

**HEARING OFFICER –Kelly Conference Room #155
March 4, 2020 @ 2:00 p.m. - Record of Meeting**

The Hearing Officer meeting was held on Wednesday, March 4, 2020 in the Kelly Conference Room #155. Hearing Officer present: Beth Rosenbarger.

REPORTS RESOLUTIONS AND COMMUNICATIONS: None at this time

PETITIONS:

V-04-20 **Christina and Rick Cunningham**
2002 S. Rogers St.
Request: Variance from front yard setback standards to allow for an accessory structure (ice vending machine) in the Commercial Limited (CL) zoning district.
Case Manager: Keegan Gulick

Keegan Gulick presented the staff report on V-04-20. Staff is recommending adoption of the proposed findings in the staff report, including the following two conditions:

1. The petitioners must obtain a building permit prior to construction.
2. This variance applies to the specific ice machine as proposed in this petition only. Any subsequent encroachment or additional structures would require a variance.

Beth Rosenbarger, Hearing Officer, questioned whether the proposed use triggered any other site compliance issues. Gulick said no because it's an accessory use and not connected to the primary structure.

Eric Greulich, Sr. Zoning Planner, further explained that the proposed use isn't considered an addition to the building but rather a freestanding structure. Staff views this as an accessory use similar to a Redbox machine or an ATM machine which have to meet the accessory structure standards for setbacks per the Unified Development Ordinance (UDO). The proposed use isn't expanding the non-conforming use, it isn't in conjunction with the non-conforming use or legitimizing the non-conforming use. It's a retail-type of establishment which is allowed in the CL zoning district as an accessory structure.

Christina Cunningham said their goal is to have a neighborhood service (for ice) so people don't have to go somewhere else in Bloomington.

No comments from the public.

Rosenbarger approved V-04-20 based on the written findings, including the two conditions outlined in the staff report.

V-05-20

J.T. Forbes and Martha Shedd

812 S. Morton St.

Request: Variance from side yard setback standards to allow for an addition to a single dwelling unit.

Case Manager: Eric Greulich

Eric Greulich presented the staff report on V-05-20. Greulich noted that the Hearing Officer heard a use variance (UV) petition on this site a few months ago in order to legitimize the non-conforming use to allow for the proposed addition. The Hearing Officer approved that particular use variance. He explained how the UV was necessary due to the property being zoned Industrial General (IG). Staff is recommending adoption of the proposed findings in the staff report, including the following four 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* (COA) is required prior to issuance of a building permit for the addition.
3. Any addition to the garage must meet setback requirements. If the garage is removed, any new construction must meet setback requirements.
4. The petitioner will continue to work with Staff on an Encroachment Agreement through the Board of Public Works if deemed necessary.

Beth Rosenbarger, Hearing Officer, asked about the land survey. Greulich said a survey was done. There are pins on the north side of the property which is how the petitioner was able to determine that the garage encroached 4 to 4-1/2 feet into the alley as well as establish the setbacks. Rosenbarger asked what would happen if there were changes to the garage in the future. Greulich explained this variance does not allow for any future encroachments of the garage or setbacks. The garage cannot be added onto other than what was depicted on the submitted site plan, which shows that the existing house will be extended to connect to the existing garage. All future work that is done to the garage or house must meet setback requirements. Rosenbarger asked who would make the decision about the Encroachment Agreement and whether or not it's necessary. Greulich explained that Sara Gomez, Engineering staff, thought it would be best to take this encroachment request before the Board of Public Works (BPW) so that the encroachment could remain on file with BPW.

J.T. Forbes, petitioner, had nothing further to add to the staff report.

No comments from the public.

Rosenbarger approved V-05-20 based on the written findings, including the four conditions outlined in the staff report.

Meeting adjourned.