

CITY OF BLOOMINGTON



January 19, 2023 @ 5:30 p.m.
City Hall, 401 N. Morton Street
Common Council Chamber, Room #115

<https://bloomington.zoom.us/j/84053627234?pwd=YWM2MU8zQllwWG1JM05BbINZVHJuUT09>

Meeting ID: 840 5362 7234

Passcode: 702725

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

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

January 19, 2023 at 5:30 p.m.

❖ **Virtual Meeting:**

<https://bloomington.zoom.us/j/84053627234?pwd=YWM2MU8zQllwWG1JM05BbINZVHJuUT09>

Meeting ID: 840 5362 7234

Passcode: 702725

Petition Map: <https://arcg.is/1fXjeS0>

ROLL CALL

APPROVAL OF MINUTES: August 25, 2022

PETITIONS CONTINUED TO: February 23, 2023

- AA-17-22 **Joe Kemp Construction, LLC & Blackwell Construction, Inc.**
Summit Woods (Sudbury Farm Parcel O) W. Ezekiel Dr.
Parcel(s): 53-08-07-400-008.002-009, 53-08-07-400-008.004-009...
Request: Administrative Appeal of the Notice of Violation (NOV) issued
March 25, 2022.
Case Manager: Jackie Scanlan
- AA-51-22 **Joseph B Davis**
530 S Washington St
Parcel: 53-08-04-214-018.00-009
Request: Administrative Appeal of the Notice of Violation warning letter issued
October 20, 2022
Case Manager: Gabriel Holbrow
- V-53-22 **Lisa-Marie Napoli**
405 N Oak St
Parcel: 53-05-32-403-032.000-005
Request: Variance from attached front loading garage or carport setbacks in the
R3 zoning district to allow for a carport 4 feet forward of the front building wall.
Case Manager: Karina Pazos
- CU/V-22-22 **Mark Figg**
2304 N. Martha St.
Parcel(s): 53-05-28-203-044.000-005

****Next Meeting: February 23, 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.

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-52-22

Omega Master LLC

626 N. College Ave.

Parcel(s): 53-05-33-206-031.000-005

Request: Variance for use-specific standards for 'dwelling, multifamily' to allow for a dwelling unit within the first 20 feet in the ground floor of the building in the Mixed-Use Downtown zoning district with Downtown Gateway character overlay (MD-DG).

Case Manager: Karina Pazos

****Next Meeting: February 23, 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
LOCATION: 626 N College Ave**

**CASE#: V-52-22
DATE: January 19, 2023**

PETITIONER: Omega Master LLC
115 E 6th St, Suite #1
Bloomington, IN 47408

CONSULTANT: Matt Ellenwood, Matte Black Architecture
2021 E Wexley Rd
Bloomington, IN 47401

REQUEST: The petitioner is requesting a variance from use-specific standards for ‘Dwelling, multifamily’ to allow for a dwelling unit within the first 20 feet in the ground floor of the building in the Mixed-Use Downtown zoning district with Downtown Gateway character overlay (MD-DG).

REPORT: The property is located at 626 N. College Avenue and is currently zoned Mixed-Use Downtown zoning district with Downtown Gateway character overlay (MD-DG). The properties to the north, south, east and west are also zoned MD-DG. The property contains an existing 2-story structure with four dwelling units.

The petitioner is proposing a 2-story addition to the rear of the existing structure, which will contain two dwelling units above a covered parking area. The proposal triggers compliance with ‘dwelling, multifamily’ use-specific standards and meets all but one standard that requires any ground floor dwelling units in the MD zoning district to be located at least 20 feet behind each building façade facing a public street. In this case, the existing structure contains a dwelling unit immediately behind the building façade on the ground floor.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

20.06.080(b)(3)(E)(i) 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: No injury to the public health, safety, morals, and general welfare is found as a result of this petition. The intent of this requirement is to activate street edges with non-residential uses and create a buffer use between the residential portion of the building and the public right-of-way, however, the existing building façade is setback from the public right-of-way approximately 23 feet and the front porch helps create a buffer.

- (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

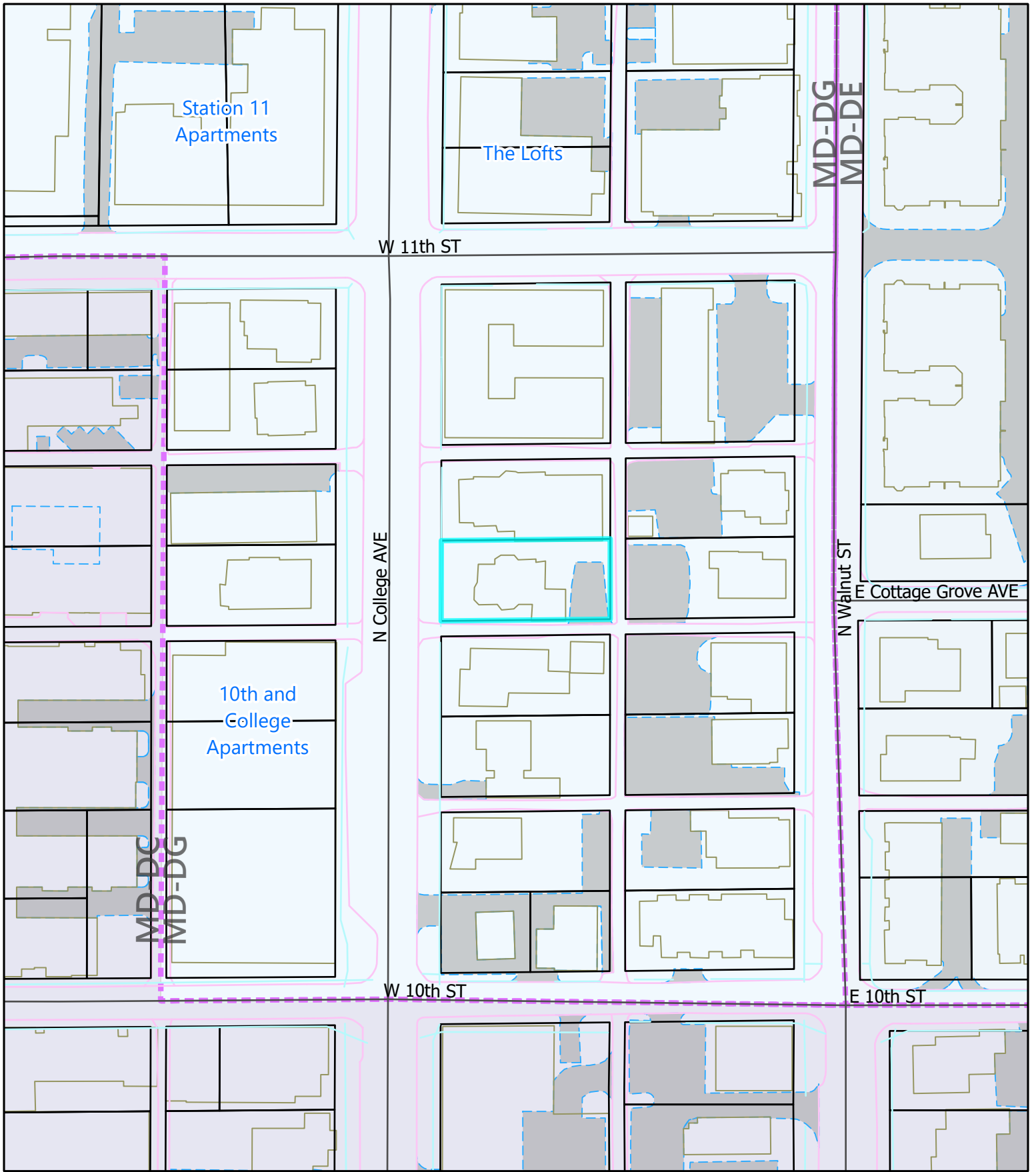
PROPOSED FINDING: No adverse effect to the use or value of the adjacent properties is found as a result of this petition. Staff has not received any concerns about this petition from the public. Additionally, this is an existing condition and the front of the building will not change with the proposed addition to the rear of the building.

(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 was found in that this is an existing condition that already addresses the requirement's intent but impedes the addition of two dwelling units to the rear of the building without significant interior renovation that would eliminate at least a bedroom from the dwelling unit in order to meet the 20-foot minimum distance behind the building façade. The property has a front yard and the first floor is elevated so the existing condition already addresses the intent of this requirement, which was to create a buffer for residential uses on the first floor. The distance from the front building wall to the nearest interior wall does not meet the 20-foot minimum distance required, which is why significant renovation would be needed.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopts the proposed findings and recommends approval of V-52-22 with the following conditions:

1. A minor site plan review and building permit are required before construction can begin.



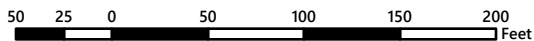
Planning and
Transportation
Department

**City of
Bloomington**



City of Bloomington, IN

626 N COLLEGE AVE



For use as map information only, information is NOT warranted.

Produced: 1/11/2023



Layout: Location Map_8.5x11 Layout
Project: V-52-22



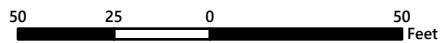
Planning and
Transportation
Department

**City of
Bloomington**



City of Bloomington, IN

626 N COLLEGE AVE



For use as map information only, information is NOT warranted.

Produced: 1/11/2023



Layout: Context Map_8.5x11 Layout
Project: V-52-22

Petitioner's Statement



626 N COLLEGE AVE

Attention: City of Bloomington Board of Zoning Appeals
Petitioner: Rob Friedman (Omega Properties)

Property Description

The **8276 sf (.19 acre)** property at 626 N College currently contains an existing 4362 sf (2661 sf footprint), 7 bedroom fourplex (conversion of a former single-family structure) with surface parking in the rear (east). It is bounded by an alley to the south, an alley to the east, a multi-family development to the north and N College Avenue to the west. The property is designated **MD-DG (Mixed Downtown with Downtown Gateway Overlay)** under the current UDO.

Project Description

The petitioner is proposing a new **1716 sf 2-story rear addition** that will include **2 – 2 bedroom units over a 9 car parking garage with trash/recycling area**. The proposed addition virtually copies an addition that was done on the property directly to the north in 2015, taking advantage of the available land in the rear (east) of the property to create additional housing and parking without detracting from the historic character and scale of the existing structure from the front (west). The proposed addition meets all of the UDO standards including maximum impervious surface, height, parking, etc.

Variance Request

The petitioner is filing for a variance from the Use-Specific Standard that states “**each dwelling unit located on the ground floor shall be located at least 20 feet behind each building façade facing a public street.**” This is a relatively new standard for properties in the MD zone, and was mainly intended for new development, however the proposed addition triggers this requirement for the existing structure and use. Because there is no provision for extending the “nonconforming use” in the UDO, we would have to either convert the existing portion of ground-floor dwelling into some other use (commercial) or abandon the addition altogether. Considering the recent development of the property to the north along with the need for additional housing in the city core we are seeking a **variance to maintain the existing ground-floor residential use**. We also believe it's in keeping with the surrounding use (mainly residential with some limited commercial).

Thank you for your consideration of this petition.

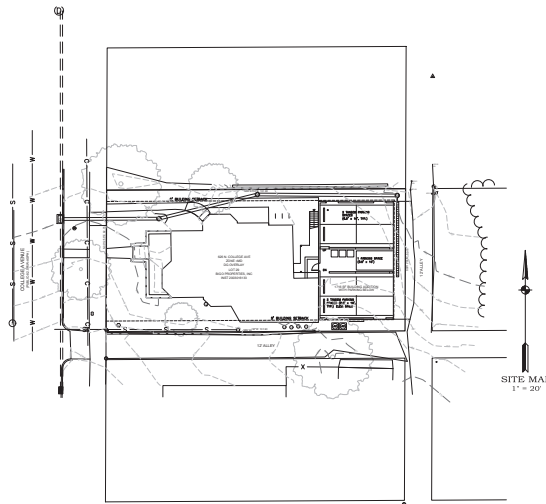
A handwritten signature in black ink that reads "Matt Ellenwood".

Matt Ellenwood, AIA (on behalf of the petitioner)

626 N. COLLEGE BUILDING ADDITION

626 N. COLLEGE AVE. AVENUE

BLOOMINGTON, INDIANA



Sheet List Table	
Sheet Number	Sheet Title
1	TITLE
2	SITE GRADING AND UTILITY PLAN
3	SWPP PLAN
4	SWPP SPECS
5	CIVIL DETAILS AND PROFILE
6	LANDSCAPE PLAN



SHEET NO.	REVISIONS	BY	DATE



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



CIVIL ENGINEERING - LAND SURVEYING
1505 W Arlington Road, Bloomington, IN 47404
(812) 336-6536 · smithdgroup.com

JOB NUMBER: 6396

SECTION 02420

STORMWATER POLLUTION PREVENTION & EROSION CONTROL

- 1.1 RELATED WORK
1.2 REFERENCES
1.3 LOCAL ADOPTION

- 2.1 MATERIALS
2.2 PREPARATION AND INSTALLATION
2.3 MAINTENANCE & INSPECTIONS

Table with 3 columns: Submittal Requirements, Minimum Fabric, Maximum Fabric. Lists various materials like polypropylene, geotextile, and erosion control blankets.

- 3.1 EROSION CONTROL
3.2 TEMPORARY EROSION CONTROL

- 4.1 SCHEDULING/SEQUENCING
4.2 DURATION

- 5.1 SCHEDULING/SEQUENCING
5.2 DURATION

- 6.1 SCHEDULING/SEQUENCING
6.2 DURATION

- 7.1 SCHEDULING/SEQUENCING
7.2 DURATION

- 8.1 SCHEDULING/SEQUENCING
8.2 DURATION

- 9.1 SCHEDULING/SEQUENCING
9.2 DURATION

- 10.1 SCHEDULING/SEQUENCING
10.2 DURATION

- 11.1 SCHEDULING/SEQUENCING
11.2 DURATION

- 12.1 SCHEDULING/SEQUENCING
12.2 DURATION

- 13.1 SCHEDULING/SEQUENCING
13.2 DURATION

- 14.1 SCHEDULING/SEQUENCING
14.2 DURATION

- 15.1 SCHEDULING/SEQUENCING
15.2 DURATION

- 16.1 SCHEDULING/SEQUENCING
16.2 DURATION

- 17.1 SCHEDULING/SEQUENCING
17.2 DURATION

- 18.1 SCHEDULING/SEQUENCING
18.2 DURATION

- 19.1 SCHEDULING/SEQUENCING
19.2 DURATION

- 1. SITE PREP
1.1.1 Plan for the fence to be at least 18 feet from the toe of the slope to provide a sediment storage area.
1.1.2 Provide access to the area for maintenance.
1.1.3 Locate the outlet weir posts four feet apart and place a 2 x 4 wooden brace between the posts.
1.1.4 Excavate the foundation for the outlet on foot deep, five feet wide and a minimum of four feet in length.
1.1.5 Install uniform rip rap in the outlet area.
1.1.6 Along the entire finished fence the dip on eight inch deep and install the six fence with filter fabric located on the down-slope side of the trench.
1.1.7 Install support posts of least 18 inches into the ground, lightly extending the fabric between the posts as each is driven into the soil. A minimum of 12 inches of the filter fabric should extend into the trench.
1.1.8 Lay the lower four inches of filter fabric on the bottom of the trench and extend it toward the up-slope side of the trench.
1.1.9 Backfill the trench with compacted earth or gravel.
1.1.10 Inspect the six fence of least every seven days and within 24 hours after each storm event.
1.1.11 If fence fabric tears, starts to decompose, or in any way becomes ineffective, replace the affected portion immediately.
1.1.12 Remove deposited sediment when it is causing the filter fabric to bulge or when it reaches half the height of the fence at its lowest point or is causing the fabric to bulge.
1.1.13 Take care to avoid undermining the fence during clean out.
1.1.14 After the contributing drainage area has been stabilized, remove the fence and sediment deposits, bring the disturbed area to grade, and stabilize.
1.2 Temporary Seeding
1.2.1 Determine the appropriate seed species based on the optimum dates for planting as shown in the table below.
1.2.2 Apply seed uniformly with a soil or soil-packer - seeder or by broadcasting and cover to the depth as shown in the table below.
1.2.3 Match seeded areas in accordance with site plan.
1.2.4 Inspect seeded areas for germination and seed viability. Areas not germinating or showing poor germination should be reseeded and repaired.
1.2.5 Check for erosion damage within 24 hours after storm events and repair, reseed and re-cover if necessary.
1.2.6 Turfgrass full seeded shall or reseeded with 50 lbs/acre of nitrogen in February or March if nitrogen deficiency is apparent.

Table with 3 columns: Minimum Seeding, Planting Dates, Optimum Dates. Lists various seed types and their corresponding planting and optimum dates.

- 2.1 MAINTENANCE & INSPECTIONS
2.1.1 The general contractor is responsible for inspection and determining that erosion control measures are installed as shown on the plans. Inspection of all storm water pollution prevention practice measures shall be made by a trained individual on a weekly basis and after every 0.5 inch rainfall event. Records of inspection results and corrective measures taken shall be recorded and kept in a location where they may be made available to the Monroe County I&E Operator or their Assistant and Indiana Department of Environmental Management within a 48 hr time frame should they be requested.
2.1.2 Additional erosion control measures may need to be installed based on the precipitation of the event.
2.1.3 Removal of accumulated sediment from any erosion control device is required. Accumulated sediment, repair to restore accumulated sediment can result in failure of the device. Failure of any erosion control device will result in the required re-installation of said device.

- 3.1 CLEAN UP
3.1.1 When construction is completed and the area is stabilized, remove erosion control measures no longer necessary in a manner that minimizes site disturbance and seed immediately.
3.1.2 All soil, dust or debris shall be cleaned from adjoining public streets, if necessary. Immediately identify a storm event and at the completion of the project, Remove sediment loading of public streets as needed or at the end of each working day.

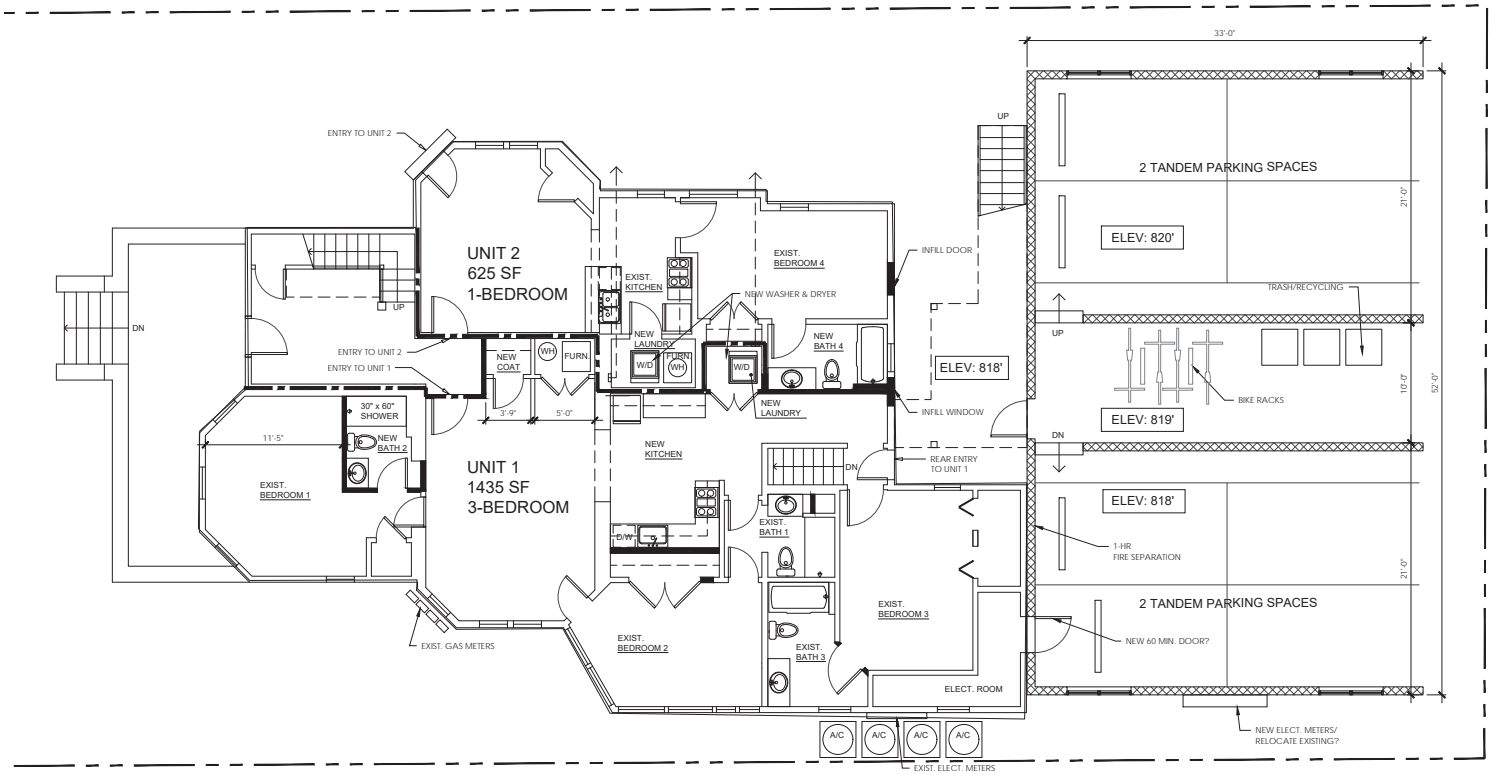
- 4.1 MATERIAL HANDLING & SPILL PREVENTION & SPILL CLEAN UP
4.1.1 Throughout construction operations of equipment that carry potential pollutants shall take every available measure to prevent possible spills. Vehicle operators of all trucks shall not load the engine or dumping of potential contaminants fluids or other contaminants materials onto the ground. Vehicle washing and fuel changing shall take place outside of areas set up to prevent the possibility of contaminants entering the ground water or on designated areas.
4.1.2 Used oils, fuels, antifreeze and other materials may be contained in drums and must be disposed of at approved sites. For disposal information contact the I&E at 888-233-7745.
4.1.3 Disposal of hazardous liquids, oils or greases shall be made in accordance with Indiana State and Local regulations.
4.1.4 Drums of used fuel and other liquids, oils and greases shall properly drained, sealed and then can be recycled or used to avoid spills.
4.1.5 Maintain all equipment to avoid spills.
4.1.6 Concrete washout procedures and practices are:
a. Concrete is used as a construction material or where concrete and earth shall not be contaminated.
b. Surface containing portland cement concrete or asphalt concrete is protected, such as from new cutting, curing, grinding, grinding, and light-colored demolition.
c. Concrete trucks and other concrete-coated equipment are washed daily.
d. Motor-mixing stations used.



626 N. COLLEGE AVENUE
BLOOMINGTON, INDIANA

REVISED BY DATE

6396 SHEET
4 OF 6
08/17/2022
SWPP SPECS



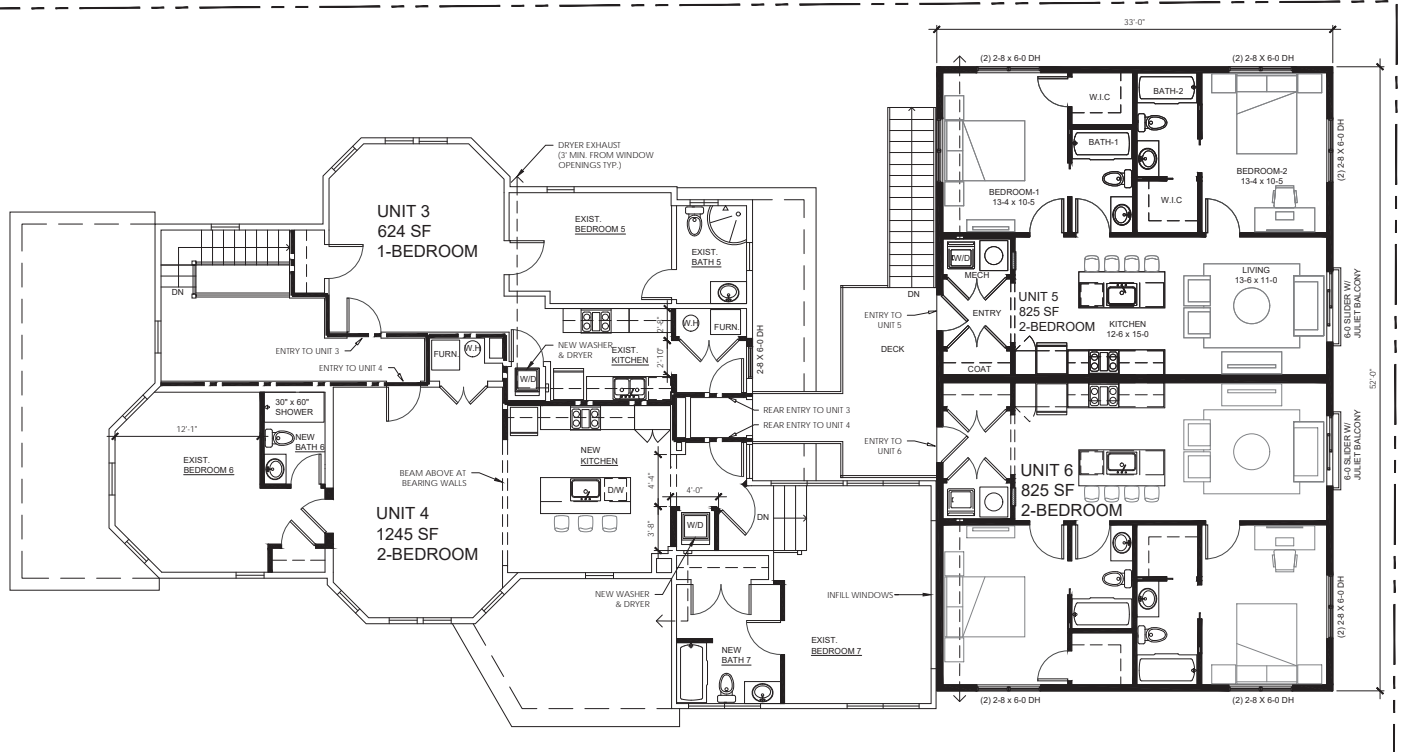
*NEW 13R SPRINKLER THROUGHOUT AND 1-HOUR FIRE SEPARATION BETWEEN UNITS. (CONFIRM WITH RTM)

PROPOSED
FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"

626 N COLLEGE

9.7.2022



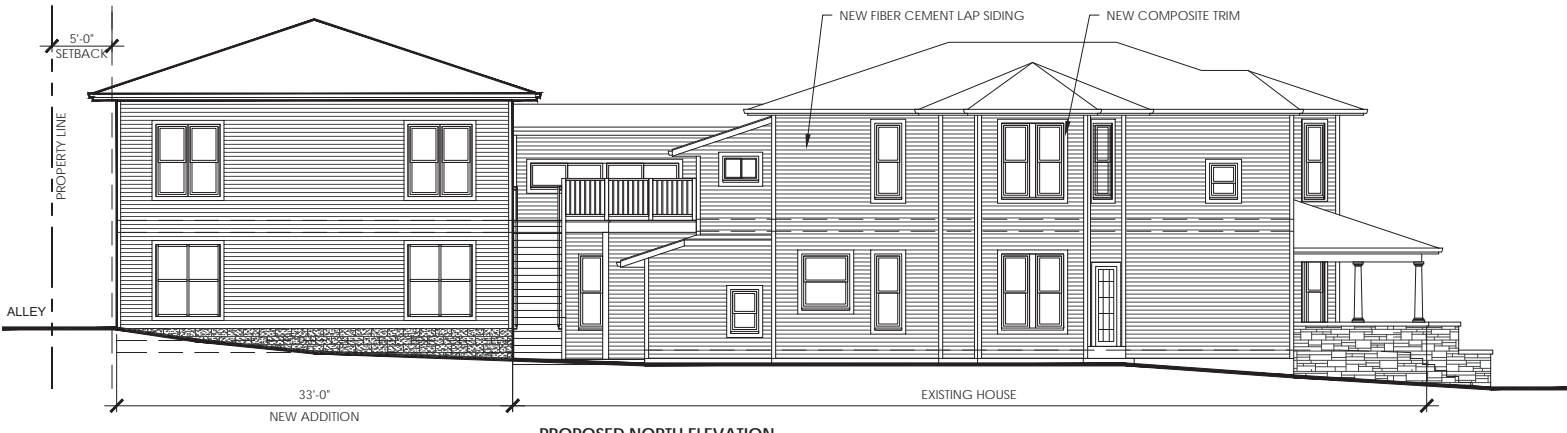



**PROPOSED
SECOND FLOOR PLAN**
 SCALE: 1/8" = 1'-0"

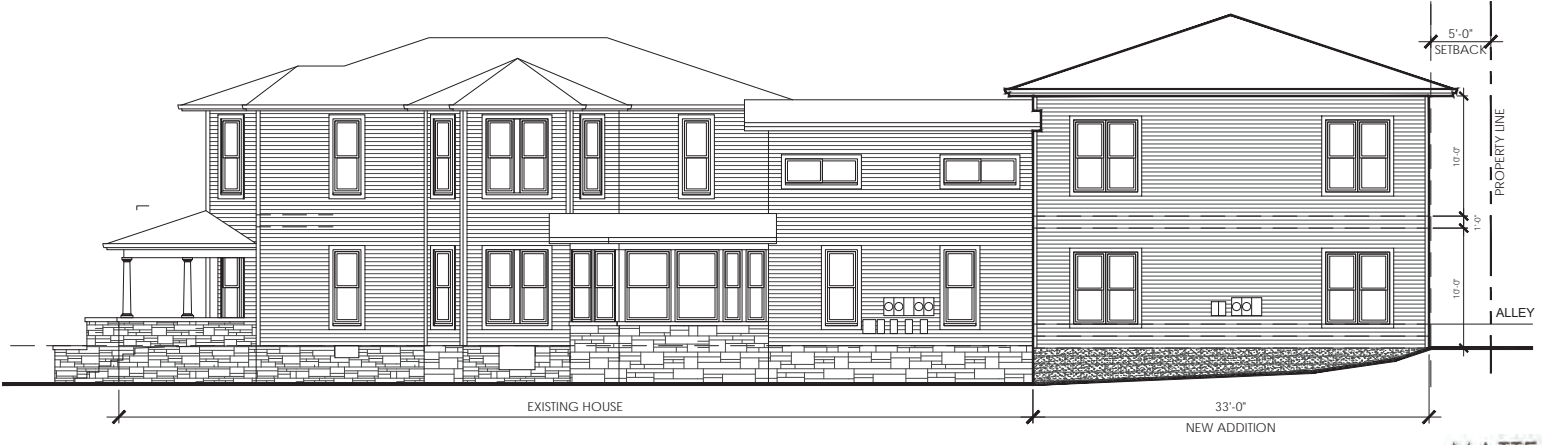
626 N COLLEGE

9.7.2022





PROPOSED NORTH ELEVATION
SCALE: 1/8" = 1'-0"



PROPOSED SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

626 N COLLEGE

2.1.2022





PROPOSED EAST ELEVATION
SCALE: 1/8" = 1'-0"

626 N COLLEGE

2.1.2022

MATTE
BLACK
ARCHIT
ECTURE