

CITY OF BLOOMINGTON



March 30, 2022 @ 2:00 p.m.
Kelly Conference Room #115

Zoom:

<https://bloomington.zoom.us/j/87825589150?pwd=cVFHZzYwekJuTkNhZWQ0T3dhbWJ5UT09>

Meeting ID: 878 2558 9150

Passcode: 258620

CITY OF BLOOMINGTON
HEARING OFFICER (Hybrid Meeting)
March 30, 2022 at 2:00 p.m.

***Kelly Conference Room #155**

❖**Virtual Link:**

<https://bloomington.zoom.us/j/87825589150?pwd=cVFHZzYwekJuTkNhZWQ0T3dhdWJ5UT09>

Meeting ID: 878 2558 9150

Passcode: 258620

Map Link: <https://arcg.is/SOez0>

PETITIONS:

V-07-22

Amaury de Siqueira

3701 E. 3rd St.

Request: Variance from accessory structure setback standards.

Case Manager: Karina Pazos

****Next Meeting: March 30, 2022**

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

BLOOMINGTON HEARING OFFICER
STAFF REPORT
LOCATION: 3701 E 3rd Street

CASE #: V-07-22
DATE: March 30, 2022

PETITIONER: Amaury Cesar de Siqueira
 3701 East 3rd Street, Bloomington, IN 47401

REQUEST: The petitioner is requesting a variance from accessory structure setback standards.

REPORT: The property is located at 3701 E 3rd Street and is zoned Residential Medium Lot (R2). The properties to the north, east, south and west are also zoned R2. The existing structure is rated as Contributing on the Bloomington Historic Sites and Structures Survey.

The UDO states that accessory structures must be located at least 35 feet from the front property line and 5 feet from the side and rear property lines. This property is located at the corner of public streets on the south and west sides of the lot, and would need a 35-foot setback from both front property lines. In the R2 zoning district there is a limit on the number and size of accessory structures. That limit is a maximum number of 2 accessory structures and a maximum footprint cumulative total of 840 square feet. There is also an accessory structure height maximum of 20 feet in the R2 zoning district.

The petitioner is proposing a new accessory structure on the north side of the property. The structure would be used as a home office/workshop space. The proposed structure is 280 square feet and would be located approximately 30 feet from the west property line. The height would be 8 feet and there are currently no other accessory structures on this lot. The proposed location is on existing asphalt so the structure would not increase the lot's impervious surface coverage. There is an existing long-established magnolia tree on the lot that impedes the proposed accessory structure from being located further east to meet the 35-foot setback requirement. Additionally, the right-of-way for Meadowbrook Drive is in excess of 70 feet, so the accessory structure would be roughly 55 feet from the edge of pavement.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

20.06.080(b)(3)(E)(i) 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 to the public health, safety, morals, and general welfare is found as a result of this petition. The location of the structure is appropriate for the use and size of the property.

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.*

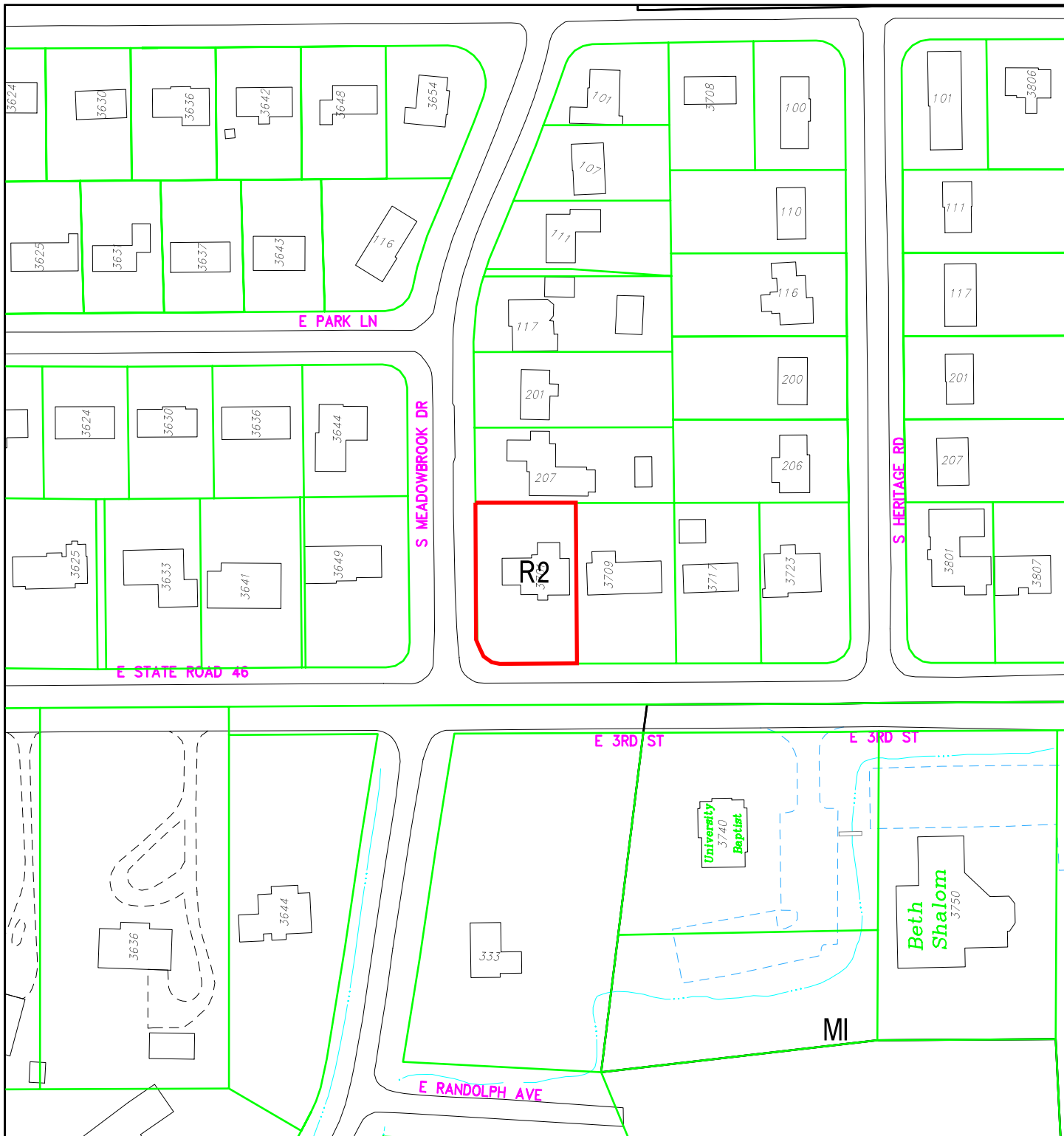
PROPOSED FINDING: No adverse effect to the use or value of the adjacent properties is found as a result of this petition. The petitioner has communicated with the Hoosier Acres and Park Ridge neighborhood associations and did not receive any concerns with this proposal.

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.*

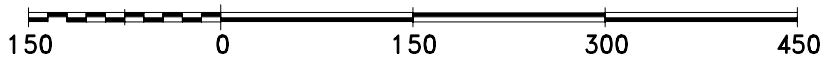
PROPOSED FINDING: Practical difficulty is found in the presence of the established magnolia tree on the lot in combination with the large right-of-way for Meadowbrook Drive. Even though the west side of the property is the secondary frontage, there is still a required 35-foot setback from the west property line for accessory structures. Because the right-of-way line is located roughly 20 feet into the grass yard of the property, locating the proposed accessory structure at 35 feet from the right-of-way line would require removal of the magnolia tree. But, allowing the variance will still meet the spirit of the accessory structure front setback, by having the structure roughly 50 feet from the edge of pavement, while allowing the existing mature tree to remain.

RECOMMENDATION: Based upon the written findings above, the Department recommends that the Hearing Officer adopt the proposed findings and recommends approval of V-07-22 with the following conditions:

1. The materials, scale, colors, architectural details, and roof slopes must be compatible with the principal building.
2. The petitioner must obtain a building permit prior to construction.
3. This variance applies to only the structure and location of the structure as shown and described in the application.

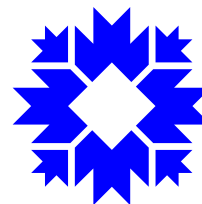


By: karina.pazos
28 Mar 22

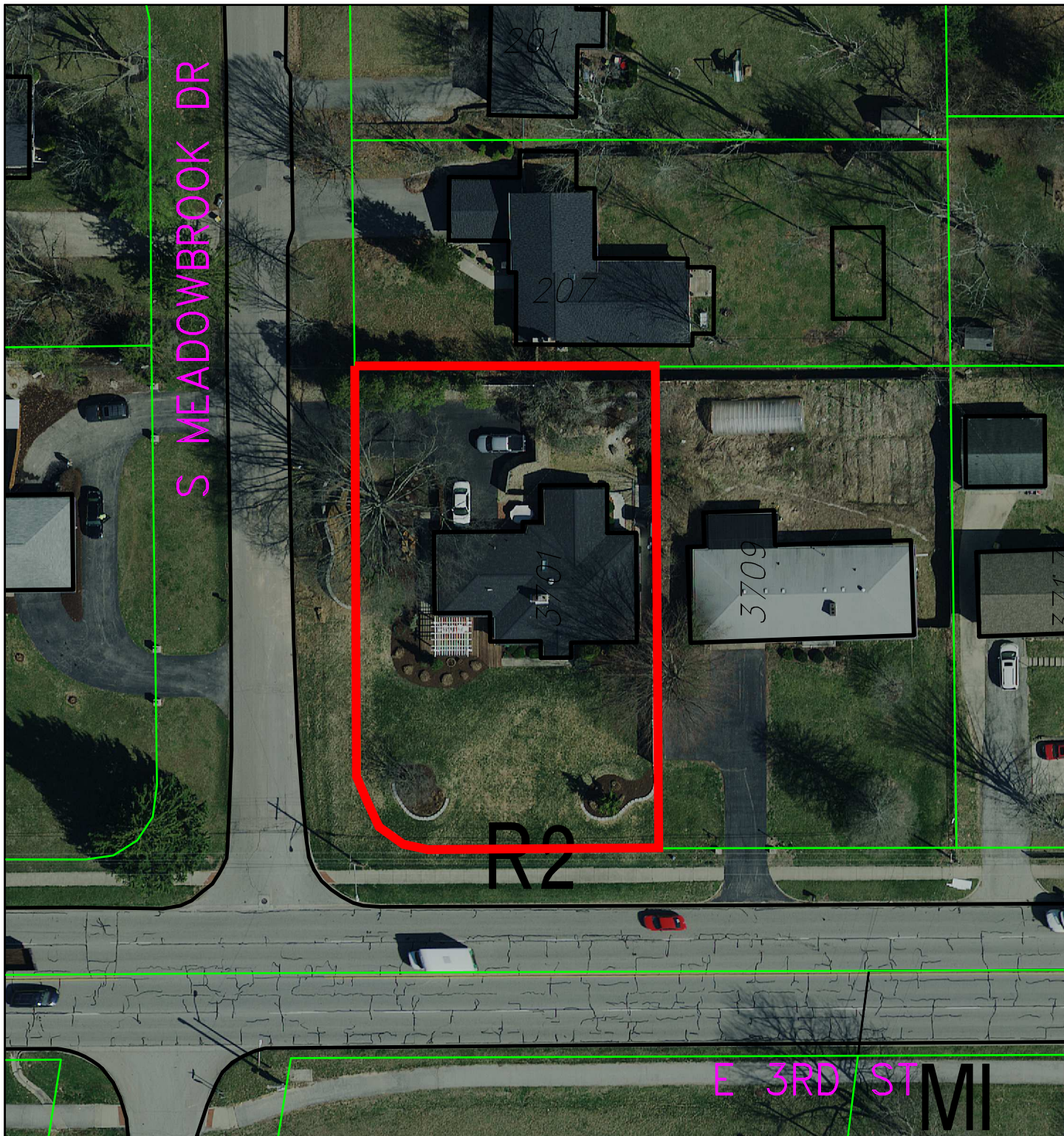


For reference only; map information NOT warranted.

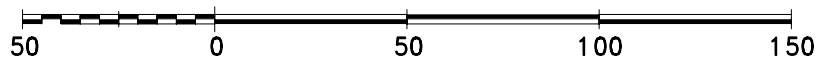
City of Bloomington
Planning



Scale: 1" = 150'

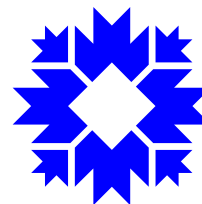


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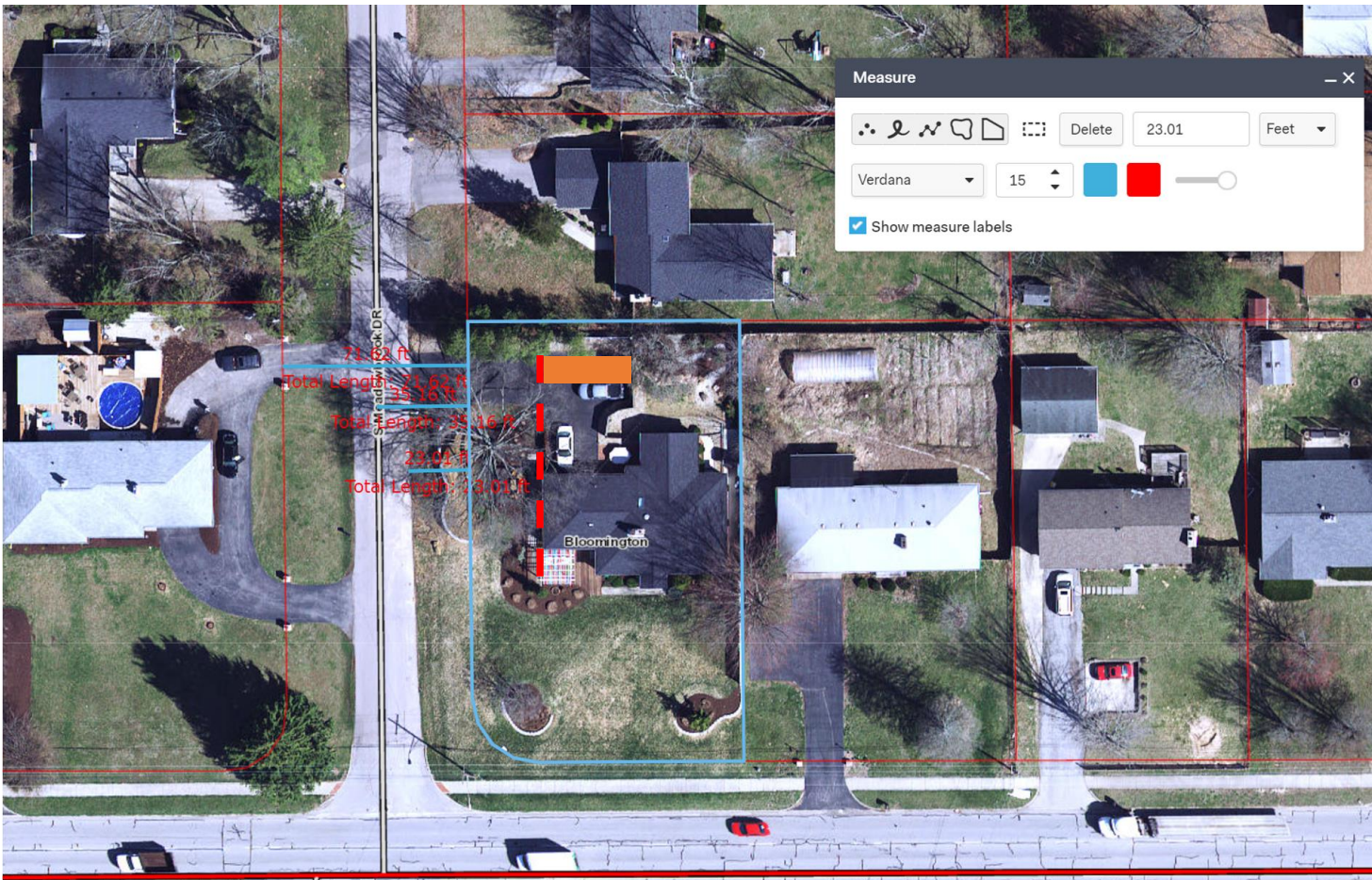


For reference only; map information NOT warranted.

City of Bloomington
Planning



Scale: 1" = 50'





The requested variance of 5ft beyond setback line is needed as moving the building further east will threaten a long-established magnolia tree. Reduction of the building size to meet setback would reduce the total space by 60 sq/ft thus causing financial loss of property value due to reduction of space. Increasing the width of the building to compensate for the sq/ft loss in length is not feasible as it would make the building too close to existing living space and eliminate the once car parking space in the driveway. CBU has approved the building plan as the structure will not have any utilities.

- The three images show the approximate location of the proposed structure.
- The orange square indicated the location and overall length of the building.
- The red line shows the line for where the house and the proposed structure ends.
- The yellow line shows required setback line

Address: 3701 East 3rd Street – 47401

Structure dimensions 14'X20'X8'

Materials are:

- .Concrete footer & blocks
- .Concrete floor
- .8 ft. 2x4 pine studs for walls
- .Roof trusses from K & K truss factory in Montgomery, Indiana
- .Fiberglass shingles
- .Joe Hardin Gray Concrete sidings

Builder information: Joseph Stoll <jstollconstruction@gmail.com>