

CITY OF BLOOMINGTON



March 22, 2018 @ 5:30 p.m.
COUNCIL CHAMBERS #115
CITY HALL

**CITY OF BLOOMINGTON
BOARD OF ZONING APPEALS
March 22, 2018 at 5:30 p.m.**

◆Council Chambers - Room #115

ROLL CALL

MINUTES TO BE APPROVED: 10/19/17
*November minutes approved at 12/21/17 hearing
12/21/17

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

- **Election of Officers:**
 - Current President: Vacant
 - Current Vice President: Barre Klapper

PETITIONS CONTINUED TO: 4/19/18

V-05-18 Shahyar Daneshgar
703 W. 9th St.
Request: Variance from front yard setback standards to build a porch in the Residential Core (RC) zoning district.
Case Manager: Jackie Scanlan

PETITIONS:

V-37-17 Dwellings, LLC
1353 W. Allen St.
Request: Variance from maximum parking standards to allow 67 parking spaces for a multi-family apartment complex.
Case Manager: Eric Greulich

CU-03-18 Paul and Carol Gillard
425 E. Kirkwood Ave.
Request: Conditional Use approval for a standardized business in the Commercial Downtown (CD) zoning district.
Case Manager: Jackie Scanlan

CU/V-04-18 Margie and Drew Schrader
1009 S. Lincoln St.
Request: Conditional Use approval to allow an Accessory Dwelling Unit (ADU). Also requested is a variance from side yard setback standards.
Case Manager: Eric Greulich

CU-06-18 Christopher Stearly
2621 S. Milton Dr.
Request: Conditional Use approval to allow an existing accessory structure to be converted to an Accessory Dwelling Unit (ADU).
Case Manager: Eric Greulich

****Next Meeting: April 19, 2018**

Last Updated: 2/22/2018

Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call [812-349-3429](tel:812-349-3429) or e-mail human.rights@bloomington.in.gov.

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 1353 W. Allen Street

CASE #: V-37-17
DATE: March 22, 2018

PETITIONER: Mark Lauchli (Dwellings, LLC)
 PO Box 5204, Bloomington

CONSULTANT: Bynum Fanyo and Associates, Inc.
 528 N. Walnut Street, Bloomington

REQUEST: The petitioner is requesting a variance from maximum parking standards to allow 67 parking spaces for a 60 bedroom multi-family apartment complex.

STAFF REPORT: This 2.98 acre property is located at 1353 W. Allen Street and is zoned Residential Multifamily (RM). Surrounding land uses include multi-family residences to the east and west, single family residences to the north, and the Thomson PUD and Cook Pharmica to the south. The property has been developed with several multi-family dwelling units and surface parking lots. A grading permit (C14-GRD-011) and building permit were issued in 2014 to allow the construction of several new buildings and parking areas.

A total of 60 bedrooms are on the property and the UDO allows a maximum of one parking space per bedroom or 60 spaces. With the recent construction, there were 7 additional parking spaces built that were not approved with the plans.

The petitioner is requesting a variance from maximum parking standards to allow the 7 extra parking spaces to remain. A parking study was performed and has been included in the packet.

A parking study was performed that shows the amount of parking spaces used over an approximately 3 week time period. The study shows that at any one maximum time the total number of spaces used did not exceed 63 and the average was around 60. If the additional parking spaces are approved, additional landscaping is required to correspond with the additional spaces. This location is also on a Bloomington Transit bus route.

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.*

RECOMMENDED FINDING: The granting of the variance from the standards will not be injurious to the public health, safety, or morals. The granting of a variance to allow additional parking spaces would better serve the needs of the tenants

and guests which would limit impacts to adjacent properties.

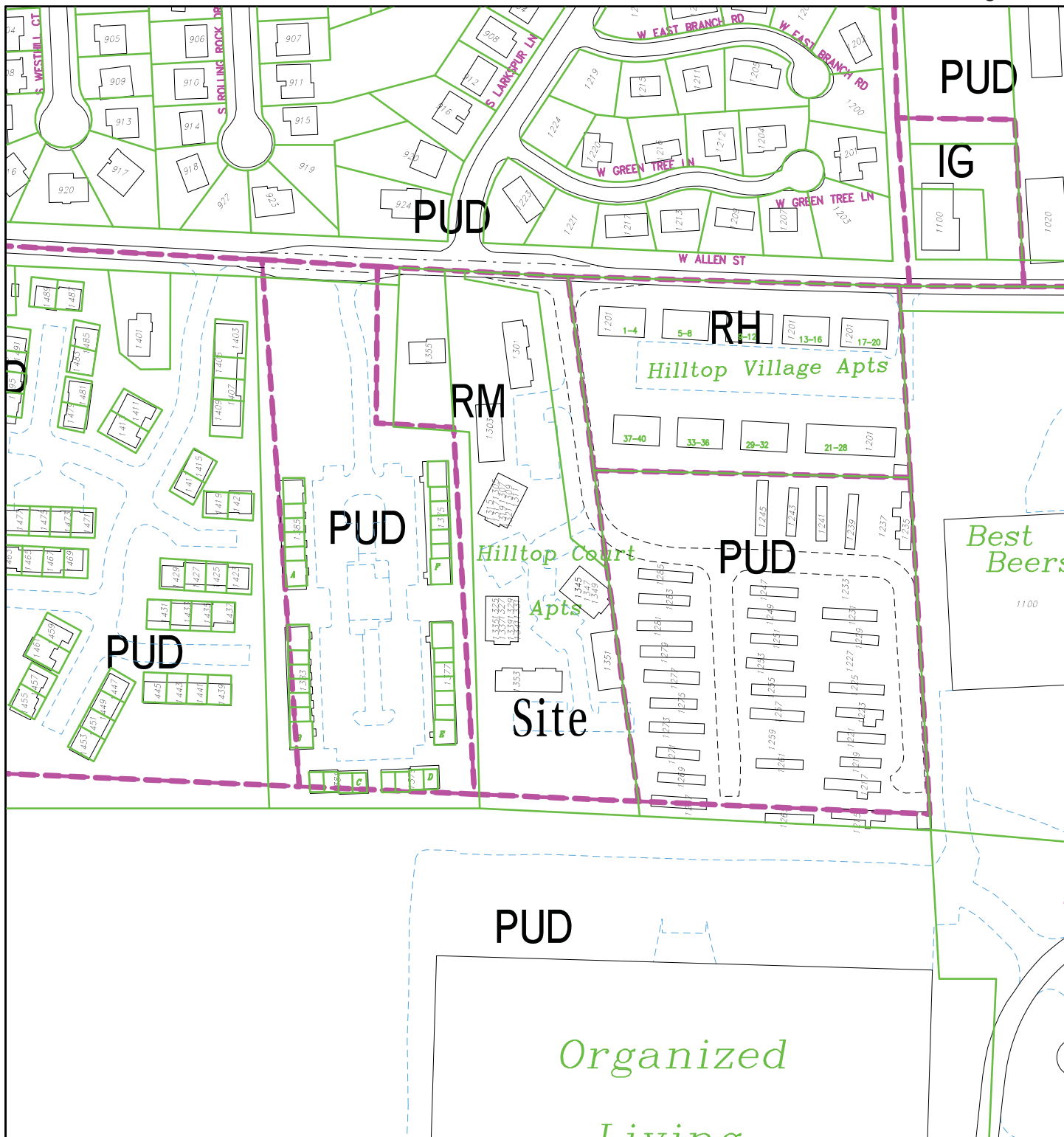
- 2) *The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.*

RECOMMENDED FINDINGS: No negative effects from either the denial or approval of this proposal are found on the use and value of the areas adjacent to the property.

- 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: The strict application of the UDO will not result in practical difficulty in the use of property. The parking study shows only a negligible need for additional spaces and the additional need is something that depends on the fluctuation of tenants in the rental units and actual number of tenants. There are no peculiar conditions on this property that is different than other multi-family residential properties that does not allow them to meet the maximum parking requirements of the UDO.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopt the recommended findings and deny the variance.



V-37-17 Marc Lauchli (Dwellings, LLC)

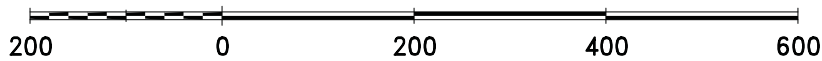
1353 W Allen Street

Board of Zoning Appeals

Site Location, Zoning, Parcels

By: greulice

16 Jan 18



City of Bloomington
Planning & Transportation



Scale: 1" = 200'

For reference only; map information NOT warranted.



V-37-17 Marc Lauchli (Dwellings, LLC)

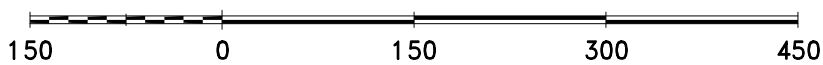
1353 W Allen Street

Board of Zoning Appeals

2016 Aerial Photograph

By: greulice

16 Jan 18

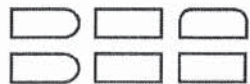


For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



Scale: 1" = 150'



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

December 12, 2017
Bloomington Board of Zoning Appeals
401 N Morton Street
Bloomington, Indiana 47403

Re: Hilltop Court Apartments Parking Variance

Dear BZA Members:

Our client respectfully requests variance from the Maximum Parking Spaces allowed under the UDO.

The property is located at 1305 W. Allen Street. Allen Street at this location is a narrow hilly two-lane road with no ability for parking along either side of the street. Hilltop Court Apartments consist of 60 bed multi-family units configured in one and two-bedroom units. Access to the property is by a narrow private drive that also serves a 50 lot mobile home park. There are currently 67 parking spaces, 3 ADA spaces and 64 regular spaces. The UDO allows one parking space per bedroom or 60 spaces.

My clients have owned and operated the mobile home park and apartments since 1998. The tenants are not student oriented, rather professionals that work at Crane, IU, the hospital and other businesses in Bloomington. Many of the apartments have two tenants and two vehicles. An example of a typical unit may have one individual working at Crane and the other working in Bloomington, both of which must drive to work. As a result, one space per bedroom is not enough.

We have performed a parking study that is attached along with a summary of the findings. The study clearly shows the 60-space maximum does not work for the development. We are asking that the 67 parking spaces that currently exist be allowed to remain to better accommodate the needs of our tenants.

Finding:

- 1) The approval will not be injurious to the public health, safety, morals, and general welfare of this community.
Finding: The request is not injurious to the public health, safety, morals, or general welfare of the community.
- 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.
Finding: No adverse impacts to the use and value of the surrounding area associated with the proposed variance are found. The surrounding the property is developed and additional parking on site will keep our tenants from tempting to park on adjoining land.
- 3) The strict application of the terms of the UDO 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.

Finding: If sufficient parking is not provided to the tenants and their guest the practical difficulty in the use of the property stems from the fact that these vehicles will be parking on the narrow common entrance drive, partially blocking access to both the apartments and trailer park. This obstruction will also impede emergency vehicle access.

Practical difficulties that are peculiar to the property in question; that the development Standards Variance will relieve the practical difficulties is the location of this property in relation to goods and services and alternative means of transportation. As an older outlying property there are no groceries, restaurants, convenience stores, etc. within reasonable walking distance. With the vertical geometry narrowness of Allen Street as it is, using a bicycle would not be a good idea either.

After you have reviewed our petition please feel free to contact us at any time to discuss or answer questions you may have.

Sincerely,



Jeffrey S. Fanyo, P.E. CFM
Bynum Fanyo and Associates, Inc.

DATE & TIME: 8/30/17 - 7:00am						
Parking Lot	Total # of Beds Per Phase	# of Spaces	Occupied	Vacant		
Hilltop Court II	20	20	16	4		
Hilltop Court I + Guest Spots	20	24	22	2		
Hilltop Court III (incl. 7 under Variance)	20	20	20	0		
Parking on the Street				1		
Total Handicapped Parking for Entire Complex			3	1		
Total		64	60	4		
DATE & TIME: 8/30/17 - 9:00pm						
Parking Lot	Total # of Beds Per Phase	# of Spaces	Occupied	Vacant		
Hilltop Court II	20	20	15	5		
Hilltop Court I + Guest Spots	20	24	21	3		
Hilltop Court III (incl. 7 under Variance)	20	20	20	0		
Parking on the Street				1		
Total Handicapped Parking for Entire Complex			3	1		
Total		64	58	8		
DATE & TIME: 9/2/17 - 7:00am						
Parking Lot	Total # of Beds Per Phase	# of Spaces	Occupied	Vacant		
Hilltop Court II	20	20	17	3		
Hilltop Court I + Guest Spots	20	24	22	2		
Hilltop Court III (incl. 7 under Variance)	20	20	20	0		
Parking on the Street				1		
Total Handicapped Parking for Entire Complex			3	1		
Total		64	61	5		
DATE & TIME: 9/2/17 - 9:00pm						
Parking Lot	Total # of Beds Per Phase	# of Spaces	Occupied	Vacant		
Hilltop Court II	20	20	15	5		
Hilltop Court I + Guest Spots	20	24	22	2		
Hilltop Court III (incl. 7 under Variance)	20	20	19	1		
Parking on the Street				2		
Total Handicapped Parking for Entire Complex			3	2		
Total		64	60	8		
DATE & TIME: 9/3/17 - 9:00pm						
Parking Lot	Total # of Beds Per Phase	# of Spaces	Occupied	Vacant		
Hilltop Court II	20	20	14	6		
Hilltop Court I + Guest Spots	20	24	21	3		
Hilltop Court III (incl. 7 under Variance)	20	20	18	2		
Parking on the Street				1		
Total Handicapped Parking for Entire Complex			3	2		
Total		64	56	11		
DATE & TIME: 9/9/17 - 9:00pm						
Parking Lot	Total # of Beds Per Phase	# of Spaces	Occupied	Vacant		
Hilltop Court II	20	20	16	4		
Hilltop Court I + Guest Spots	20	24	22	2		
Hilltop Court III (incl. 7 under Variance)	20	20	20	0		
Parking on the Street				2		
Total Handicapped Parking for Entire Complex			3	0		
Total		64	60	6		
DATE & TIME: 9/10/17 - 7:00am						
Parking Lot	Total # of Beds Per Phase	# of Spaces	Occupied	Vacant		
Hilltop Court II	20	20	17	3		
Hilltop Court I + Guest Spots	20	24	22	2		
Hilltop Court III (incl. 7 under Variance)	20	20	20	0		
Parking on the Street				2		
Total Handicapped Parking for Entire Complex			3	0		
Total		64	61	5		
DATE & TIME: 9/16/17 - 9:00pm						
Parking Lot	Total # of Beds Per Phase	# of Spaces	Occupied	Vacant		
Hilltop Court II	20	20	16	4		
Hilltop Court I + Guest Spots	20	24	22	2		
Hilltop Court III (incl. 7 under Variance)	20	20	20	0		
Parking on the Street				0		
Total Handicapped Parking for Entire Complex			3	2		
Total		64	60	6		
DATE & TIME: 9/17/17 - 9:00pm						
Parking Lot	Total # of Beds Per Phase	# of Spaces	Occupied	Vacant		
Hilltop Court II	20	20	17	3		
Hilltop Court I + Guest Spots	20	24	22	2		
Hilltop Court III (incl. 7 under Variance)	20	20	20	0		
Parking on the Street				2		
Total Handicapped Parking for Entire Complex			3	2		
Total		64	63	5		

DATE & TIME: 1/27/18 - 7:00am

<u>Parking Lot</u>	<u>Total # of Beds Per Phase</u>	<u># of Spaces</u>	<u>Occupied</u>
Hilltop Court II	20	20	19
Hilltop Court I + Guest Spots	20	24	24
Hilltop Court III (incl. 7 under Variance)	20	20	20
Parking on the Street			3
Total Handicapped Parking for Entire Complex		3	1
<u>Total</u>		64	67

DATE & TIME: 1/28/18 - 9:00pm

<u>Parking Lot</u>	<u>Total # of Beds Per Phase</u>	<u># of Spaces</u>	<u>Occupied</u>
Hilltop Court II	20	20	18
Hilltop Court I + Guest Spots	20	24	24
Hilltop Court III (incl. 7 under Variance)	20	20	20
Parking on the Street			2
Total Handicapped Parking for Entire Complex		3	2
<u>Total</u>		64	66

DATE & TIME: 2/3/18 - 7:00am

<u>Parking Lot</u>	<u>Total # of Beds Per Phase</u>	<u># of Spaces</u>	<u>Occupied</u>
Hilltop Court II	20	20	19
Hilltop Court I + Guest Spots	20	24	23
Hilltop Court III (incl. 7 under Variance)	20	20	20
Parking on the Street			2
Total Handicapped Parking for Entire Complex		3	3
<u>Total</u>		64	67

DATE & TIME: 2/4/18 - 9:00pm

<u>Parking Lot</u>	<u>Total # of Beds Per Phase</u>	<u># of Spaces</u>	<u>Occupied</u>
Hilltop Court II	20	20	19
Hilltop Court I + Guest Spots	20	24	24
Hilltop Court III (incl. 7 under Variance)	20	20	20
Parking on the Street			2
Total Handicapped Parking for Entire Complex		3	2
<u>Total</u>		64	67

Hilltop Court Apartments Parking Study Summary

<u>Date</u>	<u>Day of week</u>	<u>Regular spaces</u>	<u>ADA Spaces</u>	<u>Total Spaces</u>	<u>Street Parking</u>	<u>Spaces occupied</u>
onsite spaces		64	3	67		
8/30/2017 am	Wednesday	60	1	61	1	62
8/30 pm	Wednesday	56	1	57	1	58
9/2 am	Saturday	59	1	60	1	61
9/2 pm	Saturday	56	2	58	2	60
9/3 pm	Sunday	53	2	55	1	56
9/9 pm	Saturday	58	0	58	2	60
9/10 am	Sunday	59	2	61	0	61
9/16 pm	Saturday	58	2	0	0	60
9/17 pm	Sunday	59	2	61	2	63

revisions:

(812) 325-8030	1325 North Walnut Street	BRYN MAWR & ASSOCIATES, INC.
(812) 329-2500 (Fax)	Bloomington, Indiana	CIVIL ENGINEERING ARCHITECTURE PLANNING

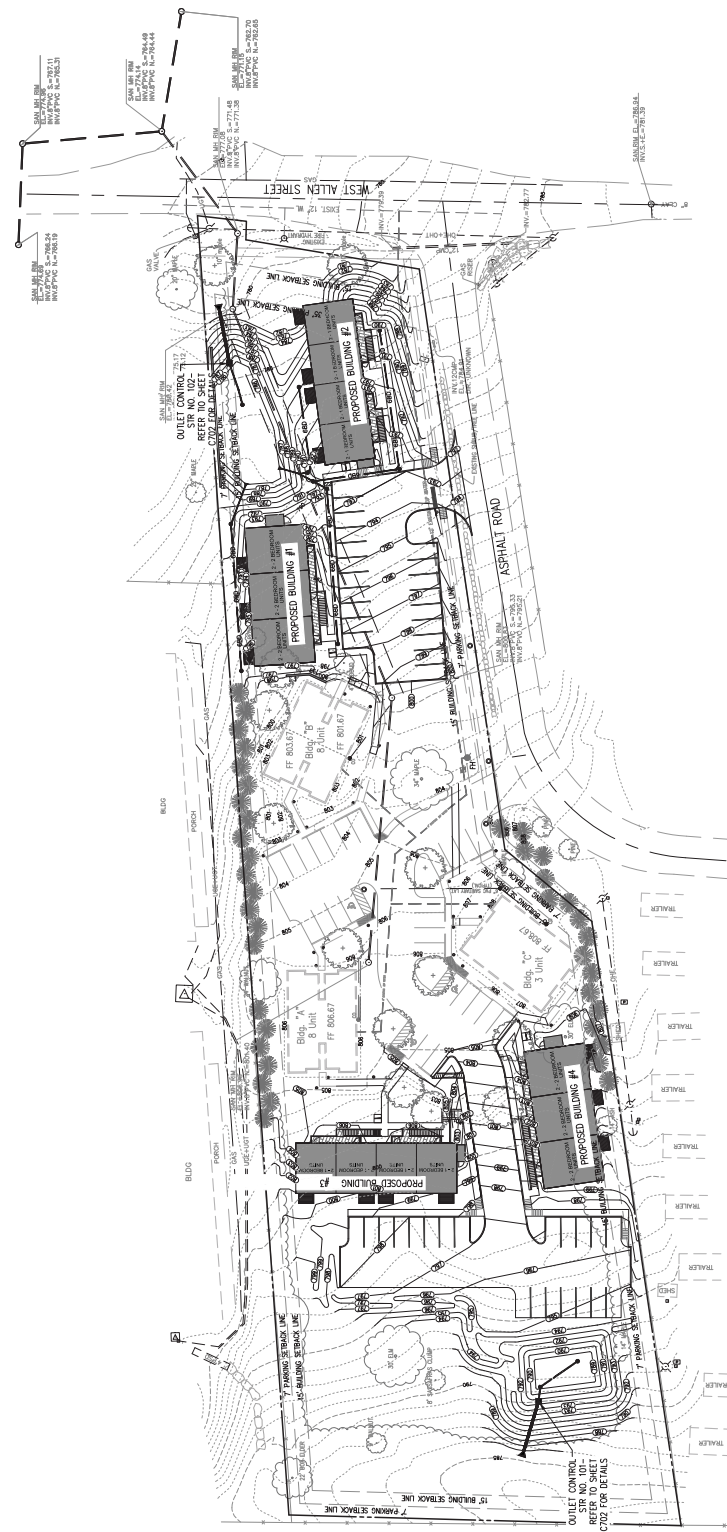
designed by:

PROPOSED
HILLTOP COURT APARTMENTS
EXPANSION
1305 W ALLEN ST
BLOOMINGTON, INDIANA

FILE: OVERALL SITE PLAN
designed by: DUB
checked by: SF
drawn by: SF
sheet no: C401
project no: 601414

EXISTING LEGEND

EXISTING FENCE	EXISTING WATER LINE	EXISTING UNDERGROUND ELECTRIC LINES	EXISTING UNDERGROUND TELEPHONE LINES	EXISTING GAS LINE	EXISTING SANITARY SEWER AND MANHOLE	EXISTING STORM SEWER AND INLET	PROPERTY LINE
EXISTING UNDERGROUND ELECTRIC LINES	EXISTING UNDERGROUND TELEPHONE LINES	EXISTING GAS LINE	EXISTING SANITARY SEWER AND MANHOLE	EXISTING STORM SEWER AND INLET	PROPERTY LINE		

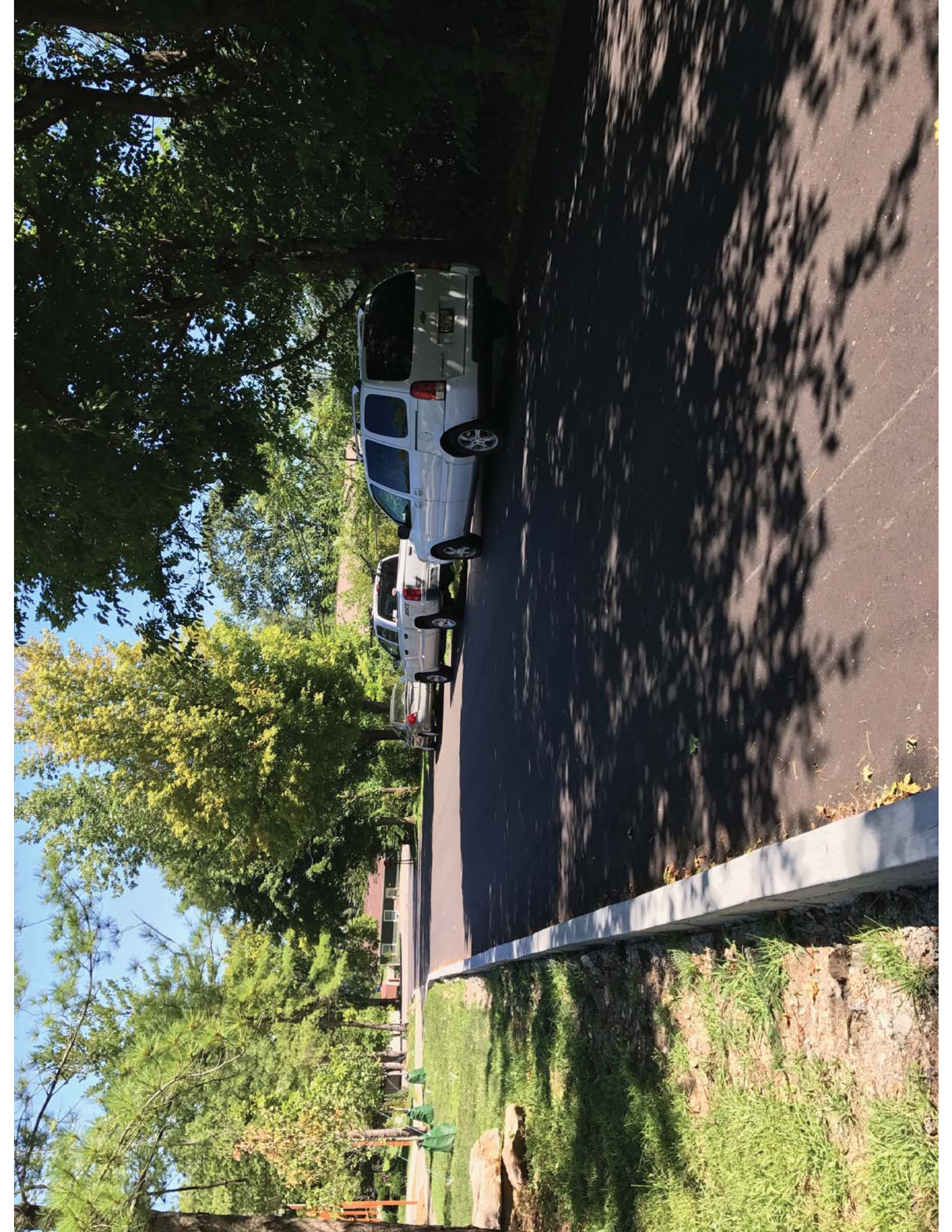


SCALE: 1"=50'

HILLTOP COURT APARTMENTS PROPERTY - 3.6 ACRES	PARKING COUNT	IMPERVIOUS SURFACE AREA	SEEDING AREAS LESS THAN 100 SQ. FT.	1 BED UNITS LESS THAN 700 SQ. FT.	2 BED UNITS LESS THAN 1000 SQ. FT.	3 BED UNITS LESS THAN 1300 SQ. FT.	UNIT DENSITY
EXISTING	29	446K	0	18	1	1	17 UNITS/ACRE
PROPOSED	67	117K	0	16	16	12	11 UNITS/ACRE

NOTE TO CONTRACTOR
 THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES PRIOR TO ANY EXCAVATION. NO PAYMENT SHALL BE MADE FOR ANY UTILITIES FOUND TO BE IN A LOCATION OR DEPTH DIFFERENT FROM THAT SHOWN ON THE EXISTING UTILITY RECORDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE REQUIRED FOR CONDUCTING EXCAVATION.

OUTLET CONTROL
 SEE SHEET C401
 REFER TO SHEET
 C402 FOR DETAILS









BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 425 E. Kirkwood Avenue

CASE #: CU-03-18
DATE: March 22, 2018

PETITIONER: Carol & Paul Gillard
 4653 S. Hawks Way Bloomington

REQUEST: The petitioners are requesting a conditional use approval for a standardized business in the Commercial Downtown (CD) zoning district.

REPORT: The petition site is located on the north side of E. Kirkwood Avenue between N. Grant and Dunn Streets. The site is currently vacant. The petitioners propose to renovate the interior of the building and open a new *Five Guys Burgers and Fries* franchise in the existing building. No exterior changes to the building are necessary or proposed. The petitioners may seek to add outdoor café seating in front of the building. Signage which meets Unified Development Ordinance standards will be proposed in the future. The property is zoned Commercial Downtown (CD) and is within the University Village Overlay.

Per BMC 20.11.020 Defined Words, a Standardized Business is:

Any type of commercial business establishment, not including commercial businesses located in such a manner as to be devoid of any building frontage which is visible to a street, located in the Courthouse Square Overlay and University Village Overlays, which are required by contractual or other arrangement or affiliation to offer or maintain standardized services, merchandise, menus, employee uniforms, trademarks, logos, signs, or exterior design.

The proposed business is a franchise of a larger national chain with standardized products, logos, signs, etc. and therefore meets the 'standardized business' definition of the Unified Development Ordinance. The use, 'Standardized Business', is listed as a conditional use in the University Village Overlay District. Therefore, a conditional use approval is required for the use to be permitted at this site.

Criteria and Findings for Conditional Use Permits

20.05.023 Standards for Conditional Use Permits

No Conditional Use approval shall be granted unless the petitioner shall establish that the standards for the specific Conditional Use are met and that the following general standards are met.

- 1. The proposed use and development must be consistent with the Growth Policies Plan and may not interfere with the achievement of the goals and objectives of the Growth Policies Plan;*

Proposed Finding: The Growth Policies Plan identifies this area as "Downtown." The design of the building as a mixed-use building is identical to a majority of the surrounding uses. Installation of a standardized business restaurant will not interfere

with the achievement of the goals and objectives of the Growth Policies Plan.

2. *The proposed use and development will not create nuisance by reason of;*

Proposed Finding: The proposed use will not have any nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights. The only odors will be those associated with a restaurant.

3. *The proposed use and development will not have an undue adverse impact upon the adjacent property, the character of the area, or the public health, safety and general welfare;*

Proposed Finding: Staff finds no adverse impacts to the adjacent properties or character of the area as a result of this petition. The use is completely surrounded by other commercial businesses and mixed-use buildings.

4. *The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, stormwater management structures, and other services, or that the applicant will provide adequately for such services;*

Proposed Finding: The use requires no additional infrastructure services. There is adequate utility service in this area and no improvements are needed.

5. *The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;*

Proposed Finding: The proposed will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Street parking and garage parking are available in the area.

6. *The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance;*

Proposed Finding: The building is not on the historic survey, and no exterior changes are proposed to the building. The petition will reuse an existing building. There will be no significant natural features lost with this petition.

7. *The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood.*

Proposed Finding: No special lighting or waste collection needs are proposed. This use is located among similar uses in a mixed-use, urban neighborhood. The building has been used previously by multiple restaurants which have been able to function without nuisance to the surrounding neighborhood.

8. *Signage shall be appropriate to both the property under consideration and to the surrounding area. Signage that is out of character, in the Board of Zoning Appeal's determination, shall not be approved.*

Proposed Finding: No signage has been proposed at this time. Staff will review signage according to the UDO standards.

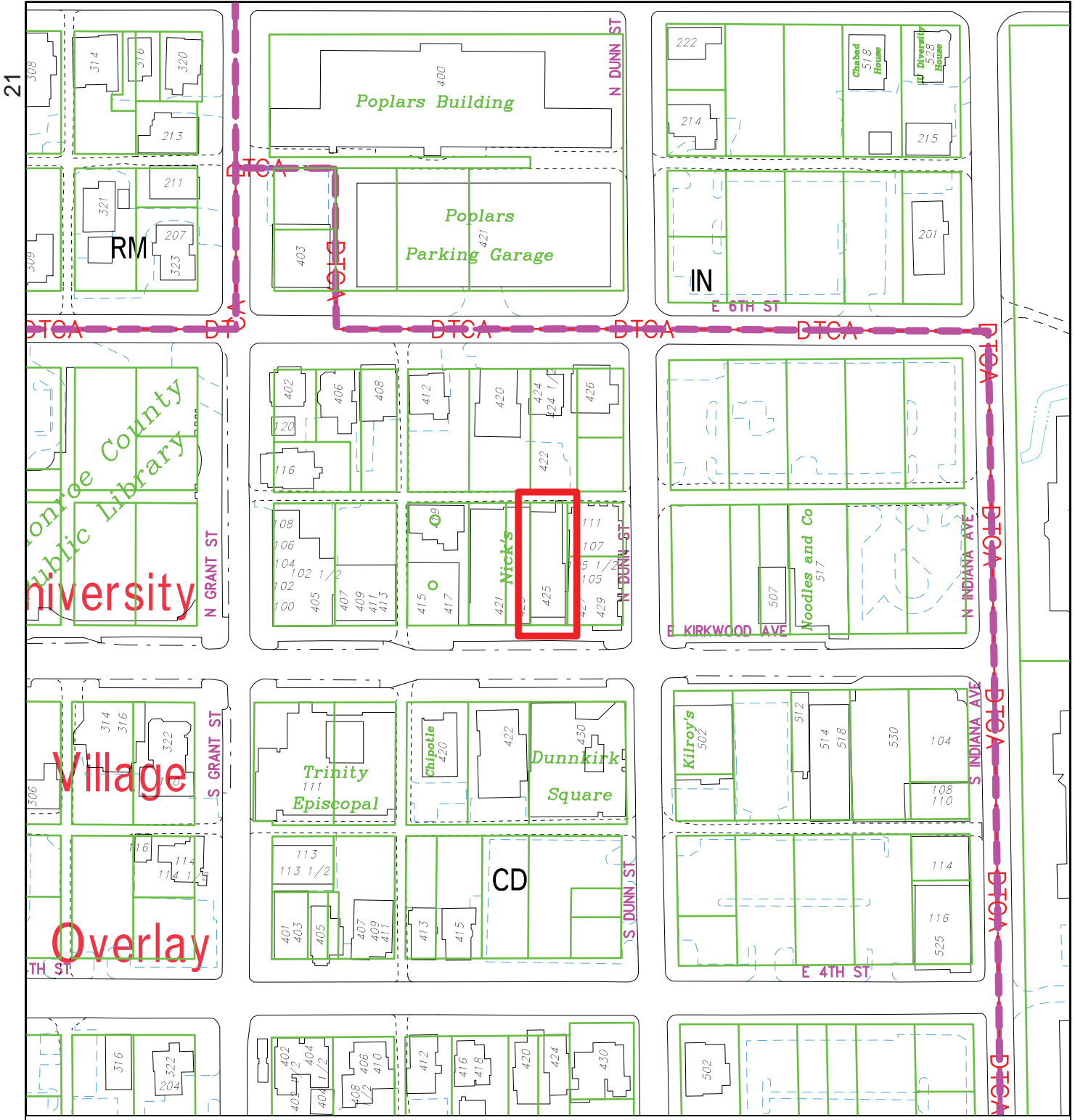
9. *The proposed use and development complies with any additional standards imposed upon the particular use by Chapter 20.05; CU: Conditional Use Standards.*

- (a) The proposed use shall be designed and constructed in a style that visually complements its surroundings, especially the existing buildings on both sides of the same block the business is to be located, as well as the character of the particular overlay district. Visual complementation shall include, but may not be limited to: architecture, scale, façade, and signage. If the use is proposed for a site which contains an existing building of special historical, cultural, or architectural significance, with or without official historic designation, the proposed use shall seek to preserve and reuse as much of the existing building as possible, particularly the building's façade. Visual complementation may also include interior décor. Elements of interior décor such as displays of public art, photos or memorabilia of Bloomington or Indiana University, may be considered, but should not be viewed as sufficient to meet this criterion.

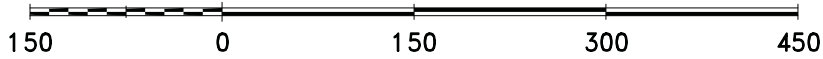
Proposed Finding: The proposed use will take place within an existing building and no additions or other exterior modifications are necessary or proposed. The existing building will remain in its current form, and does not hold and special historical, cultural, or architectural significance. The petitioner will propose a sign package that meets current UDO standards for the district. The proposed use will activate an existing vacant building without any significant visual impact on the building's surroundings, as no exterior changes are proposed.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopt the findings of fact and approve CU-03-18 with the following condition:

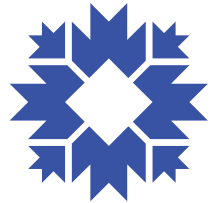
1. This approval is for the *Five Guys Burgers and Fries* proposal, which includes no exterior changes to the building. Any changes to the building shall require further Conditional Use approval.



By: scanlanj
16 Mar 18



City of Bloomington
Planning & Transportation



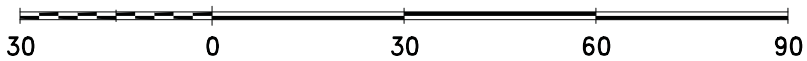
Scale: 1" = 150'

For reference only; map information NOT warranted.



CD

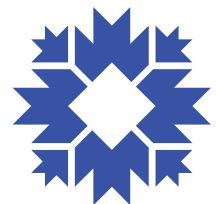
By: scanlanj
16 Mar 18



For reference only; map information NOT warranted.



City of Bloomington
Planning & Transportation



Scale: 1" = 30'

CU-03-18 Petitioner Statement

City of Bloomington
Planning Department
Board of Zoning Appeals

February 2, 2018

We are writing to request a Conditional Use for a Standardized Business in the building located at 425 E. Kirkwood Avenue, which sits in the University Village Overlay District, and falls under the Unified Development Ordinance 20.05.

Our names are Carol and Paul Gillard, and we are *Five Guys Burgers and Fries* Franchisees. We would like to utilize this site for a new *Five Guys* restaurant. We currently reside in Bloomington, and in fact, Carol was born and raised in Bloomington, and we moved here with our family in 1999. We have raised our 5 children in Bloomington, and have owned other local businesses throughout the past 18 years.

The restaurant will use the building exactly as it currently stands. Although there will be the required build-out modifications to the interior, we will not impact the exterior of the building at all. The building frontage will remain intact, with only our basic signage placed on the façade. The site is 2,515 square feet, and the footprint will not be altered in any way. There is already an existing kitchen ventilation system in place, and there is an existing grease trap. The building and surrounding area will feel absolutely no impact on any natural, scenic or historical features.

There will be no construction or demolition of any kind to the exterior walls. The adjacent neighbors will feel no impact from the interior build-out process, which typically takes 7 weeks. All current access points will remain intact, including the front doors from the Kirkwood sidewalk, and the back door leading to the alley west of the structure.

There will be no vehicular access changes, including the road near the back door. We will create no environmental issues with this business, and we will use existing drains and grease traps that have been utilized by previous restaurant tenants. In addition, we will create no issues regarding noise, vibrations, smoke, odor or excess new lights.

Regarding signage, we have a sign package that complies with the current guidelines for the University Village Overlay District. Basically, our signage will include our name on the front façade of the building within the required size dimensions, and the 'simple' presentation of our logo will fit in very nicely with the current businesses in the District.

Thank you for your consideration,

Paul & Carol Gillard

Five Guys Franchisees

South Central Indiana

gillard5g@gmail.com; cfgillard@gmail.com

812.345.2966; 812.345.2968



Google Maps: September 2017.

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 1009 S. Lincoln Street

CASE #: CU/V-04-18
DATE: March 22, 2018

PETITIONER: Margie & Drew Schrader
 1009 S. Lincoln Street, Bloomington

REQUEST: The petitioner is requesting conditional use approval to allow an accessory dwelling unit in the Residential Core (RC) zoning district and a side yard setback variance.

REPORT: This 0.17 acre site is located at 1009 S. Lincoln Street. The property is zoned Residential Core (RC). There is a 12' wide improved alley on the south side of the property and a 12' wide unimproved alley along the east side of the property. The site currently contains one house and one two-story detached garage. The petitioner is requesting conditional use approval in order for the detached garage to be converted to an Accessory Dwelling Unit. The petitioner is proposing no significant changes to the exterior of existing garage unit other than redoing the existing siding and windows. Minor remodeling will be done to the inside to convert it into a dwelling unit.

In September 2017, the City Council adopted Conditional Use standards into the UDO to allow for ADUs in single-family residential neighborhoods, which were signed into law in October 2017. Particular design criteria were identified for desirable ADU development. It was acknowledged that existing ADUs may have issues with some of the standards and would have to be assessed on a case-by-case basis.

The petitioner reached out to the Bryan Park Neighborhood Association to gather any concerns from the Neighborhood Association and there were no concerns expressed for this request. No issues or complaints with the petition were received from any adjacent neighbors.

ACCESSORY DWELLING UNIT ISSUES:

Section 20.05.0333 outlines the particular standards required for Accessory Dwelling Units in single-family residential zoning districts in Bloomington.

The petition meets all of the standards of Section 20.05.0333, except the side yard setback standard.

Setbacks: The existing structure is located on the south property line of the lot. The UDO requires that the building be 5 feet from the side property line. The building meets the 10' setback from the front of the house, but does not meet the 5' setback to the south. The code allows for existing one-story buildings to be exempted from the setback standards if they are converted to ADUs, however, it does not exempt two-story buildings.

Site Standards	Allowed	Proposed
Maximum Number	1 per lot	1
Number of Residents	One Family per lot	One Family or 3

		unrelated adults per lot
Minimum Lot Size	7,200 square feet	7,400 sq. ft.
Proximity	At least 300 feet from approved ADU	No other approved ADU's within 300'
Owner Occupancy	Required on Lot	Owner in House

Design Standards	Allowed	Proposed
Maximum Square Footage	440 square feet	360 square feet
Maximum Bedrooms	1	1
Minimum Setbacks		
Front	Same as Dwelling	53 feet
Side	5 feet	0 feet
Rear	5 feet	50 feet
Maximum Height	25 feet	20 feet

Criteria and Findings for Conditional Use Permits

20.05.023 Standards for Conditional Use Permits

No Conditional Use approval shall be granted unless the petitioner shall establish that the standards for the specific Conditional Use are met and that the following general standards are met.

1. *The proposed use and development must be consistent with the Growth Policies Plan and may not interfere with the achievement of the goals and objectives of the Growth Policies Plan;*

Proposed Finding: This site is designated as Core Residential in the Growth Policies Plan. The GPP envisions some neighborhood-serving commercial in the Core Residential areas, with the main focus of the district being protection of existing single-family housing stock. The proposal for an ADU does not interfere with the goals and objectives of the GPP and furthers what was desired by the community through the recent adoption of legislation to allow ADU's. This project involves the reuse of an existing structure and does not permit the conversion of a single family home to multi-family or commercial. Continued preservation of this structure is consistent with GPP goals.

2. *The proposed use and development will not create nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights;*

Proposed Finding: The proposed use will not create a nuisance. The structure currently exists on the site and no known nuisance exists or have been reported. The use on the site will take place completely indoors. No smoke, odors, vibrations,

or objectionable lights are typically associated with a residential use.

3. *The proposed use and development will not have an undue adverse impact upon the adjacent property, the character of the area, or the public health, safety and general welfare;*

Proposed Finding: No adverse impacts to the adjacent properties or character of the area will occur as a result of this petition. The overall use of the property for a single family residential use will continue to take place within the accessory structure on the site. The limits on occupancy for the property minimizes impacts to the adjacent properties. No additional buildings are proposed.

4. *The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, stormwater management structures, and other services, or that the applicant will provide adequately for such services;*

Proposed Finding: The site is adequately served by all public utilities. No additional development is proposed.

5. *The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;*

Proposed Finding: The limit on occupancy imposed with the ADU standards insures that the maximum occupancy on the property does not exceed that of a typical residential property. There is ample parking on site for both the house and accessory dwelling unit, and not significant amounts of traffic will be generated by the one-bedroom ADU unit.

6. *The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance;*

Proposed Finding: The ADU will have no significant effect on the natural, scenic, or historic features of the parcel or area. Conversely, staff finds that this petition will increase the ability of the petitioner to continue to preserve and maintain this Notably-rated historic structure by allowing the continuance a source of income for the property.

7. *The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood.*

Proposed Finding: There will be no nuisance to the neighborhood from the proposed ADU operation.

8. *Signage shall be appropriate to both the property under consideration and to the surrounding area. Signage that is out of character, in the Board of Zoning Appeal's determination, shall not be approved.*

Proposed Finding: No signage is allowed for the ADU.

9. *The proposed use and development complies with any additional standards imposed upon the particular use by Chapter 20.05; CU: Conditional Use Standards.*

Proposed Finding: The proposed use does not comply with 20.05.033(i)(4)(B)(ii), but a variance has been sought from that standard in conjunction with the conditional use request.

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 building is existing and no addition to the garage structure is proposed. Additionally, the structure is immediately adjacent to a 12 foot wide improved platted alley. The use of the property will remain as a single family house with an accessory dwelling unit.

- 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.*

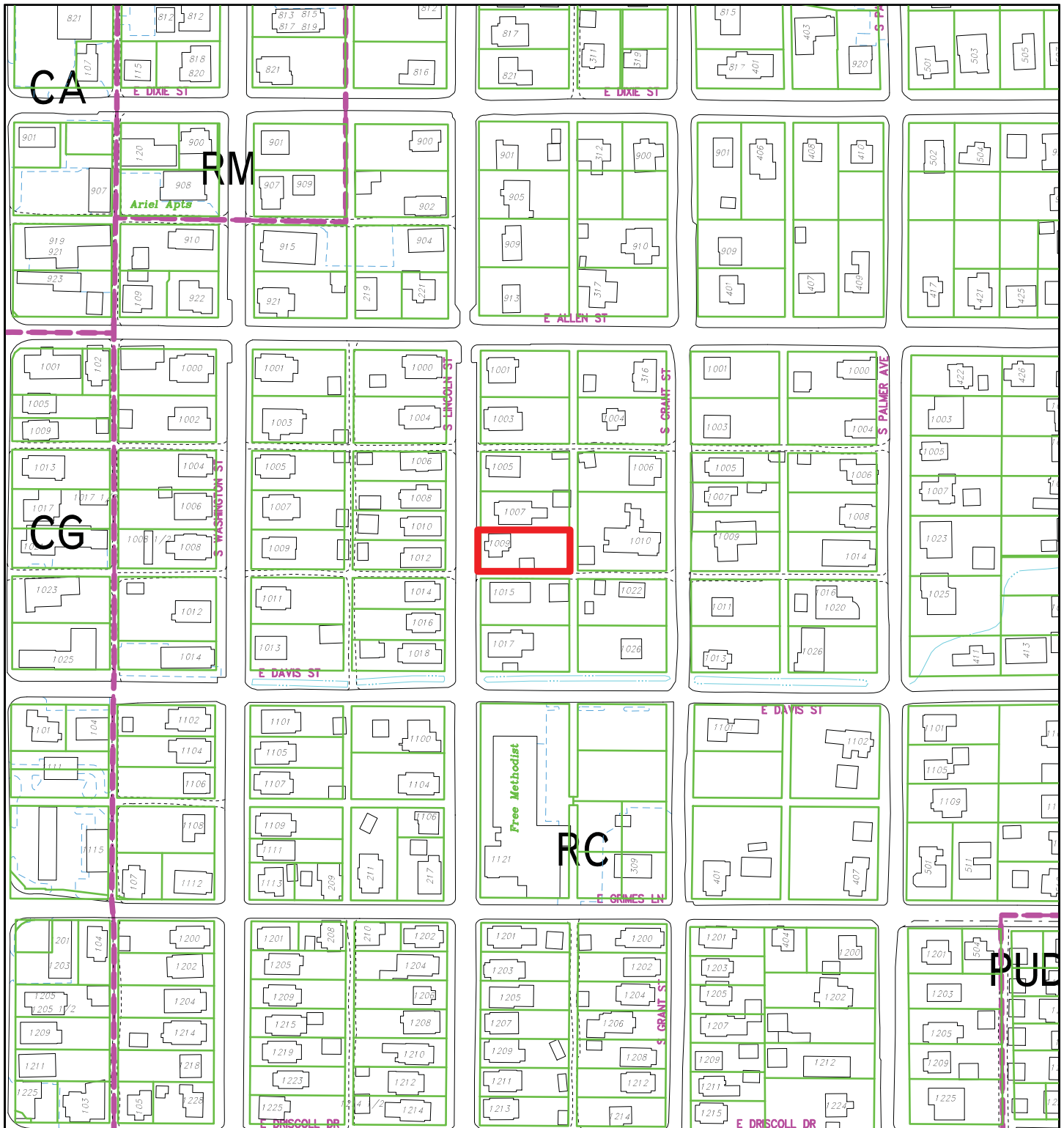
PROPOSED FINDING: No negative effects are found from this proposal on the areas adjacent to the property. The existing setback encroachment is not increasing. No addition is proposed. The use of the property will remain as a single family house with a proposed accessory dwelling unit.

- 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 location of the existing building. The garage has been in its current configuration and location for a substantial time period. The historic pattern of development in the neighborhood shows several adjacent properties with accessory structures located on the property line. The petitioner is requesting to reuse an existing garage and is not proposing a new structure that does not meet setback requirements. Peculiar condition is found in the age and configuration of the existing development and use. The side yard setback requirement is intended to provide separation of uses for neighboring properties. The garage structure is immediately adjacent to a 12 foot unimproved alley which serves to provide the open spaces and separation intended adjacent to a structure.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopts the proposed findings and approve CU/V-04-18 with the following conditions:

1. The Conditional Use is approved for the Accessory Dwelling Unit in the existing garage with existing dimensions.
2. Petitioner shall record a commitment to satisfy 20.05.0333(I), indicating that the ADU cannot be sold separately from the primary unit and that the conditional use approval shall only be in effect as long as the owner(s) of record occupies either the house or the ADU as his or her primary residence. If the ADU approval is revoked at any time, the ADU must be removed from the property.
3. Petitioner shall submit a copy of the property tax homestead exemption for the property.



CU/V-04-18 Margie & Drew Schrader

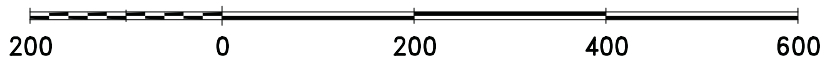
1009 S Lincoln Street

Board of Zoning Appeals

Site Location, Zoning, Parcels

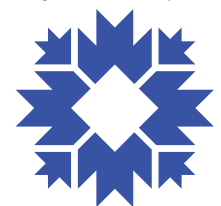
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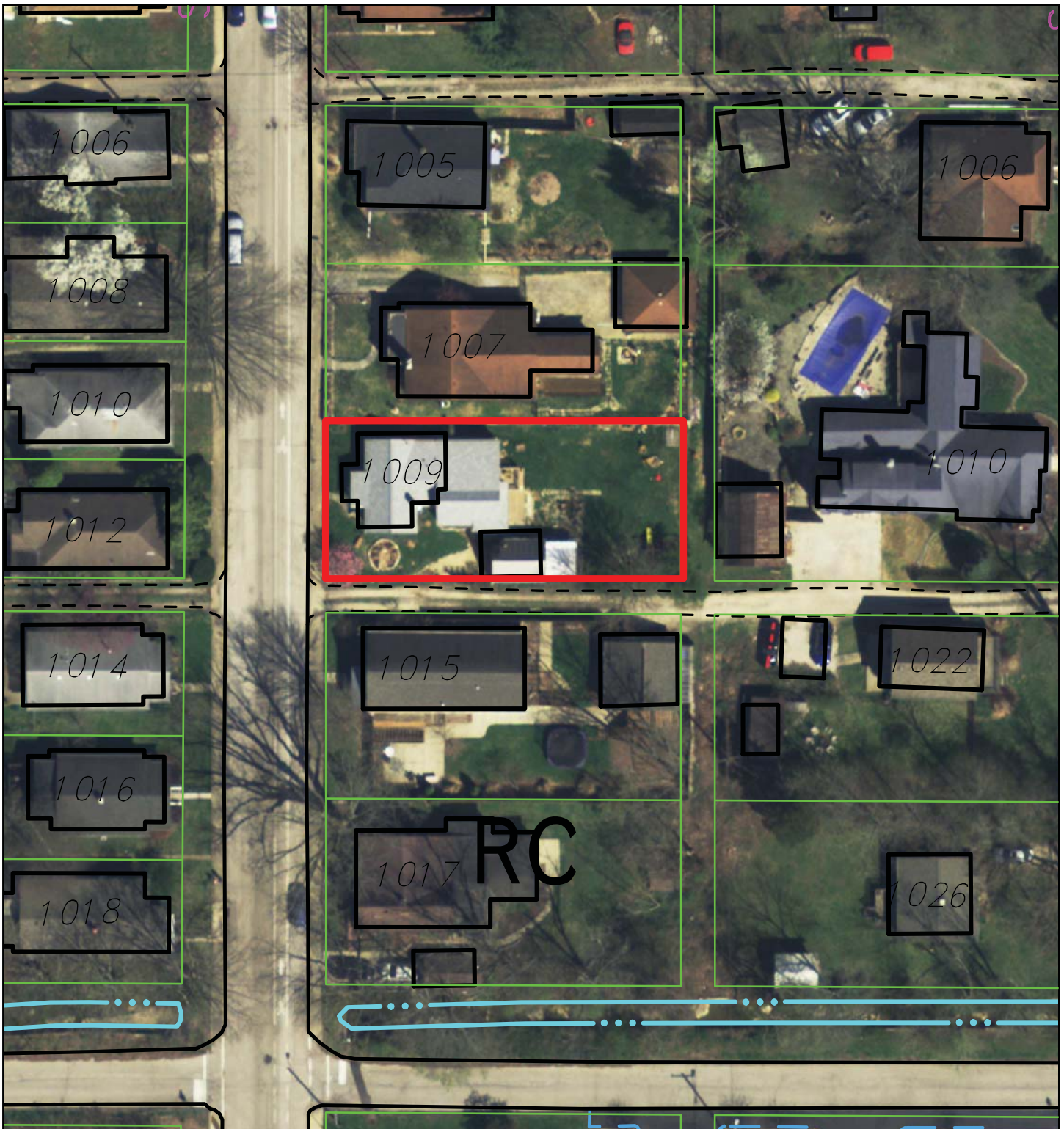


For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



Scale: 1" = 200'



CU/V-04-18 Margie and Drew Schrader

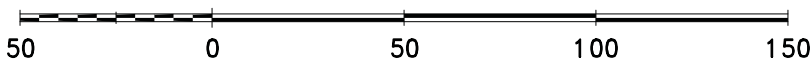
1009 S Lincoln Street

Board of Zoning Appeals

2016 Aerial Photograph

By: greulice

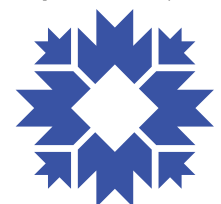
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For reference only; map information NOT warranted.



City of Bloomington
Planning & Transportation



Scale: 1" = 50'

Petitioner's Statement

Thank you for considering our petition for a Conditional Use Approval to allow an Accessory Dwelling Permit, and a variance from side yard setback requirements, for our garage at 1009 S. Lincoln. Our garage is so small that we have never attempted to pull our car into it. As it is not usable as a garage, we would like to update the interior to make it into an accessory dwelling unit.

Purpose: We would like to have a second living space in what is now the garage for three reasons. First, we both work from home, and would really benefit from an office space that is separate from our living space. We would like to be able to leave our projects spread out and have a dedicated space for our peripheral computer accessories. Second, we would like to have a guest space for visitors. We are happy that our home fits our family just perfectly, but several times a year it causes us problems when we have visitors from out of town. Third and finally, we would like to have a cat-free zone. We have friends and family who cannot visit our home due to our cat, and we would like to be able to host them in this space, which would be completely cat-free.

Description of project and justification for approval: This project would convert what is now a less than one-car garage into a living area, kitchenette, bedroom, and bathroom. The shell would remain the same, and the existing limestone will not be changed. There is some siding on the A-frame exterior that is not original, the roof may need to be replaced, and the newer windows and doors will be updated. Because we want it to look nice, and because our home is on the historical survey, all exterior changes will be appropriate to the house, and will have to be approved by the Historic Preservation Commission.

This project should be approved because it will benefit our family greatly, and will have a positive impact on our neighbors and neighborhood because the garage will look nicer. We are very friendly with our neighbors and very committed to being good neighbors, and our neighbors to the north and south support this project.

Size and location of property: Our property is 56x128 feet, with the house set in the front of the property and the garage to the south, right along the alley. The house is 1,218 square feet, and the garage is 180 square feet. We are on the East side of Lincoln, between Davis and Allen streets.

Surrounding land uses: All of the properties adjoining our property, as well as in our entire block, are residential properties. Some are owner-occupied, and some are rentals. There is a large church on the next block south.

Vehicular access: This would not change the vehicular access in any way, as we primarily park on the street, and occasionally in the driveway, which would be unaffected.

Environmental issues and drainage: To our knowledge this should not cause any environmental issues, nor affect drainage in any way.

Conditional Use Criteria:

1. Our proposed plan is consistent with the Growth Policies Plan in that we will be taking care of an existing building that needs maintenance and updating, as well as maintaining our single-family use.
2. Our proposed use will not create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights. The space will be used for home office space and spare guest room purposes. Neither of these uses will create a nuisance.
3. Our proposed use and development will not have an undue adverse impact upon adjacent property, the character of the area, or the public health, safety and general welfare, as it will continue to be used for single-family purposes.
4. Our proposed use and development will be served adequately by essential public facilities and services.
5. Our proposed use and development will neither cause undue traffic congestion, nor draw significant amounts of traffic through residential streets.
6. Our proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic or historic feature of significant importance.
7. There will be little to no change in the outside lighting, trash and waste collection, and the hours of use will be normal residential hours, so our proposed use does not pose a hazard, hardship or nuisance to the neighborhood.
8. There will be no signage.
9. The proposed use and development will comply with any additional standards imposed upon that particular use by Chapter 20.05 section CU: Conditional Use Standards.

Thank you for your consideration.











BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 2621 S. Milton Dr

CASE #: CU-06-18
DATE: March 22, 2018

PETITIONER: Christopher Stearly
2621 S. Milton Drive, Bloomington

REQUEST: The petitioner is requesting conditional use approval to allow an existing accessory building to be converted into an accessory dwelling unit in the Residential Single-family (RS) zoning district.

REPORT: This 0.50 acre site is located at 2621 S. Milton Drive. The property is zoned Residential Single-family (RS). The site currently contains one house, a one-story detached garage, and a one-story detached shed. The petitioner is requesting conditional use approval in order for the detached shed to be converted to an Accessory Dwelling Unit. The petitioner is proposing some interior remodeling to add a bathroom and kitchen.

In September 2017, the City Council adopted Conditional Use standards into the UDO to allow for ADUs in single-family residential neighborhoods, which were signed into law in October 2017. Particular design criteria were identified for desirable ADU development. It was acknowledged that existing ADUs may have issues with some of the standards and would have to be assessed on a case-by-case basis.

The petitioner reached out to the Broadview Neighborhood Association to gather any concerns from the Neighborhood Association and there were no concerns expressed for this request. No issues or complaints with the petition were received from any adjacent neighbors.

ACCESSORY DWELLING UNIT ISSUES:

Section 20.05.0333 outlines the particular standards required for Accessory Dwelling Units in single-family residential zoning districts in Bloomington.

The petition meets all of the standards of Section 20.05.0333.

Setbacks: The existing structure is located approximately 3' from the rear (east) property line and 50' from the side (south) property line. Although this structure does not meet the 5' sideyard setback requirement for a detached accessory building, the ADU standards exempt existing one-story structures from meeting the side or rear yard setback requirements when converting to an ADU.

Site Standards	Allowed	Proposed
Maximum Number	1 per lot	1
Number of Residents	One Family per lot	One Family or 3 unrelated per lot
Minimum Lot Size	8,400 square feet	21,780 sq. ft.
Proximity	At least 300 feet from approved ADU	No approved ADU's within 300'

Owner Occupancy	Required on Lot	Owner in House
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Design Standards	Allowed	Proposed
Maximum Square Footage	440 square feet	427 square feet
Maximum Bedrooms	1	1
Minimum Setbacks		
Front	Same as Dwelling	100 feet
Side	5 feet	50 feet
Rear	5 feet	3 feet*
Maximum Height	25 feet	20 feet

*exempt from meeting rear yard setback requirement

Criteria and Findings for Conditional Use Permits

20.05.023 Standards for Conditional Use Permits

No Conditional Use approval shall be granted unless the petitioner shall establish that the standards for the specific Conditional Use are met and that the following general standards are met.

1. *The proposed use and development must be consistent with the Growth Policies Plan and may not interfere with the achievement of the goals and objectives of the Growth Policies Plan;*

Proposed Finding: This site is designated as Urban Residential in the Growth Policies Plan. The GPP envisions some neighborhood-serving commercial in the Urban Residential areas, with the main focus of the district being protection of existing single-family housing stock. The proposal for an ADU does not interfere with the goals and objectives of the GPP and furthers what was desired by the community through the recent adoption of legislation to allow ADU's. This project involves the reuse of an existing non-residential structure and does not permit the conversion of a single family home to multi-family or commercial. Continued preservation of this structure is consistent with GPP goals.

2. *The proposed use and development will not create nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights;*

Proposed Finding: The proposed use will not create a nuisance. The structure currently exists on the site and no known nuisance exists or have been reported. The use on the site will take place completely indoors. No smoke, odors, vibrations, or objectionable lights are typically associated with a residential use.

3. *The proposed use and development will not have an undue adverse impact upon the adjacent property, the character of the area, or the public health, safety and general welfare;*

Proposed Finding: No adverse impacts to the adjacent properties or character of the area will occur as a result of this petition. The overall use of the property for a single family residential use will continue to take place within the accessory structure on the site. The limits on occupancy for the property minimizes impacts to the adjacent properties. No additional buildings are proposed.

4. *The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, stormwater management structures, and other services, or that the applicant will provide adequately for such services;*

Proposed Finding: The site is adequately served by all public utilities. No additional development is proposed.

5. *The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;*

Proposed Finding: The limit on occupancy imposed with the ADU standards insures that the maximum occupancy on the property does not exceed that of a typical residential property. There is ample parking on site for both the house and accessory dwelling unit, and no significant amounts of traffic will be generated by the one-bedroom ADU unit.

6. *The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance;*

Proposed Finding: The ADU will have no significant effect on the natural, scenic, or historic features of the parcel or area. The house is not located in a historic district.

7. *The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood.*

Proposed Finding: There will be no nuisance to the neighborhood from the proposed ADU operation.

8. *Signage shall be appropriate to both the property under consideration and to the surrounding area. Signage that is out of character, in the Board of Zoning Appeal's determination, shall not be approved.*

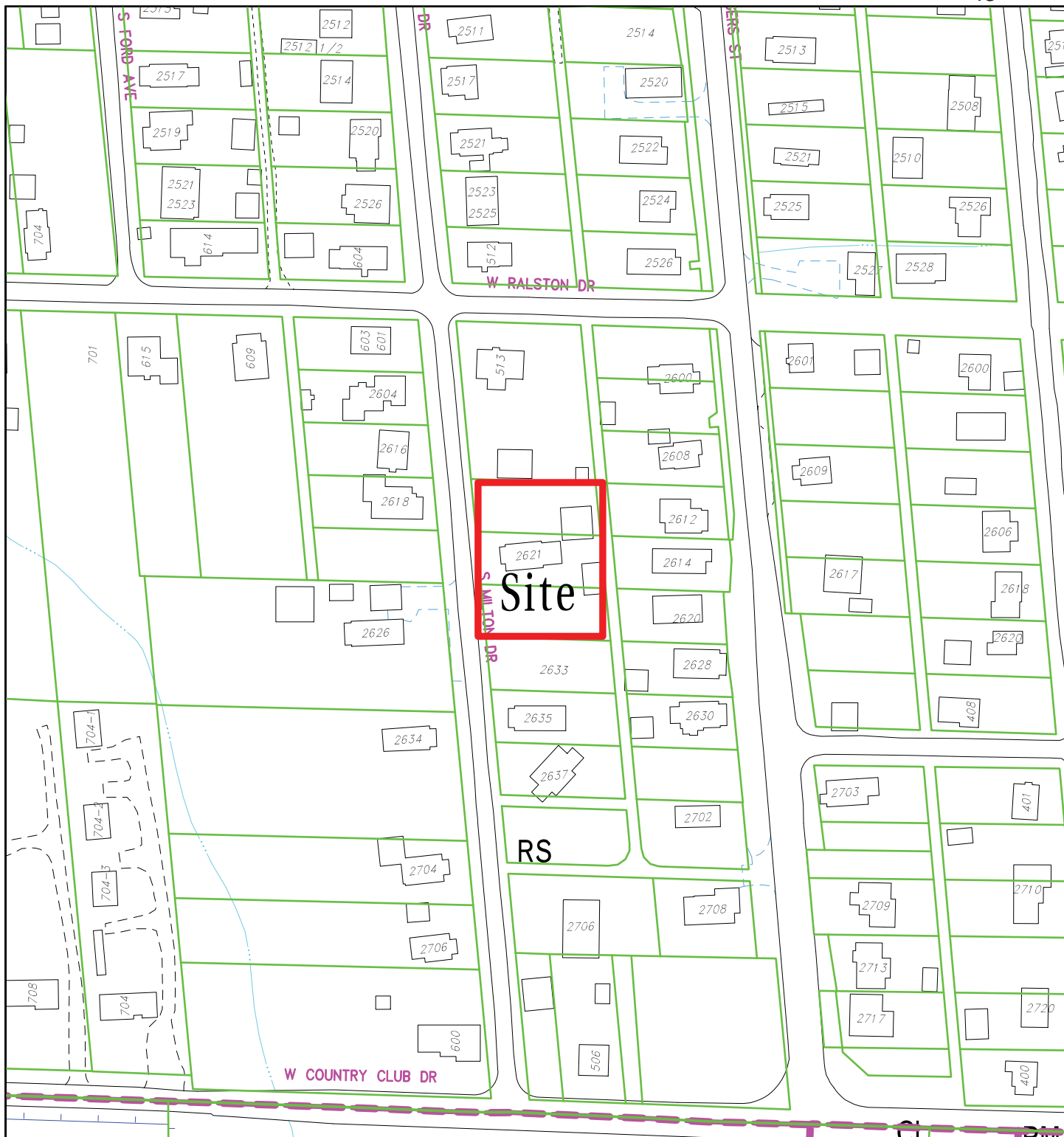
Proposed Finding: No signage is allowed for the ADU.

9. *The proposed use and development complies with any additional standards imposed upon the particular use by Chapter 20.05; CU: Conditional Use Standards.*

Proposed Finding: The proposed use complies with all other standards of the UDO.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopts the proposed findings and approve CU-06-18 with the following conditions:

1. The Conditional Use is approved for the existing accessory structure as submitted.
2. Petitioner shall record a commitment to satisfy 20.05.0333(l), indicating that the ADU cannot be sold separately from the primary unit and that the conditional use approval shall only be in effect as long as the owner(s) of record occupies either the house or the ADU as his or her primary residence. If the ADU approval is revoked at any time, the ADU must be removed from the property.
3. Petitioner shall submit a copy of the property tax homestead exemption for the property.



CU-06-18 Christopher Stearly

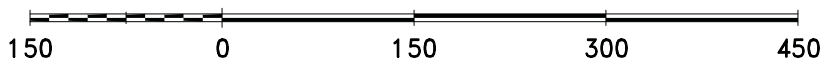
2621 S Milton Drive

Board of Zoning Appeals

Site Location, Zoning, Parcels

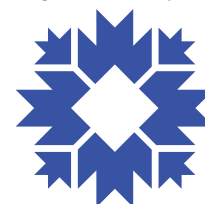
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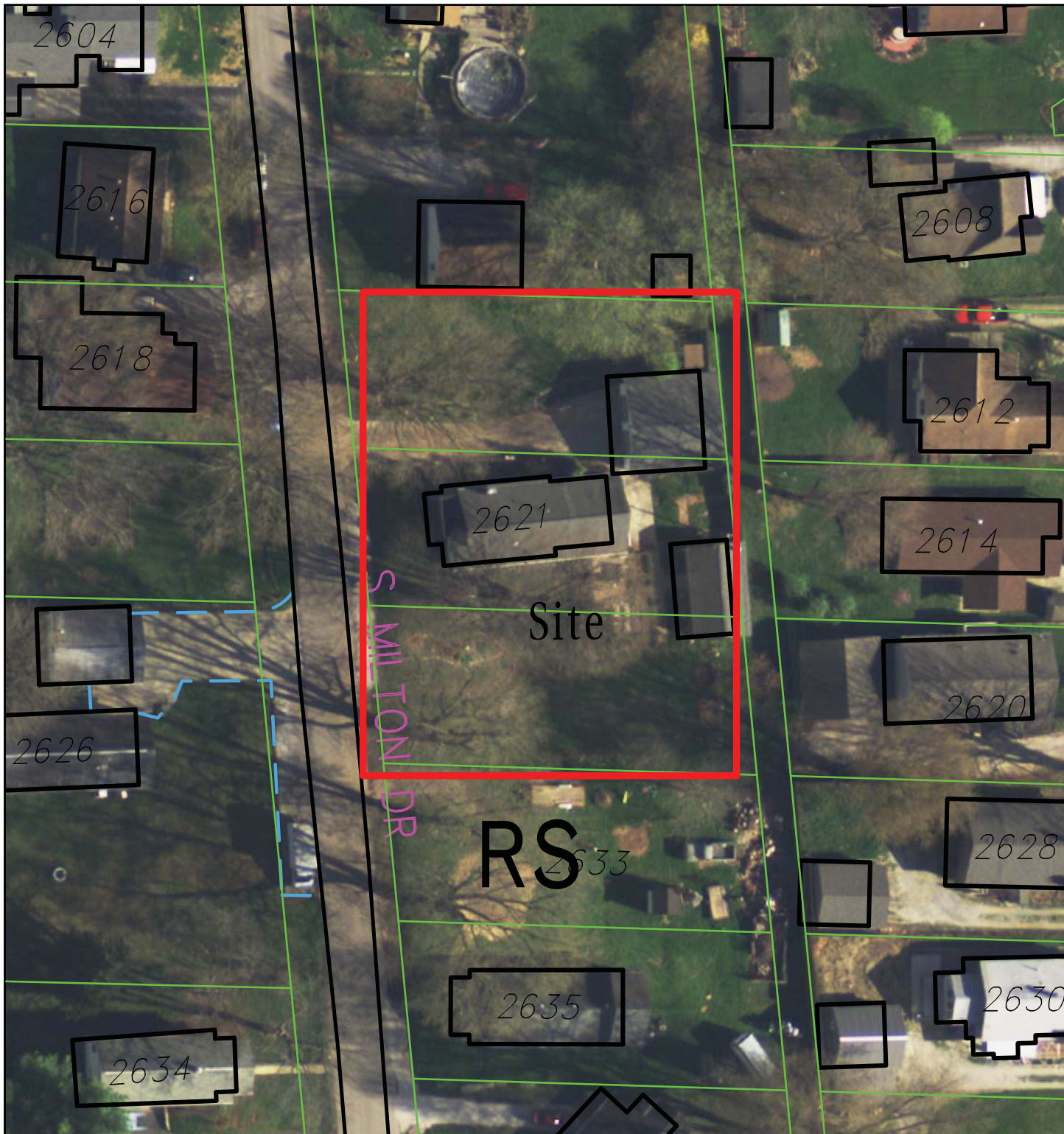


For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



Scale: 1" = 150'



CU-06-18 Christopher Stearly

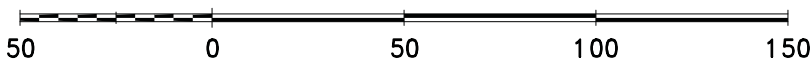
2621 S Milton Dr

Board of Zoning Appeals

2016 Aerial Photograph

By: greulice

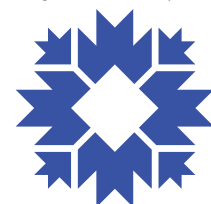
16 Mar 18



For reference only; map information NOT warranted.



City of Bloomington
Planning & Transportation



Scale: 1" = 50'

Petitioner's Statement for Conditional Use Approval to Allow for ADU

Christopher E. Stearly

2621 S. Milton Dr.

Bloomington, IN 47403

574.286.7848 / cstearly@gmail.com

The scope of the proposed project is to turn an uninhabited, single-story outbuilding into an ADU. Said building currently exists in the rear of lot #34, along with a single-family dwelling unit, in the Broadview Neighborhood. An approval of the variance with regard to the number of units within the aforementioned residential area will neither be injurious to the public health, safety, morals, nor the general welfare of the community.

Furthermore, the development of the currently existing building would appeal to working individuals, our aging parents, and others for whom an ADU in a residential area would present a viable option. The value of the area adjacent to the property included in the Development Standards Variance will not be adversely affected.

The proposed project will focus on interior remodeling to include the following:

- Building a 40 ft² bathroom unit, which requires tying into the City of Bloomington water/sewer
- Furnishing and completion of a 45.5 ft² kitchen area, and
- Finishing of any additional interior livable space

The exterior footprint of the structure measures 16' x 32' (equating to 512ft²). The interior of the house would include a 4'x 10' bathroom (40 ft²) and a kitchen area measuring 7'x 6.5' (45.5 ft²), thus yielding 426.5ft² of livable space in the proposed ADU.

With the exception of the number of units contained within a single lot, the proposed project is in compliance with all Conditional Use Standards for an Accessory Dwelling Unit.

