

CITY OF BLOOMINGTON



January 3, 2024 @ 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)
January 3, 2024 at 2:00 p.m.

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

❖Virtual Link:

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

Meeting ID: 882 2545 1589

Passcode: 897298

Petition Map: <https://arcg.is/14Wbnj>

MINUTES TO APPROVE: September 27, 2023

PETITIONS:

- V-41-23** **Strauser Build + Design, LLC**
511 & 515 N. Grant Street
Parcel: 53-05-33-300-057.000-005
Request: Variance from rear and side yard building setback standards for two existing buildings in the Residential Multifamily (RM) zoning district.
Case Manager: Eric Greulich
- CU-39-23** **Tracy Gates**
401 S. Woodlawn Avenue
Parcel: 53-08-04-104-019.000-009
Request: Conditional use approval to allow an existing restaurant use in an existing building in the Residential High-Density Multifamily (RH) zoning district.
Case Manager: Gabriel Holbrow
- V-46-23** **Ellen and Adam Rodkey**
1200 E. Hillside Drive
Parcel: 53-08-09-100-011.000-009
Request: Variance from the maximum allowed driveway width and number of drive cuts Allowed to allow for a new driveway for a lot in the Residential Medium Lot (R2) zoning district. *Case Manager: Eric Greulich*

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 [812-349-3429](tel:812-349-3429) or E-mail human.rights@bloomington.in.gov.

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BLOOMINGTON HEARING OFFICER
STAFF REPORT
Location: 401 South Woodlawn Avenue

CASE #: CU-39-23 / USE2023-11-0032
DATE: January 3, 2024

PETITIONER: Tracy Gates and Oualelaye Ouedraogo
 359 South Madison Street
 Bloomington, IN

OWNER: GMS Enterprises LLC
 501 North Walnut Street, Suite 1
 Bloomington, IN

REQUEST: Conditional use approval to allow an existing restaurant use in an existing building in the Residential High-Density (RH) zoning district

REPORT: The property is located on the southeast corner of South Woodlawn Avenue at East Atwater Avenue in the Residential High-Density (RH) zoning district. The property contains a mixed-use building with 10 dwelling units and one commercial tenant space. The commercial space is currently the Woodlawn location of the Inkwell Bakery & Cafe, which is owned and managed by the petitioners.

Adjacent properties to the south are also zoned RH and contain residential dwellings, including a mix of detached single-family dwelling uses and multifamily dwelling uses. Adjacent properties to the north, east, and west are located in the Mixed-Use Institutional (MI) zoning district and contain uses related to Indiana University, including the School of Optometry, the American Historical Review, and the University's Atwater Parking Garage.

The commercial space at 401 South Woodlawn Avenue has been an active restaurant use since at least 1970, before the City's first comprehensive zoning ordinance. Under the current RH zoning of the property, and under previous zoning districts for at least two decades, the "restaurant" use is allowed only as a conditional use subject to use-specific standards. Because the restaurant use at this location has never received conditional use approval, it has been allowed as the continuation of a lawful nonconforming use that predates the establishment of the use standards for the zoning district. The petitioners intend to install permanent signage for Inkwell consisting of two signs totaling 28 square feet, but under the sign standards of the City of Bloomington Unified Development Ordinance (UDO) a lawful nonconforming nonresidential use in the RH district is limited to 10 square feet of wall signage, while a conforming residential use that has received conditional use approval would be allowed up to 100 square feet of wall signage. To allow the proposed signage and to recognize the long-standing restaurant use as a conforming use at this location, the petitioners are requesting conditional use approval.

Because this conditional use approval does not involve construction of any new structures and does not meet the definition of a change in use per the UDO, there is no requirement to bring any existing nonconforming site features into compliance with the UDO. The Hearing Officer, or Board of Zoning Appeals if the petition is referred or appealed to the Board, may place conditions on the conditional use approval related to existing site features if justified by the record, but outside of the conditional use process there is no required compliance standard.

Currently in the parking area on the property, there are at least two parking spaces designated for Inkwell. One contains a bicycle rack with parking for more than six bicycles. For a new restaurant use in a space of these dimensions, full UDO compliance, which is not automatically a requirement in this situation, would be a minimum bicycle parking requirement of six bicycle parking spaces, no minimum vehicle parking requirement, and a maximum vehicle parking allowance of up to eight. Per the accessibility standards of Americans with Disabilities Act (ADA), the parking area for the nonresidential use must include at least one van accessible parking space. The current configuration of the parking area provides more than the required number of bicycle parking spaces, although the bicycle parking design is not fully compliant with the UDO because the rack does not accommodate two points of contact that are separated horizontally for each bicycle and the spacing between the slots in the rack is less than three feet. The number of vehicle parking spaces is compliant with both the minimum vehicle parking requirement and maximum vehicle parking allowance, but appears not to provide the required minimum number of accessible parking spaces. However, there is no requirement to bring any nonconforming site features into compliance with the UDO.

In the City of Bloomington Comprehensive Plan, the property is located in the Mixed Urban Residential future land use area. According to the Comprehensive Plan section regarding land use development approvals in the Mixed Urban Residential area (page 84), “A few locations... adjacent to higher volume roads, or near major destinations, or located along neighborhood edges... may support small-scale neighborhood mixed uses (see Urban Village Center).” In the Comprehensive Plan section regarding the Urban Village Center (page 88), the Plan describes the Urban Village Center as “a neighborhood-scaled, mixed-use node that serves as a retail, business, and service destination for neighborhood residents. Urban Village Centers... should be designed to serve the neighborhood adequately while also balancing usage from surrounding areas. First floor uses are mostly retail-oriented, with upper floors focusing on residential and office uses.” Regarding site design for Urban Village Centers, the Plan recommends that they “must not detract from the livability of these neighborhoods through unreasonable traffic, lighting, noise, litter, or other impacts.”

CRITERIA AND FINDINGS FOR CONDITIONAL USE PERMIT

20.06.040(d)(6) Approval Criteria

(B) General Compliance Criteria: All petitions shall be subject to review and pursuant to the following criteria and shall only be approved if they comply with these criteria.

- i. *Compliance with this UDO*
- ii. *Compliance with other applicable regulations*
- iii. *Compliance with Utility, Service, and Improvement Standards*
- iv. *Compliance with prior approvals*

PROPOSED FINDING: The petition complies with the UDO, including the use-specific standards for the restaurant use in Section 20.03.030(d)(10). The restaurant use contains approximately 1,400 square feet, which is less than the maximum of 2,500 square feet established by the use-specific standards. The structure containing the use is similar in appearance to the surrounding buildings with respect to architectural style, roof pitch, color and materials, as required by the use-specific standards. The petition is utilizing existing buildings with existing utilities and services and shall comply with utility, service, and improvement standards. There are no other applicable regulations and no prior approvals for this site that relate to the request in this petition.

(C) Additional Criteria Applicable to Conditional Uses

- i. *Consistency with Comprehensive Plan and Other Applicable Plans*
The proposed use and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the Comprehensive Plan and any other applicable adopted plans and policies.

PROPOSED FINDING: This proposal is consistent with the goals of the Comprehensive Plan to encourage small-scale ground-floor retail-oriented uses in small-scale mixed-use nodes at neighborhood edges. For several decades, this location has been a neighborhood-serving restaurant along the significant transportation corridor of Atwater Avenue where the Elm Heights neighborhood transitions into the IU campus.

- ii. *Provides Adequate Public Services and Facilities*
Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, streets, potable water, sewer, stormwater management structures, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

PROPOSED FINDING: Adequate public service capacity exists. The location is adjacent to Bloomington Transit bus routes 3 and 4 and IU Campus Bus route B along Atwater Avenue, and is one block from Bloomington Transit bus route 9 and IU Campus Bus routes E and F on Third Street. The location connects to the bicycle network and sidewalk network into the Elm Heights neighborhood to the south, the IU campus to the north, as well as into downtown. As has been shown over decades of the restaurant use at this location, the existing public streets are adequate to manage the vehicle, bicycle, and pedestrian traffic associated with the proposed use.

- iii. *Minimizes or Mitigate Adverse Impacts*
1. *The proposed use and development shall not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance.*
 2. *The proposed development shall not cause significant adverse impacts on surrounding properties nor create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights.*
 3. *The hours of operation, outside lighting, and trash and waste collection shall not pose a hazard, hardship, or nuisance to the neighborhood.*
 4. *The petitioner shall make a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the pre-submittal neighborhood meeting for the specific proposal, if such a meeting is required.*

PROPOSED FINDING: The proposed use does not result in any damage to natural, scenic, or historic features. No nuisance regarding noise, smoke, odors, vibrations, lighting, or hours of operation is found. No pre-submittal neighborhood meeting is required.

- iv. *Rational Phasing Plan*
If the petition involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements

that are required to comply with the project's cumulative development to date and shall not depend upon subsequent phases for those improvements.

PROPOSED FINDING: There is no phasing plan for this proposal.

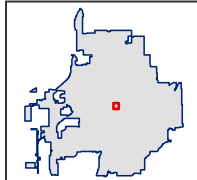
RECOMMENDATION: Based upon the report and written findings of fact above, the Department recommends that the Hearing Officer adopt the proposed findings and approve CU-10-23 / USE2023-03-0008 with the following conditions:

1. This conditional use approval is limited to the “restaurant” use in the tenant space identified in the submitted materials.
2. This conditional use approval shall continue, regardless of any changes in ownership or name of business, as long as the use continues to meet the UDO definition of the “restaurant” use in the identified tenant space.



Map Legend

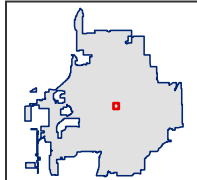
- Parcels
- No Parking Anytime
- Pavement
- Alley
- Parking Lot Type**
- Paved Parking Lot
- Island; Building Island
- Current
- Street Typology**
- General Urban
- Neighborhood





Map Legend

- Parcels
- Notable
- Non-Contributing
- No Parking Anytime
- Rating
- Contributing
- Local Historic Districts
- Zoning District Boundary
- Outstanding



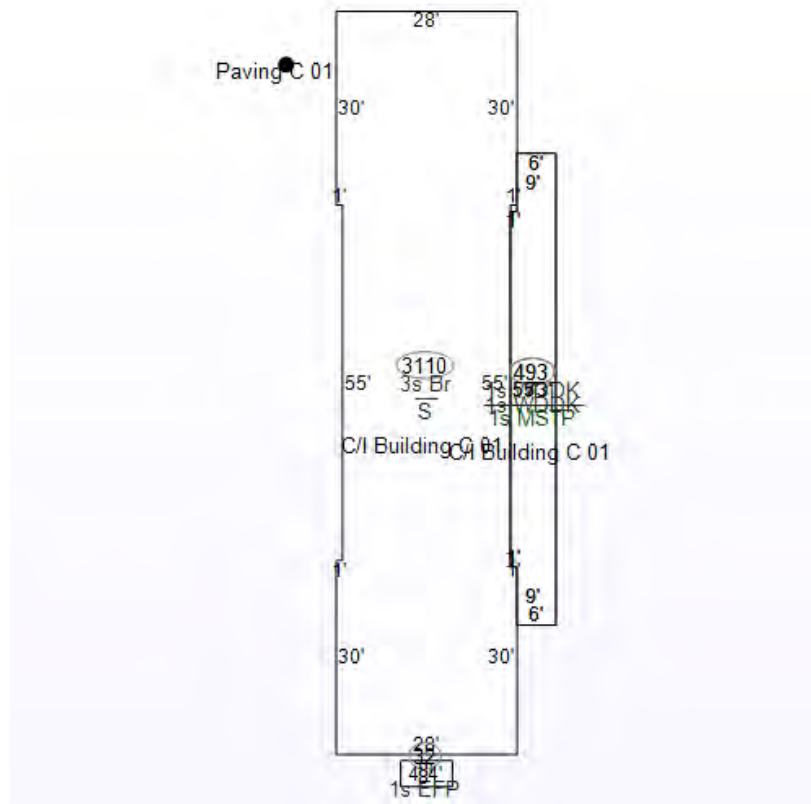
Petition for Conditional Use

This petition is a request for conditional use approval to allow an existing restaurant use (The Inkwell) in an existing building in the Residential High-Density Multifamily (RH) zoning district.

A brief history of the location shows that there has been a restaurant in the location since the building was built in the 1970s. The first restaurant being, Our House opened in 1970 by Linda Prall. Then in the 80's Subway took over the space and operated in the location until it's closure in May of 2021. Apparently the signage that welcomed customers to Subway was never approved for use. (See photos).

Inkwell is proposing to add signage to the building in the same locations. See attached renderings from our sign company (Hi Rise DBA Fast Signs).





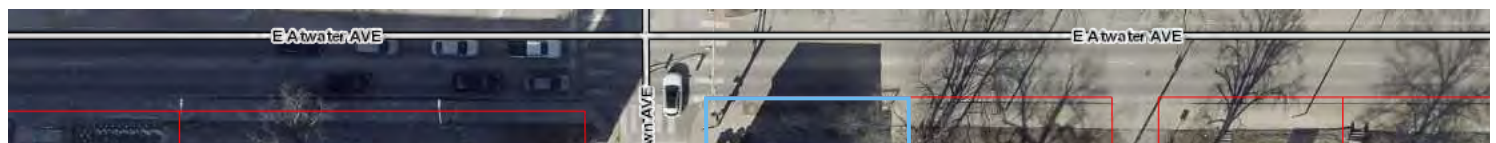
Overlay Report

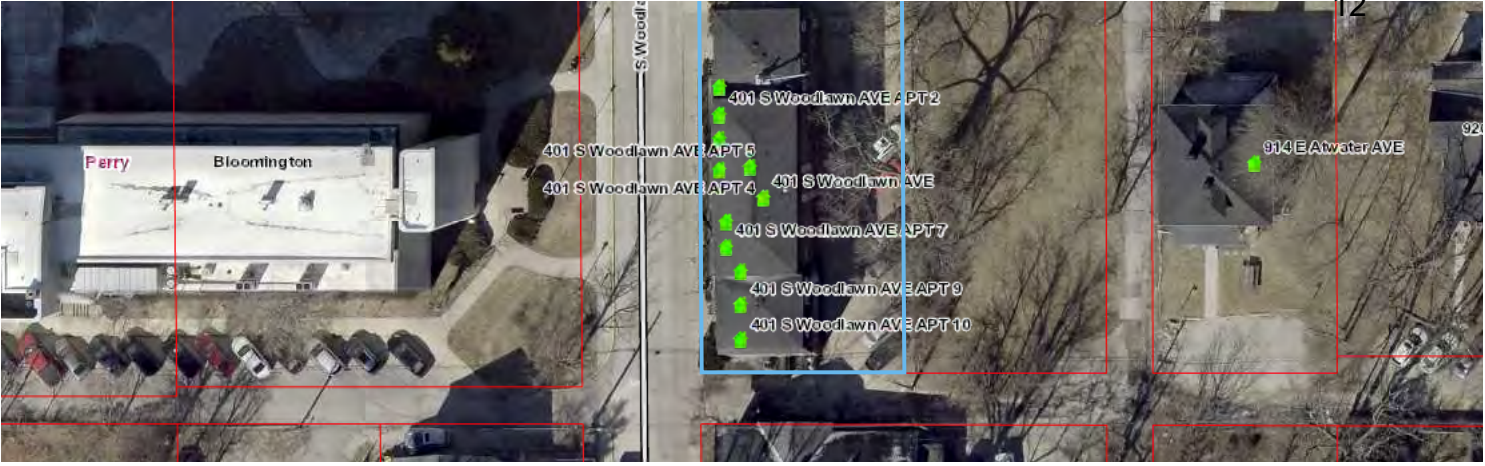
Overlay by Landuse and Soil

PIN 18	53-08-04-104-019.000-009			
Total Acreage	0.208			
Total Adj. Acreage	0.210			
Soil Type	Land Use Code	Land Type	GIS Acreage	Adj. Acreage
Ctb	5	Non-tillable Land	0.208	0.210
Ctb	82	Agric Support-public Road	0.000	0.000

Overlay by Landuse

PIN 18	53-08-04-104-019.000-009			
Total Acreage	0.208			
Total Adj. Acreage	0.210			
Land Use Code	Land Type	GIS Acreage	Adj. Acreage	
5	Non-tillable Land	0.208	0.210	
82	Agric Support-public Road	0.000	0.000	
Unk		0.000	0.000	





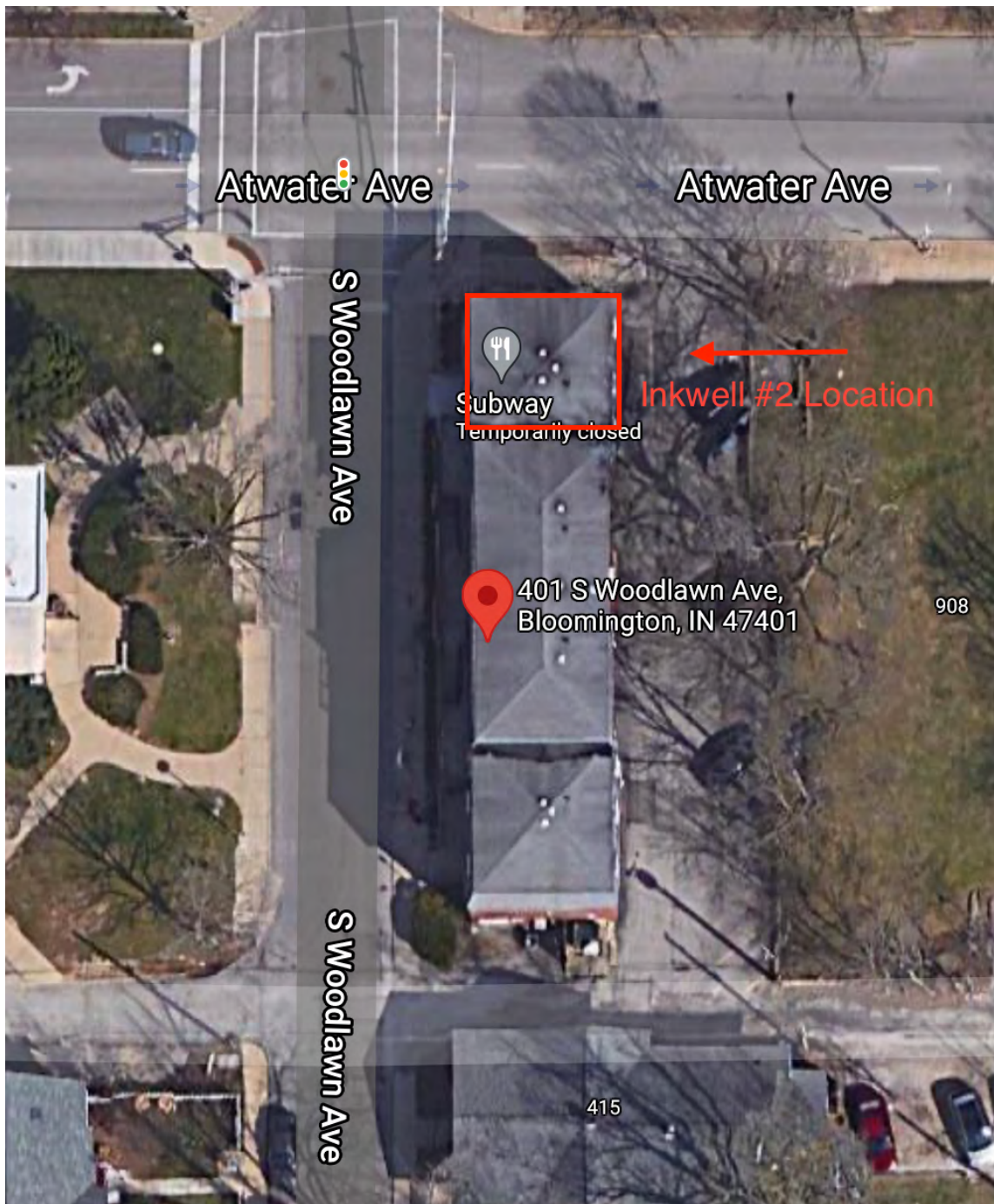


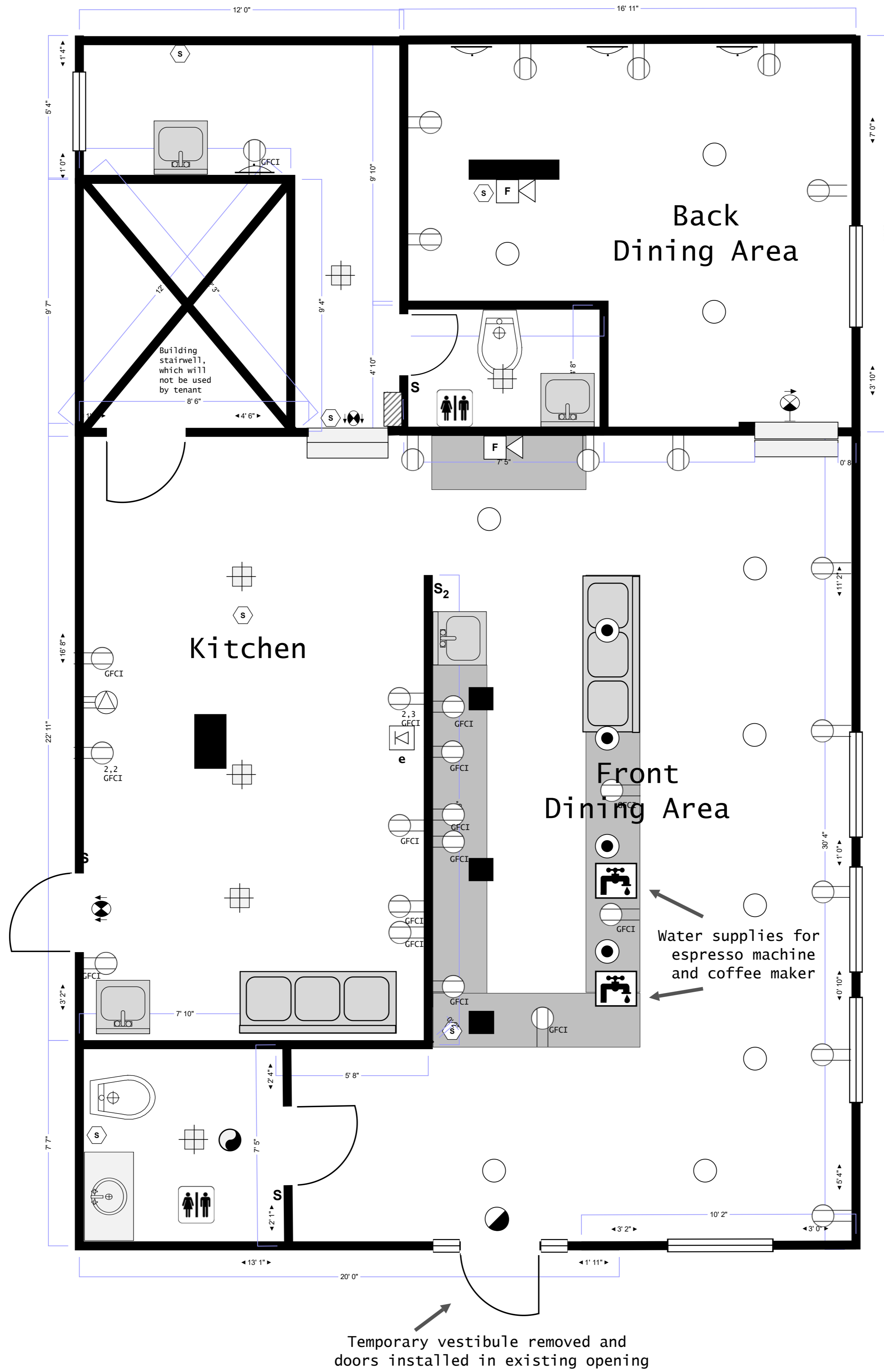




Inkwell #2 Site Plan

401 S. Woodlawn Ave.
Bloomington, IN 47401





Site: 401 S. Woodlawn Ave., Bloomington, IN 47401	Drawing: 00001	Project: 00001	Drawn: Abbey Stemler	Notes: Drawn by a non-professional. Please call Abbey Stemler, 502-640-6048, if you have any questions	Cereal Eats, LLC (d/b/a The Inkwell)
Title: Inkwell #2 NEW Floor Plan with Electric and Plumbing	Scale: 1/4" = 1'0"	Date: 06/09/2021	Rev:		

Qty: (1)

61.1 in

18

25.4 in
20.1 in
5.6 in
2.4 in

The Inkuwell

BAKERY & CAFÉ

FCO Letters:

- 1/2" Thick Exterior Type-1 PVC
- Painted: White
- For Stud Mounting

The Inkuwell
BAKERY & CAFÉ

Door Vinyl:

- White Opaque Vinyl



PLEASE READ CAREFULLY

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CUSTOMER Inkuwell Bakery

Site Address
401 S. Woodlawn Ave.
Bloomington, IN 47401

Digital File Location:
e8265

Project / Sign Type
Front Elevation FCO Letters

Revision Notes

-

PROOF NO. J1

DATE 9/11/23

Contact

Wally

Customer Approval

Date

Property Owner Approval

Date

Qty: (1)

5.9 in

57.4 in

54.0 in

Qty: (1)

74.0 in

19



FCO Letters:

- 1/2" Thick Exterior Type-1 PVC
- Painted: White
- For Stud Mounting

PROPOSED:



PLEASE READ CAREFULLY

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CUSTOMER Inkwell Bakery

Site Address
401 S. Woodlawn Ave.
Bloomington, IN 47401

Digital File Location:
e8265

Project / Sign Type
Side Elevation FCO Letters

Revision Notes

•

PROOF NO. J1

DATE 8/9/23

Contact

Wally

Customer Approval

Date

Property Owner Approval

Date

**BLOOMINGTON HEARING OFFICER
STAFF REPORT
Location: 511 and 515 N. Grant Street**

**CASE #: V-41-23
DATE: January 3, 2024**

PETITIONER: Strauser Build & Design, Inc.
453 S. Clarizz Blvd, Bloomington

CONSULTANTS: Matte Black Architecture
2021 E. Wexley Road, Bloomington

REQUEST: Variance from rear and side yard building setback requirements for two existing buildings in the Residential Multifamily (RM) zoning district.

REPORT: This 0.68 acre property is located at 515 N. Grant Street and is zoned Residential Multifamily (RM). The property is developed with two other multi-family buildings and a surface parking lot. Surrounding properties are all zoned Residential Multifamily (RM) and have been developed with a mix of single and multi-family residences. There are no known sensitive environmental features on the site. The site is not located in a historic district. There are 12' platted alleys that run along the west and south property lines.

The petitioner is proposing to remove the surface parking lot on the north side of the site to construct a new multi-family residential building. There are two existing buildings that would remain unaltered. With new construction on the property, Section 20.06.090(f)(1) of the UDO requires the site to come into full compliance. The two existing structures on the site do not meet building setback standards. The northern building (515 N. Grant) is only 4' from the rear (west) property line and does not meet the 15' rear yard setback. The southern building (511 N. Grant) is only 3' from the side (south) property line and does not meet the 10' side yard setback.

The petitioner is requesting a variance from the required side and rear yard setback standards for the two existing buildings. No variances are requested or approved for the construction of the new building.

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 setbacks will not be injurious to the public health, safety, morals, or general welfare of the community. The two buildings have existed for several decades with no known negative

impacts. Both structures with the portions of the building that do not meet the required setbacks are adjacent to platted alleys, which reduces any impact of their presence within the required setback.

- 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.*

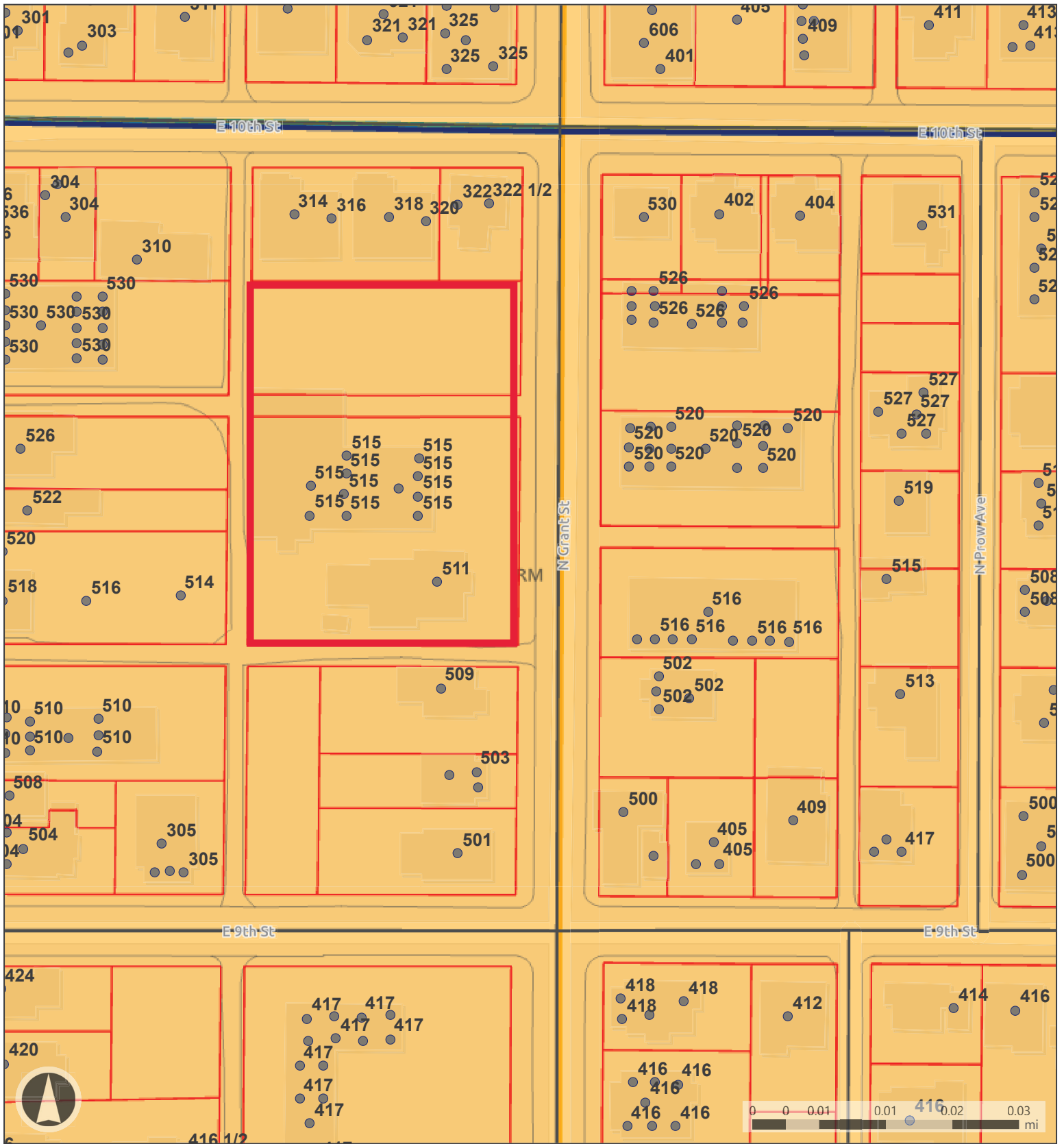
PROPOSED FINDING: No adverse impacts to the use and value of surrounding properties as a result of the requested variance to allow the existing structures to remain are found. As mentioned, the two buildings have existing for several decades with no known impacts on the use or value of the area adjacent 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 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 it would require the buildings to be completely removed in order to meet setback requirements in order to allow any new construction on the property as there is not a practical manner to only remove a portion of the building to meet the required setbacks. The property is peculiar in that there are platted alleys along both the west and south sides of the site that provide the light and open space that would be achieved with the required setbacks. The granting of the variance to allow the buildings to remain will allow the construction of a new residential building on the site and increase the number of dwelling units within the community.

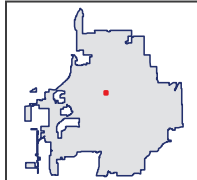
RECOMMENDATION: The Department recommends that the Hearing Officer adopt the proposed findings and approve V-41-23 with the following condition:

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



Map Legend

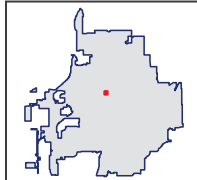
- Addresses
- Parcels
- Edge of Pavement
- Current
- Street Typology**
- General Urban
- Neighborhood Residential
- Functional Classification**
- Secondary Arterial
- 501 - 2500
- 2501 - 10000



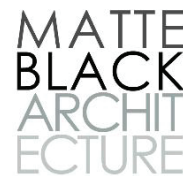


Map Legend

- Addresses
- Parcels
- Edge of Pavement
- Current
- Street Typology**
- General Urban
- Secondary Arterial
- Neighborhood Residential
- Functional Classification**
- 501 - 2500
- 2501 - 10000
- Neighborhood Residential AADT**



Petitioner's Statement



515 N Grant St

Attention: City of Bloomington Board of Zoning Appeals
Petitioner: Ryan Strauser, Strauser Design + Build LLC

Property Description

The property at 515 N Grant contains an existing 2-story 10 unit (31 bedrooms) 6300 sf apartment building (formerly a church), an existing 1-story (5 bedrooms) 2440 sf house as well as an existing surface parking lot. The petitioner is planning to build a new 3-story 6200 sf apartment building where the parking lot is currently.

Variance Request

Because the existing buildings are partially within the current setbacks (2-story building along the west side of the property and 1-story building along the south side of the property) the petitioner is requesting a variance from setbacks for those buildings only. The new proposed apartment building will be behind all required setbacks.

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)

revisions:

ARCHITECTURE	BYNUM FANBY & ASSOCIATES, INC.	528 North Walnut Street	Bloomington, Indiana	(612) 399-2990 (Fax)
ENGINEERING				
PLANNING				

certified by:

PROPOSED	515 N GRANT ST	BLOOMINGTON, IN 47408
PROPOSED	515 N GRANT ST	BLOOMINGTON, IN 47408

designed by: **25**
 drawn by: **25**
 sheet no.: 0201
 project no.: 402351

EXISTING LEGEND

X	EXISTING FENCE
—	EXISTING WATER LINE
—	EXISTING OVERHEAD ELECTRIC LINES
—	EXISTING UNDERGROUND ELECTRIC LINES
—	EXISTING OVERHEAD TELEPHONE LINES
—	EXISTING UNDERGROUND TELEPHONE LINES
—	EXISTING GAS LINE
—	EXISTING SANITARY SEWER AND INLET
—	EXISTING CONDUIT & ELEVATION
—	EXISTING FLOOR LINE
—	EXISTING SANITARY SEWER AND INLET MANHOLE
—	EXISTING STORM SEWER AND INLET

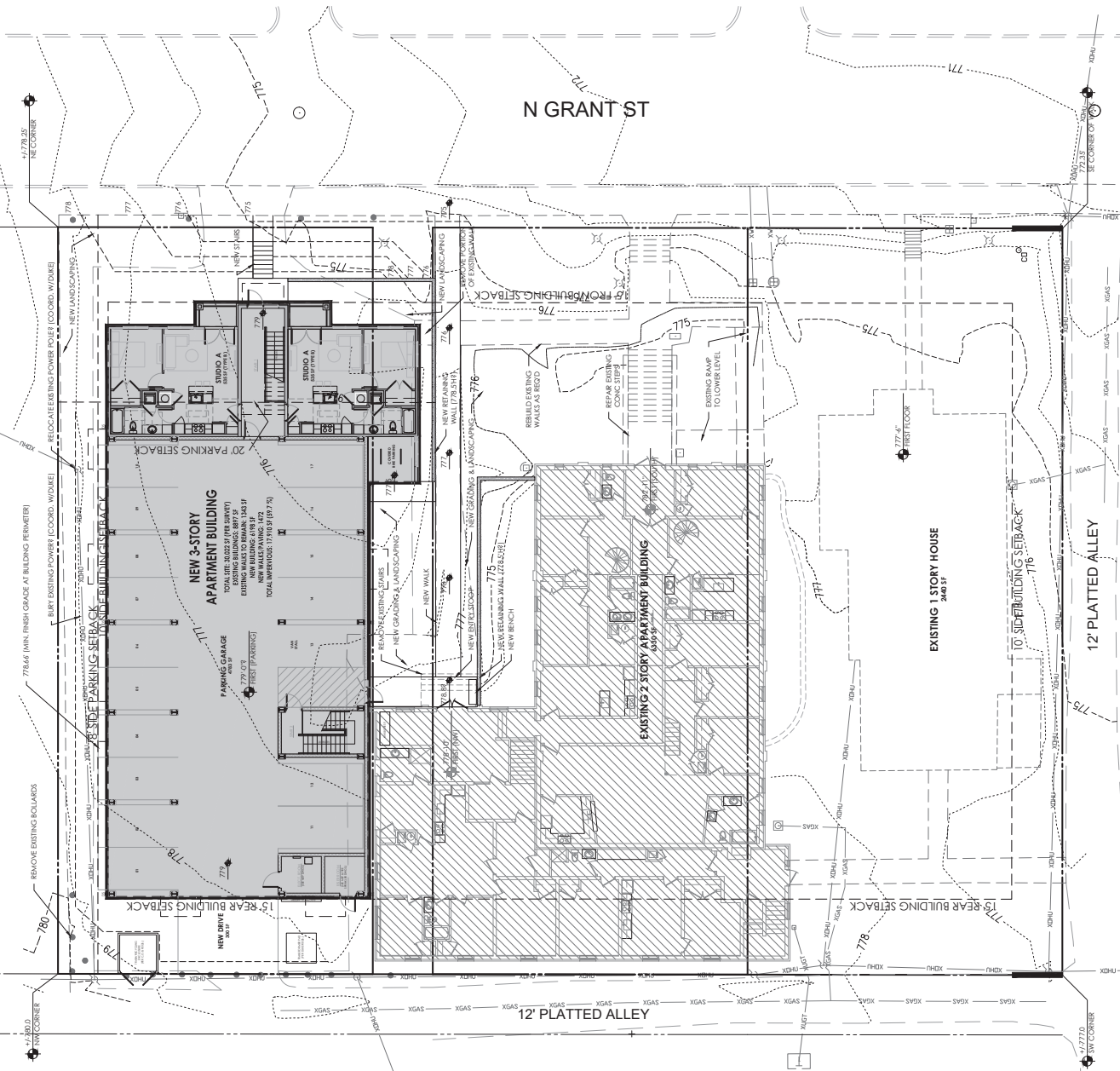
UTILITY LEGEND

—	PROPOSED BY THE SERVICE LINE
—	PROPOSED DOMESTIC SERVICE LINE
—	PROPOSED WATER VALVE
—	PROPOSED FIRE HYDRANT
—	PROPOSED FIRE HYDRANT (WITH 4" METAL AND BRASS) (WITH 4" METAL AND BRASS)
—	PROPOSED STORM SEWER INLET AND PIPE
—	PROPOSED SCHEDULE 40 PIPE BUILDING DRAIN
—	GAS
—	PROPOSED ELECTRIC SERVICE LINE
—	ELECT.

SITE LEGEND

○	PROPOSED PARKING LOT SIGN
○	PROPOSED REMOVABLE PAVES WITH CURB
○	PROPOSED REMOVABLE PAVES (NO CURB)
○	SUBJECT (TYPICAL)
○	BIKE PARKING
○	ACCESS RAMP
○	ACCESS RAMP
○	SEWER FLOOR WITH FANOUT
○	SEWER WITH CURB
○	ACCESSIBLE PARKING SIGN

NOTE TO CONTRACTOR
 CONTRACTOR SHALL VERIFY ALL UTILITIES AND ENGINEER OF ANY INCURRANCES IN LOCATION OR ELEVATION OR ANY CONFLICTS PRIOR TO & AFTER ANY EXCAVATION. NO PAYMENT SHALL BE MADE FOR ANY UTILITIES OR CONFLICTS PRIOR TO CONDUCTING EXCAVATIONS.



**BLOOMINGTON HEARING OFFICER
STAFF REPORT
Location: 1200 E. Hillside Drive**

**CASE #: V-46-23
DATE: January 3, 2024**

PETITIONER: Ellen and Adam Rodkey.
1200 E. Hillside Drive, Bloomington

REQUEST: Variance from the maximum allowed driveway width and number of drive cuts allowed to allow a new drive cut in the Residential Medium Lot (R2) zoning district.

REPORT: This 0.20 acre property is located at 1200 E. Hillside Drive and is zoned Residential Medium Lot (R2). The property is located at the southeast corner of the intersection of E. Hillside Drive and S. Olive Street. The property is developed with a single family residence and is surrounded by other single family residences to the east, south and west with multi-family buildings to the north. Surrounding properties to the east, south, and west are zoned Residential Medium Lot (R2) and the property to the north is zoned Residential Multifamily (RM). Although there are no known sensitive environmental features on the site, there is a substantial amount of topography change along the site. The property slopes from the east to the west with a retaining wall along the west end of the site adjacent to an existing parking area and there is also a substantial grade change from the south to the north along Olive Street and a retaining wall along the Olive Street frontage as well. The site is not located in a historic district.

The site currently has a drive cut on both adjacent street frontages, with an approximately 42' wide drive cut on Olive Street and a 12' wide drive cut on Hillside Drive. The City is pursuing a project to improve the Olive Street right-of-way along this corridor and will be modifying the design of the Hillside and Olive intersection, as well as installing a bike lane on Olive Street. This will remove the current drive cut on Hillside Drive and affect the location and width of the current parking area along Olive Street, which will result in a parking area for only one vehicle on the site. As a result, the petitioner is proposing to install one new parallel parking space and drive cut on Olive Street to provide for a total of two, on-site parking spaces.

The Unified Development Ordinance allows for only one, 18' wide drive cut for single family residential uses. The petitioner is requesting a variance from this standard to allow two drive cuts and for one of those drive cuts to be 22' wide to allow for one additional, parallel parking space along Olive Street.

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 will not be injurious to the public health, safety, morals, and general welfare of the community. Allowing the second drive cut on Olive Street will reduce the overall width of the drive cut along Olive and remove a drive cut from Hillside Drive. This variance would place the new drive cut on the lower classified and lower traffic volume street, which is an improvement in driver safety for the area.

- 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.*

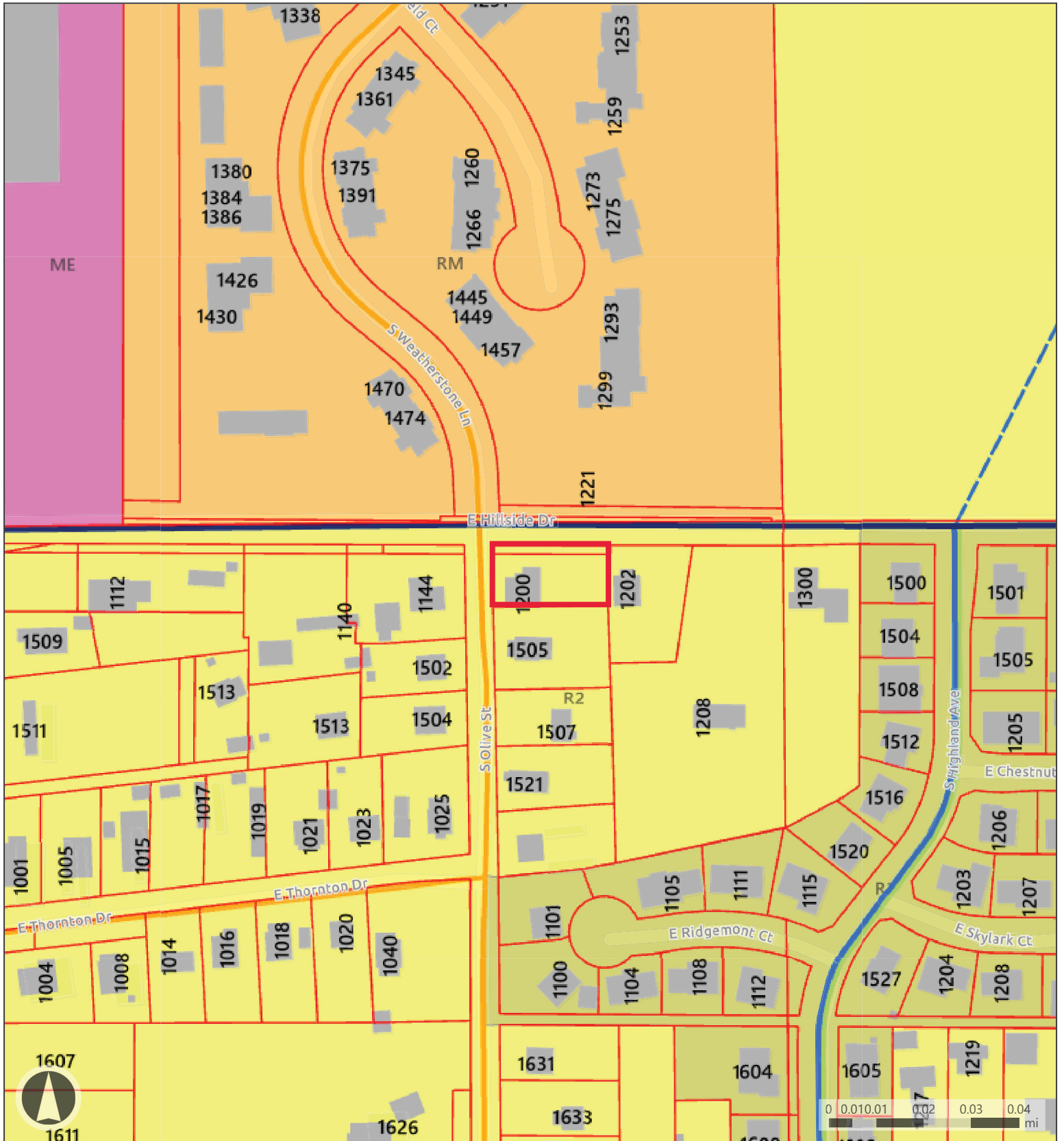
PROPOSED FINDING: No adverse impacts to the use and value of surrounding properties as a result of the requested variance to allow the second drive cut are found. As mentioned, the new drive cut would be located on the lower classified street and still only allow for the parking of two vehicles on the 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: 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 it would not allow the second drive cut on the site which is a typical arrangement for a single family residential use. There is not a practical manner to add or widen the existing parking area as the distance between the existing building and Olive Street does not allow for the driveway to be deeper or wider. In addition, the existing driveway could not be widened to the north because it would not meet the 30' setback requirement for a driveway from Hillside Drive. The construction of one parallel parking space along Olive Street accommodates the peculiar topographic layout of the site and adjacent right-of-way. The property is peculiar in the change in topography along the site and location of the existing structure and right-of-way line. The granting of the variance will allow for the provision of only two, on-site parking spaces which is a typical allowance for single family residences.

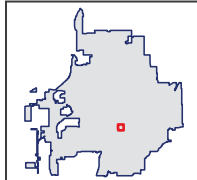
RECOMMENDATION: The Department recommends that the Hearing Officer adopt the proposed findings and approve V-46-23 with the following condition:

1. This approval is for the submitted driveway design and location only.



Map Legend

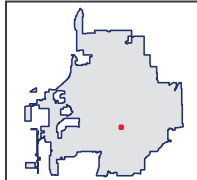
- Parcels
- Mixed-Use Employment
- Residential Small Lot
- Residential Medium Lot
- Residential Multifamily
- Buildings





Map Legend

- Parcels
- Buildings



Ellen and Adam Rodkey
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Bloomington, IN 47401
ellenrodkey@gmail.com
979-240-8696

Hearing Officer
Planning and Transportation Department
City of Bloomington
401 N Morton Street, Suite 130
Bloomington, IN 47404

RE: Petitioners Statement

Thank you for your consideration of the following petition for two variances on our residential property at 1200 E Hillside Drive.

Property Description

Since 2007, we have owned and lived in our home at the corner of E Hillside Dr and S Olive St, an R2 zoning district. Immediately north of Hillside Drive (where S Olive St becomes S Weatherstone) is multifamily housing, the Boulders apartment complex. Within two blocks east, there is a small R3 zone at Highland Ave which continues one block south of our property on Thornton Dr. There is a single structure - a modest, single-family home at 1074 square feet, including an attached single car garage and driveway on the northwest corner of the house. The driveway is 11.5' wide and backs-out onto S Olive St. While there is no on-street parking along E Hillside Dr or S Olive St, we have been able to park a second car parallel to S Olive Street on the northwest corner of the driveway.

Background and Variance Request

In spring 2022, we worked with Karina Pazos, City of Bloomington Zoning Planner, to develop a plan for an addition on the east side of our house including a new attached garage and driveway off E Hillside Dr with the agreement to eliminate our current driveway. However, as building materials and inflation significantly increased over the course of the project planning, we made a final decision to leave the home and driveway intact.

In summer 2023, Hank Duncan, City of Bloomington Bicycle and Pedestrian Coordinator, made us aware of the proposed Hillside & Olive/Weatherstone Intersection Improvement Plan. We stayed in close communication with Hank and attended the August 16 public meeting. Following the approval of the design concept in October 2023, Hank made us aware of the plan to widen S Olive St, which will prohibit us from parking our second car in its prior place. This results in significant impacts to the practical use of our driveway.

After discussing the options with City of Bloomington Planning Department staff, we are proposing the development of a parallel parking spot on S Olive Street on the west side of the property and as identified on the attached sketch. The dimensions of the proposed parking space meet the requirements of Section 20.04.060 – Table 04-11: Parking Dimensions in which a parallel space should be 8' x 22.5'. However, according to Section 20.04.050(c), the current UDO allows for a maximum of one driveway

access point (1)(B) and may not exceed 18 feet (3)(B)(i). Therefore, we are requesting a variance from each of these development standards of the UDO.

Conclusion

We hope you will consider granting the above variances using the general approval criteria set forth in section 20.06.080(b)(3)(e)(i). We do not believe it will be injurious to the public health or welfare of the community nor do we foresee that it will affect the value of our adjacent neighbors in an adverse manner. Rather, our property at 1200 E Hillside does have constraints that makes parking two cars difficult and having two cars for a single-family home is not out of the norm. The Hillside and Olive/Weatherstone Intersection Improvements will also add to the constraints of our property. Yet, granting the variance would alleviate these difficulties.

Thank you for your time and consideration,

Ellen and Adam Rodkey

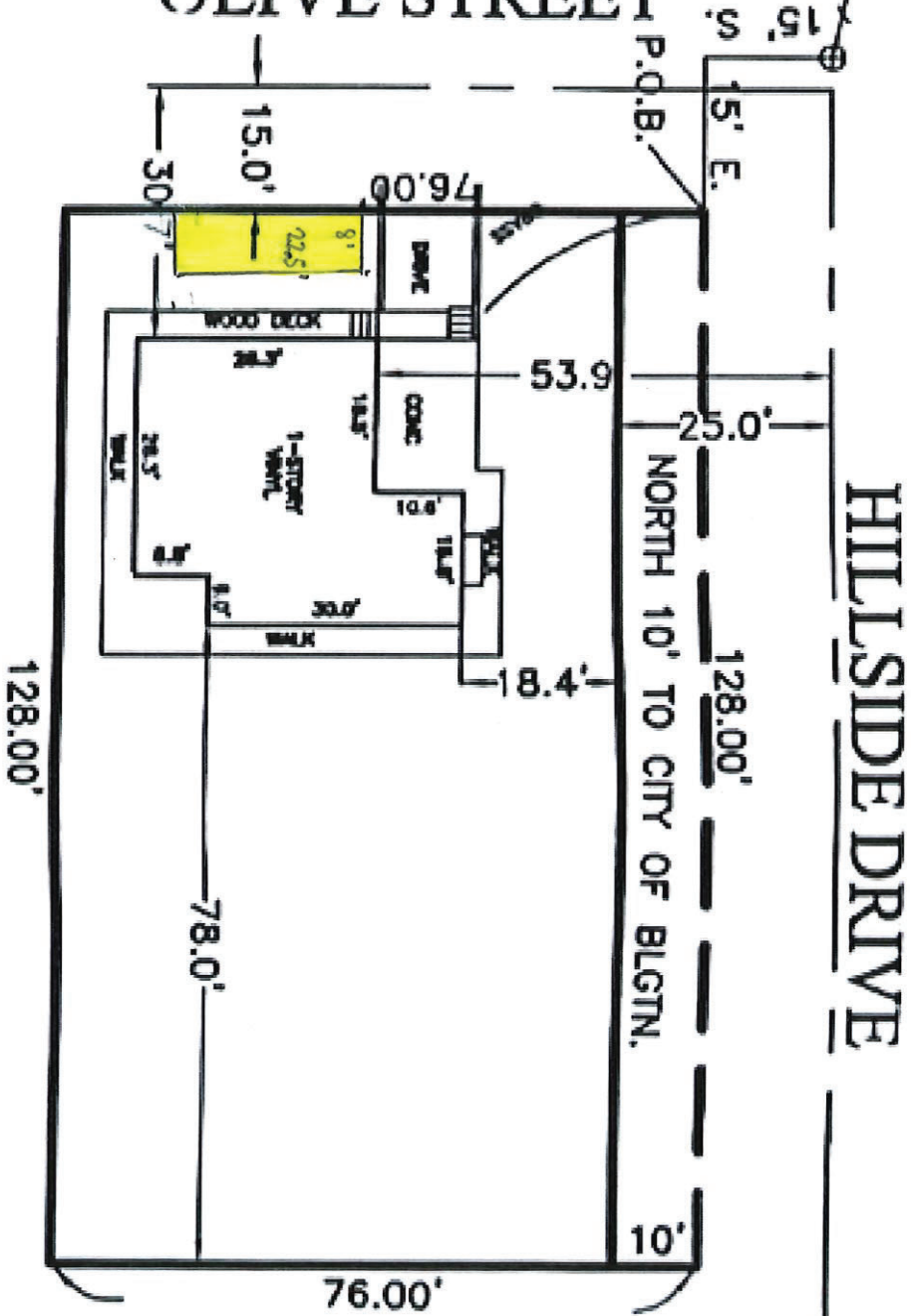
Attachments:

Site Plan Sketch

1200 E Hillside Survey

330.00' W. OF NE CORNER
4' W. OF C/L OLIVE ST.

OLIVE STREET



NORTH 10' TO CITY OF BLCGN.

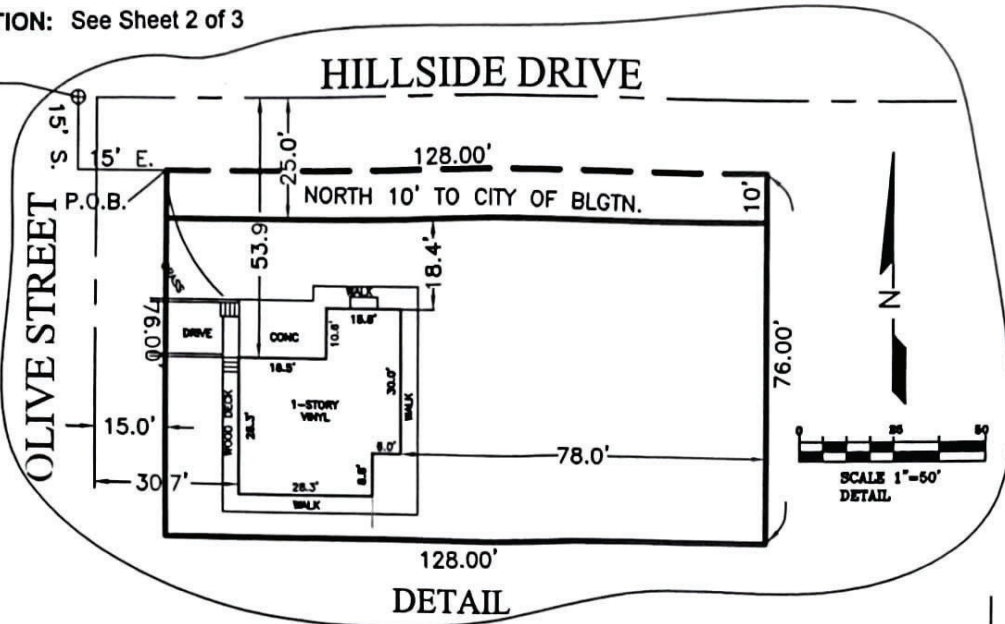
HILLSIDE DRIVE

SURVEYOR LOCATION REPORT

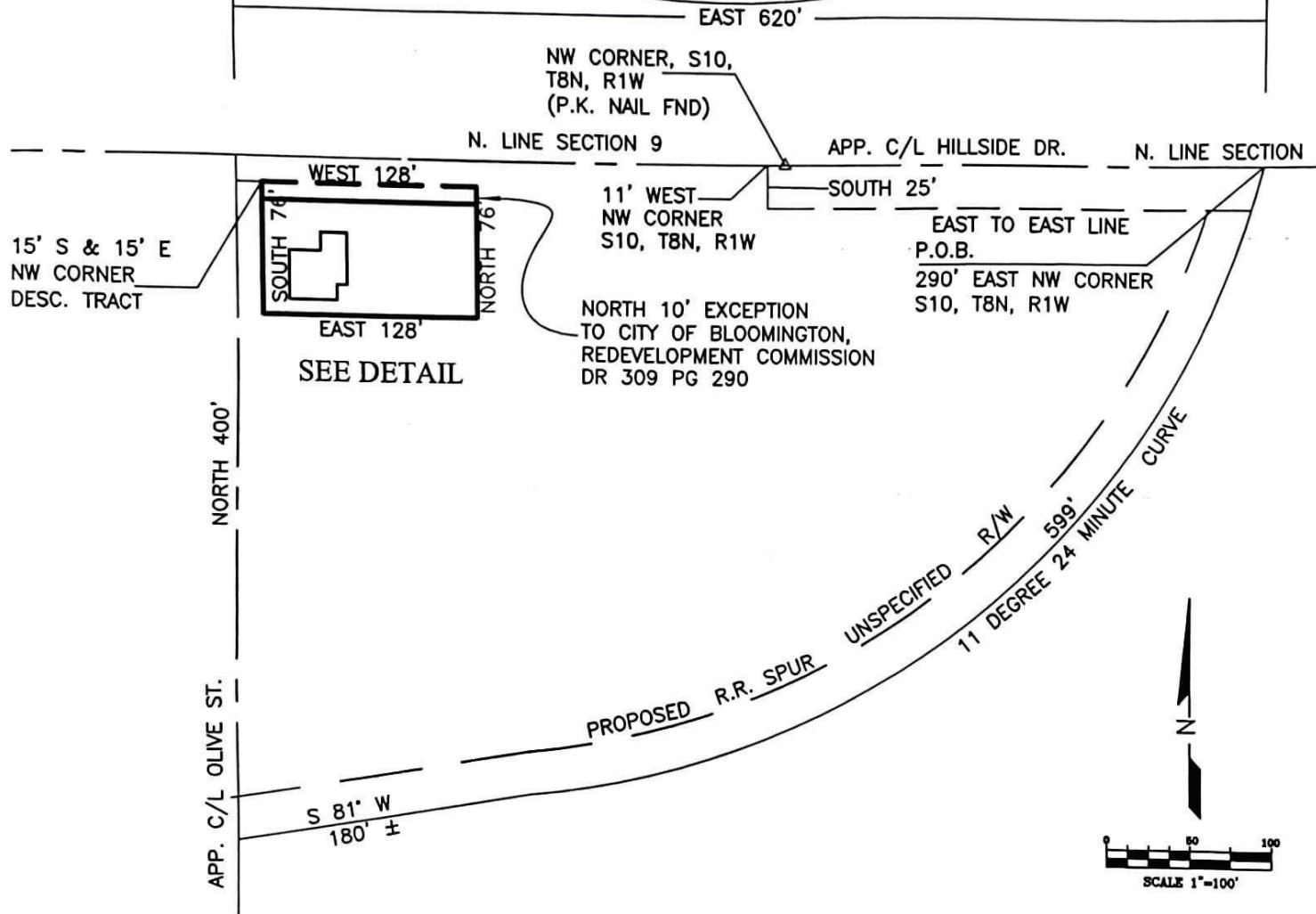
PROPERTY ADDRESS: 1200 E. Hillside Drive

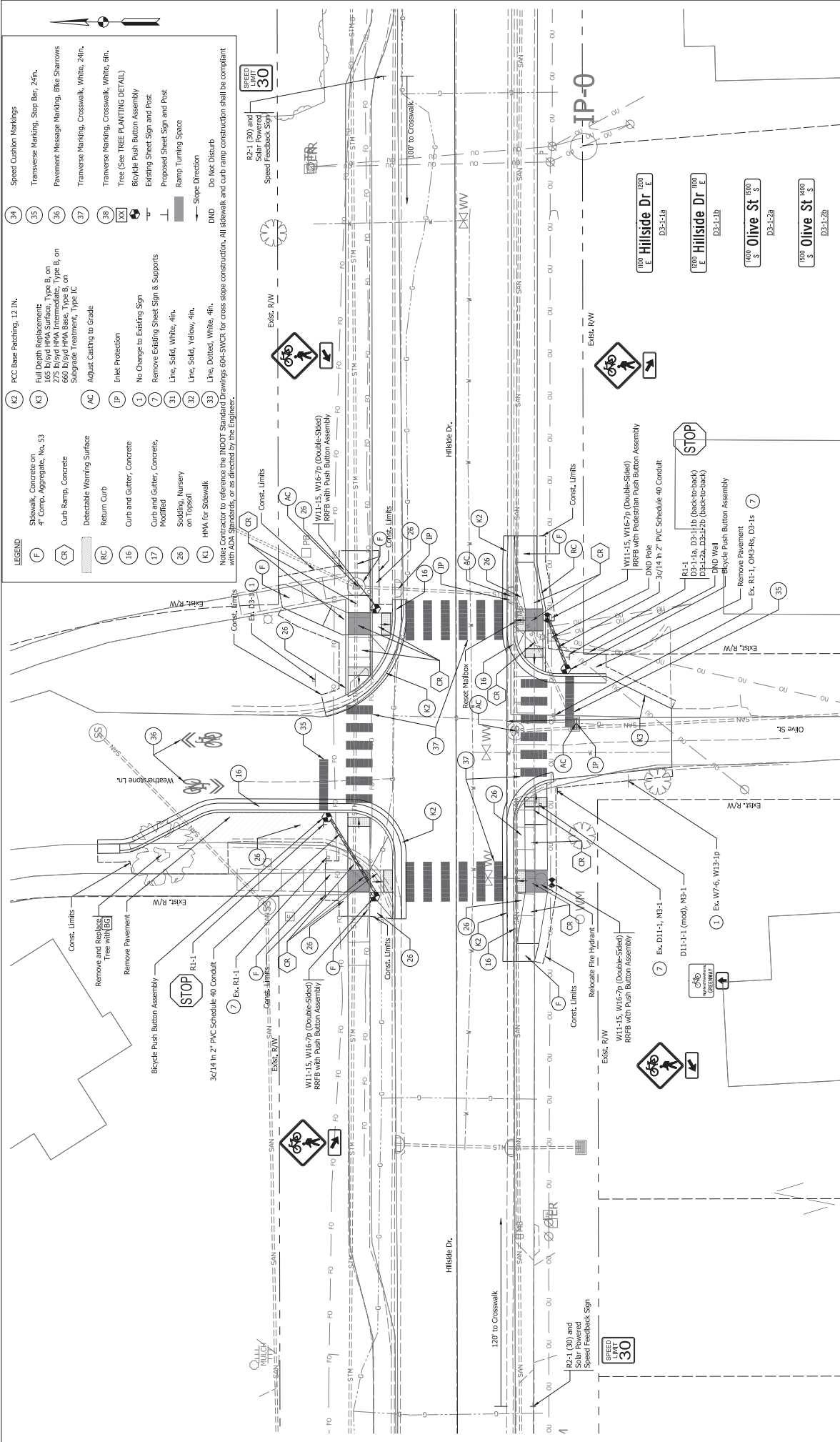
PROPERTY DESCRIPTION: See Sheet 2 of 3

330.00' W. OF NE CORNER
4' W. OF C/L OLIVE ST.



DETAIL





LEGEND

(F)	Skewback, Concrete on 4" Comp. Aggregate, No. 53
(CK)	Curb Ramp, Concrete
(RC)	Detectable Warning Surface
(16)	Return Curb
(17)	Curb and Gutter, Concrete
(26)	Curb and Gutter, Concrete, Modified
(41)	Sodding, Nursery on Topsoil
(K2)	PCC Base Patching, 12 IN.
(K3)	Full Depth Replacement: 165 lb/syd HMA Surface, Type B, on 660 lb/syd HMA Base, Type B, on Subgrade Treatment, Type 1C
(AC)	Adjust Casting to Grade
(IP)	Inlet Protection
(7)	No Change to Existing Sign
(31)	Remove Existing Sheet Sign & Supports
(32)	Proposed Sheet Sign and Post
(33)	Ramp Turning Space
(34)	Speed Cushion Markings
(35)	Transverse Marking, Stop Bar, 24in.
(36)	Pavement Message Marking, Bicyc Sharrows
(37)	Transverse Marking, Crosswalk, White, 24in.
(38)	Transverse Marking, Crosswalk, White, 6in.
(XX)	Tree (See TREE PLANTING DETAIL)
(T)	Bicycle Push Button Assembly
(S)	Existing Sheet Sign and Post
(R)	Proposed Sheet Sign and Post
(DND)	Do Not Disturb

Note: Contractor to reference the INDOT Standard Drawings 604-SVCR for cross slope construction. All sidewalk and curb ramp construction shall be compliant with ADA Standards, or as directed by the Engineer.

HORIZONTAL SCALE	BRIDGE FILE
VERTICAL SCALE	DESIGNATION
SURVEY BOOK	12
CONTRACT	34
	SHEET
	OF
	PROJECT

CITY OF BLOOMINGTON
 BLOOMINGTON GREENWAYS
 HILLSIDE DR.

RECOMMENDED FOR APPROVAL	DATE
DESIGNER: SAC	CHECKER: BEA

PROJECT NO.	11172071
DATE	11/17/2021
DESIGNER: SAC	CHECKER: BEA

