

CITY OF BLOOMINGTON



May 22, 2025 @ 5:30 p.m.
City Hall, 401 N. Morton Street
Common Council Chambers, Room #115

<https://bloomington.zoom.us/j/82448983657?pwd=enJxcnArK1pLVDI nWGROTU43dEpXdz09>

Meeting ID: 824 4898 3657
Passcode: 319455

**CITY OF BLOOMINGTON
BOARD OF ZONING APPEALS (Hybrid Meeting)
May 22, 2025 at 5:30 p.m.**

City Hall, 401 N. Morton Street
Common Council Chambers, Room #115 and via Zoom

❖Virtual Meeting: <https://bton.in/Zoom>

Meeting ID: 824 4898 3657 Passcode: 319455

Petition Map: <https://bton.in/G6BiA>

ROLL CALL

APPROVAL OF MINUTES: April 24, 2025

PETITIONS CONTINUED TO: June 26, 2025

AA-17-22	<p>Joe Kemp Construction, LLC & Blackwell Construction, Inc. Summit Woods (Sudbury Farm Parcel O) W. Ezekiel Dr. Parcel(s): 53-08-07-400-008.002-009, 53-08-07-400-008.004-009... Request: Administrative Appeal of the Notice of Violation (NOV) issued March 25, 2022. <u>Case Manager: Jackie Scanlan</u></p>
CU-33-24/ USE2024-11-0068	<p>Hat Rentals, LLC 202 N. Walnut Street Parcel: 53-05-33-310-028.000-005 Request: Request for conditional use approval of "student housing or dormitory" to allow one four-bedroom unit in the Mixed-Use Downtown (MD) zoning district. <u>Case Manager: Jackie Scanlan</u></p>

PETITIONS CONTINUED TO: July 24, 2025

V-13-25/ VAR2025-03-0063	<p>Carolina Lopes 4216 E. Penn Court Parcel: 53-05-36-302-045.000-005 Request: Variance from Fence Height standards to allow a six-foot tall fence along the front east side of the property located in the Residential Medium Lot (R2) zoning district. <u>Case Manager: Joe Patterson</u></p>
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Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call [812-349-3429](tel:812-349-3429) or E-mail human.rights@bloomington.in.gov.

The City is committed to providing equal access to information. However, despite our efforts, at times, portions of our board and commission packets are not accessible for some individuals. If you encounter difficulties accessing material in this packet, please contact Melissa Hirtzel at hirtzelm@bloomington.in.gov and provide your name, contact information, and a link to or description of the document or web page you are having problems with.

PETITIONS:

V-11-25/ VAR2025-03-0065

Smith and Hays Properties, LLC300 W. 6th Street

Parcel: 53-05-33-310-263.000-005

Request: Variance from use specific standards to allow ground floor dwelling units within 20' of the first floor façade within the Mixed-Use Downtown in the Downtown Core Overlay (MD-DCO). Case Manager: Eric Greulich

V-14-25/ VAR2025-03-0067

Don & Lisa Weiler934 W. 2nd Street

Parcel: 53-08-05-111-009.000-009

Request: Variance from maximum accessory structure size and maximum size of an Accessory Dwelling Unit to allow for the construction of an Accessory Dwelling Unit in the Residential Urban (R4) zoning district.

Case Manager: Eric Greulich

V-16-25/ ZR2025-04-0069

Amber Rentals, LLC

612 N. Lincoln Street

Parcel: 53-05-33-210-030.000-005

Request: Variance from minimum front, side, and rear setback standards in the Residential Multifamily District (RM). Case Manager: David Brantez

V-38-22/ ZR2025-04-0070

Bryan Rental, Inc. / WH Plaza LLC3175 W. 3rd Street

Parcel(s): 53-09-01-100-010.000-016, 53-01-70-525-003.000-016, 53-09-01-100-042.000-016

Request: Modification of variance approval V-38-22 for the removal of Condition #1 that the existing at-home sign be removed and for an extension of the time limitation of the variance. Case Manager: Gabriel Holbrow

V-17-25/ ZR2025-04-0071

Bloomington Cornerstone Christian Fellowship

2655 S. Adams Street

Parcel: 53-04-36-400-004.000-012

Request: Variance from front parking setbacks, required Electric Vehicle charging stations, and buffer yard landscaping standards to allow for an expansion in the Mixed-Use Medium Scale (MM) zoning District. Case

Manager: Eric Greulich

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BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 300 E. 6th Street

CASE #: V-11-25
VAR2025-03-0065
DATE: May 22, 2025

PETITIONER: David Hays
8301 S. Anne Avenue, Bloomington, IN

CONSULTANTS: Doug Bruce
1101 S. Walnut Street, Bloomington

REQUEST: Variance from use specific standards to allow ground floor dwelling units within 20' of the first floor façade within the Mixed-Use Downtown in the Downtown Core Overlay (MD-DCO).

CHANGES SINCE FIRST HEARING: The Board of Zoning Appeals heard this case at the March 27, 2025 hearing and voted to continue the petition to give the petitioner additional time to make any possible revisions. The petitioner requested an additional continuance at the April 24, 2025 hearing. The petitioner submitted some additional renderings of the proposed exterior and interior views, however no changes to the overall petition have been submitted since the first hearing in March.

REPORT: The 9,583 sq. ft. property is located at the northwest corner of N Morton St. and W 6th St. and is zoned Commercial Downtown (CD), within the Downtown Core Overlay (DCO) district. Surrounding land uses include mixed-use buildings to the north and south, a commercial use to the west, and mixed-use and the Morton Street Garage to the east. The B-Line Trail runs along the property's west property line. The current structure is designated as a contributing local historic structure.

The property has been developed with a one-story, mixed-use building on the south portion of the site and a two-story, residential building on the north portion of the site that was constructed in 2019 (SP-28-19) with 16 units. The building on the south portion of the site has been developed with 2 ground floor units at the northwest corner of the building and a commercial space on the south side of the building. A building permit (CZC-2023-0266) was approved to remodel the commercial space for a new dentist office.

The petitioner is requesting a variance from the use specific standards to allow a portion of the existing space to be converted into 2 ground floor dwelling units. No changes to the exterior of the building are proposed and the units would be accessed from an interior hallway and door on the north side of the building. The modified site plan shows the creation of a 1.5' deep dead space between the front of the building and the proposed apartments. The creation of this void space is not deemed an improvement as it further creates an inactive ground floor pedestrian experience and streetscape. In addition, this space is shown to be used for signage, however there is no commercial use that occupies the space adjacent to the signage and therefore no signage would be allowed in this space.

Section 20.03.030(b)(5)(D)(ii) states that in the MD zoning district, each dwelling unit located on the ground floor shall be located at least 20 feet behind each building façade facing a public street. The

proposed residential units would be within 20' of the front façade of the building and therefore requires a variance.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE
20.06.080(b)(3)(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.*

PROPOSED FINDING: The granting of the variance will not be injurious to the public health, safety, morals, or general welfare of the community. There will be no impact to the overall safety in the design of the building with the granting of this variance.

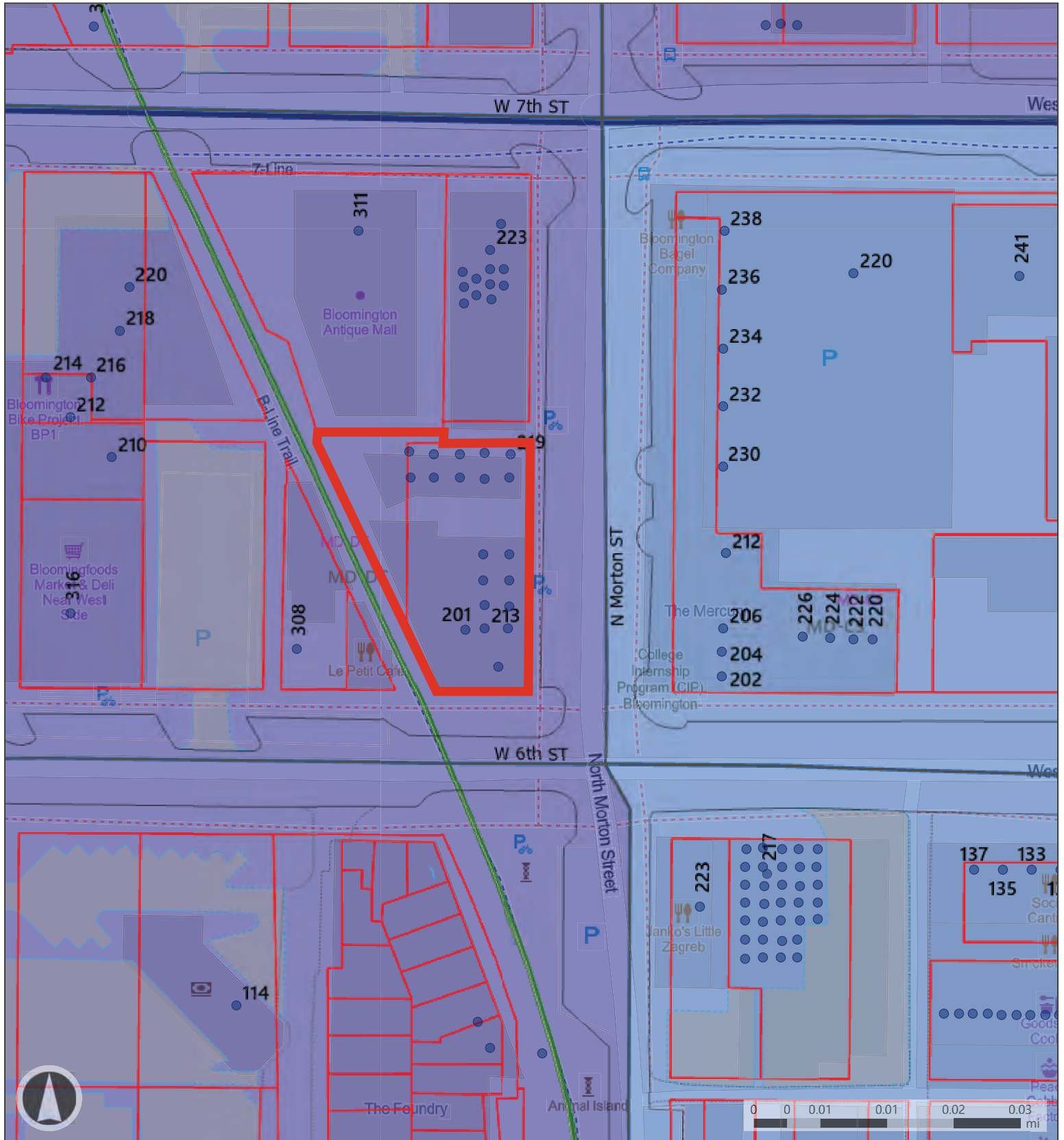
- 2) *The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.*

PROPOSED FINDING: While no direct adverse impacts to the use and value of surrounding properties as a result of the requested variance are found, the presence of the ground floor unit does detract from the overall pedestrian experience that was desired by the UDO with the requirement that residences be located 20' behind the façade. The intent of this regulation is to create active, nonresidential space along the portions of a building immediately adjacent to the sidewalk and pedestrian area. The location of a residence immediately adjacent to the sidewalk does not provide the desired pedestrian experience within the Downtown that is desired by the UDO and adopted policies.

- 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.*

PROPOSED FINDING: The Department does not find that the strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property as the ground floor of the building, including this location within the building, has always had commercial space and met all of the requirements of the UDO. There do not appear to be any practical difficulties that are peculiar to the property in question that prevent a nonresidential use from occupying this space nor preventing residential units from being constructed within the building and meeting the 20' setback requirement. In addition, the petitioner previously applied for a permit to remodel the ground floor for a new commercial tenant and excluded this proposed space from that plan for the proposed new units. There is space within the building that new residences could be added and meet the 20' setback requirement from the front facade as required.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopt the proposed findings and deny V-11-25.



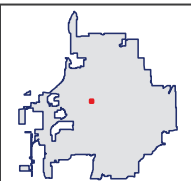
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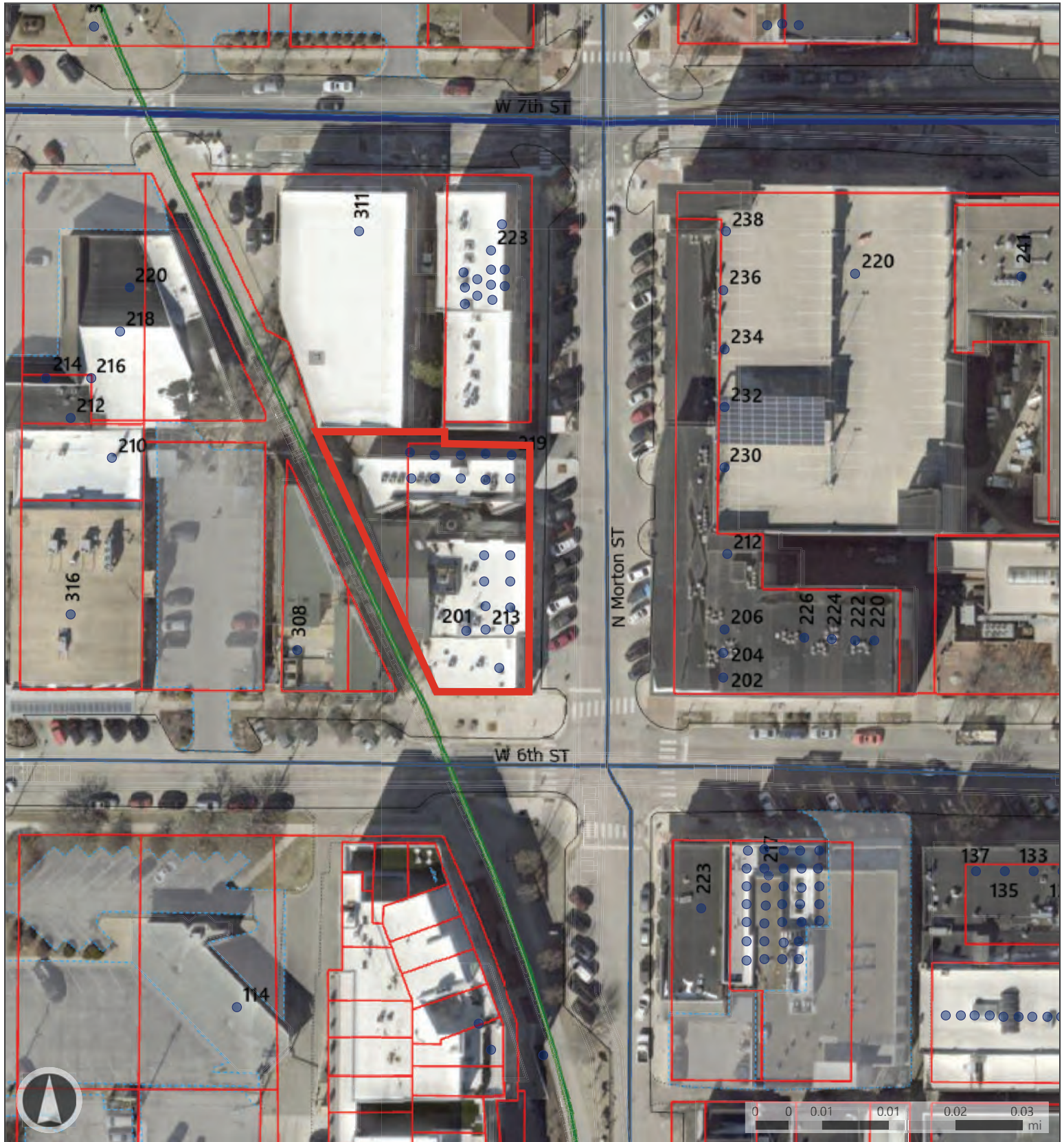
- Addresses
- ▭ Parcels
- ▬ Pavement

- ▬ Drive
- ▬ Alley
- ▭ Paved Parking Lot

- ▬ Current
- ▬ City Maintained Streets
- ▬ General Urban

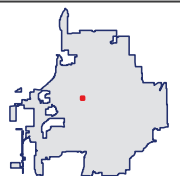
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Map Legend

- | | | | |
|-------------|-------------------|-------------------------|--------------------------|
| ● Addresses | Drive | Current | Neighborhood Connector |
| Parcels | Alley | City Maintained Streets | Neighborhood Residential |
| Pavement | Paved Parking Lot | General Urban | Primary Collector |





Bloomington Board of Zoning Appeals

Petitioner's Statement **228 West Kirkwood LLC** **228 West Kirkwood Ave**

Overview-Existing site

The site as it exists is .056 acres containing a paved parking surface that has been used as parking at this location. The Zoning is MD-CS (Mixed Use-Courthouse Square), and the unique size and corner location for almost any use, requires the owner to seek a variance.

Location

The site has been a vacant lot for decades and is unique in it's small width. There is not another legal lot in our downtown that currently exists that is this narrow and sits on a corner. Furthermore, as the Alta survey shows, the existing structure adjacent to the east of this lot sits anywhere from 1.9 feet to 1.6 feet over the property line onto our site. This effectively reduces our site even more and down to a usable width of just under 17 feet. This narrowness and corner location of this site is our reason for seeking variances so that this vacant parcel will provide an attractive infill development in our downtown. Infill development fills our missing teeth in our downtown and builds density and uses where services and infrastructure already exists.

Architectural Character

This structure is designed to harmonize with the existing character of many of the masonry buildings found around the downtown square. Brick, with detailing and limestone accents matches many of the details found downtown as well as the window patterns and main Kirkwood storefront entry to the commercial use. Utility spaces are placed along the north alley side and out of sight.

Current UDO implications

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.

Proposed Finding: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property-This is readily evident as almost any use on this site would require a variance within the current UDO.

Variances being sought:

Architecture

70% glass requirement along Morton Street ground floor
 Facade articulation
 Pedestrian entry design elements along Morton Street

Parking minimum 20 feet setback within a building

Ground floor minimum 50% nonresidential use

Back out parking unto a public street

Requirement to access parking from an improved alley

Maximum building height

To allow a dwelling multifamily use in the mixed use downtown (MD) courthouse square district (CSO)

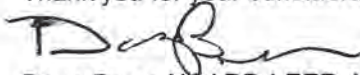
We propose that we meet the Criteria to evaluate the approval under flexibility and relief procedures with the following:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
 The proposed use and design matches the existing downtown architecture and is complementary to other nearby uses.
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; and
 No impacts on the neighboring properties or reduction in value will result from this variance request, in fact the values of nearby property will increase with this conversion of a paved parking lot into a three story building. The unsightly, exposed wall of the adjoining building will be forever hidden behind this proposed structure.
3. The strict application of the terms of this UDO 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.
 There is probably not another parcel in our downtown as unique as this site with it's very narrow width and long length. The strict application of the UDO has made this parcel a longtime eyesore as it sits less than a block away from our city center as an entirely paved lot. The circle is the most efficient form, closely followed by the square. This site at 17 feet wide and 132 feet long is the least efficient shape.
 The strict UDO requirements to this extremely unique site make any use, especially for upper floors, almost impossible. Accessible circulation functions such as stairs and elevators require space and a narrow lot makes fitting those items difficult. Facade articulation is almost impossible as the UDO could not imagine a building so narrow as to step back and become even more narrow.
 We placed all required services for trash, sprinkler, and utilities at the alley side of the building and have created as much ground floor commercial space as possible at Kirkwood Ave. and around the Morton Street corner. With Morton Street being a one way street, back out parking is accomplished much easier, and for owner occupied units as we have planned, we have placed those single garage doors along the northern most area of the ground floor plan. Developing this site that has sat for decades is a win win for the city as infill development and added housing,

meeting some basic goals of the UDO, to meet these basic goals require variances as we have requested.

Our proposal will blend into the existing downtown architecture and use materials such as brick, storefront and recess entry at the commercial space along Kirkwood, and limestone to compliment nearby detailing, will add necessary owner occupied housing, add infill commercial space along Kirkwood, and pay homage to the musical mural that once existed along the damaged existing blank wall, we hope you find the merits in our request for approval.

Thank you for your consideration.



Doug Bruce NCARB-LEED AP
TABOR/BRUCE ARCHITECTURE & DESIGN, Inc.
1101 S Walnut Street
Bloomington, IN 47401
(812) 332-6258



William J. Beggs
Partner
Direct: 812-245-6015
wjbeggs@lawbr.com

February 26, 2025

Eric Greulich
Senior Zoning Planner
City of Bloomington Planning &
Transportation Department
401 N. Morton Street, Suite 130
Bloomington, IN 47404

Via email to:
greulice@bloomington.in.gov

Re: *Petitioner's Statement*
Our Client: Smith & Hays Properties, LLC
"Hays Market Building" 6th Street & Morton Street
Property Address: 300 West Sixth Street
Zone: Mixed-Use Downtown, Downtown Core Overlay (MD-DCO)
Request: Partial Relief From 20 foot Building Façade Requirement

Dear Mr. Greulich:

Please accept this Petitioner's Statement in connection with the variance request being sought by Smith & Hays Properties, LLC. The subject property is known as the "Hays Market Building" and is designated historic. That designation is critical to the request being sought in this variance. In general, Petitioner seeks to convert space located on the ground floor in the northeast area of the building into two separate dwelling units. One would be a studio apartment and the other would be a one-bedroom apartment.

You will recall that this property was the subject of a request for variance identified as Case No. V-24-23 where a different request was denied. In light of that result and information learned through that hearing, the Petitioner has substantially modified the request for variance to satisfy the stated concerns.

We believe that the UDO section from which relief is sought is 20.03.030(b)(5)(D)(ii), which requires that "...each dwelling unit located on the ground floor shall be located at least 20 feet behind each building façade facing a public street."

The 2023 Variance Request sought relief from the entire 20-foot setback requirement. The present request seeks relief only as to approximately 15 feet when the definition of "façade" is applied because of the presence of exterior canopies. (See 20.07.010 definition of "façade").

No changes to the exterior of the historic Hays Market Building are proposed except installation of an operable window at the north end of the building, within the locked courtyard. That window cannot be seen from Morton Street so, effectively, no change to the appearance is proposed.

Much of the ground floor of this property is presently occupied by a dental office. The back (west) of the building is bordered by the B-Line Trail and the rear façade is approximately six (6) feet from the edge of the trail. The “front” of the building faces Madison Street.

The primary concern raised in 2023 that has been solved in the current Petition concerns the “overall pedestrian experience” along Madison Street. In order to guard against there being some unpleasant visual experience by those walking or driving along Madison Street, Petitioner proposes installation of an interior wall that will be positioned approximately three feet inside each apartment unit. The purposes of the wall are to (a) protect the “overall pedestrian experience” by causing the appearance of the building to be similar to its south side and other commercial properties in the immediate area, and (b) to eliminate the need for a variance as to the entire 20-foot setback requirement. In 2023, Petitioner’s request was for a variance from the entire 20 foot setback requirement. This petition seeks a variance of approximately 15 feet instead.

For passers-by, the view into these buildings would be of anticipated commercial advertisements and marketing materials rather than any residential characteristics, thus protecting the “overall pedestrian experience.” Because the building is designated historic, there will be no change to the openings or other appearance along Madison Street. Whether this variance request is granted or not, there will be no new doorways installed on the exterior of the building. In other words, the Morton Street side of the building will look the same even if the request is granted.

With respect to the elements that the BZA will consider, the Petitioner states the following.

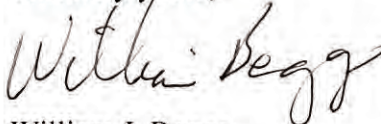
First, granting this variance will not be injurious to the public health, safety, morals, and general welfare of the community. There will be no impact to public health and safety if the subject space is occupied by residential tenants as opposed to hoped-for commercial tenants, which Petitioner has been unable to secure. To the contrary, allowing for occupancy of the subject space will serve the general welfare of the community by adding to the vibrancy of the street and eliminating yet more idle ground floor commercial space downtown.

Second, the use and value of the area adjacent to the site will not be affected in a substantially adverse manner if this Petition is granted. There is clearly an overabundance of commercial space available within mere feet of this site. The property at the north end of this block is commercial and has been vacant since its construction in what we believe was approximately 2019. In fact, that building’s ground floor commercial space has never been finished or occupied. Imposing the setback requirement on the Hays Market building will only serve to perpetuate Bloomington’s now-characteristic unoccupied ground floor commercial space, both in the immediate vicinity and beyond. Also, there are already multiple residential units within two blocks of the Hays Market building, further supporting the fact these two additional residential units would pose no adverse impact to the use and value of the area adjacent to the Hays Market building.

Third, strict application of the terms of the UDO has, and will continue to, result in practical difficulties in the use of this property; the practical difficulties are peculiar to the property; and the variance sought will relieve those practical difficulties. The Hays Market building's peculiarities include its historic designation, its location on the B-Line Trail, its longtime entrance door at the southeast corner of the building that remains today, and its mechanical service location along the rear (west) of the building. The historic designation means that no new openings or significant changes can be made to the exterior of the building without permission by the Commission. The rear of the property being located on the B-Line Trail is another peculiarity because the building's mechanical service is located there along with restroom space. Those would have to be situated on the Morton Street side of the building otherwise. Requiring Petitioner to locate residential tenants along the B-Line would simply transfer concerns about "overall pedestrian experience" to the B-Line, which sees more pedestrian traffic than this stretch of Morton, instead. The present request relieves that peculiarity altogether and would allow Petitioner to finally put the space to use, albeit still at a loss to Petitioner due to the decreased available square footage. Finally, the relief being sought is not for the entire 20-foot setback but, instead, seeks to place the residential units approximately five (5) feet from the front façade.

While Petitioner believes that the proposed modification will satisfy the concerns imposed by UDO Section 20.03.030(b)(5)(D)(ii), it would frankly prefer not to construct the new wall along the east side of the two proposed apartments and receive a variance as to the entire twenty (20) feet. If the BZA were willing to grant Petitioner's variance request without that wall, Petitioner would be grateful. If the BZA is not so inclined then Petitioner respectfully requests approval of this revised variance request.

Sincerely yours,



William J. Beggs

WJB/khj



**TABOR
BRUCE**
ARCHITECTURE & DESIGN INC.
1101 S. WALNUT STREET • BLOOMINGTON, IN 47401
317/846-9110 FAX 317/846-9100 WWW.TABORBRUCE.COM

REVISIONS

A RENOVATION FOR:
HAYS MARKET
300 WEST 6TH ST.
BLOOMINGTON, INDIANA 47404

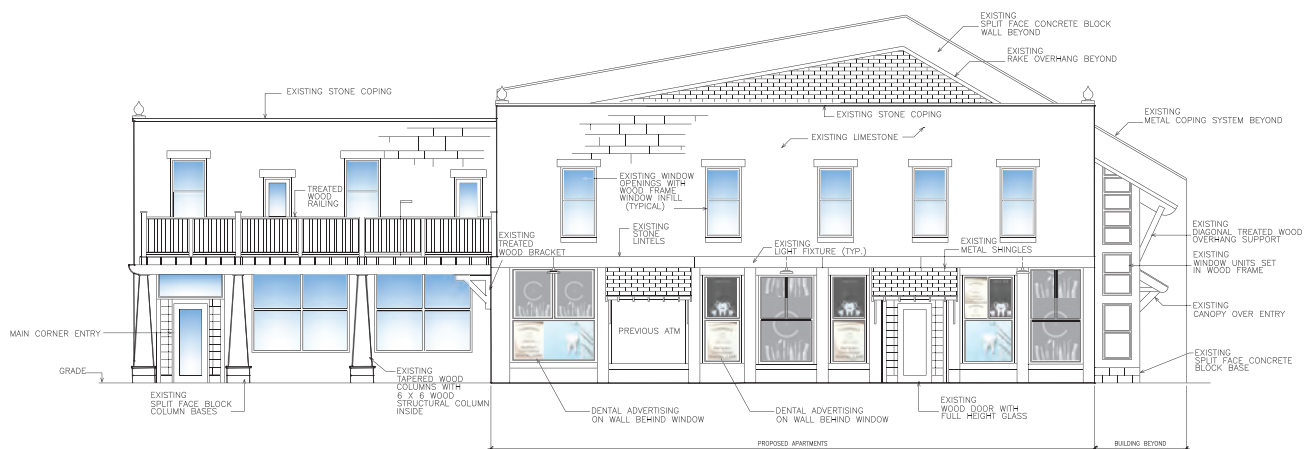


PROJECT NO.	3322
DATE	FEBRUARY 8, 2021
DRAWN BY	S. MATTHEWS
CHECKED BY	D. BRUCE
SHEET NAME	EXTERIOR ELEVATIONS

SHEET NO.

AD201

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1 EAST EXTERIOR ELEVATION
1/4\"/>



REVISIONS

A RENOVATION TO FIRST FLOOR OFFICE UNITS OF THE:
HAYS MARKET
300 WEST 4TH ST.
BLOOMINGTON, INDIANA 47404

PROJECT NO. 2020
DATE NOVEMBER 11, 2020
DESIGNED BY S. HARTSHORN
DRAWN BY D. BRUCE
SWOT NO.

EXTERIOR ELEVATIONS

AD202

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BLOOMINGTON, IN 47404
(317) 326-1000
tlabor@tlaborbruce.com

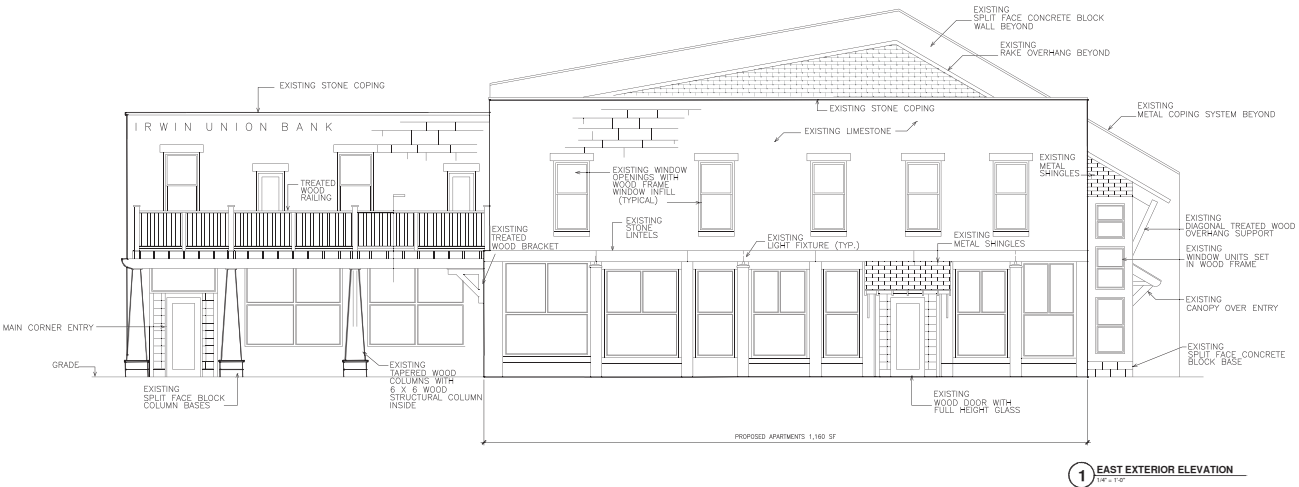
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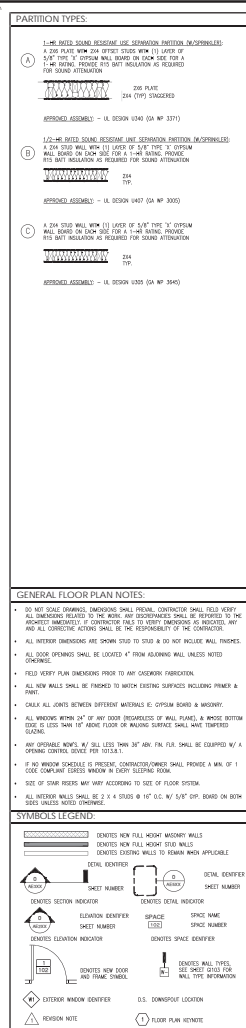
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HAYS MARKET
300 WEST 4TH ST.
BLOOMINGTON, INDIANA 47404

PROJECT NO.	2020
DATE	NOVEMBER 10, 2020
DRAWN BY	S. HARTSHORN
CHECKED BY	C. BRUCE

EXTERIOR ELEVATIONS

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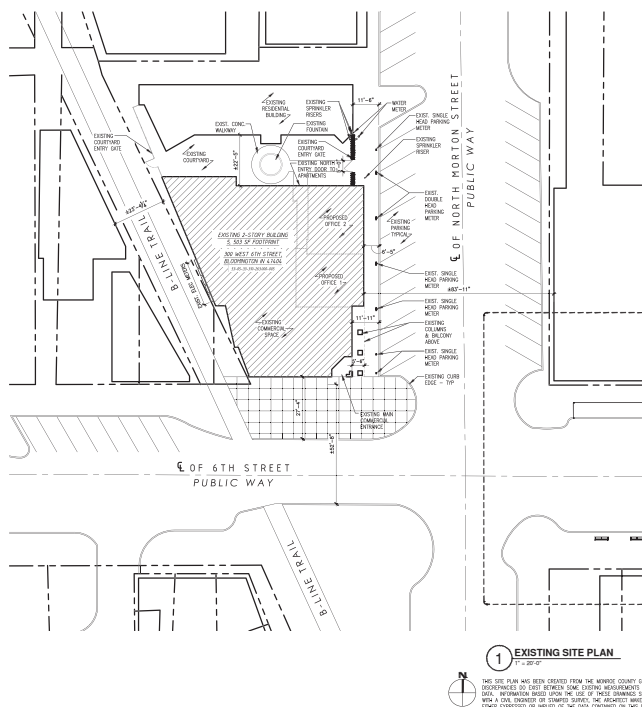
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HAYS MARKET
300 WEST 6TH ST.
BLOOMINGTON, INDIANA 47404



PROJECT NO.	3222
DATE	NOVEMBER 13, 2011
DRAWN BY	S. MATTHEWS
CHECKED BY	

EXISTING
ARCHITECTURAL
SITE PLAN

AS101



1 EXISTING SITE PLAN

THIS SITE PLAN HAS BEEN CREATED FROM THE MONROE COUNTY G.I.S. SYSTEM. DISCREPANCIES DO EXIST BETWEEN SOME EXISTING MEASUREMENTS AND G.I.S. DATA. INFORMATION BASED UPON THE USE OF THESE DRAWINGS SHALL BE VERIFIED WITH A CIVIL ENGINEER OR STAMPED SURVEY. THE ARCHITECT MAKES NO WARRANTY CONCERNED OR IMPLIED IN THE DATA CONTAINED ON THIS DRAWING.

SITE UTILITIES CONTACT INFORMATION

- COMCAST

- SCOTT CORP. Ph. 812-332-9812
Email: scott_corp@bellsouth.com
- AT&T:
BRENT MCCREY Ph. 812-354-4511
Email: bmv1750@att.com
- CITY OF BLOOMINGTON WATER & SEWER
MACH ASSOC. Ph. 812-548-3991
Email: casen@bloomington.gov
- DUKE ENERGY:
SETH FERROUSON Ph. 800-774-0740
Email: seth.ferroson@duke-energy.com
- VECTRON:
DOUG ANDERSON Ph. 812-330-4141
Email: douglas@vectron.com

SITE LAYOUT NOTES

- ALL DIMENSIONS SHOWN ARE MIN.
- ALL BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF FRAMING (U.N.O.)
- DOWNSPOUTS NEED TO CONNECT TO AN UNDERGROUND STORM WATER SYSTEM TO DAYLIGHT IF ALLOWED.

GENERAL SITE NOTES

- [illegible]









BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 934 W. 2nd Street

CASE #: V-14-25
VAR2025-03-0067
DATE: May 22, 2025

PETITIONER: Don Weiler
 934 W. 2nd Street
 Bloomington, IN

REQUEST: Variances from maximum accessory structure size standards and maximum size of an Accessory Dwelling Unit to allow the construction of a new Accessory Dwelling Unit in the Residential Urban (R4) zoning district

REPORT: This 9,784 square foot (0.22 acre) property is located at 934 W. 2nd Street and is zoned Residential Urban Lot (R4). Surrounding properties to the west and south are zoned Mixed-Use Medium Scale (MM), to the north are zoned Residential Small Lot (R3), and to the east are zoned Residential Urban (R4). Surrounding land uses include offices to the west and south, and single family residences to the north and east. The property was recently developed with a detached single-family dwelling that was constructed in 2023 (CZC-2023-0461). The property is also within the Near West Side historic district. A Certificate of Appropriateness (C23-601) was approved for the construction of the new residence and this proposed accessory building.

The petitioner is proposing to construct a two-story, 837 square foot accessory structure on the north side of the property with an Accessory Dwelling Unit on the second floor. The accessory structure would have a two-car garage on the first floor with a one-bedroom ADU on the second floor.

Within the R4 zoning district the maximum size allowed for an accessory structure is 400 square feet and for an ADU is also 400 square feet. Since the proposed accessory structure is 837 square feet, a variance from both the maximum size of an accessory structure and maximum size for an ADU is required for the proposed structure. It is important to note that within the R4 zoning district the minimum lot size is 4,000 square feet. This property is more than twice the size of the minimum lot size of this district, as are the other adjacent properties to the east of this site along the north side of 2nd Street. All of the properties to the east of this site are more than twice the 4,000 square foot minimum lot size of the R4 and there are multiple accessory structures on adjacent lots in this area that exceed the maximum accessory structure size restrictions. Many of the accessory structures in this area are between 700-800 square feet in size.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

20.06.080(b)(3)(E)(i)(1) Standards for Granting Variances from Development Standards:

Pursuant to Indiana Code 36-7-4-918.5, the Board of Zoning Appeals or Hearing Officer may grant a variance from the development standards of this UDO 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*

PROPOSED FINDINGS:

Accessory structure size: The approval of the variance to allow a larger accessory structure is not expected to be injurious to the public health, safety, morals, or general welfare of the community. The size of the structure is appropriate to the size of the property which is twice the size of the minimum lot size of this district and comparable to other accessory structures in the area. The ratio of the footprint relative to the lot size on this property is comparable to other districts with a similar lot size which would allow an accessory structure up to 840 square feet.

Accessory Dwelling Unit size: The approval of the variance to allow a larger accessory dwelling unit is not expected to be injurious to the public health, safety, morals, or general welfare of the community. As mentioned, the size of the structure is appropriate to the size of the property which is twice the size of the minimum lot size of this district and comparable to other accessory structures in the area. The ratio of the accessory structure footprint to the lot size on this property is comparable to other districts with a similar lot size

- (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; and*

PROPOSED FINDINGS:

Accessory structure size: The use and value of the area adjacent to the property is not expected to be affected in a substantially adverse manner as there are a number of other structures of similar size on surrounding properties. In addition, there are 12' wide public alleys along the north and west sides of this property that decrease any impacts to adjacent properties by the size of the structure.

Accessory Dwelling Unit size: The use and value of the area adjacent to the property is not expected to be affected in a substantially adverse manner as there are a number of other structures of similar size on surrounding properties. In addition, there are 12' wide public alleys along the north and west sides of this property that decrease any impacts to adjacent properties by the size of the structure.

- (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 questions; that the development standards variance will relieve the practical difficulties.*

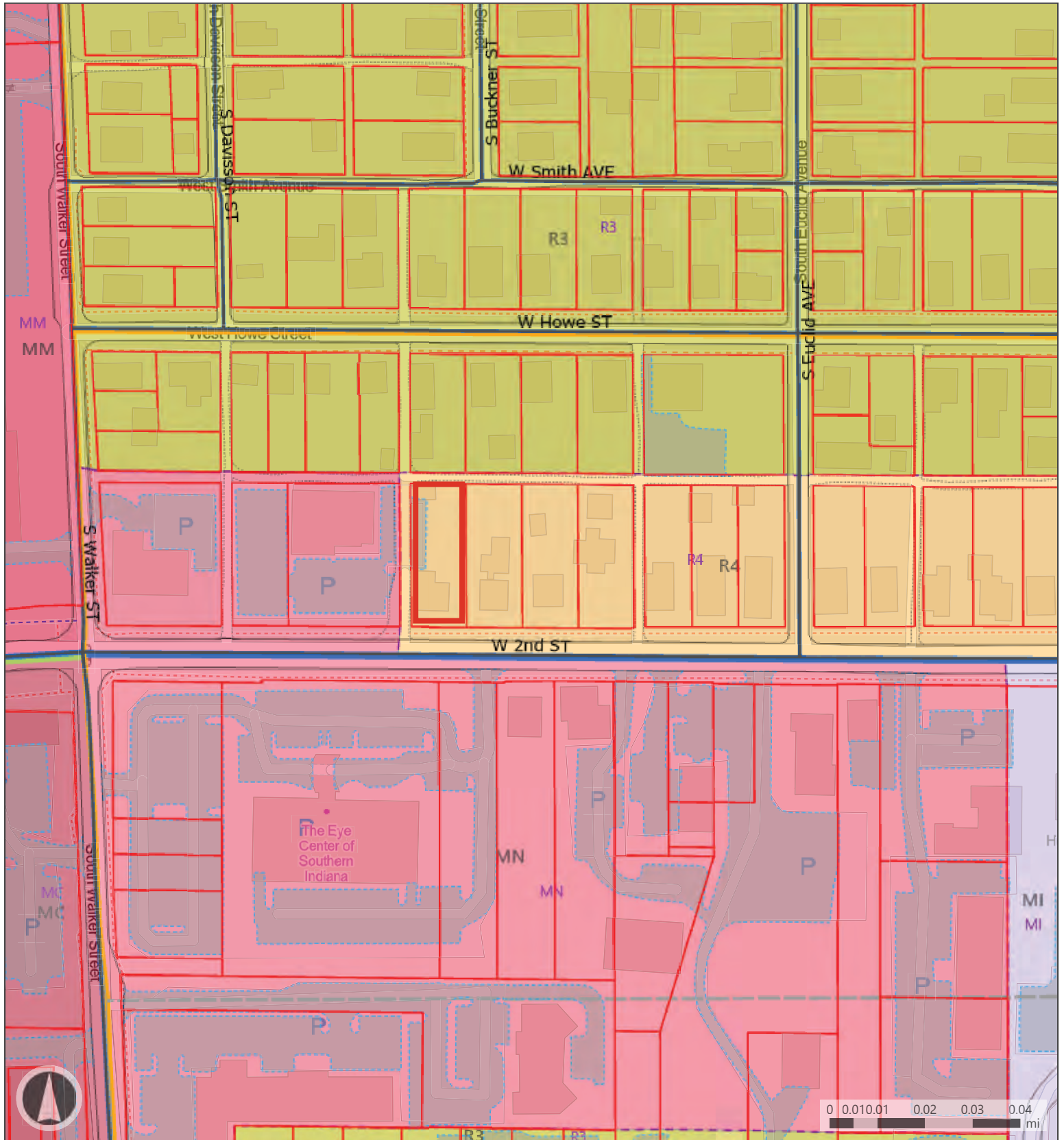
PROPOSED FINDINGS:

Accessory structure size: Strict application of the UDO results in a practical difficulty in the use of the property because it would not allow for an accessory structure to be built on this lot that is appropriate for the larger lot size and comparable to other surrounding accessory structures that have been constructed. The property is peculiar in that it is twice the size of the minimum lot size for this district and the size restrictions for this zoning district were based on lots that are 4,000 square feet and this lot is 9,784 square feet and more than twice the size of the lot size of the district. The granting of the variance would allow for an appropriate accessory structure to be constructed that is appropriate for the lot.

Accessory Dwelling Unit size: Strict application of the UDO results in a practical difficulty in the use of the property because it would not allow for an accessory structure to be built on this lot that is appropriate for the larger lot size and comparable to other surrounding accessory structures that have been constructed. The property is peculiar in that it is twice the size of the minimum lot size for this district and the size restrictions for this zoning district were based on lots that are 4,000 square feet and this lot is 9,784 square feet and more than twice the size of the lot size of the district. The granting of the variance would allow for an appropriate accessory structure to be constructed that is appropriate for the lot.

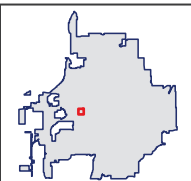
RECOMMENDATION: Based upon the report and written findings of fact above, the Department recommends that the Board of Zoning Appeals adopt the proposed findings for V-14-25/VAR2025-03-0067 and approve both variances with the following conditions:

1. This approval is for an 837 square foot accessory structure and ADU as submitted.
2. The driveway for the garage cannot exceed 20'. All parking on the property must meet UDO requirements.



Map Legend

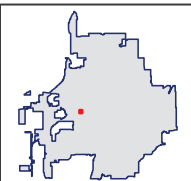
- | | | | |
|----------|-------------------------|--------------------------|-------------------------|
| Parcels | Paved Parking Lot | General Urban | Mixed-Use Corridor |
| Pavement | Current | Neighborhood Residential | Mixed-Use Institutional |
| Alley | City Maintained Streets | Primary Arterial | |





Map Legend

- Addresses
- Parcels
- Pavement
- Alley
- Paved Parking Lot
- Current
- City Maintained Streets
- Primary Arterial
- General Urban
- Neighborhood Residential



March 13, 2025

City of Bloomington
Planning and Transportation Department
401 N. Morton St., Suite 130
Bloomington, IN 47404

RE: 934 W. 2nd St, Bloomington, IN 47403

We respectfully request a variance for constructing a detached garage and Accessory Dwelling Unit (ADU) at our home located at 934 W. 2nd St in Bloomington. The specific variance relates to the accessory structure footprint [UDO 20.03.030(g)(1)(E)].

Property History

The property is in the Prospect Hill neighborhood on the north side of 2nd St between Walker and Euclid. It historically contained a bungalow-style home and detached garage.

The house became uninhabitable since it was last used as a residence at least 34 years ago. In 2023 and 2024, we partnered with the Prospect Hill Neighborhood Association to build a gabled-ell bungalow that aligns with the architectural guidelines of our historic neighborhood. Our neighbors and the Prospect Hill neighborhood have enthusiastically received our new home.

A detached garage was in place for at least 75 years based on dated newspapers incorporated into the structure for shelf lining and insulation. Based on a 2024 survey, the garage structure was approximately 12 inches over the back property line. Therefore, we submitted plans to replace the non-compliant garage with a structure that brings the site into compliance with current planning standards.

Neighborhood History

Prospect Hill is a registered historic district. Bungalows and cottages with detached accessory structures are the dominant residential style. In 2014, the Prospect Hill Neighborhood Association developed architectural guidelines in partnership with the Bloomington Historic Preservation Commission and the Bloomington Department of Housing and Neighborhood Development (HAND).

Project Approval

In 2023, we obtained a Certificate of Appropriateness from the Bloomington Historic Preservation Commission to construct our bungalow and detached garage.

During the building permit review, the City of Bloomington Planning and Transportation Department indicated that the detached garage would need a variance for the footprint size. Based on our need to complete our home, we proceeded with the home construction with the intent to pursue the accessory structure variance shortly thereafter.

We moved into our home in November 2024 and have thoroughly enjoyed being part of the Prospect Hill neighborhood. The reception of our new home has been immensely gratifying.

Accessory Structure Description

The accessory structure will incorporate parking for two vehicles on the ground level and an Accessory Dwelling Unit (ADU) above the garage. Access to the parking within the garage will be from the existing alley. The current plan will resolve several non-compliant elements of the former garage.

Our accessory structure plan incorporates several personal and community considerations:

- **Safe Neighborhoods:** We currently park our vehicles outdoors in an unlit alley. My wife's occupation requires her to leave home during the early morning and overnight hours. An enclosed garage space would allow her safe access to our house through the backyard.
- **Crime Prevention:** Unfortunately, our neighborhood has experienced several car break-ins, and people observed looking into vehicles and testing car doors. Parking our vehicles in an enclosed garage would secure our property and decrease crime opportunities.
- **Housing:** Per the City of Bloomington's Accessory Dwelling Unit Resource website, "The City recognizes the benefits of ADUs and is committed to promoting their construction in a way that is sustainable, affordable, and complementary to the surrounding neighborhood." Our plan incorporates a 1-bedroom, 1-bath ADU above the garage space.
- **Historic Preservation:** The intended use and detached design align with the Prospect Hill historical guidelines, and the exterior finishes match the details of the primary structure.
- **Sustainability:** The City encourages using alternative transportation modes – e.g., bicycles, electric vehicles. The accessory structure will allow us to charge our electric vehicle and provide indoor bicycle storage.
- **Planning Compliance:** The placement of the accessory structure on the lot brings the parcel into full compliance with the current setback standards.

Approvals and Support

The Bloomington Historical Preservation Commission has issued the plans presented in this request a Certificate of Appropriateness.

We presented the plans to the Prospect Hill Neighborhood Association and received unanimous support concerning the variance, as documented in the attached January 2025 PHNA minutes.

Also attached are letters of support from our immediately adjacent neighbors.

Justification for Approval

The variance request satisfies the three approval criteria as outlined in the UDO:

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

The project improves public safety as the enclosed parking and protected pathway reduce opportunistic criminal activity.

2. *Criterion: 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.*

The project improves the use (wider alley) and property value of the adjacent area, as noted by the neighborhood association and adjacent neighbors.

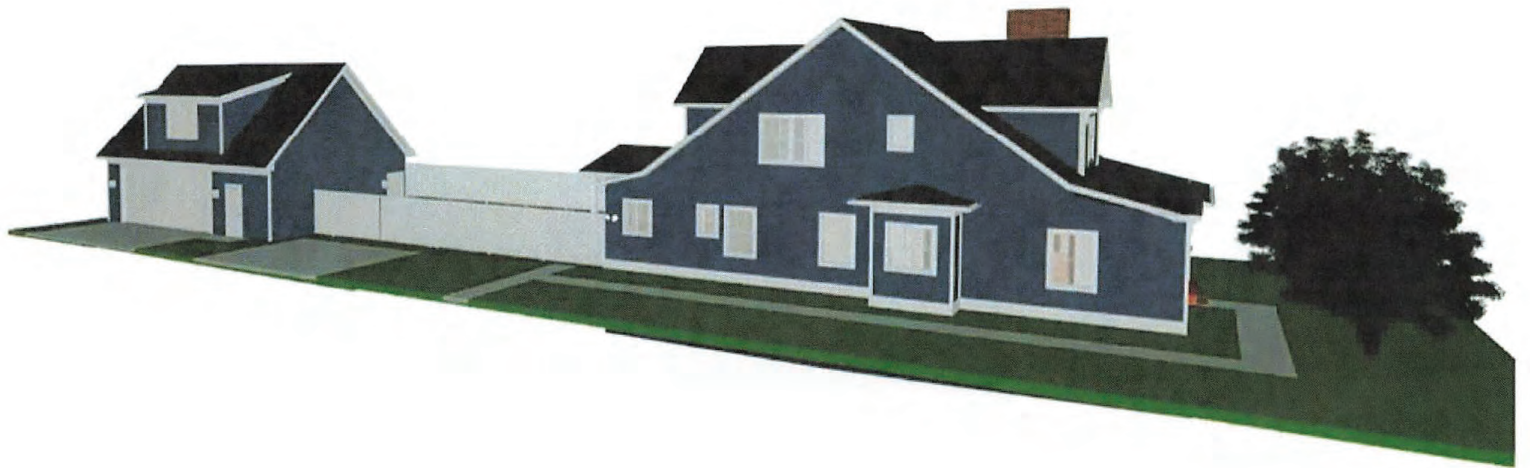
3. *Criterion: The strict application of the terms of this UDO will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the development standards variance will relieve the practical difficulties.*

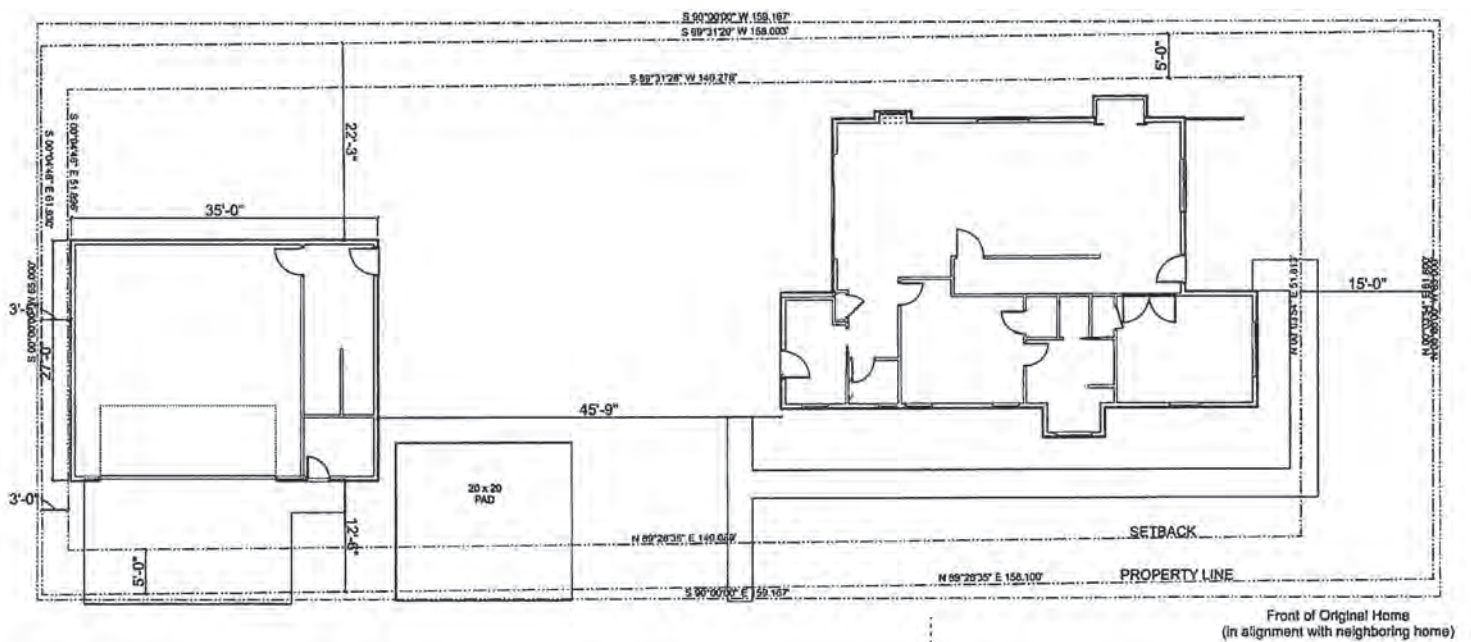
Several factors contribute to the satisfaction of this criterion: The unusually large size of the lot relative to the zoning guidelines and the surrounding neighborhood parcels, the commonality of a two-car detached garage of the size proposed, and the integration of the detached garage with an ADU as opposed to seeking two separate structures. A smaller structure would not align with the size of accessory units on nearby properties, would not achieve the scale appropriate for the lot size, and would not allow sufficient space to achieve the sustainability and housing goals.

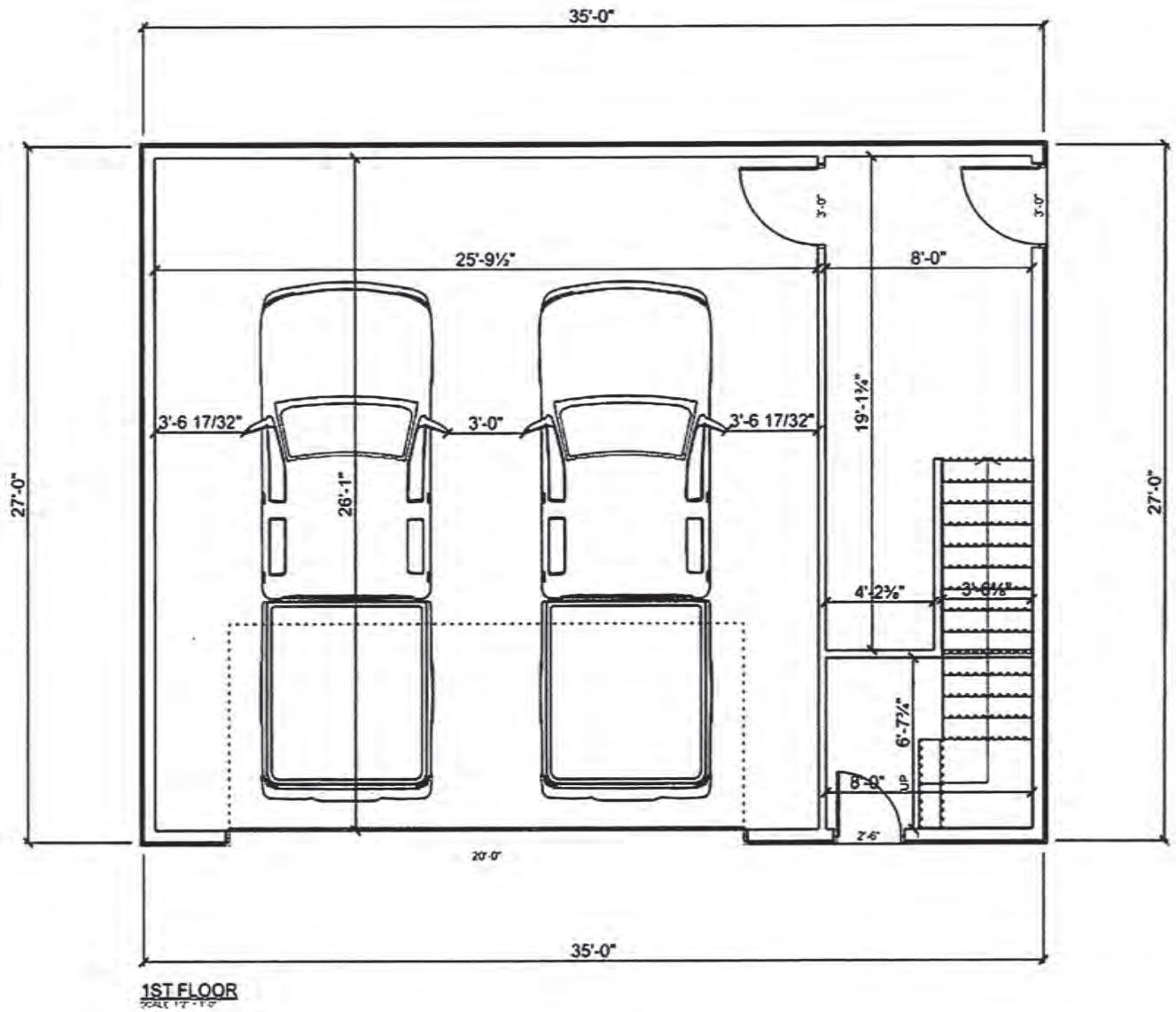
Thank you for your time and thoughtful consideration of this request. We look forward to completing our goal of returning 934 W 2nd St to its historical position as a functioning residential parcel within the Prospect Hill neighborhood.

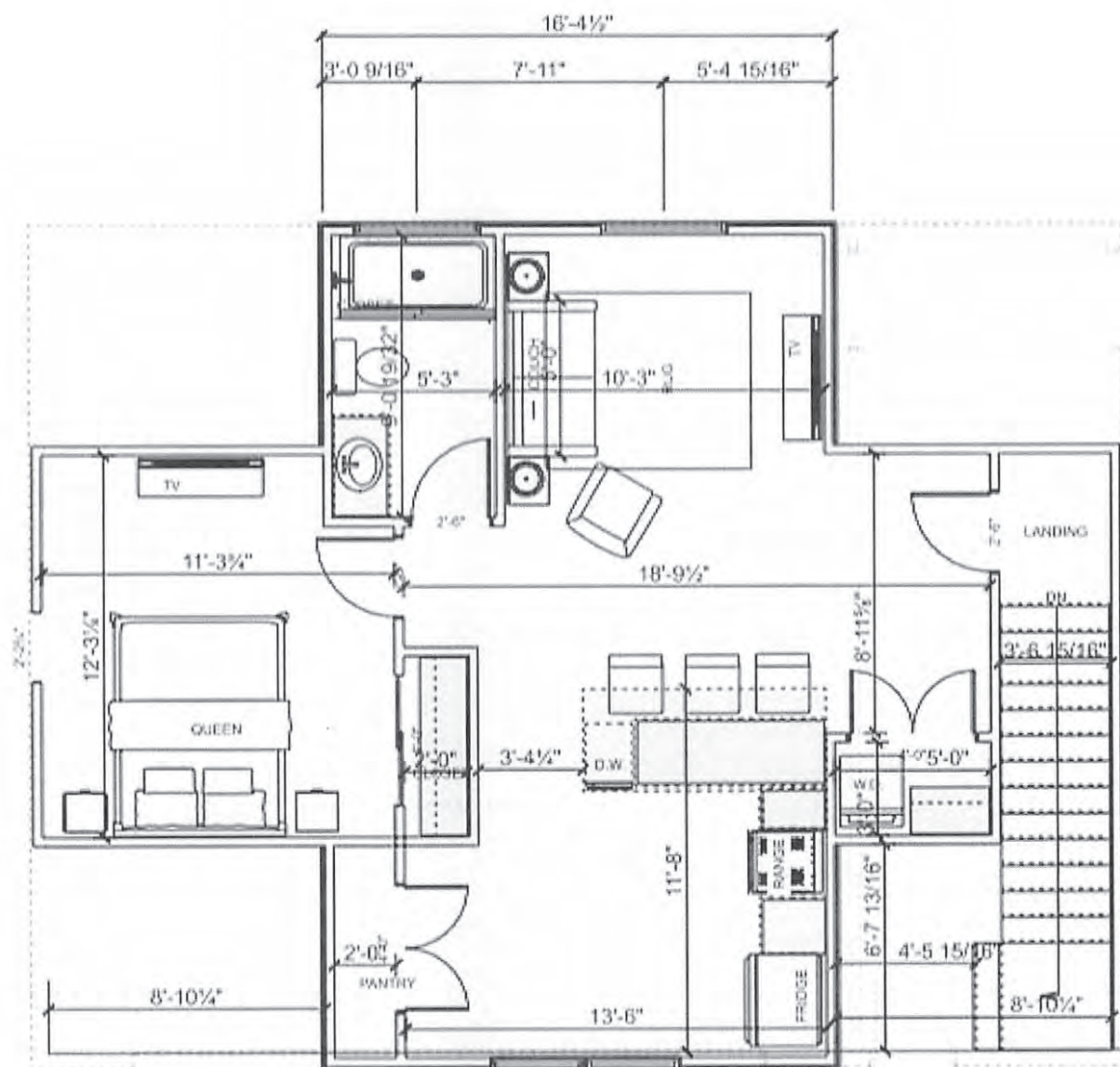
The image shows two handwritten signatures in black ink. The signature on the left is 'Don Weiler' and the signature on the right is 'Lisa Weiler'. Both are written in a cursive, flowing style.

Don & Lisa Weiler
934 W 2nd St.
Bloomington, IN 47403









934 Historical



02/19/2022



Don Weiler <don@myweiler.com>

New garage

CINDY WELCH <cswelch0814@yahoo.com>

Fri, Jan 31, 2025 at 10:26 AM

To: don@myweiler.com

To whom it may concern:

I own the home directly to the east of the Weiler's new home. This home has been a wonderful addition to the neighborhood. The addition of the new garage will only add additional esthetic and monetary value to the neighborhood.

Sincerely,
Cindy S Welch
930 W 2nd St
Bloomington, IN 47403
Sent from my iPhone



Don Weiler <don@myweiler.com>

934 West 2nd Street Garage with ADU Permit Application

1 message

John Bickley <john.e.bickley@gmail.com>

Tue, Jan 28, 2025 at 7:14 PM

To: don@myweiler.com

To Whom It May Concern:

My Name is John Bickley. My wife, Sandy Bonsib, and I at 1003 West Howe Street.

Our back yard is just across the alley from Don's proposed garage.

We have reviewed the plans for said garage and ADU.

We do not have any issues with the plan. N

We appreciate the improvement Don and Lisa have made to our neighborhood.

Thank you,

John Bickley

425-736-4306

john.e.bickley@gmail.com

Sent from my iPad

**Prospect Hill Neighborhood Association (PHNA)
Meeting Minutes
Monday, Jan. 6, 2025
6:30 pm via Zoom**

Attendance: Glenda and Patrick Murray, Jaclyn Ray, Cynthia Bretheim, Eoban Binder, Don Weiler, Pat Glushko and John McDowell, Lynn Schwartzberg and Peter Haralovich, John Bickley, Emma Alexander, Danny and Lindsay Muller, Richard Lewis, Jenny Mack

1. Minutes & Treasurer's Reports

A. Minutes—Jaclyn approved

B. Treasurer's Report—none

2. Committee Reports

A. Building Trades Park —vacancy **Glenda:** P&R first phase to be done spring 2025

Cynthia: may affect picnic in the fall, looked at trees, they will do what they need to do

B. Rose Hill Cemetery—**Jaclyn:** none

C. Design Review Committee—Patrick or Richard and two vacancies

Discussion of potential rules change (requires updating the bylaws) 1) term limits 2) owner who doesn't live in neighborhood **Glenda:** the Greater PH historic district was created with a DRC 5 "residents" on the committee, two have left, PHNA Executive decides on the new members **Jaclyn** how do we choose? **Glenda:** write a short paragraph of why you want to be on the committee, send to Glenda **Richard:** sent link to bylaws, Executive can recommend and then all vote in a PHNA **Jaclyn:** do we want term limits? **Richard** not single out one committee to have term limits if we don't have at least three members **Jaclyn** can reapply **Richard** Executive limit two consecutive terms it would have to be written concisely **Glenda** anything else changed in by-laws and historic district different discussion **Richard** put names on website? **Glenda** let's just do two ppl at a time for continuity, I will ask those interested to send paragraph to me, explain why, Executive committee will meet before next meeting to recommend and at next meeting all will vote **Richard** duties, meet by email as stuff comes in from HAND and HPC, provide guidance, cannot stop a project but can make recommendations, helping neighbors make practical renovations while preserving the guidelines

D. City Council, Boards, and Commissions any other changes? none

E. HAND **Glenda:** grant applications available Jan. 1 apply for Small and Simple grant to print and mail Little Prospector (Emma and Eoban); **Eoban:** yes, when? **Jaclyn** May mail out **Glenda:** any other interest in NIG? **Emma** send out a survey? **Lynn** streetlights on Rogers between 2nd and 3rd period appropriate **Glenda** I'll ask Duke and the City **Pat** there is some kind of rule for lights every 60' it would be too bright, maybe there is a new rule with dimmer lights or solar light? **Lynn** Rogers sidewalk is uneven and dark **Jaclyn:** propose to continue to work on headstone restoration in RHC unless

anyone else wants to apply for this grant for a different neighborhood project by February meeting; but the streetlights won't fall under the NIG, another neighborhood asked and they said no

F. CONA—**Cynthia**: none

3. Old Business

A. Beacon new build at 1201 W Third Street construction 2025, move in 2026; Fundraising ongoing; Beacon Advisory Committee **Glenda** update: 3.4m of 5m from community, 9m in grants, 12.4 out of 20m goal **Jaclyn** how do we pick a rep for the Beacon Committee? Did they ask you because you are the PHNA President right now? So I wonder if other ppl would like to have a chance to be the rep and how we would decide? Or if a future PHNA President doesn't want to be the Beacon rep? **Glenda** will be an ongoing committee if problems arise. **Eoban**: more important to exist after the facility opens, having an open line of communication between Beacon and the neighborhood is imperative **Jaclyn** Glenda should have a sub, and we can ask them to come to our meetings **Lindsay** how to decide on that person? Want them to be objective, Sue is affiliated so may be bias **Richard** former volunteer coordinator for Beacon **Glenda** and Amy Kendall lives in neighborhood and works there **Emma** apply through grant for more waste baskets and needle containers **Glenda** not this year but next year **Jaclyn** not through grants but City does trash and Mo. Co. Public Health will do sharps containers

B. 2nd St. redesign: construction 2025

C. Hopewell Neighborhood: 1st St. is now open

D. 2025 PHNA events schedule: June food truck (**Cynthia**); October picnic (**Glenda**)

4. New Business

A. Don Weiler to discuss plans for two-car detached garage with ADU upstairs at 934 W 2nd Street. **Don**: want 2 car garage with 1 bedroom ADU above it, all set-backs are in line with UDO, need a variance for the foot print, our lot is R4 400 sq ft, 20x20 so for two cars, also an electric vehicle charging station, our lot is ¼ acre v. large so scale works, permeable surface is well below %, 27'x35', will remove the asphalt pad, 945 sq ft main floor, ACU 638 sq ft 1600 sq ft total, variance for foot print only, R3 is 580 rest of PH **Jaclyn** what are the UDO limits on the rest of the block if another neighbor wants to build an ADU? Is it still one ADU per block? **Don**: didn't see that, Planning says the lot is relatively large so they don't feel the scale is a problem, personal safety wife doesn't have to walk into alley, more room for bikes and trash cans **Richard**: enlarged footprint isn't into the setbacks, larger footprint into your yard? **Don**: yes, in fact the old garage was over the property line by a foot, this will bring it into full compliance with UDO, help property value **Richard**: we would focus on the fact that the setbacks are in compliance and permeable surfaces **John**: helpful if you would put the elevation on, how high? So the slab is elevation of alley? How to make up difference? **Don**: the hill starts, sloping up, I anticipate a lower foundation wall on North side of garage than what's there **Richard**: overall height 25'? **Don**: yes, from alley, no variance needed for height **John** hard to see on the renderings at this point, don't put a window on the North side

because you will be looking at us, your tenant won't like it **Don**: it will block our window we have now, we could put a transom window for light **Richard**: transom good solution, no direct line of sight **Emma** sky lights? **Don** possibility, sono tubes **Glenda**: other questions? **Emma** height? **Don** don't know but under UDO 25' maximum **Lynn** moves **Richard** second **Glenda** any opposed? **John** 'till I see final window plan, one objection **Glenda** so those present agree with the plan, including the footprint size of the proposed garage. John's objection is about the window on the north wall, facing their property.

B. Meet with Mayor Thomson Jan 28. Set up an appt at Hopscotch on B-line

5. Announcements

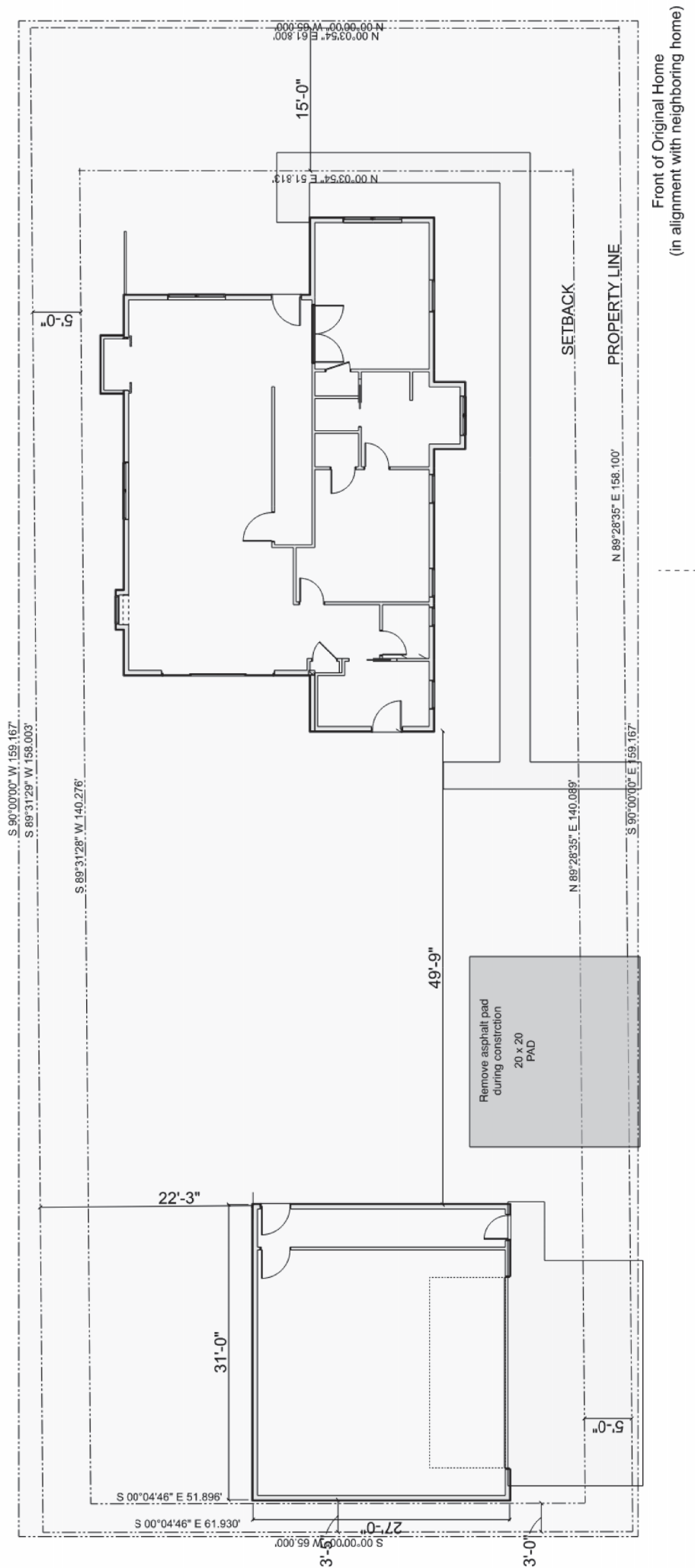
A. Odds and Ends **Glenda** did connect ppl with shoveling show

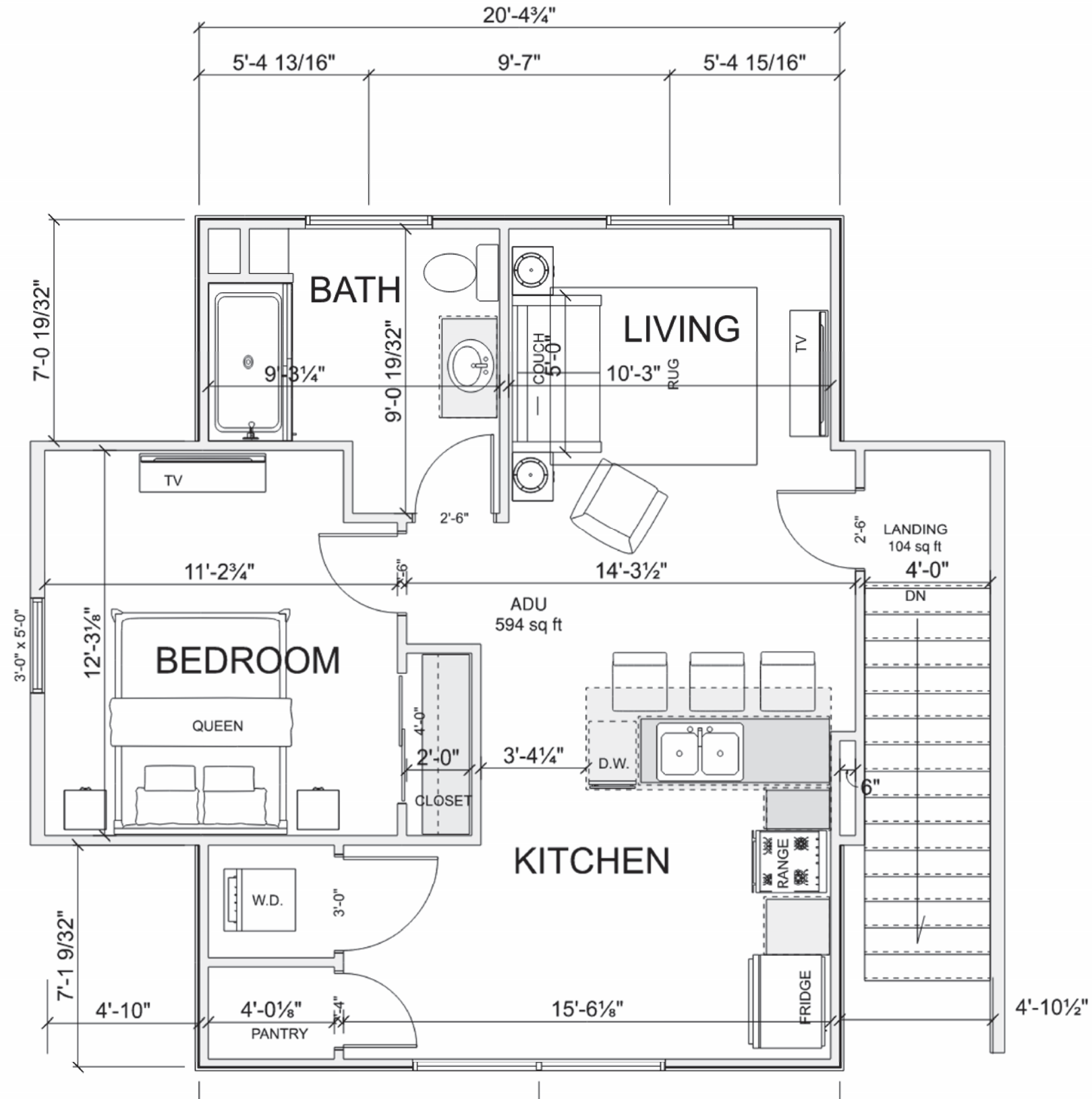
B. Real Estate Happenings **Glenda** purchase of a house

C. Items from the floor **Emma** send suggestions to me for updates to website

6. Recap/Action items

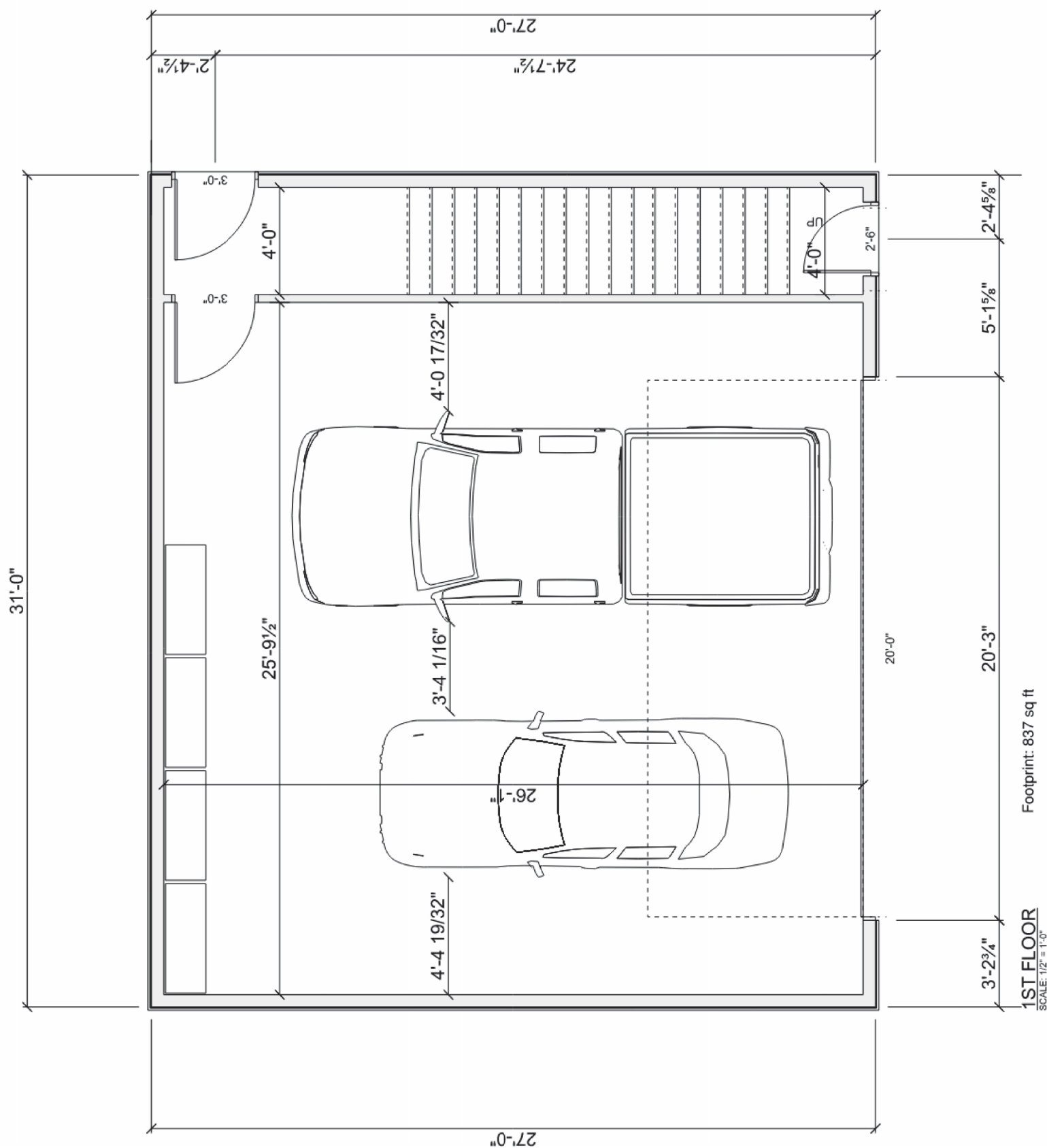
7. Adjournment





SECOND FLOOR

SCALE: 1/2" = 1'-0"



BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 612 N Lincoln ST

CASE #: V-16-25
ZR2025-04-0069
DATE: May 22, 2025

PETITIONER/OWNER: Amber Rentals LLC
 PO Box 3201
 Bloomington, IN 47402

REQUEST: The petitioner is requesting a variance from minimum side and rear setback standards to allow for a second-story addition to a “Dwelling, single family (detached)” in the Residential Multifamily District (RM).

REPORT: This 2,500 square foot (0.057 acre) property is located on N Lincoln ST between E Cottage Grove CT and E 10th ST and is in the Old Northeast Downtown Neighborhood. The property is zoned Residential Multifamily District (RM) and contains one structure with two units. All surrounding properties are also zoned Residential Multifamily (RM) and have been developed with single and multifamily dwellings.

The petitioner proposes to add a second floor to the existing single-story structure to allow for the addition of two bedrooms to the newly created second floor. The existing two units would be combined into one single-family dwelling with five bedrooms. The UDO allows for the use of the R4 standards for single unit structures within the RM district and the minimum side (north) setback is 5 feet. The minimum rear (east) setback is 25 feet.

The petitioner is requesting a variance from the required 5’ side yard setback to allow for a 1.2’ setback to the north to allow a vertical extension of the existing building and a variance from the required 25’ rear yard setback to allow a 10.8ft setback from the property line to the east. Both proposed variances reflect the location of the existing walls of the residence and do not encroach further into required setbacks than the existing structure.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

20.06.080(b)(3)(E)(i) 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.*

PROPOSED FINDING: The approval of the requested variances is not expected to be injurious to the general welfare of the neighborhood and community in that the footprint of the structure will remain unchanged and the house will still have a pitched roof design to match surrounding residences. There will be no impact to the overall safety of the building as a result of the requested variances. The building must still meet all building code requirements.

- 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.*

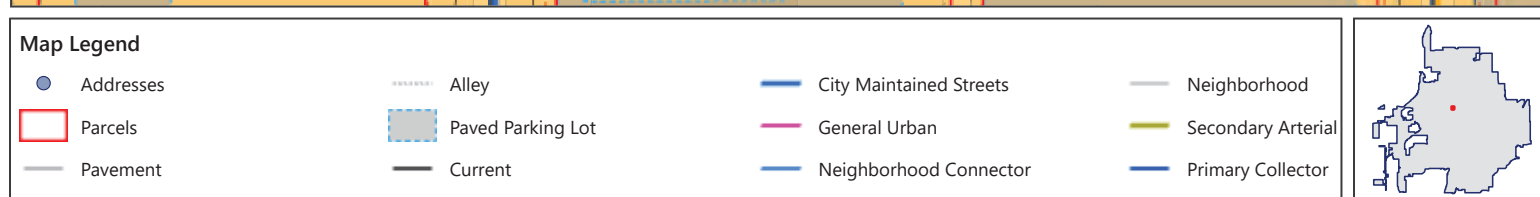
PROPOSED FINDING: The granting of the variances is not expected to impact the use and value of the area adjacent to the property in a substantially adverse manner as the proposed addition will have very little impacts on massing from adjacent properties. In addition, there are two encroachments onto the property to the north from an existing covered stoop and eaves that would be removed with this petition. Further, approval of the requested variance will not result in adverse impacts to the use and value of surrounding properties because it maintains the aesthetic quality of the subject property's frontage when viewed from the public street. The scale of the proposed structure is congruent with the other single family and multifamily structures on the surrounding properties.

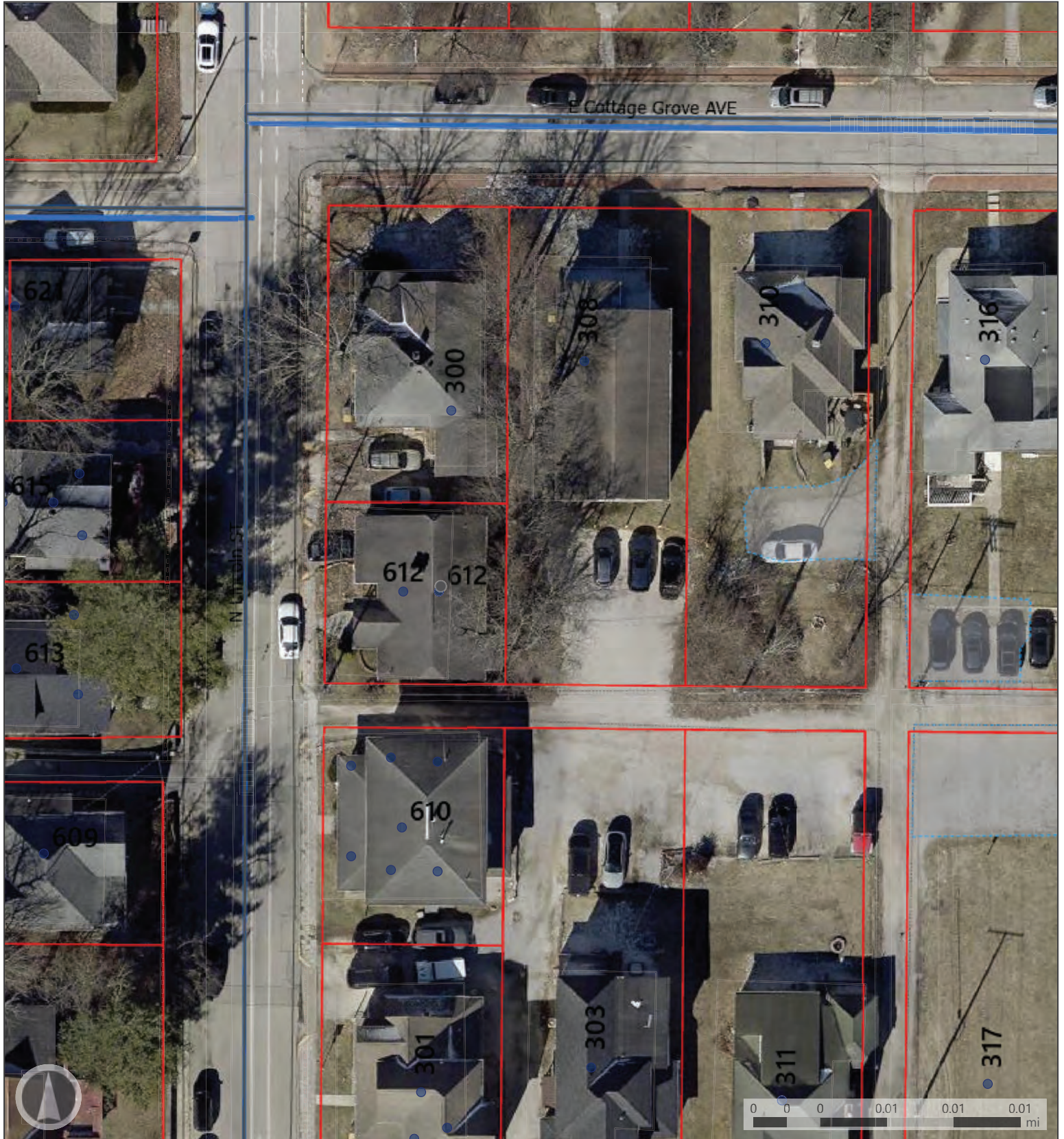
- 3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

PROPOSED FINDING: The strict application of the terms of the Unified Development will result in practical difficulties in the use of the property in that the requirements of the UDO would not allow for any additions to the house since the residence currently does not meet the setback requirements. Practical difficulty is found due to the small lot size and location of the residence within the setbacks. The required setbacks and small lot size present a practical difficulty any use of the property given the very limited buildable area of the lot.

RECOMMENDATION: Based upon the written findings above, the Department recommends that the Board of Zoning Appeals adopt the proposed findings for V-16-25 / ZR2025-04-0069 and approve the requested variances with the following conditions:.

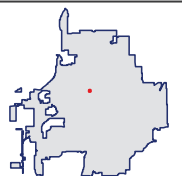
-
1. A building permit is required prior to construction.





Map Legend

- Addresses
- ▭ Parcels
- Pavement
- ▭ Alley
- ▭ Paved Parking Lot
- Current
- ▬ City Maintained Streets
- ▬ Neighborhood Residential





May 02, 2025

Gabriel Holbrow
Zoning Planner
Planning and Transportation Department
City of Bloomington Indiana

Re: 612 N. Lincoln

Dear Gabriel:

Amber Rentals LLC, a local development company that values the quality and craftsmanship of older homes, is proposing to rehabilitate the house at 612 N. Lincoln, creating a second-floor addition that is aesthetically sensitive and builds on the existing historical character.

The existing house, designated as a historically "Contributing" structure, is currently divided into (2) two duplex units on one floor. The proposed project would return the house to a single dwelling unit with additional space added through a half-story. The existing 8:12 roof would be removed and replaced with a 12:12 roof leaving the existing first-floor footprint the same.

The strict application of the setback standards for this 50' by 50' property would result in practical difficulties in the use of the property as they restrict the new building area to a very small and specific portion of the site. This proposed project works with the original house structure in a sensitive way by using the existing footprint and recreating the clipped gable roof forms. The additional second-floor space proposed is less area than the current setback would allow on the east side of the lot but in a shifted position. Because of the gable roof form, the addition must be added in the middle of the house to utilize the tallest portion of the roof.

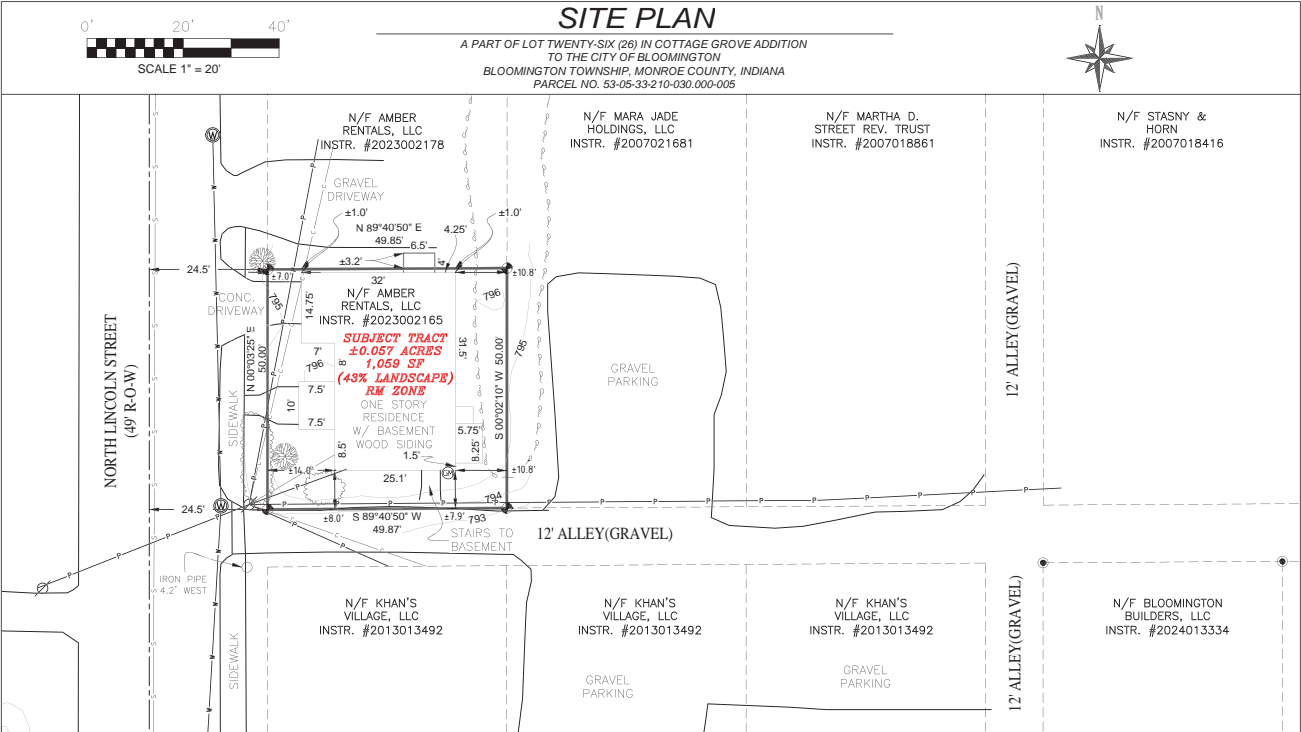
Due to the small size and proportions of the lot and the position of the existing historic house, the owner would like to respectfully request a variance from the following three (3) development standards:

1. The rear (east) building setback standard of 25 feet: The new proposed second story would encroach 14.2 feet into the setback.
2. The side (north) building setback standard of 5 feet from the adjacent property, also owned by Amber Rentals: The new proposed second story would encroach 3.8 feet into the setback.

Thank you for your time and consideration of these requests. Please contact me if you have any questions.

Sincerely,

Dawn M Gray, AIA
SPRINGPOINT ARCHITECTS, pc



RECORD DESCRIPTION (INSTR. 2023002165)

FIFTY (50) FEET OF EVEN WIDTH OFF OF THE ENTIRE SOUTH END OF LOT NUMBER TWENTY-SIX (26) IN COTTAGE GROVE ADDITION TO THE CITY OF BLOOMINGTON, INDIANA, AS SHOWN BY THE PLAT THEREOF RECORDED IN PLAT BOOK NO. 2 AT PAGE 53 IN THE OFFICE OF THE RECORDER OF MONROE COUNTY, INDIANA.

FLOOD STATEMENT

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS NOT LOCATED IN THE SPECIAL FLOOD HAZARD AREA AS SHOWN BY THE FLOOD HAZARD BOUNDARY MAP, COMMUNITY PANEL #18105C 01420, DATED DECEMBER 17, 2010.

I AFFIRM UNDER PENALTIES OF PERJURY THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

Shaun P. Rector

SHAUN P. RECTOR
INDIANA PS NO. 21000239

4/15/25
DATE



SURVEY BY:	
Terran Surveys LLC 1407 S. Fenbrook Ln. Bloomington, In 47401 Phone: 812-269-2289	
LEGEND	
<ul style="list-style-type: none">● - 5/8" REBAR W/ CAP (FOUND)○ - 5/8" REBAR W/ CAP INSCRIBED (S.P. RECTOR LS21000239) (SET)○ - IRON PIPE (FOUND)⊕ - GAS METER⊕ - WATER VALVE⊕ - UTILITY POLE⊕ - INDIVIDUAL TREE— - TREE LINE— - SHRUBS— - SANITARY SEWER— - OVERHEAD POWER— - OVERHEAD COMM.— - WATERLINE— - SUBJECT TRACT	
OWNER OF RECORD	
AMBER RENTALS, LLC 505 S MITCHELL ST BLOOMINGTON, IN 47401 INSTRUMENT 2023002178	
NOTES	
<ol style="list-style-type: none">1. THIS SITE PLAN DOES NOT REPRESENT A BOUNDARY SURVEY2. ALL DIMENSIONS SHOWN ARE MEASURED UNLESS OTHERWISE NOTED3. OWNERSHIP PER MONROE COUNTY GIS MAINTAINED IN THE MONROE COUNTY COURTHOUSE AS OF APRIL 2025.4. FIELDWORK COMPLETED ON 4-15-25	
THE UNDERSIGNED, A PROFESSIONAL LAND SURVEYOR OF THE STATE OF INDIANA, DOES HEREBY CERTIFY THAT THE ATTACHED PLAT AND INCLUDED LEGAL DESCRIPTIONS WERE PREPARED UNDER HIS DIRECT SUPERVISION, AND WAS EXECUTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE INDIANA SURVEY STANDARDS AS DEFINED IN TITLE 865, ARTICLE 1, RULE 12 OF THE INDIANA ADMINISTRATIVE CODE. THIS CERTIFICATION DOES NOT TAKE INTO CONSIDERATION ADDITIONAL FACTS THAT AN ACCURATE AND CORRECT TITLE SEARCH AND/OR EXAMINATION MIGHT DISCLOSE.	
SUBJECT TO THE ABOVE RESERVATION, I HEREBY CERTIFY THAT THE SURVEY WORK PERFORMED ON THE PROJECT SHOWN HEREIN WAS PERFORMED EITHER BY ME OR UNDER MY DIRECT SUPERVISION AND CONTROL, AND THAT ALL INFORMATION SHOWN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.	
SCALE	SHEET NUMBER
1" = 20'	001
PLAT DATE	4/16/2025
FILE NAME	SR032625AMB.dwg



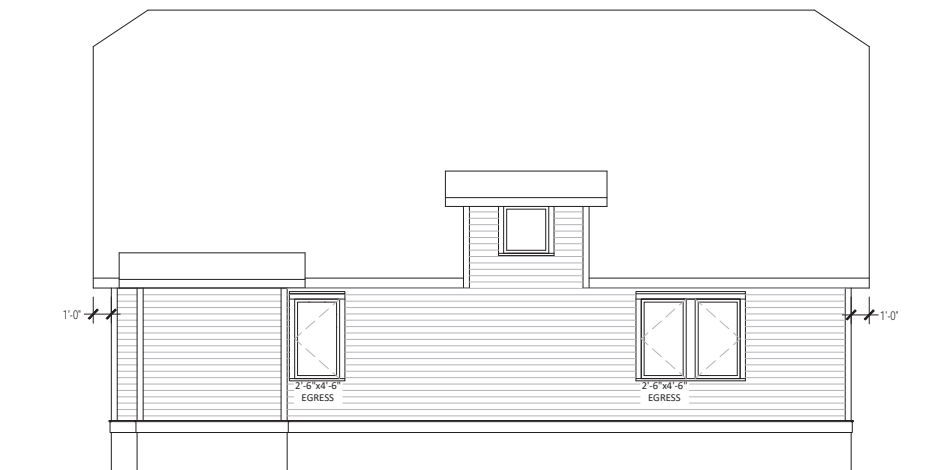
OPTION 2
WEST ELEVATION
SCALE: 3/16"=1'-0"



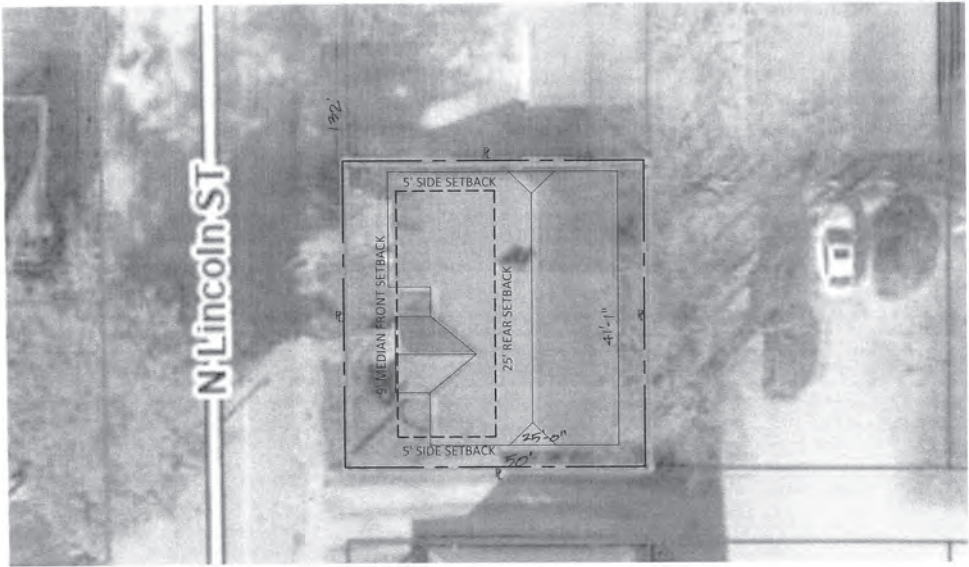
PROPOSED
SOUTH ELEVATION
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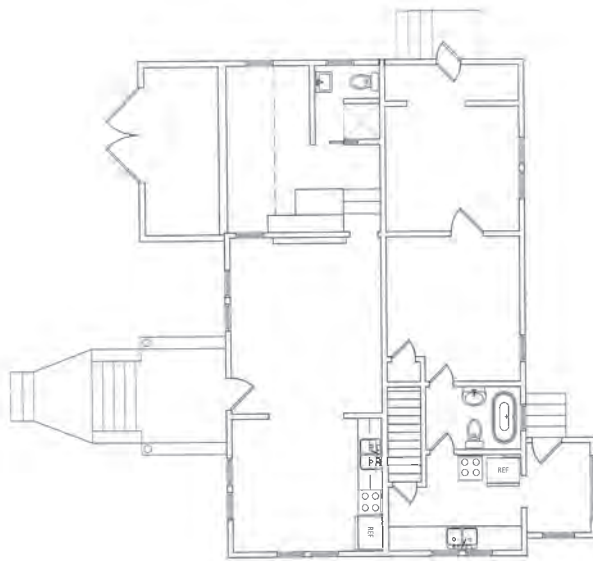
PROPOSED
NORTH ELEVATION
SCALE: 3/16"=1'-0"



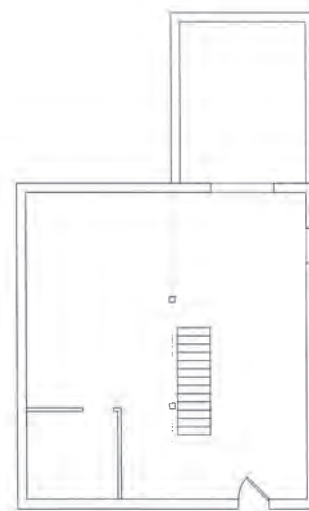
PROPOSED
EAST ELEVATION
SCALE: 3/16"=1'-0"



EXISTING
SITE PLAN 
SCALE: 1/16"=1'-0"



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

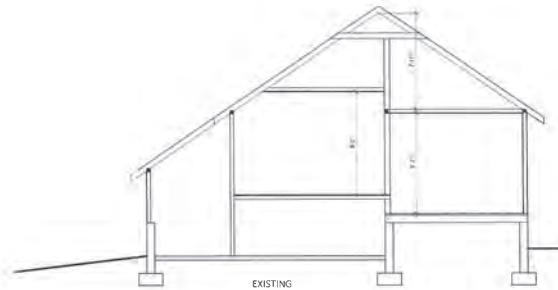


EXISTING
BASEMENT
SCALE: 1/8"=1'-0"





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



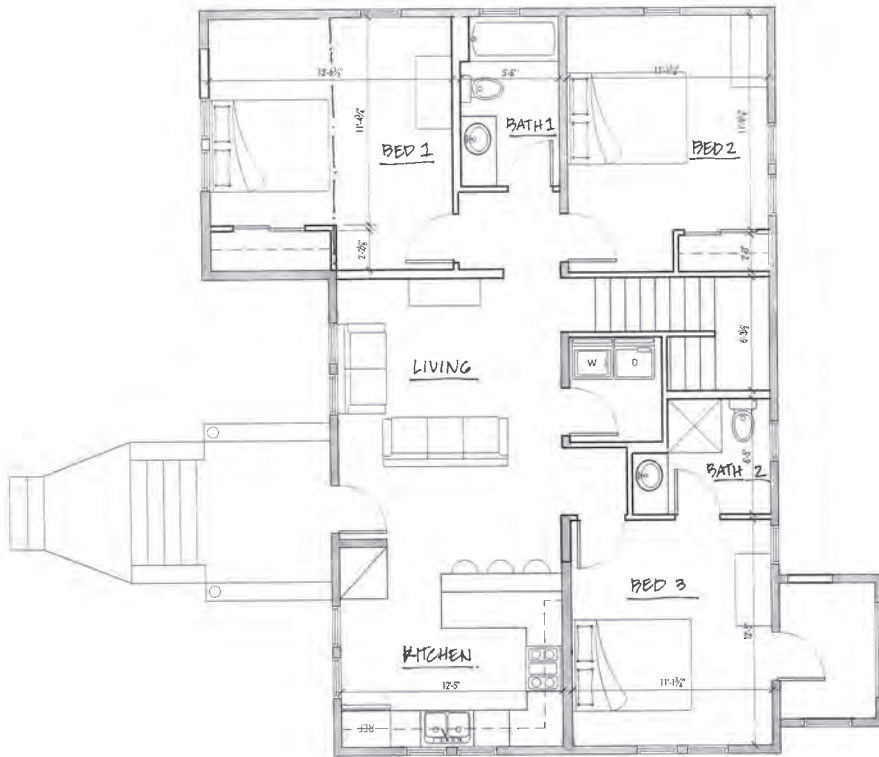
EXISTING
BUILDING SECTION
SCALE: 1/8"=1'-0"



EXISTING
NORTH ELEVATION
SCALE: 1/8"=1'-0"

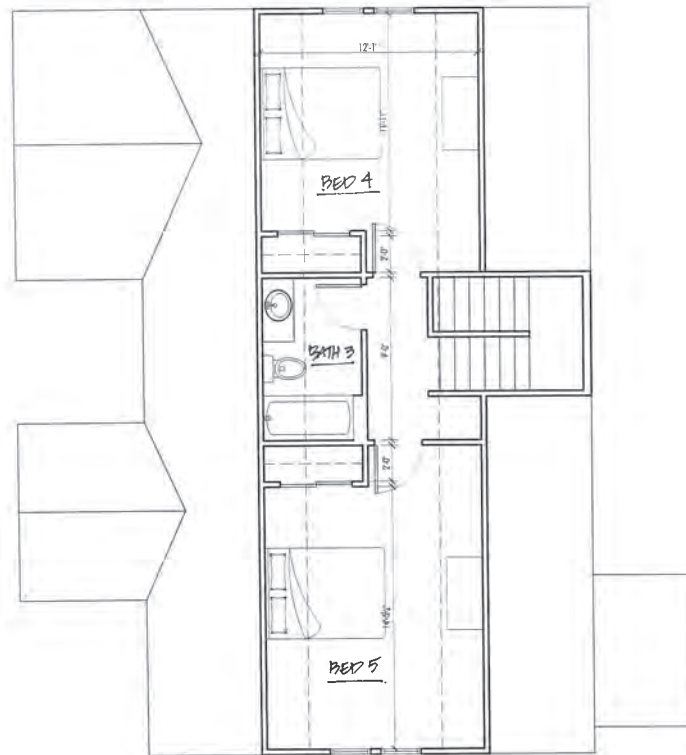


EXISTING
WEST ELEVATION
SCALE: 1/8"=1'-0"



OPTION 2
FIRST FLOOR
SCALE: 3/16"=1'-0"

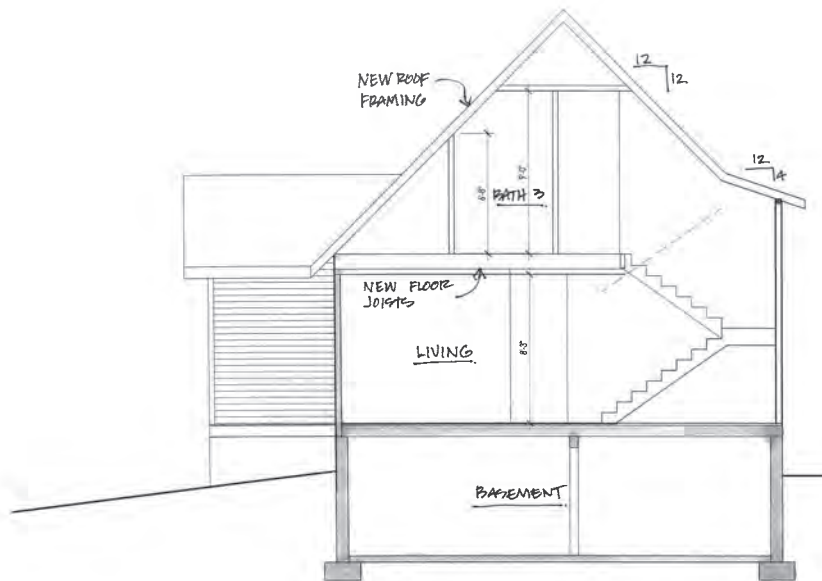




OPTION 2
SECOND FLOOR 
SCALE: 3/16"=1'-0"



OPTION 2
WEST ELEVATION
SCALE: 3/16"=1'-0"



OPTION 2
BUILDING SECTION
 SCALE: 3/16"=1'-0"

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 3175 West 3rd Street

CASE #: V-38-22 / ZR2025-04-0070
DATE: May 22, 2025

PETITIONERS: Bryan Rental Inc.
1440 South Liberty Drive
Bloomington, IN

WH Plaza LLC
125 Half Mile Road, Suite 207
Red Bank, NJ

COUNSEL: Daniel Cyr, Paganelli Law Group
116 West 6th Street, Suite 200
Bloomington, IN

REQUEST: Petitioner is requesting modification of variance approval V-38-22 for the removal of condition # 1 that the existing *at-home* sign be removed and for an extension of the time limitation of the variance.

REPORT: The petition encompasses four properties owned by the petitioners, comprising the Whitehall Plaza shopping center just south of West 3rd Street between Liberty Drive to the west and I-69 to the east. The petition is related to two signs, one proposed and one existing, on the property assigned the address 3175 West 3rd Street, which is also the address of the current At Home store. All of the properties included in the petition are zoned Mixed-Use Corridor (MC). Adjacent properties to the north, east, and west are also zoned MC, and contain a mix of commercial uses including restaurant, financial institution, grocery or supermarket, indoor recreation, and big box retail sales uses. Adjacent properties to the south are outside city limits and are zoned Planned Unit Development (PUD) under the Monroe County Development Ordinance.

The petitioners received a variance V-38-22, approved by this Board on September 28, 2022, to construct a new freestanding sign on the 3rd Street frontage of the site. The new freestanding sign that the variance approved is a multi-tenant sign for Whitehall Plaza. The sign required a variance from standards in the City of Bloomington Unified Development Ordinance (UDO) for the number of freestanding signs on the 3rd Street frontage and the design of the sign base. The Board approved both aspects of the variance with two conditions.

The petitioners come before the Board now to request two modifications to the variance approval. The first modification is the removal of one of the conditions of approval. The second modification is an extension of the time limitation of the variance.

The variance approval included two conditions:

1. Remove the *at home* sign when that tenant changes.
2. Variance is for the sign as proposed in the packet.

The petitioners are requesting that the Board remove the first condition. The condition refers to an existing pole sign that advertises the At Home store on the property. The existing pole sign is a lawful nonconforming sign that does not conform to standards in the current UDO for at least

the sign base design (pole signs are prohibited) and overall height. When the pole sign was first constructed as a sign for Kmart in the early 1980s, the applicable sign regulations were substantially different from today. At that time, pole signs were allowed and the overall height was compliant with regulations, but the sign needed variances to be a single-tenant sign (only a multi-tenant sign would have been allowed) and to exceed the maximum sign face area. The sign received variance V-42-80 in 1980 and the sign was lawfully constructed in accordance with then-current sign regulations and the variance approval. Since that time, the sign regulations have changed, rendering the pole sign nonconforming.

As adopted, condition # 1 would require that the existing pole sign be removed when the tenant, At Home, changes. The condition would not take effect so long as At Home maintained their location on the property. The condition would also not take effect if the petitioners chose not to construct the approved new multi-tenant sign and instead let the variance approval period expire.

Removing the condition would allow the petitioners to construct the proposed multi-tenant sign while keeping the existing pole sign. Without condition # 1 of the variance approval, the existing pole sign would have the same right to remain indefinitely into the future as any other lawful nonconforming sign, including the right to be refaced with different sign graphics any number of times.

The second modification requested by the petitioners is an extension of time to obtain a sign permit under the variance approval. As established in the City of Bloomington Unified Development Ordinance (UDO), in the case of new construction, a variance approval lasts for three years. This means that a petition must obtain a permit for the construction allowed by the variance within three years. Once the petitioner obtains the permit, they have the entire duration of the permit's validity to actually complete the construction. And once the construction is complete within these time periods, the variance approval runs with the land in perpetuity. In the case of variance V-38-22, the petitioners must obtain a sign permit before September 28, 2025, which is three years after the approval date, in order to utilize the variance approval. As with all sign permits, the petitioners would then have up to six months from obtaining the permit to install the sign. Once installed within these time periods, the sign would remain approved in perpetuity, subject only to the conditions of approval.

Although variance approval lasts for three years, the UDO and state law authorize the Board to establish a different date of termination as a condition or commitment of approval. The approval of variance V-38-22 in 2022 did not establish a different date, so the variance is set to expire on September 28, 2025, unless the approval is modified by the Board. In the Board's own rules and procedures, as complied in the UDO administrative manual, Article VIII sections D and E authorize the Board to grant extensions of variance approval for periods not to exceed two years.

When considering the petitioners' requests, it may be helpful to review the context of the Board's deliberations in 2022 that led to the adopted conditions of approval. During the public hearing, members of the petitioners' group as well as members of the public emphasized the importance of signage for small businesses and local businesses. Several speakers pointed to the layout of the Whitehall Plaza shopping center, where most of the smaller storefront locations, which can be more attainable for small or local businesses, are found along the southern edge of the shopping center farthest from 3rd Street. The speakers contended that this fact made the proposed multi-tenant sign on 3rd Street particularly important to small businesses and local businesses, and that the proposed sign resolves a practical difficulty that these businesses face due to low visibility.

Board members expressed agreement that the proposed multi-tenant sign would address the needs of small businesses and local businesses.

While recognizing the value of the proposed sign, Board members also acknowledged that the proliferation of signs in the area overall can result in detrimental effects. Board members expressed less concern about the overall number of signs in the 3rd Street corridor than about the detrimental effects of nonconforming pole signs in particular. In this context, a Board member raised the possibility of removing the existing At Home pole sign. The existing pole sign does not conform to applicable standards in the current UDO. In addition to being nonconforming, the existing pole sign is utilized by a business, At Home, which is neither small nor local. The idea was that removing the existing pole sign would mitigate the detrimental effects of nonconforming signage in the area, while not further burdening the small businesses and local businesses that are most in need of increased visibility. Board members first discussed a condition which would require the existing pole sign to be removed before the proposed multi-tenant sign could be installed. After the petitioner explained that the existing pole sign cannot be removed without violating lease agreements with the At Home store, the Board adopted the condition in language that triggers the requirement to remove the sign only once the tenant changes.

The proposed findings below follow the three variance criteria established in the UDO and state law. Staff recognizes that a condition itself is not a variance. Likewise, an extension of time itself is not a variance. However, reasonable conditions and time limitations are imposed by the Board as part of a variance approval. (Indiana Code IC 36-7-4-918.5 “The board may impose reasonable conditions as a part of the board’s approval.”) Because a variance approval follows the three statutory criteria, and because conditions are a part of the approval, the Legal Department has determined that it is appropriate to follow the statutory variance criteria when considering modifications to conditions, time limitations, or other aspects of the variance approval. These were the criteria that the Board used in the first hearing, and are the criteria addressed in the petitioners’ statement. Through the analysis of the three statutory variance criteria, staff recommends finding that condition # 1 is reasonable. Consequently, staff recommends that the Board deny the request to remove the condition.

Staff also recommends that the Board deny the request for an extension of time. The three-year time limit to obtain a sign permit was reasonable when the variance was approved in 2022 and remains a reasonable limitation today. In fact, any delay enabled by an extension of time would prolong the period that tenants in the shopping center are denied an opportunity for increased visibility. However, if the Board chose to adopt alternate findings and grant the time extension, in that case staff would recommend that for clarity the Board add a condition specifying the exact date that the variance approval is extended to.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

20.06.080(b)(3)(E)(i)(1) Standards for Granting Variances from Development Standards: Pursuant to Indiana Code 36-7-4-918.5, the Board of Zoning Appeals or Hearing Officer may grant a variance from the development standards of this UDO 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*

PROPOSED FINDINGS:

Removal of Condition # 1: Because the existing pole sign on the property is nonconforming with several different standards in the UDO, its continued existence perpetuates the unnecessary proliferation of signs, harms the aesthetic environment of the city, and poses potential hazards to motorists and pedestrians resulting from sign clutter. Condition # 1 of the variance approval enables a future time when the nonconforming sign will be removed, thereby ending its injurious effects on the community. Removing the condition perpetuates the injurious effects of the nonconforming sign. By granting the original variance with condition # 1, the Board recognized that approval with the condition was the minimum relief necessary to address the practical difficulty without resulting in injury to the public health, safety, morals, and general welfare of the community.

Extension of Time: When granting the original variance, the Board found that constructing the sign would not be injurious so long as the conditions of approval were met. The proposed sign design and location remain the same as originally approved. The Board did not adopt any findings specific to any moment in time. An extension of time would not be injurious so long as the conditions of approval are met.

- (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; and*

PROPOSED FINDINGS:

Removal of Condition # 1: Because the existing pole sign on the property is nonconforming with several different standards in the UDO, its continued existence harms the aesthetic environment of surrounding area and distracts from the visibility of lawful signage on adjacent properties. Condition # 1 of the variance approval enables a future time when the nonconforming sign will be removed, thereby ending its adverse effects on the use and value of the surrounding area. Removing the condition perpetuates the adverse effects of the nonconforming sign. By granting the original variance with condition # 1, the Board recognized that approval with the condition was the minimum relief necessary to address the practical difficulty without affecting adjacent properties in a substantially adverse manner.

Extension of Time: When granting the original variance, the Board found that constructing the sign would not substantially adversely affect adjacent properties so long as the conditions of approval were met. The proposed sign design and location remain the same as originally approved. The Board did not adopt any findings specific to any moment in time. An extension of time would not substantially adversely affect adjacent properties so long as the conditions of approval are met.

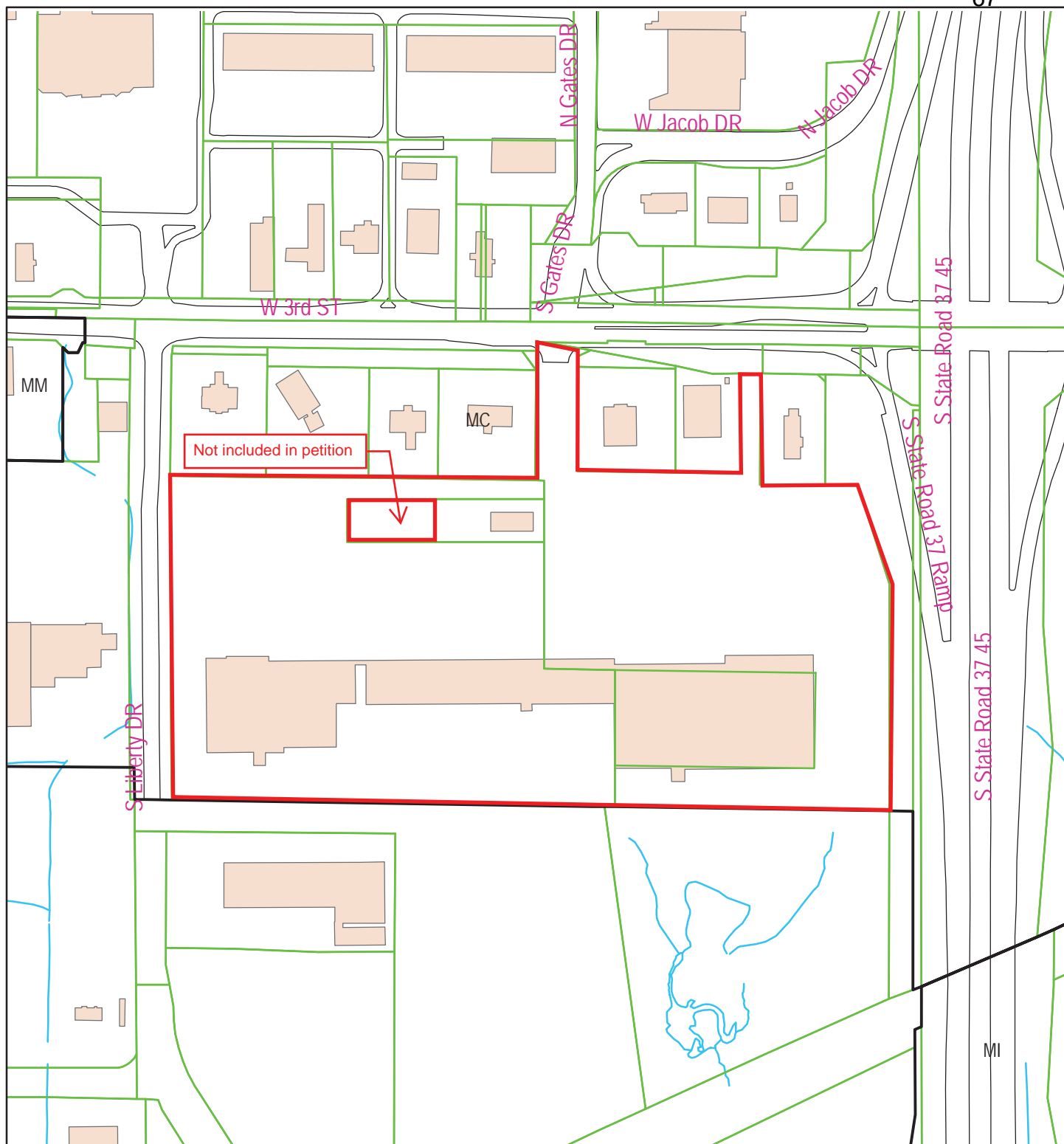
- (3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in questions; that the development standards variance will relieve the practical difficulties.*

PROPOSED FINDING:

Removal of Condition # 1: The condition of approval does not result in practical difficulties. When granting the original variance, the Board found that peculiarities of the property resulted in practical difficulties related to signage and visibility for small tenant spaces in the Whitehall Plaza shopping center. The recognized practical difficulties do not apply to the same extent for regional and national brands operated by large businesses in the larger tenant spaces, such as At Home. Because condition # 1 is only triggered once the current tenant changes, the condition does not pose any practical difficulty for the current tenant or for the property owner related to lease agreements with the current tenant. Any future tenants of the space currently occupied by At Home would be able to have signage on an existing multi-tenant sign on the property, on the proposed multi-tenant sign allowed by this variance approval, or on future UDO-compliant signage on the I-69 frontage of the property. Because the condition # 1 is triggered by occupancy of the tenant space and not by any potential modification to the message or content of the sign, enforcement of the condition does not require anyone to review or even look at the content of the existing pole sign. The condition is content-neutral and is not inherently a violation of any constitutional right.

Extension of Time: The remaining validity period of the variance approval is more than four months. Obtaining a sign permit within four months is not a practical difficulty. To the extent that the time limitation of the variance approval poses a practical difficulty, it would be a self-created difficulty because the petitioner could have initiated their request to modify the conditions of approval at any time in the two and a half years between the original variance approval and now. Any delay since the original variance approval up to this point has been caused by the petitioner's own actions. Alleged construction delays due to pandemic-related disruptions such as increased material costs and supply chain setbacks occurred prior to the original variance approval and relate to the validity period of a previous sign permit, not the variance approval.

RECOMMENDATION: Based upon the report and written findings of fact above, the Department recommends that the Board of Zoning Appeals adopt the proposed findings and deny the both requested modifications of variance approval V-38-22.



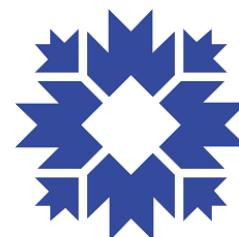
V-38-22, 3175 W. 3rd St

City of Bloomington
Planning & Transportation



330 0 330 660 990 Feet

Scale: 1" = 375'



By: Gabriel Holbrow
5/16/2025

For reference only. Map information NOT warranted.



V-38-22, 3175 W. 3rd St

City of Bloomington
Planning & Transportation



330 0 330 660 990 Feet

Scale: 1" = 375'

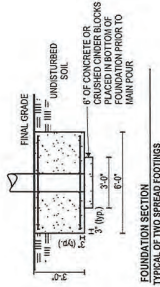


By: Gabriel Holbrow
5/16/2025

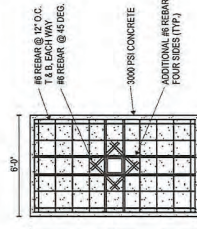
For reference only. Map information NOT warranted.

Page 1 -

GSC to organize installation of 120 volt electric to new sign location



FOUNDATION SECTION
TYPICAL OF TWO SPREAD FOOTINGS



FOUNDATION PLAN VIEW



Color Specs

Sign Cabinet / Topper =
SW7104 Cotton White

Tenant Panel Graphics =
To Be Determined

Brick Limestone Pillars =
Similar to existing signs on property

Internal Illumination =

White LED

Internal Steel Support Post
Primed Black

Job Information

Customer
First National Realty Partners

Contact
Michael Smolen

Date
Kovin

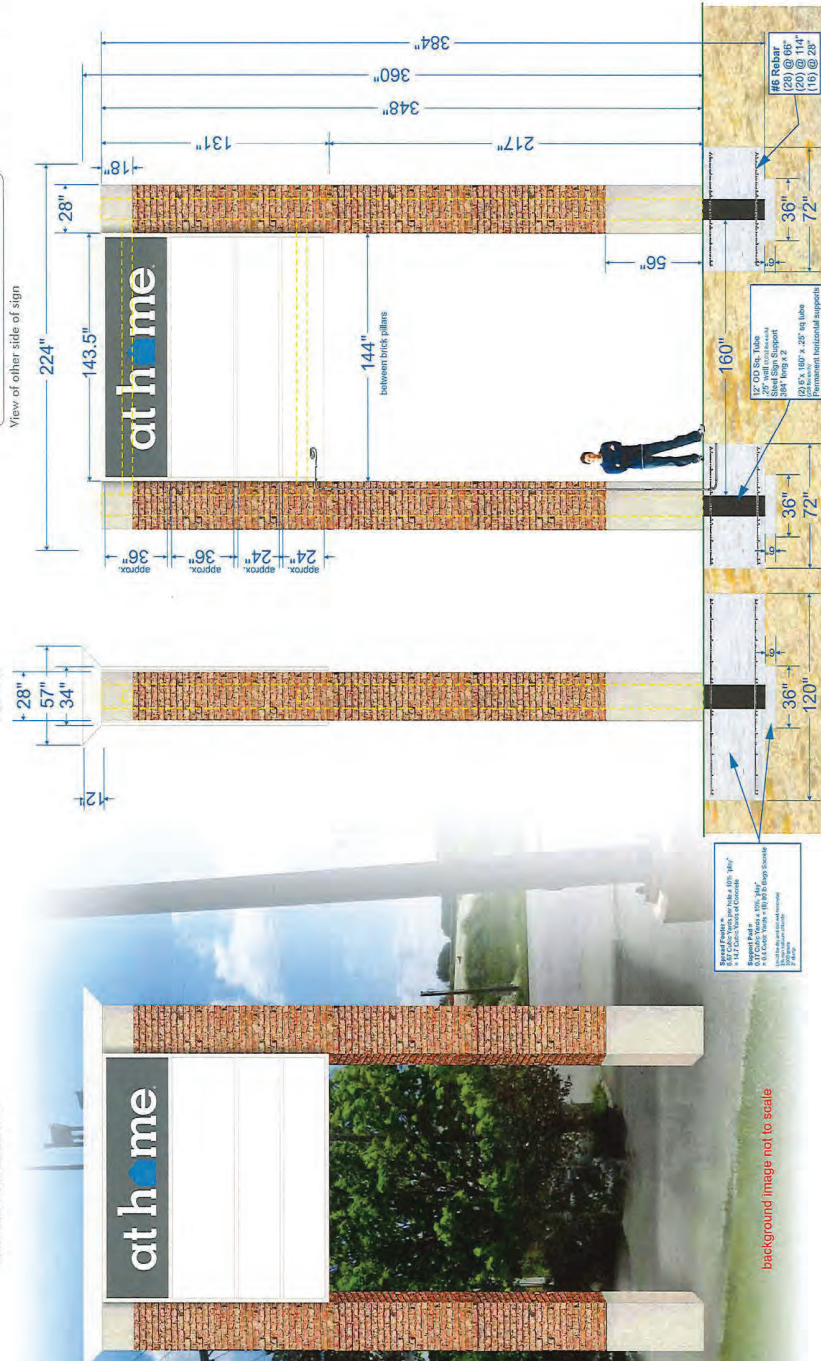
Rev # 7.1.22db

Saved As
Cust>First National Realty

Partners > 20263 GSC 650 Sign - Blomming
tenal Pylon Sign - Blomming
IN > GSC 650 Series Multi-ton

Sign - Blomington IN

Recommend Simulated View



Customer to Cone Off Area Day Before GSC Install. Minimum of 6 Parking Spots



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*LANDSCAPING and or Electric to site NOT INCLUDED

Approval

PLEASE PROOF READ CAREFULLY
THE CUSTOMER IS RESPONSIBLE FOR
ANY ERRORS AFTER THE APPROVAL PROCESS

Name Approved by Michael Smolen
7.7.22rb (email)

800.900.2100

May 8, 2025

Attn: Gabriel Holbrow
Planning Department
City Hall
Showers Building
401 N. Morton St.
Bloomington, IN 47404
gabriel.holbrow@bloomington.in.gov

Re: Request for Modification of Previously Approved Variance in Case V-38-22
Location: 3175 W. 3rd St. Bloomington, Indiana
Our Client/Applicant: WH Plaza, LLC

Mr. Holbrow,

Our firm represents the WH Plaza, LLC. For context, Bryan Rental, Inc. and First National Realty Partners previously filed for two variances for the use of a new sign to be constructed at 3175 W. 3rd St. Bloomington, IN (the “Subject Property”). The variances were sought to construct a 125 square foot multi-tenant sign located at the Subject Property. The variances needed were for: (1) number of freestanding signs (UDO section 20.04.100(j).(4).(A)) and (2) sign base (UDO section 20.04.100(g)(C)).

The City of Bloomington Board of Zoning Appeals (“BZA”) granted approval of both variances at a special meeting on September 28, 2022 and issued its Notice of Approval October 10, 2022, with the condition “remove the at home sign when that tenant changes.” *See Exhibit A, Notice of Approval (emphasis added)*. The design of the proposed sign is unchanged from the Notice of Approval in V-38-22. *See Exhibit B, Proposed Sign Design*. Additionally, the location of the proposed sign is unchanged from the Notice of Approval in V-38-22. *See Exhibit C, Proposed Sign Location*.

Prior BZA decisions, although non-binding, provide some context. The previous variance and the original Planned Commercial Development (“PCD”) and the Covenants for Operation, Maintenance, and Reciprocal Easements show that the At Home sign was conforming; we conclude that this At Home sign was fully conforming before the repeal of the PCD. In addition to conforming with the previous development, covenants, and variances, the At Home sign is also within the character of the adjoining properties. Additional reasoning to support the modification of the variance and removal of the condition is the original Whitehall Plaza Shopping Center Variance (PCD-17-80) included six out lot signs along Whitehall Plaza, as follows:

PCD-17-80 WHITEHALL PLAZA
 Request for sign variance.

PCD-17-81
 Approved

Mr. Mueller reviewed the sign ordinance and the proposed variance. Staff recommended approval of signs as if each business were a separate entity and recommended the proposed package of signage be accepted with a change in the distance proposed between signs on the North-South street.

The Commission asked about a variance which was granted to Whitehall concerning signs. Mr. Grodner responded that the variance in question was to allow use of a K-Mart sign rather than a Whitehall Shopping Center sign.

Mr. Mueller reviewed the Code as it relates to PCD signs.

Commission discussion questioned the need for pole signs for the outlots.

Mr. Grodner reviewed the need for signs as presented in this package. He said that Whitehall would be willing to alter the spacing between the two signs along the North-South Street.

Commission discussion was in favor of this package plan as it would allow the Commission to have some leverage to avoid variance proceedings with individual store owners.

There were no remonstrators.

**Mrs. Wilson moved to approve this request for sign variance provided the developer work out the sign spacing on the West side to staff satisfaction and also to approve waiver of second hearing. Mr. Fleetwood and Mr. Dro seconded the motion. Carried 9-1.

The purpose of the instant petition is to respectfully request removal of the first condition in the alternative findings of fact, as follows:

The Board of Zoning Appeals heard case V-38-22 on September 28, 2022 via a hybrid special meeting in the Allison Conference Room City Hall - Bloomington, Indiana and virtually via (Zoom). The petition for a variance from standards for number and sign base design of freestanding signs to allow construction of a freestanding sign in the Mixed-Use Corridor (MC) zoning district was approved 3:1 with Alternative Findings of Fact including the following conditions:

1. Remove the at home sign when that tenant changes.
2. Variance is for the sign as proposed in the packet.

May 8, 2025
Gabriel Holbrow
Page 3 of 7

The first condition is a reference to the At Home pole sign that is shown in the following picture near Chipotle:



After the Petitioners were granted approval for up to three years, construction on the new sign has not commenced due to a significant issue created by the first condition—namely, the requirement that the existing pole sign (the At Home sign) be removed. This condition is problematic for the continued and effective operation of the retail shopping center as a whole. Without modification, the time for the variance will lapse this year. Petitioners therefore request a modification of the previously approved variances to (1) extend the time to construct the new sign beyond the current 2025 expiration by up to 2 years after September 28, 2025 (to allow optimization for construction costs and permitting)¹, and (2) eliminate the condition requiring removal of the At Home pole sign.

¹ BZA Rules and Procedures Article VIII section D (on page 28 of the Administrative Manual) states: “The Board may, upon proper showing in writing prior to expiration,

We believe this request is not only reasonable but warranted, and that it continues to satisfy the applicable criteria for development standards variances under Indiana Code § 36-7-4-918.5, which authorizes the Board of Zoning Appeals to grant a variance if, after a public hearing, the following findings are made:

I. Extension of Time to Construct the New Multi-Tenant Sign

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

An extension of time will not be injurious to the public health, safety, morals, and general welfare of the community because the extension of time will allow for the already approved sign, to be properly constructed. The construction of the sign was delayed due to a substantial increase in material pricing along with a serious setback in receiving the necessary construction materials due because of the Covid-19 Pandemic. By granting the extension of time, the Board is preserving the status quo of the community since the sign is approved and the public was previously notified.

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

By Petitioners' extension of time request, the area adjacent to the subject property will likely be positively impacted. The sign to be constructed is a multi-tenant sign, therefore the adjacent properties will benefit from the added and much needed advertisement space. Since the construction of the sign has been approved, the adjacent properties were notified of the project and approval, thus, the adjacent property owners and tenants are now awaiting the construction,

c. The strict application of the terms of the UDO will result in practical difficulties in the use of the property.

The approval of the sign leads the Petitioners to reasonably believe that the Board decided that the strict application of the terms of the UDO will result in practical difficulties in the use of the property. The extension of time to construct the sign aids in alleviating the practical difficulties in the use of the property.

grant extension of variance or conditional use for periods not to exceed two (2) years. Said extension shall run from the original date of expiration rather than from the date of granting the extension and the Board shall make written findings."

d. There have been no material changes to the plan to construct the sign.

The Petitioners' request for extension of time should be granted because there are no material changes to the construction plans on the new sign that was approved by the Board. According to Article III of the Plan Commission, Plat Committee, and Hearing Officer Rules and Procedures for the City of Bloomington, "The Board may, upon proper showing in writing prior to the expiration, grant extension of variance or conditional use for periods not to exceed two (2) years. Said extension shall run from the original date of expiration rather than from the date of granting the extension and the Board shall make written findings." Given the language found in the Board's Administrative Manual, the Petitioners reasonably believe an extension to the existing variances is not an uncommon request.

Additionally found in Article III, Section E, when the Board is considering whether to renew the variance, the Board "... shall consider only material changes relevant to the variance or conditional use criteria that have occurred since the variance or conditional use was last granted." The Petitioners assert that construction plans regarding the sign have not changed. The extension of time has been requested because of delays in construction, not because of design or placement changes.

II. Eliminate the Condition Requiring Removal of the At-Home Pole Sign.

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

The presence of both signs—an existing pole sign and a proposed new multi-tenant sign—will not create any identifiable hazard or injury to the public. On the contrary, both serve the important function of safely guiding and informing the public about the businesses within the shopping center, thereby reducing confusion and enhancing vehicular and pedestrian navigation. The At Home sign has existed without incident and remains in character with other signage in the area. The addition of a coordinated multi-tenant sign improves aesthetic cohesion without increasing visual clutter, thereby promoting rather than undermining the general welfare.

b. 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.

In fact, maintaining the existing pole sign while adding a multi-tenant sign is expected to enhance the visibility of tenants in the plaza, potentially increasing foot traffic and business activity. This increased exposure and patronage is likely to have a positive effect on adjacent businesses and properties by boosting the overall vitality of the commercial corridor. The At Home sign in particular serves an anchor tenant and removing it would create a net loss in visibility for that business, thereby undermining its viability and potentially affecting neighboring parcels that rely on a stable retail environment.

c. The strict application of the terms of the UDO will result in practical difficulties in the use of the property.

Strict enforcement of the existing condition—requiring removal of the pole sign—creates a hardship not envisioned when the variance was first granted. The At Home sign is physically separate, already constructed, and serves a specific branding and visibility purpose that cannot be replaced by the proposed new sign. Forcing its removal would require the anchor tenant to seek alternative signage, potentially leading to additional variance requests or piecemeal signage solutions elsewhere on the property. This is inefficient, inconsistent with the goals of the UDO, and contrary to the interests of good planning. Moreover, the modified variance would allow several tenants to utilize a shared sign on a single parcel, rather than each tenant pursuing individual signage, which would contribute to more sign proliferation—not less.

Petitioners submit that these modifications—(1) extending by up to 2 years after September 28, 2025 (to allow optimization for construction costs and permitting) and (2) removing the pole sign removal condition—are consistent with the intent of the original approval and provide practical solutions that promote cohesive development. The At Home pole sign remains within the character of the Subject Property and consistent with signage along the corridor. Removing it would diminish visibility without corresponding public benefit.

Because the underlying variances already met the statutory criteria, and these minor modifications do not materially alter the balance of considerations, we respectfully request that the Board of Zoning Appeals approve the variance modification, extend the deadline for construction, and eliminate the condition requiring removal of the At Home pole sign.

We incorporate by reference our statements in the Petitioner's Proposed Findings. *See Exhibit D, Proposed Findings of Fact.*

May 8, 2025
Gabriel Holbrow
Page 7 of 7

If you have any questions or need further information regarding this request, please contact me, Daniel Cyr, counsel for WH Plaza, LLC.

Sincerely,



Daniel M. Cyr
Paganelli Law Group

Enclosures:

Exhibit A – Notice of Approval (V-38-22)
Exhibit B – Proposed Sign Design
Exhibit C – Proposed Sign Location
Exhibit D – Proposed Findings of Fact



October 10, 2022

NOTICE OF APPROVAL

Petitioner: Bryan Rental, Inc.
Location: 3175 W. 3rd St.

The Board of Zoning Appeals heard case V-38-22 on September 28, 2022 via a hybrid special meeting in the Allison Conference Room City Hall - Bloomington, Indiana and virtually via (Zoom). The petition for a variance from standards for number and sign base design of freestanding signs to allow construction of a freestanding sign in the Mixed-Use Corridor (MC) zoning district was approved 3:1 with Alternative Findings of Fact including the following conditions:

1. Remove the at home sign when that tenant changes.
2. Variance is for the sign as proposed in the packet.

Unless otherwise specified by the Board at the time of approval, any order or variance granted by the Board of Zoning Appeals shall expire:

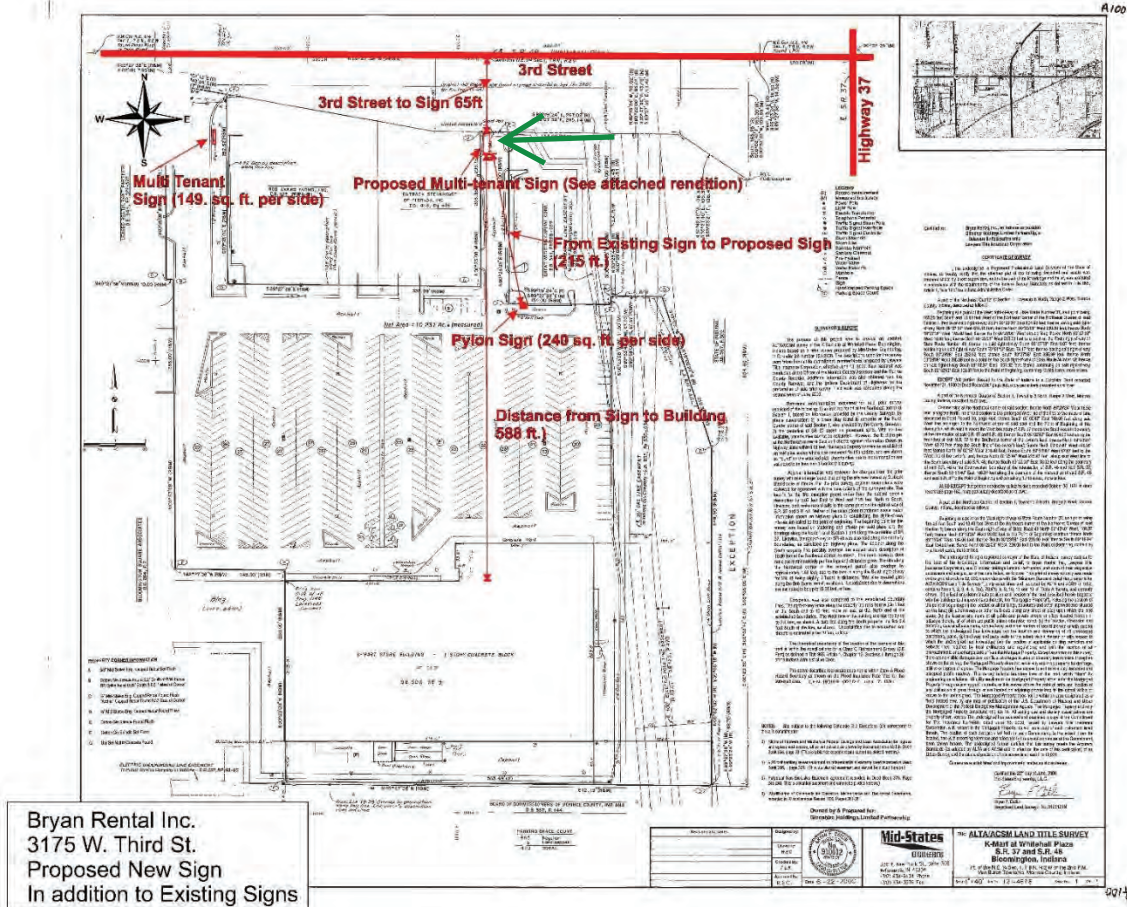
- A. In the case of new construction or modifications to an existing structure:
 1. Three (3) years after the date granted by the Board, unless a building permit has been obtained and construction of the structure or structures has commenced; or,
 1. At the date of termination established by the Board as a condition or commitment if different from (1) above.
- B. In the case of occupancy of land which does not involve new construction:
 1. Three (3) years after the date granted by the Board, unless an occupancy permit has been obtained and the use has commenced; or
 2. At the date of termination established by the Board as a condition or commitment if different from (1) above.
- C. If an Appeal by writ of certiorari is taken from an order granting a variance, the time during which such Appeal is pending shall not be counted in determining whether the variance or order has expired under Subsections A and B of this Section.

Bryan Rental, Inc.
October 10, 2022
Page 2

D. The Board may provide by rule for the granting of extensions of variances.

Planning and Transportation Staff

EXHIBIT C



WH PLAZA, LLC’S PROPOSED FINDINGS OF FACT

Petition for Variance of Development Standards

Modification of current variances, Case #: V-38-22 from development standards at 3175 West 3rd Street.

Petitioners: WH Plaza, LLC; Bryan Rental, Inc.

Request: Modification of variance approval V-38-22 for the removal of Condition #1 that the existing at-home sign be removed and for an extension of time limitation of the variance.

Criteria and Findings for Modification of Development Standards Variance:

20.06.080(b)(3)(E)(i)(1) Standards for Granting Variances from Development Standards: Pursuant to Indiana Code 36-7-4-918.5, the Board of Zoning Appeals or Hearing Officer may grant a variance from the development standards of this UDO 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*

PROPOSED FINDING:

Removal of Condition #1:

The Petitioners respectfully request removal of Condition #1, which would require removal of the At Home sign for the current anchor tenant as a prerequisite to constructing the new multi-tenant sign. Petitioners do not own the property on which the anchor tenant’s sign is located, nor will that tenant be included on the new sign. The signs serve distinct purposes and tenant groups, and no evidence has been presented to suggest that maintaining both signs would pose any harm to the public health, safety, morals, or general welfare of the community.

Moreover, conditioning approval on removal of the At Home sign raises serious content neutrality concerns. The current sign lawfully advertises the existing anchor tenant and qualifies as a legal nonconforming structure. Condition #1 would allow that speech to remain so long as that particular tenant is present, but would effectively prohibit the display of a future tenant’s message using the same sign. This constitutes a content-based restriction, favoring speech by one specific commercial occupant while disallowing the same type of speech by any future occupant in the same location and format.

Such a condition is not content-neutral and may violate First Amendment protections as outlined in *Reed v. Town of Gilbert*, 576 U.S. 155 (2015), which prohibits government regulations that discriminate based on the identity of the speaker or the content of the message. A lawful, permitted sign should not be subject to removal simply because its message may change in the future.

Maintaining both signs is consistent with prior approvals, preserves the existing built environment, and supports tenant visibility without introducing any new external impact to the community. The proposed sign enhances communication for additional businesses, and removing the At Home sign would not serve a legitimate public health or safety purpose. For these reasons, Condition #1 should be removed.

Extension of Time:

Petitioners are seeking an extension of the time limitation associated with a previously approved sign variance, solely to allow adequate time for completion of these proceedings and construction. The sign has already been reviewed and approved by the Board, and appropriate public notice was provided during the original proceedings. Construction was delayed due to pandemic-related disruptions, including increased material costs and supply chain setbacks. Granting the extension maintains the previously approved development plan and does not introduce any new impacts to the community, thereby preserving the status quo. Petitioners understand that an improvement location permit and/or sign permit must still be requested and obtained before construction may proceed.

- (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; and*

PROPOSED FINDING:

Removal of Condition #1:

The variance for the construction of the sign has already been approved, therefore the Board has already found that the construction of Petitioners' sign will not be substantially adverse to the areas adjacent to the property. Petitioners propose that if the condition that the At Home sign must be removed is not taken out of the variances, then the adjacent area will be substantially adversely affected. By requiring a one property owner to remove a current sign to allow another property owner and business to construct a new multi-tenant sign to serve the retail center seems substantially adverse to not only the adjacent property owner but also other property owners and tenants in the area. Petitioners argue that requiring an adjacent property to remove a sign so another one can be built to serve them both is a slippery slope for other businesses in the area.

The argument the City of Bloomington gave of the additional sign posing a potential hazard due to "sign clutter" is beyond the Petitioners and other adjoining businesses control. Most of the tenants that occupy the parcels in front of the subject property have guarantees for a sign in their lease. If anything, the multi-tenant sign will be substantially positive for the adjacent landowners because once the sign is constructed, they could rely on more visibility due to the size of the sign that the Petitioners seeks to construct.

Extension of Time:

The Board having already approved the variance for the construction of the sign, which equates to the adjacent property owners were already notified of the construction and of the approval, thus, the adjacent properties have been expecting the construction of the sign. By granting an extension of time the area adjacent to the property will be

positively impacted. Since this is a multi-tenant sign to be constructed, the adjacent properties will benefit by the additional advertisement and visibility.

- (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.*

PROPOSED FINDING:

Removal of Condition #1:

The Board and Petitioners believe that the instant variance request will relieve practical difficulties, since the sign variances have already been granted. The Petitioners request the removal of Condition #1 because the At-Home sign, which is a lawful non-conforming sign, is not germane to the construction of the Petitioners' previously approved sign. There is a need, both from Petitioners and other tenants of the subject parcel, for a larger and more prominent sign. Construction of the proposed sign will make the tenants more visible from West 3rd Street and I-69 which can bring in more business for the tenants, meaning more revenue for the City of Bloomington. The signs the adjacent property owners allow their tenants to use have no germaneness to the Petitioners' proposed sign.

Extension of Time:

Because the sign has already been approved, the Board has previously determined that strict application of the UDO results in practical difficulties specific to this property. The requested extension of time does not seek to alter the scope or substance of the variance in this respect it was not contingent on a timeline, but merely to allow the Petitioner a reasonable opportunity to complete the sign construction, which was delayed by factors outside the Petitioner's control. Granting the extension will allow the variance to provide its intended relief and permit reasonable use of the property consistent with the Board's prior findings.

EXHIBIT A



V-38-22, 3175 W. 3rd St

City of Bloomington
Planning & Transportation



330 0 330 660 990 Feet
Scale: 1" = 375'



By: Gabriel Holbrow
9/16/2022

For reference only. Map information NOT warranted.

BLOOMINGTON BOARD OF ZONING APPEALS**STAFF REPORT****Location: 2655 S. Adams Street****CASE #: V-17-25****VAR2025-04-0071****DATE: May 22, 2025**

PETITIONER: David Wigington (Cornerstone Church)
2655 S. Adams Street, Bloomington

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

REQUEST: Variances from front parking setback standards, required electric vehicle charging stations, and bufferyard landscaping standards to allow the expansion of a parking area for the use “Place of Worship” in the Mixed-Use Institutional (MI) zoning district

REPORT: This 6.23 acre property is located at 2655 S. Adams Street and is zoned Mixed-Use Institutional (MI). Surrounding properties to the west are zoned Residential Urban (R4) and Residential High Density Multifamily (RH), to the north is zoned Planned Unit Development, to the east is zoned Residential Medium Lot (R2), and to the south are zoned Mixed-Use Medium Scale (MM), to the north are zoned Residential Small Lot (R3), and to the south is zoned Residential High Density Multifamily (RH). Surrounding land uses include Single Family Dwelling (attached) and Multifamily, Dwelling to the west, a School (Summit Elementary) to the north, Dwelling, Single Family (attached) and Dwelling, Single Family (Detached) to the east, and Office to the south. The property has been developed with the use “Place of Worship” by the Cornerstone Church and associated surface parking areas. There are no known regulated environmental features on the property.

The petitioner is proposing to construct a new parking area with 71 parking spaces on the north side of the property. There are 89 existing parking spaces that include 3 ADA parking spaces. The proposed site plan shows a proposed total of 154 parking spaces on the site.

The expansion of the parking area requires the site to come into compliance with the Limited Compliance standards of the UDO which requires new landscaping to be installed throughout the property, interior parking lot islands, 6 electric vehicle charging stations, bike racks, street trees, and lighting standards. The required landscaping improvements also include the installation of a Type 3 landscaped bufferyard along the entire east property line. The property has approximately 800’ of property that abuts property to the east that is zoned Residential Medium Lot (R2) and the UDO requires a landscaped buffer yard along that entire property line. While the Department does recognize that this is a significant length of required buffer yard, the purpose of the bufferyard requirements is to buffer both the view and sounds associated with certain uses from less intensive uses, especially single family residences. The installation of the bufferyard along just the portions of the site adjacent to the existing and proposed parking areas is important to reduce the impacts of the parking areas from the immediately adjacent single family residences.

The petitioner is requesting a variance from the 6 required electric vehicle charging stations, required bufferyard landscaping along the east property line, and from the front parking setback standards that require parking to be located 20’ behind the front of the building to allow the new parking area.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

20.06.080(b)(3)(E)(i)(1) Standards for Granting Variances from Development Standards:

Pursuant to Indiana Code 36-7-4-918.5, the Board of Zoning Appeals or Hearing Officer may grant a variance from the development standards of this UDO 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*

PROPOSED FINDINGS:

Front Parking Setback: The approval of the variance to allow the parking area within the parking setback is not expected to be injurious to the public health, safety, morals, or general welfare of the community. The parking area will meet all landscaping standards.

Electric Vehicle Charging: The granting of the variance will be injurious to the public health, safety, morals, or general welfare of the community as it was a stated goal of the Comprehensive Plan and provisions of the Unified Development Ordinance to promote environmental sustainability and decrease carbon emissions through the encouragement of alternative fuels and vehicles. The installation of the required chargers promotes the visual awareness of the availability of these resources and promotes many of the stated goals of the Comprehensive Plan.

Bufferyard Landscaping: The approval of the variance to not require a bufferyard along the entire east property line is not expected to be injurious to the public health, safety, morals, or general welfare of the community as not all of the property contains uses or improvements that need to be buffered; however, the installation of the required bufferyard adjacent to the existing and proposed parking areas is important.

- (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; and*

PROPOSED FINDINGS:

Front Parking Setback: The use and value of the area adjacent to the property is not expected to be affected in a substantially adverse manner as a substantial amount of landscaping will be installed around the parking areas and on the site to buffer the impacts of the parking. However, it should be noted that a letter of opposition to the expansion was received by a property owner to the west and that owner cited concerns regarding noise and visual impacts of more parking.

Electric Vehicle Charging: The use and value of the area adjacent to the property is not expected to be affected in a substantially adverse manner by the granting of the variance to not require the electric vehicle charging stations.

Buffer Yard Landscaping: The use and value of the area adjacent to the property is expected to be affected in a substantially adverse manner as this proposal increases the amount of parking on the site and that area of new parking is along the portions of the site bordered by single family residences. The purpose of the bufferyard landscaping was intentionally designed to reduce the impacts of more intensive uses and parking areas from less intensive uses

precisely of this nature. The granting of the variance to only require the bufferyard landscaping along the portions of the site adjacent to the existing and proposed parking areas is a reasonable solution.

- (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 questions; that the development standards variance will relieve the practical difficulties.*

PROPOSED FINDINGS:

Front Parking Setback: Strict application of the UDO results in a practical difficulty in the use of the property because there are very few portions of the site that additional parking could be installed and meet parking requirements. The property is peculiar in that the property has almost 1,500' of frontage, is a corner lot, and the location of the building in the center of the property severely encumbers the property in terms of areas where parking could be installed and meet setback requirements. The property would not be over the maximum number of parking spaces allowed and would meet all other requirements. The granting of the variance would allow for an appropriate number of parking spaces to be installed and reduce the amount of parking that fills the on-street parking along this property.

Electric Vehicle Charging: The Department does not find that the strict application of the terms of the Unified Development Ordinance will result in any practical difficulties in the use of the property. The installation of the required electric vehicle charging stations will not prevent the petitioner from using the property for the manner in which it is zoned. Further, the Department does not find any practical difficulties that are peculiar to the property in question that would not allow them to install the required electric vehicle charging stations. The petitioner has not demonstrated anything that is unique about this specific property that would not allow them to install the chargers as required.

Buffer Yard Landscaping: Strict application of the UDO results in a practical difficulty in the use of the property because it would require a substantial amount of landscaping to be installed along the portions of the site where this use is not occupying. The property is peculiar in that there is approximately 800 feet of property that abuts residential uses, but only 400' of that would be occupied by parking areas that should be buffered. The granting of the variance would allow for an appropriate amount of landscaping to be installed adjacent to the parking areas and allow for new parking to be installed.

RECOMMENDATION: Based upon the report and written findings of fact above, the Department recommends that the Board of Zoning Appeals adopt the proposed findings for V-14-25/VAR2025-03-0067 and approve the variance from front parking setback and bufferyard landscaping, but deny the variance from electric vehicle charging stations with the following condition:

1. A Type 3 bufferyard is required along the portions of the property containing the existing and proposed parking areas.
2. Electric vehicle charging stations are required per UDO standards.
3. Staff level minor site plan and a Site Development Permit are required.



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

April 25, 2025

City of Bloomington Planning and Transportation Department
And City of Bloomington Board of Zoning Appeals
401 N. Morton Street, Suite 130
Bloomington, Indiana 47404

SUBJECT: Cornerstone Christian Fellowship – 2655 South Adams Street, Bloomington, IN
Variances Letter

Board of Zoning Appeals or To Whom It May Concern:

Cornerstone Christian Fellowship Church is located at 2655 South Adams Street. It is currently zoned, 'MI: Mixed-use Institutional'. Cornerstone Christian Fellowship has been a part of the Bloomington community for nearly three decades, faithfully serving not only as a place of worship but as an active partner in the wellbeing of our city. Over the years, they have invested deeply in local outreach—supporting area schools through annual Serve Days, partnering with organizations like Hannah House and Susie's Place to care for vulnerable families, and distributing more than \$250,000 worth of free groceries to those in need over the past five years alone. The commitment to Bloomington goes beyond Sunday services; it's woven into the everyday fabric of community life.

On behalf of Cornerstone Christian Church, Bynum Fanyo & Associates, Inc. would like to request three (3) variances from the following design standards for parking expansion:

1. Front yard parking (existing and proposed) setback (required 20' behind front building edge) according to UDO standard 20.02.020 Mixed-Use Zoning Districts – MI zoning
2. East property line buffer yard – type '3' required according to UDO standard 20.04.080 Landscaping, Buffering, and Fences
3. 6 Electric Vehicle Charging Stations required according to UDO standard 20.04.060 Parking and Loading

The provided findings of facts for each variance listed above are summarized below:

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

528 NORTH WALNUT STREET
812-332-8030

BLOOMINGTON, INDIANA 47404
FAX 812-339-2990

Findings:

1. Front yard parking (existing and proposed) setback – This variance is mainly dealing with the existing parking field that is in front of the building along Adams St. The proposed parking field is an extension of existing parking. All landscape standards will be met per current ordinance standards around these parking fields to shield headlights from Adams St. Also, new parking field at north end of the property will be approx. 10 feet lower in elevation than Adams Street to further help no headlights be seen from the new parking field.
2. Buffer yard – The area where the buffer yard would be placed has a required large drainage way. This drainage way serves a large basin that includes neighborhood to east, Countryside Drive and the subject property. Placing the buffer yard would prohibit drainage flow path that serves the large basin upstream. We propose to place the parking lot perimeter plantings along the eastern, existing end parking lots to give some privacy instead. See proposed landscape plan. This would provide a better alternative for the general welfare for neighbors to east of this property.
3. 6 Electric Vehicle Charging Stations – We do not see any adverse effects to not adding these spaces

B) The use and value of the areas adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Findings:

1. Front yard parking (existing and proposed) setback – Providing additional parking and keeping parking in front yard setback will be hidden with these improvements, as noted above. A combination of elevation below Adams Street along with additional landscaping will shield new and existing parking fields that will not adversely affect neighboring properties.
2. Buffer yard – The buffer yard plantings would not shield neighboring properties from views into the subject property due to elevation differences. These plantings would not provide the intent of a buffer yard. Placing the plantings in the drainage way would have adverse effects in large rain events and hold water in the drainage way over time. We want to plant parking lot perimeter plantings along eastern parking areas to meet the intent of the buffer yard, instead.

3. 6 Electric Vehicle Charging Stations – This Church has been well documented helping those in need in the community, welcoming people without questions. The cost of this is provided by the members of the church. The church is a non-profit organization. If this variance is not approved, there would be a large up-front cost and regular on-going cost to provide EV spaces for the community. The church would like to keep helping the community in the current ways they are providing rather than placing this burden for the EV stations on the property.

On another note, the nature of the church is providing much help and services for those in and out of the church. This role in the community for the church is welcoming different people into the property that are known and unknown. Sometimes, these people currently leave vehicles and overly take advantage of the services provided. Having these EV spaces further invites community members to leave vehicles over night that can be a security risk.

- C) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

Findings:

1. Front yard parking (existing and proposed) setback – The parking is already in the front yard setback, as exists today. This proposed plan provides the best and most efficient placement of any new parking to connect existing parking fields. Other proposed parking options involve lower elevations (more vulnerable to drainage ways and drainage holding areas) and more exposed due to elevation differences to adjacent properties.
2. Buffer yard – The strict application would place the buffer yard in the drainage way. Placing the plantings along the eastern property line would also not provide the intent of what the plantings would be required for. This is due to elevation differences between the property, adjacent property and property line location in between.
3. 6 Electric Vehicle Charging Stations – See previous explanation above. EV stations are required for most commercial applications with large parking areas. A church use presents practical difficulties, being a non-for-profit commercial use. Also, the help to the community is being generously directed other places.

Thank you for taking the time to hear these requests for this property development.

Sincerely,
 Bynum Fanyo & Associates, Inc.
 Daniel Butler, PE, Project Engineer
 COPY: BFA FILE #402513



71 PROPOSED PARKING SPACES
+
89 EXISTING PARKING SPACES
(3 ADA)
-
4 EXISTING SPACES MAY BE LOST
TO LANDSCAPING UPDATES
-
2 EXISTING SPACES LOST TO
PROPOSED LAYOUT
=
154 TOTAL PROPOSED PARKING
SPACES
6 TOTAL ADA SPOTS REQUIRED, 3
ADDITIONAL MUST BE PROVIDED



SCALE: 1"=20'

NOTE TO CONTRACTOR

CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY
ENGINEER OF ANY INACCURACIES IN LOCATION OR ELEVATION OR ANY
CONFLICTS PRIOR TO & AFTER ANY EXCAVATION. NO PAYMENT SHALL BE MADE
TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES
REQUIRED DUE TO CONFLICTING ELEVATIONS.

revisions:

ARCHITECTURE	DATE	BY	REVISION
OTALE ENGINEERING	10/20/2020	OTALE	1
OTALE ENGINEERING	10/20/2020	OTALE	2
OTALE ENGINEERING	10/20/2020	OTALE	3
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OTALE ENGINEERING	10/20/2020	OTALE	154

verified by:

PROPOSED

CORNERSTONE CHRISTIAN

FELLOWSHIP

2855 S ADAMS ST

BLOOMINGTON, IN 47403

SITE SITE PLAN

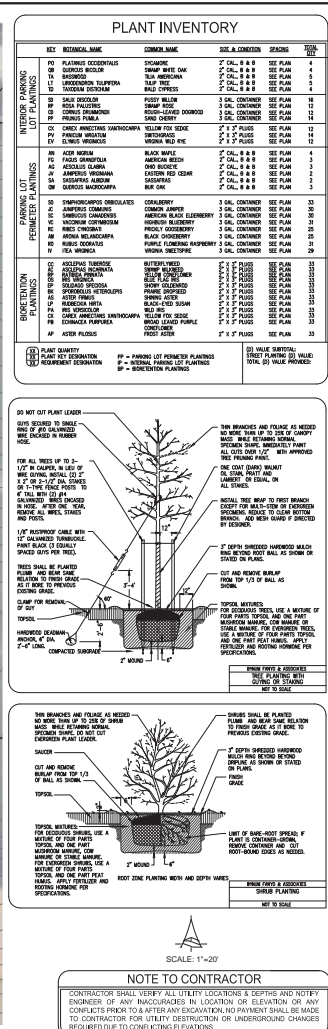
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checked by: DAS

sheet no: 001

project no: 40250X



<div style="text-align: center;">  </div> <div style="text-align: center;"> BBB BRYN PANTO & ASSOCIATES, INC. 508 north walnut street (912) 532-8050 (912) 539-2960 (fax) </div>	<div style="text-align: center;"> ARCHITECTURE OTILE ENGINEERING PLANNING Birmingham, Alabama (912) 539-2960 (fax) </div>
<div style="text-align: center;"> PROPOSED CORNERSTONE CHRISTIAN FELLOWSHIP 2655 S ADAMS ST BLOOMINGTON, IN 47403 </div>	<div style="text-align: center;"> DESIGNED BY DAS DRAWN BY DAS CHECKED BY DAS SHEET NO. C-001 PROJECT NO. 4025300 </div>
<div style="text-align: center;"> DESIGNED BY DAS DRAWN BY DAS CHECKED BY DAS SHEET NO. C-001 PROJECT NO. 4025300 </div>	

Cornerstone Parking Metrics

2024/25

Date	Total Cars NOT parked on Cornerstone Parking Lot
3/24/24 PALM SUNDAY	92
3/31/24 EASTER	113
4/7/24	80
4/14/24	79
4/21/24	85
4/28/24	73
5/5/24	72
5/12/24 MOTHER'S DAY	101
5/19/24	66
5/26/24	66
6/2/24	71
6/9/24	65
6/16/24	65
6/23/24	61
7/7/24	63
7/14/24	61
7/21/24	64
7/28/24	58
8/4/24	61
8/11/24	76
8/18/24	75
8/25/24	70
9/1/24	86
9/8/24	84
9/15/24	76
9/22/24	81

9/29/24	84
10/6/24	78
10/13/24	82
10/20/24	71
10/27/24	72
11/3/24	74
11/10/24	70
11/17/24	66
11/24/24	62
12/1/24	92
12/8/24	96
12/15/24	84
12/22/24 Christmas	97
12/29/24	39
1/5/25 SNOW	14
1/12/25 SNOW	42
1/19/25	51
1/26/25	71
2/2/25	64
2/9/25	59
2/16/25	69
2/23/25	90
3/2/25	91
3/9/25	82
3/16/25	106
3/23/25	92
3/30/25	97
4/6/25	93
4/13/25	130
4/20/25	140
4/27/25	116













Eric Greulich <greulice@bloomington.in.gov>

Opposition to Parking Lot Variance – Adams Street

Trina Starnes <trina@tekwise.com>

To: "greulice@bloomington.in.gov" <greulice@bloomington.in.gov>

Dear Eric,

(please confirm receipt of this email so I can be sure I've addressed it properly)

Thank you for taking the time to speak with me today and for providing information about the variance request for the church on Adams Street. I'd like to share how this p extension could negatively affect homeowners and renters whose homes directly face Adams.

Allowing the church to extend its parking lot would not only diminish the value of our homes but, more importantly, the quality of life for those of us who live here. My fami facing Adams since they were built in 2006. When Summit Ridge was under development, we intentionally chose homes with a view of the green space, based on the ur would be built across the street.

Each day, I look out our front windows and enjoy the trees, changing seasons, birds, squirrels, and even the occasional storm rolling in. If this variance is approved, all of cars, asphalt, and noise—permanently changing the character of our street.

Home values would likely decline due to the loss of natural views and the increase in traffic. There are also real safety concerns, particularly for the nearby elementary sc parking lot with an EV charging station could attract drivers day and night, even beyond church attendees.

Many of us have small front porches that foster a sense of community and neighborhood connection. A parking lot would bring an intrusive, commercial feel—a “concrete peaceful green space that currently defines this part of the neighborhood.

Importantly, there appears to be no current need for additional parking. I took a video this afternoon showing two vans parked on the grass—even though the church's ex empty. This raises the question: could the church meet its needs simply by reconfiguring its existing, expansive parking areas? If they have outgrown this location, perha suits their evolving needs would be more appropriate than providing a variance in a residential area to accommodate them.

I've also reviewed the church's April calendar (publicly available online). Their scheduled services occur on Sundays and occasionally Fridays or Saturdays. This does nc permanent change to the landscape—particularly when residents like us must live with the consequences 24/7, every day of the year.

A variance should only be granted in cases of true hardship in using the land under existing zoning. Convenience or special event overflow is not a legal hardship. Granti troubling precedent for future non-residential encroachments in residential neighborhoods.

As long-term property owners of two homes on Adams, since 2006, we've paid an estimated \$100,000 in property taxes. As a nonprofit, I assume the church pays no prc variance would shift the burden of impact onto those of us who do.

Please give meaningful weight to the voices of the residents who live here full-time. We urge you to deny the variance and preserve the character, safety, and value of ou

Sincerely,

Trina Starnes

[2567 S Addisyn Ln](#) (facing Adams)

Bloomington IN 47403

812-369-8086

Also owner of

[2571 S Addisyn Ln](#) (facing Adams)

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
9a Sunday Worship Service					6p Young Adult Service	
9a Cornerstone Kids Service - 9AM						
11a Sunday Worship Service						
11a Cornerstone Kids Service - 11AM						
6p Student Ministry Service						
13	14	15	16	17	18	19
8:30a Palm Sunday						
10a Cornerstone Kids Service - 10AM						
11:30a Cornerstone Kids Service - 11:30AM						
6p Glow in the Dark Egg Hunt						
6p Student Ministry Service						
20	21	22	23	24	25	26
8:30a Easter Sunday						
8:30a Cornerstone Kids Service - 8:30AM						
10a Cornerstone Kids Service - 10AM						
11:30a Cornerstone Kids Service - 11:30AM						
6p Student Ministry Service						
27	28	29	30			
9a Sunday Worship Service		11:30a Evergreen Luncheon				
9a Cornerstone Kids Service - 9AM						
11a Sunday Worship Service						