

# CITY OF BLOOMINGTON



April 28, 2021 @ 2:00 p.m.

Zoom Meeting:

<https://bloomington.zoom.us/j/93306576257?pwd=aFZaa2Y1Szdjbkk4ZzFzbjkrdGNiUT09>

CITY OF BLOOMINGTON  
HEARING OFFICER  
April 28, 2021 at 2:00 p.m.

❖ **Virtual Meeting:**

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**PETITIONS:**

V-04-21      **David H. Jacobs Jr.**  
507 S Ballantine Road  
Request: The petitioner is requesting a variance from the front build-to line to allow for a 25' build-to line.  
*Case Manager: Keegan Gulick*

GIS map- <https://arcg.is/19yTTT>

**\*\*Next Meeting: 5/12/2021**

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

**BLOOMINGTON HEARING OFFICER  
STAFF REPORT  
LOCATION: 507 S. Ballantine Road**

**CASE #: V-04-21  
DATE: April 28, 2021**

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**PETITIONER:** David H. Jacobs Jr.  
201 Entrada Drive, Santa Monica, CA 90402

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**REQUEST:** The petitioner is requesting a variance from the front build-to line to allow for a 25' build-to line.

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**REPORT:** The property is located at 507 S. Ballantine Road and is zoned Residential Small Lot (R3) and is currently vacant. The surrounding properties are also zoned R3 and have been developed with single-family dwellings.

In the R3 zoning district the Unified Development Ordinance requires a front build-to line of 15 feet or the median front setback of abutting residential structures, whichever is less. The build-to line is an alignment establishing a certain distance from the property line that a structure must be built. In the case of this property, the 15 feet build-to line would apply.

The intent of the build-to line is to ensure that buildings are lined up evenly along the block face. The required 15 feet build-to line would place the house forward of the adjacent houses on the block. This property is located within the Elm Heights Historic District so the design and location of the house is intended to compliment the adjacent properties and align with the historic district's guidelines. The Elm Heights neighborhood association has also expressed their desire for the new house to be located further back than the required 15 feet build-to line to align with adjacent houses. The petitioner is requesting a variance from the required build-to line to allow for a 25' build-to line.

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

**20.06.080(b)(3)(E) (i) Standards for Granting Variances from Development Standards:** A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

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

**PROPOSED FINDING:** No injury to the public health, safety, morals, and general welfare is found as a result of this petition. The petitioner will be constructing a new single-family dwelling on the currently vacant lot which is a permitted use in this zoning district. Approval of this variance is supported by the Elm Heights neighborhood association.

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 effect to the use or value of the adjacent properties is found as a result of this petition. The proposed use is single-family which is permitted in this zoning district. Aligning the new house with the existing block will have a positive impact on the use and value of adjacent properties as it will improve the aesthetic of the block as a whole.

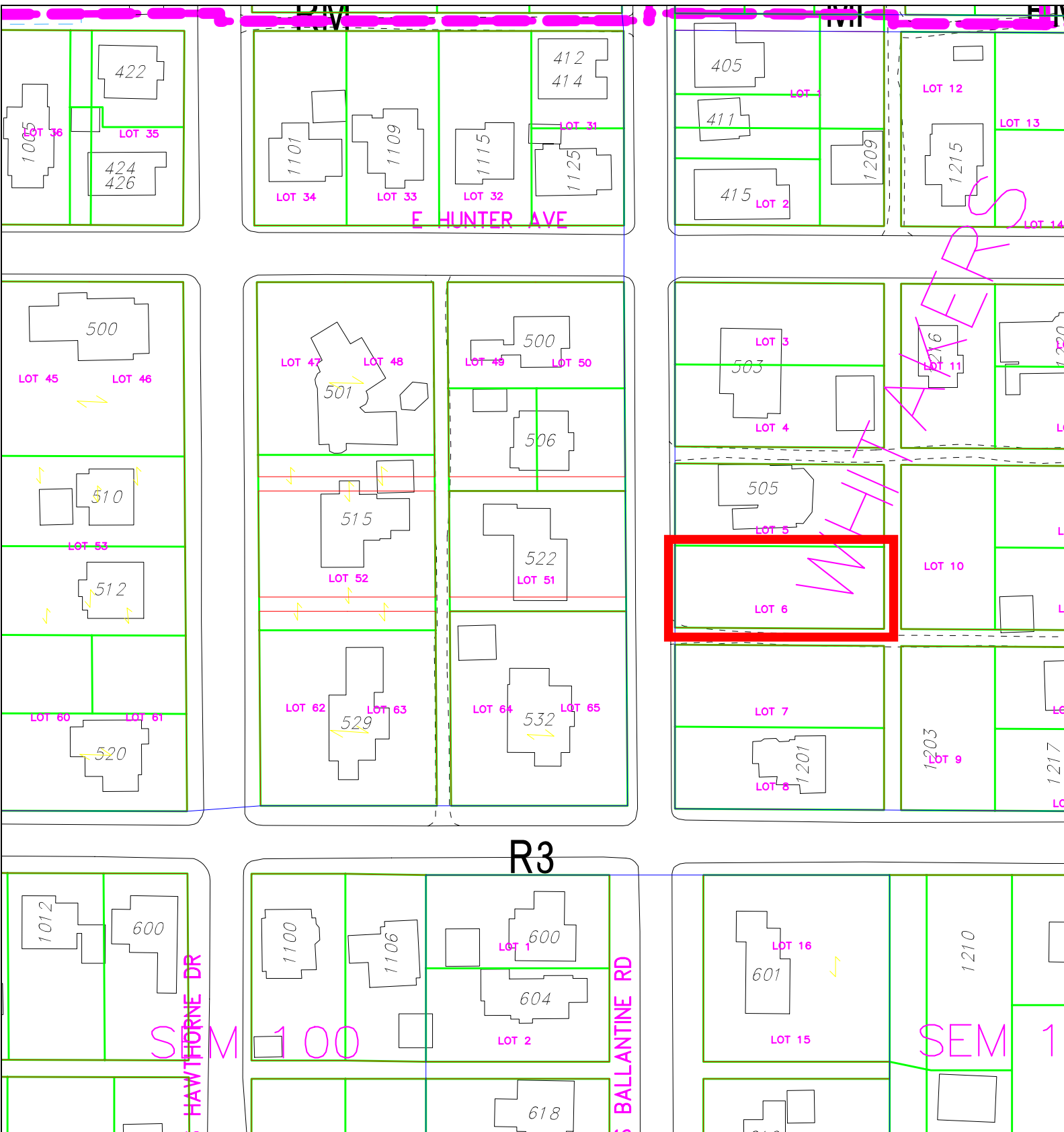
3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

**PROPOSED FINDING:** Practical difficulty is found in that the build-to line would not align the new house with the adjacent properties on the block. This would go against the intent of the build-to line and the intent of the historic district guidelines. This particular block has homes that are further set back from the road than the 15 feet of this zoning district. In order for the proposed structure to meet the intent of the regulation, the building needs to be set back to 25 feet, as the homes on the other lots on the blockface are set back at that distance. If the proposed house were to be placed at the 15 foot build-to line, it would be placed much further forward than the adjacent properties in the historic district, which would also be out of character for the area. The existing setbacks for the houses on this block and the historic nature of the area combine to create a peculiar condition for the development of a new single-family dwelling on this lot.

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**RECOMMENDATION:** Based upon the written findings above, the Department recommends that the Hearing Officer adopt the proposed findings and recommends approval of V-04-21 with the following conditions:

1. The petitioners must obtain a building permit prior to construction.
2. This variance is for the specific build-to line as shown in the site plan. Any additional changes would require variance approval.



F HUNTER AVE

R3

SEM 100

SEM 1

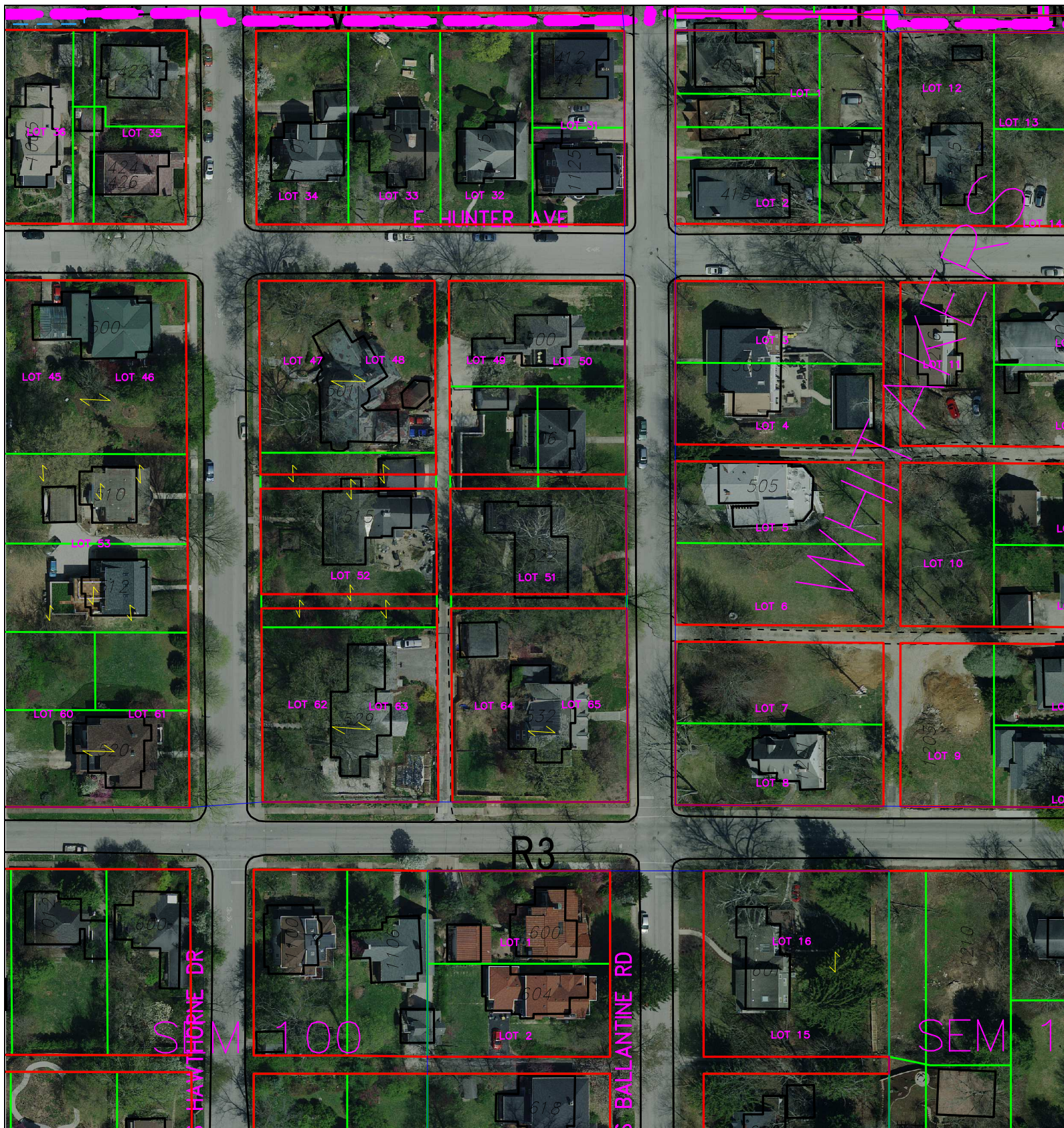
S HAWTHORNE DR

S BALLANTINE RD

WALKER

TH





507 South Ballantine Road  
Bloomington Indiana 47401

### Petitioner's Statement

The property is located at 507 South Ballantine Road on Lot 6 of the of the Whitaker subdivision.

The request involved relief from the 15 foot front yard setback of this lot. Petitioner seeks a ten (10) foot variance for the front yard from 15 feet to 25 feet.

The design of the project has been planned to be sensitive and complementary to the neighborhood's scale and context. The siting of the structure reinforces front porch line of existing structures on the east side of the 500 block of South Ballantine Road. Petitioner wishes to place the house on the lot such that the front porch of the new structure is roughly the same distance from the street as the structures located at 501 and 505 South Ballantine Road. Petitioner owns the structure at 505 South Ballantine Road, immediately north of the subject property and wishes to have the front porch of each house an identical distance from the street. Additionally, petitioner has been working with the Elm Heights Neighborhood Association throughout the design and application process for this request, and the neighborhood association has requested for petitioner to seek this variance and supports the same. Critical to the overall design solution will be a site placement that will provide a sense of continuity along the 500 block of South Ballantine Road. Petitioner would be required to place this structure ten (10) feet closer to the street than any other structure on the block if this variance is not granted.

A site plan drawing is attached to this statement as Exhibit A and incorporated by reference.

Additionally, petitioner has prepared interactive video demonstrations showing the difference between placing the house at 15 feet from the street as opposed to placing it 25 feet and will forward those to City of Bloomington Planning and Transportation Department staff reviewing this request.

