

CITY OF BLOOMINGTON



November 27, 2019 @ 2:00 p.m.
CITY HALL -
McCloskey CONFERENCE ROOM
#135

**CITY OF BLOOMINGTON
HEARING OFFICER
November 27, 2019 at 2:00 p.m.**

***McCloskey Conference Room #135**

PETITIONS:

UV-43-19

J.T. Forbes

812 S. Morton St.

Request: Use variance to allow a single-family residence in the Industrial General (IG) zoning district.

Case Manager: Eric Greulich

****Next Meeting: December 11, 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: 812 S. Morton Street**

**CASE #: UV-43-19
DATE: November 27, 2019**

PETITIONER: J.T. Forbes
812 S. Morton Street, Bloomington

REQUEST: The petitioner is requesting a use variance to allow for a single family dwelling unit in the Industrial General (IG) zoning district.

Area:	0.20 Acres
Zoning:	IG
Comp Plan Designation:	Mixed Urban Residential
Existing Land Use:	Single Family Residence
Proposed Land Use:	Single Family Residence
Surrounding Uses:	North - Industrial/Office
	South - Multi-Family Residential
	East - Single Family Residential
	West - Commercial

REPORT: The petition site is zoned Industrial General (IG) and is located south of the intersection of W. Dodds Street and S. Morton Street. It is currently developed with a single-family residence with a parking area in the rear.

The petitioner recently purchased the property and would like to do an addition to the residence to expand the useable space. The property is currently zoned Industrial General which does not allow for single family residences. The proposed one-story addition would expand the residence along the existing north and south walls and maintain the same setback from the property lines. The residence is currently approximately 9' from the north property line and 28' from the south property line. With this petition the Department is proposing to utilize the Residential Single Family (RS) zoning district standards for the development standards.

The petitioner is requesting a use variance to allow for a single family residence in the General Industrial (IG) zoning district.

20.09.140 CRITERIA AND FINDINGS FOR USE VARIANCE:

Pursuant to IC 36-7-4-918.4., the Board of Zoning Appeals or the Hearing Officer may grant a variance from use if, after a public hearing, it makes findings of fact in writing, that:

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

PROPOSED FINDING: The Department finds no injury with the proposed residential use. There are residential uses immediately adjacent to this property and the property is currently

being used as a residence.

- (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; and*

PROPOSED FINDING: The Department finds no substantial adverse impacts to the adjacent area from this request. Conversely, the Department finds that the redevelopment of the site will have a positive impact to the adjacent area. As mentioned previously, there are existing single family residences immediately to the west of this site as well as to the south.

- (3) *The need for the variance arises from some condition peculiar to the property involved; and*

PROPOSED FINDING: The Department finds peculiar condition resulting from the outdated zoning for this property and the current use on the site. This area of Morton Street is zoned General Industrial to reflect some of the industrial uses along this street, however there are scattered single family residences in this corridor as well. The zoning was in place prior to the construction of the B-Line trail to the east and the location of residences along the trail is more desirable than industrial uses. The Department also finds peculiar condition in the current use of the building as a residence and the zoning district does not allow for this use, which is desirable in this area and is appropriate next to the McDoel Historic District.

- (4) *The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and*

PROPOSED FINDING: The Department finds that the strict application of the UDO constitutes an unnecessary hardship because the current zoning would not allow for the existing use to be expanded even though it has existed on the site for a substantial period and is surrounded by other single family residences. The requirement for an industrial use at this location would not be appropriate given the surrounding context and would require substantial changes to a structure located in the McDoel Historic District which would be contrary to the district standards of preserving existing housing stock.

- (5) *The approval does not interfere substantially with the Comprehensive Plan.*

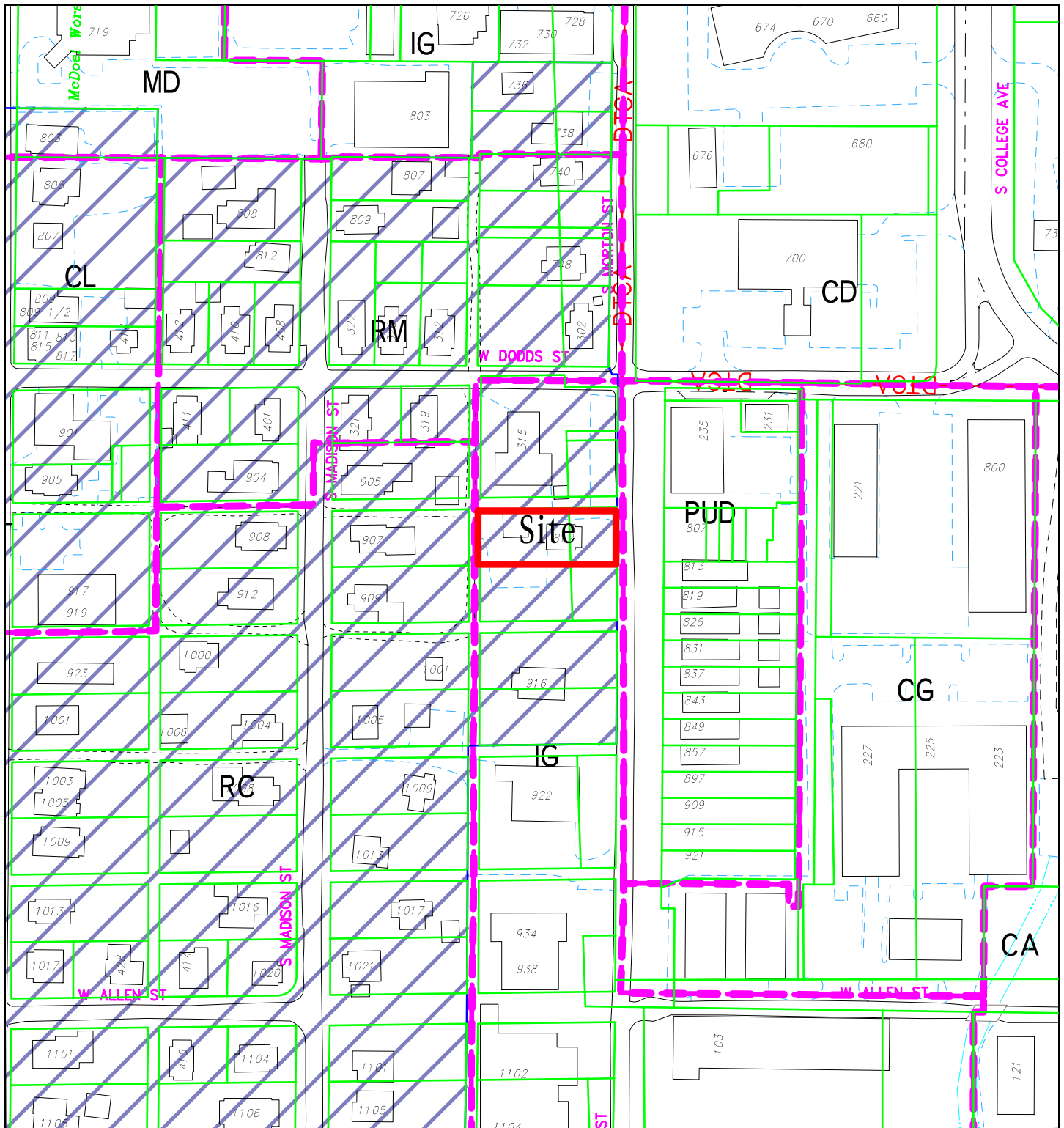
PROPOSED FINDING: The Comprehensive Plan describes this area as older neighborhoods that were developed using a traditional block and grid-like street pattern. The Comprehensive Plan also states that the district is essentially built out and the most appropriate development activity is the rehabilitation of older structures for residential uses, which this petition accomplishes. In regards to Land Development Activities it states- “New and redevelopment activity for this district is mostly limited to remodeling or new construction for single-family residential uses. It is important to protect the existing single-family housing stock within this district.”

CONCLUSION: The Department finds that the proposed use does not substantially interfere with the intents of the Comprehensive Plan and directly furthers the goals of the Comprehensive

Plan by protecting existing housing stock and maintaining owner occupied housing. The property is adjacent to single family residences and the granting of this approval ensures the preservation and maintenance of a residence in the McDoel Historic District.

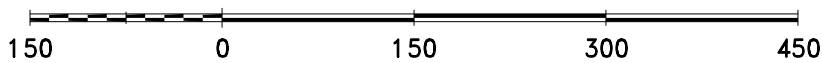
RECOMMENDATION: The Department recommends that the Hearing Officer adopt the proposed findings and approve the petition with the following conditions:

1. The parking area in the rear of the structure must be brought into compliance with Parking standards before occupancy will be issued for the addition.
2. A Certificate of Appropriateness is required prior to issuance of a building permit for the addition.
3. This approval does not approve any variances from setbacks or attaching the building to the garage.



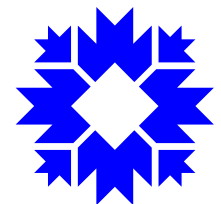
UV-43-19 J.T. Forbes
 812 S. Morton Street
 Hearing Officer
 Site Location, Zoning, Parcels

By: greulice
 22 Nov 19

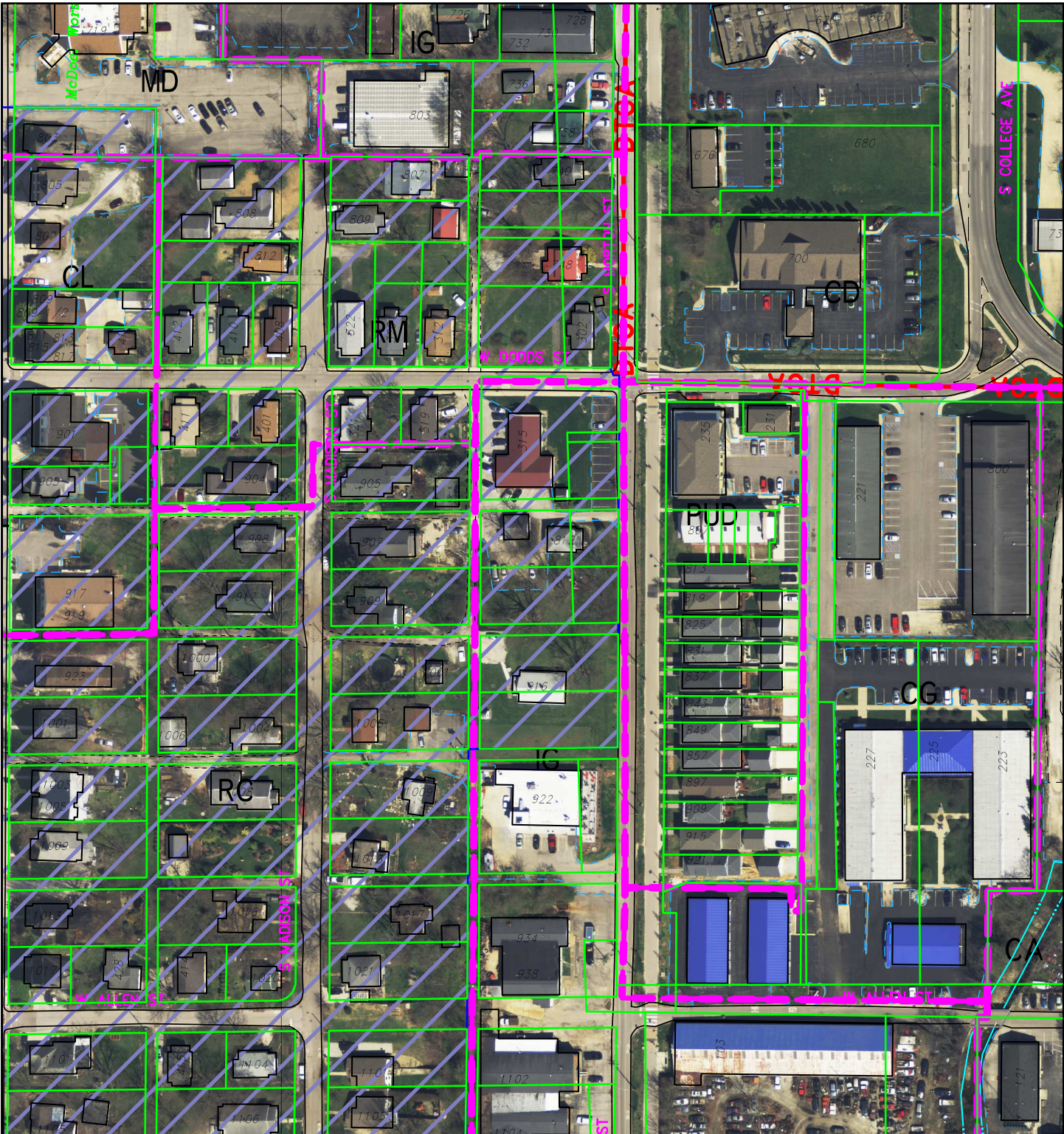


For reference only; map information NOT warranted.

City of Bloomington
 Planning & Transportation



Scale: 1" = 150'



UV-43-19 J.T Forbes

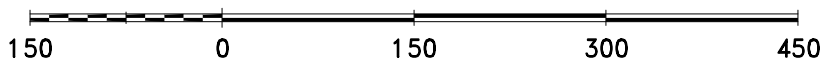
812 S. Morton Street

Hearing Officer

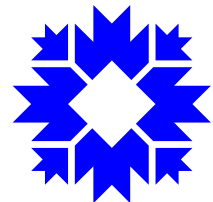
2016 Aerial Photograph

By: greulice

22 Nov 19



City of Bloomington
Planning & Transportation



Scale: 1" = 150'

For reference only; map information NOT warranted.

We respectfully request a zoning variance from Light Industrial to Residential for our property at 812 South Morton.

We purchased this property as part of an enduring vision to make it a home where we can age in place. Apparently, we need the City to help reclaim the legacy of this house as a family home.

Please help us ensure that this part of Bloomington is a great place to live, work, and invest. With the colorful homes, interesting neighbors, local businesses, and new park near our home, we also see approval of our request as affirming and encouraging others to develop new structures and invest in this part of our fair city.

We are committed to this neighborhood and this property as our home. We have been welcomed warmly by our neighbors, who have been supportive of us transforming what had become stagnant office space back into a vibrant home where friends, loved ones, and neighbors gather. We have studied the history of the neighborhood and legacy of the house.

After much thought and planning, we have decided that remodeling the interior and re-residing and re-roofing the exterior is the next right step. We are scrapping our prior plans for an addition so we can become part of the neighborhood. Our many creative, hospitable, and inventive neighbors have many interesting ideas for an addition and we want to take our time.

Thank you for consideration of this request to allow us to add our names to the Hays, Dillard, Boshears, and Stalcup families who know this house as a home where adults and children lived, loved, and welcomed their friends and loved ones.

Sincerely,
Martha Shedd & J T. Forbes



Eric Greulich <greulice@bloomington.in.gov>

Fwd: 812 Morton Street

1 message

J Thomas Forbes <jt.forbes@gmail.com>
To: Eric Greulich <greulice@bloomington.in.gov>

Fri, Nov 8, 2019 at 11:22 AM

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

From: **Jeff Wuslich** <jeff@cardinalspirits.com>
Date: Thu, Nov 7, 2019 at 2:47 PM
Subject: 812 Morton Street
To: J Thomas Forbes <jt.forbes@gmail.com>

JT,
This is note is for you to share with others. I fully support 812 S Morton Street being zoned residential. As the closest industrial user we completely support the property being used as a residence. We thoroughly enjoy having non-industrial neighbors as we strive to bring more of the community into and onto the B-line corridor. It will be nice to have a true mix of live, work, and play south of Dodds.

Thanks so much,

Jeff Wuslich
President

--
Jeff Wuslich / co-founder / Cardinal Spirits craft distillery / 922 S Morton St. Bloomington, IN 47403 / 812.202.6789 / jeff@cardinalspirits.com / w
ww.cardinalspirits.com /
instagram / facebook

Need to schedule a meeting/call? Use this link: <https://calendly.com/jwuslich>
Check out our great press: <https://www.cardinalspirits.com/media/>

To members of the Bloomington Zoning Authority,

I live at 905 South Madison Street with the back portion of my property adjacent to that of Jt Forbes and Martha Shedd at 812 South Morton Street. I wish to support their request for zoning variance to allow a single family home in the General IG zoning district

Given recent development along Morton, the Forbes/Shedd house, a bungalow, and several lots that stretch south to Cardinal Spirits are zoned inappropriately. The character of South Morton Street is moving toward residential and commercial functions, with new homes and a condominium built across from this property; a building housing Hopscotch Coffee at the corner of West Dodds and Morton; and the Cardinal Spirits distillery. Further south the light industrial character is changing away from machine shop to commercial uses. At the corner of Grimes and Morton a new commercial enterprise will soon be under construction.

Morton will soon be a major corridor leading to the new Bloomington Switchyard Park. This will spur additional commercial and residential uses along the street and lead to the further demise of light industrial enterprises.

Respectfully,
Jack Baker



Eric Greulich <greulice@bloomington.in.gov>

Fwd: Support of use variance

J Thomas Forbes <jt.forbes@gmail.com>
To: Eric Greulich <greulice@bloomington.in.gov>

Thu, Nov 7, 2019 at 7:51 PM

Here is another support statement.

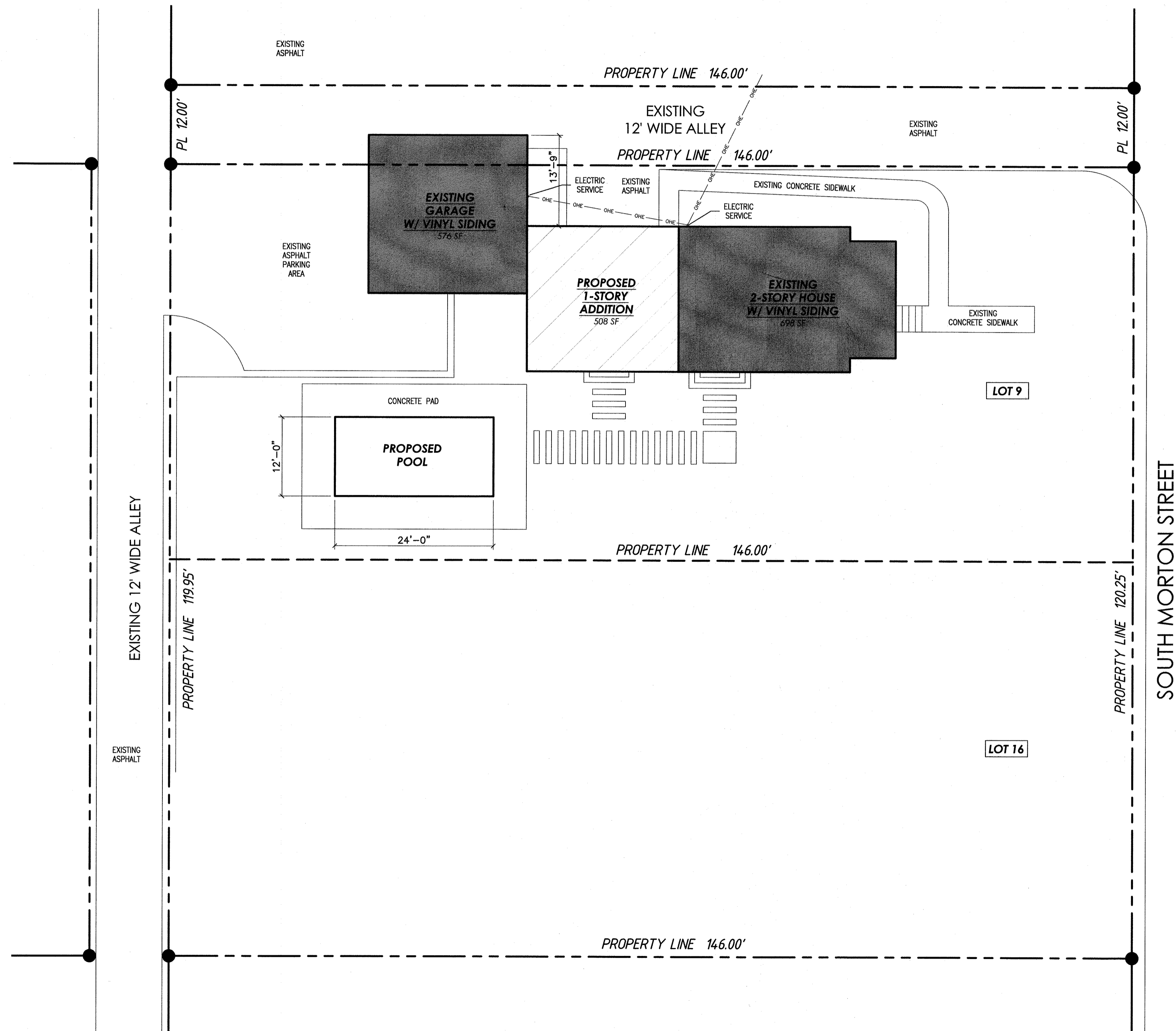
J T.
Begin forwarded message:

From: Keith Romaine <romainedesign@gmail.com>
Date: November 7, 2019 at 7:12:26 PM EST
To: JT.forbes@gmail.com
Subject: Support of use variance

I am writing to support the use variance requested by JT Forbes and Martha Shedd. I support the use variance to allow a single family residence in the Industrial General IG zoning district. The property is located at 812 South Morton which is directly to the east of my property, 907 South Madison Street.

Thank you,
John Keith Romaine
907 South Madison Street
Bloomington, IN 47403
812.322.6101
romainedesign@gmail.com

Sent from my iPad



1 SITE PLAN
1" = 10'

THIS SITE PLAN HAS BEEN CREATED FROM THE MONROE COUNTY G.I.S. SYSTEM. DISCREPANCIES DO EXIST BETWEEN SOME EXISTING MEASUREMENTS AND G.I.S. SUPPLIED DATA. INFORMATION BASED UPON THE USE OF THESE DRAWINGS SHALL BE VERIFIED WITH A CIVIL ENGINEER OR STAMPED SURVEY. THE ARCHITECT MAKES NO WARRANTIES, EITHER EXPRESSED OR IMPLIED OF THE DATA CONTAINED ON THIS DRAWING.

UTILITY NOTES

- MS. : IF SHOWN ON THE PLANS, MINIMUM SEWER ELEVATION. IT INDICATES THE LOWEST FLOOR ELEVATION THAT WILL ALLOW GRAVITY SEWER CONNECTION WITHOUT A SPECIAL BLACK WATER VALVE. ANY FLOOR ELEVATION THAT WILL BE SERVED BY GRAVITY SEWER MUST BE ABOVE THE RIM ELEVATION OF THE UPSTREAM SANITARY MANHOLE. IF NOT A BACKWATER VALVE MUST BE INSTALLED ACCORDING TO THE UNIFORM PLUMBING CODE.
- SEE DRAWINGS & SPECIFICATIONS FOR SIZES OF WATER SERVICE LINES AND SEWER LATERALS NOT SPECIFICALLY NOTED ON THE PLANS.
- ALL EXISTING SANITARY MAINS, WYES SHALL BE CUT AND SLEEVED IN PLACE BY CITY OF BLOOMINGTON UTILITIES PERSONNEL WITH THE CITY OF BLOOMINGTON UTILITIES FURNISHING ALL MATERIAL, EQUIPMENT, AND LABOR NECESSARY FOR INSTALLATION. DEVELOPER SHALL PROVIDE ALL NECESSARY EXCAVATION, SHORING, BACKFILL, AND SURFACE REPAIR. PLEASE CONTACT NANCY AXSOM AT (812) 349-3689 FOR MORE INFORMATION.
- WHEN CONNECTING A NEW PIPE TO AN EXISTING MAN HOLE, THE MAN HOLE SHALL BE CORE-DRILLED. PIPE SHALL BE CONNECTED TO THE MAN HOLE BY EITHER A FLEXIBLE BOOT KOR-N-SEAL, 1 OR 2 FLEXIBLE CONNECTOR OR APPROVED EQUAL. TABLE AND TROUGH SHALL BE MODIFIED AS NECESSARY TO DIRECT TO THE FLOW FROM THE NEW PIPE. INVERT OF CONNECTION SHALL BE NO MORE THAN ONE FOOT HIGHER THAN THE INVERT OUT FOR THIS STRUCTURE.
- IN ACCORDANCE WITH SECTION 4.5.2.1.5.1 OF THE CBU CONSTRUCTION SPECIFICATIONS ALL SEWER LATERALS SHALL HAVE ALL CLEAN-OUTS. THE SHALL BE IN GRASSY AREAS OR IN PAVEMENT & SHALL BE SUB-SURFACE AND PROTECTED BY A SUITABLE METAL CASTING SUCH AS EAST JORDAN CATALOGUE NO. 2-1874-A. IN GRASSY AREAS, THE CASTING SHALL BE PROVIDED WITH A CIRCULAR CONCRETE COLLAR FLUSH WITH THE TOP OF THE CASTING AND THE GROUND SURFACE. THE COLLAR SHALL BE MINIMUM 6" THICK AND SHALL EXTEND AT LEAST 8" BEYOND THE OUTSIDE ON THE CASTING ON ALL SIDES. IN PAVEMENT, THE TOP OF THE CASTING SHALL BE FLUSH WITH THE SURROUNDING PAVEMENT. THE TOP OF THE CLEAN-OUT SHALL BE NO MORE THAN 3" BELOW THE TOP OF THE CASTING. A #10 INSULATED SOLID COPPER LOCATOR WIRE SHALL BE WRAPPED AROUND ALL NON-METALLIC PIPES SO THAT ONE REVOLUTION IS MADE AT LEAST EVERY PIPE JOINT. SPLICES ARE TO BE MADE WITH AN APPROVED CONNECTOR, AND ARE TO BE SUITABLY PROTECTED AGAINST CORROSION. THE WIRE IS TO BE BROUGHT TO THE SURFACE WITH A CLEAN-OUT IN A CASTING. ALSO SEE THE CBU CONSTRUCTION SPECIFICATIONS FOR THE " STANDARD SANITARY LATERAL CLEAN-OUT DETAIL #19"
- WHEREVER C900 PIPE IS USED FOR SEWER, ALL WYES SHALL BE HARCO, SIZED FOR C900 ON THE RUN AND SDR-35 ON THE BRANCH. TRANSITION FROM C900 TO SDR-35 PIPE SHALL BE MADE BY USE OF A HARCO C-900 TO SDR-35 ADAPTER WYES.
- ALL D.I.P. USED FOR SANITARY SEWER SHALL HAVE CERAMIC EPOXY LINING, MINIMUM THICKNESS 40 MILS, AND SHALL BE PROTECTED 401, AS MANUFACTURED BY INDRON PROTECTIVE COATINGS. WYES FOR D.I.P. SHALL BE HARCO D.I.P. TO SDR-35 ADAPTER WYES.
- A PERMANENT INDICATING VALVE IS TO BE INSTALLED 12" ABOVE THE FLOOR ON THE FIRE LINE AT THE TERMINATING POINT. THIS VALVE WILL BE USED TO HYDROSTATIC PRESSURE TEST AGAINST, AND WILL REMAIN AS PART OF THE SYSTEM ONCE ALL IS COMPLETE. THE LINE WILL NOT BE DISMANTLED FOR CONNECTION TO THE FIRE SUPPRESSION SYSTEM.
- ALL PROJECTS WILL REQUIRE A PRE-CONSTRUCTION MEETING WITH THE CITY OF BLOOMINGTON UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR AND/OR DEVELOPER MUST CONTACT THE UTILITIES TECHNICIAN @ (812) 349-3633 TO SCHEDULE A MEETING.
- CONTRACTOR SHALL NOTIFY THE CITY OF BLOOMINGTON UTILITIES ENGINEERING DEPT. ONE (1) WORKING DAY PRIOR TO CONSTRUCTION OF ANY WATER, STORM, OR SANITARY SEWER UTILITY WORK. A CBU INSPECTOR MUST HAVE NOTICE SO WORK CAN BE INSPECTED, DOCUMENTED, & PROPER AS-BUILT MADE. WHEN A CONTRACTOR WILL PERFORM WORK ON A WEEKEND, A CBU DESIGNATED HOLIDAY, OR BEYOND NORMAL CBU WORK HOURS, THE CONTRACTOR SHALL PAY THE INSPECTORS OVERTIME. FOR CBU WORK HOURS & HOLIDAY INFORMATION, PLEASE CONTACT THE CITY OF BLOOMINGTON UTILITIES ENGINEERING DEPT. @ (812) 349-3660.

SITE PLAN KEYNOTES:

1 XXXX

SITE UTILITIES CONTACT INFORMATION:

- COMCAST:
SCOTT CRIFE Ph. 812-332-9612
Email: scott_crife@cable.comcast.com
- AT&T:
BRENT MCCABE Ph. 812-334-4521
Email: bm1792@att.com
- CITY OF BLOOMINGTON WATER & SEWER:
NANCY AXSOM Ph. 812-349-3689
Email: axsom@bloomington.in.gov
- DUKE ENERGY:
KERRY DUCKER Ph. 812-337-3035
Email: kerry.ducker@duke-energy.com
- VECTREN:
DOUG ANDERSON Ph. 812-330-4031
Email: danderson@vectron.com

SITE LAYOUT NOTES:

- ALL DIMENSIONS SHOWN ARE MIN.
- ALL BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF FRAMING (U.N.O.)
- DOWNSPOUTS NEED TO CONNECT TO AN UNDERGROUND STORM WATER SYSTEM OR DRAIN TO DAYLIGHT IF ALLOWED.

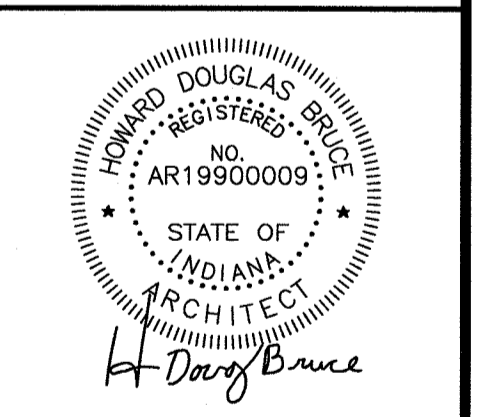
GENERAL SITE NOTES:

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING & VERIFYING THAT ALL PERMITS & APPROVALS ARE OBTAINED FROM THE RESPECTIVE CITY, COUNTY, & STATE AGENCIES PRIOR TO STARTING CONSTRUCTION.
- CONTRACTOR SHALL VERIFY LOC. & INVERT ELEVATIONS OF EXIST. SEWERS PRIOR TO CONSTRUCTION.
- CONTRACTOR SHALL INCLUDE IN THEIR BID PROPOSAL COSTS FOR CUTTING & PATCHING AS REQ'D. TO COMPLETELY INSTALL THE NEW WORK INDICATED.
- CONTRACTOR SHALL INCLUDE ALL TAP FEES & APPLICATION FEES IN THEIR BID PROPOSAL AS NECESSARY TO COMPLETELY INSTALL THE WORK INDICATED.
- CONTRACTOR WILL COORDINATE EXACT UTILITY LOCATIONS W/ THE OWNER & LOCAL UTILITY COMPANIES PRIOR TO COMMENCING ANY WORK.
- THE CONTRACTOR IS TO MAINTAIN A COMPLETE & OPERABLE UTILITY SYSTEM. UTILIZE PERMANENT &/OR TEMPORARY ROUTINGS TO ACCOMPLISH & MAINTAIN A FUNCTIONAL SYSTEM AT ALL TIMES.
- CONTRACTOR SHALL COORDINATE ALL DEMOLITION WORK W/ OWNER REPRESENTATIVES & ADJUST HIS SCHEDULE TO OWNER REQUIREMENTS.
- CONTRACTOR SHALL COORDINATE REMOVAL AND/OR RELOCATION OF IRRIGATION LINES & SPRINKLER HEADS W/ OWNER IF APPLICABLE.
- COORDINATE STORAGE & STAGING AREAS W/ OWNER.
- LOCAL REGULATIONS MUST BE REVIEWED TO INSURE THAT ALL PLAN REQUIREMENTS ARE MET.
- ALL APPLICABLE STATE (I.O.T.) & LOCAL (PUBLIC WORKS DEPT.) CONSTRUCTION STANDARDS & SPECIFICATIONS SHALL BE USED AS REQ'D. FOR SITE SPECIFIC ISSUES.
- ALL CURB RADI ARE 3' UNLESS OTHERWISE NOTED.



REVISIONS

RESIDENTIAL RENOVATION FOR:
JT FORBES & MARTHA SHEDD
812 S MORTON ST
BLOOMINGTON, INDIANA 47401



PROJECT NO. 2019
DATE 09.27.2019
DRAWN BY
CHECKED BY D. BRUCE

ARCHITECTURAL SITE PLAN

SHEET NO.
AS101