CITY OF BLOOMINGTON



September 19, 2024 @ 5:30 p.m. City Hall, 401 N. Morton Street Common Council Chambers, Room #115

https://bloomington.zoom.us/j/82448983657?pwd=enJxcnArK1pLVDI nWGROTU43dEpXdz09

Meeting ID: 824 4898 3657 Passcode: 319455

CITY OF BLOOMINGTON BOARD OF ZONING APPEALS (Hybrid Meeting)

City Hall, 401 N. Morton Street Common Council Chambers, Room #115 and via Zoom

September 19, 2024 at 5:30 p.m.

♦Virtual Meeting:

https://bloomington.zoom.us/j/82448983657?pwd=enJxcnArK1pLVDInWGROTU43dEpX dz09

Meeting ID: 824 4898 3657 Passcode: 319455

Petition Map: https://arcg.is/0y1rn80

ROLL CALL

APPROVAL OF MINUTES: August 22, 2024

PETITIONS CONTINUED TO: October 17, 2024

AA-17-22 **Joe Kemp Construction, LLC & Blackwell Construction, Inc.** Summit Woods (Sudbury Farm Parcel O) W. Ezekiel Dr. Parcel(s): 53-08-07-400-008.002-009, 53-08-07-400-008.004-009... Request: Administrative Appeal of the Notice of Violation (NOV) issued March 25, 2022. <u>Case Manager: Jackie Scanlan</u>

V-27-22 Cutters Kirkwood 123, LLC

113 E. Kirkwood Ave.

Parcel: 53-05-33-310-062.000-005 Request: Variances from Downtown Character Overlay standards to allow less non-residential area and less large display windows; and a variance from the requirement to align with the front setback of an adjacent historic structure in the Mixed-Use Downtown zoning district with the Courthouse Square Character Overlay (MD-CS). <u>Case Manager: Jackie Scanlan</u>

V-23-24 Scott and Susan Slaven 2408 S. Shadow Grove Ct Parcel: 53-08-10-403-014.000-009 Request: Variance from Entrance and Drive standards to allow a circle drive and from fence height standards for a property in the Residential Medium Lot (R2) zoning district. <u>Case Manager: Eric Greulich</u>

Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call <u>812-349-3429</u> or E-mail <u>human.rights@bloomingto.in.gov</u>.

The City is committed to providing equal access to information. However, despite our efforts, at times, portions of our board and commission packets are not accessible for some individuals. If you encounter difficulties accessing material in this packet, please contact Melissa

Hirtzel at hirtzelm@bloomington.in.gov and provide your name, contact information, and a link to or description of the document or web page you are having problems with.

V-27-24 Keith Clay

729 S. Washington Street Parcel: 53-08-04-217-049.000-009 Request: Variances from detached garage setback standards and from improved alley access standards in the Residential Large Lot (R3) zoning district. <u>Case</u> <u>Manager: Katie Gandhi</u>

PETITION CONTINUED TO: November 14, 2024

V-26-24 Elisha Spier 2110 E. Covenanter Drive Parcel: 53-08-03-407-027.000-009, 53-08-03-409-002.000-009 Request: Conditional use request to allow a home occupation in the home and variances from use-specific standards related to the number of employees and on-site sales in the Residential Medium Lot (R2) zoning district. <u>Case Manager: Jackie Scanlan</u>

PETITIONS:

CU-17-24 Bloomington Builders, LLC & Latitude 39 North Properties, LLC 506 E. Wylie Street Parcel: 53-08-04-113-095.000-009 Request: Conditional Use approval to allow a duplex in the Residential Lot (R3) zoning district. <u>Case Manager: Eric Greulich</u>

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BLOOMINGTON BOARD OF ZONING APPEALS STAFF REPORT – Third Hearing LOCATION: 506 E. Wylie Street

CASE#: CU-17-24 DATE: September 19, 2024

PETITIONER: Bloomington Builders LLC & Latitude 39 North Properties, LLC PO Box 67 Bloomington, IN 47402

REQUEST: The petitioner is requesting Conditional Use approval to allow a "Dwelling, duplex" use in the Residential Small Lot (R3) zoning district.

PREVIOUS HEARINGS SUMMARY: This petition was heard at the May 23, 2024 and August 22, 2024 hearings and was continued at each hearing to allow the petitioner the opportunity to continue to address comments from the neighbors and Board of Zoning Appeals members. Comments expressed at the hearings included a desire to reduce the number of bedrooms, reduce the size of the structure to match existing homes along Wylie, redesign the structure to better match adjacent residences, and consider adding additional parking. The petitioner has modified the proposed site plan and design of the building from the August 22, 2024 hearing to relocate the driveway and parking to the west side of the residence and changed the overall design of the rooflines. The revised site plan and elevations have been included in this packet.

REPORT: The property is located at 506 E. Wylie Street and is zoned Residential Small Lot (R3). All surrounding properties are zoned Residential Small Lot (R3) and have been developed with single family residences. The property is currently vacant and within the Bryan Park Neighborhood Association area.

The petitioner is proposing to develop the site with a new duplex. The residence would face Wylie Street and be accessed by a driveway along the west side of the residence that leads to a parking area with four parking spaces. The building has been redesigned to change the orientation of the roof slope to slope toward Wylie Street. Each unit would have its own entry facing Wylie Street with a sidewalk connecting the residence to Wylie Street. There is no sidewalk along this property frontage or sidewalks along adjacent properties. This petition would not be required to install a sidewalk along the property frontage, however new street trees are required and have been shown. The new residence will be two-stories with three bedrooms in each unit.

This petition was presented to both the Bryan Park and Elm Heights Neighborhood Associations. At those meetings neighbors expressed concerns regarding the amount of parking provided, the location of the driveway on the property, tree preservation, and potential for future home ownership of the units. Unfortunately the location of a large Sycamore tree in the center of the property cannot be avoided. Each individual unit in the duplex will have its own entrance and separate utility connection to enable the possibility of future ownership through a condominium design.

The petitioner is requesting conditional use approval to allow the establishment of a "Duplex, dwelling" use on the property.

CRITERIA AND FINDINGS FOR CONDITIONAL USE PERMIT

20.06.040(d)(6)(B) General Compliance Criteria: All petitions shall be subject to review and pursuant to the following criteria and shall only be approved if they comply with these criteria.

- *i.* Compliance with this UDO
- *ii.* Compliance with Other Applicable Regulations
- iii. Compliance with Utility, Service, and Improvement Standards
- iv. Compliance with Prior Approvals

PROPOSED FINDING: There are use-specific standards that apply to the use "dwelling, duplex" within the R3 zoning district and this petition meets those standards. The property owner does not have any notices of violation on file. Each unit has its own separate exterior entrance and the design of the building incorporates many elements similar to surrounding residences on this block face including- pitched roof, covered porches, and building setback. The structure will contain no more than six bedrooms. Each unit will have its own separate utility meters. The petitioner did attend Bryan Park and Elm Heights Neighborhood Association meetings and presented this petition as required. There are no other known applicable regulations for this petition. There are water and sewer connections available in Wylie Street and no conflicts with connecting to those services have been identified. There are no known prior approvals for this site.

20.06.040(d)(6)(C) ADDITIONAL CRITERIA APPLICABLE TO CONDITIONAL USES

i. Consistency with Comprehensive Plan and Other Applicable Plans The proposed use and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the Comprehensive Plan and any other applicable adopted plans and policies.

PROPOSED FINDING: This proposal is in line with the goals of the Comprehensive Plan. The Comprehensive Plan identifies this area as the "Mixed Urban Residential" land use category. The Comprehensive Plan states that the Mixed Urban Residential land use category is largely in older neighborhoods and that redevelopment should be compatible with surroundings. Policy 5.3.1 encourages opportunities for infill and redevelopment across Bloomington with consideration for increased residential densities, complementary design, and underutilized housing types such as accessory dwelling units and duplexes. This location is also well served by existing services and utilities. The proposal also accomplishes many of the design goals of the Comprehensive Plan in relation to compatibility with adjacent structures and has a clear relationship with the adjacent public street through the sidewalk connection from the residence to the sidewalk on the street. The proposal is in line with the Comprehensive Plan.

ii. Provides Adequate Public Services and Facilities

Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, streets, potable water, sewer, stormwater management structures, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

PROPOSED FINDING: The site has existing utility connection and no issues have been identified with the proposed connections.

iii. Minimizes or Mitigates Adverse Impacts

- 1. The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance.
- 2. The proposed development shall not cause significant adverse impacts on surrounding properties nor create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights.
- 3. The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood.
- 4. The petitioner shall make a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the pre-submittal neighborhood meeting for the specific proposal, if such a meeting is required.

PROPOSED FINDING: There are no regulated natural or scenic features that will be impacted. Although there is one tree in the center of the property that the neighborhood expressed a desired to save, the location of the tree in the center of the property does not allow it to be saved and still develop the lot. The building is not located within a historic district. No significant adverse impacts are expected from the creation of the proposed duplex. No changes to trash and waste collection service are expected. Concerns from adjoining property owners were expressed at the respective Neighborhood Meetings and most have been addressed through the changes mentioned previously.

iv. Rational Phasing Plan

If the petition involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required to comply with the project's cumulative development to date and shall not depend upon subsequent phases for those improvements.

PROPOSED FINDING: No phasing is proposed with this plan.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopts the proposed findings and recommends approval of CU-17-24 with the following conditions:

- 1. This conditional use approval is limited to the design shown and discussed in the packet.
- 2. Street trees not more than 30' from center are required along the property frontage.



Planning and Transportation Department



Created: 5/10/2024 Map By:



Planning and Transportation Department



Created: 5/10/2024 Map By:

For use as map information only, information is NOT warranted.

506 East Wylie Street, LLC

PO Box 67, Bloomington, Indiana

Petitioner's Statement

506 East Wylie Street Residence

Petitioner: 506 East Wylie Street, LLC, Bloomington, Indiana

Property Description

506 East Wylie Street is a vacant, residential lot near the intersection of East Wylie Street and South Henderson Street in the Bryan Park Neighborhood. The property is zoned R3 (Residential Small Lot). The property is bound by single family residential uses on all sides as well as multifamily apartments to the Southeast. Adjacent Zoning is R3 on all sides.

Conditional Use Request

506 East Wylie Street, LLC, is filing a request for Conditional Use per the UDO for Dwelling, Duplex construction in R3 Zoning. The proposal meets the design requirements and the development standards in the UDO. The proposal consists of a new 2-story structure that includes two 3 bedroom, 3 bath dwelling units. The design reflects the requirements of the UDO in that separate exterior entrances for each unit face East Wylie Street. Additionally, a street-facing gable roof pitch reflects similar roof styles found on the block face as well as the surrounding neighborhood. The combination of horizontal "lap style" and vertical board and batten siding also help differentiate each dwelling unit. The building setback and vehicular access is also consistent with other homes along East Wylie Street. New water and sewer service, separate for each unit, has been coordinated with City of Bloomington Utilities and Engineering, and new electrical service, separate for each unit, will be coordinated with Duke Energy. Upon approval, construction would likely begin in December of 2024 with completion expected in the Summer of 2025.







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Jacqueline Scanlan <scanlanj@bloomington.in.gov>

506 East Wylie Proposed Duplex Construction

Amy Stupka <amyrunswithhorses@gmail.com> To: scanlanj@bloomington.in.gov, planning@bloomington.in.gov

Thu, May 9, 2024 at 3:52 PM

Greetings Jackie and all,

My husband and I live north of the proposed construction site, and have some concerns related to the proposed 6 bedroom, 6 bathroom duplex construction. Our primary concern is for the safety of the neighborhood related to traffic and parking congestion on Wylie. Even now, with that lot currently vacant, cars frequently fill the narrow road creating a one-way street. Our neighbor accross Wylie frequently has difficulty backing out of his driveway, and it is difficult for pedestrians to see what is coming without stepping into the road. We are very concerned that the addition of 6 more cars to this small area of road will create an unsafe situation. Even though 4 parking spaces will be part of the plan, it seems clear that even the addition of a minimum of 2 more cars coming is a concern.

Another major concern is the existence of a magnificent sycamore tree that beautifies the intersection and neighborhood surroundings. Such trees exemplify the beauty of this special neighborhood as well as provide a nesting location for hawks and other wildlife adding to the character. We expressed our concerns to the contractor directly, and feel that he was very receptive to the concerns, but want to make sure that planners are also aware of them.

Is it possible to restrict street parking on Wylie to residents? These restrictions could help alleviate the current problem as well as help prevent worsening the situation with the addition of as many as 6 more drivers.

Thank you very much for your attention to these concerns.

Sincerely,

Amy Stupka 814 South Henderson Street 828-215-6098



Eric Greulich <greulice@bloomington.in.gov>

Fwd: 506 E. Wylie Duplex Proposal

Jacqueline Scanlan <scanlanj@bloomington.in.gov> To: Eric Greulich <greulice@bloomington.in.gov>

Fri, May 3, 2024 at 3:16 PM

I'm sure you'll get this from the front, but fyi!

Jackie

------ Forwarded message ------From: **ian woollen** <iwool@hotmail.com> Date: Fri, May 3, 2024 at 2:47 PM Subject: RE: 506 E. Wylie Duplex Proposal To: planning@bloomington.in.gov <planning@bloomington.in.gov>, scanlanj@bloomington.in.gov <scanlanj@bloomington.in.gov>, isabel piedmont <piedmoni@bloomington.in.gov>, caylan.m.evans@gmail.com <caylan.m.evans@gmail.com>

Hi - I was at the BPNA meeting last night and heard the presentation from architect/developer Caylan Evans for a new duplex at 506 E. Wylie.

I just want to register my concern that the arrangement of 6 beds with 6 baths seems obviously aimed at the student market, rather than a family tenant. Cutting the number of bathrooms from 3 down to 2 in each unit would allow for a larger master bedroom and be more likely to attract a family tenant.

Thanks for your time.

Regards,

Ian Woollen

1106 S. Washington