CITY OF BLOOMINGTON HEARING OFFICER

August 21, 2019 @ 2:00 p.m. CITY HALL -KELLY CONFERENCE ROOM #155

*Kelly Conference Room #155

PETITIONS:

CU-27-19 Sonja Johnson and Keith Solberg 344 S. Rogers St. Request: Conditional use approval to allow an existing detached accessory structure to be used as an Accessory Dwelling Unit (ADU). *Case Manager: Ryan Robling*

V-29-19 Leslie Noggle

940 N. Jackson St. Request: Variance from side yard setback standards to allow the construction of a second story addition to an existing home in the Residential Core (RC) zoning district. *Case Manager: Ryan Robling*

**Next Meeting: September 4, 2019

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@bloomington.in.gov</u>.

BLOOMINGTON HEARING OFFICER STAFF REPORT Location: 344 S Rogers St.

CASE #: CU-27-19 DATE: August 21, 2019

PETITIONER: Sonja Johnson and Keith Solberg 344 S Rogers St., Bloomington, Indiana

REQUEST: The petitioners are requesting conditional use approval to allow an existing detached garage to be converted into Accessory Dwelling Unit (ADU) in the Residential Core (RC) zoning district.

REPORT: This 0.22 acre (9,583 sq. ft.) site is located at 344 S Roger Street. The property is zoned Residential Core (RC). Each of surrounding properties are also zoned RC, and are developed with single family residences. The site currently contains one single family residence with a detached garage. The petitioner is requesting conditional use approval in order to remodel the existing detached garage to convert it into an ADU.

The proposed ADU will have a footprint of 411.25 sq. ft., with 312 sq. ft. of habitable space. The current garage is accessed from an improved alley to the north of the property. An existing driveway will remain to provide parking to the property. The current garage does meet the minimum side and rear setback requirements, the proposed conversion into an ADU will not bring the site further out of compliance. No additions are proposed to the existing structure.

ACCESSORY DWELLING UNIT ISSUES:

Section 20.05.0333 outlines the particular standards required for Accessory Dwelling Units in single-family residential zoning districts in Bloomington.

The petition meets all of the standards of Section 20.05.0333.

Setbacks: The existing structure does not meet required normally required setbacks. 20.05.0333(i)(4)(iv) exempts currently existing single-story detached accessory structures from setback requirements.

Site Standards	Allowed	Proposed
Maximum Number	1 per lot	1
		One Family or 3
Number of Residents	One Family per lot	unrelated per lot
Minimum Lot Size	7,200 square feet	9,583 sq. ft.
	At least 300 feet from approved	No approved ADUs
Proximity	ADU	within 300'
Owner Occupancy	Required on Lot	Owner in House

Design Standards	Allowed	Proposed
Maximum Square		
Footage	440 square feet	312 square feet

Maximum Bedrooms	1	1
Minimum Setbacks		
Front	Same as Dwelling	130 feet
Side	5 feet	0 feet
Rear	10 feet	0 feet
Maximum Height	25 feet	12.77 feet

Criteria and Findings for Conditional Use Permits

20.05.023 Standards for Conditional Use Permits

No Conditional Use approval shall be granted unless the petitioner shall establish that the standards for the specific Conditional Use are met and that the following general standards are met.

1. The proposed use and development must be consistent with the Comprehensive Plan and may not interfere with the achievement of the goals and objectives of the Comprehensive Plan;

Proposed Finding: The proposal for an ADU does not interfere with the goals and objectives of the Comprehensive Plan and in fact the Comprehensive Plan specifically supports Accessory Dwelling Units as a way to provide affordable housing options and maintain owner occupied housing in the older neighborhoods by incorporating Accessory Dwelling Units. Policy 5.3.1 encourages opportunities for infill and redevelopment across Bloomington with consideration for increased residential densities through accessory dwelling units. Under Land Development policy guidance the Comprehensive Plan states "Accessory dwelling units for single-family residential uses offer options to consider for affordability, aging in place, and to meet other housing needs."

2. The proposed use and development will not create nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights;

Proposed Finding: The existing garage is a typical structure in the RC district, and the proposed conversion into an ADU will maintain much of the exterior including scale and architecture. The use on the site will take place completely indoors and will remain residential. No smoke, odors, vibrations, or objectionable lights are typically associated with a residential use.

3. The proposed use and development will not have an undue adverse impact upon the adjacent property, the character of the area, or the public health, safety and general welfare;

Proposed Finding: No adverse impacts to the adjacent properties or character of the area will occur as a result of this petition. The overall use of the property will still be a single family residential use. The limits on occupancy for the property minimizes impacts to the adjacent properties. While the ADU will not meet setback

requirements for new ADUs, the structure already exists on the site as a garage and has caused no adverse impacts.

4. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, stormwater management structures, and other services, or that the applicant will provide adequately for such services;

Proposed Finding: The site is adequately served by all public utilities. The proposed new structure will utilize an existing driveway cut.

5. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

Proposed Finding: The limit on occupancy imposed with the ADU standards insures that the maximum occupancy on the property does not exceed that of a typical residential property. No significant amounts of traffic will be generated by the one-bedroom ADU unit.

6. 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;

Proposed Finding: The ADU will have no significant effect on the natural, scenic, or historic features of the parcel or area. The house is located in the Prospect Hill Local Historic District.

7. The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood.

Proposed Finding: The Department does not find any negative impacts to the neighborhood from the proposed ADU operation.

8. Signage shall be appropriate to both the property under consideration and to the surrounding area. Signage that is out of character, in the Board of Zoning Appeal's determination, shall not be approved.

Proposed Finding: No signage is proposed or allowed for the ADU.

9. The proposed use and development complies with any additional standards imposed upon the particular use by Chapter 20.05; CU: Conditional Use Standards.

Proposed Finding: There are no other standards applicable to the ADU.

RECOMMENDATION: The Department recommends that the Hearing Officer adopt the proposed findings and approve CU-27-19 with the following conditions:

- 1. The Conditional Use is approved for the existing structure as submitted in the Monroe County Building Department Application.
- 2. Petitioner shall record a commitment to satisfy 20.05.0333(I), indicating that the

ADU cannot be sold separately from the primary unit and that the conditional use approval shall only be in effect as long as the owner(s) of record occupies either the house or the ADU as his or her primary residence. If the ADU approval is revoked at any time, the ADU must be removed from the property.3. Petitioner shall submit a copy of the property tax homestead exemption for the

property.

Petitioner's Statement July 22, 2019

My husband, Keith Solberg, and I have lived at 344 S. Rogers since February of 1985. In 1991 we thoroughly renovated our home. This work included new electrical and HVAC systems, some minor interior reconfiguration of spaces and an addition at the back of the house. Also included in this project was a complete renovation of the garage that is located on the northwest corner of our property and that we hope to convert from its current use -- mostly storage -- to an Accessory Dwelling Unit for our adult granddaughter.

Even though our renovations occurred before the historic preservation guidelines were in effect, both house and garage renovations completely meet the historic guidelines that govern our Prospect Hill Neighborhood today. The project we propose continues to honor these guidelines in that the exterior of the affected building will not be altered in any way. Since the 1991 renovation the only exterior work done on either our home or the garage was the installation of solar panels on two exposures of our roof or simple maintenance -- a repainting and a new roof, some gutter repair.

The proposed re-use of this building will not affect traffic patterns or neighborhood parking (see discussion of parking and traffic at the end of this letter). Because the footprint of the building will not change, no additional ground will be covered and hence there will be no disruption to current drainage patterns.

Our granddaughter currently resides in a home on West Eighth Street. She is a single mother of a ten year old and a fifteen year old. While she has lived on Eighth Street, her children have been in the Fairview/TriNorth/North school district. She and we have been extremely pleased with the education her two are receiving, but her health (especially chronic severe asthma) has made it extremely difficult for her to maintain even the modest home and yard she has occupied. When she began looking at options, we all realized how hard it would be to locate a dwelling for her that she could afford (even with our help) and that would be in the same school district and that would be built and maintained to standards that would not further imperil her health.

At that point, the stars kind of aligned for us all. For the past four and a half years, our other granddaughter and her two small children (three and not quite one when they moved in) have been living with us. Just last week, they moved out and my husband and I have some free space. Together the three of us realized that we could move the big kids into our home, giving each a room, and provide Anna with a nice space as well, all the while being in the same school district.

The garage is a little less than 400 square feet; the renovation we propose will be extremely simple. An enclosed bathroom will have to be created, the concrete floor will have to be covered in some way, and the garage doors will have to be permanently closed and insulated.

However, even here, the windows in the garage doors will be maintained since they are crucial to the exterior appearance of the building. Aside from these changes, the space will remain completely open. The electrical service to the building may have to be upgraded and a heating system installed. It remains a possibility that the gas line may need to be extended.

The garage has parking for two in front of it. At this time our granddaughter does not have a car, but, since we have only one, parking will be sufficient even if her situation changes. Both house and garage are located on an east west alley between Prospect St. and Smith Avenue. This alley provides access to the parking area. Our granddaughter will share use of the recycling and trash containers we use.

Interestingly, the property immediately to the west of us has a situation somewhat similar to what we propose -- a house fronting on Jackson Street with a smaller garage-like building in back of it which has been an "Accessory Dwelling Unit" since before we moved here, perhaps before there even were Accessory Dwelling Units! Also, owners of a new home around the corner from us on Howe Street have just received permission to build a completely new ADU at the back of their property. So the idea of a smaller dwelling behind a primary residence is not unusual for our neighborhood. We believe that our project falls well within the guidelines of the Growth Policies Plan.

Thank you,

Sonja Johnson and Keith Solberg



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CU—27—19 Sonja Johnson and Keith Solberg	City of Bloomington
344 S. Rogers St. Hearing Officer	
2016 Aerial	
By: roblingr N	
	Scale: 1'' = 100'

For reference only; map information NOT warranted.







Garage Front View Scale 1 Inch = 2 Feet Jan. 12, 1992 Keith Solberg 13



CASE #: V-29-19 DATE: August 21, 2019

PETITIONER:	Leslie Noggle
	619 W 13 th St.

REQUEST: The petitioner is requesting a variance from side yard setbacks for the construction of a second story addition.

REPORT: The 9,452 square foot property is located at 940 N Jackson St and is zoned Residential Core (RC). The property has been developed with a single family residence and a detached garage. The properties to the north, west, and south are also zoned RC, and have all been developed with single family residences. The property to the east is zoned Residential High-Density Multifamily (RH), and has been developed with a multifamily building. The property is fronted by N Jackson to the west, and the property has an existing improved alley along the south property line.

The petitioner proposes to construct a second story addition which will expand the currently existing 430 square foot second floor to both the north and south. The proposed second floor will be 773 square feet. The proposed second story addition will be 21' 6 3/4" from the northern property line, and 6' from the southern property line. The addition would utilize the existing side yard setback of the first story.

In the RC zoning district, the Unified Development Ordinance (UDO) requires a minimum side setback of 6' plus 4' for each story above the ground floor. The petitioner is requesting a variance from the required side setback for the second story in order to allow the second story to encroach 4' into the side setback.

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, which is the intended use in the Residential Core (RC) district. The variance would allow the second story addition to match current first floor side setbacks. The proposed addition will encroach 4' into the required second story side setback. No negative impacts have been noted from the current location of the residence. An improved 16' alley runs along the site's southern property line and allows for additional separation between the property and its southern neighbor.

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 proposed second story addition will meet the same setbacks as the current first story. The proposed structure is consistent with other residences in this area, as there are structures in the area that may not meet the required second story side setback. The property will remain as one detached single-family dwelling, with a detached garage.

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 restriction to the second story addition options created solely by the location of the house on the lot and the combo of a wide alley to the south of the existing house location. Peculiar condition is found in the found in the placement of the current structure. The current structure was built to the extreme southern end of the property leaving only a 6' setback between the building and the southern side property line. The property has an improved alley to the south which will further buffer the addition from their southern neighbor. Whereas the structure is 21' $6\sqrt[3]{4''}$ from the northern side property line. The building's placement would prevent any meaningful second story addition along the southern property line if second story side yard setback requirements were met.

RECOMMENDATION: Based upon the written findings above, the Department recommends that the Hearing Officer adopt the proposed findings and recommends approval of V-13-19 with the following conditions:

- 1. The petitioners must obtain a building permit prior to construction.
- 2. This variance applies to the addition as proposed only. Any subsequent encroachment would require a variance.





2016 Aerial Photograph

300

200

Scale: 1" = 100'

18

L Noggle Designs

619 W. 13th Street Bloomington, IN 47404 Phone 812.320.5865

Petitioner's statement for a Variance at 940 N. Jackson St.

I am requesting a Development Standards Variance to build a second floor shed dormer at the first floor side setback.

We will be renovating the entire interior and exterior of 940 N. Jackson St., as this house has been a rental for many years and is in pretty poor shape. The new owners plan to live here full time after the renovation- owner occupied, yay! On the exterior, we will be replacing the vinyl siding with fiber cement horizontal siding, replacing the roof, and replacing the windows with better, but similarly sized windows. The only structural change visible from the exterior, and mostly from the back and the sides, will be two shed dormers, one on the North side, and one on the South side of the large main gable, towards the rear of the existing structure. These will provide more space and more light (especially southern light) to the upstairs bedroom and bathroom. In order to maximize the space and light, and with an eye on symmetry within the newly vaulted space, we would like both dormers to match, and extend to the existing main floor side walls.

The issue, and reason for the variance request, is that there is a main floor side-setback requirement of 6'-0" off the property line (which we meet), and then an additional 4'-0" setback for any second floor, totaling 10'-0". The proposed dormer on the south side of the house will only be 6'-0" off the property-line. We are requesting the variance to build the new dormer at the 6'-0" setback. We hope you will grant this variance because:

- 1. The South side of the house borders an alley, which provides ample distance between it and the neighboring house to the south.
- The house is not centered on the property, making it harder to comply with the development standards that otherwise would not be a problem, if the house were centered.
- 3. We will be keeping with the original style of the house and neighborhood, and actually improving on the existing conditions.
- 4. This dormer will actually spruce up an otherwise drab, imposing, and roof-heavy side elevation.
- 5. The house next door, across the alley and to the south, has a sweet little craftsman style front facing shed dormer, that we hope to emulate, strengthening the fabric of the neighborhood.

Thank you for your time and consideration! Plans, Elevations, Sections and Sketches attached.



Architectural Design

NUMBER: 1903 SLOOMINGTON 240 N. JACKSON ST. July 1 6, 2019





















