CITY OF BLOOMINGTON

BOARD OF ZONING APPEALS

November 16, 2017 @ 5:30 p.m.
COUNCIL CHAMBERS #115
CITY HALL

CITY OF BLOOMINGTON
BOARD OF ZONING APPEALS
November 16, 2017 at 5:30 p.m. ***Council Chambers - Room #115**

ROLL CALL

MINUTES TO BE APPROVED: None at this time

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

PETITIONS WITHDRAWN:

· V-19-17 **H.M. Mac Development, LLC**
325, 335, 337 S. Walnut St.
Request: Variance from minimum driveway separation requirements to allow an existing drive cut.
Case Manager: Eric Greulich

PETITIONS CONTINUED TO: December 21, 2017

· UV-30-17 **Gwynne and Ben Shively**
722 W. 2nd St.
Request: Use variance to permit a barber/beauty shop in the Medical (MD) zoning district.
Case Manager: Amelia Lewis

PETITIONS:

· V-29-17 **Austin Goodman**
724 W. 3rd St.
Request: Variance from side and rear yard building setback standards to allow for a porch addition in a Residential Core (RC) zoning district.
Case Manager: Jackie Scanlan

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 BOARD OF ZONING APPEALS **CASE #: V-29-17**
LOCATION: 724 W. 3rd Street **DATE: November 16, 2017**

PETITIONER: Austin Goodman
724 W. 3rd Street, Bloomington

REQUEST: The petitioner is requesting a variance from the side yard and rear yard setback standards.

BACKGROUND:

Area:	0.05 Acres
Zoning:	RC
GPP Designation:	Core Residential
Existing Land Use:	Dwelling, Single-Family (detached)
Proposed Land Use:	Dwelling, Single-Family (detached)
Surrounding Uses:	North - Dwelling, Single-Family (detached)
	South - Dwelling, Single-Family (detached)
	East - Dwelling, Single-Family (detached)
	West - Dwelling, Single-Family (detached)

REPORT: The property is located on the north side of West 3rd Street between South Maple and South Fairview Streets, and is zoned Residential Core (RC). All immediately adjacent properties also contain single-family residential uses. The parcel contains only an existing single family residence that was built around 1920.

The petitioner is seeking to add a roughly 177 square foot screened porch addition on the north side of the house, where a conglomeration of patio, decking, and landscape stone currently exists.

The existing house has basement access from a hatch door on the northwest side of the building. The proposed screened porch would cover the door area, and as a result, be just under 2 feet from the western property line, and slightly inset from the western building wall. The proposed screen porch is 9 feet 9 inches deep, which is 13 feet 9 inches from the rear property line. The rear yard setback in the RC district is 25 feet. The existing improvements on the parcel are roughly 7 feet from the rear property line.

The petitioner is doing additional remodeling to the house, including work on the front porch and windows. The petitioner appeared at the September 28, 2017 Bloomington Historic Preservation Commission and received a Certificate of Appropriateness for the other work being done on this site. However, because the back porch area involved in this petition is not visible from the right-of-way, the BHPC did not discuss the porch in this petition. The petitioner reached out to the representative of the Prospect Hill Neighborhood Association, but has not heard back.

Approval of the variance would allow for the proposed screen porch to be constructed that encroaches roughly 4 feet into the side yard setback and 11 feet 3 inches into the rear yard setback. If approved the porch's side yard setback would be very similar to the existing side setback of the house. The rear yard setback would be greater than the setback of current improvements.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE
Side 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.*

PROPOSED FINDING: No injury is found. The proposed addition will extend the structure by adding a screened porch, but will not increase the degree of encroachment into the side yard setback. The use of the property will remain as a single family house.

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 negative effects are found from this proposal on the areas adjacent to the property. The existing setback encroachment is not increasing. If the addition is approved, the increased area of encroachment will only be adjacent to the rear of an accessory garage. The property will remain as one detached single-family dwelling.

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 the limits inherent in the lot size combined with the orientation of the existing development on the lot. The existing placement of the house maximizes the width of the 30 foot wide parcel. The minimum lot width in the district is 55 feet. Peculiar condition is found in that the existing basement access is at the corner of the house and any protection of that door requires encroachment into the side yard setback. The addition, however, does not increase the intensity of the encroachment already established by the house's western building wall. The existing basement access is very close to the western property line, limiting options for weather and safety protection of that doorway that do not encroach into the setback. Holding the addition to the side yard setback standard does not meet the intended purpose of the UDO regulation, as there is no increase in setback encroachment with this addition and safety on the property is being increased.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE
Rear 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.*

PROPOSED FINDING: No injury is found. The proposed addition will be a screened porch at the rear of the house that will not extend as far as current improvements do. The addition will not be visible from the right-of-way. The use of the property will remain as a single family house.

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.*

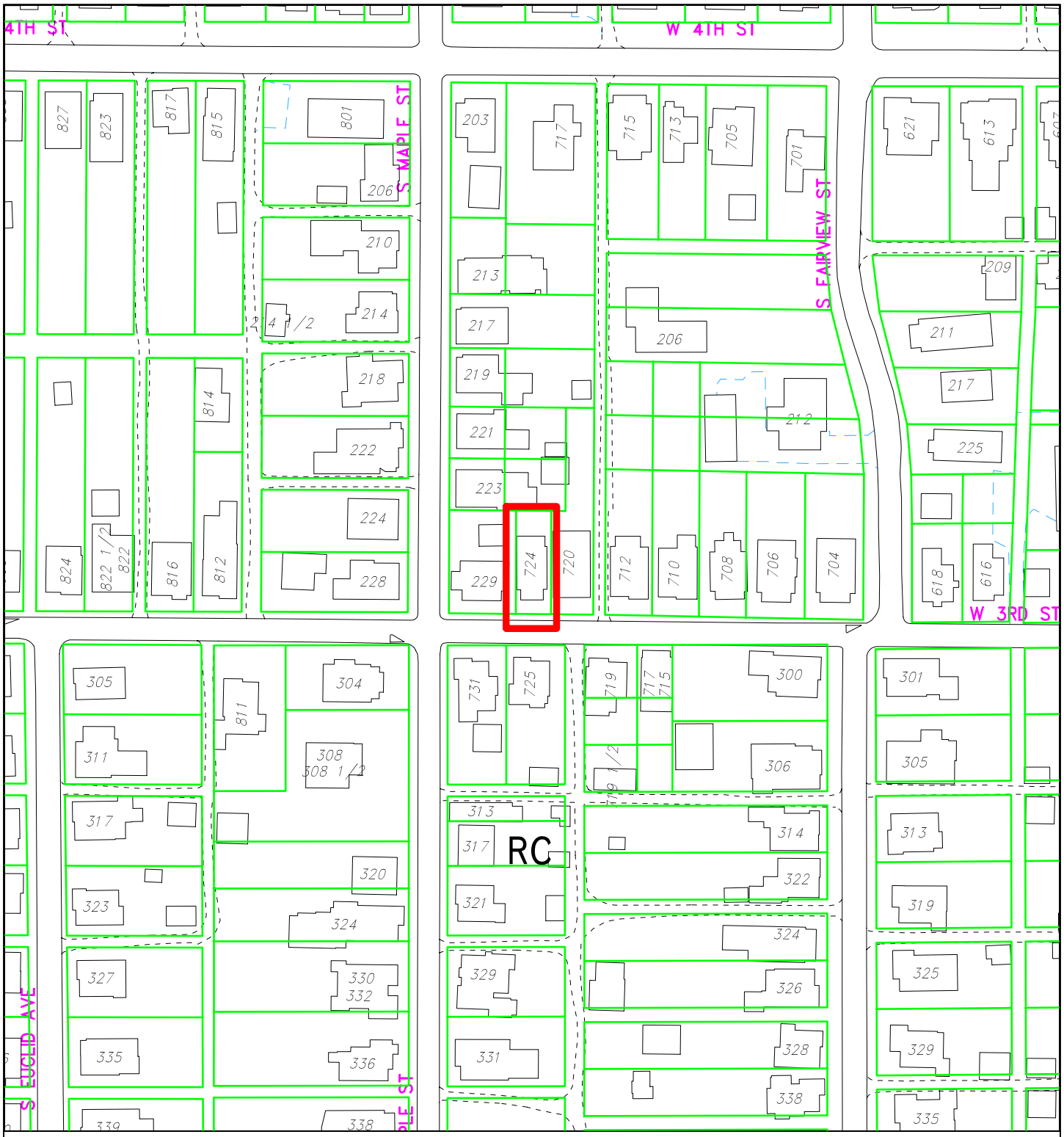
PROPOSED FINDING: No negative effects are found from this proposal on the areas adjacent to the property. Current improvements on the site are roughly 7 feet from the rear property line. The addition will pull the improvements further from the rear property line. The property will remain as one detached single-family dwelling.

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 the limits inherent in the lot size combined with the orientation of the existing development on the lot. The existing placement of the house maximizes the width of the 30 foot wide parcel. The minimum lot width in the zoning district is 55 feet. The depth of the parcel is roughly 88 feet, which is undersized compared to most of the parcels in the area. The minimum lot size in the RC zoning district is half an acre, and the petition site is .05 acres. The Department finds peculiar condition in the small size of the lot related to the small to average size of the home. The addition is not out of character with the area, and will not be visible from the right-of-way. The purpose of the rear yard setback provision is to benefit the relationship between the rears of two adjacent properties. Most rear yard setback areas immediately abut adjacent rear yard setback areas. The petition site backs up to the side of the adjacent property to the north, which has a 6 foot setback requirement. Holding the addition to the rear yard setback standard is onerous on typical development of this undersized, uniquely situated lot.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve V-29-17 with the following conditions:

1. Variance is approved for the screened porch addition, including architecture, as submitted only.
2. Variance is approved related to the submitted site plan only. Any subsequent encroachments would require a variance.
3. The petitioners must obtain a building permit prior to construction.



City of Bloomington
Planning & Transportation

By: scanlanj
9 Nov 17

120 0 120 240 360

N

Scale: 1" = 120'

For reference only; map information NOT warranted.

By: scanlanj
9 Nov 17

20 0 20 40 60

N

City of Bloomington
Planning & Transportation

Scale: 1" = 20'

For reference only; map information NOT warranted.

AUSTIN GOODMAN - 724 W 3RD ST - PETITIONERS STATEMENT

V-29-17 Petitioner's Statement

503-459-9839
austin@austingoodman.com

October 17, 2017

724 W 3rd St
Bloomington, IN
47404

Greetings,

I am requesting a side (West) and back (North) variance for a modest screened-in back porch.

The strict application of the UDO creates practical difficulties with this property because of it's small lot-size and the removal / sale of a 10' x 88' strip of my original property in the 1920's. This puts the house closer to the property line than originally intended. The only basement access is on the West-side (poured concrete stairs,) and creates an additional set-back challenge.

I've researched the 10'x 88' parcel at the courthouse, and it's pretty clear that was originally part of my property, but for some reason was added to the neighbors lot (to the West) in the early part of the century. The neighbors house was added-on and sit's completely on that strip, so it's likely that addition was over-built and the strip sold to accommodate the addition, around the 1920's or earlier.

This proposed back porch will pull further away from neighbors (to the North) than existing structures by ~5.5ft. The porch will also reduce the square footage of built structures etc. in the back yard overall. Due to the privacy fence and the location of the backyard, the proposed back porch has extremely limited visibility to any neighbors or the public facade. The closest neighbors' structure (to the West) is the back of a detached garage.

Currently the backyard is full of gravel, stone and slabs, along with various tiered decking and trellis' (see pictures and scale drawings for reference.) The larger project scope takes the current impervious number from 100% (existing porch + decking, ALL exterior property has gravel, stone, slabs etc) to ~40% including the added back porch. In addition to removing impervious materials I will be adding landscaping to help control water run-off.

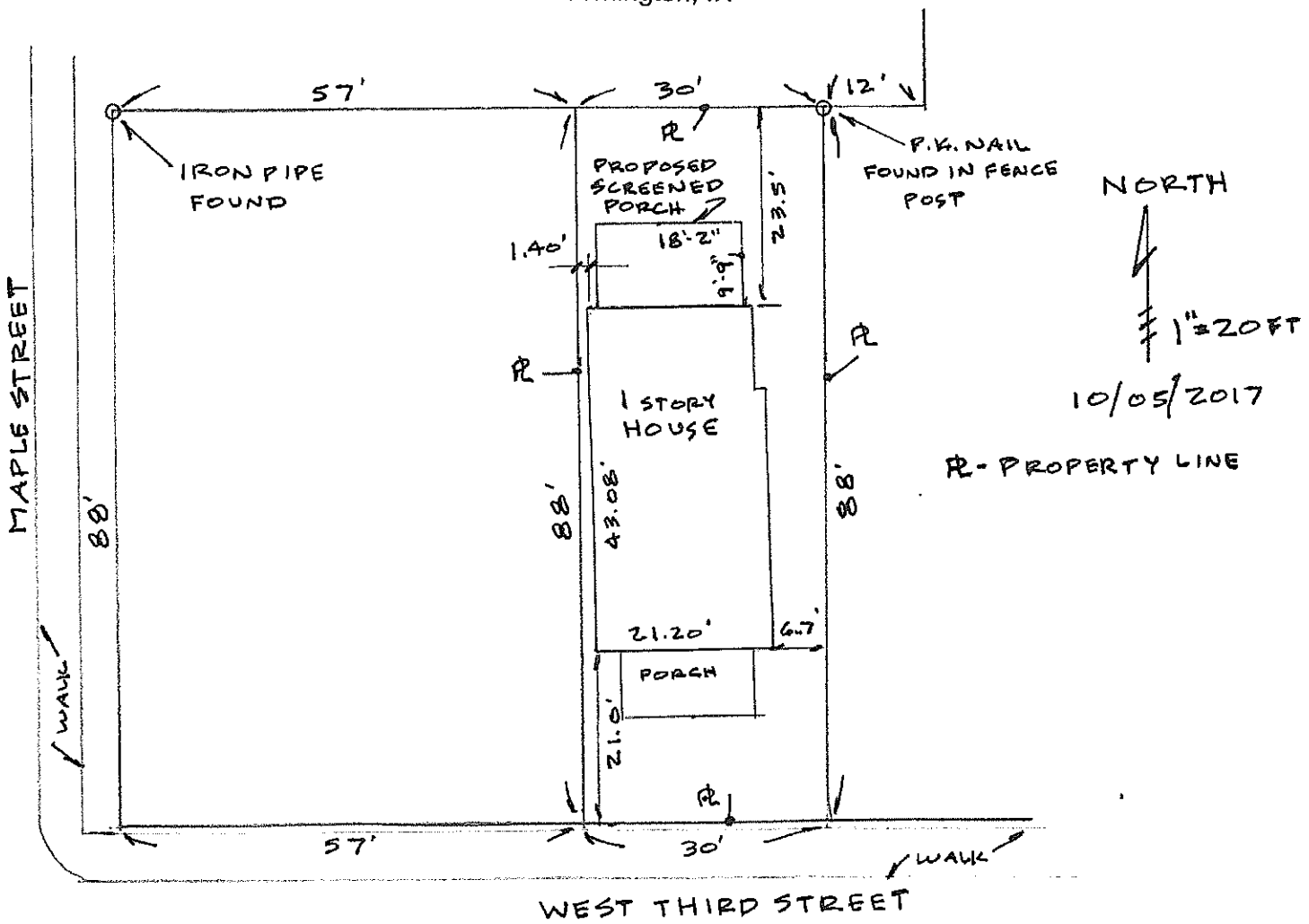
Neighbors on all sides of the proposed porch have been contacted by me, and have voiced their full support of the project.

Thanks, Austin

V-29-17 Petitioner's Site Plan

PLAT of SURVEY

Austin A. Goodman
724 West Third Street
Bloomington, IN

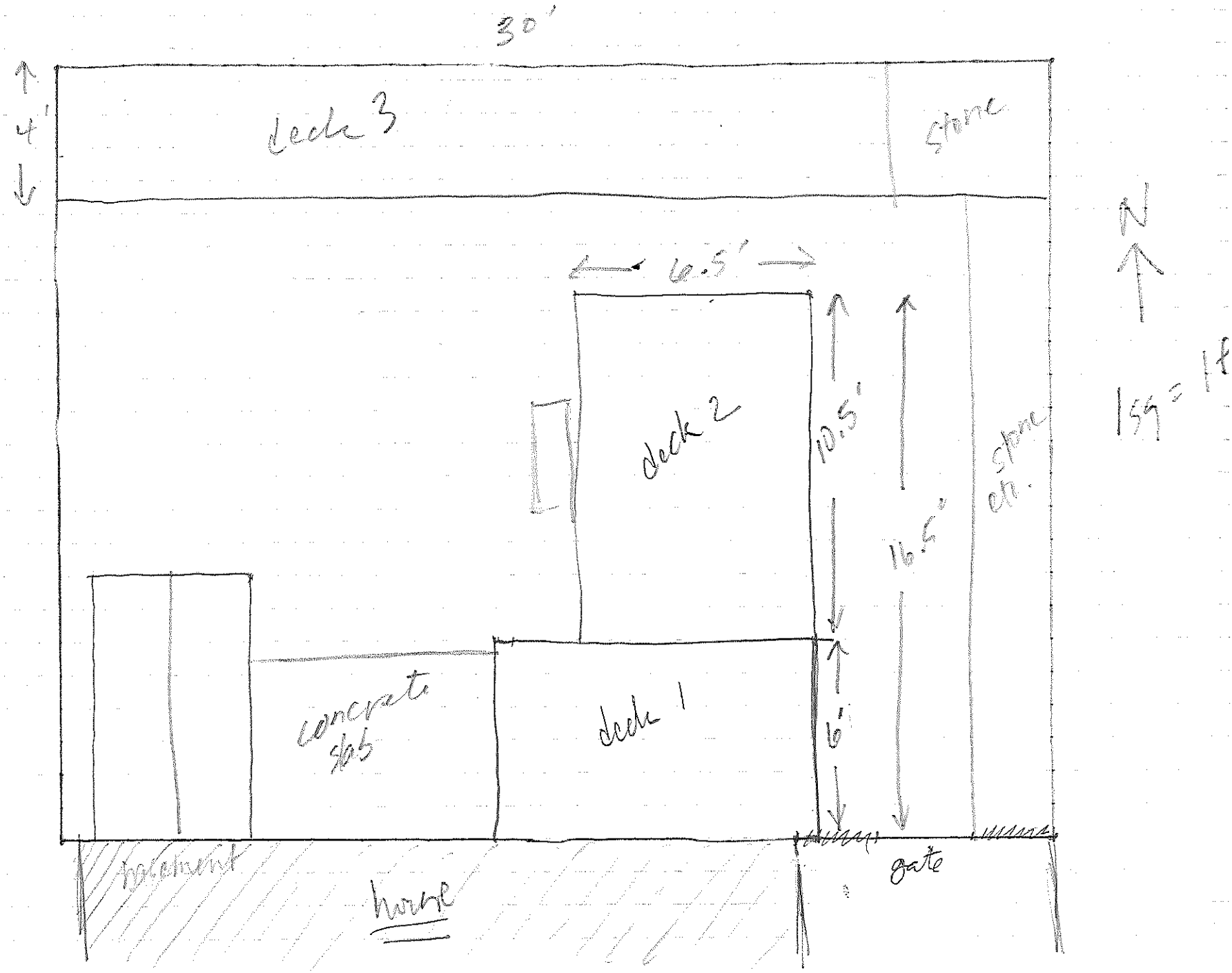


A part of Out Lot Number Two (2) in Bloomington, Indiana, as shown by the plat thereof recorded in Plat Cabinet B, Envelope 5, in the Office of the Recorder of Monroe County, Indiana, bounded and described as follows, to-wit:

Commencing at a point on the North line of Third Street in said city, Fifty-seven (57) feet East of the East line of Maple Street in said city, running thence North parallel with the East line of Maple Street Eighty-eight (88) feet; thence East parallel with the North line of Third Street Thirty (30) feet; thence South Eighty-eight (88) feet to the North line of said West Third Street in said city; thence West Thirty (30) feet to the place of beginning.

By: POTTER ENGINEERING
P.O. Box 5563
Bloomington, IN 47407
Phone (812) 331-7981

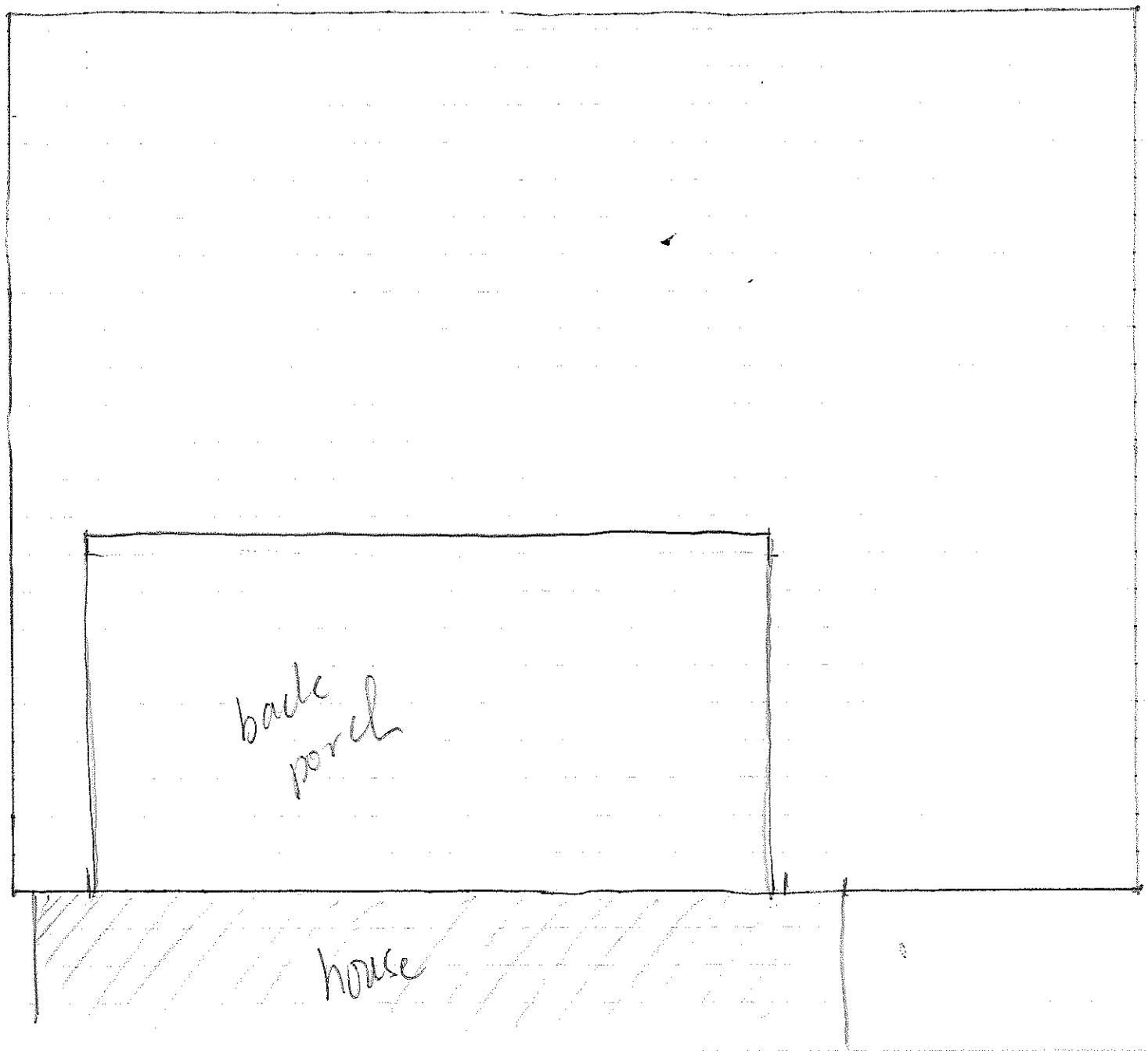
existing structures



V-29-17 Petitioner's Exhibit

V-29-17 Petitioner's Exhibit

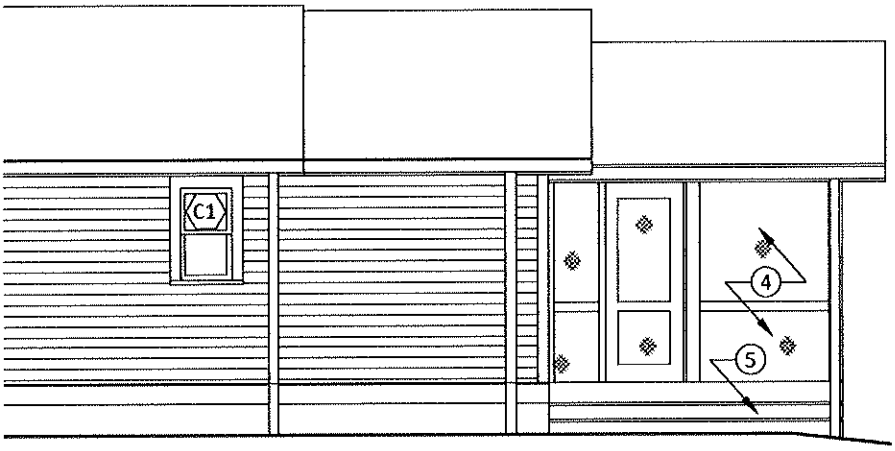
proposed structure
+ remove existing structures



N

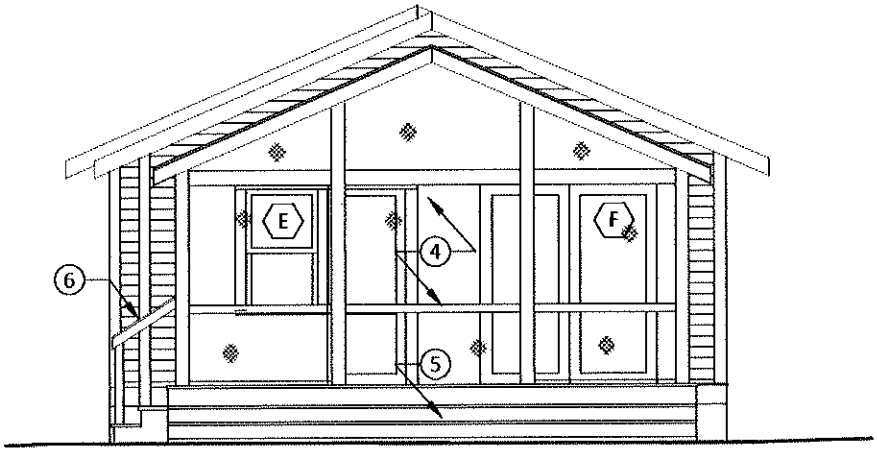
1 sq = 1 ft

V-29-17 Petitioner's Exhibit



A EAST ELEVATION

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



B REAR ELEVATION

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

V-29-17 Petitioner's Exhibit

17

V-29-17 Petitioner's Neighbor Support

Jacqueline Scanlan <scanlanj@bloomington.in.gov>

724 W 3rd St - Back Porch

Jacob Carter <tamler@gmail.com> Sun, Nov 5, 2017 at 3:16 PM
To: Austin Goodman <austin@austingoodman.com>
Cc: Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Jackie,

With how close the properties are, any improvement to one will undoubtably help the other. From the description Austin gave, the porch sounds like a fine addition.

Best,

Jacob

v2... apparently I am Reply All deficient.
[Quoted text hidden]

V-29-17 Petitioner's Neighbor Support

Jacqueline Scanlan <scanlanj@bloomington.in.gov>

724 W 3rd St - Back Porch

Don Harp <dwh720@gmail.com> Fri, Nov 3, 2017 at 12:01 AM
To: Austin Goodman <austin@austingoodman.com>
Cc: Jacqueline Scanlan <scanlanj@bloomington.in.gov>, "Lewis, Richard M." <rmelewis@iu.edu>

Hi, Austin and Jackie. Don and Richard here from 720 W. 3rd Street. Yes, we are excited for Austin's renovation plans at 724, and we fully support the petiton for his screened-in back porch.

Please let us know if you need any additional information from us.

Don Harp
Cell: 812-272-5566

Richard Lewis
Cell: 917-449-5284

720 W. 3rd Street, 47404
[Quoted text hidden]

V-29-17 Petitioner's Neighbor Support

Jacqueline Scanlan <scanlanj@bloomington.in.gov>

724 W 3rd St - Back Porch

Sue Murphy <suecameronmurphy@gmail.com> Wed, Nov 8, 2017 at 10:52 AM
To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>
Cc: austin@austingoodman.com

Hello Jackie,

My name is Sue Murphy and I live at 725 W. 3rd Street, directly across the street (south side of 3rd) from Austin. His plans for the remodel project of his home, including the back-porch, have been thoroughly explained to me. I approve. In fact, I'm delighted!

Sue Murphy
725 W. 3rd St.
Bloomington, IN 47404

(812) 219-5882
[Quoted text hidden]