

CITY OF BLOOMINGTON



February 22, 2024 @ 5:30 p.m.
City Hall, 401 N. Morton Street
Common Council Chambers, Room #115

[https://bloomington.zoom.us/j/82448983657?pwd=enJxcnArK1pLVDI
nWGROU43dEpXdz09](https://bloomington.zoom.us/j/82448983657?pwd=enJxcnArK1pLVDI
nWGROU43dEpXdz09)

Meeting ID: 824 4898 3657
Passcode: 319455

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

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

February 22, 2024 at 5:30 p.m.

❖ **Virtual Meeting:**

<https://bloomington.zoom.us/j/82448983657?pwd=enJxcnArK1pLVdInWGROTU43dEpXdz09>

Meeting ID: 824 4898 3657 Passcode: 319455

Petition Map: <https://arcg.is/4W0SX0>

ROLL CALL

APPROVAL OF MINUTES: January 18, 2024

PETITIONS CONTINUED TO: March 21, 2024

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*

V-27-22 **Cutters Kirkwood 123, LLC**
113 E. Kirkwood Ave.
Parcel: 53-05-33-310-062.000-005
Request: Variances from Downtown Character Overlay standards to allow less
non-residential area and less large display windows; and a variance from the
requirement to align with the front setback of an adjacent historic structure in the
Mixed-Use Downtown zoning district with the Courthouse Square Character
Overlay (MD-CS). *Case Manager: Jackie Scanlan*

PETITIONS:

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 to allow for a new driveway for a lot in the Residential Medium Lot (R2)
zoning district. *Case Manager: Eric Greulich*

*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.*

****Next Meeting: March 21, 2024**

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.

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 1200 E. Hillside Drive

CASE #: V-46-23
DATE: February 22, 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.*

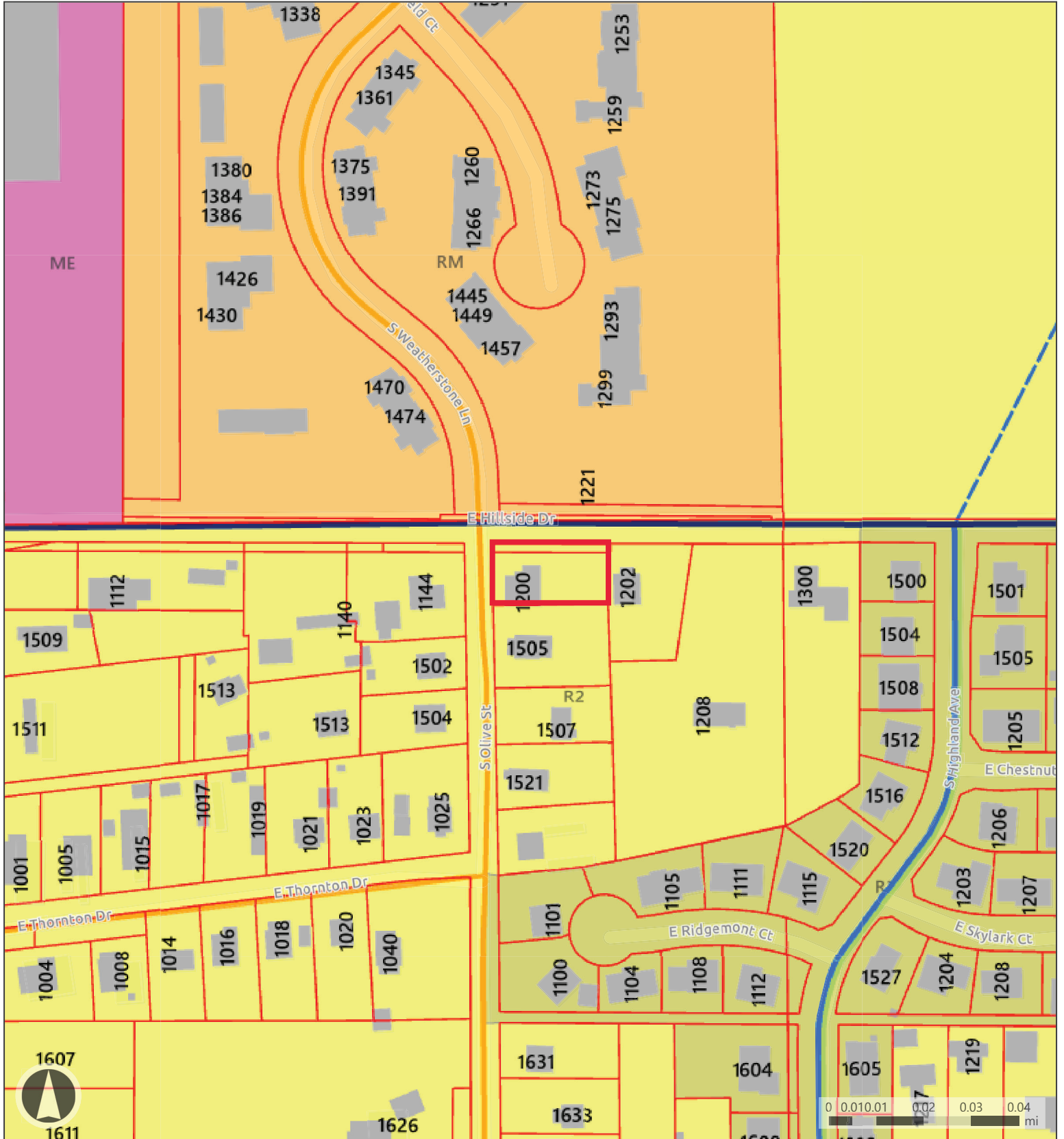
PROPOSED FINDING: No adverse impacts to the use and value of surrounding properties as a result of the requested variance to allow the second drive cut are found. As mentioned, the new drive cut would be located on the lower classified street and still only allow for the parking of two vehicles on the 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.

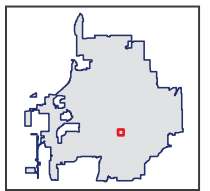
RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve V-46-23 with the following condition:

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



Map Legend

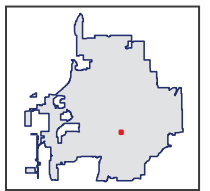
- Parcels
- Mixed-Use Employment
- Residential Small Lot
- Residential Medium Lot
- Residential Multifamily
- Buildings





Map Legend

- Parcels
- Buildings



Ellen and Adam Rodkey
1200 E Hillside Drive
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:

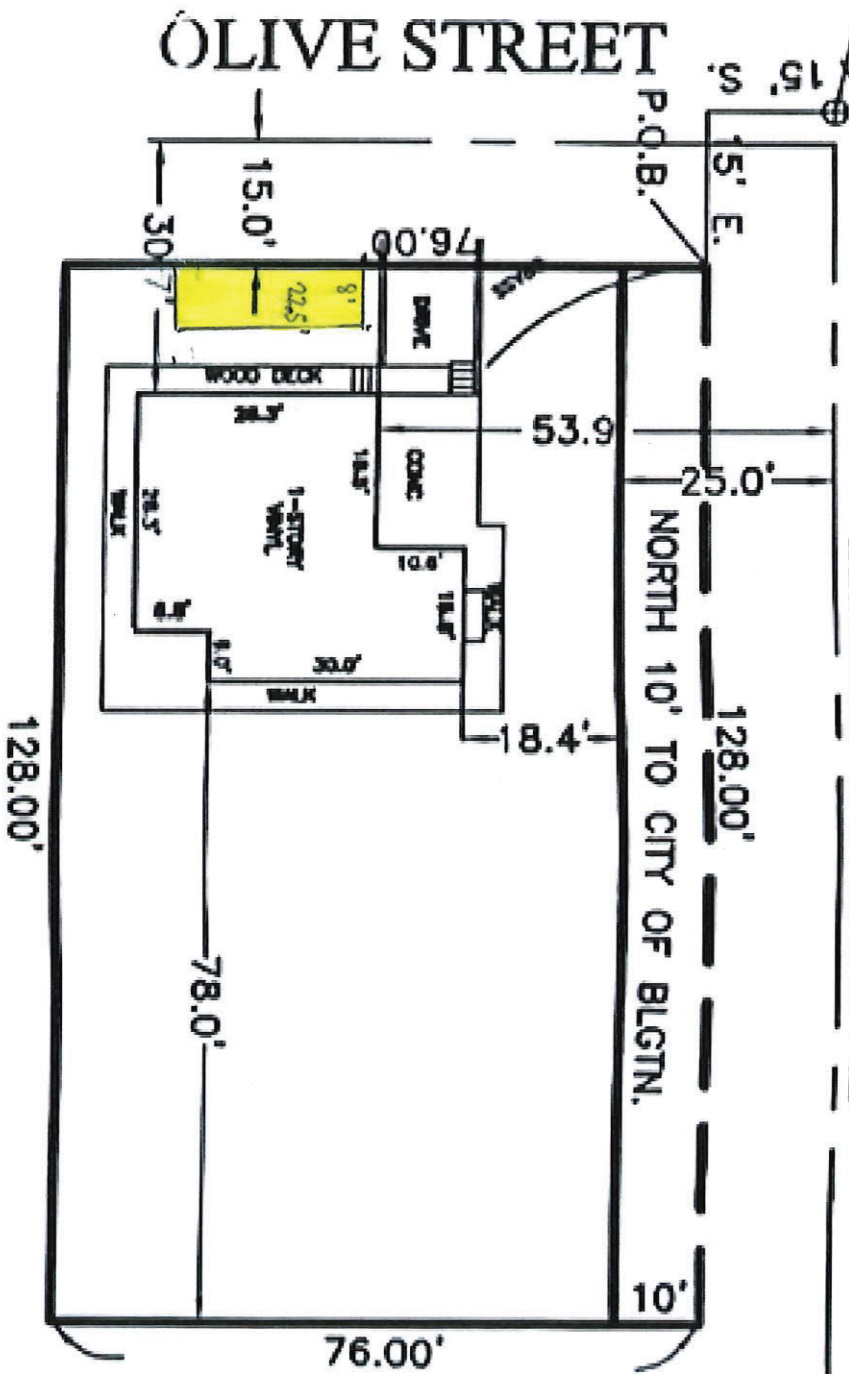
Site Plan Sketch

1200 E Hillside Survey

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

OLIVE STREET

HILLSIDE DRIVE

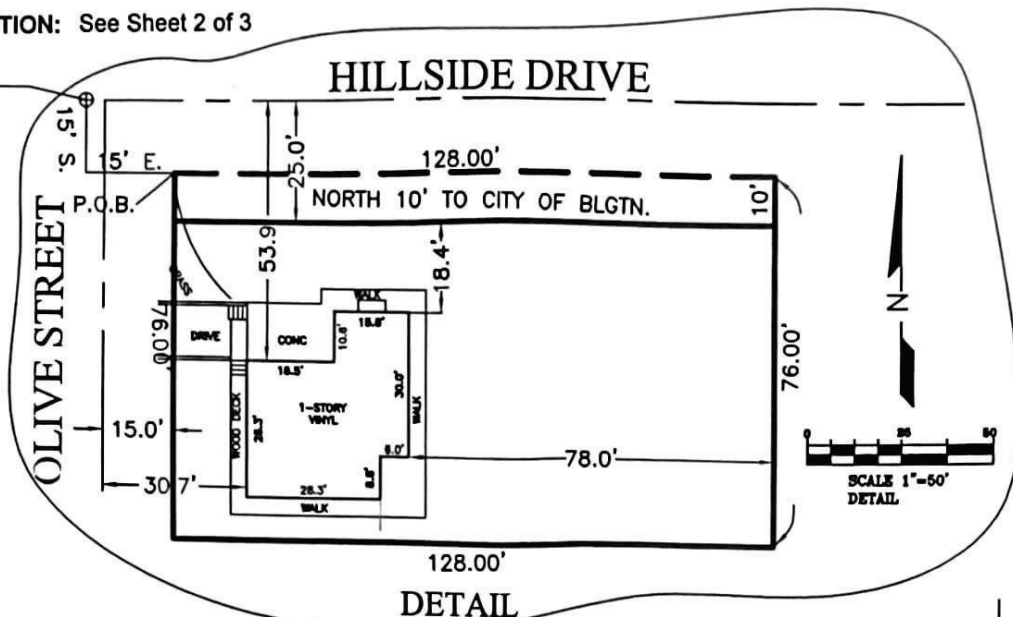


SURVEYOR LOCATION REPORT

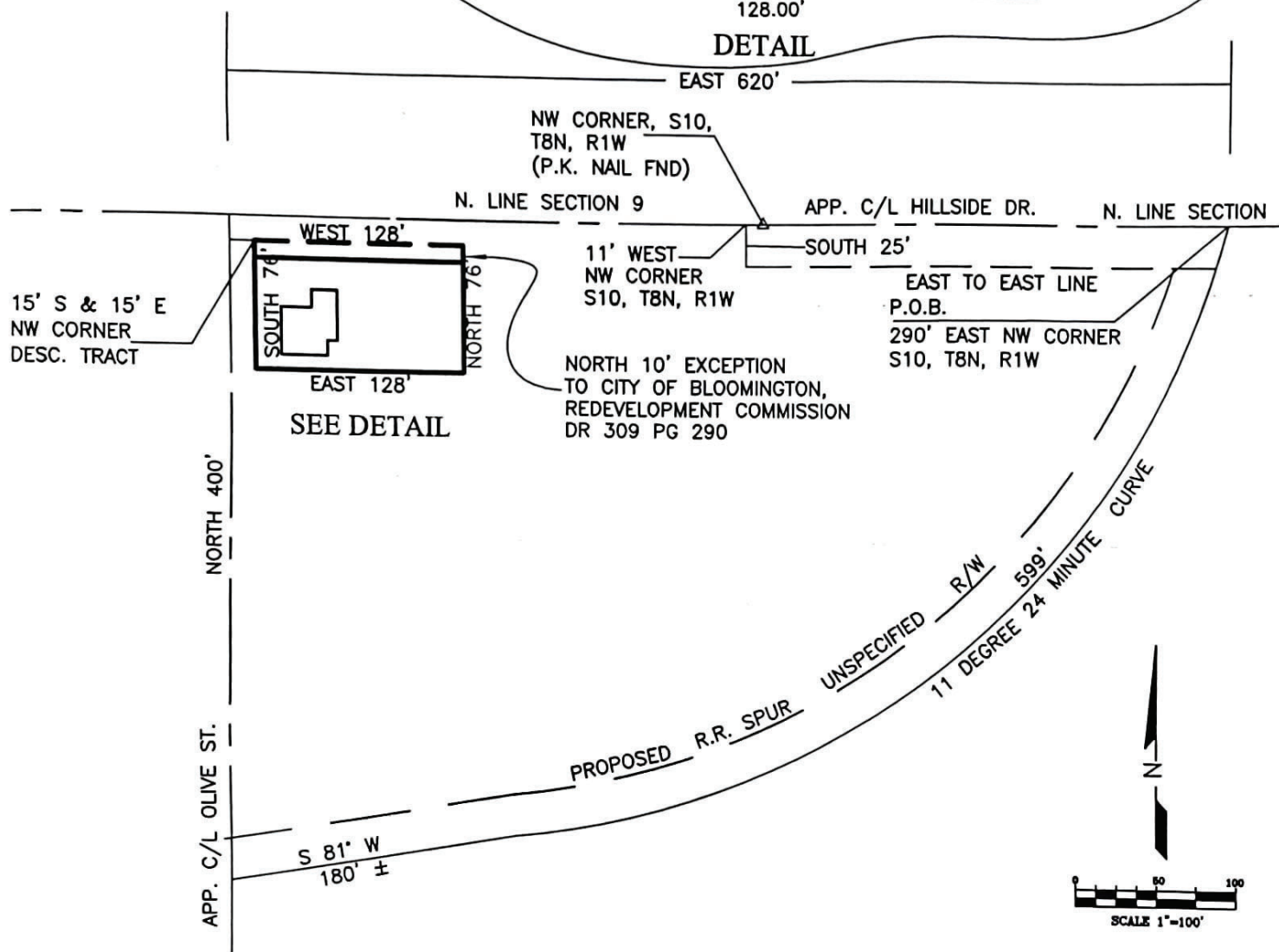
PROPERTY ADDRESS: 1200 E. Hillside Drive

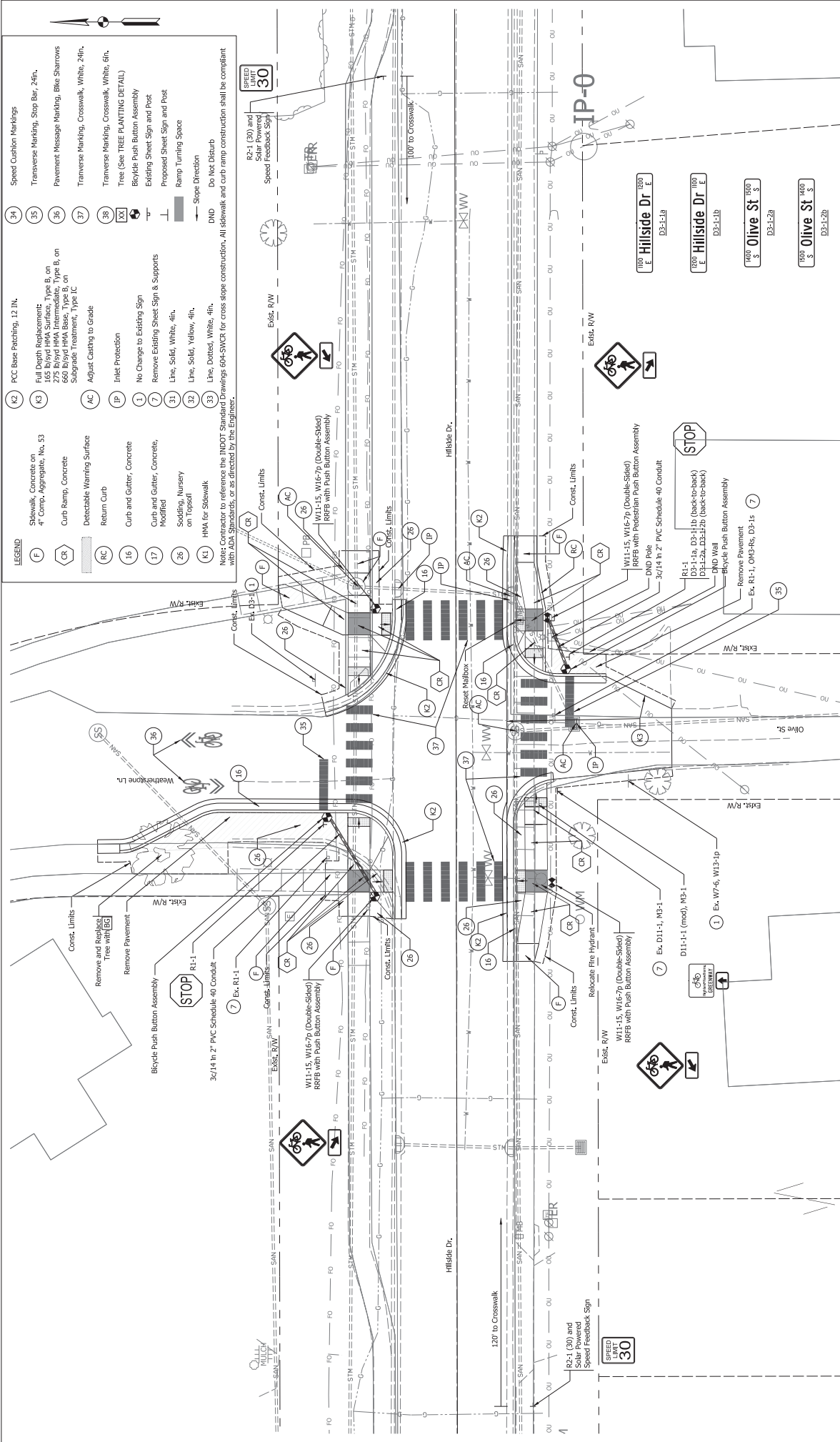
PROPERTY DESCRIPTION: See Sheet 2 of 3

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
 - (28) Sodding, Nursery on Topsoil
 - (41) HMA for Sidewalk
 - (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
 - (1) Remove Existing Sheet Sign & Supports
 - (31) Line, Solid, White, 4in.
 - (32) Line, Solid, Yellow, 4in.
 - (33) Line, Dotted, White, 4in.
 - (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)
 - (Bicycle Push Button Assembly)
 - (Existing Sheet Sign and Post)
 - (Proposed Sheet Sign and Post)
 - (Ramp Turning Space)
 - (Slope Direction)
 - (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.

RECOMMENDED FOR APPROVAL	DATE	DESIGNER: SAC	CHECKER: BEA
<i>Save</i>	11/17/2023	<i>AC</i>	<i>BEA</i>
CITY OF BLOOMINGTON			
BLOOMINGTON GREENWAYS HILLSIDE DR.			
HORIZONTAL SCALE	BRIDGE FILE	DESIGNATION	
VERTICAL SCALE	N/A	SURVEY BOOK	
SHEETS	12	OF	33
CONTRACT		PROJECT	