

CITY OF BLOOMINGTON



January 15, 2025 @ 2:00 p.m.
Kelly Conference Room #155 and Zoom

Virtual Link:

<https://bloomington.zoom.us/j/88225451589?pwd=SkQxQmQvTnBXc202M0ZPano1eW9rdz09>

Meeting ID: 882 2545 1589
Passcode: 897298

CITY OF BLOOMINGTON
HEARING OFFICER (Hybrid Meeting)
January 15, 2025 at 2:00 p.m.

City Hall, 401 N. Morton Street
Kelly Conference Room #155

❖**Virtual Link:**

<https://bloomington.zoom.us/j/88225451589?pwd=SkQxQmQvTnBXc202M0ZPano1eW9rdz09>

Meeting ID: 882 2545 1589

Passcode: 897298

Petition Map: <https://bton.in/G6BiA>

PETITIONS:

V-37-24/VAR2024-12-0054

Bloomington Builders, LLC

317 E. 10th Street

Parcel: 53-05-33-210-043.000-005

Request: Variance from front setback standard to allow construction of a triplex dwelling in the Residential Multifamily (RM) zoning district.

Case Manager: David Brantez

V-40-24/VAR2025-01-0057

Hamid Farzad

701 S. High Street

Parcel: 53-08-03-100-069.000-009

Request: Variance from the driveway width maximum in order to allow for a turnaround in the Residential Medium Lot (R2) zoning district. Case Manager: Jackie Scanlan

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.

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 HEARING OFFICER
STAFF REPORT
Location: 317 E 10th Street, Bloomington, IN 47408**

**CASE #: V-37-24
DATE: January 15, 2025**

PETITIONER: Bloomington Builders, LLC
431 Summer Lake Drive, Bedford, IN, 47421

REQUEST: The petitioner is requesting a variance from the front setback standard to allow construction of a triplex dwelling in the Residential Multifamily (RM) zoning district.

REPORT: The petition site is zoned Residential Multifamily (RM) and is located on the north side of E 10th Street between N Grant Street and N Lincoln Street. It is currently vacant. There is a small gravel parking area at the rear of the lot and there are no buildings on the property. Alleys along the east and north of the property allow access to parking from E 10th Street and N Grant Street.

All adjacent properties are also residential. The property is not in a historic district; however the two adjacent properties on E 10th Street and the three closest properties on E Cottage Avenue to the rear are all Historically Contributing Structures.

The petitioner is proposing to build a triplex on the property. Building a triplex in the Residential Multifamily (RM) district requires a front setback of 15 feet from the proposed right-of-way. The proposed right of way for E 10th Street is 90 feet. The new triplex would need to be 60 feet from the center line of E 10th Street to be compliant under the UDO standards.

The adjacent properties have front setbacks of approximately 36.5 feet and 39.5 feet from the center line.

The petitioner is requesting a variance from the 15 foot setback from the proposed right-of-way on E 10th Street in order to build the triplex to meet Residential Urban (R4) front setback standards, which would require the building at 45 feet from center, in order to be more compatible with surrounding properties.

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.*

PROPOSED FINDING: No injury is found with this petition. The proposal provides for development in line with surrounding existing development. The variance will allow a new triplex

to be built within a reasonable setback to existing infrastructure that aligns with surrounding development.

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.*

PROPOSED FINDING: No adverse impacts to the use and value of the surrounding properties are found as a result of the requested variance. The site will continue to be used as a triplex, and the Transportation Plan requirements related to pedestrian facilities will be met on the site.

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.*

PROPOSED FINDING: Practical difficulty is found in the combination of the proposed right-of-way width of 90 feet here combined with the size necessitated by a triplex, which is a desired use at this location. Development of a standard depth triplex, which is the request, will necessitate a variance from either the front or rear setback because of the large right-of-way width desired at this location. Peculiar condition is found in the large proposed right-of-way located in an area where most development is within 35 feet of the existing right-of-way, causing incongruity between existing and proposed setbacks. Granting of the variance will allow for development of a triplex in the RM zoning district.

RECOMMENDATION: The Department recommends that the Hearing Officer adopt the proposed findings and approve the petition with the following conditions:

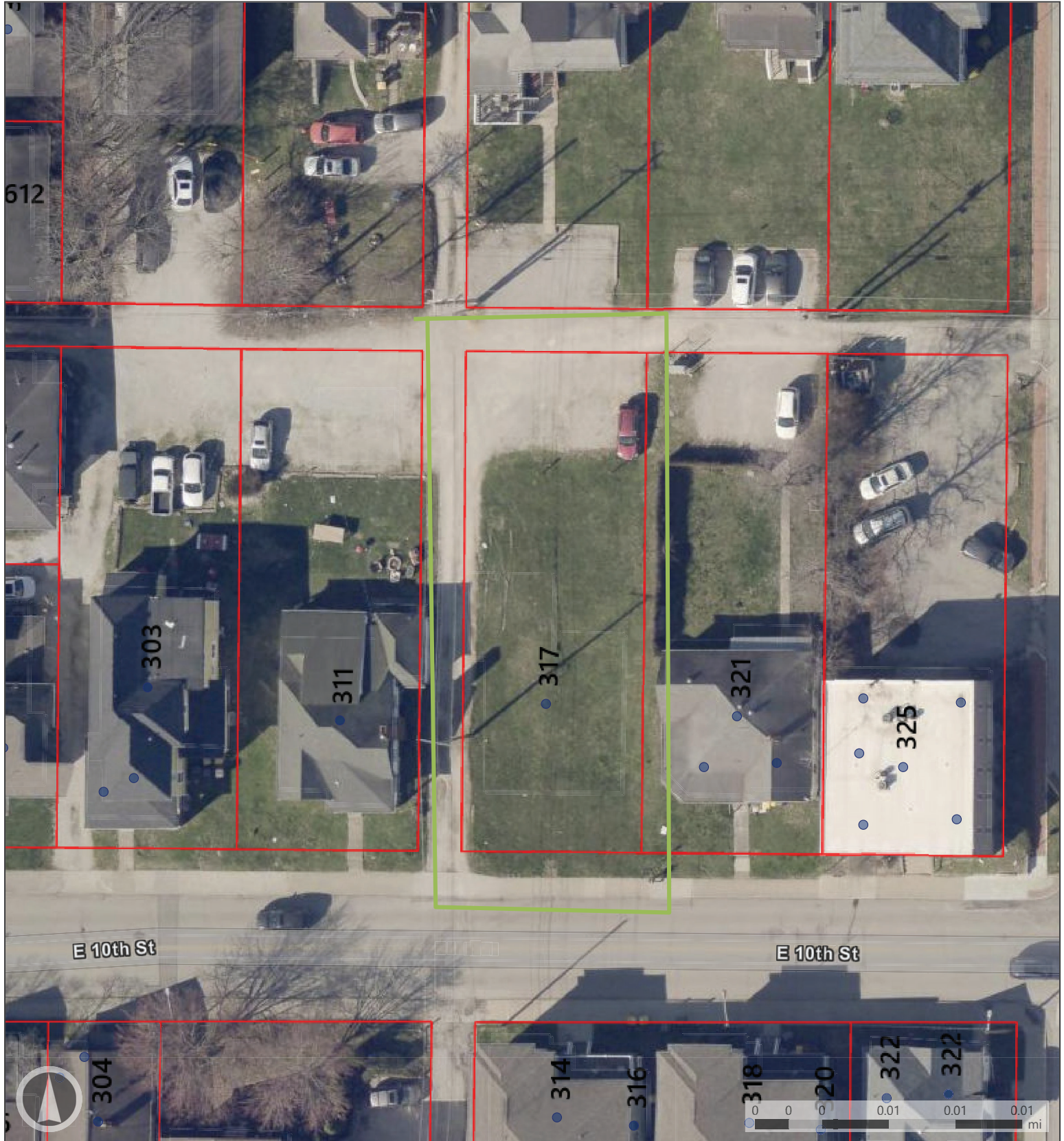
1. This approval is for the design of the structure submitted in relation to the front building setback.
2. A new plan must be submitted including tree plot and pedestrian facility as required by the Transportation Plan, as well as compliant parking before a Certificate of Zoning Compliance will be issued.



Map Legend

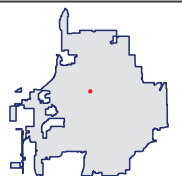
-  Parcels
-  Bloomington Municipal Boundary





Map Legend

- Addresses
- Parcels
- Bloomington Municipal Boundary



Bloomington Builders, LLC

431 Summer Lake Dr, Bedford, IN 47421

Petitioner's Statement

317 E 10th Front Setback Variance Request

Petitioner: Bloomington Builders, LLC

Property Description:

317 E 10th St is a vacant lot on east 10th St. This parcel is zoned RM (Residential Multifamily). The property is bounded by residential uses and RM zoning.

Variance Request

Bloomington Builders, LLC is filing a request for a variance from the front setback of 15 ft to a setback of 0 ft. The transportation plan requires a proposed ROW of 90 ft which would require the setback to be calculated from 27.67 ft from the edge of the current property line or 45 from the centerline of the road. With a setback of 0 ft, the proposed building will be 27.67 ft from the edge of the current property line.

**BLOOMINGTON HEARING OFFICER
STAFF REPORT
Location: 701 S High Street**

**CASE #: V-40-24
DATE: January 15, 2025**

PETITIONER: Hamid Farzad
701 S High Street, Bloomington

REQUEST: The petitioner is requesting a variance from driveway width in front of the front building wall in the Residential Medium Lot (R2) zoning district.

REPORT: The petition site is zoned Residential Medium Lot (R2) and is located on the east side of S. High Street, two properties south of 2nd Street. It is currently developed with a single-family residence with a driveway to High Street. Surrounding land uses include single family residences to the west and south, multifamily to the north, and Binford/Rogers Elementary School campus to the east.

The frontage of the property is being altered and some of the land in that area is being purchased for the extension of a multiuse path along High Street. The petitioner will lose over 16 feet of front yard to the project.

The petitioner is requesting a variance to allow for a vehicular turn around in front of (west of) the house, so that vehicles will not have to back out of the driveway and past the new multiuse path. The Unified Development Ordinance only allows for an 18 foot wide driveway in front of the building setback line. The petitioner is functionally requesting 32 feet in front of the building setback line because of a 16 foot wide driveway and 16 foot wide turn around.

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.*

PROPOSED FINDING: No injury is found with this petition. The proposal provides for continued use of a single-family residence. The variance will for allow for safe vehicle use on the site as drivers will have space to allow then to turn around and avoid backing out across the path.

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.*

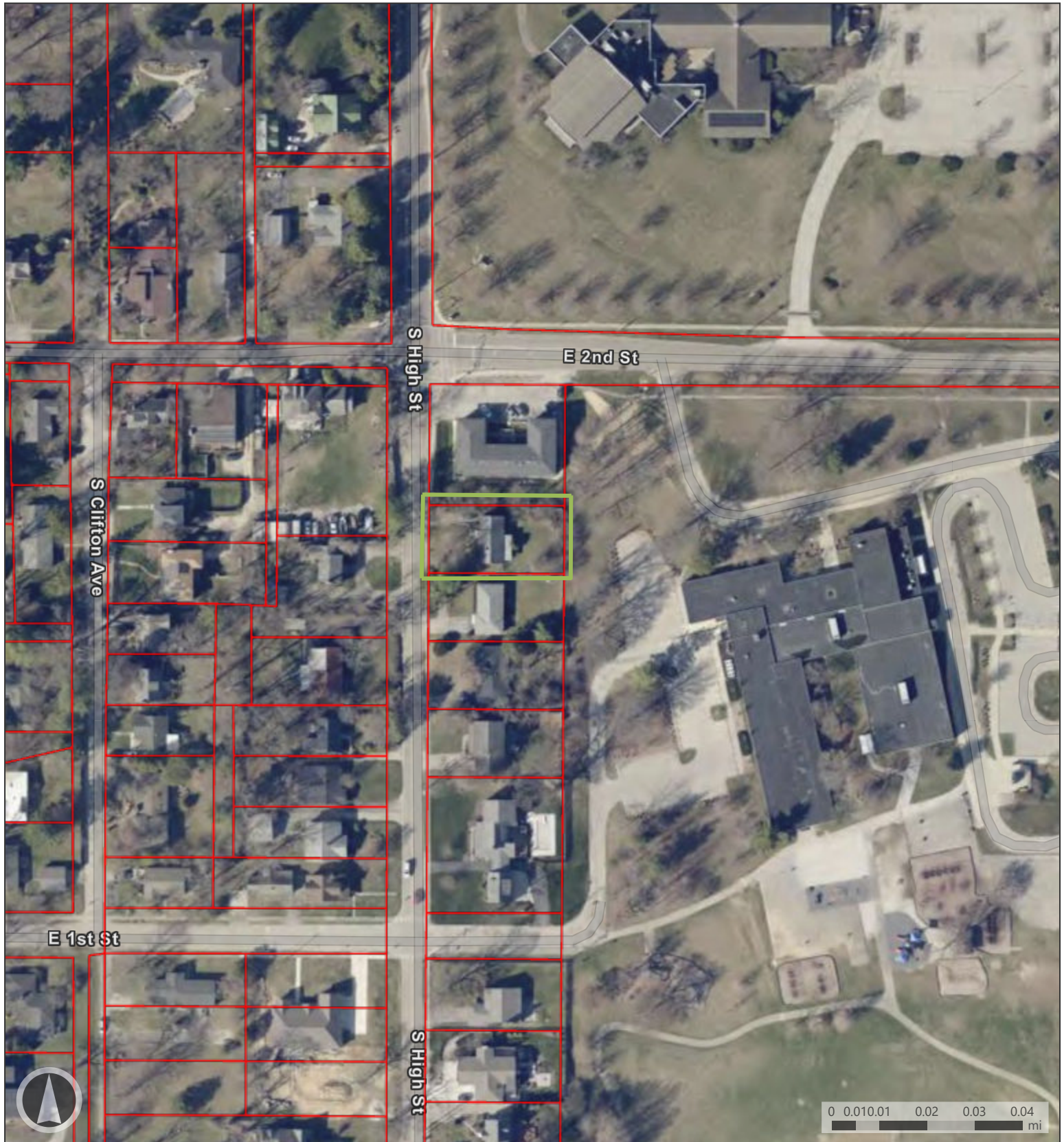
PROPOSED FINDING: No adverse impacts to the use and value of the surrounding properties are found as a result of the requested variance. The site will continue to be used as a single family residence and variance approval will allow for safer egress for vehicles from the site.

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.*

PROPOSED FINDING: Practical difficulty is found in the combination of the visual obstruction north of the site, the right-of-way acquisition, and the elevation of the existing driveway. Immediately adjacent on the property to the north is a stormwater ditch with trees that often obstruct the view of vehicles and pedestrians to the north. With the acquisition of right-of-way because of the multiuse path, the obstruction will increase, as the vegetative density is thicket further from the roadway. Additionally, the existing driveway is below grade of the front yard on the site, making the location of the turn around difficult to move to the east. The physical characteristics of this property and its surroundings combine to create a practical difficulty in the safe vehicular use of the site. The variance will allow vehicles to turn around and pull out of the driveway facing S. High Street, as opposed to backing out, creating a safer interface with the new multiuse path than would otherwise exist.

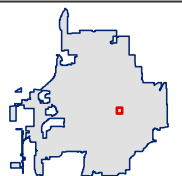
RECOMMENDATION: The Department recommends that the Hearing Officer adopt the proposed findings and approve V-40-24 with the following conditions:

1. The turn around area shall be a maximum of 16 feet by 16 feet as shown in the petition submittal.



Map Legend

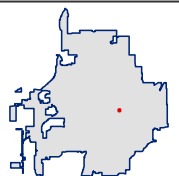
-  Parcels
-  Bloomington Municipal Boundary





Map Legend

- Addresses
- ▭ Parcels
- ▭ Bloomington Municipal Boundary





Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Requested for variance @ 701 S High Street

H F <HFARZAD@yahoo.com>

Wed, Jan 1, 2025 at 10:27 PM

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

Hi Jackie

Please accept this email as my request for a variance from the driveway width maximum in order to allow for a turnaround for the property located at [701 S High Street](#).

This turnaround is needed as a result of the planned High Street Path.

Attached is the drawing provided to me by the engineering firm supporting the city project.

Thank you for your support with this project.

Hamid

2 attachments

**FILE_7956.pdf**
1135K**FILE_7742.pdf**
228K



Exist. 12" Inv. 831.82
(Vertical Control Point)

833.02 (Ex)

833.10 (Ex)

833.11 (Ex)

6'11"

10'

833.29

832.49

832.89

4'

16'

16'

6'3"

831.60

831.15 (Ex)

830.90 (Ex)

831.65

832.31

834.03 (Ex)

833.57 (Ex)

831.35

Radius at the Discretion
of the Owner (5' Shown)