

**BLOOMINGTON HEARING OFFICER  
STAFF REPORT  
Location: 812 S. Morton Street**

**CASE #: V-21-24  
DATE: July 31, 2024**

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**PETITIONER:** J.T. Forbes and Martha Shedd  
812 S. Morton Street, Bloomington

**CONSULTANT:** Bailey & Weiler Design, LLC  
PO Box 3134, Bloomington

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**REQUEST:** The petitioner is requesting a variance from side yard building setback standards to allow for an addition to a single family dwelling unit.

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**REPORT:** The petition site is zoned Mixed-Use Medium Scale (MM) and is located south of the intersection of W. Dodds Street and S. Morton Street. It is currently developed with a single-family residence, a detached garage, and a parking area in the rear. Surrounding land uses include single family residences to the west, east, and south with an office building to the north. This property is located in the McDoel Historic District and a Certificate of Appropriateness (COA-24-09) has been approved for this project. This project received a variance (V-05-20) for the same scope of work, but the work was not initiated and the variance expired.

The petitioner is proposing an addition to the residence and will be connecting the house to an existing detached garage. Since the detached garage is being attached to the residence, it must meet the setback requirements for a primary structure. The existing garage encroaches over the north property line approximately 4.5' into a public alley.

The proposed one-story addition would expand the residence along the existing north and south walls and meet the 7' setback from the north (side) property line. The residence is currently approximately 9' from the north property line and 28' from the south property line. An encroachment agreement for the garage may be needed from the Board of Public Works and the petitioner will coordinate that with Staff.

The petitioner is requesting a variance to legitimize the existing 0' setback from the north property line for the existing garage, in order to allow the garage to be attached to the house.

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**CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE**

**20.09.130 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:** No injury is found with this petition. The proposal provides for continued use of a single-family residence. The variance will allow an existing garage to be

attached to the primary residence only, the proposed addition will meet the minimum side yard setback from the property line. The garage will not be expanded to further the existing encroachment.

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 the surrounding properties are found as a result of the requested variance. The site will continue to be used as a single family residence and the addition will meet all required setbacks. The granting of this approval is only necessitated because of the existing encroachment of the garage. The scope of work only involves attaching a portion of the existing garage to the residence and must therefore be legitimized to allow the structures to be connected. A letter of support from an adjacent neighbor was received and is included in the packet.

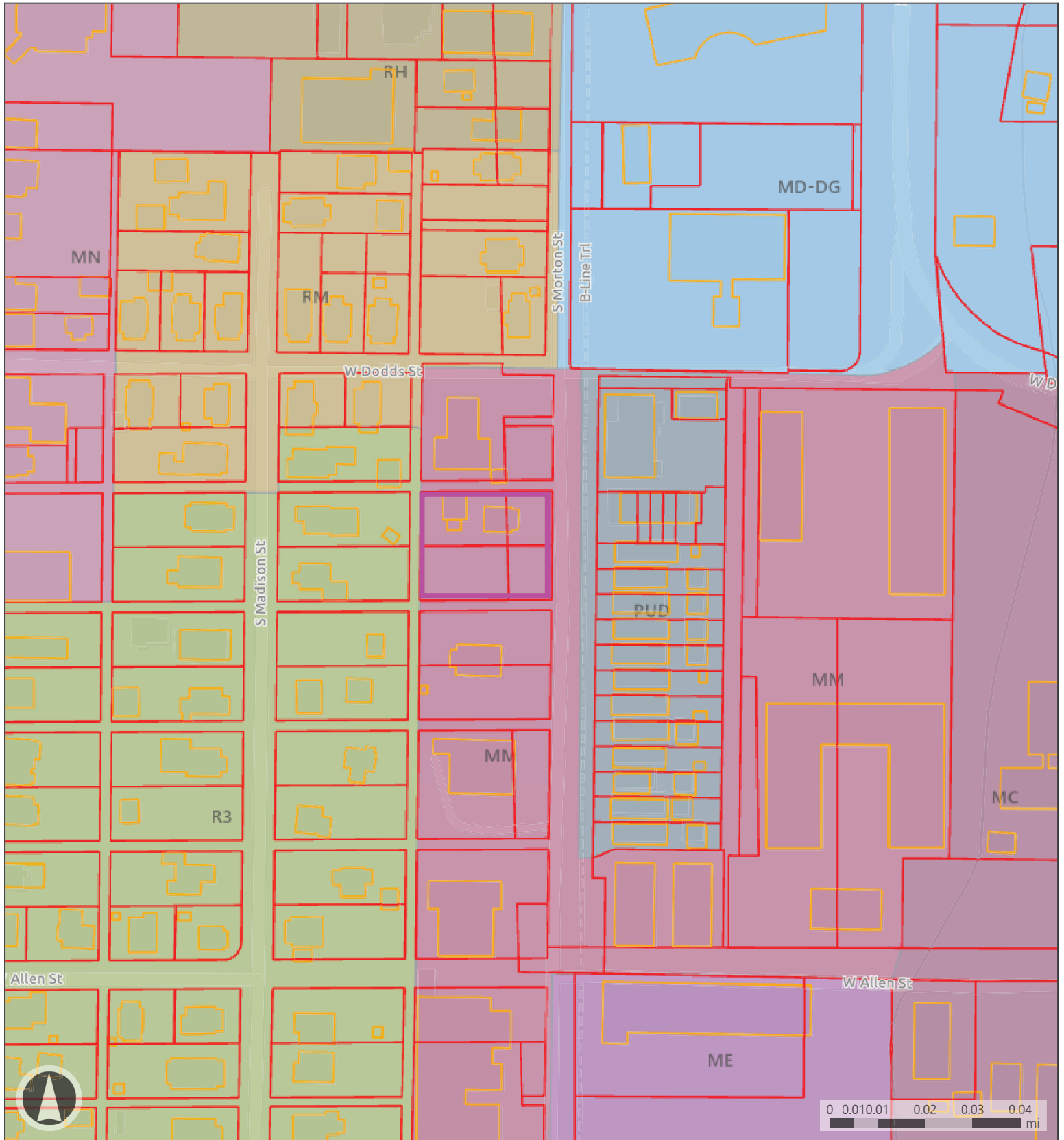
3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

**PROPOSED FINDING:** Practical difficulty is found in that due to the location of the existing garage, it is not possible to connect the house to the garage without the granting of a variance. Requiring the removal of the garage in order to meet setback requirements would not allow an existing structure to be utilized and necessitate the waste of materials and additional construction expense to build a new structure. Peculiar condition is found in the location of the garage within the existing setback which does not allow the residence and the garage to be connected. The granting of this variance simply allows for a unified roof line that will connect the garage to the house. Attached garages are a typical feature on single family lots.

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**RECOMMENDATION:** The Department recommends that the Hearing Officer adopt the proposed findings and approve the petition with the following conditions:

1. The parking area in the rear of the structure must be brought into compliance with parking standards before occupancy will be issued for the addition.
2. Any addition to the garage must meet setback requirements. If the garage is removed, any new construction must meet setback requirements.
3. The petitioner will continue to work with staff on an Encroachment Agreement through the Board of Public Works if deemed necessary.

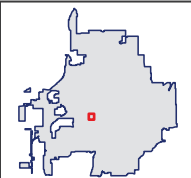


## Map Legend

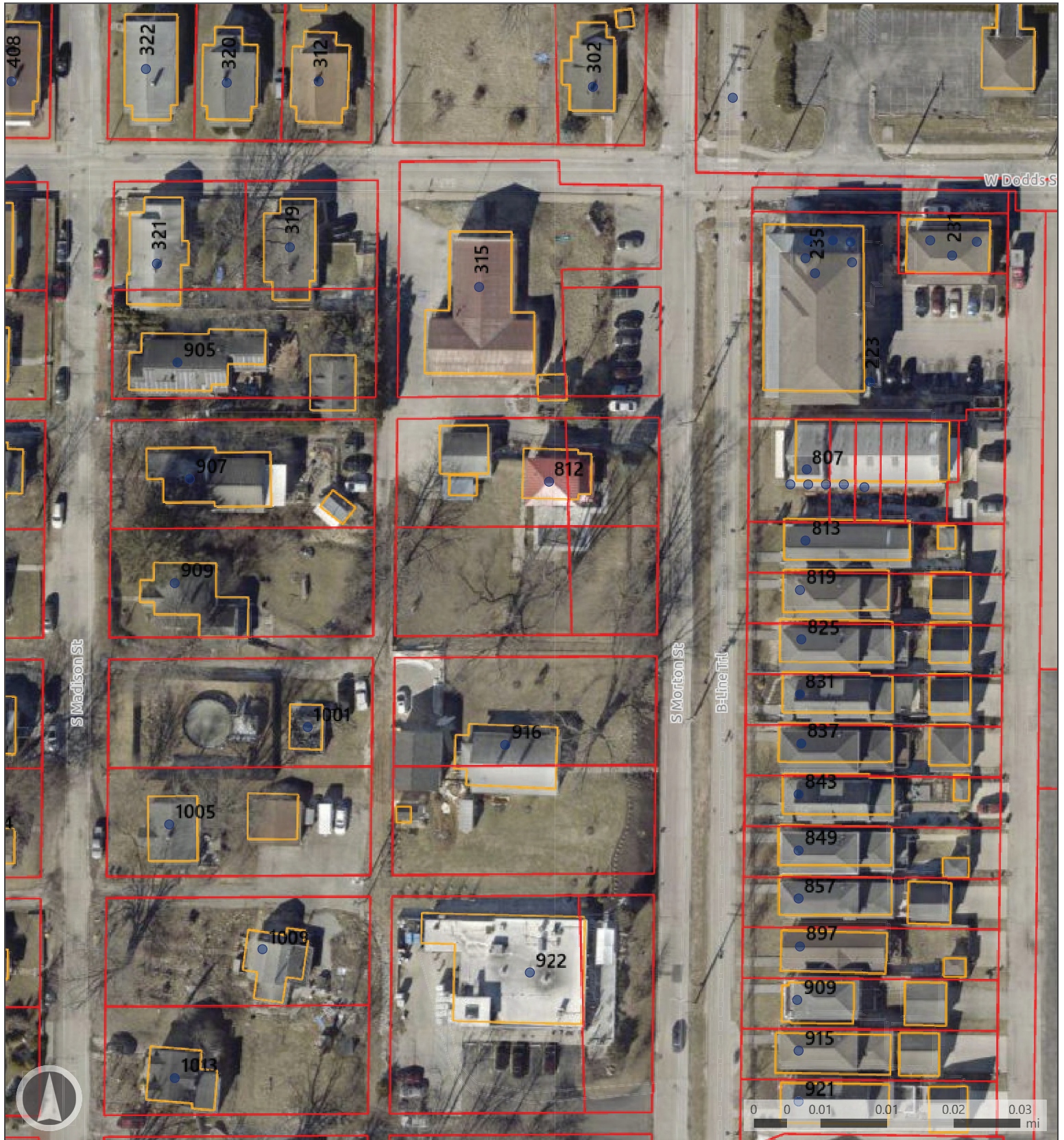
- Parcels
- Buildings
- Bloomington Municipal Boundary

- Urban Area
- Metropolitan Planning Area
- Mixed-Use Corridor

- Mixed-Use Downtown Gateway
- Mixed-Use Employment
- Mixed-Use Medium-Scale

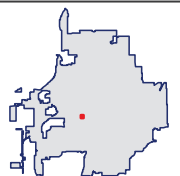






Map Legend

- Addresses
- Parcels
- Buildings
- Bloomington Municipal Boundary





## PETITIONERS' STATEMENT

We respectfully request a variance for the garage of our personal residence at 812 South Morton Street in the McDoel Historic District. Approval of this request will enable us to build a new addition that makes the house more accessible as we age in place.

The existing house structure was built in 1925 and served as a single-family owned residence for 69 years before becoming an investment property for the last two individuals who held title to the property. The garage was added in 1954 and it seems that a concrete floor was poured in 1960. Neighborhood lore has it that new drywall, insulation, wiring, and a heating and cooling unit was added in the early part of this century as part of a project to convert the garage to office space. The north side of the garage encroaches on the alley by approximately 4.5 feet.

We are committed to this neighborhood and this property as a home to age in place. Many of our adjacent neighbors, and principal authors of the McDoel Historic District Design Guidelines, have greeted us warmly and are supportive of us continuing to transform a previously vacant structure where drugs were consumed on the porch, into a vibrant home where friends, loved ones, and neighbors gather.

We have studied the history of the neighborhood and legacy of the house. For 69 years, it served as a home to common laborers who tarried for the Fagan Stone Company, Indiana University, the Monon Railroad, Monroe County Schools, and the Radio Corporation of America. It became an investment property for the last two individuals who held title to the property.

The aims of the McDoel Historic District Guidelines affirm our approach to renewing this home:

*"Livability should be supported by maintaining affordability and property values, fostering energy conservation, fostering the visual compatibility of the neighborhood, promoting aging in place, and sustaining the character of contributing buildings."*

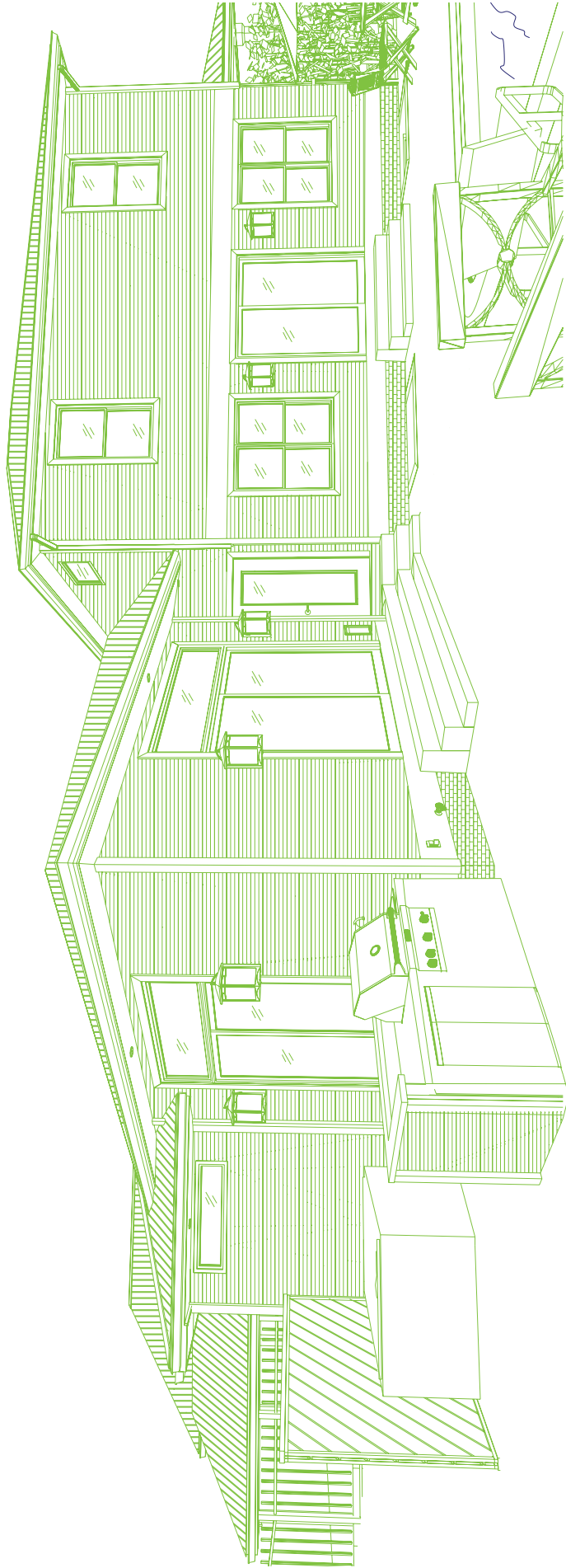
The new addition will add approximately 840 square feet to the property, providing a master bedroom and bathroom, laundry facilities, a half-bathroom, and connect the garage to the house to make the first floor accessible in the event we experience mobility issues as we age in this, our last home.

Demolishing the existing garage seems a costly and environmentally irresponsible action. The garage is a very sound structure in very good condition. Moving the garage would be a very dramatic and financially extravagant solution. Having considered alternative designs for the addition, we are requesting a variance for the garage because it is the most affordable, accessible, and sustainable design that also is responsive to the McDoel Historic District Guidelines.

Thank you for consideration. We are both humbled and proud to add our names to the Boshears, Dillard, Hays, and Stalcup families who knew the house at 812 South Morton as a home where adults and children lived, loved, and welcomed co-workers, friends, family members, and neighbors. Approval of this variance will allow us to develop this property for ourselves and the future generations of McDoel Gardens.

# FORBES/SHEDD

## ADDITION



DRAWING SCHEDULE

SCHEDULE	1
SITE PLAN	2
FOUNDATION PLAN	3
MAIN FLOOR	4
ELECTRICAL	5
CABINET ELEVATIONS	6
ELEVATION NORTH-SOUTH	7
ELEVATIONS EAST-WEST	8
ROOF	9

AREA SCHEDULE	
NAME	AREA
ADDITION SQ FT 839.5 sq ft.	

DOOR SCHEDULE				
ROOM SCHEDULE ID	OPENING ID	SIZE	HINGE	REVERSED COUNT
103	D1	3'-0"	R	NO 1
105	D1	3'-0"	L	NO 1
107	D1	3'-0"	L	NO 1
107	D1	3'-0"	R	NO 1
111	D1	3'-0"	R	NO 1
109	D2	2'-0"	R	NO 1
110	D2	2'-0"	R	NO 1
102	D3	4'-0"	LR	NO 1
105	D3	4'-0"	LR	NO 1
104	D4	3'-0 1/2"	L	NO 1
105	D4	3'-0 1/2"	R	NO 1
107	D4	3'-0 1/2"	R	NO 1
108	D4	3'-0 1/2"	R	NO 1
109	D5	2'-6"	N	NO 1
111	D6	3'-0"	N	NO 1
111	D7	5'-11 1/2"	NL	YES 2

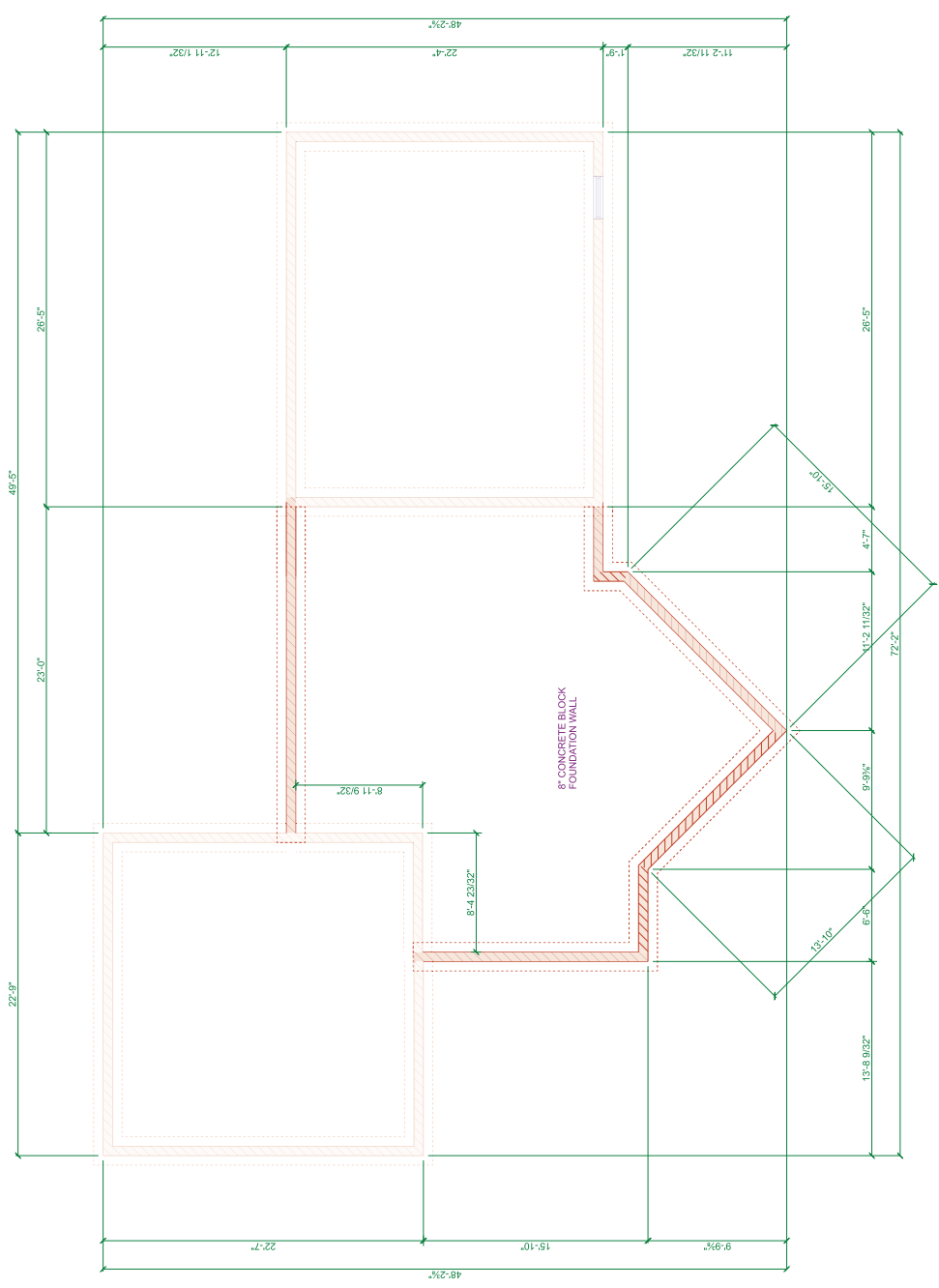
WINDOW SCHEDULE			
ROOM SCHEDULE ID	OPENING ID	SIZE	COUNT
107	W1	2'-0" x 3'-0"	1
105	W2	2'-8 1/2" x 1'-0 13/16"	1
111	W3	5'-11 1/2" x 2'-0"	2
110	W4	4'-0" x 1'-5 13/16"	1
110	W5	3'-0 1/2" x 1'-5 13/16"	1

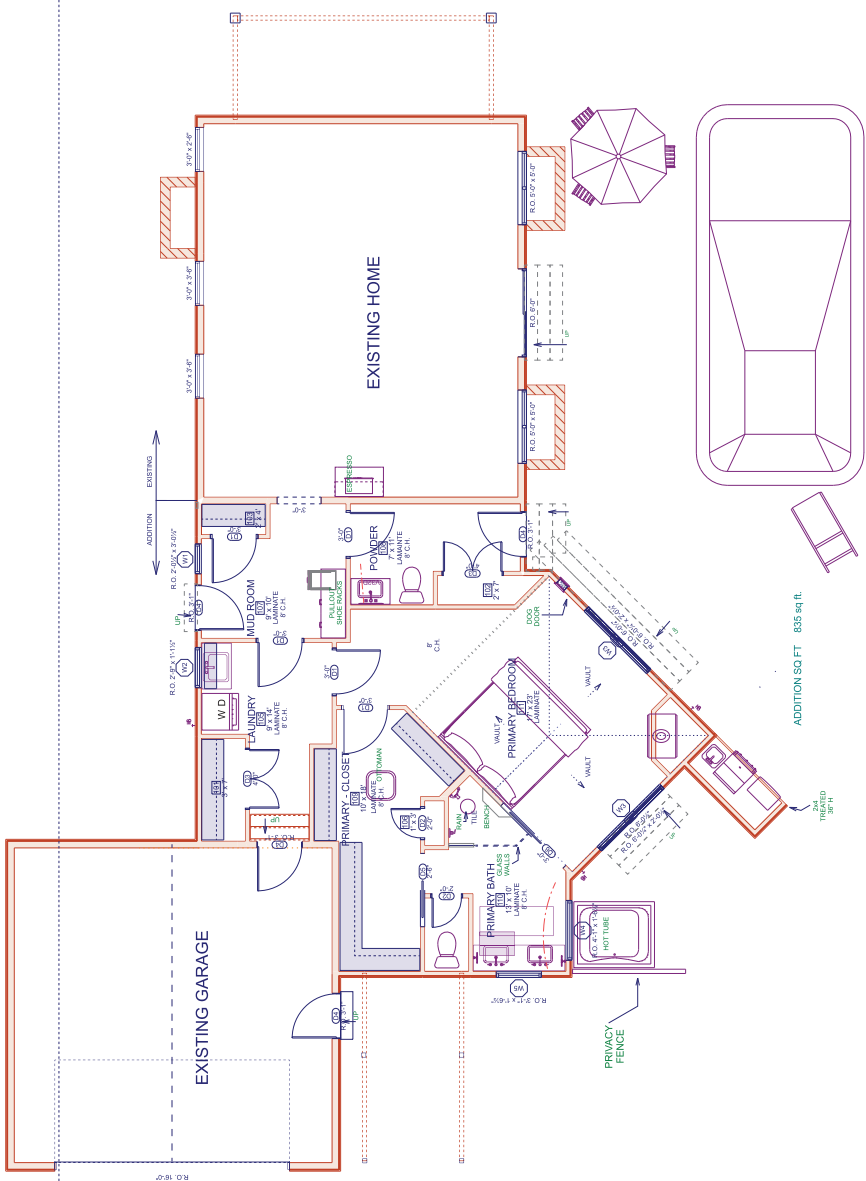


Door Trim Detail





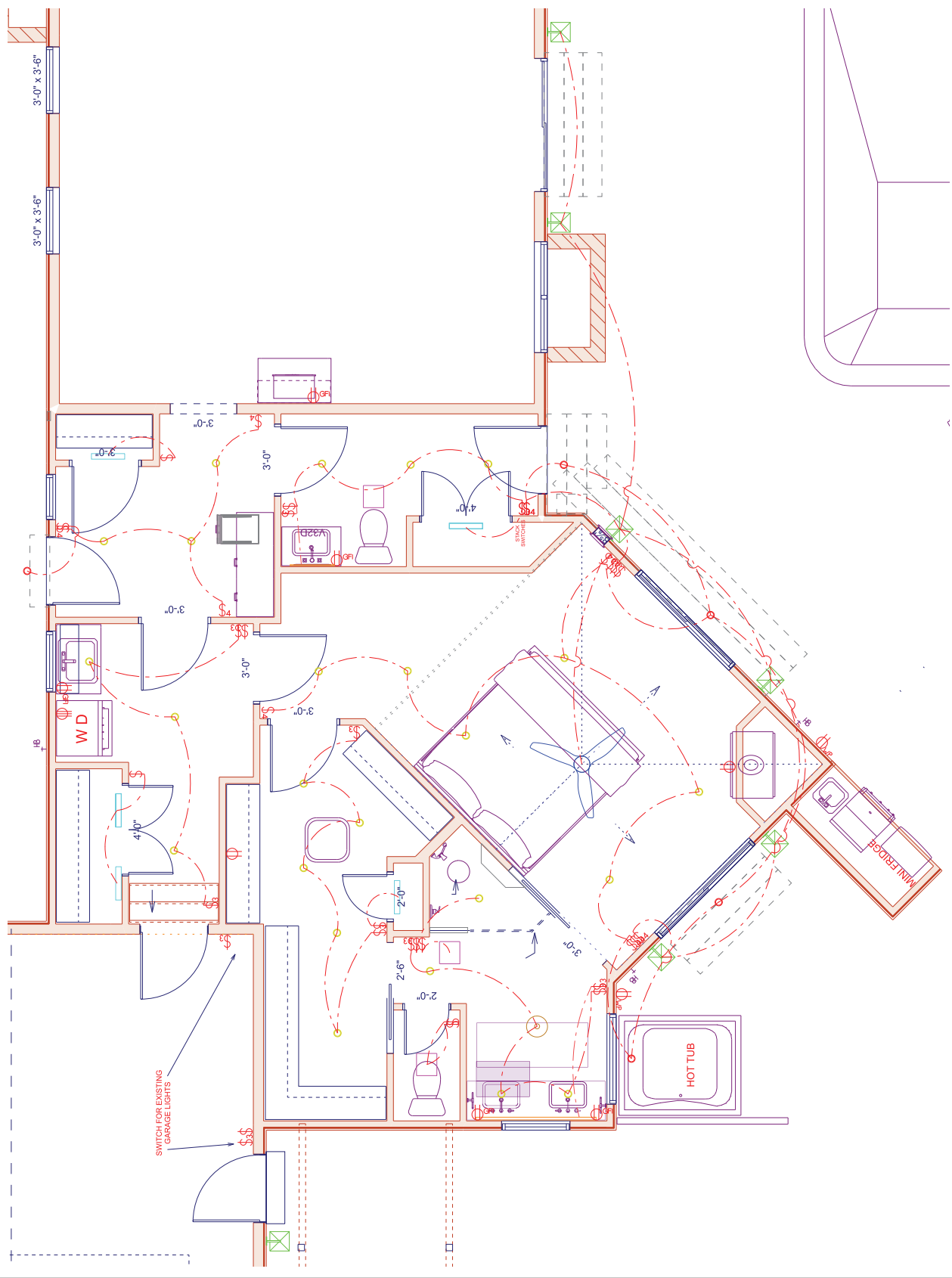


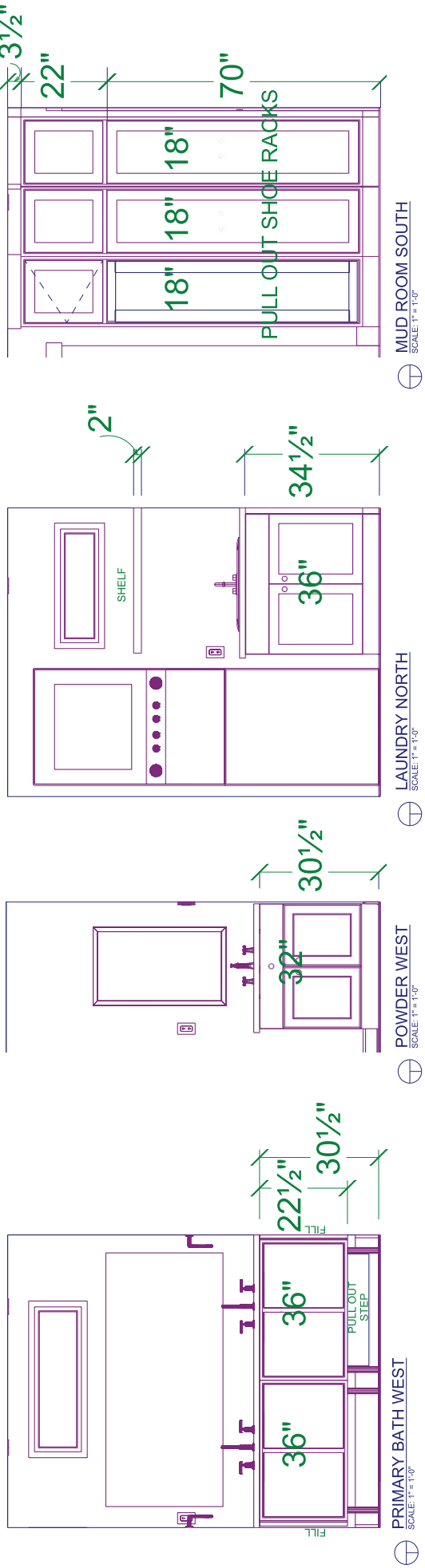


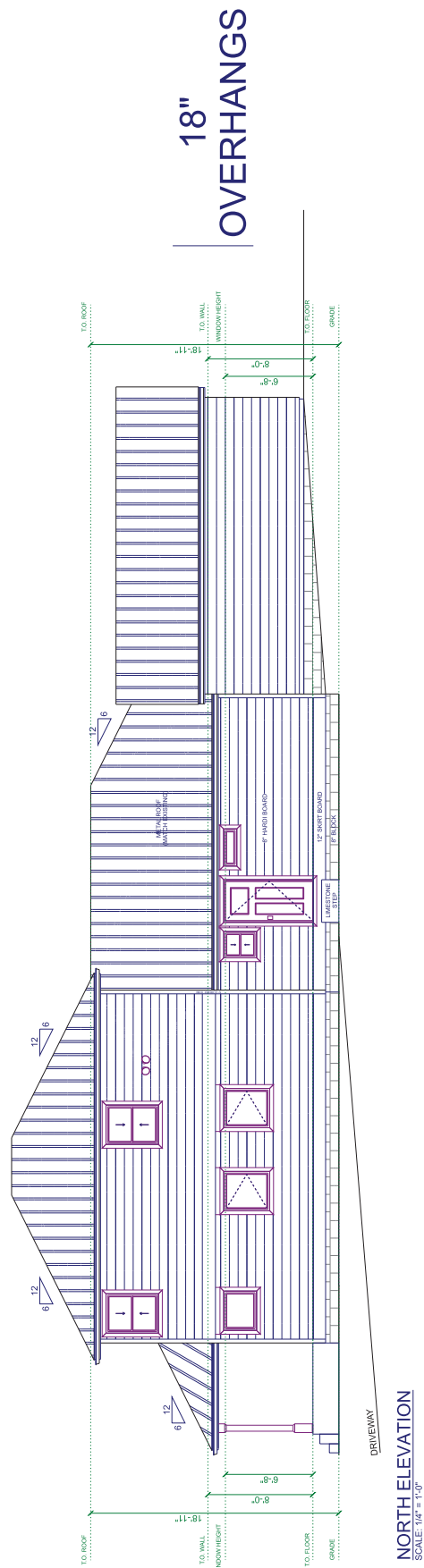




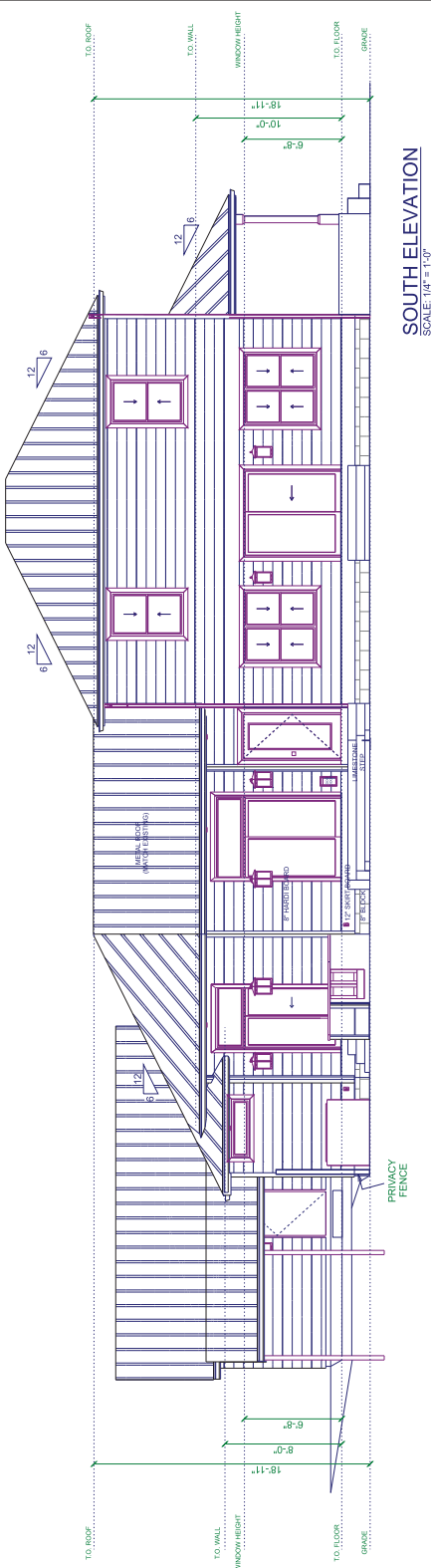
—	LED MIRROR
○	SURFACE MOUNT
□	VENT FAN
▭	WALL LIGHT
○	SOFFIT LIGHT
○	CAN LIGHT
⊠	EXTERIOR SCONCE
⊠	CEILING FAN





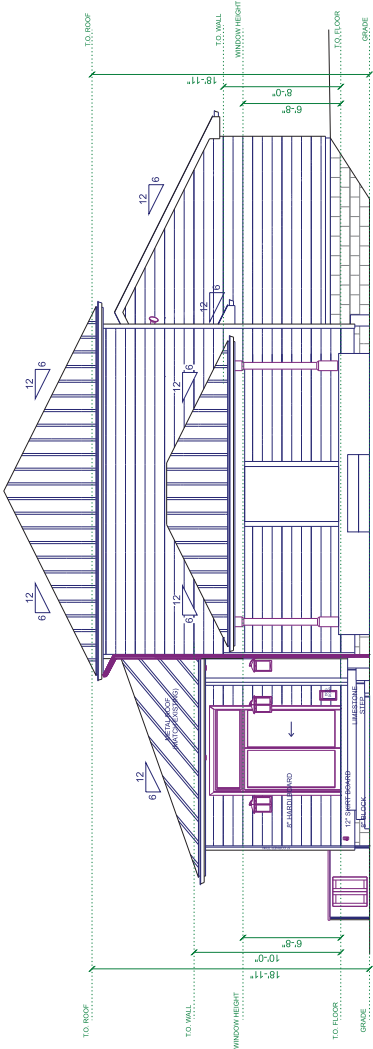


**NORTH ELEVATION**  
SCALE: 1/4" = 1'-0"

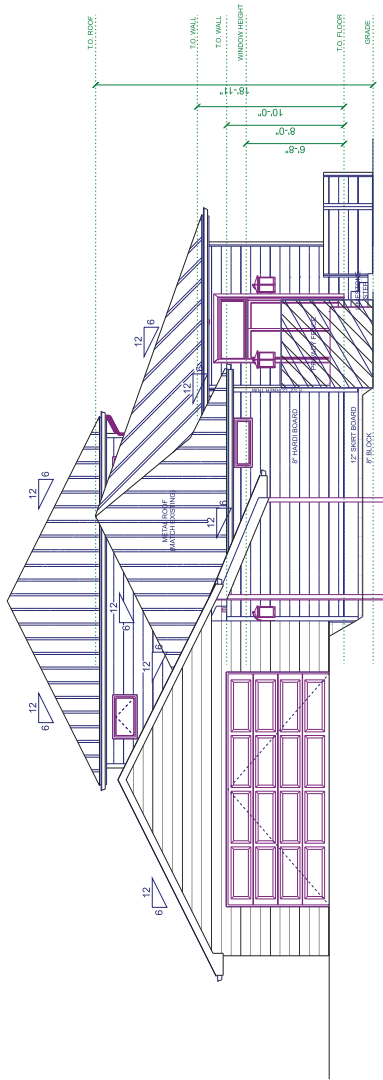


**SOUTH ELEVATION**  
SCALE: 1/4" = 1'-0"

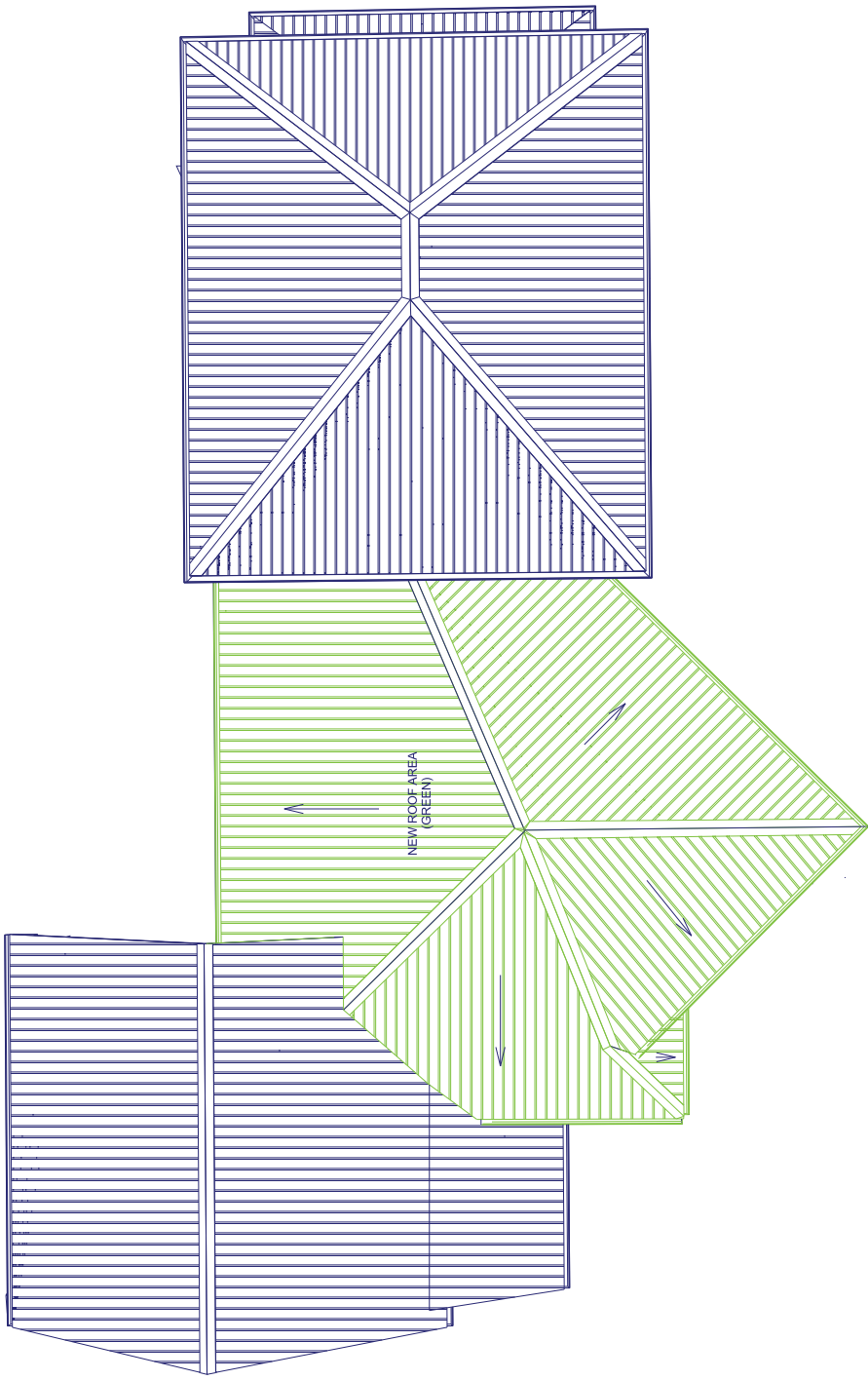
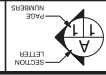




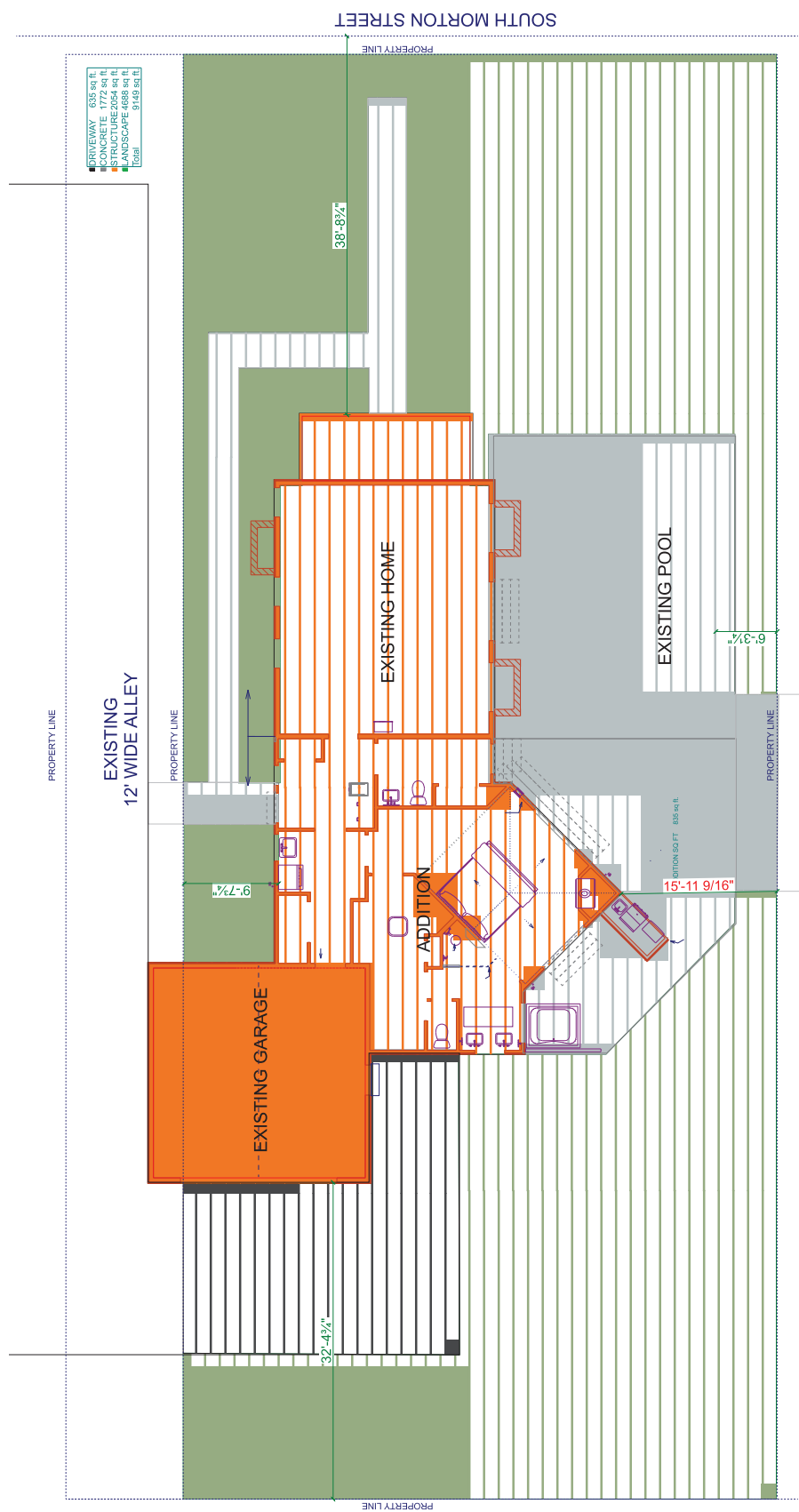
## 18" OVERHANGS



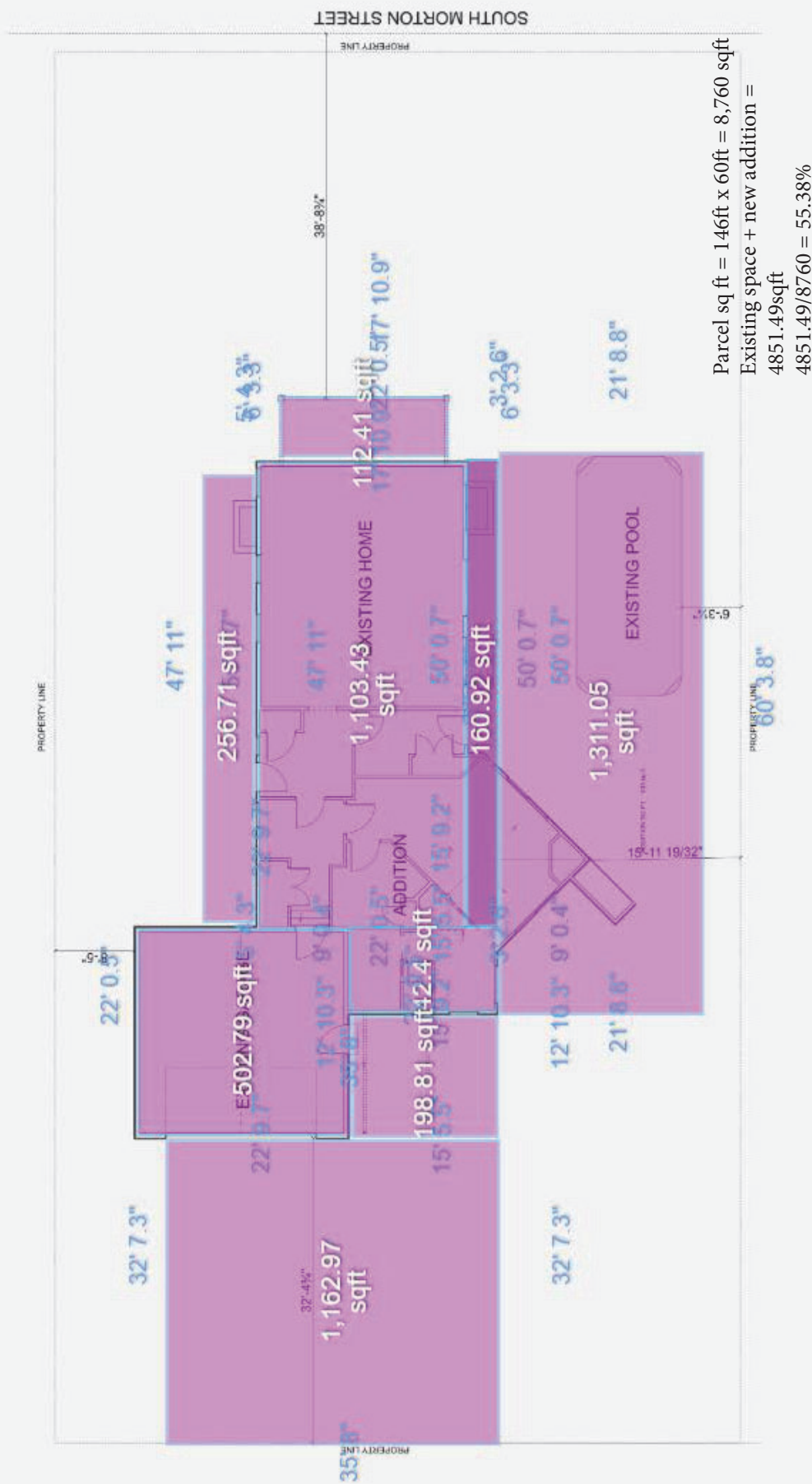
WEST ELEVATION  
SCALE: 1/4" = 1'-0"



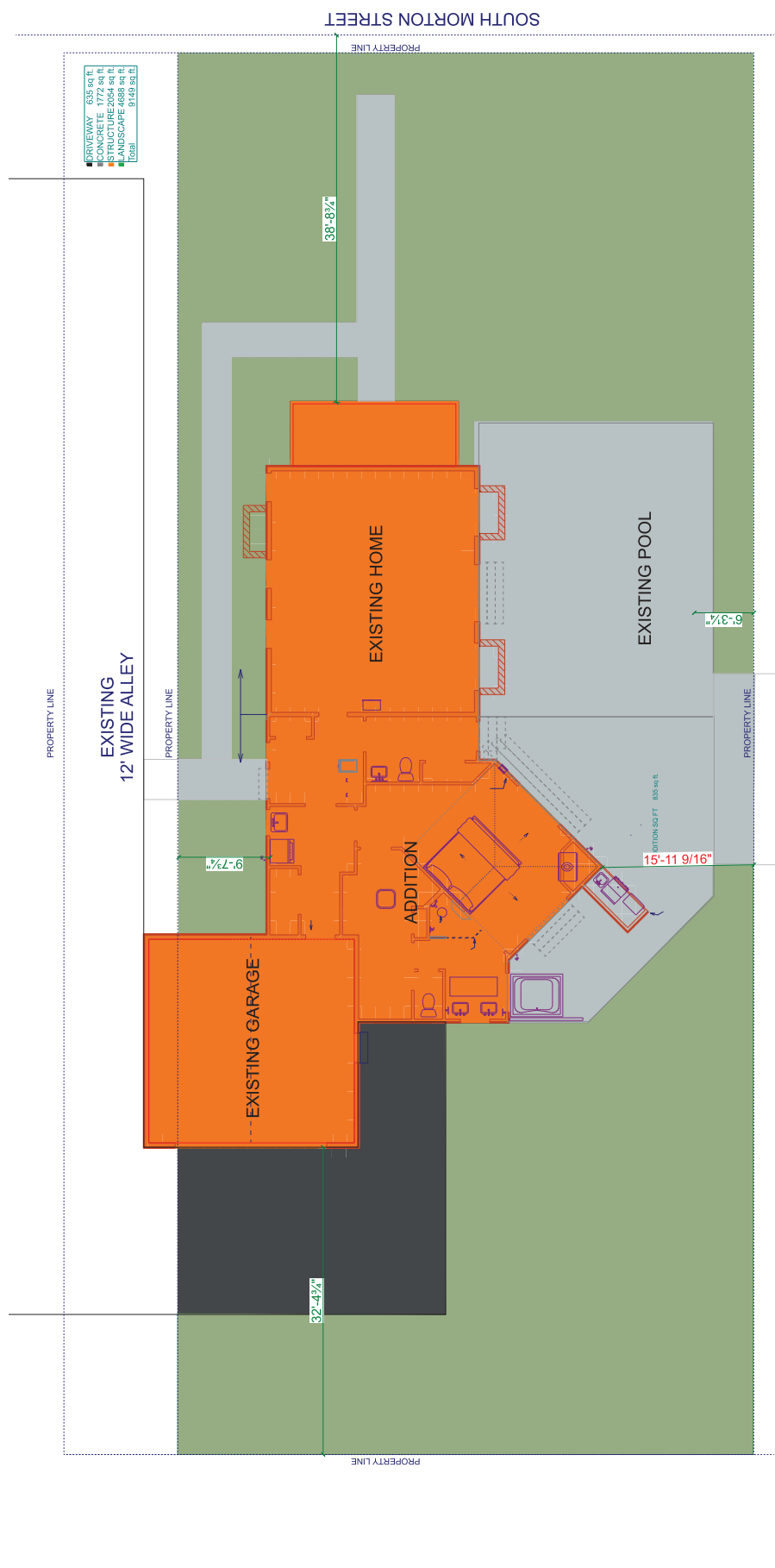
ROOF PLAN  
SCALE: 3/16" = 1'-0"



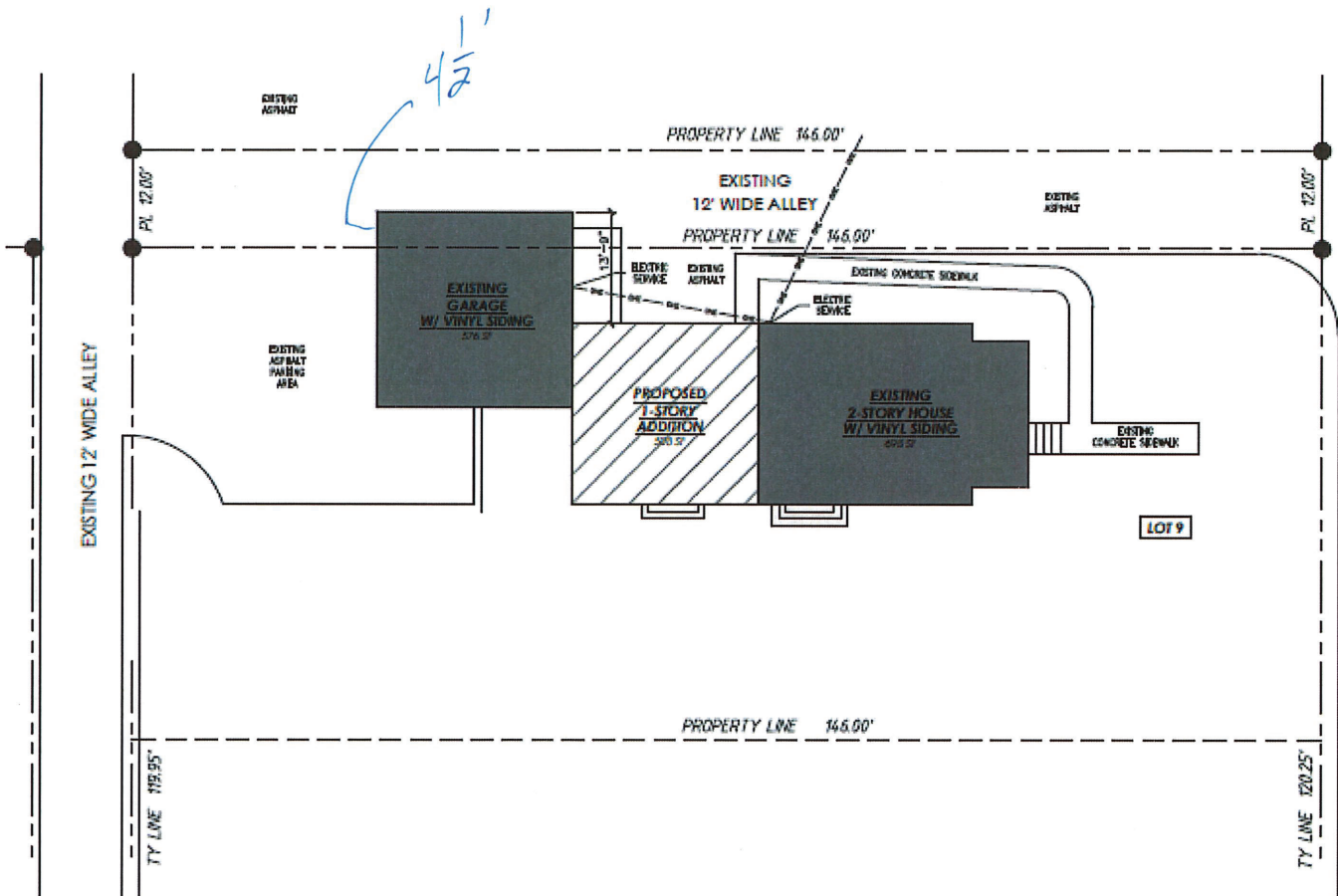




Parcel sq ft = 146ft x 60ft = 8,760 sqft  
Existing space + new addition =  
4851.49sqft  
4851.49/8760 = 55.38%



**SCALED DRAWING OF 812 SOUTH MORTON STREET**  
Taken from professional architectural drawings for our home



BZA Members,

I am responding to the request for the request for variance by Thomas Forbes and Martha Shedd at 812 S. Morton St to allow attachment to an existing garage.

I live at 905 S. Madison. The back of my property lies across the alley from this property.

As I understand it, the garage was built sometime in the 1950s. While the body of it is on the property, the Northern edge extends over the property line and into the alleyway. If I am correct, it is non-compliant with existing City Code, but is grandfathered.

JT and Martha wish to construct an addition to their house and connect it to the garage, but are told Code will not allow it. I think there is ample precedent to create a variance that will allow the connection.

Some years ago a friend here in Bloomington wanted to replace her derelict garage with a new one. She was told by Planning that Code would not allow the new garage to sit in place of the old one at the extreme alley corner of her property. It would have to meet Code by being set back many feet from the property line, an impossibility on her small lot. The obvious and most practical answer was to allow a new garage in the same location. She argued to the BZA that Bloomington has many old garages built on the property lines and she would be improving her property (and neighborhood) by building new on the same spot. She was granted a variance.

There is a similarity here. The garage is situated on the corner of the property, at the crossing of two City alleys. Though non-compliant with Code, it is grandfathered and allowed to remain there forever. City Planning has told JT and Martha an addition to their house can come within an inch of the garage but cannot connect unless they remove the current garage and build a new one that is set back, per Code, deeper into the property.

As in the case I mentioned, It is impossible to do this. There is no room. And it makes no sense. Granting a variance for connection to the building in the original position will allow them the utility of an indoor entrance to the garage. It changes nothing else externally and does no harm to those who live nearby and/or use the alleys.

The reasonable solution, with precedent, is to grant a variance that allows them to connect. I am in full support.

Thanks for your service.

Jack Baker