

CITY OF BLOOMINGTON



October 18, 2017 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON
HEARING OFFICER
October 18, 2017 at 2:00 p.m.

*Kelly Conference Room #155

PETITIONS:

- V-27-17 **Michael Valliant & Julia DeBruicher-Valliant**
2510 S. Madison St.
Request: Variances from side and rear yard building setback standards to allow a detached garage to be converted to a single-family dwelling.
Case Manager: Eric Greulich

**PETITIONER: Michael Valliant & Julia DeBruicher-Valliant
PO Box 5543, Bloomington**

REQUEST: The petitioner is requesting a variance from side and rear yard building setback standards to allow an existing detached garage to be remodeled into a dwelling unit.

REPORT: The site is located at 2510 S. Madison Street and is zoned Residential Single-family (RS). Surrounding properties are all zoned Residential Single-family and have been developed with single family residences.

The property has been developed with a 1,365 square foot, two-story garage that was constructed and used by the adjacent lot to the north. The garage was constructed with water, sewer, and gas lines. The petitioner recently purchased the property and would like to remodel the garage in order to use the structure as a dwelling unit. The garage is located 8'8" from the north property line (side), 10'11" from the south property line (side), and 8'4" from the west property line (rear).

The petitioner is requesting a variance from the 12' side and 25' rear yard setback standards to allow the existing garage to be used as a dwelling unit. A 5' wide concrete sidewalk is required along the property frontage as a result of establishing a new single family residence on this lot.

**CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE
Front Yard Setback**

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.*

RECOMMENDED FINDING: No injury is found. There will not be any changes to the existing structure and no negative impacts from the location of the existing structure have been found.

- 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.*

RECOMMENDED FINDING: No negative effect from the conversion of the garage into a dwelling unit on the areas adjacent to the property is expected. The existing structure has been in place for over 30 years with no known negative impacts. There

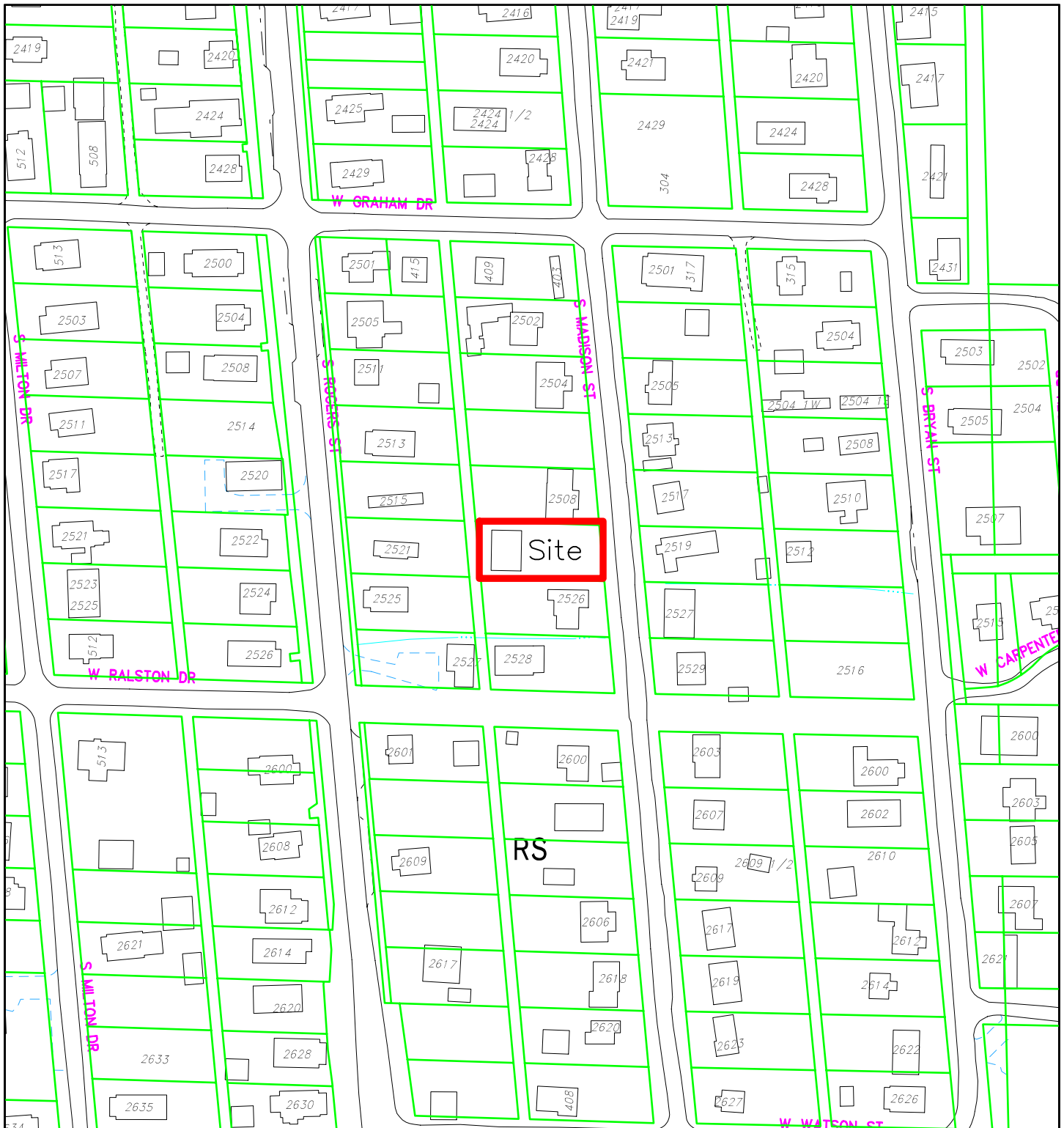
are two other structures just immediately south of this property that have houses located within the side and rear setback standards with no negative impacts. In addition, the Broadview Neighborhood Association heard this request and did not find any negative impacts as well.

- 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.*

RECOMMENDED FINDING: Practical difficulty is found in that requiring the structure to meet setback requirements would necessitate the building being completely removed. Allowing the existing structure to be reused as a dwelling unit allows infill development without requiring new construction preserves existing buildings and resources. The practical difficulties are peculiar to the property in that the property has existing with the structure in its location for over 30 years and there are no changes necessary to the structure to allow it to be used as a residence. The building is small in size and will have only 2 bedrooms.

RECOMMENDATION: Based upon the written findings above, the Department recommends that the Hearing Officer adopt the recommended findings and recommends approval of V-27-17 with the following conditions:

1. The petitioners must obtain a building permit prior to construction.
2. A 5' wide concrete sidewalk is required along the property frontage.
3. No additions to the house are allowed on the north, west, or south side of the residence.



V-27-17 Michael Valliant & Julia DeBruicher-Valliant

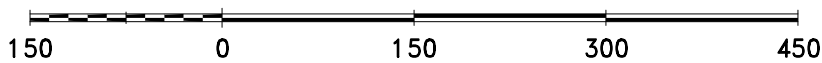
2510 S Madison Street

Hearing Officer

Site Location, Zoning, Parcels

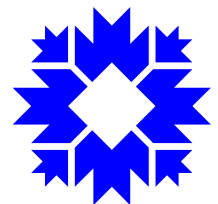
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13 Oct 17



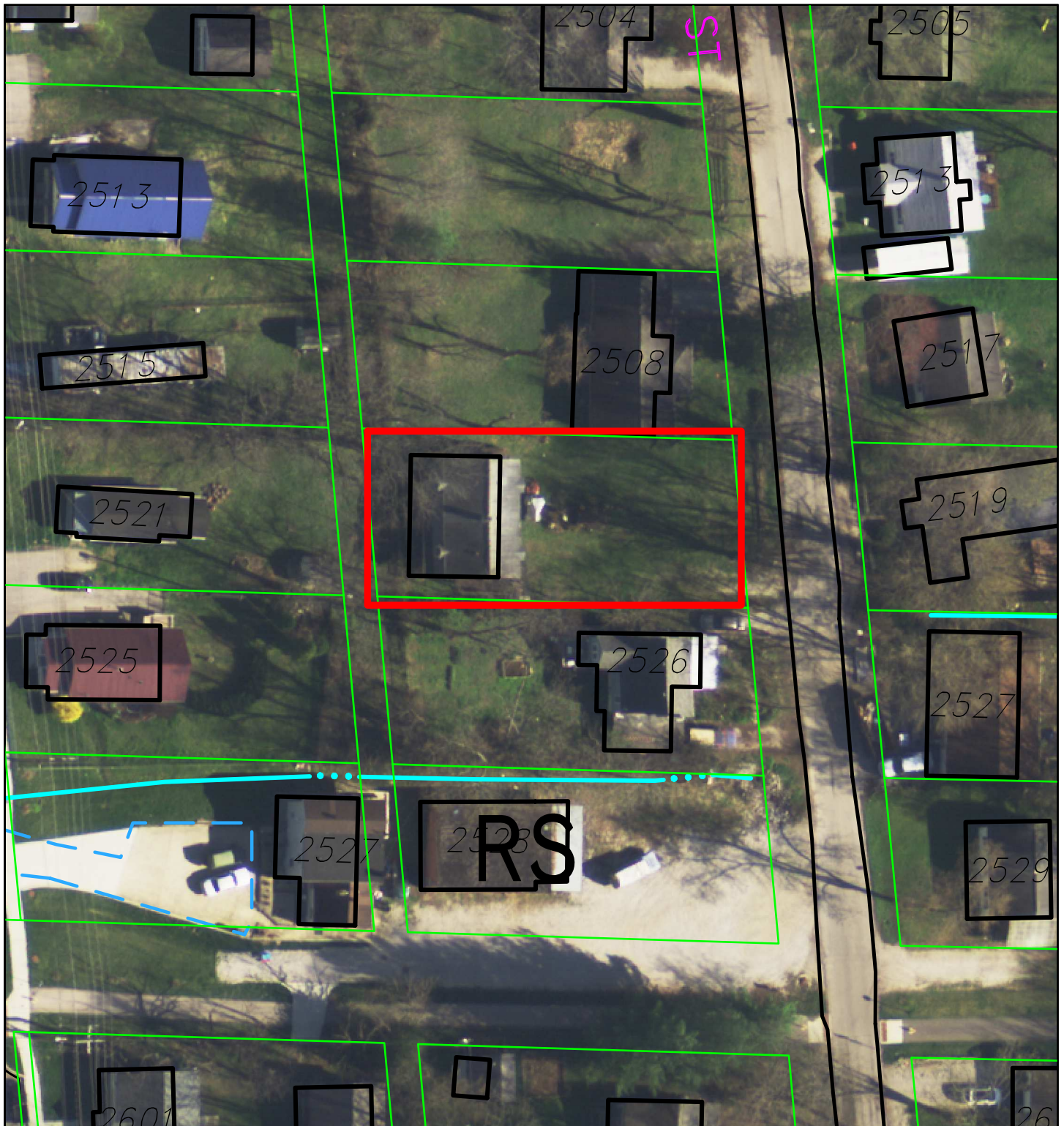
For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



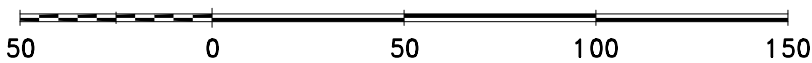
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Scale: 1" = 150'

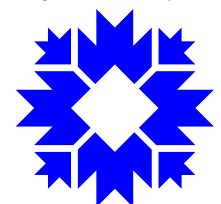


V-27-17 Michael Valliant & Julie DeBruicher-Valliant
 2510 S Madison Street
 Hearing Officer
 2016 Aerial Photograph

By: greulice
 13 Oct 17



City of Bloomington
 Planning & Transportation



Scale: 1" = 50'

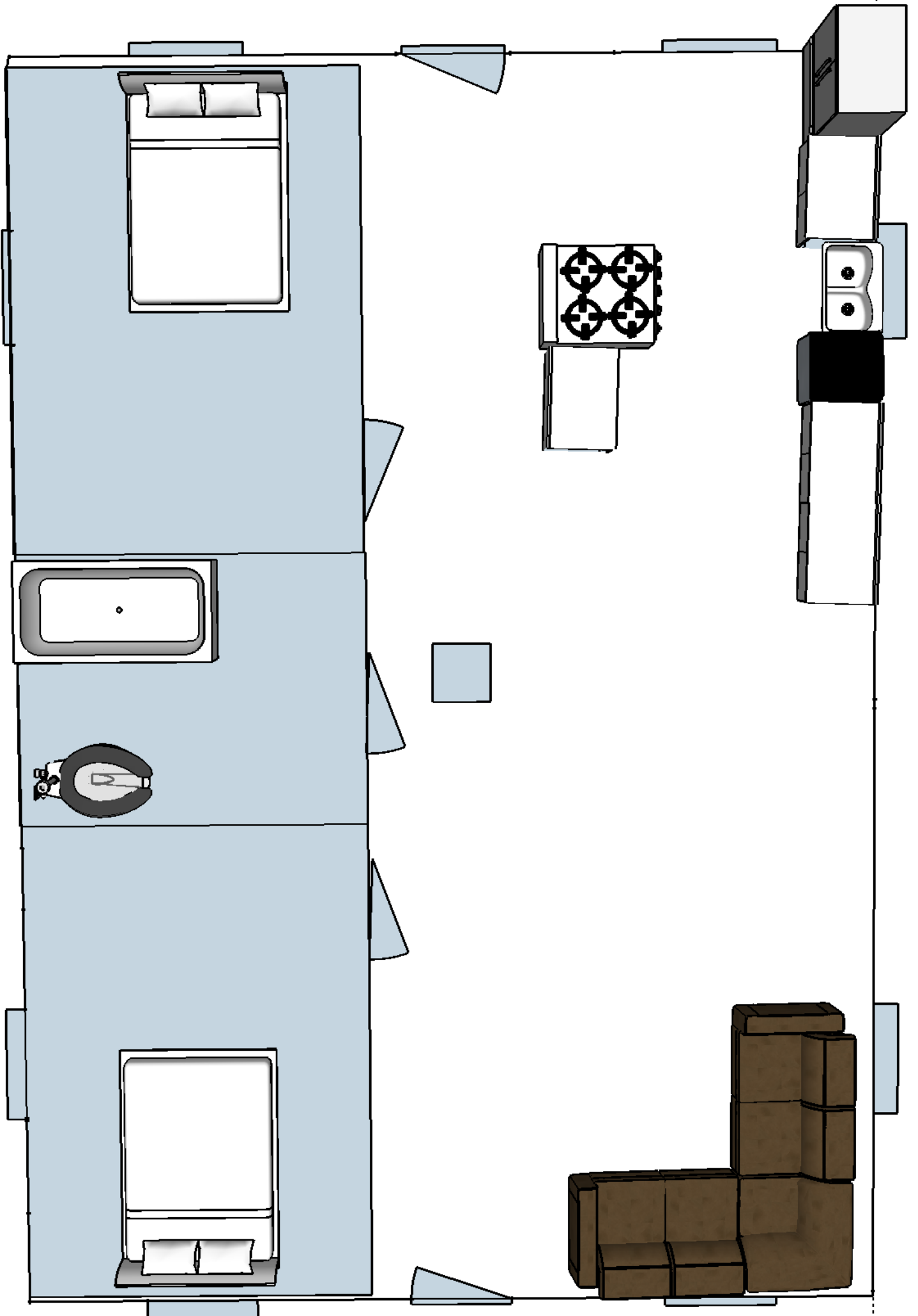
For reference only; map information NOT warranted.

Petitioner Statement for 2510 S. Madison by Julia and Michael Valliant

Petitioners request a variance from the 25' rear yard and 12' side yard building setbacks to allow the existing garage to be used as a primary residence. Existing distances are 8'8" on the south face, 8'4" on the west face, and 10'11" on the north face.

The structure at 2510 S. Madison is a two-story building with a two-bay garage on the ground floor and undeveloped 2nd floor. The previous owner intended to create a living space for his daughters on the 2nd floor, going as far as running sewer, water, and gas lines, without ever connecting service. When constructed in the early 1980s, zoning regulations may have permitted the building to be closer to property lines.

We would like to renovate this building into a livable space, following a trend in the neighborhood of housing improvements and some new construction, particularly from Habitat for Humanity.

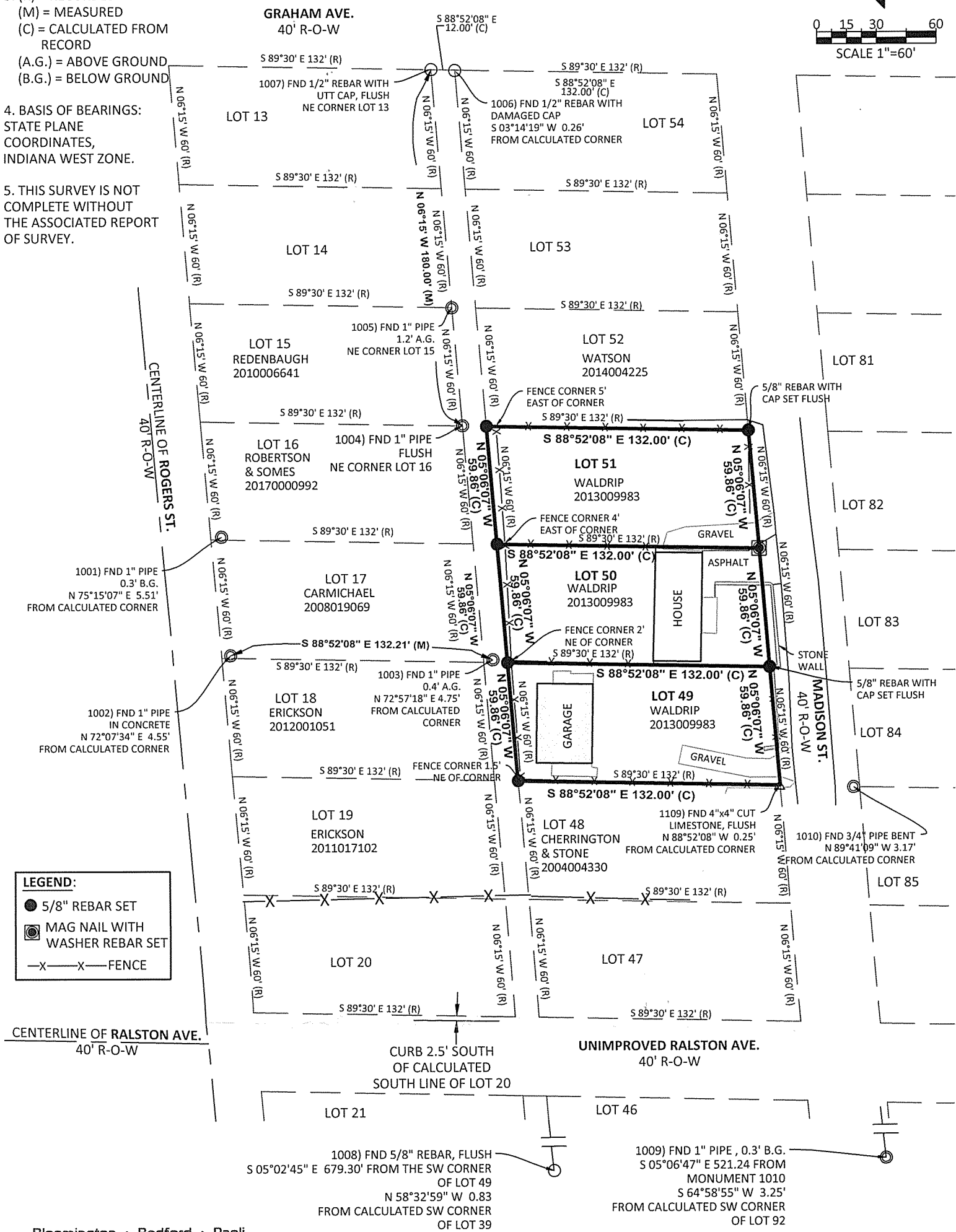
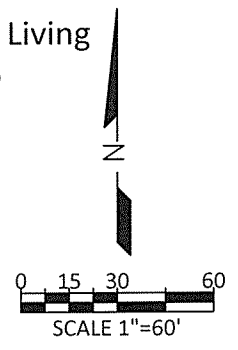


PLAT OF SURVEY - RETRACEMENT BOUNDARY
 LOTS 49, 50 AND 51 OF BROADVIEW
 SECOND ADDITION TO BLOOMINGTON INDIANA
 A PART OF SECTIONS 8 AND 9, T8N, R1W, MONROE CO.,
 INDIANA
 JOB No. 9459

- NOTE:
 1. FIELD WORK COMPLETED
 JUNE 5, 2017.
2. ALL 5/8" REBAR SET HAVE
 YELLOW CAP STAMPED
 "BRCJ INC 6892 IN" AND
 ARE 0.30' ABOVE GROUND
 UNLESS NOTED.

Client Name: Richard Durisen
 Owners Name: Melville R. Waldrip Revocable Living
 Trust, Instrument Number 2013009983

3. (R) = RECORDED
 (M) = MEASURED
 (C) = CALCULATED FROM
 RECORD
 (A.G.) = ABOVE GROUND
 (B.G.) = BELOW GROUND
4. BASIS OF BEARINGS:
 STATE PLANE
 COORDINATES,
 INDIANA WEST ZONE.
5. THIS SURVEY IS NOT
 COMPLETE WITHOUT
 THE ASSOCIATED REPORT
 OF SURVEY.



LEGEND:

- 5/8" REBAR SET
- ⊗ MAG NAIL WITH WASHER REBAR SET
- X-X- FENCE

number shows an IP found at the southwest corner of Lot 92.
1008. A 5/8-inch rebar was found 0.83 feet northwesterly of the southwest corner of Lot 39. The origin of this monument is unknown.

DEED ANALYSIS:

The subject deed and all adjoining deeds call for lots in Broadview Second Addition, so no discrepancies were found in the deeds.

ESTABLISHMENT OF LINES AND CORNERS:

Monuments number 1007 and 1004 were accepted as the west line of the 12 feet wide alley. The measured distance between them matched the record distance of 180.00 feet. The east line of the alley was created 12 feet east of the said west line, supported by monument number 1006, found to be on this east line. The east line of the block along Madison Street was established at the record distance of 132.00 feet from the east line of the alley.

Monuments number 1002 and 1003 were not accepted as the corners of Lot 17, but they were used to determine the east/west direction of the lot lines for the block.

The stone, monument number 1109, was accepted as being on the south line of Lot 49, with the southeast corner of the lot being calculated at the record distance of 132 feet from the east line of the alley.

The northwest corner of Lot 51 was established by intersecting a line through monument number 1004, using the bearing between monument number 1002 and 1003, with the east line of the alley.

The length of the east and west lines of Lots 49 through 51 was prorated between the north line of Lot 51 and the south line of Lot 49.

As a result of the above observations, it is my opinion that the uncertainties in the location of the lines and corners established on this survey are as follows:

Due to *Availability and condition of reference monuments;*

5 feet with the monuments found near the corners of Lot 17.

The location of monuments number 1010 and number 1009 creates 3.2 feet of uncertainty in the location of Madison Street. Checking to monument number 1008, even though it's a block and one half away, supports the location of the east line of the 12' alley within 0.7 feet.

Monument 1008 also supports the location of the south line of Lot 49 within 0.4 feet, when all lots and streets are put in at record dimensions.

Due to *Occupation or possession lines;* a fence corner is 5 feet east of the northwest corner of Lot 51. Another fence corner is 1.3 feet east and 1 foot north of the southwest corner of Lot 49.

Due to *Clarity or ambiguity of the record description used and of adjoiners' descriptions and the relationship of the lines of the subject tract with adjoiners' lines;* no discrepancies found.

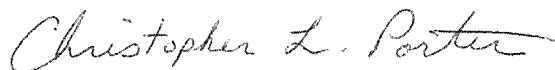
This survey was executed according to survey requirements contained in Section 1 through 19 of 865 IAC 1-12.

This certification does not take into consideration additional facts that an accurate and correct title search and/or examination might disclose.

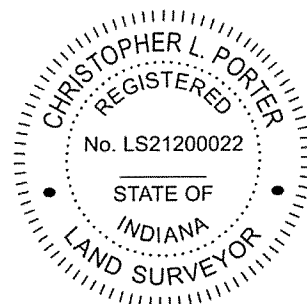
Evidence of easements have not been located in the field and are not shown on this survey drawing.

Subject to the above reservation, I hereby certify that the survey work performed on the project shown hereon was performed either by me or under my direct supervision and control and that all information shown is true and correct to the best of my knowledge and belief.

Certified this 6th day of June, 2017



Christopher L. Porter
Registered Land Surveyor No. LS21200022
State of Indiana



REPORT OF SURVEY
Job #9459

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

- (a) Reference monuments of record
- (b) Title documents of record
- (c) Evidence of active lines of occupation
- (d) Relative Positional Accuracy "RPA"

The Relative Positional Accuracy "RPA" (due to random errors in measurement) of this survey is within that allowable for a Suburban survey (0.13 feet plus 100 ppm) as defined IAC, 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.).

In regard to "**ACTIVE LINES OF OCCUPATION**", point (c) above: ACTIVE refers to lines which are marked by visible, obvious, well defined and maintained, man-made or placed objects, such as, but not limited to, fences, hedges and retaining walls. The uncertainty cited for a line of occupation is general in nature and is NOT intended to be specific for every point along the line. Therefore, portions of the occupation line may vary from the surveyed line by a distance greater or less than uncertainty cited in this report.

This survey is a Retracement Survey performed at the request of Richard Durisen.

The property is currently in the name of the Melville R. Waldrip Revocable Living Trust (Instrument No. 2013009983).

The field work was completed on June 5, 2017.

SURVEYS & PLATS OF RECORD:

1. Plat of Broadview Second Addition to Bloomington Indiana, found in Plat Book 3, Page 54 or Plat Cabinet B, Envelope 44, in the office of the Monroe County Recorder.
2. Survey of Lots 37 and 38 of Broadview Second Addition by Raymond Graham, dated November 3, 1987, found in the Graham files in the office of Bledsoe Riggert Cooper & James, Bloomington, Indiana.
3. Survey of Lot 17 of Broadview Second Addition by Raymond Graham, dated January 31, 1990, found in the Graham files in the office of Bledsoe Riggert Cooper & James, Bloomington, Indiana.
4. Survey of Lot 84 of Broadview Second Addition by Raymond Graham, dated May 29, 1997, found in the Graham files in the office of Bledsoe Riggert Cooper & James, Bloomington, Indiana.
5. Survey of Lot 54 of Broadview Second Addition by C.D. Graham, dated April 17, 1998, found in the Graham files in the office of Bledsoe Riggert Cooper & James, Bloomington, Indiana.
6. Location Control Route Survey by Trent E. Newport, dated April 4, 2007, found as Instrument Number 2007017204 in the office of the Monroe County Recorder.
7. Survey of Lot 92 of Broadview Second Addition by Raymond Graham, dated August 4, 2000, found in the Graham files in the office of Bledsoe Riggert Cooper & James, Bloomington, Indiana.

MONUMENTS FOUND:

1006. A 1/2-inch rebar with a damaged cap was found 0.26 feet southwesterly of the calculated northwest corner of Lot 54. Survey number 5 above shows a 5/8-inch rebar at this location.
1007. A 1/2-inch rebar with "UTT" cap was accepted as the northeast corner of Lot 13. No survey was found showing this monument.
1005. A 1 inch pipe was found at the northeast corner of Lot 15. The origin of this monument is unknown.
1004. A 1 inch pipe was accepted as the northeast corner of Lot 16. The origin of this monument is unknown.
1001. A 1 inch pipe was found 5.51 feet northeasterly of the calculated northwest corner of Lot 17. Survey number 3 above shows an iron pin at the northwest corner of Lot 17.
1002. A 1 inch pipe was found 4.55 feet northeasterly of the calculated southwest corner of Lot 17. Survey number 3 above shows an iron pin at the southwest corner of Lot 17.
1003. A 1 inch pipe was found 4.75 feet northeasterly of the calculated southeast corner of Lot 17. Survey number 3 above shows an iron pin at the southeast corner of Lot 17.
1109. A 4" by 4" cut limestone was found 0.25 feet westerly of the calculated southeast corner of Lot 49. The origin of this monument is unknown. It was accepted as being on the south line of Lot 49.
1010. A bent 3/4-inch pipe was found 3.17 feet westerly of the southwest corner of Lot 84. Survey number 4 above shows an IP at the southwest corner of Lot 84.
1009. A 3/4-inch pipe was found 3.25 feet southwesterly of the southwest corner of Lot 92. Survey