

# CITY OF BLOOMINGTON



December 17, 2025 @ 2:00 p.m.  
Kelly Conference Room #155 and Zoom

Virtual Link:

<https://bloomington.zoom.us/j/88225451589?pwd=SkQxQmQvTnBXc202M0ZPano1eW9rdz09>

Meeting ID: 882 2545 1589  
Passcode: 897298

**CITY OF BLOOMINGTON  
HEARING OFFICER (Hybrid Meeting)  
December 17, 2025 at 2:00 p.m.**

**City Hall, 401 N. Morton Street  
Kelly Conference Room #155**

❖Virtual Link:  
<https://bton.in/xRLRA>

**Meeting ID: 882 2545 1589      Passcode: 897298**

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

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**APPROVAL OF MINUTES:**

December 3, 2025

**PETITIONS:**

V-55-25 / ZR2025-11-0111

**John Germain**  
2303 N. Walnut Street  
Parcel: 53-05-28-200-030.000-005  
Request: Determine sidewalk variance from sidewalk installation on the west side of the property along the frontage of Old State Road 37 to allow a change in use to "Restaurant" in the Mixed-Use Corridor (MC) zoning district. Case Manager: Jamie Kreindler

**Hearing Officer Member:**

<b><u>Member</u></b>	<b><u>Appointed By</u></b>	<b><u>Term</u></b>
Ryan Robling	Plan Commission	10/11/2022-Current

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](mailto: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.

*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](mailto:human.rights@bloomington.in.gov).*

**BLOOMINGTON HEARING OFFICER**  
**STAFF REPORT**  
**Location: 2303 N. Walnut Street**

**CASE #: V-55-25**  
**ZR2025-11-0111**  
**DATE: December 17, 2025**

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**PETITIONER:** John R. Germain  
3366 S. Oaklawn Circle  
Bloomington, IN, 47401

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**REQUEST:** The petitioner is requesting a variance from the required sidewalk installation along the frontage of N. Old State Road 37 to allow a change in use to “Restaurant” in the Mixed-Use Corridor (MC) zoning district.

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**REPORT:** The petition site is zoned Mixed-Use Corridor (MC) district and is approximately 0.90 acres in size. It is currently developed with a building that has been vacant for a long time, and the petitioner is proposing to establish a community-oriented coffee shop at the location. Properties to the north, east, and south are also zoned MC, and the zoning to the west is Mixed-Use Employment (ME). Surrounding land uses on N. Walnut Street include a mix of businesses such as B-Town Auto, McDonald’s, and Big Red Liquors. To the west is a mine/quarry located at 1800 N. Kinser Pike.

Since the subject property has been vacant for over a year, the establishment of a new use on the property is considered a change in use. This requires that the site come into compliance with the Limited Compliance standards of the Unified Development Ordinance (UDO) outlined in Section 20.06.090(f)(2)(B). The property has frontages along both N. Walnut Street to the east and N. Old State Road 37 to the west. Per UDO Section 20.04.050(d), pedestrian facilities are required along both street frontages. The petitioner intends to install a multi-use path and tree plot with street trees along N. Walnut Street as required by the City’s Transportation Plan. A variance is requested by the petitioner to not install a 6’ wide sidewalk along the N. Old State Road 37 frontage.

An email from Tim Street, Director of Parks and Recreation, is included as an attachment in the variance packet. In this email, the City’s Parks and Recreation Director provides his support for the variance request to not install a sidewalk along the N. Old State Road 37 frontage.

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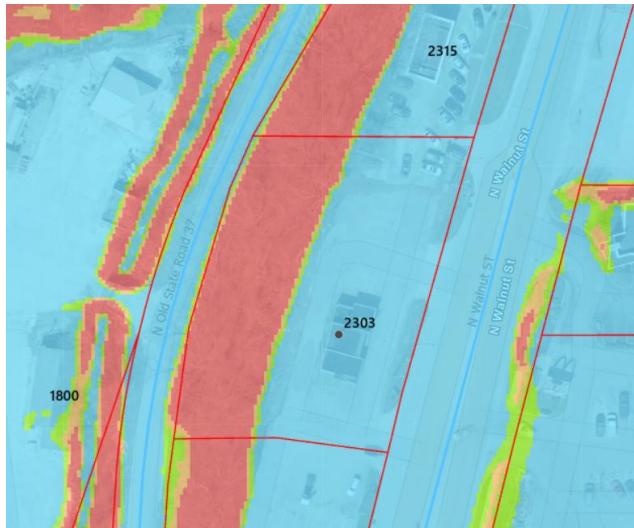
## **CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE**

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

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

**PROPOSED FINDING:** The granting of the variance is not expected to be injurious to the public health, safety, morals, or general welfare of the community. As stated by the petitioner, “The property’s bedrock ledge rises sharply from the shoulder of the road to the flat portion of

the lot leaving no available space for a multi-use path. Cutting a path into the side of the ledge would create a risk of falling rock for pedestrians and injury to the path itself. In addition, a natural spring produces a substantial and continuous flow of water, which would flood any proposed path and create hazardous conditions for walking, running, or cycling.” Due to steep slopes (greater than 25%) on the west side of the site, sidewalk installation along N. Old State Road 37 is not feasible and potentially hazardous to the community.



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. Tim Street, Director of Parks and Recreation, was contacted regarding this variance request and stated that the question of bike and pedestrian access to Lower Cascades Park has a long-standing history and remains a long-term question that the City needs to answer. Mr. Street adds that building an individual segment of sidewalk along this location would not really help advance that access, which needs a bigger plan and effort.

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 UDO will result in practical difficulties in the use of the property as it would require a pedestrian facility along a street frontage that is not appropriate or needed at this time. This makes it challenging to develop a coffee shop as proposed or any other compliant land use at the subject location in order to meet the UDO requirements. The practical difficulties are peculiar to the property in question in that this property has frontages on two different streets. Furthermore, the N. Old State Road 37 frontage has several unique environmental constraints such as steep slopes and possible karst/spring features on the west near the N. Old State Road 37 frontage where the UDO requires a sidewalk. These factors create a difficulty in the installation and need for the sidewalk along

the N. Old State Road 37 frontage. The granting of the variance will relieve these difficulties by not requiring sidewalk installation along N. Old State Road 37, which is further supported by the City's Parks and Recreation Department.

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**RECOMMENDATION:** The Department recommends that the Hearing Officer adopt the proposed findings and approve the petition with the following conditions:

1. Site plan approval is required prior to issuance of any permits.
2. A right-of-way use permit is required prior to any work in the public right-of-way.
3. The steep slopes shall be placed within a conservation easement pursuant to the standards of UDO Section 20.05.040.



# Planning and Transportation Department

2303 N Walnut St

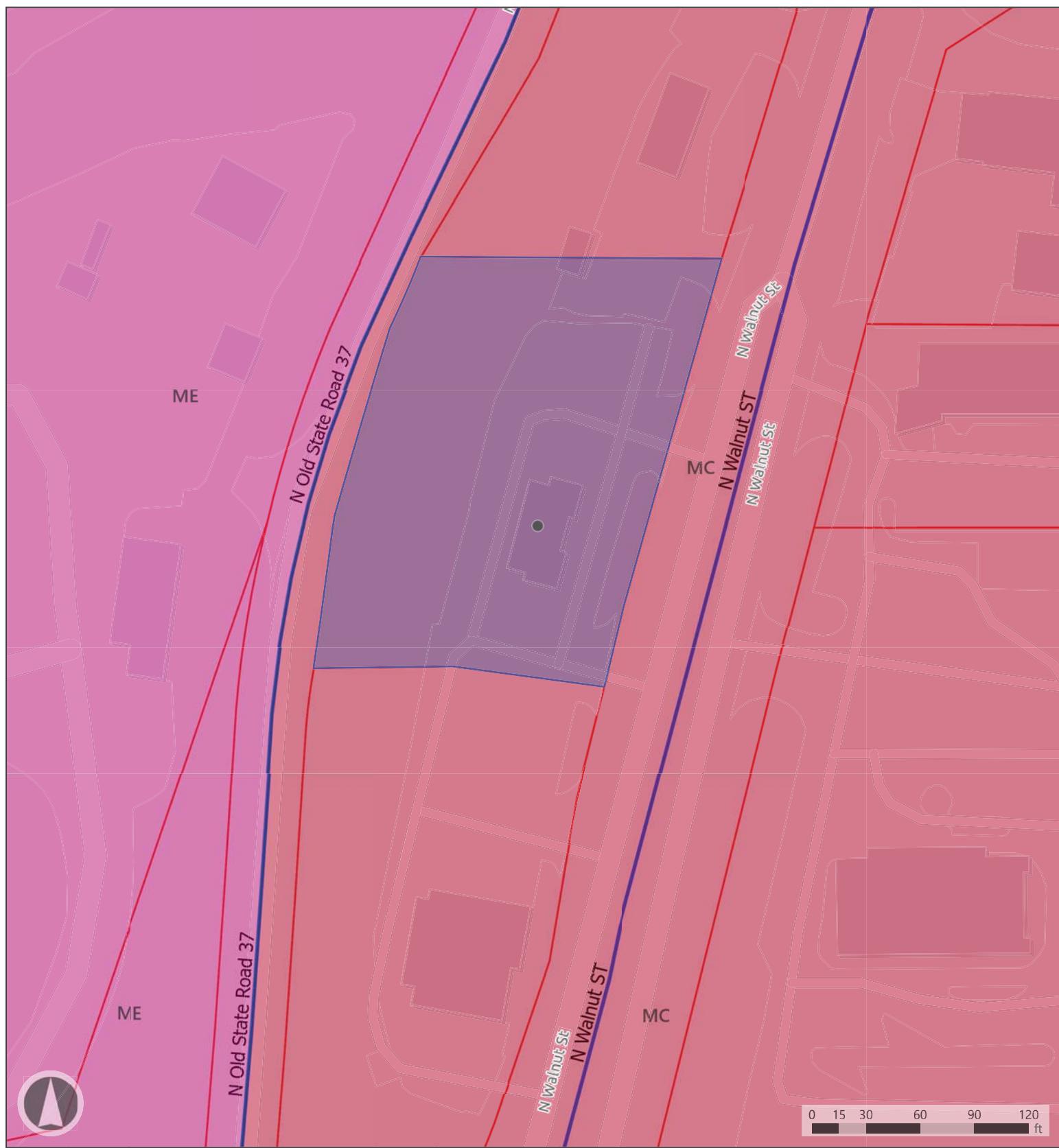
## Aerial Map



### Map Legend

- Other
- Parcels





**Map Legend**

<span style="background-color: #6a8dca; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	Other
<span style="background-color: #c85145; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	Mixed-Use Corridor

<span style="background-color: #e67e22; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	Mixed-Use Employment	<span style="background-color: #3498db; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	City Maintained Streets
<span style="background-color: #ff0000; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	Parcels		



Dear Hearing Officer,

My intention with this project is to establish a community-oriented coffee shop within Bloomington's Welcome Corridor through the redevelopment of a building that has long remained vacant.

I am working closely with the City of Bloomington to bring the property and proposed coffee shop into full compliance with the UDO. One variance I am requesting relates to the multi-use path requirement along Old Highway 37. I believe this request satisfies the city's standards for approval as outlined in the development requirements. The absence of a path at this location will not be injurious to the public health, safety, morals, or general welfare of the community, particularly given that this is a low-volume pedestrian pathway. Furthermore, the use and value of adjacent properties will not be affected in a substantially adverse manner, as those properties will continue to function as they always have. Lastly, strict application of this UDO requirement would result in practical difficulties unique to this site. The property's bedrock ledge rises sharply from the shoulder of the road to the flat portion of the lot leaving no available space for a multi-use path. Cutting a path into the side of the ledge would create a risk of falling rock for pedestrians and injury to the path itself. In addition, a natural spring produces a substantial and continuous flow of water, which would flood any proposed path and create hazardous conditions for walking, running, or cycling.

The proposed development will comply with the UDO by providing a pedestrian multi-use path along Walnut Street, which is a high-traffic area for pedestrians. This approach ensures safe pedestrian circulation where it is most needed while maintaining adherence to city standards. There is also precedent for granting a variance in this area: an adjacent property to the north recently applied for the same variance and was approved. Additionally, the City of Bloomington Parks and Recreation Department has expressed support for granting this variance, indicating that they do not believe a multi-use path is necessary at this specific location.

Thank you for your consideration.

### LEGEND

SANITARY MANHOLE	S	CURB INLET
CLEAN OUT	INLET ROUND	INLET SQUARE
WATER METER PT	GAS MANHOLE	GAS VENTILATOR
EXISTING FIRE HYDRANT	PROPOSED WATER VALVE	PIPE OPN/CLOSURE BOX
EXISTING WATER VALVE		
SANITARY SEWER	S	
SANITARY LATERAL	L	
UNDERGROUND ELECTRIC LINE	E	
OVERHEAD WIRE	-oh-	
WATER LINE	W	
STORM SEWER	ST	
FENCE	X	
GAS LINE	-g-	
VEGETATION LINE		



NOT FOR  
CONSTRUCTION

XX/XX/20XX

Jitters Coffee  
2303 N Walnut Street  
Bloomington, IN 47404

### SITE PLAN NOTES

1. SURVEY PROVIDED BY DESIGN LAND SURVEYING, LLC, RATED IS-900202.
2. CONTRACTOR IS RESPONSIBLE FOR OBTAINING A CITY RWV EXCAVATION PERMIT IF WORK WITHIN THE PUBLIC RWV IS NECESSARY FOR THE PROJECT COMPLETION.
3. SITE PLAN IS FOR INFORMATION PURPOSES ONLY AND NOT A CONSTRUCTION REQUIREMENT.
4. CONTACT THE CITY OF BLOOMINGTON PLANNING DEPARTMENT AT (812)345-3423 AND THE CITY OF BLOOMINGTON STORMWATER INSPECTOR AT (812)345-3422 TO SCHEDULE A PERMITTING MEETING PRIOR TO COMMENCING WORK.
5. ALL STANDARD PARKING SPACES SHALL COMPLY WITH THE CITY OF BLOOMINGTON UDO.

### SITE NOTES:

ROUTE MC - NEIGHBORHOOD CORRIDOR  
USE: RESTAURANT  
STREET: N. WALNUT STREET + SUBURBAN CONNECTOR (SC)  
N. OLD STATE ROAD 37 - NEIGHBORHOOD CONNECTOR (NC)

BUILDING SETBACKS: FRONT - 10 FT  
SIDE YARD SETBACK 7 FT  
REAR YARD SETBACK 7 FT  
PARKING SETBACKS: FRONT - 10 FT BEHIND PRIMARY STRUCTURE'S FRONT BUILDING WALL  
SIDE SETBACK - 8 FT  
REAR SETBACK - 8 FT

DRIVE-THRU STACKING SPACES REQD = 3 SPACES/LANE  
DRIVE-THRU STACKING SPACES PROVIDED = 3 SPACES/LANE

IMPERVIOUS SURFACE COVERAGE CALCULATIONS: LOT AREA: 39,122 SFT ALLOWED IMPERVIOUS 60% = 23,473 SFT  
BUILDING FOOTPRINT: 1,300 SFT  
PAVEMENT AND WALKS: 1,023 SFT  
TOTAL: 14,193 SFT  
IMPERVIOUS SURFACE PROPOSED: 36 % PROPOSED

NOTES  
THIS EXHIBIT WAS PREPARED BASED ON DOCUMENTS OBTAINED FROM THE OFFICE OF THE RECORDER OF MONROE COUNTY, AND OTHER SOURCES, AND IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY OR A SURVEYOR LOCATION REPORT.



Know what's below. Call before you dig.

CALL 2 WORKING DAYS BEFORE YOU DIG  
1-800-382-5544 CALL TOLL FREE

PER INDIANA STATE LAW IC8-3-25.

IT IS AGAINST THE LAW TO EXCAVATE

WITHOUT NOTIFYING THE UNDERGROUND

LOCATION SERVICE TWO (2) WORKING DAYS

BEFORE COMMENCING WORK.



SCALE: 1" = 20'

REVISIONS	BY DATE
KES	
DRAFTED	
CB	
CHECKED	
DATE	
JOB NUMBER	
7256	
SHEET	
1 OF 1	
DRAFT	
11/10/2025	
CONCEPT SITE PLAN	

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# Newquist Properties, LLC

Doyle & Ann Newquist

1241 W. Church Lane • Bloomington, IN 47403-9781 • 812-345-7991  
a.l.newquist@gmail.com

November 6, 2025

**City of Bloomington Planning Department**  
**City of Bloomington Zoning Department**  
**City of Bloomington Utilities**

**RE: 2303 N. Walnut Street, Bloomington, Indiana**

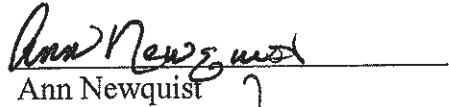
Dear Sir or Madam:

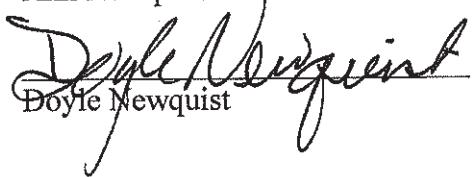
We, Doyle Newquist and Ann Newquist on behalf of Newquist Properties LLC, owner of the above referenced real estate, authorize Ryan Germain to negotiate and investigate the potential site improvements on the above referenced real estate in order operate a retail space. This authorization is limited to discussions for planning only. Mr. Germain has no legal authority to bind Newquist Properties LLC or encumber the above-referenced real estate.

If you have questions or wish to discuss this authorization and/or site improvement project further, please do not hesitate to contact us at the phone number or email address identified above.

Sincerely,

Newquist Properties, LLC

  
Ann Newquist

  
Doyle Newquist