

CITY OF BLOOMINGTON



March 12, 2025 @ 2:00 p.m.
Kelly 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)
March 12, 2025 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://bton.in/G6BiA>

PETITIONS:

V-05-25 / VAR2025-02-0062

Jacqueline Neu

600 W. Guy Avenue

Parcel: 53-08-08-100-028.000-009

Request: Variance from side building setback requirement
in the Residential Medium Lot (R2) zoning district

Case Manager: Jackie Scanlan

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Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call 812-349-3429 or E-mail human.rights@bloomington.in.gov.

**BLOOMINGTON HEARING OFFICER
STAFF REPORT
Location: 600 W Guy Avenue**

**CASE #: V-05-25
DATE: March 12, 2025**

PETITIONER: Jacqueline Neu
600 W Guy Avenue, Bloomington

REQUEST: Variance from the side building setback requirement in the Residential Medium Lot (R2) zoning district.

REPORT: This 0.16 acre property is located at 600 W Guy Avenue and is zoned Residential Medium Lot (R2). The property is located on the north side of W Guy Avenue, two properties west of S Rockport Road. The property is developed with a roughly 930 square foot single family residence built in the 1950s and is surrounded by other single family residences, also zoned R2.

The petitioner filed a building permit application with the Monroe County Building Department, requesting to do an addition, including a screen porch on the north side of the house, into the back yard area. Per a boundary survey completed by Deckard Land Surveying, the northeast corner of the existing structure is 1.6 feet from the eastern property line.

The Unified Development Ordinance (UDO) requires an 8 foot side building setback in the R2 zoning district, or 6 feet on legally established lots of record less than 60 feet wide. The petition site is 50 feet wide. Table 04-6 of the UDO allows first floor additions to existing single-family structures to utilize existing setbacks, but to a minimum distance of 4 feet. The petitioner is requesting the addition of an 8 foot screen porch on the east side of the north façade of the structure as part of an addition that will add 4 feet to the remainder of the north facade of the structure and part of the west façade. The existing structure is not parallel to the eastern property line, so the addition would reduce the side building setback to under 1 foot.

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 an addition on the rear of this structure will have no negative impacts on the community, as it is not on a visible façade and is not disturbing any natural or community assets.

- 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.*

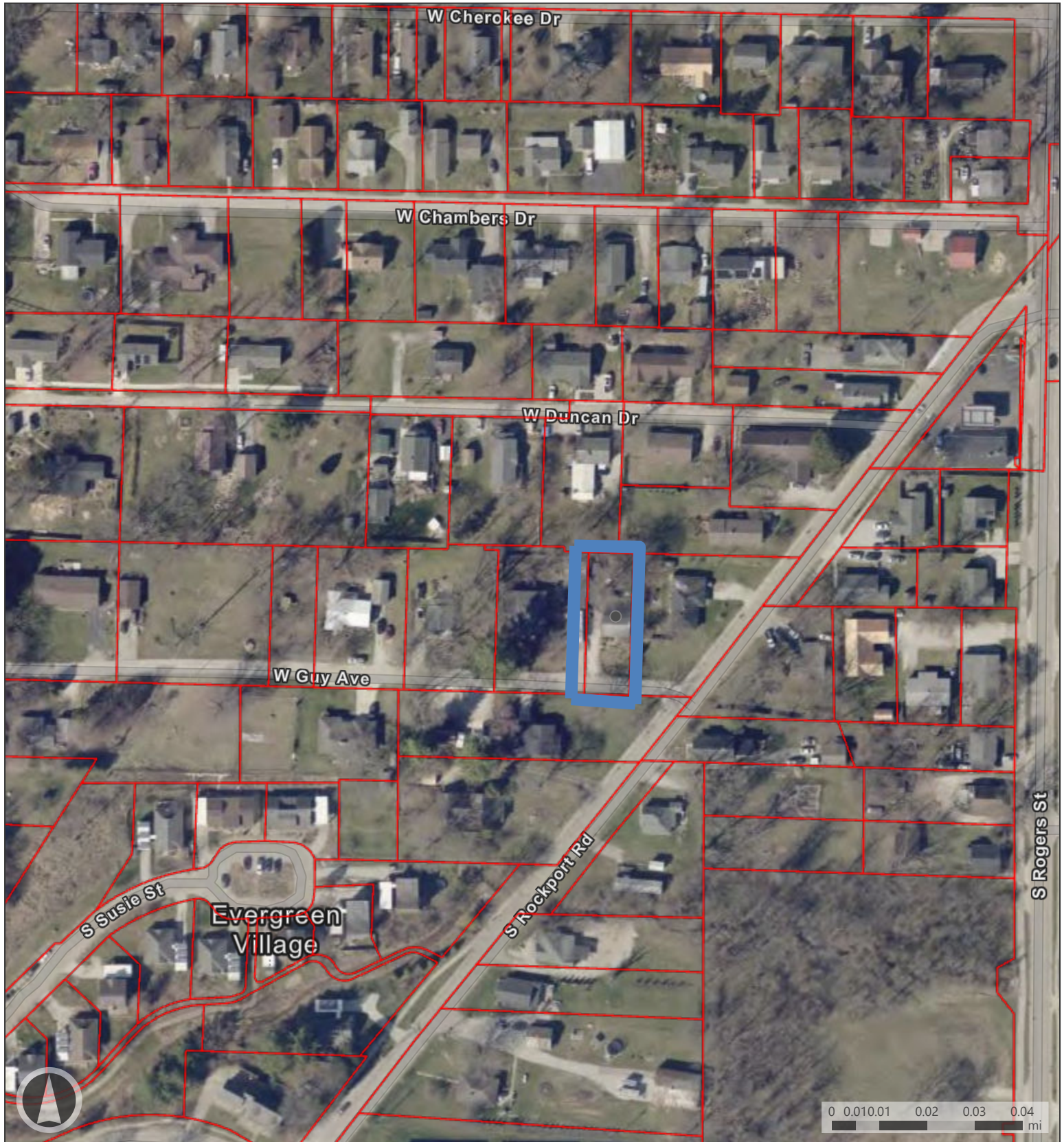
PROPOSED FINDING: No adverse impacts to the use and value of surrounding properties as a result of the requested variance are found. The proposed addition would only slightly reduce the existing side building setback on the east side of the property and the structure will still be more than 40 feet from the nearest neighboring residential structure. No issues have arisen as a result of the existing setback.

- 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 UDO will result in practical difficulties in the use of the property as it would not allow a modest and customary addition. The practical difficulties are peculiar to this property because of the orientation and location of the existing structure, which is close to and not parallel to the eastern property line. While the addition will move closer to the property line, it will be only roughly a foot closer. The desired 5 foot setback cannot be met, but the separation from the nearest residential structure will still exist, as the existing residence to the east is more than 40 feet from the petition structure. Variance from the UDO requirement will allow for an 8 foot addition on the eastern end of the northern façade of the structure for a screened porch.

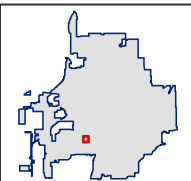
RECOMMENDATION: The Department recommends that the Hearing Officer adopt the proposed findings and approve V-05-25 with the following condition:

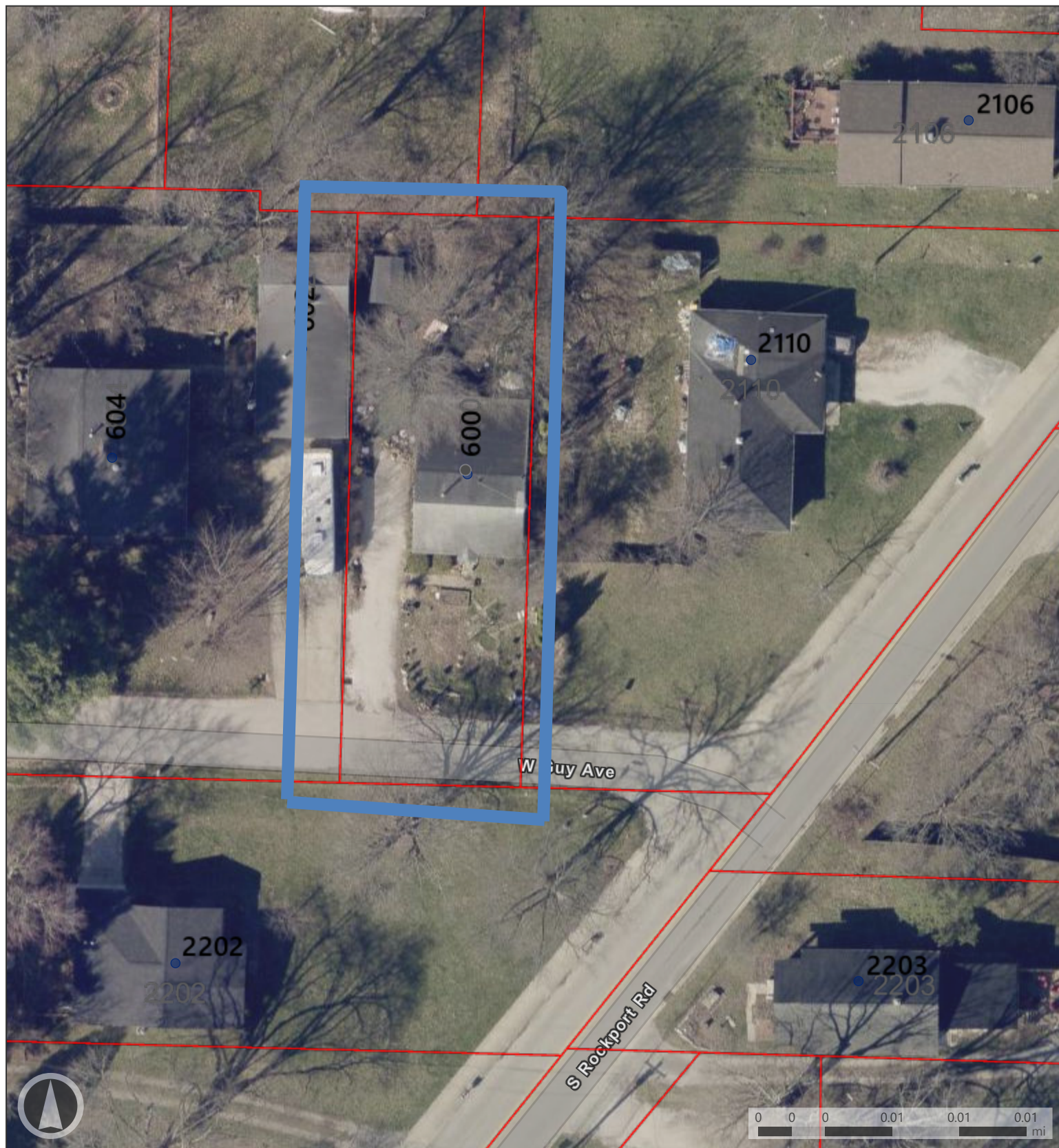
1. This approval is for the submitted building design only. Any additional encroachment will require compliance with the Unified Development Ordinance or a new variance approval.



Map Legend

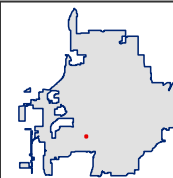
- Parcels
- Bloomington Municipal Boundary





Map Legend

- Addresses
- ▭ Parcels
- ▭ Bloomington Municipal Boundary





Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Variance

Jacqueline Neu <jneu212@gmail.com>

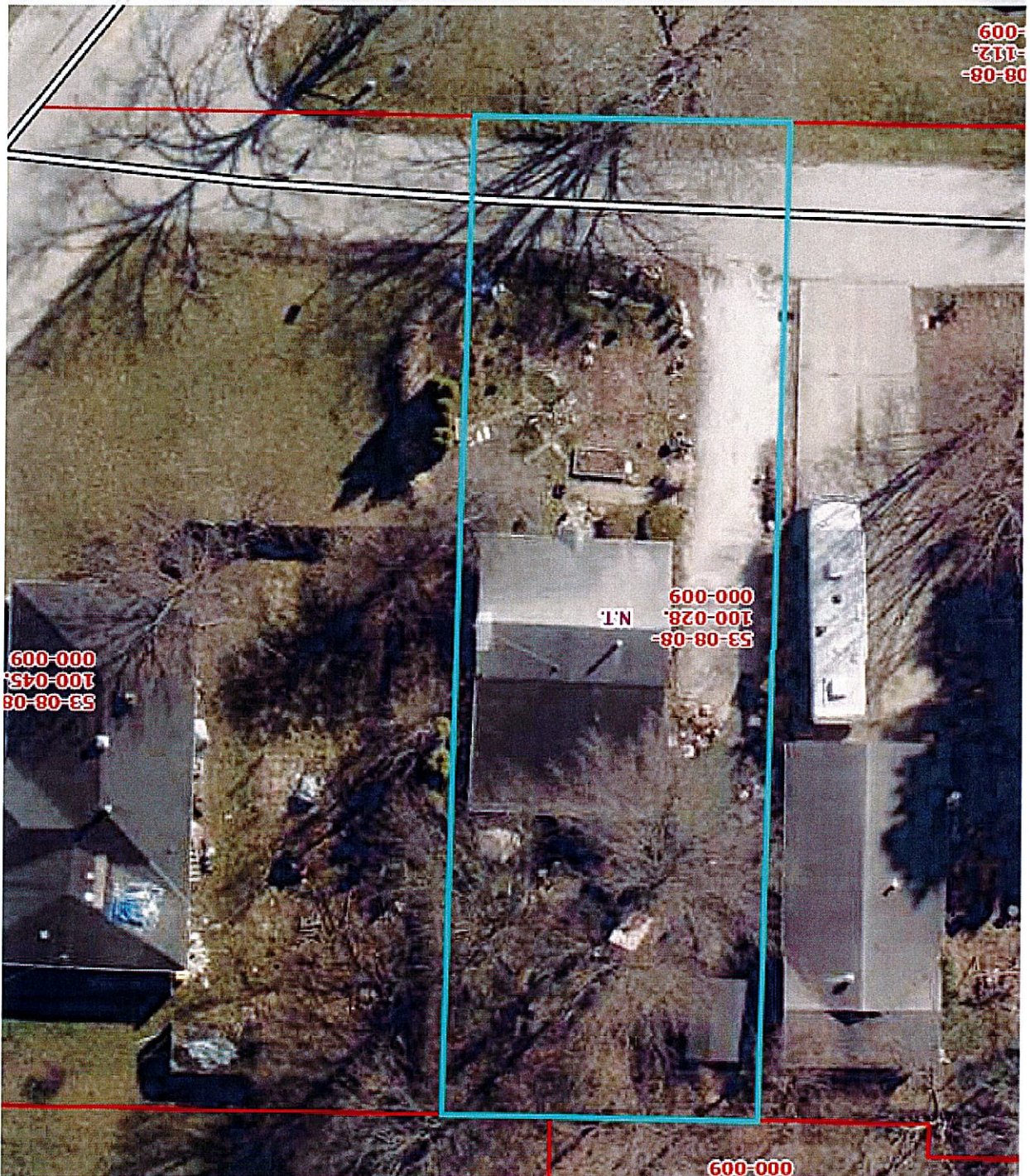
Wed, Feb 5, 2025 at 11:56 PM

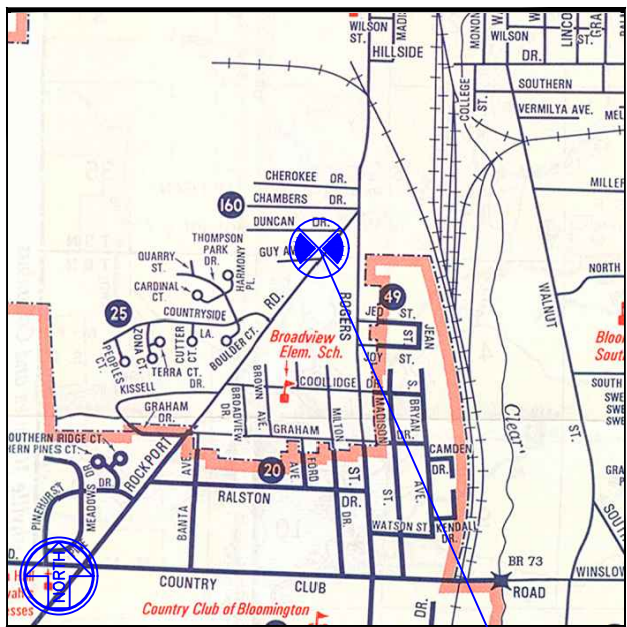
To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>

City of Bloomington Planning Department,

Hello, my name is Jacqueline Neu and I am applying for a city permit. I have now learned that my house that is existing is not parallel to my property line. I have a water issue with my backyard that runs into my garage wall facing the north. My door is completey hanging off the hinges/door frame. The entire back wall has water damage too and needs come down. I want to do this project to improve my property of my home. I love my home, switchyard park, b-line trail and living in Bloomington.

Sincerely, Jacqueline Neu





LOCATION MAP

PROJECT LOCATION

AREA FOR COUNTY
RECORDER

NOTES:

- 1). Basis of bearing (State Plane-Indiana West)
- 2). Fieldwork completed August 2023.
- 3). Now or Formerly owned by Jacque Neu as found in Instrument Number Deed Record 467, Page 85 in the Office of the Monroe County Recorder.
- 4). Reference is made to a survey performed by Robert C. Sipes for a 0.56 acre acre parcel of land in Section 8, Township 8 North, Range 8 West dated September 19th, 1970.
- 5). Reference is made to a survey performed by Lee Utt for Elkins dated August 13th, 1992.
- 6). Reference is made to a survey performed by Steven W. Archer for Frye Estate dated Decemeber 12th, 1997.
- 7). Reference is made to a survey performed by Eric L. Deckard for Langley dated September 8th, 2022.
- 8). Coordinates shown hereon were obtained from GPS observations. Indiana West Zone, NAD83, State Plane Grid Coordinates, US Survey Feet. Geoid model ContinentalUS_NGS2018.
- 9). Coordinate data was collected using a Carlson BRX7 GPS and a Topcon FC-5000 Data Collector. Coordinate positions are grid north (Indiana State Plane West Zone).
- 10). This survey is not complete without the accompanying surveyor's report.
- 11). 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

BOUNDARY RETRACEMENT SURVEY A PART OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 8 NORTH, RANGE 1 WEST, MONROE COUNTY, INDIANA

PERRY TWP.
TOWNSHIP 8 N
RANGE 1 W
SECTION 8

DEVELOPER, APPLICANT &/OR OWNER
JACQUE NEU
DEED RECORD 467, PAGE 85
600 W. GUY AVE.
BLOOMINGTON, INDIANA 47403
(812) 219-7555

Line Table

LINE	BEARING	DISTANCE
L1	S 88°55'12" E	50.00'
L2	S 00°05'11" E	140.00'
L3	N 88°55'12" W	50.00'
L4	N 00°05'11" W	140.00'

SETBACK TABLE

Front - 15' or Median Front Setback of abutting residential structures, whichever is less.
Attached front-loading garage or Carport - 25'
Side - First Floor: 8 Feet
Each Story above the ground floor: 10 feet
Rear - 25'

ZONE: RESIDENTIAL MEDIUM LOT (R2)

CERTIFICATION

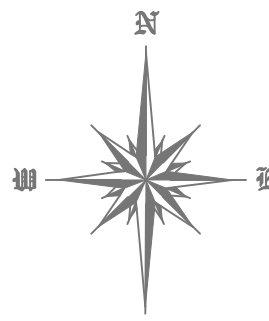
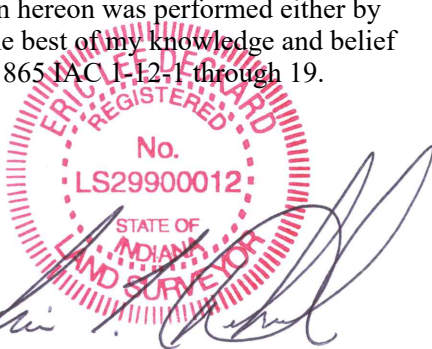
The within survey was performed without the benefit of source of title and is subject to any statement of facts revealed by the same.

Easements have been located in the field and prepared with this survey drawing. This qualification will be removed upon receipt and inspection of current title work.

Subject to the above reservation, the survey work shown hereon was performed either by me or under my direct supervision and control and to the best of my knowledge and belief was performed according to the survey requirements in 865 IAC 1-12-1 through 19.

Certified this 8th day of August, 2023.

Eric L. Deckard
Registered Surveyor LS 29900012
State of Indiana



SCALE 1" = 40'

LEGEND

STONE FOUND	METAL POST FOUND
UTILITY POLE	MAG SPIKE SET
REBAR FOUND	WOOD FENCE
REBAR SET	FENCE
NAIL FOUND	OVERHEAD POWER LINE
RR SPIKE FOUND	(R) RECORD
PIPE FOUND	(M) MEASURED
ADDRESS	(C) CALCULATED
AREA >15% SLOPE	TRANSFER AREA

NEU

BOUNDARY SURVEY

SHEET
1 OF 2

DRAWN BY: ZHW
DATED: 08/08/23

CHECKED BY:
ELD

SCALE
1"=40'



DECKARD LAND SURVEYING
1604 S. HENDERSON ST.
BLOOMINGTON IN. 47401
(812) 961-0235

PROJECT NO. 23-101

BOUNDARY RETRACEMENT SURVEY
A PART OF THE NORTHEAST QUARTER OF
SECTION 8, TOWNSHIP 8 NORTH, RANGE 1 WEST,
MONROE COUNTY, INDIANA

SURVEYOR'S REPORT

In accordance with Title 865. IAC. 1-12 sections 1-30 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the location of lines and corners established on this survey as a result of:

- A). (Variances) in the reference monuments
- B). (Discrepancies) in the record description and plats
- C). (Inconsistencies) in lines of occupation and;
- D). (Relative Positional Accuracy) “RPA”

The relative positional accuracy (due to random errors in measurement) of this survey is within that allowable for a Suburban survey (0.13' plus 100 PPM) as defined I.A.C. Title 865 (“relative positional accuracy” means the value expressed in feet or meters that represents the uncertainty due to random errors in measurements in the location of any point on a survey relative to any other point on the same survey at the 95 percent confidence level.”)

SUBJECT PROPERTY:

A boundary retracement survey was performed on the property now or formerly owned by Jacque Neu as found in Deed Record 467, Page 85 in the Office of the Monroe County Recorder. The purpose of this survey is to retrace the boundary lines of the subject property as located in Section 8, Township 8 North, Range 1 West of the Second Principal Meridian, Monroe County, Indiana.

REFERENCE MONUMENTS:

A). A 5/8 inch diameter rebar with cap stamped “Bynum Fanyo” was found flush with grade marking the Southeast corner of the Northeast quarter of Section 8, Township 8 North, Range 1 West. The origin of this monument is unknown, however, was found to be referenced in a survey performed by Eric L. Deckard for Langley dated September 8th, 2022. This rebar was found to be the best evidence available and was accepted and held as said corner.

B). A 12 inch by 0.55 inch stone with “+” was found 5 inches above grade marking the Southwest corner of the Northeast Quarter of Section 8, Township 8 North, Range 1 West. The origin of this stone is unknown, however was found to be commonly accepted in several surveys in the area and was also found to be referenced in the Monroe County Surveyor's office as Corner I.D. “Per G-07”. This monument was found to agree with other monuments in the area and was accepted and held as said corner.

C). A 3/4 inch diameter pipe was found 2 inches below grade marking a point on the west line of the land now or formerly owned by Payne (Instr. 2018007538). This pipe was believed to be marking a point on the northerly right-of-way of W. Guy Avenue. This pipe was believed to have been set in a survey performed by Robert C. Sipes for a 0.56 acre parcel of land in Section 8, Township 8 North, Range 8 West dated September 19th, 1970. This rebar was found to agree with other monuments in the area and was accepted and held as said point on line.

D). A 5/8 inch diameter rebar was found 2 inches below grade marking the Southwest corner of the land now or formerly owned by Johnson (Dr. 467, Pg. 556). This rebar was believed to have been set in a survey performed by Steven W. Archer for Frye Estate dated December 12th, 1997. This rebar was found to agree with other monuments in the area and was accepted and held as said corner.

E). A 5/8 inch diameter rebar with cap stamped “Archer” was found 1 inch above grade marking the Southeast corner of the land now or formerly owned by Davis (Instr. 2006008797). This rebar was believed to have been set in a survey performed by Steven W. Archer for Frye Estate dated December 12th, 1997. This rebar was found to agree with other monuments in the area and was accepted and held as said corner. The record versus measured distance between this monument and the monument previously described in line “E” is 129.00 feet versus 129.06 feet respectively.

F). A metal fence post was found marking the Northeast corner of the subject property. The origin of this post is unknown, however was found to agree with other monuments in the area and was accepted and held as said corner.

LINES OF OCCUPATION

The lines of occupation, which affect this survey, are detailed as follows:

- 1). A chain-link fence was found running east and west along the north end of the subject property. This fence meanders from +/- 1.1 feet south of line at the west end to on line at the east end.
- 2). A chain-link fence was found running north and south along a portion of the east line of the subject property. This fence meanders from +/- 5.1 feet east of line at the north end to +/- 3.9 feet east of line at the south end.
- 3). The centerline of W. Guy Avenue was found running east and west along the south line of the subject property. This centerline meanders from +/- 3.3 feet south of line at the east end to +/- 0.3 feet south of line at the west end.
- 4). The west edge of a concrete drive was found running north and south along a portion of the west line of the subject property. This edge of concrete meanders from +/- 3.9 feet west of line at the south end to +/- 3.1 feet west of line at the north end.

RECORD DESCRIPTIONS:


- 1). The subject description was found to be poorly written. The subject description states that it begins at a point that is 1936.44 feet South and 1567.50 feet East of the Northwest corner of the Northeast quarter and in the centerline of Rockport Road. It then states that it goes West for a distance of 183.35 feet to the real point of Beginning. It should state that it goes West for a distance of 133.35 feet to the real point of Beginning This is where the discrepancy between the subject description and the land now or formerly owned by Tosti (Dr. 477, Pg. 187) occurs.
- 2). A new legal description was prepared for the subject property to eliminate any discrepancies.

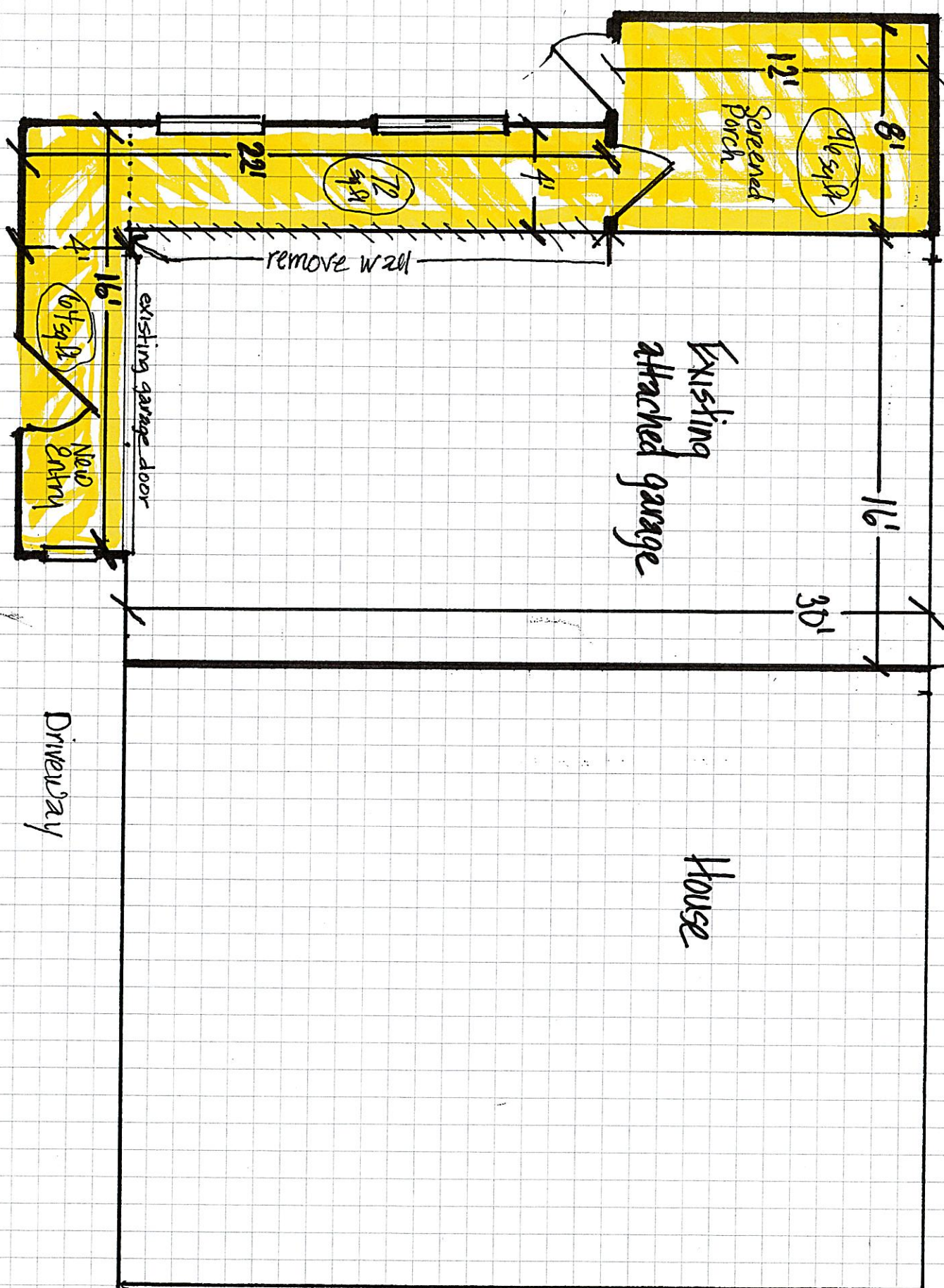
SURVEY DESCRIPTION

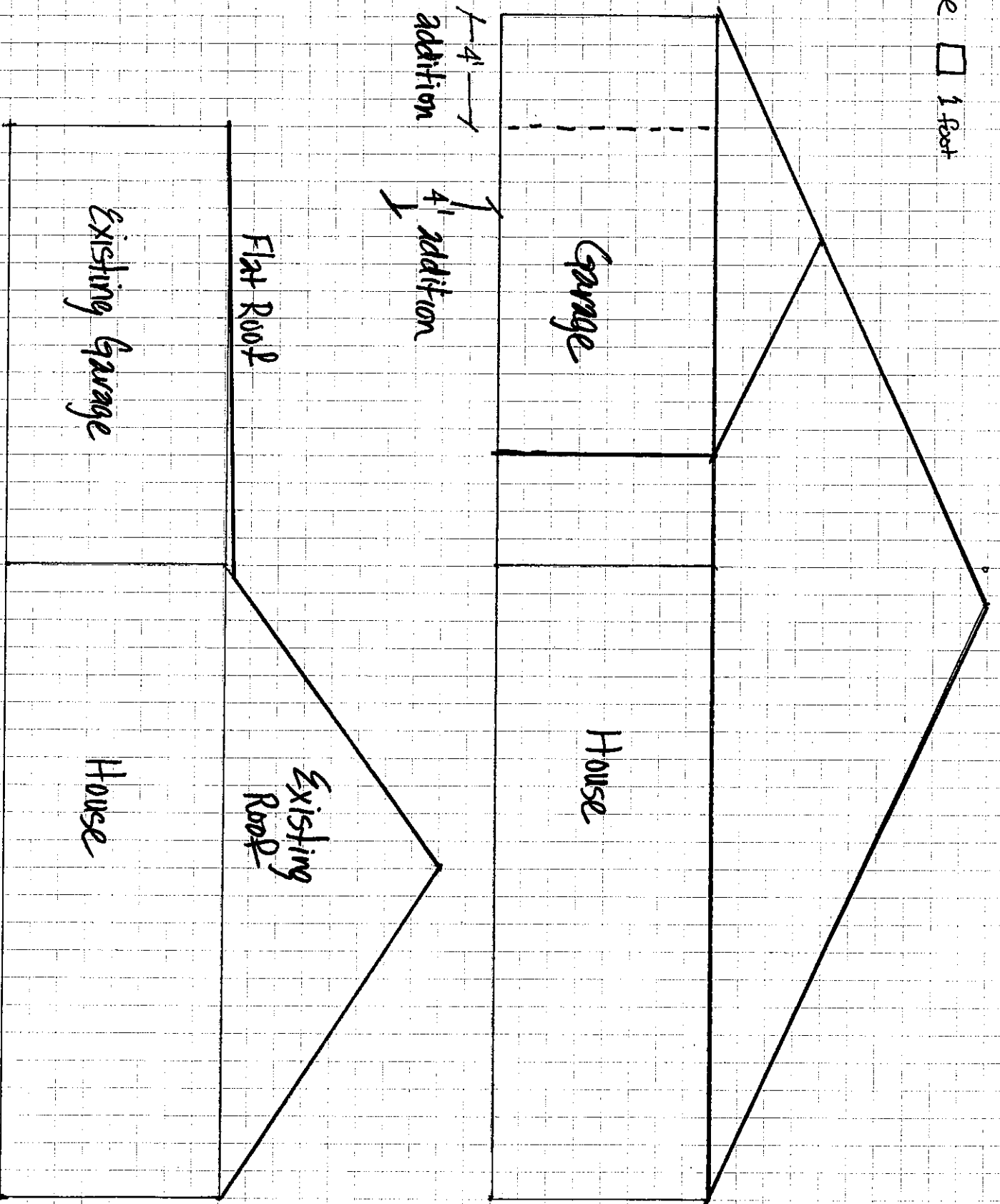
A part of the Northeast quarter of Section 8, Township 8 North, Range 1 West, Monroe County, Indiana, being that 0.16-acre parcel surveyed by Eric L. Deckard, Indiana Professional Surveyor #29900012 and shown on a plat of survey as Deckard Land Surveying Job No. 23-101, being more particularly described as follows:

Commencing at the Southwest corner of the Northeast Quarter of Section 8, Township 8 North, Range 1 West; thence along the south line of said Northeast Quarter South 87 degrees 49 minutes 21 seconds East for a distance of 1360.61 feet; thence leaving said south line North 02 degrees 10 minutes 39 seconds East for a distance of 564.91 feet to the Point of Beginning; thence North 88 degrees 55 minutes 12 seconds West for a distance of 50.00 feet; thence North 00 degrees 05 minutes 11 seconds West for a distance of 140.00 feet to a rebar stamped “Deckard”, passing through a rebar stamped “Deckard” at 24.98 feet; thence South 88 degrees 55 minutes 12 seconds East for a distance of 50.00 feet to a metal fence post; thence South 00 degrees 05 minutes 11 seconds East for a distance of 140.00 feet to the Point of Beginning, passing through a rebar stamped “Deckard” at 115.02 feet, containing 0.16 acres, more or less.

Subject to the Right-of-Way of W. Guy Avenue and all other legal easements of record.

NEU		<div><div><div>SURVEYING</div><div>PLANNING</div><div>MAPPING</div></div><div></div></div> <div>DECKARD LAND SURVEYING 1604 S. HENDERSON ST. BLOOMINGTON IN. 47401 (812) 961-0235</div>
BOUNDARY SURVEY	SHEET 2 OF 2	
DRAWN BY: ZHW DATED: 08/08/23	CHECKED BY: ELD	SCALE 1"=40' PROJECT NO. 23-101

Scale ☐ 1 foot

Scale: \square 1 foot

Scale □ 1 foot

