

# CITY OF BLOOMINGTON



March 6, 2019 @ 2:00 p.m.  
CITY HALL -  
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON  
HEARING OFFICER  
March 6, 2019 at 2:00 p.m.

\*Kelly Conference Room #155

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**PETITIONS:**

V-04-19

**Dave Beebe**

2431 S. Bryan St.

Request: Variance from side setback standards for the construction of a detached single-family structure.

*Case Manager: Ryan Robling*

**\*\*Next Meeting: March 20, 2019**

*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**  
**LOCATION: 2431 S. Bryan Street**

**CASE #: V-04-19**  
**DATE: February 20, 2019**

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**PETITIONER:** Mark Beebe, Elyse Beebe, David DenHouter, David Beebe  
2431 S. Bryan St., Bloomington, Indiana

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**REQUEST:** The petitioner is requesting a variance from side setbacks for the construction of a single family detached structure.

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**REPORT:** The 4,032 square foot property is located at 2431 S. Bryan Street and is zoned Residential Single-Family (RS). Surrounding properties to the north, south, and west have been developed with single-family residences, while the property to the east is zoned Institutional (IN) and is the location of Switchyard Park. The property is bounded by Bryan Street to the west, and Camden Drive to the south.

The petitioners are proposing to redevelop this property by demolishing the existing building and building a new single-family residence using the original building's foundation. There is an existing City of Bloomington Utilities sewer line that runs along the north side of the building that prevents the house from being constructed within the required building setbacks and forces the house to be located further south on the property. The house is currently located approximately 4 feet from the south property line and 9 feet from the east property line. The Unified Development Ordinance (UDO) requires that one-story buildings have a side yard setback of 8'.

The petitioners are requesting a variance from the required side yard setback to allow the house to be located 4' from the south property line rather than the required 8' setback.

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### **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:**

No injury is found with this petition. The proposal provides for a single-family residence, which is the intended use in the Residential Single-Family (RS) district. No negative impacts have been noted from the current location of the residence.

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 is found as a result of the requested variance. The proposed structure is consistent with other residences in this area. The proposed structure will meet side yard setbacks related to the adjacent property to the north, and front yard setbacks to the west. While the structure will be closer to the property line than permitted by the UDO, it will be located on the same foundation as the previous building and will therefore not be out-of-place with the surrounding area. There is a public road and right-of-way to the south of this property so there will be no impact to adjacent properties as a result of the reduced setback.

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.*

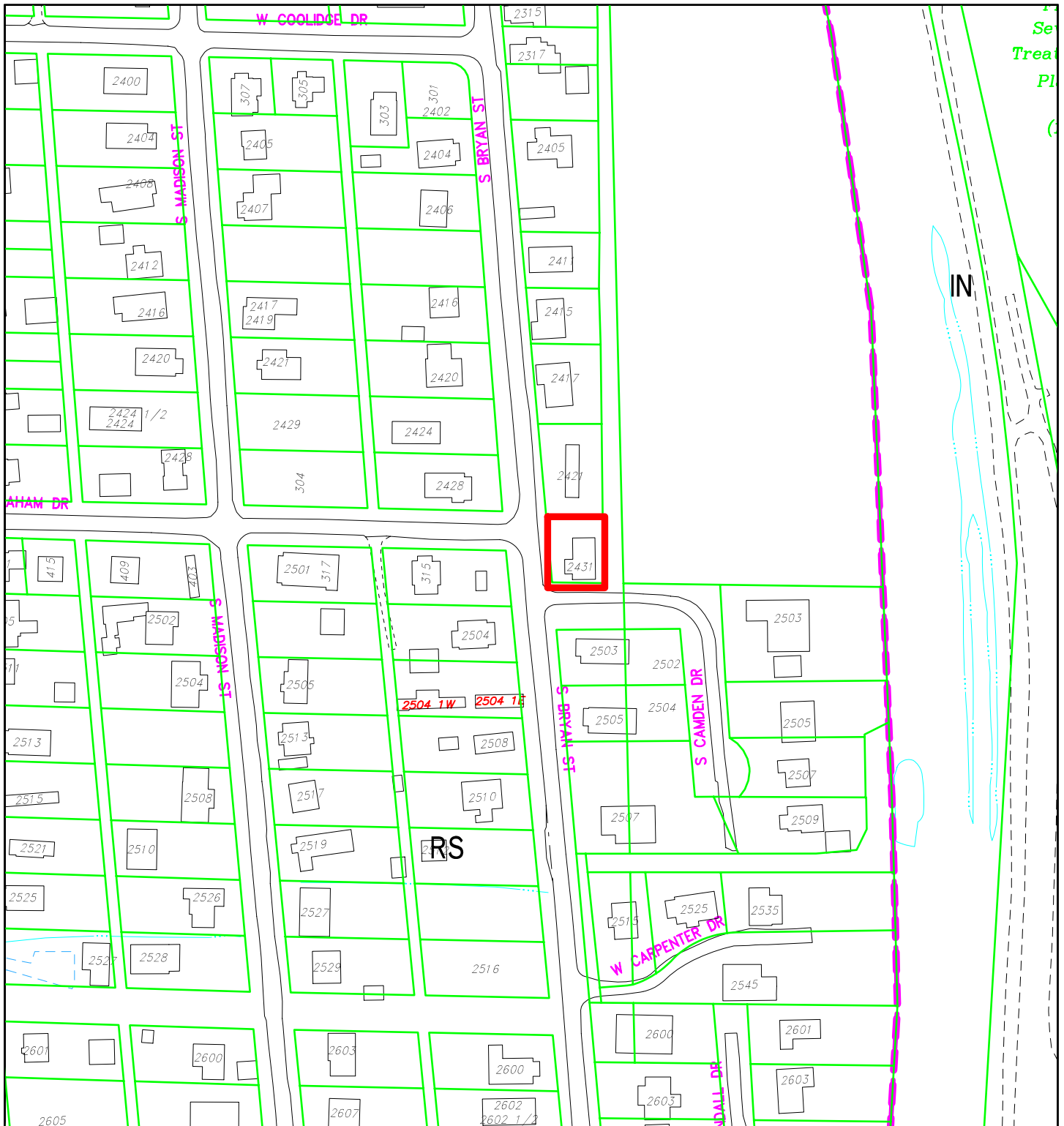
**PROPOSED FINDING:**

Practical difficulty is found in that requiring the petitioner to meet the setbacks would not allow the existing foundation to be reused and result in a size of house that would be out of character with this neighborhood and prevent improvements to the property. Peculiar condition is found in the location of a City of Bloomington Utilities sewer line preventing new construction on the north end of the property. Peculiar condition is also found in the limits inherent in the existing substandard lot size, which is almost half of the minimum lot size required in this district since the lot is 4,032 sq. ft. and the minimum lot size is 8,400 sq. ft.

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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-04-19 with the following conditions:

1. The petitioners must obtain a building permit prior to construction.



V-04-19 Dave Beebe

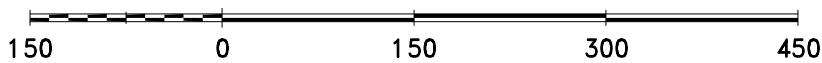
2431 S Bryan Street

Hearing Officer

Site Location, Zoning, Parcels

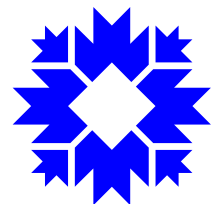
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1 Mar 19



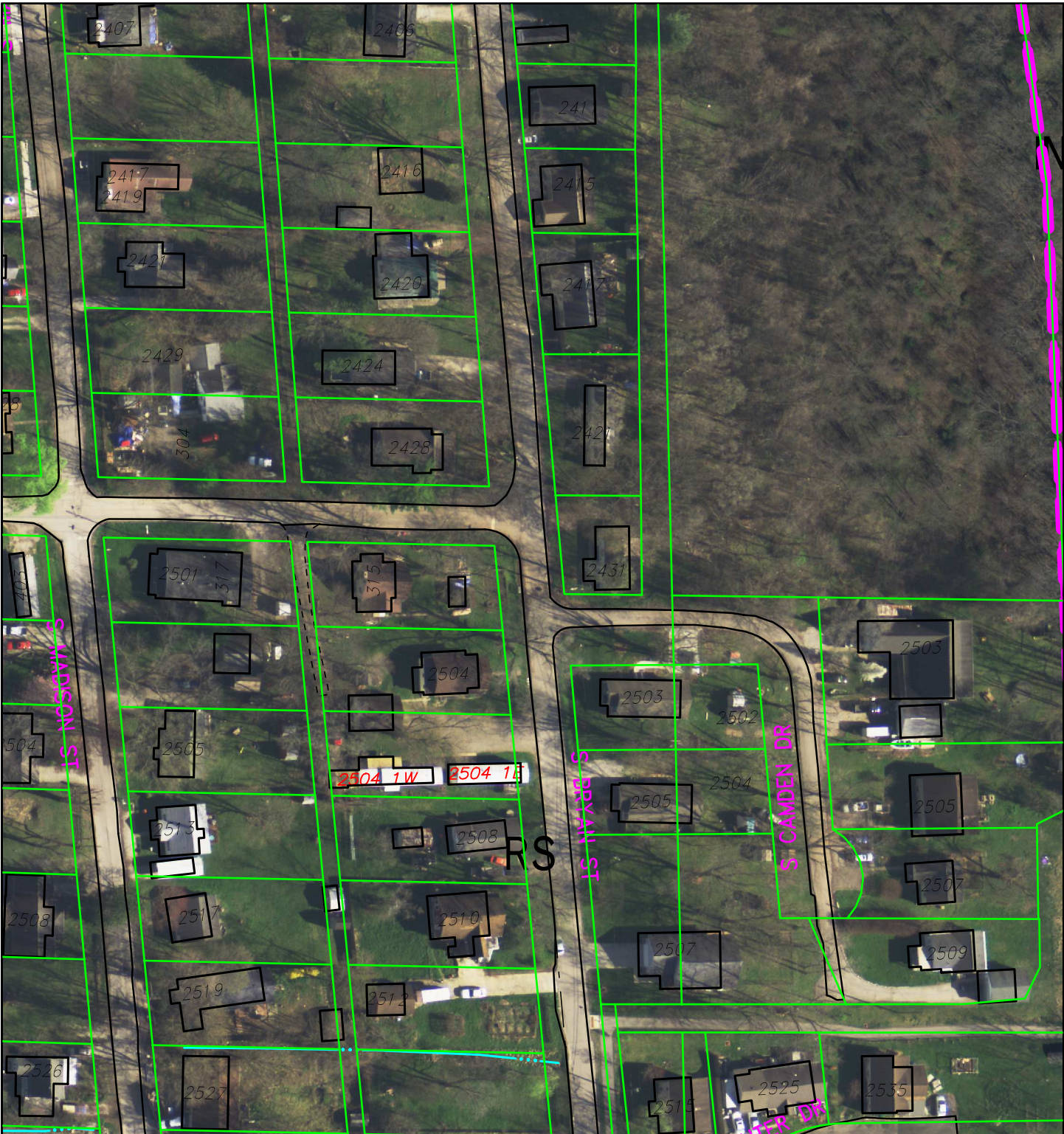
For reference only; map information NOT warranted.

City of Bloomington  
Planning & Transportation



Scale: 1" = 150'





V-04-19 Dave Beebe

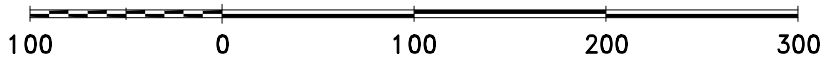
2431 S Bryan Street

Hearing Officer

2016 Aerial Photograph

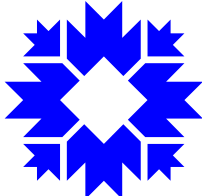
By: greulice

1 Mar 19



For reference only; map information NOT warranted.

City of Bloomington  
Planning & Transportation



Scale: 1" = 100'



Mark Beebe, Elyse Beebe, David DenHouter, David Beebe  
2431 S. Bryan Street  
Bloomington, IN 47403

February 6, 2019

Bloomington Planning and Transportation Department  
401 N Morton St  
Suite 130  
Bloomington IN 47404

Subject: Variance for 2431 S. Bryan St., Bloomington, Indiana

Dear Planning and Transportation Department,

We are seeking a variance for the property located at 2431 S. Bryan St., Bloomington, Indiana. It is our intent to renovate the property with no alteration to the existing footprint. Since the original construction (1971) the setback distances have changed and the southern end of the building is no longer in compliance. As the house sits now it cannot be moved any farther to the north because of an existing Bloomington Utilities sewer line. We have received the necessary approval from Bloomington Utilities engineers for the house to be renovated upon the existing foundation and are asking you to do the same.

We are requesting this variance in order to renovate upon the existing foundation.

Respectfully,

Mark Beebe  
Elyse Beebe  
David DenHouter  
David Beebe

