

# CITY OF BLOOMINGTON



MARCH 7, 2012 @ 2:00 p.m.  
CITY HALL -  
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON  
HEARING OFFICER  
March 7, 2012 at 2:00 p.m.

\*Kelly Conference Room #155

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**PETITION:**

- V-8-12      **T.I.S. Group**  
527 E. 3<sup>rd</sup> St.  
Request: Variance from temporary use standards for a textbook buy-back use.  
*Case Manager: Jim Roach*

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**PETITIONER:** TIS Inc.  
P.O. Box 669, Bloomington

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**REQUEST:** The petitioner is requesting a variance from temporary use standards.

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**REPORT SUMMARY:** The subject property is located at the northwest corner of E. 3<sup>rd</sup> Street and S. Indiana Avenue. The site is zoned Commercial Downtown (CD) and has been developed with a one-story convenience store (with gas sales) and associated parking. The surrounding properties to the west and north are commercial, to the east and southeast is Indiana University, and to the south and west are multi-family uses.

The petitioner operates a book store at 1302 E. 3<sup>rd</sup> street and specializes in college text books. The petitioner would like to operate a satellite book buy back use from this location twice a year; one at the end of the spring semester and once at the end of the fall semester. Temporary retail uses are permitted in the CD district, but are limited to a single 15 day permit.

The standards of the UDO must be varied in order to allow the permit to be broken into two time periods.

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## **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:** Staff finds no injury. Instead, staff finds that this off-site location will be located in close proximity to a significant number of the petitioner's customers and reduce the traffic impacts of the buyback program.

- 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 impacts from this proposal on the areas adjacent to the property. The majority of transactions last a few minutes. Many customers can walk to this location or use the City or IU bus services.

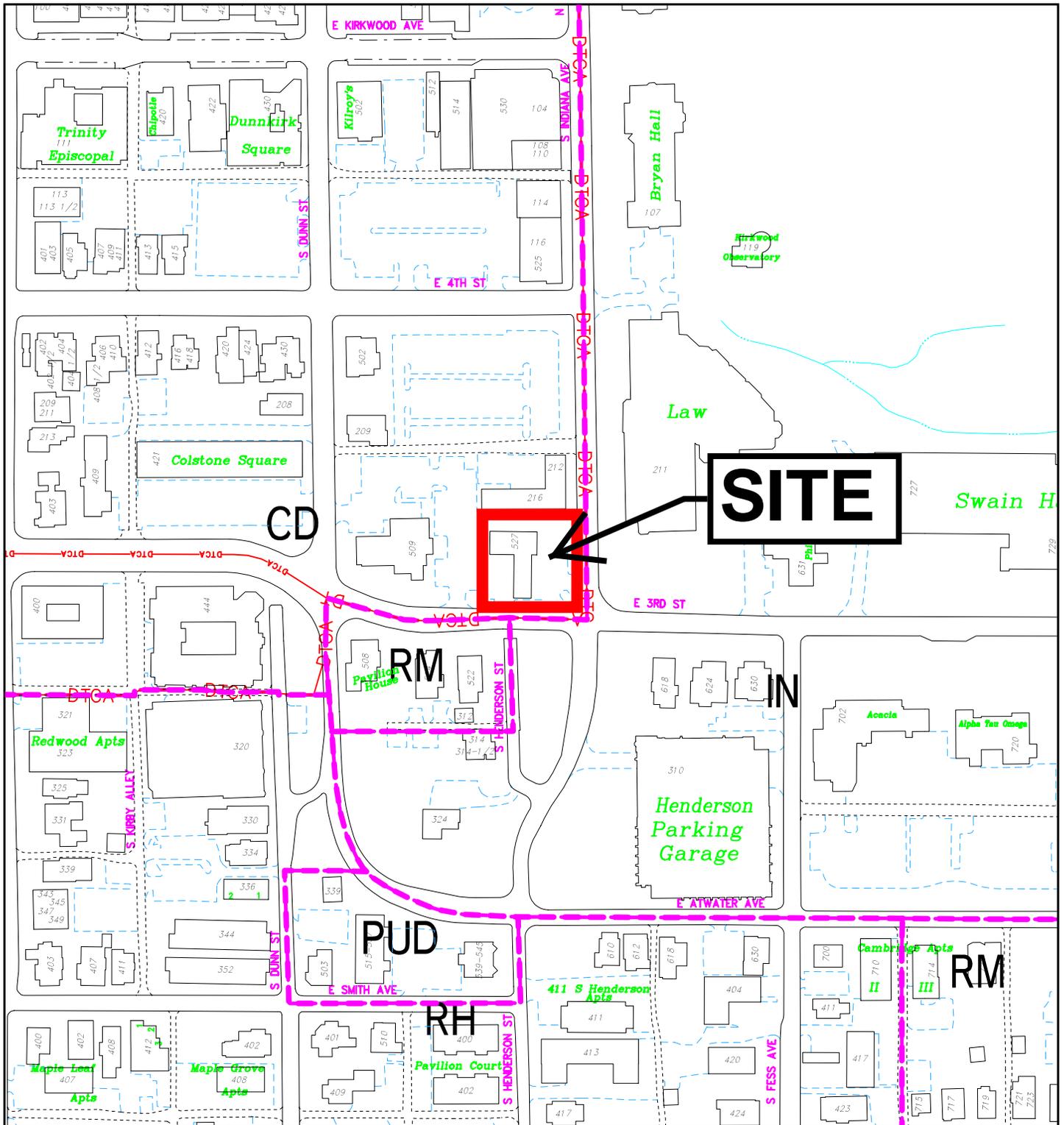
- 3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

**STAFF FINDING:** Staff finds peculiar condition in the nature of the use and the location of the property. This use is unique to a college town like Bloomington. Book buybacks at the end the of the semester takes place twice a year, not once a year as would be permitted by the UDO's temporary use standards. This location is peculiar because it is a privately held property with a parking lot of sufficient size to permit the buy-back trailer and is located in the CD district immediately adjacent to campus. Practical difficulty is found in that if denied, the petitioner would have to choose only one of the two academic semesters to offer book buyback from this location. The proposed two 7-day events is a shorter time period that the normally permitted 15 days for a temporary use at another location.

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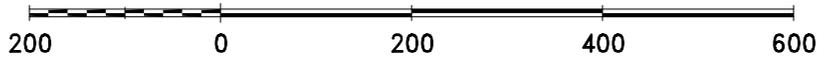
**RECOMMENDATION:** Based on the written findings above, staff recommends approval of V-49-08, and all associated waivers, with the following conditions.

1. Each buy back period can be for no longer than 7 days.
2. Per UDO requirements, these are the only permitted temporary retail uses for this property in any calendar year.
3. One permit shall be issued per academic or calendar year, which will include both buy back periods.



V-08-12  
Location Map

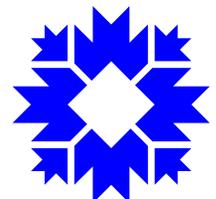
By: roachja  
1 Mar 12



For reference only; map information NOT warranted.



City of Bloomington  
Planning



Scale: 1" = 200'



T.I.S., Inc.

A Company  
Committed to  
Literacy and Learning

February 18, 2012

Hearing Officer  
City of Bloomington Planning Department  
401 N. Morton Street  
Bloomington, Indiana 47401

Dear Hearing Officer,

I respectfully submit the following:

**Purpose of Petition:**

T.I.S. Group hereby requests a Temporary Use Zoning Variance for property located @ 527 E. Third Street, Bloomington, Indiana 47404 (Circle K Food Mart).

**History Preceding Variance Petition:**

For over 4 decades, T.I.S. College Bookstore has been buying back books from Indiana University Students, not unlike any other college bookstore around the country. As part of this process, we make arrangements with local vendors to set up temporary trailer locations around town. We do this to avoid creating a serious bottleneck/jam around the 3<sup>rd</sup> and Jordan T.I.S. Bookstore intersection with and estimated 20,000 or so of I.U.'s 35,000 students trying to get in and out of the store and parking lot over the 5-day period. And, as you well know, this area is already busy with buses, car and pedestrian traffic.

**Consideration for Variance:**

Spreading out our buyback locations around the city mitigates traffic congestion and has worked well for students and the general population alike. However, current city code allows for only one 15 day permit per year per business per location. Because our business mirrors the two-semester I.U. calendar, we request a variance in the Temporary Use statutes from one to two times per year but still within the boundaries of the 15 day/year allotment. More clearly, we request two 7 day blocks instead of one 15 day block for the property in question.

I am including within this package some aerial shots of the street/property locations clearly noting trailer placement on said property.

Please contact me with any questions.

With appreciation for your consideration,

Kevin D. Theile  
T.I.S. Group  
Cell 812-360-3006  
[ktheile@tisbook.com](mailto:ktheile@tisbook.com)

P.O. Box 669 • Bloomington, Indiana 47402-0669

5005 N. State Road 37 Business • Bloomington, Indiana 47404-1626

Phone 812/332.3307 • Toll Free 800/367.4002 • FAX 812/331.7690

[tisbook.com](http://tisbook.com)

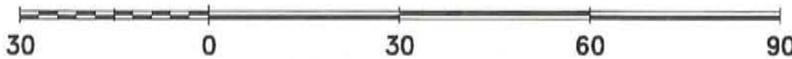


V-08-12  
Petitioner's Statement



V-08-12  
Site Plan

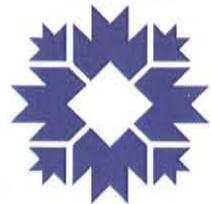
By: roachja  
24 Jan 12



For reference only; map information NOT warranted.



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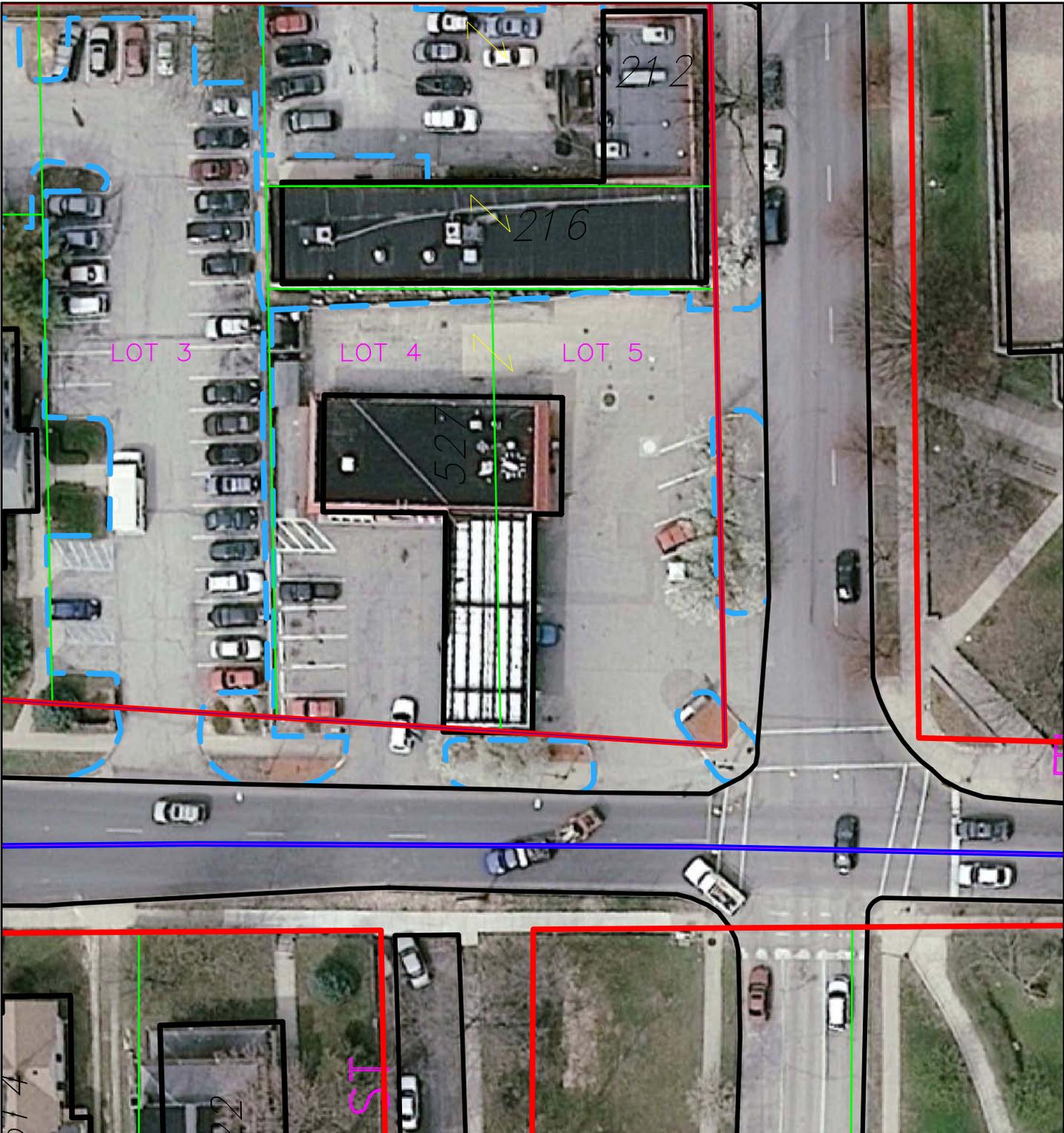
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Street View  
of site

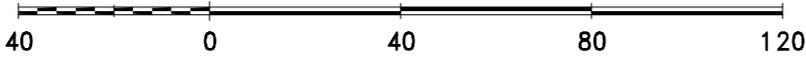
T.I.S. Buyback Trailer



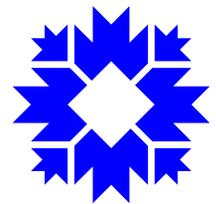


V-08-12  
2010 Aerial Photo

By: roachja  
1 Mar 12



City of Bloomington  
Planning



Scale: 1" = 40'

For reference only; map information NOT warranted.