

# MONROE COUNTY BOARD OF ZONING APPEALS



**Wednesday, January 3, 2024  
5:30 p.m.**

## **Hybrid Meeting**

### **In-person**

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

### **Virtual**

[Virtual Video Conference Link](#)

Meeting ID: 243 701 254 286

Passcode: ADuR7f

If calling into the video conference meeting (audio only), dial: +1 872-242-9432

When prompted, enter the Phone Conference ID: 836 586 379#

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

**HYBRID MEETING**

**When:** January 3, 2024 at 5:30 PM

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

[Virtual Video Conference Link](#)

Meeting ID: 243 701 254 286

Passcode: ADuR7f

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When prompted, enter the Phone Conference ID: 836 586 379#

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**CALL TO ORDER**

**ROLL CALL**

**INTRODUCTION OF EVIDENCE**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES: None.**

**ADMINISTRATIVE BUSINESS: None.**

**OLD BUSINESS:**

**1. VAR-23-42**

**Williams Use Variance to Tourist Home/Cabin in Chapter 802**

One (1) 1.39 +/- acre parcel in Perry Township, Section 27 at **PAGE 5**

1901 E Lukes CT, parcel #53-08-27-300-041.001-008.

Owner: Williams, Ronald

**Zoned SR.** Contact: [dmyers@co.monroe.in.us](mailto:dmyers@co.monroe.in.us)

**2. ADR-23-1**

**Appeal by Bachelor Heights Homeowners Association of **PAGE 22****

**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](mailto:jnester@co.monroe.in.us)

**NEW BUSINESS:**

**1. VAR-23-44a**

**Snyder Minimum Lot Size Variance to Chapter 804**

**PAGE 41**

**2. VAR-23-44b**

**Snyder Rear Yard Setback Variance to Chapter 804**

One (1) 2 +/- acre parcel in Bean Blossom Township, Section 33 at

7342 N Red Hill RD, parcel #53-03-33-100-029.000-001.

Owner: Snyder, Darren and Amber

**Zoned AG/RR.** Contact: [shawnsmith@co.monroe.in.us](mailto:shawnsmith@co.monroe.in.us)

- 3. VAR-23-46a**                    **Bland Use Variance for Detached Accessory Dwelling Unit (DADU) to Chapter 802**
- 4. VAR-23-46b**                    **Bland Design Standards Variance for DADU Condition #55 to Chapter 802** One (1) 1.25 +/- acre parcel in Perry Township, Section 21  
1398 E Rhorer RD, parcel #53-08-21-100-011.000-008  
Owner: 1398 Rhorer RD LLC  
**Zoned RE1.** Contact: [shawnsmith@co.monroe.in.us](mailto:shawnsmith@co.monroe.in.us)  
\*\*\*CONTINUED BY STAFF\*\*\*
- 5. CDU-23-4**                    **Kruggel Day Care Center Conditional Use to Chapter 813**      **PAGE 51**  
One (1) parcel on 1.25 +/- acres in Perry Township, Section 21, at  
1350 E Rhorer RD, parcel #53-08-21-100-032.000-008.  
Owner: AJ Holdings LLC.  
**Zoned RE1.** Contact: [drbrown@co.monroe.in.us](mailto:drbrown@co.monroe.in.us)
- 6. VAR-23-48**                    **Killion Minimum Lot Width Variance to Chapter 804**  
One (1) parcel on 2.89 +/- acres in Perry Township, Section 36, at  
6545 S Shields Ridge RD, parcel #53-08-36-200-015.000-008.  
Owner: Bullerdick, Eric D; Spencer, Amanda M.  
**Zoned AG/RR / ECO2.** Contact: [drbrown@co.monroe.in.us](mailto:drbrown@co.monroe.in.us)  
\*\*\*CONTINUED BY STAFF\*\*\*
- 7. VAR-23-49a**                    **SLT Landscaping Variance (Bufferyard) to Ch. 830**                    **PAGE 76**
- 8. VAR-23-49b**                    **SLT Off-Street Parking (Surfacing) Variance to Ch. 806**
- 9. VAR-23-49c**                    **SLT Buildable Area (Special Flood Hazard Area) Variance to Ch. 804**
- 10. VAR-23-49d**                    **SLT Landscaping Variance (Streetscape) to Ch. 830**  
Three (3) parcels on 113.03 +/- acres in Bloomington Township, Sections 2 and  
3, and Washington Township, Section 34 at 6511 N Old State Road 37,  
Parcel #53-02-34-400-008.000-017, 53-05-02-200-005.000-004, 53-05-03-100-  
004.000-004.  
Owner: Sycamore Land Trust, Inc.  
**Zoned AG/RR.** Contact: [acrecelius@co.monroe.in.us](mailto:acrecelius@co.monroe.in.us)

Please contact the Monroe County Planning Department at [PlanningOffice@co.monroe.in.us](mailto:PlanningOffice@co.monroe.in.us) or by phone (812) 349-2560 for the direct web link to this hybrid meeting.

Written comments regarding agenda items may only be submitted by email until normal public meetings resume. Please submit correspondence to the Board of Zoning Appeals at: [PlanningOffice@co.monroe.in.us](mailto:PlanningOffice@co.monroe.in.us) no later than January 3, 2024, at 4:00 PM.

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

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

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

The meeting will be open to the public via video conference.

**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*



## MONROE COUNTY BOARD OF ZONING APPEALS

**Public Meeting Date: January 3, 2024**

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).

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

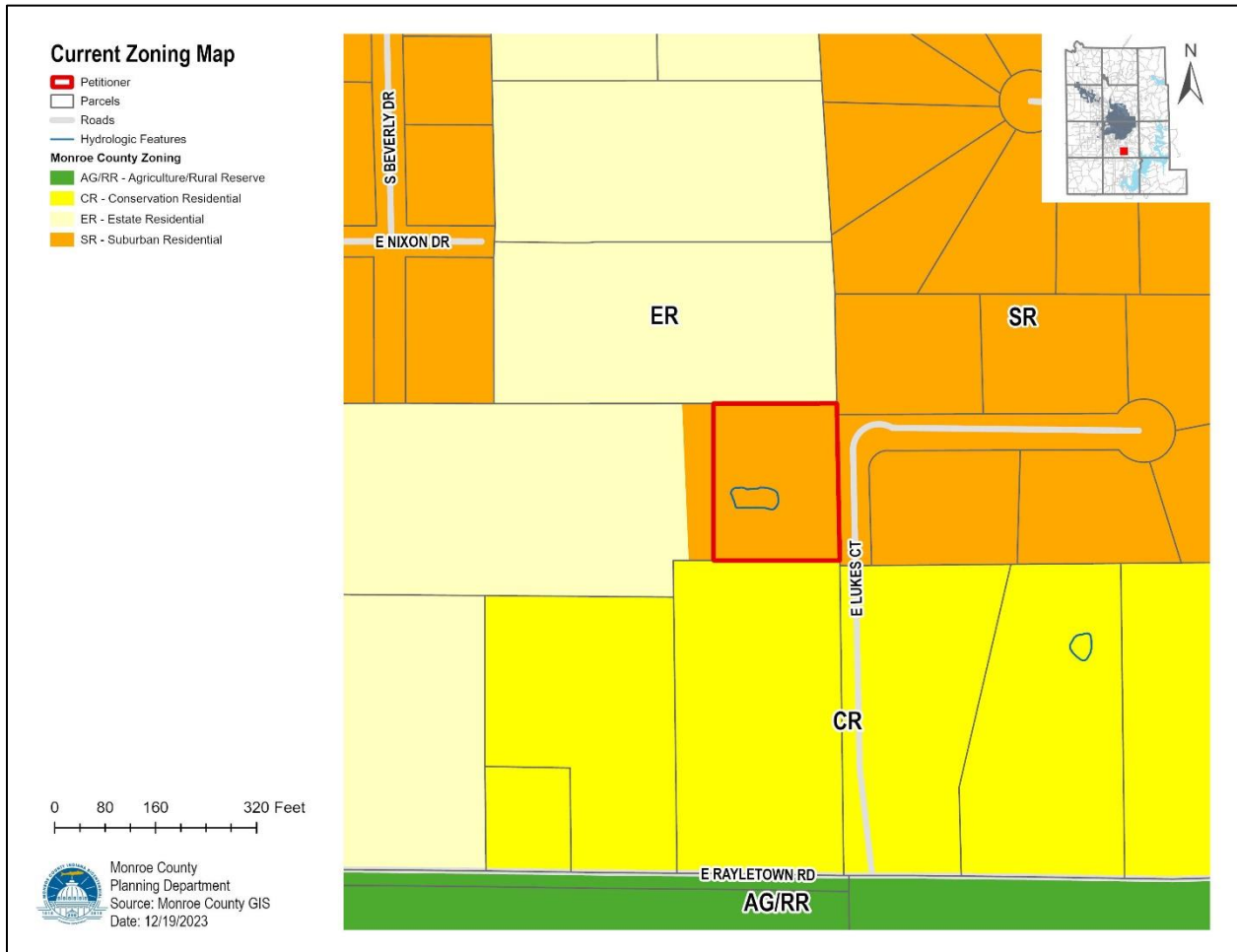
## **BACKGROUND**

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, a case (AC-21-36) opened from complaint 21-36. The original complaint was that the *detached* garage on the petition site was built on an easement and was under the process of being expanded, which would create an encroachment into setbacks. The Building Dept. performed a site visit where a sign advertising the *attached* garage as an Airbnb was noticed. An online check confirmed the upstairs of the attached garage was advertised on Airbnb as a short-term rental. The land use of an Airbnb is classified as a Tourist Home/Cabin, which is not permitted in the SR zoning district. The Planning Department followed up with a letter under the enforcement case AC-21-36 detailing the illegal use of the Tourist Home/Cabin (See Exhibit 8). Mr. Williams ceased the rental at 1901 E Lukes CT; however, he is 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**



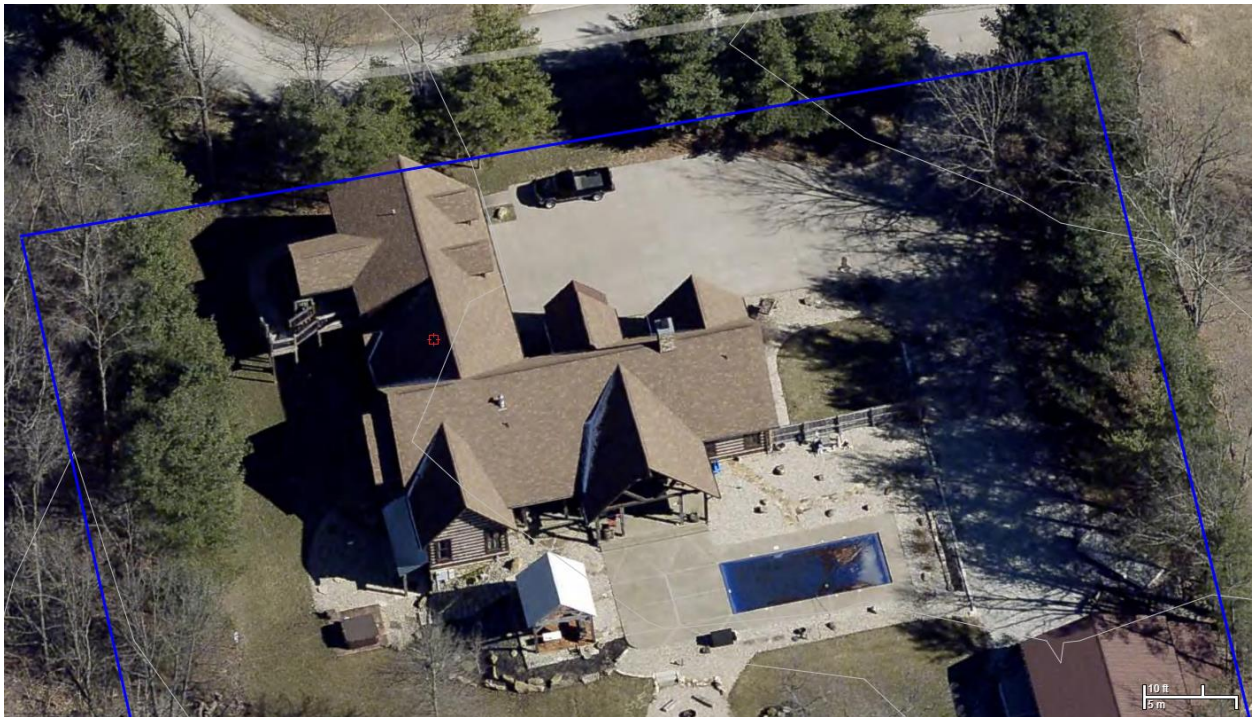
**Photo 1 – view from South**



**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.

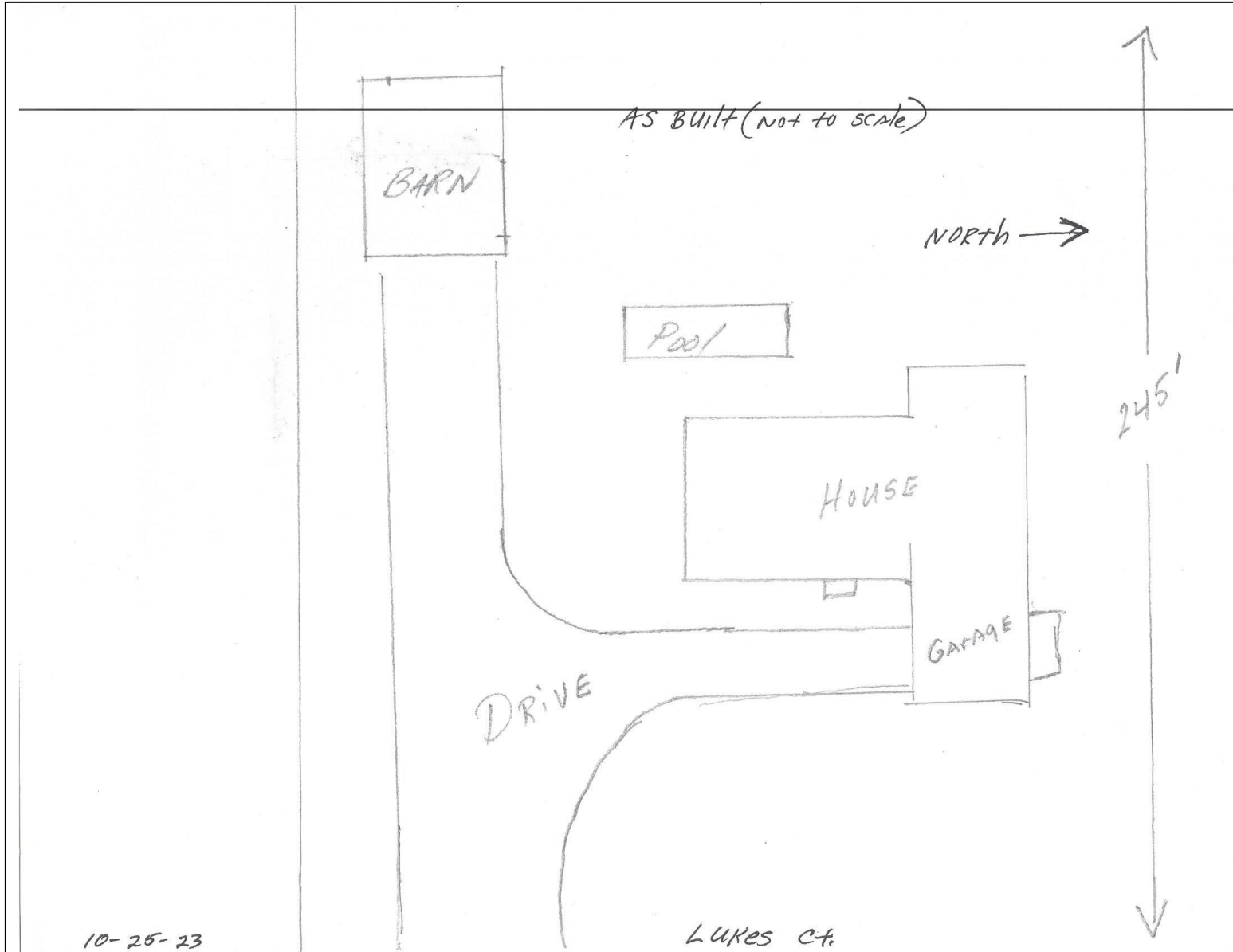
I hope you will grant me this variance.

Sincerely



Ronald F Williams

**EXHIBIT THREE: Petitioner Site Plan**



**EXHIBIT FOUR: Permitted Use Table for SR**

USES	INTENSITY	SR	Condition
<b>Agricultural Uses</b>			
Historic Adaptive Reuse		C	15; 44
<b>Residential Uses</b>			
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
<b>Public and Semipublic</b>			
Accessory Use		P	13
Group Home Class I	L	P	
Historic Adaptive Reuse		C	15; 44
Wireless Communications Facilities		C	32
<b>Business and Personal Services</b>			
Artisan Crafts	M	C	15, 22, 44
Historic Adaptive Reuse		P	15; 44
Real Estate Sales office Or Model	L	P	9
<b>Retail and Wholesale Trade</b>			
Historic Adaptive Reuse		P	15; 44
<b>Automotive and Transportation</b>			
Historic Adaptive Reuse		P	15; 44
<b>Manufacturing, Mining</b>			
Construction Trailer	L	P	17
Historic Adaptive Reuse		P	15; 44

**EXHIBIT FIVE: Residential Building Permit**

CG  
5630 (15-R1-51)  
Country SR  
3-27-15 acres:  
ECO: ✓  
FEMA: No

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

**RESIDENTIAL PERMIT APPLICATION "One & Two Family Residence"**

MONROE COUNTY BUILDING DEPARTMENT  
501 N. Morton St RM 220-B, Bloomington, Indiana 47404  
Phone Number: (812) 349-2580 FAX: (812) 349-2967  
http://www.co.monroe.in.us/isd/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) 11,000  
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

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

202201697 5PL \$25.00  
07/21/2022 08:01:12R 1 PGS  
Eric Schick  
Monroe County Recorder IN  
Recorded as Presented

**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 Schick*  
Auditor Monroe County, Indiana

DEVELOPER, APPLICANT &/OR OWNER  
TAWNY STERWERF  
1785 E RAYL TOWN ROAD  
BLOOMINGTON, IN 47401

**CURVE TABLE:**

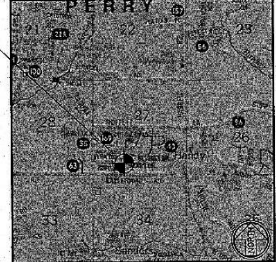
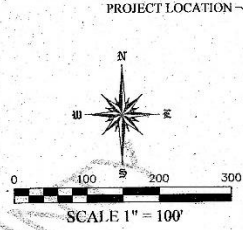
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	INTERIOR BEARING	DELTA ANGLE
C1	100.00'	25.00'	25.00'	N 00° 00' 00" W	90° 00' 00"
C2	100.00'	14.53'	14.53'	N 00° 00' 00" W	90° 00' 00"
C3	100.00'	25.00'	25.00'	S 00° 00' 00" N	90° 00' 00"
C4	100.00'	14.53'	14.53'	S 00° 00' 00" N	90° 00' 00"

**LINE TABLE:**

LINE	BEARING	DISTANCE
1	S 89° 29' 13" W	66.97'
2	S 03° 07' 11" E	176.10'
3	N 88° 31' 59" W	50.00'
4	N 89° 01' 05" W	50.00'
5	S 03° 07' 11" E	58.27'
6	N 03° 07' 11" E	125.29'
7	S 89° 29' 13" W	66.96'
8	S 89° 29' 13" W	58.00'
9	N 32° 59' 38" E	35.31'
10	N 03° 07' 11" E	128.00'
11	N 69° 33' 25" E	112.61'
12	S 89° 29' 13" W	66.97'
13	N 89° 41' 22" W	66.65'

**LEGEND**

■ STONE FOUND	□ GRASS MOUND FOUND
○ UTILITY POLE	△ MAG SPIKE/SET
▣ REBAR FOUND	▣ WOOD FENCE
⊙ REBAR SET	— FENCE
● NAIL FOUND	— OVERHEAD POWER LINE
⊙ REBAR FOUND	(R) REVEALED
○ FERG FOUND	(M) MEASURED



DECKARD  
MONROE COUNTY RECORDER  
1100 MONROE COUNTY  
BLOOMINGTON, IN 47401  
202201697



**EXISTING STRUCTURES:**

- (1) - 2- Story Dwelling
- (2) - 2- Story Dwelling with basement
- (3) - Detached Garage

**SETBACK TABLE**

Front - 25' from R/W for buildings (local)  
Side - 15'  
Rear - 35'  
These lots are for "Single Family" use.  
ZONE: ESTATE RESIDENTIAL (ER)

**SETBACK TABLE**

Front - 25' from R/W for buildings (local)  
Side - 5'  
Rear - 10'  
These lots are for "Single Family" use.  
ZONE: SLURBAN 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*  
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 (INCRORS), 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 (HiPos SR GPS), a Topcon 302 Total Station, and an FC-5000 Data Collector. Coordinate positions are grid north (Indiana State Plane West Zone).
- I affirm, 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

**DEDICATION OF PUBLIC RIGHTS-OF-WAY:**

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 OWNER(S) 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*  
Kyle Sterwerf (Owner Lot 2)  
1785 E. Rayltown Road  
Bloomington, Indiana 47401

*Tawny Sterwerf*  
Tawny Sterwerf (Owner Lot 2)  
1785 E. Rayltown Road  
Bloomington, Indiana 47401

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

STATE OF INDIANA )  
COUNTY OF MONROE ) SS:

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 Weger*

County of Residence: Monroe

My Commission Expires: 3-25-27

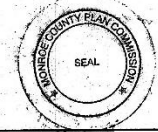
**STORM & SURFACE DRAINAGE:**

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 FHBM, Panel Number 18105C0232D 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]*



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

FILED	SEARCHED	INDEXED	SERIALIZED

FORRECORDED  
20-54  
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:**

<b>REQUIRED ACTIONS:</b>	<b>DEADLINE FOR COMPLIANCE:</b>
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](mailto: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
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](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.

<b>Planner:</b>	Jackie N. Jelen
-----------------	-----------------

<b>PETITIONER</b>	Andrew Lambert	
<b>ADDRESS</b>	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	
<b>TOWNSHIP + SECTION</b>	Perry; 8	
<b>PLATS</b>	<input type="checkbox"/> Unplatted <input checked="" type="checkbox"/> Platted: Bachelor Heights Subdivision, Section 1	
<b>ACREAGE +/-</b>	0.06 +/-	
	<b>PETITION SITE</b>	<b>ADJACENT</b>
<b>ZONING</b>	PUD	PUD, IN
<b>COMP. PLAN</b>	MCUA Suburban Residential	MCUA Suburban Residential and Institutional
<b>USE</b>	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.

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. If the appeal is denied, the applicant would then be required to re-submit for an application for a new ILP.

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 permit for 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.*

Follow-up from the BZA on 12/6/2023:

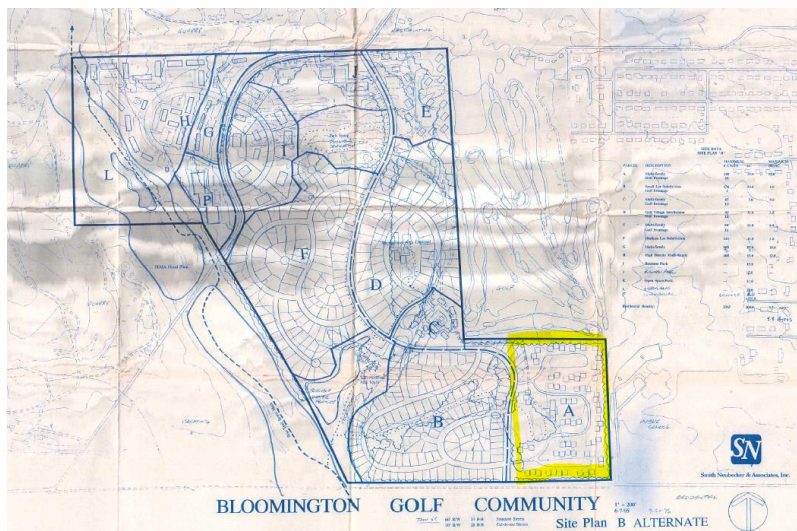
There was a discussion about the Improvement Location Permit that was issued as a “Residential Accessory Structure”. It was noted that the applicant applied for a “Residential Accessory Structure Permit”. Though our permits are issued and subcategorized, all of our permits are generally under the umbrella of the defined term “Improvement Location Permit”, which is defined as

*“A permit certifying that the site plans of a proposed building, structure, site improvement or use of land have been examined for compliance with all requirements of this ordinance.”*

There was a discussion regarding definitions and the PUD ordinance guiding the development of this area. Please see the link to the Highlands PUD:

[https://bloomington.in.gov/onboard/legislationFiles/download?legislationFile\\_id=1342](https://bloomington.in.gov/onboard/legislationFiles/download?legislationFile_id=1342)

Based on the PUD ordinance, this section is part of Area “A”:





Area A has the following allowable residential uses/density per the PUD Ordinance (see below). There was not an allowance for commercial use:

The uses in Plan "B", as approved, include multi-family uses as follows:

- Parcel A - 25 acres immediately west of Batchelor School and south of golf course - 10 units/acre - 250 units
- Parcel C - 5 acres at southwestern edge of golf course - 9 units/acre - 45 units
- Parcel E - 11 acres at northwestern edge of golf course - 8 units/acre - 88 units
- Parcel G - 15 acres immediately west of Rockport - (10.6 units/acre - 160 units
- Parcel H - 15 acres west of Parcel G - 18 units/acre - 270 units

The question before the BZA is whether the permit issued followed the PUD ordinance and whether the plot plan showing the locations submitted to staff as part of the permit application (R-23-898) met the required setback standards. Staff believes that the 6-bay garage use is part of the multi-family use and is shown on the recorded subdivision plat. If the petitioner is stating that the use will be residential in nature, we would issue a permit to that effect. If the use is later determined to be commercial in nature, we would follow-up via enforcement.

**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](https://bloomington.in.gov/onboard/legislationFiles/download?legislationFile_id=1342)
7. Site Photos
8. Petition Letter
9. Staff response to the Petitioner Letter
10. Site Plan B

## 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

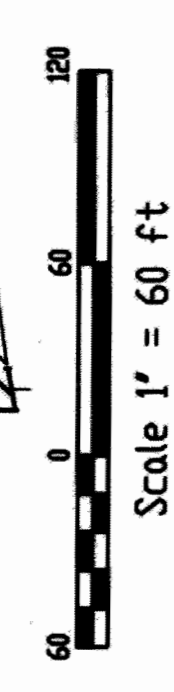


**Above, the location map of the petition property. NOTE: the location of the platted lots is not correct on the GIS and instead you should refer to the subdivision plat (EXHIBIT 3)**

# EXHIBIT 3: Bachelor Heights Plat

*Letter to alley land exchange. Lots 95+96 2008/19/37 Approved Jim Fuller, 11/16/2000*

L=110.98'  
R=200.00'  
CHB=N16°34'32"W  
CBL=109.54'

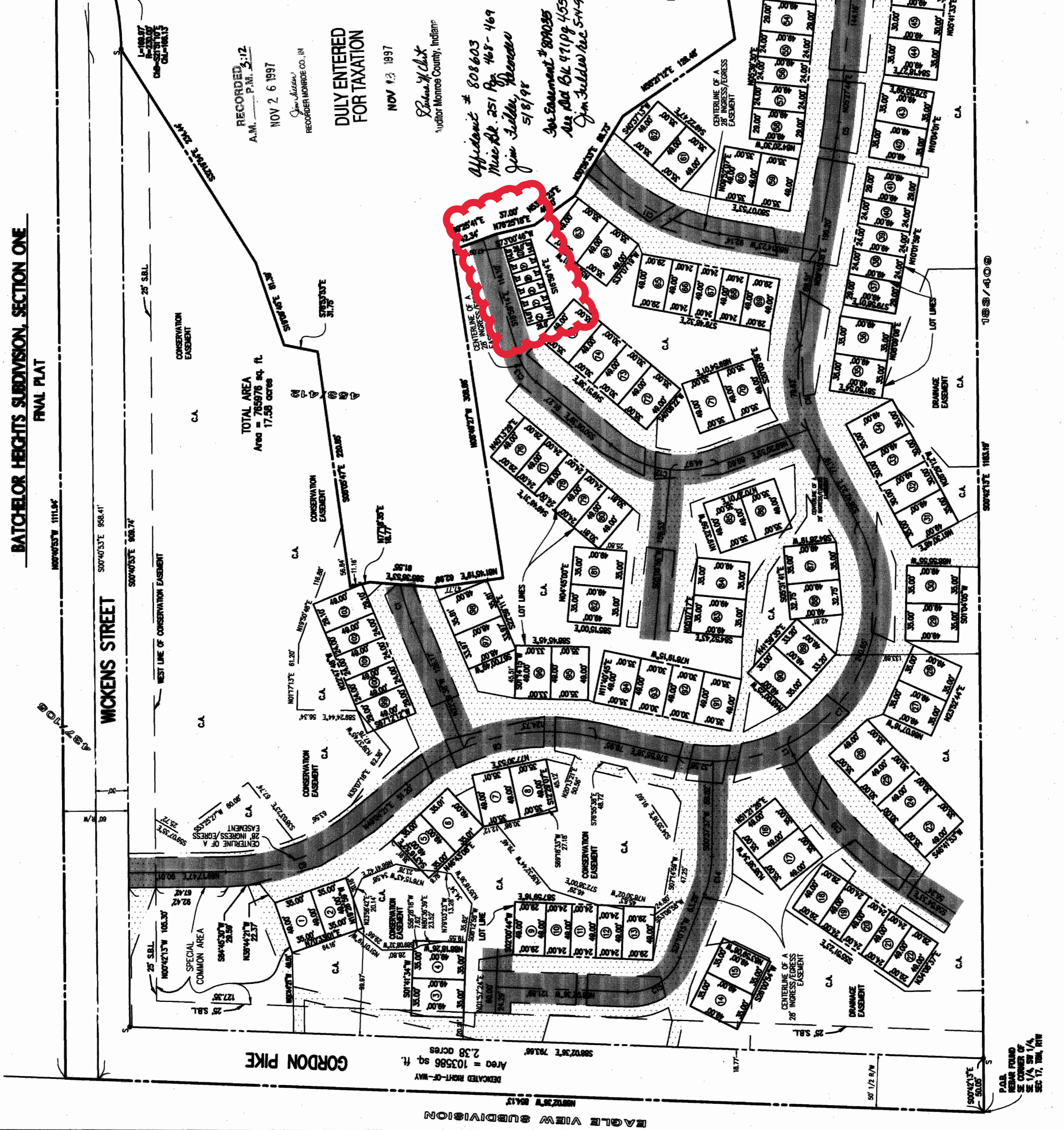


## LEGEND

- 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'	S41°50'50"E	155.92'
C8	200.00'	S80°45'34"E	133.39'
C9	100.00'	S33°52'52"E	100.82'
C10	100.00'	S85°34'40"E	28.50'
C11	100.00'	S10°53'56"E	35.66'
C12	100.00'	S85°34'40"E	57.94'
C13	100.00'	S10°53'56"E	35.66'
C14	100.00'	S85°34'40"E	28.50'
C15	100.00'	S10°53'56"E	35.66'
C16	100.00'	S85°34'40"E	28.50'
C17	100.00'	S10°53'56"E	35.66'
C18	100.00'	S85°34'40"E	28.50'
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C20	100.00'	S85°34'40"E	28.50'
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C22	100.00'	S85°34'40"E	28.50'
C23	100.00'	S10°53'56"E	35.66'
C24	100.00'	S85°34'40"E	28.50'
C25	100.00'	S10°53'56"E	35.66'
C26	100.00'	S85°34'40"E	28.50'
C27	100.00'	S10°53'56"E	35.66'
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C30	100.00'	S85°34'40"E	28.50'
C31	100.00'	S10°53'56"E	35.66'
C32	100.00'	S85°34'40"E	28.50'
C33	100.00'	S10°53'56"E	35.66'
C34	100.00'	S85°34'40"E	28.50'
C35	100.00'	S10°53'56"E	35.66'
C36	100.00'	S85°34'40"E	28.50'
C37	100.00'	S10°53'56"E	35.66'
C38	100.00'	S85°34'40"E	28.50'
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C42	100.00'	S85°34'40"E	28.50'
C43	100.00'	S10°53'56"E	35.66'
C44	100.00'	S85°34'40"E	28.50'
C45	100.00'	S10°53'56"E	35.66'
C46	100.00'	S85°34'40"E	28.50'
C47	100.00'	S10°53'56"E	35.66'
C48	100.00'	S85°34'40"E	28.50'
C49	100.00'	S10°53'56"E	35.66'
C50	100.00'	S85°34'40"E	28.50'
C51	100.00'	S10°53'56"E	35.66'
C52	100.00'	S85°34'40"E	28.50'
C53	100.00'	S10°53'56"E	35.66'
C54	100.00'	S85°34'40"E	28.50'
C55	100.00'	S10°53'56"E	35.66'
C56	100.00'	S85°34'40"E	28.50'
C57	100.00'	S10°53'56"E	35.66'
C58	100.00'	S85°34'40"E	28.50'
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C66	100.00'	S85°34'40"E	28.50'
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C70	100.00'	S85°34'40"E	28.50'
C71	100.00'	S10°53'56"E	35.66'
C72	100.00'	S85°34'40"E	28.50'
C73	100.00'	S10°53'56"E	35.66'
C74	100.00'	S85°34'40"E	28.50'
C75	100.00'	S10°53'56"E	35.66'
C76	100.00'	S85°34'40"E	28.50'
C77	100.00'	S10°53'56"E	35.66'
C78	100.00'	S85°34'40"E	28.50'
C79	100.00'	S10°53'56"E	35.66'
C80	100.00'	S85°34'40"E	28.50'
C81	100.00'	S10°53'56"E	35.66'
C82	100.00'	S85°34'40"E	28.50'
C83	100.00'	S10°53'56"E	35.66'
C84	100.00'	S85°34'40"E	28.50'
C85	100.00'	S10°53'56"E	35.66'
C86	100.00'	S85°34'40"E	28.50'
C87	100.00'	S10°53'56"E	35.66'
C88	100.00'	S85°34'40"E	28.50'
C89	100.00'	S10°53'56"E	35.66'
C90	100.00'	S85°34'40"E	28.50'
C91	100.00'	S10°53'56"E	35.66'
C92	100.00'	S85°34'40"E	28.50'
C93	100.00'	S10°53'56"E	35.66'
C94	100.00'	S85°34'40"E	28.50'
C95	100.00'	S10°53'56"E	35.66'
C96	100.00'	S85°34'40"E	28.50'
C97	100.00'	S10°53'56"E	35.66'
C98	100.00'	S85°34'40"E	28.50'
C99	100.00'	S10°53'56"E	35.66'
C100	100.00'	S85°34'40"E	28.50'

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



RECORDED  
A.M. P.M. 3:12  
NOV 2 6 1997  
RECORDED MONROE CO., IN  
DULY ENTERED  
FOR TAXATION  
NOV 13 1997  
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 Rec. 5-11-98*

TOTAL AREA  
Area = 785976 sq. ft.  
17.58 acres

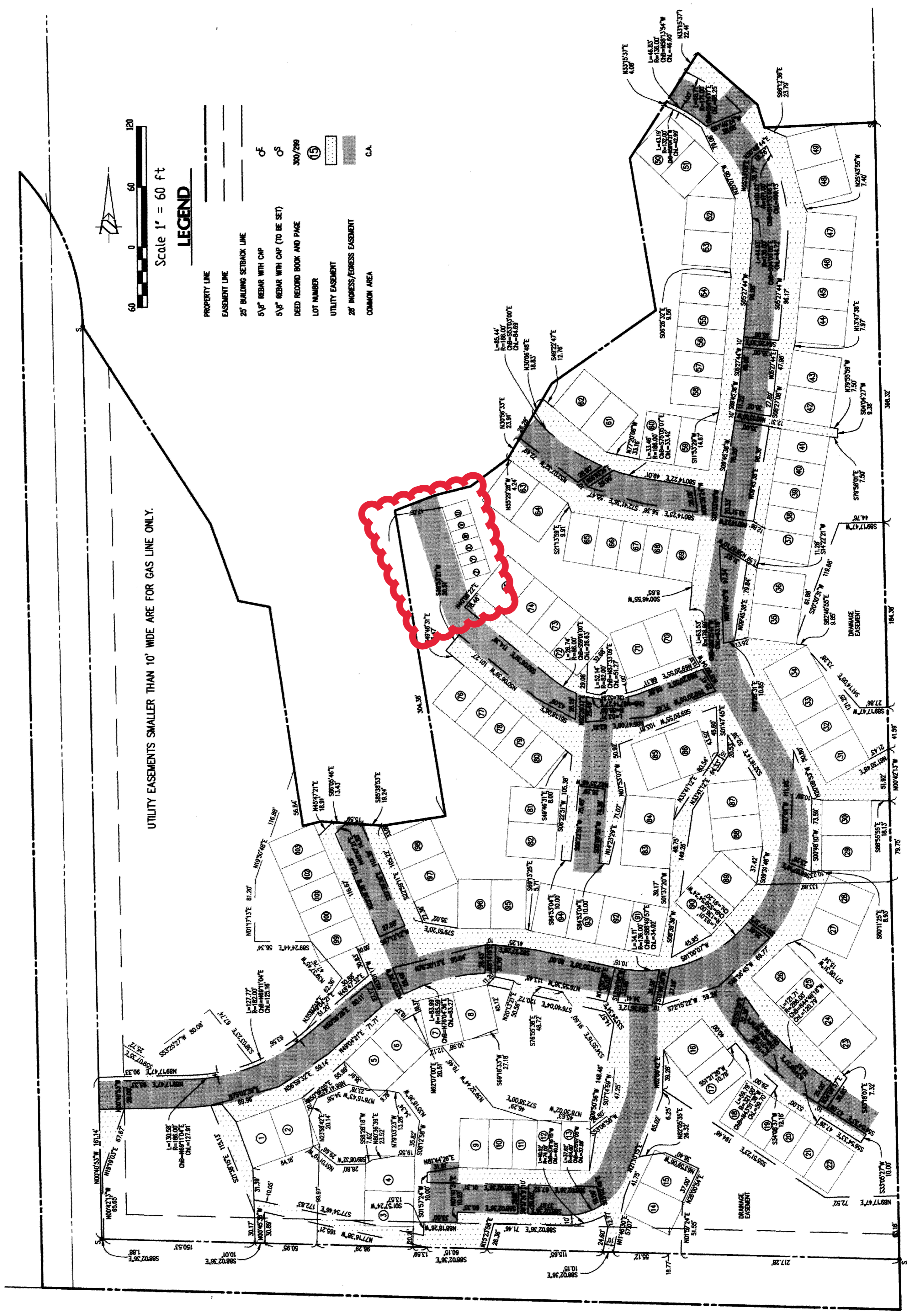
DEDICATED RIGHT-OF-WAY  
Area = 103586 sq. ft.  
2.38 acres

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

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

BATCHLOR HEIGHTS SUBDIVISION, SECTION ONE

FINAL PLAT  
UTILITY EASEMENT DETAIL



Scale 1" = 60 ft

LEGEND

- PROPERTY LINE
- EASEMENT LINE
- 25' BUILDING SETBACK LINE
- 5 1/2" REBAR WITH CAP
- 5 1/2" REBAR WITH CAP (TO BE SET)
- DEED RECORD BOOK AND PAGE
- LOT NUMBER
- UTILITY EASEMENT
- 25' INGRESS/EGRESS EASEMENT
- COMMON AREA
- C.A.

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

BATCHELOR HEIGHTS SUBDIVISION, SECTION ONE

FINAL PLAT

DULY ENTERED FOR TAXATION

NOV 13 1997

Roberta M. Clark Auditor Monroe County, Indiana

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) 334-1801

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

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

Veronica Hites Notary Public Written

VERONICA HITES Notary Public Printed

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 Batchelor 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 Map No. 248 Pages 739-754.

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

By: James B. Wray, President

By: Raymond Moore, President

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

James B. Wray 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 Lloy, Secretary

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

William E. Stuebe, President

Donald Hastings, Secretary

I hereby certify that this plat represents a survey performed in accordance with the survey standards set forth in Title 885, 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 Land Surveyor

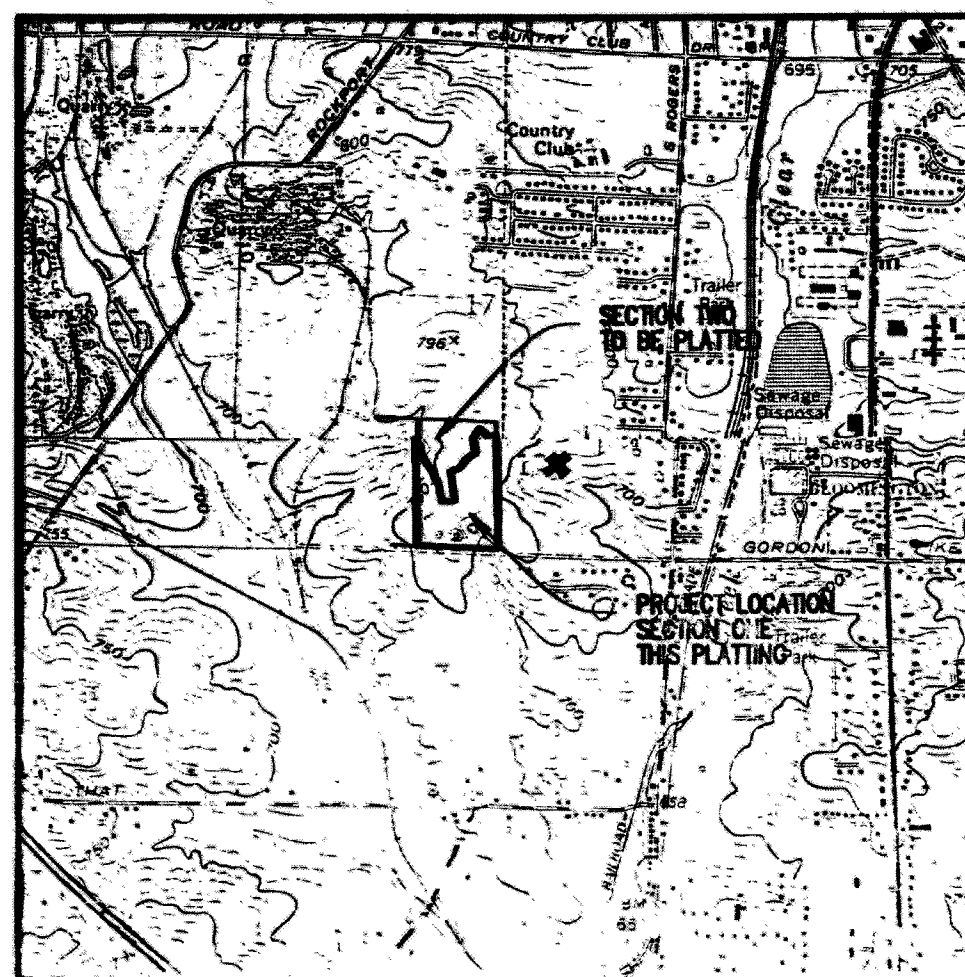


LEGAL DESCRIPTION

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 36 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 82.99 feet; thence North 06 degrees 49 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 128.48 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.

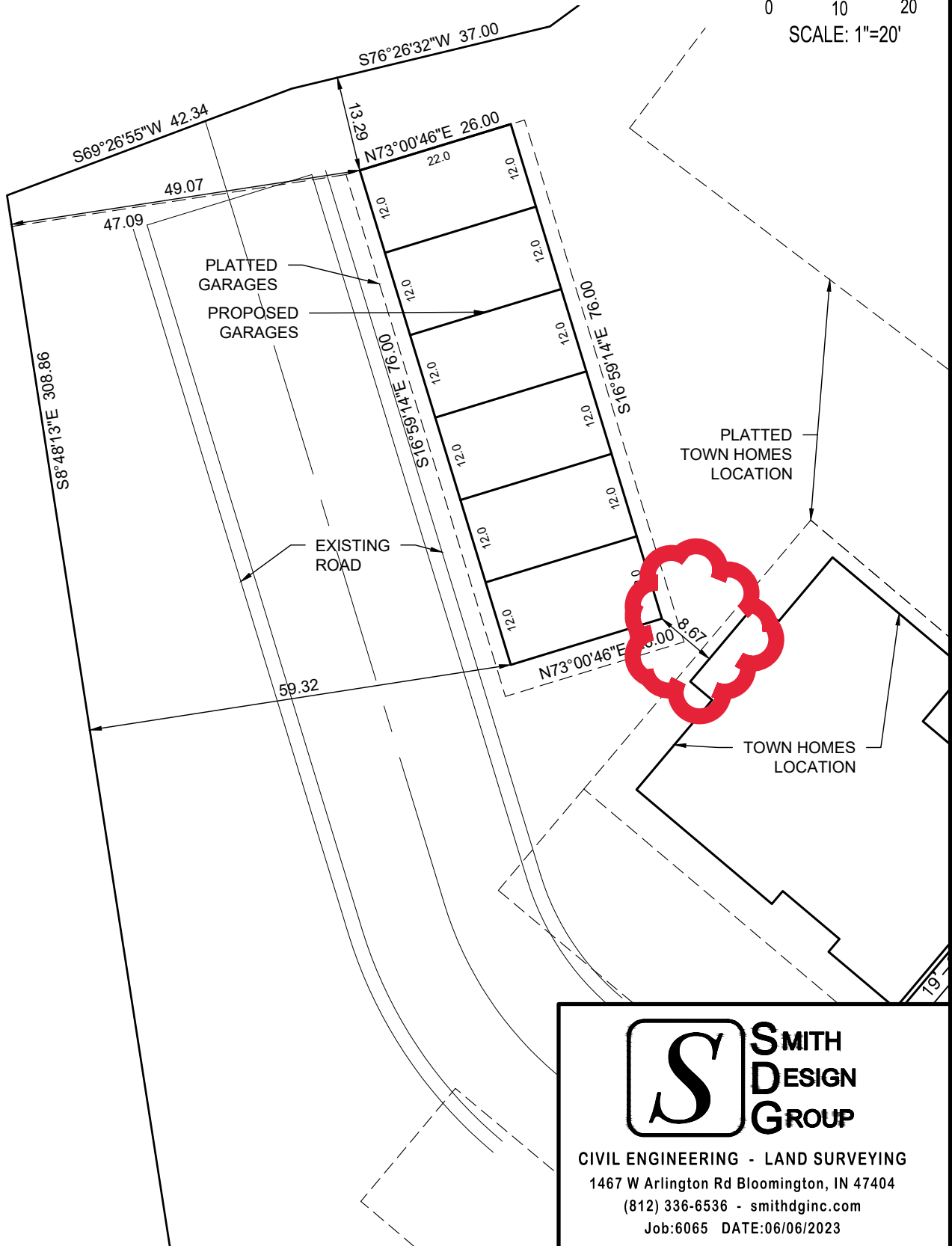
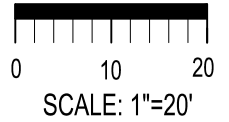
- NOTES: 1) NO BUILDING SHALL BE LOCATED OUTSIDE THE 25' BUILDING SETBACK LINE. 2) NO BUILDING SHALL BE LOCATED INSIDE THE CONSERVATION EASEMENTS. 3) AREA OUTSIDE OF LOTS AND PLATTED RIGHT-OF-WAY IS COMMON AREA. THERE IS ONE AREA OF SPECIAL COMMON AREA DESIGNATED AND SHOWN ON SHEET ONE. 4) 5/8" REBARS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



LOCATION MAP

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

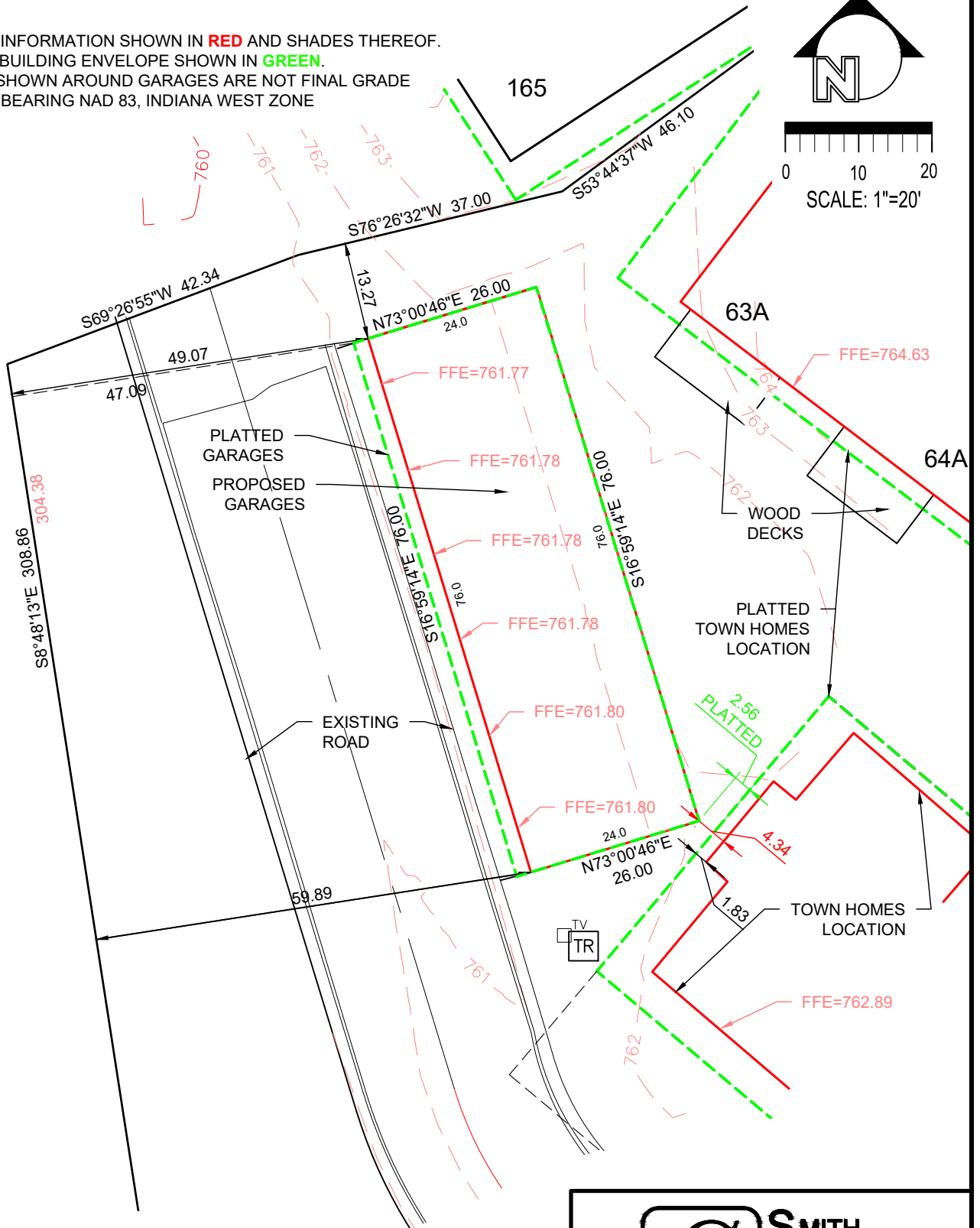
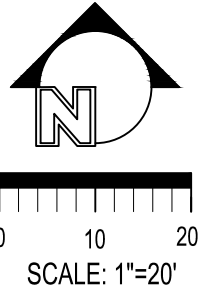
**Exhibit 4: Original Plot Plan**



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 BATCHELOR 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 6<sup>th</sup>, 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](mailto: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 6<sup>th</sup>, 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:

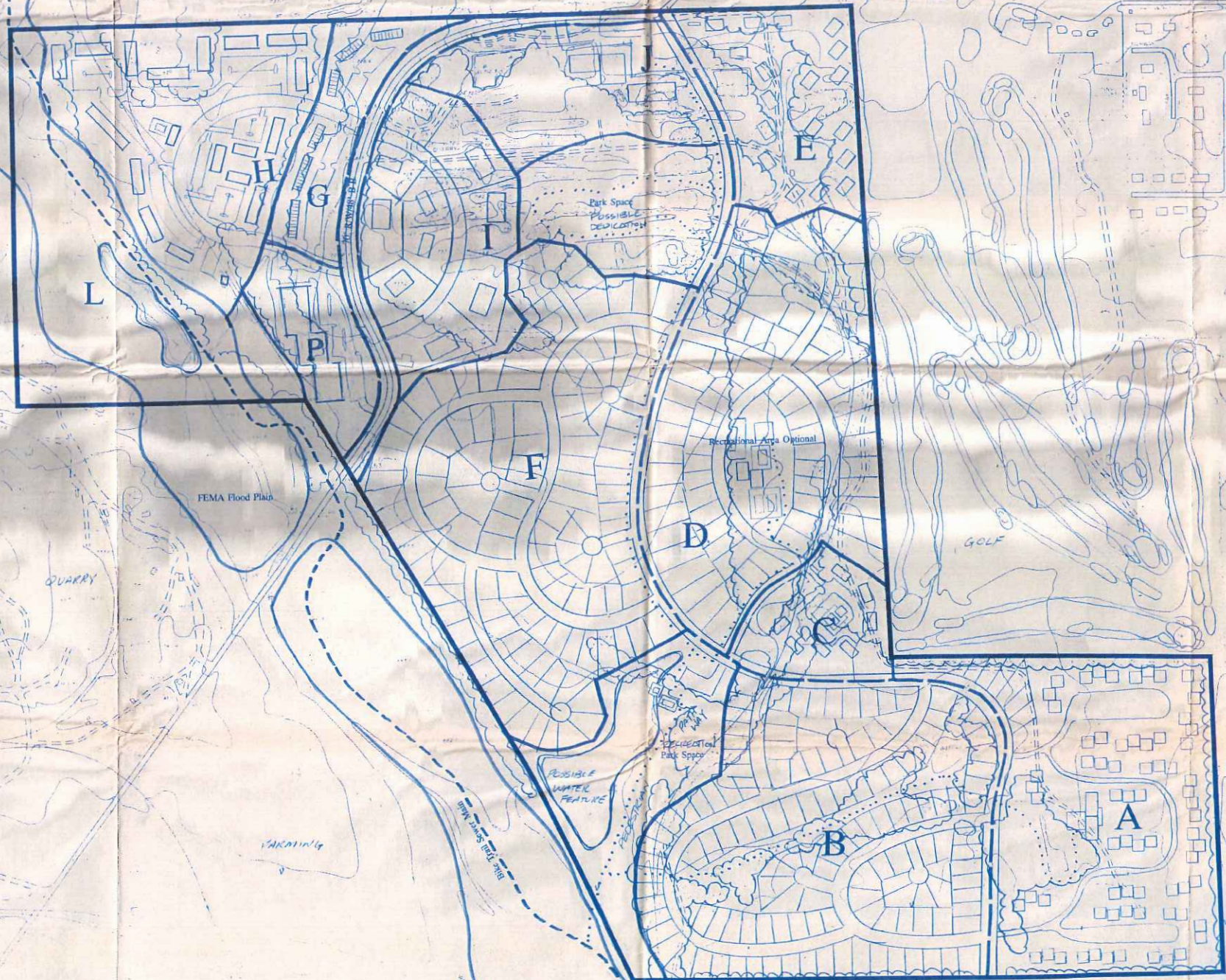
(C) Private covenants, restrictions and/or agreements, whether by deed or other instrument, which impose any requirements or standards different than those established under this ordinance, shall not be construed to modify the provisions of this ordinance or impose any enforcement obligations thereunder 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](mailto:andrew@lambertconsulting.biz).

Respectfully,

The Batchelor Heights HOA Board

# EXHIBIT 10: Site Plan B



SITE DATA  
SITE PLAN "B"

PARCEL	DESCRIPTION	MAXIMUM # UNITS	AC	MAXIMUM DENSITY
A	Multi-family Golf Frontage	250 25	25.0	10.0
B	Small Lot Subdivision Golf Frontage	126 4	34.0	4.0
C	Multi-family Golf Frontage	45 10	5.0	9.0
D	Golf Village Subdivision Golf Frontage	91 16	31.0	3.0
E	Multi-family Golf Frontage	88 31	11.0	8.0
F	Medium Lot Subdivision	123	41.0	3.0
G	Multi-family	160 50	35.0	10.0
H	High Density Multi-family	468	15.0	12.0
I	Business Park	—	15.0	—
J	Business Park	—	12.0	—
K	Open Space/Park	—	11.0	—
L	Commercial	—	20.0	—
P	Commercial	—	6.0	—
Residential Density:		1263	202.0	6.2 DENSITY

5.8 Acres

## BLOOMINGTON GOLF COMMUNITY

Thru St. 60' R/W 31 B-B Standard Streets  
50' R/W 28 B-B Cul-de-sac Streets

Site Plan B ALTERNATE

1" = 200'  
6-7-95 9.20.95







## MONROE COUNTY BOARD OF ZONING APPEALS

**Public Meeting Date: January 3, 2024**

CASE NUMBER	DETAIL	RECOMMENDED MOTION
<b>VAR-23-44a</b>	Minimum Lot Size from Chapter 804	Approval
<b>VAR-23-44b</b>	Rear Yard Setback from Chapter 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:***

Approve the Minimum Lot Size Variance: Practical difficulties have been demonstrated. The property cannot meet the minimum lot size requirement without a lot line shift or rezone to a zone with a smaller lot size.

Deny the rear setback variance: Practical difficulties have not been demonstrated.

<b>Variance Type:</b> <input checked="" type="checkbox"/> Design <input type="checkbox"/> Use		<b>Planner:</b> Shawn Smith
<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial		
<b>PETITIONER</b>	Snyder, Darren and Amber (Owners)	
<b>ADDRESS</b>	7342 N Red Hill RD 53-03-33-100-029.000-001	
<b>TOWNSHIP + SECTION</b>	Bean Blossom Township, Section 33	
<b>PLATS</b>	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
<b>ACREAGE +/-</b>	2 acres	
	<b>PETITION SITE</b>	<b>ADJACENT</b>
<b>ZONING</b>	AG/RR	AG/RR
<b>Comprehensive Plan</b>	Rural Residential	Rural Residential
<b>USE</b>	Residential	Residential/Vacant
<b>EXHIBITS</b>		

1. Location Map
2. Site Conditions Map
3. Site Photos
4. Petitioner Letter
5. Petitioner Certified Plot Plan
6. Petitioner Plot Plan for Accessory Structure

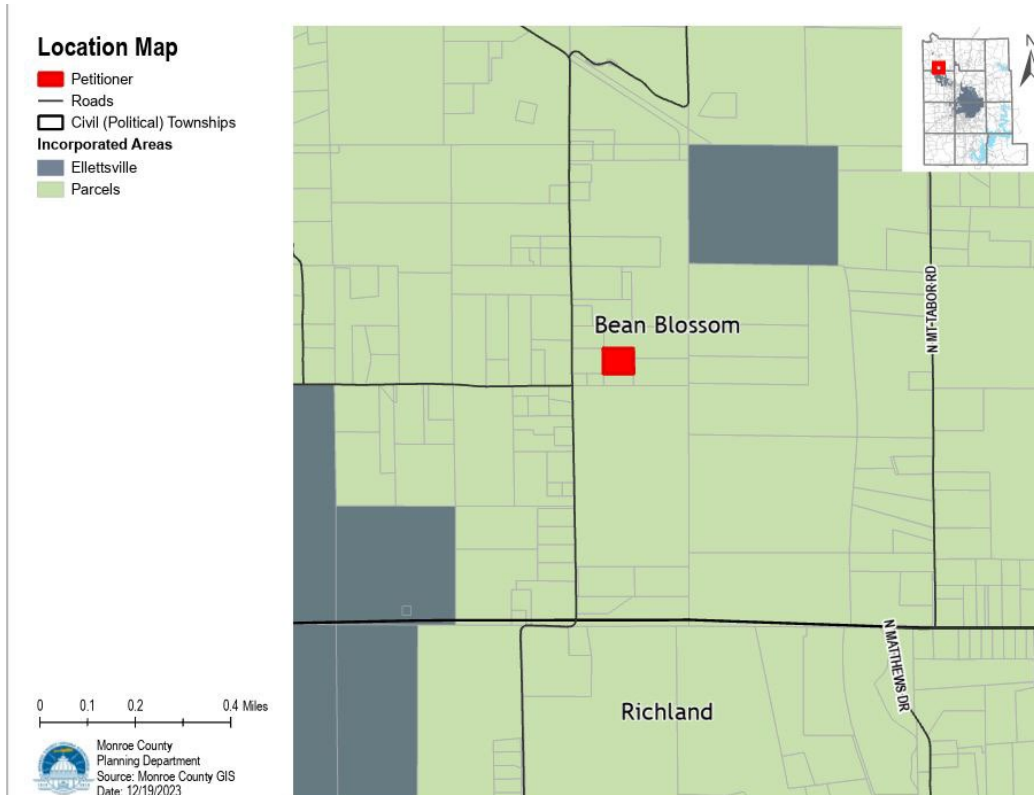
**SUMMARY**

The petitioner is requesting two (2) Design Standards Variances to construct an approximate 3,250 sq ft new single-family residence at 7324 N Red Hill RD in the AG/RR zone, and to bring a newly constructed storage structure into compliance. Chapter 804 calls for a minimum lot size of 2.5 acres and a 35 ft rear yard setback for the AG/RR zone. The petitioner has applied for a new residential building permit (R-23-1182), which requires the minimum lot size variance before proceeding.

On April 24, 2023, the petitioner applied for a Residential Storage Structure Permit (R-23-381). The permit was for a 1,680 sq ft storage structure to be built prior to the primary residence. The plot plan submitted with R-23-381 showed the structure would meet all required setbacks. This permit was issued May 8, 2023 and constructed shortly thereafter. The lot acreage requirement of 2.5 acres was caught by Staff when the petitioner applied for a new residential building permit (R-23-1182) with a certified plot plan showing the lot acreage and

setbacks. While Staff did issue the initial storage structure permit, the owner is still required to meet all design standards, including setbacks. Upon reviewing the certified plot plan, the surveyor revealed that the storage structure had encroached into the rear setback by about 5ft. The original plot plan showed the accessory structure as meeting the rear yard setback of 35 feet; the structure was placed in the incorrect location and a variance is now being sought.






**EXHIBIT ONE: Location Map**

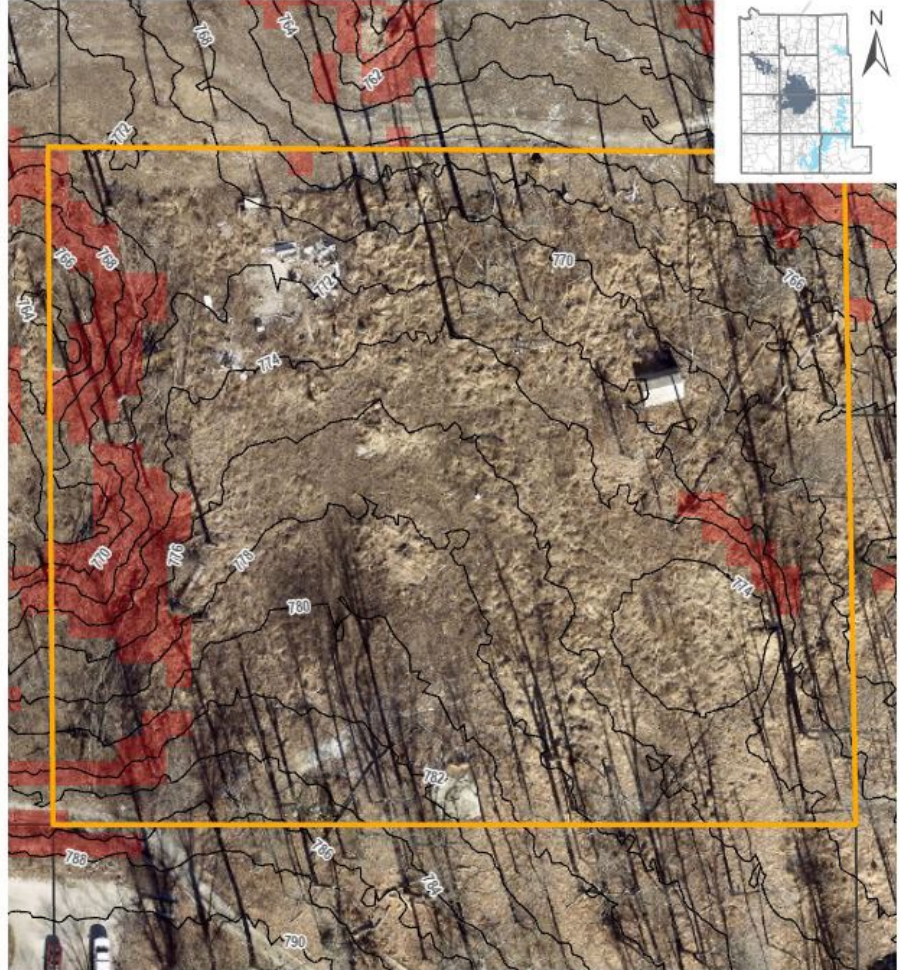


## EXHIBIT TWO: Site Conditions Map

The location of the storage structure is in the southeast corner of the property. It shows as a depression, however, upon review it is not considered a sinkhole. This was verified under the original permit application R-23-381.

### Site Conditions Map

-  Petitioner
-  2-Foot Contours
- 15% Slope (County/EC02)**
  -  0 - 15
  -  > 15
-  Parcels



0 10 20 40 60 80 100 Feet

 Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 12/19/2023

**EXHIBIT THREE: Site Photos**



**Photo 1 – Facing Northeast (entrance)**



**Photo 2 – Facing Northeast (proposed location for residence)**



**Photo 3** – Facing East (storage structure)



**Photo 4** – Facing North (northeast side of building that encroaches rear setback)



**Photo 5 – Facing West (from storage structure)**



**Photo 6 – Facing Southeast**

**EXHIBIT FOUR: Petitioner Letter**

To whom it may concern,

My wife and I purchased a property that at one time had an existing home on it. The address is 7324 N. Redhill rd Ellettsville In. 47429. We intend to build our home there. We are requesting that we can get a minimum lot size variance. Hopefully this can be accomplished. We thank you and appreciate it so much.

Thank you,

Darren and Amber Snyder

**EXHIBIT FIVE: Petitioner Certified Plot Plan**

**NOTES:**

- 1) Basis of Bearings (State Plane - Indiana West).
- 2) Fieldwork performed in November 2023.
- 3) Proposed 1st floor elevation of residence shall be 782.5'.
- 4) Source of title now or formerly owned by Doreen K. Snyder and Amber D. Snyder as found in Instrument Number 2022010151 in the Office of the Monroe County Recorder.
- 5) The proposed finish floor and finish grade elevations shown are minimum elevations in order to provide positive surface drainage away from the proposed residence. The finish grade elevations shall not in any way shed surface storm water flow onto the adjoining properties unless provisions have been made with the adjoining property owners and the governing jurisdiction. Shallow flow lines shall be made by the finish grade subcontractor along the common lines with adjoining property owners to direct the storm water flow as shown on this plot plan. The builder shall notify this firm if field adjustments are made lowering than the elevations shown or redirecting the surface storm water flows.
- 6) The dimensions shown on the proposed residence are based upon plans provided by the builder. Prior to construction the builder shall verify no changes have been made from those shown herein.
- 7) The plot plan has been prepared for use in obtaining a building permit and is not intended to identify lot or property lines. The dimensions shown to lot lines or lines representing property lines are shown based upon limited field evidence of said lines and the dimensions are subject to the same limitations which might affect the accuracy of the dimensions.
- 8) No wetlands shall be disturbed during or after the construction of the site improvements.
- 9) Any subsurface drainage tiles encountered during the construction of the site improvements shall be protected from damage and if necessary rerouted with the drainage flow within perpetuated. If said tile is damaged, repairs shall be made immediately to restore the tile to its original condition.
- 10) The builder and/or any underground site contractor shall call Indiana 811 to verify the location of the underground utilities on this site and report any conflicts to Deckard 1 and Surveying prior to commencing work.
- 11) Construction drive: Temporary construction drive to comply with Monroe County ordinances.
- 12) Gentle swale statement: Gentle swale required to be constructed (or be protected if existing along side lot line) during construction and to remain post-construction to direct sheet drained watershed towards the front and back of lot and not towards existing or proposed residence.
- 13) Erosion control measure must be functional and maintained through construction.
- 14) Sediment Discharge and tracking from lot shall be minimized.
- 15) Adjacent lots disturbed by an individual lot operator must be repaired and stabilized.
- 16) Concrete and Cementitious Washwater: Includes location of concrete washout and building materials area on site plan. All concrete and cementitious washwater is required to be captured in a leak-proof concrete washout container.
- 17) Ingress/Egress: Equipment is only allowed to access the site through the approved driveway with a Driveway Permit. Maintain the driveway as a stabilized construction ingress/egress. If alternate access is required, please apply for another Driveway Permit with the Highway Department.
- 18) Tracking and Off-Site Discharges: Any sediment tracked off site, must be swept (not flushed) off the road by the end of the business day. Off-site discharges of sediment must be remediated by the end of the business day.
- 19) Spill Response: No vehicle fueling, storage of fuel, or repair of equipment is allowed on site. All spills must be cleaned up immediately and reported according to local, state, and federal regulations. Contact the MS4 Coordinator immediately for any reportable spills or discharge to storm sewers or waterbodies.
- 20) Karts: New sinkholes that develop as a result of construction must be reported to the MS4 Coordinator within 24 hours of discovery. Immediately protect the sinkhole with erosion control measures. Filling of new sinkholes requires MS4 Coordinator approval.
- 21) Stabilization: Permanently stabilize areas at final grade within 7 days. Temporary stabilization is required for disturbed areas left inactive for more than 7 days. Any disturbance caused on adjacent lots must be repaired or stabilized.
- 22) Changes or deviations to this plan shall be submitted to Monroe County Planning Department for approval.
- 23) The individual lot operator is responsible for installation and maintenance of all erosion and sediment control measure until the lot is stabilized. The operator must comply with all the requirements of the zoning ordinance of Monroe County.
- 24) This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.
- 25) I affirm, under penalty for perjury, that I have taken responsible care to redact each Social Security Number in this document, unless required by law.  
-ERIC L. DECKARD

**CERTIFICATION**

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

Certified this \_\_\_\_ day of \_\_\_\_\_, November, 2023.

Eric L. Deckard  
Registered Surveyor # S29900012  
State of Indiana

**SITE PLAN**  
A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33 TOWNSHIP 10 NORTH, RANGE 2 WEST MONROE COUNTY, INDIANA

**SOURCE OF TITLE**  
INSTR. 2022010151

**ZONING CLASSIFICATION OF SUBJECT & ADJOINING PROPERTIES**  
AGRR - AGRICULTURAL/RURAL RESERVE

**LEGAL DESCRIPTION:**  
Reference Instrument Number 2022010151 as found in the office of the Recorder of Monroe County, Indiana.

**SETBACK TABLE**

Front - 25' from R/W for buildings (50')

Side - 15' for Residential & Accessory Structures / 50' for others

Rear - 35' for Residential & Accessory Structures / 50' for others

These setbacks are for "Single-family" use.

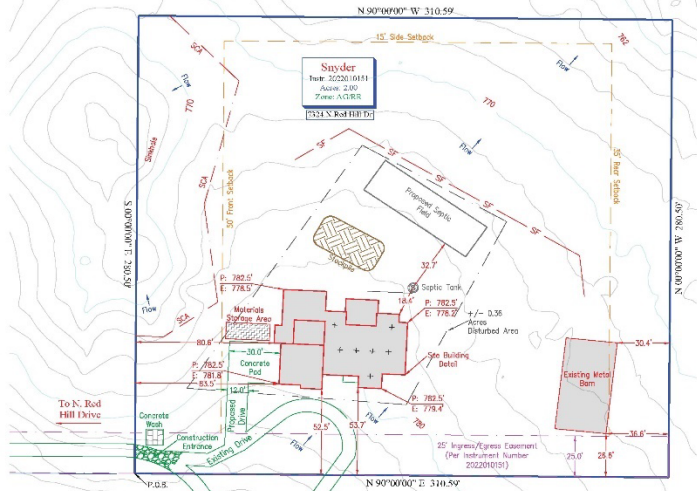
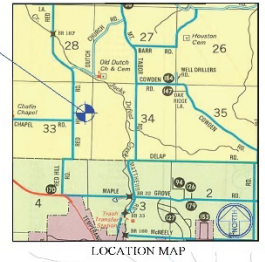
**ZONING AGRICULTURE/RURAL RESERVE**

BEAN BLOSSOM TWP  
TOWNSHIP 10 N  
RANGE 2 W  
SECTION 33

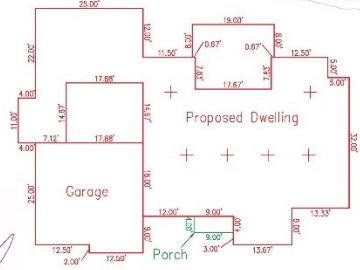
DEVELOPER, APPLICANT, & FOR LOCUMTENANT  
Doreen K. Snyder & Amber D. Snyder  
INSTRUMENT NUMBER 2022010151  
724 S RED HILL DRIVE  
ELLETTSVILLE, INDIANA 47429

**LEGEND**

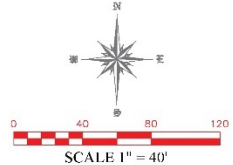
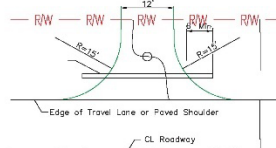
(1) STORM DRAIN PROTECTION	(10) CONSTRUCTION ENTRANCE
(2) EROSION CONTROL	(11) MATERIALS STORAGE AREA
(3) KURUP POST	(12) CONCRETE WASTE MANAGEMENT
(4) KURUP POST	(13) STANDING AREA
(5) KURUP POST	(14) STONE/BRICK SEEDING TRAP
(6) FILL/CAUSEWAY	(15) SITE UTILITY LOCATION
(7) FILL/CAUSEWAY	(16) GRADES AND ROBERTS
(8) MEASURED	(17) HALF PENCIL
(9) MEASURED	(18) PICKLE
(10) COLLECTED	(19) OPEN ROAD POWER LINE
(11) TEMPORARILY MAINTAINED	(20) SUBSURFACE UTILITY STRUCTURE
(12) PERMANENT SURVEY	(21) SUBSURFACE UTILITY STRUCTURE
(13) UNDEVELOPED AREA	(22) SUBSURFACE UTILITY STRUCTURE



**Proposed House Detail (Not to Scale)**



**County Driveway Detail**



**DECKARD**  
A SURVEYING  
FIRM REGISTERED WITH  
THE BOARD OF SURVEYING  
AND MAPPING  
IN INDIANA  
12220 W. STATE ST.  
ELLETTSVILLE, IN 47424

**SNYDER**  
SITE PLAN  
A PART OF SECTION 33, T10N, R2W

SCALE: 1" = 40'

23-212  
SHEET  
1  
10/30/23  
SITE.SHT



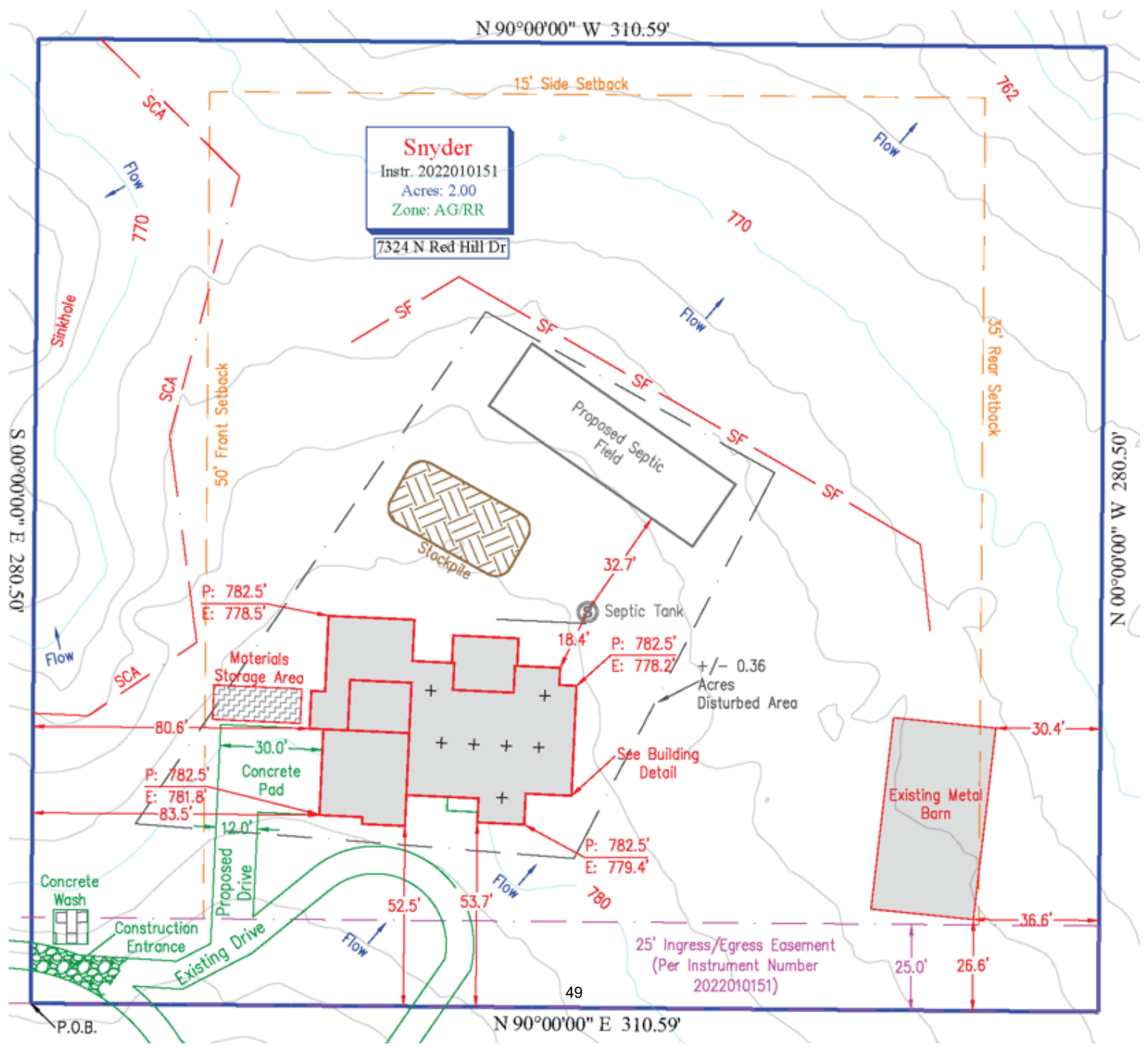


EXHIBIT SIX: Petitioner Plot Plan for Accessory Structure





## MONROE COUNTY BOARD OF ZONING APPEALS

**Public Meeting Date: January 3rd, 2024**

CASE NUMBER	DETAIL	RECOMMENDED MOTION
CDU-23-4	Conditional Use	Approval

813-5 Standards for Conditional Use Approval: In order to approve an application for a conditional use, the Board must find that:

- (A) the requested conditional use is one of the conditional uses listed in Chapter 813-8 (for the traditional County planning jurisdiction) or Table 33-3 (for the former Fringe) for the zoning district in which the subject property is located. In addition to the other relevant standards imposed by or pursuant to this chapter, the standards, uses and conditions set forth in Section 813-8 are hereby incorporated as standards, uses and conditions of this chapter;
- (B) all conditions, regulations and development standards required in the Zoning Ordinance shall be satisfied;
- (C) granting the conditional use shall not conflict with the general purposes of the Zoning Ordinance or with the goals and objectives the Comprehensive Plan;
- (D) the conditional use property can be served with adequate utilities, access streets, drainage and other necessary facilities;
- (E) the conditional use shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons, and shall comply with performance standards delineated in this ordinance;
- (F) the conditional use shall be situated, oriented and landscaped (including buffering) to produce a harmonious relationship of buildings and grounds with adjacent structures, property and uses;
- (G) the conditional use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood;
- (H) the conditional use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood; and,
- (I) all permits required by other Federal, State and local agencies have been obtained.

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

Staff recommends **approval** of the conditional use petition for a Day Care Center from Chapter 833 and 813 based on ability to meet the conditions of the Conditional Use chapter 813 **with the following condition:**

1. The petitioner is to submit a commercial Site Plan Review application and the proposed site plan must meet all applicable standards. As part of the site plan review process, the petitioner must obtain a letter from the State for licensing of the Daycare Center prior to commencement of the use under a Land Use Certificate.

<b>REQUEST:</b> Conditional Use for a Daycare Center	<b>Planner:</b> Daniel Brown
--	------------------------------

<b>PETITIONER</b>	Arthur "Fritz" Kruggel Owner: AJ Holdings LLC	
<b>ADDRESS</b>	1350 E Rhorer RD, parcel #53-08-21-100-032.000-008	
<b>TOWNSHIP + SECTION</b>	Perry; 36	
<b>PLATS</b>	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
<b>ACREAGE +/-</b>	1.25 +/-	
	<b>PETITION SITE</b>	<b>ADJACENT</b>
<b>ZONING</b>	Estate Residential 1 (RE1)	Estate Residential 1 (RE1), Planned Unit

		Development (PUD) – Bridlewood
<b>COMP. PLAN</b>	MCUA Mixed Residential	MCUA Mixed Residential
<b>USE</b>	Single Family Residential	Single Family Residential

**SUMMARY**

The petition site is 1.25 +/- acres in Perry Township, Section 21 and is currently developed as a day care center. Per the petitioner’s letter, the site is not currently used as a Daycare Center. The petitioner is seeking conditional use approval to restart the use of a “Day Care Center” use at this site, which is zoned Estate Residential 1 (RE1). Chapter 833 and 813 of the Zoning Ordinance state that the “Day Care Center” use is a conditional in the RE1 zone.

Though the petitioner’s letter references historical use of the site as a “Daycare Center”, the petitioner did not provide evidence that the use of the property as a daycare center was a legal, pre-existing non-conforming use. As a result, this petition is being triggered.

**BACKGROUND**

The original version of Chapter 833 of the Monroe County Zoning Ordinance contains a definition of a Day Care Center:

**Day care center**

Any building or place, other than a day care home, where children receive care from a provider while unattended by a parent, legal guardian or custodian, for a period of less than twenty-four hours per day. The term day care center includes but is not limited to the following: nursery schools, child care centers, kindergartens and play groups; but does not include kindergartens accredited or recognized by the Indiana State Board of Education which shall be included within the definition of “school” herein. The term day care center shall also include facilities defined as “child care centers” under state law and facilities defined as “child care homes” under state law other than those child care homes which are used as the primary residence of the provider. Where required by state law, day care centers shall be and remain licensed by the state and shall operate in accordance with their license and all applicable state laws. Day care centers exempt from state licensing requirements shall provide proof of exemption.

**CHAPTER 813 CONDITIONS**

Generally, all conditional uses must follow the following standards from Chapter 813:

The petitioner has provided findings under Exhibit 1 -

**“813-5. Standards for Approval**

In order for a conditional use to be approved, the Board must find that:

(A) the requested conditional use is one of the conditional uses listed in Chapter 813-8 (for the traditional County planning jurisdiction) or Table 33-3 (for the former Fringe) for the zoning district in which the subject property is located. In addition to the other relevant standards imposed by or pursuant to this chapter, the standards, uses and conditions set forth in Section 813-8 are hereby incorporated as standards, uses and conditions of this chapter;

Petitioner response outlined in the red box below:

**Answer:** The house at 1350 Rhorer Rd has been historically functioning as a child care facility, licensed by the State of Indiana for the past several decades. The current petitioner plans to continue using the property as a day care center, as defined by Monroe County, Indiana. The facility will provide care to children aged 3-5 years of age during the weekday hours of 7:30am - 5:30pm. Cosmetic upgrades will be made to landscaping. Maintenance on building exterior will also be performed. There is some planned renovation to the interior of the structure but the footprint and exterior of the building will remain unchanged. The child care home facility (as defined by the state of Indiana), is expected to begin operations in August 2024.

Indiana state definition of a childcare home:

■ **IC 12-7-2-28.6 Child care home**  
Sec. 28.6. (a) "Child care home", for purposes of IC 12-17.2, means a residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative or **any child who is at least fourteen (14) years of age and does not require child care**) at any time receive child care from a provider:

(1) while unattended by a parent, legal guardian, or custodian;  
(2) for regular compensation; and  
(3) for more than four (4) hours but less than twenty-four (24) hours in each of ten(10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays(b) The term includes:  
(1) a class I child care home; and (2) a class II child care home.

*As added by P.L.20-1992, SEC.9 and P.L.81-1992, SEC.9. Amended by P.L.1-1993, SEC.73; P.L.136-1993, SEC.2; P.L.124-2007, SEC.1.*

(B) all conditions, regulations and development standards required in the Zoning Ordinance shall be satisfied;

Petitioner response outlined in the red box below:

**Answer:** The current purchaser of 1350 Rhorer Rd is committed to following all standards required in zoning ordinance, including operating in accordance with relevant laws.

(C) granting the conditional use shall not conflict with the general purposes of the Zoning Ordinance or with the goals and objectives the Comprehensive Plan;

Petitioner response outlined in the red box below:

**Answer:** The address of 1350 E Rhorer Rd has been serving as a day care home in Bloomington IN since the early 2000s. It was sold to another daycare provider during the Covid Pandemic and provided services for between one and two years under the name Bridges, LLC. Bridges closed several months ago and the property is now being sold to the current petitioner who is acquiring to operate as a daycare. This will provide stability to the neighborhood by continuing the services that have been provided at the address for several decades. Day care services are in dire need in the region and allowing this use to be reinstated will serve that continuing need.

(D) the conditional use property can be served with adequate utilities, access streets, drainage and other necessary facilities;

Petitioner response outlined in the red box below:

**Answer:** A building inspection of 1350 E Rhorer Rd was conducted on November 27, 2023. The property currently meets all standards for providing adequate utilities, access streets, drainage and other necessary facilities for operation as a day care center.

(E) the conditional use shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons, and shall comply with performance standards delineated in this ordinance;

Petitioner response outlined in the red box below:

**Answer:** Current use will be regulated by the State of Indiana and other applicable laws. The current construction of the home meets the criteria of two daycare homes, as defined by the state of Indiana, including necessary fire safety wall regulations. As a part of its licensing, the State will conduct annual inspections of the premises to ensure the health and safety of children receiving care at the facility.

■ **470 IAC 3-1.1-29.5 License provisions**

Authority: IC 12-13-5-3

Affected: IC 12-17.2-5-12

Sec. 29.5. (a) A child care home license is valid for two (2) years unless revoked, suspended by the CDFR, or voluntarily surrendered.

(b) The number of children cared for at any one (1) time shall not exceed the licensed capacity.

(c) The license is valid only for the name and location on the license and is not transferable.

(d) The license shall be publicly displayed in the home. (IC 12-17.2-5-12(c))

(e) Whenever an applicant applies for multiple licenses located within the same structure or building, a signed statement from a design professional must be submitted certifying that each child care home to be licensed meets the state building code requirements for the proposed use which apply to fire and safety issues. Certification must include any modifications required to comply with the state building code requirements for the multiple occupancies requested.

(f) If two (2) or more licensed child care homes are contiguously located within the same residential structure, each licensed facility must be separated by a two (2) hour fire resistive wall between each licensee.

(g) Whenever an applicant applies for multiple licenses located within the same structure or building, each home must meet the requirements of licensure as independent homes.

▲ **Threshold of Compliance:**

Each location must be a stand-alone structure. This includes separate phone numbers for each location. A facility can choose to have the same business number at all locations but the home phone numbers must be unique to that location. The home phone number may be a cell phone as long as the cell phone is at the home during child care hours.

Each home must meet the Indiana Fire Prevention and Building Safety Commission requirements for a single family dwelling. This includes cooking facilities (kitchen), bathing facilities (tub or shower), potable water supply (safe drinking water), heat (with control of the thermostat), separate electrical service panel (either within the building or located at the service entrance), and smoke alarms (interconnected within each unit).

(F) the conditional use shall be situated, oriented and landscaped (including buffering) to produce a harmonious relationship of buildings and grounds with adjacent structures, property and

uses;

Petitioner response outlined in the red box below:

**Answer:** Landscaping will continue to be consistent with other houses in the immediate area. Upgrades to landscaping, including the removal of two overgrown bushes, is planned for the front of the house. The yard will have a protected and fenced outdoor play area for the children.

■ **470 IAC 3-1.1-13 “Protected outdoor play area” defined**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 13. As used in this rule, “protected outdoor play area” means an area that is safely enclosed by either a fence or natural boundaries.

(G) the conditional use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood;

Petitioner response outlined in the red box below:

**Answer:** The lawn and yard shall be maintained regularly. The building and surroundings are complementary to the area and buildings already in place and will not be changed by the Petitioner.

(H) the conditional use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood; and,

Petitioner response outlined in the red box below:

**Answer:** The current property has nine parking spots available for client use (drop off and pick up) and those are already in place. The parking lot is directly and safely accessible from Rhorer Rd. This allows for appropriate pick up and drop off of children. In addition, there is a second driveway on the opposite side of the yard and five parking places will be available behind the house for staff use.

(I) all permits required by other Federal, State and local agencies have been obtained.”

**Petitioner response outlined in the red box below:**

**Answer:** The state requires that a property have a business permit in place in order to begin the licensure process for a day care home. The purpose of the zoning variance petitioner is requesting from the Monroe County Zoning Commission is to initiate the process to obtain this business permit.

*(directive from the Indiana Department of Social Services to those seeking a childcare facility license)*

- **Business Permit:** All applicants must provide a copy of a valid local business permit to operate a child care program OR a statement from the appropriate locality that a permit or license to operate a child care program is not required.
  - For more information about who to contact in your area to obtain a business permit, visit the CCR&R website.
  - In some counties, however, a business permit is not required. If this is the case, then you will need to submit a statement from the county, city or town that a permit or license to operate a child care program is not required.
  - Once you have either the business permit or the letter stating that one is not required, fill out the Business Permit documentation form and attach the accompanying documentation.

The petitioner will follow all of the steps outlined for state licensure and will not operate or open a facility without necessary state licensing.

■ **470 IAC 3-1.1-28 Initial licensure**

Authority: IC 12-13-5-3

Affected: IC 5-2-12; IC 12-17.2

Sec. 28. (a) An applicant for a child care home license shall do the following:

- (1) Attend an orientation training arranged or approved by the CDFR.
- (2) Comply with application procedures required by this rule.
- (3) Submit to the COFC a completed, signed application for a child care home license, including attachments required to demonstrate compliance with this rule.
- (4) Submit a statement attesting that the applicant has not been:
  - (A) convicted of a felony or a misdemeanor relating to the health and safety of children; and
  - (B) charged with:
    - (i) a felony; or
    - (ii) a misdemeanor relating to the health and safety of children; during the pendency of the application.
- (5) Within thirty (30) days of application, submit a written medical statement, including proof of a Mantoux tuberculin test or chest x-ray, signed by a physician or a certified nurse practitioner. (Refer to section 34 of this rule.)
- (6) Submit a water quality test as required by section 47(b) of this rule.

(b) The COFC shall do the following:

- (1) Conduct a criminal history check on the applicant and the applicant's spouse.
  - (2) Conduct a check of the applicant, the applicant's spouse, and any others living in the home to determine whether their name appears on the sex offender registry, IC 5-2-12 et seq.
  - (3) Schedule a visit to the home during normal business hours and complete a child care home inspection checklist.
  - (4) Submit a written recommendation for child care home licensure to the CDFR based upon the home inspection checklist and the documents submitted by the applicant under subsection (a).
  - (5) The COFC shall return an incomplete application to applicant(s) with a notation as to omissions and without acting on the application.
- (c) The CDFR shall approve or deny the application for child home care licensure within sixty (60) days of the date the application is received by the COFC.



In addition, Chapter 813-10(B)(2) lists specific criteria for Conditional Use Approvals of Day Care Centers:

**“(2) Day Care Centers**

(a) Proof of licensing or exemption from the State shall be presented with the application; **Petitioner response outlined in the red box below. Note that since the use of a Daycare Center has been discontinued, the petitioner requires a letter from the Planning Department before the use may commence. Until a Conditional Use is obtained, a letter from the Planning Department cannot be issued. Therefore, if approved, the petitioner will be required to submit proof of licensing during the site plan review process.**

(a) Proof of licensing. As noted above the licensing will be obtained and the Petitioner understands that approval of a conditional use by the Board will be conditioned on obtaining the proper licensing to lawfully operate.

(b) Operator shall be responsible for compliance with all applicable city ordinances and state and federal statutes and regulations;

**Petitioner response outlined in the red box below:**

(b) Compliance with all applicable city ordinances and state and federal statutes and regulations. Petitioner will comply with all applicable laws for its operations.

(c) The center shall be screened from adjacent properties with a fence or vegetative buffer, and an adequate fenced play area shall be provided;

**Petitioner response outlined in the red box below. The petitioner will be required to submit a site plan and comply with all landscaping standards or obtain a design standards variance.**

(c) Center shall be screened from adjacent properties with a fence or vegetative buffer and adequate fenced area will be required. There is currently buffering in place that Petitioner intends to improve and fencing in the areas which will be accessed by day care children.

(d) The minimum lot size shall be 15,000 square feet or the minimum lot size for the district, whichever is greater;

**Petitioner response outlined in the red box below:**

(d) Minimum lot size shall be 15,000 sf or the minimum lot size for the district, whichever is greater. This code requirement is met.

(e) Site design and supervision characteristics shall insure that the peace and safety of the surrounding area shall not be impaired; and

**Petitioner response outlined in the red box below:**

(e) Site design and supervision characteristics shall ensure peace and safety of the surrounding area will not be impaired. As discussed above, the facility has operated as a day care center and it is set up to meet the objectives articulated in the ordinance to achieve a safe and peaceful operation.

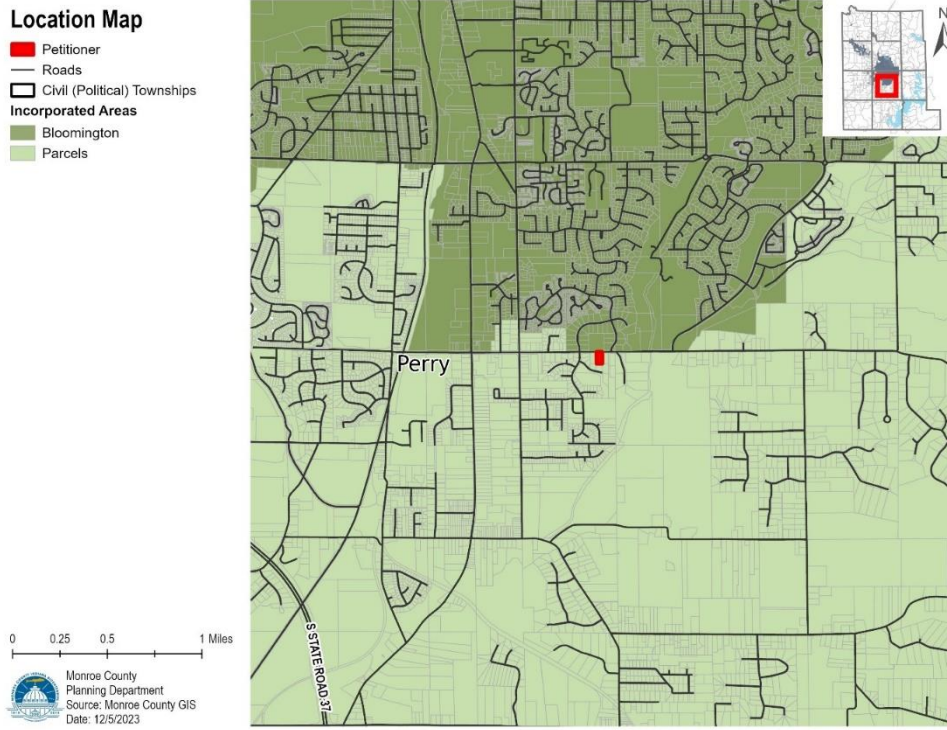
(f) No center shall be approved within 500 ft. of another center”

**Petitioner response outlined in the red box below. The site immediately to the east (1398 E Rhorer Rd) is a primary residential use.**

(f) No center will be located within 500’ of another center. There is no center located within 500’ of this property.

## LOCATION MAP AND SITE PHOTOS

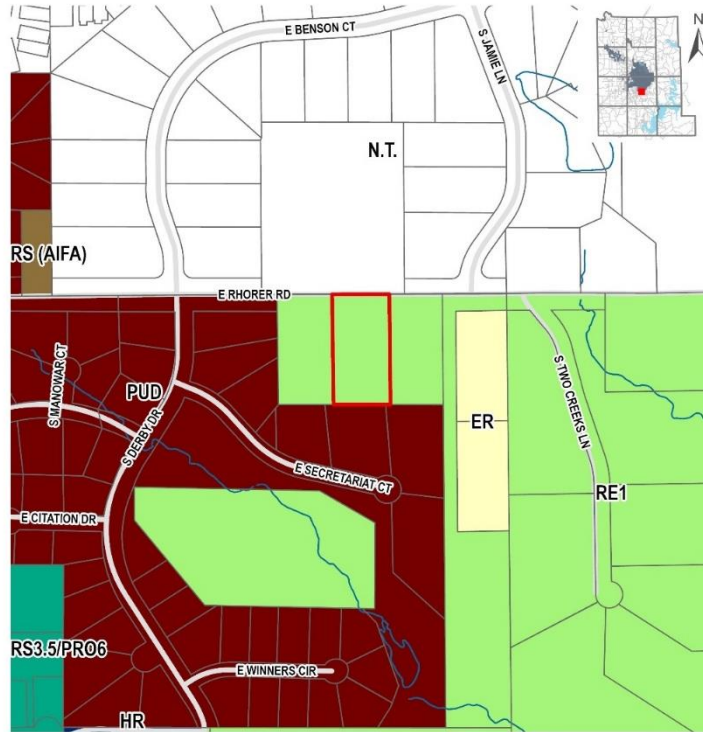
The petition site is located at 1350 E Rhorer RD, parcel #53-08-21-100-032.000-008, in Perry Township, Section 21.



## ZONING AND LAND USE

The petition site is zoned Estate Residential 1 (RE1). Meanwhile adjacent properties are zoned RE1, Planned Unit Development (Bridlewood). The properties to the north are part of the City of Bloomington, and thus out of Monroe County jurisdiction.

**Current Zoning Map**



**SITE CONDITIONS & INFRASTRUCTURE**

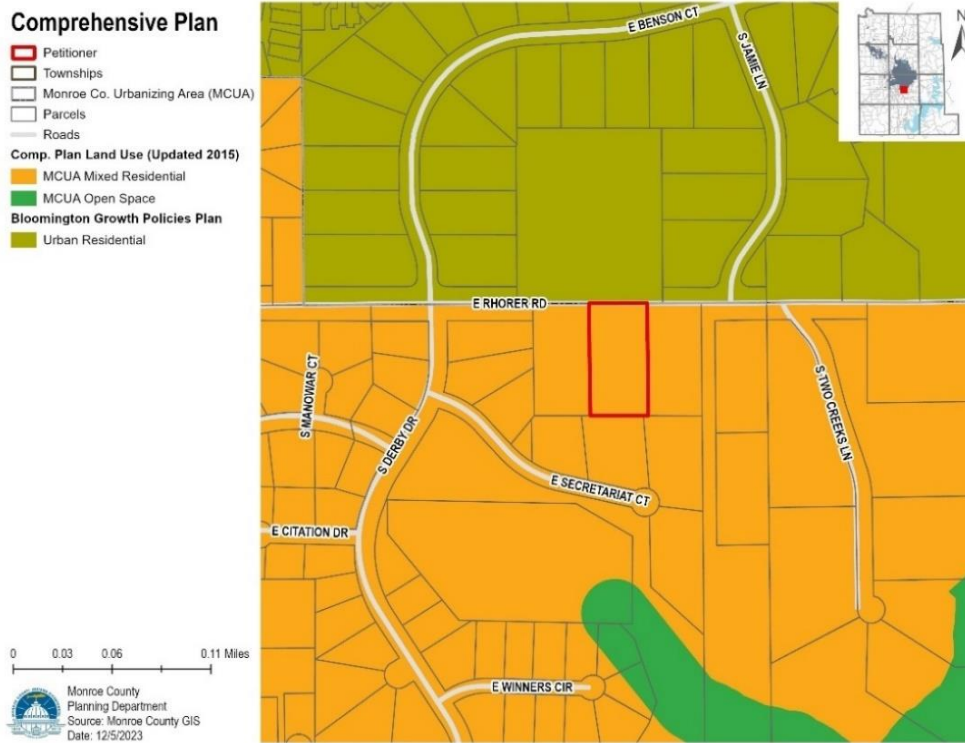
The petition site is mainly slopes under 15%. There are no known karst features or floodplain present on the site.

**Site Conditions Map**



**COMPREHENSIVE PLAN DISCUSSION**

The petition site is located within the Monroe County Urbanizing Area Plan “Mixed Residential” zone designation.



### 5.1.1 Mixed Residential

*Mixed residential neighborhoods accommodate a wide array of both single-family and attached housing types, integrated into a cohesive neighborhood. They may also include neighborhood commercial uses as a local amenity.*

These neighborhoods are intended to serve growing market demand for new housing choices among the full spectrum of demographic groups. Residential buildings should be compatible in height and overall scale, but with varied architectural character. These neighborhoods are often located immediately adjacent to mixed-Use districts, providing a residential base to support nearby commercial activity within a walkable or transit-accessible distance.

#### A. Transportation

##### *Streets*

Streets in mixed residential neighborhoods should be designed at a pedestrian scale. Like mixed-Use districts, the street system should be interconnected to form a block pattern, although it is not necessary to be an exact grid. An emphasis on multiple interconnected streets which also includes alley access for services and parking, will minimize the need for collector streets, which are common in more conventional Suburban residential neighborhoods. Cul-de-sacs and dead-ends are not appropriate for this development type. Unlike typical Suburban residential subdivisions, mixed residential development is intended to be designed as walkable neighborhoods. Most residents will likely own cars, but neighborhood design should de-emphasize the automobile.

##### *Bike, pedestrian, and Transit modes*

Streets should have sidewalks on both sides, with tree lawns of sufficient width to support large shade trees. Arterial streets leading to or through these neighborhoods may be lined with multi-use paths. Neighborhood streets should be designed in a manner that allows for safe and comfortable bicycle travel without the need for separate on-street bicycle facilities such as bike lanes. As with mixed-Use districts, primary streets in mixed residential neighborhoods should be designed to accommodate transit.

#### B. Utilities

##### *Sewer and water*

The majority of mixed residential areas designated in the land Use Plan are located within existing sewer service areas. Preliminary analysis indicates that most of these areas have sufficient capacity for additional development. Detailed capacity analyses will be necessary with individual development

proposals to ensure existing infrastructure can accommodate new residential units and that agreements for extension for residential growth are in place.

#### *Power*

Overhead utility lines should be buried to eliminate visual clutter of public streetscapes and to minimize system disturbance from major storm events.

#### *Communications*

Communications needs will vary within mixed residential neighborhoods, but upgrades to infrastructure should be considered for future development sites. Creating a standard for development of communications corridors should be considered to maintain uniform and adequate capacity.

### **C. Open space**

#### *Park Types*

Pocket parks, greens, squares, commons, neighborhood parks and greenways are all appropriate for mixed residential neighborhoods. Parks should be provided within a walkable distance (one-eighth to one-quarter mile) of all residential units, and should serve as an organizing element around which the neighborhood is designed.

#### *Urban Agriculture*

Community gardens should be encouraged within mixed residential neighborhoods. These may be designed as significant focal points and gathering spaces within larger neighborhood parks, or as dedicated plots of land solely used for community food production.

### **D. Public Realm Enhancements**

#### *Lighting*

Lighting needs will vary by street type and width but safety, visibility and security are important. Lighting for neighborhood streets should be of a pedestrian scale (16 to 18 feet in height).

#### *Street/Site furnishings*

Public benches and seating areas are most appropriately located within neighborhood parks and open spaces, but may be also be located along sidewalks. Bicycle parking racks may be provided within the tree lawn/ landscape zone at periodic intervals.

### **E. Development Guidelines**

#### *Open Space*

Approximately 200 square feet of publicly accessible open space per dwelling unit. Emphasis should be placed on creating well-designed and appropriately proportioned open spaces that encourage regular use and activity by area residents.

#### *Parking Ratios*

Single-family lots will typically provide 1 to 2 spaces in a garage and/or driveway. Parking for multi-family buildings should be provided generally at 1 to 1.75 spaces per unit, depending on unit type/number of beds. On-street parking should be permitted to contribute to required parking minimums as a means to reduce surface parking and calm traffic on residential streets.

#### *Site design*

Front setbacks should range from 10 to 20 feet, with porches, lawns or landscape gardens between the sidewalk and building face. Buildings should frame the street, with modest side setbacks (5 to 8 feet), creating a relatively continuous building edge. Garages and parking areas should be located to the rear of buildings, accessed from a rear lane or alley. If garages are front-loaded, they should be set back from the building face. Neighborhoods should be designed with compatible mixtures of buildings and unit types, rather than individual subareas catering to individual market segments.

#### *Building form*

Neighborhoods should be designed with architectural diversity in terms of building scale, form, and style. Particular architectural themes or vernaculars may be appropriate, but themes should not be overly emphasized to the point of creating monotonous or contrived streetscapes. Well-designed neighborhoods should feel as though they have evolved organically over time.

#### *Materials*

High quality materials, such as brick, stone, wood, and cementitious fiber should be encouraged. Vinyl and exterior insulated finishing Systems (EIFS) may be appropriate as secondary materials, particularly to maintain affordability, but special attention should be paid to material specifications and installation methods to ensure durability and aesthetic quality.

*Private Signs*

Mixed residential neighborhoods should not feel like a typical tract subdivision. It may be appropriate for neighborhoods to include gateway features and signs, but these should be used sparingly and in strategic locations, rather than for individually platted subareas.

**EXHIBITS - *Immediately following report***

1. Petitioner Letter and Site Plan
2. First Floor and Basement Floorplans

**EXHIBIT 1: Petition Letter and Site Plan**

December 5, 2023

RE: 1350 E. Rhorer Road, Bloomington Indiana

Petition for Conditional Use Variance

Petitioner requests a variance for this parcel to allow the property to be re-opened as a licensed day-care center, as it has operated for over 2 decades. The property is already set up as a day care facility and needs some updating but not exterior renovation or other changes to the property to comply with the standards necessary for operation. Petitioner understands that it will have to obtain proper licensing in order to operate but needs to be able to demonstrate to the State of Indiana that the facility may be used for a day-care center in order to proceed with the licensing process.

The Petitioner has an accepted offer to purchase the property, contingent on the approvals needed, including the conditional use variance. The current property owner has consented to this petition, as indicated by the attached letter of consent.

Petitioner further attaches the site plan and drawing of the property, the current vesting deed and a statement demonstrating petitioner's alignment with all of the standards required for a conditional use variance and one for a day care center, in particular.

Thank you for your consideration of this petition and we look forward to presenting it for approval to the Board in January.

Very truly yours,



Arthur "Fritz" Kruggel

**Monroe County Board of Zoning Appeals**  
**Conditional Use Request- Application of Standards for Approval**

Property Location: 1350 Rhorer Rd, Bloomington IN

Standards for Approval (Ordinance Chapter 813-5)

In order for a conditional use to be approved, the Board must find that:

**Question:**

**A.** The requested conditional use is one of the conditional uses listed in Chapter 813-8 (for the traditional County planning jurisdiction) or Table 33-3 (for the former Fringe) for the zoning district in which the subject property is located. In addition to the other relevant standards imposed by or pursuant to this chapter, the standards, uses and conditions set forth in Section 813-8 are hereby incorporated as standards, uses and conditions of this chapter.

**Answer:** The house at 1350 Rhorer Rd has been historically functioning as a child care facility, licensed by the State of Indiana for the past several decades. The current petitioner plans to continue using the property as a day care center, as defined by Monroe County, Indiana. The facility will provide care to children aged 3-5 years of age during the weekday hours of 7:30am - 5:30pm. Cosmetic upgrades will be made to landscaping. Maintenance on building exterior will also be performed. There is some planned renovation to the interior of the structure but the footprint and exterior of the building will remain unchanged. The child care home facility (as defined by the state of Indiana), is expected to begin operations in August 2024.

Indiana state definition of a childcare home:

■ **IC 12-7-2-28.6 Child care home**

Sec. 28.6. (a) "Child care home", for purposes of IC 12-17.2, means a residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative **or any child who is at least fourteen (14) years of age and does not require child care**) at any time receive child care from a provider:

- (1) while unattended by a parent, legal guardian, or custodian;
- (2) for regular compensation; and
- (3) for more than four (4) hours but less than twenty-four (24) hours in each of ten(10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays(b) The term includes:
  - (1) a class I child care home; and (2) a class II child care home.

*As added by P.L.20-1992, SEC.9 and P.L.81-1992, SEC.9. Amended by P.L.1-1993, SEC.73; P.L.136-1993, SEC.2; P.L.124-2007, SEC.1.*



**Question:**

**B.** all conditions, regulations and development standards required in the Zoning Ordinance shall be satisfied;

**Answer:** The current purchaser of 1350 Rhorer Rd is committed to following all standards required in zoning ordinance, including operating in accordance with relevant laws.

**Question:**

**C.** granting the conditional use shall not conflict with the general purposes of the Zoning Ordinance or with the goals and objectives the Comprehensive Plan;

**Answer:** The address of 1350 E Rhorer Rd has been serving as a day care home in Bloomington IN since the early 2000s. It was sold to another daycare provider during the Covid Pandemic and provided services for between one and two years under the name Bridges, LLC. Bridges closed several months ago and the property is now being sold to the current petitioner who is acquiring to operate as a daycare. This will provide stability to the neighborhood by continuing the services that have been provided at the address for several decades. Day care services are in dire need in the region and allowing this use to be reinstated will serve that continuing need.

**Question:**

**D.** the conditional use property can be served with adequate utilities, access streets, drainage and other necessary facilities;

**Answer:** A building inspection of 1350 E Rhorer Rd was conducted on November 27, 2023. The property currently meets all standards for providing adequate utilities, access streets, drainage and other necessary facilities for operation as a day care center.

**Question:**

**E.** the conditional use shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons, and shall comply with performance standards delineated in this ordinance;

**Answer:** Current use will be regulated by the State of Indiana and other applicable laws. The current construction of the home meets the criteria of two daycare homes, as defined by the state of Indiana, including necessary fire safety wall regulations. As a part of its licensing, the State will conduct annual inspections of the premises to ensure the health and safety of children receiving care at the facility.

**■ 470 IAC 3-1.1-29.5 License provisions**

Authority: IC 12-13-5-3

Affected: IC 12-17.2-5-12

Sec. 29.5. (a) A child care home license is valid for two (2) years unless revoked, suspended by the CDFR, or voluntarily surrendered.

(b) The number of children cared for at any one (1) time shall not exceed the licensed capacity.

(c) The license is valid only for the name and location on the license and is not transferable.

(d) The license shall be publicly displayed in the home. (IC 12-17.2-5-12(c))

(e) Whenever an applicant applies for multiple licenses located within the same structure or building, a signed statement from a design professional must be submitted certifying that each child care home to be licensed meets the state building code requirements for the proposed use which apply to fire and safety issues. Certification must include any modifications required to comply with the state building code requirements for the multiple occupancies requested.

(f) If two (2) or more licensed child care homes are contiguously located within the same residential structure, each licensed facility must be separated by a two (2) hour fire resistive wall between each licensee.

(g) Whenever an applicant applies for multiple licenses located within the same structure or building, each home must meet the requirements of licensure as independent homes.

**▲ Threshold of Compliance:**

Each location must be a stand-alone structure. This includes separate phone numbers for each location. A facility can choose to have the same business number at all locations but the home phone numbers must be unique to that location. The home phone number may be a cell phone as long as the cell phone is at the home during child care hours.

Each home must meet the Indiana Fire Prevention and Building Safety Commission requirements for a single family dwelling. This includes cooking facilities (kitchen), bathing facilities (tub or shower), potable water supply (safe drinking water), heat (with control of the thermostat), separate electrical service panel (either within the building or located at the service entrance), and smoke alarms (interconnected within each unit).

**Question:**

**F.** the conditional use shall be situated, oriented and landscaped (including buffering) to produce a harmonious relationship of buildings and grounds with adjacent structures, property and uses;

**Answer:** Landscaping will continue to be consistent with other houses in the immediate area. Upgrades to landscaping, including the removal of two overgrown bushes, is planned for the front of the house. The yard will have a protected and fenced outdoor play area for the children.

**■ 470 IAC 3-1.1-13 “Protected outdoor play area” defined**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 13. As used in this rule, “protected outdoor play area” means an area that is safely enclosed by either a fence or natural boundaries.

**Question:**

**G.** the conditional use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood;

**Answer:** The lawn and yard shall be maintained regularly. The building and surroundings are complementary to the area and buildings already in place and will not be changed by the Petitioner.

**Question:**

**H.** the conditional use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.

**Answer:** The current property has nine parking spots available for client use (drop off and pick up) and those are already in place. The parking lot is directly and safely accessible from Rhorer Rd. This allows for appropriate pick up and drop off of children. In addition, there is a second driveway on the opposite side of the yard and five parking places will be available behind the house for staff use.

**Question:**

**I.** all permits required by other Federal, State and local agencies have been obtained.

**Answer:** The state requires that a property have a business permit in place in order to begin the licensure process for a day care home. The purpose of the zoning variance petitioner is requesting from the Monroe County Zoning Commission is to initiate the process to obtain this business permit.

*(directive from the Indiana Department of Social Services to those seeking a childcare facility license)*

- **Business Permit:** All applicants must provide a copy of a valid local business permit to operate a child care program OR a statement from the appropriate locality that a permit or license to operate a child care program is not required.
  - For more information about who to contact in your area to obtain a business permit, visit the CCR&R website.
  - In some counties, however, a business permit is not required. If this is the case, then you will need to submit a statement from the county, city or town that a permit or license to operate a child care program is not required.
  - Once you have either the business permit or the letter stating that one is not required, fill out the Business Permit documentation form and attach the accompanying documentation.

The petitioner will follow all of the steps outlined for state licensure and will not operate or open a facility without necessary state licensing.

■ **470 IAC 3-1.1-28 Initial licensure**

Authority: IC 12-13-5-3

Affected: IC 5-2-12; IC 12-17.2

Sec. 28. (a) An applicant for a child care home license shall do the following:

- (1) Attend an orientation training arranged or approved by the CDFR.
- (2) Comply with application procedures required by this rule.
- (3) Submit to the COFC a completed, signed application for a child care home license, including attachments required to demonstrate compliance with this rule.
- (4) Submit a statement attesting that the applicant has not been:
  - (A) convicted of a felony or a misdemeanor relating to the health and safety of children; and
  - (B) charged with:
    - (i) a felony; or
    - (ii) a misdemeanor relating to the health and safety of children; during the pendency of the application.
- (5) Within thirty (30) days of application, submit a written medical statement, including proof of a Mantoux tuberculin test or chest x-ray, signed by a physician or a certified nurse practitioner. (Refer to section 34 of this rule.)
- (6) Submit a water quality test as required by section 47(b) of this rule.

(b) The COFC shall do the following:

- (1) Conduct a criminal history check on the applicant and the applicant's spouse.
  - (2) Conduct a check of the applicant, the applicant's spouse, and any others living in the home to determine whether their name appears on the sex offender registry, IC 5-2-12 et seq.
  - (3) Schedule a visit to the home during normal business hours and complete a child care home inspection checklist.
  - (4) Submit a written recommendation for child care home licensure to the CDFR based upon the home inspection checklist and the documents submitted by the applicant under subsection (a).
  - (5) The COFC shall return an incomplete application to applicant(s) with a notation as to omissions and without acting on the application.
- (c) The CDFR shall approve or deny the application for child home care licensure within sixty (60) days of the date the application is received by the COFC.

Additional Conditional Use Standards for Day Care Centers are also required by county ordinance and will be met by Petitioner's operation. Those include specifically:

(2) Day Care Center

(a) Proof of licensing. As noted above the licensing will be obtained and the Petitioner understands that approval of a conditional use by the Board will be conditioned on obtaining the proper licensing to lawfully operate.

(b) Compliance with all applicable city ordinances and state and federal statutes and regulations. Petitioner will comply with all applicable laws for its operations.

(c) Center shall be screened from adjacent properties with a fence or vegetative buffer and adequate fenced area will be required. There is currently buffering in place that Petitioner intends to improve and fencing in the areas which will be accessed by day care children.

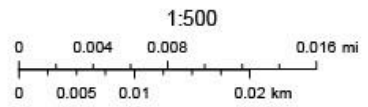
(d) Minimum lot size shall be 15,000 sf or the minimum lot size for the district, whichever is greater. This code requirement is met.

(e) Site design and supervision characteristics shall ensure peace and safety of the surrounding area will not be impaired. As discussed above, the facility has operated as a day care center and it is set up to meet the objectives articulated in the ordinance to achieve a safe and peaceful operation.

(f) No center will be located within 500' of another center. There is no center located within 500' of this property.

445638

# 1350 Rhorer




**EXHIBIT 2: Consent Letter from Owner**

Authentisign ID: 1948411A-0692-EE11-8925-6045BDD68161

To whom it may concern,

I, Audra Lampkins, am the owner of 1350 East Rohrer Rd, Bloomington, IN 47401. In accordance with the purchase agreement between myself and Fritz Kruggel and/or assignees, I authorize the application to the Monroe County Board of Zoning Appeals and permitting for conditional use of the property along with all land-use entitlements necessary, incidental to use of the property as a day care operation for children.

 *Audra Lampkins* 12/03/23  
\_\_\_\_\_  
Signature Date

*Audra Lampkins*  
\_\_\_\_\_  
Printed

**EXHIBIT 3: Site Photos**



**Above: The Petition Site; Below: The proposed childcare parking lot**







**Above: The entrance from E Rhorer Road for the Staff Parking Lot; Below: The Staff Parking Lot**





**Above: A view of the playground; Below: A view of the rear playground**





**Above: A view of the principal use structure from the rear**



# MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date: January 3, 2024

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-23-49a	SLT Landscaping Variance (Bufferyard) to Ch. 830	Approval
VAR-23-49b	SLT Off-Street Parking (Surfacing) Variance to Ch. 806	Approval
VAR-23-49c	SLT Buildable Area (Special Flood Hazard Area) Variance to Ch. 804	Approval
VAR-23-49d	SLT Landscaping Variance (Streetscape) to Ch. 830	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 variance VAR-23-49a & d subject to the Highway Department reports for the following reasons: Meets criteria 812-6 (A)(B)(C), specifically, practical difficulties have been demonstrated.

Staff recommends **approval** variance VAR-23-49b subject to the Highway Department reports and for the following reasons: Meets criteria 812-6 (A)(B)(C), specifically that the petitioner has proposed the contours of the off-street parking to capture any gravel that is washed during storm or flood events.

Staff recommends **approval** of VAR-23-49c subject to the Highway Department reports for the following reasons: The Indiana Floodplain Analysis & Regulatory Assessment (FARA) identifies the proposed parking lot area has having an elevation of 603.6', whereas the Base Flood Elevation (BFE) of 595.9'.

<b>Variance Type:</b>	<input checked="" type="checkbox"/> Design <input type="checkbox"/> Use <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial	<b>Planner:</b> Anne Crecelius
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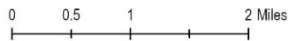
<b>PETITIONER</b>	Sycamore Land Trust c/o Chelsea Moss, Abhram & Moss	
<b>ADDRESS</b>	6511 N Old State Road 37, parcel #53-02-34-400-008.000-017, 53-05-02-200-005.000-004, 53-05-03-100-004.000-004.	
<b>TOWNSHIP + SECTION</b>	Bloomington Township, Sections 2 & 3, Washington Township, Section 34	
<b>PLATS</b>	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted: n/a	
<b>ACREAGE +/-</b>	113.03	
	<b>PETITION SITE</b>	<b>ADJACENT</b>
<b>ZONING</b>	AG/FR	AG/FR
<b>COMP PLAN</b>	Farm and Forest	Farm and Forest
<b>USE</b>	Agricultural, Residential	Agricultural, Residential, Religious Facility

**SUMMARY**

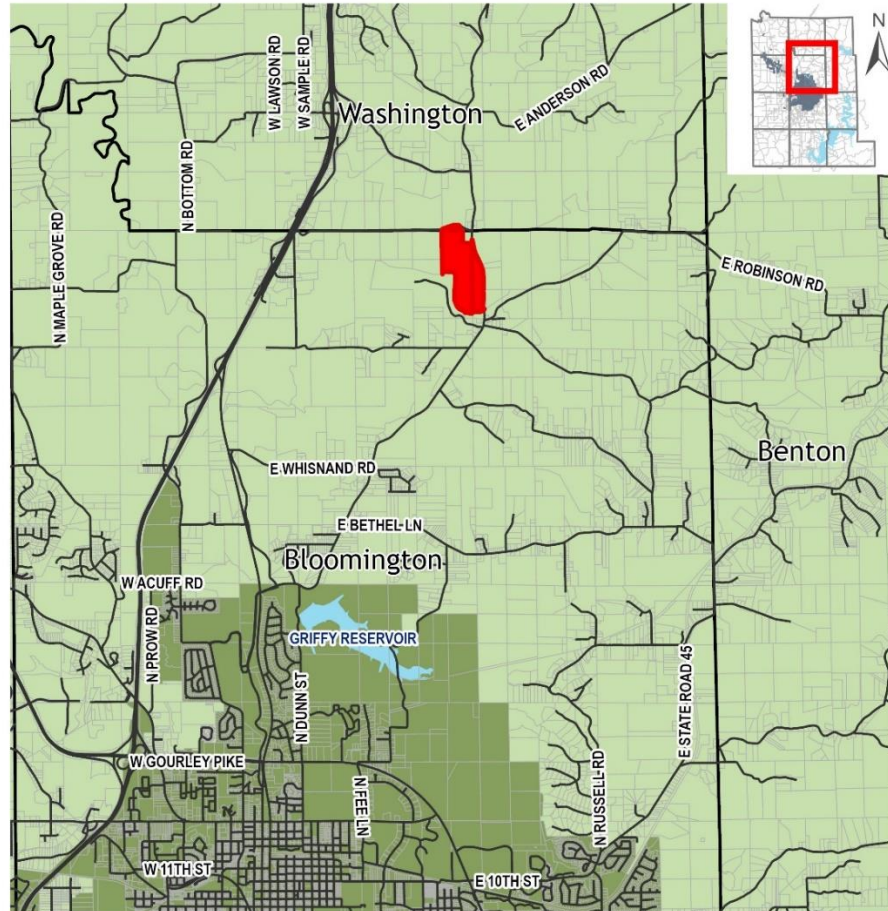
The petitioner, Sycamore Land Trust, represented by Chelsea Moss of Abram & Moss Design Group, has applied for four variances from the Zoning Ordinance in order to meet Site Plan Requirements. The petitioner intends to convert the use of property from agricultural and residential to an “Agritourism” use, e.g. an education center. Refer to Exhibit 3 for the Use Determination issued by Planning Staff in 2021.

### Location Map

- Petitioner
- Roads
- Civil (Political) Townships
- Lakes
- Incorporated Areas**
- Bloomington
- Parcels



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 12/22/2023



### DISCUSSION

The petitioner is seeking four variances that apply to standards required for a commercial Site Plan Review – refer to Exhibit 4 for the Pre-Design issued by Planning Staff. At this time a Site Plan has not been submitted for review by County Departments (Planning, Highway & Stormwater, Health, Fire, etc.) – upon submission and full review additional variance requests could be identified. The petition site is 113.03 +/- acres of former agricultural fields and contains one single family residence and two agricultural structures. The petitioner states they will “[maintain] the existing created wetland area, Sycamore intends to restore the remainder of the current agricultural areas through additional wetland restoration, tree plantings for reforestation, invasive plant control for forest health, and native wildflower plantings for pollinators, all of which will support soil conservation in the Beanblossom Creek floodplain”.



**Image 1: Existing Residence and Agricultural Structure**



**Image 2: Existing Residence, current unoccupied**



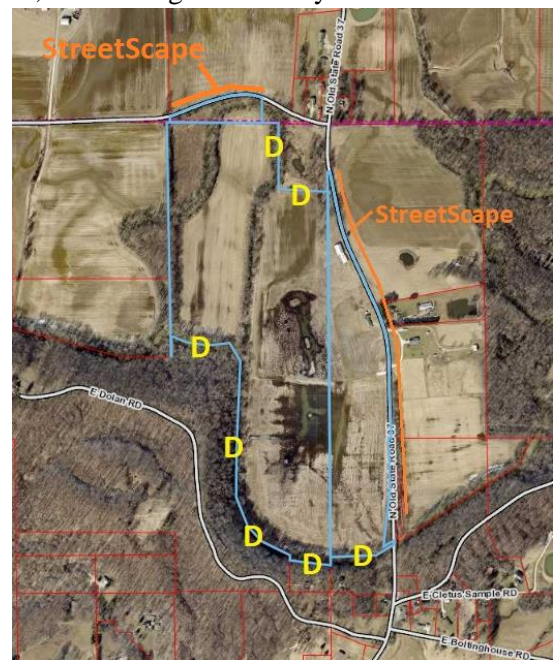
**Image 3: Existing Agricultural structure**

The first two variance requests are from the bufferyard and streetscape landscaping requirements of Chapter 830. **Chapter 830-7 (A)** *The following bufferyard requirements are intended to physically separate and visually screen adjacent land uses that are not fully compatible.*

The property is proposed to become an Agritourism use, a high intensity use per Chapter 802 of the Zoning Ordinance. Surrounding uses of the property are residential, agricultural, and a Religious Facility to the south/southwest. Per image 4, multiple sides of the petition site require a bufferyard type D, which requires a minimum 20' landscaping yard with a D-Value of 420 per 100 linear feet of property line. This is the largest bufferyard required by Chapter 830. The southwest boundaries of the property are just east of a creek that borders the property. There is a total of approximately 4,500 linear feet of bufferyard required.

**830-9. Commercial and Industrial Streetscapes.** *The following landscape strip requirements apply to all commercial and industrial zones and all nonresidential uses within a residential zone.*

The petition site contains approximately 2,300 linear feet adjacent to N Old State Road 37 and approximately 780 linear feet along E Wylie RD. Chapter 830 streetscape requirements would require a minimum of a 5' wide strip of landscaping consisting of a minimum of 1 tree, 10 shrubs, and 10 shrubs/perennials/grasses/ferns for every 35 lineal feet of street frontage, excluding driveway openings.



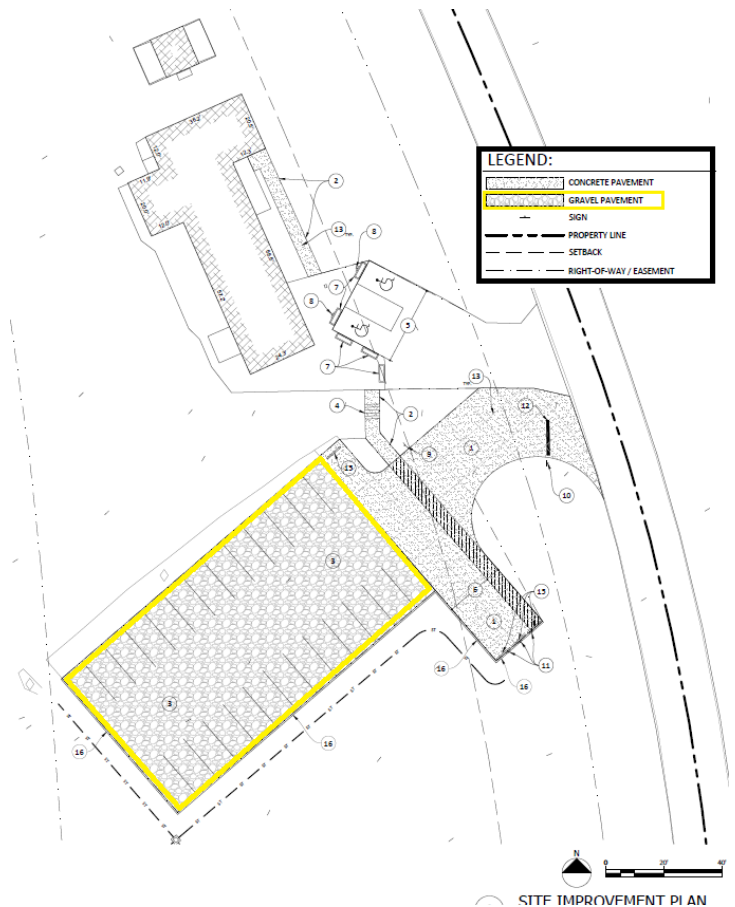
**Image 4: Bufferyard and streetscape**



**Image 5: Pictometry photo of petition site looking west**

The third variance request is from the Parking Development Standards of Chapter 806. Standard **806-4(D)(1)** states that “off-street parking areas (including parking spaces, aisles and driveways) shall be constructed using plant mix asphalt, concrete, porous asphalt, porous concrete or permeable paver systems”. The petitioner is requesting a variance to allow the proposed parking area to be a gravel surface. Chapter 806 allows for up to 4,000 square feet of off-street parking to be a gravel surface in areas outside of urban or designated communities. The petitioner is proposing a gravel parking lot of approximately 7,000 square feet. The parking area is adjacent to floodway. The petitioner’s proposed parking design (Exhibit 2) appears to direct any gravel wash-off towards the on-site drainage. This would prevent gravel wash off during storm or flood events.

The fourth variance request is from the Chapter 804 Buildable Area requirement. Standard **804-4 (E)**, under Special Requirements, states that “any building or structure constructed after October 2, 2015 must be located within a buildable area. The following shall not be included in the buildable area: Special Flood Hazard Area (SFHA) as specified in Chapter 808”. The petitioner is proposing the location of the parking lot to be in an area designated as SFHA, or as “DNR Approximate Floodway”. Planning staff ran a Floodplain Analysis & Regulatory Assessment (FARA), hosted by the State of Indiana Department of Natural Resources (IDNR). The FARA identifies the proposed parking lot area has having an elevation of 603.6’, whereas the Base Flood Elevation (BFE) of 595.9’. The parking lot would exceed the BFE by 7.7’. However, the buildable area variance is still required due to the adopted floodplain map showing this area as within the Special Flood Hazard Area.



**Image 6: Illustration gravel parking lot**

## Site Conditions Map

- Minor Collector [60']
- Major Collector [70']
- Petitioner
- 10-Foot Contours
- 15% Slope (County/EC02)

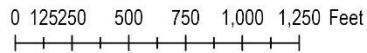
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- 0 - 15
- > 15
- Local Roads [50']
- Hydrologic Features
- Parcels

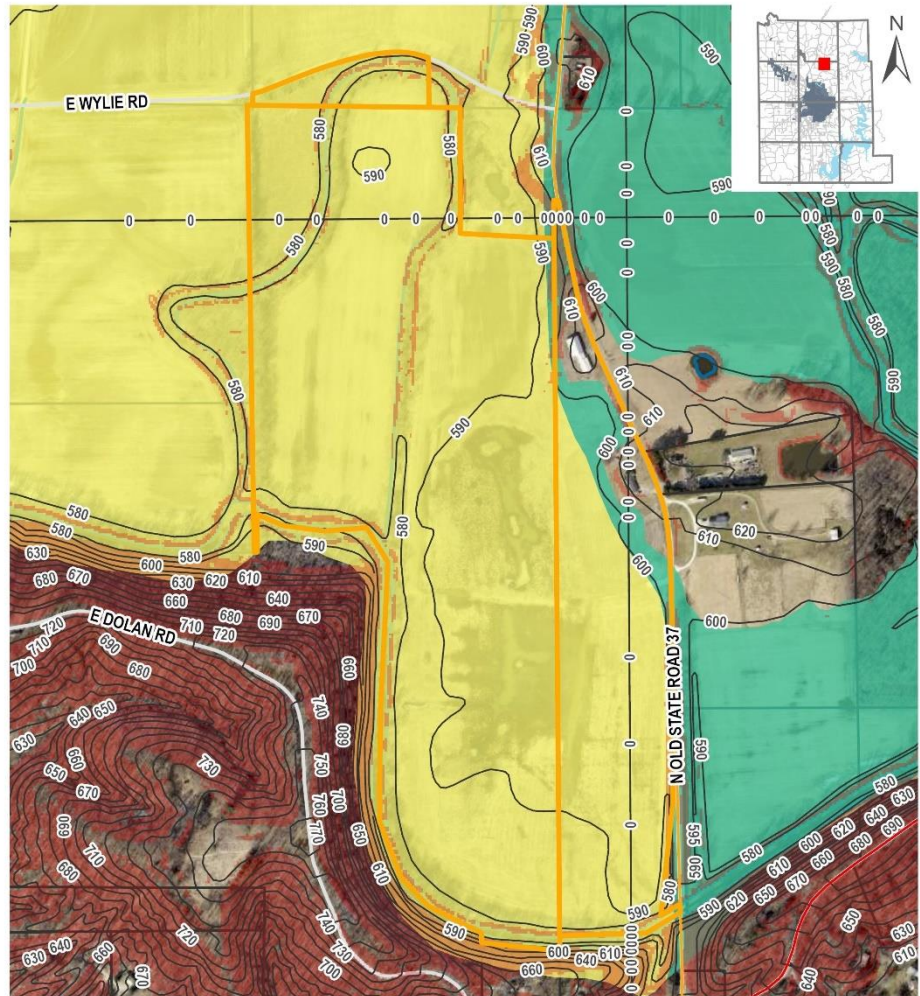
### DNR Best Available Floodplain

#### Flood Zone

- A
- A, APPROXIMATE FLOODWAY
- AE
- AE and FLOODWAY
- X SHADED




 Monroe County  
 Planning Department  
 Source: Monroe County GIS  
 Date: 12/22/2023



**EXHIBITS - Immediately following report**

1. Petitioner Letter
2. Proposed Site Plan
3. 2021 Use Determination (USE-21-83)
4. 2023 Pre-Design (PRE-241)
5. BRCJ Surveys from Survey Report 3-1498 dated 8/3/2023
6. Floodplain Analysis & Regulatory Assessment (FARA) of Parking Area





9215 West Mallory Road  
Bloomington, Indiana 47404  
812-955-0539  
info@abram-moss.com

December 22, 2023

Monroe County Board of Zoning Appeals  
Monroe County Planning Department  
501 North Morton Street, Suite 224  
Bloomington, Indiana 47404

RE: Request for Floodplain and Design Standards Variances  
Carl Ziegler Wetlands and Education Center  
6511 North Old State Road 37  
Bloomington, Indiana  
AMDG-2022006

Board of Zoning Appeals:

On behalf of our client, Sycamore Land Trust, Inc., we petition the Board of Zoning Appeals for the following variances for the conversion of a single-family home into an education center at 6511 North Old State Road 37, Bloomington, Indiana:

1. **Landscaping (Chapter 830, Monroe County Zoning Ordinance)** to exemption from bufferyard and streetscape landscaping throughout the subject property
2. **Off-Street Parking (Chapter 806, Monroe County Zoning Ordinance)** to allow a portion of the proposed parking lot to utilize gravel pavement.
3. **Buildable Area (Chapter 804, Monroe County Zoning Ordinance)** to allow construction of a parking lot within the DNR Special Flood Hazard Area.

The subject parcel currently consists of a single-family residence and, a small shed, and agricultural barn. The lot is zoned AG/RR. The proposed use (an education center for the wetland conservancy) would is categorized as agrotourism with a high use intensity. The project would consist of interior remodeling of the existing single-family home and exterior improvements to provide parking and a new septic system.

**Landscaping Variance**

Per Chapter 830 of the Monroe Courtny Zoning Ordinance, this project requires bufferyards along two adjacent properties: The cultural center to the southwest and a single-family residence to the north. Most of the project site is being set-aside as a wetland conservation area. Over time, Sycamore Land Trust will be maintaining and enhancing vegetation throughout the area, but all of the bufferyards (with the exception of a small 76' foot swath. Are within the FEMA Floodway. Most of the bufferyard requirements are met with existing riparian buffers along Beanblossom Creek and an oxbow lake in the northern half of the property. We request a variance to allow the planned conservation area to act as the bufferyard for all properties. A copy of the conservation easement (including survey sketches) is included with our filing paperwork.

Additionally, Chapter 830 requires streetscape along Old State Road 37 and East Wylie Road. For both frontages, the installation of streetscape landscaping would reduce visibility of the wetland conversation area. As the property currently sits, Old State Road 37 runs above the conservation area and provides a

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**Request for Floodplain and Design Standards Variances**

6511 North Old State Road 37, Bloomington, Indiana 47404 (AMDG-2022006)

beautiful view of the property and wildlife. This creates an inviting atmosphere and will serve to showcase the conservation efforts to passersby. The frontage along East Wylie Road is considerably remote from the building and all proposed improvements on the site. As conservation efforts continue, all views of the property from East Wylie Road will be of the conservation area (not the Education Center). Overall, installation of landscaping along these frontages will hide the natural beauty of the conservation area.

**Off-Street Parking**

We propose the new parking lot to be primarily constructed of washed gravel. Per Chapter 806 of the Monroe County Zoning Ordinance, parking surfaces must be rigid. For this site, the proposed gravel surface would allow for some increase in stormwater infiltration (over asphalt or concrete). Anticipated use of the new lot would be limited to guests and field trip chaperones. A concrete bus space and entry drive are proposed for stability and to prevent tracking of gravel onto the adjacent roadway. This type of parking lot surface aligns with typical parking surfaces for conservation and trail facilities throughout the area (as well as many of those maintained by Sycamore Land Trust).

**Buildable Area**

Floodway mapping for the entire project parcel conflicts between the IDNR Approximate Floodway and the FEMA Administrative Floodway. According to The Monroe County Floodplain Administrator, the Monroe County Zoning Ordinance utilizes the IDNR mapping for identification of the floodway limits. In this case, the IDNR mapping does not align with the FEMA mapping. Additionally, the Base Flood Elevation for the site corresponds with the FEMA mapping, not the IDNR mapping. As such, we request a variance to allow for construction of the parking area within the DNR Special Flood Hazard Area, since all proposed improvements are above the Base Flood Elevation and outside of the FEMA Administrative Floodway.

Based on the above details, we request that the outlined variances be approved for the Carl Ziegler Wetlands and Education Center. Please contact us if you have any questions or require additional information.

Respectfully,



Chelsea Moss, PE

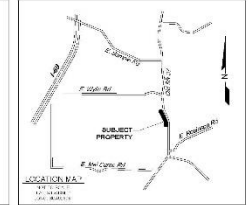
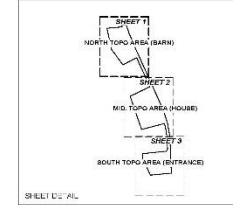
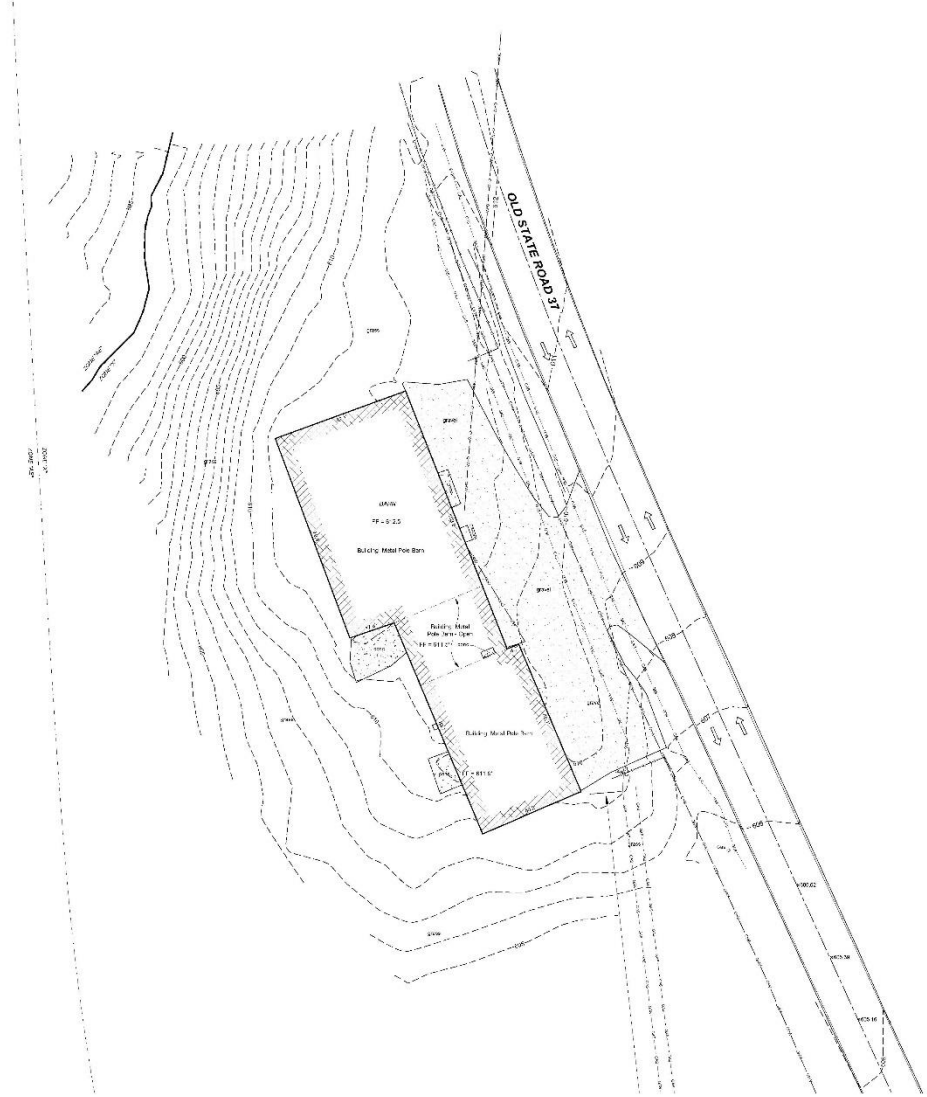
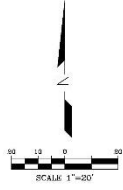
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**TOPOGRAPHIC SURVEY**  
**SYCAMORE LAND TRUST LEARNING CENTER**  
 PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 9 NORTH, RANGE 1 WEST



**LEGEND**

1. BOUNDARY	11. FENCE	18. ELEVATION
2. LOT CORNER	12. CONCRETE DRIVE	19. CONTOUR
3. DRIVE PAVEMENT	13. DRIVE	20. CONTOUR
4. DRIVE	14. DRIVE	21. CONTOUR
5. DRIVE	15. DRIVE	22. CONTOUR
6. DRIVE	16. DRIVE	23. CONTOUR
7. DRIVE	17. DRIVE	24. CONTOUR
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94. DRIVE	95. DRIVE	96. DRIVE
97. DRIVE	98. DRIVE	99. DRIVE
100. DRIVE	101. DRIVE	102. DRIVE

- NOTES**
- FIELD WORK PERFORMED JUNE 2022.
  - CONTOURS REPRESENT 1 FOOT INTERVALS.
  - UTILITIES SHOWN WERE OBTAINED FROM CHS&M&D AND/OR OTHER PROVIDERS AND FROM UTILITY MARKINGS PLACED ON THE GROUND BY THE ABOVE MEMBERS. UTILITIES SHOWN BELOW MEMBER UTILITIES DO NOT LOCATE. PRIVATE LINES OR UTILITIES MEMBER UTILITIES DO NOT LOCATE BEYOND THE LINE SHOWN AT THE SURVEY. THE PURPOSE OF THE POINT COVERS SHOWN UTILITIES ARE ONLY TO SHOW APPROXIMATE LOCATION AND NOT TO BE USED FOR MATERIALS, DEPTHS AND RATES. VERIFY UTILITIES BY OTHER MEANS. APPROXIMATE BASED ON LIMITED INFORMATION AVAILABLE FROM THE SUBJECT PROPERTY. THE MEMBER UTILITIES TO ACCURATELY INDICATE PIPE SIZES OR TO VERIFY PIPE TYPE AND MATERIALS. STRUCTURE GRATES AND COVERS SHOWN SHOULD NOT BE ASSUMED TO BE THE SAME AS THE BELOW GROUND STRUCTURE. ALL UTILITIES INCLUDING COVERS AND DEPTHS VERIFY TO BE USED FOR CONSTRUCTION PURPOSES.
  - THE FOLLOWING IS THE NDA#A-8111 "DEED" NUMBERS FOR THIS PROJECT: 220685081.
  - FEMA FLOOD ZONE NOTE** - THE SUBJECT PROPERTY IS LOCATED WITHIN FLOOD ZONE AND IS SUBJECT TO FLOOD INSURANCE RATE MAP NUMBER 101500110D, DATED DECEMBER 17, 2010 AND FLOOD INSURANCE RATE MAP 101500110D, DATED DECEMBER 17, 2010.
  - THE FLOOD ZONE IS SHOWN ON SA FEMA MAP IS SHOWN AT THE HOUSE, 500' AT THE BANK, AND 500' AT THE FIELD DISTANCE.
  - PROJECT COORDINATE NOTES: THE COORDINATES FOR THIS PROJECT ARE BASED ON NAD 83 UTM ZONE 18Q UTM COORDINATE ZONE. NAD 83 UTM ZONE 18Q UTM COORDINATE ZONE. VERTICAL DATUM: NAVD83 (Contiguous US) (GEOID: 28).
  - ALL FIELD SURVEY POINTS SHOWN ARE NOT INTENDED TO BE REPRESENTED AS A SURVEY OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY, OR A SURVEY OF LOCATION (SECTION).

**Bridges Robert Cooper James**  
**BRCJ**  
 LAND SURVEYING • CIVIL ENGINEERING • GIS

823 West Third Street, Bloomington, Indiana 47403  
 Phone: 812.336.8277 Email: brcj@brcj.com

**BRCJ Project No. 3-1604**

REV	DATE	DESCRIPTION	BY	APP'D
1	06/07/22	Issue gas indication per Center Point Energy	MLC	APVD

**Sycamore Land Trust Learning Center**

0811 N. Old St. Rd. 37, Bloomington, IN

SCALE: 1"=20'	CHKD: APVD
DATE: June 7, 2022	APPROVED:
DWN: BY: MLC	
CHKD BY: MLC	AMDG Project #: 2022008

SHEET 1 of 3



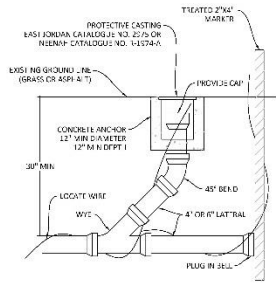




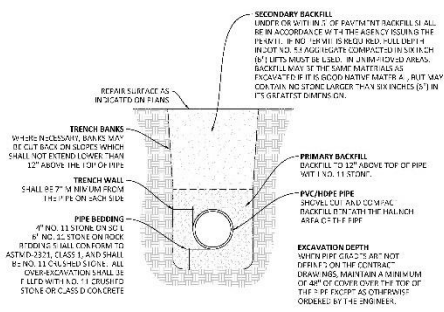




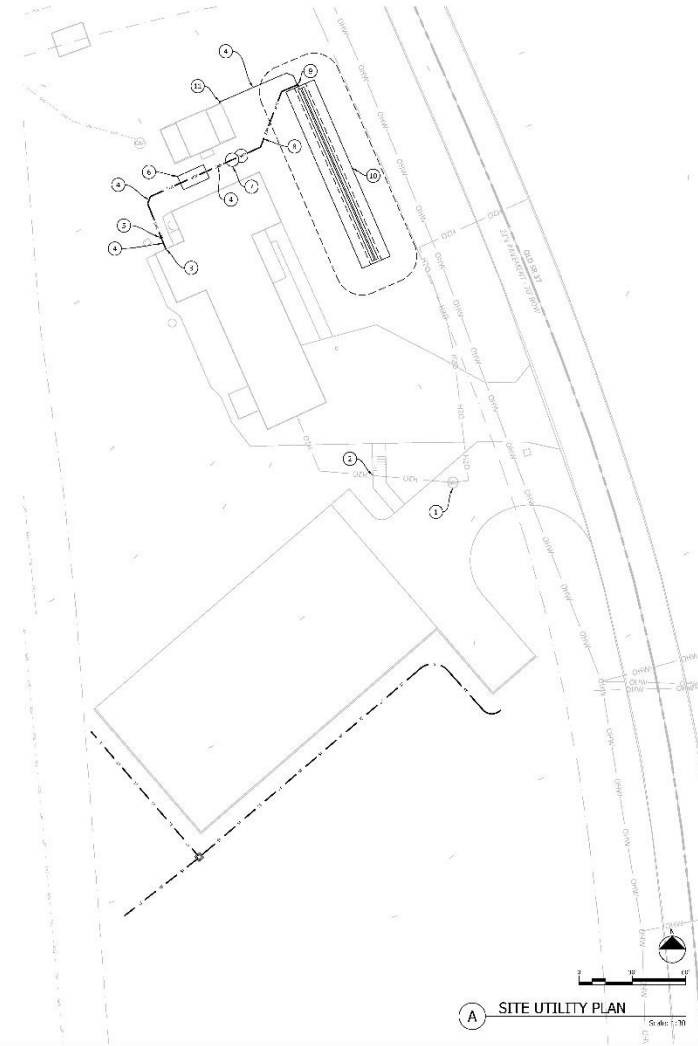
C:\Users\jmc\Documents\Projects\14-001\14-001\_SiteUtility\_Sewer\Drawings\C5.01\_Cleanout.dwg



**(C) CLEANOUT**  
V.T.S.



**(B) PVC/HDPE PIPE INSTALL**  
CUL. STANDARD DETAIL NO. 11  
V.T.S.



**(A) SITE UTILITY PLAN**  
V.T.S.

**GENERAL NOTES:**

1. CONTRACTOR IS REQUIRED TO VERIFY FIELD CONDITIONS AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO BEGINNING WORK.
2. ALL STREET CUTS FOR APPROVED EVENTS SHALL BE REPAIRED TO MATCH EXISTING PAVEMENT SECTION OR BETTER.
3. ALL WASTE LINES SHALL HAVE A MINIMUM 48" COVER.
4. ALL WASTE LINES SHALL HAVE A MINIMUM 10' HORIZONTAL SEPARATION AND A MINIMUM 18" VERTICAL SEPARATION FROM ALL STRUCTURES AND UTILITIES.
5. ALL SANITARY LINES SHALL HAVE A MINIMUM 48" COVER.
6. CONTRACTOR SHALL NOTIFY THE OWNER/UTILITY COMPANY AND THE PUBLIC WORKS DEPARTMENT PRIOR TO CONSTRUCTION OF ANY WATER, SEWER, OR SANITARY SEWER UTILITY WORK.
7. ALL 18" & 24" SANITARY WORK SHALL COMPLY WITH THE GREAT LAKES UPPER MISSISSIPPI RIVER BOARD (GLURB) STANDARDS.

**PLAN NOTES:**

1. INSTALL UNPAVED WATER MAINS 48" MIN. AND COVER. ADJUST BENCH MARK THAT TOP OF COVER IS FULFILLED WITH SUBGRADE FOR SLOPE TO EXISTING SURFACE GRADE.
2. LOWER WATER USE AS NECESSARY TO INSTALL SEWER MAINS.
3. CONNECT ALL SANITARY LINE AT EXISTING CONNECTION TO SUBGRADE. CAP AND PARALLEL BY 1" TO 2" BENCH MARK AT MINIMUM 5' FROM BENCH MARK.
4. GRAVEY SEWER LINE 4" AS MIN. 300-400 SUR 25 PVC PIPE AND FITTINGS - REFER TO PROFILE ON C5.01.
5. SINK TRAP CLEANOUT - REFER TO DETAIL C5.01.
6. SINK TRAP MAIN 18" 1000 BY INVERTOR - REFER TO DETAIL A5.02.
7. BARRIAGE PACKAGE 2' FT STATION - REFER TO DETAIL C5.02.
8. PRESSURE SEWER LINE 24" AS MIN. 24" 400 SUR 21 PVC - REFER TO PROFILE ON C5.01.
9. DISTRIBUTION FROM PVD FOR 24" SOLICITE WITH CONTR. INSTALL 24" 24" 24" BARRIER ON QUALITY. INSTALL ALONG JAWLINE ON QUALITY.
10. PRESSURE PIPE 18" 1000 - REFER TO C5.01 FOR DETAILS.
11. REMOVE HIGH VOLT - REFER TO C5.01 FOR DETAILS.

**UTILITY CONTACTS:**

**ELLETTSVILLE UTILITIES**  
815 876-7357

**DUKE ENERGY**  
800-774-3046

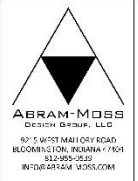
**VECTREN**  
800-990-5380

**SMITHVILLE**  
312-876-2111

**EASTERN RICHLAND SEWER CORPORATION**  
388-058-9327

**LEGEND:**

- EXISTING OVERHEAD ELECTRIC/COMMUNICATION LINE
- EXISTING WATER GAS LINE
- EXISTING WASTE LINE
- EXISTING WATER METER
- PROPOSED SANITARY LINE



**CARL ZIEGLER WETLANDS & EDUCATION CENTER**  
6511 NORTH OLD STATE ROAD 37  
BLOOMINGTON, INDIANA  
47403-2020

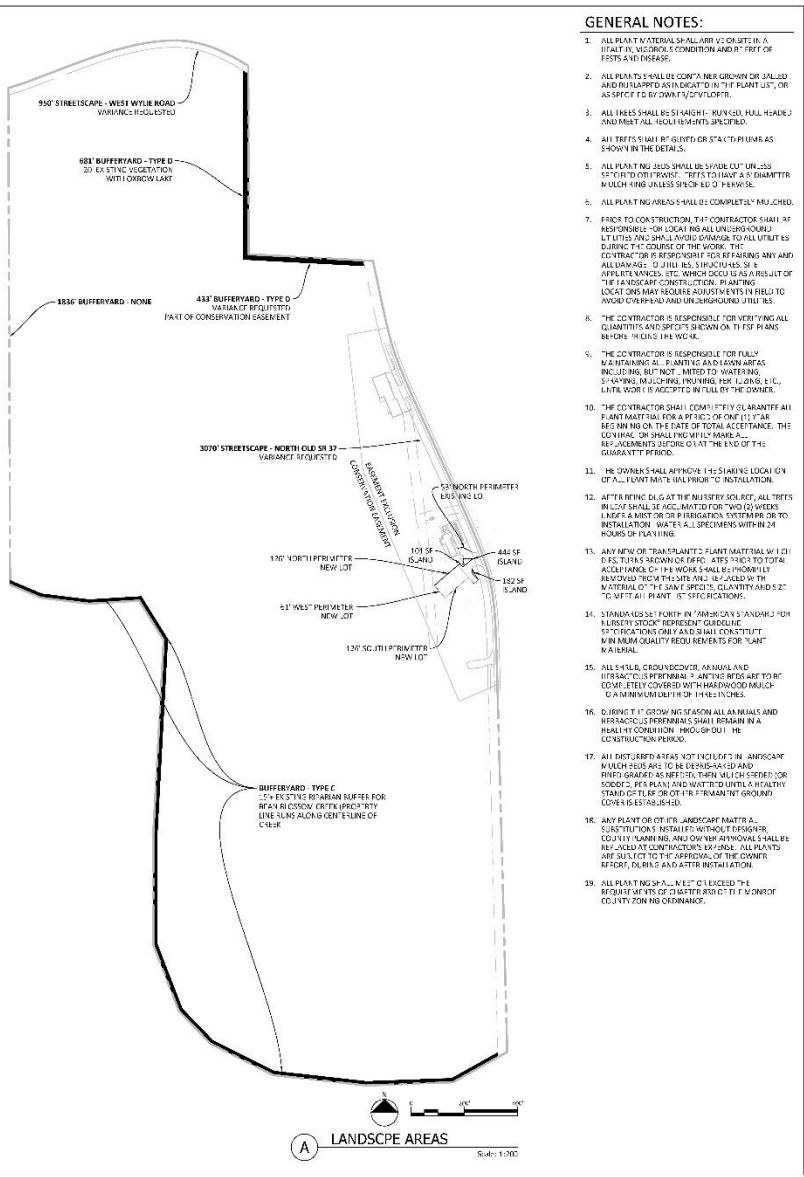


REVISIONS:

PLANNING: J. MOSS  
DESIGN: C. MOSS  
CHECKED: C. MOSS  
REVIEWED BY: C. MOSS

DRAWING TITLE:  
**SITE UTILITY PLAN**

DRAWING NO.:  
**C5.01**





**ABRAM MOSS**  
DESIGN + BUILD, LLC  
401 S. WEST MAIN ROAD  
BLOOMINGTON, INDIANA 47401  
812-955-0289  
INFO@ABRAMMOSS.COM

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**CARL ZIEGLER WETLANDS & EDUCATION CENTER**

6511 NORTH STATE ROAD 37  
BLOOMINGTON, INDIANA  
47408-3026

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11-00014  
11/10/07  
12/07/2023  
*Chad J. Hays*

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REVISIONS:

---

PLANNING SET: 100% CDS  
DESIGN SET: 100% CDS  
DESIGNED BY: C. MOSS  
DESIGNED BY: C. MOSS  
REVIEWED BY: C. MOSS

---

DRAWING TITLE:  
**LANDSCAPING PLAN**

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DRAWING NO.:  
**C6.01**



**CARL ZIEGLER WETLANDS & EDUCATION CENTER**  
 651 E. NORTH OLD STATE ROAD 37  
 BLOOMINGTON, INDIANA  
 ANDWG-2022-006

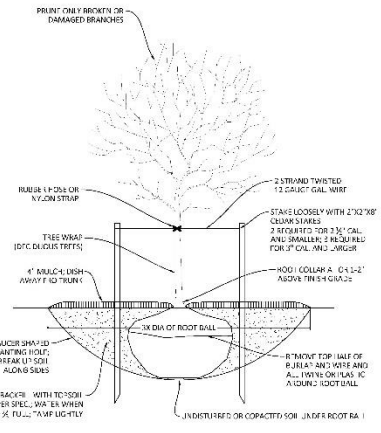


REVISIONS:

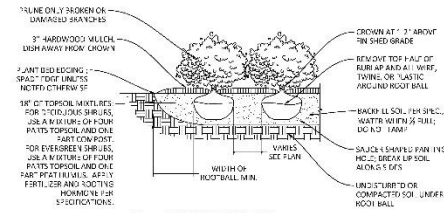
PLAN SET: 100% CDS  
 ISSUE DATE: 12/29/2023  
 DESIGN BY: C. MOSS  
 PREPARED BY: C. MOSS  
 REVIEWED BY: C. MOSS

DRAWING TITLE:  
**LANDSCAPING SCHEDULE & DETAILS**

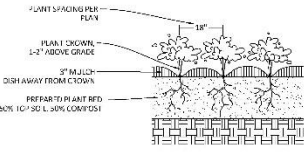
DRAWING NO:  
**C6.11**



**D TREE PLANTING** N.T.S.



**C SHRUB PLANTING** N.T.S.



**B PERENNIAL PLANTING** N.T.S.

	BOTANICAL NAME	COMMON NAME	CODE	QTY	SIZE
TREES	Juniperus virginiana	Eastern Redcedar	JV	2	2\" Gal.
	Acer rubrum	Red Maple	AL	3	7\" Gal.
	Sierbia fraxinifolia	Honeylocust	ST	3	2\" Gal.
	Sassafras	Sassafras	SP	2	2\" Gal.
	Ilex opaca	American Holly	ID	2	7\" Gal.
	Betula nigra	River Birch	BA	2	2\" Gal.
SHRUBS	Larix laricina	Tulip Tree	LT	2	2\" Gal.
	Hamamelis virginica	Witch Hazel	HW	1	7\" Gal.
	Cornus sericea	Red-bay Dogwood	CS	5	3 Gal.
	Ilex verticillata	Winter Sweet	VS	5	2 Gal.
	Opulula fraxinifolia	Suffernut	CO	2	3 Gal.
	Cornus amomum	Sweet Dogwood	CA	5	3 Gal.
GRASSES & PERENNIALS	Saripa arifolia	Black Swallowtail	SA	3	3 Gal.
	Juniperus squarrosa 'Le Star'	Blue Star Juniper	JS	20	3 Gal.
	Physocarpus opulifolius	Ninebark	NJ	20	3 Gal.
	Sambucus racemosa	Redberry	SC	20	3 Gal.
	Lilium michiganense	Michigan Lily	PF	20	Plug
	Lilium aspera	Red Star Lily	LA	20	Plug
	Asplenium platyneuron	Whitefoot Fern	AV	21	Plug
	Bambusa multiplex	Big Bamboo	BA	21	Plug
	Polka Dot Plant	Polka Dot Plant	AP	21	Plug
	Tridax asarifolia	China Spokenwort	TO	133	Plug
Phlox paniculata	Blue Phlox	IV	133	Plug	
Coreopsis grandiflora	French Scaevola	CF	133	Plug	
Coreopsis grandiflora	Grand Flower	LC	133	Plug	
Carex scopulina	Large-Flowered Sedge	LE	133	Plug	

**A PLANTING SCHEDULE** N.T.S.

C:\Users\jcmoss\OneDrive\Documents\Projects\14-01\14-01 Landscaping Schedule\Drawings\C6.11.DWG

**EXHIBIT 3: 2021 Use Determination (USE-21-83)**

12/21/23, 2:24 PM

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**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/department/?structureid=13>

**USE DETERMINATION**

NOTE: Any expansion or change from the description provided to staff using this form may change the use determination

**\*\*\*THIS IS NOT A PERMIT\*\*\***

<b>Use Determination:</b>	Agritourism / Agritainment
<b>Zoning of the Property:</b>	AG/RR
<b>Current Use of the Property:</b>	Single Family Dwelling / Agriculture
<b>Owner Name:</b>	DRUMMOND, WILLIAMS DALLAS &
<b>Considered a Change of Use:</b>	Yes
<b>Ordinance Reference:</b>	Chapter 802
<b>Township and Section:</b>	Bloomington // 2 & 3
<b>Zoning/ Floodplain:</b>	AG/RR / Floodway
<b>ECO:</b>	N/A
<b>Property Setbacks:</b>	
<b>Address / Parcel #:</b>	6511 N Old State Road 37 Bloomington IN 47408-9741 / 53-05-02-200-005.000-004
<b>Constraints/Notes:</b>	<p><b>USE-21-83</b></p> <p>Owner Name: Drummond, Williams Dallas &amp; Karin V                  Owner Address: 6511 N Old State Road 37 Bloomington, In 47408                  Parcel Number: 53-05-02-200-005.000-004                  Alt Parcel Number:012-16070-00                  Property Address: 6511 N Old State Road 37, Bloomington, In 47408-9741                  Property Class: Cash Grain/general Farm                  Neighborhood: N Old State Road 37 - Bt - A, 53004013-004                  Legal Description: 012-16070-00 PT W1/2 2-9-1W 28.58A; PLAT 40</p> <p><b>Zoning: Agricultural/ Rural Reserve (AG/RR)</b></p> <p><b>Applicant:</b>                  John Lawrence, Sycamore Land Trust                  Email Address: <a href="mailto:john@sycamorelandtrust.org">john@sycamorelandtrust.org</a>                  Phone Number: 812-606-0967                  Address: Sycamore Land Trust PO Box 7801, Bloomington, IN 47407-7801</p> <p><b>Proposed Use:</b>                  Sycamore Land Trust seeks to use an existing single-family home for small group education about conservation practices in an agricultural setting. Sycamore is a 501(c)3 nonprofit, based in Monroe County, which conserves land and educates the public about nature and conservation. Sycamore has a purchase agreement, subject to several conditions, to purchase 113 acres from Dallas and Karin Drummond, where this use would occur. The existing structure to be used is on parcel 53-05-02-200-005.000-004, and the adjoining land also being purchased are parcels 53-05-03-100-004.000-004 and 53-02-34-400-008.000-017.</p> <p>Almost all of the 113-acre property is in the floodplain of Beanblossom Creek, and has been a working farm cultivated for corn and soybean production. A portion of the floodplain includes a created wetland area that was built by the Drummonds with funding and technical support from the U.S. Department of Agriculture's Natural Resources Conservation Service (UDA - NRCS) and the Indiana Department of Natural Resources (DNR). The wetland has water control structures that allow it to be drained, and it has been drained in past summers to allow farm use. The property also includes a single-family home, currently vacant, that overlooks the adjacent farm field.</p> <p>The existing house presents a unique opportunity for Sycamore to use as an educational space to inform the public about wetland restoration, reforestation and forest management, and other conservation practices that support forest health and soil conservation in an agricultural setting. In addition to maintaining the existing created wetland area, Sycamore intends to restore the remainder of the current agricultural areas through additional wetland restoration, tree plantings for reforestation, invasive plant</p>

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control for forest health, and native wildflower plantings for pollinators, all of which will support soil conservation in the Beanblossom Creek floodplain. Educational programs would be provided by appointment with Sycamore's Education Director to small groups, mostly on weekdays between 8am and 5pm and occasionally on weekends or early evenings. Potential partner organizations to provide public education with Sycamore include the USDA - NRCS, the Monroe County Soil and Water Conservation District, Monroe County - Identify and Reduce Invasive Species (MC-IRIS), and the Indiana DNR's Division of Forestry.

The Monroe County Zoning Ordinance defines "Agritourism" (Chapter 809, page 10) as "Farming-related activities offered on a working farm or other agricultural setting for entertainment or educational purposes." The ordinance's definition of "Agricultural Uses, Non-Animal Related" (Chapter 809, page 9) includes "lands devoted to soil conservation and forestry management." Sycamore's use would be educating about soil conservation and forestry management in an agricultural setting.

**Use Determination**

The Monroe County Zoning Ordinance defines **Agritourism /Agritainment** as follows:

**Agritourism /Agritainment** Farming-related activities offered on a working farm or other agricultural setting for entertainment or educational purposes. Chapter 802/Page 10

**Agritourism /Agritainment** is a permitted use in the AG/RR zone subject to the following condition:

53. Only permitted on lots 5 acres or greater in the AG/RR, CR, and FR zoning districts.

**Determination: Proposed use permitted subject to site plan approval.**

**Note:**

1. Most of real estate is in floodway.
2. Conversion of residence to visitor center may require State and local building permits.

<b>Reviewed by:</b>	Tammy Behrman
<b>Any determination is subject to an appeal per Chapter 821:</b>	<a href="https://www.co.monroe.in.us/egov/documents/59990883_fa90_b436_69cd_a52adf7a9902.pdf">https://www.co.monroe.in.us/egov/documents/59990883_fa90_b436_69cd_a52adf7a9902.pdf</a>

# USE-21-83

This is an e-permit. To learn more, scan this barcode or visit [monroecountyin.viewpointcloud.com/#/records/6360](http://monroecountyin.viewpointcloud.com/#/records/6360)

**EXHIBIT 4: 2023 Pre-Design (PRE-241)**

12/21/23, 2:18 PM

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**Monroe County Planning Department**  
 501 N Morton Street, Suite 224  
 Bloomington, IN 47404  
 812-349-2560

Pre-filing #: PRE-241

**Monroe County Pre-Filing Conference**

\*\*\*Note this is not a permit\*\*\*

<b>Property Address:</b>	6511 N Old State Road 37, Bloomington, 47408-9741, IN
<b>Property Owner:</b>	Sycamore Land Trust, Inc
<b>Representative Name:</b>	Chelsea Moss
<b>Contact Info:</b>	cmoss@abram-moss.com /
<b>Date:</b>	November 15, 2022
<b>Planner:</b>	Shawn Smith
<b>Township and Section:</b>	Bloomington // 02
<b>Subdivision:</b>	
<b>Lot:</b>	
<b>Zoning:</b>	AG/RR
<b>Parcel #:</b>	53-05-02-200-005.000-004
<b>Type of Petition or Request/Proposed Use:</b>	Commercial Site Plan

<b>Checklists Provided:</b>		<b>Historic Preservation Overlay:</b>	No
<b>Setbacks:</b>	Front 35' from Right of Way and 50' if no direct frontage; Side/Rear 50' for non-residential	<b>Riparian Areas:</b>	Yes
<b>Floodplain:</b>	Yes AE Floodway	<b>New Address Needed:</b>	No
<b>Wetlands:</b>	Yes	<b>Rule 5 Required:</b>	No
<b>ECO Area:</b>	No	<b>Driveway Permit Required:</b>	Yes
<b>Concern about Slopes:</b>	No	<b>Right-of-way Dedication Required:</b>	No
<b>Karst/SCAs Required:</b>	No	<b>Septic Permits Required:</b>	Yes
<b>Easements Impact Buildable Area:</b>	No	<b>Sewer Access:</b>	No
<b>Business Industrial Overlay:</b>	No	<b>Need for Variances or Waivers:</b>	Yes
<b>Sidewalks Triggered:</b>	No	<b>Waivers or Variance Description:</b>	Likely design standard variance for streetscape landscaping.
<b>Street Trees Triggered:</b>	No	<b>Comp. Plan Designation:</b>	Farm and Forest
<b>Road Improvements Triggered:</b>	No		

**Notes:** Updates from 11/22/2022 Discussion via Zoom:  
 - Can submit a site plan for review and request design standard variances prior to the issuance of an approved septic at the owner's risk. The site plan cannot be approved without proof of septic.  
 - Discussed design standards variances for much of the landscaping requirements and possibly some parking standards  
 - Submit a specification for permeable paver design to determine if Planning staff would consider it compliant under Chapter 806  
 - Check with MS4 Coordinator regarding permeable pavers and bioretention requirements.  
 - Discussed Geothermal- any encroachment into the Special Flood Hazard Area would require a Flood Development Permit and possibly DNR permits

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- Discussed Solar options: If roof mounted panel then an ILP Waiver would be issued as long as the structures height is not significantly elevated. If the solar panel is free standing it must meet setbacks and buildable area requirements which may trigger a design standard variance for buildable area (floodplain)
- Discussed the need for a buildable area variance as it pertains to the construction of a parking lot.

#### COMMERCIAL SITE PLAN

- Deed shows right of way dedicated. W Wylie Rd is 25' from centerline and N old State Road 37 is a 35' row dedication from centerline
- W. Wylie Road is local (25' front setback)
- N Old State road 37 is a Minor Collector (35' front setback)
- Commercial driveway permit required
- Review of septic system; commercial standards may apply. Site for septic must be shown on the plan set.
- Capacity letters for electric / water
- Delineate Base Flood Elevation as issued by DNR

#### PARKING STANDARDS - Chapter 806

- No parking standard matches up to your proposed use. The Director will therefore allow you to state the appropriate parking standard or number of spaces that can safely accommodate your site. Careful consideration should be made with regards to bus parking and turnarounds.
- All parking must comply with Chapter 806 standards (aisles, paving, dimensions and setbacks)
- Should parking be within the Floodplain then additional floodplain permits might be required unless evidence can be provided that the map is in error.

#### LANDSCAPING - Chapter 830

- Agritourism Use is a High Intensity Use in Chapter 802
- Bufferyards the northeast corner adjacent to residential lot would require a Type D bufferyard (approx 315 linear feet). (Res to High)
- Bufferyards adjacent to Cultural Center requires a Type C buffer. Likely existing vegetation will suffice. (Low to High)
- Bufferyard along Naylor Farm not required (High to High)
- The parking lot would require interior and perimeter landscaping.
- Bioretention may be required and is dependent on size. This site is not in a critical watershed.
- Streetscape Landscape is required along all road frontage. This alone may warrant a design standards variance.

\* Design Standard Variance requests can be requested from the Board of Zoning Appeals and may be applicable for some of your landscaping requirements especially when considering the restoration work that will likely occur here. With regards to variances, once your site plan has been fully reviewed staff can assist with identifying what variance request(s) would be needed.

#### Additional Information:

This information is meant to provide general assistance for filing a petitioning with the Plan Commission. **Feedback provided on/with this form is based on information presented at the time and does not constitute approval of any kind. The pre-filing conference is intended only for the above purposes; neither the developer nor the jurisdiction is bound by any decision made during a pre-application conference.** Petitioners are strongly encouraged to consult the Monroe County Zoning Ordinance, Monroe County Subdivision Control and the Comprehensive Plan where appropriate.

For Proposed Subdivisions, Predesign Conference Requirements, Purposes, Objectives and Procedures can be found in Monroe County Subdivision Control Chapter 854-4 and 854-5.

For Proposed Subdivisions, Pre-Application Conference Requirements can be found in Monroe County Zoning Ordinance Chapter 826-3.

For Proposed Plan Unit Developments, Predesign Conference Purpose and Requirements can be found in Monroe County Zoning Ordinance Chapter 811-4 and 811-5.

#### Per the Zoning Ordinance:

Staff must conduct a site visit as part of the evaluation of the petition. Site visits may be conducted at a reasonable time and without prior notification to the property owner. Plan Commission and other board members who are participating in the evaluation of the petition may also conduct site visits at a reasonable time and without prior notification to the property owner.

You may be required to consult the following County departments and resources:

Building Department	(812) 349-2580
Highway Department	(812) 349-2555
Health Department	(812) 349-2543
Recorder's Office	(812) 349-2520
Monroe County Website	<a href="https://www.co.monroe.in.us/">https://www.co.monroe.in.us/</a>

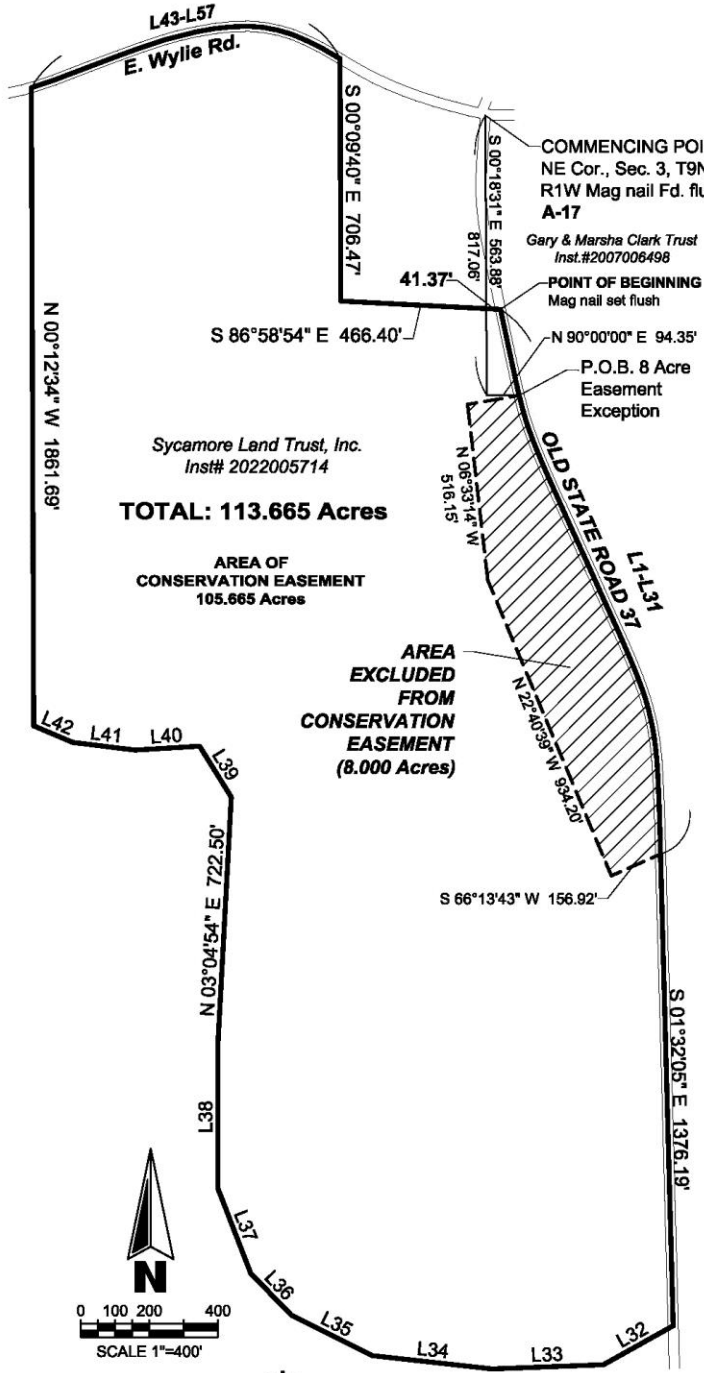




**LINE TABLE DETAIL**

A part of Sec. 3 and a part of Sec. 2, all in Township 9 North, Range 1 West, also a part of Sec. 34 Township 10 North, Range 1 West, Bloomington Township, Monroe Co., Indiana  
Project No. 3-1498

Client: Sycamore Land Trust Owner: Sycamore Land Trust, Instrument Number 2022005714



LINE	BEARING	DISTANCE
L1	S 12°03'19" E	205.12'
L2	S 12°55'15" E	51.71'
L3	S 14°30'36" E	52.16'
L4	S 17°04'57" E	36.02'
L5	S 19°30'13" E	29.55'
L6	S 21°01'12" E	40.21'
L7	S 22°17'15" E	48.82'
L8	S 23°45'21" E	60.29'
L9	S 24°10'35" E	59.54'
L10	S 24°28'34" E	58.86'
L11	S 24°32'00" E	52.87'
L12	S 24°29'04" E	55.31'
L13	S 24°23'00" E	95.83'
L14	S 24°26'56" E	60.36'
L15	S 24°15'57" E	79.13'
L16	S 23°38'12" E	59.34'
L17	S 22°46'13" E	30.07'
L18	S 22°29'54" E	29.11'
L19	S 21°17'01" E	31.56'
L20	S 20°05'01" E	31.98'
L21	S 17°51'35" E	29.99'
L22	S 15°46'08" E	27.00'
L23	S 13°02'24" E	32.62'
L24	S 10°57'55" E	31.43'
L25	S 08°27'06" E	30.07'
L26	S 06°46'50" E	27.76'
L27	S 05°26'42" E	25.94'
L28	S 03°42'36" E	58.45'
L29	S 02°17'38" E	78.57'
L30	S 01°46'32" E	79.68'
L31	S 01°27'57" E	56.53'
L32	S 60°46'43" W	232.87'
L33	S 87°52'55" W	325.23'
L34	N 83°38'44" W	352.36'
L35	N 63°20'15" W	264.00'
L36	N 44°02'50" W	169.07'
L37	N 21°10'31" W	265.41'
L38	N 00°01'26" E	419.84'
L39	N 31°53'24" W	174.79'
L40	S 86°28'32" W	188.14'
L41	N 82°58'19" W	183.05'
L42	N 67°05'53" W	124.01'
L43	N 71°56'36" E	69.82'
L44	N 68°57'23" E	53.80'
L45	N 69°19'03" E	149.51'
L46	N 70°03'07" E	69.74'
L47	N 71°42'17" E	68.99'
L48	N 75°55'31" E	96.34'
L49	N 79°54'51" E	53.88'
L50	N 83°47'03" E	47.30'
L51	N 87°50'00" E	51.28'
L52	S 85°24'54" E	42.69'
L53	S 79°11'52" E	45.24'
L54	S 73°41'21" E	43.04'
L55	S 66°40'39" E	41.03'
L56	S 64°27'20" E	48.36'
L57	S 59°43'14" E	67.60'

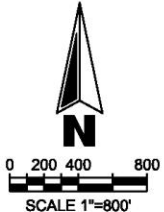
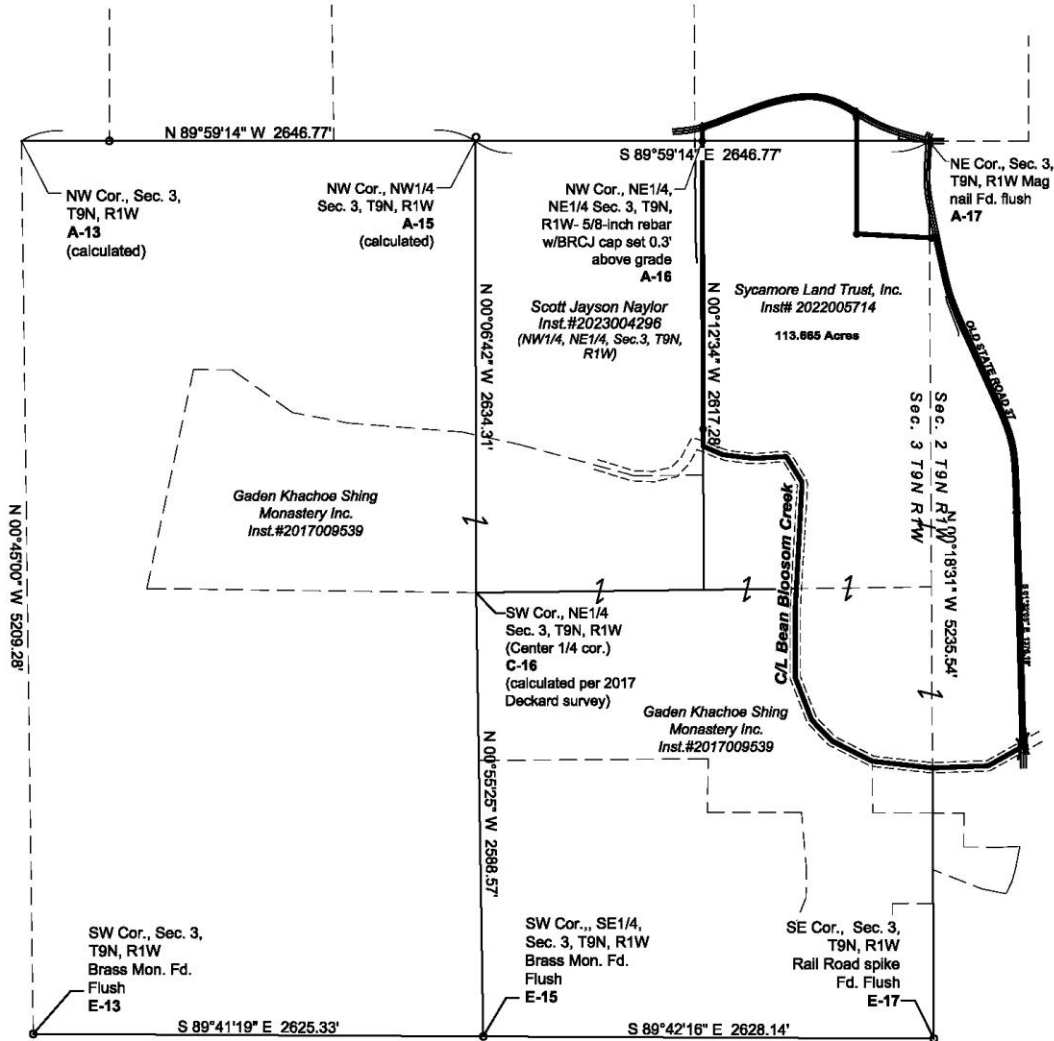
- NOTE:
1. FIELD WORK PERFORMED JULY 2023.
  2. ALL 5/8" REBAR SET HAVE YELLOW CAP STAMPED "BRCJ INC 6892 IN" AND ARE 0.30' ABOVE GROUND UNLESS NOTED.
  3. (R) = RECORDED  
(M) = MEASURED  
(C) = CALCULATED FROM RECORD
  4. BASIS OF BEARINGS: GRID NORTH (NAD83 IN SPC)

**Bledsoe Riggert Cooper James**  
  
**BRCJ**  
 LAND SURVEYING • CIVIL ENGINEERING • GIS  
 1800 West Main Street, Paoli, Indiana 47454  
 Phone: 812-723-2900 Email: mcooper@brjcivil.com

**SECTION DETAIL**

Section 3, Township 9 North, Range 1 West, Monroe Co., Indiana  
 Bloomington Township  
 Project No. 3-1498

Client: Sycamore Land Trust Owner: Sycamore Land Trust, Instrument Number 2022005714



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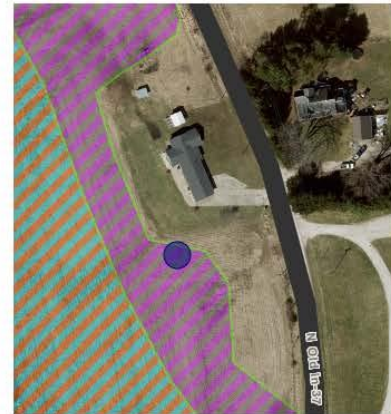
- NOTE:**
1. FIELD WORK PERFORMED AUGUST 2023.
  2. ALL 5/8" REBAR SET HAVE YELLOW CAP STAMPED "BRCJ INC 6892 IN" AND ARE 0.30' ABOVE GROUND UNLESS NOTED.
  3. (R) = RECORDED  
 (M) = MEASURED  
 (C) = CALCULATED FROM RECORD
  4. BASIS OF BEARINGS: GRID NORTH (NAD83 IN SPC)



## Floodplain Analysis & Regulatory Assessment (FARA)



- Point of Interest
  - Base Flood Elevation Point
- VERSION**
- 1.0
- FLD\_ZONE, SOURCE\_DNR, ZONE\_SUBTY**
- FEMA Zone AE Floodway; FEMA Administrative Floodway
  - DNR Approximate Floodway
  - Not Mapped



Long: -86.50001233287192

Lat: 39.24652477039627

**The information provided below is based on the point of interest shown in the map above.**

County: **Monroe**

Approximate Ground Elevation: **603.6 feet (NAVD88)**

Stream Name:

Base Flood Elevation: **595.9 Feet (NAVD88)**

**Beanblossom Creek**

Drainage Area: **Not Available**

Best Available Flood Hazard Zone: **DNR Approximate Floodway**

National Flood Hazard Zone: **Not Mapped**

Is a Flood Control Act permit from the DNR needed for this location? **yes**

Is a local floodplain permit needed for this location? **yes-**

Floodplain Administrator: **Tammy Behrman, Senior Planner**

Community Jurisdiction: **Monroe County, County proper**

Phone: **(812) 349-2560**

Email: **tbehrman@co.monroe.in.us**

US Army Corps of Engineers District: **Louisville**

Date Generated: 12/14/2023

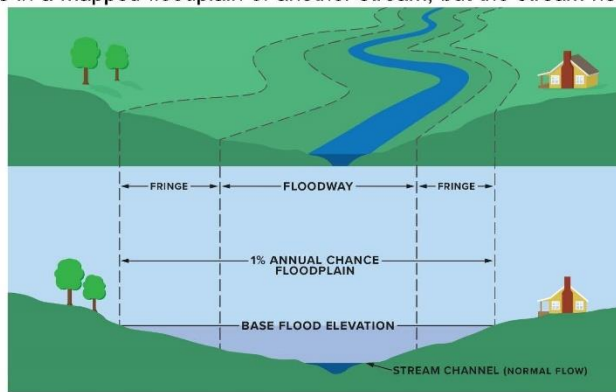
**About the Floodplain Analysis and Regulatory Assessment (FARA):**

All streams have a floodplain, whether mapped or not. This FARA, and the information provided herein, is designed for sites along streams with a mapped floodplain that delineates the floodway portion of the floodplain; see the image below for a visual guide to the floodplain, floodway, and flood fringe. The information in this document was determined using an automated mapping tool. The DNR has high confidence in the tool, but there are scenarios where the floodplain information provided requires additional review from the DNR.

All streams in DNR jurisdiction (streams that have a drainage area one square mile or greater) are shown by a blue line on the map on page 1. However, a floodplain/floodway may or may not be mapped for every stream. In any of the following scenarios, or if you have more detailed floodplain information, use the link at the bottom of this page to request a staff review of the site. Please note that staff review may take several weeks to complete.

Scenarios that require additional DNR review:

- The base flood elevation on page 1 is not available
- The tool selects the nearest flood elevation point for a stream outside the floodplain associated with the point of interest
- There is not a delineated floodway for the stream nearest your point of interest
- The point of interest is along a stream without a mapped floodplain
- The point of interest is in a mapped floodplain of another stream, but the stream nearest the point of interest does not



If DNR review is required, do not use this FARA for your site's determination.

If you have questions about DNR permitting requirements, you can contact DNR, Division of Water toll-free at 1-877-928-3755 and select option 1 to speak to a Technical Services staff member. You can also write to the division at [water\\_inquiry@dnr.IN.gov](mailto:water_inquiry@dnr.IN.gov) or use the Indiana Waterways Inquiry Request tool at [waterways.IN.gov](http://waterways.IN.gov) to submit a permitting determination request to both DNR and the Indiana Department of Environmental Management at once.

We recommend keeping a copy of this FARA for your records as the DNR will not have a copy on file.

LINK:

[https://survey123.arcgis.com/share/3293526dfdca453e95c19b08fb7bdcfb?FIELD%3ALAT1=39.24652477039627&FIELD%3ALON1=-86.50001233287192&FIELD%3ADNR\\_PERMIT=yes&FIELD%3ALOCAL\\_PERMIT=yes-&FIELD%3ASTREAM=BEANBLOSSOM+CREEK&FIELD%3AINIT\\_DATE=12%2F14%2F2023&FIELD%3ABFE=595.8754142](https://survey123.arcgis.com/share/3293526dfdca453e95c19b08fb7bdcfb?FIELD%3ALAT1=39.24652477039627&FIELD%3ALON1=-86.50001233287192&FIELD%3ADNR_PERMIT=yes&FIELD%3ALOCAL_PERMIT=yes-&FIELD%3ASTREAM=BEANBLOSSOM+CREEK&FIELD%3AINIT_DATE=12%2F14%2F2023&FIELD%3ABFE=595.8754142)

**If the link above does not work, copy and paste the blue text into a web browser to open the survey you will fill out and submit. If this does not work then send a copy of this FARA to [infipinquiry@dnr.IN.gov](mailto:infipinquiry@dnr.IN.gov) and describe the reason you are requesting a staff review. Include your name and contact information so that staff can follow-up with you.**

**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*