CITY OF BLOOMINGTON HEARING OFFICER

September 13, 2023 @ 2:00 p.m. Kelley Conference Room #155 and Zoom

Virtual Link:

https://bloomington.zoom.us/j/88225451589?pwd=SkQxQmQvTnBXc202M0ZPano1eW9rdz09

Meeting ID: 882 2545 1589 Passcode: 897298 CITY OF BLOOMINGTON HEARING OFFICER (Hybrid Meeting) September 13, 2023 at 2:00 p.m.

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

Virtual Link:

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Meeting ID: 882 2545 1589

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Petition Map: https://arcg.is/0OjPvb1

PETITIONS:

V-26-23 Joyce Searls 712 W. 3rd Street Parcel: 53-05-32-420-007.000-005 Request: A Variance from rear yard building setback standards to allow the construction of a new single family residence in the Residential Small Lot (R3) zoning district. <u>Case Manager: Eric Greulich</u>

**Next Meeting: September 27, 2023

The City is committed to providing equal access to information. However, despite our efforts, at times, portions of our board and commission packets are not accessible for some individuals. If you encounter difficulties accessing material in this packet, please contact **Melissa Hirtzel** at **hirtzelm@bloomington.in.gov** and provide your name, contact information, and a link to or description of the document or web page you are having problems with.

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>.

PETITIONER:	Joyce Searls 712 W. 3 rd Street, Bloomington
CONSULTANTS:	Marc Cornett Architects

101 E. Kirkwood, Bloomington

REQUEST: Variance from rear yard building setback standards to allow the construction of a single family residence in the Residential Small Lot (R3) zoning district.

REPORT: This 40' x 91' (3,676 sq. ft.) property is located at 716 W. 3rd Street and is zoned Residential Small Lot (R3). The property is developed with an accessory structure and swimming pool that were used by the owner who lives on the adjacent lot to the south. Surrounding properties are all zoned Residential Small Lot (R3) and have been developed with single family residences. There are no known sensitive environmental features on the site. The site is located in the Greater Prospect Hill Historic District and a Certificate of Appropriateness (COA-23-61) has been approved for the proposed residence.

The petitioner is proposing to remove the current structures and construct a new single family residence. Although the property is owned and has been developed as one property by the existing owner to the south, this lot is a separate buildable lot of record and is being developed separately. The existing accessory structure and pool will be removed from the property as part of the project.

The petitioner is requesting a variance from the required 25' rear yard building setback standard to allow a 10' setback. The rear yard building setback in this district is 25' and the front yard building setback is 10'. The combined front and rear setbacks only allow for a 5' buildable area within the lot without the granting of a variance. The proposed structure meets all other setback requirements and impervious surface standards.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

20.06.080(b)(3)(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 granting of the variance to allow the reduced side yard setback will not be injurious to the public health, safety, morals, or general welfare of the community. The building will meet the front and side yard setback distances and does not

exceed the allowable maximum height of the district. The building will still meet all applicable building codes.

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. As mentioned, the building will meet the side yard setback distance required and does not exceed the allowable maximum height of the district. The residences on the two adjacent lots to the east are located a considerable distance from the residence and there is a large accessory structure between this house and the closest adjacent residence to the east. A Certificate of Appropriateness has been approved for the project which evaluated the proposed design for compatibility and compliance with the neighborhood historic district standards.

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.

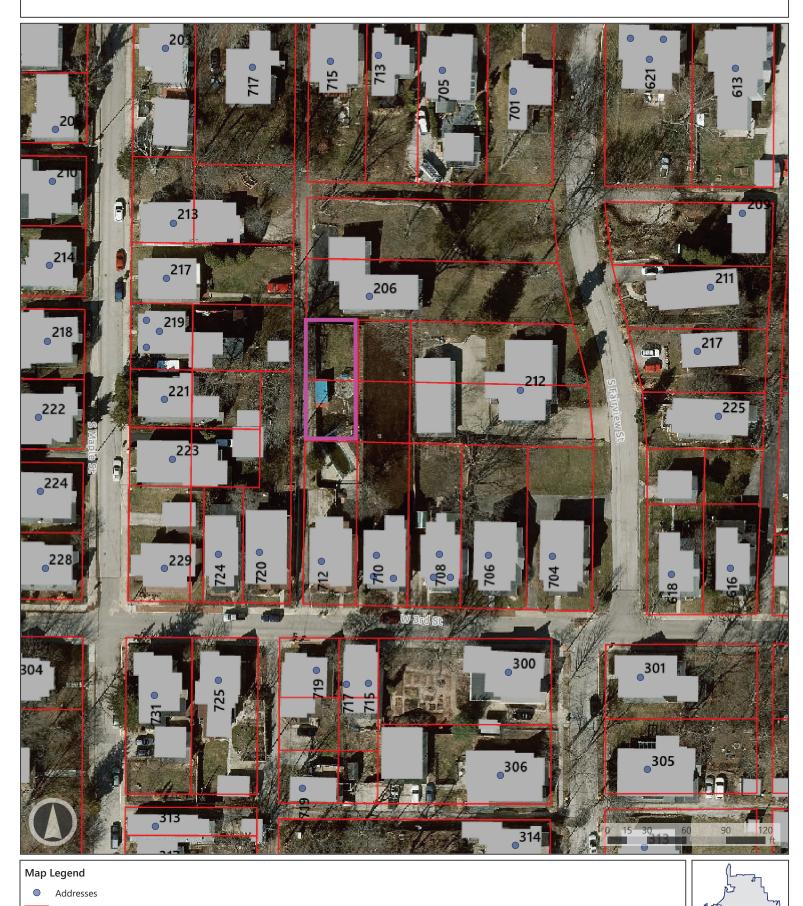
PROPOSED FINDING: The Department finds that the strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property as they would not allow for the property to be developed in any manner due to the limited buildable area. The practical difficulties are peculiar to the property in question because the width and size of the property in combination with the required setbacks do not allow for any development to occur on the property without the granting of a variance. The petitioner has designed the building to meet the base setbacks of the district while still meeting the maximum impervious surface coverage. The granting of the variance allows for the property to be redeveloped in a manner consistent with the Comprehensive Plan, zoning district, and adjacent uses.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve V-26-23 with the following condition:

1. This approval is for the submitted site plan only.



Planning and Transportation Department



Parcels



CERTIFICATE OF APPROPRIATENESS Issued by the Bloomington Historic Preservation Commission

Address of Historic Property:

712 W 3rd St., Bloomington, IN

Summary of Work Approval:

New Construction, fence change, and tree removal

A copy of the complete approved plans may be obtained from the Department of Housing and Neighborhood Development Office Located at City Hall, 401 N. Morton, Suite 130 under case number **COA 23-61**.

This Certificate is effective for two years following the date of issue. Exterior work outside of the scope of this approval is not permitted and subject to fines outlined in Municipal Code, Title 8, Chapter 8.16.020.

John Saunders

John Saunders Chair Bloomington Historic Preservation Commission

Issue Date: August 10, 2023

PO Box 100 Bloomington, IN 47402 812-349-3420 bloomington.in.gov (f) HANDBloomington

Searls 716 W. 3rd St. Residence Bloomington, IN 47404

August 16, 2023

Petitioner's Statement:

1. Reason petition/variance requested -

Due to the narrow 40' east/west property dimension we are requesting variance adjustment for the required rear yard building setback (minimum) from 25' to 10' as shown on the attached Site Plan (per Bloomington UDO – R3: Residential Small Lot Dimensional Standards).

2. Description of Project and Materials:

New construction of two-story residential structure (wood framed – 20'-0" x 48'-0" footprint) with partial basement and two car garage consisting of Main Floor living area and kitchen and Second Floor bedrooms/bath areas (with three bedrooms total). The building incorporates covered balconies/porches at Second Floor with exterior covered deck off Main Floor living area and kitchen.

Floor Area:

Basement: 556 s.f. First Floor: Living Area: 544 s.f. Garage: 400 s.f. Second Floor: Bedrooms/Living Areas: 762 s.f. Exterior Covered Balconies: 112 s.f. Total Floor Area: 2,374 s.f.

Proposed Building Materials:

Exterior Siding - James Hardie fiber cement lap siding (smooth finish, painted – typical).
Exterior Trim – Boral TruExterior Trim (smooth finish, painted – typical).
Exterior Columns and Beam Trim – Boral TruExterior Trim (smooth finish, painted – typical).
Exterior Doors – Therma-Tru Fiber Classic Mahogany Collection.
Exterior Windows – Marvin Ultrex/Essential High-Density Fiberglass.
Exterior Wood Deck Flooring – Azek TimberTech Composite Exterior Decking.
Foundation – Reinforced poured concrete footings and foundation.
Roofing - Galvalume standing seam metal roofing (with matching 3" dia. galvalume downspouts and 5" half-round galvalume gutters with hangers).
Alternate Bid - Owens Corning Fiberglass Roofing Shingles (3 tab) with standard residential aluminum downspouts/gutters.

3. Property Size and Location:

Lot Size – 40.00 w. x 91.90' d. Location – 716 W. 3^{rd} St. in the Prospect Hills Historic District.

4. Surrounding Land Uses:

All surrounding properties are residential small lot properties which are primarily owner occupied single family.

5. Existing Property Use and Structures:

The existing property is currently a vacant lot that adjoins a two story, single family residence to the south that the Owner/Petitioner currently resides in.

6. Proposed Property Use and Structures:

New construction of two-story residential structure (wood framed – 20'-0" x 48'-0" footprint) with partial basement and two car garage consisting of Main Floor living area and kitchen and Second

Floor bedrooms/bath areas (with three bedrooms total). The building incorporates covered balconies/porches on the Second Floor with exterior covered deck off Main Floor living area and kitchen.

7. Vehicular Access:

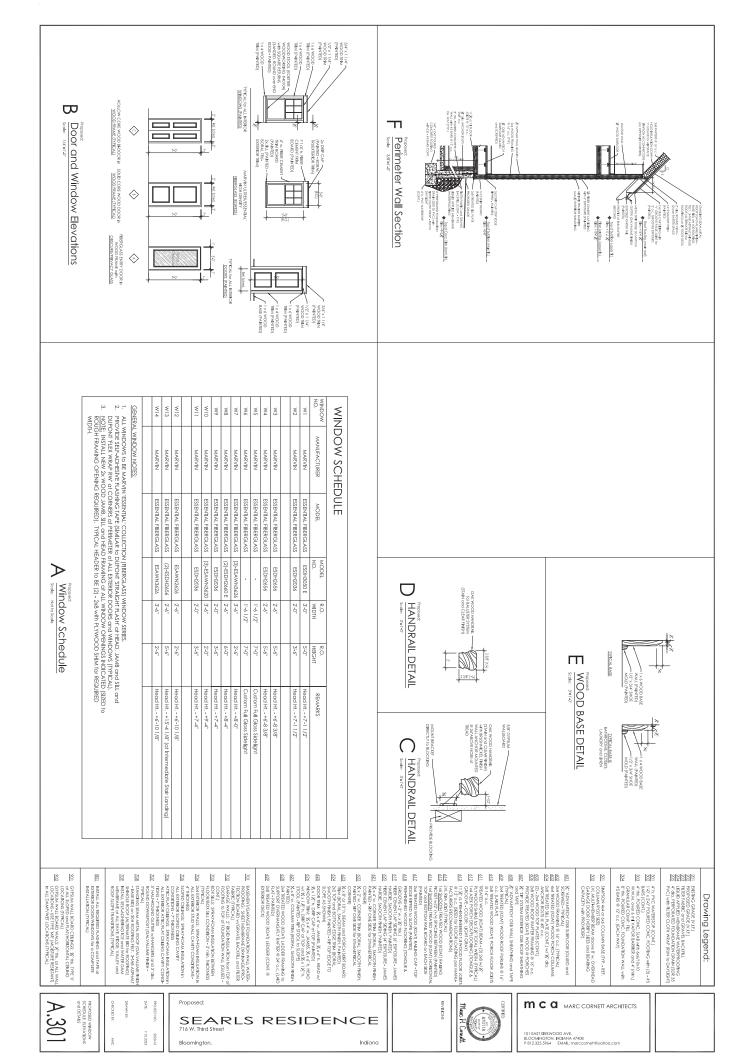
Property is accessed by a public alley that runs from W. 3rd St. (to the south) to W. 4th St. (to the north).

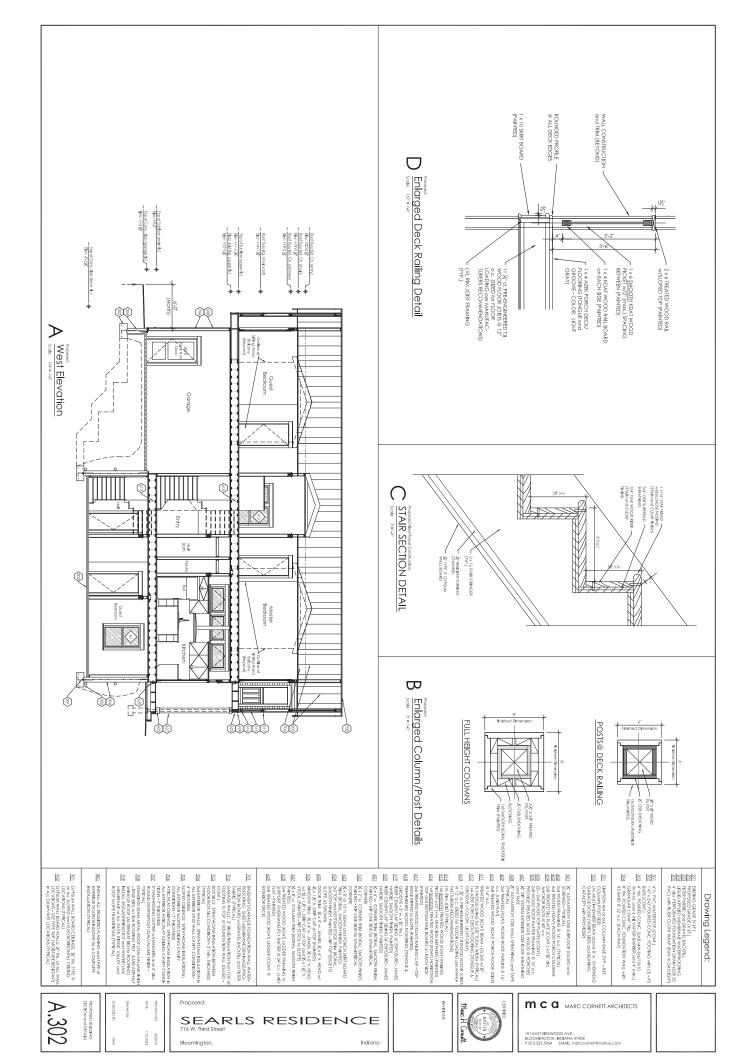
8. Justification for Approval:

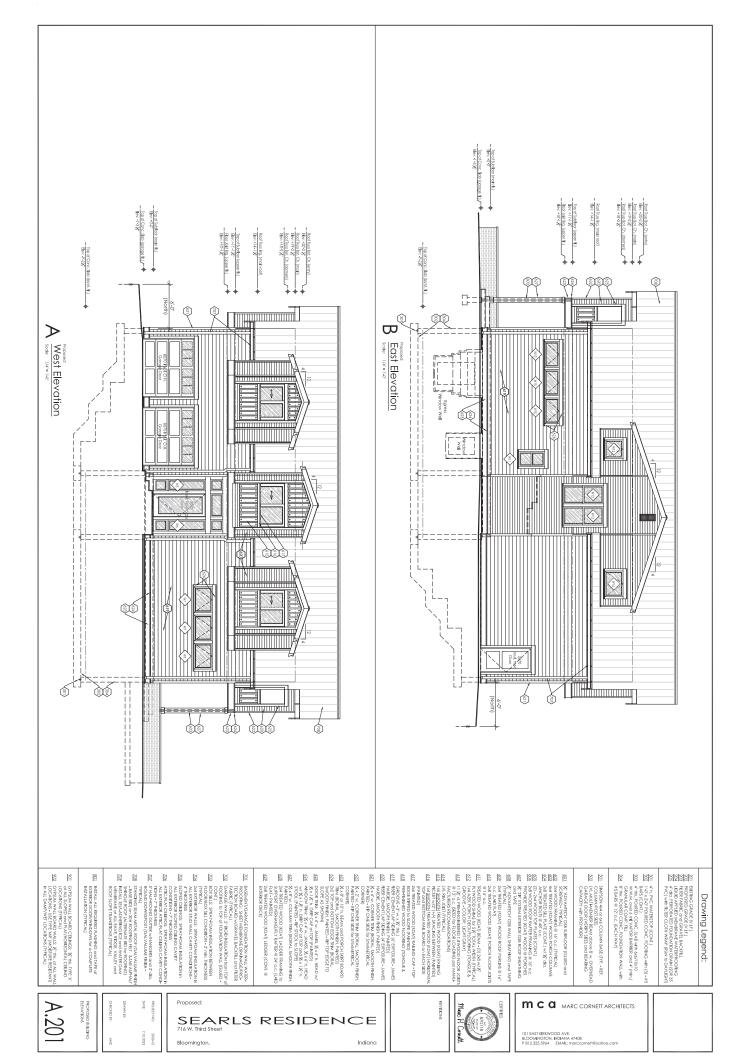
The project develops a currently vacant lot within the near downtown area. It is appropriately scaled and sized with neighboring structures and land uses. It has been reviewed and approved by the Bloomington Historic Preservation Commission (COA 23-61) and is supported by members of the Prospect Hill Historic District.

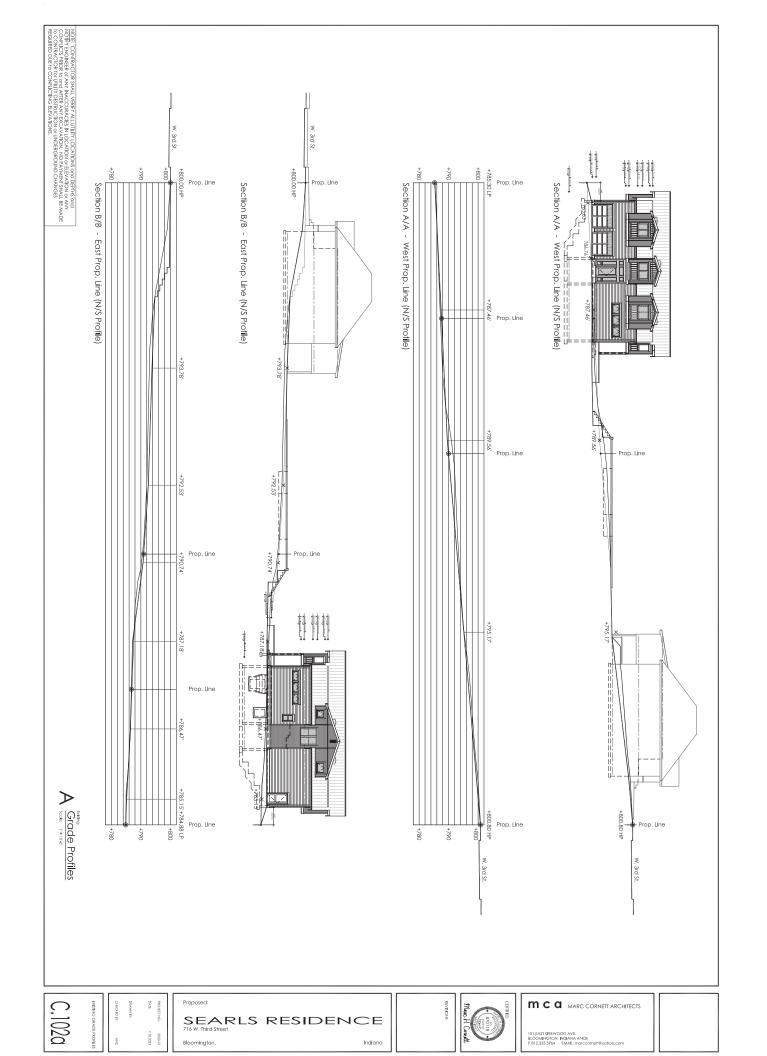
The Owner respectfully requests that you grant the rear yard building setback adjustment from 25' to 10' as shown to allow for construction as presented in the attached drawings.

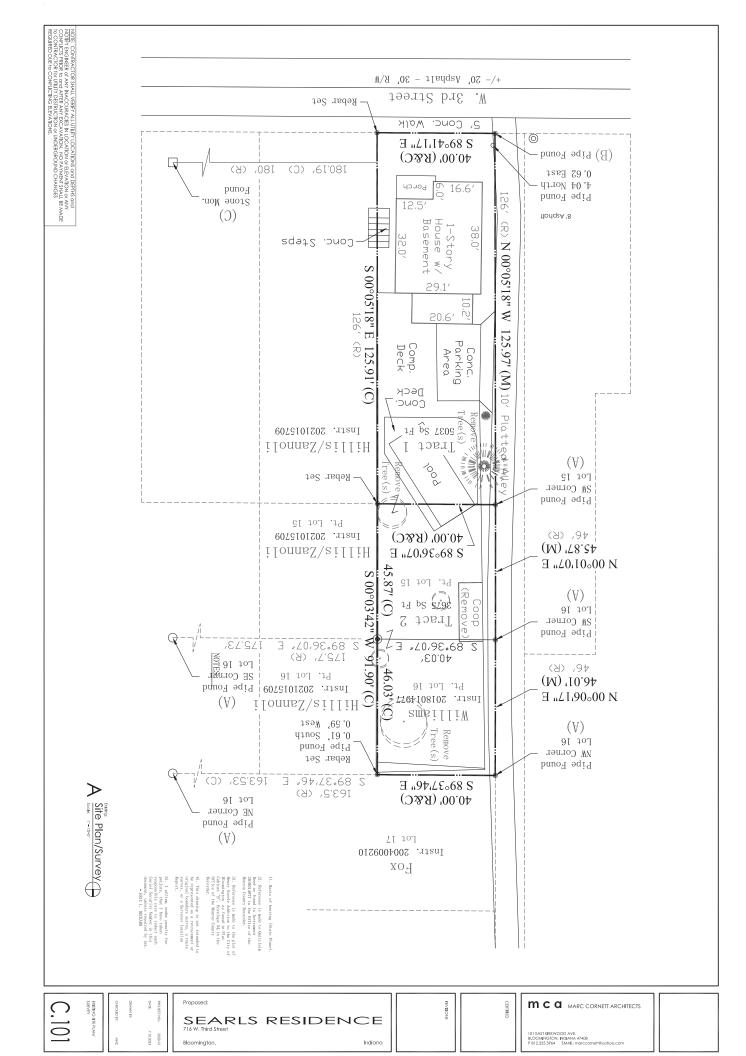
OWNER: Joyce Searls 712 W. Tries St Bioomington, IN 47404 PH 85, 570,1042 Joyce Searls.com	PROJECT NUMBER 2022-12 July 10, 2023	Proposed: SEARLS RESIDENCE 716 W. Third Street Bloomington, Indiana 47404
ARCHITECTURE Comet Inca Marc Cornett ARCHITECTS IN EAST KREWOOD AVENUE - BLOOMINGTON IN 47408 PH 812.325 594 marccomet/2016@yahoo.com Marc H. Cmatt 2022-12 Seats Residence		

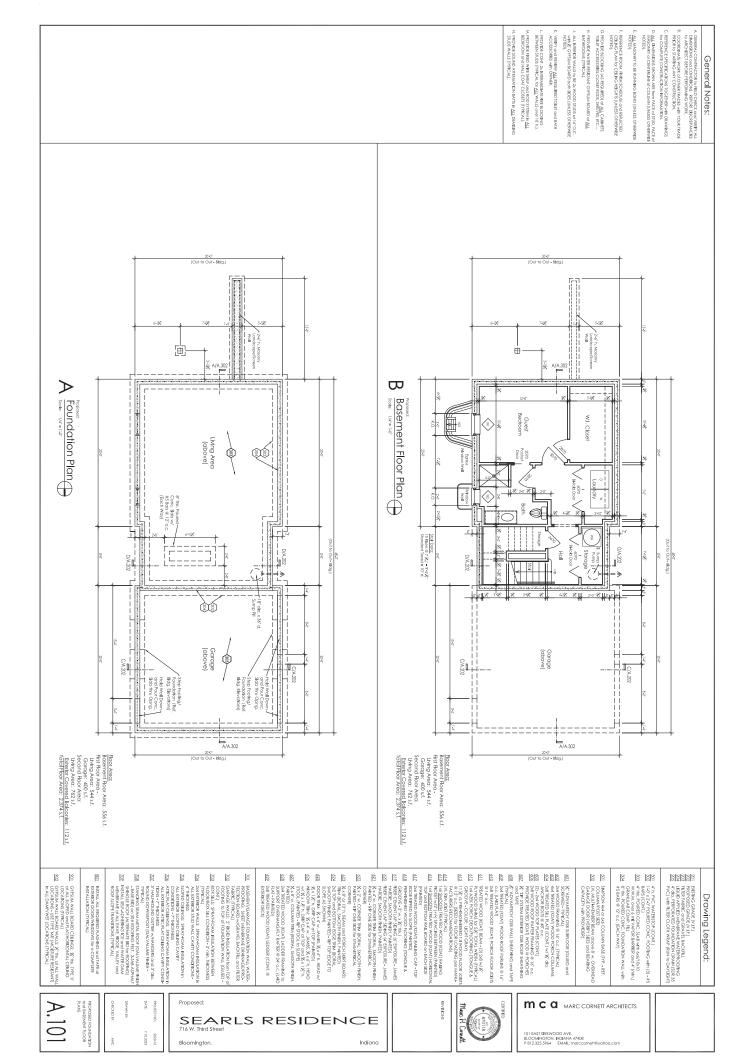


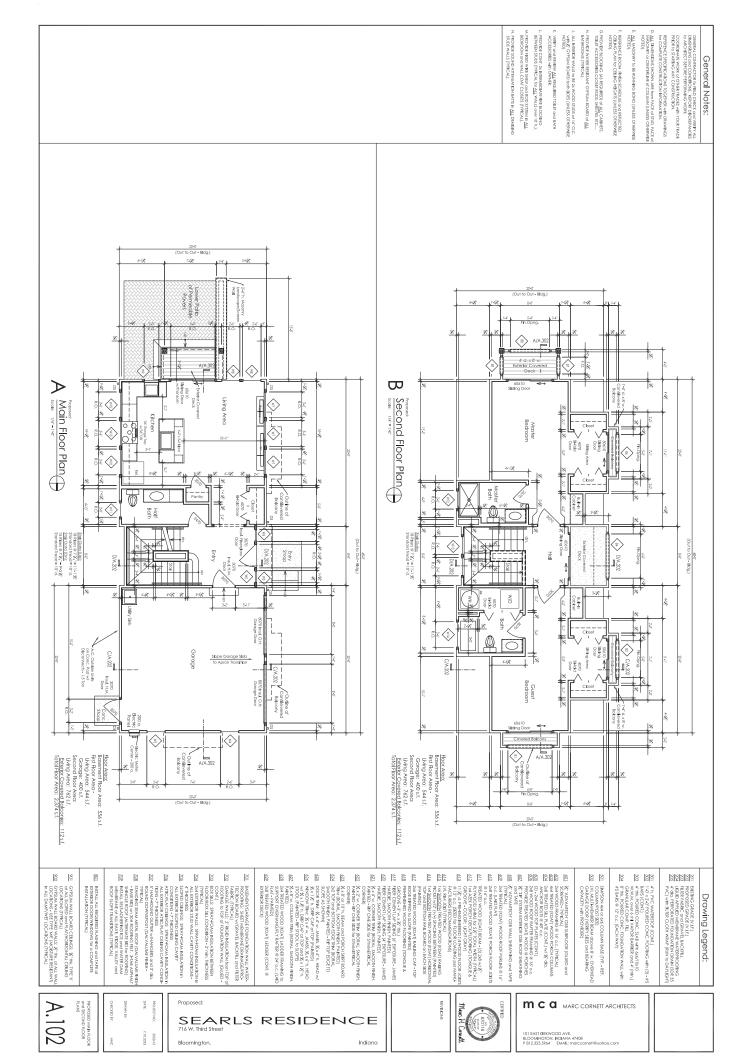


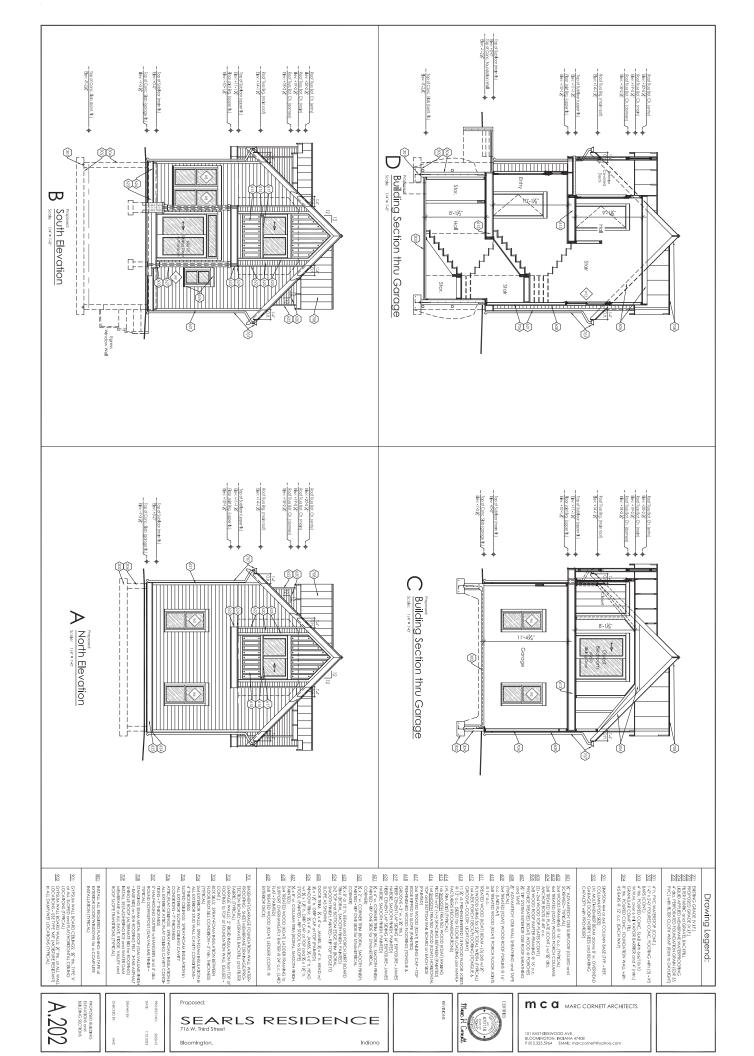












SEARLS - PLOT PLAN A PART OF OUT LOT 1 IN THE CITY OF BLOOMINGTON AND A PART OF LOTS 15 AND 16 IN HENRY S. STEELE ADDITION TO THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA

NOTES:

- 1). Basis of Bearings (State Plane Indiana West).
- 2). Fieldwork performed in June $2022\,$
- 3). Proposed 1st floor elevation of residence shall be 793.5'
- 4). Source of title now or formerly owned by Michele Lynn Williams and Lisa Michelle Williams as found in Instrument Number 2018014977 in the Office of the Monroe County Recorder.
- 5). The proposed finish floor and finish grade elevations shown are minimum elevations in order to provide positive surface drainage away from the proposed residence. The finish grade elevations shall not in any way shed surface storm water flow onto the adjoining properties unless provisions have been made with the adjoining property owners and the governing jurisdiction. Shallow flow lines shall be made by the finish grade subcontractor along the common lines with adjoining property owners to direct the storm water flow as shown on this plot plan. The builder shall notify this firm if field adjustments are made lowering than the elevations shown or redirecting the surface storm water flows.
- 6). The dimensions shown on the proposed residence are based upon plans provided by the builder. Prior to construction the builder shall verify no changes have been made from those shown hereon.
- 7). The plot plan has been prepared for use in obtaining a building permit and is not intended to identify lot or property lines. The dimensions shown to lot lines or lines representing property lines are shown based upon limited field evidence of said lines and the dimensions are subject to the same limitations which might affect the accuracy of the dimensions.
- 8). No wetlands shall be disturbed during or after the construction of the site improvements.
- 9). Any subsurface drainage tiles encountered during the construction of the site improvements shall be protected from damage and if necessary rerouted with the drainage flow within perpetuated. If said tile is damaged, repairs shall be made immediately to restore the tile to its original condition.
- 10). The builder and/or any underground site contractor shall call Indiana 811 to verify the location of the underground utilities on this site and report any conflicts to Deckard Land Surveying prior to commencing work.
- 11). Construction drive: Temporary construction drive to comply with Monroe County ordinances.
- 12). Gentle swale statement: Gentle swale required to be constructed (or be protected if existing along side lot line) during construction and to remain post-construction to direct sheet drained watershed towards the front and back of lot and not toward existing or proposed residence.
- 13). Erosion control measure must be functional and maintained through construction.
- 14). Sediment Discharge and tracking from lot shall be minimized.
- 15). Adjacent lots disturbed by an individual lot operator must be repaired and stabilized.
- 16). Concrete and Cementitious Washwater: Include location of concrete washout and building materials area on site plan. All concrete and cementitious washwater is required to be captured in a leak-proof concrete washout container.
- 17). Ingress/Egress: Equipment is only allowed to access the site through the approved driveway with a Driveway Permit. Maintain the driveway as a stabilized construction ingress/egress. If alternate access is required, please apply for another Driveway Permit with the Highway Department.
- 18). Tracking and Off-Site Discharges: Any sediment tracked off site, must be swept (not flushed) off the road by the end of the business day. Off-site discharges of sediment must be remediated by the end of the business day.
- 19). Spill Response: No vehicle fueling, storage of fuel, or repair of equipment is allowed on site. All spills must be cleaned up immediately and reported according to local, state, and federal regulations. Contact the MS4 Coordinator immediately for any reportable spills or discharge to storm sewers or waterbodies.
- 20). Karst: New sinkholes that develop as a result of construction must be reported to the MS4 Coordinator within 24 hours of discovery. Immediately protect the sinkhole with erosion control measures. Filling of new sinkholes requires MS4 Coordinator approval.
- 21). Stabilization: Permanently stabilize areas at final grade within 7 days. Temporary stabilization is required for disturbed areas left inactive for more than 7 days. Any disturbance caused on adjacent lots must be repaired or stabilized.
- 22). Changes or deviations to this plan shall be submitted to Monroe County Planning Department for approval.
- 23). The individual lot operator is responsible for installation and maintenance of all erosion and sediment control measure until the lot is stabilized. The operator must comply with all the requirements of the zoning ordinance of Monroe County.
- 24). This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.
- 25). I affirm, under penalty for perjury, that I have taken responsible care to redact each Social Security Number in this document, unless required by law. ERIC L. DECKARD

JOYCE SEARLS		DECKARD LAND SURVEYING 1604 S. HENDERSON ST. BLOOMINGTON IN. 47401 (812) 961-0235
PLOT PLAN SHEET 2 OF 2		
DRAWN BY: ELD CHECKED BY: DATED:10/10/22 ELD	SCALE 1″=15'	PROJECT NO. 22-158

