

# CITY OF BLOOMINGTON



February 19, 2020 @ 2:00 p.m.  
CITY HALL -  
KELLY CONFERENCE ROOM #155

**CITY OF BLOOMINGTON**  
**HEARING OFFICER**  
**February 19, 2020 at 2:00 p.m.**

**\*Kelly Conference Room #155**

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**PETITIONS:**

V-01-20

**Omega Properties**

426 E. 10<sup>th</sup> St.

Request: Variance from side yard building setbacks for the construction of a second story addition in a Residential Multifamily (RM) zoning district.

*Case Manager: Ryan Robling*

V-02-20

**Scott Lisbon & Dorothy Rhodes**

1018 E. 1<sup>st</sup> St.

Request: Variance from rear yard setback standards to allow for a detached garage.

*Case Manager: Keegan Gulick*

**\*\*Next Meeting: March 4, 2020**

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

**BLOOMINGTON HEARING OFFICER  
STAFF REPORT  
LOCATION: 426 E. 10<sup>th</sup> Street**

**CASE #: V-01-20  
DATE: February 19, 2020**

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**PETITIONER:** Omega Properties (Robert Friedman)  
115 E. 6<sup>th</sup> St. Suite 1, Bloomington, IN

**CONSULTANT:** Justin Sullivan  
115 E. 6<sup>th</sup> St. Suite 1, Bloomington, IN

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**REQUEST:** The petitioner is requesting a variance from side building setbacks for the construction of a second story addition in the Residential Multifamily (RM) district.

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**REPORT:** The 5,662 square foot property is located at 426 E. 10<sup>th</sup> St. The property is zoned Residential Multifamily (RM) and has been developed with a detached single-family dwelling, an attached garage which is accessed from an existing improved alley, and a parking area for occupants. The surrounding properties are also zoned RM and have been developed with a mixture of detached single-family and multifamily dwellings. The property fronts on E. 10<sup>th</sup> St. and has an improved alley along the western property line.

The petitioner is proposing to construct a second story addition which will expand the currently existing 784 square foot second story to the east. The proposed second floor will be 872 square feet. This addition will allow for an expansion from four to five bedrooms and for an existing bathroom to be expanded. The proposed second story addition will be 12 feet from the eastern property line. The proposed addition will utilize a similar side building setback to the existing first and second stories. The existing second story is 11.1 feet from the eastern property line. The existing first story is 5 feet from the eastern property line.

In the RM district, the Unified Development Ordinance (UDO) requires a minimum side building setback of 15 feet. Any new development within the required setback constitutes an encroachment. The RM district does not allow for exceptions based on existing encroachments into setbacks. The petitioner is requesting a variance from the required side building setback to allow the proposed addition to the second story to encroach 3 feet into the side building setback.

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**HISTORIC PRESERVATION COMMISSION:** The property is designated as Notable on the 2001 City of Bloomington Survey of Historic Sites and Structures and as Contributing on the 2014 City of Bloomington Survey of Historic Sites and Structures. The City of Bloomington Historic Preservation Commission reviewed the proposed work at their January 9<sup>th</sup> meeting. The HPC elected to release Demolition Delay for the proposed work under case DD 20-2.

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

**20.09.130 e) Standards for Granting Variances from Development Standards:** A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

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

**PROPOSED FINDING:** No injury is found as a result of this petition. The proposal provides for the continued use of a single-family dwelling, which is a permitted use in the RM district. The variance would allow for a second story addition which would be setback further from the property line than the current first and second stories. No negative impacts have been noted from the current location of the structure. The proposed addition will encroach 3 feet into the required side building setback; whereas the current first story encroaches 10 feet and the second story encroaches 3.9 feet into the side building setback.

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

**PROPOSED FINDING:** No adverse impacts to the use and value of surrounding properties are found as a result of the petition. The proposed second story addition will utilize similar, but less severe, side building setbacks to that of the existing structure. The proposed addition is consistent with the existing structure and with other residences in this area as no other structures on the block meet required side building setbacks. The property will remain a single-family dwelling with a maximum occupancy of five unrelated adults.

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

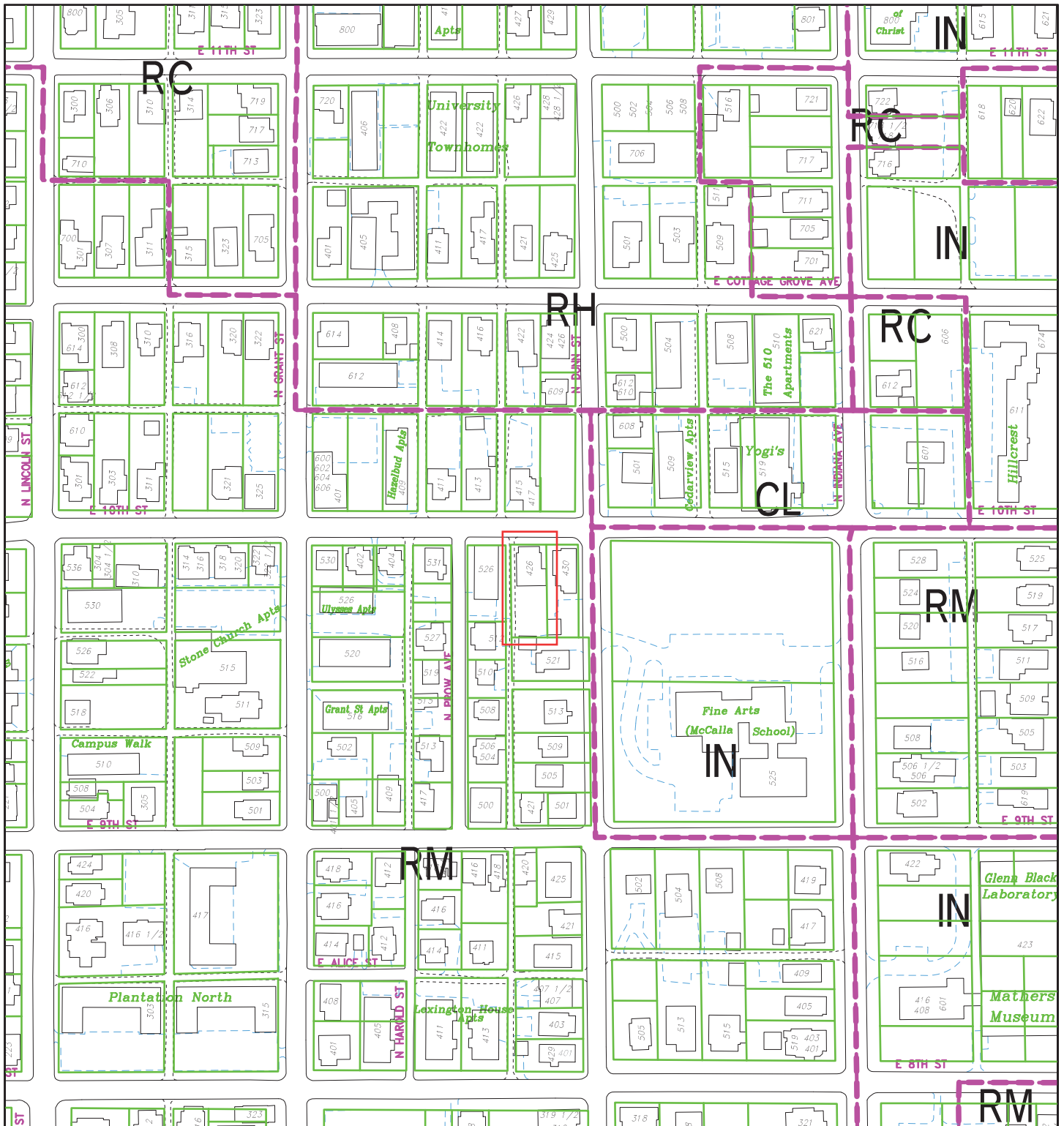
**PROPOSED FINDING:** Practical difficulty is found in the limits to development inherent in the smaller than RM district minimum lot size and width. The RM district has a minimum lot area of 21,780 square feet. The existing lot area is 5,662 square feet and is  $\frac{1}{4}$  of the minimum lot area for the RM district. Along E. 10<sup>th</sup> St., the lot is 51 feet wide. The RM district has a minimum lot width of 85 feet. The RM district's required setbacks were designed for lots that would meet these minimum requirements.

Peculiar condition is found in the existing structure's 34.5 foot width. Because the lot width is only 51 feet wide and the RM district requires 15 foot side building setbacks only 21 feet of the parcel would be developable without a variance. The existing structure's width is common for single-family dwellings in the district, and puts the property out of compliance with the terms of the UDO. Peculiar condition is also found in the location of existing building features. The existing structure has an attached garage on the rear of the building which would prevent a compliant addition from being developed. The combination of the currently encroaching existing structure, smaller than minimum lot area, smaller than minimum lot width, and the location of existing site features on the historically designated property prevent the placement of a compliant addition to the structure.

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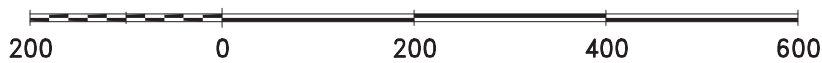
**RECOMMENDATION:** Based upon the written findings above, the Department recommends that the Hearing Officer adopt the proposed findings and recommends approval of V-01-20 with the following conditions:

1. The petitioners must obtain a building permit prior to construction.
2. The petitioners must be below the maximum impervious surface coverage of 40% of the lot area.
3. This variance applies to the addition as proposed only. Any subsequent encroachment would require a variance.



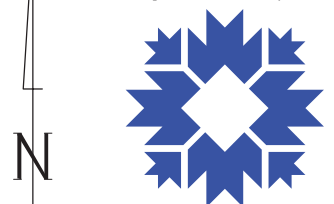
V-01-20 Omega Properties  
 426 E. 10th St.  
 Hearing Officer  
 Site Location, Zoning, Parcels

By: roblngr  
 7 Feb 20



For reference only; map information NOT warranted.

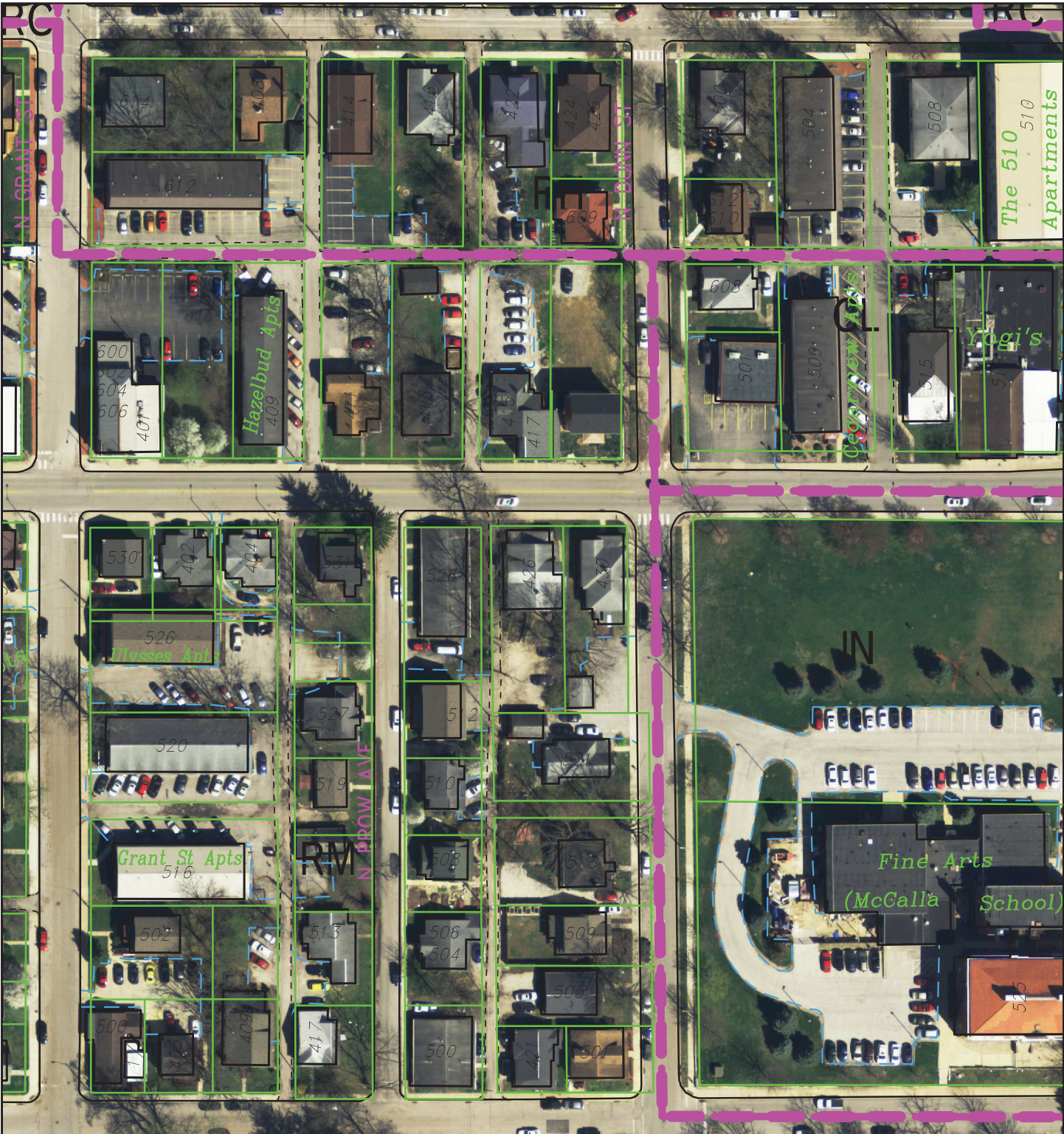
City of Bloomington  
 Planning & Transportation



N

Scale: 1" = 200'





V-01-20 Omega Properties

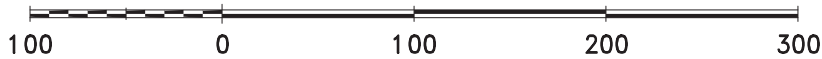
462 E. 10th St.

Hearing Officer

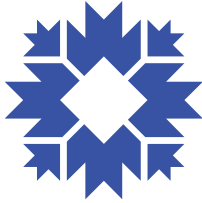
2016 Aerial Photograph

By: roblingr

7 Feb 20



City of Bloomington  
Planning & Transportation



Scale: 1" = 100'

For reference only; map information NOT warranted.

# Petitioner Statement

Date: January 29, 2020

To: City of Bloomington Planning & Transportation Department

From: Matt Ellenwood, Architect on behalf of Rob Friedman, Applicant

Re: Side Setback Variance for 426 E 10th Street

Attn: City of Bloomington Hearing Officer

This letter is to request approval for a side setback variance to allow the expansion of a second floor and roof within the original house footprint, approximately 10' from the side property line. The minor addition is part of a larger interior renovation and is to be located and built as shown in the provided drawings.

A variance is sought because the current UDO for RM zones has a side setback of 15' and doesn't allow additions to utilize existing setbacks, like in the RS district, which was likely the historical designation for the property and neighborhood at one time. Also, the lot is considerably narrow (51') and the existing structure is already within the 15' setback. The proposed addition will be well within the existing footprint, setback 6' from the existing east wall of the structure.

The surrounding properties are mainly residential rental uses consisting of older single-family housing stock with a variety of additions and renovations over time. The proposed addition would not negatively impact the adjacent properties and fits within the context of other improvements. We believe the proposed design meets the intent of the UDO's current guidelines, which is to "allow medium density residential development to ensure an adequate mix of housing types throughout the community". The proposed addition won't actually increase density but will simply bring the existing structure up to current rental standards and extend the life of the structure.

Thank you for your time and consideration of this application.

Sincerely,



Matt Ellenwood, Architect  
Matte Black Architecture

On behalf of:

Rob Friedman, Applicant



# PROPOSED HOUSE RENOVATION

## OMEGA MASTER LLC

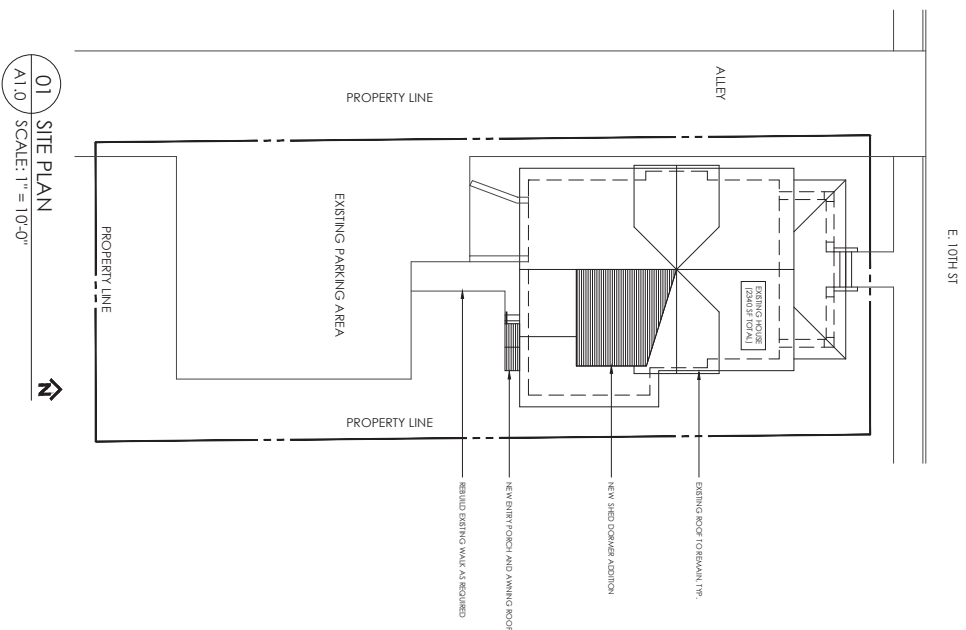
### 115 E. 6TH STREET BLOOMINGTON, IN 47408



EXTERIOR FRONT PHOTO



EXTERIOR REAR PHOTO



01 SITE PLAN  
SCALE: 1" = 10'-0"

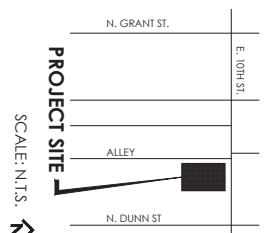
**GENERAL NOTES (APPLICABLE TO ALL TRADES)**

1. VERIFY ALL EXISTING CONDITIONS, THE NUMBER AND LOCATION OF FOUNDATIONS, AND ANY ADJACENT STRUCTURES OR UTILITIES BEFORE BEGINNING WORK.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT.
4. ALL EXISTING FOUNDATIONS ARE TO REMAIN UNLESS OTHERWISE SPECIFIED.
5. PROVIDE ALL NECESSARY TIE-BACKS AND ANCHORS FOR WALLS, CEILING, AND FLOOR SYSTEMS.
6. VERIFY ALL EXISTING FOUNDATIONS AND CEILING ARE TO REMAIN UNLESS OTHERWISE SPECIFIED.
7. PROVIDE ALL NECESSARY TIE-BACKS AND ANCHORS FOR WALLS, CEILING, AND FLOOR SYSTEMS.
8. VERIFY ALL EXISTING FOUNDATIONS AND CEILING ARE TO REMAIN UNLESS OTHERWISE SPECIFIED.
9. PROVIDE ALL NECESSARY TIE-BACKS AND ANCHORS FOR WALLS, CEILING, AND FLOOR SYSTEMS.
10. VERIFY ALL EXISTING FOUNDATIONS AND CEILING ARE TO REMAIN UNLESS OTHERWISE SPECIFIED.
11. PROVIDE ALL NECESSARY TIE-BACKS AND ANCHORS FOR WALLS, CEILING, AND FLOOR SYSTEMS.
12. VERIFY ALL EXISTING FOUNDATIONS AND CEILING ARE TO REMAIN UNLESS OTHERWISE SPECIFIED.
13. PROVIDE ALL NECESSARY TIE-BACKS AND ANCHORS FOR WALLS, CEILING, AND FLOOR SYSTEMS.
14. VERIFY ALL EXISTING FOUNDATIONS AND CEILING ARE TO REMAIN UNLESS OTHERWISE SPECIFIED.
15. PROVIDE ALL NECESSARY TIE-BACKS AND ANCHORS FOR WALLS, CEILING, AND FLOOR SYSTEMS.

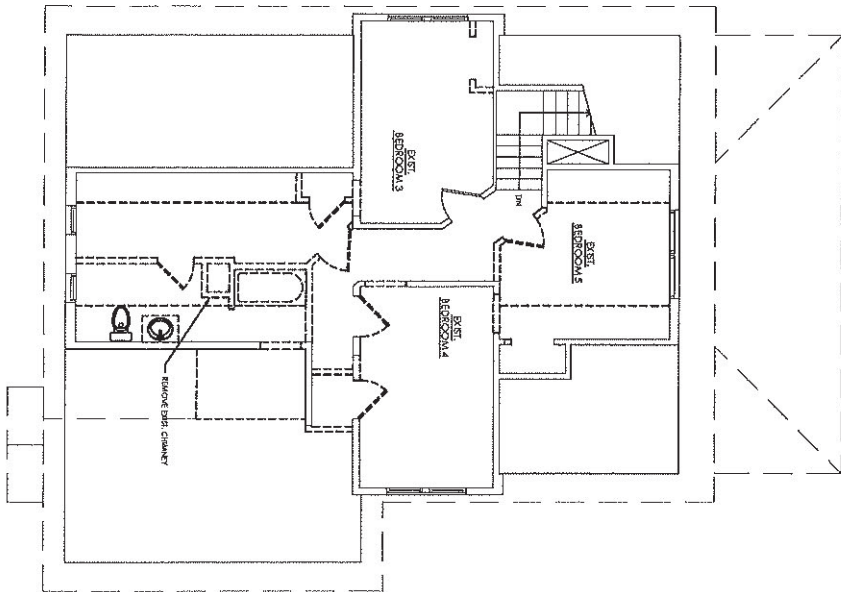
**DRAWING SHEET INDEX**

A1.0	COVER SHEET AND SITE PLAN
B1.0	EXISTING / RENOVATION PLANS
A2.0	FLOOR PLANS
A3.1	ROOF PLAN AND SECTIONS

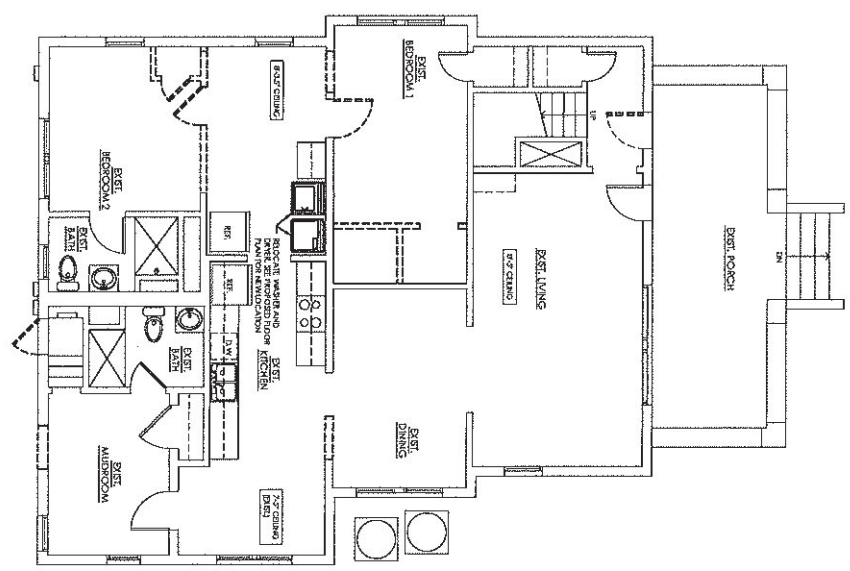
**LOCATION MAP**



PROJECT SITE  
SCALE: N.T.S.



02 DEMOLITION SECOND FLOOR PLAN  
 D1.0 SCALE: 1/4" = 1'-0"



01 DEMOLITION FIRST FLOOR PLAN  
 D1.0 SCALE: 1/4" = 1'-0"

# PROPOSED HOUSE RENOVATION

426 E. 10TH ST. BLOOMINGTON, IN

**MATTE BLACK ARCHITECTURE**  
 207 E. 10TH ST. SUITE 100  
 BLOOMINGTON, IN 47404  
 TEL: 317.344.1111  
 WWW.MATTEBLACKARCHITECTURE.COM  
 DESIGN MATTERS

DATE: 11.21.17  
 ISSUE: PERMIT  
 JOB NO.: 19-14  
 CHECKED BY: MDE

**D1.0**  
 EXISTING/DEMOLITION  
 FLOOR PLANS

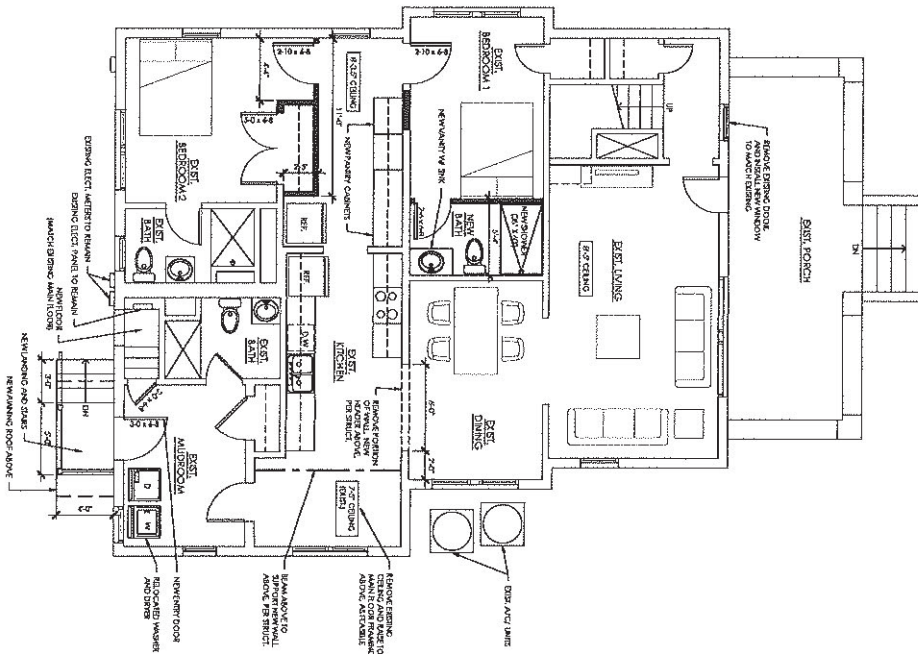
# PROPOSED HOUSE RENOVATION

426 E. 10TH ST. BLOOMINGTON, IN

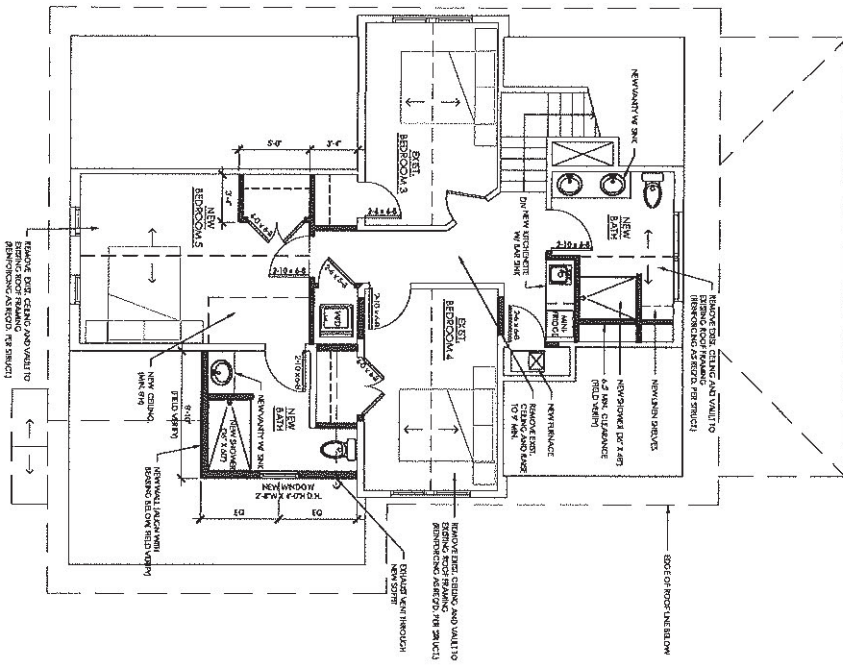
DATE: 11.21.19  
 ISSUE: PERMIT  
 JOB NO.: 19-14  
 CHECKED BY: MBE

QUANTITY TAKE OFF SHEET  
 FOR THE PROPOSED HOUSE RENOVATION  
 PROJECT NO. 19-14  
 DATE: 11.21.19  
 CHECKED BY: MBE

**A2.0**  
 FLOOR PLANS



**01** PROPOSED FIRST FLOOR PLAN  
 A2.0 SCALE: 1/4" = 1'-0"



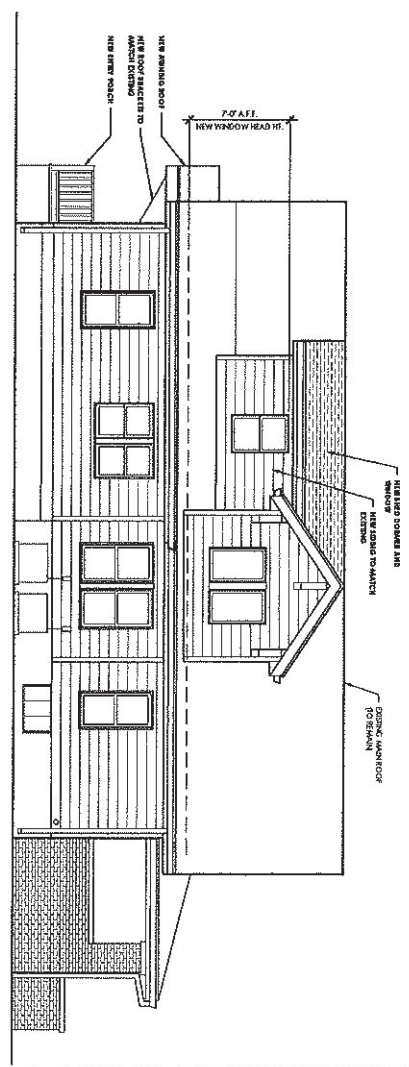
**02** PROPOSED SECOND FLOOR PLAN  
 A2.0 SCALE: 1/4" = 1'-0"



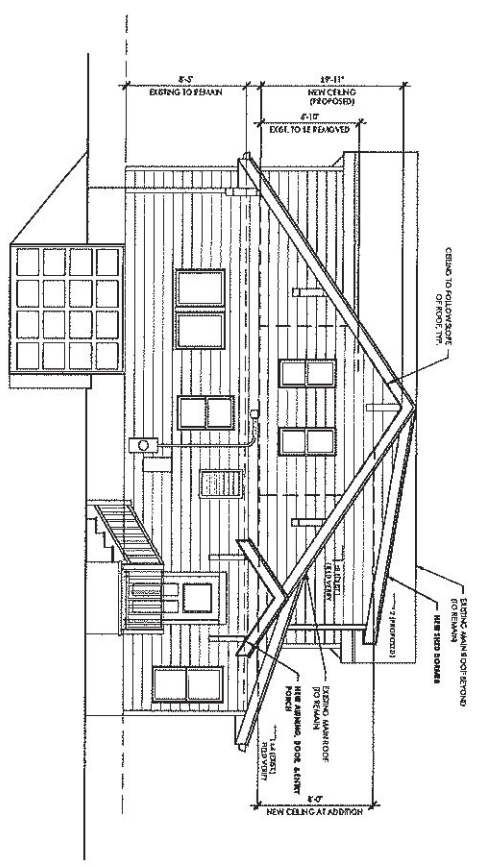
**PROPOSED HOUSE RENOVATION**  
 426 E. 10TH ST. BLOOMINGTON, IN

DATE: 11.21.19  
 ISSUE: PERMIT  
 JOB NO.: 19-14  
 CHECKED BY: MOE  
 \*LANDMARK ARCHITECTURE  
 1001 N. STATE ST. SUITE 100  
 BLOOMINGTON, IN 47403  
 TEL: 317.344.1111  
 WWW.LANDMARKARCHITECT.COM

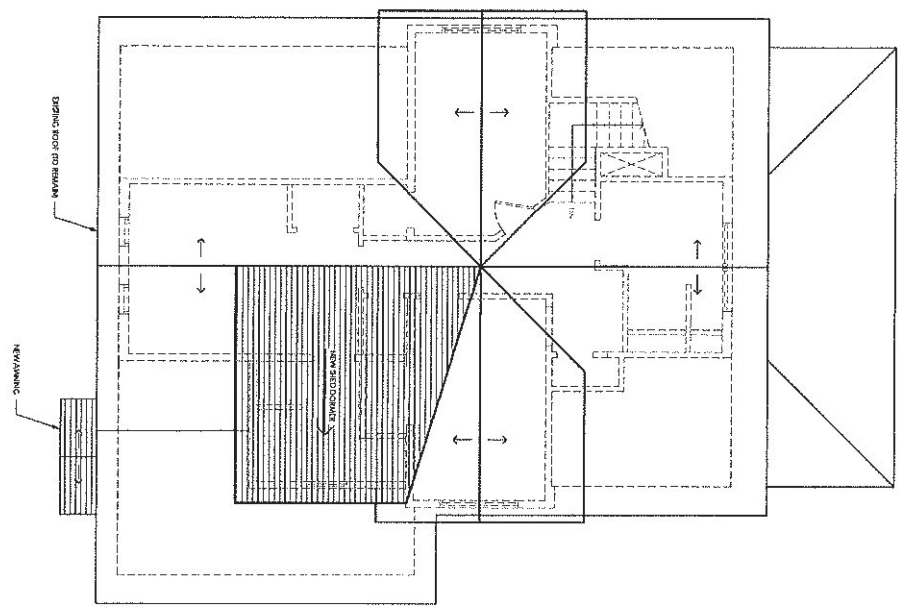
**A2.1**  
 ROOF PLAN & ELEVATIONS



**02 PROPOSED SIDE ELEVATION**  
 A2.1 SCALE: 1/4" = 1'-0" N



**01 PROPOSED REAR ELEVATION**  
 A2.1 SCALE: 1/4" = 1'-0" N



**03 PROPOSED ROOF PLAN**  
 A2.1 SCALE: 1/4" = 1'-0" N

**BLOOMINGTON HEARING OFFICER  
STAFF REPORT  
LOCATION: 1018 E 1<sup>st</sup> Street**

**CASE #: V-02-20  
DATE: February 19, 2020**

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**PETITIONER: Scott Libson & Dorothy Rhodes  
1018 E 1<sup>st</sup> St. Bloomington, IN**

**CONSULTANT: Barre Klapper  
213 S Roger St. Bloomington, IN**

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**REQUEST:** The petitioner is requesting a variance from rear yard setbacks for the construction of a detached garage in the Residential Core (RC) district.

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**REPORT:** The property is located at 1018 E 1<sup>st</sup> St. and is zoned Residential Core (RC) and has been developed with a detached single-family dwelling and a detached garage. The surrounding properties are also zoned RC and have been developed with detached single-family dwellings. Currently on the site there is a detached garage that encroaches over the south property line. The petitioner is proposing to demolish the existing detached garage and patio and construct a 360 square foot detached garage and a new brick and stone patio.

In the RC district, the Unified Development Ordinance (UDO) requires a minimum side building setback of 5 feet and a rear yard setback of 5 feet for detached garages. The petitioner is requesting a variance from the required rear yard setback to allow the proposed garage to encroach 4 feet into the building setback.

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**HISTORIC PRESERVATION COMMISSION:** The property is located in the Elm Heights historic district and will require a Certificate of Appropriateness before the existing garage can be demolished and a new garage can be constructed.

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

**20.09.130 e) Standards for Granting Variances from Development Standards:** A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

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

**PROPOSED FINDING:** No injury is found to the public health, safety, morals, and general welfare as a result of this petition. The proposal would bring the property closer to compliance by removing the nonconforming detached garage. The variance would allow for the proposed garage to be setback further from the property line than the current garage. Negative impacts have been noted from the current location of the garage as it encroaches on to the adjacent property to the south. The proposed garage will encroach 4 feet into the required rear building setback; whereas the current garage encroaches over the south property line.



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

**PROPOSED FINDING:** No adverse impacts to the use and value of surrounding properties are found as a result of the petition. The proposed garage will utilize the same side building setbacks as the existing garage and have an improved rear yard setback. The proposed garage is consistent with other residences in this area as other structures on the block appear to not meet side or rear building setbacks. The property will remain a single-family dwelling.

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

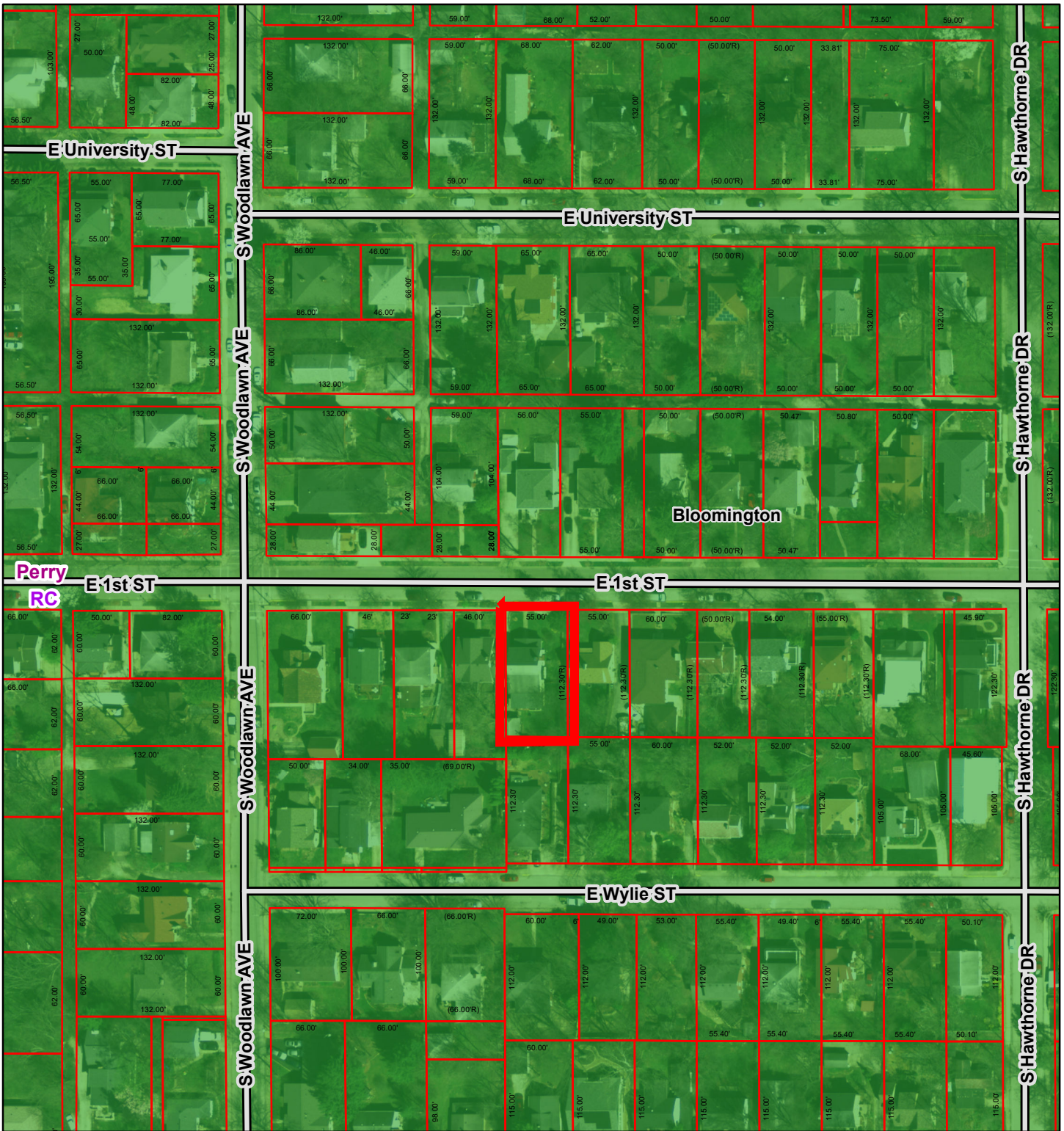
**PROPOSED FINDING:** Practical difficulty is found in the limits inherent in the existing substandard lot size, which is approximately 1,024 square feet below the minimum lot size for the RC zoning district. The minimum lot size for the RC district is 7,200 square feet and the lot is approximately 6,176 square feet. The location of the existing patio and single-family structure also restrict the placement of a detached garage on the lot. The combination of the location of current structures and the substandard sized lot prevent the placement of a compliant and adequately accessible detached garage.

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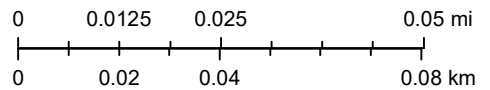
**RECOMMENDATION:** Based upon the written findings above, the Department recommends that the Hearing Officer adopt the proposed findings and recommends approval of V-02-20 with the following conditions:















1. The petitioners must obtain a building permit prior to construction.
2. A Certificate of Appropriateness is required before any permits will be issued for demolition or building.
3. This variance applies to the detached garage as proposed only. Any subsequent encroachment would require a variance.

# 1018 E 1st St

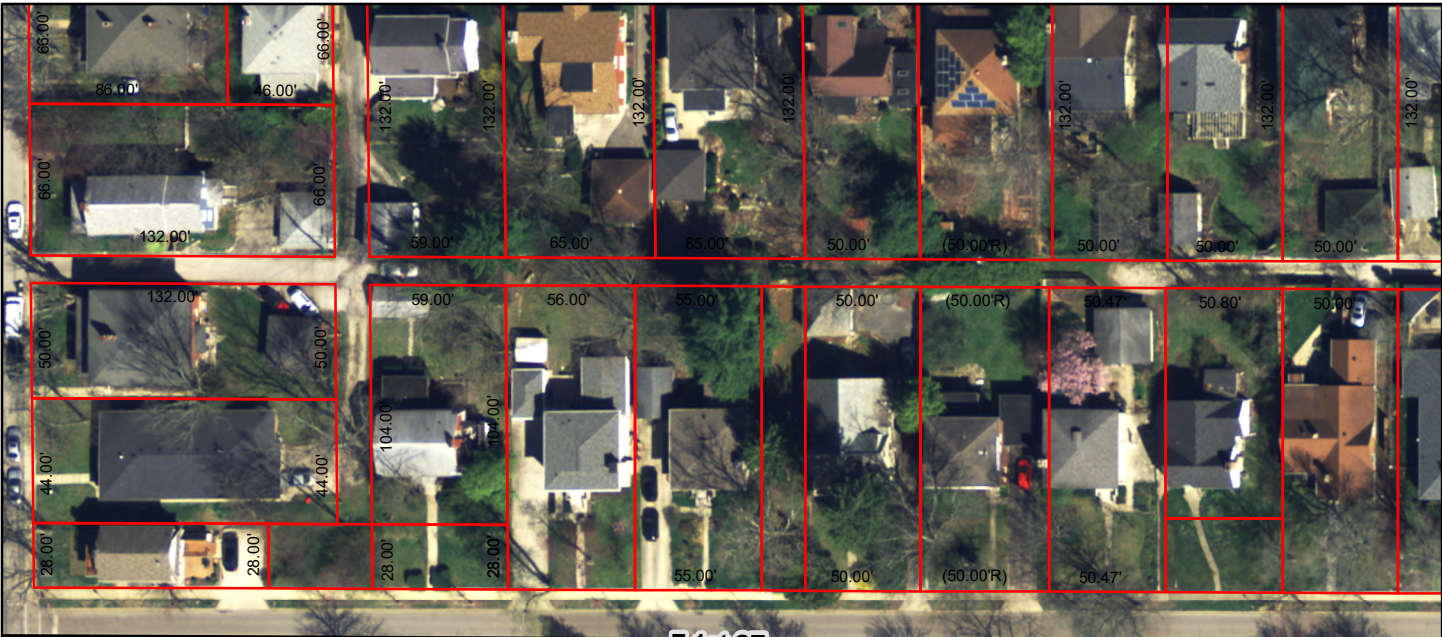


1:1,500

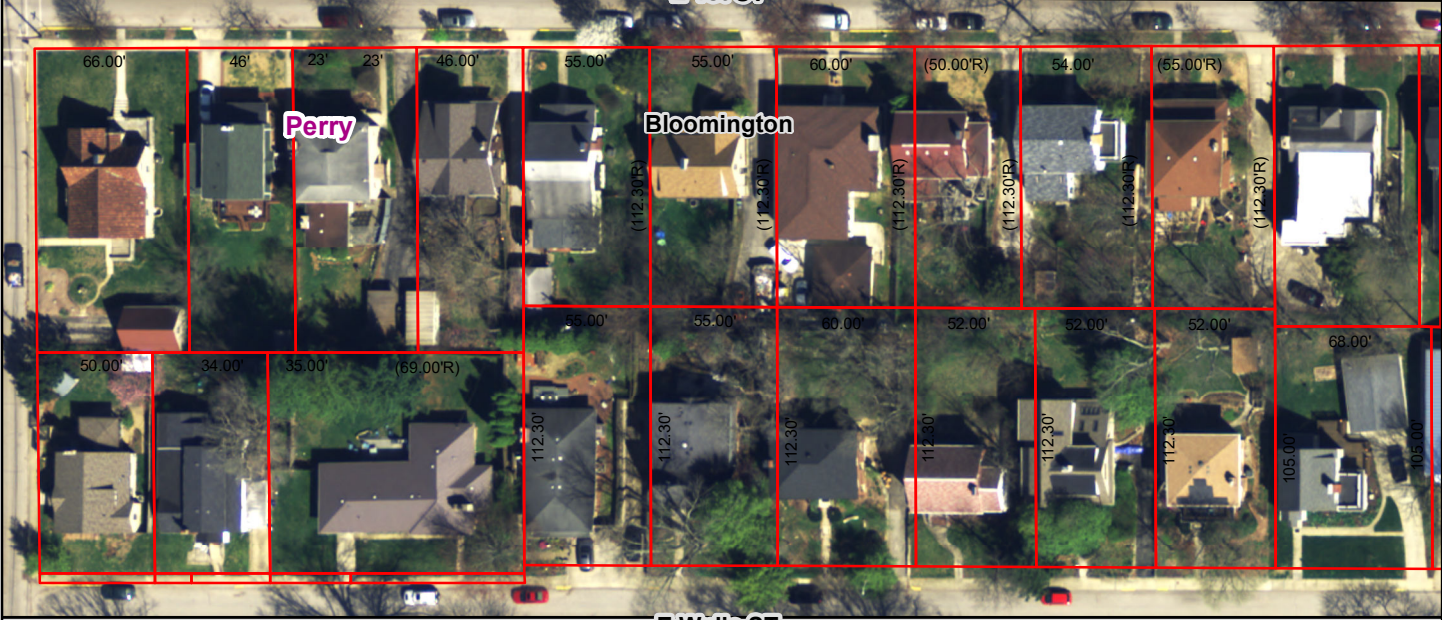


<b>Bloomington Zoning</b>	 CL	 PUD	 RM
<b>TAG</b>	 IG	 QY	 RS
 BP	 IN	 RC	
 CA	 MD	 RE	
 CD	 MH	 RH	
 CG			





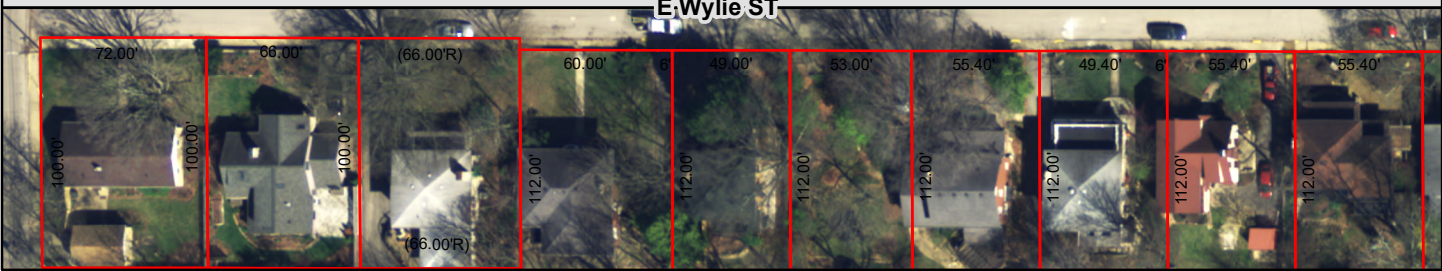
E.1st ST



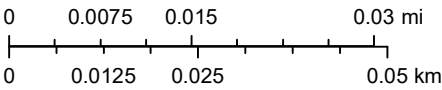
Perry

Bloomington

E.Wylie ST



1:1,000





January 23, 2020

Keegan Gulick  
City of Bloomington Planning Department  
401 N. Morton Street  
Bloomington, IN 47404

**RE: Petitioner's Statement for Development Variance Request**

Dear Mr. Gulick,

Our client, Scott Lisbon and Dorothy Rhodes who live at 1018 E. 1<sup>st</sup> Street, respectfully request a variance from the development standards of the Unified Development Ordinance to allow the construction of a new one-car garage within one foot of the rear yard property line.

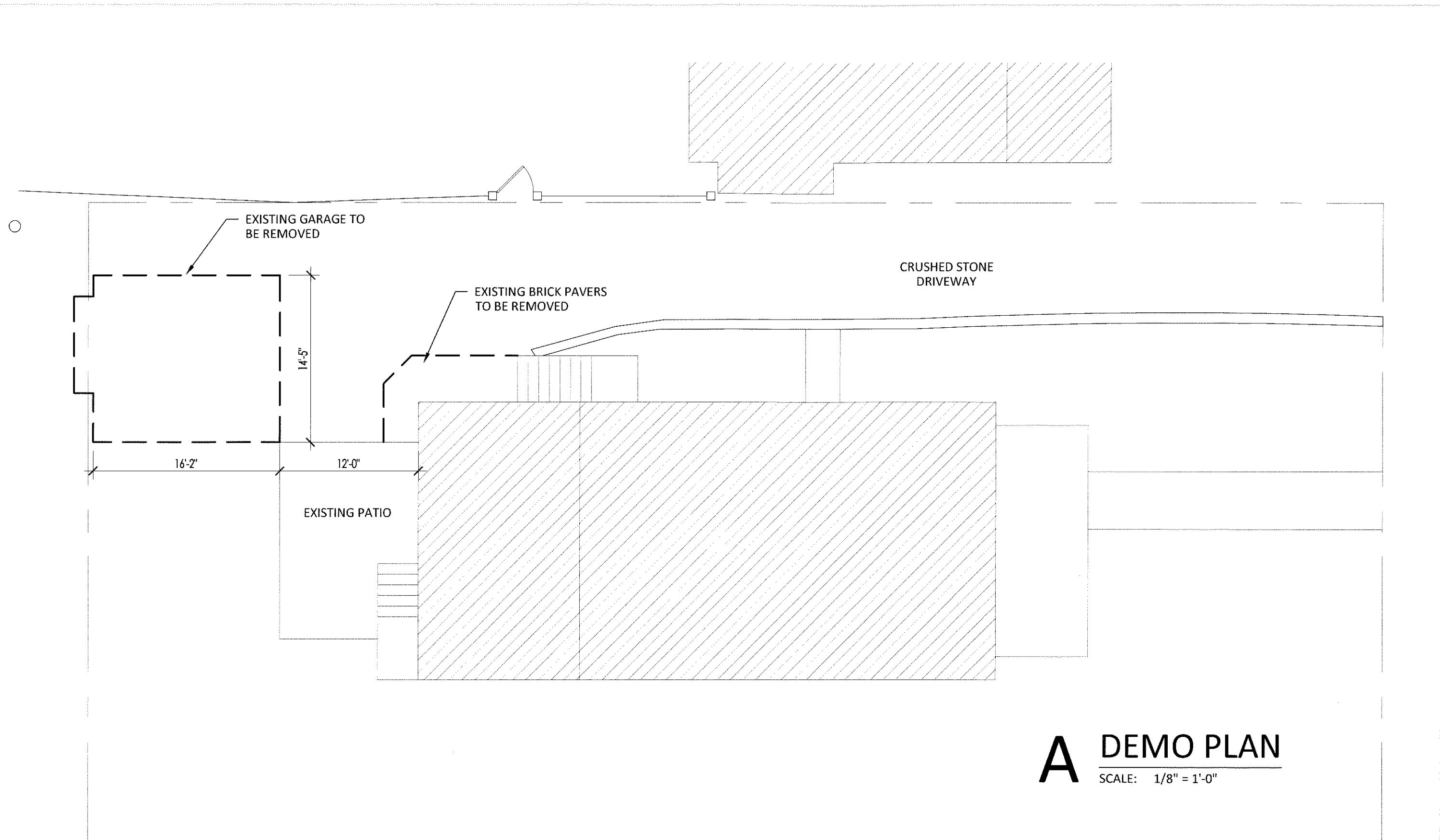
The historic home built circa 1930 has a detached garage in the southwest corner of the lot which was built at approximately the same time. Please reference the attached survey. The original garage sits within 5 inches of the rear property line and has a bay which extends 20 inches over the property line. The garage is located 4 foot 4 inches from the west property line. Due to the poor condition of the garage and its substandard size, the owners would like to demolish the existing building and replace it with a new garage in a similar location and is therefore requesting a rear yard setback variance. The gravel drive would also be paved to provide adequate slope for storm water drainage to the street.

The new, proposed garage will be a minimal depth of 20 feet and sit 7 foot 7 inches from the existing house. The rear yard setback variance is needed to provide functional, vehicular access to the front of the garage. Please reference the attached proposed plan.

We submit that the proposed project meets the three (3) criteria for a development standards variance. The variance would not create a public injury nor have an adverse impact on the adjacent properties. The replacement of the existing garage would improve distance from the south property line and bring the garage into compliance with the side yard setback. A strict application of the UDO will result in a practical difficulty in the use of the property and is particular to this specific property. The practical difficulty results from the small size of the lot and the original driveway and curb cut location in relationship to the position of the house.

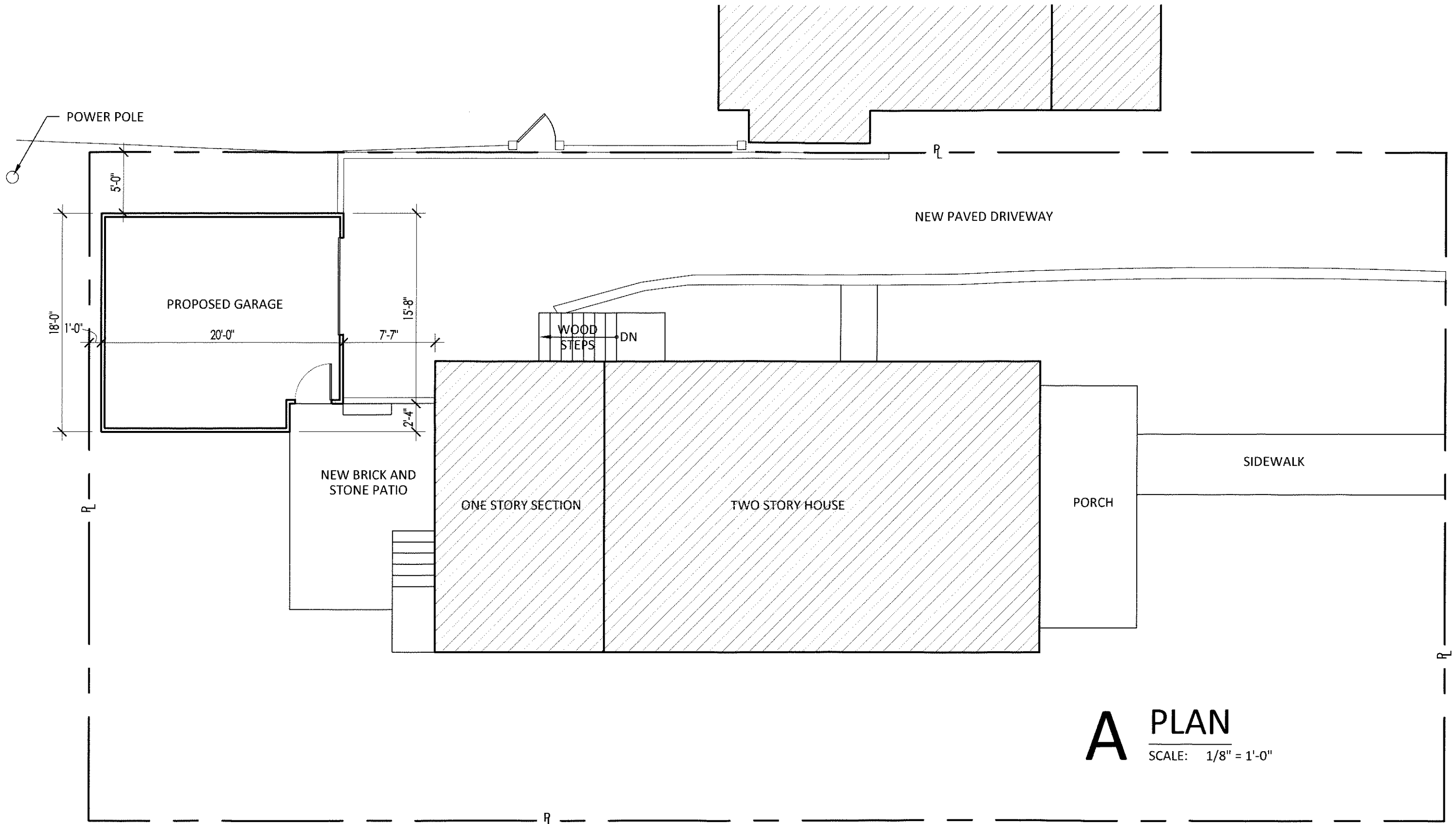
Thank you for your consideration,

Barre Klapper, AIA  
On behalf of Scott Lisbon and Dorothy Rhodes

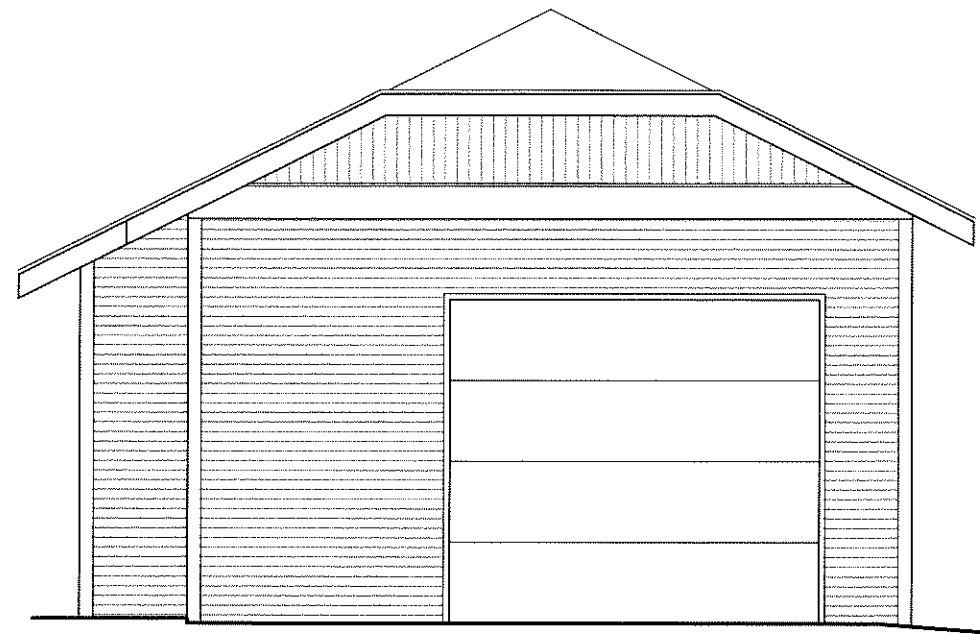


**A** DEMO PLAN  
SCALE: 1/8" = 1'-0"

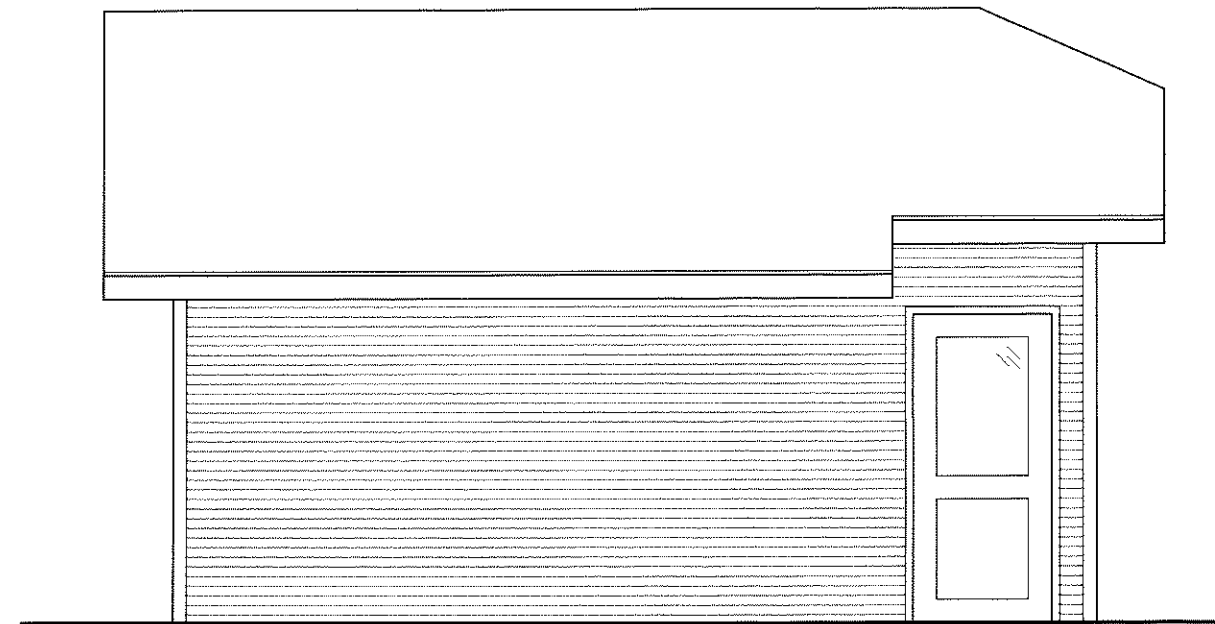




**A** PLAN  
 SCALE: 1/8" = 1'-0"



**B** FRONT  
ELEVATION  
SCALE: 1/4" = 1'-0"



**A** SIDE  
ELEVATION  
SCALE: 1/4" = 1'-0"