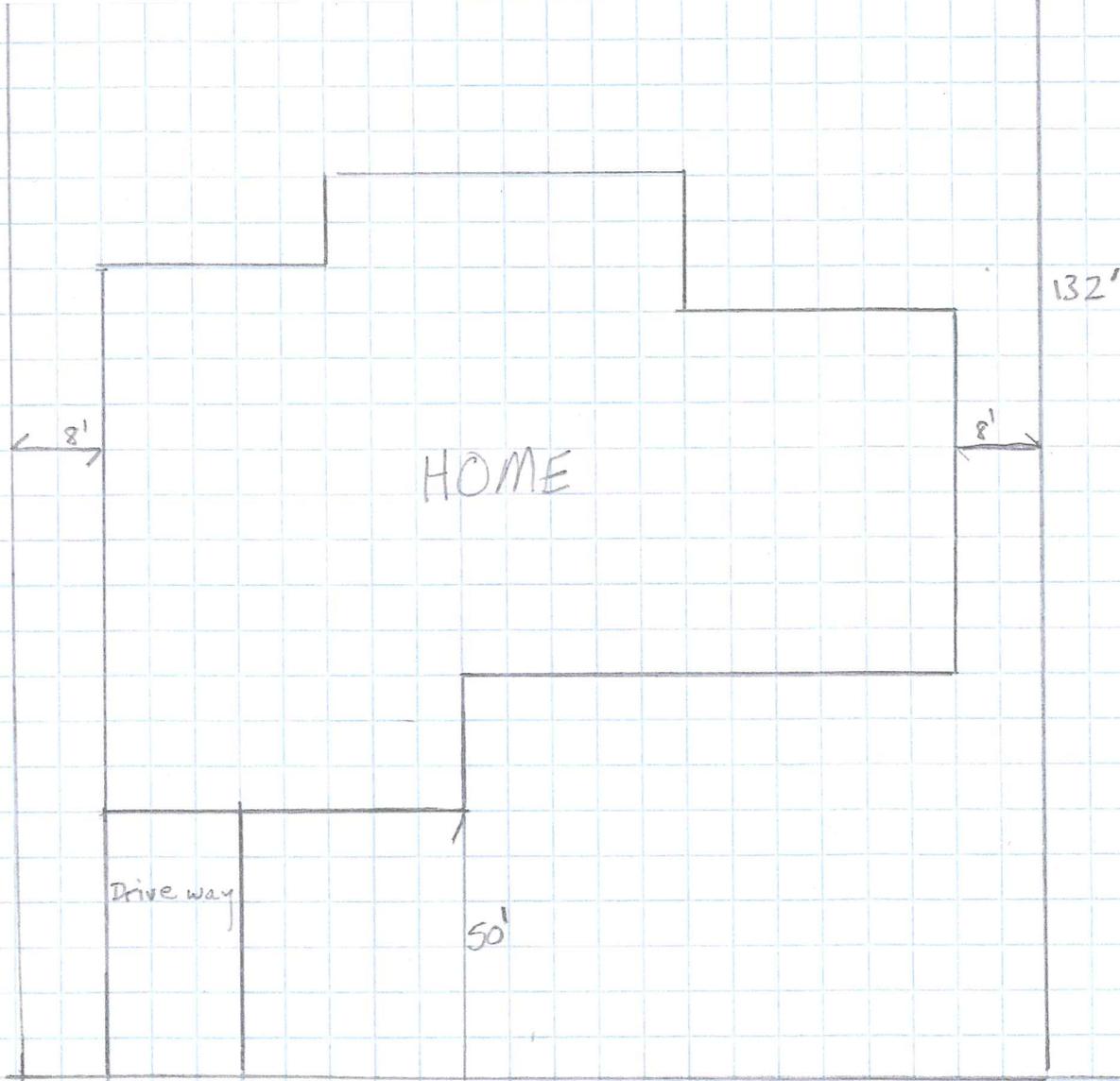
Scale: 1" = 100'

RECEIVED
OCT - 5 2013

62'

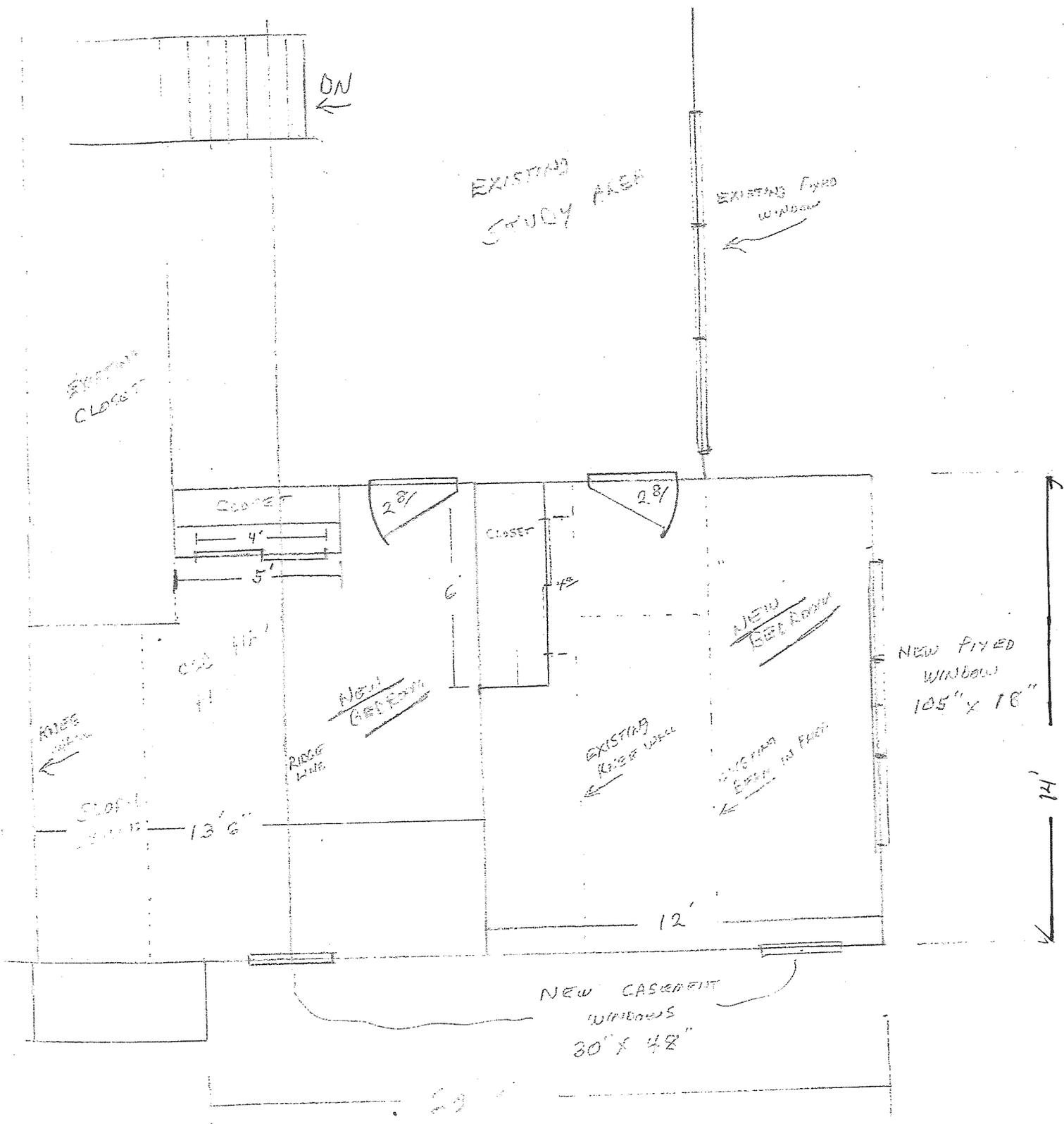
Frank Helt
Doriet Berkowitz
812-369-6150

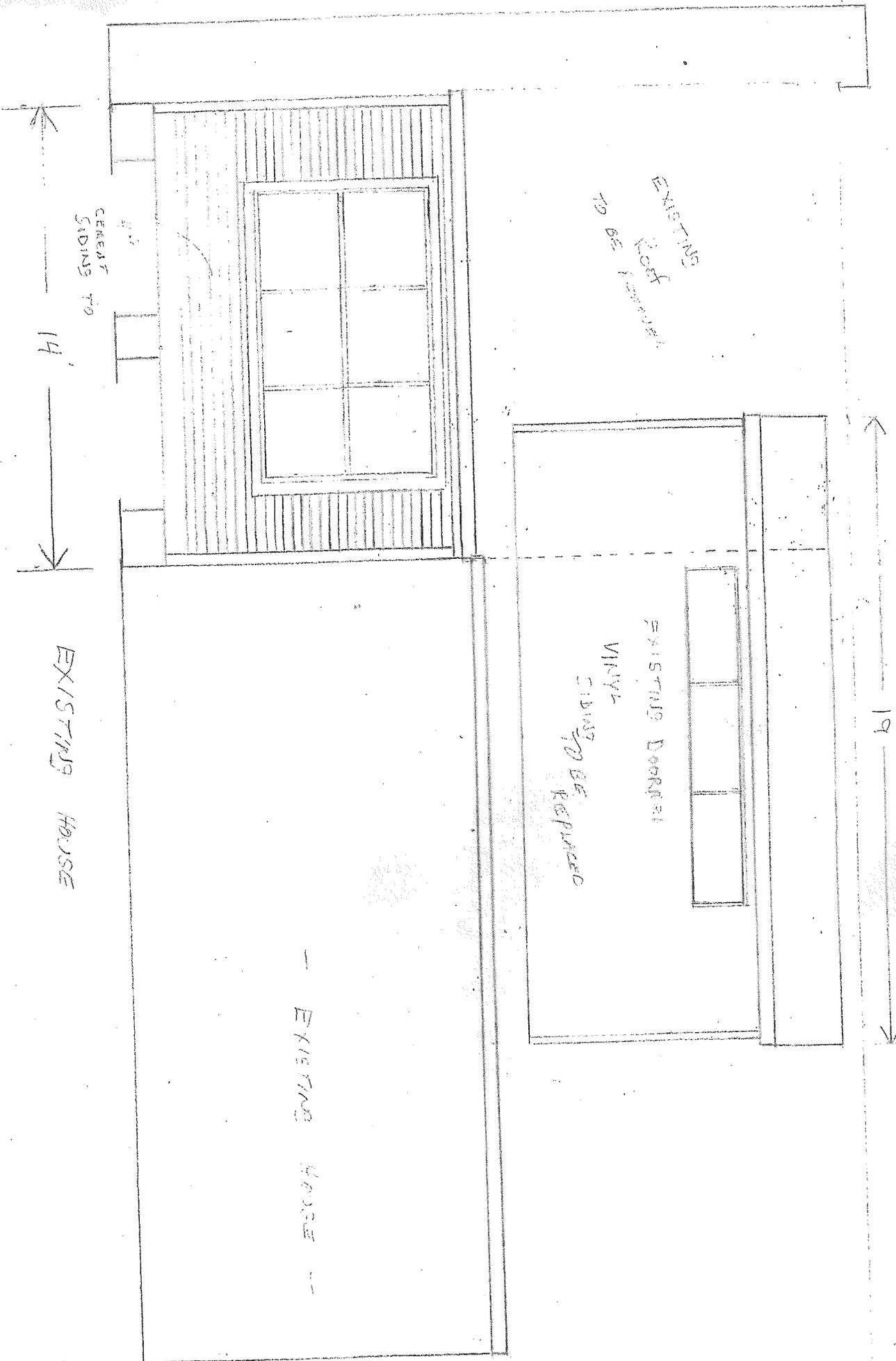
HELT/BERKOWITZ
Project - HELT-RES.ADD-915
Address - 915 UNIVERSITY ST E
Parcel - 015-24570-00
App # - 59609 Twp - PR-4



915 E. University St.

PROPOSED
EX PARTITION





EXISTING SIDING TO

14'

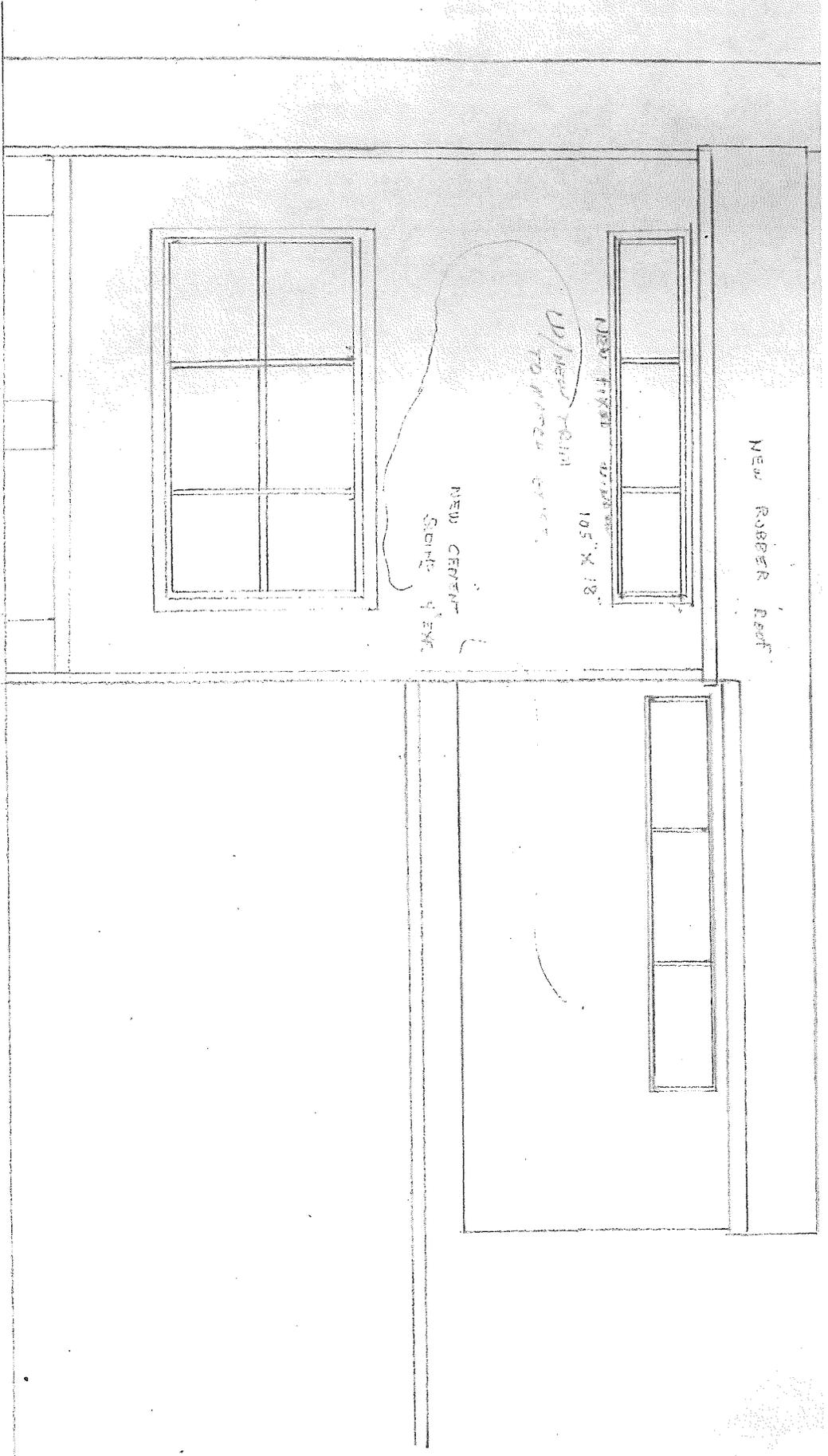
EXISTING HOUSE

EXISTING ROOF TO BE REPLACED

19'

EXISTING DOORWAY VINYL SIDING TO BE REPLACED

EXISTING HOUSE



Proposed Addition

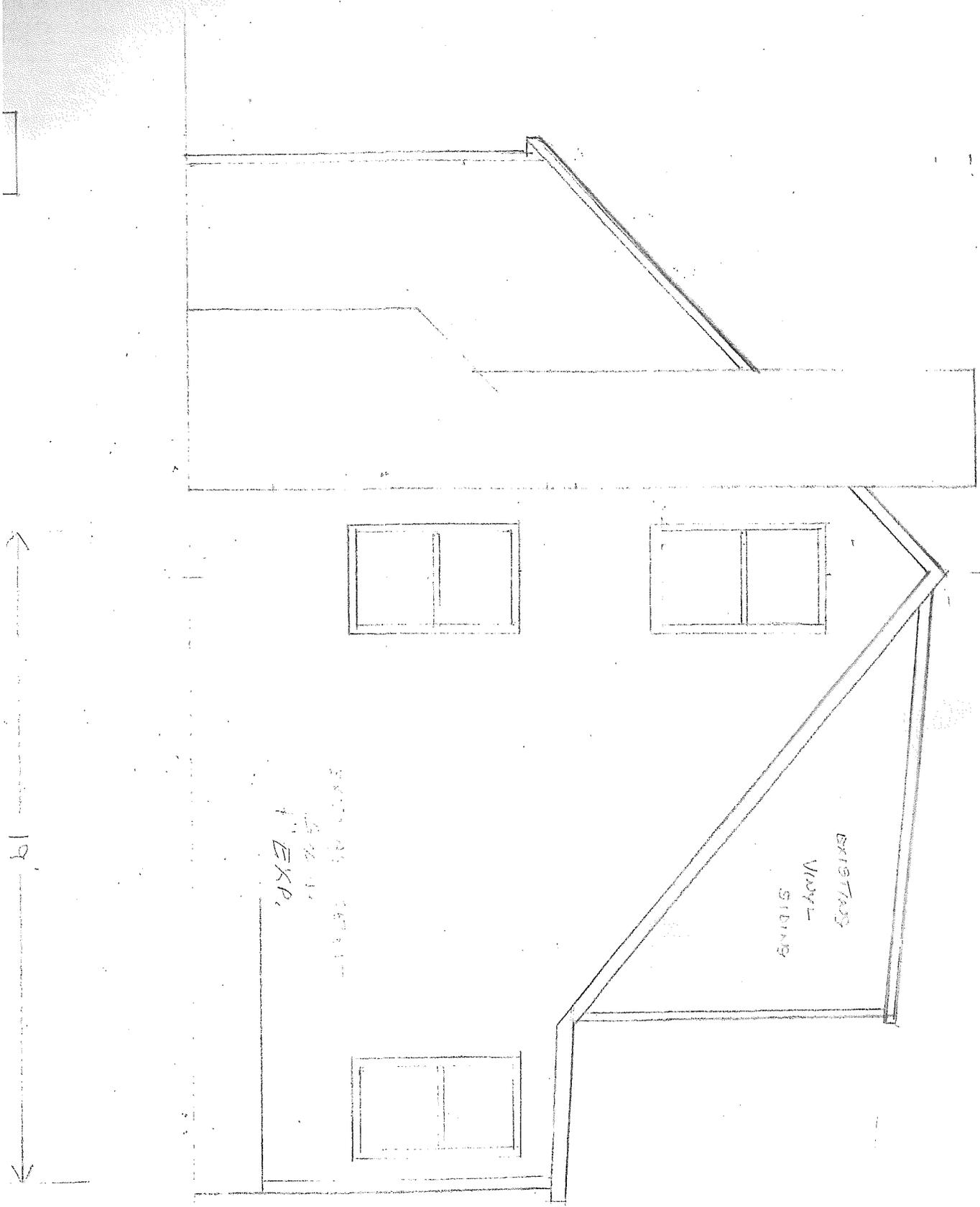
FOR TUBS HELT

SCALE 1/4" = 1'

NO. 3 8-14-16

1114 S. 2nd St. University St. Corner

SUC



EXISTING HOUSE

EXISTING
WOOD
SIDING

EXISTING
WOOD
EXP.

19'

Proposed Expansion

