

CITY OF BLOOMINGTON



MAY 31, 2017 @ 2:00 p.m.
CITY HALL
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON
HEARING OFFICER
May 31, 2017 at 2:00 p.m.

*Kelly Conference Room #155

PETITIONS:

- V-13-17 **Stasny & Horn IGP**
725 N. Woodlawn Ave. & 822 E. 11th St.
Request: Variance from development standards for impervious surface coverage
and maximum drive width in the Residential Core (RC) zoning district.
Case Manager: Jackie Scanlan

HEARING OFFICER

May 31, 2017

Next Meeting Date: June 14, 2017

Filename: I:\common\developmentreview\hearingofficer\agendas\HO-agenda

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E-mail human.rights@bloomington.in.gov.

BLOOMINGTON HEARING OFFICER
LOCATION: 725 N. Woodlawn Avenue
822 E. 11th Street

CASE #: V-13-17
DATE: May 31, 2017

PETITIONER: Stasny and Horn IGP
509 E. Cottage Grove Avenue Suite 1, Bloomington

REQUEST: The petitioners are requesting impervious surface coverage and driveway width variances.

REPORT: The petitioners own two single-family detached dwellings on the southwest corner of East 11th Street and North Woodlawn Avenue. The site is zoned Residential Core (RC). The petitioners are seeking to alter the vehicular access and parking for both properties in response to road and sidewalk improvements on North Woodlawn Avenue.

822 E. 11th Street currently has two driveways, one with access from 11th Street and a shared driveway accessed from Woodlawn Avenue that is also utilized by 725 N. Woodlawn Avenue. The petitioners seek to close the shared driveway on Woodlawn Avenue, and extend the existing 11th Street driveway so that both properties may use it for access. This portion of Woodlawn Avenue is part of a larger update to the roadway being undertaken by Indiana University, and the shared driveway would be removed for an uninterrupted streetscape.

If the variances are approved, vehicular access for two properties will be moved from a Primary Collector to the rear of the properties onto a neighborhood street. The closure of the shared driveway on Woodlawn Avenue will benefit both vehicular and pedestrian users on that roadway. No additional cut on 11th will be created, as the proposal utilizes an existing driveway at its existing width. The new driveway configuration would allow room for a drive aisle, two spaces, and turn-around room for 822 E. 11th Street which has a 3 unrelated adult maximum occupancy; and a drive aisle and four spaces for 725 N. Woodlawn Avenue, which has a current 'grandfathered' 4 unrelated adult maximum occupancy. The existing gravel driveway from Woodlawn will be converted back to grass area.

Approval of the variance would allow for the existing driveway from 11th Street to be extended onto the property to the south, with parking spaces added between the buildings. The existing width will be maintained for the portion of the driveway that immediately accesses 11th Street, but is slightly over the 18 foot width maximum. The driveway will be widened in the rear of the property and on the 725 N. Woodlawn property to allow for perpendicular parking and turnaround space.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE
Driveway Width – 725 N. Woodlawn Avenue

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.*

STAFF FINDING: The Department finds no injury. The proposed driveway will be on the rear of the property. An existing driveway that exceeds maximum width standards will be closed.

- 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.*

STAFF FINDING: The Department finds no negative effects from this proposal on the areas adjacent to the property. An existing vehicular access will be closed, and the wide driveway will be in the rear of the lot. The location of the new parking access necessitates turnaround area for parking. The property will remain as one detached 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.*

STAFF FINDING: The Department finds practical difficulty in the limits inherent in the lot size combined with the adjacent road improvements. The existing driveway exceeds maximum driveway width and is located on a road that has become a Primary Collector over time. Providing safe back-out vehicular access at the current location is difficult. Relocating the vehicular access to the rear of the lot, with access from 11th Street improves the safety of the lot and requires turnaround room. The Department finds peculiar condition in the fact that the best access location is through an adjacent lot, as opposed to direct street or alley access. This fact necessitates a turnaround area, so that vehicles can safely navigate the driveway. The 18 foot driveway maximum is intended to improve the pedestrian safety and experience in core neighborhoods, and this proposal achieves that goal by moving access to a neighborhood street and keeping the excessive driveway width behind the structures.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

Driveway Width – 822 E. 11th Street

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.*

STAFF FINDING: The Department finds no injury. The portion of the driveway that is immediately adjacent to the right-of-way will not be widened. An existing driveway that exceeds maximum width standards will be closed with this project.

- 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.*

STAFF FINDING: The Department finds no negative effects from this proposal on the areas adjacent to the property. An existing vehicular access will be closed, and the remaining existing driveway will not be widened at the right-of-way. The location of the new parking access necessitates turnaround area for parking. The property will remain as one detached 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.*

STAFF FINDING: The Department finds practical difficulty in the limits inherent in the lot size combined with the adjacent road improvements. The property currently contains two driveways, one located on a road that has become a Primary Collector over time. Providing safe back-out vehicular access at that current location is difficult. Closing that access and improving the access from 11th Street improves the safety of the lot and requires turnaround room. The Department finds peculiar condition in the fact that the property currently has a shared driveway with the property to the south, which will be closed for the betterment of vehicular and pedestrian users on a Primary Collector. The fact that the properties will maintain a shared driveway, but move it to the 11th Street access necessitates a turnaround area, so that vehicles can safely navigate the driveway. The 18 foot driveway maximum is intended to improve the pedestrian safety and experience in core neighborhoods, and this proposal achieves that goal by limiting access to a neighborhood street, maintaining the existing slightly larger driveway cut at the right-of-way, and keeping the excessive driveway width behind the structures.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

Impervious Surface – 725 N. Woodlawn Avenue

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.*

STAFF FINDING: The Department finds no injury. The proposed impervious surface will increase, but the location of those areas will be improved and away from the

right-of-way. Permeable area will be maintained between parking and adjacent property to the west.

- 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.*

STAFF FINDING: The Department finds no negative effects from this proposal on the areas adjacent to the property. Indiana University owns the property to the west of the site and is in charge of the road project necessitating the improvements. An existing vehicular access will be closed, and the new driveway will be in the rear of the lot. The location of the new parking access necessitates turnaround area for parking, which will require more impervious surface. The property will remain as one detached 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.*

STAFF FINDING: The Department finds practical difficulty in the limits inherent in the lot size combined with the adjacent road improvements. The lot is roughly 60 percent of the minimum lot size for the RC zoning district. The impervious surfaces on the property (driveway, house, and pedestrian walkways) are not out of character in the zoning district. The existing driveway is located on a road that has become a Primary Collector over time. Providing safe back-out vehicular access at the current location is difficult. Relocating the vehicular access to the rear of the lot, with access from 11th Street, improves the safety of the lot and requires turnaround room. The Department finds peculiar condition in the fact that the best access location is through an adjacent lot, as opposed to direct street or alley access. This fact necessitates a turnaround area, so that vehicles can safely navigate the driveway. Combined with the small lot size, the necessity for this space produces an excessive impervious surface coverage percentage. Impervious surface coverage maximums function in part to provide area for drainage on properties before water reaches the right-of-way. In this instance, the existing shared driveway adjacent to North Woodlawn is being replaced with sod, creating an area of permeable surface between the driveway and the right-of-way.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

Impervious Surface – 822 E. 11th Street

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.*

STAFF FINDING: The Department finds no injury. The proposed impervious surface will increase, but the location of those areas will be improved and away from the right-of-way. Permeable area will be maintained between parking and adjacent property to the west.

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.*

STAFF FINDING: The Department finds no negative effects from this proposal on the areas adjacent to the property. Indiana University owns the property to the west of the site and is in charge of the road project necessitating the improvements. An existing vehicular access will be closed, and a second existing driveway will be extended using an existing access. The driveway will also function as access for the adjacent lot to the south, which will require more impervious surface. The property will remain as one detached 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.*

STAFF FINDING: The Department finds practical difficulty in the limits inherent in the lot size combined with the adjacent road improvements. The lot is roughly 60 percent of the minimum lot size for the RC zoning district. The impervious surfaces on the property (driveway, house, and pedestrian walkways) are not out of the ordinary for the zoning district. The existing shared driveway is located on a road that has become a Primary Collector over time. Providing safe back-out vehicular access at that location is difficult. Closing that access and extending the existing 11th Street access improves the safety of the lot and requires turnaround room. The Department finds peculiar condition in the fact that the best access location for the adjacent lot to the south is through this lot, as opposed to direct street or alley access. This fact necessitates a connection and turnaround area, so that vehicles can safely navigate the driveway. Combined with the small lot size, the necessity for this space produces an excessive impervious surface coverage percentage. Impervious surface coverage maximums function in part to provide area for drainage on properties before water reaches the right-of-way. In this instance, the existing shared driveway adjacent to North Woodlawn is being replaced with sod, creating an area of permeable surface between the driveway and the right-of-way.

RECOMMENDATION: Based upon the written findings above, the Department recommends approval of V-13-17 with the following conditions:

1. Petitioner must use the site plan, as submitted, including utilizing the existing width of the 11th Street driveway.
2. This variance applies to only the driveway configuration shown in the application and further expansion is not permitted.
3. The existing shared gravel driveway on Woodlawn Avenue must be replaced with grass.