

MONROE COUNTY BOARD OF ZONING APPEALS



Wednesday, December 6, 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: December 6, 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

CALL TO ORDER

ROLL CALL

INTRODUCTION OF EVIDENCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES: August 2, 2023; August 30, 2023; October 4, 2023

ADMINISTRATIVE BUSINESS:

1. **Proposed Changes to the BZA Rules of Procedure regarding Amended Petitions PAGE 6**

OLD BUSINESS: None.

NEW BUSINESS:

1. **VAR-23-34a** **Watson Minimum Lot Size Variance to Chapter 804** **PAGE 7**
2. **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

3. **VAR-23-36a** **Southern Minimum Lot Size Variance to Chapter 804** **PAGE 18**
4. **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

5. **VAR-23-38** **Wells Lawncare General Sign Regulation** **PAGE 26**
(Sign Allocation) to Chapter 807
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

- 6. VAR-23-40 Heard Rear Yard Setback Variance to Chapter 833 PAGE 49**
 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
- 7. VAR-23-41 Hudson Minimum Lot Size Variance to Chapter 804 PAGE 66**
 One (1) 1.21 +/- acre parcel in Clear Creek Township, Section 8 at
 7594 S Old State Road 37, parcel #53-11-08-100-002.000-006.
 Owner: Hudson, Dannie L & Denise M
Zoned AG/RR. Contact: drbrown@co.monroe.in.us
- 8. VAR-23-42 Williams Use Variance to Tourist Home/Cabin in Chapter 802 PAGE 74**
 One (1) 1.39 +/- acre parcel in Perry Township, Section 27 at
 1901 E Lukes CT, parcel #53-08-27-300-041.001-008.
 Owner: Williams, Ronald
Zoned SR. Contact: dmyers@co.monroe.in.us
- 9. VAR-23-43 Barker Side Yard Setback Variance to Chapter 804 PAGE 90**
 One (1) 0.19 +/- acre parcel in Benton North Township, Section 34 at
 9390 N Derrett RD, parcel #53-01-34-100-026.000-003.
 Owner: Scott D Barker
Zoned SR. Contact: acrecelius@co.monroe.in.us
- 10. ADR-23-1 Appeal by Bachelor Heights Homeowners Association of PAGE 117**
Planning Director's Issuance of Permit R-23-898 as it relates
to the required setbacks and allowable use
 Six (6) parcels on 0.06 acres in Perry Township Section 17 at 1470 W Westwind
 Ct, parcel #s: 53-08-17-304-082.000-008, 53-08-17-304-015.000-008, 53-08-17-
 304-081.000-008, 53-08-17-304-031.000-008, 53-08-17-304-085.000-008, 53-
 08-17-304-030.000-008.
 Owner: Joe Kemp Construction LLC
Zoned PUD. Contact: jnester@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 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 no later than December 6, 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, 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: **December 6, 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.

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

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.

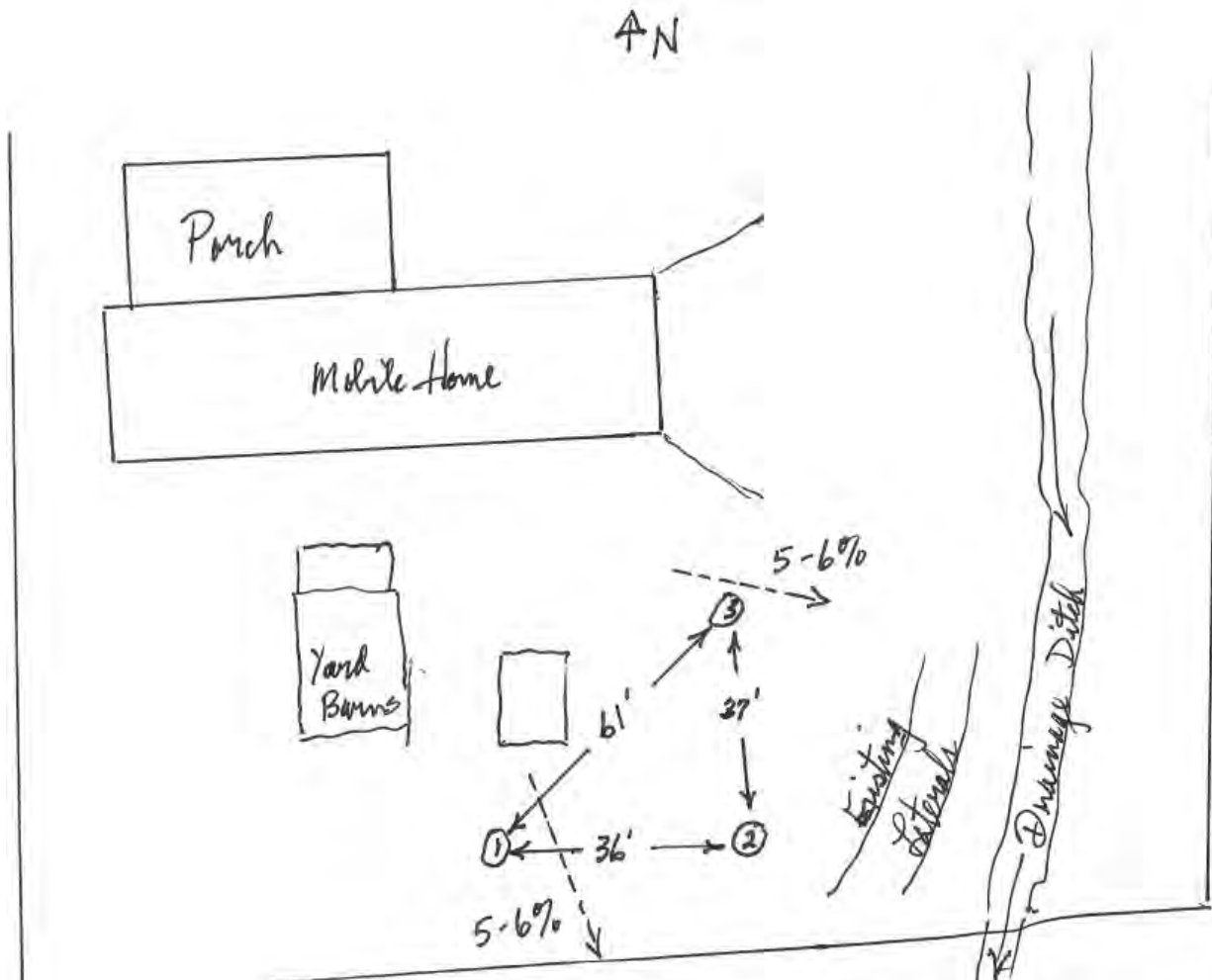


EXHIBIT ONE: Location Map

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

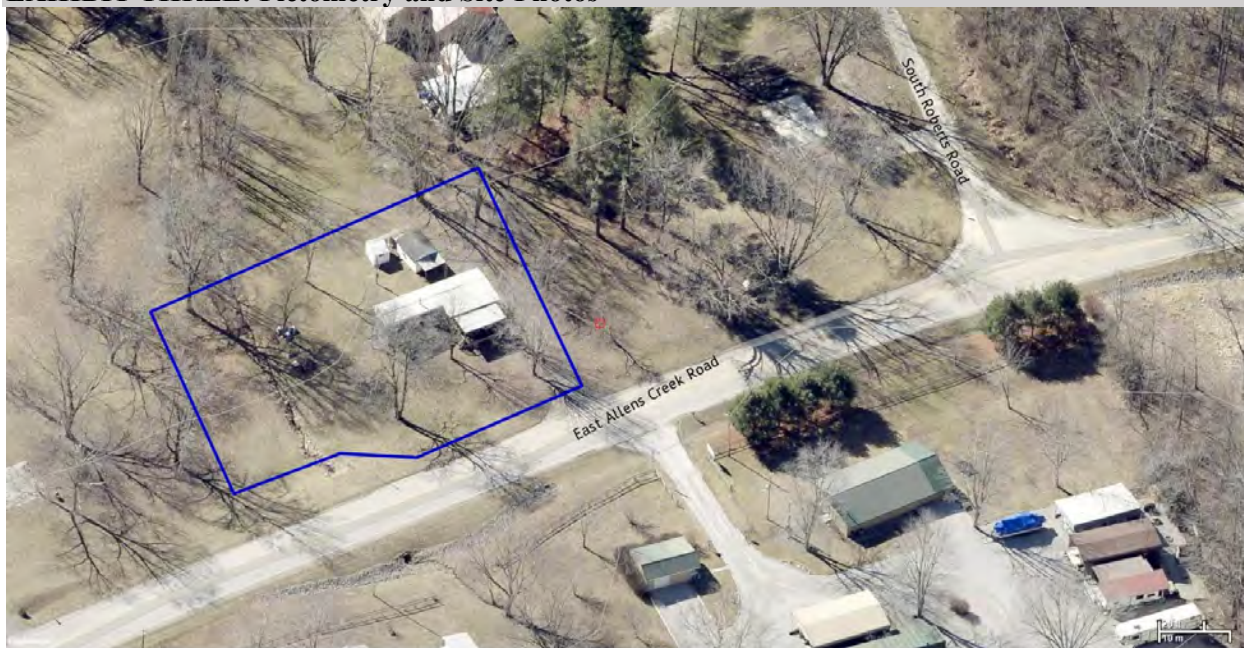


Photo 1 – Facing Southwest



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 2nd 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
AND I.N. 46011

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

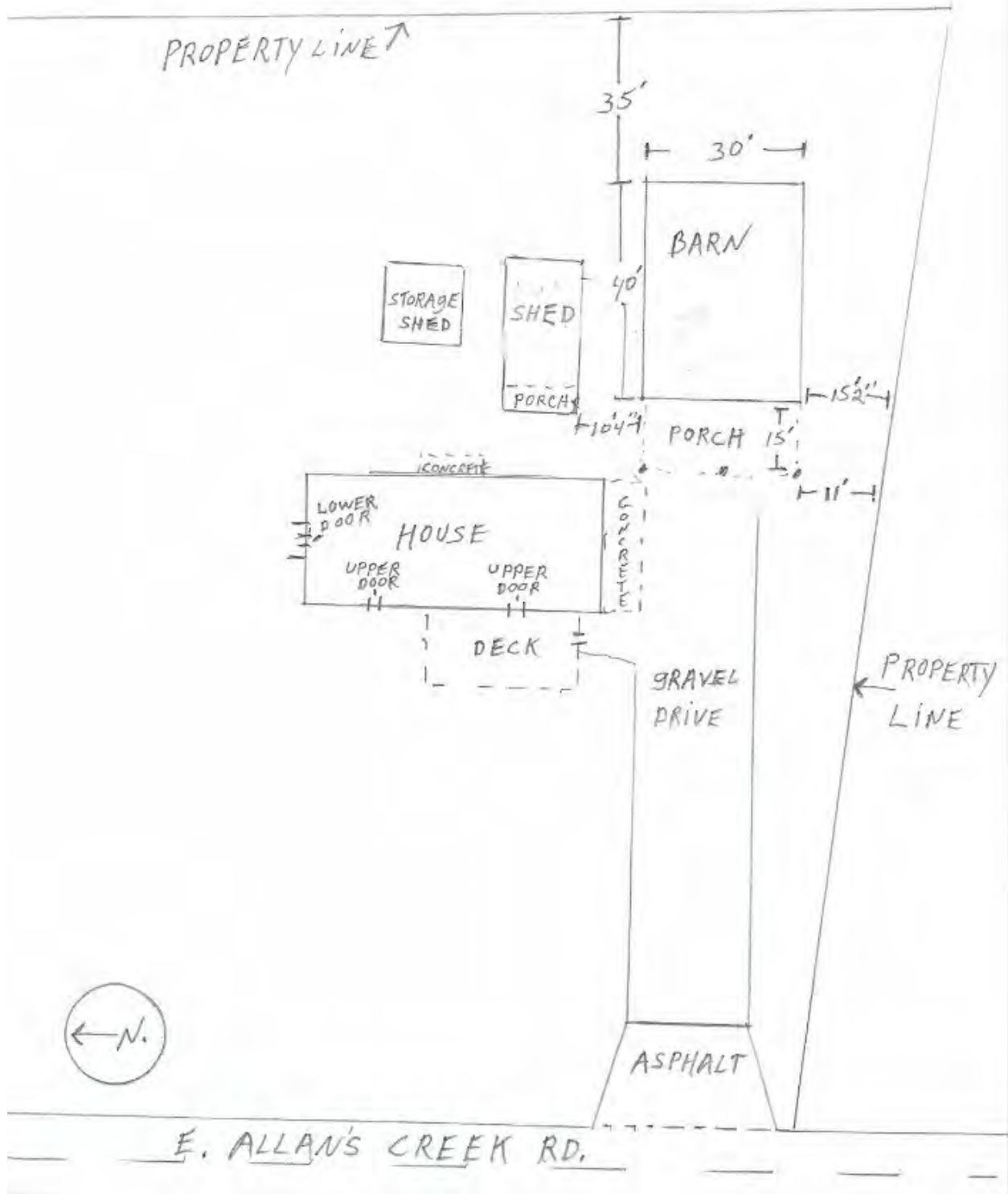


EXHIBIT SIX: Petitioner Construction Plans

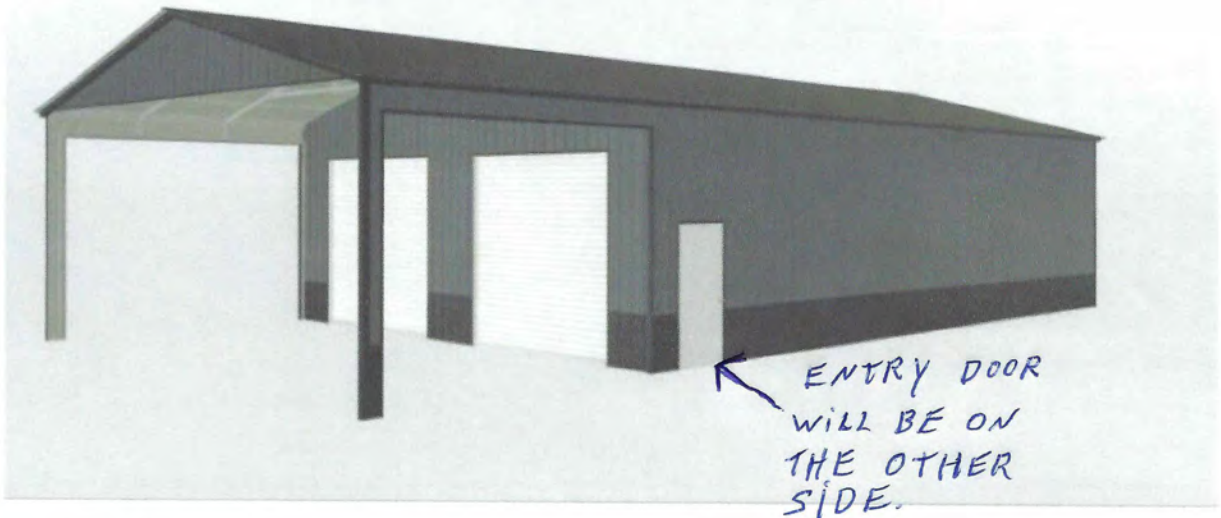


EXHIBIT SEVEN: Survey





MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date: December 6, 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:

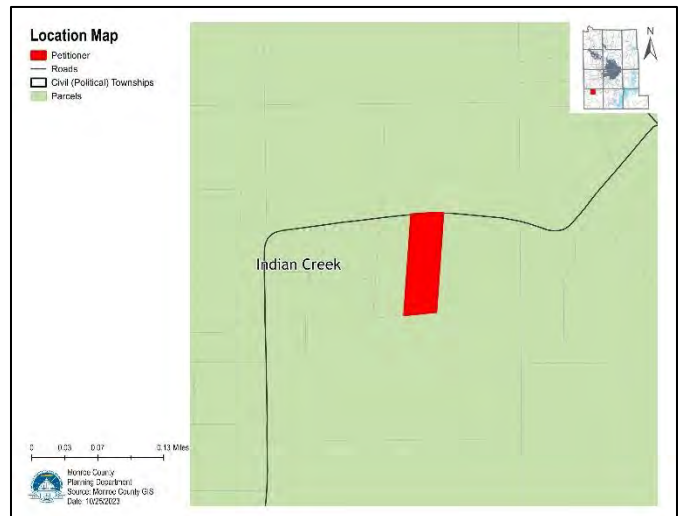
Approve Minimum Lot Size: Any new development on the property would first require a minimum lot size variance. The property currently contains an existing single-family residence.

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

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

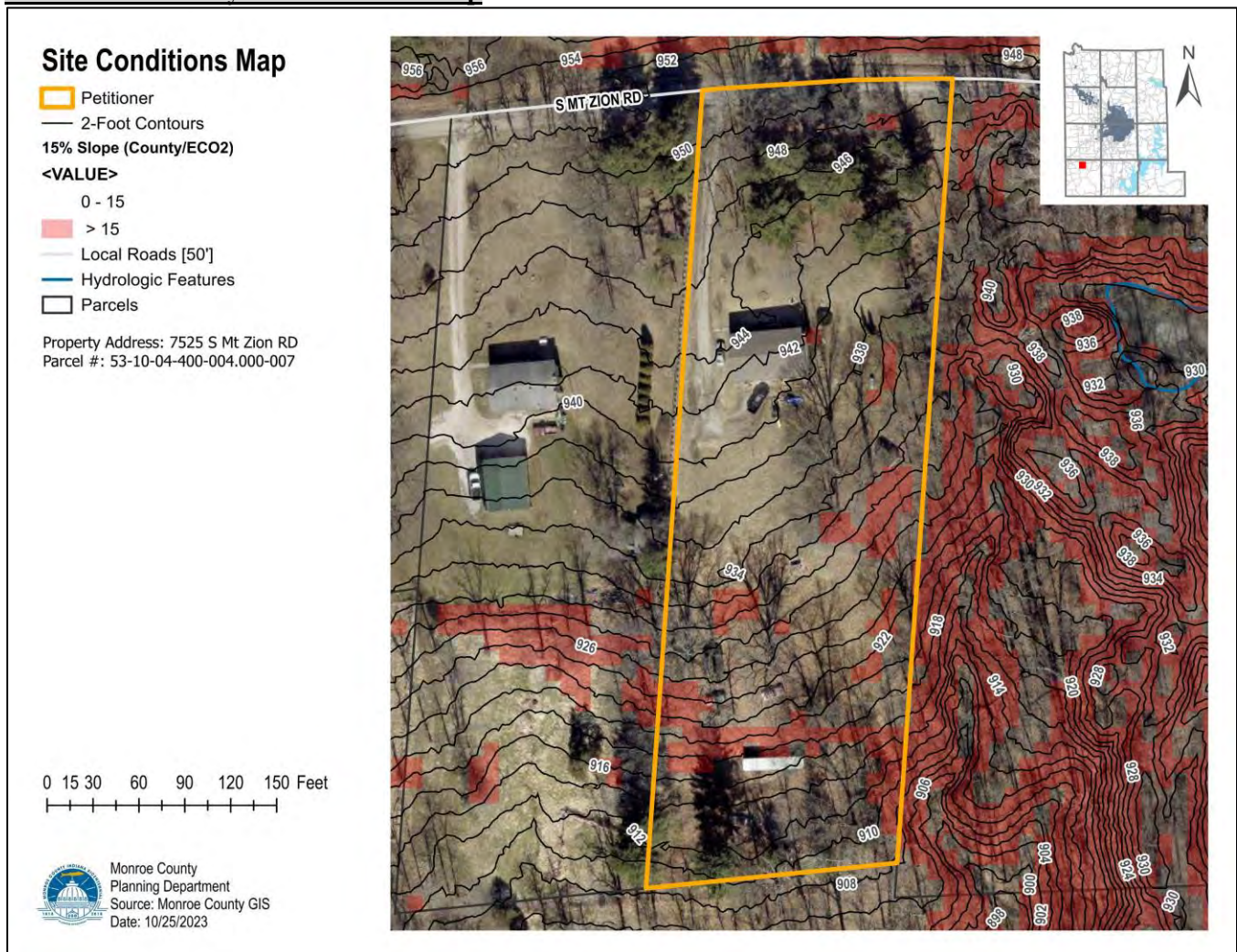


EXHIBIT 2: Staff Site Visit Photos



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.

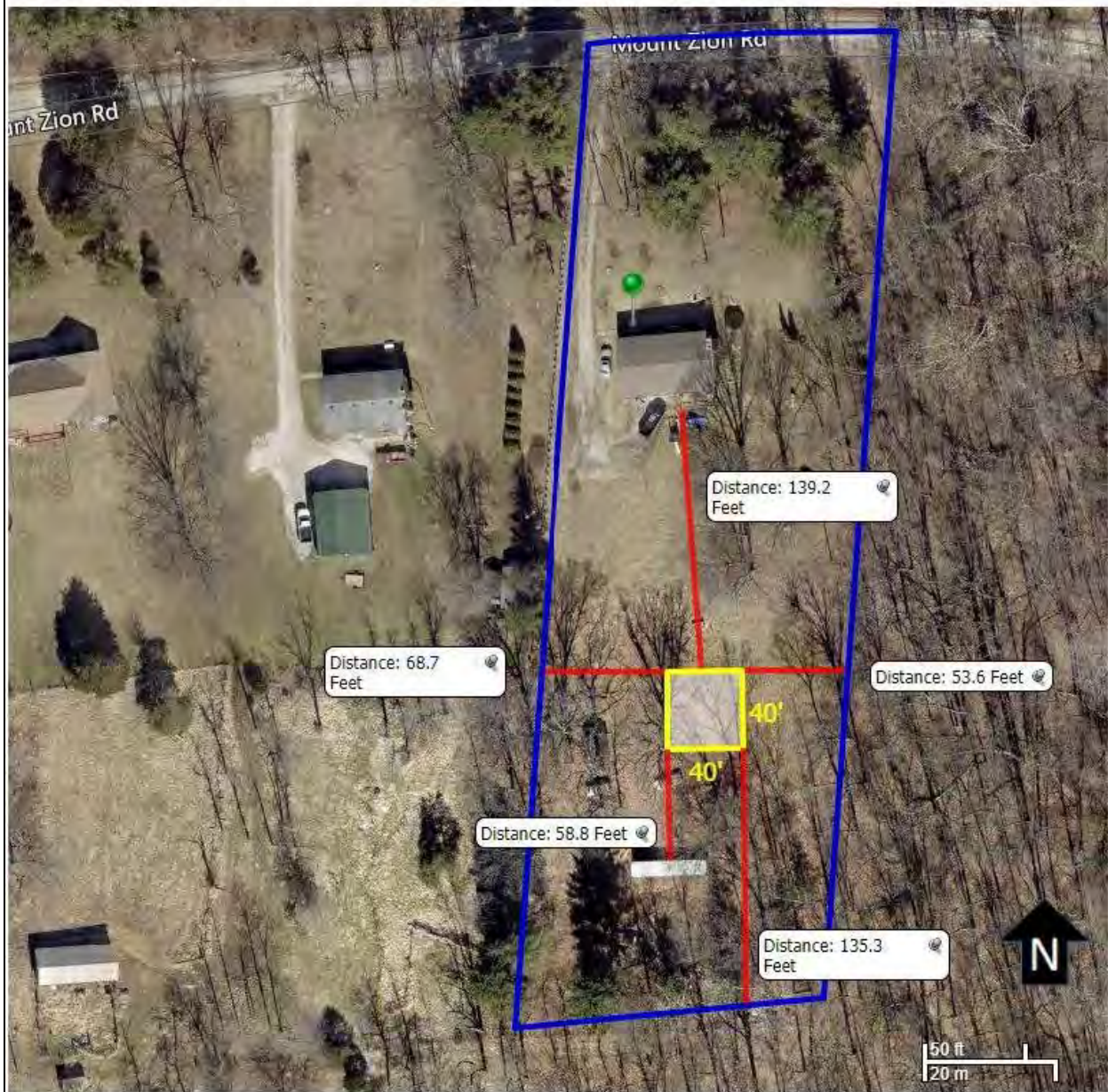
Thank you,
Alverta Scott

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: December 6, 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.

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

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

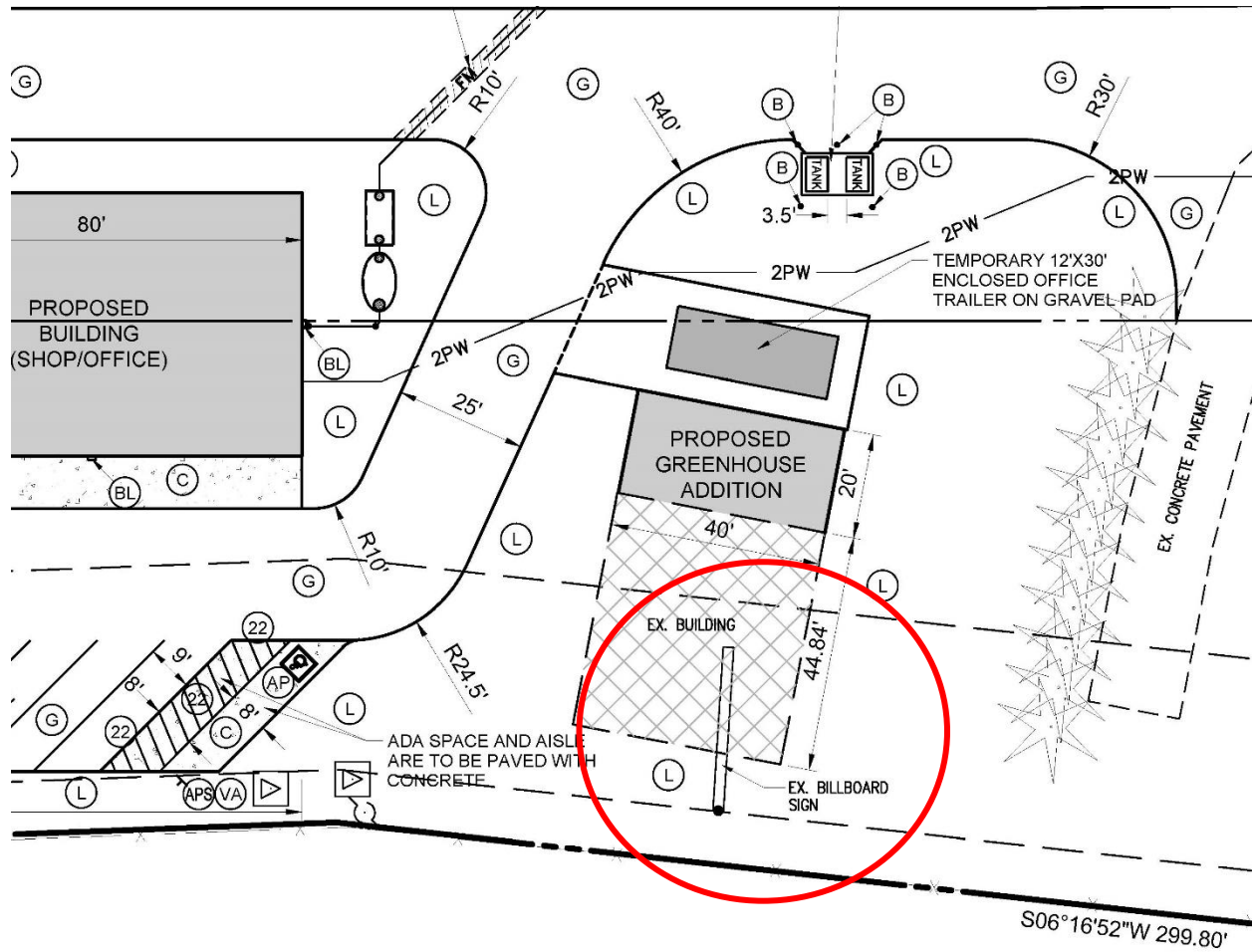
The petition site is zoned Pre-Existing Business (PB) and Agricultural Rural Reserve (AG/RR). Chapter 807 would allow for 555 square feet total of signage on the property. The petition site contains a billboard, identified during a survey in 1992 as a legal pre-existing non-conforming sign. The billboard 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."

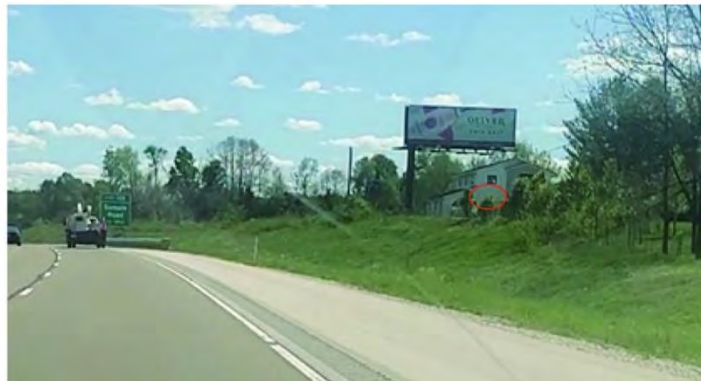
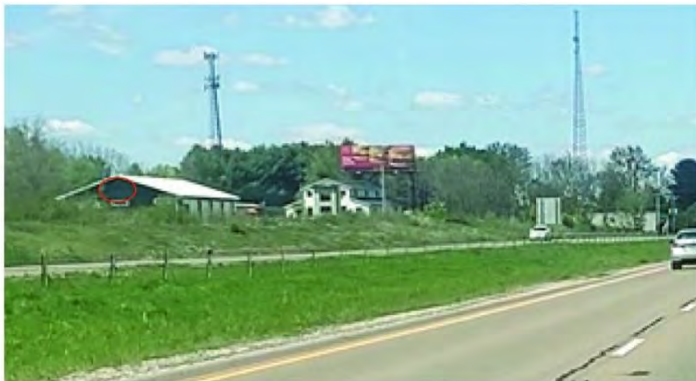
Due to the special circumstances of the Billboard on the property and easement rights to the Billboard being owned by another company not actually located on site, we are requesting a variance to allow Wells Lawncare & Landscaping the two requested signs outlined in the provided documents in order to 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, LLC, 5141 N. STATE RD. 37 BUSINESS, BLOOMINGTON, IN 47404. CONTACT: DEBBE WELLS AT (812)-277-3338.

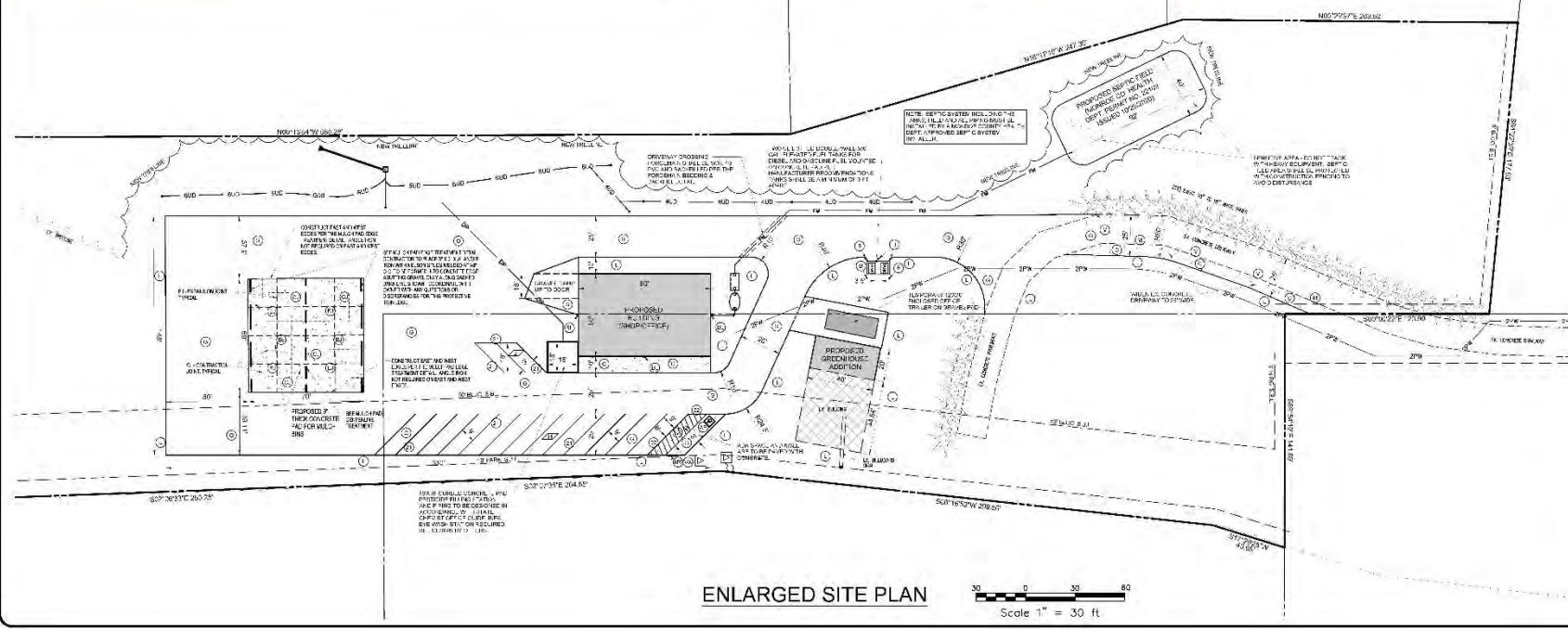
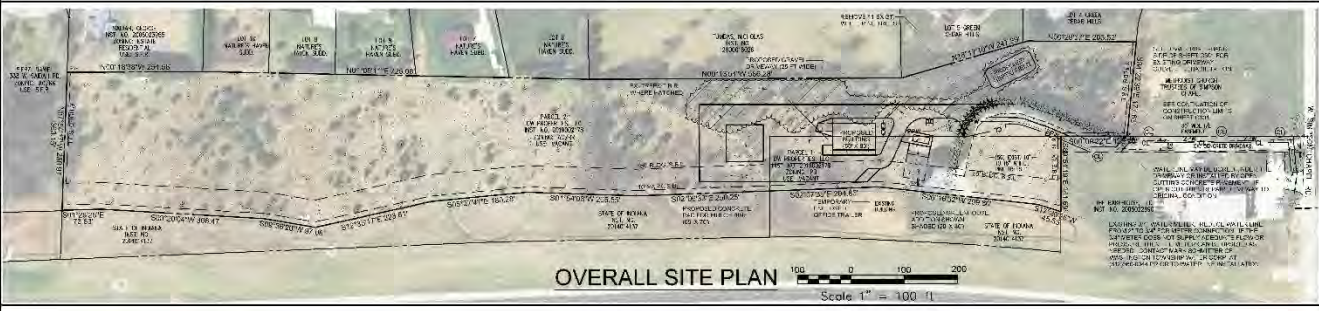
PROJECT NATURE & USE
 THE PROPERTY'S USE WILL BE FOR "GENERAL CONTRACTING" AND CLASSIFIED AS A MEDIUM INTENSITY USE. THIS SITE WILL INCLUDE 1 EXISTING AND 1 NEW BUILDING WITH GRAVEL LOT, AND A CONCRETE MATCH PAD. TRACT 1 IS ZONED PRE-EXISTING BUSINESS AND TRACT 2 IS SPLIT ZONED FOR AGRICULTURE, RURAL RESERVE, AND ESTABLISH RESIDENTIAL. IT IS ANTICIPATED THAT THERE WILL BE 2 FULL-TIME EMPLOYEES AND 11 SEASONAL EMPLOYEES FOR A TOTAL OF 13 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
 P — PROPERTY LINE
 F — FENCE
 W — WATER LINE PIPE
 C — CONDUIT & ELEVATION
 S — SANITARY SEWER PIPE
 X — STORM SEWER PIPE
 E — OVERHEAD ELECTRIC LINES
 U — UNDERGROUND ELECTRIC LINES
 T — OVERHEAD TELEPHONE LINES
 U — UNDERGROUND TELEPHONE LINE
 G — GAS LINE PIPE

SITE LEGEND
 (1) 4" X 8" PAVED PARKING SPACE MARKING
 (2) ACCESSIBLE PARKING SPACE
 (3) ACCESSIBLE PARKING SIGN
 (4) SEEL PINE BALLS
 (5) 1/2" SHOW BRUSH WHEEL OLEI BRUSHES OUTDOOR 4.00M FLOOR
 (6) LEET 1 MOUNTED TO BUILDING FACE
 (7) 1/2" SHOW BRUSH UNDER PARKING
 (8) — CONSTRUCTION LIMITS
 (9) CONCRETE II SURFACE
 (10) GRAVEL SURFACE
 (11) LAWN OR LANDSCAPED AREA
 (12) MATCH EXISTING PAVED SURF ELEVATIONS
 (13) CONCRETE PAVING DAMPER BLOCK
 (14) STANDARD ROAD PARKING PAVER
 (15) VAN ACCESSIBLE SUPPLEMENTAL SIGN
 (16) NUMBER OF PARKING SPACES PER LOT

UTILITY LEGEND
 DP — DRAIN PIPE TO DRAINAGE — SIZE AND TYPE TO BE DESIGNED BY OWNER (PRIVATELY OWNED)
 WP — 2" 20'-0" PVC DOMESTIC WATER SERVICE LINE AS SIZED BY THE WATER UTILITY (PRIVATELY OWNED)
 SA — 4" 20'-0" PVC SANITARY SEWER LATERAL (PRIVATELY OWNED)
 SS — 12" 40'-0" DIAM. 1500 S&W-12 ADEE STORM SEWER PIPE (PRIVATELY OWNED)
 IUP — 12" 40'-0" DIAM. 1500 S&W-12 ADEE STORM SEWER PIPE (PRIVATELY OWNED)
 IUP — 4" PERFORATED 20'-0" PVC UNDERDRAIN PIPE (PRIVATELY OWNED)
 IUP — 6" PERFORATED 30'-0" PVC UNDERDRAIN PIPE (PRIVATELY OWNED)
 IUP — 8" PERFORATED 30'-0" PVC UNDERDRAIN PIPE (PRIVATELY OWNED)
 ELEC — ELECTRIC SERVICE LINE — SEE NOTE THIS SHEET



ARCHITECTURE
 CIVIL ENGINEERING
 PLANNING
 BLOOMINGTON, IN 47404
 528 NORTH WALTON STREET
 (812) 330-8000

BRUBAKER ASSOCIATES, INC.



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

Site PLANS
 designed by JBT
 drawn by JBT
 checked by JBP
 sheet no. C201
 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)
) SS:
COUNTY OF _____)

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

[Signature]

Signature

MARIANNE MCCALIP

Printed Name

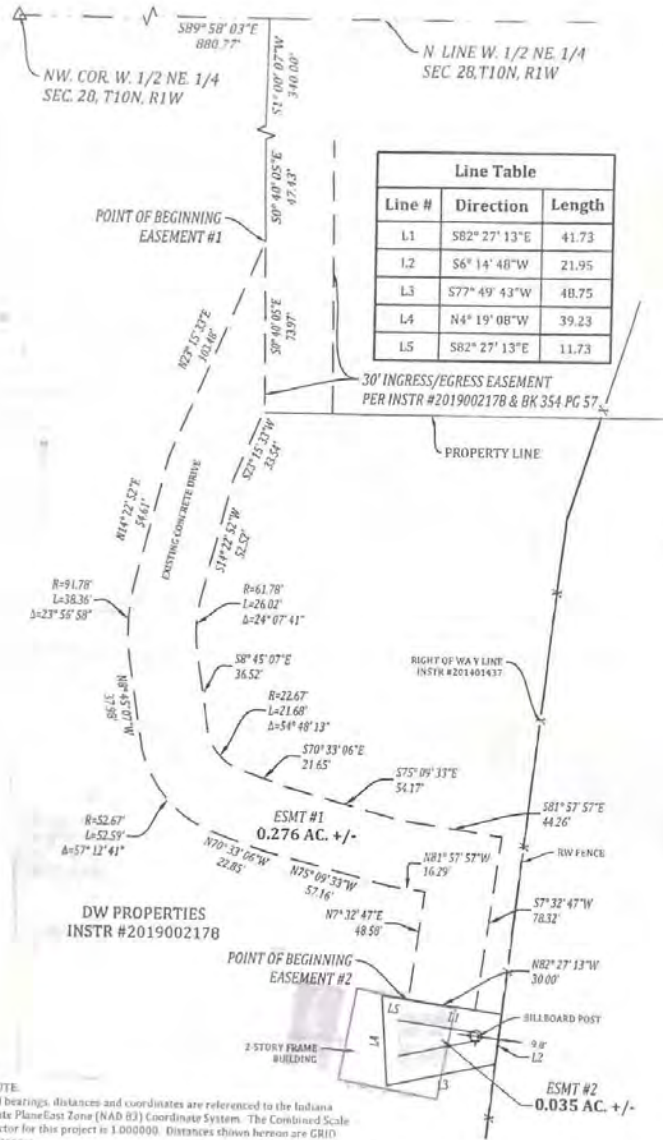
I affirm, under the penalties for perjury, that I have taken
reasonable care to redact each Social Security Number in this
document, unless required by law. Yasmin L. Stump

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"



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 EXHIBIT is not intended to be represented as a replacement of original boundary survey, a re-survey or a survey boundary report.

INTERSTATE 69



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:\Projects\10-28-10\10-28-10-01\10-28-10-01-01.dwg

11/09/2012 10:48 AM

JOB # 22128
DATE 11/09/12
DRAFTER RH
CHECKER DM

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

© 2012 Banning Engineering, Inc. All rights reserved. Website: www.banningengineering.com

This drawing is not intended to be a replacement for a professional engineer's seal. It is not to be used as a substitute for a professional engineer's seal.

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 11th 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 11th 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 11th 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)

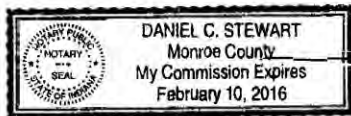
SOFT LIGHT OF BLOOMINGTON, INC. by Raymond Saidah, President
(Individual name(s) that appeared before Notary/Officer)

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 to 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 27 day of July 2008.



James D. Smale
Registered Land Surveyor No. 1 S29500020
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 5th day of July 2008.

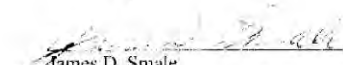

James D. Smale
Registered Land Surveyor No. LS29500020
State of Indiana



EXHIBIT "C"

The Property

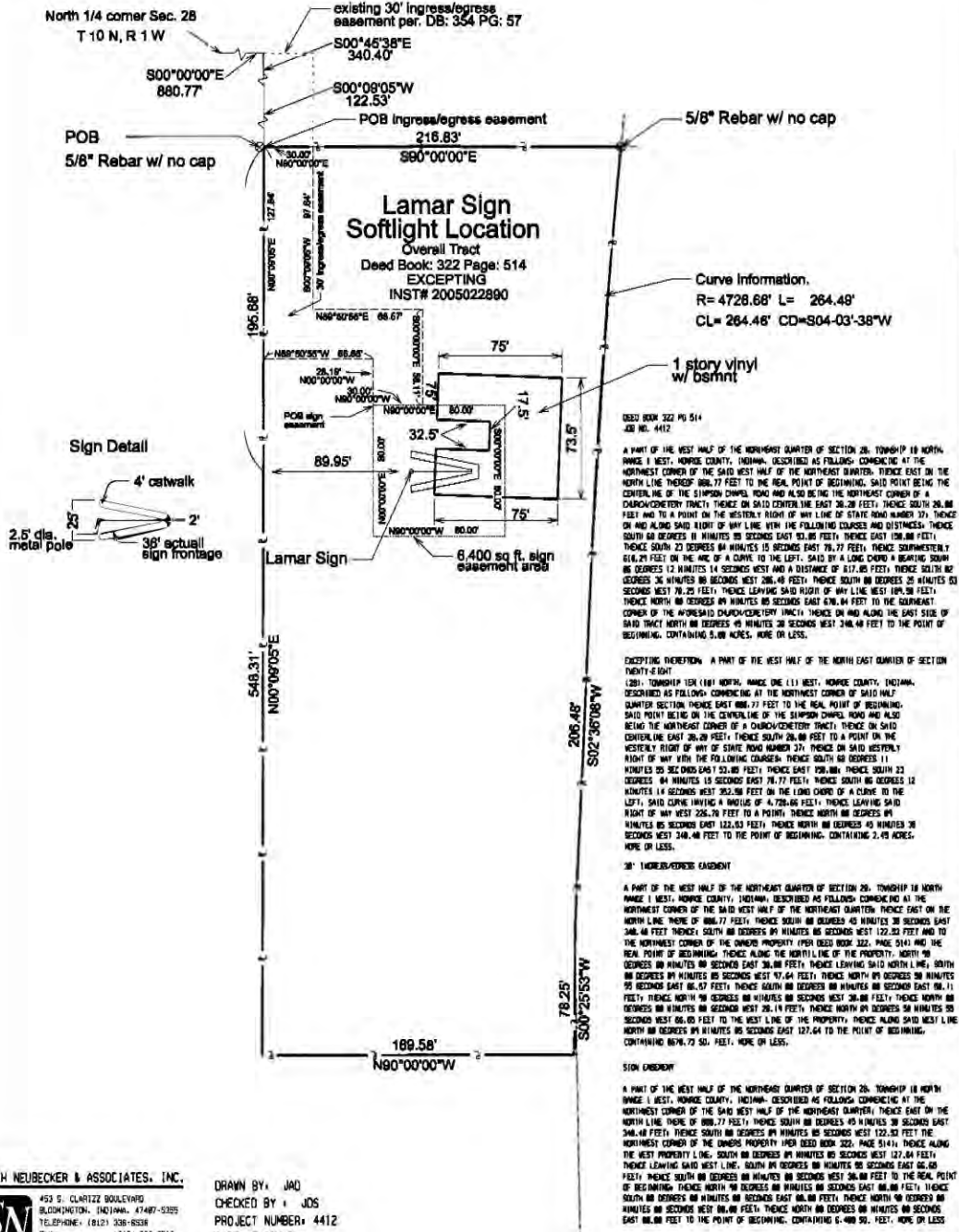
A part of the West half of the Northeast quarter of Section 28, Township 10 North, Range 1 West, Monroe County, Indiana described as follows:
Commencing at the Northwest corner of said West half of the Northeast quarter, thence East on the North line thereof 880.77 feet to the real point of beginning, 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
 TEL: (317) 836-6538
 FAX: (317) 836-8513
 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
Phone: (812) 349-2560



MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date: December 6, 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.

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

PETITIONER OWNER	Heard, Barry W I & Gretchen	
ADDRESS	511 S Village DR, parcel #53-09-01-213-016.000-015	
TOWNSHIP + SECTION	Van Buren, 1	
PLATS	<input type="checkbox"/> Unplatted <input checked="" type="checkbox"/> Platted: Highland Village 5 th Addition (1962), Lot 203	
ACREAGE +/-	8	
	PETITION SITE	ADJACENT
ZONING	RS3.5	RS3.5
COMP PLAN	MCUA Suburban Residential	MCUA Suburban Residential, MCUA Mixed Use
USE	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 2nd, 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. 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.

EXHIBITS - Immediately following report

1. Petitioner letter
2. Site Plan (colors added by staff for clarity)
3. Highland Village 5th 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 asking for a rear yard set back
and to allow my deck to stay where it
is because I was ~~not approved~~ was
approved for a permit from county to build
my deck where it is now

Greg Ford


Permit 2018-0177


Jim Gerstbauer CEO
Maricopa County

Plot Plan


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

<VALUE>

- 0 - 15
-  > 15

-  Parcels

Critical Watersheds

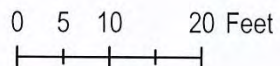
-  Sinking Creek

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

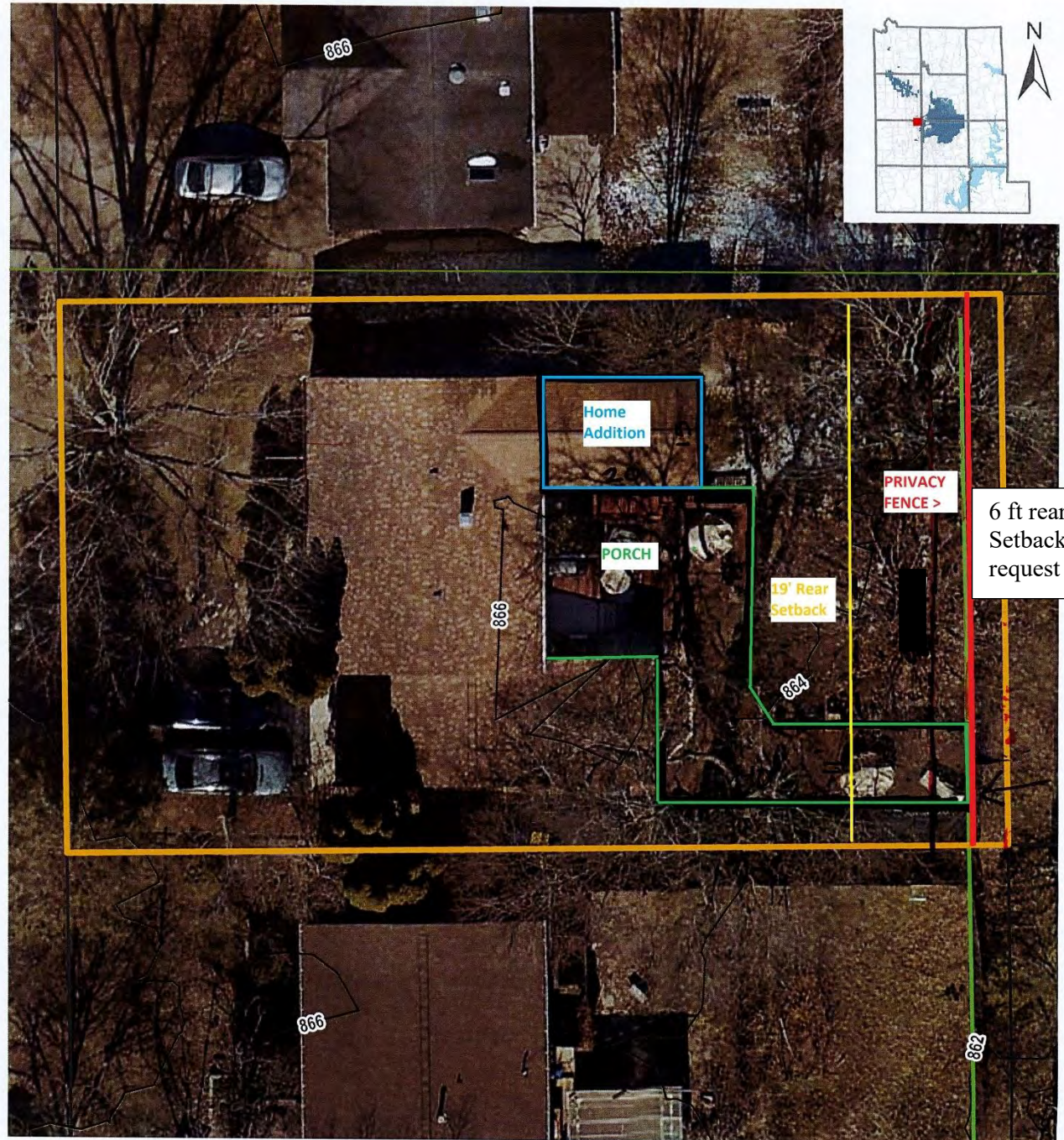
*SIDE - 0'
REAR - 19' (ORIG 25')
833 ALLOWS
6' ENCRACH.
FOR DECKS*

*DECK / FENCE
6' FROM PROP.
BOUNDARY*

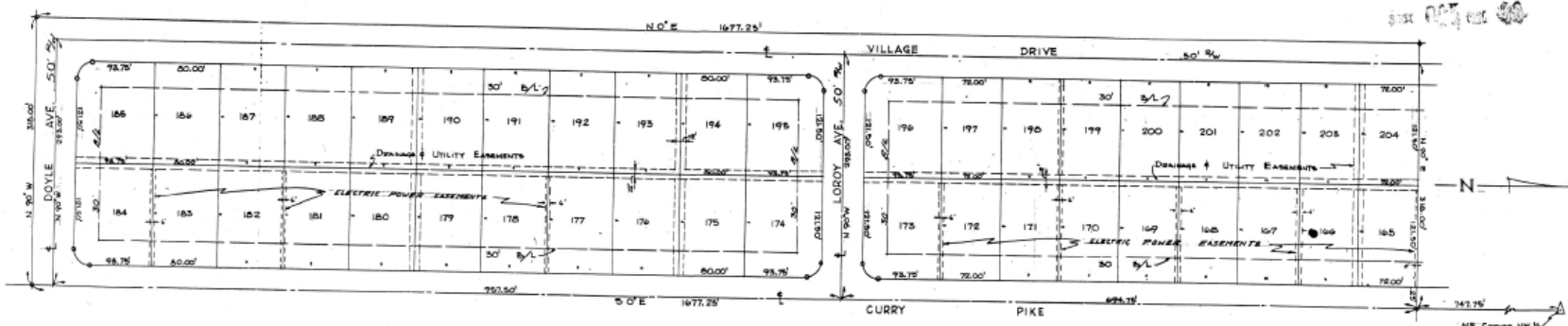
Use the scale bar below to draw the proposed structure on the map.



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 South, Range 3 West, Monroe County, Indiana, being more particularly described as follows:
Subdivided at a point in the Center Line of Curry Pike Road is 3' 0" of a curved driveway 150' 0" from the Northwest Corner of said Northwest Quarter, thence...

REMARKS
No residence, 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 dwellings, attached auxiliary building or detached utility building within the half the depth of the lot from the building setback line, or any lot to the rear of the building, shall be piled or stored on any lot unless such material is to be used for the immediate construction of a building or other structure on the lot.

NOTES
1. All front of property lines at street corners are 20 feet.
2. All angles not shown are 90 degrees or multiples thereof.
3. The symbol S is used for street corners at which pavement curbs will be installed; said curbs will be placed 1 foot from the curb line and 10 inches from the curb line by a registered land surveyor licensed by the State of Indiana.
4. All lot lines not specifically shown otherwise, terminate at street corners at 90 degree angles.
5. The intersection of street centerlines, boundary property lines, or any one with the other from 10 degree angles or multiple thereof unless shown thereon.
6. Dimensions on corner lots are to the lot lines extended or rounded corners.

Only intended for location of this lot by of June 1962
San 1962
Robert W. Gibson
Architect Monroe County

RECORDED
JUN 6 1962
Rash Polking
RECORDED MONROE CO. IND.

Table with columns: DATE, TIME, NAME, ADDRESS, CITY, STATE, ZIP. Includes SIECO, Inc. architects engineers.





****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

Project Address	511 S. Village Dr. Bloomington, IN 47403
Builder Address/Contact	Self
Township	Van Buren
Section	01
Subdivision	Highland Village 5 th Addition
Lot	203
Zoning / Floodplain	RS 3.5
ECO AREA	AREA
PROPERTY LINE Setbacks	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'
Parcel Number	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****

Applicants Bedroom Request:	4
Building Application#	61943
Reviewed By & Date	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: 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

1 of 2

Phone Number: (812) 349-2580 FAX: (812) 349-2967

61943

CO CGA/11/17

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 Van Buren Township Section No. 1

Property Owners Name Gretchen BARRY 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. ND 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. ND 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

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

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

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

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 —
- 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 2 acres
- 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

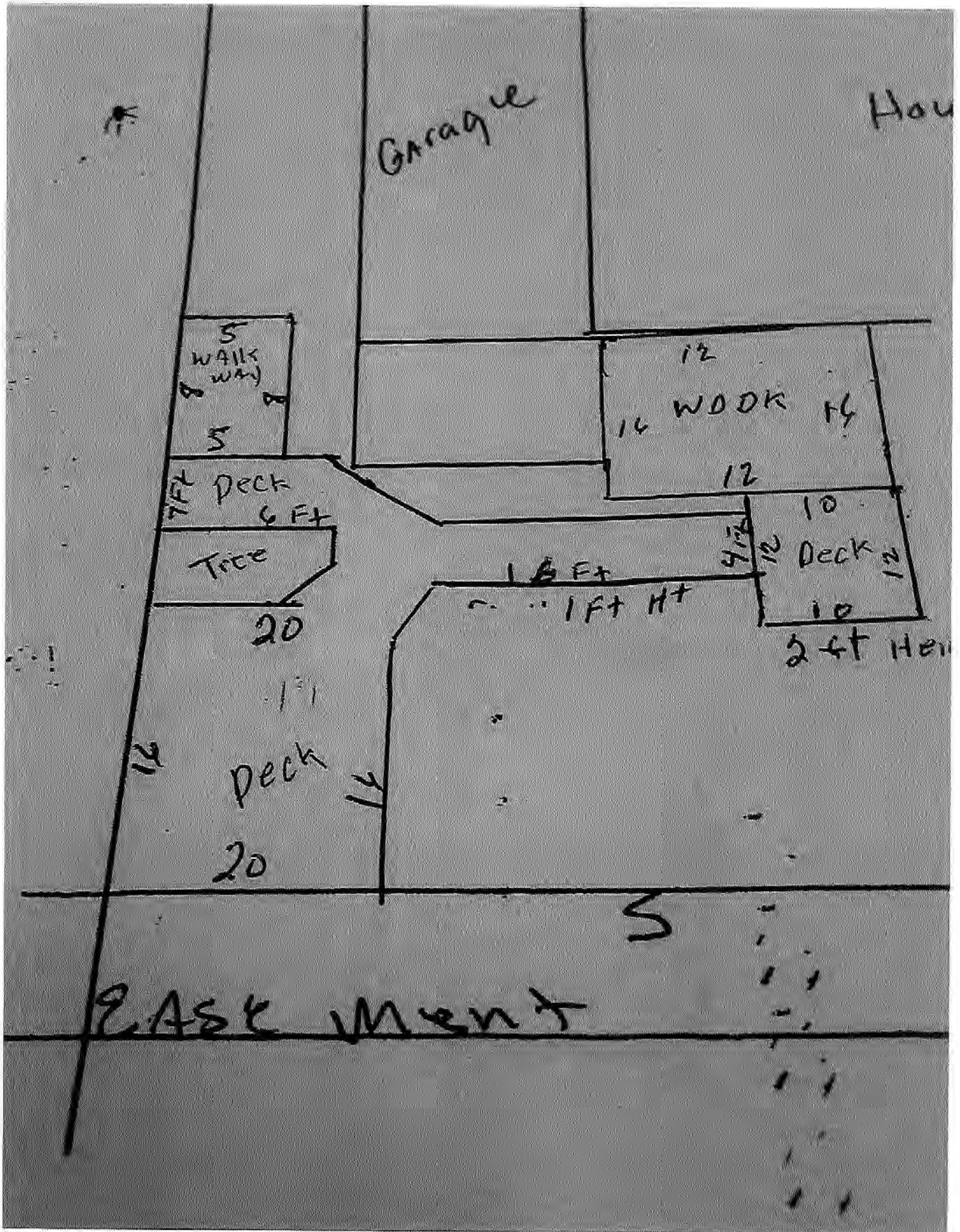
add size of deck to permit
1999



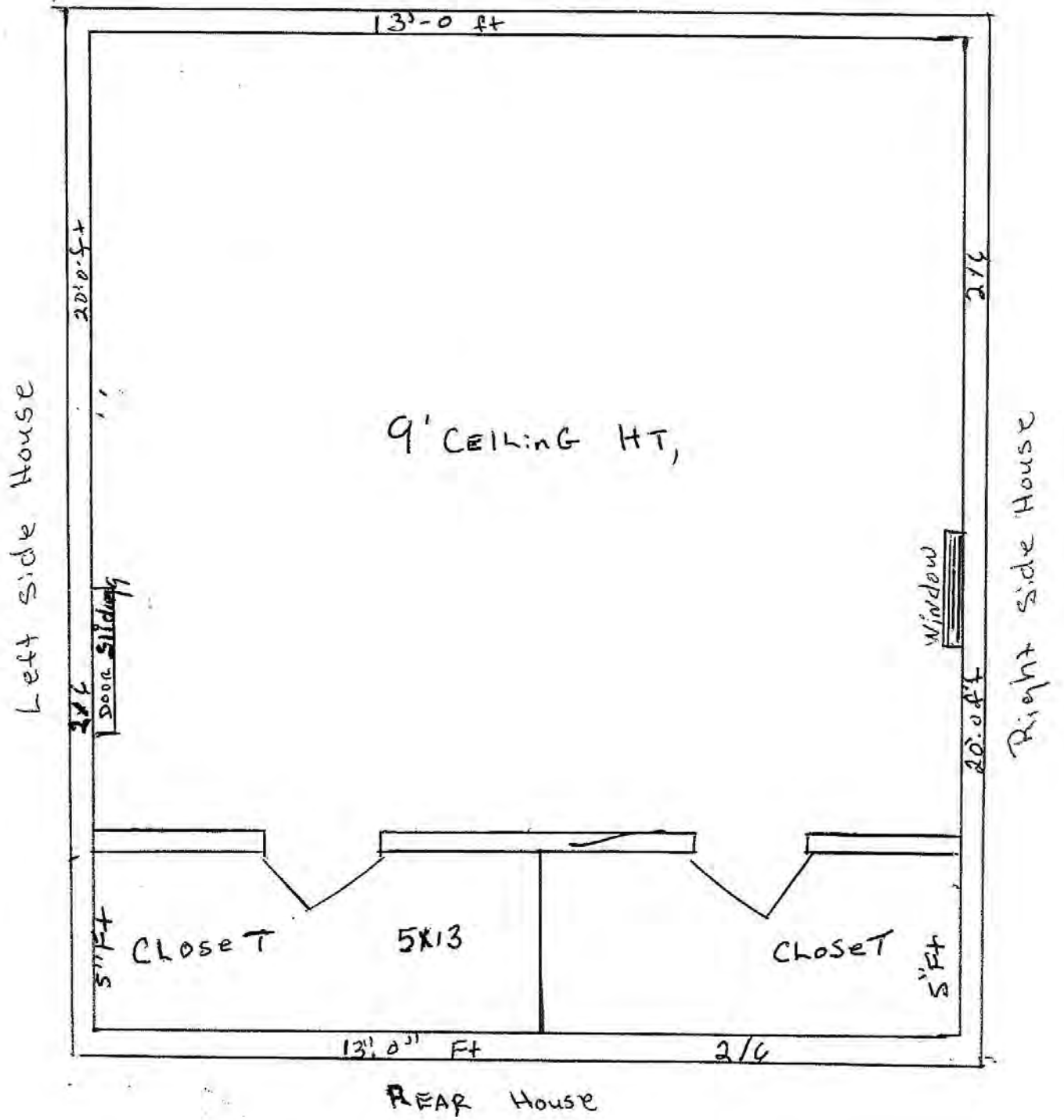
Rear deck expansion
not sure of date

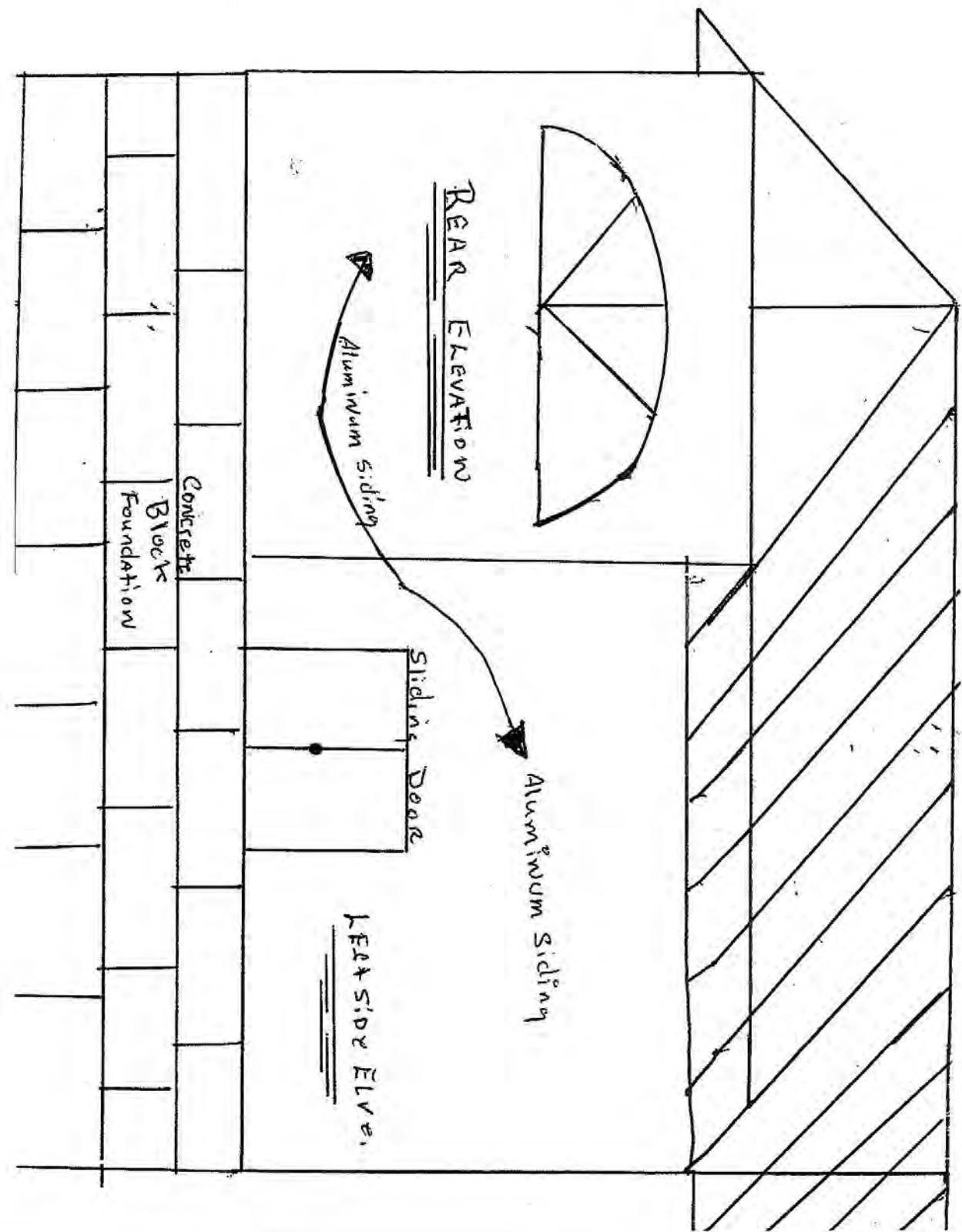
1603-ZOA03	Administrative Waiver/= to or >15% slope/Legal Pre-Existing Lots
N/A	<input checked="" type="checkbox"/>
	Chapter 804-4 (E) Any building or structure constructed after (the passage of this ordinance) must be located within a buildable area. The following shall not be included in the buildable 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.

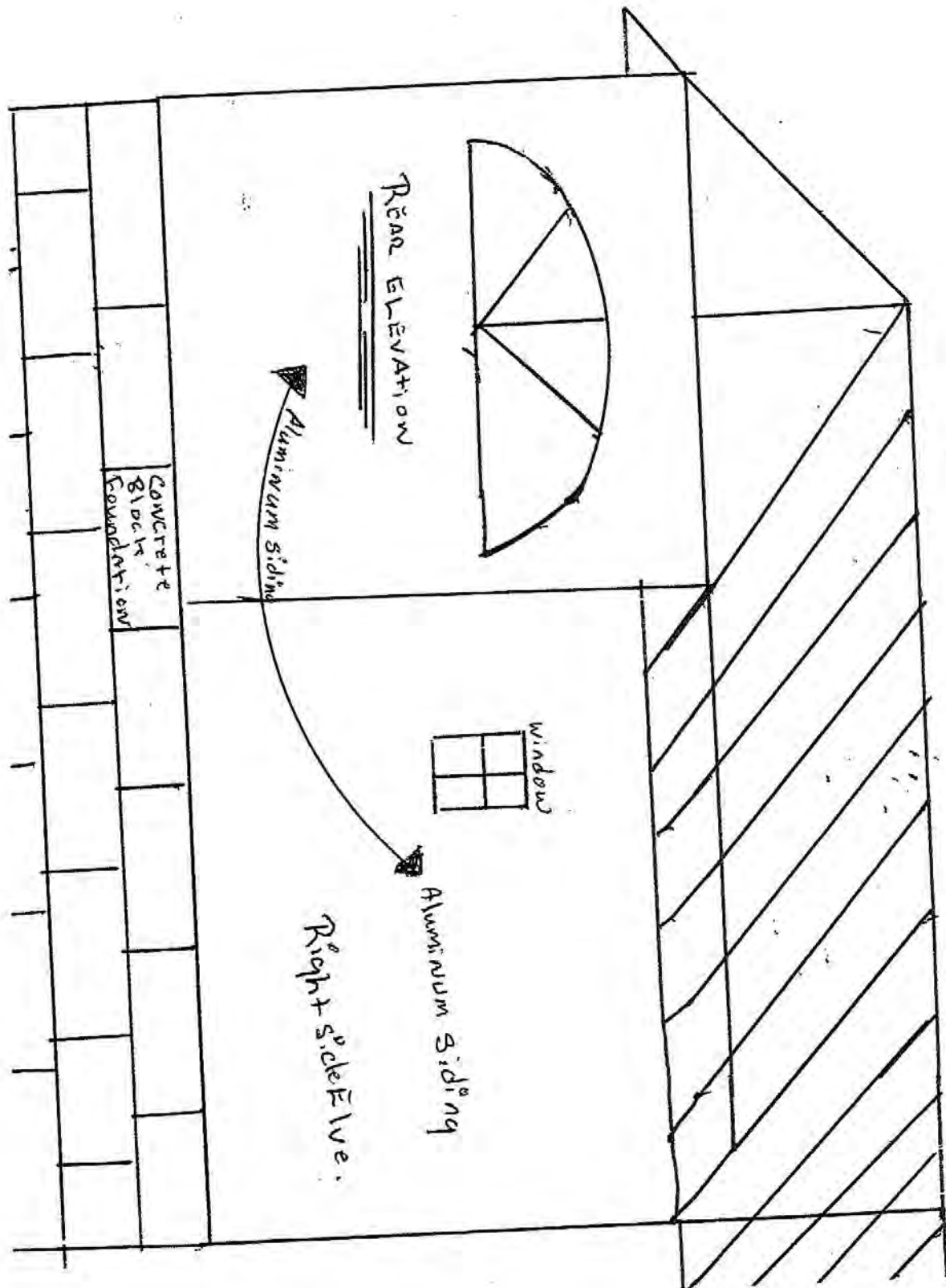
Building Permit History: — ECO EXCEPTIONS: —
 Construction and safety standards apply to all manufactured homes produced after June 15, 1976

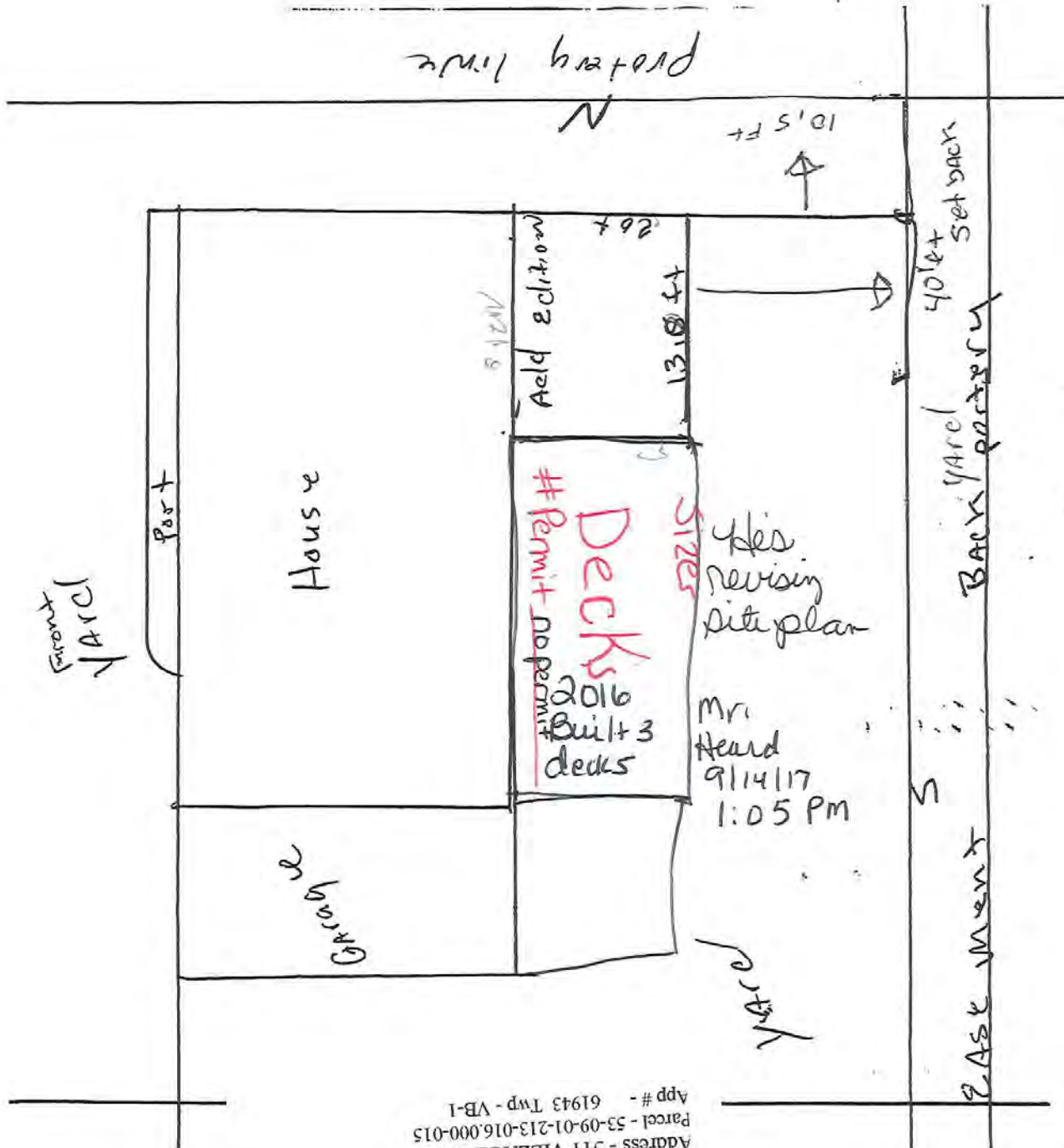
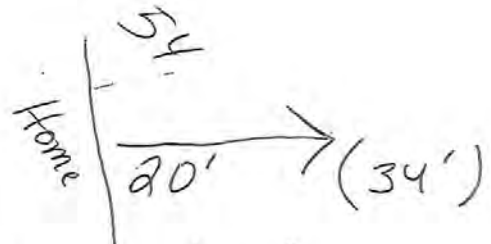


Floor Plan









Front Yard

House

Addition
26 ft
13.8 ft

#Permit no permit
Decks
2016
Built 3
decks

Yes
revising
site plan

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

40 ft Setback
Backyard property

Backyard

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

Pat Haley 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 8th 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 8th 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.gds)



MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date: December 6th, 2023

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-23-41	Minimum Lot Size Variance	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 VAR-23-41 due to the pre-existing non-conforming nature of the lot.

Variance Type: <input checked="" type="checkbox"/> Design <input type="checkbox"/> Use <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial	Planner: Daniel Brown
--	------------------------------

PETITIONER	Hudson, Dannie L & Denise M	
ADDRESS	7594 S Old State Road 37; parcel #53-11-08-100-002.000-006	
TOWNSHIP + SECTION	Clear Creek; 08	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	1.21 +/-	
	PETITION SITE	ADJACENT
ZONING	Agricultural/Rural Reserve	Agricultural/Rural Reserve
COMP. PLAN	Rural Residential	Rural Residential
USE	Single Family Residential	Single Family Residential

SUMMARY

The Variance was triggered by a Residential Accessory Structure Permit, R-23-1067. The petitioner intends to build a 192 square foot shed at this property and has already prepared a site to place it. However, it was found during review that the property is only 1.21 acres in area, while the minimum lot size for an Agricultural/Rural Reserve lot is 2.5 acres. Thus, the Minimum Lot Size variance was triggered.

If the variance is approved, the petitioner’s Residential Accessory Structure Permit will be allowed to continue, as this is the minimum variance needed for the owner to do further development on the lot in the future. All other design standards (e.g. setbacks, height, etc.) are being met. If the petition is denied, the permit will be stopped.

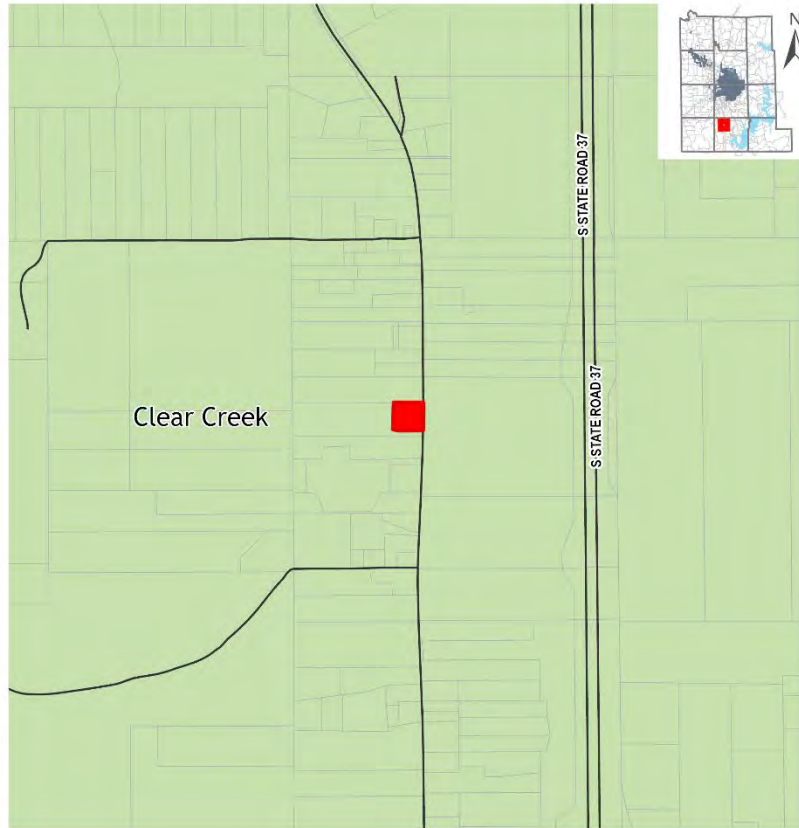
EXHIBITS - Immediately following report

1. Location Map, Slope Map, Zoning Map, and Comprehensive Plan Map
2. Site Photos
3. Petition Letter
4. Site Plan

EXHIBIT 1: Location Map, Slope Map, Zoning Map, and Comprehensive Plan Map

Location Map

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



0 0.07 0.15 0.3 Miles

Monroe County
Planning Department
Source: Monroe County GIS
Date: 11/1/2023

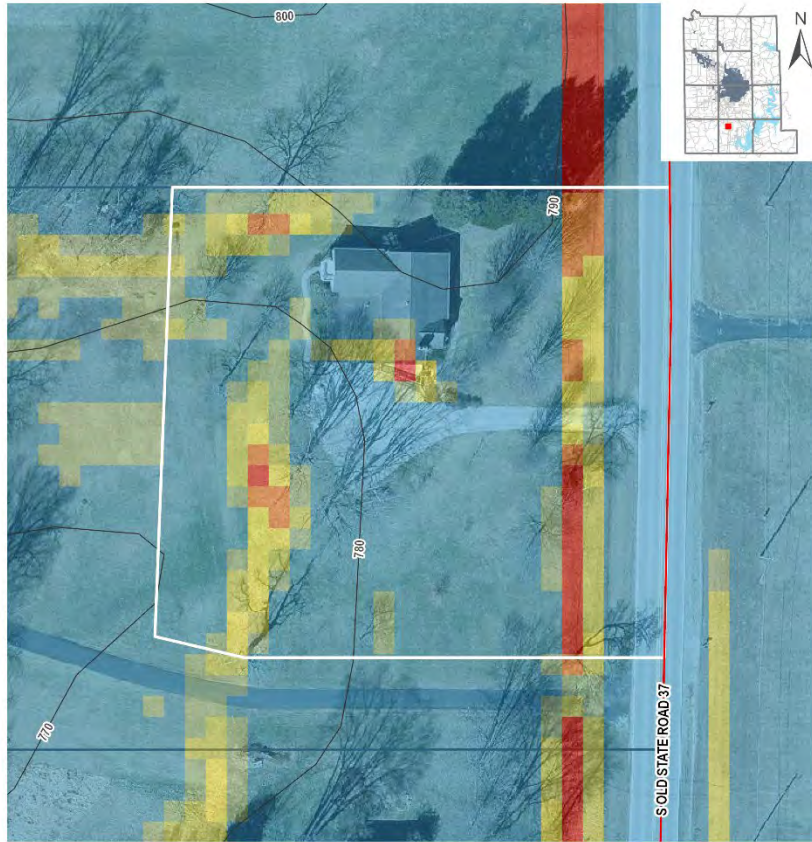
Above, the location map of the petition property; Below, the slope map of the petition property

Site Conditions Map

- Minor Collector [60']
- Petitioner
- 10-Foot Contours
- Percent Slopes**
- 0 - 12%
- 13 - 15%
- 16 - 18%
- 19 - 21%
- 22 - 24%
- > 25%
- Local Roads [50']
- ▭ Parcels

0 15 30 60 Feet

Monroe County
Planning Department
Source: Monroe County GIS
Date: 11/1/2023

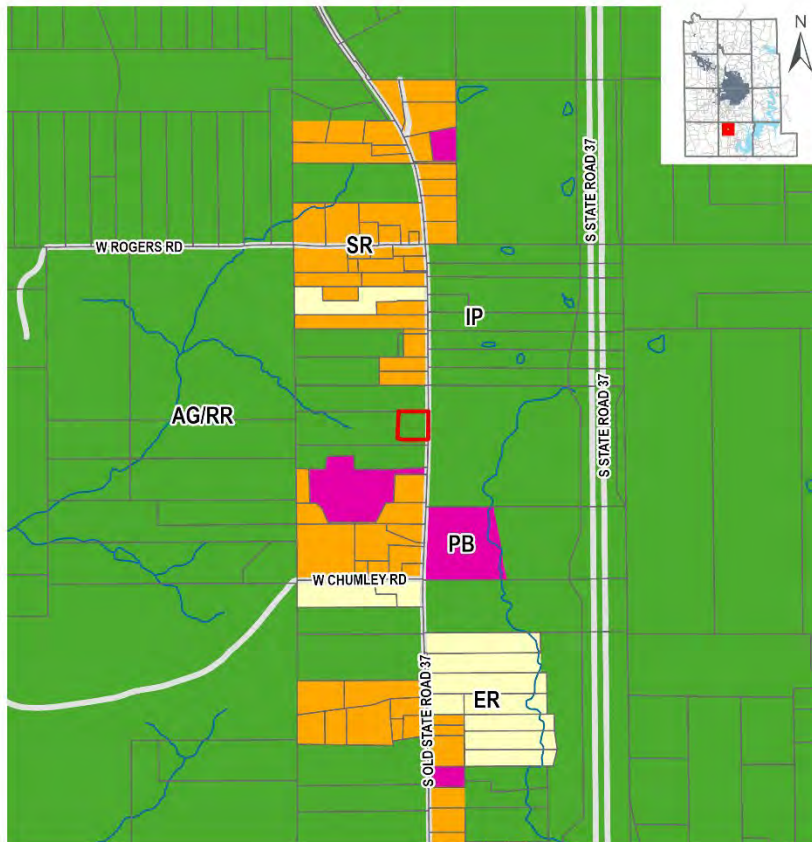


Current Zoning Map

- ▭ Petitioner
- ▭ Parcels
- Roads
- Hydrologic Features
- Monroe County Zoning**
- AG/RR - Agriculture/Rural Reserve
- ER - Estate Residential
- IP - Institutional/Public
- ME - Mineral Extraction
- PB - Pre-Existing Business
- SR - Suburban Residential

0 360 720 1,440 Feet

Monroe County
Planning Department
Source: Monroe County GIS
Date: 11/1/2023



Above, Zoning Map of the petition property; Below, the Comprehensive Zoning Map of the same

Comprehensive Plan

- Petitioner
- Townships
- Parcels
- Roads
- Comp. Plan Land Use (Updated 2015)
 - Farm and Forest
 - Rural Residential

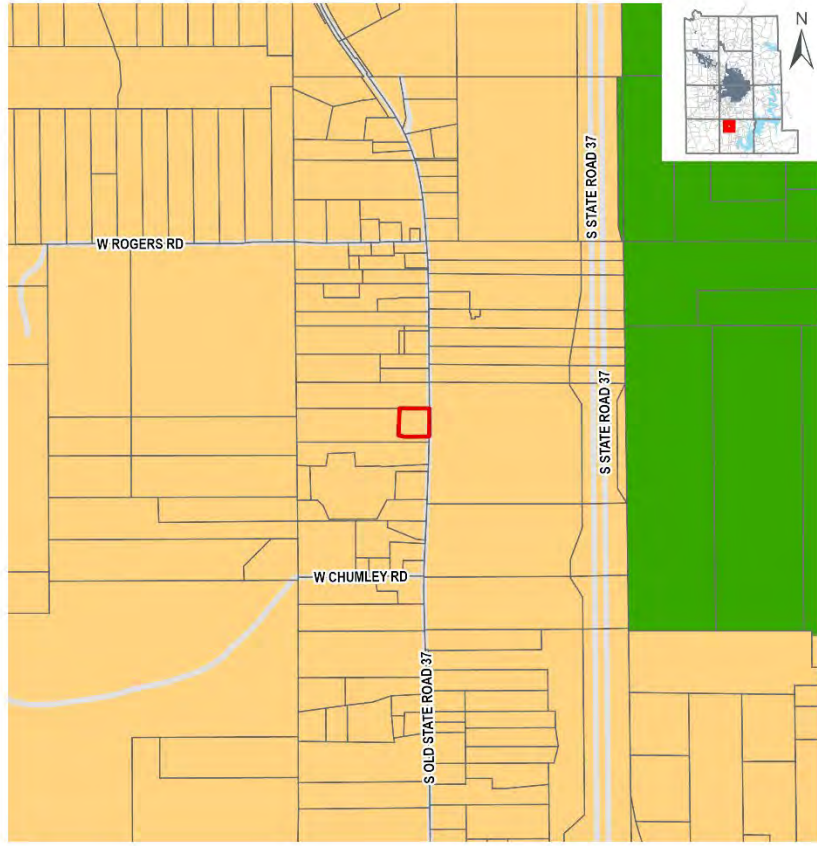


EXHIBIT 2: Site Photos



Photo 1. Pictometry photo of the property



Photo 2: Proposed location of the shed



Photo 3: The house on the property



Photo 4: A distant view of the proposed shed location

EXHIBIT 3: Petition Letter

VAR-23-41



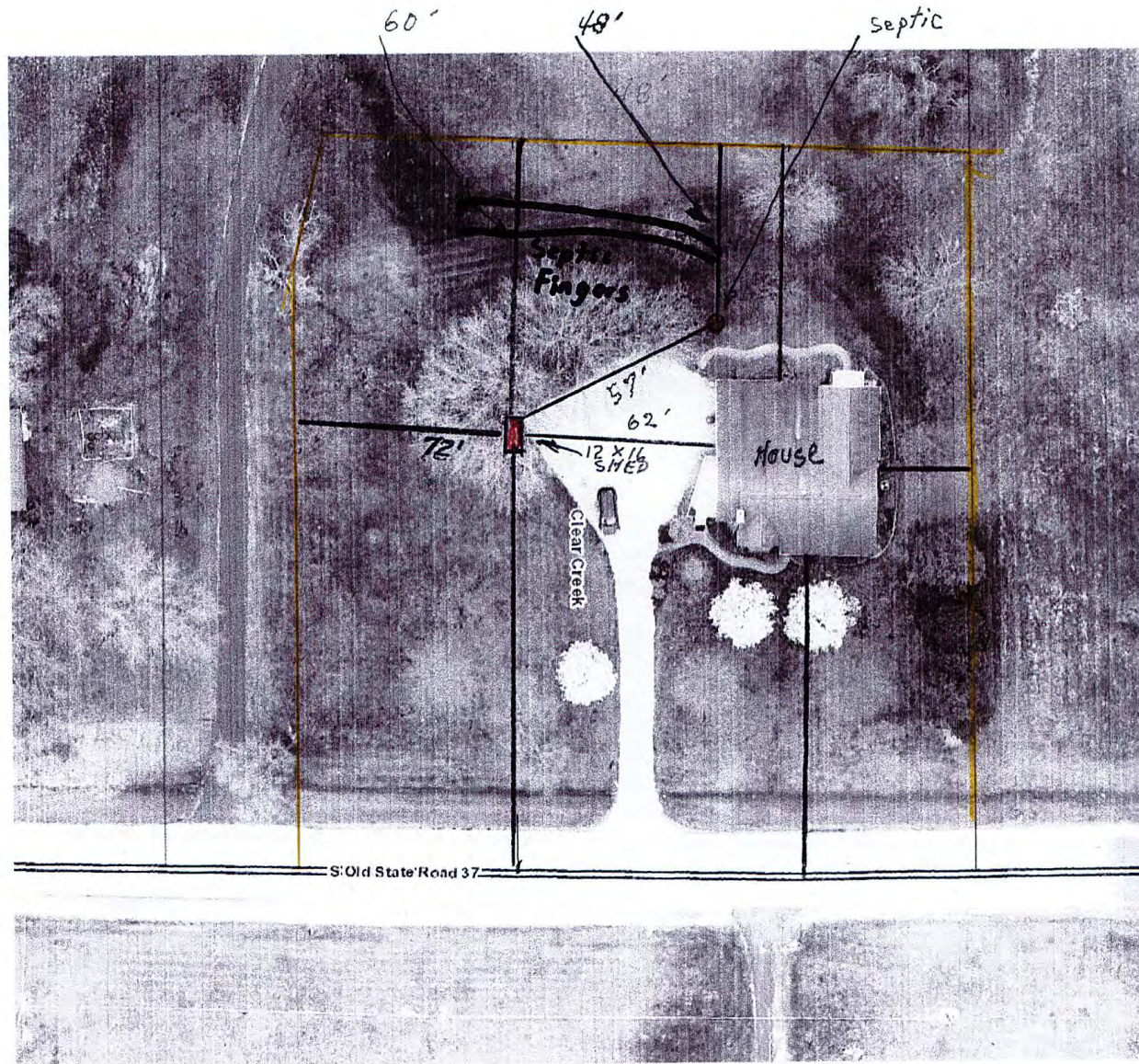
Dannie Hudson <dhudson1111@comcast.net>
To Daniel Brown
Cc dhudson1111@comcast.net



Sat 10/14/2023 7:57 PM

Request variance for utility shed (12x16 ft) placement due to acreage (1.2 acers) requirments . Parcel 53-11-08-100-002.006. Thank You.

EXHIBIT 4: Site Plan



7594 S Old State Rd 37
53-11-08-100-002.006



MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date: December 6, 2023

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-23-42	Use Variance to allow Tourist Home/Cabin	Denial

812-5 Standards for Use Variance Approval: In order to approve an application for a design standards variance, the Board must find favorable findings for all five (5) criteria, A, B, C, D, and E listed after the agenda within the BZA packet.

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*

Hardship or Unnecessary Hardship. Significant economic injury that: (A) Arises from the strict application of this ordinance to the conditions of a particular, existing parcel of property; (B) Effectively deprived the parcel owner of all reasonable economic use of the parcel; and (C) Is clearly more significant than compliance cost or practical difficulties.

Recommended Motion Conditions or Reasoning:

Deny the use variance (Tourist Home/Cabin) to Chapter 802 based on the findings of fact. There is no substantial evidence the property cannot be utilized under the existing use of single-family dwelling in the SR zoning district, and therefore does not meet criteria 812-5(D).

Variance Type: <input type="checkbox"/> Design <input checked="" type="checkbox"/> Use		Planner: Drew Myers
<input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial		
PETITIONER	Williams, Ronald (owner & applicant)	
ADDRESS	1901 E Lukes CT 53-08-27-300-041.001-008	
TOWNSHIP + SECTION	Bloomington Township, Section 27	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	1.39 acres	
	PETITION SITE	ADJACENT
ZONING	SR	ER, SR, and CR
CDO ZONE	MCUA Suburban Residential	MCUA Suburban Residential
USE	Single-family Residential	Single-family Residential;

EXHIBITS

1. Site Pictometry
2. Petitioner Letter
3. Petitioner Site Plan
4. [Link to Chapter 802](#) – Permitted uses in SR
5. Residential Building Permit (15-R1-51)
6. Perennial Estates Subdivision Lot 1 & Lot 2 Amendment Four - Final Plat
7. VRBO Listing Pictures
8. Enforcement Letter (AC-21-36)
9. Timeline of Events

SUMMARY

The petitioner is requesting a Use Variance to establish a “Tourist Home/Cabin” at 1901 E Lukes CT on 1.39 acres. The subject property is zoned Suburban Residential (SR) and currently exhibits the land use of single-family dwelling. The petitioner intends to advertise the living space above the existing attached garage as a short-term rental. According to the petitioner, the living space above the attached garage was originally built to house his daughter and son-in-law in 2016.

Chapter 802 of the Monroe County Zoning Ordinance defines “Tourist Home/Cabin” as:

Tourist Home/Cabin – A building, or portion thereof, in which four (4) or fewer guest rooms are furnished to the public under the terms of a short-term lodging agreement.

The definition of a “short-term lodging agreement” under Chapter 801 of the Zoning Ordinance is as follows:

Short-Term Lodging Agreement. An agreement under which rooms are provided for a fee, rate, or rental, and are occupied for overnight lodging or habitation purposes for a period of less than thirty (30) days.

The use of a Tourist Home/Cabin is permitted in the AG/RR, FR, and CR zoning districts, and is conditional in the ER, LR, MR, HR, and HR zoning districts. Whether listed as permitted or conditional, the use is subject to special condition #48.

48. *Criteria for Tourist Home or Cabin uses in AG/RR, FR, and CR zoning districts:*

- a) *The lot must meet or exceed the minimum lot size and infrastructure facilities (i.e. septic system, driveway) requirement for the zoning district prior to the commencement of the Tourist Home or Cabin use;*

The applicant does meet this requirement. However, the requirement for the minimum lot size for this use in the aforementioned permitted zones is a minimum of 2.5 acres; the applicant’s lot size (1.39 acres) exceeds the minimum for the SR zone.

- b) *The Tourist Home or Cabin shall be located no closer than two-hundred (200’) feet from any adjoining principal use structure not currently being used as a Tourist Home or Cabin or from the adjoining property setback line if no adjoining principle use structure exists.*

The applicant does not meet this requirement. They are 154 feet from the adjoining principle use structure at 2000 E Lukes CT.

- c) *Any outdoor pool or spa facilities must meet State and Local Board of Health requirements and must be visually screened from surrounding properties and properly secured with a Power Safety Pool Cover or Enclosure as defined in Indiana Code (675 IAC 20-4-27 - Safety Features; 675 IAC 20-3-9 – Enclosure) standards for a Class C, Semi-Public Pool.*

Outdoor pool facility use not requested as a part of Tourist Home/Cabin request.

- d) *Parking:*

- 1) *Parking only on paved or graveled driveways;*
- 2) *No parking is allowed on the street or road;*

- 3) *One (1) parking space per guest room; and,*
- 4) *(4) No parking of any vehicles in any yard or setback area as defined by Chapter 804 of the Zoning Ordinance.*

The applicant can meet this requirement.

- e) *Rules, in a readable size and format, shall be posted outside near the main entrance to the Tourist Home or Cabin and shall include the following:*

- 1) *Rules and regulations for ensuring safety and preservation of neighborhood values (e.g., emergency phone numbers; 24 hour contact number for property owner or manager; noise restrictions; solid waste management rules; fishing license rules; etc.);*
- 2) *Diagram of property boundary lines; and,*
- 3) *Diagram of designated parking.*

The applicant can meet this requirement.

- f) *Smoke detectors and a fire extinguisher shall be installed and maintained in working order in all Tourist Homes or Cabins.*

The applicant can meet this requirement.

- g) *All solid waste and refuse shall be removed from the property and properly disposed of prior to a change of occupancy.*

The applicant can meet this requirement.

- h) *No more than two (2) guests per guest room.*

The applicant can meet this requirement.

If the use variance is approved, the petitioner will proceed with the following process:

- 1.) Apply for design standards variance to Condition #48 for all requirements that cannot be met for a Tourist Home/Cabin, including 48(b),
- 2.) Submit a Commercial Site Plan filing,
- 3.) Acquire a General Improvement Location Permit (filed by staff once site plan is approved),
- 4.) Acquire a Land Use Certificate (LUC) from the Planning Dept.

If the use variance is denied, the petitioner will not be able to rent the space under a short-term lodging agreement.

BACKGROUND

The existing residence received a residential building permit in 2015 (15-R1-51) to construct a 3-bedroom single-family residence. The number of residential units listed on the building permit was one (1), however, the construction plans included an accessory dwelling that has a separate entrance over the garage. The septic permit (#20651) lists three (3) bedrooms total. See Exhibit 5.

In 2021, the Planning Department received a complaint that 1901 E Lukes Court was being rented on VRBO (a short-term lodging agreement website). The Planning Department followed up with a letter under the enforcement case AC-21-36 detailing the illegal use of the Tourist Home/Cabin and a lean-to built without proper permits (See Exhibit 8). Mr. Williams ceased the rental at 1901 E Lukes CT; however, they are now asking for the use to be permitted via a use variance.

Suburban Residential (SR) District

Suburban Residential (SR) District. The character of the Suburban Residential (SR) District is defined as that which is primarily intended for existing, possibly nonconforming, recorded single family residential subdivisions and lots of record. Its purposes are to accommodate existing, substandard subdivision developments and lots, to permit the build-out of single family residential uses in those developments and lots, to encourage the development of sanitary sewer systems for the existing development in the Lake Lemon area, to discourage the development of nonresidential uses, to protect environmentally sensitive areas, such as floodplain, karst, and steep slopes, and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the SR District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the residential uses. The need for expanding this district beyond the areas designated on the Official Zone Maps on the date of the adoption of the zoning regulations is not anticipated or encouraged.

EXHIBIT ONE: Site Pictometry



Photo 1 – view from South



Photo 2 – view from East



Photo 3 – view from North



Photo 4 – view from West

EXHIBIT TWO: Petitioner Letter & Owner Consent

Dear Board of Zoning Appeals

10/25/2003.

I am writing regarding my property at 1901 E Lukes Ct. I am applying for a variance in order to have an Air B & B in an apartment over my Garage. It was built originally with the house for my daughter and son in law in 2016, but they have moved on since then. It has been sitting empty and would be a great asset for me to have the extra income so when I retire, I could stay in my home.

I have lived alone since my wife passed away suddenly 5 years ago.

Nothing on the property will change and I believe I meet all the criteria. I have plenty of parking and I would appeal to an older more respectful clientele and would be an asset to Bloomington, bringing more money into the community as well.

I hope you will grant me this variance.

Sincerely



Ronald F Williams

EXHIBIT THREE: Petitioner Site Plan

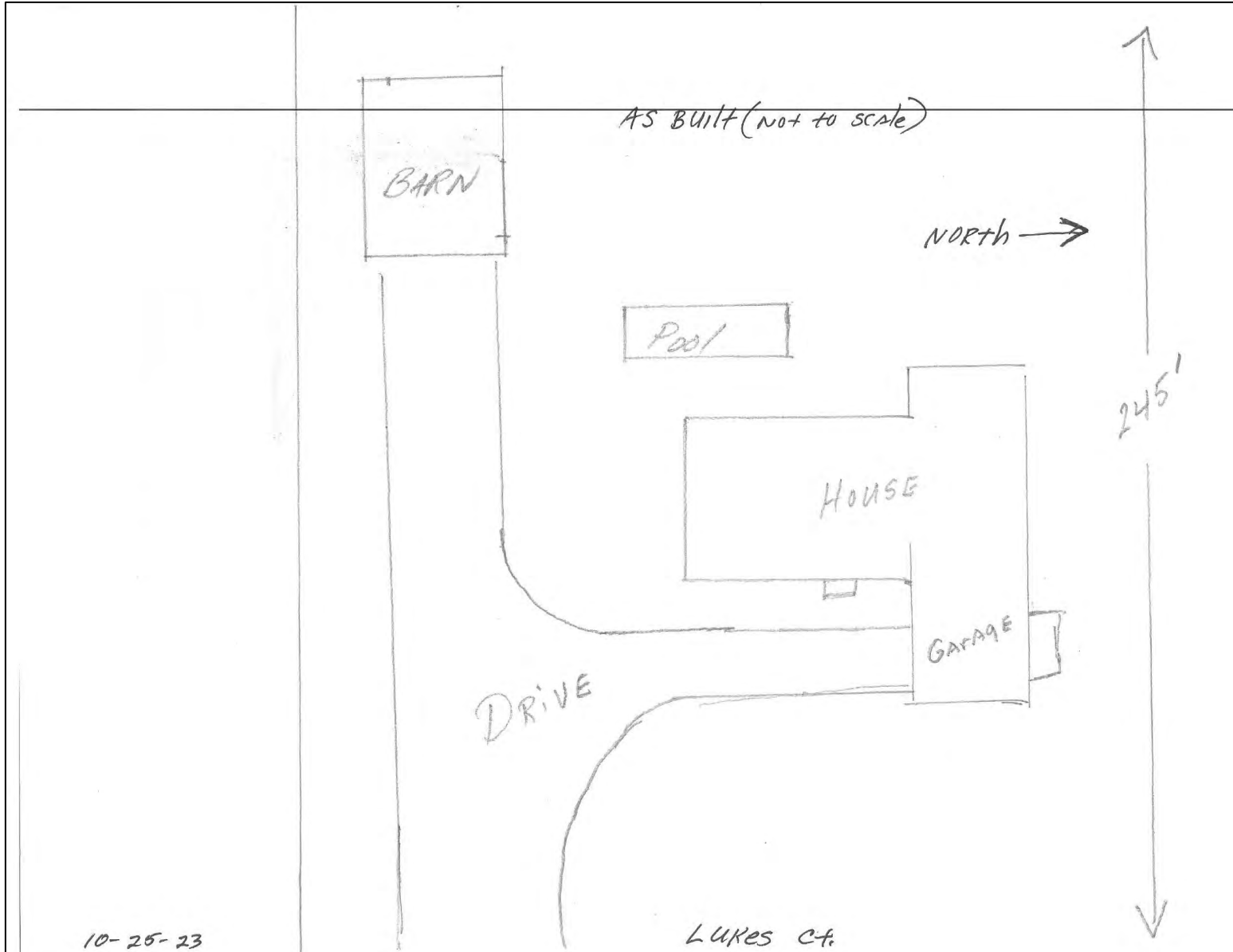


EXHIBIT FOUR: Permitted Use Table for SR

USES	INTENSITY	SR	Condition
Agricultural Uses			
Historic Adaptive Reuse		C	15; 44
Residential Uses			
Accessory Apartments	L	P	26
Accessory Livestock	L	P	43
Accessory Use		P	5
Historic Adaptive Reuse		C	15; 44
Home Occupation	L	P	16
Residential Storage Structure	L	P	15
Single Family Dwelling	n/a	P	1
Temporary Dwelling	L	P	3; 53
Two Family Dwelling	n/a	P	2
Public and Semipublic			
Accessory Use		P	13
Group Home Class I	L	P	
Historic Adaptive Reuse		C	15; 44
Wireless Communications Facilities		C	32
Business and Personal Services			
Artisan Crafts	M	C	15, 22, 44
Historic Adaptive Reuse		P	15; 44
Real Estate Sales office Or Model	L	P	9
Retail and Wholesale Trade			
Historic Adaptive Reuse		P	15; 44
Automotive and Transportation			
Historic Adaptive Reuse		P	15; 44
Manufacturing, Mining			
Construction Trailer	L	P	17
Historic Adaptive Reuse		P	15; 44

EXHIBIT FIVE: Residential Building Permit

CG
5630115-R1-51
County SR
3-27-15
ECO: L
FEMA: No

Setbacks: (1-acre (A))
1.12 acres
50' min lot width
Max Height: 35'
Setbacks: Front: 25' From ROW
Side: 5' Rear: 10' (Local road)

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
<http://www.co.monroe.in.us/tsd/Government/Infrastructure/BuildingDepartment.aspx>

1 of 2

APPLICATION MUST BE FILLED OUT COMPLETELY; PLEASE PRINT
014-35240-00

Parcel No. 53-06-27-300-041-001-008 Subdivision Perennial Estates Lot No. 1
Project Address 1901 LUKES Ct City Bloomington, IN Zip Code 47401
Township PERRY Section No. 14

Property Owners Name Ronald F. Williams Phone No. 812-327-0353
Property Owners Address P.O. Box 715 City CLEAR CREEK IN Zip Code 47426

Applicants Name SAME Phone No. _____
Applicants Address _____ City _____ Zip Code _____

General Contractor JEREMY FERREE Phone No. 812-699-0327

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) _____

Total number of bedrooms 3 Number of residential units 1 Estimated construction cost (census) 429,081
Total Square Footage of proposed structure 9909
First floor square footage 3564 Garage/Carport square footage 1020 Attached Detached
Second floor square footage 965 Covered Deck(s)/Porch(s) square footage 716
Third floor square footage N/A Other Floor square footage (explain) 156 LAWN MOWER SHED
Basement square footage 3448 Grading area (area of soil disruption) 11000
Elevated deck (>30") square footage 144

(Part of garage area)
no sep. str. CG

Driveway Permit No. 2011162 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. 20651 Number of bedrooms on permit 3

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: Ronald F. Williams Date: 3-27-15

01/04/2011/Bldg/Reviews/Forms

EXHIBIT SIX: Perennial Estates Subdivision Lot 1 & Lot 2 Amendment Four - Final Plat

2022010997 5PL \$25.00
07/21/2022 08:01:12A 1 PGS
Eric L. Deckard
Monroe County Recorder IN
Recorded as Presented

PERKY TWP.
TOWNSHIP 8 N
RANGE 1 W
SECTION 27

DEVELOPER, APPLICANT & OWNER
TAWNY STERWERF
1783 E RAYLTOWN ROAD
BLOOMINGTON, IN 47401

PERKY TWP.
TOWNSHIP 8 N
RANGE 1 W
SECTION 27

CURVE TABLE:

CURVE	BEARING	ARC LENGTH	CHORD LENGTH	IN CUTTING	DELTA ANGLE
C1	S 89°25'13" E	29.39'	29.39'	0.000'	3.000°
C2	N 02°17'00" W	14.33'	14.33'	0.000'	3.000°
C3	N 02°17'00" W	14.33'	14.33'	0.000'	3.000°
C4	S 89°25'13" E	29.39'	29.39'	0.000'	3.000°

PERENNIAL ESTATES SUBDIVISION LOT 1 & LOT 2 AMENDMENT FOUR- FINAL PLAT

A PART OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 8 NORTH,
RANGE 1 WEST, MONROE COUNTY, INDIANA

DULY ENTERED FOR TAXATION.
JUL 20 2022

Eric L. Deckard
Auditor Monroe County, Indiana

LINE TABLE:

LINE	BEARING	DISTANCE
1	S 89°25'13" E	69.00'
2	S 89°25'13" E	178.10'
3	N 02°17'00" W	28.00'
4	N 02°17'00" W	29.00'
5	S 89°25'13" E	28.37'
6	N 02°17'00" W	125.18'
7	N 02°17'00" W	66.36'
8	N 89°25'13" E	150.00'
9	N 32°29'38" E	35.31'
10	N 43°00'11" E	128.60'
11	N 69°33'25" E	121.60'
12	N 55°11'11" E	78.44'
13	N 87°42'22" W	65.00'

LEGEND

■ STONE POUND	□ BRASS NAIL FOUND
○ UTILITY POLE	△ IRON SPIKE SET
▭ REBAR FOUND	□ WOOD PENCIL
✶ REBAR SET	— TIE IRON
✶ NAIL FOUND	— OVERHEAD POWER LINE
○ REBAR FOUND	(R) REVEALED
○ FIELD POINT	(M) MEASURED

PROJECT LOCATION

SCALE 1" = 100'

DEDICATION OF PUBLIC RIGHTS-OF-WAY: LOCATION MAP

Kyle Sterwerf and Tawny Sterwerf (owners), and Ronald F. Williams (trustee) of the real estate shown and described herein do hereby certify, lay off and re-plat Lots numbered 1 and 2 to be known as Perennial Estates Subdivision Lot 1 & Lot 2 Amendment Four Final Plat. Rights-of-way not heretofore dedicated are hereby dedicated to Monroe County, Indiana. In accordance with this plat and certification, this plat shall be known as Perennial Estates Subdivision Lot 1 & Lot 2 Amendment Four Final Plat.

There are building setbacks on this plat upon which no structures may be erected or maintained.

As owners of Lots 1 and 2 in Perennial Estates Subdivision, in Monroe County, Indiana, we by this instrument declare these platted lots amended.

Witness our hands and seals this 5th day of July, 2022.

Kyle Sterwerf, Tawny Sterwerf
Kyle Sterwerf (Owner Lot 2)
1783 E. Rayltown Road
Bloomington, Indiana 47401

Ronald F. Williams
Ronald F. Williams (Trustee Lot 1)
1901 E. Lakes Court
Bloomington, Indiana 47401

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

Before me, the undersigned Notary Public, in an for said County and State, personally appeared Kyle Sterwerf and Tawny Sterwerf (owners), and Ronald F. Williams (trustee), each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purpose therein expressed.

Witness my hand and notarial seal this 5th day of July, 2022.

Notary Public: *Crystal Wegeroph*

County of Residence: Monroe

My Commission Expires: 3-25-27

STORM & SURFACE DRAINAGE:

This is to certify that the subject property is located in zone "X", and does not appear to be located in a special flood hazard area, according to FIRM Panel Number 18103C0232D dated December 17th, 2010.

COMMISSION CERTIFICATE:

Under the authority of Chapter 174, Act of 1947, as amended by the General Assembly of the State of Indiana, and the Monroe County Subdivision Control Ordinance, these parcels were created through the Final Plat Amendment procedure and approved by the Monroe County Plan Commission on 7/12/22

Monroe County Plan Commission:
President: *[Signature]*
Secretary: *[Signature]*

EXISTING STRUCTURES:

- 2- Story Dwelling
- 2- Story Dwelling with Basement
- Detached Garage

SETBACK TABLE

Front - 25' from R/W for buildings (feet)
Side - 15'
Rear - 35'

These lots are for "Single Family" use.
ZONE: ESTATE RESIDENTIAL (ER)

SETBACK TABLE

Front - 25' from R/W for buildings (feet)
Side - 5'
Rear - 10'

These lots are for "Single Family" use.
ZONE: SUBURBAN RESIDENTIAL (SR)

ECO AREA 3 RESTRICTIONS CHAPTER 825-4(c)(2)

There shall be no disturbance of natural vegetation beyond the eighteen (18) percent slope line, subject to the requirements of 825-3.

CERTIFICATION

The within survey was performed without the benefit of source of title and is subject to any statement of facts recited by the same.

Easements have been located in the field and prepared with this survey drawing. This qualification will be removed upon receipt and inspection of current title work.

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 20th day of June, 2022.

Eric L. Deckard
Registered Surveyor I.S. 29900012
State of Indiana

HISTORIC DESCRIPTIONS:

LOT 1 - Lot Number One (1) in Perennial Estates Subdivision Final Plat.

LOT 2 - Lot Number Two (2) in Perennial Estates Subdivision - Lots 2 & 3 Amendment One Final Plat.

SOURCE OF TITLE:

LOT 1 - Now or Formerly owned by Ronald F. Williams, Trustee of the Ronald F. Williams Revocable Trust as found in Instrument Number 2020012372 in the Office of the Monroe County Recorder.

LOT 2 - Now or Formerly owned by Kyle Sterwerf and Tawny Sterwerf as found in Instrument Number 2018016703 in the Office of the Monroe County Recorder.

REFERENCED SURVEYS:

- Reference is made to the plat of Perennial Estates Subdivision Final Plat as found in Plat Cabinet "C", Envelope 176 in the Office of the Monroe County Recorder.
- Reference is made to the plat of Perennial Estates Subdivision Lots 2 & 3 - Amendment One Final Plat as found in Instrument Number 2007003678 in the Office of the Monroe County Recorder.
- Reference is made to the plat of Perennial Estates Subdivision Lot 2 Amendment Three Final Plat as found in Instrument Number 2014015439 in the Office of the Monroe County Recorder.

NOTES:

- 5/8" rebar will be set at all property corners.
- Fieldwork completed August 2021.
- Basis of bearing (State Plane - Indiana West).
- Coordinates shown hereon were obtained from GPS observations utilizing the Indiana Real Time Network (INCORS). Indiana West Zone, NAD83 (2011) Epoch 2010.000, State Plane Grid Coordinates, US Survey Feet. Geoid model G2012B107. Datum NAD83. NO TRANS.
- Coordinate data was collected using a Topcon Network Rover (HiPer SR GPS), a Topcon 302 Total Station, and an FC-5000 Data Collector. Coordinate positions are grid north (Indiana State Plane West Zone).
- Failure, under penalty for perjury, that I have taken responsible care to reduce each Social Security Number in this document, unless required by law.

- ERIC L. DECKARD

DECKARD
FOR MONROE COUNTY CLERK
1100 EAST TOWNSHIP
BLOOMINGTON, IN 47403
2022010997

**PERENNIAL ESTATES SUBDIVISION
PLAT AMENDMENT FOUR
A PART OF SECTION 27, T8N, R1W**

20-54
1
6/2/22
BNDY.S/IT

EXHIBIT SEVEN: VRBO Listing Pictures

All photos



Bloomington Vacation Rental | 1BR | 1BA | 850 Sq Ft | Stairs Required



Exterior | Heated Driveway Parking (3 Vehicles)



Exterior | Private Deck



Kitchen | Cooking Basics | Dishware/Flatware



Bedroom | King Bed



Room



Room



En-Suite Bathroom | Linens/Towels



Property grounds



Exterior | Homeowner On-Site



Property grounds



Exterior

EXHIBIT EIGHT: Enforcement Letter (AC-21-36)



Monroe County Plan Commission and office of the Monroe County Board of Zoning Appeals

Monroe County Government Center
501 N. Morton St., Suite 224
Bloomington, IN 47404
Telephone: (812) 349-2560 / Fax: (812) 349-2967
<https://www.co.monroe.in.us/departments/?structureid=13>

**Enforcement Letter 1
AC-21-36**

Issued to:

Williams, Ronald F Revocable Trust
1901 E Lukes Ct
Bloomington, IN 47401-9353

Enforcement Address:

1901 E LUKES CT
Bloomington, IN 47401-9353
53-08-27-300-041.001-008

September 13, 2021

Hello Ronald F Williams Revocable Trust / Ronald Williams,

The Monroe County Planning Department is contacting you today due to Monroe County Ordinance violations for address 1901 E LUKES CT Bloomington, IN 47401-9353- 53-08-27-300-041.001-008. The above listed property is in violation of the following Monroe County Ordinance(s) based on property and permit history review:

802-5- Permitted Land Uses

It was noted during a site visit for unpermitted construction that this property is being rented as a short term tourist rental. An online check confirmed the upstairs of the attached garage is advertised on Airbnb as a short term rental. A short term tourist rental is not a permitted use in the SR zone.

Listed below are the required actions to bring this property into compliance and the deadlines for taking these actions:

REQUIRED ACTIONS:	DEADLINE FOR COMPLIANCE:
Cease and Desist the use of this property for short term tourist rental.	IMMEDIATELY
An online inspection will be performed to check for compliance.	9/24/2021

Please note that failure to comply with the required actions and deadlines in this letter may lead to a civil action being filed against you in the Monroe Circuit Court. Every day a property is not in compliance with an ordinance provision constitutes a separate violation of that provision for which a civil penalty judgment may be entered.

Sincerely,

Rachel Henry

Zoning Inspector, Monroe County Planning Department
Office: 812-349-2560
Email: rhenry@co.monroe.in.us

Cc: Larry Wilson, Planning Director
Jacqueline Nester Jelen, Assistant Director
David Schilling, County Attorney

Upon a reasonable belief that a person is violating a provision of the Monroe County ordinance(s) the Planning Administrator may seek administrative or civil remedies with the assistance of the Monroe County Commission Attorney. If you have any questions, please call 812-349-2560, questions about fine payments may be directed to the Monroe County Treasurer at 812-349-2530 or for legal questions you may contact the Monroe County Legal Department at 812-349-2525.

EXHIBIT NINE: Timeline of Events

- **2006-11-06:** Ronal Williams purchased 1901 E Lukes CT
- **2007-09-21:** Kelby Waldrip purchased 1785 E Rayletown RD (home built ca. 1996)
- **2014-09-03:** Septic Permit #20651 issued / inspected 2014-09-29 for 1901 E Lukes CT
- **2014-12-03:** Septic easement recorded via plat amendment 3
- **2015-04-01:** Permit 15-R1-51 issued for 3-bedroom single-family residence
- **2018-04-28:** Permit 18-RA-52 issued for pool (site plan did not match the install but still conforming)
- **2018-11-27:** Permit 18-RA-189 issued for 1200 sq. ft. pole barn
- **2018-12-14:** Sterwerf purchased 1785 E Rayletown RD
- **2021-08-23:** Complaint against 1901 E Lukes CT for lean-to addition and not following setbacks
- **2021-08-30:** Staff discovers pole barn built over lot line and into the Sterwerf's property and discusses pathways to compliance options with Ronald Williams
- **2021-09-13:** Staff mails enforcement letter (AC-21-36) requesting cease-and-desist use of property as a short-term rental per violation to 802-5: Permitted Land Uses
- **2021-09-14:** Staff mails enforcement letter (AC-21-37) requesting actions to bring pole barn into compliance with the Zoning Ordinance
- **2021-12-28:** Ronald Williams files for rezone
- **2022-05-11:** Board of Commissioners approves rezone
- **2022-07-21:** Final plat amendment recorded
- **2023-10-25:** Ronald Williams files for use variance to add Tourist Home/Cabin to 1901 E Lukes CT



MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date: December 6, 2023

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-23-43	Side Yard Setback from Ch. 804	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:

Staff recommends **denial** of variance VAR-23-43 due to a self-created hardship and doesn't meet standard of approval 812-6 (C).

Denial of the variance will require the petition to alter the front porch to meet the 5' front yard setback.

812-6(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.

Chapter 801: Hardship or Unnecessary Hardship. Significant economic injury that:

- (A) Arises from the strict application of this ordinance to the conditions of a particular, existing parcel of property;
- (B) Effectively deprived the parcel owner of all reasonable economic use of the parcel; and
- (C) Is clearly more significant than compliance cost or practical difficulties.

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

PETITIONER	Scott Barker	
ADDRESS	9390 N Derrett RD, 53-01-34-100-026.000-003	
TOWNSHIP + SECTION	Benton, 34	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted: n/a	
ACREAGE +/-	0.17	
	PETITION SITE	ADJACENT
ZONING	SR	SR; FR;
COMP PLAN	Rural Residential	Rural Residential
USE	Residential	Residential; Recreational; Vacant

SUMMARY

The petitioner submitted permit R-23-288 for a 2-story Single Family Residence fronting Lake Lemon on a 0.17 acre lot at 9390 N Derrett RD. The structure received approval of three variances from Chapter 804 "Height, Bulk, Area, and Density" standards of the Monroe County Zoning Ordinance on June 7, 2023.

The petitioner obtained their building permit on July 7, 2023. The petitioner significantly altered the floor plan which resulted in an altered plot plan. The petitioner built the structure without county approvals.

Planning Staff was made aware of the differences by SCI REMC, who contacted Staff about a possible property encroachment that was affecting utilities. Upon inspection staff requested an as-built certified plot plan and floor

plan. Due to relocation of the front porch the structure is encroaching 0.52” into the required side yard setback of 5’.



DISCUSSION

The proposed structure under R-23-288 required the approval of three variances from the Minimum Lot Size, Buildable Area (Special Flood Hazard Area) and the Front Yard Setback standards from Chapter 804 of the Zoning Ordinance. The Board of Zoning Appeals heard and approved all three variances at the June 7th, 2023 meeting (see Exhibit 6 for variance results letter).

The Residential Building Permit was issued on July 7th, 2023. Planning Staff was notified by SCI REMC that the residence was too close to the property boundary. Staff performed a site visit on October 20, 2023, and confirmed that a different residence was built than what was approved under the permit, in addition to erosion control issues. Planning Staff requested an as-built certified plot plan, the as-built floor plan, and re-installation of erosion control. Per VAR-23-18, a conditional of approval included erosion control measures to remain in place during construction (see Exhibit 6). The structure is encroaching 0.52” into the required side yard setback of 5’.

The petitioner states that the error of building the wrong structure is because they “put the correct plans on the portal and the plans I gave to the foundation folks were the wrong set of plans that had the porch aligned with the house” (see Exhibit 5).

The petitioner uploaded the plan that was built on July 25th (over 2 weeks after the permit was issued) without notifying Building or Planning staff of any changes – see Exhibit 7. See Exhibit 1 for a side-by-side comparison. The petitioner did not upload an updated certified plot plan, which is a pre-requisite for an Improvement Location Permit. Permit R-23-288 approved the floor plan and plot plan at the date of July 7, 2023. Changes to any building permit or Improvement Location Permit requires notifying staff of any change and a new review.

Staff has requested an updated certified plot plan. All proposed impervious surfaces should be illustrated on the certified plot plan. The certified plot plan will be required regardless of the outcome of the variance requests.

EXHIBITS - Immediately following report

1. County Approved vs. Petitioner Build Construction Plans
2. County Approved Certified Plot Plan vs. As-Built Structure Footprint
3. Staff Site Visit Violation Notes and Photos
4. SCI REMC Emails to Planning Staff October 2023
5. October 20, 2023 Voicemail Transcript
6. VAR-23-18a-c Results Letter
7. R-23-288 Viewpoint OpenGov Construction Plans Submission History
8. Petitioner Letter

The Barker Residence

9390 Derrett Road
Unionville, IN 47468

COUNTY APPROVED
Page 1

Sheet #C	Cover
Sheet #1.0	Exterior Elevations
Sheet #1.1	Exterior Elevations
Sheet #2	Basement Plan
Sheet #3	First Floor Plan
Sheet #4	Roof Plan
Sheet #5	Sections / Details



© COPYRIGHT 2023 BY MCGINNIS DESIGN GROUP. ALL RIGHTS RESERVED. NO PART OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, OR BY ANY INFORMATION TRANSMISSION SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE COPYRIGHT OWNER. THIS DRAWING IS THE PROPERTY OF THE COPYRIGHT OWNER AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, INCLUDING ANY LEGAL FEES INCURRED BY THE COPYRIGHT OWNER.

ALL STRUCTURAL ASPECTS OF THESE PLANS TO BE VERIFIED BY AN LICENSED ARCHITECT OR ENGINEER. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR ENSURING THE PROTECTIVE INTEGRITY OF ALL UTILITIES.

SQUARE FOOTAGE	
FIRST FLOOR	= 1548 SF±
BASEMENT SLAB	= 1891 SF±
FINISHED BASEMENT	= 341 SF±

1980 East 118th Street
Carmel, IN 46033
Nashua - 317.457.3518
Jaxa - 317.468.8999
www.mcginnisdesigngroup.com

The Barker Residence
9390 Derrett Road
Unionville, IN 47468

Designed For:
Wimp or Home

Scale:
1/4" = 1'-0"

Date:
04-03-23

File Name:
barker.dwg

C

The Barker Residence

9390 Derrett Road
Unionville, IN 47468

PETITIONER BUILT
Page 1

Sheet #C	Cover
Sheet #1.0	Exterior Elevations
Sheet #1.1	Exterior Elevations
Sheet #2	Basement Plan
Sheet #3	First Floor Plan
Sheet #4	Roof Plan
Sheet #5	Sections / Details



© COPYRIGHT 2023 BY MCGINNIS DESIGN GROUP. ALL RIGHTS RESERVED. NO PART OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, OR BY ANY INFORMATION TRANSMISSION SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE COPYRIGHT OWNER. THIS DRAWING IS THE PROPERTY OF THE COPYRIGHT OWNER AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, INCLUDING ANY LEGAL FEES INCURRED BY THE COPYRIGHT OWNER.

ALL STRUCTURAL ASPECTS OF THESE PLANS TO BE VERIFIED BY AN LICENSED ARCHITECT OR ENGINEER. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR ENSURING THE PROTECTIVE INTEGRITY OF ALL UTILITIES.

SQUARE FOOTAGE	
FIRST FLOOR	= 1548 SF±
BASEMENT SLAB	= 1891 SF±
FINISHED BASEMENT	= 341 SF±

1980 East 118th Street
Carmel, IN 46033
Nashua - 317.457.3518
Jaxa - 317.468.8999
www.mcginnisdesigngroup.com

The Barker Residence
9390 Derrett Road
Unionville, IN 47468

Designed For:
Wimp or Home

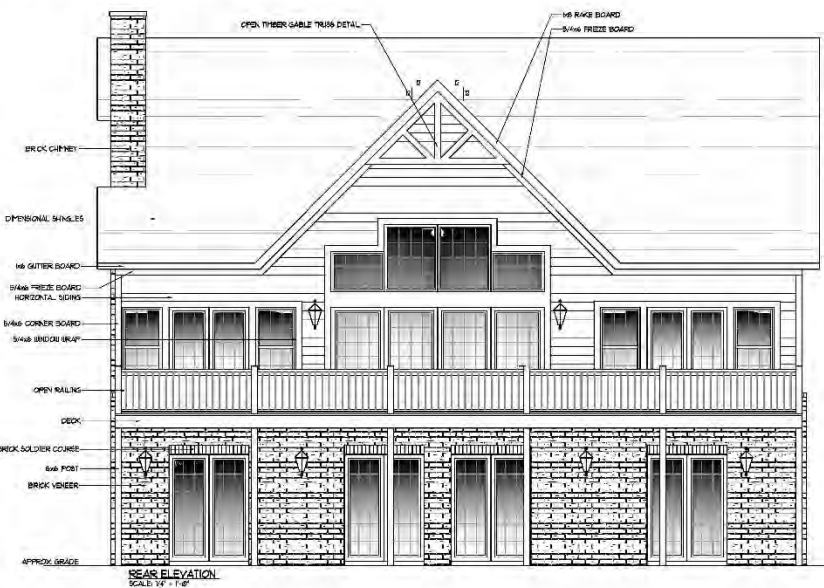
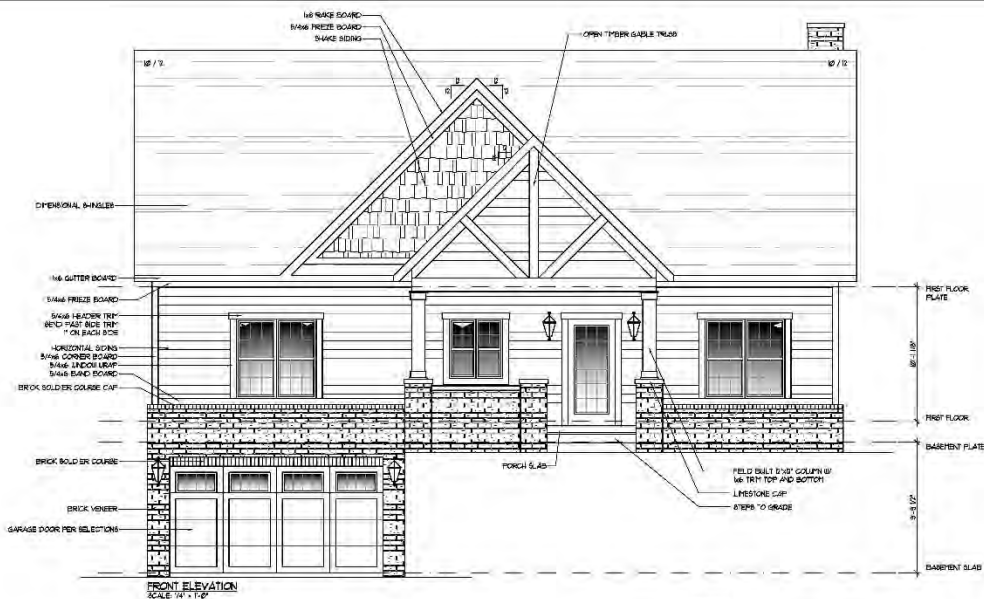
Scale:
1/4" = 1'-0"

Date:
07-25-23

File Name:
barker.dwg

C

COUNTY APPROVED
Page 2



© COPYRIGHT 2018 BY MCGINNIS DESIGN GROUP. ALL RIGHTS RESERVED. NO PART OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER. ANY UNAUTHORIZED REPRODUCTION INCLUDING ANY LEGAL FEES INCURRED BY THE COPYRIGHT OWNER.

ALL STRUCTURAL ASPECTS OF THESE PLANS TO BE VERIFIED BY ENGINEER AND/OR GENERAL CONTRACTOR. MCGINNIS DESIGN GROUP DOES NOT WARRANT THE STRUCTURAL INTEGRITY OF THESE PLANS.

SQUARE FOOTAGE	
FIRST FLOOR	= 1948 SF
BASEMENT SLAB	= 1891 SF
FINISHED BASEMENT*	= 941 SF

1980 East 116th Street
Suite 130
Columbus, IN 47318
Nashville, TN 37218
Jackson, TN 37317
Dallas, TX 75248
www.mcginnisdesigngroup.com

MG **DG** **GROUP**
MCGINNIS DESIGN GROUP

The Barker Residence
9390 Derritt Road
Unionville, IN 47468

Designed For:
Wimp or Home

Scale:
1/4" = 1'-0"

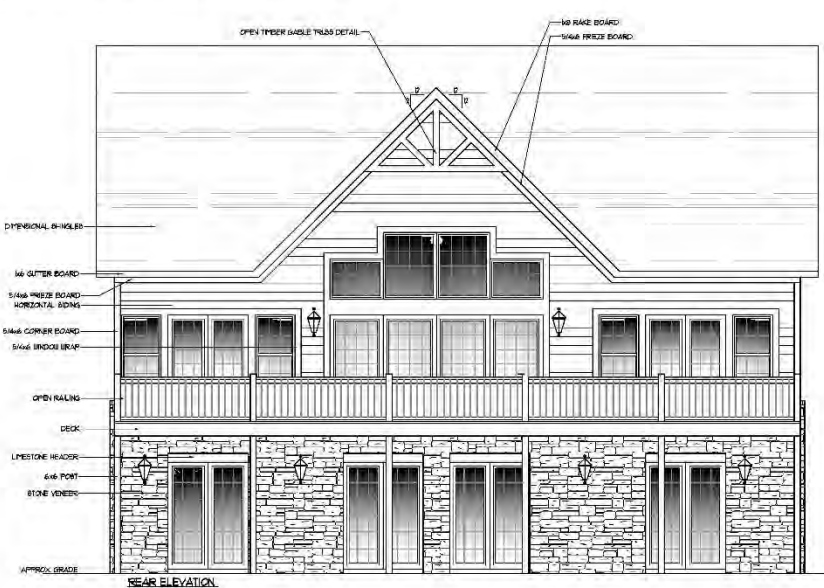
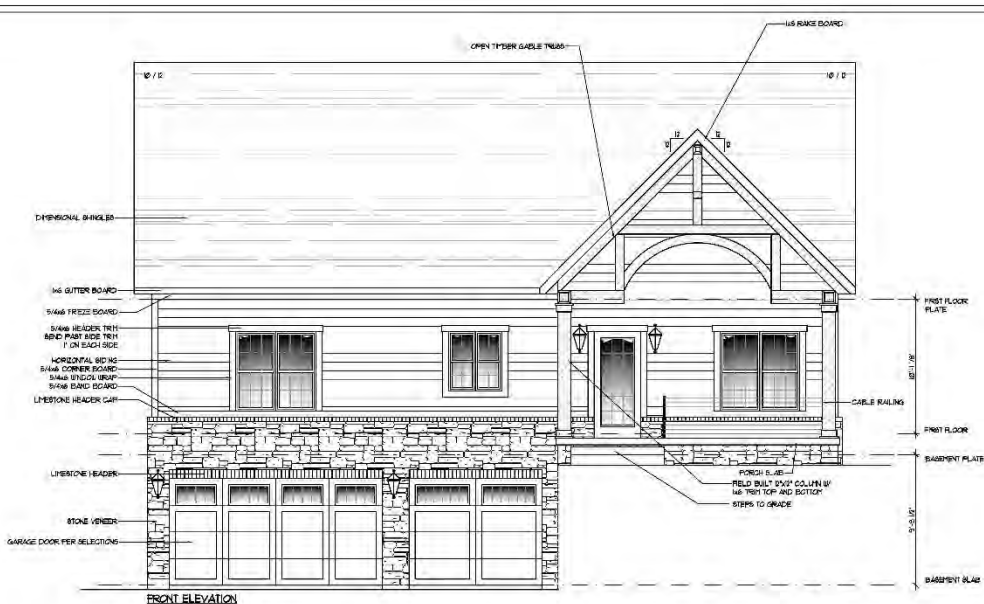
Date:
04-03-23

File Name:
barker.dwg

1.0

EXTERIOR ELEVATIONS
SCALE: 1/4" = 1'-0"

PETITIONER BUILT
Page 2



© COPYRIGHT 2018 BY MCGINNIS DESIGN GROUP. ALL RIGHTS RESERVED. NO PART OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER. ANY UNAUTHORIZED REPRODUCTION INCLUDING ANY LEGAL FEES INCURRED BY THE COPYRIGHT OWNER.

ALL STRUCTURAL ASPECTS OF THESE PLANS TO BE VERIFIED BY ENGINEER AND/OR GENERAL CONTRACTOR. MCGINNIS DESIGN GROUP DOES NOT WARRANT THE STRUCTURAL INTEGRITY OF THESE PLANS.

SQUARE FOOTAGE	
FIRST FLOOR	= 1948 SF
BASEMENT SLAB	= 1891 SF
FINISHED BASEMENT*	= 941 SF

1980 East 116th Street
Suite 130
Columbus, IN 47318
Nashville, TN 37218
Jackson, TN 37317
Dallas, TX 75248
www.mcginnisdesigngroup.com

MG **DG** **GROUP**
MCGINNIS DESIGN GROUP

The Barker Residence
9390 Derritt Road
Unionville, IN 47468

Designed For:
Master Home

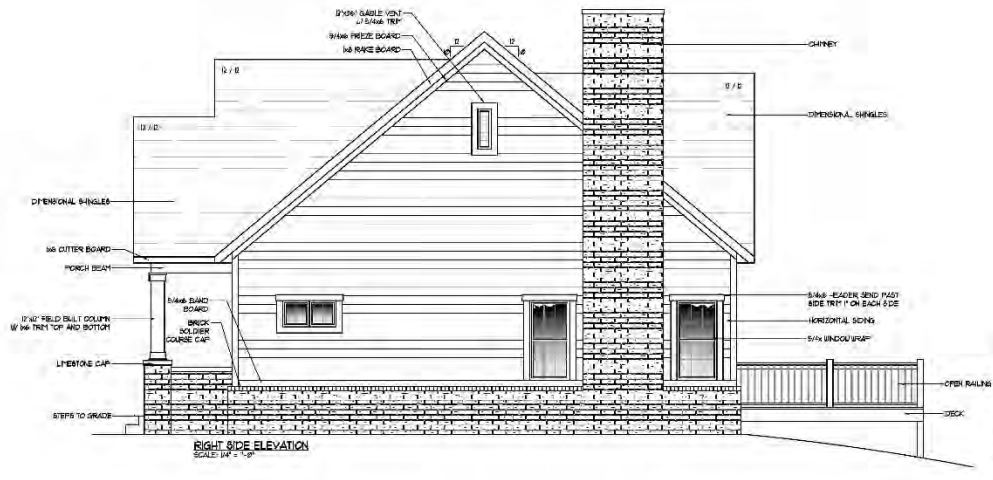
Scale:
1/4" = 1'-0"

Date:
07-25-23

File Name:
barker.dwg

1.0

EXTERIOR ELEVATIONS
SCALE: 1/4" = 1'-0"



COUNTY APPROVED
Page 3

© COPYRIGHT 2018 BY MCGINNIS DESIGN GROUP. ALL RIGHTS RESERVED. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER. THE DESIGNER SHALL BE RESPONSIBLE FOR THE FULL ESTIMATE OF THE PROJECT, INCLUDING ANY LEGAL FEES INCURRED BY THE CONTRACTOR.



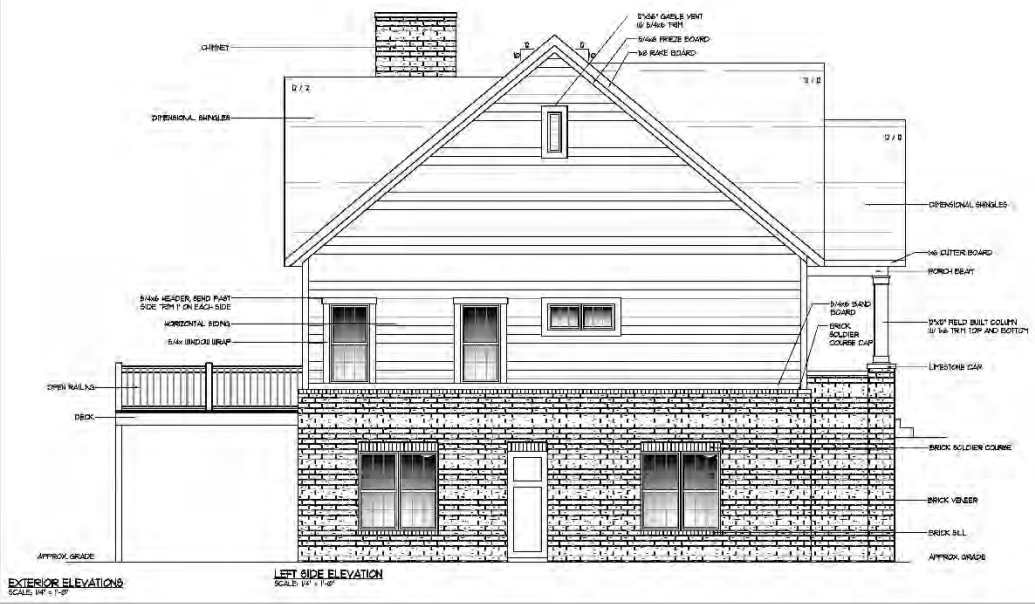
The Barker Residence
 9390 Derritt Road
 Unionville, IN 47468

Designed For:
 Wimp or Home
 Scale:
 1/4" = 1'-0"
 Date:
 04-03-23
 File Name:
 baker.dwg

1.1

ALL STRUCTURAL ASPECTS OF THESE PLANS TO BE VERIFIED BY ENGINEER AND/OR GENERAL CONTRACTOR. MCGINNIS DESIGN GROUP DOES NOT WARRANT THE STRUCTURAL INTEGRITY OF THESE PLANS.

SQUARE FOOTAGE	
FIRST FLOOR	= 1948 SF SF
BASEMENT SLAB	= 1891 SF
FINISHED BASEMENT*	= 941 SF



EXTERIOR ELEVATIONS
SCALE: 1/4" = 1'-0"

LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



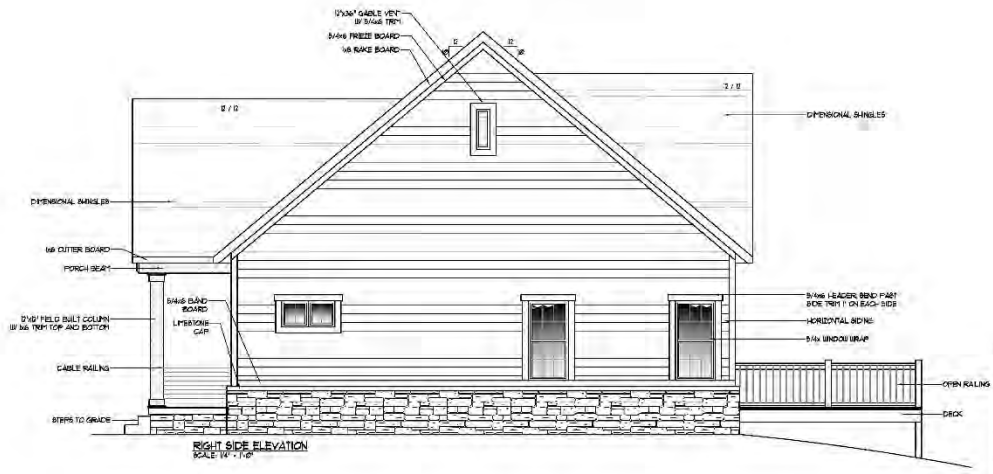
The Barker Residence
 9390 Derritt Road
 Unionville, IN 47468

Designed For:
 Wimp or Home
 Scale:
 1/4" = 1'-0"
 Date:
 07-25-23
 File Name:
 baker.dwg

1.1

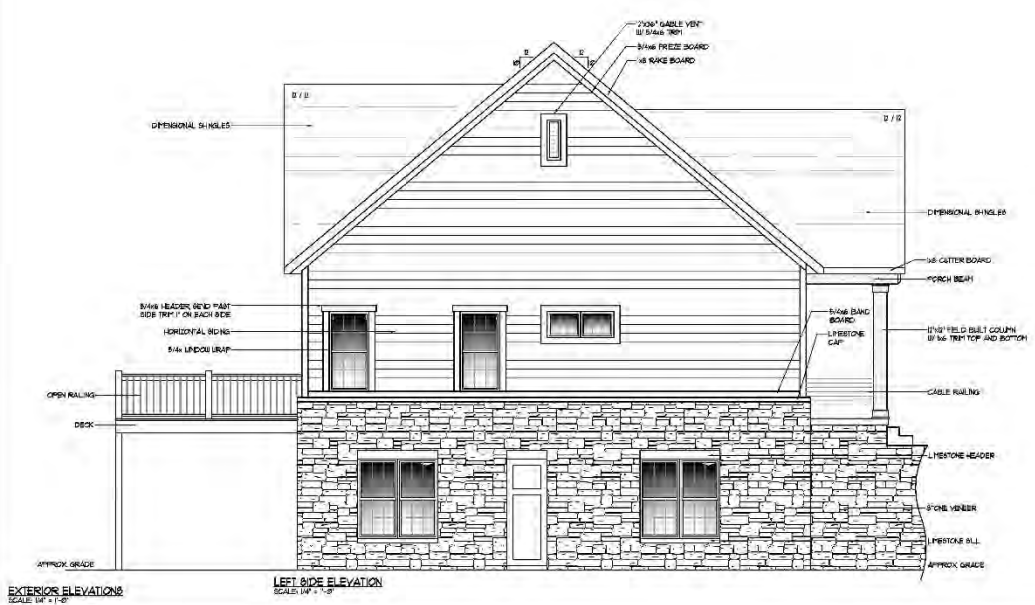
ALL STRUCTURAL ASPECTS OF THESE PLANS TO BE VERIFIED BY ENGINEER AND/OR GENERAL CONTRACTOR. MCGINNIS DESIGN GROUP DOES NOT WARRANT THE STRUCTURAL INTEGRITY OF THESE PLANS.

SQUARE FOOTAGE	
FIRST FLOOR	= 1948 SF SF
BASEMENT SLAB	= 1891 SF
FINISHED BASEMENT*	= 941 SF



PETITIONER BUILT
Page 3

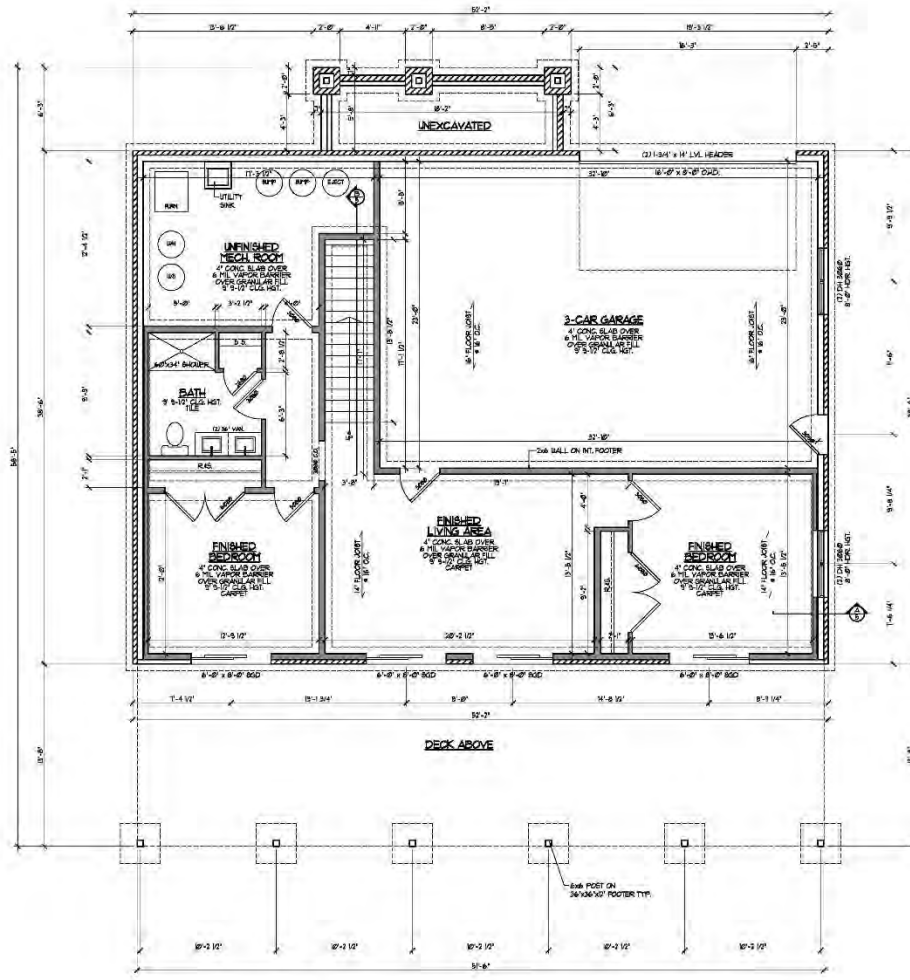
© COPYRIGHT 2018 BY MCGINNIS DESIGN GROUP. ALL RIGHTS RESERVED. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER. THE DESIGNER SHALL BE RESPONSIBLE FOR THE FULL ESTIMATE OF THE PROJECT, INCLUDING ANY LEGAL FEES INCURRED BY THE CONTRACTOR.



EXTERIOR ELEVATIONS
SCALE: 1/4" = 1'-0"

LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

COUNTY APPROVED
Page 4



© COPYRIGHT 2023 BY MCGINNIS DESIGN GROUP. ALL RIGHTS RESERVED. THIS PLAN IS THE PROPERTY OF MCGINNIS DESIGN GROUP AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MCGINNIS DESIGN GROUP. ANY UNAUTHORIZED USE OF THIS PLAN WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW, INCLUDING ANY LEGAL FEES INCURRED BY THE COPYRIGHT OWNER.

ALL STRUCTURAL ASPECTS OF THESE PLANS TO BE VERIFIED BY BUILDERS AND/OR GENERAL CONTRACTORS. MCGINNIS DESIGN GROUP DOES NOT WARRANT THE STRUCTURAL INTEGRITY OF THESE PLANS.

SQUARE FOOTAGE	
FIRST FLOOR	1948 SF
BASEMENT SLAB	1891 SF
FINISHED BASEMENT	341 SF

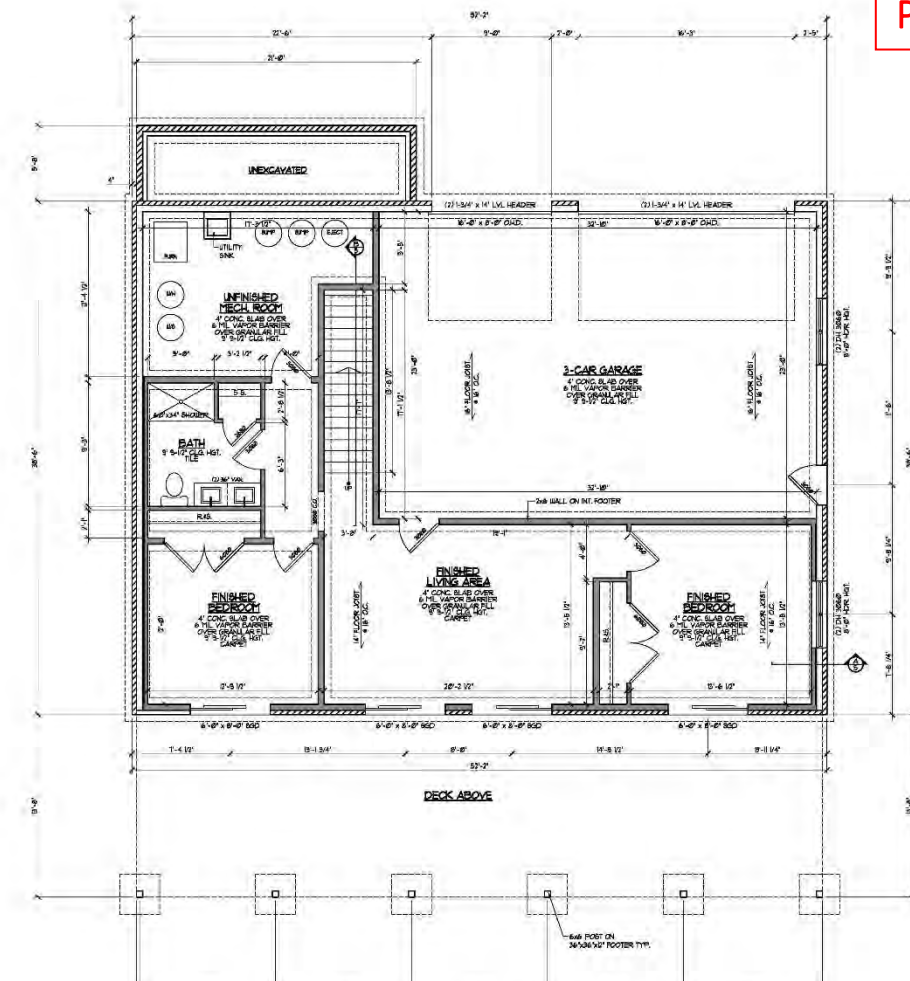


The Barker Residence
9390 Derrett Road
Unionville, IN 47468

Designed For:
Wampler Homes
Scale:
1/4" = 1'-0"
Date:
04.03.23
File Name:
barker.dwg

2

PETITIONER BUILT
Page 4



© COPYRIGHT 2023 BY MCGINNIS DESIGN GROUP. ALL RIGHTS RESERVED. THIS PLAN IS THE PROPERTY OF MCGINNIS DESIGN GROUP AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MCGINNIS DESIGN GROUP. ANY UNAUTHORIZED USE OF THIS PLAN WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW, INCLUDING ANY LEGAL FEES INCURRED BY THE COPYRIGHT OWNER.

ALL STRUCTURAL ASPECTS OF THESE PLANS TO BE VERIFIED BY BUILDERS AND/OR GENERAL CONTRACTORS. MCGINNIS DESIGN GROUP DOES NOT WARRANT THE STRUCTURAL INTEGRITY OF THESE PLANS.

SQUARE FOOTAGE	
FIRST FLOOR	1948 SF
BASEMENT SLAB	1891 SF
FINISHED BASEMENT	341 SF

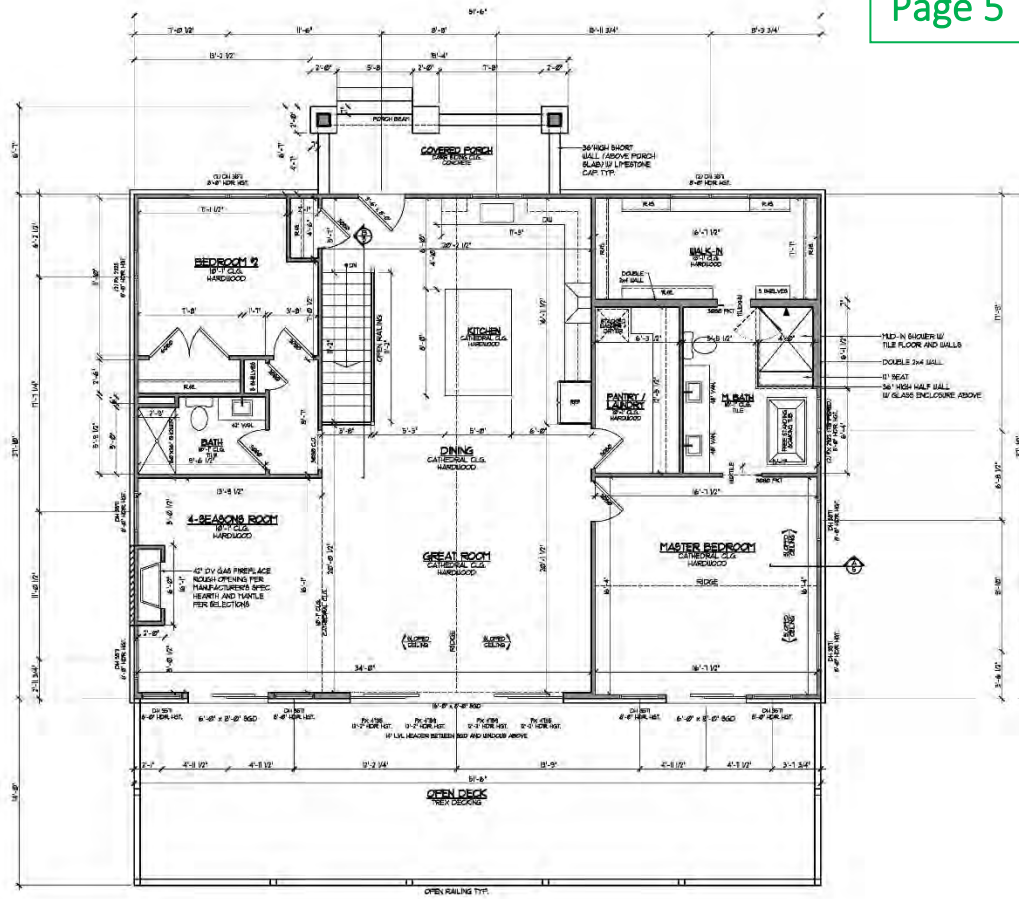


The Barker Residence
9390 Derrett Road
Unionville, IN 47468

Designed For:
Wampler Homes
Scale:
1/4" = 1'-0"
Date:
07.25.23
File Name:
barker.dwg

2

COUNTY APPROVED
Page 5



© COPYRIGHT 2020 BY MCGINNIS DESIGN GROUP. ALL RIGHTS RESERVED. THIS DRAWING IS THE PROPERTY OF MCGINNIS DESIGN GROUP AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MCGINNIS DESIGN GROUP. UNLESS OTHERWISE SPECIFIED, DIMENSIONS WILL BE PROVIDED TO THE CENTERLINE OF THE MEMBER, INCLUDING ANY LEGAL FEES INCURRED BY THE COPYRIGHT OWNER.

ALL STRUCTURAL ASPECTS OF THESE PLANS TO BE VERIFIED BY BUILDER AND/OR GENERAL CONTRACTOR. MCGINNIS DESIGN GROUP DOES NOT WARRANT THE STRUCTURAL INTEGRITY OF THESE PLANS.

SQUARE FOOTAGE	
FIRST FLOOR	= 1948 SF
BASEMENT SLAB	= 1891 SF
FINISHED BASEMENT	= 341 SF

1980 East 11th Street
Suite 120
Nashville, TN 37218
Phone - 615.857.3518
Fax - 615.857.3519
www.mcginnisdesigngroup.com

MDG
MCGINNIS DESIGN GROUP

The Barker Residence
9390 Derrett Road
Unionville, IN 47468

Designed For:
Wendy Harris

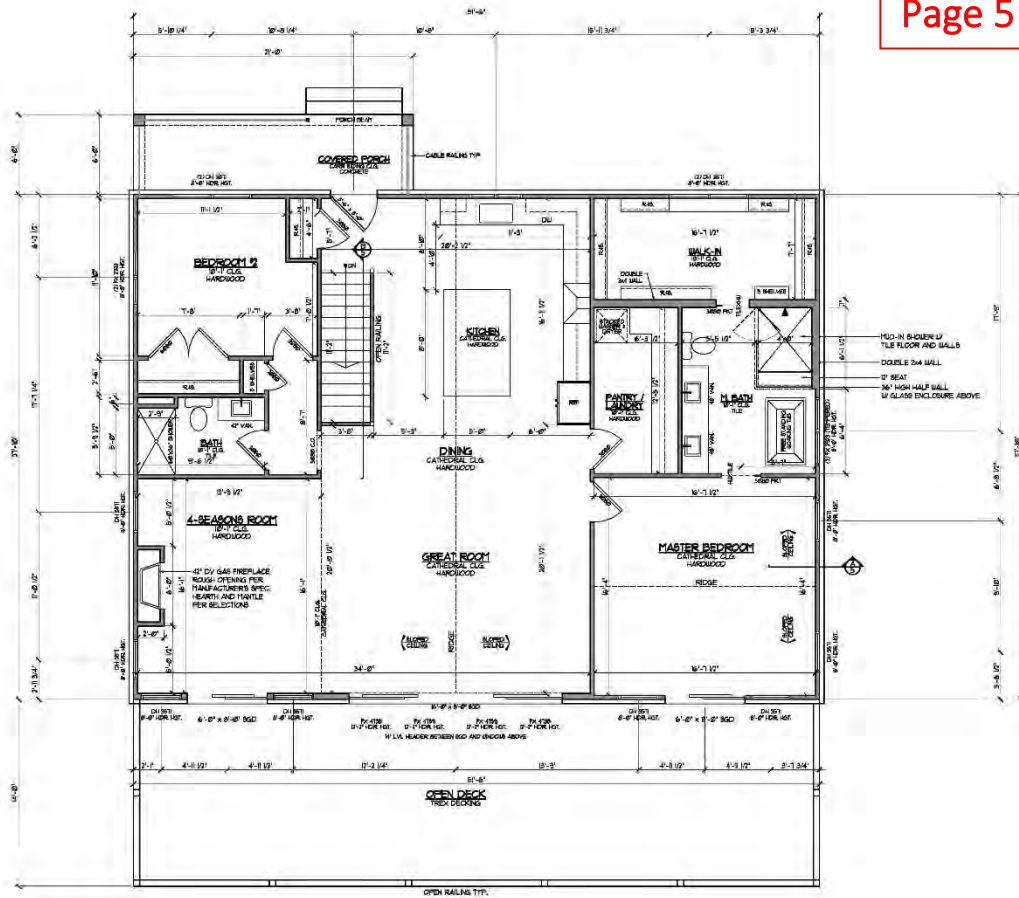
Scale:
1/4" = 1'-0"

Date:
04.03.23

File Name:
corker.dwg

3

PETITIONER BUILT
Page 5



© COPYRIGHT 2020 BY MCGINNIS DESIGN GROUP. ALL RIGHTS RESERVED. THIS DRAWING IS THE PROPERTY OF MCGINNIS DESIGN GROUP AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MCGINNIS DESIGN GROUP. UNLESS OTHERWISE SPECIFIED, DIMENSIONS WILL BE PROVIDED TO THE CENTERLINE OF THE MEMBER, INCLUDING ANY LEGAL FEES INCURRED BY THE COPYRIGHT OWNER.

ALL STRUCTURAL ASPECTS OF THESE PLANS TO BE VERIFIED BY BUILDER AND/OR GENERAL CONTRACTOR. MCGINNIS DESIGN GROUP DOES NOT WARRANT THE STRUCTURAL INTEGRITY OF THESE PLANS.

SQUARE FOOTAGE	
FIRST FLOOR	= 1948 SF
BASEMENT SLAB	= 1891 SF
FINISHED BASEMENT	= 341 SF

1980 East 11th Street
Suite 120
Nashville, TN 37218
Phone - 615.857.3518
Fax - 615.857.3519
www.mcginnisdesigngroup.com

MDG
MCGINNIS DESIGN GROUP

The Barker Residence
9390 Derrett Road
Unionville, IN 47468

Designed For:
Wendy Harris

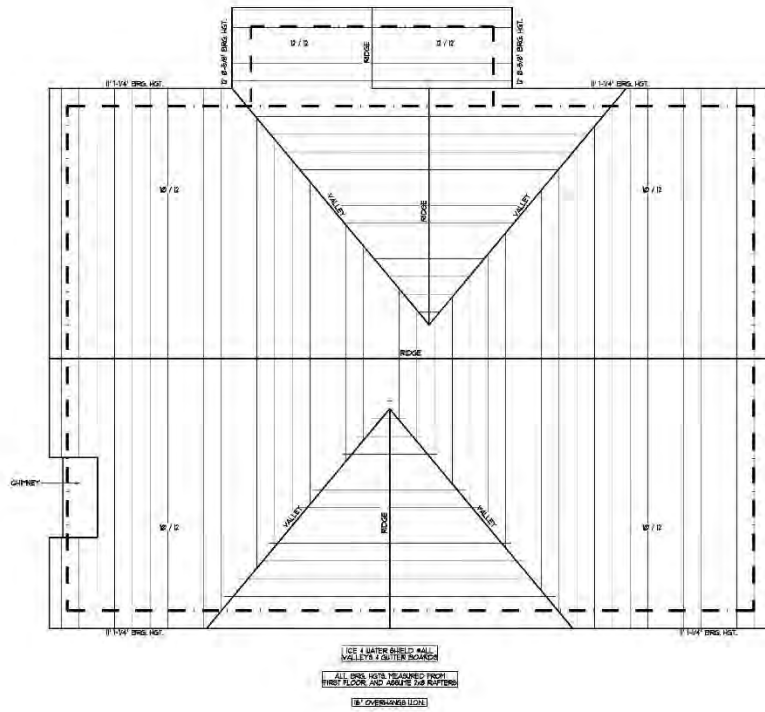
Scale:
1/4" = 1'-0"

Date:
07.25.23

File Name:
barker.dwg

3

COUNTY APPROVED
Page 6



© COPYRIGHT 2020 BY MCGINNIS DESIGN GROUP. ALL RIGHTS RESERVED. NO PART OF THIS PUBLICATION MAY BE REPRODUCED OR TRANSMITED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM MCGINNIS DESIGN GROUP. VIOLATIONS WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW, INCLUDING ANY LEGAL FEES INCURRED BY THE COPYRIGHT OWNER.

ALL STRUCTURAL ASPECTS OF THESE PLANS TO BE VERIFIED BY BUILDER AND/OR GENERAL CONTRACTOR. MCGINNIS DESIGN GROUP DOES NOT WARRANT THE STRUCTURAL INTEGRITY OF PLANS.

SQUARE FOOTAGE	
FIRST FLOOR	= 1948 SF SF
BASEMENT SLAB	= 1891 SF
FINISHED BASEMENT	= 341 SF



The Barker Residence
9390 Derrett Road
Unionville, IN 47468

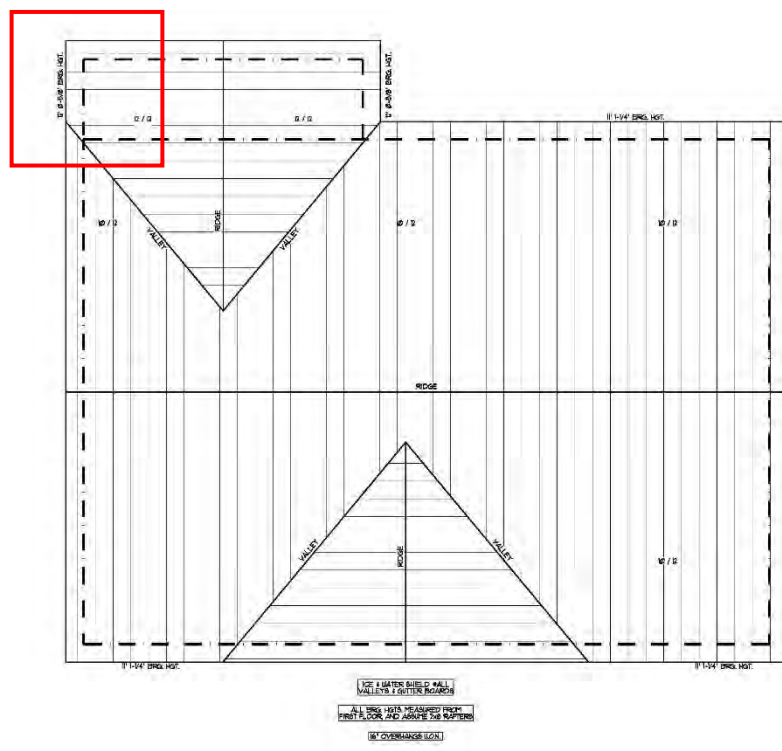
Designed For:
Wendy Horne
Scale:
1/4" = 1'-0"
Date:
04.03.23
File Name:
barker.dwg

4

ROOF PLAN
SCALE: 1/4" = 1'-0"

PETITIONER BUILT
Page 6

Setback issue arises here



© COPYRIGHT 2020 BY MCGINNIS DESIGN GROUP. ALL RIGHTS RESERVED. NO PART OF THIS PUBLICATION MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM MCGINNIS DESIGN GROUP. VIOLATIONS WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW, INCLUDING ANY LEGAL FEES INCURRED BY THE COPYRIGHT OWNER.

ALL STRUCTURAL ASPECTS OF THESE PLANS TO BE VERIFIED BY BUILDER AND/OR GENERAL CONTRACTOR. MCGINNIS DESIGN GROUP DOES NOT WARRANT THE STRUCTURAL INTEGRITY OF PLANS.

SQUARE FOOTAGE	
FIRST FLOOR	= 1948 SF SF
BASEMENT SLAB	= 1891 SF
FINISHED BASEMENT	= 341 SF



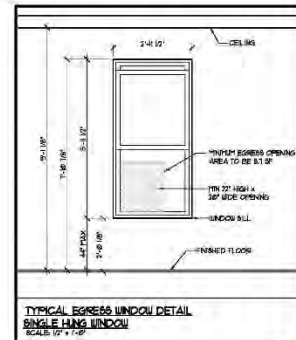
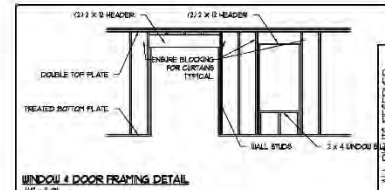
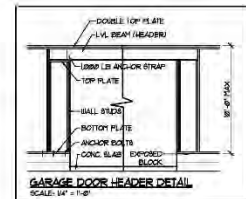
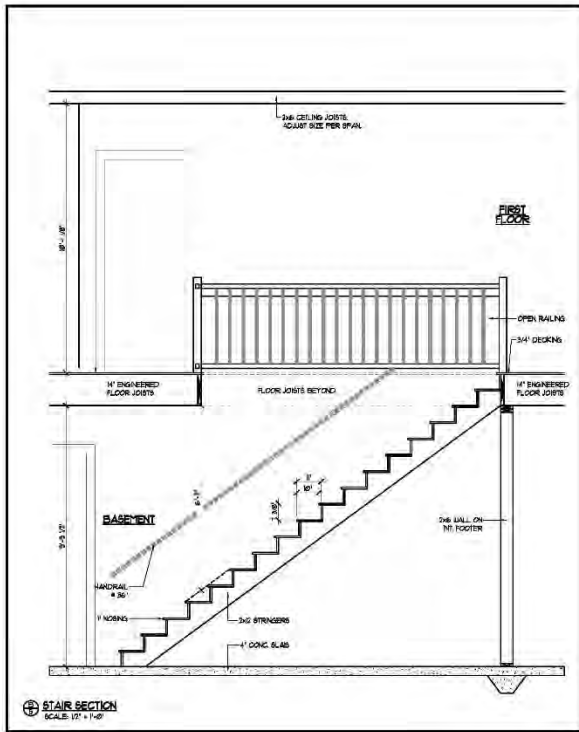
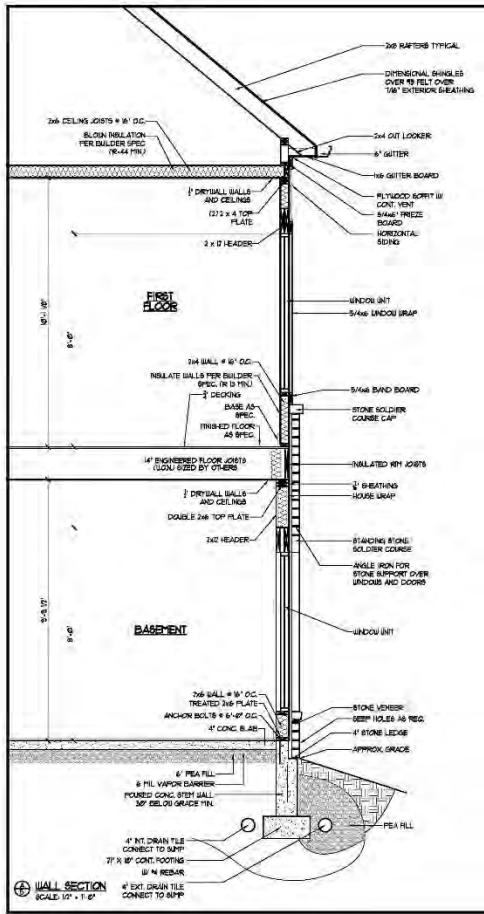
The Barker Residence
9390 Derrett Road
Unionville, IN 47468

Designed For:
Wendy Horne
Scale:
1/4" = 1'-0"
Date:
07.25.23
File Name:
barker.dwg

4

ROOF PLAN
SCALE: 1/4" = 1'-0"

COUNTY APPROVED
Page 7



© COPYRIGHT 2008 BY TCGAINIS DESIGN GROUP. ALL RIGHTS RESERVED. THIS DRAWING IS THE PROPERTY OF TCGAINIS DESIGN GROUP AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF TCGAINIS DESIGN GROUP. ANY UNAUTHORIZED REPRODUCTION OR TRANSMISSION OF THIS DRAWING WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW, INCLUDING ANY LEGAL FEES INCURRED BY THE COPYRIGHT OWNER.

SQUARE FOOTAGE	
FIRST FLOOR	= 1348 SF
BASEMENT SLAB	= 1891 SF
FINISHED BASEMENT	= 341 SF



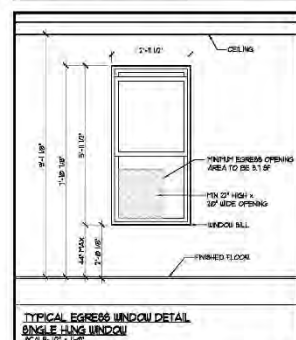
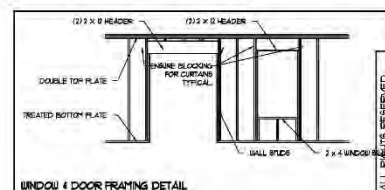
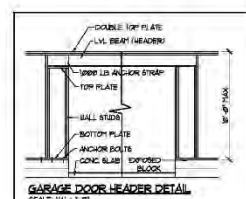
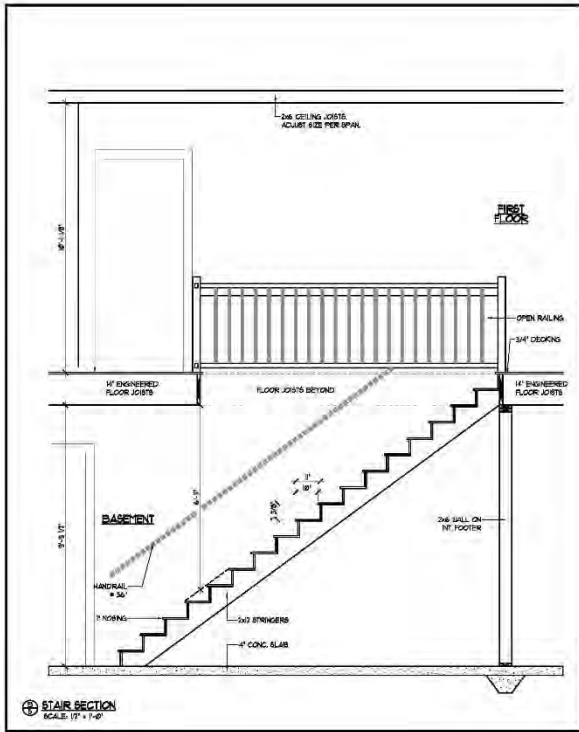
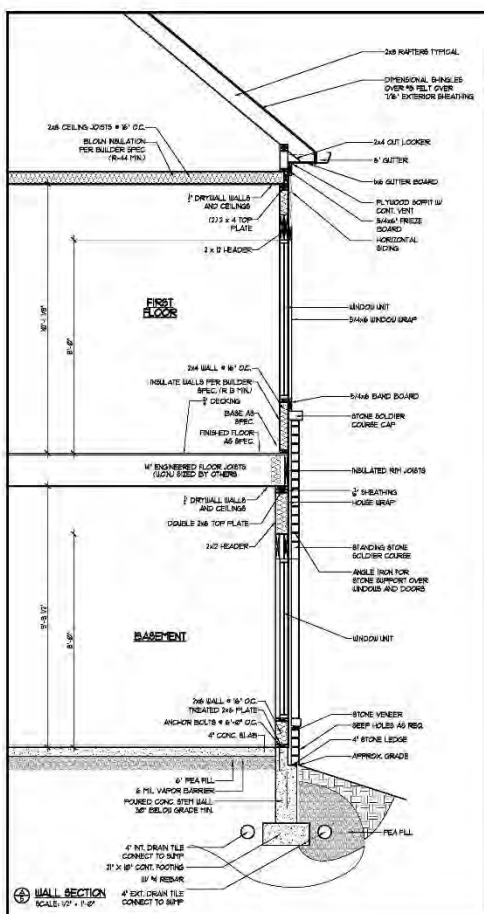
The Barker Residence
9390 Derrett Road
Unionville, IN 47468

Designed For:
Wampler Homes
Scale:
1/4" = 1'-0"
Date:
04.03.23
Eia. Name:
bocker.dwg

5

SECTIONS / DETAILS
SCALE: 1/4" = 1'-0"

PETITIONER BUILT
Page 7



© COPYRIGHT 2008 BY TCGAINIS DESIGN GROUP. ALL RIGHTS RESERVED. THIS DRAWING IS THE PROPERTY OF TCGAINIS DESIGN GROUP AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF TCGAINIS DESIGN GROUP. ANY UNAUTHORIZED REPRODUCTION OR TRANSMISSION OF THIS DRAWING WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW, INCLUDING ANY LEGAL FEES INCURRED BY THE COPYRIGHT OWNER.

SQUARE FOOTAGE	
FIRST FLOOR	= 1348 SF
BASEMENT SLAB	= 1891 SF
FINISHED BASEMENT	= 341 SF



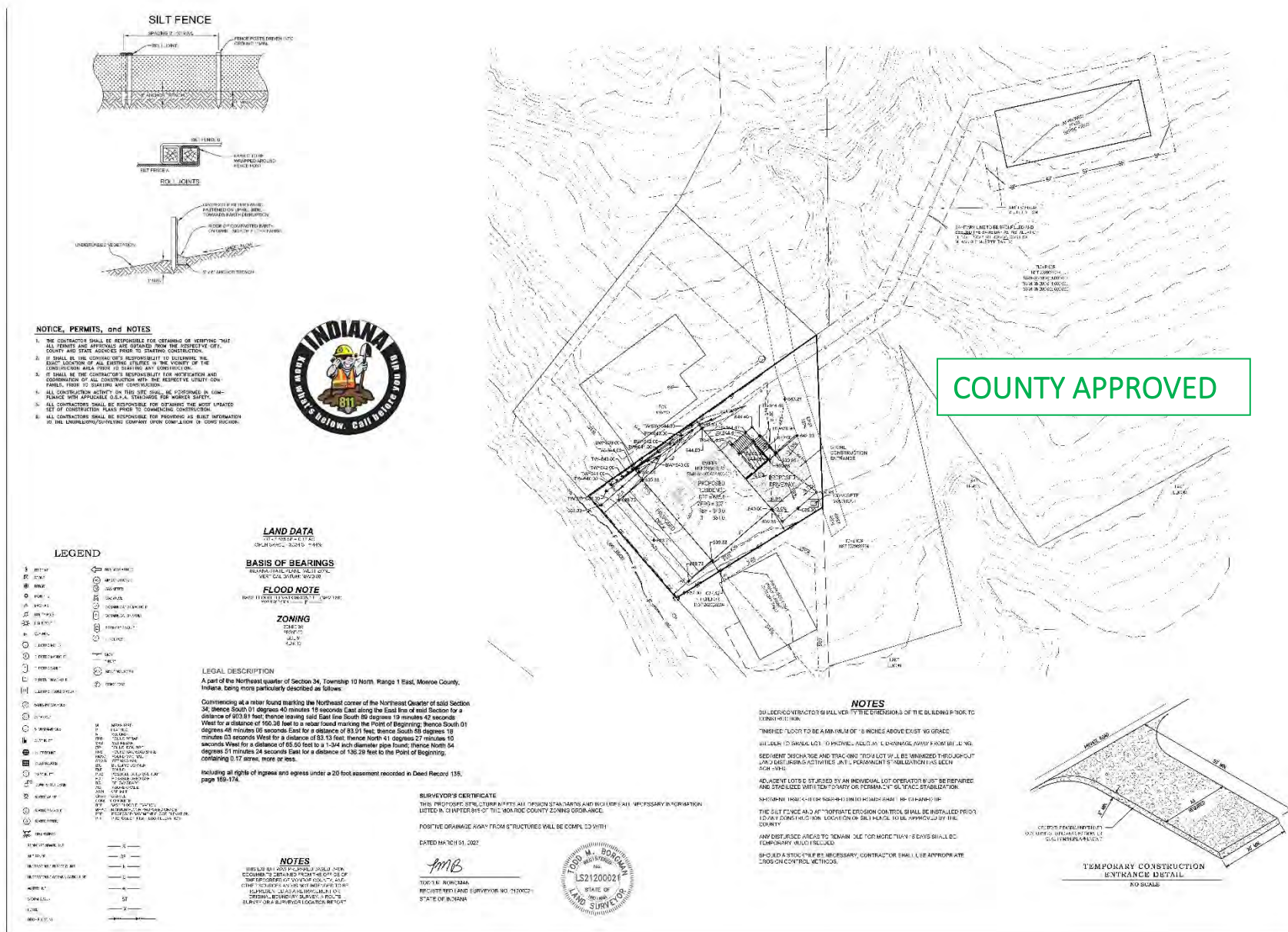
The Barker Residence
9390 Derrett Road
Unionville, IN 47468

Designed For:
Wampler Homes
Scale:
1/4" = 1'-0"
Date:
07.28.23
Eia. Name:
bocker.dwg

5

SECTIONS / DETAILS
SCALE: 1/4" = 1'-0"

EXHIBIT 2: Approved Certified Plot Plan vs. As-Built Structure Footprint



SMITH DESIGN GROUP

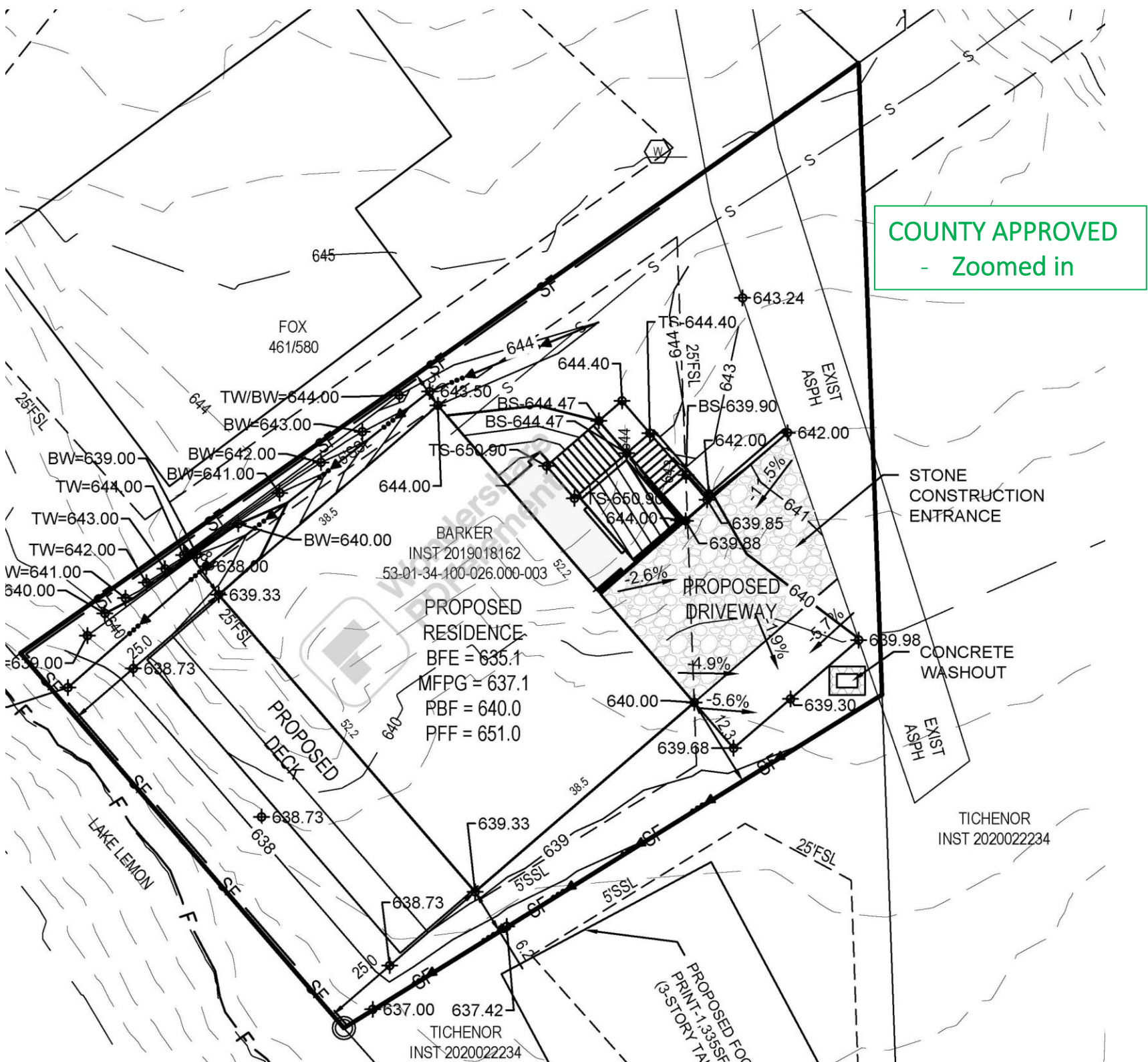
9388 N DERRETT ROAD
UNIONVILLE, INDIANA
SEC 34-110N-11E

DATE: 03/31/23

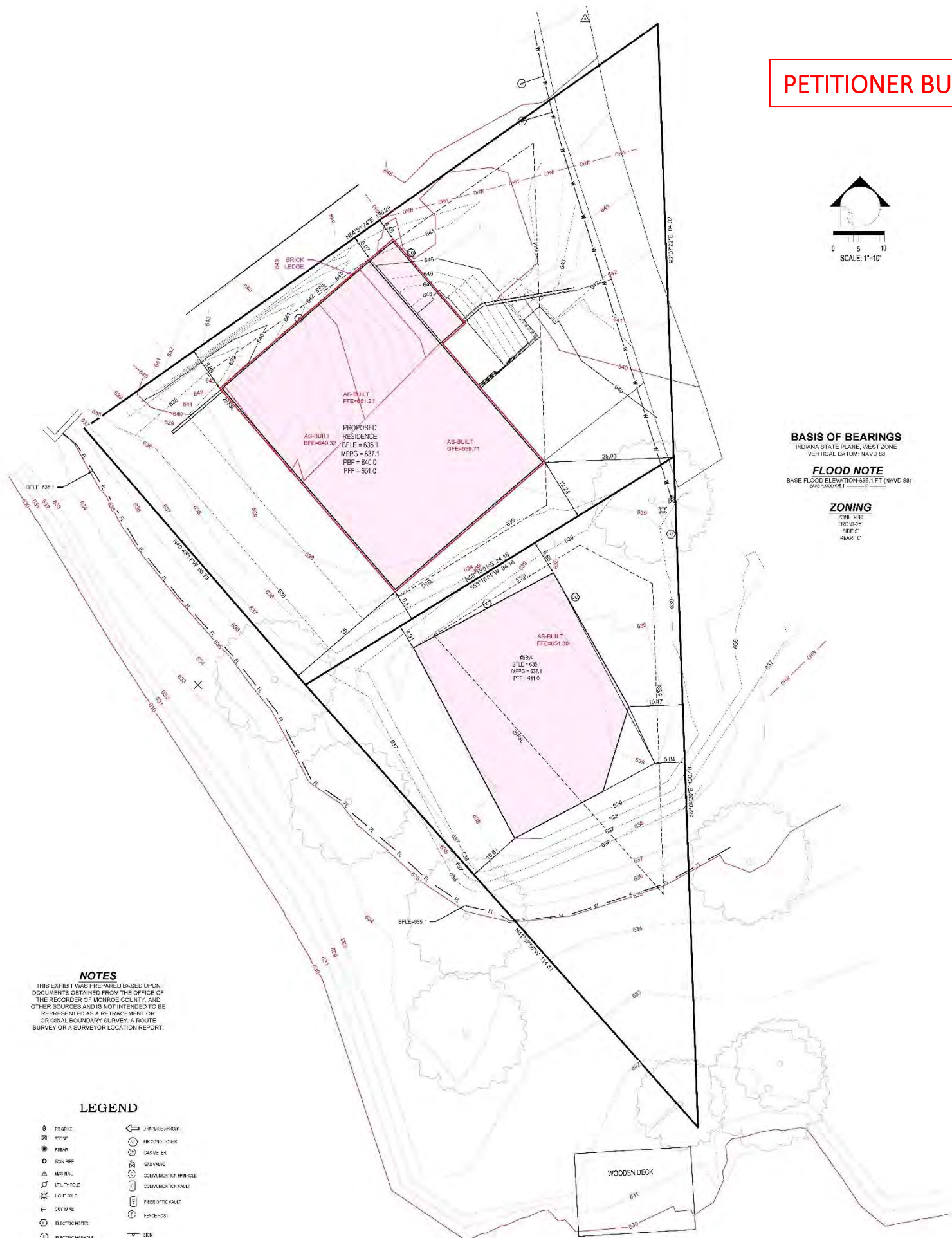
PROJECT NO: 6388

1 OF 1

SITE SWPPP PLAN



PETITIONER BUILT



BASIS OF BEARINGS

INDIANA STATE PLANE, WEST ZONE
VERTICAL DATUM: NAVD 83

FLOOD NOTE

BASE FLOOD ELEVATION 635.1 FT (NAVD 88)
DATE: 08/15/11

ZONING

ZONING: S-1
PROJECT NO: 11-034
SHEET: 1
SCALE: 1/8"=1'

NOTES
THIS EXHIBIT WAS PREPARED BASED UPON DOCUMENTS OBTAINED FROM THE OFFICE OF THE RECORDER OF MONROE COUNTY, AND OTHER SOURCES AND IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY. A ROUTE SURVEY OR A SURVEYOR LOCATION REPORT.

LEGEND

- | | | | |
|---|--------------|---|---------------------|
| ○ | IRON SPIKE | ← | UNKNOWN ARROW |
| ⊠ | STONE | → | UNKNOWN ARROW |
| ⊙ | RODMAN | ⊖ | MARKED TOP OF WEL |
| ⊙ | IRON PIPE | ⊕ | WATER METER |
| △ | WELL HEAD | ⊖ | SAND VALVE |
| ⊠ | UTILITY POLE | ⊖ | COMMUNICATION MINOR |
| ⊠ | LOG PILE | ⊖ | COMMUNICATION MAJOR |
| E | COY PILE | ⊖ | FIBER OPTIC CABLE |
| ⊖ | ELECT. SIGN | ⊖ | HAND-ON |
| ⊖ | ELECT. METER | ⊖ | WELL |
| ⊖ | ELECT. METER | ⊖ | HOLE |
| ⊖ | ELECT. METER | ⊖ | SCAFFOLDING |
| ⊖ | ELECT. METER | ⊖ | FOUNDATION |
| ⊖ | ELECT. METER | ⊖ | FOUNDATION |
| ⊖ | ELECT. METER | ⊖ | FOUNDATION |
| ⊖ | ELECT. METER | ⊖ | FOUNDATION |
| ⊖ | ELECT. METER | ⊖ | FOUNDATION |
| ⊖ | ELECT. METER | ⊖ | FOUNDATION |
| ⊖ | ELECT. METER | ⊖ | FOUNDATION |
| ⊖ | ELECT. METER | ⊖ | FOUNDATION |
| ⊖ | ELECT. METER | ⊖ | FOUNDATION |
| ⊖ | ELECT. METER | ⊖ | FOUNDATION |

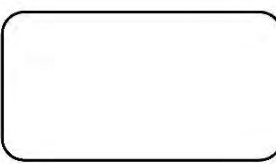
NOTES

- SITE IS STILL UNDER CONSTRUCTION AND NOT AT FINAL FINISH GRADE. DECKS, SIDEWALKS AND DRIVEWAYS HAVE NOT BEEN INSTALLED.
- 9394 S DERRETT ROAD WAS ISSUED A VARIANCE #VAR-21-34 FOR THE FRONT YARD SETBACK & MINIMUM LOT SIZE.
- AS-BUILT INFORMATION SHOWN IN RED AND SHADES THEREOF.

NOV 10/27/23
AS-BUILT PLAN
SHEET 1 OF 1
3388
JOB NO.

REVISIONS	BY	DATE
ADDED BRICK LEDGE	SPP	11/21/23

JOB TITLE
AS-BUILT PLAN
9398 & 9394 N DERRETT ROAD
UNIONVILLE, INDIANA
SEC 34-T10N-R1E



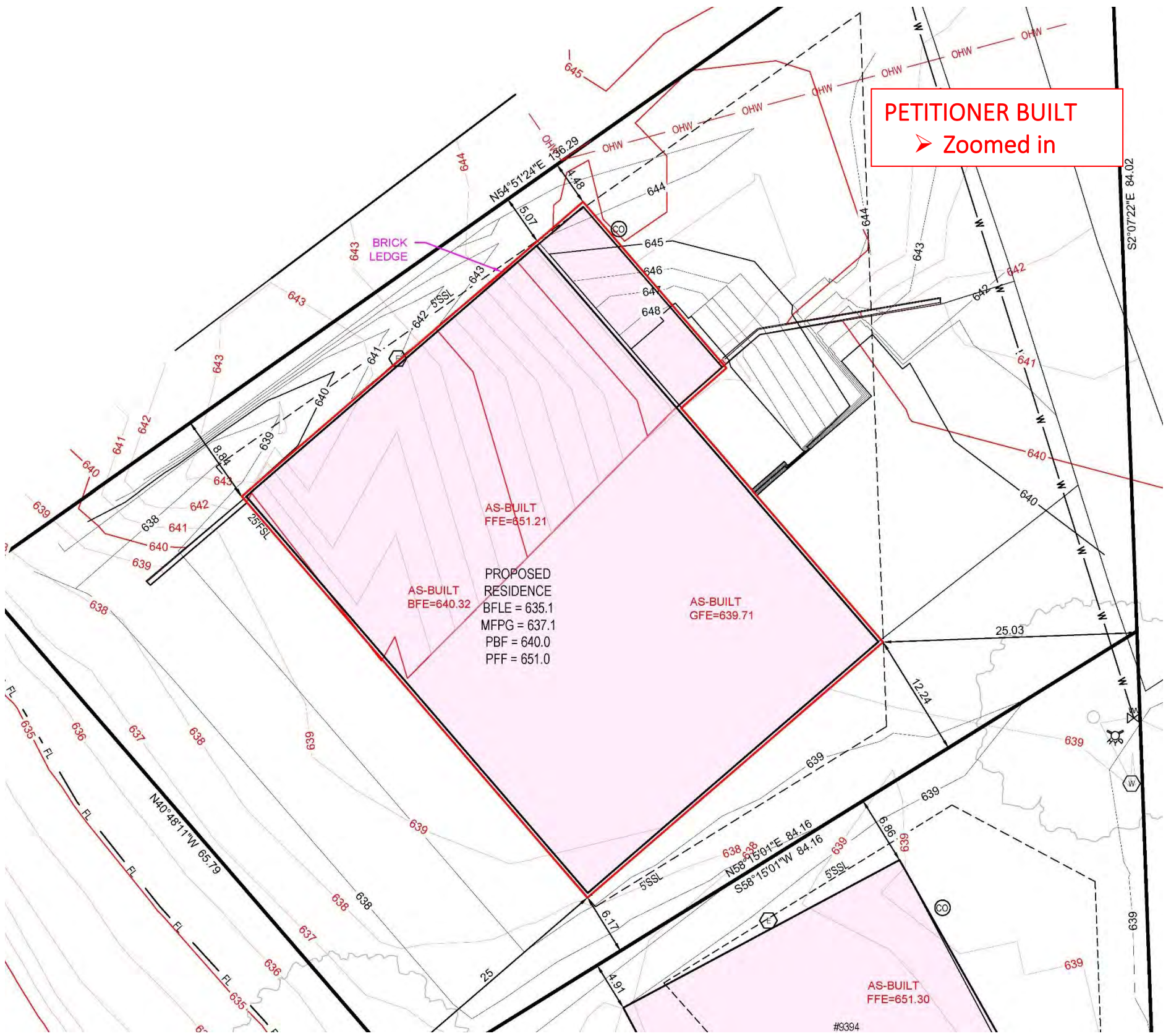
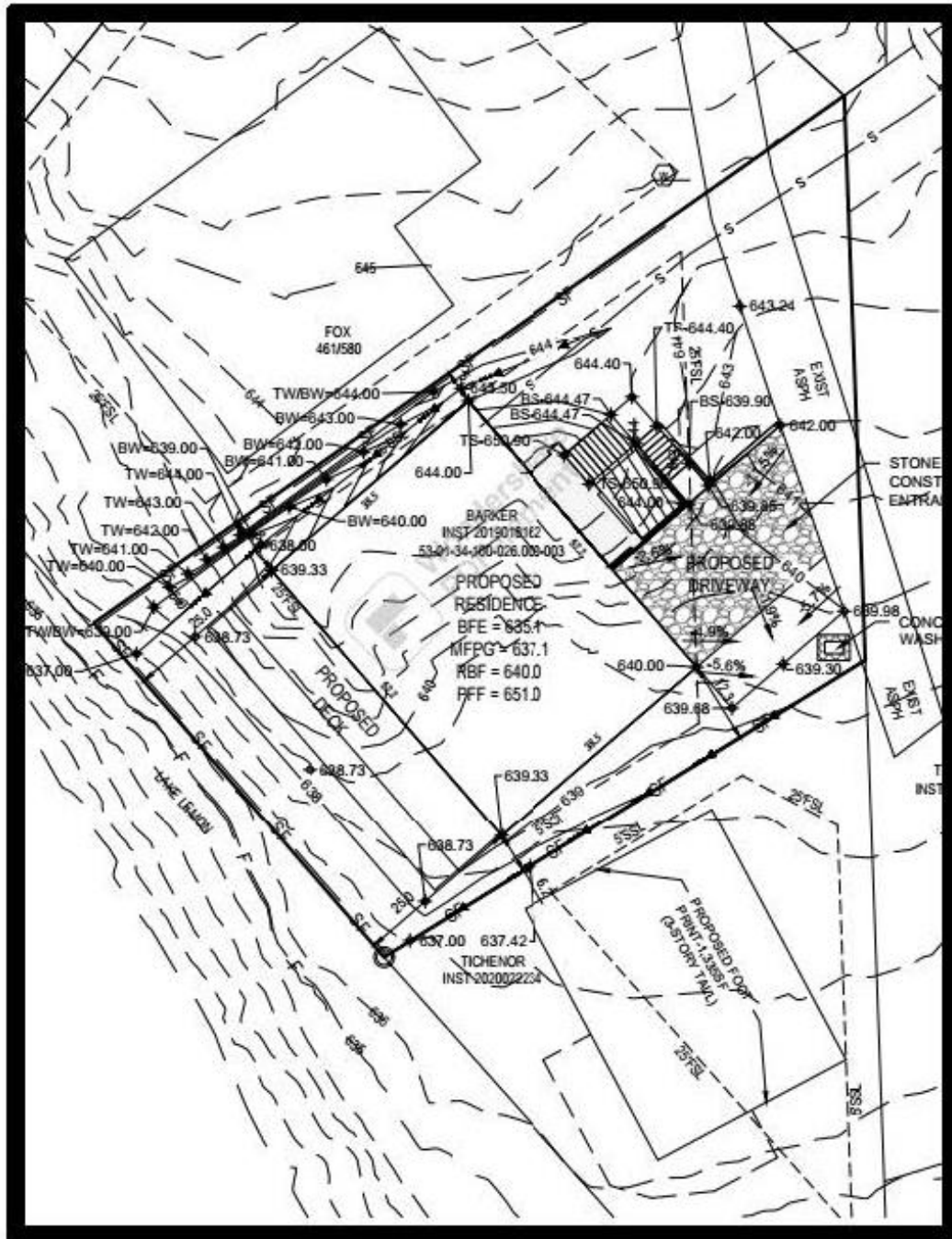


EXHIBIT 3: Staff Site Visit Violation Notes and Photos

Barker Inspection 10-16-2023

Image used in Variance petition VAR-23-18 uploaded by Scott Barker 4/20/2023 3:44:



Variance approved 6/8/2023 Excerpt from Results Letter VAR-23-18 below

Results Letter VAR-23-18

This is an e-permit. To learn more, scan this barcode or visit monroecountyin.viewpointcloud.com/#/records/25761



June 8, 2023

Issued to: Barker, Scott D
 Scott Barker
 scott.bark1sd@gmail.com

Location: 9390 N Derrett RD , Unionville

RE: Decision by the Board of Zoning Appeals for Variance(s) Request(s) on June 7, 2023:

Chapter from the Monroe County Zoning Ordinance:	Variance Request:	Decision by the BZA	The BZA vote for each variance:	Conditions of Approval, if applicable:
804	Minimum Lot Size	Approved	5-0	
804	Buildable Area (SFHA)	Approved	5-0	
804	Front Yard Setback	Approved with Conditions	5-0	See below.

Be sure to keep a copy of this letter for your records. Should you have any questions or need additional information, please feel free to contact me at the number above or by email. Conditions of approval:

1. Record petitioner's proposed written commitment after review by County Legal and within 30 days of variance approval (see exhibit 6).
2. Petitioner edit written commitment to include the review of the erosion and drainage plan through a grading permit application submission.
3. Prior to the start of construction, a licensed engineer/surveyor will clearly mark the construction limits with respect to the City of Bloomington property lines, base flood elevation contour 635.1'. Planning staff to inspect boundaries and installed erosion control measures prior to the start of construction.
4. As-Built survey including an Elevation Certificate required prior to Certificate of Occupancy release.

Apply for a grading permit. Staff will forward the draft written commitment to County Legal for review.

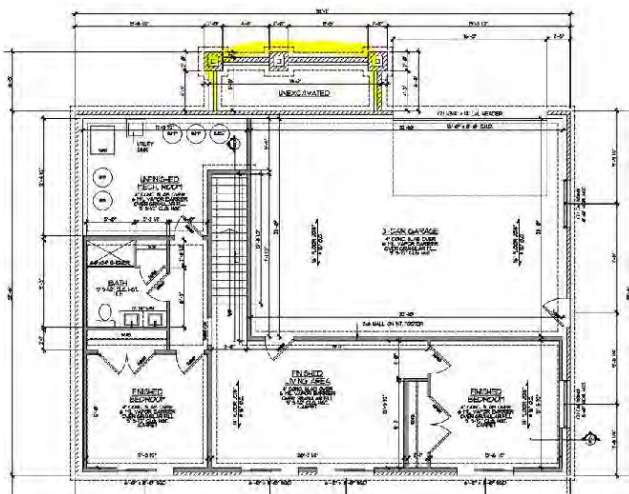
Flood Development Permit issued 6/8/2023 (site plan consistent with Variance) Conditions in permit:

Flood Protection Grade:	637.1 ft
Base Flood Elevation:	635.1 ft
Date of Permit Issuance:	June 8, 2023
Permit Expiration:	Permit expires 2 years after June 8, 2023
Constraints/Notes:	<p>This flood development permit is issued in tandem to R-23-288 (residence) and R-23-578 (demo). Design Standards Variance VAR-23-18 was issued for Chapter 804 Buildable Area Special Flood Hazard Area with the following conditions and also apply to this permit.</p> <ol style="list-style-type: none"> 1. Record petitioner's proposed written commitment after review by County Legal and within 30 days of variance approval. 2. Petitioner edit written commitment to include the review of the erosion and drainage plan through a grading permit application submission. 3. Prior to the start of construction, a licensed engineer/surveyor will clearly mark the construction limits with respect to the City of Bloomington property lines, base flood elevation contour 635.1'. Planning staff to inspect boundaries and installed erosion control measures prior to the start of construction. 4. As-Built survey including an Elevation Certificate required prior to Certificate of Occupancy release.

Grading Permit issued 7/7/2023 (AC) No notes / constraints (site plan consistent with Variance)

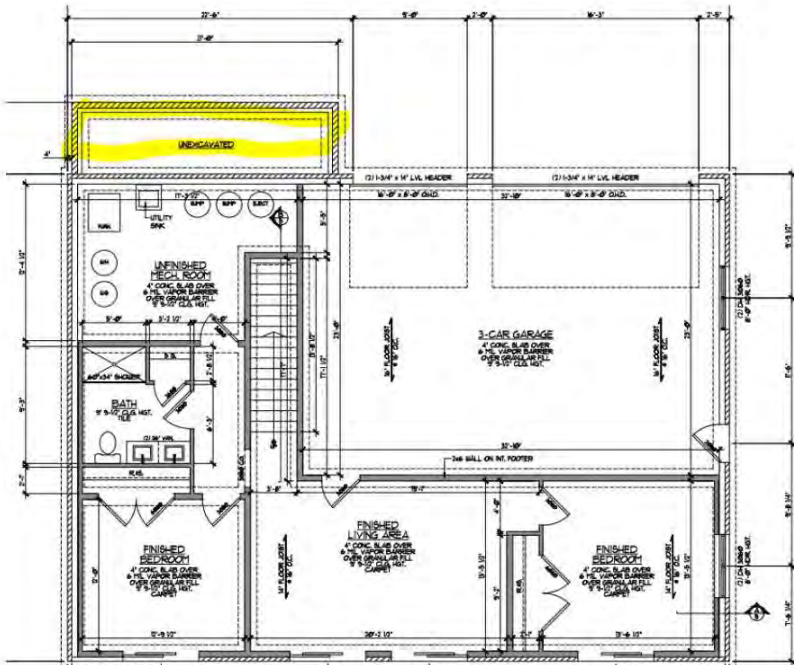
Improvement Location Permit issued 7/7/2023 (AC) No notes / constraints

- Scaled Plot Plan drawing uploaded 3/31/2023 by Scott Barker – site plan consistent with variance
- Certified Plot Plan uploaded 3/31/2023 by Scott Barker – site plan consistent with variance
- Construction Plans = 4 versions all uploaded by Scott Barker
 - Version 1 3/31/2023
 - Version 2 4/1/2023
 - Version 3 4/20/2023 – reviewed for permit issuance



○ Version 4 7/26/2023 uploaded AFTER the permit was issued – DOES NOT MATCH CERTIFIED PLOT PLAN

- Plumbing / Electrical signed off on 7/7/2023 First inspection - Footing inspection 8/4/2023
- Staff suspects there could be a side setback encroachment and issue with minimum open space area requirement



Inspection photo 10-16-2023





Approximately 12 ft 6 inches between neighboring home and Barker new built. Setback violation is a possibility. Neighboring residential survey shows 8.6' off of property line. Setbacks are 5' each.





Utility poles recently replaced

Issues with utilities



EXHIBIT 4: SCI REMC Emails to Planning Staff October 2023

From: Tom Schoolcraft <toms@sciremc.com>
Sent: Thursday, October 12, 2023 4:25 PM
To: Jacqueline N. Jelen <jnester@co.monroe.in.us>
Subject: RE: 9390 N Derrett Dr

Thank you for the plot maps. I know Mr. Barker should be ready for permanent power by this coming Monday. If the inspection can be performed soon that will help us determine on how to move forward with supplying power to the Barker home.

There is a couple of issues at hand; first, Mr. Barkers main concern is the proximity of the REMC utility pole to his home, which is serving the Adkins property. From our records this utility pole is set right on the property line between the Barker and Adkins properties. This pole is only a few feet from Mr. Barker's new home therefore he wants this pole moved. Which is why I am raising the question of the setback constraints in Monroe County and if the Barker home has been built to close to the property line. Currently this utility pole is carrying the service to the Adkins property to the north. To move this pole Mrs. Adkins would have to spend thousands of dollars to move her electric and fiber internet services from overhead to underground, move her meter base location and to have a new electrical inspection. Mrs. Adkins is not willing to spend that much money just to please Mr. Barker. Mr. Barker has made several attempts to "strong arm" Mrs. Adkins into moving her service so he doesn't have a utility pole that close to his home. Mrs. Adkins is to the point now where she does not want any more communication between herself and Mr. Barker because of the repeated bullying over the utility pole. We at REMC have also had multiple conversations with Mr. Barker over this utility pole. He is fully aware this pole cannot be moved without Mrs. Adkins spending a lot of money. We also informed Mr. Barker that this utility pole has been in place since 1978 and we are compliant with all NESC regulations of utility line clearance to a dwelling, therefore we are not moving the pole. He was aware of this utility poles placement before he began building.

Second, with Mr. Barkers home being so close to the property line the only way to supply him with power is to trench on the Adkins side of the property line. With the Adkins' placement of their sewer system, burying the electric line to Barker's new home would be impossible. REMC does not cross sewer systems with underground power lines. Plus, Mrs. Adkins will not allow REMC to bury Mr. Barker's electric service on her side of the property.

From: Jacqueline N. Jelen <jnester@co.monroe.in.us>
Sent: Thursday, October 12, 2023 2:56 PM
To: Tom Schoolcraft <toms@sciremc.com>
Cc: Tammy Behrman <tbehrman@co.monroe.in.us>
Subject: 9390 N Derrett Dr

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Tom –

Thanks for letting us know about the Barker residence. WE received a call from REMC (Tom, CC'd) with an issue of setback constraints. Tom is questioning whether Mr. Barker built too close to the northern property line and therefore, there may not be enough room to provide power. There is an existing overhead power pole that services 9386 N Derrett Rd (Owner – Adkins). Tammy, I told Tom that you were set to do an inspection and/or get an Elevation Certificate of the Barker property with likely an as-built to prove that the home is in the right location.

I found a survey of the Adkins lot from October 2022 (see "Survey Adkins Lot") which more clearly shows the overhead powerline. I'm not sure of whether the overhead powerline on the Barker lot servicing Adkins is in an easement. The home footprint shown on the "Survey Adkins Lot" depicting the Barker lot is not accurate to the new build as their demolition took place in June 2023 and the survey is from 2022.

Thanks,

Jackie N. Jelen, AICP
Director
Monroe County Planning Department
501 N. Morton St., Suite 224
Bloomington, IN 47404
jnester@co.monroe.in.us
Phone: (812) 349-2560

EXHIBIT 5: Voicemail Scott Barker to Tammy Behrman, October 20, 2023

Hello Tammy, it's Scott Barker.

Hey, I did talk to Todd Boardman and he took a cursory review of the plans that were used to build the house and he does believe that it's likely that I am across the set back line.

So I am calling to request to get it on the agenda for the December Variance Board meeting.

I did want to share with you that the plans that I did submit on the portal, and this is no excuse, I'm not making excuses, but it's in my mistake, the plans that I put on the portal actually did account for the set back.

If you look at them closely, the front porch is offset away from the set back line.

My architect had detected that that would be necessary to avoid the going across the set back.

He had also done another set of plans that had the front porch aligning with the side of the house, which is what I originally requested until he caught that.

Unfortunately, I put the correct plans on the portal and the plans I gave to the foundation folks were the wrong set of plans that had the porch aligned with the house.

So no excuse, not justification, but that's the reality of what happened.

And my inexperience of building houses.

Anyway, I do want to get on the Variance Review Board meeting for December.

Let me know what I need to do.

And by the way, Todd is coming out on Monday to do the As-builts, so I'll have something for you hopefully next week.

One other thing, I'd like to talk to you about your recommendation for ceasing construction though.

What I have left to do really is, you know, installation is done, getting an installation inspection next week, drywall scheduled to be delivered next week, then drywalling would be performed.

Anything that I have to do in the future will not in any way impact the porch.

So any worst case decision on my porch will not affect any future work that I would be doing.

And the fact that it's mid-October with cold weather coming on, I really want to get the house buttoned up and get the heat on because if I wait to do those tasks in December, it's going to be very cold by then.

And it may not be able to do things like drywall.

So anyway, I'd like to discuss that with you and see if that would be okay to continue on.

EXHIBIT 6:VAR-23-18a-c Results Letter



Monroe County Plan Commission and office of the Monroe County Board of Zoning Appeals
 Monroe County Government Center
 501 N. Morton St., Suite 224
 Bloomington, IN 47404
 Telephone: (812) 349-2560 / Fax: (812) 349-2967
<https://www.co.monroe.in.us/departments/?structureid=13>

Results Letter VAR-23-18

This is an e-permit. To learn more, scan this barcode or visit monroecountyin.viewpointcloud.com/#/records/25761



June 8, 2023

Issued to: Barker, Scott D
 Scott Barker
 scott.bark1sd@gmail.com

Location: 9390 N Derrett RD , Unionville

RE: Decision by the Board of Zoning Appeals for Variance(s) Request(s) on June 7, 2023:

Chapter from the Monroe County Zoning Ordinance:	Variance Request:	Decision by the BZA	The BZA vote for each variance:	Conditions of Approval, if applicable:
804	Minimum Lot Size	Approved	5-0	
804	Buildable Area (SFHA)	Approved	5-0	
804	Front Yard Setback	Approved with Conditions	5-0	See below.

Be sure to keep a copy of this letter for your records. Should you have any questions or need additional information, please feel free to contact me at the number above or by email. Conditions of approval:

1. Record petitioner's proposed written commitment after review by County Legal and within 30 days of variance approval (see exhibit 6).
2. Petitioner edit written commitment to include the review of the erosion and drainage plan through a grading permit application submission.
3. Prior to the start of construction, a licensed engineer/surveyor will clearly mark the construction limits with respect to the City of Bloomington property lines, base flood elevation contour 635.1'. Planning staff to inspect boundaries and installed erosion control measures prior to the start of construction.
4. As-Built survey including an Elevation Certificate required prior to Certificate of Occupancy release.

Apply for a grading permit. Staff will forward the draft written commitment to County Legal for review. .

Should you have any questions or need additional information, please feel free to contact me.




Sincerely,
 Anne Crecellius
 Monroe County Planning Department
 501 N Morton St., Suite 224
 Bloomington, IN 47404

EXHIBIT 7: R-23-288 Viewpoint OpenGov Construction Plans Submission History



Construction Plans




Blue prints, elevations, floor plans, drawings

Latest Version

	Barker-07.25.23.pdf Uploaded on Jul 26, 2023 at 11:03 AM by Scott Barker	 
---	--	---

Older Versions

	Version 3 Barker-04.03.23.pdf Uploaded on Apr 20, 2023 at 2:13 PM by Scott Barker	 
---	--	---

	Version 2 Barker-03.31.23-Copy.pdf Uploaded on Apr 1, 2023 at 10:37 PM by Scott Barker	 
---	---	---




	Version 1 Barker-03.27.23 (002)-Copy.pdf Uploaded on Mar 31, 2023 at 2:57 PM by Scott Barker	 
--	---	---

EXHIBIT 8: Petitioner Letter

Monroe County Board of Zoning Appeals

9390 Derrett Road Variance Request

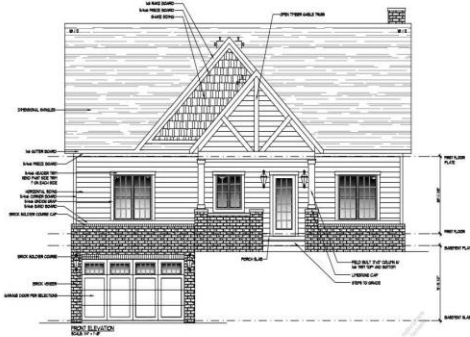
Variance Request

- Side Setback Variance

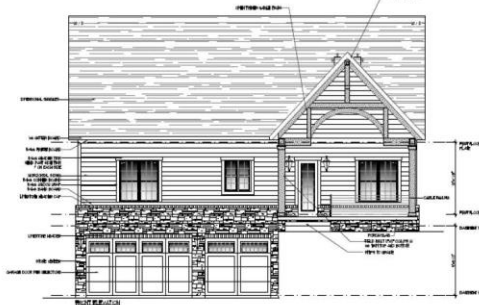
Design Change

- Added additional 1-car garage
- Shifted front porch and changed the front porch roofline

Original Design



Current Design



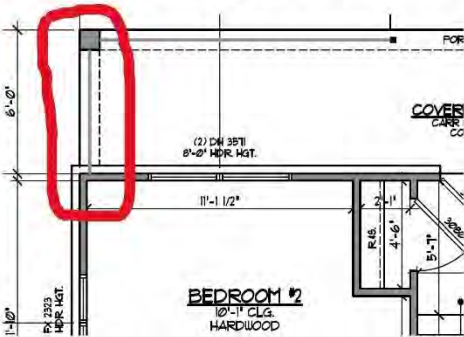
Monroe County Board of Zoning Appeals

9390 Derrett Road Variance Request

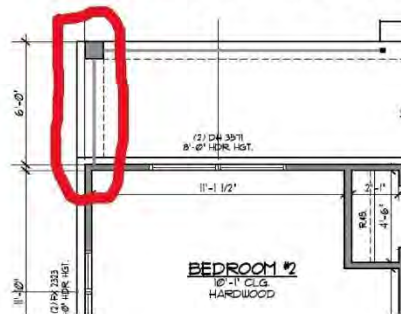
New Home Design

- Final design included an offset for the side setback
- Unfortunately, I unknowingly provided the foundation subcontractor with the wrong set of building plans that didn't include an offset for the side setback

Final Design Submitted

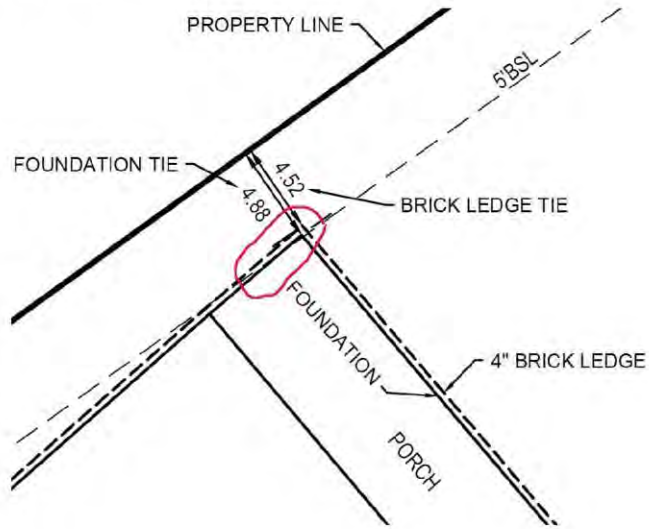
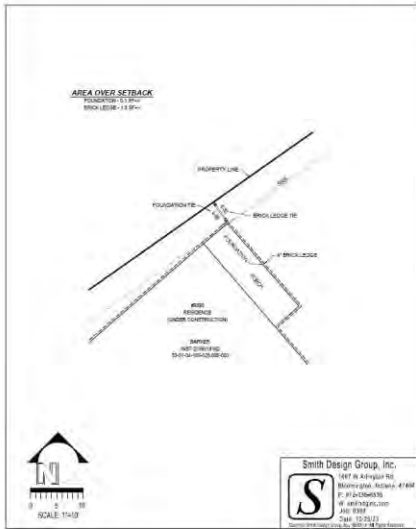


Incorrect Design Used During Foundation Installation



Monroe County Board of Zoning Appeals

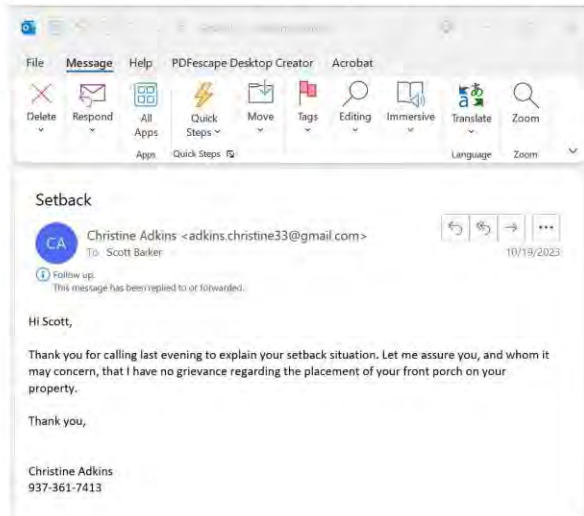
9390 Derrett Road Variance Request



Monroe County Board of Zoning Appeals

9390 Derrett Road Variance Request

Supporting Email from my neighbor - Christine Adkins



Monroe County Board of Zoning Appeals

9390 Derrett Road Variance Request

Summary

- The architect designed the front porch with an offset to allow for the side setback.
- The foundation subcontractor properly installed the foundation.
- I mistakenly gave the wrong house plans to the foundation subcontractor
- The porch foundation is 4.88 feet from the property line, over by 1.44 inches
- The brick ledge is 4.52 feet from the property line, over by 5.76 inches
- My neighbor understands that I made a mistake and has no objection to the location of my front porch



MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date: **December 6, 2023**

CASE NUMBER	DETAIL	RECOMMENDED MOTION
ADR-23-1	Appeal of Director's Issuance of R-23-898	To affirm the Administrator's Determination

Several considerations for the Board before rendering a decision on an administrative appeal:

Board of Zoning Appeals Rules of Procedure:

https://www.co.monroe.in.us/egov/documents/1675705987_44257.pdf

832-5 The Board of Zoning Appeals shall hear testimony and evidence concerning appeals, and prepare findings of fact and shall render a final decision on all appeals. A written copy of such decision, as described in the Rules of Procedure, shall be available in the Planning Department within five (5) days after making such decision.

821-15. General Powers and Duties

The Board:

(A) shall hear and determine appeals from and review any order, requirement, decision or determination made by the Plan Director, a staff member or administrative officer, board or committee designated by the Zoning Ordinance, other than the Plan Commission, made in the enforcement of the Zoning Ordinance or the issuance of permits required by the Zoning Ordinance.

Recommended Motion Conditions or Reasoning:

1. Staff recommends **affirming the Director's issuance of R-23-898.**

Staff will be starting an enforcement case and requesting that the petitioner either meet setbacks and submit an updated as-built, or file for a plat amendment.

Planner:	Jackie N. Jelen
-----------------	-----------------

PETITIONER	Andrew Lambert	
ADDRESS	1470 W Westwind Ct, Parcel #s: 53-08-17-304-015.000-008, 53-08-17-304-030.000-008, 53-08-17-304-031.000-008, 53-08-17-304-081.000-008, 53-08-17-304-082.000-008, 53-08-17-304-085.000-008	
TOWNSHIP + SECTION	Perry; 8	
PLATS	<input type="checkbox"/> Unplatted <input checked="" type="checkbox"/> Platted: Bachelor Heights Subdivision, Section 1	
ACREAGE +/-	0.06 +/-	
	PETITION SITE	ADJACENT
ZONING	PUD	PUD, IN
COMP. PLAN	MCUA Suburban Residential	MCUA Suburban Residential and Institutional
USE	Residential Garages	Single Family Residential

SUMMARY

The contractor for this property, Blackwell Contractors, applied for a residential building permit on August 31, 2023. The application was filed as a “Residential Accessory Structure Permit” and given the number “R-23-898”. The permit went through a review by the Zoning Inspector and was issued an Improvement Location Permit on October 16, 2023.

Shortly after the permit was issued, we began receiving neighbor complaints regarding the building. The Bachelor Heights Homeowners Association filled out a public information request, and shortly after, filed an appeal to the issuance of the Improvement Location Permit R-23-898. Upon receipt of this appeal, Planning Staff conducted a site visit. The findings were as follows:

- The 6 bay garage was substantially complete at the time of site inspection;
- Measurements show that the 6-bay garage did not follow the submitted original plot plan. The original plot plan indicated that a setback of 6.84 feet would be met. This was more than the required 2.56 foot setback and therefore, a permit was issued;
- The Planning Department requested an as-built of the 6-bay garage. The as-built indicates that the garage is over by 0.05 feet from the perimeter boundary of the garage. The platted required setback is 2.56 feet and the building meets a 2.51 foot setback (a difference of 0.05 foot). Per the petitioner’s surveyor, the difference of 0.05 feet could be within the margin of error of the as-built. However, we are going to review the as-built as being accurate and assume a resolution of an encroachment into the setback is needed;
- The garage appears to otherwise meet the construction plans as submitted. If the walls are constructed between the garages that do not meet the platted requirements, a plat amendment may be sought.

The location of the 6 bay garage is within the Highlands PUD, a Planned Unit Development (PUD) approved under the City of Bloomington in 1995. The garage lots are platted as “U”, “V”, “W”, “X”, “Y”, and “Z” (See Exhibit 3). On the plat, you will see the garage parcels in close proximity to the “28 ft ingress/egress easement”. Though the plat itself does not have distances illustrated between the different platted lots, the plat is scalable and therefore, setbacks can be determined. The surveyor has indicated the required setback is 2.56 feet; the building meets a 2.51 foot setback. The individual lots shown on the plat allow for buildings to be up to those boundary lines and no additional setback within the building area lot is required. As shown in the As-built (Exhibit 5), the allowable setback between the garage lot “Z” and Lot 75 is 2.56 feet.

In a case in which an Improvement Location Permit is issued and the builder does not follow the required setbacks, it becomes an issue of enforcement. The builder is faced with two options moving forward:

1. Amend the garage to meet the required platted setbacks, or
2. File a preliminary plat amendment to reduce the common area and accommodate the as-built of the 6-bay garage.

The ILP was issued correctly, however, the building location is incorrect.

If the appeal is affirmed, the applicant will still be required to rectify the encroachment on the setbacks.

The reasoning for nullifying an issued Improvement Location Permit is as follows:

800-5. Inclusion of and Relationship to Other Ordinances

*(B) All departments, officials and employees of Monroe County, Indiana, that are vested with the duty or authority to issue permits, certificates or approvals, shall conform to the provisions of this ordinance and shall issue no permit, certificate or approval for any use, structure or activity if the same would be in conflict with the provisions of this ordinance. **Any permit, certificate or approval issued in conflict with the provisions of this ordinance shall be null and void and, in no event, shall act as a waiver of the***

standards and requirements of these regulations.

The allowance for the construction of the 6-bay garage is detailed under the PUD and is permitted in the location shown on the original plot plan and recorded plat. However, the builder located the structure in violation of setbacks. This is not a cause for retracting the ILP, but rather, it is an issue of enforcement. See the reference in Chapter 817:

CHAPTER 817

ZONING ORDINANCE: VIOLATIONS AND ENFORCEMENT

817-1. Violations

(A) The erection, demolition, conversion, construction, enlargement, moving or maintenance of any structure, or the use of any land, structure or premises, which is contrary to any of the provisions of this ordinance, is hereby declared to be a common nuisance and an unlawful violation of this ordinance.

(B) The erection, demolition, conversion, construction, enlargement, moving or maintenance of any structure, or the use of any land, structure, or premises, which is contrary to any requirement, condition or commitment imposed or made by the Board, Commission, Administrator or applicant under the provisions of this ordinance, is hereby declared to be a common nuisance and an unlawful violation of this ordinance.

(C) Any person, whether as principal agent, owner, lessee, tenant, contractor, builder, architect, engineer or otherwise who, either individually or in concert with another, acts contrary to any provision of this ordinance or a condition or commitment made thereunder, shall be liable for maintaining a common nuisance and shall be in violation of this ordinance.

EXHIBITS - Immediately following report

1. Location Map
2. Residential Accessory Structure Permit Application Materials – R-23-898:
<https://monroecountyin.portal.opengov.com/records/28986>
3. Bachelor Heights Plat
4. Original Plot Plan
5. As-built
6. Highlands Ordinance:
https://bloomington.in.gov/onboard/legislationFiles/download?legislationFile_id=1342
7. Site Photos
8. Petition Letter
9. Staff response to the Petitioner Letter

EXHIBIT 1: Location Map

Location Map

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

0 0.01 0.03 0.06 Miles



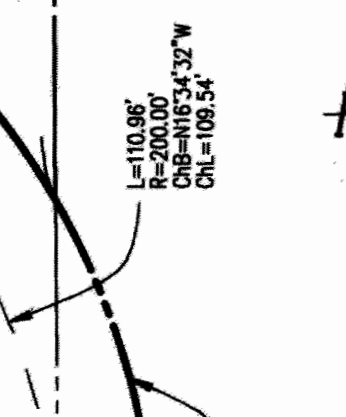
Monroe County
Planning Department
Source: Monroe County GIS
Date: 11/28/2023



Above, the location map of the petition property. NOTE: the location of the platted lots is not correct on the GIS and instead you should refer to the subdivision plat (EXHIBIT 3)

EXHIBIT 3: Bachelor Heights Plat

Letter to alley land exchange. See 95496 2008.19.137 Appendix Jim Fuller, 11/16/2000

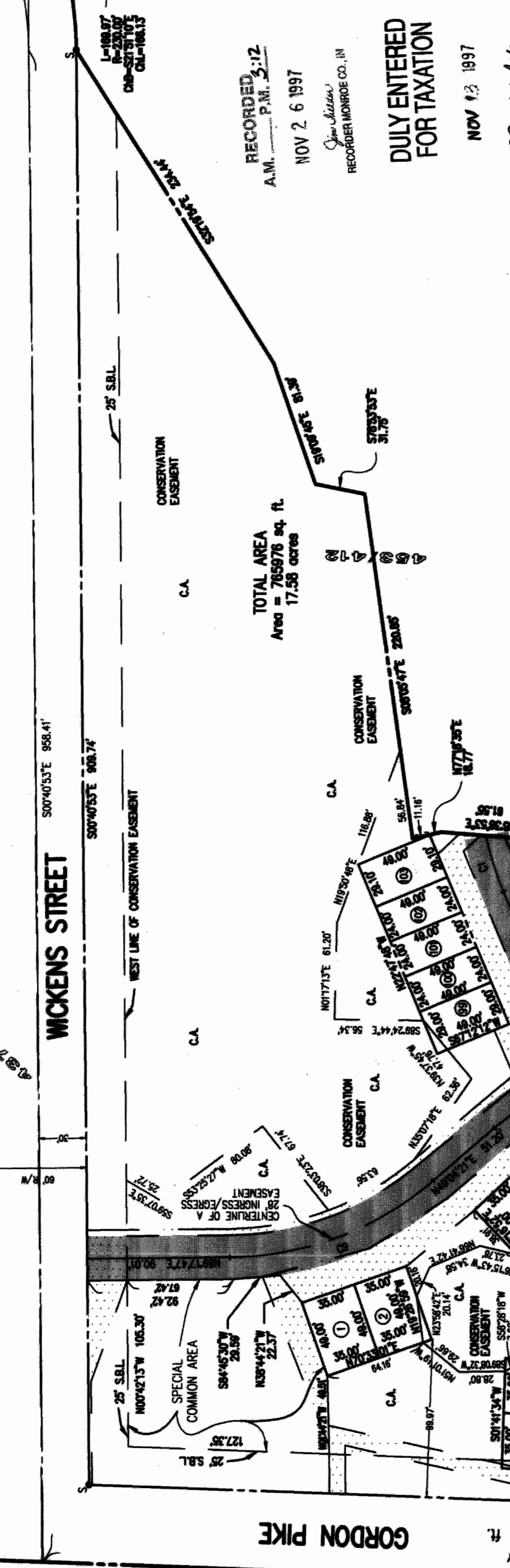


LEGEND

- PROPERTY LINE
- EASEMENT LINE
- 25' BUILDING SETBACK LINE
- 5/8" REBAR WITH CAP
- 5/8" REBAR WITH CAP (TO BE SET)
- DEED RECORD BOOK AND PAGE
- LOT NUMBER
- UTILITY EASEMENT
- 28' INGRESS/EGRESS EASEMENT
- COMMON AREA

CURVE AND LINE TABLE	RADIUS	CHORD BEARING	CHORD LENGTH
C1	200.00'	N172°50'W	37.04'
C2	150.00'	S30°46'51"E	177.36'
C3	150.00'	N07°36'41"E	15.00'
C4	200.00'	N09°28'23"W	98.83'
C5	150.00'	N37°11'00"E	273.83'
C6	150.00'	N76°04'21"E	181.60'
C7	200.00'	N69°11'04"E	137.54'
C8	200.00'	S41°50'50"E	155.92'
C9	200.00'	S80°45'34"E	133.39'
C10	100.00'	S33°52'52"E	100.82'
C11	100.00'	S28°51'35"E	28.50'
C12	100.00'	S33°52'52"E	35.66'
C13	100.00'	N10°53'56"E	28.50'
C14	100.00'	N66°34'40"E	57.94'
C15	61.80'	BEARING	
LINE	LENGTH	BEARING	
L1	11.58'	N28°47'07"W	

NOTE: FOR UTILITY EASEMENT DIMENSIONS, SEE PAGE 2 OF PLAT



DULY ENTERED FOR TAXATION

NOV 13 1997

Recorder: *Janice Y. Clark*, Auditor Monroe County, Indiana

Affidavit # 808603, Misc. Bk. 251 Pg. 468-469, Jim Fuller, Recorder, 5/8/98

See Ord. Bk. 471 Pg. 455, Jim Fuller, Recorder, 5/8/98

RECORDED A.M. P.M. 3:12

NOV 2 6 1997

Recorder: *Jim Fuller*, Recorder Monroe Co., IN

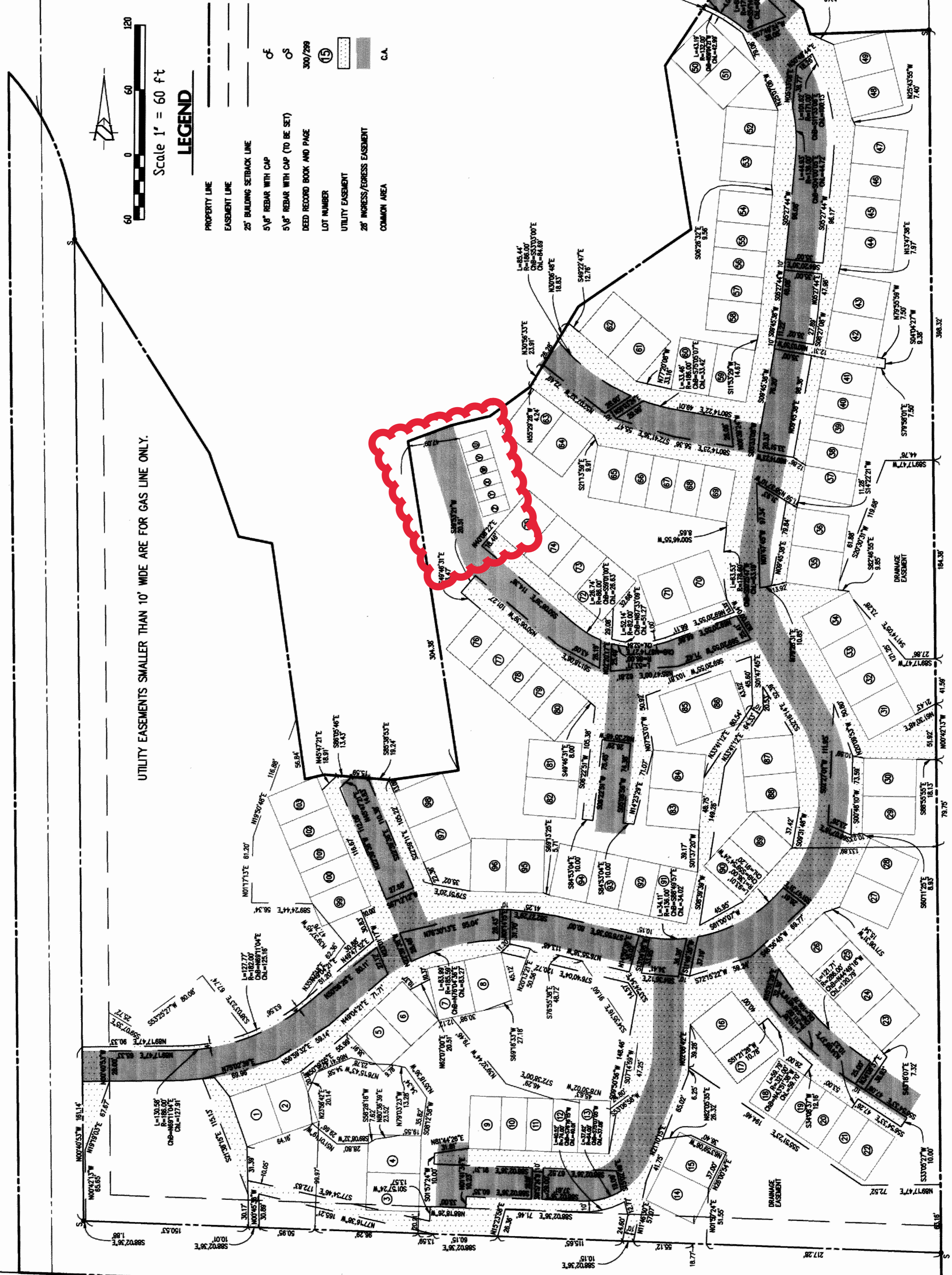
TOTAL AREA Area = 785976 sq. ft. 17.58 acres

Area = 103586 sq. ft. 2.38 acres

P.A.B. REBAR FOUND IN CORNER OF SE 1/4 SW 1/4 SEC. 17, T14N, R17W

4" CONCRETE MONUMENT IN CORNER OF SE 1/4 SW 1/4 SEC. 17, T14N, R17W

BATCHELOR HEIGHTS SUBDIVISION, SECTION ONE
FINAL PLAT
UTILITY EASEMENT DETAIL



Scale 1" = 60 ft

LEGEND

- PROPERTY LINE
- EASEMENT LINE
- 25' BUILDING SETBACK LINE
- 5' REBAR WITH CAP
- 5' REBAR WITH CAP (TO BE SET)
- DEED RECORD BOOK AND PAGE
- LOT NUMBER
- UTILITY EASEMENT
- 25' INGRESS/EGRESS EASEMENT
- COMMON AREA

UTILITY EASEMENTS SMALLER THAN 10' WIDE ARE FOR GAS LINE ONLY.

BACHELOR HEIGHTS SUBDIVISION, SECTION ONE

FINAL PLAT

OWNERS:
Richland Construction Company, Inc.
P.O. Box 1306
Bloomington, IN 47402
(812) 331-2304

Raymond Moore Enterprises, Inc.
1499 West Second Street
Bloomington, IN 47403
(812) 334-1601

SOURCE OF TITLE: 453/412 and 437/105
BASIS OF BEARING: CITY OF BLOOMINGTON GIS
ZONING: PUD

DULY ENTERED
FOR TAXATION

NOV 13 1997

Rebecca H. Clark
Auditor Monroe County, Indiana

The undersigned, Richland Construction Company, Inc. and Raymond Moore Enterprises, Inc., owners of record of the real estate shown and described herein, do hereby lay off, plat and subdivide said real estate into lots, garage lots, common areas, special common area, and other facilities for the beneficial use and enjoyment thereof.

This subdivision shall be known and designated as Bachelor Heights Subdivision, Section One and consist of lots, numbered 1 through 103, and garage lots lettered U through Z.

This subdivision shall be subject to the declaration of covenants, conditions, and restrictions as set forth in Misc. BK 248 Pages 739-754.

In witness whereof, James B. Wray, President and Raymond Moore, caused this instrument to be executed this 7th day of November, 1997.

By: James B. Wray
James B. Wray, President

By: Raymond Moore
RAYMOND MOORE PRES.

LEGAL DESCRIPTION

A part of a tract of land described in Deed Record Book 453, page 412 in the Office of the Recorder of Monroe County, Indiana, and a part of a tract of land described in Deed Record Book 437, page 105 in said Recorder's Office also being a part of the Southeast Quarter of the Southwest Quarter of Section 17, Township 8 North, Range 1 West, in said County, more particularly described as follows:

Beginning at the Southeast corner of said Quarter Quarter Section; thence North 88 degrees 02 minutes 38 seconds West along the South line of said Quarter Quarter Section 854.13 feet; thence North 00 degrees 40 minutes 53 seconds West 1111.94 feet to a point on a non-tangent curve concave Southwesterly with a radius of 230.00 feet and a chord bearing South 21 degrees 51 minutes 10 seconds East for a distance of 186.13 feet; thence Southeasterly along said curve 169.97 feet; thence South 32 degrees 19 minutes 54 seconds East 234.44 feet; thence South 19 degrees 09 minutes 45 seconds East 81.39 feet; thence South 78 degrees 53 minutes 53 seconds East 31.75 feet; thence South 08 degrees 05 minutes 47 seconds East 220.85 feet; thence North 77 degrees 18 minutes 35 seconds East 18.77 feet; thence South 85 degrees 38 minutes 53 seconds East 61.55 feet; thence North 81 degrees 45 minutes 19 seconds East 62.99 feet; thence North 08 degrees 48 minutes 27 seconds West 308.86 feet; thence North 69 degrees 25 minutes 41 seconds East 42.34 feet; thence North 76 degrees 25 minutes 18 seconds East 37.00 feet; thence North 53 degrees 43 minutes 23 seconds East 46.10 feet; thence North 30 degrees 56 minutes 33 seconds East 86.73 feet; thence North 55 degrees 21 minutes 12 seconds East 126.48 feet; thence North 09 degrees 18 minutes 08 seconds West 153.27 feet; thence North 33 degrees 15 minutes 37 seconds East 124.98 feet; thence South 48 degrees 40 minutes 44 seconds East 78.84 feet; thence South 16 degrees 15 minutes 56 seconds East 23.72 feet; North 87 degrees 48 minutes 04 seconds East 110.52 feet; thence South 00 degrees 42 minutes 13 seconds East 1183.19 feet to the point of beginning, containing 17.58 acres, more or less.

STATE OF INDIANA
COUNTY OF MONROE SS:

Before me, the undersigned Notary Public, in and for the said county and state, personally appeared James B. Wray and severally acknowledged the execution of the foregoing for the purposes therein expressed.

MONROE
County of Residence



9 AUG 1997
Commission Expiration

Notary Public Written

VERONICA HITES
Notary Public Printed

STATE OF INDIANA
COUNTY OF MONROE SS:

Before me, the undersigned Notary Public, in and for the said county and state, personally appeared Raymond Moore and severally acknowledged the execution of the foregoing for the purposes therein expressed.

MONROE
County of Residence



17 Oct 1999
Commission Expiration

Notary Public Written

James B. Wray
Notary Public Printed

CERTIFICATE OF APPROVAL OF COMMISSION AND BOARD OF WORKS

Under the authority provided by Chapter 174 - Acts of 1947 - enacted by the General Assembly of the State of Indiana and Ordinances adopted by the Common Council of the City of Bloomington, Indiana, this plat was given approval by the City of Bloomington as follows:

APPROVED BY THE BOARD OF WORKS AT A MEETING HELD ON 30 September, 1997.

Frank N. Hrisomalos, President

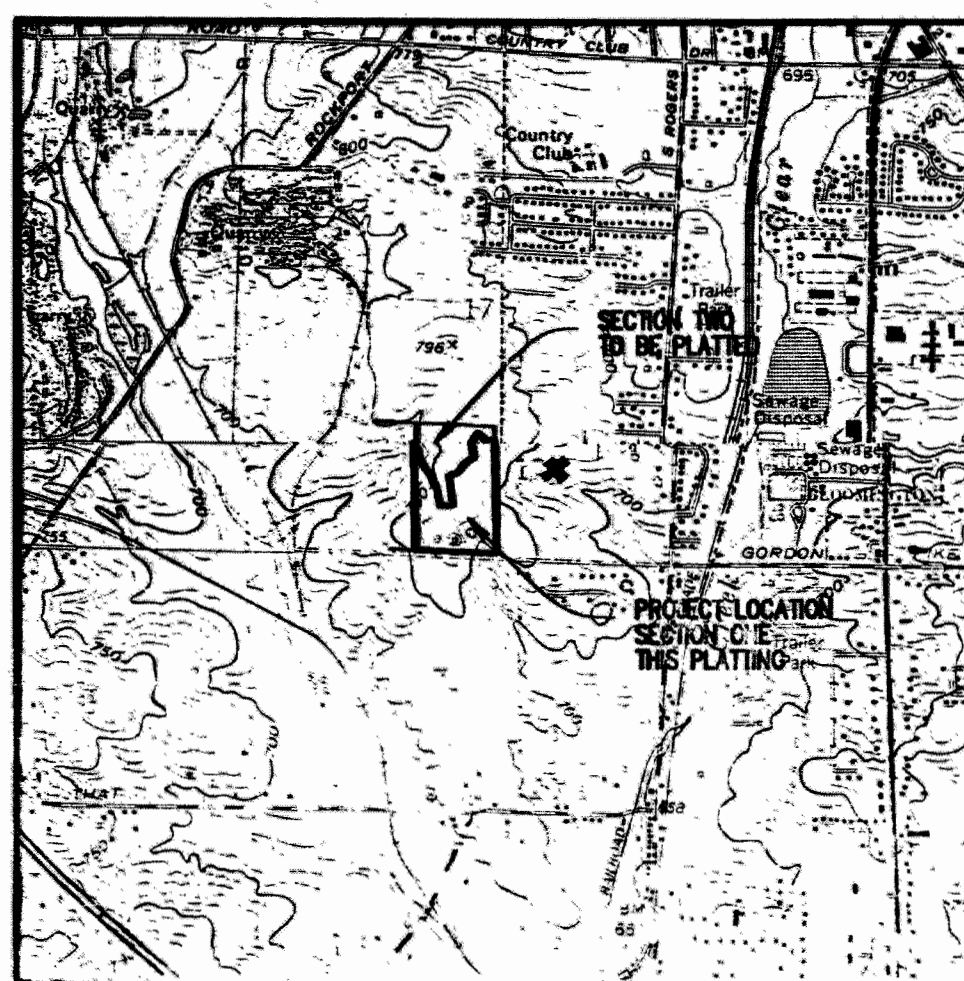
Beth Hollingsworth, Vice President

Randy Loyal, Secretary

APPROVED BY THE CITY PLAN COMMISSION AT A MEETING HELD ON 29 September, 1997.

William E. Stuebe, President

Donald Hastings, Secretary



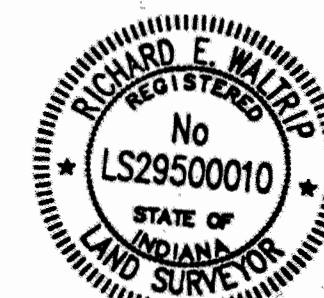
LOCATION MAP

- NOTES:
1) NO BUILDING SHALL BE LOCATED OUTSIDE THE 25' BUILDING SETBACK LINE.
2) NO BUILDING SHALL BE LOCATED INSIDE THE CONSERVATION EASEMENTS.
3) AREA OUTSIDE OF LOTS AND PLATTED RIGHT-OF-WAY IS COMMON AREA. THERE IS ONE AREA OF SPECIAL COMMON AREA DESIGNATED AND SHOWN ON SHEET ONE.
4) 5/8" REBARS TO BE SET ON ALL LOT CORNERS.
5) UTILITY EASEMENTS SMALLER THAN 10' WIDE ARE FOR GAS LINE ONLY.

I hereby certify that this plat represents a survey performed in accordance with the survey standards set forth in Title 865, Chapter 12 of the Indiana Administrative Code during September, 1997 and that it is a true and accurate plat to the best of my knowledge and belief.

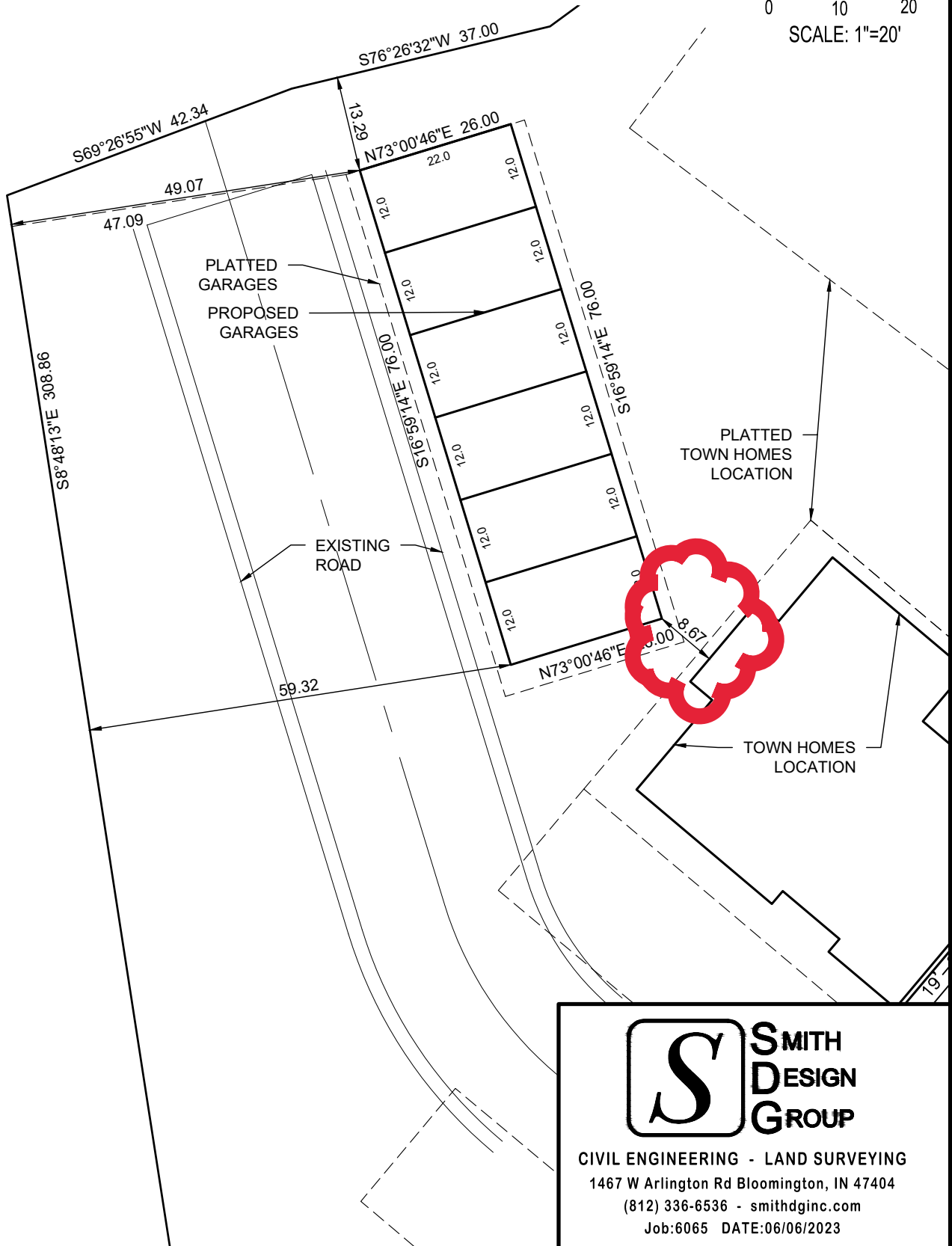
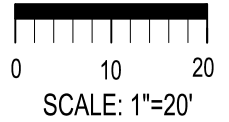
Date 11/4/97

Richard E. Waltrip, Registered Professional Land Surveyor



**PLOT PLAN
BACHELOR HEIGHTS GARAGES U-Z
(W. WESTWIND CT.)**

Exhibit 4: Original Plot Plan



CIVIL ENGINEERING - LAND SURVEYING
1467 W Arlington Rd Bloomington, IN 47404
(812) 336-6536 - smithdgroup.com
Job:6065 DATE:06/06/2023

NOTES

1. AS-BUILT INFORMATION SHOWN IN **RED** AND SHADES THEREOF.
2. PLATTED BUILDING ENVELOPE SHOWN IN **GREEN**.
3. GRADES SHOWN AROUND GARAGES ARE NOT FINAL GRADE
4. BASIS OF BEARING NAD 83, INDIANA WEST ZONE

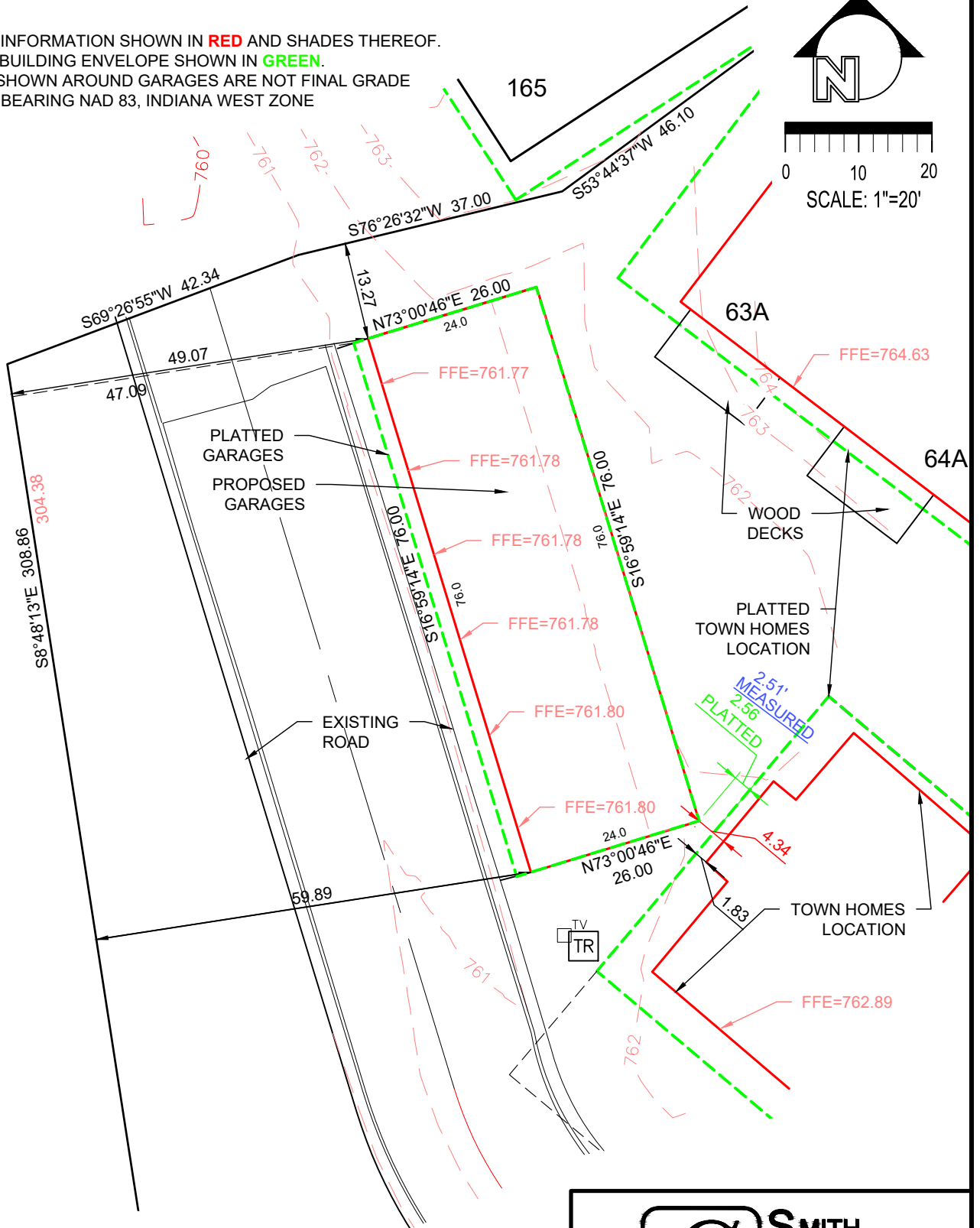
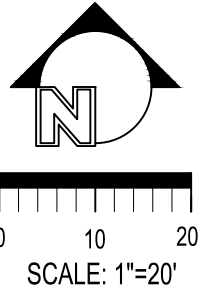


EXHIBIT 5

**AS-BUILT
BACHELOR HEIGHTS GARAGES U-Z
(W. WESTWIND CT.)**



CIVIL ENGINEERING - LAND SURVEYING
 1467 W Arlington Rd Bloomington, IN 47404
 (812) 336-6536 - smithdgroup.com
 Job:6065 DATE:11/22/2023

EXHIBIT 7: Site Photos



Site Photo 1: Garage is on the right side of the screen



Site Photo 2: Staff measurement



Site Photo 3: Staff measurement (zoom in)



Site Photo 4: View from Westwind Ct



Staff Photo 5: View from 1460 W Westwind Ct to the newly constructed Garage Z

EXHIBIT 8: Petition Letter



October 31, 2023

Dear Monroe County Planning Commission,

Our HOA Board is submitting a letter of appeal for your attention tied to Permit R-23-898. We are requesting a hearing on December 6th, 2023 because of the location and lack of communication or notice prior to building.

We are filing the appeal on three tenants:

1. This is an impermissible commercial build within a residential community;
2. The presented plat details appear to be unclear of building location; and
3. Encroachment on the building foundation into the designated setback areas.

The garages being built are tied to the following parcels, which currently sit on W. Westwind Ct., located inside the Batchelor Heights neighborhood.

1. 53-08-17-304-082.000-008
2. 53-08-17-304-015.000-008
3. 53-08-17-304-081.000-008
4. 53-08-17-304-031.000-008
5. 53-08-17-304-085.000-008
6. 53-08-17-304-030.000-008

We look forward to having the opportunity to seek clarification on why this permit was issued without notice to the property management team, the homeowner's association, or the neighbors now impacted by this building.

Should you have any questions, please feel free to contact the HOA President, Andrew Lambert, at 812-336-1727. He can also be reached by e-mail at: andrew@lambertconsulting.biz.

Respectfully,

The Batchelor Heights HOA Board

EXHIBIT 9: Staff Reply to Petition Letter (Staff reply in red text)



October 31, 2023

Dear Monroe County Planning Commission,

Our HOA Board is submitting a letter of appeal for your attention tied to Permit R-23-898. We are requesting a hearing on December 6th, 2023 because of the location and lack of communication or notice prior to building.

We are filing the appeal on three tenants:

1. This is an impermissible commercial build within a residential community;
Permit was granted as a “Residential Accessory Structure”. The garage is not yet complete and therefore, the contention that the use is commercial is not verifiable. Should the garage be used commercially (such as running a business from this location), the Planning Department would be notified and enforcement action would be taken.
2. The presented plat details appear to be unclear of building location; and
The plat is a scalable drawing and therefore building locations are clearly marked on the recorded plat. Per the as-built submitted, the perimeter foundation is over the required setback by 0.05 feet. The owner/builder is required to follow-up with either a plat amendment or changing the building to meet required setbacks.
3. Encroachment on the building foundation into the designated setback areas.
See answer to #2 above.

The garages being built are tied to the following parcels, which currently sit on W. Westwind Ct., located inside the Batchelor Heights neighborhood.

1. 53-08-17-304-082.000-008
2. 53-08-17-304-015.000-008
3. 53-08-17-304-081.000-008
4. 53-08-17-304-031.000-008
5. 53-08-17-304-085.000-008
6. 53-08-17-304-030.000-008

We look forward to having the opportunity to seek clarification on why this permit was issued without notice to the property management team, the homeowner’s association, or the neighbors now impacted by this building.

It is the responsibility of the lot owner to follow all Covenants and Restrictions for development within a platted subdivision. See Chapter 800-6:

(C) Private covenants, restrictions and/or agreements, whether by deed or other instrument, which impose any requirements or standards different than those established under this ordinance, shall not be construed to modify the provisions of this ordinance or impose any enforcement obligations thereunder upon the Commission, the Board and the Plan Department staff unless the Commission or the Board had approved or accepted, in writing, and had specifically accepted the responsibility for enforcement of, the terms and conditions of any such private covenant, restriction or agreement.

Should you have any questions, please feel free to contact the HOA President, Andrew Lambert, at 812-336-1727. He can also be reached by e-mail at: andrew@lambertconsulting.biz.

Respectfully,

The Batchelor Heights HOA Board

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*