

CITY OF BLOOMINGTON



September 20, 2017 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON
HEARING OFFICER
September 20, 2017 at 2:00 p.m.

*Kelly Conference Room #155

PETITIONS:

- V-25-17 **Jeff Brawley**
403 E. 20th St.
Request: Front yard setback variance in the Residential High-density (RH) zoning
district to allow the construction of one multi-family building.
Case Manager: Jackie Scanlan

HEARING OFFICER
Next Meeting Date: August 9, 2017
Filename: I:\common\developmentreview\hearingofficer\agendas\HO-agenda

July 26, 2017

***Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call [812-349-3429](tel:812-349-3429) or
E-mail human.rights@bloomington.in.gov.

**BLOOMINGTON HEARING OFFICER
STAFF REPORT
LOCATION: 403 E. 20th Street**

**CASE #: V-25-17
DATE: September 20, 2017**

PETITIONER: **Jeff Brawley, BMI Properties LLC
PO Box 5543, Bloomington**

CONSULTANT: **Matt Ellenwood, Matte Black Architecture Inc.
2021 E. Wexley Road, Bloomington**

REQUEST: The petitioner is requesting a front yard building setback variance to allow the construction of one multi-family building.

REPORT: The petitioner owns three lots on the north side of East 20th Street between North Dunn and Lincoln Streets. The site is zoned Residential High-Density Multifamily (RH). The petitioner is seeking to construct a five townhouse building 15 feet from the right-of-way line.

The existing home, which will be demolished, is approximately 22 feet from the right-of-way. The Unified Development Ordinance requires that new buildings in the RH zoning district be built “15 feet from the proposed right-of-way indicated on the Thoroughfare Plan; or the block face average setback of the existing primary structures on the same block face, whichever is more.” There are five (5) primary structures on the block face that are used to determine the block face average. Block face average setback is defined, not as the mean average, but as “the existing front setback of at least fifty percent (50%) of the primary structures along the same block face as the subject property...” This amounts to the median average, the middle number in the sequence. Four of the five primary buildings on the block have been developed in a previously desired development pattern, with the building set back from the road and parking located in front of the building. The current UDO does not allow parking between the building and the road.

From west to east, the buildings on the block were built in 1967, 1972, 1950, 1987, and 1997. The distances from the right-of-way for these sites are as follows: 49 feet, 48 feet, 21 feet, 24 feet, and 61 feet. Therefore, the setback required by Ordinance is 48 feet from the right-of-way line, a much higher setback than the UDO typically calls for in any residential zoning district. The petition property required setback is unique because it is set by antiquated development patterns no longer desired by the City, and would hinder desired development such as parking behind the building. If the block was vacant, the new building could be built at the requested 15 foot setback.

Approval of the variance would allow for the proposed five townhouse structure to be built 15 feet from the right-of-way line.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

Front Yard Setback

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.*

RECOMMENDED FINDING: No injury is found. The proposed building will be fifteen (15) feet from the right-of-way line, seven (7) feet closer than the existing structure. The setback will allow for space for the proposed parking behind the building.

- 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.*

RECOMMENDED FINDING: No negative effects from this proposal on the areas adjacent to the property are found. The UDO finds that 15 feet from the right-of-way line is appropriate in some situations in the RH zoning district. The site will meet all other setback standards, appropriately separating the development from the neighboring 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.*

RECOMMENDED FINDING: Practical difficulty is found in not allowing the proposed front yard setback. Contradictory requirements of the UDO, front yard setback and parking behind the structure, in combination with the size of this parcel, make development difficult. The age of the other properties on the block face requires a deep front yard setback that does not further the City goal of improving the pedestrian realm along this street frontage. Peculiar condition is found in the relationship of the 111 foot depth of this property and the age of adjacent developments that set the front yard setback for this parcel. The majority of those developments have the building located at the rear of the property, with the parking in front. Holding the new development to the excessive front yard setback standard does not meet the intended purpose of the UDO regulation.

RECOMMENDATION: Based upon the written findings above, staff recommends approval of V-25-17 with the following conditions:

1. The petitioners must obtain a building permit prior to construction.
2. This variance applies only to the five townhouse building, as shown in the submitted site plan.

Petitioner Statement

Date: September 5, 2017

To: City of Bloomington Planning & Transportation Department Hearing Officer

From: Matt Ellenwood, Architect on behalf of Jeff Brawley, Applicant

Re: Minimum Front Setback Variance for 403 E 20th Street

Attn: Hearing Officer

This letter is to request approval for a minimum front building setback variance to allow the construction of a 2 ½ story, 5 unit townhouse structure on the property at 403 E 20th Street in Bloomington, IN. The proposed structure is 32'-0" x 90'-4" and is to be located as shown on the provided site plans.

A variance is sought because the current UDO requires the minimum front building setback to be 15' from the proposed ROW OR the block face average setback of the existing primary structures on the same block face, whichever is more. At this particular location the adjacent structures are a combination of older single-family homes and 2-3 story apartments built under a former UDO guideline in which the buildings were allowed to be set to the rear of the property with parking in the front. This therefore creates a much deeper average setback and creates difficulty for new development to meet the intent of the current UDO (building forward/parking in the back design). The standard 15' minimum front setback is thereby proposed.

This proposal follows the guidelines of the current UDO by placing the building closer to the street, creating separate townhouse entries with stoops, lighting and signage, and hiding the parking at the rear. It also encourages alternative transportation by limiting the parking to 10 spaces for 14 total beds as well as placing bike parking on site along the front sidewalk. All other development requirements (including setbacks, max. impervious surface, etc.) will be met.

Thank you for your time and consideration of this application.

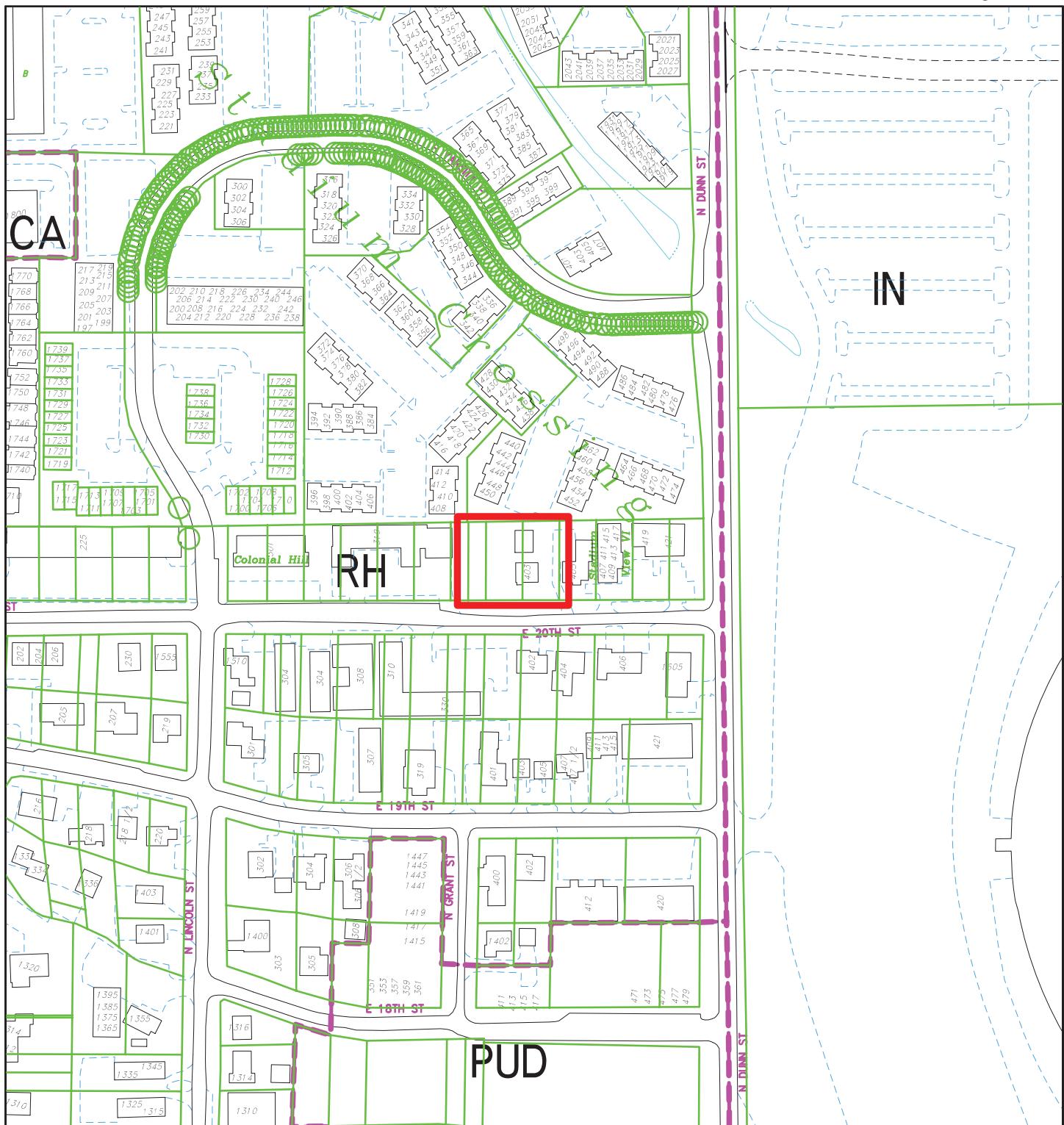
Sincerely,



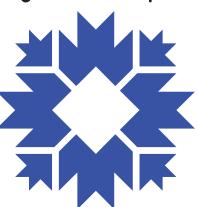
Matt Ellenwood, Architect
Matte Black Architecture

On behalf of:

Jeff Brawley, Applicant



City of Bloomington
Planning & Transportation



By: scanlanj

13 Sep 17

200

0

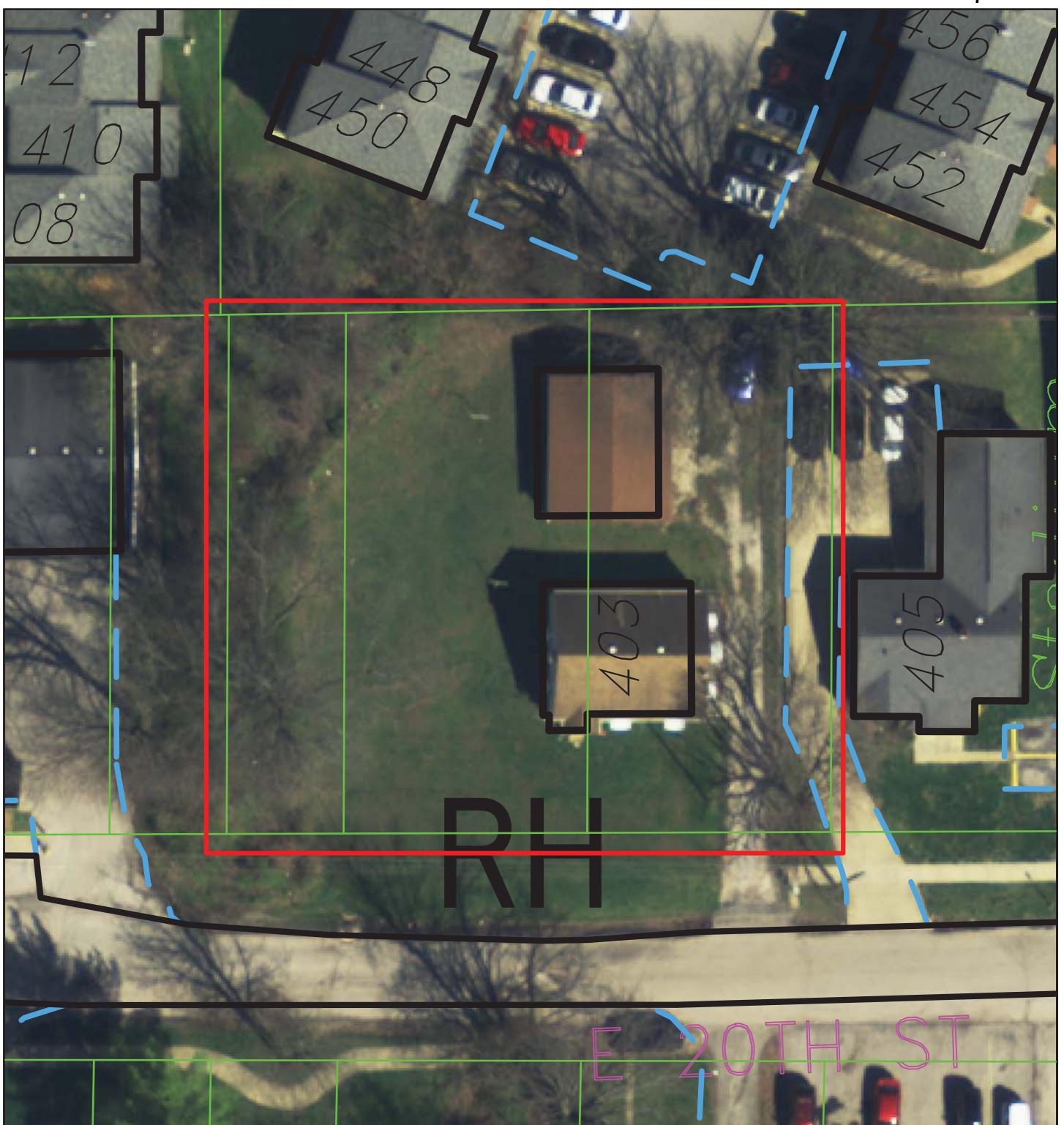
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400

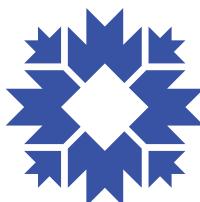
600

For reference only; map information NOT warranted.

Scale: 1" = 200'



City of Bloomington
Planning & Transportation



By: scanlanj
13 Sep 17

30 0 30 60 90

N

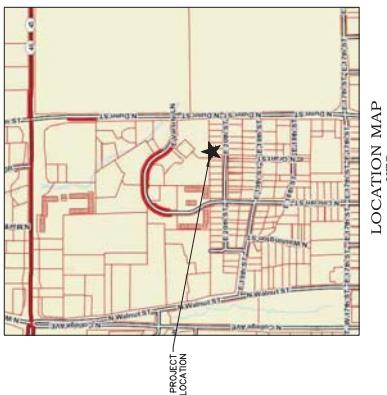
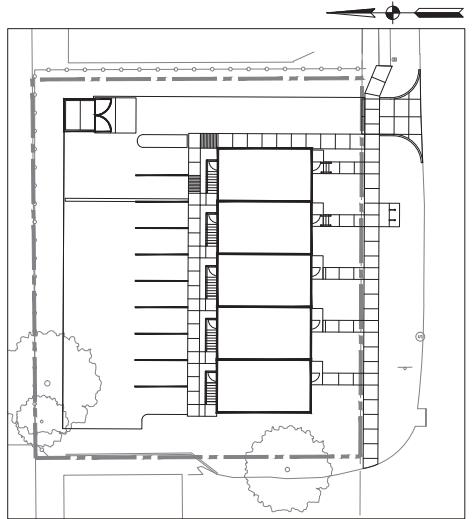
Scale: 1" = 30'

For reference only; map information NOT warranted.

20TH STREET TOWNHOMES
403 E. 20TH STREET
BLOOMINGTON, IN 47408

LEGAL DESCRIPTION—
LOT NUMBER ONE HUNDRED TWENTY-ONE, ONE HUNDRED TWENTY-NINE (120 1/4) ACRES OF LAND LOCATED IN THE TOWNSHIP OF BLOOMINGTON, MORKE COUNTY, INDIANA AS SHOWN ON THE PLAT OF RECORD RECORDED IN PLAT BOOK 1, ENVELOPE 51, IN THE OFFICE OF THE RECORDER OF MONKE COUNTY, INDIANA.

BLOOMINGTON TOWNSHIP SECTION 38 19N RTW		<u>HEIGHT AND BULK</u>	
<u>OWNER</u>	BMI PROPERTIES, LLC P.O. BOX 543 BLOOMINGTON, INDIANA 47407	<u>ZONE = BH</u>	ZONE = BH
<u>DEVELOPER(S) & APPLICANT(S)</u>	WEICHER REALTORS - THE OWENS GROUP 401 S. WALNUT ST. BLOOMINGTON, INDIANA 47401	<u>SETBACKS</u>	FRONT BUILDING SETBACK FRONT 15' 0" SIDE 15' REAR = 15'
<u>DESIGNER(S) & SURVEYOR(S)</u>	DESIGNER(S) & SURVEYOR(S)	<u>PARKING SETBACK</u>	PARKING = 10'
<u>SMITH BREHOF & ASSOCIATES, INC.</u>	SMITH BREHOF & ASSOCIATES, INC.	<u>FRONT BUILDING FRONT</u>	FRONT = 10'
<u>BLOOMINGTON, IN 47407</u>	BLOOMINGTON, IN 47407	<u>SIDE 10'</u>	SIDE 10'
<u>(812) 338-4536</u>	(812) 338-4536	<u>REAR 10'</u>	REAR 10'
MAX IMPERVIOUS SURFACE = 80%			



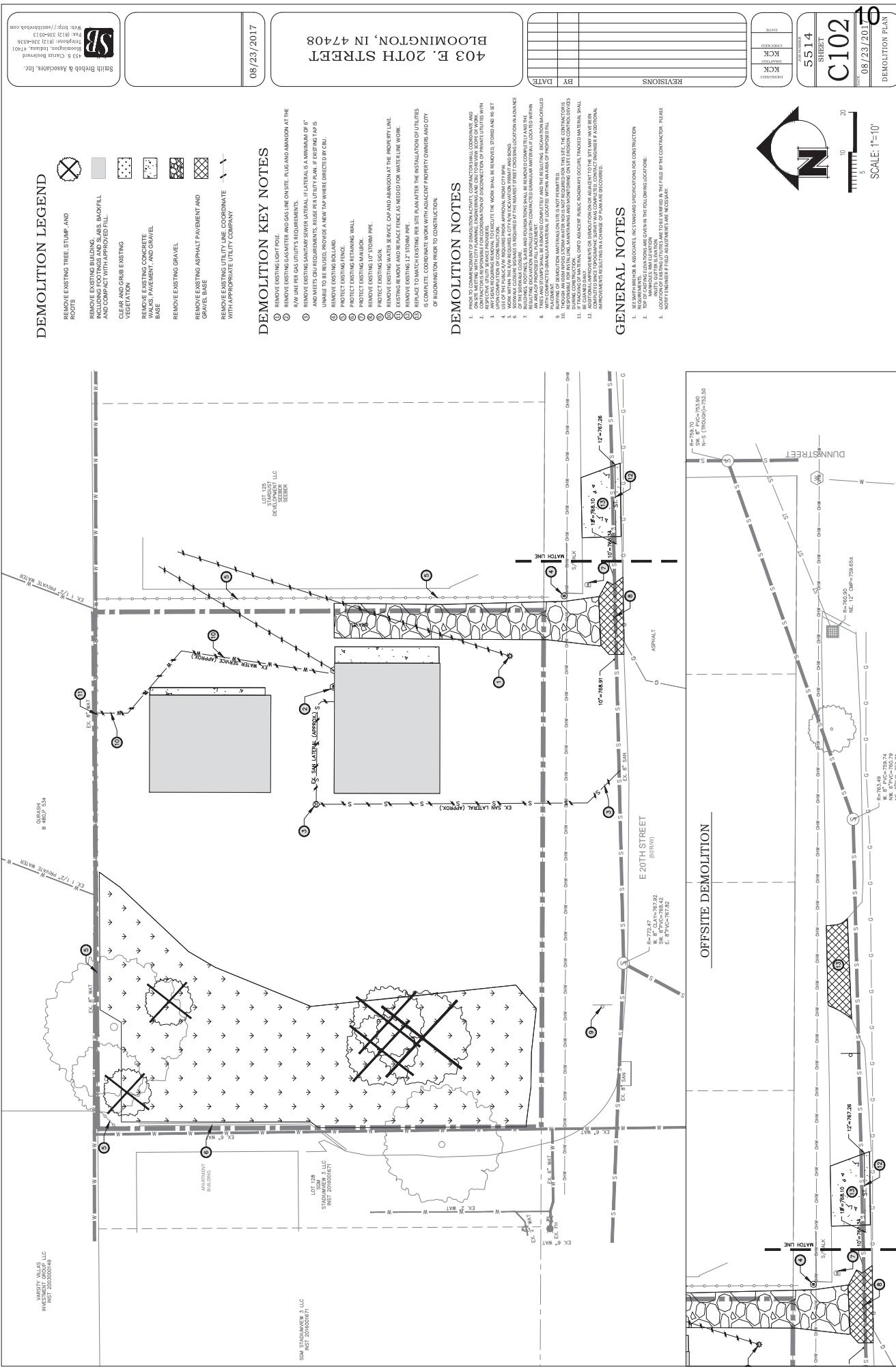
LOCATION MAP
NTS

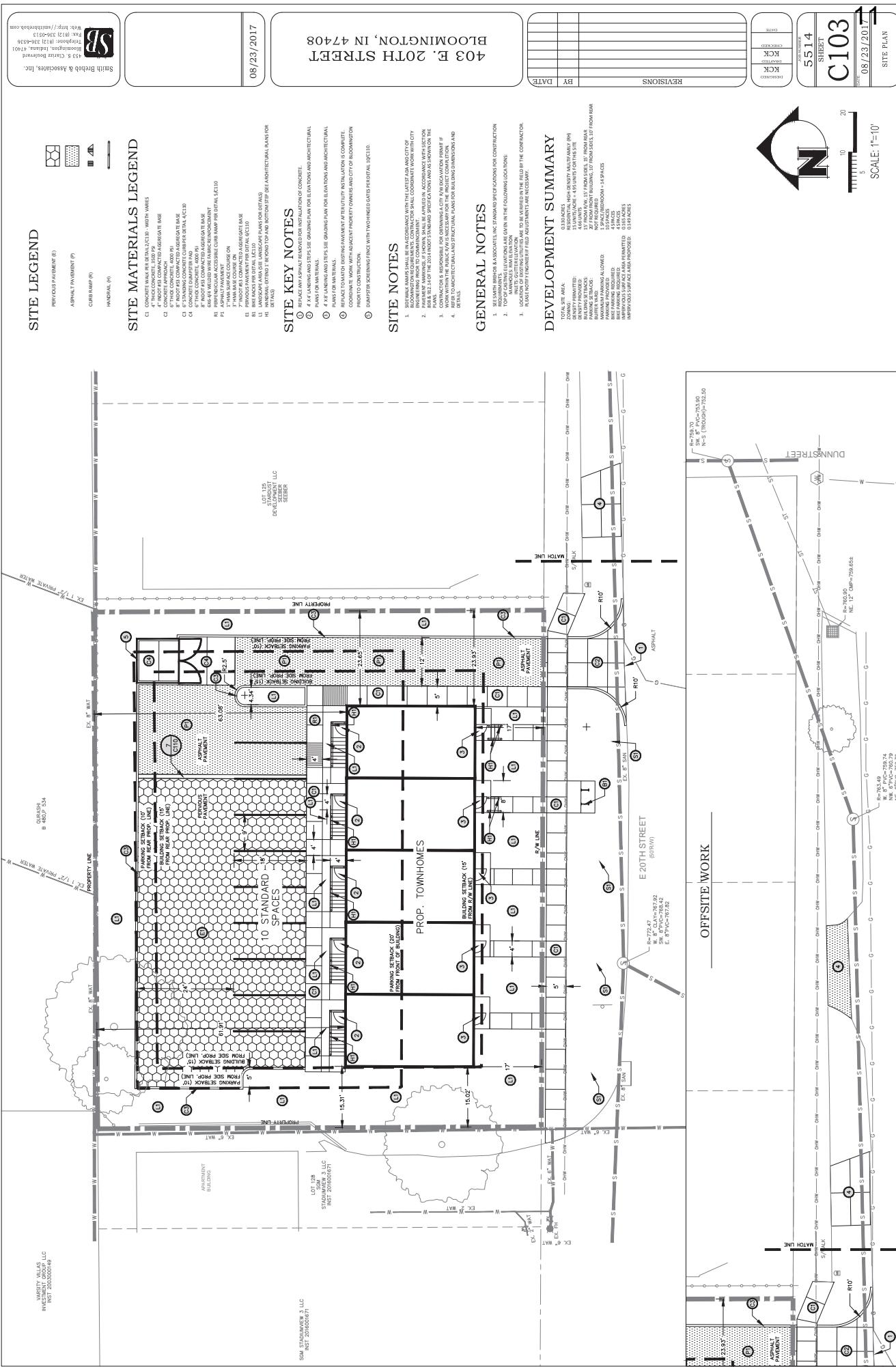
SHEET INDEX	
Sheet Number	Sheet Title
C100	TITLE SHEET
C101	EXISTING CONDITIONS
C102	DEMOLITION PLAN
C103	SITE PLAN
C104	GRADING PLAN
C105	UTILITY PLAN
C106	UTILITY PROFILES
C108	EROSION CONTROL PLAN
C109	EROSION CONTROL NOTES
C110	CIVIL DETAILS

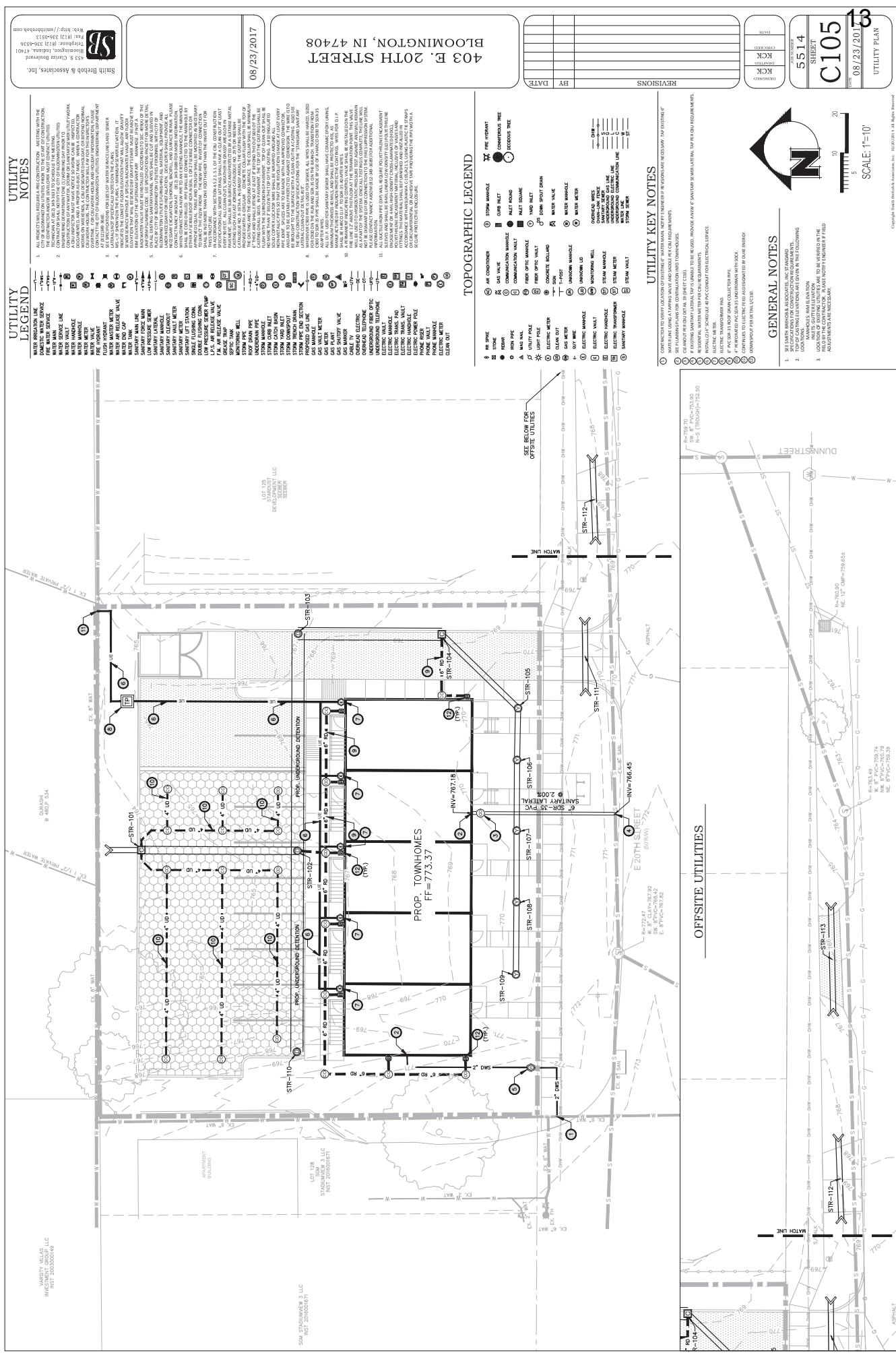
PREPARED BY:
SMITH BREHOB & ASSOCIATES INC. BLOOMINGTON, INDIANA

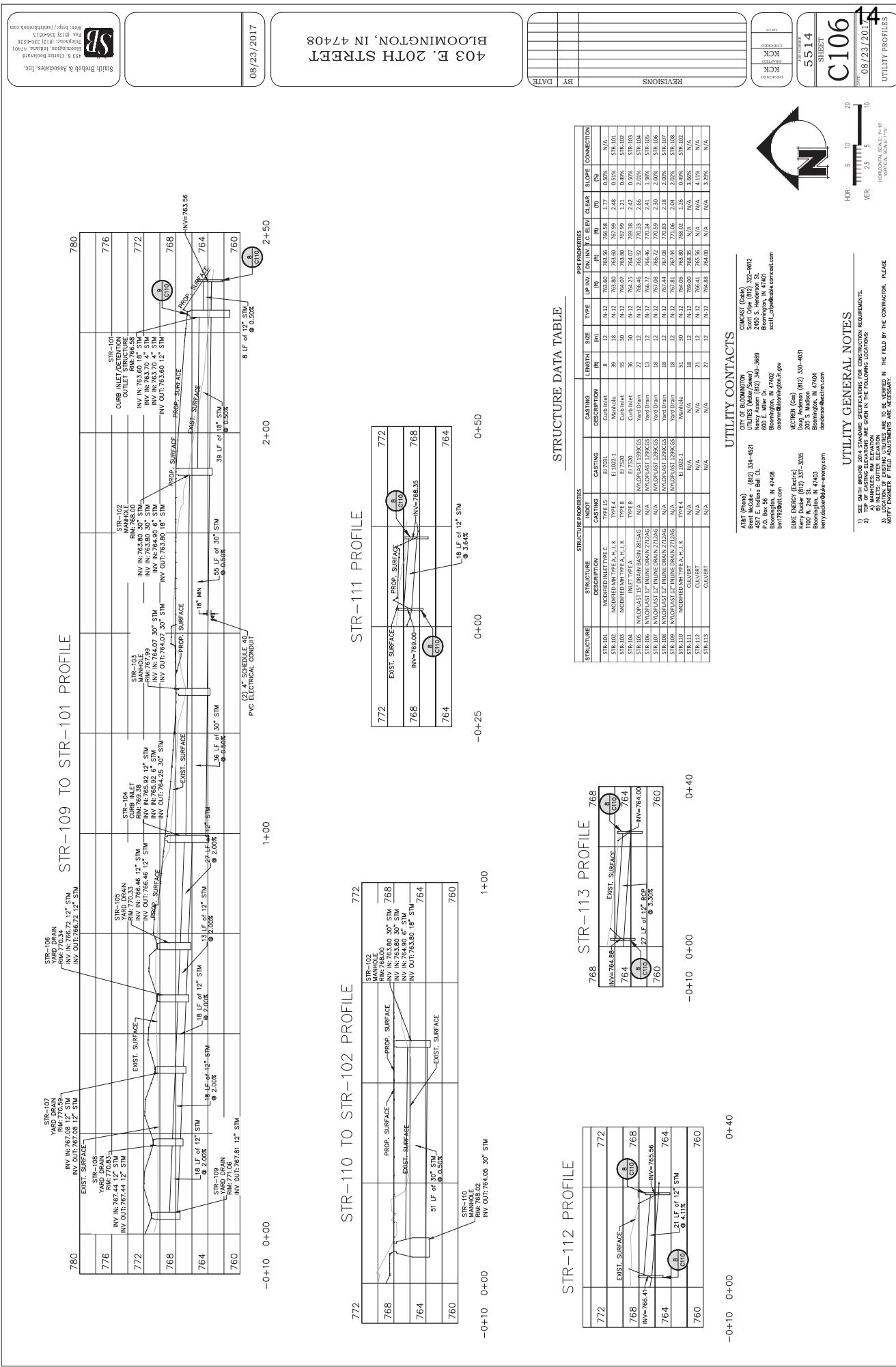
**NOTE : SPECIFICATIONS FOR THIS PROJECT ARE THE
2014 SMITH BREHOB & ASSOCIATES STANDARD
SPECIFICATIONS.**

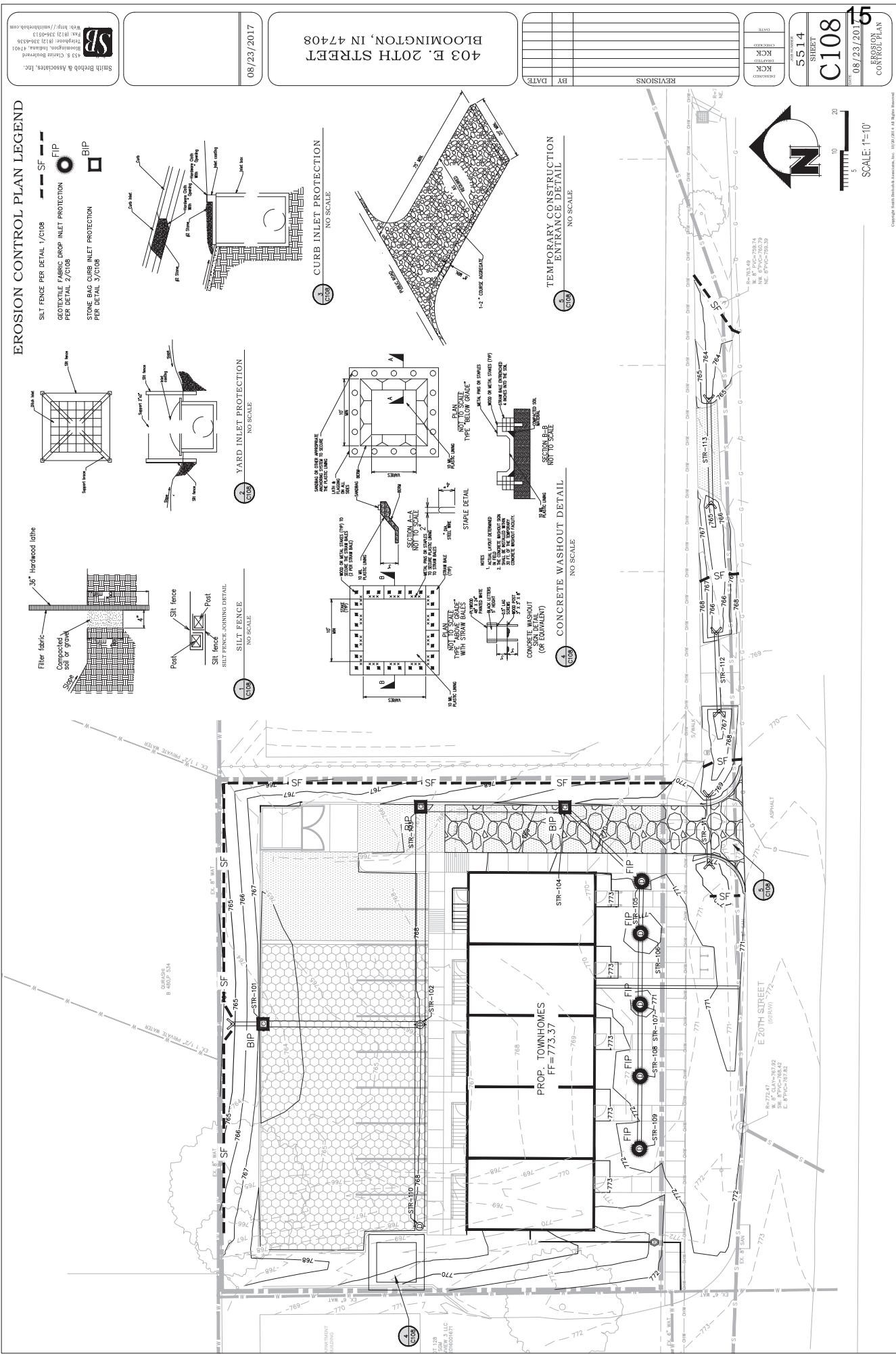
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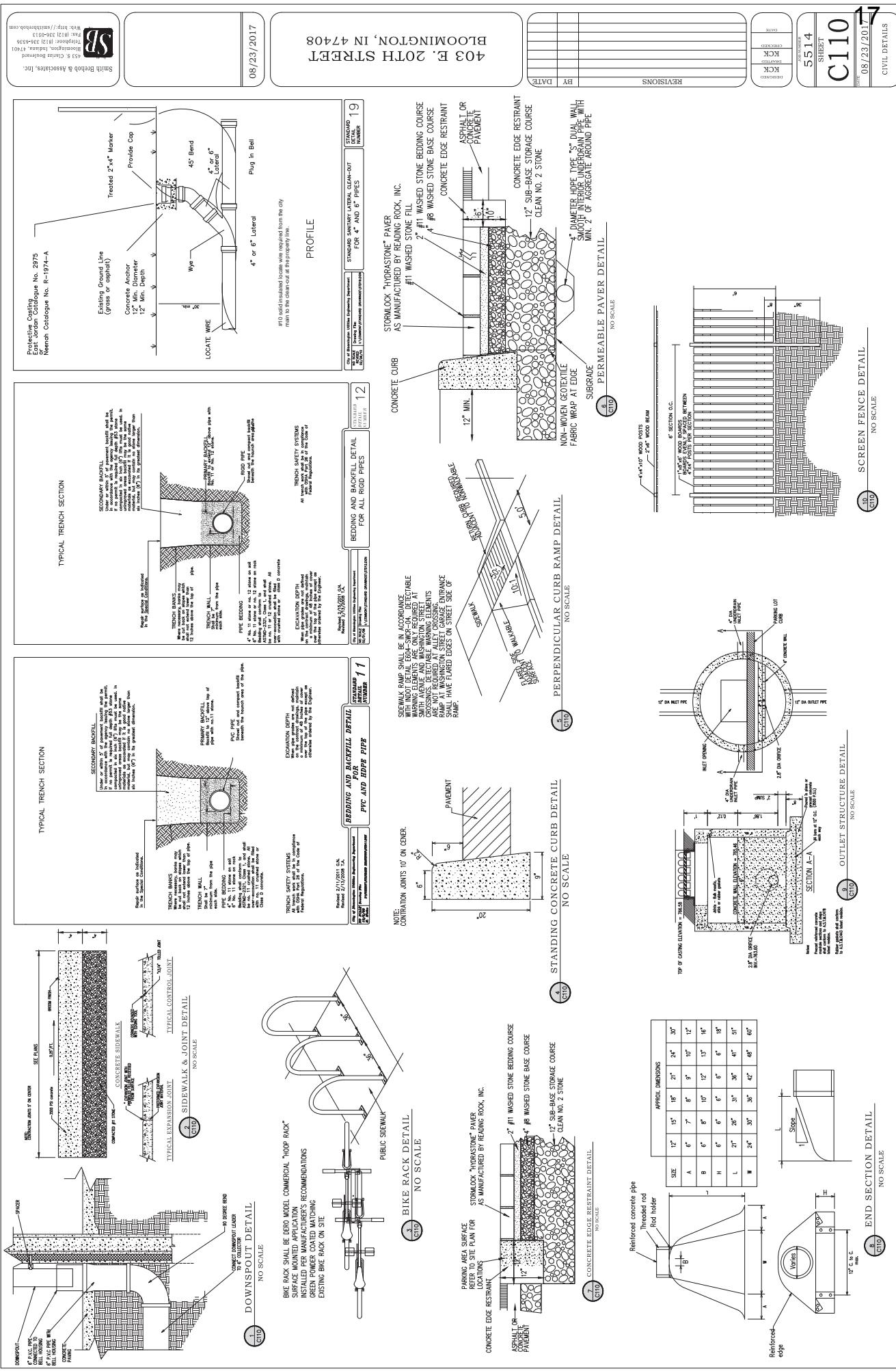


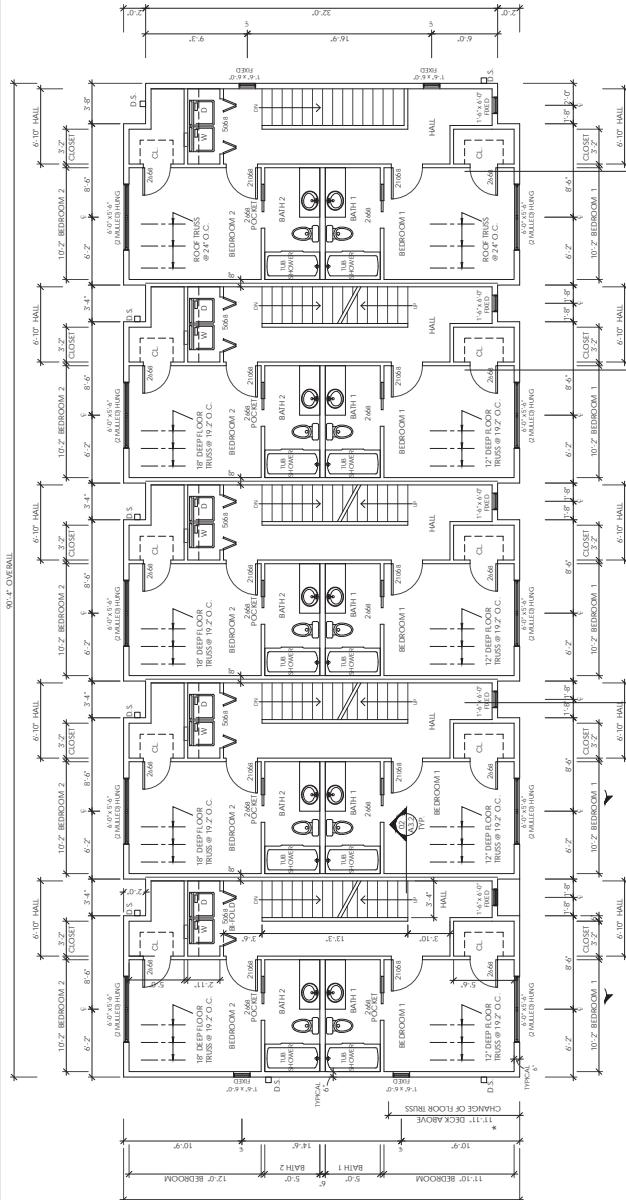






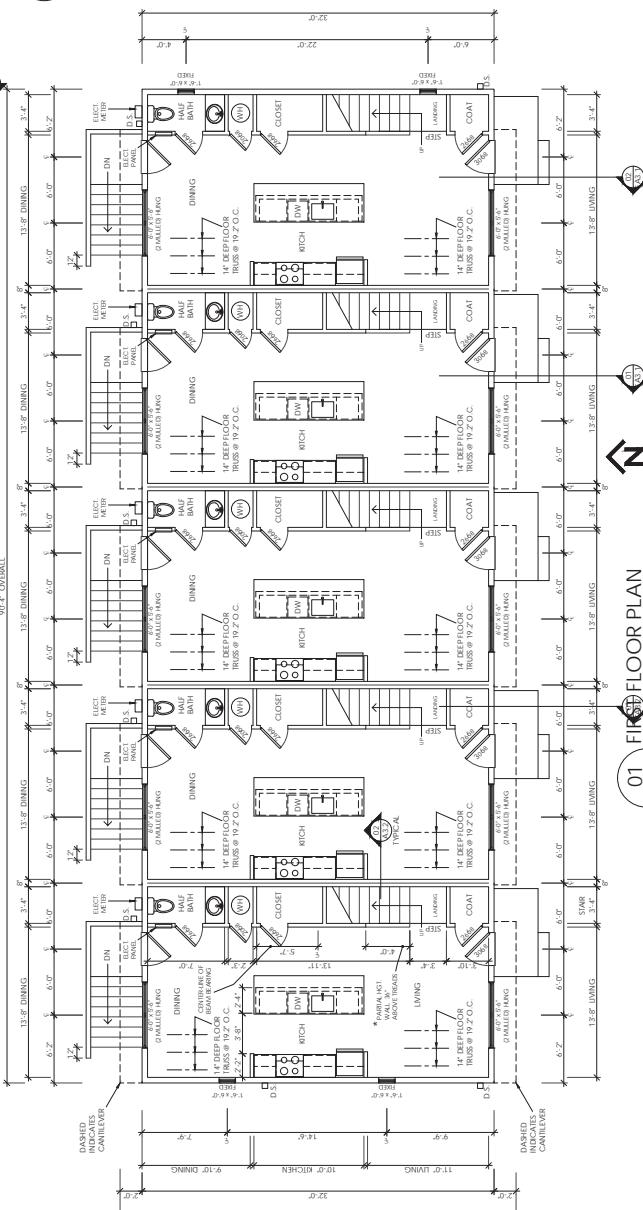






02 SECOND FLOOR PLAN
A2.0 SCALE: 3/16" = 1'-0"

02F OVERALL



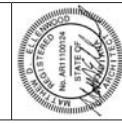
01 FIRST FLOOR PLAN
A2.0 SCALE: 3/16" = 1'-0"



DATE 07.10.17
ISSUE SD SET
JOB NO 17-XK
DRAWN BY MODE
*MATTEBLACK ARCHITECTURE
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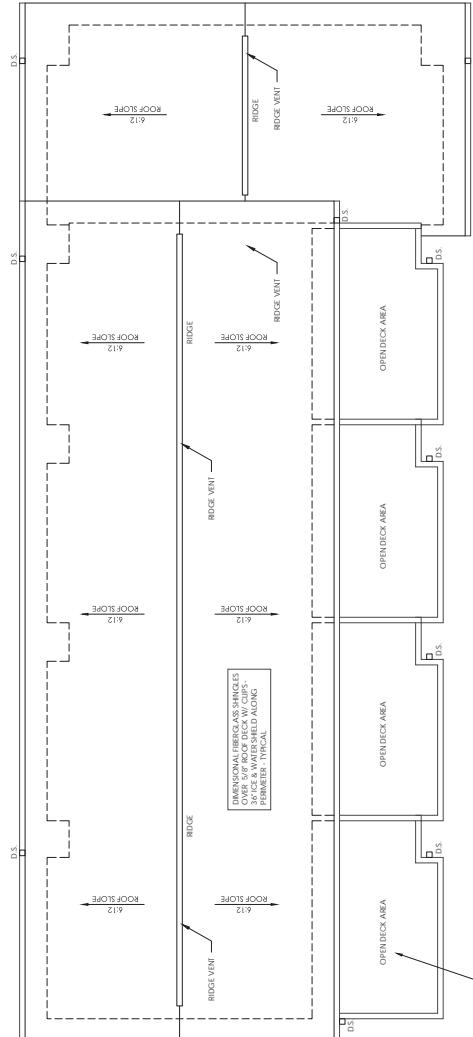
A2.0
FIRST & SECOND
FLOOR PLANS

20TH STREET TOWNHOUSES



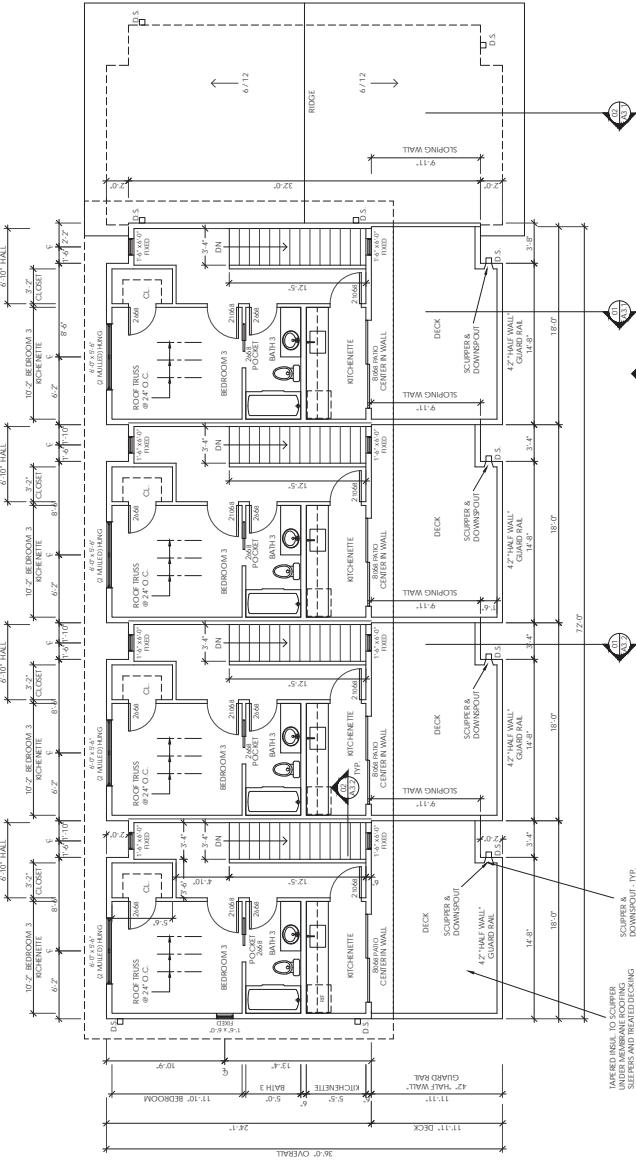
JOB NO. 17-X
DRAWN BY MD
BLACK ARCHITECTURE

A2-1
9
THIRD FLOOR &
ROOF PLANS



N

02 ROOF PLAN
A2.1 SCALE: 3/16" = 1'-0"



01 THIRD FLOOR PLAN
A2.1 SCALE: 3/16" = 1'-0"

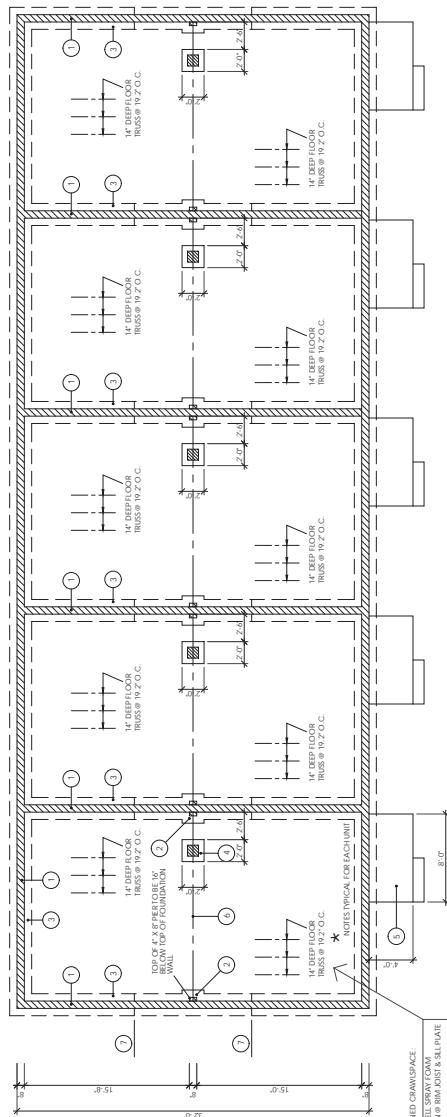
FOUNDATION PLAN GENERAL NOTES

- FOOTING SIZE & DEPTH ARE BASED UPON VIRGINIA COLOR ENGINEERED FILLS HAVING SHEAR STRENGTH OF 2000 PSI. FOUNDATION WALL CONDITIONS ARE SUCH THAT TIME OF EXCAVATION OR AFTER ENGINEERED FILLS ARE Laid IN A 12' X 16' OR 12' X 16' PAGES AID IN RUNNING BOND. UNITS ABOVE GRADE TO BE SPACED 12'-0" TOP COURSE & COURSES BELOW GRADE TO BE STANDARD FLATFACE.
- FOOTING CONCRETE TO BE 4000 PSI STRENGTH, SLAB CONCRETE TO BE 4000 PSI REBAR STEEL MESH AS ILLUSTRATED.
- PROVIDE 6" VISCous BARRIER BETWEEN SLAB & GRANULAR VISCous.
- PROVIDE 6" VISCous BARRIER BETWEEN SLAB & GRANULAR VISCous.
- PROVIDE 3" MIN. COVER AT BOTTOM OF POURED CONC. FOOTINGS.
- PROVIDE 2' THICK X 2'-0" HIGH RIGID INSULATION AT FOUNDATION PERIMETER.

FOUNDATION PLAN KEY

- (1) 8' CMU FOUNDATION WALL
- (2) 4' X 8' SOLID CMUPPER @ FOUNDATION WALL WIDEN FOOTING 8' @ THIS LOCATION
- TOP OF PER. ONE IS BELOW TOP OF FOUNDATION WALL
- (3) 12' X 24' CONC. FOOTING(W/3 45° CONN.)
- (4) 12' X 12' CONCRETE BLOCK PER W/ 24' X 24' X 12' REINFORCED CONCRETE FOOTING W/ (3) #5 STACH WAY
- (5) ENRISLAB 4' CONC. SLAB W/8@6'11" X 4' X 4' AWFF OVER 4' COMPACTED BASE (#3.3 TONE AGGREGATE)
- (6) BEAM LINE ABOVE SEE FRAMING PLANS
- (7) STEP FOOTING W/ GRADE - CONFIRM SITE CONDITIONS

90' 4" OVERALL
17'-0" 17'-0" 17'-0" 17'-0" 17'-0" 17'-0"



01 FOUNDATION PLAN
A2.2 SCALE: 3/16" = 1'-0"

CLOSED-CELL SPRAY FOAM INSULATION ON PERIMETER
ALL JOINTS TADED
CONTINUOUS POLYETHYLENE COVERS SOIL TO REINFORCE
NO CHASING BACK, ALL JOINTS TADED



DATE 09.10.17

ISSUE SD SET

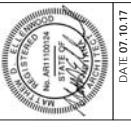
JOB NO. 17-XX

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*MATTEBLACK ARCHITECTURE
No. A1010000
STATE OF INDIANA
DIVISION OF STATE ARCHIVES
100 NORTH MARKET ST.
INDIANAPOLIS, IN 46204
(317) 232-3675
www.indiana.gov/archives

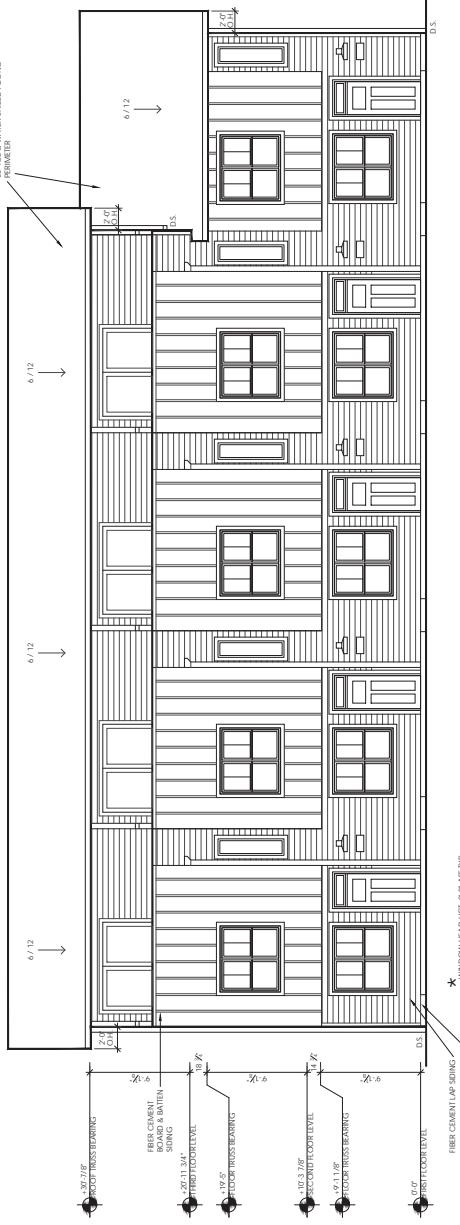
A2.2
FOUNDATION
PLAN

20TH STREET TOWNHOUSES



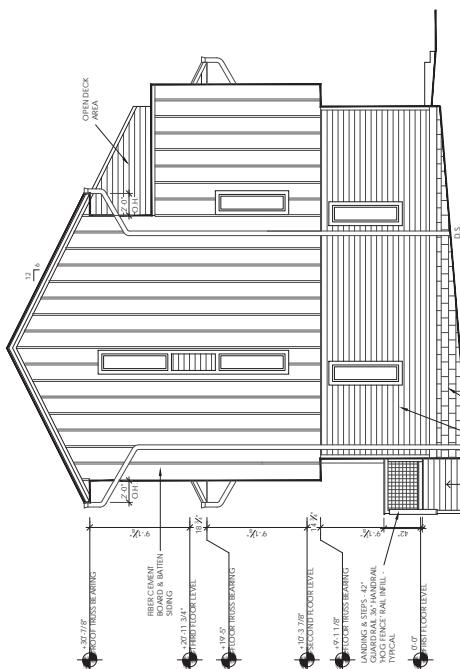
JOB NO. 17-XX
DRAWN BY MDE
THE BLACK ARCHITECTURE
MANUFACTURING CO., INC.
1000 BROADWAY,
NEW YORK, N.Y.
TELEGRAMS: "BLACK"
TELEPHONE: 2-1212
ELEVATIONS

DIMENSIONAL FIBERGLASS SHINGLES
OVER 5/8" ROOF DECK W/ CUPS.
36" ICE & WATER SHIELD ALONG
PERIMETER



01 SOUTH ELEVATION
A3.0 SCALE: 3/16" = 1'-0"

03 WEST ELEVATION
A3.0 SCALE: 3/16" = 1'-0"



03 WEST ELEVATION
A3.0 SCALE: 3/16" = 1'-0"



02 NORTH ELEVATION
A3.0 SCALE: 3/16" = 1'-0"

04 EAST ELEVATION
A3.0 SCALE: 3/16" = 1'-0"



MATTLENWOOD@GMAIL.COM
WWW.MATTEBLACKSEARCH.COM

ROTH STREET TOWNHOUSES

A321
SECTIONS

(01) SECTION
A3.1 SCALE: 1/4" = 1'-0"

(01) SECTION
A3.1 SCALE: 1/4" = 1'-0"

This architectural cross-section diagram illustrates the structural components of a two-story house. The diagram shows a side view of the building, highlighting various parts of the roof, walls, and floors.

- Roof:** The roof features a central ridge with multiple trusses. Labels include "ROOF TRUSS" and "WALL RAFTER".
- Floor Levels:** The diagram shows the "SECOND FLOOR" and "FIRST FLOOR".
- Walls:** The exterior wall thickness is indicated as "12'-0" below grade and "10'-0" above grade. A "WATER WALL TYP." is shown at the top of the wall.
- Foundation:** The foundation consists of a "STEEL FORTING" and "REINFORCED CONCRETE".
- Floor Joists:** Joists are labeled as "14 DEEP I-COR. 16'6" @ 2' OC." and "14 DEEP I-COR. 16'6" @ 2' OC.".
- Chimneys:** Two chimneys are shown, labeled "CHIMNEY" and "CHIMNEY 2".
- Windows:** Windows are labeled "11'-0" X 4'-0" H.W." and "11'-0" X 4'-0" H.W.".
- Stairs:** A "COND. STAIRS" is shown on the first floor.
- Insulation:** Insulation types include "CLOTHED CAVITY INSULATION", "FIBERGLASS INSULATION", "RIGID INSULATION", "ALL JOISTS TADED", "CONTINUOUS VENTED INSULATION", and "REFLECTIVE INSULATION".
- Grade:** The ground level is marked as "10'-0" BELOW GRADE".

WALL - REFER TO FOUNDATION PLATE

02	SECTION
A3.1	SCALE: 1/4" = 1'-0"

The diagram illustrates a cross-section of a 2nd floor joist system. It shows a series of parallel joists supported by wall studs. The layers from top to bottom are: 3/4" T&G PLYWOOD SUB FLOORING, FINISH FLOORING & REBURN, FIBER SEALANT COMI, BASE TRIM, and 24X SUL PLATES. A note on the left states 'SEE NOTES FOR WALL BELOW'.

The diagram illustrates a cross-section of a wall. The outermost layer is labeled "1-18 BATT INSULATION". Below it is a thin layer labeled "FIBERGLASS, PER FRAMING". The main insulation layer is labeled "5/8" GWF BUD CEILING, PAPER". The thickness of this layer is indicated as "2X 0 CORDG". At the bottom of the wall, there is a header labeled "POBLS, 2X4 ON BIAS". A note on the right side of the wall states: "NOTE: NO DRAINS IN WALL. CLOTHES RODS OR HANGERS SHALL BE PLACED IN THE FLOOR JOIST SPANS IN ACCORDANCE WITH THE ELECTRICAL, GAS, ETHERNE, AND PLUMBING CODES." A dimension line at the bottom indicates a height of "9'-11 1/8" from the "TO FLOOR".

A32
SECTION
WALL SECTION

01 STAIR SECTION
A3.2 SCALE: 1/4" = 1'-0"

01 STAIR SECTION
A3.2 SCALE: 1/4" = 1'-0"



Google Street View Image: 9/13/17 www.google.com/maps