

# CITY OF BLOOMINGTON



June 27, 2018 @ 2:00 p.m.  
CITY HALL -  
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON  
HEARING OFFICER  
June 27, 2018 at 2:00 p.m.

\*Kelly Conference Room #155

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**PETITIONS:**

V-18-18

**Scott Hogsed**

1300 S. Washington St.

Request: Variance from front yard setback standards for a detached garage in the Residential Core (RC) zoning district.

*Case Manager: Jackie Scanlan*

**\*\*Next Meeting: July 11, 2018**

**Last Updated: 6/4/2018**

*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](mailto:human.rights@bloomington.in.gov).*

**BLOOMINGTON HEARING OFFICER**  
**LOCATION: 1300 S. Washington Street**

**CASE #: V-18-18**  
**DATE: June 27, 2018**

**PETITIONER:** Scott Hogsed  
 1300 S. Washington Street, Bloomington

**REQUEST:** The petitioner is requesting development variances from front yard setback standards for a detached garage in the RC zoning district.

**REPORT:** The petition site is zoned Residential Core (RC) and is located at the southwest corner of S. Washington Street, and E. Driscoll Drive. Properties to the north, south, and west are also zoned RC and property to the east is zoned Commercial General (CG). The property is surrounded by single-family uses on all sides, with a multi-family building to the northwest. An alley runs north-south immediately adjacent to the west side of the property. The property currently contains one two-story single-family house.

The petitioner proposes to further develop this property by building a 22 foot by 22 foot two-car garage on the western portion of the property. The garage would derive vehicular access from the alley to the west of the property.

The UDO requires detached garages to be 10 feet behind the front building wall on the house on the same lot. The garage exceeds that setback related to Washington Street, where the traditional front of the house is located. However, because this is a corner lot, the garage must also be 10 feet behind the ‘front building wall’ of the house that faces Driscoll Drive. The Unified Development Ordinance defines the front building wall as: *The building elevation which fronts on a public street, public parking lot, private parking lot available to the general public, or pedestrian walk where customer access to a structure is available.* Therefore, the garage must meet the 10 foot setback for both Washington Street and Driscoll Drive.

The lot is 40 feet deep and the existing house is nine (9) feet behind the northern property line. As a result, a front setback compliant structure would need to be 19 feet from the northern property line. Side yard setbacks require five (5) feet from the southern property line, leaving sixteen (16) feet of developable area, which is not wide enough for a two-car garage. The proposed garage will be four (4) feet behind the front building wall that faces Driscoll Drive.

The property is listed as Contributing in the City of Bloomington Survey of Historic Sites and Structures. The petition request, which included the garage and a deck on the house, was released from the Bloomington Historic Preservation Commission with Demo Delay 18-19. The Bryan Park Neighborhood Association also discussed the petition at its May 22, 2018 meeting and had no concerns with the project and those in attendance generally supported the request.

**20.09.130 e) Standards for Granting Variances from Development Standards (Detached Garage Front Yard Setback):**

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 to the general welfare of the community is found with this petition. The proposal provides for an accessory garage, which is a common accessory use in a single-family zoning district. Approval will allow construction of a garage that will be slightly set behind the house (four feet), and the property will continue to be used as a single-family residence.

- 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 adverse impacts to the use and value of surrounding properties is found as a result of the requested variance. The proposed project contains one accessory structure that will be accessed by the existing rear western alley. The proposed structure will meet side yard setbacks related to the adjacent property to the south.

- 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:** Peculiar condition is found in the combination of the small lot size and the fact that the property is a corner lot. The size of the parcel is 5448 square feet, while the minimum lot size in the RC zoning district is 7200 square feet. Were the parcel to be larger, it would be more likely that an accessory garage could be located to meet all setback requirements. Practical difficulty is found in the nature of the corner lot. The property is held to two large front yard setbacks, and in combination with the small width of the parcel, all setbacks cannot be met for a reasonably-sized customarily incidental accessory garage.

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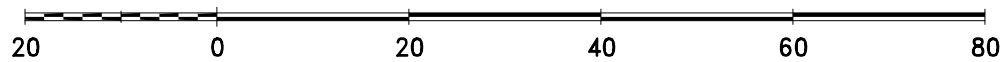
**RECOMMENDATION:** The Department recommends that the Board of Zoning Appeals adopts the proposed findings and approves V-18-18 with the following condition:

1. Approval of the variance is for the specific site plan associated with this petition, with a maximum garage size of 22 feet by 22 feet.





By: scanlanj  
22 Jun 18



For reference only; map information NOT warranted.



City of Bloomington  
Planning & Transportation



Scale: 1" = 20'

**V-18-18 Petitioner's Statement**

**Bloomington Office of Design and Architecture**  
Ernesto Castañeda

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Project Data  
June 1<sup>st</sup>, 2018

Hearing Officer  
Request for a Variance  
Property Location: 1300 South Washington Street  
Bloomington, Indiana 47401

To Hearing Officer:

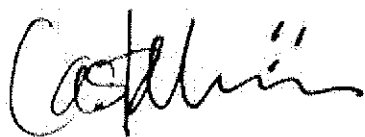
The homeowners of the house located at 1300 South Washington Street would like to request a variance for a front setback. The house sits on a substandard size lot that does not allow to locate the proposed garage ten feet behind the front of the house along Driscoll Street.

We have included existing and proposed drawings for your review as part of this filing. The proposed project has received support from The Bryan Park Neighborhood Association, The Historic Preservation Commission and from individual neighbors.

We respectfully request that this variance be approved to allow the additional space need for this family.

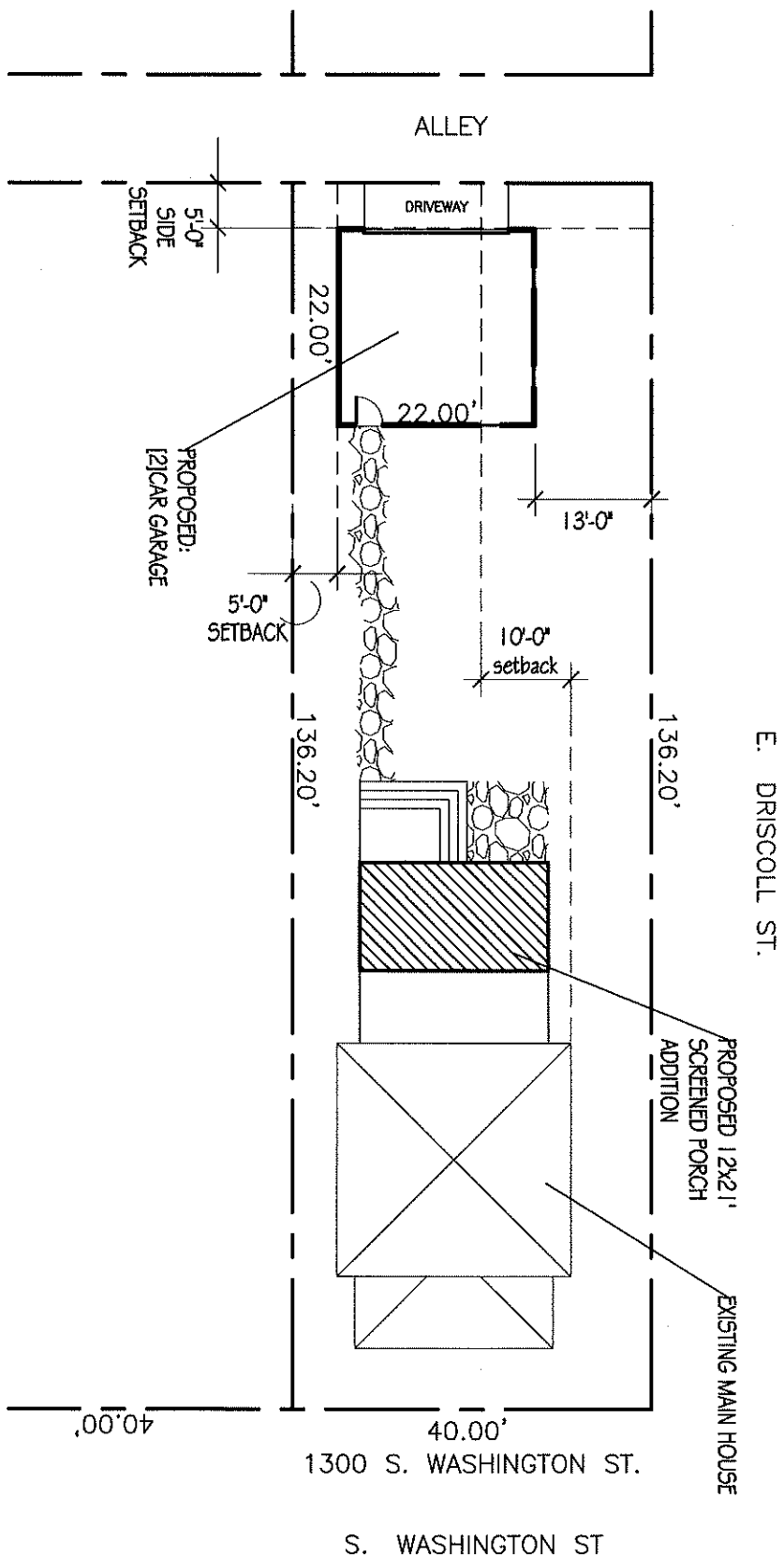
We sincerely thank you for considering this request.

Respectfully submitted,



Ernesto Castañeda  
Architect

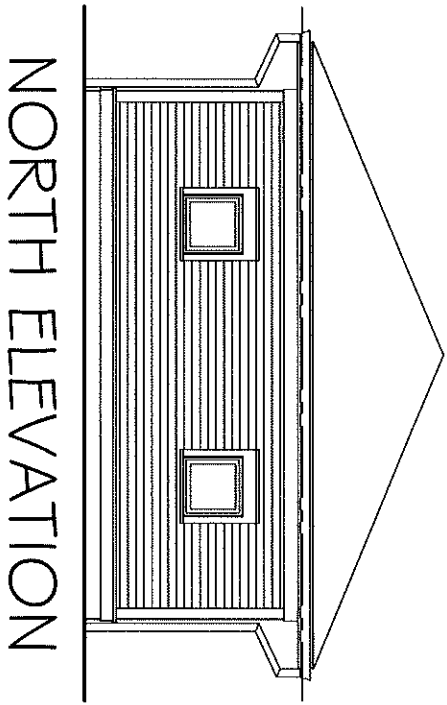
Cc: Scott Hogsed and Raymond Fellman,  
Homeowners



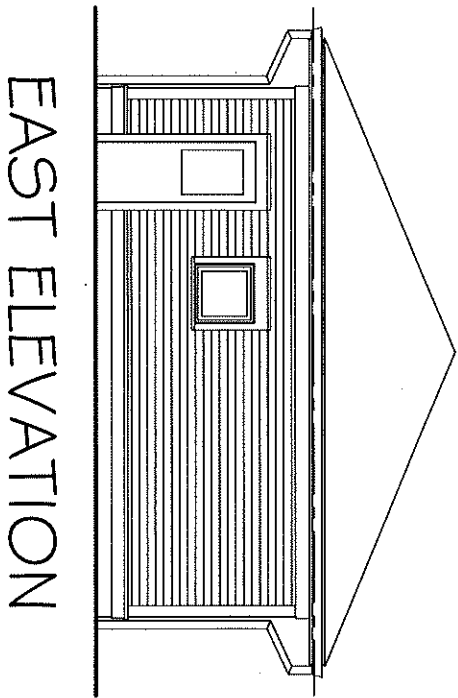
PROPOSED  
**A** SITE PLAN  
 SCALE: 1"=20'-0"



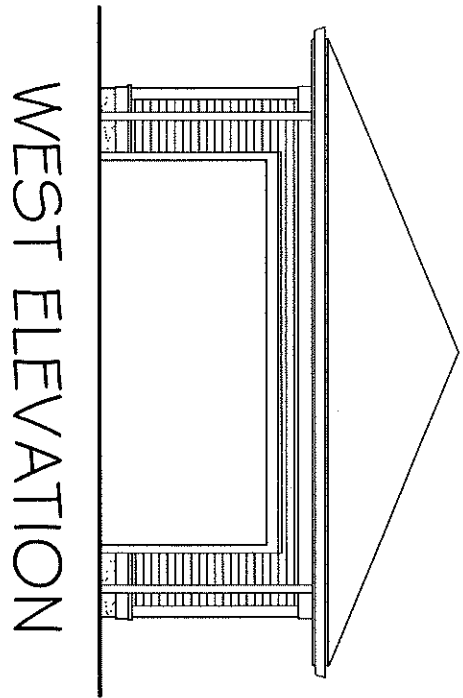
V-18-18 Petitioner's Renderings



NORTH ELEVATION

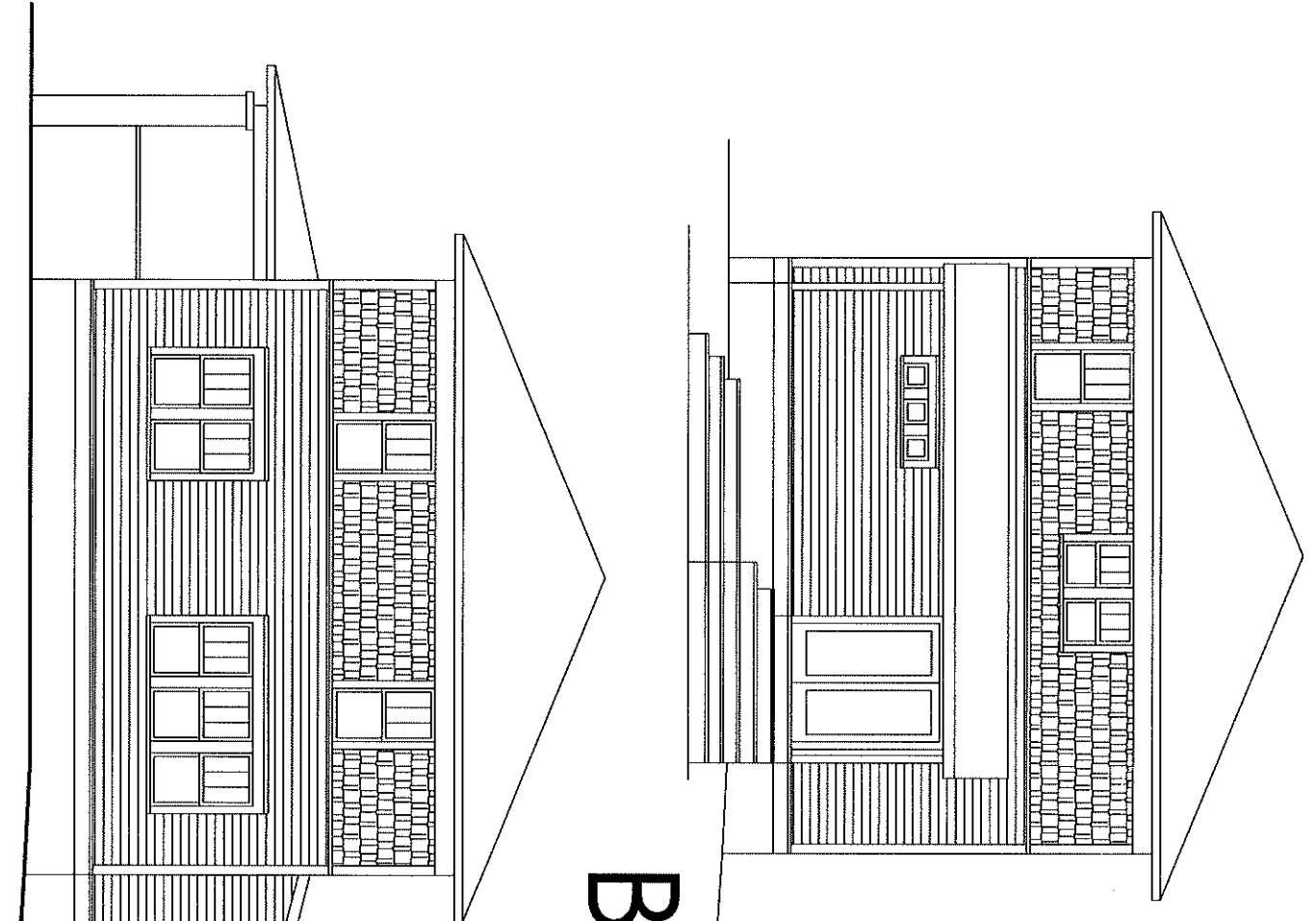


EAST ELEVATION



WEST ELEVATION

V-18-18 Petitioner's Renderings



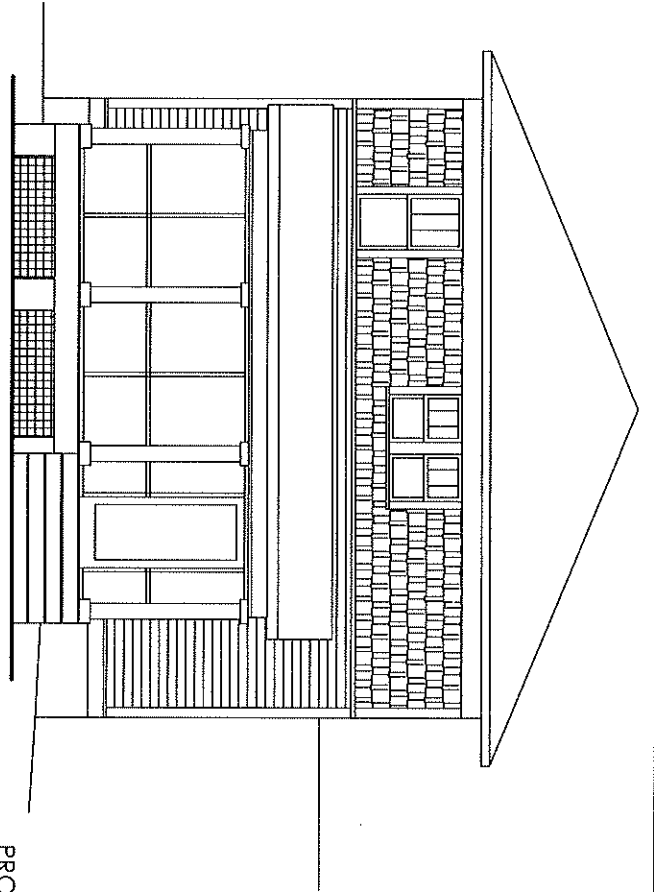
**A**

EXISTING  
**NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"

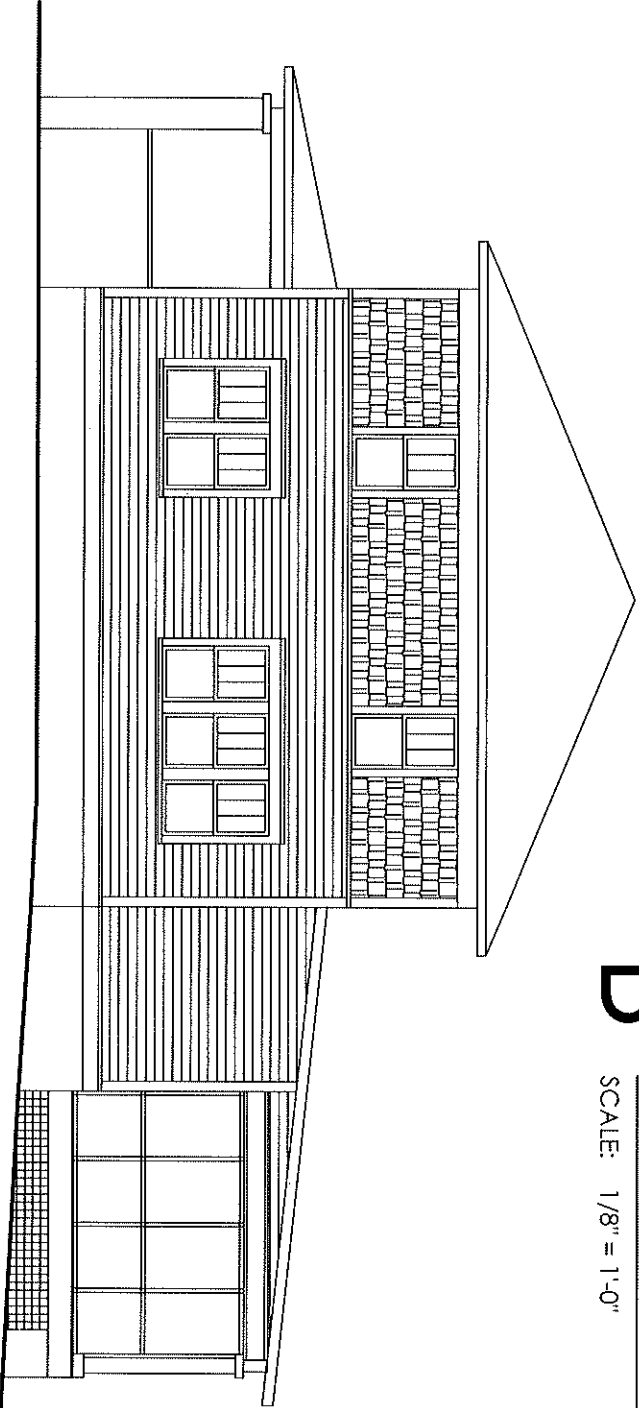
**B**

EXISTING  
**WEST ELEVATION**  
SCALE: 1/8" = 1'-0"

V-18-18 Petitioner's Renderings



**B**  
PROPOSED  
WEST ELEVATION  
SCALE: 1/8" = 1'-0"



**A**  
PROPOSED  
NORTH ELEVATION  
SCALE: 1/8" = 1'-0"

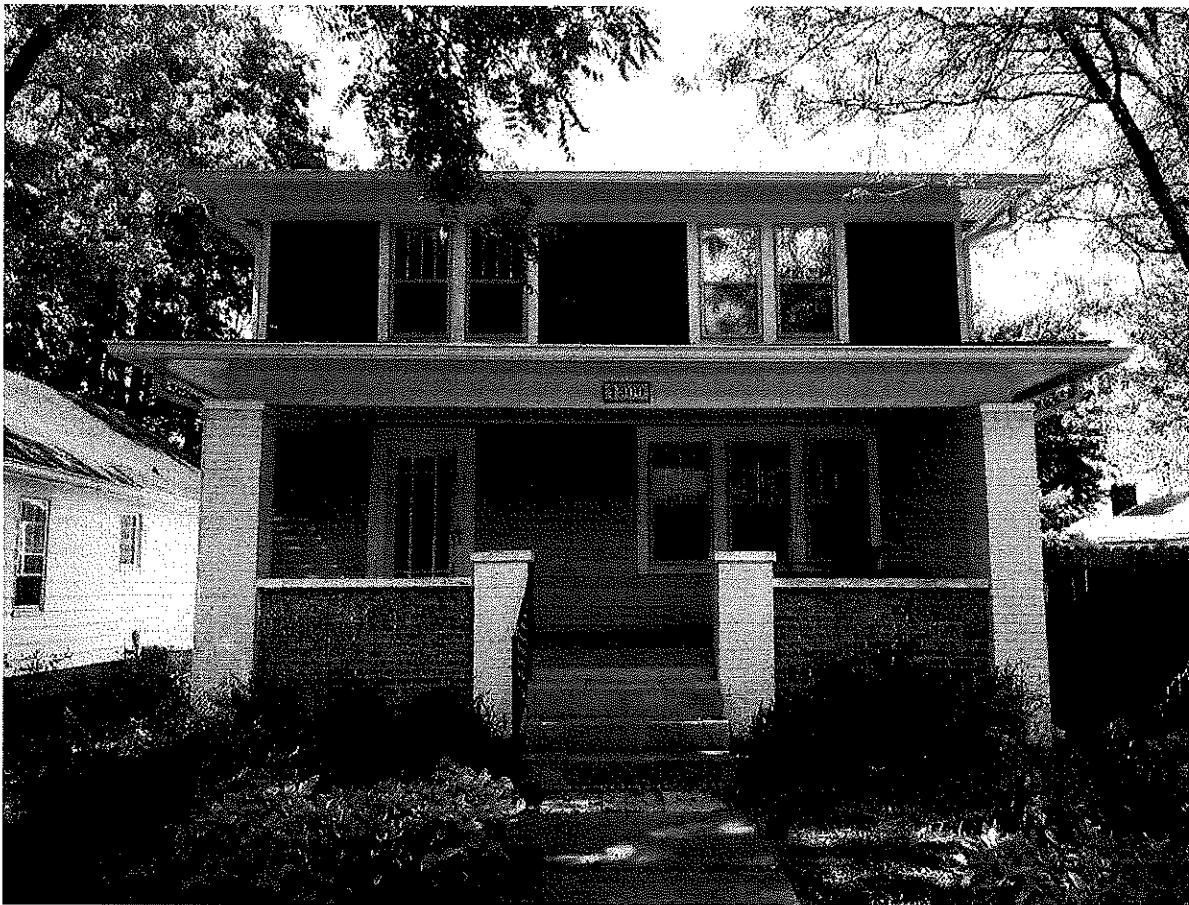
**SUMMARY****Demo Delay 18-19**

1300 S. Washington Street  
Petitioner: Ernesto Castaneda

Contributing

IHSSI #: 105-055-52013

c. 1930



*Background:* The house located at 1300 S. Washington Street is a contributing slightly altered American Foursquare in good condition that was constructed c. 1930. The property is zoned RC-Residential Core.

*Request:* Partial demolition – construction of a rear deck and garage on the rear of the property.

*Guidelines:* According to the demolition delay ordinance, BHPC has 90 days to review the demolition permit application from the time it is forwarded to the Commission for review. Commission staff received the application on May 3<sup>rd</sup>, 2018. The BHPC may thus employ demolition delay for 90 days from the date, and may request an additional 30 days if necessary

for further investigation. During the demolition delay waiting period, the BHPC must decide whether to apply Local Designation to the property.

*Recommendations:* Staff recommends a move for local historic designation. Staff feels that the house merits stand-alone designation due to its historic character and integrity. However, Staff believes that the proposed alterations will not affect the historic integrity of the structure and both the deck and garage have been designed in compatible manners to the house.

**V-18-18 Neighbor Letter**

# Jonathan F. Yates



412 east university street  
Bloomington, Indiana  
47401  
812-345-6947  
jonathan.yates@mbeblaw.com

May 17, 2018

To Whomever it May Concern,

My wife Mandy Yates and I own the property at 1302 S. Washington St., next door to the home of Scott Hogsed and Ray Fellman at 1300 S. Washington St. I purchased our home at 1302 in 2004 and lived there for 8 years. Since August 2012 we have maintained 1302 as a rental property. I am acquainted with the owners, and familiar with the character, style, and history of many of the homes in the Bryan Park neighborhood.

Scott and Ray recently informed us of their plans to build a garage along the alley bordering the west side of their property and make some improvements to their home. As you are probably aware, many of the homes in the neighborhood have, or once had, garages situated along the plentiful alleyways. I have reviewed the architect/builder's plans for the garage and addition Scott and Ray would like to build.

In our opinion the improvements to Scott and Ray's property will not detract from, and will instead enhance, the character of the neighborhood. As such, their plans have our wholehearted support. If we can provide any further information or explanation in support of Scott and Ray's proposal to build a garage and add on to their home, please do not hesitate to contact me.

Very Truly Yours,

A handwritten signature in cursive script that reads "Jonathan F. Yates".

