

CITY OF BLOOMINGTON



August 7, 2019 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON
HEARING OFFICER
August 7, 2019 at 2:00 p.m.

*Kelly Conference Room #155

PETITIONS:

CU-23-19

Shahyar Daneshgar

703 W. 9th St.

Request: Conditional use approval to allow an Accessory Dwelling Unit (ADU) within the residence.

Case Manager: Eric Greulich

****Next Meeting: August 21, 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 HEARING OFFICER
STAFF REPORT
Location: 1016 S. Henderson Street**

**CASE #: CU-23-19
DATE: August 7, 2019**

**PETITIONER: Shahyar Daneshgar
703 W. 9th Street, Bloomington, Indiana**

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

REPORT: This 0.190 acre (8,184 sq. ft.) site is located at 703 W. 9th Street. The property is zoned Residential Core (RC). The site currently contains one single family residence and is surrounded by other single family residences.

The petitioner is requesting conditional use approval to allow for a portion of the interior space of the residence to be used as an accessory dwelling unit. With this petition a section of the downstairs will have a kitchen added and will be utilized for the accessory dwelling unit. The accessory dwelling unit will be approximately 300 square feet in size. No changes to the exterior of the building are proposed.

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.

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	8,184 sq. ft.
Proximity	At least 300 feet from approved ADU	No approved ADU's within 300'
Owner Occupancy	Required on Lot	Owner in House

Design Standards	Allowed	Proposed
Maximum Square Footage	600 square feet	300 square feet
Maximum Bedrooms	1	1
Minimum Setbacks		
Front	Same as Dwelling	N/A
Side	Same as dwelling	N/A
Side	Same as dwelling	N/A
Maximum Height	Same as dwelling	N/A

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: 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 uses offer options to consider for affordability, aging in place, and to meet other housing needs.”

2. *The proposed use and development will not create nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights;*

Proposed Finding: The proposed use will not create a nuisance. The residential structure currently exists on the site and no known nuisance exists or have been reported. The use on the site will take place completely indoors. No smoke, odors, vibrations, or objectionable lights are typically associated with a residential use.

3. *The proposed use and development will not have an undue adverse impact upon the adjacent property, the character of the area, or the public health, safety and general welfare;*

Proposed Finding: No adverse impacts to the adjacent properties or character of the area will occur as a result of this petition. The overall use of the property will still be a single family residential use. The limits on occupancy for the property minimizes impacts to the adjacent properties. No additional buildings are proposed. A letter of support from the neighborhood association as well as an adjacent neighbor were received with this petition.

4. *The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, stormwater management structures, and other services, or that the applicant will provide adequately for such services;*

Proposed Finding: The site is adequately served by all public utilities. No additional development is proposed.

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

Proposed Finding: The limit on occupancy imposed with the ADU standards insures that the maximum occupancy on the property does not exceed that of a typical residential property. There is ample parking on site for both the house and accessory dwelling unit with a driveway in the rear of the structure and no significant amounts of traffic will be generated by the one-bedroom ADU unit.

6. *The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance;*

Proposed Finding: The ADU will have no significant effect on the natural, scenic, or historic features of the parcel or area. The house is not located in a historic district.

7. *The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood.*

Proposed Finding: The Department does not find any negative impacts 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.*

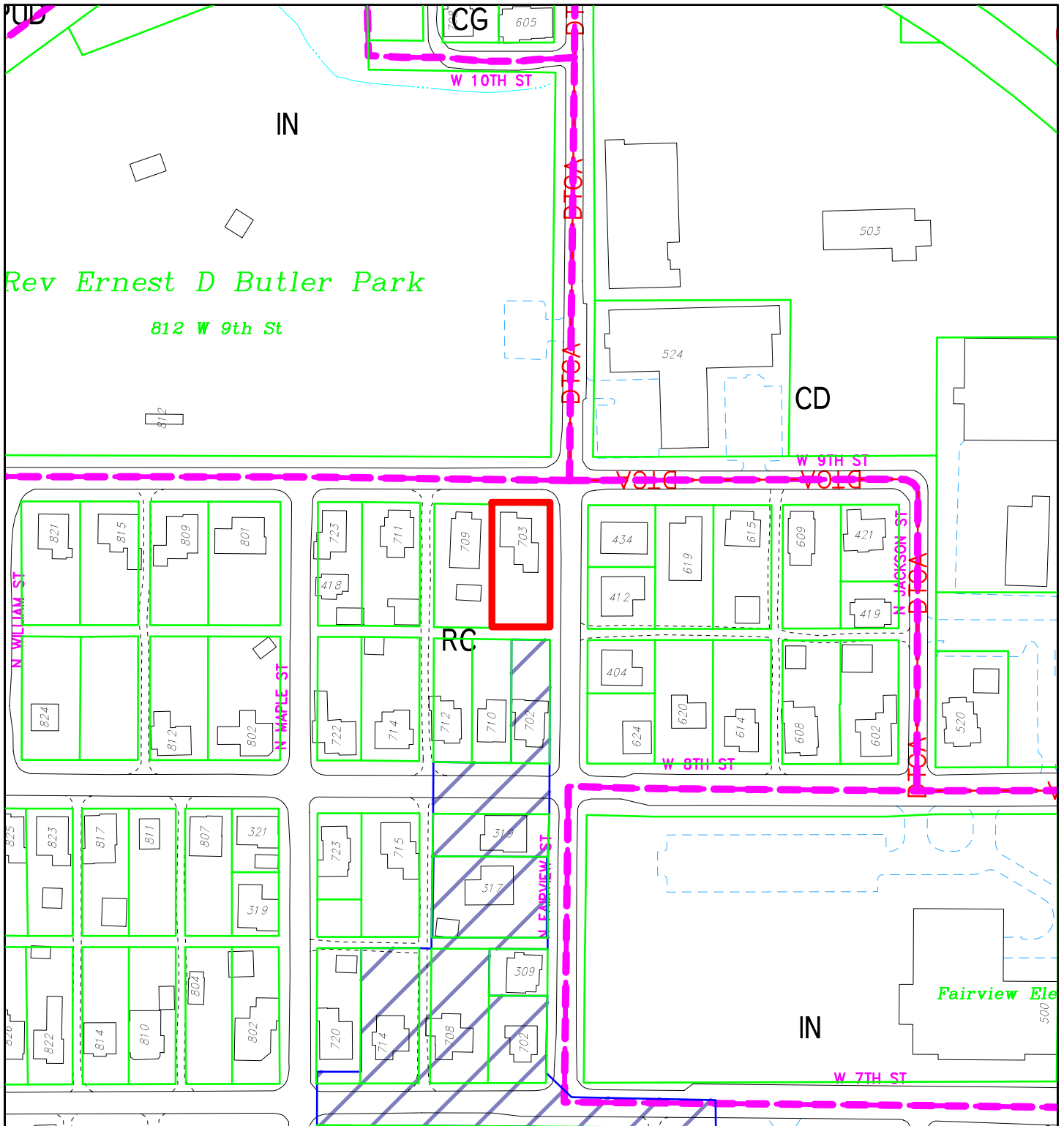
Proposed Finding: No signage is allowed for the ADU.

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: There are no other standards applicable to the ADU.

RECOMMENDATION: The Department recommends that the Hearing Officer adopt the proposed findings and approve CU-23-19 with the following conditions:

1. The Conditional Use is approved for the existing accessory structure as submitted.
2. Petitioner shall record a commitment to satisfy 20.05.0333(I), 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-23-19 Shahyar Daneshgar

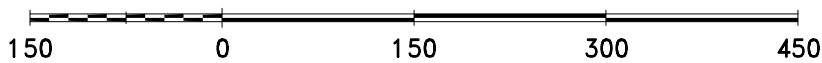
703 W. 9th Street

Hearing Officer

Site Location, Zoning, Parcels

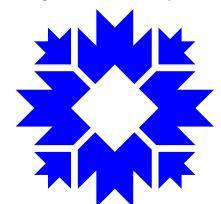
By: greulice

2 Aug 19

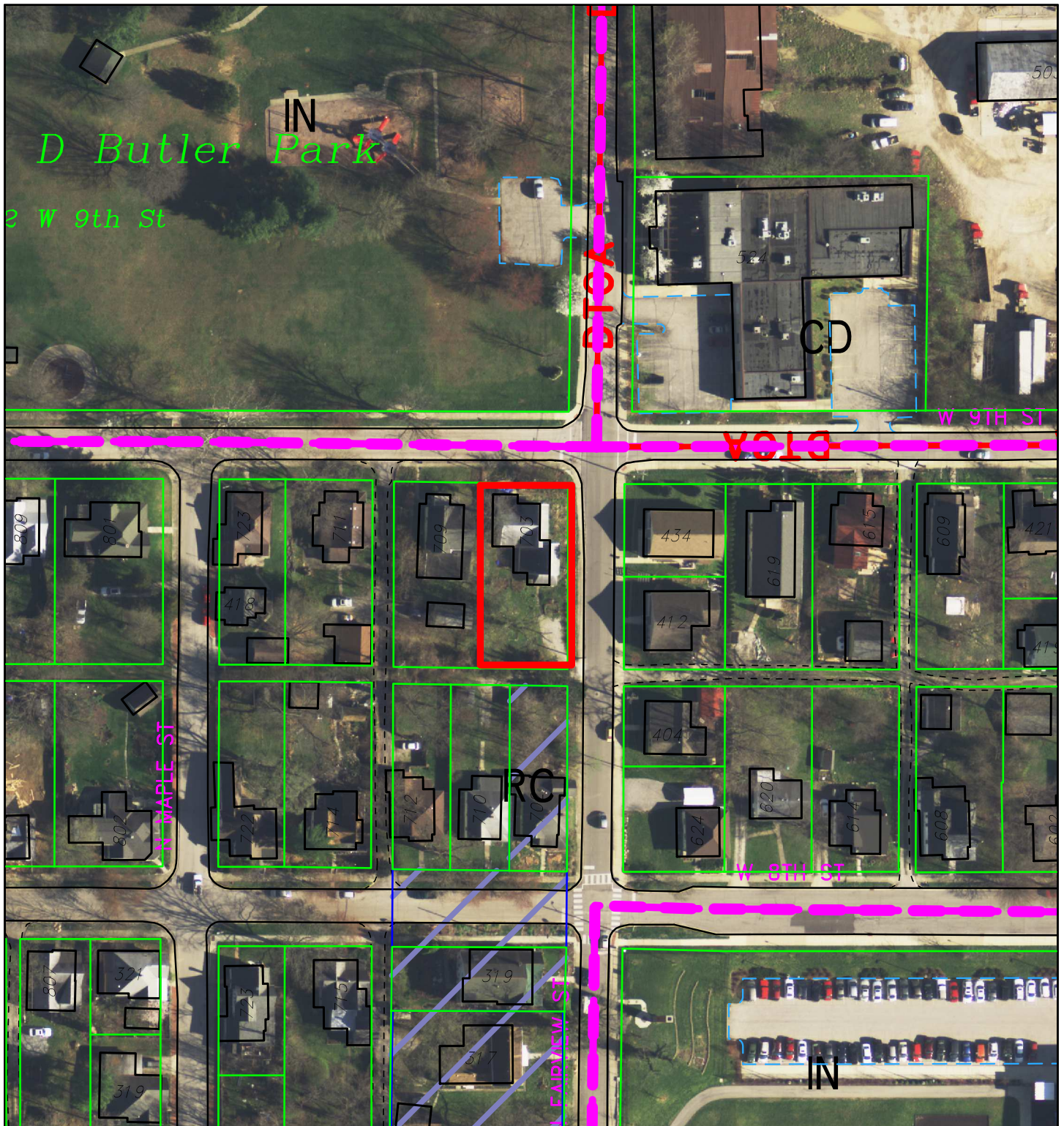


For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation

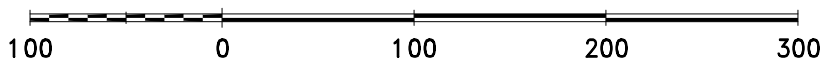


Scale: 1" = 150'



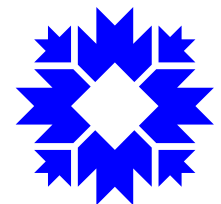
CU-23-19 Shahyar Daneshgar
 703 W 9th Street
 Hearing Officer
 2016 Aerial Photograph

By: greulice
 2 Aug 19



For reference only; map information NOT warranted.

City of Bloomington
 Planning & Transportation



Scale: 1" = 100'

Petitioner's Statement

Thank you for considering my petition for a Conditional Use Approval to allow an Accessory Dwelling Permit. I live in a large house by myself and have a sizeable space in the back of my house consisting of two rooms and one full bathroom w/ washer & dryer. I would like to turn one of the rooms into a small size kitchen.

Purpose: I would like to add the kitchen in the back space of my house for several reasons. First, I am a performing artist and academic who hosts many visitors staying with me for working on concert tours and rehearsals. I would like to provide my guests with their own space. Second, I have an elderly sister who would like to visit me from overseas and stay with me and my family for several months every other year. I would like to provide her with her own living space during her visit to the States. Third, I am planning to retire in my own house, and I am thinking of offering living space to someone who would be willing to attend to my needs in the later stage of my life.

Description of project and justification for approval:

This project would convert one of the rooms that functions now as a storage room. The storage room will become a small size kitchen to serve the living/bedroom and private bathroom. The project will be all inside the house and no outside façade will be altered and everything will be the same.

My project has been approved and is being supported by the Near Westside Neighborhood Association. The additional kitchen will have no impact upon the surrounding environment at all. Since all the changes are internal no one would notice any changes from outside.

Size of the kitchen and the location of the property:

My property is located at 703 West Ninth St. It is a corner house set on West Ninth and N. Fariview streets. Please see the attached documents about the size of the kitchen and the surrounding areas where the kitchen will be installed.

Surrounding land uses:

All the properties adjacent to my house in my block are residential properties. One is rental, and the rest are owner-occupied. In the next adjacent blocks, we have the MCCSC and Fairview School entities.

Vehicular access:

The addition of the kitchen would have no impact upon the vehicular access at all, for I have a large backyard which has two big driveways for parking cars in case my guests would have access to a car.

Conditional use criteria:

1. My proposed project goes along with the Growth Policies Plan of the city.
2. The addition will not result in creating any disturbance in the neighborhood.
3. My request for adding a kitchen will not have any negative impact upon adjacent properties, changing the characteristics of the neighborhood, or public health and safety of the citizens.
4. The need for the structure of the kitchen will be provided by public and services and facilities.
5. The installation of the kitchen will not cause any hazard, nuisance and problem to my neighbors.

Thank you in advance for your consideration of my request. Sincerely,

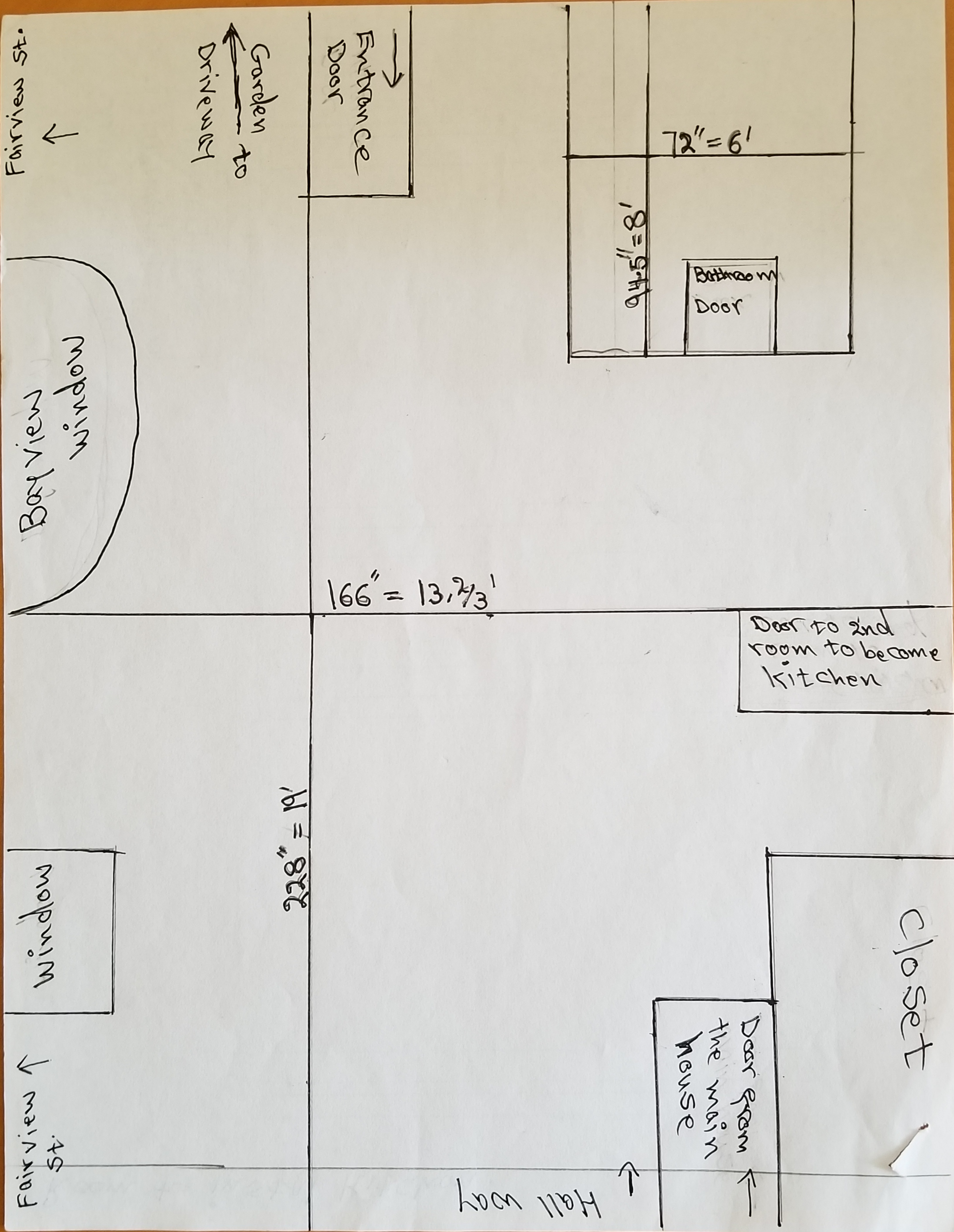
Shahyar Daneshgar, resident

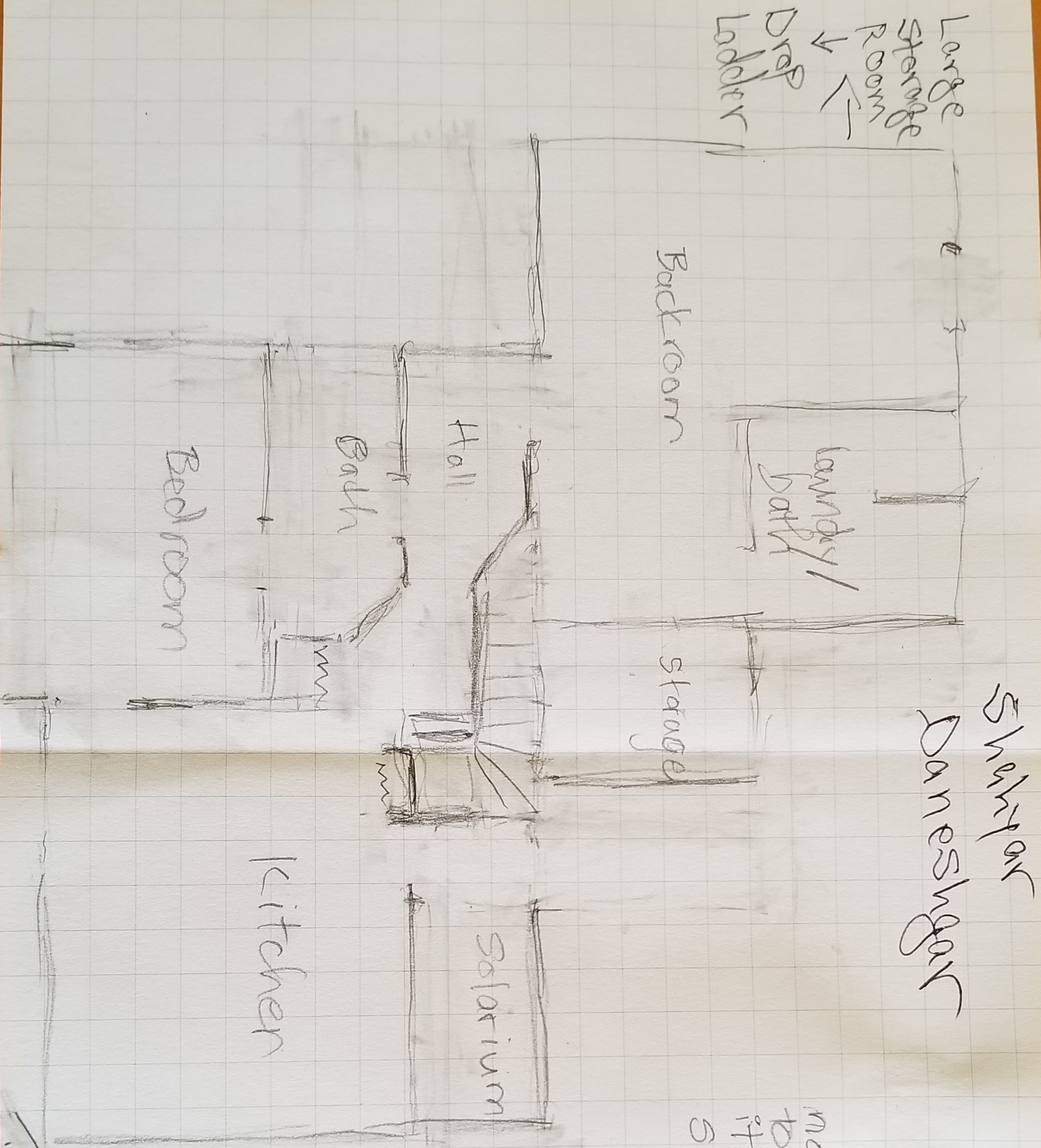
703 west Ninth St.

Bloomington, IN 47404

e-mail address: sldaneshg@gmail.com

Tel.: 812-322-4702.





Shankar
Danesingar

South

not drawn
to scale -
it's a
sketch

- UPSTAIR
- 1) ATTICK
- 2) ONE ROOM
- 3) STAIRS



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Eric Greulich <greulice@bloomington.in.gov>

Fwd: Kitchen addition

3 messages

Shahyar Daneshgar <sldaneshg@gmail.com>
 To: Eric Greulich <greulice@bloomington.in.gov>

Mon, Jul 1, 2019 at 3:50 PM

Hello Eric,

I hope you are doing well. I talked to the secretary of our N.A. and she sent me a copy of the minutes in September in which the N.A. supported my request for installing a limited dwelling unit in the back of my house.

Kindly let me know when you want to meet with me this week to discuss my plans and pay for the building permit fee of \$250. Thank you.

Shahyar

----- Forwarded message -----

From: **Olivia Dorfman** <olivia.dorfman@gmail.com>
 Date: Mon, Jul 1, 2019 at 3:41 PM
 Subject: Kitchen addition
 To: <sldaneshg@gmail.com>

Hi, Shahyar--

Reading the minutes of the NWS Neighborhood Association, I see that you came to our meeting on September 18, 2018 to discuss the kitchen addition. I don't have a record of sending a letter related to this. (I have a letter regarding your deck, but not your kitchen.)

However, you could show the officials the following portion of the minutes from the September 18, 2018 meeting (that are posted on the neighborhood website at minutes-of-september-18-2018,) which should serve as a record:

"Shahyar Daneshgar would like to add a second kitchen to his house and the city told him to get the neighborhood's blessing. This would in effect create a second apartment in his house, which the city terms Accessory Dwelling Units, or ADU's and which are sometimes called "granny flats." Sandi Clothier mentioned concerns with the City's proposal for a by-right, one-year experiment to allow 30 ADUs to be built in Bloomington. Sandi said we don't object if the person lives in the house and gets a conditional use to age in place. **Bill Baus moved that the neighborhood association does not oppose Shahyar's request, Sandi seconded the motion, and the motion passed unanimously.** Shahyar also noted that the city asked him to sign a paper that he would not object if the city chose to widen 9th St."

(I wonder if they are going to make you sign a paper about 9th St. again!)

Best,

Olivia

Eric Greulich <greulice@bloomington.in.gov>
 To: Shahyar Daneshgar <sldaneshg@gmail.com>

Tue, Jul 2, 2019 at 3:00 PM

I can meet tomorrow at 1 or Friday at 4

[Quoted text hidden]

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Eric Greulich
 Senior Zoning Planner
 City of Bloomington Planning and Transportation Department

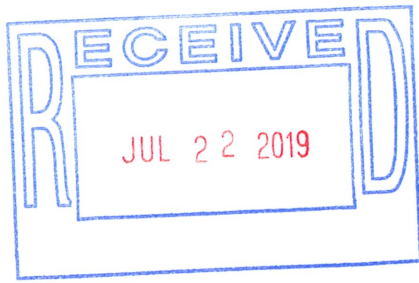
Shahyar Daneshgar <sldaneshg@gmail.com>
 To: Eric Greulich <greulice@bloomington.in.gov>

Tue, Jul 2, 2019 at 3:05 PM

Thank you for writing to me. I will be at your office at 1 p.m. tomorrow. This way I can send out the mails to the neighborhood and announce it in the paper so that I can attend the next town hall meeting to present my case. Have a great day.

Shahyar

[Quoted text hidden]



710 W 8th St.
Bloomington IN 47404

June 15, 2019

City of Bloomington
Planning and Transportation
Department

Dear City of Bloomington Hearing Officer:

I'm writing in support of Shahyar
Darehshgar's petition for a conditional
use to be approved for an accessory
dwelling unit within his residence
at 703 W. 9th St. I think it's a good
idea.

Sincerely,

Katherine Pastel

(Adjacent property owner)

PS If you have queries for me,
please contact me kpastel@indiana.edu