CITY OF BLOOMINGTON

BOARD OF ZONING APPEALS

JULY 24, 2014 @ 5:30 p.m.
COUNCIL CHAMBERS #115
CITY HALL

CITY OF BLOOMINGTON
BOARD OF ZONING APPEALS
July 24, 2014 at 5:30 p.m. **Council Chambers - Room #115**

ROLL CALL

MINUTES TO BE APPROVED: None at this time

PETITION CONTINUED TO: 8/28/14

- UV-46-13 **GMS-Pavilion Properties, LLC**
  306 E. Kirkwood Ave.
  Request: Use variance to allow a bank drive-through in the Commercial Downtown (CD) zoning district.
  Case Manager: Jim Roach

PETITION WITHDRAWN:

- AA-27-14 **Dylan Wood**
  308 S. Madison St.
  Request: Administrative Appeal of the lawful non-conforming status of an existing multi-family use.
  Case Manager: Patrick Shay

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

PETITIONS:

- V-14-14 **Jaina Solo Holdings, LLC**
  401 E. Cottage Grove
  Request: Variances from front and side yard setback standards for a new single-family home.
  Case Manager: Patrick Shay

- UV/V-24-14 **Stephen Cordell**
  822 W. 6th St.
  Request: Use variance to allow a duplex with a Residential Core (RC) zoning district. Also requested is a variance from parking standards.
  Case Manager: Patrick Shay

- V-25-14 **Angela Lexmond**
  1302 S. Henderson St.
  Request: Variance from front yard setback standards for the placement of a shed.
  Case Manager: Jim Roach

- V-28-14 **Heri Thirteen, Inc. (Swifty Gas)**
  2200 W. 3rd St.
  Request: Variances from building and parking setbacks, karst, entrance and drive, landscaping and impervious surface coverage standards.
  Case Manager: Jim Roach

- V-29-14 **Bryan Rental**
  401 & 505 W. 17th St.
  Request: Variance from parking setback standards, minimum lot size, maximum impervious surface coverage and drive standards to allow a new parking area and lot line adjustment.
  Case Manager: Eric Greulich

BLOOMINGTON BOARD OF ZONING APPEALS **CASE #: V-14-14**
LOCATION: 401 E. Cottage Grove **DATE: July 24-14**

PETITIONER: Jaina Solo Holdings, LLC
9190 W. Olympic Blvd, Box 180, Beverly Hills CA 90212
CONSULTANT: Jason L. McAuley
520 N. Walnut St, Bloomington

REQUEST: The petitioner is requesting variances from setback requirements to allow an addition to a single family home.

	Existing	Required	Proposed
Front (Grant)	7 feet	15 feet	7 feet
Side (east)	11 feet	15 feet	11 feet

REPORT: The petitioner owns a property at the northeast corner of E. Cottage Grove and N. Grant Street. The property received variances in 2012 (V-25-12) to construct an addition to an existing two-bedroom house. The structure was a story and a half in height with a detached garage located on the northern portion of the lot. The property also has an east/west alley to the north. The Residential High-density (RH) zoned property lies within the Old Northeast neighborhood and has a large number of rental structures in the surrounding area. These structures include a mix of single family and multi-family buildings.

The approved addition essentially “filled-in” a notch in the northwest corner of the building facing Grant St. and replaced the partial second floor with a new second floor addition. Upon beginning construction of the addition, the petitioner’s contractor discovered that many of the structural walls and sills were extensively damaged with rot and termite damage (see photos in petitioner’s statement). Therefore the contractor removed the walls of the former structure.

Staff determined that this was not consistent with the approved variances that were for an addition. Furthermore, several of the criteria for the variances were based upon the setbacks for the existing structure. With the removal of the structure, staff found it necessary to require the petitioner to seek a new variance before construction could continue.

The petitioner is seeking approval to allow the same structure that was approved with the original variance package with minor elevation changes. These changes include the addition of a door to the north elevation and the addition of a dormer and bay window to the west elevation to further break-up the massing of the structure. Staff also had the petitioner explore an alternative plan that further reduce the massing toward Grant Street by removing a portion of the second story at the northwest corner of the structure.

Ultimately, staff believes that the proposed single family structure is still appropriate and is the same massing that was approved with the original variance. Although the setbacks were justified by the setbacks of the former house, the proposed setbacks

are still appropriate for the area. If the Board finds the proposed structure to be inappropriate in terms of massing, the alternative design should be considered.

NEIGHBORHOOD INPUT: Staff has received support from the Old Northeast neighborhood association regarding this petition. Although this property is not within the High Point Neighborhood boundaries, it is close proximity. Staff has not received anything formal from this neighborhood, but has heard concerns with the massing of the proposed structure.

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. The proposed structure is consistent with the scale of other structures in the area. The proposed additions will not extend any further than the previous building. In addition, the setbacks for this multifamily district were developed to provide ample setbacks for future apartment buildings and did not necessarily have single family homes in mind. If this were a single family district, the proposed single family home would not require a variance.

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.*

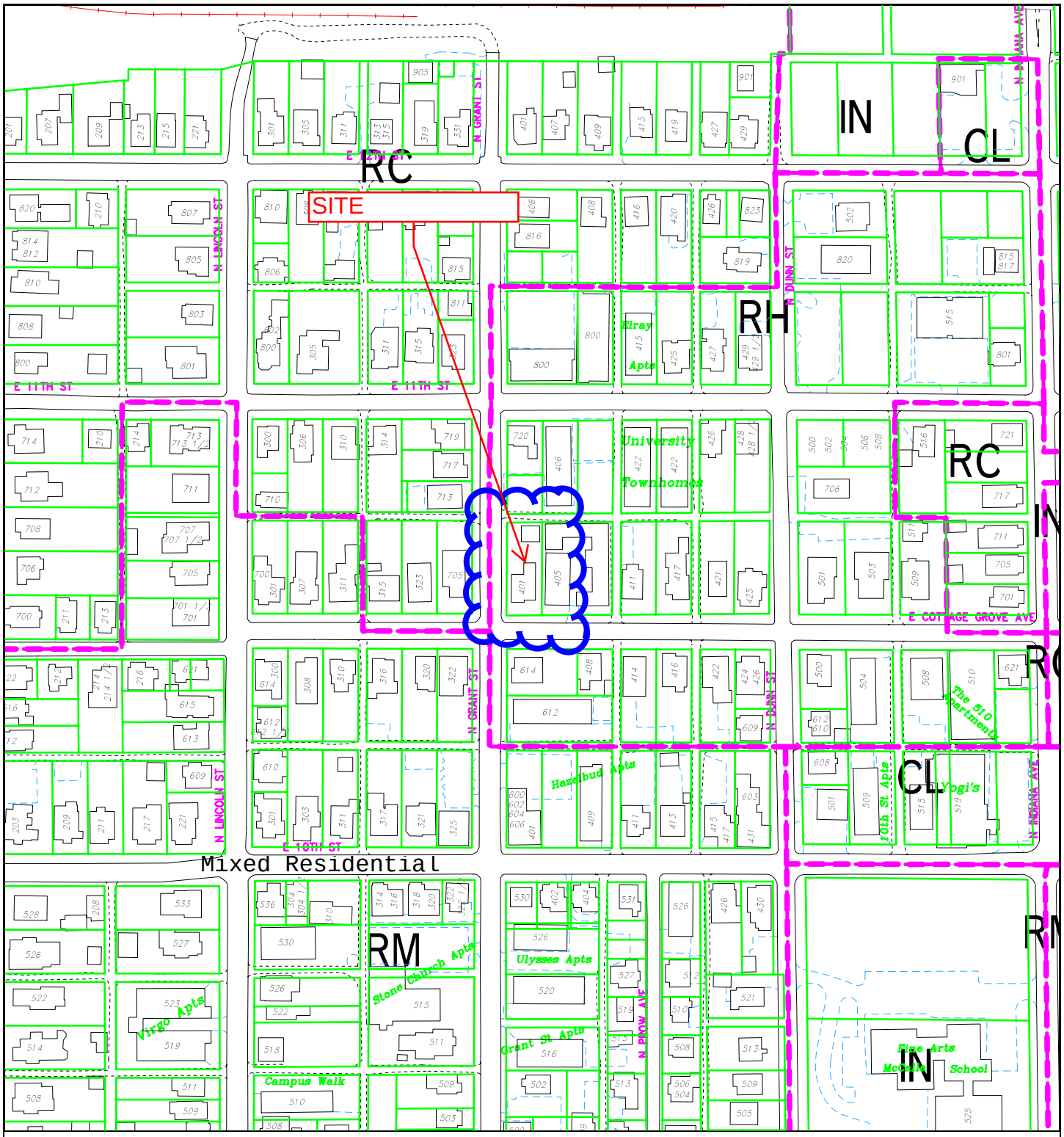
STAFF FINDING: Staff finds no negative effects from this proposal on the areas adjacent to the property. While the structure will be closer to the property line than permitted by the UDO, it will be no closer than the previous structure. This infill project will replace an older building that was not included on the survey of historic sites and structures. The petitioner has committed to utilizing cementitious siding for the structure as well.

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 location of the previous structure and the surrounding structures. The proposed setbacks are consistent with other single family districts as well as several surrounding single family homes in the immediate area. As previously stated, if this were a single family district, the proposed variances would not be necessary. The combination of these factors along with the previous variances make this a unique situation that warrants variance.

RECOMMENDATION: Based upon the written findings above, staff recommends approval of V-14-14 with the following condition:

1. The structure must be consistent with the submitted architecture.



V-14-14
Location/Zoning map
Board of Zoning Appeals

By: shayp
22 Jun 12

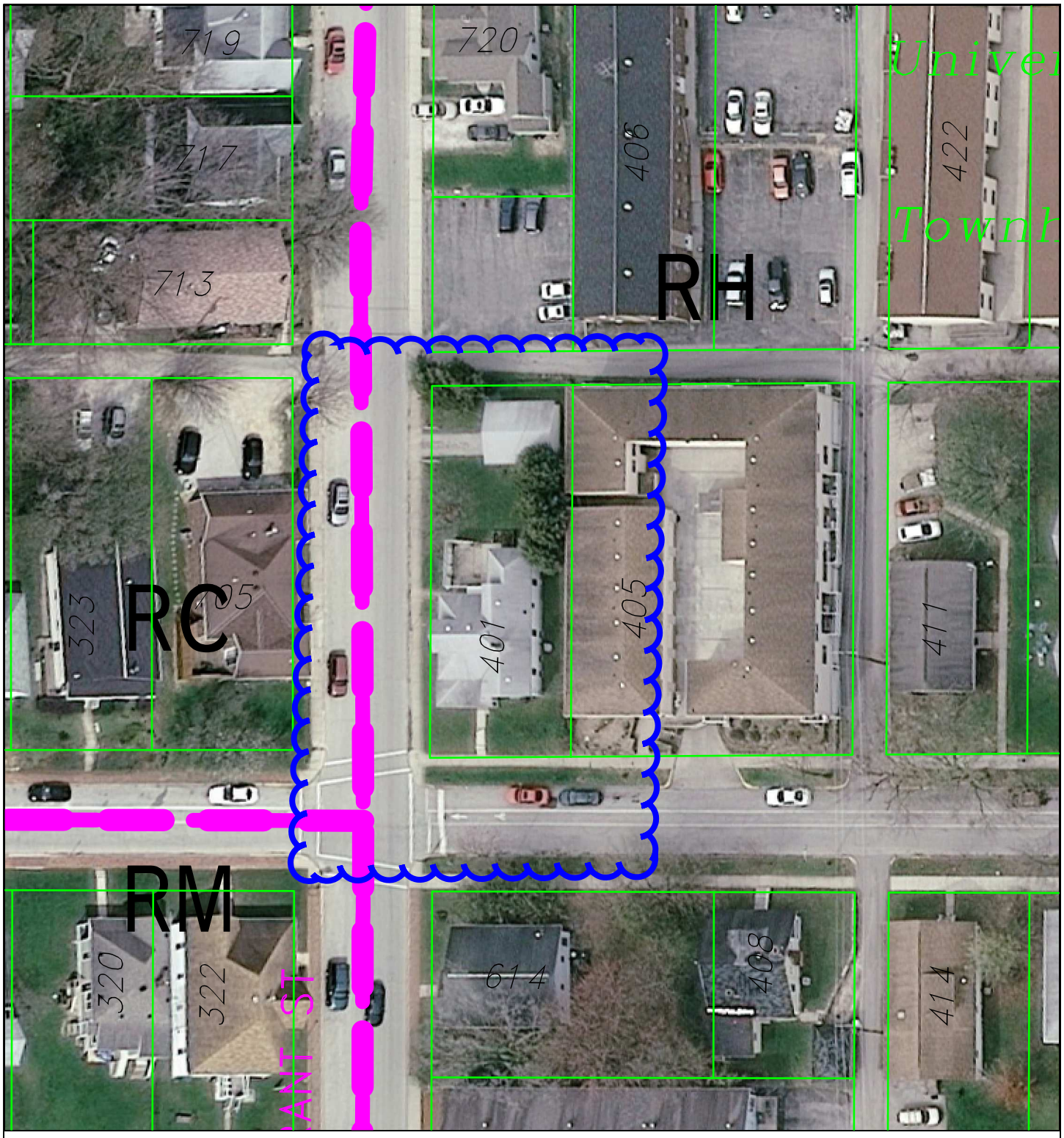
200 0 200 400 600

N

City of Bloomington
Planning

Scale: 1" = 200'

For reference only; map information NOT warranted.



V-14-14
Aerial Photo

By: shayp
22 Jun 12

50 0 50 100 150

N

City of Bloomington
Planning

Scale: 1" = 50'

For reference only; map information NOT warranted.

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A. Proposed Elevations
B. Site Plan
C. City of Bloomington – Hearing Officer
June 27, 2013 @ 2:00PM
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Association Letter in Support of Project
E. Termite Damage
F. Original Elevations
G. Revised Elevations
H. By-Right Plans

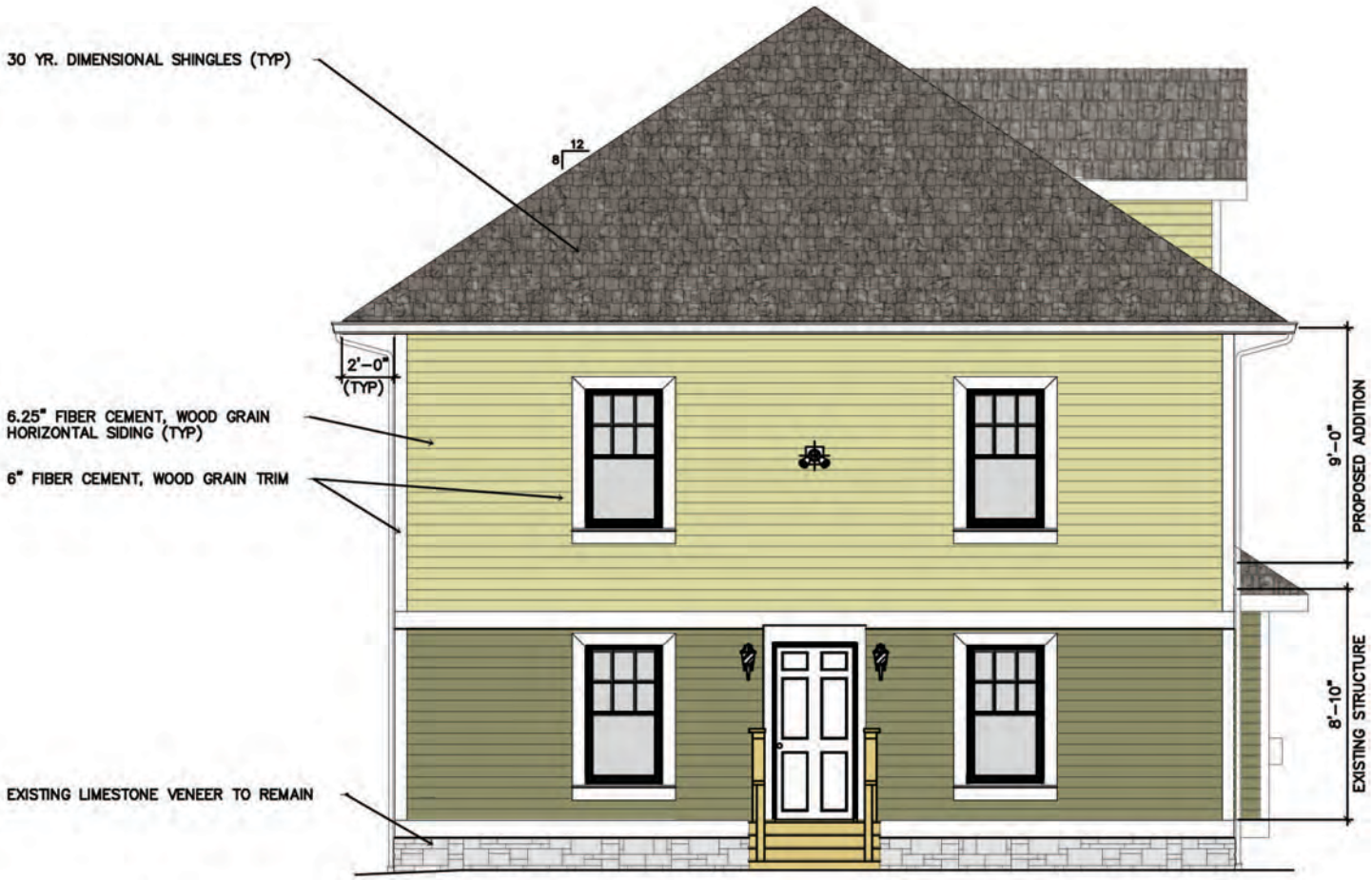
Section A
Proposed Elevations

B SOUTH ELEVATION

NOT TO SCALE

D WEST ELEVATION
NOT TO SCALE

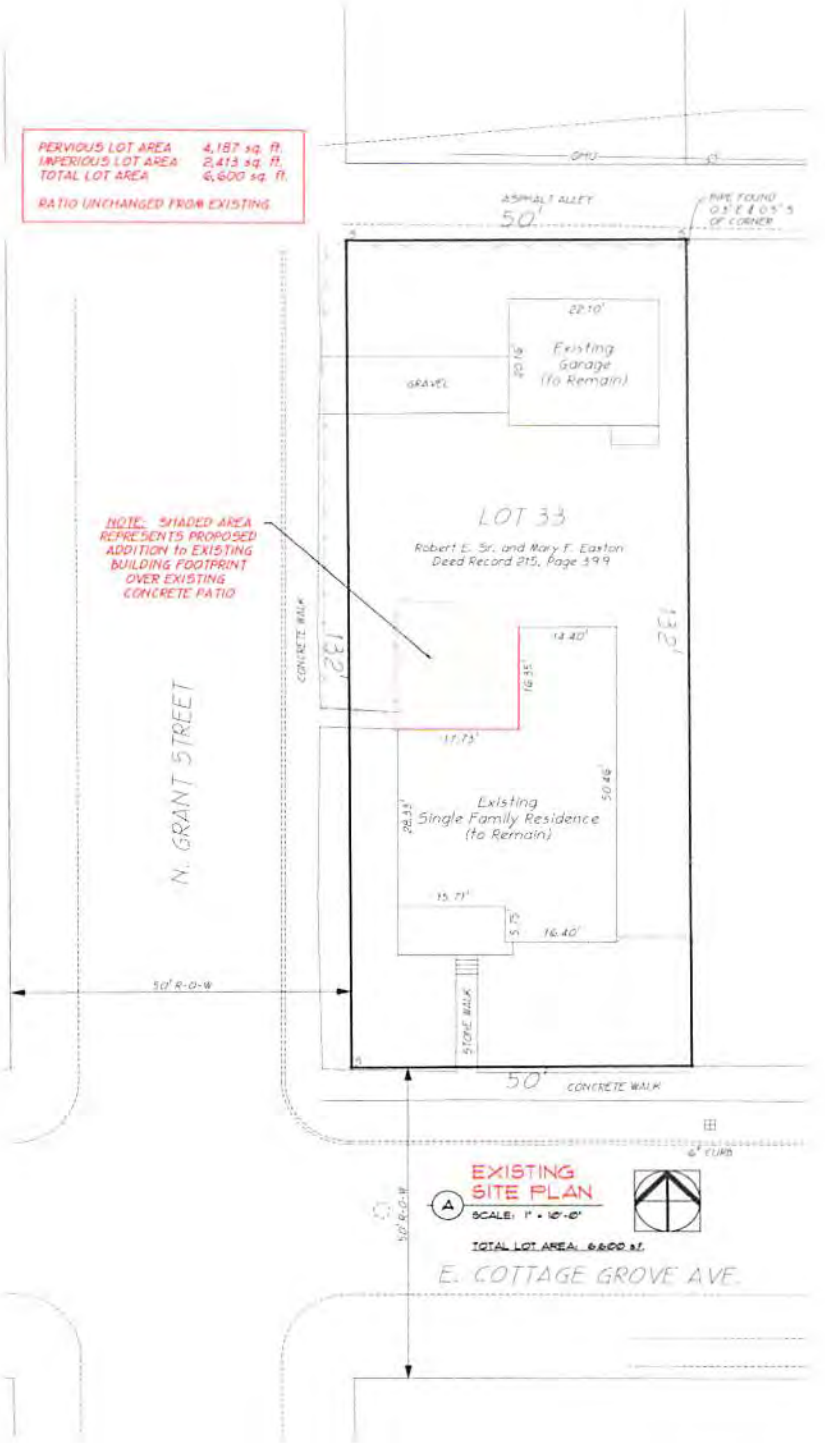
C EAST ELEVATION
NOT TO SCALE



A NORTH ELEVATION

NOT TO SCALE

Section B
Site Plan



A-2

Proposed:

COTTAGE GROVE RESIDENCE

401 East Cottage Grove Avenue
Bloomington, Indiana

BSB
BYRUM FANYO & ASSOCIATES, INC.
ARCHITECTURE
CIVIL ENGINEERING
PLANNING

Section C
City of Bloomington
Hearing Officer
June 27, 2012 @ 2:00PM

CITY OF BLOOMINGTON

JUNE 27, 2012 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON
HEARING OFFICER
June 27, 2012 at 2:00 p.m. ***Kelly Conference Room #155**

PETITIONS:

- V-24-12 **Marion and Carrie Winkel**
  1600 W. 17th St.
  Request: Variance from maximum driveway width standards.
  Case Manager: Jim Roach

- V-25-12 **Jaina Solo Holdings, LLC**
  401 E. Cottage Grove
  Request: Variances from front and side yard building setback and back-out parking standards.
  Case Manager: Patrick Shay

BLOOMINGTON HEARING OFFICER **CASE #: V-25-12**
LOCATION: 401 E. Cottage Grove **DATE: June 27, 2012**

PETITIONER: Jaina Solo Holdings, LLC
9190 W. Olympic Blvd, Box 180, Beverly Hills CA 90212
CONSULTANT: Bynum Fanyo & Associates, Inc.
528 N. Walnut St, Bloomington

REQUEST: The petitioner is requesting variances from setback requirements to allow an addition to a single family home. Also requested is a variance from back-out parking standards.

	Existing	Required	Proposed
Front (Grant)	7 feet	15 feet	7 feet
Side (east)	11 feet	15 feet	11 feet

SUMMARY: The petitioner currently owns a single family home at the northeast corner of E. Cottage Grove and N. Grant Street. The existing two-bedroom house is a story and a half in height and has a detached garage located on the northern portion of the lot. The property also has an east/west alley to the north. The property is zoned Residential High-density (RH) and lies within the Old Northeast neighborhood. The surrounding area includes large number of rental structures. These structures include a mix of single family and multi-family buildings.

The petitioner is proposing a 290 square-foot addition to the first floor. This addition would essentially "fill-in" an existing notch in the northwest corner of the building facing Grant St. The petitioner is also proposing to replace the current partial second floor with a new second floor addition. Lastly, the petitioner is proposing to widen the drive from approximately 8 feet to 18 feet to allow two cars to park outside of the garage. Since this property is located within a multi-family zoning district, the applicable parking standards were not developed with single family uses. The petitioner is seeking a variance to allow the parking spaces to back-out onto the street in a manner consistent with a single family district.

The proposed improvements to the structure would also include new cementitious siding and architectural details. The petitioner presented his plans to the Old Northeast Neighborhood Association on May 21. The neighborhood was supportive of this request. Staff has not received any negative contacts regarding the petitioner's proposal.

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. The proposed structure is consistent with the scale of other structures in the area. The proposed additions will not extend any further than the existing building. In addition, staff finds no injury in treating this driveway in a manner similar to a single family zoning district due to the use of the property as a single family home. Staff finds no safety issue by allowing two back-out parking spaces rather than one.

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.*

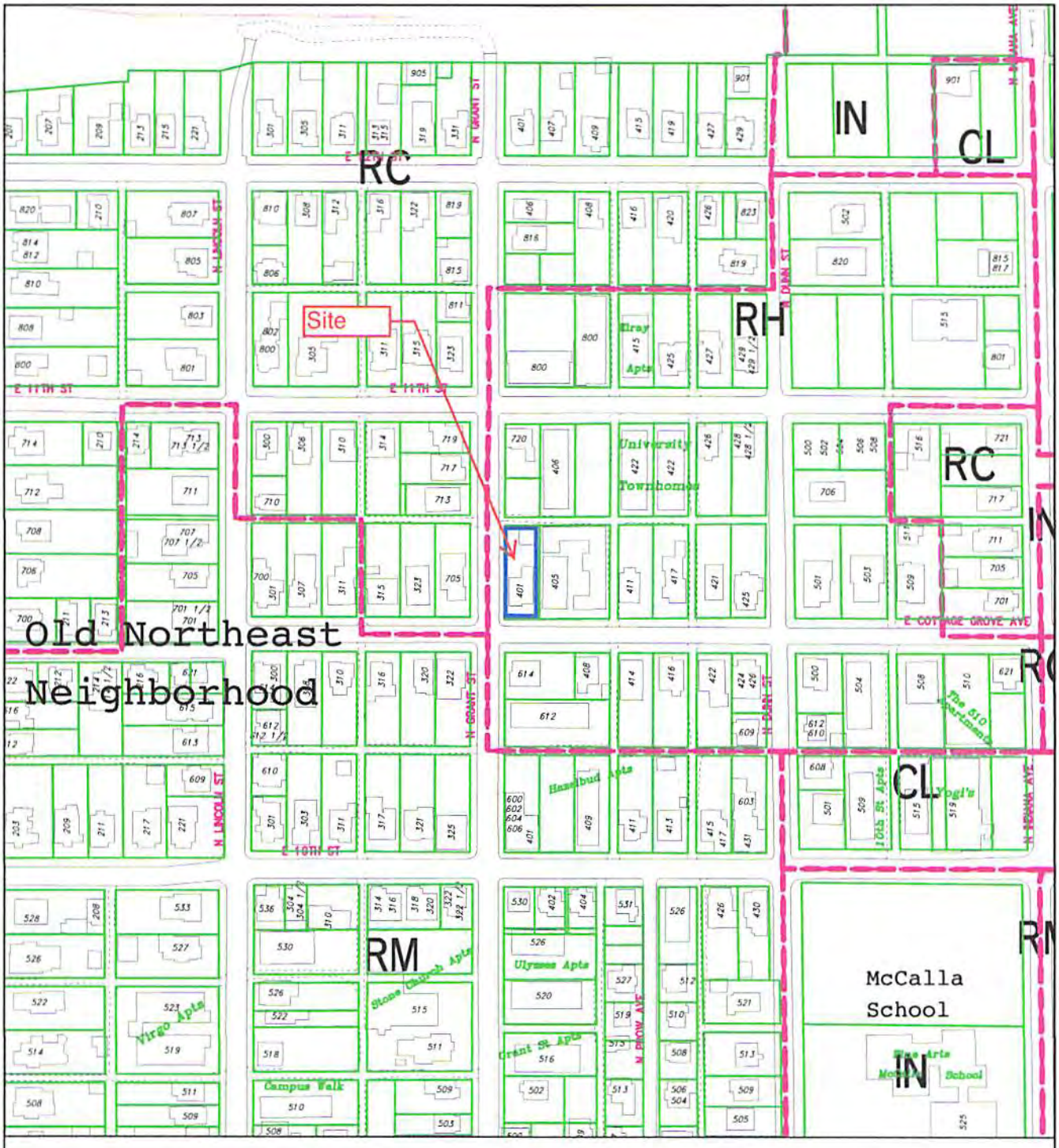
STAFF FINDING: Staff finds no negative effects from this proposal on the areas adjacent to the property. While the structure will be closer to the property line than permitted by the UDO, it will be no closer than the existing structure. The new parking space will not create any negative impacts that are not already very prominent in the surrounding area. Furthermore, the petitioner has presented this request to the surrounding neighborhood and received support of this request.

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 location of the existing structure and the surrounding structures. The proposed additions and second story will be placed within the existing setbacks of the property and are consistent with the general setbacks of the area. Furthermore, when these factors are combined with the location of this single family home within a multi-family district, staff finds peculiar condition that warrants the proposed variances. If this were a Residential Core (RC) zoning district, the proposed variances would not be necessary. In addition, staff finds practical difficulty in not permitting the proposed structure and parking area to be constructed in a manner that is fully consistent with the historical development patterns of the surrounding area.

RECOMMENDATION: Based upon the written findings above, staff recommends approval of V-25-12 with the following conditions:

1. A recordable commitment must be recorded with the deed for the property that clearly states that the property is limited to 5 bedrooms and a maximum of 5 unrelated adults. The upstairs "family room" must remain open and cannot be physically separated with a wall or similar feature.
2. The drive must maintain a minimum setback of 10 feet from the north property line.
3. The structure must be consistent with the submitted architecture.



V-25-12 JAINA SOLO HOLDINGS, LLC
401 E. COTTAGE GROVE
LOCATION/ZONING/LAND USE MAP

By: shayp
22 Jun 12

200 0 200 400 600

N

City of Bloomington
Planning

Scale: 1" = 200'

For reference only; map information NOT warranted.

BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

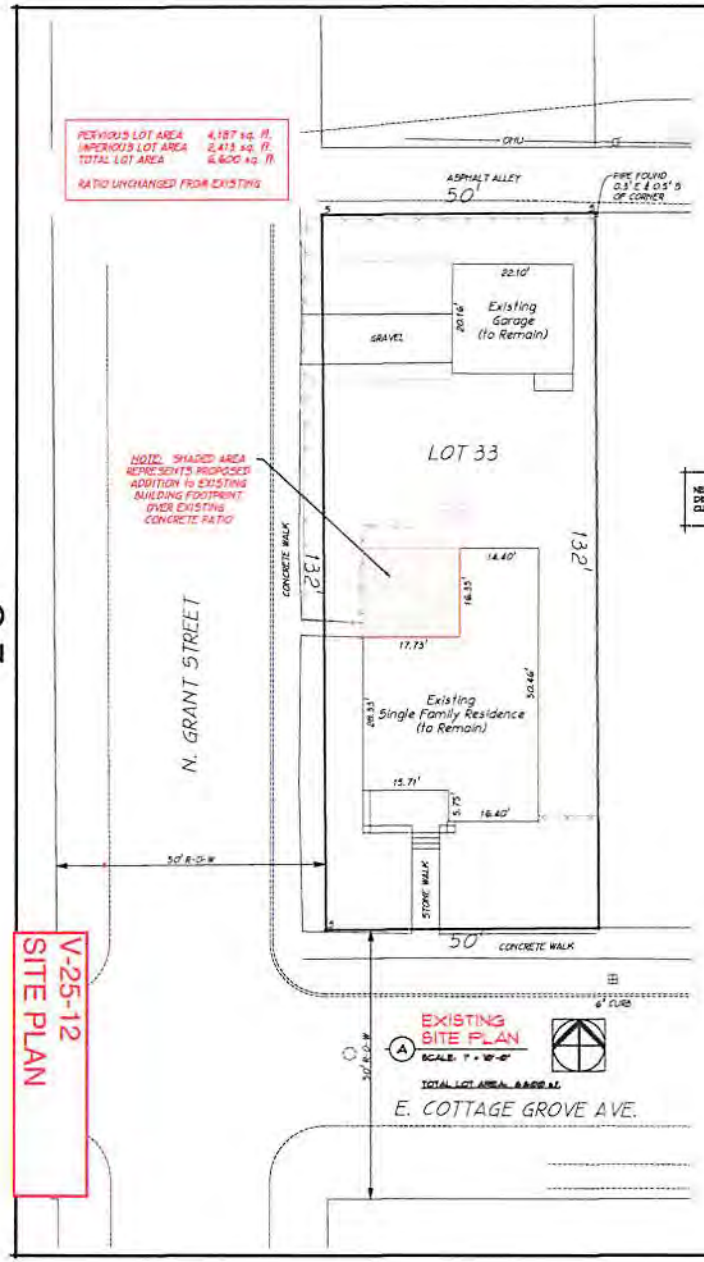
June 12, 2012

Jaina Solo Holdings respectfully requests your consideration of three (3) variances necessary for reconstructing an existing single family detached dwelling structure. Existing front yard setback for Grant Street is 7 ft, required to be 15 ft. Side yard/rear yard setback to the east is required to be 15 ft, actual is 11 ft. Lastly, a variance is required to allow for back out parking from the existing garage to Grant Street. All vehicular surfaces will be paved.

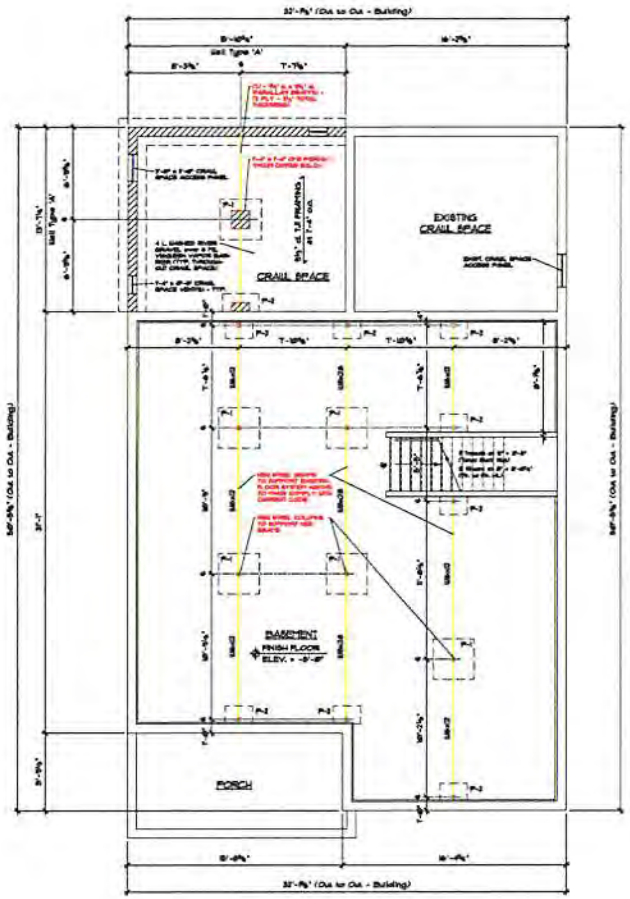
These variances will allow correction of severe structural deficiencies, the remodeling of the main floor, and the creation of a second floor area.

V-25-12
PETITIONER'S
STATEMENT

528 NORTH WALNUT STREET
BLOOMINGTON, INDIANA 47404
812-332-8030
FAX 812-339-2990



NEW BEAMS AND COLUMNS TO BE INSTALLED TO CORRECT EXISTING STRUCTURAL DEFICIENCIES. EXISTING COLUMN SPACING IS TOO GREAT TO COMPLY WITH CURRENTS CODES TO SUPPORT EXISTING FLOOR STRUCTURE



PROPOSED BASEMENT FLOOR PLAN

SCALE: 1/4" = 1'-0"

EXISTING SQUARE FOOTAGE: 1248 s.f. (GROSS)

PROPOSED SQUARE FOOTAGE: 798 s.f. (GROSS)

TOTAL FLOOR SQUARE FOOTAGE: 2046 s.f. (GROSS)

revisions:

drawn by: jtr

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

STEVE FAVID & ASSOCIATES, INC.

Bloomington, Indiana

certified by:

Proposed:
COTTAGE GROVE RESIDENCE
401 East Cottage Grove Avenue
Bloomington Indiana

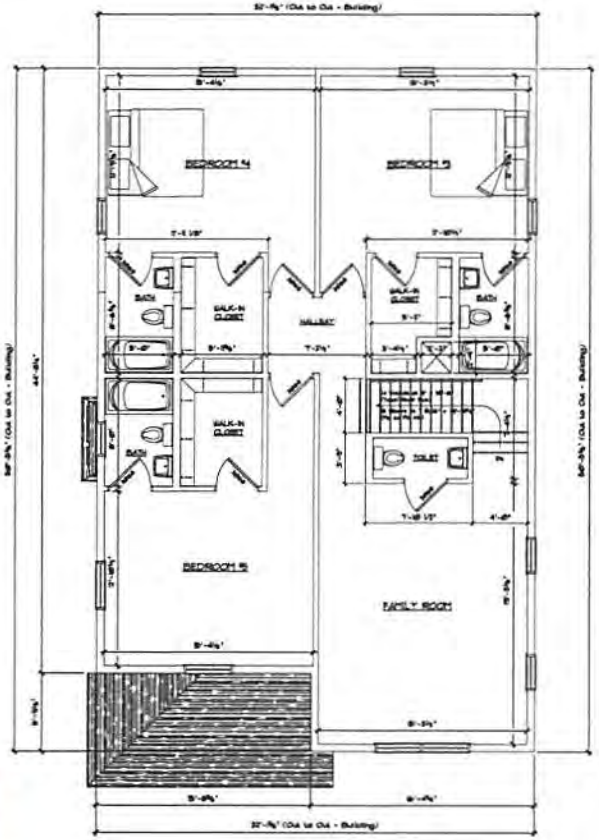
title: BASEMENT FLOOR PLAN

A-2

date: 4/22/11 3/6/14

C-7

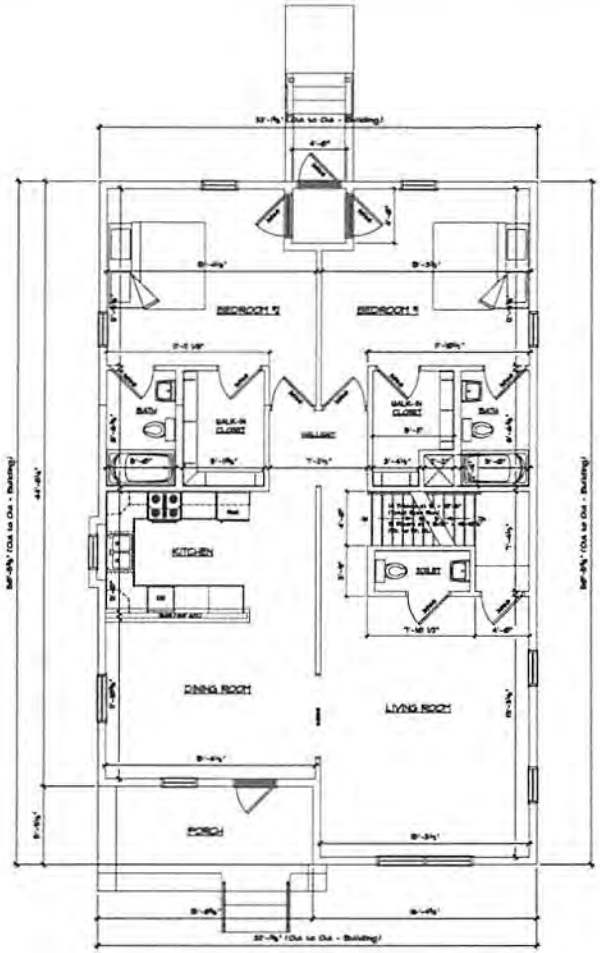
V-25-12
SITE PLAN



B PROPOSED SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

PROPOSED FLOOR SQUARE FOOTAGE: [illegible] s.f. (GROSS)



A PROPOSED FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

EXISTING SQUARE FOOTAGE: [illegible] s.f. (GROSS)

PROPOSED SQUARE FOOTAGE: [illegible] s.f. (GROSS)

TOTAL FLOOR SQUARE FOOTAGE: [illegible] s.f. (GROSS)

PERVIOUS LOT AREA	[illegible] sq. ft.
IMPERVIOUS LOT AREA	[illegible] sq. ft.
TOTAL LOT AREA	[illegible] sq. ft.

RATIO UNCHANGED FROM EXISTING

V-25-12
FLOOR PLAN

C-8

revisions

drawn by JTD

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

BYRAM FANTO & ASSOCIATES, INC.

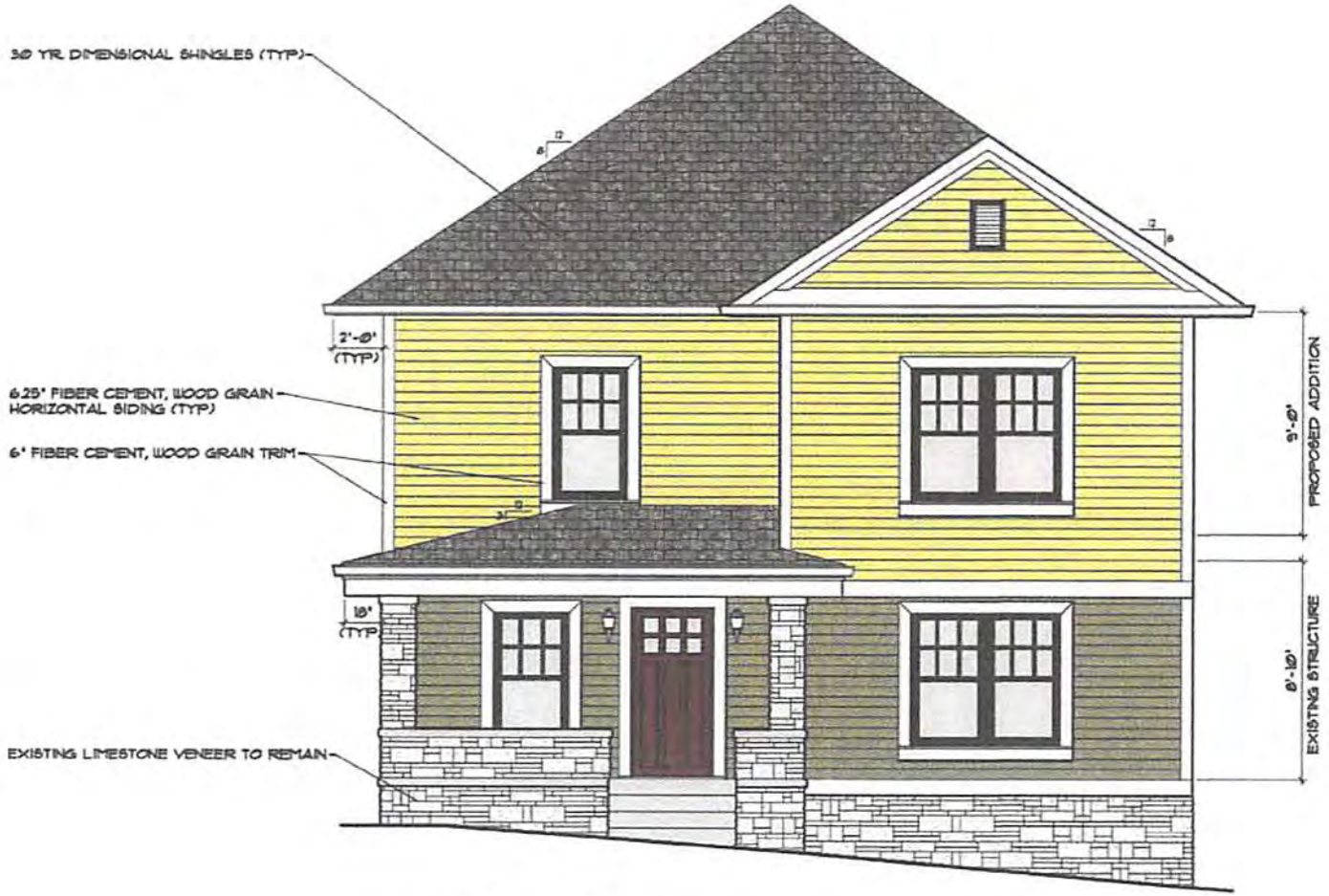
verified by

Proposed:
COTTAGE GROVE RESIDENCE
401 East Cottage Grove Avenue
Bloomington, Indiana

title FLOOR PLANS

A-3

date: 4/2/13

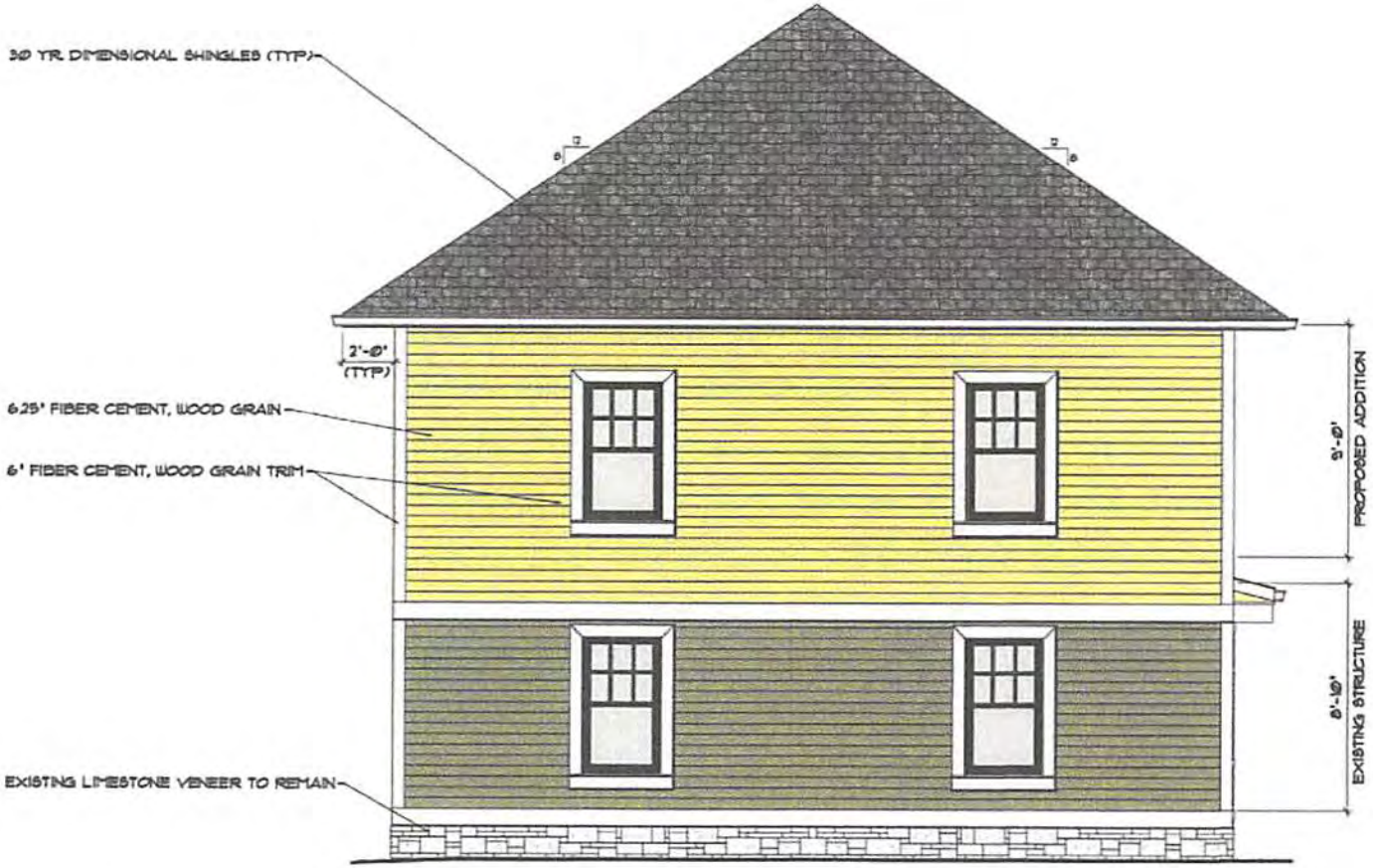


B SOUTH ELEVATION
NOT TO SCALE

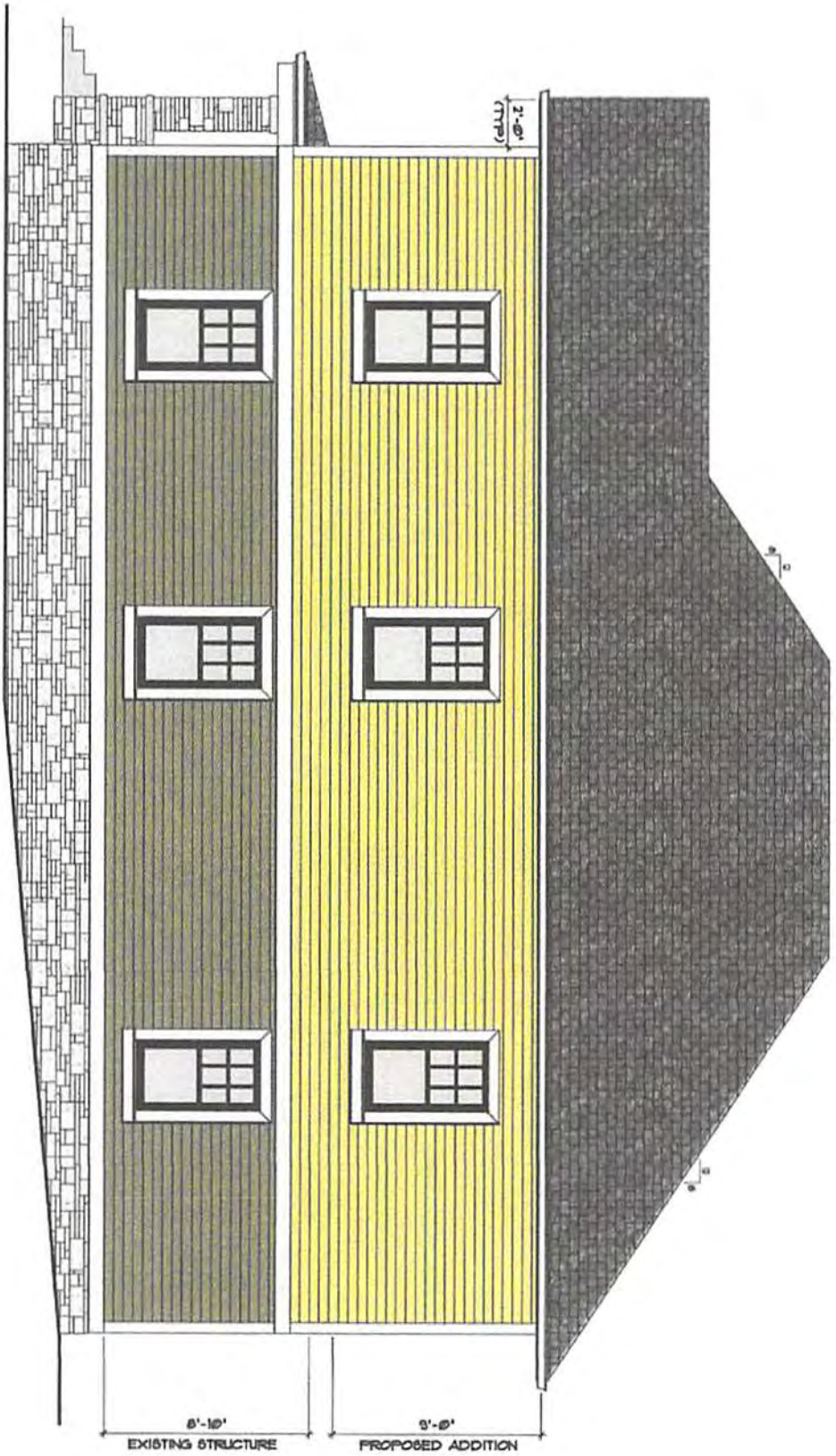
V-25-12
PROPOSED
ELEVATIONS

C-9

D WEST ELEVATION
NOT TO SCALE



A NORTH ELEVATION
NOT TO SCALE



C EAST ELEVATION
NOT TO SCALE

SOUTHWEST ELEVATION

SOUTH ELEVATION

WEST ELEVATION

NORTHWEST ELEVATION

NORTHEAST ELEVATION

NORTH ELEVATION

title: PROPOSED BUILDING ELEVATIONS

A-1

date: 4/20/11 scale

Proposed:

COTTAGE GROVE RESIDENCE

401 East Cottage Grove Avenue
Bloomington, Indiana

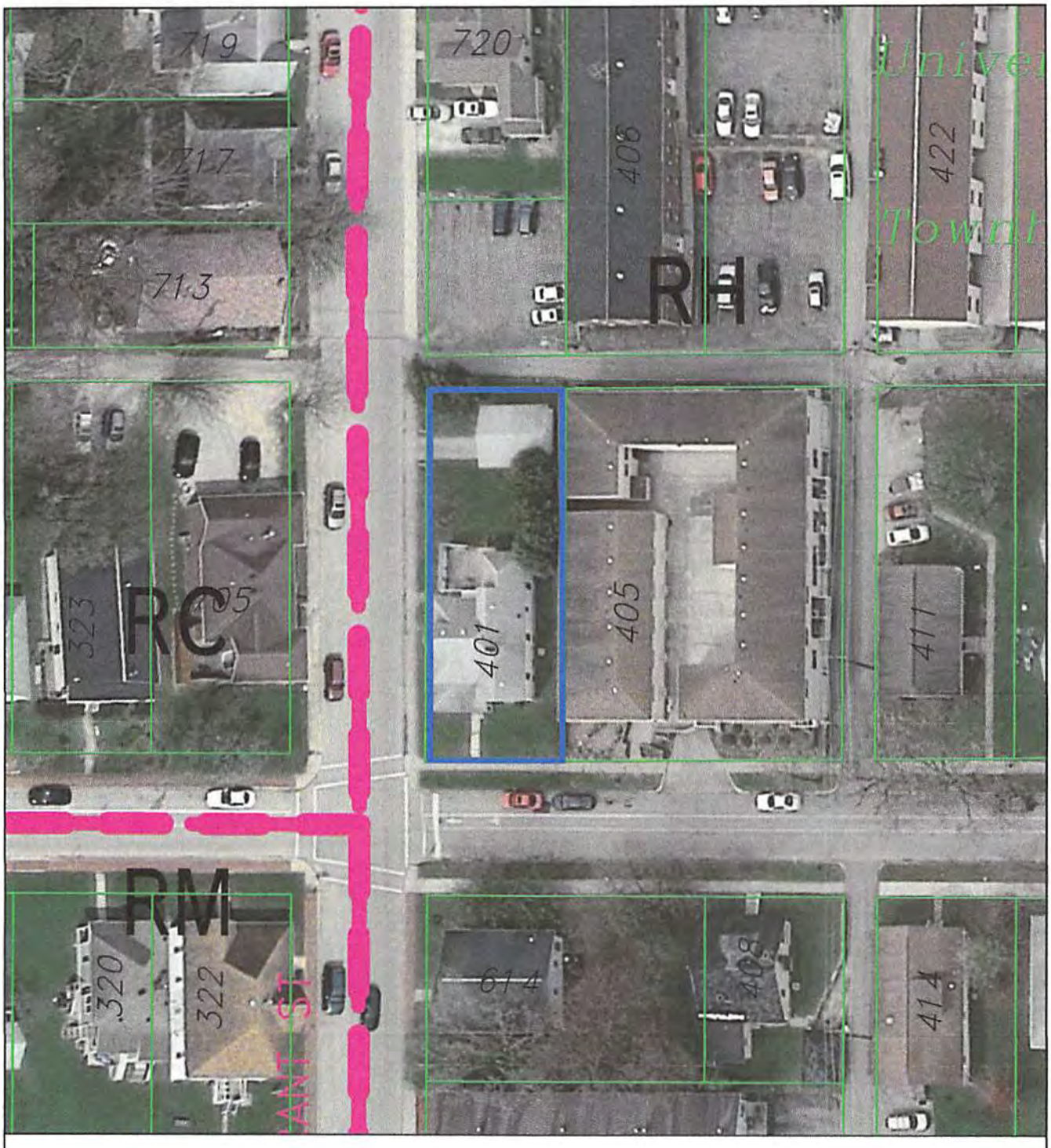
certified by

BBA
BYRUM FANTO & ASSOCIATES, INC.
326 north walnut street

ARCHITECTURE
CIVIL ENGINEERING
PLANNING
bloomington, indiana

revisions

drawn by: JPB



V-25-12 AERIAL PHOTO

By: shayp
22 Jun 12

50 0 50 100 150

N

City of Bloomington
Planning

Scale: 1" = 50'

For reference only; map information NOT warranted.

Section D
Old Northeast Downtown Neighborhood Association in Support of Project

Robert W Milroy
503 E. Cottage Grove #2
Bloomington, IN 47408
(812) 332-1337
email- miroy41@gmail.com

Bloomington, IN
May 5, 2014

Mr. Tom Micuda
Planning Director
City of Bloomington
401 N Morton Street
P.O. box 100
Bloomington, IN 47402

Dear Tom:

I am writing to you on behalf of the Old Northeast Downtown Neighborhood Association to inform you that our association had a meeting with the contractor and developer who are doing construction work on the house at 401 E. Cottage Grove. It is our understanding the city has issued has issued a stop order on the construction at this location. It is also our understanding there are questions if the proper appearance is being preserved. Both the developer and the builder made verbal and picture presentations at our April, 2014 meeting. The general feeling of our meeting was that the association felt both individuals were making a reasonable effort considering the circumstances to conform current construction to the original plan. The association would appreciate an effort to use siding with appropriate color and appearance and to insure doors at the front of the building were properly placed and in conformance with the original plan. Our impression is the developer and the builder were willing to do this. Considering these circumstances as I have explained our association is not opposed to the city lifting the stop order. The association is providing this information as an interested party to development of our neighborhood but we do not wish to provide advice on the professional and technical work done by your department.

If you have further questions you may contact me at the address and phone number in the letterhead of this letter or our president Marge Hudgins at her business address:

Marge Hudgins
321 E. 6th
Bloomington, IN 47408
(812) 336-1188
margehudgins @ sbcglobal.net

I apologize for the delay in hand delivering this letter to you today.

Sincerely,
Marge Hudgins /RWM Bill Milroy

Marge Hudgins Bill Milroy

Section E
Termite Damage

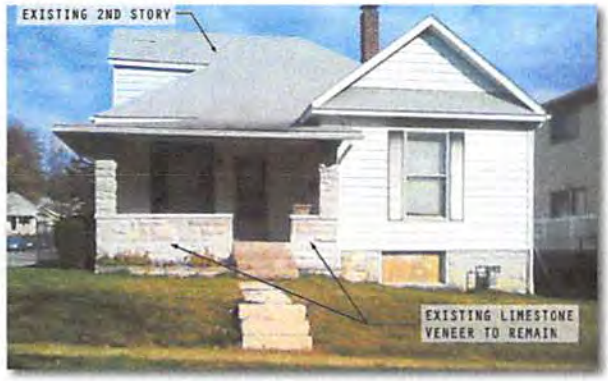
E-1

E-2

E-3

Section F
Original Elevations

SOUTHWEST ELEVATION



SOUTH ELEVATION

WEST ELEVATION

NORTHWEST ELEVATION

NORTHEAST ELEVATION

NORTH ELEVATION

Section G
Revised Elevations

PROPOSED

SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

KIRKWOOD
designstudio
p.c.
ARCHITECTURE+PLANNING

OPTIONAL DESIGN

COTTAGE GROVE RESIDENCE

DRAWING NO.: 4
PROJECT NO.: 2014-15
DATE: 7/1/2014

PROPOSED

WEST ELEVATION

SCALE: 1/8" = 1'-0"

KIRKWOOD
designstudio
p.c.
ARCHITECTURE+PLANNING

OPTIONAL DESIGN

COTTAGE GROVE RESIDENCE

DRAWING NO.: 1
PROJECT NO.: 2014-15
DATE: 7/1/2014

PROPOSED

EAST ELEVATION

SCALE: 1/8" = 1'-0"

KIRKWOOD
designstudio
p.c.
ARCHITECTURE+PLANNING

OPTIONAL DESIGN

COTTAGE GROVE RESIDENCE

DRAWING NO.: 3
PROJECT NO.: 2014-15
DATE: 7/1/2014

PROPOSED

NORTH ELEVATION

SCALE: 1/8" = 1'-0"

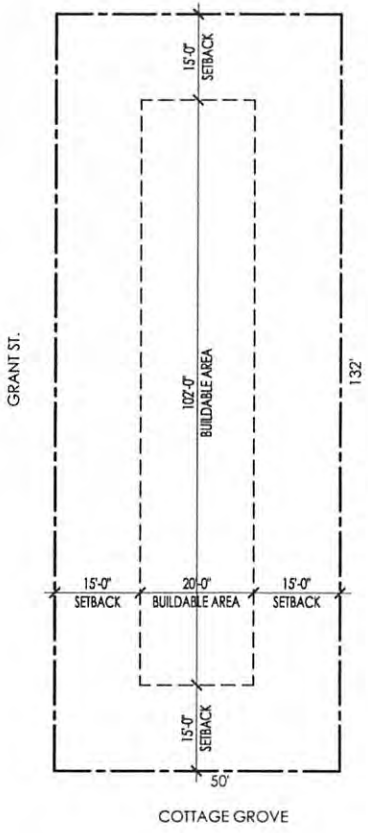
KIRKWOOD
designstudio
p.c.
ARCHITECTURE+PLANNING

OPTIONAL DESIGN

COTTAGE GROVE RESIDENCE

DRAWING NO.: 2
PROJECT NO.: 2014-15
DATE: 7/1/2014

Section H
By-Right Plans



ZONING: RH (RESIDENTIAL HIGH-DENSITY MULTIFAMILY DISTRICT)

132' X 50' = 6600 S.F.
6600 S.F. / 43,560 SF = 0.15 ACRE

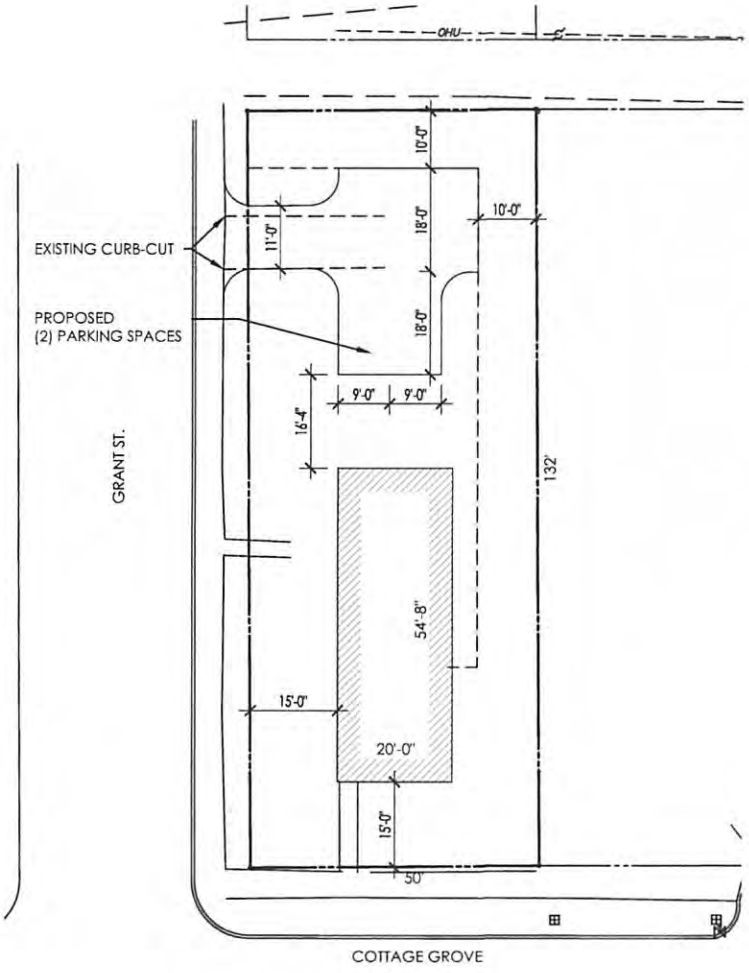
MAX. DENSITY: 20.02.200(RH): DEVELOPMENT STANDARDS
15 UNITS / ACRE
0.15 ACRE X 15 UNITS = 2.27 UNITS ALLOWED.
5-BEDROOM UNIT = 2 UNITS.
WHICH MEANS 5-BEDROOM UNIT IS ALLOWED.

MAX. IMPERVIOUS SURFACE COVERAGE: 50% OF THE LOT AREA
6600 SF X 50% = 3,300 SF

BUILDING SETBACK DICTATES THE BLDG. FOOT PRINT.
102' X 20' = 2,040 SF/FLOOR

PARKING SPACE:
MIN. 2 SPACES PER DWELLING UNIT.
-20.05.075 EXHIBIT PK-A DWELLING, SINGLE-FAMILY
-20.05.070 (a)(2)(A)

MAX. STRUCTURE HEIGHT: 50'



BUILDING SETBACK

SCALE: 1" = 20'-0"

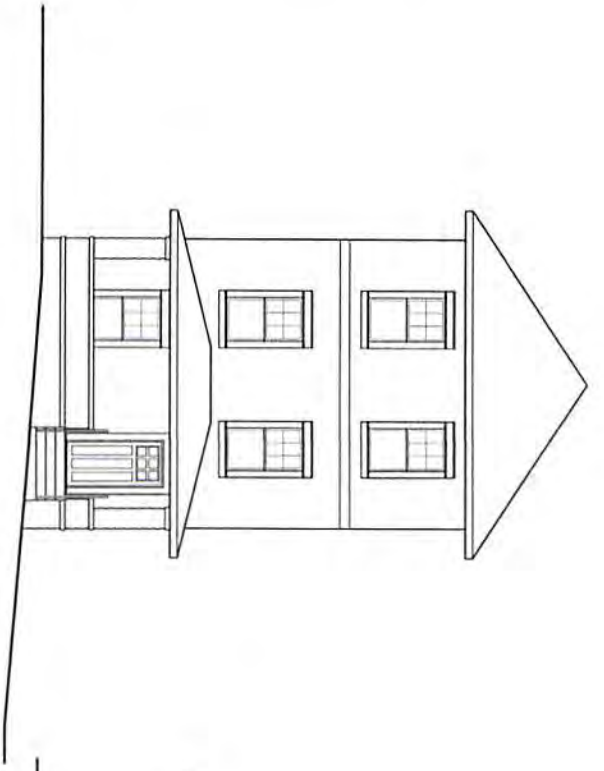
PARKING SETBACK

SCALE: 1" = 20'-0"

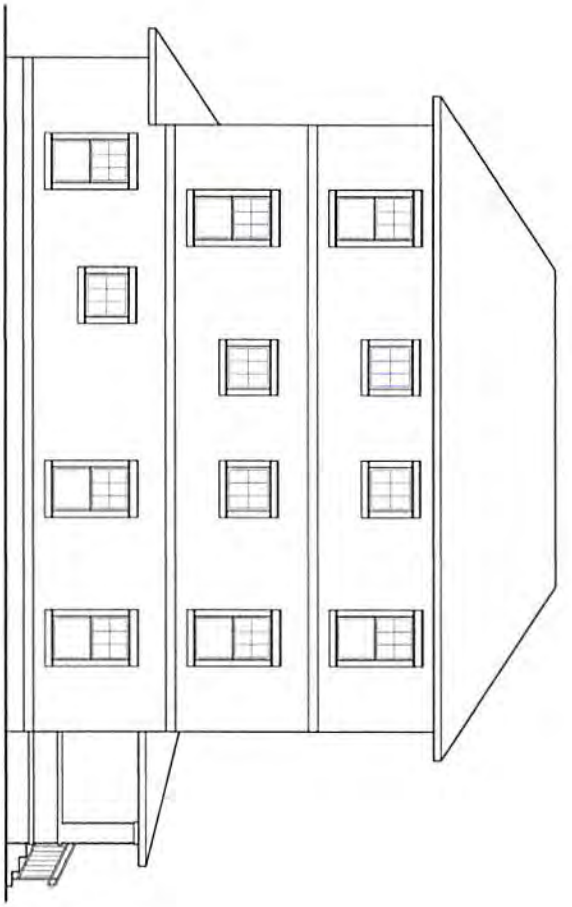
COTTAGE GROVE RESIDENCE

DRAWING NO.: 1
PROJECT NO.: 2014-15
DATE: 06/12/2014

KIRKWOOD design studio inc
ARCHITECTURE+PLANNING
113 e. 6th street
bloomington, in 47408
812.331.0255 ph
812.331.0755 fax
www.kdsarchitects.com



PROPOSED
SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



PROPOSED
WEST ELEVATION
SCALE: 1/8" = 1'-0"

KIRKWOOD
designstudio

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bloomington, in 47408
812.331.0255 ph
812.331.0755 fax
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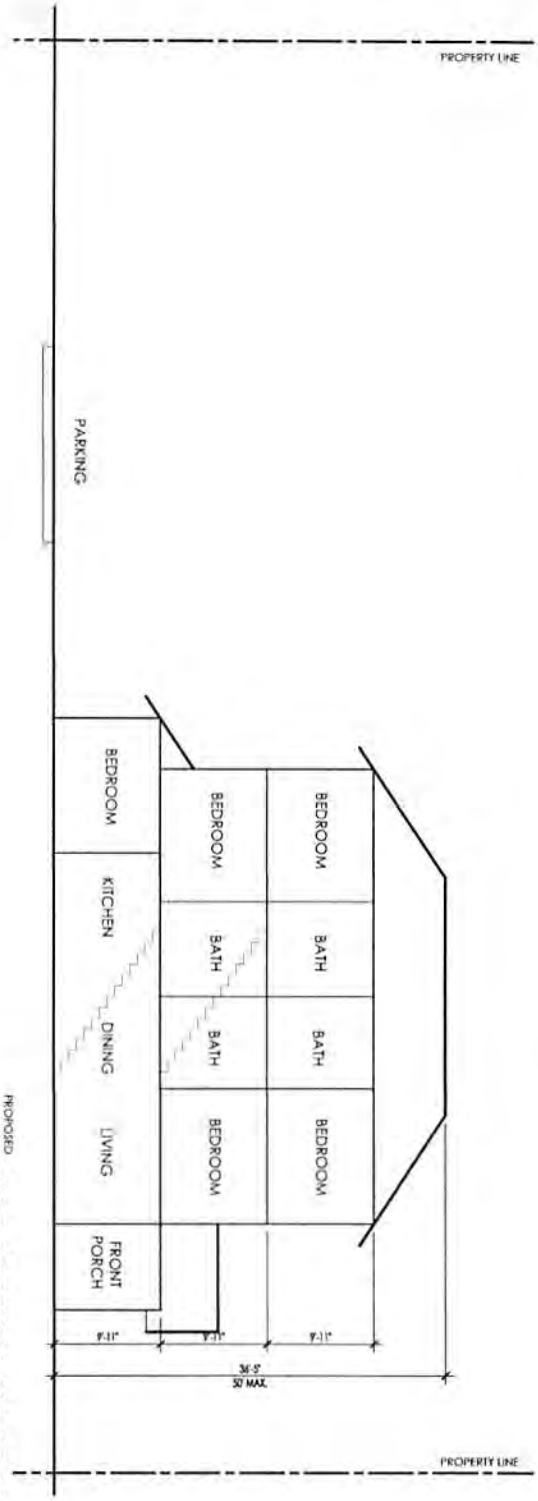
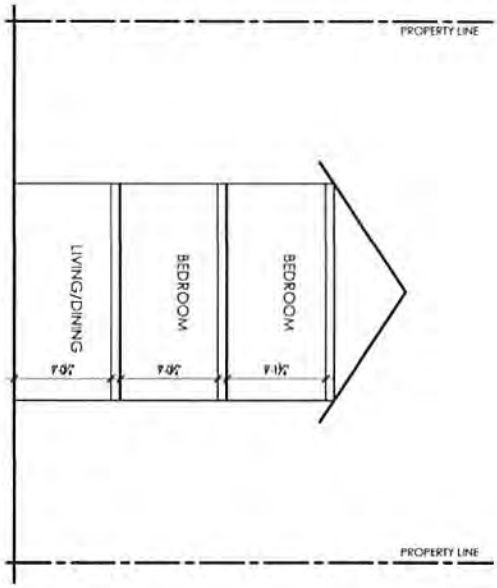
COTTAGE GROVE RESIDENCE

DRAWING NO.:
PROJECT NO.: 2014-15
DATE: 06/04/2014



PROPOSED
BUILDING SECTION DIAGRAM
SCALE: 3/32" = 1'-0"



PROPOSED
BUILDING SECTION DIAGRAM
SCALE: 3/32" = 1'-0"

KIRKWOOD
designstudio
113 e. 6th street
bloomington, in 47408
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COTTAGE GROVE RESIDENCE

DRAWING NO.:
PROJECT NO.: 2014-15
DATE: 06/04/2014

BLOOMINGTON BOARD OF ZONING APPEALS **CASE #: UV/V-24-14**
STAFF REPORT **DATE: July 24, 2014**
Location: 704 W. 822 W. 6th Street

PETITIONER: **Stephen Cordell**
3852 S. Swartz Ridge Road, Bloomington

REQUEST: The petitioner is requesting a use variance to allow a duplex within a Residential Core (RC) zoning district. Also requested is a parking variance.

SUMMARY: The petition site is located on the north side of W. 6th Street, midblock between N. Waldron Street and N. Maple Street. It is also located within the Near West Side Neighborhood. This Residential Core (RC) zoned property is .135 acres (40' x 147') and is also listed as a contributing structure on the City's 2001 Interim Report of Historic Sites and Structures.

Until recently, this structure had been owner-occupied for many years. At some point in the past, the previous owner created an internal separation and began to rent a portion of the home as a separate unit without any approvals from the City. The Housing and Neighborhood Development (HAND) Department became aware of the unregistered rental and inspected the rental portion of the structure. HAND issued a rental permit for the structure that included two units, an owner-occupied unit (not inspected) and a 1-bedroom rental unit.

Prior to the petitioner's recent purchase of the property, his due diligence research of the property included an inquiry to the HAND Department regarding the rental status of the property. Because there was a current rental permit for the property as a 2-unit structure without a note about a zoning compliance issue, the petitioner continued with his planned purchase of the property. Upon purchase, he contacted the HAND Department to update the ownership of the property and have it transferred to his name. Upon completion of rental inspections, the petitioner was issued a new rental permit in his name for two one-bedroom units. Shortly after the issuance, the Planning Department received a phone call regarding this property. The Planning Department determined that the current and previous rental permits for a 2-unit structure authorized by HAND were issued in error and not in compliance with the zoning standards of the RC district.

Staff met with the petitioner and indicated to him that the duplex use would have to receive a use variance to be permitted to continue, or the structure would have to be returned to a single family configuration. The petitioner has requested a use variance to allow the current 2-unit configuration to remain.

Staff analyzed the surrounding area to determine the current development pattern for this portion of the Near West Side Neighborhood. Of the approximately 98 residential structures within the two blocks of W. 6th Street and W. 7th Street between N. Elm Street and N. Fairview Street, approximately 50% of the structures are registered

rentals. In addition, approximately 11% of the structures housed multiple units. These structures range from 2-5 units in configuration.

Staff discourages conversions of single family homes in core neighborhoods, but finds this to be a unique situation that warrants strong consideration. Even though staff discourages these conversions because too many of them would alter the character of an area, these small bedroom and small unit structures are traditionally found interspersed throughout these types of neighborhoods and provide more affordable and alternate housing types.

If a duplex is approved, then the two total bedrooms would require a minimum of two parking spaces. These parking spaces would have to be located off of the adjacent alley. The petitioner is seeking a parking variance to allow the situation where street parking is utilized to serve the two units. The number of bedrooms associated with this project will prevent the overabundance of vehicular use of the property. Many of surrounding properties (including other multifamily structures) currently operate without on-site parking.

20.09.140 CRITERIA AND FINDINGS FOR USE VARIANCE:

Findings of Fact: 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

and

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

Staff Finding: Although staff finds that conversion of a large number of the existing single family homes in this area could have a substantial impact to the general welfare of the surrounding neighborhood, staff does not find substantial impact by the proposed conversion of a single structure to two, one-bedroom units. The low bedroom count and size of the units limit many of the negative impacts associated with multifamily rentals in core neighborhoods. Due to the history of the structure and due diligence of the petitioner, staff finds this to be a unique situation that would not lend itself to a large number of converted structures that would have a significant impact to the area.

This property has been used as a duplex for a number of years. Therefore, the impacts of an approval would not change the current impacts to the surrounding area. Furthermore, staff finds that many of the potential impacts of this proposal can be further mitigated by placing development restrictions on the property. Specifically, staff recommends that 1) each unit be restricted to a maximum of two

unrelated adults 2) that any future owners be required to live in one of the two units or convert the structure to a single family home, and 3) to restrict the structure from being expanded or adding bedrooms unless it is converted back to a single family home.

(3) The need for the use variance arises from some condition peculiar to the subject property itself; and

Staff Finding: It is highly unusual for a structure to be improperly issued a rental permit for a duplex within an RC zoning district. Without this history, a use variance would not likely be supported by staff. It has also been suggested that this structure was originally constructed as a duplex as the opening between the units did not appear to be original and if closed creates two separate spaces with separate exterior entries. When combined with the petitioner's research prior to purchase, staff believes that this criterion has been met.

(4) The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if they are applied to the subject property; and

Staff Finding: Strict application of the UDO would require the petitioner to revert this structure back to a single family home. This reversion would create a significant hardship to the petitioner. The petitioner purchased and received loans on the property based upon its duplex status. Due to the petitioner's due diligence prior to purchase regarding the current rental permit, staff finds that the construction, loss of revenue, and loan modification to be a significant burden to the petitioner.

(5) The approval of the use variance does not interfere substantially with the goals and objectives of the Growth Policies Plan.

Staff Finding: This property has been designated as Core Residential by the Growth Policies Plan (GPP). These areas are "characterized by a grid-like system, alley access to garages, small setback, and a mixture of owner-occupants and rental tenants." The GPP policies for land use in these areas states that the "existing single family housing stock and development pattern should be maintained with an emphasis on limiting the conversion of dwellings to multi-family…encouraging ongoing maintenance and rehabilitation of single family structures."

With past requests for new multifamily uses within Core Residential areas, staff has found it difficult to find compliance with the GPP. However, staff finds this case to have extenuating circumstances. Specifically, the petitioner exercised due diligence in researching the permit status of the structure and received a rental permit for the requested use. Although the GPP discourages conversions to create multifamily uses in Core Residential areas, the use of older homes in this particular part of the Near West Side for multiple units is not that unusual. Additionally, the duplex has co-existed with neighboring properties for many years and is limited to only two bedrooms in scale.

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 with this request. This is not a new structure or new bedrooms. It is not anticipated that this use will generate a significantly different number of vehicles than could be expected with a 3-bedroom single family home.

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 with this variance request. There will not be a noticeable difference to the existing parking situation. Staff finds that this would be an unnecessary loss of greenspace.

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: The strict application of the UDO would require a paved parking area to be constructed in the rear yard. The petitioner is seeking an approval to legitimize the existing situation and is not proposing to increase the number of bedrooms or the size of the structure which are typically the main triggers to requiring the parking to be brought into compliance. Furthermore, this property is located in close proximity to the downtown and other services and allows for a greatly reduced dependence on cars. The UDO requirement for parking within the RC district is to prevent new and larger structures to be constructed without consideration of the parking impacts to the surrounding properties. This proposal will not have any significant changes to the parking available in this neighborhood.

NEIGHBORHOOD INPUT: The Near Westside Neighborhood Association submitted a letter and provided comment at the Plan Commission meeting. Overall, the neighborhood was opposed to the petition unless one of the units was owner-occupied and no additions were permitted. The Plan Commission discussed the following options for this petition:

1. Denial of the use variance to require it to return to a single family structure.

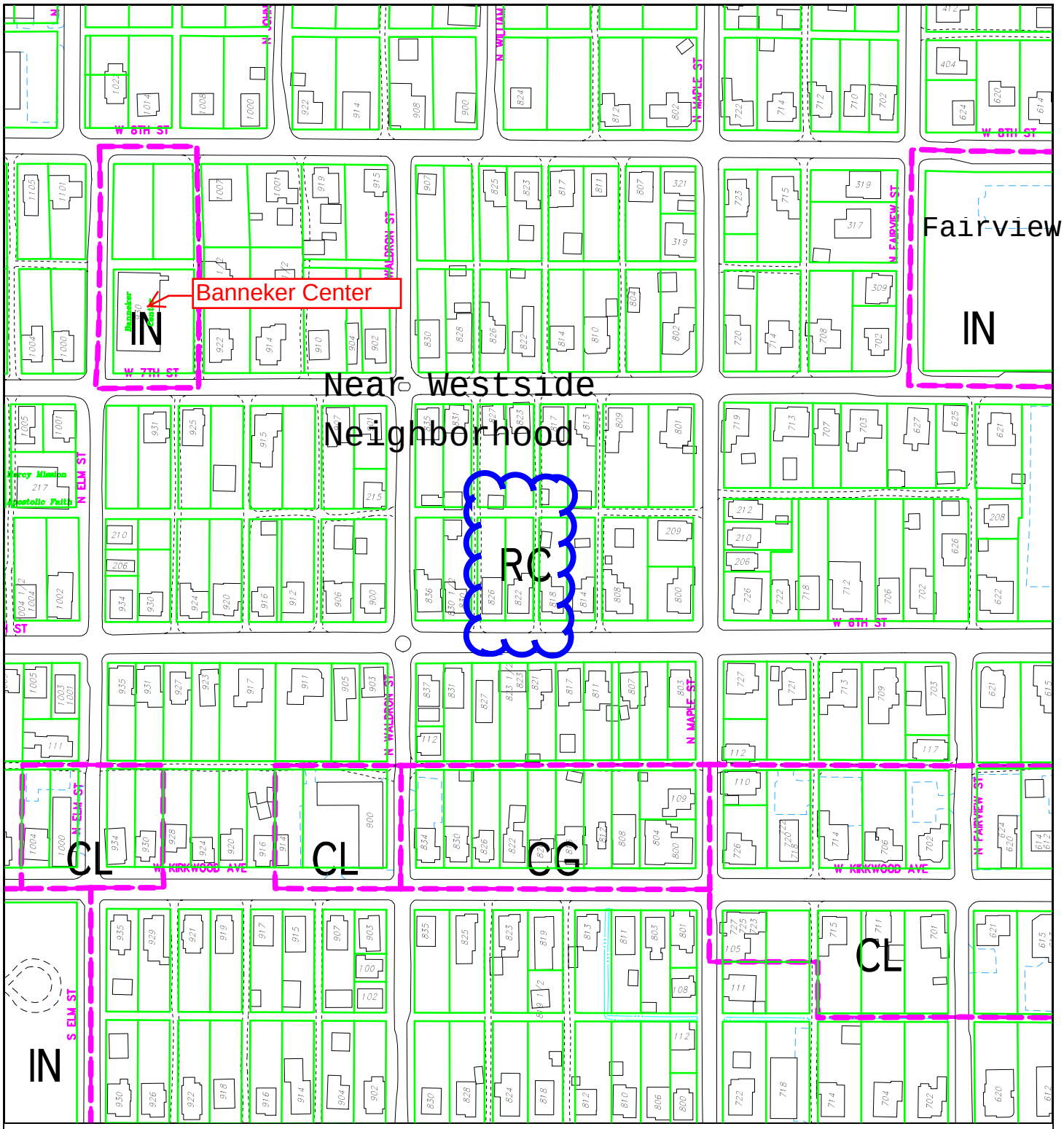
- Approval of the historic duplex use, while allowing a maximum occupancy of 2, 3, or 4 adults.
- Approval of the duplex use with a deed commitment that any future owner must use a minimum of one of the units as an owner-occupied unit.
- Approval of a duplex use with a deed commitment that the current and any future owner of the property must use a minimum of one of the units as an owner-occupied unit. **This option has been recommended by the Near West Side Neighborhood Association.**

PLAN COMMISSION RECOMMENDATION: The Plan Commission voted unanimously to forward the use variance request to the BZA with a positive recommendation. They concluded that the proposed use did not substantially interfere with the Growth Policies Plan.

CONCLUSION: Although the proposed conversion is typically not supported, staff finds this to be a unique case that is intended to resolve an error made by the City. Significant investment was based on information received by the petitioner. The prohibition on conversion of single family homes is largely due to the protection of the general character of core areas of the City. A large number of such conversions would most likely have detrimental impacts to the character and stability of the neighborhood. These older areas regularly have imbedded multifamily structures that function to provide alternative housing stock and affordable market rate housing. These structures are normally provided by lawful non-conforming structures. Ultimately, staff finds that the impacts of a single additional duplex with two total bedrooms will not have a negative impact and resolves an unfortunate error made by the City. This error would have a significant impact to the investment made by the petitioner and removal of the duplex status would create an undue burden on the petitioner.

RECOMMENDATION: Based on the written findings of this report, staff recommends approval of UV/V-24-14 with the following condition:

1) The petitioner must record and attach zoning commitment to the deed of this property that states the following:
   a) The structure may not be expanded and no bedrooms may be added unless the structure is returned to a single family structure. The final language of the commitment must be approved by the Planning and Legal Departments prior to recording.
   b) Any future owners that utilize this property as two units must reside in one of the two units.
   c) If utilized as a duplex, the occupancy of each unit shall be restricted to a maximum of two unrelated adults.



UV/V-24-14 Stephen Cordell
822 W. 6th St. Location/Zoning map
Board of Zoning Appeals

By: shay
29 Jun 14

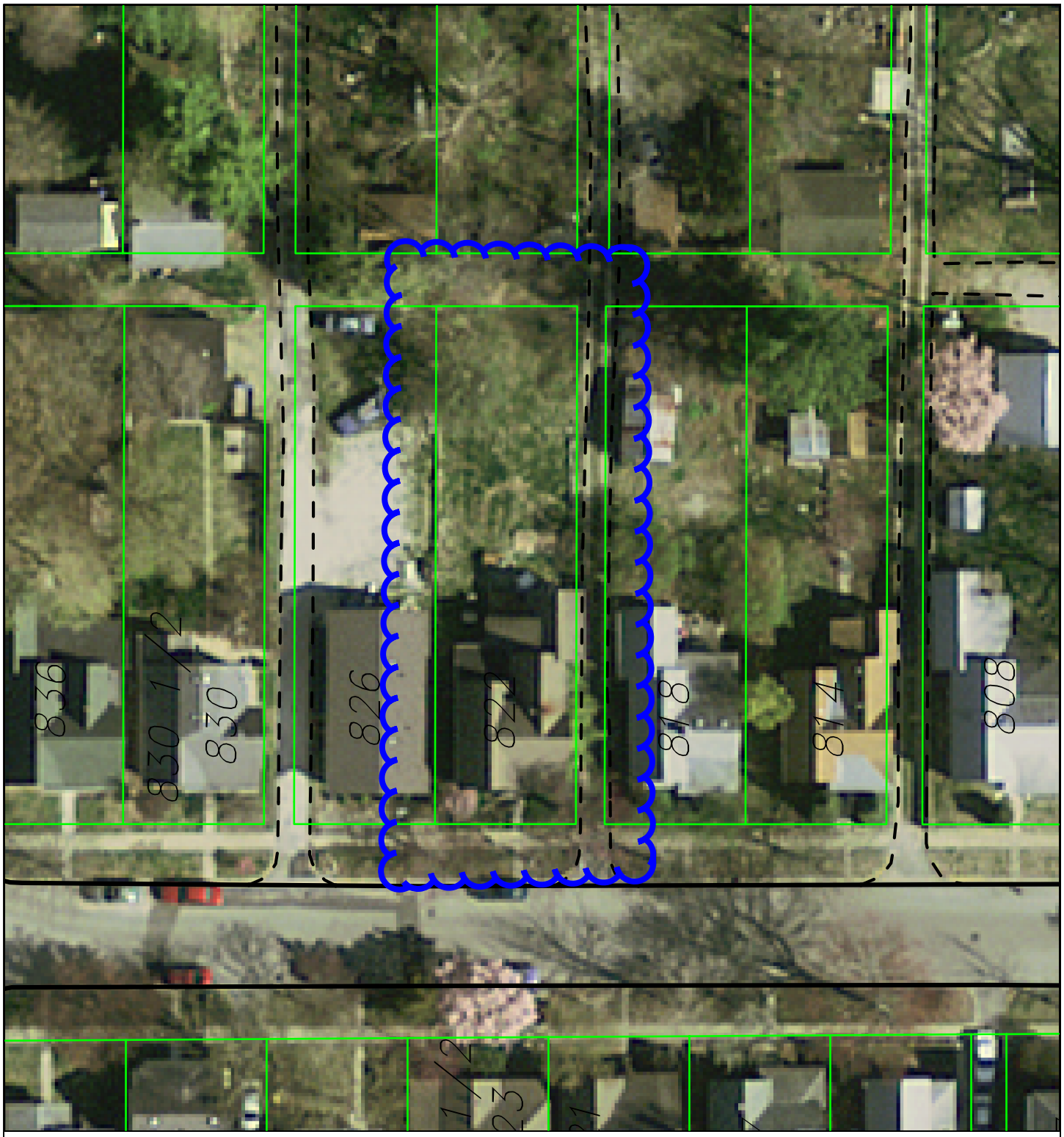
200 0 200 400 600

N

City of Bloomington
Planning

Scale: 1" = 200'

For reference only; map information NOT warranted.



UV/V-24-14
Aerial Photo

By: shayp
9 Jun 14

40 0 40 80 120

N

City of Bloomington
Planning

Scale: 1" = 40'

For reference only; map information NOT warranted.

To: **Planning Department and Board of Zoning Appeals**

Fr: **Steve Cordell**
P.O. Box 3481
Bloomington, IN 47402
812-327-6930
steve@cordellconstruction.com

Petitioner's Statement:

822 W. 6th Street

Request variance to allow duplex

The 800 block of West Sixth street is typical of the vibrant Near West Side neighborhood—a healthy mix of rental and owner-occupied homes with professional, working, student and retired individuals living in a variety of housing types.

I bring this petition before you today because I was misled by HAND about the zoning of 822 W. 6th Street prior to my purchase of the property.

I purchased it after investigating the rental status at the Hand office, being assured by the HAND staff of the duplex designation of this property, and checking the Residential Rental Occupancy Permit which was for two units, one bedroom each, maximum occupancy of 3 per unit. After my purchase, the existing Occupancy Permit was transferred by the HAND office to my name from the previous owner on March 10, 2014. It is valid through June 4, 2016.

I proceeded to make significant upgrades and repairs to the interior and exterior of the property, including energy efficiency upgrades, siding replacement on some areas, general condition repairs, and painting. I am known in this community as a reputable high-quality builder and renovator with an emphasis on green, high-performance building and the work on this house reflects my reputation and commitment to responsible construction and housing.

I received a letter from HAND dated April 14, 2014, stating that the Occupancy Permit had been incorrectly issued, and that they wanted to identify the property as a singly family structure.

This property and its upgrades are a major investment for me based upon my financial analysis of this property renting as a duplex. I have tenants in both sides of the unit. One occupant on each side. One lease runs through July 2016 and the other through July 2015 with the option to renew.

I acted in good faith and made every attempt to abide by the rules of HAND. I feel this attempt at reclassification is absolutely unfair and unjust. If this had been represented correctly by the city before I purchased the property, my business plan would have been different and I would not

have purchased the property. I see no reason why I should suffer financially due to the city's mistake.

I request that the property remain a duplex as classified by the City of Bloomington just as it was when I purchased it. I wouldn't be here asking for this variance if I had not been misled prior to this purchase. My request is not for a change of use, but a continuation of use.

This continuation of the duplex occupancy status, introduces nothing new into the neighborhood. It is not injurious in anyway, and it does not change the use or value of the area adjacent.

The Use Variance arises simply from continuing what is already there. What's peculiar about it is that I was told it had a legal Occupancy Permit prior to purchase and was issued one after purchase.

The strict application of the terms of the Unified Development Ordinance, newly applied to this property, constitute an unnecessary financial hardship on me. I have gone into debt to buy the house and make repairs and improvements. If the house were to convert to a single family residence, my financial hardships would worsen considerably. According to the previous owner, the structure was built to be a duplex and was one when they purchased it. It does not have a floor plan conducive to a single family residence and would require a substantial investment to reconfigure the living space.

Allowing the duplex classification to continue does not interfere with the goals and objectives of the Growth Policies Plan which states in its Policy Essence CUF-5: That the development regulations for near downtown and near campus areas encourage increased residential densities.

It also encourages the rehabilitation of older housing stock in established neighborhoods for affordable housing, which is exactly what I am trying to do.

I petition for a reasonable consideration for variance.

Respectively yours,

Steve Cordell

City of Bloomington

UV/V-24-14
Site Plan

By: shayp
9 Jun 14

30 0 30 60 90

N

Scale: 1" = 30'

For reference only; map information NOT warranted.

June 27, 2014

TO: City of Bloomington Plan Commission and Pat Shay, Development Review Manager
FR: Near West Side Neighborhood Association Board
RE: 822 W. 6th Street

The Board of the Near West Side Neighborhood Association met to discuss the request for a variance to convert 822 W. 6th St. to a duplex. The current owner, Steve Cordell, asserts that he will suffer financial loss if he cannot rent the house as a duplex since he purchased the house in reliance on a mistaken belief that the house was properly zoned for a duplex. However, we do not believe the reduction of revenue for Mr. Cordell (which we believe will be relatively minor) is sufficient grounds for permanently negating the single-family residence status of this property.

For several years the prior owner had maintained a separate rental apartment in her home prior to complaints from neighbors, which resulted in the city Housing and Neighborhood Development Department mistakenly issuing her a rental permit for the apartment. We feel that although that permit was improperly issued, the fact that one of the units in the house was owner-occupied makes it a very different situation to having both units being rental apartments.

We would not object to having the use under the previous owner continue with one unit being owner-occupied and the other rented. If such a variance were granted, Mr. Cordell could live in one of the units himself, or he could sell the house to someone who would benefit from the added income from the rental unit or from the availability of someone to assist in case of trouble. However, we would not want to have such a use be abused by someone who might expand the small rental apartment to facilitate renting it to large numbers of occupants.

Our unanimous position is that we oppose a variance to allow this property to be used as a duplex unless the following conditions are made a part of the variance:

1) One of the units in the duplex must be owner-occupied, and

2) No additions to the current square footage of the structure or number of rooms should be permitted.

Please let us know if you have questions regarding the above.

Sincerely,

Carol Gulyas
President, Near West Side Neighborhood Association
stewartgulyas@gmail.com
(708) 305-3891 (mobile)

UVV/24-14
Letter from Near Westside Neighborhood

BLOOMINGTON BOARD OF ZONING APPEALS **CASE #: V-25-14**
STAFF REPORT **DATE: July 24, 2014**
LOCATION: 1302 S. Henderson Street

PETITIONER: **Angela Lexmond**
1302 S. Henderson Street, Bloomington

REQUEST: The petitioners are requesting a variance from front setback requirements to relocate an existing shed.

Required front setback	35 feet from street right-of-way
Proposed front setback	≈8 feet from street right-of-way (≈27 feet from centerline)

REPORT SUMMARY: The petitioner owns a single family house at the southwest corner of S. Henderson Street and E. Driscoll Street which is zoned Residential Core (RC). The house faces Henderson Street St. and does not currently have a driveway or garage. The property is surrounded by single family homes.

The petitioner desires to build a one-car detached garage. Based on UDO requirements, the garage must be accessed from the north-south alley to the west that was built in conjunction with the S. Dunn Street development. The proposed garage will be located in the southwest corner of the lot and will meet setback requirements. The petitioner already has a storage shed located in this part of the lot and desires to relocate it to another part of the lot. The petitioner proposes to locate the shed between the garage and Driscoll Street. This location would place the shed in violation of the required 35 foot front setback requirement for detached structures. It would also place the shed closer to the street than the existing house. The petitioner is requesting a variance from front setback requirements in order to place the shed in this location.

The petitioner believes this is the most appropriate location for the shed because it avoids her existing gas lateral and aligns the shed with the house to the west. The petitioner has submitted several e-mails from closely impacted neighbors and the Bryan Park Neighborhood Association stating they have no objection to the request. Staff has found that there is another location that would meet UDO requirements. This area is along the south property line, east of the proposed garage and west of the house. The petitioner does not like this option because it would block views toward the southwest.

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. The proposed location

is no closer to the street than the house to the west and some garages in the S. Dunn Street development. The S. Dunn Street development was approved with different garage setbacks however.

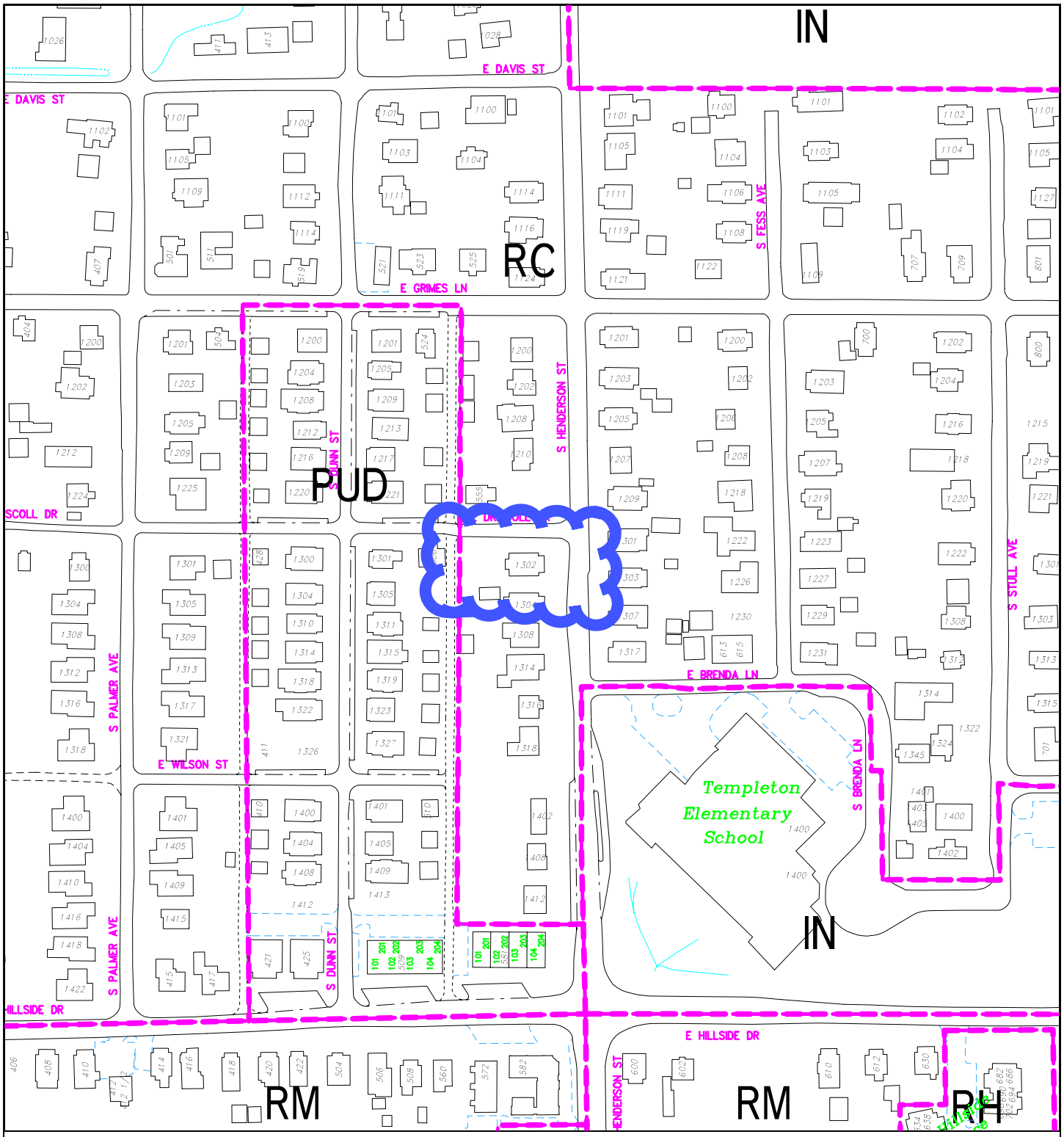
2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.*

   Staff's Finding: Staff finds no adverse impact to adjacent properties. The shed will be no closer to the street than some other structures along the block. The property will continue to be utilized for a single family use.

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 no peculiar condition on the property. This is a standard 66'x132' lot that has been developed with a single family house with a typical setback from the street. Staff finds no practical difficulty. There is a location on the lot, between the proposed garage and the house where the shed can be located and still meet UDO requirements.

RECOMMENDATION: Based on the written findings, staff recommends denial of variance V-25-14.



V-25-14
Location map

By: roachja
18 Jul 14

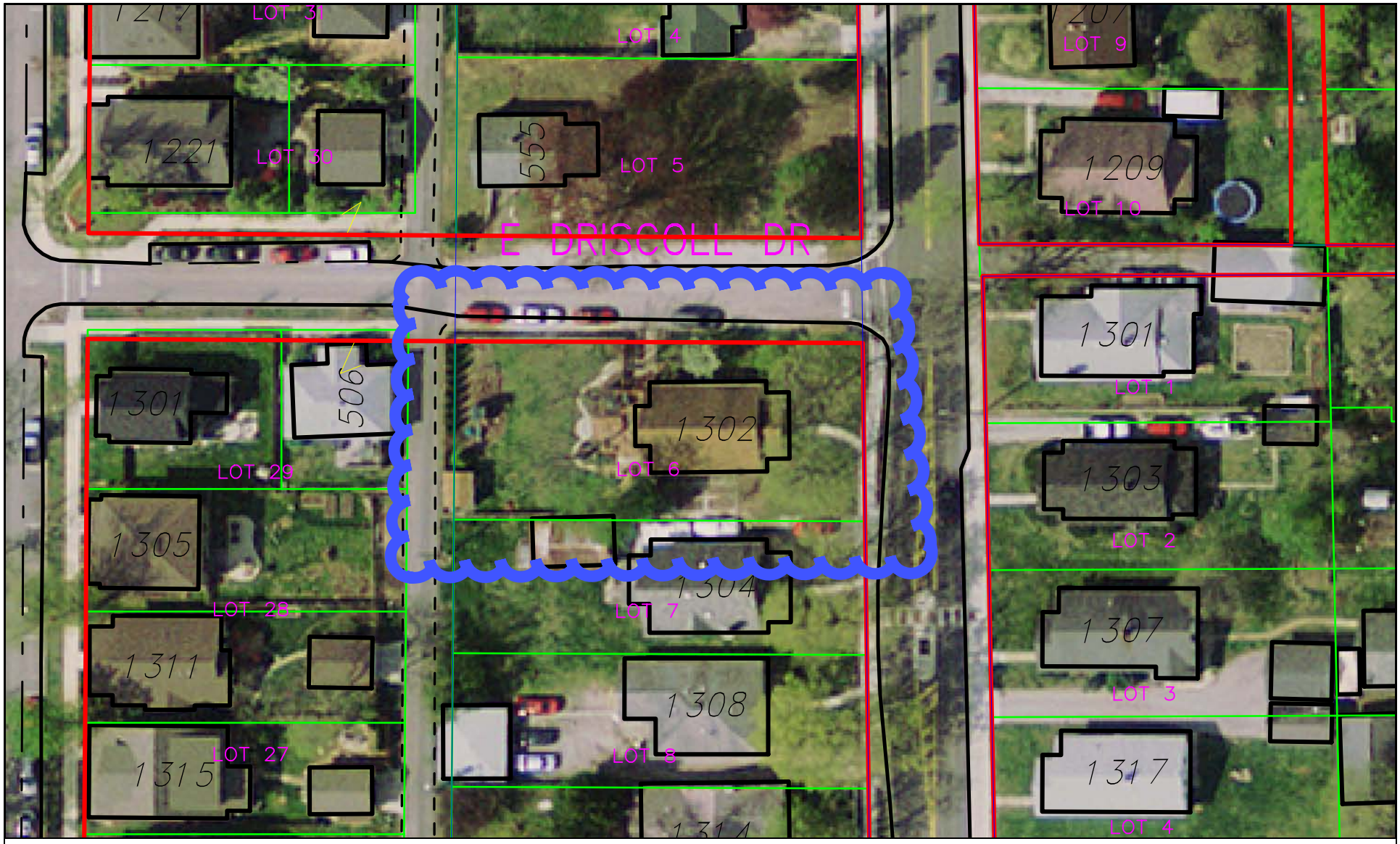
200 0 200 400 600

N

City of Bloomington
Planning

Scale: 1" = 200'

For reference only; map information NOT warranted.



V-25-14
2011 Aerial Photo

By: roachja
18 Jul 14

50 0 50 100 150 200

For reference only; map information NOT warranted.

N

City of Bloomington
Planning

Scale: 1" = 50'

Petitioner's Statement

Homeowner: Angela J. Lexmond, 1302 S. Henderson St., Bloomington, IN 47401 lexmonda@gmail.com (812) 325-9224

Variance Request for Shed Placement

To The City Planning Department and the Zoning Board of Appeals:

In order to follow city code for the placement of a new garage, I will need to move my shed. (Photo 1 Upper Left). City code for shed placement adds an additional burden, because my property is a corner lot. According to code 20.05.007(b)(2)(I): Storage sheds shall be located no closer than thirty-five (35) feet from the front property line and five (5) feet to side and rear property lines. Because I live on a corner lot, I am compelled to treat the side of my property facing the side street (in this case Driscoll) as another property front. This would require me to place my shed in a location where I do not wish to have it. I would be compelled to place it between the new garage and my patio, thereby creating a cluster of buildings. My neighbors' antique and attractive garage would be 5-10 feet behind my shed and blocked from my view (Photo 2 Upper Right). My patio would be crowded. My entire yard would be quite unbalanced, with all the buildings clustered in one area.

My request is to place my shed at the back of my property, but lining the setback up either with the setback of my own house structure or that of my neighbor's house, which my shed would be much closer to physically (Carrie Schimmelpfennig's little blue house at 506 Driscoll St. Photo 4, Lower Right). My goal would be to maintain the integrity of the street side and create a similar setback situation to the properties in the S. Dunn development. For example, the property catty corner to mine (Tom Sexton's at 1221 S. Dunn St. , Photo 3 Lower Left), his garage setback lines up exactly to that of his house. (It is also much closer to the street than 35 feet.) This will create an even rhythm along the street side from the perspective of the pedestrian, and it would avoid an unnecessary clustering of buildings on the other side of my property. I would rely on the guidance of the city planners as to the exact nature of the setback to avoid creating a snaggle-toothed appearance with the nearby blue house. (My own instinct is to line the shed up with Carrie's house instead of mine, because her house is physically so much closer.)

I believe my plan for the placement of my shed would actually enhance the pedestrian experience by falling in line with the physical patterns already established. My shed is attractive and would give me an added barrier to the busy alley-way.

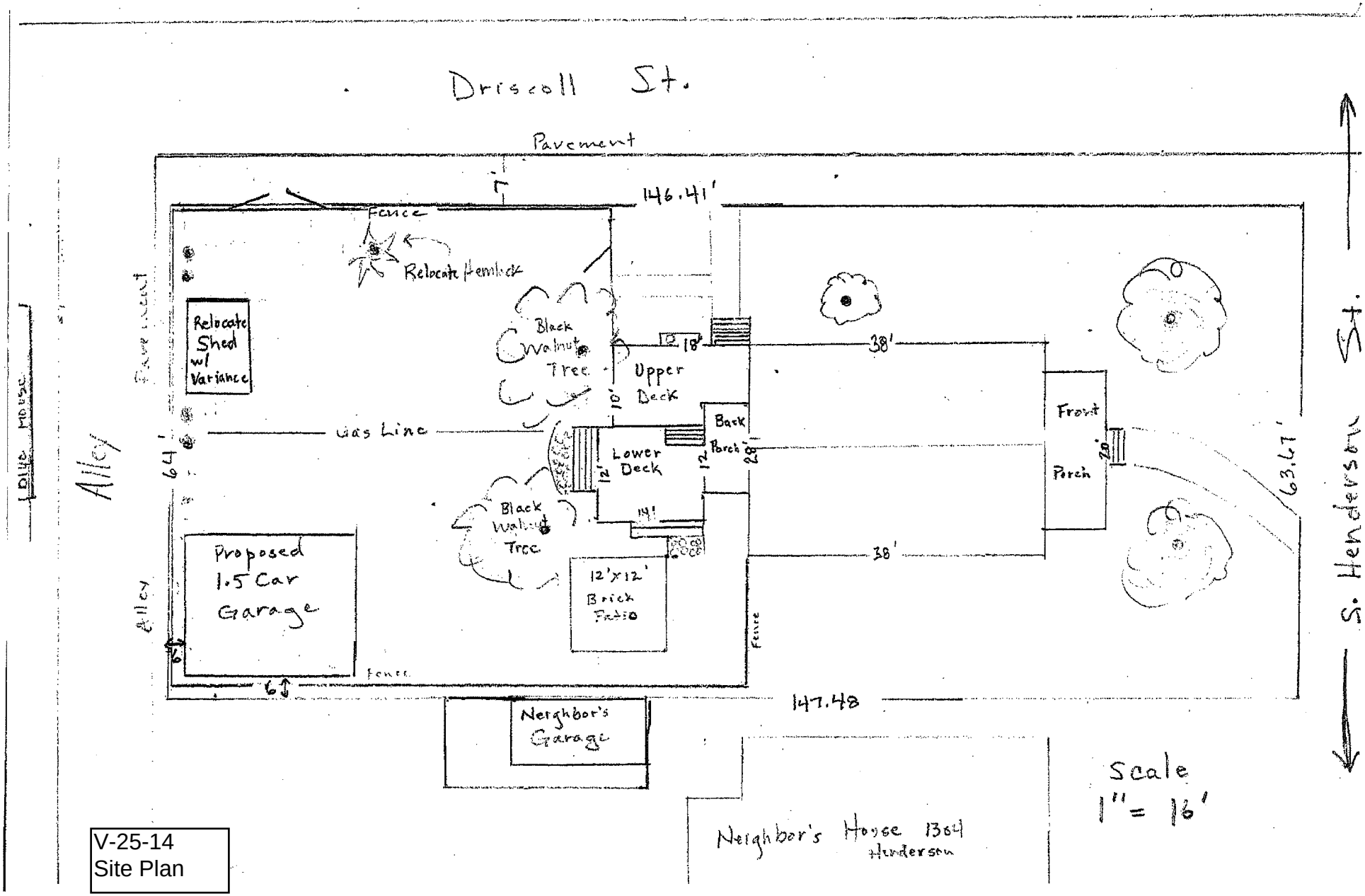
I respectfully request a variance for the placement of my shed at 1302 S. Henderson. The photos below and the attachments show relevant aspects of my request. Please feel free to contact me for clarification.

Sincerely, Angela Lexmond

V-25-14
Petitioner's
Statement

Site plan for new garage
Shed relocation w/ variance request.

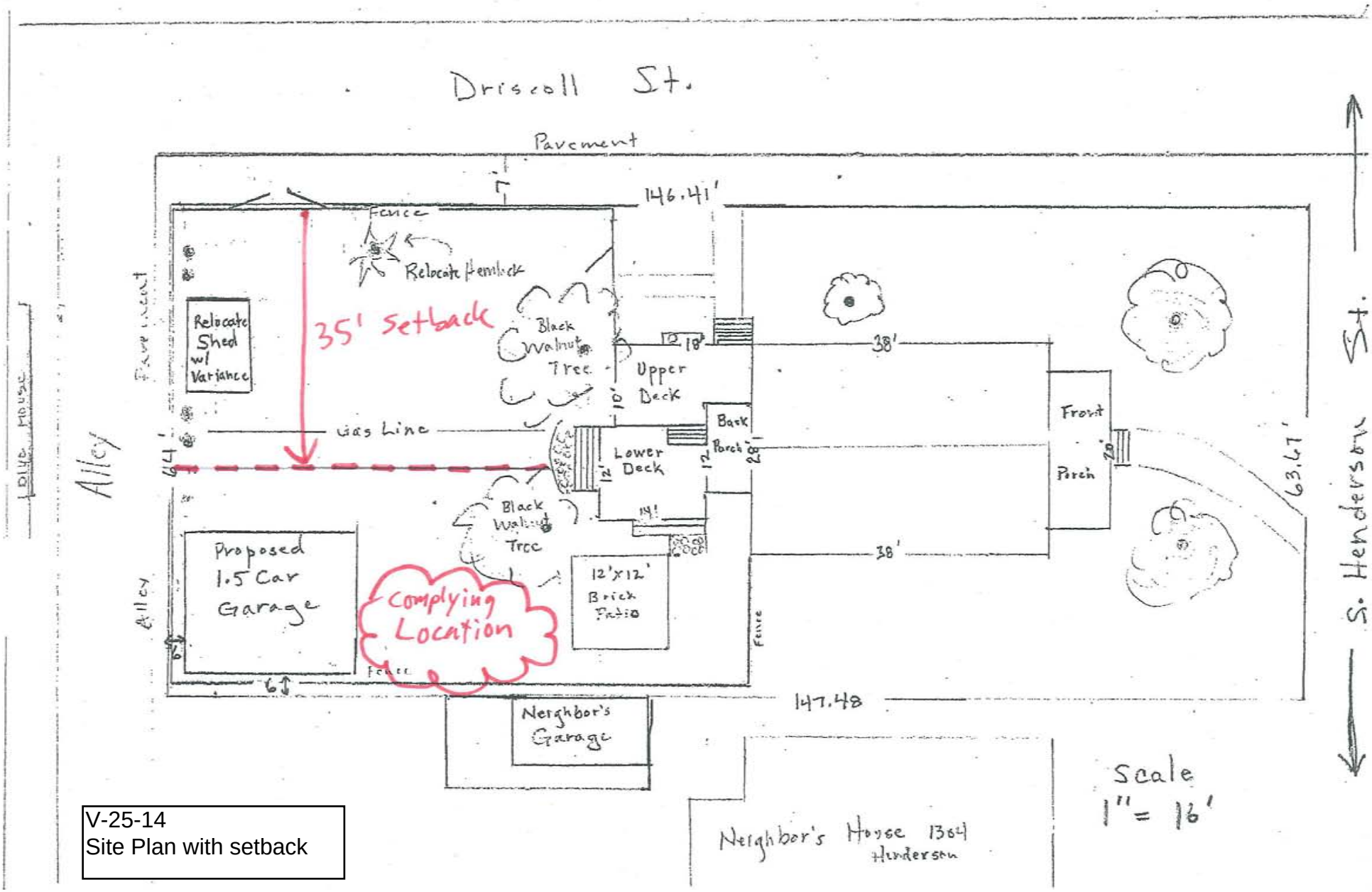
Lot 6 Rolling Park
1302 S. Henderson St. B'ton 47401
Angela J. Lexmond



V-25-14
Site Plan

Site plan for new garage
Shed relocation w/ variance request.

Lot 6 Rolling Park
1302 S. Henderson St. B'ton 47401
Angela J. Lexmond



V-25-14
Site Plan with setback

V-25-14
Site Photos

1302 S. Henderson
Lexmond

Printed: 05/09

V-25-14
Petitioner's exhibit

BRYAN PARK
Neighborhood Association

To: Bloomington Board of Zoning Appeals
From: Bryan Park Neighborhood Association
Re: Lexmond Variance for Shed
Date: May 29, 2014

On Tuesday, May 27, 2014 Angela Lexmond presented information at the monthly Bryan Park Neighborhood Association meeting regarding her request to move her shed to the NW corner of her lot at 1302 S. Henderson. Her presentation was thorough and everyone in attendance agreed that her request was reasonable. Moving her shed to the corner would be similar to the location of structures in the adjacent South Dunn Street properties. Furthermore, neighbors agreed that the new location of her shed aligning either on the north side of the lot with her home or the house immediately to the West on Driscoll would be preferable to the location allowed by current zoning. The location would present a nicer streetscape for pedestrians and cars by aligning with the South Dunn Street PUD.

A motion was made at the meeting to support Ms. Lexmond's request and the motion passed unanimously.

Respectfully,

Bryan Park Neighborhood Association
Executive Committee

V-25-14
Letter from BPNA

James Roach <roachja@bloomington.in.gov>

FW: Angela's Application for Shed Variance

Angela Lexmond <lexmonda@gmail.com> Fri, Jun 20, 2014 at 2:44 PM
To: James Roach <roachja@bloomington.in.gov>

From: Carrie Schimmelpfennig [mailto:carrieschimm@gmail.com]
Sent: Wednesday, June 18, 2014 3:08 PM
To: Angela Lexmond
Subject: Re: Angela's Application for Shed Variance

Angela,

I fully support your proposed locations of the garage and shed.

Carrie Schimmelpfennig

On Jun 17, 2014, at 9:01 PM, Angela Lexmond <lexmonda@gmail.com> wrote:

Hi Carrie,

I am preparing to make my case for a variance to the shed rules next month. I am resending this message from late May because I wanted to ask you to please send me a response by email. It will help me to have a response from you in writing to share with the Board of Zoning Appeals because you are technically the most impacted by my proposal. I am required to send a notice to 23 neighbors, so any of those can comment at the hearing, but I personally think your opinion is most relevant. I need to have all of my documentation in order well before the zoning meeting in July. Since I am leaving for MI next week, I am wanting to submit final documents soon. I will be sending out the notice of the meeting this week. It's all very exciting, I realize. (Please read the dripping sarcasm, here.) Sorry for the hassle, but a few sentences indicating how you feel about my proposal is what I need. You probably only need to read the first attachment.

Thanks,

Angela

V-25-14
E-Mail of support

James Roach <roachja@bloomington.in.gov>

FW: Angela's Application for Shed Variance

Angela Lexmond <lexmonda@gmail.com> Fri, Jun 20, 2014 at 2:44 PM
To: James Roach <roachja@bloomington.in.gov>

From: Daniel Rigsby [mailto:daniel_rigsby@yahoo.com]
Sent: Monday, May 26, 2014 8:10 AM
To: Angela Lexmond; carrieschimm@gmail.com; Pam Weaver; Sexton, Thomas Lee
Cc: jontlawrence@gmail.com
Subject: Re: Angela's Application for Shed Variance

Angela,

We fully support your proposed locations of the garage and shed.

Thanks,

Dan and Jennifer Rigsby

On Sunday, May 25, 2014 8:01 PM, Angela Lexmond <lexmonda@gmail.com> wrote:

Hello Dear Neighbors!

I have intentions to build a garage on my property in the not too distant future. I removed the boys' play structure (to Teddy's great distress) in the hopes of placing a fabulous new garage there. Unfortunately, this would violate 3 of the city's codes related to garages. I have conceded that the best placement for my new garage will be the spot currently occupied by my shed. I will enter the garage by the alley as the city requires. However, I would like to move my shed to the location where the play structure once stood. This too violates city code… but just one, so I am going to apply for a variance. The city has lots of costs and red tape associated with variance applications, the first of which involves gaining the support of my nearest neighbors (you all). Attached you will find related documents to this variance request. Please take a peek if you have concerns and let me know your thoughts.

I will forward or print your responses to this email message for the City Planners and Board of Zoning Appeals as proof of my contact with you about this important local issue. On Tuesday evening I will present my variance

V-25-14
E-Mail of support

70

James Roach <roachja@bloomington.in.gov>

FW: Angela's Application for Shed Variance

Angela Lexmond <lexmonda@gmail.com> Fri, Jun 20, 2014 at 2:43 PM
To: James Roach <roachja@bloomington.in.gov>

From: Pam Weaver [mailto:pweaver@weavers.com]
Sent: Monday, June 02, 2014 3:16 AM
To: Angela Lexmond
Subject: re: Angela's Application for Shed Variance

Hi Angela,

This fell below the fold in my inBox, I'm afraid, so I never responded; however, I will take you on your word that you're not endeavoring to ruin the neighborhood with your new garage. If you need anything from me specifically will you please let me know? In case it's useful for you to know this, we will be back in Bloomington from July 8-27.

Hope things are going well for you!

Best,
Pam

From: "Angela Lexmond" <lexmonda@gmail.com>
Sent: Monday, May 26, 2014 9:03 AM
To: carrieschimm@gmail.com, "Pam Weaver" <pweaver@weavers.com>, "Sexton, Thomas Lee" <thsexton@indiana.edu>, daniel_rigsby@yahoo.com
Subject: Angela's Application for Shed Variance

Hello Dear Neighbors!

I have intentions to build a garage on my property in the not too distant future. I removed the boys' play structure (to Teddy's great distress) in the hopes of placing a fabulous new garage there. Unfortunately, this would violate 3 of the city's codes related to garages. I have conceded that the best placement for my new garage will be the spot currently occupied by my shed. I will enter the garage by the alley as the city requires. However, I would like to move my shed to the location where the play structure once stood. This too violates city code… but just one, so I am going to apply for a variance. The city has lots of costs and red tape associated with variance applications, the first of which involves gaining the support of my nearest neighbors (you all). Attached you will find related documents to this variance request. Please take a peek if you have concerns and let me know your thoughts.

I will forward or print your responses to this email message for the City Planners and Board of Zoning Appeals as proof of my contact with you about this important local issue. On Tuesday evening I will present my variance

V-25-14
E-Mail of support

Bryan Park Neighborhood Association meeting (I am copying Jon Lawrence in relation to

71

James Roach <roachja@bloomington.in.gov>

FW: Angela's Application for Shed Variance

Angela Lexmond <lexmonda@gmail.com> Fri, Jun 20, 2014 at 2:41 PM
To: James Roach <roachja@bloomington.in.gov>

-----Original Message-----
From: Sexton, Thomas Lee [mailto:thsexton@indiana.edu]
Sent: Wednesday, May 28, 2014 10:38 AM
To: Angela Lexmond
Subject: Re: Angela's Application for Shed Variance

Hi Anglea
I am in full support of your project

Thomas Sexton PhD, ABPP
Indiana University

> On May 25, 2014, at 8:01 PM, "Angela Lexmond" <lexmonda@gmail.com> wrote:
>
> Hello Dear Neighbors!
>
> I have intentions to build a garage on my property in the not too distant future. I removed the boys' play structure (to Teddy's great distress) in the hopes of placing a fabulous new garage there. Unfortunately, this would violate 3 of the city's codes related to garages. I have conceded that the best placement for my new garage will be the spot currently occupied by my shed. I will enter the garage by the alley as the city requires. However, I would like to move my shed to the location where the play structure once stood. This too violates city code. but just one, so I am going to apply for a variance. The city has lots of costs and red tape associated with variance applications, the first of which involves gaining the support of my nearest neighbors (you all). Attached you will find related documents to this variance request. Please take a peek if you have concerns and let me know your thoughts.
>
> I will forward or print your responses to this email message for the City Planners and Board of Zoning Appeals as proof of my contact with you about this important local issue. On Tuesday evening I will present my variance request at the monthly Bryan Park Neighborhood Association meeting (I am copying Jon Lawrence in relation to that). Then I will send my variance request and a $100 fee to the city. Thereafter I will send by US mail a letter explaining the variance request to a broader swath of the neighborhood such that they will have an opportunity to comment when I present the request to the Board of Zoning Appeals. All in all, a really fun process.
>
> Thanks for taking a moment to respond! Let me know if you have questions. The attached "Petitioner's Statement" is the place to begin. Hope all is well, wherever this message finds you!
>

V-25-14
E-Mail of support

BLOOMINGTON BOARD OF ZONING APPEALS **CASE #: V-28-14**
STAFF REPORT **DATE: July 24, 2014**
Location: 2200 W. 3rd Street

PETITIONER: **Heri Thirteen Inc.**
2200 W. 3rd Street, Bloomington

CONSULTANT: **Tom Orman**
1518 Outback Road, Bloomington

REQUEST: The petitioner is requesting variances from maximum impervious surface coverage, entrance and drive, landscaping, karst, and building and parking setback standards.

Variance Requested	Existing	Required	Proposed
Front parking setback	0 feet	20 feet behind front of building	0 feet
Rear parking setback (northwest)	3 feet	7 feet	3 feet
Rear building setback	0 feet	7 feet	3 feet
Drive Standards	0 degrees (parrellel to street)	More than 45 degrees	0 degrees
Drive separation	70 feet	100 feet	70 feet
Driveway width	40 feet	35 feet	40 feet
Impervious surface coverage	72%	60%	67%
Karst	0 foot buffer	25 foot buffer + 10 foot setback for building	0 foot buffer
Landscaping	0 street trees	7 street trees	0 street trees

SITE DESCRIPTION: This petition site is a 0.347 acre, triangular shaped parcel bounded by W. 3rd Street to the south, railroad track to the northwest and a small property owned by the city to the east. The City owned property is vacant but contains the upper reaches of a karst feature that drains water from the north side of the railroad tracks. The property has been developed with a 420 square foot gas station and associated tanks, pumps and canopy. Surrounding land uses include an assisted living facility under construction to the northwest, a cemetery to the northeast, and vacant land to the east and south.

The petitioner proposes to demolish the existing 420 square foot gas station service building and build an approximately 2,000 square foot convenience store. The new store will be roughly in the same location as the existing building and be expanded to the east partially on existing grass and partially on existing asphalt. Since this petition involve new construction, full compliance with the UDO, or variance approval, is required. Some of the required improvements include parking lot striping, ADA parking, bike parking, lighting compliance, and landscaping.

The petitioner is requesting several design standards variances in order to accommodate the existing conditions and difficulties associated with this small and unusually shaped property. These include variances from maximum impervious surface coverage, entrance and drive, landscaping, karst, and building and parking setback standards.

SITE PLAN ISSUES:

Entrances and Drives: Variances are required to allow for the existing driveways to stay as they are today. The current drives are 40 feet wide as opposed to the maximum of 35 feet permitted by the UDO. The eastern drive is approximately 70 feet from the driveway to the east instead of the 100 feet required by the UDO. Finally, the site includes a drive parallel to 3rd Street in front of the canopy to allow for cars to travel around the pump islands. The UDO doesn't permit any driveways more than 45 degrees from perpendicular to a street. The existing drive cuts were recently reconstructed to their current format when the City rebuilt W. 3rd Street. This project was completed approximately 3 years ago.

Landscaping: The petitioner has filled in available green areas with landscaping in an attempt to meet UDO standards. The only standard that they have not met is the street tree requirements. Seven street trees are required along the frontage but are not feasible due to limited planting area and the presence of underground utility lines.

Building Setback: The existing building currently exists over the property line to the northwest, which is also the railroad right-of-way. The petitioner proposes to rebuild the building in approximately the same location and propose a 3 foot setback instead of the required 7 foot setback. Three feet will allow for construction and long term maintenance of the building on the lot. Staff finds this setback appropriate because it is adjacent to a railroad right-of-way and not a private developable site and removes an existing encroachment.

Parking Setback: The petitioner proposes to maintain the existing parking setbacks. This includes a 3-foot parking setback to the northwest against the railroad right-of-way and a 0-foot parking setback along the street. Because the small lot size and unusual lot shape allows for few layout options while still accommodating the fuel and other delivery trucks on the property.

Karst Standards: The closed contours to the east were once part of a larger karst feature that stretched north of the railroad track to the blind valley just north of the former Fur Kids kennels off of S. Cory Lane. This karst feature contains W. 3rd Street, S. Cory Lane, several houses, businessed and the railroad tracks. In 2005, the Board of Zoning Appeal approved a variance to allow for the construction of the Advance Auto Parts store (V-55-05). This building is located within the technical bounds of this karst system, but is outside of the effective karst flooding area. The BZA acknowledged the history of this feature and the small flooding area when this variance was approved. Based on that variance, staff recommends approval of this variance within the same system at an even higher elevation.

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 (Karst): This approval will not be injurious to the public health, safety, morals, or welfare of the community. Karst protection has long been a priority in maintaining good public health and welfare through minimizing the impacts to the City's water quality and property loss due to dangerous placement of structures in close proximity to sinkholes. Staff finds development within the last closed contour appropriate only due to the unique factors associated with this case and the 2005 case. In addition, the reconstruction of W. 3rd Street and the development downstream to the south provided a staged biofiltration pond and biofiltration islands for redundant water quality mitigation measures, thus furthering public health policy.

   STAFF FINDING (other variances): The granting of the variance from the standards will not be injurious to the public health, safety, or morals. The proposed site plan will provide site improvements to the property with increased green space and new landscaping.

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 (Karst): Staff finds no adverse impacts associated with this petition. The blind valley in question has had previous development within the last closed contour. There have been several homes, businesses and streets constructed in this area. Staff finds that this reconstruction proposal will create any significant new impacts. Furthermore, the 2005 petition found that the Advance Auto Parts development could occur to the south and not even impact the drainage of the karst feature during a 100-year flooding event.

   STAFF FINDING (other variances): Staff finds no negative effects from this proposal on the use and value of the areas adjacent to the property. Staff does find a positive impact on the use and value of the adjacent areas due to the redevelopment of this property. This package of variances will improve the look and functionality of this use and should only increase the value of the adjacent area.

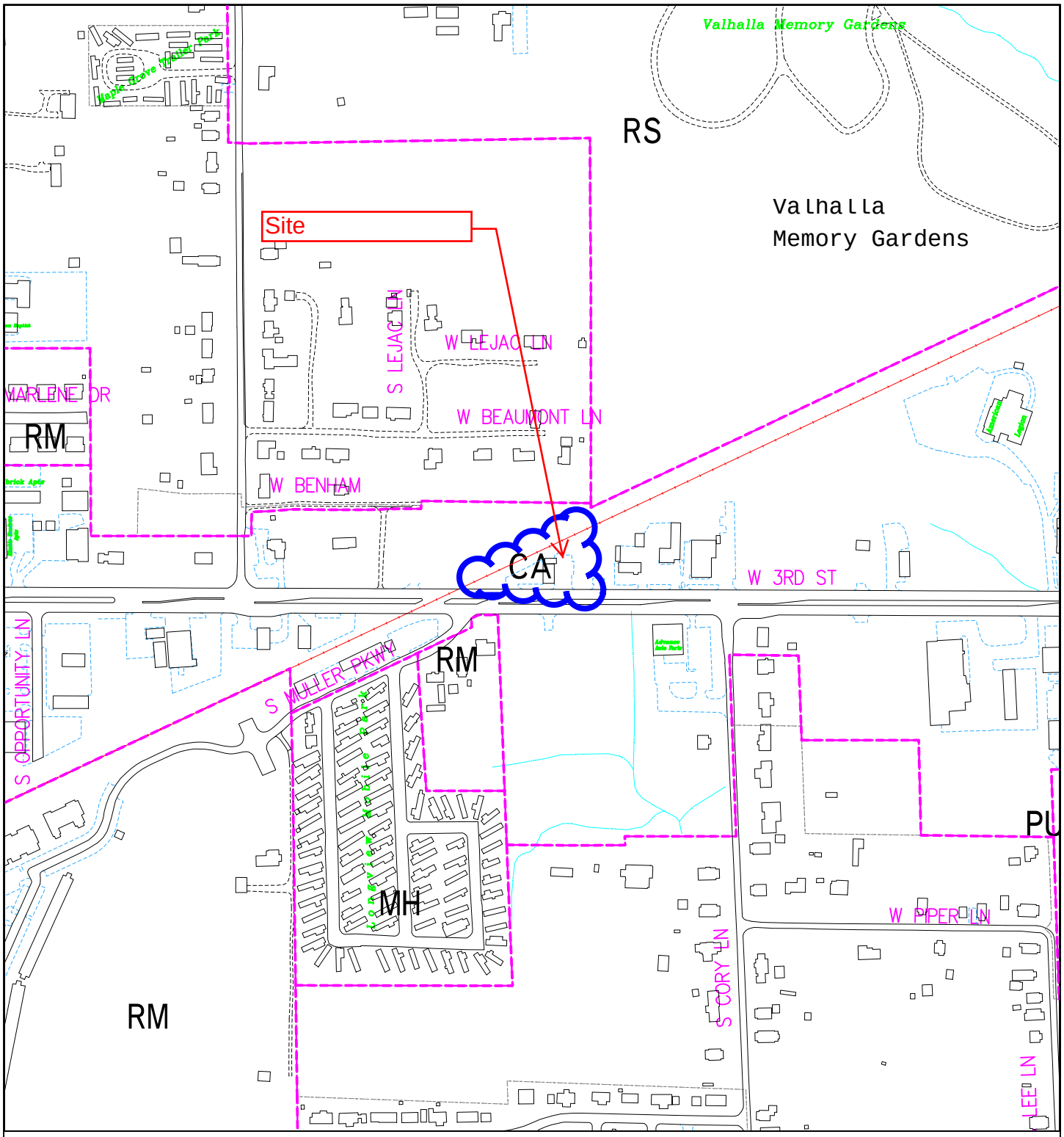
3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

STAFF FINDING (Karst): The strict application of the terms of the UDO will result in practical difficulties that are peculiar to the site because it would not allow for redevelopment of this site, even over existing pavements. This karst feature has been piped, filled, developed, and filtered in such a way that the outer limits of the larger feature do not function the same as an undisturbed karst feature. The majority of the new construction is on top of previously developed land and no new construction is any closer to the closed contour than existing pavement.

STAFF FINDING (other variances): Staff finds peculiar condition in the small lot size (approximately 1/3 of acre), unusual triangular shaped lot, already developed nature of the property, and the recently completely public street improvements. Staff finds practical difficulty in that without approval of these variances, reinvestment and additions to this permitted use would be nearly impossible. The variances would allow for the continuation of long standing development patterns, recent publicly constructed improvements, or new improvements that decrease the degree of non-conformity in terms of certain development standards. This gas station does not currently contain a convenience store. This petition would allow for the addition of a convenience store use in keeping with UDO definition of the use (convenience store with gas) while improving the site.

RECOMMENDATION: Staff recommends approval of the variance with the following conditions:

1. These variances only apply to existing use. Future redevelopment of the site may be required to meet UDO standards in place at that time.
2. Building must meet arterial architectural standards.
3. The three parking spaces along the northwest property line should be surfaced with pervious pavers to further reduce the impervious surface coverage percentage.
4. All existing and new lights must meet UDO lighting standards. This includes lights under the canopy and freestanding lights. Fixture cut sheets and photometric plan must be approved prior to issuance of a building permit.



V-28-14
Location/Zoning
map

By: roachja
18 Jul 14

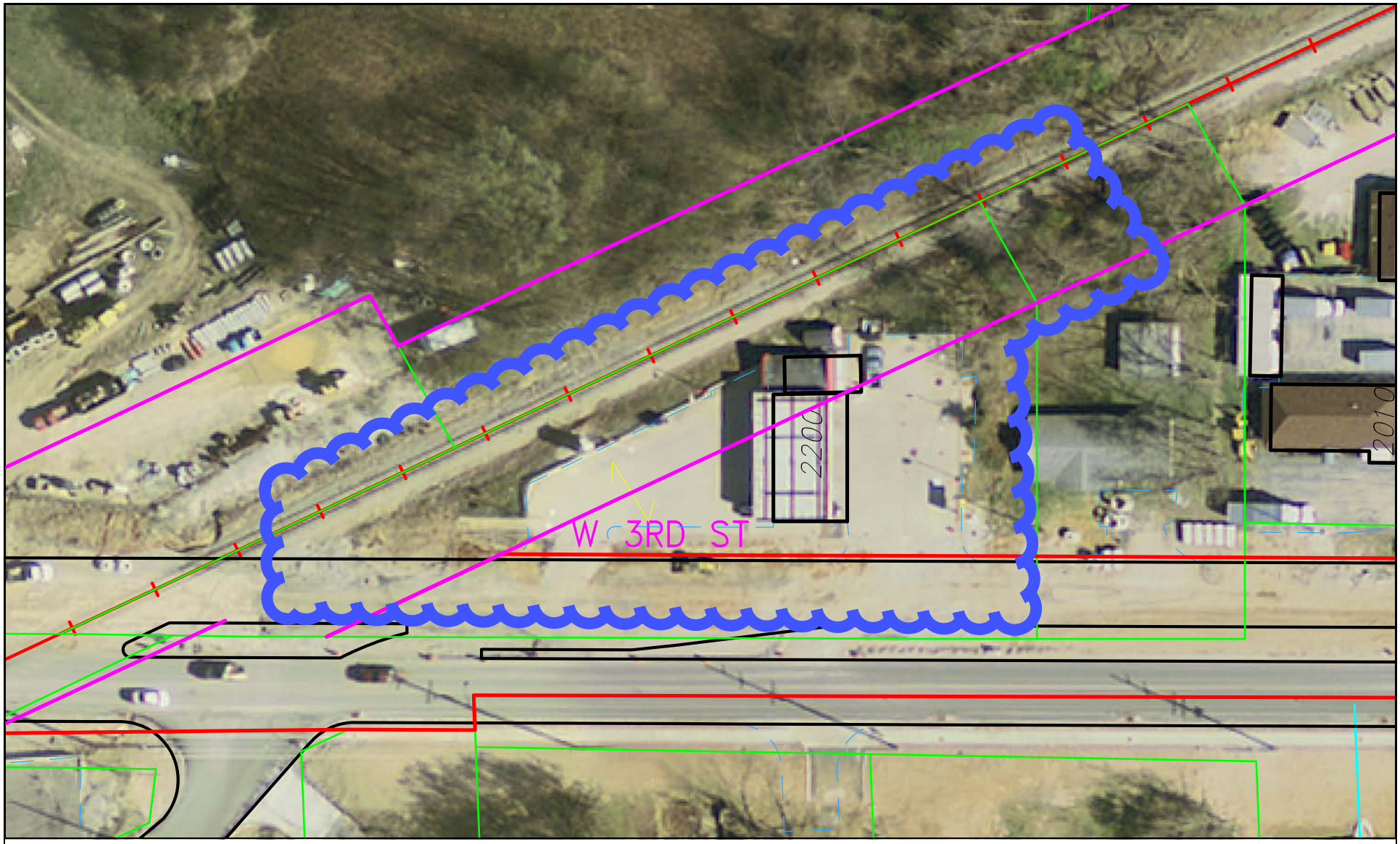
400 0 400 800 1200

N

City of Bloomington
Planning

Scale: 1" = 400'

For reference only; map information NOT warranted.



V-28-14
2011 aerial photo

By: roachja
18 Jul 14

60 0 60 120 180 240

For reference only; map information NOT warranted.

N

City of Bloomington
Planning

Scale: 1" = 60'

Bledsoe Riggert Guerrettaz
LAND SURVEYING · CIVIL ENGINEERING

June 25, 2014

Mr. James Roach, Senior Zoning Planner
City of Bloomington, Planning Department
401 N. Morton St., Suite 160
PO Box 100
Bloomington, IN 47402-0100

Re: Board of Zoning Appeals, City of Bloomington
Swifty on 3rd. Street; AKA 2200 West Third Street
Bloomington, IN 47403
Petitioner's Statement

BRG Project No. 8176

Dear Jim,

On behalf of Mr. Rajesh Patel, the petitioner for the Swifty Project located at 2200 West Third Street, here in Bloomington. On the north side of 3rd. Street and just east and south of the Indiana Railroad Company Right of Way forming a triangular shaped parcel consisting of 0.695 acres of which 0.347 acres is outside of the 3rd Street Right of Way.

As a part of the development process we are requesting to be placed on the next Board of Zoning Appeals Agenda for the following Variances:

1. Landscape Standards
2. Parking Setback
3. Building Setback
4. Impervious Area
5. Sinkhole Standards
6. Entrance & Drive Standards

Variance Request 1: Landscape Standards
Per our discussions to date, it is clear that the Landscape Design Standards found in the Unified Development Ordinance for the City of Bloomington could not be met with the existing site pavement as well as the newly installed entrances, drives, and walk.

Variance Request 2: Parking Setback
Per our discussions to date, the parking setback is necessary for the drive located from the west drive to the east drive to convey traffic in a safe maneuvering manner to the new convenience store/gas station.

Variance Request 3: Building Setback
As a part of the building layout there is a existing canopy and fueling center located on the south side of the existing 431 square foot gas station building which will be razed and replaced with the proposed 2000 square foot convenience store /gas station structure. We our aligning the new building face with the existing canopy and fueling center.

Variance Request 4: Impervious Area
Per our discussions to date, it is clear that the Percentage of Impervious requirements found in the Unified Development Ordinance for the City of Bloomington could not be met do to the configuration of the property and changes to the UDO from when the gas station was first placed on the site. With the prescribed improvements we will reduce the impervious area in an effort to meet the UDO.

V-28-14
Petitioner's Statement

Variance Request 5: Sinkhole Standards
Per our discussions to date, The a potential Karst feature on the property to the east of this site will require this parcel to request a variance.

Variance Request 6: Entrance & Drive Standards
Per our discussions to date, it is clear that the Entrance & Drive Standards found in the Unified Development Ordinance for the City of Bloomington are not met in width of entrance or spacing between drives, but due to the fact 3rd Street has just recently been reworked we our requesting the variance.

Included in this packet:

1. City of Bloomington Application
2. Petitioners Letter.
3. Fee for Hearing Officer $500.
4. Drawings, (2-24" x 36" and 1-Letter), two sheets.

Jim, upon receiving this packet and request, should you have any questions please do not hesitate to call or drop me an email. We will work to resolve questions and comments you have.

Sincerely,

BRAD

G. Bradley Myrick, BSCE
Bledsoe Riggert Guerrettaz, Inc.

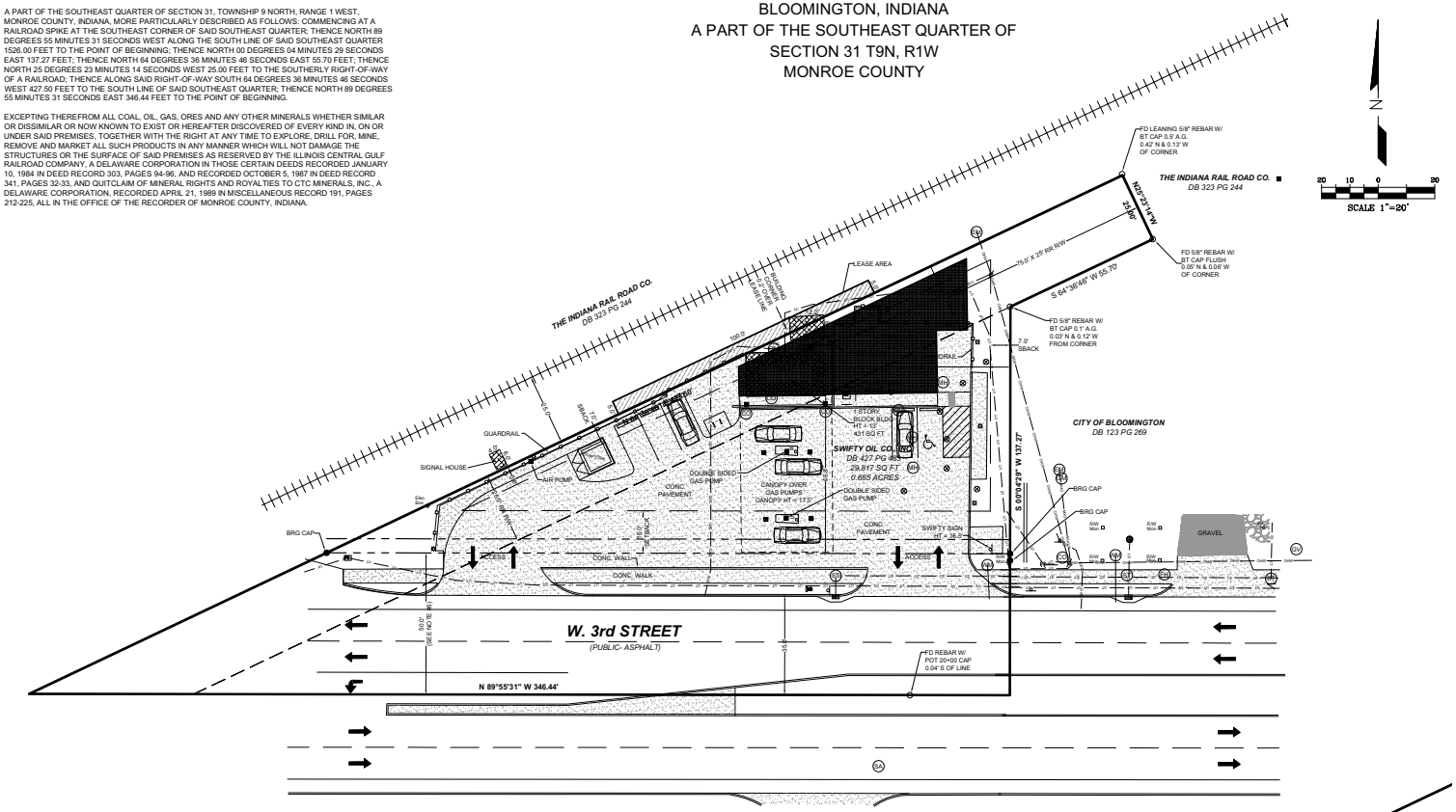
file: Project No. 8176

SWIFTY WEST 3RD. STREET
BLOOMINGTON, INDIANA
A PART OF THE SOUTHEAST QUARTER OF
SECTION 31 T9N, R1W
MONROE COUNTY

DESCRIPTION

A PART OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 9 NORTH, RANGE 1 WEST, MONROE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A RAILROAD SPIKE AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 89 DEGREES 55 MINUTES 31 SECONDS WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER 1526.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 04 MINUTES 29 SECONDS EAST 137.27 FEET; THENCE NORTH 64 DEGREES 36 MINUTES 46 SECONDS EAST 55.70 FEET; THENCE NORTH 25 DEGREES 23 MINUTES 14 SECONDS WEST 25.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF A RAILROAD; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 64 DEGREES 36 MINUTES 46 SECONDS WEST 427.50 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 89 DEGREES 55 MINUTES 31 SECONDS EAST 346.44 FEET TO THE POINT OF BEGINNING.

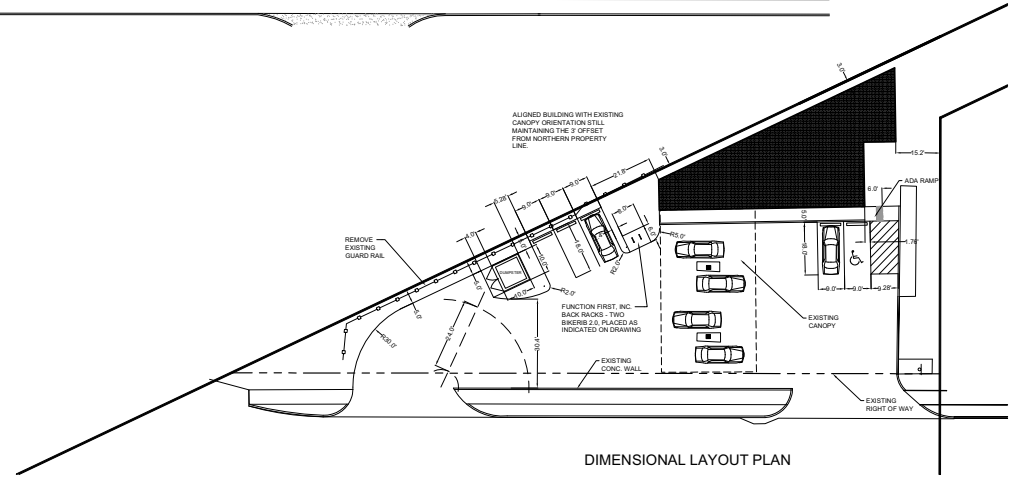
EXCEPTING THEREFROM ALL COAL, OIL, GAS, ORES AND ANY OTHER MINERALS WHETHER SIMILAR OR DISSIMILAR OR NOW KNOWN TO EXIST OR HEREAFTER DISCOVERED OF EVERY KIND IN, ON OR UNDER SAID PREMISES, TOGETHER WITH THE RIGHT AT ANY TIME TO EXPLORE, DRILL FOR, MINE, REMOVE AND MARKET ALL SUCH PRODUCTS IN ANY MANNER WHICH WILL NOT DAMAGE THE STRUCTURES OR THE SURFACE OF SAID PREMISES AS RESERVED BY THE ILLINOIS CENTRAL GULF RAILROAD COMPANY, A DELAWARE CORPORATION IN THOSE CERTAIN DEEDS RECORDED JANUARY 10, 1984 IN DEED RECORD 303, PAGES 94-96, AND RECORDED OCTOBER 5, 1987 IN DEED RECORD 341, PAGES 32-33, AND QUITCLAIM OF MINERAL RIGHTS AND ROYALTIES TO CTC MINERALS, INC., A DELAWARE CORPORATION, RECORDED APRIL 21, 1989 IN MISCELLANEOUS RECORD 191, PAGES 212-225, ALL IN THE OFFICE OF THE RECORDER OF MONROE COUNTY, INDIANA.



LOCATION MAP
NOT TO SCALE

LEGEND:

YARD LIGHT		FENCE		FD AXLE	
LIGHT POLE		GUARDRAIL		FD BRASS DISK	
SIGNAL POLE		OVERHEAD WIRES		FD COT GIN SPDLE	
UTILITY POLE		UNDER ELEC.		FD CHISELED X	
GUY WIRE		GAS LINE		SET CHISELED X	
CATCH BASIN		SAN SEWER LINE		SET DRILL HOLE	
CURB INLET		STORM SEWER LINE		FD HARRISON MON.	
ELECTRIC MH		UNDER TELEPHONE		SET HARRISON MON.	
MANHOLE		EXISTING WATER LINE		SET HUB/TACK	
PHONE MH		CHILLED WATER LINE		FD REBAR	
SANITARY MH		SIGN		SET REBAR	
SIGNAL MH		R.O.W. MON.		FD MAG NAIL	
STEAM MH		MONITORING WELL		SET MAG NAIL	
STORM MH		BOLLARD		FD NAIL	
WATER MH		BORE HOLE		SET NAIL	
ELEC. METER		DOWNSPOUT		FD PIPE	
CLEANOUT		GATE POST		FD RR SPIKE	
GAS METER		POLE		SET RR SPIKE	
GAS VALVE		PARKING METER		FD STONE	
WATER VALVE		SPIGOT		RECORDED B&D	
FIRE HYDRANT		T-POST		MEASURED B&D	
SPR. HOOKUP		WOOD POST		CALCULATED B&D	
SPRINKLER		PARKING SPACES		PROPORTIONAL DIST.	
GAS RISER-BOX		TRANSFORMER		ABOVE GROUND	
		ELEC. VAULT		BELOW GROUND	
		PHONE VAULT		CONIF. TREE	
		STEAM VAULT		DECID. TREE	
		VALVE VAULT		SHRUB	
		AC UNIT		PHONE RISER-BOX	
		PHONE BOOTH		TV RISER-BOX	
		FIRE MAIN POST		ELEC. RISER-BOX	
		MAILBOX		NON-SCALABLE LINE	
		PROP. TANK			
		PARKING BLOCK			
		POST			



DIMENSIONAL LAYOUT PLAN

AREA OUTSIDE OF RIGHT OF WAY
THAT CAN BE DEVELOPED IS 0.347 ACRE

DESIGN FOR THIS SITE HAS BEEN DETERMINED BY WHAT LAND THE CLIENT HAS THE ABILITY TO BUILD ON, WHICH WOULD EXCLUDE THE LAND WITHIN THE RIGHT OF WAY.

EXISTING PERVIOUS AREA (GRASS) 4292.30 S.F. OR 0.098 ACRE
EXISTING PERCENTAGE OF PERVIOUS IS 28.40%

DEVELOPED PERVIOUS AREA (GRASS) 4952.81 S.F. OR 0.114 ACRE

THEREFORE, THE ACTUAL PERCENTAGE OF PERVIOUS FOR THE DEVELOPED SITE WOULD AS FOLLOWS:
0.114 /0.347 = 0.329 OR 32.90% WHICH INCREASES THE PERVIOUS (GRASS) AREA OF THE SITE BY 4.50% .

Date	By	Revision

Bledsoe Riggert Guerrettaz
LAND SURVEYORS · CIVIL ENGINEERS
1351 W. Tapp Road
Bloomington, Indiana 47403
P: 812-336-6577
F: 812-336-0617

SWIFTY W. 3rd STREET
BLOOMINGTON, IN
FOR
RAJESH PATEL

SURVEYED BY : E.D. & W.P.
DRAWN BY : G.B.M.
CHECKED BY : W.S.R.
DATE: JUNE 13, 2014

SITE LAYOUT SCHEMATIC

SHEET 1 OF 2

PROJECT NO. 8176

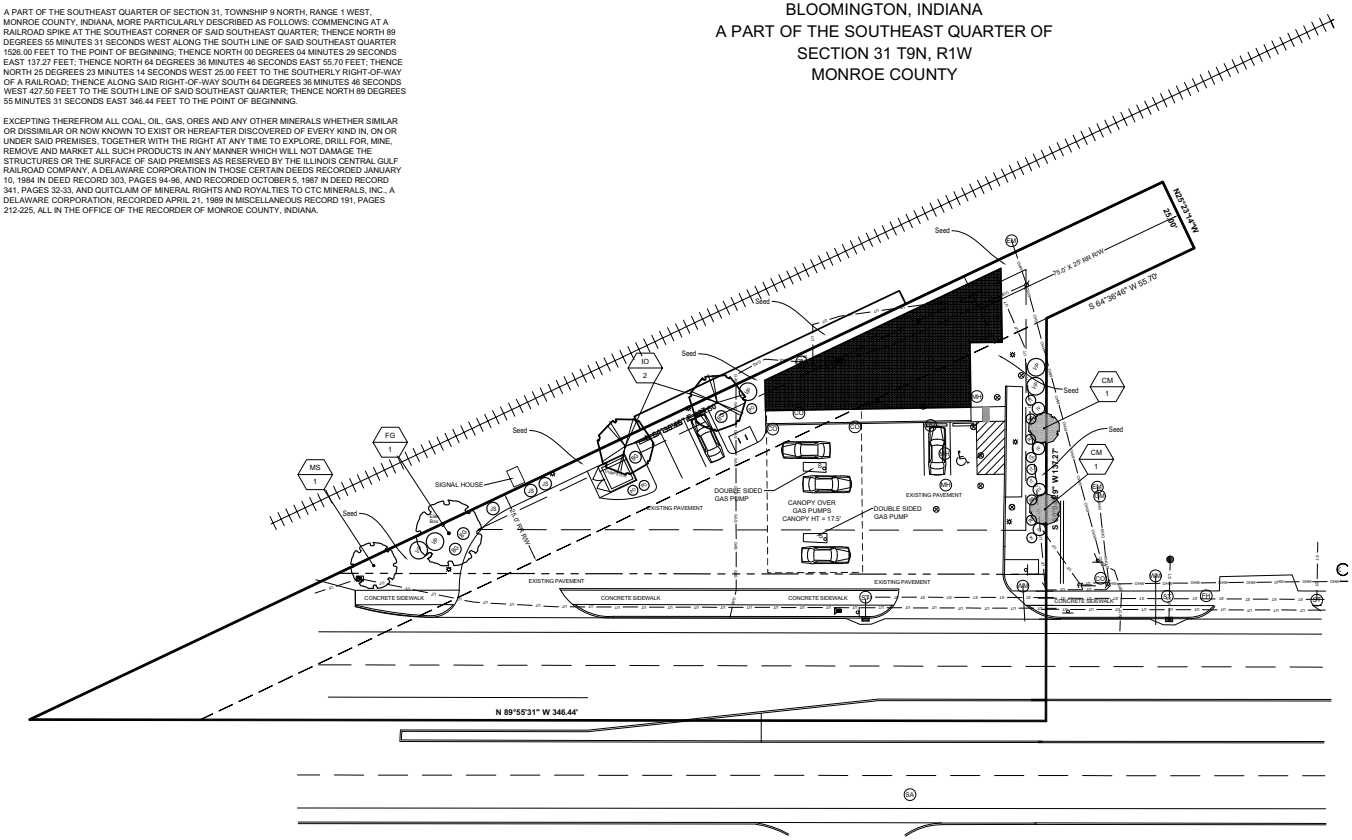
V-28-14
Site Plan

SWIFTY WEST 3RD. STREET
BLOOMINGTON, INDIANA
A PART OF THE SOUTHEAST QUARTER OF
SECTION 31 T9N, R1W
MONROE COUNTY

DESCRIPTION

A PART OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 9 NORTH, RANGE 1 WEST, MONROE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A RAILROAD SPIKE AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 89 DEGREES 55 MINUTES 31 SECONDS WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER 1526.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 04 MINUTES 29 SECONDS EAST 137.27 FEET; THENCE NORTH 64 DEGREES 36 MINUTES 46 SECONDS EAST 55.70 FEET; THENCE NORTH 25 DEGREES 23 MINUTES 14 SECONDS WEST 25.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF A RAILROAD; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 64 DEGREES 36 MINUTES 46 SECONDS WEST 427.50 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 89 DEGREES 55 MINUTES 31 SECONDS EAST 346.44 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL COAL, OIL, GAS, ORES AND ANY OTHER MINERALS WHETHER SIMILAR OR DISSIMILAR OR NOW KNOWN TO EXIST OR HEREAFTER DISCOVERED OF EVERY KIND IN, ON OR UNDER SAID PREMISES, TOGETHER WITH THE RIGHT AT ANY TIME TO EXPLORE, DRILL FOR, MINE, REMOVE AND MARKET ALL SUCH PRODUCTS IN ANY MANNER WHICH WILL NOT DAMAGE THE STRUCTURES OR THE SURFACE OF SAID PREMISES AS RESERVED BY THE ILLINOIS CENTRAL GULF RAILROAD COMPANY, A DELAWARE CORPORATION IN THOSE CERTAIN DEEDS RECORDED JANUARY 10, 1984 IN DEED RECORD 303, PAGES 94-96, AND RECORDED OCTOBER 5, 1987 IN DEED RECORD 341, PAGES 32-33, AND QUITCLAIM OF MINERAL RIGHTS AND ROYALTIES TO CTC MINERALS, INC., A DELAWARE CORPORATION, RECORDED APRIL 21, 1989 IN MISCELLANEOUS RECORD 191, PAGES 212-225, ALL IN THE OFFICE OF THE RECORDER OF MONROE COUNTY, INDIANA.



LOCATION MAP
NOT TO SCALE

LEGEND:

A	YARD LIGHT		FENCE		FD AXLE
	LIGHT POLE		GUARDRAIL		FD BRASS DISK
	SIGNAL POLE	OHW	OVERHEAD WIRES		FD COT GIN SPOLE
	UTILITY POLE	UGE	UNDER ELEC.	X	FD CHISELED X
	GUY WIRE	GAS	GAS LINE		SET CHISELED X
	CATCH BASIN	SAN	SAN SEWER LINE		SET DRILL HOLE
	CURB INLET	ST	STORM SEWER LINE		FD HARRISON MON.
E	ELECTRIC MH	UT	UNDER TELEPHONE		SET HARRISON MON.
MH	MANHOLE	W/O	EXISTING WATER LINE		SET HUB/TACK
PM	PHONE MH	CH WM	CHILLED WATER LINE		FD REBAR
SA	SANITARY MH	BLDG SIGN	SIGN		SET REBAR
SG	SIGNAL MH		R.O.W. MON.		FD MAG NAIL
TB	STEAM MH		MONITORING WELL		SET MAG NAIL
ST	STORM MH		BOLLARD		FD NAIL
WM	WATER MH		BORE HOLE		SET NAIL
EM	ELEC. METER		DOWNSPOUT		FD PIPE
CO	CLEANOUT		GATE POST		FD RR SPIKE
GM	GAS METER		POLE		SET RR SPIKE
GV	GAS VALVE	PTR	PARKING METER		FD STONE
WV	WATER VALVE		SPIGOT	(R)	RECORDED B&D
FH	FIRE HYDRANT		T-POST	(M)	MEASURED B&D
SH	SPR. HOOKUP		WOOD POST	(C)	CALCULATED B&D
	SPRINKLER		PARKING SPACES	(PROP)	PROPORTIONAL DIST.
Gas	GAS RISER-BOX		TRANSFORMER	A.G.	ABOVE GROUND
			ELEC. VAULT	B.G.	BELOW GROUND
			PHONE VAULT		CONIF. TREE
			STEAM VAULT		DECID. TREE
			VALVE VAULT		SHRUB
			AC UNIT		PHONE RISER-BOX
			PHONE BOOTH		TV RISER-BOX
			FIRE MAIN POST		ELEC. RISER-BOX
			MAILBOX		NON-SCALABLE LINE
		CPT	PROP. TANK		
			PARKING BLOCK		
			POST		

Landscaping Plan

SCALE: 1" = 20'

20 10 0 20

NOTE:
SEED DISTURBED AREA NOT RECEIVING HARD SURFACE
AS SOON AS FINISH GRADE IS ACHIEVED.

SHRUB SCHEDULE

KEY	SCIENTIFIC NAME	COMMON NAME	SIZE	# OF	NOTES:
BG	BUXUS x k 'GREEN VELVET'	'GREEN VELVET' BOXWOOD	3 GALLON	4	
IT	ITEA VIRGINICA	VIRGINIA SWEETSPIRE	3 GALLON	5	
IV	ILEX VERTICILLATA	WINTERBERRY HOLLY	3 GALLON	4	
JS	JUNIPERUS VIRGINIANA 'SKYROCKET'	SKYROCKET JUNIPER	3 GALLON	3	
PO	PHYSOCARPUS OPULIFOLIUS	NINEBARK	3 GALLON	3	
RP	RHODODENDRON 'PJM'	PJM RHODODENDRON	3 GALLON	4	
VP	VIBURNUM PRUNIFOLIUM	BLACKHAW VIBURNUM	3 GALLON	5	

SHRUBS (REQUIRED):
INTERIOR 10, 50% OR MORE EVERGREEN
PARKING 18, 50% OR MORE EVERGREEN
PROVIDED INTERIOR PLANTING 10, OF WHICH 5 WHERE EVERGREEN
PROVIDED PARKING PLANTING 18, OF WHICH 9 WHERE EVERGREEN

TREE SCHEDULE

KEY	SCIENTIFIC NAME	COMMON NAME	SIZE	# OF	NOTES:
CM	CORNUS MAS	CORNELIAN CHERRY	2" CALIPER	2	
FG	FAGUS GRANDIFOLIA	AMERICAN BEECH	2" CALIPER	1	
IO	ILEX OPACA	AMERICAN HOLLY	2" CALIPER	2	
MS	MAGNOLIA X SOULANGIANA	SAUCER MAGNOLIA	2" CALIPER	1	

TREES (REQUIRED)
INTERIOR PLANTING 4, 4 PROVIDED
PARKING PLANTING 2, 2 PROVIDED

SEEDING SPECIFICATIONS:

I. FINISH GRADING AND SEEDING

A. Topsoil-Topsoil shall be spread to a minimum depth of 4" over all graded areas. The finish grade shall reflect proposed contours and spot elevations as shown on the grading plan.

B. Temporary Seeding- All areas disturbed during construction shall be seeded as soon as possible after construction grading. Seeding shall be applied at a rate of 110 lbs/acre consisting of 65 lbs. Oats, and 45 lbs. Annual Rye. The seeded areas shall be covered with free straw at a rate of 2 tons/acre.

C. Finish Seeding- After finish grading and topsoil placement, all areas shall be seeded, fertilized and mulched. The seeding shall be applied at the rate of 110 lbs/acre. The mixture shall consist of 25 lbs. of Perennial Ryegrass, 35 lbs. of Jasper Red Fescue, 25 lbs. of certified common Kentucky Bluegrass or Newport Kentucky Bluegrass or Park Kentucky Bluegrass, and 25 lbs. of Wabash Kentucky Bluegrass or approved equal. All seed shall be pure live see. Fertilize according to soil test or at a minimum rate of 1000 lbs. of 12-12-12 fertilizer and 100 lbs. of ammonium nitrate per acre. Finish seeding mix shall only extend 10' outside of the paving limits, except for mowed strips around the building. Mulch seeded areas shall be anchored with straw tack or mulch netting at a rate of 2 tons/acre. The 1000 lbs/acre of 12-12-12 fertilizer shall be applied as follows:

400 lbs/acre at time of seeding
three 200 lbs/acre applications at 6 month intervals during established period Seeding dated for permanent seeding mixture used in IV-B and IV-C areas are as follows:

*Non Irrigated
March 1-May 10
August 1 - September 15
*Seeding may be done from May 10- August 1 if irrigated, to Dormant Seeding.
November 15- February 28 (Increase seed application rate by 50%)

D. Sodding Steep Slopes- Where finish slopes are steeper than 3:1 or indicated on drawings sod shall be placed in accordance with sodding item found in Section IV-E of these specifications.8

E. Sodding - Where sod is specified for ditches or steep slopes, it shall be staked or pinned securely with at lease 2 stakes or pins not more than 2' apart with the flat side against the slope. Stakes may be wood at least ø x 12", driven so that the last 1" remains above the top of the sod.

HOLEY MOLEY SAYS
"DIG SAFELY"

"IT'S THE LAW"
CALL 2 WORKING DAYS BEFORE YOU DIG
1-800-382-5544
(FOR YOUR SAFETY)
PER INDIANA STATE LAW IC8-1-26, IT IS AGAINST THE LAW TO EXCAVATE WITHOUT NOTIFYING THE UNDERGROUND LOCATION SERVICE TWO (2) WORKING DAYS BEFORE COMMENCING WORK.

Revision	By	Date

Bledsoe Riggert Guerrettaz
LAND SURVEYORS
CIVIL ENGINEERS
1351 West Tapp Road
Bloomington, Indiana 47403
P: 812-336-6577
F: 812-336-6817

SWIFTY W. 3rd STREET
BLOOMINGTON, IN
FOR
RAJESH PATEL

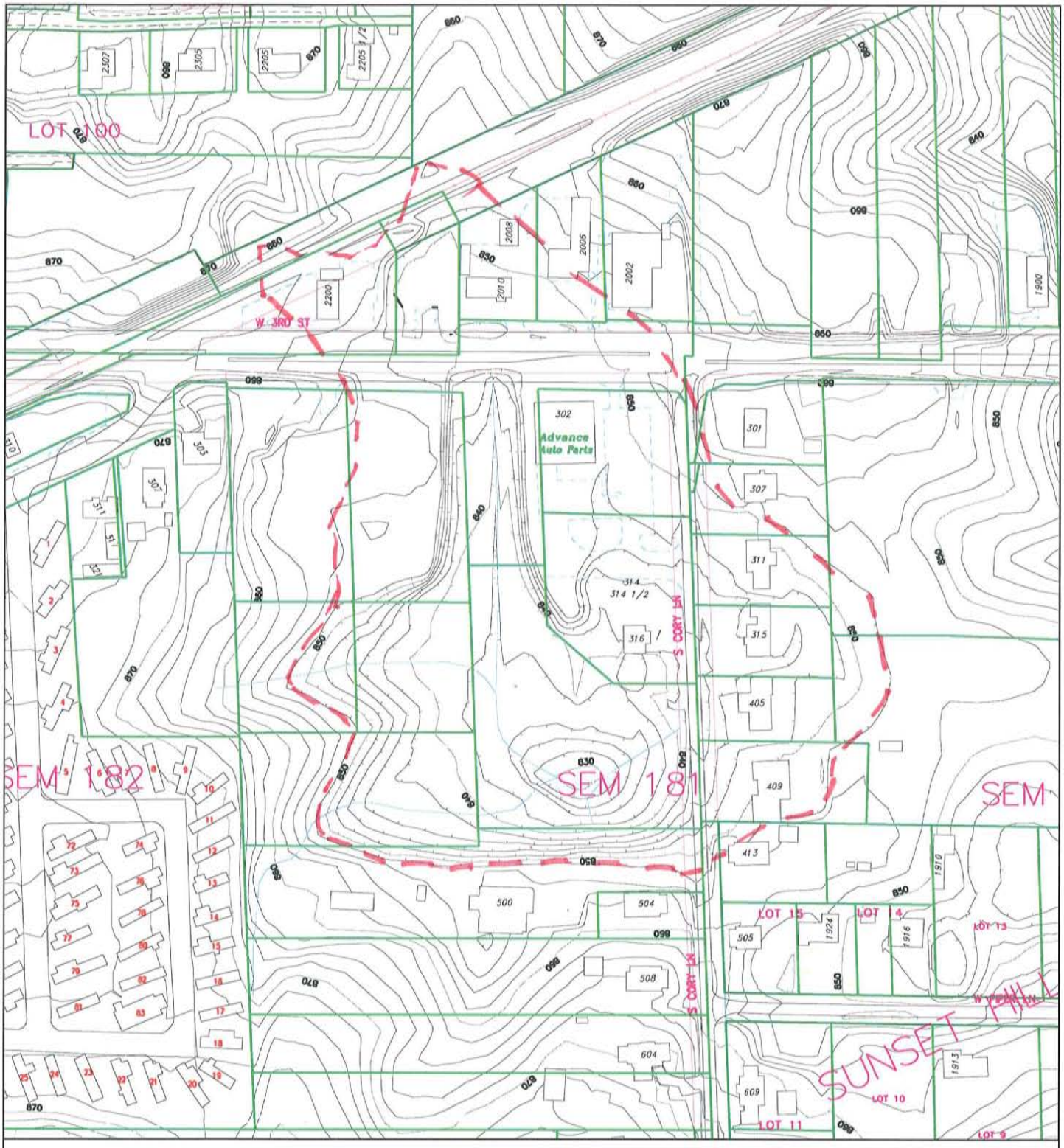
SURVEYED BY : E.D. & W.P.
DRAWN BY : G.B.M.
CHECKED BY : W.S.R.
DATE: JUNE 13, 2014

LANDSCAPE PLAN

SHEET 2 OF 2

PROJECT NO. 8176

V-28-14
Landscaping Plan



V-28-14
Larger karst system

By: roachja
18 Jul 14

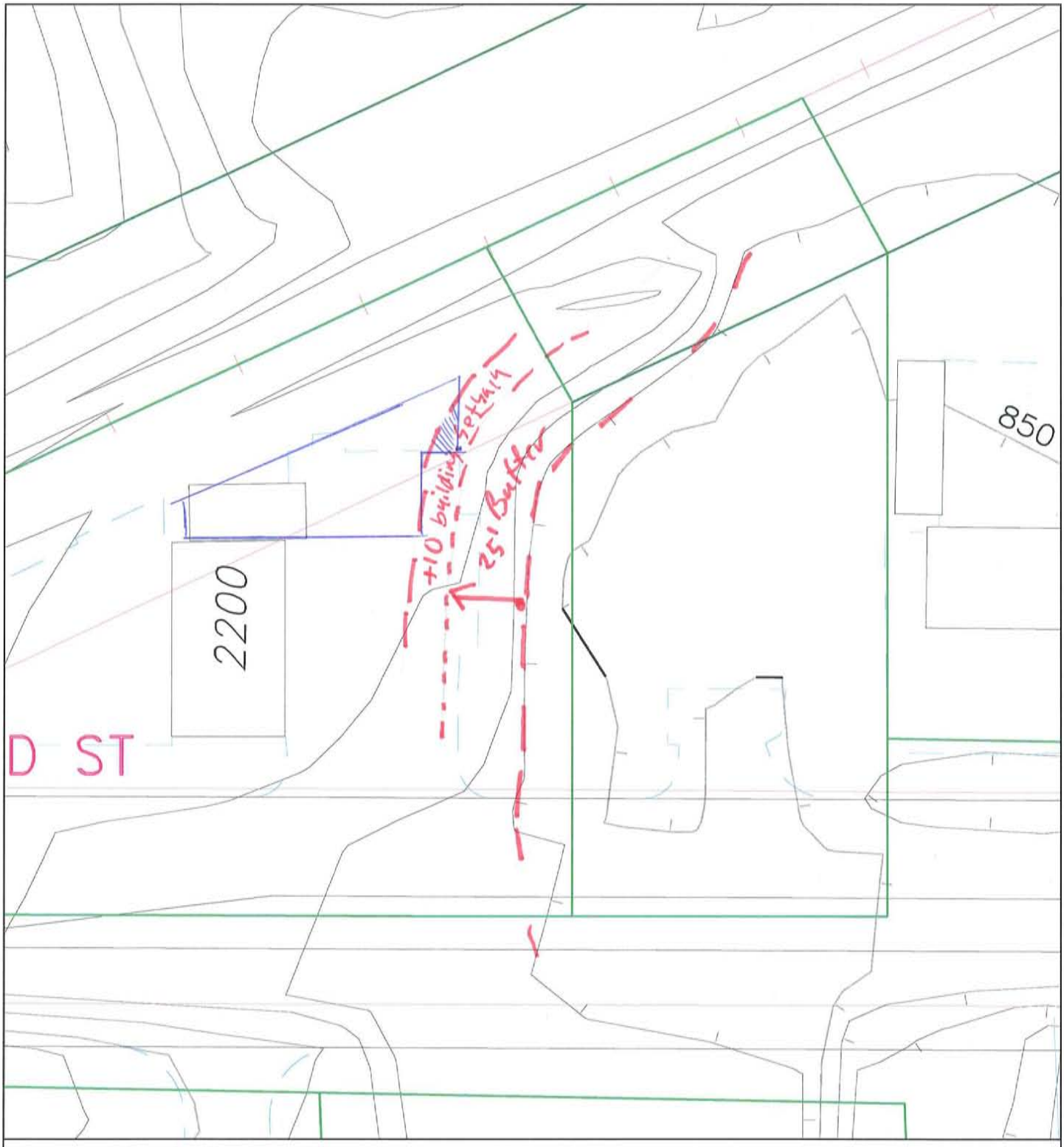
200 0 200 400 600

N

City of Bloomington
Planning

Scale: 1" = 200'

For reference only; map information NOT warranted.



V-28-14
Karst setbacks

By: roachja
18 Jul 14

40 0 40 80 120

N

City of Bloomington
Planning

Scale: 1" = 40'

For reference only; map information NOT warranted.

BLOOMINGTON BOARD OF ZONING APPEALS **CASE #: V-29-14**
STAFF REPORT **DATE: July 24, 2014**
Location: 505 & 401 W 17th Street

PETITIONER: **Bryan Rental**
1440 S Liberty Dr, Bloomington

Rajesh Patel (Heri Four, Inc.)
401 W 17th Street, Bloomington

CONSULTANT: **Bledsoe Riggert Guerrettaz**
1351 W. Tapp Road, Bloomington

REQUEST: The petitioners are requesting a variance from parking setback standards, minimum lot size, maximum number of parking spaces, and drive standards to allow a new parking area and lot line adjustment

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SITE DESCRIPTION: This petition site encompasses two properties that are located at the southwest corner of W. 17th Street and N. Madison Street. This includes a 0.69 acre property that has been developed with a Marathon gas station (eastern lot) and gravel parking area, and a 1.09 acre property to the west that has been developed with a restaurant (Smoking Jacks). Both properties are zoned Commercial General (CG). Surrounding land uses include J.R. Locksmith and a vacant lot to the north, a dry cleaning business and multi-family residences to the east, single family residences to the south, and a pre-school to the west. This site received a variance in 2003 (V-43-03) from minimum parking standards to allow the petitioner to establish new outdoor dining areas.

The restaurant property currently has a 4,000 sq. ft. restaurant and surface parking lot with 22 parking spaces. There is a gravel parking lot on the adjacent Marathon gas station property that was previously used as parking and storage lot for vehicles awaiting repair. The Marathon business no longer performs auto repairs and so the use of the gravel lot has diminished. The adjacent property owner would like to pave and stripe the parking area previously used by the gas station to provide 14 parking spaces to supplement the on-site parking for the restaurant. The parking lot is currently located on the same lot as the gas station. With this petition, the lot line between the two properties would be adjusted to place the parking area on the lot with the restaurant.

With this request, there would be several upgrades to the proposed new parking area including paving and striping, new sidewalk along 17th Street, and new landscaping. There would also be improvements to the existing parking areas around the restaurant to stripe and better utilize the parking areas. Additional landscaping will also be installed around several of the existing parking areas for the restaurant.

In order to accomplish the lot line adjustment and to establish the new parking area, there is a package of variances that are required and are summarized below:

Variance Requested	Required	Proposed
Front parking setback	20’ behind front of building	20’ in front of building
Side parking setback (east)	30’	20’
Drive Standards	Less than 45 degrees	90 degrees
Maximum number of parking spaces	20 spaces maximum	36 spaces
Minimum lot size (Marathon)	32,670 sq. ft	20,216 sq. ft.

The parking area involved with this petition is almost completely covered with gravel. With this petition the parking area would be reduced in size with increased green space and landscaping along 17th Street, as well as new landscaping along the sides of the parking area. Although the parking setback from 17th Street will be increasing for the parking spaces, there will still be parking spaces that are not located 20’ behind the front of the restaurant building as required. Staff has worked with the petitioner to maximize the amount of green space along the 17th Street frontage while still trying to efficiently use the parking area. The majority of the parking area would meet the sideyard setback requirements, however due to the single family residences to the southeast, there is 30’ buffer requirement along a section of the east property line and a portion of the southeast corner of the new parking area would only be 20’ from the property line. A variance is requested to allow this reduced setback.

A variance from drive standards is required in order to allow the driveway aisle located along the front of the new parking area to be less than 45 degrees. This variance is requested in order to allow cross access between the two properties. The parking area is designed to be one-way with access from the south through the restaurant site. Patrons could then exit through either the restaurant or gas station property. The variance from minimum lot size is required in order to allow the lot with the Marathon gas station to be smaller than the minimum lot size of 32,670 sq. ft. The proposed new lot size would be 20,216 sq. ft.

The UDO allows for a maximum of one parking space per 200 sq. ft. of gross floor area for a “restaurant, under 5,000 sq. ft. GFA”. Based on the size of the restaurant (4,000 sq. ft.), the property would be allowed a maximum of 20 parking spaces. The petitioner is requesting a variance from the maximum number of parking spaces to allow for 36 parking spaces. The petitioner has submitted a parking study to justify the requested number of spaces. That study has been included in the packet.

SITE PLAN ISSUES:

Access: Access will come from the existing drivecuts on 17th Street. No change is required to the drivecuts with this petition.

Landscaping: The proposed new parking area has been designed to meet all of the UDO landscaping requirements. New shrubs and large canopy trees will be installed around the perimeter as required. In addition, new landscaping will be installed throughout the parking areas for the restaurant to supplement missing or dead landscaping. Landscaping will also be added in the new green space in front of the parking area along 17th Street.

Parking: The UDO allows for a maximum of one parking space per 200 sq. ft. of gross floor area. Based on the size of the restaurant (4,000 sq. ft.) the property would be allowed a maximum of 20 parking spaces. The petitioner is requesting a variance from the maximum number of parking spaces to allow for 36 parking spaces.

In order to justify such a deviation from code, the petitioner has performed a parking study at this location showing the amount of parking spaces used over the course of a week. Staff believes that the petitioner's study, along with local observations, seems to indicate that there is a range of parking needs during the course of the day with a frequent need for up to 44 parking spaces. As with previous requests for additional parking spaces beyond the UDO allowed maximums, Staff has looked at both the typical daily need along with the occasional maximum need. The parking study indicates the typical lunch time need is about 25-30 parking spaces and the typical dinner time need is around 30-44 spaces. Staff believes that additional parking spaces above the 20 that would be allowed is justified, but do not believe there is a need for 44 parking spaces, which would meet the occasional maximum need for the site. Staff also expects that there would be some additional use of the parking spaces with the gas station use as well. Staff therefore believes that 36 parking spaces best fits the overall parking needs of the site, while minimizing unused parking spaces and allowing for some shared parking.

Pedestrian Facilities: There is a sidewalk along a portion of the property frontage that is in good condition. There is a short section of sidewalk that would be required along the 17th Street frontage in front of the parking area. That required sidewalk segment has been shown on the site plan.

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 variance from the standards will not be injurious to the public health, safety, or morals. The proposed site plan will provide substantial site improvements to the property with increased green space along the street frontage and new landscaping. There have not been any identified negative impacts from the existing parking area.

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 use and value of the areas adjacent to the property. Staff does find a positive impact on the use and value of the adjacent areas due to the redevelopment of this property and improvements to the parking area. This package of variances will

improve the look of this long standing gravel parking area and increase the value of 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:

Parking Number: Staff finds that the strict application of the UDO will result in practical difficulty in that the number of spaces allowed by code does not match the demonstrated needs of this use. A parking study was conducted by the petitioner and staff which found that this restaurant does have a parking need greater than the 1 space per 200 sq. ft. that the UDO would allow. Peculiar condition is found in the adjacent existing parking lot that exists and has been used to supplement the need for some time and the demonstrated need of the proposed use. If the building were 1,000 sq. ft. larger, they would be allowed to have 50 parking spaces and the proposed number of spaces would be allowed. When developing maximum parking requirements of the UDO it was understood that some uses would be justified in seeking variances. Staff finds this to be one of those cases where a particular use is justified seeking a variance.

Minimum Lot Size: Staff finds that the strict application of the UDO will result in practical difficulty in the use of the Marathon gas station property as there is an existing use on the property that would still be able to function with the reduced lot size. The strict application of the UDO would not allow the transfer of ownership of a portion of the property to the adjacent property. The minimum lot size was intended to provide enough area for new development and as mentioned, there is an established use on this site that would still be viable as well as allow enough lot size for future users.

Front Parking Setback: Staff finds that the strict application of the UDO would create practical difficulty as it would restrict the improvements proposed for this existing parking area. The petitioner could continue to use the parking area in the same configuration and location as it currently exists with no approvals needed. The desire to adjust the common lot line and transfer ownership to an adjacent property triggers the need for compliance. Staff has worked with the owner to increase the front setback as much as possible, while still allowing reasonable use of the property. This approval would bring the site closer to compliance with UDO requirements.

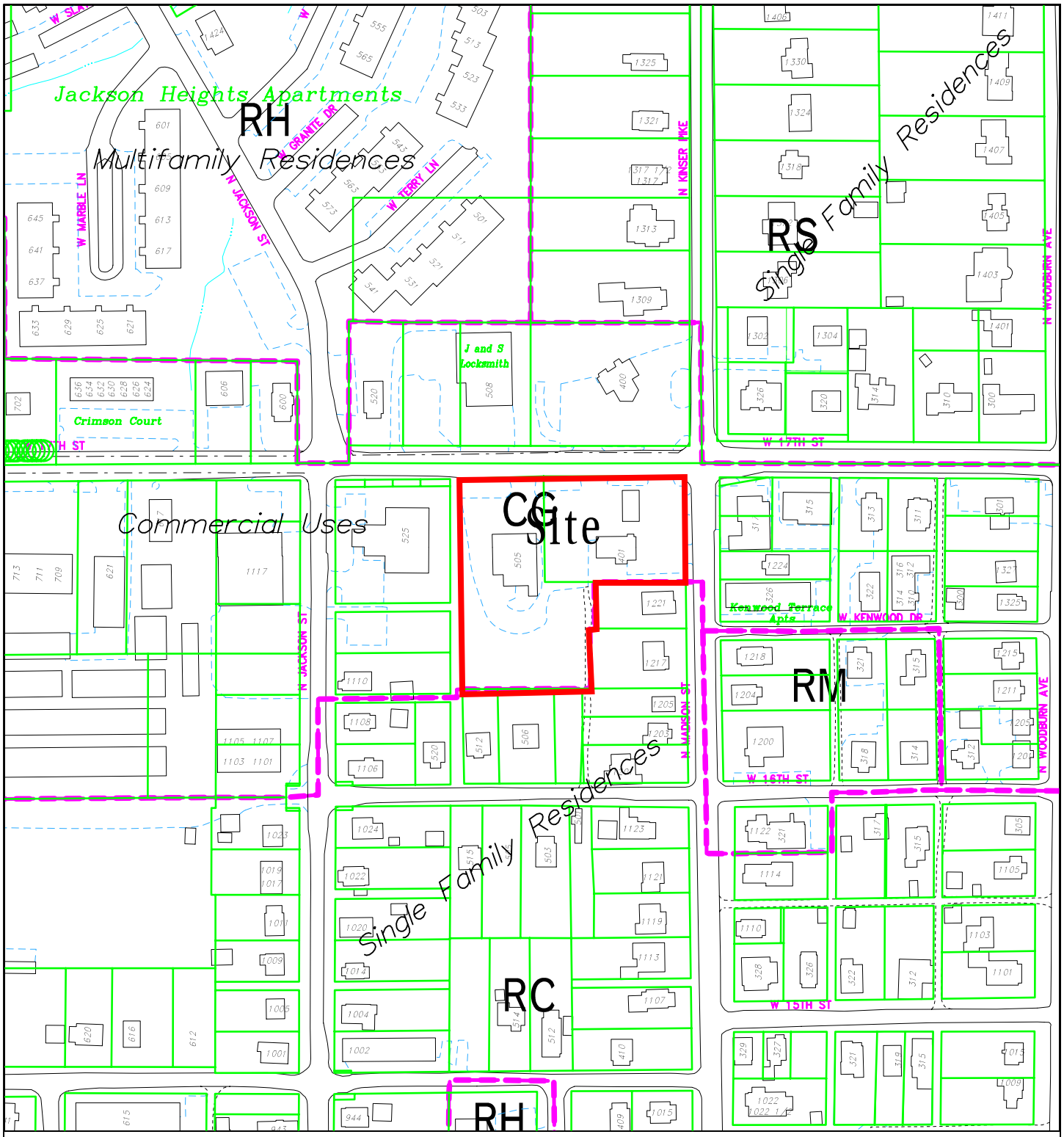
Side Parking Setback: Staff finds that the strict application of the UDO will result in practical difficulty as it would restrict the ability of the property owner to bring the parking lot closer into compliance. With this petition a significant portion of the site will have parking removed and new landscaping installed. The additional setback for the parking area affects only one stall and driveway at the corner of the property. With this petition, the existing parking area will be decreased and brought closer into compliance with setback requirements. Peculiar condition is

found in the location of the existing parking area that is grandfathered and could remain in its current state without requiring any improvements for its continued use.

Drive Standards: Staff finds that the strict application of the UDO will result in practical difficulties as it would not allow the redevelopment of the site to attempt to come closer to compliance with the UDO. The existing parking lot and drive configuration could be kept exactly as it currently exists with no changes necessary. The petitioner is trying to create a shared parking area to be used by both properties and the location of the proposed driveway is necessary to accommodate that request. The placement of an internal driveway also helps alleviate traffic from 17th Street for vehicular cross access. The prohibition of a 45 degree drive prevents that from happening. The intent of the 45 degree restriction was to prohibit buildings with drive thrus that circulate around buildings rather than achieving a building forward design. This proposal would only add a small section of drive to the front of the property.

RECOMMENDATION: Staff recommends approval of the variance with the following conditions:

1. A lot line adjustment combining the improved parking lot on the eastern lot with the lot to the west must be recorded prior to issuance of a grading permit or work to establish the parking area.
2. All existing gravel on the restaurant lot must be removed.



V-29-14 Bryan Rental/Rajesh Petal

505 & 401 W 17th Street

Board of Zoning Appeals

Site Location, Zoning, Land Use, Parcels

By: greulice

17 Jul 14

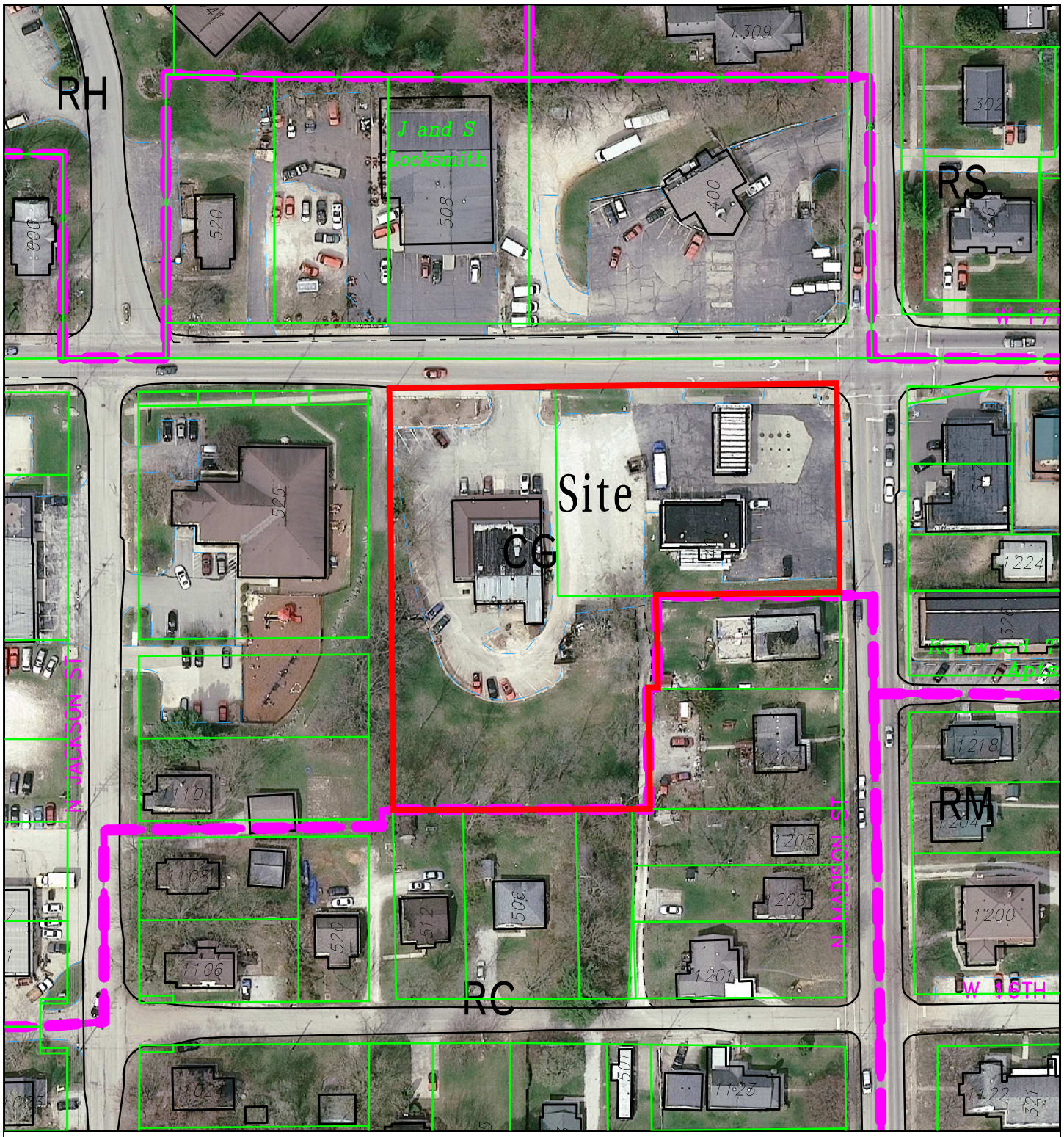
200 0 200 400 600

N

City of Bloomington Planning

Scale: 1" = 200'

For reference only; map information NOT warranted.



V-29-14 Bryan Rental/Rajesh Petal

505 & 401 W 17th Street

Board of Zoning Appeals

2010 Aerial Photograph

By: greulice

17 Jul 14

100 0 100 200 300

N

City of Bloomington
Planning

Scale: 1" = 100'

For reference only; map information NOT warranted.

Bledsoe Riggert Guerrettaz
LAND SURVEYING · CIVIL ENGINEERING

June 25, 2014

Mr. Eric Greulich, Zoning Planner
City of Bloomington, Planning Department
401 N. Morton St., Suite 160
PO Box 100
Bloomington, IN 47402-0100

Re: Board of Zoning Appeals, City of Bloomington
Smokin Jacks; AKA 505 West 17th. Street
Bloomington, IN 47403
Petitioner's Statement

BRG Project No. 8259

Dear Eric,

On behalf of Mr. David Kamen, the petitioner for the Smokin Jacks Project located at 505 West 17th. Street, here in Bloomington. On the south side of 17th. Street and approximately 300 feet west of North Madison Street. The parcel in question contains 0.217 acres, and is a existing gravel parking area. This project will be to provide a 14 space asphalt parking lot, with a through drive from the Marathon station to the east to Smokin Jacks entrance drive to the west.

As a part of the development process we are requesting to be placed on the next Board of Zoning Appeals Agenda for the following Variances:

1. ~~Landscape Standards~~
2. Parking Setback
3. ~~Building Setback~~
4. Impervious Area
5. ~~Sinkhole Standards~~
6. Entrance & Drive Standards

Variance Request 1: Buffer Zone Parking Standards
Per our discussions to date, it is clear that the Buffer Zone Parking Standards found in the Unified Development Ordinance for the City of Bloomington could not be met. This area is located at the southeast corner of the new parcel.

Variance Request 2: Parking Setback Front
Per our discussions to date, the parking setback is necessary to provide parking as indicated on the drawing.

Variance Request 3: Minimum Lot Size
We our attempting to utilize the existing parking area as a improved parking area with less impervious material. The existing lot dimensions are 63' x 149.74'.

Variance Request 4: Maximum Impervious Surface
Per our discussions to date, it is clear that as a part of the Smokin Jack Property we do not exceed the Percentage of Impervious but there are still questions on how determined and the effects on the Marathon Station to the east. Reference the attached site plan for further explanations.

Variance Request 5: Drive < 45 degrees
Please reference the attached site plan.

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V-29-14
Petitioner Statement

Variance Request 6: Maximum Parking Number
Please reference the attached site drawings for the parking numbers.

Included in this packet:

1. City of Bloomington Application
2. Petitioners Letter.
3. Fee for Hearing Officer $500.
4. Drawings, (2-24" x 36" and 1-Letter), two sheets.

Jim, upon receiving this packet and request, should you have any questions please do not hesitate to call or drop me an email. We will work to resolve questions and comments you have.

Sincerely,

G. Bradley Myrick, BSCE
Bledsoe Riggert Guerrettaz, Inc.

file: Project No. 8259

V-29-14
Parking Study

Smoking Jack Parking for a Week

Week of 4/242014 - 4/30/2014

Thursday			Friday			Saturday			Monday			Tuesday			Wednesday		
Time	Regular Parking	Gravel Lot	Time	Regular Parking	Gravel Lot	Time	Regular Parking	Gravel Lot	Time	Regular Parking	Gravel Lot	Time	Regular Parking	Gravel Lot	Time	Regular Parking	Gravel Lot
11:00:00 AM	6	3	11:00:00 AM	5	1	11:00:00 AM	1	0	11:00:00 AM	6	5	11:00:00 AM	6	3	11:00:00 AM	10	2
11:30:00 AM	12	6	11:30:00 AM	7	3	11:30:00 AM	10	4	11:30:00 AM	10	6	11:30:00 AM	8	5	11:30:00 AM	15	7
12:00:00 PM	19	6	12:00:00 PM	18	5	12:00:00 PM	14	6	12:00:00 PM	14	13	12:00:00 PM	15	8	12:00:00 PM	17	9
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1:00:00 PM	11	4	1:00:00 PM	18	12	1:00:00 PM	16	7	1:00:00 PM	5	3	1:00:00 PM	12	6	1:00:00 PM	13	6
1:30:00 PM	9	3	1:30:00 PM	9	6	1:30:00 PM	16	5	1:30:00 PM	4	0	1:30:00 PM	8	3	1:30:00 PM	11	8
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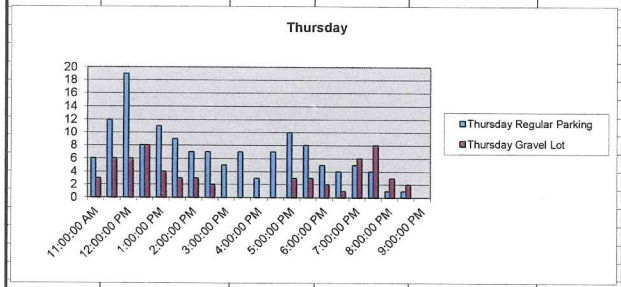
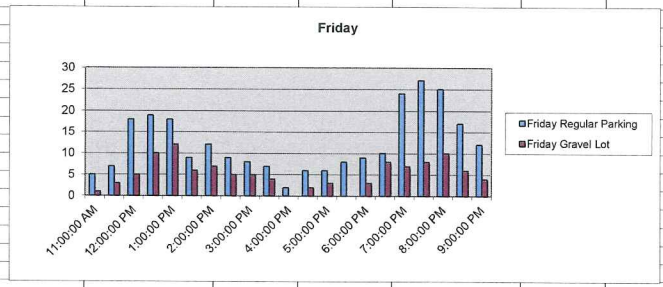
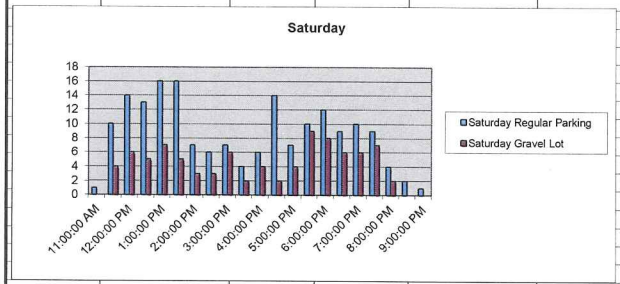
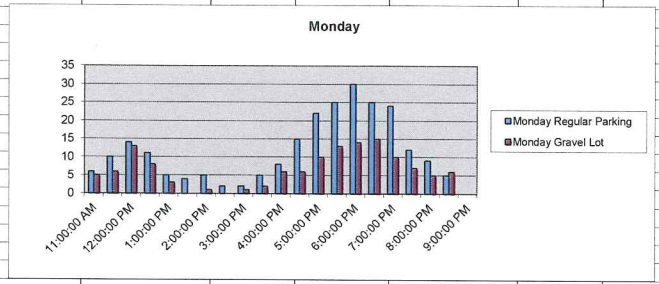
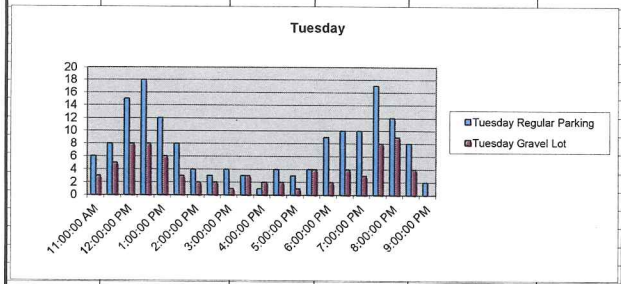
9:00:00 PM	0	0	9:00:00 PM	12	4	9:00:00 PM	1	0	9:00:00 PM	0	0	9:00:00 PM	2	0	9:00:00 PM	1	0

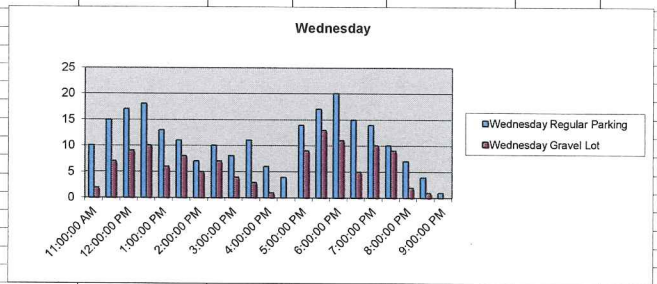


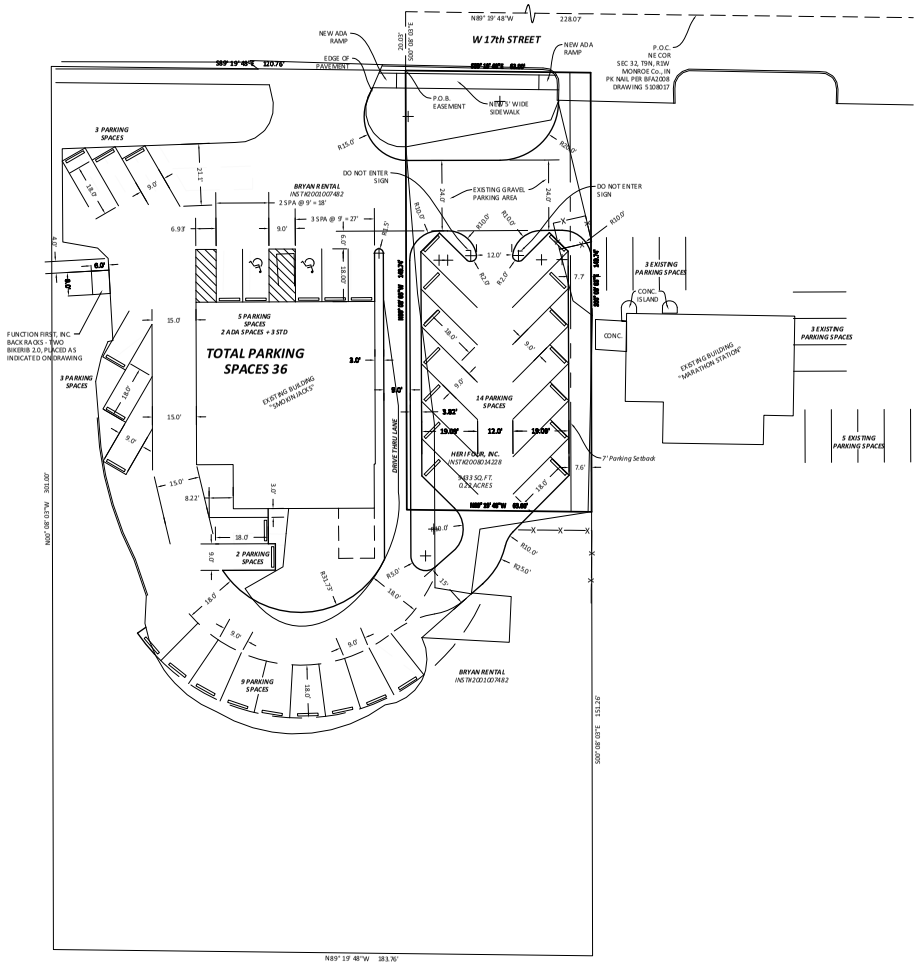












Layout Plan

SCALE: 1" = 20'

20 10 0 20

EXISTING IMPERVIOUS SMOKIN JACK'S SITE WITH NEW PROPERTY (63'x149.74')
IMPERVIOUS AREA = 29189.41 SF OR 0.67 AC.
TOTAL SITE AREA = 1.27 ACRES
THEREFORE THE IMPERVIOUS AREA IN THE EXISTING CONDITION IS 52.78%

DEVELOPED IMPERVIOUS SMOKIN JACK'S SITE WITH NEW PROPERTY (63'x149.74')
IMPERVIOUS AREA = 26869.60 SF OR 0.62 AC.
TOTAL SITE AREA = 1.27 ACRES
THEREFORE THE IMPERVIOUS AREA IN THE DEVELOPED CONDITION IS 48.82%

THE PERCENT OF IMPERVIOUS ON THE 63'x149.74' TRACT IS
IMPERVIOUS = 7976.35 SF OR0.18 AC.
TOTAL ACREAGE OF TRACT IS 9433.62 SF OR 0.217 AC.
THEREFORE THE IMPERVIOUS AREA IN THE EXISTING CONDITION IS 82.95%

THE PERCENT OF IMPERVIOUS ON THE EXISTING GAS STATION PROPERTY WITHOUT THE (63'x149.74') TRACT IS 0.413 -.217 = .196 AC.
3653.42 SF OF PERVIOUS AREA EQUALS 0.084 AC.
THEREFORE THE EXISTING GAS STATION PERCENTAGE OF IMPERVIOUS AREA WOULD BE .112/.196 = 57.14%

Layout Plan with Aerial

SCALE: 1" = 20'

20 10 0 20

Revision	By	Date

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SMOKIN JACKS PARKING ADDITION

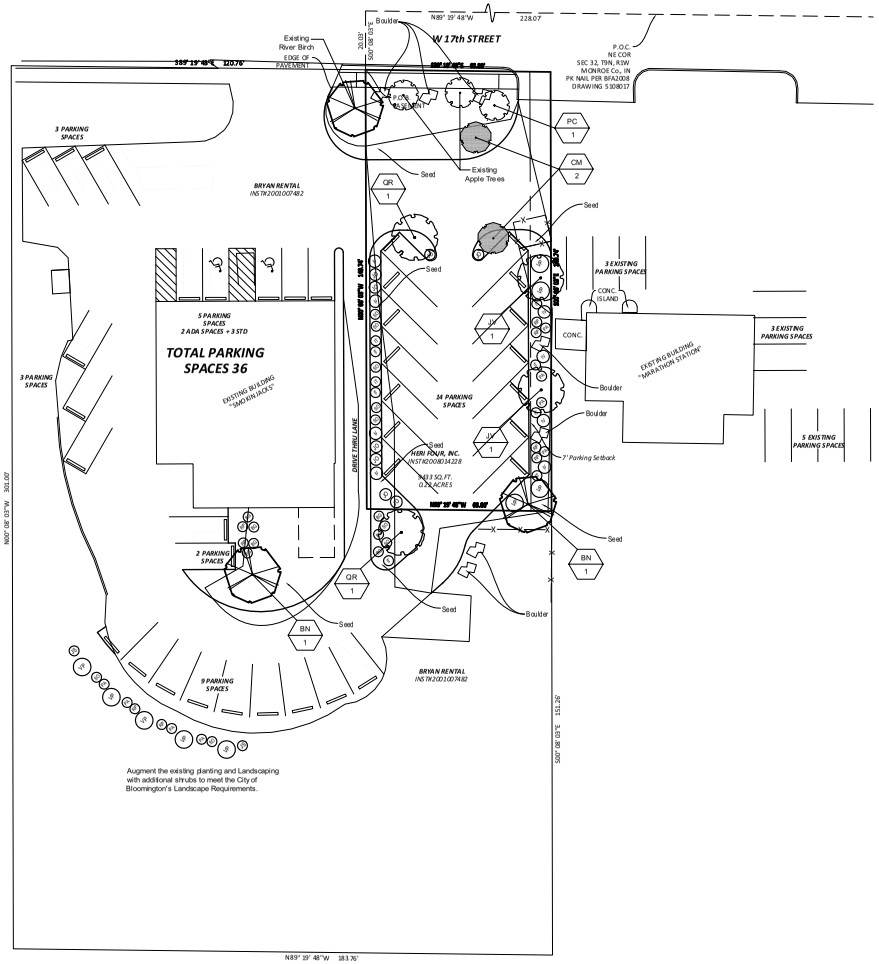
505 WEST 17TH STREET
BLOOMINGTON, INDIANA 47403
FOR
SMOKIN JACKS

SURVEYED BY : E.D. & W.P.
DRAWN BY : G.B.M.
CHECKED BY : W.S.R.
DATE: MAY 2013

LAYOUT PLAN

SHEET 1 OF 4

PROJECT NO. 8259



Augment the existing planting and Landscaping with additional shrubs to meet the City of Bloomington's Landscape Requirements.

Landscaping Plan

SCALE: 1" = 20'

20 10 0 20

NOTE:
SEED DISTURBED AREA NOT RECEIVING HARD SURFACE AS SOON AS FINISH GRADE IS ACHIEVED.

SHRUB SCHEDULE

KEY	SCIENTIFIC NAME	COMMON NAME	SIZE	# OF	NOTES:
BG	BUXUS x 'GREEN VELVET'	'GREEN VELVET' BOXWOOD	3 GALLON	7	
IT	ITEA 'VIRGINICA	'VIRGINIA SWEETSPIRE	3 GALLON	9	
IV	ILEX VERTICILLATA	WINTERBERRY HOLLY	3 GALLON	8	
JO	JUNIPERUS CHINESIS 'OLD GOLD'	OLD GOLD JUNIPER	3 GALLON	8	
JS	JUNIPERUS 'VIRGINIANA SKYROCKET'	SKYROCKET JUNIPER	3 GALLON	2	
PA	PICEA ABIES	BIRD'S NEST SPRUCE	3 GALLON	8	
RP	RHODODENDRON 'PJM'	PJM RHODODENDRON	3 GALLON	8	
SO	SYMPHORICARPOS ORBICULATUS	INDIAN CURRANT	3 GALLON	9	
VP	VIBURNUM PRUNIFOLIUM	BLACKHAW VIBURNUM	3 GALLON	9	

SHRUBS (REQUIRED)
INTERIOR 6, 50% OR MORE EVERGREEN
PARKING 62, 50% OR MORE EVERGREEN
PROVIDED INTERIOR PLANTING 6, OF WHICH 4 WHERE EVERGREEN
PROVIDED PARKING PLANTING 62, OF WHICH 38 WHERE EVERGREEN

TREE SCHEDULE

KEY	SCIENTIFIC NAME	COMMON NAME	SIZE	# OF	NOTES:
BN	BETULA NIGRA	RIVER BIRCH	2" CALIPER	2	
CM	CORNUS MAS	CORNELIAN CHERRY	2" CALIPER	2	
JV	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	6 FT. TALL	2	
PC	PYRUS COMMUNIS 'BARTLETT'	BARTLETT PEAR	2" CALIPER	1	
QR	QUERCUS ROBUR 'FASTIGIATA'	COLUMNAR ENGLISH OAK	2" CALIPER	2	

TREES (REQUIRED)
STREET FRONTAGE PLANTING 1, 1 EXISTING
INTERIOR PLANTING 4, 4 PROVIDED
PARKING PLANTING 3, 3 PROVIDED
DECORATIVE PLANTING 2 PROVIDED
2 EXISTING

GENERAL SITE NOTES

1. THE CONTRACTOR SHALL LOCATE ALL UTILITIES AND VERIFY SITE CONDITION INFORMATION ON DRAWINGS PRIOR TO STARTING WORK. PROMPTLY REPORT ANY DISCREPANCIES OR DEVIATIONS FROM THE INFORMATION SHOWN ON THE PLAN TO DESIGNER AND OWNER. THE OWNER IS NOT RESPONSIBLE FOR UNAUTHORIZED CHANGES OR EXTRA WORK REQUIRED TO CORRECT UNREPORTED DISCREPANCIES.

2. THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIAL IN QUANTITIES AND CONDITIONS SUFFICIENT TO COMPLETE THE PLANTING AS SHOWN ON THE LANDSCAPE PLAN. PLANT MATERIAL QUANTITIES SHOWN ON PLAN TAKE PRECEDENCE TO THOSE ON THE PLANT LIST.

3. ALL PLANT MATERIAL SHALL CONFORM TO ANSI Z60-1996 AND CURRENT ASSOCIATION OF AMERICAN NURSERYMEN STANDARDS. NO PARK GRADE MATERIAL SHALL BE ACCEPTED.

4. SPECIMEN SIZES INDICATED ON PLANT SCHEDULE ARE MINIMUM ACCEPTABLE SIZES. LARGER SPECIMENS MAY BE UTILIZED.

5. ALL PLANTING MASSES TO BE CONTAINED WITHIN MULCH BEDS AND RECEIVE 4" THICK SHREDDED HARDWOOD MULCH OVER WEED BARRIER. ALL TREES OUTSIDE PLANTING BED AREAS SHALL RECEIVE A 5' MIN. DIAMETER MULCH RING AT BASE.

6. ALL LANDSCAPED AREAS NOT MULCHED SHALL BE SEEDED OR SODDED AS INDICATED, UNLESS NOTED OTHERWISE. ALL OTHER AREAS DISTURBED, GRADED OR OTHERWISE MODIFIED BY NEW CONSTRUCTION SHALL RECEIVE 6" OF TOPSOIL AND SEED. SEE SPECIFICATIONS FOR SEEDING REQUIREMENTS.

7. ALL PLANT MATERIAL SHALL BARE THE SAME RELATIONSHIP TO FINISH GRADE AS THE PLANTS ORIGINAL GRADE PRIOR TO DIGGING. ALL PLANTS SHALL BE SET PLUMB. UNLESS NOTED OTHERWISE, IT IS THE CONTRACTOR'S OPTION TO STAKE TREES. HOWEVER, IT SHALL REMAIN THE CONTRACTOR'S RESPONSIBILITY TO ASSURE PLANTS REMAIN PLUMB UNTIL THE END OF CONTRACTED GUARANTEE PERIOD.

8. ALL PLANTINGS SHALL BE WATERED DURING THE FIRST 24 HOUR PERIOD AFTER PLANTING. WATER THOROUGHLY TO ENSURE ALL AIR POCKETS ARE REMOVED AROUND ROOT BALL.

9. CONTRACTOR IS RESPONSIBLE FOR WATERING AND MAINTAINING PLANT MATERIAL UNTIL TIME OF ACCEPTED ESTABLISHMENT.

10. ALL PLANTING BED EDGES TO BE SPADE CUT UNLESS SPECIFIED WITH MOW STRIP OR OTHER INSTALLED EDGING.

11. PLACE BIODEGRADABLE STRAW BLANKET NORTH AMERICAN GREEN S150BN OR APPROVED EQUAL ON SLOPES OF OR EXCEEDING 3:1 OR AS OTHERWISE INDICATED OR DIRECTED BY ENGINEER.

12. COORDINATE LANDSCAPE PLAN WITH ALL WATER QUALITY AND EROSION CONTROL MEASURES.

13. IF OWNER REQUESTS, PLANTS SHALL BE STAKED AND OR FIELD LOCATED BY DESIGNER WITH CONTRACTOR. FINAL LOCATIONS OF TREES SHOULD BE ADJUSTED IF NEEDED TO AVOID OVERHEAD AND UNDERGROUND UTILITIES.

14. FOR PLANTING DETAILS REFERENCE SITE DETAIL SHEET 6 OF 7.

LEGEND

XX / 2 — SPECIES KEY / SPECIMEN QUANTITY

SEEDING SPECIFICATIONS

I. FINISH GRADING AND SEEDING

A. Topsoil-Topsoil shall be spread to a minimum depth of 4" over all graded areas. The finish grade shall reflect proposed contours and spot elevations as shown on the grading plan.

B. Temporary Seeding-All areas disturbed during construction shall be seeded as soon as possible after construction grading. Seeding shall be applied at a rate of 110 lbs/acre consisting of 60 lbs. Oats, and 45 lbs. Annual Rye. The seeded areas shall be covered with free straw at a rate of 2 tons/ac.

C. Finish Seeding- After finish grading and topsoil placement, all areas shall be seeded, fertilized and mulched. The seeding shall be applied at the rate of 110 lbs/acre. The mixture shall consist of 25 lbs. of Pennrena Ryegrass, 35 lbs. of Jasper Red Fescue, 25 lbs. of certified common Kentucky Bluegrass or Newport Kentucky Bluegrass or Park Kentucky Bluegrass, and 25 lbs. of Ninja oats. Sod shall be applied to all areas that are to be sodded in lieu of seed. Fertilize according to soil test or at a minimum rate of 1000 lbs. of 12-12-12 fertilizer and 150 lbs. of ammonium nitrate per acre. Finish seeding rate shall only extend 10' outside of the paving limits, except for moveable areas around the building. The seeded areas shall be covered with straw free of noxious weed at a rate of 2 tons/acre. The 1000 lbs/acre of 12-12-12 fertilizer shall be applied as follows

400 lbs/acre at time of seeding
three 200 lbs/acre applications at 6 month intervals during established period Seeding dated for permanent seeding mixture used in IV-B and IV-C areas are as follows:

*Non Irrigated
March 1-May 10
August 1 - September 15
*Seeding may be done from May 10 - August 1 if irrigated.to
Dormant Seeding
November 15- February 28 (increase seed application rate by 50%)

D. Sodding, Steep Slopes- Where finish slopes are steeper than 3:1 or indicated on drawings and shall be placed in accordance with sodding item found in Section IV-B of these specifications.

E. Sodding , Where sod is specified for ditches or steep slopes, it shall be staked or pinned securely with at least 2 stakes or pins not more than 2' apart with the flat side against the slope. Stakes may be wood at least 1"x 2"x 12", driven so that the last 1" remains above the top of the sod.

HOLEY MOLEY SAYS
"DIG SAFELY"

"IT'S THE LAW"
CALL 2 WORKING DAYS BEFORE YOU DIG
1-800-382-5544
CALL TOLL FREE
FOR INDIANA STATE LAW IC8-1-26, IT IS AGAINST THE LAW TO EXCAVATE WITHOUT NOTIFYING THE UNDERGROUND LOCATION SERVICE, TWO (2) WORKING DAYS BEFORE COMMENCING WORK.

Revision	By	Date

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LANDSCAPE PLAN

SHEET 3 OF 4

PROJECT NO. 8259