CITY OF BLOOMINGTON



September 28, 2022 @ 2:00 p.m. Kelly Conference Room #155 and Zoom

Virtual Link:

 $\frac{https://bloomington.zoom.us/j/88679792812?pwd=MERCYkZSQ1pFVDRVWjd}{ncXZIUGIMUT09}$

Meeting ID: 886 7979 2812

Passcode: 491403

CITY OF BLOOMINGTON HEARING OFFICER (Hybrid Meeting) September 28, 2022 at 2:00 p.m.

City Hall, 401 N. Morton Street Kelly Conference Room #155 and Via Zoom

❖Virtual Link:

https://bloomington.zoom.us/j/88679792812?pwd=MERCYkZSQ1pFVDRVWjdncXZIUGIMUT09

Meeting ID: 886 7979 2812

Passcode: 491403

PETITION MAP: https://arcg.is/m8TX0

PETITIONS:

V-40-22 Mimimis, LLC (Sam DeSollar)

744 S. Morton St.

Request: Determinate sidewalk variance for a new 'artist studio or workshop' in the

Residential Multifamily (RM) zoning district.

Case Manager: Jackie Scanlan

V-42-22 Touchdown Terrace. LLC

1300 N. Lincoln St.

Request: Variance from side building setback standards to allow installation of a

wheelchair lift in the Mixed-Use Student Housing (MS) zoning district.

Case Manager: Jackie Scanlan

**Next Meeting: October 12, 2022

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>.

CASE #: V-40-22

DATE: September 28, 2022

BLOOMINGTON HEARING OFFICER STAFF REPORT

Location: 744 S. Morton Street

PETITIONER: Mimimis, LLC (Sam DeSollar)

731 E. University Street, Bloomington

REQUEST: The petitioner is requesting a determinate sidewalk variance for a new 'artist studio or workshop' in the Residential Multifamily (RM) zoning district.

REPORT: This 0.16 acre property is located at 744 S. Morton Street. The property is zoned Residential Multifamily (RM), as are the properties to the north, west, and south. Property to the east is zoned Mixed-Use Downtown - Downtown Gateway Character Area (MD-DG). The site is currently vacant. Surrounding land uses include single-family residential to the west, north, and south, with office uses to the east across S. Morton Street. This site is located in the McDoel Gardens Neighborhood, as well as the McDoel Gardens Local Historic District. The petitioner received a Certificate of Appropriateness for the proposed site plan from the Bloomington Historic Preservation Commission, in August 2021 (COA 21-35). The petitioner has received support for the site plan from the neighborhood association, as well, which was shown without sidewalk.

The petitioner is proposing to build an 'artist studio or workshop' on the site. The proposed building is a two-story structure that would contain roughly 10 studio spaces. The site would be improved with landscaping and bicycle parking with the new facility. The petitioner received a variance to buffer yard standards with V-03-22.

Because this is non-single family development of the site, a sidewalk is required along the Morton Street frontage. The Unified Development Ordinance requires, via the Transportation Plan, a six foot sidewalk and five foot greenspace/tree plot along Morton Street. The street is classified as Neighborhood Residential, which the Plan calls to have 60 feet of right-of-way. There is roughly 27 feet of right-of-way at this location. Morton Street is bordered on the east by the B-Line Trail.

The petitioner is requesting a determinate sidewalk variance in order to not install the required sidewalk and tree plot at this location.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE Buffer Yard Requirement

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: The approval will not be injurious to the public health, safety,

- morals, and general welfare of the community. There are no existing sidewalk connection opportunities and no expectation of adjacent sidewalk development in the near future.
- 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 surrounding properties as a result of the requested variance are found. The properties to the north and south both have development in the areas (stairs and parking) that would be in line with a sidewalk no this site.
- 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: Strict application of the terms of the UDO will result in practical difficulties in the use of the property because the property fronts on limited right-of-way and has challenging topography that worsens on the lot immediately to the south. There are also an existing tree stand and stairs on the property to the south that would make future connection difficult. The proposed use will have limited public access, dissimilar to a traditional commercial use. The benefits of a sidewalk at this location at this time are extremely limited. Having limited right-of-way, grade change at the sidewalk location, as well as a historic structure to the south are all peculiar conditions of this site that create practical difficulties in the strict application of the UDO. The B-Line trail is also located on the east side of Morton Street, decreasing the immediate need for a north-south pedestrian connection on this undersized Residential Neighborhood street. A determinate sidewalk variance would allow deferral of the sidewalk construction until such time that a through connection is appropriate. Granting the variance allows for development to occur on this physically constrained site.

Determinate Sidewalk:

20.06.080(b)(3)(E)(i)(3): While not to be included as separate findings of fact, items to consider when determining the practical difficulties or peculiar conditions associated with a determinate sidewalk variance include, but are not limited to:

- [a] That the topography of the lot or tract together with the topography of the adjacent lots or tract and the nature of the street right-of-way make it impractical for construction of a sidewalk; or
- [b] That the pedestrian traffic reasonably to be anticipated over and along the street adjoining such lot or tract upon which new construction is to be erected is not and will not be such as to require sidewalks to be provided for the safety of pedestrians; or
- [C] The adjacent lot or tracts are at present developed without sidewalks and there is no reasonable expectation of additional sidewalk connections on the block in the near

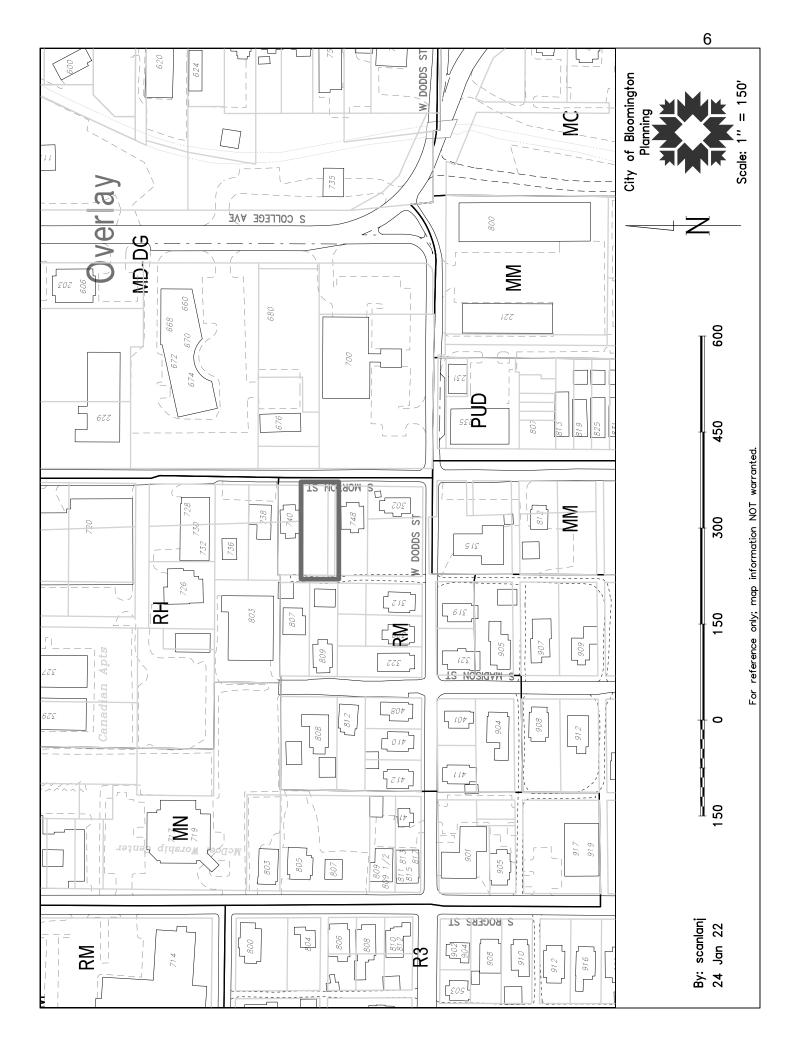
future; or

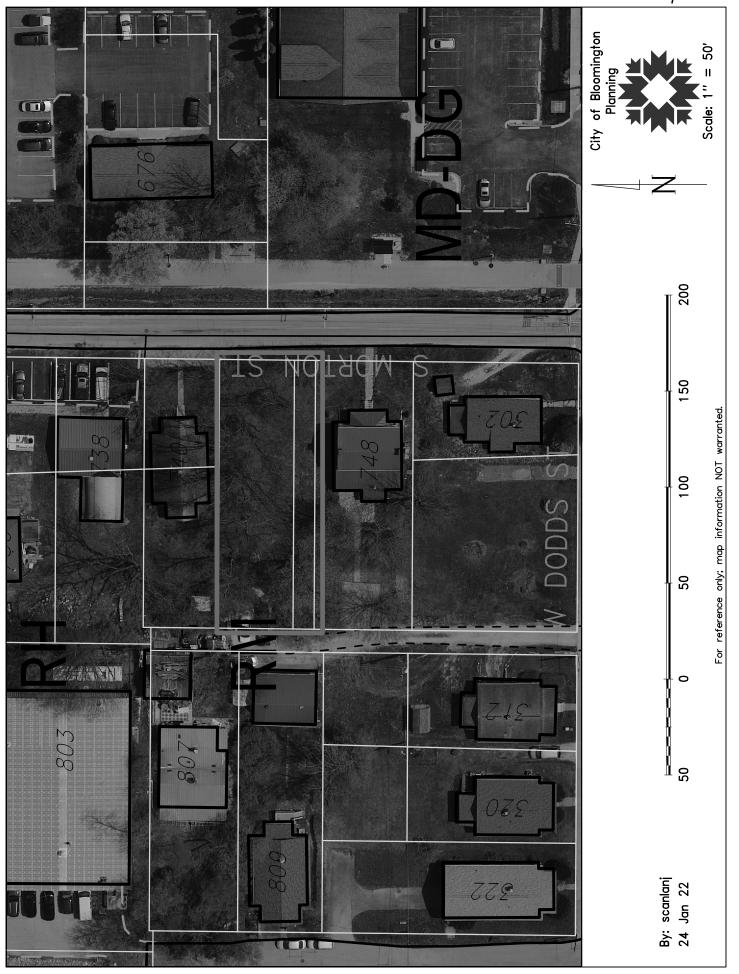
- [d] The location of the lot or tract is such that a complete pedestrian network is present on the other side of the street on the same block; or
- [e] Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.

Review of Determinate Sidewalk Criteria: The topography of the lot, together with the topography of the adjacent lots and the nature of the street right-of-way make it impractical for construction of a sidewalk. There is limited right-of-way immediately adjacent to the site and both the petition site and the property to the south have steep grade change immediately adjacent to the existing pavement. Intensive pedestrian traffic along this frontage is not expected. The proposed use will be open to those renting artist studio space and is not a typical commercial space with walk-in clients. Additionally, pedestrians traveling farther north/south distances would likely use the B-Line trail, east of Morton Street. Both immediately adjacent lots are developed with single family homes, one with an Outstanding historic rating, and there is no reasonable expectation of their redevelopment in the near future. All properties on the west side of Morton Street along this stretch are in a local historic district. While there is not a pedestrian sidewalk immediately adjacent to the eastern side of Morton Street, the B-Line trail is directly east. Because of the historic nature of this area, and particularly the property to the south, limited right-of-way, and the location of the B-Line trail, development of the area is best served by deferring sidewalk construction at this location.

RECOMMENDATION: The Department recommends that the Hearing Officer adopt the proposed findings and approve V-40-22 with the following conditions:

- 1. This variance is for this particular use and site plan, as submitted with the request.
- 2. A zoning commitment for the determinate sidewalk variance must be recorded and submitted prior to approval of a building permit.







Jacqueline Scanlan <scanlani@bloomington.in.gov>

744 S Morton Studios - Minor Site Plan Review - Landscape, Lighting, Solar + **Building Data**

Sam DeSollar <samdesollar@gmail.com>

To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Tue, Aug 30, 2022 at 2:11 PM

OK, if you don't have a Petitioner's Statement, here's one that actually does what the checklist requests. Apologies for the additional Traffic. S.

The 744 S. Morton Studios building is to be built on a 50' wide by 140' deep vacant lot. It is located across South Morton Street from the B-Line trail, and is adjacent to single family homes on abutting lots. A public alley serves the back of the lot, where a loading zone, dumpster access, and driveway access for a sectional door are located. The two story wood framed building will house 10-13 private artist studios and support spaces. To encourage biking and walking, no vehicular parking is proposed for the site. Bike parking is available, and all entrances have an accessible path. The site will be landscaped with street trees and interior trees and plantings as required by Planning. There is no street parking on this portion of South Morton Street - landscape or parking areas abut the edge of pavement on lots for several blocks in each direction on Morton. The site has a steep slope to the north and east, and there are no sidewalks aside from the B-line trail on either side of this stretch of South Morton Street.

We are requesting a sidewalk and tree plot variance for the following reasons:

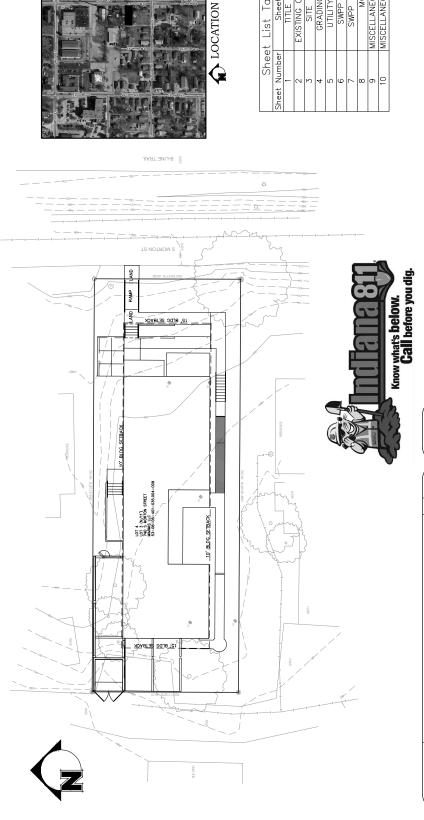
- the property immediately to the south has a steep grade and steps that terminate at the edge of pavement. A continuous sidewalk would be unfeasible to construct to the south.
- the B line is immediately to the east of the street. Most or all pedestrian traffic along this stretch of South Morton Street is provided for by the B line.
- The properties immediately to the north have parking areas that start at the edge of pavement, making a continuous sidewalk to the north unfeasible.
- To accomodate an accessible entrance on South Morton Street, most of the front setback is dedicated to ramps and accessible walks, needed to address the steeper slope on that portion of the lot. The size of the site won't accomodate an additional walk and tree plot.

Thank you for considering our petition.

Sam DeSollar [Quoted text hidden]



PROJECT LOCATION



LOCATION MAP

Sheet List Table	Sheet Title	TITLE SHEET	EXISTING CONDITIIONS	SITE PLAN	GRADING PLAN	UTILITY PLAN	SWPP PLAN	SWPP SPECS	MOT	MISCELLANEOUS DETAILS	MISCELLANEOUS DETAILS
	Sheet Number	-	2	33	4	S	9	7	∞	6	10

NOTE: WATER, AND SANITARY SEWER ITEMS SHALL BE IN ACCORDANCE WITH THE LATEST ISSUE OF THE CITY OF BLOOMINGTON VITILITIES CONSTRUCTION SPECIFICATIONS. ALL OTHER WORK SHALL BE IN ACCORDANCE WITH THE 2021 SMITH DESIGN GROUP, INCORPORATED STANDARD SPECIFICATIONS.

BY DATE KES 6/291. KES 8/24/22 KES 8/24/27

REVISIONS

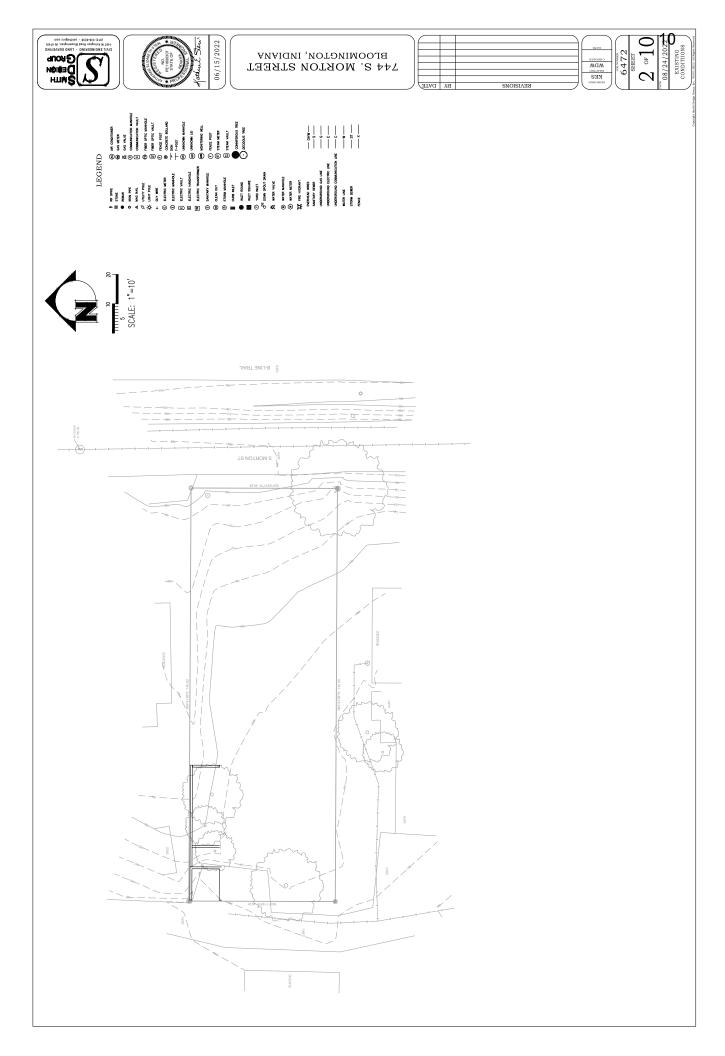
SHEET NO.



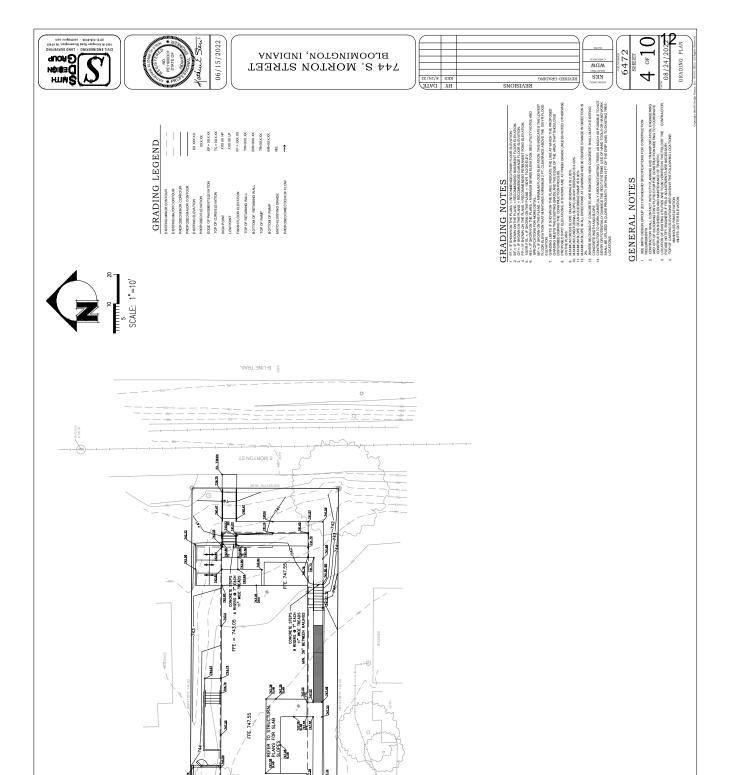
06/15/2022

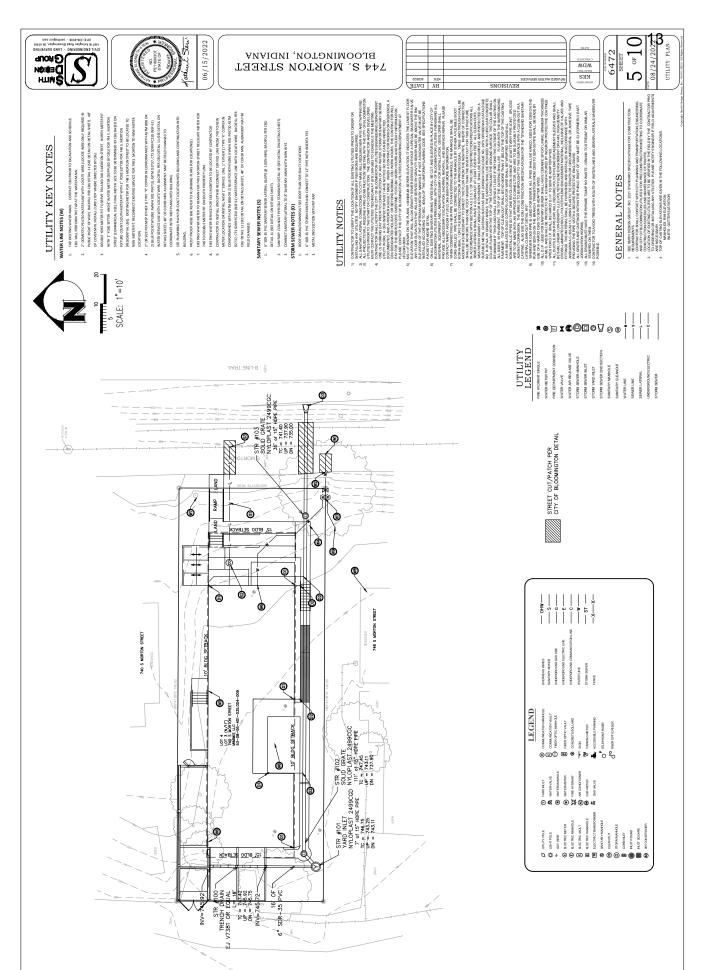
CIVIL ENGINEERING - LAND SURVEYING 1467 W Arlington Road Bloomington, IN 47404 (812) 336-6536 - smithdginc.com

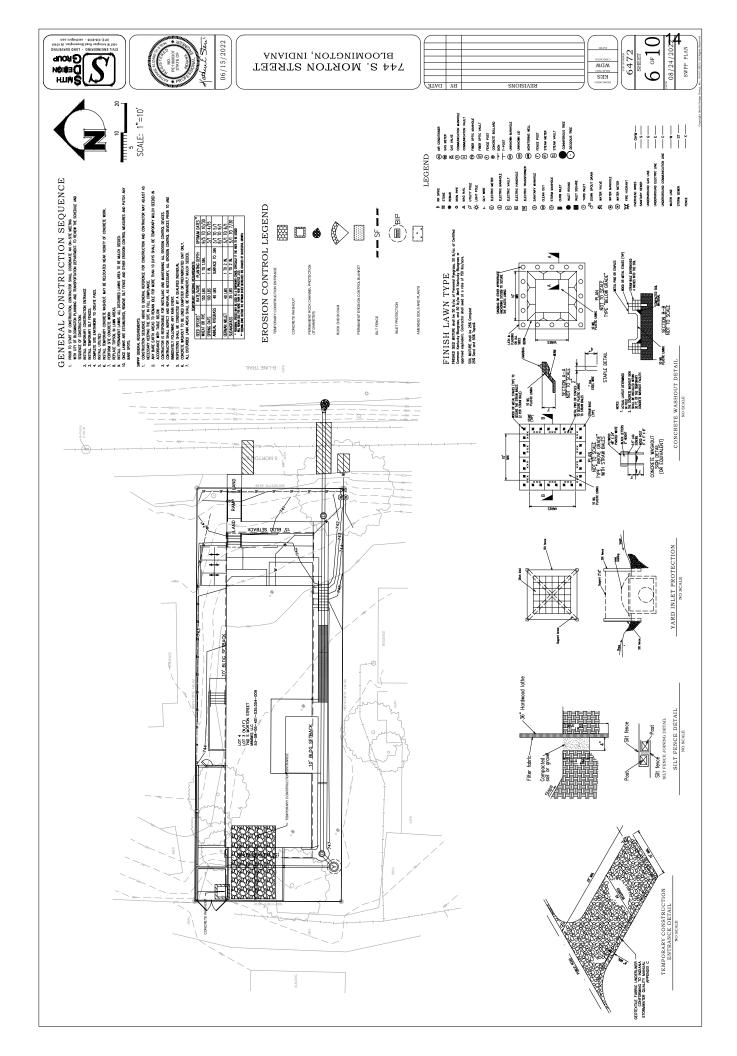
6472 JOB NUMBER:



(st. 2) 24 CO	SENIZIONS REPRESENTANTS RES 678/257 SENIZIONS REPRESENTANTS REPRESENTANT REP	
SCALE: 1"=10' MATERIALS LEGEND CONCRET SERVAL - NOTIVARES	(ii) 4" THICK SERVER CONCERTER (iii) 4" THICK SERVER CONCERTER (iii) 5" TANDON CLORE (iii) 6" STAND CHORE	SITE PLAN NOTES Second share pass as in cooperate there are the work in correct or a consultance of authorized the second to the consultance of a consultance of authorized the second to the consultance of a consultance of authorized the second to the consultance of a consultan
	† ⊕	
Some to the state of the state	IS NOLBOWS S	
And the state of t		

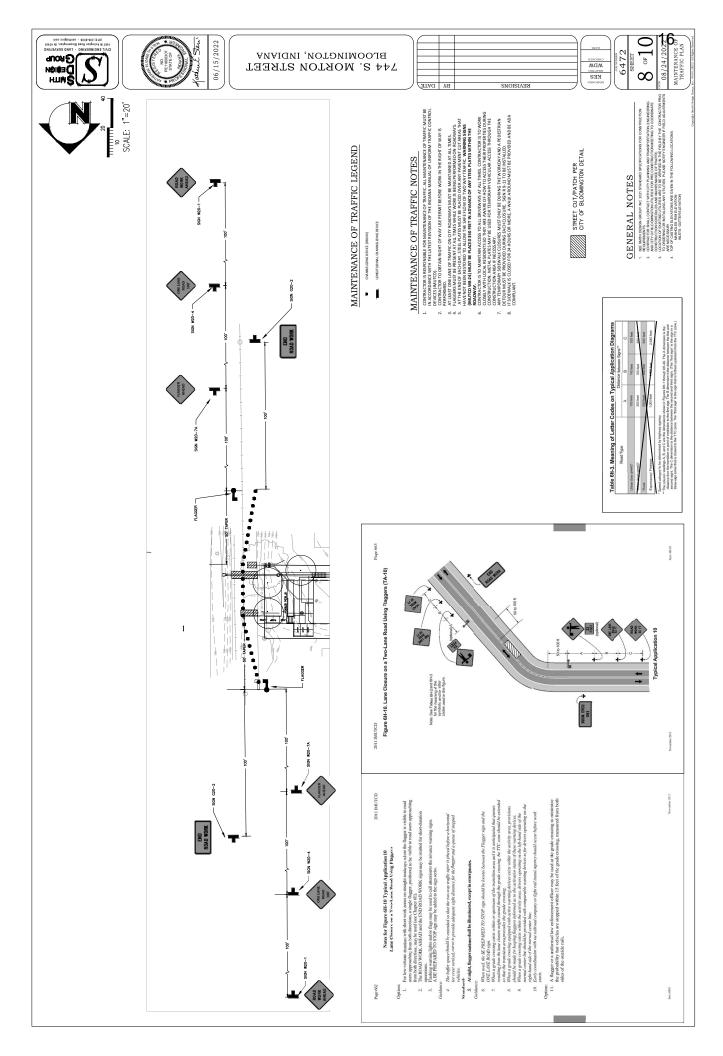


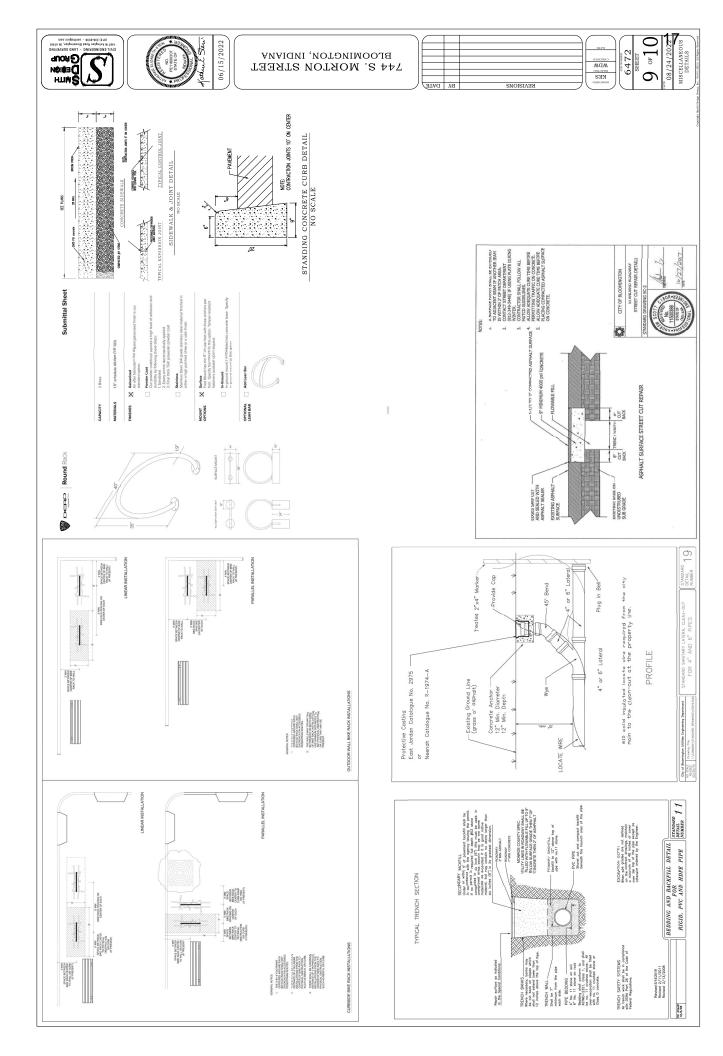




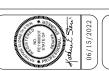
2. Perform weakout of concrete trucks offishe or in designated or waste only it for collective waters, a plant of the subsidied opposed to be weaked, facility to form concrete or plant of the following measurement of the subsidied or the subsidied the subsidied to the subsidied to the subsidied to the subsidied of the subsidies	C. In moniforment of page. C. In moniforment of page. C. In moniforment of page. C. In the control of the co
1. SIN Froce. 1. Find for the froce to be or least ten feet from the toe of the second of the secon	educin to the sign. A control to the trumpte, or the state of the situation of the situatio
c. If assembling the all force and post on-site, drive the posts shot the said and then search the sit flores to the posts show the said of the search the sit flores to the posts by public page of site of word. The site of 41 lives with the site of site	entrope the control of the control of the col open man that of the col
3. Compact subgrode sell prior to placing stron. 4. Rose, if a tone to the dimension lacked on the plac and 4. Rose if the repeater you'd expendition for the place. 5. Rose interpret you'd expendition for the place. 6. Rose page on reseded to drive and mental or riscory. 6. Rose page on reseded to drive page of reseded to the compact of the confidence of the compact of t	A Conductor that the develop of each of the ten control melectural on the Control and the develop of the develo
SECTION 07207 SECTION 07207 PART 1 CREMA. 1.01 REALTON WAS CARROLUTION PREVENTION & EROSION CONTROL PART 1 CREMA. 1.01 REALTON WAS CARROLUTION PREVENTION & EROSION CONTROL 1.02 RETIRENCE: The Charle Charle Control 2.02 RETIRENCE: The office of the Gentley from a pert of the next incline of the Gentley from a pert of the next inclined from entering the meant in the Charle Management Celebra 2007 1. Andrea Stem Mare Coulty Management Celebra 2007	

BLOOMINGTON, INDIANA TAREET MORTON STREET

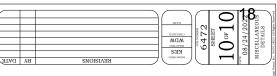


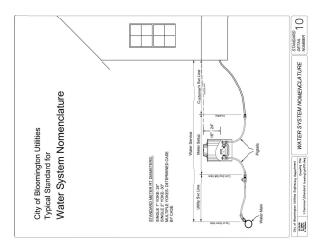


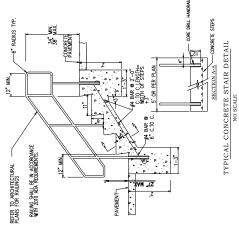


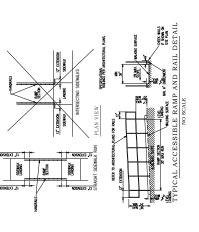


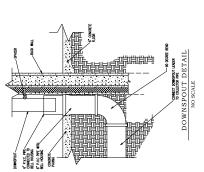
BLOOMINGTON, INDIANA 744 S. MORTON STREET

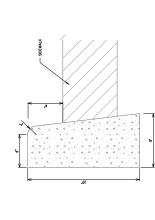












INISHED GRADE

CONTRACTION JONES 5" ON CONTER

STANDING CONCRETE CURB DETAIL NOTE: CONTRATION JOINTS 10° ON CENER.

NO SCALE

CONCRETE WALK TURN DOWN DETAIL NO SCALE

CASE #: V-42-22

DATE: September 28, 2022

BLOOMINGTON HEARING OFFICER STAFF REPORT

Location: 1300 North Lincoln Street

PETITIONER: Touchdown Terrace LLC

2015 North Dunn Street

Bloomington, IN

CONSULTANT: Strauser Construction Co, Inc

453 South Clarizz Boulevard

Bloomington, IN

REQUEST: Variance from the side building setback standards to allow installation of a wheelchair lift in the Mixed-Use Student Housing (MS) zoning district.

REPORT: The property is located at the northeast corner of East 17th Street and North Lincoln Street. The property is zoned Mixed-Use Student Housing (MS) and was recently redeveloped as a four-story multifamily dwelling structure. The existing building received variance V-17-21 from the Board of Zoning Appeals on September 23, 2021 to allow a seven-foot parking setback on the north side of the building for partially unenclosed basement-level parking where an eightfoot parking setback would normally be required. All surrounding properties are also zoned MS and contain single-family dwellings, multi-family dwellings, and one vacant office building to the west.

The petitioner is proposing to add a wheelchair lift to the northwest corner of the building in order to provide direct access from the basement parking level to the first-floor apartments. On the basement level, the proposed wheelchair lift will take up a portion of the existing trash/recycling room. Access to the wheelchair lift on the basement level will be from the accessible parking access aisle to the east, not through the trash/recycling room. On the first floor, the wheelchair lift will be outside the existing exterior wall of the building, with access directly to the existing balcony, which also serves as the exterior corridor to access the first-floor apartments.

A variance is required because the proposed wheelchair lift will project two feet eight inches into the required 15-foot side building setback for the north side of the property. The City of Bloomington Unified Development Ordinance (UDO) exempts accessible ramps from all setback requirements, but the UDO does not mention exemptions for other accessibility features.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

20.06.080(b)(3)(E)(i)(1) Standards for Granting Variances from Development Standards: Pursuant to Indiana Code 36-7-4-918.5, the Board of Zoning Appeals or Hearing Officer may grant a variance from the development standards of this UDO if, after a public hearing, it makes findings of fact in writing, that:

(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and

PROPOSED FINDING: The proposed wheelchair lift will not increase the residential occupancy or intensity of use on the property. Instead, it will provide greater accessibility and inclusivity. Approval will not be injurious to the public health, safety, morals, and general welfare of the community.

(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

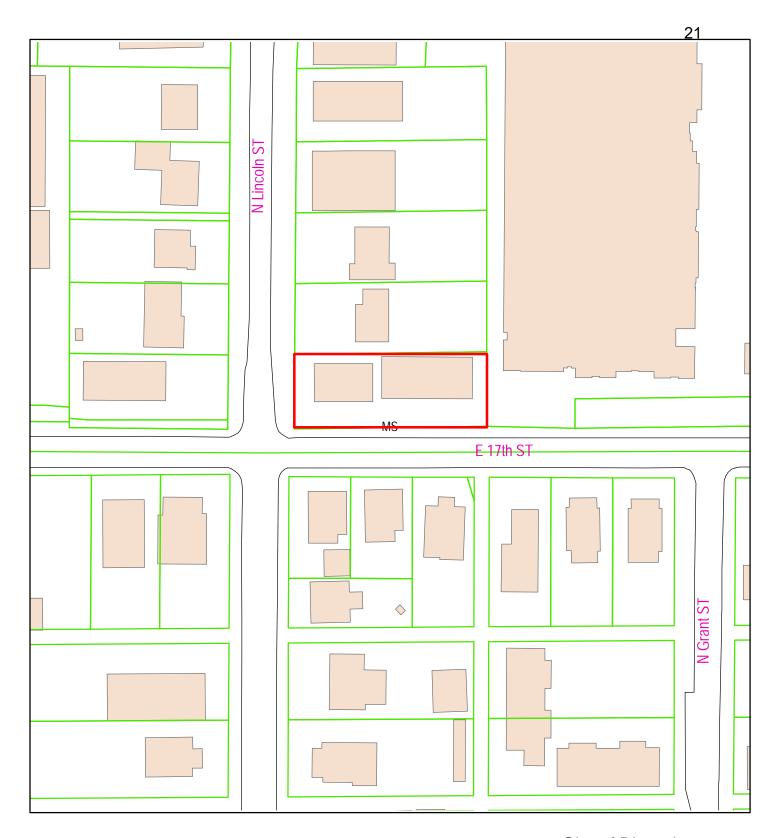
PROPOSED FINDING: The extent of the projection into the required setback is small, and is no greater than the allowed setback exception for the existing balconies. The proposed wheelchair lift will not have any substantial effect on the use and value of the area adjacent to the property.

(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.

PROPOSED FINDING: Practical difficulty is found in the 60 foot width of the property in combination with the required front building setback from 17th Street and the side building setback from the north property boundary. Practical difficulty is also found in the slope of the site, which makes it practically infeasible to provide any dwelling units on the same level as vehicle parking. The slope of the site therefore makes it necessary to provide an accessible route to change levels, and the proposed wheelchair lift would be the most direct accessible route possible on this property. The requested variance would relieve the practical difficulties by allowing a direct accessible route to overcome the slope of the site, despite the limited width of the property.

RECOMMENDATION: Based upon the report and written findings of fact above, the Department recommends that the Hearing Officer adopt the proposed findings for V-42-22 and grant the requested variance with the following condition:

1. This variance approves only the design as shown in the petition packet. No other addition is requested or approved.



1300 North Lincoln Street

City of Bloomington Planning & Transportation



Feet 80 0 80 160 240 Scale: 1 " = 100 '

By: Gabriel Holbrow 9/23/2022

For reference only. Map information NOT warranted.





1300 North Lincoln Street

City of Bloomington Planning & Transportation



Feet 80 0 80 160 240 Scale: 1 " = 100 '

By: Gabriel Holbrow 9/23/2022



For reference only. Map information NOT warranted.

Petitioner's Statement

1300 N LINCOLN ST

Attention: City of Bloomington Board of Zoning Appeals

Petitioner: Tom Guthrie (Touchdown Terrace LLC)

Property Description

The .21 acre (9,322 sf) property at 1300 N Lincoln was recently redeveloped with a 4 story apartment building and is currently occupied by tenants. The building also contains a basement/ground level parking garage with 10 parking spaces (1 Van Accessible). The upper level apartments are accessed via 2 stair towers and there is no elevator. The property is designated MS (Mixed-Use Student Housing).

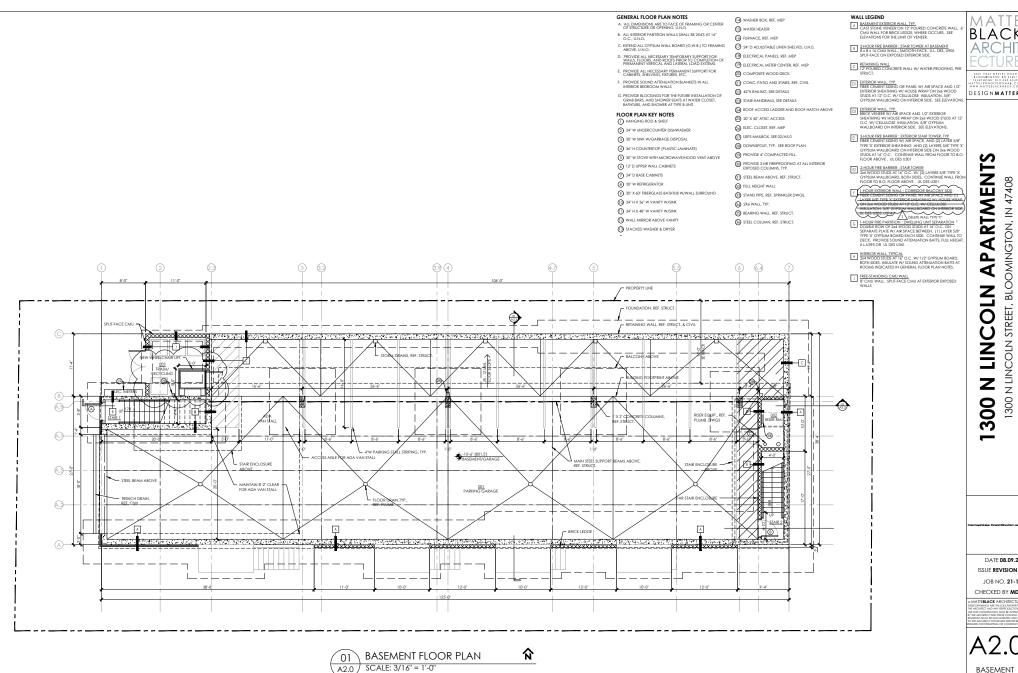
Variance Request

The petitioner is proposing to add a wheelchair lift to provide direct access from the parking level to the first floor apartments. Currently, a nonambulatory tenant utilizing the ADA Van Accessible parking space would need to navigate outside the garage and along the public walk to access the first floor (SE entry). A wheelchair lift from the ADA space to the first floor exterior corridor above would provide enhanced accessibility without disrupting the current tenants and occupancy of the building. As shown in the provided documents the proposed lift would project about 2'-8" into the rear building setback (15') closely aligned with the north side of the existing exterior corridor.

Thank you for your consideration of this petition.

Matt Ellenwood, AIA (on behalf of the petitioner)





BLACK

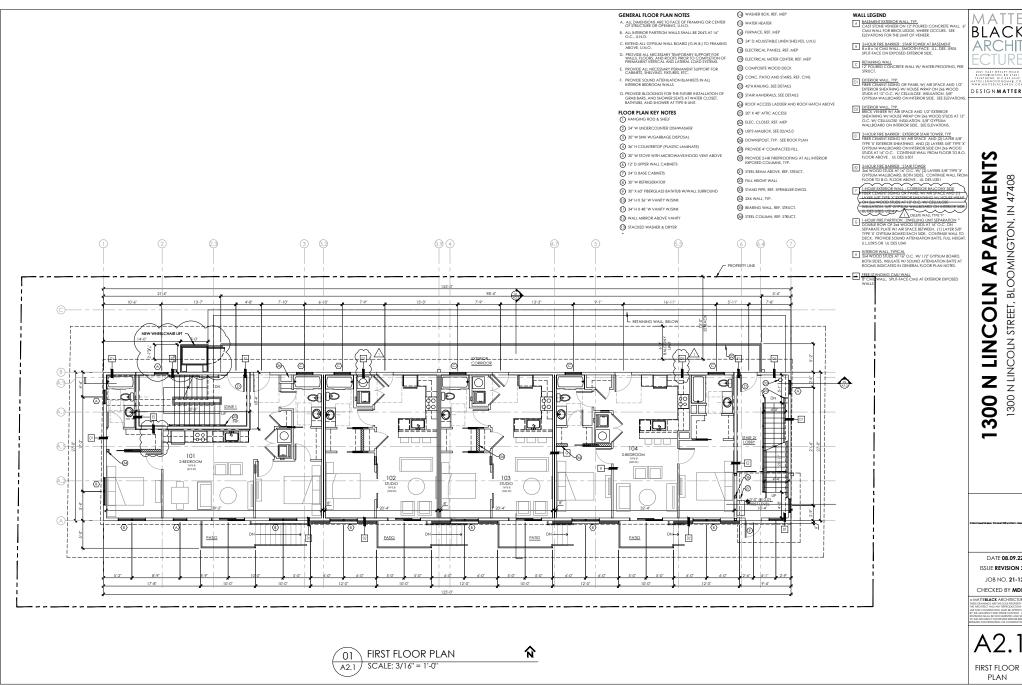
DESIGN**MATTERS**

1300 N LINCOLN STREET, BLOOMINGTON, IN 47408

DATE 08.09.22 ISSUE REVISION 2 JOB NO. 21-12 CHECKED BY MDE

ATTEBLACK ARCHITECTU

BASEMENT FLOOR PLAN



BLACK

DESIGN**MATTERS**

DATE 08.09.22 ISSUE REVISION 2

JOB NO. 21-12 CHECKED BY MDE