CITY OF BLOOMINGTON



October 22, 2020 @ 5:30 p.m. Zoom Meeting:

https://www.google.com/url?q=https://bloomington.zoom.us/j/98452518603?pwd%3Dc2Q0N3ZkWmViMnp6dXBGeTFpU0NKZz09&sa=D&source=calendar&ust=1603134356688000&usg=AOvVaw02IwCl0Ix6YVPvhbaMN1r3

CITY OF BLOOMINGTON BOARD OF ZONING APPEALS October 22, 2020 at 5:30 p.m.

❖Virtual Meeting:

https://bloomington.zoom.us/j/98452518603?pwd=c2Q0N3ZkWmViMnp6dXBGeTFpU0NKZz09

ROLL CALL

APPROVAL OF MINUTES: June 18, 2020

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

PETITIONS CONTINUED TO: November 19, 2020

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

AA-17-20 WDG Construction (Rob Tolle)

906 & 910 N. College Ave. and 913 N. Walnut St.

Request: Administrative Appeal from a Notice of Violation (NOV) issued by staff.

Case Manager: Jackie Scanlan

PETITIONS:

V-18-20 **Duncan Campbell**

2300 W. Tapp Rd.

Request: Variance from rear building setback to allow for the construction of an addition in the Residential Estate (RE) zoning district, and a variance from maximum footprint (cumulative total) for accessory structures in the Residential

Estate (RE) zoning district.

Case Manager: Ryan Robling

V-20-20 New Urban Station, LLC (Stageyard Apts.)

321 S. Walnut St.

Request: Variance to allow ground floor dwelling units to not be located 20 feet behind the building façade.

Case Manager: Eric Greulich

V-21-20 Tim Hanson (for Hillside Manors Holdings, LLC)

1028 E. Hillside Dr.

Request: Variance from front parking setback standards. Also requested is a determinate sidewalk variance.

Case Manager: Eric Greulich

Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call <u>812-349-3429</u> or e-mail <u>human.rights@bloomington.in.gov</u>.

^{**}Next Meeting: November 19, 2020

CASE #: V-18-20

DATE: October 22, 2020

BLOOMINGTON BOARD OF ZONING APPEALS STAFF REPORT

LOCATION: 2300 W. Tapp Rd.

PETITIONER: Duncan Campbell

2300 W. Tapp Rd., Bloomington, IN

REQUEST: The petitioner is requesting a variance from the rear building setback standard to allow for the construction of an addition in the RE district, and is also requesting a variance from maximum footprint (cumulative total) for accessory structures in the RE district.

REPORT: The 19.73 acre property is located at 2300 W. Tapp Rd. The property is currently developed with a State historically designated single-family dwelling and was recently rezoned to Residential Estate (RE). The surrounding properties to the north and west are vacant and are both zoned within PUDs, RS/PUD/BL/PCD-64-94 (North) and PUD-06-06 (West). The property to the east is zoned Employment and has been developed with a City of Bloomington Park (Clear Creek Trail). The property to the south is owned by the petitioner and is outside of the City of Bloomington's jurisdictional boundaries. The property is fronted by W. Tapp Rd. to the north. The property is also located within a flood zone.

The petitioner is proposing to construct a 748 square foot addition to the existing historic single-family dwelling. The one-story addition will extend the current structure 34' 10" to the south. The proposed addition will be located 25' from the rear property line. The Unified Development Ordinance (UDO) requires a minimum rear building setback of 60 feet. The petitioner is requesting a variance from the required rear building setback in order to allow for the primary structure to encroach 35 feet into the read setback.

The petitioner is also requesting a variance from maximum footprint (cumulative total) for accessory structures in the RE district in order to legitimize the currently existing accessory structures on the property. The RE district has a maximum footprint (cumulative total) of 50 percent of the square footage of the primary structure. The property is currently developed with a historic 2,250 square foot barn, 216 square foot shed, and 900 square foot garage. The cumulative footprint of all accessory structures on the site is 3,366 square feet. The currently existing primary structure is 1,952 square feet, and will be 2,700 square feet after the addition. The current structure would allow for a maximum footprint (cumulative total) of 976 square feet. The property is currently 2,390 square feet over the maximum footprint (cumulative total) for the RE district, based on square footage of the current primary structure. The petitioner is requesting a variance from the required maximum footprint in order to allow for the property to have a maximum footprint (cumulative total) of 2,390 square feet.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

20.06.080 (b)(3)(E)(i) Development Standards Variance: Pursuant to Indiana Code 36-7-4-918.5, the Board of Zoning Appeals of Hearing Office may grant a variance from the development standards of this UDO if, after a public hearing, it makes findings of fact in writing, that:

[a] The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and

PROPOSED FINDING: Rear Building Setback: No injury is found with the requested variance from rear building setback. The proposed addition will encroach 35' into the RE district's required 60' rear building setback, and will meet all other required setbacks. The petitioner owns the adjacent property to the south, which forms the property's rear property line. The adjacent property is the location of an abandoned quarry, and is outside of the City's jurisdictional boundaries. The RE district's dimensional standards were created in order to locate more intense farming uses away from adjacent properties. The historic primary structure's use on this property has been as a single-family dwelling for 190 years. Other residential districts require single-family dwellings to be setback at a similar distance to the where the petitioner is proposing to locate the one-story addition.

Accessory Structure Maximum Footprint (cumulative total): No injury is found with the requested variance from maximum footprint (cumulative total) of accessory structures on the property. The historic barn was built on the property in 1855, the detached garage and shed have been on the property since before the property was annexed by the City, without incident. There are no changes to the footprint of any of the accessory structures on the property proposed with this petition. The variance seeks to legitimize the current footprint of the accessory structures already on the property.

[b] 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: Rear Building Setback: No adverse impacts to the use and value of the surrounding properties are found as a result of the requested variance from the required rear building setback in the RE district. The property along the rear property line is owned by the petitioner. The adjacent property is the location of an abandoned quarry and is outside of the City's jurisdictional boundaries. The addition, to the single-family dwelling, is proposed to be setback 25' from the rear property line. 25' is a common rear building setback for other single-family dwellings throughout the City. The RE district standards were developed in order to increase the distance from intense farming uses from adjacent properties. The historic structure is not proposed to be use for farming purposes, and has been used as a single-family dwelling since 1830.

Accessory Structure Maximum Footprint (cumulative total): No adverse impacts to the use and value of the surrounding properties are found as a result of the requested variance from the maximum footprint (cumulative total) of accessory structures on the property. All of the structures on the property were established greater than 50 years ago and have caused no adverse impacts to the use and value of adjacent properties. Additionally, the existing structures are all located 80' or more away from side and rear property lines further reducing the likelihood of causing adverse impacts to surrounding properties. Each of the adjoining properties are currently vacant, or owned by the petitioner.

[c] 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: Rear Building Setback: Practical difficulty is found in the required rear building setback. Peculiar condition is found in the fact that a majority of the property, including surrounding the existing structure, is located within a flood zone. The location of the flood zone on the property severely limits the amount of buildable area for any addition to the primary structure. The proposed addition seeks to allow the petitioner to remain in the home and age in place. A suitable location for a one-story addition would be difficult to find on the property without encroaching into the rear building setback. Peculiar condition is also found in the fact the property has, until September 2020, been zoned for employment uses only and would not have allowed any expansion to the primary structure. The petitioner's request to rezone the property was intended to bring the existing use into compliance with the UDO in order to allow for an addition. The RE district was chosen, despite the knowledge that a variance would be required, because the property features sensitive historic and environmental features which the RE district is best suited to protect. Peculiar condition is also found in the fact the adjoining property, which creates the rear property line, is owned by the petitioner and is outside of the City's jurisdictional boundaries. If both properties were within the City's boundaries the need for a variance from rear building setbacks may not have been required because a lot line shift could be performed to address the encroachment. That is not an option.

Accessory Structure Maximum Footprint (cumulative total): Practical difficulty is found in the restriction of the maximum footprint (cumulative total) of accessory structures in RE district created by the historic structures on the property. Peculiar condition is found in the historic nature of these structures. The historic barn was constructed in 1855, and the detached garage and shed were both established prior to the standards of the UDO as well as prior to the property being annexed by the City. Because all of the accessory structures were built prior to the City's annexation of the property they were developed without the guidelines that are now placed on the property. The petitioner is not proposing to modify the accessory structures. The variance only serves to legitimize the currently established structures allowing them to remain onsite, unchanged. If more structures were desired, additional variances would need to be sought.

RECOMMENDATION: Based upon the written findings above, the Department recommends that the Board of Zoning Appeal adopt the proposed findings and recommends approval of V-18-20 with the following conditions:

- 1. The petitioner must obtain a building permit prior to construction.
- 2. This variance from rear building setback requirements applies to the addition as proposed only. Any subsequent encroachment would require a variance.
- 3. This variance applies to the accessory structures as they currently exist only. Any subsequent developments that do not meet UDO requirements would require an additional variance.

PETITIONER'S STATEMENT

Request to rezone 19.73 acres from Employment (EM) to Residential Estate (RE)

Duncan Campbell & Cathy Spiaggia, owners/petitioners 2300 West Tapp Road Bloomington, IN 47403

We purchased this 19.73 acre site, a portion of the original 1830's Edward Borland farm, in 1986, and two years later purchased an additional adjoining 32 acres of the original farmstead. The 19.73 acres was annexed into the City in the early 2000's; the 32 acres remain under County jurisdiction.

The 19.73 acre parcel that we bought included the original 1830's Borland house, an 1855 English threshing barn, a garage constructed from limestone quarried on the property, and a few of the original farmstead's outbuildings. The 32-acre site included seven inactive limestone quarries, a quarry blacksmith shop, and most of the early quarrying equipment, including fully rigged derricks.

At the time of our original purchase, the seller owned over 200 acres of the historic Borland Farm, which at one time included over 1500 acres in Perry Township. The seller subdivided this land in the mid-eighties into three large divisions: what is now the Surgery Center, our 52 acres, and an intermediate parcel of approximately 100 acres. The entire site was zoned Quarry.

The Borland brothers came to Bloomington shortly after statehood in 1818 from western Pennsylvania. The oldest brother, James, was a surveyor and was subsequently appointed by President James Monroe as the Seminary Agent for Perry Township, responsible for the sale of designated Seminary lands retained in federal ownership (Perry Township) to support the founding of land grant colleges, the future Indiana Seminary. James platted the first downtown lots in Bloomington, Spencer, Martinsville, and other nearby towns, and his name graces all of the earliest land transactions in Bloomington and Perry Townships. Edward, James' younger brother, was a mason and master builder who participated in the construction of the early Indiana Seminary buildings, Monroe County's first brick Courthouse, the Wylie House, and several other early masonry structures in Bloomington. A third brother, John, founded one of Bloomington's earliest newspapers.

All three brothers served the newly founded Indiana Seminary in various ways, James as its first treasurer, and Edward as a member of the Board of Trustees. John later succeeded James as treasurer. All three, and their offspring, also actively farmed. The Edward Borland family owned and occupied the Borland Farm for over

a hundred years, until 1930, when a granddaughter sold a large portion of the original homestead to Carl Furst, a quarry operator with sandstone quarries in southern Ohio and limestone quarries in Bedford, Indiana.

The Furst Quarry Company operated quarries on our property from 1930, until sometime in the mid 1970's, when they closed their mining operations. During that time two generations of the Jackson family occupied the Borland House and served as quarry superintendents for Carl Furst. The 19.73-acre parcel that we purchased from Carl Furst's daughter was never quarried, but was maintained as a residence for the superintendents and their families. After the quarries ceased mining operations, the Furst daughters leased the home to family friends until 1985, a year before our purchase.

We are the third owners of this historic property, and the Borland house has been in continuous use as a residence for 190 years. We have lived in and stewarded the Borland House for 34 years, during which we carefully and accurately restored and maintained the house, barn, and grounds, and preserved and interpreted the quarry infrastructure. Our entire property, including the quarry ground, is listed on the Indiana Register of Historic Sites and Structures.

Our Petition requests changing the zoning of the 19.73-acre parcel from Employment (EM) to Residential Estate (RE). The Quarry zoning was changed to Employment zoning as a conversion map change in the very recent past--April, 2020--in order to more appropriately encourage the development of employment opportunities along West Tapp Road. We were living on our property at the time, and had been for over three decades, privileged as a legal, nonconforming residential use under the Quarry designation, a use that continued after the map change to Employment. We did not object to the alteration because we did not believe it affected our residential status. However, neither Quarry nor Employment zoning would allow us to expand our residential use, since it was nonconforming.

We are now 75 years old, healthy and active members of the community, and wanting to age in place and stay in our home as long as possible. To that end, we carefully designed an historically compatible addition that would locate an accessible bathroom and laundry on the first floor, enclose the outside entrance to the cellar, and create a space for a ground floor bedroom should we become unable to use the stairs, or require greater accessibility. An addition would allow us to remain stewards of the house and grounds we have so carefully restored, and continue to enjoy the fruits of our considerable efforts. Accordingly, we requested a building permit to add an addition. It was at that point that we learned of the restriction on expanding our residential use, and it became clear that we would need to request a rezone.

As we explored options with the Planning and Transportation Department, Residential Estate appeared to be the most appropriate zoning for the continued and future use of a property that has in reality been in residential use since the

1830's, and at least in our tenure was never intended for development as anything else, much less employment. As stated in the UDO, the RE district is intended to provide residential development on large lots (greater than 2.5 acres) while allowing for limited agricultural and civic uses and protecting sensitive environmental resources. Our lot clearly exceeds the 2.5 acre required minimum, but also quite adequately meets the additional standards. We conduct limited agriculture in the form of a large organic garden for food production, small-scale dead wood timber harvesting (mostly ash trees lost to the ash borer), the eradication of invasive species, the protection of extensive wetlands and flood plain areas, as well as the obvious built environment preservation of the Borland House, barn, and outbuildings. During a recent Carbon Footprint survey, we learned that we are not just carbon neutral, but carbon negative.

In addition, although not specific to the 19.73 acre lot in question, we have extended our stewarding to the historic quarry acreage, and Duncan provides both educational sessions and active tours of the quarry areas to patrons of Visit Bloomington, stone carver guilds, industrial archaeologists, and state and local conference participants as an active advocate for the history of the Indiana limestone industry. Moreover, as a professional historic preservationist and educator prior to retirement, Duncan has used the Borland Farm restoration as an illustration of best practices to numerous students of preservation, historic barn tour patrons, and the preservation interests of the greater community.

Thank you for considering our petition for rezone and concurring with us that our continued occupancy and stewardship of this important property serves the greater good.

Submitted, June 24, 2020,

Cathy Spiaggia and Duncan Campbell

1. Lot tone (is of 2300 TAPP RO SURDIVISION, terng a part of Section 18, Township 8 North,

RANGE I WEST in Monrie Co. IN. as shown by the plat Mercot recorded in Plat Book

*****ALL" APPLICATIONS MUST BE ACCOMPANIED BY AN ACCURATE DRAWING THAT SHOWS THE FOLLOWING:

- A. Property Lines
- B. Water Lines
- C. Well or Cistern (If applicable)
- D. Septic Tank (Existing &/or Proposed)
- E. Distribution Boxes (Existing &/or Proposed)
- F. Absorption Field (Existing &/or Proposed
- G. Distance between Units
- H. All Creeks, Ditches, Lakes, Etc.

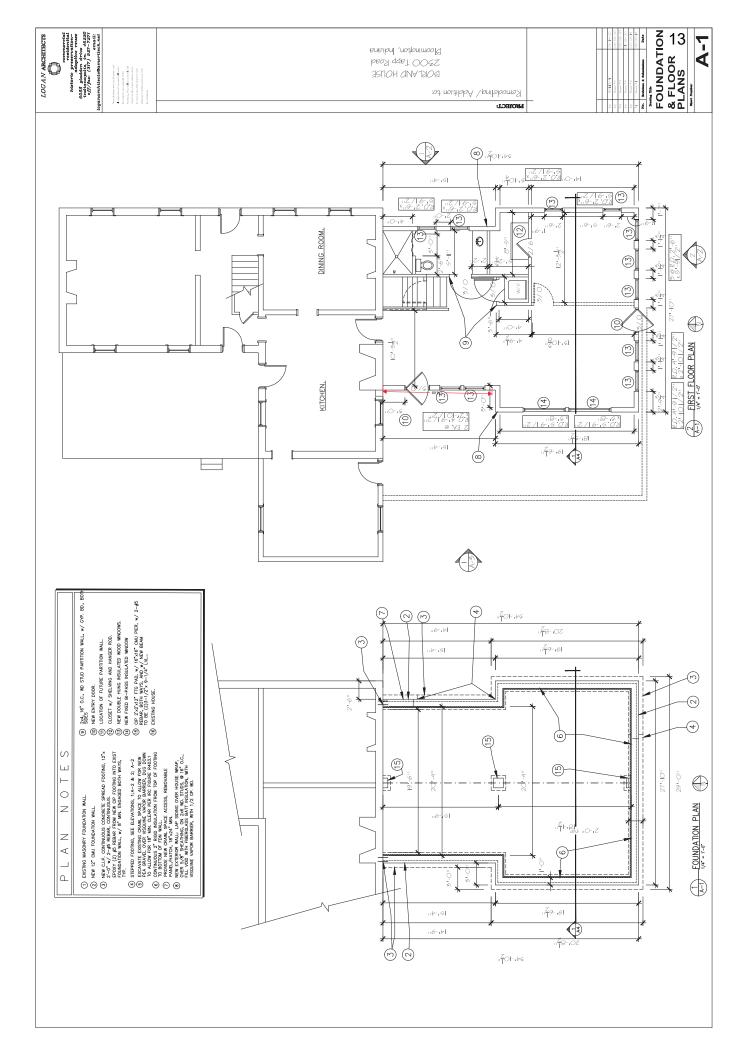
LOCATION OF ANY OR ALL COMPONENTS TO OBVIOUS LANDMARKS WILL BE HELPFUL DRAWING TAPP RD. -lenard Springs Dort ling and ries Quarries

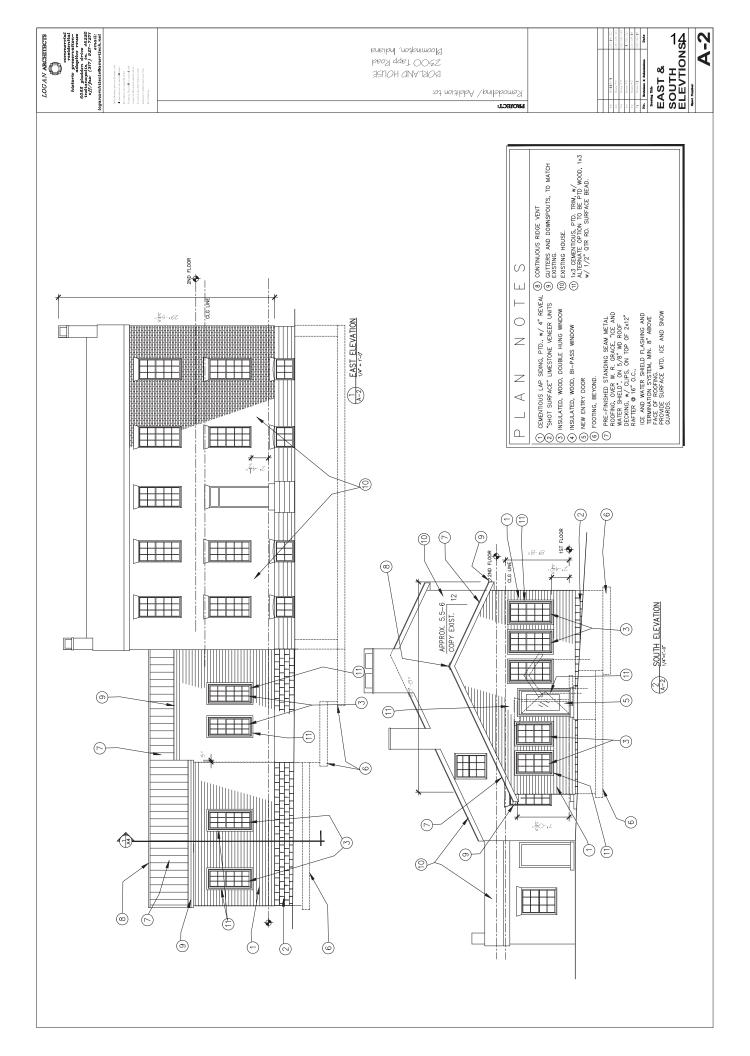
****APPROVAL OF THIS APPLICATION GIVES ONLY A PERMISSION TO CONSTRUCT - THE PERMIT IS NOT VALID UNTIL IT IS SIGNED AFTER AN INSPECTION ON THE JOB SITE AT THE TIME OF ACTUAL CONSTRUCTION!****

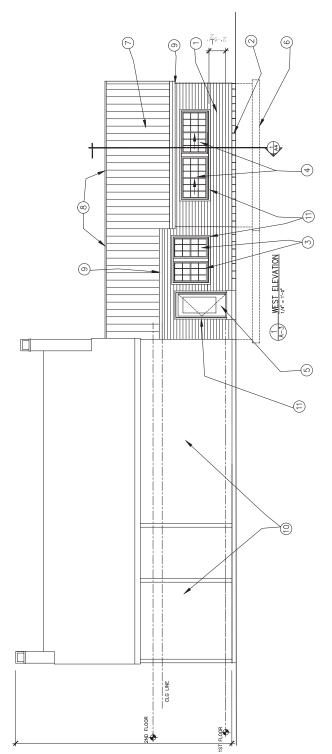
| FOR HEALTH DEPARTMENT USE ONLY | |
|--------------------------------|--------------------|
| SOIL REPORT ATTACHED YES | NO |
| APPROVED 9-23-88 | SIGNED Lambda Mort |
| DISAPPROVED | SIGNED |



For reference only; map information NOT warranted.

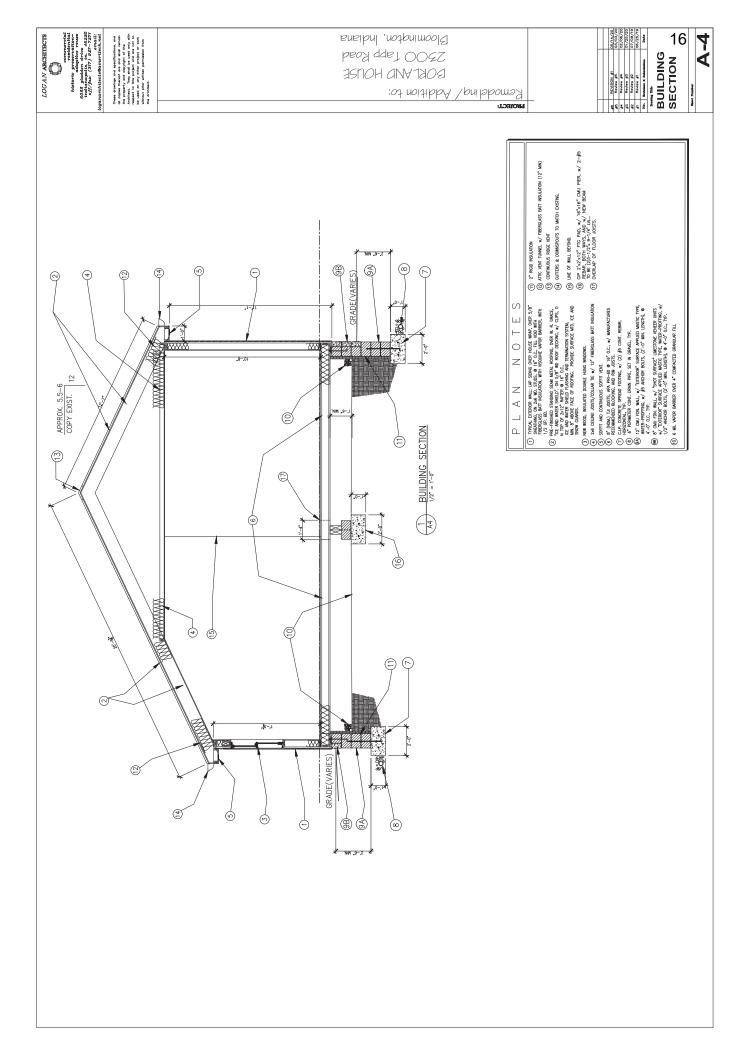






11/29-162

| CEMENTIOUS LAP SIDING, PTD, W, 4" REVEAL (8) CONTINUOUS RIDGE VENT | CONTINU



BLOOMINGTON BOARD OF ZONING APPEALS CASE #: V-20-20

STAFF REPORT DATE: October 22, 2020

Location: 321 S. Walnut Street

PETITIONER: New Urban Station, LLC (Stageyard Apartments)

321 S. Walnut Street, Bloomington

CONSULTANT: Blackline Studio

1043 Virginia Avenue, Indianapolis

REQUEST: The petitioner is requesting a variance to allow ground floor dwelling units to not be located 20' behind the building façade.

REPORT: This 0.89 acre property is zoned Mixed Use Downtown and is in the Downtown Core Overlay District. Surrounding land uses include Bloomington Transit to the north, the Project School to the south, multi-family residences and offices to the east and west.

This site received site plan approval in 2017 (SP-26-17) to allow for the construction of a mixed-use building. At the time of the site plan approval, the Unified Development Ordinance required that at least 50% of the ground floor be used for nonresidential space and the building met that requirement with the approved site and floor plan. The building has been constructed according to the approved site and floor plans, meeting the previous UDO.

The current UDO requires that within this portion of the Mixed Use Downtown zoning district, ground floor residential units must be 20' behind the building façade. That requirement allows for commercial uses in the front of the building. The petitioner would like to convert all of the existing ground floor commercial space to residential units. The petitioner is requesting a variance from the UDO requirement that ground floor residential units must be 20' behind the building façade to allow the ground floor to be converted.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE Ground Floor Residential 20' Behind Front Building Facade

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: The granting of the variance to allow the ground floor units is not expected to be injurious to the public health, safety, morals, or general welfare of the community.

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.

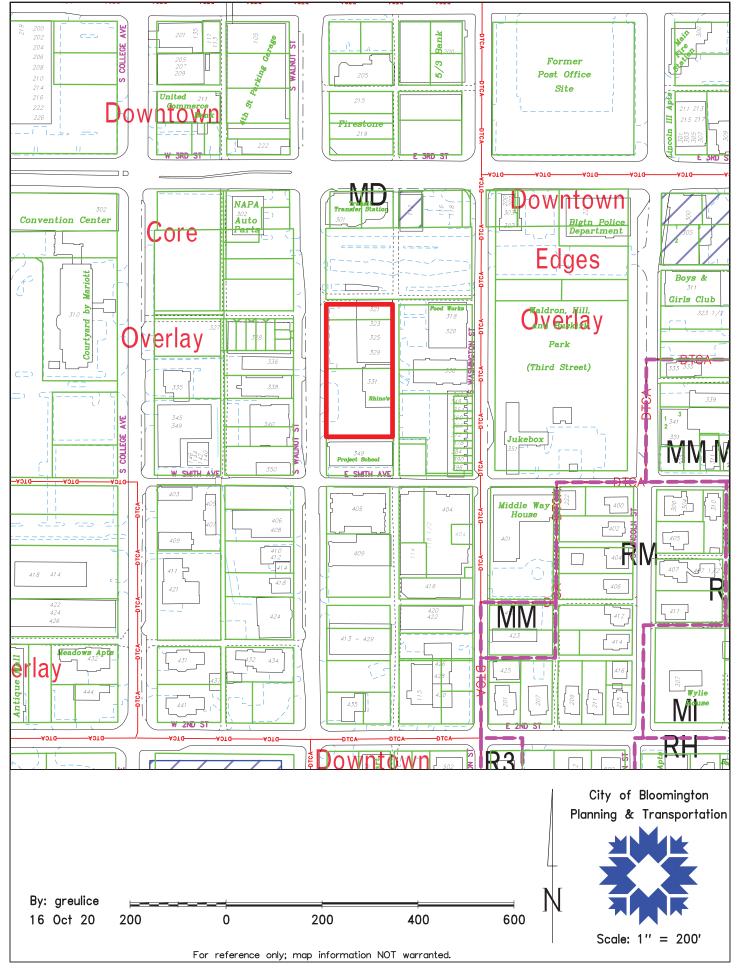
PROPOSED FINDING: No adverse impacts to the use and value of surrounding properties as a result of the requested variance are found.

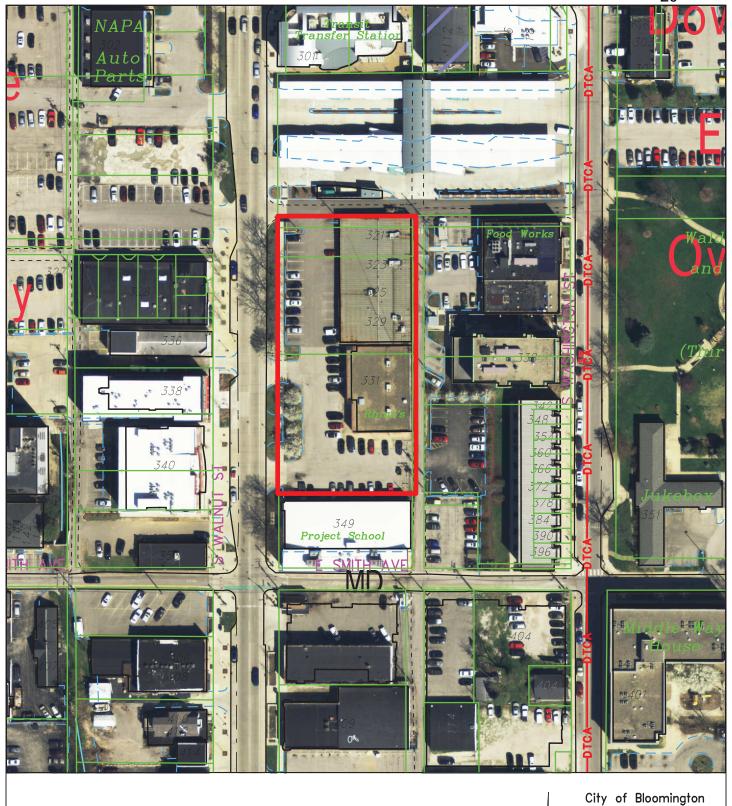
3) The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.

PROPOSED FINDING: The Department does not find any peculiar conditions about this property that result in practical difficulties with meeting the code in the use of the property. The site was constructed according to the approved building plans and this location previously supported commercial uses with no known difficulties. Other sites surrounding this property support non-residential uses on the first floor. The intent of the regulation was to limit the presence of ground floor units in the front of buildings facing public spaces and to promote nonresidential uses along the ground floor of buildings facing public roads within this area of the Downtown. While the Department is working on a text amendment that may allow flexibility of first floor space because of the strain on commercial spaces that the pandemic presents, this characteristics of this property are not unique and a variance from the current UDO standards is not the appropriate remedy.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopt the proposed findings and deny V-20-20.







By: greulice 16 Oct 20 100 0 100 200 300

For reference only; map information NOT warranted.

Planning & Transportation

Scale: 1'' = 100'

PETITIONER'S STATEMENT September 24, 2020

Stageyard Apartments 321 South Walnut Street Bloomington, IN 47401

New Urban Station LLC, dba Stageyard Apartments, seeks a variance of development standards to allow for dwelling units to occur on the first floor storefront of Stageyard Apartments at 321 S. Walnut Street in downtown Bloomington. In the Bloomington UDO 4-18-2020, Chapter 20.03.30 Use Regulations, (5)(B)ii Ground Floor Units states "In the MD zoning district, each dwelling unit located on the ground floor shall be located behind each building façade facing a public street."

The vacant commercial space on Stageyard's ground floor was originally designed to contain a restaurant or commercial use. Due to economic changes caused by the Corona Virus Pandemic, our team believes the space may remain vacant for the next five years. Rather than leave this significant storefront vacant, we propose building residential studio living units in the space, occupying a total of 10,412 square feet for fourteen studio units and egress corridors.

Our design proposes that only living and open concept kitchen areas be visible from the storefront windows. We are willing to work with the Bloomington Planning Department to determine the type of window coverings that can occur in these units.

Respectfully submitted by:

CRAIG M Consian

Craig McCormick

Principal, Blackline Studio

OWNER'S AFFIDAVIT

| STATE OF INDIANA |) |
|------------------|-------|
| |) SS: |
| COUNTY OF MARION |) |

The undersigned, L. Jarod Brown, being first duly sworn, upon his oath states that he is the Managing Director of New Urban Station, LLC d/b/a Stageyard Apartments (herein referred to as "Owner"), and is authorized to execute this Affidavit for and on behalf of Owner, and that:

- 1. Owner is the owner of certain real estate located at 321 South Walnut Street, Bloomington, Monroe County, Indiana and commonly known as Stageyard Apartments (the "Property").
- 2. Owner has engaged Perkins Von Deylen Associates, P.C. d/b/a Blackline ("Blackline") in connection with its application to the City of Bloomington Planning and Transportation Department Board of Zoning Appeals for a variance of development standards to permit residential units within 20' of the street facade of the buildings on the Property (the "Variance Application").
- 3. Blackline is authorized to act on behalf of Owner in connection with the Variance Application and matters incidental thereto.

[The remainder of this page is intentionally left blank]

IN WITNESS WHEREOF, the undersigned has executed this Affidavit to be effective as of the 23rd day of September, 2020.

L. Jarod Brown

Subscribed and sworn to before me, a Notary Public in and for such County and State,

this 24th day of September, 2020.

) Notary Public

My Commission Expires:

My County of Residence:

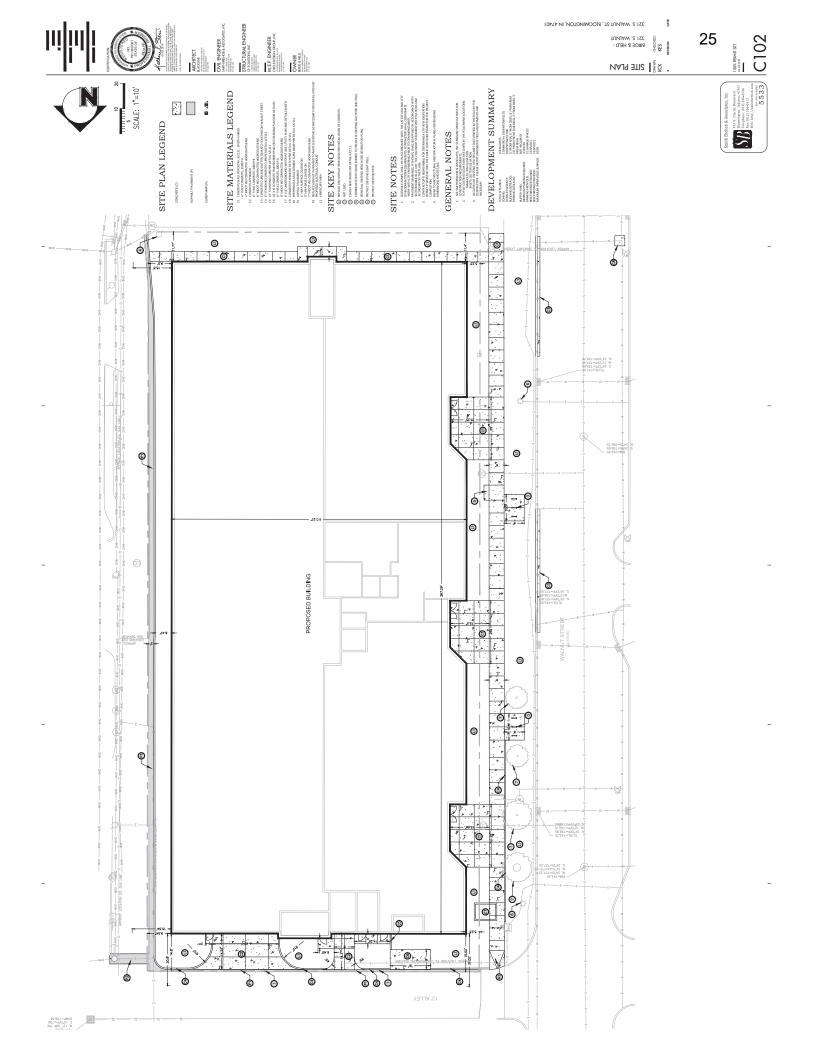
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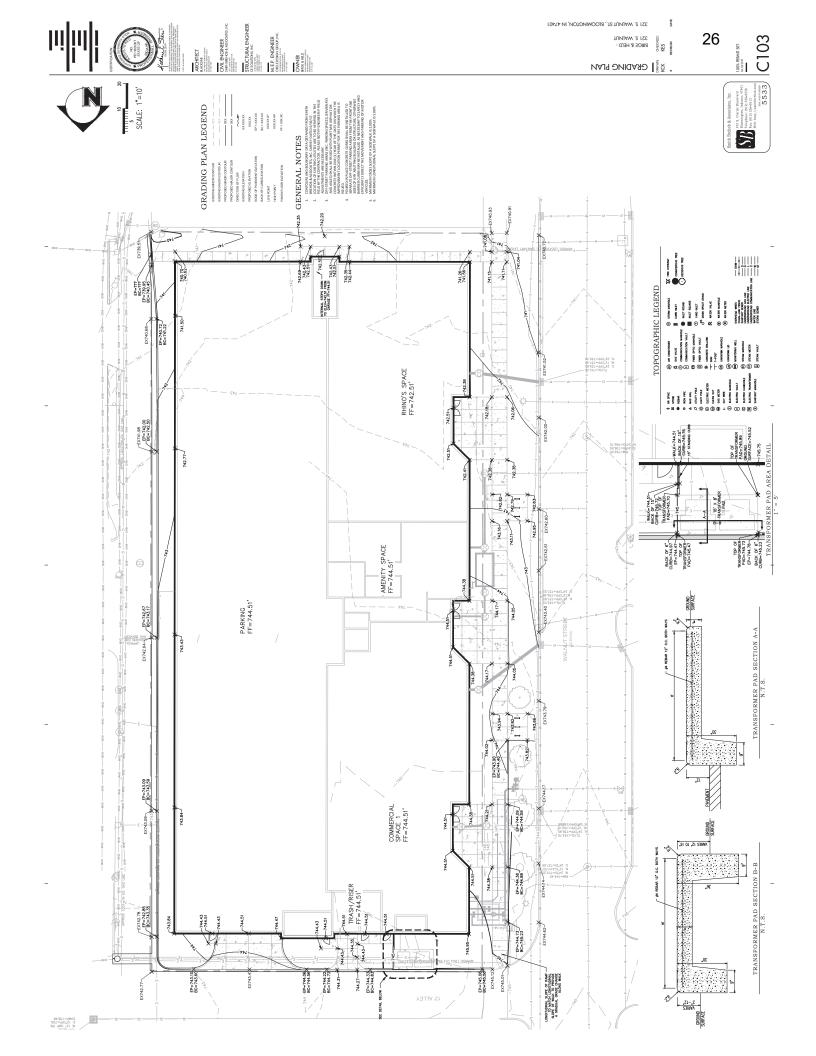
Dena D. Wilson Commission Number: 702963 Hamilton County Expiration Date: Sept. 11, 2025

This instrument was prepared by Brian R. Bouggy, Densborn Blachly LLP, 500 East 96th Street, Suite 100, Indianapolis, Indiana 46260.

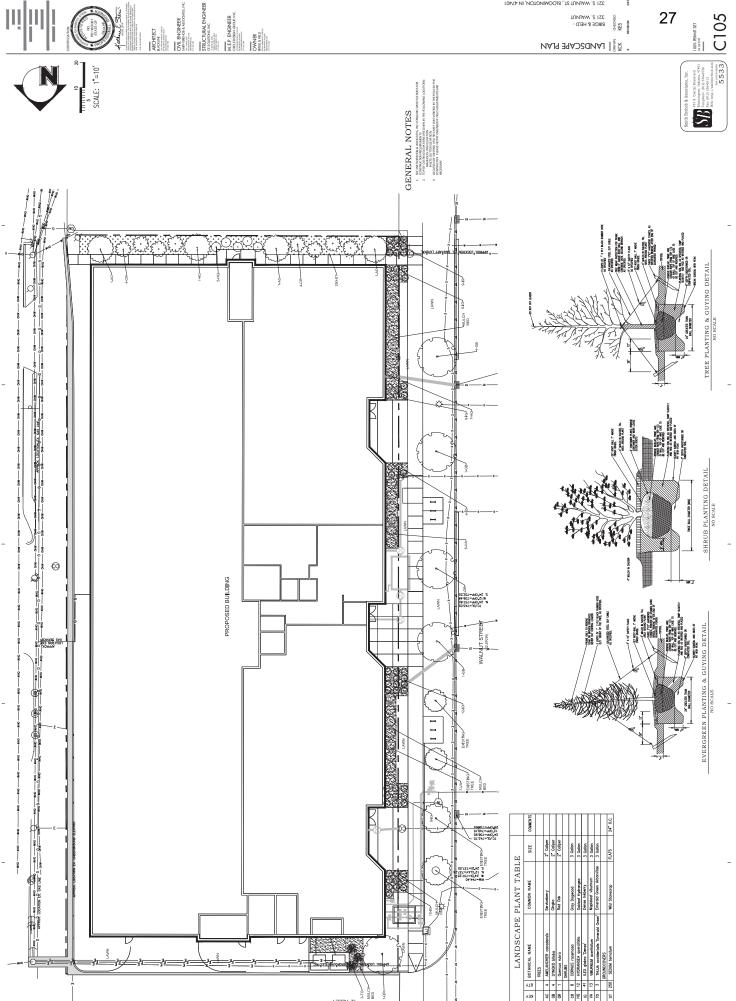


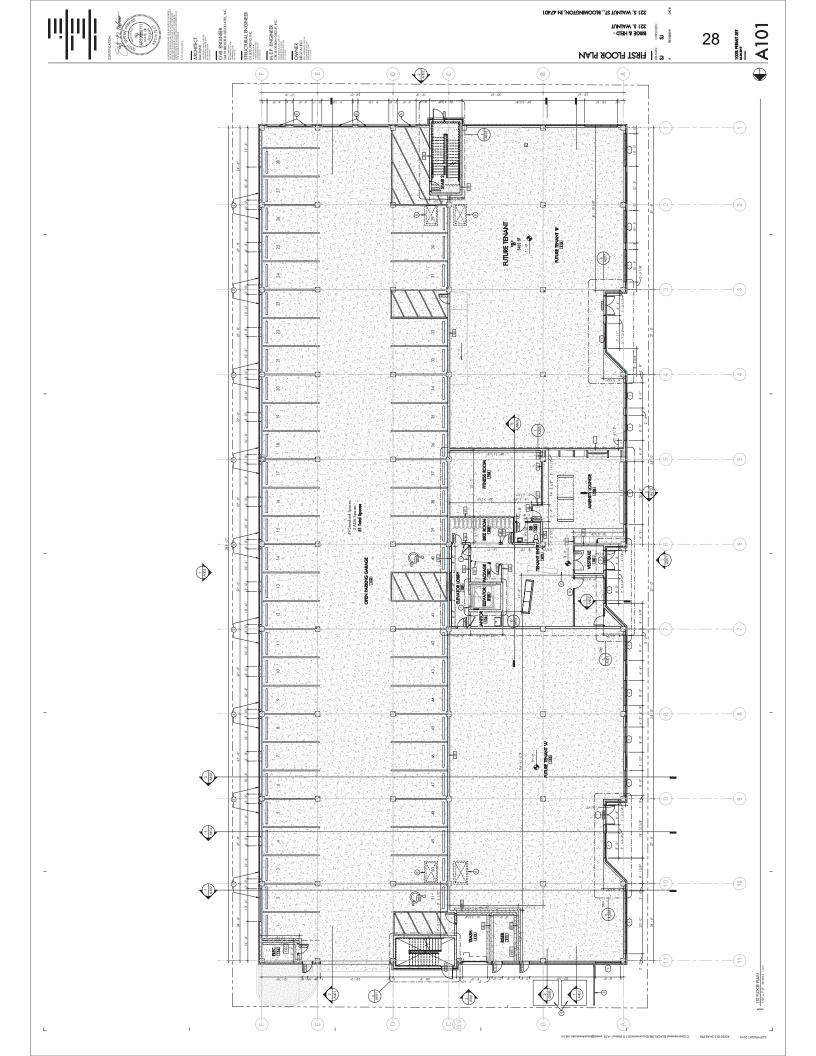
STAGEYARD - FLOOR 1 STUDIOS - OPTION A 09.16.2020

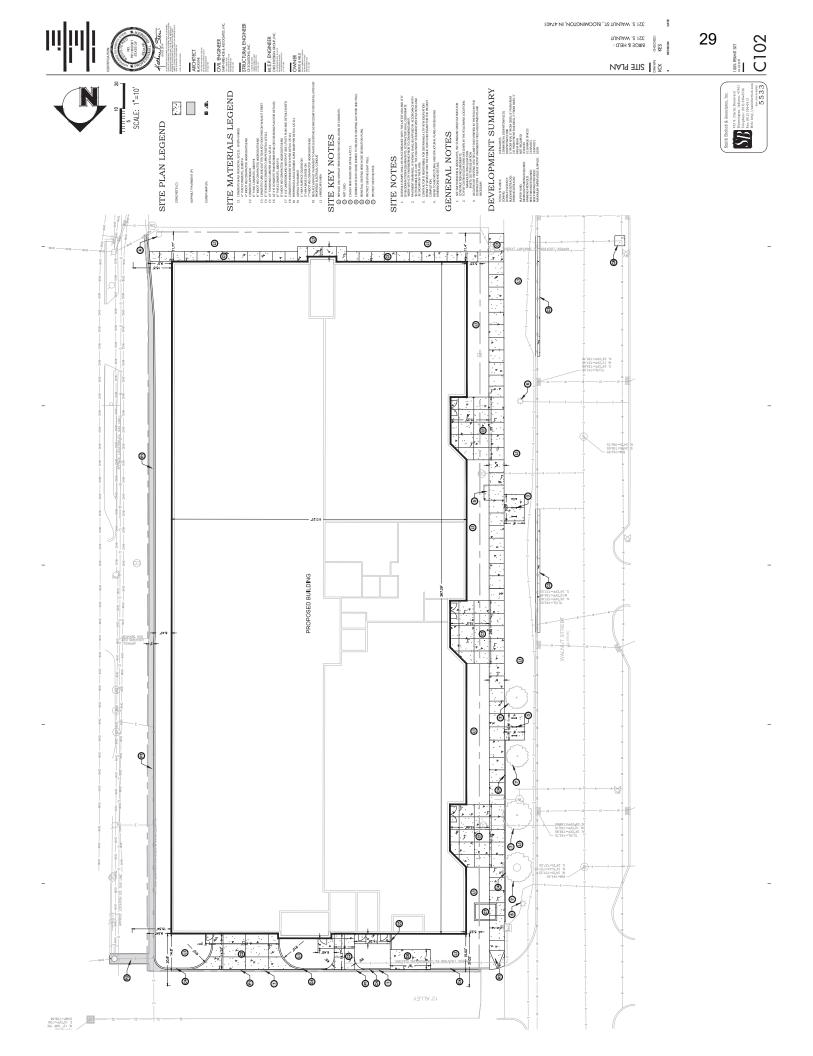


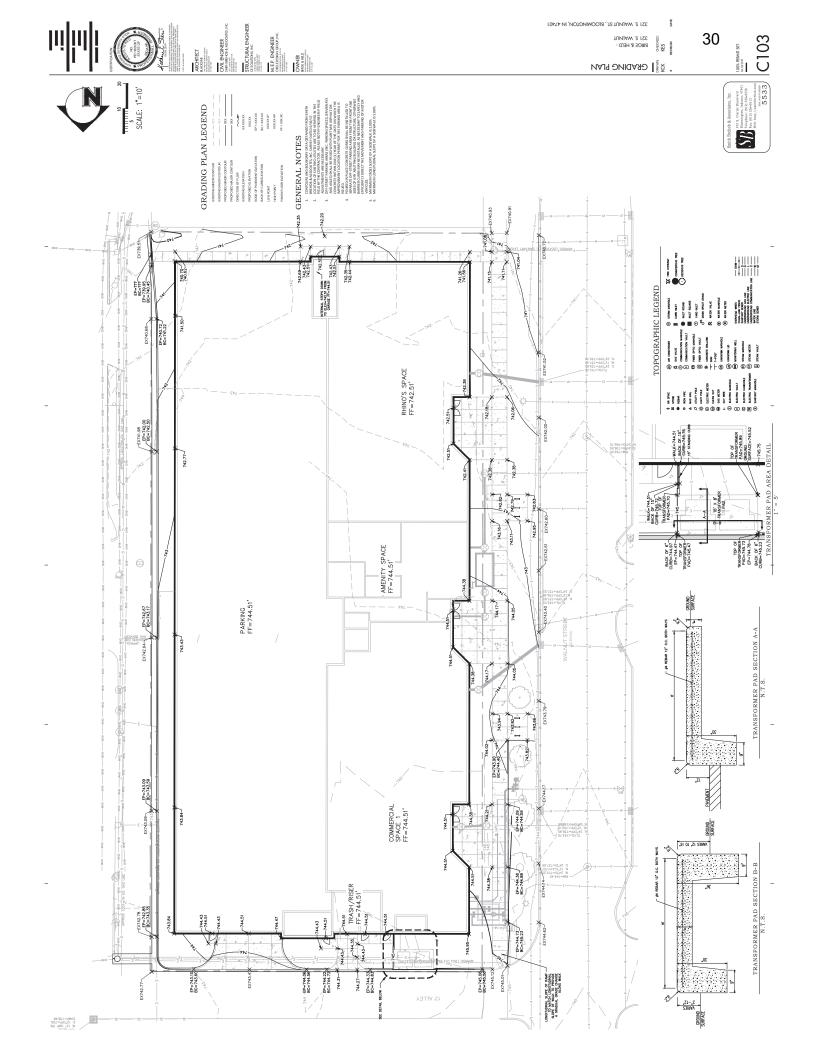


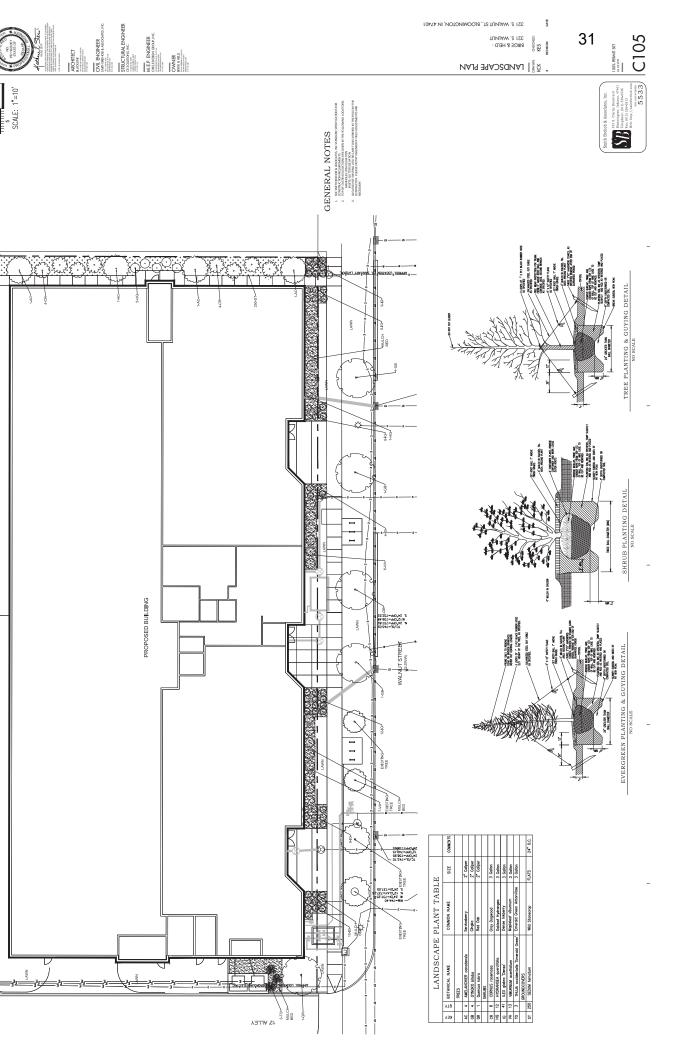




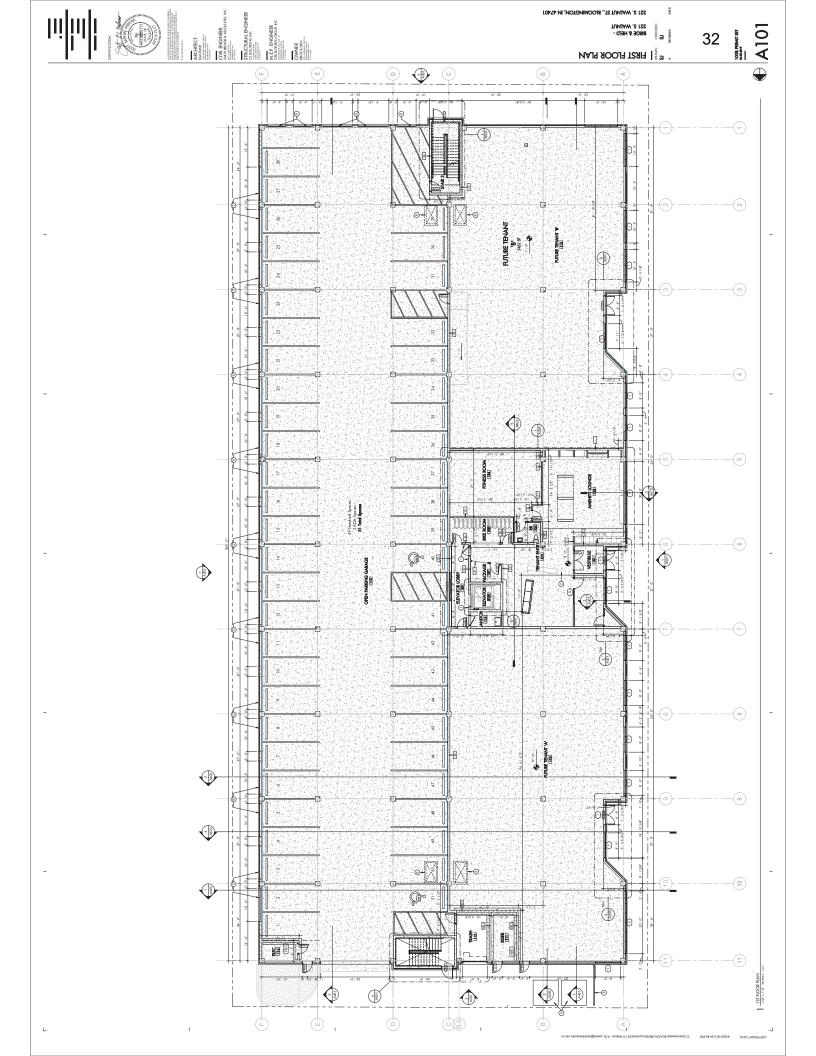








SCALE: 1"=10"





STAGEYARD - FLOOR 1 STUDIOS - OPTION A 09.16.2020

BLOOMINGTON BOARD OF ZONING APPEALS CASE #: V-21-20

STAFF REPORT DATE: October 22, 2020

Location: 1028 E Hillside Dr.

PETITIONER: Hillside Manors Holding, LLC

5910 N. Bottom Road, Bloomington

CONSULTANT: Smith Design Group, Inc.

2755 E Canada Drive, Bloomington

REQUEST: The petitioners are requesting a variance from front yard parking setback standards and a determinate variance from sidewalk requirements.

SITE DESCRIPTION: The property is located at the southwest corner of E. Hillside Drive and S. Huntington Drive and is zoned Residential Multifamily (RM). There is an unbuilt portion of Thornton Drive that was platted with 50' of right-of-way that runs along the south property line. Surrounding land uses include single & multi-family residences to the east and south, multifamily residences to the west, and the Carlisle Brake industrial center to the north. The property was previously developed with two residential buildings and accessory structures, but they have all been removed and the property is vacant. There is a drainage channel and stream that is just to the southeast of this site and portions of the required riparian buffer impact this site and are shown on the site plan.

The petitioner received site plan approval from the Plan Commission (SP-18-20) contingent upon the granting of the requested variances. The site plan approval allowed for the construction of a multi-family residential building that will have 40 one-bedroom units. There will be a surface parking lot constructed south of the building with 41 vehicular parking spaces that will have one access point onto Huntington Drive. There is a covered bicycle parking area proposed on the south side of the building. A new 6' wide concrete sidewalk and minimum 5' wide tree plot will be constructed along both frontages.

Since there is a section of right-of-way for Thornton Drive along the south property line and the petitioner is proposing parking that would be between the building and that section of right-of-way, the petitioner is requesting a variance from the front parking setback requirements to allow parking between the building and Thornton Drive. The petitioner is also requesting a determinate variance from sidewalk requirements along the Huntington Drive frontage for the section of the property that is along an existing drainage culvert because there is not enough space between the headwall of the culvert and the edge of pavement to install the required 6' wide sidewalk.

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; and

PROPOSED FINDING: Parking Setback: The granting of the variance will not be injurious to the public health, safety, morals, or general welfare of the community since the Thornton Drive is unbuilt and the portions of the site adjacent to the constructed roads will not have parking between the building and the street. Even when Thornton is built, the parking area will still be roughly 160 feet from the right-of-way, separated from it by the riparian buffer.

Determinate Sidewalk: The granting of the determinate variance will not be injurious to the public health, safety, morals, or general welfare of the community since the sidewalk will be extended as far south as possible to safely construct and maintain at this time and will be installed at such time that the sidewalk can be connected to a sidewalk system to the south.

(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: Parking Setback: The use and value of the area adjacent to the property will not be substantially affected since the properties to the south and west are undeveloped and the riparian buffer area on the south side of the petition site will provide a buffer between the parking and any future development to the south.

Determinate Sidewalk: 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 since there is not currently a sidewalk system further to the south in need of connection. If a sidewalk is installed further south and a connection is possible, then this portion of the sidewalk will be installed to complete the system.

(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 questions; that the development standards variance will relieve the practical difficulties; and

PROPOSED FINDING: Parking Setback: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property since it would require a building design to wrap around all three street frontages. The practical difficulties are peculiar to the property in question because this property has three frontages along public streets and the right-of-way to the south has not been improved. The petitioner has designed a site plan to place the parking behind the building facades along the sections of property that contain the constructed roads. The granting of the development standards variance will relieve the practical difficulties by allowing a site plan that meets intent of the zoning code to not place parking between a building and a street.

Determinate Sidewalk:

20.06.080(b)(3)(E)(i)(3): While not to be included as separate findings of fact, items to

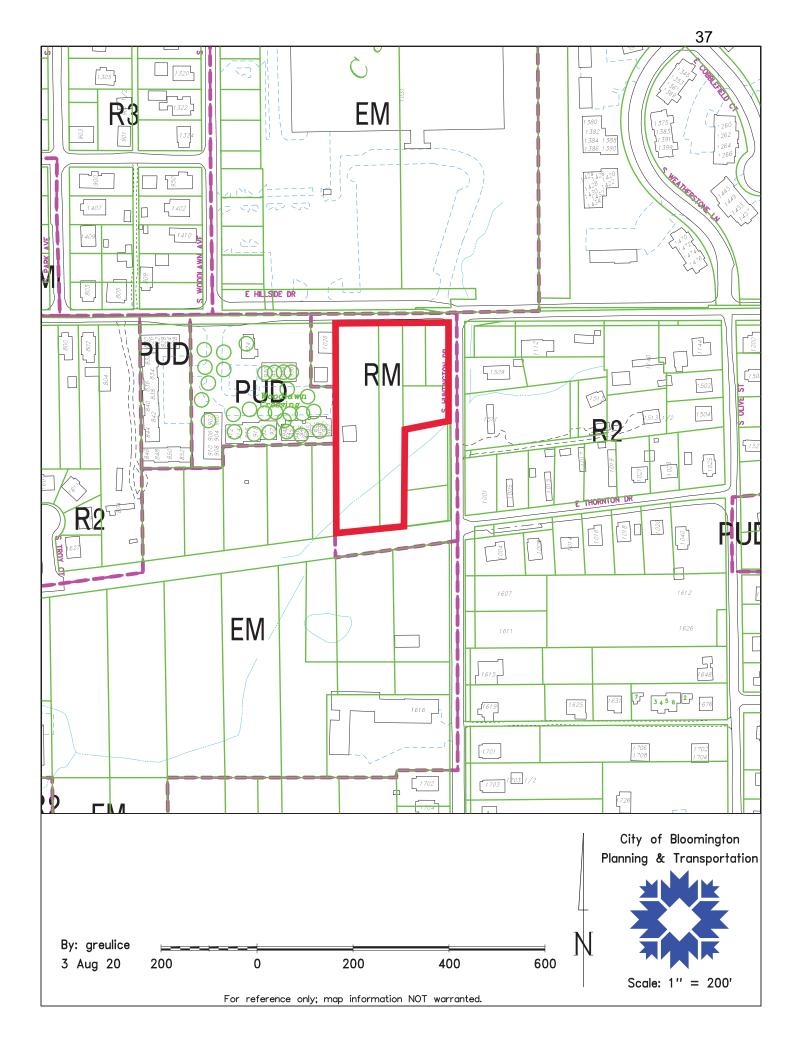
consider when determining the practical difficulties or peculiar conditions associated with a determinate sidewalk variance include, but are not limited to:

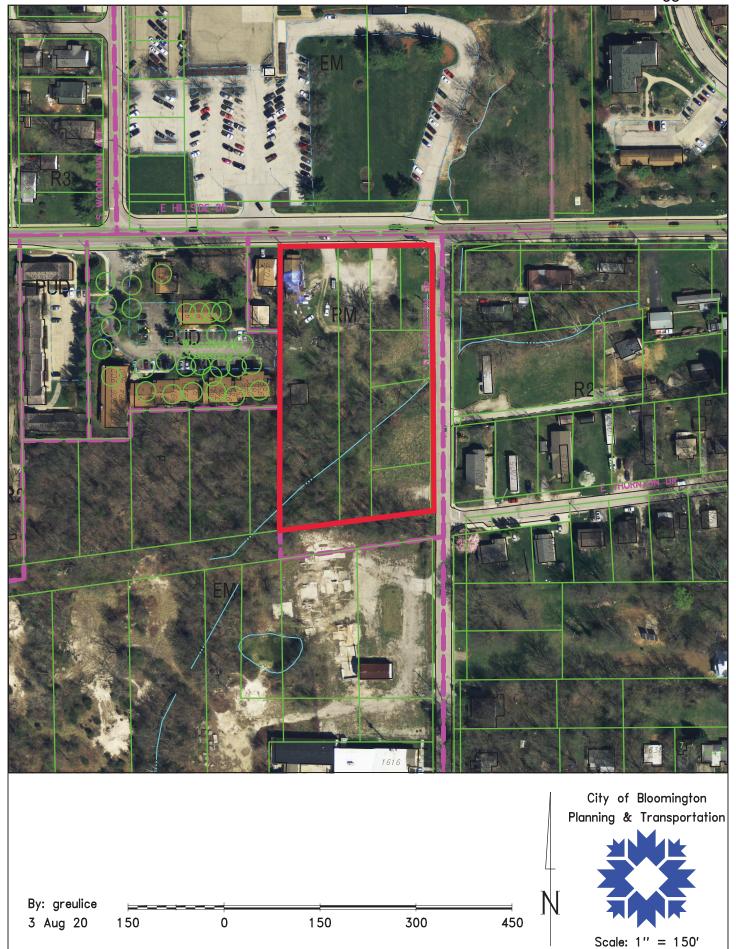
- [a] That the topography of the lot or tract together with the topography of the adjacent lots or tract and the nature of the street right-of-way make it impractical for construction of a sidewalk; or
- [b] That the pedestrian traffic reasonably to be anticipated over and along the street adjoining such lot or tract upon which new construction is to be erected is not and will not be such as to require sidewalks to be provided for the safety of pedestrians; or
- [C] The adjacent lot or tracts are at present developed without sidewalks and there is no reasonable expectation of additional sidewalk connections on the block in the near future; or
- [d] The location of the lot or tract is such that a complete pedestrian network is present on the other of the street on the same block; or
- [e] Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.

Proposed Finding: The strict application will result in practical difficulties because requiring the sidewalk to be installed along the section of frontage along Huntington would require extensive work near the culvert and off-site grading in order to be accomplished. There is not enough space between the existing headwall and the edge of right-of-way for a sidewalk, making construction impractical. The practical difficulties are peculiar to the lot in that there is a substantial amount of off-site grading required to prepare the area for a possible sidewalk. At this point, the adjacent lots to the south are unbuilt and there is not a complete pedestrian network present on this side of this section of Huntington. Because of the sensitive nature of construction at this site, including dealing with the existing culvert, the sidewalk system will best be completed when adjacent development occurs and a complete system can be installed. The petitioner is requesting to forestall sidewalk installation requirements until that time.

RECOMMENDATION: Based upon the written report, the Department recommends the Board of Zoning Appeals adopt the proposed findings and recommends approval of the variances with the following conditions:

- 1. Prior to release of a building permit, the petitioners shall execute and record a zoning commitment which states that a determinate sidewalk variance has been approved containing an exhibit approved by staff indicating what portions of the Huntington Drive frontage have received the variance. The commitment will also state that at some time in the future a concrete sidewalk and tree plot meeting the guidance of the Transportation Plan may be required along the previously mentioned Huntington Drive frontage, which would be the responsibility of the owner.
- 2. A sidewalk or other approved pedestrian facility is required along the Hillside Drive Street frontage. A sidewalk is required along Huntington Drive as shown on the site plan.
- 3. The parking variance is for the submitted site plan or one with less spaces only.





For reference only; map information NOT warranted.

Eric Greulich City of Bloomington Planning & Transportation Department 401 N. Morton Street Bloomington, IN 47404

RE: 1028 E. Hillside Drive

Mr. Greulich,

Please accept this application for the redevelopment of the southwest corner of E Hillside Drive and S Huntington Drive. The application is for the construction a multi-family building containing 40 one-bedroom units.

The property is vacant and consists of 1.81 acres of Residential Multifamily (RM) zoned land. The property is bounded on three sides by right-of-way; E. Hillside to the north, S. Huntington on the East, and the unimproved right of way of E Thornton Drive to the south. The adjacent properties to the west are zoned RM, PUD (Woodlawn Crossing Apartments) and Employment (EM).

The norther portion of the site is predominately open while the southern portion of the site as some tree canopy, mostly associated with property lines and adjacent to a drainage ditch created by the City in the early 1980's. As outlined in the UDO, a trio of buffers will be utilized to buffer the drainage ditch from the proposed development.

Site improvements will consist of a single three-story building and 40 space parking facility for the residents of the building. In addition to the building a parking the sidewalk along E. Hillside Drive will be removed and reconstructed 5 feet from the existing curb line. Sidewalk facilities will also be placed along S. Huntington Drive frontage. Impervious area of this proposal is less than 40%.

All other aspects of this project were designed to adhere to the current UDO including, pedestrian accommodations, landscaping, and detention.

Please find attached additional information to aid in your consideration of this proposal. We respectfully request your support.

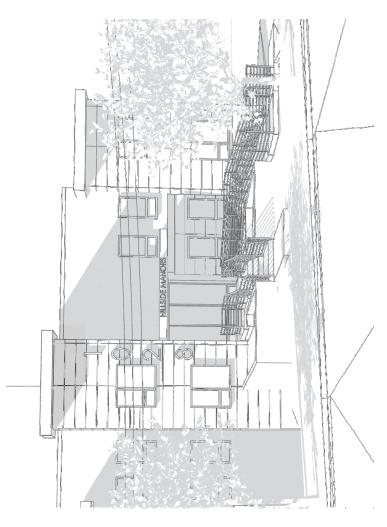
Sincerely,

Timothy A. Hanson

Hillside Manors Holdings, LLC

HILLSIDE MANORS

1028 E. HILLSIDE DRIVE BLOOMINGTON, INDIANA



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WS PROPERTY GROUP 1507 S PIAZZA DRIVE BLOOMINGTON, INDIANA 47401 TIM HANSON



BY DATE

REVISIONS

SHEET NO.

SMITH BREHOB & ASSOCIATES INC. BLOOMINGTON, INDIANA

PREPARED BY

NOTE: SPECIFICATIOINS FOR THIS PROJECT FOR SANITARY SEWER, WATER AND STORMWATER ARE THE LATEST ISSUE OF THE CITY OF BLOOMINGTON UTILITIES CONSTRUCTION SPECIFICATIONS. ALL OTHER SITE WORK SHALL BE IN ACCORDANCE WITH THE 2014 SMITH BREHOB & ASSOCIATES STANDARD SPECIFICATIONS.



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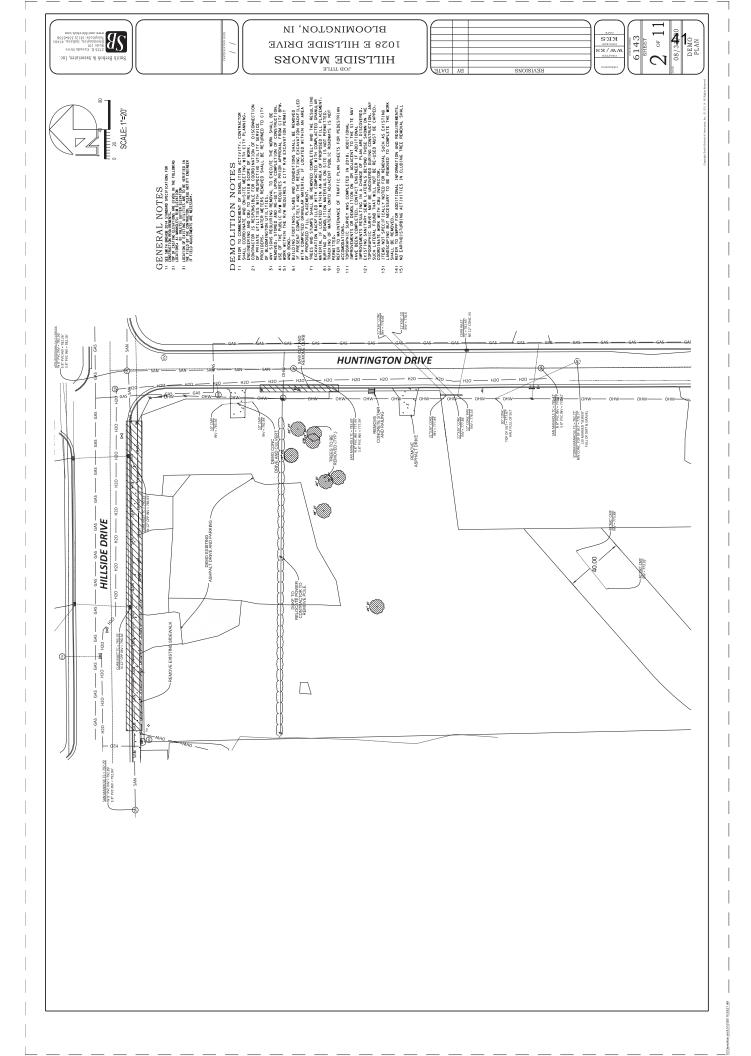
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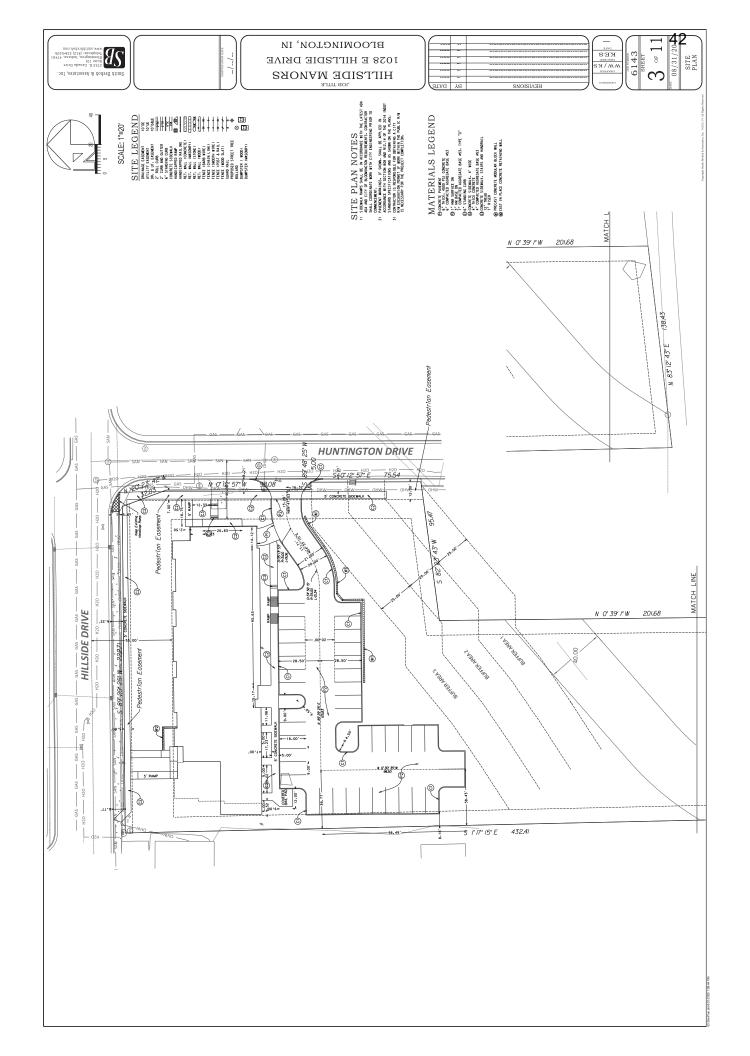
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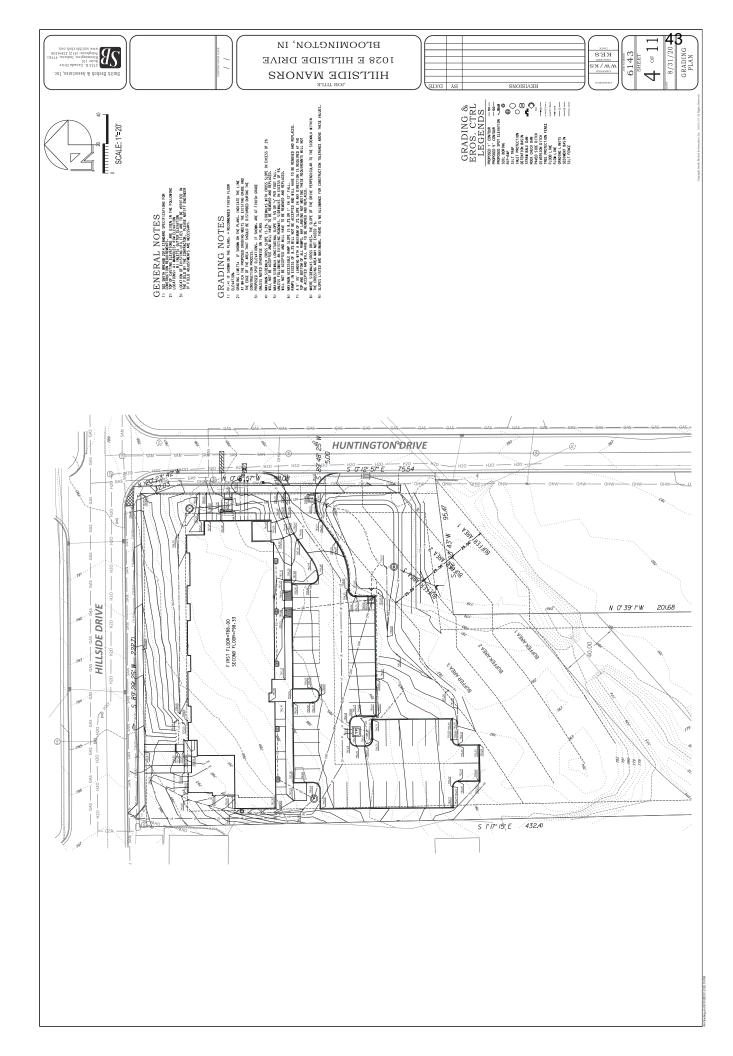
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| 1 | TITLE SHEET | |
| 2 | DEMOLITION PLAN | |
| 3 | SITE PLAN | |
| 4 | GRADING PLAN | |
| 5 | UTILITY PLAN | |
| 9 | LANDSCAPE | |
| 7 | PROFILES | |
| 8 | SWPP INDEX | |
| 6 | SWPP PLAN | |
| 10 | SWPP SPECS | |
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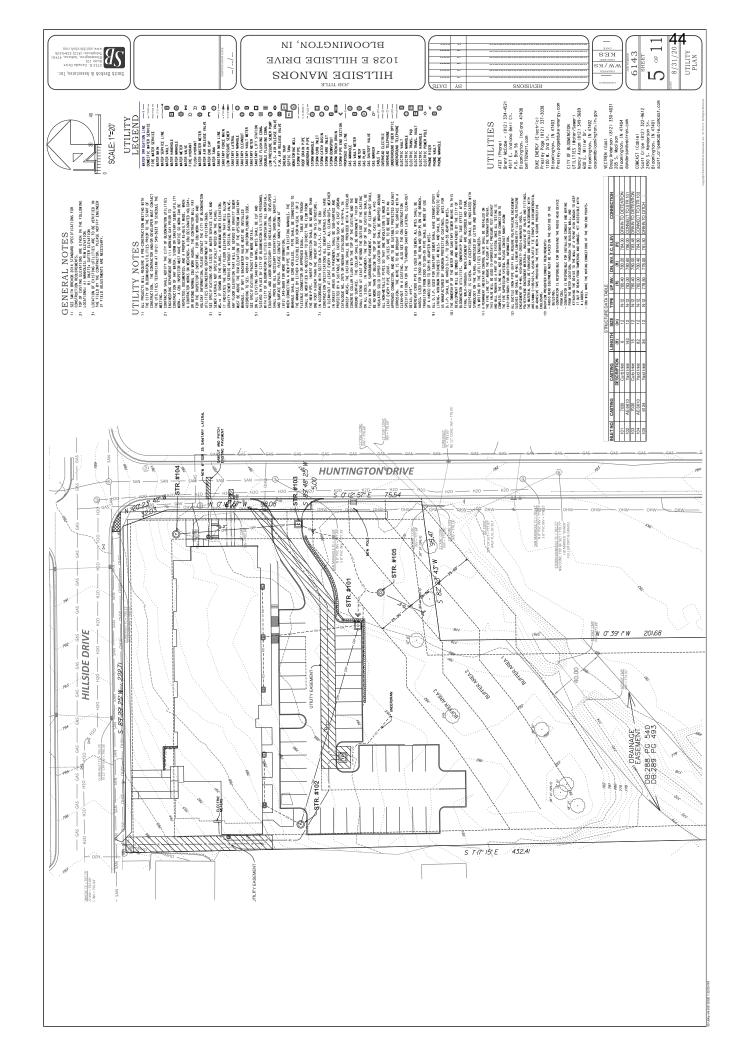
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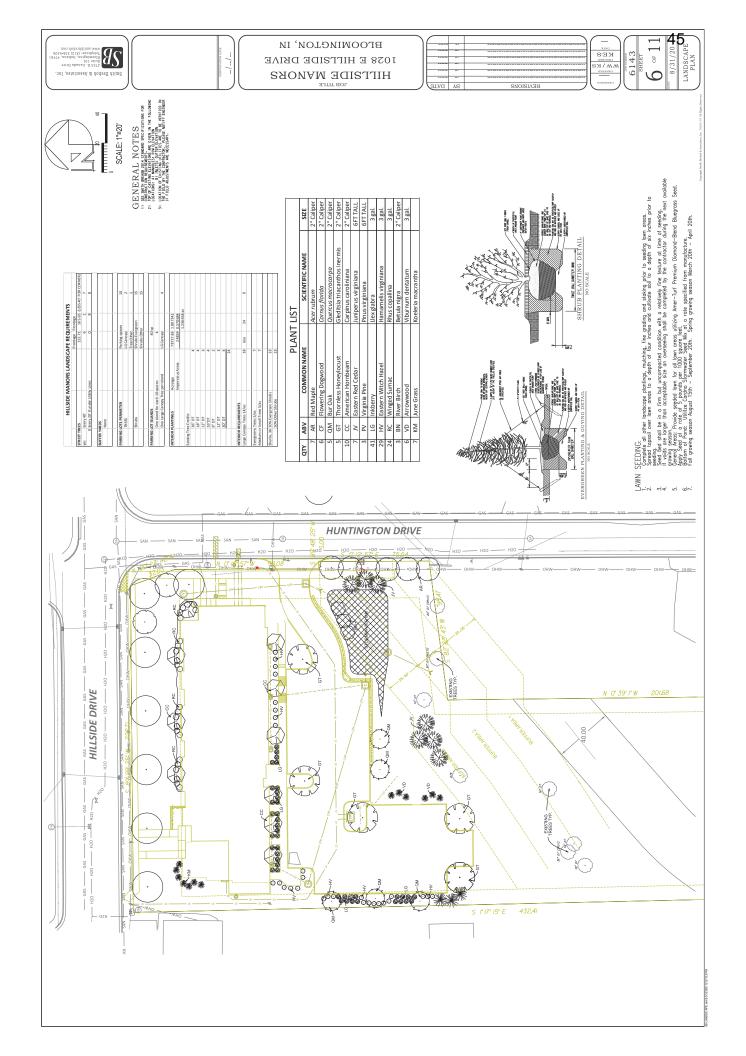
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BLOOMINGTON, IN 1078 E HITTSIDE DKIAE HILLSIDE MANORS

Smith Breho 2755 E. Canada Drive Sulte 101 Sloomington, Indiana, 4740 felephone: [812] 336-6536 www.emillbhrehob.com

The Contractor is responsible for obtaining all permits necessary to complete all work shown on these plans. PROFILE NOTES:

- All utility work in the City of Bloomington shall be in accordance with Construction Specifications for City of Bloomington Utilities Wastewater, Water, and Storm Projects latest addition.
- Contractor shall be responsible for requesting location of underground fabilities in the construction area at least two working days prior to construction.
 811 or 1-800-382-5544.
- 4. Contractor shall notify the City of Bloomington Utilities for a pre-construction meeting (812) 349-3633 at least two days prior to beginning construction.
- 6. The contractor shall make field adjustments as necessary to provide a smooth vertical and horizontal transition between existing and proposed pavements.
- 7. The Contractor shall field verify all dimensions before ordering materials. Any discrepancies shall be reported to the owner of his representative and resolved prior to the commencement of the work.
- 3. All DIP used for sewer shall have a ceramic epoxy lining, minimum thickness 40 mils and shall be Protecto 401. Wyes for DIP shall be HARCO DIP to SDR-35 Adapter Wyes.

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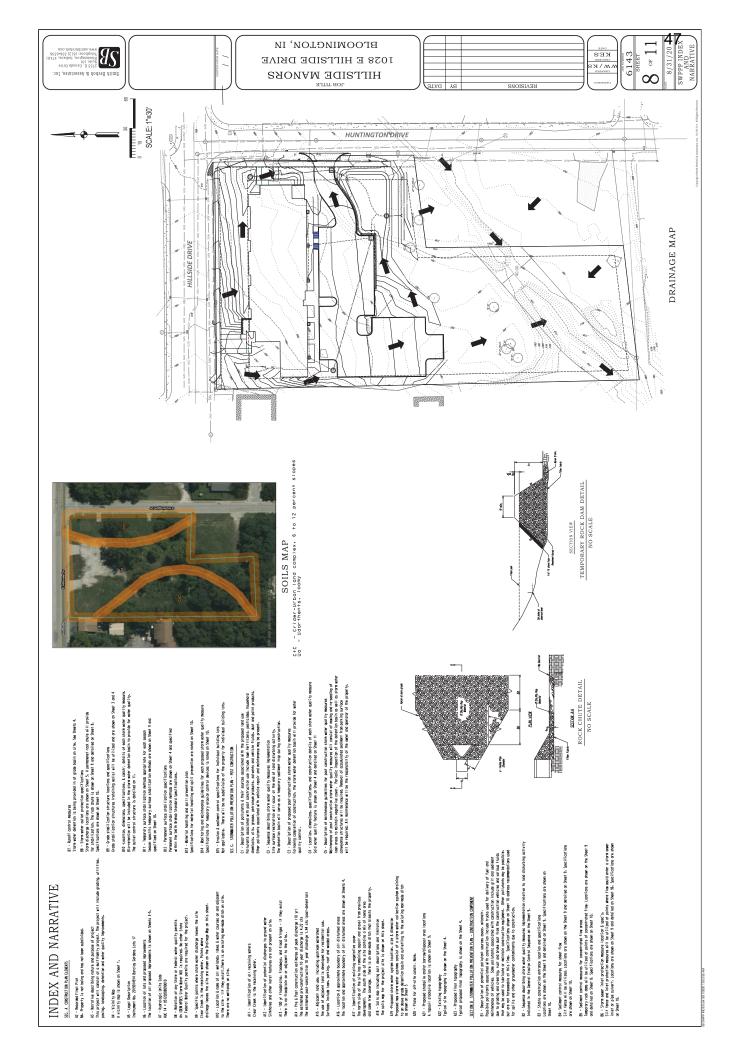
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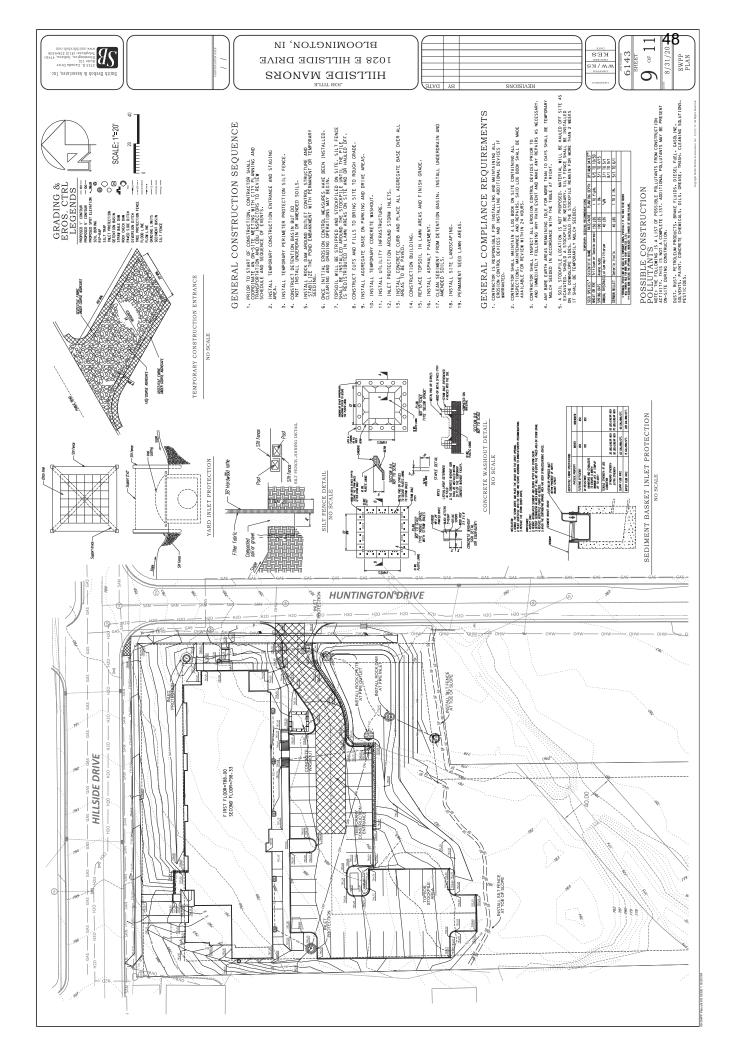
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5. When necessary for completion of new construction the contractor shall repair any damage to existing features (i.e. paving, utilities, drainage, etc.)

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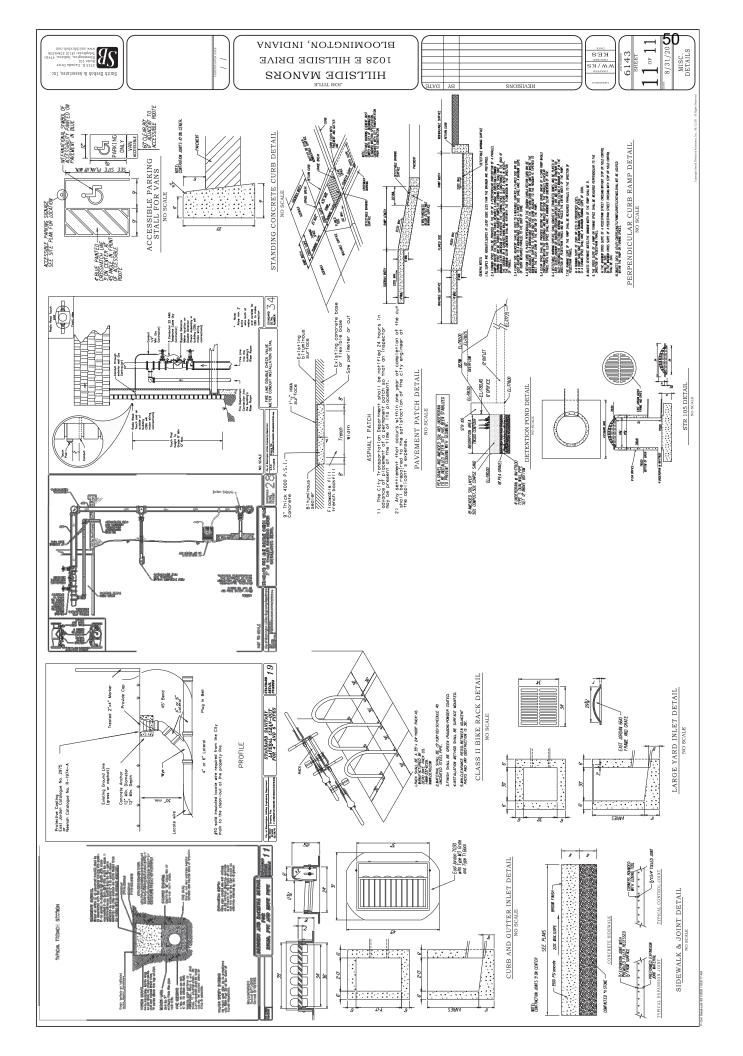
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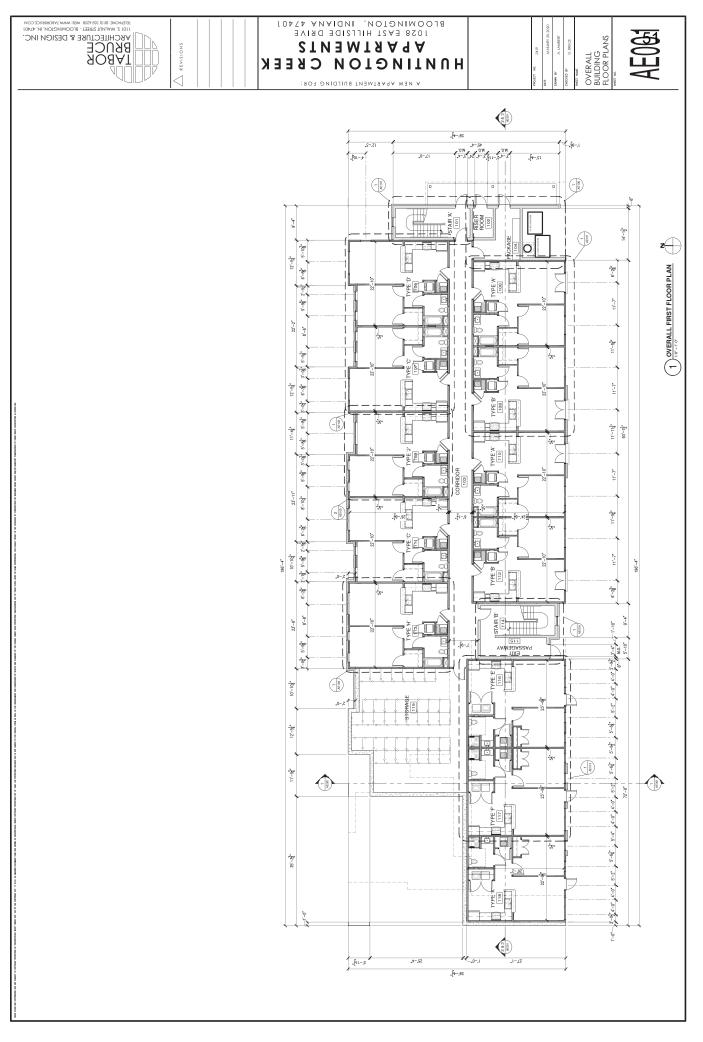
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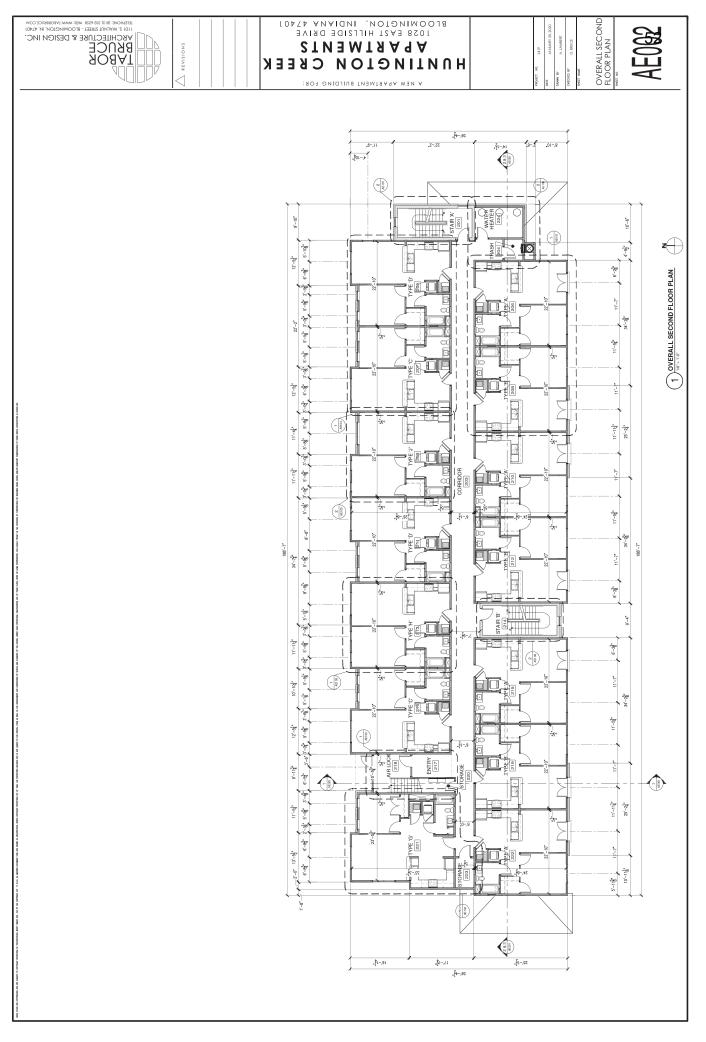
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