

# CITY OF BLOOMINGTON



April 3, 2019 @ 2:00 p.m.  
CITY HALL -  
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON  
HEARING OFFICER  
April 3, 2019 at 2:00 p.m.

\*Kelly Conference Room #155

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**THE FOLLOWING CASE HAS BEEN FORWARDED TO THE APRIL 25, 2019 BOARD OF ZONING APPEALS HEARING:**

CU-07-19      **Matthew Francisco and Selma Sabanovic**  
512 W. Howe St.  
Request: Conditional Use approval to allow a detached accessory dwelling unit (ADU).  
*Case Manager: Eric Greulich*

**PETITIONS:**

V-08-19      **David Lentz**  
315 S. Clifton Ave.  
Request: Variance from side yard building setback standards to allow the construction of a single-family residence.  
*Case Manager: Ryan Robling*

V-09-19      **Southern Indiana Parts, Inc.**  
402 W. 17<sup>th</sup> St.  
Request: Variance from driveway separation standards to allow new drives for a 7,680 sq. ft. retail store.  
*Case Manager: Eric Greulich*

**\*\*Next Meeting: April 17, 2019**

*Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call 812-349-3429 or E-mail [human.rights@bloomington.in.gov](mailto:human.rights@bloomington.in.gov).*

**BLOOMINGTON HEARING OFFICER**  
**LOCATION: 315 S. Clifton Avenue**

**CASE #: V-04-19**  
**DATE: April 03, 2019**

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**PETITIONER:** David Lentz  
 315 S. Clifton Avenue

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**REQUEST:** The petitioner is requesting a variance from side yard building setback standards to allow for the construction of a single family attached structure.

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**REPORT:** This 2,355 square foot property is located at 315 S. Clifton Avenue and is zoned Residential Core (RC). Surrounding properties to the north, south, and east have been developed with single-family residences and are also zoned RC. The property to the west is the site of the Korean United Methodist Church and is also zoned RC. The property fronts on Clifton Avenue to the West. The property is currently undeveloped.

The petitioner is proposing to develop this property by constructing a new two-story single-family residence and attached carport. The lot is 50 feet wide and only 2,355 square feet in size. The minimum lot width in the RC zoning district is 55' feet and the minimum lot size is 7,200 square feet. There is an existing unimproved 12 foot wide alley that runs along the south side of the property. The existing property is a legal lot of record.

The Unified Development Ordinance (UDO) requires that two-story buildings have a side yard setback of 10'. The petitioner is requesting a variance from the required side yard setback to allow the house to be located 5.8' from the south property line rather than the required 10' setback.

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## **CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS 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.*

**PROPOSED FINDING:** No injury is found with this petition. The proposal provides for a single-family residence, which is the intended use in the Residential Core district. No negative impacts have been noted from the proposed location of the residence. There are other structures within the neighborhood, including the two houses to the east that have similar reduced setbacks.

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 the surrounding properties is found as a result of the requested variance. The

proposed structure is consistent with other residences in this area that have reduced side yard setbacks. The proposed structure will meet rear setbacks related to the adjacent property to the east, side yard setbacks to the north, and front yard setbacks to the west. While the structure will be closer to the property line than permitted by the UDO, it will be a similar distance away from the adjacent structure on the property to the south when compared to other properties along the same alley and will therefore not be out-of-place with the surrounding area. There is a public alley to the south of the property so there will no impact to adjacent properties to the south as a result of the reduced setback.

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.*

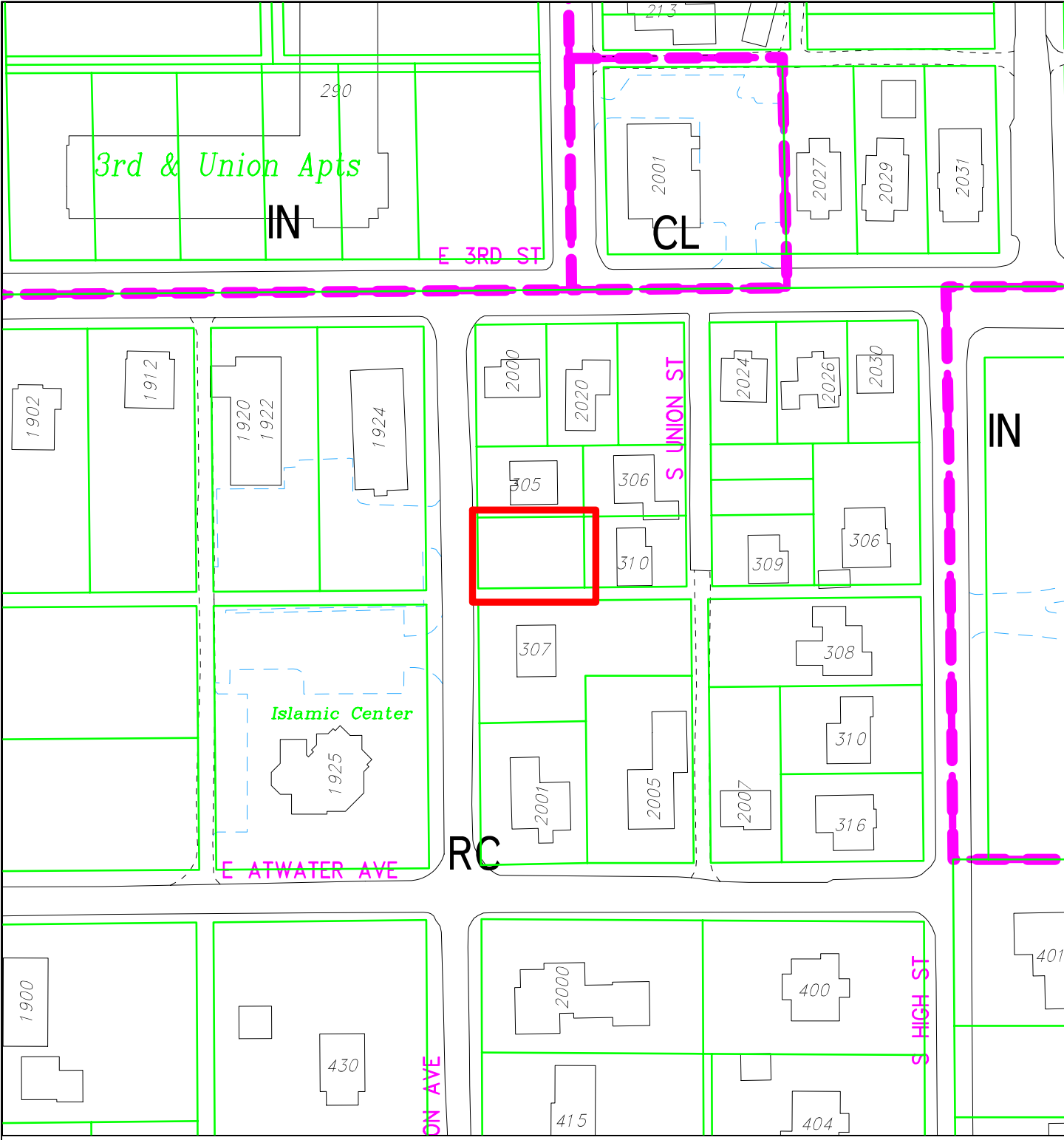
**PROPOSED FINDING:** Practical difficulty is found in that requiring the petitioner to meet the setback would not allow for the construction of a two-story house which is in character with this neighborhood. Peculiar condition is found in the limits inherent in the existing substandard lot size, which is half the minimum lot area required in the RC district. The lot is also five feet narrower than the required 55' minimum. Not allowing the variance would prevent the property from being developed in a manner consistent with the surrounding area. Lots of record are permitted to develop with a single-family residence.

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**RECOMMENDATION:** Based upon the written findings above, the Department recommends that the Hearing Officer adopt the proposed findings and recommends approval of V-08-19 with the following conditions:

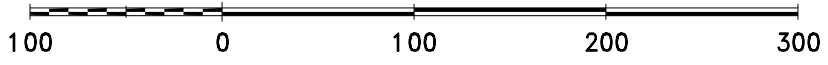
1. The petitioners must obtain a building permit prior to construction.





V-08-19 Eric Deckard  
 315 S. Clifton Ave  
 Hearing Officer  
 Site Location, Zoning, Parcels

By: roblingr  
 15 Mar 19

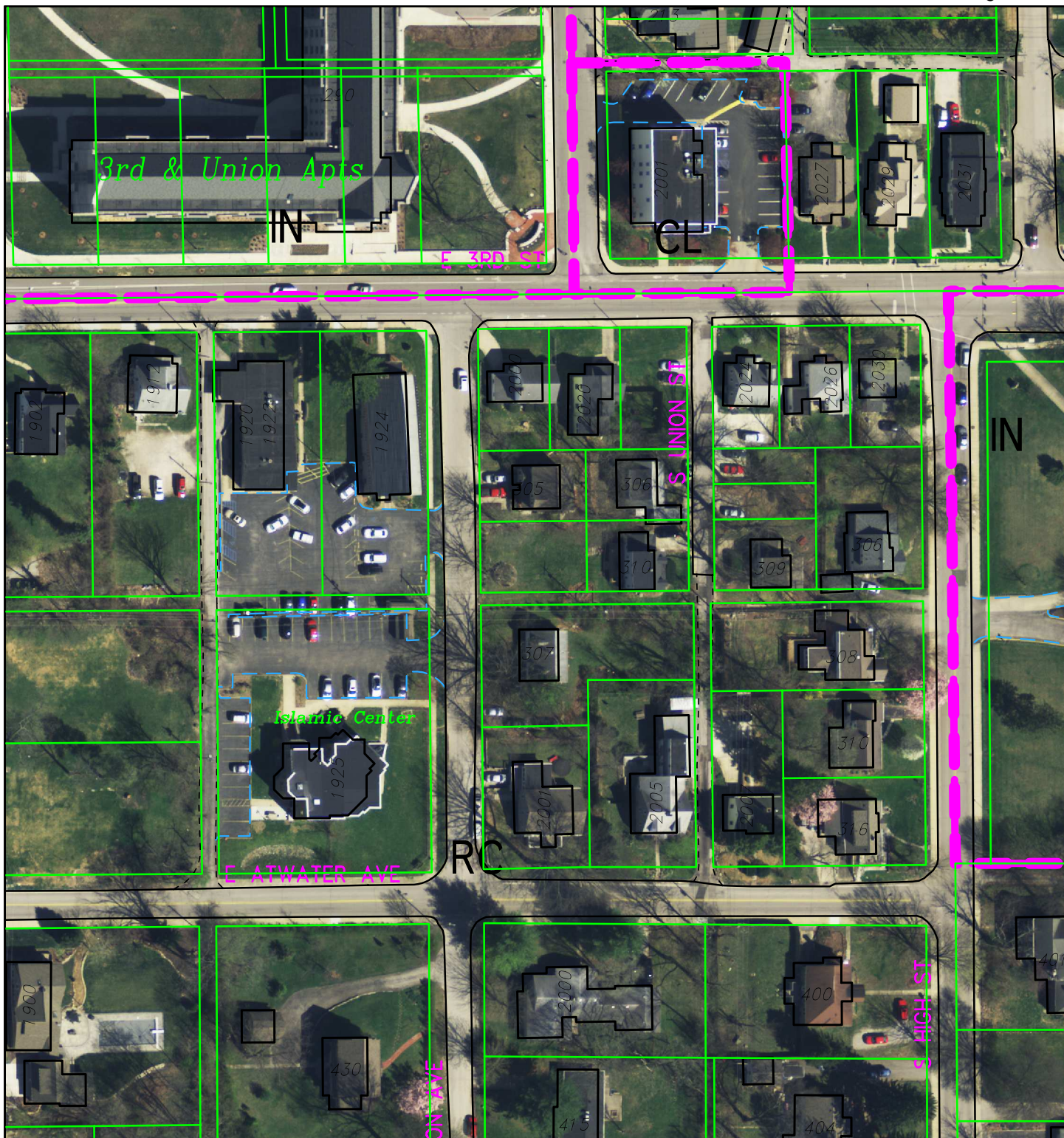


City of Bloomington  
 Planning & Transportation

N

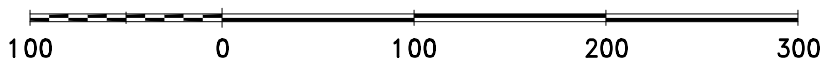
Scale: 1" = 100'

For reference only; map information NOT warranted.



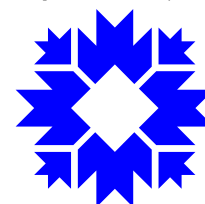
V-08-19 Eric Deckard  
 315 S. Clifton Ave  
 Hearing Officer  
 2016 Aerial Photograph

By: roblingr  
 15 Mar 19



For reference only; map information NOT warranted.

City of Bloomington  
 Planning & Transportation



Scale: 1" = 100'



L. Deckard, LS

Eric

1604 S. Henderson St.  
Bloomington, IN 47401  
Ph. 812.961-0235

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February 27, 2019

To Members of the City of Bloomington Planning Commission

RE: Harper Construction, Lot 6 in Faculty Heights Addition.

I have been asked personally by David Lantz to request a side yard setback waiver.

FINDINGS OF FACT - WAIVER for side yard setback as required in Residential Core (RC) as found in Chapter 20.02.120.

Chapter 20.02 of the City of Bloomington of the Development standards states: "Minimum Side Building Setback: 6 feet plus 4 feet for each story above ground floor" It is our belief that the Commission may authorize and approve modifications from the requirements and standards of these regulations (including the waiver of standards or regulations) upon finding that:

1. Practical difficulties have been demonstrated:

Findings:

- The site gains access from South Clifton Avenue, a designated Local Road;
- S. Clifton Avenue is measured by surveyor as 23 feet wide, and features a 5 feet wide sidewalk on the West side;
- S. Clifton Avenue is a road that runs North and South from E. 3<sup>rd</sup> street to E. Hunter Avenue where it terminates;
- Housing to the west of this site currently have built to the north alley line and the proposed placement of the structure will be consistent to the neighborhood.
- The alleyway has not been in used as an alley, but side yards.
- Existing overhead utility was found to be located on the south half of the alleyway.

2. The requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County:

Findings:

- Minimum lot size and setbacks are not met for the RC zone, however, the proposed dwelling will comply with updated front and back setbacks but current designs do not allow for it to meet the side setback standards;
- If determined by the commission the use of the north half of the alley way as a buffer the site would meet the intent of the side yard setback and allow for proper air and light filtration.

3. Granting the modifications waiver would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g. water, sewer, fire protection, etc.):

Findings:

L. Deckard, LS

Eric

1604 S. Henderson St.  
Bloomington, IN 47401  
Ph. 812.961-0235

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- Result of the waiver being granted would allow for the adequate spacing and meet the minimum standard for lighting;

4. Granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;

Findings:

- No existing sidewalks in this area exist and by moving the setback to 6 feet, would not offer any public safety nor benefit. The South line of the property is a 12 foot alley that would not be affected;

5. The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties;

Findings:

- The neighboring dwellings were built before the Unified Development Ordinance, (as amended June 6<sup>th</sup>, 2016) and do not currently meet the setback requirements for the RC zone. These dwellings (adjacent to subject property) are located at 310 S. Union Street and 309 S. Union Street and were constructed on the North line of a 12 foot alley with no setback;

6. Granting the requested modifications would not contravene the policies and purposes of these regulations;

Findings:

- See findings under Section 1, 2 & 3;

7. The requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done;

Findings:

- The sideyard setback, which requires 10 feet for a two-story dwelling would not allow for the proposed dwelling to meet minimum setback requirements unless moved to 6 feet and would comply with the existing neighboring homes;
- See findings under Section 1;

8. The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant; and,

Findings:

- This is a public road in its current condition maintained by the City;
- The road was not constructed by the petitioner but as part of a prior subdivision or development;
- See findings under Section 1;
- 

9. The practical difficulties cannot be overcome through reasonable design alternatives;

Findings:

- The design of proposed dwelling will meet front and back setbacks but the addition of a permanent carport

L. Deckard, LS

Eric

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Ph. 812.961-0235

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place the dwelling over the side set back lines by 4 feet on either side. A variance in side yard setback requirements would ensure the dwelling meets all criteria;

- See findings under Sections 1 & 2;

If there are any questions, please contact this office at (812)961-0235

Sincerely,



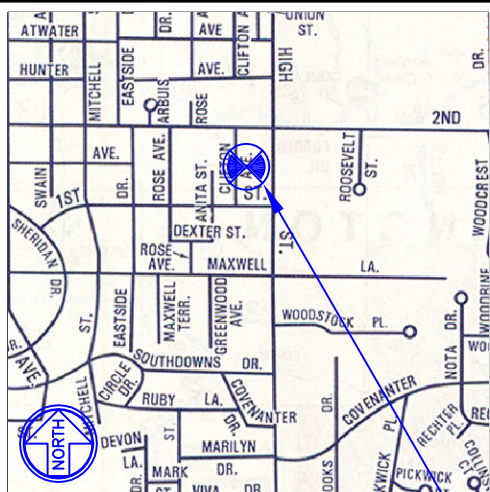
Eric L. Deckard L.S.



# Lot Numbered 6 (Six) in Faculty Heights Addition, to the City of Bloomington, Indiana

## NOTES:

- 1)  $\frac{3}{4}$ " Rebar will be set at all property corners.
- 2) Fieldwork completed October 2018.
- 3) Basis of bearing (State Plane - Indiana West).
- 4) Source of title Now or Formerly owned by Harper Construction and Renovation, LLC as found in Instrument Number 2018011194 in the Office of the Monroe County Recorder.
- 5) Reference is made to the plat of Faculty Heights Addition as found in Plat Cabinet "B", Envelope 57 in the Office of the Monroe County Recorder.
- 6) Reference is made to the plat of Kirkwood Heights Addition as found in Plat Cabinet "B", Envelope 28 in the Office of the Monroe County Recorder.
- 7) Reference is made to the plat of East Half pf Block 5- Kirkwood Heights Addition as found in Instrument Number 2016003472 in the Office of the Monroe County Recorder.
- 8) Reference is made to the survey performed by Douglas R. Curry for Lauchli dated September 29th, 2003.
- 9) This survey is not complete without the accompanying surveyor's report.
- 10) I affirm, under penalty for perjury, that I have taken responsible care to redact each Social Security Number in this document, unless required by law.  
- ERIC L. DECKARD

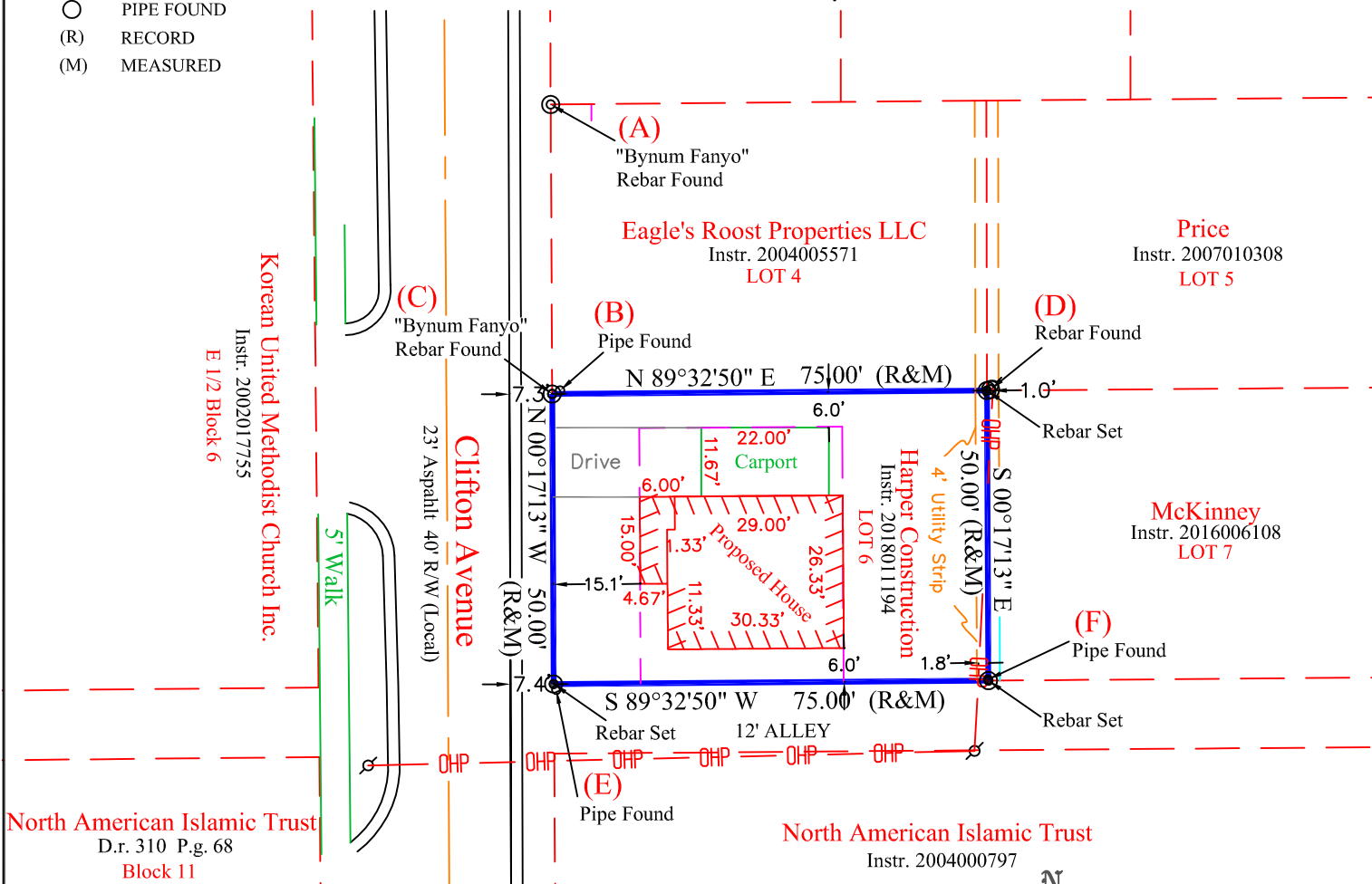


LOCATION MAP

PROJECT LOCATION

## LEGEND

- REFERENCED STONE
- ⊙ REBAR FOUND
- ⊙ REBAR SET
- PK NAIL FOUND
- ⊗ RR SPIKE FOUND
- PIPE FOUND
- (R) RECORD
- (M) MEASURED



## CERTIFICATION

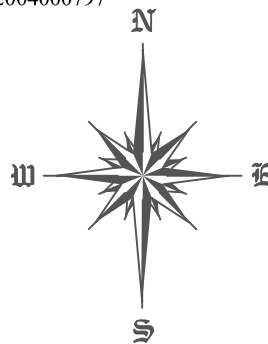
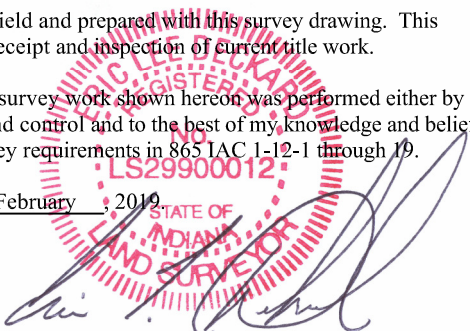
The within survey was performed without benefit of source of title and is subject to any statement of facts revealed by the same.

Easements have been located in the field and prepared with this survey drawing. This qualification will be removed upon receipt and inspection of current title work.

Subject to the above reservation, the survey work shown hereon was performed either by me or under my direct supervision and control and to the best of my knowledge and belief was performed according to the survey requirements in 865 IAC 1-12-1 through 19.

Certified this 27th day of February, 2019

Eric L. Deckard  
Registered Surveyor LS29900012  
State of Indiana



SCALE 1" = 30'

<b>SHELTERWOOD</b>			DECKARD LAND SURVEYING 1604 S. HENDERSON ST. BLOOMINGTON IN, 47401 (812)961-0235
<b>BOUNDARY SURVEY</b>			
DRAWN BY: ZHW DATED: 10/08/18	CHECKED BY: ELD	SCALE 1"=30'	PROJECT NO. 18-129



# Shelterwood Construction / Clifton Avenue



Colors and patterns shown are for display purposes only and do NOT necessarily represent customer choices. Please confirm all colors and patterns with homeowner prior to ordering any materials.

#### Plan revision notes:

- 1.) Changed basement mechanical room and bathroom layout in order to gain a HVAC chase to second floor.
- 2.) Changed main level and second floor bathroom layouts in order to accommodate HVAC chase.
- 3.) Changed second floor joists to 11.875" in order to hide a beam in floor system.

#### 3/9/19 Revision:

- 1.) Removed Kitchen from basement.



Page 1: 3D Cover Page

Page 2: Basement / Foundation Plan

Page 3: Main Level Plan

Page 4: Second Floor Plan

Page 5: Front & Left Elevation

Page 6: Rear & Right Elevation

Page 7: "A" Section, Birds Eye View

Engineer Seal

Approved:  
Revised: 9/27/18 See notes at left on this page.  
3/9/19 See notes at left.

SCALE: NTS  
DRAWN BY: Mark Otto  
DATE: 3/9/2019  
Project#: 1808309

Elm Town Design, LLC

8076 US HWY 231, Loogootee, IN 47553

Office Phone: (812) 907-3110 Mobile Phone: (812) 787-1975  
Email: mark@elmtowndesign.com

Clifton Avenue

1



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Space joints (in feet) no more than 2.5 times the slab thickness (in inches). A 4" slab should have joints no more than 10 feet apart.

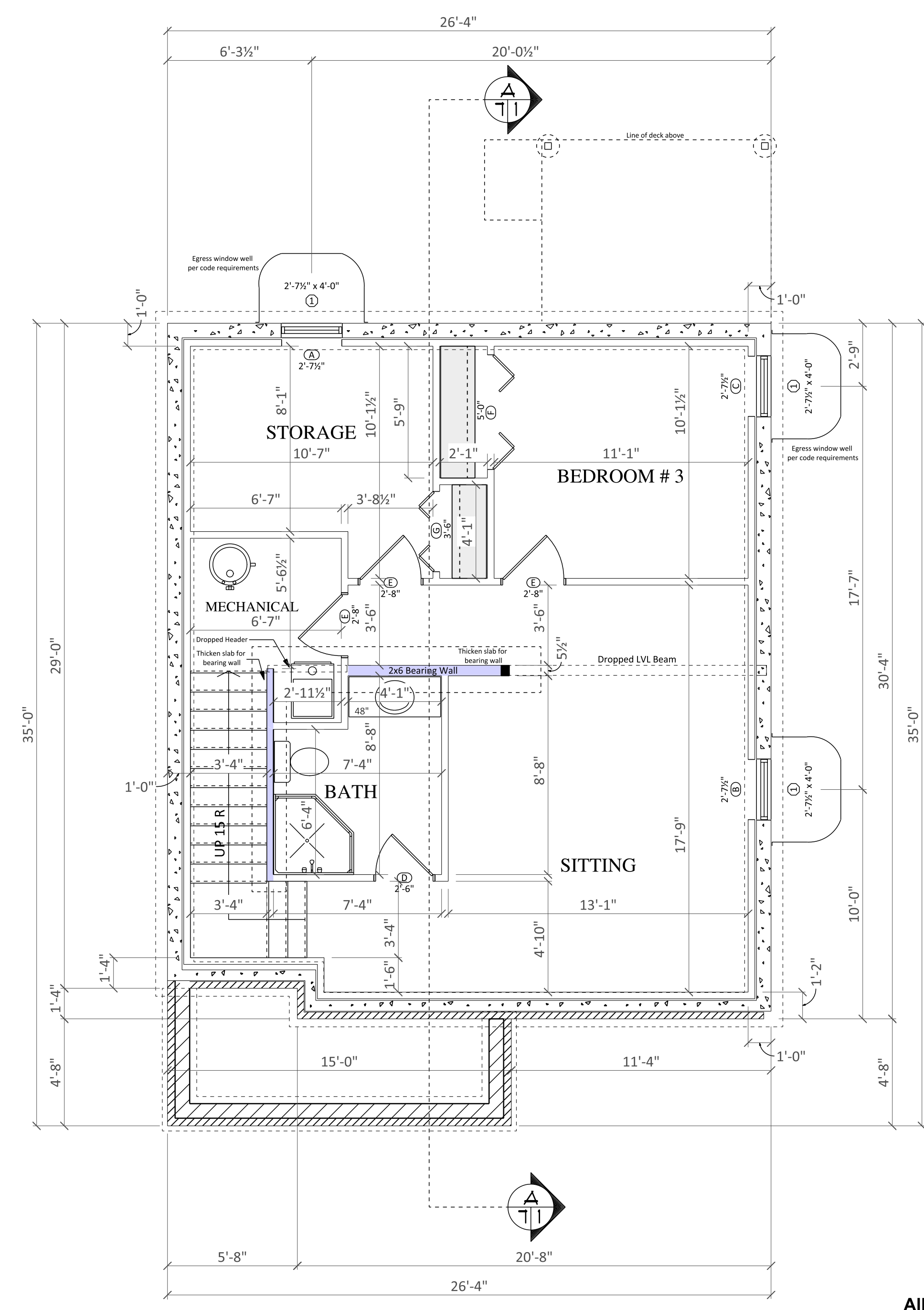
Cut joints 25% of the depth of the slab. A 4" thick slab should have joints 1" deep.

In hot weather, concrete might crack if joints are not cut within 6-12 hours after finishing concrete.

Place joints under walls or under carpet areas if possible. Under walls they won't be seen. Under carpet areas the joints won't have a chance to telegraph through vinyl areas.

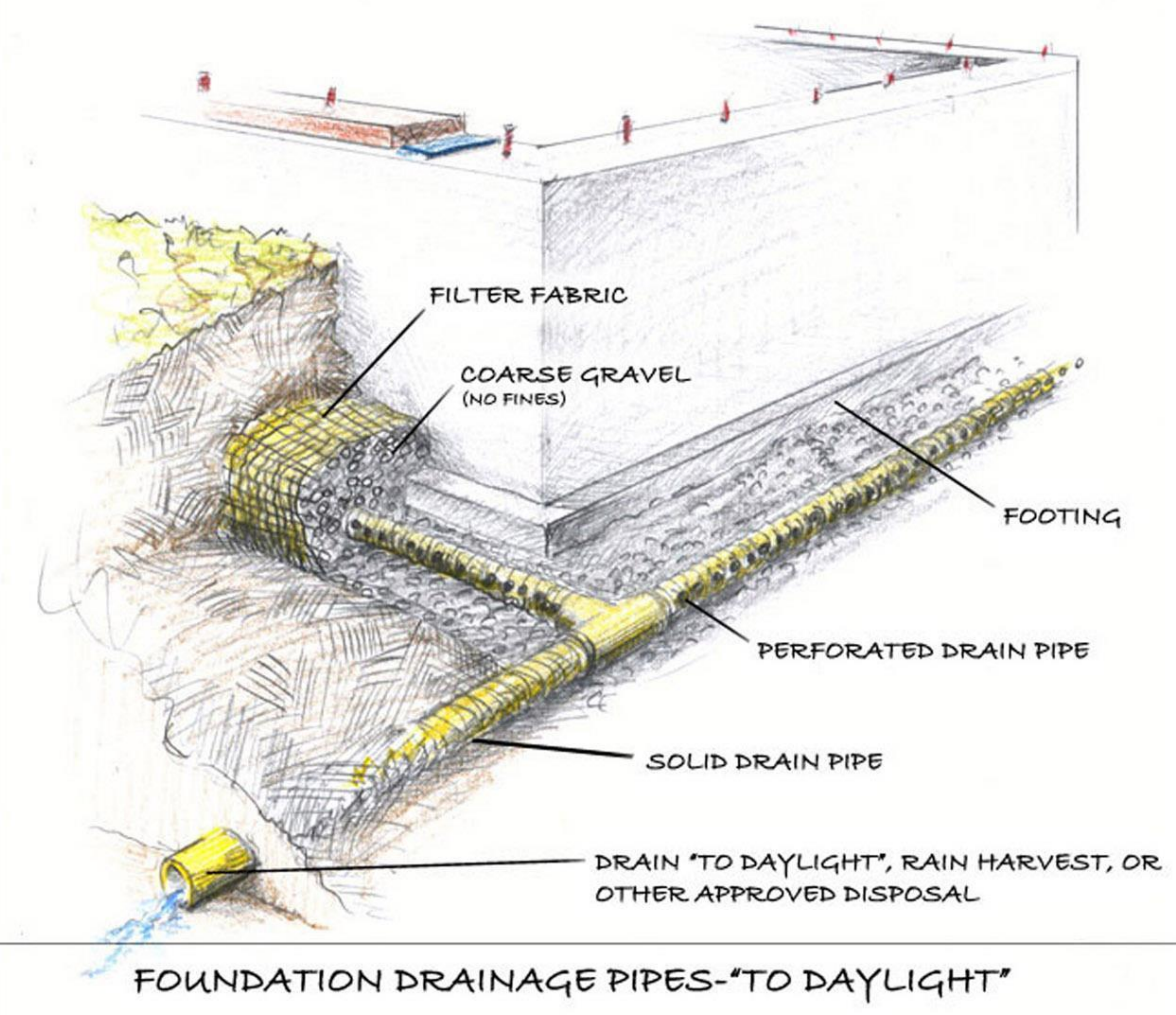
<http://www.concretenetwork.com/concrete/slabs/controljoints.htm>

In other than Group I soils, a sump pit shall be provided to drain the porous layer and footings. The sump pit shall be a minimum of 18 inches (457 mm) in diameter or equivalent and a minimum of 24 inches (610 mm) below the bottom of the basement floor. Where a porous layer of gravel, crushed stone, or coarse sand is used between the soil and the concrete floor slab, openings shall be made in the sump pit to allow drainage of that layer. The sump pit shall be capable of positive gravity or mechanical drainage to remove any accumulated water. EXCEPTION: When a gravity drain system is used a sump pit is not required.



Concrete pad design criteria based on 1,500 lb/ft of allowable soil bearing.  
Concrete - 3,000 PSI for independent footings.  
4,000 PSI for footing poured integral with floor slab.  
Rebar - Grade 40 or grade 60

EPA Indoor airPLUS | MOISTURE CONTROL 1.1  
[www.epa.gov/indoorairplus](http://www.epa.gov/indoorairplus)



Exterior wall wood sole and sill plates supported directly on masonry or concrete foundations shall be anchored to the foundation with bolts spaced a maximum of 6 feet on center. There shall be a minimum of two bolts for each plate section with one bolt located not more than 12 inches (305 mm) or less than seven bolt diameters from each end of the plate section. Sill plates supporting floor systems, on walls having less than 7 feet (2,135 mm) of unbalanced fill, shall be anchored to the foundation with bolts spaced not more than 12 inches (305 mm) from corners and a maximum of 6 feet (1,828 mm) on center. Sill plates supporting floor systems, on walls having 7 feet (2,135 mm) or more of unbalanced fill, shall be anchored to the foundation with bolts spaced not more than 12 inches (305 mm) from corners and a maximum of 4 feet (1,219 mm) on center. Bolts shall be at least 1/2 inch in diameter and shall extend a minimum 7 inches (178 mm) into masonry or concrete and shall have at least 1 1/2 inches of grout or concrete surrounding the bolt shaft. Interior bearing wall sole plates on concrete slab foundations shall be positively anchored with approved fasteners. A washer, sized to cover the hole in the plate, shall be installed on each bolt and a nut shall be used to tighten the washer to the plate.

All work shall comply with state and local building codes and all other applicable regulations. State and local codes take precedence over any information on this plan.

Contractor shall be responsible for verifying all dimensions and coordinating all required permits, inspections, approvals, etc..

Elm Town Design is not an engineering firm and therefore assumes no responsibility for any design failures or costs resulting, either directly or indirectly, from the drawings we provide. Customer is responsible to consult with a qualified professional engineer, architect, and builder to verify the structural integrity, dimensions, materials, and design details of the drawings before proceeding with construction.

# FOUNDATION PLAN

SCALE: 1/4" = 1'-0"

Engineer Seal



Approved:  
Revised: 3/9/19  
See Cover Sheet

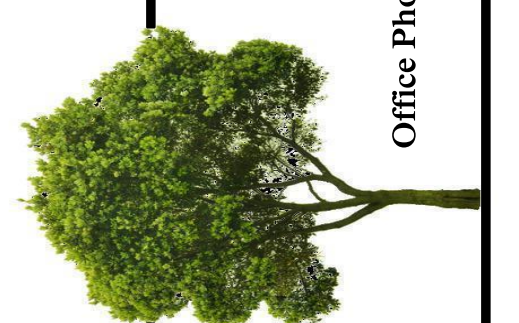


SCALE: 1/4" = 1'-0" UNO  
DRAWN BY: Mark Otto  
DATE: 3/9/2019  
Project#: 1808309



Elm Town Design, LLC  
8076 US Highway 231, Loogootee, IN 47553

Office Phone: (812) 907-3110 Mobile Phone: (812) 787-1975  
Email: [mark@elmtowndesign.com](mailto:mark@elmtowndesign.com)



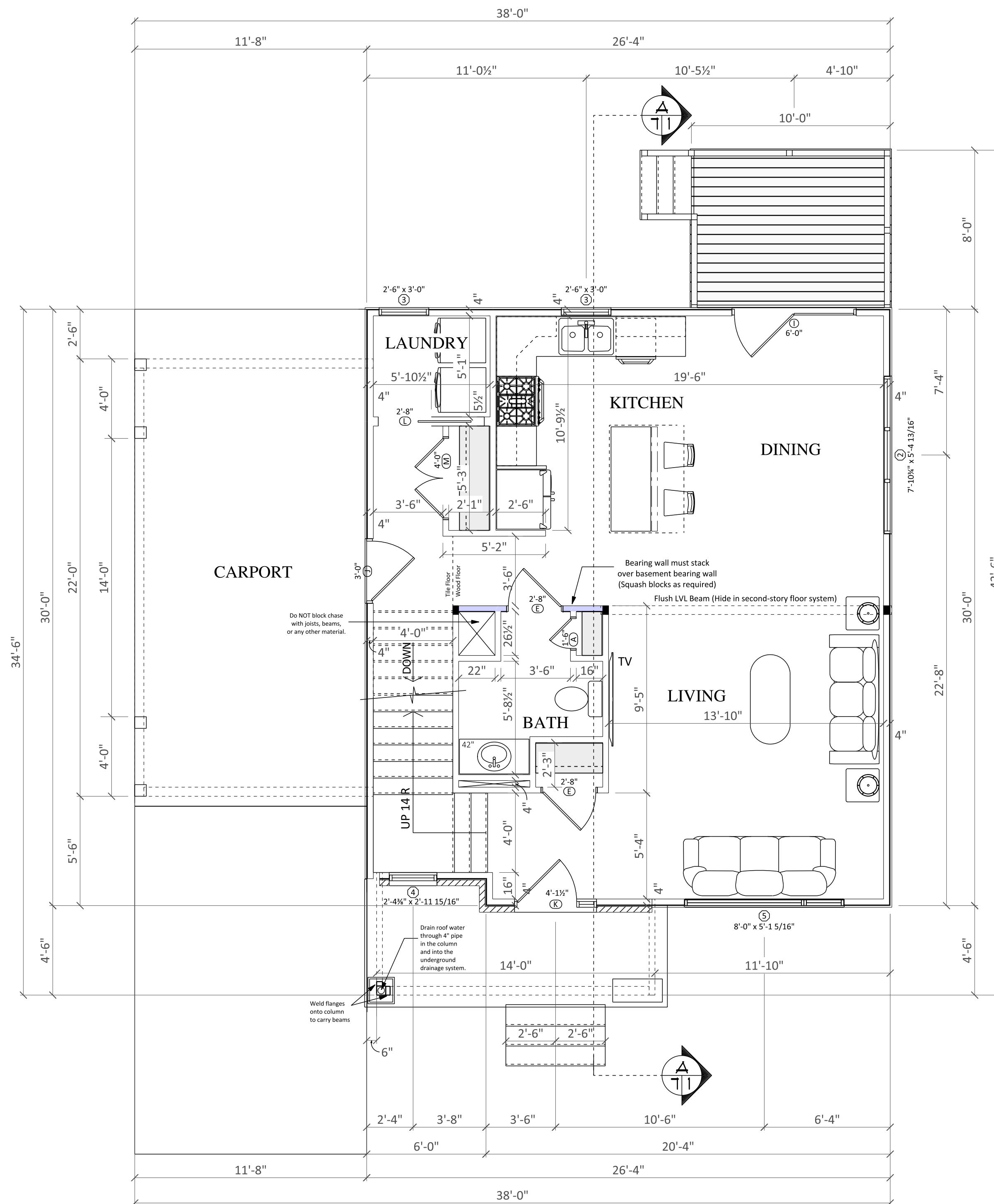
Clifton Avenue





OPENING SCHEDULE				
OPENING ID	PRODUCT CODE	SIZE	HINGE	COUNT
1	CX14	2'-7½" x 4'-0"	L	4
2	CX155-3	7'-10¼" x 5'-4 13/16"	LNR	1
3	30X36 CASEMENT 1	2'-6" x 3'-0"	L	2
4	CW13	2'-4¾" x 2'-11 15/16"	R	1
7	CX24	5'-2¾" x 4'-0"	LR	2
9	AX61	5'-11¾" x 2'-0¼"	U	1
A	18X80 COLONIAL A 1	1'-6"	R	1
D	30X80 COLONIAL A 1	2'-6"	L	2
D	30X80 COLONIAL A 1	2'-6"	R	1
E	32X80 COLONIAL A 1	2'-8"	L	4
E	32X80 COLONIAL A 1	2'-8"	R	5
F	60X80 BIFOLD COLONIAL 2	5'-0"	LR	2
G	42X80 BIFOLD COLONIAL 2	3'-6"	LR	1
I	72X80 GLASS 2	6'-0"	LR	1
J	36X80 COLONIAL A 1	3'-0"	R	1
L	32X80 COLONIAL POCKET 1	2'-8"	N	1
M	48X80 COLONIAL A 2	4'-0"	LR	1
N	36X80 FRENCH A 1	3'-0"	L	1
O	54X80 BIFOLD COLONIAL 2	4'-6"	LR	1
P	30X80 COLONIAL POCKET 1	2'-6"	N	1

AREA SCHEDULE	
NAME	AREA
Basement	791 sq. ft.
First Floor Living	782 sq. ft.
Carport	257 sq. ft.
Front Porch	70 sq. ft.
Rear Deck	80 sq. ft.
Second Floor Living	782 sq. ft.
Second Floor Deck	262 sq. ft.



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All work shall comply with state and local building codes and all other applicable regulations. State and local codes take precedence over any information on this plan.

Contractor shall be responsible for verifying all dimensions and coordinating all required permits, inspections, approvals, etc..

# MAIN FLOOR PLAN

SCALE: 1/4" = 1'-0"

Engineers Seal

Approved:  
Revised:

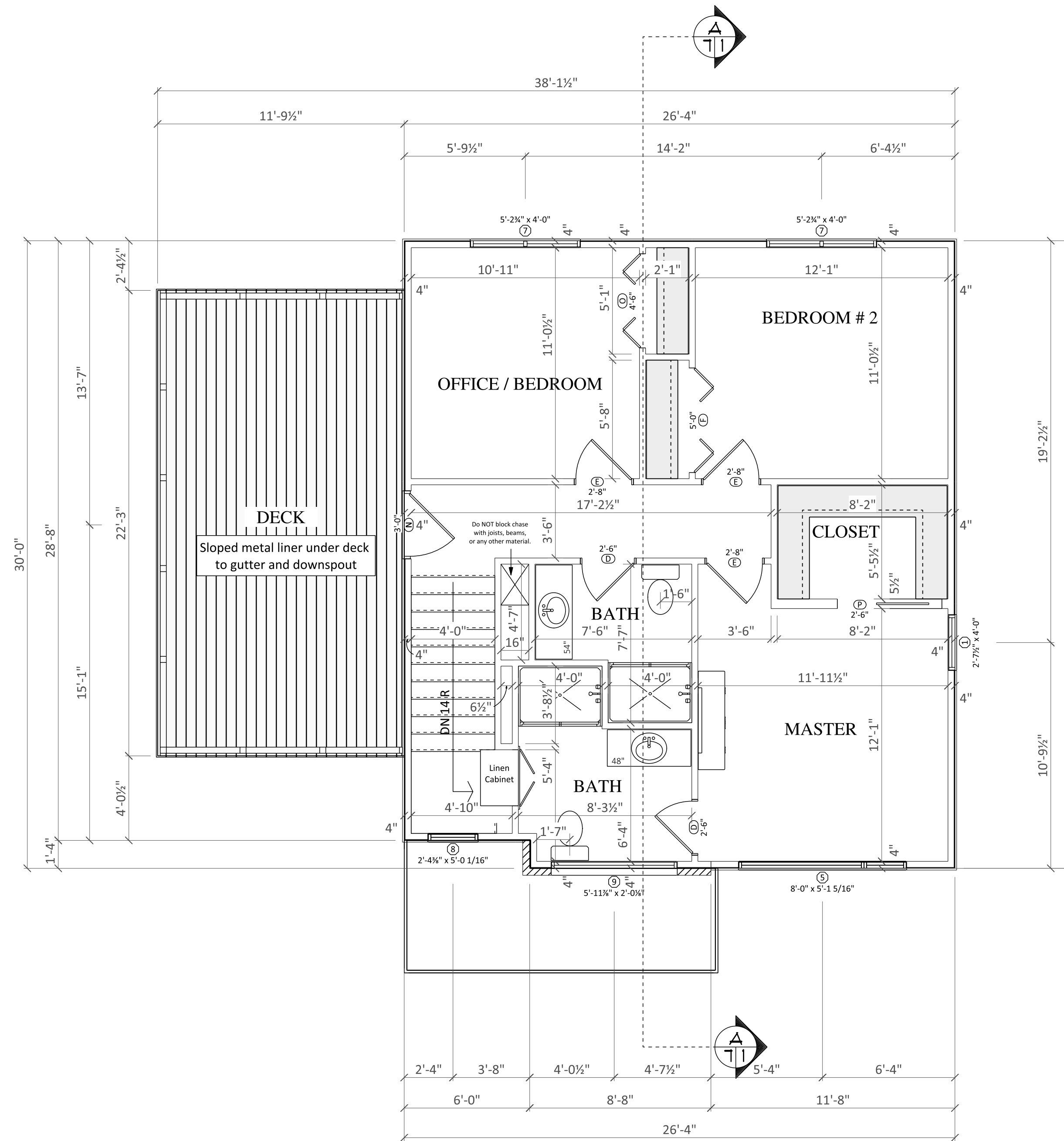
SCALE: 1/4" = 1'-0" UNO  
DRAWN BY: Mark Otto  
DATE: 3/9/2019  
Project#: 1808303

**Elm Town Design, LLC**  
8076 US Highway 231, Loogootee, IN 47553  
Office Phone: (812) 907-3110 Mobile Phone: (812) 787-1975  
Email: mark@elmtowndesign.com

Clifton Avenue

3

of  
7



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# SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

Clifton Avenue

Elm Town Design, LLC

8076 US Highway 231, Logansport, IN 47553  
 Office Phone: (812) 907-3110 Mobile Phone: (812) 787-1975  
 Email: mark@elmtowndesign.com

SCALE: 1/4" = 1'-0" UNO  
 DRAWN BY: Mark Otto  
 DATE: 3/9/2019  
 Project#: 1808303

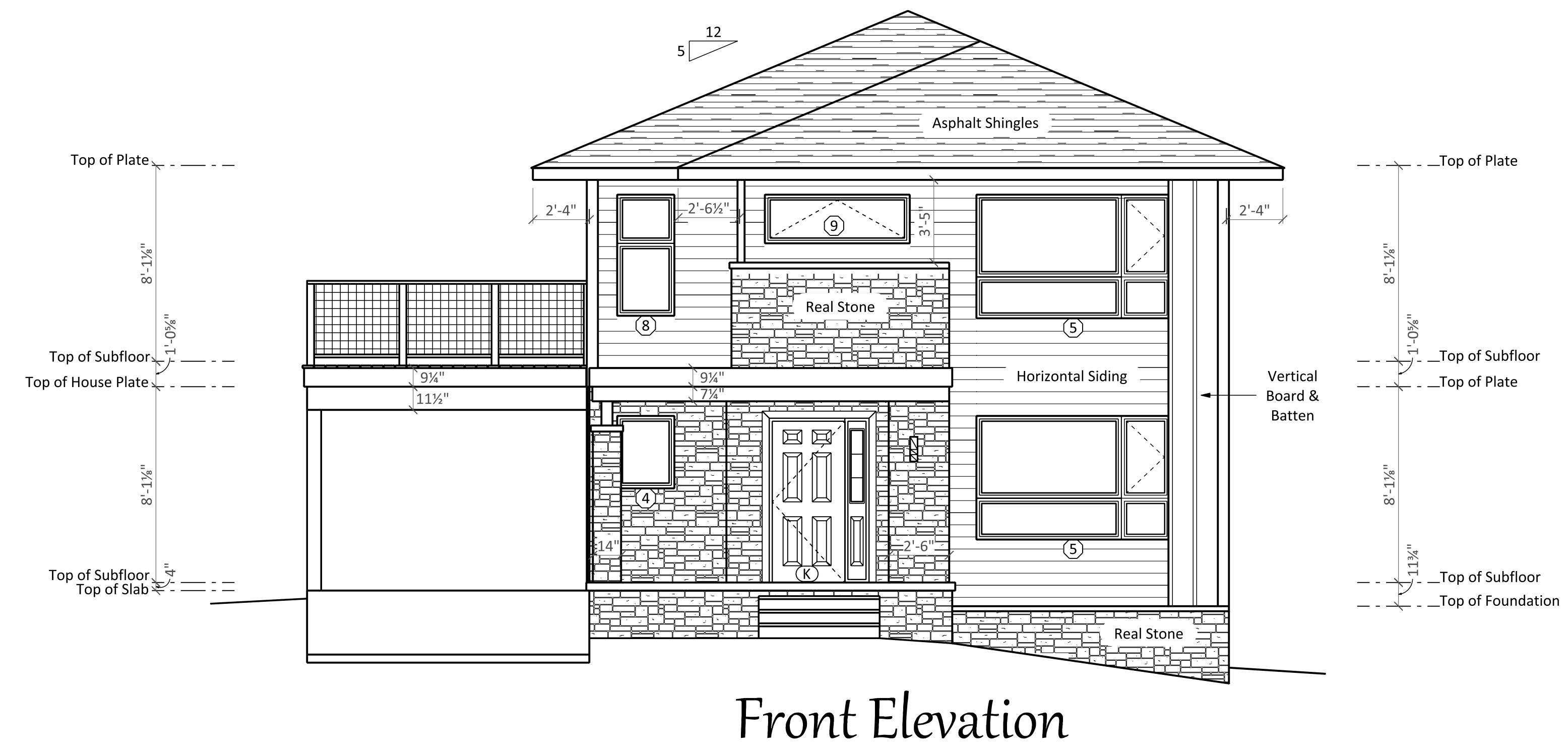
Approved:  
 Revised:

Engineer Seal





Left Elevation



Front Elevation

All work shall comply with state and local building codes and all other applicable regulations. State and local codes take precedence over any information on this plan.

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# FRONT & LEFT ELEVATIONS

SCALE: 1/4" = 1'-0"

Engineers Seal



Approved:  
Revised:



SCALE: 1/4" = 1'-0" UNO  
 DRAWN BY: Mark Otto  
 DATE: 3/9/2019  
 Project#: 1908303

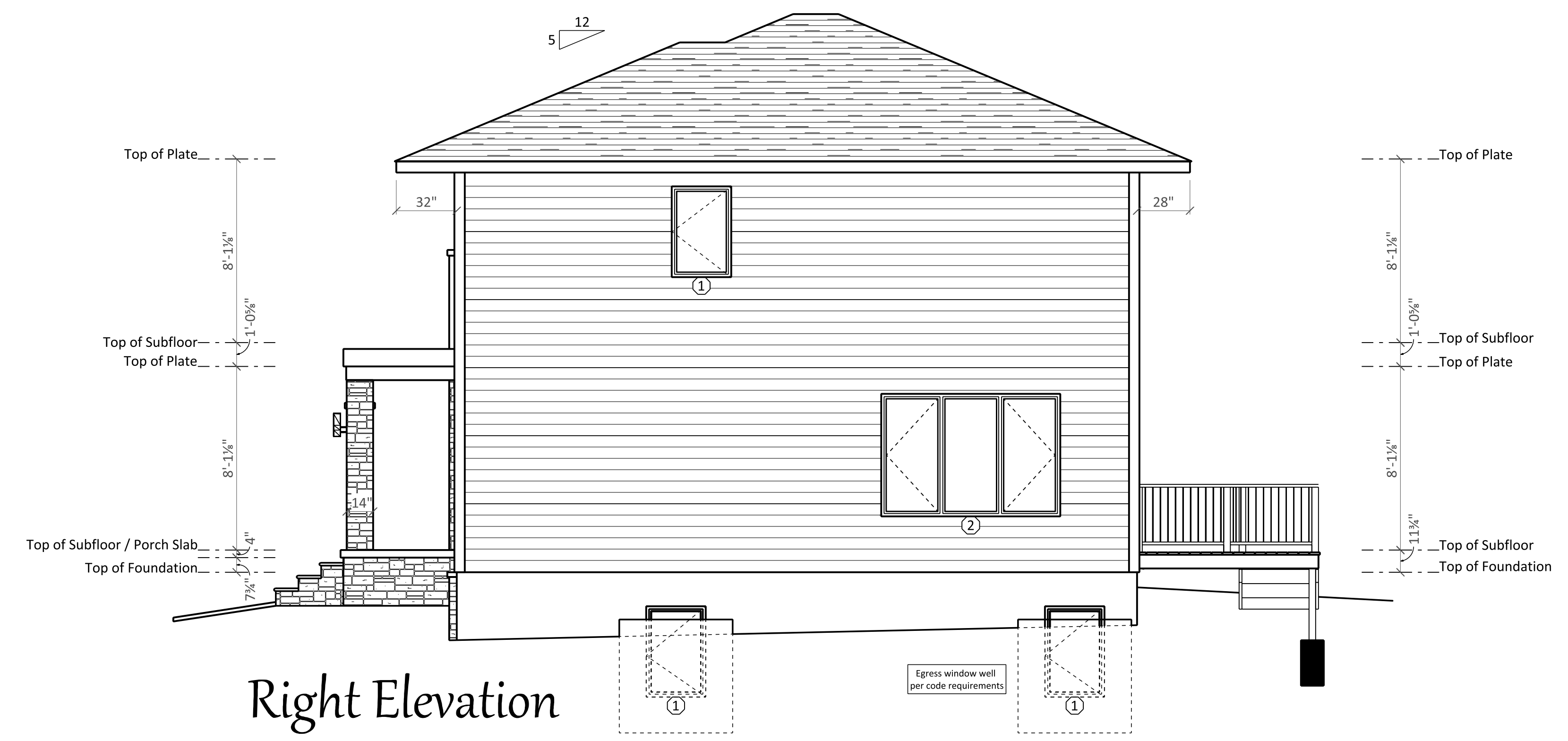


**Elm Town Design, LLC**  
 8076 US Highway 231, Loogootee, IN 47553  
 Office Phone: (812) 907-3110 Mobile Phone: (812) 787-1975  
 Email: mark@elmtowndesign.com



Clifton Avenue





Right Elevation



Rear Elevation

All work shall comply with state and local building codes and all other applicable regulations. State and local codes take precedence over any information on this plan.

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# REAR & RIGHT ELEVATIONS

SCALE: 1/4" = 1'-0"

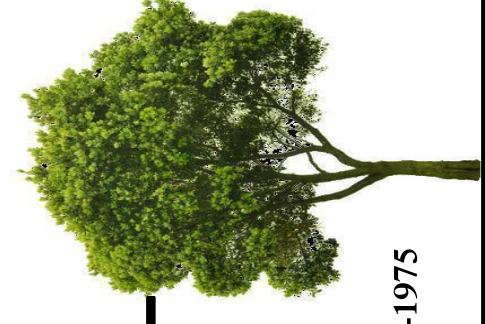
Engineers Seal



Approved:  
Revised:

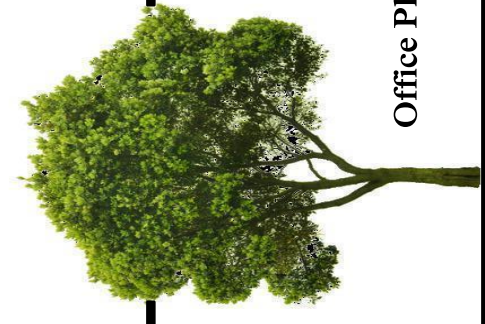


SCALE: 1/4" = 1'-0" UNO  
 DRAWN BY: Mark Otto  
 DATE: 3/9/2019  
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Clifton Avenue



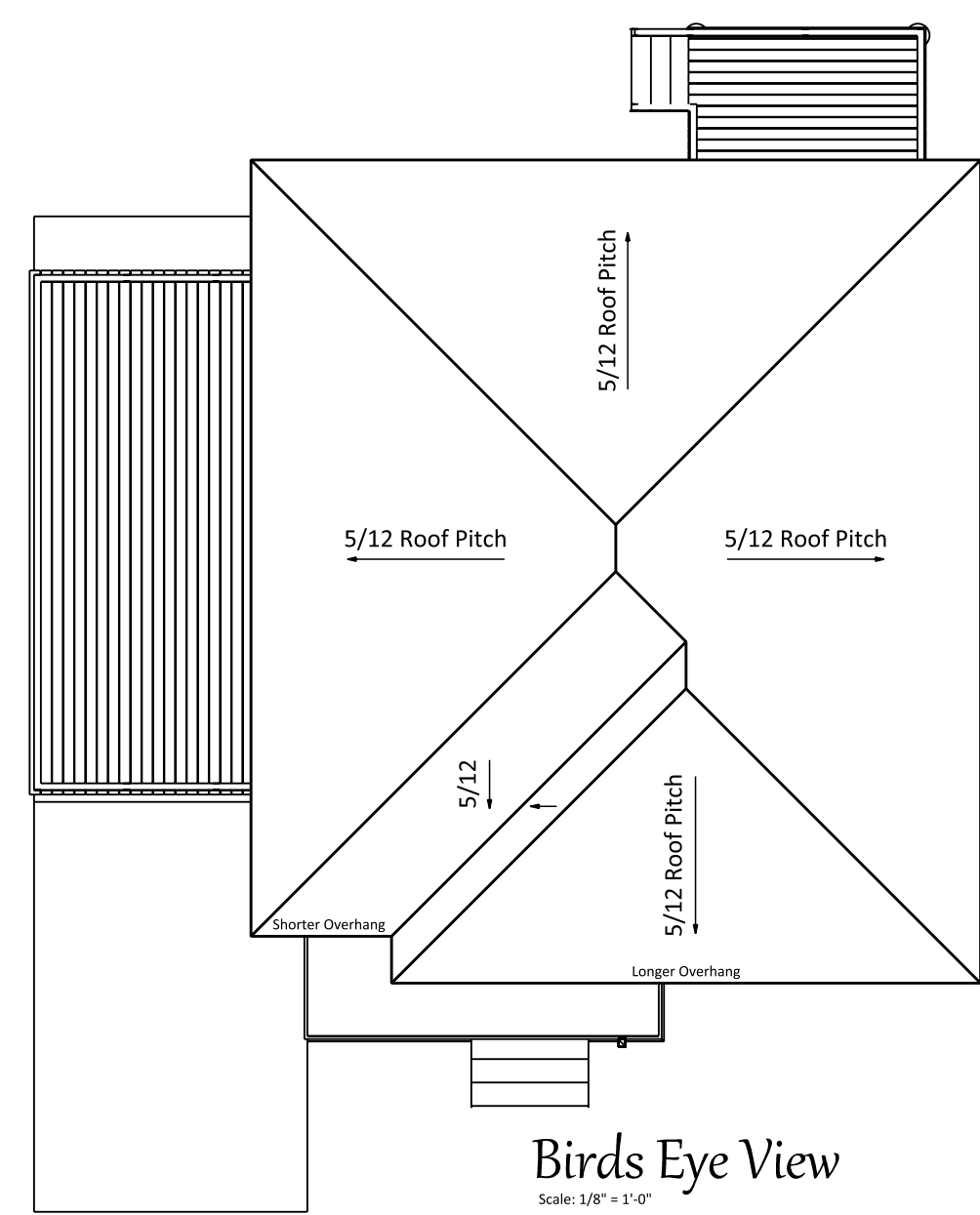
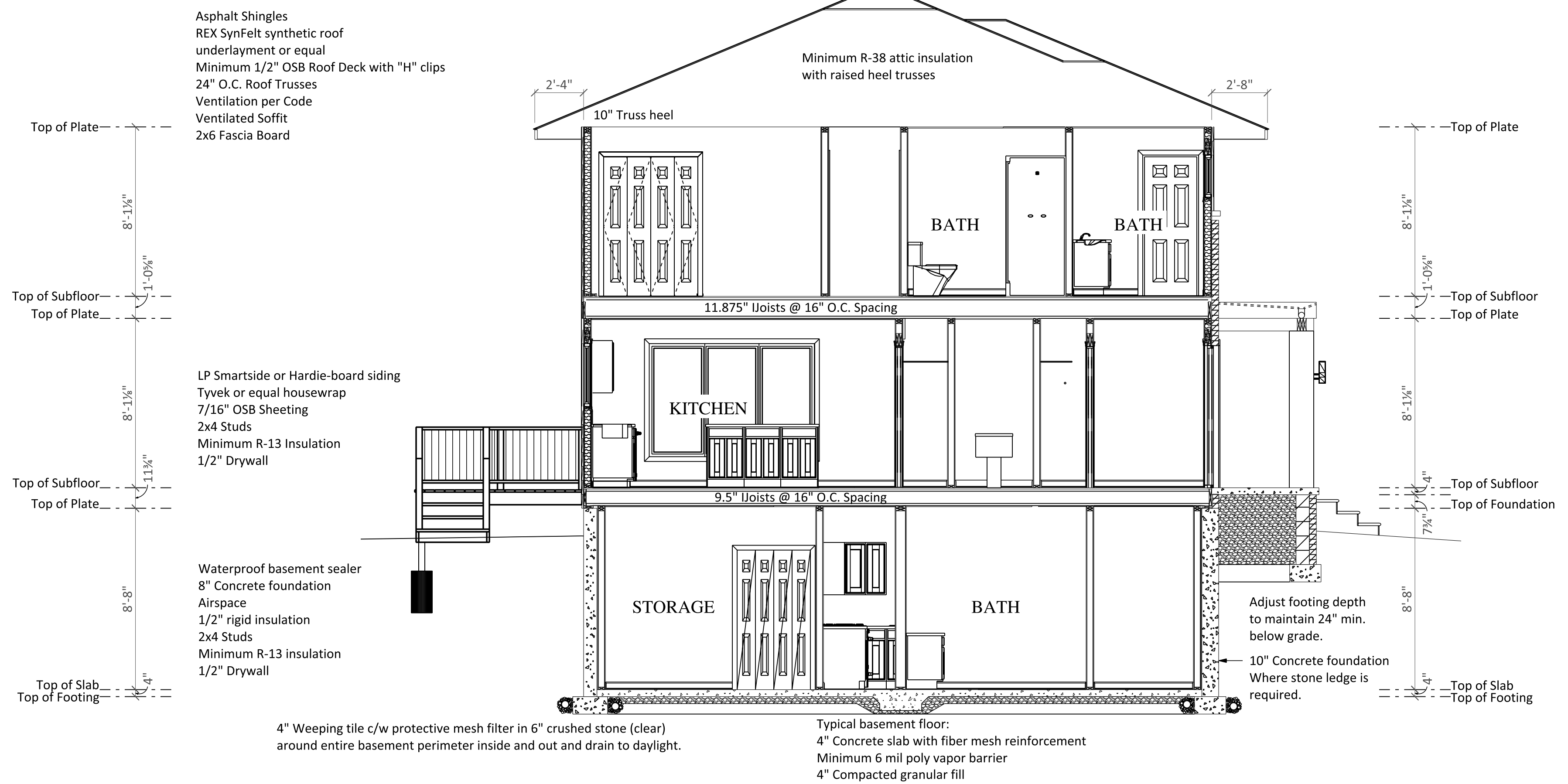
6



7



# "A" Section



All work shall comply with state and local building codes and all other applicable regulations. State and local codes take precedence over any information on this plan.

Contractor shall be responsible for verifying all dimensions and coordinating all required permits, inspections, approvals, etc..

Elm Town Design is not an engineering firm and therefore assumes no responsibility for any design failures or costs resulting, either directly or indirectly, from the drawings we provide. Customer is responsible to consult with a qualified professional engineer, architect, and builder to verify the structural integrity, dimensions, materials, and design details of the drawings before proceeding with construction.

## "A" SECTION, BIRDS EYE VIEW

SCALE: 1/4" = 1'-0"

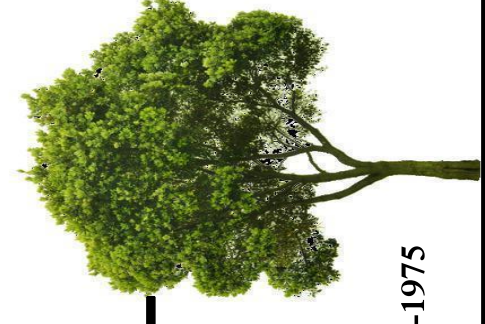
Engineers Seal



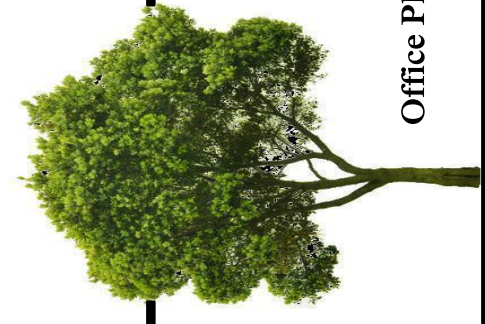
Approved:  
Revised:



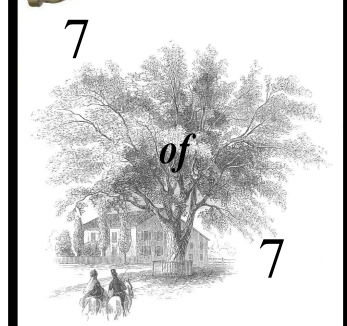
SCALE: 1/4" = 1'-0" UNO  
 DRAWN BY: Mark Otto  
 DATE: 3/9/2019  
 Project#: 1808303



**Elm Town Design, LLC**  
 8076 US Highway 231, Loogootee, IN 47553  
 Office Phone: (812) 907-3110 Mobile Phone: (812) 787-1975  
 Email: mark@elmtowndesign.com



Clifton Avenue



**BLOOMINGTON HEARING OFFICER`  
STAFF REPORT  
LOCATION: 402 W. 17<sup>th</sup> Street**

**CASE #: V-09-19  
DATE: April 3, 2019**

**PETITIONER: Southern Indiana Parts, Inc.  
3665 National Road, Columbus, IN**

**REQUEST:** The petitioner is requesting a variance from minimum driveway separation requirements to allow 2 new driveways for a 7,680 square foot retail store.

**REPORT SUMMARY:** This approximately 1.0 acre property is located at the northwest corner of W. 17<sup>th</sup> Street and N. Kinser Pike and is zoned Commercial General (CG). Surrounding land uses include single family residences to the north and east, and commercial uses to the south and west. The property is currently vacant and was most recently used as a U-Haul rental facility. There are currently no structures on the site and only a surface parking area remains.

The petitioner is proposing to construct a 7,680 square foot retail store and a surface parking lot with 25 parking spaces for NAPA auto parts. There are currently 2 drivecuts on the 17<sup>th</sup> Street frontage and 2 drivecuts on the Kinser Pike frontage. Both Kinser Pike and 17<sup>th</sup> Street are classified as Secondary Arterials. The petitioner is proposing one drivecut on 17<sup>th</sup> Street and one drivecut on Kinser Pike. The proposed drivecut on 17<sup>th</sup> Street meets the 150' setback requirement from the intersection (175' from the intersection) and the drivecut on Kinser has been placed as far from the intersection as possible, thereby meeting the setback requirements. However the petitioner is not able to meet the 100' separation requirement from another entrance along those two frontages. The proposed entrance on 17<sup>th</sup> Street would be located 55' from the adjacent driveway to the west and the proposed entrance on Kinser will be 89' from the adjacent driveway to the north.

The petitioner is requesting a variance from the 100 foot setback requirement from another entrance for both proposed entrances. While there is a location on the property that would allow them to meet the separation requirement from the adjacent entrances, the entrances would then not meet the setback requirements from the intersection.

## **CRITERIA AND FINDINGS**

### **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:** Staff finds no injury to the general welfare. The existing drive cuts functioned for many years with no known concerns to adjacent properties.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.*

**PROPOSED FINDING:** Staff finds the use and value of the area adjacent to the property will not be negatively impacted. The number of drivecuts along both frontages will be reduced and have been placed as far from the intersection and the adjacent entrances as possible.

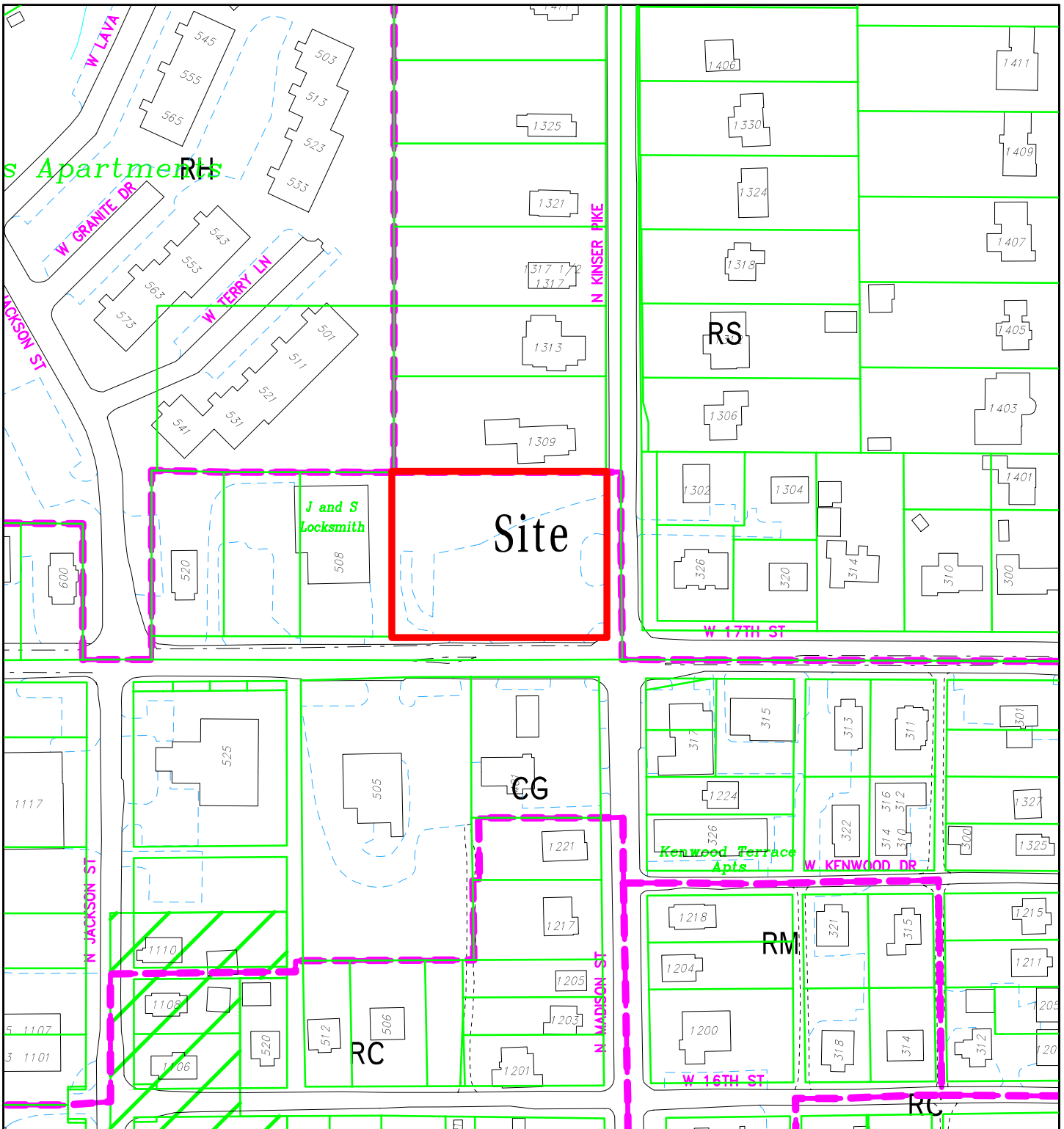
3. *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the variance will relieve practical difficulties.*

**PROPOSED FINDING:** Staff finds that the strict application of the terms of the Unified Development Ordinance would result in practical difficulties in the use of the property in that there is not a location that would allow a drivecut on either frontage. Staff finds peculiar condition for the variance in that there is not a location on the property that would allow the petitioner to meet both the separation requirement from the intersection and the separation requirement from an adjacent entrance. The proposed driveways will not create turning conflicts between vehicles entering the adjacent properties.

---

**RECOMMENDATION:** Based on the written findings, staff recommends the Hearing Officer adopt the proposed findings and approve the variance with the following condition:

1. A 5' wide concrete sidewalk and minimum 5' wide tree plot with street trees are required along Kinser Pike and a 10' wide, asphalt multi-use trail and minimum 5' wide tree plot with street trees are required along 17<sup>th</sup> Street.



V-09-19 Southern Indiana Auto Parts, Inc.

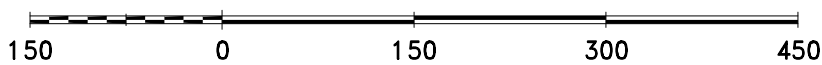
402 W 17th Street

Hearing Officer

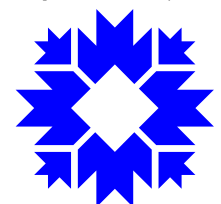
Site Location, Zoning, Parcels

By: greulice

29 Mar 19

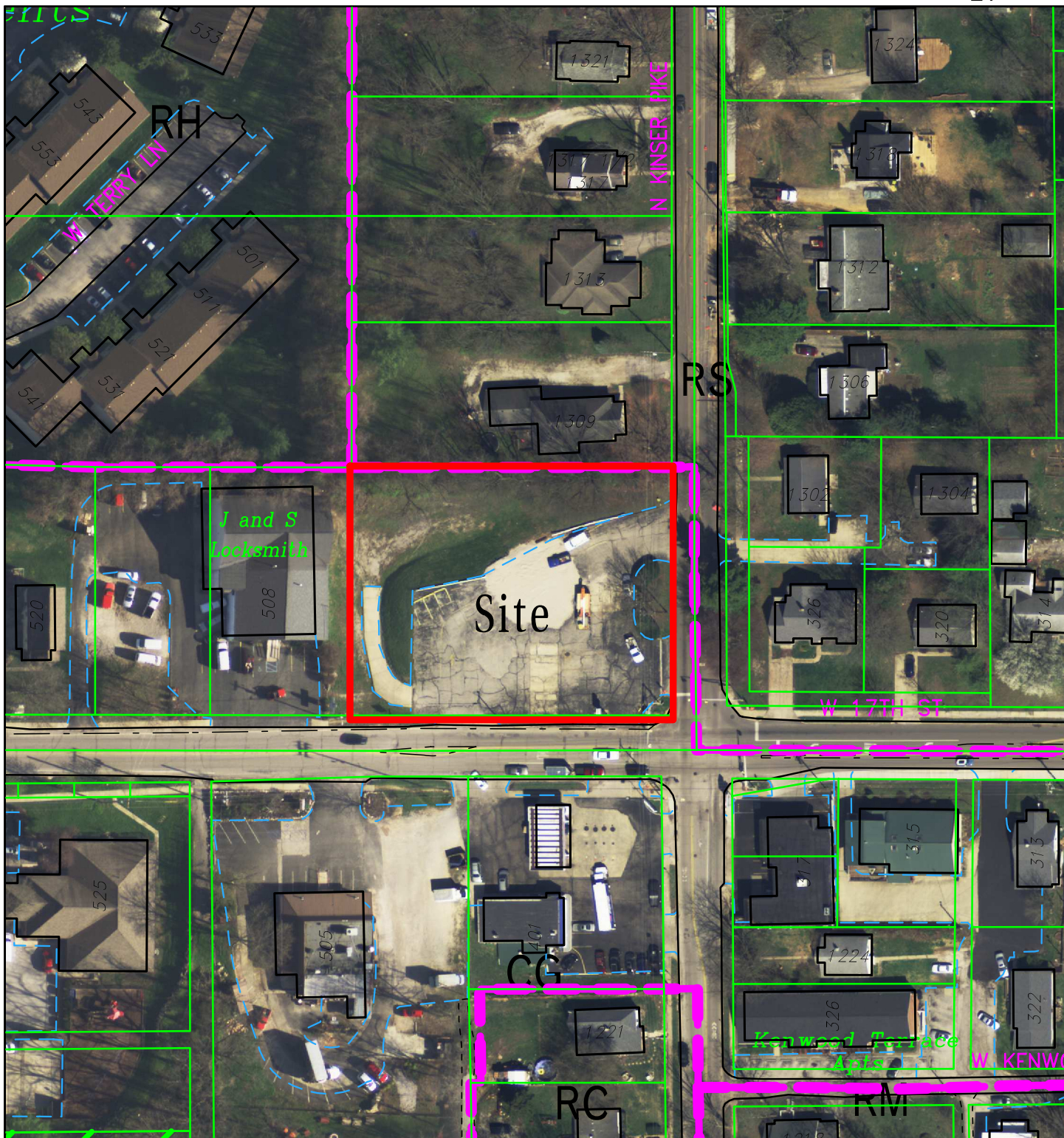


City of Bloomington  
Planning & Transportation



Scale: 1" = 150'





V-09-19 Southern Indiana Parts, Inc.

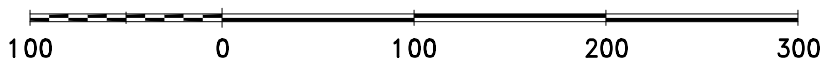
402 W 17th Street

Hearing Officer

2016 Aerial Photograph

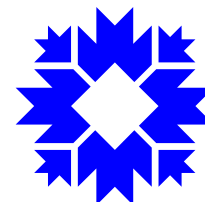
By: greulice

29 Mar 19



For reference only; map information NOT warranted.

City of Bloomington  
Planning & Transportation



Scale: 1" = 100'

Smith Brehob & Associates, Inc.



"Providing professional land planning, design, surveying and approval processing for a quality environment"

Stephen L. Smith, P.E., P.L.S.

Steven A. Brehob, BS.CNT.

Todd M. Borgman, P.L.S.

Don J. Kocarek, R.L.A.

Katherine E. Stein, P.E.

March 6, 2019

Eric Greulich  
City of Bloomington Planning and Transportation  
401 N. Morton Street  
Bloomington, IN. 47404

RE: NAPA – NWC 17<sup>th</sup> and Kinser

Dear Eric,

On behalf of our client, Southern Indiana Parts, Inc., we respectfully request to be placed on the April 3<sup>rd</sup> agenda for the City of Bloomington Hearing Officer for consideration of a design standards variance for driveway location.

Details of the request are contained in the attached Petitioner's Statement and Findings. Also attached with this letter are site and landscape plan sheets and sample building elevations. will be accomplished with the use of granular material. A course aggregate driveway will provide temporary construction access.

If you should have any further questions, please do not hesitate to contact me.

Sincerely,

Steven A. Brehob  
Smith Brehob & Associates, Inc.

J:5841\_NAPA\Approval Processing\Hearing Officer\Application Letter\_3-11-19.docx





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Katherine E. Stein, P.E.

## PETITIONER’S STATEMENT

**Location and Zoning**— The site is located at the northwest corner of the intersection of 17<sup>th</sup> and Kinser. The address for the property is 400 W. 17<sup>th</sup> Street. The zoning of the site is CG (General Commercial)

**Proposed Use** – Southern Indiana Parts, Inc. would like to redevelop the site as a NAPA Auto Parts store to replace its current location on 3<sup>rd</sup> and Walnut. This use is an approved use within a CG zone.

**Building Placement** – The proposed building will be placed on the setback lines at the immediate hard corner of the site. This location is in keeping with the City’s goal of maintaining a building forward presence and wrapping the parking area around the building and generally out of site. No development standard variances are required for arrangement of the building and parking and all setbacks can be met.

**Storm Water Management and Utilities** – The site can be served by existing City of Bloomington owned and maintained sanitary sewer, water and storm lines. A subsurface detention system will be installed beneath the parking lot area to meet the site’s needs for storm water detention. Private utilities, including electric, telephone and gas are adjacent to the site and available for service connections.

**Access** – The site will be accessed by a driveway connection to Kinser Pike and to 17<sup>th</sup> Street. These two access points allow for circulation around the building for both customers and deliver vehicles. The driveway along 17<sup>th</sup> Street will be located 51’ from the western property line and within 55’ of an adjacent driveway. The driveway along Kinser Pike will be located 24’ from the north property line and within 89’ of an adjacent driveway. The location of these driveway access points results in the need for a variance. Said variance is discussed in greater detail below.

## VARIANCE REQUIREMENTS

Section 20.05.035 - ED-01 (Entrance and drive standards—General) (1) states that *No entrance or drive shall be installed within one hundred fifty feet of any intersecting street if along an arterial or collector street. If the parcel is not large enough to achieve a one-hundred-fifty-foot separation, then the drive shall be installed at a location farthest from the intersection.*

(5) and (6) state that *no entrance or drive shall be installed: Within one hundred feet of another entrance if along an arterial or collector street. Within fifty feet of another entrance if along a neighborhood street.*



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Based on the City of Bloomington Thoroughfare Plan, both 17<sup>th</sup> Street and Kinser Pike are classified as arterial streets and any drive connecting to them must meet these requirements. The size of the property and the fact that it is a corner lot creates a practical difficulty for compliance with these provisions. The driveways have been pushed as far from the intersection as possible, yet the parcel does not have enough frontage on either street to meet the requirements for separation from adjacent drives as well.

## FINDINGS

20.09.130 e) Standards for Granting Variances from Development Standards: *A variance from the development standard of the Unified Development Ordinance may be approved only upon determination in writing that each of the following 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 will be made as a result of granting of the approval. Moving the drives as far away from the signalized intersection as possible improves public safety for both vehicular traffic and pedestrian traffic at the intersection itself by reducing potential vehicle and pedestrian conflicts at the intersection.

- 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 FINDINGS:** Redevelopment of this abandoned site will enhance the value of adjacent properties. Use of the adjacent properties will not be diminished by granting the variance as access to said properties will not be complicated or restricted in any manner.

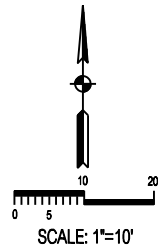
- 3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

**PROPOSED FINDINGS:** Practical difficulty is found in that this is a corner lot with frontages on two arterial roadways with minimal frontage and a signalized intersection at the corner. In satisfying one required development standard (separation from the intersection), the other development standard (separation from an adjacent drive) cannot be met. Meeting both criteria would result in moving the drives to the center of the lot. That would be less desirable from a traffic safety standpoint and would severely impact the size of the building that could be placed on the site and the ability to have the building on the setback lines and hard corner of the site.



SITE LEGEND

DRAINAGE EASEMENT	10'DE
UTILITY EASEMENT	10'DUE
DR. & UT. EASEMENT	10'DOUE
2" ROLL CURB	---
2" CURB AND GUTTER	---
6" STANDING CURB	---
CONCRETE SIDEWALK	---
HANDICAPPED RAMP	---
HANDICAPPED RAILING	---
RET. WALL (CONCRETE)	---
RET. WALL (MASONRY)	---
RET. WALL (STONE)	---
RET. WALL (WOOD)	---
FENCE (BARB WIRE)	---
FENCE (CHAIN LINK)	---
FENCE (SMOOTH WIRE)	---
FENCE (POST & RAIL)	---
FENCE (WOOD SLAT)	---
GUARD RAIL	---
PROPOSED STREET TREE	---
BOLLARD	---
DUMPSTER (WOOD)	---
DUMPSTER (MASONRY)	---



MATERIALS LEGEND

- 1" HMA SURFACE ON
- 3" HMA BASE ON
- 7" COMPACTED AGGREGATE BASE #53, TYPE "0"
- CONCRETE SLAB
- 6" THICK, 4000 PSI CONCRETE
- 8" COMPACTED AGGREGATE BASE #53, TYPE "0"
- ASPHALT SIDE PATH
- 1" HMA SURFACE ON
- 3" HMA BASE ON
- 4" COMPACTED AGGREGATE BASE #53, TYPE "0"
- 6" STANDING CURB
- CONCRETE SIDEWALK - WIDTH VARIES
- 4" THICK CONCRETE
- 4" COMPACTED AGGREGATE BASE #53, TYPE "0"
- MASONRY DUMPSTER ENCLOSURE
- LINE, PAINT, SOLID, WHITE, 4"
- LINE, PAINT, SOLID, BLUE, 6"
- SYMBOL, PAINT, BLUE, INTERNATIONAL SYMBOL OF ACCESSIBILITY
- PERPENDICULAR CURB RAMP
- PARALLEL CURB RAMP
- BICYCLE PARKING "HOOP RACK"

South Branch & Associates, Inc.  
458 S. Clares Boulevard  
Bloomington, Indiana, 47401  
Tel: (317) 846-8888  
Fax: (317) 846-8813  
Web: www.southbranch.com

DATE	03/13/19
DESIGNED BY	...
CHECKED BY	...
DATE	...

JOB TITLE  
**NAPA**  
**NWC 17TH AND KINSER, IN**  
**BLOOMINGTON, IN**

NO.	DATE	BY	REVISIONS

DESIGNED BY	SAB
CHECKED BY	SAB
DATE	03/13/19
DATE	03/13/19

5841  
SHEET  
**C202**  
03/13/19  
SITE PLAN

