

# CITY OF BLOOMINGTON



February 15, 2023 @ 2:00 p.m.  
Kelley Conference Room #155 and Zoom

Virtual Link:

<https://bloomington.zoom.us/j/81749283010?pwd=a1NoMXFZUFhaUmM1RWs3Ujc5TGdSZz09>

Meeting ID: 817 4928 3010  
Passcode: 400965

**CITY OF BLOOMINGTON  
HEARING OFFICER (Hybrid Meeting)  
February 15, 2023 at 2:00 p.m.**

**City Hall, 401 N. Morton Street  
Kelly Conference Room #155**

**❖Virtual Link:**

<https://bloomington.zoom.us/j/81749283010?pwd=a1NoMXFZUFhaUmM1RWs3Ujc5TGdSZz09>

Meeting ID: 817 4928 3010

Passcode: 400965

**PETITION MAP:** <https://arcg.is/0aWj81>

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**PETITIONS:**

V-01-23

**Sherri Hillenburg/Elkins Apartments**

530 N. Grant Street

Request: Variance from front building setback standards in the Residential Multifamily (RM) zoning district to allow for a third floor addition over existing building.

Case Manager: Karina Pazos

**\*\*Next Meeting: March 1, 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](mailto:human.rights@bloomington.in.gov).*

**BLOOMINGTON HEARING OFFICER  
STAFF REPORT  
LOCATION: 530 N Grant Street**

**CASE #: V-01-23  
DATE: February 15, 2023**

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**PETITIONER:** Sherri Hillenburg/Elkins Apartments  
940 N Walnut Street, Bloomington, IN 47404

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**REQUEST:** The petitioner is requesting a variance from front building setback in the Residential Multifamily (RM) zoning district to allow for a third floor addition over existing building.

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**REPORT:** The property is located at 530 N Grant Street and is zoned Residential Multifamily (RM). The properties to the north, east, south and west are also zoned RM.

This is a corner lot and currently contains a two-story single-family dwelling. The Unified Development Ordinance (UDO) calls for Residential Urban (R4) district standards to apply for single-family dwelling types in the RM zoning district. Per R4 standards, a minimum of 15 feet or the median front setback of abutting residential structures, whichever is less, for the front building setback is required. A minimum of five feet is required for the side setback. This existing single-family structure is located approximately eight feet from both front property lines and at least five feet from both side property lines. The existing front building setback along E 10<sup>th</sup> St meets the R4 front building setback because the abutting residential structure to the east has a smaller front setback than this property, thus the median front setback is in line with this property's existing setback. Additionally, the lot area is approximately 2,500 square feet, which is less than the minimum lot area for lots in the R4 created after the effective date.

The petitioner is proposing a third story addition using the existing front building setback to build straight up from all first and second story building walls, which means the current setback standard of 15-foot minimum for the front along N Grant St would not be met. The petitioner is requesting a variance from the front building setback for the west side along N Grant St such that a third story addition can be built over the existing building.

The new third story addition along with an interior renovation would allow for a total of five bedrooms and five bathrooms. Currently, the structure contains three bedrooms and the RM district allows for a maximum occupancy of five unrelated adults. The height would be approximately 34 feet, which is below the maximum height of 40 feet for the R4 zoning district.

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**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 third story addition is appropriate for the use and size of the property. The structure meets the current side setback standards and the current front setback standard for the north side facing E 10<sup>th</sup> St. Granting the variance for the west side facing N Grant St would not be injurious to the public realm as it would be a continuation of the existing setback, and the proposal meets R4 district height standards.

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 mailed notice of public hearing to adjacent property owners. No concerns for this proposal have been received. Additionally, the west side of the building is not abutting a property because it faces N Grant St.

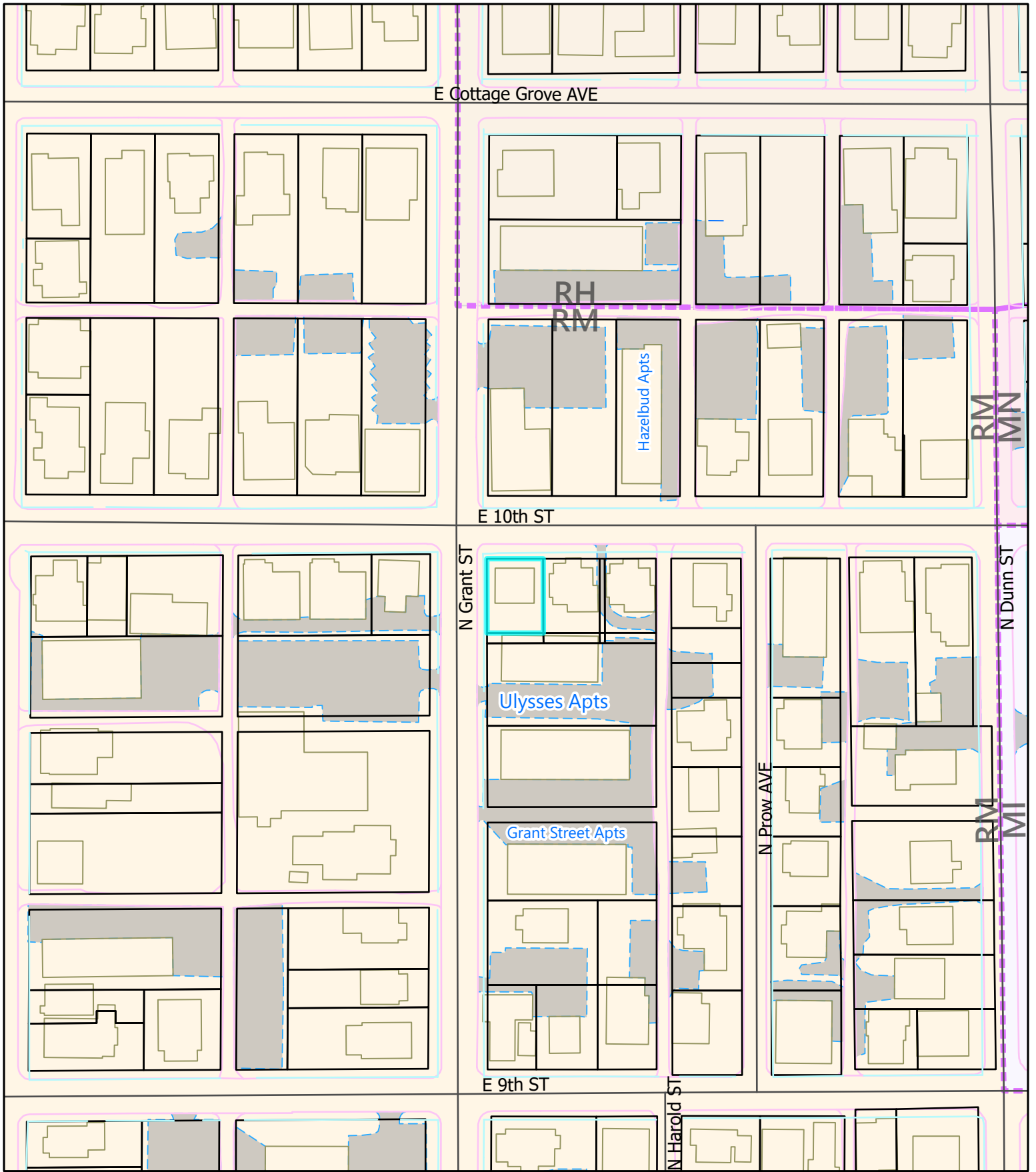
3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

**PROPOSED FINDING:** Practical difficulty is found in the limited size of the existing lot. Because the existing house was built on an approximately 2,500 square foot sized lot, building a third story addition that is compliant with current front setback standards to add bedrooms is impractical by design and difficult to achieve. The size of the existing lot and where the existing structure sites on that lot is a peculiar condition of the property that creates a practical difficulty that can only be relieved by approval of the variance.

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**RECOMMENDATION:** Based upon the written findings above, the Department recommends that the Hearing Officer adopt the proposed findings and recommends approval of V-01-23 with the following conditions:

1. The petitioner must obtain a building permit prior to construction.
2. This variance applies to only the western front building setback of the new third story addition, and only as shown and described in the application.



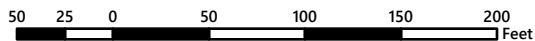
Planning and  
Transportation  
Department

**City of  
Bloomington**



City of Bloomington, IN

530 N GRANT ST

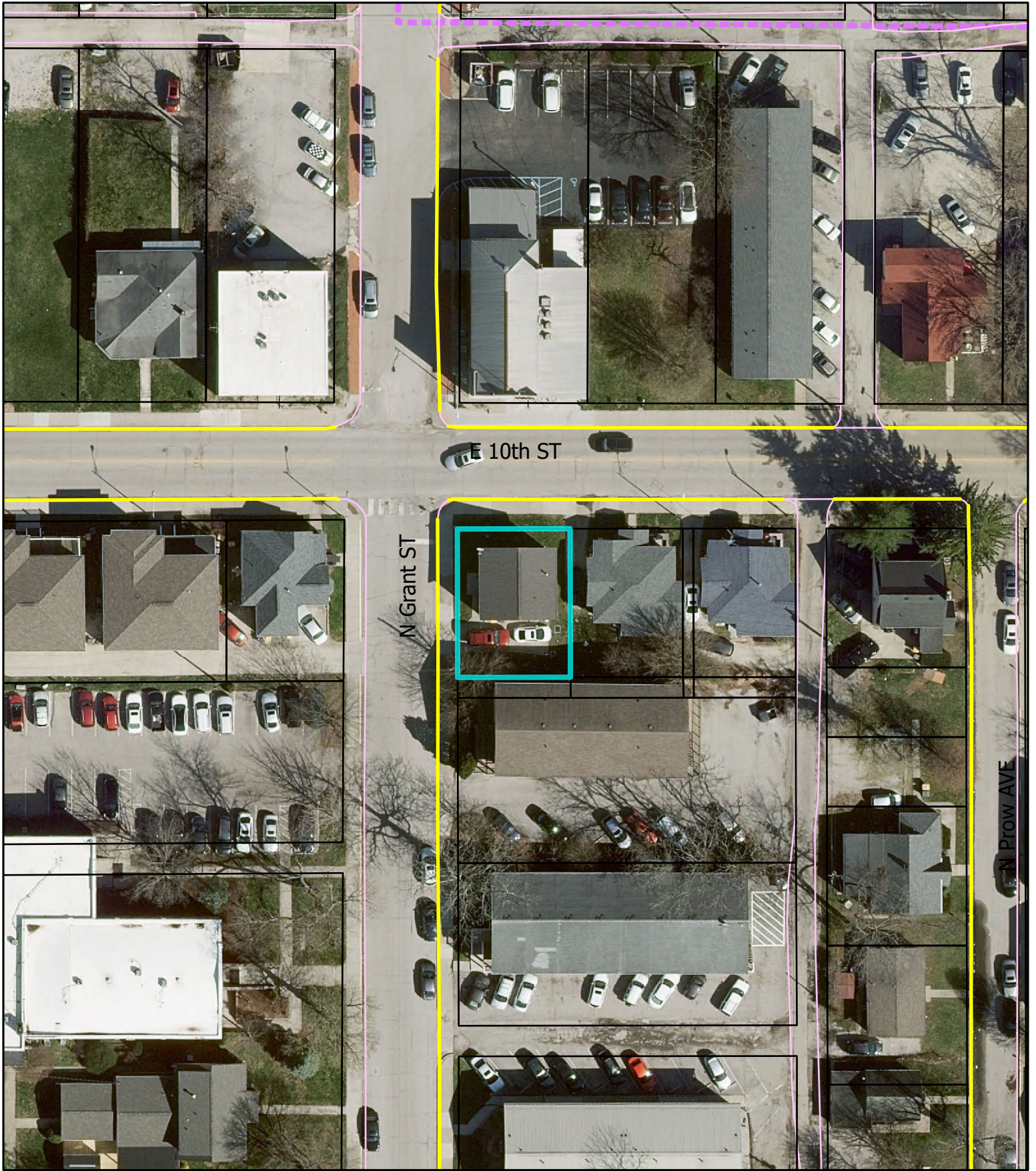


For use as map information only, information is NOT warranted.

Produced: 2/7/2023



Layout: Location Map\_8.5x11  
Project: V-01-23



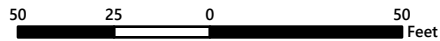
Planning and  
Transportation  
Department

**City of  
Bloomington**



City of Bloomington, IN

530 N GRANT ST



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

Produced: 2/7/2023



Layout: Context Map\_8.5x11  
Project: V-01-23



940 N. Walnut St, Bloomington, IN 47404  
812.339.2859 • elkinsapartments.com  
cs@elkinsapartments.com

January 19, 2023

City of Bloomington Planning Department  
P.O. Box 100  
Bloomington, IN 47402

Attn: Ms. Karina Pazos

RE: 530 N. Grant

**PETITIONERS STATEMENT**

Karina,

The following document outlines the project scope.

**Project Location**

The project is located at 530 N. Grant Street at the intersection of 10<sup>th</sup> and Grant.

**Variance Requested**

We are asking for a setback variance in order to add a third floor to the existing two-story home.

**Project Description**

The project will consist of adding a third floor to an existing single-family residence. The addition of a third floor will not cause the building to exceed the existing height limit of 40 feet. The third floor would be completely within the footprint of the existing building.

In addition, we would like to move the entrance to the home from Grant Street to the 10<sup>th</sup> Street side of the building. We are proposing a covered porch to the front of the building not to exceed 6' extending from the current building in order to bring the building more in line with homes in the same block.

Photos are provided with this request showing properties to the west and to the east with much smaller setbacks. Many have three stories and some are much newer construction. Immediately to the east of the project site the homes have smaller set backs and porches on the front. The proposed porch is to make the house more esthetically pleasing to the eye than the square box it is now.

The home currently has an occupancy permit for 5 individuals, but only 3 bedrooms. Adding the third floor would allow us to construct 5 bedrooms. The existing drive/parking area would remain.

Thank you for consideration of this variance request.

Respectfully,

A handwritten signature in black ink that reads "Sherri Hillenburg".

Sherri Hillenburg  
Elkins Apartments on behalf of Powder Monkey LLC

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# AFFIDAVIT OF REPRESENTATION OF BUSINESS ENTITY


I Sherri Hillenburg am an employee of Elkins Apartments.

I am submitting this affidavit as evidence of my authority to appear on behalf of the business entity, Powder Monkey, LLC for the purpose of requesting a variance for the property located at 530 N. Grant.

I hereby swear and affirm, under penalties of perjury, that the information set forth below is true, correct and accurate. I UNDERSTAND THAT IT IS MY RESPONSIBILITY TO PROVIDE AN UPDATED AFFIDAVIT IF ANY OF THE INFORMATION SET FORTH BELOW CHANGES.

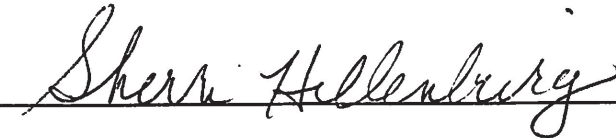
1. The full legal name of the business entity is POWDER MONKEY, LLC
2. The business entity is a LIMITED LIABILITY COMPANY.
3. I am the owner, shareholder, member, elected officer, general partner or designated manage of entity.
4. In accordance with Article of Organization, Operating Agreement and By-Laws of the business entity, the representative named above has been designated as the business entity's representative named for purposes of representing the business entity for the purposes of requesting a variance for the property located at 530 N. Grant.

Dated January 19, 2023



Susan Elkins Goldsworthy, Member, Powder Monkey LLC

Dated January 19, 2023



Sherri Hillenburg, Affiant

Witness

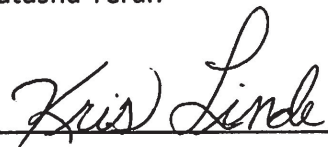


Natasha Teran

Date

1/19/23

Witness



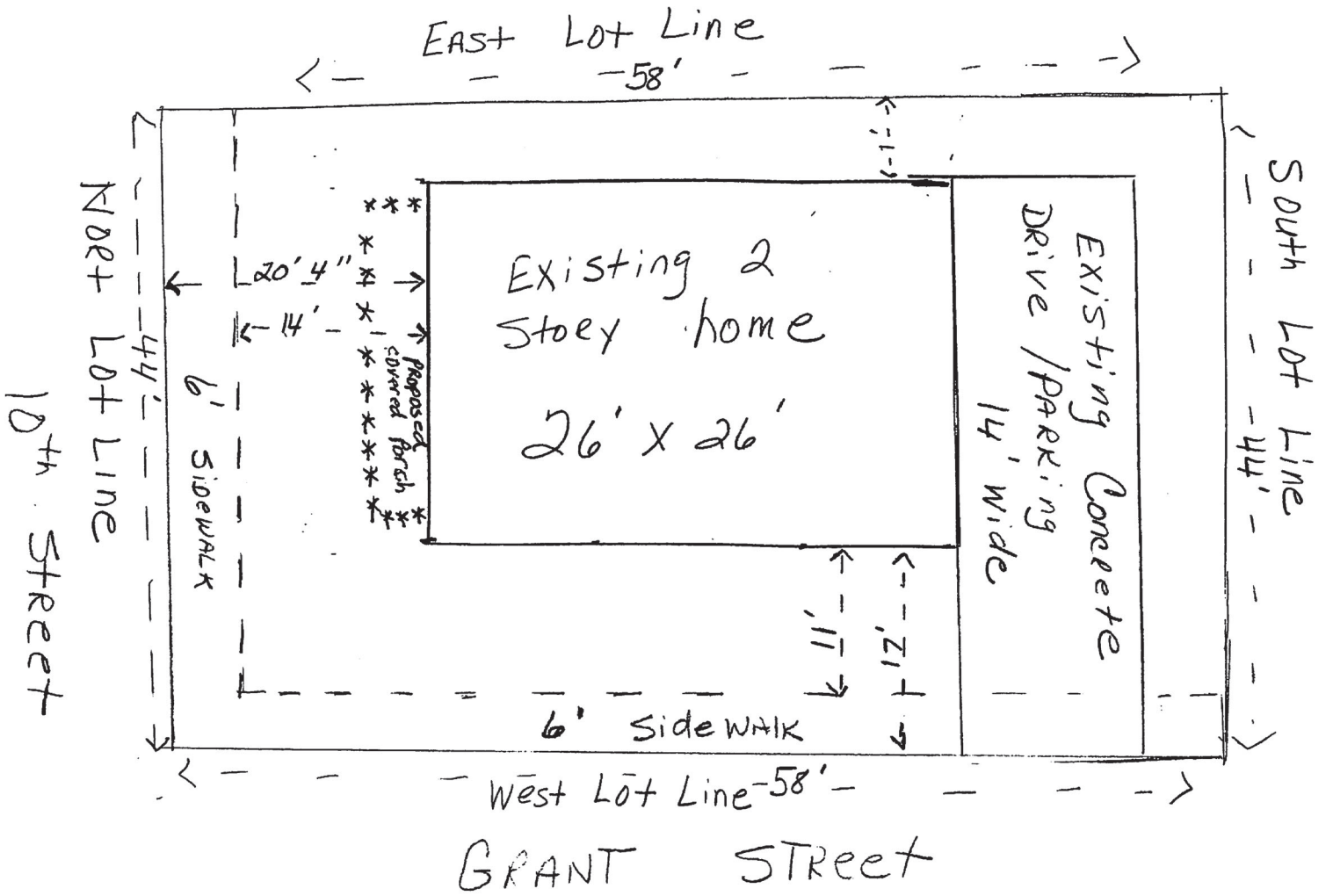
Kris Linde

Date

1-19-23

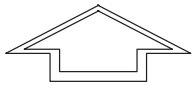


530 N. GRANT









NORTH

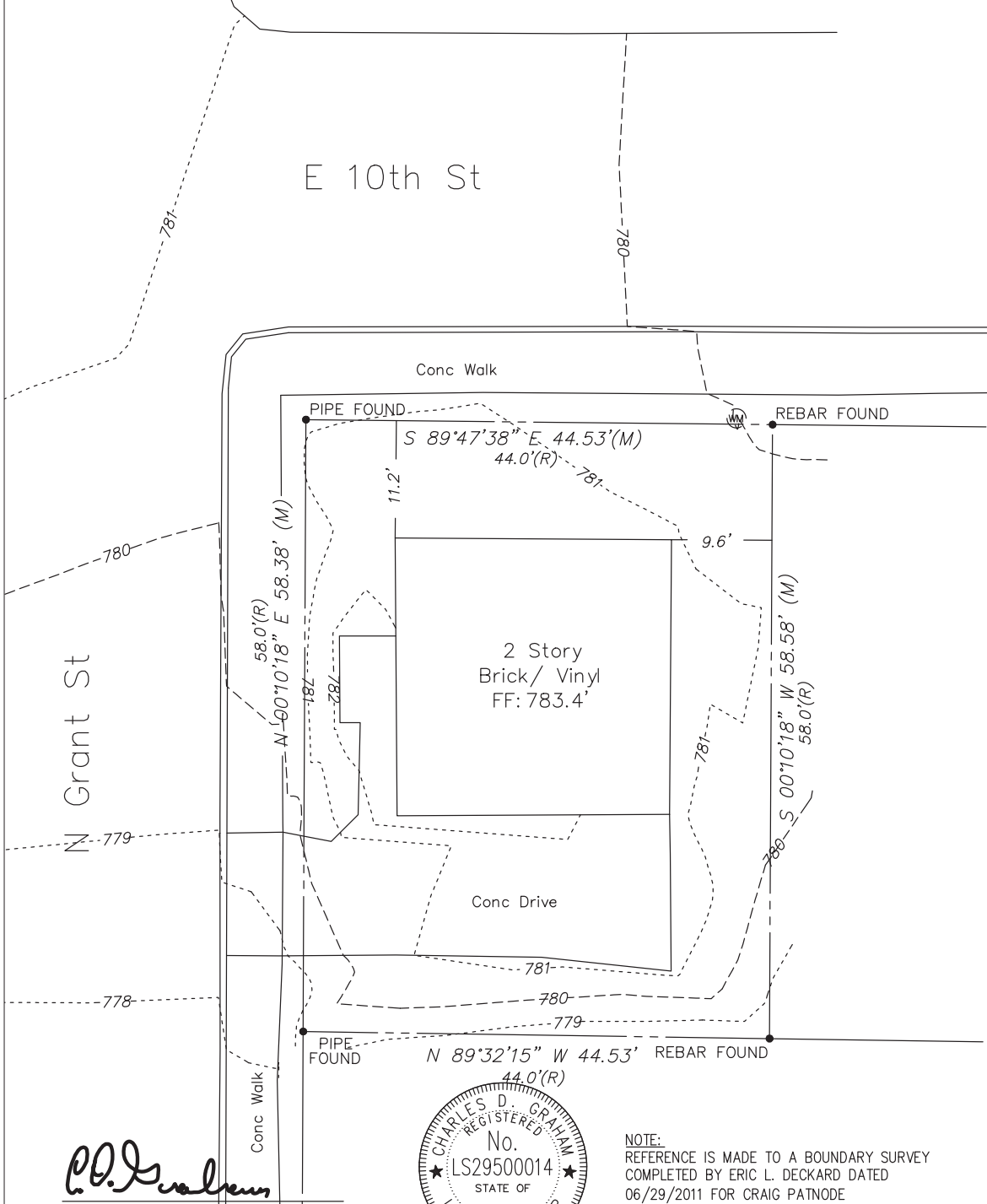


Scale 1" = 10 ft

BASIS OF BEARING  
INDIANA STATE PLANE WEST

LEGEND

PROPERTY LINE	---
EASEMENT LINE	- - - -
FENCE	-x-x-
DEED RECORD BOOK AND PAGE	XXX/XXX
5/8" REBAR WITH CAP SET	⊗
WOODEN LATH SET	⊕
MAG NAIL SET	⊙
RECORD	R
MEASURED	M
RIGHT-OF-WAY	ROW
FRONT-SET-BACK	F.S.B
REAR-SET-BACK	R.S.B



*Charles D. Graham*



NOTE:  
REFERENCE IS MADE TO A BOUNDARY SURVEY  
COMPLETED BY ERIC L. DECKARD DATED  
06/29/2011 FOR CRAIG PATNODE

Charles D. Graham  
Registration No. LS29500014

I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

530 N GRANT ST, BLOOMINGTON IN, 47408

**B&B**  
 BYNUM FANYO & ASSOCIATES, INC.  
 528 North Walnut Street  
 Bloomington, Indiana 47404  
 Phone (812)332-8030 Fax (812)339-2990

Date: 1-31-2023

Project No: 5023008