

CITY OF BLOOMINGTON



April 18, 2018 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON
HEARING OFFICER
April 18, 2018 at 2:00 p.m.

*Kelly Conference Room #155

PETITIONS:

V-10-18

Stardust Development, LLC

113 E. 10th St.

Request: Variance from side yard setback standards to allow a one-story addition to an existing residence.

Case Manager: Eric Greulich

****Next Meeting: May 2, 2018**

Last Updated: 2/23/2018

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BLOOMINGTON HEARING OFFICER
LOCATION: 113 E 10th Street

CASE #: V-10-18
DATE: April 18, 2018

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 Hearing Officer approved a variance for this site on December 27, 2017 to allow a portion of the rear of the structure to be removed and reconstructed under case #V-35-17. Since that approval the petitioners have re-evaluated their proposal and rather than add on to the building in the location of a previous addition approved under the previous variance, they would like to slightly expand the reconstructed area along the rear of the residence to follow the main building wall.

The petitioner is proposing to remove a one-story addition on the rear of the building and reconstruct it in-line with the wall of the main structure. The existing residence is located 9.8' 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 9.8' setback to continue.

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 9.8 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.*

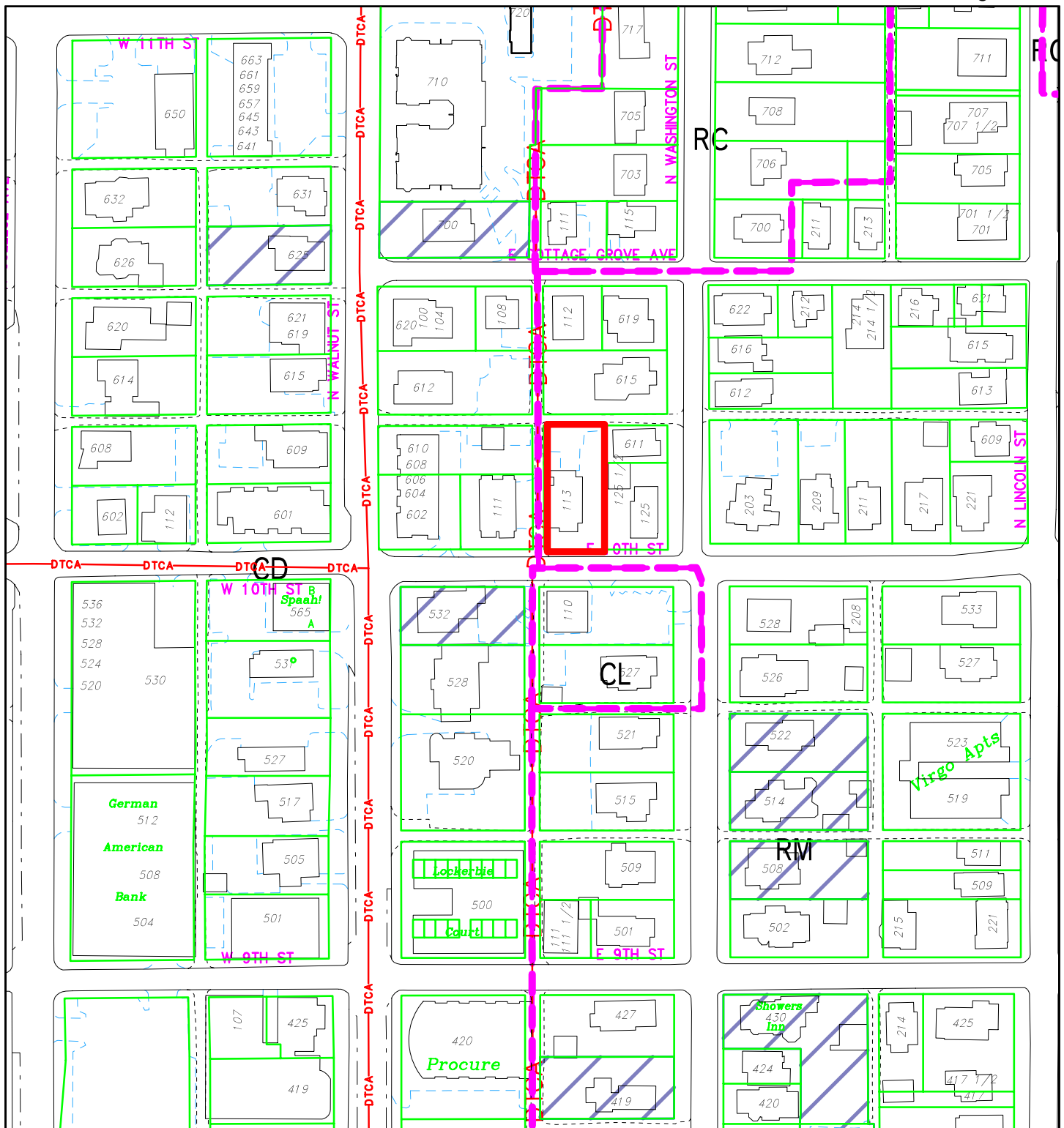
PROPOSED FINDING: No negative effects from this proposal on the areas adjacent to the property are found. The setback encroachment is not increasing. There are several other structures in this area with a side yard setback that does not meet the required sideyard setback. The property will remain as 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-10-18 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-10-18 Stardust Development LLC

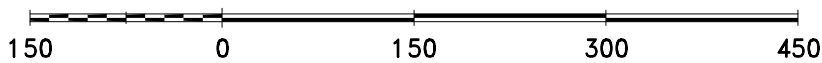
113 E 10th Street

Hearing Officer

Site location, Zoning, Parcels

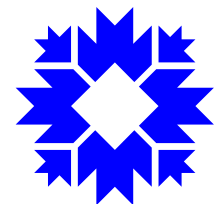
By: greulice

21 Dec 17

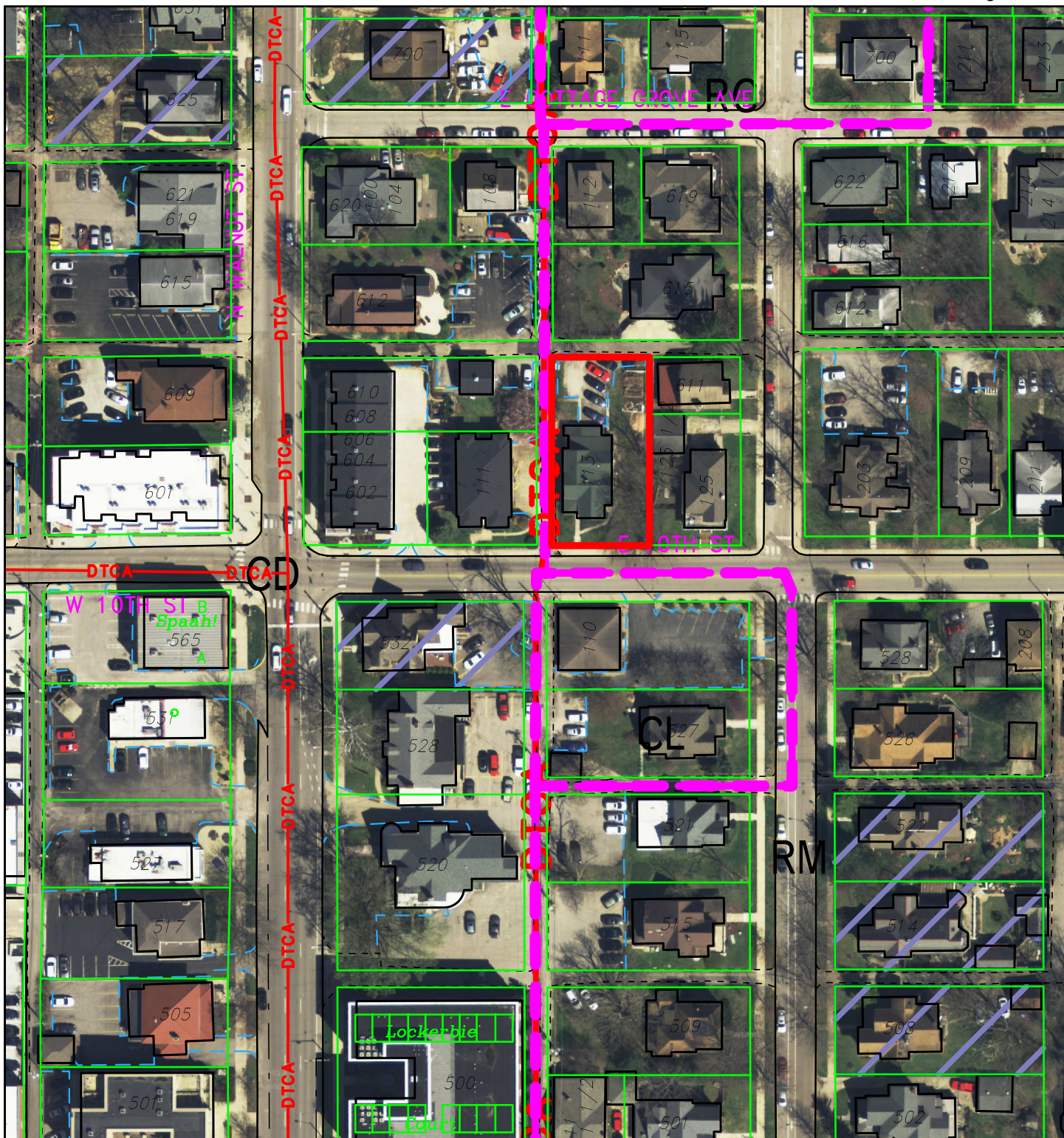


For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



Scale: 1" = 150'



V-10-18 Stardust Development, LLC

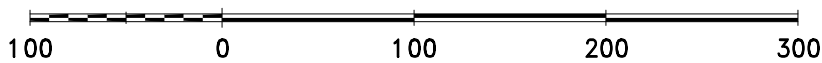
113 E 10th Street

Hearing Officer

2016 Aerial Photograph

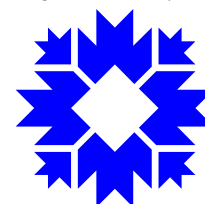
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For reference only; map information NOT warranted.

City of Bloomington
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Scale: 1" = 100'

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

The subject property was granted a variance on December 27, 2017, under V-35-17. The variance approved removing a one-story addition on the rear of the building and reconstructing it. The addition in the rear, which juts in from the front portion of the home, provided a set back of 12.8 feet. However, the front portion of the home, and the majority of the western facade, only provides a setback of 9.8 feet.

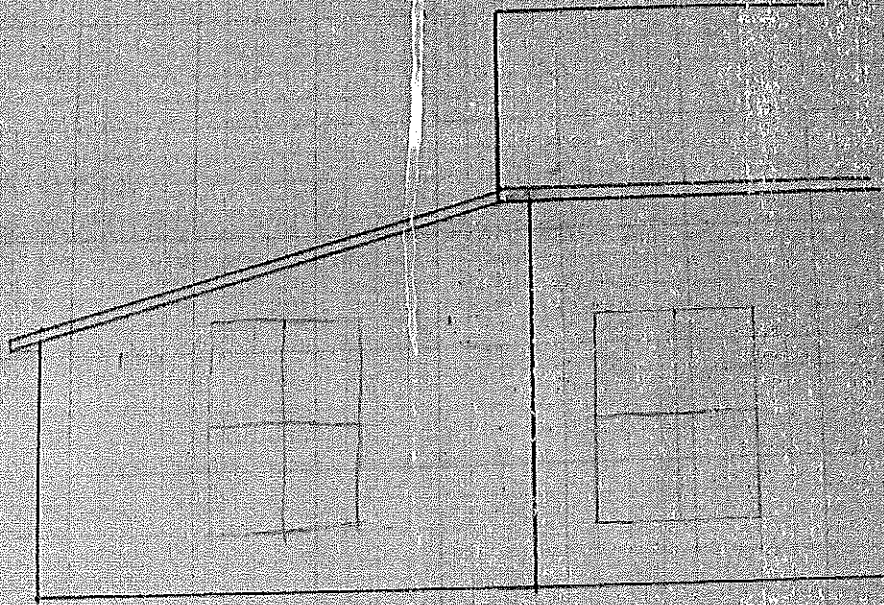
While our previous variance request kept the jut in for the back addition, we are now requesting to remove the jut in. The jut makes the home irregularly shaped and is not aesthetically pleasing. We are now requesting that the addition proceed on the same westerly line from the front of the home to the back of the home such that the west side setback for the entire home would be 9.8 feet, and the west wall of the home would all be on the same plane.

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 used 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.

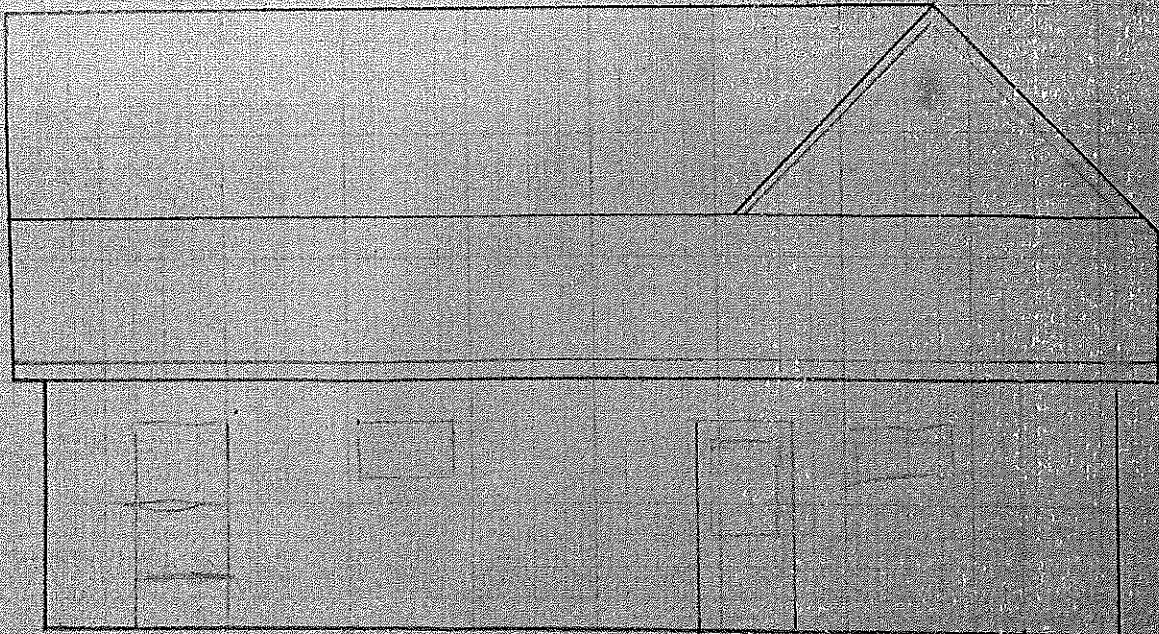
Per Section 20.02.160 of the Bloomington UDO, the minimum side building setback for Residential Multifamily is 15 feet. However, the use of the home is as a single family dwelling and the setback in the Residential Single-family (RS) District is only 8 feet for a single story home.

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 western facade already violates current setback requirements. Even following the variance granted to the property, the home will still violate setbacks and will be awkwardly shaped. One of the ideas behind this project was to clean up the northern facade and alter the shape of the structure so it doesn't have so many ins and outs, which were created by previous additions. An additional Development Standards Variance will create a more pleasing visual line such that the western facade proceeds along one line.

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 than the front portion of home already does. The bedroom window of our primary residence overlooks the subject of this project, so we 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.



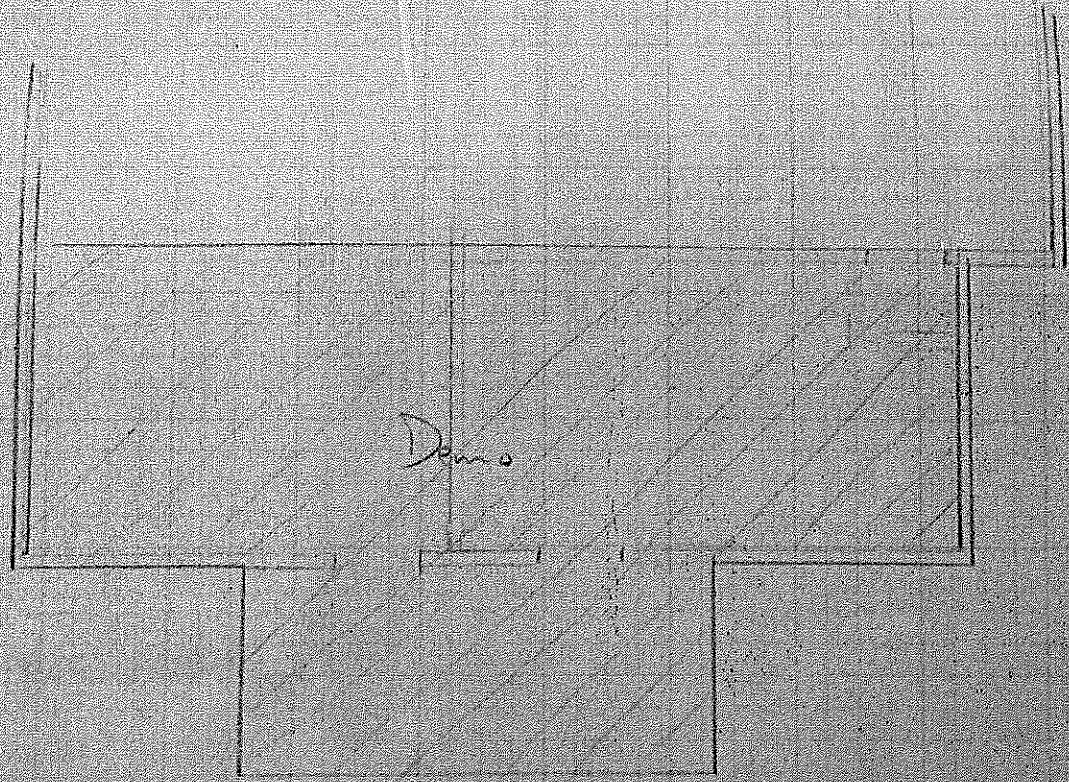
West Elevation 1/4" = 1'



North Elevation 1/4" = 1'

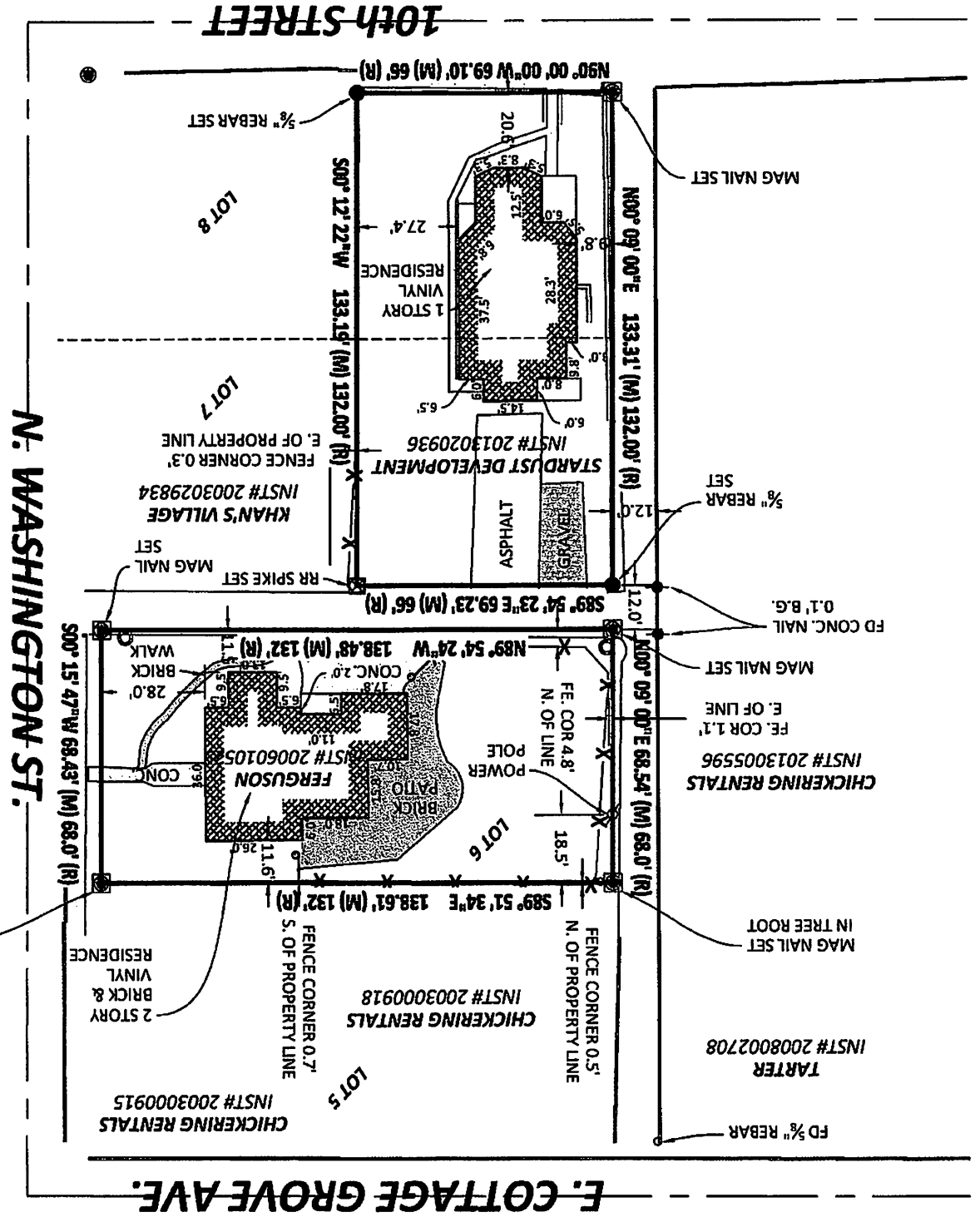
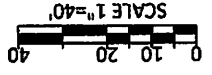


Proposed Floor Plan 1/8" = 1'



Demolition Plan 1/8" = 1'

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