

PETITIONS:

- 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

Jackie Scanlan presented the staff report. The existing use on the site is a mixed-use building and the ground floor is currently vacant. The property is zoned Commercial Downtown (CD) and located in the University Village Overlay. The Growth Policies Plan (GPP) designation for this area is Downtown and the surrounding uses of the property are restaurants, retail and multi-family residential. This is a request for a Conditional Use approval for a standardized business. The subject property is immediately adjacent to Nick's English Hut. The petitioner is requesting to open a Five Guys Burgers and Fries at this location. No changes are being proposed to the exterior of the building. The Unified Development Ordinance (UDO) requires a Conditional Use approval for a standardized business in this overlay district. This is defined by "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." With that being said, Five Guys fits this definition and therefore a Conditional Use approval is necessary in order to operate at this location. Again, no exterior changes are being proposed to the building. The building has housed multiple restaurants since it was built. The petitioner has indicated that they would like to propose, at some point in the future, added café seating in front of the building. This seating would be similar to what Nick's English Hut has but would be set farther back. Staff found no nuisance or adverse impacts from this request. The only other change visible from the street would be a sign package. The sign package has not been submitted but the petitioners understand what the code requirements are and they plan to meet those standards. Staff recommends approval of this petition based on the written findings in the staff report, including 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.

Paul and Carol Gillard are present to speak on behalf of their petition. Neither have anything specific prepared but they would be happy to answer questions.

No public comment.

Paul Gillard closed by saying that he and his wife are Bloomington residents and that they aren't running the operation from an off-site location or another city. If everything goes well, they look forward to being in the proposed space.

Jo Throckmorton reiterated that the BZA doesn't operate on precedent and therefore any action taken on this petition would have no bearing on future requests that are similar. Decisions will not be based on decisions that were made in the past in terms of a zoning variance.

****Stewart Gulyas moved to approve CU-03-18 based on the written findings, including the one condition outlined in the staff report. Throckmorton seconded. Motion carried by voice vote 3:0—Approved.**

- 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

Eric Greulich presented the staff report. The petitioners are requesting a Conditional Use approval to allow an Accessory Dwelling Unit (ADU) on a property that is zoned Residential Core (RC). The petitioners live at the residence. They are requesting for the accessory building on the property to be converted into an ADU. On the south side of the site is a detached garage that is located along the alley. Also being requested is a variance from the side yard building setback requirements. While the Unified Development Ordinance (UDO) exempts existing single-story structures from meeting side yard setback requirements when they are being converted, the UDO does not exempt two-story structures from those requirements. As a result, the petitioners are requesting a variance from the side yard setback requirement of 5 feet to allow the existing structure; the existing structure is approximately zero feet. In addition, there is a platted public alley on the south side of the property and along the east side of the property as well. Greulich explained that the presence of the alley provides the setback and open space that is desired on properties, especially between adjoining properties. Greulich noted the presence of the alley helps to offset the lack of the required 5-foot setback. The petitioner has submitted a couple of pictures of the existing structure. Improvements will be done to this structure to help make it livable such as replacing the siding and doing some interior remodeling. The plumbing and sewer will be extended to the garage as well. The petitioner meets the requirements for the Accessory Dwelling Unit. Again, the main residence is owner-occupied by the petitioners. It meets the size restriction of less than 440 sq. ft. Greulich noted this is the first ADU that has been approved in this area so it meets the requirement of being separated a distance of 300 feet. The petitioner also went before the Bryan Park Neighborhood Association to solicit comments from them. The neighborhood association did not express any negative concerns or comments regarding the petition. Staff recommends approval of this petition based on the written findings, including 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.

Margie Schrader, petitioner, said the structure is approximately 1 to 1-1/2 stories and that nothing on the outside will structurally change.

Jo Throckmorton said the City Council approved this type of dwelling unit. He asked Staff to clarify the intended purpose of ADU's.

Greulich said one purpose was to promote affordable housing opportunities within neighborhoods. This would give property owners the ability to generate a little more income, as well as provide places for aging relatives to live on-site. So the purpose was twofold, affordable housing and to help preserve the existing, historic stock of houses. Allowing these accessory units to be converted into ADU's provided more income for residents, helped to keep houses from turning into rentals, and it provided locations for relatives to live on-site while not being in the main house with the rest of the family. Those were the main objectives the City Council, Plan Commission, and the community as a whole was looking to accomplish with Accessory Dwelling Units.

Throckmorton asked Staff to clarify what the relationship status needs to be between the owner-occupier and the unit.

Greulich responded that the entire property as a whole is still held to the "family" definition so no more than three (3) unrelated adults can live on the property.

Barre Klapper said if there are exterior changes to the structure (windows, etc.) would that become an HPC issue.

Greulich said those types of changes would still be bound by the Demolition Delay Ordinance. Any historic structures would need to go before the Historic Preservation Committee (HPC) for review.

Public Comment:

Loren Wood strongly supports this proposal. He's worked on the home and is very familiar with the property. He thinks both the site and structure meets the spirit of what was approved with Accessory Dwelling Units (ADUs). He encouraged the Board to approve this request.

Klapper said she, too, is familiar with this house and it has a really compact footprint. It makes a lot of sense for the homeowner to have the ability to expand their living space in this way. She plans to vote in favor of the requested ADU.

****Throckmorton moved to approve CU/V-04-18 based on the written findings, including the three conditions outlined in the staff report. Stewart Gulyas seconded. Motion carried by voice vote 3:0—Approved.**

- 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

Eric Greulich presented the staff report. This is another request for a Conditional Use approval to allow an Accessory Dwelling Unit (ADU). The petitioner lives at the residence at 2621 S. Milton Drive. The property is zoned Single-family Residential (RS). There are two accessory structures on the subject property. There is an existing detached garage on the north side of the site, as well as a small storage shed on the south side of the site. The petitioner would like to convert the shed-like structure into an ADU. The Unified Development Ordinance (UDO) exempts single-story structures from meeting side or rear yard setback requirements. This structure does not meet the rear yard setback requirement but it's exempt from meeting that standard per the UDO standards. Therefore the petitioner does not need to request a variance in order to allow for this to be converted into an Accessory Dwelling Unit. Again, the petitioner does live on-site. The proposed ADU meets or does not exceed the allowed interior space (440 sq. ft.) requirement. The petitioner is aware of all of the requirements that go along with converting this into an ADU. He is aware that he needs to live on the site. The petitioner is also aware that the ADU cannot be sold separately. Minor improvements will be made in order to extend water and sewer to the interior of the structure making it livable. Staff finds that this proposal meets all of the requirements set forth in the UDO for the ADUs—the size, the owner occupancy, and the proximity to any other ADUs (which there are not). Staff recommends approval of this petition based written findings in the staff report, including 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(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 for the property tax homestead exemption for the property.

Christopher Stearly is present on behalf of his petition. He said this process has been very informative. He's lived in the Broadview Neighborhood for the last two years. He said it's really nice that the neighborhood association showed support for his requested ADU.

No public comment.

****Throckmorton moved to approve CU-06-18 based on the written findings, including the three conditions outlined in the staff report. Stewart Gulyas seconded. Motion carried by voice vote 3:0—Approved.**

Meeting adjourned.