

CITY OF BLOOMINGTON



NOV. 15, 2012 @ 5:30 p.m.
COUNCIL CHAMBERS #115
CITY HALL

ROLL CALL

MINUTES TO BE APPROVED: July 19, 2012
August 23, 2012
September 20, 2012

PETITIONS:

- V-40-12 **Chris Bomba**
312 N. Washington St.
Request: Variances from front yard building and side yard building setback requirements. Also requested are variances from density standards.
Case Manager: Patrick Shay

- UV-48-12 **Trish Ierino**
3900 E. Stonegate Dr.
Request: Use variance to allow an accessory apartment in a Planned Unit Development only allowing single-family homes.
Case Manager: Katie Bannon

- UV-49-12 **Mother Hubbard's Cupboard**
1100 W. Allen St.
Request: Use variance to allow a social services agency in an Industrial General (IG) zoning district.
Case Manager: Katie Bannon

- V-51-12 **Marco Plastics, Inc.**
1616 S. Huntington St.
Request: Variances from driveway width and front yard parking setback requirements.
Case Manager: Jim Roach

BLOOMINGTON BOARD OF ZONING APPEALS
LOCATION: 312 N. Washington Street

CASE #: V-40-12
DATE: November 15, 2012

PETITIONER: Chris Bomba
3756 E. Sterling Ave, Bloomington

REQUEST: The petitioner is requesting variances from density, side yard, and rear yard setback standards.

SUMMARY: This 0.2 acre property is located on the east side of N. Washington Street, midblock between E. 7th Street and E. 8th Street. The property is zoned Residential Multifamily (RM) and has been developed in the past with a residential building along Washington St. and a small detached garage along the rear property line. There are two adjacent alleys located immediately to the north and to the east. The property is surrounded by multi-family structures to the north, south, and east and has a large telecommunications building located immediately to the west. This property is also located within the Old Northeast Downtown neighborhood.

The previous owner resided in the home for many decades and the structure was thought to be a single family home. However, staff has inspected the home and found that there were several unregistered rental units within the structure with approximately 9 total bedrooms. The units appeared to date back several decades and included individual metering, kitchens, and entries. The petitioner recently purchased the property and is seeking an approval to allow the existing structure to be remodeled into three, 3 bedroom units. The petitioner has submitted a proposed floor plan to accomplish this remodel with minimal structure disturbance to the existing building.

The structure currently has several issues due to deferred maintenance. With this proposal, the petitioner would repair the roof and internal leaking, repair windows, and bring the property into compliance with HAND standards and requirements of the Monroe County Building department.

In addition to the proposed remodeling of the main structure, the petitioner is proposing to remove an existing detached garage and replace it with a larger detached garage structure that would include space for 5 cars and a dumpster area. The petitioner has agreed to fully enclose the dumpster within this structure.

The petitioner is also proposing to construct a second floor, 2-bedroom unit above the garage structure. To construct the proposed 2-story building, the petitioner is requesting variances from the side and rear setback standards of 15 feet. The proposed structure is approximately 6 feet from the west property line and 1-foot from the north and south property lines. If this structure were proposed as a garage, it would be permitted to have a 5-foot setback to all three of these sides. It is the inclusion of the residential unit that increases the setback.

The lot in question is permitted to have up to 1.4 DUEs due to the RM zoning allotment of 7 units/acre. The petitioner's proposal includes 3 units in the existing structure and an additional unit in the garage unit. It is only proposed as a 2 bedroom unit, but is too

large to utilize the DUE density reduction. The 4 proposed DUEs calculate to 20 units/acre.

Although staff is not supportive of the additional unit above the garage, if the Board finds it to be appropriate, staff finds the reduced setback to the south and east appropriate, but recommend that the north setback be increased to 5 feet. If the Board does not approve the additional unit, no variance is necessary to the east. Staff would recommend that the setback to the south be granted to allow for 5 cars to be covered and would continue to recommend a 5-foot setback to the north.

SITE PLAN ISSUES:

Density: The 3 proposed units within the existing structure would bring the density of the property to 15 units an acre. This is more than the 7 units/acre that the RM zoning allows. The addition of the garage unit would bring the density of the property to 20 units/acre. Due to the long history of multi-family units within this structure, staff has worked with the petitioner to develop a reasonable remodeling plan for the structure. The petitioner is not looking to expand the structure or add any bedrooms to the structure.

Staff has also analyzed the surrounding area. The property is surrounded with larger multi-family structures to the north, south, and east. The two multi-family properties immediately to the north have densities of approximately 22 and 29 units/ac respectively. The Omega Manor project immediately south has a density of approximately 34 un/ac and the Pavilion Heights project immediately to the east has a density of 49 un/ac.

Therefore, staff finds that the variance criteria can be met for the remodeling of the existing structure into an appropriate multi-family configuration. However, staff finds that the remodeled home will provide for appropriate use of property and does not find any hardship in not adding additional density over what can reasonably be placed within the existing structure.

Parking: The existing site has space for 5 stacked parking spaces including a one car garage. This proposal does not require any parking and would have a maximum parking allotment of 9 cars for the main structure and 2 for the proposed garage unit. The petitioner has proposed a garage structure that would fit up to 5 cars in the same area as the existing garage and asphalt parking area.

Sidewalk and Street Trees: There is an existing sidewalk and street trees along Washington St. The sidewalk must be brought into ADA compliance with this request.

Stormwater/Utilities: No on-site detention is being required. The proposal will not increase the amount of impervious surface on the lot as the new construction is proposed for an area that is currently impervious. The petitioner has discussed all utility requirements of this project and can adequately serve the structure with public utilities.

Architecture: The petitioner has proposed a split-face block and cementitious siding structure for the rear of the property. A proposed rendering and computer model have been included in your packet showing how the proposed structure would fit into the context of the area. The garage would be three-sided and open to the alley to the east. The dumpster would also be placed in this structure. Although not shown, the petitioner has agreed to enclosing the trash within this structure.

Environmental: There are several existing trees on the site including a large sweet gum at the northeast corner of the property. The petitioner is proposing to save this tree. If the garage structure is constructed, there will be a large limb of the tree that will have to be removed. Staff also recommends that fencing be placed near the dripline through out construction so that construction equipment and material are not placed on the root system of the tree.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

20.09.130 e) Standards for Granting Variances from Development Standards: A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

- 1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

STAFF FINDING: The granting of the proposed variances from these standards will not be injurious to the public health, safety, morals, and general welfare. The proposed density and setbacks are consistent with those found in the immediately adjacent area. These findings are contingent upon the garage structure being revised to include a 5-foot setback from the north property line.

- 2) *The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.*

STAFF FINDING: Staff finds no negative effects from this proposal on the areas adjacent to the property. The redevelopment of this property will allow the structure to be improved and brought closer to compliance with current standards. The proposed changes would not increase the number of bedrooms in the main structure. The proposed density is also less than the structures in the immediate area. Staff finds that the setback to the south will not substantially impact the use and value of the property to the south. The other variances would not be necessary if the garage unit is denied. If the Board finds the garage unit to be appropriate, then staff finds a 5-foot setback to the north and east to be consistent with the accessory structure setbacks of the district and similar to the setbacks found in the adjacent area.

- 3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical*

difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.

STAFF FINDING:

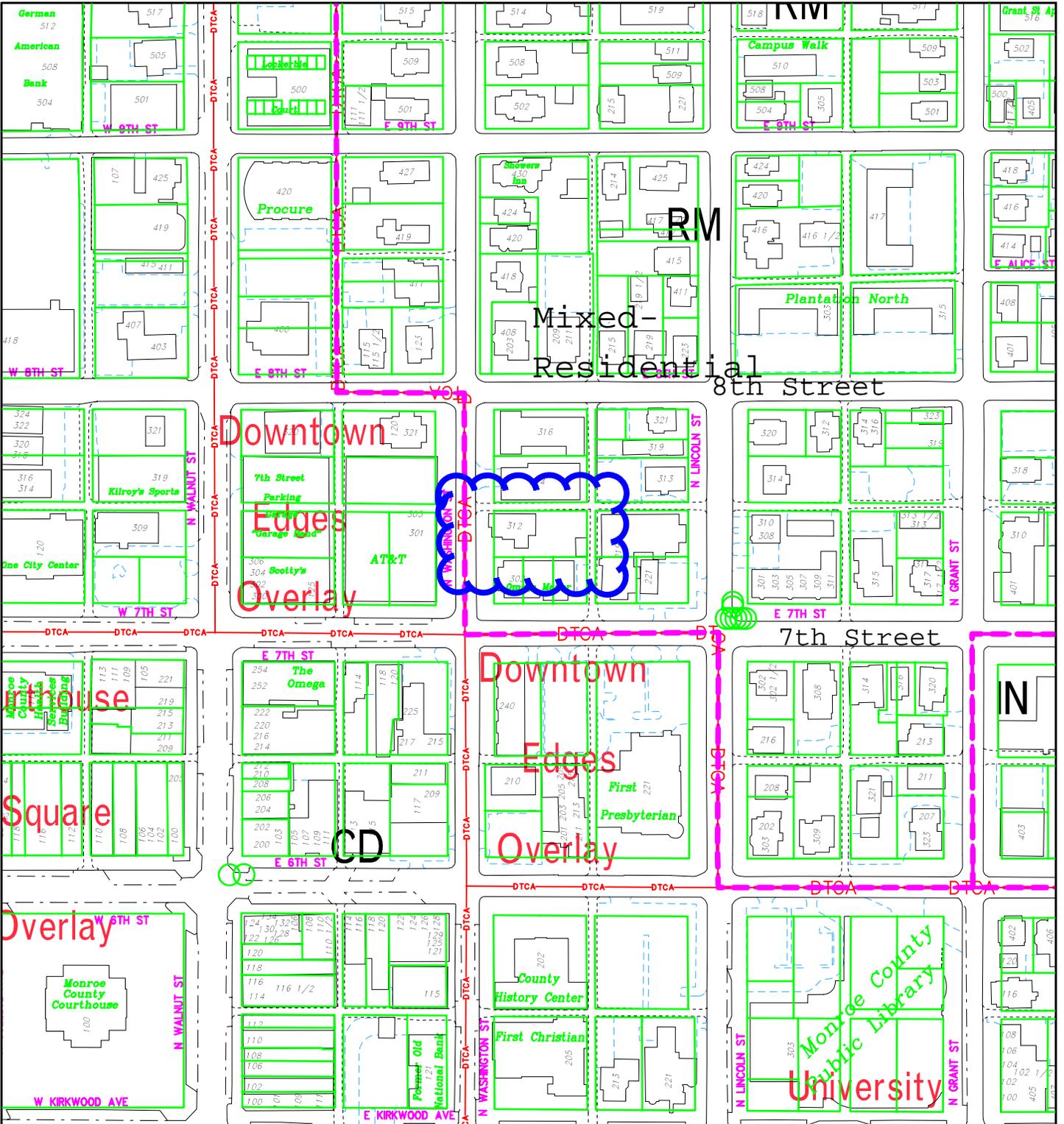
Density: As previously stated, the property is surrounded with larger multi-family structures to the north, south, and east. The two multi-family properties immediately to the north have densities of approximately 22 and 29 units/ac respectively. The Omega Manor project immediately south has a density of approximately 34 un/ac and the Pavilion Heights project immediately to the east has a density of 49 un/ac. When combined with the long-standing history of this property having multi-family units and the densities of the immediately surrounding areas, staff finds peculiar condition and hardship in not allowing the proposed reuse and remodeling of the main structure in a reasonable fashion. However, staff does not find any hardship in limiting the increased density to the existing structure. Re-allocating the existing space is found to be appropriate, but not creating additional residential space.

Setbacks: Staff finds peculiar condition in the combination of replacing an existing garage that has nearly 0-foot setbacks to the south and east, the structure functioning much as an accessory structure rather than a primary structure, and the development patterns of the surrounding area.

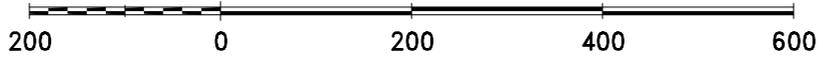
CONCLUSION: Even though the density of the proposed remodel would be greater than the permitted density in the area, the new owner of the structure is not seeking any more bedrooms than have been used in the structure for many decades. The remodel will allow the internal units to be inspected and brought into a safer condition. Staff finds reallocation of the existing space to be a reasonable resolution for the reuse of the structure. Returning this structure to a single family would prove difficult and unnecessary. Although the proposed garage structure would not be out of scale or character with the surrounding area, staff does not find the criteria to warrant further variance from density restrictions of the area.

RECOMMENDATION: Based upon the written findings above, staff recommends approval of the variance V-40-12 with the following conditions:

1. The second floor and residential unit shall be removed from the garage structure.
2. The sidewalk along N. Washington Street shall be brought into ADA compliance.
3. No lighting is approved with this request. Any future lighting shall meet current UDO standards.
4. If a detached garage structure is constructed, the dumpster must be fully enclosed in this structure with a closable door.
5. If a detached garage structure is constructed, it must maintain a 5-foot setback from the north property line.
6. If a detached garage structure is constructed, tree protection fencing must be placed near the dripline throughout construction so that construction equipment and material is not placed on the root system of the tree.



By: shapp
 12 Oct 12



For reference only; map information NOT warranted.

City of Bloomington
 Planning

N

Scale: 1" = 200'

312 N Washington

(8/22/12 for submission)

Current use:

Six (6) kitchen, Nine (9) bedroom apartment / house.

Location:

312 N Washington is hidden between four large buildings on all sides: the 6 story AT&T building across Washington street (west), a 3 story 20-bedroom apartment building to the south, a 3 story 13-bedroom apartment building to the North, and a 4 story 30+ bedroom apartment building with multiple balconies to the east .

Current Plan:

Restore 312 N Washington to being a functional part of the neighborhood. Work with building department and HAND to bring the current building closer to compliance with current building codes. Make the location an asset to the neighborhood.

Planned design:

Redesign the interior of main house closer to the original layout, creating 3, 3- bedroom apartments. The bedroom count is needed to justify bring the building into compliance with building codes and HAND.

Build covered parking and a buffer off the back of the lot to covering 5 parking spaces, include 1, 2-bedroom apartment over the garage. The covered parking would buffer the current back yard from the 4 story building located directly behind the property.

There would be no detrimental effect to current neighbors by adding the buffer to the back of the property. However, the buffer would add many positive attributes to the location. Benefits including the following: widening the alley along the back of the lot, create an oasis between the current house and buffer, shield the oasis from the balconies on the 4 story building behind the property (Current owner witnessed a party on the balconies where participants threw beer bottles over the alley at the dumpster of 312 N Washington), and the buffer would enhance the feel of the area - *312 N Washington was meant to be in this location and not just a house that got stuck between a bunch of large apartments.*

Current plan would still maintain the location as the lowest density property of any of the buildings North, South, East, or West of it. Petitioner is asking for approval of 3,3-bedroom units in the main house and 1, 2-bedroom unit above the garage / buffer.

Current site planned improvements:

Repair and restore roof

Repair original windows and replace others with windows that closer match the originals.

Clean up and improve landscaping on the property

Paint and improve exterior

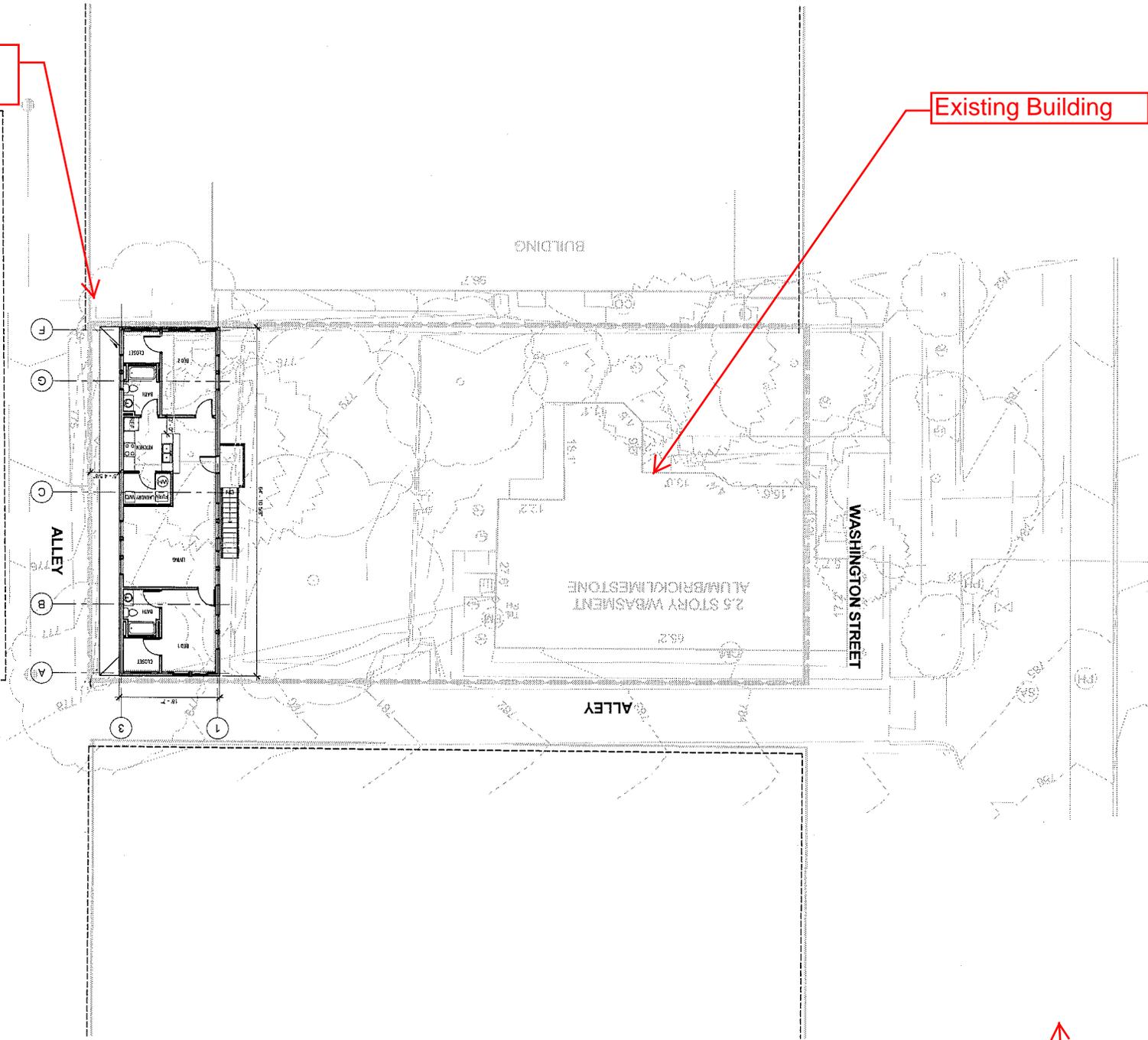
Work with the COB building department and HAND to bring interior of the building closer to compliance with current building codes. (Owner has met with building department and HAND).

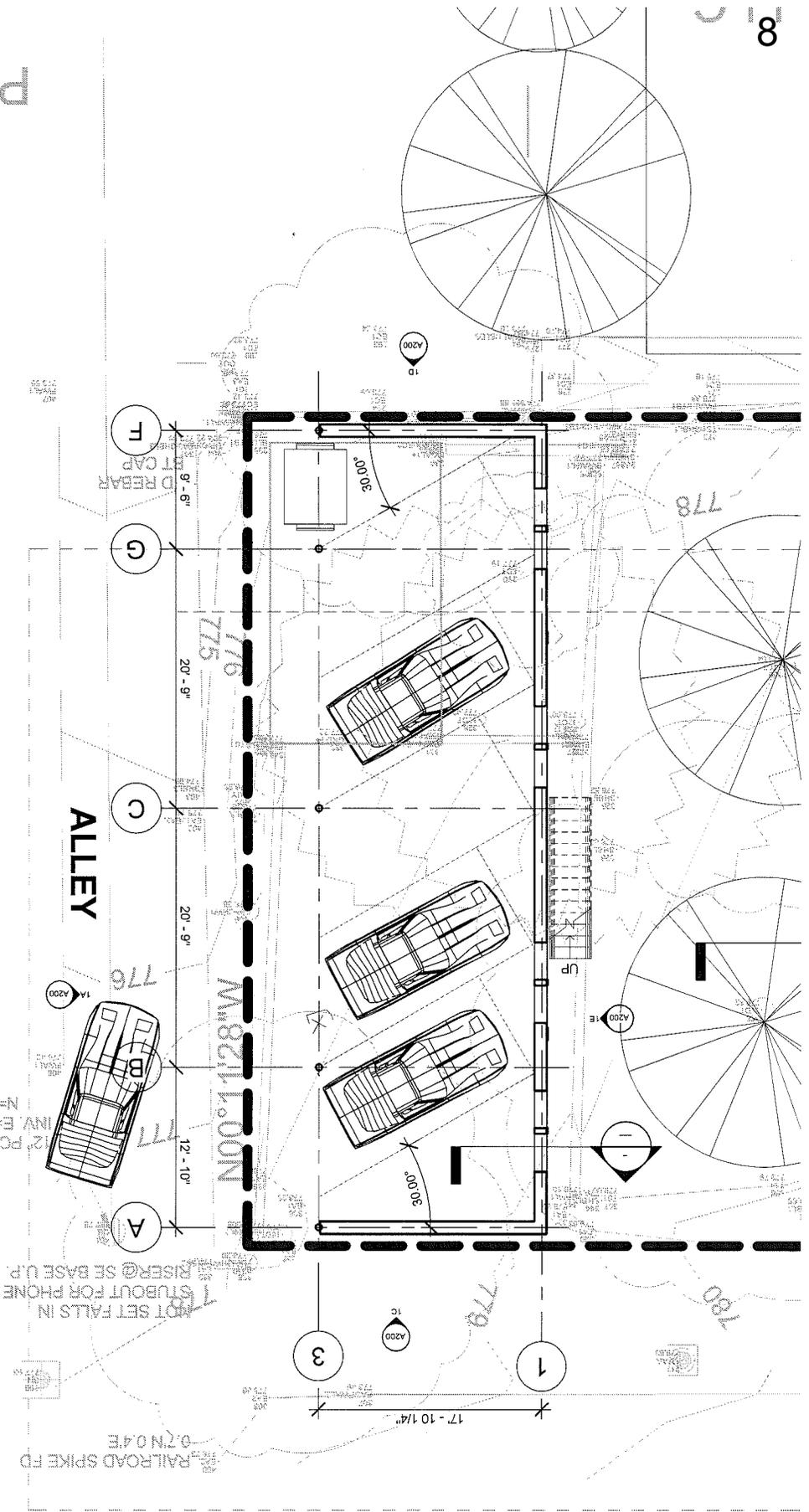
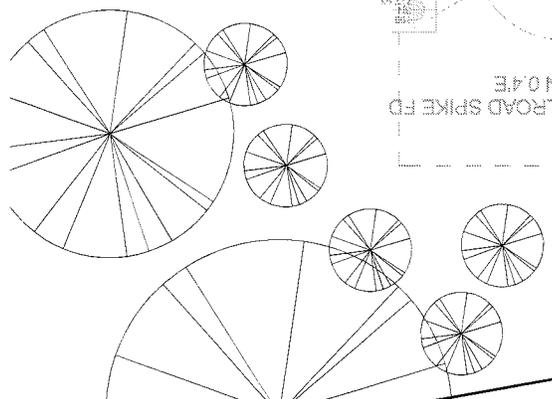
Preserve as many mature trees as possible

V-40-12 Petitioner's Statement

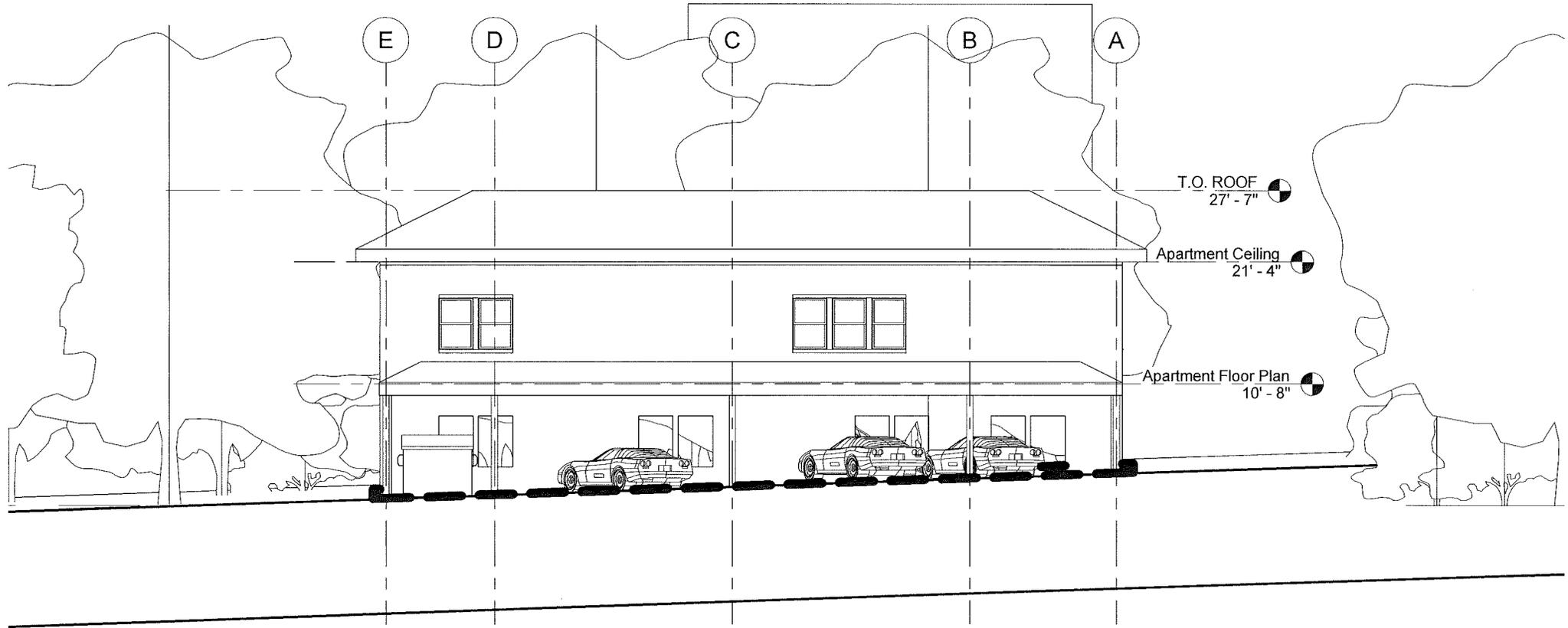
New Garage Structure

Existing Building

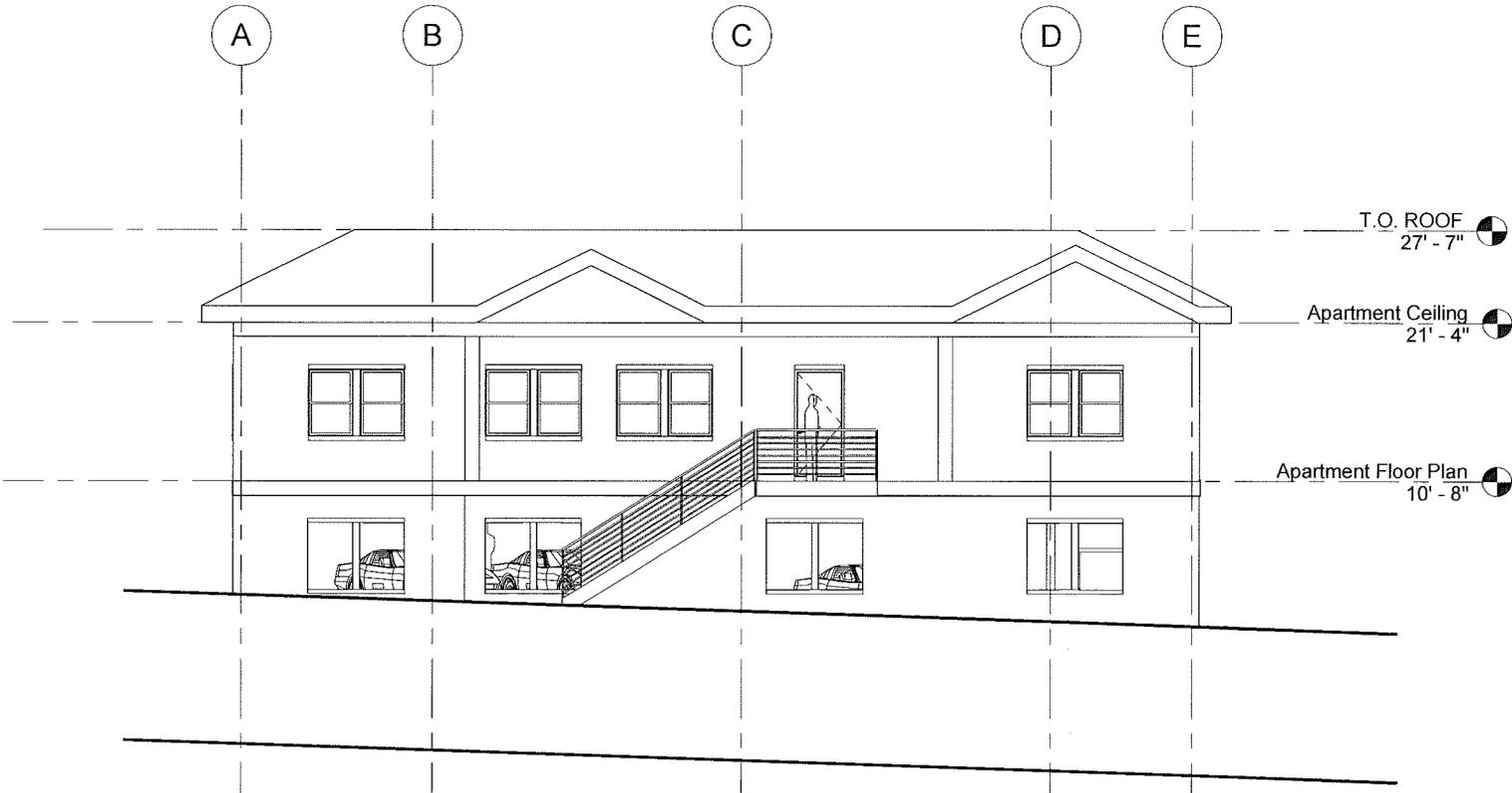




Detail of new building



Alley elevation

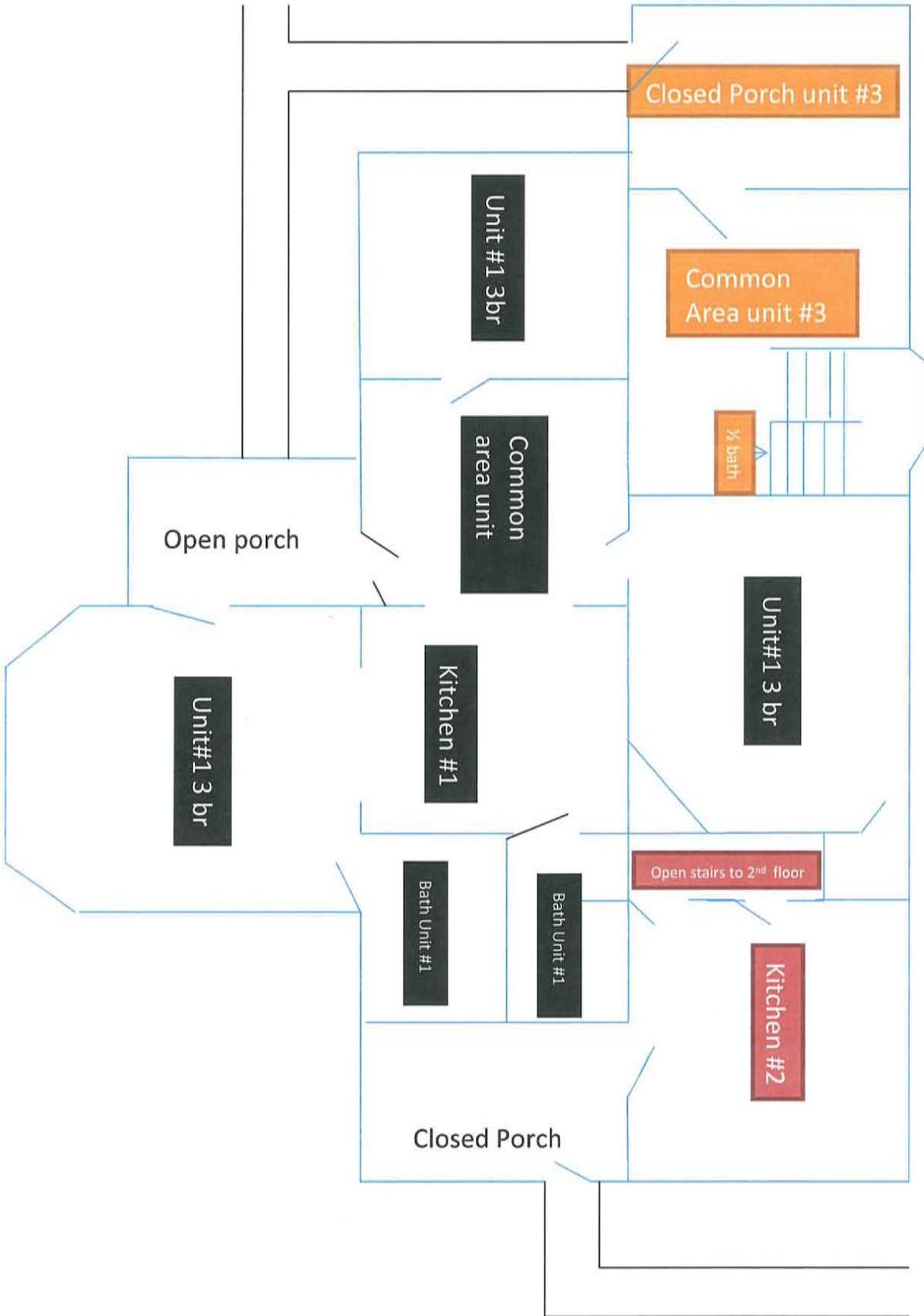


East elevation

1st Floor Proposed

Ally

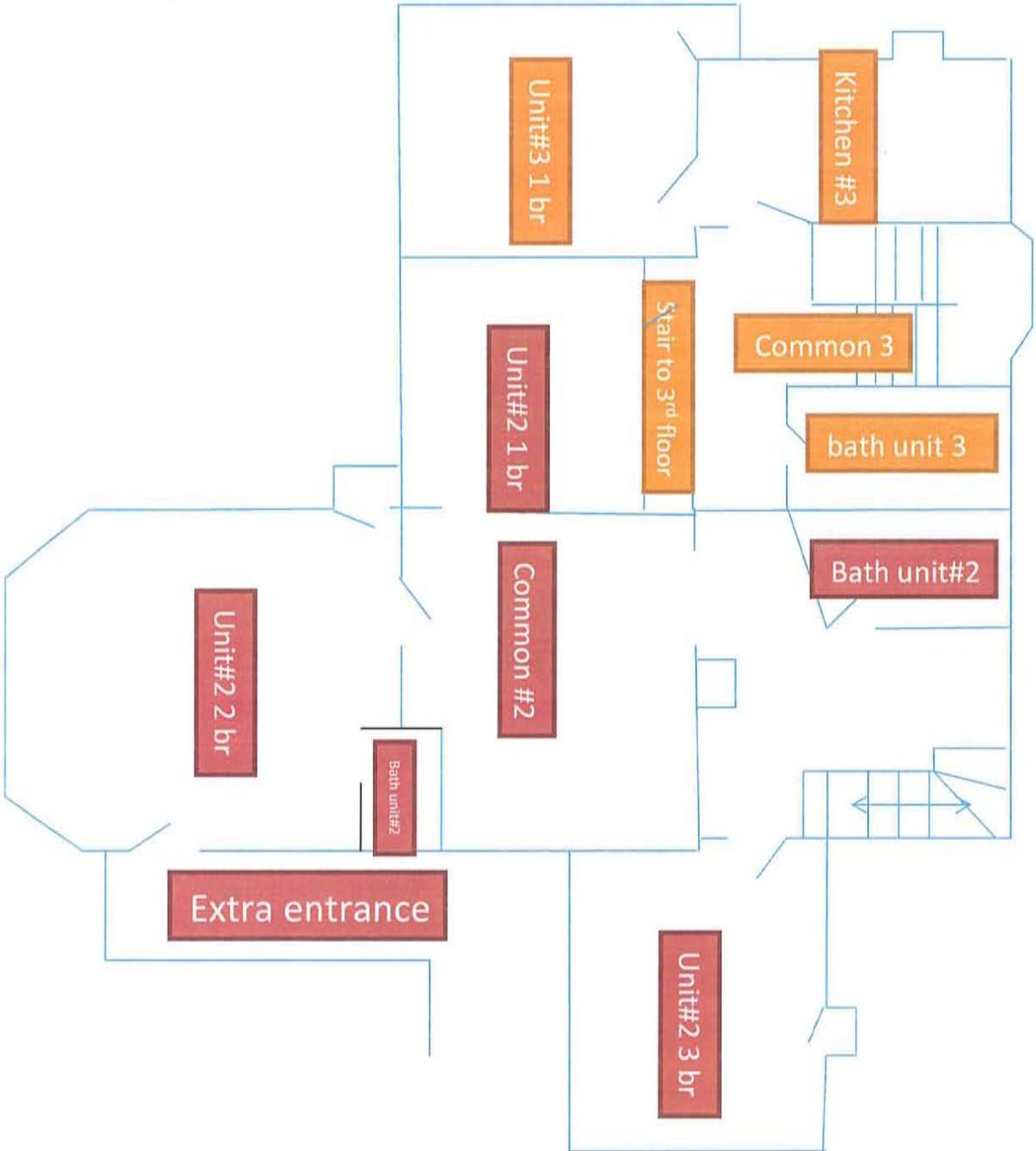
Washington Street



Proposed first floor plan

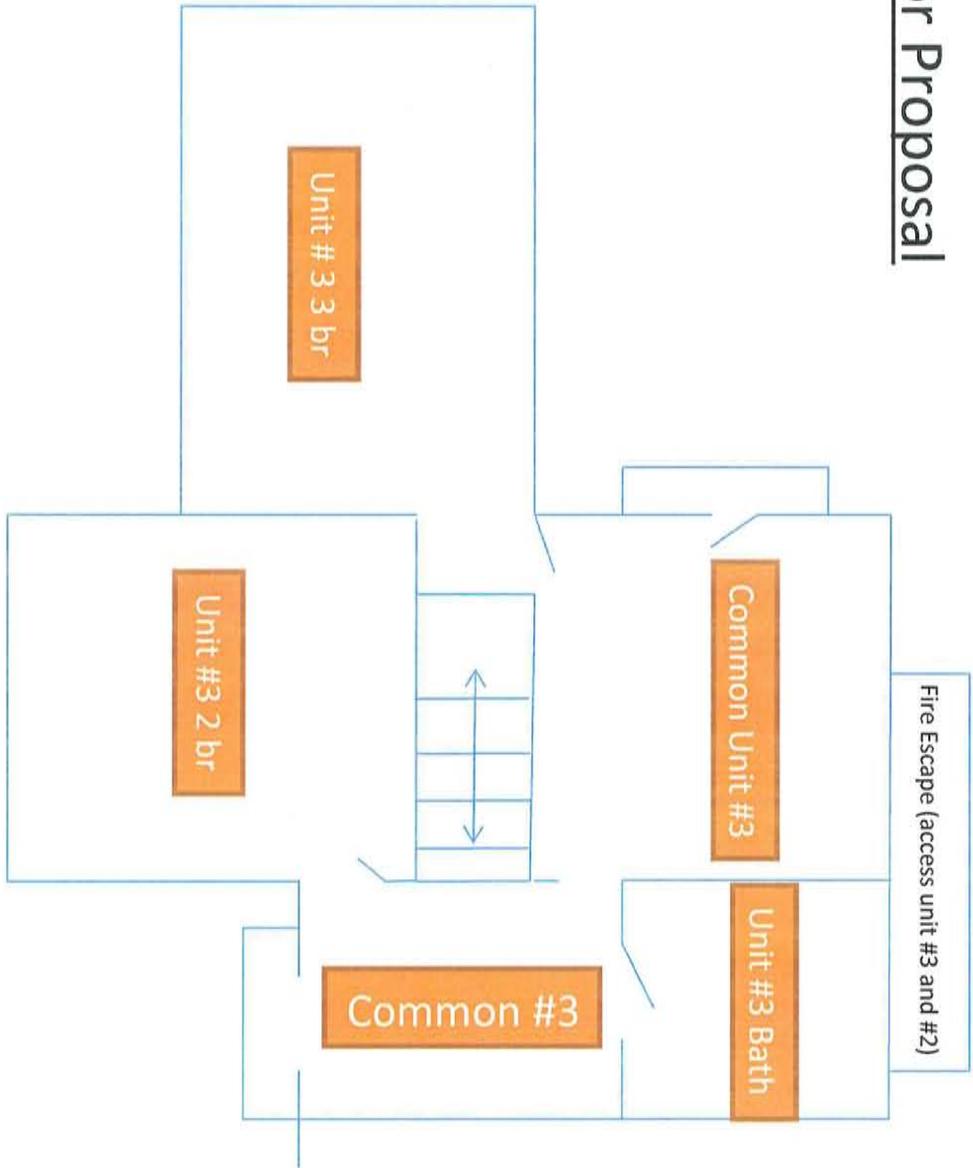
2nd floor Proposal

Ally



Proposed 2nd floor plan

3rd floor Proposal



Proposed 3rd floor plan



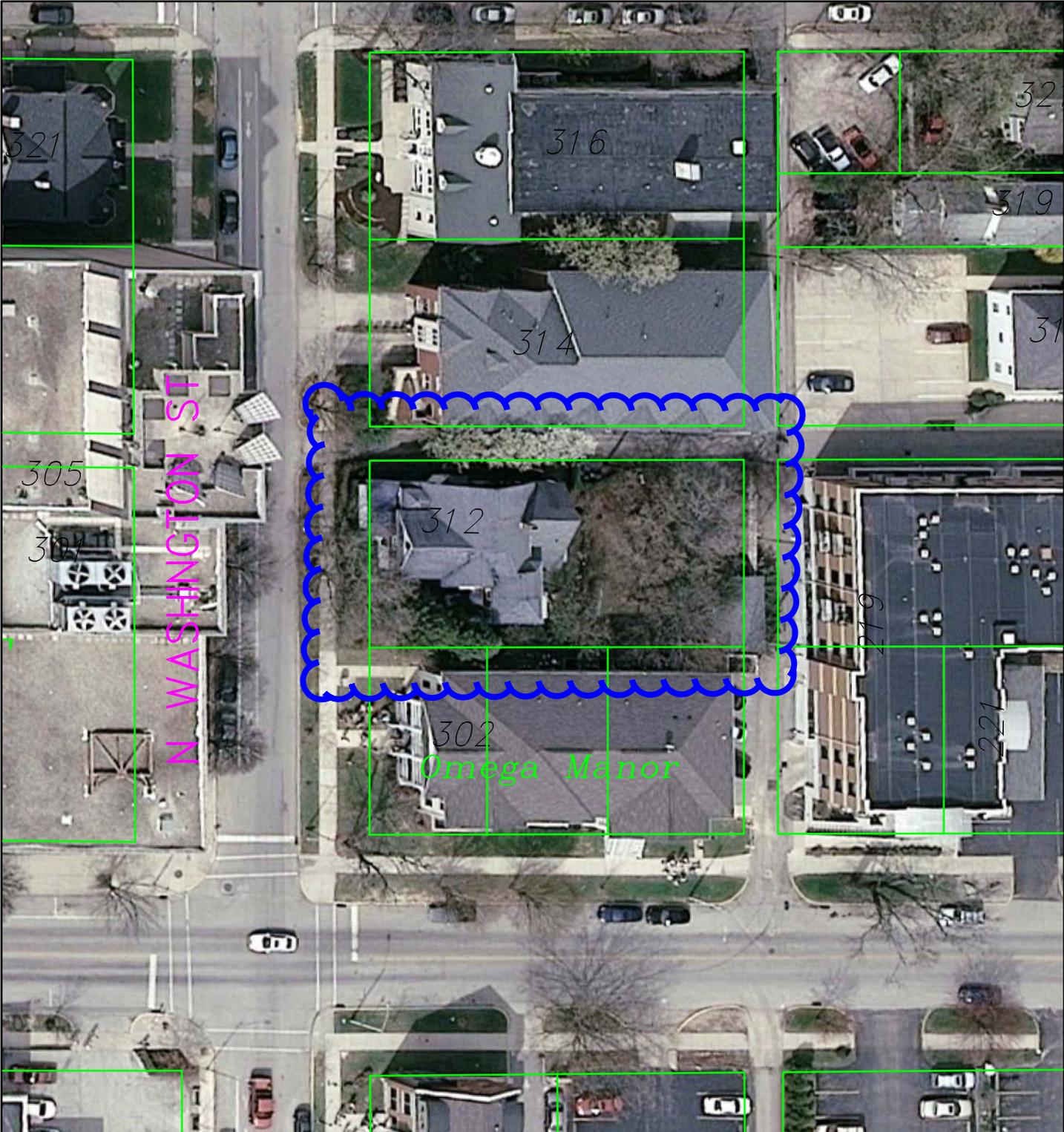
Model - looking
southeast



Rendering from alley

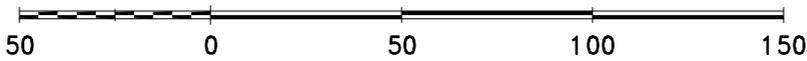


Rendering from
alley looking south

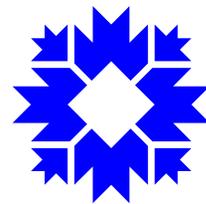


V-40-12 Chris Bomba
Aerial Photo

By: shayp
12 Oct 12



City of Bloomington
Planning



Scale: 1" = 50'

For reference only; map information NOT warranted.

This lot is 66x132 = 8712, same size as my single family house lot.

It is a single family house, from all appearances, other than a fire escape from attic.

Planning says it has never been a registered rental.

Are there fixtures that it might have been a rental, either pre-73 (obligation to register) or ILLEGAL post-73?

Tax assessment shows 5 BR and 3 Ba and 1 kitchen sink.

1. Not injurious to public health, safety, morals and general welfare of the community.
2. Use and value of area adjacent to the property will not be affected in a substantially adverse manner.

Anytime you put 11-19 students into 8700 s.f. area, you are going to have parking, trash and noise issues.

Will cause additional parking demand on adjacent neighbors.

3. Strict application of the UDO will result in practical difficulties in the USE of the property.

No practical difficulties in the use of the property. It is fine as is. It can be fixed up as a 3BR and a 1BR rental. 4BR's works well at this location.

4. that the practical difficulties are peculiar to the property in question,

NOTHING peculiar to THIS property - it is a house. He wants to put ability to rent to up to 19 individuals in this single family house and a garage apartment.

This is a plain 66x132 lot - no tricks, nothing different than my 66x132 lot up the street.

5. that the Variance will relieve the practical difficulties.

All this variance does is let him make MORE money out of this asset.

Return at 4 bedrooms:

8712 s.f. Max density is 7 units per acre (6,223 s.f. per unit). $8712/6223=1.4$ units.

DUE = 3BR = 1.0 and a 1BR<700 s.f. = .25 = 1.25

Purchase price = \$282,000 [exhibit - sales disclosure].

Typical financing is 20% down and 80% financed.

Down payment = \$56,400

Loan = \$225,600

Renovations to make the house up to code for 1x3BR and 1x1BR = \$150,000 (\$40/s.f.)

Total loan = \$225,600 + \$150,000 = \$375,600 (20 years @5% = \$2,479 per month).

Advertised at \$900 per BEDROOM x 4 = \$3,600 per month. [ADS]

Income:

12 months rent = $12 \times \$3,600 = \$43,200$

less interest on mortgage of \$18,525

less taxes of \$4,237 (this is on assessed value of nearly \$400K, \$120K more than he paid). [TAXES]

less insurance of \$800 (estimated).

Net income = \$19,638 in year one.

Compare to down payment of \$56,400 = $19,638/56,400 = 35\%$ return on his money in YEAR 1!

In ten years over 350% return on his investment.

Practical difficulty? No.

Return on 11 bedrooms

8712 s.f. Max density is 7 units per acre (6,223 s.f. per unit). $8712/6223=1.4$ units.

DUE = 3BR = 1.0 and a 1BR<700 s.f. = .25 = 1.25

Purchase price = \$282,000 (exhibit - sales disclosure).

Typical financing is 20% down and 80% financed.

Down payment = \$56,400

Loan = \$225,600

Renovations to make the house up to code for 3x3BR and 1x2BR = \$350,000.

Total loan = \$225,600 + \$350,000 = \$575,600 (20 years @ 5% = \$3,799 per month).

Advertised at \$900 per BEDROOM x 11 = \$9,900 per month.

Income:

12 months rent = $12 \times \$9,900 = \$118,800$

less interest on mortgage of \$28,390

less taxes of \$6,000 (counting on an increase)

less insurance of \$1400 (estimated).

Net income = \$83,010 in year one.

Compare to down payment of \$56,400 = $83,010/56,400 = 147\%$ return on his money in YEAR 1!

1470% return over ten years.

Submitted



SALES DISCLOSURE FORM
 State Form 46021 (R11/12-11)
 Prescribed by Department of Local Government Finance
 Pursuant to IC 6-1.1-5.5

SDF ID

C53	2012	1845038
County	Year	Unique ID

 SDF Date: 05/03/2012

PRIVACY NOTICE: The telephone numbers of the parties on this form are confidential according to IC 6-1.1-5.5-3(d).

PART 1 - To be completed by BUYER/GRANTEE and SELLER/GRANTOR
A. PROPERTY TRANSFERRED - MUST BE CONVEYED ON A SINGLE CONVEYANCE DOCUMENT

1. Property Number	Check box if applicable to parcel	5. Complete Address of Property	6. Complete Tax Billing Address (if different from property address)
Parcel Number: 53-05-33-310-188.000-005	<input type="checkbox"/> 2. Split <input checked="" type="checkbox"/> 3. Land <input checked="" type="checkbox"/> 4. Improvement	312 N. Washington Street Bloomington, IN 47408	312 N. Washington Street Bloomington, IN 47408

7. Legal Description:
 In-Lot Numbered 330 in the City of Bloomington, Indiana

B. CONDITIONS - IDENTIFY ALL THAT APPLY **C. SALES DATA - DISCLOSE VALUE OF ITEMS LISTED IN TABLE B, ITEMS 1-15**

If conditions 1 applies, filer is subject to disclosure and a disclosure filing fee. <input checked="" type="checkbox"/> 1. A transfer of real property interest for valuable consideration. <input type="checkbox"/> 2. Buyer is an adjacent property owner. <input type="checkbox"/> 3. Vacant land. <input type="checkbox"/> 4. Exchange for other real property ("Trade"). <input type="checkbox"/> 5. Seller paid points. (Provide the value Table C Item 12.) <input type="checkbox"/> 6. Change planned in the primary use of the property? (Describe in special circumstances in Table C Item 3.) <input type="checkbox"/> 7. Existence of family or business relationship between buyer and seller. <input type="checkbox"/> 8. Land contract. Contract term (YY): 0 Land Contract Date (MM/DD/YYYY): <input type="checkbox"/> 9. Personal property included in transfer. (Describe in special circumstances in Table C Item 3.) <input type="checkbox"/> 10. Physical changes to property between March 1 and date of sale. (Describe in special circumstances in Table C Item 3.) <input type="checkbox"/> 11. Partial interest. (Describe in special circumstances in Table C Item 3.) <input type="checkbox"/> 12. Easements or right-of-way grants.	1. Conveyance date (MM/DD/YYYY): 05/31/2012 <i>05/11/2012</i> 2. Total number of parcels: 1 3. Describe any unusual or special circumstances related to this sale, including the specification of any less-than-complete ownership interest and terms of seller financing. none See attachments for additional applicable circumstances.
	<input type="checkbox"/> 4. Family or business relationship existing between buyer and seller? Amount of discount: \$0.00 Disclose actual value in money, property, a service, an agreement, or other consideration.

If conditions 13-15 apply, filers are subject to disclosure, but no disclosure filing fee. <input type="checkbox"/> 13. Document for compulsory transactions as a result of foreclosure or express threat of foreclosure, divorce, court order, judgment, condemnation, or probate. <input type="checkbox"/> 14. Documents involving the partition of land between tenants in common, joint tenants, or tenants by the entirety. <input type="checkbox"/> 15. Transfer to a charity, not-for-profit organization, or government.	5. Estimated value of personal property: \$0.00
	6. Sales price: \$282,000.00
	<input type="checkbox"/> 7. Is the seller financing sale? If yes, answer questions (8-13). <input type="checkbox"/> 8. Is buyer/borrower personally liable for loan? <input type="checkbox"/> 9. Is this a mortgage loan?
	10. Amount of loan: \$0.00
	11. Interest rate: 0.0000%
	12. Amount in points: \$0.00
	13. Amortization period:

D. PREPARER

TONYA L NEWLIN BARNHART & STURGEON
 Preparer of the Sales Disclosure Form
 P.O. BOX 1234
 Address (Number and Street)
 BLOOMINGTON, IN 47402-1234
 City, State, and ZIP Code

CLOSING AGENT
 Title
 BARNHART & STURGEON
 Company
 Telephone Number
 E-mail

S. SELLER(S)/GRANTOR(S)

ESTATE OF IRENE B. HAASE
 Seller - Name as appears on conveyance document
 7922 BENJAMIN DRIVE
 Address (Number and Street)
 INDIANAPOLIS, IN 46226
 City, State, and ZIP Code
 Telephone Number
 E-mail

Seller - Name as appears on conveyance document
 Address (Number and Street)
 City, State, and ZIP Code
 Telephone Number
 E-mail

Under penalties of perjury, I hereby certify that this Sales Disclosure, to the best of my knowledge and belief, is true, correct and complete as required by IC 6-1.1-5.5, "Real Property Sales Disclosure Act".

Signature of Seller
 S. PATRICK May 11, 2012
 Printed Name of Seller
 Sign Date (MM/DD/YYYY)

Signature of Seller
 Printed Name of Seller
 Sign Date (MM/DD/YYYY)

B. BUYER(S)/GRANTOR(S) APPLICATION FOR DEDUCTIONS AND CREDITS - IDENTIFY ALL ITEMS THAT APPLY

CHARLES LAYNE LLC
 Buyer - Name as appears on conveyance document
 312 N. WASHINGTON STREET
 Address (Number and Street)
 BLOOMINGTON, IN 47408
 City, State, and ZIP Code
 (842)692-9476
 Telephone Number
 E-mail
 E-mail Tax Bill (Y/N)

Buyer - Name as appears on conveyance document
 Address (Number and Street)
 City, State, and ZIP Code
 Telephone Number
 E-mail
 E-mail Tax Bill (Y/N)

THE SALES DISCLOSURE FORM MAY BE USED TO APPLY FOR CERTAIN DEDUCTIONS FOR THIS PROPERTY. IDENTIFY ALL OF THOSE THAT

1. Will this property be the buyer's primary residence? Provide complete address of primary residence, including county:
 312 N. WASHINGTON STREET 621 N. Walnut St.
 Address (Number and Street)
 BLOOMINGTON, IN 47408 Bloomington, IN 47404
 City, State, and ZIP Code
 Monroe
 County

- 3. Homestead
- 4. Solar Energy Heating/Cooling System
- 5. Wind Power Device
- 6. Hydroelectric Power Device
- 7. Geothermal Energy Heating/Cooling Device
- 8. Is this property a residential rental property?
- 9. Would you like to receive tax statements for this property via e-mail? (Provide contact information below. Please see the instructions for more information. Not available in all counties.)

2. Does the buyer have a homestead to be vacated for this residence? If yes, provide complete address of residence vacating, including county:

Address (Number and Street)
 City, State, and ZIP Code
 County

Primary property owner contact name
 E-mail

Under penalties of perjury, I hereby certify that this Sales Disclosure, to the best of my knowledge and belief, is true, correct and complete as required by IC 6-1.1-5.5, "Real Property Sales Disclosure Act". (Note: Spouse Information, Social Security and Driver's License Information is required for all buyers if no Homestead Deduction is being filed.)

Signature of Buyer
 Printed Name of Buyer
 Sign Date (MM/DD/YYYY)

Signature of Buyer
 Printed Name of Buyer
 Sign Date (MM/DD/YYYY)

Last 5 digits of Buyer / Driver's License/ID/Other Number
 State
 Last 5 Digits of Social Security Number

Last 5 digits of Buyer / Spouse Driver's License/ID/Other Number
 State
 Last 5 Digits of Social Security Number

PART 2 - COUNTY ASSESSOR

The county assessor must verify and complete items 1 through 14 and stamp the sales disclosure form before sending to the auditor:

1. Parcel	2. AV Land	3. AV Improvement	4. AV Personal Property	5. Total AV	6. Property Class Code	7. Neighborhood Code	8. Tax District	9. Acreage
	101,600	293,030	-	394,600	510	S3005059	005	.2

<p>Assessor Stamp</p> <p>APPROVED BY</p> <p>MAY 11 2012</p> <p>MONROE COUNTY ASSESSOR</p>	<p>10. Identify physical changes to property between March 1 and date of sale.</p>	<p><input checked="" type="checkbox"/> 11. Is form completed?</p> <p><input type="checkbox"/> 12. Sales fee required?</p> <p>13. Date of sale (MM/DD/YYYY): <u>5-11-12</u></p> <p>14. Date form received (MM/DD/YYYY): <u>5-11-12</u></p>
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Items 15 through 18 are to be completed by the assessor when validating this sale:

<p>15. If applicable, identify any additional special circumstances relating to validation of sale.</p> <p><i>Invald - estate sale</i></p>	<p><input checked="" type="checkbox"/> 16. Sale valid for trending?</p> <p><input checked="" type="checkbox"/> 17. Validation of sale complete?</p> <p>18. Validated by: <u>[Signature]</u></p>
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PART 3 - COUNTY AUDITOR

<p>Auditor Stamp</p> <p>FILED</p> <p>MAY 14 2012</p> <p><i>M</i> 12</p> <p>Auditor Monroe County, Indiana</p>	<p>1. Disclosure fee amount collected: <u>10</u></p> <p>2. Other Local Fee: <u>5</u></p> <p>3. Total Fee Collected: <u>15</u></p> <p>4. Auditor receipt book number: <u>17027</u></p> <p>5. Date of transfer (MM/DD/YYYY): <u>5-14-12</u></p>	<p><input type="checkbox"/> 6. Is form completed?</p> <p><input checked="" type="checkbox"/> 7. Is fee collected?</p> <p><input checked="" type="checkbox"/> 8. Attachments complete?</p>
--	---	---

PART 4 - RECEIPT FOR STATEMENT OF CREDIT/DEDUCTION OF ASSESSED VALUATION

SDF ID	SDF Date (MM/DD/YYYY)	Buyer 1 - Name as appears on conveyance document
Parcel Number		Address of Property (Number and Street)
Check All that Apply:		City, State, and ZIP Code of Property
<input type="checkbox"/> Homestead	<input type="checkbox"/> Solar Energy	<input type="checkbox"/> Wind Power
<input type="checkbox"/> Hydroelectric	<input type="checkbox"/> Geothermal	<input type="checkbox"/> Rental Property
<input type="checkbox"/> Electronic statement (e-mail)		
Auditor Signature		Date (MM/DD/YYYY)

A person who knowingly and intentionally falsifies value of transferred real property, or omits or falsifies any information required to be provided in the sales disclosure form commits a Class C felony.

Monroe County, IN
 Property Assessment Detail Report
 Parcel Number : 53-05-33-310-188.000-005

Parcel Information		Taxing District	
Parcel Number:	53-05-33-310-188.000-005	Township:	BLOOMINGTON TOWNSHIP
Alt Parcel Number:	0131822000	Corporation:	MONROE COUNTY COMMUNITY
Property Address:	312 N Washington ST Bloomington, IN 47408-3542	Land Description	
Neighborhood:	1310 Trending 2006 - F/A	Land Type	Acreege Dimensions
Property Class:	Other Commercial Housing	F	66x132
Legal Description:	013-18220-00 ORIG PLAT 330		
Owner Name:	Charles Layne LLC		
Owner Address:	621 N Walnut St Bloomington, IN 47404		

Transfer Of Ownership			
Date	Name	Deed Book	Deed Page
12-30-1943	HAASE, BYRON S. & IRENE B.		
01-01-1900	UNION TRUST CO OF INDIANAPOLIS		
01-01-1900	UNKNOWN		
05-14-2012	Charles Layne LLC		

Sales			
Sale Date	Sale Price	Buyer Name	Seller Name
05-11-2012	\$282,000.00	CHARLES LAYNE LLC	IRENE B. HAASE ESTATE

Sales Disclosures [53-05-33-310-188.000-005.PDF](#)

Valuation Record				
Assessment Date	Reason for Change	Land	Improvements	Total Valuation
01-01-2012	Annual Adjustment	101600	295000	396600
01-01-2012	REEVALUATION (FORM 134)	101600	178800	280400
01-01-2011	Annual Adjustment	101600	293000	394600
01-01-2010	Annual Adjustment	101600	293000	394600
01-01-2009	MISCELLANEOUS	101600	279100	380700
01-01-2008	MISCELLANEOUS	101600	256700	358300
01-01-2007	MISCELLANEOUS	81700	279100	360800
01-01-2006	MISCELLANEOUS	54500	307600	362100
01-01-2005	MISCELLANEOUS	13400	265200	278600
01-01-2002	GENERAL REVALUATION	13400	265200	278600
01-01-1995	GENERAL REVALUATION	0	0	0
01-01-1994	GENERAL REVALUATION	0	0	0

Public Utilities		Exterior Features		Special Features	
Water:	N	Exterior Feature	Size/Area	Description	Size/Area
Sewer:	N	Canopy, Shed Type			

Public Utilities		Exterior Features	
Gas:	N	Exterior Feature	Size/Area
Electricity:	N	Porch, Enclosed Frame	
All:	Y	Porch, Enclosed Masonry	
		Stoop, Masonry	
		Wood Deck	

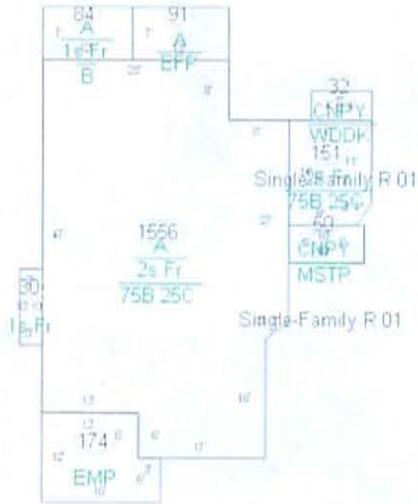
Summary Of Improvements					
Buildings	Grade	Condition	Construction Year	Effective Year	Area
Detached Garage R 01	C	A	1955	1955	
Single-Family R 01	C-1	A	1901	1980	

Residential Dwelling Information					
Single-Family R 01					
Accommodations		Plumbing		Other	
BedRooms:	5	Full Baths:	3	Heat Type:	Hot Water or Steam
Finished Rooms:	11	Full Baths	9		
		Fixtures:			
		Kitchen Sinks:	1		

Floors			
Floor	Construction	Base	Finished
C		427	0
1	Wood Frame	1821	1821
2	Wood Frame	1707	1707
A		1731	1731
B		1384	0

Photos and Sketches

ached Garage R 01





[Print](#)

2011 PAYABLE 2012 TAX INFORMATION - Monroe County, IN

Property : 53-05-33-310-188.000-005

Note: Some of the information provided may be incomplete, particularly delinquent taxes. To verify please contact the Treasurer's office.

Spring Due Date: May 10, 2012

Fall Due Date: November 13, 2012

Parcel Information	
Tax ID:	0131822000
Owner Name:	Charles Layne LLC
Owner Address:	621 N Walnut St Bloomington, IN 47404
Legal Description:	013-18220-00 ORIG PLAT 330

Credit Rates		Deductions	
Type	Rate	Type	Amount
	2.00	Homestead	45000
	12.55	Homestead-Suppl	122360
	21.78		

Payments				
Tax Set	Charge Type	Total Charge	Posted Payment	Balance Due
BLOOMINGTON CITY	1st Installment Penalty	\$105.93	\$105.93	\$0.00
BLOOMINGTON CITY	1st Installment Tax	\$2,118.64	\$2,118.64	\$0.00
BLOOMINGTON CITY	2nd Installment Tax	\$2,118.64	\$2,118.64	\$0.00



Monday, October 15, 2012

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 WWW.CURRYURBANPROPERTIES.COM



From IMU : 0.5Mi

	Sq.Feet	Rent/Unit	Rent/Person	Deposit
3 BR - 2 BA	0	\$2695	\$898	\$2695

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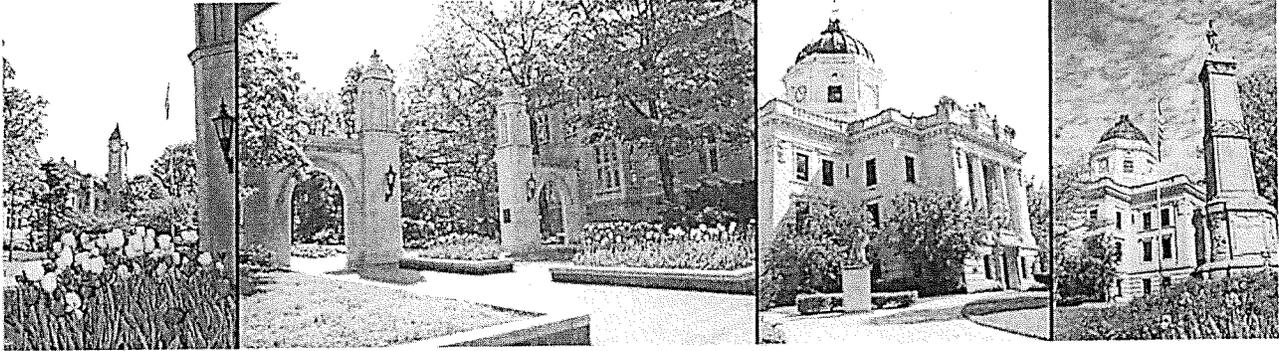


Parker Real Estate Management

621 N Walnut St.
Bloomington, IN 47404
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312 N. Washington Street A



Renovations Under Way!!!

Central A/C

D/W

On Site Laundry

Tenants responsible for electric and gas

Owner will provide Water

Lawn Care & Snow Removal Provided

Tenants responsible for trash removal

Price	\$2,695
Bedrooms	3
Bathrooms	2

Pets
No

Date Available July/August 2013

School Year Available 2013-2014

312 N. Washington Street A



Price	\$2,695
Bedrooms	3
Bathrooms	2
Date Available	July/August 2013

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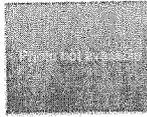
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« previous result | next result »

312 N. Washington 312 N. Washington

3 bedrooms
2 bathrooms

Available: July/August 2013
Price: \$2,695



- washer/dryer on site
- dishwasher
- central A/C
- Off-street parking
- Updated, high-end units!



Units available in this rental:

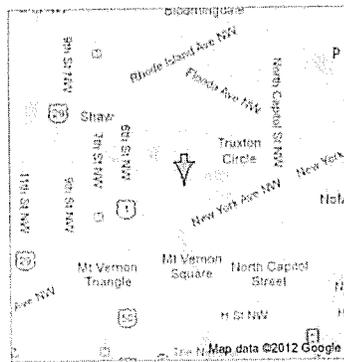
Bedrooms	Rent	Baths	Square feet	Deposit
Three	\$2695	2.0	na	\$2695

Rental features:

Directions:

Near the corner of 7th and Washington

- 24-hr. maintenance
- Air conditioning
- Appliances
- Dishwasher
- On-site laundry



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Area business profiles

312 n wash

Compound Period : Monthly

Nominal Annual Rate : 5.000 %

CASH FLOW DATA

Event	Date	Amount	Number	Period	End Date
1 Loan	12/01/2012	575,600.00	1		
2 Payment	01/01/2013	3,798.71	240	Monthly	12/01/2032

AMORTIZATION SCHEDULE - Normal Amortization

	Date	Payment	Interest	Principal	Balance
Loan	12/01/2012				575,600.00
2012 Totals		0.00	0.00	0.00	
1	01/01/2013	3,798.71	2,398.33	1,400.38	574,199.62
2	02/01/2013	3,798.71	2,392.50	1,406.21	572,793.41
3	03/01/2013	3,798.71	2,386.64	1,412.07	571,381.34
4	04/01/2013	3,798.71	2,380.76	1,417.95	569,963.39
5	05/01/2013	3,798.71	2,374.85	1,423.86	568,539.53
6	06/01/2013	3,798.71	2,368.91	1,429.80	567,109.73
7	07/01/2013	3,798.71	2,362.96	1,435.75	565,673.98
8	08/01/2013	3,798.71	2,356.97	1,441.74	564,232.24
9	09/01/2013	3,798.71	2,350.97	1,447.74	562,784.50
10	10/01/2013	3,798.71	2,344.94	1,453.77	561,330.73
11	11/01/2013	3,798.71	2,338.88	1,459.83	559,870.90
12	12/01/2013	3,798.71	2,332.80	1,465.91	558,404.99
2013 Totals		45,584.52	28,389.51	17,195.01	
13	01/01/2014	3,798.71	2,326.69	1,472.02	556,932.97
14	02/01/2014	3,798.71	2,320.55	1,478.16	555,454.81
15	03/01/2014	3,798.71	2,314.40	1,484.31	553,970.50
16	04/01/2014	3,798.71	2,308.21	1,490.50	552,480.00
17	05/01/2014	3,798.71	2,302.00	1,496.71	550,983.29
18	06/01/2014	3,798.71	2,295.76	1,502.95	549,480.34
19	07/01/2014	3,798.71	2,289.50	1,509.21	547,971.13
20	08/01/2014	3,798.71	2,283.21	1,515.50	546,455.63
21	09/01/2014	3,798.71	2,276.90	1,521.81	544,933.82
22	10/01/2014	3,798.71	2,270.56	1,528.15	543,405.67
23	11/01/2014	3,798.71	2,264.19	1,534.52	541,871.15
24	12/01/2014	3,798.71	2,257.80	1,540.91	540,330.24
2014 Totals		45,584.52	27,509.77	18,074.75	
25	01/01/2015	3,798.71	2,251.38	1,547.33	538,782.91
26	02/01/2015	3,798.71	2,244.93	1,553.78	537,229.13
27	03/01/2015	3,798.71	2,238.45	1,560.26	535,668.87
28	04/01/2015	3,798.71	2,231.95	1,566.76	534,102.11
29	05/01/2015	3,798.71	2,225.43	1,573.28	532,528.83

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 3900 E. Stonegate Dr.

CASE #: UV-48-12
DATE: November 15, 2012

PETITIONER: Trish Ierino
3900 E. Stonegate Dr., Bloomington, IN

REQUEST: The petitioner is requesting a use variance to allow an accessory apartment within a Planned Unit Development (PUD) which only allows single family houses.

SUMMARY: The property is located on the southeast corner of S. Smith Road and E. Stonegate Drive and is zoned Planned Unit Development (PUD). It was initially developed with a single-family house. The petitioner is proposing to legalize an existing second dwelling unit on the property. The surrounding use is single family.

In 2006, the property owner applied for a building permit for an addition to the house. The property owner's intent was for the building addition to serve as a dwelling unit for her mother and sister. A Certificate of Zoning Compliance was issued with a condition that "No increase in number of dwelling units is approved." However, that condition was not noticed by the property owner, and the addition has been used as an additional dwelling unit since 2006.

The Stonegate PUD allows single family houses but does not allow duplexes. The petitioner is requesting a use variance to permit a two-family dwelling and has agreed to a deed commitment limiting the occupancy of the second unit to family of the occupants of the first unit.

PLAN COMMISSION RECOMMENDATION: The Plan Commission reviewed the use variance request at their November 5, 2012 meeting. The Plan Commission voted unanimously to forward the use variance request to the BZA with a positive recommendation.

20.09.140 CRITERIA AND FINDINGS FOR USE VARIANCE:

Pursuant to IC 36-7-4-918.4., the Board of Zoning Appeals or the Hearing Officer may grant a variance from use if, after a public hearing, it makes findings of fact in writing, that:

- (1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and*

Staff Finding: Staff finds no injury to public health, safety, morals, and general welfare with a two-family dwelling. The property has existed in this condition since 2006 with no known injury.

- (2) *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and*

Staff Finding: Staff finds no substantial adverse impacts to the adjacent area from this request. The occupancy of the second dwelling unit will be limited to family of the occupants of the first unit so increases in noise, traffic, and parking will be minimal.

- (3) *The need for the variance arises from some condition peculiar to the property involved; and*

Staff Finding: Staff finds peculiar condition in an accessory dwelling unit occupied by family on a corner lot. Smith Rd. is also designated by the Thoroughfare Plan as a Secondary Arterial street. This slight increase in density is appropriate at this location and is compatible with existing surrounding development. Additionally, peculiar condition is found in that the accessory unit will be used to care for a family member with disabilities.

- (4) *The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and*

Staff Finding: Staff finds that the strict application of the UDO constitutes an unnecessary hardship in not allowing extended members to reside in an accessory dwelling unit when circumstances dictate the need to do so. The occupancy limits for residential areas were created to better restrict use of the properties in a manner consistent with a “family”. These occupancy limits and restrictions on accessory units also attempt to reduce the impacts associated with a large number of people and a large number of unrelated adults. These regulations attempt to restrict single family properties to function as a single household unit. Staff finds that the current situation meets that intention as all of the tenants involved are related by blood and have requested this approval to deal with a unique family situation.

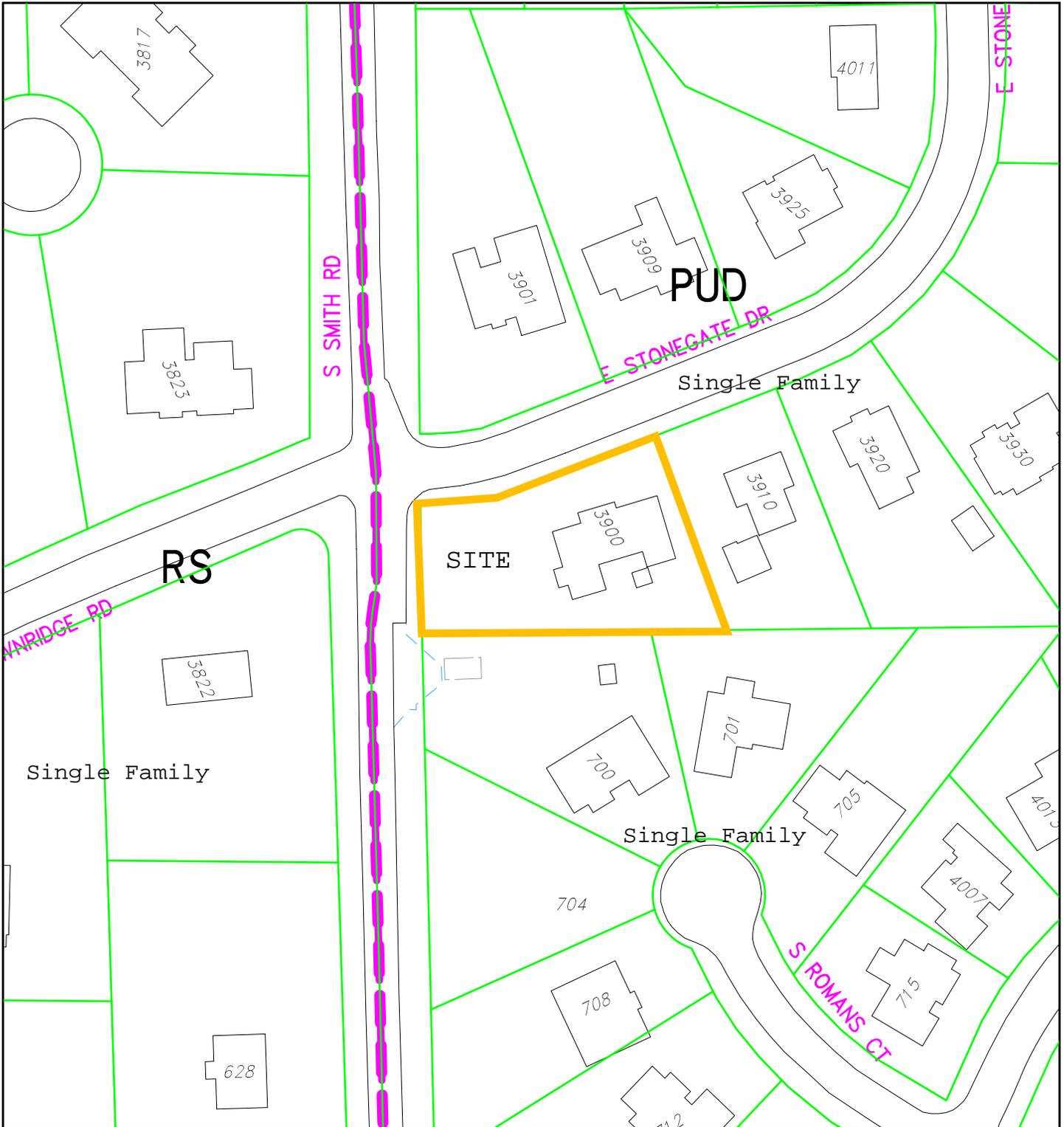
- (5) *The approval does not interfere substantially with the Growth Policies Plan.*

Staff Finding: The GPP designates this property as “Urban Residential”. The fundamental goal of these areas is to “encourage the maintenance of residential desirability and stability.” Regarding infill development, the GPP states that it should be “consistent and compatible with preexisting developments.” Although the primary land use in this category is single family, multi-family housing is appropriate in some areas if designed to be compatible with preexisting developments. The Plan Commission found that the use variance will not substantially interfere with the goals of the GPP.

CONCLUSION: Staff finds that this is an appropriate variance for an accessory dwelling unit to be occupied by family.

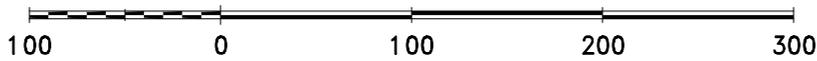
RECOMMENDATION: Based upon the written findings above, staff recommends approval of UV-48-12 with the following condition:

1. A commitment shall be recorded on the deed which requires occupancy of both units to be limited to family only, consisting of an individual or a group of people all of whom are related to each other by blood, marriage, or legal adoption, and any other dependent children of the household

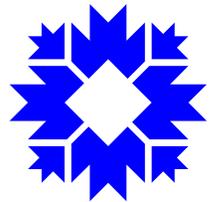


UV-48-12
 Trish Ierino
 3900 E. Stonegate Dr.
 Land Use and Zoning Map

By: bannok
 1 Nov 12



City of Bloomington
 Planning



Scale: 1" = 100'

10-3-2012

Trish and Louie Ierino – 3900 E. Stonegate Drive, Bloomington IN 47401

In 2005, we were living in Northwest Indiana. My Dad passed away unexpectedly. At the same time, I had an opportunity to relocate with my job to Bloomington, Indiana. My Sister has developmental disabilities and was 39 years old at the time. Mom is legally blind and was 76 years old. Because I was to become the sole caregiver for my Sister, Mom agreed that they both would relocate with us.

We worked with a local realtor to locate a home that would meet the needs of our new household. This included the need to be in city limits for my sister to utilize BT Access and to be close to Stone Belt. In Dec. 2005, we purchased our home at 3900 E. Stonegate Dr.

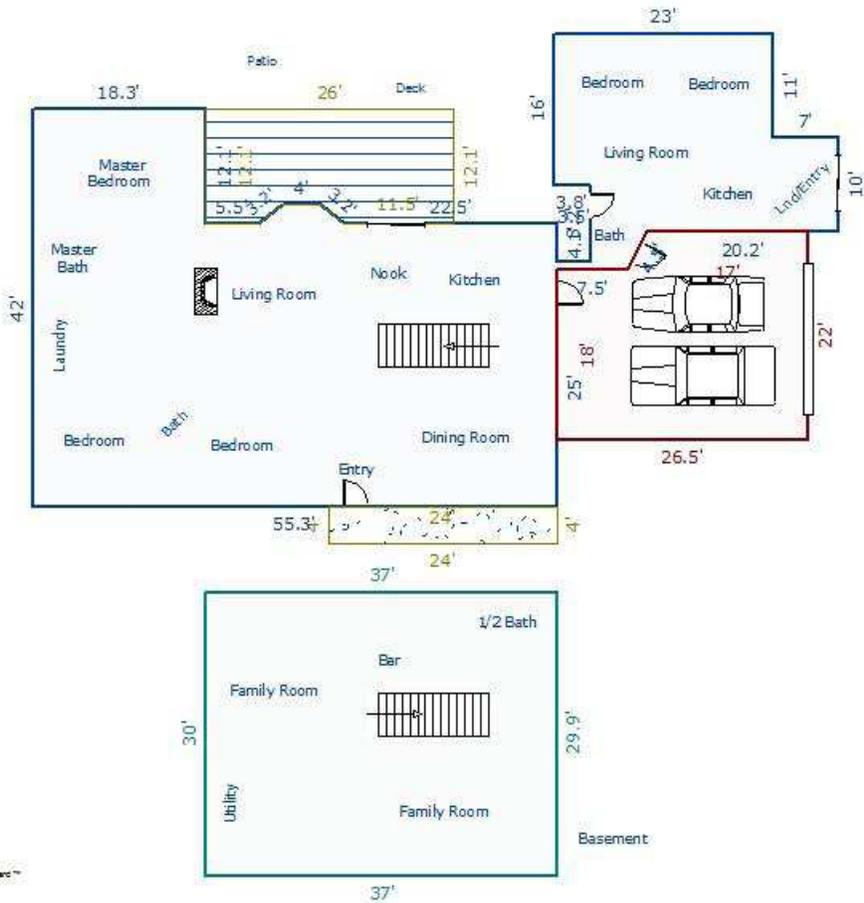
The only issue with the home; we were unable to turn the basement into an in-law suite for my Mom and Sister. With Mom's eyesight and age, she was unable to manage stairs. We obtained bids from two builders who had good reputations in the community. Because there was an existing bathroom in the garage, both builders recommended we build out from the garage. It made sense because the house was an L-shape and it would then become a U-shape. We selected our builder and moved forward in the Spring of 2006 to create a suite for Mom and Cheryl. The builder obtained necessary permits and the addition was completed by the Fall.

September 2012. We were in the process of refinancing our mortgage. The appraiser contacted Regions Bank to inform them we did not have the legal occupancy for the addition. I could not understand how that was possible when the builder said he did the necessary paperwork. We had absolutely no idea that there was issue regarding the addition.

After researching further in the last two weeks, it was explained to me that the addition was an occupancy issue. I immediately took action to resolve. Thus, the request for Use Variance.

We do not desire to turn the addition to a rental unit. The addition was solely built for us to be able to care for my Mom and Sister who both have special needs. Mom is now 83 and requires a walker most of the time. My sister is now 46 and thriving at Stone Belt and the Bloomington community.

Trish Ierino



Sketch by Apex Sketch vs Standard™
Comments:

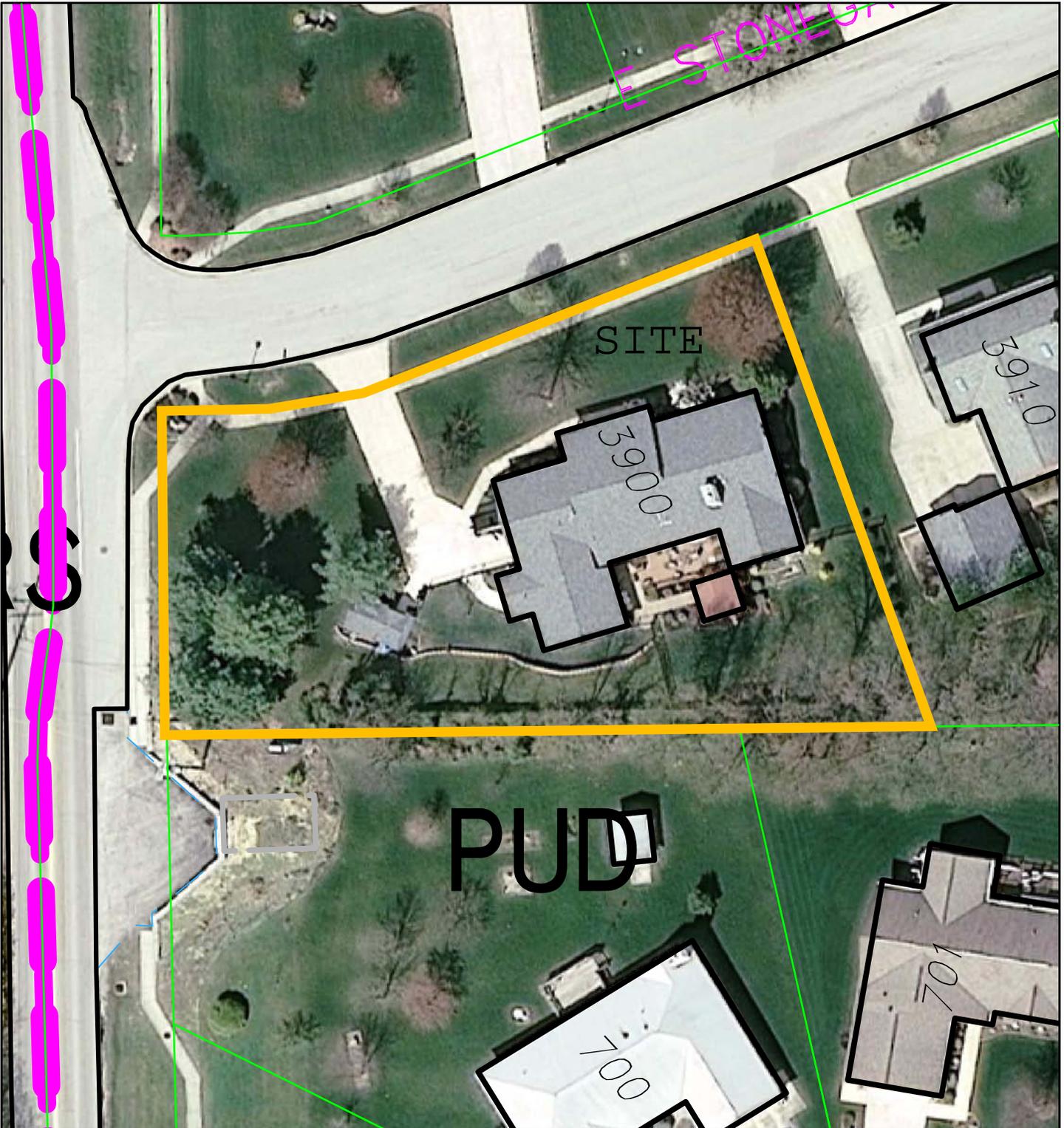
AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GLA1	First Floor	2444.70	2444.70
BSMT	Basement	1108.40	1108.40
GAR	Garage	549.00	549.00
P/P	Covered Porch	96.00	
	Deck	301.60	397.60
Net LIVABLE Area		(rounded)	2445

LIVING AREA BREAKDOWN			
Breakdown			Subtotals
First Floor			
	18.3	x 12.1	221.43
	55.3	x 4.1	226.73
0.5	x 2.5	x 2.0	2.50
	62.8	x 0.8	50.24
	4.0	x 2.0	8.00
	3.2	x 4.4	14.08
	25.0	x 55.3	1382.50
0.5	x 0.4	x 0.8	0.16
0.5	x 2.0	x 2.5	2.50
	30.0	x 5.0	150.00
	5.0	x 26.2	131.00
0.5	x 1.6	x 3.2	2.56
	11.0	x 23.0	253.00
13 Items			(rounded) 2445



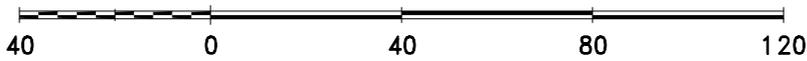
Second Unit

UV-48-12

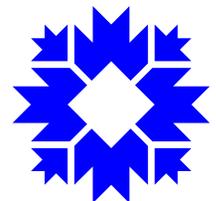


UV-48-12
 Trish Ierino
 3900 E. Stonegate Dr.
 2010 Aerial Photo

By: bannonk
 1 Nov 12



City of Bloomington
 Planning



Scale: 1" = 40'

For reference only; map information NOT warranted.

**BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 1100 W. Allen St.**

**CASE #: UV-49-12
DATE: November 15, 2012**

**PETITIONER: Mother Hubbard's Cupboard
1010 S. Walnut St., Suite G, Bloomington, IN**

REQUEST: The petitioner is requesting a use variance to allow a social services use within an Industrial General (IG) zoning district.

SUMMARY: The property is located on W. Allen Street near S. Patterson Drive and is zoned Industrial General (IG). It has been developed with a single-story building and loading dock. Surrounding land uses are single family to the west, multi-family to the south, and industrial to the north, south, and east.

The rear portion of the building is currently occupied by the property owner's construction company. There is an associated fenced outdoor storage area on the rear of the lot. Mother Hubbard's Cupboard is proposing to relocate to the front portion of the building and lot. The petitioner proposes to use the site for a food pantry, nutrition and gardening education, and gardening.

The Unified Development Ordinance (UDO) does not allow social service uses within the IG district. The petitioner is requesting a use variance to occupy this building and site.

PLAN COMMISSION RECOMMENDATION: The Plan Commission reviewed the use variance request at their November 5, 2012 meeting. The Plan Commission voted unanimously to forward the use variance request to the BZA with a positive recommendation.

20.09.140 CRITERIA AND FINDINGS FOR USE VARIANCE:

Pursuant to IC 36-7-4-918.4., the Board of Zoning Appeals or the Hearing Officer may grant a variance from use if, after a public hearing, it makes findings of fact in writing, that:

(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and

Staff Finding: Staff finds no injury to public health, safety, morals, and general welfare with a social services use in this location. The petitioner will be providing a needed service to the community, and the property has good transportation connections.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

Staff Finding: Staff finds no substantial adverse impacts to the adjacent area from this request. The area currently has a mix of industrial, single family, and multi-family uses, and this use will not detract from the mixed character of the area.

- (3) *The need for the variance arises from some condition peculiar to the property involved; and*

Staff Finding: Staff finds peculiar condition in the small size of the lot. Most new industrial uses require a larger lot for their operations. The proposed social services use is an appropriate reuse of a currently underutilized site.

- (4) *The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and*

Staff Finding: Staff finds that the strict application of the UDO constitutes an unnecessary hardship in not allowing a social services use on a small industrial lot located between single family and industrial uses. Social services uses have less of an impact than most industrial uses, and this use is an appropriate transition to the single family area to the west.

- (5) *The approval does not interfere substantially with the Growth Policies Plan.*

Staff Finding: The GPP designates this property as “Employment Center”. The fundamental goal of these areas is to provide large-scale employment opportunities for the Bloomington community and the surrounding area”. The GPP states that outside of downtown, “employment centers will require large tracts of land in order to be usefully developed.” Although the proposed use will not be a large employer, the site is small and would be difficult to redevelop for large scale industrial uses without the acquisition of several additional parcels. The Plan Commission found that the use variance will not substantially interfere with the goals of the GPP.

ENVIRONMENTAL COMMISSION RECOMMENDATIONS: The Bloomington Environmental Commission (EC) reviewed this petition and had these recommendations.

- 1) The EC recommends approval of the Use Variance.
- 2) The EC recommends the Petitioner develop a Maintenance Plan for the tree lawn area.

Staff Comments: Staff recommends a condition that if fruit trees are planted within the right-of-way, a tree maintenance plan is required.

CONCLUSION: Staff finds that this is an appropriate use variance for a small site in the Industrial General district located next to a single family district.

RECOMMENDATION: Based upon the written findings above, staff recommends approval of UV-49-12 with the following condition:

- 1) If fruit trees are planted within the right-of-way, a tree maintenance plan is required.

MEMORANDUM

Date: November 7, 2012
To: Bloomington Board of Zoning Appeals
From: Bloomington Environmental Commission
Through: Linda Thompson, Senior Environmental Planner
Subject: UV-49-12, Mother Hubbard's Cupboard

This memorandum contains the Environmental Commission's (EC) thoughts regarding a Use Variance for a social service use within an Industrial General zoning district.

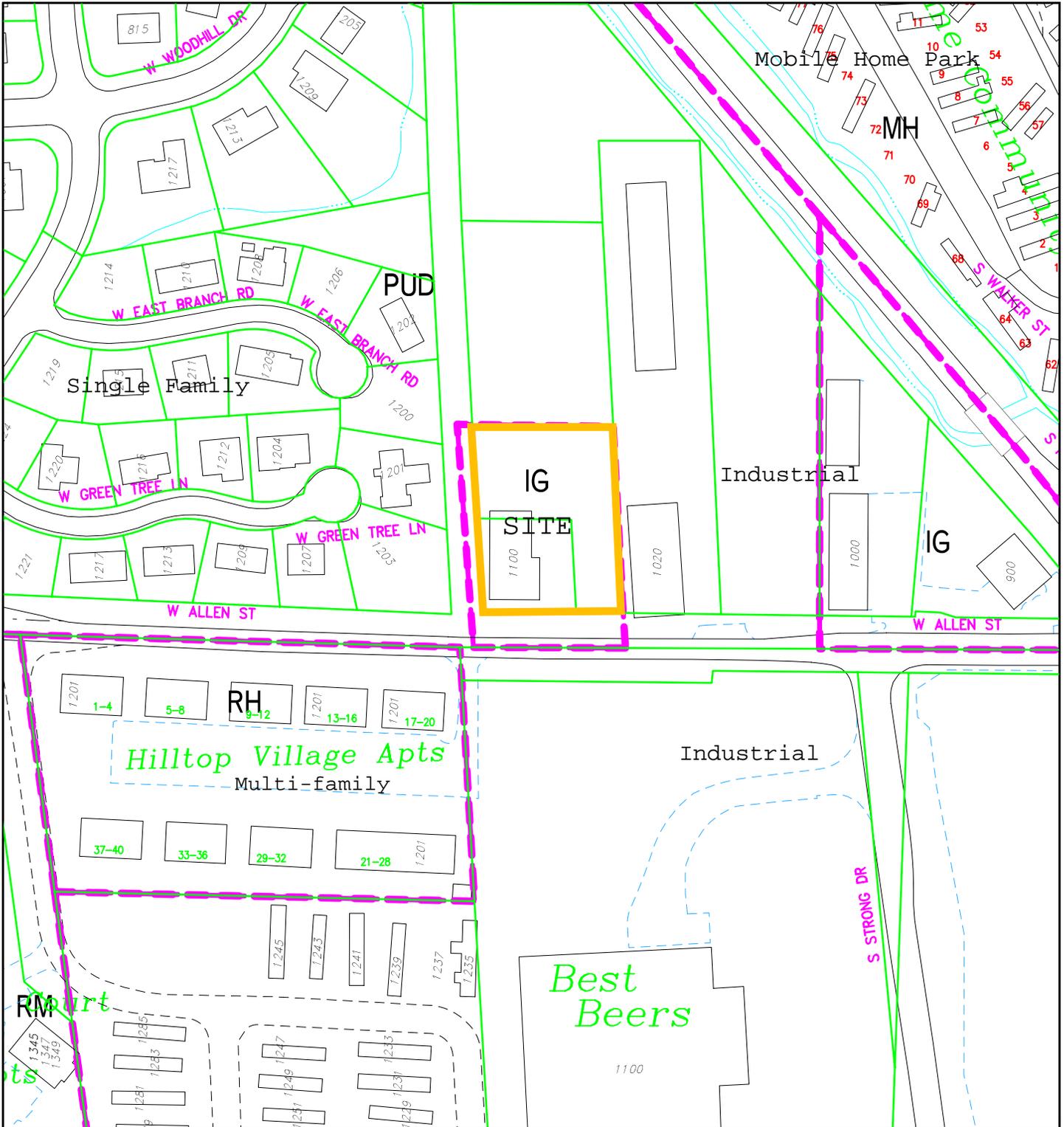
The EC supports this Use Variance. The EC is pleased with the proposed choice of food-producing plants in the Landscape Plan, but believes that the Petitioner should develop a Maintenance Plan for the tree lawn area. It is not common practice to plant fruit trees as street trees, but in this location the city's Urban Forester has approved it. However, a commitment should be made to keep fallen fruit cleared from the sidewalk and to ensure that the lower branches are trimmed up for the safety of pedestrians and the line of sight.

The Bloomington Municipal Code (BMC) 12.24.040; Public safety and required clearances, requires that: "Flora planted on public property or in the public rights-of-way and trees subject to these provisions shall be sited as not to impede traffic visibility line of sight, at distances from street intersections as regulated by the city of Bloomington Unified Development Ordinance and recommended in the "City of Bloomington Tree Work Manual."

And, "Every owner shall remove or have removed all dead, diseased, or dangerous trees or flora, or broken or decayed limbs which overhang or may fall upon public property and which constitute a hazard to public safety. In addition, every owner shall properly prune or have properly pruned the branches of such tree(s) or flora so that the branches shall not obstruct any traffic control signs or devices, the view of any street intersection, or light from any street lamp. **There shall be a clearance standard space of fifteen feet above any highway or street surface and eight feet above any sidewalk surface to the bottom of the tree canopy.**"

EC Recommendations:

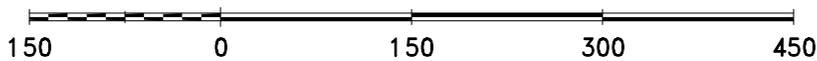
- 1) The EC recommends approval of the Use Variance.
- 2) The EC recommends the Petitioner develop a Maintenance Plan for the tree lawn area.



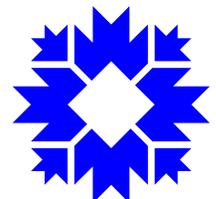
UV-49-12
 Mother Hubbard's Cupboard
 1100 W. Allen St.
 Zoning and Land Use Map

By: bannok

1 Nov 12



City of Bloomington
 Planning



Scale: 1" = 150'



Mother Hubbard's Cupboard

food pantry · community gardens · nutrition education

1010 S. Walnut Street, Suite G Bloomington, IN 47401

Plan Commission

Petitioner's Statement

Variance requested

Mother Hubbard's Cupboard (MHC) respectfully requests your consideration of a use variance for property at 1100 West Allen Street to allow MHC to operate our programs at this location. This .7 acre site is zoned Industrial General (IG) and we request a use variance for Social Service. Currently the property is occupied partially by the property owner, Lyle May and his construction company. The rest of the property is vacant. This site is almost entirely surrounded by properties zoned PUD, with the exception of apartments to the south west corner, zoned RH.

About Mother Hubbard's Cupboard

Mother Hubbard's Cupboard exists to provide healthy, wholesome food to people in need as well as nutrition and gardening education and to provide our services in ways that build community while enhancing the dignity, respect and self-care of all involved. MHC helps people access healthy food through our patron-choice food pantry, community gardens and nutrition education program. Our programs work together to meet patrons where they are in a time of need and help them develop the skills and knowledge to build self-reliance.

In 2011, MHC distributed over 1 million pounds of food, providing over 100,000 bags of groceries to our neighbors in need. We steward three community gardens on City of Bloomington Parks and Recreation land, growing over 3,500 lbs of organic produce for our patrons. Each year we offer close to 40 workshops on a variety of garden and nutrition topics including raising chickens in the city, vegetable gardening, food preservation and baby food making. MHC also provides nutrition and garden education for one hundred low income youth through partnerships with youth serving agencies, such as the Crestmont Boys and Girls Club and Banneker after school and summer programs.

Variance Need

MHC has operated out of the Perry Township Trustee's building at 1010 S. Walnut Street since 2001. We have experienced a significant increase in need for our services over the last several years, leading us to seek a new location to better serve the community. In August of this year, MHC saw our second busiest month ever, with over 10,000 bags of groceries distributed through our food pantry. In an

average week we provide groceries for over 2,000 individuals. Our current space at 1010 S. Walnut cannot continue to accommodate this number of patrons for many reasons, including, sharing limited space and parking with other agencies, landlord restrictions on open hours and food storage capacity. MHC's Facility Committee spent the last year evaluating our space needs and researching available locations. The Facility Committee's findings show 1100 West Allen as the best fit for our needs. MHC's board of director's agreed with these findings and approved lease negotiations in August 2012. During lease negotiations it was discovered that the property, zoned IG, would require a Use Variance for Social Service. MHC has negotiated a long-term lease for 1100 West Allen Street to provide the space required to meet the increased community need for our services, contingent on the use variance approval.

MHC and the property owner will complete the following improvements to bring the property in line with the UDO.

- Parking set back from street side to 25 from property line and 10 feet from property line to the east.
- Drive entrance width reduced to 34'.
- Parking lot paved and striped. Handicap parking installed.
- Bike parking installed.
- Yard areas landscaped, parking area landscaped
- All lighting brought into compliance (full cutoff and fully shielded)
- Dumpster enclosed.
- Handicap ramps added

Approval of the Use Variance for 1100 West Allen would enable Mother Hubbard's Cupboard to meet the growing community need for access to healthy foods and life improving educational opportunities. The 1100 West Allen site relieves many of the issues we face in our current location and gives MHC ample room to expand and develop new programming, allowing us to increase our impact on our community. Our vision for this site is a welcoming space where community members of all walks of life come together to get the resources they need to feed their families and connect with others through cooking, gardening and caring for one another.

Consideration of Growth Policies Plan

The site is located in a small corner designated in the GPP for Employment Center and borders areas designated Public/Semi Public/ Institutional to the North East and Urban Residential to the West. The site is less than an acre and is potentially too small to be attractive to many large businesses. In addition it has been partially vacant for several months. MHC's use of the site would increase on site employment and provide volunteer opportunities and vital community services for area employees. Close to 50% of our food pantry patrons are employed. Proximity to large employers has the potential to help us reach more individuals in need and connect community members with opportunities to serve others. MHC's education programs are open to anyone interested and provide an added benefit to local employers. Our on-site edible landscapes and teaching kitchen would improve the

area and provide a community education space for employees to learn skills to improve their physical health.

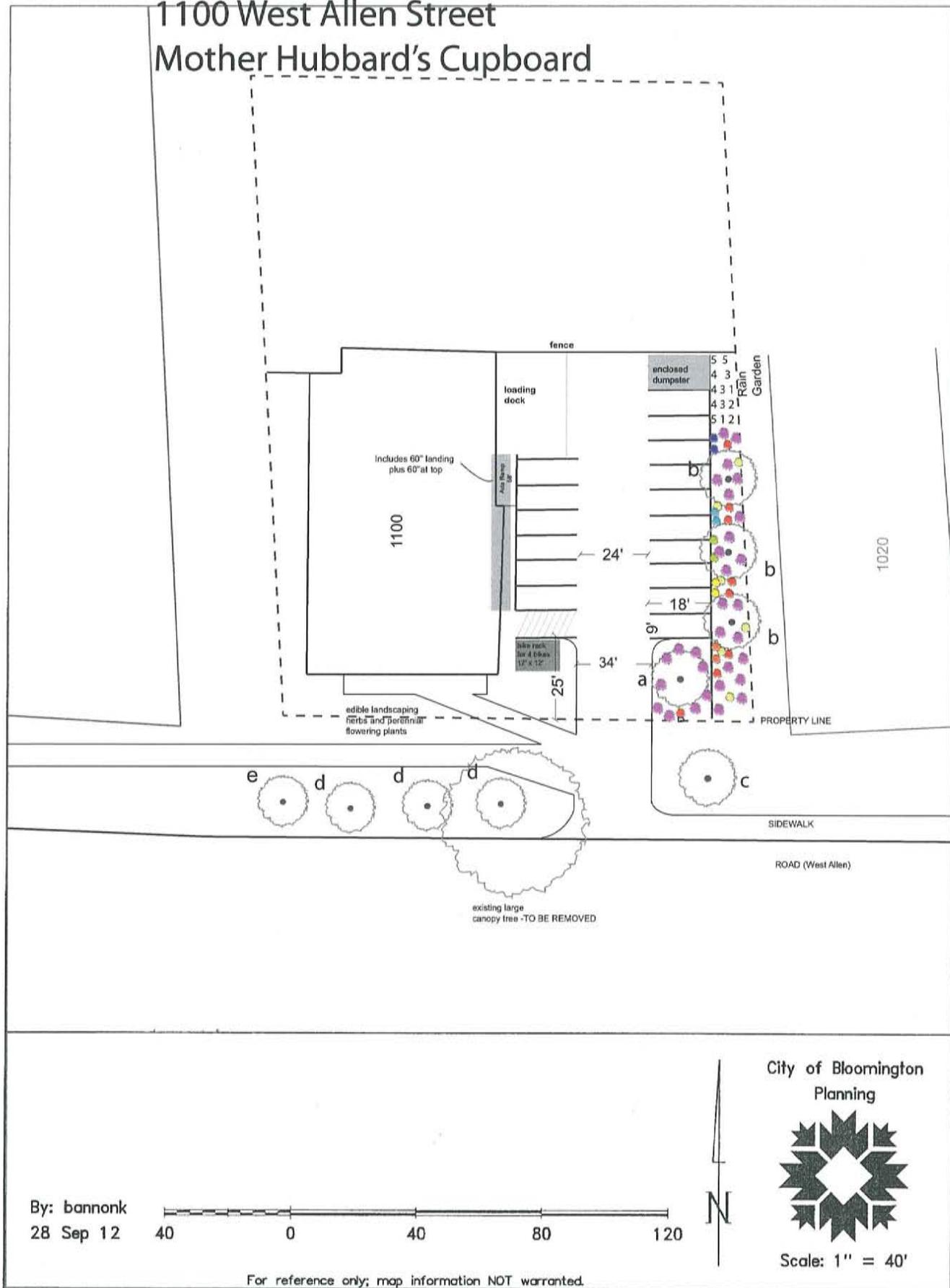
MHC's use of this site fits with many of the guiding principles outlined in the GPP. Our use of this partially vacant building supports the principle of *Compact Urban Form* by locating in and improving an existing underused building and site. Principle two, *Nurture Environmental Integrity*, aligns with MHC's own values regarding environmental responsibility and sustainability. Green space was a high priority in our search for an appropriate site for our organization. MHC will improve the green space on this site, providing an attractive and educational edible landscape, highlighting organic and economical landscape techniques. MHC currently stewards over 10,000 square feet of City of Bloomington Parks and Recreation land and has maintained attractive and productive gardens on these sites for many years. We are a well-known community resource for organic gardening and composting education. Policy four, *Mitigate Traffic*, also aligns with our practices to encourage use of public transportation, bikes, and pedestrian paths. This location was attractive to us because of the proximity to bus lines and the B-Line.

Thank you for your consideration of our request. Approval of the use variance will enable Mother Hubbard's Cupboard to move forward with our project and respond to the growing need for our services.

Respectfully,
Amanda Nickey
Chief Executive Officer
Mother Hubbard's Cupboard
Amanda@mhcfoodpantry.org

Site and Landscape Plan

1100 West Allen Street Mother Hubbard's Cupboard



Landscape Key

Tree  Shrub or flowering perennial 

Key	Scientific Name	Common Name	Size	Quantity	Notes
	Shrubs/Evergreen				
	Rhododendron yakushimanum	"Yaku Princess" evergreen rhododendron	3-4'	as needed	hardy to -25 degrees F, partial sun, apple blossom pink flowers
	Shrubs/Native Plants				
	Lindera Benzoin	Spicebush	6-12'	8	Best in the shade of the canopy trees; attracts butterflies
	Sambucus canadensis	Elderberry bush	2-3'	6	Native edible fruit
	Monarda fistulosa	Wild bergamot	3-6'	2	Full sun, showy, easy to maintain native
	Rudbeckia hirta	Black-eyed susan	3-6'	2	Full sun, showy, easy to maintain native
	Echinacea purpurea	Purple coneflower	2-4'	2	Full sun, showy, easy to maintain native
	Liatris pycnostachya	Prairie blazing star	3-5'	2	Gorgeous purple pollinator attracting flowers
	Silphium perfoliatum	Cup plants	To 8'	2	Sunflowers; collects water and is water source for birds and bugs
	Trees				
a	Prunus	Santa Rosa Plum Tree	15-25'	1	Easy to tend, productive fruiting tree, recommended by Community Orchard
b	Diospyros Virginiana	American Persimmon	45-70'	3	Native fruit bearing tree, yields 200-250 lbs of fruit
c	Ginkgo biloba, male	Autumn Gold Ginkgo tree	40-70'	1	Can survive urban conditions like pollution and restricted roots
d	Prunus persica	Semi-Dwarf Peach trees: Belle of Georgia, J. H. Hale, and Red Haven	Pruned to 20-25'	3	Semi-dwarf, trained to center for continuous canopy, 15 ft. apart
e	Cercis canadensis	Redbud	20-40'	1	Edible flowers, near power line
	Rain Garden/Native				
1	Cephalanthus occidentalis	Butterbush	6-12'	2	Attractive flowers, attracts butterflies
2	Ilex verticillata	Winterberry holly	3-15'	2	rain garden native plant; beautiful berries in the middle of winter
3	Eupatorium purpureum	Sweet joe-pye weed	5-7'	3	attracts butterflies
4	Vernonia gigantea ssp. gigantea	Ironweed	3-5'	3	attracts butterflies
5	Asclepias incarnata	Marsh milkweed	2-4'	3	Needs sun, attracts butterflies

1100 West Allen Landscape Plan

Parking Perimeter slope from parking lot into parking perimeter bed would make bed into excellent rain garden, could be used as example in the city. Shrubs could be used as runoff remediation.

4 Trees- (3 Canopy) 45 shrubs (34 evergreen) can trade 20% to flowering perennials, grasses, ferns

Botanical Name	Common Name	Size	Quantity	Notes
* <i>Prunus</i>	Santa Rosa Plum Tree	Mature height 15-25' mature width 10-15'	1	Easy to tend, productive fruiting tree, recommended by Community Orchard
* <i>Diospyros Virginiana</i>	American Persimmon	Mature height 45-70' mature width 25-40'	3	Native fruit bearing tree, yields 200-250 lbs of fruit

Rain Garden/Native (all can handle run off from parking lot, help with remediation of polluted water)

Botanical Name	Common Name	Size	Quantity	Notes
- <i>Cephalanthus occidentalis</i>	Buttonbush	Mature height 6-12' mature width 6-15'	2	Attractive flowers, attracts butterflies
- <i>Ilex verticillata</i>	Winterberry holly	Mature height 3-15' mature width 3-4'	2	rain garden native plant; beautiful berries in the middle of winter
<i>Eupatorium purpureum</i>	Sweet joe-pye weed	Mature height 5-7' mature width 2-4'	3	attracts butterflies
<i>Vernonia gigantea</i> ssp. <i>gigantea</i>	Ironweed	Mature height 3-5' mature width 2-3'	3	attracts butterflies
<i>Asclepias incarnata</i>	Marsh milkweed	Mature height 2-4' mature width 2-3'	3	Needs sun, attracts butterflies

Shrubs/Native Plants

Botanical Name	Common Name	Size	Quantity	Notes
- <i>Lindera Benzoin</i>	Spicebush	Mature height 6-12' mature width 6-12'	8	Best in the shade of the canopy trees; attracts butterflies
- <i>Sambucus canadensis</i>	Elderberry bush	Mature height 2-3' mature width 6-10'	6	Native edible fruit, full sun
<i>Monarda fistulosa</i>	Wild bergamot	Mature height 3-6' mature width 2-3'	2	Full sun, showy, easy to maintain native
<i>Rudbeckia hirta</i>	Black-eyed susan	Mature height 3-6' mature width 1.5-3'	2	Full sun, showy, easy to maintain native
<i>Echinacea purpurea</i>	Purple coneflower	Mature height 2-4' mature width 2-3'	2	Full sun, showy, easy to maintain native
<i>Liatris pycnostachya</i>	Prairie blazing star	Mature height 3-5' mature width 2-3'	2	Gorgeous purple pollinator attracting flowers

<i>Silphium perfoliatum</i>	Cup plants	Mature height to 8' mature width 1'	2	Sunflowers, collects water and is water source for birds and bugs
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Shrubs/Evergreen

Botanical Name	Common Name	Size	Quantity	Notes
<i>Rhododendron yakushimanum</i>	"Yaku Princess" evergreen rhododendron	Mature height 3-4', mature width 4'	28	hardy to -25 degrees F, partial sun, apple blossom pink flowers

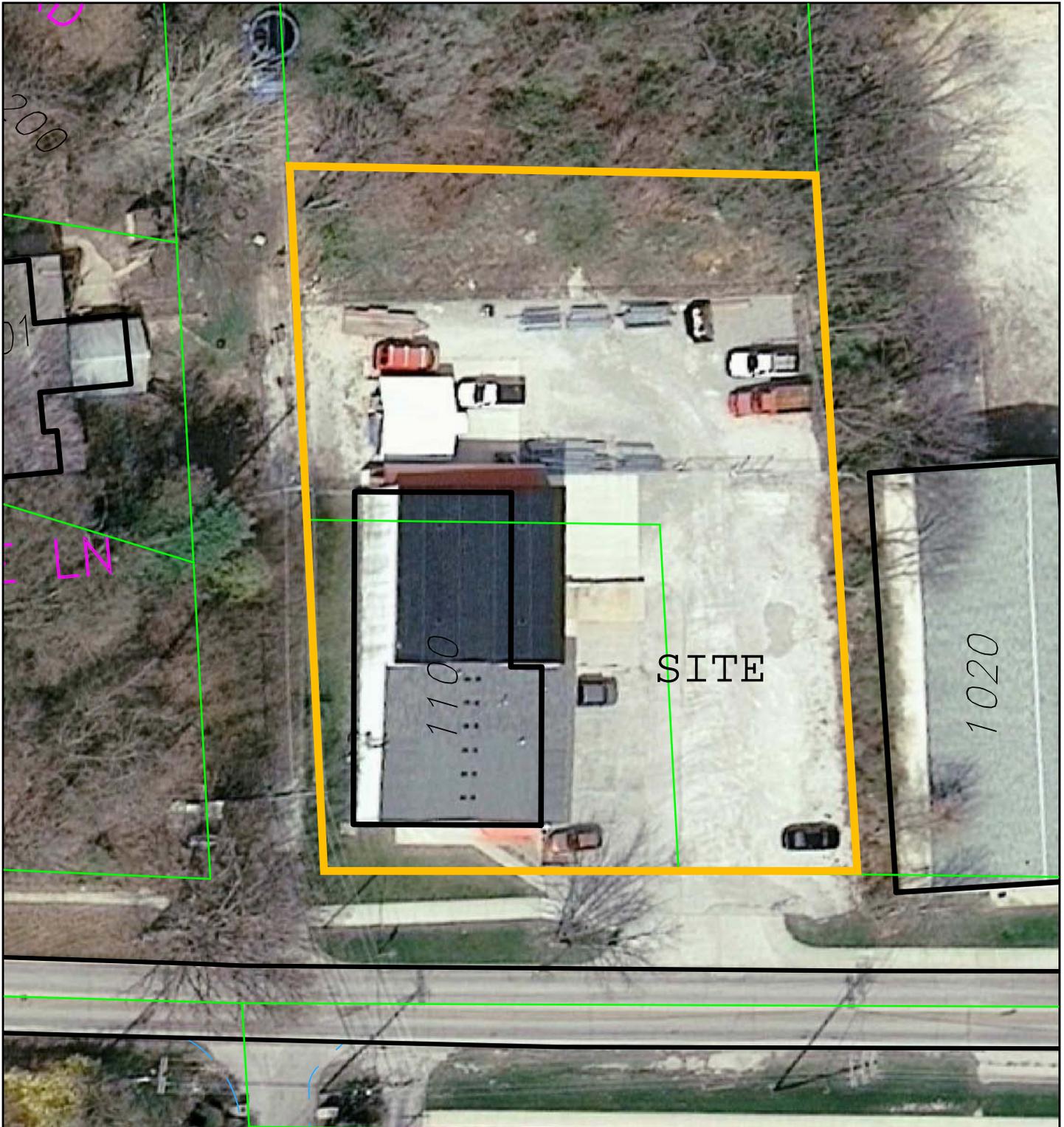
Street needs 4 canopy trees (ash will be removed)

Street (east end)

Botanical Name	Common Name	Size	Quantity	Notes
* <i>Ginkgo biloba, male</i>	Autumn Gold Ginkgo tree	Mature height 40-70' mature width 30-35'	1	Can survive urban conditions like pollution and restricted roots

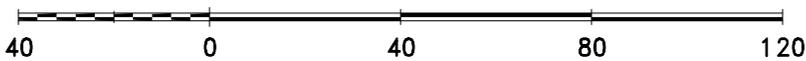
Street (west end, in front of building/garden spot)

Botanical Name	Common Name	Size	Quantity	Notes
* <i>Prunus persica</i>	Semi-Dwarf Peach trees: Belle of Georgia, J. H. Hale, and Red Haven	Mature height pruned to 20-25' mature width 15'	3	Semi-dwarf, trained to center for continuous canopy, 15 ft. apart
* <i>Cercis canadensis</i>	Redbud	Mature height 20- 40' mature width 15'	1	Edible flowers, near power line

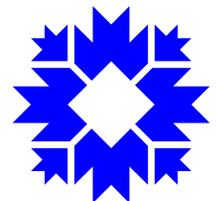


UV-49-12
 Mother Hubbard's Cupboard
 1100 W. Allen St.
 2010 Aerial Photo

By: bannonk
 28 Sep 12



City of Bloomington
 Planning



Scale: 1" = 40'

For reference only; map information NOT warranted.

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
LOCATION: 1616 S. Huntington Drive

CASE #: V-51-12
DATE: November 15, 2012

PETITIONER: Marco Plastic Inc.
 1616 S. Huntington Drive, Bloomington

CONCULTANT: Bynum Fanyo & Associates
 528 N. Walnut Street, Bloomington

REQUEST: The petitioner is requesting variances from driveway width and front parking setbacks standards.

	Required	Existing	Proposed
Front parking setback	50 feet from centerline	39 feet from centerline	39 feet from centerline
Max. driveway width	24 feet	36 feet	36 feet

REPORT SUMMARY: The subject lot is located on the west side of S. Huntington Drive, between E. Thornton Drive and E. Miller Drive and is zoned Industrial General (IG). It is surrounded to the north and west by the former Midland Cut Stone limestone mill and to the east and south by single family homes. The property has been developed with a single story plastic injection manufacturing company. The Board of Zoning Appeals approved a rear and side yard setback variance for this use in 1992 (V-31-92).

The petitioner proposes to construct a 1,910 square foot addition onto the south side of the building over an area that is currently parking lot. This addition requires compliance with several parts of the UDO. The submitted site plan complies with all UDO standards except drive width and front parking setback standards.

The petitioner proposes to maintain the existing parking space near the front of the building and convert it into a handicap accessible space. This allows the space to have easy access to the main office entrance. This space however is partially within the front parking setback of 50 feet from the centerline of Huntington Dr. A variance is requested to allow this space to remain.

The petitioner proposes to maintain the existing 36 foot wide drive cut onto Huntington Dr. This is necessary to allow the large trucks that the business utilizes to be able to make the turn from the street into the lot. A truck turning analysis is included in the packet. However, the UDO requires that this driveway be reduced from 36 feet down to 24 feet in width. The petitioner is requesting a variance to allow the driveway to maintain its current width.

The Planning Department has heard comments from one adjoining property owner. The single family homeowner to the south of the property objects to the proposed landscaping on the south side of the drive and parking lot between the home and the business. This homeowner made similar objections in 1992. Staff notes that this landscaping is required to bring the site into compliance with parking lot and buffer yard landscaping requirements.

CRITERIA AND FINDINGS

20.09.130 (e) Standards for Granting Variances from Development Standards:

A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

Staff's Finding: Staff finds no injury to the general welfare. These variance will allow the continuation of two existing conditions that have existed on the lot for many years with no known injury.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.*

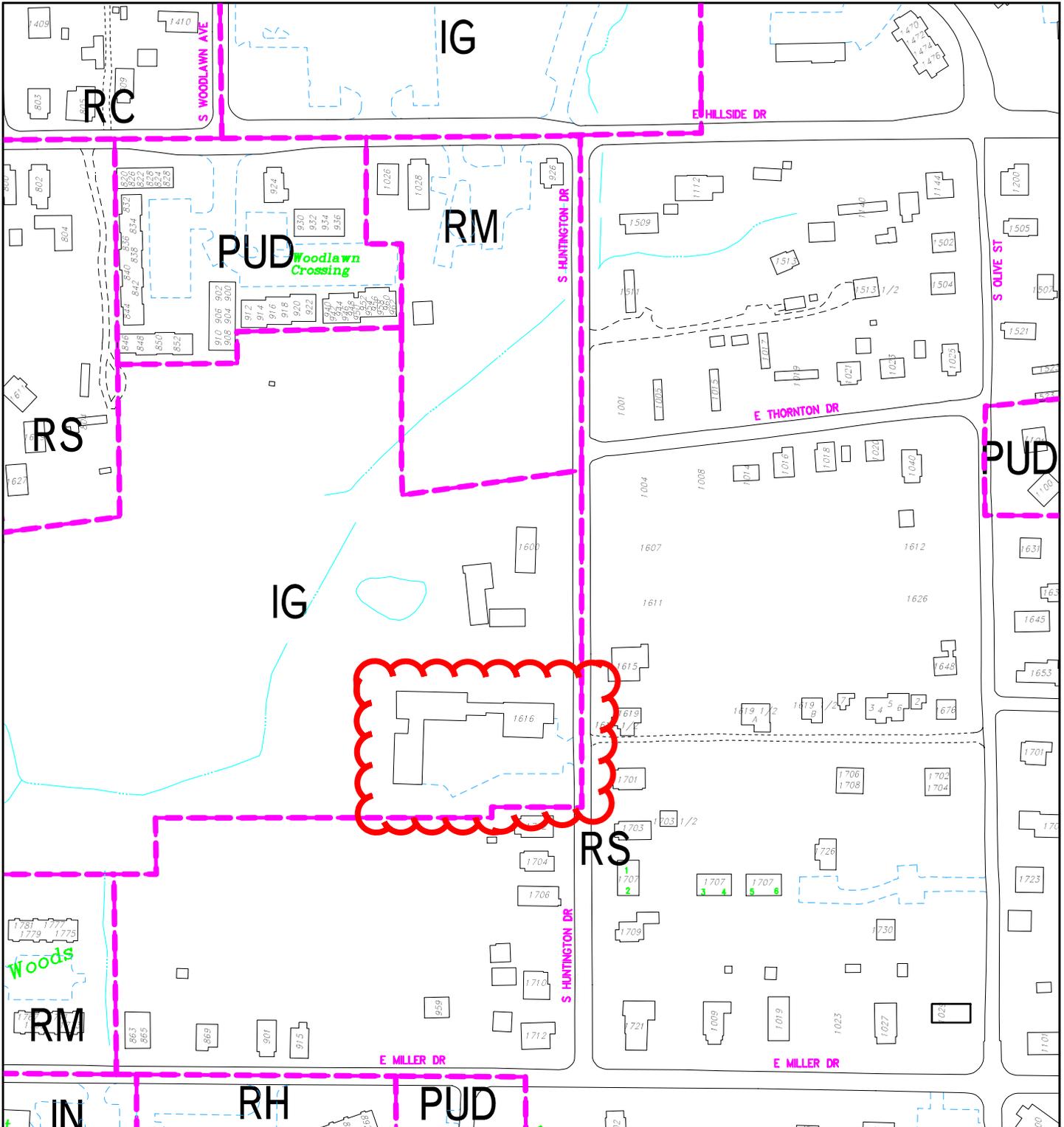
Staff's Finding: Staff finds the use and value of the area adjacent to the property will not be negatively impacted. The petition will facilitate a building addition that requires increased landscaping and sidewalk construction which will only enhance the use and value of the adjacent properties.

3. *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the variance will relieve practical difficulties.*

Staff's Finding: Staff finds peculiar conditions for the variance in the existing parking setback and driveway. The two existing parking spaces within the parking setback will be converted into a single handicap accessible parking space. This allows for easier access for handicap employees and visitors. Peculiar condition for the driveway width variance is found in the narrow width of Huntington Dr. and the size of trucks needed for this permitted industrial use. Practical difficulty is found in that if denied, this variance will require that the accessible parking space be located further from the office door, thereby creating a greater barrier to those that use the space. Practical difficulty is also found in the existing truck usage. If the petitioner is required to narrow the drive, they would not be able to access the property with the trucks they currently use.

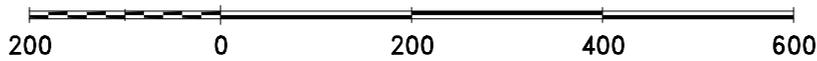
RECOMMENDATION: Based on the written findings, staff recommends approval of the variance.

1. All gravel areas must be paved. Gravel within parking setback must be removed and returned to grass.
2. A lighting plan must be submitted that complies with UDO requirements.



V-51-12
Location Map

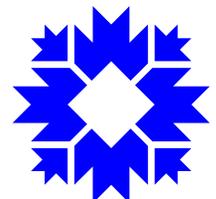
By: roachja
8 Nov 12



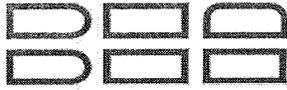
For reference only; map information NOT warranted.



City of Bloomington
Planning



Scale: 1" = 200'



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

62

10/12/2012

Petitioner's Statement

Addition to:

Marco Plastics, Inc.

1616 South Huntington Street

Bloomington, Indiana

Marco Plastics, Inc. is a locally owned and operated plastic injection molding company and has occupied their current production facility since 1989. Please refer to the attached company history prepared by Mr. Martin Witkiewicz, president of the company. Steady growth leaves them in a position that they need to expand production space via an "infill addition" as indicated on the accompanying site plan. Existing structure contains 11,098 sq. ft. and an addition of 1910 sq. ft. is proposed for a total of 13,008 sq. ft., a 17% increase.

The property is zoned IG which allows plastic injection molding as an approved use, however, the current site design is deficient in a couple areas, namely entry drive width and front yard parking setback. Please note that the R.O.W. width of Huntington Street is only 30' containing 26' pavement (back of curb to back of curb) and a 4' sidewalk on the east side only. A new walk will be constructed on the west side of Huntington as a part of this project. Given the narrowness of the right of way (R.O.W.) tractor trailer traffic needs the additional width to enable turning movement to access the property. Huntington Street is classified as a local street and as such requires a 50' front yard parking setback measured from the centerline of the pavement. The current two parking spaces on the east end of the building creates a front yard setback of 48' for the proposed HC space and 39' for the van accessible aisle, thus a front yard parking setback is requested so that the two exiting parking spaces be preserved and converted into one HC space with required access aisle. The HC space needs to be in this location as both the accessible route and accessible entry are located in this area.

In closing, UDO Section 20.08.06 establishes fourteen criteria to be met with an expansion over 10% of the original floor area. We propose to comply with twelve of these criteria but not comply with two of them, thus the necessity of this application for variance.

Respectfully,

Sherman R. Bynum

528 NORTH WALNUT STREET
812-332-8030

BLOOMINGTON, INDIANA 47404
FAX 812-339-2990

V-51-12
Petitioner's Statement

Marco Plastics, Inc is a family owned custom plastic injection molder that serves the medical, electronic and transportation industry. We produce parts to a customer's specifications.

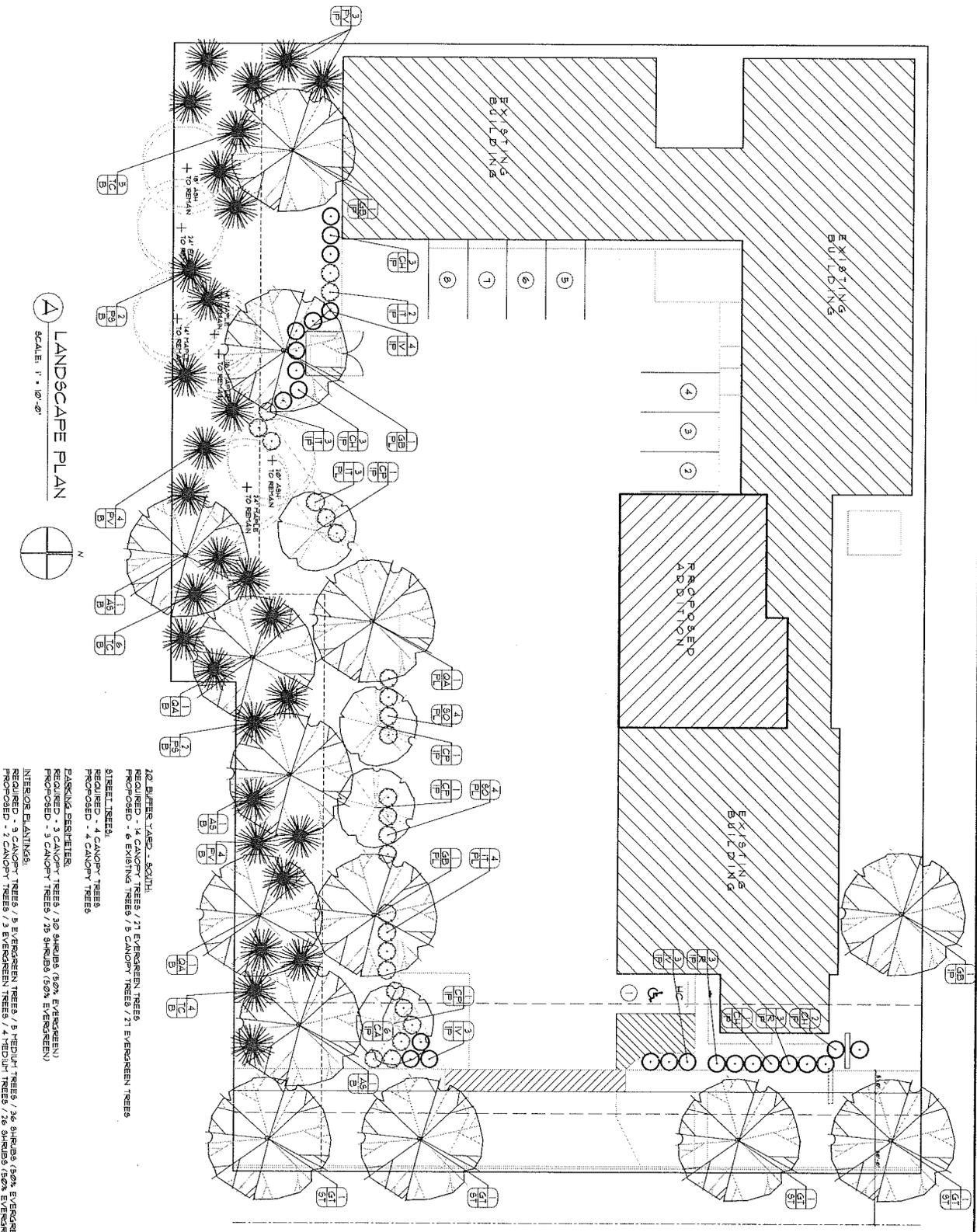
Plastic injection molding is a process by which we take small pellets of plastic, and then melt it to the point that will inject under moderate pressure. The mold is made of two separate halves that will open after the plastic has cooled for the product to be removed. All the scrap is either recycled at our location or sold to a recycling center.

Marco Plastics, Inc was started in 1980 by Martin and Donna Witkiewicz. We rented a building on Yost Ave and purchased our existing location in 1988. We added a 4800 sq ft warehouse in 1992.

In 2007, we lost a customer, when they moved all of their production to China. We had to redirect our business plan to survive and change the way we produced parts. Unfortunately, we had to lay-off 50% of our work force and start to produce parts more efficiently. We purchased new equipment that allowed parts to be produced automatically and with less labor.

In the last few years we have grown to the point that we need a larger facility. After weighing all the options, we decided to add on again. One major point to consider staying at our current location is that most of our employees have moved within walking distance to our facility. This addition will house more injection molding equipment to meet the production requirements of our medical based customers. Since all our machines run automatic, more employees will not be required. Our Bloomington, IN customers are Cook Medical, Cook Polymer Technology and Tasus.

A LANDSCAPE PLAN
SCALE: 1" = 10'-0"



- 162' BUFFER YARD - SOUTH
 REQUIRED - 14 CANOPY TREES / 71 EVERGREEN TREES
 PROPOSED - 6 CANOPY TREES / 75 CANOPY TREES / 21 EVERGREEN TREES
 STREET TREES
 REQUIRED - 4 CANOPY TREES
 PROPOSED - 4 CANOPY TREES
 PARKING PERMITTER
 REQUIRED - 3 CANOPY TREES / 30 SHRUBS (50% EVERGREEN)
 PROPOSED - 3 CANOPY TREES / 25 SHRUBS (50% EVERGREEN)
 INTERIOR PLANTING
 PROPOSED - 2 CANOPY TREES / 3 EVERGREEN TREES / 4 MEDIAN TREES / 16 SHRUBS (50% EVERGREEN)
 PROPOSED - 2 CANOPY TREES / 3 EVERGREEN TREES / 4 MEDIAN TREES / 16 SHRUBS (50% EVERGREEN)

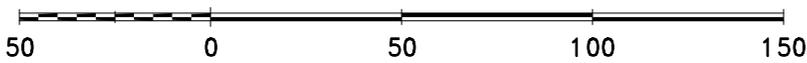
V-51-12
 Site and Landscaping Plan

<p>Project No. S-2 THE LANDSCAPE PLAN 2013</p>	<p>Proposed improvements for: MARCO PLASTICS, INC. 1616 S. Huntington Drive Bloomington, Indiana</p>	<p>certified by:</p>	<p>BBB BYNUM FANJO & ASSOCS. P.C. 528 North Walnut Street Bloomington, Indiana</p>	<p>drawn by: jpb</p>	<p>relnotes:</p>
	<p>ARCHITECTURE CIVIL ENGINEERING PLANNING</p>				

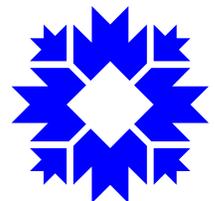


V-51-12
2011 Aerial Photo

By: roachja
8 Nov 12



City of Bloomington
Planning



Scale: 1" = 50'