CITY OF BLOOMINGTON

BOARD OF ZONING APPEALS

August 21, 2025 @ 5:30 p.m.
City Hall, 401 N. Morton Street
Common Council Chambers, Room #115

https://bloomington.zoom.us/j/82448983657?pwd=enJxcnArK1pLVDlnWGROTU43dEpXdz09

Meeting ID: 824 4898 3657
Passcode: 319455

CITY OF BLOOMINGTON
BOARD OF ZONING APPEALS (Hybrid Meeting)
August 21, 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: July 24, 2025

PETITIONS CONTINUED TO: September 18, 2025

AA-17-22	**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. *Case Manager: Jackie Scanlan*
CU-33-24/ USE2024-11-0068	**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. *Case Manager: Jackie Scanlan*
CU-32-25/ ZR2025-07-0086	**Springpoint Architects (Barre Klapper)** 312 S. Arbutus Drive Parcel: 53-08-03-202-053.000-009 Request: Conditional use approval to allow for construction of a new "Dwelling, Fourplex" in the Residential Urban (R4) zoning district. *Case Manager: David Brantez*
CU-33-25/ ZR2025-07-0087	**Weihe Engineers (Saint Remy HOA)** **3716 E. St Remy Drive** Parcel: 53-08-11-401-029.000-009

Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call 812-349-3429 or E-mail human.rights@bloomingto.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.**

The City offers virtual options, including CATS public access television (live and tape delayed) found at https://catstv.net/. Comments and questions will be encouraged via Zoom or bloomington.in.gov rather than in person.

Request: Conditional Use approval to allow a driveway in the Floodplain. Also requested is a variance from Environmental Standards to allow maintenance to a detention pond and wetland in St. Remy in the Residential Small Lot (R3) zoning district. *Case Manager: Eric Greulich*

PETITIONS:

V-13-25/ VAR2025-03-0063

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. *Case Manager: Joe Patterson*

V-22-25/ ZR2025-06-0075

Autovest, LLC
2130 S. Walnut Street
Parcel: 53-08-09-301-005.000-009
Request: Re approval of findings to remove condition of approval. *Case Manager: Eric Greulich*

V-29-25/ ZR2025-06-0081

Valu-Built Construction (Ernest Xi)
1017 E. Erin Court
Parcel: 53-08-09-111-022.017-009
Request: Determinate sidewalk variance to allow for construction of a single family dwelling unit (detached) in the Residential Medium Lot (R2) zoning district. *Case Manager: David Brantez*

V-31-25/ ZR2025-07-0085

Kathy Church
318 E. Wylie Street
Parcel: 53-08-04-200-033.000-009
Request: Variance from front build-to-line to allow for an addition to a single-family dwelling in the Residential Small Lot (R3) zoning district. *Case Manager: David Brantez*

Board of Zoning Appeals Members

Member	Appointed By	Term
Tim Ballard	Mayor	1/1/2022-13/31/2025
Flavia Burrell	Plan Commission	1/1/2023-12/31/2026
John Fernandez	Mayor	1/1/2023-12/31/2026
Leslie Kutsenkow	Mayor	1/1/2025-12/31/2028
Jo Throckmorton	Common Council	1/1/2022-12/31/2025

*Members serve at the pleasure of the Mayor BMC 2.09.020

Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call 812-349-3429 or E-mail human.rights@bloomingto.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.**

The City offers virtual options, including CATS public access television (live and tape delayed) found at https://catstv.net/. Comments and questions will be encouraged via Zoom or bloomington.in.gov rather than in person.

BLOOMINGTON BOARD OF ZONING APPEALS CASE #: V-13-25/ VAR-2025-03-0063
STAFF REPORT DATE: August 21, 2025

Location: 4216 E Penn Ct (Parcel #53-05-36-302-045.000-005)

PETITIONER: Carolina Lopes
3841 E Barrington Dr Apt B, Bloomington, IN

OWNER: Maria Lopes
4216 E Penn Ct, Bloomington, IN

REQUEST: A 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.

REPORT: This 0.25 acre property is located at 4216 E Penn Ct within the Park Ridge East subdivision and is zoned Residential Medium Lot (R2). All surrounding properties are designated Residential Medium Lot (R2). Surrounding land use consists primarily of detached single-family residential and includes a mix of owner-occupied and renter-occupied units.

The property currently contains a two-story, split-level single family dwelling unit. The property has a slight upslope from west to east. The owner placed an approximately 6' tall fence along the entire east property line for privacy and safety concerns from the neighbor to the east. A Notice of Violation letter was sent to the property owner in September 2024 regarding the fence height as it was found to violate Section 20.04.080(n)(3) of the UDO. Specifically, this fencing installed was found to violate "Forward of the front building wall of the primary structure, fences and walls shall not exceed four feet in height."

An additional fence along the front (north) of the property that does meet the four-foot height requirement was found to intrude into the right-of-way. Per Section 20.04.080(n)(2) of the UDO "No fence or wall shall be located within a public or private easement unless written permission from the easement holder has been granted." That matter has had some ongoing discussion with Engineering and no variance from the prohibition of private fences in the right-of-way is part of this petition.

The petitioner is requesting a variance from fence height standards in the Residential Medium Lot (R2) zoning district, to allow the 6' tall fence forward of the dwelling unit's front building wall to remain as is.

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 this variance will not be injurious to the public health, safety, morals, or general welfare of the community. The fencing was installed specifically to maintain and promote the health and safety concerns from the homeowner with their neighbor. The general welfare of the community appears to be supported with the owner having received letters of support from neighbors and residents in the area.

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

PROPOSED FINDING: No adverse impacts to the use and value of surrounding properties as a result of the requested variance are found. While a realtor has found that the fencing would likely improve the likelihood of resale value for the owner's property and the homeowner has indicated the fence is necessary to enjoy the use of their own property, neighboring properties' uses and values are likely unaffected.

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 any practical difficulties in the use of the property that are a result of a condition that is peculiar to the property in question. While disputes with neighbors are common, these concerns are considered civil in nature and are not specific to this property. The taller than what is allowed fencing was installed specifically regarding safety and privacy concerns with an immediate neighbor and not as a result of a characteristic of the property itself. The slight grade change between the properties is not significant to warrant relief from the fence height requirements

While this variance would not be injurious to the health, safety, or general welfare of the public and it would not adversely affect the use and value of adjacent properties, there are no peculiar conditions with the property that merit the approval of relief from the established fence height requirements.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopt the proposed findings and deny case V-13-25/ VAR-2025-03-0063.

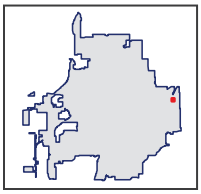
City of Bloomington

Planning and Transportation Department

4216 E PENN CT

Map Legend

- Addresses
- Board of Zoning Appeals
- Parcels
- Buildings
- Pavement
- Bloomington Municipal Boundary
- Urban Area
- Metropolitan Planning Area



Created: 4/16/2025

For use as map information only, information is NOT warranted.

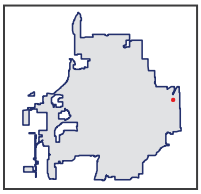
City of Bloomington

Planning and Transportation Department

4216 E PENN CT

Map Legend

- Addresses
- Parcels
- Pavement
- Bloomington Municipal Boundary



Created: 4/16/2025

For use as map information only, information is NOT warranted.

City of Bloomington
Planning and Transportation Department

September 16, 2024

Maria P Lopes
4216 East Penn Court
Bloomington, IN 47408

Re: **Notice of Violation (warning)**
Fence Height
Fence Location

Dear Sir or Madam:

This Notice of Violation (NOV) serves as a formal warning of non-compliance with Unified Development Ordinance (UDO) **Section 20.04.080(n)(3) [Landscaping, Buffering, and Fences; Fences and Walls; Fence and Wall Height] and Section 20.04.080(n)(2) [Landscaping, Buffering, and Fences; Fences and Walls; Fence and Wall Location]** at 4216 E Penn Ct. Records show that you are the owner of this property.

The City of Bloomington Planning and Transportation Department staff observed fencing exceeding four feet in height forward of the front building wall of the primary structure on the property; and fencing located in the public right-of-way outside of the property line at 4216 E Penn Ct on 07/25/2024 (see enclosed). This property is located in the Residential Medium Lot (R2) Zoning District.

According to Unified Development Ordinance (UDO) **Section 20.04.080(n)(3) [Landscaping, Buffering, and Fences; Fences and Walls; Fence and Wall Height];**
(A) Interior Lots
- i. Behind the front building wall of the primary structure, fences and walls shall not exceed a combined height of eight feet, except as provided in Subsection (1)(G) above.
- ii. Forward of the front building wall of the primary structure, fences and walls shall not exceed four feet in height.

According to Unified Development Ordinance (UDO) **Section 20.04.080(n)(2) [Landscaping, Buffering, and Fences; Fences and Walls; Fence and Wall Location];**
(A) Fences and walls shall be permitted up to the property line.
(B) No fence or wall shall be located within a public or private easement unless written permission from the easement holder has been granted.

In accordance with UDO Section 20.06.100, a violation of Failure to Comply with Development Standards for fencing exceeding allowed height and fencing located past the property line in the public right-of-way may result in a one-hundred dollar ($100) fine per violation item. Each day a violation is allowed to continue is considered a distinct and separate violation. Subsequent violations are twice the previous fine, up to a maximum daily fine of seven thousand five hundred dollars ($7,500).

No fines have been issued at this time. To remedy the situation, the following actions need to be taken:
1. Remove the fencing in excess of 4 feet in height forward of the front building wall by 09/30/2024. **OR;**

Make a phone appointment with a Planner to occur on or before 09/30/2024 to discuss filing a variance request, **AND** file for a variance by 10/18/2024 for the 11/14/2024 Board of Zoning Appeals hearing. **It is very unlikely that you would receive a variance approval for fence height.**

2. Remove the fencing located within the public right-of-way by 09/30/2024. If you would like to explore having fencing in this location, contact the Engineering Department to acquire the proper approvals. Further communication from the Engineering Department regarding this issue may be forthcoming.

If you dispute the City's assertion that the property is in violation of the above referenced sections of the Unified Development Ordinance, you may file an appeal with the City's Board of Zoning Appeals. Said appeal shall be filed with the Planning and Transportation Department within ten (10) days of your receipt of this Notice of Violation and shall conform to the requirements of UDO Section 20.06.080(d).

Failure to resolve this violation may result in further enforcement action. If a fine is issued, the final fine amount shall be paid to the City of Bloomington. All fines may be contested in the Monroe County Circuit Courts.

Please contact the Planning and Transportation Department at planning@bloomington.in.gov or 812-349-3423 with any questions or concerns.

Sincerely,

Joy Brown

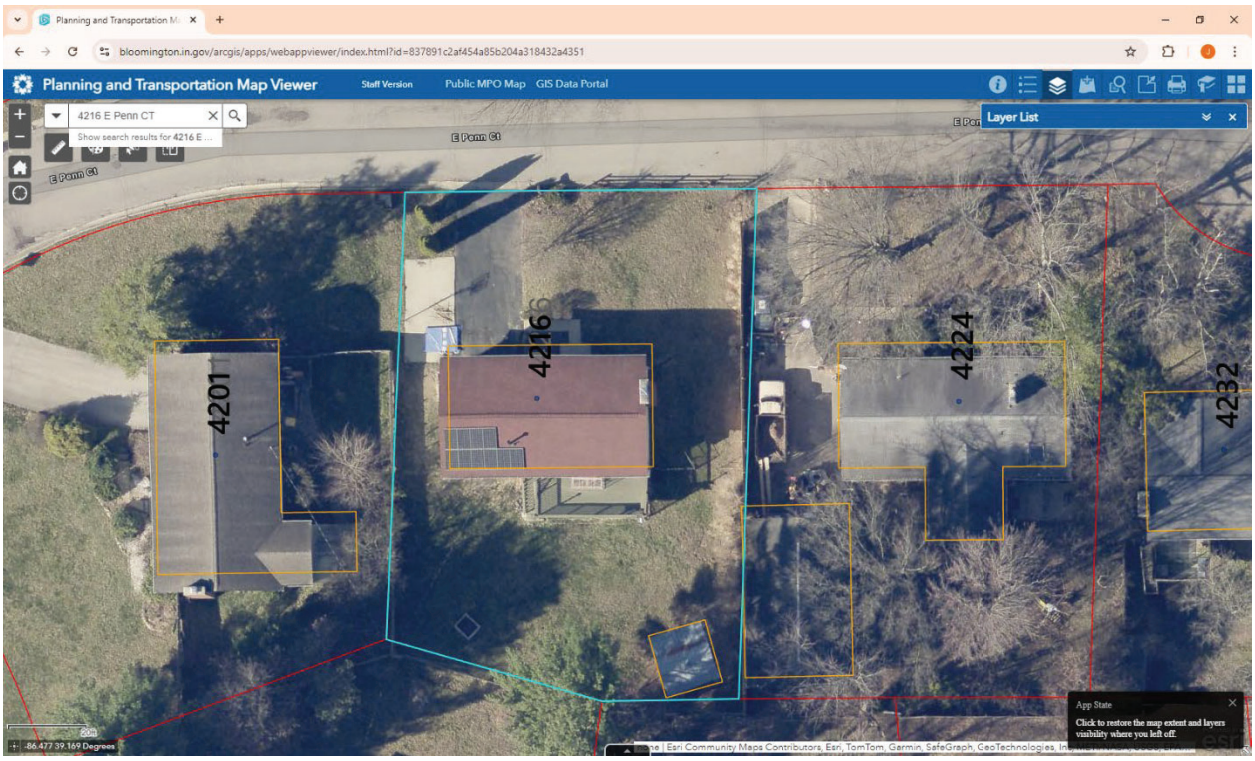
Joy Brown
Zoning Compliance Planner, Planning and Transportation Department

Enclosures (4): (2) Photographs; (1) Screenshot of Property Boundaries; (1) Plat Map

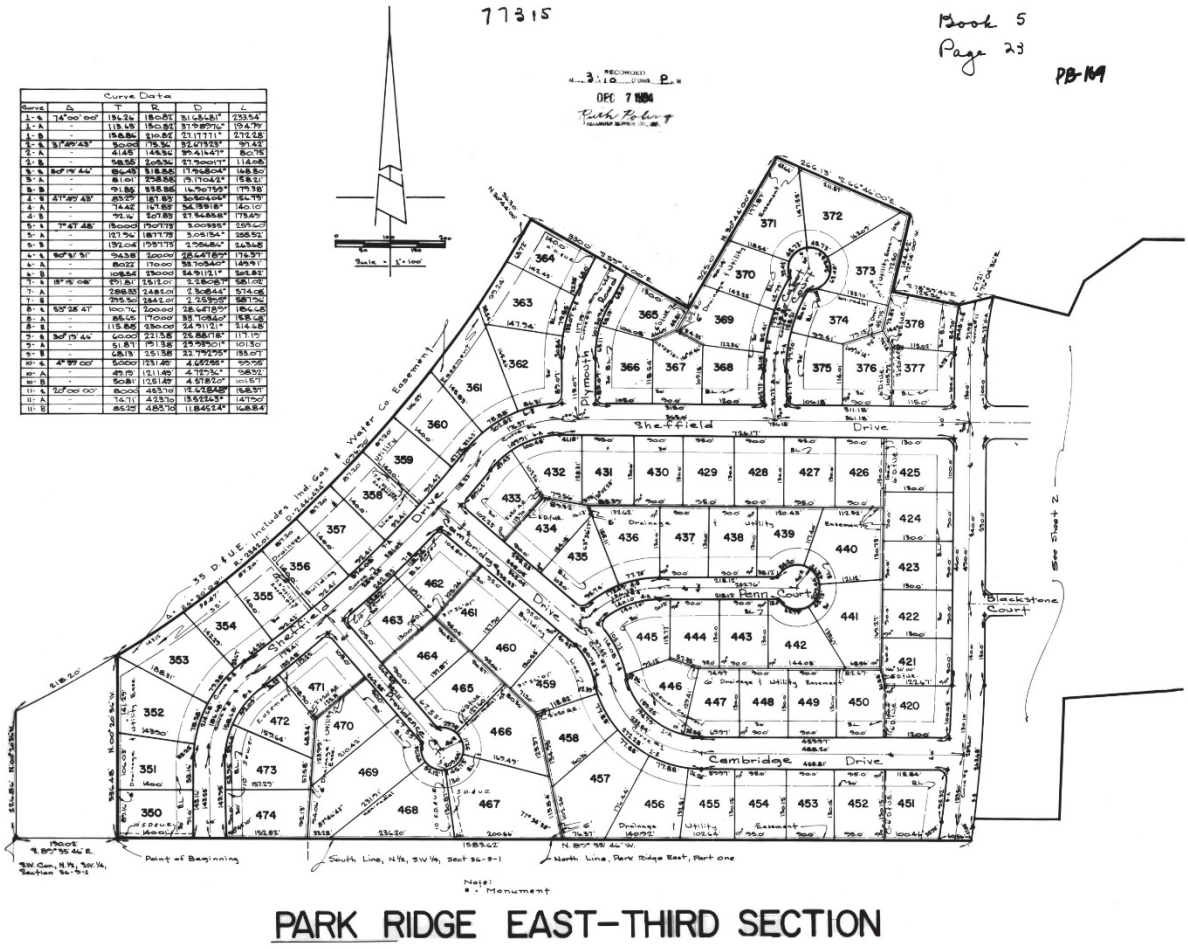
CC: David Hittle, AICP, Director, Planning and Transportation Department
Jackie Scanlan, AICP, Development Services Manager, Planning and Transportation Department
Andrew Cibor, Director, Engineering Department
Driss Tahir, TFT Engineering Field Specialist, Engineering Department

Photo 1: Fencing along the northern side of the property located in the public right-of-way and fencing along the eastern side of the property exceeding the allowed height at 4216 E Penn Ct on 07/25/2024.

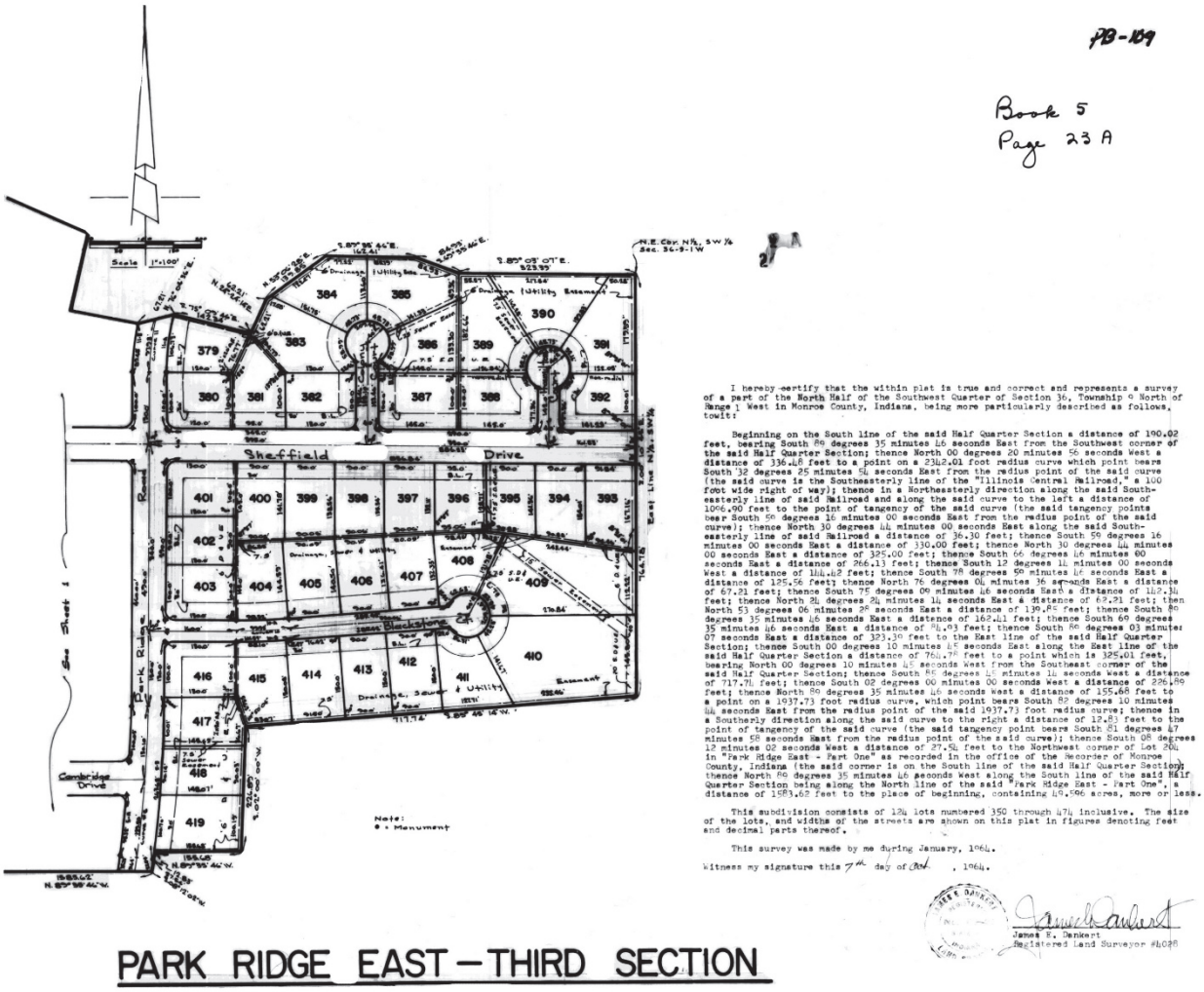
Photo 2: Fencing along the northern side of the property located in the public right-of-way and fencing along the eastern side of the property exceeding the allowed height at 4216 E Penn Ct on 07/25/2024.



Screenshot 1: Property and right-of-way (ROW) lines at 4216 E Penn Ct in relation to the current fencing location.



Map 1: Page 23 of the plat map for Park Ridge East – Third Section, showing right-of-way location. 4216 E Penn Ct is lot 444 on this map.



Map 2: Page 23A of the plat map for Park Ridge East – Third Section.

Carolina Lopes
4216 East Penn Ct.
Bloomington, IN 47408

02/28/2024

Dear BZA Meeting Members:

I write this letter on behalf of my mother, Maria Patricia Lopes, to explain our petition for a fence height variance on the property of 4216 East Penn Court.

We petition in this variance request to keep the fence height at 6ft for only the portion of the fence extending forward of the front building wall on the East side of the property, which currently exceeds the allowed height of 4ft.

The fence was built at the current height to shield my mother from her next door neighbor (who is adjacent to her house and whose property is on the other side of the fence). This particular neighbor has consistently decorated his house and yard with several structures including but not limited to racist signs pointed at my mother's house, structures pointing the middle finger at my mother's house, large spotlights pointed inside of my mother's house, and an RV (which is not allowed based on neighborhood regulations). The Department of Planning and Transportation have had to reach out to this neighbor for the various structures and, for lack of a better word, trash, littering his property to no avail.

We understand that civil matters usually do not have a bearing on property variance requests, however, we believe we have extenuating circumstances such as the following:

1) **Property value:** Included within this application is a letter from a realtor stating that the view of trash and structures will deter potential buyers from purchasing the home as well as the effects it has on the home value.
2) **Grade change:** Due to the grade change on this street, the visibility of this neighbor's yard is greater than if both properties had the same elevation. The property adjacent to my mother's house is at a higher-grade elevation. When building a fence to shield some the view, this becomes an issue as the normally required 4 ft fence height is not tall enough, requiring a higher fence for the same amount of privacy.
3) **Safety:** The ability to see my mother exiting her home is often the catalyst for this neighbor's erratic behavior towards her. The current height of this fence at 6ft prevents this from happening as it shields her neighbor's view of her.

Due to the location of this fence, it encroaches in the right of way (as shown in the sita plan), and we are currently in the process of applying for an encroachment with Maria McCormick. She is confident it will be approved due to the fact that it was professionally built, and the house is on a low-traffic cul-de-sac which will likely not have a sidewalk installed in any near future. We understand that if you do grant approval for this variance, it may be contingent upon approval of the encroachment.

We believe the following criteria are met based on the General Approval Criteria for a variance request:

a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
   We believe the additional two feet of fence does not pose any negative effects to the community. We have been told by several passers-by that they appreciate the appearance of our fence and that it enhances the street. More-over, we have also received thanks and compliments from neighbors whose view of the disheveled property adjacent to my mother's is now obscured by our fence.
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; and

We believe the use and value of the area adjacent to the property will not be affected in a substantially adverse manner. As stated before, the property adjacent to my mother's is and has been in a continuously poor state. This property actually does affect my mother's property value in a substantially adverse manner, but our fence poses no risk to the value of the adjacent property.

c) 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.
Due to the state of this neighbor's property and because of the grade change in elevation from this property to my mother's, I believe this results in practical difficulties specific to our property. This is also an issue of safety as this individual has been persistently aggressive specifically towards my mother over several years despite the protective order she has against him which has been violated and resulted in this neighbor being arrested. The addition of this 6-foot fence has significantly eased the burdens of this neighbor's behavior.

Although we originally did not wish to have a need for a privacy fence, the circumstances in which my mother has had to live under due to this neighbor have been detrimental to the point where this is the only option. She hopes to be able to move out of her house in the next 5 years and away from this situation, but the sale of this house will be made very difficult if we need to lower the fence height the 4ft.

We hope you will take our circumstances into consideration for this request and greatly appreciate you taking the time to review this request.

All my very best,
Carolina Lopes

Images pertaining to the variance request:

Bright spotlight being shone from adjacent property into the home on 4216 East Penn Court

Glove displaying the middle finger towards the property of 4216 East Penn Court

Previous fence structure (right) which deteriorated over time due to the property owner adjacent to 4216 East Penn Court placing heavy objects leaning on the fence (left)

Buildup of trash and structures accumulating on the property neighboring 4216 East Penn Court

Buildup of trash and structures accumulating on the property neighboring 4216 East Penn Court

Buildup of trash and structures accumulating on the property neighboring 4216 East Penn Court and directed towards the property of 4216 East Penn Court

The following are the most recent images of the view from the property of 4216 East Penn Court:

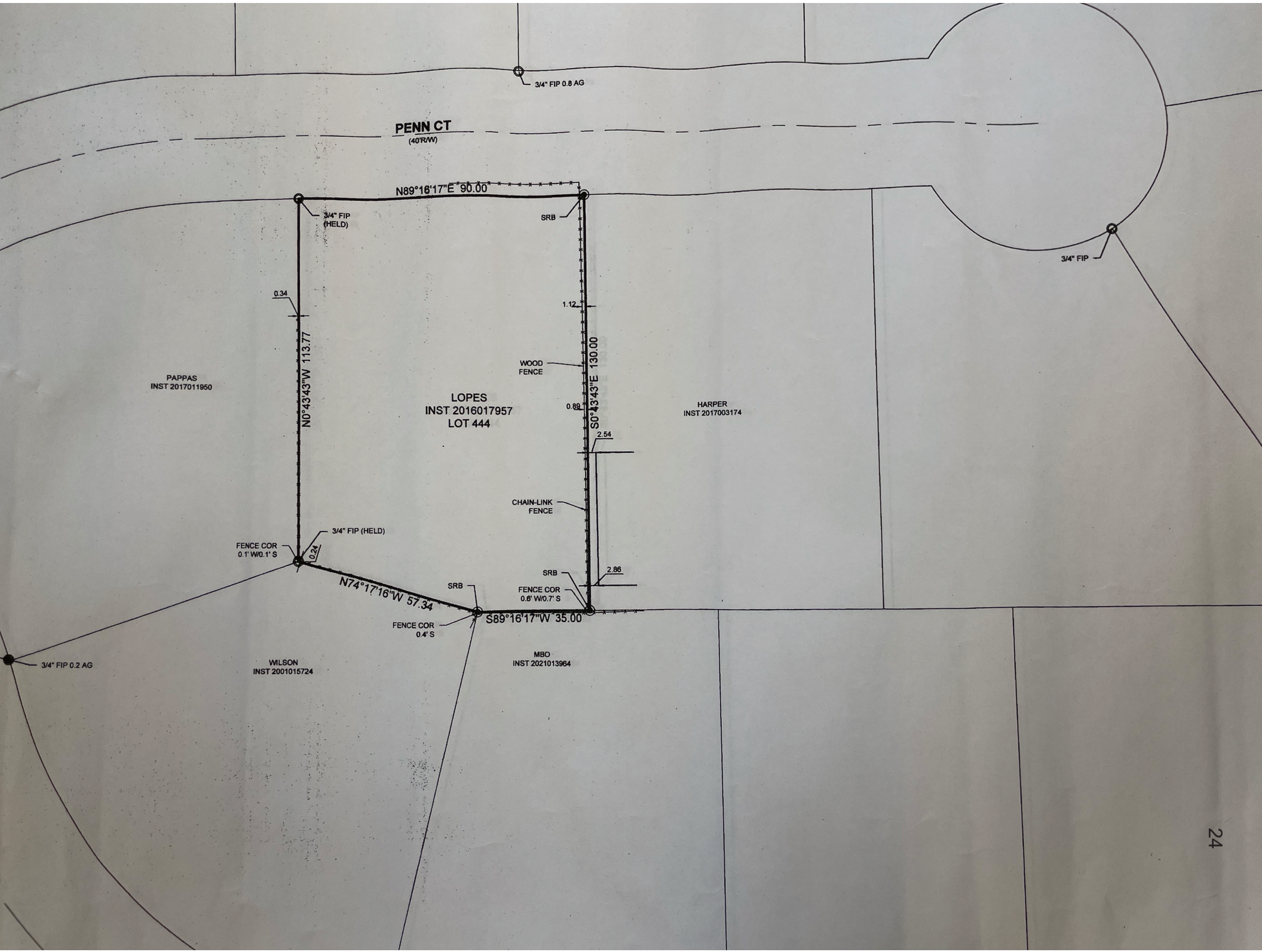
View from the yard

View from the wndow

View from the street

View from the street

RV currently parked in the driveway of the property adjacent to 4216 East Penn Court.


3/4" FIP 0.8 AG
PENN CT
(40'R/W)
N89°16'17"E 90.00
3/4" FIP
(HELD)
SRB
3/4" FIP
0.34
1.12
N0°43'43"W 113.77
S0°43'43"E 130.00
WOOD
FENCE
PAPPAS
INST 2017011950
LOPES
INST 2016017957
LOT 444
HARPER
INST 2017003174
0.89
2.54
CHAIN-LINK
FENCE
3/4" FIP (HELD)
FENCE COR
0.1' W/0.1' S
0.24
SRB
2.86
N74°17'16"W 57.34
SRB
FENCE COR
0.6' W/0.7' S
S89°16'17"W 35.00
FENCE COR
0.4' S
3/4" FIP 0.2 AG
WILSON
INST 2001015724
MBO
INST 2021013964

TOWN MANOR
Real Estate

Tya Hanna
107 E 6th Street
Bloomington, In
"Talk to Tya"

September 27, 2024

Regarding:
4216 E Penn Ct Bloomington, IN 47408
Maria Lopes (owner)

To whom it may concern,

I have represented the owner of this property, Maria Lopes, in the past with her Real Estate transitions. She contacted me to discuss the value of her home in case she would decide to sell the property in the future. She is concerned that the value might be affected because of the condition of the adjoining property owner (Mark Harper 4224 E Penn Ct). I visited the home last week and have done so in the past and the property appears to be progressively deteriorating. I have been a real estate agent for over 38 years, and I feel that the condition of the neighbors property will have a significant negative effect on the value of Maria's property.

The adjoining owner is aware that there is a problem, has been notified, but nothing has been done. So, Maria put up a privacy fence between the properties to try to block some of the view of the property. But, the view is still visible from the front of the house and to both of the adjoining neighbors. I would hope that she will be allowed to continue the 6 foot fence all the way to the street and at the least partially in front of the house to help further deter the view. That would maybe help a potential buyer accept the property, if she decides to sell the property in the future.

It's a shame that a conscientious property owner, living in a nice city subdivision, will now lose value in her property because of a negligent neighbor.

If you have any questions, please feel free to contact me.

Thank you,

Tya Hanna
Town Manor Real Estate
tyahanna@gmail.com
812-327-5530

Carolina,

Thank you for coming by the other day. I feel badly that you and your mother are having to deal with these issues from your neighbor. My view of his yard is that it is a complete disaster. It looks like a garbage dump. He burns plastic most mornings in his driveway. He has helmets and fake skulls on spikes that extend past the fence.

My understanding is that there is a request for your mother to lower the height of her fence. The only way that would even be slightly appropriate would be if the city would force your neighbor to take down the garbage, tents, plastic bags, spikes next to the fence that are STILL in view even with her fence. As her neighbor, her fence is not the issue. She is simply trying to block her view from her absolutely bonkers neighbor who has verbally threatened her and continues to try to instigate issues with her for his own gratification.

Despite me personally having called Ureport and HAND more than a dozen times to report this jerk, nothing has been done. Again the solution has to do with WHY does she need this fence in the first place. If the city would help her instead of ignoring her issues that would be a start.

Ian Sons
4117 East Cambridge Drive

To whom it may concern,
The fence at Patricia Lopes's house is important for two reasons.

First, considering she'd have a protective order against her neighbor for the last year. It's very important for Patricia's safety. It blocks the ability for the neighbor to put up racist posters and unsightly artwork that's aimed at upsetting Patricia. Those are many of the reasons why she has the protective order. It also blocks the noise directed at her from getting to her as easily. The banging of trash cans the loud singing and calling her names. All of these things I have observed myself.

Second, is the fact that it blocks the rest of us from having to see all the junk that the neighbor sticks in his driveway while he's supposedly fixing up his house that had a fire 6 years ago.

I find it interesting that there is a complaint about her fence when there are many houses in our neighborhood who have backyard privacy fence and nothing is said. I think it's just another way for Mark, her neighbor to give her a hard time. Time. I would think it would be beneficial for both neighbors to have this fence to keep him out of trouble and to keep Patricia safe.

I'm writing this from my once-in-a-lifetime trip to Australia. So you know it's very important to me to make sure that the fence stays at at least 6 ft. It's good for the neighborhood and it's good for Patricia. That makes it a win-win to stay at 6 ft.

Nancy Martin
401 North Sheffield Drive
812 -325 -7538

September 30, 2024

Our names are Michele and Keith Wilson, and we have lived on Cambridge Drive with our family for over 20 years. Our backyard faces Patricia Lopes' backyard, allowing us to see the side of her property adjacent to Mr. Harper's. For years, Mr. Harper has accumulated a myriad of trash right next to Patricia's fence. She previously had a four-foot wire and wood fence, which made the trash visible almost daily. The sight was unpleasant, as it included hateful signs, trash bags, clothes, pieces of carpet, buckets, and random wood pieces. Often, the trash leaned against Patricia's fence, encroaching on her property.

We could also see and hear Mr. Harper pacing back and forth next to her fence, playing loud music and making disruptive noises to torment her.

Fortunately, Patricia's new fence has served as an effective barrier against Mr. Harper's trash. Although we can still see the large RV(against neighborhood covenants) he parked next to her privacy fence, it has been a relief not to have to look at the trash and his constant displays of hostility toward her.

Thank you for your consideration in allowing Patricia Lopes' privacy fence to remain in place as it is. She has invested significant time and effort into creating a nice-looking fence that keeps us from having to view trash out of our windows.

Michele and Keith Wilson

To: Bloomington Board of Zoning Appeals

From: Eric Greulich, Development Services Manager

Date: August 21, 2025

Re: V-22-25/VAR-2025-06-0075

At the July 24, 2025 hearing the Board of Zoning Appeals approved the above referenced petition and all requested variances. In the approval the Board removed condition #3 of the proposed conditions of approval, however with the approval of the variance from required street tree spacing the Board did not remove condition #2. The Board needs to make a new motion to approve the variances and remove condition #2 and condition #3.

1. These variances are for this use only, any future development must meet all UDO requirements.
2. Street trees are required along the front with the spacing required in the UDO.
3. A total of 10 tall canopy trees are required along the property frontage.
4. Site plan approval is required prior to issuance of any permits.

BLOOMINGTON BOARD OF ZONING APPEALS **CASE #: V-22-25**
STAFF REPORT **VAR-2025-06-0075**
Location: 2130 S. Walnut Street **DATE: July 24, 2025**

PETITIONER: AutoVest II, LLC
2609 S. Walnut Street, Bloomington, IN

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

REQUEST: Variance from front parking setback requirements and landscaping standards to allow the expansion of a vehicle display area for the use "Vehicle sales or rental" in the Mixed-Use Corridor (MC) zoning district.

REPORT: This 7.91 acre property is located at 2130 S. Walnut Street and is zoned Mixed-Use Corridor (MC). Surrounding land uses include several commercial and retail buildings to the north, "vehicle sales or rental" uses to the south, Bloomington High School South to the east, and the Switchyard Park to the west. Adjacent properties to the north and south are zoned Mixed-Use Corridor (MC), to the east is zoned Mixed-Use Institutional (MI), and to the west is zoned Mixed-Use Institutional (MI) and Parks and Open Space (PO). Since the properties to the east of this site are zoned Residential Medium Lot (R2).The 100-year floodplain of Clear Creek as well as its regulated riparian buffer run along the west side of this property. This area also contains sections of closed canopy coverage that are subject to the tree preservation requirements of the UDO. All of these environmental features must be placed in easements and will be required with the site plan review.

The petition site includes several properties that have been developed with a mix of commercial uses that will be combined into one development site to allow the use "vehicle sales or rental" for a Kia automobile dealership that currently exists in the southern most building on the site. No additions to the building are proposed. The petitioner is proposing to remove the existing buildings and parking areas, except the building at 2130 S. Walnut, and install new parking and vehicle display areas. In general, all of the areas for the proposed new vehicle display areas are currently developed with either buildings or parking areas. The expansion of this use across the site requires the site to come into compliance with the Limited Compliance standards of Section 20.06.090(f)(2)(B). This includes new landscaping throughout the property, installation of islands within the parking areas, installation of bike racks, and new pedestrian facilities with street trees along the property frontage.

The proposed site plan shows a total of 7 customer parking spaces (including 1 ADA accessible parking spaces) on the south side of the building for customers and 316 spaces for vehicle display. The petitioner is proposing to install new islands within the parking area as well as a storm water management pond on the west side of the site to meet stormwater quality requirements. The entire area for the vehicle display area will be regraded and striped to meet current standards. New landscaping will be installed within the parking areas and around the perimeter of the site and parking areas, however full compliance with landscaping requirements has not been shown and the petitioner is requesting a variance from landscaping standards.

.

As discussed with previous similar petitions, the use "vehicle sales or rental" is a unique land use in that the display of merchandise (vehicles) for sale occurs almost exclusively outside of a building. For this use, the areas where vehicles for sale are parked are not counted as parking spaces towards the maximum number of spaces allowed, however those areas are subject to all other standards that regulate parking including landscaping requirements and setbacks. Due to the location of the existing building that is shown to be maintained with this petition, the location of existing and proposed parking spaces and display areas that are located between the building and the street, the petitioner is requesting a variance from parking setback standards to allow the proposed parking and display areas to be located within the required front parking setback of 20' behind the front of the building. The petitioner is also requesting a variance from landscaping standards to not require tall, canopy trees within the interior islands, a variance from the maximum required spacing for street trees along the front to allow 40' spacing rather than the maximum 15' spacing for small/medium street trees, a variance from the number of tall canopy trees required for parking lot perimeter landscaping to allow 24 tall canopy trees rather than 81 tall canopy trees that would be required, and a variance from the minimum number of shrubs required to allow 454 shrubs rather than the 969 shrubs required.

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:

   Landscaping (street trees): The granting of the variance to not require street trees every 15' as required is expected to be injurious to the public health, safety, morals, or general welfare of the community as it creates a streetscape that would not be consistent with the goals of adopted plans and regulations to create a desired streetscape design.

   Landscaping (number of shrubs, parking perimeter): The granting of the variance to not require the total number of shrubs on the site for parking lot landscaping is not expected to be injurious to the public health, safety, morals, or general welfare of the community since there is a substantial amount of vegetation that will be preserved on the site along Clear Creek and shrubs have been shown along the north and east property lines adjacent to the street and adjacent properties for visual screening.

   Landscaping (number of tall canopy trees, parking perimeter): The granting of the variance to not require the full number of trees on the site for parking lot landscaping is not expected to be injurious to the public health, safety, morals, or general welfare of the community since there is a substantial amount of trees that will be preserved on the site along

Clear Creek. However, there is room to install additional tall canopy trees along the front and achieve separation from the display vehicles, a condition of approval has been included to this effect.

Landscaping (tall canopy trees within islands): The granting of the variance to not require tall canopy trees in every island is not expected to be injurious to the public health, safety, morals, or general welfare of the community the presence of the trees within the parking area would have a negative impact on the vehicles displayed within the parking areas with the height of trees required and vegetation hazards on the display vehicles for this use.

Parking Setback (front): The granting of the approval to allow the existing area that has been used for buildings and parking spaces to remain between the existing building and street is not expected to be injurious. There are a very limited number of spaces that are shown within the front parking setback and there are no known negative impacts from the parking spaces in the current location. Some parking spaces within the front will be removed for new islands and landscaping thus reducing the amount of parking between the building and the street.

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:

Landscaping (street trees): No adverse impacts to the use and value of surrounding properties as a result of the requested variance to have an increased spacing of the street trees are found.

Landscaping (number of shrubs, parking lot perimeter): No direct adverse impacts to the use and value of surrounding properties as a result of variance to not have the full number of shrubs along the parking perimeter are found. As noted above, there will be a substantial amount of vegetation preserved on the site in the riparian buffer and floodplain of Clear Creek along the west side of the site.

Landscaping (number of tall canopy trees, parking lot perimeter): No direct adverse impacts to the use and value of surrounding properties as a result of variance to not have the full number of tall canopy trees along the parking perimeter are found. As noted above, there will be a substantial amount of trees preserved on the site in the riparian buffer and floodplain of Clear Creek along the west side of the site to offset the lack of trees along the perimeter of the parking areas.

Landscaping (tall canopy trees within islands): No direct adverse impacts to the use and value of surrounding properties as a result of variance to not have tall canopy trees within the islands are found.

Parking Setback (front): No adverse impacts to the use and value of the area adjacent to the

property are found. There are a very limited number of spaces that are currently within the front parking setback and there are no known negative impacts from the few, existing spaces in the current location. Some parking spaces within the front will be removed for new islands and landscaping thus reducing the amount of parking between the building and the street.

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:

Landscaping (street trees): The strict application of the terms of the Unified Development Ordinance do not appear to result in practical difficulties in the use of the property in that the presence of the street trees with the required spacing will not prevent the property from being used with the proposed use or any other allowable use. There do not appear to be any conditions that are peculiar to this property that prevent street trees from being installed with the spacing as required in the UDO. There are no topographic challenges, infrastructure improvements, drainage features, or other inherent characteristics that present a practical difficulty or peculiar conditions.

Landscaping (minimum number of shrubs, parking perimeter): The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property in that requiring all of the required shrubs would create a practical difficulty in further limiting the amount of the property that can be utilized for display vehicles. The practical difficulties are peculiar to the property in question in that almost half of this petition site is encumbered by environmental constraints that include the 100-year floodplain of Clear Creek, riparian buffer, and tree preservation requirements. The granting of the variance will relieve these difficulties and allow a limited area of display vehicles along the portions of the site already developed.

Landscaping (minimum number of trees, parking perimeter): The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property in that requiring all of the required trees would create a practical difficulty in further limiting the amount of the property that can be utilized for display vehicles. The practical difficulties are peculiar to the property in question in that almost half of this petition site is encumbered by environmental constraints that include the 100-year floodplain of Clear Creek, riparian buffer, and tree preservation requirements. The granting of the variance will relieve these difficulties and allow a limited area of display vehicles along the portions of the site already developed.

Landscaping (tall canopy trees within islands): The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property in that requiring tall canopy trees within islands would have a negative impact on the merchandise that is displayed for sale that is all displayed outside. Peculiar condition is found

in this use has all of the merchandise displayed for sale on the exterior of the site and the presence of large trees within the parking and display areas would have a negative financial impact on the property.

Parking Setback (front): The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property in that compliance with this standard would require a significant amount of parking and display area to be removed and present a hardship in limiting the amount of area available for the display of vehicles for sale. The practical difficulties are peculiar to the property in question in that the location of existing parking, display areas, and existing building do not allow for the removal of spaces without substantially affecting the ability of the use to continue at this location. The granting of the variance will relieve these difficulties and allow the site to be brought closer to compliance with other UDO development standards.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve the variances from the number of shrubs required for the parking lot perimeter, the number of tall canopy trees required for the perimeter, requirement for tall canopy trees within the islands, parking setback; but deny the variance for required street tree spacingwith the following conditions:

1. These variances are for this use only, any future development must meet all UDO requirements.
2. Street trees are required along the front with the spacing required in the UDO.
3. A total of 10 tall canopy trees are required along the property frontage.
4. Site plan approval is required prior to issuance of any permits.

BLOOMINGTON BOARD OF ZONING APPEALS **CASE #: V-29-25**
STAFF REPORT **ZR2025-06-0081**
Location: 1017 E Erin CT **DATE: August 21, 2025**

PETITIONER/OWNER: Valubuilt Inc
417 W 6th ST
Bloomington, IN 47403

REQUEST: Determinate sidewalk variance to allow for the construction of a single family dwelling unit (detached) in the Residential Medium Lot (R2) Zoning District.

REPORT: This 11,984 square foot property is located at the northeast corner of E Erin CT and E Azalea LN in the Walnut Creek Neighborhood. The property is located in the Residential Medium Lot (R2) zoning district. The adjacent properties are zoned Residential Medium Lot (R2) and have been developed with detached single family dwellings. The surrounding area includes lots zoned Parks and Open Space (PO) to the south, Residential High Density (RH) to the west, and Residential Small Lot (R3) to the southwest of the property.

This petition was heard at the July 24, 2025 hearing and was continued at the petitioner's request to modify their request. The petitioner has revised their variance request to include a determinate sidewalk variance request along Erin Court, as well as along Azalea Lane.

The petitioner proposes to build a new detached single-family dwelling on this vacant lot. With the construction of a new single family residence on this lot, the UDO requires a sidewalk and tree plot consistent with the Transportation Plan be constructed along both property frontages. Azalea Lane is classified as a Neighborhood Connector and is required to have a 7' wide sidewalk with an 8' wide tree plot and street trees. Erin Court is classified as a Neighborhood Residential typology and would require a 6' wide concrete sidewalk and minimum 5' wide tree plot with street trees. Since there is an existing sidewalk along Azalea Lane, Section 20.04.050(d)(2) of the UDO also requires that a 6' sidewalk and 5' tree plot be constructed on Erin Court. Street trees are also required along both frontages with the new construction. There is an existing 4' wide sidewalk and 5' wide tree plot along Azalea Lane, but no facilities along Erin Court. The Engineering Department has determined that the current sidewalk along Azalea is not in functional condition with several broken panels and out of compliance with ADA requirements and must be replaced in its entirety.

The petitioner is requesting a determinate sidewalk variance to keep the existing 4' wide sidewalk and 5' wide tree plot along E Azalea LN. The petitioner is also requesting a determinate sidewalk variance to not require a new sidewalk on Erin Court.

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:

Azalea LN Determinate Sidewalk: The approval of the requested variance is expected to be injurious to the general welfare of the neighborhood and community in that the proposed sidewalk is noncompliant with current standards and installing the required sidewalk with appropriate width would increase public health and safety. Denial of the variance would provide for the appropriate pedestrian facilities to be included.

Erin CT Determinate Sidewalk: The approval of the requested variance is not expected to be injurious to the general welfare of the neighborhood and community in that the cul-de-sac is low traffic and unlikely to have a substantial impact on pedestrian traffic. There is no adjacent pedestrian facility to the northwest or elsewhere on Erin CT.

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:

Azalea LN Determinate Sidewalk: The granting of the variance is not expected to impact the use and value of the area adjacent to the property in a substantially adverse manner.

Erin CT Determinate Sidewalk: The granting of the variance is not expected to impact the use and value of the area adjacent to the property in a substantially adverse manner.

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:

Azalea LN Determinate Sidewalk: The strict application of the terms of the Unified Development Ordinance will not result in practical difficulties in the use of the property in that the property can be used as a single family residence with the required pedestrian facilities installed as required. No peculiar condition are found on this lot, as there is sufficient space to construct the required 7’ wide sidewalk and 8’ wide tree plot along the E Azalea LN frontage. Since the sidewalk must be replaced, there are no peculiar conditions that prevent a compliant sidewalk from being installed to justify the granting of a variance. There are no topographic constraints, utility infrastructure, or other peculiar conditions that present a peculiar condition or that present a practical difficulty in the use of this lot for a new dwelling unit.

Erin CT Determinate Sidewalk: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property in that requiring the installation of the sidewalk would require the installation of a pedestrian facility along a short corridor with very little current or potential pedestrian or vehicular traffic. The Transportation Plan states that along Neighborhood Residential streets with expected Average Daily Trips (ADT) of less than 500 vehicles per day and an expected operation speed of less than 20 MPH that a lack of sidewalks can be appropriate. There are no adjacent community amenities that the lack of a sidewalk would impact. Peculiar condition is found in that Erin CT is a very short street with a low number of dwelling units, low vehicular traffic, and low amount of pedestrian traffic.

20.06.080(b)(3)(E)(i)(3) Determinate Sidewalk Variance Approval Criteria:
While not to be included as separate findings of fact, items to consider when determining the practical difficulties or peculiar conditions associated with a determinate sidewalk variance include, but are not limited to:

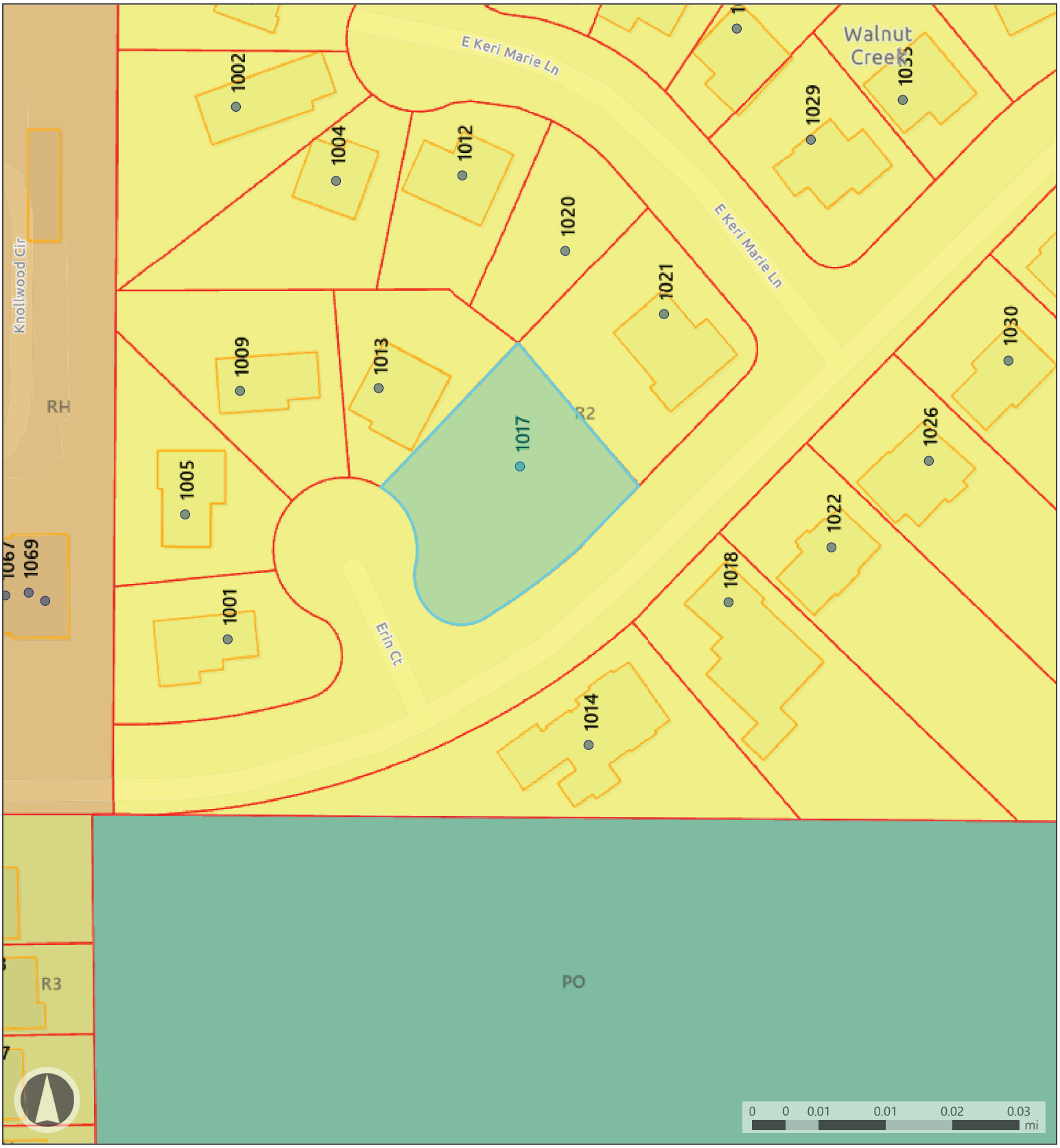
[a] That the topography of the lot or tract together with the topography of the adjacent lots or tract and the nature of the street right-of-way make it impractical for construction of a sidewalk; or
[b] That the pedestrian traffic reasonably to be anticipated over and along the street adjoining such lot or tract upon which new construction is to be erected is not and will not be such as to require sidewalks to be provided for the safety of pedestrians; or
[c] The adjacent lot or tracts are at present developed without sidewalks and there is no reasonable expectation of additional sidewalk connections on the block in the near future; or
[d] The location of the lot or tract is such that a complete pedestrian network is present on the other of the street on the same block; or
[e] Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.

RECOMMENDATION: Based upon the written findings above, the Department recommends that the Board of Zoning Appeals adopt the proposed findings for V-29-25 / ZR2025-06-0081 and deny the requested determinate sidewalk variance on Azalea LN and approval of a determinate sidewalk variance on Erin CT with the following condition:

1. Large street trees 30’ on center are required along Erin CT and Azalea LN.
2. A zoning commitment for the determinate sidewalk variance must be recorded prior to issuance of a building permit.

City of Bloomington

Planning and Transportation Department



Map Legend

- Addresses
- Parcels
- Buildings
- Bloomington Municipal Boundary
- Parks and Open Space
- Residential Medium Lot
- Residential Small Lot
- Residential High-Density Multifamily

Created: 7/14/2025 *Map By:*

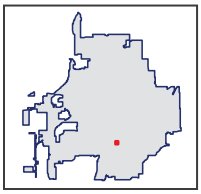
For use as map information only, information is NOT warranted.

City of Bloomington

Planning and Transportation Department

Map Legend

- Addresses
- Parcels
- Bloomington Municipal Boundary



Created: 7/14/2025 *Map By:*

For use as map information only, information is NOT warranted.

David Brantez <david.brantez@bloomington.in.gov>

1017 E Erin CT

Maria McCormick <maria.mccormick@bloomington.in.gov> Wed, Jul 23, 2025 at 12:42 PM
To: David Brantez <david.brantez@bloomington.in.gov>
Cc: Eric Greulich <greulice@bloomington.in.gov>

Engineering went out to inspect this sidewalk along Azalea Lane. 18 of the approximately 28 panels are significantly out of compliance with the cross slope. The entire sidewalk has a running slope that is at least 2% higher than the adjacent roadway. This sidewalk is not functionally compliant.

Thank you,
Maria

Maria McCormick

Public Improvements Manager
Engineering Department

Office: 812-349-3913

Cell: 812-360-6291

maria.mccormick@bloomington.in.gov

https://bloomington.in.gov/engineering

[Quoted text hidden]

VARIANCE PETITION

AZALEA LANE TREE PLOT & SIDEWALK EXPANSION

Petitioner's Statement

Regarding the requirement to increase the width of the tree plot from 5ft to 8ft and increase the sidewalk width from 4ft to 7ft along the Azalea Lane frontage of the lot located at 107 E Erin Court (015-70005-17 Walnut Creek Phase 2 Lot 17):

Valu-built Construction LLC is requesting a determinate sidewalk variance on Azalea Ln. Valu-built would like to only replace the non-functional panels of 4 ft sidewalk along the Azalea Lane frontage of the above identified lot instead of replacing it with a new 7ft wide sidewalk that is an additional 3ft from the existing curb for the following reasons:

- Presently there are 23 homes that have frontage along Azalea Lane that have tree plot areas of 5ft widths and sidewalks of 4ft widths. These tree plots and sidewalks have existed in this neighborhood since this subdivision was developed in the late 1990s. Consideration should be made for the existing sidewalk on this property to be grandfathered in place since it met the original city planning ordinance when it was first constructed.
- The practical use and aesthetics of this portion of the sidewalk along Azalea Lane will be impractical and an "eyesore" to the neighborhood (see attached drawing).
- **The approval of this variance will not be injurious to the public health, safety, morals and general welfare of the community and this neighborhood** in particular since the sidewalk that currently exists serves the neighborhood equally as well as a new 130 ft one that requires a jog to connect.
- **The use and value of the neighboring properties will not be affected in a substantially adverse manner by this variance**. A variance from a new sidewalk will leave the existing sidewalk alone and will not impact the value of their current property.
- The added expenditure needed for this petitioner to comply with this requirement is excessive and will drastically limit the marketability of the home they desire to build on this parcel. Valu-built Construction LLC has developed a reputation for building high quality homes at affordable prices. They intend to build a 1,400sqft. ranch home over an unfinished walk-out basement at $350,000. They estimate that compliance with this tree plot/sidewalk requirement will cost an additional $20,000 for demolition and cleanup of existing sidewalk and construction of the new sidewalk – a cost that will ultimately have to be borne by the new homeowner. **The strict application of the terms of this UDO will result in practical difficulties in the use of the property as described above. A development standards variance will relieve the practical difficulties.**

Regarding the requirement to install a 5ft wide tree plot and 6ft wide sidewalk along the Erin Court frontage of the lot located at 107 E Erin Court (015-70005-17 Walnut Creek Phase 2 Lot 17):

Valu-built Construction LLC is requesting a determinate sidewalk variance on Erin Court for the new 6ft wide sidewalk with an additional 5ft wide tree plot from the existing curb along Erin Court for the following reasons:

- Presently there are 38 homes that have frontage along the side streets of Azalea Lane (Erin Ct, Keri Marie Ln, Chris Ln, and Emery Ct.) that that have NO tree plots or sidewalks. These homes have existed in this neighborhood since this subdivision was developed in the late 1990s. Consideration should be made for this property to be grandfathered in place since it met the original city planning ordinance when it was first platted.
- The practical use of this portion of the sidewalk along Erin Court will be impractical as it will only serve as a walking path for a total of approximately 100ft. as no other homeowners will be compelled to add a sidewalk in front of their properties.
- The added expenditure needed for this petitioner to comply with this requirement is excessive and will drastically limit the marketability of the home they desire to build on this parcel. Valu-built Construction LLC has developed a reputation for building high quality homes at affordable prices. They intend to build a 1,400sqft. ranch home over an unfinished walk-out basement at $350,000. They estimate that compliance with this tree plot/sidewalk requirement will cost an additional $15,000 – a cost that will ultimately have to be borne by the new homeowner.

Valu-built is not requesting any variance on the street trees and will install per UDO.

Respectfully Submitted,

Ernest Xi, Member

Valu-built Construction LLC


53-08-09-
111-022.
000-009
53-08-09-
110-028.
000-009
53-08-09-
111-022.
017-009
53-08-09-
110-028.
000-009
53-08-09-
111-022.
000-009
53-08-09-
111-022.
017-009
E Elm Ct

VALU- BUILT - SITE PLAN
LOT 17 WALNUT CREEK PHASE 2 FINAL PLAT
MONROE COUNTY, INDIANA

PERRY TWP.
TOWNSHIP 8 N
RANGE 1 W
SECTION 9

DEVELOPER, APPLICANT &/OR OWNER
VALU - BUILT
2775 N THOMAS RD
BLOOMINGTON, INDIANA 47404

Notes:

1). Basis of bearing (State Plane-Indiana West)

2). Fieldwork performed - May 2025

3). Source of title - Now or formerly owned by Valu-built Construction LLC as found in Instrument Number 2025004198 in the Office of the Monroe County recorder.

4). Zoning Classification of Subject Property - R2

5). Subject Property Legal Description - Reference Instrument Number 2025004198

6). Proposed 1st floor elevation of residence shall be 794.0'

7). The proposed finish floor and finish grade elevations shown are minimum elevations in order to provide positive surface drainage away from the proposed residence. The finish grade elevations shall not in any way shed surface storm water flow onto the adjoining properties unless provisions have been made with the adjoining property owners and the governing jurisdiction. Shallow flow lines shall be made by the finish grade subcontractor along the common lines with adjoining property owners to direct the storm water flow as shown on this plot plan. The builder shall notify this firm if field adjustments are made lowering than the elevations shown or redirecting the surface storm water flows.

8). The dimensions shown on the proposed residence are based upon plans provided by the builder. Prior to construction the builder shall verify no changes have been made from those shown hereon.

9). The plot plan has been prepared for use in obtaining a building permit and is not intended to identify lot or property lines. The dimensions shown to lot lines or lines representing property lines are shown based upon limited field evidence of said lines and the dimensions are subject to the same limitations which might affect the accuracy of the dimensions.

10). No wetlands shall be disturbed during or after the construction of the site improvements.

11). Any subsurface drainage tiles encountered during the construction of the site improvements shall be protected from damage and if necessary rerouted with the drainage flow within perpetuated. If said tile is damaged, repairs shall be made immediately to restore the tile to its original condition.

12). The builder and/or any underground site contractor shall call Indiana 811 to verify the location of the underground utilities on this site and report any conflicts to Deckard Land Surveying prior to commencing work.

13). Construction drive: Temporary construction drive to comply with City of Bloomington ordinances.

14). Gentle swale statement: Gentle swale required to be constructed (or be protected if existing along side lot line) during construction and to remain post-construction to direct sheet drained watershed towards the front and back of lot and not towards existing or proposed residence.

15). Erosion control measure must be functional and maintained through construction.

16). Sediment Discharge and tracking from lot shall be minimized.

17). Adjacent lots disturbed by an individual lot operator must be repaired and stabilized.

18). Concrete and Cementitious Washwater: Include location of concrete washout and building materials area on site plan. All concrete and cementitious washwater is required to be captured in a leak-proof concrete washout container.

19). Ingress/Egress: Equipment is only allowed to access the site through the approved driveway with a Driveway Permit. Maintain the driveway as a stabilized construction ingress/egress. If alternate access is required, please apply for another Driveway Permit with the Highway Department.

20). Tracking and Off-Site Discharges: Any sediment tracked off site, must be swept (not flushed) off the road by the end of the business day. Off-site discharges of sediment must be remediated by the end of the business day.

21). Spill Response: No vehicle fueling, storage of fuel, or repair of equipment is allowed on site. All spills must be cleaned up immediately and reported according to local, state, and federal regulations. Contact the MS4 Coordinator immediately for any reportable spills or discharge to storm sewers or waterbodies.

22). Karst: New sinkholes that develop as a result of construction must be reported to the MS4 Coordinator within 24 hours of discovery. Immediately protect the sinkhole with erosion control measures. Filling of new sinkholes requires MS4 Coordinator approval.

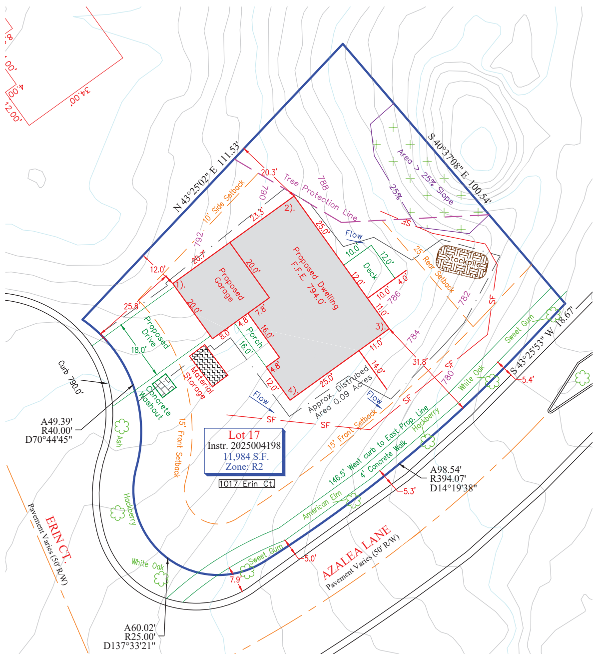
23). Stabilization: Permanently stabilize areas at final grade within 7 days. Temporary stabilization is required for disturbed areas left inactive for more than 7 days. Any disturbance caused on adjacent lots must be repaired or stabilized.

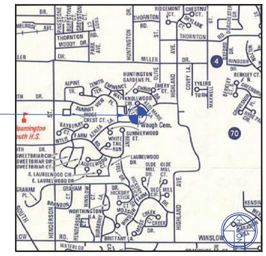
24). Changes or deviations to this plan shall be submitted to Bloomington City Planning Department for approval.

25). The individual lot operator is responsible for installation and maintenance of all erosion and sediment control measure until the lot is stabilized. The operator must comply with all the requirements of the zoning ordinance of Monroe County.

26). This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.

27). I affirm, under penalty for perjury, that I have taken responsible care to redact each Social Security Number in this document, unless required by law.
-ERIC L. DECKARD





LOCATION MAP

Water Line Notes(W):

1). Tap existing water main per CBU requirements. Contractor to provide all necessary excavation, shoring, backfill, surface repair, tap saddle, and tap valve for the tap. CBU personnel must perform the tap and will provide the necessary tapping equipment and labor for the tap. Schedule the tap with the CBU inspector that is assigned to this job.

2). 2" domestic water service shall be either type “k” copper in conformance with ASTM B88 or blue polyethylene AWWA 901 PE4710, ASTM D2737, CTS SDR9 PC250 (NSF 61). Backfill per CBU detail 11. 48" of cover min.

3). Domestic meter. final size and location to be determined by CBU.

4). Connect to building, see architectural/plumbing plans.

5). All utilities have been located per the GIS and should be field verified before construction.

Sanitary Sewer Notes(S):

1). 6" SDR-35 PVC sanitary sewer lateral (slope @ 1.00% min). Backfill per CBU detail 11.

2). Sanitary cleanout per CBU standard detail 19.

3). Connect to building sanitary waste line (see plumbing plans). sanitary sewer pipe to be 6" minimum diameter outside of building.

4). Existing sewer lateral connection point needs to be cut out and replaced. Connection is located approximately 81' east of MH in intersection of Grimes and Stull.

0 20 40 60
SCALE 1" = 20'

Impervious Surface Coverage Calculations:

Total Lot Area: 11,984 Sq Ft.
Purposed Impervious Surface: 2,193 Sq. Ft.
Proposed Coverage 18%

Approx. Disturbed Area Calculations:

Acres:0.09

SETBACK TABLE

Front - 15'
Side - 10'
Rear - 25'

ZONE: R2

LEGEND

STORM DRAIN PROTECTION	CONSTRUCTION ENTRANCE
UTILITY POLE	MATERIALS STORAGE AREA
REBAR FOUND	CONCRETE WASTE MANAGEMENT
REBAR SET	STAGING AREA
NAIL FOUND	STOCKPILE LOCATION
RR SPIKE FOUND	
FIRE HYDRANT	SS — SANITARY INFRASTRUCTURE
WATER VALVE	SF — SILT FENCE
WATER METER	W — WATER INFRASTRUCTURE
SANITARY MANHOLE	OHP — OVERHEAD POWER LINE
CATCH BASIN	SW — STORMWATER INFRASTRUCTURE
(TS) TEMPORARY SEEDING	STORMWATER FLOW DIRECTION
(PS) PERMANENT SEEDING	DISTURBED AREA
(U) UNDISTURBED AREA	

Elevations:

Proposed F.F.E. 794.0'

Existing Adjacent Grades

1). Existing Elevation: 792.5'

2). Existing Elevation: 789.2'

3). Existing Elevation: 785.1'

4). Existing Elevation: 786.5'

CERTIFICATION:

This drawing was prepared in the office without the benefit of a field survey and examination of adjoining deeds. This certification does not take into consideration additional facts that an accurate and correct title search and/or examination of a field survey might disclose.

Certified this 26th day of June, 2025.

ERIC LEE DECKARD REGISTERED No. LS29900012 STATE OF INDIANA LAND SURVEYOR

Eric L. Deckard
Registered Surveyor LS29900012
State of Indiana

DECKARD
LAND SURVEYING
1604 S. HENDERSON STREET
BLOOMINGTON IN. 47401
TELEPHONE (812)961-0235
ERICDECKARD1@MSN.COM

PLANNING SURVEYING MAPPING

JOB TITLE
VALU - BUILT
SITE PLAN
A PART OF SECTION 9, T8N, R1W

REVISIONS	BY	DATE

SURVEYED | DRAFTED TAT | CHECKED ELD | DATE 6/26/25

JOB NUMBER 25-65
SHEET 1 OF 2
DATE 6/26/25
BNDY.SHT

BLOOMINGTON BOARD OF ZONING APPEALS **CASE #: V-31-25**
STAFF REPORT **ZR2025-07-0085**
Location: 318 E Wylie ST **DATE: Aug 21, 2025**

PETITIONER/OWNER: Kathy Church
318 E Wylie ST
Bloomington, IN 47401

REQUEST: The petitioner is requesting a variance from front building setback requirements to allow for an addition to a single-family dwelling in the Residential Small Lot (R3) zoning district

---

REPORT: This ~6,860 square foot property is located on the southeast corner of Wylie ST and Grant ST in the Bryan Park Neighborhood. The property and all surrounding properties are zoned Residential Small Lot (R3) and have been developed with single family dwellings.

The petitioner has been developed with a single family residence that faces Wylie Street with a driveway along Wylie Street as well. The petitioner is proposing a 10'x16' addition to the first floor on the Wylie ST frontage.

Within this zoning district, the front building setback is a 15' build-to-line or the median front setback of abutting residential structures, whichever is less. The adjacent building to the east is setback farther than this house, therefore the 15' build-to-line governs. The current house is 22' from the front property line along Wylie Street. The petitioner is requesting a variance from the required 15' front build-to-line on Wylie Street to allow a 12' build-to-line.

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 variance is not expected to be injurious to the general welfare of the neighborhood and community. There will be no impact to the overall safety of the building as a result of the requested variance. The proposed addition will not encroach into the existing or proposed right-of-way.

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.*

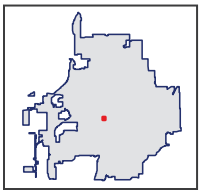
   PROPOSED FINDING: The granting of the variance is not expected to impact the use and value of the area adjacent to the property in a substantially adverse manner.

City of Bloomington

Planning and Transportation Department

Map Legend

- Addresses
- Parcels
- Buildings
- Bloomington Municipal Boundary
- Residential Small Lot



Created: 8/12/2025 *Map By:*

City of Bloomington

Planning and Transportation Department

Map Legend

- Addresses
- Parcels
- Bloomington Municipal Boundary

Created: 8/12/2025 *Map By:*

For use as map information only, information is NOT warranted.

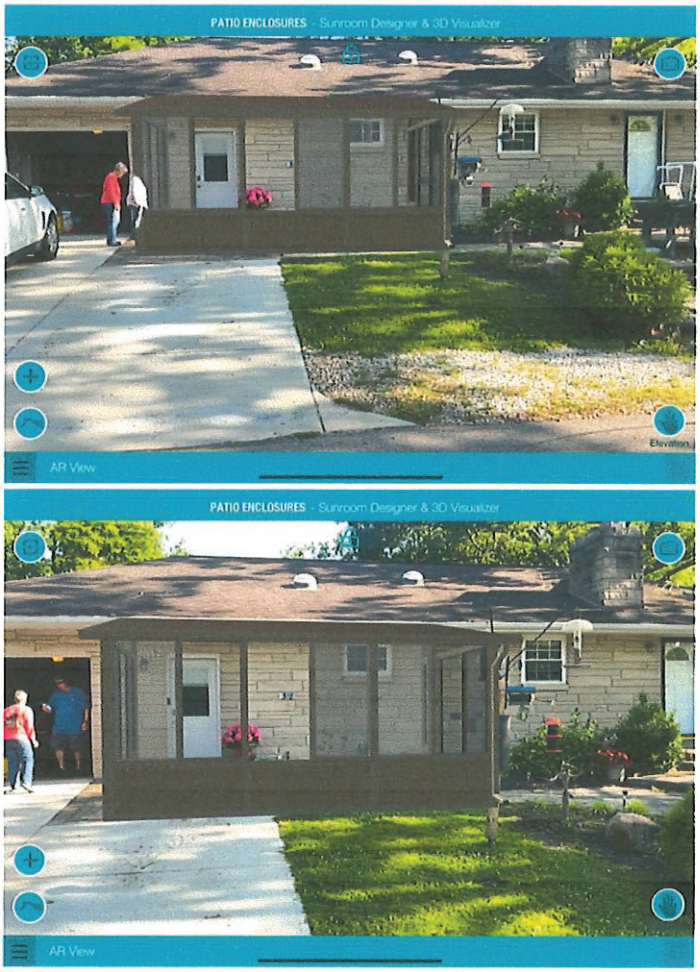
Petitioner Statement: 318 E. Wylie St

I submit a rendition of the 10' x 16' sunroom I would like to add to the north side (Wylie St facing) of my home. No other sides can be an option due to 1) East has water issues, 2) South has no footage, and 3) West has exit from basement. North has all my landscaping and improvements and is the only option for this room. We will maintain the existing visitor stone parking in the right-of-way. The remaining 12 feet will be beautified with landscaping and bird feeding stations which most already exist.

We desire to accommodate a walker/wheelchair to move freely in this space. I am aging and expect to live out my life in this home. I also have a handicapped son and we would like to accommodate acquaintances with limited mobility. The neighbors positively discussed my planned changes at a recent block gathering we were sharing.

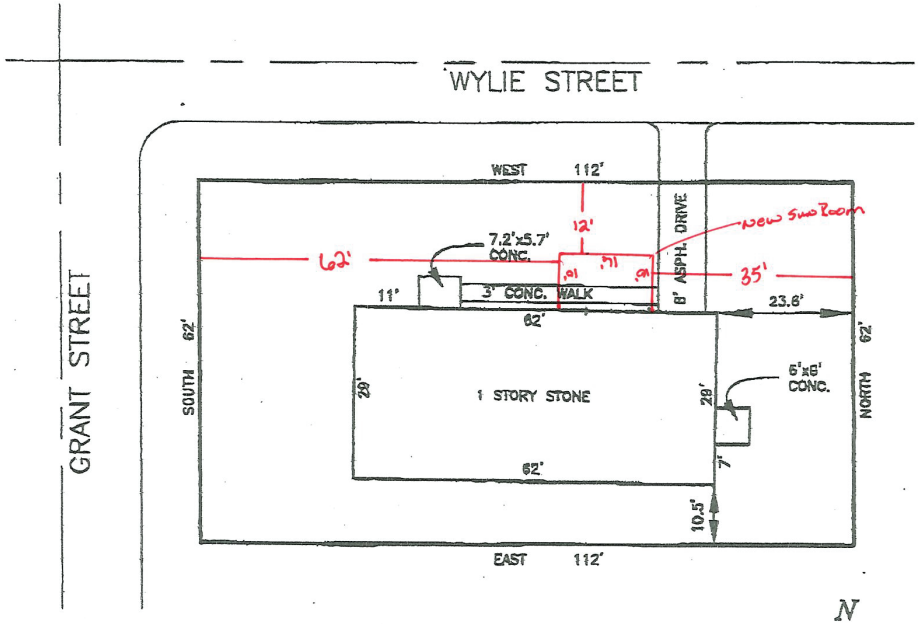
Respectfully submitted,

Kathy Church 07/24/2025



SURVEYOR LOCATION REPORT

PART OF SEMINARY LOT 77
318 E. WYLIE STREET



DESCRIPTION:

A part of Seminary Lot Number Seventy-Seven (77) in the City of Bloomington, Monroe County, Indiana, bounded and described as follows, to-wit:

Beginning at a point on the South line of said Seminary Lot Number Seventy-Seven (77), Eight (8) rods East of the Southwest corner of said Seminary Lot; running thence East One Hundred Fifty-Two (152) feet; running thence North along the East boundary line of Grant Street, Two Hundred Forty-eight (248) feet to the real point of beginning; running thence East One Hundred Twelve (112) feet to a point; running thence North Sixty-two (62) feet to a point; thence running West One Hundred Twelve (112) feet along and on the South line of East Wylie Street; running thence South Sixty-Two (62) feet to the real point of beginning.

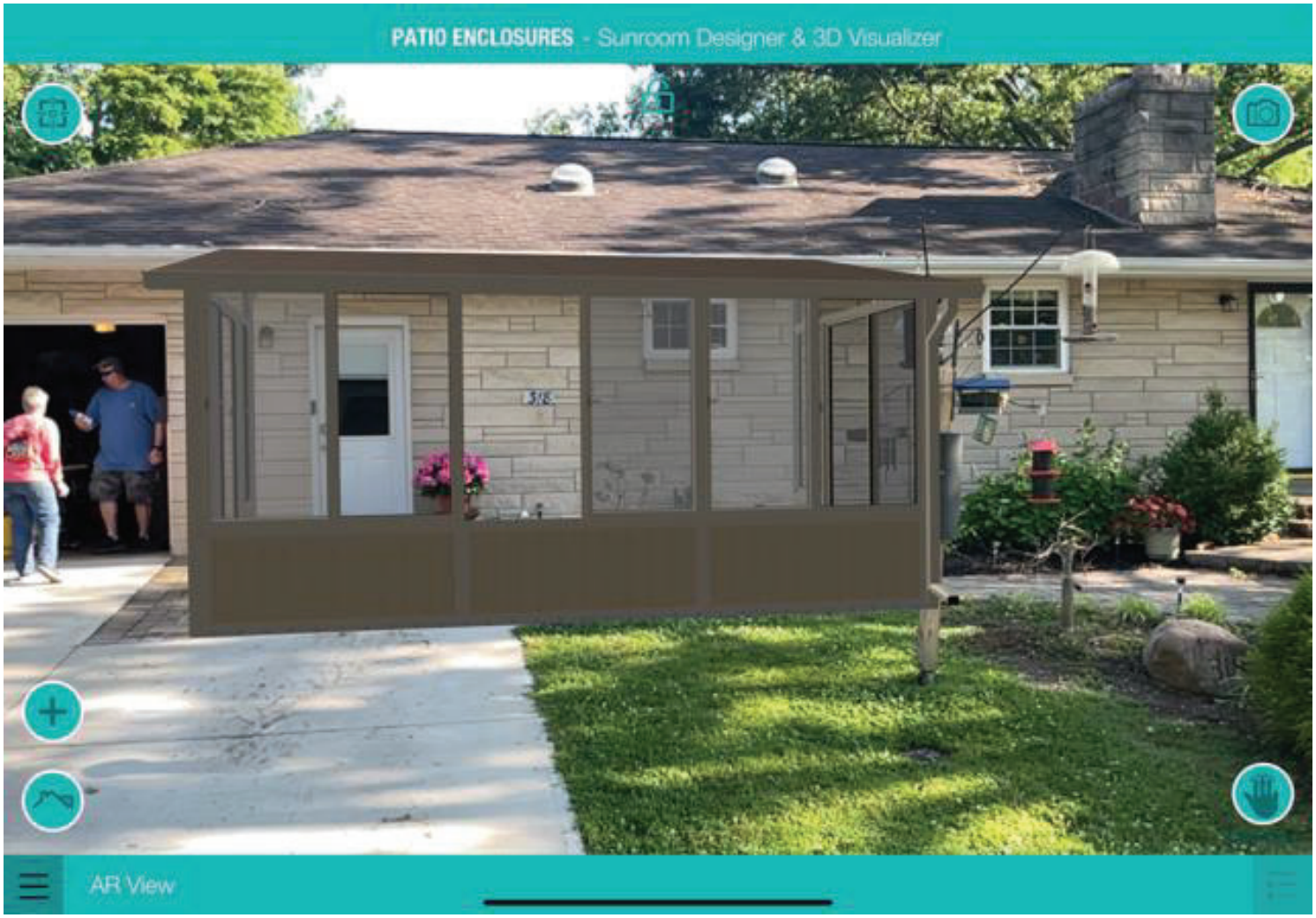
CHARLES D. GRAHAM REGISTERED NO. 9500014 STATE OF INDIANA LAND SURVEYOR

Charles D. Graham, L.S. 9800014 IN
Graham Engineering, P.C.
615 W. Kirkwood Avenue,
Bloomington, IN 47404
Job No. 02-291 March 8, 2002

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: No practical difficulty is found in the strict application of the terms of the terms of the Unified Development Ordinance at this property, the property has been developed with a single family residence and can continue to be used in this manner. There is room to do an addition to the front for a front entry and meet the setback requirements. The parcel meets the minimum lot size and width of the Residential Small Lot (R3) zoning district and is not irregular in size. No topographic, environmental, or utility constraints are present. No peculiar conditions are therefore found on the property.

RECOMMENDATION: Based upon the written findings above, the Department recommends that the Board of Zoning Appeals adopt the proposed findings for V-31-25 / ZR2025-07-0085 and deny the requested variance.


PATIO ENCLOSURES - Sunroom Designer & 3D Visualizer
AR View