

CITY OF BLOOMINGTON



April 21, 2022 @ 5:30 p.m.
Council Chambers

<https://bloomington.zoom.us/j/81860008420?pwd=dURnaHQ5QW8veHNOSzVZRVI4bzMvUT09>

Meeting ID: 818 6000 8420
Passcode: 044009

**CITY OF BLOOMINGTON
BOARD OF ZONING APPEALS (Hybrid Meeting)
April 21, 2022 at 5:30 p.m.**

❖ **Virtual Meeting:**

<https://bloomington.zoom.us/j/81860008420?pwd=dURnaHQ5QW8veHNOSzVZRVI4bzMvUT09>

Meeting ID: 818 6000 8420

Passcode: 044009

PETITION MAP: <https://arcg.is/1K5qf>

ROLL CALL

APPROVAL OF MINUTES: None at this time

PETITIONS CONTINUED TO: May 26, 2022

- V-04-22 **Southern Indiana Medical Park (Staley Signs) - petition continued from 3/24**
2810 S. Deborah Dr.
Request: Variance from sign regulation development standards. One request is to allow the installation of one freestanding sign in front of Southern Indiana Medical Park, the other request is to allow the installation of three wayfinding signs within the medical park.
Case Manager: Karina Pazos
- V-12-22 **City of Bloomington Redevelopment Commission**
617 N Madison St. and 422 W. 10th St.
Request: Variance from front building setback standards to allow for a plaza in the Mixed-Use Downtown Showers Technology Downtown Character Overlay (MD-ST) zoning district.
Case Manager: Jackie Scanlan
- V-14-22 **Chris and Betsy Smith (Springpoint Architects)**
600 W. Kirkwood Ave.
Request: Variance from front building setback standards, front parking setback standards, and a determinate sidewalk variance to allow for the construction of a new single-family residence in the Mixed-Use Medium Scale (MM) zoning district.
Case Manager: Eric Greulich

PETITIONS:

- V-09-22 **Patrick and Rachael McAleer**
935 W. 7th St.
Request: Determinate sidewalk variance from sidewalk requirements for a new single-family development adjacent to existing pedestrian network in the R3 zoning district.
Case Manager: Karina Pazos

****Next Meeting: May 26, 2022**

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.

- V-10-22 **CFC Properties**
101 W. Kirkwood Ave.
Request: Variance from Multi-tenant center sign standards in Chapter 20.04 to allow additional signage in the Mixed-Use Downtown (MD) zoning district.
Case Manager: Jackie Scanlan
- CU-11-22 **Hat Rentals, LLC (Juan Carrasquel)**
202 N. Walnut St.
Request: Conditional Use approval to allow for 'Student Housing or Dormitory Use' to allow one four-bedroom unit in the Mixed-Use Downtown (MD) zoning district. .
Case Manager: Jackie Scanlan
- CU-13-22 **Wheeler Mission Ministries**
135, 201, 215 S. Westplex Ave.
Request: Conditional Use approval to allow the expansion of a supportive housing facility in the Mixed-Use Medium Scale (MM) zoning district.
Case Manager: Eric Greulich

****Next Meeting: May 26, 2022**

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BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 935 W 7th Street

CASE #: V-09-22
DATE: April 21, 2022

PETITIONER: Patrick and Rachael McAleer
 Bloomington, IN 47404

REQUEST: Determinate sidewalk variance from sidewalk requirements for new single-family development adjacent to existing pedestrian network in the R3 zoning district.

REPORT: This property is located in the southeast corner at the intersection of W 7th Street and N Elm Street. The property is currently zoned Residential Small Lot (R3). The properties to the south, east and west are also zoned Residential Small Lot (R3). The property to the north is zoned Mixed-use Institutional (MI).

The property has been developed with new construction of a detached single-family dwelling that was approved with a Certificate of Zoning Compliance (CZC C18-487) dated September 3, 2019. At the time of approval, this property was zoned Residential Core (RC) and the Unified Development Ordinance (UDO) as amended effective July 20, 2018 states under the development standards that a concrete sidewalk with a minimum width of 5 feet is required in the RC zoning district (20.05.010(b)(3)). In addition, the 2018 UDO states that the location of external sidewalks shall be located one (1) foot inside the public right-of-way or within a pedestrian easement along all abutting street frontages, and shall have a minimum separation of 5 feet from the curb, or edge of pavement where no curb exists. However, in situations where the minimum separation cannot be achieved due to limited right-of-way, mature trees, or topography constraints, the sidewalk location may be designed to avoid such constraints and a pedestrian easement would need to be established if it is within private property and maintains the 5-foot separation. The 2018 UDO also states that if the sidewalk is installed within private property with a pedestrian easement as above, then the impervious surface coverage from the sidewalk shall not be counted towards the maximum impervious surface coverage for the property, and if the Planning and Transportation Department has determined that a pedestrian easement is not feasible, then the department Director may approve a 5-foot wide sidewalk with reduced vegetated plot width or a 6-foot wide monolithic sidewalk and curb (20.05.010(b)(3)).

During review of the site plans provided for CZC C18-487, it was determined that a 6-foot wide monolithic sidewalk and curb would be required for the approval of the new development. The site plan included in the CZC depicts a 6-foot wide sidewalk and curb along the property frontage on Elm Street, but the sidewalk and curb were never installed.

The petitioner is requesting a determinate sidewalk variance from sidewalk requirements for new single-family development adjacent to existing pedestrian network in the R3 zoning district. The current UDO requires that pedestrian facilities are installed on both sides of all streets except for new single-family, duplex, and triplex residences built on existing legal lots of record on non-classified (neighborhood) streets with no adjacent pedestrian facilities (20.04.050(d)(2)). However, this property is adjacent to existing pedestrian facilities so the exemption does not apply to this site even if the development was being constructed now under current UDO. Additionally, this property is across the street from the Banneker Community Center and one of the Comprehensive Plan goals, Goal 6.5 Protect Neighborhood Streets, is to “protect

neighborhood streets that support residential character and provide a range of local transportation options.” More specifically, Policy 6.5.3 under Goal 6.5 calls for continuing to improve connectivity between existing neighborhoods and destinations like the Banneker Community Center. The following Comprehensive Plan goals also support a sidewalk in this location:

- *Goal 6.1 Increase Sustainability: Improve the sustainability of the transportation system.*
- *Goal 6.3 Improve the Bicycle and Pedestrian Network: Maintain, improve, and expand an accessible, safe, and efficient network for pedestrians, and attain platinum status as a Bicycle Friendly Community, as rated by the League of American Bicyclists.*
- *Goal 6.4 Prioritize Non-Automotive Modes: Continue to integrate all modes into the transportation network and to prioritize bicycle, pedestrian, public transit, and other non-automotive modes to make our network equally accessible, safe, and efficient for all users.*

The Transportation Plan also states that, “as illustrated in Figure 18, pedestrians should receive the greatest priority, because they are the most vulnerable and the most space-efficient road user. Conversely, single-occupancy vehicle drivers should be the least prioritized, though safe motor vehicle access should still be provided” (Pg. 32). In cases where there is limited right-of-way, the Transportation Plan states that, “if the elements of the typical cross-section cannot be accommodated within the right-of-way, developments must dedicate easements or right-of-way and provide the improvements for pedestrian and bicycle facilities, as required with redevelopment or new development. Even when the immediate user of the property is not intending to use the pedestrian space, it ensures connectivity and provides space for the pedestrian realm in the long term” (Pg. 23). The Department has worked with the Engineering Department to insure that the existing location is feasible for a sidewalk installation.

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 FINDING: Injury to the public health and welfare of the community is found with the allowance to not install a sidewalk in this location because it limits improvement of the connectivity to the community center and possibly future connection to the south.

- (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: Adverse impacts to the use and value of the surrounding area

associated with the proposed variance are found. The variance is expected to have off-site negative consequences, as it will continue the existing design that lacks a sidewalk connection to the existing sidewalk on the north side of the lot, and the network north of 7th 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 questions; that the development standards variance will relieve the practical difficulties; and*

PROPOSED FINDING: No practical difficulties are found in the use of the property. A compliant sidewalk could be constructed on this site. The site will continued to be used as a single-family development even if the sidewalk is built. The petitioner has not supplied sufficient data or reasoning indicating that there are practical difficulties in the use of the site and that a variance is necessary for relief.

Determinate Sidewalk:

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

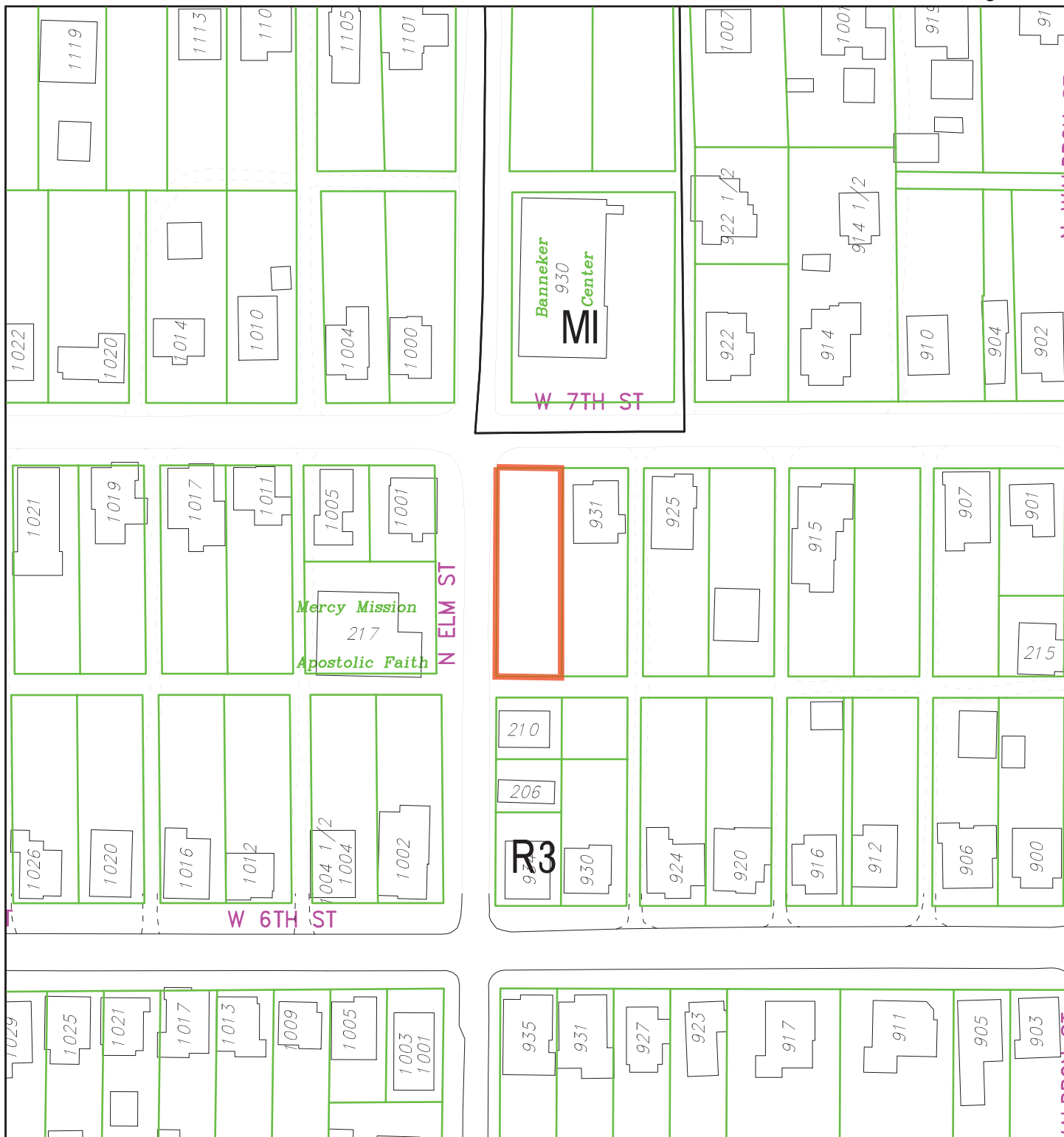
[d] *The location of the lot or tract is such that a complete pedestrian network is present on the other side of the street on the same block; or*

[e] *Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.*

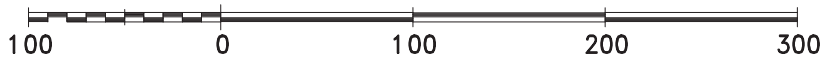
Review of Determinate Sidewalk Criteria: The petitioner has not submitted sufficient data or reasoning indicating that the topography is impractical for construction of a sidewalk. Although the street width for Elm Street is narrow, pedestrian traffic is expected because it's immediately across the street from the Bancker Community Center. This lot has a sidewalk on the north side so it would tie into that network even though the property immediately to south does not have a sidewalk. There is not a complete pedestrian network on the other side of Elm Street. This lot has sidewalk on the north side, which will be connects, and it is not unrealistic to foresee possible development and connection to the south in the future. There is no reason not to extend the north/south pedestrian network on Elm Street and connect to the sidewalk on the north side of this lot.

RECOMMENDATION: Based upon the written report and findings of fact above, the

Department recommends that the Board of Zoning Appeals adopts the proposed findings and denies V-09-22. The Department believes this sidewalk will connect with sidewalks on 7th Street and a sidewalk to the north that connects to the Banneker Community Center. Sidewalks are frequently requested throughout the community on any street that was built without sidewalks, and there is value in this sidewalk connection both in short-term and long-term because the sidewalk will provide a connection for people walking to the Banneker Community Center or to other locations on E 7th Street. Additionally, adding a sidewalk in this location will help in providing an edge to this half of the street, which will help reduce non-compliant parking on the lawn. This is one segment in a sidewalk network, and each segment is important to creating connectivity.

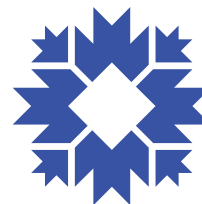


By: karina.pazos
 14 Apr 22

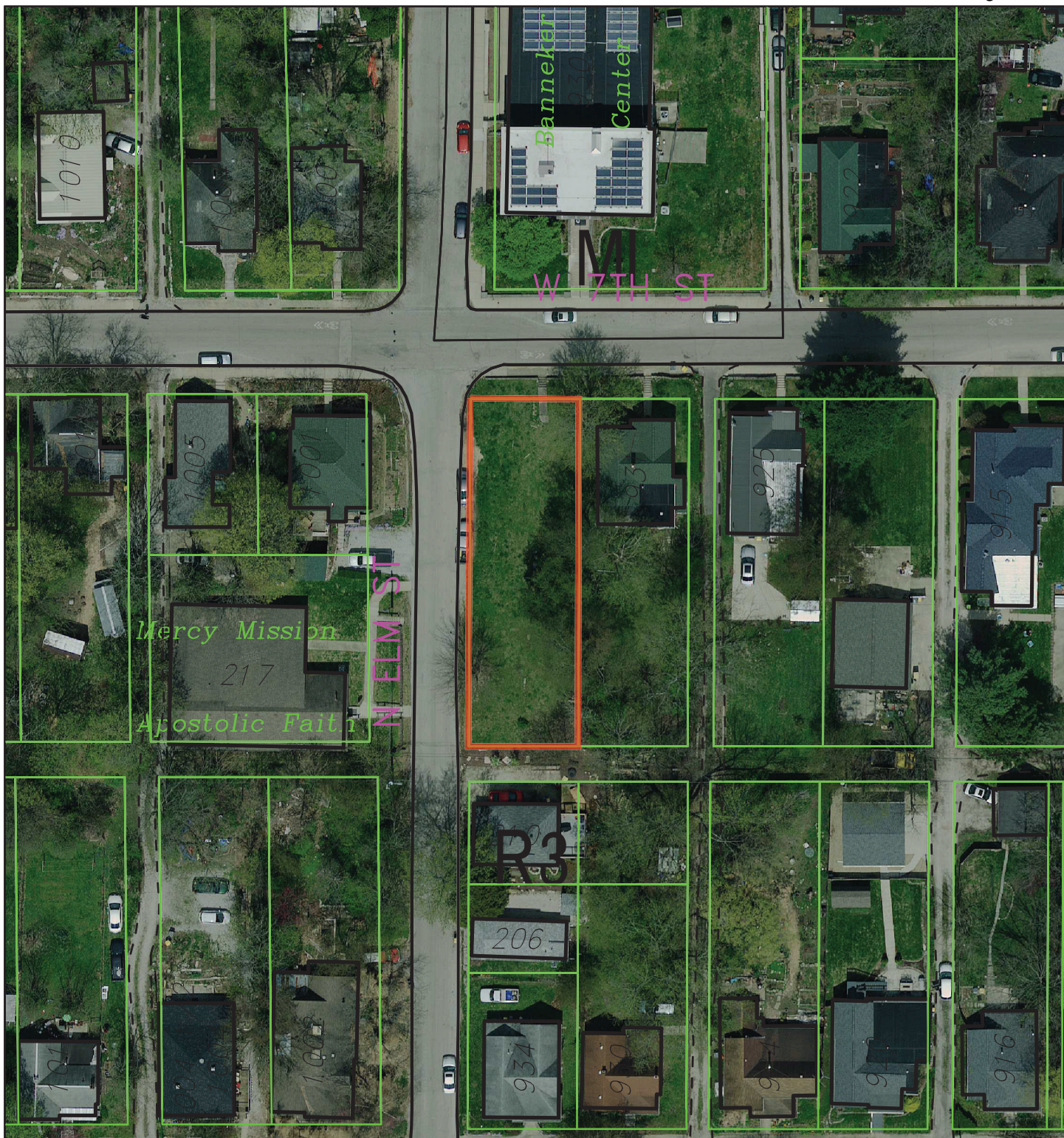


For reference only; map information NOT warranted.

City of Bloomington
 Planning



Scale: 1" = 100'

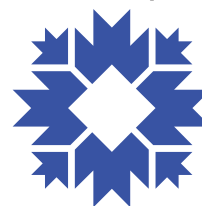


By: karina.pazos
14 Apr 22



For reference only; map information NOT warranted.

City of Bloomington
Planning



Scale: 1" = 60'

Petitioner's Statement

The Certificate of Zoning Compliance, Application Number C18-487, was issued by City of Bloomington Zoning Planner Ryan Robling. This Petitioner's Statement is a response to the Notice of Violation, dated January 28, 2022, from Zoning Compliance Planner Gabriel Holbrow, which references failure to comply with the 2018 Unified Development Ordinance (UDO), which contains the same Determinate Sidewalk Variance Considerations as does the updated UDO effective since April 18, 2020.

It is the responsibility of the Zoning Planner to inform citizens, in this case, building permit applicants of allowable variances before issuance of the Certificate of Zoning Compliance. Doing so would have allowed for an approved variance at the time of application, as it will now, detailed in our following statement.

As the homeowners of 935 W 7th Street, we request being granted a variance for a sidewalk, curb, and the necessary retaining wall along our newly constructed home's east side of N Elm Street, as shown in the included site plan.

Property 935 W 7th Street, which began construction on July 22, 2021, meets, not one, but four of the five approved variances found in the 2018 & 2020 Unified Development Ordinance (UDO). The 2020 UDO Chapter 20.06: Administration (3) Determinate Sidewalk Variance Approval Criteria Sections a, b, c & e are all applicable to 935 W. 7th Street. [\(See Appendix A\)](#)

Below we will provide details related to each of the four variant approvals and give context to consider in granting the variance.

During the permitting process, the city changed our sidewalk requirement four times while deciding to purchase the lot; initially not requiring a sidewalk, to a 5' sidewalk with a 5' greenspace and curb, to a 5' sidewalk/monolithic curb, and finally, a 6' sidewalk/monolithic curb. The requested sidewalk is to run 147 feet along the home's east side of N Elm Street, then terminate, providing no connection to another sidewalk. The requested construction of the sidewalk will also require a retaining wall, resulting in more than seven feet of impervious surface (over 1,100 square feet total).

By the very definition, constructing a sidewalk down a portion of Elm Street, as we are being required to do, fails to "connect" any two parts of our community.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

(1) 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; and

Proposed Findings Determinate Sidewalk: The granting of the determinate variance will not be injurious to the public health, safety, morals, or general welfare of the community since the sidewalk cannot be safely constructed to connect to a sidewalk system to the south. Conversely, the act of constructing a sidewalk could very well be injurious.

(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 Determinate Sidewalk: The use and value of the area adjacent to the property included in the development standards variance will not be substantially affected since there is not currently a sidewalk system on their property to provide connection.

(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; and

Proposed Finding Determinate Sidewalk: The strict application will result in practical difficulties because requiring the sidewalk to be constructed along only this property without incorporating a plan that includes an entire sidewalk passage would seem very peculiar, and dangerous, to a user.

Determinate Sidewalk: 20.06.080(b)(3)(E)(i)(3): *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.

Determinate Sidewalk Variance (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; (See Appendix A)

Proposed Finding Determinate Sidewalk: The requested sidewalk would terminate in an unmaintained alley adjacent to our neighbor to the south's historical limestone retention wall and garden. Continuing south on Elm, the remaining properties do not have room to continue a future sidewalk that would connect 6th and 7th Streets. These homes are well-maintained and/or newly renovated, and there is no foreseeable request that they would be required to construct sidewalks, even if doing so was possible, which it is not.

We have improved the berm, so cars parking on the east side of N Elm Street can safely pull 1-5 feet off Elm Street to ensure traffic flow can continue. The pull-off allows community members, specifically the congregation of Mercy Mission Apostolic Faith Church and patrons of the Banneker Center, to access their destinations safely while allowing safe passage of vehicles on Elm Street. The church congregation has expressed gratitude for our improvements and their ability to park in our berm and pullout, directly adjacent to the accessibility ramp leading into their church, as many members have mobility restrictions.

Lastly, adding a sidewalk will not allow our neighbors at 1001 W 7th Street to pull out of their driveway if a car were parked adjacent to their driveway. **(See Appendix B)**

Because of our improvements, we can pull our cars entirely off the road, like similar homes on the north/south streets of the Near West Side (NWS). These streets are not designed to have sidewalks, and putting sidewalks in diminishes the historical aesthetic of the neighborhood. **(Photos Referenced in Figure 1)**

Determinate Sidewalk Variance (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 (See Appendix A)

Proposed Finding Determinate Sidewalk: Transportation Plan

Neighborhood Residential (NR) is the typology of Elm Street. Page 25 of the Transportation Plan states the following. "Many existing Neighborhood Residential Streets are quite narrow in width. In order to preserve neighborhood fabric, existing streets shall not be required to conform to these cross-section standards. Priority for Neighborhood Residential Streets is on maintaining calm streets that create a safe and comfortable environment for walking, **even if there are no sidewalks.**" (See Appendix C)

The Transportation Plan describes our street perfectly. All pedestrians use the road, not sidewalks, when moving about north/south streets in NWS. The Transportation Plan map shows this block of Elm Street as Neighborhood Residential.

Determinate Sidewalk Variance (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. (See Appendix A and Figure 1)

Proposed Finding Determinate Sidewalk: All homes south of the proposed sidewalk on Elm Street do not have, and would not be able to construct, sidewalks in the future based on their proximity to the road. As stated above, these homes are well-maintained/established, and there is no reason to believe they would be required to construct sidewalks even if doing so was possible, which is not. There is no reason to think that any new homes will be built to connect the proposed sidewalk from 7th to 6th Street (or beyond) along the east side of Elm Street, as no vacant lots remain.

Determinate Sidewalk Variance (e) Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date. (See Appendix A)

Proposed Finding Determinate Sidewalk: To provide a uniform and safe development, the Sidewalk Commission would need to fund the construction of sidewalks on all north/south streets on the NWS to meet connectivity objectives, as they have done on the southeast side of town and other areas of the city where connectivity has been prioritized through investment by the city.

Additional reasoning

It is reasonable to believe a pedestrian would presume a sidewalk would be connected to other sidewalks and not end in an unimproved alley. Expectations for injury and suffering from accessibility limitations such as wheelchair confinement or sight impairments/blindness will be the city's responsibility, not the homeowner's, including responsibility for all lawsuits brought on by injured pedestrians.

Additionally, we believe that many utilities run under the area for the proposed sidewalk, including the fiberoptic line to the Banneker Community Center to the north. To construct a level sidewalk, it is likely that these utilities would be damaged if not relocated. The retention wall necessary to support the hillside would need to be at least 30 inches below ground to provide the required load burden from the hillside and resist above frostline exposure. This obligation should not fall to the homeowner. Additionally, street and intersection signs would need to be moved at least 8ft to the southeast.

The environmental impact of creating more than 1,100 square foot of impervious surface, close to the size as our home, should not be overlooked. Unnecessary impervious surfaces, especially those made of concrete materials, are detrimental to the environment and negatively impact the effects of stormwater.

The November 2020 PSCI/Princeton "Cement and Concrete: The Environmental Impact" report states: "As a material that creates the majority of the world's bridges, roads, dams, and construction, concrete releases an extreme amount CO2 each year."

As referred to in the Inspection and Acceptance section of the UDO; **prior to the recommendation of issuance of a final certificate of occupancy, all transportation facilities located within the adjoining public right-of-way or dedicated easements shall be inspected for compliance with standards adopted by the City of Bloomington, the Bloomington Public Transportation Corporation, and/or AASHTO standards.**

The occupancy permit for 935 W 7th Street was granted on February 12, 2021, without reference to a sidewalk, further supporting the acceptance of determinate sidewalk variances found in the UDO and expressed in this Petitioner's Statement.

Figure 1



Corner of 6th/Elm facing north – 3rd House South



Elm facing north towards 7th Street – 2nd House South



Elm facing north towards 7th Street – Neighbors to the south (sidewalk termination point)

Figure 1 – Cont.



Elm facing north towards 7th Street – Neighbor's drive and alley



Proposed Sidewalk Area – 147 feet

Appendix A

UDO Effective April 2020

Chapter 20.06: Administration & Procedures

20.06.080 Flexibility and Relief Procedures

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.

Websites:

<https://bloomington.in.gov/planning/udo>

https://bloomington.in.gov/sites/default/files/2021-09/Final_UDO_July_2021.pdf

UDO Effective July 2018

- (f) Determinate Sidewalk Variance Considerations: 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:
- (1) 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
 - (2) 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
 - (3) 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
 - (4) 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
 - (5) Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.
- (g) Commitment for Determinate Sidewalk Variance: Upon approval of a determinate sidewalk variance, the Planning and Transportation Department staff shall prepare a Zoning Commitment pursuant to 20.09.110 Commitments - Variance and Conditional Use indicating that the determinate sidewalk variance was approved and that future installation of sidewalk may be required. The petitioner shall record the Zoning Commitment in the Monroe County Recorder's Office

<https://bloomington.in.gov/sites/default/files/2019-06/UDO%20Complete%20Document%20%287.20.18%29.pdf>

Appendix B

3/11/22

Tim Clougher
1001 W 7th St
Bloomington, IN 47404
timclougher@gmail.com

Gabriel Holbrow-Zoning Compliance
Karina Pazos-Zoning Planner
City of Bloomington
Bloomington, IN 47404

RE: Zoning Variance 935 W 7th St.

Karina & Gabriel,

I am contacting you to express my concern and disappointment that the Planning & Transportation Department has decided against supporting a variance for sidewalk construction along Elm St at 935 W 7th. My wife and I have resided at 1001 W 7th St, just West of 935 W 7th with Elm street running parallel to our property for over 20 years. Our driveway enters/exits onto Elm St. At no point has anyone from the Planning & Transportation Dept. contacted us or other adjoining property owners and inquired as to the impact this new sidewalk construction would have on us.

There has not been a sidewalk from Elm to Kirkwood since the neighborhood was created. Up until the recent construction of the home at 935 W 7th, people parking along this section of Elm St would park into the previously empty lots buffer area along Elm St. This is similar to the parking along Waldron St, Oak St, Pine St and John St. Attachment 1 shows Elm St prior to the construction of the home at 935 W 7th St. As you can clearly see, cars are parked into the buffer area along the lot to allow space for traffic and for us to get out. St. As you can clearly see, cars are parked into the buffer area along the lot to allow space for traffic and for us to get out.

The creation of the sidewalk and curb along Elm St will make it very difficult, if not impossible at times, to pull out of our driveway. This creates a safety hazard for us.

In addition, the sidewalk created will end at the South edge of 935 W 7th's property line. This sidewalk will never be extended in the foreseeable future. The property directly South of 935 W 7th St, 210 N Elm St, has an old limestone wall that sits approx. 2ft from the street edge. The wall would be destroyed by any future extension. This will not create "connectivity"..

Elm Street is much wider along the Banneker Property, 28 ft from curb to curb. Elm Street narrows to 20 ft wide from street edge to street edge along Elm between 7th & 6th St. Our vehicles are approx. 15-16' long, which means with a sidewalk and curb created at the street edge and a car parked along Elm St behind my drive will make it impossible to get out. This has happened in the past and I have had to find the driver to ask them to move. In addition, if 2

vehicles were attempting to navigate Elm St between 6th & 7th at the same time, one would have to reverse back onto 6th or 7th to allow the other vehicle to proceed.th or 7th to allow the other vehicle to proceed.

Attachment 2 & 3 show nearby N. John St, where two new construction infill properties were subject to this code. The property at 922 W 8th St and 1003 W 9th St were both required to put in sidewalks on opposite sides along this narrow and crooked street. As you can see, each is at a different angle and follow the crooked street edge. Not only does it look ridiculous, nobody utilizes either sidewalk. This is a perfect example why this code doesn't always work and variances are an important way of making an exception for infill construction in an old historic neighborhood compared to a new development. t always work and variances are an important way of making an exception for infill construction in an old historic neighborhood compared to a new development.

We plan to submit our support for approval of a variance based on conditions a, b & c under the "Determinate Sidewalk Variance Approval Criteria" of the UDO Chapter 20.06.080. We will also be including a petition from adjoining and nearby property owners in support of the variance. of the UDO Chapter 20.06.080. We will also be including a petition from adjoining and nearby property owners in support of the variance.

Sincerely,

Tim Clougher



Appendix C

Neighborhood Residential Streets

Bloomington has several local residential streets that provide access to single and multifamily homes and are not intended to be used for regional or cross-town commuting. Neighborhood residential streets have slow speeds and low vehicular volumes with general priority given to pedestrians. Other characteristics of the street are provided in Table 3. Figure 11 shows the typical cross-section of neighborhood residential street with on-street parking on both sides of the street. Because of the low-speed and low-volume nature of neighborhood residential streets, the City may decide to reduce the width of parking lanes or travel lanes. On-street parking could be consolidated to one side or removed altogether.



Neighborhood residential street example

Many existing Neighborhood Residential Streets are quite narrow in width. In order to preserve neighborhood fabric, existing streets shall not be required to conform to these cross-section standards. Priority for Neighborhood Residential Streets is on maintaining calm streets that create a safe and comfortable environment for walking, even if there are no sidewalks.

Figure 11. Neighborhood residential street typical cross-section

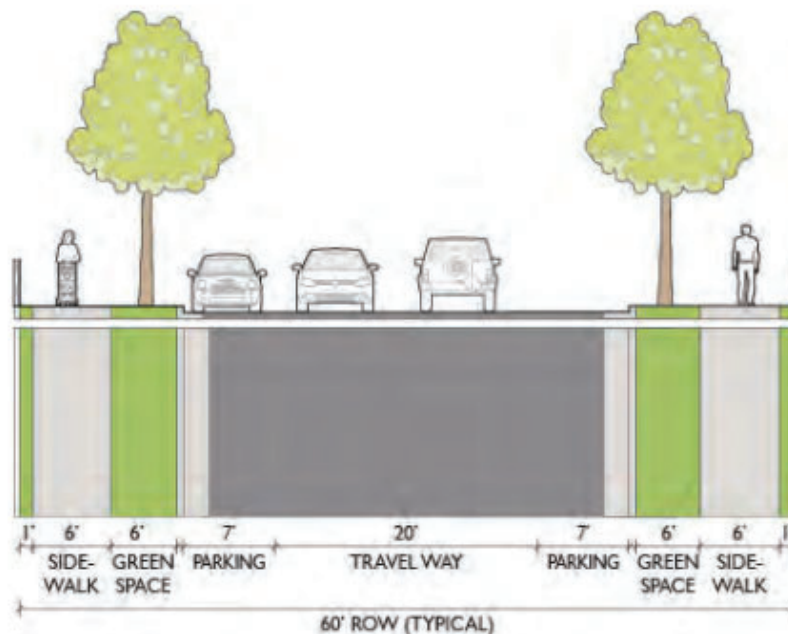
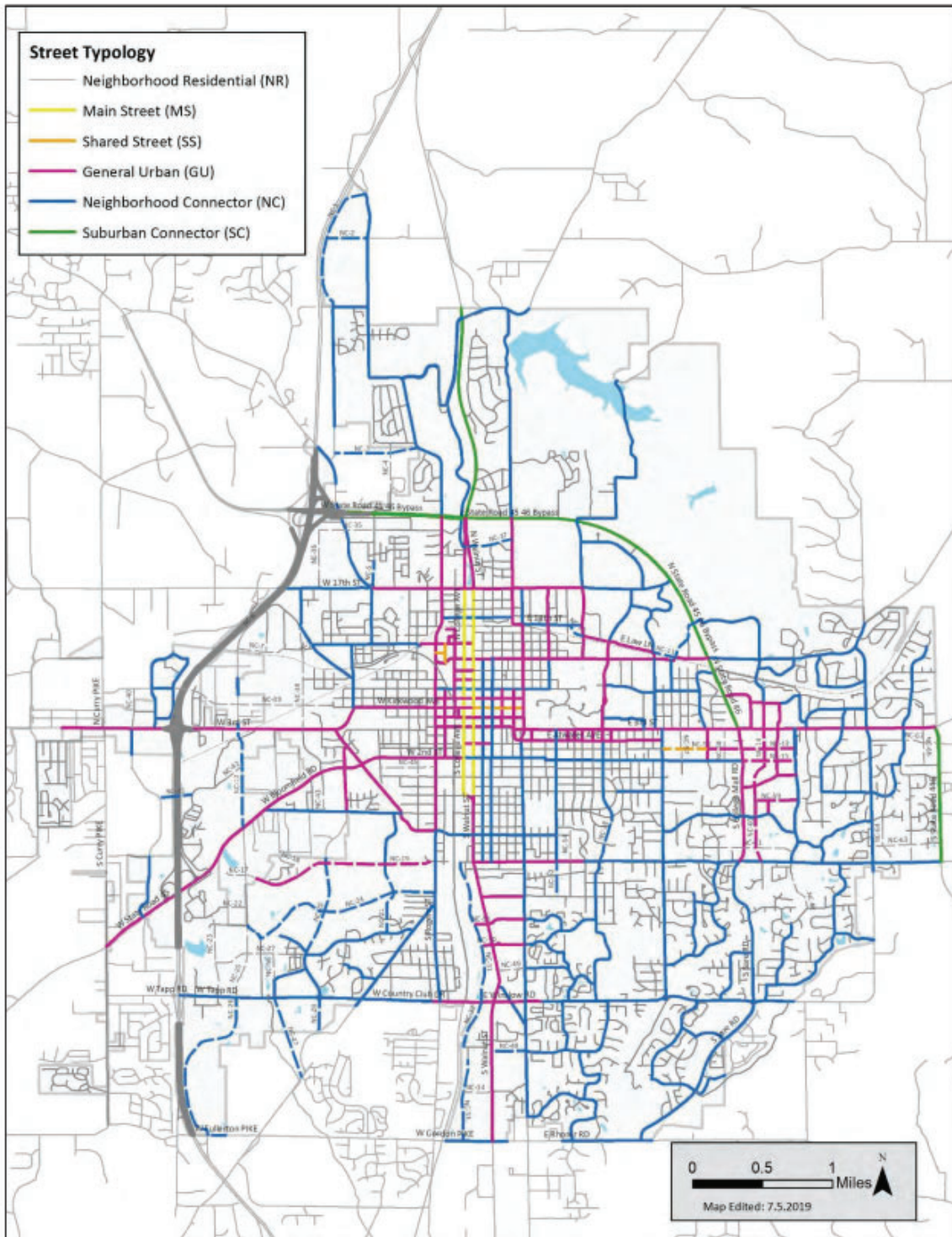
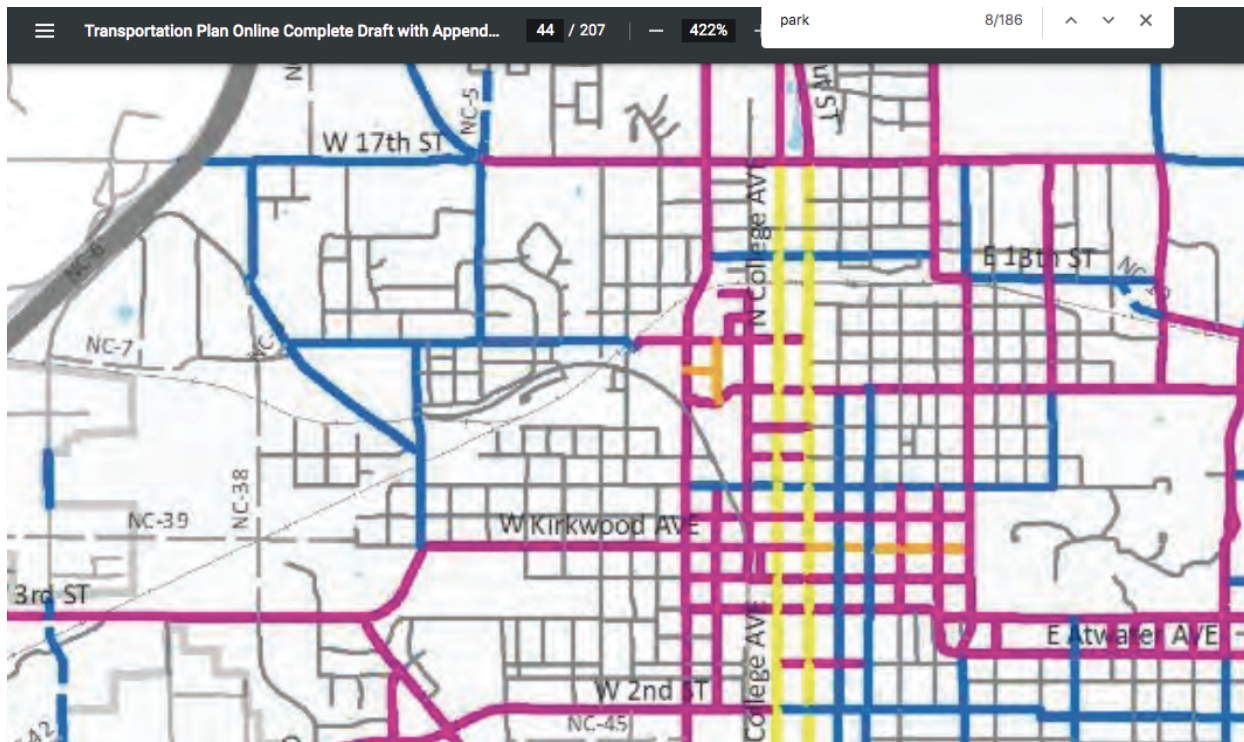


Figure 19. New Connections and Street Typologies





Website:

<https://bloomington.in.gov/transportation/plan>
<https://bloomington.in.gov/sites/default/files/2020-02/Transportation%20Plan%20Online%20Complete%20Draft%20with%20Appendices%20reduced.pdf>

Pg 46

ID	Street Direction	Street Name	Street Suffix	Address Block	Bicycle Facility Recommendation	Street Typology	Default Right-of-Way (ROW) Width	Proposed ROW Width	Are Proposed and Default the Same?	Reason for Change in Proposed ROW Width
1561	N	Elm	ST	400		NR	60	60	Yes	No change in width
1484	N	Elm	ST	300		NR	60	60	Yes	No change in width
1416	N	Elm	ST	200		NR	60	60	Yes	No change in width
1358	N	Elm	ST	100		NR	60	60	Yes	No change in width

ROW Widths Updated
07.08.2019

<https://bloomington.in.gov/planning/comprehensive-plan> Comprehensive Plan

Sidewalk Variance

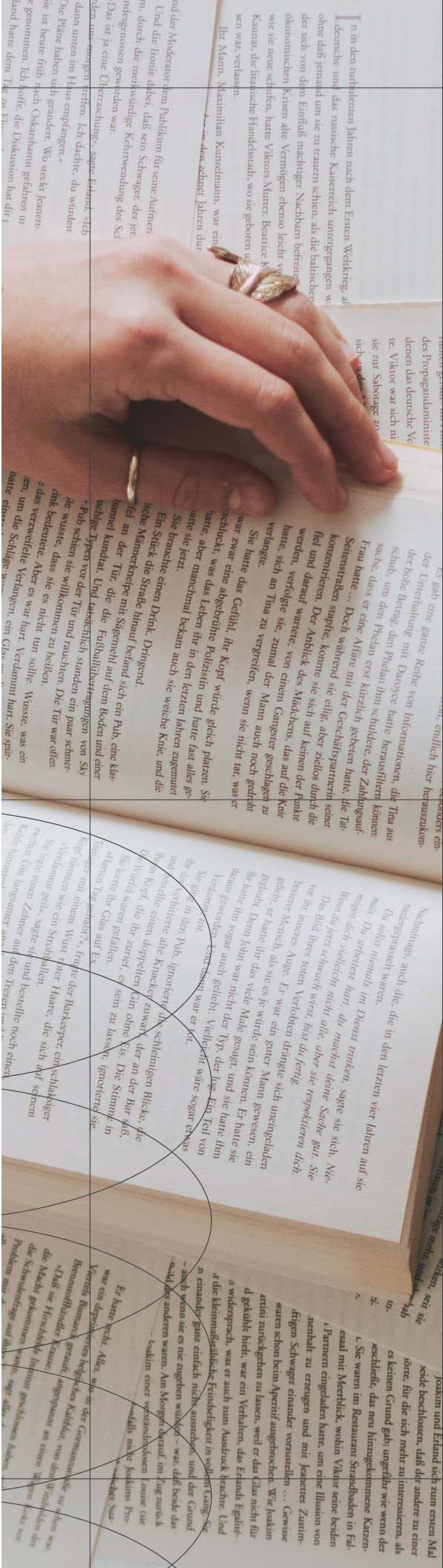
in the Near West Side Neighborhood

- Background
- UDO - Determinate Sidewalk Variance
- Transportation Plan
- Environmental Effects
- Negative Impacts on our Neighborhood
- Neighborhood Support



1 : to join or fasten together usually by something intervening
// A highway connects the two towns.

Connect



In den turbulenten Jahren nach dem Ersten Weltkrieg, als deutsche und das russische Kaiserreich untergegangen waren, ohne daß jemand um sie zu trauern schen, als die halbschlechten sich von dem Einfluß mächtiger Nachbarn befreiten. ökonomischen Krisen alte Vermögen ebenso leicht verloren wie sie neue schufen, hatte Viktors Mutter, Beatrice, die Kaiserin, die iranische Handelsstadt, wo sie geboren und aufgewachsen war, verlassen.

Ihr Mann, Maximilian Kuznetsov, war ein ...

Es gab eine ganze Reihe von Informationen, die Tina aus der Unterhaltung mit Darvce hatte herausfiltern konnte. schub, um den Pheilan ihm schuldierte, der Zahlungsplan. Viktor war sich nicht sicher, ob er sich zur Sabotage zu ...

... Doch während sie eilig, aber ziellos durch die Seitenstraßen stapfte, konnte sie sich auf keinen der Punkte konzentrieren. Der Anblick des Mädchens, das auf der Straße wandelte, verflocht sie, zuzunahm der Mann auch noch gedreht hatte, sich an Tina zu vergrämen, wenn sie nicht tat, was er verlangte.

Sie hatte das Gefühl, ihr Kopf würde gleich platzen. Sie war zwar eine abgebrühte Polizistin und hatte fast alles geschickt, was das Leben ihr in den letzten Jahren zugekommen war, aber manchmal bekam auch sie weiche Knie, und die Sie brauchte einen Drink. Dringend.

Ein Stück die Straße hinauf befand sich ein Pub, eine kleine Männecke mit Sigmund auf dem Boden und einer Kanne. Ein Pub schien vor der Tür und rauchten. Die Tür war offen, aber die Schläge ...

Nachmittags, auch die, die in den letzten vier Jahren auf sie niedergepresst waren.

Du bist niemals im Dienst trinken, sagte sie sich. Niemand mag dich vielleicht nicht alle, aber sie respektieren dich. Wenn du jetzt schwach wirst, bist du fertig.

Das Bild ihres toten Verlobten drängte sich ungeladener vor ihr inneres Auge. Er war ein guter Mann gewesen, ein besessener Mensch, als sie es je würde sein können. Er hatte sie geliebt. Denn John war nicht der Typ, der lag. Ein Teil von ihm hatte ihr sogar auch geliebt. Vielleicht war er ...

Sie ging in den Pub, ignorierte die schleimigen Blicke, die sie anstellte, einen Knacker zuwerk der an der Bar saß. Die Wirtin waren gefallen. Sie leerte ihr Glas auf. Es ...

Kopf umarmen mit einem Wusch ihrer Haare, die sich auf schmerzhaftem Glimmer gelagert, sagte sie ...

... und bestelle noch einen ...

Joakim und Erhard sich zum ersten Mal ...

... die kleine, gelbe, feine ...

... waren schon kein Aperitif ...

... erin zurückgehen zu lassen, weil er das Glas nicht für ...

... d gekühlt hielt, war ein Verhalten, das Erhard ...

... a widersprochen, was er auch zum Ausdruck brachte. Und ...

... r die kleinmütige, feine ...

... n einander ganz einfach noch auszuhalten, und der Grund ...

... nach wenn sie es nie angesehen würde - war, daß beide das ...

... kadem einer vorzuziehenden cause (sie ...

... als nicht Joakims ...

... war ein dramatisches ...

... Versteht Bismarck ...

... Bismarck ...

... Die ...

... die Macht bekommen ...

... die Schwächen ...

... Problem ...

City of Bloomington Unified Ordinance (UDO)

2021 UDO

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.

2018 UDO

20.09.135 Sidewalk and Determinate Sidewalk Variances

(a) Intent: The purposes of this section are:

- (1) To outline the process by which petitions for a sidewalk variance and a determinate sidewalk variance are considered;
- (2) To provide a mechanism to approve these petitions that will not be contrary to the public interest, where, owing to special conditions, literal enforcement of Section 20.05.010(b)(3) will result in practical difficulties, and so that the spirit of Section 20.05.010(b)(3) shall be observed and substantial justice done.

(b) Applicability: The board of zoning appeals or hearing officer, in accordance with the procedures and standards set out in *Chapter 20.09: Processes, Permits and Fees*, may grant sidewalk variances and determinate sidewalk variances.

(c) Findings of Fact for Sidewalk Variance: Pursuant to Indiana Code 36-7-4-918.5, the board of zoning appeals or the hearing officer may grant a variance from Section 20.05.010(b)(3) of the Unified Development Ordinance if, after a public hearing, it makes findings of fact in writing, that:

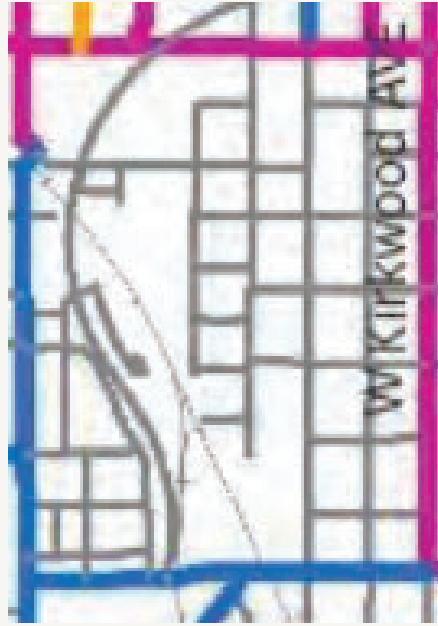
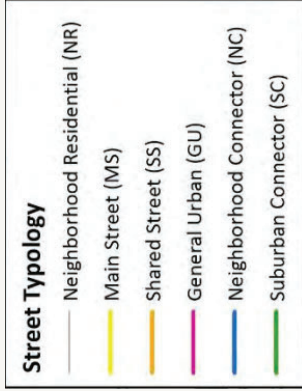
- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
- (2) The use and value of the area adjacent to the property included in the development standards variance will not be affected in a substantially adverse manner; and
- (3) The strict 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.
- (4) 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 as required by Section 20.05.010(b)(3); and
- (5) That the pedestrian traffic reasonably to be anticipated over and along the street adjoining such lot or tract upon which the 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.

(d) Findings of Fact for Determinate Sidewalk Variance: Pursuant to Indiana Code 36-7-4-918.5, the board of zoning appeals or the hearing officer may grant a variance from Section 20.05.010(b)(3) of the Unified Development Ordinance 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
- (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
- (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; and
- (4) The adjacent lot or tracts are at present undeveloped, but it appears that at some future date these lots or tracts will be developed, increasing the need for sidewalks for the protection and convenience of pedestrians; and
- (5) The location of the lot or tract is such that the present pedestrian traffic does not warrant the construction of sidewalks, but it appears that in the future the pedestrian traffic may increase; and
- (6) Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.

City of Bloomington Transportation Plan

N Elm Street is classified as Neighborhood Residential (NR)



Neighborhood Residential Streets

Bloomington has several local residential streets that provide access to single and multifamily homes and are not intended to be used for regional or cross-town commuting. Neighborhood residential streets have slow speeds and low vehicular volumes with general priority given to pedestrians. Other characteristics of the street are provided in Table 3. Figure 11 shows the typical cross-section of neighborhood residential street with on-street parking on both sides of the street. Because of the low-speed and low-volume nature of neighborhood residential streets, the City may decide to reduce the width of parking lanes or travel lanes. On-street parking could be consolidated to one side or removed altogether.



Neighborhood residential street example

Many existing Neighborhood Residential Streets are quite narrow in width. In order to preserve neighborhood fabric, existing streets shall not be required to conform to these cross-section standards. **Priority for Neighborhood Residential Streets is on maintaining calm streets that create a safe and comfortable environment for walking, even if there are no sidewalks.**

2002 Master Thoroughfare Plan

Waldron St = 20 ft.
Elm St = 20 ft.



Existing Core Neighborhood Streets

The core neighborhood streets in Bloomington represent a high percentage of the total road mileage in the area surrounding the downtown. Many of these streets are quite narrow in width in comparison to the neighborhood streets that were constructed in the past few decades. The cross-sections of the existing core neighborhood streets are considered an important element of the residents' living environment and often serve as a meeting place for residents. It should be noted that many of these streets feature cross-sections different from what is outlined in the following pages. In order to preserve neighborhood fabric, existing core neighborhood streets shall not be required to conform to the cross section standards that are being proposed for more suburban environments.

Typical Characteristics of an Existing Core Neighborhood Street:

- Total right-of-way – varies
- Travel lane widths – typically 8 to 10 feet
- On-Street parking included
- Bike lanes – no lanes are included because of lower traffic volumes and speed
- Sidewalks and street trees vary, often there is not enough room for both elements

Priority For the Right-of-Way:

- Primary Priority Elements
 - On-Street parking
 - Residential access
 - Neighborhood preservation
- Secondary Priority Elements
 - Width of travel lanes
 - Sidewalks

Examples of Traffic Management Features

- On-street parking
- Street trees
- Narrower travel lanes
- Reduced pedestrian crossing distances at intersections (using curb extensions and other measures if necessary)
- Traffic circles



Jackson Street at 3rd Street looking north



Waldron Street at 6th Street looking south



William Street at 9th Street looking south

Environmental Effects

Impervious Surface

any surface in the landscape that cannot effectively absorb or infiltrate rainfall.

Impervious Surface
Coverage (Maximum) for R3 is 45%

Lot: 4,356 sf.

House: 1,500 sf.

Sidewalk: 1,200 sf.

62% Impervious Surface



6th & Elm - looking North to 7th



No Connectivity to Proposed Sidewalk



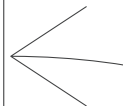
Ending in our Neighbors Limestone Wall



"Where the Sidewalk Ends"

aka

"Sidewalk to Nowhere"



Burms + pull-offs for safety



When Sidewalks are Present



Negative Impacts on
Our Neighborhood
&
Neighborhood Support



S00D33'43"E

147 (R)

EXCAVATED STORAGE AREA

59'

N00D33'43"V

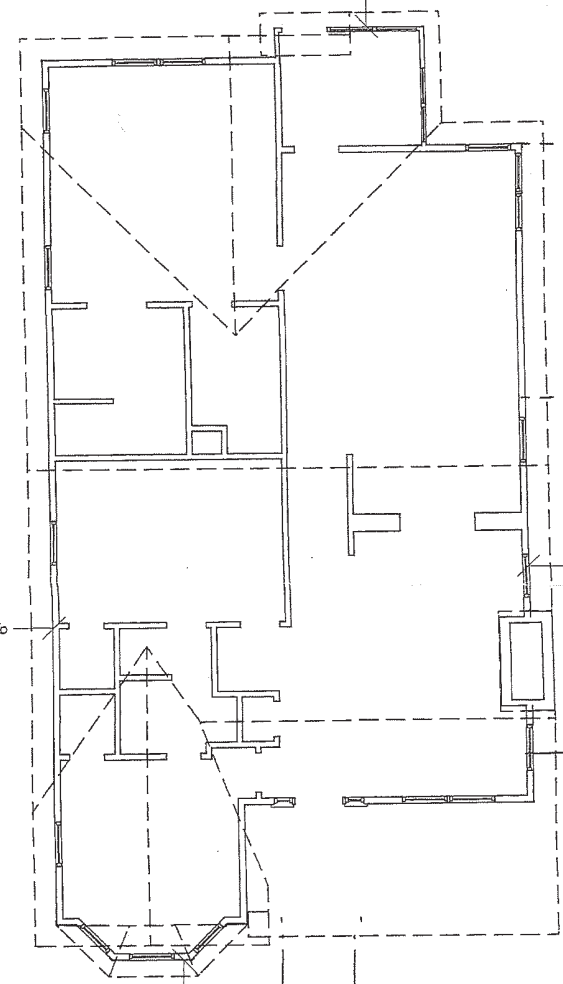
146.89' (M) 14

SILT FENCE

1" = 8'

6' sidewalk curbs

28' Foot
Main Sidewalk
ct.



6'

25'

S89D19'38"W

46.25'

SILT FENCE

9' from property line





Karina Pazos <karina.pazos@bloomington.in.gov>

Variance support for 935 W 7th St

Tim Clougher <timclougher@gmail.com>

Tue, Mar 22, 2022 at 9:44 AM

To: Karina Pazos <karina.pazos@bloomington.in.gov>, gabriel.holbrow@bloomington.in.gov

Cc: Kate Rosenbarger <kate.rosenbarger@bloomington.in.gov>

Tim Clougher

1001 W 7th St

Bloomington, IN 47404

timclougher@gmail.com

Gabriel Holbrow-Zoning Compliance
Karina Pazos-Zoning Planner
City of Bloomington
Bloomington, IN 47404

RE: Zoning Variance 935 W 7th St.

Karina & Gabriel,

I am contacting you to express my concern and disappointment that the Planning & Transportation Department has decided against supporting a variance for sidewalk construction along Elm St at 935 W 7th. My wife and I have resided at 1001 W 7th St, just West of 935 W 7th with Elm street running parallel to our property for over 20 years. Our driveway enters/exits onto Elm St. At no point has anyone from the Planning & Transportation Dept. contacted us or other adjoining property owners and inquired as to the impact this new sidewalk construction would have on us.

There has not been a sidewalk from Elm to Kirkwood since the neighborhood was created. Up until the recent construction of the home at 935 W 7th, people parking along this section of Elm St would park into the previously empty lots buffer area along Elm St. This is similar to the parking along Waldron St, Oak St, Pine St and John St. Attachment 1 shows Elm St prior to the construction of the home at 935 W 7th St. As you can clearly see, cars are parked into the buffer area along the lot to allow space for traffic and for us to get out.

The creation of the sidewalk and curb along Elm St will make it very difficult, if not impossible at times, to pull out of our driveway. This creates a safety hazard for us.

In addition, the sidewalk created will end at the South edge of 935 W 7th's property line. This sidewalk will never be extended in the foreseeable future. The property directly South of 935 W 7th St, 210 N Elm St, has an old limestone wall that sits approx. 2ft from the street edge. The wall would be destroyed by any future extension. This will not create "connectivity".

Elm Street is much wider along the Banneker Property, 28 ft from curb to curb. Elm Street narrows to 20 ft wide from street edge to street edge along Elm between 7th & 6th St. Our vehicles are approx. 15-16' long, which means with a sidewalk and curb created at the street edge and a car parked along Elm St behind my drive will make it impossible to get out. This has happened in the past and I have had to find the driver to ask them to move. In addition, if 2 vehicles were attempting to navigate Elm St between 6th & 7th at the same time, one would have to reverse back onto 6th or 7th to allow the other vehicle to proceed.

Attachment 2 & 3 show nearby N. John St, where two new construction infill properties were subject to this code. The property at 922 W 8th St and 1003 W 9th St were both required to put in sidewalks on opposite sides along this narrow and crooked street. As you can see, each is at a different angle and follow the crooked street edge. Not only does it look ridiculous, nobody utilizes either sidewalk. This is a perfect example why this code doesn't always work and variances are an important way of making an exception for infill construction in an old historic neighborhood compared to a new development.

We plan to submit our support for approval of a variance based on conditions a, b & c under the "Determinate Sidewalk Variance Approval Criteria" of the UDO Chapter 20.06.080. We will also be including a petition from adjoining and nearby property owners in support of the variance.

Sincerely,

Tim Clougher

3 attachments



7th & Elm St.png
871K



John St Debacle.jpg
142K



John St Debacle.png
565K



Karina Pazos <karina.pazos@bloomington.in.gov>

Variance support for 935 W 7th St

Kate Rosenbarger <kate.rosenbarger@bloomington.in.gov>

Thu, Mar 24, 2022 at 8:00 AM

To: Tim Clougher <timclougher@gmail.com>

Cc: Karina Pazos <karina.pazos@bloomington.in.gov>, gabriel.holbrow@bloomington.in.gov

Hi Tim,

Thank you for sending. What do you think if parking is not allowed along this part of the street?

Best,

Kate

[Quoted text hidden]

--

	<p>Kate Rosenbarger City Council Member, District 1 City of Bloomington, IN kate.rosenbarger@bloomington.in.gov 812-219-4074 bloomington.in.gov</p>
---	---



Karina Pazos <karina.pazos@bloomington.in.gov>

Variance support for 935 W 7th St

Tim Clougher <timclougher@gmail.com>

Tue, Mar 29, 2022 at 11:59 AM

To: Kate Rosenbarger <kate.rosenbarger@bloomington.in.gov>

Cc: Karina Pazos <karina.pazos@bloomington.in.gov>, gabriel.holbrow@bloomington.in.gov

Thanks Kate, I had considered that and the challenge is that it would alleviate two spaces from an area with already limited parking. The Mercy Mission church attendees are mostly elderly and like to park as close as possible to the ramp they have near my drive. Incidentally, they are also against the proposed sidewalk as it would put them further out into the street when exiting/entering their vehicles. It would also be left up to me to monitor the no parking zone so I could get out. Parents that pick-up kids from Banneker are notorious for already parking in the no parking zone along Elm from 7th alongside our property and have even parked across the end of our driveway.

As you may know, my house was moved to 1001 W 7th St, from W 1st street in 2000 by Bloomington Restoration. I inquired as to why BRI didn't have to build a sidewalk along Elm and a former BRI Board Member told me it was due to the "Historic District" and they argued that historically there were not sidewalks on Elm. Our neighborhood is not only a conservation district (soon to be historic), but also a National Historic District. I'm looking in to this as well.

I do appreciate your input! I just don't understand why the Planning Dept would ignore several known variances that apply to this scenario, but I guess that's how the process must work. We plan to attend the BZA hearing and hope for the best.

Thanks again,
Tim

[Quoted text hidden]

Beth Ellis and Tamera Theodore
823 W 8th Street
Bloomington, IN 47404
812.345.2041
Beth@TimEllisRealtors.com

RECEIVED
4/11/22

April 8, 2022

Board of Zoning Appeals
401 N Morton Street, Suite 130
Bloomington, IN 47404

Dear BZA,

We are writing in absolute opposition to the installation of a curb, sidewalk, and retaining wall on Elm Street along the western edge of the home located at 935 W 7th Street.

The huge concrete area would not fit in with the aesthetic of our neighborhood. There are several examples of nearby streets that have no sidewalks including:

- Williams between 8th Street and 9th Street
- Waldron between 8th Street and Kirkwood
- Oak between 7th Street and Kirkwood

In fact, looking at Elm Street, there are currently no sidewalks at all between 7th Street and Kirkwood.

The proposed section of sidewalk on Elm makes no sense. The southern edge of it would run into the neighbors' retaining wall. Not only would that look really ugly, it would also make the sidewalk unsafe to use. We walk our neighborhood daily and find that the streets without sidewalks are safe and easy to navigate as they are currently configured.

We also have concerns about possible drainage issues caused by the creation of this huge impervious area. Lastly, it seems that street access and parking would also be negatively affected by this project.

Please feel free to reach out to us with any questions. We hope our comments are taken into consideration and would be happy to provide more detail if that would be helpful.

Sincerely,

ETA EW



Beth Ellis and Tamera Theodore

RECEIVED
4/11/22

817 W. Eighth Street
Bloomington, Indiana 47404
April 11, 2022

Board of Zoning Appeals
401 N. Morton Street
Bloomington, Indiana 47404

We are writing to express our opposition to the installation of a curb, sidewalk, and retaining wall on Elm Street, along the western edge of the home located at 935 W. 7th Street, owned by Rachael and Patrick McAleer. We are in complete support with the McAleers' petition for a variance.

A number of nearby streets have no sidewalks, including Williams between 8th and 9th, Waldron between 8th and Kirkwood, and Oak between 7th and Kirkwood. Presently, no sidewalks exist on Elm Street between 7th and Kirkwood, and we are at a loss to figure out why these sidewalks on Elm Street are even under consideration.

The McAleer home at 935 W. 7th Street is new construction. Why didn't the BZA or the appropriate city board specify the sidewalk installation at the time building permits were issued? Our neighborhood's east/west oriented street have sidewalks, as do a handful of the north/south running streets. We, personally, walk daily in the neighborhood and feel perfectly safe on all the streets, with or without sidewalks. People who live in the Near West Side Neighborhood place a high value on its unique look and feel, its character, which are priceless intangibles, enhancing the quality and charm of where we live.

We wonder why the BZA demands that homeowners pay for sidewalks which only the BZA desires. We wonder why the Board wants to "fix" a problem which doesn't exist, in the eyes of the actually residents of the Near West Side Neighborhood.

Respectfully,

Karlyn Grise *Robert Grise*

Karlyn and Robert Grise

Dear Zoning Board of Appeals, my Neighbors, Rachael and
Patrick McAleen have been asked to build a sidewalk
to the west. I think that is silly and makes no
sense. I have lived around the corner from their homes
location since 2004. I have traversed that section of
Elm many times and have never had any trouble
walking in the street. When I am in my car
Wolcott went the road to be any narrower. and
this is not to mention the drainage issues, the last
thing we need is more water washing down Elm
to 6th street. So with all of that said I do not support

The McCallen's having to
Put in a sidewalk on Elm.



Designed Artfully. Made Thoughtfully.

Thank you!

Molly & Grant

924 W. 6TH ST



Designed in USA. Printed in China with soy inks on chlorine-free paper.
This product is recyclable. © Compendium, Inc. All rights reserved. greeninspired.com

**BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 101 W Kirkwood Avenue**

**CASE #: V-10-22
DATE: April 21, 2022**

PETITIONER: CFC Properties
320 W 8th Street, Bloomington, IN

REQUEST: A variance from the multi-tenant center sign standards in Chapter 20.04 to allow additional signage in the Mixed-Use Downtown (MD) zoning district.

REPORT: The property is located at 101 W. Kirkwood Avenue, on the south side of Kirkwood Avenue between Walnut Street and College Avenue, and is currently zoned Mixed-Use Downtown (MD), in the Courthouse Square (CS) Character Area. Properties to the north, west, and east are also zoned MD-CS, and properties to the south are zoned MD-CS and MD-Downtown Core (DC). The property contains one large interior mall (multi-tenant center) that is comprised of multiple historic facades that were saved and refurbished to continue to look like separate buildings. The size of the building is over 46,000 square feet of ground floor area. From the outside, the building is meant to continue to look like separate structures, but once in the building, access can be gained to the offices, public spaces, and businesses from the interior of the building. The building is in the Courthouse Square Local Historic District, so any changes to the signs will require a Certificate of Appropriateness from the Bloomington Historic Preservation Commission.

Multi-tenant centers in the MD zoning district have individual sign provisions for first floor tenants, as well as upper story uses. The Unified Development Ordinance also provides for the following:

“3. Additional Sign

Multi-tenant centers shall be permitted a single wall or projecting sign that does not exceed 20 square feet in area.”

The multi-tenant center currently has four signs identifying the center as ‘Fountain Square’, two on S. Walnut Street, one on W. Kirkwood Avenue, and one at the corner of W. Kirkwood and S. College Avenues. The petitioner is seeking to update all of the existing signage. All of the signs can be updated through 20.06.090(g), Nonconforming Signs, and the W. Kirkwood Avenue signs, as well as one S. Walnut sign will be updated that way. However, the petitioner seeks to increase the southern sign along S. Walnut Street to include additional information.

The petitioner is requesting a variance to allow one existing sign to be increased in size to include wayfinding information. The petitioner is requesting to have a total of four ‘additional sign’s for their multi-tenant center in the MD zoning district exceeding the total maximum square footage allowance of 20 square feet.

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 FINDING: No injury is found with the allowance of increasing the size of one sign and allowing four signs on site. All sign locations currently exist and no issues have been found.

- (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*

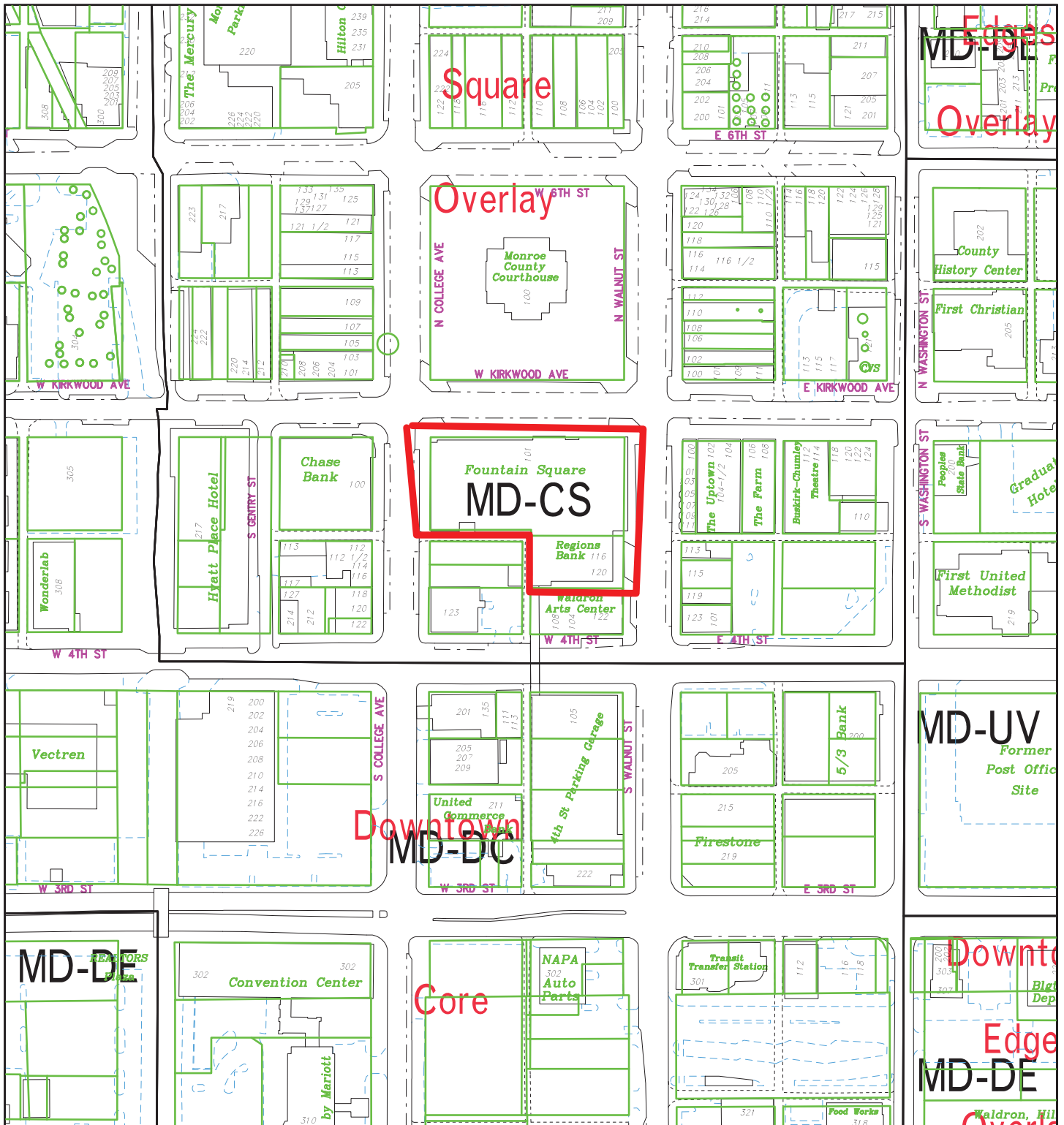
PROPOSED FINDING: No adverse impacts to the use and value of the surrounding area associated with the proposed variance are found. The variance would allow additional guidance for downtown users looking for amenities and businesses that do not have street frontage, but that are located within a large multi-tenant center that has been designed in a historic pattern in order to benefit the community.

- (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; and*

PROPOSED FINDING: Practical difficulties are found in the combination of the use and design of the property. The multi-tenant center is large, with a footprint of over 46,000 square feet and three stories on all sides. The center maintains frontage on three roadways. The center is not only large, but the exterior was designed to maintain the look of historic downtown Bloomington with typical building widths and variations. While this is a boon for the historic look and feel of downtown, it causes confusion for citizens looking to utilize the center, as it is not easily recognizable. The physical design of the structure is peculiar and requires additional wayfaring signage to assist in navigating in and around the center. The petitioner is requesting to update 3 existing signs within their current dimensions, which is allowed by the UDO. But, also requesting to increase the size of and improve a 4th sign with additional wayfinding to alert pedestrians to the entrance to the center. The size, location, and design of this center are all peculiar to the MD district, and approval of the variance allows extra signage in keeping with the scale of the development, as the UDO intends.

RECOMMENDATION: Based upon the report and written findings of fact above, the Department recommends that the Board of Zoning Appeals adopts the proposed findings and approves V-10-22 with the following conditions:

1. The variance is approved for the sign number and sizes as submitted with the application packet only.
2. The petitioner must receive Certificates of Appropriateness if deemed necessary by the Historic Preservation Program Manager before sign permits shall be issued.
3. The petitioner must receive sign permits for each sign before work can be done on each sign.



Edges
MD-DE
Overlay

Square

Overlay

Fountain Square
MD-CS

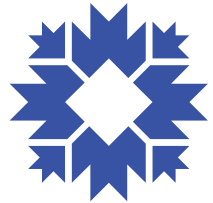
Downtown
MD-DC

MD-UV
Former
Post Office
Site

Downtown
Edge
MD-DE
Waldron, Hill
Overlay

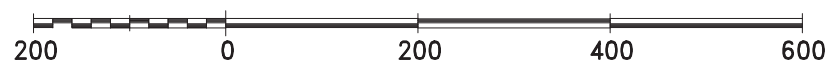
Core

City of Bloomington
Planning

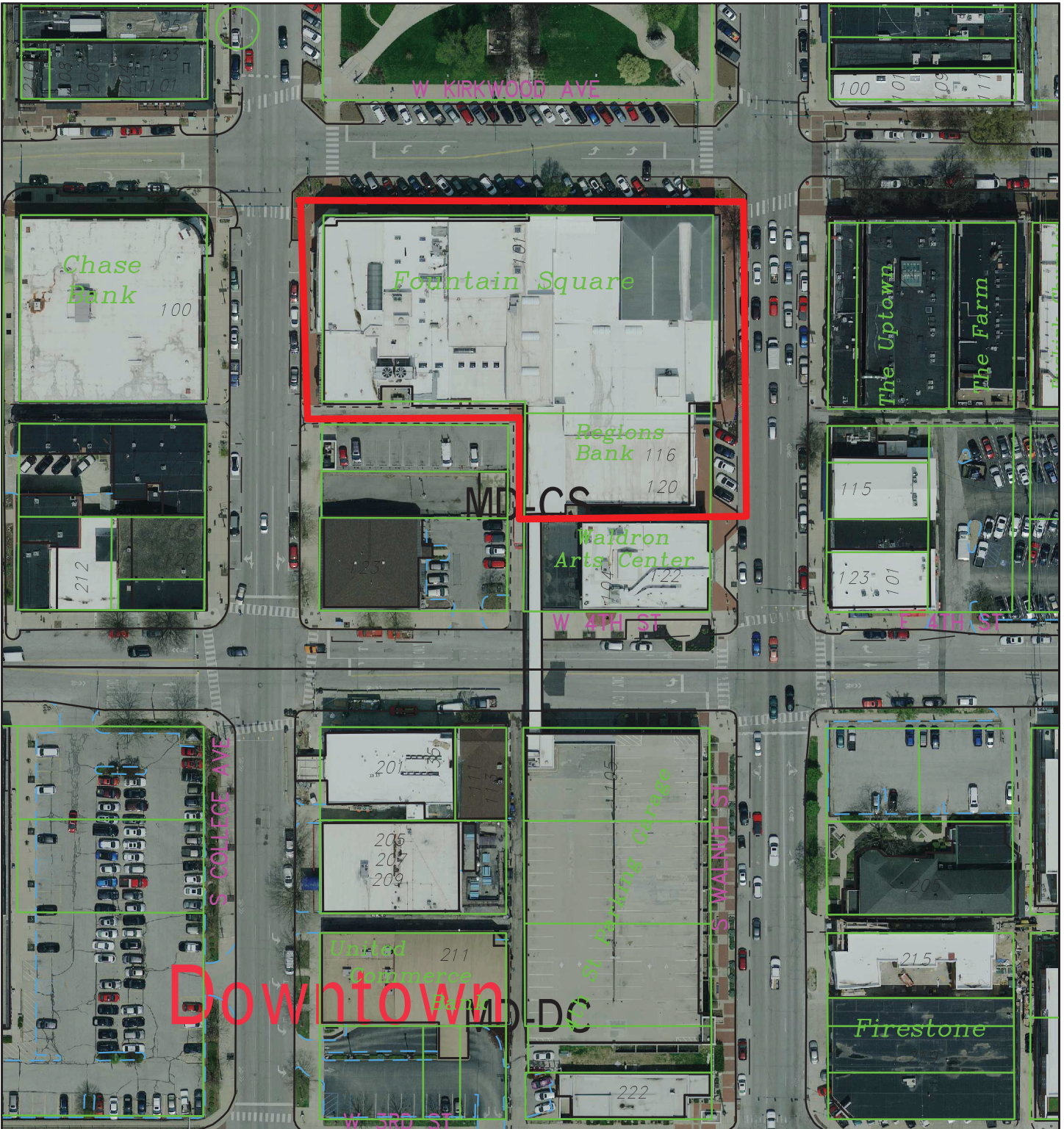


Scale: 1" = 200'

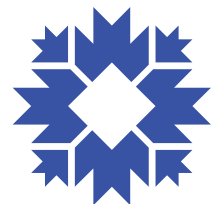
By: scanlanj
15 Apr 22



For reference only; map information NOT warranted.

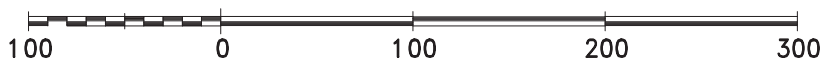


City of Bloomington
Planning



Scale: 1" = 100'

By: scanlanj
15 Apr 22



For reference only; map information NOT warranted.

Petitioner's Statement

03/22/22

To whom it may concern,

CFC Properties would like to request a variance to enlarge the sign on the south side of Fountain Square, building one, near the Walnut Street entrance (a mockup will be provided).

Fountain Square is an extensive multi-use center covering roughly $\frac{3}{4}$ of a city block. Many tend to overlook the southside entrance and are unsure where it leads. The enhanced size will improve visibility for drivers, passengers, and pedestrians heading north on South Walnut Street (between West 4th Street & West Kirkwood Avenue). Furthermore, the sign will benefit tourists and unfamiliarized locals, the lower-level food and beverage establishment, including additional business owners, and the main-level retail storefronts.

Through another initiative, CFC has plans to update its existing signage with new raised lettering, logo, directional arrows, and colors that will match Fountain Square's current branding style. The new proposed sign will mimic the style of the other signs being updated (included in the mockup for reference).

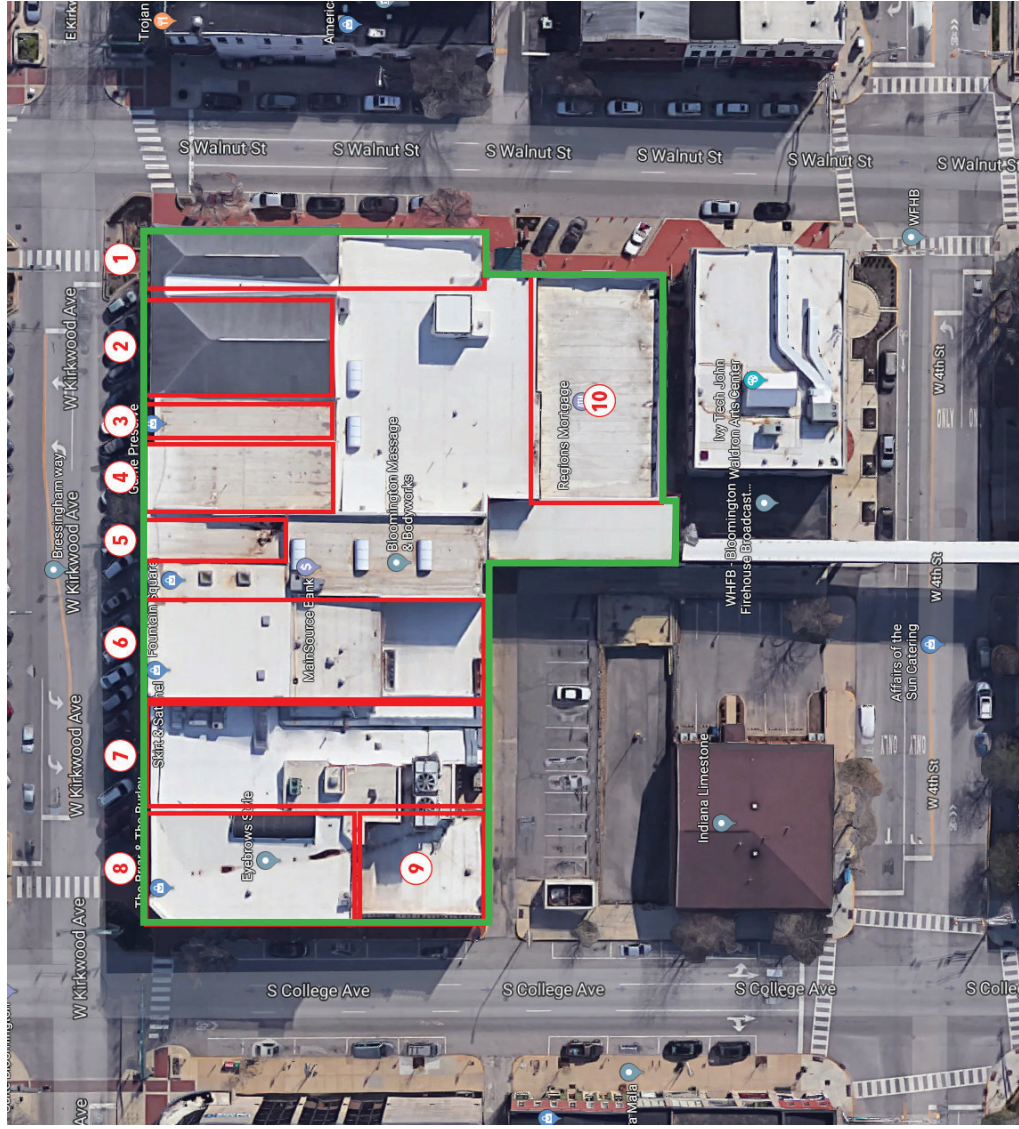
We believe many visitors, including tourists, and business owners within the building, will benefit from the directional clarity a larger sign could provide in this location. We greatly appreciate the consideration of this request.

Kind Regards,

Rebecca Ellison
Marketing Specialist
CFC Properties

FOUNTAIN SQUARE

Building Identification Numbers



FOUNTAIN SQUARE

Walnut Street Sign 1 Mockup



Existing Sign, South Side of Building 1 (Walnut St Entrance), **Size** 60”w x 50”h
Proposing to replace the existing sign with a new sign that is 60”w x 96”h with the same thickness.
Materials will include a black metal backer (or HDU) panel mounted to an aluminum tube frame with a border. The lettering will be formed plastic or acrylic (same as existing exterior signs). All items will be painted. Building will be patched as needed following the removal of the current sign.



Enhanced Sign Size will improve visibility for drivers, passengers, and pedestrians. Furthermore, the sign will benefit tourists, the lower-level food and beverage establishment, including additional business owners, and the main-level retail storefronts.

FOUNTAIN SQUARE

Walnut Street Sign 1 Mockup Continued... Lighting



Location of Sign, Facing North West

Proposing to illuminate the sign using 2 similar existing light fixtures.



Proposed Lighting Style

Currently above
EllieMae's Boutique.



Proposed Install Location

Above the existing sign.

SUPPORTING SIGNAGE

being proposed to be updated with the

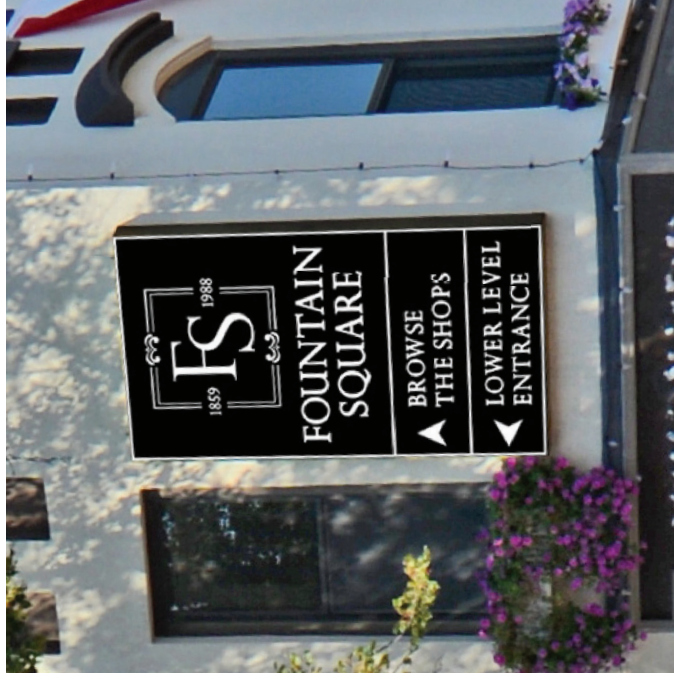
Historic Preservation Commission

FOUNTAIN SQUARE

Walnut Street Sign 2 Mockup



Existing Sign, Side of Building 1 (Kirkwood Ave & Walnut St), **Size** 55" w x 96" h
Existing Materials Include a wood framed sign with a green metal backer and raised dimensional letters.



Updated Sign Mockup proposes to use the existing signage structure by repositioning the bars to fit new elements. If the metal backer needs to be replaced, it will be updated with a new black metal backer. If salvageable, the existing metal backer will be painted. The top logo and directional arrows will be raised. New dimensional lettering will be installed and the lettering will be formed plastic or acrylic.

FOUNTAIN SQUARE

Walnut Street Sign 2 Mockup Continued... Lighting



Location of Sign, Facing South West

Proposing to illuminate the sign using 2 similar existing light fixtures.



Proposed Lighting Style

Currently above
Ellie Mae's Boutique.



Proposed Install Location

Above the existing sign.

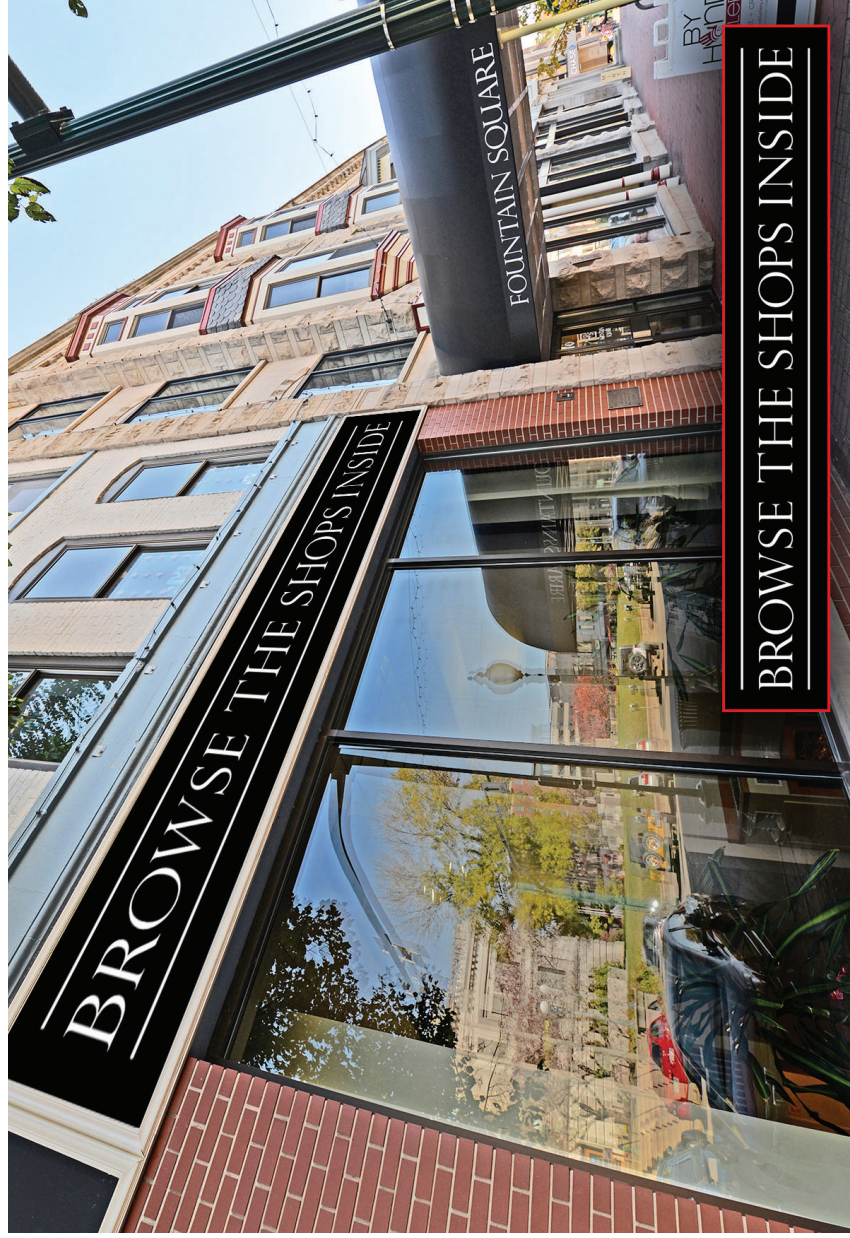
FOUNTAIN SQUARE

Fountain Window Sign Board Mockup



Existing Sign Board, Size 244" w x 34" h

Existing Materials Include painted formed plastic letters that are stud mounted.



Updated Sign Mockup proposes to use the existing signage structure. New dimensional letters (172" w x 24" h) will be stud mounted. The lettering will either be the same type of formed plastic or acrylic. Any holes will be patched, and the board will be painted. The sign will also include two raised elongated bars.

FOUNTAIN SQUARE

Fountain Window Sign Board Mockup Continued... Lighting



Location of Sign Board, Facing South

Proposing to illuminate the sign using 3 - 4 similar existing light fixtures.



Proposed Lighting Style

Currently above Ellie Mae's Boutique.

Proposed Install Location

Will remain within the light blue panel just above the storefront.

FOUNTAIN SQUARE

College Avenue Sign Mockup



Existing Sign, Corner of Building 8 (Kirkwood Ave & College Ave), **Estimated Size** 111" w x 36" h

Existing Materials Include dimensional letters adhered to a wooden backer with wood trim.

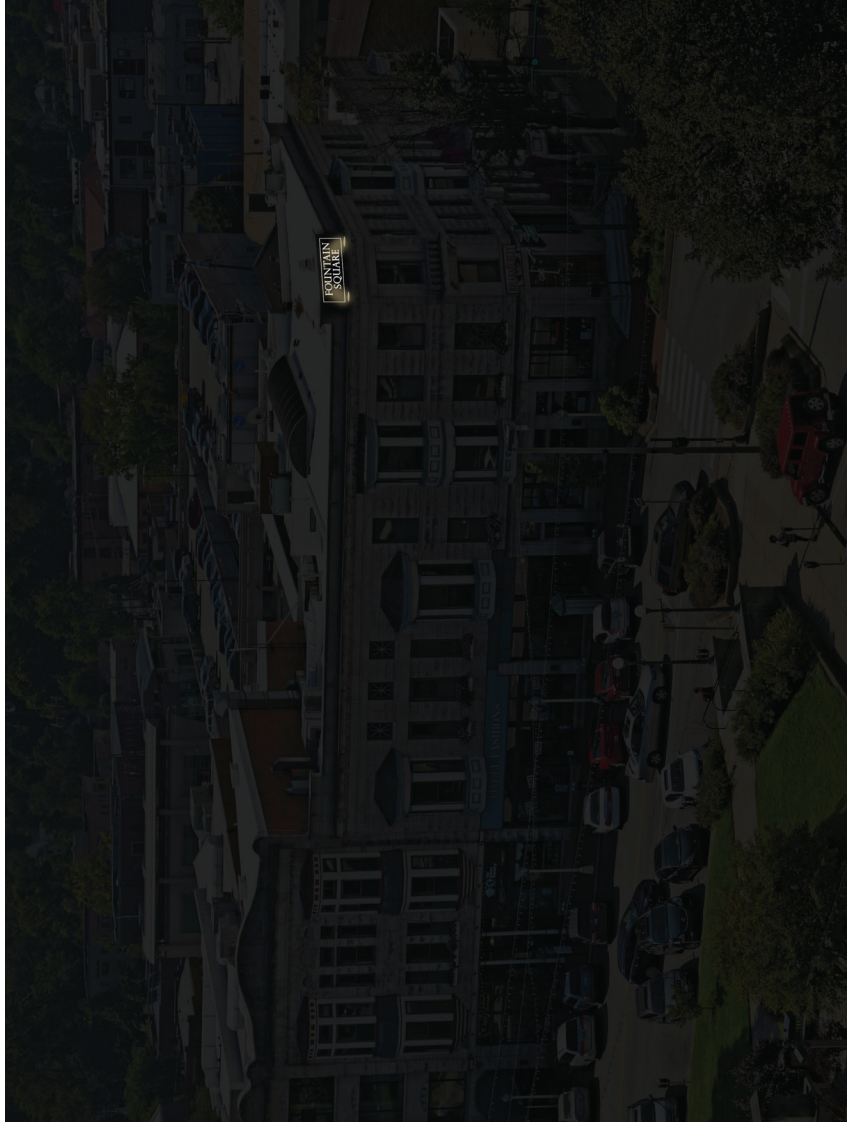
Maintenance for all signage will occur roughly every 5 years or on an as-needed basis.



Updated Sign Mockup proposes using the existing signage structure and updating the lettering using the same type of formed plastic or acrylic (currently used in the historic district). There is potential the sign backer may need to be replaced. If a replacement is required, a similar material or High Density Urethane (HDU) will be used (also used in the district). HDU is a synthetic material used in place of wood because it does not attract insects and it weighs less. If the existing material remains, it will be painted.

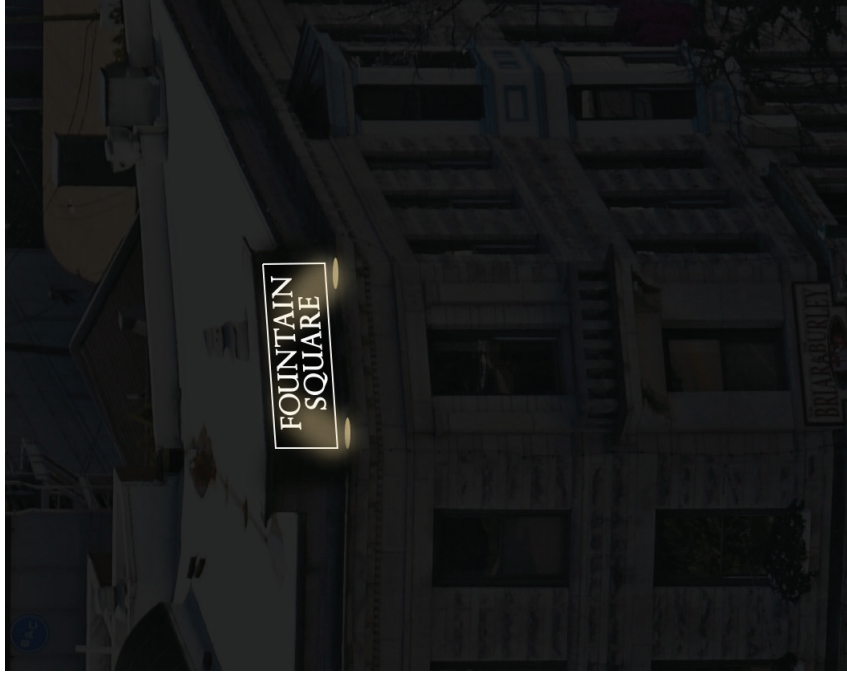
FOUNTAIN SQUARE

College Avenue Sign Mockup Continued... Lighting



Updated Sign Mockup with Lighting

Proposing to illuminate the sign from the base using 2 lights.



Proposed Lighting Style

Low rising ground lights.

THANK YOU

**BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
LOCATION: 202 N Walnut Street**

**CASE#: CU-11-22
DATE: April 21, 2022**

PETITIONER: Hat Rentals LLC
222 S Walnut St, Bloomington, IN

CONSULTANT: Matt Ellenwood, Matte Black Architecture
2021 E Wexley Rd, Bloomington, IN

REQUEST: The petitioner is requesting Conditional Use approval to allow the use “Student Housing or Dormitory” in the Mixed-Use Downtown (MD) zoning district to allow for one four-bedroom unit.

REPORT: The property is located at 202 N. Walnut Street and is currently zoned Mixed-Use Downtown (MD), in the Courthouse Square (CS) Character Area. All surrounding properties are also zoned MD-CS. The property contains one two-story building with commercial space on the first floor. The second floor has been previously used as a rental event space. The site is within the Courthouse Square Local Historic District, but no exterior changes to the facades of the building are planned to the site. A small roof patio is planned, and the Bloomington Historic Preservation Commission may require a Certificate of Appropriateness for that work if it is visible from a public right-of-way.

The petitioner is proposing to remodel the interior of the second floor to create one 4-bedroom rental dwelling unit. Since the proposed unit will contain 4 bedrooms, it is classified as the student housing or dormitory use. ‘Student housing or dormitory’ is listed as a conditional use in the MD zoning district and the petitioner is therefore requesting conditional use approval to allow for this remodel.

CRITERIA AND FINDINGS FOR CONDITIONAL USE PERMIT

20.06.040(d)(6) Approval Criteria

(B) General Compliance Criteria: All petitions shall be subject to review and pursuant to the following criteria and shall only be approved if they comply with these criteria.

- i. Compliance with this UDO
- ii. Compliance with Other Applicable Regulations
- iii. Compliance with Utility, Service, and Improvement Standards
- iv. Compliance with Prior Approvals

PROPOSED FINDING: There are use-specific standards that apply to student housing within the MD district. The UDO restricts the maximum floor plate for student housing uses in the MD district to 5,000 square feet per lot. The square footage of the proposed unit is approximately 2,900 square feet and therefore meets the 5,000 square foot maximum floor plate allowance. The maximum height allowed for the use in the MD-CS is 30 feet. This building meets the requirement. The petition complies with other applicable regulations, utility, service, and improvement standards as required by the general compliance criteria.

The petition request constitutes a change in use, which requires limited compliance with the Unified Development Ordinance. In this situation, the compliance required is adequate bicycle parking spaces, a review of the existing adjacent pedestrian facilities for functionality and compliance with the Americans with Disabilities Act, and possible additional street trees. The improvements will be handled with a staff-level minor site plan review.

(C) Additional Criteria Applicable to Conditional Uses

i. Consistency with Comprehensive Plan and Other Applicable Plans

The proposed use and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the Comprehensive Plan and any other applicable adopted plans and policies.

PROPOSED FINDING: This proposal is in line with the goals of the Comprehensive Plan. The Comprehensive Plan identifies this area as “Downtown.” While the Comprehensive Plan cautions against a proliferation of student-focused housing in the downtown, the reuse of a portion of a building to create one unit supports the need to reuse existing structures in the downtown, and add density without changing the historic form of the courthouse square character area.

ii. Provides Adequate Public Services and Facilities

Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, streets, potable water, sewer, stormwater management structures, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

PROPOSED FINDING: This site is well served by utility service and no problems with providing utility service to this site are expected. The 2 bus runs in front of the site, and a number of other bus lines are within 2 blocks. The 7-line is also only one block away from the site. One additional unit in a location that previously housed large gatherings should not put undue strain on surrounding public services. The petitioner will be required to satisfy bicycle parking requirements.

iii. Minimizes or Mitigates Adverse Impacts

1. *The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance.*
2. *The proposed development shall not cause significant adverse impacts on surrounding properties nor create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights.*
3. *The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood.*
4. *The petitioner shall make a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the pre-submittal*

neighborhood meeting for the specific proposal, if such a meeting is required.

PROPOSED FINDING: There are no natural or scenic features that will be impacted. The building is in a local historic district. No changes to the facades of the building are proposed. A small roof patio is planned, and the Bloomington Historic Preservation Commission may require a Certificate of Appropriateness for that work if it is visible from a public right-of-way. The creation of one four-bedroom unit is not expected to have any adverse impacts on surrounding properties. No nuisance regarding noise, smoke, odors, vibrations, lighting, or hours of operation is found. No pre-submittal neighborhood meeting is required.

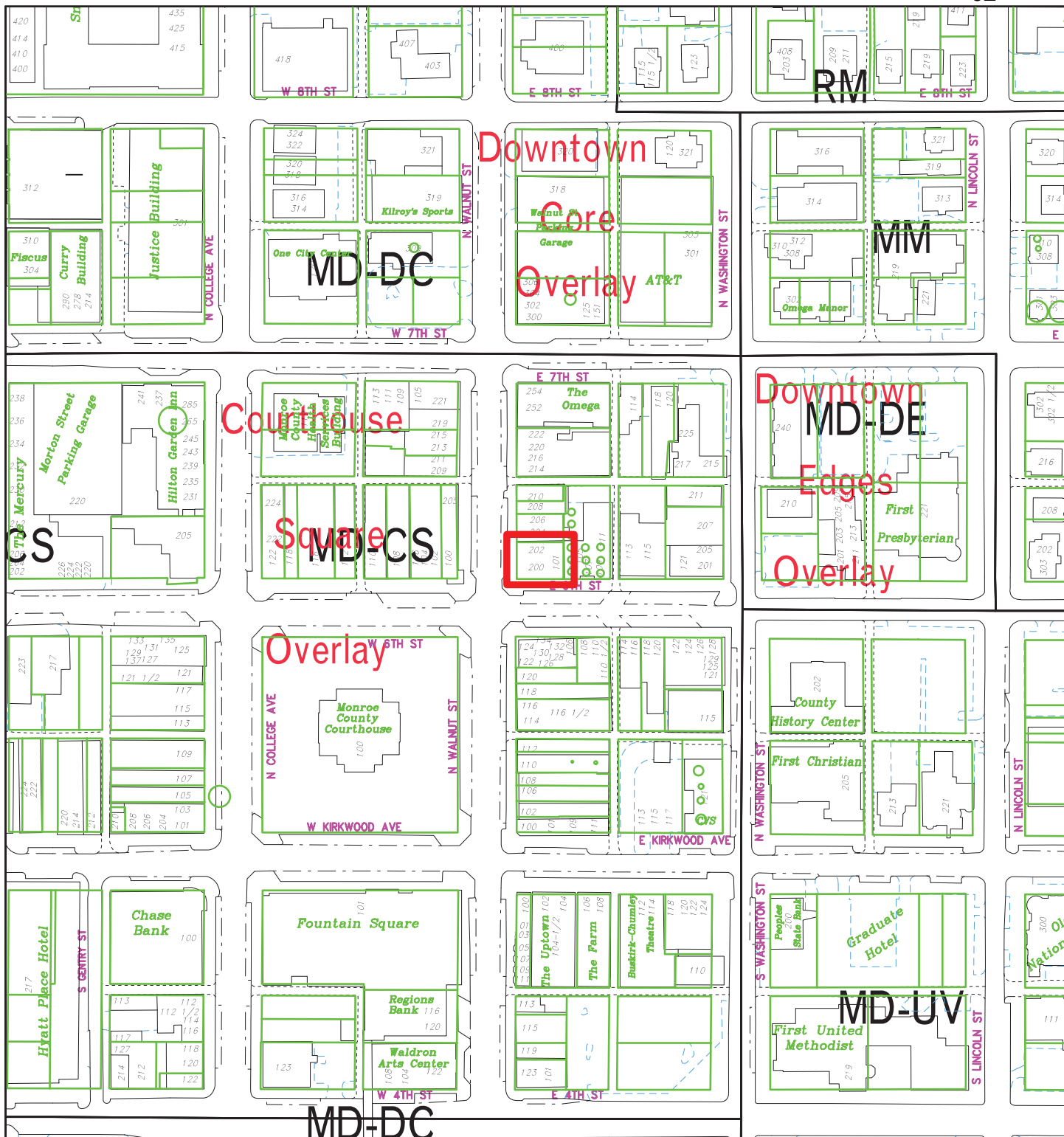
iv. Rational Phasing Plan

If the petition involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required to comply with the project's cumulative development to date and shall not depend upon subsequent phases for those improvements.

PROPOSED FINDING: No phasing is proposed with this plan.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopts the proposed findings and recommends approval of CU-11-22 with the following conditions:

1. This conditional use is limited to one 4-bedroom unit, as proposed in the filing documents.
2. A compliant minor site plan is required before issuance of a building permit.
3. A building permit is required before construction can begin.

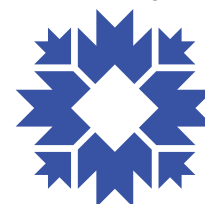


By: scanlanj
15 Apr 22

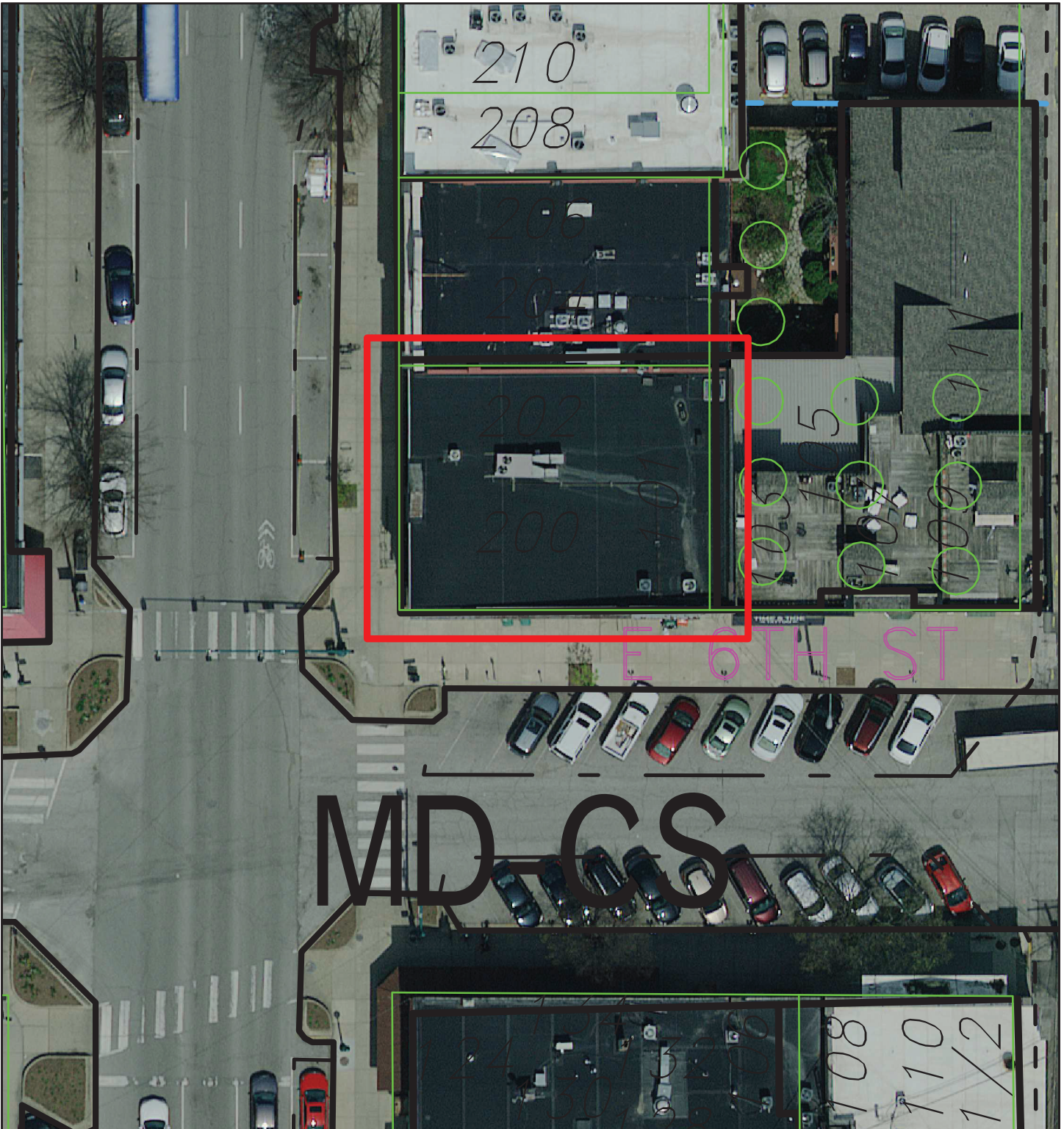


For reference only; map information NOT warranted.

City of Bloomington
Planning



Scale: 1" = 200'

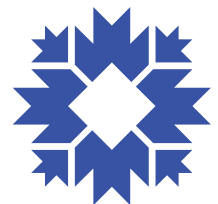


By: scanlanj
15 Apr 22



For reference only; map information NOT warranted.

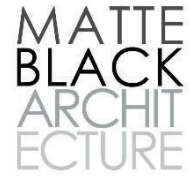
City of Bloomington
Planning



Scale: 1" = 30'

Petitioner Statement

202 N Walnut Street Apartment Conversion



March 24, 2022

On Behalf of:
Juan Carlos Carrasquel
222 S Walnut St
Bloomington, IN 47404
812.369.0785

City of Bloomington Board of Zoning Appeals,

Please find the included documents and drawings for your reference in the Conditional Use Variance application for the conversion of a 2nd floor commercial space (currently vacant) into a single 4 bedroom apartment. The owner wishes to create a single apartment rather than multiple smaller units due to the limitations of the building code which would require either a separate additional stair or more expensive sprinkler system with more than a single unit (R3 occupancy). Our understanding is that the current zoning considers this a multi-family use and doesn't allow even single units with 4 or more bedrooms outside of student housing zones but that the recently proposed UDO amendments would allow such a use (pending city council approval). We would like to proceed with the project as soon as possible and therefore seek this variance.

Thanks for your time and consideration and please let us know if you have any questions.

A handwritten signature in black ink that reads "Matt Ellenwood".

Matt Ellenwood, AIA

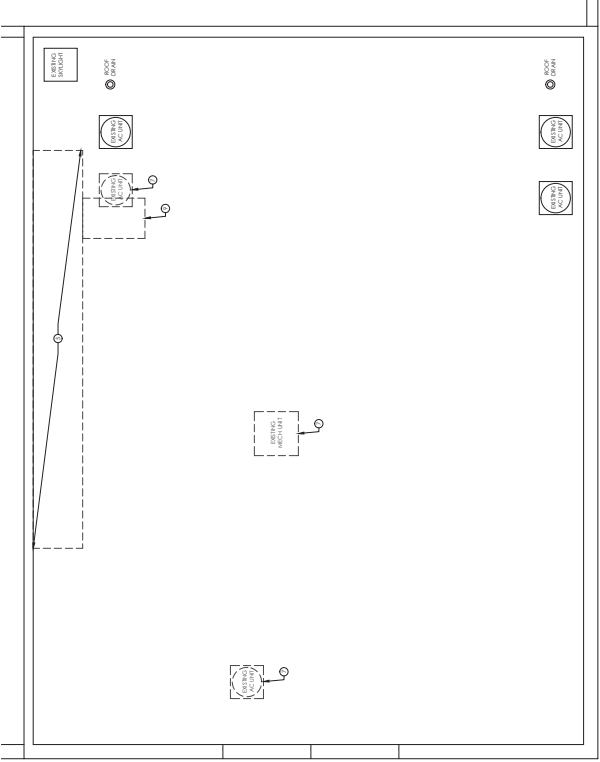


DATE 12.7.21
ISSUE PERMIT
JOB NO. 21-07
DRAWN BY MBE

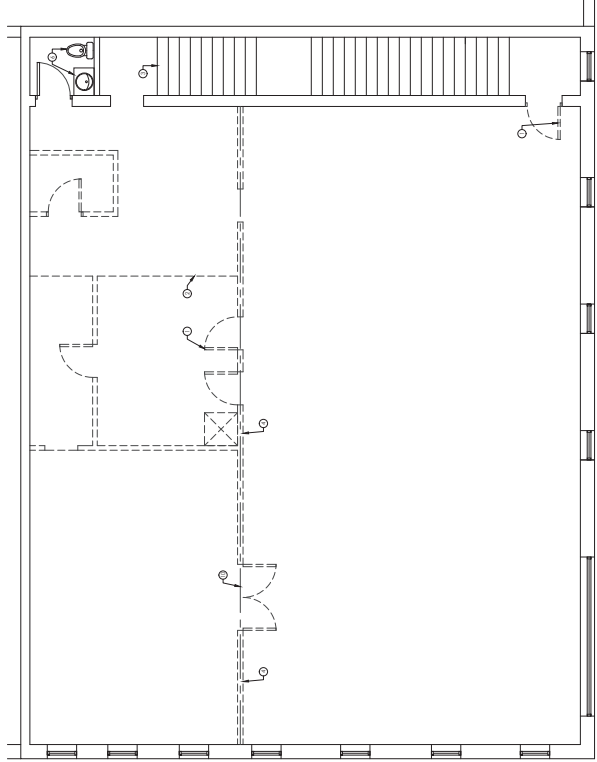
MATTEBLACK ARCHITECTURE
1515 LAMAR AVENUE, SUITE 100
BLOOMINGTON, IN 47403
TEL: 317.344.1111
WWW.MATTEBLACKARCHITECTURE.COM

- GENERAL DEMOLITION NOTES**
- ALL DASHED BEAMS TO BE REMOVED.
 - CONTRACTOR SHALL VERIFY IN FIELD LIMITS OF DEMOLITION REQUIRED BASED ON NEW WORK.
 - REFERENCE OTHER DRAWINGS FOR ADDITIONAL BEAMS TO BE REMOVED TO BEAD AND COORDINATE INFORMATION.
 - PROJECT AND SECURE STRUCTURES WHEN REMOVING BEAMS. NOTIFY ARCHITECT OF ANY STRUCTURAL CONCERNS.
 - WHERE REMOVAL OF BEAMS LEAVES HOLES AND UNFINISHED WORK, PATCH AND REPAIR TO MATCH ADJACENT FINISHED SURFACES.

- DEMOLITION PLAN KEY NOTES**
- REMOVE EXIST. DOOR, TYP.
 - REMOVE EXIST. WALL, TYP.
 - EXIST. INTERIOR STAIRS TO REMAIN
 - EXISTING BEARING WALL. REF. STRUCT FOR NEW SPOOF
 - REMOVE EXISTING FLOORING THIS AREA FOR NEW STAIR WORK. PATCH AND REPAIR TO MATCH ADJACENT FINISHED SECTIONS.
 - EXISTING BATHROOM TO REMAIN
 - RELOCATE EXISTING AC UNIT. SEE ROOF PLAN FOR NEW LOCATION
 - REMOVE EXIST. CEILING FOR STRUCTURAL UPGRADE
 - FUTURE GREASE EXHAUST AREA.
 - NEW REINFORCING BEAMS ABOVE PER STRUCT.



02
D1.0
ROOF DEMOLITION PLAN
SCALE: 1/8" = 1'-0"

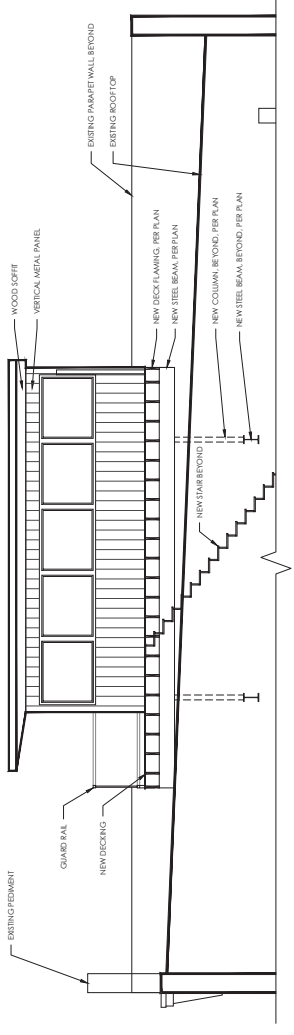


01
D1.0
SECOND FLOOR DEMOLITION PLAN
SCALE: 1/8" = 1'-0"

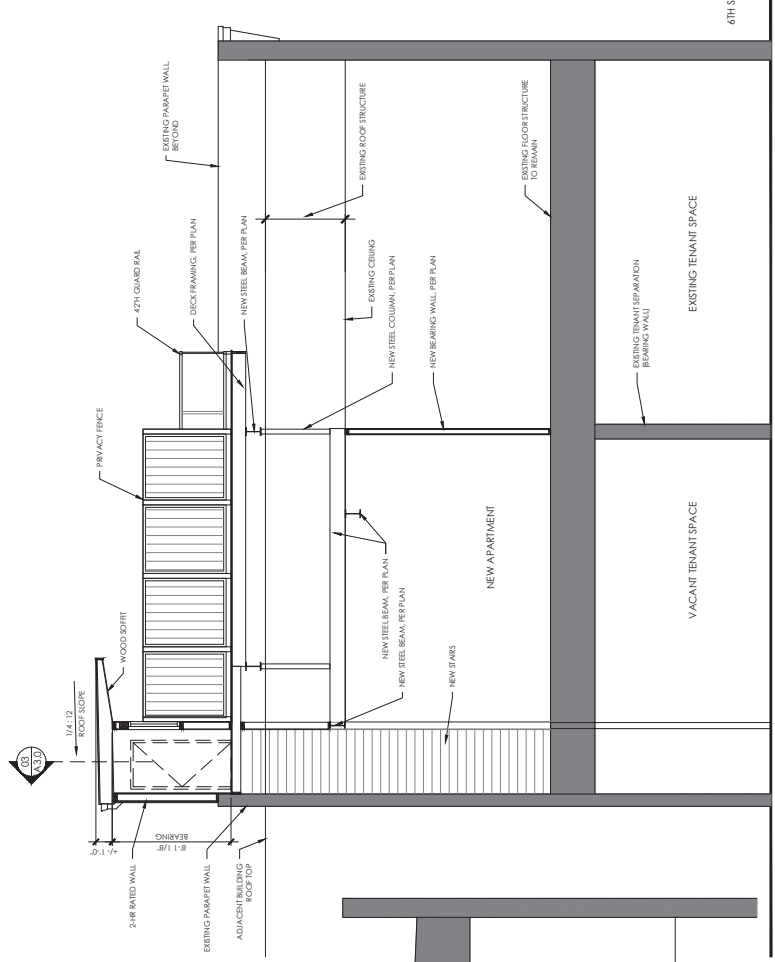


DATE 12.7.21
ISSUE PERMIT
JOB NO. 21-07
DRAWN BY MDE

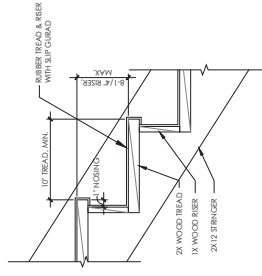
MATTEBLACK ARCHITECTURE
1555 LAMAR AVENUE, SUITE 100
BLOOMINGTON, IN 47403
TEL: 317.340.0000
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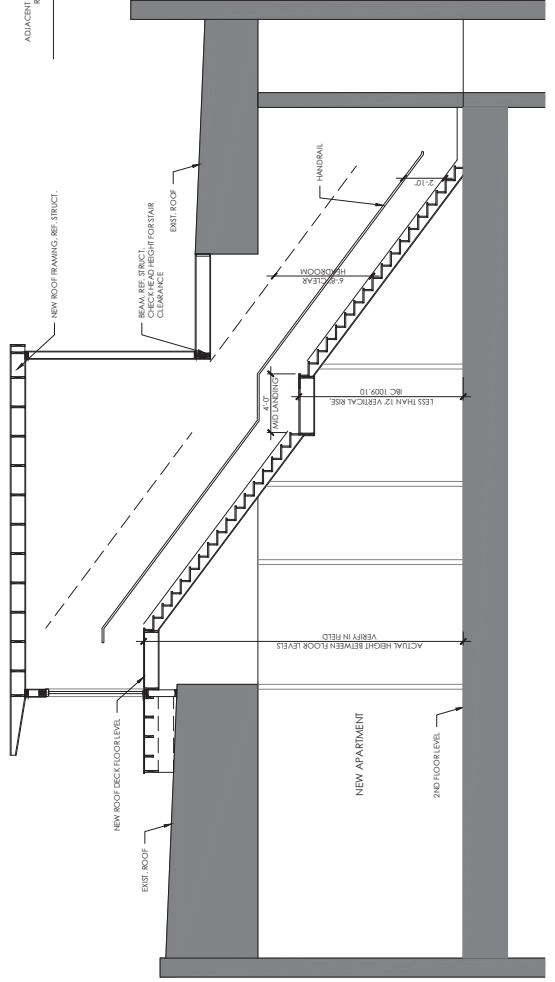
02 PARTIAL SOUTH ELEVATION
A3.0 SCALE: 1/4" = 1'-0"



01 NORTH-SOUTH BUILDING SECTION
A3.0 SCALE: 1/4" = 1'-0"



04 STAIR DETAIL
A3.0 SCALE: 1-1/2" = 1'-0"



03 NEW STAIR SECTION
A3.0 SCALE: 1/4" = 1'-0"

SECTION 714.3.1 AND 714.3.2. THROUGH AND MEMBRANE PENETRATIONS: THROUGH AND MEMBRANE PENETRATIONS IN FIRE-RESISTIVE WALLS SHALL BE FIREFSTOPPED IN ACCORDANCE WITH THIS SECTION. (ELECTRICAL AND PLUMBING PENETRATIONS, ELECTRICAL OUTLETS BACK TO BACK WITHIN 24" HORIZONTALLY, RECESSED ELECTRICAL PANELS, RECESSED FIRE EXTINGUISHER CABINETS, LAUNDRY WASHER BOXES, DRYER VENT BOXES, REFRIGERATOR WATER BOXES, TUB/SHOWER CONTROLS AND OTHER SIMILAR PENETRATIONS.)

SECTION 714.4.1.1 AND 714.4.1.2. HORIZONTAL ASSEMBLY THROUGH AND MEMBRANE PENETRATIONS: PENETRATIONS OF A FLOOR, FLOOR/CEILING ASSEMBLY OR THE CEILING MEMBRANE OF A ROOF/CEILING ASSEMBLY SHALL BE FIREFSTOPPED IN ACCORDANCE WITH THIS SECTION. (THE CEILING FIRE-RESISTIVE MEMBRANE IS NOT TO BE INTERRUPTED BY RECESSED LIGHT FIXTURES, CEILING DIFFUSERS, RETURN AIR GRILLES OR EXHAUST FANS UNLESS OTHER FIRE-RESISTIVE PROVISIONS ARE MADE SUCH AS FIRE-RESISTIVE BOXING OR TENIS AROUND LIGHT FIXTURES AND CEILING SPEAKERS, AND CEILING RADIATION FIRE DAMPERS. ALL FLOOR DECK PENETRATIONS ARE TO BE FIREFSTOPPED WITH AN APPROVED FIREFSTOPPING SYSTEM.)

SECTION 718.2. FIREBLOCKING: IN COMBUSTIBLE CONSTRUCTION, FIREBLOCKING SHALL BE INSTALLED TO CUT OFF CONCEALED DRAFT OPENINGS (BOTH VERTICAL AND HORIZONTAL) AND SHALL FORM AN EFFECTIVE BARRIER BETWEEN FLOORS, BETWEEN A TOP STORY AND A ROOF OR ATTIC SPACE. FIREBLOCKING SHALL BE INSTALLED IN THE LOCATIONS SPECIFIED IN SECTIONS 718.2 THROUGH 718.2.7.

SECTION 718.3.1. DRAFTSTOPPING MATERIALS: DRAFTSTOPPING MATERIALS SHALL NOT BE LESS THAN 1/2" GYPSUM BOARD, 3/8" WOOD STRUCTURAL PANEL, 3/8" PARTICLEBOARD, 1" NOMINAL LUMBER, CEMENT FIBERBOARD, BATS OR BLANKETS OF MINERAL WOOL OR GLASS FIBER OR OTHER APPROVED MATERIALS ADEQUATELY SUPPORTED.

SECTION 903.3.2. QUICK-RESPONSE AND RESIDENTIAL SPRINKLERS: WHERE AUTOMATIC SPRINKLER SYSTEMS ARE REQUIRED BY THIS CODE, QUICK-RESPONSE OR RESIDENTIAL AUTOMATIC SPRINKLERS SHALL BE INSTALLED IN DWELLING UNITS, GUESTROOMS AND SLEEPING ROOMS IN GROUP R.

SECTION 903.3.3. OBSTRUCTED LOCATIONS: AUTOMATIC SPRINKLERS SHALL BE INSTALLED WITH DUE REGARD TO OBSTRUCTIONS THAT WILL DELAY ACTIVATION OR OBSTRUCT THE WATER DISTRIBUTION PATTERN. AUTOMATIC SPRINKLERS SHALL BE INSTALLED IN OR UNDER COVERED KIOSKS, DISPLAYS, BOOTHS, CONCESSION STANDS OR EQUIPMENT THAT EXCEEDS 4 FEET IN WIDTH.

SECTION 903.4. SPRINKLER SYSTEM SUPERVISION AND ALARMS: ALL VALVES CONTROLLING THE WATER SUPPLY FOR AUTOMATIC SPRINKLER SYSTEMS AND WATER-FLOW SWITCHES ON ALL SPRINKLER SYSTEMS SHALL BE ELECTRICALLY SUPERVISED. THIS INCLUDES THE VALVES IN THE SPRINKLER BACKFLOW PREVENTION PIT AND THE PIV VALVE.)

SECTION 903.4.2. AUTOMATIC SPRINKLER SYSTEMS ALARMS: LISTED AUDIBLE AND VISIBLE DEVICES SHALL BE CONNECTED TO EVERY AUTOMATIC SPRINKLER SYSTEM. ALARM DEVICES SHALL BE PROVIDED ON THE EXTERIOR OF THE BUILDING FACING THE PUBLIC STREET, ROAD OR HIGHWAY THAT IS IN ACCORDANCE WITH ITS LEGAL ADDRESS. (PROVIDE AN AUDIBLE & VISUAL FLOW ALARM ON THE EXTERIOR OF THE BUILDING FACING THE DRIVEWAY.)

SECTION 907.5.2.1.1. ALARM NOTIFICATION: AUDIBLE ALARM NOTIFICATION APPLIANCES SHALL BE PROVIDED AND SHALL SOUND A DISTINCTIVE SOUND THAT IS AT A SOUND LEVEL OF 15 DECIBELS ABOVE THE AMBIENT SOUND LEVEL OR 5 DBA ABOVE THE MAXIMUM SOUND LEVEL HAVING A DURATION OF 60 SECONDS AND HEARD CAN BE HEARD IN EVERY OCCUPIED SPACE.

SECTION 907.2.1.2. MAXIMUM SOUND PRESSURE: THE MAXIMUM SOUND PRESSURE LEVEL FOR AUDIBLE ALARM NOTIFICATION APPLIANCES SHALL BE 110 DBA AT THE MINIMUM DISTANCE FROM THE AUDIBLE APPLIANCE. WHERE THE AVERAGE AMBIENT NOISE IS GREATER THAN 95 DBA, VISIBLE ALARM NOTIFICATION APPLIANCES SHALL BE PROVIDED IN ACCORDANCE WITH NFPA 72. (PROVIDE HORN/STROBE(S) IN THE EXTERIOR EGRESS WALKWAYS AS REQUIRED.)

SECTION 1803.1. FOUNDATION AND SOILS INVESTIGATION: A QUALIFIED INDEPENDENT SOIL TESTING AGENCY IS TO VERIFY THAT ALL EXCAVATIONS AND BACKFILL OPERATIONS MEET THE SPECIFIED SOIL BEARING CAPACITY OF 2,000 PSF FOR SPREAD COLUMN FOOTINGS AND WALL FOOTINGS TO ASSURE ALL FOUNDATIONS ARE PLACED ON MATERIAL CAPABLE OF SUSTAINING THE DESIGN BEARING PRESSURE. NOTIFY THE ARCHITECT AND THE BUILDING DEPARTMENT OF ANY UNSUITABLE BEARING CONDITIONS.

SECTION 2303.4.1.2. PERMANENT INDIVIDUAL TRUSS MEMBER RESTRAINT: WHERE PERMANENT RESTRAINT OF TRUSS MEMBERS IS REQUIRED ON THE TRUSS DESIGN DRAWINGS, IT SHALL BE ACCOMPLISHED BY ONE OF THE FOLLOWING METHODS: PERMANENT INDIVIDUAL TRUSS MEMBER RESTRAINT/BRACING SHALL BE INSTALLED USING STANDARD INDUSTRY LATERAL RESTRAINT/BRACING DETAILS IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICE. (SEE BUILDING COMPONENT SAFETY INFORMATION (BCSI) BY TRUSS PLATE INSTITUTE (PTI) FOR RECOMMENDED PERMANENT DIAGONAL BRACING STANDARDS.)

SECTION 2308.10.1. WIND UPLIFT: THE ROOF CONSTRUCTION SHALL HAVE RAFTER AND TRUSS TIES TO THE WALL BELOW. RESULTANT UPLIFT LOADS SHALL BE TRANSFERRED TO THE FOUNDATION USING A CONTINUOUS LOAD PATH. THE RAFTER OR TRUSS TO WALL CONNECTION SHALL COMPLY WITH TABLE 2304.9.1 OR 2308.10.1. (PROVIDE TRUSS TIE DOWNS AT THE WALL PLATES.)

SECTION 2304.9.5 & 2304.9.5.1. FASTENERS AND CONNECTORS: FASTENERS FOR PRESERVATIVE-TREATED AND FIRE-RETARDANT-TREATED WOOD SHALL BE OF HOT-DIPPED ZINC COATED GALVANIZED STEEL, STAINLESS STEEL, SILICON BRONZE OR COPPER.

INDIANA FIRE CODE, 2008

ARTICLE 506. KEY BOXES: WHENEVER THE SERVICING FIRE DEPARTMENT HAS INSTITUTED A KEY BOX EMERGENCY ACCESS SYSTEM, A KEY BOX COMPATIBLE WITH THAT SYSTEM SHALL BE INSTALLED IN AN ACCESSIBLE LOCATION IF THE BUILDING IS PROTECTED WITH AN AUTOMATIC SPRINKLER SYSTEM OR EQUIPPED WITH A LOCAL OR TRANSMITTED WATER-FLOW ALARM

SECTION 903. AUTOMATIC SPRINKLER SYSTEMS: FIRE ALARM SYSTEMS; FIRE HYDRANT SYSTEMS; FIRE-EXTINGUISHING SYSTEMS, INCLUDING AUTOMATIC SPRINKLERS AND STANDPIPES; AND OTHER FIRE-PROTECTION SYSTEM APPURTENANCES THERETO (VALVE PIT, VALVES, BACKFLOW PREVENTOR AND FIRE DEPARTMENT CONNECTIONS) SHALL BE INSTALLED, LOCATED, INSPECTED, MAINTAINED AND TESTED IN ACCORDANCE WITH THE RULES OF THE COMMISSION. (VERIFY WATER SERVICE LINE SIZE, FLOW CALCULATIONS, HYDRANT, VALVE PIT, HOSE CONNECTION AND OTHER EQUIPMENT LOCATIONS WITH THE FIRE JURISDICTION AND THE CITY OF BLOOMINGTON UTILITIES.)

SECTION 907.17. ALARM ACCEPTANCE TESTS: UPON COMPLETION OF THE INSTALLATION OF THE FIRE ALARM SYSTEM, ALARM NOTIFICATION APPLIANCES AND CIRCUITS, ALARM-INITIATING DEVICES AND CIRCUITS, SUPERVISORY-SIGNAL INITIATING DEVICES AND CIRCUITS, SIGNALING LINE CIRCUITS, AND PRIMARY AND SECONDARY POWER SUPPLIES SHALL BE TESTED IN ACCORDANCE WITH NFPA 72.



DATE 12/21
ISSUE PERMIT
JOB NO. 21-07
DRAWN BY MDE

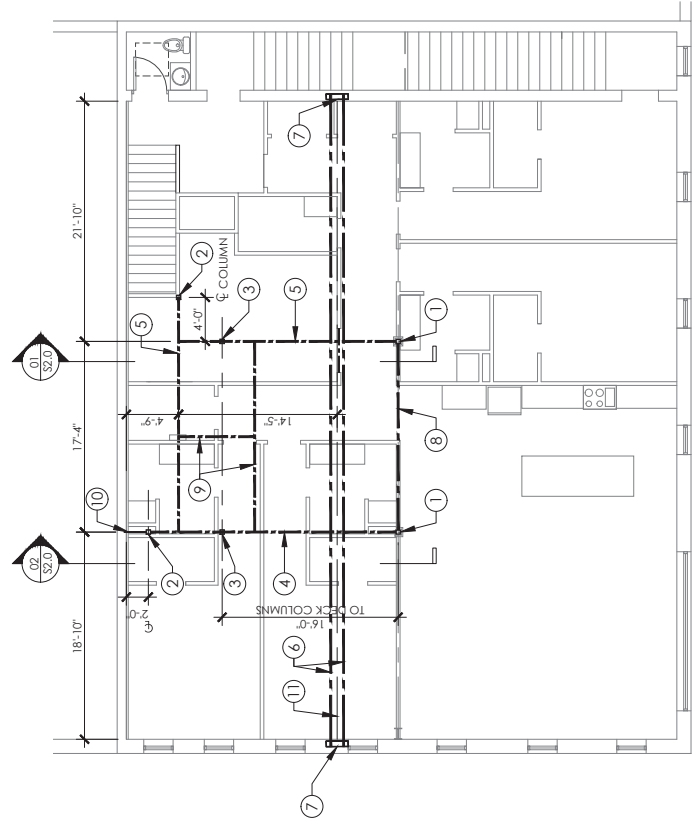
MATTHEW BLACK ARCHITECTURE
10500 N. WALKER BLVD. SUITE 100
BLOOMINGTON, IN 47403
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WWW.MATTHEWBBLACKARCHITECTURE.COM



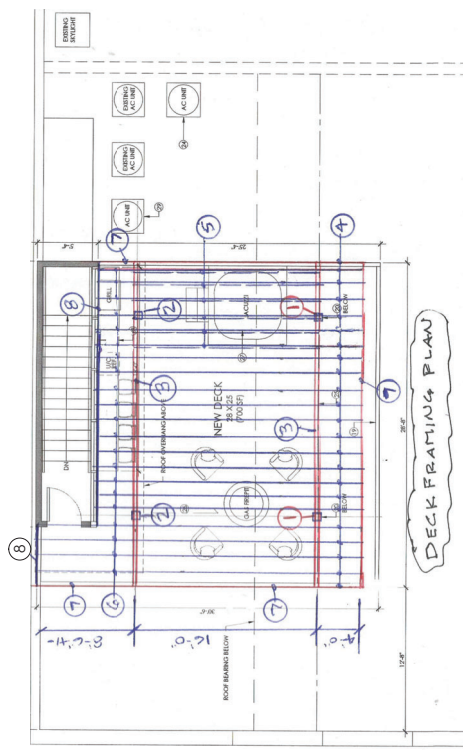
MATTEBLACK ARCHITECTURE
1550 LAMAR AVENUE, SUITE 100
BLOOMINGTON, IN 47403
TEL: 317.344.1111
WWW.MATTEBLACKARCHITECTURE.COM

- 2ND FLOOR FRAMING KEY NOTES:**
- 1) 4" X 4" 3/8" TC COLUMN ON TOP OF STEEL BEAM BELOW EXISTING WALL TO BE REMOVED
 - 2) 4" X 4" 3/8" TC COLUMN TO RISEMENT
 - 3) 8" X 8" 3/8" TC COLUMN TO FOOT DECK ABOVE
 - 4) 4" X 4" 3/8" TC COLUMN TO FOOT DECK ABOVE
 - 5) W14 X 48 STEEL BEAM
 - 6) W12 X 45 STEEL BEAM
 - 7) W10 X 28 STEEL BEAM PLACED 1/4 APART
 - 8) 8" BEAM EMBED INTO WALL - 4" X 2 X 1/4" STEEL BEARING PLATE
 - 9) W12 X 22 STEEL BEAM BETWEEN COLUMNS
 - 10) W4 X 13 LIME SPAN BEAM FOR C/P FLANGE BRACING
 - 11) 24" LONG 5" X 3/8" STEEL ANGLE ATTACHED TO BEAM AND FINISHED TO BRICK WALL
 - 12) EXISTING WALL TO BE REMOVED

- DECK FRAMING KEY NOTES:**
- 1) 4" X 4" 3/8" TC COLUMN TO TOP OF BEAM BEARING ON EXISTING WALL
 - 2) 4" X 4" 3/8" TC COLUMN TO TOP OF BEAM IN 2ND FLOOR CEILING
 - 3) W12 X 35 STEEL BEAM
 - 4) 2 X 12 JOISTS AT 16" O.C. (20' LONG)
 - 5) 2 X 12 JOISTS AT 16" O.C. (20' LONG)
 - 6) 2 X 12 BOND JOIST
 - 7) 2 X 8 BEDGE BOARD



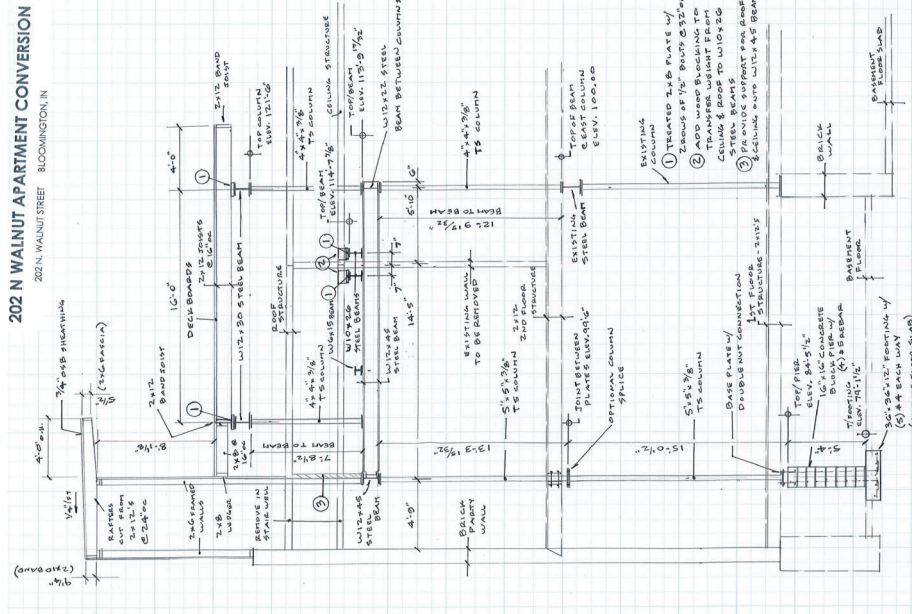
01 SECOND FLOOR STEEL FRAMING PLAN
SCALE: NOT TO SCALE



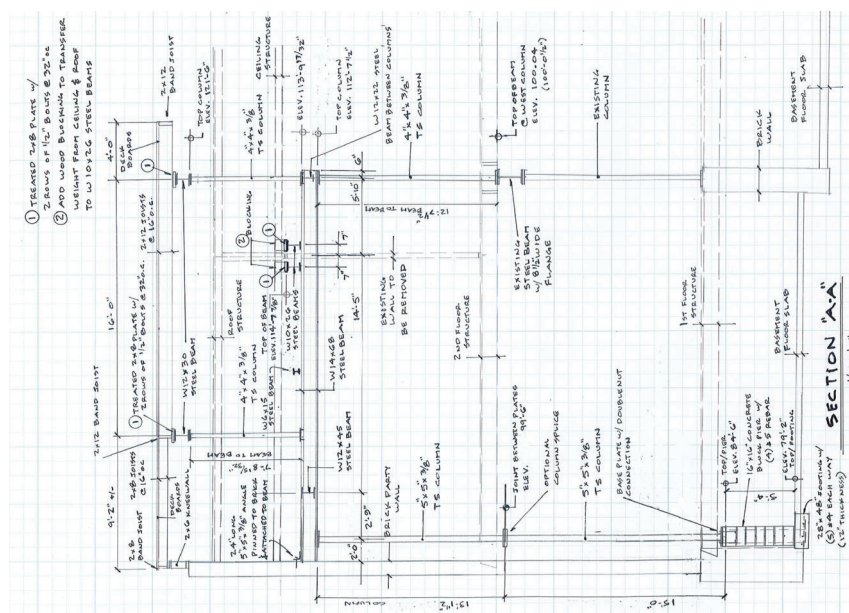
02 ROOF DECK FRAMING PLAN
SCALE: NOT TO SCALE



202 N WALNUT APARTMENT CONVERSION
202 N. WALNUT STREET BLOOMINGTON, IN



01 SECTION 'B-B'
SCALE: 1/4" = 1'-0"



02 SECTION 'A-A'
SCALE: 1/4" = 1'-0"

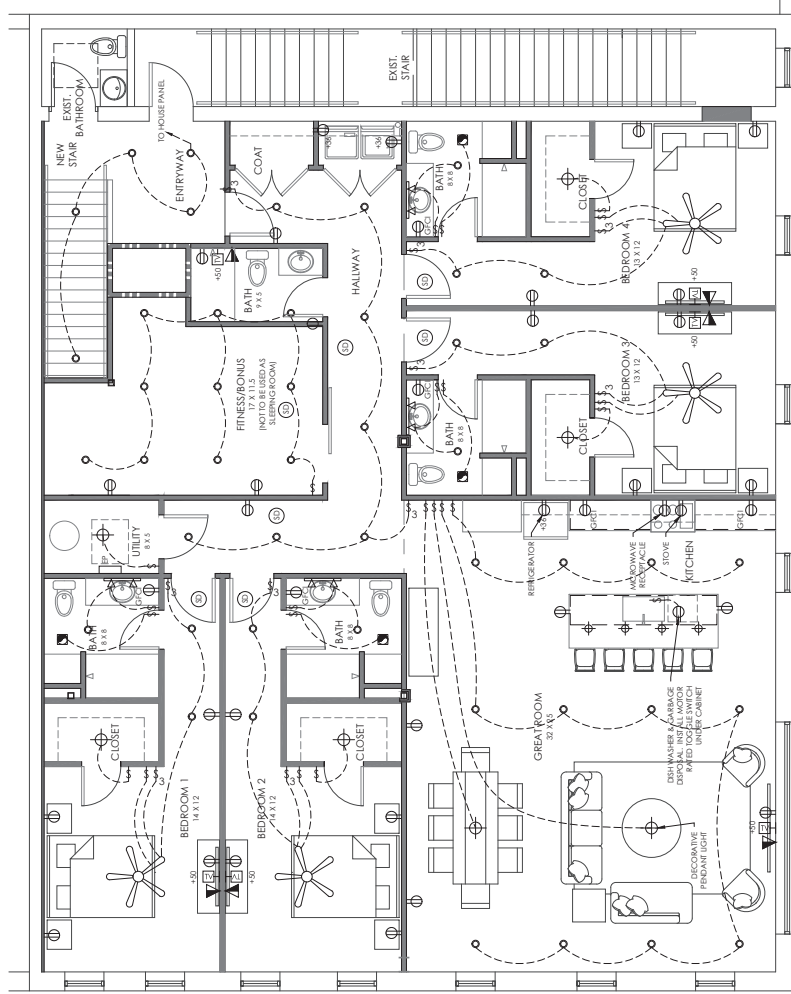


DATE 12/21
 ISSUE PERMIT
 JOB NO. 21-07
 DRAWN BY MDE

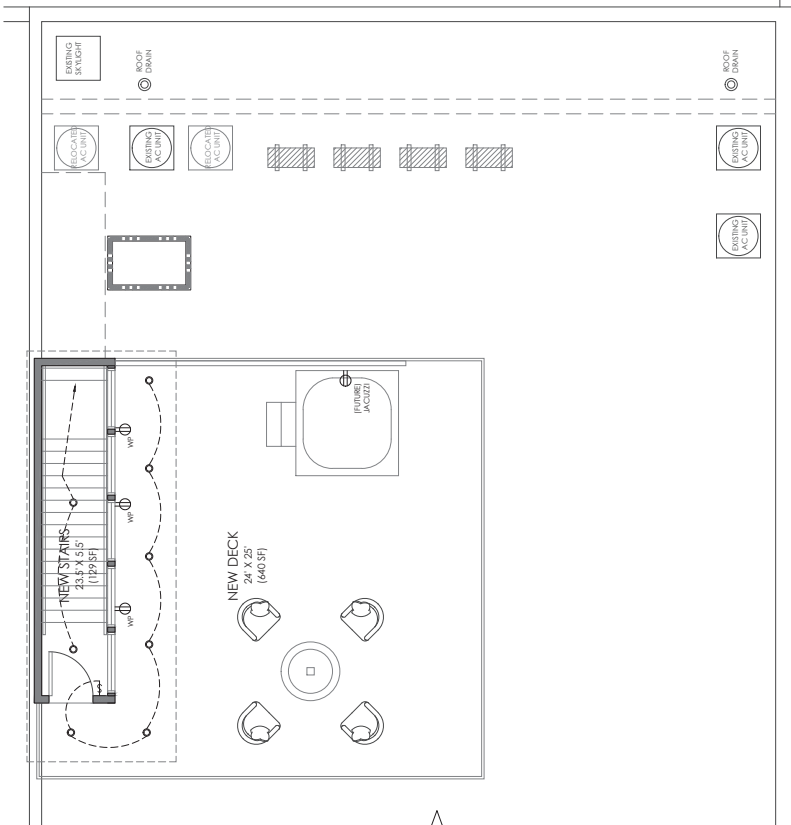
MATTEBLACK ARCHITECTURE
 1000 N. WALNUT STREET, SUITE 200
 BLOOMINGTON, IN 47404
 TEL: 317.346.1494
 WWW.MATTEBLACKARCHITECTURE.COM

- ELECTRICAL GENERAL NOTES & SPECIFICATIONS**
1. SEE OWNER'S SPECIFICATIONS FOR ALL ELECTRICAL REQUIREMENTS AND SPECIFICATIONS. ALL ELECTRICAL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL LOCAL ORDINANCES. ALL ELECTRICAL WORK SHALL BE PERFORMED BY A LICENSED ELECTRICIAN.
 2. ALL INSTALLATION SHALL BE IN STRICT COMPLIANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL LOCAL ORDINANCES. ALL ELECTRICAL WORK SHALL BE PERFORMED BY A LICENSED ELECTRICIAN.
 3. ALL BRANCH WIRING TO BE COPPER, #12 AWG THHN FOR ALL WIRING EXCEPT FOR LIGHTING WIRING TO BE COPPER, #14 AWG THHN FOR ALL WIRING EXCEPT FOR LIGHTING WIRING.
 4. ALL ELECTRICAL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL LOCAL ORDINANCES. ALL ELECTRICAL WORK SHALL BE PERFORMED BY A LICENSED ELECTRICIAN.
 5. ELECTRICAL WORK SHALL BE IN STRICT COMPLIANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL LOCAL ORDINANCES. ALL ELECTRICAL WORK SHALL BE PERFORMED BY A LICENSED ELECTRICIAN.
 6. ELECTRICAL WORK SHALL BE IN STRICT COMPLIANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL LOCAL ORDINANCES. ALL ELECTRICAL WORK SHALL BE PERFORMED BY A LICENSED ELECTRICIAN.
 7. ALL COVER PLATES SHALL BE WHITE UNLESS OTHERWISE NOTED IN THE ELECTRICAL PLANS.
 8. ALL DISTRIBUTION PANELS SHALL HAVE TYPE WRITERS LABEL.

- POWER & LIGHTING LEGEND**
- 120V DUPLEX RECEPT. 1/2" A.F.F. TO BOTTOM UNO
 - GROUND FAULT CIRCUIT INTERRUPTER - 48" A.F.F. TO BOTTOM UNO
 - 120V RECEPT. WATERPROOF OUTLET - GFCI
 - 120V DUPLEX RECEPT. AND USB CHARGING PORT - 45" TO BOTTOM UNO
 - TV OUTLET
 - TELEPHONE/DATA OUTLET
 - 120V SINGLE POLE SWITCH - 48" A.F.F. TO TOP
 - 120V THREE-WAY SWITCH - 48" A.F.F. TO TOP
 - 120V SINGLE POLE SWITCH WITH DIMMER - 48" A.F.F. TO TOP
 - RECESSED LED CAN REFRIG. DIMMABLE
 - CEILING MOUNTED PENDANT LIGHT FIXTURE
 - WALL MOUNTED LIGHT FIXTURE
 - CEILING FAN WITH INTEGRAL LIGHT
 - SEPARATE SWITCH FOR FAN SPEED CONTROL
 - OVERMARCH VANTY FIXTURE
 - EXHAUST FAN
 - EXIT SIGN
 - 120V BATTERY BACKUP SMOKE DETECTOR INTERCONNECTED



01 POWER & LIGHT PLAN - SECOND FLOOR
 E1.0 / SCALE: 1/4" = 1'-0"



02 POWER & LIGHT PLAN - ROOF DECK
 E1.0 / SCALE: 1/4" = 1'-0"



DATE 12/2/21

ISSUE PERMIT

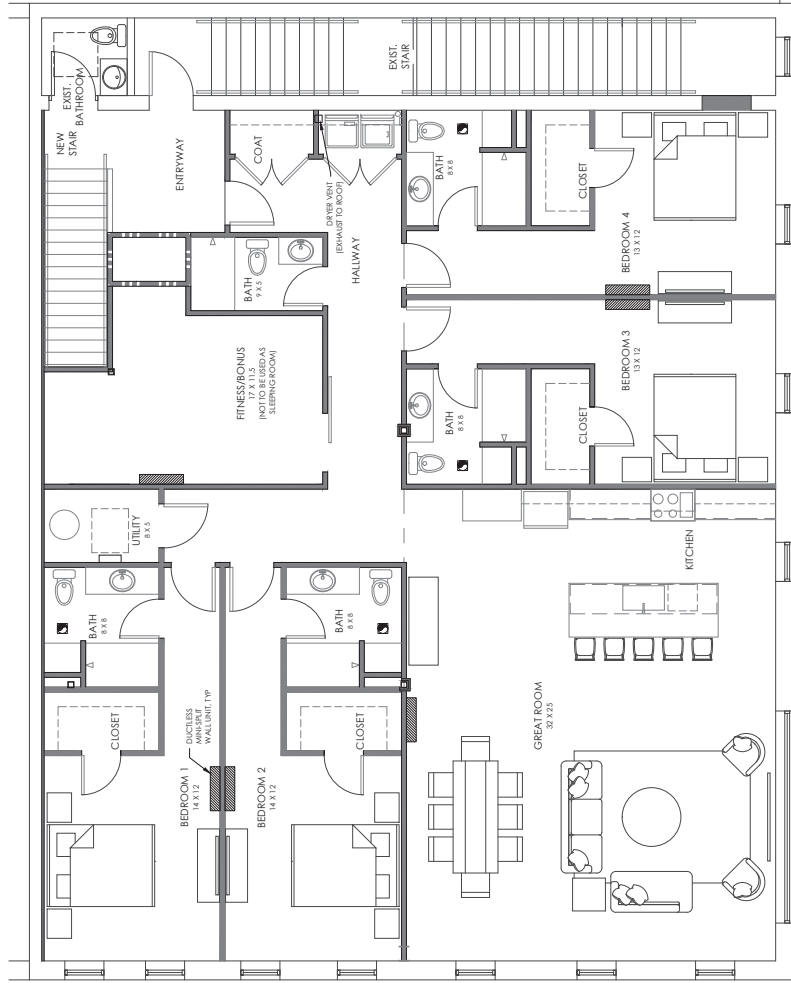
JOB NO. 21-07

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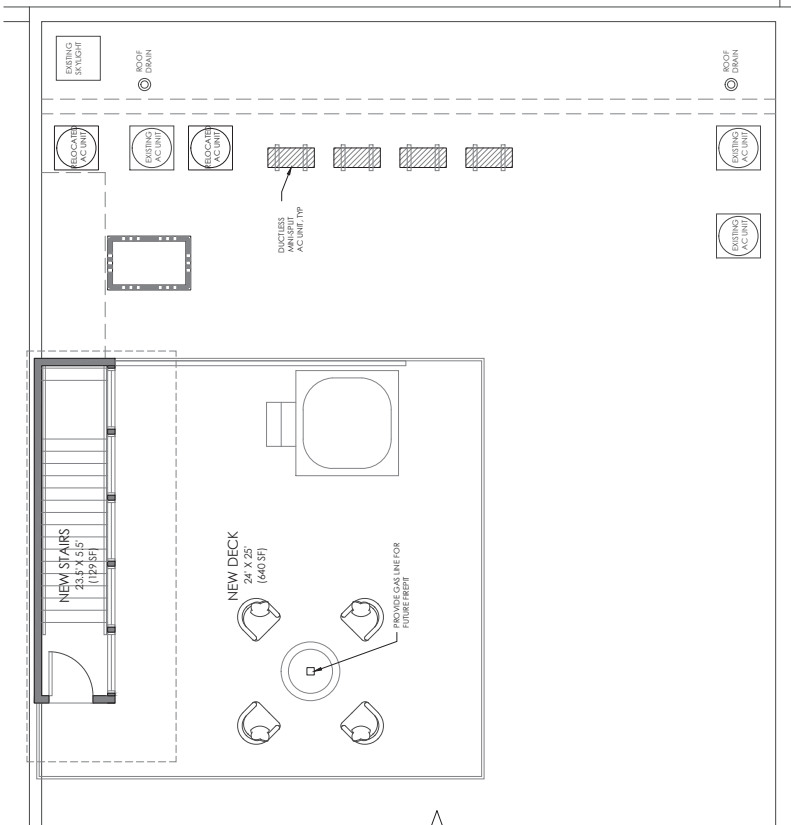
MATTEBLACK ARCHITECTURE
1023 LAKE PARK BL. #304
WALTONVILLE, IN 47391
TEL: 317.846.4242
WWW.MATTEBLACKARCHITECTURE.COM

HVAC GENERAL NOTES & SPECIFICATIONS

1. ALL WORK SHOWN ON THIS PLAN IS REQUIRED, UNLESS NOTED OTHERWISE BY THE ARCHITECT.
2. ALL INSULATION SHALL BE SUBJECT COMPLIANCE WITH THE 2019 INTERNATIONAL ENERGY CONSERVATION CODE (IECC) HVAC 17.4 (COVERING OF APART STANDARD 61.1.2007) AND THE 2019 INTERNATIONAL MECHANICAL CODE (IMC) SECTION 1107.1 (REQUIREMENTS FOR UNFINISHED ATTIC SPACE) AND THE 2019 INTERNATIONAL MECHANICAL CODE (IMC) SECTION 1107.1.1 (REQUIREMENTS FOR UNFINISHED ATTIC SPACE).
3. HVAC CONTRACTOR SHALL COORDINATE WITH THE ELECTRICAL CONTRACTOR FOR ALL ELECTRICAL REQUIREMENTS OF ACTUAL HVAC EQUIPMENT (UNIT).
4. HVAC CONTRACTOR SHALL COORDINATE WITH ELECTRICAL CONTRACTOR FOR ALL ELECTRICAL REQUIREMENTS OF ACTUAL HVAC EQUIPMENT (UNIT).
5. HVAC CONTRACTOR SHALL COORDINATE WITH GENERAL CONTRACTOR FOR ALL REQUIREMENTS OF SEE, LOCATION, SCHEDULES, ETC. OF ALL RING ROOF AND EXTERIOR WALLS TO BE REPAIRED FOR INSTALLATION OF HVAC SYSTEMS AND EXTERIOR WALLS.
6. EXTERIOR PVC CONDENSATION DRAIN TO 2" STAINLESS STEEL COORDINATE WITH PLUMBING CONTRACTOR.
7. PROVIDE AN EXISTING FRESH AIR INTAKE AND EXHAUST SYSTEM ON EACH HVAC UNIT.



01 MECHANICAL PLAN - SECOND FLOOR
M1.0 / SCALE: 1/4" = 1'-0"



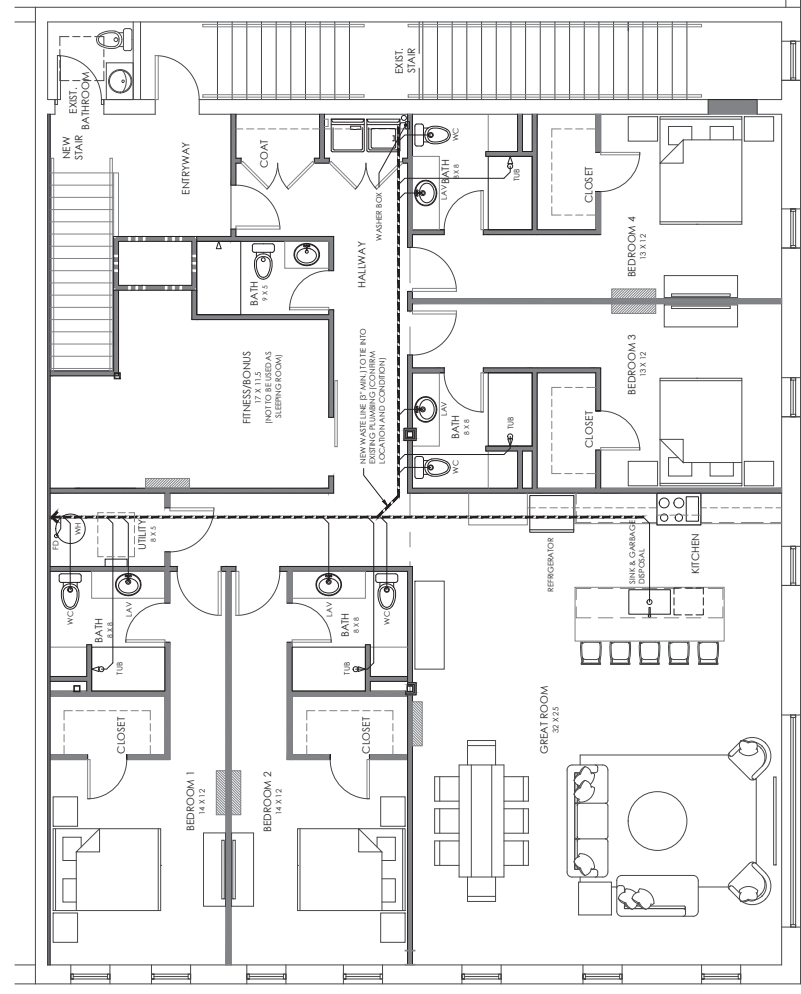
02 MECHANICAL PLAN - ROOF DECK
M1.0 / SCALE: 1/4" = 1'-0"



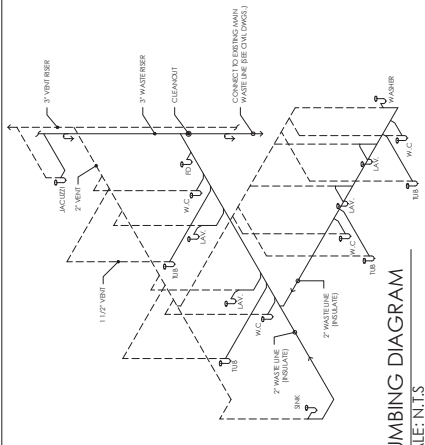
DATE 12/21
 ISSUE PERMIT
 JOB NO. 21-07
 DRAWN BY MDE

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 1025 LAKE PARK BLVD #100
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 TEL: 202.462.1100
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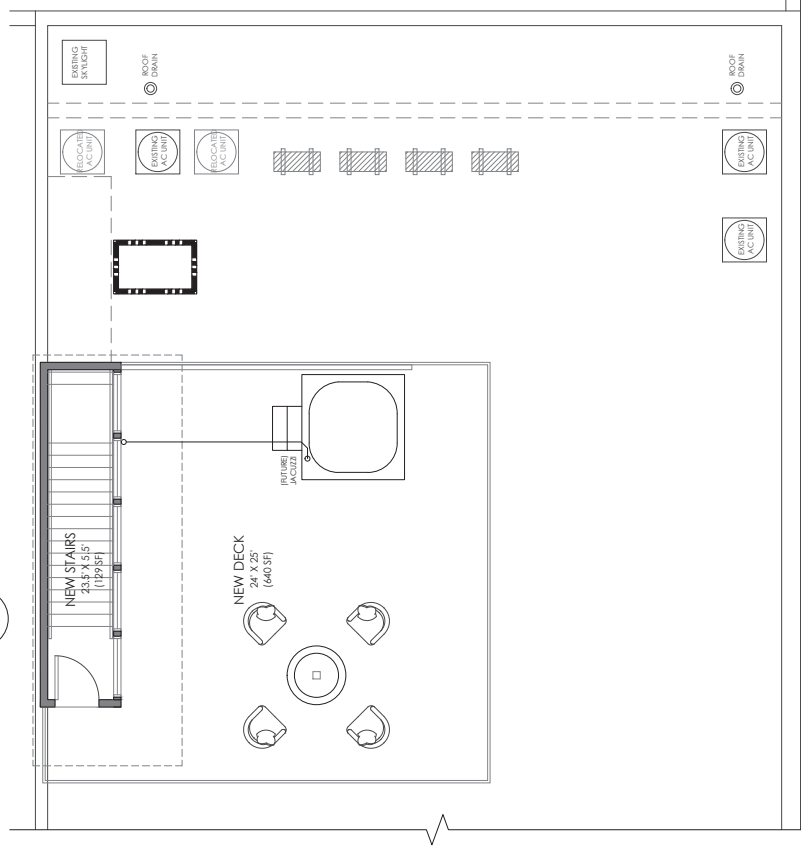
- PLUMBING NOTES & SPECIFICATIONS**
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE MOST RECENT EDITIONS OF TYPICAL PLUMBING REGULATIONS, ANY AMENDMENTS, AND ANY LOCAL ORDINANCES.
 2. ACTUAL INSTALLATION SHALL BE IN STRICT COMPLIANCE WITH THE IAC 14.1 INDIANA PLUMBING CODE. ALL PROPOSED PLUMBING SYSTEMS SHALL BE INSTALLED TO ADEQUATELY SERVE THE INTENDED USE OF THE SPACE. ALL PLUMBING SHALL BE INSTALLED TO MEET REQUIREMENTS SPECIFICALLY REGARDING PRESSURE REGULATION AND MANDATORY WATER SAVING EFFICIENCIES.
 3. ALL DRAIN PIPING SHALL BE ONE PIPE AS REQUIRED. ALL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE IAC 14.1 INDIANA PLUMBING CODE. ALL PROPOSED PLUMBING SYSTEMS SHALL BE INSTALLED TO ADEQUATELY SERVE THE INTENDED USE OF THE SPACE. ALL PLUMBING SHALL BE INSTALLED TO MEET REQUIREMENTS SPECIFICALLY REGARDING PRESSURE REGULATION AND MANDATORY WATER SAVING EFFICIENCIES.
 4. ALL DRAIN PIPING SHALL BE INSTALLED TO MEET REQUIREMENTS SPECIFICALLY REGARDING PRESSURE REGULATION AND MANDATORY WATER SAVING EFFICIENCIES.
 5. PLUMBING CONTRACTOR SHALL COORDINATE WITH HVAC SUBCONTRACTOR AS TO THE LOCATION OF ALL PLUMBING WORK. PLUMBING CONTRACTOR SHALL PROVIDE ALL NECESSARY HANGERS AND BRACKETS TO SUPPORT ALL PLUMBING WORK. PLUMBING CONTRACTOR SHALL PROVIDE ALL NECESSARY HANGERS AND BRACKETS TO SUPPORT ALL PLUMBING WORK.
 6. PLUMBING CONTRACTOR SHALL COORDINATE WITH ELECTRICAL CONTRACTOR AS TO THE LOCATION OF ALL PLUMBING WORK. PLUMBING CONTRACTOR SHALL PROVIDE ALL NECESSARY HANGERS AND BRACKETS TO SUPPORT ALL PLUMBING WORK.
 7. PLUMBING CONTRACTOR SHALL COORDINATE WITH MECHANICAL CONTRACTOR AS TO THE LOCATION OF ALL PLUMBING WORK. PLUMBING CONTRACTOR SHALL PROVIDE ALL NECESSARY HANGERS AND BRACKETS TO SUPPORT ALL PLUMBING WORK.



01 PLUMBING PLAN - SECOND FLOOR
 P1.0 / SCALE: 1/4" = 1'-0"



03 PLUMBING DIAGRAM
 P1.0 SCALE: N.T.S.



02 PLUMBING PLAN - ROOF DECK
 P1.0 / SCALE: 1/4" = 1'-0"

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
LOCATION: 201 S. Westplex Ave.

CASE #: CU-13-22
DATE: April 21, 2021

PETITIONER: Wheeler Mission Ministries
 205 E. New York St, Indianapolis

REQUEST: The petitioner is requesting conditional use approval to allow a supportive housing facility in the Mixed-Use Medium Scale (MM) zoning district.

BACKGROUND:

Area: 0.51 acres
Current Zoning: Mixed-Use Medium Scale (MM)
Comp Plan Designation: Urban Corridor
Existing Land Use: Office and Supportive Housing Facility
Proposed Land Use: Supportive Housing Facility
Surrounding Uses: North – Office and light manufacturing
 South – Office and light manufacturing
 East – Office
 West – Office and retail

REPORT: The overall petition site encompasses three properties that total 1.31 acres and are located at 135, 201, and 205 S. Westplex Ave. However, this petition only involves the building at 201 S. Westplex since the other properties are already approved for supportive housing. The property is zoned Mixed-Use Medium Scale (MM). The property is currently developed with an office building that was previously used as a gymnastic studio. Surrounding land uses include other commercial offices and manufacturing buildings.

The petitioner recently acquired the building at 201 S. Westplex Avenue and would like to use that building to provide overnight sleeping accommodation for those experiencing homelessness, community meeting and training spaces, as well as on-site office space for staff. This site recently received rezoning approval under case #ZO-22-21 to rezone the properties from Mixed-Use Employment (ME) to Mixed-Use Medium Scale (MM). As part of this conditional use approval the petitioner is required to install several site improvements on the site including sidewalk improvements, additional landscaping and will be removing excess parking on the site. The petitioner is proposing to remodel the building for their use which includes new sleeping areas, multi-purpose room, office space, an outdoor gathering space, and a locker pavilion along the front.

The petitioner is requesting conditional use approval to allow the existing building at 201 S. Westplex to be used as Supportive Housing, Large.

CRITERIA AND FINDINGS FOR CONDITIONAL USE PERMIT

20.06.040(d)(6)(B) Approval Criteria

(B) General Compliance Criteria: All petitions shall be subject to review and pursuant to the following criteria and shall only be approved if they comply with these criteria.

- i. Compliance with this UDO

- ii. Compliance with Other Applicable Regulations
- iii. Compliance with Utility, Service, and Improvement Standards
- iv. Compliance with Prior Approvals

PROPOSED FINDING: A site plan review is being completed under case #SP-16-22 and the site will be required to be brought into the limited compliance standards of the UDO. Site updates such as sidewalk and landscaping improvements will be done with this change of use. At this time no issues have been identified with the proposed improvements. The petition complies with the UDO, other applicable regulations, and utility, service, and improvement standards as required by the general compliance criteria. There were three conditions approved with the rezoning petition that dealt with submittal of a compliant site plan, correction to deficiencies to the adjacent sidewalk, and dedication of right-of-way. The petitioner will comply with CBU and Health Department regulations for this use.

(C) Additional Criteria Applicable to Conditional Uses

- i. Consistency with Comprehensive Plan and Other Applicable Plans

The proposed use and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the Comprehensive Plan and any other applicable adopted plans and policies.

PROPOSED FINDING: Compliance with the Comprehensive Plan was discussed and reviewed with the rezoning request and the proposed request was found to be consistent with the Comprehensive Plan. The Comprehensive Plan designates this site as ‘Urban Corridor’. The Urban Corridor district is identified as having excellent access to major roadways, utilities, and other services like transit, fire, and police service. This district generally has high intensity uses and is expected to change by incorporating mixed uses and increasing activity. This petition furthers many goals of the Comprehensive plan by expanding social service uses, providing housing for members of our community experiencing homelessness, and providing services along an existing corridor with good pedestrian facilities, multi-modal access, and transit service. The Comprehensive Plan specifically addresses this:

Goal 5.1 Housing Affordability- Improve access to affordable housing for a continuum of needs in Bloomington, including people experiencing homelessness, low-income, and moderate-income households.

- ii. Provides Adequate Public Services and Facilities

Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, streets, potable water, sewer, stormwater management structures, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

PROPOSED FINDING: The site is adjacent to a public road and also within close proximity to W. 3rd Street. This is adjacent to a Bloomington Transit route on 3rd Street and also well accessed through sidewalks along Westplex Drive and bike lanes along 3rd Street. No issues with providing utility service to this site have been noted.

- iii. Minimizes or Mitigates Adverse Impacts

1. *The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance.*
2. *The proposed development shall not cause significant adverse impacts on surrounding properties nor create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights.*
3. *The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood.*
4. *The petitioner shall make a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the pre-submittal neighborhood meeting for the specific proposal, if such a meeting is required.*

PROPOSED FINDING: There are no natural, scenic, or historic features on this site. This petition would involve improvements to the site including removing excess parking, installing additional landscaping, and improvements to the sidewalk along the frontage. The petitioner has had several ongoing conversations with adjacent property owners about minimizing impacts which include additional on-site monitoring, daily trash pickups around the site and adjacent properties, and continued education with tenants of the facility. A neighborhood meeting was held as part of the rezoning request to address concerns of the adjacent owners and while it is acknowledged that there might be concerns that need addressed over time, the petitioner has committed to being responsive to address any concerns that might come up.

iv. Rational Phasing Plan

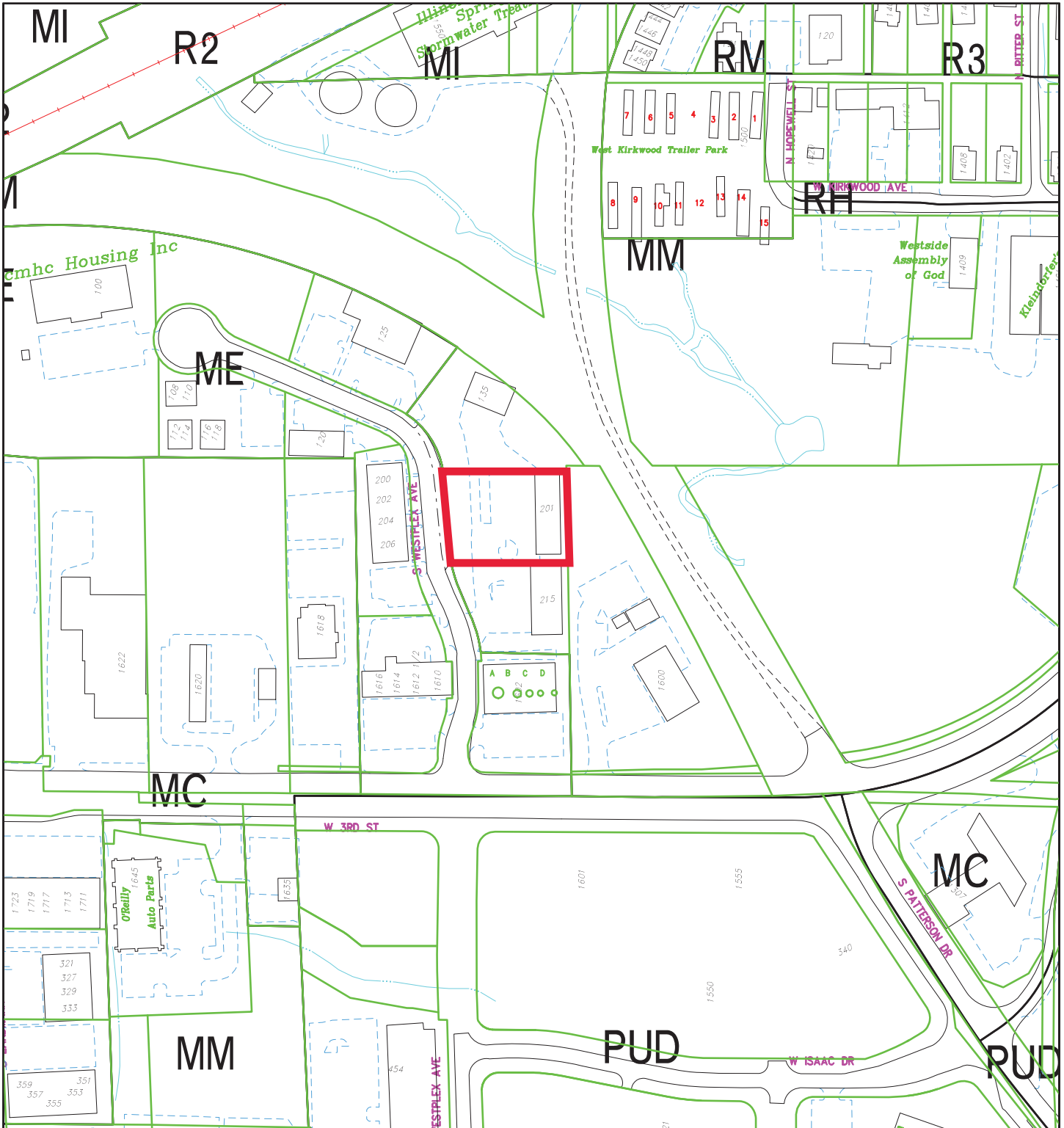
If the petition involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required to comply with the project's cumulative development to date and shall not depend upon subsequent phases for those improvements.

PROPOSED FINDING: The petition does not involve phasing.

CONCLUSION: The Plan Commission and Common Council both acknowledged that this use is a needed use within the community and that the petitioner is committed to minimizing impacts while providing a highly needed resource to the community during the map amendment process. The Department will continue to work with the petitioner to mitigate any impacts that might arise. The proposed site improvements will bring the site into compliance with the UDO standards.

RECOMMENDATION: The Department recommends the Board of Zoning Appeals approve CU-13-22 with the following conditions:

1. All improvements shall be installed before final occupancy is issued.
2. Approved per terms and conditions of Plan Commission cases #ZO-22-21 and #SP-16-22.
3. The petitioner will continue to make a good faith effort to address any concerns raised by adjacent neighbors.

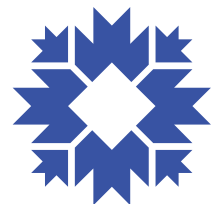


By: greulice
14 Apr 22



For reference only; map information NOT warranted.

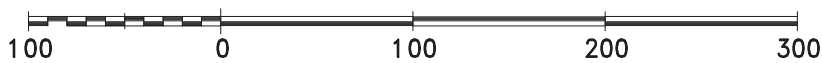
City of Bloomington
Planning



Scale: 1" = 200'

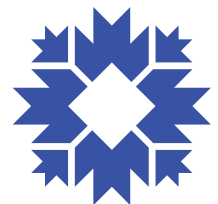


By: greulice
14 Apr 22



For reference only; map information NOT warranted.

City of Bloomington
Planning



Scale: 1" = 100'

Petitioner Statement - Wheeler Mission Ministries
Conditional Use Variance Request

Subject Properties:

- **135 S. Westplex**
- **201 S. Westplex**
- **215 S. Westplex**
(see Exhibit 1)

Request Description:

According to the guidance provided by Eric Greulich, Senior Zoning Planner, we hereby request that a Conditional Use Variance be granted to affect the Subject Properties.

Background:

Since 2002, a homeless shelter has operated at 215 S. Westplex Avenue, here in Bloomington. This facility has and is currently operated under a Conditional Use Variance.

In 2015, operation of the shelter, originally known as Backstreet Mission, was assumed by Wheeler Mission Ministries, a leading provider of services for our homeless neighbors in Central Indiana for over 100 years. In total, this homeless shelter has occupied the property at 215 S. Westplex Avenue for nearly 20 years.

In 2019, Wheeler Mission acquired the property at 135 S. Westplex, and has modified it to provide services for the homeless.

In 2020, Wheeler Mission began the process of acquiring the property known as 201 S. Westplex Avenue.

This acquisition, along with a new Unified Development Ordinance created the need to have these properties rezoned to Mixed Use-Medium status. Additionally, since the Conditional Use provisions are currently only effective on the 215 Westplex and the 135 Westplex properties, there is a need to extend the Conditional Use provision to include all three tracts listed as *Subject Properties*. **Please see Exhibit 2 (Letter From E. Greulich)**

Planned Use and Purpose of Zoning Request:

The Subject Properties are presented in EXHIBIT 1.

- The plan for ***all three properties*** includes a holistic approach to bring Help, Hope, and Healing to those in need by providing...
 - a safe place for our guests both day and night
 - emergency shelter
 - meals for the hungry
 - life skills development

- substance abuse programs
 - spiritual education & encouragement
 - connections with relevant social service agencies
 - connections with employment
 - connections with long-term housing
- **215 S. Westplex** -- Wheeler Mission currently uses this building for administration, sleeping, dining, classes, case management, and counseling.
 - **201 S. Westplex** -- Wheeler Mission Ministries, Inc. purchased the 201 S. Westplex property specifically to provide additional space to provide emergency shelter and temporary housing as well as other services within the scope of our mission.
 - **135 S. Westplex** – This building is used primarily as a guest services facility that allows for day shelter, training, and overnight shelter during the most extreme conditions

It is our understanding that this zoning change is required in order for us to provide emergency shelter, sleep space, and temporary housing in these buildings.

Site Plan:

Current plans include...

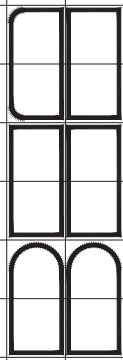
- Interior Renovation of 201 S. Westplex to accommodate lodging and programs in accordance with applicable building and fire codes. (See EXHIBIT 2)
- Future addition of a canopy to provide sheltered passage from 215 building to 201 building in accordance with local building and fire codes.
- Future addition of Outdoor Courtyard, fenced and partially covered, to accommodate relaxation for guests. (Location will be determined pending architectural engineer guidance.)

It is understood that compliance with all applicable building, safety, and fire codes will be an integral part of any plans for improvement, renovation, or development of the Subject Properties.

PROPOSED: Wheeler Mission Westplex

201 S. WESTPLEX AVENUE
BLOOMINGTON, IN 47404

UTILITY CONTACT INFORMATION	
GAS	ELECTRIC
INDIANA GAS	CITY OF BLOOMINGTON UTILITIES
215 S. WESTPLEX AVENUE	INDIANAPOLIS, IN 47404
BLOOMINGTON, IN 47404	INDIANAPOLIS, IN 47404
0016 ANDERSON (812)334-4009	NANCY KASON (812)346-3689
	AM 54015; (317)375-2071
TELEPHONE	CABLE TELEVISION
AMT	245 SOUTH ANDERSON STREET
P.O. BOX 56	BLOOMINGTON, IN 47404
BLOOMINGTON, IN 47402	SCOTT TIMPSON (812)355-7822
8001 INDIANA (812)334-4501	
	UNDERGROUND UTILITY LOCATION
	INDIANAPOLIS, IN 47404
	PLANT PROTECTION
	1-800)382-5444



BYNUM FANYO & ASSOCIATES, INC.
528 North Walnut Street
Bloomington, Indiana 47404 (812) 332-8030



VICINITY/LOCATION MAP
(NOT TO SCALE)

SHEET INDEX	
SHEET NO.	SHEET NO.
C101	GENERAL NOTES & LEGENDS
C201	DEMOLITION PLAN
C301	SITE & GRADING PLAN
C401	LANDSCAPING PLAN
C501	MISCELLANEOUS DETAILS



architecture
civil engineering
planning

OWNER/DEVELOPER: WHEELER MISSION MINISTRIES, INC. 215 S. WESTPLEX AVENUE BLOOMINGTON, IN 47404	THE CURRENT EDITION OF THE INDIANA DEPARTMENT OF TRANSPORTATION, MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES & CITY OF BLOOMINGTON UTILITIES STANDARD SPECIFICATIONS IS TO BE USED WITH THESE PLANS	Certified By: JEFFREY S. FANYO, P.E. IND. REG. NO. 18283	Revisions
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revisions:

EXISTING LEGEND

PROPERTY LINE	
-X-	FENCE
-W-	WATER LINE PIPE
-ELEVATION	CONTOUR & ELEVATION
-S&S-	SANITARY SEWER PIPE
-S&S-	STORM SEWER PIPE
-ELEVATION	OVERHEAD ELECTRIC LINES
-ELEVATION	UNDERGROUND ELECTRIC LINES
-ELEVATION	OVERHEAD TELEPHONE LINES
-ELEVATION	UNDERGROUND TELEPHONE LINES
-ELEVATION	GAS LINE PIPE

DEMOLITION LEGEND

⊘	CONSTRUCTION LIMITS
⊙	SANUIT
⊙	TO BE REMOVED
⊙	TO REMAIN UNDISTURBED



ARCHITECTURE
CIVIL ENGINEERING
PLANNING
Bloomington, Indiana
(317) 339-2990 (fax)



528 North Walnut Street
Bloomington, Indiana
(317) 332-8630

02.12.20

checked by:

P R O P O S E D
WHEELER MISSION
WESTPLEX
201 SOUTH WESTPLEX AVENUE
BLOOMINGTON, IN 47404

TITLE: DEMOLITION PLAN

designed by: J.S.
drawn by: J.S.
sheet no.: 0201
project no.: 402152

ZONED: MN

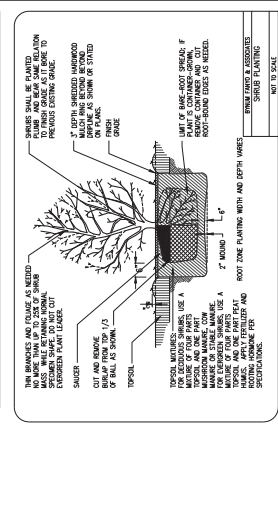
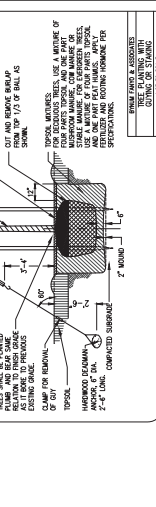
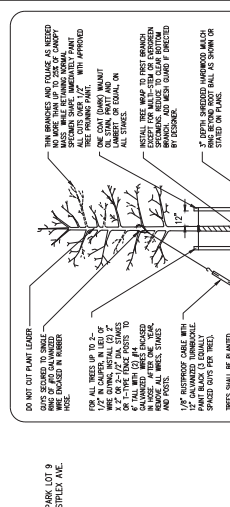




PLANT LIST

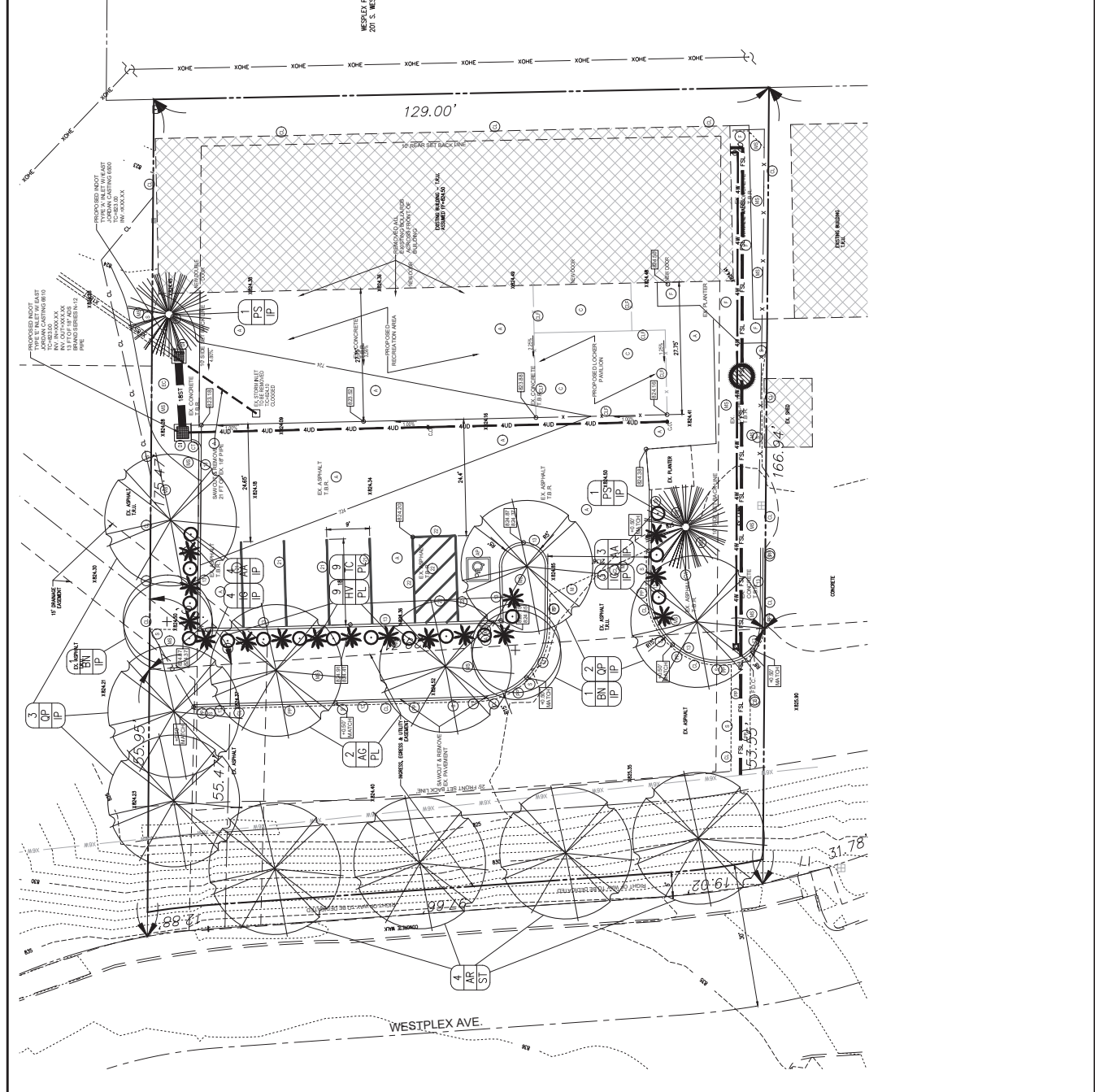
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LARGE CANOPY DECIDUOUS TREES		COMMON NAME	1	7" CAL. B & B
		COMMON NAME	2	7" CAL. B & B
		COMMON NAME	2	7" CAL. B & B
		COMMON NAME	2	7" CAL. B & B
SMALL MEDIA CANOPY DECIDUOUS TREES		COMMON NAME	2	7" CAL. B & B
		COMMON NAME	2	7" CAL. B & B
EVERGREEN TREES		COMMON NAME	2	7" CAL. B & B
		COMMON NAME	2	7" CAL. B & B
SHRUBS		COMMON NAME	2	5-6' HIGH
		COMMON NAME	2	5-6' HIGH
ESSENTIALS SHRUBS		COMMON NAME	2	7" CAL. B & B
		COMMON NAME	2	7" CAL. B & B
GRASS		COMMON NAME	2	7" CAL. B & B
		COMMON NAME	2	7" CAL. B & B
MISCELLANEOUS PLANTS		COMMON NAME	2	7" CAL. B & B
		COMMON NAME	2	7" CAL. B & B

DO NOT CUT PLANT LEAVES
ALL PLANTS ARE TO BE PLANTED WITH PROTECTIVE COLLARS AND SHROUDS AS SPECIFIED.
ALL PLANTS TO BE PLANTED WITH PROTECTIVE COLLARS AND SHROUDS AS SPECIFIED.
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ALL PLANTS TO BE PLANTED WITH PROTECTIVE COLLARS AND SHROUDS AS SPECIFIED.



PLANTING CALCULATIONS

SUBTOTAL TREES: 11
PARKING LOTS: 11
PARKING SPACES: 11
PARKING SPACES / PARKING SPACES = 21.6 CANOPY TREES
PARKING SPACES / PARKING SPACES = 1.8 CANOPY TREES
LOT AREA = 270,000 SQ FT (61.5 AC)
270,000 SQ FT / 125,000 SQ FT PER TREE = 2.16 CANOPY TREES
2.16 CANOPY TREES = 2 CANOPY TREES
4.00 CANOPY TREES
4.00 CANOPY TREES



PRACTICE 3.13

DORMANT AND FROST SEEDING

REQUIREMENTS

- Provide early germination and establishment in the spring.
- Ensure uniformity and distribution in the spring.
- Provide adequate moisture in the construction area.
- Provide proper drainage.

APPLICATION

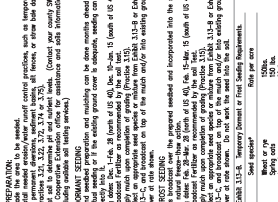
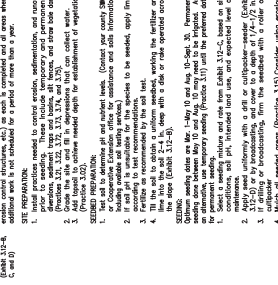
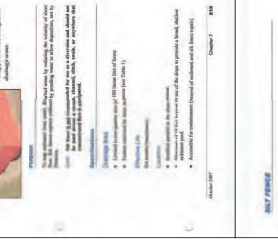
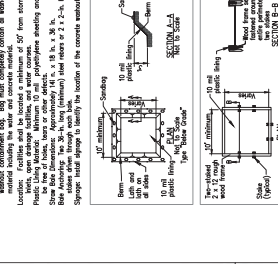
1. Grade the area to be seeded.
2. Prepare the seed bed.
3. Distribute the seed uniformly.
4. Water the seed bed.
5. Maintain the seed bed.

INSTALLATION

1. Prepare the seed bed.
2. Distribute the seed uniformly.
3. Water the seed bed.
4. Maintain the seed bed.

MAINTENANCE

- During winter months, provide snow cover for the seed.
- After spring germination, provide adequate moisture.
- After spring germination, provide adequate moisture.



PRACTICE 3.14

CONCRETE WASHOUT AREA

REQUIREMENTS

- Provide adequate drainage.
- Provide adequate moisture.
- Provide adequate drainage.

APPLICATION

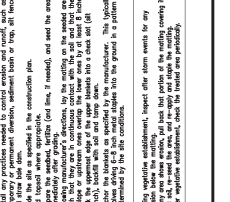
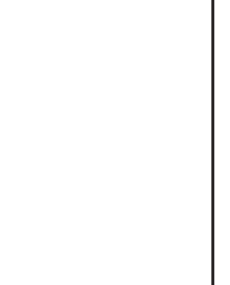
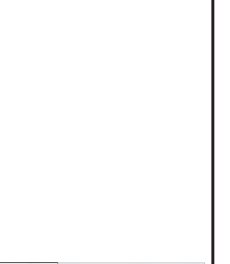
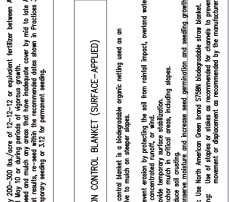
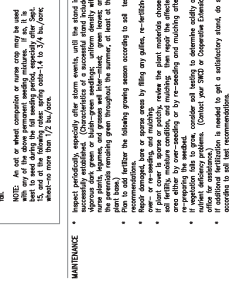
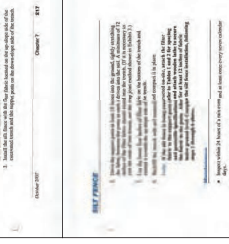
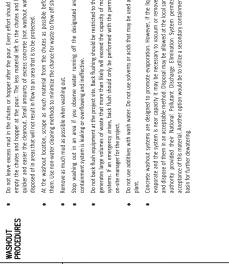
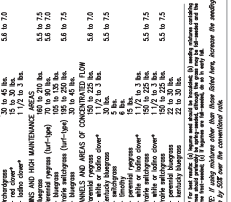
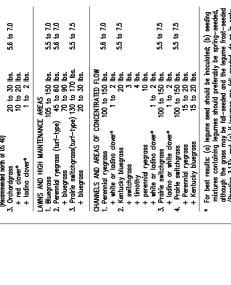
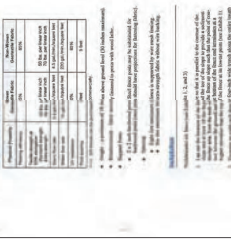
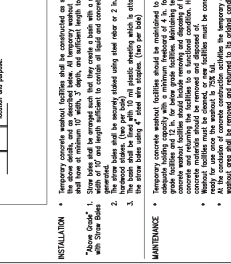
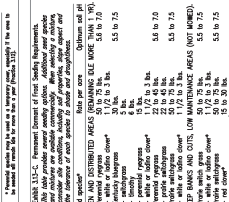
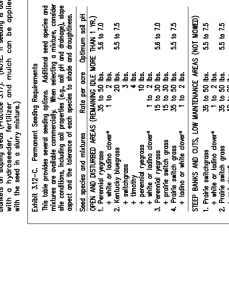
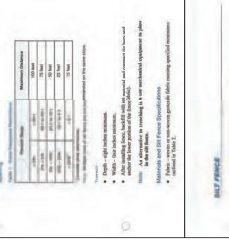
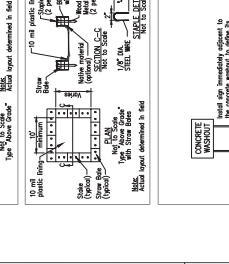
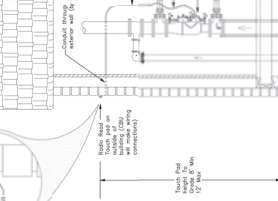
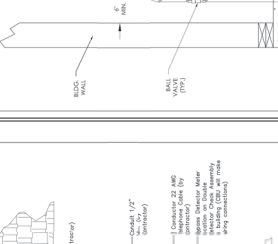
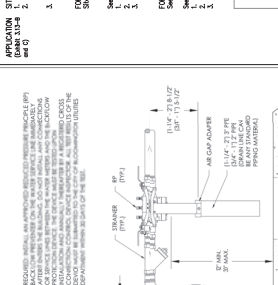
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4. Maintain the seed bed.

INSTALLATION

1. Prepare the seed bed.
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4. Maintain the seed bed.

MAINTENANCE

- During winter months, provide snow cover for the seed.
- After spring germination, provide adequate moisture.
- After spring germination, provide adequate moisture.



designed by: **88**
drawn by: **CS**
sheet no: **CS01**
Project no.: **402152**

THE MISCELLANEOUS
DETAILS

WHEELER MISSION
WESTPLEX
BLOOMINGTON, IN 47404

certified by:
BRYAN FAYO & ASSOCIATES, INC.
528 North Walnut Street
Bloomington, Indiana
(812) 339-2990 (Fax)

ARCHITECTURE
CYLINDRICAL
PLANNING

CONCRETE WASHOUT AREA
REQUIREMENTS
APPLICATION
INSTALLATION
MAINTENANCE

PRACTICE 3.12

PERMANENT SEEDING

REQUIREMENTS

- Provide adequate drainage.
- Provide adequate moisture.
- Provide adequate drainage.

APPLICATION

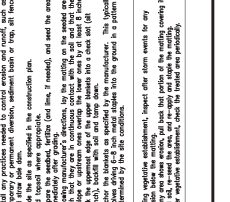
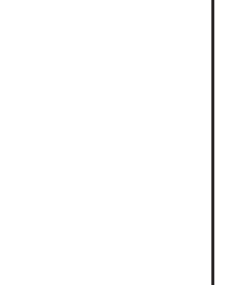
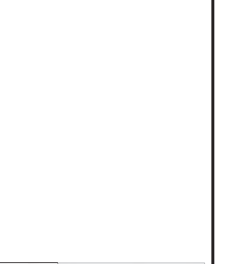
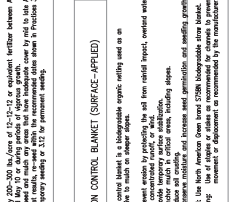
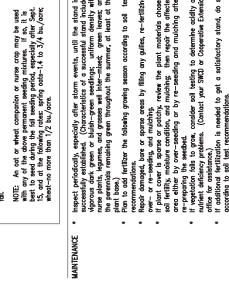
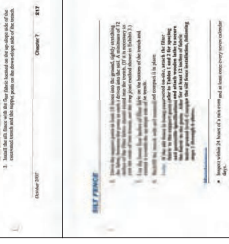
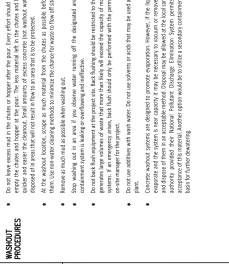
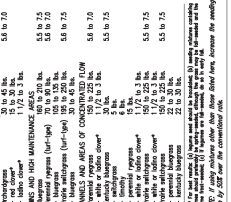
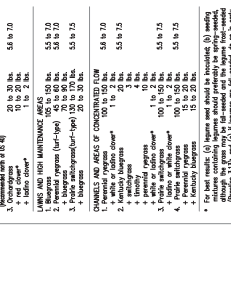
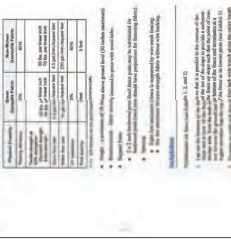
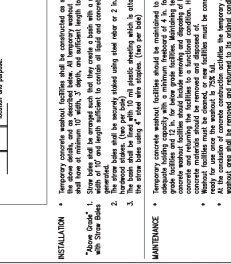
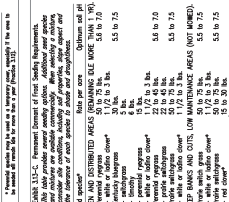
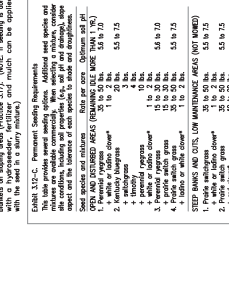
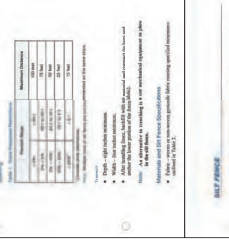
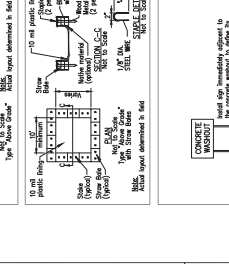
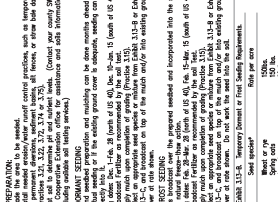
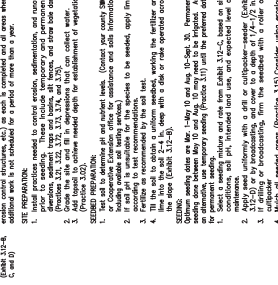
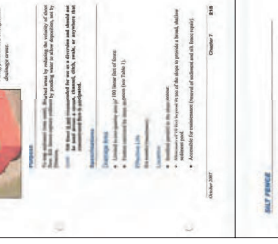
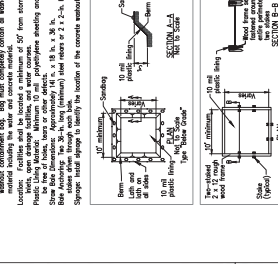
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MAINTENANCE

- During winter months, provide snow cover for the seed.
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PRACTICE 3.13

DORMANT AND FROST SEEDING

REQUIREMENTS

- Provide adequate drainage.
- Provide adequate moisture.
- Provide adequate drainage.

APPLICATION

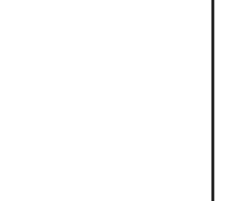
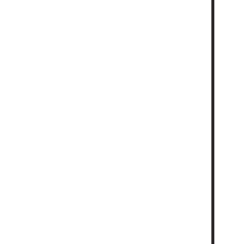
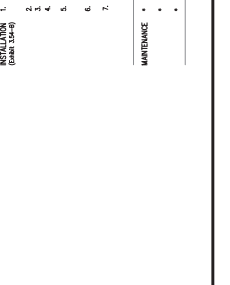
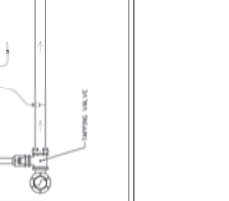
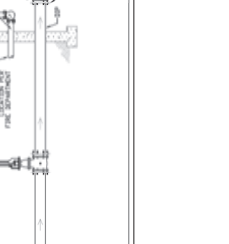
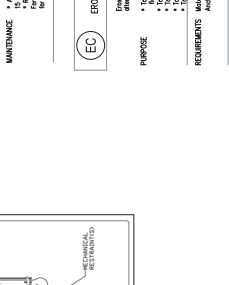
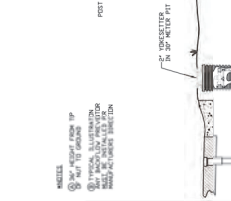
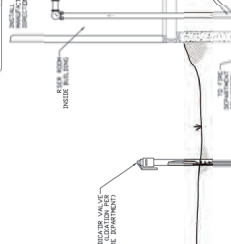
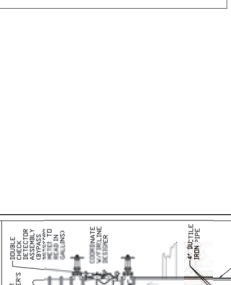
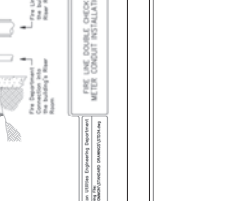
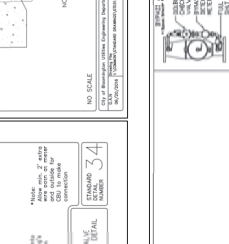
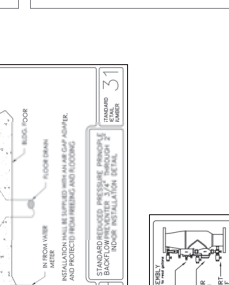
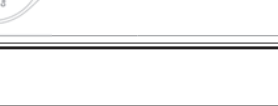
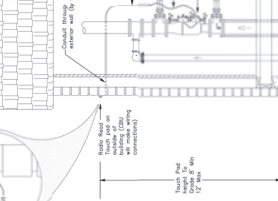
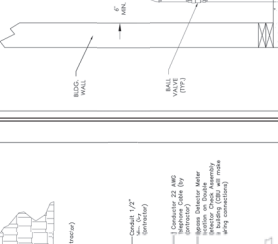
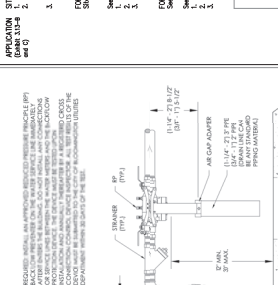
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INSTALLATION

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MAINTENANCE

- During winter months, provide snow cover for the seed.
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designed by: **88**
drawn by: **CS**
sheet no: **CS01**
Project no.: **402152**

THE MISCELLANEOUS
DETAILS

WHEELER MISSION
WESTPLEX
BLOOMINGTON, IN 47404

certified by:
BRYAN FAYO & ASSOCIATES, INC.
528 North Walnut Street
Bloomington, Indiana
(812) 339-2990 (Fax)

ARCHITECTURE
CYLINDRICAL
PLANNING

CONCRETE WASHOUT AREA
REQUIREMENTS
APPLICATION
INSTALLATION
MAINTENANCE

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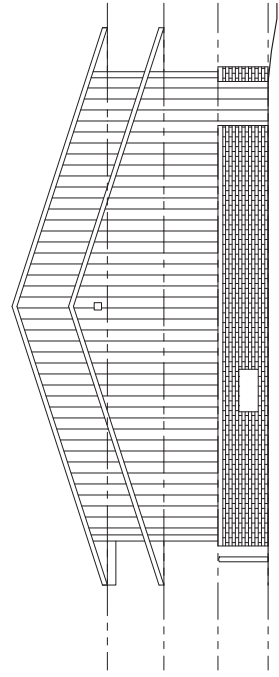

TLABOR
 ARCHITECTURE & DESIGN INC.
 1101 S. WALNUT STREET - BLOOMINGTON, IN 47401
 TELEPHONE: (812) 323-4236 WEB: WWW.TLABORINC.COM

REVISIONS

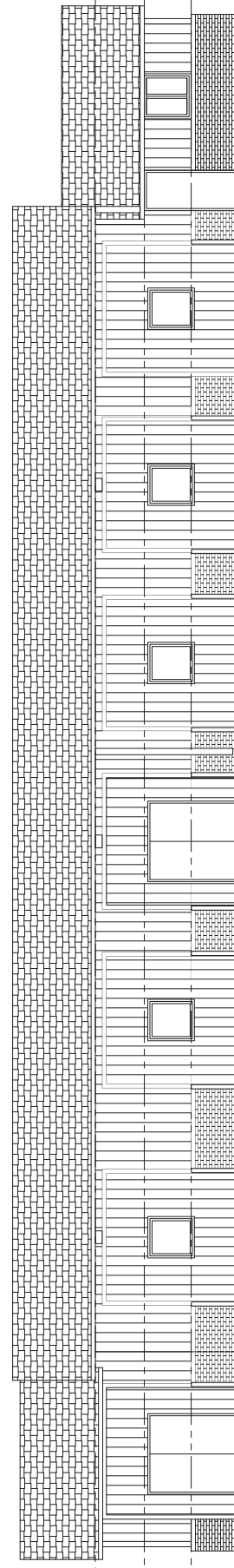
WHEELER MISSION
 201 S. WESTPLEX AVE.
 BLOOMINGTON, INDIANA 47404
 RENOVATION TO EXISTING JAZZercise BUILDING FOR:

PROJECT NO.	10031
DATE	SEPTEMBER 02, 2011
DRAWN BY	W. WATSON
CHECKED BY	D. BRUCE
SHEET NAME	EXISTING ELEVATIONS
SHEET NO.	

AD2081



2 EXISTING SOUTH ELEVATION
 1/4" = 1'-0"



1 EXISTING WEST ELEVATION
 1/4" = 1'-0"

AD202

SHEET NO.

EXISTING
ELEVATIONS

SHEET NAME

DESIGNED BY

CHECKED BY

DRAWN BY

DATE

PROJECT NO.

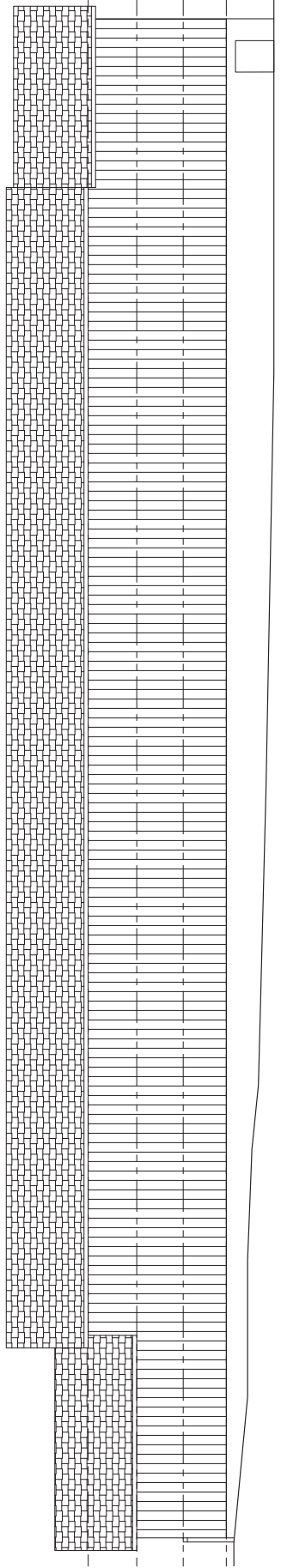
WHEELER MISSION
201 S. WESTPLEX AVE.
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RENOVATION TO EXISTING JAZZercise BUILDING FOR:

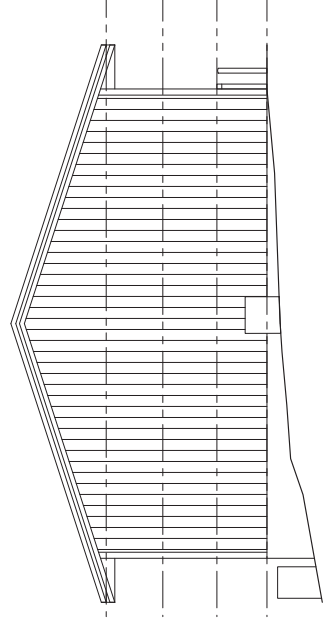
REVISIONS

TABOR
ARCHITECTURE & DESIGN INC.
1101 S. WALNUT STREET - BLOOMINGTON, IN. 47401
TELEPHONE: (812) 323-4238 FAX: (812) 323-4239 WEB: WWW.TABORINC.COM

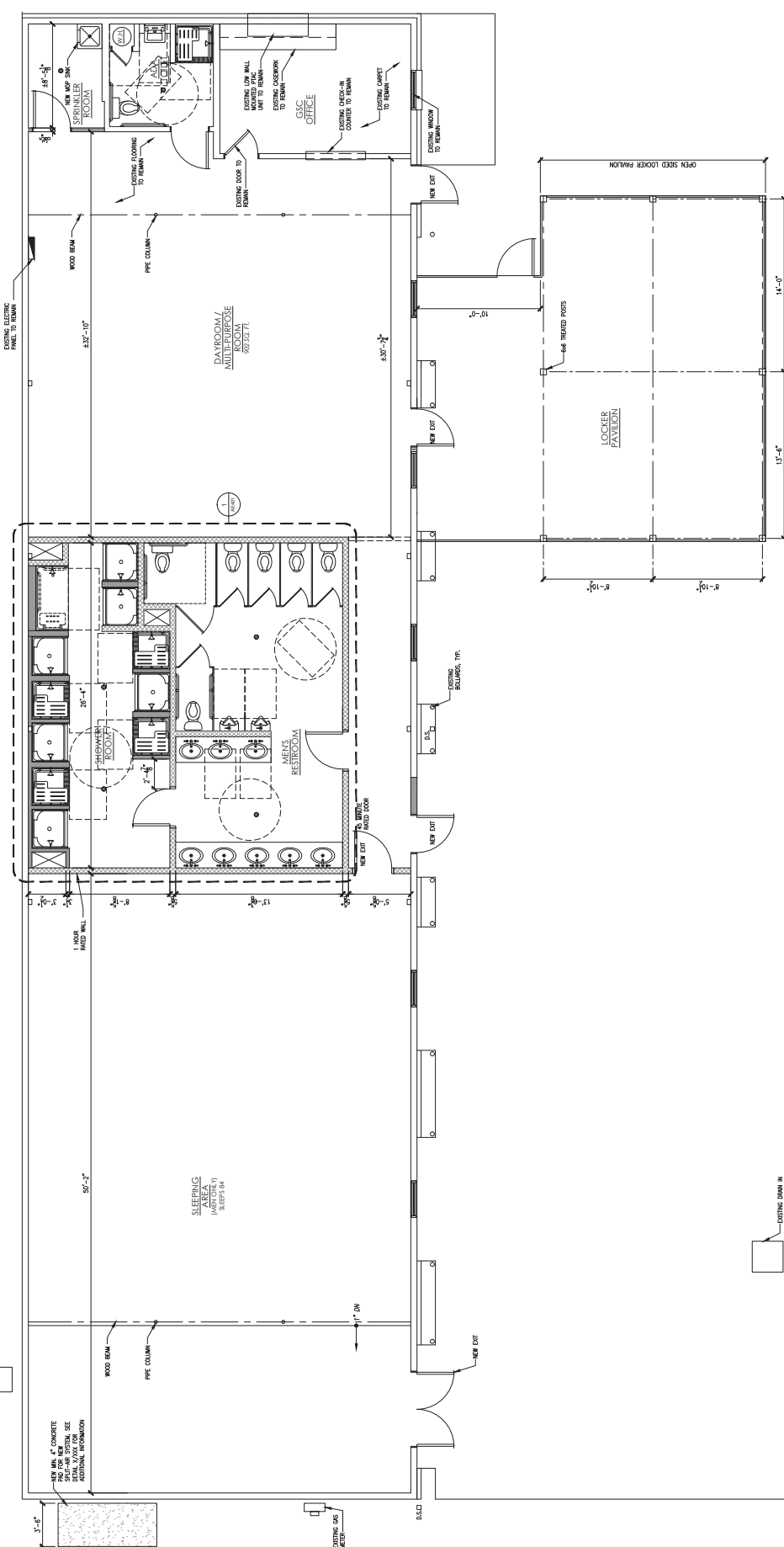
1 EXISTING EAST ELEVATION
1/8" = 1'-0"



2 EXISTING NORTH ELEVATION
1/8" = 1'-0"



THIS PLAN AND SPECIFICATIONS ARE SUBJECT TO CURRENT PROVISIONS OF INTERNATIONAL BUILDING CODES AND ALL APPLICABLE ORDINANCES AND REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.



1 PROPOSED FLOOR PLAN
TYPE = 1'-0" = 1'-0"

	IDENTIFIES NEW FULL HEIGHT MASONRY WALLS
	IDENTIFIES EXISTING WALLS TO REMAIN WHEN APPLICABLE
	IDENTIFIES DETAIL IDENTIFIER
	IDENTIFIES SECTION INDICATOR
	IDENTIFIES ELEVATION IDENTIFIER
	IDENTIFIES SPACE NAME
	IDENTIFIES DETAIL IDENTIFIER
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GENERAL FLOOR PLAN NOTES:

- 1. NO UNLESS OTHERWISE INDICATED, DIMENSIONS SHALL BE AS SHOWN. CONSTRUCTION SHALL BE ACCORDING TO THE DIMENSIONS SHOWN UNLESS OTHERWISE SPECIFIED IN THE CONTRACT DOCUMENTS. ALL DIMENSIONS SHALL BE TO THE FACE UNLESS OTHERWISE INDICATED.
- 2. ALL INTERIOR DIMENSIONS ARE SHOWN DIM TO DIM AND DO NOT INCLUDE WALL FINISHES.
- 3. ALL DOOR OPENINGS SHALL BE LOCATED 4" FROM FINISH UNLESS NOTED OTHERWISE.
- 4. FLOOR FINISH SHALL BE FINISHED TO MATCH EXISTING SURFACES INCLUDING FINISHES.
- 5. ALL WALLS SHALL BE FINISHED TO MATCH EXISTING FINISHES.
- 6. CALL ALL JOISTS BETWEEN DIFFERENT MATERIALS (e.g. CONCRETE/FRAMING & WOOD).
- 7. ALL WINDOWS WITHIN 24" OF ANY DOOR (REGARDLESS OF WALL BOARD & WINDOW TYPE) SHALL BE EQUIPPED WITH A MANSUETI FLOOR OR WALKING SURFACE SHALL HAVE THRESHOLD AS SHOWN.
- 8. ALL FRAMING MEMBERS WITHIN 30" OF ANY FIN. FIN. SHALL BE EQUIPPED WITH A MANSUETI FLOOR OR WALKING SURFACE SHALL HAVE THRESHOLD AS SHOWN.
- 9. IF NO WINDOW SCHEDULE IS PROVIDED, CONTRACTOR/OWNER SHALL PROVIDE A MIN. OF 1" OF INSULATION ON ALL WINDOW SCHEDULES INCLUDING IN SLEEPING ROOM.
- 10. CODE COMPLIANT EGRESS INCLUDING IN SLEEPING ROOM.
- 11. SEE WINDOW SCHEDULE FOR WINDOW TYPE.
- 12. SEE WINDOW SCHEDULE FOR WINDOW TYPE.
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- 50. SEE WINDOW SCHEDULE FOR WINDOW TYPE.

FLOOR PLAN KEYNOTES:

- 1. NEW INTERIOR WALL, TYPING & 2x4 @ 16" O.C. UNLESS NOTED OTHERWISE. SEE NOTES FOR FINISHES.
- 2. NEW INTERIOR WALL, TYPING & 2x4 @ 16" O.C. UNLESS NOTED OTHERWISE. SEE NOTES FOR FINISHES.
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THIS PLAN AND ANY INFORMATION ON THE SUBJECT OF COPYRIGHT PROTECTION IN ARCHITECTURAL, ENGINEERING, OR OTHER INFORMATION, SHALL BE THE PROPERTY OF ARCHITECTURE & DESIGN INC. NO PART OF THIS PLAN OR ANY INFORMATION ON THE SUBJECT OF COPYRIGHT PROTECTION IN ARCHITECTURAL, ENGINEERING, OR OTHER INFORMATION, SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ARCHITECTURE & DESIGN INC.



April 10, 2022

City of Bloomington
Planning and Transportation Dept.
City of Bloomington Board of Zoning Appeals
401 N. Morton
Bloomington IN 47404

RE: Wheeler Mission Ministries, 135, 201,215, E. Westplex

To Whom It May Concern:

Let this serve as notice that being a local businessowner and landowner, I am opposed to the zoning change referenced above to allow expansion of a supportive housing facility. Although I feel these types of facilities are needed, they need to be located in an area that does not affect the surrounding businesses and landowners. As we have seen in the past, from areas on South Walnut Street and Winslow Road and the problems associated with them, I see no merit to this proposal which involves out of town owners that do not feel the impact to the surrounding areas.

Jean LeJeune

A handwritten signature in black ink, appearing to read "Jean LeJeune". The signature is written in a cursive style with a long horizontal stroke extending to the right.