

CITY OF BLOOMINGTON



April 25, 2019 @ 5:30 p.m.
COUNCIL CHAMBERS #115
CITY HALL

CITY OF BLOOMINGTON
BOARD OF ZONING APPEALS
April 25, 2019 at 5:30 p.m.

♦Council Chambers - Room #115

ROLL CALL

APPROVAL OF MINUTES: March 2019

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

PETITIONS WITHDRAWN:

PETITIONS:

V-01-19 **Malcolm Dalglish**
1111 E. Wylie St.
Request: Variance from side yard setback standards to allow for the construction of an attached carport. Also requested is a variance from architectural standards to allow for a polycarbonate roof.
Case Manager: Eric Greulich

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

~This petition was forwarded from the 4/3 Hearing Officer Agenda

V-11-19 **John Beckley and Sandra Bonsib**
1003 W. Howe St.
Request: Variance from side and rear yard setback standards to construct an addition and attached garage to a single-family home.
Case Manager: Ryan Robling

****Next Meeting: May 23, 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.

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
LOCATION: 1111 E. Wylie St.

CASE #: V-01-19
DATE: April 25, 2019

PETITIONER: Malcolm Dalglish
 1111 E. Wylie St.

REQUEST: The petitioner is requesting a variance from sideyard building setbacks standards and a variance from architectural standards for permitted roof materials.

REPORT: The property is located on the north side of E. Wylie Street between S. Woodlawn Avenue and S. Hawthorne Avenue and is zoned Residential Core (RC). The property has been developed with a single family structure. Surrounding land uses are all single-family residential.

The petitioner is proposing to construct a carport on the east side of the house to cover an existing parking area. The proposed carport would extend 9' from the side of the house. The house is located approximately 12' from the east property line and the carport would therefore be located only 3' from the east property line. The petitioner would also like to use a material for a portion of the roof that does not meet UDO Architectural standards for permitted roofing material. The petitioner proposes to use a polycarbonate roof material. This is not a permitted roofing material per BMC 20.05.016(b)(4)(a). The UDO only allows shingles, shakes, tile, standing-seam metal, or V-grain metal.

The petitioner is requesting a variance from the required 6' sideyard building setback requirement to allow a 3' sideyard setback. The petitioner is also requesting a variance from permitted roofing material to allow the polycarbonate roofing.

The property is located within the Elm Heights Historic District and is required to receive a Certificate of Appropriateness. At the HPC Hearing in March 28, 2019 the HPC voted to approve a Certificate of Appropriateness under COA-19-09 to allow for the carport and to allow the proposed roofing material.

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.*

SETBACK PROPOSED FINDING: The Department does not find any injury to the public health, safety, morals, or general welfare of the community from the

reduced setback for the carport. The proposed addition will be located on the side of the house along a shared driveway and will be an open air structure.

ROOFING MATERIAL PROPOSED FINDING: The Department does not find any injury to the public health, safety, morals, or general welfare of the community from the proposed roofing materials. The proposed roof material does not have any known negative impacts and the intention behind the list of allowable roofing materials is entirely aesthetic based.

- 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.*

SETBACK PROPOSED FINDING: The Department does not find any negative impact on the use or value adjacent to the property as a result of the reduced setback. Again, the structure is an open air structure over an existing parking area, there will still be adequate light and air separation between this structure and the adjacent building.

ROOFING MATERIAL PROPOSED FINDING: No strong adverse impacts to the use and value of the surrounding area associated with the proposed variance are found. The property owner to the east has submitted a letter of support which is included in the packet. The HPC found that the proposed material is in keeping with the historic district guidelines.

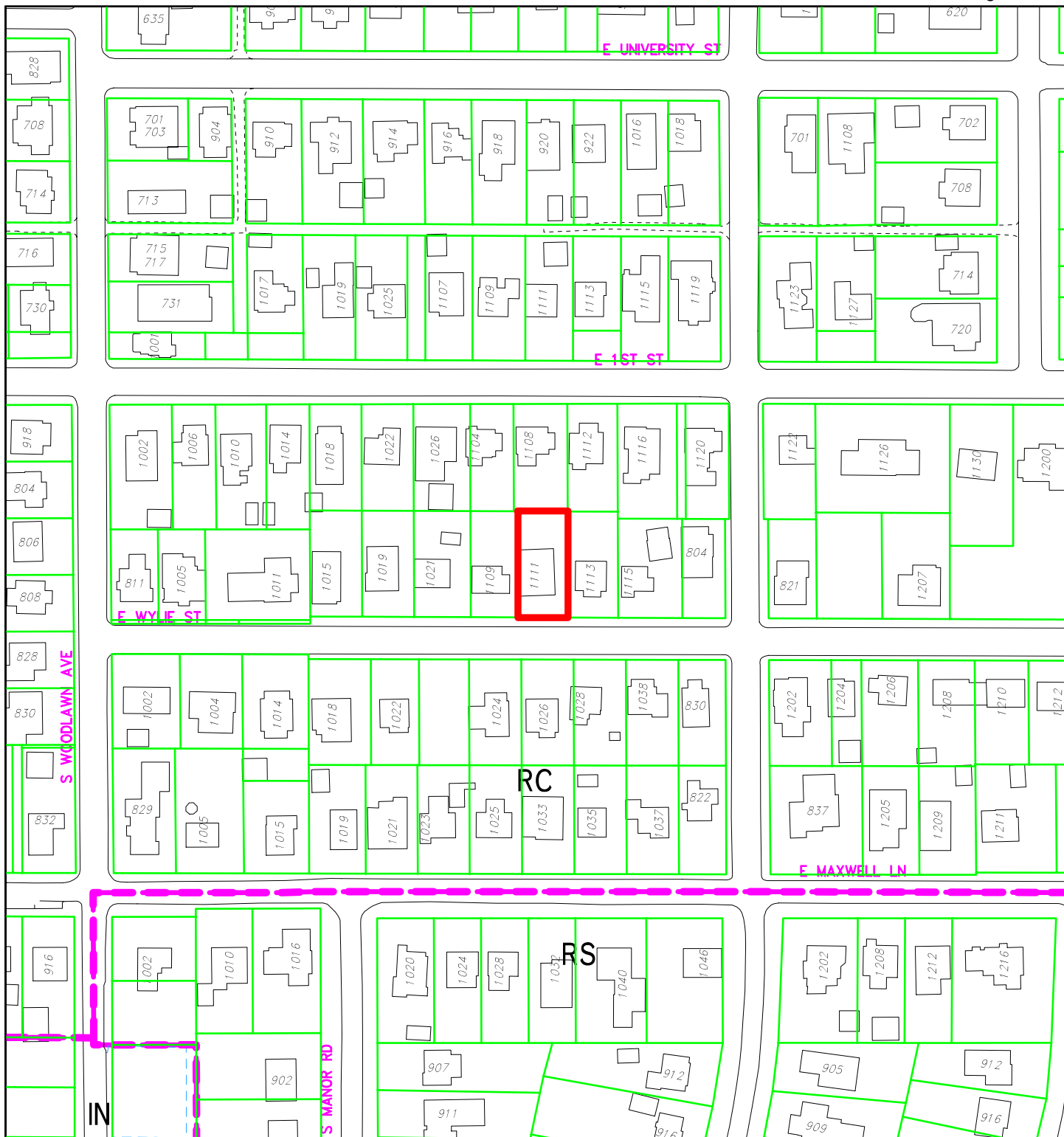
- 3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

SETBACK PROPOSED FINDING: The Department 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 the location of the house and existing parking area would not allow a structure to be constructed over the parking area to protect the vehicle. The location of the house and driveway that comes in at a perpendicular angle to the house is unique in that a typical carport would be parallel to the house. The HPC voted to approve the carport and found it to be appropriate to the house and neighborhood.

MATERIAL PROPOSED FINDING: No practical difficulties in the use of the property are found. The property is used as a single-family home and will continue to be used in that way, even if the variance from roofing material is denied. While the use of the non-permitted material may have little to no effect on surrounding properties, no peculiar conditions are found with the property that do not allow it to use one of the permitted roofing materials. One of the purposes of the material regulations is to prescribe uniformity of material options in the single-

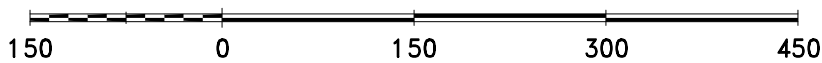
family zoning districts that are of a durable nature. Although the HPC voted to approve the roofing material based on the guidelines of the District, there is nothing unique about this property that does not allow it to use one of the permitted roofing materials.

RECOMMENDATION: Based upon the written findings above, the Department recommends the Board of Zoning Appeals adopt the proposed findings and deny the variance from permitted roofing materials and approve the variance request from sideyard building setback standards.



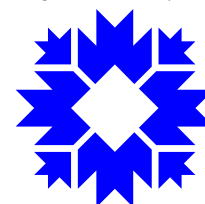
V-01-09 Malcom Dalglish
 1111 E Wylie Street
 Board of Zoning Appeals
 Site Location, Zoning, Parcels

By: greulice
 18 Apr 19

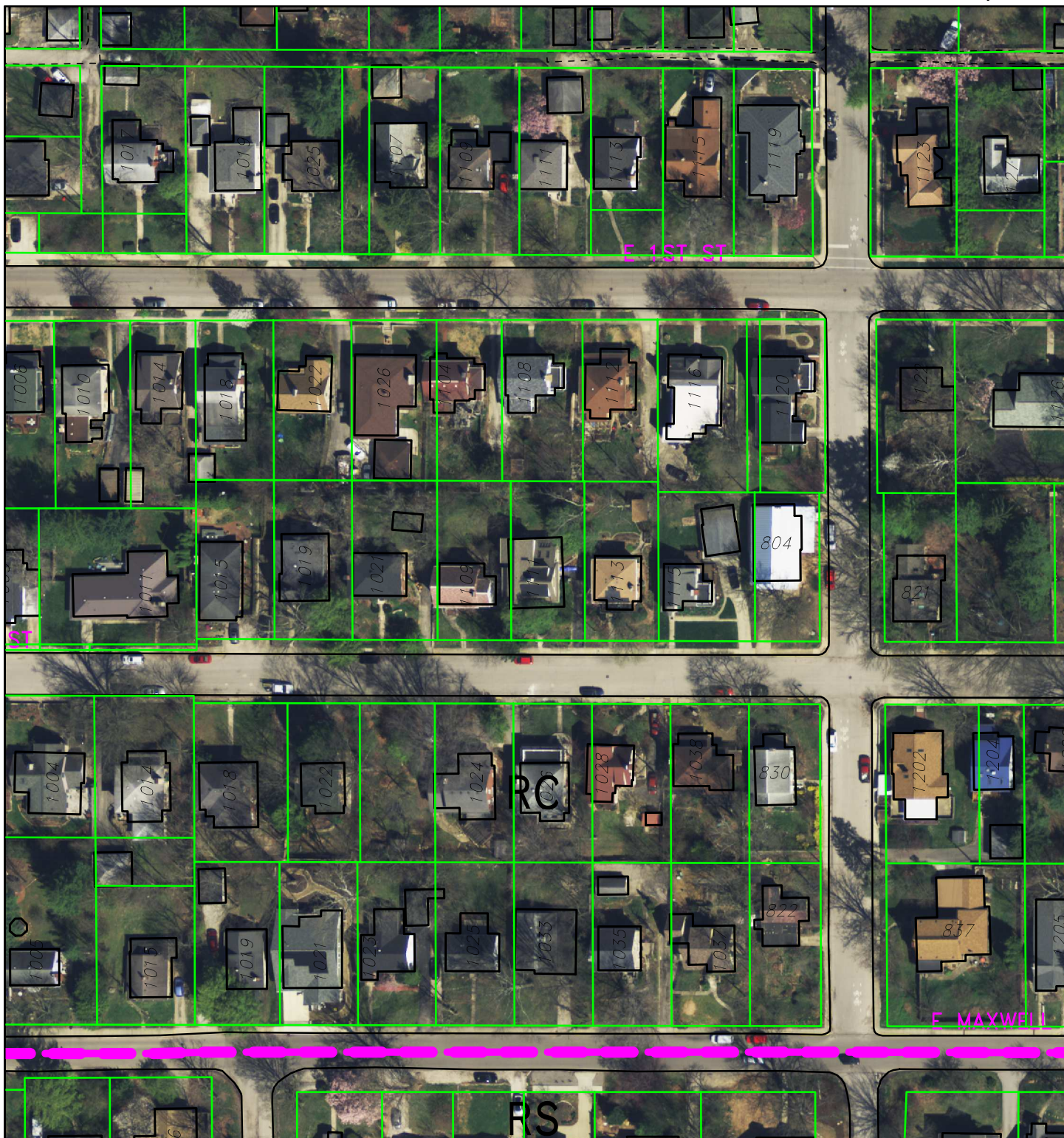


For reference only; map information NOT warranted.

City of Bloomington
 Planning & Transportation



Scale: 1" = 150'



V-01-19 Malcom Dalglish

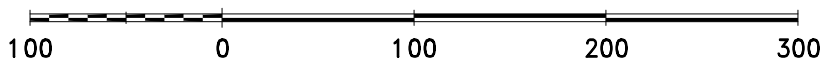
1111 E Wylie Street

Board of Zoning Appeals

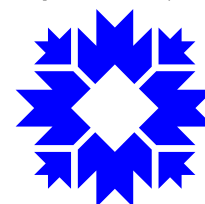
2016 Aerial Photograph

By: greulice

18 Apr 19



City of Bloomington
Planning & Transportation



Scale: 1" = 100'

For reference only; map information NOT warranted.

Petition for Variance

Malcolm Dalglish & Judy Klein

1111 East Wylie (015-03940-00 Hawthorne Lot 6)

1. Setback code

2. Non-permitted roofing material for 25 foot long open shed like awning designed to provide cover for a car, bikes and an outdoor basement stairway on the east side of our residence.

Goal / Overview:

We are seniors wanting to grow old in this our home of over 30 years. We've chosen this design to provide the following necessities:

- **Safety & Accessibility** The current shared 8 foot wide driveway is useless. There is high risk of scraping the sides of our compact car and no room for car doors to be opened nor the passage of a bicycle. There is an extremely steep descent down to the only secure bike storage, the basement. It's treacherous even when not covered by ice or snow and quite hazardous for an elderly person. This design would alleviate these factors.
- **Proper Drainage** from 3 neighboring houses- the 100 year floods that are now occurring almost monthly cause the water from 3 adjacent houses to flow into our driveway and into our basement. This design proposed along with water deviations in our backyard will greatly alleviate this problem.
- **Historical Preservation & Ecology-** We live in a neighborhood in which bicycles easily provide 60% of our in-town travel. We own one small car and plan to utilize, when feasible, a plug-in low emission vehicle. On the proposed sheltered eastern wall of our house next to where our car would be parked there is an old coal shoot that could be repurposed as a charging station. Our aesthetic in the ownership of this home over the past 30 + years has been to restore and preserve the historical integrity of its original design; elements such as the original double hung and storm windows, floors & moldings, and lath plaster walls. In keeping with the times though, we have made quite a few environmental upgrades not available in 1927; such as foam insulation, safer and more energy efficient utilities, improved kitchen & bathroom and more.
- **Beauty-Privacy and Light** As we age, and spend more time indoors, on the ground level, we feel natural light is extremely important to our wellbeing.

1. Setback Variance:

The current 8 foot wide shared driveway, bordered by stone walls is unsafe to navigate and impossible to open a car door. We would widen the driveway on our side and relocate our wall to provide space for our car, bicycles, as well as a sheltered basement stairway entrance. **We'd need a support post 3 feet 9 inches from the property line rather than the 6 foot requirement.** Our proposed support post would not be any closer to the property line than the existing masonry walls on both sides of the shared driveway. The current masonry retaining wall on our side of the driveway serves no function and is crumbling.

2. Non-permitted roofing material:

All the permitted roofing options are opaque and if used, would darken all the windows on the east side of our house and block all the morning light coming through those windows, a prospect that would be unacceptable. Our only viable options for a translucent cover would be either a translucent tensile fabric or a polycarbonate roof. The fabric would work and, to my knowledge, not require a permit but it would not be either durable or aesthetically pleasing. **We would like a translucent polycarbonate material for the following reasons:**

- **Natural light:** The material would not only allow the light to come into our living room, but it would allow the changing colors of the trees to be enjoyed while the distortion would offer our downstairs bedroom an acceptable amount of privacy from our driveway sharing neighbor's windows 20 feet away.
- **Neighborhood Aesthetics** The transparent nature of the material would also allow neighbors to enjoy the sturdy timber joinery of the open lattice or pergola like support structure. (See curated example images) Our neighborhood has many shoddy looking carports. The inspiration for our use of polycarbonate roof came from a beautiful side-of-the-house project across the street on the east side of an equally old historic designated house.
- **Safety** In low light periods of the day, it would be easier to see our way around without lightbulbs.
- **New improved polycarbonate technology** is as durable, and temperature compatible as asphalt shingles yet easier to install, maintain, replace or remove thereby facilitating any future stone facade restoration projects on our property in perpetuity.
- **Importance of Translucence** We feel that the semitransparency of this covering is a keystone requirement in the design of this project. We would not be able to give up the morning light coming into our home and would cancel this age-in-place scheme of ours if we were required to use the opaque permitted roofing materials on this awning structure

Petition for Variance revised 2/2/19

Malcolm Dalglish & Judy Klein

1111 East Wylie St. (015-03940-00 Hawthorne Lot 6)

1. Setback code

2. Non-permitted roofing material for 25 foot long open pergola like awning designed to provide cover for a car, bikes an outdoor basement stairway on the east side of our residence, as well as allow light to the first floor of our house and the plantings in the garden at the end of our shared driveway.

Goal / Overview:

We are seniors wanting to grow old in this our home of over 30 years. We've chosen this design to provide the following necessities:

- **Safety & Accessibility** The current shared 8 foot wide driveway is useless. There is high risk of scraping the sides of our compact car and no room for car doors to be opened nor the passage of a bicycle past a car parked in the driveway. There is an extremely steep descent down to the only secure bike storage, the basement. It's treacherous even when not covered by ice or snow and quite hazardous for an elderly person. This design would alleviate these factors.
- **Proper Drainage** from 3 neighboring houses- the 100 year floods that are now occurring frequently throughout the year cause the water from 3 adjacent houses to flow into our driveway and into our basement. This design proposed along with water deviations in our backyard will greatly alleviate this problem.
- **Historical Preservation & Ecology**- We live in a neighborhood in which bicycles easily provide 60% of our in-town travel. We own one small car and plan to utilize, when feasible, a plug-in low emission vehicle. An old coal shoot would be repurposed as a charging station. Our aesthetic in our 30+ years of ownership of this home has been to restore and preserve the historical integrity of its original design; elements such as the original double hung windows, storms, floors & moldings, and lath plaster walls. In keeping with the times though, we have made quite a few environmental upgrades not available in 1927; such as foam insulation, safer and more energy efficient utilities, improved kitchen & bathroom and more
- **Beauty-Privacy and Light** As we age, and spend more time indoors, natural light, with privacy is extremely important to our wellbeing. Transforming an unsharable useless ugly narrow driveway into a pergola rock garden sheltered safe space for gatherings, tricycles, bicycles, where small cars from both homeowners have equal access and passage to off street parking...It's a beautiful project, that will allow us to age in our home.

1. Setback Variance:

We would widen the driveway on our side and relocate our wall to provide space for our car, bicycles, as well as a

sheltered basement stairway entrance. **We'd need a support post 3 feet 9 inches from the property line rather than the 6 foot requirement.** Our proposed support post would not be any closer to the property line than the existing masonry walls on both sides of the shared driveway. The current masonry retaining wall on our side of the driveway serves no function and is crumbling.

2. Non-permitted roofing material:

We've been told by the Historic Preservation Committee that this pergola needs to be a non-permanent structure that will in no way compromise the integrity of the original exterior of the house when removed. All the permitted roofing options are non-recyclable and would end up in a land fill once removed. They are also opaque and if used, would darken all the windows on the east side of our house and block all the morning light coming through those windows, a prospect that would be unacceptable for age in place livability of the ground floor of our house. Our only viable options for a translucent cover would be a polycarbonate roof. **We would like a translucent PC material for the following reasons:**

- **New improved polycarbonate technology** is not only recyclable, one can sell it, as it is easily reconstituted back into usable PC. This roofing material has a life span of 10-25 years depending on its manufacture, design, usage and installation technique. It's got a wide temperature range and is easier and cheaper to install, maintain, replace or remove than asphalt shingles, thereby facilitating any historic restoration a future owner may have.
- **Natural light:** The material would not only allow light and the changing colors of trees to come into our living room, but the distortion would offer our downstairs bedroom an acceptable amount of privacy from our driveway sharing neighbor's windows just 20 feet away. The driveway ends in a rock garden. Plantings there and hanging from the pergola would be allowed to thrive with plenty of sunlight.
- **Neighborhood Aesthetics** The transparent nature of the material would also allow neighbors to enjoy the sturdy timber joinery of the open pergola lattice structure. (See curated example images) Our neighborhood has many shoddy looking temporary structures and carports. The inspiration for our structure came from a beautiful side-of-the-house project across the street on the east side of an equally old historic designated house.
- **Safety** In low light periods of the day, it would be easier to see our way around without lightbulbs.
- **Importance of Translucence** We feel that the semitransparency of this covering is a keystone requirement in the design of this entire project. We would not be able to give up the morning light coming into our home and would cancel this age-in-place scheme of ours if we were required to use the opaque nonrecyclable permitted roofing materials on this awning structure.

Asa Palley & Charlotte Agger
 1113 E. Wylie St.
 Bloomington IN 47401

Jan 15, 2019
 City of Bloomington Planning Dept
 Board of Zoning Appeals
 atn: Amelia Lewis
 401 N. Morton Str. Suite #130
 Bloomington, IN 47404

re: A variance from side yard setback standards for an attached carport & a variance from architectural standards to allow for a polycarbonate roof.

To whom it may concern:

We are the owners and residents of the home sharing the driveway which will be impacted by this carport construction project, and have received notice of the hearing at 5:30 pm on February 21, 2019 in the common council Chambers Room #115 of the City Hall Building at 401 N. Morton.

We have reviewed the drawings, site plan, and, variance petition statement submitted by our driveway-sharing neighbors to the west of us, Malcolm Dalglish & Judy Klein, 1111 East Wylie St.
 (015-03940-00 Hawthorne Lot 6)

We have had many a brainstorm with experts consulting over a variety of driveway plans this past year addressing problems with drainage, safety, driveway width, age-in- place accessibility and aesthetics. We are very much in support of this project and stand to benefit immensely for the following reasons:

-Our useless shared narrow driveway will be widened allowing passage of vehicles and bicycles from both houses to and from the street without being blocked or incurring damage to our vehicles.

-We will both have off street parking and theirs will be sheltered adding safety to their elderly years.

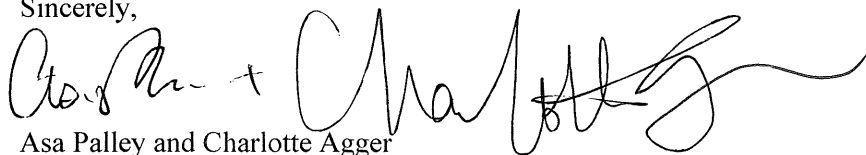
-The new grade and design will divert drainage from our driveway and 3 neighboring houses rather than into our basements.

-The translucent polycarbonate roofing they propose will be a far more attractive than looking down from our windows on asphalt shingles or glaring metal. This material offers visibility to the beautifully crafted substructure as well as sunlight to the plantings in the rear of the driveway.

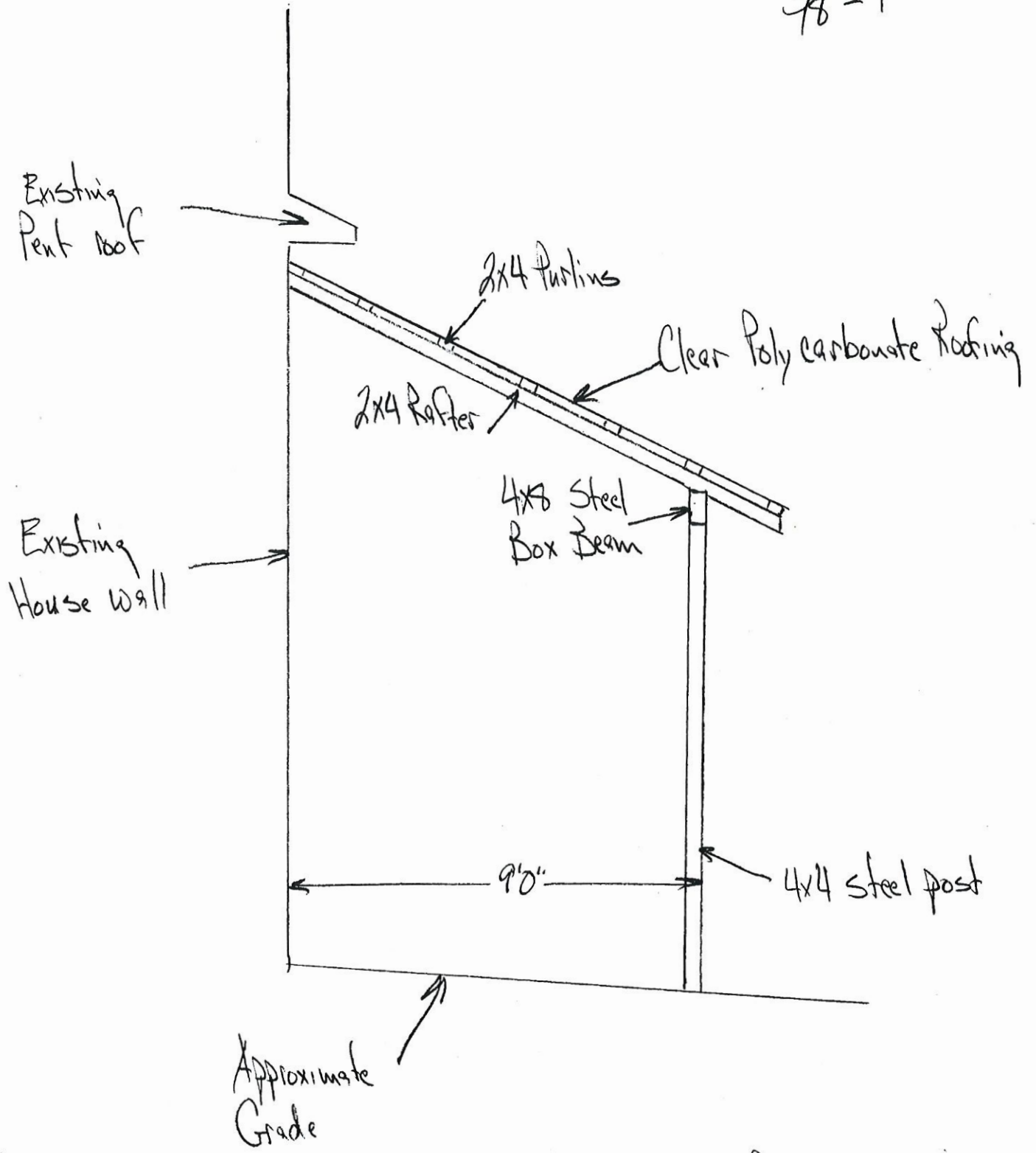
-Our houses are very close to each other and yet this design does not impinge upon our space any more than their current rock retaining wall. We appreciate that despite this close proximity, we may both enjoy privacy and natural light without darkening our homes with opaque roofing or window curtains.

Lastly we love having Judy and Malcolm as neighbors and are grateful to them for this ingenious design that we may both enjoy for many years to come.

Sincerely,

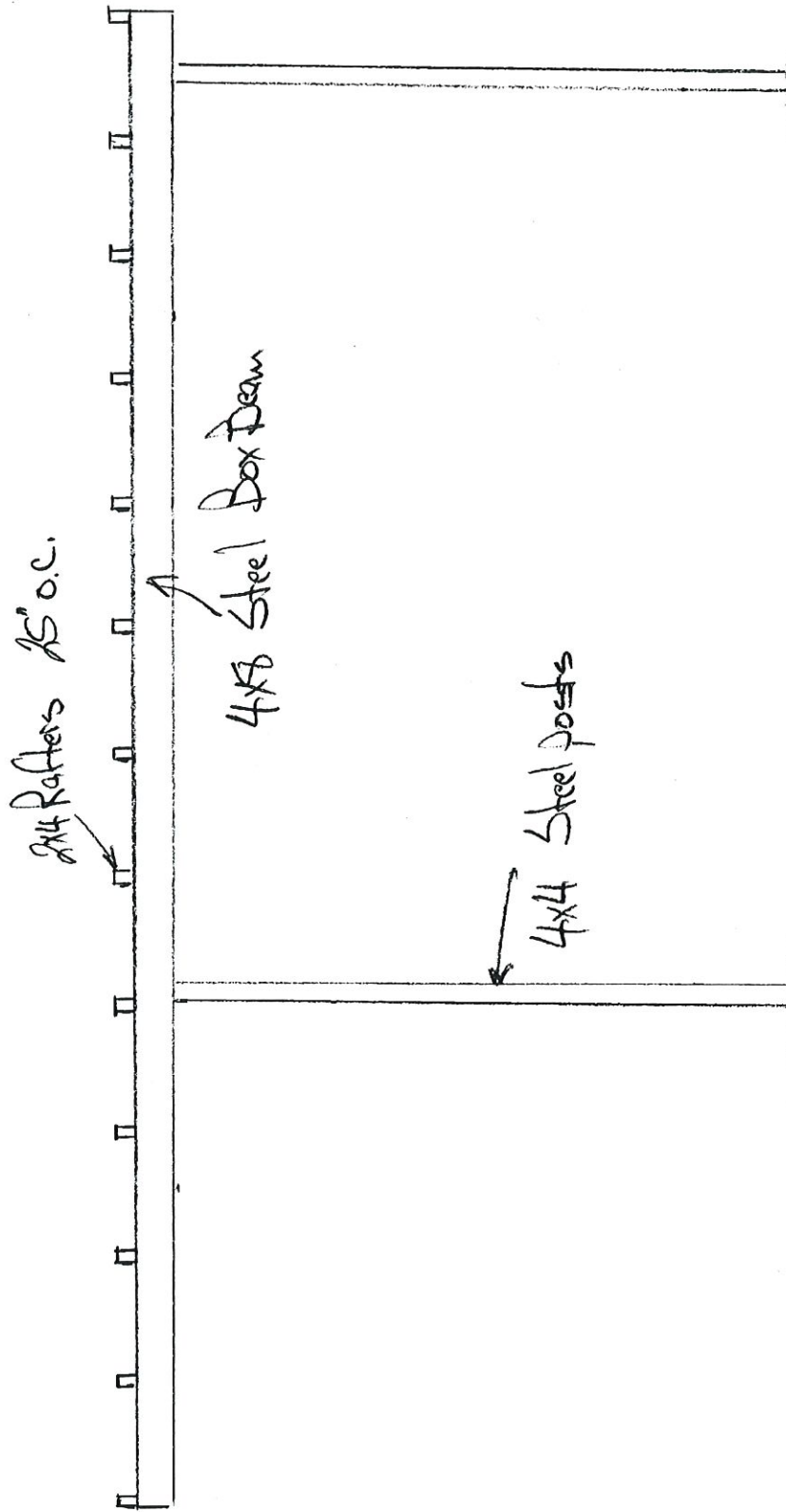

 Asa Palley and Charlotte Agger

$\frac{3}{8}'' = 1''$



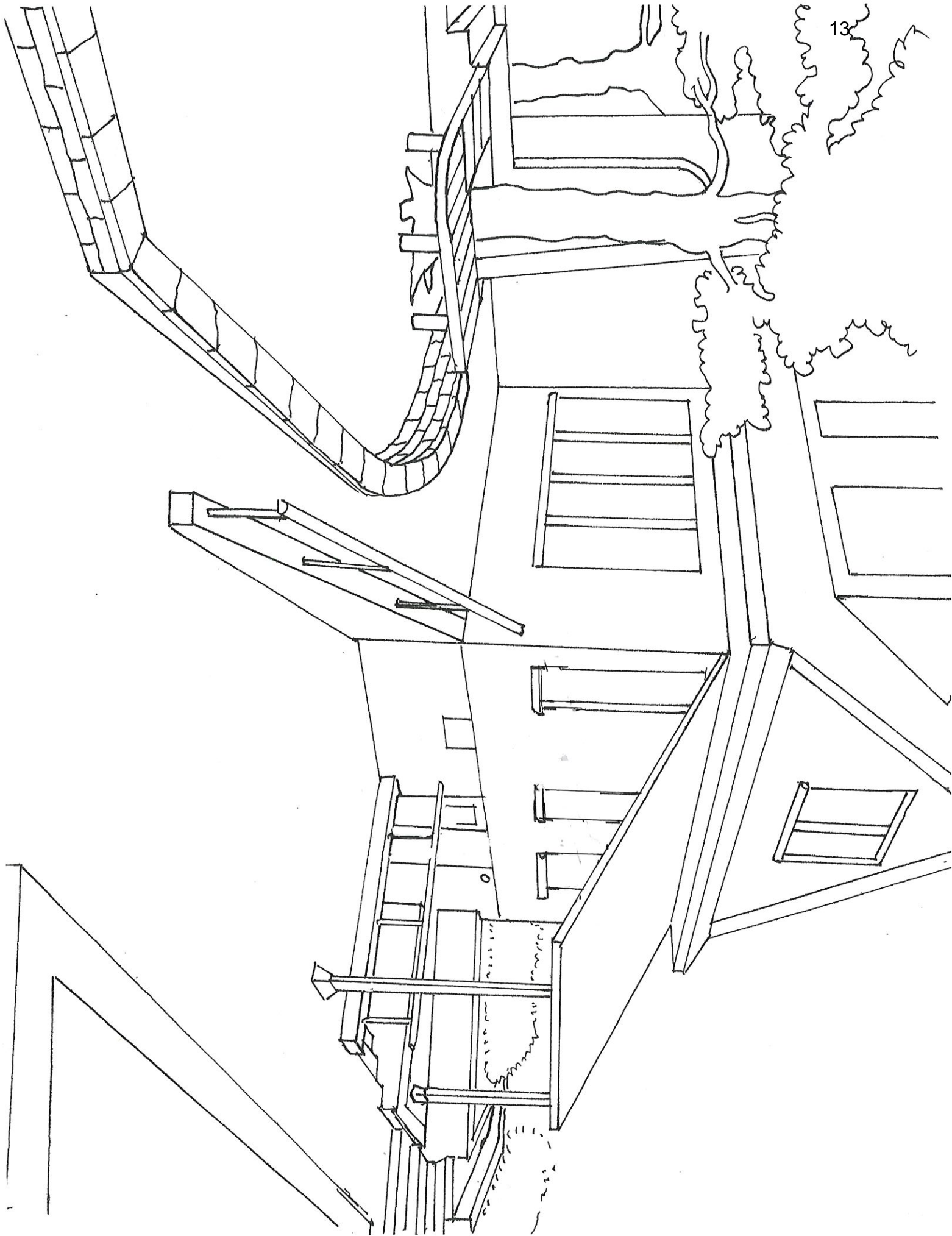
Dalglisk/Klein Cross Section Revised

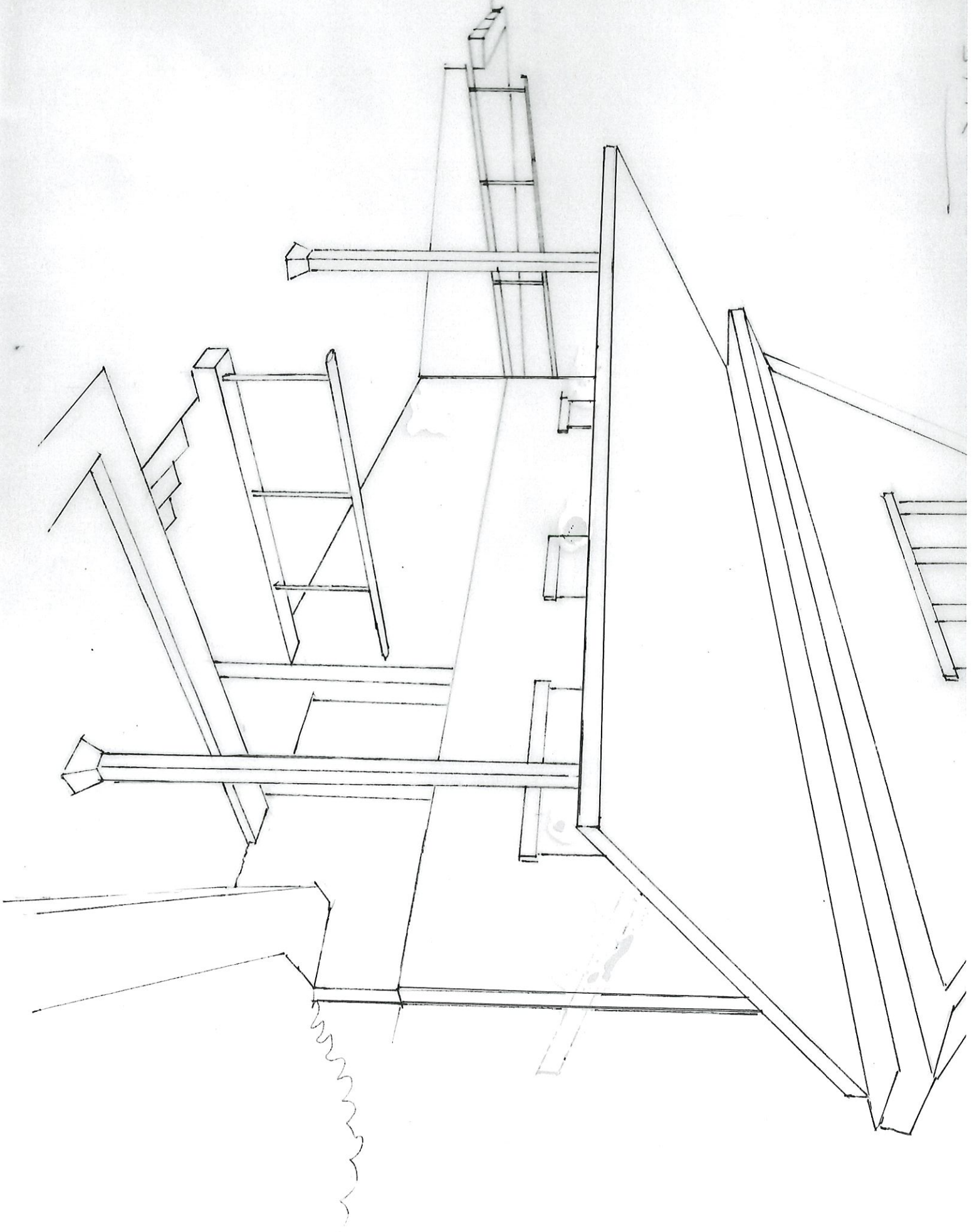
$\frac{3}{16}'' = 1'$



8'4" 16'8"

Daglish/Klein Carport Elevation Revised





SITE PLAN
1111 EAST WYLIE ST,
Bloomington IN 47401

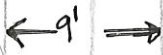
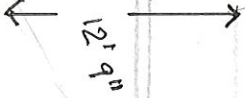
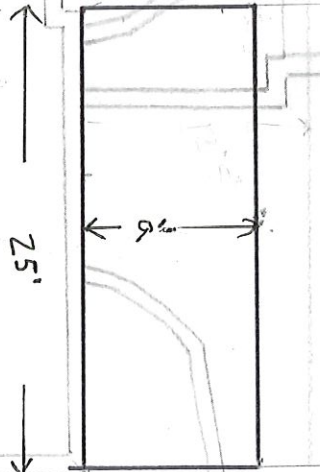
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1" = 10 FT

Foot Print
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Spigot

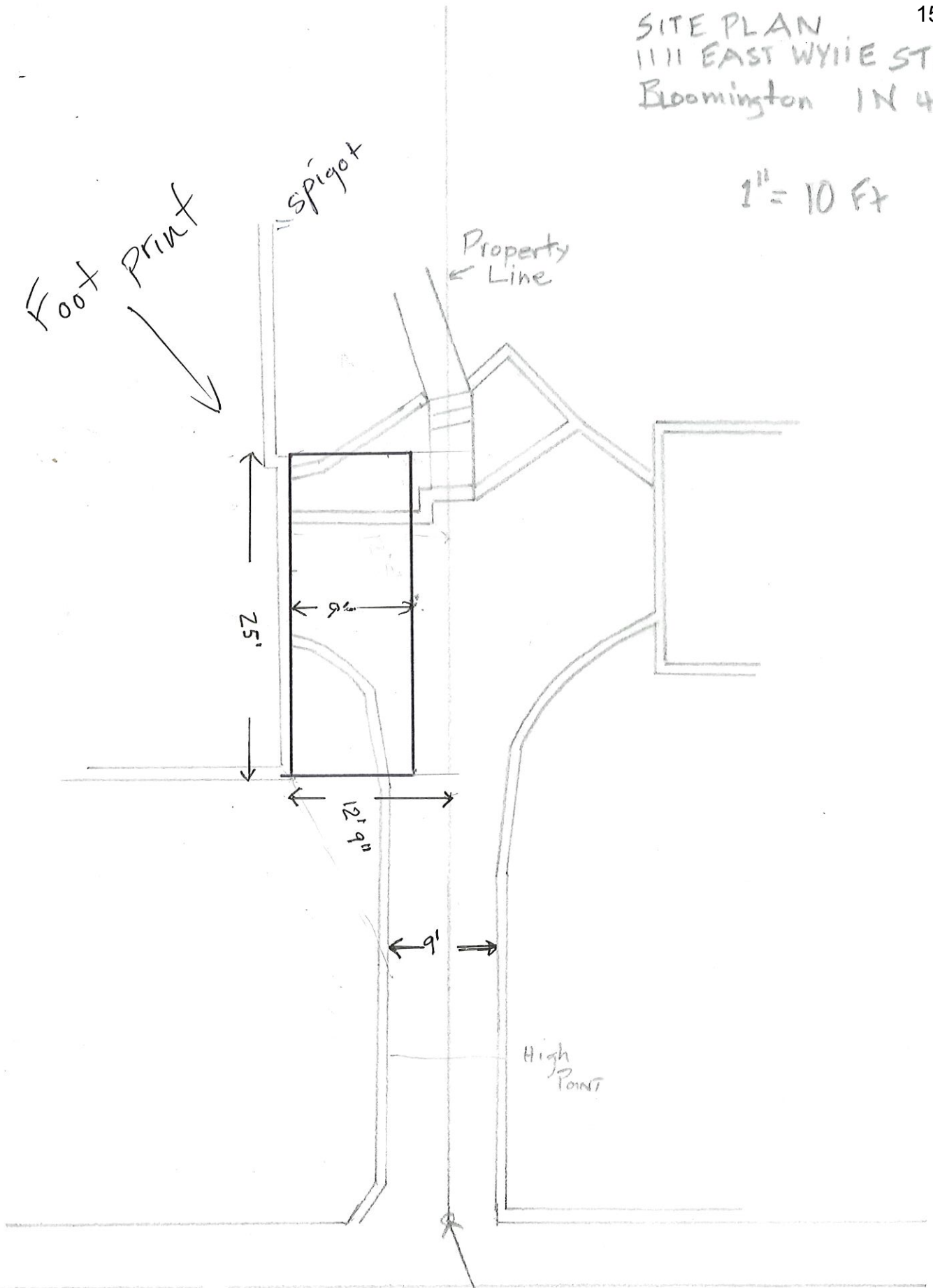
Property
Line
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High
POINT

EAST WYLIE STREET

PROPERTY CORNER



BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 512 W. Howe St.

CASE #: CU-07-19
DATE: April 25, 2019

PETITIONER: Matthew Francisco & Selma Sabanovic
512 W. Howe Street, Bloomington

REQUEST: The petitioner is requesting conditional use approval to allow the construction of a detached accessory dwelling unit in the Residential Core (RC) zoning district.

REPORT: This 0.19 acre (8,316 sq. ft.) site is located at 512 W. Howe Ave. The property is zoned Residential Core (RC). The site currently contains one single family residence. The petitioner is requesting conditional use approval in order to allow the construction of a detached garage to be used as an Accessory Dwelling Unit.

The proposed 2-story ADU would face Smith Ave on the north side of the property and would also have a garage on the ground floor. There is an existing driveway that accesses the property from Smith Ave that would be relocated to access the new garage. The proposed ADU would be approximately 400 square feet and have one bedroom. The owners live in the existing residence. The garage would be finished with a cement composite lap siding to match the existing residence.

The property is located in the Prospect Hill Historic District. The Historic Preservation Commission reviewed this petition at their March 28th meeting and found that it meets the District guidelines and issued a Certificate of Appropriateness COA-19-11 for the construction of the ADU.

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: Since this property has two frontages, Howe Ave. to the south and Smith Ave. to the north, the Department has looked at the Smith Ave. frontage as a front for setback purposes and the ADU has been placed at the building setback along the Smith Ave. frontage. The proposed structure meets all setback requirements.

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	8,316 sq. ft.
Proximity	At least 300 feet from approved ADU	No approved ADUs within 300'
Owner Occupancy	Required on Lot	Owner in House

Design Standards	Allowed	Proposed
Maximum Square Footage	440 square feet	400 square feet
Maximum Bedrooms	1	1
Minimum Setbacks		
Front	Same as Dwelling	At setback line
Side	5 feet	10 feet
Rear	5 feet	N/A
Maximum Height	25 feet	21 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. 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.

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.

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 to the side of the garage plus on-street parking on Howe Street, 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 HPC has reviewed this petition and found it meets the requirements of the historic district guidelines.

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.*

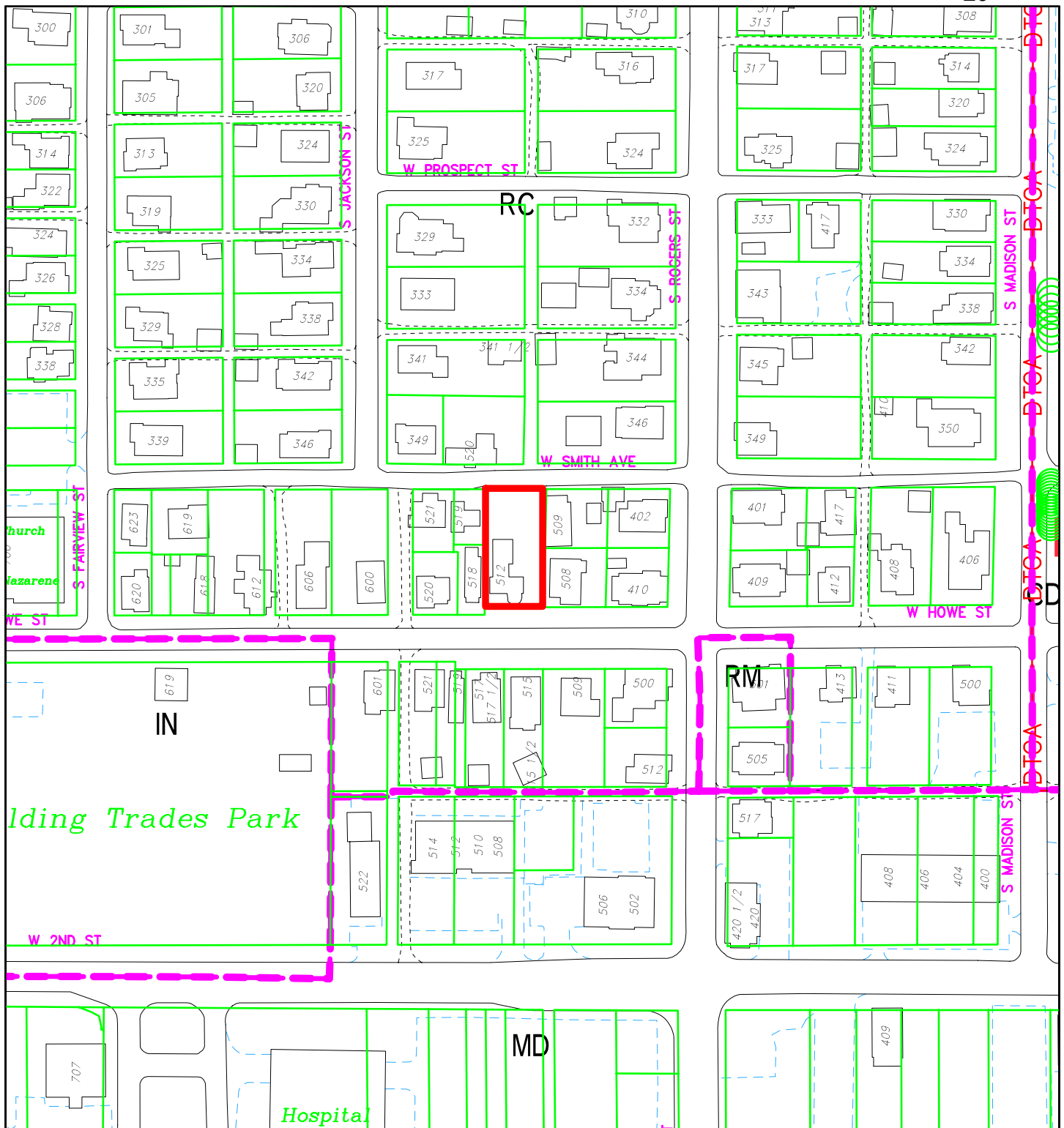
Proposed Finding: No signage is allowed for the ADU.

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 Board of Zoning Appeals adopt the proposed findings and approve CU-07-19 with the following conditions:

1. The Conditional Use is approved for the accessory structure as submitted only.
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-07-19 Matthew Francisco & Selma Sabanovic

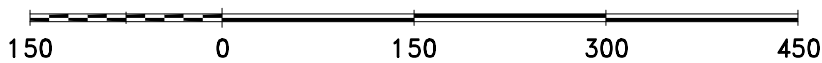
512 W Howe Street

Board of Zoning Appeals

Site Location, Zoning, Parcels

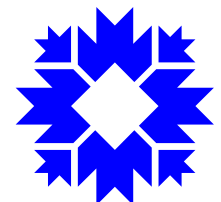
By: greulice

18 Apr 19

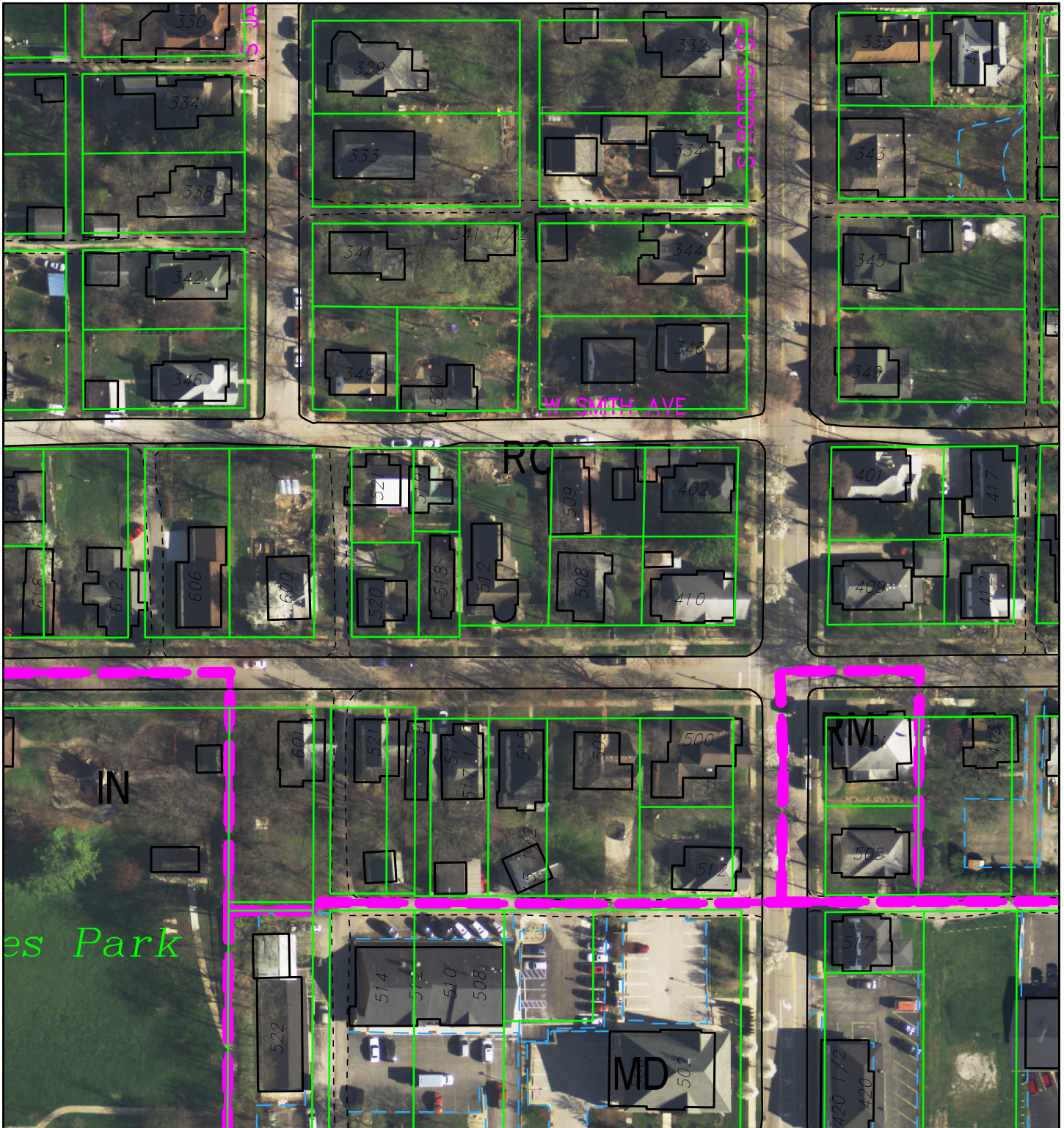


For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



Scale: 1" = 150'



CU-07-19 Matthew Francisco & Selma Sabanovic

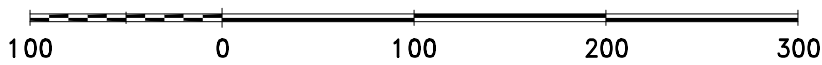
512 W Howe Street

Board of Zoning Appeals

2016 Aerial Photograph

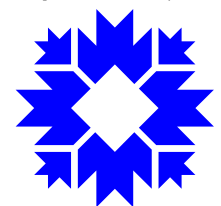
By: greulice

18 Apr 19



For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



Scale: 1" = 100'

February 24, 2019

To Whom It May Concern:

Our family lives at 512 W Howe Street, which is a 1400 square foot, 3 bedroom home. We have a new baby on the way and would like to use our ADU for a caregiver (e.g. nanny) who would be helping us for the next several years. After this, we plan to use the unit to house visitors to our home, a work space for the two of us, and potentially a caregiver for aging family members who could come to live with us.

The ADU is a 322 square foot apartment on top of a single car garage. The unit is at the back of the lot with easy access to Smith Ave. The surrounding lots between Howe Street and Smith Ave have been subdivided so that there are house fronts facing both streets. With the help of MCA Architects, we worked to create a design that will fit into the surrounding building context. We believe the design Marc Cornett produced fits the spirit of the street and will add to its beauty and utility. Marc Cornett also designed our primary dwelling, which was a new construction and in-fill project in the historic Prospect Hill Neighborhood. When we purchased the lot, there was a dilapidated old shed on the property on the Smith Ave side which was removed in 2010, and we will be building the ADU in proximity of the old shed's location.

For accessing the garage and for additional parking we will have a permeable grass driveway built from Smith Ave on the East side of the unit.

Our family will continue living in the primary building on Howe St. and we will comply with the Conditional Use standard of informing the Planning and Transportation Department of any changes in our occupancy status from this building. Since the ADU will act as a rental for our caregiver, we will obtain rental certification from the Department of Housing and Neighborhood Development (HAND).

We have read the standards for conditional use (Section 20.09.110) and agree to not sell the ADU separately from the primary unit and, if the conditional use is revoked to remove the ADU from the property.

If you have any questions please contact either Selma Sabanovic or Matthew Francisco via email at selma.sabanovic@gmail.com or matthew.francisco@gmail.com, respectively.

Sincerely,

Handwritten signatures of Selma Sabanovic and Matthew R Francisco. The signature for Selma Sabanovic is on the left, and the signature for Matthew R Francisco is on the right.

Selma Sabanovic and Matthew R Francisco

**PROSPECT HILL NEIGHBORHOOD ASSOCIATION (PHNA)
MEETING MINUTES
MONDAY, FEBRUARY 4, 2018**

Meeting Location: I. Fell Building, S.W. corner of 4th and Rogers Streets

Attendance: Leslie Abshire, Eoban Binder, Cynthia Bretheim, Matthew Francisco and Selma Sabanovic, Jeff Goldin, Jessika Griffin, Ryan Hesselink, Becky Holtzman, Megan Hutchison, Donna Lafferty, Reg Land, Richard Lewis, Glenda & Patrick Murray, Danny Muller, Jacklyn Ray, Kate Rosenbarger, Chris Sturbaum and Doug Wissing.

Guests: Vic Kelson, Paula Chambers

I. Introductions and Approval of the Minutes and Treasurer's Report: The December minutes were circulated for review. Eoban Binder moved approval, with a second by Jeff Golden; passed by a voice vote. Treasurer Glenda Murray reported the current account balance is \$410.07. December activity includes one \$5 membership and a check for \$49.95 for annual web site payment.

II. New Business and Announcements:

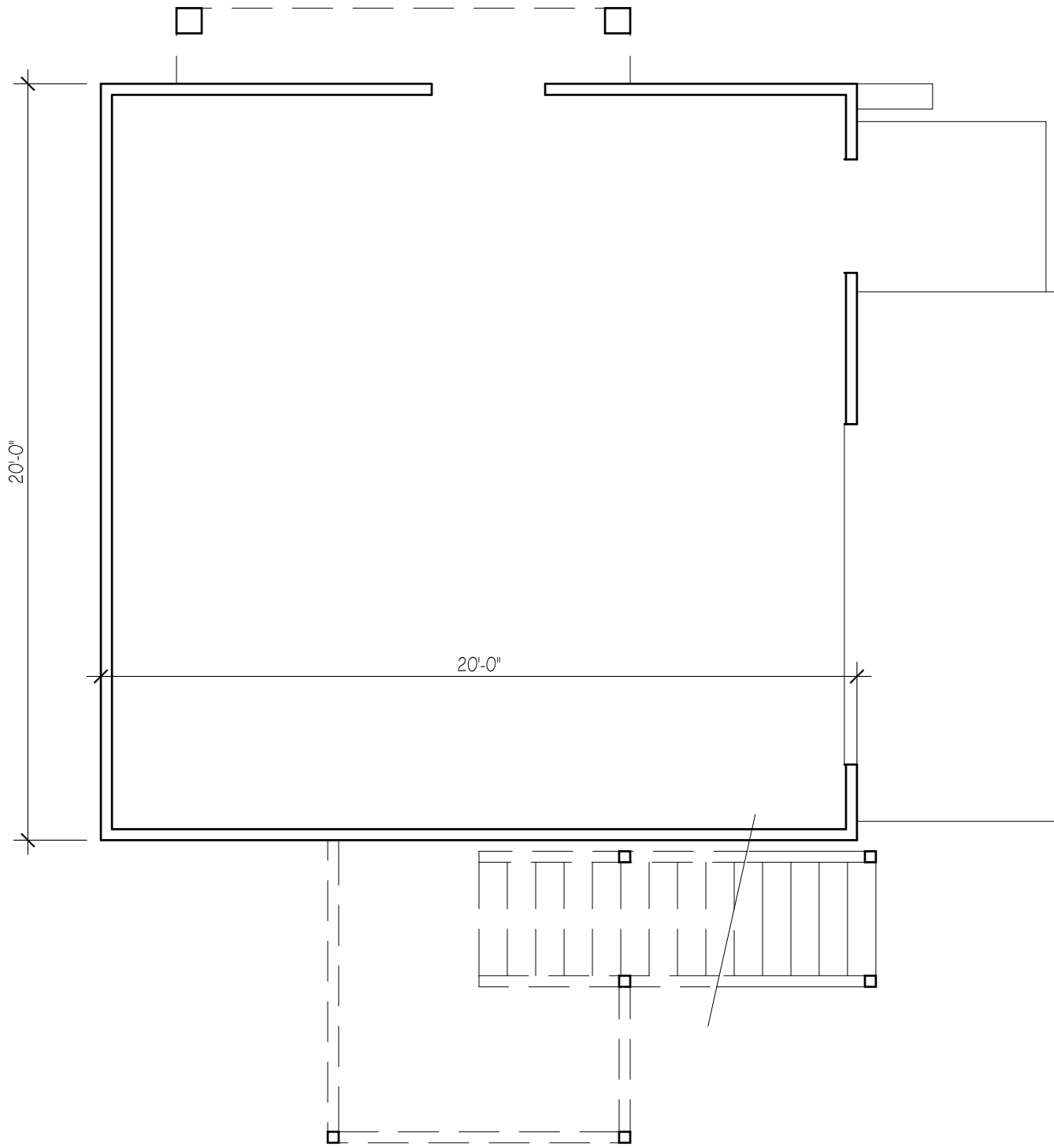
A. Storm Sewer Rate Hike - Vic Kelson, Director, Bloomington Public Utilities, <https://bloomington.in.gov/utilities>, spoke about several water quality projects that City Utilities has completed in the past few years to remove disinfectant byproducts and improve taste and projects to improve storm sewers. He said the budget for neighborhood work has been unchanged for 16 years. Although they do not work on private property there is a grant program to help defray costs of storm water management for homeowners. He also spoke about a change in managing storm water. In the past the policy (known as gray pipe) was to get the run-off underground into a pipe as soon as possible. The new policy (green pipe) is to retain the water on site as long as possible. The City will be taking a request for a rate hike from \$2.70 to \$5.95 soon to raise the funds needed to embark on the effort to make their storm water projects 'greener.' He also told us that advanced water metering is coming; it's a technology that will communicate water usage to a central server daily. Customers will have access to their data. It will be mid-2020 before it is operational. Contact Vic at kelsonv@bloomington.in.gov or 812-349-3680.

B. Convergence - Paula Chambers with Flow Motion Events spoke about their event March 15 – 17 at the Convention Center <https://www.visitbloomington.com/event/flowmotion-symposium/40776/>. It includes a circus and performing arts. Some of the events include outdoor music from 8:30 – 11:00 pm. They will notify Madison Street residents. She hopes the music will not disturb the neighborhood, but if it does, please let them know.

C. Accessory Dwelling Unit, 512 W. Howe St - Matthew Francisco and Selma Sabanovic, at 512 W. Howe have plans to build a garage behind their house. It would also contain an accessory apartment over the garage. In 2017 the city passed a new rule that allowed a small number of Accessory Dwelling Units to be built as a demonstration project / proof of concept. Matt and Selma will use the ADU for an "au pair" and later use as a study & office. They have architectural plans which have gone to City Planning. The plans will then go to the HPC for review. A part of that process will be an opportunity for the PHNA Design Review Committee to comment on the plans. The request will then go back to City Planning for conditional use approval. They want the neighborhood to be aware of the plans and to see if there are any concerns. There being no call for additional discussion, a motion was made by Glenda Murray, with a second by Eoban Binder to support the request for an ADU at 512W. Howe. The motion was passed by a voice vote, there were no opposing votes.

E. Planters on West 3rd Street – Jacklyn Ray reported that Joanna Sparks, the City Landscaper is going to plant mini-pollinator gardens in the three bump-outs on West 3rd. She would like to find volunteers to maintain (weed and water) each of the gardens. She is asking that the existing plants be removed by April 1st in order to prepare the beds for new plants. Volunteers were identified.

F. LOTUS Open House – Megan Hutchison, Development Director at LOTUS, invited the neighborhood to an Open House on Saturday February 23rd from 2 – 4 pm at their new location in the old Fire House on Rogers. There will be refreshments and performances by Fairview Elementary and Bethel AME Choir. One aspect of the open house is to engage the community in a dialogue about the future use of the building, what activities we would like to see there.



A

Garage Floor Plan

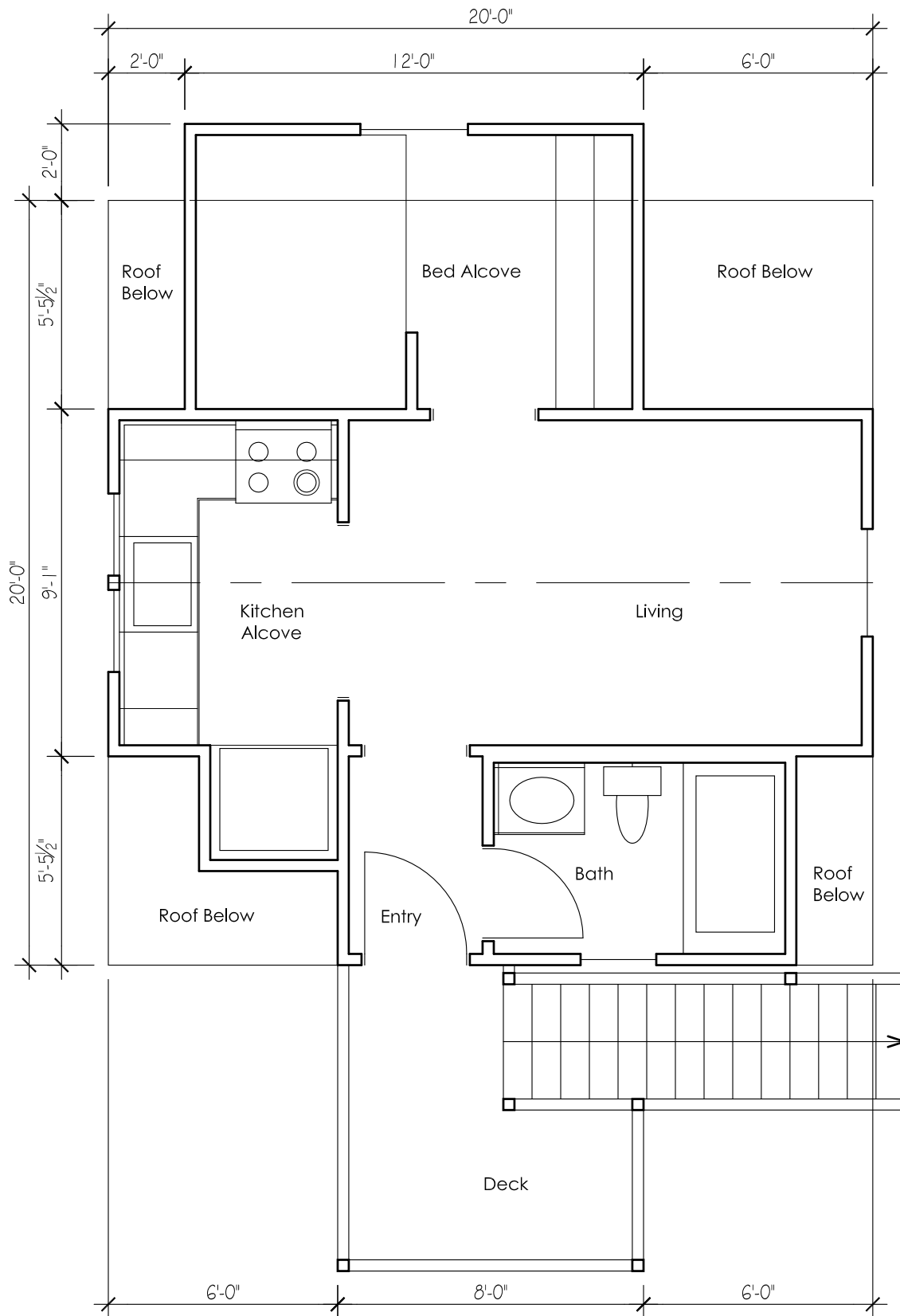
Scale: 1/4" = 1'-0"

3-15-2019

400 SF

Proposed Francisco / Sabanovic GARAGE/ADU
512 West Howe Street
Bloomington, IN

A-2

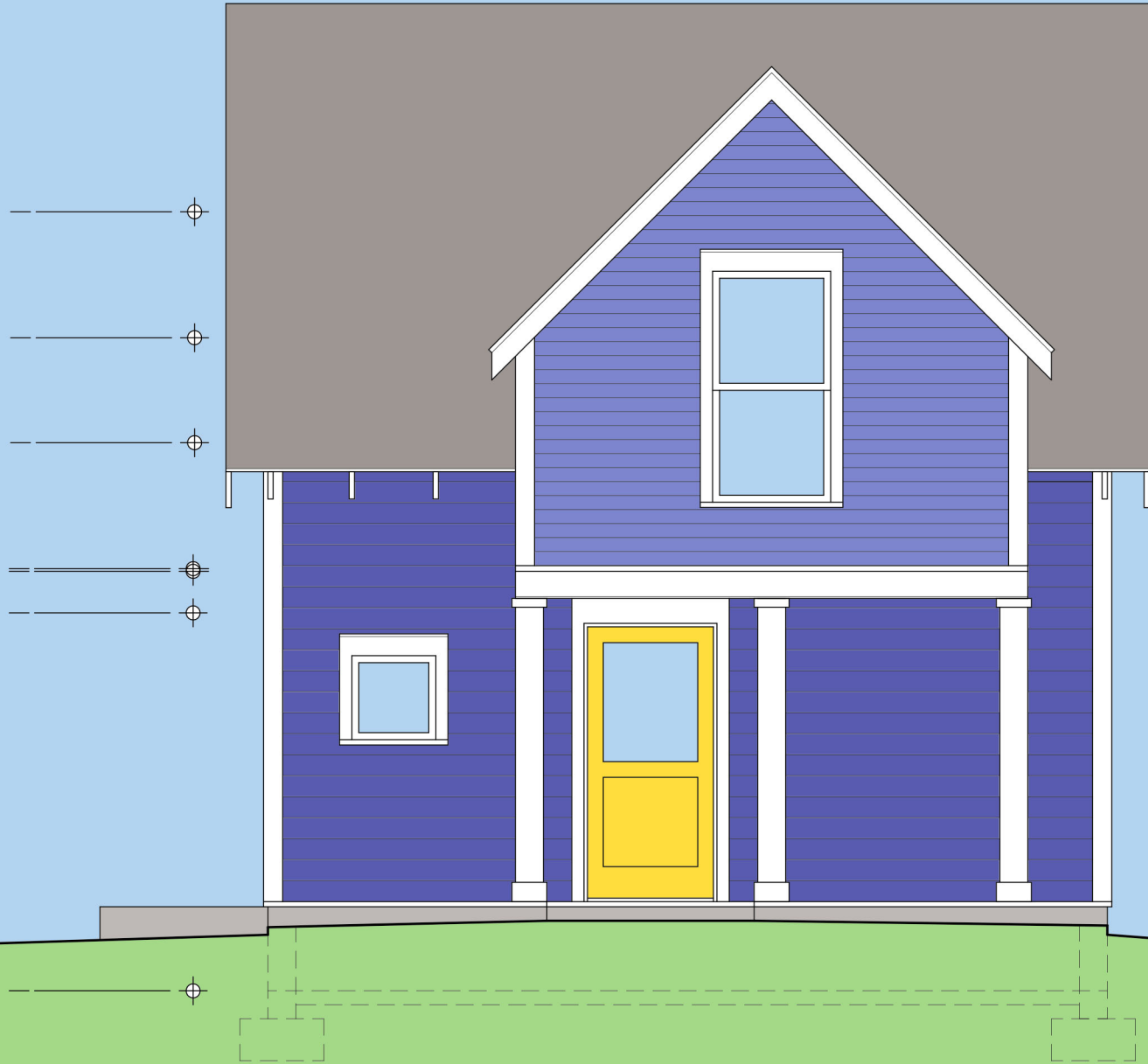


A ADU/Apartment Floor Plan
 Scale: 1/4" = 1'-0" 2-28-2019 347 SF

Proposed Francisco / Sabanovic GARAGE/ADU
512 West Howe Street
 Bloomington, IN

A-3

Ridge Height = +21'-10"



A

North Elevation - Smith Ave.

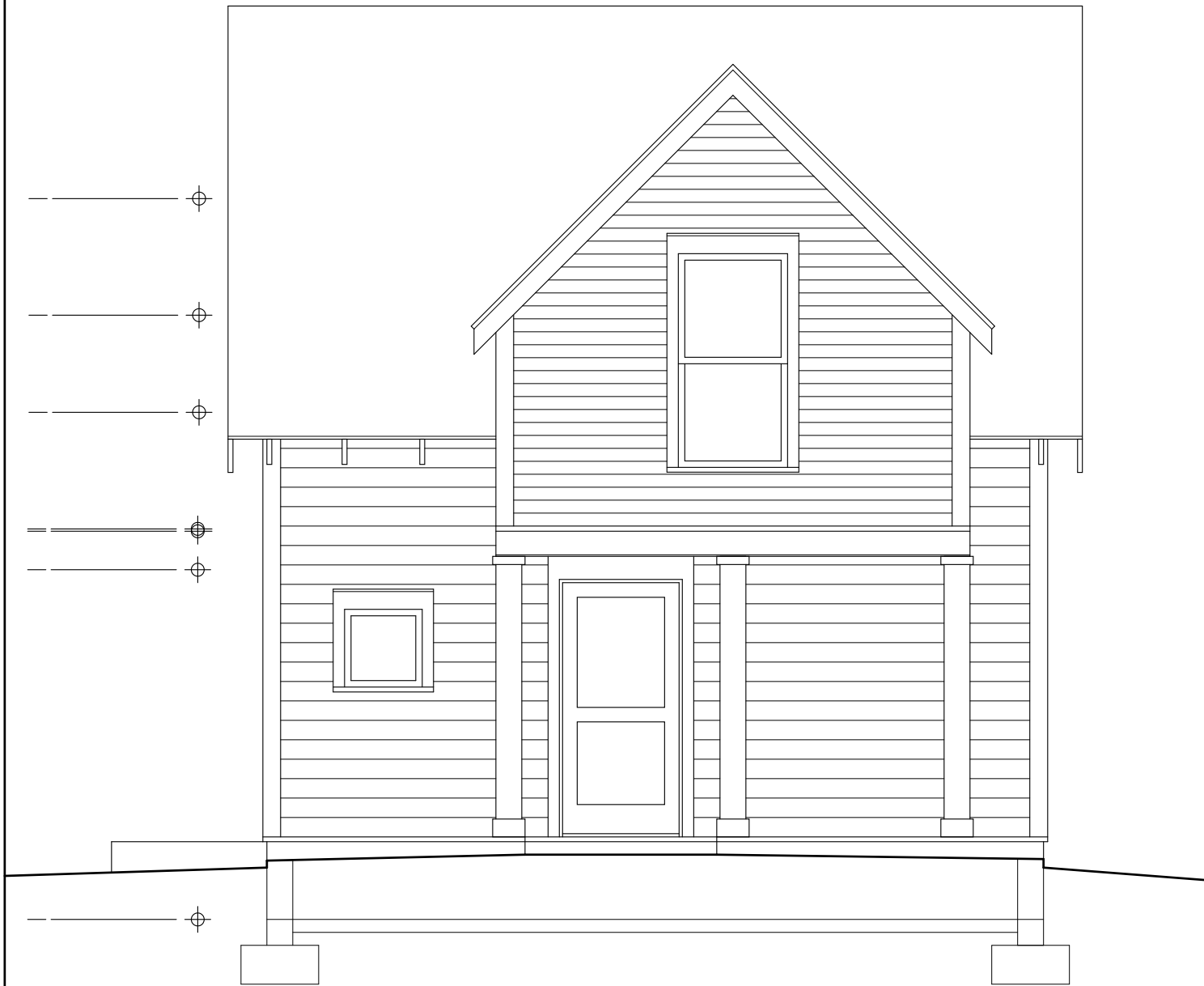
Scale: 1/4" = 1'-0"

3-8-2019

Proposed Francisco / Sabanovic GARAGE/ADU
512 West Howe Street
 Bloomington, IN

A-4

Ridge Height = +21'-10"



A

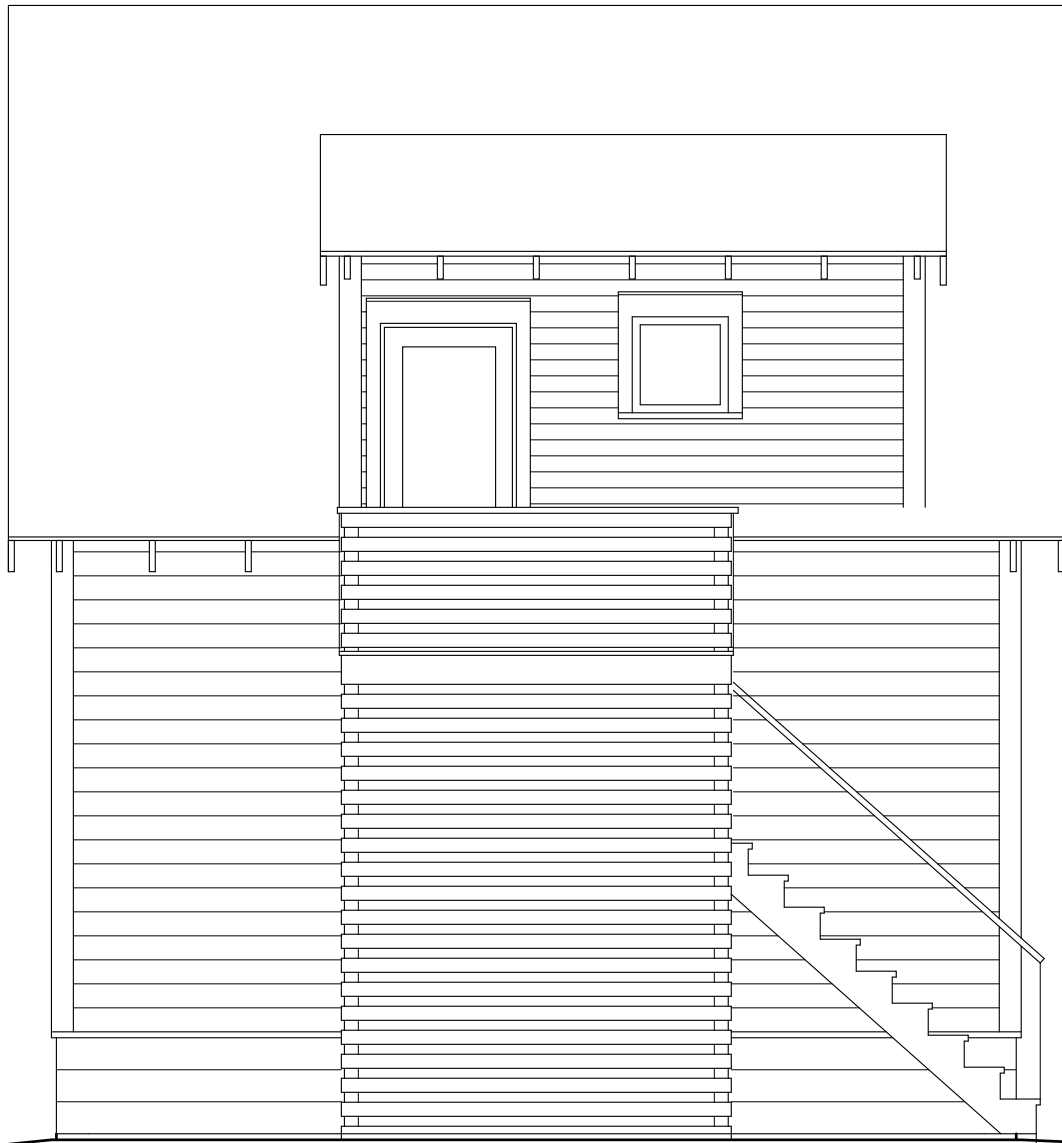
North Elevation - Smith Ave.

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

3-8-2019

Proposed Francisco / Sabanovic GARAGE/ADU
512 West Howe Street
Bloomington, IN

A-4



A

South Elevation - Interior Yard

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

3-6-2019

Proposed Francisco / Sabanovic GARAGE/ADU
512 West Howe Street
Bloomington, IN

A-5

Ridge Height = +21'-10"



A

East Elevation

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


3-6-2019

Proposed Francisco / Sabanovic GARAGE/ADU
512 West Howe Street
Bloomington, IN

A-6

EXTERIOR MATERIALS LIST:

- Foundation: 8" CMU block, to match main house
- Siding: Cement composite lap siding, painted, 4" and 6" exposure, to match main house
- Trim: Composite or cedar, painted, 4" and 6" profiles, to match main house
- Windows: Double-hung and Awning, to match main house
- Doors: to match main house
- Stairwell: KDAT treated wood or cedar, painted, (corn-crib skip board look)
- Exposed Rafter Tails: KDAT or cedar, to match main house
- Roofing: Asphalt Shingles, 3-tab, to match main house

Ridge Height = +21'-10" 

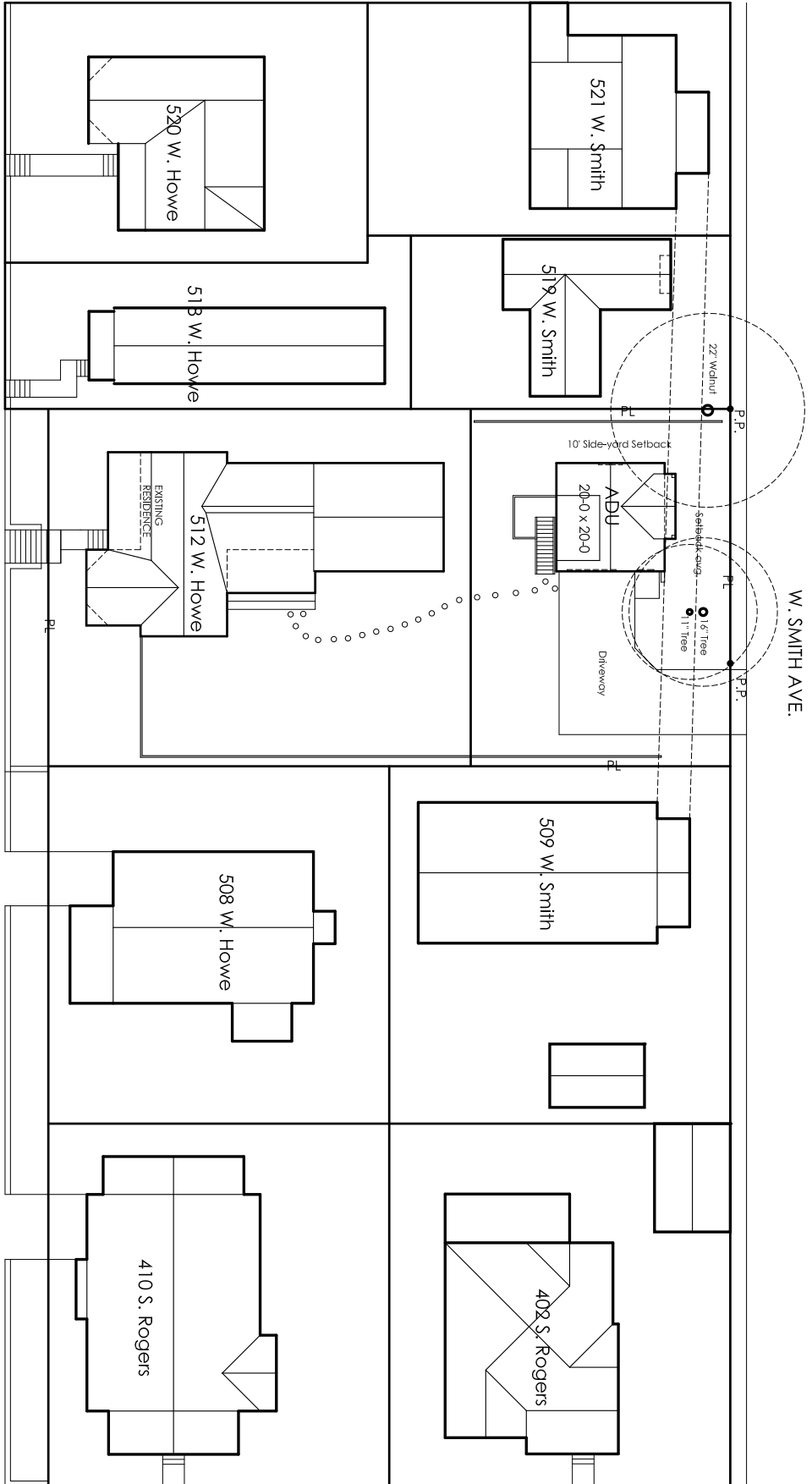


Proposed Grade

A West Elevation
 Scale: 1/4" = 1'-0" 3-6-2019

Proposed Francisco / Sabanovic GARAGE/ADU
512 West Howe Street
 Bloomington, IN

A-7



PROPOSED SITE PLAN
 SCALE: 1" = 30'-0"
 3-15-2019



Proposed Francisco / Sabanovic In-law Garage Apartment
512 West Howe Street
 Bloomington, IN

C-1

W. Smith Ave. (ROW)

64.00' +/-

⑦

521 W. Smith Ave.
Lot Size: 2,881 SF

③

519 W. Smith Ave.
Lot Size: 1,888 SF

SITE

①

512 W. Howe St.
Lot Size: 8,316 SF

⑤

509 W. Smith Ave.
Lot Size: 4,158 SF

⑥

508 W. Howe St.
Lot Size: 4,158 SF

⑩

402 S. Rogers St.
Lot Size: 4,221 SF

⑨

410 S. Rogers St.
Lot Size: 4,221 SF

Alley (ROW)

⑧

520 W. Howe St.
Lot Size: 3,216 SF

④

518 W. Howe St.
Lot Size: 2,175 SF

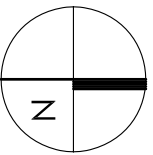
W. Howe St. (ROW)

S. Rogers St. (ROW)

Site Context Plan - Prospect Hill N.A.

Scale: 1" = 40'-0"

2-13-2019



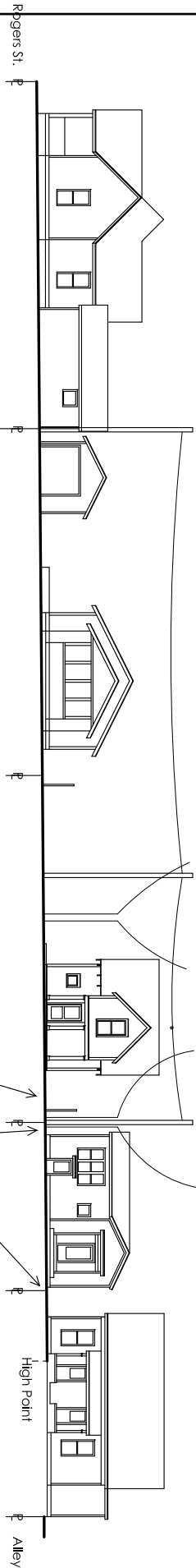
402 S. Rogers

509 W. Smith

Proposed
Garage/ADU

519 W. Smith

521 W. Smith



Smith Ave. Elevation

SCALE: 1" = 30'-0"
3-15-2019

Proposed Francisco / Sabanovic - Garage/ADU
512 West Howe Street
Bloomington, IN

C-3

**BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
LOCATION: 1003 W Howe St.**

**CASE #: V-11-19
DATE: April 25, 2019**

PETITIONERS: John Bickley and Sandra Bonsib
1003 W Howe St., Bloomington, IN

REQUEST: The petitioners are requesting a variance from side and rear yard setbacks for the construction of an addition and an attached garage to a single family structure.

REPORT: The 8,276 square foot property is located at 1003 W Howe Street. The property is zoned Residential Core (RC) and has been developed with a one-story single family house. The house is situated on the northwest corner of the lot and has an existing side setback of 4' from the western property line. The surrounding properties to the north, south, east, and west are also zoned RC, and have been developed with single family houses. The property to the southwest is zoned Medical (MD), and is home to the IU Health Southern Indiana Physicians - Women's Health. The property fronts on W Howe Street to the north. There are improved alleys to the west and south of the property.

The petitioners are proposing to build a 528 square foot building addition and a 532 square foot attached garage. The proposed garage will be attached to the existing structure through the proposed addition, and will utilize the currently existing driveway which has an entrance from the alley to the west. The proposed attached garage will be located 4' from the western side property line, and 6' from the southern rear property line.

In the RC zoning district, the Unified Development Ordinance (UDO) requires a minimum side setback of 6' and a minimum rear setback of 25' for primary structures. The east and west property lines are considered side yards, and the property line to the south is considered the rear yard. The proposed garage would encroach 2' into the western side yard setback and 19' into the southern rear yard setback.

The petitioners are requesting a variance from the required side and rear setbacks to allow for the proposed attached garage.

HISTORIC PRESERVATION COMMISSION: The property is located within the Greater Prospect Hill Historic District and received a Certificate of Appropriateness. At the HPC Hearing on March 28th.

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: The Department finds that the reduced side setback will not negatively affect the public health, safety, morals, or general welfare of the community. A decreased side setback is unlikely to infringe upon use of the existing alley.

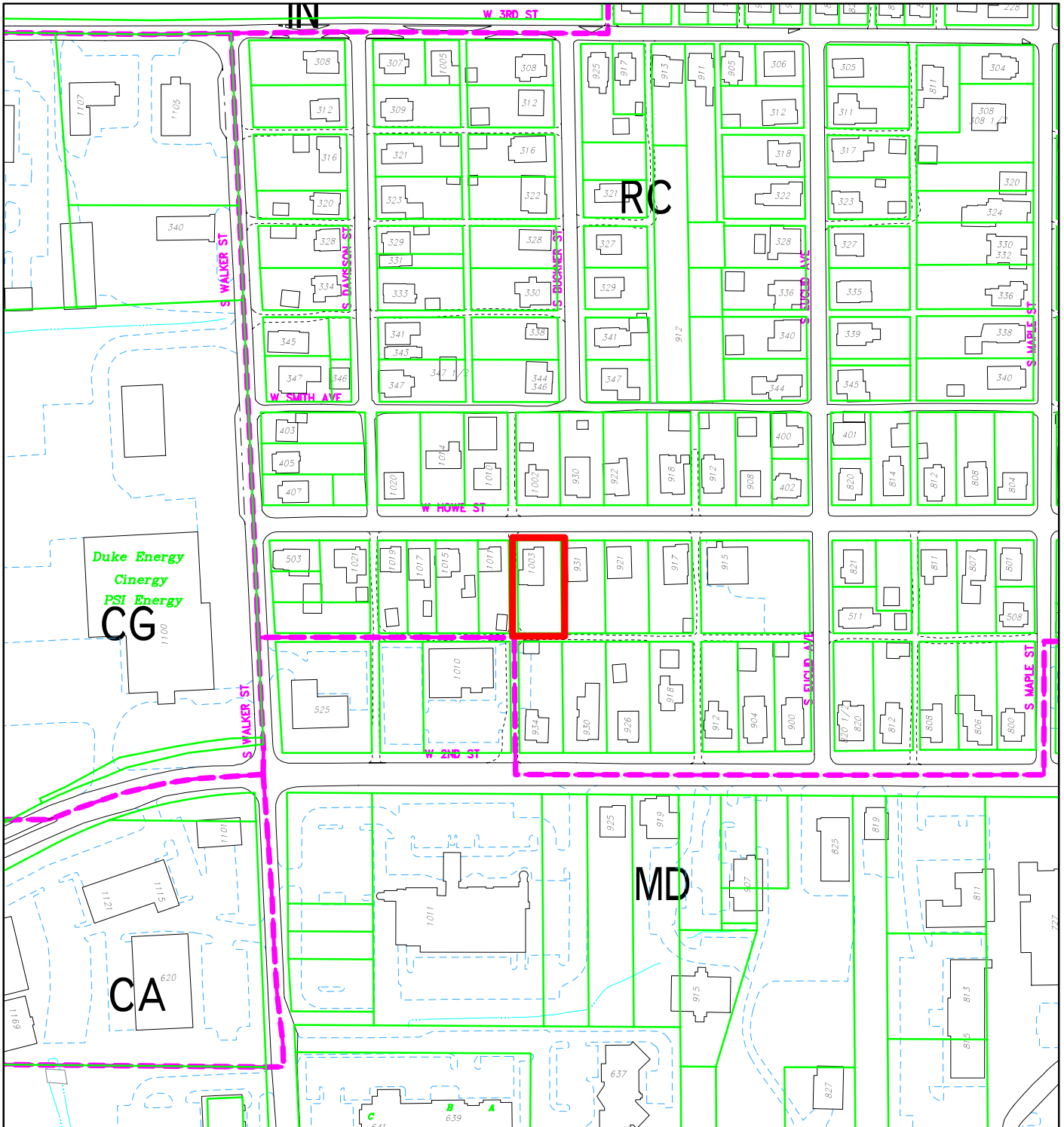
- 2) *The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.*

PROPOSED FINDING: The Department finds no known adverse impacts to the use and value of the surrounding area associated with the proposed variance. The Department has also received a letter of support from the Prospect Hill Neighborhood Association.

- 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.*

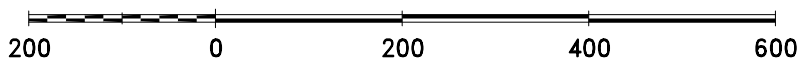
PROPOSED FINDING: The Department finds no practical difficulties in the use of the property. There is ample room on the property to build a similarly sized detached garage which requires to a 5' setbacks from both the side and rear property lines. The RC district allows detached accessory structures to a maximum of 580 square feet. A detached garage located 1' further to the east would meet the required side and rear setbacks and all other terms of the Unified Development Ordinance. The property meets the minimum lot size for the zoning district and shows no peculiar conditions that require variance from the setback regulations⁹.

RECOMMENDATION: Based upon the written findings above, The Department recommends adoption of the proposed findings and denial of this petition.



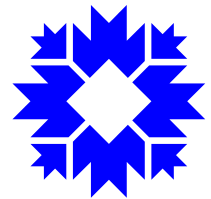
V-13-19 John Bickley, Sandra Bonsib
 1003 W Howe St.
 Board of Zoning Appeals
 Site Location, Zoning, Parcels

By: roblinger
 17 Apr 19

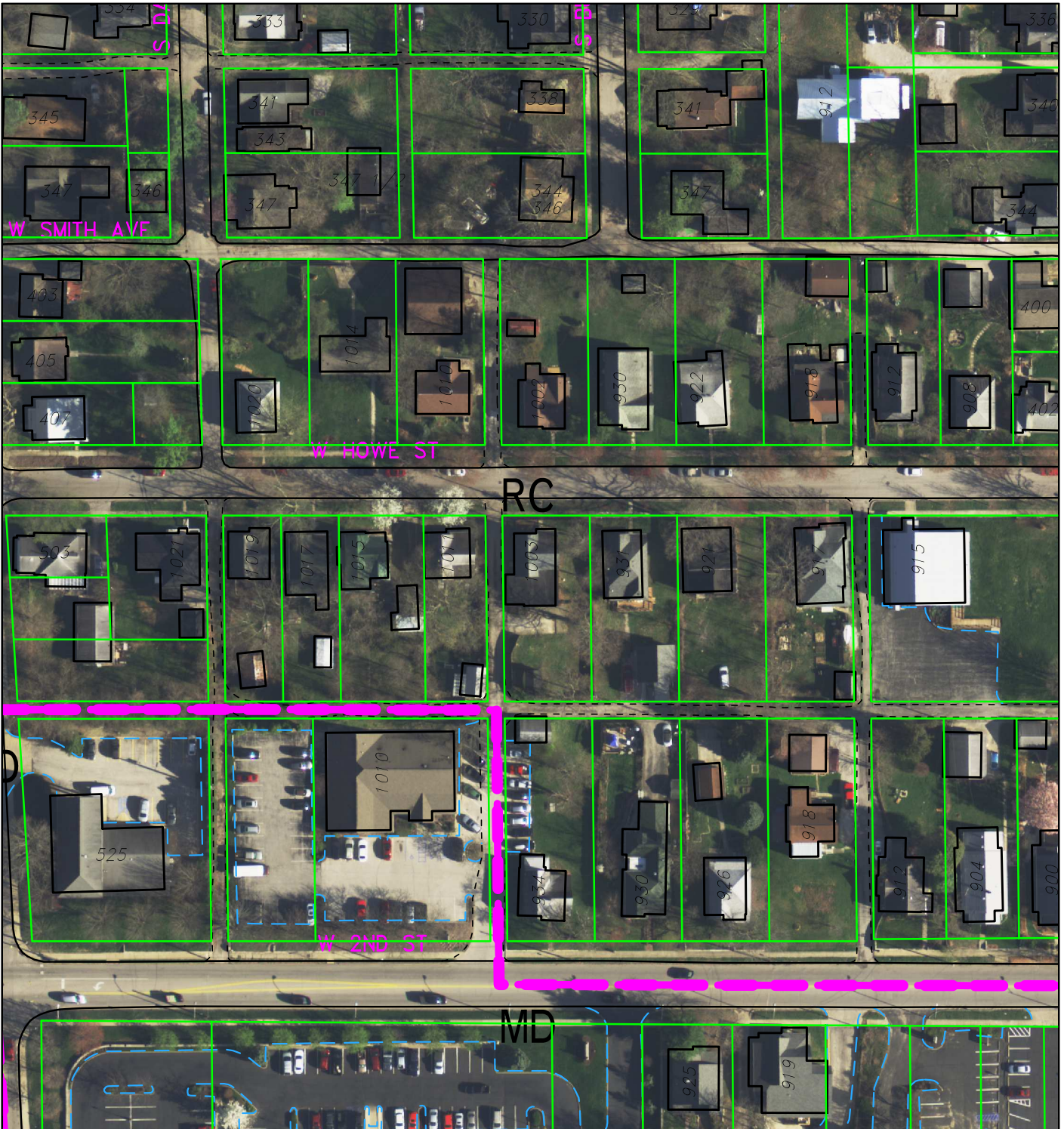


For reference only; map information NOT warranted.

City of Bloomington
 Planning & Transportation

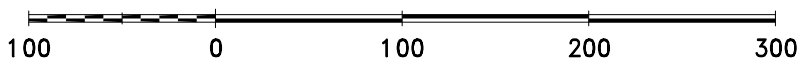


Scale: 1" = 200'



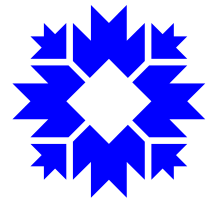
V-13-19 John Bickley, Sandra Bonsib
 1003 W Howe St.
 Board of Zoning Appeals
 2016 Aerial Photograph

By: robtingr
 17 Apr 19



For reference only; map information NOT warranted.

City of Bloomington
 Planning & Transportation



N

Scale: 1" = 100'

Our property is located at 1003 W. Howe St. in the Greater Prospect Hill historic district. We are seeking to add a quilting room and a family sun room and an attached garage to our home. We would like the garage to be attached to the two-room addition for accessibility issues. We both are almost 70 years old. A year and a half ago, I had a knee replacement. It was recently found to be mechanically failing and will require another surgery at the end of April. John has a knee problem that will likely require surgery in the next year or so.

We recently moved to Bloomington from Seattle with a plan of aging in place in our home for the rest of our lives. We love Bloomington and hope to spend the rest of our lives here. Therefore, we feel that we need an attached garage so we won't be forced to walk outside in the winter on ice or snow to get to our garage. (We have noticed that you have real winter here !) There is a grade change between our house and the garage floor level. For safe access to the garage, we need to have those steps protected from freezing weather.

We also need our backyard. According to current zoning, our attached garage would need to be located approximately in the center of our backyard. We would like this garage to be on the west side of our property next to the alley to retain a usable amount of yard space for our dogs and our enjoyment of the property. We have raised guide dogs for many years and are committed to this service. We have 2 retired service dogs and we are currently raising a puppy for Leader Dogs for the Blind (based in Rochester Hills, Michigan). Our dogs need a fenced backyard for safety, training, running, and playing. The 25 foot setback would destroy our yard and would make us choose between an unsafe access to our garage, if it was not attached, and losing our yard that we need for our vocation of training guide dogs for the blind.

Our attached garage as planned would be in the southwest corner of our property, which means it will be bordered on both sides by an alley. There are currently six foot fences at what will roughly be the boundaries of the garage. This fence was put up by the previous owner to have privacy from what is a parking lot to the south and an active alley to the west. The garage replaces the fence as a boundary and a privacy screen and encloses the back yard for our deck and our dogs.

The back yard shares a side boundary with a neighbor to the east but it is bordered by two alleys on the other side to the west and the back of the property to the south. The design of the garage creates a sight and sound barrier from the alley to the west and part of the south alley border. The closeness of the garage to the alleys is repeated in many existing garages in the neighborhood and the west wall lines up with the existing house's set-back to the alley. We purposely hired an architect skilled in compatible infill work in Bloomington.

There is no foreseen negative impact on surrounding properties and in fact, this project will enhance the property and have a positive influence on the surrounding area. We expect the approval of both the Historic Commission and the neighborhood association in the next few days and we respectfully ask for a hardship variance based on the information we have provided.

Thank you for considering our request.

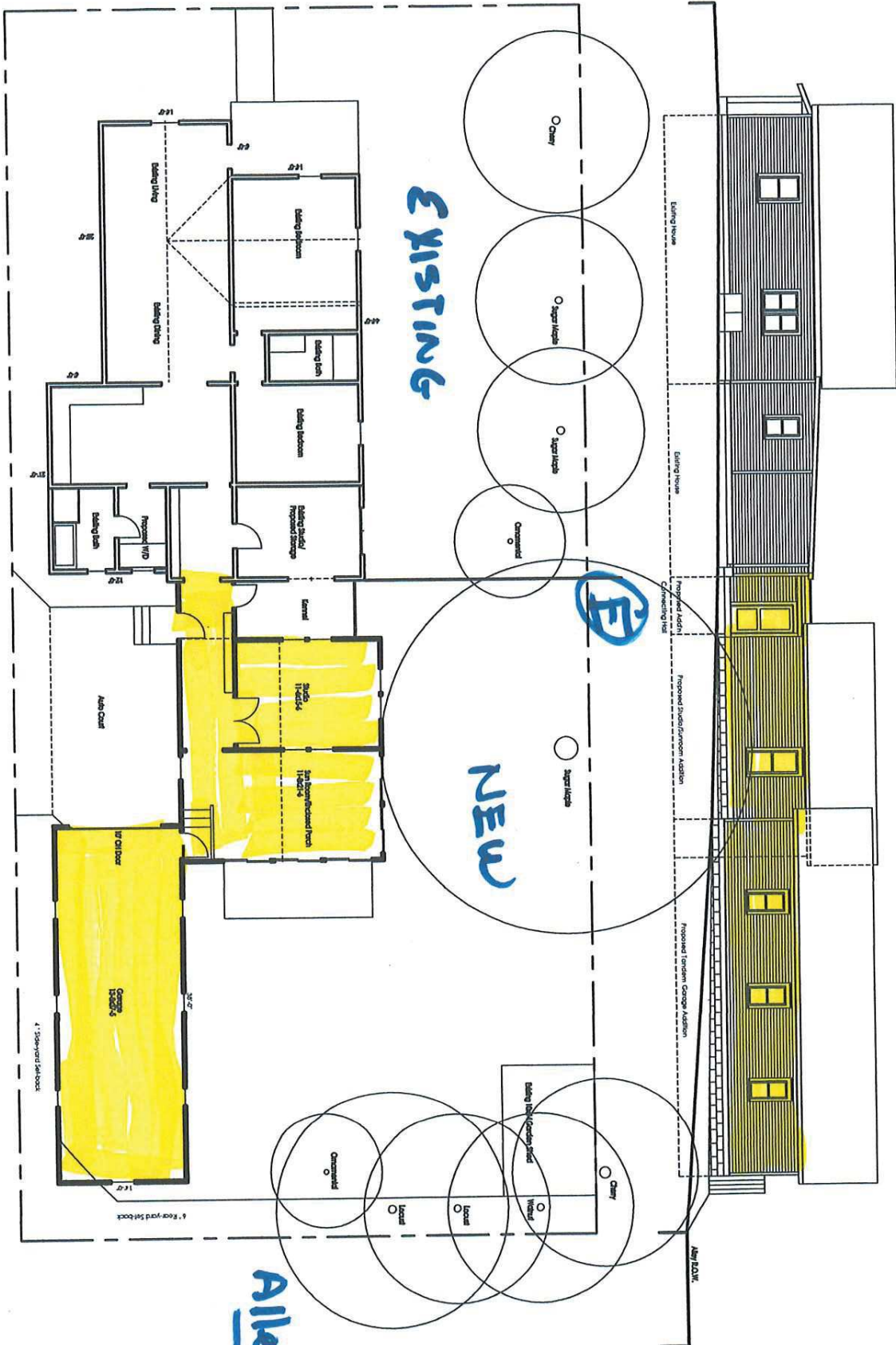
John Bickley and Sandra Bonsib
1003 W. Howe St.
Bloomington, IN 47403

WOOD - HOZM-N

A Proposed Overall Plan and West Elevation

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

1000 W. Roberts St.



ALLEY

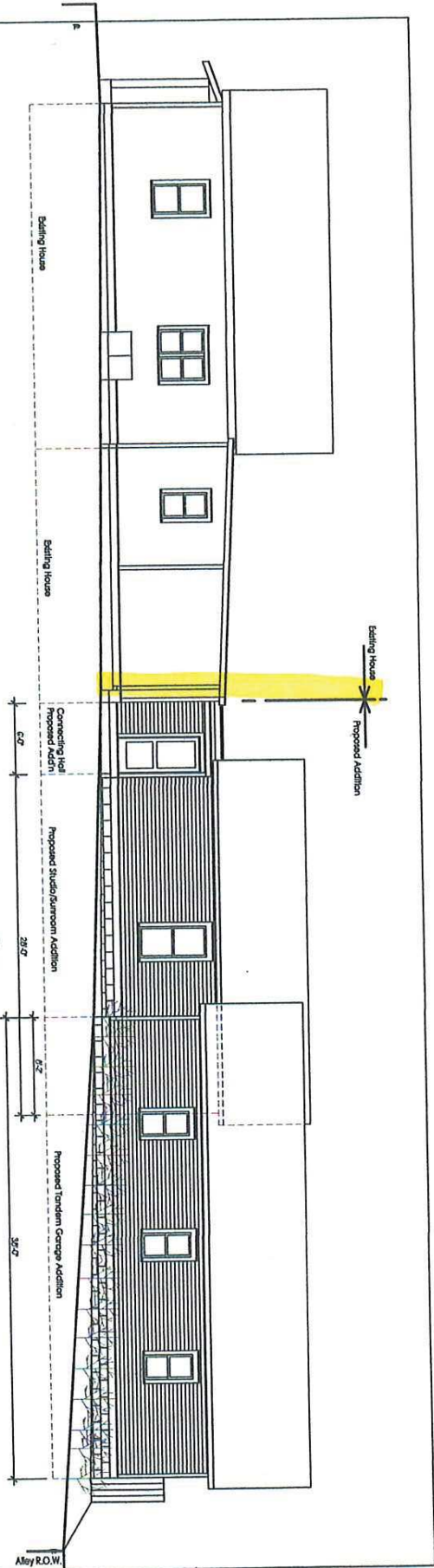
A-101

ALLEY

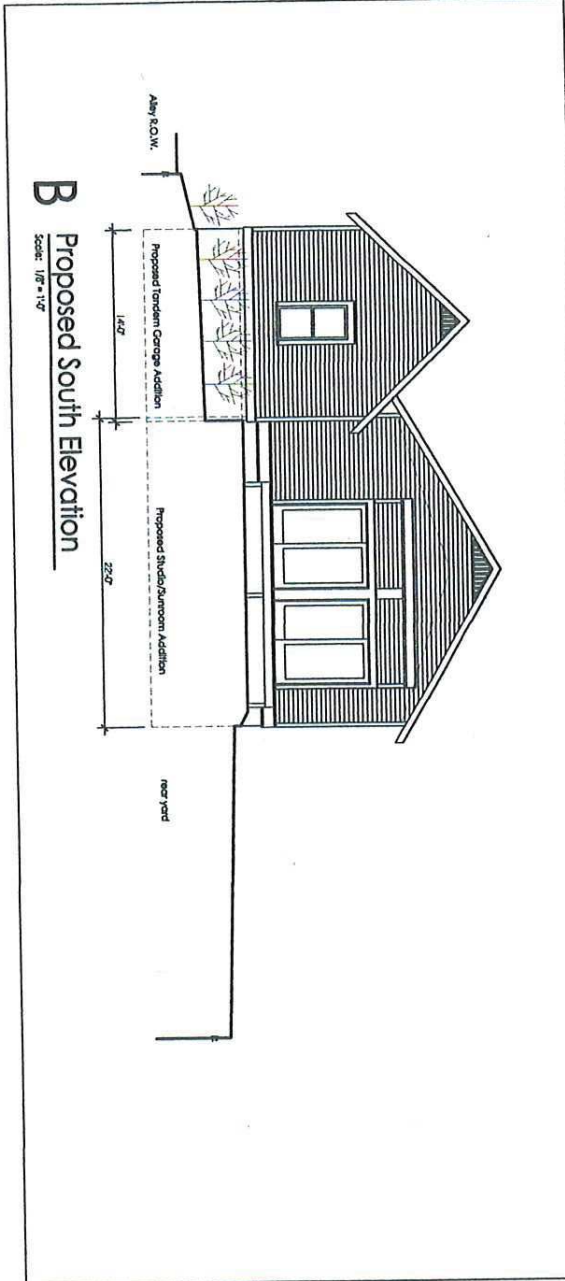
(W)

ALLEY

(S)



A
Proposed West Elevation
Scale: 1/8" = 1'-0"

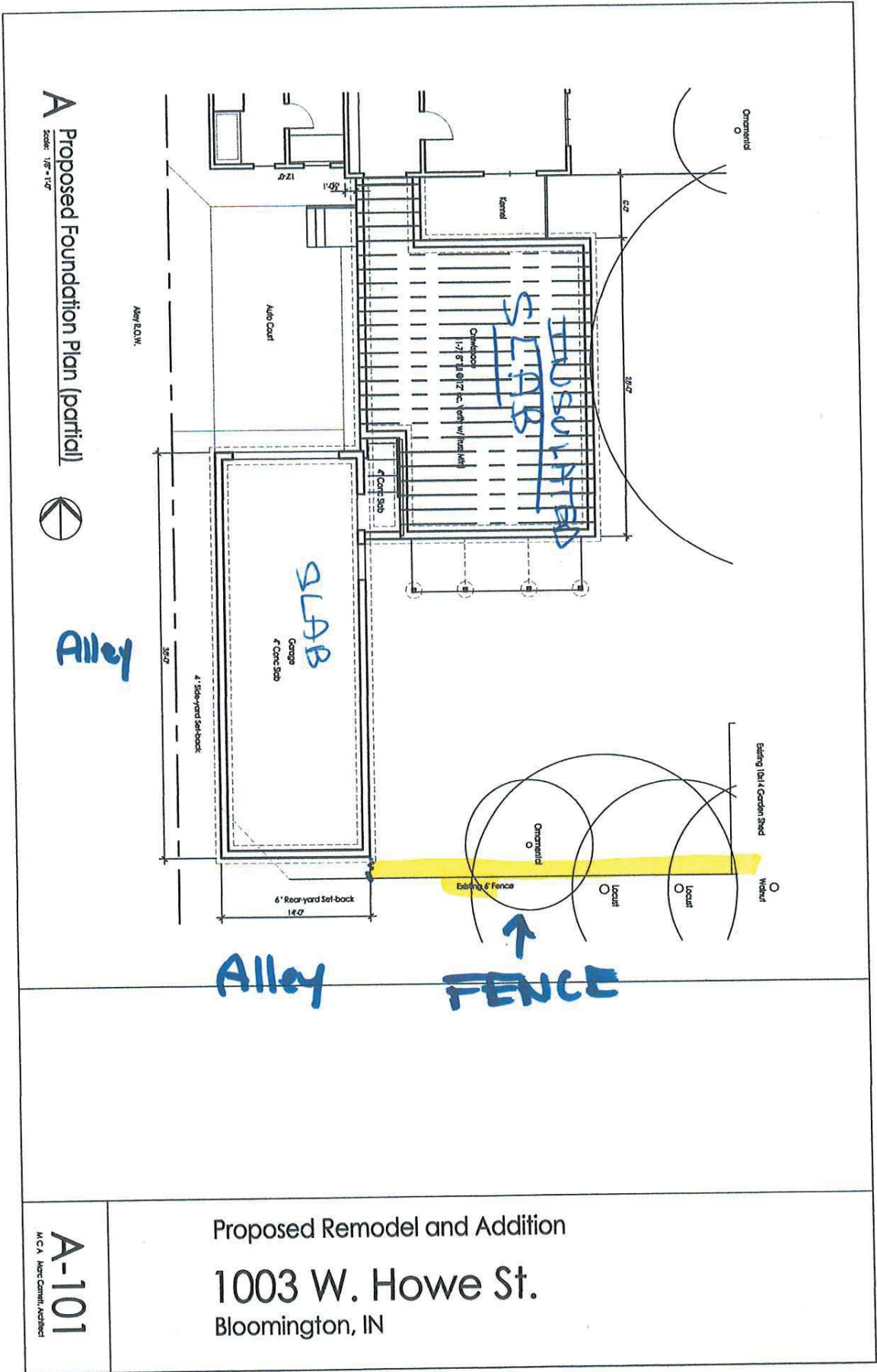


B
Proposed South Elevation
Scale: 1/8" = 1'-0"

Proposed Remodel and Addition
1003 W. Howe St.
 Bloomington, IN

A-201
 M.C.A. Marc Cornell Architects

*Fence will block view
 of addition - garage will show (A 101)*



A Proposed Foundation Plan (partial)
Scale: 1/8" = 1'-0"



Alley

Alley

FENCE

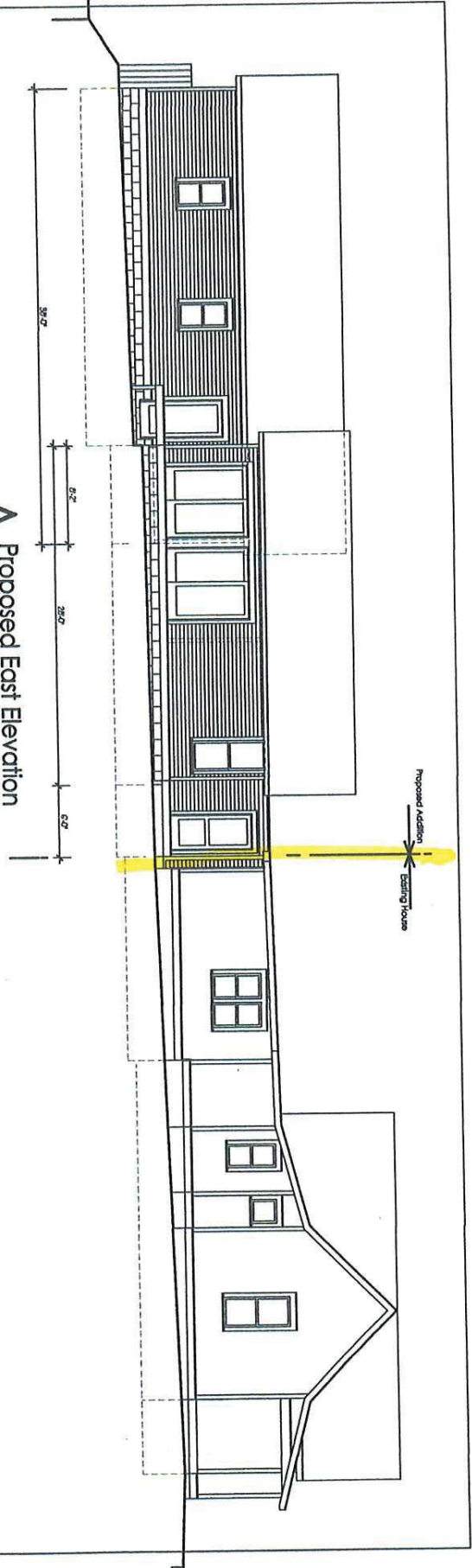
A-101
M.C.A. Marc Cornill Architects

Proposed Remodel and Addition
1003 W. Howe St.
Bloomington, IN

(M)

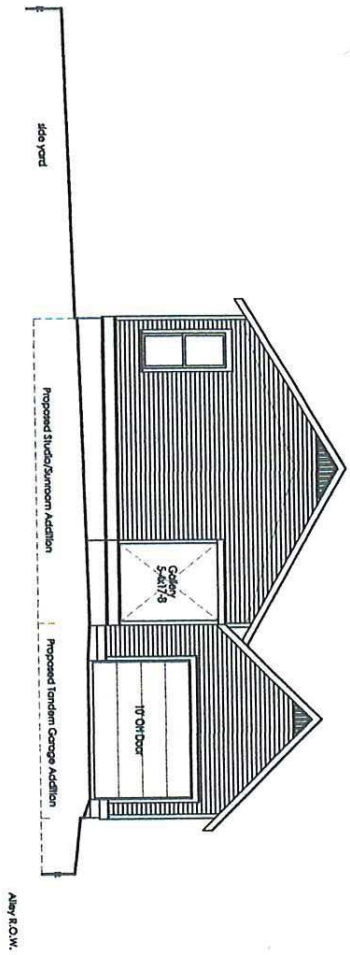
A Proposed East Elevation

Scale: 1/8" = 1'-0"



B Proposed North Elevation/Section thru Gallery connector

Scale: 1/8" = 1'-0"



Proposed Remodel and Addition
1003 W. Howe St.
 Bloomington, IN

A-202

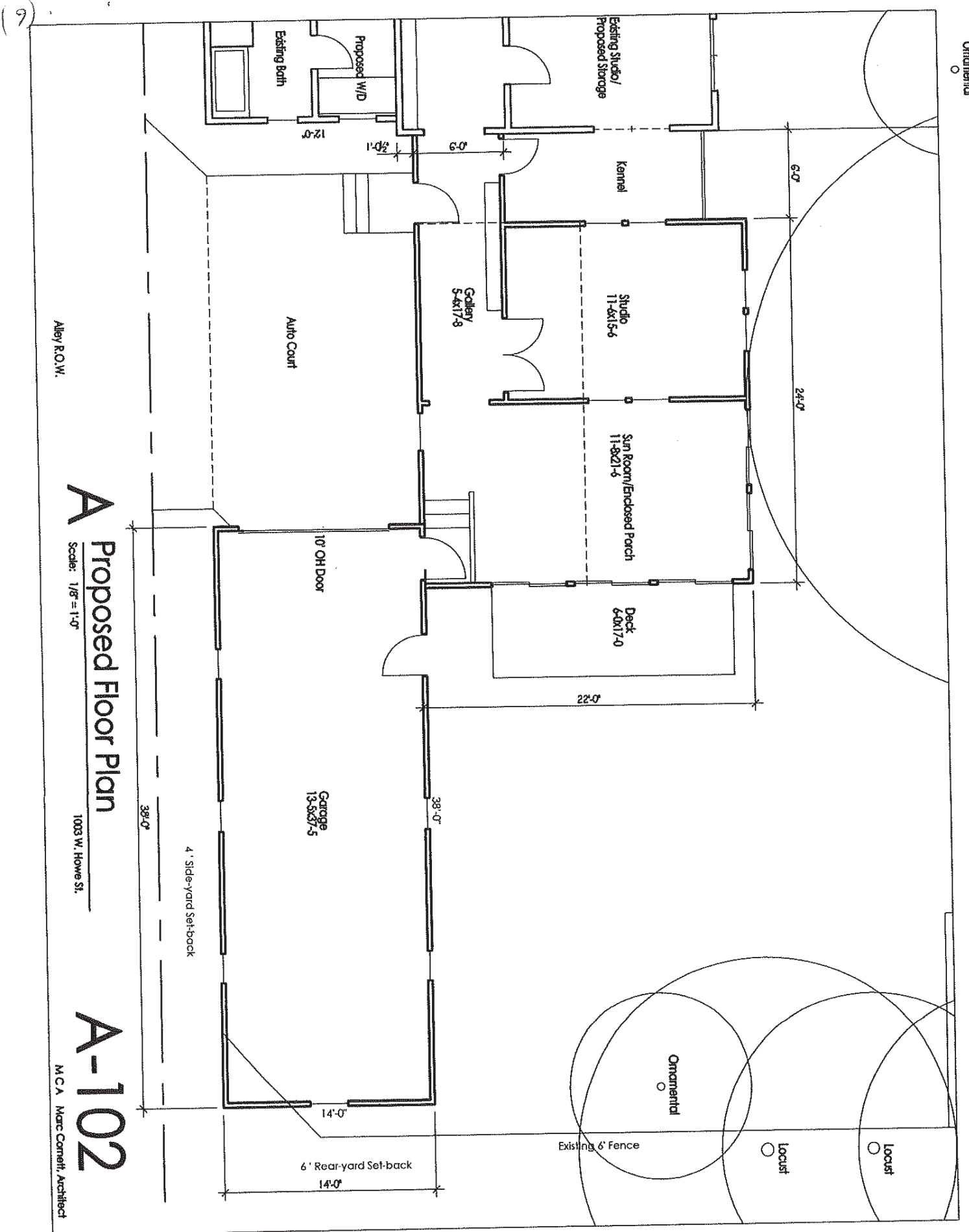
M.C.A. Marc Conrath, Architect

(4)

Ornamental

Existing 10x14 Garden Shed

Walnut



Proposed Floor Plan

Scale: 1/8" = 1'-0"

1003 W. Howe St.

A-102

Alley R.O.W.

M.C.A. Marc Corneth, Architect

9

4/2/2019

City of Bloomington, Indiana Mail - variance application from John Bickley & Sandra Bonsib



Ryan Robling <roblingr@bloomington.in.gov>

variance application from John Bickley & Sandra Bonsib

1 message

cynthia bretheim <bretheim@sbcglobal.net>

Tue, Apr 2, 2019 at 6:37 AM

Reply-To: cynthia bretheim <bretheim@sbcglobal.net>

To: "roblingr@bloomington.in.gov" <roblingr@bloomington.in.gov>

Hi,

John Bickley and Sandra Bonsib applied for and were denied a variance for an addition to their house at [1003 W Howe Street](#). They've presented plans at the Prospect Hill Neighborhood Association (PHNA) meeting. Their adjacent neighbor and all meeting attendees are in favor of their variance request. You should receive a note from our PHNA Chair to that effect. It makes sense for their use of the property and will be more attractive in general.

Please help them receive approval for their variance request at the next BZ Commission. Thank you very much.

Best, Cynthia Bretheim

Cynthia Bretheim, MS, LMT, BCTMB
Therapeutic Massage & DIY Wellbeing
812.272.8188