

CITY OF BLOOMINGTON



BOARD OF ZONING APPEALS

MAY 26, 2011 @ 5:30 p.m.
COUNCIL CHAMBERS #115
CITY HALL

ROLL CALL

MINUTES TO BE APPROVED: February 24, 2011

PETITIONS CONTINUED TO: June 30, 2011

- UV-9-11 **Gerald Sowders** (Sowders Landscaping)
1461 W. Bloomfield Rd.
Request: Use variance to allow outdoor storage within a Commercial Arterial (CA) zoning district.
Case Manager: Patrick Shay
- V-10-11 **Anita Sciscoe** (Bread of Life Soup for the Soul)
1300 S. Walnut St.
Request: Variance from sign standards to allow a projecting sign.
Case Manager: Eric Greulich

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

PETITIONS:

- UV-12-11 **STAT Ambulance** (Chad Holcomb)
2505 W. 3rd St.
Request: Use variance to allow ambulance service within a Commercial Arterial (CA) zoning district.
Case Manager: Patrick Shay
- UV-14-11 **City of Bloomington**
489 W. 10th St.
Request: Use variance to allow a salvage and scrap yard within the Commercial Downtown (CD) zoning district.
Case Manager: Jim Roach
- V-16-11 **Christian Science Church**
2425 E. 3rd St.
Request: Variance from maximum signage standards to allow placement of a new ground sign.
Case Manager: Eric Greulich
- V-19-11 **St. Paul United Methodist Church**
4201 W. 3rd St.
Request: Variances from maximum size for an accessory structure, building setbacks, maximum parking, lighting, landscaping and driveway width standards to allow construction of a 2,500 sq. ft. accessory structure.
Case Manager: Jim Roach

**BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
LOCATION: 4201 W. 3rd Street**

**CASE #: V-19-11
DATE: May 26, 2011**

PETITIONER: St. Paul United Methodist Church
4201 W. 3rd Street, Bloomington

REQUEST: The petitioner is requesting a package of variances including: maximum size for an accessory structure, setback standards, maximum parking, landscaping and maximum driveway width standards to allow construction of a 2,634 square foot accessory structure.

REPORT SUMMARY: The petitioner currently operates an approximately 20,000 square foot place of worship on a 4.0 acre lot at the southwest corner of W. 3rd Street/W. SR 48 and S. Hickory Drive. The church was built in the 1960s and the BZA approved conditional uses for building additions in 1980 (CU-6-80) and 1995 (CU-55-95). A grading permit was approved in 2005 to allow for a parking lot expansion.

The property is zoned Commercial General (CG) and is surrounded by single family uses to the north, homes in the Highland Village neighborhood to the south and southeast, commercial uses to the east and another place of worship to the west. The property is surrounded on three sides by streets; 3rd St., Hickory Dr. and W. Belle Ave. to the south. The property also includes a 118 space parking lot with access from Hickory Dr.

The petitioner proposes to build a 2,634 square foot accessory structure. 1,589 square feet would be used as a garage for church vehicles and other storage, while 1,045 square feet would be a open sided shelter-house. With this construction, the church lot and a currently empty lot to the west are combined together into one zoning lot. The new structure is located partially on both lots. This 2.9 acre currently empty lot to the west is used for youth sporting activities.

The proposed structure does not meet front garage setback standards and maximum accessory structure size standards. In addition, a proposed dumpster enclosure also does not meet setback standards for dumpsters.

In addition to these issues, construction of any accessory structure over 840 square feet requires site plan compliance. The petitioner has agreed to construct required sidewalks and install required bike racks. Other items that would typically be brought into compliance with current UDO standards include lighting, landscaping, driveway width and maximum parking. The petitioner has requested variances from these standards, as well as the variances from the maximum accessory structure size and setbacks.

SITE ISSUES:

Accessory structure size: The UDO allows for a maximum accessory structure size in the CG district of 1,500 square feet. The proposed 2,634 square foot accessory structure exceeds this maximum. The fully enclosed portion of the structure only exceeds the maximum by 89 square feet. The petitioner contends that the larger accessory structure is

needed to house maintenance equipment and a church bus, that the large size of the structure is mitigated by the larger combined lot size (nearly 7 acres) and that the impacts of the structure are reduced because 40% of the structure is an open sized picnic shelter. Staff concurs with these arguments.

Setbacks: The UDO requires that garages be located at least 10 feet further back from the street than the main structure. The UDO also states that dumpsters are prohibited within the front setback. Because this property is surrounded on three sides by streets there is only a narrow area on the west side of the church where these features can be located. A drawing is included in the packet.

Driveway width: The current driveway onto Hickory Dr. is 60 feet wide. The petitioner received a grading permit in 2005 to allow for a parking lot expansion. That grading permit showed the site being brought into compliance with the code at the time. The driveway was shown reduced from 60 feet to under 40 feet, which was the maximum at that time. This driveway width reduction never took place. Since 2005, the UDO further reduced the maximum driveway width onto a neighborhood street from 40 feet to 24 feet.

The petitioner is requesting a variance to allow the driveway to stay at 60 feet. They contend that driveway compliance is too costly and that the extra width is necessary to allow for turning movements for their church bus, limousines for funerals and garbage trucks. Staff has analyzed the driveway with the City Engineer and found that by angling the approach to the drive or creating wide radii on corners, all turning movements can be accommodated. Staff recommends denial of this variance.

Maximum parking: The church has a seating capacity in its sanctuary of 324. The maximum parking for a church of this size is 81 spaces whereas the existing parking lot is 118 spaces. The petitioner requests that the existing parking lot remain in its current arrangement. They contend that multiple Sunday services, future plans for church expansion and expansion of services provided by the church, and youth sports and evening events at the church necessitate a higher parking number. The petitioner would like to defer parking compliance until a future larger expansion of use. Staff has no objection to this variance.

Lighting: The existing lighting in the parking lot includes pedestrian scale decorative lights which do not meet current standards for fully shielded, full cut-off lighting. The petitioner contends that the closest the lights are to a single family use is approximately 150 feet and the lights were donated by church members. The petitioner would like to defer lighting compliance until a future larger expansion of use.

Landscaping: Strict code compliance would result in the need to plant 36 street trees, 18 parking lot trees and 79 general site trees (although preservation of existing trees would reduce this number) and 600+ shrubs. The UDO would also require the installation of 3 additional landscaping islands in the parking lot. The petitioner would like to defer landscaping compliance until a future larger expansion of use.

Bike parking: Eight (8) bicycle parking spaces are required. The petitioner has agreed to comply and will place the bike racks in the northeast corner of the parking lot, near the main entrance to the church.

Sidewalks: A sidewalk is missing along S. Hickory Dr. between the drive entrance to the church and the new SR 48 sidewalk. This sidewalk of approximately 210 lineal feet was required with the 2005 grading permit but has yet to be constructed. The petitioner has agreed to construct this sidewalk. At the northeast corner of the lot, the sidewalk must veer out of the right-of-way to avoid utility structures at the intersection. A pedestrian easement must be recorded for this section of sidewalk. In addition, an INDOT permit may be required to connect the Hickory Dr. sidewalk to the W, SR 48 sidewalk. Approximately 290 lineal feet of sidewalk is also required to be constructed along Belle Ave. with this petition.

CRITERIA AND FINDINGS: Driveway Width 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.*

Staff's Finding: Staff finds the potential for injury to public safety. The wide driveway provides a longer crossing distance for pedestrians and provides an unnecessary additional point of conflict for turning cars with 2 outbound lanes.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.*

Staff's Finding: Staff finds no adverse impacts to the surrounding area. The driveway has existed in its present configuration for many decades with no known complaints.

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 variance will relieve practical difficulties.*

Staff's Finding: Staff finds no peculiar conditions. A 24 foot wide driveway is a standard commercial driveway. The entrance can be designed to provide adequate turning radii for large trucks. Staff finds no practical difficulty. The reduction in the driveway width is an unfulfilled site compliance issue from 2005.

CRITERIA AND FINDINGS: All other variances

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.*

Staff's Finding: Staff finds no injury with the petition. The use and construction of the accessory structure and associated variances will not increase the impacts of the use on the property or the surrounding area.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.*

Staff's Finding: Staff does not anticipate any substantially adverse impacts of the proposed accessory structure or associated variances. The church use is similar in impacts to the other place of worship on the block as well as the medium intensity commercial uses to the east. The proposed sidewalks will allow for easier pedestrian access in the area and may increase property values.

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 variance will relieve practical difficulties.*

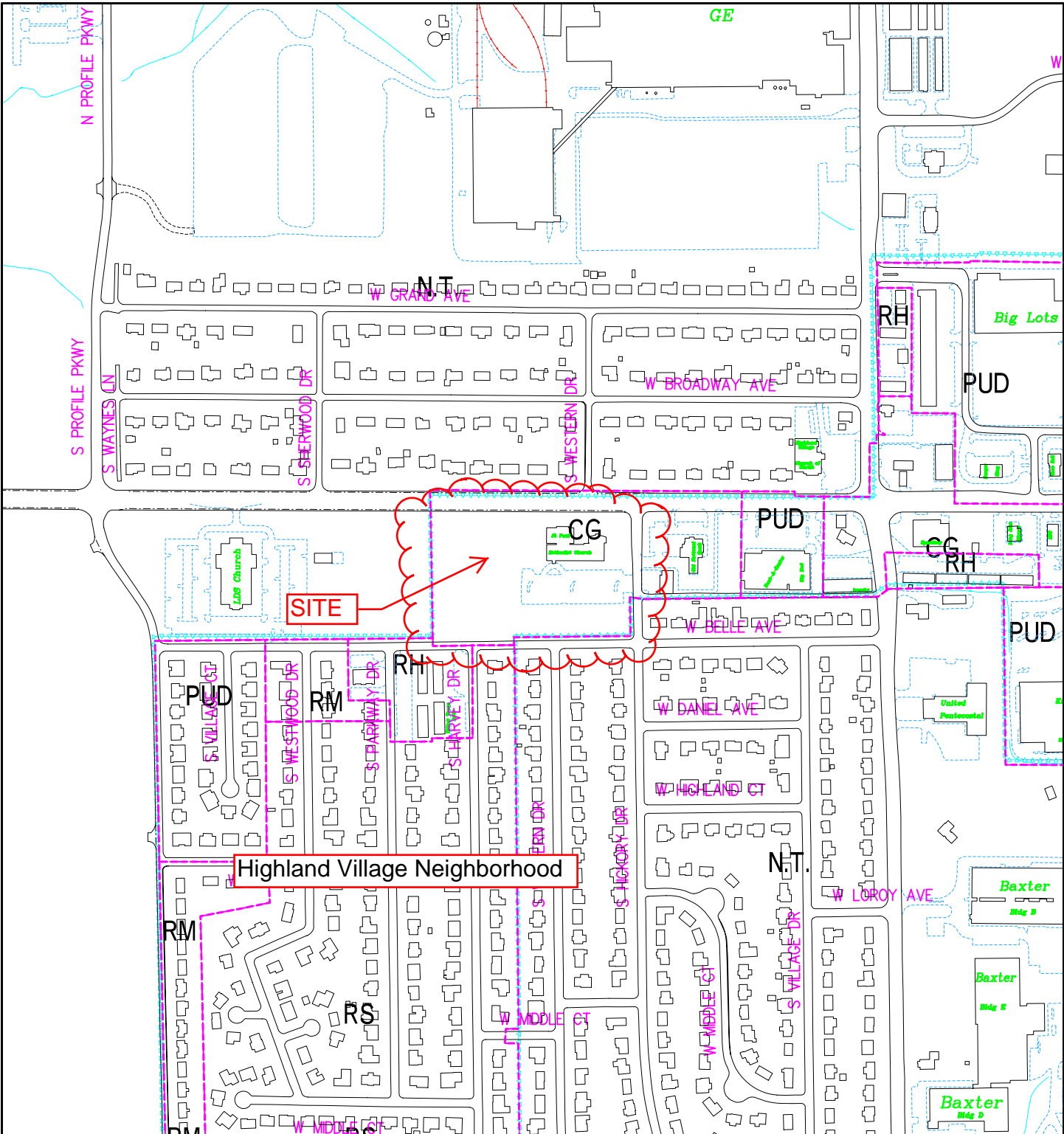
Staff's Finding: Peculiar condition for the setback variance can be found in the fact that the property is surrounded on three sides by streets, thus creating a very small area where the setbacks can be met. Peculiar condition for the maximum accessory structure size is found in the large lot size (6.9 acres), the relatively small size of the structure (only 13% of the size of the church.) Peculiar condition for the parking maximum variance is found in the large size of the lot and the surrounding streets. The building and parking cover only 24% of the property with impervious surfaces. If the parking lot met setbacks, which would be difficult to do considering the three streets, compliance would not be required with the maximum parking standards. Peculiar condition for the lighting and landscaping variances is found in the proportionally large size of the property in relation to the smaller building.

Practical difficulty for the parking, lighting and landscaping variances can be found in the fact that the required site improvements are not roughly proportional to the proposed construction. Practical difficulty for the setback variance is found in the need to provide additional storage space on the property. The church does not currently have any structures for vehicle or maintenance equipment storage. The practical difficulty for the accessory structure size variance is found in the size of the church bus and the ratio of the accessory structure size to the size of the main church building (13%).

Conclusion: Ultimately, staff believes that several of the requested variance meet the criteria for variance approval and finds compliance with these items more appropriate in the future with a larger expansion of the church building or use. The extent of all of the required compliance items would make the construction of the proposed accessory structure impractical. Staff finds that a more phased approach to compliance on this large site is more appropriate than immediate compliance. Staff prioritized sidewalks and drive-cuts over other compliance issues, but finds that future compliance with a more substantial addition to be reasonable. Furthermore, staff finds that due to the size of the existing church structure and site, a 2,634 square foot accessory structure to be appropriate.

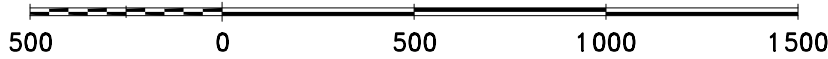
RECOMMENDATION: Based on the written findings, staff recommends approval of all variances except for the maximum driveway width variance, with the following conditions:

1. Approved variances for landscaping, lighting and maximum parking are only associated with the currently proposed structure. Future building additions or expansion of use on the property shall require compliance with all UDO standards.
2. The driveway on Hickory Dr. shall be reduced to 24 feet in width prior to final occupancy of the structure.
3. A pedestrian easement shall be recorded for the portion of the Hickory Dr. sidewalk that is not located within the right-of-way, prior to final occupancy of the structure.
4. Eight (8) class-II bicycle parking spaces are required in the location indicated on the site plan prior to final occupancy of the structure.
5. Required five (5) foot wide sidewalks shall be constructed and inspected prior to final occupancy of the structure. A ROW excavation permit is required for the sidewalks.

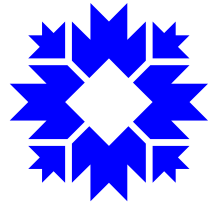


V-19-11
 St. Paul United Methodist Church
 Location Map

By: roachja
 18 May 11



City of Bloomington
 Planning



Scale: 1" = 500'

For reference only; map information NOT warranted.

Petitioner's Statement

St. Paul United Methodist Church and its faith community (St. Paul) is located at the corner of Hickory Drive and West 3rd Street on Bloomington's west side. We are a community and mission focused congregation. St. Paul has a registered membership of 347, with an average attendance of 252. We are asking for a number of variances to permit the construction of a multi-use garage to house church vehicles and maintenance equipment as well as providing a covered area for picnic tables. This statement will provide a history of St. Paul, an overview of our facility's current uses, and an explanation of how the proposed project will assist us in achieving our missions.

St. Paul was founded in 1963 when the need for a second west side Methodist church was determined. The first phase of the current building was completed in 1964. The congregation continued to grow through the years. The original sanctuary was converted to a community room (Brashaber Hall) and a new sanctuary was built in 1980. Continued growth necessitated the construction of several classrooms around Brashaber Hall in 1995.

Our building is used by community groups as well as the church. Our building is a vital community resource to the west side of Bloomington. During the weekday you will find Head Start children learning and playing in our building. We are meeting a desperate need for our west side in housing a Head Start program. We would like to expand our ability to meet this need in the future. The Boy Scouts and Cub Scouts also meet in our church. Our youth programs often have more than thirty children on a weekly basis. We host Upward Soccer program in the Fall. This provides an athletic opportunity for more than one hundred west side children regardless of athletic ability or ability to pay for fees and equipment.

It's not just children being served at our facility. We recently started a program aimed at senior citizens to promote mobility and stability to help prevent falls and increase exercise opportunities. We

have a bariatric program geared to anyone seeking help and encouragement to lose weight. We host Alcoholic Anonymous and Narcotic Anonymous on Saturdays. The Highland Village Neighborhood Association meets in our church. The Bloomington West Lions Club will occasionally have meetings in our facility. Outside groups are constantly using our facility. From morning to evening and from Sunday to Saturday, our church facility is used to serve the Bloomington west side community.

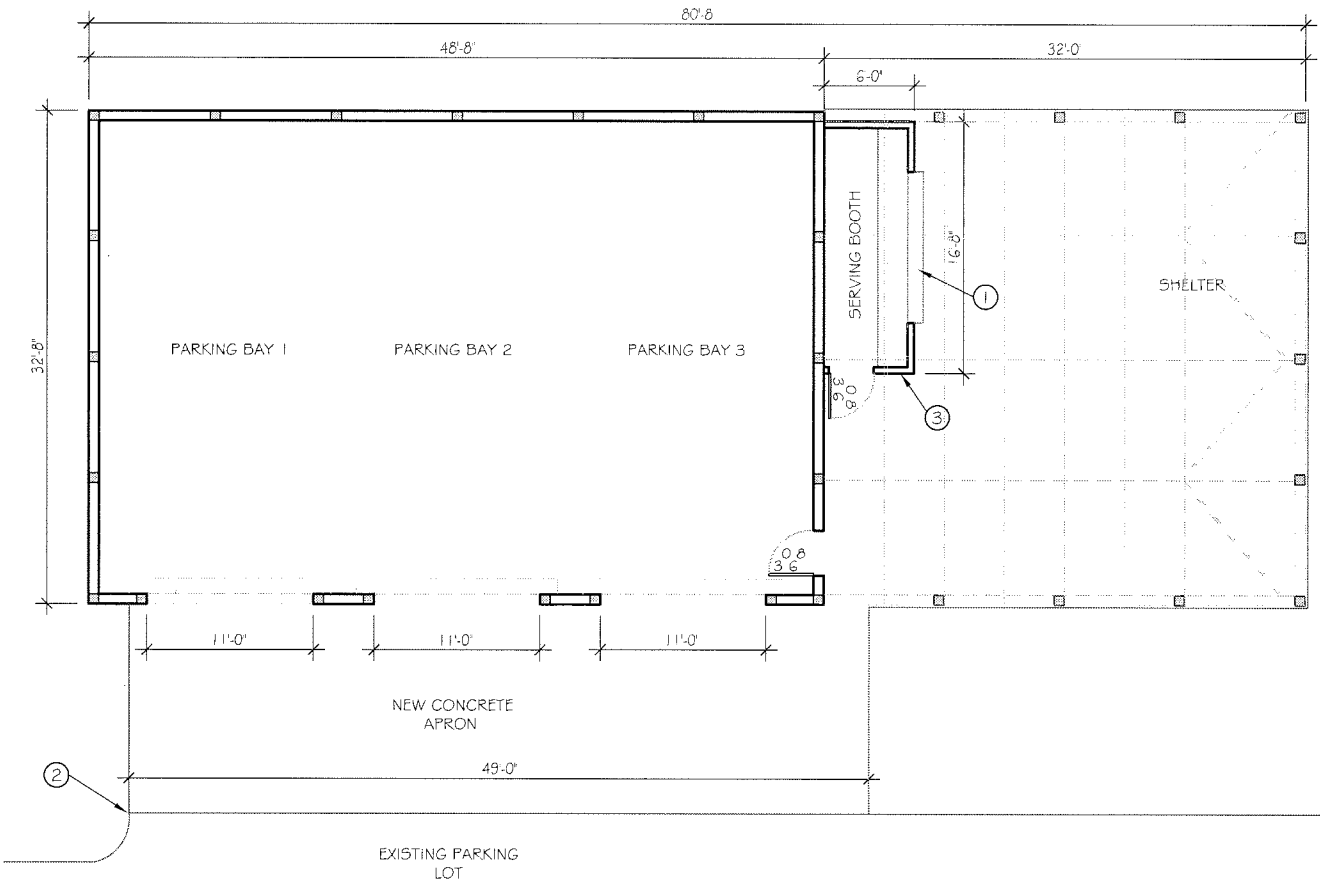
Currently the utilization of our church facility is nearly 100%. Community groups and church needs continue to place increased demands on our facility. Our trustees surveyed community and church groups to assess needs and desires. A building committee was formed to explore solutions to the long term needs of St. Paul and to propose a multi phase expansion plan.

Two immediate needs were identified. Power and cable lines currently run across the middle of the property from North to South. We are moving the power lines to the West end of the property by having Duke Energy move the poles. We are burying the cable lines on the East end of the property. Our congregation has invested more Thirty Thousand Dollars (\$30,000.00) to have these utilities moved. Despite the cost, it was necessary to undertake the move to make full use of the property. The second need identified was a facility to house the church van and maintenance equipment as well as provide outdoor meeting space.

The proposed garage is roughly 1500 square feet of enclosed space to house two church vans and maintenance equipment. The life of our church van can be significantly extended if we are able to store it out of the elements. We currently have no significant space to house maintenance equipment and materials for yard care or snow removal. Some of the equipment and materials currently housed in various parts of the building can be relocated to the garage to free up much needed space in the church. A small area to house a food service window to sell snacks and bottled drinks for Upward soccer games is also envisioned. No running water is needed in the garage as no cooking or cleaning is being done

there. The food served from the food service window will be prepackaged or cooked off site. The rest of the facility is a covered area with several picnic tables to allow groups to have a convenient area to host outdoor events. This has long been a need of our church. Our property is very large and the location and size of the garage is appropriate in view of the rest of the facility.

The current garage proposal is the first step in the expansion of our St. Paul church. The details of the proposed expansion are currently being discussed with the congregation. We expect to be back in front of your commission in the coming years with a significant expansion. Please assist us in continuing to serve Bloomington's west side by granting our variance requests and approving the proposed garage project.



V-19-11
 St. Paul United Methodist Church
 Floor Plan of Garage



GENERAL PLAN NOTES:

- A. GENERAL CONTRACTOR TO FIELD CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS. REPORT DISCREPANCIES TO ARCHITECT BEFORE PERFORMING WORK.
- B. COORDINATE WORK OF OTHER TRADES WITH YOUR TRADE PRIOR TO STARTING ANY CONSTRUCTION.
- C. ALL DIMENSIONS SHOWN ARE FROM FACE OF STUD, FACE OF MASONRY OR CENTERLINE OF COLUMN, UNLESS OTHERWISE NOTED.

PLAN NOTES:

- ① ACCESSIBLE COUNTERTOP INSTALLED AT 36" A.F.F.
- ② ALIGN NEW CONCRETE APRON WITH EXISTING CORNER OF ASPHALT PARKING LOT
- ③ 2x4 WOOD STUD CONSTRUCTION

KIRKWOOD ARCHITECTURE + PLANNING
 designstudio p.c.
 113 east 6th street
 bloomington, in 47408
 ph 812.331.0255
 fax 812.331.0755
 www.kdsarchitects.com

ST. PAUL UMC SHELTER
 4201 WEST THIRD STREET
 BLOOMINGTON INDIANA

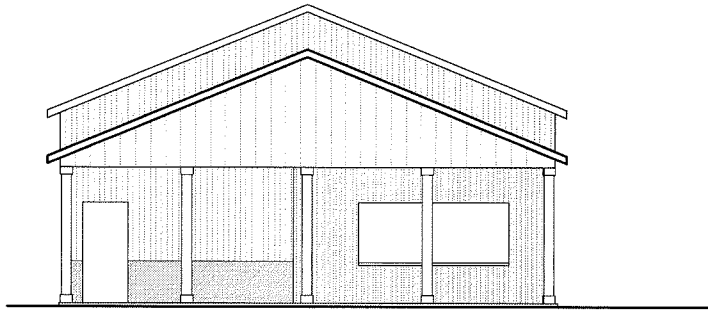
PROJECT NO.: 2010-35
 DATE: 2/10/11

1

GARAGE ROOF BEARING HEIGHT
ELEVATION 12'-0"

SHELTER ROOF BEARING HEIGHT
ELEVATION 9'-0"

GRADE LEVEL
ELEVATION 0'-0"

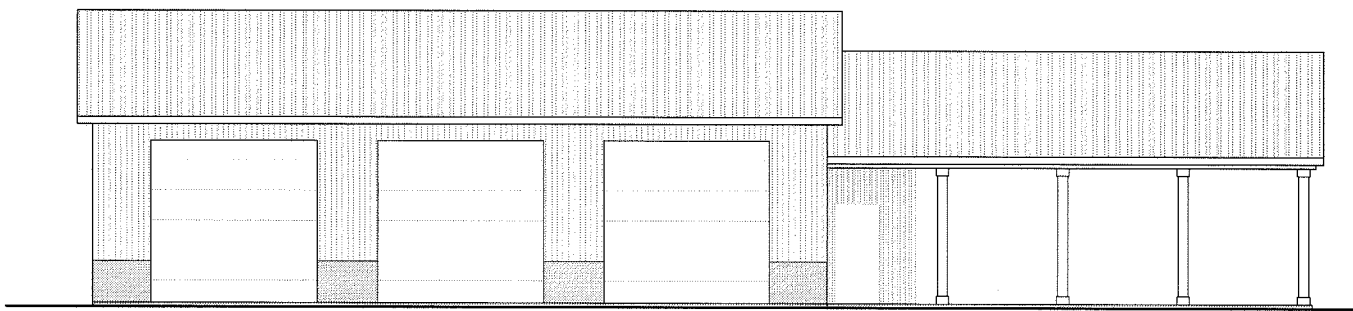


NORTH
B ELEVATION
SCALE: 1/8" = 1'-0"

GARAGE ROOF BEARING HEIGHT
ELEVATION 12'-0"

SHELTER ROOF BEARING HEIGHT
ELEVATION 9'-0"

GRADE LEVEL
ELEVATION 0'-0"



EAST
A ELEVATION
SCALE: 1/8" = 1'-0"

V-19-11
St. Paul United Methodist Church
Elevations of Garage

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ST. PAUL UMC SHELTER
4201 WEST THIRD STREET
BLOOMINGTON INDIANA

PROJECT NO.: 2010-35
DATE: 2/10/11

2



James Roach <roachja@bloomington.in.gov>

St. Paul accessory structure project

Frank VanAllen <frank@stpaulbloomington.org>

Mon, May 16, 2011 at 1:23 PM

To: James Roach <roachja@bloomington.in.gov>

Cc: Brian Baker <bbaker@co.monroe.in.us>, "J.L. Siefers" <jl@sieferslaw.com>, Adrian Reid <reida@bloomington.in.gov>

James,

I've attached a PowerPoint presentation for the board to have at our hearing on the 26th of May.

The PowerPoint shows what our entrance would look like if we have to reduce it to the 24 foot width. As you can see, it will take away over half of what we currently have.

We were more concerned with the entrance of the parking lot with our church bus, and other large vehicles, than we were with the exiting. The pictures show how tight it will be. As a matter of fact, I drove the bus into the parking lot and I was not able to turn the bus to get around the curb. I had to back the bus up and then turn hard to get around the curb.

I hope the pictures will help to show that reducing the entrance to 24 feet will not work. The curb at the entrance is what makes this impossible. As a reminder, the curb and landscaping were placed in that location, as required by the city when we did the parking lot project. We asked about not putting the curb there, but were told we had to.

Also, Head Start uses our building for their west side campus. They bus some of the children over here. Their bus is the same size as ours. I don't know how they will maneuver that entrance either....especially after driving it myself. Additionally, the trash truck is even longer than the buses.

We had a funeral here 2 weeks ago with over 200 people in attendance. Many of those here participated in the processional to the cemetery as well. Honestly, I can't comprehend how we would have handled that if we were at a 24 foot entrance/exit.

If I can help to explain any of the pictures, or if you would like to come out and see the demonstration of trying to get the bus in the parking lot please let me know. I'll be happy to do that.

Thank you for your time. Let me (us) know if we need to do anything else before the 26th.

Rev. Frank VanAllen
Pastor, St. Paul UMC
4201 W. Third Street.
Bloomington, IN 47404

[Quoted text hidden]



St. Paul UMC Entrance.ppt

1112K

V-19-11

St. Paul United Methodist Church

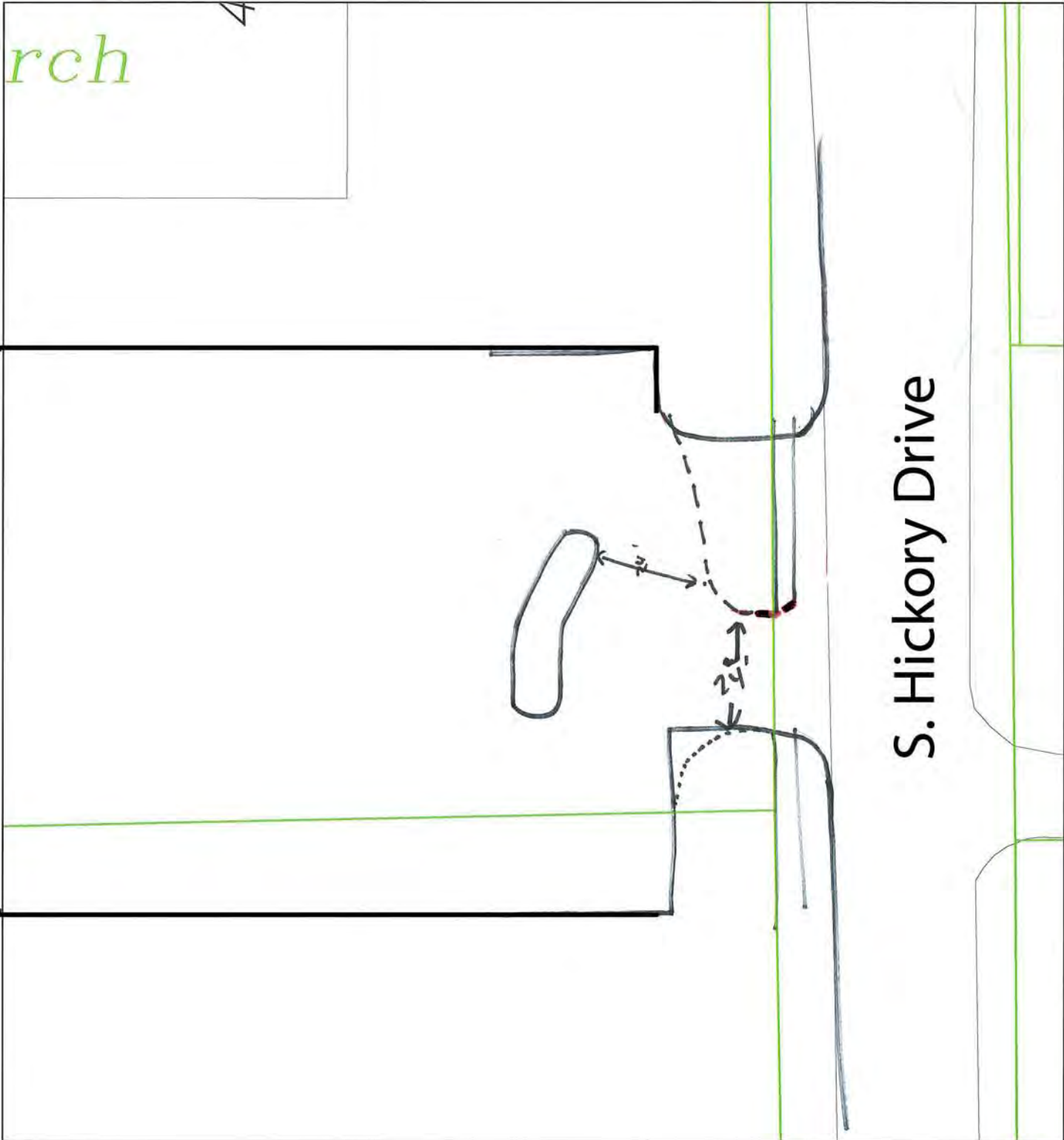
First letter from petitioner



V-19-11
St. Paul United Methodist Church
Photos of bus and driveway
Cones indicate edge of new driveway

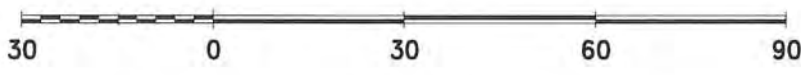


V-19-11
St. Paul United Methodist Church
Photos of bus and driveway
Cones indicate edge of new driveway



V-19-11
 St. Paul United Methodist Church
 Staff proposed changes to driveway

By: roachja
 16 May 11



For reference only; map information NOT warranted.



City of Bloomington
 Planning



Scale: 1" = 30'



James Roach <roachja@bloomington.in.gov>

St. Paul accessory structure project

Frank VanAllen <frank@stpaulbloomington.org>

Thu, May 19, 2011 at 10:10 AM

To: James Roach <roachja@bloomington.in.gov>

Cc: Brian Baker <bbaker@co.monroe.in.us>, "J.L. Siefers" <jl@sieferslaw.com>, Adrian Reid <reida@bloomington.in.gov>, Patrick Shay <shayp@bloomington.in.gov>

James,

Please call me Frank....I'm not big on titles. :)

Sorry for the delay in getting back with you. I was out of town most of the day yesterday with a group from the church and didn't have a chance to reply.

Thank you for your extra time and drawing that you sent. It is clear that you are trying to help us as much as possible. I did look at your drawings and believe it would be easier to make that turn as you have drawn. Certainly, no backing up of our bus, or Head Start's bus would be needed.

However, this is going to be a very hard thing for the church to do. We simply wanted to build a garage to house our church bus and a shelter for our community soccer league & for church functions. The shelter cost was approximately \$25,000, which we knew we would be able to cover.

Unfortunately, the costs just keep going up....and they are all costs out of our control. I realize the city has nothing to do with some of these costs, but here's where we are (approx. numbers)

Garage/shelter	\$25K	
Sidewalks	\$10K-\$15K	
Duke Energy Lines	\$18K	
Comcast Cable Line	\$9K	
Trenching & Boring	\$4K	(We've already completed this part of the project)

Not counting the building/shelter we are needing to come up with an extra \$41K - \$46K just to build a \$25K building. That puts us between \$66K - \$71K for a total project. That does not include any changes we make to the entrance to the parking lot. I have no idea how much it will cost to change the entrance??? This is becoming a huge undertaking.

I have no problems with the church putting the sidewalks in. The one that runs along Hickory was delayed for the 3rd street construction to be completed. We did not intentionally neglect doing this....the recession has certainly impacted church's income over the last 2 years. We also needed to wait on Comcast to show us where they were going to run their buried cable. We have been trying to get their cable buried for a year now....it is a very slow process!

We have plans from Kirkwood Design for an addition to our building in the future. Isn't there any way possible we could change the entrance/exit when we move forward with the future additions? This would give us time to help the church understand the entrance/exit change and it would also give us more time to come up with other possible solutions to the problem. The entrance/exit has been this way since the church was built. Change is not an easy thing for any of us...especially churches.

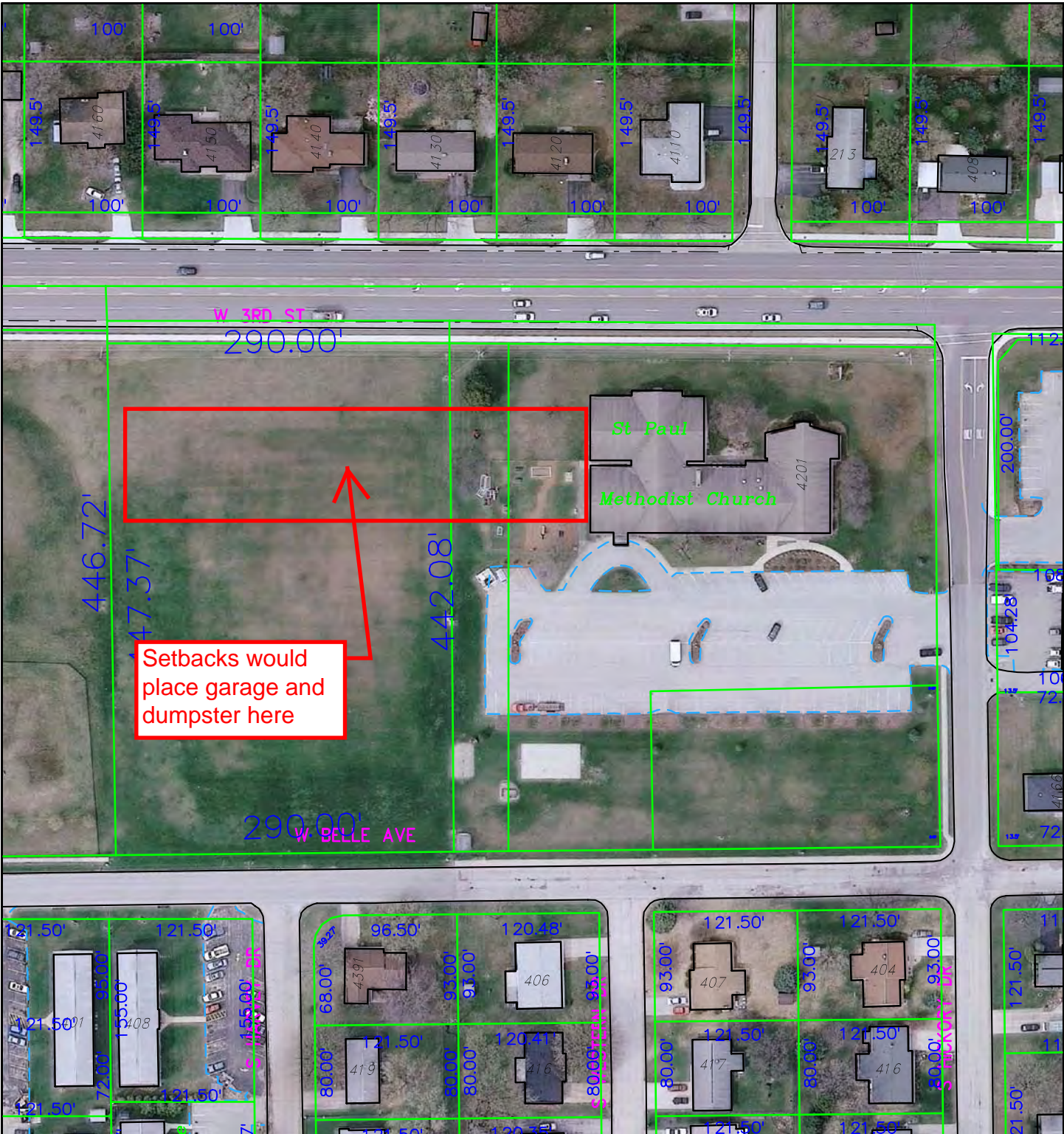
Again, I do appreciate the extra time you have given and ideas you have shared. We are on a very short time line.....If we don't get the building started soon we won't have it ready for the soccer season in late August.

Thank you.

V-19-11

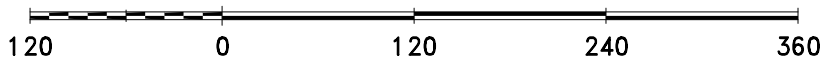
St. Paul United Methodist Church
Second letter from petitioner

49

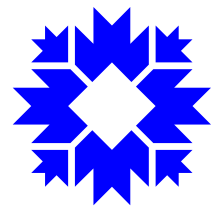


V-19-11
 St. Paul United Methodist Church
 Garage and dumpster setback
 2010 Aerial Photo

By: roachja
 18 May 11



City of Bloomington
 Planning



Scale: 1" = 120'

For reference only; map information NOT warranted.