

CITY OF BLOOMINGTON



December 12, 2018 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON
HEARING OFFICER
December 12, 2018 at 2:00 p.m.

*Kelly Conference Room #155

PETITIONS:

- CU-41-18 **Robert and Lucy Fischman**
823 S. Fess Ave.
Request: Conditional Use approval to allow a detached garage to be used as an
Accessory Dwelling Unit (ADU).
Case Manager: Eric Greulich
- CU-44-18 **Brawley Investment Group, LLC**
1006 S. Walnut St.
Request: Conditional Use approval to allow a parking area constructed of permeable
pavers in the floodway fringe.
Case Manager: Eric Greulich

****Next Meeting: December 26, 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 HEARING OFFICER
STAFF REPORT
Location: 823 S. Fess Ave.**

**CASE #: CU-41-18
DATE: December 12, 2018**

**PETITIONER: Robert and Lucy Fischman
823 S. Fess Ave. Bloomington**

REQUEST: The petitioner is requesting conditional use approval to allow a detached accessory building to be used as an accessory dwelling unit in the Residential Core (RC) zoning district.

REPORT: This 0.17 acre (7,688 sq. ft.) site is located at 823 S. Fess Ave. The property is zoned Residential Core (RC). The site currently contains one single family residence and a detached garage. The petitioner is requesting conditional use approval in order to allow the existing detached garage to be converted to an Accessory Dwelling Unit.

There is an existing driveway that accesses the garage from Fess. The garage will no longer be used for parking with the proposed renovation to an ADU. Although the proposed ADU does not meet the sideyard setback requirements, the UDO exempts the conversion of existing single-story accessory structures from meeting side yard setback requirements. A building permit has been applied for to convert the garage and can be approved pending the approval of this conditional use application.

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 exempt from sideyard setback requirements and meets front and rear yard setback standards.

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	7,200 square feet	7,688 sq. ft.
Proximity	At least 300 feet from approved ADU	No approved ADU's within 300'
Owner Occupancy	Required on Lot	Owner in House

Design Standards	Allowed	Proposed
Maximum Square Footage	440 square feet	275 square feet
Maximum Bedrooms	1	1
Minimum Setbacks		

Front	Same as Dwelling	40 feet behind house
Side	5 feet	0 feet* exempt
Rear	5 feet	25 feet
Maximum Height	25 feet	15 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 Comprehensive Plan and may not interfere with the achievement of the goals and objectives of the Comprehensive Plan;*

Proposed Finding: This site is designated as Mixed Urban Residential in the Comprehensive Plan. The Comprehensive Plan envisions some neighborhood-serving commercial in the Mixed 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 Comprehensive Plan and in fact the Comprehensive Plan specifically supports Accessory Dwelling Units as a way to provide affordable housing options and maintain owner occupied housing in the older neighborhoods by incorporating Accessory Dwelling Units. Policy 5.3.1 encourages opportunities for infill and redevelopment across Bloomington with consideration for increased residential densities through accessory dwelling units. Under Land Development policy guidance the Comprehensive Plan states “Accessory dwelling units for single-family residential offer options to consider for affordability, aging in place, and to meet other housing needs.”

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 has 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 on the site. The limits on

occupancy for the property minimizes impacts to the adjacent properties as the maximum number of occupants does not increase with an accessory dwelling unit. 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 with a driveway in front of the garage plus on-street parking on Fess, 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.*

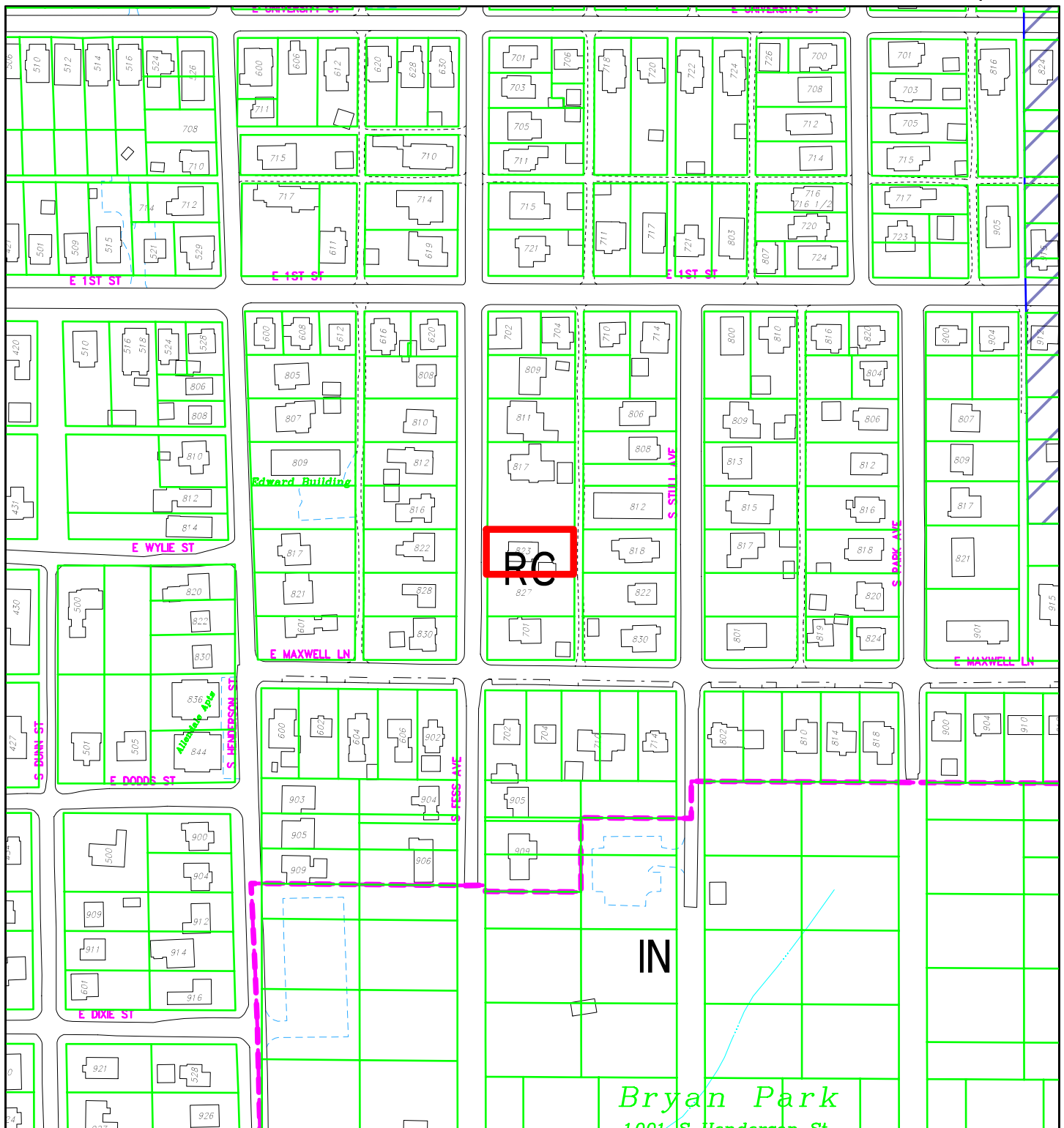
Proposed Finding: No signage is allowed for the ADU.

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 Hearing Officer adopt the proposed findings and approve CU-41-18 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-41-18 Robert and Lucy Fischman

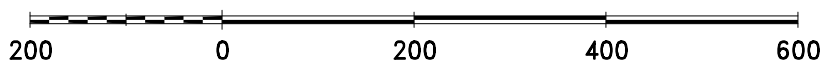
823 S Fess Ave

Hearing Officer

Site Location, Zoning, Parcels

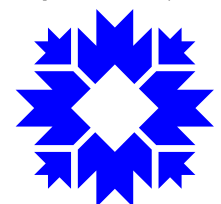
By: greulice

7 Dec 18

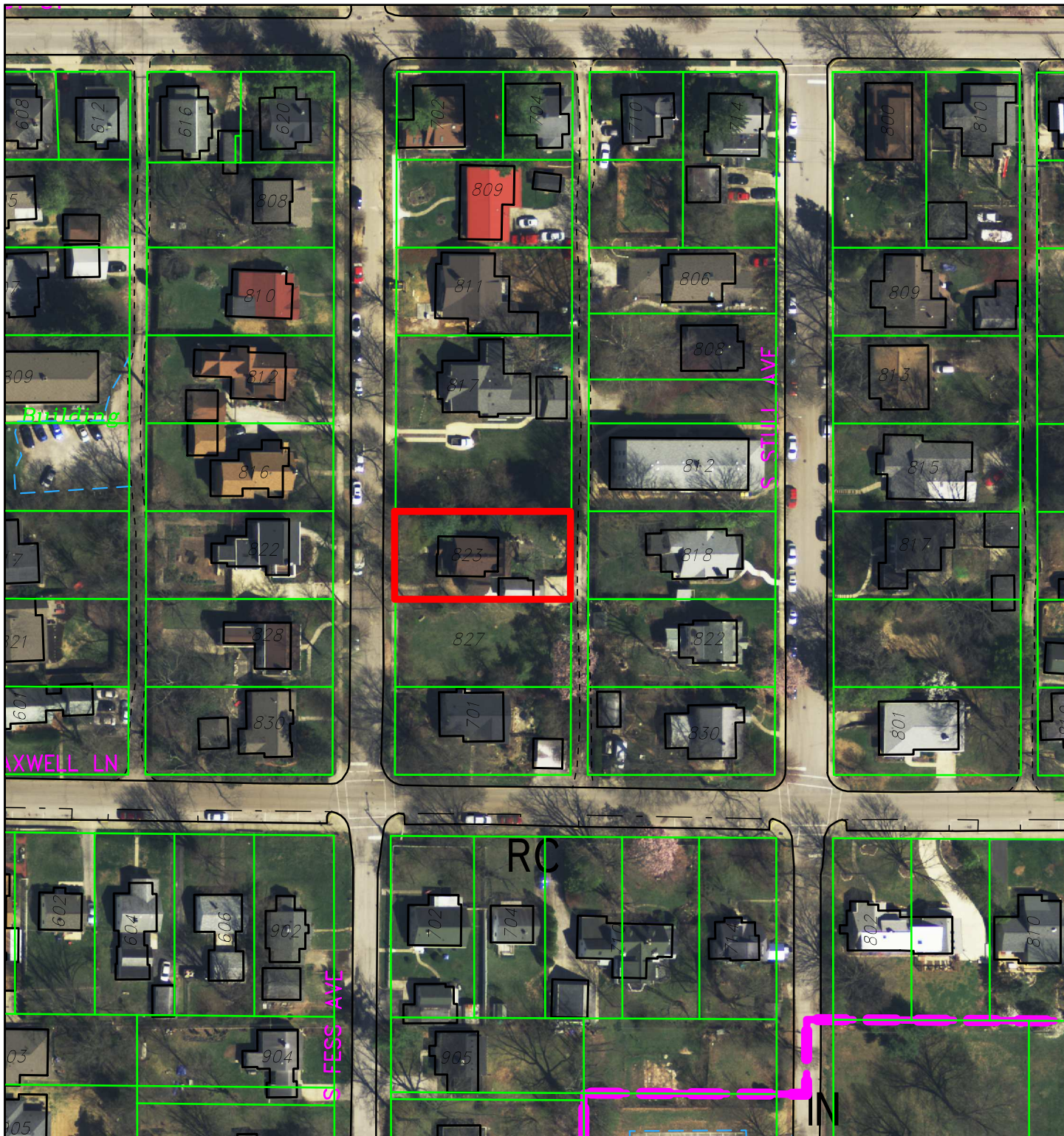


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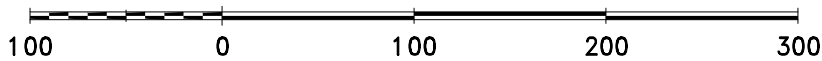
City of Bloomington
Planning & Transportation



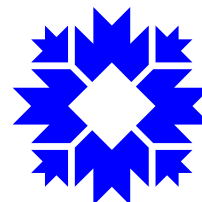
Scale: 1" = 200'



By: greulice
7 Dec 18



City of Bloomington
Planning & Transportation



Scale: 1" = 100'

For reference only; map information NOT warranted.

Petitioner Statement

Nov. 5, 2018

From: Robert and Lucy Fischman

Address: 823 S. Fess Ave., Bloomington, IN 47401

Phone: 812-360-8872

Re: Petition to renovate garage into ADU for rental purposes (to be 825 S. Fess Ave.)

Robert and Lucy Fischman propose to convert the existing structure of the garage at their home, 823 S. Fess Ave., which is original to the lot, into an ADU. The proposal meets all the requirements of the ordinance – Conditional Use Standards 20.05.0333 CU-14 [Conditional Use; Accessory Dwelling Units].

There will be no changes to the dimensions of the single-story garage, which is approx. 275 sq. ft. . The original siding of the garage, where it survives, will remain untouched. We will put on a new roof and replace the existing windows to meet code. Where one current sliding glass door is (west-facing location of original garage door), we will replace with siding and one small window that matches the siding of the house (panels with trim). The larger sliding glass door will remain as is on the South facing side.

The adjacent lot (827 S. Fess Ave.) was sold in 2015 to Scott and Ruth Sanders, who built a house on it. That adjacent lot was part of the original plat—the Fischmans did not subdivide. When the Fischman’s house was built in 1930, the garage was intentionally built adjacent to the lot line. We have talked at some length with the Sanders, who have no objection to our proposed conversion of the garage to an ADU. The garage does not comply with modern setbacks; however, under CU Standard i4iv, “Existing single-story detached accessory structures petitioned to be converted to ADUs shall be exempt from these setback requirements pursuant to Ch. 20.08.060.”

We plan to rent to one person (max = 2 people) and they would be able to park on the street.

The proposed garage renovation is consistent with and does not interfere with the growth policies plan. As it will be a rental unit for most likely one person, it will not create any nuisance because of noise, smoke, odors, vibrations or objectionable lights. The renovation will not have an undue adverse impact upon adjacent property, the character of the area or public health, safety or general welfare. The property will be served adequately by essential public services and utilities.

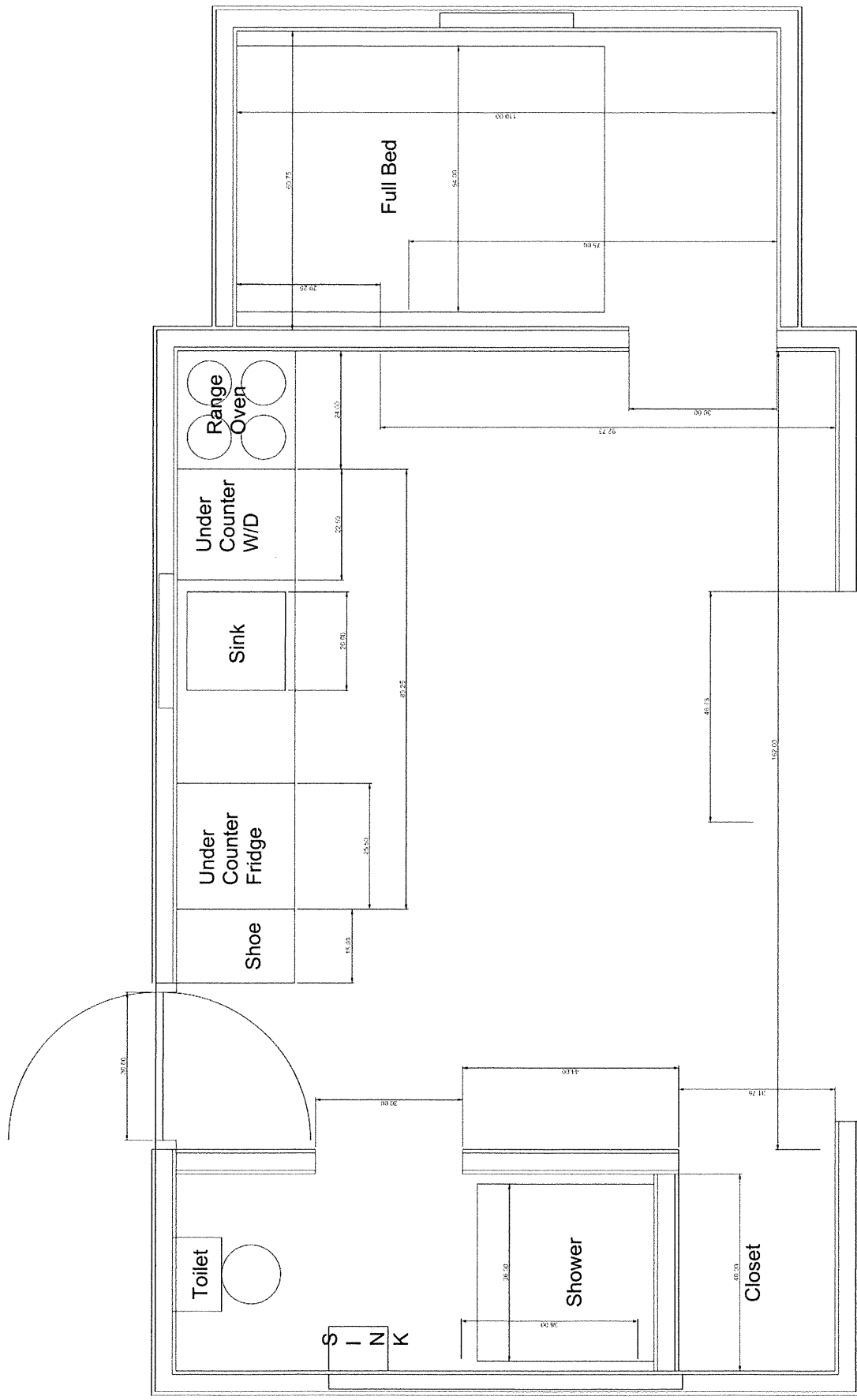
The proposed renovation will not cause undue traffic congestion, nor draw traffic down our street. On typically work days, and most weekend days, there are numerous resident parking spots open along the 800 block of S. Fess Ave, as well as Maxwell Ave. to the south.

The proposed renovation will not result in excessive destruction, loss or damage of any natural, scenic or historic feature of significant importance. Outside lighting, trash and waste collection will not pose a hazard or hardship to the neighborhood. As this ADU will be a private rental

unit, there will be no signage, other than a visible street address or anything else which is required by the city for rental units.

The proposed development and use of this property complies with any additional standards imposed by *Chapter 20.05; §CU: Conditional Use Standards*.

We have communicated with the Elm Heights Neighborhood Association via email, as was their preference, to notify them of this proposal and share blueprints and photographs.



FISCHMAN ADDITION
 BLOOMINGTON, INDIANA
 J. ROSENBERGER ARCHITECT 812 334 8932
 MAY 27, 2014

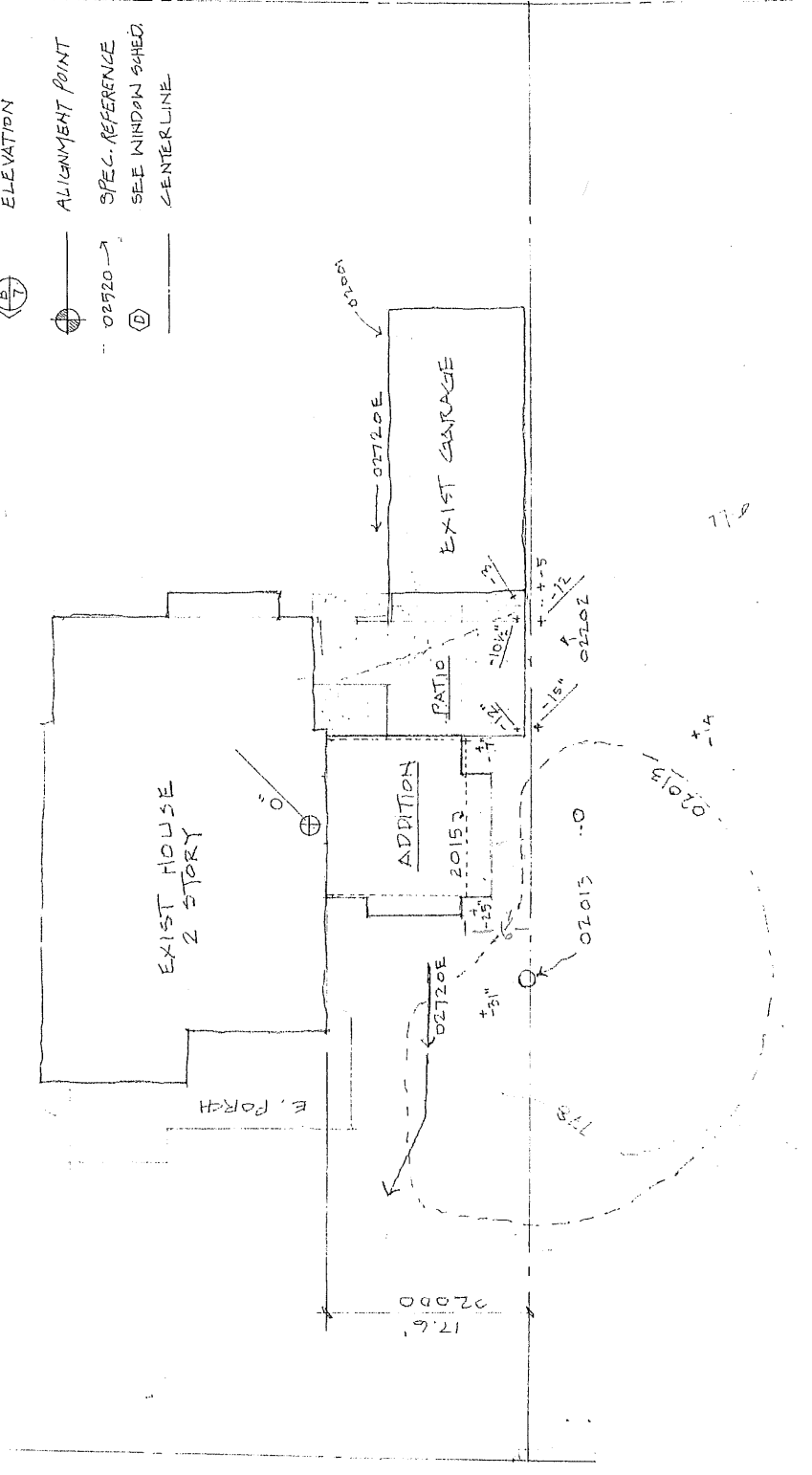


DRAWING SYMBOLS

- PROP. LINE
- - - EXIST. GRADE CONTOUR
- - - NEKI. GRADE CONTOUR
- SPOT ELEVATION
- SURFACE SLOPE
- SECTION CUT
- SECTION SHEET #
- ELEVATION
- ALIGNMENT POINT
- SPEC. REFERENCE
SEE WINDOW SCHED
- CENTERLINE

FEB 11 2015

FISCHMAN, ROBERT
 Project - FISCHMAN-RES-ADD-823
 Address - 823 FESS AVE S
 Parcel - 015-18410-00
 App # - 56069 Twp - PR-4



SITE PLAN
 1" = 10'-0"

S. FESS

BLOOMINGTON HEARING OFFICER
STAFF REPORT
LOCATION: 1006 S. Walnut St.

CASE#: CU-44-18
DATE: December 12, 2018

PETITIONER: Brawley Investment Group, LLC
 PO Box 5543, Bloomington

CONSULTANT: Bynum Fanyo and Assoc, Inc.
 528 N Walnut St.

REQUEST: The petitioner is requesting conditional use approval to allow a parking lot constructed of permeable pavers in the floodway fringe.

REPORT: The petition site is located at 1006 S. Walnut Street and is zoned Commercial Arterial (CA). The properties to the north, west and south are also zoned Commercial Arterial and to the east is zoned Commercial General (CG). This site has been developed with a one-story commercial building. Surrounding land uses include other commercial businesses to the north, west, and south with a mixture of single family and commercial uses to the east.

The petitioner is proposing to add a second story to this structure and as part of the addition will be converting an existing portion on the west side of the site that is occupied by a building and parking area to a new parking area. A portion of the proposed area lies within the floodway fringe of Clear Creek. The Unified Development Ordinance allows parking in the floodway fringe if the parking area is made of permeable pavers. The petitioner is requesting conditional use approval to allow a parking area to be constructed in the floodway fringe that will be constructed of permeable pavers.

With the addition, the property must come into compliance with section 20.08.060(b) *Nonconforming Lots, Sites, and Structures: Limited Compliance, Nonresidential Uses*. The site currently has one, 115' wide drivecut on Allen Street. Only 2 drivecuts are allowed per street frontage with a maximum width of 24' each. The site plan shows 3 drivecuts and must be modified to meet the UDO standards. No variance from the Entrance and Drive Standards is approved with this conditional use request. The remaining portions of the site will also be brought into compliance with the UDO as required.

CRITERIA AND FINDINGS

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 Comprehensive*

Plan and may not interfere with the achievement of the goals and objectives of the Comprehensive Plan;

Proposed Finding: The Comprehensive Plan encourages an environmentally responsible community and the use of permeable pavers accomplishes this goal by reducing the amount of asphalt in the floodplain and also reduces stormwater runoff rates, which has widespread benefits within the watershed. Goal 3.2 encourages reduced environmental impacts within the built environment, which again the use of permeable pavers accomplishes as a best management practice for parking in the floodplain.

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 have any nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights. The parking area will be landscaped according to all UDO standards. A portion of this area proposed for parking is already being used as a parking area so the incorporation of permeable pavers will be an improvement over the current situation.

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 is found as a result of this petition. The area being proposed for parking is already being used as parking with no landscaping. The granting of this conditional use request will allow a conforming parking lot to be constructed with new landscaping. The parking area meets the 7' sideyard setback requirement.

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 parking area is immediately adjacent to Allen Street and the site is adequately served by public utilities.

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

Proposed Finding: The use is surrounded by commercial businesses and the entrance has been located next to the adjacent road frontage and will not direct any traffic through residential streets or neighborhoods.

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: There will be no significant 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. The proposed building will operate under the normal business hours of 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: Although no signage has been formally submitted, any signage on the site will comply with the UDO standards.

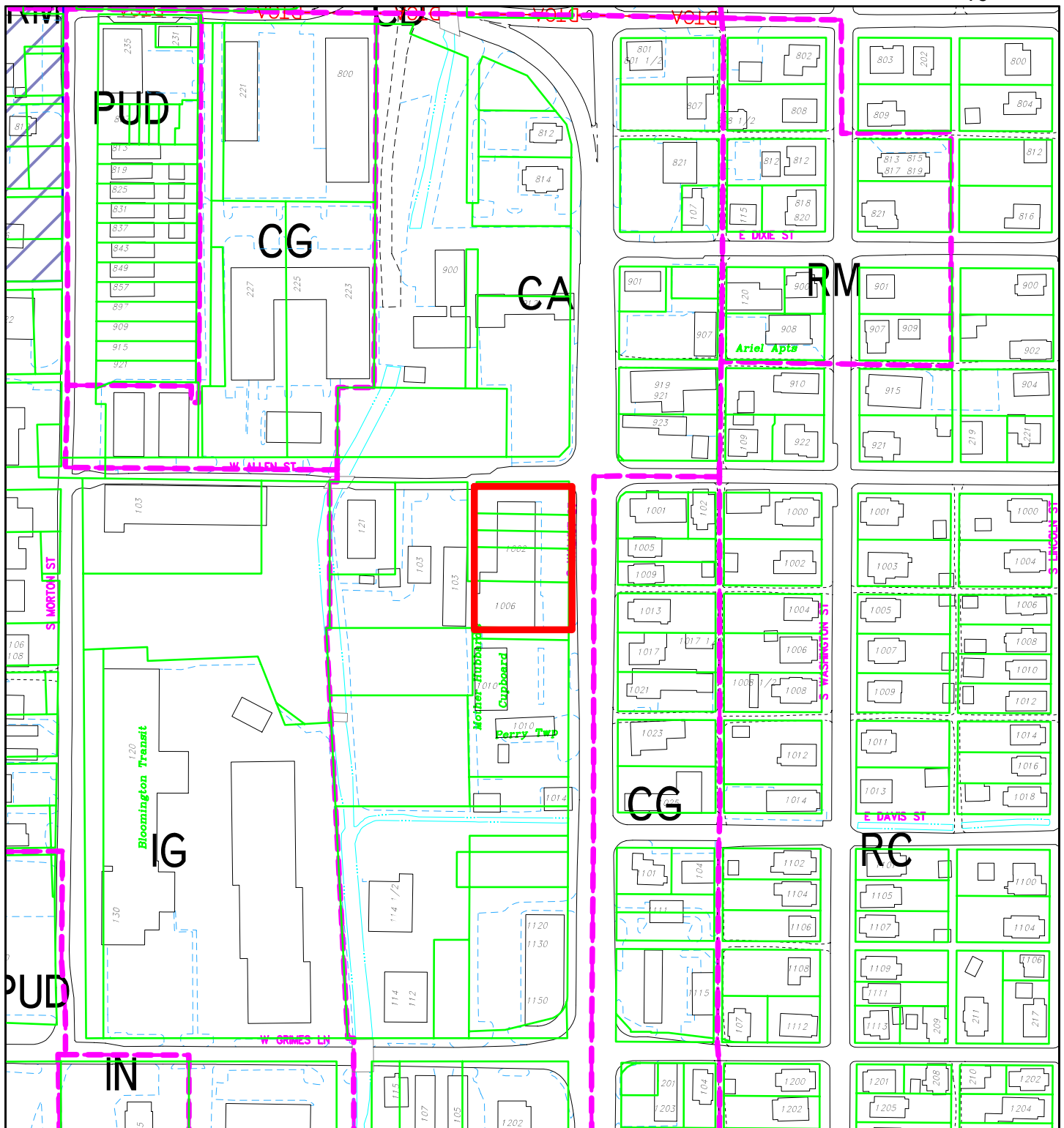
9. *The proposed use and development complies with any additional standards imposed upon the particular use by Chapter 20.05; CU: Conditional Use Standards.*

Proposed Finding: There are no additional standards for the parking area other than it be constructed solely of permeable pavers which this parking area will be.

CONCLUSION: The petitioner has met all of the conditional use requirements for this use. No fill or additional disturbance within the floodway fringe is associated with this petition. The petitioner has submitted cross sections along the driveway location that shows the parking area will be constructed at grade and there will be no increase in floodwater elevations with this petition.

RECOMMENDATION: The Department recommends that the Hearing Officer adopt the proposed findings and recommends approval of CU-44-18 with the following conditions:

1. Any permits from State and Federal agencies are required prior to issuance of a grading permit.
2. The site must be brought into compliance with Entrance and Drive standards.
3. Redundant erosion control measures must be used for the area adjacent to the floodway fringe.



CU-44-18 Brawley Investment Group, LLC

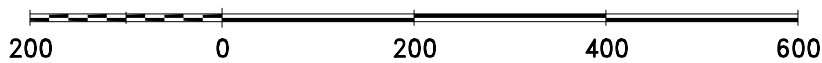
1006 S Walnut Street

Hearing Officer

Site Location, Zoning, Parcels

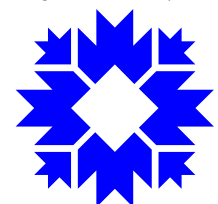
By: greulice

7 Dec 18

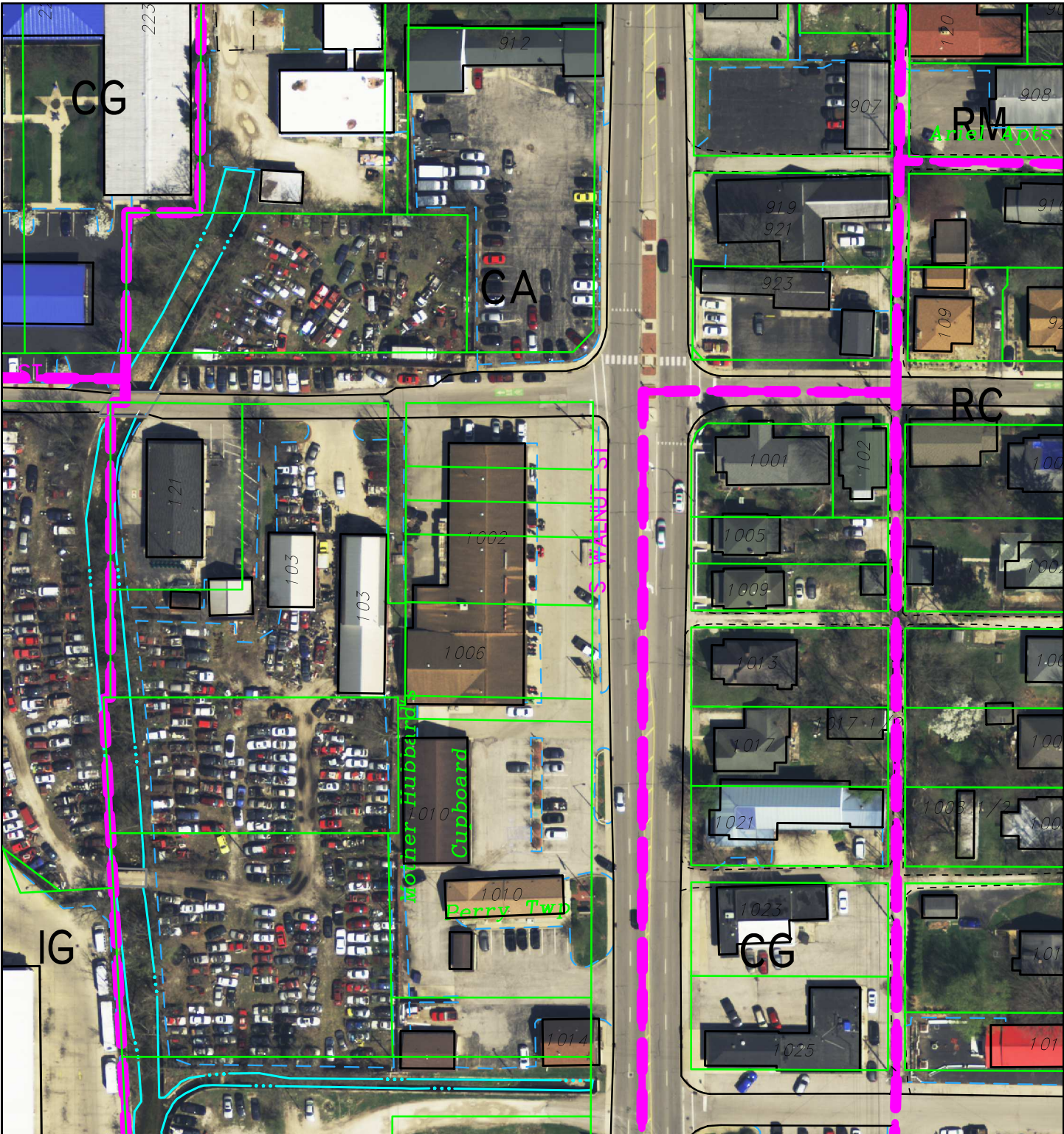


For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



Scale: 1" = 200'



CU-44-18 Brawley Investment Group

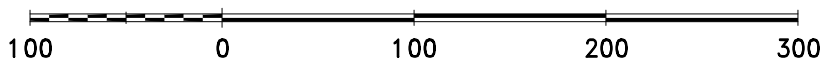
1006 S Walnut Street

Hearing Officer

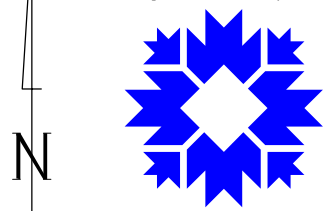
2016 Aerial Photograph

By: greulice

7 Dec 18



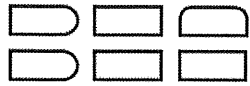
City of Bloomington
Planning & Transportation



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Scale: 1" = 100'

For reference only; map information NOT warranted.



BYNUM FANYO & ASSOCIATES, INC.

Architecture

Civil Engineering

Planning

City of Bloomington
401 N. Morton Street
Bloomington, Indiana 47403

Attention: Eric Greulich

Re: 1006 S. Walnut Street Conditional Use for permeable pavers in flood fringe

Dear Sir:

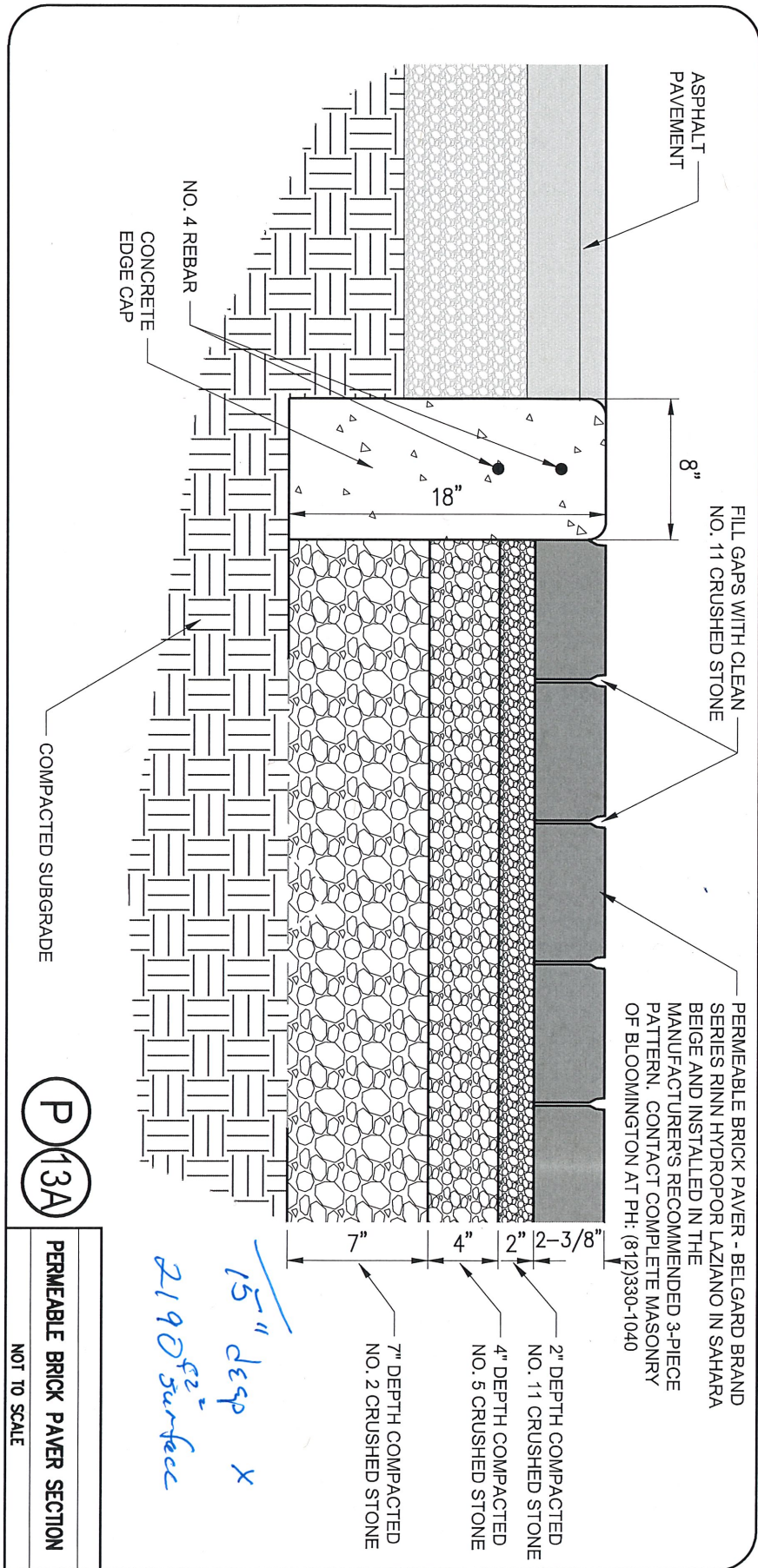
Our client respectfully requests a conditional use approve to allow permeable pavers to be place in a drive and parking area at the referenced address. The pavers will be placed at or below the base flood elevation and not reduce flood storage or impede flood flow.

We have attached our proposed site plan showing the proposed improvements along with our filing fee.

Please let us know if you have any questions.

Sincerely,

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



Redundan erosion csktrll required

revisions:



SCALE: 1"=10'

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

BYNUM FAYND & ASSOCIATES, INC.

528 North Walnut Street
(612) 332-8030

Bloomington, Indiana
(612) 339-2990 (fax)

certified by:

PROPOSED
1006 S. WALNUT ST.
BLOOMINGTON, INDIANA 47404

TITLE: DEMOLITION PLAN

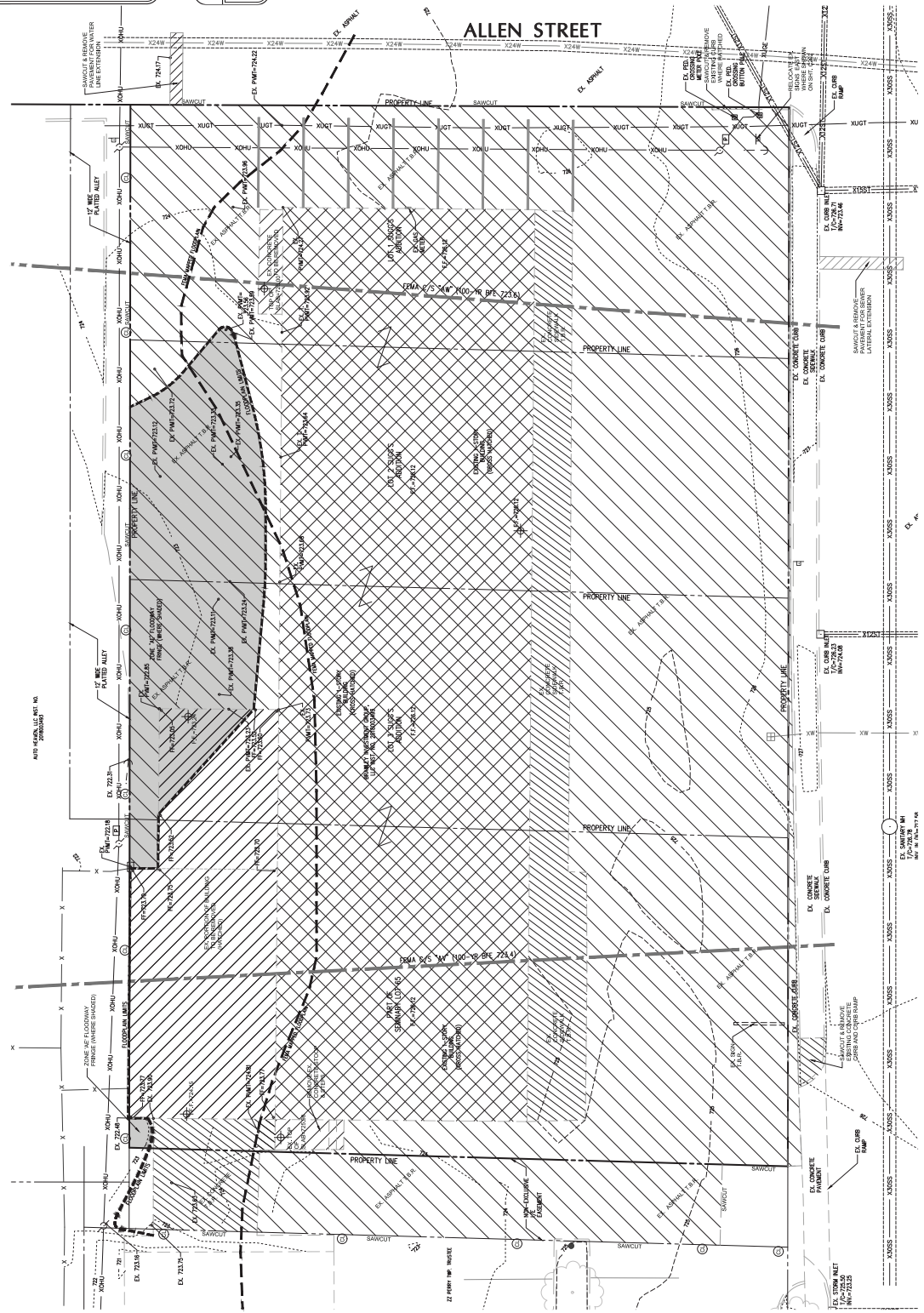
designed by: JLF
drawn by: JLF
checked by: JLF
sheet no.: C201
Project no.: 401828

EXISTING LEGEND

- PROPERTY LINE
- FENCE
- WATER LINE PIPE
- CONTOUR & ELEVATION
- SANITARY SEWER PIPE
- STORM SEWER PIPE
- OVERHEAD ELECTRIC LINES
- UNDERGROUND ELECTRIC LINES
- UNDERGROUND TELEPHONE LINES
- GAS LINE PIPE
- EXISTING SPOT GRADE
- EXISTING
- FINISHED FLOOR
- PAVEMENT

DEMOLITION LEGEND

- TO BE REMOVED
- TO REMAIN UNDISBURSED



revisions:



ARCHITECTURE
CIVIL ENGINEERING
PLANNING
Bloomington, Indiana
(612) 309-2990 (fax)

BBB
BYNUM FAYND & ASSOCIATES, INC.
(612) 332-8030
528 North Walnut Street

certified by:

PROF OF SE
1006 S WALNUT ST.
BLOOMINGTON, INDIANA 47404

Site PLAN

designed by: JST
drawn by: JST
sheet no.: C202
Project no.: 401828

EXISTING LEGEND

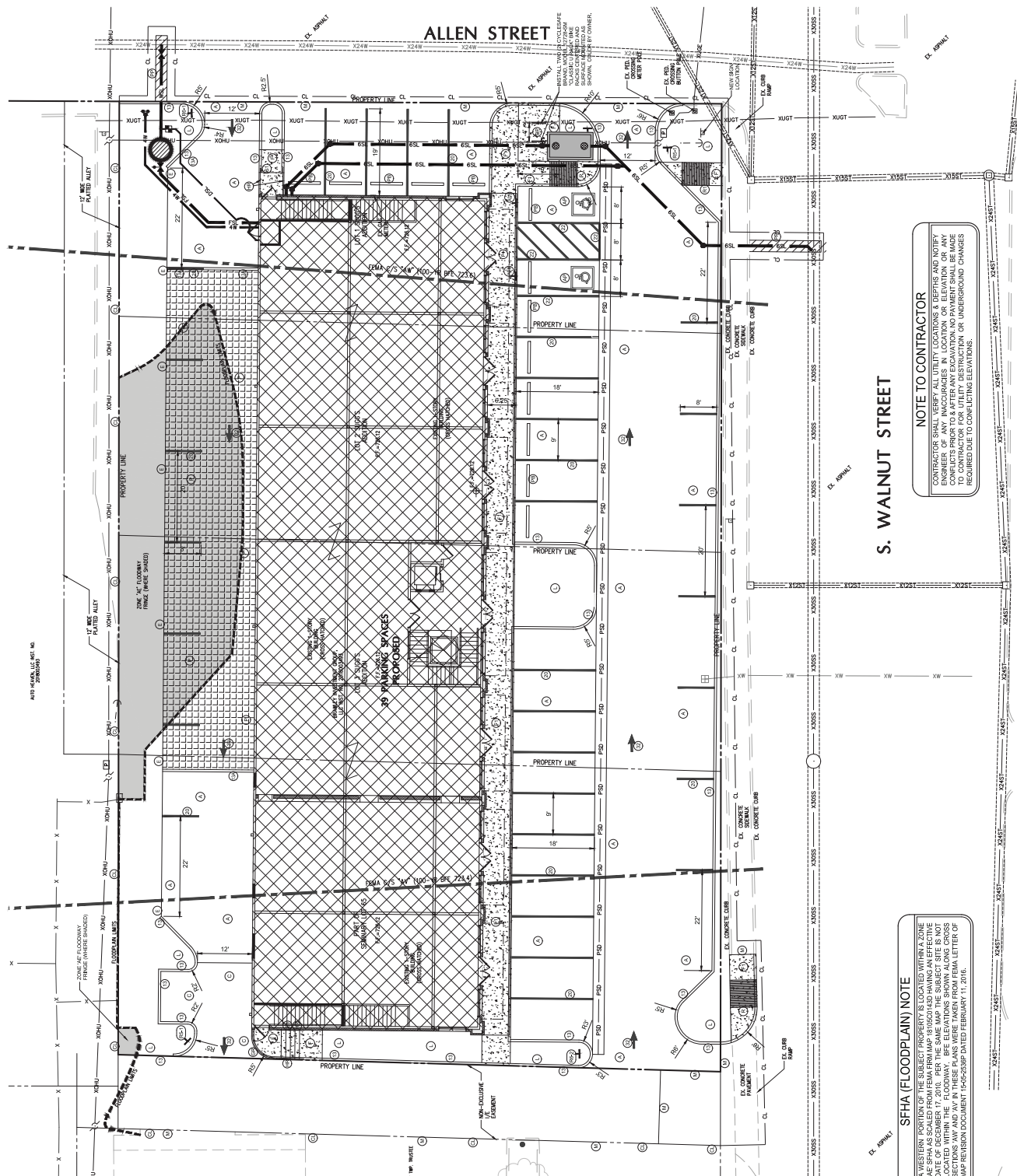
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-X-	FENCE
-W-	WATER LINE PIPE
-C-	CONTOUR & ELEVATION
-S-	STAIRY SEWER PIPE
-SS-	STORM SEWER PIPE
-OE-	OVERHEAD ELECTRIC LINES
-OT-	OVERHEAD TELEPHONE LINES
-UL-	UNDERGROUND ELECTRIC LINES
-UT-	UNDERGROUND TELEPHONE LINES
-GL-	GAS LINE PIPE
-GS-	EXISTING SPOT GRADE
-EX-	EXISTING FLOOR FINISH
-FF-	FINISHED FLOOR FINISH
-P-	PAVEMENT

SITE LEGEND

(A)	RETAINMENT WALL
(B)	ADA ACCESSIBLE PARKING SPACE
(C)	ADA ACCESSIBLE PARKING SIGN
(D)	NEW PARKING AREA ON CONCRETE PAD
(E)	REPAIRED CONCRETE PAVING
(F)	EXPANSION JOINT
(G)	100% DRY METAL JOINT
(H)	CONCRETE SIDEWALK
(I)	MODIFIED CONCRETE CURB AND SIDEWALK
(J)	PAINTED STEEL PIPE (MINIMUM 1/2" WALL)
(K)	PAINTED STEEL PIPE (MINIMUM 1/2" WALL)
(L)	LANDSCAPE AREA
(M)	MATCH EXISTING CURB, SIDEWALK, PAVEMENT ELEVATIONS
(N)	PERVIOUS BRICK PAVEMENT
(O)	CONCRETE PARKING BARRIER BLOCK
(P)	STANDARD ROAD PAVEMENT PATCH
(Q)	SEWER MAIN, ADA ACCESSIBLE RAMP
(R)	SEWER MAIN, ADA ACCESSIBLE RAMP
(S)	WATER MAIN "NO-DIG" LEFT
(T)	WATER MAIN "NO-DIG" RIGHT
(U)	CONCRETE SIDEWALK AND NUMBER OF SIDES
(V)	ADA ACCESSIBLE OPERATIONAL SIGN
(W)	6-IN. REEF CONCRETE CURB
(X)	PERVIOUS PAVEMENT CONCRETE CURB (FLOOR FINISH PAVEMENT)
(Y)	4-IN. REEF SOLID WHITE PAVEMENT MARKING
(Z)	4-IN. REEF SOLID BLUE PAVEMENT MARKING
(AA)	PAINTED DIRECTIONAL PAVEMENT MARKING, WHITE

UTILITY LEGEND

-P-	6" WATER SERVICE (BY 4" SIZES PIPE)
-W-	8" WATER SERVICE (BY 4" SIZES PIPE)
-S-	4" STORM SEWER (BY 4" SIZES PIPE)
-SS-	8" STORM SEWER (BY 4" SIZES PIPE)
-OE-	OVERHEAD ELECTRIC LINES (BY 4" SIZES PIPE)
-OT-	OVERHEAD TELEPHONE LINES (BY 4" SIZES PIPE)
-UL-	UNDERGROUND ELECTRIC LINES (BY 4" SIZES PIPE)
-UT-	UNDERGROUND TELEPHONE LINES (BY 4" SIZES PIPE)
-GL-	GAS LINE PIPE (BY 4" SIZES PIPE)
-GS-	EXISTING SPOT GRADE
-EX-	EXISTING FLOOR FINISH
-FF-	FINISHED FLOOR FINISH
-P-	PAVEMENT

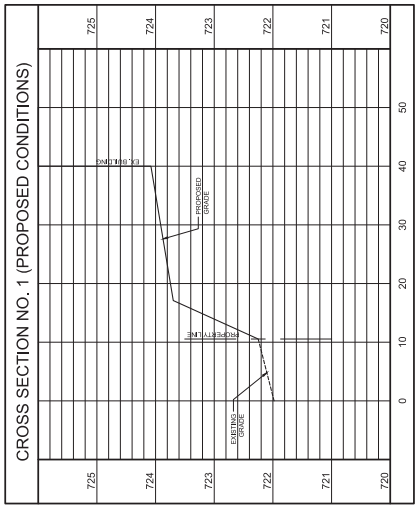
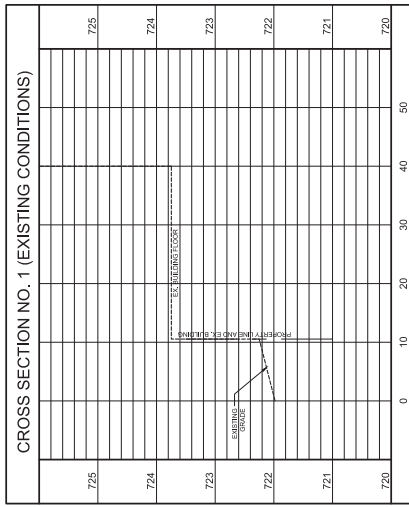
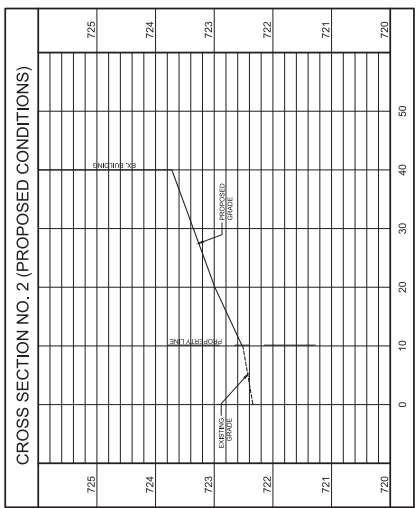
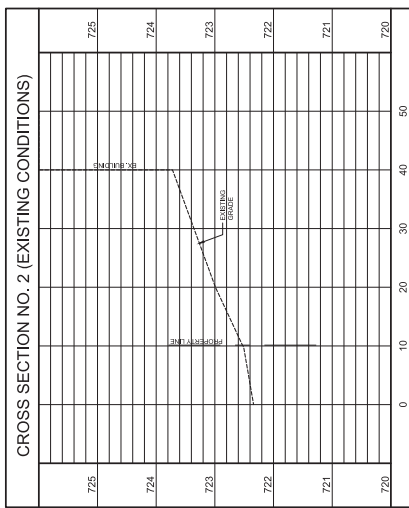
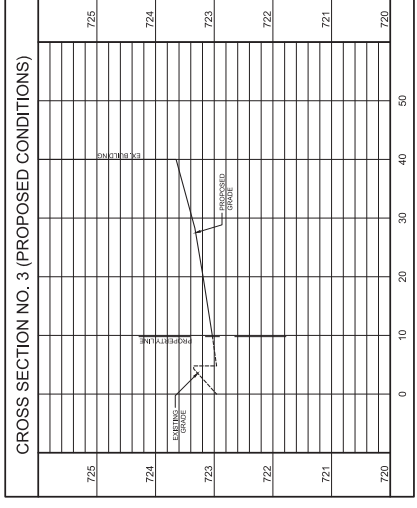
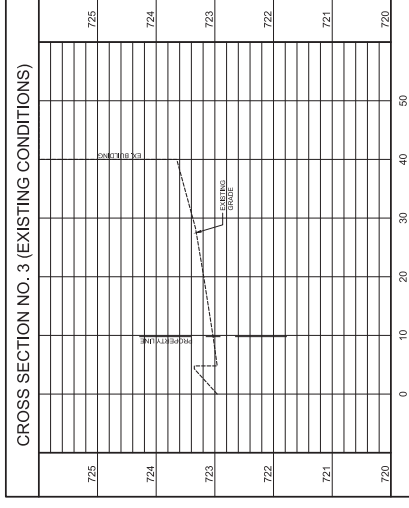
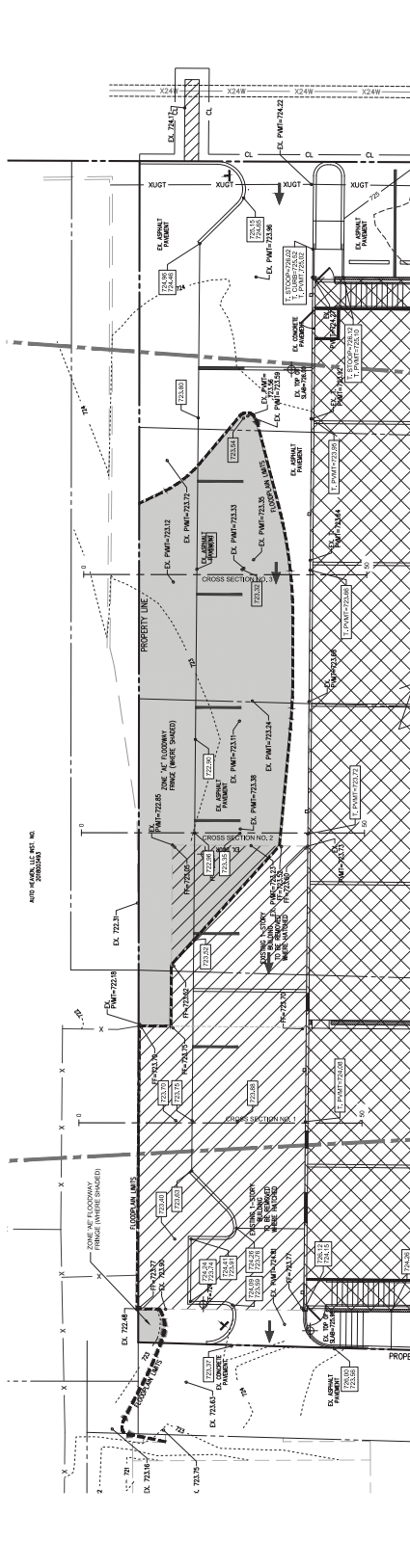


NOTE TO CONTRACTOR

CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ALL AFFECTED UTILITIES PRIOR TO ANY EXCAVATION. NO PAYMENT SHALL BE MADE TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES REQUIRED DUE TO COMPLETING ELEVATIONS.

SFHA (FLOODPLAIN) NOTE

ALL ELEVATIONS SHOWN ON THIS PLAN ARE BASED ON THE NATIONAL DATUM. THESE ARE SFHA AS SCALED FROM FEMA MAP 15005-5309P DATED FEBRUARY 11, 2016. PER THE SAME MAP THE SUBJECT SITE IS NOT IN A FLOODPLAIN. HOWEVER, THE SUBJECT SITE IS NOT SHOWN IN THESE PLANS WERE TAKEN FROM FEMA LETTER OF MAP REVISION DOCUMENT 15005-5309P DATED FEBRUARY 11, 2016.



HORIZONTAL: 1"=10'
VERTICAL: 1"=1'