

# MONROE COUNTY BOARD OF ZONING APPEALS



**Wednesday, November 1, 2023  
5:30 p.m.**

## **Hybrid Meeting**

### **In-person**

Judge Nat U. Hill III Meeting Room  
100 W. Kirkwood Avenue  
Bloomington, Indiana

### **Virtual**

**Zoom Link:** <https://monroecounty-in.zoom.us/j/82893022439?pwd=UVpqL204bUQ1dVhDUXcrVE8xV3NEdz09>

If calling into the Zoom meeting, dial: 312-626-6799.  
When prompted, enter the Meeting ID #: 828 9302 2439  
Password: 372100

**AGENDA**  
**MONROE COUNTY BOARD OF ZONING APPEALS (BZA)**

**HYBRID MEETING**

**When:** November 1, 2023 at 5:30 PM

**Where:** Monroe County Courthouse, 100 W Kirkwood Ave., Bloomington, IN 47404 Nat U Hill Room

Zoom link: <https://monroecounty-in.zoom.us/j/82893022439?pwd=UVpqL204bUQ1dVhDUXcrVE8xV3NEdz09>

If calling into the Zoom meeting, dial: 312-626-6799

When prompted, enter the Meeting ID #: 828 9302 2439

Password: 372100

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**CALL TO ORDER**

**ROLL CALL**

**INTRODUCTION OF EVIDENCE**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES: June 28, 2023; August 2, 2023; August 30, 2023**

**ADMINISTRATIVE BUSINESS:**

1. **Proposed Changes to the BZA Rules of Procedure regarding Amended Petitions PAGE 5**

**OLD BUSINESS: None.**

**NEW BUSINESS:**

2. **VAR-23-34a Watson Minimum Lot Size Variance to Chapter 804 PAGE 6**

3. **VAR-23-34b Watson Side Setback Variance to Chapter 804**  
One (1) 0.64 +/- acre parcel in Polk Township, Section 20 at 6420 E Allens Creek RD, parcel #53-12-20-200-004.000-010.  
Owner: Watson, Shawn  
**Zoned FR.** Contact: [shawnsmith@co.monroe.in.us](mailto:shawnsmith@co.monroe.in.us)

4. **VAR-23-36a Southern Minimum Lot Size Variance to Chapter 804 PAGE 17**

5. **VAR-23-36b Southern Minimum Lot Width Variance to Chapter 804**  
One (1) 2.0 +/- acre parcel in Indian Creek Township, Section 4 at 7525 S Mt. Zion RD, parcel #53-10-04-400-004.000-007  
Owner: Southern, Alverta  
**Zoned AG/RR.** Contact: [dmyers@co.monroe.in.us](mailto:dmyers@co.monroe.in.us)

6. **VAR-23-38 Wells Lawncare General Sign Regulation (Sign Allocation) to Chapter 807 PAGE 25**

- Two (2) 8 +/- acre parcels in Washington Township, Section 28 at 575 W Simpson Chapel RD, parcel #53-02-28-100-003.000-017, 53-02-28-100-010.000-017.  
Owner: DW Properties LLC  
**Zoned AG/RR & PB.** Contact: [acrecelius@co.monroe.in.us](mailto:acrecelius@co.monroe.in.us)

**7. VAR-23-40                      Heard Rear Yard Setback Variance to Chapter 833                      PAGE 48**

One (1) 0.20 +/- acre parcel in Van Buren Township, Section 1 at  
511 S Village DR, parcel #53-09-01-213-016.000-015.

Owner: Heard, Barry & Gretchen

**Zoned RS3.5.** Contact: [acrecelius@co.monroe.in.us](mailto:acrecelius@co.monroe.in.us)

NOTE: This is a virtual meeting via ZOOM as authorized by executive orders issued by the Governor of the State of Indiana. Please contact the Monroe County Planning Department at [PlanningOffice@co.monroe.in.us](mailto:PlanningOffice@co.monroe.in.us) or by phone (812) 349-2560 for the direct web link to this virtual meeting.

Written comments regarding agenda items may only be submitted by email until normal public meetings resume. Please submit correspondence to the Board of Zoning Appeals at: [PlanningOffice@co.monroe.in.us](mailto:PlanningOffice@co.monroe.in.us) no later than November 1, 2023 at 4:00 PM.

Said hearing will be held in accordance with the provisions of: IC 36-7-4-100 et seq.; & the County Code, Zoning Ordinance, and the Rules of the Board of Zoning Appeals of Monroe County, IN. All persons affected by said proposals may be heard at this time, & the hearing may be continued as necessary.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Monroe County, should contact Monroe County Title VI Coordinator Angie Purdie, (812)-349-2553, [apurdie@co.monroe.in.us](mailto:apurdie@co.monroe.in.us), as soon as possible but no later than forty-eight (48) hours before the scheduled event.

Individuals requiring special language services should, if possible, contact the Monroe County Government Title VI Coordinator at least seventy-two (72) hours prior to the date on which the services will be needed.

The meeting will be open to the public via ZOOM.

**812-7-8:** All variance approvals shall be considered to be conditional approvals. The Board shall have the authority to impose specific conditions as part of its approval in order to protect the public health, and for reasons of safety, comfort and convenience (e.g., to insure compatibility with surroundings). Variance approval applies to the subject property and may be transferred with ownership of the subject property subject to the provisions and conditions prescribed by or made pursuant to the Zoning Ordinance.

**812-6 Standards for Design Standards Variance Approval:** In order to approve an application for a design standards variance, the Board must find that:

- (A) The approval, including any conditions or commitments deemed appropriate, will not be injurious to the public health, safety, and general welfare of the community, because:
  - (1) *It would not impair the stability of a natural or scenic area;*
  - (2) *It would not interfere with or make more dangerous, difficult, or costly, the use, installation, or maintenance of existing or planned transportation and utility facilities;*
  - (3) *The character of the property included in the variance would not be altered in a manner that substantially departs from the characteristics sought to be achieved and maintained within the relevant zoning district. That is, the approval, singularly or in concert with other approvals - sought or granted, would not result in a development profile (height, bulk, density, and area) associated with a more intense zoning district and, thus, effectively re-zone the property; and,*
  - (4) *It would adequately address any other significant public health, safety, and welfare concerns raised during the hearing on the requested variance;*
- (B) The approval, including any conditions or commitments deemed appropriate, would not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner, because:
  - (1) *The specific purposes of the design standard sought to be varied would be satisfied;*
  - (2) *It would not promote conditions (on-site or off-site) detrimental to the use and enjoyment of other properties in the area (e.g., the ponding of water, the interference with a sewage disposal system, easement, storm water facility, or natural watercourse, etc.); and,*
  - (3) *It would adequately address any other significant property use and value concerns raised during the hearing on the requested variance; and,*
- (C) The approval, including any conditions or commitments deemed appropriate, is the minimum variance necessary to eliminate practical difficulties in the use of the property, which would otherwise result from a strict application of the terms of the Zoning Ordinance.

**NOTE:** The Board must establish favorable findings for ALL THREE criteria in order to legally approve a design standards variance.

**812-5. Standards for Use Variance Approval:** In order to approve a use variance, the Board must find that:

- (A) The approval will not be injurious to the public health, safety, and general welfare of the community;
- (B) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- (C) The need for the variance arises from some condition peculiar to the property involved;
- (D) The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and,
- (E) The approval does not interfere substantially with the Comprehensive Plan. Especially, the five (5) principles set forth in the Monroe County Comprehensive Plan:
  - (1) *Residential Choices*
  - (2) *Focused Development in Designated Communities*
  - (3) *Environmental Protection*
  - (4) *Planned Infrastructure Improvements*
  - (5) *Distinguish Land from Property*

## Article VIII

### Final Disposition of Cases

1. The final disposition of any appeal before the Board shall be in the form of an order either reversing or modifying the requirement, order, decision or determination being appealed or affirming the order and denying the appeal. The Board may dismiss an appeal for want of prosecution or for lack of jurisdiction.
2. All decisions of the Board, on matters heard in public hearings shall be made by record vote. The vote of each member shall be a matter of permanent record.
3. A case may not be withdrawn by the Petitioner after the vote has been ordered by the Chairman.
4. An appeal or petition which has been decided against the appellant/petitioner shall not again be placed on the docket for consideration by the Board within a period of 12 months from the date of the decision previously rendered, ~~except upon the motion of a member, and adopted by the unanimous vote of all members present at a regular or special meeting thereof.~~ **Before any unsuccessful appeal or petition relating to the same property and the same type of request for relief (e.g., use variance) may be placed on the docket within the 12-month post-denial period, the appellant/petitioner must seek approval from the Board. Unanimous approval of the Board is required to place the matter on the docket for consideration prior to the end of the 12-month period. In determining whether to approve the docketing of the matter, the Board will give consideration to: the extent to which the proposed filing addresses the reasons for Board denial of the prior filing; any changed circumstances relating to the subject property or use; and any subsequent changes to or clarifications of relevant laws. If the Board approves of the docketing of the matter, it shall be subject to the fee provisions for amended petitions.**



## MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date:

November 1, 2023

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-23-34a	Minimum Lot Size	Approval
VAR-23-34b	Side Yard Setback	Denial

812-6 Standards for Design Standards Variance Approval: In order to approve an application for a design standards variance, the Board must find favorable findings for all three (3) criteria, A, B, and C, listed after the agenda within the BZA packet.

***Recommended Motion Conditions or Reasoning:***

Approve the minimum lot size variance: Practical difficulties have been demonstrated. This parcel does not meet the minimum lot size requirement of the Forest Reserve zone, nor do the adjacent properties, making a lot line shift to acquire enough acreage impossible. No further development may occur on this site without variance approval, or seeking a rezone with a smaller lot size requirement.

Deny the side yard setback variance: Practical difficulties have not been demonstrated. The pole barn can meet the 15ft side setback through a redesign or relocation of the structure.

<b>Variance Type:</b> <input checked="" type="checkbox"/> Design <input type="checkbox"/> Use		<b>Planner:</b> Shawn Smith
<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial		
<b>PETITIONER</b>	Watson, Shawn (Owner)	
<b>ADDRESS</b>	6420 E Allens Creek RD 53-12-20-200-004.000-010	
<b>TOWNSHIP + SECTION</b>	Polk Township, Section 20	
<b>PLATS</b>	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
<b>ACREAGE +/-</b>	0.64 acres	
	<b>PETITION SITE</b>	<b>ADJACENT</b>
<b>ZONING</b>	FR	FR
<b>Comprehensive Plan</b>	Farm and Forest	Farm and Forest
<b>USE</b>	Single-family Residential	Single-family Residential/Vacant
<b>EXHIBITS</b>		

1. Location Map
2. Site Conditions Map
3. Pictometry & Staff Visit Photos
4. Petitioner Letter
5. Petitioner Site Plan
6. Petitioner Construction Plans
7. Survey

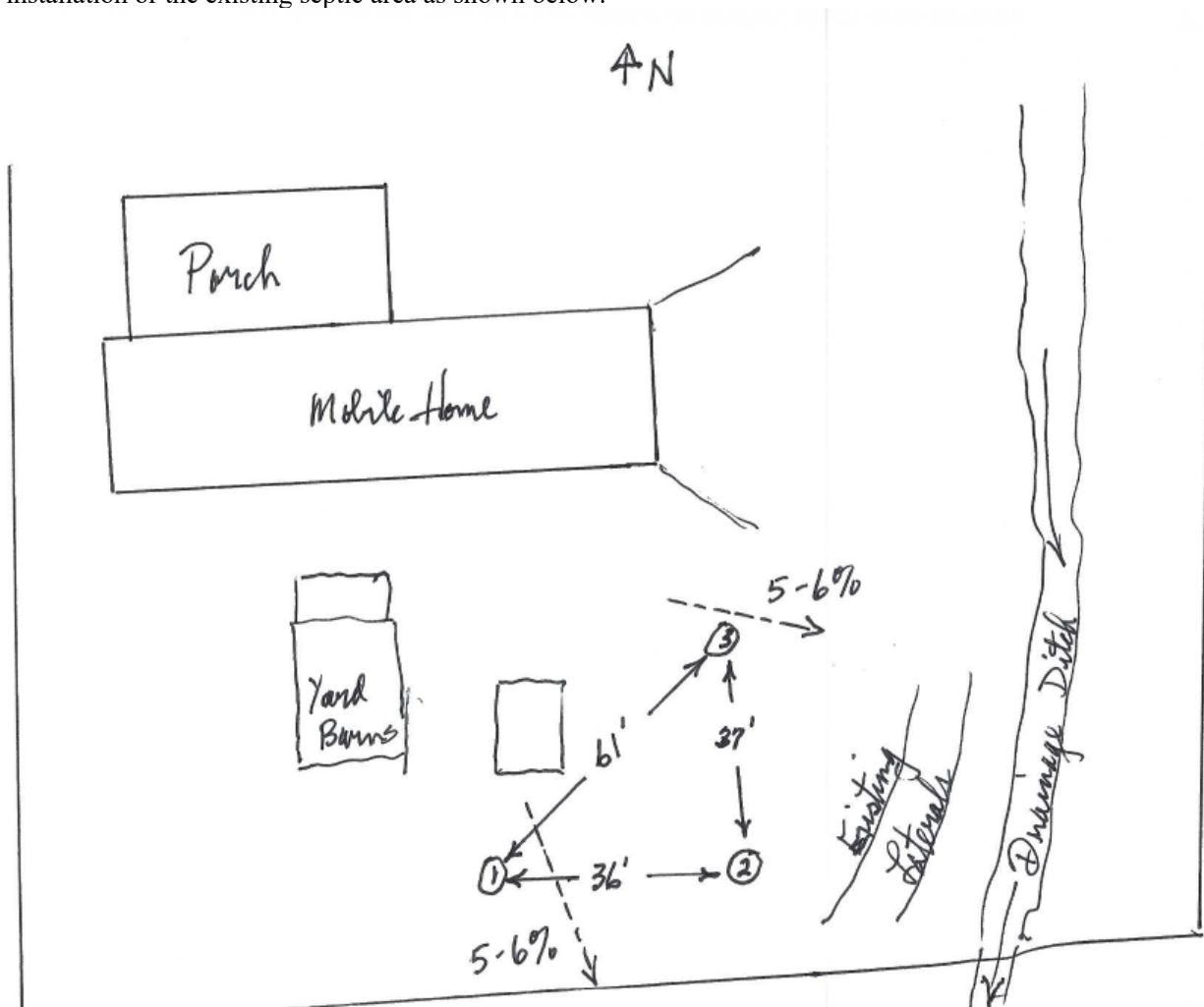
**SUMMARY**

The petitioner is requesting two Design Standards Variances to construct an approximate 1,200 sq ft pole barn structure at 6420 E Allens Creek RD on a 0.64 acre lot in the FR zone. The proposed location does not meet the 5 acre minimum lot size requirement for the FR zone, nor does it meet the 15ft side yard setback requirement. The surrounding properties also do not meet minimum size, which would make it difficult to resolve the issue through a lot line shift. The petitioner will file for a residential pole barn structure permit if the Variance is approved.

If the design standards variances are **approved**, the petitioner will be able to continue with their plans and comply with all other building and zoning codes.

If the design standards variance to the minimum lot size is **denied**, the petitioner will not be able to develop the property any further without rezoning to a zone with a smaller lot size requirement. If the design standards variance to the side yard setback is **denied**, the petitioner will need to redesign or relocate the structure to meet the 15ft requirement.

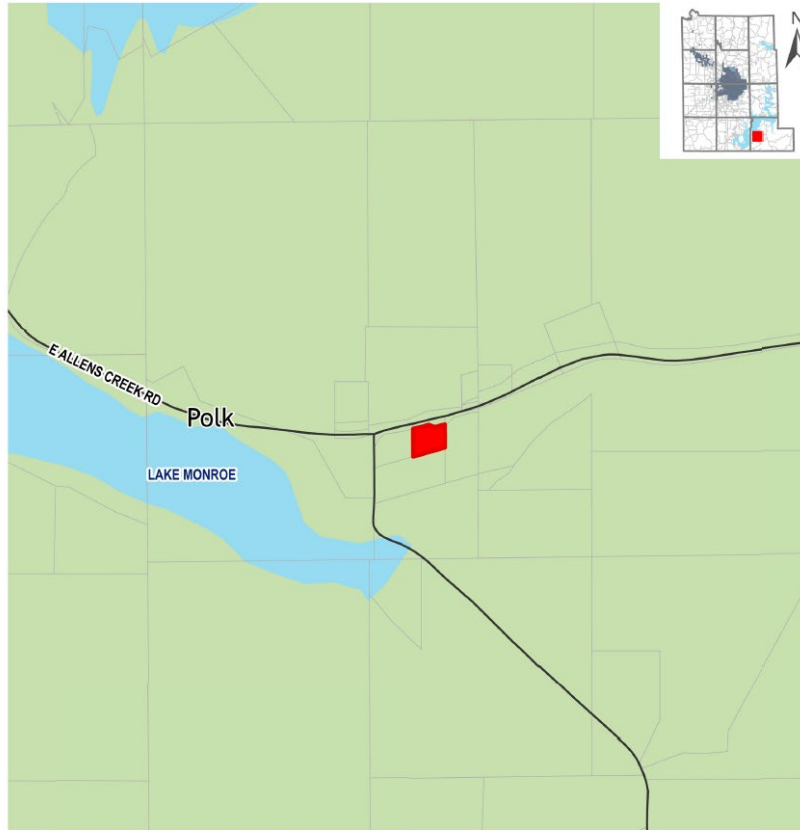
Quick discussion and reference to septic permit (WW-23-210). A new septic system can be installed on this lot, according to confirmation from the Health Department. However, a new system is not expected to be pursued until next year. The proposed structure does not impact existing utilities and it will not impact any future septic installation or the existing septic area as shown below.



## EXHIBIT ONE: Location Map

### Location Map

- Petitioner
- Roads
- ▭ Civil (Political) Townships
- Lakes
- Parcels



## EXHIBIT TWO: Site Conditions Map

### Site Conditions Map

- Petitioner
- 15% Slope (County/ECO2)
- <VALUE>
- 0 - 15
- > 15
- Local Roads [50']
- ▭ Parcels

Property Address: 6420 E Allens Creek RD





**EXHIBIT THREE: Pictometry and Site Photos**



**Photo 1 – Facing Southwest**



**Photo 2 – Facing West**



**Photo 3 – Facing South (looking towards petitioner site)**



**Photo 4 – Facing North (view from proposed construction site)**



**Photo 5** – Facing South (boats represent location of proposed structure)



**Photo 6** – Facing Northeast (white outline represents location of proposed structure)



**Photo 7** – Facing Northwest (white out line represents location of proposed structure)



**Photo 8** – Facing South (adjacent property)

## EXHIBIT FOUR: Petitioner Letter

Aug. 18, 2023

Shawn Watson  
6420 E Allen's Creek Rd  
Bloomington, IN47404

Board of Zoning Appeals  
Monroe County, IN

To Whom It May Concern,

I plan to make 6420 E Allen's Creek Rd. Bloomington, IN my primary residence in the near future. This property was plotted in 1899 and made a single family residence in 1960. The current home was built in 1973. Presently there is no type of indoor storage for personal vehicles, recreational items, tools, ECT... I would like to build a 30 x 40 steel building on a concrete slab for this purpose.

Regarding the new steel building. I have submitted a drawing to scale. The 30 x 40 building is good and will not require any setbacks. However there is a 15' apron off the front that has a challenge on the south side of the building. The property line runs at an angle and a small portion of the apron will encroach by 4' in the last ½ of aprons south side, not meeting the required set back.

This is the best location to build (South/East of home) rather than on the North side between house and culvert. This will allow me to use my existing driveway The Northside would require a 2<sup>nd</sup> driveway off the road and could affect area for new septic (when time comes to install). To build on the North side of culvert even more limited on space, no drive and inconvenient.

FYI:

8/17/23 Soil Scientist, Jim Brown took borings for future replacement system (location).

We are currently waiting for this report. Once we receive this report we will forward to the Local Board of health. Goal is to obtain location and type of system, when the time comes to replace.

Sept. 15, 2023 survey has been scheduled with Trico Surveying.

Currently working with local Utility Company (contact: Tanner) and neighbors (Todd & Julie Posson – 8784 S Roberts Rd, Bloomington, to the rear). We are working together to upgrade and relocate (bury line) Electric source.

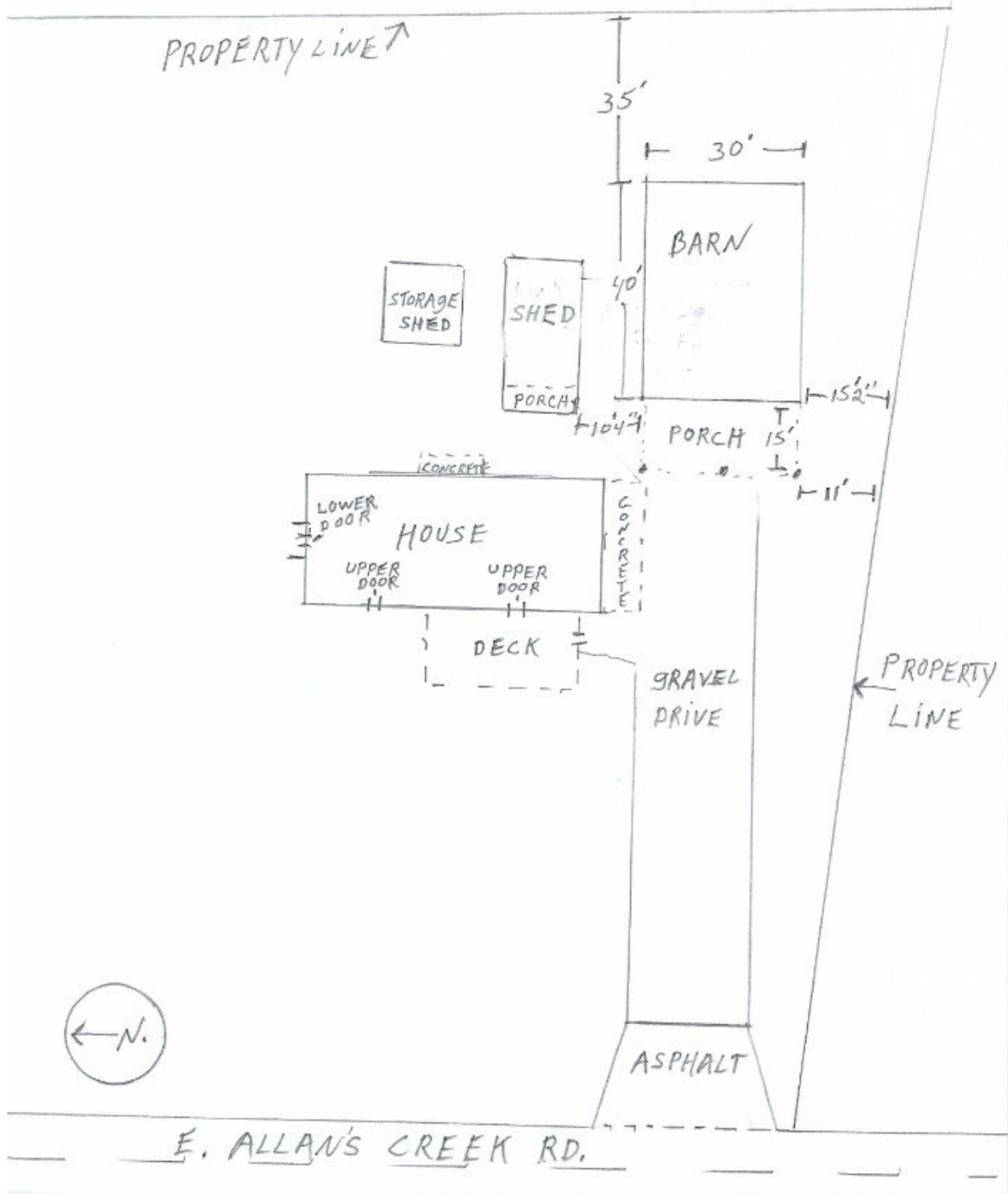
Thank you for your consideration.

Respectfully,  
Shawn Watson  
765 621 5551

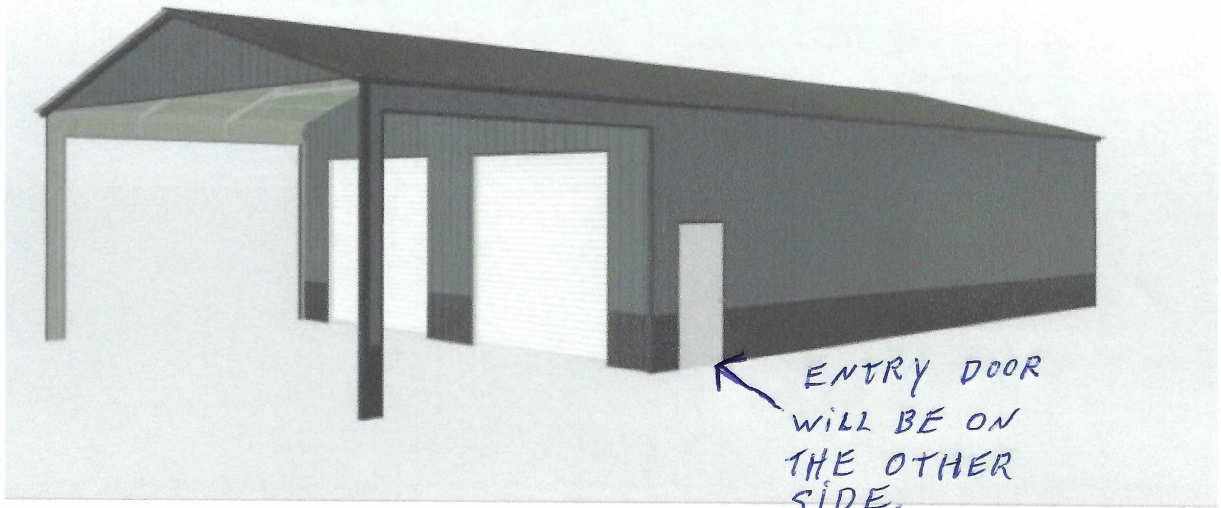
**EXHIBIT FIVE: Petitioner Site Plan**

HM: SHAWN WATSON    Cell: 765-621-5551  
3179 N. 300W                      HM: 765-644-6743  
AND I.N. 46011

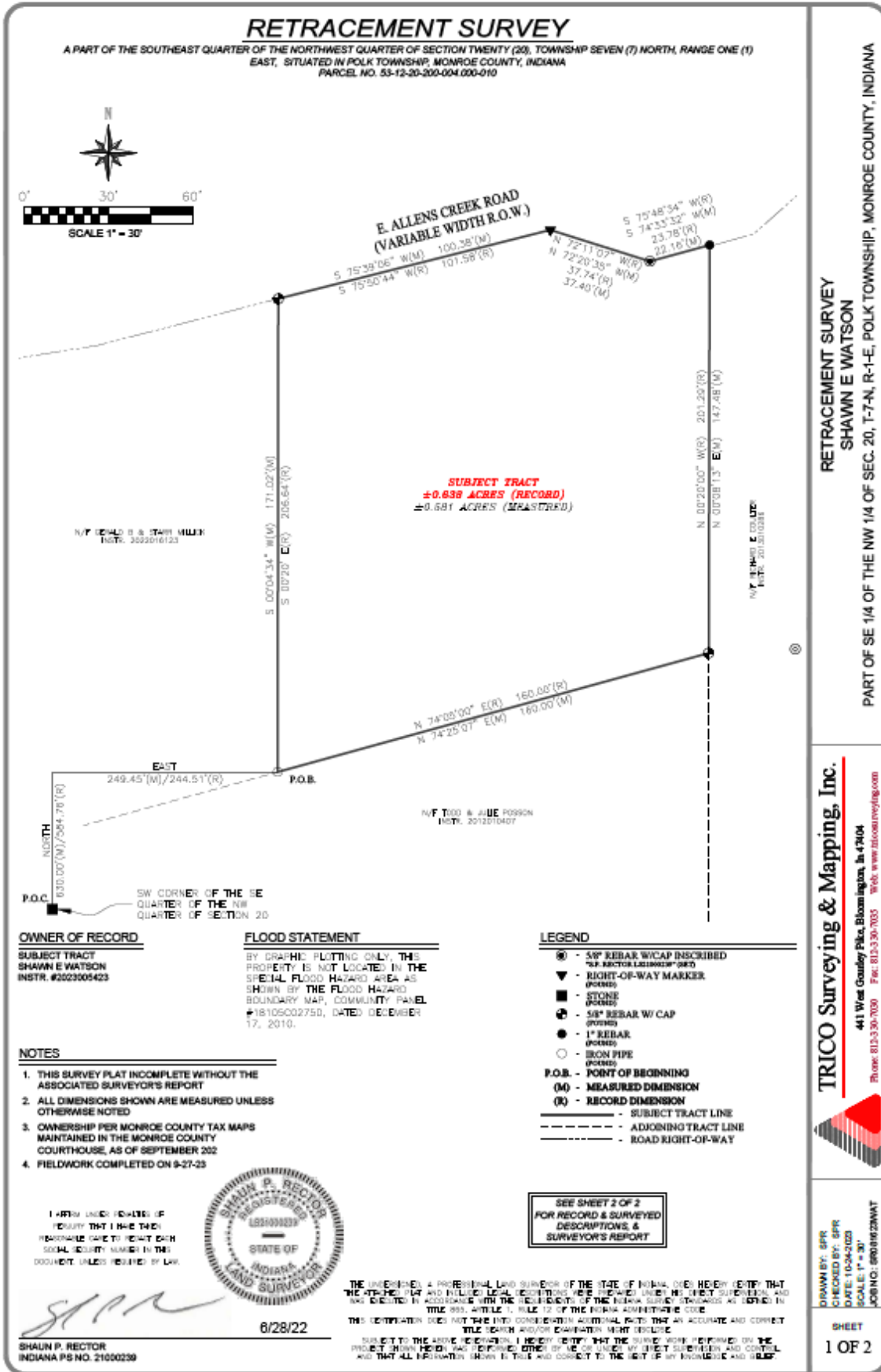
LAKE HOUSE!  
6420 E ALLEN'S CREEK RD  
BLOOMINGTON IN 47401



**EXHIBIT SIX: Petitioner Construction Plans**



**EXHIBIT SEVEN: Survey**







## MONROE COUNTY BOARD OF ZONING APPEALS

**Public Meeting Date: November 1, 2023**

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-23-36a	Minimum Lot Size Chapter 804	Approval
VAR-23-36b	Minimum Lot Width Chapter 804	Approval

812-6 Standards for Design Standards Variance Approval: In order to approve an application for a design standards variance, the Board must find favorable findings for all three (3) criteria, A, B, and C, listed after the agenda within the BZA packet.

***Recommended Motion Conditions or Reasoning:***

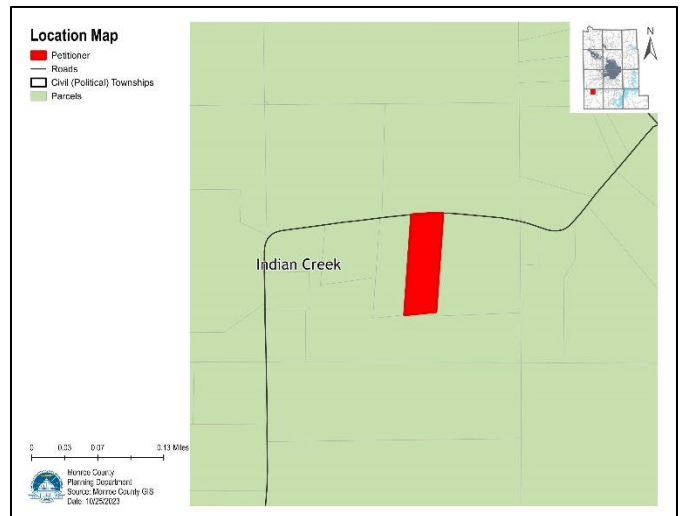
Approve Minimum Lot Size: Any new development on the property would first require a minimum lot size variance. The property currently contains an existing single-family residence.

Approve Minimum Lot Width: Any new development on the property would first require a minimum lot width variance. The property currently contains an existing single-family residence.

**Variance Type:**     Design    Use  
                            Residential    Commercial

**Planner:** Drew Myers

<b>PETITIONER</b>	Southern, Alverta I (owner) Kevin Southern (applicant)	
<b>ADDRESS</b>	7525 S Mt Zion Road 53-10-04-400-004.000-007	
<b>TOWNSHIP + SECTION</b>	Indian Creek Township, 4	
<b>PLATS</b>	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
<b>ACREAGE +/-</b>	2.0 acres	
	<b>PETITION SITE</b>	<b>ADJACENT</b>
<b>ZONING</b>	AG/RR	AG/RR
<b>COMP PLAN</b>	Rural Residential	Rural Residential
<b>USE</b>	Residential	Residential



**SUMMARY**

The petitioner is proposing to construct an approximately 1,600 sq. ft. residential accessory structure on the subject property. The proposed location of the structure will meet setbacks and buildable area. The subject property is zoned Agriculture/Rural Reserve (AG/RR), contains 2.0 acres, and measures approximately 160 feet wide at building line. Chapter 804 of the Monroe County Zoning Ordinance requires property in the AG/RR zone to have a minimum of 2.5 acres and measure at least 200 feet at building line.

Septic Permit – not applicable; Driveway permit – not applicable.

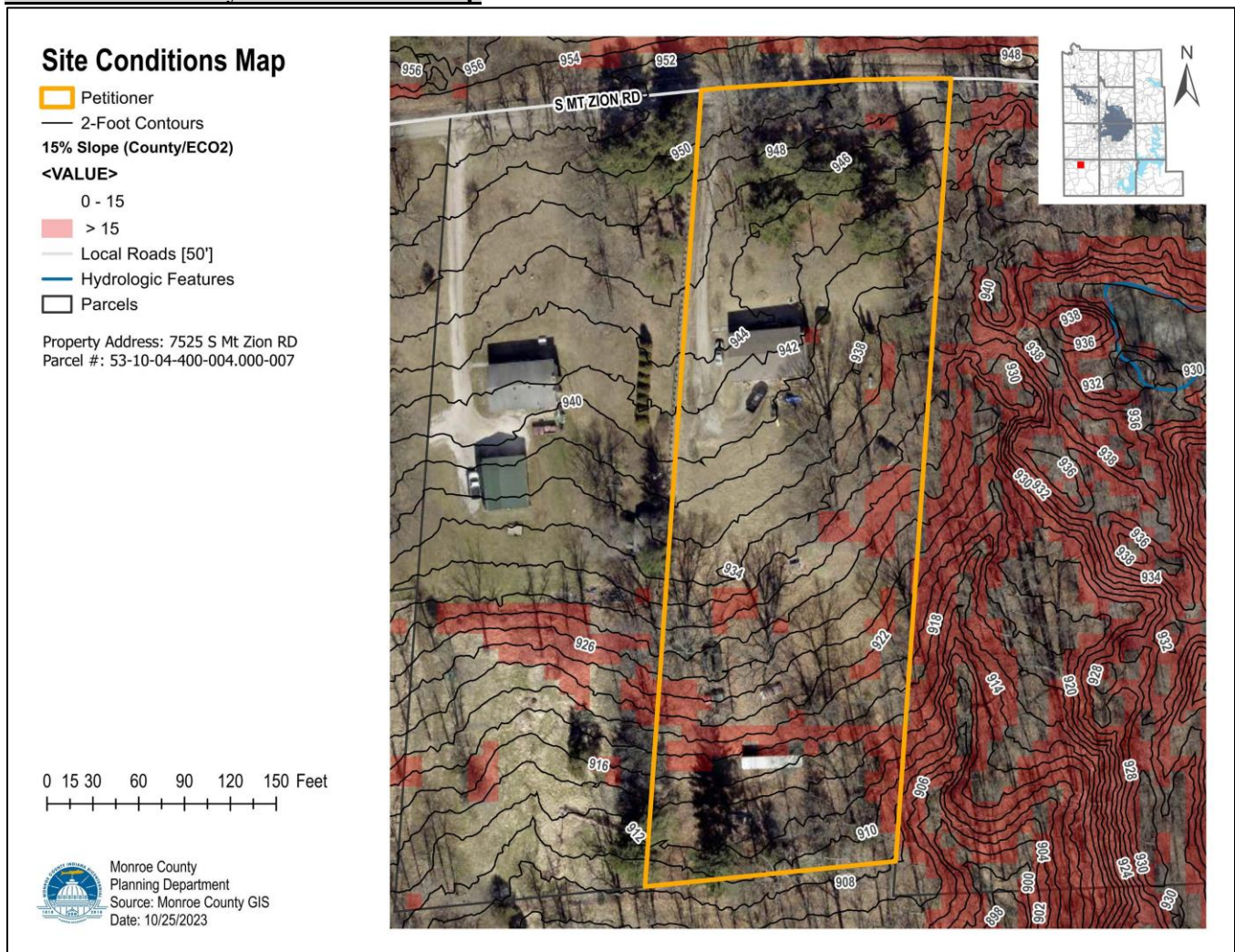
**DISCUSSION**

In August 2023, the petitioner (Kevin Southern) requested staff's assistance in creating a scaled plot plan for his proposed 40' x 40' residential accessory structure. Planning Staff assisted with the creating the scaled plot plan and informed Mr. Southern that a minimum lot size variance and a minimum lot width variance would be required in order to release any new construction permits for the subject property. The petitioner submitted a variance application after the September BZA filing deadline and was placed on the November 2023 BZA agenda.

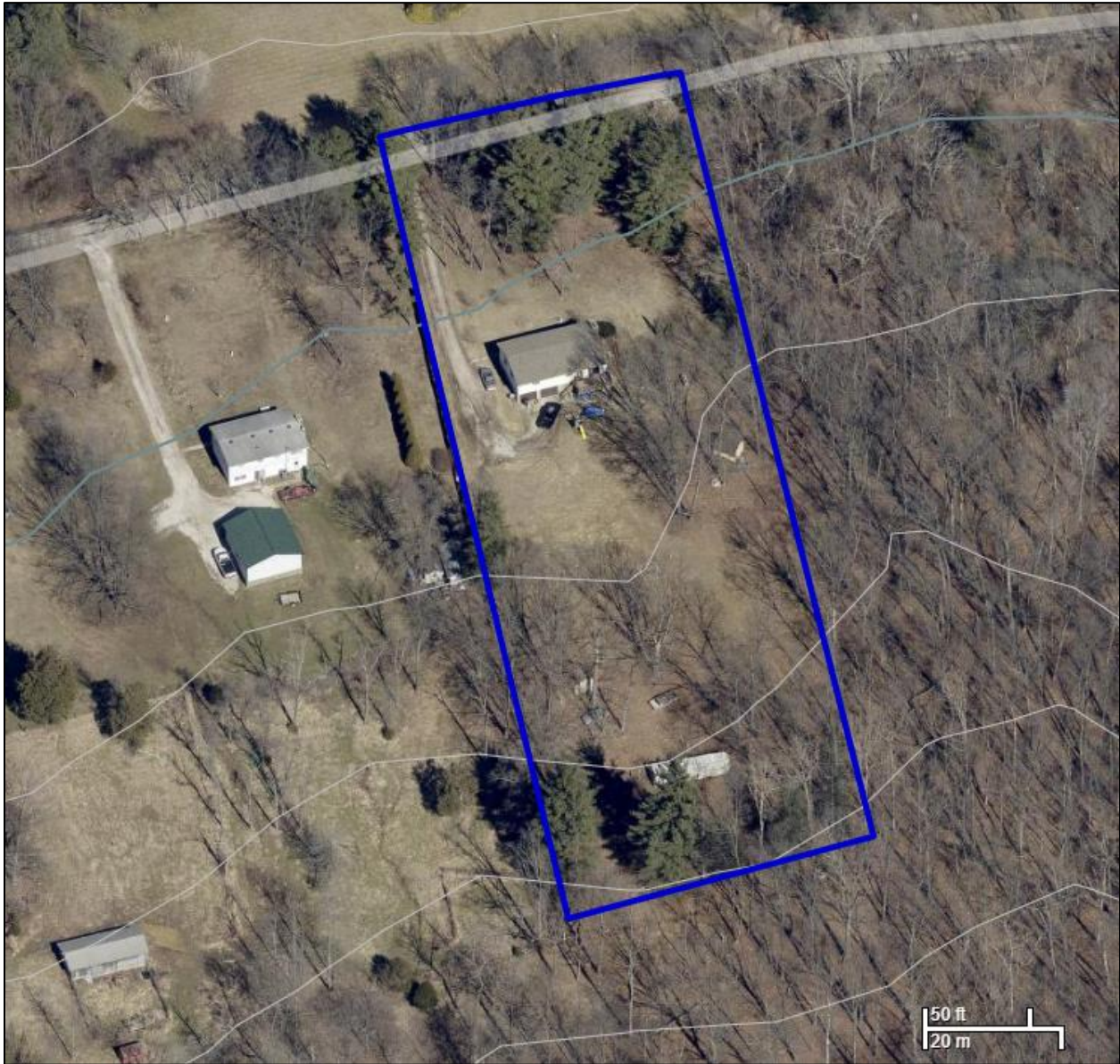
**EXHIBITS - Immediately following report**

- 1. County Site Conditions Map
- 2. Staff Site visit photos
- 3. Petition Letter & Consent Letter
- 4. Petitioner Site Plan

**EXHIBIT 1: County Site Conditions Map**



**EXHIBIT 2: Staff Site Visit Photos**



**Photo 1:** Aerial view of petition site from the south (2022)



**Photo 2:** Aerial view of petition site from the south (2022)



**Photo 3:** Aerial view of petition site from east (2022)



**Photo 4:** Street view of petition site

EXHIBIT 3: Petitioner Letter & Consent Letter

I Alverta Southern am the owner of the land / Residence located at 7525 S. Mount Zion Rd Bloomington, IN 47403. I give Permission for Kevin Southern to build an unattached garage on the property. my Contact information is as follows 812.668.0157 email: dcarmes12@gmail.com. if any questions or more information is needed feel free to Contact me.

Thank you,  
Alverta Scott

9/7/2023

**EXHIBIT 4: Petitioner Site Plan**

Address: 7525 S Mt. Zion RD, Bloomington, IN 47403

New 1,600 sq. ft. residential accessory structure (40' x 40') depicted in yellow.



Scaled Plot Plan prepared by Planning Staff (DM) – 9/5/2023.





# MONROE COUNTY BOARD OF ZONING APPEALS

**Public Meeting Date:                  November 1, 2023**

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-23-38	General Sign Regulations (Sign Allocation)	Denial

812-6 Standards for Design Standards Variance Approval: In order to approve an application for a design standards variance, the Board must find favorable findings for all three (3) criteria, A, B, and C, listed after the agenda within the BZA packet.

***Recommended Motion Conditions or Reasoning:***  
 Practical difficulties have not been demonstrated by the petitioner; the petition site contained a legal billboard easement at the time it was purchased by the petitioner.

<b>Variance Type:</b> <input checked="" type="checkbox"/> Design <input type="checkbox"/> Use <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial	<b>Planner:</b> Anne Crecelius
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<b>PETITIONER OWNER</b>	Leighla Taylor, Fast Signs Derek Wells, Wells Lawncare & Landscaping	
<b>ADDRESS</b>	575 W Simpson Chapel RD, parcel #53-02-28-100-003.000-017, 53-02-28-100-010.000-017.	
<b>TOWNSHIP + SECTION</b>	Washington., 28	
<b>PLATS</b>	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
<b>ACREAGE +/-</b>	8	
	<b>PETITION SITE</b>	<b>ADJACENT</b>
<b>ZONING</b>	AG/RR, PB	AG/RR, PB, ER
<b>COMP PLAN</b>	Rural Residential	Farm and Forest, Rural Residential
<b>USE</b>	Commercial	Commercial, Agriculture

**SUMMARY**

The petitioner is requesting one (1) commercial design standard variance from Chapter 807 of the Monroe County Zoning Ordinance from the General Sign Regulations (Sign Allocation) standards.

**807-6. General Sign Regulations**

(D) Total sign allocations for the zoning districts set forth in the table 7-1 must be based upon the building mass and street frontage standards described below:

**(1) Location, size, and variety of all signs existing upon a zoning lot are included in the total sign allocations.**

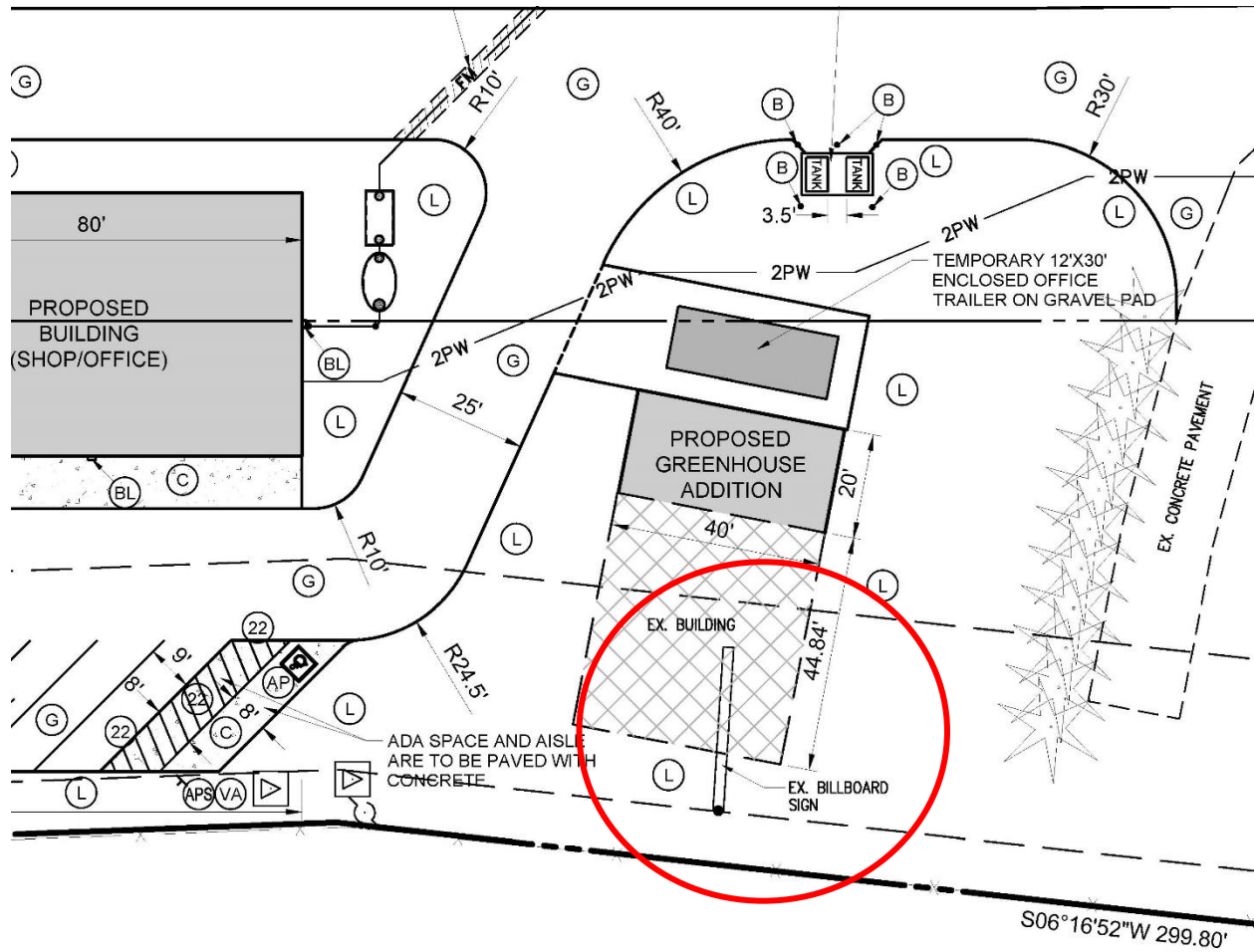
The petition site is zoned Pre-Existing Business (PB) and Agricultural Rural Reserve (AG/RR). Chapter 807 would allow for 555 square feet total of signage on the property. The petition site contains a billboard, identified during a survey in 1992 as a legal pre-existing non-conforming sign. The billboard has a V-shape (see aerial below) and therefore the ordinance states: “the sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point...and when the sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of the largest face.” Given that the V-shape makes the sign more than 42 inches apart, it is computed by adding together both sign faces. Planning staff does not know the exact size of the existing billboard. However, based on staff’s

rough measurement using aerial information, the billboard's approximate size total is 712 sq ft (356 sq ft per face).



Under the zoning ordinance, the petition site would be unable to add more signage due to the Chapter 807 signage limit of 555 sq. ft. The petitioner is requested a variance to allow an additional 95.45 square feet of signage on the property. They are proposing two wall signs to be located on the office and garage structures, sized 34.78 and 60.675 sq. ft. This would allow the petitioner to have a total of 807.45 sq ft of signage on the site using the estimate for the billboard above. Chapter 807 states that “(3) Notwithstanding other provisions of these regulations, no premises within any commercial or industrial zoning district may be restricted to less than seventy-five (75) square feet of sign area nor shall any premises be permitted to display more than **six hundred (600) square feet** of sign area...”

The petition site contained a legal easement at the time it was purchased by the petitioner in 2019. The previous owner, Soft Light of Bloomington LLC, granted an easement to TLC Properties, Inc in 2008 (instrument number 2008016919). This easement allows the Grantee “perpetual servitudes of use that runs with the land” and allows the Grantee access to service, maintained, improve, or modify the sign structure. The easement also allows the Grantee to sell the rights or relocate the sign structure on the property if the structure is condemned.



**EXHIBITS - Immediately following report**

1. Petitioner letter and proposed sign images
2. Site Plan
3. 2008 Sign Easement
4. 2019 Sign Easement
5. Planning 1992 Billboard Survey
6. Staff Email with Fast Signs, May 2023



FASTSIGNS  
2454 S. Walnut Street,  
Bloomington, IN 47401  
Ph: 812.287.8179

To Whom It May Concern,

This variance application provided is to request installation of two new signs for the current business located at 575 W Simpson Chapel Rd, Bloomington, IN 47404, DW Properties LLC (Wells Lawncare & Landscaping). The only existing signage on the property consists of a large billboard that is owned by Lamar Advertising Company, including all easement rights. Wells Lawncare & Landscaping has no existing signage identifying their business.

When inquiring about permit applications for requested new signage we were informed that Wells Lawncare & Landscaping would be allotted up to 555 sq. ft. of exterior signage. However, the current Billboard on the property would be counted toward their allotted sign total. Therefore they would not be permitted any additional signage for their business. The Planning Dept. attorney, David Schilling, referred to 807-6 (D) (1) which states that "Location, size, and variety of all signs existing upon a zoning lot are included in the total sign allocations."

Due to the special circumstances of the Billboard on the property and easement rights to the Billboard being owned by another company not actually located on site, we are requesting a variance to allow Wells Lawncare & Landscaping the two requested signs outlined in the provided documents in order to adequately identify their business.

Thank you for you time and consideration.

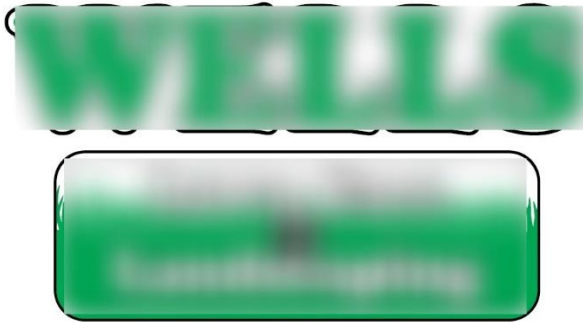
Respectfully,

*Leighla Taylor*

Leighla Taylor  
FASTSIGNS of Bloomington  
2454 S Walnut St.  
Bloomington, IN 47401



Overall Size: 52.17”h x 96”w  
 Front Lit Channel Letter w/ Raceway & Perforated Day/Night Vinyl on Faces: 21.7936”h x 96”  
 Light Box: 27.9125”h x 79.8221”w



Overall Size: 34.5”H X 252”w  
 Front Lit Channel Letter with Raceway: 34.5”h x 148”w  
 Light Box: 34.5”h x 94”w



**NOTE TO CONTRACTOR**

CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ENGINEER OF ANY INACCURACIES IN LOCATION OR ELEVATION OR ANY CONFLICTS PRIOR TO & AFTER ANY EXCAVATION. NO PAYMENT SHALL BE MADE TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES REQUIRED DUE TO CONFLICTING ELEVATIONS.

**OWNER CONTACT INFO.**

DEVELOPER: WELLS LAWN CARE & LANDSCAPING, INC. 5141 N. STATE RD. 37 BUSINESS, BLOOMINGTON, IN 47404. CONTACT: DEBRA WELLS AT (812)-272-9336.

**PROJECT NATURE & USE**

THE PROPERTY'S USE WILL BE FOR "GENERAL CONTRACTING" AND CLASSIFIED AS A MEDIUM INTENSITY USE. THIS SITE WILL INCLUDE 1 EXISTING AND 1 NEW BUILDING WITH GRAVEL LOT, AND A CONCRETE MATCH PAD. TRACT 1 IS ZONED PRE-EXISTING BUSINESS AND TRACT 2 IS SPLIT ZONED FOR "AGRICULTURE/RURAL RESERVE" AND "ESTATE RESIDENTIAL". IT IS ANTICIPATED THAT THERE WILL BE 2 FULL TIME EMPLOYEES AND 13 SEASONAL EMPLOYEES FOR A TOTAL OF 15 EMPLOYEES DURING THE LARGEST SHIFT WITH A TOTAL OF 15 VEHICLES USED IN OPERATION.

**DEMOLITION LEGEND**

- CL - CONSTRUCTION LIMITS
- T.B.R. - TO BE REMOVED
- T.R.U. - TO REMAIN UNDISTURBED

**EXISTING LEGEND**

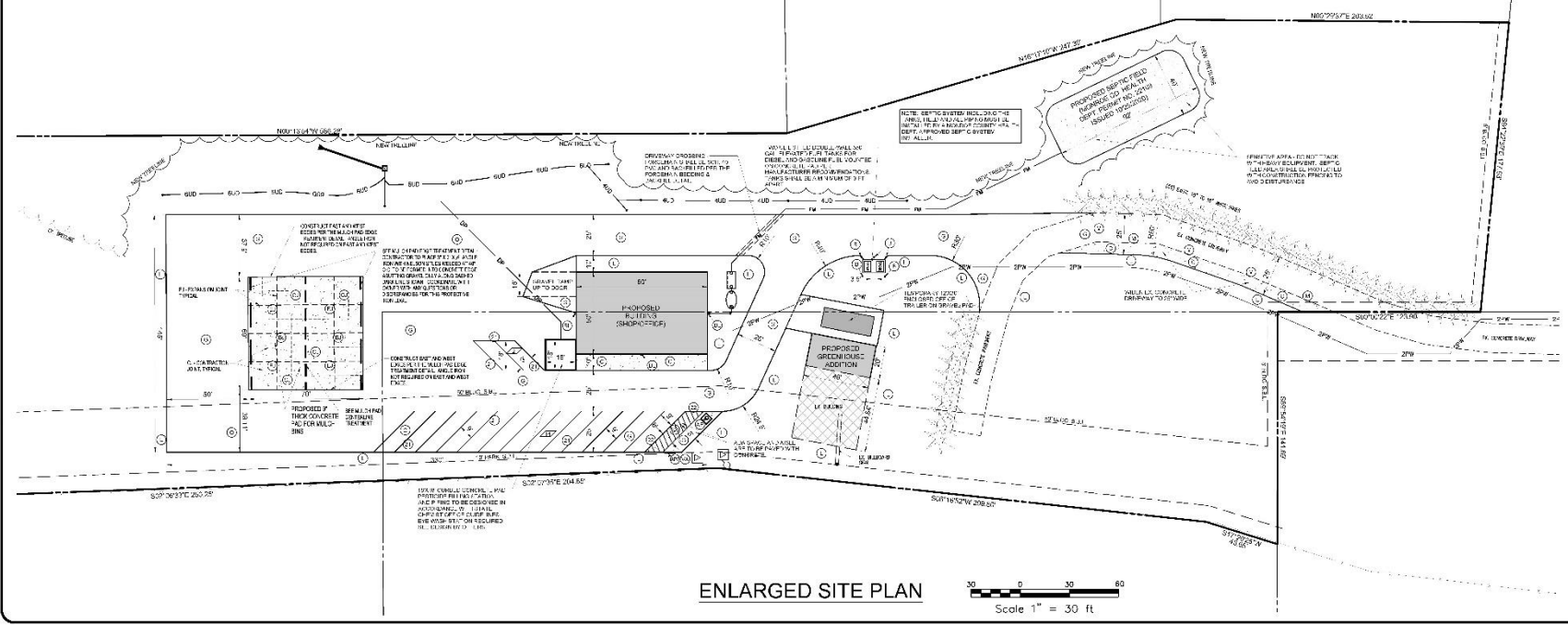
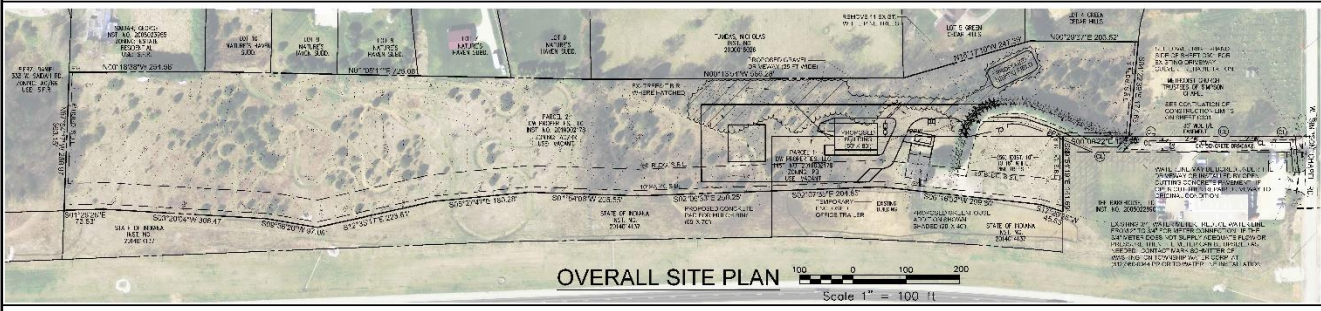
- PROPERTY LINE
- FENCE
- WATER LINE PIPE
- CONTOUR & ELEVATION
- SANITARY SEWER PIPE
- STORM SEWER PIPE
- OVERHEAD ELECTRIC LINES
- UNDERGROUND ELECTRIC LINES
- OVERHEAD TELEPHONE LINES
- UNDERGROUND TELEPHONE LINES
- GAS LINE PIPE

**SITE LEGEND**

- ① 4" X 6" PAINTED PARKING SPACE MARKING
- ② ACCESSIBLE PARKING SPACE
- ③ SEEL PIPE BALLAST
- ④ 1/2" BRUSH BRUSH MODEL OLI BRUSH OUTDOOR 4000M FLOOD LIGHT MOUNTED TO BUILDING FACE
- ⑤ REINFORCED CONCRETE PAVEMENT
- ⑥ CONSTRUCTION PACKETS
- ⑦ CONCRETE SIGN
- ⑧ GRAVEL SURFACE
- ⑨ LAWN ENCLOSED AREA
- ⑩ MATCH EXISTING PARKWAY ELEVATIONS
- ⑪ CONCRETE PARKWAY BARRIER BLOCK
- ⑫ STANDARD ROAD PARKWAY PATCH
- ⑬ VAN ACCESSIBLE SUPPLEMENTAL ADA
- ⑭ NUMBER OF PARKING SPACES PER LOT

**UTILITY LEGEND**

- DP - GRAN PINE TO BAYBUTT - SEE THIS SHEET TO BE DESIGNED BY OWNER (PRIVATELY OWNED)
- 2" SW - 2" PVC DOMESTIC WATER SERVICE LINE AS SHOWN BY THE WATER UTILITY (PRIVATELY OWNED)
- 4" SW - 4" PVC DOMESTIC WATER SERVICE LINE AS SHOWN BY THE WATER UTILITY (PRIVATELY OWNED)
- 15" SW - 15" ADS GRADE SEWER - 12" ADS STORM SEWER PIPE (PRIVATELY OWNED)
- 4" SW - 4" PERFORATED 30"-35" PVC UNDERDRAIN PIPE (PRIVATELY OWNED)
- 6" SW - 6" PERFORATED 30"-35" PVC UNDERDRAIN PIPE (PRIVATELY OWNED)
- 8" SW - 8" PVC PIPE (PRIVATELY OWNED)
- ELEC - ELECTRICAL SERVICE LINE - SEE THIS SHEET



ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING  
BLOOMINGTON, INDIANA  
(812) 336-2890 (FAX)

BRUNNEN & ASSOCIATES, INC.  
528 NORTH WALNUT STREET  
BLOOMINGTON, INDIANA 47404  
(812) 332-8800

STATE OF INDIANA  
No. 60018283  
STATE OF INDIANA  
Professional Seal

PROPOSED  
WELLS LAWN CARE & LANDSCAPING  
945 W. SIMPSON CHAPEL RD.  
BLOOMINGTON, INDIANA 47404

SITE PLANS  
Designed by JBT  
Drawn by JBT  
Checked by JSP  
Printed on C261  
Project no. 402002

Cross References:  
Instrument No. 2008016919  
Instrument No. 2011014851  
Instrument No. 2019002178  
State Parcel ID No. 53-02-28-  
100-010.000-017

### AMENDMENT TO GRANT OF EASEMENT

This AMENDMENT TO GRANT OF EASEMENT ("Amendment") is made and entered into on the 1 day of February, 2022 ("Effective Date"), by and between DW PROPERTIES, LLC, an Indiana limited liability company ("Grantor"), whose address is 5545 Redbud Dr., Ellettsville, IN, 47429, its successors and assigns, and LAMAR ADVANTAGE GP COMPANY, LLC, a Delaware limited liability company ("Grantee"), whose address is 5321 Corporate Blvd., Baton Rouge, LA, 70808, its successors and assigns (collectively "the Parties").

#### RECITALS

A. WHEREAS, Grantor's predecessor in interest, Soft Light of Bloomington ("Soft Light"), conveyed a Grant of Easement to Grantee's predecessor in interest, TLC Properties, Inc. ("TLC Properties"), dated September 11, 2008, and recorded on October 9, 2008, as Instrument No. 2008016919, in the Office of the Recorder of Monroe County, Indiana ("Grant of Easement");

B. WHEREAS, the Grant of Easement granted a perpetual "Sign Location Easement," "Access Easement" and "Maintenance, Utility and Visibility Easement" to certain real estate previously owned by Soft Light ("Easement Real Estate"), to which is now owned by Grantor.

WHEREAS, the legal description of the Easement Real Estate contained in the Grant of Easement is incorrect and does not accurately describe the location of the Easement Real Estate; and

WHEREAS, The Parties desire to correct the legal description of the Easement Real Estate through the conveyance of this Amendment, subject to the terms and conditions contained herein.

#### TERMS AND CONDITIONS

NOW THEREFORE, in consideration of the foregoing premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor grants this Amendment subject to the following terms and conditions:

1. The recitals set forth above are hereby incorporated herein by reference.
2. All initial capitalized terms not defined in this Amendment shall have the meaning ascribed to them in the Grant of Easement.
3. Exhibits "A" and "B," attached to and made a part of the Grant of Easement, which incorporate into the Grant of Easement a description of the Sign Location Easement, Access Easement and Maintenance, Utility and Visibility Easement are hereby RELEASED in their entirety and replaced with, and supplanted by Exhibit "A," which is attached to and made a part of this Amendment.
4. Except as modified by this Amendment, all other terms, covenants and conditions contained in the Grant of Easement remain unchanged, are hereby ratified and affirmed and incorporated into and made a part of this Amendment.



5. In accordance with Indiana Code 32-23-2-5, Grantor acquired title to the real estate subject to the Perpetual Easement in the Grant of Easement, which is described in the attached Exhibit "A," by a Corporate Warranty Deed, executed on February 17, 2019, and recorded on February 20, 2019 as Instrument No. 2019002178 in the Office of the Recorder of Monroe County, Indiana.

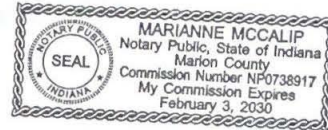
6. This Amendment shall run with the land, and its terms and conditions shall be binding upon and shall inure to the benefit of the successors, assigns and legal representatives of Grantor and Grantee.

The undersigned person executing this Amendment on behalf of the Grantor represents and certifies that he/she has been fully empowered to execute and deliver this Amendment, that Grantor has full capacity to enter into this Amendment and that all necessary action for the execution of this Amendment has been taken and done.

IN WITNESS WHEREOF, this Amendment to Grant of Easement is executed on the day and year first written above.

[Signature Page to Follow.]

GRANTOR:  
DW PROPERTIES, LLC  
By: Derek Wells  
Printed: Derek Wells  
Title: Owner



STATE OF INDIANA )  
COUNTY OF \_\_\_\_\_ ) SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared DEREK WELLS (name), OWNER (title) of DW Properties, LLC, who acknowledged the execution of the foregoing Amendment to Grant of Easement to be his/her voluntary act and deed.

Witness my hand and Notarial Seal this 1 day of February 2023

MARION

County of Residence

2/3/2030

My Commission Expires

Marianne McCalip

Signature

MARIANNE MCCALIP

Printed Name

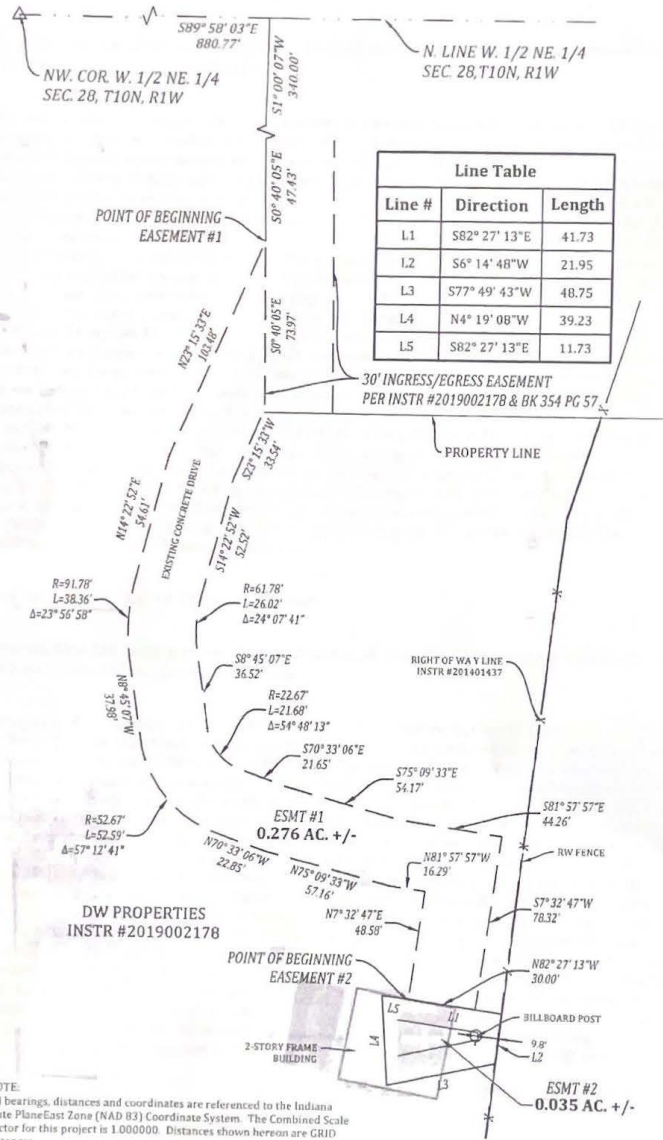
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. Yasmin L. Stump

**This Instrument prepared by:** Yasmin L. Stump, Attorney at Law, Yasmin L. Stump Law Group, PC, 11495 N. Pennsylvania Street, Suite 101, Carmel, IN 46032.

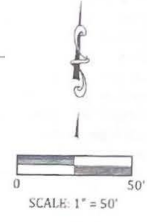
Legal Description prepared by: Bryson Raney, Banning Engineering, Inc.

Return Original to: Lamar Advertising, 5711 West Minnesota Street, Indianapolis, IN 46241, Attn: Real Estate Department.

**EXHIBIT "A"**



Line #	Direction	Length
L1	S82° 27' 13" E	41.73
L2	S6° 14' 48" W	21.95
L3	S77° 49' 43" W	48.75
L4	N4° 19' 08" W	39.23
L5	S82° 27' 13" E	11.73



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 11/10/2023 11:11 AM

JOB # 22128  
 DATE: 11/09/22  
 DRAFTED: BR  
 CHECKED: DM

EASEMENT EXHIBIT  
 PREPARED FOR: LAMAR ADVERTISING COMPANY  
 PART OF SEC. 28, T10N, R1W  
 MONROE COUNTY, INDIANA

This drawing is not intended to be  
 represented as a replacement of original  
 boundary survey, a route survey or a  
 surveyor location report.



# EXHIBIT "A"

## EASEMENT #1-0.276 Acre +/- Permanent Easement

Part of the West Half of the Northeast Quarter of Section 28, Township 10 North, Range 1 West of the Second Principal Meridian in Monroe County, Indiana, described as follows:

Commencing at the northwest corner of the west half of said northeast quarter; thence South 89 degrees 58 minutes 03 seconds East along the north line of said northeast quarter 880.77 feet to the northwest corner of the land of Bakehouse LLC recorded in Instrument Number 2005022890 in the Office of the Recorder of Monroe County (the following two (2) calls follow along the west line of said land of Bakehouse LLC); 1) thence South 01 degree 00 minutes 07 seconds West 340.00 feet; 2) thence South 00 degrees 40 minutes 05 seconds East 47.43 feet to the POINT OF BEGINNING; thence continue South 00 degrees 40 minutes 05 seconds East along said west line 73.97 feet; thence South 23 degrees 15 minutes 33 seconds West 33.54 feet; thence South 14 degrees 22 minutes 52 seconds West 52.52 feet to the beginning of a non-tangent curve to the left having a radius of 61.78 feet and a central angle of 24 degrees 07 minutes 41 seconds the radius point of which bears South 74 degrees 37 minutes 26 seconds East; thence southeasterly along the arc of said curve 26.02 feet to a point which bears South 81 degrees 14 minutes 53 seconds West from said radius point; thence South 08 degrees 45 minutes 07 seconds East 36.52 feet to the beginning of a non-tangent curve to the left having a radius of 22.67 feet and a central angle of 54 degrees 48 minutes 13 seconds the radius point of which bears North 74 degrees 15 minutes 06 seconds East; thence southeasterly along the arc of said curve 21.68 feet to a point which bears South 19 degrees 26 minutes 54 seconds West from said radius point; thence South 70 degrees 33 minutes 06 seconds East 21.65 feet; thence South 75 degrees 09 minutes 33 seconds East 54.17 feet; thence South 81 degrees 57 minutes 57 seconds East 44.26 feet; thence South 07 degrees 32 minutes 47 seconds West 78.32 feet; thence North 82 degrees 27 minutes 13 seconds West 30.00 feet; thence North 07 degrees 32 minutes 47 seconds East 48.58 feet; thence North 81 degrees 57 minutes 57 seconds West 16.29 feet; thence North 75 degrees 09 minutes 33 seconds West 57.16 feet; thence North 70 degrees 33 minutes 06 seconds West 22.85 feet to the beginning of a tangent curve to the right having a radius of 52.67 feet and a central angle of 57 degrees 12 minutes 41 seconds; thence northwesterly along the arc of said curve 52.59 feet; thence North 08 degrees 45 minutes 07 seconds West 37.98 feet to the beginning of a tangent curve to the right having a radius of 91.78 feet and a central angle of 23 degrees 56 minutes 58 seconds; thence northwesterly along the arc of said curve 38.36 feet; thence North 14 degrees 22 minutes 52 seconds East 54.61 feet; thence North 23 degrees 15 minutes 33 seconds East 103.48 feet to the POINT OF BEGINNING, containing 0.276 acres, more or less.

## EASEMENT #2-0.035 Acre +/- Permanent Easement

Part of the West Half of the Northeast Quarter of Section 28, Township 10 North, Range 1 West of the Second Principal Meridian in Monroe County, Indiana, described as follows:

Commencing at the northwest corner of the west half of said northeast quarter; thence South 89 degrees 58 minutes 03 seconds East along the north line of said northeast quarter 880.77 feet to the northwest corner of the land of Bakehouse LLC recorded in Instrument Number 2005022890 in the Office of the Recorder of Monroe County (the following two (2) calls follow along the west line of said land of Bakehouse LLC); 1) thence South 01 degree 00 minutes 07 seconds West 340.00 feet; 2) thence South 00 degrees 40 minutes 05 seconds East 47.43 feet; thence South 23 degrees 15 minutes 33 seconds West 103.48 feet; thence South 14 degrees 22 minutes 52 seconds West 54.61 feet to the beginning of a non-tangent curve to the left having a radius of 91.78 feet and a central angle of 23 degrees 56 minutes 58 seconds the radius point of which bears South 74 degrees 48 minutes 09 seconds East; thence southeasterly along the arc of said curve 38.36 feet to a point which bears South 81 degrees 14 minutes 53 seconds West from said radius point; thence South 08 degrees 45 minutes 07 seconds East 37.98 feet to the beginning of a non-tangent curve to the left having a radius of 52.67 feet and a central angle of 57 degrees 12 minutes 41 seconds the radius point of which bears North 76 degrees 39 minutes 35 seconds East; thence southeasterly along the arc of said curve 52.59 feet to a point which bears South 19 degrees 26 minutes 54 seconds West from said radius point; thence South 70 degrees 33 minutes 06 seconds East 22.85 feet; thence South 75 degrees 09 minutes 33 seconds East 57.16 feet; thence South 81 degrees 57 minutes 57 seconds East 16.29 feet; thence South 07 degrees 32 minutes 47 seconds West 48.58 feet to the POINT OF BEGINNING; thence South 82 degrees 27 minutes 13 seconds East 41.73 feet to the right of way line of Interstate 69 as recorded in Instrument Number 20140137 in the Office of the Recorder of Monroe County; thence South 06 degrees 14 minutes 48 seconds West 21.95 feet; thence South 77 degrees 49 minutes 43 seconds West 48.75 feet; thence North 04 degrees 19 minutes 08 seconds West 39.23 feet; thence South 82 degrees 27 minutes 13 seconds East 11.73 feet to the POINT OF BEGINNING, containing 0.035 acres, more or less.

P:\02\FULLTIME\Survey\1805\2278\monrowest.dwg

11/18/2022 10:21 AM

JOB # 22128  
DATE: 11/09/22  
DRAFTED: ER  
CHECKED: DM

EASEMENT EXHIBIT  
PREPARED FOR: LAMAR ADVERTISING COMPANY  
PART OF SEC. 28, T10N, R1W  
MONROE COUNTY, INDIANA

E-MAIL: [www@banningengineering.com](mailto:www@banningengineering.com) WEB: [www.banningengineering.com](http://www.banningengineering.com)

This drawing is not intended to be represented as a net document or original boundary survey or a route survey or a surveyor location report

PAGE 2 OF 2

Monroe County Recorder IN  
Recorded as Presented

GRANT OF EASEMENT

\* UNITED STATES OF AMERICA

\*  
\*

BY: SOFT LIGHT OF  
BLOOMINGTON

\* STATE OF INDIANA

TO: TLC PROPERTIES, INC.

\* COUNTY OF MONROE

\*\*\*\*\*

This Grant of Easement ("Agreement") is made this 11<sup>th</sup> day of September, 2008, by and between \_\_\_\_\_, SOFT LIGHT OF BLOOMINGTON, whose address is 945 W. Simpson Chapel Rd, Bloomington, IN 47401 ("Grantor"), and TLC PROPERTIES, INC., a Louisiana Corporation, whose address is 5551 Corporate Boulevard, Baton Rouge, LA 70808 (TIN: 72-0640751) ("Grantee").

The Grantor, its successors and assigns, do hereby grant, sell and convey unto Grantee, its successors and assigns, a perpetual easement for the location and construction of the outdoor advertising structure or structures (the "Sign Location Easement"), which Sign Location Easement is described on Exhibit "A", together with an ingress/egress easement ("The Access Easement") described on Exhibit B, and, a maintenance, utility, and visibility easement (the "Maintenance, Utility, and Visibility Easement"), and all necessary or desirable appurtenances on, over and upon the following described real property (collectively, the Sign Location Easement and the Maintenance, Utility, Access and Visibility Easement are referred to herein as the "Easements"), the property subject to the foregoing Easements is described on Exhibit "C" (the "Property").

The Grantor, its successors and assigns shall retain the right to use the "Sign location Easement" along with "Access Easement" so long as those activities of use do not interfere with the use or maintenance of the easements by the Grantee or interferes with the visibility to Grantees sign from the adjoining highway or interstate.

For and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt and sufficiency of which is hereby acknowledged, Grantor herein grants perpetual Easements subject to the following terms and conditions:

Easements shall consist of perpetual servitudes of use that run with the land and shall include the right to service, maintain, improve, modify the sign to have as many advertising faces, including changeable copy faces or electronic faces, as are allowed by local and state law or replace any outdoor advertising structure on the Property described. The specific location of the sign shall be limited to the Sign Location Easement area described in Exhibit "A". This right shall include but not be limited to a right of ingress and egress, a right to install, repair, replace and maintain underground and/or above ground electrical service, a right to maintain

telecommunication devices as it relates to the advertising structure only and a right of view, prohibiting vegetation or improvements on the Property described herein that would obstruct the view of advertising structure from the adjoining highway. Grantor agrees that Grantee may trim any or all trees and vegetation in, on or about the Easements as often as Grantee deems necessary to prevent obstruction or to improve the appearance of the structure. Grantee, its successors and assigns hereby specifically hold Grantor, its successors and assigns, free and harmless from any damages or injuries to any person or property caused by Grantee's construction or maintenance activities on the Property described.

Grantor warrants that it is the sole record owner of the immovable Property over which these Easements are created, that such Property is not subject to any mortgages or liens, except those as disclosed in the title commitment dated June 12, 2008 issued by Best Title Company, LLC, that such Property is not encumbered by any restrictions, easements, covenants, leases or other rights that are in any way conflicting with or inconsistent with the conveyance herein made, and that Grantor has the right and authority to execute these Easements and to grant, sell and convey the real rights set forth herein to Grantee.

In the event of condemnation of the subject premises or any part thereof by proper authorities, or relocation of the highway, the Grantor grants to the Grantee the right to relocate its sign on Grantor's remaining Property adjoining the condemned property or the relocated highway. Any condemnation award for Grantee's property shall accrue to Grantee.

If, for some reason, Grantor, its successors and assigns, need to relocate the advertising structure herein described, with the agreement of the local Authorities, to another location that is agreeable to Grantee within this same property, Grantee would move the aforementioned structure at a reasonable cost to be paid by Grantor. The new location will be subject to the same easement and ingress and egress mentioned in this document.

The terms and provisions of this Agreement shall be binding upon and shall inure to the benefit of the heirs, successors, assigns, and legal representatives of Grantor and Grantee.

WITNESS this 11<sup>th</sup> day of September, 2008.

WITNESSES:

GRANTOR:

SOFT LIGHT OF BLOOMINGTON, INC

WITNESS:  
Daniel C Stewart

By: Raymond Saidah  
RAYMOND SAIDAH, President

STATE OF INDIANA

COUNTY OF MONROE

On this, the 11<sup>th</sup> day of September, 2008

Before me, DANIEL C. STEWART  
(Printed name of Officer/Notary Public)

the undersigned a/an NOTARY PUBLIC, personally appeared  
(Notary Public/Officer)

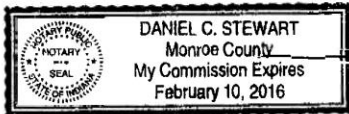
SOFT LIGHT OF BLOOMINGTON, INC. by Raymond Saidah, President  
(Individual name(s) that appeared before Notary/Officer)

known (or satisfactorily proven) to me to be the person(s) whose name(s)

is subscribed to the within instrument and acknowledged to me  
(is/are)

that he executed the same for the purposes therein contained.  
(he/she/they)

IN WITNESS WHEREOF, I hereunto set my hand and official seal



Daniel C. Stewart  
(Signature of Officer/Notary Public)



This Instrument Prepared By:  
James R. McIlwain  
5551 Corporate Blvd  
Baton Rouge, LA 70808  
STATE OF LOUISIANA

I affirm under penalties of perjury, that I have  
taken reasonable care to redact each social  
security number in this document, unless  
required by law.

Daniel C. Stewart

Name

**EXHIBIT "A"**

**Sign Location Easement**

Smith Neubecker & Associates, Inc.



Sign easement

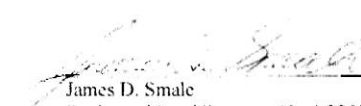
A part of the West half of the Northeast quarter of Section 28, Township 10 North range 1 West, Monroe County, Indiana, described as follows: Commencing at the Northwest corner of the said West half of the Northeast quarter; thence East on the North line there of 880.77 feet; thence South 00 degrees 45 minutes 38 seconds East 340.40 feet; thence South 00 degrees 09 minutes 05 seconds West 122.53 feet the Northwest corner of the owners property ( per Deed Book 322, Page 514); thence along the West property line, South 00 degrees 09 minutes 05 seconds West 127.64 feet; thence leaving said West line, South 89 degrees 50 minutes 55 seconds East 66.65 feet; thence South 00 degrees 00 minutes 00 seconds West 30.00 feet to the real Point of Beginning; thence North 90 degrees 00 minutes 00 seconds East 80.00 feet; thence South 00 degrees 00 minutes 00 seconds East 80.00 feet; thence North 90 degrees 00 minutes 00 seconds West 80.00 feet; thence North 00 degrees 00 minutes 00 seconds East 80.00 feet to the Point of Beginning, containing 6,400 Sq. Feet, more or less

This description was prepared in the office without benefit of field survey or examination of adjoining deeds. This certification does not take into consideration additional facts that an accurate and correct title search and/or examination or field survey might disclose.

Evidence of easements have not been located in the field and are not shown on this survey drawing.

Subject to the above reservation, the survey work shown hereon was performed either by me or under my direct supervision and control and to the best of my knowledge and belief was performed according to the survey requirements in 865 IAC 1-12-1 through 19.

Certified this 15 day of July 2008.

  
James D. Smale  
Registered Land Surveyor No. 1S29500020  
State of Indiana



**EXHIBIT "B"**

**The Access Easement**

Smith Neubecker & Associates, Inc.



30' Ingress/Egress Easement

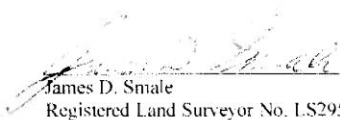
A part of the West half of the Northeast quarter of Section 28, Township 10 North range 1 West, Monroe County, Indiana, described as follows: Commencing at the Northwest corner of the said West half of the Northeast quarter; thence East on the North line there of 880.77 feet; thence South 00 degrees 45 minutes 38 seconds East 340.40 feet thence: South 00 degrees 09 minutes 05 seconds West 122.53 feet and to the Northwest corner of the owners property (per Deed Book 322, Page 514) and the real Point of Beginning; thence along the North line of the property, North 90 degrees 00 minutes 00 seconds East 30.00 feet; thence leaving said North line; South 00 degrees 09 minutes 05 seconds West 97.64 feet; thence North 89 degrees 50 minutes 55 seconds East 66.57 feet; thence South 00 degrees 00 minutes 00 seconds East 58.11 feet; thence North 90 degrees 00 minutes 00 seconds West 30.00 feet; thence North 00 degrees 00 minutes 00 seconds West 28.19 feet; thence North 89 degrees 50 minutes 55 seconds West 66.65 feet to the West line of the property; thence along said West line North 00 degrees 09 minutes 05 seconds East 127.64 to the Point of Beginning, containing 6670.73 Sq. Feet, more or less.

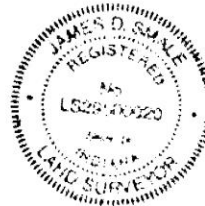
This description was prepared in the office without benefit of field survey or examination of adjoining deeds. This certification does not take into consideration additional facts that an accurate and correct title search and/or examination or field survey might disclose.

Evidence of easements have not been located in the field and are not shown on this survey drawing.

Subject to the above reservation, the survey work shown hereon was performed either by me or under my direct supervision and control and to the best of my knowledge and belief was performed according to the survey requirements in 865 IAC 1-12-1 through 19,

Certified this 12 day of July 2008.

  
James D. Smale  
Registered Land Surveyor No. LS29500020  
State of Indiana



**EXHIBIT "C"**

**The Property**

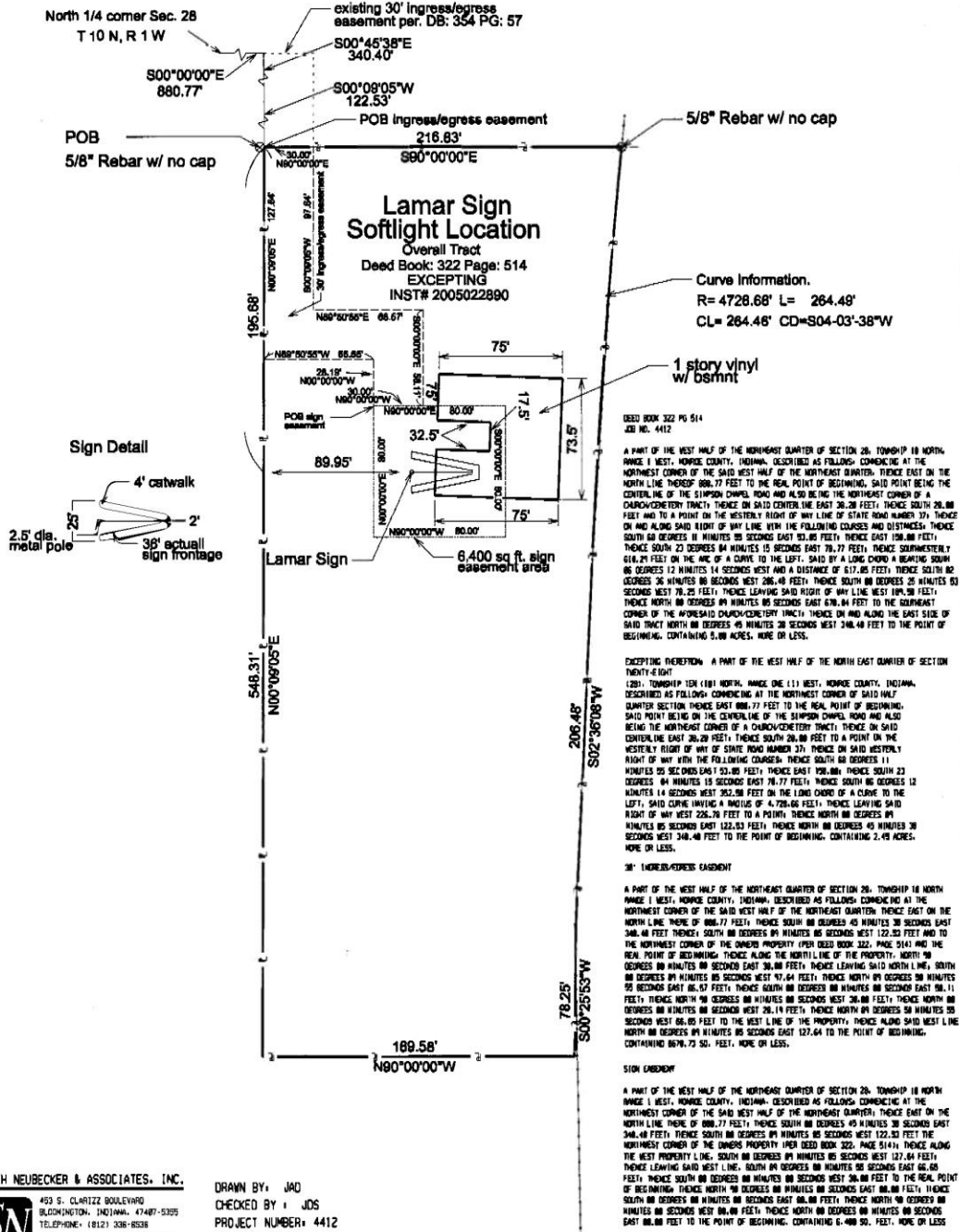
A part of the West half of the Northeast quarter of Section 28, Township 10 North, Range 1 West, Monroe County, Indiana described as follows:  
Commencing at the Northwest corner of said West half of the Northeast quarter, thence East on the North line thereof 880.77 feet to the real point of beginning, said point being on the centerline of Simpson Chapel Road and also being on the Northeast corner of a Church/Cemetery tract; thence on said centerline East 38.20 feet; thence South 20.00 feet to a point on the Westerly right-of-way line of State Road number 37; thence on and along said right-of-way line with the following courses and distances: thence South 68 degrees 11 minutes 55 seconds East 53.85 feet; thence East 150.00 feet; thence South 23 degrees 04 minutes 15 seconds East 78.77 feet; thence Southwesterly 618.29 feet on the arc of a curve to the left, said curve having a radius of 4,728.66 feet and subtended by a long chord of bearing of South 06 degrees 12 minutes 14 seconds West and a distance of 617.85 feet; thence South 02 degrees 36 minutes 08 seconds West 206.48 feet;; thence South 00 degrees 25 minutes 53 seconds West 78.25 feet; thence leaving said right-of-way line West 189.58 feet; thence North 00 degrees 09 minutes 05 seconds East 670.84 feet to the Southeast corner of the aforesaid Church/Cemetery tract; thence on and along the East side of said tract North 00 degrees 45 minutes 38 seconds West 340.00 feet to the point of beginning, containing 5.00 acres, more or less.  
**EXCEPTING THEREFROM THE FOLLOWING DESCRIBED REAL ESTATE TO WIT:** A part of the West half of the Northeast quarter of Section 28, Township 10 North, Range 1 West, Monroe County, Indiana, described as follows: Commencing at the Northwest corner of said West half of the Northeast quarter, thence East on the North line thereof 880.77 feet to the real point of beginning, said point being on the centerline of the Simpson Chapel Road and also being the Northeast corner of a Church/Cemetery tract; thence on said centerline East 38.20 feet; thence South 20.00 feet to a point on the Westerly right-of-way line of State Road number 37; thence on and along said right-of-way line with the following courses and distances: thence South 68 degrees 11 minutes 55 seconds East 53.85 feet; thence East 150.00 feet; thence south 23 degrees 04 minutes 15 seconds East 78.77 feet; thence South 06 degrees 12 minutes 14 seconds West 352.50 feet on the long chord of a curve to the left, said curve having a radius of 4,728.66 feet; thence leaving said right-of-way West 226.78 feet to a point; thence North 00 degrees 09 minutes 05 seconds East 122.53 feet; thence North 00 degrees 45 minutes 38 seconds West 340.40 feet to the point of beginning, containing 2.45 acres, more or less.

REFERENCE: DEED RECORD 322 page 514

LAMAR SIGN LOCATION EXHIBIT  
 SOFTLIGHT SITE, 945 W. SIMPSON CHAPEL ROAD  
 PART OF THE WEST HALF OF THE NE/4 OF SEC. 28,  
 TOWNSHIP 10 NORTH, RANGE 1 WEST, MONROE COUNTY, INDIANA



\* NOTE \*  
 SHOWN BOUNDARIES ARE BASED ON DEED PLOTS  
 AND FOUND MONUMENTS OR CONTROLLING CALLS AND  
 SHOULD NOT BE CONSIDERED A BOUNDARY SURVEY.



SMITH NEUBECKER & ASSOCIATES, INC.  
 453 S. CLARITZ BOULEVARD  
 BLOOMINGTON, INDIANA 47407-5305  
 TELEPHONE: (812) 336-8538  
 FAX: (812) 336-8513  
 WWW.SNAINC.COM

DRAWN BY: JAO  
 CHECKED BY: JDS  
 PROJECT NUMBER: 4412  
 DATE: 5/22/08

Whiteco Metrocom  
501 Simpson Chapel Rd.

Aug. 21, 1987  
Bloomington, In.

# MONROE

Washington Twp-Sec. 28  
Zoned: Limited Bus.

Permit # 5860-87

Erection of Billboard  
756 sq. ft.

LOCATION: SR 37 North

MILES: 0.4 FEET:  
NORTH: SOUTH: X EAST: WEST:

OF NEAREST ROAD: Simpson Chapel Rd.

NUMBER OF SIDES: 2 SIDES FACE: N & S

LIGHTING: Yes TYPE: LGT DIRECTION: Up

HEIGHT: WIDTH: DEPTH:

OWNER: Whiteco PHONE:

ZONE: AG PERMIT NO: DATE:

CURRENT ADV:

COMMENT: billboard is above the "Light Source" store

COMMENTS:

Picture as of: 2/28/92



---

**From:** Anne Crecelius  
**Sent:** Tuesday, May 23, 2023 9:08 AM  
**To:** 'Leighla Taylor' <leighla.taylor@fastsigns.com>  
**Cc:** Tammy Behrman <tbehrman@co.monroe.in.us>  
**Subject:** RE: Wells Lawncare - 575 W Simpson Chapel Rd, Bloomington, IN 47404

Hi Leighla –

I spoke with our County Attorney and we actually determined that the billboard sign structure on the property counts towards the total allowed signage. I don't know how large the sign faces on the structure are but I'm guessing it's using the majority if not all of the allotted 555 sq. ft.

Additionally, we discussed the existing sign on W Simpson Chapel Rd – The sign structure is considered pre-existing non-conforming and can be maintained and repaired. Total replacement most likely wouldn't be permitted. The circular faces can be updated.

Best,

**Anne Crecelius**

Planner II - Monroe County Planning Department  
501 N. Morton St., Suite 224  
Bloomington, IN 47404  
[acrecelius@co.monroe.in.us](mailto:acrecelius@co.monroe.in.us)  
Phone: (812) 349-2560



## MONROE COUNTY BOARD OF ZONING APPEALS

**Public Meeting Date: November 1, 2023**

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-23-40	Rear Yard Setback to Ch. 833	Approval

812-6 Standards for Design Standards Variance Approval: In order to approve an application for a design standards variance, the Board must find favorable findings for all three (3) criteria, A, B, and C, listed after the agenda within the BZA packet.

***Recommended Motion Conditions or Reasoning:***

Staff recommends approval of the variance based on the fact that the request satisfies the criteria under Ch 812-6, including,

- That the existing deck is not injurious to public health, safety, and general welfare. Further the removal of the deck would cause greater disturbance of the area. The deck is **not** located in an ECO area, nor is there evidence of sinkholes.
- The preservation of the existing deck would not affect the use and value of the area adjacent to the property. Further, no remonstrance has been received to date regarding the deck by neighbors.
- This variance is the minimum necessary for the property owner to proceed with a compliant addition to the single family residence.

<b>Variance Type:</b>	<input checked="" type="checkbox"/> Design <input type="checkbox"/> Use <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial	<b>Planner:</b> Anne Crecelius
-----------------------	--	--------------------------------

<b>PETITIONER OWNER</b>	Heard, Barry W I & Gretchen	
<b>ADDRESS</b>	511 S Village DR, parcel #53-09-01-213-016.000-015	
<b>TOWNSHIP + SECTION</b>	Van Buren, 1	
<b>PLATS</b>	<input type="checkbox"/> Unplatted <input checked="" type="checkbox"/> Platted: Highland Village 5 <sup>th</sup> Addition (1962), Lot 203	
<b>ACREAGE +/-</b>	8	
	<b>PETITION SITE</b>	<b>ADJACENT</b>
<b>ZONING</b>	RS3.5	RS3.5
<b>COMP PLAN</b>	MCUA Suburban Residential	MCUA Suburban Residential, MCUA Mixed Use
<b>USE</b>	Residential	Residential

**SUMMARY**

The petitioner is requesting one (1) residential design standard variance from Chapter 833 of the Monroe County Zoning Ordinance from the Rear Yard Setback standard. Chapter 833 zoning district Single Family Residential 3.5 (RS3.5) requires a 25’ rear yard setback for structures – a 6’ encroachment is permitted for “balconies, steps, decks, patios, and uncovered open porches”. The final setback for a deck structure is 19’ from the rear property boundary. The property is platted and contains 6’ of a platted drainage easement at the rear property boundary.

The petitioner applied for a residential building permit/Improvement Location Permit (ILP) in 2017 for an addition to the residence (permit 619743/17-R1-178). At that time, it was discovered the petitioner had built an elevated back deck without an Improvement Location Permit. The notes from the Zoning Inspector at that time states that the deck was under 30” in height, which wouldn’t require a permit from



the Building Department. The deck structure would still require an ILP from Planning, meaning the structure was still required to meet all setbacks. From the Zoning Inspectors review notes, the deck was then included with the review of permit 619743 & 17-R1-178. The site plan provided shows the deck encroaching approximately 13' into the required 19' setback. An ILP review was completed in September 2017 for the addition and the deck despite the deck encroachment. The petitioner paid for and picked up residential building permit #20180177B and ILP on March 8, 2018.

The building permit expired on March 8, 2019 and the ILP expired on March 8, 2020. No permit renewal was received, nor is there evidence that a renewal was required. A Building Dept. inspector completed three inspections of the room addition post permit expiration. The petitioner states that the inspector never communicated that the permit was expired, and the inspector left normal post-inspection notes ("OK to continue") with the petitioner. The petitioner continued working on the addition despite the permits expiring. The permit issuance date and expiration are located on the front of the building permit and ILP. In September of 2023 the petitioner contacted the Building Dept. for a final electrical inspection for the room addition. The Building Dept. informed him that their permit was expired and that a new application was required. Residential building permit R-23-1047 was applied for on October 2<sup>nd</sup>, 2023. The review of said permit then discovered that the deck is encroaching into the rear yard setback. At that time, there were concerns of encroachment into the platted drainage easement – those concerns have been addressed by the MS4 Coordinator. Due to the encroachment, Planning cannot issue a new ILP for the room addition until the deck either receives a variance, or the deck is removed to meet all required setbacks. The request is for a 6 foot rear setback instead of the required 19 foot rear setback. The home addition meets all requirements.

If the variance is approved, the elevated deck may remain in its existing location. If the variance is denied, the area of the deck that is located within the rear yard setback will be required to be removed.

#### **Chapter 814-1-D Permits and Certificates Revocation and Expiration of Permit**

- (1) An improvement location permit may be revoked if active work is not commenced within sixty (60) days after the date of its issuance, and continued with due diligence to completion. The Administrator shall judge whether due diligence is being shown.
- (2) If the work described in any improvement location permit has not been commenced within one hundred and eighty (180) days from the date of permit issuance, said permit shall expire.
- (3) If the work described in any permit has not been substantially completed within two years of the date of permit issuance, said permit shall expire.
- (4) Upon the revocation or expiration of an improvement location permit, no further work may be performed on the subject property until a new permit is obtained.

<b>EXHIBITS - Immediately following report</b>
--

1. Petitioner letter
2. Site Plan (colors added by staff for clarity)
3. Highland Village 5<sup>th</sup> Addition Plat 1962
4. Staff site visit photos
5. Improvement Location Permit 17-R1-178
6. Building permit 619743 & 17-R1-178 Zoning Inspector Notes version

10-10-23

To whom it may concern  
I am ask for A rear yard sit back  
And to Allow my Deck to stay were it  
is because I WAS ~~not approved~~ WAS  
Approve for permit from county to build  
my Deck where it is now


Greg Ford


Permit 2018-0177  
Jim Gerstbauer CEO  
Marion County

# Plot Plan

-  Petitioner
-  Sanitary Pipe
-  Storm Water
-  2-Foot Contours
- 15% Slope (County/ECO2)

<VALUE>

- 0 - 15
-  > 15

-  Parcels

**Critical Watersheds**

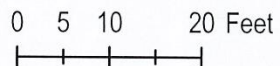
-  Sinking Creek

Property Address: 511 S Village DR  
Parcel #: 53-09-01-213-016.000-015

*SIDE - 0'  
REAR - 19' (ORIG 25')  
833 ALLOWS  
6' ENCRACH.  
FOR DECKS*

*DECK / FENCE  
6' FROM PROP.  
BOUNDARY*

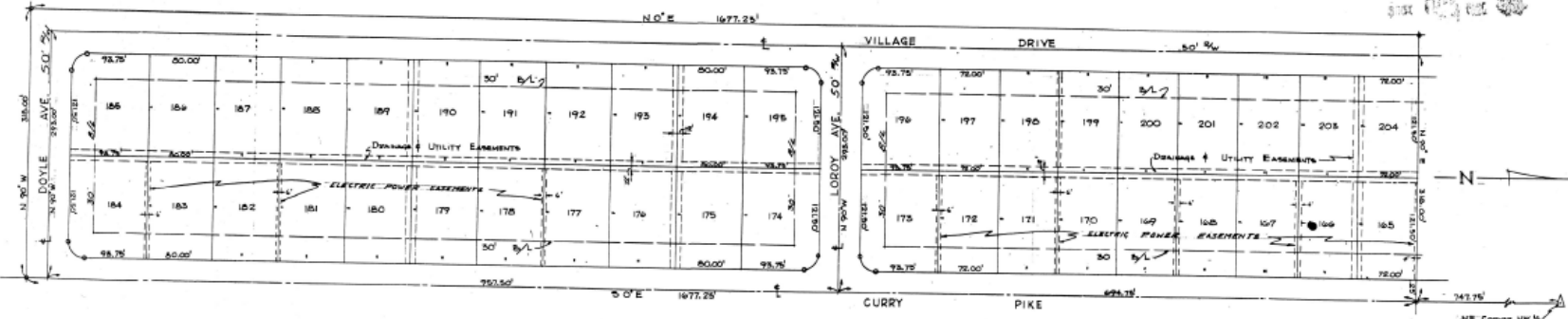
Use the scale bar below to draw the proposed structure on the map.



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 10/10/2023



HIGHLAND VILLAGE . FIFTH ADDITION . MONROE COUNTY, INDIANA .



**LEGAL DESCRIPTION**  
A part of the Northwest Quarter of Section 17, Township 8 North, Range 3 West, Monroe County, Indiana, being more particularly described as follows:  
Beginning at a point in the Center line of Curry Pike (Lot 156) of a certain plat of 36 lots, and 3 feet from the Southwest Corner of said Southwest Quarter (range 3 West) lot 156, and going West 100.00 feet to a point, thence N 89° 30' 00" East to the point of beginning, 100.00 feet to a point, thence S 89° 30' 00" West 100.00 feet to the point of beginning, and the whole contains 2.228 acres, more or less, and is subject to all legal rights and liens now in force.

**RESERVATIONS**  
As more fully provided by Chapter 17A of the Code of 1947 enacted by the General Assembly of the State of Indiana, and all laws amendatory thereto, this plot was given approval, by the county of Monroe as follows:  
[Signature]

I, [Signature], hereby certify that I am a Professional Engineer licensed in Indiana with the State of Indiana; that this plan correctly represents the land and every completed corner of subdivision; that all the monuments shown thereon are well shown; and that the location, size, type and material are satisfactory, shown.

[Signature]  
State of Indiana, Monroe County

In the absence of the President and Secretary, respectively, of First Highland Corporation, an Indiana Corporation, owners of this part, as shown and described above, do hereby certify that we have full title, and have not received any claim, do hereby certify that we have full title, and have not received any claim, do hereby certify that we have full title, and have not received any claim.

This subdivision shall be shown and developed as Highland Village, Fifth Addition.

There are herein shown on this plan and marked "Reservations" reserved for the use of drainage, public utilities, for the installation of water and sewer mains, telephone, electric lines and street, subject to all laws to the proper authorities and to the appropriate zoning laws. In government or other structures are to be erected on this subdivision and all structures of this subdivision shall be subject to the rights of the public utilities.

The sewer pipe or underground sewer shall be 18 inches (18") in diameter and shall be 18" deep, and shall be laid in the gutter, and shall be laid in the gutter, and shall be laid in the gutter, and shall be laid in the gutter.

No lot shall be used except for residential purposes. No building shall be erected, altered, placed or extended to remain on any lot other than one detached single-family dwelling on a lot not exceeding one acre, and a garage or porch, no mobile home or basement dwelling will be permitted in this subdivision.

No building shall be constructed, erected, or relocated to this subdivision unless it shall have a minimum fire-rated floor area of 500 square feet for a single story, a minimum floor area of 750 square feet exclusive of the lower of the lower levels on all other levels or 750 square feet on the first floor of a two-story house. There are no basements or porches shall not be located on a part of the sixteenth floor.

No residence shall be established or maintained in any manner within this subdivision except as to comply with finished meeting all the requirements of these restrictions.

No relative, livestock or poultry of any kind shall be raised, bred or kept on any lot except that dogs, cats, or other normally recognized household pets may be kept provided they are not kept, bred or maintained for any commercial purpose.

No material used in the construction of dwelling, attached auxiliary building or detached auxiliary building within the half the depth of the lot from the building setback line, or any wall or structure extending into the front of the lot or any other setback line, shall be visible from the street or from any public highway or from any other lot.

No trees shall be placed, cut out or removed within the street right-of-way.

No building, porch, garage, porch, shed, lean-to or other structure may be constructed, erected, or maintained closer to the front or side setback line than the building setback line shown on the plat nor closer to the side property line than 5 feet except that a structure type wholly within the rear quarter of the lot shall not require a side lot clearance.

Provision for installation and maintenance of utilities and drainage facilities are reserved as shown on this recorded plan. The location, width, building or structure shall be shown on the plat and shall not be altered or changed except as provided for by the Municipal Government, or utility, does not assume liability for replacement of trees through negligence, repair or installation operations.

No residential building shall be erected upon any of said lots unless it contains inside fireplaces. No building or structure are to be erected on any of said lots. All residential buildings shall have garbage disposal units.

The owner of each lot shall be liable for and hereby agrees and agrees to maintain his property, curb and lines and lines of any other, lawn, trees or any structure or growth or shall the lot be used for the open storage of any other material, such as lumber, stone, or other material shall not be kept on a lot or any other lot.

Ownership of all lots in this addition will be by lot owners with reference to the plat. This to each lot shall be subject to the restrictions set forth herein.

There shall be no subdivision of any lot or lots nor any sale thereof in parcels except portions of these subdivisions and subdivisions. All subdivisions shall be owned by the parent lot and used as a single building site shall be considered one lot.

Restrictive covenants are established as shown on the recorded plat. Fencing, fences or walls shall be maintained throughout the entire lot from the street to the back of the lot or any other side thereof in form as effective screen for the lot or wall or structure within the building or structure within a screen, fence or wall or structure or drainage facilities shall be placed or permitted to remain in place on the lot and be maintained in accordance with the provisions of this subdivision for the purpose of installation and maintenance of sewerage, utilities and drainage facilities.

No outdoor fence, hedge or planting shall be erected or maintained beyond the building setback line on any lot.

Every dwelling shall have a 25-foot minimum paved drive from the street to the building setback line of garage, if one is constructed. Sidewalks shall have asphalt on these drives; cements may have a concrete.

The right to enforce these provisions by injunction, together with the right to assess the cost, in the process of law, of any structure or part thereof erected or maintained in violation thereof, is hereby dedicated to the public, and reserved to the heirs, assigns and assigns of the public, and reserved to the heirs, assigns and assigns of the public, and reserved to the heirs, assigns and assigns of the public, and reserved to the heirs, assigns and assigns of the public.

Witness our hands and seals this 22<sup>nd</sup> day of May, 1962.

[Signature]  
FIRST HIGHLAND CORPORATION  
By: [Signature]  
VICE PRESIDENT

STATE OF INDIANA )  
COUNTY OF MONROE ) ss:  
I, the undersigned, a Notary Public, do seal for said County and State, this day of May, 1962, personally appeared Roy T. Wilson and Bill Johnson, of the FIRST HIGHLAND CORPORATION, and Indiana Corporation, respectively, of 2222 West Monroe County, Indiana, and do hereby certify that they are the President and Secretary, respectively, of said corporation, and do hereby certify that they are the President and Secretary, respectively, of said corporation, and do hereby certify that they are the President and Secretary, respectively, of said corporation.

Witness my hand and official seal.

[Signature]  
Notary Public

By Commission expires May 4, 1964

- NOTES**
1. All front of Property lines as shown on this plan are 10 feet.
  2. All angles not shown are 90 degrees or multiples thereof.
  3. The symbol S is used for South, and the symbol N is used for North. Measurements will be in feet, and measurements will be in feet.
  4. All lot lines not specifically shown otherwise, terminate at the center of the lot.
  5. The intersection of street centerlines, boundary property lines, or any line with the other from 30 degree angles or multiple thereof unless shown thereon.
  6. Dimensions on other lots are to the lot lines extended as rounded corners.

Only intended for location of this lot  
day of June 1962

[Signature]  
Auditor Monroe County

RECORDED  
JUN 6 1962

[Signature]

SIECO, Inc.	
architects engineers	
COLUMBUS	INDIANAPOLIS
DATE	5/23
DRAWN	E.T.P.
CHECKED	E.T.P.
APPROVED	E.T.P.
SCALE	1"=50'
SHEET	1





**\*\*RESIDENTIAL IMPROVEMENT LOCATION PERMIT\*\***

**NOTE:** This Improvement Location Permit pertains only to the attached plans and the specific use proposed, exactly as submitted and reviewed. This permit does not constitute the issuance of any other required permit nor exempt the property from compliance with any other requirements. All site improvements shall be implemented in accordance with the site plans as approved before a Land Use Certificate and/or a Certificate of Occupancy can be issued.

**\*\* OWNER RESPONSIBLE FOR VERIFICATION OF PROPERTY LINES//**

**ONE RESIDENCE PER PARCEL\*\***

**Application #17-R1-178 Name: Gretchen and Barry Heard 812-606-5762**

**Type of Permit: SFR**

**Purpose of Permit-** Rear addition 13' x 20' (260 sq ft), and a wrap-around deck under 30" in height//Improvement Location Permit

<b>Project Address</b>	511 S. Village Dr. Bloomington, IN 47403
<b>Builder Address/Contact</b>	Self
<b>Township</b>	Van Buren
<b>Section</b>	01
<b>Subdivision</b>	Highland Village 5 <sup>th</sup> Addition
<b>Lot</b>	203
<b>Zoning / Floodplain</b>	RS 3.5
<b>ECO AREA</b>	<b>AREA</b>
<b>PROPERTY LINE Setbacks</b>	FRONT: 25' from the ROW (50' Centerline) SIDE: 8' plus 4' for each additional story REAR: 25' Maximum height principal structure: 40', maximum height accessory structure: 15'
<b>Parcel Number</b>	53-09-01-213-016.000-015

**Constraints/ Notes:**

**Construction site erosion control is a necessity for any project, job site, or work location where soil or natural vegetation has been disturbed, moved or cleared.**

Since these areas are most at risk, especially during spring rains, the Monroe County Planning Department is providing a quick list of best management practices to be mindful of while working on active construction sites:

- Installation and maintenance of a stable construction site access
- Daily clean-up of tracked sediment and sediment washed onto the road
- Prior to land disturbance activities install and maintain appropriate perimeter erosion and sediment control measures
- Stabilize the work site as soon as possible with seed and straw or the appropriate sediment control measures for the area

If storm water quality measures are not properly followed or maintained, the Department may pursue

enforcement actions, which may consist of one of or the following actions being taken:

- Zoning Ordinance Fines
- Stop Work Order
- Permit Revocation

If you have any questions, please contact the Monroe County Planning Department at 812-349-2560 or the Highway Department/Storm water Inspector at 812-349-2960

Any- outside lighting shall be shielded with appropriate light fixtures directing light down and away from adjacent properties in order that the illumination at the property line shall not exceed one (1) foot candle. Subject to Chapter 802 & 816 of the Monroe County Zoning Ordinance. See Page 2&3 regarding erosion control **\*\*RESIDENTIAL ONLY\*\***

<b>Applicants Bedroom Request:</b>	4
<b>Building Application#</b>	61943
<b>Reviewed By &amp; Date</b>	CG 9/14/2017

LAND USE CERTIFICATE: If your permit request falls into any of the following categories, a Certificate of Occupancy may be withheld until a Land Use Certificate has been issued by the Planning Department:

- Commercial or Industrial development
- Multi-family residential development
- Subdivision or Planned Unit Developments

The attached plans have been reviewed for compliance with applicable provisions of Chapters 800- 833 of the Monroe County Zoning Ordinance, of the Monroe County Code, and conformance with the terms of any approvals which have been granted under the authority of the Zoning Ordinance or the Subdivision Control Ordinance.

The plans comply:   x   As Submitted                    with modifications as follows

**Chapter 814-1-D Permits and Certificates Revocation and Expiration of Permit**

- (1) An improvement location permit may be revoked if active work is not commenced within sixty (60) days after the date of its issuance, and continued with due diligence to completion. The Administrator shall judge whether due diligence is being shown.
- (2) If the work described in any improvement location permit has not been commenced within one hundred and eighty (180) days from the date of permit issuance, said permit shall expire.
- (3) If the work described in any permit has not been substantially completed within two years of the date of permit issuance, said permit shall expire.
- (4) Upon the revocation or expiration of an improvement location permit, no further work may be performed on the subject property until a new permit is obtained.

**816-5 General Requirements for Individual Building Lots Within a Permitted Project**

(A) All storm water quality measures, including erosion and sediment control, necessary to comply with this Chapter must be implemented in accordance with the plan and sufficient to satisfy (B) of this Section;(B) Provisions for erosion and sediment control on individual building lots regulated under the original permit of a project site owner must include the following requirements:1. The individual lot operator, whether owning the property or acting as the agent of the property owner, shall be responsible for erosion and sediment control requirements associated with the activities on the individual lots;2. Installation and maintenance of a stable construction site access;3. Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance;4.Sediment discharge and tracking from each lot must be minimized throughout the land disturbing activities on the lot until permanent stabilization has been achieved;5. Clean-up of sediment that is either tracked or washed onto roads. Bulk clearing of sediment shall not include flushing the areas with water. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable statutes and rules;6. Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with a temporary or permanent surface stabilization, and 7.For individual residential lots, final stabilization meeting the criteria of this Chapter will be achieved when the individual lot operator completes final stabilization or has installed appropriate erosion and sediment control measures for an individual lot prior to occupation of the home by the homeowner and has informed the homeowner of the requirement for, and benefits of, final stabilization.

Chapter 816-4-F-16 : Unvegetated areas that are scheduled or likely to be left inactive for fifteen (15) days or more must be temporarily or permanently stabilized with measures appropriate for the season to minimize erosion potential. Alternative measures to site stabilization are acceptable if the project site owner or their representative can demonstrate they have implemented erosion and sediment control measures adequate to prevent sediment discharge. Vegetated areas with density of less than seventy percent (70%) shall be reestablished using appropriate methods to minimize erosion potential;

**SILT FENCING FOR EROSION MEASURES**



17-R1-178 RS 35

RESIDENTIAL PERMIT APPLICATION "One & Two Family Residence"  
MONROE COUNTY BUILDING DEPARTMENT

501 N. Morton St RM 220-B, Bloomington, Indiana 47404  
Phone Number: (812) 349-2580 FAX: (812) 349-2967

1 of 2

61943

CO 09/14/17

9/12/17

APPLICATION MUST BE FILLED OUT COMPLETELY; PLEASE PRINT

Parcel No. 53-09-01-213-21600-015 Subdivision Highland Village Lot No. 203  
Project Address 511 S. Village Dr City Bloomington Zip Code 47403  
Township New Baren Township Section No. 1

Property Owners Name Gretchen BARRY W HEARD Phone No. 812-606-5762  
Property Owners Address 511 S. Village Dr City Bloomington Zip Code 47403

Applicants Name Gretchen & Barry W HEARD Phone No. 812-606-5762  
Applicants Address 511 S. Village Dr City Bloomington Zip Code 47403

General Contractor Self Phone No. 812-606-5762

Please check applicable boxes and fill in blanks as required:

Proposed Work:  New Construction  Addition  Remodel (area) \_\_\_\_\_ Other (explain) \_\_\_\_\_  
Rental:  Yes  No Flood Plain:  Yes  No Sink Holes:  Yes  No Watershed:  Yes  No  
Building use (i.e. personal residence, duplex, storage bldg., barn, garage, etc., (explain) \_\_\_\_\_

deck Improvement Location Permit

Total number of bedrooms \_\_\_\_\_ Number of residential units \_\_\_\_\_ Estimated construction cost (census) \_\_\_\_\_  
Total Square Footage of proposed structure 370  
First floor square footage \_\_\_\_\_ Garage/Carport square footage \_\_\_\_\_  Attached  Detached  
Second floor square footage \_\_\_\_\_ Covered Deck(s)/Porch(s) square footage \_\_\_\_\_  
Third floor square footage \_\_\_\_\_ Other Floor square footage (explain) \_\_\_\_\_  
Basement square footage \_\_\_\_\_ Grading area (area of soil disruption) \_\_\_\_\_  
Elevated deck (>30") square footage \_\_\_\_\_

Driveway Permit No. N/A  State of Indiana  Monroe County  City of Bloomington  
Wastewater system to be connected to:  City of Bloomington Sewer  Other sanitary system  
Septic System: Permit no. N/A Number of bedrooms on permit 1

The applicant hereby certifies and agrees as follows: (1) I am authorized to make application. (2) I have read this application and attest that the information furnished is correct, including that contained in plans. (3) If there is any misrepresentation in this application, or associated documents, Monroe County may revoke any permit or Certificate of Occupancy issued based upon this misinformation. (4) I agree to comply with all Monroe County Ordinances, permit conditions and State statutes which regulate building construction, use, occupancy and site development. (5) I grant and will request Monroe County Officials to enter onto the property listed on this application for the purpose of inspecting the work permitted by this application and posting notices. (6) I will retain the Certificate of Occupancy in my records upon completion of the project. NOTE: Plans shall mean all site and construction plans and specifications, whether furnished prior to or subsequent to the application date. All plans furnished subsequent to application date constitute an amendment to the original application and must be specifically approved by the County with an appropriate endorsement and the signature of the approving official prior to plan implementation. The Permit is not valid, and work is not permitted until signed and issued by the agent of the Monroe County Building Department.

Signature of Applicant: [Signature] Date: 9-6-17

Email address BARRY HEARD 1 @ Gmail. com

08/26/2016/Bldg/Reviews/Forms

When was deck added? Permit # 17-R1-178  
 No permit 1927

PERMIT NUMBER ISSUED 17-R1-178 Review By C. Griffin  
 Township Van Buren Section # 01 Parcel Number# 53-09-01-213-016.000-015

Date in Building Dept. 9/12/17 Planning Start Rev. Date 9/14/17 Completed on 9/14/17

Application # 61943 Property Owner Heard Yr 1999 Phone 812-606-5762

D Way PR2017 - Septic# or Connection Letter# LOB # of Bedrooms 3+1=14 Project add/bringing near deck

Is the driveway off a major subdivision Yes or No, if yes- does the dwy have safe access/egress (maj collector) deck addition into compliance

Address 511 Village Dr. Bl. 47403 Road Class local & ROW Dedication 50'

Corner Lot-Yes or No, Setbacks-Front 25' (from ROW (circle), Side 8' Extra Story + 4'  Rear 25'

Max Height Principal 40' Max Height Residential Accessory 25'

35% max B.C.  
13x20  
260

- B 1st 260 2nd Cov. P \_\_\_\_\_
- New, Add Remodel or Replacement
- RA \_\_\_\_\_ sq ft Att. Detach.
- Total Square Footage 2707 on app
- Grading Area Total \_\_\_\_\_
- Elevated Deck \_\_\_\_\_
- Solar Panel \_\_\_\_\_
- DADU MIN 5 ACRES
- ADU MIN 5 ACRES
- Petition Review "Fred" phone complaint
- POD Log dates 12/18/17
- Specific Conditions zoning (exceptions yes or no) district 22 lot size Acres 20' Build width \_\_\_\_\_
- Buffers/Eco/Conservancy area
- Property Report Card
- Recorded Plat Date \_\_\_\_\_
- Deed, Legal Description
- Guest House
- Combine Deed Language Chapter 804 Yes or No//INFORMATION NEEDED TO COMPLETE REVIEW: \_\_\_\_\_ Fringe exceptions- \_\_\_\_\_
- Property owner needs \_\_\_\_\_

- Lot size Acres 72x121 (8712)
- ECO Area YES NO 1 2 3
- Zoning Classification RS2.5
- FEMA Yes NO
- Historic Property
- Business Ind. Ov. 122
- M Home Yr. \_\_\_\_\_ Bedrms \_\_\_\_\_ Make \_\_\_\_\_
- Airport Noise Sen. tall str. \_\_\_\_\_
- Aerial Review \_\_\_\_\_
- Height of Structure \_\_\_\_\_
- Width/Depth \_\_\_\_\_
- Subdivision and Lot # 203 Highland Village 5th add
- 12%  15%  >15%
- Site Plan
- Yes  No Buildable 8712
- Ag Structure/Waiver Met Dev. St.

coverage  
20x13  
2607  
26%  
home  
20747

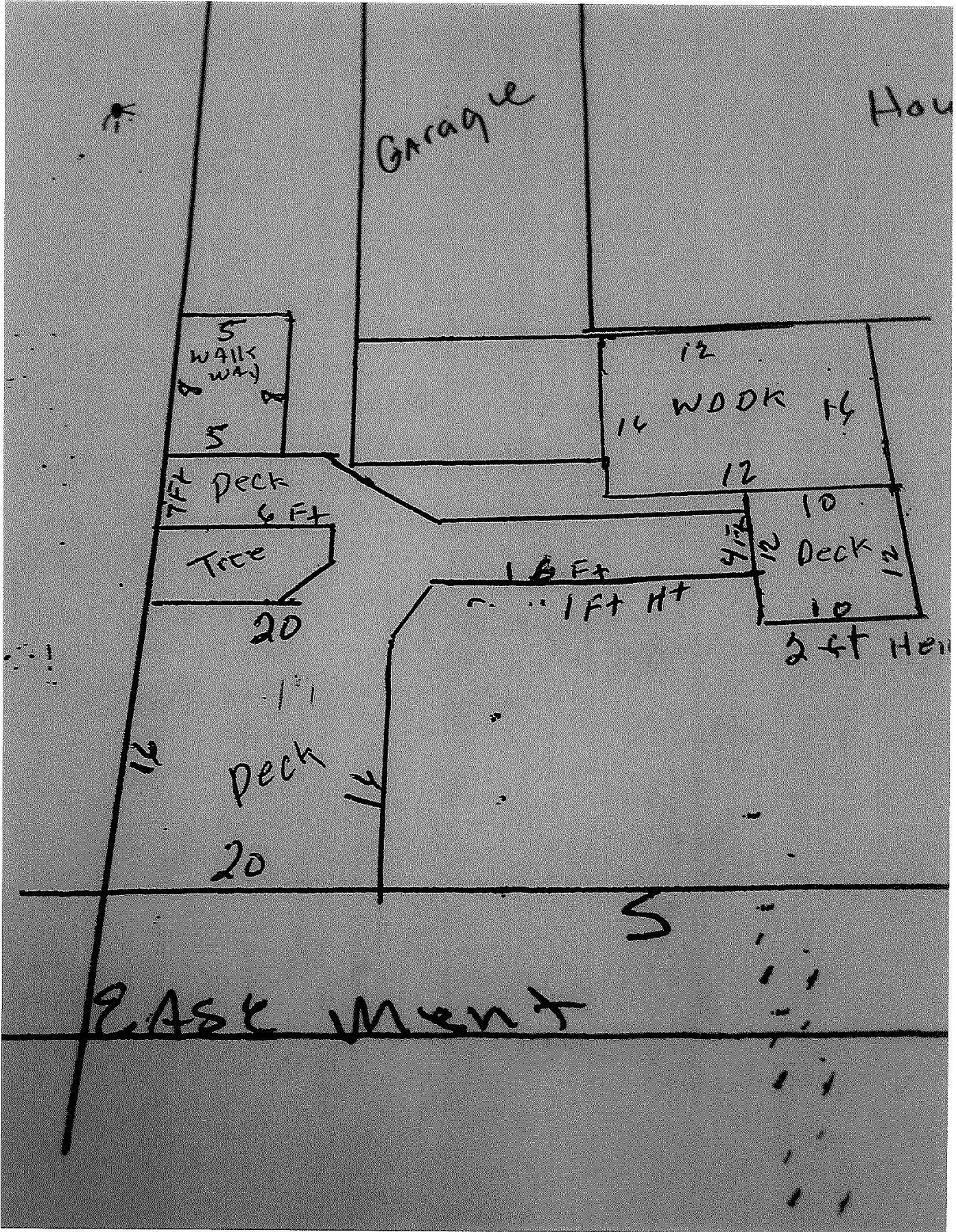
add size of deck to permit 1999



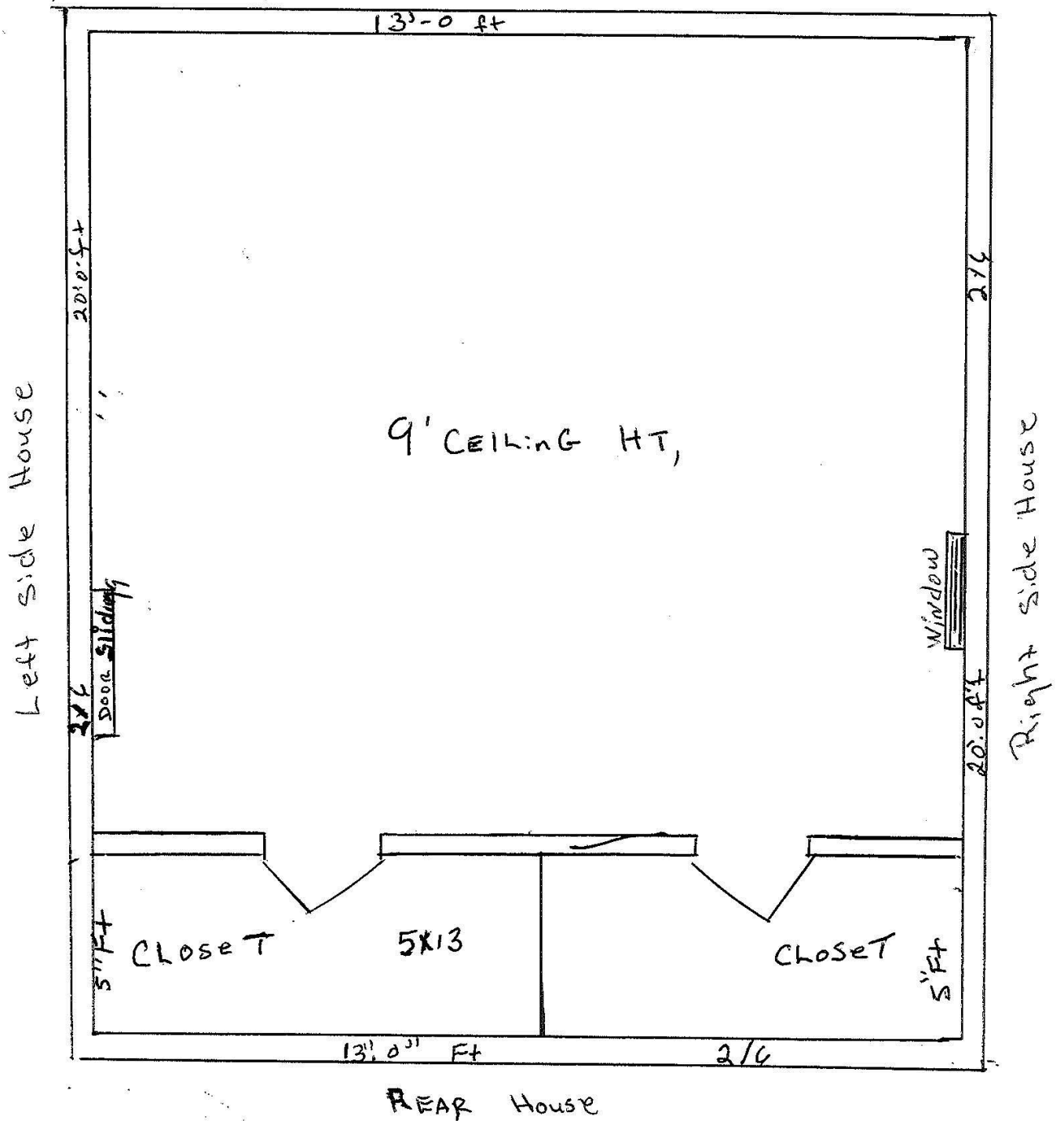
1603-ZOA03	Administrative Waiver/= to or >15% slope/Legal Pre-Existing Lots
N/A	Chapter 804-4 (E) Any building or structure constructed after (the passage of this ordinance) must be located within a buildable area. The following shall not be included in the buildable area: (July 22, 2016)
	Special Flood Hazard Area as specified in Chapter 808.
	Wetlands as specified in Chapter 801.
	Slopes 15% or greater as specified in Chapter 825 Area 2 Regulations.
	Sinkhole Conservancy Areas as specified in Chapter 829.
	Drainage Easements as specified in Chapter 856.
	Riparian Conservancy Areas as specified in Chapter 801.
	Rights-of-Way as specified in Chapter 801.
	Easements for access.

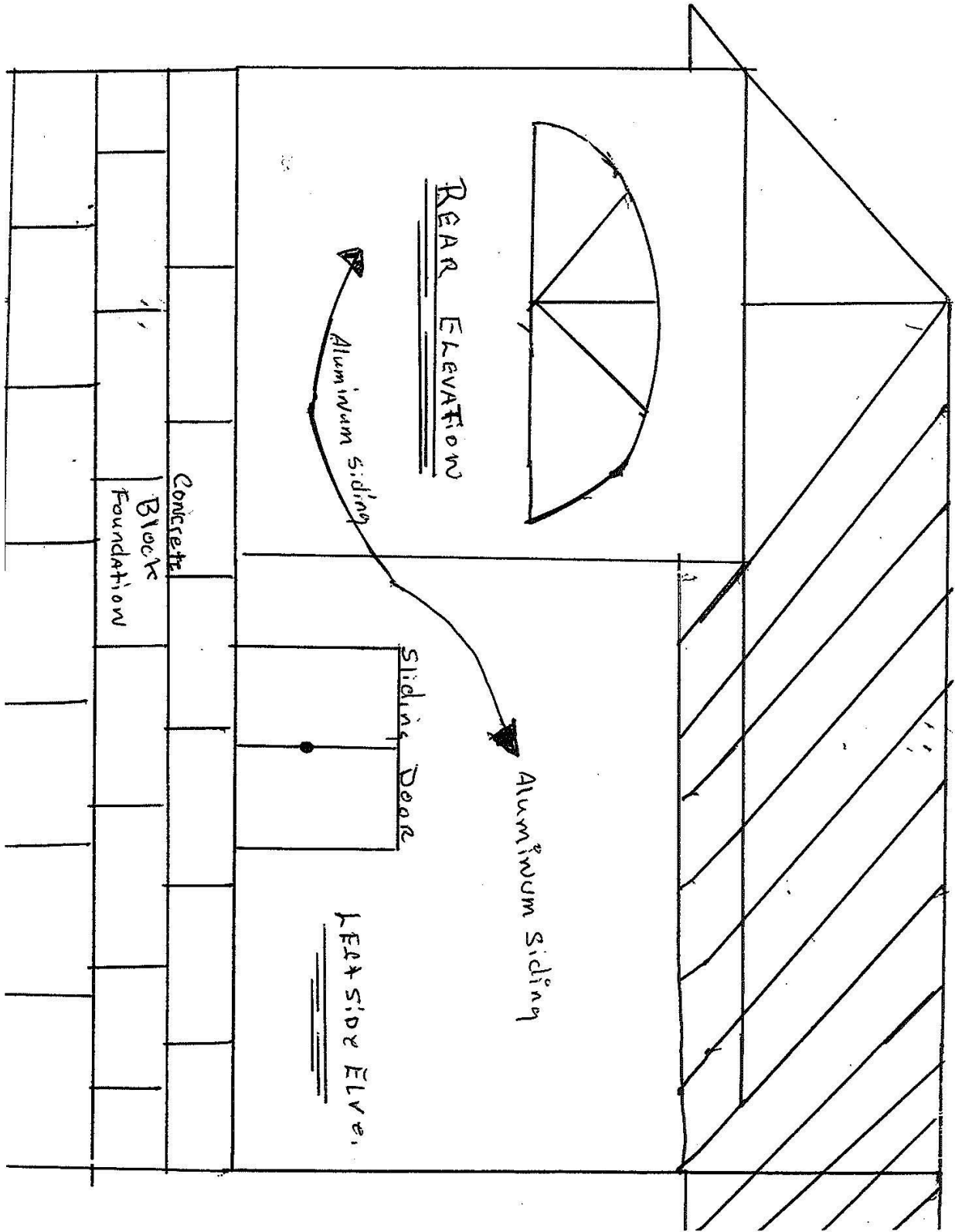
Rear deck expansion not sure of date

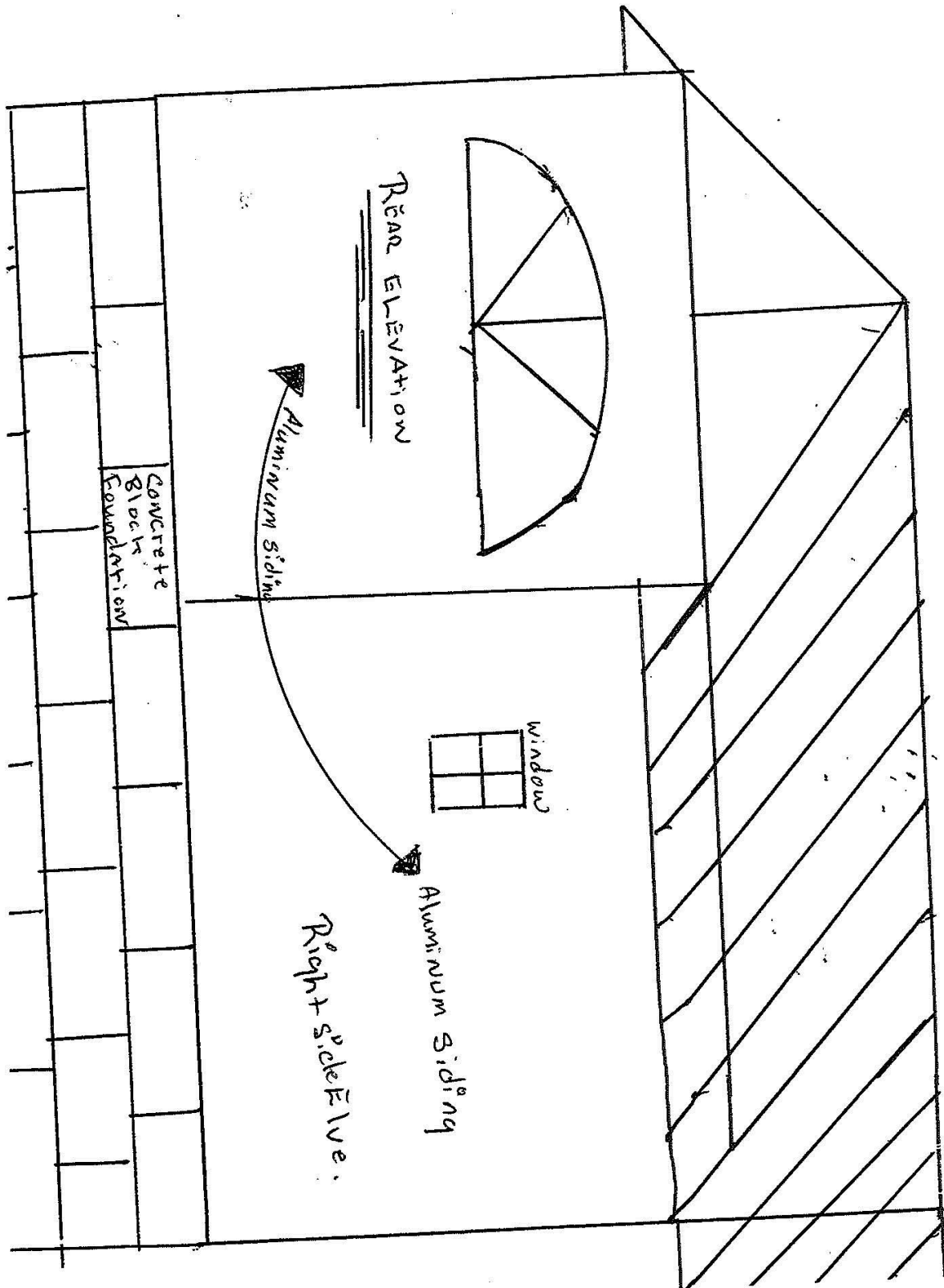
Building Permit History: \_\_\_\_\_ ECO EXCEPTIONS: \_\_\_\_\_  
 Construction and safety standards apply to all manufactured homes produced after June 15, 1976

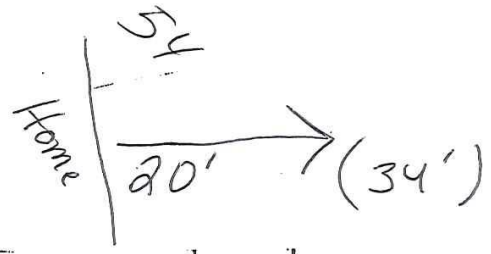


Floor Plan



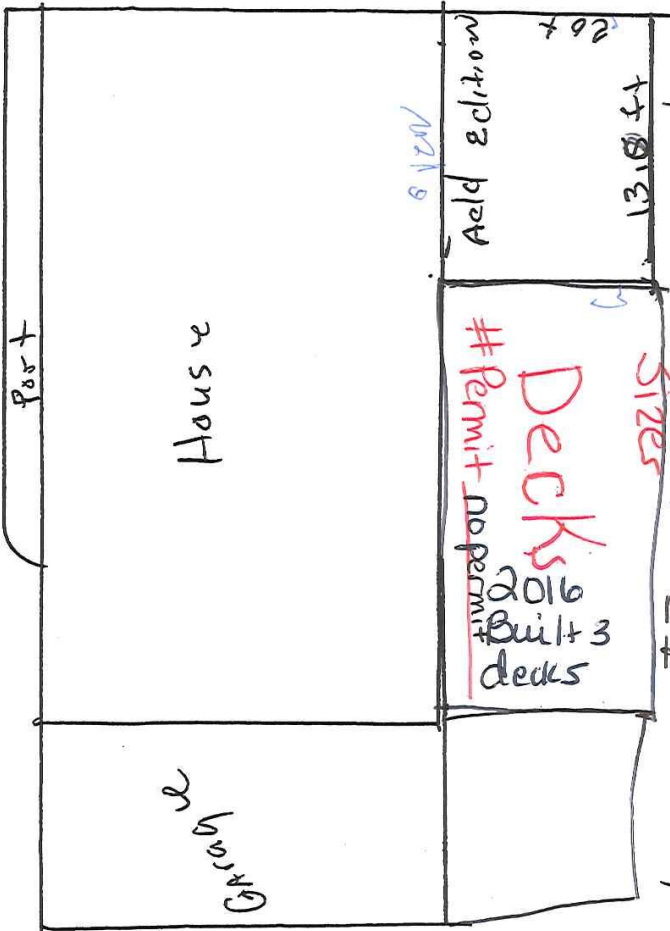
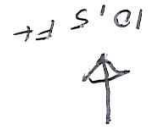






Property line

N



Front YARD

Post

House

Addition

2016 Built 3 decks  
#Permit no permit

Yes revising site plan

Mr. Heard  
9/14/17  
1:05 PM

Yard

40 ft Set back  
BACK YARD

BASEMENT

Suite Plan

HEARD, GRETCHEN & BARRY  
Project - HEARD-RES.ADD.-511  
Address - 511 VILLAGE DR S  
Parcel - 53-09-01-213-016,000-015  
App # - 61943 Twp - VB-1

DULY ENTERED  
FOR TAXATION

NOV 09 2005

*Leslie W. Hummer* 8  
Auditor Monroe County, Indiana

Pat Haley  
Monroe County Recorder IN  
IN 2005022655 QC  
11/09/2005 12:06:24 1 PGS  
Filing Fee: \$14.00

Mail tax statements to:

*511 S. Village Dr  
Bloomington IN 47403*

TAX DUPLICATE NUMBER

016-06240-00

**QUITCLAIM DEED**

THIS INDENTURE WITNESSETH, That Gretchen I. Heard, of Monroe County, in the State of Indiana, RELEASES AND QUITCLAIMS to Barry W. Heard and Gretchen I. Heard, husband and wife, of Monroe County, in the State of Indiana, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration not expressed herein, the receipt whereof is hereby acknowledged, the following described Real Estate in Monroe County, in the State of Indiana, to-wit:

Lot Number 203 in Highland Village Fifth Addition, as shown by the plat thereof recorded in Plat Cabinet B, Envelope 101, in the Office of the Recorder of Monroe County, Indiana.

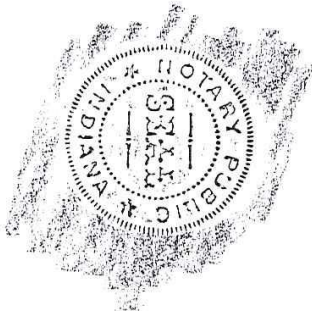
In Witness Whereof, the said grantor has hereunto set her hand and seal this 8<sup>th</sup> day of November, 2005.

*Gretchen I. Heard*  
Gretchen I. Heard

STATE OF INDIANA, COUNTY OF MONROE, SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 8<sup>th</sup> day of November, 2005, came Gretchen I. Heard, and acknowledged the execution of the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.



*Barbara K. Artinian*  
Notary Public

BARBARA K. ARTINIAN, Notary Public.  
Residing in Lawrence County.  
My commission expires May 7, 2007.

Notary's Residence and Commission Expiration

This instrument prepared by Gretchen I. Heard, 511 S. Village Drive, Bloomington, Indiana. (04-00921.qdc)



**812-7-8:** All variance approvals shall be considered to be conditional approvals. The Board shall have the authority to impose specific conditions as part of its approval in order to protect the public health, and for reasons of safety, comfort and convenience (e.g., to insure compatibility with surroundings). Variance approval applies to the subject property and may be transferred with ownership of the subject property subject to the provisions and conditions prescribed by or made pursuant to the Zoning Ordinance.

**812-6 Standards for Design Standards Variance Approval:** In order to approve an application for a design standards variance, the Board must find that:

- (A) The approval, including any conditions or commitments deemed appropriate, will not be injurious to the public health, safety, and general welfare of the community, because:
  - (1) *It would not impair the stability of a natural or scenic area;*
  - (2) *It would not interfere with or make more dangerous, difficult, or costly, the use, installation, or maintenance of existing or planned transportation and utility facilities;*
  - (3) *The character of the property included in the variance would not be altered in a manner that substantially departs from the characteristics sought to be achieved and maintained within the relevant zoning district. That is, the approval, singularly or in concert with other approvals - sought or granted, would not result in a development profile (height, bulk, density, and area) associated with a more intense zoning district and, thus, effectively re-zone the property; and,*
  - (4) *It would adequately address any other significant public health, safety, and welfare concerns raised during the hearing on the requested variance;*
- (B) The approval, including any conditions or commitments deemed appropriate, would not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner, because:
  - (1) *The specific purposes of the design standard sought to be varied would be satisfied;*
  - (2) *It would not promote conditions (on-site or off-site) detrimental to the use and enjoyment of other properties in the area (e.g., the ponding of water, the interference with a sewage disposal system, easement, storm water facility, or natural watercourse, etc.); and,*
  - (3) *It would adequately address any other significant property use and value concerns raised during the hearing on the requested variance; and,*
- (C) The approval, including any conditions or commitments deemed appropriate, is the minimum variance necessary to eliminate practical difficulties in the use of the property, which would otherwise result from a strict application of the terms of the Zoning Ordinance.

**NOTE:** The Board must establish favorable findings for ALL THREE criteria in order to legally approve a design standards variance.

**812-5. Standards for Use Variance Approval:** In order to approve a use variance, the Board must find that:

- (A) The approval will not be injurious to the public health, safety, and general welfare of the community;
- (B) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- (C) The need for the variance arises from some condition peculiar to the property involved;
- (D) The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and,
- (E) The approval does not interfere substantially with the Comprehensive Plan. Especially, the five (5) principles set forth in the Monroe County Comprehensive Plan:
  - (1) *Residential Choices*
  - (2) *Focused Development in Designated Communities*
  - (3) *Environmental Protection*
  - (4) *Planned Infrastructure Improvements*
  - (5) *Distinguish Land from Property*