CITY OF BLOOMINGTON



July 22, 2021 @ 5:30 p.m. Zoom Meeting:

https://bloomington.zoom.us/j/99959230138?pwd=dXFnWkhXZ3Fhb WtydU5OeTVLNCt1UT09

CITY OF BLOOMINGTON BOARD OF ZONING APPEALS July 22, 2021 at 5:30 p.m.

Virtual Meeting:

https://bloomington.zoom.us/j/99959230138?pwd=dXFnWkhXZ3FhbWtydU5OeTVLNCt1UT09

ROLL CALL

APPROVAL OF MINUTES: None at this time

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

PETITION WITHDRAWN:

V-10-21 Laurie Eynon

1300 S. Grant St. Request: Variance from entrance and drive standards to allow a driveway on Driscoll Dr. *Case Manager: Eric Greulich*

PETITION CONTINUED TO: August 18, 2021

CU/V-19-20 **Robert latarola** 1504 W. Arlington Rd. Request: Conditional Use approval for a Home Occupation in the R2 zoning district. Also requested are variances to allow a Home Occupation to be located within an accessory structure and to allow deliveries (of pallets) to the property. <u>Case Manager: Ryan Robling</u>

PETITIONS:

- V-05-21 **Nancy Armstrong** 619 S. Fess Ave. Request: Variance from rear yard setback requirements for a detached Accessory Dwelling Unit (ADU). <u>Case Manager: Jackie Scanlan</u>
- V-08-21 **Starbucks Coffee Company** S. Liberty Dr. (Parcel #53-09-12-101-001.000-016) Request: Variance to allow vehicle parking in excess of the Maximum Vehicle Parking Allowance for a "restaurant". <u>Case Manager: Jackie Scanlan</u>

Petition Map: https://arcg.is/1CeG4X0

**Next Meeting: August 19, 2021

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 BOARD OF ZONING APPEALS STAFF REPORT LOCATION: 619 S. Fess Avenue

CASE #: V-05-21 DATE: July 22, 2021

PETITIONER:Nancy Armstrong619 S. Fess Avenue, Bloomington, IN

REQUEST: The petitioner is requesting a variance from required side and rear setbacks for a detached Accessory Dwelling Unit.

REPORT: The roughly 6,500 square foot property is located at 619 S Fess Ave. and is zoned (R3) Residential Small Lot. The property has been developed with a single family dwelling and previously also contained a detached garage. All of the surrounding properties are also zoned R3. The property fronts along S. Fess Ave. to the west and abuts an alley to the east. The requested accessory dwelling unit (ADU) location is on the east (rear) side of the property. The property is listed as the Contributing in the Bloomington Historic Sites and Structures Survey. The petitioner received approval from the Bloomington Historic Preservation Commission to remove the 1930s era garage on site, and also received verbal support from multiple members of the Commission for reuse of the same development site for the planned ADU.

The petitioner is proposing to construct a two-story ADU with a 480 square foot footprint in the location of the previous detached garage. The detached garage did not meet the five foot setback requirement from the rear and side yard property lines. However, the existence of large trees and a parking space on the petition site make the previous development site ideal for the new project. The petitioner is requesting to place the proposed ADU approximately three (3) feet away from the north (side) and east (rear) property lines. The UDO requires a five (5) foot setback from both the rear and side property lines.

The petitioner is requesting a variance from the required five (5) foot side and rear setbacks for a three (3) foot setback from each property line.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

20.06.080 (b)(3)(E)(i) Development Standards Variance: Pursuant to Indiana Code 36-7-4-918.5, the Board of Zoning Appeals of Hearing Office may grant a variance from the development standards of this UDO if, after a public hearing, it makes findings of fact in writing, that:

[a] The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and

PROPOSED FINDING: Rear Setback: No injury is found with the requested variance from the rear setback for a proposed detached ADU. The requested footprint is identical in size and location to the accessory structure that was previously on the site without incident. The variance seeks to legitimize the location so that it can be used again without disturbing the development and environment surrounding it.

Side Setback: No injury is found with the requested variance from the side setback for a proposed detached ADU. The requested footprint is identical in size and location to the accessory structure that was previously on the site without incident. The variance seeks to legitimize the location so that it can be used again without disturbing the development and environment surrounding it.

[b] 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; and

PROPOSED FINDING: Rear Setback: No adverse impacts to the use and value of the surrounding properties are found as a result of the requested variance from the rear setback. The requested location has worked in concert with the other structure on the site and those on surrounding sites for many years. The variance would allow a new structure to be built in the same location.

Side Setback: No adverse impacts to the use and value of the surrounding properties are found as a result of the requested variance from the side setback. The requested location has worked in concert with the other structure on the site and those on surrounding sites for many years. The variance would allow a new structure to be built in the same location.

[c] The strict application of the terms of this UDO 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: Rear Setback: Practical difficulty is found in the existing conditions of the lot. The previous detached structure was located in the proposed location, and as a result, the rest of the developable area in the rear of the property has been designed around that location. The site contains a pad for parking in the southeast corner, as well as large trees along the southern property line. Peculiar condition is found in the historic nature of the layout of the previous detached structure. The detached garage location was established prior to the standards of the UDO and is a common historic pattern, as can be seen in other properties in the immediate area, with accessory structures built close to or at the property line with the intent to maximize the usable space of the backyard. The petitioner is not requesting to increase the historic setback, only to be able to utilize the historic pattern for the ADU location.

Side Setback: Practical difficulty is found in the existing conditions of the lot. The previous detached structure was located in the proposed location, and as a result, the rest of the developable area in the rear of the property has been designed around that location. The site contains a pad for parking in the southeast corner, as well as large trees along the southern property line. Moving the building south would decrease the parking area that already contends with the trees and a large neighboring structure. Peculiar condition is found in the historic nature of the layout of the previous detached structure. The detached garage location was established prior to the standards of the UDO and is a common historic pattern, as can be seen in other properties in the immediate area, with accessory structures built close to or at the property line with the intent to maximize the usable space of the backyard. The petitioner is not requesting to increase the historic setback, only to be able to utilize the historic pattern for the ADU location.

RECOMMENDATION: Based upon the written findings above, the Department recommends that the Board of Zoning Appeals adopt the proposed findings and recommends approval of V-05-21 with the following conditions:

- 1. The petitioner must apply for the creation of an ADU with the Planning and Transportation Department within 90 days of the approval of the requested variances.
- 2. This variance applies to the location of the ADU structure as shown in the submitted site plan only. Any subsequent developments that do not meet UDO requirements will require an additional variance.





Scale: 1'' = 30'

For reference only; map information NOT warranted.

TO: The Board of Zoning Appeals, Bloomington and Monroe County, Indiana RE: Request for Setback Variance for ADU at 619 S. Fess Ave., Bloomington, IN 47401 FROM: Nancy Armstrong, property owner and occupant of current principal residence on site

DATE: May 20th, 2021

Dear BOZA:

I have recently demolished my single car garage with attached dovecote/chicken shed (which measured 26' x 20') to make room for an ADU. As per Monroe County protocol, because I live in a historic district and my garage was of the same vintage as my current principal structure dwelling on site, I requested and received approval for the demolition from the Historical Preservation Commission. My preference would have been to simply renovate the garage and dovecote structure to convert it into an ADU. However, the foundation was only one stone block deep (not sufficient to support a dwelling structure) and the wall studs were spaced about 3 times farther apart than modern code allows and the crossbeams were consequently bowed. For these reasons the architect and builder recommended that I take down the whole structure. I would now like to request a setback variance, for both rear and side, to allow me to rebuild a 24' x 20' ADU on the same footprint as the former garage/dovecote.

The proposed re-building site, and former garage/dovecote site, is right on the alley to the east, and right on the property line to the north. I have lived in the main structure on site for 13 years. We have never observed any issues with traffic of any kind going through the alley past the garage. Amazon Prime vans, service trucks, and all the apartment traffic from the building at E. 2nd and S. Fess Ave. have no trouble going down the alley past my garage. The only person to ever hit the garage was me once when I backed out of my parking space at the south end of the garage in too big of a hurry. The ADU would have transom windows (small and up high) on the alley side so as not to make any passersby or ADU dwellers uncomfortable. I believe that a rear setback variance will not be a problem for anyone. There are also two big trees in my yard, a sugar maple and a silver maple, which I don't want my ADU to be any closer to than the garage was. A summer thunderstorm once dropped a large limb off the sugar maple right on my car's front window and broke it. I don't want limbs falling on my ADU!

I would like the ADU to abut the side property line to the north just as the garage did. I am also the owner of the adjacent property, at 617 S. Fess Ave. My mother, Ann Armstrong, currently lives at this address. She is able to park two cars in her driveway which is right there, even with my garage right at the property line. (She can even park two cars there with a pile of old garage shingles between them and the property line). I don't anticipate any issues with having the ADU right where the garage was given these circumstances. Also, moving the ADU 5 feet south, as per standard setback requirements, would decrease the space I have to park in my driveway at the south side of the property. Only one car fits there with the garage right on the northern edge of 619 S. Fess Ave.'s lot. Given that in the next four years I will be teaching two teenagers to drive (and park in the driveway!) I really feel that losing five feet to the standard setback requirement would cause unnecessary hardship in this regard. Also, that sugar maple is

at the south end of the property and once again, I don't want to put the ADU in danger of having limbs fall on it. We like our trees- we tap the sugar maple and would like to keep it!

Several members of the Historical Preservation Commission (which approved the garage/dovecote demolition) stated that they would support setback variances for my ADU. I am hopeful that you will favorably consider my request for both rear and side setback variances for all of the above reasons. Thank you for your consideration. Please see photos for clarification.

Sincerely, Nancy Armstrong

05.02.2021

619 S FESS ACCESSORY DWELLING UNIT





619 S FESS ACCESSORY DWELLING UNIT 4.1.2021



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NORTH ELEVATION







619 S FESS ACCESSORY DWELLING UNIT







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



619 S FESS ACCESSORY DWELLING UNIT 4.1.2021



PROPOSED BLDG. SECTION SCALE:3/16" = 1'-0"









CASE #: V-08-21 DATE: July 22, 2021

PETITIONER:	Starbucks Coffee Company 111 North Canal Street, Chicago IL
	Bryan Rental Inc. 1440 S Liberty Drive, Bloomington IN
CONSULTANT:	Kimley-Horn & Associates 250 E 96 th Street Suite 580, Indianapolis IN

REQUEST: A variance to allow vehicle parking in excess of the Maximum Vehicle Parking Allowance for a 'restaurant'.

INFORMATION SINCE FIRST HEARING: The petition was heard at the June 2021 Board of Zoning Appeals hearing. The Department recommended continuance of the petition until the petitioner provided information about typical need for the use that demonstrated support for the variance request. The petitioner did not submit anything before the Final Revision Deadline, but when contacted by staff, did produce a document indicating the number of parking spaces at area Starbucks locations. The data requested was related to how many of the spaces were actually used on a regular basis. The Department finds that listing the number of spaces with no indication of their typical use does not address the request for three times the allowed parking at this site. However, based on the conversations had at the previous hearing, the BZA may find that this is enough information to act on the petition.

REPORT: This 1.05 acre property is located northeast of the intersection of S. Liberty Dr. and W. State Road 45 and was zoned Planned Unit Development (PUD) at the time of filing. The properties to the north, east, and west were within PUD 26 at the time of filing and have been developed with commercial uses. The property to the south was a part of PUD 83 at the time of filing and has been developed with commercial uses.

The petitioners are proposing to construct a 'restaurant' at this location, with a total of 33 parking spaces. PUD 26's District Ordinance does not create standards for parking and loading. The UDO limits "restaurant" uses to a maximum vehicle parking allowance of 10 spaces per 1,000 sq. ft. Gross Floor Area (GFA) of indoor seating, and 5 spaces per 1,000 sq. ft. GFA of outdoor seating. The proposed site design would allow for a maximum of 11 spaces. The petitioners are proposing to include a total of 33 vehicle parking spaces on the site. The 22 spaces over the limit are proposed to utilize permeable pavers. The petitioners are requesting a variance to allow 22 parking spaces over their maximum vehicle parking allowance.

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; and

PROPOSED FINDING: No injury is found with the allowance of additional parking spaces. The spaces will be designed as permeable to offset their runoff and the site will still meet impervious surface requirements.

(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; and

PROPOSED FINDING: No adverse impacts to the use and value of the surrounding area associated with the proposed variance are found. The variance is not expected to have off-site negative consequences, and in fact, will allow for more room on the site to hopefully decrease vehicular stacking.

(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 questions; that the development standards variance will relieve the practical difficulties; and

PROPOSED FINDING: While it seems likely that practical difficulty can be found in the use of the property based on expected use, a need for triple increase of parking allowance has not been demonstrated. The Department requested additional information related to similar store locations, but has only received information about the total number of spaces at area locations, with no indication of their use. The information requested about other locations is intended to demonstrate that if other locations with similar characteristics as this site typically need the number of spaces requested, this site will as well. That type of information has not been provided.

RECOMMENDATION: Based upon the written report, the Department recommends the Board of Zoning Appeals continue the petition to the August BZA hearing.









Scale: 1" = 100'

Kimley **»Horn**

May 25, 2021

City of Bloomington 401 N Morton St Bloomington, IN 47404

Re: Starbucks Bloomington Development Standard Variance Request 2105 Liberty Drive Bloomington, IN

Dear BZA Member,

On behalf of Starbucks, we respectfully request the acceptance of the attached Development Standards Variance Application and supporting documents for the development of the proposed Starbucks quick serve restaurant facility (QSR).

Project Narrative:

Starbucks is proposing to develop approximately 1.05 acres into a quick serve restaurant located at 2105 Liberty Drive. The existing property is currently vacant land and is zoned PUD, Planned Unit Development. It is proposed that two points of ingress and egress be provided and located off Liberty Drive.

We respectfully request variance from : <u>Bloomington Indiana Unified Development Ordinance</u>, 20.04.060 <u>Parking and Loading</u>, Table 4-10 Maximum Vehicle Parking Allowance for a "Restaurant"

The petitioner requests to be permitted to develop the site with additional parking spaces that exceed the defined maximum allowable (as stated above). The proposed Starbucks would provide approximately 800SF of interior seating space and 350SF of outdoor seating. Per the UDO, a restaurant use is allowed to provide 10 spaces for every 1,000SF of interior seating space and 5 parking spaces for every 500SF of outdoor seating space. Per these ratios the proposed Starbucks would be permitted to provide 11 parking spaces. We are requesting that the proposed Starbucks be permitted to provide 33 parking spaces for their employees and customers.

There are several key reasons why we believe the proposed increase in the permissible parking is necessary. A Starbucks does not fit the mold of a traditional restaurant use. Starbucks are frequented by a high volume of customers, most of which are making quick trips. Many of Starbucks customers come to the restaurant individually. In a traditional restaurant setting, there are typically multiple customers in a single vehicle, but given that many customers are commuting during the peak hours, there is a higher ratio of vehicles per customers for this restaurant. Given the beverage emphasis on the menu, many of the seating options inside the restaurant are more compact than a traditional dining environment. Additionally, while most restaurant buildings reserve approximately two-thirds of the building area for seating, a Starbucks generally reserves closer to one-third of the building area for seating. The average Starbucks restaurant has 10 employees during the maximum shift. In addition to employee parking spaces and spaces required to be reserved for Handicap Accessibility, we are also proposing three spaces to be reserved for mobile order pickup. As many have observed over the course of the past year, the mobile ordering and curbside pickup service has increased tremendously. As a result of this, having multiple spaces reserved for this purpose is crucial to Starbucks' business. Although many of the trips made into Starbucks are quick, there are also those customers that utilize Starbucks as a café that offers wifi to its customers which can prolong a few of the customer time in the store.

Lastly, the location of the proposed store is in a traditional interchange outlot style development and not a mixed-use urban area. These types of traditional interchange type developments do not have the walk-in traffic that a more urban store would have thus increasing the number of cars entering and exiting the site. Also, given the site's proximity to I-69, it is likely that this restaurant will be visited by not only locals but also those traveling along I-69.

The proposed parking ratio is a result of providing one parking space per employee at the maximum shift, one parking space per one and a half seats, and three designated mobile order pickup spaces. The stand-alone quick serve restaurant building with associated parking for the subject property are as depicted by the attached proposed site plan.

Development Standards Variance Criteria:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community:

The variance will not be injurious to the public health, safety, morals, and general welfare of the community because the additional parking spaces will provide enough spots to safely accommodate the public. Without the additional parking additional traffic may create a safety hazard to the traveling public. Additionally, the adjacent properties may be adversely impacted by the additional traffic if customers use their parking as overflow. The proposed parking is not substantially different parking conditions than surrounding properties.

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:

Without additional parking there may be added traffic, which would create an adverse impact to the adjacent properties. The variance will reduce the potential for vehicles backing up into Liberty Drive. Even with the increase in parking, the proposed site plan is still compliant with the landscaping and maximum lot coverage requirements. The proposed parking layout will only have single drive aisle around the building, which is consistent with 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:

Given the small size of the property and its proximity to the interstate, it would be difficult to meet the high parking demands required for this use with the strict application of the code. A Starbucks close to an interstate sees not only local customers, but also those traveling through Bloomington along I-69. The proximity to the interstate attracts a higher number of commuters which results in higher peak volumes. This further amplifies the need for additional parking during the peak hours. Another unique constraint for this site is the limited access along SR 45. Even though the property has two frontages, access can only be granted from Liberty Drive. Since all customers must enter and exit to and from Liberty Drive, it is even more important that there be an adequately sized parking lot to allow customers sufficient space to maneuver around the restaurant and drive-thru. In addition to the unique conditional parking. The requested additional parking will reduce the potential traffic issues along Liberty Drive, overflow onto adjacent properties, and also alleviate the pressure on the drive-thru.

Thank you for your time and consideration of this request. Please contact me at (317) 218-9566 or <u>Mike.Timko@Kimley-Horn.com</u> should you have any questions

Sincerely, Kimley-Horn and Associates, Inc. Mike J. Timko, PE



Kimley **»Horn**

July 12, 2021

City of Bloomington 401 N Morton St Bloomington, IN 47404

Re:

Starbucks Bloomington Development Standard Variance Request – Additional Information 2105 Liberty Drive Bloomington, IN

Dear BZA Member,

Per the request of the board made at the June BZA hearing, additional information is being provided to justify the variance request for parking spaces exceeding the permissible amount. In order to do this, several Starbucks in this region of Indiana were analyzed to gather average parking count information. It should be noted that these facilities are of a similar nature in that they are freestanding Starbucks with isolated parking lots. Any Starbucks that are a part of multi-tenant retail building or a shared parking lot facility were not included in the study.

On average, the Starbucks reviewed had a parking count of 33 parking spaces. See below for a summary table of the number of parking spaces provided at each location. Also provided below is a brief overview of the vicinity in which each of these Starbucks are located to provide better context.

Location	Parking Count
1921 South Walnut Street, Bloomington	35
4257 North Tupelo Drive, Bloomington	27
2198 Burton Lane, Martinsville	48
3015 West 16 th Street, Bedford	14
2355 West Jonathon Moore Pike, Columbus	31
4900 South US 41, Terre Haute	45

1921 South Walnut Street, Bloomington

Walnut Street is a four-lane road. The site is near Bloomington High School South.

4257 North Tupelo Drive, Bloomington

Tupelo Drive is a four-lane road. The site is located near several other commercial developments and large number of single-family residences.

2198 Burton Lane, Martinsville

The property is located at the intersection of Burton Lane and US 37.

3015 West 16th Street, Bedford

16th Street is a four-lane road with a two-way turn lane. The site is located in a heavy commercial area and is less than a half mile from US 37.

2355 West Jonathon Moore Pike, Columbus

Jonathon Moore Pike (SR 46) is a four-lane road with a median and designated left turn lanes. The site is in a commercial area and less than a half mile from I-65.

4900 South US 41, Terre Haute

US 41 is a four-lane road with a median and designated left turn lanes. The site is in a commercial area and approximately one and a half miles from I-70.

These nearby examples are representative of our proposed site and the anticipated parking conditions. It is our opinion that this study adequately demonstrates a practical difficulty with providing the number of parking spaces permitted by code and provides justification for the number of proposed parking stalls, which is coincidently the average parking count provided amongst the six Starbucks studied.

Thank you for your time and consideration of this request. Please contact me at (317) 218-9566 or <u>Mike.Timko@Kimley-Horn.com</u> should you have any questions

Sincerely, Kimley-Horn and Associates, Inc. Mike J. Timko, PE











