

CITY OF BLOOMINGTON



June 18, 2020 @ 5:30 p.m.

Zoom Meeting:

<https://bloomington.zoom.us/j/91590958977>

CITY OF BLOOMINGTON
BOARD OF ZONING APPEALS
June 18, 2020 at 5:30 p.m.

♦Virtual: <https://bloomington.zoom.us/j/91590958977>

ROLL CALL

APPROVAL OF MINUTES: April 23, 2020

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

PETITIONS WITHDRAWN:

AA-41-19 **Judie Baker and David Holdman**
523 W. 7th St.
Request: Administrative Appeal of the Notice of Violation (NOV) issued related to the demolition of two structures.
Case Manager: Jackie Scanlan

PETITIONS CONTINUED TO JULY 23, 2020 HEARING:

AA-08-20 **The Annex Group**
1100 N. Crescent Rd.
Request: Administrative Appeal of decision to enforce fines from 1/13/20 through 1/23/20
Case Manager: Jackie Scanlan

PETITIONS:

V-44-19 **Randall McGlothlin**
621 N. Lincoln St.
Request: Variances from front yard setbacks and maximum impervious surface coverage standards to allow for a deck.
Case Manager: Ryan Robling

V-11-20 **Indiana University Health**
914 W. 1st St.
Request: Variance from side yard parking setback standards and from entrance and drive standards to allow the construction of an ambulance dispatch center and parking area.
Case Manager: Eric Greulich

V-12-20 **Del Backs**
1016 W. Kirkwood Ave.
Request: Variance from side yard building setback standards in the R3 zoning district to allow for a 3-foot side yard setback.
Case Manager: Keegan Gulick

Petitions Map: <https://arcg.is/00Dy05>

****Next Meeting: July 23, 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.

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
LOCATION: 621 N. Lincoln St.

CASE #: V-44-19
DATE: June 18, 2020

PETITIONERS: Randall McGlothlin
621 N. Lincoln St., Bloomington, IN

REQUEST: The petitioner is requesting variances from front building setbacks and maximum impervious surface coverage for the construction of a deck.

PREVIOUS HEARING: The petition was heard at the January 23, 2020 Board of Zoning Appeals hearing. There was no agreement on an outcome, and the petition was automatically forwarded to the February hearing. The petition was forwarded until the June hearing.

REPORT: The 3,310 square foot property is located at 621 N. Lincoln St. The property is zoned Residential Multifamily (RM) and has been developed with a detached single-family dwelling. The surrounding properties are also within the RM district. The properties to the north and east have been developed with multifamily dwellings. The properties to the south and west have been developed with detached single-family dwellings. The property fronts on N. Lincoln St. to the east, and E. Cottage Grove Ave. to the north.

On September 12, 2019, the Department issued a Notice of Violation to the property owner for a deck which encroaches into required front building setbacks, and caused the property to be in excess of the maximum impervious surface coverage standards for the RM district.

In the RM district, the Unified Development Ordinance (UDO) requires a minimum front building setback of “15 feet from the proposed right-of-way indicated on the Thoroughfare Plan; or the block face average setback of the existing primary structures on the same block face, whichever is more”. The block face average along N. Lincoln St. is 22 feet from the right-of-way line, which establishes the front building setback at 22 feet along N. Lincoln St. The block face average along E. Cottage Grove Ave. is 7 feet, therefore the front building setback is 15 feet along E. Cottage Grove Ave. The existing house is located at the front building setback along N. Lincoln St. and is encroaching into the front building setback along E. Cottage Grove Ave. The petitioner has constructed a deck which encroaches 6 feet and 2 inches into the front building setback along N. Lincoln St., and 15 feet into the front building setback along E. Cottage Grove Ave. The UDO allows decks to encroach up to 6 feet into side or rear setbacks, but makes no exemption for front building setbacks. The steps of the deck encroach into the front setback an additional 4 feet 3 inches along N. Lincoln St. In total, the deck and steps encroach 12 feet and 5 inches into the front building setback along N. Lincoln St. and 15 feet into the front building setback along E. Cottage Grove Ave.

In the RM district, the UDO allows for a maximum of 40% of the lot area to be covered

by impervious surfaces. 45% of the lot area was covered by impervious surfaces, prior to the construction of the deck. The construction of the deck has covered 48% of the lot area in impervious surfaces and therefore brought the property further out of compliance.

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: Injury is found with the requested variance from front building setbacks. The requested variance from front building setbacks will have negative impacts on public space and public safety. The creation of the deck further increases the amount of structure directly adjacent to E. Cottage Grove. The deck's 6'2" encroachment into the front building setback along N. Lincoln places the structure roughly 12 feet 5 inches from the right-of-way. This reduced separation between the structure and right-of-way along E. Cottage Grove, along with the encroachment into the front building setback along N. Lincoln may have negative impacts on pedestrian and vehicular traffic along E. Cottage Grove and N. Lincoln. The residence will continue to be used as a detached single-family dwelling, which is a permitted use in the district. Decks are a common building feature on residential uses.

Injury is found in the requested variance from maximum impervious surface coverage. 45% of the lot area (1,511 square feet) was covered in impervious surfaces, prior to the deck's construction. 48% of the lot area (1,599 square feet) is covered in impervious surfaces after the deck's construction. The creation of the deck reduces greenspace on the property and brings the site further out of compliance.

- 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 the surrounding properties have been found as a result of the requested variance from the required front building setbacks. The deck utilizes the primary structure's front building setback along E. Cottage Grove. The deck will encroach 6'2", and the steps will encroach an additional 4'3", into the front building setback along N. Lincoln. The deck does not encroach toward adjacent properties and therefore should not negatively affect the use and values of those properties.

No adverse impacts to the use and value of the surrounding properties have been found as a result of the requested variance from maximum impervious surface coverage. The lot was previously over the RM district's maximum impervious surface percentage. The deck has increased the lot's impervious coverage by 3% (88 square feet).

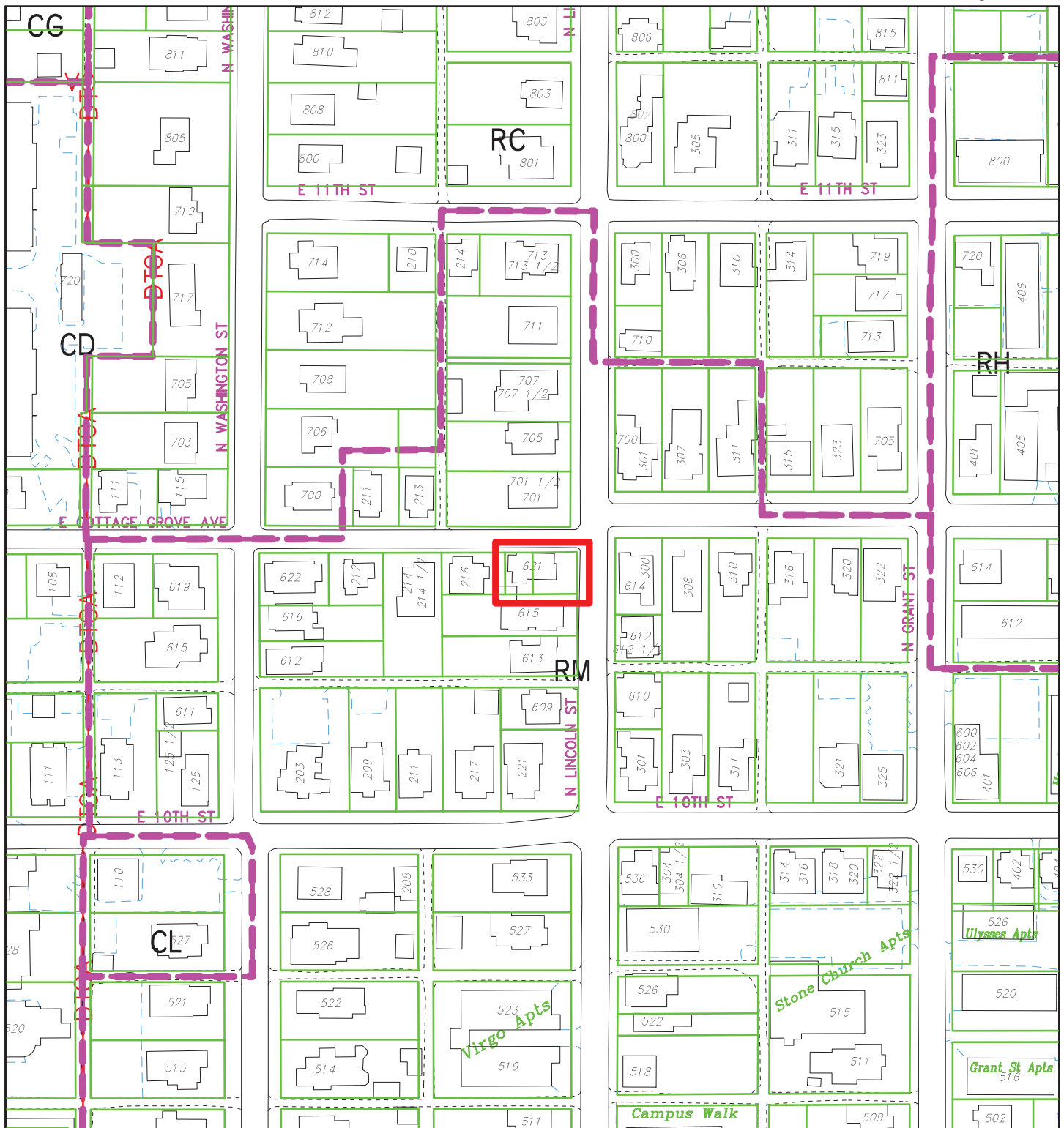
However, on July 16, 2019 the Department received a complaint about the deck from an adjacent property owner.

- 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: No practical difficulties in the use of the property as a result of the strict application of the setback standards of the UDO are found. Decks are a common building features on residential properties but they are incidental to the primary use. The property is currently, and was previously, used as a detached single-family dwelling. The UDO does not prohibit decks from being placed on any property, as long as they meet required setbacks. There are neither environmental constraints nor topographical challenges which prevent the property from meeting the terms of the UDO. As such, the requested variances will not alleviate any peculiar conditions on the property that limit its use.

No practical difficulties in the use of the property as a result of the strict application of the impervious surface standards of the UDO are found. The site is currently in excess of the UDO maximum impervious surface allowances. Because of this the construction of a deck would be limited. However, this limitation would apply to any increase in impervious surface coverage and is not unique to the construction of a deck nor the proposed use. There are neither environmental constraints nor topographical challenges which prevent the property from meeting the terms of the UDO. As such, the requested variances will not alleviate any peculiar conditions on the property that limit its use.

RECOMMENDATION: Based upon the written findings above, The Department recommends adoption of the proposed findings and denial of V-44-19.



V-44-19 Randall McGlothlin

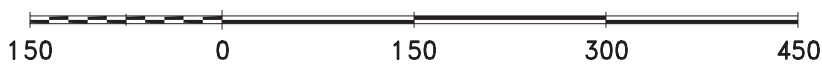
621 N. Lincoln St.

Board of Zoning Appeals

Location, Zoning, Parcels

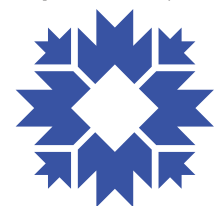
By: roblngr

11 Dec 19

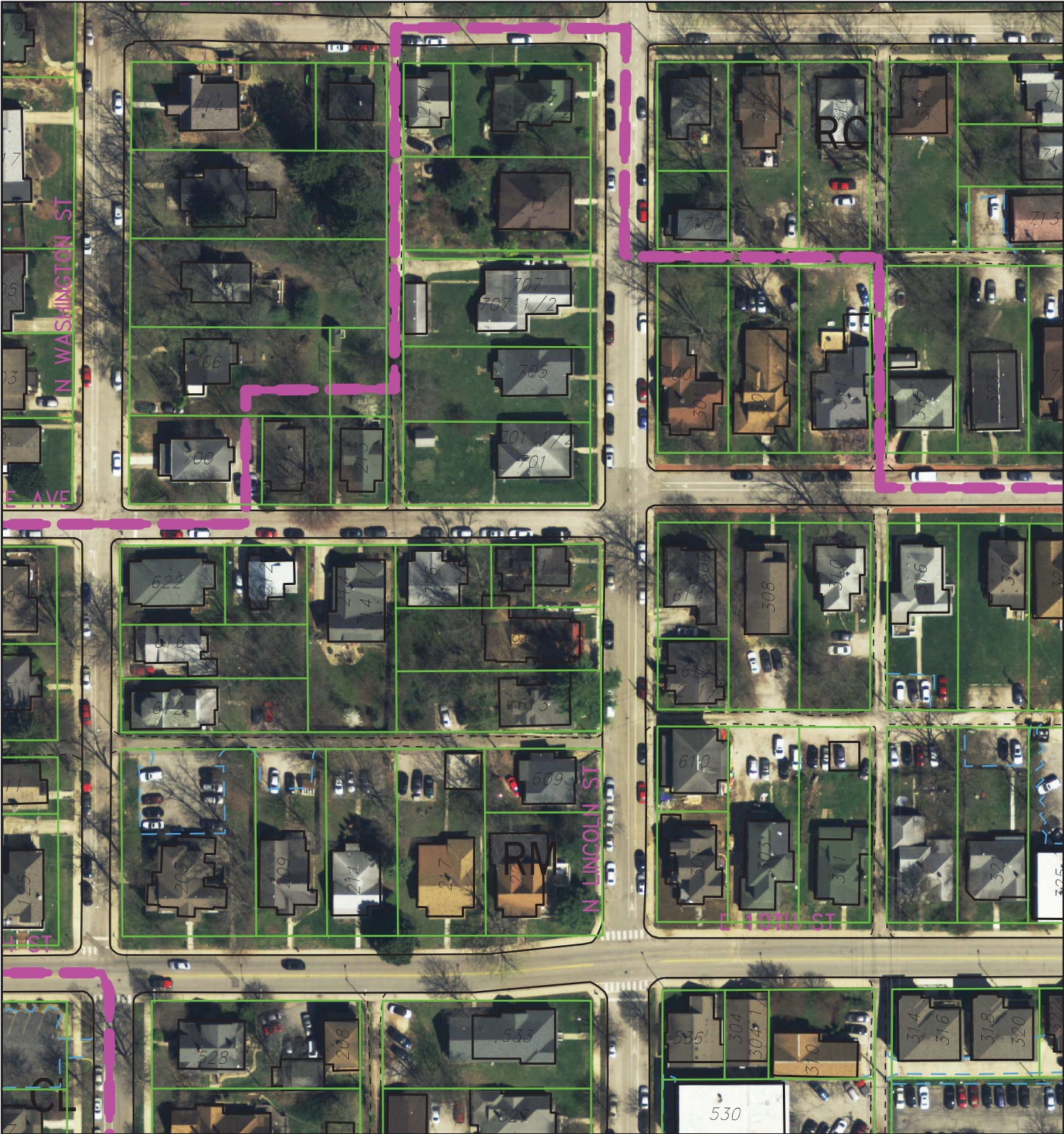


For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



Scale: 1" = 150'



V-44-19 Randall McGlothlin

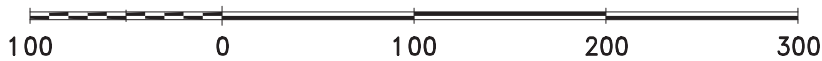
621 N. Lincoln St.

Board of Zoning Appeals

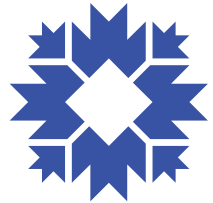
2016 Aerial

By: roblingr

11 Dec 19



City of Bloomington
Planning & Transportation



Scale: 1" = 100'

For reference only; map information NOT warranted.

PETITIONER'S STATEMENT

Randall McGlothlin owns property located at 621 N. Lincoln Street, Bloomington. The property is the southwest corner of E. Cottage Grove and N. Lincoln Street.

I request design standards variances from maximum impervious surface area and front yard setbacks.

The property and surrounding properties are all zoned residential, multi-family (RM). The lot was originally improved with a single family residential structure. The property was converted many years ago to a rental consistent with many, if not most, of the properties in the surrounding neighborhood.

The home was built at a time prior to a zoning ordinance and development standards. Because the lot is a corner lot, the property must now meet two front yard setback standards – Cottage Grove and Lincoln Street.

The existing residential structure does not comply with the front yard setback requirements along Cottage Grove.

The entry doorway to the residence is elevated. The house had a set of four concrete steps leading to the front door. There was no landing at the top of the steps. Guests coming to the home would be required to stand on the top step waiting for the door to be opened.

The home was without a porch or deck area.

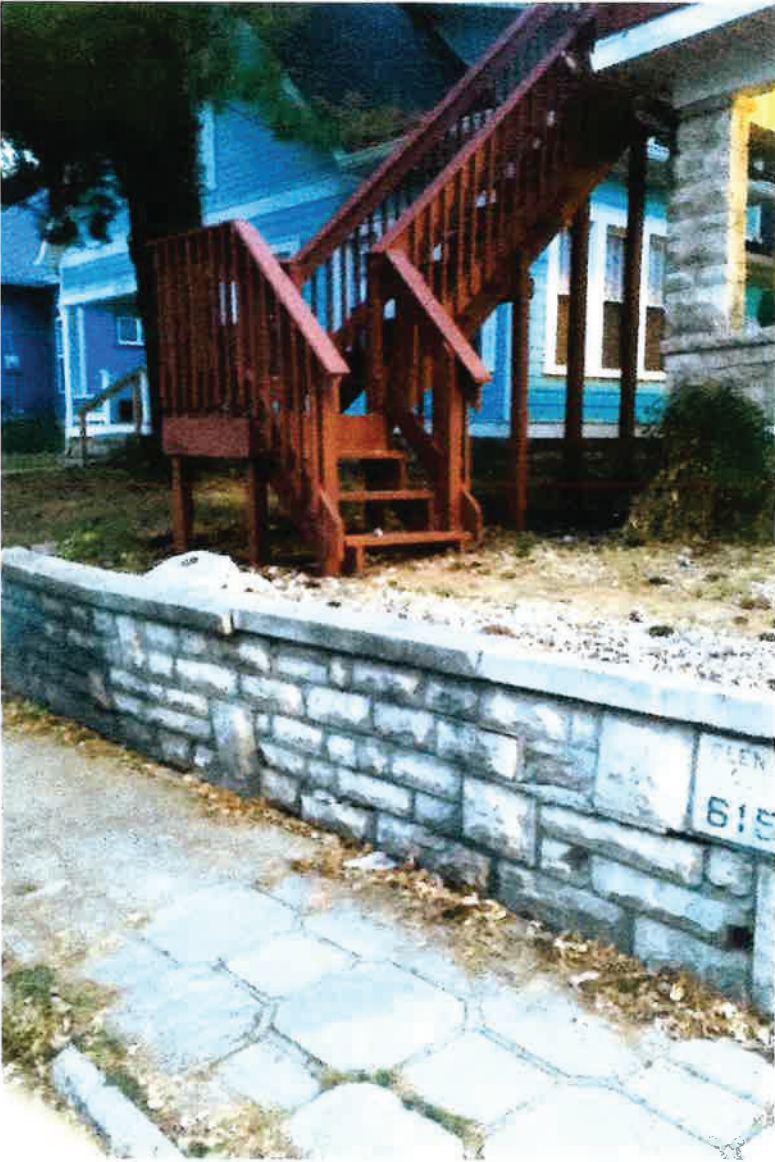
I decided to add new steps covering over the existing concrete steps and a small deck, which also serves as a landing for persons coming to the front door, as well as serves as a small front porch. I called to check on any building permit requirement. I was told no permit required for the stairs and deck. I was not aware of any other permit or requirement. I looked around the neighborhood and saw other stairs and decks similar to what I intended to construct. I worked within the area on the lot less than areas on other lots where new stairs and decks has been added. I assumed that what I planned was permitted since it was less intrusive than I see for existing, recent construction on other lots in the neighborhood. I did not think there was any problem with my improvements to the property.

It is now my understanding that because of the modification I made by adding the steps and deck, the property was required to come into compliance with design standards. That is not possible. The wall of the residential structure cannot be moved nor the building come into compliance with the front yard setback on Cottage Grove unless the building is demolished and a new structure erected.

In addition to the encroachment into the setback area, I have been advised that the property does not meet the required minimum 40% maximum impervious surface requirement. The deck and steps that I added to the property did not increase the amount of impervious surface or at most a negligible amount. While the deck and steps are wood structures, it is not solid wood construction. It is planks, meaning there are gaps and spaces between all of the planks allowing rain water to run off the steps on the deck along the edges, but also between the planks and the boards that comprise the steps and the flooring of the deck. The deck is elevated and the ground beneath the deck is essentially undisturbed and remains the same surface as before with the exception of the support posts for the stairs and deck.

The steps and the deck/front porch are improvements to the property. The steps are a safety improvement. The creation of a landing at the top step is a safety improvement. Adding a front porch is a general amenity and I believe is consistent with planning philosophies to encourage front porches as a more pedestrian friendly development. A front porch allowing tenants/residents to sit and enjoy the front porch adds to the pedestrian friendly neighborhood.

417276 / 24734-1





PETTYMERE'S Property



Petitioner's Property



Petitioner's Property



NEARBY PROPERTY





City of Bloomington
Planning and Transportation Department

September 12, 2019

Randall J. McGlothlin
 5891 W State Road 48
 Bloomington, IN 47404

Tenant
 621 N. Lincoln St.
 Bloomington, IN 47408

Re: **Notice of Violation (warning)**
 Development Standards – 621 N. Lincoln St.

Dear Sir or Madam:

This Notice of Violation (NOV) serves as a formal warning of non-compliance with Unified Development Ordinance Section 20.02.160 Residential Multifamily (RM); Development Standards at 621 N. Lincoln Street. Records show that you are the owner (or tenant) of this property.

The City of Bloomington Planning and Transportation Department received a complaint of a development standards violation at 621 N. Lincoln Street on 07/16/2019. On 07/16/2019 staff observed a porch being built at 621 N. Lincoln Street.

According to the City of Bloomington Unified Development Ordinance (UDO) **Section 20.02.160 Residential Multifamily (RM); Development Standards:** Maximum Impervious Surface Coverage: 40% of the Lot Area. The total area of the existing impervious surface does not allow for additional impervious surface (i.e. stairs and porch) to be added to the lot.

Additionally, according to the City of Bloomington Unified Development Ordinance (UDO) **Section 20.02.160 Residential Multifamily (RM); Development Standards:** Minimum Front Building Setback: 15 feet from the proposed right-of-way indicated on the Thoroughfare Plan; or the block face average setback of the existing primary structures on the same block face, whichever is more. The block face average on N. Lincoln Street is 22 feet from the right-of-way line, therefore, the minimum setback is 22 feet. The house on your property appears to be 20 feet from the front property line.

According to the City of Bloomington Unified Development Ordinance (UDO) to UDO **Section 20.05.077 SB-01 [Setback Standards; General];**

- (b) The following site feature setback requirements or exemptions shall apply:
- (N) Porches (uncovered, open): May encroach up to six (6) feet into the setback.
 - (O) Steps: May encroach up to six (6) feet into the setback.

In accordance with UDO Section 20.10, violations of this nature may result in a one hundred dollar (\$100) fine. Each code violation is considered a distinct and separate violation. Each day a violation is allowed to continue is considered a distinct and separate violation. Subsequent

violations are twice the previous fine, up to a maximum daily fine of seven thousand five hundred dollars (\$7,500).

No fines have been issued at this time. You have the following options to remedy the situation.

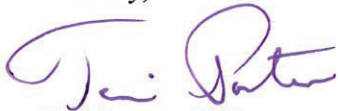
1. The Setback Standards as applied to your property would allow for a porch and stairs to extend 4 feet from the front of the building, however, the existing impervious surface coverage on your property does not allow for any additional impervious surface coverage (i.e. stairs and porch). Considering these factors, the remedy is to remove the stairs and porch by 09/26/2019, **OR;**
2. Make an appointment with a Planner to discuss filing a variance request. The appointment must be on or before 10/17/2019 for the 11/21/2019 Board of Zoning Appeals hearing.

If you dispute the City's assertion that the property is in violation of the above referenced sections of the Unified Development Ordinance, you may file an appeal with the City's Board of Zoning Appeals. Said appeal shall be filed with the Planning and Transportation Department within five (5) days of your receipt of this Notice of Violation and shall conform to the requirements of UDO Section 20.09.350.

Failure to resolve this violation may result in further enforcement action. If a fine is issued, the final fine amount shall be paid to the City of Bloomington. All fines may be contested in the Monroe County Circuit Courts.

Please contact the Planning and Transportation Department at planning@bloomington.in.gov or 812-349-3423 with any questions or concerns.

Sincerely,



Terri Porter, AICP
Director, Planning and Transportation

CC: Scott Robinson, AICP
Jackie Scanlan, AICP

**BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 914 W. 1st Street**

**CASE #: V-11-20
DATE: June 18, 2020**

PETITIONER: IU Health
914 W. Street, Bloomington

CONSULTANT: Bynum Fanyo & Associates, Inc.
528 N. Walnut Street, Bloomington

REQUEST: The petitioner is requesting a variance from side yard parking setback and driveway separation standards to allow the construction of a parking lot for an ambulance dispatch building.

REPORT: This petition was filed prior to the effective date of the new Unified Development Ordinance (UDO), therefore this is being reviewed under the previous UDO standards.

This 0.60 acre property is zoned Medical and is on the north side of 1st Street, approximately 300' west of the Bloomington Hospital. The property had been owned and used by the Hospital for a surface parking lot for hospital employees. Surrounding properties are all zoned Medical and used as various medical offices and other medical uses including a rehabilitation center. There is a shared driveway to the east of this property that is a shared driveway for the 2 adjacent properties.

The petitioner is proposing to construct an ambulance dispatch building on this property with an associated parking and driveway area. There will be two drive cuts installed on 1st Street to provide access to the east and west sides of the building to store a total of 4 ambulance units inside. The drive cuts meet the minimum 50' separation standards from each other, however there is a driveway that is approximately 15' to the east of the eastern most proposed driveway. The UDO requires a 10' setback from side property lines for parking and drive aisles and a 50' separation from an adjacent driveway. The petitioner is requesting a variance to allow a 3.68 setback to the west property line and a 3.77' setback from the east property line. Also requested is a variance to allow a 15' setback from the driveway to the east rather than the required 50' separation.

With the new construction the property must come into compliance with all standards of the UDO. This would include new landscaping, bicycle parking spaces, and sidewalk with street trees.

**CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE
Side Yard Parking Setback and Driveway Separation**

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.*

Side Yard Parking Setback

PROPOSED FINDING: The granting of the variance to allow the parking area to be within the parking setback will not be injurious to the public health, safety, morals, or general welfare of the community. The proposed parking area is small in scale and will be heavily landscaped. The parking area meets the front parking setback and will therefore have minimal visual impacts from the public right-of-way. The granting of the variance will allow for a use on the property that increases public health and safety.

Driveway Separation

PROPOSED FINDING: The granting of the variance to allow the driveway to be closer to the adjacent driveway will not be injurious to the public health, safety, morals, or general welfare of the community. The adjacent driveway serves mostly as a secondary access point to the property to the east which is accessed primarily from the 2nd Street frontage and has very low useage, so no hazards are identified from the reduced 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.*

Side Yard Parking Setback

PROPOSED FINDING: No adverse impacts to the use and value of surrounding properties as a result of the requested variance are found. The petitioner will be installing the required landscaping and will also be installing an opaque fence to hide the visual impact of the parking area. The small size of the parking area will also minimize impacts to the adjacent property to the west.

Driveway Separation

PROPOSED FINDING: No adverse impacts to the use and value of surrounding properties as a result of the requested variance are found. Again, the adjacent driveway serves mainly as a secondary access point to the neighboring property and has a very low traffic volume so no turning conflicts are identified. There is not expected to be any adverse impact by the reduced distance.

- 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 ddifficulties.*

Side Yard Parking Setback

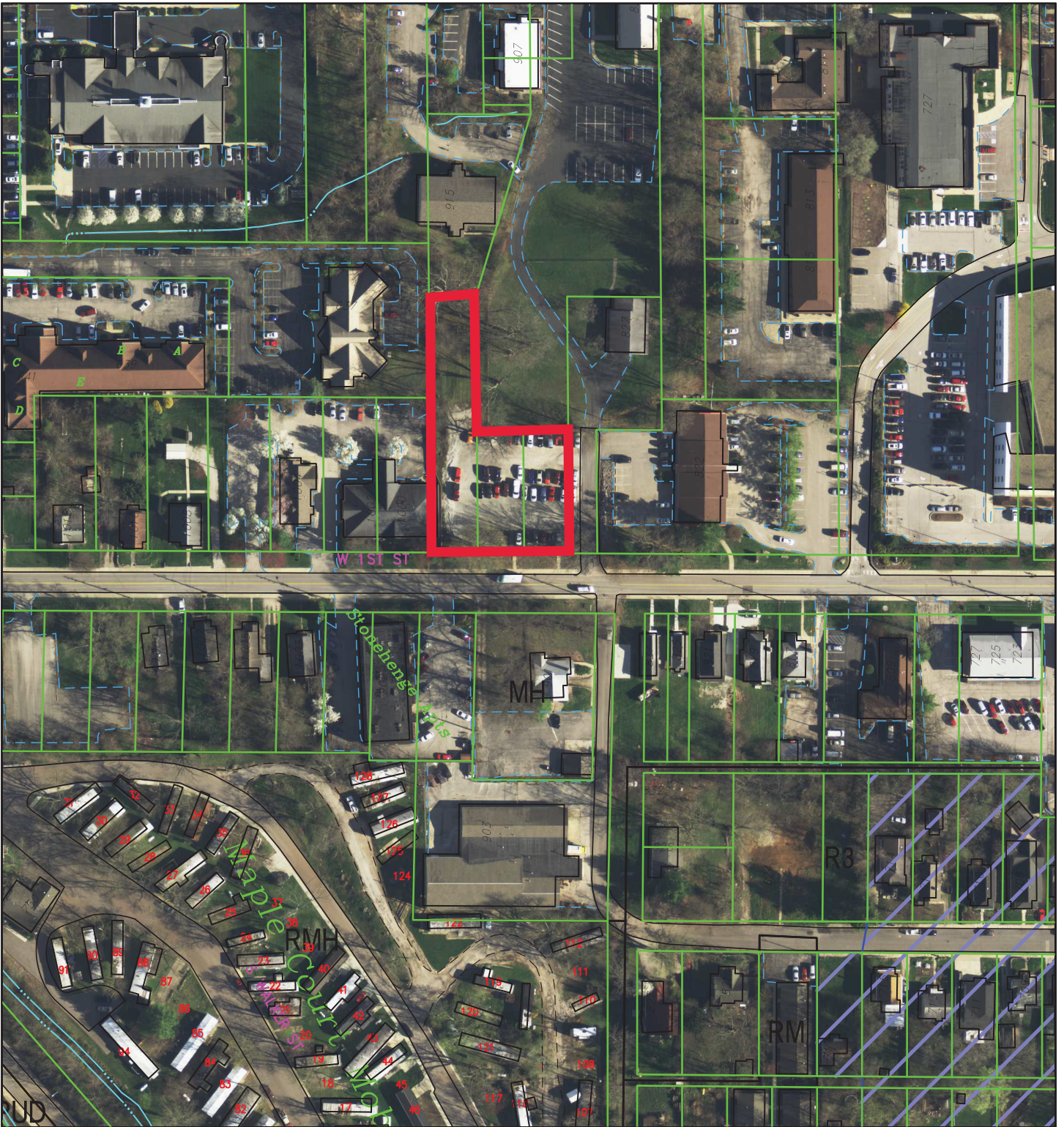
PROPOSED FINDING: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property in that there are limited areas of the City that are zoned for this type of use and it is essential that this use be located in close proximity to the hospital as well as being within the hospital's service area. Peculiar condition is found in that the property is small in size and the proposed site plan is similar in size and scope to a typical office building. The parking area will be appropriately screened to mitigate the impacts on neighboring properties and it is essential that the site plan is designed to allow for ambulances to be able to enter and exit the building and site quickly and safely to serve the community.

Driveway Separation

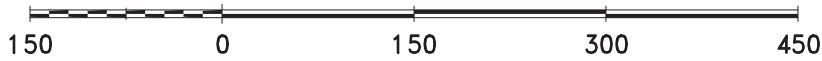
PROPOSED FINDING: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property because there are limited areas of the City zoned for this land use and even fewer vacant parcels within the Hospital's service area and the Medical zoning district, that will accommodate the use. Peculiar condition is found in that the property is small in size and the adjacent property's driveway location creates a hardship on this property for access.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve V-11-20 with the following conditions:

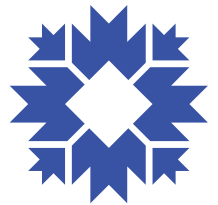
1. A grading permit is required prior to any site disturbance.
2. This variance applies to this site plan and use only. Any future change in use must meet all requirements of the Unified Development Ordinance.



By: greulice
26 May 20



City of Bloomington
Planning & Transportation



Scale: 1" = 150'

For reference only; map information NOT warranted.



BYNUM FANYO & ASSOCIATES, INC.

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ARCHITECTURE
CIVIL ENGINEERING
PLANNING

May 18, 2020

City of Bloomington
Board of Zoning Appeals
401. N. Morton Street
Bloomington, Indiana 47403

Re: 914 W. 1st Street Side Yard Setback and Drive Separation Variance.

City of Bloomington Board of Zoning Appeals:

On behalf of IU Health, we respectfully request a variance from the Side Yard Setback and Drive Standards. The construction of the new hospital near 10th and the By-pass necessitates the relocation of the ambulance service. The existing service is located a few hundred feet east of the referenced address with access to 1st Street. The property at 914 W. 1st Street is uniquely suited to relocate this facility since it is within the current area of service.

The current zoning of this property is medical with 10' side yard setbacks. The proposed building will contain four ambulance bays with straight out exit from the bays. In order for the ambulances to back into each bay they need 40 feet of drive on the east and west sides of the building. This requirement places the edge of pavement within the 10' setback on the east and west side of the property. The proposed design places the edge of pavement at 3.68' on the west and 3.77' on the east. To mitigate the impact, we have only requested the setback variance in front of the ambulance bays and not the entire length of the property. In addition, we have added an opaque fence and landscaping to buffer the side yards.

The property adjoining to the east of our site has approximately 30' of frontage that serves as a driveway to the church property located north of our site. Our property consists of three individual lots. The EMS facility requires two access drives to allow ambulances to back into their respective bays. This assists in quickly exiting the facility in an emergency. Since the existing drive on the property to our east is currently on the shared property line, our driveway would need to have a 50' separation from the adjoining drive to comply with the UDO. To comply with this separation we would have to move the drive to the middle of the proposed building and require a drive to be in front of the building to access the marshalling areas in front of each bay. This driveway would also require a variance since it would not meet the 20' face of building setback.

The impact of the adjoining driveway being on a limited width lot and on the common property line negatively impacts the use of this site.



BYNUM FANYO & ASSOCIATES, INC.

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ARCHITECTURE
CIVIL ENGINEERING
PLANNING

Please feel free to contact us at any time with questions or clarifications needed to fully understand our request.

We thank you in advance for considering our request.

Sincerely,

Jeffrey S. Fanyo P.E, CFM

Bynum Fanyo & Associates, Inc.
528 N Walnut Street
Bloomington, IN 47404

**BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 1016 W Kirkwood Avenue**

**CASE #: V-12-20
DATE: June 16, 2020**

**PETITIONER: Del Backs
4405 Golf View Drive
Spencer, IN 47460**

REQUEST: The petitioner is requesting a variance from side building setbacks to allow for a 3' side building setback in the R3 zoning district.

Background:

Area: 5,600 sq ft
Current Zoning: R3 Residential Small Lot
Comp Plan Designation: Neighborhood Residential
Existing Land Use: Single-Family Residence
Proposed Land Use: Single-Family Residence
Surrounding Uses: North – Single-Family Residence
 West – Single-Family Residence
 East – Single-Family Residence
 South – Cemetery

REPORT: The property is approximately 5,600 sq ft, zoned R3 Residential Small Lot, and is located along West Kirkwood Avenue. The property was previously developed with a single-family residence. The surrounding uses include a single-family residence to the north, east, and west. To the south is the Rose Hill Cemetery. The property is also located in the Near West Side historic conservation district.

The petitioner is proposing to construct a new single-family residence on the property. The previous structure on the property had a 2 foot side building setback. A setback of 2 feet is typical for houses in this neighborhood. The proposed structure would have a 3 foot side building setback from the property lines on each side. New construction in the R3 zoning district requires a 6 foot side building setback. The lot that the property is located on is below the minimum lot width for the R3 zoning district. The minimum lot width for R3 is 50 feet while this lot is 40 feet. For lots that do not meet the minimum lot requirements the Unified Development Ordinance (UDO) allows reducing the side building setback by up to 2 feet. In this case, that would mean a 4 foot side yard setback.

The petitioner is requesting a variance from side building setbacks to allow for a 3 feet side setback in the R3 zoning district.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

20.06.080(b)(3)(E)(i)(1) General Approval Criteria: Per Indiana Code 36-7-4-918.5, the Board of Zoning Appeals or Hearing Officer may grant a variance from the development standards of this

UDO 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: No injury to the public health, safety, morals, or general welfare is found with this proposal. The proposed side setback is similar to the side setbacks of properties in the neighborhood. The proposed setback would be closer to compliance with code than the setback of the previous structure, which had a side setback of 2 feet. All other setbacks and development standards would be met.

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; and

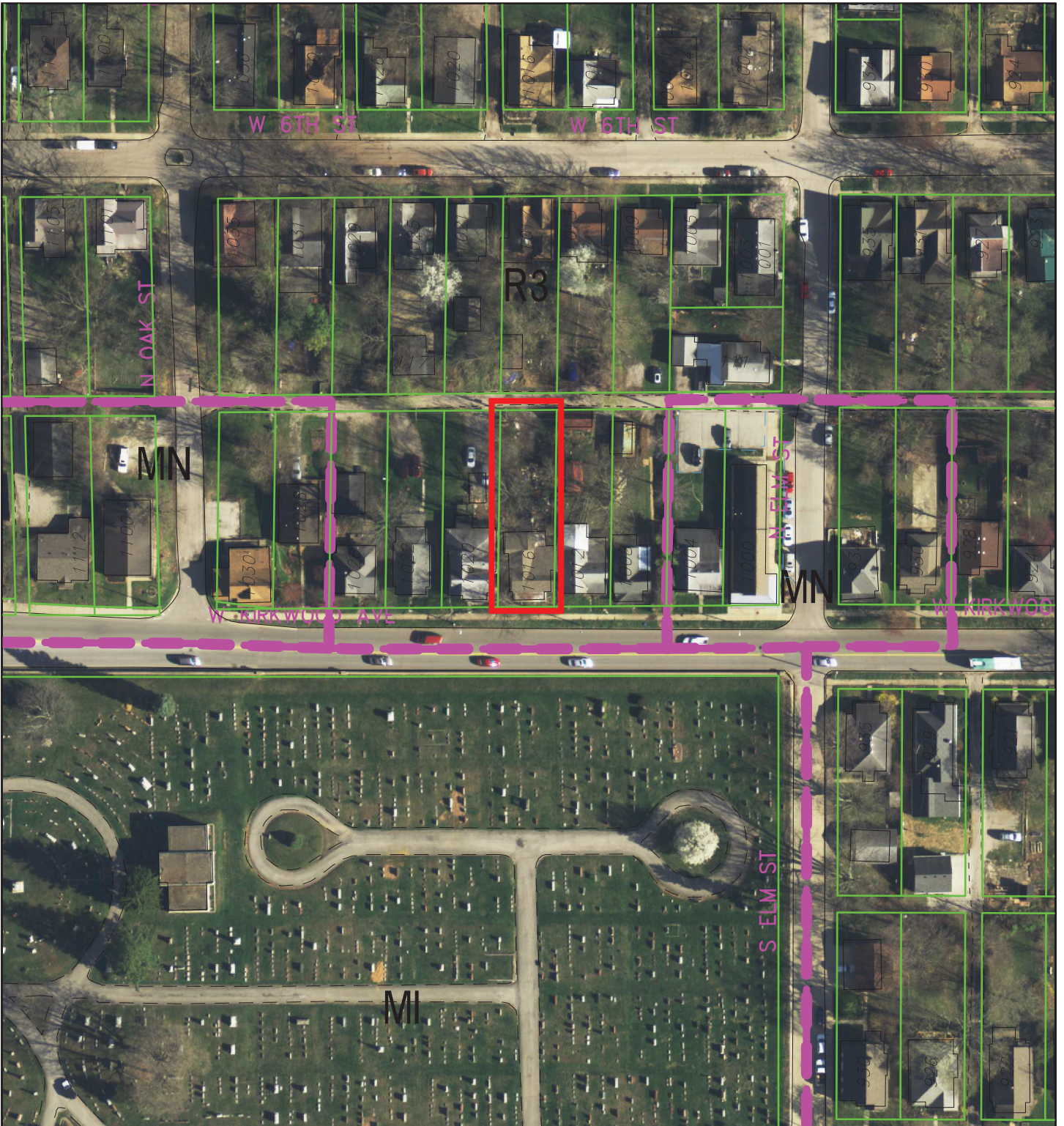
PROPOSED FINDING: No negative affect to the use and value of adjacent properties is found with approval of this variance. The proposed structure is a single-family residence which is the intended use for this zoning district. The previous structure did not meet setback requirements. It was vacant and starting to become dilapidated, and the petitioner will be constructing a new single-family residence on the property.

3. The strict application of the terms of this UDO 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: Strict application of the UDO would not result in any practical difficulties peculiar to the property. A single-family residence meeting the setback requirements could be constructed on the site. While this lot is smaller than the minimum lot width for the R3 zoning district, the UDO allows for a decrease of the side building setback by up to 2 feet to account for the smaller lot width. That would allow for a 4 foot side yard building setback. The petitioner is requesting to reduce the side setback to 3 feet, a difference of 1 total foot for each side. No peculiar conditions have been found that necessitate a building that does not meet the setback requirements. The UDO allows for a decreased setback, and the Department finds that the 4 feet reduced setback provides reasonable relief for a reduced lot width.

CONCLUSION: The Department does not find that strict application of the UDO would result in practical difficulty. While the property is located on a lot that is substandard in size, the UDO allows for a reduced setback of 4 feet for lots that are below the minimum lot width.

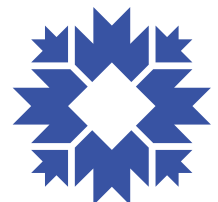
RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopts the proposed findings and denies V-12-20.



By: keegan.gulick
 12 Jun 20 100 0 100 200 300



City of Bloomington
 Planning & Transportation



Scale: 1" = 100'

For reference only; map information NOT warranted.

Development Standards Variance Criteria [BMC 20.09.130(e)]

Request for property located at 1016 West Kirkwood 013-30940-00 Davis Lot 49.

Del and Kelly Backs

We would like to request a variance on the side building setback to 3 feet. The property is a narrow lot, 40' x 140'. Allowing a 3' set back, would allow the home foundation of 34' wide. As you can see on the documents provided, the present property has a set back of two feet and the existing home is 36'. Also, other homes on West Kirkwood are comparable to our request.

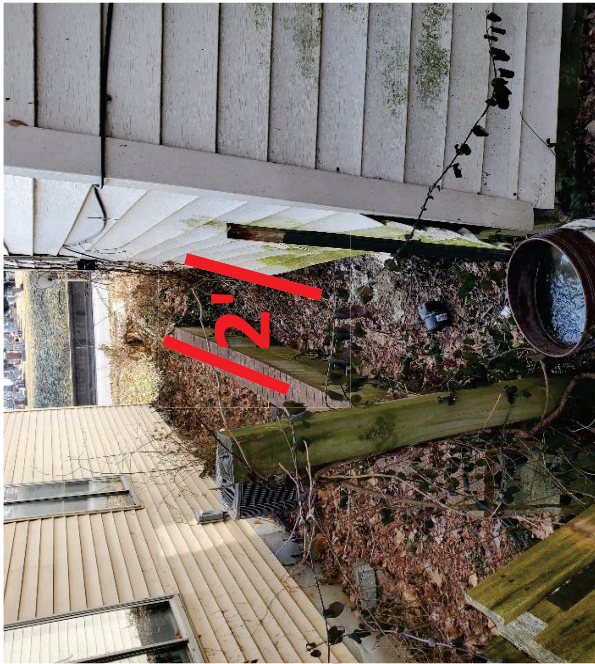
We would like to request a setback to the front of the house of 7'. This is the set of the existing house as well as other homes on West Kirkwood. 1000 West Kirkwood has a setback of 3'. Please see attached document.

We would like to request the setback of the detached garage in the rear of the property to be 10'. The attached document shows setbacks on other properties of 2' (1012 West Kirkwood), 8' (1008 West Kirkwood) and 10' (1025 West 6th St)

We would also like to request the detached garage to be 720 sq ft. or 140 sq ft additional over maximum 580 sq ft. Attached document shows the proposed garage. This additional 6' x 24' would allow for a small work area for my hobby of refinishing wood furniture.

The layout proposal is to scale

Current House at 1016 West Kirkwood



Foundation 2' from East Property Line



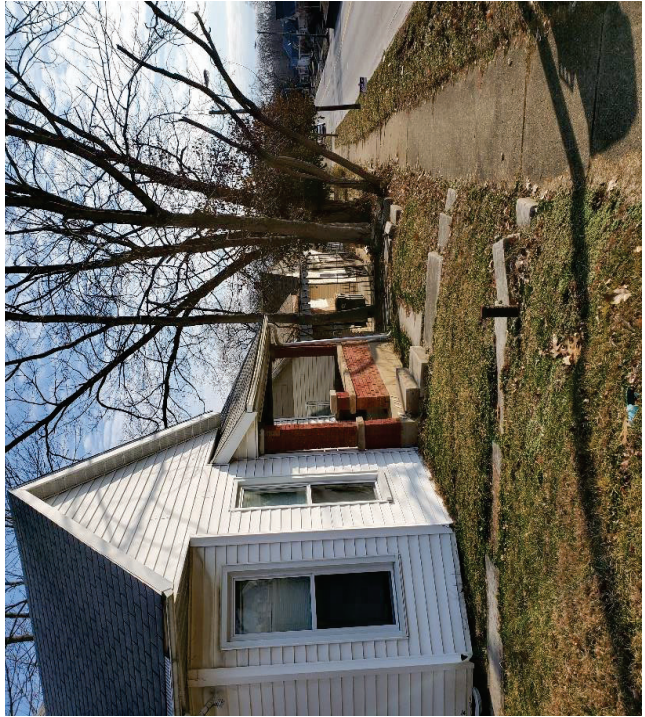
Foundation 2' from West Property Line



1000 West Kirkwood



Porch starts 7' from sidewalk



West Kirkwood
Looking East

KIRKWOOD AVE

FIRST FLOOR
34 X 45

COVERED PATIO
32 X 12

OPEN AREA
40 X 42

12/12
pitch roof

GARAGE
30 x 24

PARKING AREA
40 X 10

ALLEY

Overall Lot Size is 140' x 40'