

CITY OF BLOOMINGTON



December 27, 2017 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON
HEARING OFFICER
December 27, 2017 at 2:00 p.m.

*Kelly Conference Room #155

PETITIONS:

- V-35-17 **Stardust Development, LLC**
113 E. 10th St.
Request: Variance from side yard building setback standards to allow an addition to an existing residence.
Case Manager: Eric Greulich

HEARING OFFICER

December 27, 2017

Next Meeting Date: January 10, 2018

Filename: I:\common\developmentreview\hearingofficer\agendas\HO-agenda

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BLOOMINGTON HEARING OFFICER
LOCATION: 113 E 10th Street

CASE #: V-35-17
DATE: December 27, 2017

PETITIONER: Stardust Development, LLC
 403 E. 6th Street, Bloomington

REQUEST: The petitioner is requesting a variance from side yard setback standards to allow an addition to an existing residence.

REPORT: The property is located at 113 E 10th Street and is zoned Residential Multifamily (RM). Surrounding land uses include single and multifamily residences to the north, south, west and east. The property has been developed with a two-story, single family residence. The building is listed as a contributing structure and the Historic Preservation Commission voted not to locally designate the building at their October 2017 meeting.

The petitioner is proposing to remove a one-story addition on the rear of the building and reconstruct it in the same size and location, but also add a second story component to add an upstairs bathroom and closet. The existing residence is located 12.8' from the side (west) property line. The UDO requires a 15' setback from a side yard property line regardless of the number of stories.

The petitioner is requesting a variance from the required 15' side yard setback in order to allow a 12.8' setback.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE
Attached Front-Loading Garage 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.*

PROPOSED FINDING: No injury is found with this petition. The proposed addition will maintain the existing 12.8 foot setback distance and 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 from this proposal on the areas adjacent to the property is found. The setback encroachment is not increasing. There are several other structures in this area with a side yard setback that does not meet the

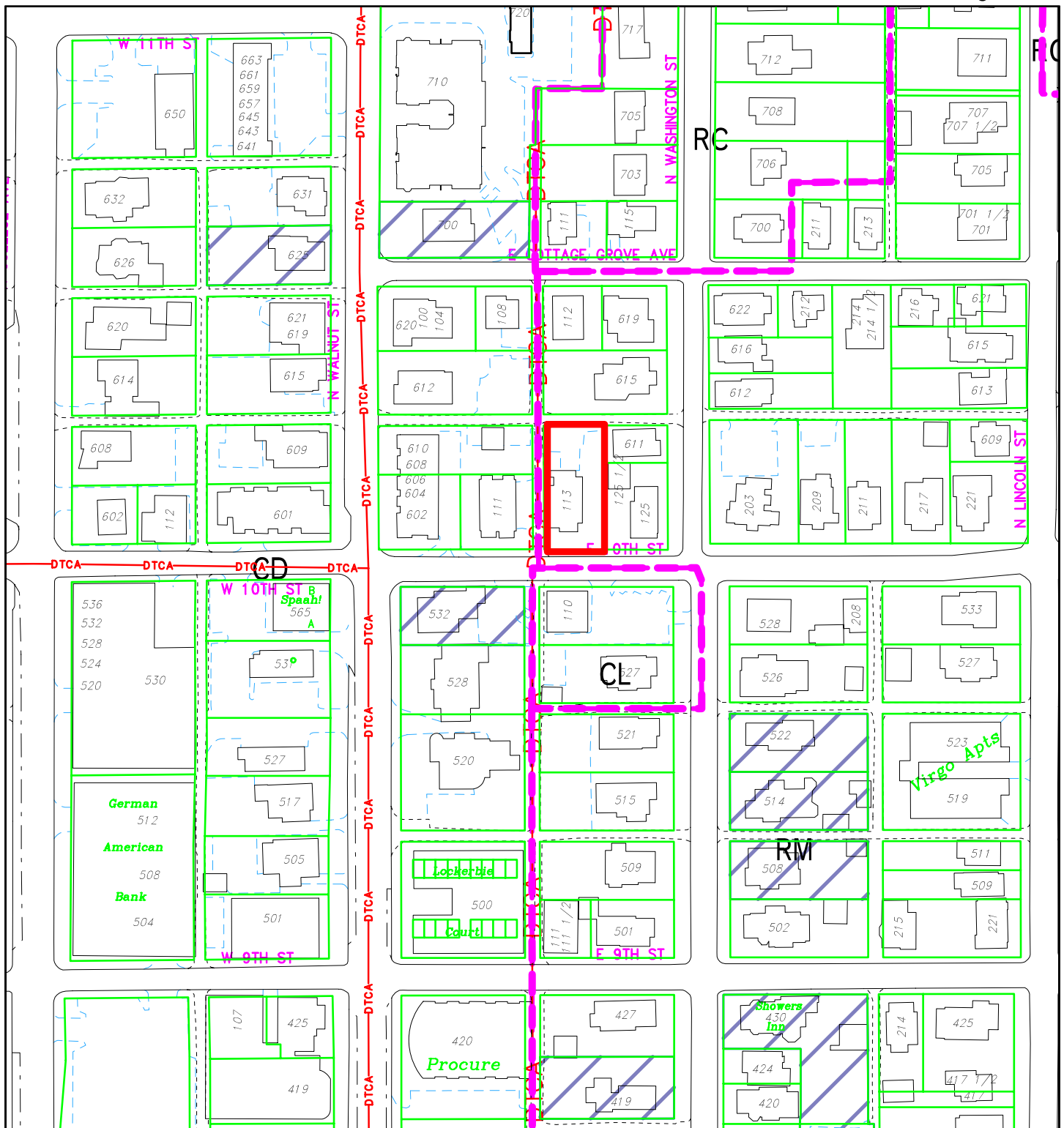
required sideyard setback. The property will remain as one detached single-family dwelling.

- 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 location of the existing residence on the lot. The addition will not be closer to the side property line than the existing structure. Peculiar condition is found in the location of the existing residence within the required setback. The presence of the alley along the west side of the property provides the desired separation and open space between this site and adjacent structures.

RECOMMENDATION: Based upon the written findings above, the Department recommends that the Hearing Officer adopt the proposed findings and recommends approve V-35-17 with the following conditions:

1. The petitioners must obtain a building permit prior to construction.
2. This variance applies to the addition as proposed only. Any subsequent encroachment would require a variance.



V-35-17 Stardust Development LLC

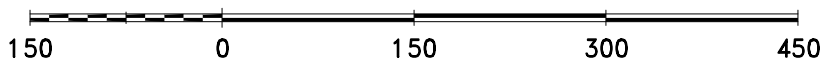
113 E 10th Street

Hearing Officer

Site location, Zoning, Parcels

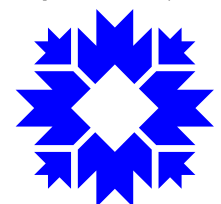
By: greulice

21 Dec 17

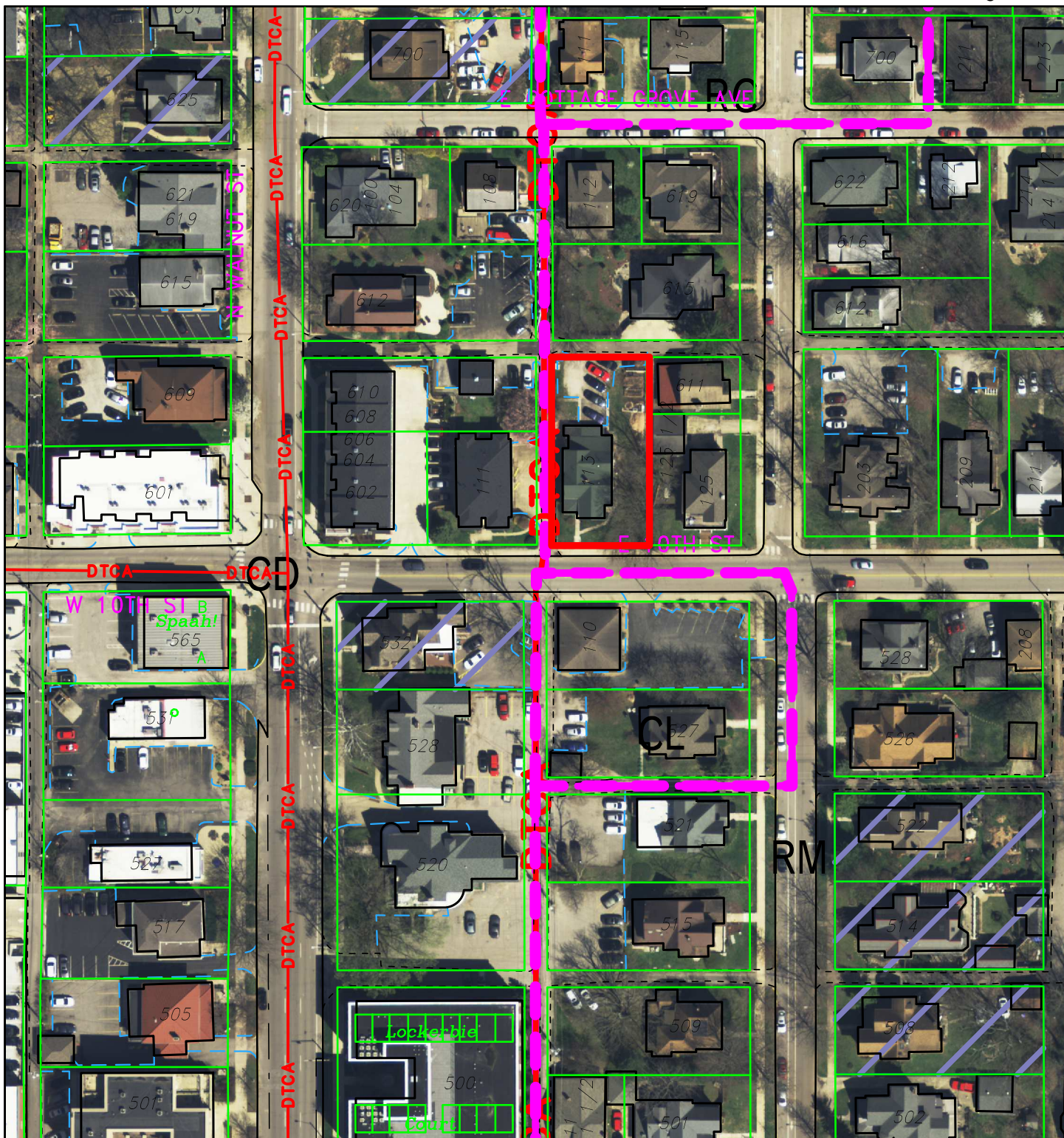


For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



Scale: 1" = 150'



V-35-17 Stardust Development, LLC

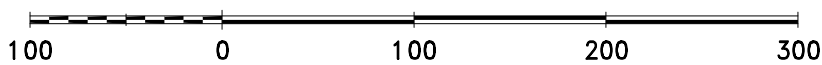
113 E 10th Street

Hearing Officer

2016 Aerial Photograph

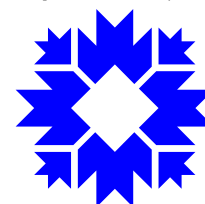
By: greulice

21 Dec 17



For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



Scale: 1" = 100'

Petitioner's Statement--Stardust Development, LLC
Side Building Setback Variance Request
113 East 10th Street

The subject property is a one story , 5-bedroom residence located on East 10th Street between N. Washington Street and N. Walnut Street. It is currently owned as a rental property. The parcel is zoned as Residential Multifamily, as are the parcels surrounding it to the North, South, and East. The parcel immediately West of the property is zoned Commercial Downtown.

Per Section 20.02.160 of the Bloomington UDO, the minimum side building setback for this parcel is 15 feet. However, as set forth below, my proposed build-out on the structure, following the current footprint of the building, would only have a setback of approximately 12.8 feet from the western boundary of the property. As such, I am requesting a side building setback variance to accommodate the construction plans.

I hope to expand the back side of the house northward approximately 5-7 feet to enlarge the kitchen, and add a bathroom and closet to the existing structure. As seen on the survey I provided of the property, the existing structure is as close as 9.8 feet to the right of way to the West. The section of the house I hope to expand measures approximately 12.8 feet from the right of way, and the plan is to extend this portion of the house directly northward. Therefore, the new structure would not venture any closer to the right of way than the structure already does; however, with a setback of only 12.8, extending the current shape of the structure would violate existing setbacks, as set forth above.

The strict application of the terms of the UDO will result in practical difficulties in the use of the property which are peculiar to the property in question. The current position of the structure on this parcel renders much of the western facade in violation of current setback requirements. In order for me to alter any portion of that facade, or extend the back in this case, I would have to move the structure inward as much as 5.2 feet. In this particular case, the UDO would require me to begin the rear build-out 2.2 feet east of the prevailing western facade and add another layer of irregularity to the already irregular shape of this structure. One of the ideas behind this project is to clean up the northern facade and alter the shape of the structure so it doesn't have so many ins and outs. A Development Standards Variance will relieve the practical difficulties outlined above and allow the structure to be enhanced along already established visual lines.

Further, approval of a Development Standards Variance will not be injurious to the public health, safety, morals, and general welfare of the community. The proposed project will not cause the structure to go closer to the right of way, but will merely extend a portion of the home which is within 2.2 feet of the current setback requirements. In fact, my bedroom window of my primary residence overlooks the subject of this project, so I can assure you the alterations will be made with the utmost care and consideration of the surrounding properties. As such, 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.

RECEIVED
NOV 27 2017

STARDUST DEVELOPMENT LLC
Project - STARDUST DEV-RES REM-113
Address - 113 10TH ST E
Parcel - 53-05-33-205-002,000-005
App # - 62545 Twp - BL-33



Bloomington

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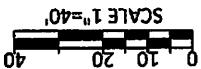
Length: 48.67 ft

Length: 11.95 length: 25.76 ft

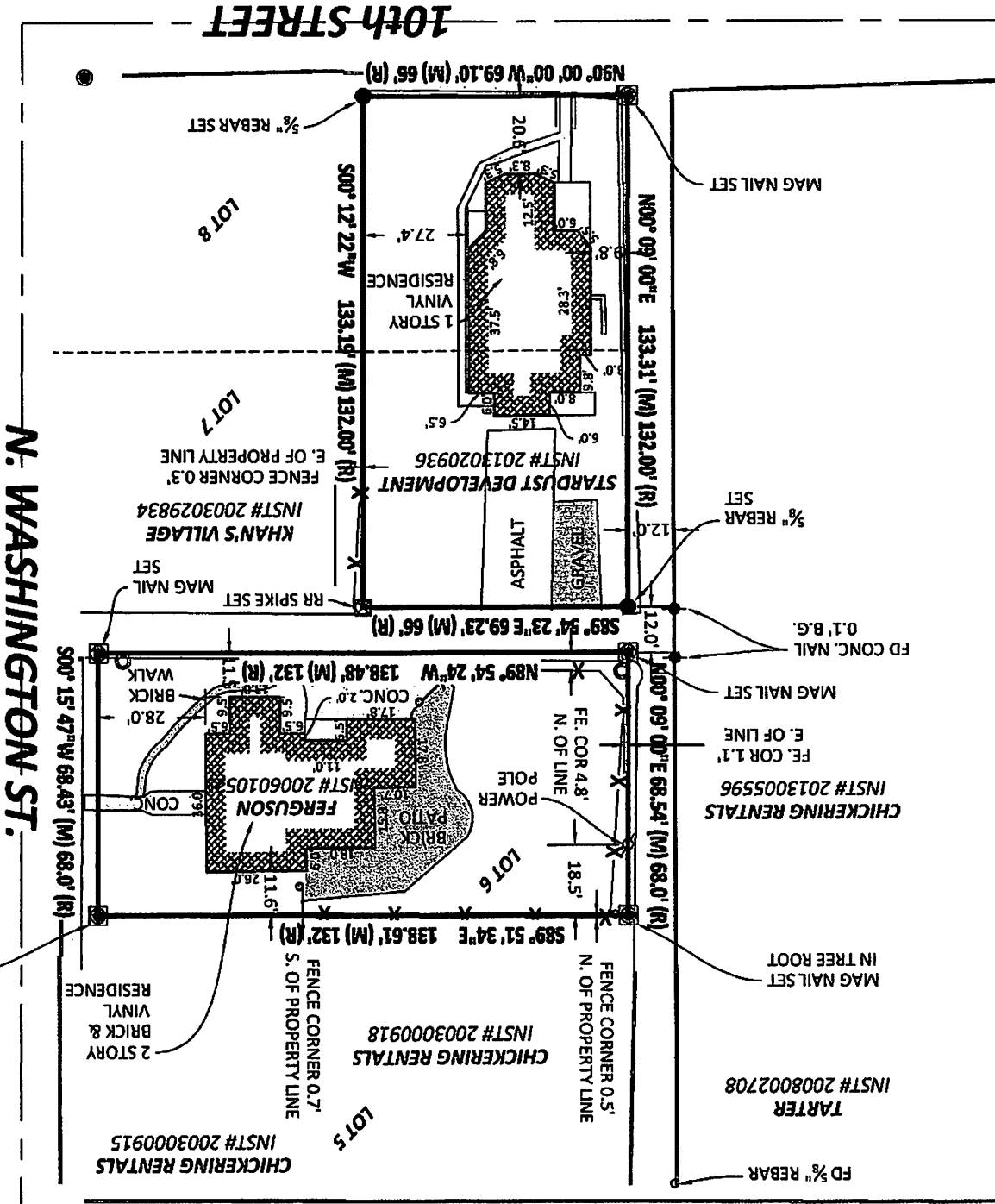
E:10th ST

N.Washington St

CLARK ADDITION LOT 6 &
WEST HALF OF LOT 7 & LOT 8
615 N. WASHINGTON ST.
JOB No. 8205
Client Name: David Ferguson



E. COTTAGE GROVE AVE.



N. WASHINGTON ST.

10th STREET

SHEET 1 OF 4

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s:\jobs\8201-8300\8205 Clark Addition, Lot 6\Draw\8205_CAD_BDRV.dwg

Legal Description
 Job No. 8205

Lot Number Six (6) in Clark's Sub-division, of Read and Others Addition, also known as Clark's Addition to the City of Bloomington, Indiana, as shown by the recorded plat thereof.

And also, the East half of Lots No. 7 and 8 in Clark's Subdivision of Reed's and Others Addition to the City of Bloomington, Indiana, EXCEPT 40.00 feet off of the North end of the East half of said Lot No. 7.

This survey was executed according to survey requirements contained in Sections 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 1st day of April, 2014



Ben E. Bledsoe
 Registered Land Surveyor No. S0559
 State of Indiana





REPORT OF SURVEY
Job # 8205

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 an urban survey (0.07 feet plus 50 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.

This survey was performed at the request of David Ferguson.

The property is currently in the name of Lot 6, Ferguson (Instrument No. 2006010529); West half of Lot 7 & 8, Stardust Development LLC (Instrument No. 2013020936).

The field work was completed in March, 2014.

SURVEYS & PLATS OF RECORD:

1. Plat of Reed & Others (Plat Cabinet "C", Env. 215)
2. Clark's Subdivision of Reeds & Others (Plat Cabinet "B", Env. 17)
3. ALTA Survey by Insight Engineering, Feb. 1999

MONUMENTS FOUND:

1. 5/8 inch rebar at the Northeast corner of Lot 4
2. MAG nail at the Southeast corner of Lot 3
3. MAG nail at the Northeast corner of Lot 2

As built streets, Washington, Cottage Grove, Walnut, and 10th Street.

Sheet 3 of 4



DEED ANALYSIS:

The plat of Clark's Subdivision of Reeds & Others Addition has some discrepancies. Washington Street is platted as 40 feet in Reed & Others Addition. Lots 1-4 are 19 poles North-South (313.5 feet). The East-West dimension of Lots 1-4 is 389 feet. The plat does not dimension 10th Street or Walnut Street. The plat of Clark's Subdivision measures 315.5 feet North-South, a discrepancy of 2 feet with the prior plat.

Field measurements reflect a distance from the centerline of 10th Street to the centerline of Cottage Grove as 317.12 feet, this indicates the plat included the South 15 feet of Cottage Grove as well as the North 19.5 feet of 10th Street. This deduction was also came to by Insight Engineering. By Proration, the North-South dimensions of the lots were within 0.5 feet. In an East-West location, monuments were found establishing the West line of the North-South alley. These monuments match the physical location of the alley. These monuments and physical location of the alley make Lots 1-4 measure short (+/- 160 feet measured versus 164.5 feet record). They also make lots 5-8 measure long (138.4 feet measured versus 132 feet record). A strict proration East-West would place nearly all of the alley improvements outside of the physical location so was not held.

ESTABLISHMENT OF LINES AND CORNERS:

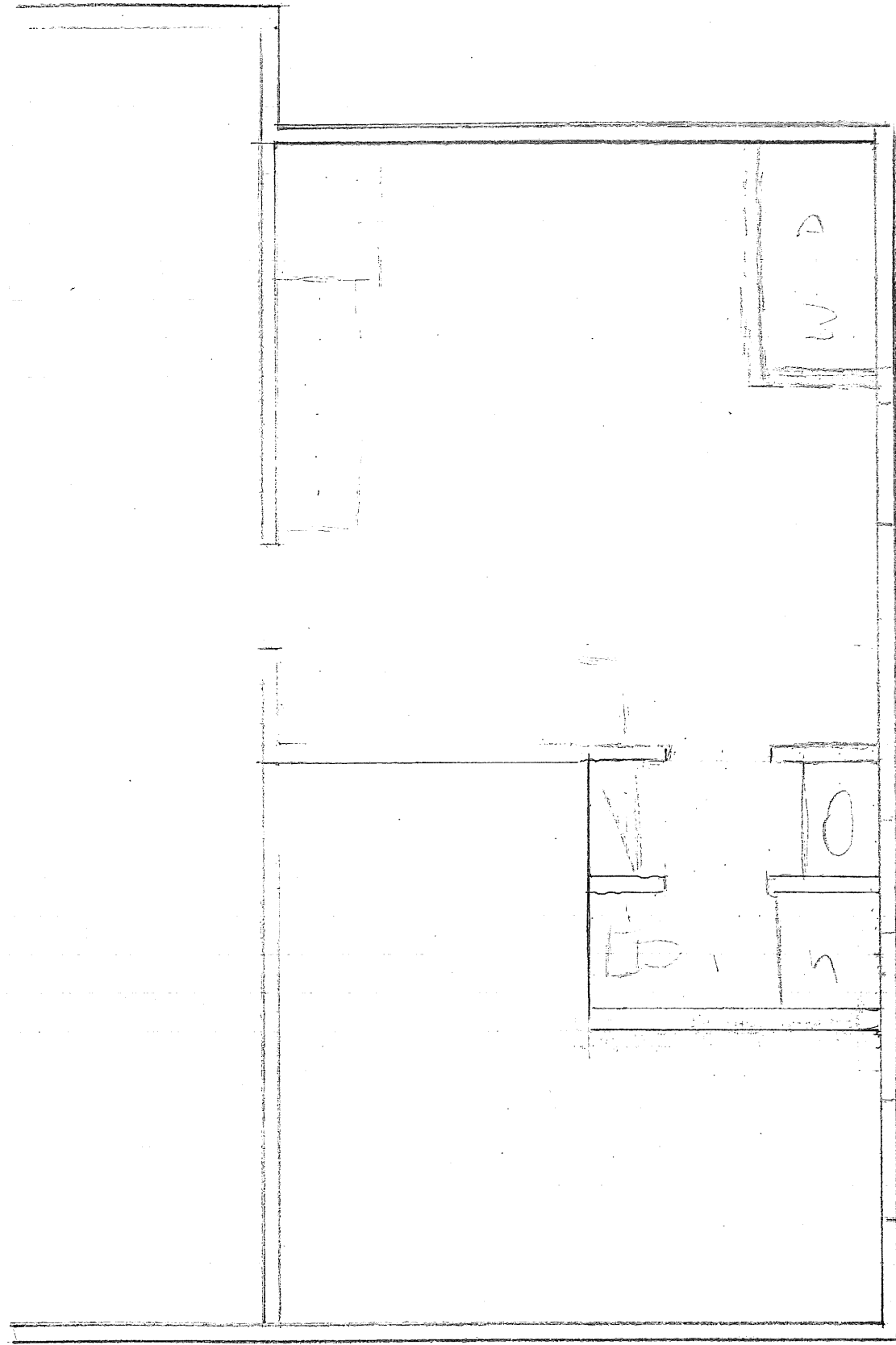
The West monumented line of the North-South alley was held and the West line of Lots 5-8 was set 12 feet East of it. The Lots 5-8 were prorated North-South.

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:

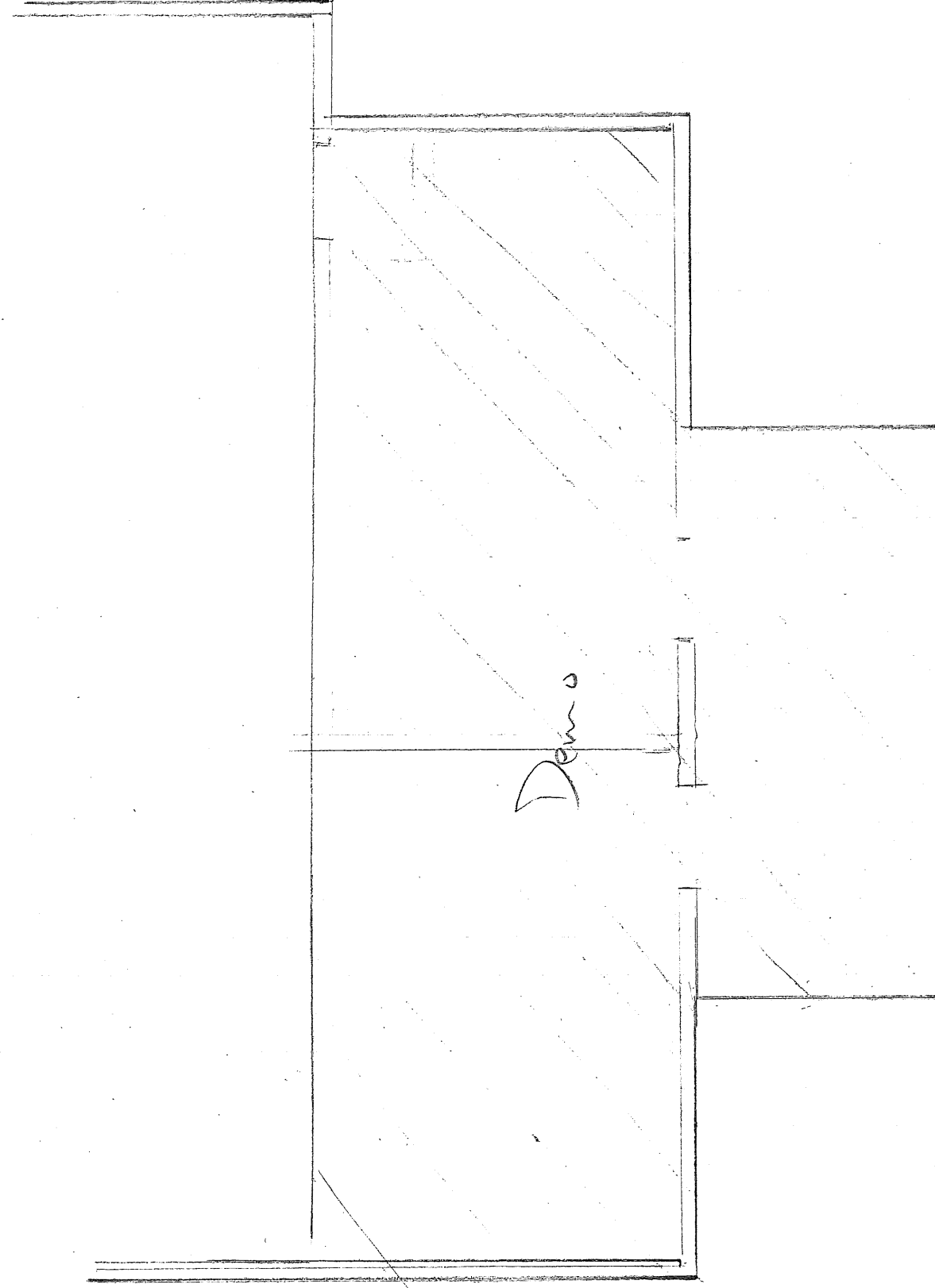
Due to Availability and condition of reference monuments; up to 1.4 feet.

Due to Occupation or possession lines; fences as shown.

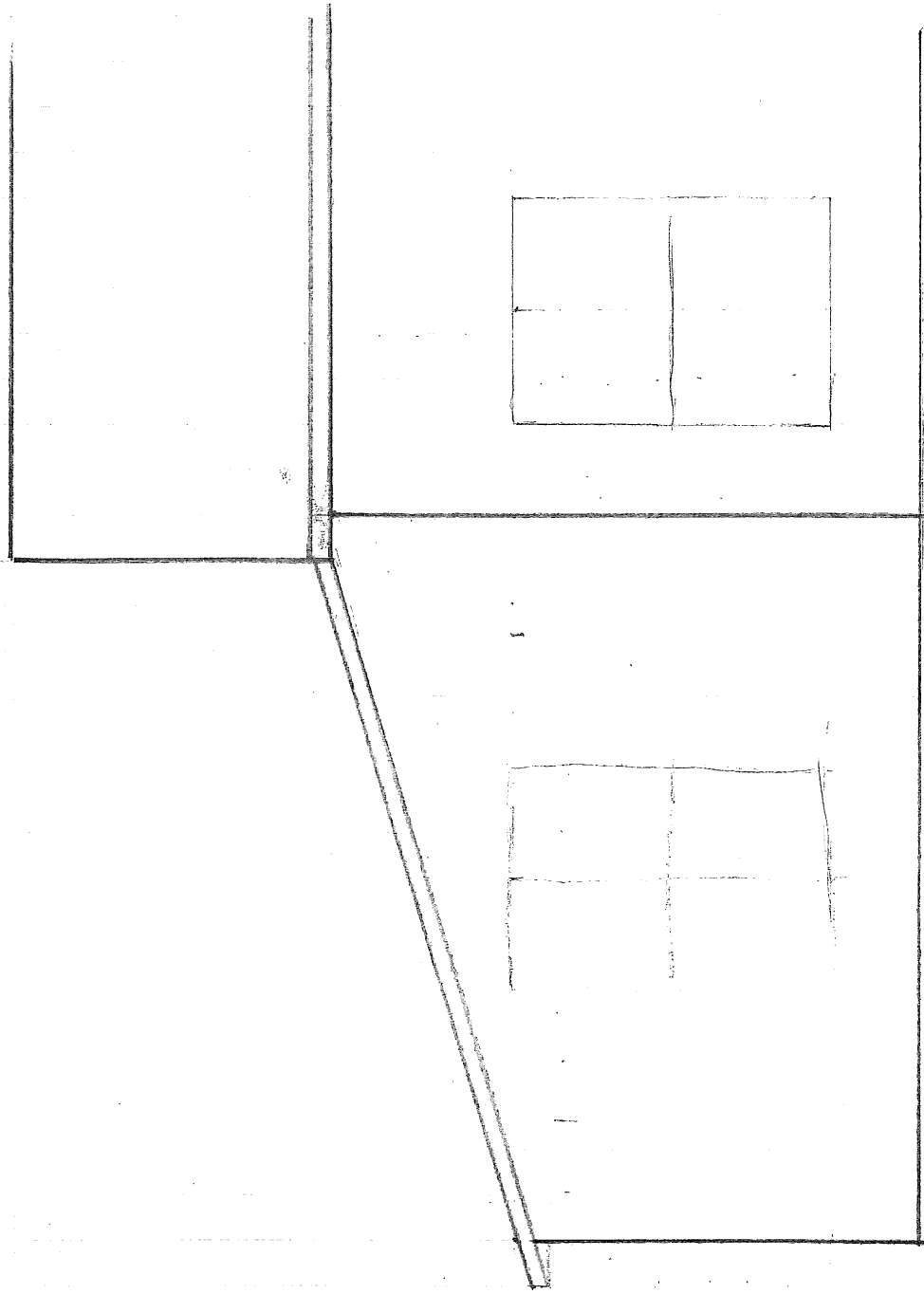
Due to Clarity or ambiguity of the record description used and of adjoining's descriptions and the relationship of the lines of the subject tract with adjoining's lines; none noted.



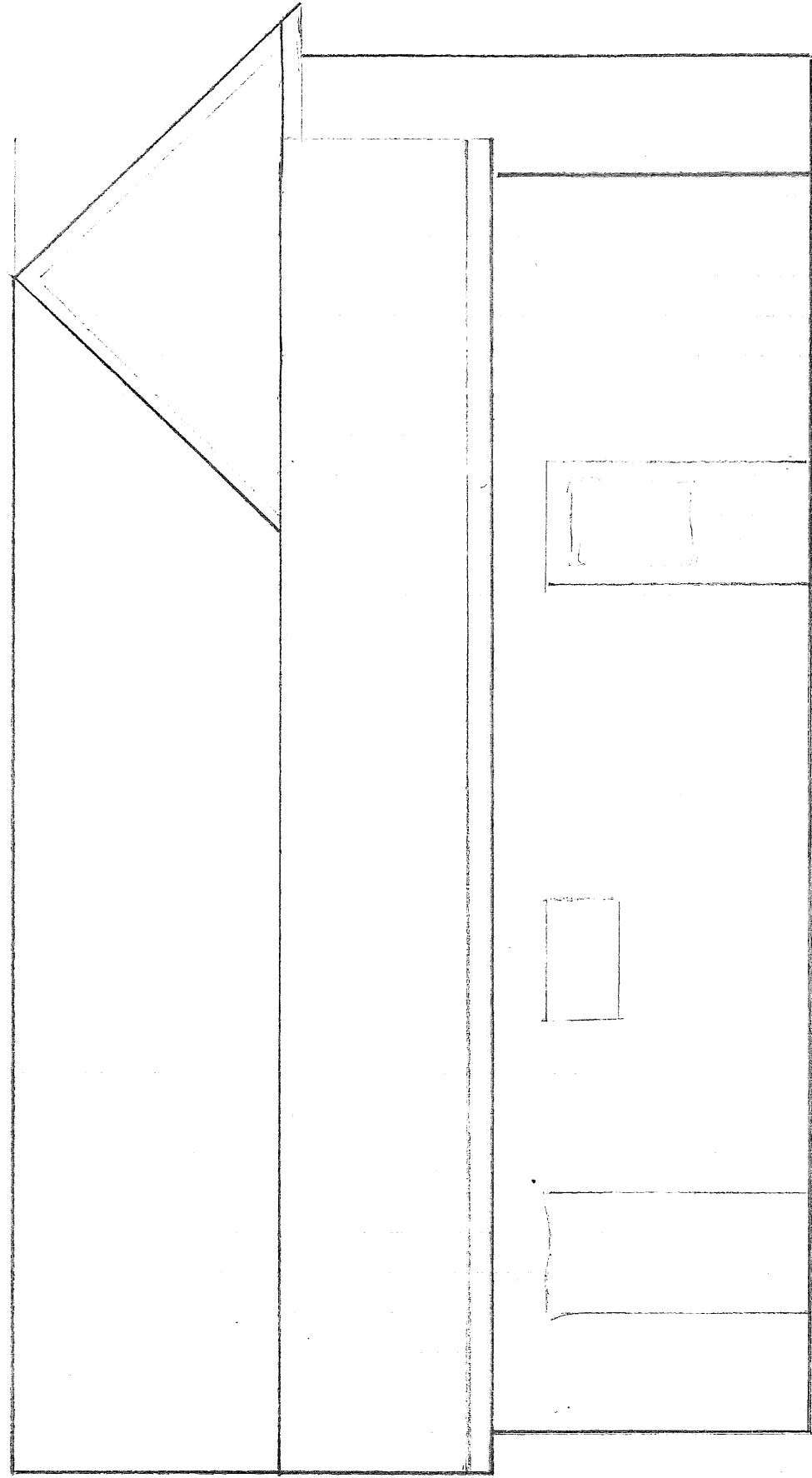
Proposed Floor Plan 1/4" = 1'



Demolition Plan 1/4" = 1'



West Elevation 1/4" = 1'



North Elevation 1/4" = 1'