# **CITY OF BLOOMINGTON** HEARING **OFFICER**

# MAY 3, 2017 @ 2:00 p.m. CITY HALL KELLY CONFERENCE ROOM #155

## \*Kelly Conference Room #155

## **PETITIONS:**

V-10-17
Yu Hsing Lin
221 E. Glendora Dr.
Request: Variance from fence height standards to allow a 6-foot tall fence.
*Case Manager: Eric Greulich*

# V-11-17 Timothy Waters and Rachel Guglielmo 620 W. 4<sup>th</sup> St. Request: Variance from front loading garage setback standards in the Residential Core (RC) zoning district. Case Manager: Jackie Scanlan

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HEARING OFFICER **Next Meeting Date: May 17, 2017** Filename: I:\common\developmentreview\hearingofficer\agendas\HO-agenda May 3, 2017

\*\*\*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>.

# PETITIONER: Yu Hsing Lin 221 E. Glendora Dr., Bloomington

**REQUEST:** The petitioner is requesting a variance from maximum fence height standards to allow a 6-foot tall fence.

**SUMMARY:** The property is located at the northwest corner of N. Fritz Drive and E. Glendora Drive. It has been developed with a single family house and is zoned Residential Single Family (RS). To the north, east, west, and south are other single-family homes, also zoned RS. The property is located in the Matlock Heights Historic District.

The petitioner proposes to replace an existing 5' tall chain link fence with a 6' tall wood fence that is located in the rear of the property. The current fence is partially located in the right-of-way of Fritz Drive and will be relocated to be completely on the petitioner's property. The fence has been located to avoid several large trees that are on the north side of the property. The petitioner's lot is a triangle shape and has public street frontage on 2 sides. The north side of the property is the functional rear of the property.

The UDO restricts a fence that is forward of the front building wall of the primary structure to a maximum height of 4 feet tall. The petitioner is requesting a variance from the 4' height limit to allow a 6' tall fence. A certificate of appropriateness (COA-17-25) has been approved for the proposed new fence.

# 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.

**STAFF FINDING:** The Department finds no injury to the general welfare. The fence will be located completely on the petitioner's property. The fence will be located a substantial distance from the edge of pavement and will not have any negative effects on public health or safety.

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:** The Department finds no negative impact on the use and value of adjacent properties. The proposed fence will be located in an area with existing evergreen trees which will conceal the view of the fence from the street. In addition, the fence will be between 20' and 8' from the street which will lessen the impact of the height of the fence.

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:** Strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property in that the unique triangular shape of this lot with public street frontage on 2 of the 3 lot sides is a peculiar condition that places a hardship on the petitioner by not allowing a fence in the rear yard similar to other single family residences. There is only one property line that is not adjacent to a public right-of-way making the construction f a backyard fence without a variance not possible. The petitioner is only requesting a 6' tall fence which will be setback from the street and will also remove an existing encroachment in the right-of-way. Only a small portion of the property will be fenced with this request.

**RECOMMENDATION:** Based upon the written findings above, staff recommends approval of V-10-17 with the following condition(s):

1. The variance only applies to fence as submitted.





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221 E Glendo	ora Ln					Planning & Transportation
Hearing Offic	er					
2016 Aerial	Photograph				L	
By: greulice	<b></b>					
27 Apr 17	50	Ó	50	100	150	
						Scale: 1'' = 50'
		For reference only	; map informatior	NOT warranted.		

Yu-Hsing Lin 221 East Glendora Drive Bloomington IN 47408 (812) 679-8216

April 17th, 2017

Planning and Transportation Department 401 N. Morton Street, Suit 130 Bloomington IN 47402

#### Request for Variance at 221 East Glendora to Allow a Six Feet Tall Fence

221 East Glendora Drive is a corner lot property bordered by Glendora Drive and Fritz Drive. Its backyard has an old five-feet-tall-chain-link-fence. During the past few years, dying trees and shrubs were removed along the fence resulting in the backyard being fully exposed. For the sake of privacy and security, I'm proposing to replace the current five-feet-tall-chain-linked-fence with a six-feet-tall-woodenfence. I would like to request a variance for this proposed fence.

221 East Glendora Drive is a contributing property to Matlock Heights historical district, thus the *Certificate of Appropriateness* is enclosed.

Please refer to the attachment for the proposed location of the wooden fence, which is outlined in red on the *Scaled Site Plan*.

The following is attached:

0				
1.	Application Form			
2.	Scaled Site Plan			
3.	Certificate of Appropriateness			

Your kind consideration is very much appreciated.

Sincerely yours,

Ming L.

Yu-Hsing Lin

Bledsoe Riggert Guerrettaz



Legal Description:

Lot Number Sixty-nine (69) in Matlock Heights a subdivision of a part of the Norwest quarter of Section Twenty-eight (28), Township Nine (9) North, Range One (1) West, in Monroe County, Indiana.



PLAT OF SURVEY LOT 69 MATLOCK HEIGHTS JOB No. 6937 Client Name: Lin Owners Name: Starr

# **CERTIFICATE OF APPROPRIATENESS**

# Issued by Staff to the Bloomington Historic Preservation Commission

# ADDRESS 221 E. Glendora Dr.: Matlock Heights

For the following work:

Removal of a 5' chain-link fence and replace with a 6' wood fence in the back yard.

A copy of the complete approved plans may be obtained from the City of Bloomington, 401 N. Morton, Department of Department of Housing and Neighborhood Development under case number <u>COA-17-25</u> This Certificate is effective for two years following the date of issue. Exterior work outside the scope of this approval is not permitted and subject to fines outlined in Municipal Code, Title 8, Chapter 8.16.020.

Bettray M Emenhiser, staff

Bethany Emenhiser, staff Bloomington Historic Preservation Commission

Approved: April 11, 2017

# **PETITIONER:** Rachel Guglielmo and Timothy Waters 620 W. 4th Street, Bloomington

**REQUEST:** The petitioners are requesting a garage front yard setback variance.

**REPORT:** The petitioners own a single-family detached dwelling on the northeast corner of West 4<sup>th</sup> and South Fairview Streets. The site is zoned Residential Core (RC). The petitioner is seeking to extend the existing garage to be able to add a second story living space above the garage area.

The existing home was built around the turn of the century. The attached garage which faces Fairview Street is approximately 16 feet from the right-of-way of Fairview Street. The petitioners seek to build a second story above the garage. However, the size of the existing garage is slightly smaller than what is required to adequately allow for the second floor. As a result, the petitioners request to increase the size of the garage by an additional four (4) feet to the north. The additional four (4) feet requires a variance. Attached front-loading garages in the RC zone shall be 25 feet from the right-of-way. In order to meet that code requirement, the garage would need to be moved roughly nine (9) feet to the east, which is not possible on this 62 foot wide parcel.

The house wraps around the garage on the east side, as can be seen in the petitioners' exhibit.

The petitioners have received approval from Bloomington Restorations, Inc. for their design. BRI has a deed restriction on the property. The petitioners appeared at the April 9, 2017 Bloomington Historic Preservation Commission and received a Certificate of Appropriateness for the project. The Prospect Hill Neighborhood Association met on March 6, 2017 and gave a positive recommendation for the project.

Approval of the variance would allow for the size of the garage to be increased by four (4) feet on the entirety of the north side of the garage. If the variance is approved, the south and east walls of the garage will remain, and the north and west walls will be replaced in the same location. The garage would maintain its existing 16 foot setback from the right-of-way.

# CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE Attached Front-Loading Garage 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.

**STAFF FINDING:** The Department finds no injury. The proposed addition will extend the existing garage an additional four feet to the north. The garage will maintain the existing 16 foot setback distance and the use of the property will remain as a single family house.

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:** The Department finds no negative effects from this proposal on the areas adjacent to the property. The nine foot setback encroachment is not increasing. If the addition is approved, the northern property line will still be over 60 feet from the garage. The property will remain as one detached single-family dwelling.

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: The Department finds practical difficulty in the limits inherent in the lot size combined with the orientation of the existing development on the lot. The existing placement of the house maximizes the width of the 62 foot wide parcel. An addition is feasible related to impervious surface coverage and the RC build-to-line provision. However, the Department finds peculiar condition in that further development on the parcel is hampered by the fact that the garage is the portion of the house that is adjacent to the open space on the lot. If the addition was only living space, and not garage space, it could continue the existing setback without need for a variance. While the addition is garage space, the garage will remain a two-car garage, not increasing its intensity. The purpose of the garage setback provision is to benefit the relationship between the right-of-way users and the development on the property. While the garage space is being extended four feet, a pedestrian door is being added to the existing garage space. Building wall dedicated to vehicles on the Fairview Street façade is not increasing. Therefore, holding the addition to the front yard garage setback standard does not meet the intended purpose of the UDO regulation, as there is no increase in visible garage purpose space.

**RECOMMENDATION:** Based upon the written findings above, the Department recommends approval of V-11-17 with the following conditions:

- 1. The petitioners must obtain a building permit prior to construction.
- 2. This variance applies to the addition of four feet to the existing garage with a second story above. Any subsequent encroachment would require a variance.

# Bloomington Office of Design and Architecture

Ernesto Castañeda

Project data April 10th, 2017

BZA, Board of Zoning Appeals, Hearing Officer Request for a Variance Property Location: 620 West 4th Street Owner: Rachel Guglielmo and Timothy Waters

To Board of Zoning Appeals, Hearing Officer

Petitioner's Statement:

The owners of the house located at 620 West Fourth Street would like to request a variance for a side setback. Currently there is a substandard size two car garage with a flat roof. The proposed project includes stretching the current garage footprint four feet to the north. This modification will also create two additional bedrooms and a full bathroom above the garage (currently there are only two bedrooms to accommodate a family of 5).

We have included Existing and Proposed drawings for your review as part of this filing. The Proposed project has received support from Bloomington Restoration, Inc. (BRI), The Prospect Hill Neighborhood Association, The Historic Preservation Commission (HPC) and from individual neighbors.

We respectfully request that this variance be approved to allow the additional space needed for this family.

We sincerely thank you for considering this request.

Respectfully Submitted,

Ernesto Castañeda

cc: Rachel Guglielmo and Timothy Waters

# **GUGLIELMO - WATERS RESIDENCE**

04.11.17



BLOOMINGTON, IND

# **GUGLIELMO - WATERS RESIDENCE**

04.11.17







BLOOMINGTON, IND



SCALE: 1/8"=1'-0"

A3

**GUGLIELMO - WATERS RESIDENCE** 



04.11.17



SCALE: 1/8"=1'-0"

04.11.17



BLOOMINGTON, IND



BLOOMINGTON, IND



2920 E. Tenth Street Bloomington, IN 47408 812·336·0909 FAX 812·323·2089 bri@Bloomington Restorations.org

### **Board Members**

Devin Blankenship

Duncan Campbell

Caroline Clay

Elizabeth Cox-Ash

Karen Duffy

Henry Glassie

Don Granbois

Pete Kinne

Derek Richey

Tom Roznowski

Jan Sorby

Curtis Swedran

# Bloomington Restorations, Inc.

A FOUNDATION FOR HISTORIC PRESERVATION IN MONROE COUNTY

V-11-17 Bloomington Restorations, Inc. Approval Letter

March 15, 2017

Ernesto Castaneda Bloomington Office of Design + Architecture 1216 S. Dunn St. Bloomington, IN 47401

Dear Ernesto:

I am writing to inform you that your plans dated March 6, 2017 for improvements to the Guglielmo-Waters house and garage at 620 W. Fourth St. in Bloomington have been approved by Bloomington Restorations, Inc. We understand the siding will be fiber cement, painted to match the rest of the house, and with matching reveal, and that the windows will be wood, aluminum clad Pella Designer Series windows and the new roofing is to match the existing 3 tab roofing shingles. If there is any change please let me know.

Thanks again for you and your clients' stewardship of this historic building.

Sincerely,

Steve Wyatt

**Executive Director** 

# **CERTIFICATE OF APPROPRIATENESS**

Issued by the

**Bloomington Historic Preservation Commission** 

# ADDRESS 620 W. 4th St.: Greater Prospect Hill

For the following work:

Extension of non-original garage 4' and construction of a new second story addition.

A copy of the complete approved plans may be obtained from the City of Bloomington, 401 N. Morton, Department of Department of Housing and Neighborhood Development under case number<u>COA-17-19</u> This Certificate is effective for two years following the date of issue. Exterior work outside the scope of this approval is not permitted and subject to fines outlined in Municipal Code, Title 8, Chapter 8.16.020.

John Saunders, Chairman

Bloomington Historic Preservation Commission

Approved: April 9, 2017

### V-11-17 Neighborhood Association Comments

From: "Murray, Patrick Joseph" <<u>pmurray@indiana.edu</u>> Date: March 9, 2017 at 2:04:47 PM EST To: "<u>rachel\_guglielmo@yahoo.com</u>" <<u>rachel\_guglielmo@yahoo.com</u>>, "Bethany Emenhiser" <<u>emenhisb@bloomington.in.gov</u>> Cc: "Lewis, Richard M." <<u>rmelewis@iu.edu</u>>, Jeff Goldin <<u>jeff@goldinappraisal.com</u>> Subject: Prospect Hill Projects

The Prospect Hill Neighborhood Association met on Monday evening March 6. Two items of business were review of projects to go before the HPC. See the attached minutes.

1. Jeff Mansfield - carport with storage area and workshop.

2. Rachel Guglielmo - demolish garage and build 1 and 1/2 story addition to their house.

Both projects got very favorable comments from the members present. They recommended both project proceed.

Patrick Murray

Meeting Minute Taker

# PROSPECT HILL NEIGHBORHOOD ASSOCIATION (PHNA) MEETING MINUTES MONDAY, MARCH 6, 2017 6:30 PM

Meeting Location: 725 W. Howe Street

Attendance: Darcie Fawcett (host), Dirk Frazier, Jeff Goldin, Rachel Guglielmo, Becky Holtzman, Richard Lewis, Jeff Mansfield, Glenda Murray, Patrick Murray

**I. Introductions and Approval of the Minutes and Treasurer's Report:** The minutes were approved as written. Treasurer Richard Lewis reported there is \$336.97 in the treasury. A check for \$75.00 was written to the Rainbow Bakery as a thank you for hosting our meetings for the past year or so. Both reports were approved by a voice vote.

# **II. New Business:**

A. Public Open House Hosted by Duke Energy Regarding new High Voltage Power Lines that will cross the Neighborhood: High Voltage 69kV (69,000 volts) power lines are to be constructed to connect the new sub-station at 11<sup>th</sup> and Rogers Sts. South to the S. Rogers sub-station. These will cross the neighborhood. Several routes have been proposed. One route uses an existing power line route (Rogers to 4<sup>th</sup> to Morton (B-Line Trail) south to the sub-station on S. Rogers. Another route would run directly south on Rogers St. Much of this route (south of 4<sup>th</sup> Street) is pristine without any overhead utilities. An Open House will be held on Wednesday March 6 at the Convention Center from 4:00 to 7:00 pm. Neighbors are urged to attend and express their opinions and concerns. A reminder email will be sent on Tuesday, March 5. An online survey will be available at https://www.duke-energy.com/\_/media/pdfs/our-company/bloomington-public-comment-form.pdf?la=en

B. Homeowner Renovation Projects to be Reviewed:

1. Jeff Mansfield. This project at 912 W. Smith would construct a carport with attached storage and workshop. It would have solar panels on the south facing roof. It will have lap siding and a metal roof matching their house. Jeff showed us drawings of the elevations of the building and a site plan. After a brief question and answer session, those present agreed it was a compatible project and should proceed.

2. Rachel Guglielmo. This project located at 620 W. 4<sup>th</sup> (corner of 4<sup>th</sup> and Fairview) will demolish the existing garage and build an addition to the north side (Fairview St. side) on the site of the existing garage. The addition would be 1<sup>1</sup>/<sub>2</sub> stories, with clapboard siding to resemble the house. It will have roof dormers. The addition is low enough to not be visible from 4<sup>th</sup> St. The members present liked the project expressing favorable comments recommending it proceed.

C. Air B&Bs in the Neighborhood: We briefly discussed the issue of Air B&B rentals. There is no definitive city or state legislation outlining this new phenomenon, although it is expected in the future. Adjacent neighbors are concerned because of noise and parking, especially if unit owners live out-of-town. We will need to wait and see how this plays out in our legislative bodies.

# III. Old Business:

A. W. 3rd Street Sewage Line Construction. Excavation between Fairview & Buckner seems to be completed, but the road surface is very rough. New excavation on Fairview has closed the street.

B. New home for PHNA Meetings: Possibly I. Fell Building? (George Bull and Faye Mark have donated some chairs to a possible meeting site). We are working with Cindy Brubaker at I. Fell for a solution. Identifying a responsible party is one concern.

# **IV. Committee Reports**

- A. Design Review Committee: Jeff Mansfield and Rachel Guglielmo presented projects. Both received favorable reviews. HPC to hear these items on Thursday, Feb. 9. See detailed comments above in New Business.
- B. Bike/Ped Safety Committee: No update.
- C. Park Ambassador update (Building & Trades Park): Parks & Rec has finalized plans to demolish the house and garage at 717 W. Howe Street, next to the park. They are also planning to resurface the basketball courts.

Renovations on the building housing the toilets has begun.

The Park Ambassador position is open. Requirements are a once weekly walk-through of B&T Park and a monthly report to the city. Danny Muller (encouraged by us) will consider applying for the ambassador position. Deadline was February 27.

- D. Hospital Site Reutilization Committee: No committee meetings yet. The neighborhood favors residential uses for the site, not more institutional or governmental functions.
- E. HAND: They are taking applications for weatherization and insulation.

# V. Odds and Ends From Around the Neighborhood:

A. On March 25 a program "How to Research Your House" at the Monroe County History Center.

- B. There have been deer sightings in the neighborhood.
- C. Patrick and Cynthia will be attending a Tree Rangers program offered by the City Forrester.

D. It was noted that there are some sidewalks in the neighborhood that are rough and hard to navigate with a wheel chair. We need to bring these to the attention of the City Engineer.

E. The Peace Mural on the side of the building at 4<sup>th</sup> and Madison has been painted over. Alas.

# VI. Recap / Actions:

A. Items for Next Month's Meeting: Date for Prospect Hill Summer Picnic (late June early July?).

**VII. Adjournment:** The meeting was adjourned at aproximattely7:30 p.m. Next Meeting will be Monday, April 3 at 6:30 p.m. at 725 W. Howe Street unless notified otherwise.

Respectfully submitted,

Patrick Murray, Minute Taker

V-11-17 Neighborhood Association Comments

# Bloomington Office of Design and Architecture

Ernesto Castañeda

# Jackie,

Here is the communication between the two immediate neighbors at Prospect Hill. The petitioner, Rachel Guglielmo and immediate neighbor to the west Terri Morgan.

This is the transcript from Rachel Guglielmo's email, dated April 10th, 2017:

"...I went over to speak to the neighbors, and they gave me this name to call: Terri Morgan, 812-320-8294. I called him and left a message letting him know that we want to make an addition to our house, and offering to meet with him or send him our plans via email.

I got a call back about 1/2 hour later. I wasn't able to pick up the phone, but received this message in my voice mail: "Hi Rachel. You had called me about an addition you were doing on 4th St -- I'm at 702 W. 4th St. There's no complaints. You can do anything, you know. I'm sure that it's fine. You don't have to send copies of the plans or anything like that. It's absolutely fine. I'm calling you from 812-320-8294, and it's fine with me."

Respectfully Submitted,

in-

Ernesto Castañeda

Dear Historic Preservation Commission,

I'm writing in regards to the planned addition to 620 W. 4th St. I live two doors to the east of Rachel Guglielmo and her family. Rachel has shared with me that they have plans for replacing their existing garage with a 1  $\frac{1}{2}$  story addition that includes a rebuilt garage with two small bedrooms and bathroom above the garage.

This is a needed upgrade in order to make comings and goings more accessible for Rachel's family.

I totally support the plans for this much needed renovation.

Thank you,

# Míchele Brentano

mbrentan@indiana.edu (office) <u>812-856-4547</u> (cell) <u>812-327-1411</u> **Research Associate Indiana Institute on Disability and Community Center on Education for Lifelong Learning** 1905 Range Rd Bloomington, IN 47405

### V-11-17 Neighbor Letter

#### March 7, 2017

#### To All Concerned Parties:

The purpose of this letter is to express our complete support for the proposed addition to the Guglielmo/Waters house at 620 West 4<sup>th</sup> Street. We have seen the elevation drawings and construction plans and find no part of the project objectionable in any way. The façade of the house is unchanged, and the new garage will undoubtedly be an improvement to the current garage which was added to the original structure in the late 1990's.

We own and live at 613 West 4<sup>th</sup> Street. Our block contains some very nice looking houses, and five of the eight are owner occupied. The completion of this addition is important to the Guglielmo/Waters family to accommodate their needs as the children mature and grow. Homeowners, families and families with children are good for the life of this neighborhood and this addition will allow this family to remain our neighbors and continue to positively contribute to this wonderful neighborhood. We encourage the commission and the city to approve the project.

Angraham Mokentary

Sandy Washburn and Mike Long 613 West 4<sup>th</sup> Street Bloomington, IN 47404