

CITY OF BLOOMINGTON



December 15, 2022 @ 5:30 p.m.
City Hall, 401 N. Morton Street
Common Council Chamber, Room #115

<https://bloomington.zoom.us/j/87296159466?pwd=WXIEdlVGbW1qbHphQXNZY2J6NUZHZz09>

Meeting ID: 872 9615 9466

Passcode: 248350

**CITY OF BLOOMINGTON
BOARD OF ZONING APPEALS (Hybrid Meeting)**

**City Hall, 401 N. Morton Street
Common Council Chambers, Room #115 and via Zoom**

December 15, 2022 at 5:30 p.m.

❖Virtual Meeting:

<https://bloomington.zoom.us/j/87296159466?pwd=WXIEdlVGbW1qblphOXNZY2J6NUZHZz09>

Meeting ID: 872 9615 9466

Passcode: 248350

Petition Map: <https://arcg.is/1rXXmn>

ROLL CALL

APPROVAL OF MINUTES: N/A

PETITIONS CONTINUED TO: January 19, 2023

- AA-17-22 **Joe Kemp Construction, LLC & Blackwell Construction, Inc.**
Summit Woods (Sudbury Farm Parcel O) W. Ezekiel Dr.
Parcel(s): [multiple parcels]
Request: Administrative Appeal of the Notice of Violation (NOV) issued
March 25, 2022.
Case Manager: Jackie Scanlan
- CU/V-22-22 **Mark Figg**
2304 N. Martha St.
Parcel(s): 53-05-28-203-044.000-005
Request: Conditional use approval for a 'dwelling, duplex' and a variance from
rear yard setback standards in the Residential Medium Lot (R2) zoning district.
Case Manager: Karina Pazos

PETITIONS:

- V-46-22 **Chris Brand**
2311 S. Rogers St.
Parcel(s): 53-08-08-405-097.000-009
Request: Variance from vehicle parking location standards to allow a front yard
drive and parking within the front building setback in the Residential Medium Lot
(R2) zoning district.
Case Manager: Gabriel Holbrow

****Next Meeting: January 19, 2023**

Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call [812-349-3429](tel:812-349-3429) or e-mail human.rights@bloomington.in.gov.

**BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT**

**CASE #: V-46-22
DATE: December 15, 2022**

Location: 2311 South Rogers Street

PETITIONER: Lance Weidner
2004 West That Road
Bloomington, IN

CONSULTANT: Chris Brand
419 Summer Lake Drive
Bedford, IN

REQUEST: Variance from the vehicle parking location standards to allow a front yard drive and parking within the front building setback in the Residential Medium Lot (R2) zoning district.

REPORT: The property is located on the east side of South Rogers Street in the Broadview neighborhood. The property is zoned Residential Medium Lot (R2) and is currently a vacant lot without any structures. Surrounding properties are also zoned R2 and contain detached single-family dwellings.

The property formerly contained a single-family detached dwelling which was demolished in 2015. The property is currently vacant, but there is an existing drive cut and driveway apron on Rogers Street for a former front yard drive that served the former house.

In September 2022, the property received a building permit and certificate of zoning compliance (CZC) to construct a new detached single-family dwelling on the property. As required by the UDO in section 20.04.060(i)(2)(B)ii, and as noted on the CZC, in the R2 district “in cases where the side or rear setback area is accessible via an improved alley, no front yard drive or parking shall be permitted.” The rear (east) lot line of the property abuts a public alley with access from West Coolidge Drive. The CZC further noted that if a parking area accessing the alley is constructed, the existing drive cut and driveway apron on Rogers Street must be removed and a new curb must be constructed on Rogers Street.

The petitioner is requesting a variance to allow the existing drive cut to remain and to allow a parking area in the front yard. The size and dimensions of the proposed front parking area are compliant with the standards of the UDO that apply to properties without alley access.

The existing alley is improved with gravel and currently provides access to parking areas for 2305 South Rogers Street, 2306 South Madison Street, and 2310 South Madison Street.

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: Approval of the variance to allow the existing drive cut and parking area to remain will not be injurious to the public health, safety, morals, and general welfare of the community. Most of the other properties along South Rogers Street in the Broadview neighborhood have driveways directly on Rogers Street. Although eliminating this existing driveway could provide some benefits to the safety and general welfare of the community by limited the potential vehicular and pedestrian conflict points and potential crash points on this busy neighborhood connector road, allowing the existing driveway to remain would not be injurious to the safety of the corridor in its current condition.

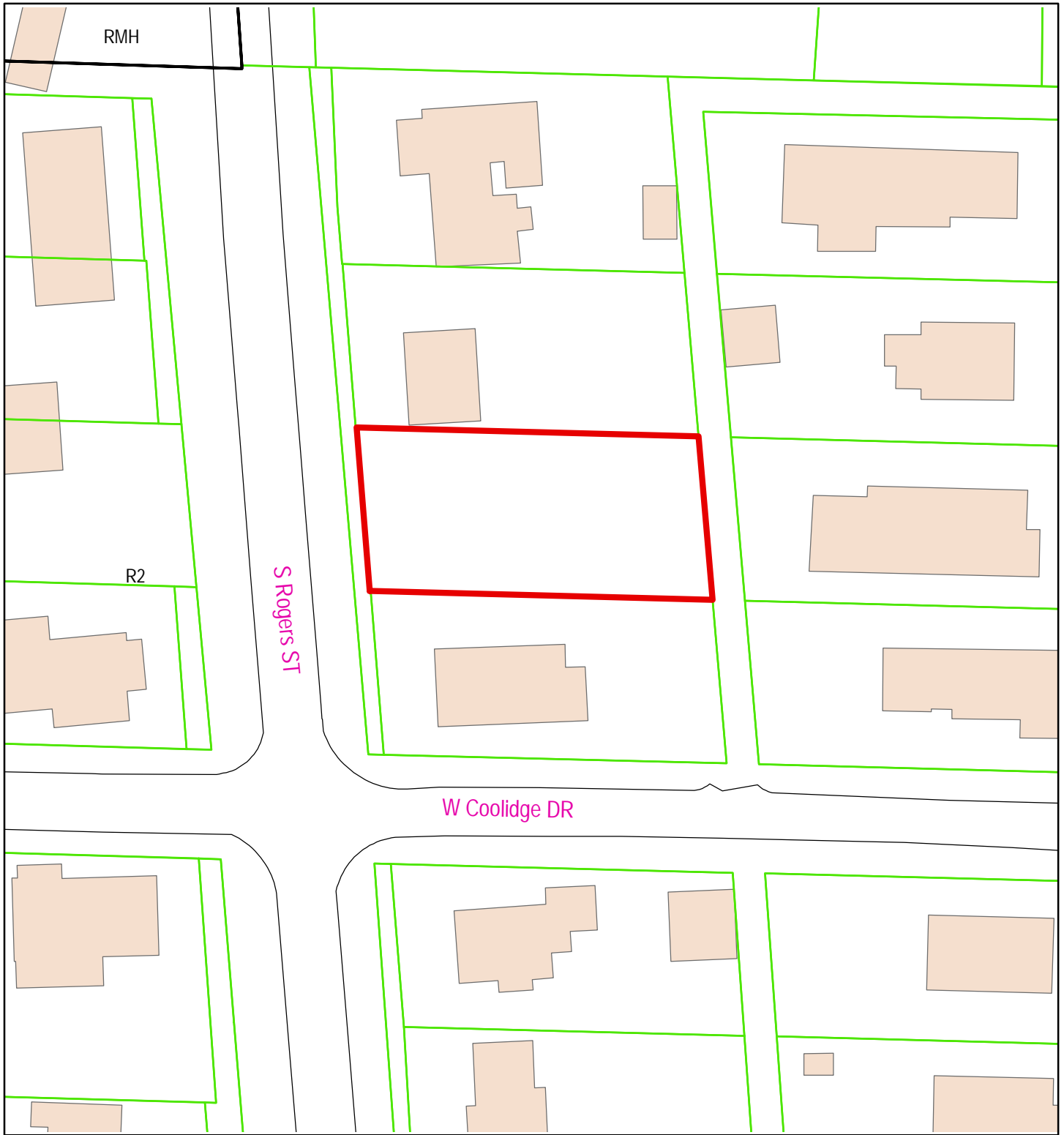
- (2) The use and value of the area adjacent to the property included in the development standards variance will not be affected in a substantially adverse manner; and*

PROPOSED FINDING: Approval of the variance will not result in substantial adverse impacts to the use and value of surrounding properties. The proposed driveway and parking area are compliant with the standards of the UDO that apply to properties without alley access and no issues have been raised with the existing driveway.

- (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.*

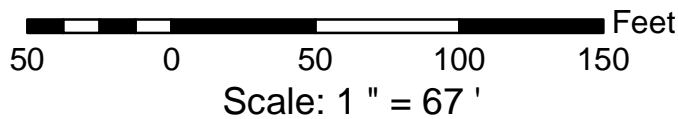
PROPOSED FINDING: No practical difficulty is found in the use of the property. Although the presence of the existing drive cut and the requirement to reconstruct the curb add costs to the redevelopment of the property beyond what the petitioner expected, the presence of the improved alley requires vehicular access from the back, as it would for any other property in this situation. While most properties in the Broadview neighborhood derive vehicular access directly from a platted road, at this location, three of the surrounding developed properties use the alley on the east side of the petition site for vehicular access. There is nothing peculiar about the petition site nor is there an impediment at the petition site that would make use of the alley practically difficult.

RECOMMENDATION: Based upon the report and written findings of fact above, the Department recommends that the Board of Zoning Appeals adopt the proposed findings for V-46-22 and deny the requested variance.



2311 South Rogers Street

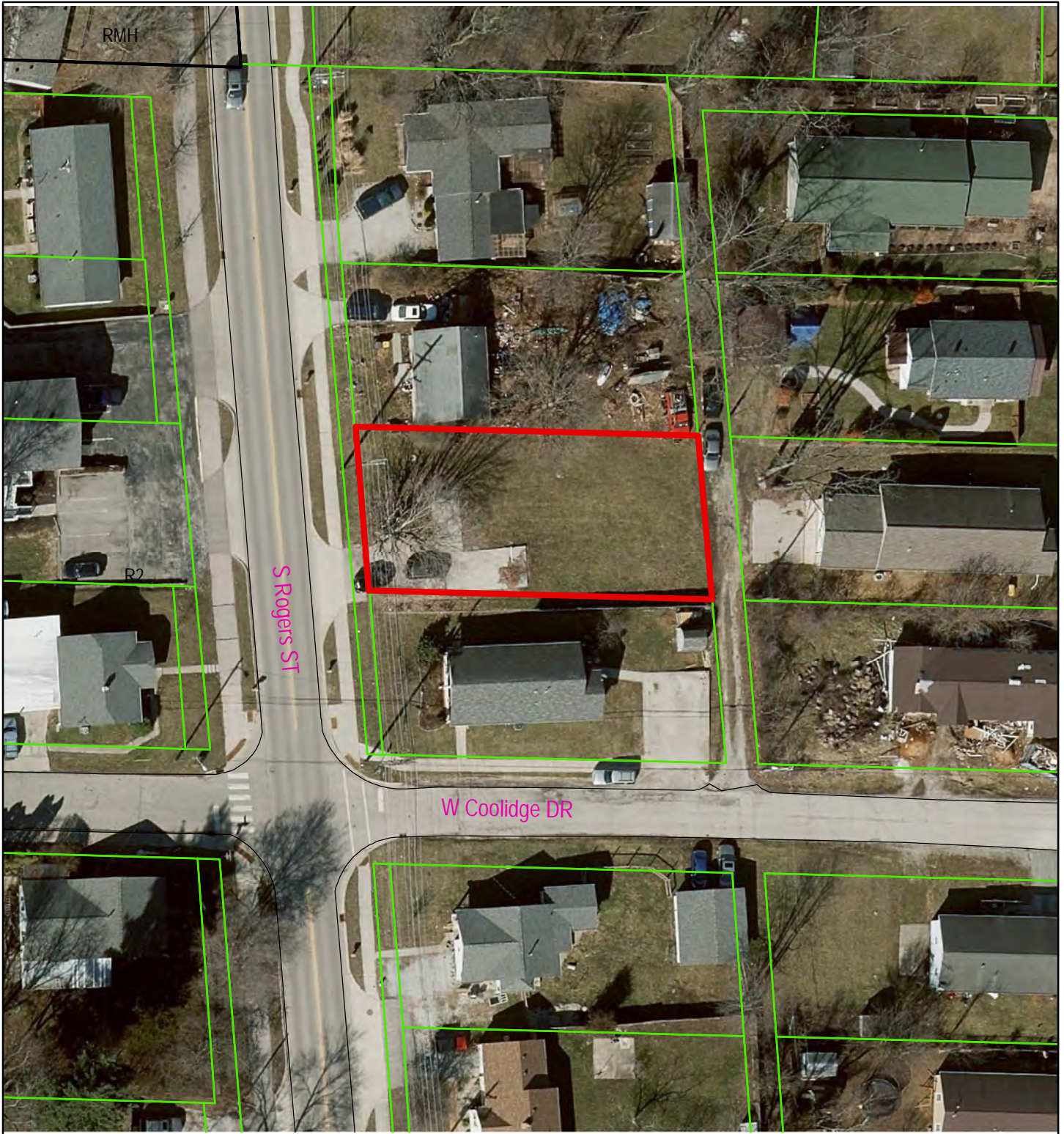
City of Bloomington
Planning & Transportation



By: Gabriel Holbrow
11/10/2022

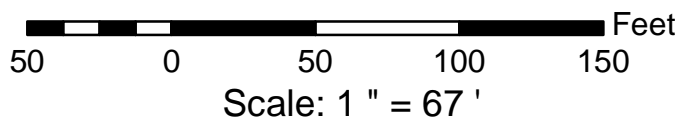
For reference only. Map information NOT warranted.





2311 South Rogers Street

City of Bloomington
Planning & Transportation



By: Gabriel Holbrow
11/10/2022

For reference only. Map information NOT warranted.



Property Address: 2311 S. Rogers Street, Bloomington, IN

It was brought to our (Lance Weidner and myself) attention that if we were to build a new residential home on the lot, mentioned above, that we couldn't use the existing entrance off of Rogers Street. We were told that we would have to enter and exit the property off of the alley.

It is my understanding that a majority of Rogers Street was re-done a few years back and many, if not all, of the entrances to the properties were re-done as well, and they are extremely nice and well done.

We are asking to use the existing entrance that is currently on the property and not enter and exit the property from the alley.

The existing alley is very narrow and not well maintained.

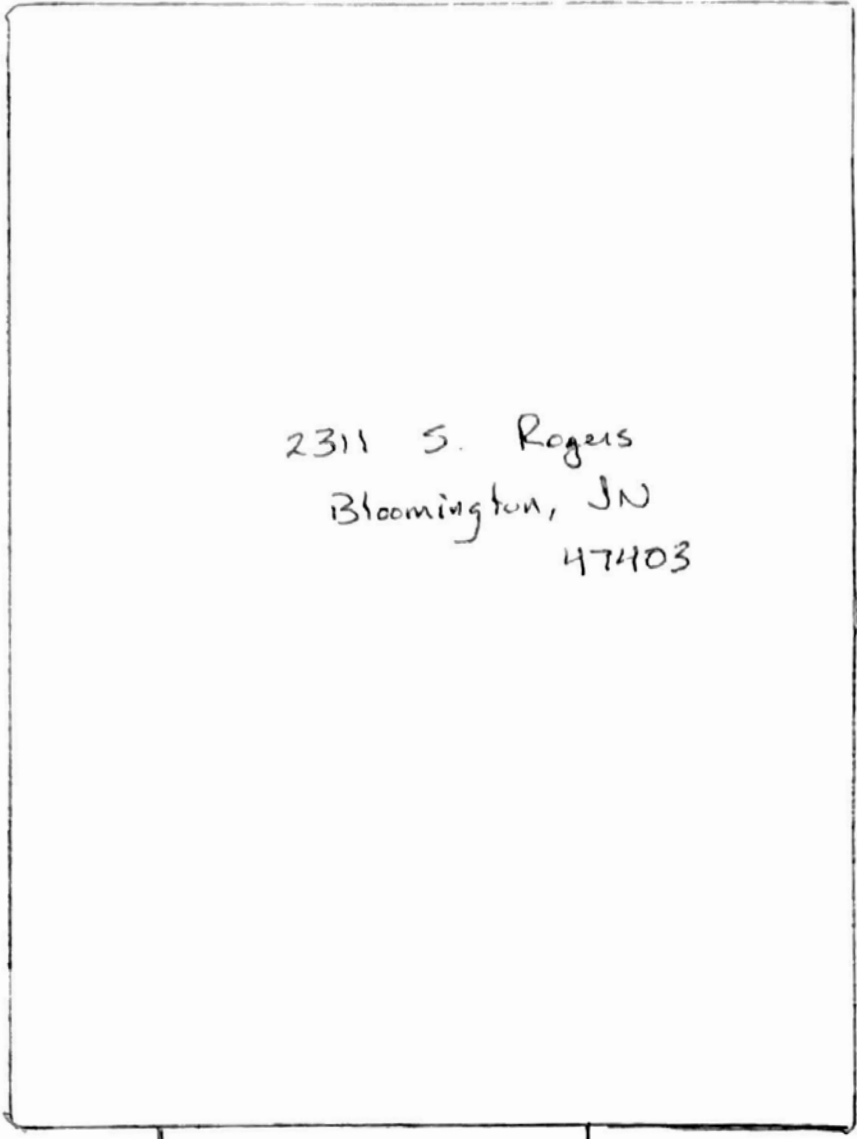
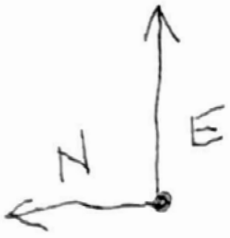
We understand that Rogers St. is a busy street, however, by singling out one home doesn't seem to make sense, especially when a substantial amount of money was used to redo the area not too long ago. If an entire block or two had been torn down and the new homes being built were asked to use the alley's for access to and from the homes, that would make more sense.

We appreciate your time and consideration in this matter.

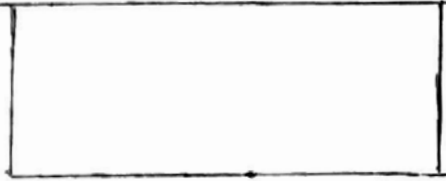
A handwritten signature in black ink, appearing to read 'Chris Brand', with a stylized flourish at the end.

-Chris Brand

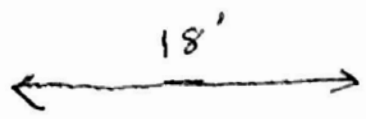
812-276-9118



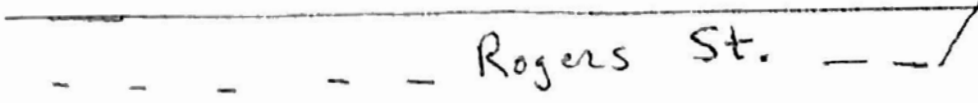
2311 S. Rogers
Bloomington, IN
47403



Tree *



Rogers St.



V-46-22

Photograph of existing drive cut and driveway apron, provided by petitioner



V-46-22 Photographs by staff

Photo 1: Existing improved alley, viewed from south from West Coolidge Drive



Photo 2: Alley access used by parking areas for 2306 South Madison Street (left) and 2310 South Madison Street (right)



V-46-22 Photographs by staff

Photo 3: Alley access used by parking areas for 2305 South Rogers Street (left) and 2306 South Madison Street (right)

