

MONROE COUNTY BOARD OF ZONING APPEALS



**Wednesday, March 6, 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: March 6, 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: December 6, 2023; January 3, 2024

ADMINISTRATIVE BUSINESS:

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

OLD BUSINESS: None.

NEW BUSINESS:

- 1. VAR-24-7 Highway Department Variance to Provisions for Flood Hazard Reduction to Chapter 808 PAGE 12**

Two (2) road segments in Perry Township, Section 25 at 4700+/- block of E Stipp RD and Salt Creek Township, Section 30 at 5000+/- block of E Moores Creek RD.

Owner(s): Monroe County Highway Department - Easement Agreements

Contact: tbehrman@co.monroe.in.us

- VAR-23-47a Hoover Design Standards Variance to Condition #48a to Chapter 802**
- VAR-23-47b Hoover Design standards Variance to Condition #48b to Chapter 802**
- VAR-23-47c Hoover Minimum Lot Size Variance to Chapter 804**
- VAR-23-47d Hoover Side Yard Setback Variance to Chapter 804**
- 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

*****WITHDRAWN BY PETITIONER*****

- 2. VAR-24-3 Matthews Side Yard Setback to Chapter 804 PAGE 21**

One (1) 0.43 +/- acre parcel in Bloomington Township, Section 16 at 4292 N Old State Road 37, parcel #53-05-16-401-012.000-004.

Owner(s): Murnahan, William K.
Zoned RE1. Contact: drbrown@co.monroe.in.us

3. VAR-24-4 Daprile Minimum Lot Width to Chapter 804 PAGE 34

One (1) 5 +/- acre parcel in Benton North Township, Section 35 at
8541 E Wilderness TRL, parcel #53-01-35-200-012.000-003.
Owner(s): Daprile, John and Angela
Zoned FR. Contact shawnsmith@co.monroe.in.us

4. VAR-24-5 Williams Design Standards Variance to Condition #48b to Chapter 802 PAGE 42

One (1) 1.39 +/- acre parcel in Perry Township, Section 27 at
1901 E Lukes CT, parcel #53-08-27-300-041.001-008.
Owner: Williams, Ronald
Zoned SR. Contact: dmyers@co.monroe.in.us

5. VAR-24-6 Van Sant Use Variance for Convenience Storage to Chapter 802 PAGE 59

One (1) 0.79 +/- acre parcel in Salt Creek Township, Section 18 at
3434 S Knightridge RD, parcel #53-07-18-100-047.000-014.
Owner(s): Dozer Rentals LLC
Zoned CR/ECO3. Contact shawnsmith@co.monroe.in.us

6. VAR-23-32a Jacobs Minimum Lot Size to Chapter 804 PAGE 74

~~VAR-23-32b Jacobs Rear Yard Setback Variance to Chapter 804~~

7. VAR-23-32c Jacobs Side Yard Setback Variance to Chapter 804

One (1) 0.21 +/- acre parcel in Benton North Township, Section 33 at
6880 E Rust RD, parcel #53-01-33-100-043.000-003.
Owner(s): Jacobs, Jay and Kathy
Zoned SR. Contact shawnsmith@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 March 6, 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 ChairmanChairperson and Vice ChairmanChairperson. The Vice ChairmanChairperson shall serve in the absence or disability of the ChairmanChairperson. A temporary ChairmanChairperson shall be elected in the absence of both the ChairmanChairperson and Vice ChairmanChairperson. Should there be a lack of consensus of vote at the first regular meeting, the ChairmanChairperson and Vice ChairmanChairperson 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;

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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.~~ 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 ~~set~~ time limits 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 can be heard at the same hearing. Use variances shall be decided prior to consideration of the use's associated design standards variance(s). Should the use variance be denied by the Board of Zoning Appeals, the associated design standards variance(s) request shall be null and void.

~~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 ed 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.
4. An appeal or petition which has been decided against the petitioner shall not again be placed on

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

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, Chairperson
~~Kevin Buchheit~~ Jackie N. Jelen, Secretary

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



MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date: March 6, 2024

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-24-7	Floodplain Compensatory Storage Chapter 808	Approval with Conditions

808-6(C) Variance Procedures

In passing upon such applications, the board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;

- (1) The danger of life and property due to flooding or erosion damage.
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (3) The importance of the services provided by the proposed facility to the community.
- (4) The necessity of the facility to a waterfront location, where applicable.
- (5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
- (6) The compatibility of the proposed use with existing and anticipated development.
- (7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (9) The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.
- (10) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Recommended Motion Conditions or Reasoning:

Approve the Floodplain Variance. All Conditions listed under Chapter 808-6(D) have been satisfied and confirmed based on the Environmental Assessment reviews and the Finding of No Significant Impact statement submitted by US Army Corps of Engineers. The compensatory storage design standard is an optional standard adopted locally and is not a requirement of state and federal permitting.

(D) Conditions for Variances.

- (1) Variances shall only be issued when there is:
 - a. A showing of good and sufficient cause.
 - b. A determination that failure to grant the variance would result in exceptional hardship.
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- (2) No variance for a residential use within a floodway subject to 808-5, Section E or Section G (1) of this ordinance may be granted.
- (3) Any variance granted in a floodway subject to 808-5, Section E or Section G (1) of this ordinance will require a permit from the Indiana Department of Natural Resources.
- (4) Variances to the Provisions for Flood Hazard Reduction of 808-5, Section B, may be granted only when a new structure is to be located on a lot of one half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures. (Refer to 808-6, Section F.)
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Flood Protection Grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See 808-6, Section E).
- (8) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See 808-6, Section E).

Variance Type: Design Use **Planner:** Tammy Behrman
 Residential Commercial Government

PETITIONER	Monroe County Highway Department	
ADDRESS	4700+/- block of E Stipp RD & 5000+/- block of E Moores Creek RD	
TOWNSHIP + SECTION	Perry Township, Section 25 & Salt Creek Township, Section 30	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted	
ACREAGE +/-	9.36 acres within Right of Way easements	
	PETITION SITE	ADJACENT
ZONING	AG/R, FR, ER / ECO1	AG/R, FR, ER / ECO1
COMP PLAN	Farm and Forest	Farm and Forest
USE	County Road	Vacant, Residential, Monroe Lake

SUMMARY

The petitioner is proposing to raise the vertical profiles of E Moores Creek Road and E Stipp Road on their existing alignment and replace the existing Stipp Road bridge over Butcher Branch due to drainage issues and flooding. Most of the work involved will take place in the Special Flood Hazard Area Zone A Flood Fringe. Fill, riprap and retaining walls will be placed in the floodplain as a part of the project. The Monroe County Zoning Ordinance Chapter 808-5(A)(11) requires that, *the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE*; this is broadly called accounting for “compensatory storage”. This County Road project has not accounted for compensatory storage under 808-5 and is requesting a design standards variance from this local floodplain requirement. These road projects are listed in the [Long Range Stormwater Plan](#), Items #4 and #16. Tree removal is expected to begin in Winter 2024 followed by utility relocation. Moores Creek Road will be the first phase of the project and then Stipp Road will follow, with mitigation in the form of tree planting in the vicinity of the project. The roads will be paved after construction. Both road segments to be considered are located within EASEMENT NO. DACW27-2-22-492 executed 6/15/2023 from the US Army Corps of Engineers to the Board of Commissioners. The State of Indiana does not require a Certificate of Approval since the Rural Bridge Exemption through a General License applies for this location. Monroe Lake is managed by the Army Corps of Engineers to prevent flood damage downstream. A Record of Environmental Consideration was submitted as a part of USACE granting the perpetual easement for the purposes of the County Highway project. Approving the variance will allow for the project to proceed as designed. If the variance is denied, then this project will likely not proceed, at the discretion of the Stormwater Management Board. To date the Stormwater Program has spent close to \$500,000 on project design and the Environmental Assessment for this project. Requiring compensatory storage would require a whole new Environmental Assessment, acquisition of additional easement from USACE (if they would grant it), more tree removal and additional disturbed area.

LOCAL PERMITS

Floodplain Development Permit – FP-24.2 (in process, pending variance)

DISCUSSION

During a Community Assessment Visit by DNR Division of Water it was pointed out that the Monroe County Highway Department was not exempt from the Floodplain provisions. Thus, in 2017 language was added under Chapter 800-15(A)(1) Applicability:

1. *This Zoning Ordinance, unless otherwise noted, shall apply to all public, private and institutional development, with the following exception:*
 - a. *road development projects by the Monroe County Highway Department.*
However, all Monroe County Highway Department road development projects shall remain subject to the provisions of Chapter 808: Flood Damage Prevention.

Monroe County adopted the state required Flood Damage Prevention Chapter 808; Ordinance 2017-25 on July 25, 2017. The County also chose to adopt all the optional restrictions that DNR offered as a suggestion. One of the optional design standards deals with compensatory storage. This regulation describes that if fill is added to the floodplain then an equal amount of fill must be removed from the floodplain on the same property specifically stated as:

Chapter 808-5(A)(11)

Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.

- a. *The excavation shall take place in the floodplain and in the same property in which the authorized fill or structure is located.*

Monroe Lake was established as a flood control measure when developed in the 1950's. The volume of fill being added to this floodplain can be mitigated by Monroe Lake itself. The spillway is at a set elevation as a control measure so there should not be any additional impacts to neighboring structures as a result of this project.

MONROE COUNTY PUBLIC WORKS DEPARTMENT

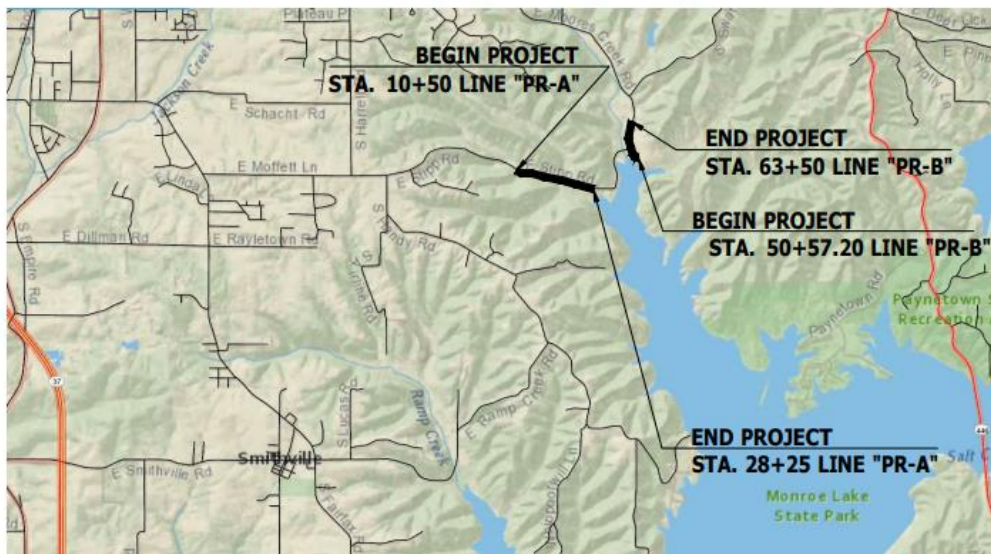
ROAD PLANS STIPP ROAD

FROM: STA 10+50 TO: STA 28+25 LINE "PR-A"

MOORES CREEK ROAD

FROM: STA 50+57.20 TO: STA 63+50 LINE "PR-B"

Roadway Improvements on Stipp Road and Moores Creek Road
Located 4.5 Miles East of SR37, 1.9 Miles West of SR446
Section 25, T-8-N, R-1-W, Perry Township, Monroe County, Indiana



PERRY TOWNSHIP
MONROE COUNTY

EXHIBITS - Immediately following report

1. Staff Site visit photos / aerials
2. Petitioner [Site Plan and Engineered Construction Plans](#)
3. USACE Finding of No Significant Impact signed 6/29/2022 based on the 343 page Environmental Assessment dated 6/6/2022



Image 1. Highlighted road segments to be improved if variance is approved.

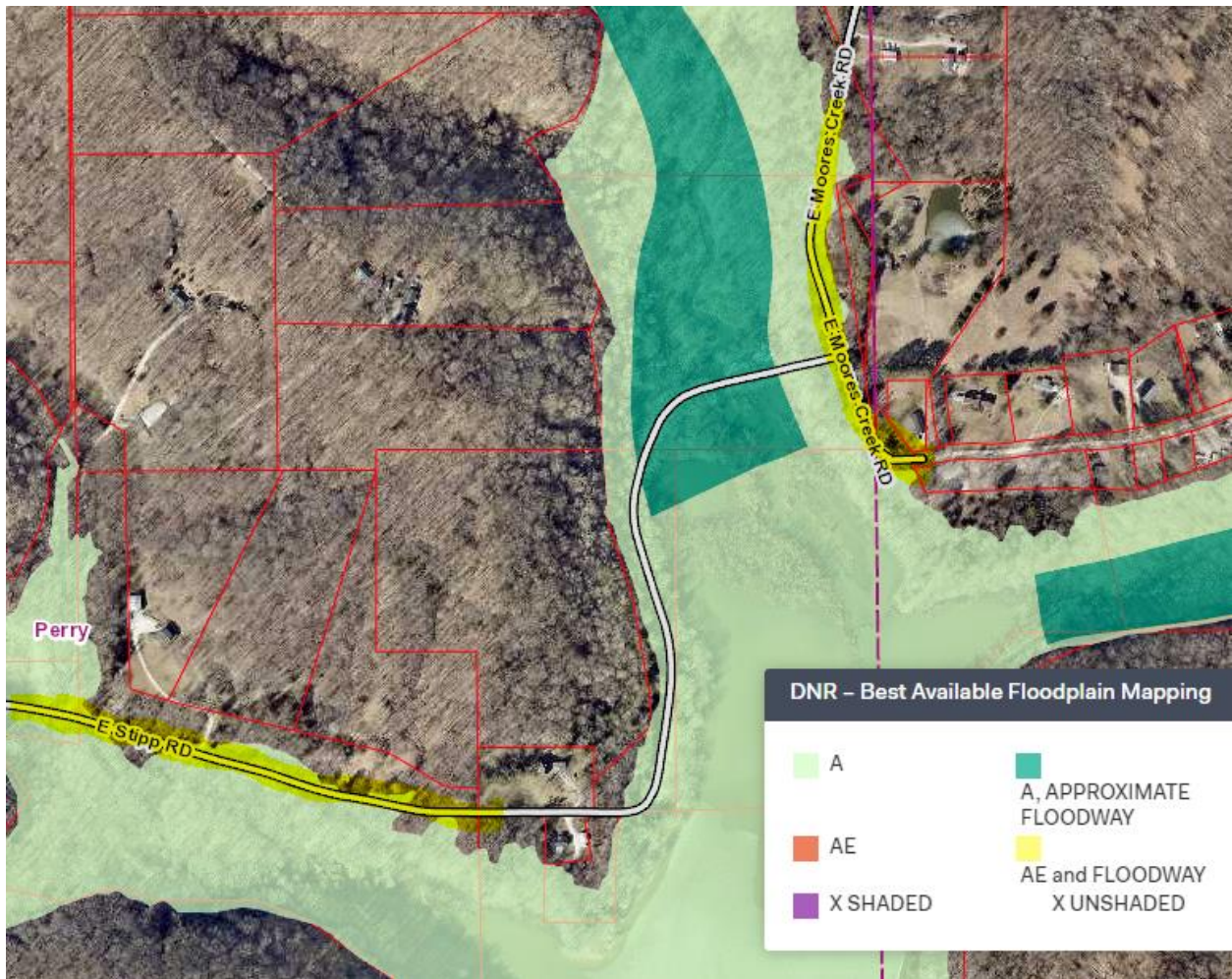


Image 2. DNR Best Available Flood Map with road segments highlighted in yellow shown in Flood Zone A.



**US Army Corps
of Engineers**
Louisville District

FINDING OF NO SIGNIFICANT IMPACT

**STIPP ROAD AND MOORES CREEK ROAD PROJECTS
MONROE LAKE, MONROE COUNTY, INDIANA**

The U.S. Army Corps of Engineers, Louisville District (USACE) has conducted an environmental analysis in accordance with the National Environmental Policy Act of 1969, as amended. The Final Environmental Assessment (EA) dated 11 May 2022, for the Stipp Road and Moores Creek Road Projects addresses environmental impacts associated with alternatives to address roadway overtopping of Stipp Road and Moores Creek Road and design deficiencies of the Stipp Road bridge, at Monroe Lake in Monroe County, Indiana.

The Final EA, incorporated herein by reference, evaluated alternatives that would reduce the frequency and duration of roadway overtopping of the Stipp Road bridge in the study area. The Preferred Alternative is:

- Raising the vertical profiles of Moores Creek Road and Stipp Road on their existing alignment and replacing the existing Stipp Road bridge over Butcher Branch Creek.

In addition to a “no action” plan, two alternatives were evaluated. The alternatives included 1) raising the vertical profiles of both roads in their existing alignments and replacing the bridge over Butcher Branch Creek (Preferred Alternative), and 2) realigning portions of both roads to a higher elevation and constructing the bridge over Butcher Branch Creek on the new alignment. For a discussion of the alternatives, refer to Section 3 of the Final EA.

For all alternatives, the potential effects were evaluated, as appropriate. A summary assessment of the potential effects of the Preferred Alternative is listed in Table 1:

Table 1: Summary of Potential Effects of the Preferred Alternative

	Insignificant effects	Insignificant effects as a result of mitigation*	Resource unaffected by action
Aesthetics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aquatic resources/wetlands	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Invasive species	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fish and wildlife habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Threatened/Endangered species/critical habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic properties	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other cultural resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floodplains	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hazardous, toxic & radioactive waste	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



**US Army Corps
of Engineers**
Louisville District

	Insignificant effects	Insignificant effects as a result of mitigation*	Resource unaffected by action
Land use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noise levels	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public infrastructure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Socio-economics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental justice	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Soils	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tribal trust resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climate change	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the Preferred Alternative. Best management practices (BMPs) as detailed in the EA will be implemented, if appropriate, to minimize impacts. A Storm Water Pollution Prevention Plan (SWPPP) along with BMPs will be implemented to prevent erosion and soil loss, protect water quality, and avoid or minimize hazardous materials releases during construction. Turbid groundwater that is encountered will be filtered or discharged into settling basins to reduce turbidity before being discharged. In addition, to avoid impacts to wetlands, temporary fencing and signage will be erected at wetland boundaries to mark avoidance areas.

Compensatory mitigation in the form of a voluntary reseeding and tree planting effort will be implemented as part of the Preferred Alternative.

In compliance with 33 C.F.R 230.11, the draft EA was circulated for a 30-day review to concerned agencies, organizations, and the interested public. All comments received during this review period were evaluated and necessary changes were incorporated into the Final EA.

Pursuant to Section 7 of the Endangered Species Act of 1973, as amended, the USACE determined that the Preferred Alternative may affect but is not likely to adversely affect the following federally listed species or their designated critical habitat: Indiana Bat (*Myotis sodalis*) and the Northern Long-eared Bat (*Myotis septentrionalis*). The U.S. Fish and Wildlife Service (USFWS) concurred with the USACE's determination on 16 June 2021.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, the USACE determined that the Preferred Alternative has no effect on historic properties.

Section 404 of the Clean Water Act (CWA) of 1972, as amended, establishes a program that regulates the discharge of dredged or fill material into Waters of the U.S., which generally includes streams, rivers, lakes, wetlands, and some other water courses. Section 404 requires a USACE permit before dredged or fill material is discharged into Waters of the U.S., unless the activity is exempt from Section 404 regulation (e.g., certain farming and forestry activities). The USACE Louisville, Detroit, and Chicago Districts have issued Indiana Regional General Permit (RGP) No. 001 for certain activities in Waters of the



**US Army Corps
of Engineers**
Louisville District

U.S. within the State of Indiana under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the CWA. Certain activities that impact 1 acre or less of Waters of the U.S., or 2 acres or less for open waters, and qualify for the associated Indiana Department of Environmental Management (IDEM) Section 401 Water Quality Certification (WQC) are eligible for this RGP. Notification to USACE is required for impacts exceeding the RGP notification thresholds and for any work occurring in navigable waters. Notification to IDEM is required for any and all impacts to Waters of the U.S. in the State of Indiana. The Preferred Alternative would be authorized under the Indiana RGP No. 001 with notifications to both USACE and IDEM. All conditions of the RGP, its General Conditions, and IDEM's Section 401 WQC will be implemented in order to minimize adverse impacts to Waters of the U.S. and water quality.

Technical, environmental, and cost effectiveness criteria used in the formulation of project alternatives were those specified in the Water Resources Council's 1983 Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies. All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives. Based on this report, the reviews by other Federal, State and local agencies, Tribes, input from the public, and the review by my staff, it is my determination that the Preferred Alternative would not cause significant adverse effects on the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.

Date

**Eric D.
Crispino** Digitally signed by
Eric D. Crispino
Date: 2022.06.29
18:22:59 -04'00'

Eric Crispino
Colonel, Corps of Engineers
District Commander



MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date: **March 6, 2024**

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-24-3	Side Yard Setback	Denial

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

Recommended Motion Conditions or Reasoning:

Staff recommends **denial** of VAR-24-3 as Practical difficulties have not been demonstrated in regard to the proposed location of the garage.

Variance Type: <input checked="" type="checkbox"/> Design <input type="checkbox"/> Use		Planner: Daniel Brown
<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial		
PETITIONER	Murnahan, William K. (Owner) c/o Sean Matthews of Matthews Home Design & Rendering	
ADDRESS	4292 N Old State Road 37 53-05-16-401-012.000-004	
TOWNSHIP + SECTION	Bloomington, Section 16	
PLATS	<input type="checkbox"/> Unplatted <input checked="" type="checkbox"/> Platted: Northcliff Subdivision Lot 34	
ACREAGE +/-	0.43 acres	
	PETITION SITE	ADJACENT
ZONING	Estate Residential 1	Estate Residential 1
Comprehensive Plan	MCUA Suburban Residential	MCUA Suburban Residential
USE	Single-family Residential	Single-family Residential

SUMMARY

This variance was generated by a Residential Building Permit, R-23-1239. The petitioner is requesting a Design Standards Variance to construct a 648-square-foot garage that will be attached to an existing single-family residence. Part of said single-family residence will be modified or removed to accommodate the new garage; an existing canopy attached to the single-family structure will also be removed. The proposed design and location of the garage however encroach into the side yard setback for the southern side of the property.

As this is a substandard Lot of Record for the Estate Residential 1 zoning district, it is deemed to conform with the minimum lot size requirement and is granted a reduced setback of 15 feet from the side. However, the proposed attached garage is located only 8 feet from the property line. Hence, this variance was triggered. According to Chapter 833 table 33-5, a detached garage would allow said garage to have a side yard setback of only 5 feet, but the petitioner has requested that the garage remain attached.

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. If the design standards variance is denied, the petitioner will be required to generate a new site plan where the proposed construction satisfies the setback standards.

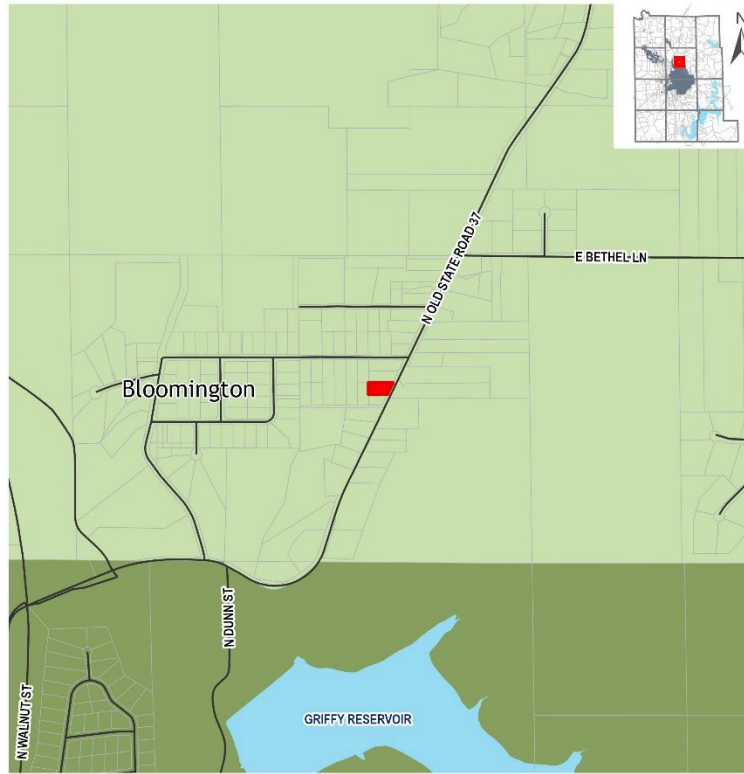
EXHIBITS

1. Site Maps
2. Staff Visit Photos
3. Petitioner Letter
4. Petitioner Site Plan

EXHIBIT 1: Site Maps

Location Map

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



Above, the Location Map of the petition property; Below, the Site Conditions Map

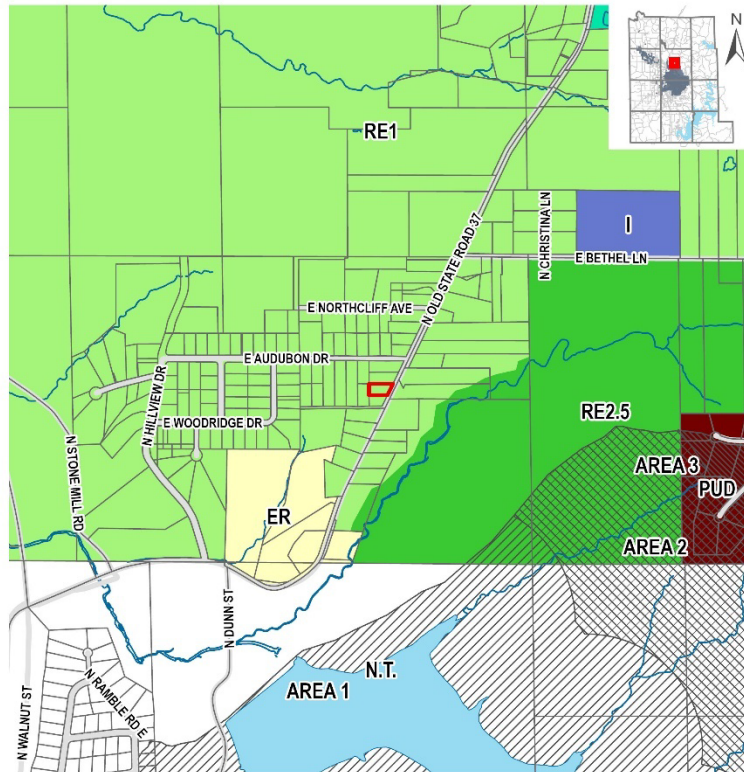
Site Conditions Map

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



Current Zoning Map

- Petitioner
- Parcels
- Roads
- Lakes
- Hydrologic Features
- ECO Areas**
- Area 1
- Area 2
- Area 3
- Monroe County Zoning**
- ER - Estate Residential
- I - Institutional Uses
- N.T. - No Tag (Outside Juris.)
- PUD - Planned Unit Development
- RE1 - Estate Residential 1
- RE2.5 - Estate Residential 2.5
- RS3.5 - Single Dwelling Res. 3.5



Monroe County
 Planning Department
 Source: Monroe County GIS
 Date: 2/13/2024

Above, the Current Zoning Map of the petition property; Below, the Comprehensive Plan Map

Comprehensive Plan

- Petitioner
- Townships
- Monroe Co. Urbanizing Area (MCUA)
- Parcels
- Roads
- Comp. Plan Land Use (Updated 2015)**
- Conservation Residential
- Farm and Forest
- Rural Residential
- MCUA Open Space
- MCUA Rural Transition
- MCUA Suburban Residential
- Bloomington Growth Policies Plan**
- Lake Gruffy
- Parks/Open Space
- Public/ Semi-Public/ Institutional
- Urban Residential



Monroe County
 Planning Department
 Source: Monroe County GIS
 Date: 2/13/2024

EXHIBIT 2: Site Photos



Photo 1: Pictometry view from the East.

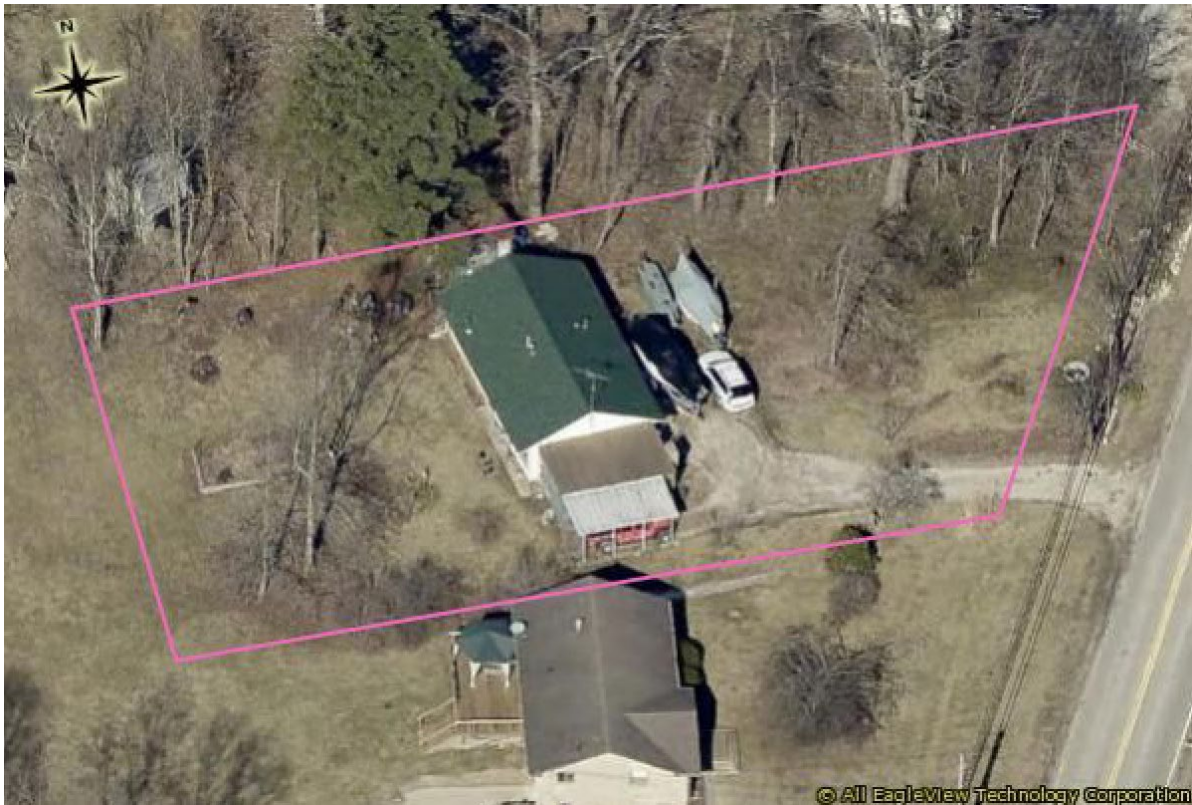


Photo 2: Pictometry view from the South.



Photo 3: View of the property from the right-of-way.



Photo 4: View of the existing canopy and section of the home to be replaced by the garage.



Photo 5: View of the existing canopy and proximity to side property line

EXHIBIT 3: Petitioner Site Plan

BILL MURNAHAN

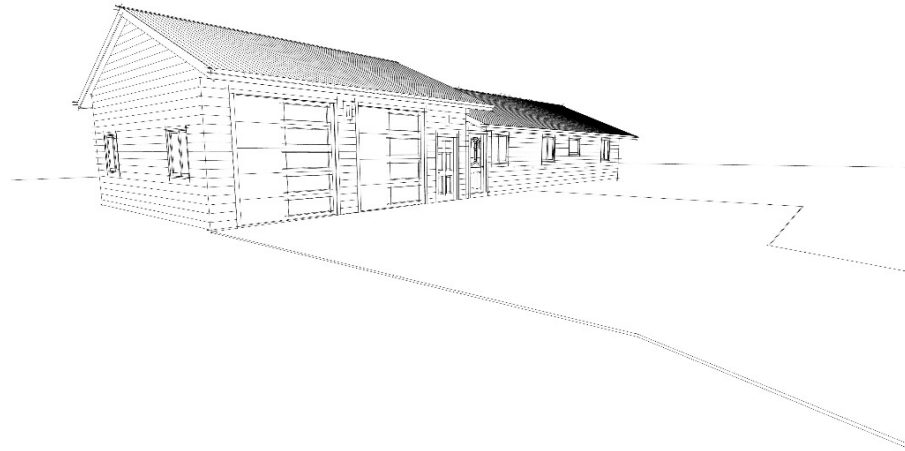
PROJECT: EXISTING RESIDENCE GARAGE ADDITION

ADDRESS: 4292 N OLD STATE ROAD
BLOOMINGTON, INDIANA 47408

DESIGNER: SEAN MATTHEWS
BUILDER: ROGERS REMODELING LLC

INDEX

PROJECT OVERVIEW	GI100
SITE PLANS	AS101
DEMOLITION PLAN	AD101
EXISTING ELEVATION	AD201
PROPOSED FLOOR PLAN	AE101
PROPOSED ROOF PLAN	AE121
PROPOSED FRAMING PLAN	AE122
PROPOSED ELEVATIONS	AE201



RENDERING: HOME ADDITION
FOR ILLUSTRATION ONLY

GENERAL NOTES:

THESE PLANS ARE NOT CONSTRUCTION DOCUMENTS! THESE PLANS ARE SCHEMATIC ONLY AND ARE PROVIDED ONLY AS A GUIDE. IT IS RECOMMENDED THAT A LICENSED STRUCTURAL ENGINEER BE ENGAGED TO CUSTOMIZE THESE PLANS TO YOUR LOCAL CONDITIONS AND CONSTRUCTION METHODS PREVALENT IN YOUR AREA. SITE SPECIFIC SOIL CONDITIONS, WIND SPEEDS, AND OTHER FACTORS CAN DRAMATICALLY AFFECT STRUCTURAL BUILDING ELEMENTS.

WRITTEN DIMENSIONS AND SPECIFIC NOTES SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS AND GENERAL NOTES. THE ENGINEER/DESIGNER SHALL BE CONSULTED FOR CLARIFICATION IF SITE CONDITIONS ARE ENCOUNTERED THAT ARE DIFFERENT THAN SHOWN. IF DISCREPANCIES ARE FOUND IN THE PLANS OR NOTES, OR IF A QUESTION ARISES OVER THE INTENT OF THE PLANS OR NOTES, CONTRACTOR SHALL VERIFY AND IS RESPONSIBLE FOR ALL DIMENSIONS (INCLUDING ROUGH OPENINGS).

ALL TRADES SHALL MAINTAIN A CLEAN WORK SITE AT THE END OF EACH WORK DAY.

MATTHEWS HOME DESIGN AND RENDERING IS NOT RESPONSIBLE FOR ANY STRUCTURAL ASPECTS OF THIS DESIGN. ALL STRUCTURAL COMPONENTS SHALL BE PROVIDED BY A LICENSED ENGINEER OR ARCHITECT.

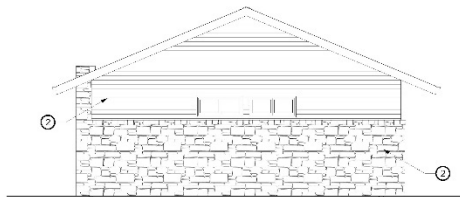


THIS SET OF PLANS IS THE PROPERTY OF SEAN MATTHEWS, LLC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE, REPRODUCTION, OR ALTERATION OF THESE PLANS WITHOUT THE WRITTEN PERMISSION OF SEAN MATTHEWS, LLC IS STRICTLY PROHIBITED. THE USER OF THESE PLANS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE LOCAL, STATE, AND FEDERAL AGENCIES. SEAN MATTHEWS, LLC AND ITS DESIGNERS ASSUME NO LIABILITY FOR ANY DAMAGE, LOSS, OR INJURY RESULTING FROM THE USE OF THESE PLANS. THE USER SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS ON THE JOB SITE. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE LOCAL, STATE, AND FEDERAL AGENCIES. SEAN MATTHEWS, LLC AND ITS DESIGNERS ASSUME NO LIABILITY FOR ANY DAMAGE, LOSS, OR INJURY RESULTING FROM THE USE OF THESE PLANS. THE USER SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS ON THE JOB SITE.

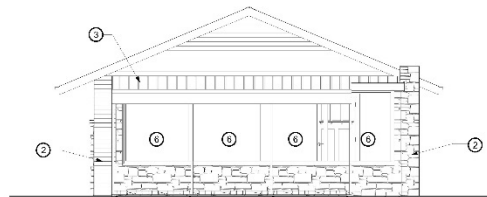
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A EXISTING HOME ADDITION FOR:
BILL MURNAHAN
4292 N OLD STATE ROAD
BLOOMINGTON, INDIANA 47408

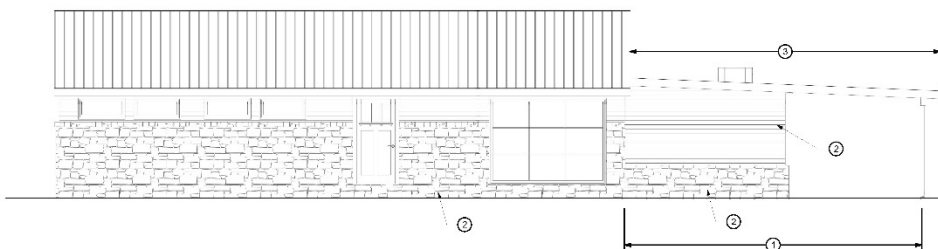
PROJECT NUMBER:	#603
DRAWN BY:	S. MATTHEWS
DATE:	January 6, 2024
SHEET DESCRIPTION:	PROJECT OVERVIEW
PLAN LABEL:	GI100



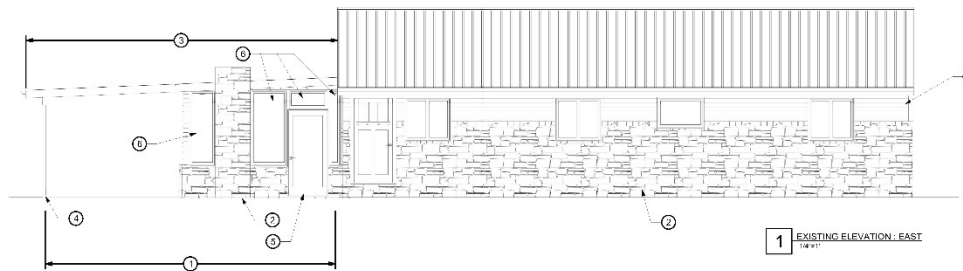
4 EXISTING ELEVATION : NORTH
1/4"=1'



3 EXISTING ELEVATION : SOUTH
1/4"=1'



2 EXISTING ELEVATION : WEST
1/4"=1'



1 EXISTING ELEVATION : EAST
1/4"=1'

EXISTING ELEVATION : DEMOLITION NOTES	
1	REMOVE AND DISPOSE EXISTING EXTERIOR WALL.
2	REMOVE AND DISPOSE OF ANY EXISTING EXTERIOR LIMESTONE AND SIDING. PREPARE WALL FOR NEW SIDING.
3	REMOVE AND DISPOSE OF THE EXISTING ROOF IN ITS ENTIRETY.
4	REMOVE AND DISPOSE OF EXISTING COLUMN.
5	REMOVE AND DISPOSE OF EXISTING DOOR, FRAME, AND HARDWARE.
6	REMOVE AND DISPOSE OF EXISTING EXTERIOR WINDOW AND FRAME.

HOMEOWNER WILL TAKE NECESSARY PRECAUTIONS TO REMOVE OR RELOCATE ITEMS OF VALUE TO BE REUSED AND / OR SAVED, OR IN ANY DANGER OF BEING DAMAGED DUE TO CONSTRUCTION PROCESS.

CONTRACTOR TO REMOVE ITEMS WITH CAUTION, VERIFY ON SITE THAT DEMOLITION WILL NOT BE PERFORMED ON ANY LOAD BEARING WALLS.

REPAIR ANY DAMAGE TO ITEMS INDICATED TO REMAIN AS A RESULT OF DEMOLITION AND/OR CONSTRUCTION ACTIVITIES.



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REVISIONS
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A EXISTING HOME ADDITION FOR:
BILL MURNAHAN
 4292 N OLD STATE ROAD
 BLOOMINGTON, INDIANA 47408

PROJECT NUMBER	#0123
DRAWN BY:	S. MATTHEWS
DATE:	January 6, 2024
SHEET DESCRIPTION:	EXISTING ELEVATION
PLAN LABEL:	AD201

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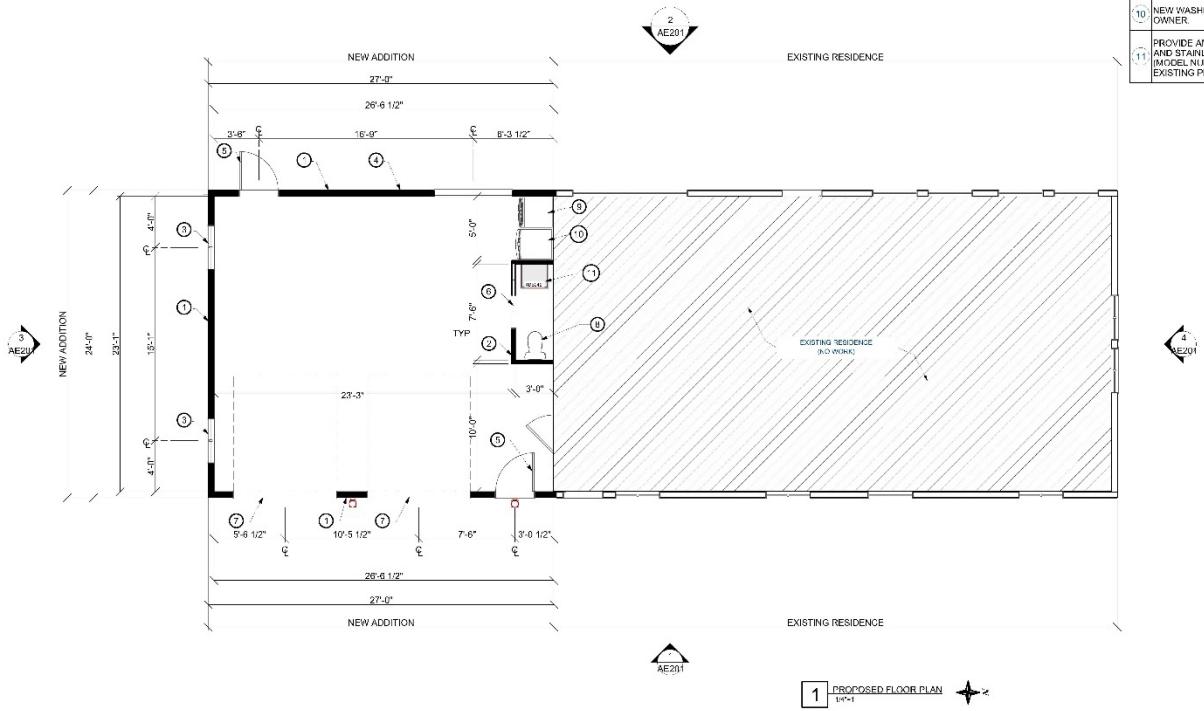
A EXISTING HOME ADDITION FOR:
BILL MURNAHAN
4292 N OLD STATE ROAD
BLOOMINGTON, INDIANA 47408

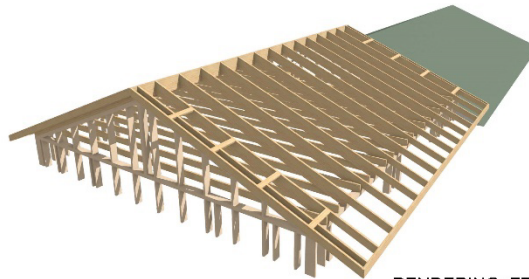
PROJECT NUMBER: #0823
DRAWN BY: S. MATTHEWS
DATE: January 5, 2024
SHEET DESCRIPTION: PROPOSED FLOOR PLAN
PLAN LABEL: AE101

FLOOR PLAN KEYNOTES:	
1	NEW EXTERIOR 2X WOOD STUD WALL @ 16" O.C. CONTRACTOR RESPONSIBLE FOR PROPER INSTALL OF INTERIOR AND EXTERIOR FINISHES. VERIFY WITH OWNER ON MATERIALS.
2	NEW INTERIOR 2X WOOD STUD WALL @ 16" O.C. CONTRACTOR RESPONSIBLE FOR PROPER INSTALL OF INTERIOR FINISHES.
3	PROVIDE AND INSTALL NEW EXTERIOR WINDOW. INSTALL PER MANUFACTURE INSTRUCTIONS. VERIFY WITH OWNER ON MAKE AND MODEL.
4	PROVIDE AND INSTALL NEW EXTERIOR COILING DOOR. INSTALL PER MANUFACTURE INSTRUCTIONS. VERIFY WITH OWNER ON MAKE AND MODEL.
5	PROVIDE AND INSTALL NEW EXTERIOR DOOR AND HARDWARE.
6	PROVIDE AND INSTALL NEW INTERIOR DOOR AND HARDWARE.
7	PROVIDE AND INSTALL NEW GARAGE DOOR. INSTALL PER MANUFACTURE INSTRUCTIONS. VERIFY WITH OWNER ON MAKE AND MODEL.
8	PROVIDE AND INSTALL NEW TOILET. TIE INTO EXISTING PLUMBING AND VENT AS REQUIRED.
9	NEW DRYER. VENT AS REQUIRED. VERIFY WITH OWNER.
10	NEW WASHER. TIE INTO EXISTING PLUMBING. VERIFY WITH OWNER.
11	PROVIDE AND INSTALL TUSCANY 24"W X 2'-14"D WHITE CABINET AND STAINLESS STEEL LAUNDRY/UTILITY SINK WITH FAUCET. (MODEL NUMBER - OL 112 MENARDS SKU: 6725162) TIE INTO EXISTING PLUMBING.

ALL LUMBER TO BE SIZED BY SUPPLIER. VERIFY ALL DIMENSIONS PRIOR TO START OF CONSTRUCTION. THIS FLOOR PLAN LAYOUT IS PROVIDE ONLY AS A PROPOSED DESIGN. REFER TO SEPARATE ENGINEER'S DRAWINGS FOR STRUCTURE DETAILS.

WALL LEGEND & BASIC CALL OUTS	
	DEMO WALLS
	(N) EXTERIOR WALL
	(E) EXTERIOR WALL
	(N) INTERIOR WALL
	(E) INTERIOR WALL
	EXISTING (NO WORK)
(N) = NEW (E) = EXISTING F.F. = FINISHED FLOOR N.G. = NATURAL GRADE PL. = PLATE HEIGHT	

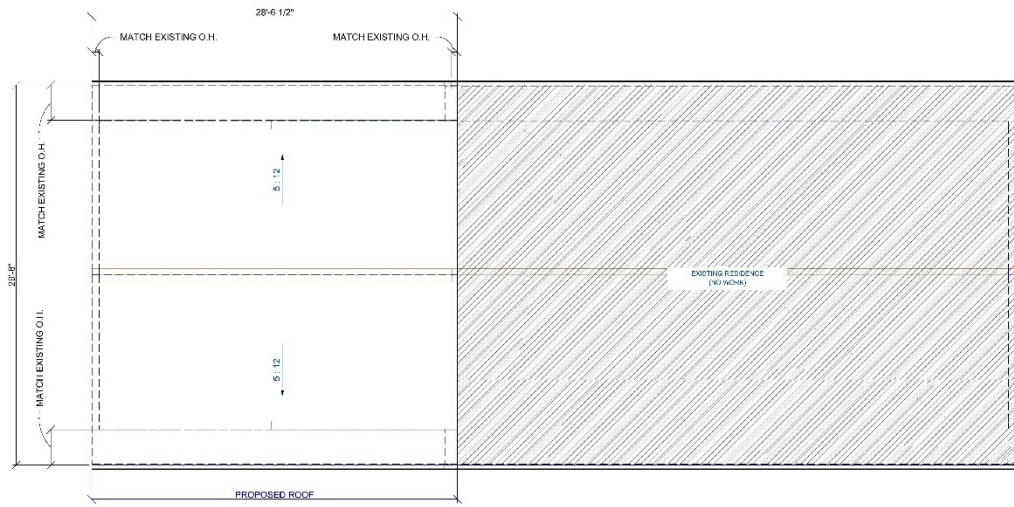




RENDERING: FRAMING
FOR ILLUSTRATION ONLY

ALL LUMBER TO BE SIZED BY SUPPLIER.
VERIFY ALL DIMENSIONS PRIOR TO START OF CONSTRUCTION.

THIS ROOF LAYOUT IS PROVIDED ONLY AS A GUIDE TO GEOMETRY OF ROOF. REFER TO SEPARATE ENGINEER'S DRAWINGS FOR SPACING SIZING AND STRUCTURE DETAILS.



1 PROPOSED ROOF PLAN
1/4"=1'



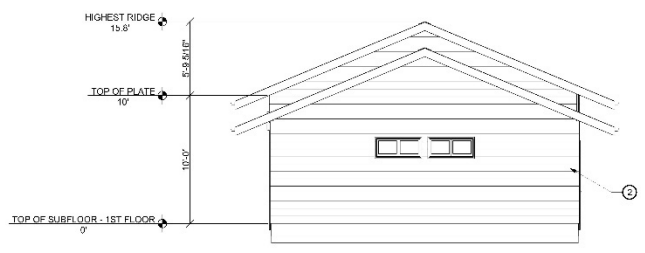
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REVISIONS

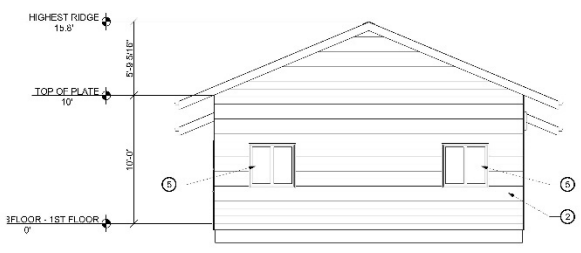
A EXISTING HOME ADDITION FOR:
BILL MURNAHAN
4292 N OLD STATE ROAD
BLOOMINGTON, INDIANA 47408

PROJECT NUMBER: #0823
DRAWN BY: S. MATTHEWS
DATE: January 6, 2024
SHEET DESCRIPTION: PROPOSED ROOF PLAN
PLAN LABEL: AE121

PROPOSED ELEVATION KEYNOTES :	
(1)	NEW METAL ROOF TO MATCH EXISTING.
(2)	NEW SIDING. CONTRACTOR RESPONSIBLE FOR PROPER INSTALL OF EXTERIOR FINISHES. VERIFY WITH OWNER ON MATERIALS.
(3)	PROVIDE AND INSTALL NEW EXTERIOR COILING DOOR. INSTALL PER MANUFACTURE INSTRUCTIONS. VERIFY WITH OWNER ON MAKE AND MODEL.
(4)	PROVIDE AND INSTALL NEW EXTERIOR DOOR AND HARDWARE.
(5)	PROVIDE AND INSTALL NEW EXTERIOR WINDOW. INSTALL PER MANUFACTURE INSTRUCTIONS. VERIFY WITH OWNER ON MAKE AND MODEL.
(6)	PROVIDE AND INSTALL NEW GARAGE DOOR. INSTALL PER MANUFACTURE INSTRUCTIONS. VERIFY WITH OWNER ON MAKE AND MODEL.
(7)	NEW EXTERIOR LIGHT. VERIFY WITH OWNER ON STYLE AND MANUFACTURE.



4 PROPOSED ELEVATION : NORTH
10'-0"



3 PROPOSED ELEVATION : SOUTH
10'-0"



2 PROPOSED ELEVATION : WEST
10'-0"



1 PROPOSED ELEVATION : EAST
10'-0"



ALL RIGHTS RESERVED. THIS DRAWING IS THE PROPERTY OF MATTHEWS HOME DESIGN & RENDERING. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MATTHEWS HOME DESIGN & RENDERING. THE USER OF THIS DRAWING AGREES TO HOLD MATTHEWS HOME DESIGN & RENDERING HARMLESS FROM AND AGAINST ALL LIABILITY, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM OR RESULTING FROM THE USE OF THIS DRAWING.

REVISIONS

A EXISTING HOME ADDITION FOR:
BILL MURNAHAN
 4292 N OLD STATE ROAD
 BLOOMINGTON, INDIANA 47408

PROJECT NUMBER	2023
DRAWN BY:	S. MATTHEWS
DATE:	January 6, 2024
SHEET DESCRIPTION:	PROPOSED ELEVATIONS
PLAN LABEL:	

AE201



MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date: **March 6, 2024**

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-24-4	Minimum Lot Width from Chapter 804	Approval

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

Recommended Motion Conditions or Reasoning:

Approve the minimum lot width variance: Practical difficulties have been demonstrated. This is a flagpole lot that does not meet minimum lot width of the FR zone. Construction is not possible without variance approval or seeking a rezone with a smaller lot width requirement or a lot line shift with an adjacent property.

Variance Type: <input checked="" type="checkbox"/> Design <input type="checkbox"/> Use		Planner: Shawn Smith
<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial		
PETITIONER	Daprile, John and Angela (Owners)	
ADDRESS	8541 E Wilderness Trail 53-01-35-200-012.000-003	
TOWNSHIP + SECTION	Benton North Township, Section 35	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	5 acres	
	PETITION SITE	ADJACENT
ZONING	FR	FR and SR
CDO ZONE	Rural Residential	Rural Residential/Managed Lands
USE	Vacant	Single-family Residential/Vacant
EXHIBITS		

1. Location Map
2. Site Conditions Map
3. Pictometry & Staff Visit Photos
4. Petitioner Letter
5. Petitioner Site Plan

SUMMARY

The petitioner is requesting one Design Standards Variance to construct an approximate 2,660 sq ft new single-family residence at 8541 E Wilderness Trail on a 5 acre lot in the FR zone. There is also a proposal for a 1,344 sq ft pole barn/storage structure. The proposed location does not meet the 200' minimum lot width requirement for the FR zone, however all other design standards are being met. The lot width of the site is approximately 135 ft. The petitioner has a residential building permit on file (R-24-47) and a residential pole barn structure permit (R-24-63).

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

If the design standards variance to the minimum lot width is **denied**, the petitioner will not be able to construct either of the proposed structures on the property without obtaining a rezone or conducting a lot line shift.

EXHIBIT ONE: Location Map

Location Map

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

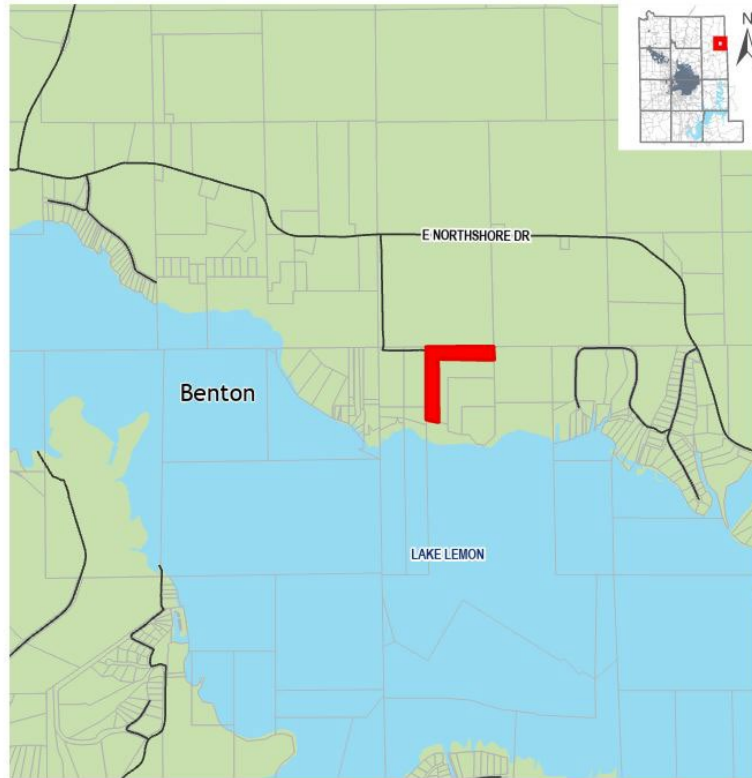


EXHIBIT TWO: Site Conditions Map

Site Conditions Map

- Petitioner
- 2-Foot Contours
- 15% Slope (County/ECO2)
- 0 - 15
- > 15
- Local Roads [50]
- Hydrologic Features
- Lakes
- ▭ Parcels
- DNR Best Available Floodplain**
- Flood Zone**
- A
- A, APPROXIMATE FLOODWAY
- AE
- AE and FLOODWAY
- X SHADED
- Flood_Elevation_Pts_DNR_Water

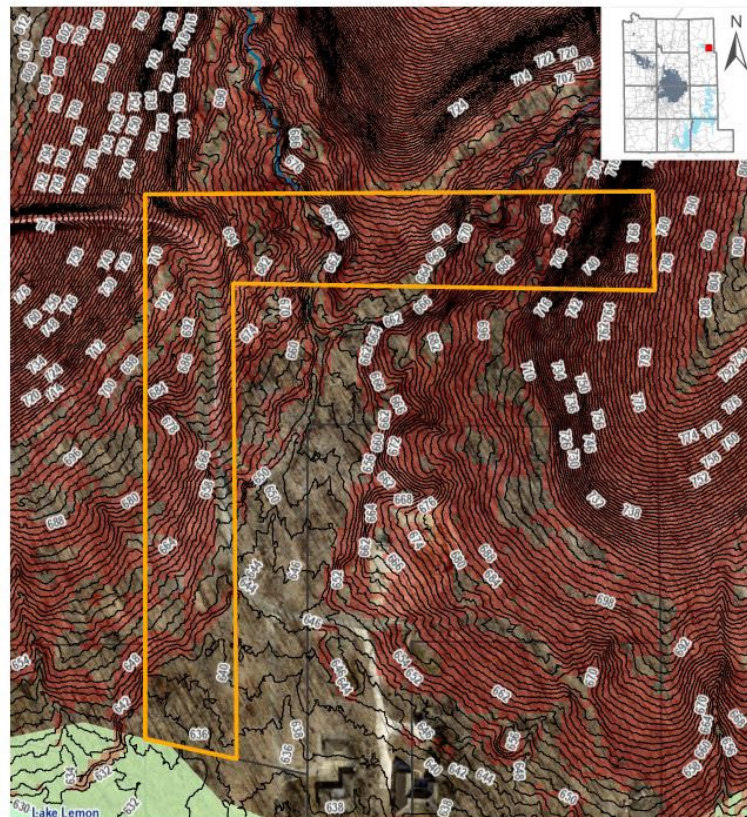


EXHIBIT THREE: Site Photos



Photo 1 – Facing North (Private Drive)



Photo 2 – Facing West



Photo 3 – Facing South (Lake Lemon)



Photo 4 – Facing East (adjacent property)



Photo 5 – Facing Northwest (location of proposed SFR)



Photo 6 – Facing West (location of proposed pole barn)



Photo 7 – Facing East (shoreline)



Photo 8 – Facing South

EXHIBIT FOUR: Petitioner Letter

John P and Angela S Daprile are requesting a variance so we can build a 3 bdrm home with a 3 car attached garage on the property at 8541 E Wilderness Trail



MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date: March 6, 2024

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-24-5	Design Standards Variance to Chapter 802, Tourist Home/Cabin, Condition #48b	Approval with Conditions

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.

<i>Recommended Motion Conditions or Reasoning:</i>
Approve the design standards variance to Chapter 802 Condition #48b: Practical difficulties are met. There are no scenarios where the property utilized as a tourist home/cabin does not meet Condition #48b. Subject to the following condition:
1.) The petitioner records an affidavit stating that they will reside on the property during any period in which the tourist home is rented.

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

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

SUMMARY

The petitioner is requesting a Design Standards Variance to Chapter 802, Condition #48b with respect to the land use classification of a Tourist Home/Cabin. On January 3, 2024, the Monroe County Board of Zoning Appeals voted 3-2 to grant the petitioner a use variance to operate a Tourist Home/Cabin at 1901 E Lukes Court. The subject property contains 1.39 acres, 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.

- 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. Hence this variance request.

- 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. On January 3, 2024, the Board of Zoning Appeals voted to grant a use variance to operate this property as a Tourist Home/Cabin.

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.

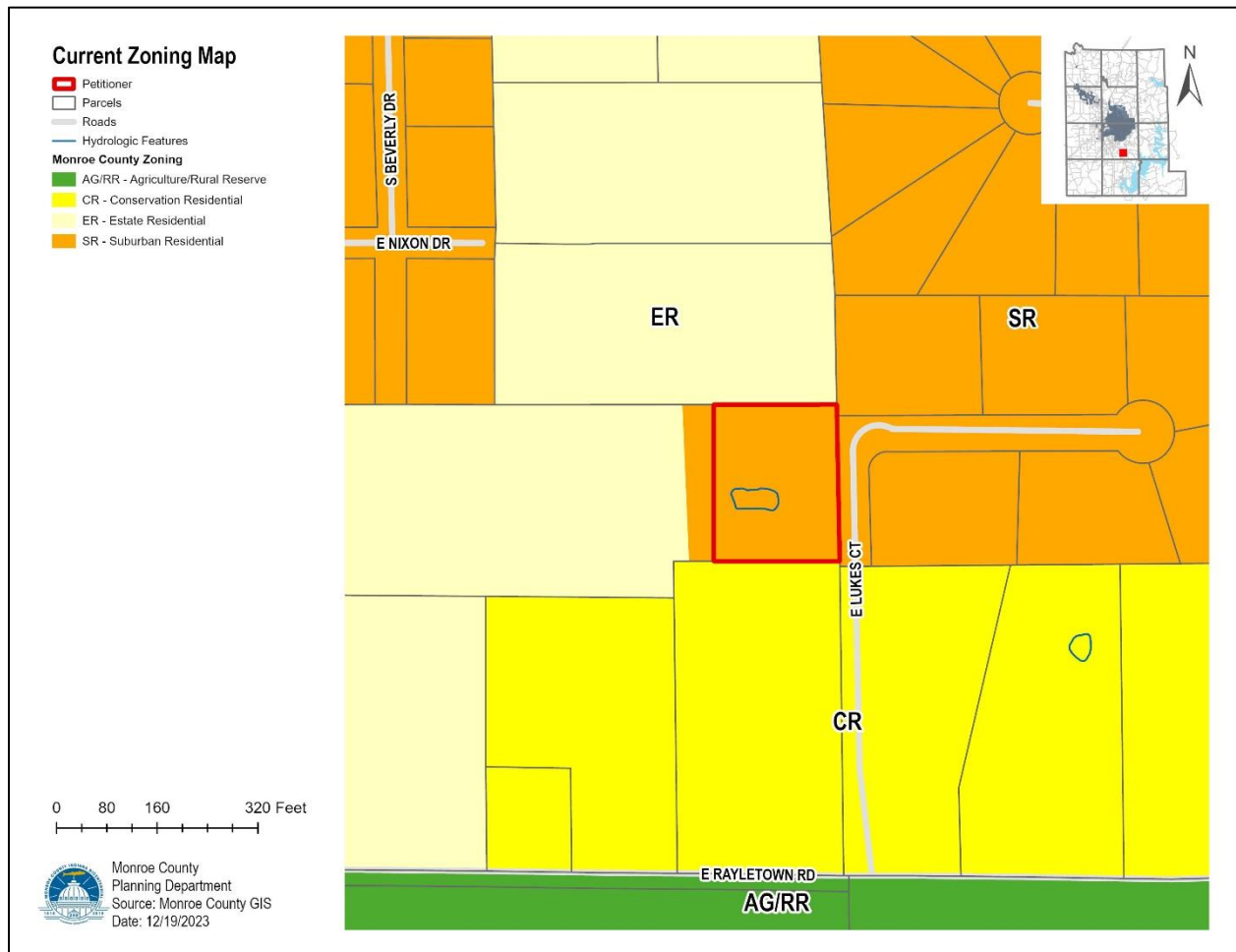


EXHIBIT ONE: Site Pictometry



Photo 1 – view from South



Photo 2 – view from East



Photo 3 – view from North

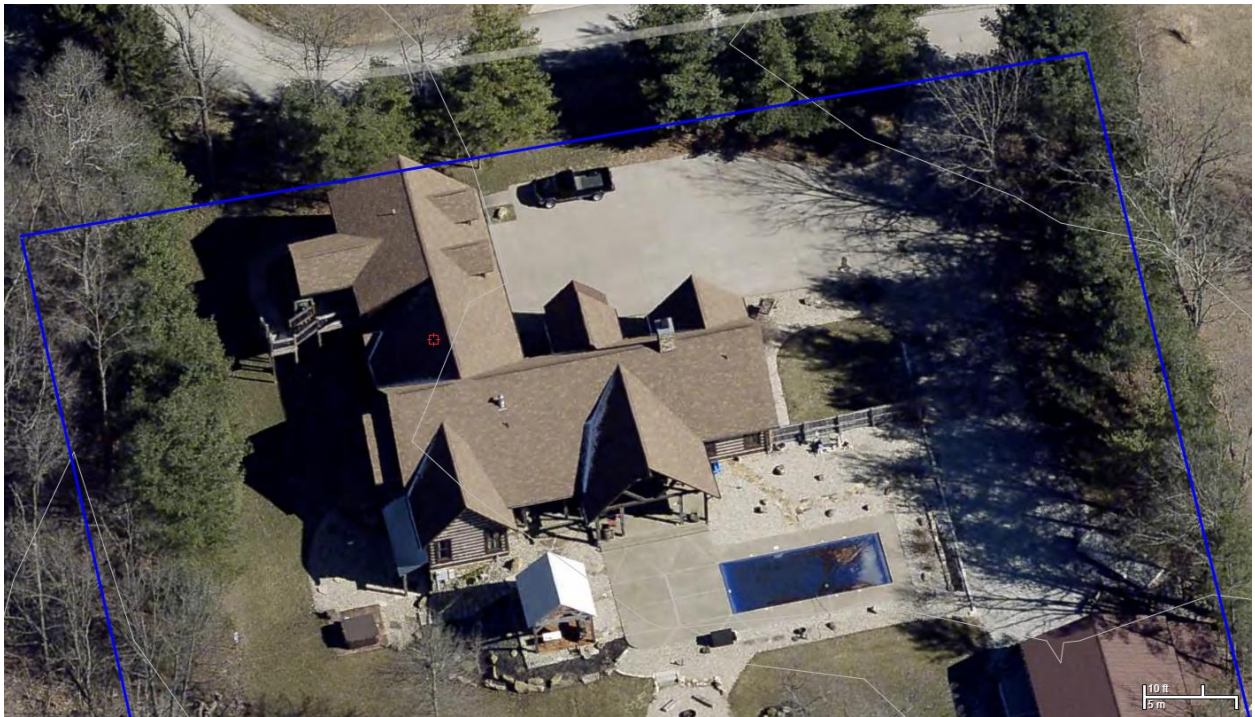


Photo 4 – view from West

EXHIBIT TWO: Petitioner Letter & Owner Consent

Dear Board of Zoning Appeals

I am writing regarding my property at 1901 E Lukes Ct. I am applying for a design standard variance. (Chapter 802 48B) I have been approved for the use variance. But there's is a question regarding the distance to my neighbor's house, Marylin Gilquest. You have the letter she wrote previously stating that she was good with the cabin rental. I have also sent it again.

The distance is around 160' +/- There is a double row of pine trees, a chain link fence and a street between us. I hope this doesn't pose a problem.

Thank You for considering this.

Ronald F Williams

EXHIBIT THREE: Petitioner Site Plan

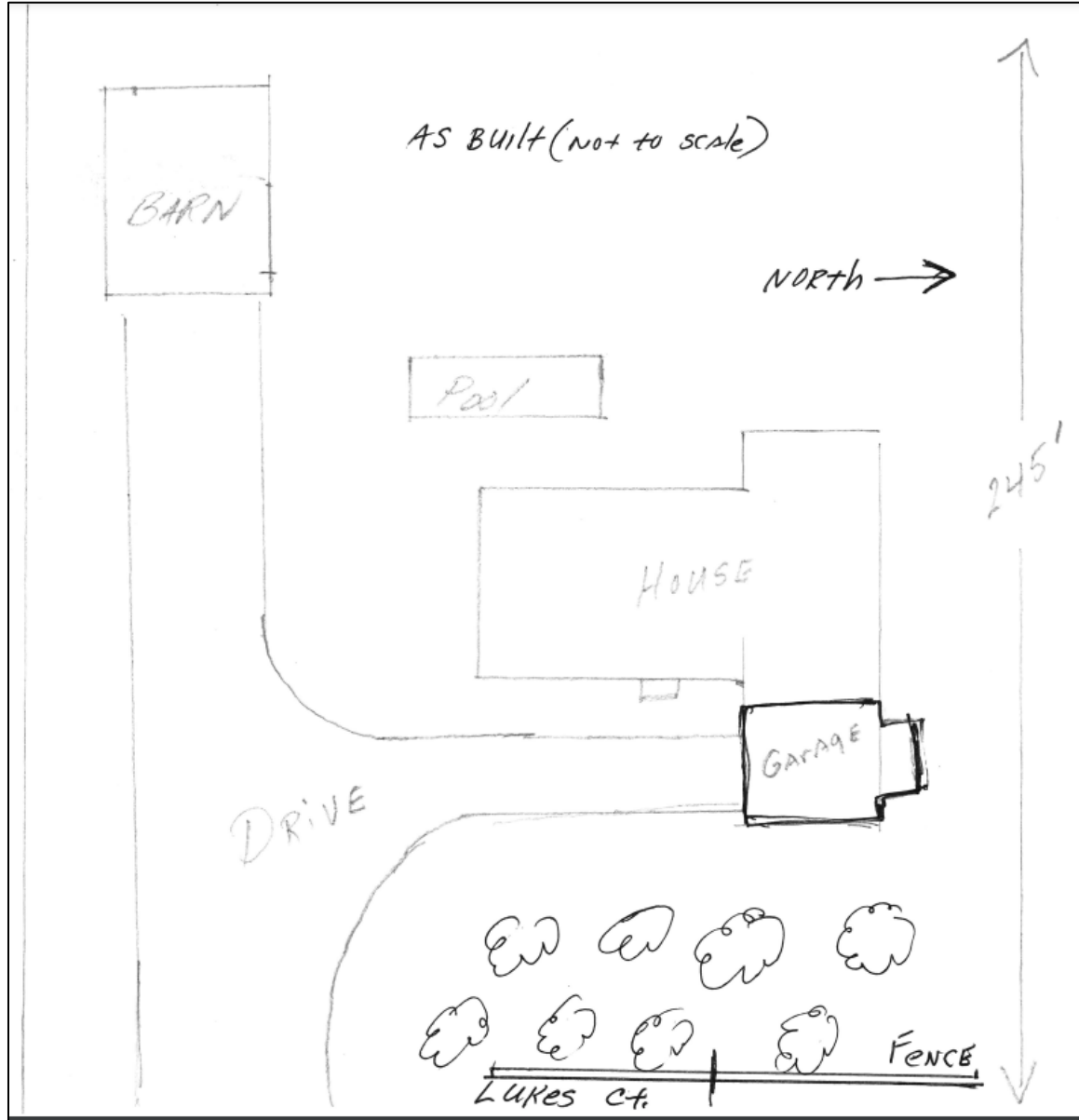


EXHIBIT FOUR: Permitted Use Table for SR

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

EXHIBIT FIVE: Residential Building Permit

CG
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

01/04/2011/Bldg/Reviews/Forms

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

2022010997 SPL \$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:

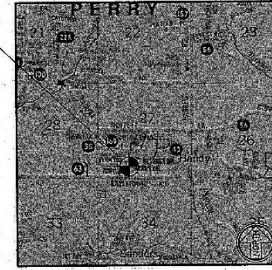
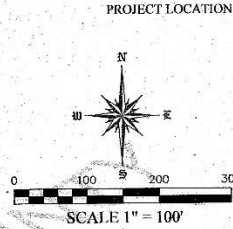
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	100.00'	25.00'	25.00'	N 00°00'00" W	90°00'00"
C2	100.00'	14.53'	14.53'	N 00°00'00" W	90°00'00"
C3	100.00'	25.00'	25.00'	S 00°00'00" N	90°00'00"
C4	100.00'	14.53'	14.53'	S 00°00'00" N	90°00'00"

LINE TABLE:

LINE	BEARING	DISTANCE
1	S 89°31'59" W	66.90'
2	S 03°07'11" E	176.10'
3	N 88°31'59" W	50.00'
4	N 89°01'15" W	50.00'
5	S 03°07'11" E	58.27'
6	N 03°07'11" E	125.20'
7	S 89°31'59" W	66.90'
8	S 89°31'59" E	58.00'
9	N 32°52'38" E	35.31'
10	N 49°38'11" E	128.00'
11	N 69°33'25" E	112.61'
12	N 59°11'11" E	62.44'
13	N 87°42'52" W	62.61'

LEGEND

■ STONE FOUND	□ BRASS NAIL 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
has recorded this plat
in accordance with the
requirements of the
subdivision laws of
INDIANA



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: SUBURBAN RESIDENTIAL (SR)

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

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

CERTIFICATION

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

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

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

Certified this 20th day of June 2022.

Eric L. Deckard
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:

- 1) 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.
- 2) 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.
- 3) 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:

- 1) 5/8" rebar will be set at all property corners.
- 2) Fieldwork completed August 2021.
- 3) Basis of bearing (State Plane - Indiana West).
- 4) 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.
- 5) 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).
- 6) 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 purposes 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

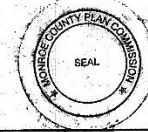
STORM & SURFACE DRAINAGE:

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]*



LOCATION MAP

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

DATE	FILED	BY	REMARKS

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:

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

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

Sincerely,

Rachel Henry

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

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

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

EXHIBIT NINE: Timeline of Events

- **2006-11-06:** Ronal Williams purchased 1901 E Lukes CT
- **2007-09-21:** Kelby Waldrip purchased 1785 E Rayletown RD (home built ca. 1996)
- **2014-09-03:** Septic Permit #20651 issued / inspected 2014-09-29 for 1901 E Lukes CT
- **2014-12-03:** Septic easement recorded via plat amendment 3
- **2015-04-01:** Permit 15-R1-51 issued for 3-bedroom single-family residence
- **2018-04-28:** Permit 18-RA-52 issued for pool (site plan did not match the install but still conforming)
- **2018-11-27:** Permit 18-RA-189 issued for 1200 sq. ft. pole barn
- **2018-12-14:** Sterwerf purchased 1785 E Rayletown RD
- **2021-08-23:** Complaint against 1901 E Lukes CT for lean-to addition and not following setbacks
- **2021-08-30:** Staff discovers pole barn built over lot line and into the Sterwerf's property and discusses pathways to compliance options with Ronald Williams
- **2021-09-13:** Staff mails enforcement letter (AC-21-36) requesting cease-and-desist use of property as a short-term rental per violation to 802-5: Permitted Land Uses
- **2021-09-14:** Staff mails enforcement letter (AC-21-37) requesting actions to bring pole barn into compliance with the Zoning Ordinance
- **2021-12-28:** Ronald Williams files for rezone
- **2022-05-11:** Board of Commissioners approves rezone
- **2022-07-21:** Final plat amendment recorded
- **2023-10-25:** Ronald Williams files for use variance to add Tourist Home/Cabin to 1901 E Lukes CT
- **2024-01-03:** Board of Zoning Appeals votes to grant a use variance for Tourist Home/Cabin.
- **2024-02-02:** Ronald Williams files for a design standards variance to Chapter 802, Condition #48b



MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date: March 6, 2024

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-24-6	Use Variance to allow Convenience Storage	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 (Convenience Storage) to Chapter 802 based on the findings of fact. There is no substantial evidence the property cannot be utilized under one of the permitted uses listed in the CR zoning district, and therefore does not meet criteria 812-5(D). In addition, the Comprehensive Plan states that this area is designated as Rural Residential, which would conflict with the request for a commercial use such as Convenience Storage and therefore would not meet criteria 812-5(E).

Variance Type: <input type="checkbox"/> Design <input checked="" type="checkbox"/> Use		Planner: Shawn Smith
<input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial		
PETITIONER	Van Sant, Nicole/Dozer Rentals LLC (owners & applicants)	
ADDRESS	3434 S Knightridge RD 53-07-18-100-047.000-014	
TOWNSHIP + SECTION	Salt Creek Township, Section 18	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	0.79 acres	
	PETITION SITE	ADJACENT
ZONING	CR, ECO3	CR/IP/FR

CDO ZONE	Rural Residential	Rural Residential
USE	Vacant/Abandoned	SF Residential/Institutional-Public/Vacant
EXHIBITS		

1. Location Map
2. Site Conditions Map
3. Zoning Map
4. Site Photos
5. Petitioner Letter
6. Petitioner Site Plan
7. Permitted uses in CR

SUMMARY

The petitioner is requesting a Use Variance to establish a “Convenience Storage” use at 3434 S Knightridge RD on 0.79 acres. The subject property is zoned Conservation Residential (CR). The existing property used to house two residences and, at some point in the past, one of the structures was used as a business, stated to be an ice cream shop by the petitioner. These structures have remained abandoned for a number of years and show signs of deterioration. The petitioner intends to demolish the existing structures and utilize the site for the construction of convenience storage units.

Chapter 802 of the Monroe County Zoning Ordinance defines “Convenience Storage” as:

***Convenience Storage.** A storage service primarily for personal effects and household goods within an enclosed storage area having individual access, but excluding uses such as workshops, hobby shops, manufacturing or commercial activities, and may include an on-site apartment for a resident manager.*

The use of Convenience Storage is only permitted in the LB, GB, and LI zoning districts and is subject to special conditions #4, #6 and #21.

4. On-site apartment shall not exceed one thousand five hundred (1,500) square feet and shall be attached to, and incorporated into, the convenience storage facility.

6. All storage of materials shall be indoors. This condition does not apply to automotive repair when the use is located in a Heavy Industrial (HI) district.

21. This use is prohibited in the area within 500 feet, measured perpendicularly from the nearest lane of traffic along State Road 37.

If the use variance is approved, the petitioner will be required to submit a commercial Site Plan Review application and comply with all other building and zoning codes. If the use variance is approved, several design standards will require additional variance approval. For example, the subject property does not meet the minimum lot size requirement of 2.5 acres, nor does the property meet the 200’ minimum lot width requirement for the CR zone. Additionally, any other standards not being met under the site plan would also need Varainces.

Convenience Storage is permitted under the following zoning districts: Limited Business, General Business, and Light Industrial.

A rezone could be pursued in the event that the variance is denied.

Conservation Residential (CR) District

Conservation Residential (CR) District. The character of the Conservation Residential (CR) District is defined as that which is primarily intended to provide a residential option (planned unit or

cluster development) at environmentally sound locations while protecting the environmentally sensitive watersheds of Lake Griffey and Monroe Reservoir. Its purposes are to protect the environmentally sensitive watershed, especially the floodplain and steep slopes, to permit limited single family residential development on very large lots or in subdivisions (planned unit or cluster development) at environmentally sound locations, to discourage the development of nonresidential uses, to discourage the development of sanitary sewer systems except for existing development and to maintain the character of the surrounding neighborhood. Development in the CR District is hindered by concern over the watershed environment, and, in some cases, extreme topography, poor access and the availability of few or no public services. Therefore, the number of uses permitted in the CR District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the watershed environment and low-density residential uses. The development of new residential activities proximate to known mineral resource deposits or extraction operations may be buffered by increased setback distance.

EXHIBIT ONE: Location Map

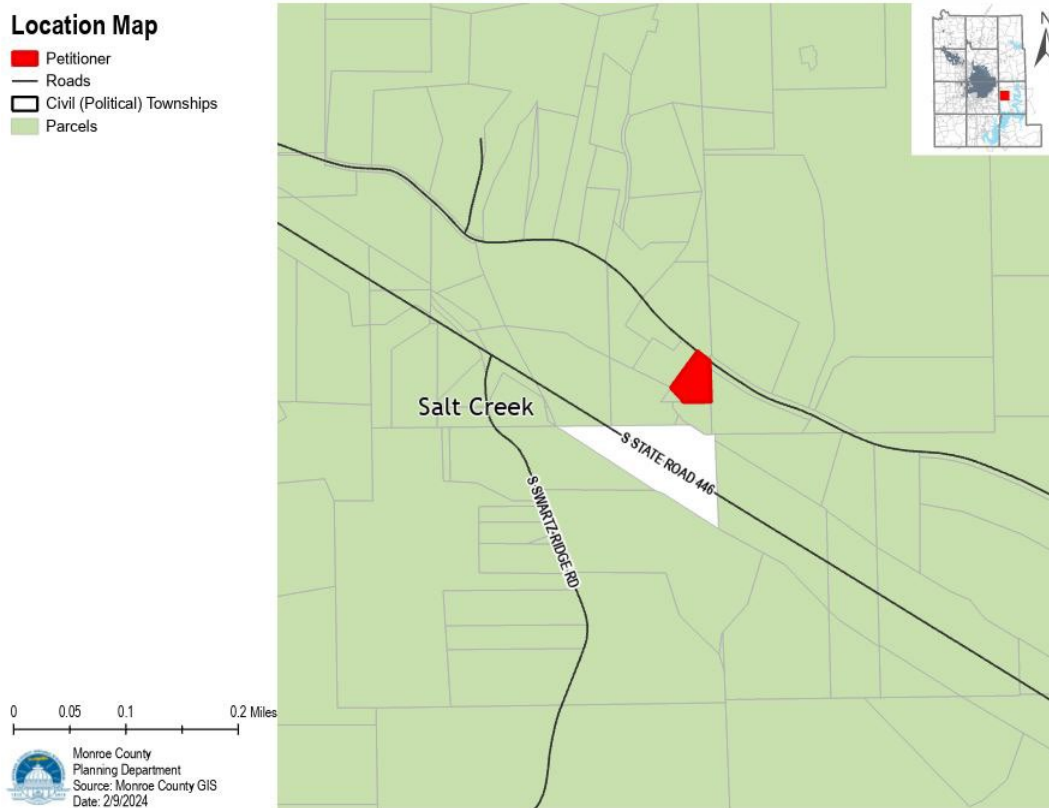
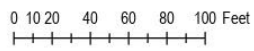


EXHIBIT TWO: Site Conditions Map

Site Conditions Map

- Petitioner
 - 2-Foot Contours
 - 15% Slope (County/ECO2)
 - 0 - 15
 - > 15
 - Local Roads [50']
 - Parcels
- DNR Best Available Floodplain**
- Flood Zone**
- A
 - A, APPROXIMATE FLOODWAY
 - AE
 - AE and FLOODWAY
 - X SHADED
 - Flood_Elevation_Pts_DNR_Water



Monroe County
 Planning Department
 Source: Monroe County GIS
 Date: 2/9/2024

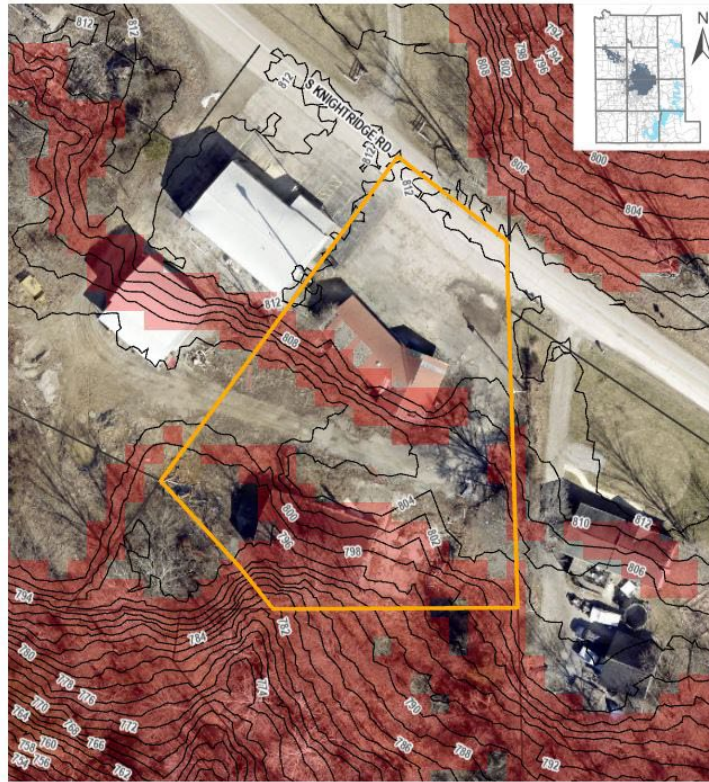
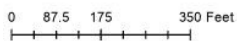


EXHIBIT THREE: Zoning Map

Current Zoning Map

- Petitioner
 - Parcels
 - Roads
 - Hydrologic Features
- ECO Areas**
- Area 3
- Monroe County Zoning**
- CR - Conservation Residential
 - FR - Forest Reserve
 - IP - Institutional/Public
 - PB - Pre-Existing Business



Monroe County
 Planning Department
 Source: Monroe County GIS
 Date: 2/20/2024

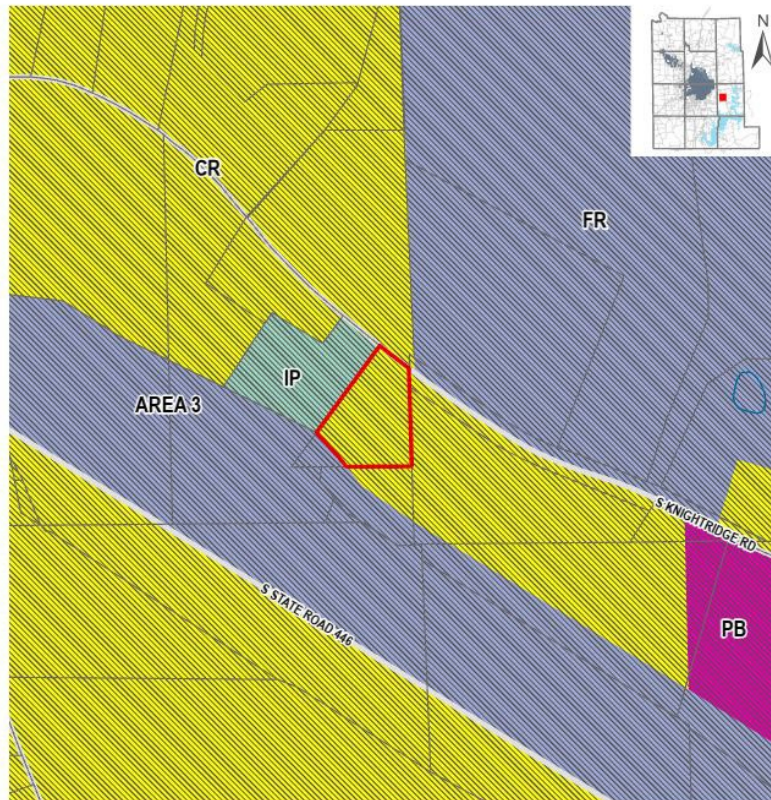


EXHIBIT FOUR: Site Photos



Photo 1 – Facing Southwest (parking lot/primary structure)



Photo 2 –Facing Northeast/Knightridge RD (view from parking lot)



Photo 3 – Facing South (existing driveway to the rear of the property)



Photo 4 – Facing Northwest (view from existing driveway towards the front of the property)



Photo 5 – Facing Southwest (second structure located in the rear of the property)



Photo 6 – Facing West (site of former second home on the property)



Photo 7 – Facing East (adjacent single-family residence in the distance)



Photo 8 – Facing West (East Monroe Water Corp. adjacent to petition site)

EXHIBIT FIVE: Petitioner Letter

Nicole Van Sant, Dozer Rentals LLC

3482 S Knightridge Road

Bloomington, IN 47401

vansantn@comcast.net

812-322-7711

February 2, 2024

Monroe County Planning Department

501 N Morton St Suite 224

Bloomington, IN 47404

Subject: Use Variance Request for Convenience Storage

Dear Monroe County Planning Department,

I hope this letter finds you well. I am writing to formally request a use variance for the construction of convenience storage units on my property located at 3434 S Knightridge Road, Bloomington, IN 47401. I understand that the current zoning regulations may not permit the specific type of structure I am proposing, and I am seeking approval for a variance to accommodate the development.

The purpose of this variance request is to enhance the utility and functionality of my property, and I believe that the proposed convenience storage units will serve a valuable purpose for both myself and the surrounding community. The units are intended to provide additional storage for residents in the area. With the proximity to an existing business, East Monroe Water Company, we believe that the provided design will nicely enhance this location while also providing needed storage for the residents and businesses in the community.

I have attached the following documents to support my variance request:

1. **Site Plan:** A detailed site plan illustrating the location and dimensions of the proposed storage units.

2. **Photographs:** Pictures of the current property conditions and any relevant surrounding structures along with examples of storage units.

I have designed the storage units to be aesthetically pleasing and in harmony with the existing neighborhood surroundings. I am committed to enhancing this property on Knightridge Road and making this less of an eyesore for this neighborhood.

I kindly request an opportunity to present my case at the next available zoning board meeting. I am available to answer any questions and provide further clarification on the proposed project.

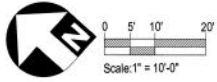
Thank you for considering my request. I look forward to the opportunity to discuss this matter further with the zoning board.

Sincerely,

Nicole Van Sant

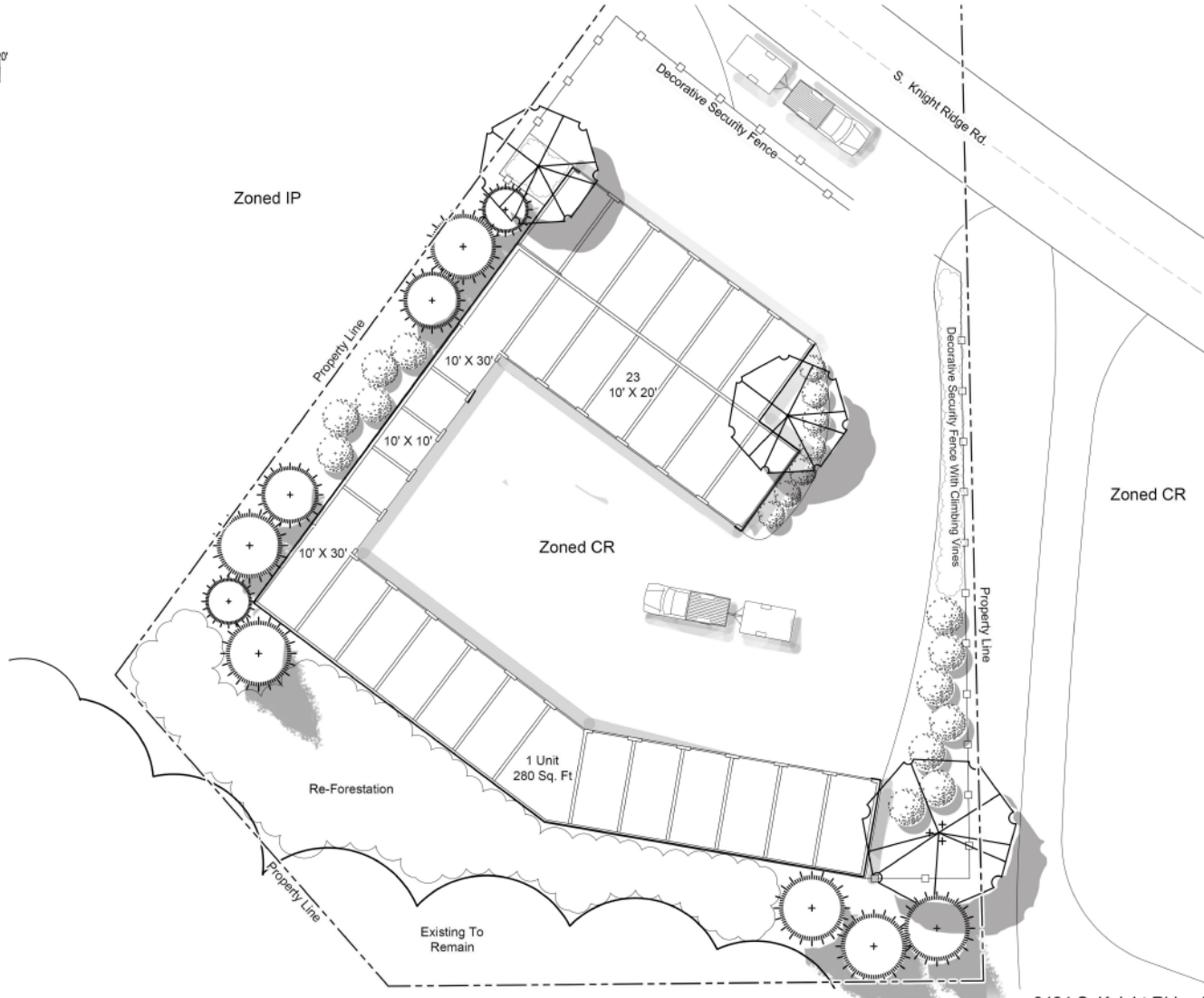
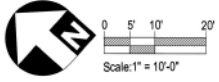
Dozer Rentals, LLC

EXHIBIT SIX: Petitioner Site Plan



- General Notes:**
1. Design by Studio Z Landscapes is conceptual in nature and should not be considered construction documents. Special accuracy is not guaranteed and should be confirmed by Contractor.
 2. Exact location and quantities of plants is at the discretion of Contractor/Client.
 3. Specific Plant Species to be selected by Contractor / Client.
 4. Plantings are shown at Maturity. Perennial coverage/massing can/will vary.

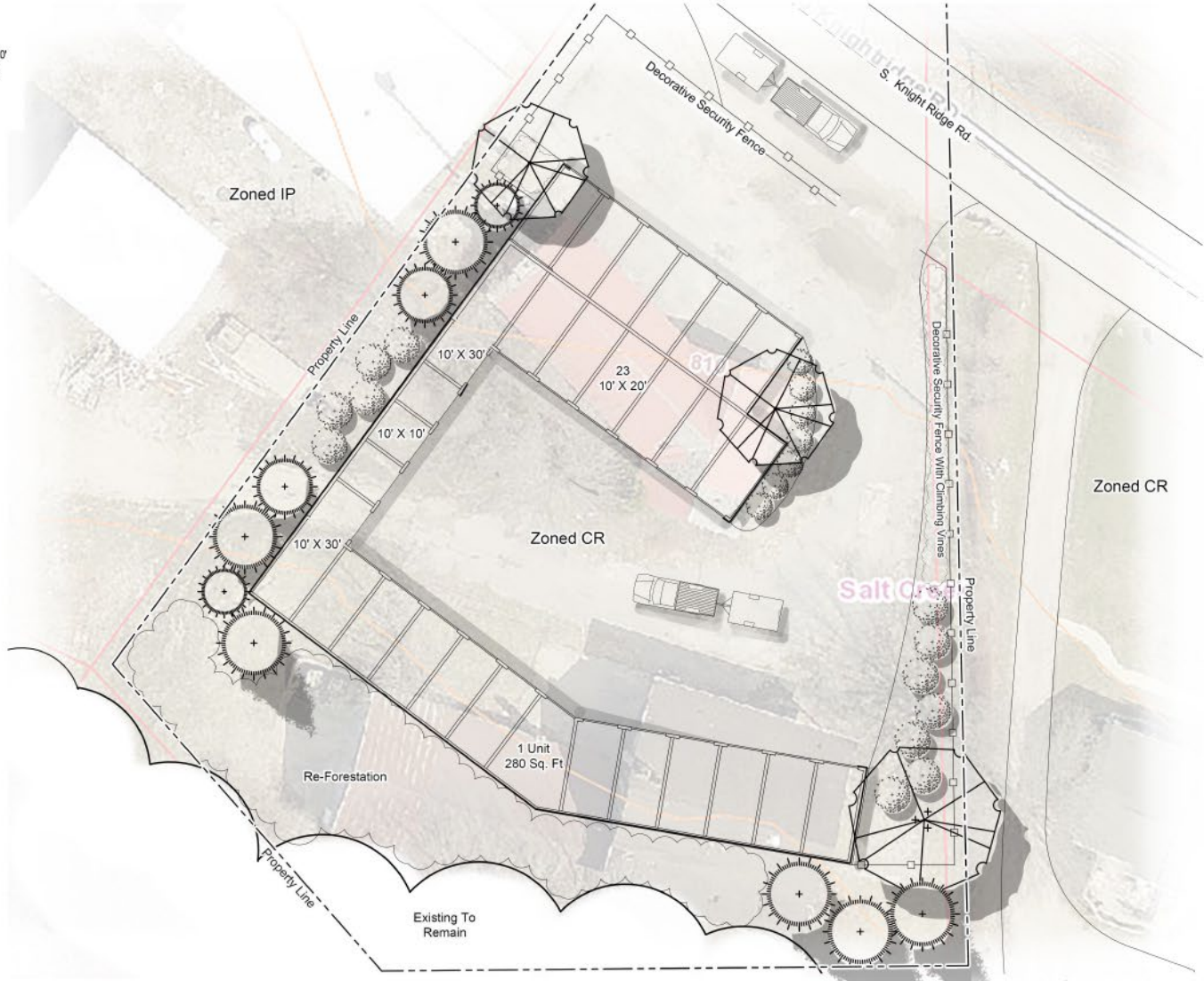
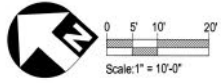
3434 S. Knight Ridge Rd. - Re-Development Concept
 Drawn By: Derek Zimmerman, LEED AP Date: 01/30/23 Draft: 01



General Notes:

1. Design by Studio Z Landscapes is conceptual in nature and should not be considered construction documents. Spatial accuracy is not guaranteed and should be confirmed by Contractor.
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3434 S. Knight Ridge Rd. - Re-Development Concept
 Drawn By: Derek Zimmerman, LEED AP Date: 01/30/23 Draft: 01



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 4. Plantings are shown at Maturity. Perennial coverage/messing can/will vary.

3434 S. Knight Ridge Rd. - Re-Development Concept
 Drawn By: Derek Zimmerman, LEED AP Date: 01/30/23 Draft: 01

EXHIBIT SEVEN: Permitted Use Table for Conservation Residential

Uses	Permitted or Conditional
Agricultural Uses	
Accessory Use	P
Accessory Structures for Ag. Use	P
Agriculture	P
Ag.-Related Industry	P
Ag. Uses-Land Animal	P
Ag. Uses-Non Animal	P
Agritourism / Agritainment	P
Aquaculture	P
Christmas Tree Farm	P
Comm. facilities for the sale, repair, and service of Ag. equip., vehicles, feed, or suppl.	C
Comm. Non-Farm Animals	P
Equestrian Center	C
Historic Adaptive Reuse	C
Horse Farm	P
Nursery/greenhouse	P
Orchard	P
Pick-your-own operation	P
Roadside farm stand, Permanent	P
Roadside farm stand, Temporary	P
Winery	P
Residential Uses	
Accessory Apartments	P
Accessory Dwelling Units	P
Accessory Livestock	P
Accessory Use	P
Guest House	P
Historic Adaptive Reuse	C
Home Based Business	P
Home Occupation	P
Residential Storage Structure	P
Single Family Dwelling	P
Temporary Dwelling	P
Two Family Dwelling	P
Public & Semipublic	P
Accessory Use	P
Cemetery	P
Governmental Facility	P
Historic Adaptive Reuse	C
Religious Facilities	P
Remote Garbage/Rubbish Removal	C
Telephone and Telegraph Services	P
Utility Service Facility	P
Wastewater Treatment Facility	C
Water Treatment Facility	C
Wired Communication Services	P
Wireless Communications Facilities	C
Business & Personal Services	
Accessory Use	P
Artisan Crafts	C
Bed and Breakfast	P
Historic Adaptive Reuse	C
Real Estate Sales office Or Model	P

Taxidermist	P
Temporary Seasonal Activity	P
Tourist Home or Cabin	P
Veterinary Service (Indoor)	C
Veterinary Service (Outdoor)	C
Retail & Wholesale Trade	
Garden Center	C
Historic Adaptive Reuse	C
Automotive & Transportation	
Automobile Repair Services, Minor	C
Historic Adaptive Reuse	C
Amusement and Recreational	
Accessory Use	P
Camping Facility	P
Historic Adaptive Reuse	C
Park and Recreational Services	C
Private Recreational Facility	C
Recreational Vehicle (RV) Park	C
Manufacturing, Mining, Construction and Industrial	
General Contractor	C
Historic Adaptive Reuse	C
Sawmill	C
Wood Products	C



MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date: **August 30, 2023**

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-23-26a	Minimum Lot Size from Chapter 804	Denial
VAR-23-26b	Rear Yard Setback from Chapter 804	Denial
VAR-23-26c	Side 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:

Deny the minimum lot size variance: Practical difficulties have not been demonstrated. If the petitioner meets all other design standards, such as the required side setback, a variance to the minimum lot size is moot.

Deny the side yard setback variance: Practical difficulties are not met, specifically “C”. The setback issue can be more effectively address through a relocation of the existing development/building/structure.

Variance Type: <input checked="" type="checkbox"/> Design <input type="checkbox"/> Use		Planner: Shawn Smith
		<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial
PETITIONER	Jacobs, Jay and Kathy (Owners)	
ADDRESS	6880 E Rust RD 53-01-33-100-043.000-003	
TOWNSHIP + SECTION	Benton North Township, Section 33	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	0.21 acres	
	PETITION SITE	ADJACENT
ZONING	SR	SR
CDO ZONE	Rural Residential	Rural Residential
USE	Single-family Residential	Single-family Residential/Vacant
EXHIBITS		

1. Location Map
2. Site Conditions Map
3. Site Photos
4. Petitioner Letter
5. Petitioner Site Plan
6. Boundary Survey
7. Bloomingtitle Determination
8. Petitioner’s Letter to BZA

SUMMARY

The petitioner is requesting two Design Standards Variances to permit an after-the-fact construction of a 500 sq ft storage structure at 6880 E Rust RD on a 0.21 acre lot in the Suburban Residential (SR) zone. This is referenced in the petitioner’s building permit ([R-23-425](#)).

Prior to the after-the-fact building permit for R-23-425, the petitioner had been in contact with our office in 2018 after staff posted a stop work order for a retaining wall that was not noted on the site plan for an Improvement Location Permit for the main residence. The retaining wall was confirmed to not be required to meet applicable

setbacks per the Zoning Ordinance. Therefore, the retaining wall, shown on the site plan in Exhibit 5, was able to remain. However, when the retaining wall was converted into a residential accessory structure, the requirements to meet the applicable side setback became required.

Upon review of the building permit for converting the retaining wall into a residential accessory structure, Planning Staff was initially unable to determine the extent to which the petitioner's property boundary extended, as well as the width of the existing private roadway located in the rear of the property. Staff received information from a Title Company and Surveyor to determine these measurements. Staff was able to identify the need for two variances, given the best available data provided through Deed research and correspondence with the surveyor (Exhibit 6) and Title Company (Exhibit 7).

The results of this extensive research led Staff to identify that the structure is approximately 2 feet from the private roadway (10.6 feet from the rear property line) and 2.4 feet from the eastern property boundary. The rear setback of 10 feet is being met, however the required side setback of 5 feet is not being met. Planning Staff did not initially see that the rear yard setback delineated on the certified plot plan was incorrect (Exhibit 5), which is why this petition was originally noticed to request a rear yard setback variance. This report has been updated to reflect that the rear yard setback variance request is no longer applicable.

In addition to the setback issue, the SR zone states that lots of record must be 1 acre, unless all other design standards have been met. In this case, not all design standards have been met, which triggers the need for a minimum lot size variance.

The stated purpose of the residential accessory structure is to store residential accessory items. It is our understanding that this structure is not to be used as a garage. The survey and title research submitted to staff demonstrate that the petitioner has legal access off Rust Road. It has not been demonstrated that the petitioner has legal access through Tunnel Road from which this accessory structure is located. It is possible that there would not be a way to access the residential accessory structure by vehicle from the Tunnel Road.

If the design standards variances are **approved**, the petitioner will be able to continue with the residential storage structure permit application as proposed and comply with all other building and zoning codes.

If the design standards variance to the side yard setback is **denied**, the petitioner will be required to remove the structure from its current location in order to comply with the setbacks of the zoning district.

EXHIBIT ONE: Location Map

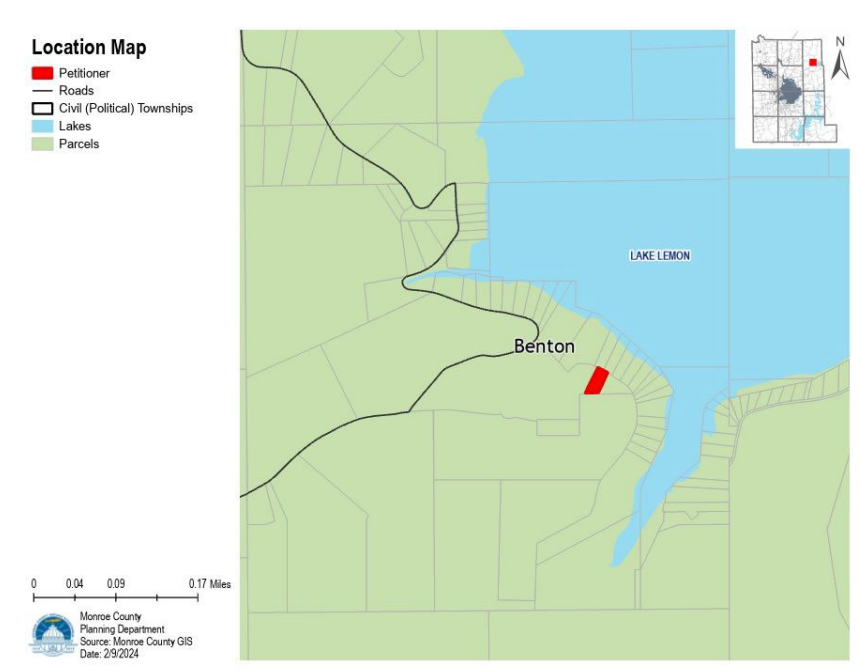



EXHIBIT TWO: Site Conditions Map

Site Conditions Map

-  Petitioner
-  2-Foot Contours
- 15% Slope (County/ECO2)**
 -  0 - 15
 -  > 15
-  Parcels
- DNR Best Available Floodplain Flood Zone**
 -  A
 -  A, APPROXIMATE FLOODWAY
 -  AE
 -  AE and FLOODWAY
 -  X SHADED
 -  Flood_Elevation_Pts_DNR_Water

0 5 10 20 30 40 50 Feet




Monroe County
Planning Department
Source: Monroe County GIS
Date: 2/9/2024

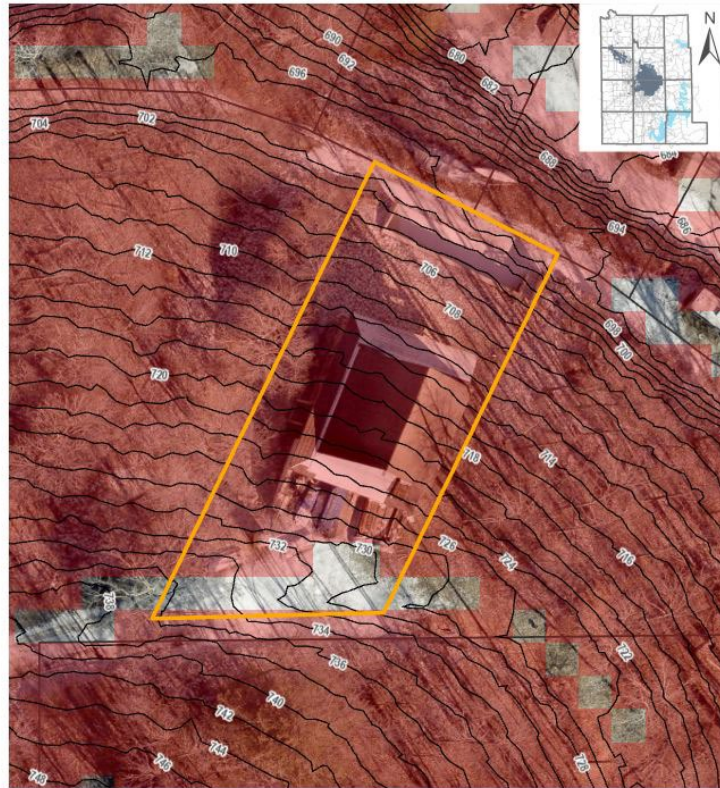


EXHIBIT THREE: Pictometry and Site Photos



Photo 1 – Facing West (Jacobs' home on the left, with pale retaining wall near roadway)



Photo 4 – Facing Southeast



Photo 5 – Inside structure



Photo 6 – Facing North (the top of the structure)

EXHIBIT FOUR: Petitioner Letter

Jay and Kathy Jacobs

jjacobs@empirefoods.com

Monroe County Board of Zoning Appeals

RE: VAR-23-32

Location: 6880 E. Rust Rd, Unionville

Parcel: 53-01-33-100-043.000-003

Dear board members,

We are requesting Variance to the above address. We would enclose our retaining wall for storage and safety. We do not have a garage and this will provide storage for lake items such as kayaks, paddle boards, etc. We would be able to lock up these items and keep our property adjacent to our neighbors neat and aesthetically pleasing.

We are deeply concerned with the safety surrounding the retaining wall if it is not enclosed. We feel enclosing the wall with quality materials to complement our cabin will not only be aesthetic it will be safe.

Thank you for your time and consideration,

Jay and Kathy Jacobs

EXHIBIT FIVE: Petitioner Site Plan

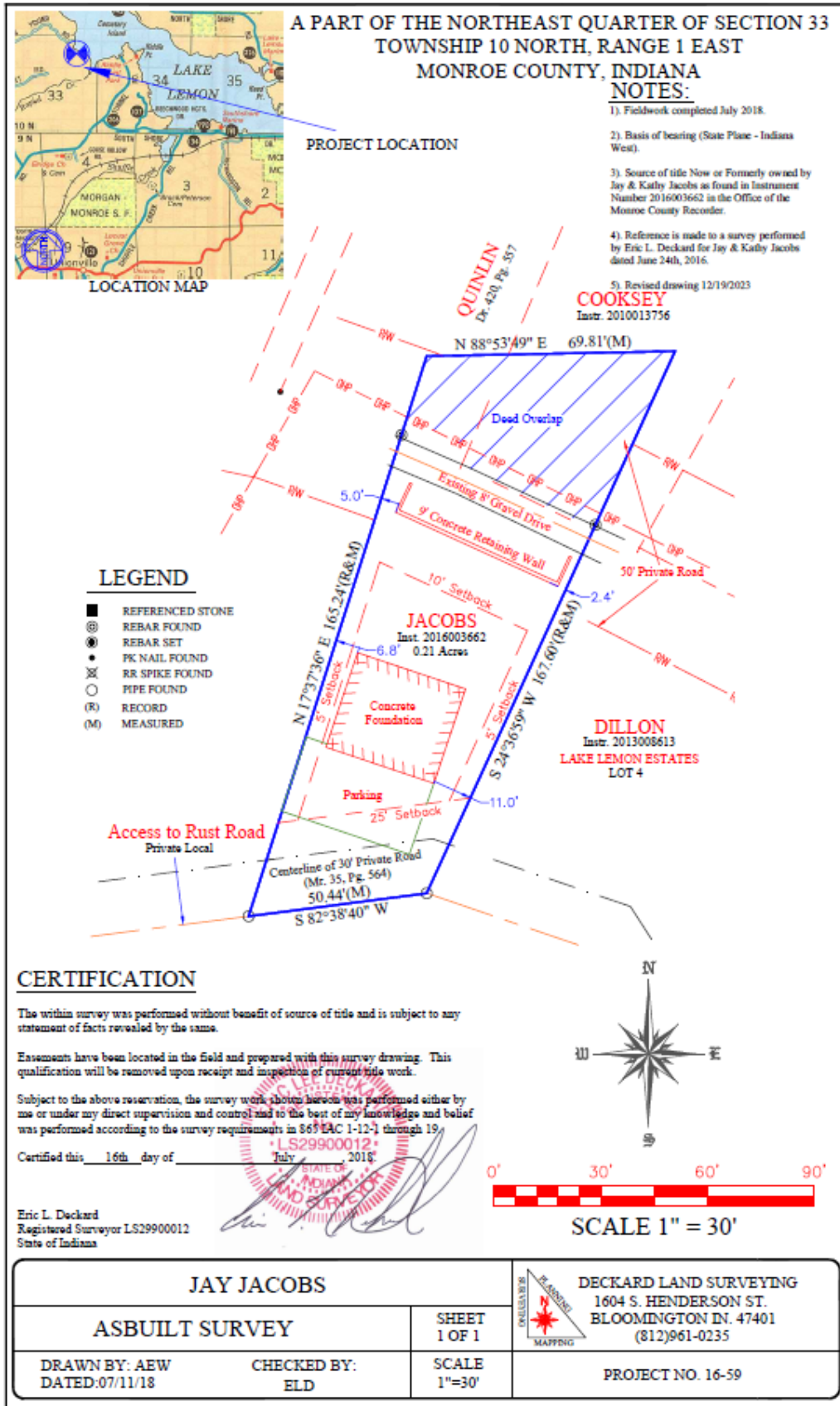


EXHIBIT SIX: Petitioner Boundary Survey

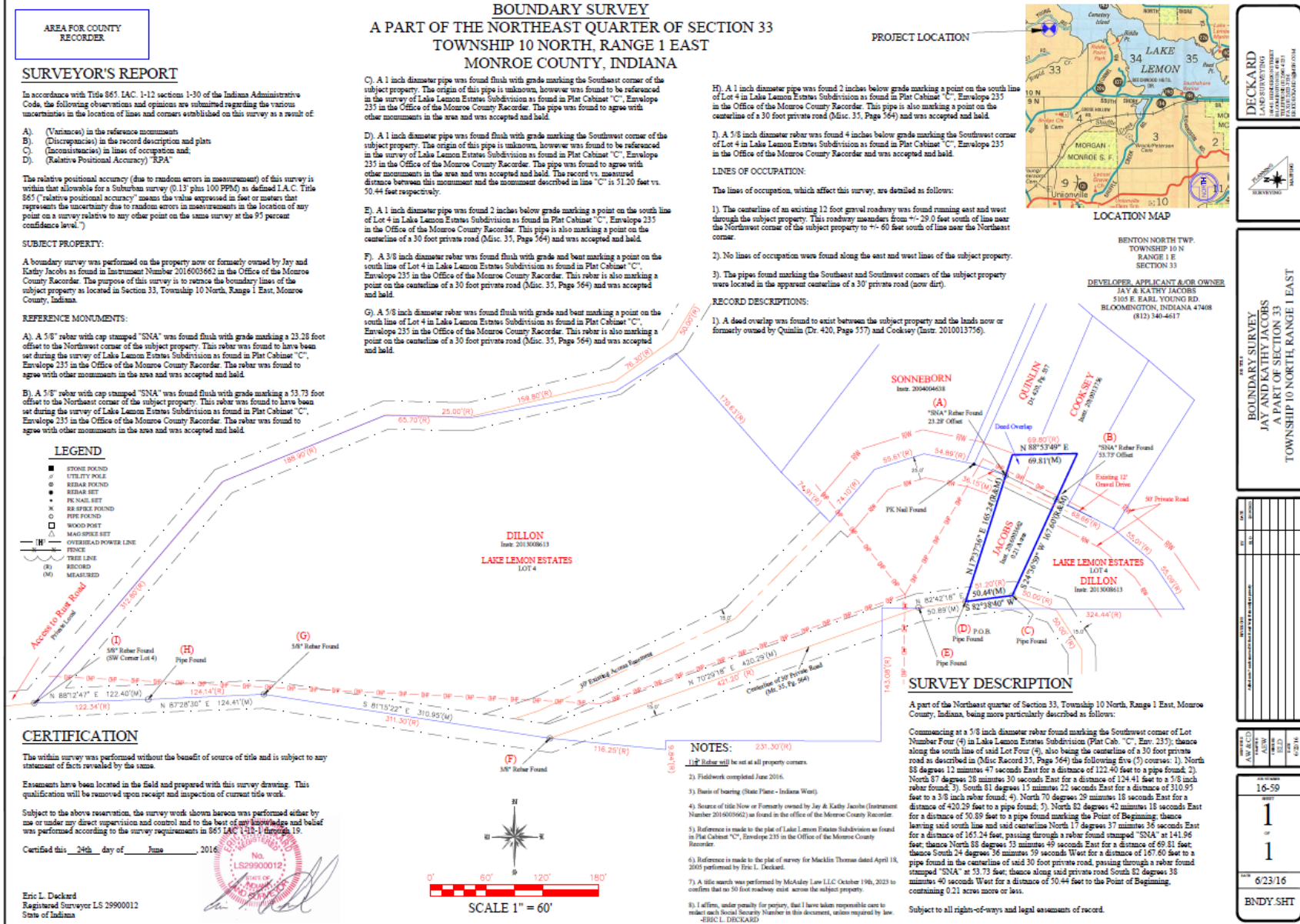


EXHIBIT SEVEN: Title Company Determination

Bloomingtitle

Jason L. McAuley
Owner

Kristen R. Helton
Real Estate Closer

McAuley Law, LLC dba Bloomingtitle
3100 E. John Hinkle Pl Suite 100
P.O. Box 7796
Bloomington, Indiana 47407-7796
Telephone: (812) 363-1514
Fax: (812) 727-5884

October 31, 2023

Eric Deckard LS
DECKARD LAND SURVEYING, LLC
1604 S. Henderson St.
Bloomington IN, 47401
Via Email: ericdeckardl@msn.com

RE: Jay and Kathy Jacobs - 6880 E. Rust Road, Unionville, IN

Dear Eric,

This letter follows our telephone call on October 26, 2023, regarding the 50' private roadway noted on the Boundary Survey which you prepared for Jay and Kathy Jacobs and recorded on September 26, 2016, as Instrument Number 2016013391. The same notation of a 50' private roadway is included on the plat for Lake Lemon Estates Final Plat, and also noted on other surveys and deeds for properties adjacent to and near the Jacobs' property.

Jay and Kathy Jacobs requested that we perform a title search for the above property to obtain the instrument that creates the 50' private roadway noted on the above instruments. We have reviewed the adjacent owners' deeds and easements and searched back to October 5, 1953, and it is my opinion that no recorded documents exist creating the 50' private roadway. In my previous discussions with the Monroe County Planning and Highway officials, they do not believe the drive as it exists was ever dedicated as a public road. In my opinion the drive as it exists constitutes an easement by permissive or prescriptive use. As such, it would be limited to the width as it exists. From my review of the GIS records, that appears to place the subject structure within the boundaries of the Jacobs' property, but outside of the physical boundary of the existing drive.

Should you have any questions or wish to discuss this further, please do not hesitate to contact me.

Sincerely,

BLOOMINGTITLE

By: 
Jason L. McAuley

JLM/krh
CC: Thomas E. Densford

EXHIBIT EIGHT: Petitioner's Letter to the BZA

Jay and Kathy Jacobs

jjacobs@empirefoods.com

Monroe County Board of Zoning Appeals

RE: VAR-23-32

Location: 6880 E. Rust Rd, Unionville

Parcel: 53-01-33-100-043.000-003

Dear board members,

We are requesting Variance to the above address. We would enclose our retaining wall for storage and safety. We do not have a garage and this will provide storage for lake items such as kayaks, paddle boards, etc. We would be able to lock up these items and keep our property adjacent to our neighbors neat and aesthetically pleasing.

We are deeply concerned with the safety surrounding the retaining wall if it is not enclosed. We feel enclosing the wall with quality materials to complement our cabin will not only be aesthetic it will be safe.

Thank you for your time and consideration,

Jay and Kathy Jacobs

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*