CITY OF BLOOMINGTON

BOARD OF ZONING APPEALS

FEBRUARY 23, 2017 @ 5:30 p.m.
COUNCIL CHAMBERS #115
CITY HALL

CITY OF BLOOMINGTON
BOARD OF ZONING APPEALS
February 23, 2017 at 5:30 p.m. ***Council Chambers - Room #115**

ROLL CALL

MINUTES TO BE APPROVED: 12/15/16

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

1. Election of Officers:

   - Current President: Sue Aquila
   - Current Vice-President: Barre Klapper

PETITION CONTINUED TO: 3/23/17

- UV-40-16 **Naples, LLC (Doug Duncan)**
  1610 N. Kinser Pike
  Request: Use variance to allow 1st floor residential uses in a Commercial General (CG) zoning district.
  Case Manager: Amelia Lewis

PETITIONS:

- V-1-17 **Abbott & Co., LLC**
  3901 E. 3rd Street
  Request: Variance from maximum parking standards. Also requested is a variance from sidewalk requirements.
  Case Manager: Amelia Lewis

BLOOMINGTON BOARD OF ZONING APPEALS **CASE #: V-01-17**
STAFF REPORT **DATE: February 23, 2017**
Location: 3901 E 3rd St.

PETITIONER: **Michelle Abbott**
Vanderbilt Music Company
312 A S Swain Ave., Bloomington

CONSULTANT: **Chris Cockerham**
487 S Clarizz Blvd., Bloomington

REQUEST: The petitioner is requesting a variance from the maximum allowable parking spaces and a determinate sidewalk variance.

SITE DESCRIPTION: This 1 acre property is located at 3901 E 3rd Street and is zoned Commercial General (CG). The site is comprised of 3 parcels and is located at the northeast intersection of E 3rd and S Smith Road with entrances along both streets. Surrounding land uses are single family residences to the north and west, with additional commercial to the south and east.

The property has been developed with a single story office building. The petitioner proposes a music/retail shop for harps. This change in use requires the site to come into limited compliance with current zoning regulations. This music retail shop will include lessons, small recitals and a testing center. The Vanderbuilt Music Company is being approved to be a testing center for the Associated Board of the Royal Schools of Music (ABRSM) exams. Limited compliance includes the construction of a sidewalk along E 3rd Street to meet parking setbacks, a reduction in the parking so as not to exceed the maximum amount as well as bicycle parking and landscaping. The petitioner is requesting a determinate sidewalk variance to delay sidewalk construction along the 3rd Street frontage and a variance from the maximum allowable parking standards.

The petitioner states that the use of the site warrants parking beyond the current regulations, and the construction of a sidewalk would not be beneficial to the site. For the proposed use in a 3500 sf commercial building, the maximum allowable parking is 14 spaces. The site currently has 36 spaces. According to the petitioner's statement, the company employs 7-10 individuals. Their current location, near IU Jacob's School of Music allows individuals to access the business by walking, but with the new location further away from campus it is likely more people will drive. In addition to frequent students, the use of the site for exams requires additional parking for test administrators and visitors. The available parking would need to accommodate testing turnover, training sessions of 10-15 people and occasional recitals. Additionally, this site has no available street parking. Staff finds that more than 14 spaces is appropriate but not the existing 35. Staff recommends removing 5 of the spaces along 3rd Street and the creation of a landscaped parking lot island, effectively reducing the number of spaces to 28. This would bring the parking lot further toward compliance while allowing for adequate parking.

There is sidewalk along the west side of the property, along S. Smith Rd. and along E 3rd Street to the west and to the south as well as further east of the site. The petitioner states that the construction of the sidewalk along 3rd Street would be a financial hindrance to

purchasing the building but is willing to construct a sidewalk as future demand necessitates.

CRITERIA AND FINDINGS FOR SIDEWALK VARIANCE

Determinate Sidewalk Variances 20.05.010(b)(3)- Pursuant to IC 36-7-4-918.5, the Board of Zoning Appeals or Hearing Officer may grant a determinate sidewalk variance from Section 20.05.010(b)(3) of the Unified Development Ordinance if, after a public hearing, it makes findings of fact in writing, that:

(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and

Staff Finding: The granting of the variance will be injurious to the public health, safety, morals, or general welfare of the community. While there are sidewalks on the south side of E 3rd Street, the street is a higher traffic street and not conducive to crossing easily. This creates a situation where pedestrians have some risk in walking along the street. Having a sidewalk separated from the street edge would reduce this concern. In terms of general welfare, the provision in the Unified Development Ordinance which requires sidewalks in association with commercial change of use is specifically designed to gradually allow for the installation of sidewalks in areas where such infrastructure was not originally required. Granting variance from this requirement is contrary to general welfare and the purpose of this ordinance.

(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; and

Staff Finding: The use and value of the area adjacent to the property will be substantially affected since there are sidewalks on the adjacent properties and this property would be a valuable link to pedestrian access in the area. While the construction of the sidewalk would improve neighborhood safety, the lack of a single sidewalk leg would not likely negatively impact property values. With the exception of the four properties to the east, all of the adjoining and surrounding properties in the neighborhood have sidewalks. An absence of sidewalk does impact the overall neighborhood.

(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 questions; that the development standards variance will relieve the practical difficulties; and

Staff Finding: The strict application will not result in practical difficulties in the use of the lot as the sidewalk would not interfere with the use of the property as a music center. Staff cannot identify any practical difficulties that are peculiar to this property that would prevent a sidewalk from being built. Because there is no physical barrier that would affect sidewalk installation, staff cannot find a practical difficulty.

(4) The adjacent lot or tracts are at present undeveloped, but it appears that at some future date these lots or tracts will be developed, increasing the need for sidewalks for the protection and convenience of pedestrians; and

Staff Finding: Although the adjacent parcels to the east have all been developed with other commercial uses without sidewalks along the street, not requiring the construction of a sidewalk would not accomplish the goals of the ordinance to have sidewalks constructed when required.

(5) The location of the lot or tract is such that the present pedestrian traffic does not warrant the construction of sidewalks, but it appears that in the future the pedestrian traffic may increase; and

Staff Finding: The location of the lot on a heavily traveled street, where the speed limit is 40 mph, creates a need for a sidewalk at this location. In addition, the surrounding nature of the site is becoming increasingly residential, which would increase the amount of pedestrian activity. The gradual construction of sidewalks in a corridor leads to a complete sidewalk system being constructed as circumstances require.

(6) Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.

Staff Finding: Staff does not find any problems that would be created by constructing the sidewalk at this time, as opposed to waiting for a complete system to be constructed in a uniform manner in the area.

CRITERIA AND FINDINGS FOR PARKING 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.*

STAFF FINDING: Staff finds that the request is not injurious to the public health, safety, morals, or general welfare of the community. Staff recommends the removal of five parking spaces to increase green space on site and two spaces to create a landscaped island. The site will primarily remain how it is today, without negative impact on the public health, safety, morals and 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.*

STAFF FINDING: Staff finds no adverse impacts to the use and value of the surrounding area associated with the proposed variance. The parking lot currently contains 35 spaces. Current code would require them to reduce this number to 14.

With a maximum of ten employees on site, this leaves four available parking spaces which would not accommodate testing turnover, training sessions of 10-15 people and occasional recitals.

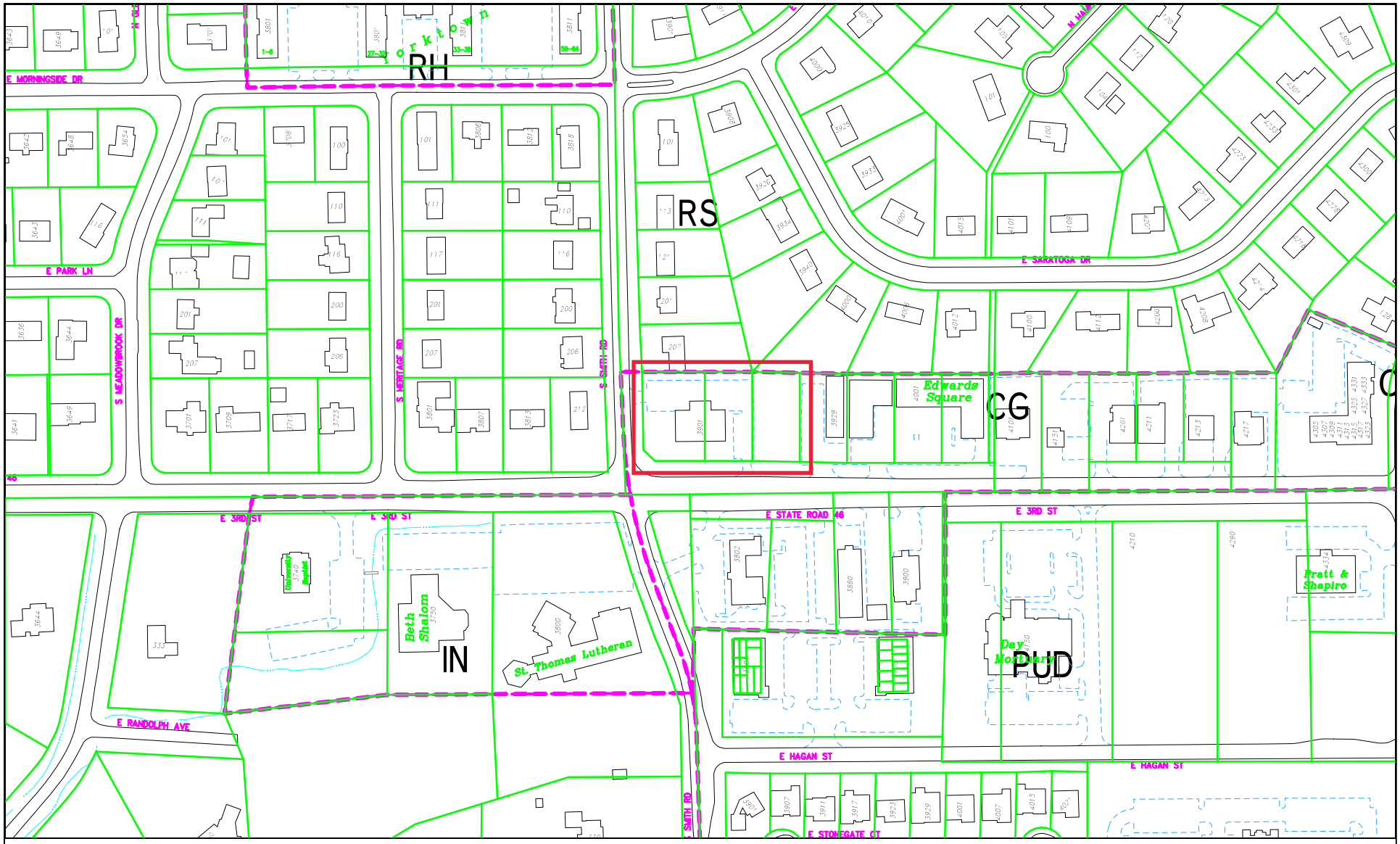
The site is currently under its maximum impervious surface coverage. Current UDO regulations would require the parking to be located 20 feet behind the primary structure's front wall. Staff's recommendation to comply with this recommendation as well as the inclusion of a landscaped parking island will increase the green space on the property as well as the appearance along 3rd Street. The petition site will meet all other UDO development requirements, including bicycle racks and landscaping.

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.*

STAFF FINDING: Staff finds practical difficulties from the strict application of the UDO. The maximum 14 spaces as required by the UDO would not support number of staff and expected visitors for various events. Staff finds peculiar condition in no availability of street parking for this site and limiting the opportunity of additional parking for the site. The removal and landscaping of 5 spaces along 3rd Street would meet the requirement that parking be located 20 feet behind the building's front façade. This, along with the installation of a landscaped island in the parking lot would bring the site closer to compliance with the code while still allowing for adequate parking.

RECOMMENDATION: Based upon the written report, staff recommends denial of the sidewalk variance and approval of the variance from maximum allowable parking with the following conditions:

1. The site shall not exceed 28 parking spaces unless the square footage of the building is increased at a later period in which case the regulations at that time will determine the parking.
2. The parking shall meet the parking setback requirements along 3rd Street and shall include the creation of a landscaped island.



By: lewisa
16 Feb 17

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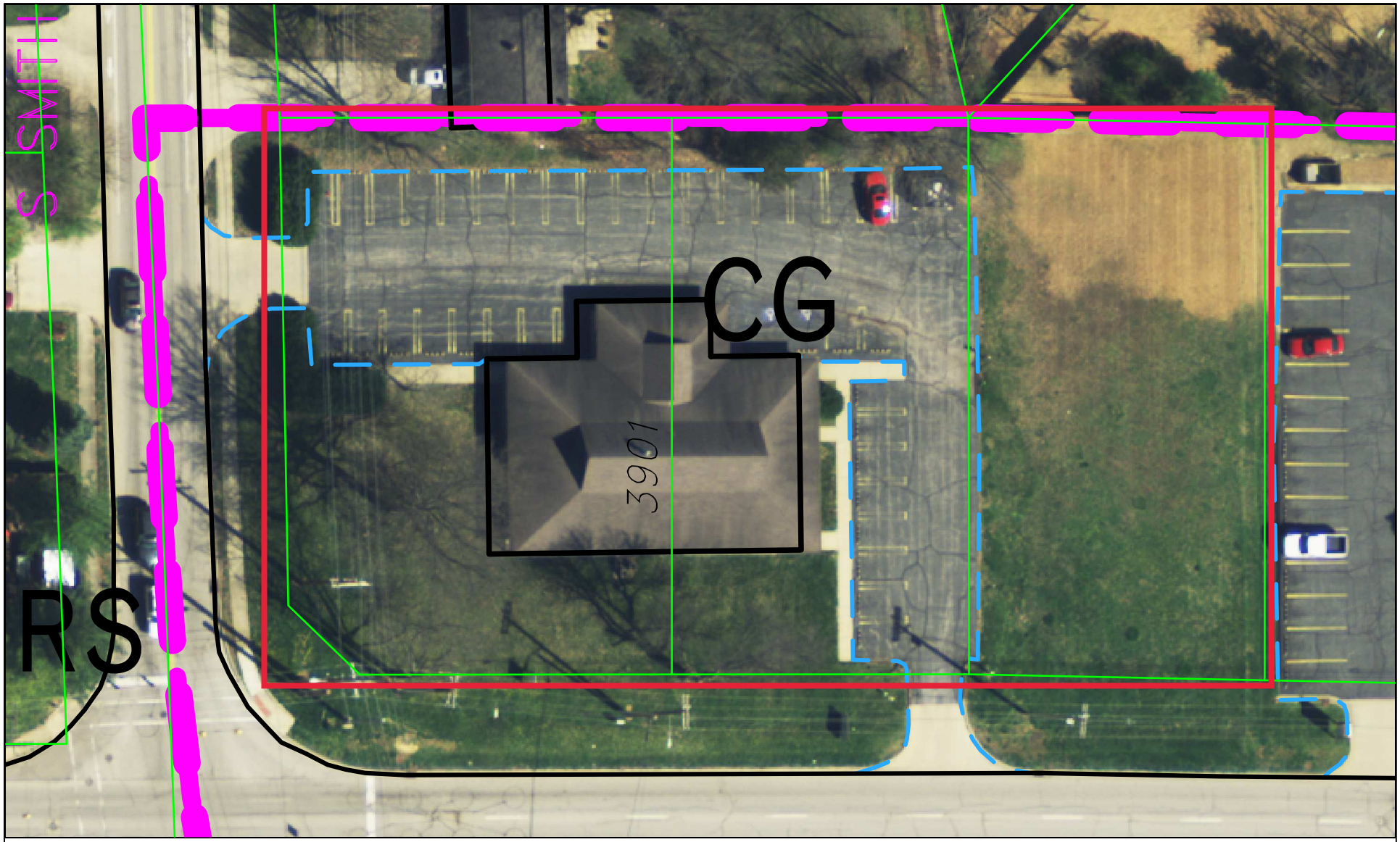
Scale: 1" = 250'

For reference only; map information NOT warranted.



By: lewisa
16 Feb 17

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For reference only; map information NOT warranted.

N

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Planning & Transportation

Scale: 1" = 40'

Vanderbilt Music Company

Bloomington City
401 N. Morton Street
Bloomington, IN 47404

Re: Parking at 3901 E. 3rd Street

January 20, 2017

To Whom It May Concern:

I am writing to detail the parking needs for the proposed use of the building located at 3901 E. 3rd Street.

Vanderbilt Music Company is a specialty retailer of harps, harp strings, music, and related items. We currently employ 7-10 individuals depending upon the season and company needs. All of these employees drive their vehicles to work, and therefore utilize the first (±) ten parking spaces just for staff needs.

Our current location with its close proximity to the Jacob's School of Music and the harp department there, has enabled individuals to walk across the street when they have been in need of something we supply. This will no longer be the case, as they will now need to drive to our location, thus increasing the demand for customer parking that we already experience.

In addition to this, Vanderbilt Music Company is being approved to be a testing center for the Associated Board of the Royal Schools of Music (ABRSM) exams. This is a new venture for us, and as we begin rolling this program out, and administering these exams, the demand for our available parking will continue to increase. We therefore request that the current parking remain and that we be allowed to retain this asset of the building.

With regards,

David Shumway
General Manager

Petitioner's Statement V-01-17

312-A South Swain Ave. • P.O. Box 456 • Bloomington, Indiana 47402 USA
Toll Free: 800-533-7200 • Outside USA: 812-333-5255 • Fax: 812-333-5257
e-mail: harp@vanderbiltmusic.com • Web site: www.vanderbiltmusic.com

Board of Zoning Appeals, City of Bloomington, IN

Subject Property: 3901 E. 3rd Street, Bloomington, IN 47401

Petitioner: Michelle Abbott with **Abbott & Co., LLC**.

We are requesting that the Board of Zoning Appeals grant a Variance to the maximum parking requirement for the property located at 3901 E. 3rd Street. We are in the process of purchasing this property for the new home of our business, Vanderbilt Music. We would like to utilize the parking lot that is already in place plus not incur the added expense of removing the pavement and landscaping this area. This expense would be a significant cost to our business and may hinder us from purchasing this building. In addition to the cost of relocating our business, we plan to completely remodel and re-fresh an older outdated building. With the purchase of this building it will allow our business to grow and continue to hire more employees.

We are also requesting a Determinate Sidewalk Variances from the requirement to install new sidewalks along 3rd Street. Again, this expense would be a significant cost to our business and may hinder us from purchasing this building. If at a future date the demand for pedestrian traffic increases for our business or along 3rd Street, we would construct a sidewalk to satisfy this need.

Petitioner's Statement V-01-17