

MONROE COUNTY BOARD OF ZONING APPEALS



**Wednesday, February 7, 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: February 7, 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

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

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

CALL TO ORDER

ROLL CALL

INTRODUCTION OF EVIDENCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES: None.

ADMINISTRATIVE BUSINESS:

1. Election of Chair and Vice Chairperson
2. Proposed Changes to the BZA Rules of Procedure regarding Amended Petitions PAGE 5

OLD BUSINESS: None.

NEW BUSINESS:

1. CDU-24-1 Bland Bed and Breakfast Conditional Use to Chapter 813 PAGE 12

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

2. VAR-23-47a Hoover Design Standards Variance to Condition #48a to Chapter 802

3. VAR-23-47b Hoover Design standards Variance to Condition #48b to Chapter 802

4. VAR-23-47c Hoover Minimum Lot Size Variance to Chapter 804

5. VAR-23-47d Hoover Side Yard Setback Variance to Chapter 804

6. VAR-23-47e Hoover Front Yard Setback Variance to Chapter 804

One (1) 4.25 +/- acre parcel in Salt Creek Township, Section 27 at

9480 E Gilmore Ridge RD, parcel # 53-07-27-100-002.000-014

Owner: Hoover, Holly

Zoned FR, ECO 1. Contact: dmyers@co.monroe.in.us

*****CONTINUED BY PETITIONER*****

7. VAR-23-48 Killion Minimum Lot Width Variance to Chapter 804 PAGE 26

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

8. VAR-23-50a **May Minimum Lot Size Variance to Chapter 804** **PAGE 35**

9. VAR-23-50b **May ECO Area 2 (Buildable Area) Variance to Chapter 825**

Two (2) 3.34 +/- acre parcels in Clear Creek Township, Section 36 at 5251 E Prince RD, parcel #53-11-36-400-007.000-006.

Owner(s): Laci Lyn May, Thomas E May
Zoned FR, ECO 1 & 2. Contact: acrecelius@co.monroe.in.us

10. VAR-24-1 **LaRoche Front Yard Setback to Chapter 804** **PAGE 44**

One (1) 9.58 +/- acre parcel in Bloomington Township, Section 31 at 6893 N Maple Grove RD, parcel #53-02-31-300-008.000-004.

Owner(s): LaRoche, Ross and Sharon
Zoned AG/RR. Contact: shawnsmith@co.monroe.in.us

11. VAR-24-2 **All Saints Orthodox Christian Church Buildable Area Variance to Chapter 804** **PAGE 51**

Three (3) 23.83 +/- acre parcels in Perry Township, Section 33 at 6004 & 5900 S Fairfax RD, parcel #53-08-33-100-008.000-008, 53-08-33-100-013.000-008, 53-08-33-100-015.000-008.

Owner(s): All Saints Orthodox Christian Church Inc.
Zoned AG/RR. Contact: acrecelius@co.monroe.in.us

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

Written comments regarding agenda items may only be submitted by email until normal public meetings resume. Please submit correspondence to the Board of Zoning Appeals at: PlanningOffice@co.monroe.in.us no later than February 7, 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, 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

Rules of Procedure

Article I

Meetings

1. Regular meetings of the Monroe County Board of Zoning Appeals (Board) shall be held on the first Wednesday of each month at 5:30 p.m. in Courthouse Meeting Room 315 unless otherwise noted.
2. Special meetings may be held upon call of the ~~Chairman~~Chairperson, or on written request by two members, or as determined at a regular meeting. All members shall be notified of the time a place of a special meeting.
3. A majority of the members of the Board (3) shall constitute a quorum. No action, however, is official unless authorized by a majority of the members of the Board (3) at a regular or properly called special meeting.
4. All meetings of the Board, except duly called executive meetings, shall be open to the public.
5. The Board shall keep minutes of its proceedings, showing the vote, absence of a vote or failure to vote of each member on every question. The Board shall keep records of all other official action. All minutes and records shall be filed in the office of the Board and shall be a public record.

No member of the Board shall participate in the hearing or decision upon any matter in which (s)he is directly or indirectly interested in a financial sense. In the event of such disqualification, such fact shall be entered on the records.

6. Order of business:

- ~~A.~~ a. Call to Order
 1. Roll Call
 2. Introduction of Evidence
 3. Approval of Agenda
 4. Approval of Minutes
- B. Administrative Business
- C. Old Business
- D. New Business
 1. Petitions
 2. Appeals

~~Adopted & Amended:~~ Drafted 1/8/2024 2/1/2023

- E. Staff Reports
- F. Adjournment

7. No person may communicate with any member of the Board before a hearing with intent to influence the member's action on a matter pending before the board.

Article II

Officers and Employees

1. The Board shall, at its first or second regular meeting in each year, elect from its members a ~~Chairman~~Chairperson and Vice ~~Chairman~~Chairperson. The Vice ~~Chairman~~Chairperson shall serve in the absence or disability of the ~~Chairman~~Chairperson. A temporary ~~Chairman~~Chairperson shall be elected in the absence of both the ~~Chairman~~Chairperson and Vice ~~Chairman~~Chairperson. Should there be a lack of consensus of vote at the first regular meeting, the ~~Chairman~~Chairperson and Vice ~~Chairman~~Chairperson elected in the prior year shall continue to serve in their capacity until re-appointed or replaced.

2. The Board may appoint and prescribe the duties of a Secretary or such employees as are necessary for the discharge of its duties. The Secretary shall be considered the Office Manager for the Planning Department.

Article III

Appeals

1. The Board shall hear and determine appeals from and review any order, requirement, decision or determination made by:
- a. an administrative official, hearing officer, or staff member under the Zoning Ordinance;
 - b. an administrative board or other body, except for the Monroe County Plan Commission (Plan Commission), in relation to the enforcement of the Zoning Ordinance;

~~Adopted & Amended:~~Drafted 1/8/2024 2/1/2023

c. an administrative board or other body, except for the Plan Commission, in relation to the enforcement of the requirement to obtain an improvement location or occupancy permit.

~~2.~~ 2. The appeal shall be filed with the Board within 30 days of the date of issuance of the order, requirement, decision, or determination. However, because of other administrative deadlines, this does not guarantee that the case will be heard at the next regular Board meeting. The appeal shall be prepared on the form provided therefore and shall specify the grounds thereof in such a manner that the Board may be fully informed of all facts and elements involved, including a clear statement of the reasons why the appellant deems the appeal to be justified.

~~3.~~ 3. The Board will be provided with the complete record, including plans and drawings, leading to the decision from which an appeal is being sought.

~~4.~~ 4. The Board may authorize its Secretary to set a hearing date, to advertise, and to place upon the agenda said petition for the next regular or special meeting.

~~5.~~ 5. Any communication purporting to be an appeal or petition shall be regarded as a mere notice of intention to seek relief and shall be of no force or effect until it is made in the form required.

~~6.~~ 6. When an appeal from a decision is filed, proceedings and work on the premises affected shall be stayed unless the official of board certifies to the Board that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In that case, proceedings or work may not be stayed except by a restraining order.

Article IV

Hearings

1. Subject to the provisions of IC 36-7-4-920, public hearings shall be held on exceptions, variances, uses and all appeals as noted above in Article III, (1), and as further required by the Zoning Ordinance.
2. In all appeals and petitions to the Board, a legal notice of public hearing shall be prepared by the Board and advertised by the petitioner, in a newspaper of general circulation in the County not less than ~~105~~ days prior to the date of the hearing. The Appellant or Petitioner shall assume the cost of said notice and shall submit proof of publication prior to the established deadline for hearing applications.
3. The Appellant or Petitioner shall also serve notice of the hearing by certified mail to owners of property abutting and directly across the roadway to the property in question. This notice shall be mailed not less than ~~20-10~~ days prior to the date of the Plan Commission meeting, if for a petition, and not less than ~~20-10~~ days prior to the Board meeting, if for an appeal. This notice

~~Adopted & Amended:~~ Drafted 1/8/2024 2/1/2023

will advise the location and nature of the subject appealed or petitioned and the date, place and time of the public hearing.

~~The Appellant or Petitioner shall provide the Board with a complete list of the above-mentioned adjacent property owners, together with their last known address and proof of service of notice. The Appellant or Petitioner shall provide the Board with a complete list of the above mentioned adjacent property owners, together with their last known address and proof of service of notice.~~

Article V

Conduct of Hearings

1. ~~1.~~ The procedure for a public hearing on an appeal or petition before the Board is as follows:

a. ~~The~~ ~~Chairman~~ Chairperson will introduce each case, and will read or have read the initial staff report. People speaking for each case will be encouraged to step up to the podium and give their name, address and comments for the record. The time limit for individual responses is three (3) minutes unless the ~~During the introduction, the Chairman~~ Chairperson may motions to change these ~~time limit,s for individual responses.~~

b. The Appellant or Petitioner shall first present the facts and arguments in support of the case. Comments and questions from the Board members may be interjected during the presentation for clarification of the subject matter.

c. Comments from organized groups, committees and individuals in support of the merits of the case shall then follow.

d. Comments from those in opposition shall then be heard.

e. The Appellant or Petitioner shall then receive reasonable time for rebuttal.

f. There will be no time for rebuttal to the rebuttal. To maintain orderly procedure, each side should proceed without interruption by the other side.

g. After the public hearing is declared formally closed by the ~~Chairman~~ Chairperson, the Board will consider the petition, at which time staff recommendations can be made.

2. Every person appearing before the Board shall abide by the order and directions of the

~~Adopted & Amended: Drafted 1/8/2024 2/1/2023~~

~~Chairman~~Chairperson. Discourtesy, disorderly or contemptuous conduct shall be regarded as a breach of the privileges of the Board and shall be dealt with as the Board directs.

3. In the presentation of a case, the burden shall be upon the Appellant or Petitioner to supply all information necessary for a clear understanding of the case. The Board may continue the hearing when, in its judgement, sufficient evidence has not been provided on which to make a determination.

Statements to the Board made by the Petitioner at the meeting regarding anticipated methods of operation, siting or other details relevant to the decision shall be binding agreements between the petitioner and Board and shall be reflected in the minutes of that meeting. Drawings, displays or documents presented at the meeting by the Petitioner illustrating such details shall also be binding agreements and shall be entered into the Petitioner's file.

4. The Board, at its discretion, may continue or postpone the hearing of any case on an affirmative vote of a majority of the members present.
5. A request for continuance of a petition must be made by the petitioner seven (7) business days prior to the scheduled Board of Zoning Appeals meeting. Any request for continuance after that 7 day period of time must be approved by the Board of Zoning Appeals at that stated meeting. The criteria for continuance would be that the Board of Zoning Appeals finds just and good cause for continuance.

Article VI

Docket

1. Each case to be publicly heard before the Board shall be filed in proper form with the required data. The case will then be serially numbered and placed on the docket of the Board. The docket numbers shall include the year and shall begin anew on January 1 of each year.
2. When a case receives a docket number, it shall be placed on the hearing agenda. Cases shall come before the Board in regular order or by consecutive numbers unless otherwise ordered by the Board or Coordinator.

3. Petition sites with multiple variances shall be heard together unless a use variance and design standard variance are both requested. Use variances shall be heard prior to consideration of the use's design standards variance. Design standards variances for uses not yet approved by the Board shall be heard at a subsequent meeting, once the decision on the use variance is rendered.

~~Adopted & Amended:~~Drafted 1/8/2024 2/1/2023

Article VII

Powers and Duties

1. The Board shall have the general powers and duties set forth in State law and in the Monroe County Zoning Ordinance, including without limitation, Zoning Ordinance Chapters 808, 812, 813, and 821.
2. With respect to its power to grant variances, the Board shall determine whether a variance application is for a variance of use or for a variance from the development standards of the Zoning Ordinance. For purposes of making such a determination, the Board shall apply the following criteria:
 - a. A “use variance” is a variance permitting a use other than that permitted in a particular district by Zoning Ordinance.
 - b. A “development standards variance” (aka, a design standards variance) is a variance permitting a physical change in the condition of real property that would not otherwise be permitted by the Zoning Ordinance, including without limitation, the design, scope, number, or location of structures or other improvements to real property (e.g., height, bulk, area, density, setbacks, buildable area, etc.).
3. In exercising its powers, the Board may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination being appealed, and, to that end, shall have all the powers of the person or entity from whom the appeal is being sought.

Article VIII

Final Disposition of Cases

1. The final disposition of any appeal before the Board shall be in the form of an order either affirming, reversing or modifying the ~~requirement, order, decision or determination being appealed or affirming the disposition being appealed order and denying the appeal~~. The Board may dismiss an appeal for want of prosecution or for lack of jurisdiction.
- ~~2.3.~~ All decisions of the Board, on matters heard in public hearings shall be made by recorded vote. The vote of each member shall be a matter of permanent record.
3. ~~A~~ case may not be withdrawn by the Petitioner after the vote has been ordered by the ~~Chairman~~ Chairperson.

~~Adopted & Amended:~~ Drafted 1/8/2024 2/1/2023

4. An appeal or petition which has been decided against the petitioner shall not again be placed on the docket for consideration by the Board within a period of 12 months from the date of the decision unless it is requested by the appellant/petitioner and adopted by the unanimous vote of all members present. previously rendered, except upon the motion of a member, and adopted by the unanimous vote of all members present at a regular or special meeting thereof. In determining whether to approve the docketing of the matter, the Board will give consideration to: the extent to which the proposed filing addresses the reasons for Board denial of the prior filing; any changed circumstances relating to the subject property or use; and any subsequent changes to or clarifications of relevant laws. If the Board approves of the docketing of the matter, it shall be subject to the fee provisions for amended petitions.

Article IX

Amendments

1. Amendments to these Rules of Procedure may be made by the Board at any regular meeting upon the affirmative vote of a majority of the members. The suspension of any rule of procedure may be ordered at any meeting by unanimous vote of those present.

Rules of Procedure of the Board of Zoning Appeals of Monroe County, Indiana, approved by the affirmative vote of a majority members of the Board at the regular meeting of the Board held on the ___ day of ____, ____. This approval also repeals any prior Rules of Procedure.

Signed:

Attest:

~~David Landis~~ Margaret Clements, Chairman ~~Chairperson~~
~~Kevin Buchheit~~ Barb Carter, Secretary

~~Adopted & Amended:~~ Drafted 1/8/2024 2/1/2023



**MONROE COUNTY
BOARD OF ZONING APPEALS**
Public Meeting Date: **January 3, 2024**

CASE NUMBER	DETAIL	RECOMMENDED MOTION
CDU-24-1	Conditional Use	Denial

Recommended Motion Conditions or Reasoning:

Staff recommends **Denial** of the conditional use petition for a Bed and Breakfast from Chapter 833 and 813 based on inability to meet the definition of Bed and Breakfast, specifically, an “operator occupied residence”. The site currently contains two residences; staff recommends reviewing the ordinance requirements and re-submitting a site plan that complies with the Bed and Breakfast definition:

*An **operator occupied residence** in which four (4) or fewer guest rooms, and breakfast, are furnished to the public under a short-term lodging agreement.*

Should the applicant comply with the definition of the Bed and Breakfast use (such as connecting the two principal use structures to create one residence) and continue their Conditional Use request, staff would recommend that the Petitioner bring property into compliance with the zoning ordinance through the following three conditions before application of a site plan and a land use certificate, and commencing the use:

1. Acquiring an after-the-fact building permit to allow the 2nd floor garage addition to remain as the primary residence;
2. Applying for a grading permit to remediate the illegal parking area; and
3. Removing the storage of vehicles/equipment on the illegal parking area.

REQUEST:	Conditional Use for Bed and Breakfast	Planner: Shawn Smith
PETITIONER	Robert Bland (Petitioner) 1398 E Rhorer RD LLC (Owner)	
ADDRESS	1398 E Rhorer RD 53-08-21-100-011.000-008	
TOWNSHIP + SECTION	Perry Township, Section 21	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	1.25 acres	
	PETITION SITE	ADJACENT
ZONING	RE1	RE1, PUD (Bridlewood), City Zoning (R2)
Comprehensive Plan	MCUA Mixed Residential	MCUA Mixed Residential
USE	Residential/Vacant	Residential/Childcare Home
EXHIBITS		

1. Staff Site Plan
2. Location Map
3. Site Conditions Map
4. Site Photos
5. Petitioner Letter
6. Owner Consent Letter
7. Petitioner Site Plan

SUMMARY

The petitioner is requesting a Conditional Use for a “Bed & Breakfast” use located in the Single Family Residential 1 (RE1) zoning district. Chapter 833 and 813 of the Zoning Ordinance state that the “Bed & Breakfast” use is a conditional in the RE1 zone.

Bed and Breakfast is defined as: An operator occupied residence in which four (4) or fewer guest rooms, and breakfast, are furnished to the public under a short-term lodging agreement.

The petitioner has stated that his son will reside on the property.

BACKGROUND

In January of 2023, a property complaint was submitted to Planning Staff citing three (3) issues; building without permits, grading without permits, and storing of inoperable vehicles.

The petitioner has been made aware of the active property complaint against this property (Property Complaint 23-10) and understands that if they were to purchase the property, they will be responsible for bringing the property into compliance. This would include applying for all applicable permits and ensuring the removal of the inoperable vehicle storage on the property if they are not removed before the transfer of ownership.

CONDITIONS

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

- 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;

The Conditional Use request meets this standard.

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

Bed & Breakfast is a conditional use in RE1. It appears the request does not meet the owner-occupied requirement of the definition of Bed Breakfast.

The petitioner (Robert Bland) has stated that there will be an operator on the property, and they will reside in the residence full-time (see Exhibit 4).

- 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;

Bed & Breakfast is a conditional use in RE1. The Monroe County Urbanizing Area Plan identifies this site as “Mixed Residential”. The proposed Bed & Breakfast would be compatible with this designation.

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

The dwelling has a septic connection and has electric and water connections;

The dwelling is accessed from a Minor Collector road, E Rhorer RD.

- 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;

The Conditional Use requests meets this standard;

The petitioner is seeking to bring the property into compliance and clean up the storage of vehicles and other materials.

- 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;
 If approved, the property owner will be required to submit a full site plan for review.
 Though landscaping is not required, the petitioner may commit to landscaping/preserving landscaping to buffer adjoining neighbors. We do not have a commitment at this time, but it may be made during the course of the hearing by the petitioner.
 The property already contains existing vegetation on the east, south, and southwest side of the property, with a privacy fence in place on the west side of the property.
- G. the conditional use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood;
 From the street the use would not be apparent;
 No outside structural changes are being proposed.
- H. the conditional use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood; and,
 The site appears to have adequate parking for both the Bed and Breakfast and the primary residence;
 The Bed and Breakfast would be limited to one guest room and the primary residence is also 1 bedroom;
 Per Chapter 806, two parking spaces would be required. Based on aerial imagery, the petitioner would meet this standard.
- I. All permits required by other Federal, State and local agencies have been obtained.
 The Conditional Use requests meets this standard;

813-10(B) Additional Criteria for Certain Categories of Conditional Use in the Former Two-mile Fringe. All conditional uses are subject to the criteria established in Chapter 813-5 and referenced in 813-10(A). Additional criteria as specified in this section must be met by the following categories of conditional use:

(1) Bed and Breakfast Establishments

- (a) The operator shall reside on the property;
 Petitioner is stating his son or another full-time resident will reside on the property. The son or the other full-time resident would be the “operator” of the Bed and Breakfast.
- (b) The establishment shall maintain a maximum of three (3) guestrooms;
 Site contains 1 guestroom.
- (c) The establishment shall provide one (1) parking space per guest room in addition to the spaces required for the dwelling unit; and
 Only 1 parking space is needed since there is only 1 guestroom.
- (d) The building and its parking facilities shall be designed for compatibility with the surrounding properties.
 The site has already been built as a single-family use and now they are requesting to change the use. The site is otherwise compatible with the surrounding area as it appears to be a single-family use.

DISCUSSION

If the Conditional Use is approved, the petitioner would then be required to file for a site plan meeting Chapter 815 before commencing the use as a Bed and Breakfast.

EXHIBIT ONE: Staff Site Plan



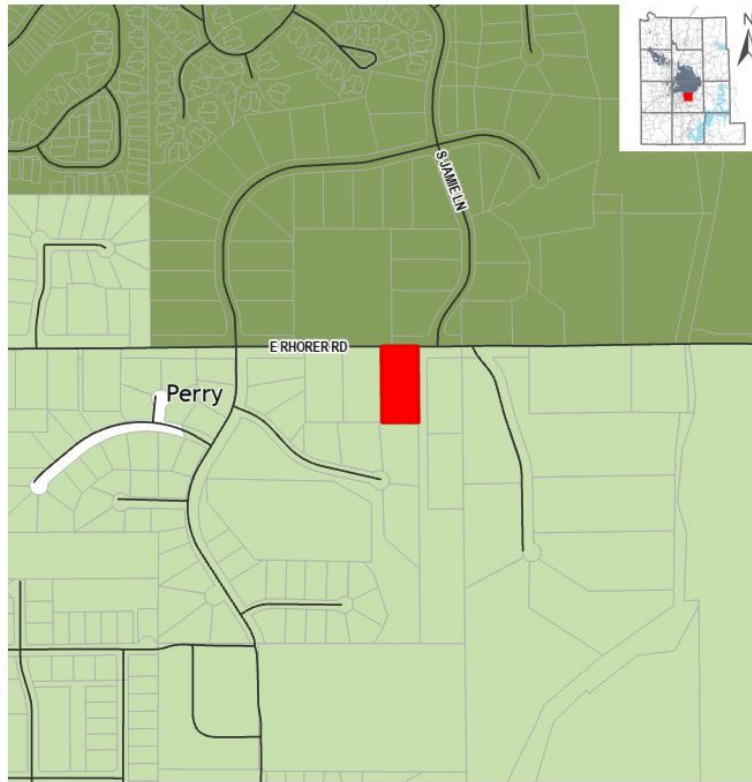
Existing residence
to be converted
into Bed and Breakfast

2nd Floor Garage
to be converted
into primary residence

EXHIBIT TWO: Location Map

Location Map

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

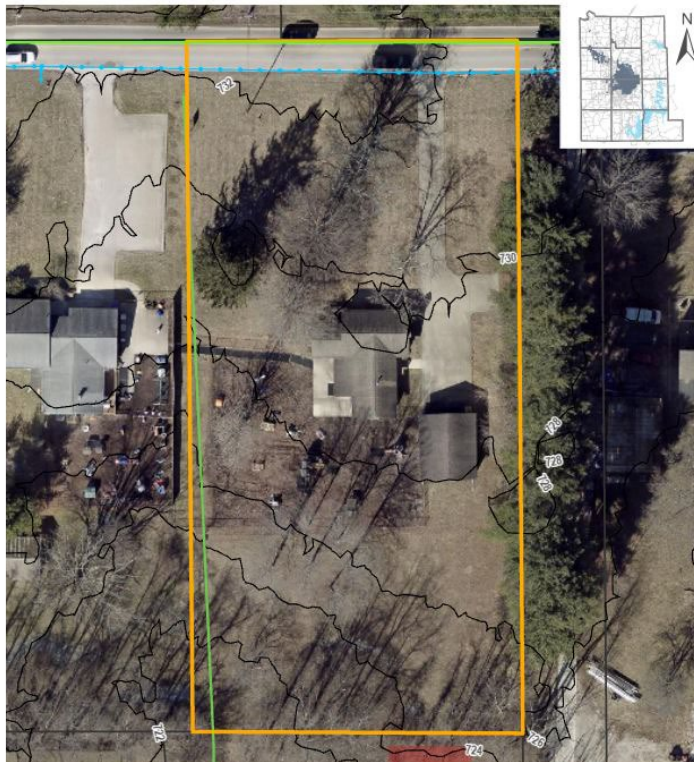


Monroe County
Planning Department
Source: Monroe County GIS
Date: 12/19/2023

EXHIBIT THREE: Site Conditions Map

Site Conditions Map

- Minor Arterial [100']
- Petitioner
- Sanitary Pipe
- Water Pipe
- 2-Foot Contours
- 15% Slope (County/ECO2)**
- 0 - 15
- > 15
- Local Roads [50']
- Parcels



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

EXHIBIT FOUR: Site Photos



Photo 1 – Facing South (entrance from E Rhorer RD)
Bed and Breakfast structure on the right, residence on the left



Photo 2 – Facing South



Photo 3 – Facing South (front of structure)



Photo 4 – Facing Southwest (east side of structure)



Photo 5 – Facing North (rear side of structure)



Photo 6 – Facing Southeast (west side of structure)



Photo 7 – Storage of inoperable vehicles.

COMPREHENSIVE PLAN DISCUSSION

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

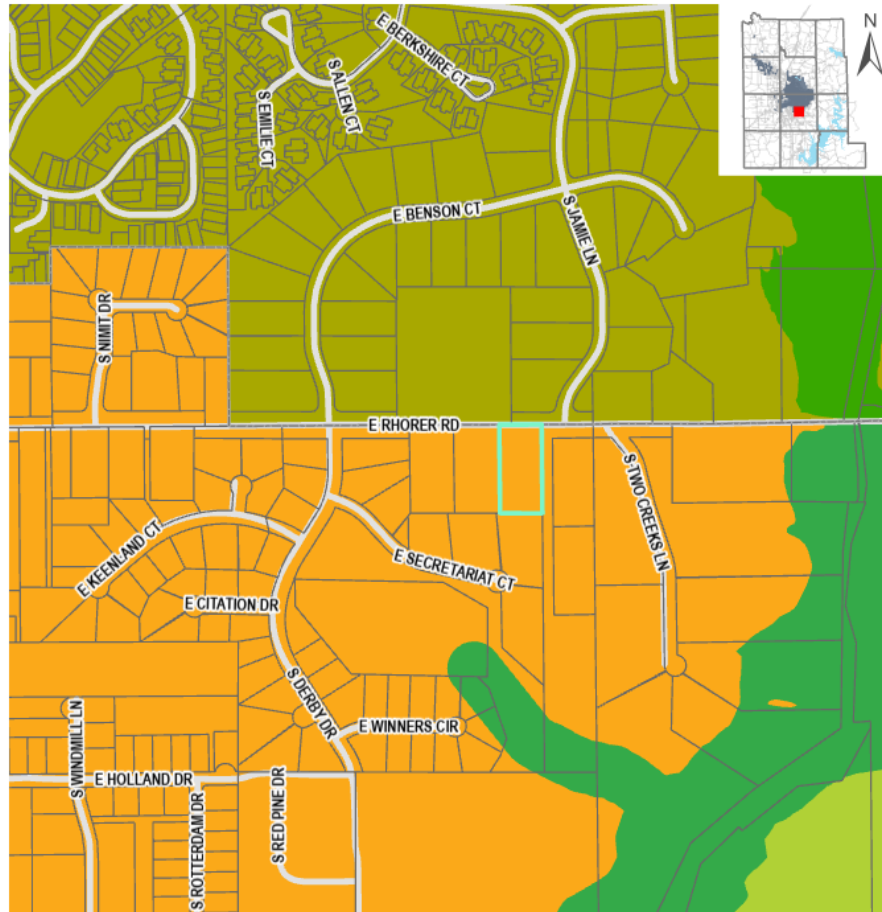
5.1.1 Mixed Residential

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.

Comprehensive Plan

-  Petitioner
-  Townships
-  Monroe Co. Urbanizing Area (MCUA)
-  Parcels
-  Roads
- Comp. Plan Land Use (Updated 2015)**
 -  MCUA Conservation Residential
 -  MCUA Mixed Residential
 -  MCUA Open Space
- Bloomington Growth Policies Plan**
 -  Parks/Open Space
 -  Urban Residential



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 frontloaded, 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.

EXHIBIT FIVE: Petitioner Letter

January 18, 2024

Monroe County Board of Zoning

Greetings,

I am contacting you to discuss my upcoming plans for the property located at 1398 E Rhorer Rd. My intention is to renovate the existing log cabin and turn it into a charming bed and breakfast establishment. This project involves clearing the surrounding area by removing old vehicles and transforming the gravel lot back into a beautiful landscape.

Furthermore, I intend to convert the room above the detached garage into a separate apartment. Thank you for taking the time to consider my proposal.

Sincerely,


Robert Bland



116 W. 6th St., Suite 200
P.O. Box 2639
Bloomington, Indiana 47402-2639
TEL: 812.332.6556
FAX: 812.331.4511
angela@carminparker.com

December 5, 2023

Monroe County Board of Zoning Appeals
501 N. Morton Street, Suite 224
Bloomington, IN 47404

RE: 1398 E Rhorer Road, Bloomington, IN
Our File No.: 23808-55

Dear Monroe County Board of Zoning Appeals:

Our firm represents the Estate of David Howard who was the sole member of 1398 E. Rhorer Road, LLC. The LLC owns property located at 1398 E Rhorer Road in Bloomington, Indiana. The property is under contract for sale to Bland Properties, LLC. As a part of the sale of the property, the Estate consents to a petition seeking variances regarding the dwellings and use of the property, which is filed by Bob Bland, owner of Bland Properties, LLC.

Thank you.

Very truly yours,

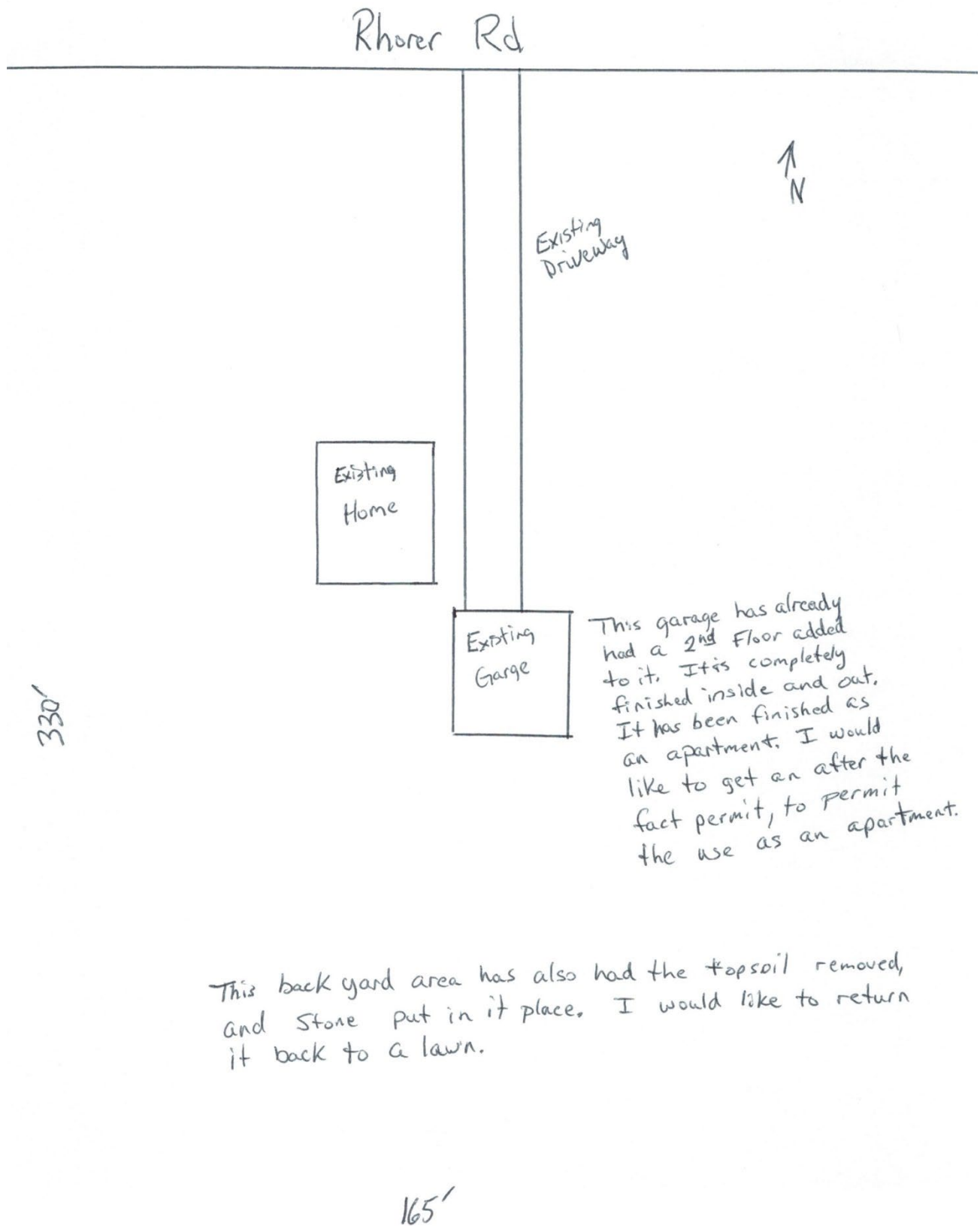
Angela F. Parker

Angela F. Parker

AFP/msm
445685 / 23808-55



EXHIBIT SEVEN: Petitioner Site Plan





MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date: **February 7th, 2024**

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-23-48	Minimum Lot Width Variance	Approval

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

Recommended Motion Conditions or Reasoning:

Staff recommends **approval with conditions** of VAR-23-48 due to the pre-existing non-conforming nature of the lot and that no portion of the property seems to meet the minimum lot width. This approval is subject to the following conditions:

1. The petitioner is to submit an updated Certified Plot Plan so that the Setback Table is accurate, to reflect that Shields Ridge Road is a Minor Collector and that the front setback is 35 feet from the Right-of-Way.

Variance Type:	<input checked="" type="checkbox"/> Design <input type="checkbox"/> Use <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial	Planner:	Daniel Brown
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PETITIONER	Killion, David	
ADDRESS	6545 S Shields Ridge RD; parcel #53-08-36-200-015.000-008	
TOWNSHIP + SECTION	Perry; 36	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	2.89 +/-	
	PETITION SITE	ADJACENT
ZONING	Agricultural/Rural Reserve	Agricultural/Rural Reserve
COMP. PLAN	Rural Residential	Rural Residential
USE	Single Family Residential	Single Family Residential

SUMMARY

The Variance was triggered by a Residential Building Permit, R-23-1119. The petitioner intends to build a 1742 square foot single-family residence at this property. The certified plot plan shows a future “Proposed Barn” that would be 2240 square foot; however, this is not being constructed at this time. The minimum lot width variance will be necessary for any development to occur on this lot. It was found during review that the property is only roughly 130 feet in width at the building line, while the minimum lot width for an Agricultural/Rural Reserve lot is 200 feet. Thus, the Minimum Lot Width variance was triggered.

The property is currently vacant, except for the foundation of a former structure.

If the variance is approved, the petitioner’s Residential Building Permit will be allowed to proceed, as this is the minimum variance needed for the owner to do further development on the lot in the future. All other design standards (e.g. setbacks, height, etc.) are being met. While the property is in the Environmental Constraints Overlay Area 2, the certified plot plan shows that no structures will be encroaching into an area where the slope is 15% or greater. If the petition is denied, the permit will be denied.

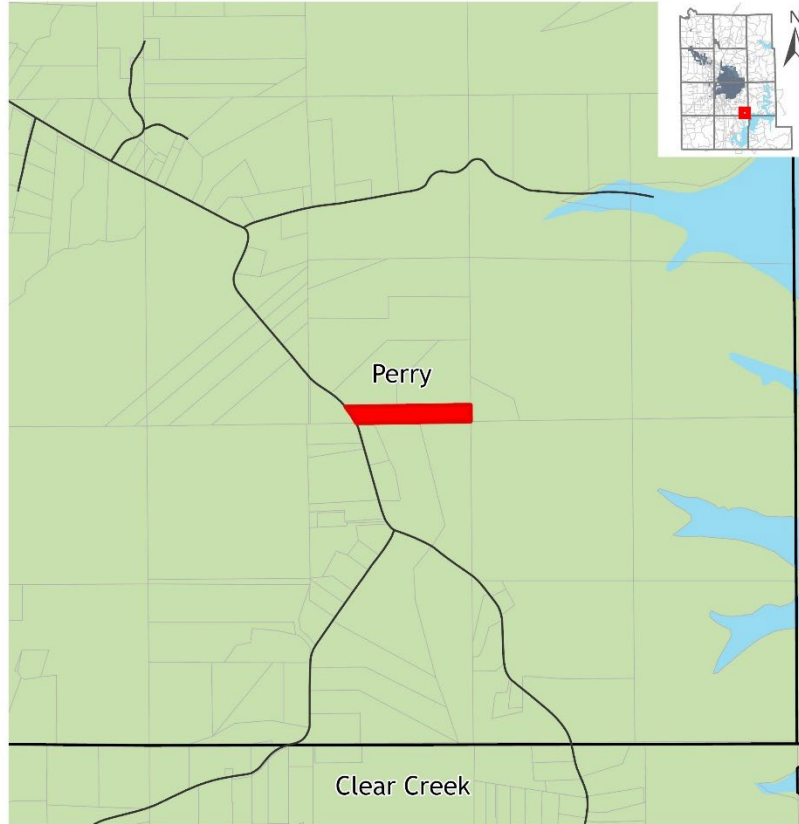
EXHIBITS - *Immediately following report*

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

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

Location Map

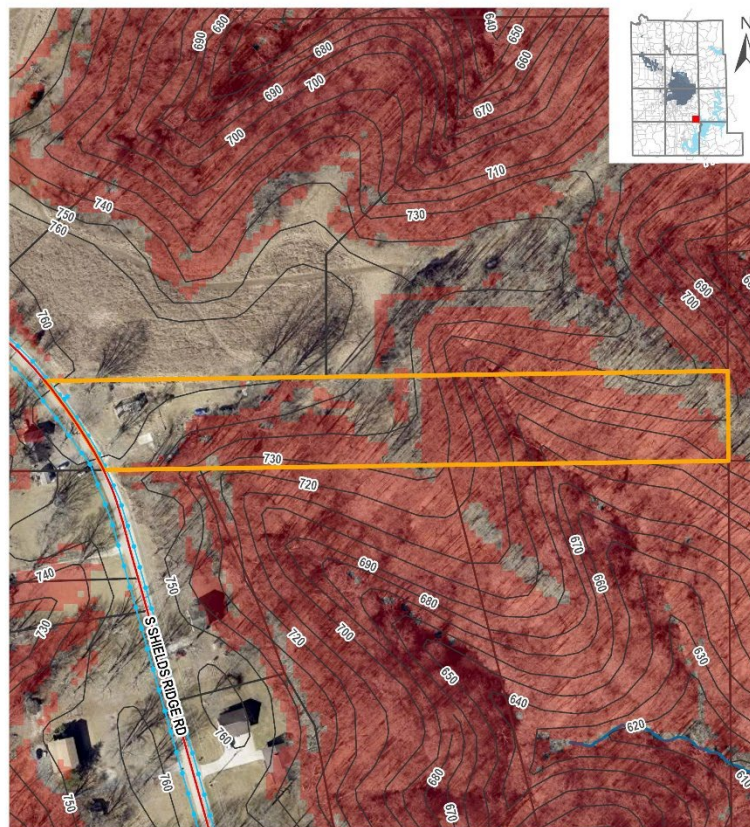
- Petitioner
- Roads
- Civil (Political) Townships
- Lakes
- Parcels

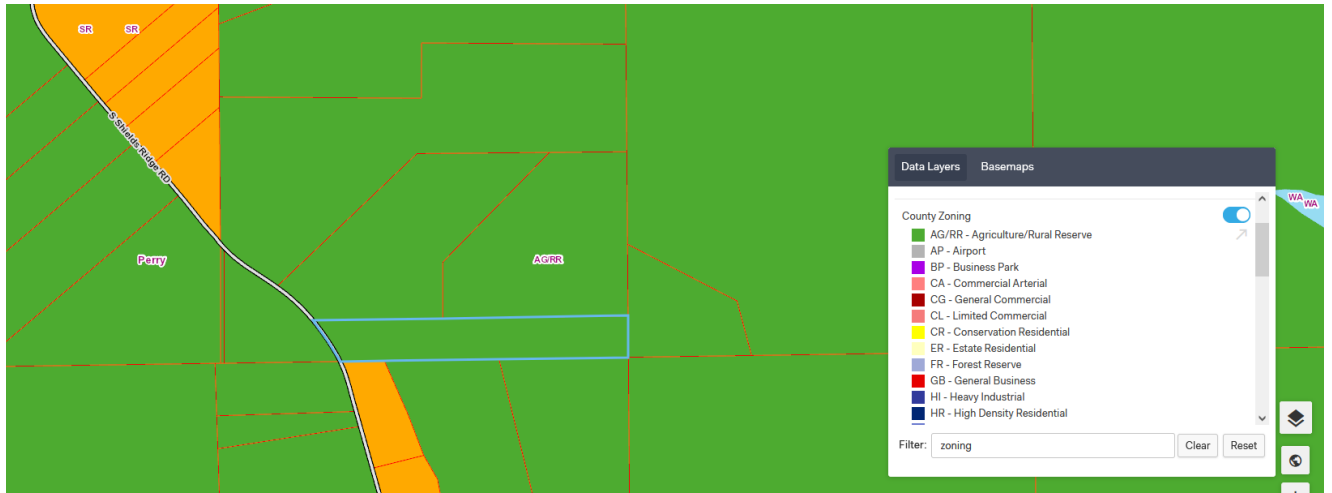


Above, the location map of the petition property; Below, the slope map of the petition property

Site Conditions Map

- Minor Collector [60']
- Petitioner
- Water Pipe
- 10-Foot Contours
- 15% Slope (County/ECO2)
- <VALUE>
- 0 - 15
- > 15
- Local Roads [50']
- Hydrologic Features
- Parcels





Above, Zoning Map of the petition property (AG/RR); Below, the Comprehensive Zoning Map of the same

Comprehensive Plan

- Petitioner
- Townships
- Monroe Co. Urbanizing Area (MCUA)
- Parcels
- Roads
- Comp. Plan Land Use (Updated 2015)**
- Farm and Forest
- Managed Lands
- Rural Residential
- MCUA Rural Transition
- MCUA Suburban Residential
- Water

0 0.07 0.15 0.3 Miles

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

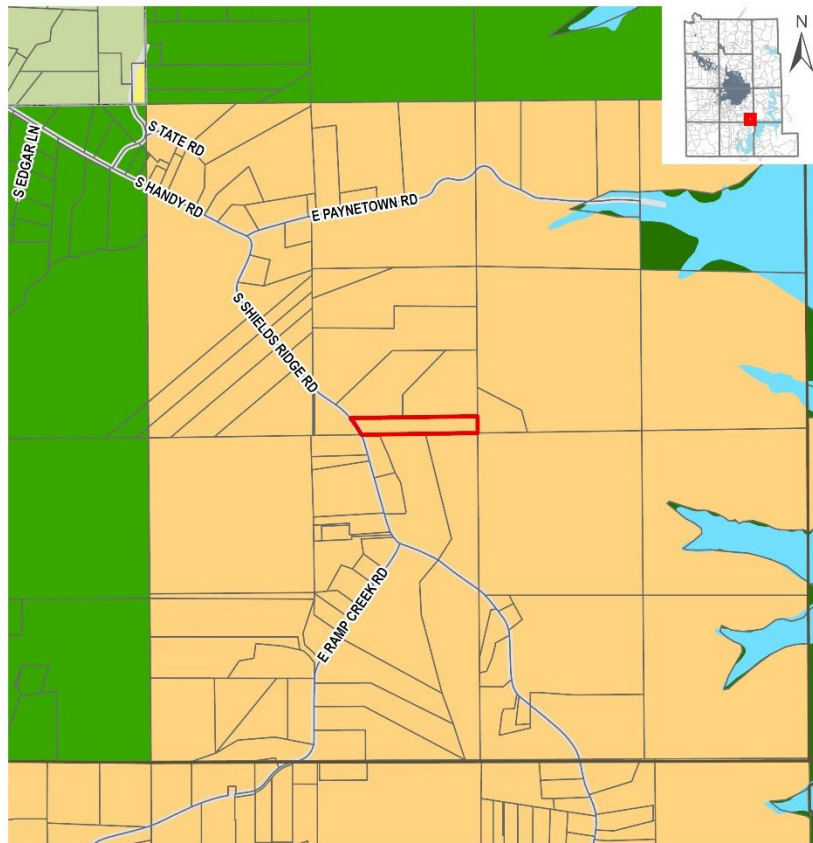


EXHIBIT 2: Site Photos

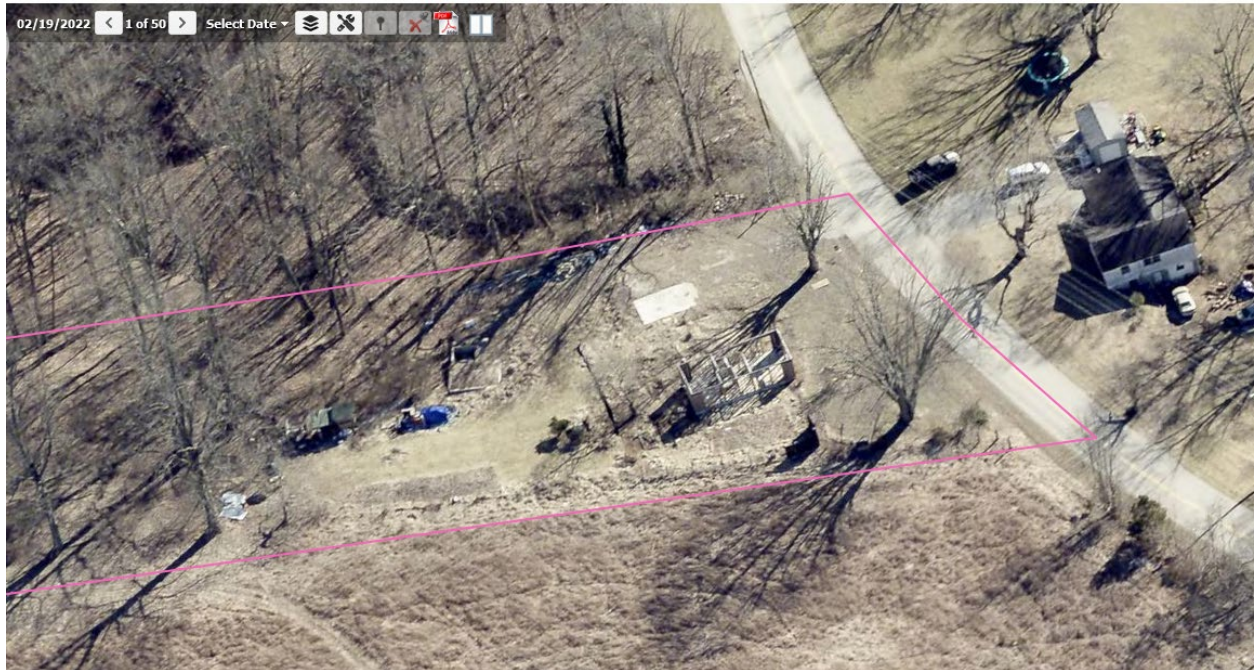


Photo 1. Pictometry photo of the property



Photo 2: The site with two foundations of demolished buildings still present



Photo 3: The foundation of a demolished home.



Photo 4: The foundation of a demolished garage.

EXHIBIT 3: Petition Letter

David Killion
Keystone Construction Company LLC
3901 E Hagan Street; Suite G
Bloomington, IN 47401
6/14/2022

Board of Zoning Appeals
Monroe County Planning Department
501 N Morton Street; Suite 224
Bloomington, IN 47404

Dear Board of Zoning Appeals:

I, David Killion with Keystone Construction Company LLC, am requesting a lot width variance for the property located at 6545 S Shields Ridge Road; Bloomington, IN 47401 (Parcel Number 53-08-36-200-015.000-008) on behalf of the property owners, Eric Bullerdick and Amanda Spencer. The variance is required in an effort to obtain a building permit to build a single family home.

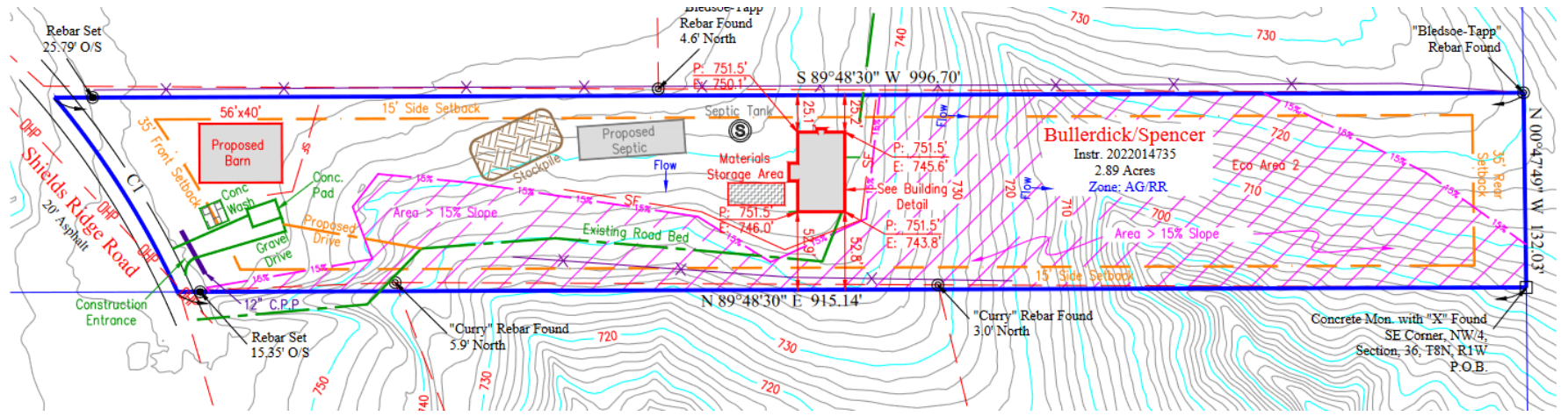
I appreciate your consideration approving this lot width variance request.

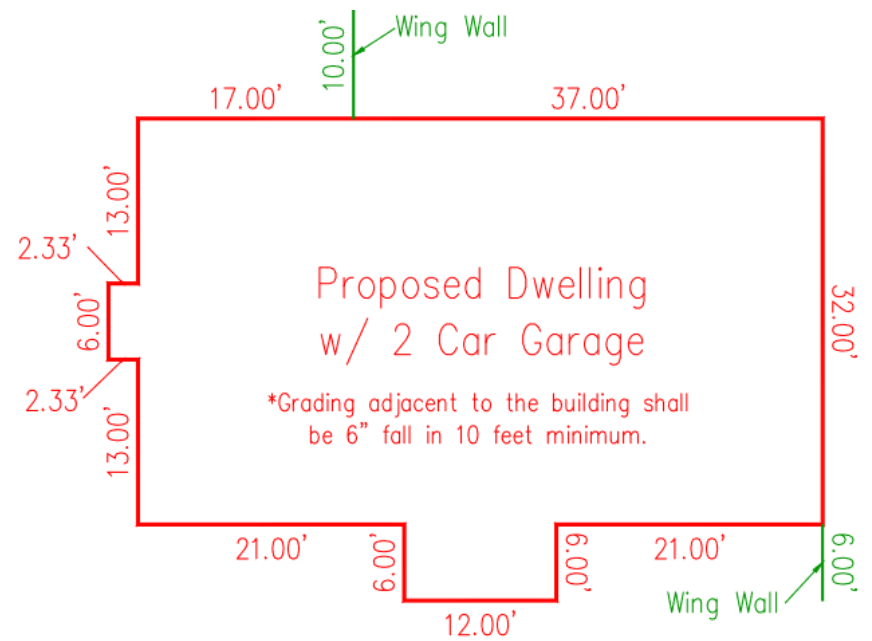
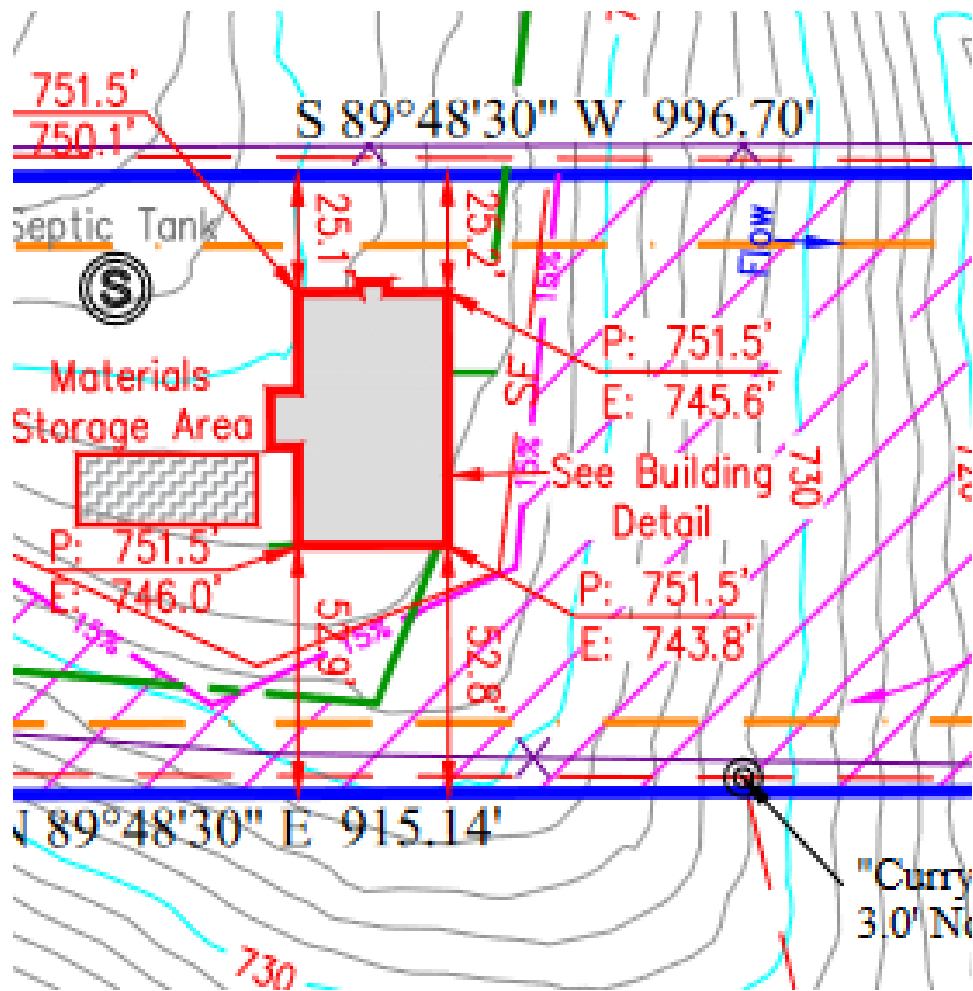
Sincerely,

David A. Killion

David Killion
Keystone Construction Company LLC

EXHIBIT 4: Site Plan







MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date: February 7, 2024

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-23-50a	May Minimum Lot Size Variance to Ch. 804	Approval
VAR-23-50b	May ECO Area 2 (Buildable Area) Variance to Ch. 825	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-23-50a and VAR-23-50b subject to the Highway Department reports.

Variance Type:	<input checked="" type="checkbox"/> Design <input type="checkbox"/> Use <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial	Planner: Anne Crecelius
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PETITIONER	Tom May & Kaci May	
ADDRESS	5251 E Prince RD, parcel #53-11-36-400-007.000-006	
TOWNSHIP + SECTION	Clear Creek Township, Section 34	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted: n/a	
ACREAGE +/-	3.34	
	PETITION SITE	ADJACENT
ZONING	FR, ECO 1 & ECO 2	FR, ECO 1 & 2
COMP PLAN	Rural Residential	Rural Residential
USE	Residential, Undeveloped	Residential, Undeveloped, Vacant

SUMMARY

The petitioner is requesting two variances from the Minimum Lot Size and ECO Area 2 (18% Slope) standards of Chapter 804 and 825. The petition site is currently vacant; the site contained a manufactured home that was removed before 2006, and a garage that was removed between 2006 and 2011 (see Exhibit 3). The petitioners intend to eventually redevelop the site with a Single-Family Residential use. The petitioners are requesting the two variances to build a residential storage structure on the property (Exhibit 2).

The site is 3.34 acres in the Forest Reserve (FR) zone, which requires a minimum of five-acre lot sizes. There are 18 other parcels within a 0.50 mile that are zoned FR and under 5 acres. The Minimum Lot Size variance is required for any permit issuance. The site contains approximately 0.80 acres of area that is 18% slope and under. The original location of the garage borders on slopes that area greater than 18%. The petitioner intends to utilize this area for the 32' x 32' residential storage structure, which may alter the adjacent steep slope. At this time a Building permit application has not been submitted for review.

Parcel Size Map

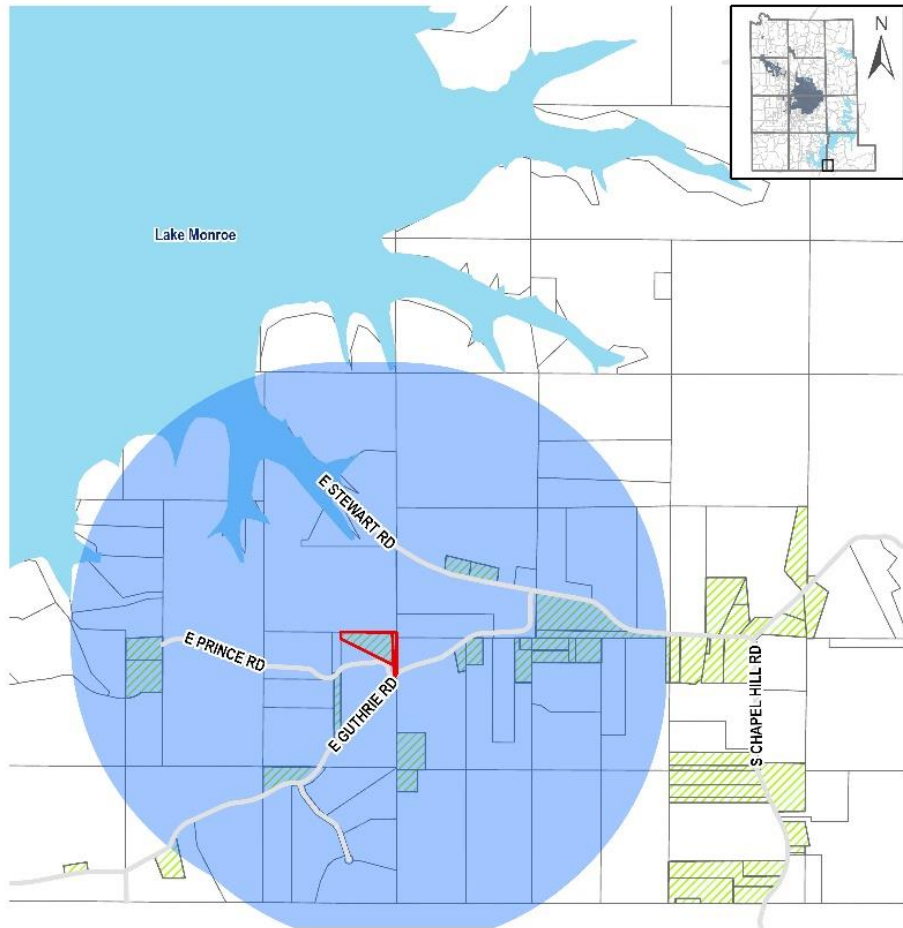
- Petitioner
- Roads
- Lakes
- Parcel Size (Acres)**
- 0.0 - 4.99
- ≥ 5.0
- 0.5 Mile Buffer

18 parcels within 0.5 mile of petition site under 5 acres in size.

0 0.1 0.2 0.4 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 12/27/2023



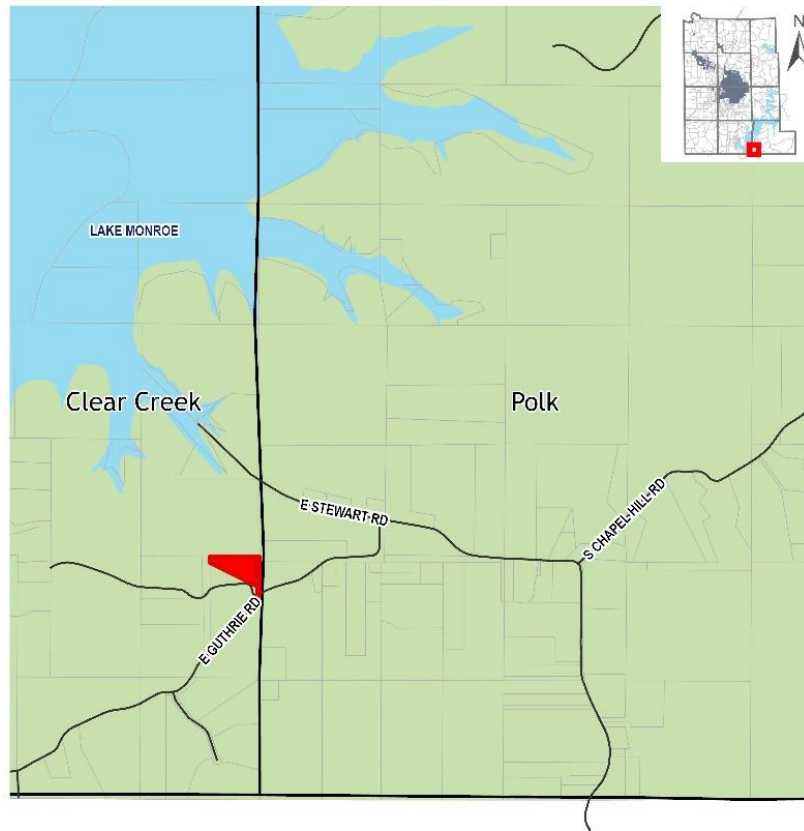
Location Map

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

0 0.1 0.2 0.4 Miles

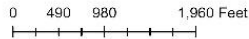


Monroe County
Planning Department
Source: Monroe County GIS
Date: 12/27/2023

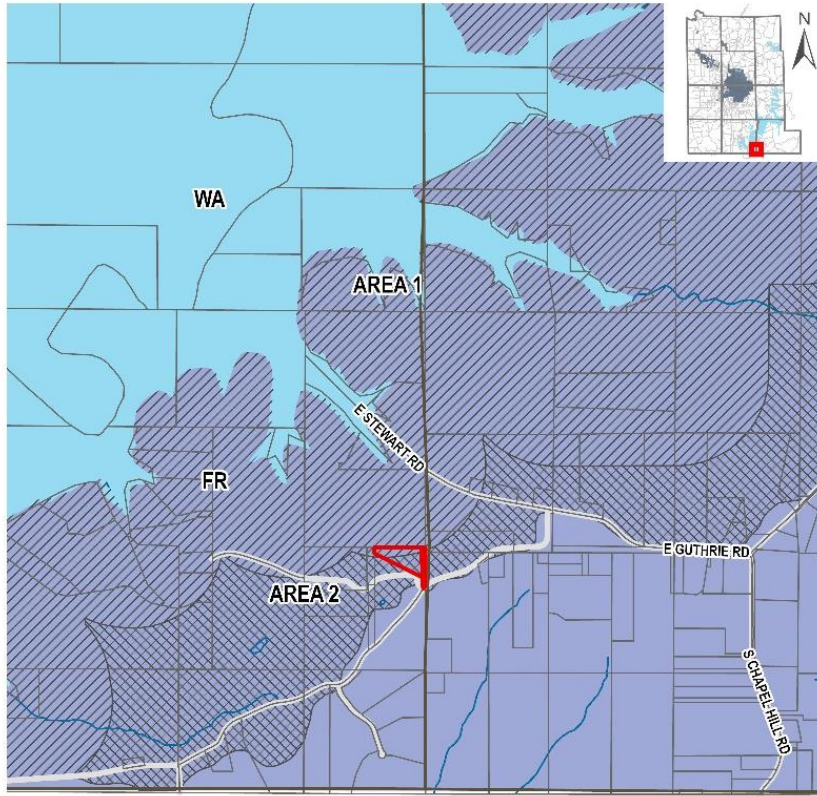


Current Zoning Map

- Petitioner
- Parcels
- Roads
- Lakes
- Hydrologic Features
- ECO Areas**
- Area 1
- Area 2
- Monroe County Zoning**
- FR - Forest Reserve
- WA - Water

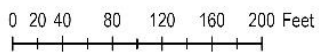


Monroe County
 Planning Department
 Source: Monroe County GIS
 Date: 12/27/2023

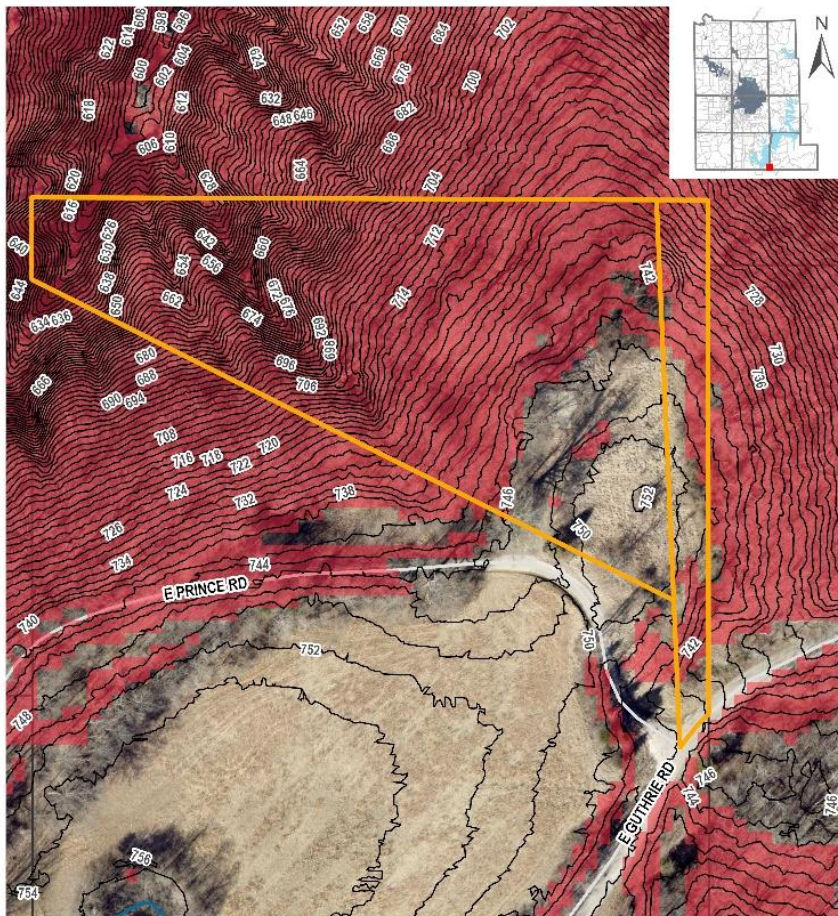


Site Conditions Map

- Petitioner
- 2-Foot Contours
- 12% Slope (ECO1)**
- <VALUE>**
- 0 - 12%
- > 13%
- Local Roads [50']
- Hydrologic Features
- Parcels



Monroe County
 Planning Department
 Source: Monroe County GIS
 Date: 12/27/2023



EXHIBITS - Immediately following report

1. Petitioner Letter
2. Proposed Site Plan
3. 2006 Survey
4. Site Photos

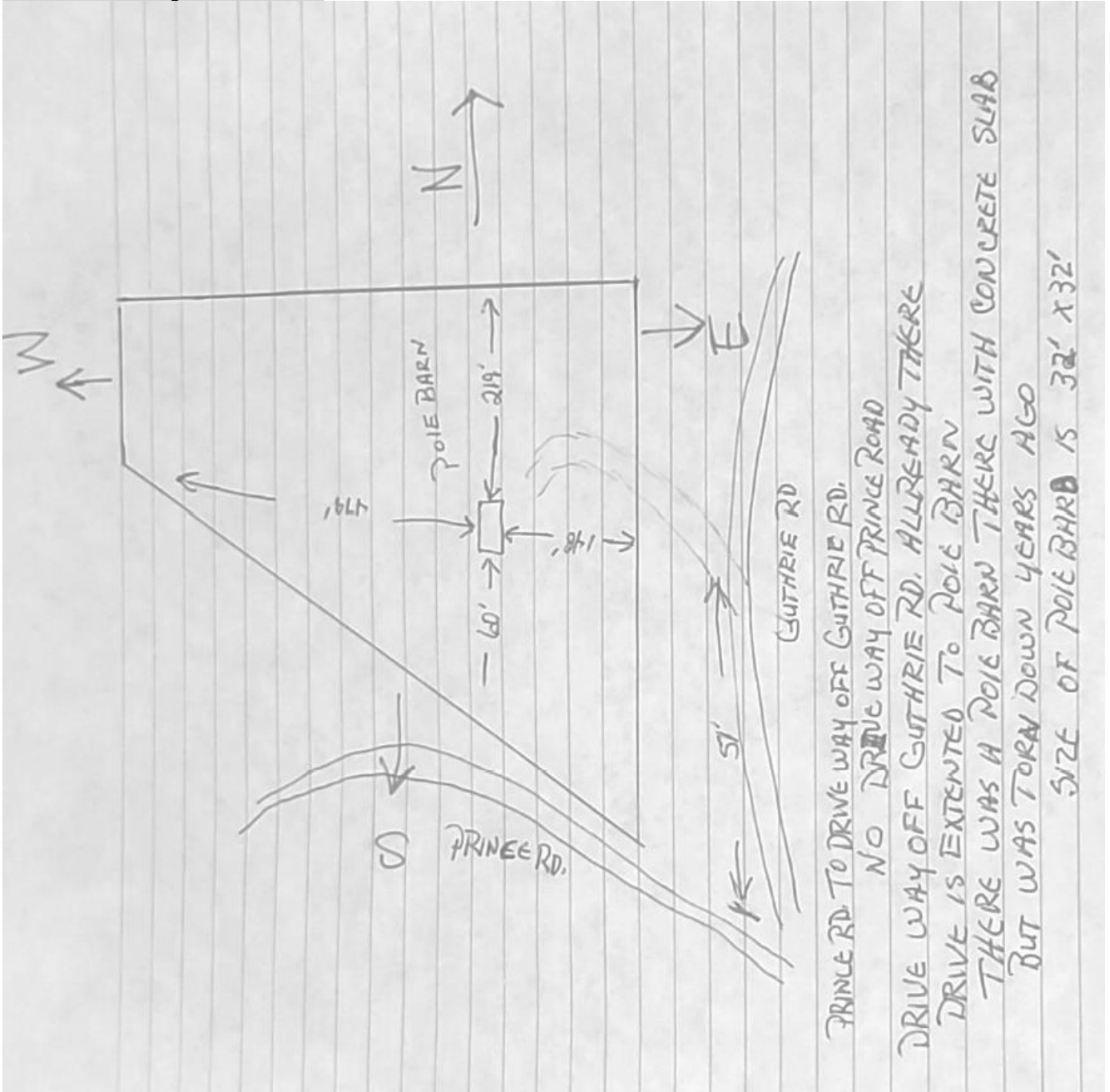
EXHIBIT 1: Petitioner Letter

I WOULD LIKE TO BUILD A
POLE BARN AT THIS ADDRESS FOR
STORAGE, 5251 EAST GUTHRIE ROAD
HECTONVILLE IN. 47436. THERE
WAS ONE THERE A FEW YEARS
AGO. I WOULD LIKE TO BUILD
IT ON THE SAME SPOT, THE
CONCRETE IS ALREADY THERE

Thomas C. May

I PURCHASED THIS PROPERTY
FOR MY DAUGHTER TO
HELP HER IN THE FUTURE

EXIHIBT 2: Proposed Site Plan











MONROE COUNTY BOARD OF ZONING APPEALS

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

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-24-1	Front Yard Setback	Approval

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

Recommended Motion Conditions or Reasoning:

Approve the front yard setback variance: Practical difficulties have been demonstrated. Given the unique environmental constraints of the property, buildable area only exists in the location in and around the current primary residence, which does not currently meet the front setback of 50 feet due to the absence of road frontage.

Any future construction at this site would have to be located within the limited area along the southeastern corner of the property, which does not meet the 50' front setback. A reduction of the front setback to 24' would bring the property into compliance and allow for the construction of the petitioner's proposed carport.

Variance Type: <input checked="" type="checkbox"/> Design <input type="checkbox"/> Use		Planner: Shawn Smith
<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial		
PETITIONER	LaRoche, Ross and Sharon (Owners)	
ADDRESS	6893 N Maple Grove RD 53-02-31-300-008.000-004	
TOWNSHIP + SECTION	Bloomington, Section 31	
PLATS	<input type="checkbox"/> Unplatted <input checked="" type="checkbox"/> Platted: LaRoche Subdivision Lot 1	
ACREAGE +/-	9.58 acres	
	PETITION SITE	ADJACENT
ZONING	AG/RR	AG/RR
Comprehensive Plan	Rural Residential	Rural Residential
USE	Single-family Residential	Single-family Residential
EXHIBITS		

1. Location Map
2. Site Conditions Map
3. Staff Visit Photos
4. Petitioner Letter
5. Petitioner Site Plan
6. LaRoche Subdivision Final Plat

SUMMARY

The petitioner is requesting a Design Standards Variance to construct an approximate 720 sq ft carport structure at 6893 N Maple Grove RD on a 9.58 acre lot in the AG/RR zone. The proposed location does not meet the 50' front setback requirement when no direct road frontage exists in the AG/RR zone. Though the petition site technically does front N Maple Grove Rd, the frontage does not meet the minimum lot width requirement, nor does it exhibit buildable area; therefore, the 50' front setback with no frontage is required. Nearly the entire lot is constrained by steep slopes and a large drainage easement going through the center of the lot. The petitioner has filed for a residential accessory structure permit ([R-23-1263](#)).

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

EXHIBIT ONE: Location Map

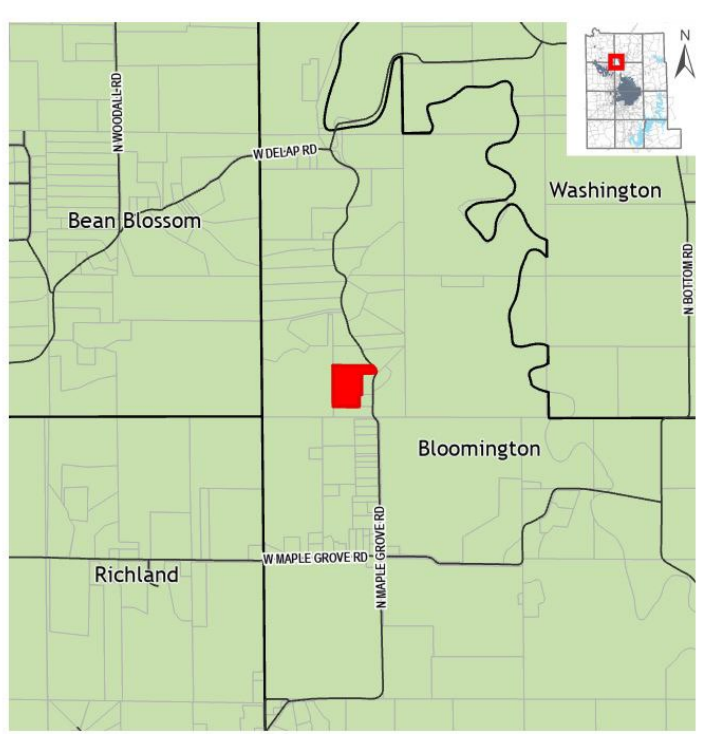


EXHIBIT TWO: Site Conditions Map

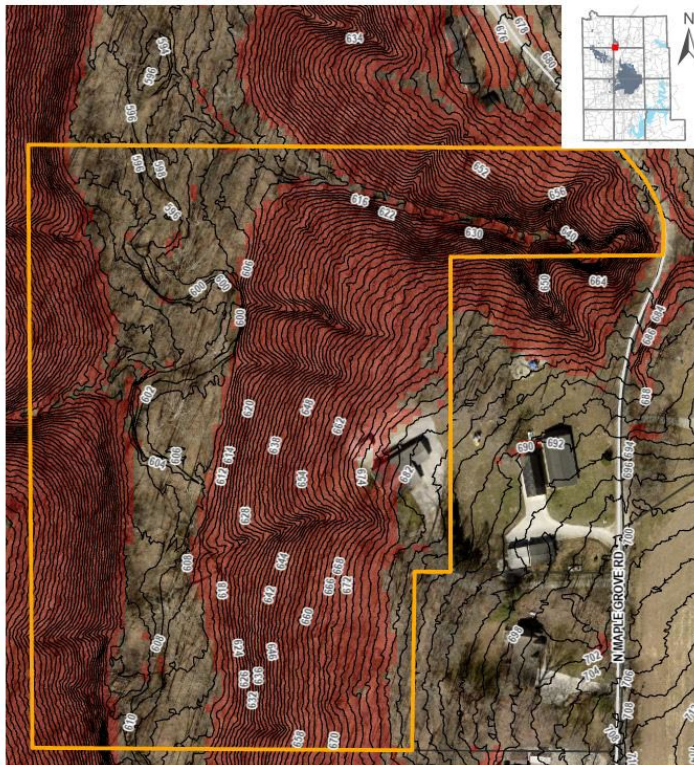


EXHIBIT THREE: Site Photos



Photo 1 – Facing North (proposed location of carport)



Photo 2 – Facing North (tree line is about where the property line is located)



Photo 3 – Facing Southeast (proposed location of carport)



Photo 4 – Facing East (property line)



EXHIBIT FOUR: Petitioner Letter

I am requesting this variance because my project is 25 feet from the property line.

EXHIBIT FIVE: Petitioner Site Plan

Address: 6893 N Maple Grove RD, Bloomington, IN 47404 (parcel no. 53-02-31-300-008.000-004)

Owners: Laroche, Ross E Jr & Sharon

New 720 sq. ft. carport (24' x 30') depicted in yellow.



Scaled Plot Plan created by Planning Staff (DM) – 11/29/2023.

NOTE: Property lines do not represent survey.

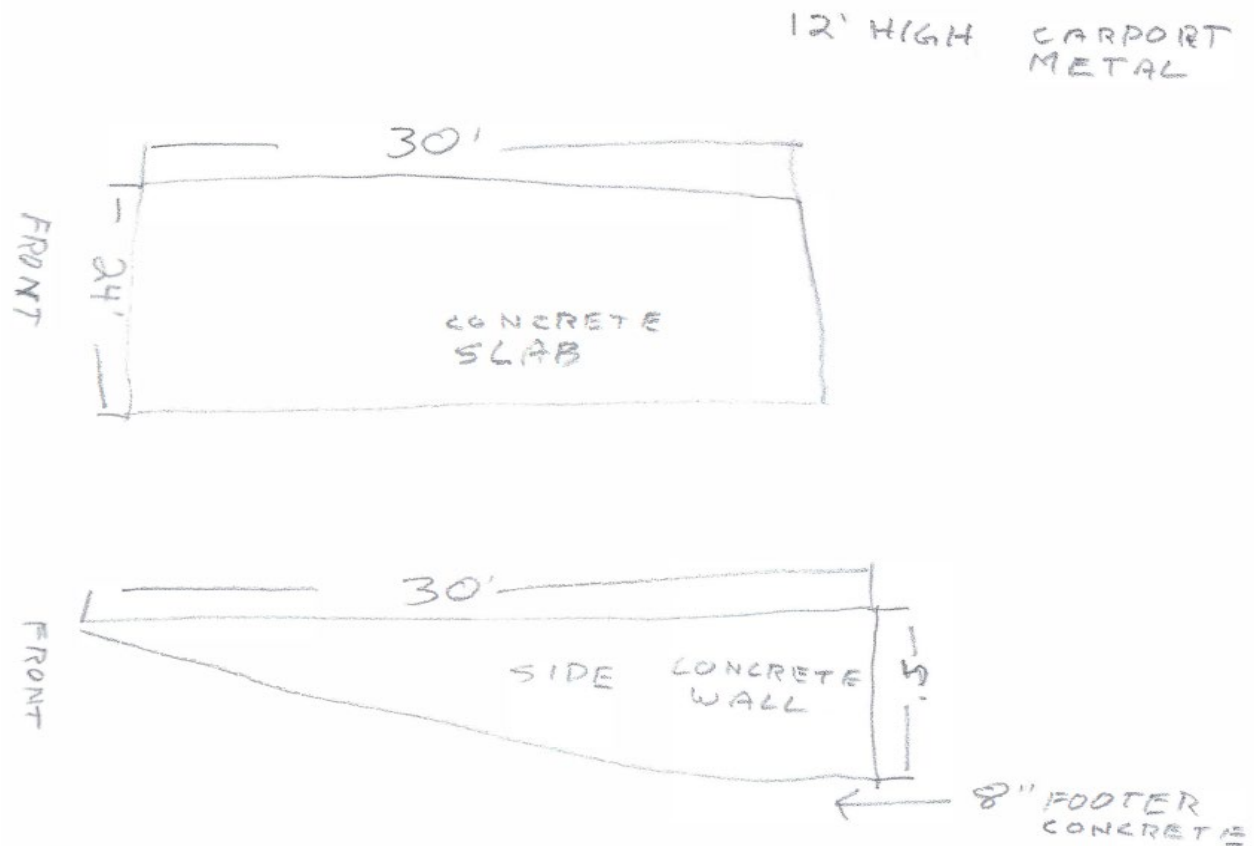
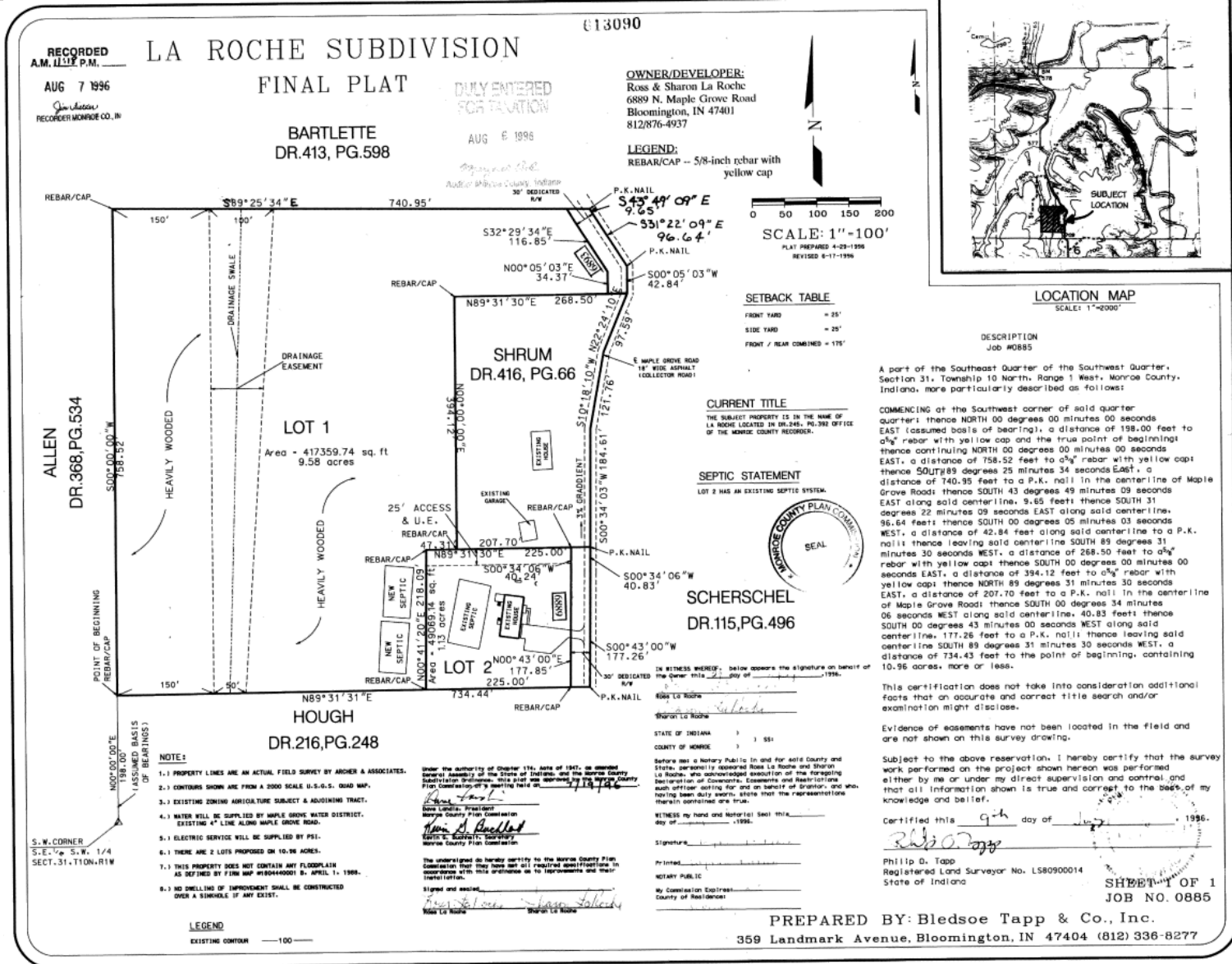


EXHIBIT SIX: LaRoche Subdivision Final Plat





MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date:

February 7, 2024

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-24-2	All Saints Orthodox Christian Church Buildable Area Variance to Ch. 804	Approval

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

Recommended Motion Conditions or Reasoning:

Staff recommends **approval** of variance VAR-24-2 subject to the Highway Department reports with the following condition:

1. Petitioner combine lots 53-08-33-100-008.000-008, 53-08-33-100-013.000-008, and 53-08-33-100-015.000-008 for Planning and Zoning purposes using 804-2(B)(4) language.

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

PETITIONER	All Saints Orthodox Christian Church Inc.	
ADDRESS	6004 & 5900 S Fairfax RD, parcel #53-08-33-100-008.000-008, 53-08-33-100-013.000-008, 53-08-33-100-015.000-008.	
TOWNSHIP + SECTION	Perry Township, Section 33	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted: n/a	
ACREAGE +/-	23.83	
	PETITION SITE	ADJACENT
ZONING	AG/RR	AG/RR
COMP PLAN	MCUA Rural Transition	MCUA Rural Transition, Farm and Forest
USE	Religious Facility	Residential, Undeveloped, Vacant

SUMMARY

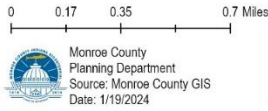
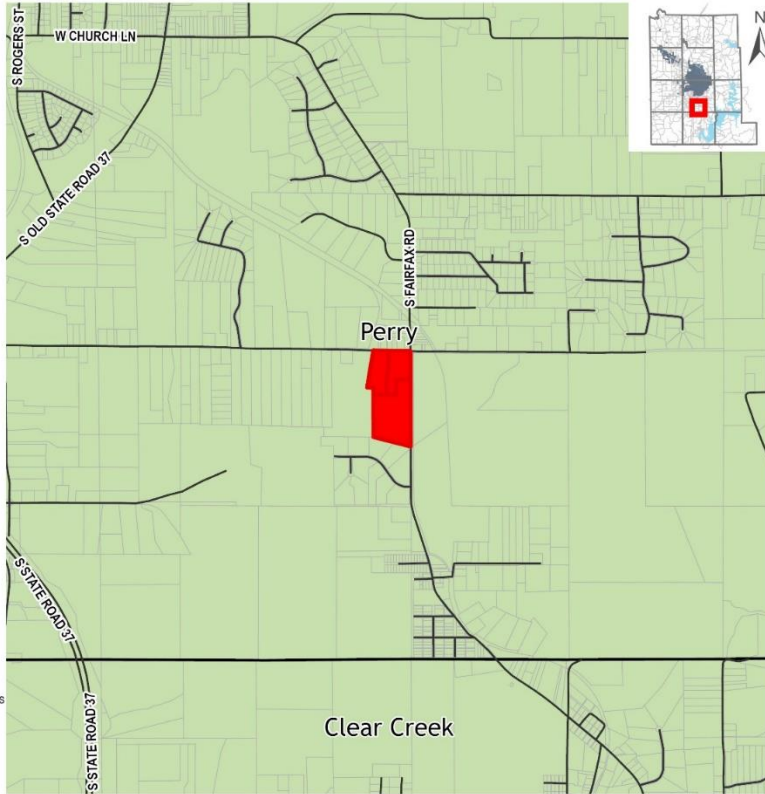
The petitioner is requesting a variance from the Buildable Area (15% Slope) standard of Chapter 804. The site is currently developed and operating as All Saints Orthodox Christian Church (see Exhibit 4). The petitioner intends to submit a Site Plan Amendment in order to expand the existing primary structure and off-street parking infrastructure (see Exhibit 2).

The petition site is 23.83 +/- acres of former quarry lands. The primary area of slope greater than 15% is directly north of the existing primary structure and is the exact area intended for development. Per the site plan approved in 2001, it appears this area of slope was created for the construction of the primary structure (Exhibit 6). 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 petitioner has provided staff with a self-constrained area of disturbance of slopes. This allows the petitioner to adjust the site plan design if necessary. If this variance is approved, disturbance of slopes greater than 15% would only be permitted in the area shown in Exhibit 3.

Commercial development with a disturbance area greater than 1 acre will require the petition site obtain an Indiana Construction Stormwater General Permit (CSGP, formerly known as Rule 5). This permit will require the Monroe County Highway Dept. Stormwater MS4 Assistants to inspect for compliance with accepted stormwater and soil erosion measures.

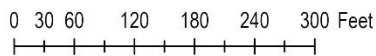
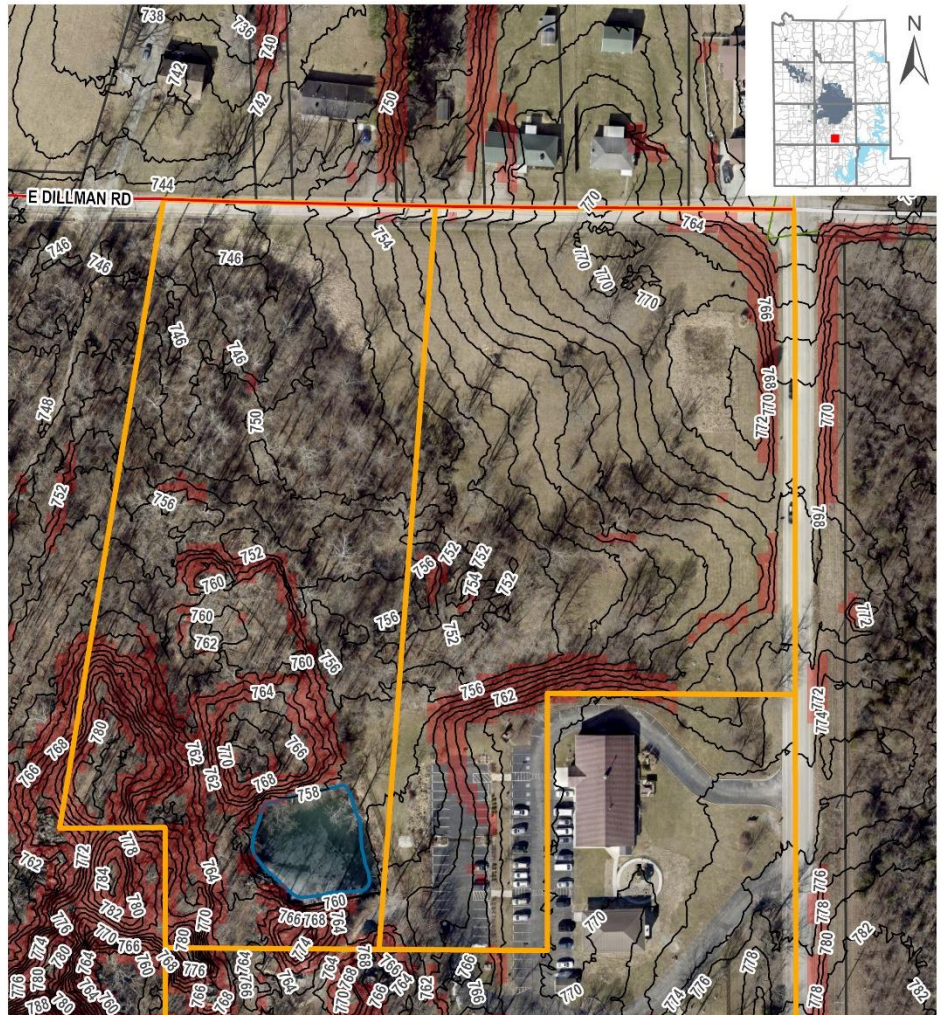
Location Map

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



Site Conditions Map

- Minor Collector [60']
- Major Collector [70']
- Petitioner
- Water Pipe
- Storm Water
- 2-Foot Contours
- 15% Slope (County/ECO2)
- <VALUE>**
- 0 - 15
- > 15
- Local Roads [50']
- Hydrologic Features
- Parcels



EXHIBITS - Immediately following report

1. Petitioner Letter
2. Conceptual Design and Grading Plan
3. Buildable Area Self Limiting Boundary
4. Boundary and Topography Survey
5. BRCJ 15% Slope Analysis
6. 2001 Site Plan 0104-SIT-04
7. Site Photos

EXHIBIT 1: Petitioner Letter

Bledsoe Riggert Cooper James

LAND SURVEYING • CIVIL ENGINEERING • GIS

January 5, 2023

Monroe County Board of Zoning Appeals
Monroe County Planning Department
501 North Morton Street, Suite 224
Bloomington, Indiana 747403

RE: Request for Variance
All Saints Orthodox Christian Church
6004 S. Fairfax Road, Bloomington, Indiana 47401

Dear Board of Zoning Appeals,

All Saints Orthodox Christian Church would like to place an addition on the north side of their church at 6004 S. Fairfax Road along with associated site improvements, including the removal of the existing driveway along the north side of the church and construction of a new parking lot and driveway to Dillman Road.

There are areas within the zone of the proposed improvements that have slopes equal to or greater than 15%. The main area lies along the northern edge of the existing driveway that runs around the north side of the church. Based on the 2001 plan set for the exiting building and the current topography of the site, it appears that this embankment was created to allow for the construction of the existing church and driveway. The other areas we have identified within the project zone are relatively small isolated spots that appear to be close to the 15% threshold.

It should be noted that this property appears to have been an active quarry and some of the isolated spots may be a result of the remains of the quarry's operation. In addition, this property is outside of the Lake Monroe watershed and is outside of the Environmental Constraints Overlay Zone Areas 1 through 3.

On behalf of All Saints Orthodox Christian Church, we request your positive consideration of granting a Buildable Area Variance to allow for the proposed building addition and site improvements.

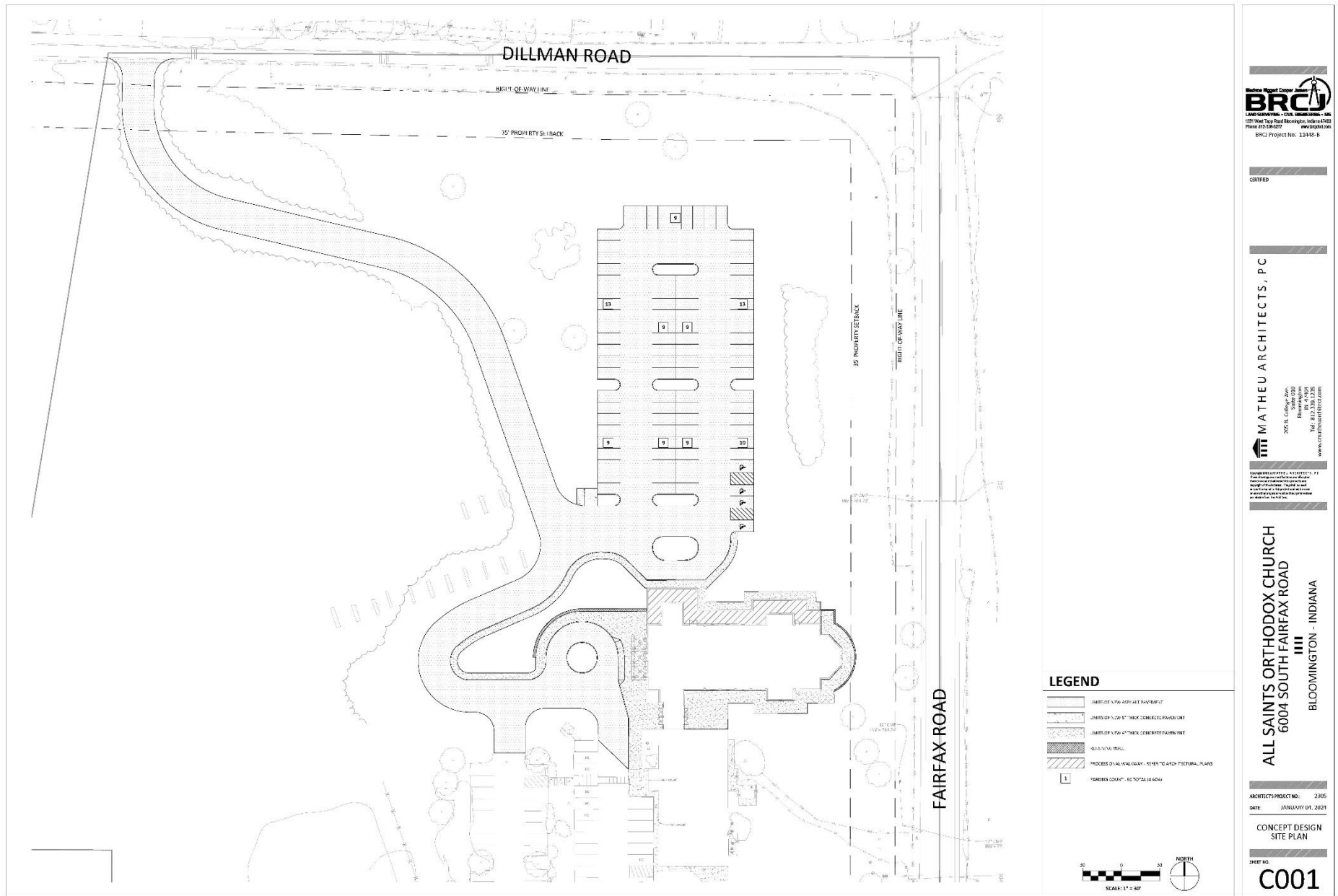
Please let us know if you have any questions or concerns regarding this request.

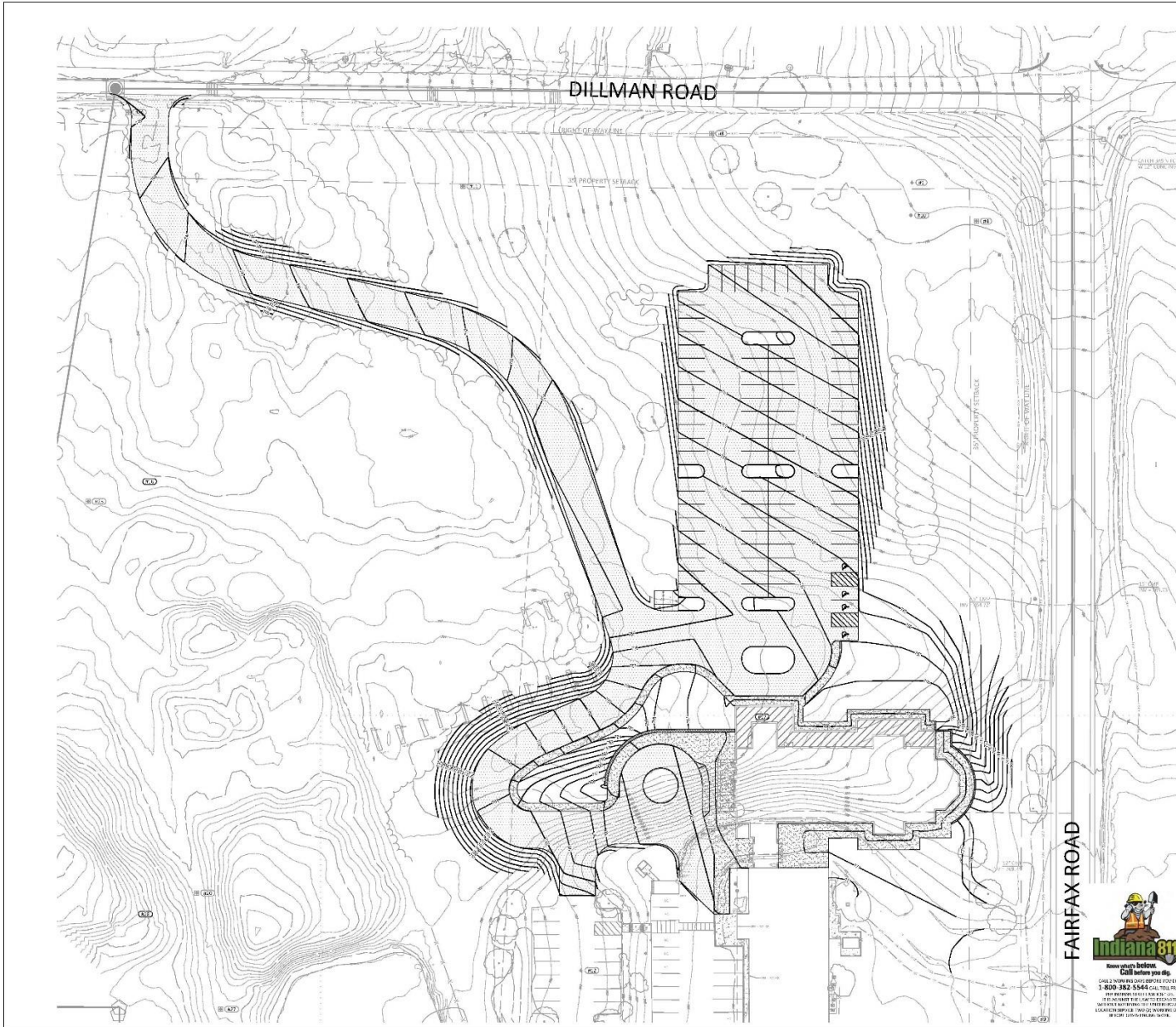
Sincerely,



William S. Riggert, PE
Principal Engineer

EXIHIBT 2: Conceptual Design and Grading Plan





FAIRFAX ROAD



Know what's below.
Call before you dig.
CALL 800-4-A-DIG OR 800-4-A-DIG-811
OR VISIT 811.INDIANA.GOV FOR MORE INFORMATION.
FOR A LIST OF PARTICIPATING UTILITIES, VISIT 811.INDIANA.GOV
OR VISIT 811.INDIANA.GOV FOR A LIST OF PARTICIPATING UTILITIES.
811 IS A FREE SERVICE PROVIDED BY THE STATE OF INDIANA.
811 IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED.
811 IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED.

LEGEND

- PROPOSED DRIVEWAYS
- EXIST. UTILITY LOCATIONS
- EXIST. ASPHALT PAVEMENT
- EXIST. CONCRETE DRIVEWAY
- EXIST. CONC. DRIVEWAY
- RETAINING WALL
- PROFESSIONAL W/AREAWAY - SEE FOR ARCHITECTURAL PLANS

30 0 30 NORTH
SCALE: 1" = 80'



CERTIFIED

MATHEU ARCHITECTS, P.C.
205 N. College Ave.
Bloomington
Tel: 317.334.1255
www.matheuarchitects.com

ALL SAINTS ORTHODOX CHURCH
6004 SOUTH FAIRFAX ROAD
BLOOMINGTON - INDIANA

ARCHITECT'S PROJECT NO.: 2305
DATE: JANUARY 24, 2024

CONCEPT DESIGN
GRADING PLAN
SHEET NO.
C002

EXHIBIT 5: BRCJ 15% Slope Analysis




BRCJ
 LAND SURVEYING - CIVIL ENGINEERING - P.E.
 1201 East Tappan Street, Bloomington, Indiana 47403
 Phone: 812-338-6077 www.brcj.com
 BRCJ Project No: 11418-0

CERTIFIED


MATHEU ARCHITECTS, P.C.
 205 N. College Ave.
 Bloomington
 IN 47403-5524
 www.matheuarchitects.com

ALL SAINTS ORTHODOX CHURCH
 6004 SOUTH FAIRFAX ROAD
 BLOOMINGTON - INDIANA

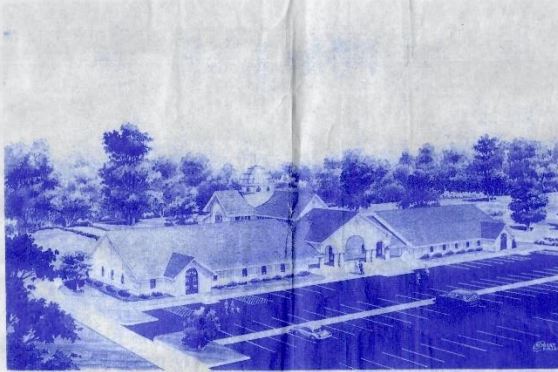
ARCHITECT'S PROJECT NO.: 2305
 DATE: JANUARY 05, 2024

15% BUILDABLE AREA OVERLAY

SHEET NO.
C003

PHASE ONE FOR
ALL SAINTS ORTHODOX CHURCH
 6004 S. FAIRFAX RD. BLOOMINGTON, INDIANA
 MARCH 12, 2001 PROJECT # 1597

STRUCTURAL ENGINEER:
 MMS ENNIS CONSULTING
 400 WABASH AV. STE. 215
 TERRE HAUTE, IN 47807
 TEL. 812-234-5190



**MECHANICAL AND
 ELECTRICAL ENGINEERS:**
 ACCESS ENGINEERING, INC.
 54 S. 11TH STREET
 TERRE HAUTE, IN 47807
 812-232-7924

#3666
K. P. Manning

DRAFTING SYMBOLS

- | | | | |
|--|---------------------------|--|-----------------------------|
| | SECTION REFERENCE SYMBOL | | REVISION DESIGNATION SYMBOL |
| | DETAIL REFERENCE SYMBOL | | DEMOLITION NOTE TAG |
| | INTERIOR ELEVATION SYMBOL | | EQUIPMENT TAG |
| | ROOM IDENTIFICATION TAG | | TOILET ACCESSORY TAG |
| | DOOR DESIGNATION TAG | | CASEWORK TAG |
| | | | PLAN NOTE SYMBOL |
| | | | WINDOW DESIGNATION SYMBOL |

CODE SUMMARY

(04)	OCCUPANCY CLASSIFICATION	A-2
(04)	TYPE OF CONSTRUCTION	V-1-B
(05)	ALLOWABLE AREA	10500 SF
(06)	FLOOR AREA	4840 SF
(10A)	OCCUPANT LOAD	HORSHIP MAX/250 ACTUAL, 48 CLASSROOM MAX/40 ACTUAL, 30
PARKING DRAFT STOPS AND VENTS REQUIRED		

DRAWING INDEX

- T-1 TITLE SHEET
- C-1 SITE GRADING PLAN
- C-2 SITE PLAN
- A-1 FLOOR PLAN & SCHEDULES
- A-2 ELEVATIONS & BUILDING SECTIONS
- A-3 REFLECTED CEILING PLAN AND DETAILS
- M-1 FOUNDATION AND FRAMING PLANS
- M-2 MECHANICAL SITE PLAN
- M-3 HVAC AND PLUMBING PLAN
- E-1 MECHANICAL/PLUMBING NOTES AND DETAILS
- E-2 LIGHTING AND POWER PLANS
- E-3 ELECTRICAL SITE PLAN, SCHEDULES & SPECS

GENERAL NOTES

1. CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS.
2. CONTRACTOR SHALL ASSURE THAT ALL GROUND AND PAVED AREAS DRAIN PROPERLY AND AWAY FROM BUILDING, MAKE PROVISIONS TO PREVENT EROSION DURING THE WORK.
3. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL EXISTING UTILITIES AND CONDITIONS PERTAINING TO THIS PHASE OF WORK. IT SHALL ALSO BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE OWNERS OF THE VARIOUS UTILITIES BEFORE WORK IS STARTED. THE CONTRACTOR SHALL NOTIFY IN WRITING THE OWNERS OR ENGINEERS OF ANY CHANGES, ERRORS OR OMISSIONS FOUND ON THESE PLANS OR IN THE FIELD BEFORE WORK IS STARTED OR RESUMED.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL LOCAL AND COUNTY PERMITS.
6. EXISTING UTILITIES ARE SHOWN AT THEIR APPROXIMATE LOCATION ONLY. CONTRACTOR SHALL VERIFY THE LOCATION, SIZE, MATERIAL, AND DEPTH WITH RESPECTIVE OWNER AND SHALL PROTECT THE UTILITIES AT ALL TIMES.

STAMP

SCORE DRAWINGS
 THESE DRAWINGS HAVE BEEN REVIEWED FOR CONFORMANCE WITH THE NATIONAL ARCHITECTURAL COMPETITION ACT AND THE NATIONAL ARCHITECTURAL COMPETITION REGULATIONS. THE NATIONAL ARCHITECTURAL COMPETITION BOARD HAS REVIEWED THESE DRAWINGS AND HAS DETERMINED THAT THEY ARE IN COMPLIANCE WITH THE NATIONAL ARCHITECTURAL COMPETITION ACT AND THE NATIONAL ARCHITECTURAL COMPETITION REGULATIONS. THIS REVIEW DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE NATIONAL ARCHITECTURAL COMPETITION BOARD IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THESE DRAWINGS.



K. P. Manning
 ARCHITECT

TUDOR DESIGN, P.C.

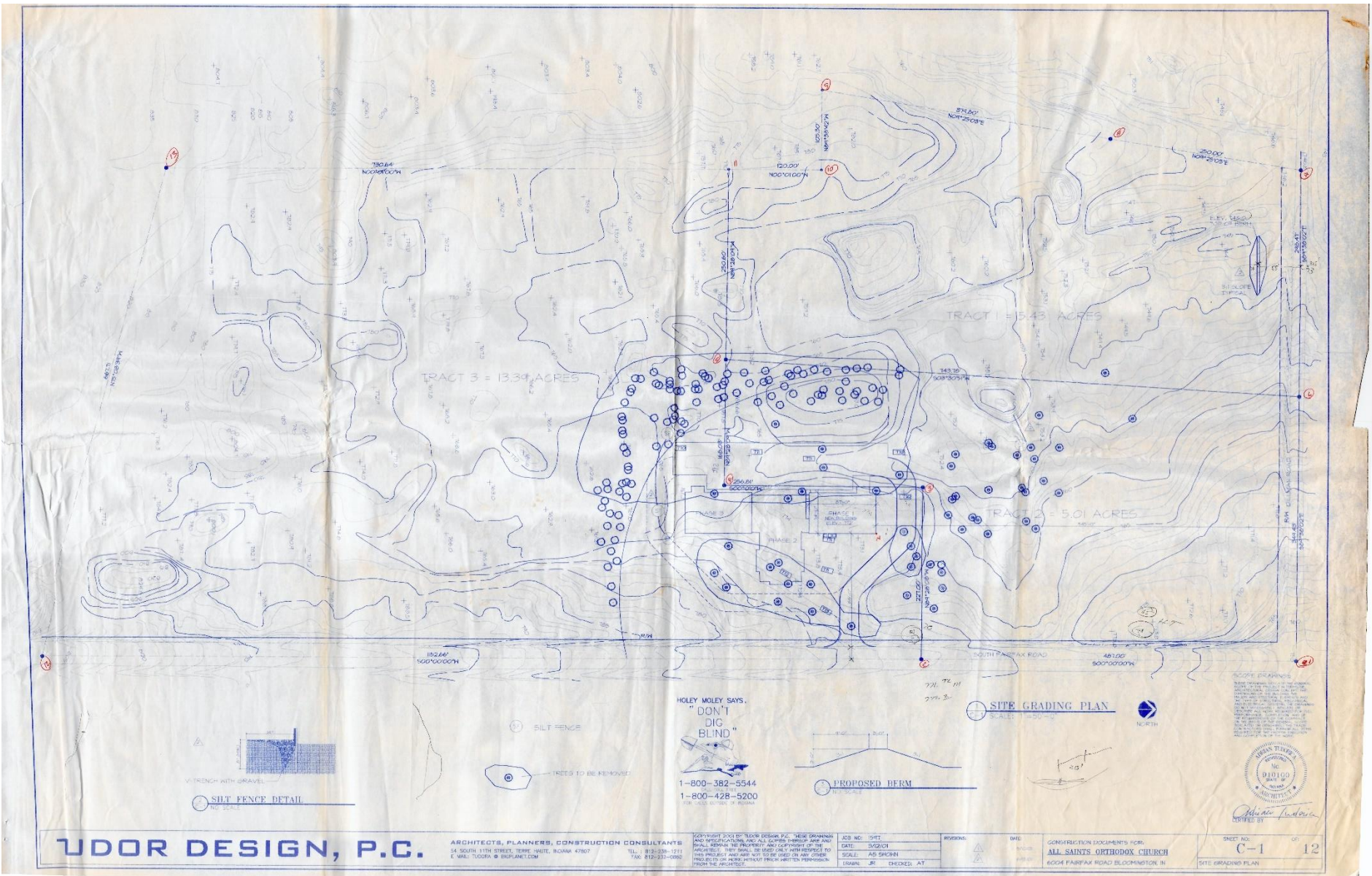
ARCHITECTS, PLANNERS, CONSTRUCTION CONSULTANTS
 54 SOUTH 11TH STREET, TERRE HAUTE, INDIANA 47807
 TEL: 812-238-1211
 FAX: 812-232-0860

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JOB NO. 1597
 DATE: 3/12/01
 SCALE: AS SHOWN
 DRAWN: JR CHECKED: AT

CONSTRUCTION DOCUMENTS FOR:
ALL SAINTS ORTHODOX CHURCH
 6004 FAIRFAX ROAD BLOOMINGTON, IN

SHEET NO. T-1 OF 12
 TITLE SHEET



HOLEY MOLEY SAYS.
"DON'T
DIG
BLIND"

1-800-382-5544
1-800-428-5200



SITE GRADING PLAN
SCALE: 1"=40'

SCORE CRANGES
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UDOR DESIGN, P.C.

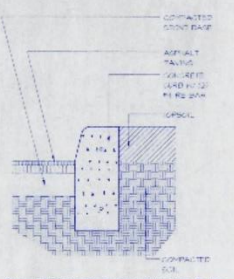
ARCHITECTS, PLANNERS, CONSTRUCTION CONSULTANTS
24 SOUTH 11TH STREET, FERRY, NORTH CAROLINA 27837
E-MAIL: UDORA@BIRPLANET.COM
TEL: 812-238-1211
FAX: 812-233-0882

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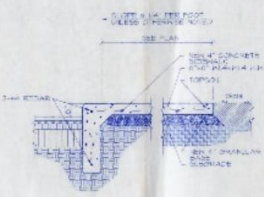
JOB NO:	1917	REVISION:	
DATE:	5/24/03	DWG:	
SCALE:	AS SHOWN	DATE:	
DRAWN:	JF	CHECKED:	AT

CONSTRUCTION DOCUMENTS FOR:
ALL SAINTS ORTHODOX CHURCH
6004 FAIRFAX ROAD, BLOOMINGTON, IN

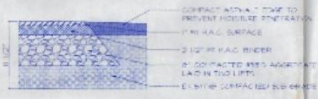
SHEET NO. **C-1** OF **12**
SITE GRADING PLAN



1 CONC. CURB DETAIL
NO SCALE

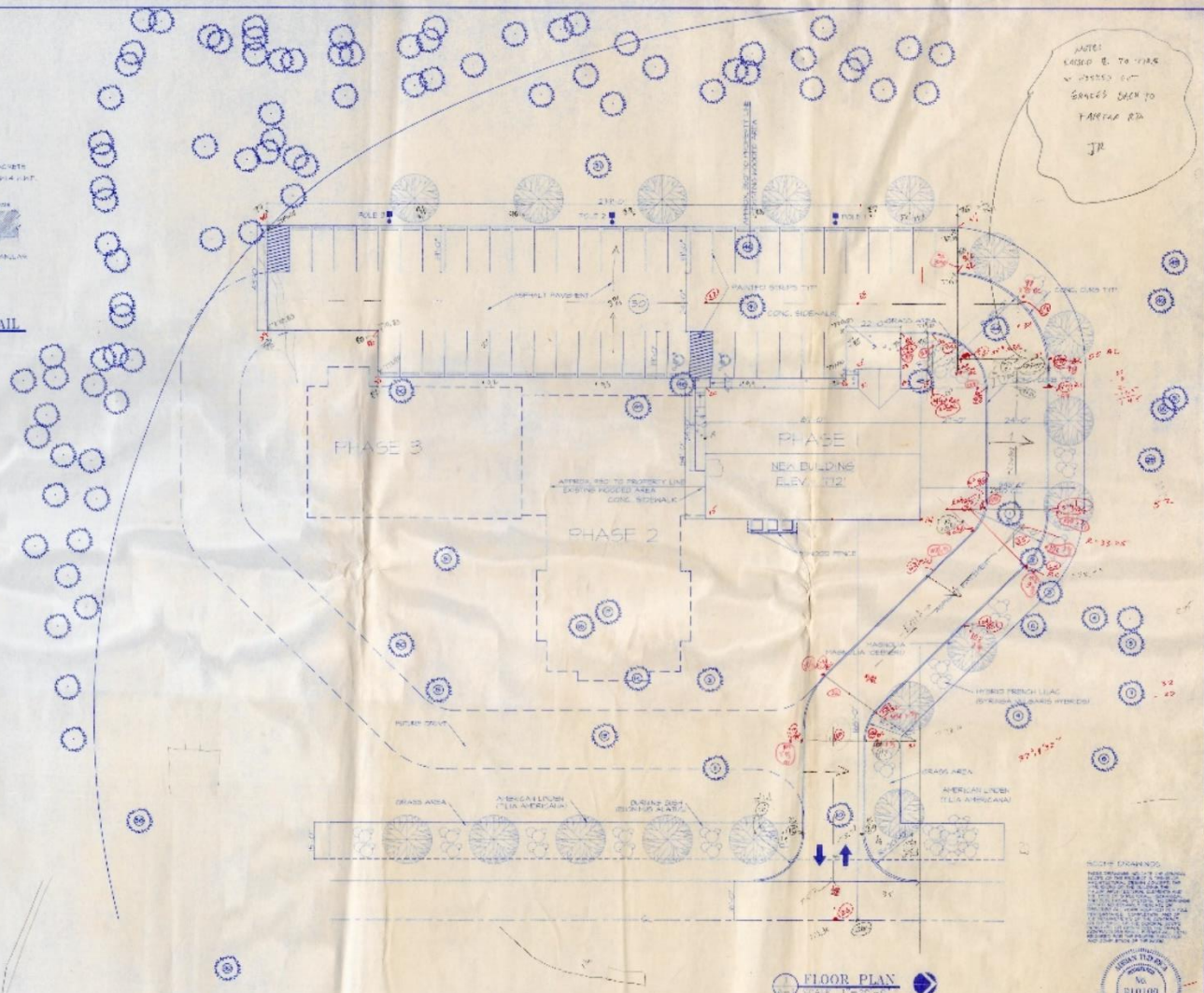


2 SIDEWALK DETAIL
SCALE 1/2" = 1'-0"



3 ASPHALT PAVING EDGE DETAIL
NO SCALE

NO.	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	CONCRETE CURB	11	LF	10.00	110.00
2	ASPHALT PAVING	15	SF	1.50	22.50
3	CONCRETE SIDEWALK	15	SF	1.50	22.50
4	ASPHALT PAVING	15	SF	1.50	22.50
5	CONCRETE SIDEWALK	15	SF	1.50	22.50
6	ASPHALT PAVING	15	SF	1.50	22.50
7	CONCRETE SIDEWALK	15	SF	1.50	22.50
8	ASPHALT PAVING	15	SF	1.50	22.50
9	CONCRETE SIDEWALK	15	SF	1.50	22.50
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96	ASPHALT PAVING	15	SF	1.50	22.50
97	CONCRETE SIDEWALK	15	SF	1.50	22.50
98	ASPHALT PAVING	15	SF	1.50	22.50
99	CONCRETE SIDEWALK	15	SF	1.50	22.50
100	ASPHALT PAVING	15	SF	1.50	22.50



NOTES:
LINES E. TO 112K
W. 112K TO 112L
SHOWN BACK TO
YARFILL RD.
JR

NOTICE: EXAMINE THIS DRAWING FOR ALL NOTES AND SPECIFICATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



FLOOR PLAN
SCALE 1" = 20'-0"
NORTH

TUDOR DESIGN, P.C.

ARCHITECTS, PLANNERS, CONSTRUCTION CONSULTANTS
5400 W. 110th Street, Suite 1401, Overland Park, KS 66204
Tel: 913-281-1211 Fax: 913-281-2820

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JOB NO. 05-01
DATE: 2/20/05
SCALE: AS SHOWN
DRAWN: [Signature] CHECKED: AT

CONSTRUCTION DOCUMENTS FOR
ALL SAINTS ORTHODOX CHURCH
6001 HANFORD ROAD, BLOOMINGTON, IN

SHEET NO. **C-2** OF **11**
SITE PLAN AND DETAILS











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*