



**CITY OF  
BLOOMINGTON**  
HOUSING AND NEIGHBORHOOD DEVELOPMENT

# **BHPC**

# **MEETING PACKET**

## **AMENDED 11/7/2022**

**Thursday November 10, 2022**

**5:00 p.m. EST**

**Prepared by HAND Staff**

**In Person:** The McCloskey Room, 401 N Morton St., Ste. 135, Bloomington, IN 47404

**Zoom:** <https://bloomington.zoom.us/j/95852185508?pwd=M3J2aDgrdjdXaWh1QUN3eWRKYThKQT09>

Meeting ID: 958 5218 5508

Passcode: 082945

One tap mobile

+13126266799,,95852185508# US (Chicago)

+19292056099,,95852185508# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

**TABLE OF CONTENTS**

Agenda - November 10, 2022 Meeting.....

Minutes - October 13, 2022 Meeting.....

**COA Staff Approvals**

COA 22-79 401 N Morton St. (Showers Brothers Historic District).....

COA 22-80 604 S Ballantine Rd. (Elm Heights Historic District).....

COA 22-81 2920 E 10th St. (Hinkle Garton Farmstead Historic District).....

**COA Staff Recommendations**

COA 22-82 1304 E 2nd St (Elm Heights Historic District).....

COA 22-83 520 W Kirkwood Ave. (Near West Side Conservation District).....

COA 22-84 120 N Walnut St. (Courthouse Square Historic District).....

COA 22-85 2304 N Martha St. (Matlock Heights Historic District).....

**CALENDAR**

Historic Preservation Commission Meeting Calendar .....

**DECEMBER 2022 HPC MEETING TALK**

“Mid-Century Color: Seeing American Landscapes through the Lens of Charles Cushman”.....102

**Staff Orientation**

Commissioners Manual..... 03



# Bloomington Historic Preservation Commission Meeting

Zoom: <https://bloomington.zoom.us/j/95852185508?pwd=M3J2aDgrjdXaWh1QUN3eWRKYThKQT09>

Meeting ID: 958 5218 5508 Passcode: 082945

Thursday November 10, 2022, 5:00 P.M.

## AGENDA

(AMENDED 11/7/2022)

I. **CALL TO ORDER**

II. **ROLL CALL**

III. **APPROVAL OF MINUTES**

A. OCTOBER 13, 2022

IV. **CERTIFICATES OF APPROPRIATENESS**

### Staff Approval

A. **COA 22-79**

401 N Morton St. (Showers Brothers Furniture Complex Local Historic District)

Petitioner: Christina Smith, Department of Public Works

*Installation of two street lights.*

B. **COA 22-80**

604 S Ballantine Rd. (Elm Heights Historic District)

Petitioner: Charles Livingston and Jeri Lynn Greenfield

*Installation of railing on front walkway*

C. **COA 22-81**

2920 E 10th St. (Hinkle Garton Farmstead Historic District)

Petitioner: Steve Wyatt, Bloomington Restorations, Inc.

*Color scheme*

### Commission Review

D. **COA 22-82 (Appealing 22-72)**

1304 E 2nd St. (Elm Heights Historic District)

Petitioner: Terry Cole

*Window Replacement (Post action)*

E. **COA 22-83**

520 W Kirkwood Ave. (Near West Side Conservation District)

Petitioner: Bill Shank

*Partial Demolition, removal of a chimney.*

F. **COA 22-84**

120 N Walnut St. (Courthouse Square Historic District)

Petitioner: Jill and James Farkas

*New Signage*

G. **COA 22-85**

2304 N Martha St. (Matlock Heights Historic District)

Petitioner: Mark Figg

*New Construction*

V. **NEW BUSINESS**

- A. Welcome a new member!
- B. Announcing Talk for December 10, 2022 Meeting
- C. Bloomington Historic Preservation Commission Meeting Calendar 2023
- D. Staff Report on American Folklore Society Meeting at Tulsa, OK
- E. Staff Orientation on HPC Responsibilities

VI. **OLD BUSINESS**

- A. **Update on COA 22-78**

VII. **COMMISSIONER COMMENTS**

VIII. **PUBLIC COMMENTS ANNOUNCEMENTS**

IX. **ADJOURNMENT**

*Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call*

*812-349-3429 or email, [human.rights@bloomington.in.gov](mailto:human.rights@bloomington.in.gov).*

*Next meeting date is December 8, 2022 at 5:00 P.M. and will be a teleconference via Zoom.*

**Posted: 11/3/2022**

**Bloomington Historic Preservation Commission Meeting**

**Zoom:**

<https://bloomington.zoom.us/j/95852185508?pwd=M3J2aDgrdjdXaWh1QUN3eWRKYThKQT09>

**Meeting ID:** 958 5218 5508 **Passcode:** 082945

**Thursday October 13, 2022, 5:00 P.M.**

**AGENDA**

**I. CALL TO ORDER**

Meeting was called to order by **Chair John Saunders @ 5:10 p.m.**

**II. ROLL CALL**

**Commissioners Present:**

Elizabeth Mitchell (Present)  
Reynard Cross (Present)  
Matthew Seddon (Present)  
John Saunders (Present)  
Allison Chopra (Present)  
Sam DeSollar (Present)

**Advisory Members Present:**

Chris Sturbaum (Electronic)

**Staff Present:**

Brent Pierce (Present), HAND  
Alex Crowley (Present), Economic & Sustainable Development  
Mike Rouker (Present) City Legal Department  
Gabriel Holbrow (Present)  
Dee Wills (Electronic), HAND

**Guests Present:**

Laura Hammond (Electronic)  
Richard Lewis (Electronic)  
CATS (Present)  
Jenny Mack (Electronic)  
Kayle St. Denis (Present)

Jim Higgins (Present)  
Don Weiler (Present)  
Craig Bailey (Present)  
Mike Trotske (Present)  
Brad Wisler (Present)

### III. APPROVAL OF MINUTES

#### A. September 22, 2022

**Sam DeSollar** made a motion to approve **September 22, 2022 Minutes** with the caviat that **Sam DeSollar** attended the **September 22, 2022 Meeting**.

### IV. CERTIFICATES OF APPROPRIATENESS

#### Staff Approval

##### A. COA 22-75

1107 E 1st St. (Elm Heights Historic District)  
Petitioner: Hanna Brown, Cornett Roofing Systems  
*New roof and flashing*

**Brent Pierce** gave presentation. See packet for details.

#### Commission Review

##### B. COA 22-72

642/600 Block N Madison St. (Showers Brothers Furniture Complex Local Historic District)  
Petitioner: The Kiln Collective  
*Resubmittal of COA 20-13 for restoration and vertical expansion*

**Brent Pierce** gave presentation. See packet for details.

**Alex Crowely** gave details about the previous discussion of this property from the previous **Historic Preservation Meeting**. See packet for details. **Sam DeSollar** stated that the **Commissioners** had gone on site where the **Petitioner** outlined where the new addition would go, along with discussing the materials that will be used.

**Sam DeSollar** asked for clarification on the siding and windows proposed.

**Sam DeSollar** commented that he was very pleased that the **Petitioner** has gone to the lengths that they have gone, to accommodate the **HPC**.

**Allison Chopra** made a motion to approve **COA 22-72**.

**Matthew Seddon** seconded.

**Motion Carries: 6 Yes (DeSollar, Seddon, Saunders, Mitchell, Cross, Chopra), 0 No, 0 Abstain.**

**C. COA 22-76**

308 S Maple St. (Greater Prospect Hill Historic District)

Petitioner: Kayle St. Denis and Jim Higgins

*Backyard picket fence*

**Brent Pierce** gave presentation. See packet for details.

**Sam DeSollar** asked if **Prospect Hill** had a **Design Committee**. **Chris Sturbaum** stated that there was a combined committee for both **Prospect Hill Neighborhoods**. **Richard Lewis** stated that he was a resident of the **Prospect Hill Neighborhood** and a member of the **Greater Prospect Hill Historic District Design Review Committee** that actually covers just one neighborhood of **Prospect Hill**. **Richard Lewis** stated that this was not part of their review, because they deliberately did not put fencing in their design review.

**Sam DeSollar** commented that he supported this project, and thought this could be handled at **Staff** level because it is not in the guidelines. **Gabriel Holbrow** commented that the height of the fence is completely allowed by the **City Zoning Department**.

**Matthew Seddon** made a motion to approve **COA 22-76**.

**Elizabeth Mitchell** seconded.

**Motion Carries: 6 Yes (Cross, Chopra, Mitchell, Saunders, Seddon, k DeSollar), 0 No, 0 Abstain.**

**D. COA 22-78**

717 N Maple St. (Maple Heights Historic District)

Petitioner: Douglas Wells

*Full Demolition of a carport*

**Petitioner** was not present for this **COA** to be reviewed.

**V. DEMOLITION DELAY**

**A. DD 22-16**

1109 N College Ave. (Contributing)

Petitioner: Laura Hammond

*Full Demolition*

**Sam DeSollar** asked the Petitioner if he was aware of **BRI** and what their mission is. **Allison Chopra** asked if this home has a style. More discussion ensued. See packet for details. **Chris Sturbaum** asked the **Petitioner** if they could consider keeping the original front and that could be an option. The **Petitioner** stated that they had tried to do that. More discussion ensued. See packet for details.

**Matthew Seddon** commented that he did not see anything that stands out to recommend taking it to the **City Council**. **Reynard Cross** commented that he did not see anything that would lead him to go against their approval to demolish the last time. **Elizabeth Mitchell** commented that she did not really feel comfortable with demolishing the house, but reluctantly will go along with the previous **HPC**. **Sam DeSollar** commented that he did not think this had enough to see it go to **City Council**. More discussion ensued. See packet for details.

**Allison Chopra** made a motion to move **DD 22-16** to **City Council**.

**Motion is not seconded.**

**Allison Chopra** retracted her motion to move **DD 22-16** to **City Council**.

**John Saunders** read the **Demolition Delay Resolution for DD 22-16**.

**Motion Carries: 5 Yes (Cross, Mitchell, Saunders, Seddon, DeSollar), 1 No, 0 Abstain.**

**VI. NEW BUSINESS**

**VII. OLD BUSINESS**

**VIII. COMMISSIONER COMMENTS**

**Sam DeSollar** discussed the possibility of charging fees. Discussion ensued. See packet for details.

**Elizabeth Mitchell** announced the **Indiana Landmarks** was having a launch party for the **Black Heritage Program**.

**IX. PUBLIC COMMENTS ANNOUNCEMENTS**

**X. ADJOURNMENT**

**Meeting was adjourned by John Saunders @ 6:08 p.m.**

**END OF MINUTES**

**Video record of meeting available upon request.**

<b>STAFF APPROVAL</b>	Address: 401 N Morton St.
<b>COA 22-79</b>	Petitioner: Christina Smith, Department of Public Works
<b>Application Date:</b> 10/19/2022	Parcel: 53-05-33-309-001.000-005
<b>RATING: NOTABLE</b>	Survey: c. 1909/1920, 20th Century Industrial



**Background:** Showers Brothers Furniture Complex Local Historic District

**Request:** Installation of two streetlights

**Guidelines:** Showers Brothers Furniture Complex Local Historic District Guidelines

pg. 13

New illumination may be added in appropriate locations.

5. New lighting will be reviewed on a case-by-case basis for all aspects of the lighting design including fixtures, installation methods, and the quality of light.

Mock-ups of new lighting may be required on a case-by-case basis.

6. Mock-ups of proposed accent lighting will be required.

7. The design and materials of new lighting shall be compatible with the character of the Showers Buildings.

- The proposed lighting fixtures use the same design as the current exterior fixtures on the grounds.
- These lighting fixtures do not impact the historic structure, do harmonize with the existing designs and color palette, and provide much needed lighting for security at night.



**APPLICATION FORM  
CERTIFICATE OF APPROPRIATENESS**

**Case Number:** \_\_\_\_\_ COA 22-79  
**Date Filed:** \_\_\_\_\_ 10/19/2022  
**Scheduled for Hearing:** \_\_\_\_\_ 11/10/2022

\*\*\*\*\*

**Address of Historic Property:** 401 N Morton Street  
**Petitioner's Name:** Department of Public Works  
**Petitioner's Address:** 401 N Morton Street  
**Phone Number/e-mail:** 812.349.3589  
**Owner's Name:** City of Bloomington  
**Owner's Address:** 401 N Morton Street  
**Phone Number/e-mail:** 812.349.3410

Instructions to Petitioners

The petitioner must attend a preliminary meeting with staff of the Department of Housing and Neighborhood Development during which the petitioner will be advised as to the appropriateness of the request and the process of obtaining a Certificate of Appropriateness. The petitioner must file a "complete application" with Housing and Neighborhood Department Staff no later than seven days before a scheduled regular meeting. The Historic Preservation Commission meets the second Thursday of each month at 5:00 P.M. in the McCloskey Room. The petitioner or his designee must attend the scheduled meeting in order to answer any questions or supply supporting material. You will be notified of the Commission's decision and a Certificate of Appropriateness will be issued to you. Copies of the Certificate must accompany any building permit application subsequently filed for the work described. If you feel uncertain of the merits of your petition, you also have the right to attend a preliminary hearing, which will allow you to discuss the proposal with the Commission before the hearing during which action is taken. Action on a filing must occur within thirty days of the filing date, unless a preliminary hearing is requested.

**Please respond to the following questions and attach additional pages for photographs, drawings, surveys as requested.**

A “**Complete Application**” consists of the following:

1. A legal description of the lot. 013-69780-04 Showers Office and Research Center
  
2. A description of the nature of the proposed modifications or new construction:  
Department of Public Works has requested and received an outdoor lighting service agreement for phase 3 of the Showers LED Lighting Conversion Project for two additional street lights. One light will be located in the southern section of the City's employee parking lot and the other one will be located near the mail boxes which are currently dark. Staff feels that these two lights will resolve the two dark areas and enhance the illumination levels of the new lights that were installed this summer. With the addition of phase 3, a total of 40 lights will be installed around the Showers Governmental Complex and are scheduled to be installed at the beginning of 2023.
  
3. A description of the materials used.  
The two additional lights will be of the same fixture style as new lights which is a Sanibel LED with a downward lighting distribution pattern that meets the City's Light Pollution Unified Development Ordinance requirements. Duke Energy's poles are the Style A which is a round, tapered shaft aluminum pole and will be directly buried into the ground. Also, the lights will be energy efficient, require less maintenance, longer life span, and have a faster illumination start up time to reach full illumination.
  
4. Attach a drawing or provide a picture of the proposed modifications. You may use manufacturer's brochures if appropriate.
  
5. Include a scaled drawing, survey or geographic information system map showing the footprint of the existing structure and adjacent thoroughfares, Geographic Information System maps may be provided by staff if requested. Show this document to Planning Department Staff in order to ascertain whether variances or zoning actions are required.
  
6. Affix at least three photographs showing the existing full facade at each street frontage and the area of modification. If this petition is a proposal for construction of an entirely new structure or accessory building, include photographs of adjacent properties taken from the street exposure.

\*\*\*\*\*

If this application is part of a further submittal to the Board of Zoning Appeals for a Conditional Use or development standard variance, please describe the use proposed and modification to the property which will result.

Showers Government Complex







Image capture: May 2019 © 2022 Google

Google

Street View - May 2019

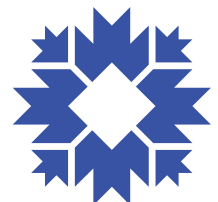
● Proposed Light Location





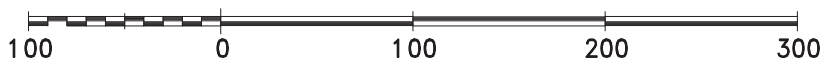
● Proposed Light Location

City of Bloomington  
Public Works



Scale: 1" = 100'

By: smithc  
13 Sep 22



For reference only; map information NOT warranted.



USP: Add Up Stream Protection, Facility ID, and Blocking Device Type  
 USP:  
 USP:  
 USP:  
 USP:

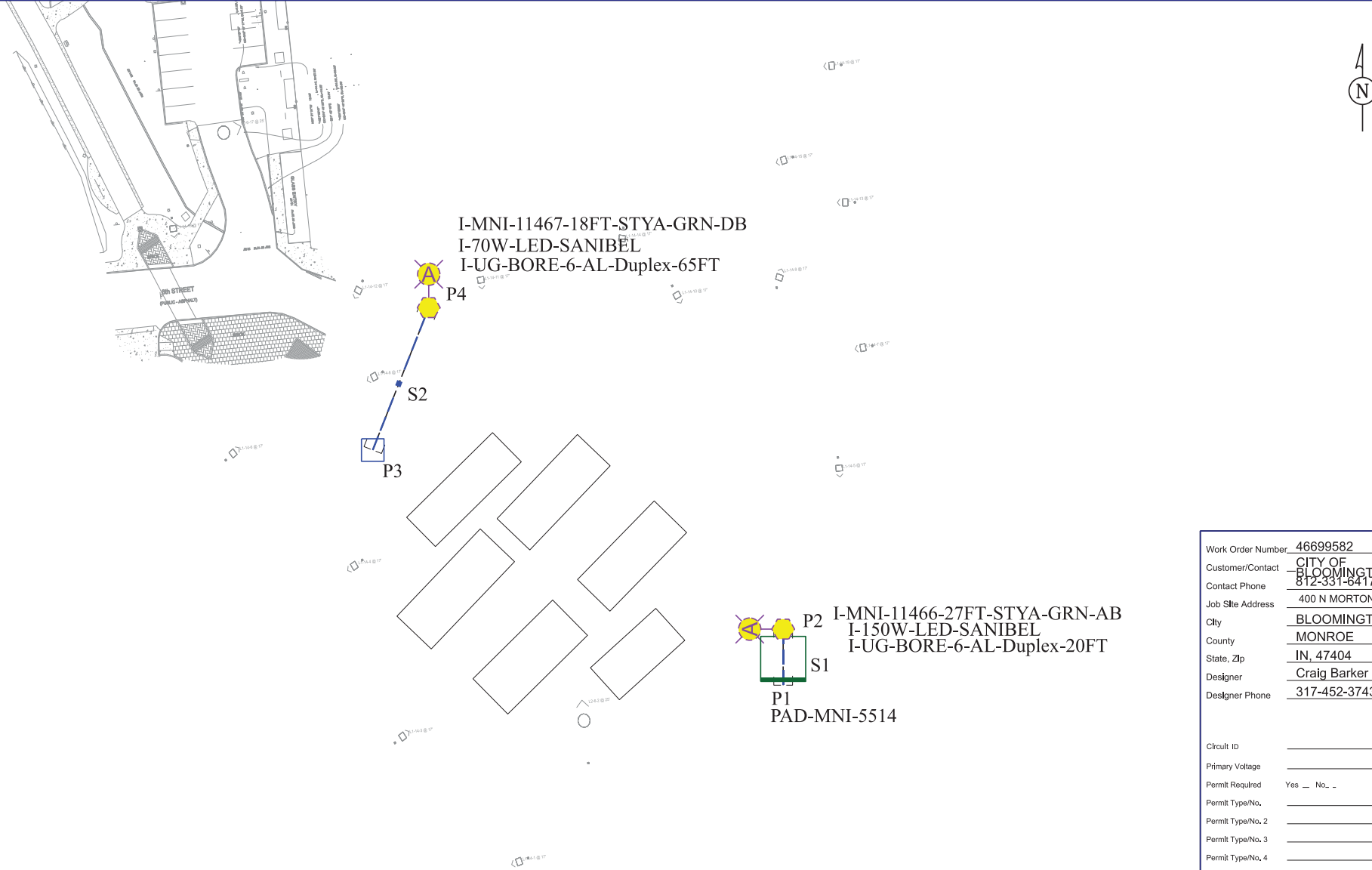


Safety Reminders / Adverse Conditions  
 ?:  
 ?:  
 ?:



Work Zone General Comments: Double click to e

REMEMBER: Work zone area conditions may have changed for this job! Everyone is responsible for verifying the above safety information is correct prior to any work being performed each day.



Work Order Number	46699582
Customer/Contact	CITY OF BLOOMINGTON
Contact Phone	812-331-6417
Job Site Address	400 N MORTON ST
City	BLOOMINGTON
County	MONROE
State, Zip	IN, 47404
Designer	Craig Barker
Designer Phone	317-452-3743
Circuit ID	_____
Primary Voltage	_____
Permit Required	Yes ___ No ___
Permit Type/No.	_____
Permit Type/No. 2	_____
Permit Type/No. 3	_____
Permit Type/No. 4	_____

Sheet Scale = 1"=50'



## Outdoor Lighting Sanibel LED



Subject to variance from manufacturer. Contact us for region-specific details.

The beauty of the stylish Sanibel LED is its remarkable versatility. Its sleek simplicity, with a gently curved bracket that helps cast light downward, is at home virtually anywhere – from more formal traditional neighborhoods to beachfront communities and other casual locales.

<b>LED</b> <i>(Light Emitting Diode)</i>	70   150 watts
<b>Mounting heights</b>	15', 20', 25', 30'
<b>Colors</b>	Black Green
<b>Poles</b>	Style A, C, D Wood
<b>Applications</b>	Streets Downtown Businesses Parks Neighborhoods

For additional information, visit  
[duke-energy.com/OutdoorLighting](http://duke-energy.com/OutdoorLighting)  
or call us toll free:  
**800.544.6900** (OH and KY)  
**800.521.2232** (IN)



## Outdoor Lighting

# Sanibel LED

Light source: LED (*white*)

Wattage: 70 | 150

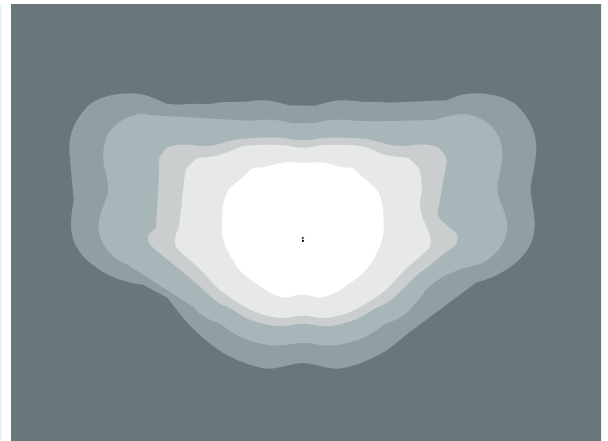
Lumens: 5,500 | 10,800

Light pattern: IESNA Type III (*oval*)

IESNA cutoff classification: Full cutoff

Color temperature: 4,000K

Warm-up and restrike time: Instant on (*no warm-up or restrike time*)



*light distribution pattern*

### Pole available:

<i>Name</i>	<i>Mounting height</i>	<i>Color</i>
Aluminum	15', 20', 25', 30'	Black Green
Wood	Various	Standard

### Features

Little to no upfront capital cost required

Design services by lighting professionals included

Maintenance included

Electricity included

Warranty included

One low monthly cost on your electric bill

Turnkey operation

Backed by over 125 years of experience

### Benefits

Frees up capital for other projects

Meets industry standards and lighting ordinances

Eliminates high and unexpected repair bills

Less expensive than metered service

Worry-free

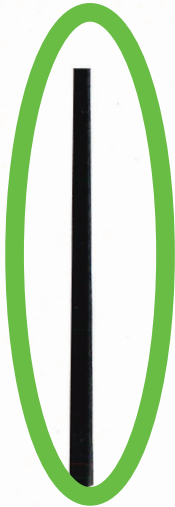
Convenience and savings for you

Provides hassle-free installation and service

A name you can trust today ... and tomorrow



Outdoor Lighting  
Poles



Style A

Round, smooth, tapered shaft available in varying heights, anchor-based or direct buried

Mounting heights 12', 15', 20', 25', 30', 35'

Colors Bronze  
Black  
Gray  
Green\*

Materials Fiberglass  
Aluminum  
Steel

Style B

Round, smooth, straight upper shaft with a fluted lower shaft, round base and rectangular base cover

Mounting height 12'

Colors Black  
Green

Material Aluminum

Style C

Round, fluted, straight upper shaft with a lower round, fluted, tapered base

Mounting heights 12', 15', 25'

Colors Black  
Green

Materials Aluminum  
Steel

Style D

Fluted, tapered shaft with a fluted, round base

Mounting height 12'

Colors Black  
Green

Materials Aluminum  
Fiberglass

\*Not available in all mounting heights







<b>STAFF APPROVAL</b>	Address: 604 S Ballantine Rd.
<b>COA 22-80</b>	Petitioner: Charles Livingston and Jeri Lynn Greenfield
<b>Application Date: 10/20/2022</b>	Parcel: 53-08-04-115-003.000-009
<b>RATING: CONTRIBUTING</b>	Survey: c. 1930, Dutch Colonial



**Background:** Elm Heights Historic District

**Request:** Installation of railing on front walkway

**Guidelines:** Elm Heights Historic District Guidelines

pg. 22 Removal, replacement, or restoration of existing architectural metal elements including roofing and gutter applications, steel windows, casement windows and industrial sash, storm doors, vents, grates, railings, fencing, and all decorative features of architectural metal elements that are integral components of the building or site and visible from the right-of-way.

- Replace missing elements

pg. 36 Preservation Goals for Accessibility, Safety, and Aging in Place

- Historic steps, foundations, and features should not be damaged or endangered by construction of a ramp or lift. Ideally, ramps or lifts should be screened from public view, perhaps by tasteful plantings, and located on the side and rear facades of the house when feasible.

- Another concern is ensuring the safe use of stairs by the addition of railings. When adding railings to already-existing stone stairs, anchor the railing in the ground or on the porch without drilling holes in the stone. Any damage to stone steps, such as drilled holes, could cause water infiltration and cracking and thus should be avoided.
- The proposal calls for placing the new railing into the existing paving stone, which is not recommended for the Elm Heights Historic District. However, the new railing design is based on the existing entrance step rails which are anchored in the stone steps.
- The proposed rail design is based on the existing one, using iron and the walnut design at the ends.
- The rail is designed for safety and aging in place, which becomes more critical with the paving stones becoming slippery in winter.

**APPLICATION FORM  
CERTIFICATE OF APPROPRIATENESS**

**Case Number:** \_\_\_\_\_ COA 22-80 \_\_\_\_\_

**Date Filed:** \_\_\_\_\_ 10/20/2022 \_\_\_\_\_

**Scheduled for Hearing:** \_\_\_\_\_ 11/10/2022 \_\_\_\_\_

\*\*\*\*\*

**Address of Historic Property:** \_\_\_\_\_ 604 S. Ballantine Rd., Bloomington, IN 47401 \_\_\_\_\_

**Petitioner's Name:** \_\_\_\_\_ Charles Livingston and Jeri Lynn Greenfield \_\_\_\_\_

**Petitioner's Address:** \_\_\_\_\_ 604 S. Ballantine Rd., Bloomington, IN 47401 \_\_\_\_\_

**Phone Number/e-mail:** \_\_\_\_\_ 812-339-8339 / LIVINGST@INDIANA.EDU \_\_\_\_\_

**Owner's Name:** \_\_\_\_\_ Charles Livingston and Jeri Lynn Greenfield \_\_\_\_\_

**Owner's Address:** \_\_\_\_\_ 604 S. Ballantine Rd., Bloomington, IN 47401 \_\_\_\_\_

**Phone Number/e-mail:** \_\_\_\_\_ 812-339-8339 \_\_\_\_\_

**Instructions to Petitioners**

The petitioner must attend a preliminary meeting with staff of the Department of Housing and Neighborhood Development during which the petitioner will be advised as to the appropriateness of the request and the process of obtaining a Certificate of Appropriateness. The petitioner must file a "complete application" with Housing and Neighborhood Department Staff at least twelve (12) days before a scheduled regular meeting. The Historic Preservation Commission meets the second Thursday of each month at 5:00 P.M. in the McCloskey Room (meetings are currently held via Zoom until further notice. The link is sent the week before the meeting). The petitioner or his designee must attend the scheduled meeting in order to answer any questions or supply supporting material. You will be notified of the Commission's decision and a Certificate of Appropriateness will be issued to you. Copies of the Certificate must accompany any building permit application subsequently filed for the work described. If you feel uncertain of the merits of your petition, you also have the right to attend a preliminary hearing, which will allow you to discuss the proposal with the Commission before the hearing during which action is taken. Action on a filing must occur within thirty days of the filing date, unless a preliminary hearing is requested.

**Please respond to the following questions and attach additional pages for photographs, drawings, surveys as requested.**

A **“Complete Application”** consists of the following:

1. A legal description of the lot. 015-08340-00 Outlook Lot 2

2. A description of the nature of the proposed modifications or new construction:  
We are proposing to install a handrail along the limestone walkway at the entrance of our  
house. This will extend railing that already exists for the steps from the sidewalk  
to the walkway. The purpose of the railing is to provide a safe walkway in winter, when  
the limestone can be covered with ice. We will be using material and design that is  
consistent with the current railing. Further details are contained in the addenda.

3. A description of the materials used.  
The material will be close to identical to the historical railing that exists for the front steps  
attached a copy of the estimate prepared by Valliant construction. Please see the  
addenda for further details.

4. Attach a drawing or provide a picture of the proposed modifications. You may use manufacturer’s brochures if appropriate.

5. Include a scaled drawing, survey or geographic information system map showing the footprint of the existing structure and adjacent thoroughfares, Geographic Information System maps may be provided by staff if requested. Show this document to Planning Department Staff in order to ascertain whether variances or zoning actions are required.

6. Affix at least three photographs showing the existing full facade at each street frontage and the area of modification. If this petition is a proposal for construction of an entirely new structure or accessory building, include photographs of adjacent properties taken from the street exposure.

\*\*\*\*\*

If this application is part of a further submittal to the Board of Zoning Appeals for a Conditional Use or development standard variance, please describe the use proposed and modification to the property which will result.

October 20, 2022

ADDENDA  
CERTIFICATE OF APPROPRIATENESS

Charles Livingston and Jeri Lynn Greenfield  
604 S. Ballantine Rd.  
Bloomington, IN 47401

We are proposing to install a railing along a walkway the leads from the sidewalk to the entrance of our house. Railing now exists on the stairway that leads from the sidewalk to the walkway. The added railing will be of nearly identical material and design as the railing that now exists. The purpose of the railing is to provide safe passage during the winter when the walkway becomes ice covered.

1) The “Legal Description” is taken from Elevate. I have attached a screenshot from the map posted on Elevate.

2) The walkway is not safe for us during winter when it becomes icy. We now try to keep it clear of ice and use sand when ice cannot be removed, but even spreading sand or deicer is dangerous because there is nothing to hold onto.

3) We have attached a copy of the estimate prepared by Valliant Construction. It contains details of the material to be used.

4) I have attached a collection of photographs showing the current railing and the walkway where the new railing will be added.

5) The added railing does not change any structural footprints. We believe it does not require review by the Planning Department because of any needed variances or zoning actions.

6) The attached photographs should sufficiently show the site of the work. The walkway is not visible from wide street views because of the spruce tree that hides much of the walkway.

**Additional comment about construction**

Mr. Valliant has recommended that the railing be installed with its posts in the limestone rather than into the ground next to the walkway, as is recommended by the historical guidelines. He will be sealing the holes with epoxy, which should mitigate the risk of future ice damage to the stone. We prefer to use this method for several reasons.

- (1) If the posts are planted in the ground, the railing will have to be perhaps as far as eight to twelve inches from the walkway. This is not consistent with standard safety guidelines, such as those of the ADA. Specifically, a person should not have to lean to grab a handrail while walking on a slick surface.
- (2) The Norway Spruce next to the walkway is, I believe, one of the largest in the city. It has been a feature of the house since at least the 1950s. It is now old and preserving it is a priority for us. In September, 2021, I had extended conversations with Erin Hatch, who was then the City of Bloomington Urban Forester. She outlined the need to avoid work on



the tree that could adversely affect its health. The area to the north of the walkway contains major roots of the tree, and digging holes along the walkway could do serious damage to them. To avoid damaging the tree we have avoided doing any electrical work or plumbing work nearby. (Most recently, we had a storm water sewer line that had become clogged rerouted to be far from the tree rather than try to repair the lines near the tree.)

- (3) If the rails were installed in the ground, the only way to make them serve the safety of those using the steps would be to significantly alter their design in a way that is not consistent with the existing railing.



FIGURE 1. Current Railing.





FIGURE 2. Detail that will be duplicated in new railing.



FIGURE 3. View from street of entry stairway and walkway in need of railing.



FIGURE 4. View of walkway in need of railing, which will be near bench.



FIGURE 5. Alternate view of walkway in need of railing (on the left side of walkway in the photo).

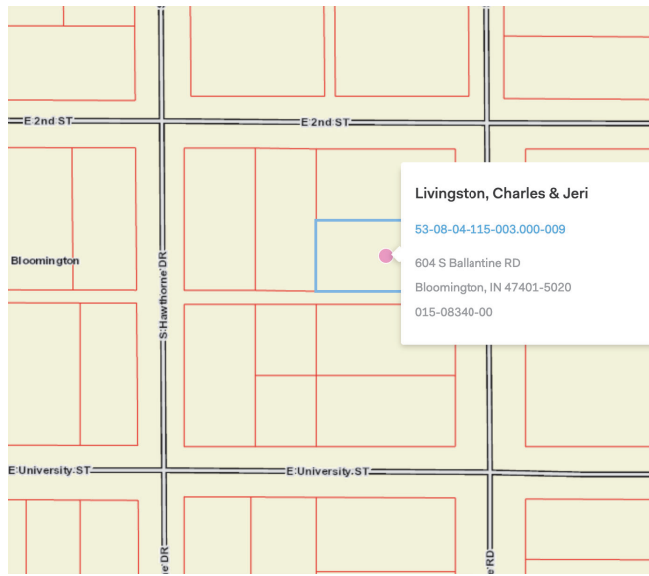


FIGURE 6. GIS map of lot.

Valliant Construction  
2591 S Garrison Chapel Rd.  
Bloomington, IN. 47403

chris.valliant23@comcast.net

(812)320-2139

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Proposal for Chuck Livingstone  
604 Ballentine Rd. (812)339-8339  
Bloomington, IN

10/19/22

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Proposal for fabrication, painting and installation of 3 handrail sections.

Handrail to match existing railing at sidewalk  
Railing to be 1.5" square steel tubing with "hammered" detail.  
Ends of railing to have cast "acorn" ends to match existing as closely as possible.  
Railing to be approx. 34" tall.  
Railing to be in three (3) sections set with pins epoxied into limestone walkway.  
Section lengths to be approx. 6 feet, 8 feet and 7 feet

Total proposal cost

\$ 

Steel prices are very volatile lately, I can only honor this quote for 2 weeks and then reserve the right to re-quote this project although I wouldn't expect the price to vary by much



<b>STAFF APPROVAL</b>	Address: 2920 E 10th St.
<b>COA 22-81</b>	Petitioner: Steve Wyatt, Bloomington Restorations Inc.
<b>Application Date: 10/21/2022</b>	Parcel: 53-05-35-300-040.000-005
<b>RATING: Outstanding</b>	Survey: c. 1890, Queen Anne



**Background:** Hinkle Garton Farmstead Historic District

**Request:** Change of paint color

**Guidelines:** Secretary of the Interior's Guidelines

- Staff found that the proposed paint colors are appropriate within the historical context of the building style and era.

**APPLICATION FORM  
CERTIFICATE OF APPROPRIATENESS**

**Case Number:** \_\_\_\_\_ COA 21-81 \_\_\_\_\_

**Date Filed:** \_\_\_\_\_ 10/21/2022 \_\_\_\_\_

**Scheduled for Hearing:** \_\_\_\_\_ 11/10/2022 \_\_\_\_\_

\*\*\*\*\*

**Address of Historic Property:** \_\_\_\_\_

**Petitioner's Name:** \_\_\_\_\_

**Petitioner's Address:** \_\_\_\_\_

**Phone Number/e-mail:** \_\_\_\_\_

**Owner's Name:** \_\_\_\_\_

**Owner's Address:** \_\_\_\_\_

**Phone Number/e-mail:** \_\_\_\_\_

**Instructions to Petitioners**

The petitioner must attend a preliminary meeting with staff of the Department of Housing and Neighborhood Development during which the petitioner will be advised as to the appropriateness of the request and the process of obtaining a Certificate of Appropriateness. The petitioner must file a "complete application" with Housing and Neighborhood Department Staff at least twelve (12) days before a scheduled regular meeting. The Historic Preservation Commission meets the second Thursday of each month at 5:00 P.M. in the McCloskey Room (meetings are currently held via Zoom until further notice. The link is sent the week before the meeting). The petitioner or his designee must attend the scheduled meeting in order to answer any questions or supply supporting material. You will be notified of the Commission's decision and a Certificate of Appropriateness will be issued to you. Copies of the Certificate must accompany any building permit application subsequently filed for the work described. If you feel uncertain of the merits of your petition, you also have the right to attend a preliminary hearing, which will allow you to discuss the proposal with the Commission before the hearing during which action is taken. Action on a filing must occur within thirty days of the filing date, unless a preliminary hearing is requested.

**Please respond to the following questions and attach additional pages for photographs, drawings, surveys as requested.**

A **“Complete Application”** consists of the following:

1. A legal description of the lot. \_\_\_\_\_

2. A description of the nature of the proposed modifications or new construction:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. A description of the materials used.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Attach a drawing or provide a picture of the proposed modifications. You may use manufacturer’s brochures if appropriate.

5. Include a scaled drawing, survey or geographic information system map showing the footprint of the existing structure and adjacent thoroughfares, Geographic Information System maps may be provided by staff if requested. Show this document to Planning Department Staff in order to ascertain whether variances or zoning actions are required.

6. Affix at least three photographs showing the existing full facade at each street frontage and the area of modification. If this petition is a proposal for construction of an entirely new structure or accessory building, include photographs of adjacent properties taken from the street exposure.

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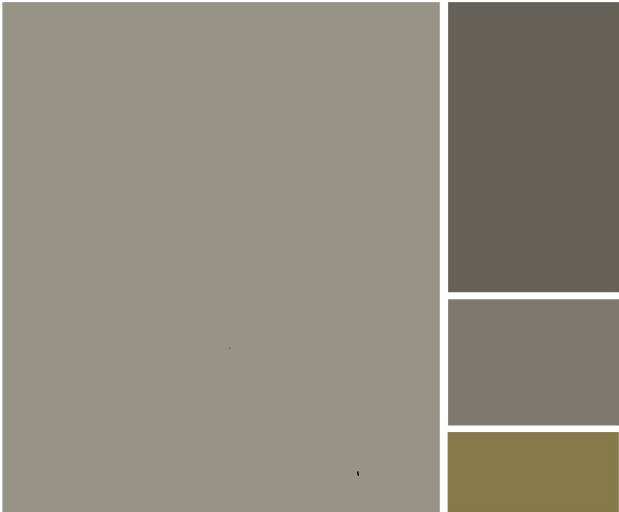
If this application is part of a further submittal to the Board of Zoning Appeals for a Conditional Use or development standard variance, please describe the use proposed and modification to the property which will result.

## Hinkle-Garton Farmstead legal description

A part of the Southwest quarter of Section 35, Township 9 North, Range 1 West, Monroe County, Indiana, more particularly described as follows: Commencing at a P .K. nail found marking the northwest corner of said quarter section, said corner being on the centerline of State Road 45; Then South 01 degree 13 minutes 30 seconds East 21.43 feet; Thence South 01 minutes 32 seconds East 21.43 feet; Thence South 89 degrees 53 minutes 32 seconds 319.63 feet to a stone post found and the Point of Beginning; Thence continuing South 89 degrees 53 minutes 32 seconds East 11.76 feet; Thence North 89 degrees 16 minutes 34 seconds East 488.82 feet; Thence North 89 degrees 46 minutes 44 seconds East 153.74 feet to a 5/8 inch diameter rebar with a cap engraved "Bynum Fanyo 890006 (called "monument" for the remainder of this description) set; Thence South 85 degrees 45 seconds 33 seconds East 138.96 feet to a monument set; Thence South 89 degrees 32 minutes 52 seconds East 189.98 feet to a monument set; Thence South 03 degrees 16 minutes 01 seconds West 81.39 feet to a monument set; Thence South 11 degrees 45 minutes 02 seconds West 528.27 feet to a monument set on the north right-of-way line of the Illinois Central Railroad; Thence on and along said line North 78 degrees 04 minutes 44 seconds West 376.69 feet; Thence North 78 degrees 00 minutes 18 seconds West 293.58 feet; Thence North 78 degrees 08 minutes 05 seconds West 210.36 feet to a monument set; Thence North 01 degree 13 minutes 30 seconds West 421.50 feet to the Point of Beginning within said bounds 11.08 acres be the same more or less but subject to all rights-of-way and easements of record.

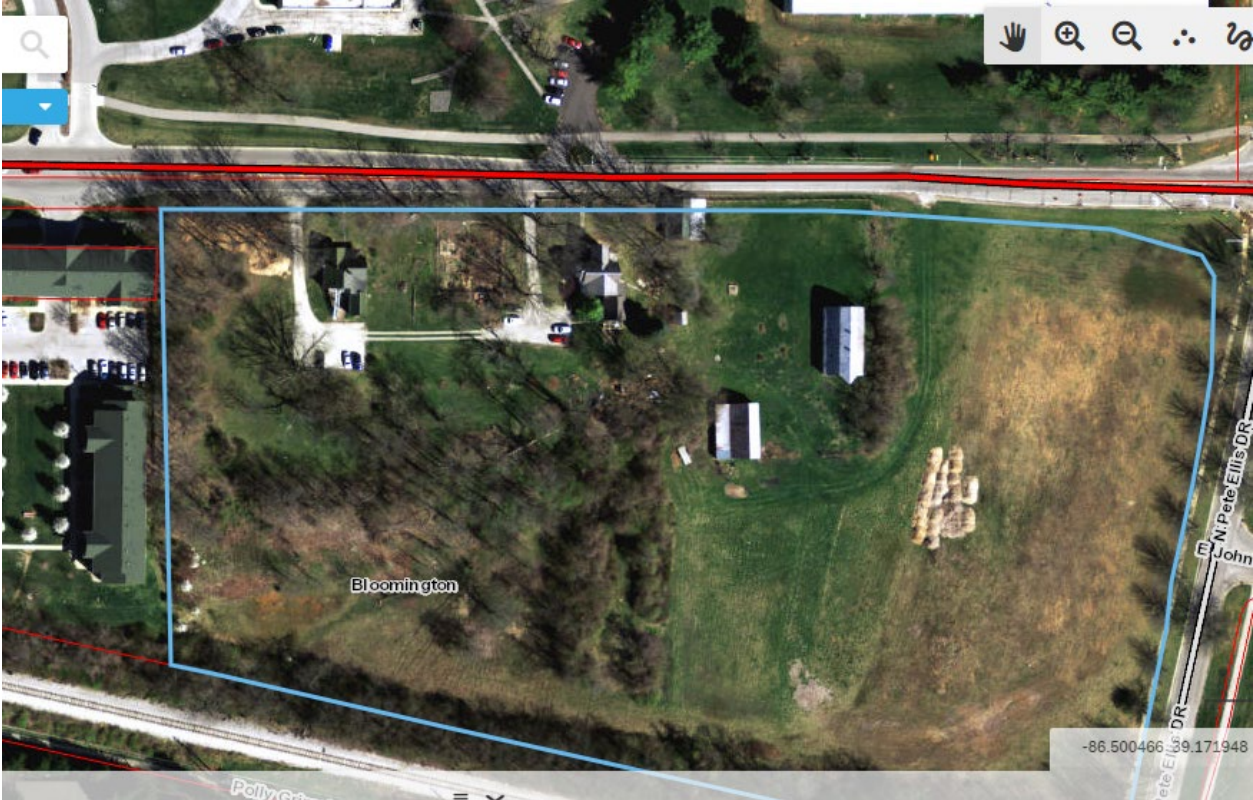


**Paint colors for 2920 E. Tenth St. (Munsell System codes and RGB equivalents)**



BODY	Gray	5Y 6/1	RGB	151-147-134
TRIM	Dark Gray	5Y 4/1	RGB	101-97-86
MINOR TRIM	Med. Gray	5Y 5/1	RGB	125-121-110
ACCENT	Khaki	5Y 5/4	RGB	135-121-74

The house, 2920 E. Tenth St., is in the upper middle of the property. The paint colors would be used on the main house. The woodshed addition on the back of the house would remain white.



View from Tenth Street, north and west sides of the house.





View of northeast side of the house



View of east and south sides of the house and woodshed addition





View of west and south sides of the house and woodshed addition



View of west and south sides of the house





<b>STAFF RECOMMENDATIONS</b>	Address: 1304 E 2nd St.
<b>COA 22-82 (Appealing 22-72)</b>	Petitioner: Terry Cole
<b>Application Date: 10/21/2022</b>	Parcel: 53-08-03-208-016.000-009
<b>RATING: CONTRIBUTING</b>	Survey: c. 1940, English Cottage



**Background: Elm Heights Historic District**

**Request: Window Replacement (Post action)**

**Guidelines: Elm Heights Historic District Guidelines**

**Staff Recommendation: Does not recommend approval of COA 22-82**

- The petitioner submitted a list of properties which they alleged have vinyl windows within the Elm Heights Historic District.
- The list itself can and should be revised and revisited.
- However, there are multiple reasons why a building within the historic district may have vinyl windows including the following:
  - Was allowed due to the specific age of the building and surveyed category (non-contributing)
  - Was done illegally and needs to be investigated
  - Windows were placed before the historic district was enacted.

- None of these reasons in other properties become a precedent for an individual case in which the process was done improperly.

**APPLICATION FORM  
CERTIFICATE OF APPROPRIATENESS**

**Case Number:** COA 22-72

**Date Filed:** AUGUST 26, 2022

**Scheduled for Hearing:** SEPTEMBER 8, 2022

\*\*\*\*\*

**Address of Historic Property:** 1304 E 2nd Street, Bloomington

**Petitioner's Name:** Terry Cole

**Petitioner's Address:** 12544 Glencove Ct, Carmel, 46033 (mailing address)

**Phone Number/e-mail:** 317-353-4335/Seymoursally@hotmail.com

**Owner's Name:** Terry Cole

**Owner's Address:** Same

**Phone Number/e-mail:** Same

**Instructions to Petitioners**

The petitioner must attend a preliminary meeting with staff of the Department of Housing and Neighborhood Development during which the petitioner will be advised as to the appropriateness of the request and the process of obtaining a Certificate of Appropriateness. The petitioner must file a "complete application" with Housing and Neighborhood Department Staff at least twelve (12) days before a scheduled regular meeting. The Historic Preservation Commission meets the second Thursday of each month at 5:00 P.M. in the McCloskey Room (meetings are currently held via Zoom until further notice. The link is sent the week before the meeting). The petitioner or his designee must attend the scheduled meeting in order to answer any questions or supply supporting material. You will be notified of the Commission's decision and a Certificate of Appropriateness will be issued to you. Copies of the Certificate must accompany any building permit application subsequently filed for the work described. If you feel uncertain of the merits of your petition, you also have the right to attend a preliminary hearing, which will allow you to discuss the proposal with the Commission before the hearing during which action is taken. Action on a filing must occur within thirty days of the filing date, unless a preliminary hearing is requested.

**Please respond to the following questions and attach additional pages for photographs, drawings, surveys as requested.**

**A “Complete Application” consists of the following:**

1. A legal description of the lot. 1304 E 2nd Street, Bloomington, IN 47401 (Parkview Lot 2)

2. A description of the nature of the proposed modifications or new construction:  
Please see attached

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3. A description of the materials used.  
Please see attached

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4. Attach a drawing or provide a picture of the proposed modifications. You may use manufacturer’s brochures if appropriate.

5. Include a scaled drawing, survey or geographic information system map showing the footprint of the existing structure and adjacent thoroughfares, Geographic Information System maps may be provided by staff if requested. Show this document to Planning Department Staff in order to ascertain whether variances or zoning actions are required.

6. Affix at least three photographs showing the existing full facade at each street frontage and the area of modification. If this petition is a proposal for construction of an entirely new structure or accessory building, include photographs of adjacent properties taken from the street exposure.

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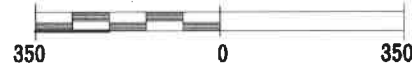
If this application is part of a further submittal to the Board of Zoning Appeals for a Conditional Use or development standard variance, please describe the use proposed and modification to the property which will result.





Elm Heights Local Historic District  
Local Historic Districts

Scale: 1" = 350



Oct 30, 2014



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

ThdmapL

Question 2.

Replacement windows. The existing windows were inoperable and/or broken and could not be opened or closed. This represented a fire hazard and danger to anyone living in the home. Several of the windows were stuck in a partially open position allowing cold/hot air to flow in and out of the house.

Five windows in the house had already been replaced by the previous owner. The windows that remained were single pain windows with no storm windows and very inefficient. The five windows that had been replaced by the previous owner were two bathroom windows, as well as the three windows in the front bedroom (two of which face the front of the house). The windows I replaced are very similar, if not identical to, the windows the previous owner installed. I paid extra to ensure that the windows I installed were wrapped so that they look the same as the existing windows (both old and new). Please see attached pictures of before and after.

I know it probably doesn't matter, but I was unaware that the home is in a historical district. I have owned the home since January, and it seems like I should have received some sort of letter or notice that the home is in a historical district and requires an application prior to external work being performed. I don't know how a purchaser of a home would know to do that otherwise.

FRONT  
BEFORE





BEFORE FRONT





AFTER FRONT







SIDE  
BEFORE



SIDE  
AFTER





BACK OF HOUSE

BEFORE





Back of House

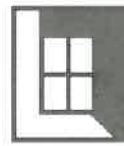
AFTER



\* Please ignore the junky looking patio / yard. It came that way and we are working on cleaning it up!

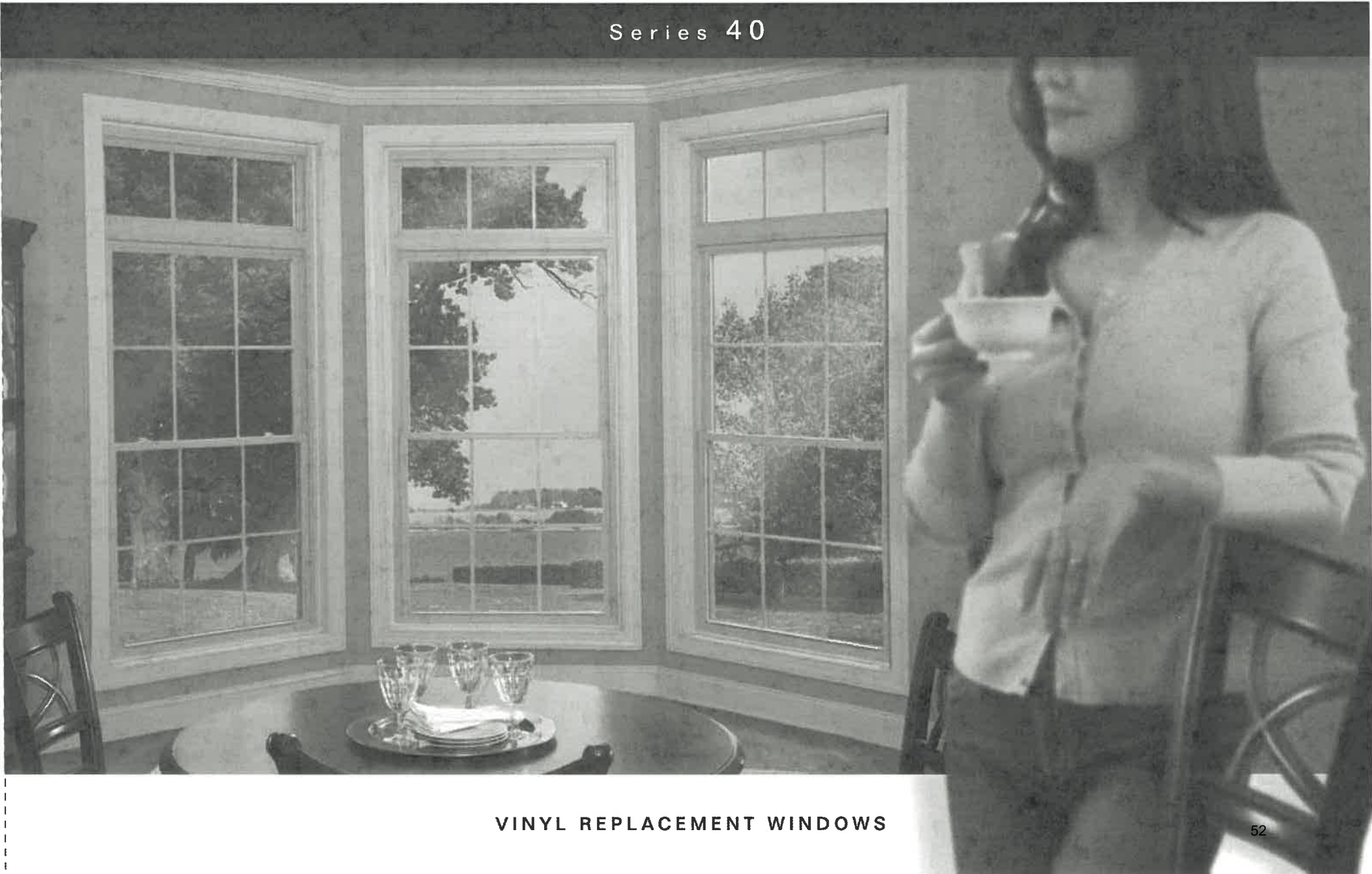


QUESTION 3



**LANSING**  
WINDOWS & DOORS

Series 40



VINYL REPLACEMENT WINDOWS



## The Lansing Difference

For more than 50 years, Lansing Building Products has set the standard for exceptional customer service and the finest exterior building materials in the industry. Our windows and sliding doors are recognized for their high-quality craftsmanship, innovative engineering and close attention to detail. You can feel comfortable knowing that when you choose Lansing, you're choosing a long-lasting, energy-efficient product that never compromises on style, performance or value. That's the Lansing difference.

## Our High-Performance Vinyl

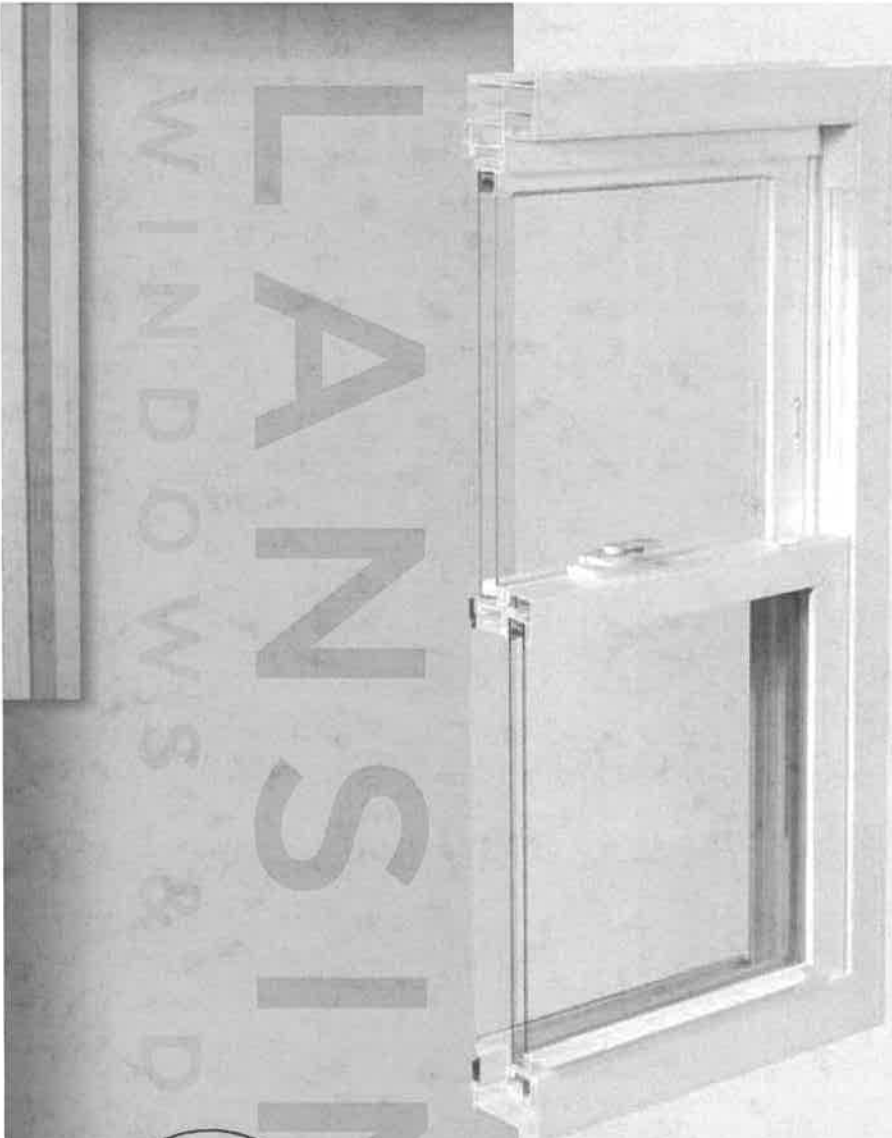
When it comes to low-maintenance, affordable windows, you can't beat vinyl. Lansing vinyl windows and doors never rust, rot or corrode. They never need painting, and they're easy to clean and maintain. You can also forget about scraping away paint that has chipped or peeled, or spending hours repairing rotted wood. With vinyl products from Lansing Windows and Doors, you enjoy beautiful windows that are practically maintenance-free and customizable to almost any style.

## Vary Your Options, Vary Your Style

Lansing also provides a complete array of replacement windows in casement, awning, slider, bay and bow, and garden styles, as well as specialty shapes to give you the precise look you want. We also offer sliding patio doors in 5', 6', 6'4", 8', 9', and 12' models.



Scan this QR code to watch a video about our series 40



## Where Affordability Meets Style

Lansing Windows and Doors is proud to offer a fresh perspective on vinyl in our Series 40 vinyl replacement windows. These versatile and stylish windows are the perfect complement to any home, with minimal maintenance and upkeep. Add our superior energy-efficiency features and you're guaranteed to save money while you enhance your home's visual appeal.

## Standard Series 40 Features

- Reinforced, multi-cavity construction provides additional thermal performance and structural integrity.
- Fusion-welded sashes and frame add strength and boost thermal performance.
- Insulated glass panels with optimum thermal air space featuring warm-edge spacer system.
- Constant force coil balance permits easy sash movement.
- Sloped sill reduces air infiltration and allows for easy water runoff.
- Extruded half-screen comes standard.\*
- Positive-action cam lock enhances safety (2 locks standard at 27¼" or wider).
- Dual night latches provide optimum ventilation.
- Integrated lift rail allows you to raise and lower windows with ease.
- Interlocking sashes keep out drafts.
- Dual-fin weather stripping further reduces air infiltration.
- Rubber bulb seal helps block outside air.
- Jamb depth is 3.25".

## Optional Features

- Factory mulling
- Extruded full screen\*
- ¾" or 5/8" flat or diamond grid
- 5/8" or 1" contoured grid
- 5/8" or 1" contoured grid
- Window Opening Control Device (WOCD) for fall prevention
- Double-strength glass
- Low-E glass
- Low-E glass with insulating argon gas
- Ultra Low-E glass with argon gas
- Lifetime glass breakage warranty
- Color options: white, almond, eight printed colors

### Vinyl Colors\*:



### Paint Exterior Colors\*:

(available with 5/8" contoured grid only)



\* Printing process may affect color shown. Please refer to actual window sample when selecting colors. Only use mild, water based household cleaner on painted product and rinse immediately with water. See full cleaning instructions for details.



2-Lite Slider



2-Lite Casement

## Go Green, Save Green

Eco-sustainability is something we take very seriously at Lansing. Our environmentally friendly products are built with the earth's limited resources in mind while offering you the energy efficiency and cost savings you're looking for in your replacement windows. First, we start with premium vinyl. Then we engineer a window with fusion-welded frames and sashes, security latches and locks, and optimal thermal performance. And because our vinyl is blended and extruded in-house, we oversee complete quality control and are able to pass on significant cost savings to you.

## Leave the Weather Outside

All of our windows and doors are designed to yield outstanding thermal performance. Because windows are mostly glass, it's important that they be made with the highest-quality glass available. That's exactly what you'll get with windows from Lansing—because every Lansing window comes with our warm-edge sealant system and multiple high-performing glass options.

## Series 40 Warranty

Every Lansing window is backed by a limited lifetime warranty on vinyl, glass and all working parts. Each product is individually registered with a product identification number, making ordering replacement parts throughout the warranty period easy and efficient. For additional peace of mind, you may purchase a lifetime glass breakage warranty.

See warranty for complete coverage details.

DO NOT REMOVE  
MAKE DATE: 1/15/2017 WARRANTY: 02589514  
SALES ORDER: 07602056



## Proud Supporter of ENERGY STAR®



By helping to maintain your home's indoor temperature, your windows help reduce power consumption and contribute to our country's conservation efforts. To help you select the optimum window or door for your home, the Department of Energy outlines specific thermal properties a window or door must have to achieve the ENERGY STAR rating. Lansing Windows and Doors enthusiastically supports the ENERGY STAR program and is committed to helping you select the appropriate glass option for your needs.



**LANSING**  
WINDOWS & DOORS



## Lansing Sliding Patio Doors



Shown here in Clay

### 332 OPTIONS



Dual Point Lock (standard on 332)

### 332 SLIDING PATIO DOORS

- Available colors: White, Almond or Clay
- Available in 8' height
- DP 50 rating, great for coastal applications (on 5068, 6068, & 8068)
- Easy installation in new construction applications with built-in 4 9/16" jamb
- Field reversible (6'8" height only), (custom sizes and BBG doors not reversible)
- Available in 6'8" height up to 12' wide
- Additional security available with multi-point lock
- Deluxe color match hardware (White, Almond or Clay vinyl colors; brass standard on paint and laminate)
- Brushed nickel handle (optional)
- Tremendous options selection, including snap-in brick mould and foot bolt lock
- Available with interior wood finishes
- Available in Ultra Low-E Glass with Argon Gas (may be required for Energy Star rating)
- Custom sizes available for a more comfortable fit
- 1 1/8" SDL, a traditional simulated divided lite raised style grid
- Exterior painted colors (not available on 4 panels), interior wood laminates and Bronze exterior laminate available.



Foot Bolt Lock



Brick Mould J-Channel

### 312 SLIDING PATIO DOORS

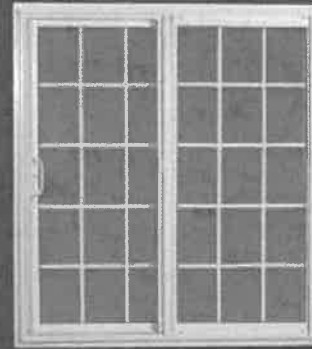
- Available colors: White, Almond or Clay
- Field reversible (custom sizes and BBG doors not reversible)
- Available in 6'8" height up to 12' wide
- Aluminum track for moving panel
- Easy installation in new construction applications
- Screen comes standard
- Deluxe color match hardware (White, Almond or Clay vinyl colors; brass standard on paint and laminate)
- Brushed nickel handle (optional)
- Available with interior wood finishes and Bronze exterior
- Available in Ultra Low-E Glass with Argon Gas (may be required for Energy Star rating)
- Custom sizes available for a more comfortable fit
- 1 1/8" SDL, a traditional simulated divided lite raised style grid
- Exterior painted colors (not available on 4 panels), interior wood laminates and Bronze exterior laminate available.



Shown here in Almond

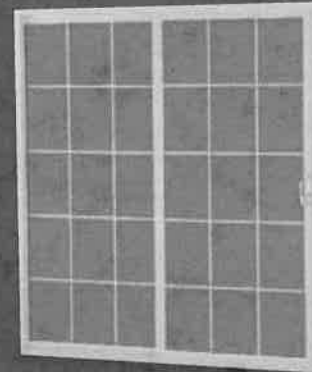
### 311 SLIDING PATIO DOORS

- White only, screen optional
- Field reversible
- White handle with lock
- Exceptional value



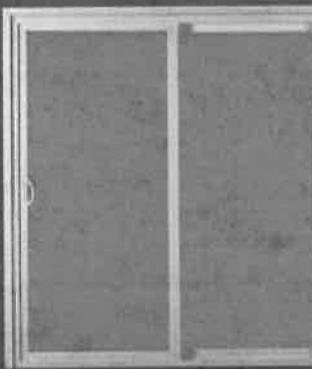
Model 332

Offered in range of sizes: 5', 6', 6'4", 8', 9', even 12'



Model 312

Offered in range of sizes: 5', 6', 6'4", 8', 9', even 12'



Model 311

Offered only in 5', 6' and 6'4" sizes

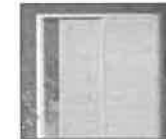
## Blinds Between the Glass

AVAILABLE WITH THE 312 AND 332 PATIO DOORS IN 6068 WHITE, INTERIOR AND EXTERIOR LAMINATES.\*

Advantages of a Sliding Patio Door with Blinds Between the Glass:



Never needs dusting and is safe for pets and children!



Controls light and privacy



Easy to raise, lower and tilt blinds

\*Blinds, operators and glass panels available in white only.

## Interior Wood Laminates\*:

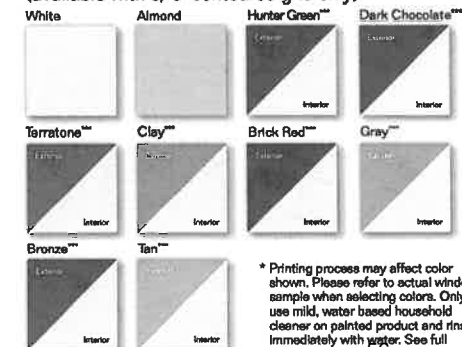


## Exterior Laminate: (312 & 332)



## Paint Exterior Colors\*:

(available with 5/8" contoured grid only)



\* Printing process may affect color shown. Please refer to actual window sample when selecting colors. Only use mild, water based household cleaner on painted product and rinse immediately with water. See full cleaning instructions for details.

## Multiple Glass Options for Series 40 Replacement Windows

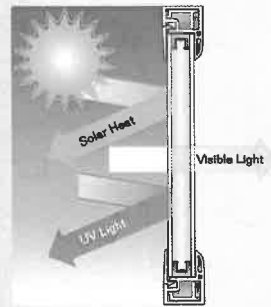
With multiple glass options to increase energy efficiency, there is a glass package to fit any climate need and budget.

**Low-E Glass** – With Low-E glass, two layers of silver coating reflect heat back to its source. So in the summer, the heat stays outside, while in the cold winter months, your home stays warm and comfortable. And because Low-E glass significantly reduces UV light, your furnishings, carpet and drapes are protected from the sun's damaging rays.

**Low-E Glass with Argon Gas** – Enjoy even more comfort with the addition of insulating argon gas to your Low-E glass windows. Argon is clear, odorless and heavier than air, making it an ideal solution for enhanced insulation and noise buffering.

### Ultra Low-E Glass with Argon Gas

For optimal energy efficiency and maximum cost savings, choose our ultimate glass package: Ultra Low-E Glass with Argon Gas. Windows with this glass treatment offer superior thermal performance by combining three layers of silver with the insulating power of argon. This glass option is designed to meet stringent energy code criteria anywhere low thermal numbers are desired.

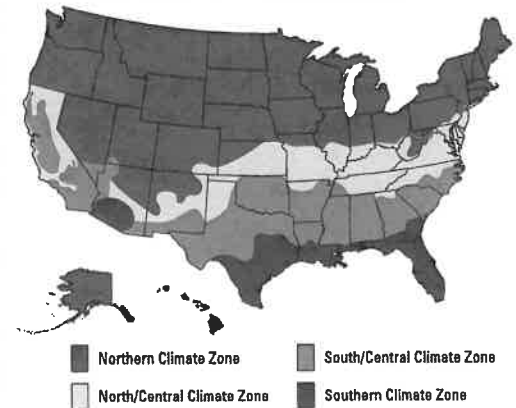


In the summer, Low-E glass reduces heat gain from the sun to help keep homes cooler.



In the winter, Low-E glass lets the warm, solar rays in while blocking the heat in the home from getting out.

### ENERGY STAR CLIMATE ZONE MAP



#### CRITERIA FOR WINDOWS

Climate Zone	U-Factor	SHGC	Equivalent Energy Performance
Northern:	$\leq 0.27$	Any	Prescriptive
	$= 0.28$	$\geq 0.32$	Equivalent Energy Performance
	$= 0.29$	$\geq 0.37$	
	$= 0.30$	$\geq 0.42$	
North/Central:	$\leq 0.30$	$\leq 0.40$	
South/Central:	$\leq 0.30$	$\leq 0.25$	
Southern:	$\leq 0.40$	$\leq 0.25$	
Air Leakage Rating:	$\leq 0.3 \text{ cfm/ft}^2$		

The ENERGY STAR program for windows divides the country into four distinct climate zones to recognize the varying heating and cooling months among the states.

#### CRITERIA FOR PATIO DOORS

Glazing Level	U-Factor	SHGC
$\leq 1/2$ Lite:	$\leq 0.25$	$\leq 0.25$
$> 1/2$ Lite:	$\leq 0.30$	Northern: $\leq 0.40$
		North/Central: $\leq 0.40$
		South/Central: $\leq 0.25$
		Southern: $\leq 0.25$
Air Leakage Rating for Sliding Doors:	$\leq 0.3 \text{ cfm/ft}^2$	

For patio doors, there is only one U-Factor and one Solar Heat Gain Coefficient (SHGC) requirement for ENERGY STAR compliance.

Please consult your home improvement or new construction professional for specific thermal properties that vary based on glass options and grid choices, and verify your window's actual performance to ensure ENERGY STAR rating in your specific climate zone.



### Warm-Edge Sealant System

- The Lansing replacement window series offers insulated glass panels to provide a tightly sealed air space that keeps inside air from going out and outside air from coming in. The insulated air space also acts as an effective noise buffer.
- Our U-channel design with thick, insulating buffered edge keeps heat and cold from traveling through the window by insulating the glass from the frame. The result: a warmer glass surface and less condensation in winter, glass that's cooler to the touch during summer and consistent indoor temperatures all year long.

#### Kids Can't Fly

Screens are not designed to restrain a child from falling through an open window. Please take proper precautions.



YouTube

ENERGY STAR compliance available in all series. Verify product specifics before ordering.



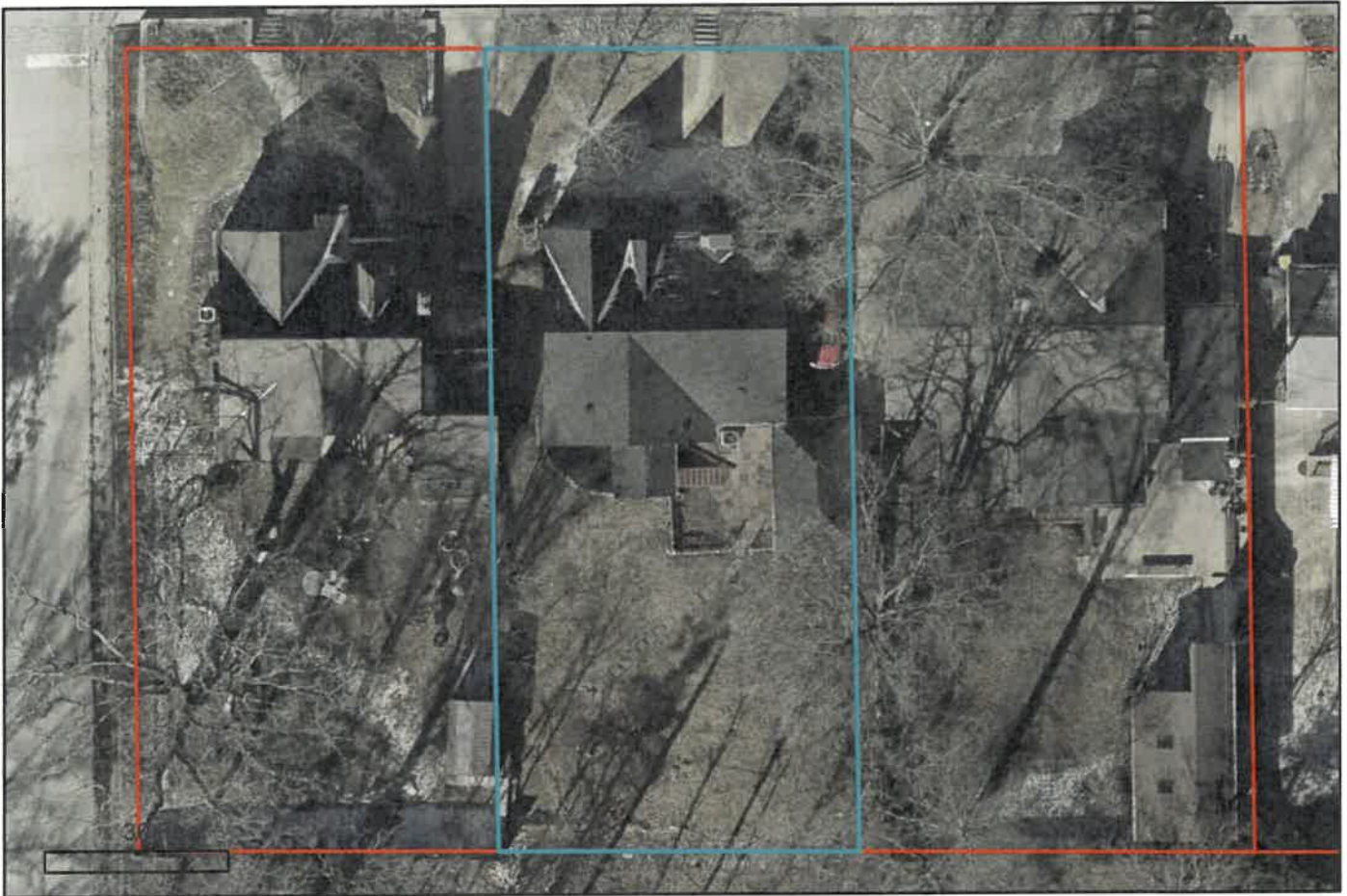
**LANSING**  
WINDOWS & DOORS

lbpwindows.com

Distributed By:

# Monroe County, IN

1304 E 2nd ST, Bloomington, IN 47401-5104  
53-08-03-208-016.000-009



## Parcel Information

**Parcel Number:** 53-08-03-208-016.000-009  
**Alt Parcel Number:** 015-48470-00  
**Property Address:** 1304 E 2nd ST  
Bloomington, IN 47401-5104  
**Neighborhood:** 154 Trending 2006 - A  
**Property Class:** Other Commercial Housing  
**Owner Name:** Cole, Terry F  
**Owner Address:** 12544 Glencove Ct  
Carmel, IN 46033  
**Legal Description:** 015-48470-00 PARKVIEW LOT 2

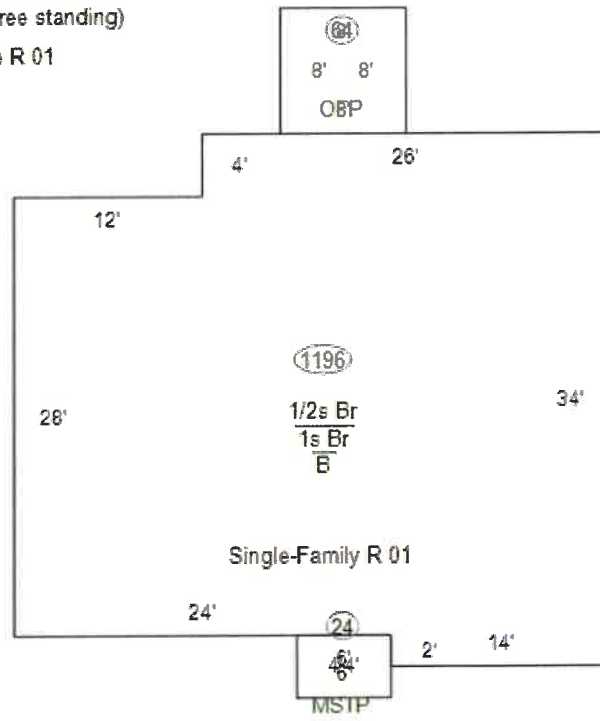
## Taxing District

**Township:** PERRY TOWNSHIP  
**Corporation:** MONROE COUNTY COMMUNITY

## Land Description

<u>Land Type</u>	<u>Acreage</u>	<u>Dimensions</u>
9	0.179	

Patio (free standing)  
ached Garage R 01





COA 22-82 (Appealing 22-72) 1304 E 2ND ST

When the Committee met to discuss the windows I have installed in my home, their reason for denying my request was based upon the premise that approving my vinyl windows would set a precedent in the district.

I had someone walk/drive through a portion of the historic district and count the number of homes with vinyl windows and there are a substantial number of them. When walking through, they did not cover the entire area, but rather a large square around my property (excluding those homes in the donut area). They found in excess of 30 homes with vinyl windows. I confirmed that each of the homes they noted with vinyl windows were actually in the historic district. And again, they did not cover the entire district, but rather only a large square around my property. I am happy to provide the addresses of the homes with vinyl windows. Regardless of whether all of these homes installed vinyl windows prior to Elm Heights becoming a historic district (which is highly unlikely) there is clearly a precedent of homes within the district containing vinyl windows and approving mine would not (could not) set a precedent. I would respectfully ask that the decision be reconsidered based upon this new information.

I have spent a significant amount of money in an effort to improve this home and make it a safe place for my daughter to live. I understand the importance of maintaining visual compatibility with the surrounding homes and am committed to ensuring my home remains compatible. If that means I need to replace the upper windows with 6 over versus the current 4 over windows as you had recommended, I will gladly make that change.

I really do appreciate your help and look forward to hearing from you regarding the path forward.

STREET	ADDRESS									
Atwater	1200	1130								
E. 1st Street	1208	1320	1217	1220	1214	1212				
S. Hawthorne	701	529	515							
S. Ballentine	620	721	601	604	500	405				
S Highland Ave.	527	613	528	405	409	402	419	504	520	516
Jordan/Eagleson	525	609	608	613	701	710	719	402	406	403
Jordan/Eagleson	405	409	413	417	423					

EXPANDING ON VINYL WINDOWS OF ELM HEIGHTS

ADDRESS	SHAARD (Updated in 2014-2015)	Google Street View (2019)	Verification Needed
1200 E Atwater (Contributing)	original	original, covered in storm windows	
1130 E Atwater (Outstanding)	replacement		
1208 E 1st St. (Contributing)	replacement		
1320 E 1st St. (Notable)	Replacement		
1217 E 1st St	replacement		
1220 E 1st St	original	original, covered in storm windows	
1214 E 1st St	replacement		
1212 E 1st ST (Contributing)	original casement (building from late 60's)	looks the same	
701 S Hawthorne St. (Contributing) 1960	both original and replacement		
529 S Hawthorne St (Notable)	original	can't tell	
515 S Hawthorne St	replacement		
620 S Ballantine Rd. (Outstanding)	some original doors and windows/ some replacements (2015)		verified
721 S Ballantine Rd. (outstanding)	replacement		
601 S Ballantine Rd.	combination original and replacement		
604 S Ballantine Rd.	3 replacements and three originals		
500 S Ballantine Rd.	replacement		
405 S Ballantine Rd.	NON CONTRIBUTING - replacement and original		

527 S Highland Ave. (contributing)	replacement and original		
613 S Highland Ave.	NOT IN THE HISTORIC DISTRICT		
528 S Highland Ave (contributing)	replacement		
405 S Highland Ave.	replacement windows		
409 S Highland Ave. (Non-Contributing)	Vinyl and original		
402 S Highland Ave. (Notable)	replacement		
419 S Highland Ave. (Non-Contributing)	replacement		
504 S Highland Ave.	original 1/1 window	looks the same	
520 S Highland Ave.	replacements		
516 S Highland Ave.	replacement		
525 S Eagleson Ave. (Non-Contributing)	replacement		
609 S Eagleson Ave.	replacement		
608 S Eagleson Ave.	replacement and original	looks the same	
613 S Eagleson Ave.	replacement		
701 S Eagleson Ave.	replacement and original	looks the same	
710 S Eagleson Ave	replacement and original	looks the same	
719 S Eagleson Ave.	replacement		
402 S Eagleson Ave.	original	looks the same	



406 S Eagleson Ave. (non-contributing)	original sliding windows	looks the same	
403 S Eagleson Ave.	replacement		
405 S Eagleson Ave.	original	looks the same with storm windows	
409 S Eagleson Ave.	original	looks the same	
413 S Eagleson Ave.	original (3/1 windows and 6/1 windows)	can't tell	
417 S Eagleson Ave.	two orig. 6/1 windows, orig. 8/1 window with orig. 6/1 sidelights, orig. door and sidelights	can't tell	
423 S Eagleson Ave.	three orig. 6/6 windows, orig. door flanked by orig. 6/6 windows, paired orig. 6/6 windows in side wing	looks the same with storm windows	

<b>STAFF RECOMMENDATIONS</b>	Address: 520 W Kirkwood Ave.
<b>COA 22-83</b>	Petitioner: Bill Shank
<b>Application Date: 10/25/2022</b>	Parcel: 53-05-32-413-027.000-005
<b>RATING: CONTRIBUTING</b>	Survey: c. 1895, L-plan Cottage



**Background: Near West Side Conservation District**

**Request: Partial demolition, removal of chimney**

**Guidelines: Near West Side Conservation District Guidelines**

- Demolition: Pg. 44: A significant alteration or removal of a portion of a structure which, according to staff, jeopardizes the structure's individual eligibility for listing in the National Register of Historic Places OR its status as a contributing structure in the local district. Such removals may include, but are not limited to, items such as removing front porches, altering the window shape and size on facades that are seen from the street, removing historic trim from the front facade, and removing original retaining walls and other hardscape features.
- The structure poses an immediate and substantial threat to public safety as interpreted from the state of deterioration, disrepair, and structural stability of the structure. The condition of the building resulting from neglect shall not be considered grounds for demolition.

**Staff Recommends: Conditional approval of COA 22-83 to allow the chimney to be demolished with a requirement of rebuilding the chimney.**

- The demolition of the chimney changes the silhouette of the building, which can be observed from the two rights of way, constituting a significant alteration to the structure.
- The chimney itself appears to be in a highly deteriorated state from what can be observed in the images of both the exterior and interior of the structure.

**APPLICATION FORM  
CERTIFICATE OF APPROPRIATENESS**

**Case Number:** 520 W KIRKWOOD AVE

**Date Filed:** 10/25/2022

**Scheduled for Hearing:** 11/10/2022

\*\*\*\*\*

**Address of Historic Property:** 520 W. Kirkwood

**Petitioner's Name:** Bill Shank

**Petitioner's Address:** 520 W. Kirkwood

**Phone Number/e-mail:** billshank@billshank.com

**Owner's Name:** Bill Shank

**Owner's Address:** 520 W. Kirkwood

**Phone Number/e-mail:** \_\_\_\_\_

**Instructions to Petitioners**

The petitioner must attend a preliminary meeting with staff of the Department of Housing and Neighborhood Development during which the petitioner will be advised as to the appropriateness of the request and the process of obtaining a Certificate of Appropriateness. The petitioner must file a "complete application" with Housing and Neighborhood Department Staff at least twelve (12) days before a scheduled regular meeting. The Historic Preservation Commission meets the second Thursday of each month at 5:00 P.M. in the McCloskey Room (meetings are currently held via Zoom until further notice. The link is sent the week before the meeting). The petitioner or his designee must attend the scheduled meeting in order to answer any questions or supply supporting material. You will be notified of the Commission's decision and a Certificate of Appropriateness will be issued to you. Copies of the Certificate must accompany any building permit application subsequently filed for the work described. If you feel uncertain of the merits of your petition, you also have the right to attend a preliminary hearing, which will allow you to discuss the proposal with the Commission before the hearing during which action is taken. Action on a filing must occur within thirty days of the filing date, unless a preliminary hearing is requested.



**Please respond to the following questions and attach additional pages for photographs, drawings, surveys as requested.**

A **“Complete Application”** consists of the following:

1. A legal description of the lot. 013-48430-00

2. A description of the nature of the proposed modifications or new construction:  
The existing chimney is structurally unstable and about 10 inches out of plumb at the roof line. We would like to remove it. The structure is at the begining stage of a full remodel

3. A description of the materials used.  
N/A

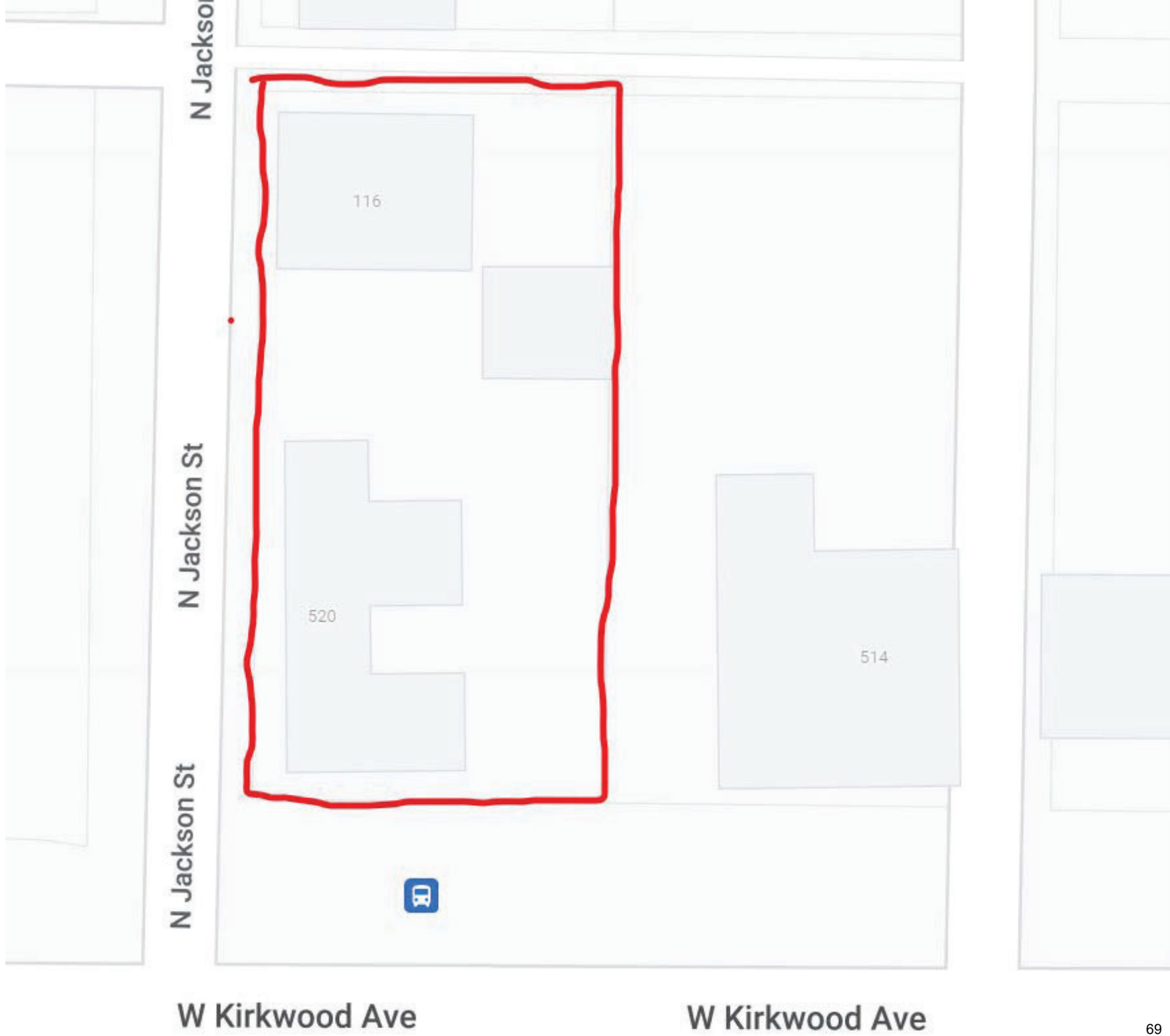
4. Attach a drawing or provide a picture of the proposed modifications. You may use manufacturer’s brochures if appropriate.

5. Include a scaled drawing, survey or geographic information system map showing the footprint of the existing structure and adjacent thoroughfares, Geographic Information System maps may be provided by staff if requested. Show this document to Planning Department Staff in order to ascertain whether variances or zoning actions are required.

6. Affix at least three photographs showing the existing full facade at each street frontage and the area of modification. If this petition is a proposal for construction of an entirely new structure or accessory building, include photographs of adjacent properties taken from the street exposure.

\*\*\*\*\*

If this application is part of a further submittal to the Board of Zoning Appeals for a Conditional Use or development standard variance, please describe the use proposed and modification to the property which will result.



N Jackson

N Jackson St

N Jackson St

W Kirkwood Ave

W Kirkwood Ave

116

520

514



















<b>STAFF RECOMMENDATIONS</b>	Address: 120 N Walnut St.
<b>COA 22-84</b>	Petitioner: Jill and James Farkas
<b>Application Date: 10/27/2022</b>	Parcel: 53-05-33-310-044.000-005
<b>RATING: NOTABLE</b>	Survey: c. 1923, Mission/ Spanish Colonial Revival



**Background: Courthouse Square Historic District**

**Request: New Signage**

**Guidelines:** Courthouse Square Historic District Guidelines Pg. 22  
Signage, General

1. Care should be taken with the attachment of signage to historic buildings.
2. The scale of signage should be in proportion to the facade, respecting the building's size, scale and mass, height, and rhythms and sizes of windows and door openings.
3. Obscuring historic building features such as cornices, gables, pilasters, or other decorative elements with new signs is discouraged.
4. Use of materials such as wood, stone, iron, steel, glass, and aluminum is encouraged as historically appropriate to the building.
5. In situations where signage is directly attached to historic fabric, it should be installed in a manner which allows for updates and/or new tenant signage without additional drilling into stone, brick, or even mortar. If signage or signage



parts must be attached directly to the building, it should be attached to wood or to mortar rather than directly into stone or brick. It is encouraged that signage be placed where signage has historically been located.

6. Signage which is out of scale, boxy or detracts from the historic facade is discouraged.
7. Care should be taken to conceal the mechanics of any kind from the public right of way.

#### Wall Signs

1. Building-mounted signage should be of a scale and design so as not to compete with the building's historic character.
2. Wall signs should be located above storefront windows and below second story windows.
3. Signs in other locations will be reviewed on a case-by-case basis.

#### **Staff Recommendation: Approval of COA 22-84 with preference for the sign on the awning.**

- The petitioner submitted two proposals for signage. The wall sign would be placed where the previous sign used to be located, complying with the location and minimizing damage to the historic structure. The proposal with the awning would more closely fit the current signage proportions.
- More information from the Planning and Transportation staff would be needed to make a determination on the secondary sign that is perpendicular to the building.

**APPLICATION FORM  
CERTIFICATE OF APPROPRIATENESS**

**Case Number:** COA 22-84

**Date Filed:** 10/27/2022

**Scheduled for Hearing:** 11/10/2022

\*\*\*\*\*

**Address of Historic Property:** 120 North Walnut St bloomington IN

**Petitioner's Name:** Jill and James Farkas

**Petitioner's Address:** 8072 State rd 46 East Nashville IN 47448

**Phone Number/e-mail:** 812-988-2233/jandjrocketfizz@gmail.com

**Owner's Name:** Abodes Management

**Owner's Address:** 940S clarizz Blvd #25 Bloomington In 47401

**Phone Number/e-mail:** 812-333-333/hvanness@abodes.com

**Instructions to Petitioners**

The petitioner must attend a preliminary meeting with staff of the Department of Housing and Neighborhood Development during which the petitioner will be advised as to the appropriateness of the request and the process of obtaining a Certificate of Appropriateness. The petitioner must file a "complete application" with Housing and Neighborhood Department Staff at least twelve (12) days before a scheduled regular meeting. The Historic Preservation Commission meets the second Thursday of each month at 5:00 P.M. in the McCloskey Room (meetings are currently held via Zoom until further notice. The link is sent the week before the meeting). The petitioner or his designee must attend the scheduled meeting in order to answer any questions or supply supporting material. You will be notified of the Commission's decision and a Certificate of Appropriateness will be issued to you. Copies of the Certificate must accompany any building permit application subsequently filed for the work described. If you feel uncertain of the merits of your petition, you also have the right to attend a preliminary hearing, which will allow you to discuss the proposal with the Commission before the hearing during which action is taken. Action on a filing must occur within thirty days of the filing date, unless a preliminary hearing is requested.

**Please respond to the following questions and attach additional pages for photographs, drawings, surveys as requested.**

A “**Complete Application**” consists of the following:

1. A legal description of the lot. Retail
  
2. A description of the nature of the proposed modifications or new construction:  
we are wanting to open a Rocket Fizz soda and Candy store we would either  
like to install a new awning or mout a sign above the entrance we would also like to install either light and  
signage on the windows and the door if this is allowed
  
3. A description of the materials used.  
We will be able to use the material that is approved by this comission to insure we follow  
all codes  
If we use a wall mounted sign it would be made from metal with a hanging sign made from wood  
  
if we usee a awning sign it would be made from canvas and a wooden hanging sign  
  
these are both shown in the attached photos
  
4. Attach a drawing or provide a picture of the proposed modifications. You may use manufacturer’s brochures if appropriate.
  
5. Include a scaled drawing, survey or geographic information system map showing the footprint of the existing structure and adjacent thoroughfares, Geographic Information System maps may be provided by staff if requested. Show this document to Planning Department Staff in order to ascertain whether variances or zoning actions are required.
  
6. Affix at least three photographs showing the existing full facade at each street frontage and the area of modification. If this petition is a proposal for construction of an entirely new structure or accessory building, include photographs of adjacent properties taken from the street exposure.

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If this application is part of a further submittal to the Board of Zoning Appeals for a Conditional Use or development standard variance, please describe the use proposed and modification to the property which will result.





Map data ©2022 Google 50 ft



# 120 N Walnut St

Building



Directions



Save



Nearby



Send to phone



Share

You visited 4 weeks ago



120 N Walnut St, Bloomington, IN 47404





**ROCKET FIZZ**  
SODA POP & CANDY SHOP

**ROCKET FIZZ** SODA POP & CANDY SHOP

*Soda Pop  
&  
Candy Shop*  
**SODA & CANDY**



*Soda Pop  
&  
Candy Shop*  
**GAGS & GIFTS**

COMING FALL 2013  
BLOOMINGTON'S  
NEWEST  
STUDENT COMMUNITY













NO HATE  
NOT ANYWHERE



CURRENT  
AT LATIMER SQUARE

COMING FALL 2023  
BLOOMINGTON'S  
NEWEST  
STUDENT COMMUNITY







NO HATE  
NOT  
ANYWHERE



CURRENT  
AT LATIMER SQUARE

COMING FALL 2023  
BLOOMINGTON'S  
NEWEST  
STUDENT COMMUNITY

TAKE A TOUR



<b>STAFF RECOMMENDATIONS</b>	Address: 2304 N Martha St.
<b>COA 22-85</b>	Petitioner: Mark Figg
<b>Application Date: 10/27/2022</b>	Parcel: 53-05-28-203-044.000-005
<b>RATING: N/A</b>	Survey: N/A



**Background: Matlock Heights Historic District**

**Request: New Construction**

**Guidelines: Matlock Heights Historic District Guidelines**

- pg. 22: Context: New construction must use the existing historic building as the most important, perhaps only, context. It should not overwhelm in scale or proportion and should not exceed the height of the primary building.
- pg 26: Building entry: New buildings should reflect a similar sense of entry to that which is expressed by surrounding contributing buildings. Frequently, mid-century entrances are located perpendicular to the façade at the end of a jutting addition or a porch.

**Staff Recommendation approval of COA 22-85**

- The building proportions, both in height, outline, and massing are evocative of the neighboring structures.
- The proposed structure has a slightly shorter front setback than their nearest neighbor, however, the main structures line up closely.
- The materials vary from the nearest precedents (brick and horizontal lap siding rather than stone and vertical siding), however, all of the materials are period appropriate.
- The entrances would be more appropriate if they were perpendicular to the street.



**APPLICATION FORM  
CERTIFICATE OF APPROPRIATENESS**

**Case Number:** COA 22-85

**Date Filed:** 10/27/2022

**Scheduled for Hearing:** 11/10/2022

\*\*\*\*\*

**Address of Historic Property:** 2304 N Martha St

**Petitioner's Name:** Mark Figg

**Petitioner's Address:** PO Box 1785 Bloomington, IN 47402

**Phone Number/e-mail:** 317.919.2020 mfigg@markfigg.com

**Owner's Name:** Jeff Gladson

**Owner's Address:** 2330 N Walnut St Bloomington, IN 47404

**Phone Number/e-mail:** 812.320.7460 jgla466078@aol.com

**Instructions to Petitioners**

The petitioner must attend a preliminary meeting with staff of the Department of Housing and Neighborhood Development during which the petitioner will be advised as to the appropriateness of the request and the process of obtaining a Certificate of Appropriateness. The petitioner must file a "complete application" with Housing and Neighborhood Department Staff at least twelve (12) days before a scheduled regular meeting. The Historic Preservation Commission meets the second Thursday of each month at 5:00 P.M. in the McCloskey Room (meetings are currently held via Zoom until further notice. The link is sent the week before the meeting). The petitioner or his designee must attend the scheduled meeting in order to answer any questions or supply supporting material. You will be notified of the Commission's decision and a Certificate of Appropriateness will be issued to you. Copies of the Certificate must accompany any building permit application subsequently filed for the work described. If you feel uncertain of the merits of your petition, you also have the right to attend a preliminary hearing, which will allow you to discuss the proposal with the Commission before the hearing during which action is taken. Action on a filing must occur within thirty days of the filing date, unless a preliminary hearing is requested.

**Please respond to the following questions and attach additional pages for photographs, drawings, surveys as requested.**

A **“Complete Application”** consists of the following:

1. A legal description of the lot. 53-05-28-203-044.000-005

2. A description of the nature of the proposed modifications or new construction:  
New Residential Duplex (see attached drawings)

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3. A description of the materials used.  
Horizontal lap siding (fiber cement) and brick with asphalt shingle roof

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4. Attach a drawing or provide a picture of the proposed modifications. You may use manufacturer’s brochures if appropriate.

5. Include a scaled drawing, survey or geographic information system map showing the footprint of the existing structure and adjacent thoroughfares, Geographic Information System maps may be provided by staff if requested. Show this document to Planning Department Staff in order to ascertain whether variances or zoning actions are required.

6. Affix at least three photographs showing the existing full facade at each street frontage and the area of modification. If this petition is a proposal for construction of an entirely new structure or accessory building, include photographs of adjacent properties taken from the street exposure.

\*\*\*\*\*

If this application is part of a further submittal to the Board of Zoning Appeals for a Conditional Use or development standard variance, please describe the use proposed and modification to the property which will result.



**PROPOSED SITE PLAN**  
 SCALE: 1" = 20'-0"

# 2304 N MARTHA STREET DUPLEX

10.06.2022

















**NOTICE OF HEARING**  
**ZONING REQUEST**  
**PENDING**  
City of Bloomington Planning  
& Transportation Department  
**812-349-3423**





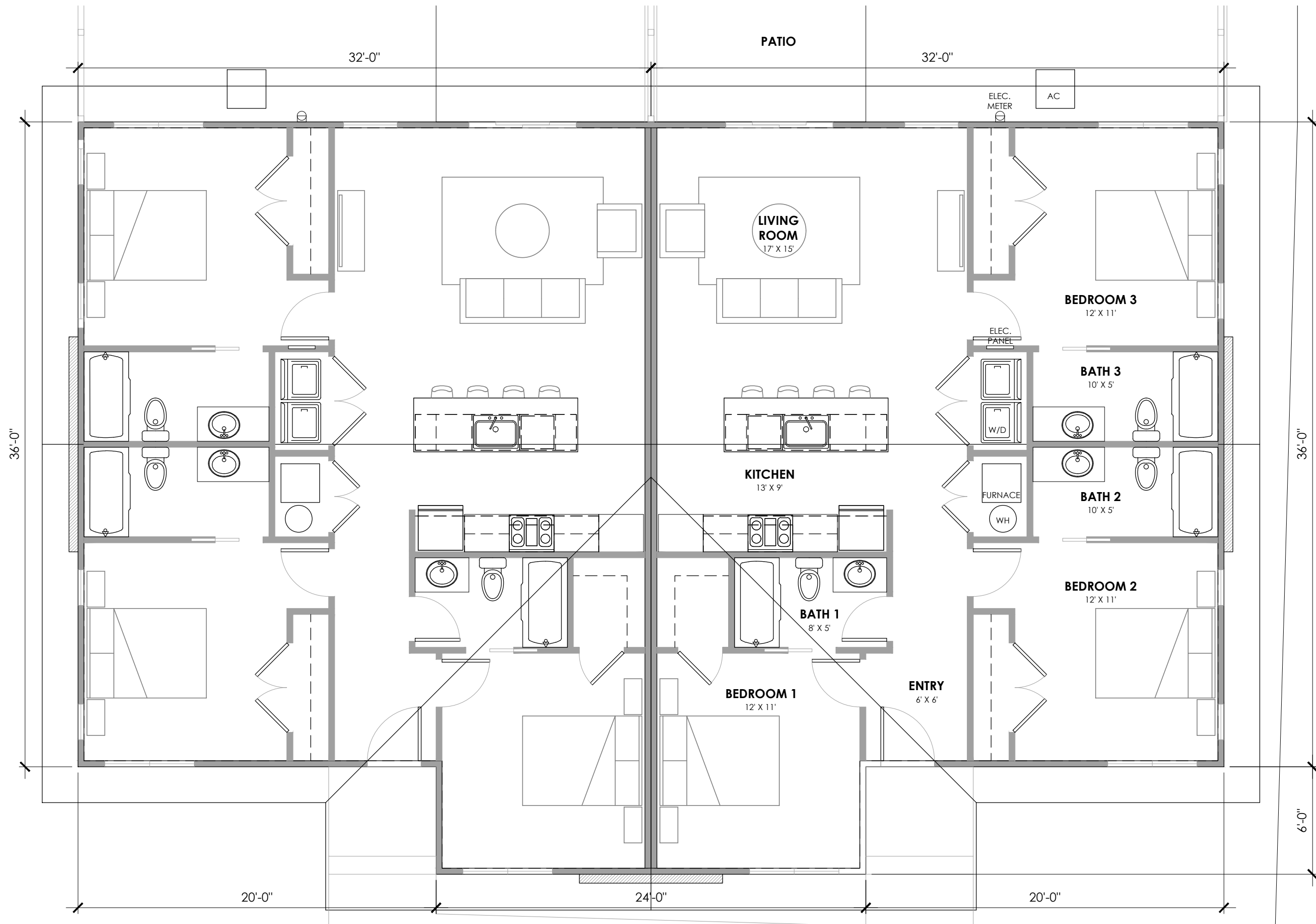
**PROPOSED SITE PLAN**  
SCALE: 1" = 20'-0"

# 2304 N MARTHA STREET DUPLEX

10.06.2022

**MATTE  
BLACK  
ARCHITECTURE**



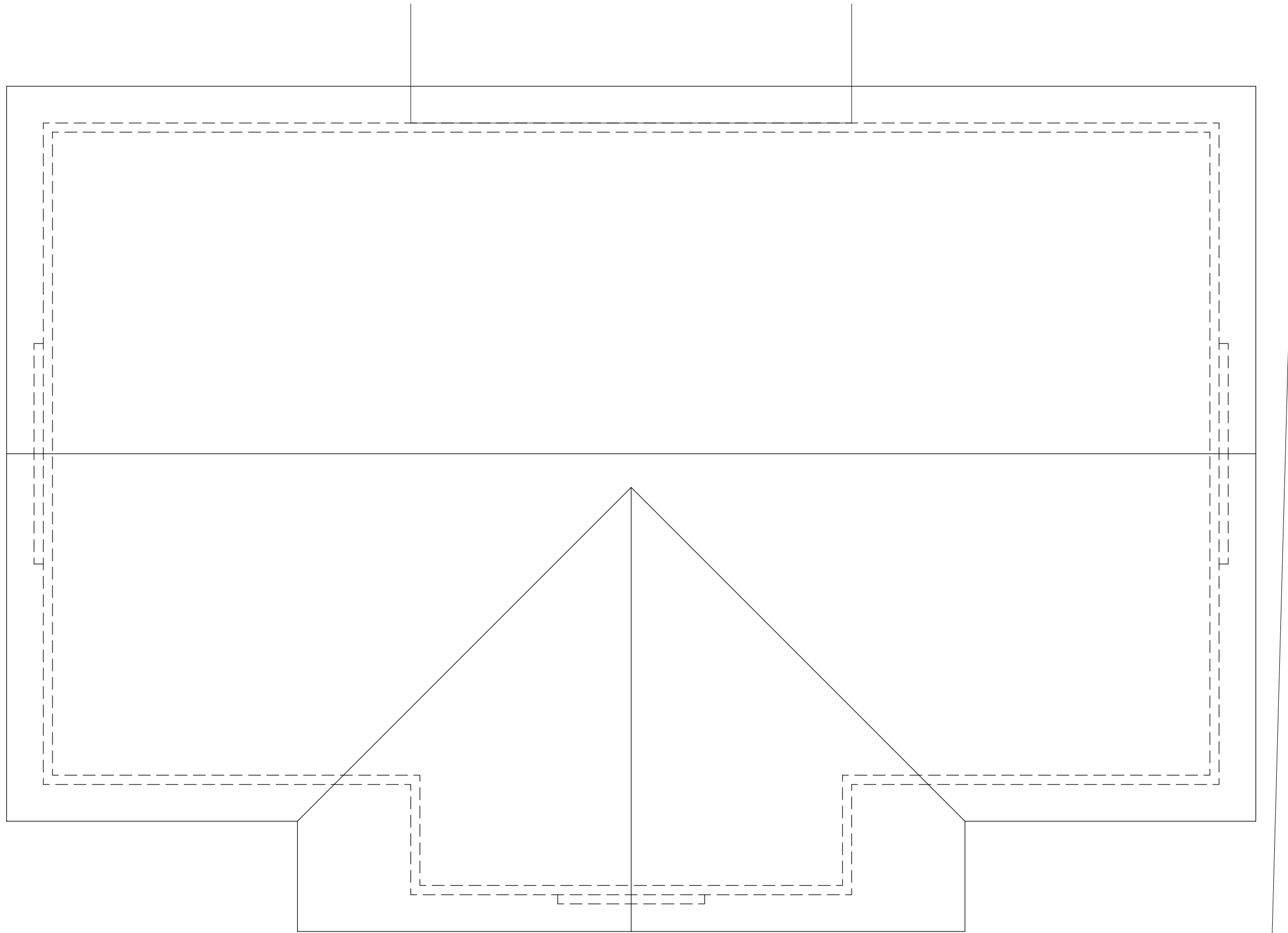


**2304 N MARTHA STREET DUPLEX**

**FIRST FLOOR PLAN**  
 SCALE: 3/16" = 1'-0"

11.04.2022

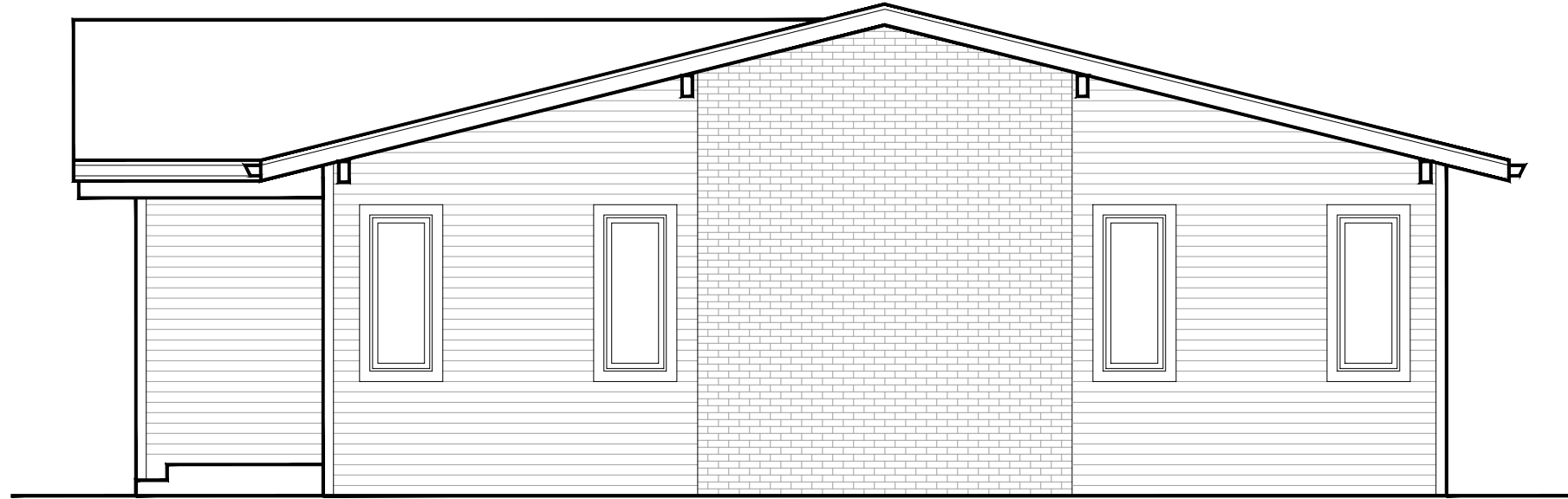




**2304 N MARTHA STREET DUPLEX**

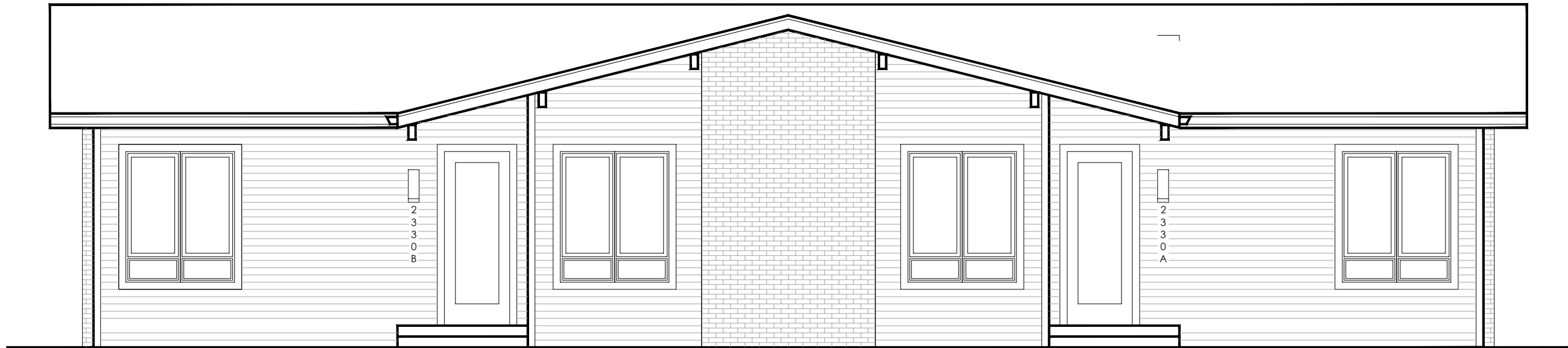
**ROOF PLAN**  
SCALE: 3/16" = 1'-0"

11.04.2022



**SIDE (EAST) ELEVATION**

SCALE: 3/16" = 1'-0"

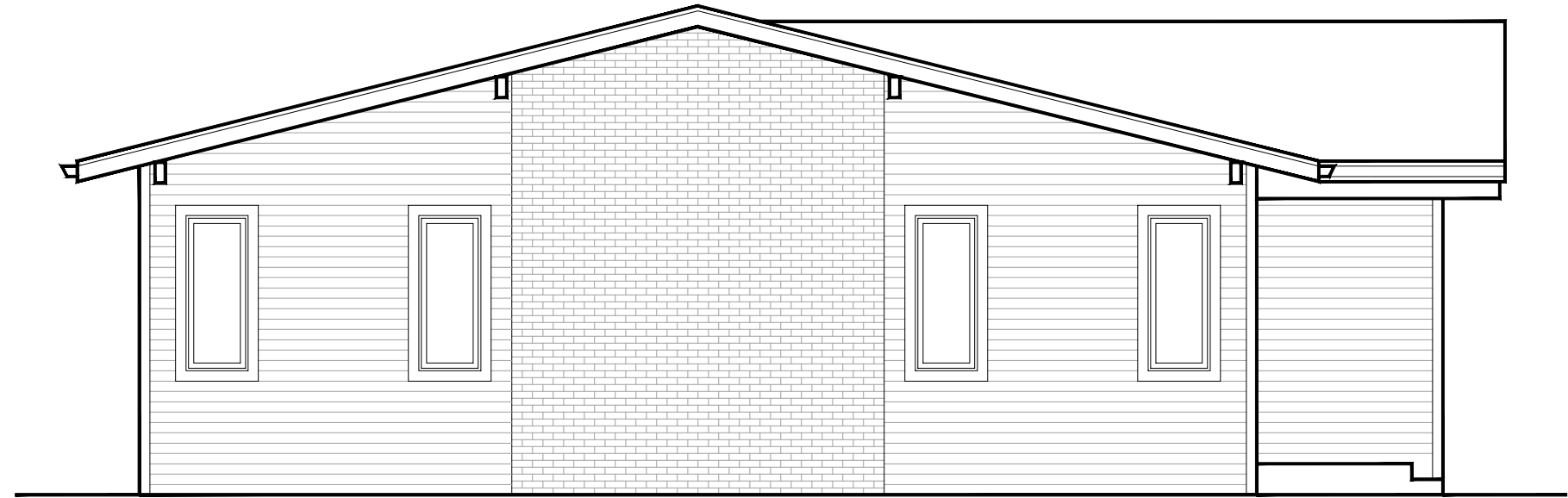


**FRONT (SOUTH) ELEVATION**

SCALE: 3/16" = 1'-0"

**2304 N MARTHA STREET DUPLEX**

11.04.2022



**SIDE (WEST) ELEVATION**

SCALE: 3/16" = 1'-0"



**REAR (NORTH) ELEVATION**

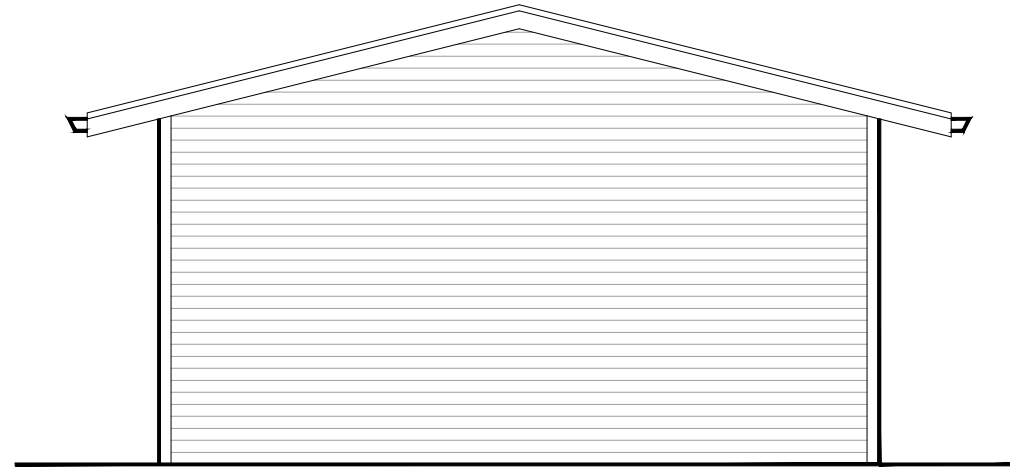
SCALE: 3/16" = 1'-0"

**2304 N MARTHA STREET DUPLEX**

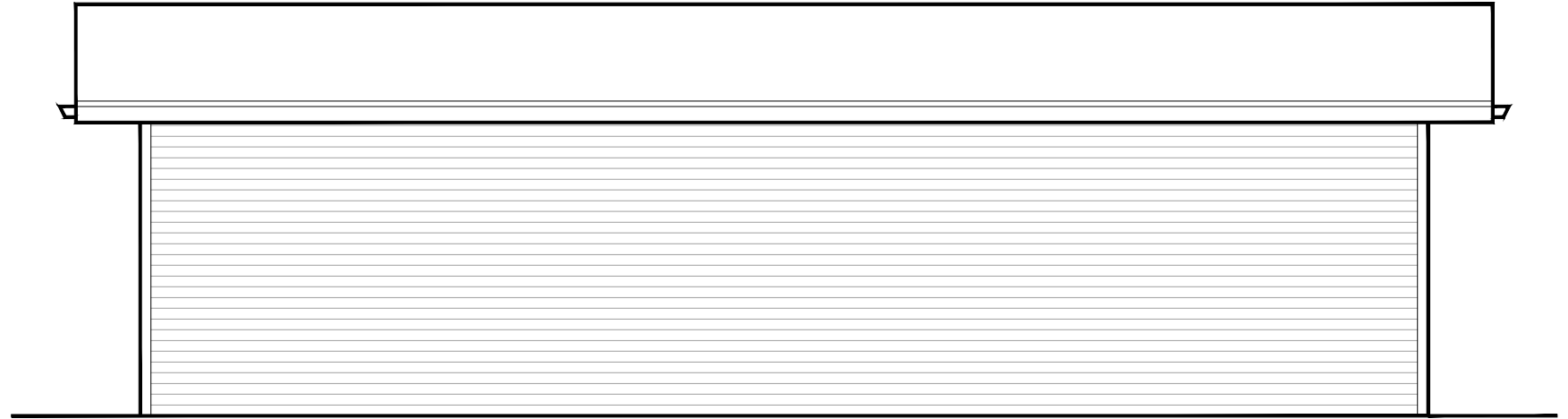
11.04.2022

MATTE  
BLACK  
ARCHIT  
ECTURE

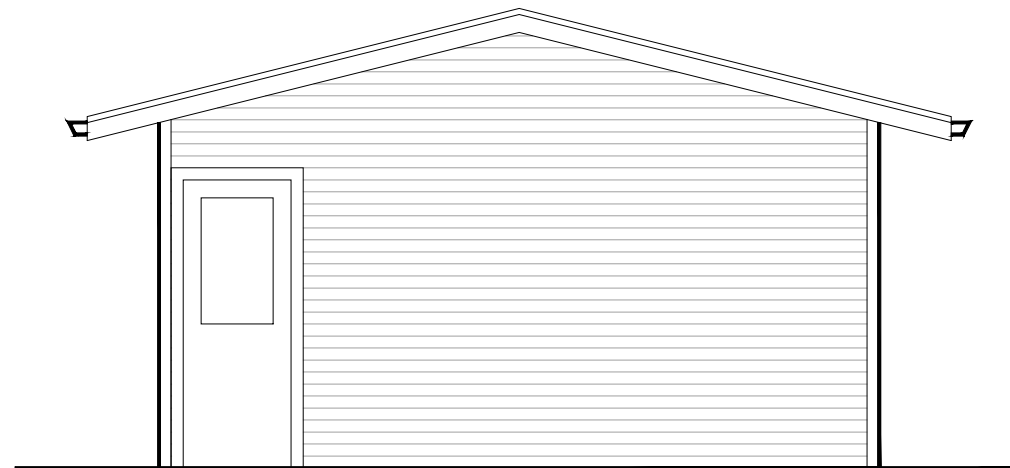




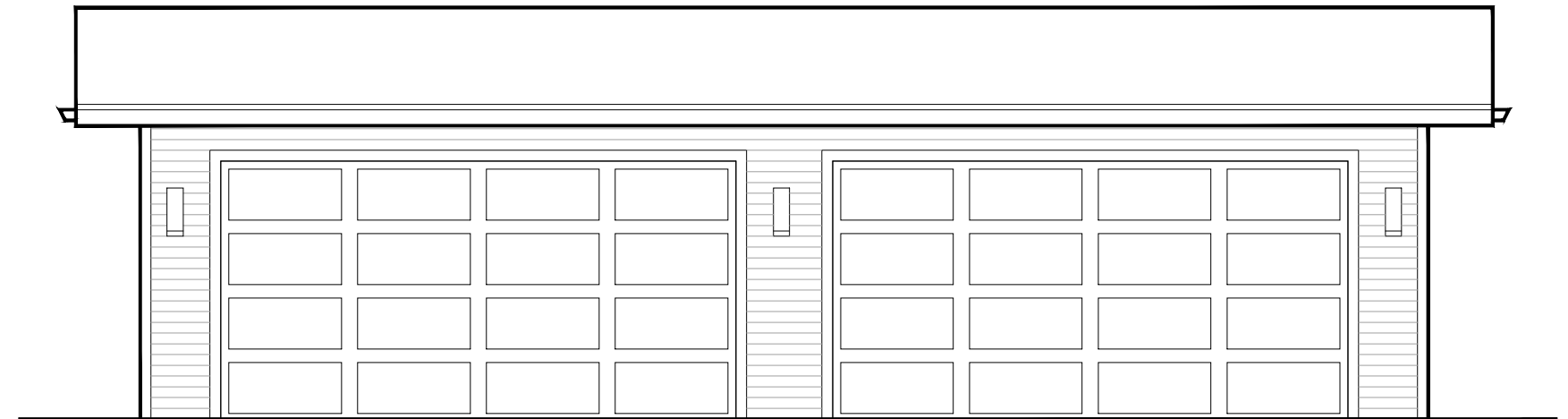
**NORTH GARAGE ELEVATION**  
SCALE: 3/16" = 1'-0"



**WEST GARAGE ELEVATION**  
SCALE: 3/16" = 1'-0"



**SOUTH GARAGE ELEVATION**  
SCALE: 3/16" = 1'-0"



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

**2304 N MARTHA STREET DUPLEX**

11.04.2022

**Bloomington Historic Preservation Commission  
Schedule of Regular Meetings  
2023**

<b>Application Deadline (Thur. by 5pm)</b>	<b>Agenda Released (Thur. by Noon)</b>	<b>Packet Released (Fri. by 5pm)</b>	<b>Neighborhood Written Input Due (Wed. by 5pm)</b>	<b>Meeting Date (Thur.)</b>
Jan. 12	Jan. 19	Jan. 20	Jan. 25	Jan. 26
Jan. 26	Feb. 2	Feb. 3	Feb. 8	Feb. 9
Feb. 9	Feb. 16	Feb. 17	Feb. 22	Feb. 23
Feb. 23	Mar. 2	Mar. 3	Mar. 8	Mar. 9
Mar. 9	Mar. 16	Mar. 17	Mar. 22	Mar. 23
Mar. 30	Apr. 6	Apr. 7	Apr. 12	Apr. 13
Apr. 13	Apr. 20	Apr. 21	Apr. 26	Apr. 27
Apr. 27	May. 4	May. 5	May. 10	May 11
May. 11	May. 18	May. 19	May. 24	May 25
May. 25	Jun. 1	Jun. 2	Jun. 7	Jun. 8
Jun. 8	Jun. 15	Jun. 16	Jun. 21	Jun. 22
Jun. 29	Jul. 6	Jul. 7	Jul. 12	Jul. 13
Jul. 13	Jul. 20	Jul. 21	Jul. 26	Jul. 27
Jul. 27	Aug. 3	Aug. 4	Aug. 9	Aug. 10
Aug. 10	Aug. 17	Aug. 18	Aug. 23	Aug. 24
Aug. 31	Sep. 7	Sep. 8	Sep. 13	Sep. 14
Sep. 14	Sep. 21	Sep. 22	Sep. 27	Sep. 28
Sep. 28	Oct. 5	Oct. 6	Oct. 11	Oct. 12
Oct. 12	Oct. 19	Oct. 20	Oct. 25	Oct. 26
Oct. 26	Nov. 2	Nov. 3	Nov. 8	Nov. 9
Nov. 30	Dec. 7	Dec. 8	Dec. 13	Dec. 14

# “Mid-Century Color: Seeing American Landscapes through the Lens of Charles Cushman”

Historic Preservation Commission Meeting



Looking up into Financial District from South Ferry  
Charles W. Cushman Collection, Indiana University,  
Bloomington

Eric Sandweiss provides a view of the changing twentieth-century American landscape through the images of Charles Cushman, one of a number of unknown amateur photographers who experimented with Kodachrome film during a period when professionals continued to rely on black and white. Cushman’s 14,000 color slides, left to Indiana University in the 1970s and forgotten for decades, reveal a new perspective on the endurance of earlier architectural forms amidst a wave of urban renewal and suburban development.

Eric Sandweiss is a Miller Professor of History at Indiana University at Bloomington, and a former advisory member of the Bloomington Historic Preservation Commission. His talk draws on his book, *The Day in Its Color: Charles Cushman’s Journey through the Mid-Century American Landscape*.

**Thursday December 8, 2022**

**@5:00 p.m. EST after cases**

**In Person:** 401 N Morton St. Suite 135

**Zoom:** [https://bloomington.zoom.us/j/95852185508?pwd=M3J2aDgrdjdXaWh-](https://bloomington.zoom.us/j/95852185508?pwd=M3J2aDgrdjdXaWh-1QUN3eWRKYThKQT09)

1QUN3eWRKYThKQT09

Meeting ID: 958 5218 5508

Passcode: 082945



**CITY OF  
BLOOMINGTON**

HOUSING AND NEIGHBORHOOD DEVELOPMENT





# **BLOOMINGTON HISTORIC PRESERVATION COMMISSION Commissioner Manual**

**(Please provide to New Appointees)  
(Updated: March 2022)  
Prepared by HAND Staff**

# Table of Contents

## Contents

MISSION STATEMENT .....	3
SUMMARY OF HISTORIC PRESERVATION.....	4
LEVELS OF PROTECTION AND CLASSIFICATION .....	4
Bloomington Historic Preservation Commission.....	6
Article I: Meetings .....	6
Article II: Officers .....	7
Article III: Filing and Processing of Petitions:.....	7
Article IV: Certificates of Appropriateness .....	7
Article V: Historic Designation .....	10
Article VI: Committees .....	11
Article VII: Maintenance.....	11
Article VIII. Procedure for the review of a National Register nomination.....	11
NATIONAL ALLIANCE OF PRESERVATION COMMISSIONS .....	13
CODE OF ETHICS FOR COMMISSIONERS AND STAFF.....	13
Preamble .....	13
Responsibility to the Community.....	14
Responsibility to the Profession.....	15
Standards of Professional Conduct .....	15
Title 8 - HISTORIC PRESERVATION AND PROTECTION .....	18
8.02.010 - Purpose of historic preservation and protection.....	18
8.02.020 - Definitions.....	18
Bloomington Municipal Code Chapter 8.08 - HISTORIC DISTRICTS, CONSERVATION DISTRICTS, AND STANDARDS <sup>[1]</sup> .....	21
8.08.020 - Certificates of appropriateness. ....	25
Chapter 8.12 - DEMOLITION AND PUBLIC SAFETY .....	32
Chapter 8.16 - ADMINISTRATION AND ENFORCEMENT .....	34
Chapter 8.20 - LIST OF DESIGNATED HISTORIC AND CONSERVATION DISTRICTS.....	37
Bloomington Historic Preservation Commission.....	44
2022 Contact List .....	44
Additional and Incredibly Useful Resources .....	47

## **MISSION STATEMENT**

### **8.02.010 - Purpose of historic preservation and protection.**

In order to promote the educational, cultural and general welfare of the citizens of Bloomington and to insure the harmonious and orderly growth and development of the municipality; to maintain established residential neighborhoods in danger of having their distinctiveness destroyed; to enhance property values and attract new residents; to ensure the viability of the traditional downtown area and to enhance tourism within the city; it is deemed essential by the city that qualities relating to its history and a harmonious outward appearance of its structures be preserved. This purpose is advanced through the restoration and preservation of historic areas and buildings, the construction of compatible new buildings where appropriate, and the maintenance and insurance of compatibility in regards to style, form, proportion, texture, and material between historic buildings and those of contemporary design. It is the intention of the city through this title to preserve and protect historic and architecturally worthy buildings, structures, sites, monuments, streetscapes, and neighborhoods which impart a distinct aesthetic quality to the city and serve as visible reminders of its historic heritage.



# SUMMARY OF HISTORIC PRESERVATION LEVELS OF PROTECTION AND CLASSIFICATION

(FROM LEAST TO MOST RESTRICTIVE)

**The Bloomington Historic Sites and Structures Inventory** Authorized by federal legislation

This is a catalogue or survey of historic sites designed to be used for planning purposes. This inventory is used extensively by the Division of Historic Preservation and Archaeology to administer state and federal programs for historic preservation. Properties are categorized by terms “outstanding,” “notable,” “contributing,” or “non-contributing.” Generally properties may be considered eligible for the National Register of Historic Places if they are ranked “outstanding” or “notable.” Surveyed districts contain a number of properties, most of which are usually rated “contributing.” Non-contributing properties can be included in surveyed districts. No review process is attached to properties included on the survey alone, but these properties are of a quality sufficient to be listed as contributing buildings in a National Register District and some communities (like Bloomington) use this information as a basis for their demolition delay ordinance.

**National Register District**

Authorized by federal legislation

A rehabilitation project in a National Register District does not trigger design review unless the project is federally funded, licensed or permitted. The review is performed by the City Department of Housing and Neighborhood Development by an agreement with the Advisory Council on Historic Preservation. Review is limited to properties either listed or eligible for the National Register of Historic Places. Otherwise all other rehabilitation’s or demolition may occur by city permit without additional review.

**Demolition Delay**

Authorized by local ordinance

Bloomington and several other communities in Indiana have attached demolition delay provisions to properties listed in the inventory as contributing, notable or outstanding. If an owner proposes either partial or complete demolition, the work is reviewed by the Historic Commission, which may choose to designate the property in order to preserve it. The purpose of the delay period is to consider the significance of the building to the community and the impact of its loss or modification.

**Conservation District Designation**  
legislation

Authorized by state enabling

A Conservation District regulates new construction of a primary building, and the demolition or moving of a building. These items are reviewed by the local historic commission. Exterior modifications, like siding, enclosures, and window changes are not reviewed. After approximately three years, property owners in a conservation district are permitted to vote on its retention or elevation to local district status.

**Local Historic Designation**  
legislation

Authorized by state enabling

Historic Districts, created by local ordinance, grant powers of design review to historic commissions. The Commission reviews all exterior modification to principal structures, accessory buildings and site improvements including the removal of mature trees. Under Bloomington's ordinance, a locally designated property may only be demolished if the commission grants it a certificate of appropriateness for that purpose or if it is determined that the property is incapable of earning a reasonable return on its value after being offered for sale at fair market value for a predetermined number of months.

# **Bloomington Historic Preservation Commission**

## **(“Commission”)**

### **Rules and Procedures**

#### **Article I: Meetings**

- A. The Commission shall meet on the second and fourth Thursday of every month at 5:00 P.M. Meetings shall be in the McCloskey Conference Room of Showers City Hall unless noticed at another location.
- B. Notices of Meetings shall be submitted by the City of Bloomington Housing and Neighborhood Development Department (“HAND”) to the newspaper and posted in the Municipal Building at least 48 hours before each meeting.
- C. Special meetings may be called by the chairperson and shall be called upon request of two voting members of the commission. Three days notice is required.
- D. The agenda shall be set at least six days before each meeting and mailed to members.
- E. A majority of voting members shall constitute a quorum.
- F. All decisions, votes, recommendations, motions and communications of the Commission shall be by roll call. The vote of each member of the Commission shall be entered in the records of the Commission and shall appear in the minutes.
- G. No member of the Commission shall participate in the decision of the Commission involving any matter in which that person is directly or indirectly financially interested, other than the preparation of a Master Plan. In the event that any member disqualifies himself or that any member’s eligibility is challenged by members of the public such fact shall be entered on the records of the Commission and shall appear in the minutes
- H. As soon as possible, a summary of the minutes of the proceedings shall be made available to each member of the Commission. The minutes shall include a record of the Commission members and visitors present.
- I. All minutes or tape recordings of the proceedings and exhibits submitted by petitioners, remonstrators and staff shall be public records and shall be filed in the HAND office. The materials shall be part of the case and all such materials shall be held by the HAND office for a period of at least two years.
- J. The final disposition of any request, petition or resolution shall be in terms of a motion to grant, deny, or continue by the Commission. Additionally, the members of the Commission may attach such conditions to a motion as are deemed necessary to promote the purposes of Title 8 of the City of Bloomington Municipal Code.
- K. No petition or request will be heard unless the petitioner or his/her authorized representative is present at the time their case is called to be heard. The petition will be moved to the end of the agenda if a petitioner has not appeared in time for the hearing. If the petitioner does not appear, the case will be continued to the next noticed meeting. A petitioner who is unable to attend the hearing on his or her petition may request that the Staff Liaison



present the petition to the Commission. Petitioner shall be clearly told that Staff will merely present but not advocate for the petition and that petitioner will have thereby waived any real or perceived conflict. For purposes of these Rules and Procedures, no Demolition Delay case will be considered a petition, however members of the Commission may decide to delay the discussion until enough information is presented

- L. Upon resignation of a Commission member, the Mayor within 90 days shall appoint, a new member for the remainder of the resigning member's term.

## Article II: Officers

- A. Annually at its first meeting of the year, the Commission shall select by majority vote of its members a Chair and Vice-Chair, who shall each serve for one year and who may be reelected to second one-year terms.
- B. The Chair shall preside over Commission meetings and on behalf of the Commission has the authority to take action on behalf of the Commission as authorized herein, and shall exercise general supervision over the administration of affairs, including entering into contracts and agreements, the appointment of subcommittees and representatives, the determination of points of order and procedure, and the signing of all official documents. The Vice-Chair shall have authority to act as Chair of the Commission during the absence or disability of the Chair. In the case of the resignation or death of the Chair, the Vice-Chair shall succeed to the Office of Chair until a new Chair is selected from the membership at the next duly noticed general meeting.
- C. The Vice Chair, with the assistance of HAND staff, shall be responsible for supervising the keeping of an accurate and complete record of all Commission proceedings, including keeping of records and minutes, the custody and preservation of all papers and document of the Commission, the maintenance of a current roster and qualifications of members, and the authority to certify all official acts on behalf of the Commission
- D. The City's Director of Planning or his designee shall appear at meetings and assist the Commission by presenting factual opinion on significant issues.

## Article III: Filing and Processing of Petitions:

- A. Petitions for Historic Designation or Certificates of Appropriateness shall be made by the petitioner at least twelve (12) days prior to a Commission Meeting on forms approved by the Commission which are available on request in the Office of Housing and Neighborhood Development.
- B. Notices shall be posted no later than six (6) days before the Historic Preservation Commission hearing for designation of a property. For regular meetings the 48 hour public notice requirement shall be honored.
- C. A petition may be withdrawn at any time by the petitioner.

## Article IV: Certificates of Appropriateness

- A. The Commission shall consider and may make final disposition of said petition at any properly scheduled meeting, but in no case more than thirty days after the acceptance of the complete application as certified by the Vice-Chair. However, the HAND staff may notify the petitioner that the petitioner may choose to attend a preliminary hearing to advise the Commission of the merits of the submittal in anticipation of the formal hearing and disposition of the request.
1. An application for Certificate of Appropriateness shall be subject to the following requirements:
    - a. No fee shall be charged for the application.
    - b. The application shall be accompanied by appropriate sketches, photographs, descriptions, and other information which the Commission finds necessary for its decision.
    - c. The Commission must state findings in report form addressing the criteria in Title 8. The Commission may attach conditions to the approval.
    - d. A Certificate of Appropriateness shall be issued by the Commission, if approved by the Commission, or if the petition is not acted upon by the Commission within thirty (30) days after it is filed.
    - e. The Commission may grant an extension of the thirty days' limit if the applicant agrees with the extension.
    - f. Expiration of a Certificate of Appropriateness: The Certificate of Appropriateness shall expire two years after issuance, unless at the time the Certificate is approved, the Commission approves an extension upon the request of the petitioner.
    - g. Right to Commission Review: In any case where an applicant does not receive a Certificate of Appropriateness or otherwise feels aggrieved by an action of the HAND staff, the applicant shall have the right to a review by the Commission. If an applicant feels aggrieved by an action of the Commission, the applicant shall have the right to a review by the Commission but only upon submission of new information.
- B. The Vice-Chair with the assistance of HAND staff shall be responsible for completion of the Commission report and creation of the Certificate of Appropriateness. A copy of the Certificate of Appropriateness shall be submitted to the petitioner. The original shall be kept with case records in the HAND Office.
- C. The Vice-Chair with the assistance of HAND staff shall also be responsible for notifying the petitioner of the Commission's decision.
- D. A Certificate of Appropriateness is not required for the following activities:
1. Routine maintenance as defined in Title 8: Work which would not require a building permit and any change that is not construction, removal, or alteration.
  2. The installation of a single wall mounted mailbox near the main entrance on the front of the structure.
  3. The removal of an inappropriate fence type: chain link, board and batten, basket weave, split rail or stockade.

4. Repair or replacement of existing sidewalks, driveways, and steps with the same materials.
  5. Roof repair where the surface matches existing roof materials, including both flat and shingled surfaces.
  6. Replacement or installation of mechanical equipment, skylights, or vents on a flat roof provided the new element is not visible from the public way.
  7. Ground installation of central air conditioning equipment provided that it is screened and not visible from the public way.
- E. Staff may approve or deny Certificates of Appropriateness for certain minor requests by property owners as set forth below. Certificates approved at the staff level, along with staff's findings of fact, shall be listed on the agenda for the next monthly meeting of the Commission.
1. Staff has approval authority regarding changes to:
    - a. pavement or exterior mechanicals or reception devices
    - b. trees (removal)
    - c. fencing
    - d. sidewalks
    - e. paving materials
    - f. patios or decks
    - g. placement of temporary or removable structures such as sheds or playground equipment
    - h. paint color
    - i. changes authorized for staff level approval by Design Guidelines approved by the Commission
  2. Staff shall not be authorized to grant or deny Certificates of Appropriateness for the following activities within a historic or conservation district:
    - a. demolition of a building, structure, or site
    - b. moving of a building or structure
    - c. construction of an addition to a building or structure
    - d. construction of a new building or structure
  3. An owner or any interested party aggrieved by a staff level decision may appeal the staff decision to the Commission.
    - a. Such appeal shall be filed with HAND within five days of the staff level decision being rendered.
    - b. The filing shall specify the grounds for the appeal.
    - c. The appeal shall be filed on the form established by the Commission.
  4. At the request of staff, an application for staff level approval may be forwarded to the full Commission at the next regularly scheduled meeting



for full Commission review and consideration. In no case shall the time for approval of a completed application exceed 30 days.

5. Staff shall consist of and be limited to those persons employed by the City's HAND whose job description includes the requirement that he or she assist the Commission.

## Article V: Historic Designation

- A. The Commission may initiate or accept by petition of owners in fee simple, a request for designation of a Historic District or Conservation District.
  1. The Commission shall prepare a map based upon a survey conducted or adopted by the Commission which documents historic properties within the corporate limits of the City of Bloomington.
  2. The Commission may divide the district into secondary and primary areas.
  3. The Commission shall classify all buildings and structures within the districts as Outstanding, Notable, Contributing or Non-contributing.
  4. A report shall accompany all petitions to the Common Council for designation citing cause for accepting the district under the criteria in Title 8 of the Municipal Code.
- B. After three years, the status of a Conservation District will be reviewed by the Commission. Property owners will be notified 185 days before the 3<sup>rd</sup> anniversary of designation as a conservation district and asked to vote on whether to remain a conservation district or be elevated to a historic district. Unless 51% of the owners object in writing to the Commission, the Conservation District will be elevated to historic district status. Otherwise it will remain a conservation district. All owners shall have one vote, regardless of how many parcels or units they own in the district.
- C. A public hearing shall be held by the Commission to allow for public comment. Such public comment may be held separately or in conjunction with the Commission meeting where the action on the district is to occur. Other meetings involving the residents and owners, and Common Council members may be held to educate and publicize the proposed district.
- D. The Vice-Chair with the assistance of HAND staff shall be responsible for forwarding the findings of the Commission to the Common Council for final vote.
- E. The Commission recommends that design guidelines be adopted for a district, whether at the time of the designation or at a later time.
- F. The Commission may declare that a proposed district be placed under interim protection until action of the Common Council.
  1. After declaring interim protection, staff shall notify the owner(s) by certified mail, to be postmarked no later than two days after the hearing at which the action was taken.
  2. The written notice shall include the appropriate ordinance citation, a description of the restrictions that apply to the property or properties, and

advise the owner(s) that the restrictions are temporary until the action of the Common Council.

3. An owner may apply for a Certificate of Appropriateness during interim protection but it will be invalid unless and until the district is approved by the Common Council. The Commission and owner(s) may use this process to come to an agreement on proposals for a building's future use and disposition.

## Article VI: Committees

- A. A Historic District Committee comprised of three voting members shall be appointed by the Chair immediately after the first meeting of the year. It shall be the duty of this committee to:
  1. Review applications for historic districts submitted by property owners for consistency with guidelines and standards.
  2. Prepare criteria and standards on which the Commission bases its actions, and define elements the Commission should consider of particular importance to a specific district being proposed.
  3. Present to the Commission proposals for the adoption of new districts and landmarks, based upon special significance or impending threats.
- B. Such other Committees, standing or special, as the Commission from time to time deems necessary to carry on the work of the Commission, may be created and members appointed by the Chair. The Chair and the advisory members of the Commission shall be ex-officio members of such committees.

## Article VII: Maintenance

- A. Upon presentation of supporting evidence, the Commission may act upon reports of neglect and/or lack of maintenance that endangers significant architectural details of a property designated pursuant to Title 8 of the BMC.
  1. Before any official action by the Commission, staff shall notify the property owner of the Commission's intent, giving a minimum of 21 days' advance notice.
  2. The owner or his or her agents may appear to present plans or evidence of upkeep at the next regular meeting of the Commission after such notice is made.
  3. After consideration of all the evidence, the Commission may find that a building's condition constitutes a threat to the historic fabric of the area where the building is located and may move to forward these findings to the City's Legal Department for appropriate legal action.

## Article VIII. Procedure for the review of a National Register nomination

- A. From time to time the Commission may receive applications for listing a structure or a district on the National Register of Historic Places. Within five days of

receiving an application, staff must email the Indiana Division of Historic Preservation and Archaeology to notify them that an application has been received. After reviewing the completeness of the application according to the U.S. Department of the Interior's Bulletin #15, the Commission will duly notice a public hearing. Staff will draft a report applying the National Park Service criteria for evaluating whether to place a structure or district on the National Register. The public hearing will be noticed according to the following procedure, as fits the circumstances:

1. Letter announcing the nomination sent to the owner of an individual property not located in a historic district
  2. Letter announcing the nomination sent to the owner(s) of property located in a historic district.
  3. Letter announcing the nomination to the local authority (Mayor)
  4. Letter announcing the nomination to the County Commissioners,
  5. Legal Notice placed in the paper ( if under 50 property owner)
- B. At an appropriately noticed public meeting (notice shall be not less than 30 days before the local hearing and not more than 75 days before the State Review Board Hearing) a determination will be made as to whether the structure or district meets the criteria for inclusion. The Commission's findings and the report will be forwarded to the State Review Board for their consideration. Following the notification by the Keeper of the National Register that a property has been listed, the following notices will be made:

The listing will be noticed according to the following procedure:

1. Letter of notification to all owners whose property is affected of the inclusion on the list.

Legal notice placed in local newspaper to announce the listing (if it contains more than 50 properties or letter #6 must be sent to each owner (if it contains fewer than 50 property owners)



# NATIONAL ALLIANCE OF PRESERVATION COMMISSIONS CODE OF ETHICS FOR COMMISSIONERS AND STAFF

## Preamble

Preservation commissions have been established by local governments throughout the United States to promote the preservation and appropriate development of heritage resources in their communities. The National Alliance of Preservation Commissions (NAPC) is the only organization devoted solely to representing the nation's preservation commissions. Its mission is "to build strong local preservation programs through education, advocacy and training." As part of that mission, the NAPC has developed this Code of Ethics to promote and maintain the highest standards of honesty, integrity and professionalism among the commissioners and staff who serve their communities through preservation commissions.

These principles are derived from general societal values and recognized principles of professional responsibility. As societal values compete, so may ethical principles. The need for full public disclosure may compete with the need to respect confidential information, for example. The ethical commissioner or staff member must carefully balance various public and private interests based on facts and context of each situation guided by the commitment to serve the public interest.

Individual commissioners should be knowledgeable, accurate, honest and forth-right in their dealings with other commissioners, local elected officials and staff, applicants and the general public. Although not elected by the public, preservation commissioners are accountable for their actions in the communities they serve.

This Code of Ethics comprises guidelines for ethical conduct organized under three main categories:

### *Responsibility to the Community*

*Responsibility to the Profession  
Standards of Professional Conduct*

Under each category are statements of principle to guide preservation commissioners and staff in choosing ethical courses of action for heritage preservation in their communities. The NAPC endorses this Code as the ethical benchmark to which all its members should aspire. In the absence of professional licensure for preservation commissioners and staff, the adherence to a code of ethics is a matter of personal responsibility. However, preservation commissions may wish to adopt these principles and standards as a guide. Although stated in the plural, each suggested rule also applies to an individual commissioner or staff member.

### Responsibility to the Community

*The most effective historic preservation takes place locally, and all preservation commissioners and staff should remember that it is their duty, as public servants, to advance the greater good of the community.*

1. Commissioners and Staff should be advocates for the community's heritage resources, striving to protect their integrity while recognizing the rights of citizens, individually and collectively, to their beneficial use and enjoyment.
2. Commissioners and Staff should promote public awareness, appreciation, access and support for the preservation of heritage resources.
3. Commissioners and Staff should develop standards and guidelines that are appropriate for the resources and protect the community's unique character, environment and quality of life.
4. Commissioners and Staff should respect the diversity of heritage resources that may hold different meanings for various groups and communities.
5. Commissioners and Staff should respect the public's right to know by providing full, clear and accurate information and observing both the letter and spirit of open meetings and open records law.
6. Commissioners and Staff should provide opportunities for meaningful public participation in the work of the commission.
7. Commissioners and Staff should make timely, fair, informed, and impartial decisions that guarantee citizens' rights to due process and equal protection under the law.
8. Commissioners and Staff should be sensitive to the interrelatedness of their decisions and the long-term implications for the resources and the community.
9. Commissioners and Staff should seek compromises or search for alternatives where necessary to achieve overall preservation goals and provide substantial justice for citizens.

10. Commissioners and Staff should recognize that the historic built environment changes over time and encourage new development that respects the historic character and fabric that preceded it.
11. Commissioners and Staff should continually evaluate and update their plans, ordinances, standards, guidelines and procedures to ensure they meet the community's current and future needs.
12. Commissioners and Staff should always strive to make decisions that are in the best interest of the community.

### Responsibility to the Profession

*Preservation commissioners and staff are drawn from many disciplines and backgrounds. The common thread that joins them is their interest and commitment to preserve heritage resources in their communities. A multi-disciplinary profession has developed over the years from the historic preservation movement, and commissioners and staff have an obligation to advance the best interests of this profession in the context of their commission work.*

1. Commissioners and Staff should be mindful that they are representatives of the greater local, state, and national preservation community and conduct themselves in a way that brings credit to their commission and the profession.
2. Commissioners and Staff should share their knowledge and experience and contribute to the development of other colleagues, particularly newly appointed commissioners, students, and interns.
3. Commissioners and Staff should actively promote heritage preservation and strive to increase the involvement of underrepresented groups.
4. Commissioners and Staff should treat fairly and comment responsibly on the professional views of colleagues and members of other professions.
5. Commissioners and Staff should work collaboratively with related professionals and professional organizations whose actions also affect heritage conservations including, but not limited to, planners, code officials, architects, landscape architects, archaeologists, attorneys, realtors, and developers.
6. Commissioners and Staff should treat fairly and comment responsibly on the professional views of colleagues and members of other professions.
7. Commissioners and Staff should render all practicable assistance to other colleagues and organizations in an emergency when heritage resources are at risk.
8. Commissioners and Staff should acquire a depth of knowledge that will enable them to explain to others the role of heritage preservation in a complex, modern world.
9. Commissioners and Staff should recognize that the field of heritage preservation is constantly evolving and actively pursue continuing educational opportunities in order to maintain, refine and enhance their capabilities as practitioners.

### Standards of Professional Conduct

*As public servants, commissioners and staff are expected to conduct themselves in accordance with the law. These standards set forth both a baseline for such legal*



*conduct as well as aspirational goals for ethical behavior that may require a conscientious effort to attain.*

1. Commissioners and Staff should thoroughly understand the legal framework of heritage preservation and consistently operate within the bounds of their authority and responsibility under the law.
2. Commissioners and Staff should treat all citizens fairly, impartially and with respect, and refrain from discrimination or harassment of any kind.
3. Commissioners and Staff should not accept gifts or favors under any circumstances where it might appear that acceptance could influence their judgement.
4. Commissioners and Staff should disclose all personal or financial advantages that might accrue to them, their business interests or family members either directly or indirectly from a recommendation or decision.
5. Preservation Commissioners and Staff who have an actual or apparent conflict of interest in a matter coming before them should recuse themselves entirely from deliberations and decisions.
6. Commissioners and Staff are obligated to utilize their knowledge and experience to make decisions and therefore should abstain from participating and voting only in cases of a *bona fide* conflict of interest.
7. Commissioners and Staff should not disclose confidential information obtained in the course of their duties, except as require by the law, or use confidential information to further a personal interest.
8. Commissioners and Staff should not abuse their office by advancing an agenda that is not in the best interest of the community or heritage preservation.
9. Commissioners and Staff should seek the advice of colleagues or other professionals on matters that fall outside their expert knowledge or competence.
10. Commissioners and Staff should be consistent in their actions and recommendations, treating similarly situated properties similarly and providing clear explanations when different treatment is required.
11. Commissioners and Staff should reveal illegal conduct on the part of other commissioners, staff, officials, applicants or their representatives to an appropriate higher authority.
12. Commissioners and Staff should not participate in deliberations or decisions without adequate preparation and knowledge of the matter before them.
13. Commissioners and Staff Should avoid dishonesty, never misrepresenting facts or distorting information to achieve a desired outcome.
14. Commissioners and Staff should recognized the uniqueness of heritage properties, applying preservation theories, methods, and standard appropriate to each particular case.
15. Commissioners and Staff should be sensitive to ethical issues and ensure they are raised, critically analyzed, and addressed by the commission and other appropriate authorities.

*This Code of Ethics was developed by members of the NAPC through an interactive process beginning with a series of facilitated sessions held during the July 2006 NAPC FORUM in Baltimore, MD. The resulting set of principles was further developed and refined by members during the following three-month period leading up to the November 2006 annual meeting of NAPC in Pittsburgh, PA. The effort was supported by the Board of Directors and staff of NAPC and coordinated by Professor James L. Reap, an attorney and member of the Board, with the involvement of the Historic Preservation Advocacy and Professional Development class in the Master of Historic Preservation Program at the University of Georgia. The NAPC would like to acknowledge the organizations whose guidelines and materials were relied on in developing this code: the American Institute of Architects (AIA), American Planning Association (APA), American Institute of Certified Planners (AICP), American Institute for Conservation of Historic and Artistic Works (AIC), and International Council on Monuments and Sites (ICOMOS).*

# Title 8 - HISTORIC PRESERVATION AND PROTECTION

## Chapter 8.02 - PURPOSE AND DEFINITIONS

### 8.02.010 - Purpose of historic preservation and protection.

In order to promote the educational, cultural and general welfare of the citizens of Bloomington and to insure the harmonious and orderly growth and development of the municipality; to maintain established residential neighborhoods in danger of having their distinctiveness destroyed; to enhance property values and attract new residents; to ensure the viability of the traditional downtown area and to enhance tourism within the city; it is deemed essential by the city that qualities relating to its history and a harmonious outward appearance of its structures be preserved. This purpose is advanced through the restoration and preservation of historic areas and buildings, the construction of compatible new buildings where appropriate, and the maintenance and insurance of compatibility in regards to style, form, proportion, texture, and material between historic buildings and those of contemporary design. It is the intention of the city through this title to preserve and protect historic and architecturally worthy buildings, structures, sites, monuments, streetscapes, and neighborhoods which impart a distinct aesthetic quality to the city and serve as visible reminders of its historic heritage.

(Ord. 95-20 § 1 (part), 1995).

### 8.02.020 - Definitions.

The following terms shall have the following meaning unless a contrary meaning is required by the context or is specifically prescribed. Words in the present tense include the future tense. The singular number includes the plural, and the plural, the singular. The word "shall" is always mandatory. The word "person" includes a firm, a partnership, or a corporation, as well as an individual. Terms not defined in this section shall have the meanings customarily assigned to them.

"Alteration" means a material or color change in the external architectural features of any structure within an historic district.

Conservation District. Pursuant to Indiana Code 36-7-11-19, the provision that a district may be created which is called a conservation district, the second phase of which is the conversion to historic district status upon the conclusion of three years, subject to written objection by a majority of property owners in the district. Regulation in a conservation district is less stringent than in an historic district. In a conservation district, a certificate of appropriateness must be granted for:

- (1) The demolition of any building;
- (2) The moving of any building (the moving of a building does not include raising a building for purposes of foundation repair or replacement, provided the building is replaced on its original footprint once the foundation has been repaired or replaced);
- (3) Any new construction of a principal building or accessory building or structure subject to view from a public way.



"Demolition" means the complete or substantial removal of any structure. The term "demolition," except where it appears in Sections 8.08.020(a)(3)(B), 8.08.010(b), and 8.02.020 "Conservation district," shall also include partial demolition as defined herein.

"Design guidelines" means criteria, locally developed, which identify local design concerns in an effort to assist property owners in maintaining the character of the designated district or buildings during the process of rehabilitation or new construction.

Economic Hardship. For the purpose of this title, "economic hardship" shall be established when a preponderance of evidence establishes that the property in question cannot obtain a reasonable economic return or be put to any economically beneficial use.

"Fair market value" means the most probable price in cash, terms equivalent to cash, or in other precisely revealed terms, for which the appraised property will sell in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under duress.

"Historic district" means a single building, structure, object, or site or a concentration of buildings, structures, objects, spaces, or sites designated by ordinance adopted under this title. Property not so designated will not be considered an historic district within the terms of this title.

"Historic preservation and protection district ordinance," hereinafter to be referred to as "this title."

"Interested party" means one of the following:

- (1) The mayor;
- (2) The common council;
- (3) The city plan commission;
- (4) A neighborhood association, whether incorporated or unincorporated, a majority of whose members are residents of an historic district designated by an ordinance adopted under this title;
- (5) An owner or occupant of a property located in an historic district established by an ordinance adopted under this title;
- (6) Historic Landmarks Foundation of Indiana, Inc., or any of its successors;
- (7) The state historic preservation officer designated under Indiana Code 14-21-1-19.

"Partial demolition" shall have the meaning assigned to it in Chapter 20.11 of the Bloomington Municipal Code.

"Primary area" means the principal area of historic and/or architectural significance within an historic district.

"Ratings":

- (1) Outstanding: The "O" rating means that the property has sufficient historic or architectural significance that it is already listed, or is eligible for individual listing,

in the National Register of Historic Places. Outstanding resources can be of local, state, or national importance.

- (2) Notable: A rating of "N" means that the property does not merit the outstanding rating, but it is still above average in its importance. A notable structure may be eligible for the National Register.
- (3) Contributing: A "C" rating means the property is at least forty years old, but does not meet the criteria for an "O" or "N" rating. Such resources are important to the density or continuity of the area's historic fabric. Contributing structures can be listed on the National Register only as part of an historic district.
- (4) Non-contributing: Property rated "NC" is not included in an inventory unless it is located within the boundaries of an historic district. Such properties may be less than fifty years old, or they may be older structures that have been altered in such a way that they have lost their historic character, or they may be otherwise incompatible with their historic surroundings. These properties are not eligible for the National Register.

"Reasonable return" means a measure of the economic return that is, or can be, earned on the fair market value of a property, and that demonstrates that the owner has not been deprived of all economically beneficial or productive use of the property.

"Routine maintenance" means work which would not require a building permit, and any change that is not construction, removal or alteration and for which no certificate of appropriateness is required.

"Secondary area" means an area in an historic district that is adjacent to a primary area and which has a visual relationship to the primary area and could affect the preservation of the primary area. The purpose of designating a secondary area is to assure its compatibility and harmony with an adjacent primary area.

"Streetscape" means appearance from a public way, the distinguishing characteristics of which are created by the width of the street and sidewalks, their paving materials and color, the design of the street furniture (e.g., street lamps, trash receptacles, benches, etc.), use of plant materials such as trees and shrubs, and the setback, mass, and proportion of those buildings which enclose the street.

"Substantial removal" as used in the definition of "demolition" means an alteration, pulling down, destruction or removal of a portion of a structure which jeopardizes a structure's individual eligibility for listing in the National Register of Historic Places, or its status as a contributing structure in a national, state or local register of historical places, which shall include, but not be limited to, the removal of a defining architectural feature or element which defines or contributes to the historic character of the structure or the removal of twenty-five percent of the structure, including its roof, if the part which is removed is on a façade which is subject to view from a public thoroughfare.

"Visual compatibility" means those elements of design that meet the standards set out in Section 8.08.040 of this title.

(Ord. 07-03 §§ 1, 2, 2007; Ord. 95-20 § 1 (part), 1995).

(Ord. No. 13-21, §§ 1—3, 11-6-2013)

## Bloomington Municipal Code Chapter 8.08 - HISTORIC DISTRICTS, CONSERVATION DISTRICTS, AND STANDARDS<sup>11</sup>

Footnotes:

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**Editor's note**— Ord. No. 13-21, § 4, adopted Nov. 6, 2013, changed the title of Ch. 8.08 from "Historic District Standards" to "Historic Districts, Conservation Districts, and Standards."

### **8.08.010 - Establishment of historic districts and conservation districts.**

- (a) Initiating an Historic District Recommendation. All recommendations for establishment of an historic district shall be in the form of a written report and must be based on the criteria outlined in this title. A recommendation for establishing an historic district may be initiated from either of the following two sources:
- (1) Based on its survey, the commission may draw and submit historic district maps for common council approval.
  - (2) Owners of property in fee simple wishing to establish an historic district which includes their property may petition the commission to consider drawing and submitting a map of such a district to the common council for its approval. The commission may establish in its rules criteria to be met before it considers a petition. The commission shall determine its recommendation within ninety days of receipt of a petition.
- (b) The commission may recommend, and the council may provide that the establishment of an historic district shall occur in two phases. Under the first phase, to be called a conservation district, a certificate of appropriateness is required for the following activities: the demolition of any building; the moving of any building; and any new construction of a principal building or accessory building, or structure subject to view from a public way.
- (1) The first phase shall last three years;
  - (2) At the end of the first phase, upon the expiration of the three-year period, the conservation district shall become a historic district, subject to subsection (3); and
  - (3) The conservation district may continue past the three-year term, thereby avoiding the designation of a historic district, if a majority of property owners in the district object to the commission, in writing, to the elevation to a historic district. Said objections must be received by the commission not earlier than one hundred eighty days or later than sixty days before the third anniversary of the adoption of the conservation district.



- (c) Commission Preparation of Historic District Maps. In order to establish an historic district, the commission shall first prepare a map describing the district in accordance with the following:
- (1) The map shall be based on a survey conducted or adopted by the commission which identifies historic buildings, structures, and places located within the city.
  - (2) A district may be limited to the boundaries of a property containing a single building, structure, or site.
  - (3) The map may divide the district into primary and secondary areas as follows:
    - (A) Primary area: The principal area of historic and architectural significance;
    - (B) Secondary area: An area adjacent to a primary area which has a visual relationship to the primary area and could affect the preservation of the primary area. The purpose of designating a secondary area is to assure its compatibility and harmony with an adjacent primary area.
  - (4) The commission shall classify and designate all buildings and structures within each proposed district as historic or non-historic. Historic buildings or sites may include those buildings or sites that meet the architecturally worthy criteria set out in subsection (e)(2) of this section. The commission shall further classify and designate all buildings and structures within a proposed historic district as follows:
    - (A) Historic buildings and structures shall be further classified as Outstanding, Notable, or Contributing, as established by the Indiana State Division of Historic Preservation and Archaeology and the local survey.
    - (B) All non-historic buildings shall be classified as non-contributing.
  - (5) A written report shall accompany all recommendations for designation before the common council, in accordance with the criteria for designation, stating the case for accepting the district.
- (d) Common Council Approval of Maps of Historic Districts. Before an historic district or conservation district is established and the building classification takes effect, the map setting forth the district's boundaries and building classifications must be submitted to, and approved in an ordinance by the common council. The procedure for doing so shall be as follows:
- (1) The commission must take official action deciding whether or not to submit a map to the common council for its approval.
  - (2) Prior to taking action at a meeting, the commission shall hold a public hearing to allow public comment. A public hearing may be held separately or in conjunction with the meeting where action on the district is to occur.
  - (3) A public hearing held by the commission for the purpose of allowing comment on a proposed historic district designation shall be preceded by public notice as set forth in Indiana Code 5-3-1-1 et seq. In addition, the commission shall adopt rules that ensure that owners of all property within the proposed historic district, and all adjacent property owners, as determined by the most recent real estate

tax lists, shall receive written notice of the hearing on the proposed historic district.

- (4) A written report shall accompany the map submitted to the common council validating the proposed district by addressing the criteria listed in this section.
- (e) Historic District Criteria. An historic district shall include a building, groups of buildings, structure(s), site(s), monument(s), streetscape(s), or neighborhood(s) which meet at least one of the following criteria:
  - (1) Historic:
    - (A) Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or is associated with a person who played a significant role in local, state, or national history; or
    - (B) Is the site of an historic event; or
    - (C) Exemplifies the cultural, political, economic, social, or historic heritage of the community.
  - (2) Architecturally worthy:
    - (A) Embodies distinguishing characteristics of an architectural or engineering type; or
    - (B) Is the work of a designer whose individual work has significantly influenced the development of the community; or
    - (C) Is the work of a designer of such prominence that such work gains its value from the designee's reputation; or
    - (D) Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
    - (E) Contains any architectural style, detail, or other element in danger of being lost; or
    - (F) Owing to its unique location or physical characteristics, represents an established and familiar visual feature of a neighborhood or the city; or
    - (G) Exemplifies the built environment in an era of history characterized by a distinctive architectural style.
- (f) An ordinance approving the establishment of an historic district, may exclude changes in paint colors from the activities requiring the issuance of a certificate of appropriateness under Section 8.08.020 before a permit may be issued or work begun.

(Ord. 95-20 § 1 (part), 1995).

(Ord. No. 13-21, §§ 6—8, 11-6-2013)

### **8.08.015 - Interim protection.**

- (a) When submitting a map to the city council under Section 8.08.010 of this title, the commission may declare one or more buildings, structures, or sites that are classified and designated as historic on the map to be under interim protection.
- (b) Not more than two working days after declaring a building, structure, or site under interim protection under this section, the commission shall, by personal delivery or first class mail, provide the owner or occupant of the building structure or site with a written notice of the declaration. The written notice must:
  - (1) Cite the authority of the commission to put the building, structure or site under interim protection under this section;
  - (2) Explain the effect of putting the building, structure, or site under interim protection; and,
  - (3) Indicate that the interim protection is temporary.
- (c) A building, structure, or site put under interim protection under subsection (a) remains under interim protection until the map is:
  - (1) Submitted to; and
  - (2) Approved in an ordinance or rejected by the common council of the city.
- (d) While a building, structure, or site is under interim protection under this section:
  - (1) The building, structure, or site may not be demolished or moved, and,
  - (2) The exterior appearance of the building, structure, or site may not be conspicuously changed by:
    - (A) Addition,
    - (B) Reconstruction, or
    - (C) Alteration.
- (e) The commission may approve a certificate of appropriateness at any time during the interim protection, provided the proposed change meets the criteria for considering effect of actions on historic buildings in Section 8.08.020 and any proposed preservation guidelines prepared for the building, structure, or site, but the certificate of appropriateness shall have no effect, and no action may be taken pursuant thereto, unless the map including the building, structure or site is approved by the common council of the city.

(Ord. 98-43 § 1, 1998).

(Ord. No. 13-21, §§ 9—11, 11-6-2013)

**8.08.016 - Limited effect of interim protection or historic designation in certain situations.**

Placing a property under interim protection pursuant to Section 8.08.015, or historic designation of a property pursuant to this chapter, which includes designation as a



conservation district, shall not result in revocation of, or prevent issuance of, any permit or certificate of zoning compliance authorizing demolition of a property in the following situations; provided, however, when the waiting period was triggered by an application for partial, rather than complete, demolition, the limitations on this provision that are set forth in Title 20 of the Bloomington Municipal Code, including but not limited to Sections 20.09.040(b); 20.09.120(d)(6)(B) and 20.09.230(b)(4), shall obtain:

- (a) During any one-year period after the termination of a demolition waiting period pursuant to Section 20.09.230 of the Bloomington Municipal Code; or
- (b) During any one-year period following a final vote of the common council not to adopt an ordinance designating a property as historic, where the council was acting during a demolition waiting period pursuant to Section 20.09.230 of the Bloomington Municipal Code or was acting after the expiration of such a waiting period but as a result of an HPC recommendation that included interim protection and was made during a demolition waiting period under that section.

(Ord. 07-03 § 3, 2007).

#### 8.08.020 - Certificates of appropriateness.

- (a) Certificates of appropriateness required. A certificate of appropriateness must be issued by the commission before a permit is issued for, or work is begun on, any of the following:
  - (1) Within all areas of an historic district:
    - (A) The demolition of any building,
    - (B) The moving of any building,
    - (C) A conspicuous change in the exterior appearance of any historic building or any part of or appurtenance to such a building, including walls, fences, light fixtures, steps, paving, and signs by additions, reconstruction, alteration, or maintenance involving exterior color change if cited by individual ordinance, or
    - (D) Any new construction of a principal building or accessory building or structure subject to view from a public way;
  - (2) Within a primary area of an historic district:
    - (A) A change in walls and fences, or the construction of walls and fences along public ways,
    - (B) A conspicuous change in the exterior appearance of nonhistoric buildings subject to view from a public way by additions, reconstruction, alteration and/or maintenance involving exterior color change;
  - (3) Within a conservation district:

- (A) The moving of any building,
  - (B) The demolition of any building, or
  - (C) Any new construction of a principal building or accessory building or structure subject to view from a public way.
- (b) Application for Certificates of Appropriateness. An application for certificate of appropriateness shall be made in the office of the commission or its designee on forms provided by that office. All applications shall be subject to the rules and requirements established by the commission as permitted by I.C. 36-7-11-11.
- (c) Approval or Denial of Certificate of Appropriateness. The commission may approve or deny certificates of appropriateness for any actions covered by this title. If an application for a certificate of appropriateness is approved by the commission, or is not acted on by the commission within thirty days after it is filed, a certificate of appropriateness shall be issued. The commission may grant an extension of the thirty-day limit if the applicant agrees to it. The commission must report its findings and the reasons for its decision in written form, and supply the applicant with a copy of its report. A copy of the certificate of appropriateness must be submitted with the application for a building or demolition permit; no building or demolition permit shall be issued unless a copy of the certificate of appropriateness is provided by the applicant with the application. In accordance with I.C. 36-7-11-12, the commission may advise and make recommendations to the applicant before acting on an application for a certificate of appropriateness.
- (d) Right to Commission Review. In any case where an applicant does not receive a certificate of appropriateness or otherwise feels aggrieved by an action of the commission, the applicant shall have the right to a rehearing by the commission upon submission of additional evidence or new information.
- (e) Criteria for Considering Effect of Actions on Historic Buildings. The commission, in considering the appropriateness of any reconstruction, alteration, maintenance, or moving of an historic building or structure, or any part of or appurtenance to such building or structure, including walls, fences, light fixtures, steps, paving, and signs shall require that such work be done in a manner that will preserve the historical and architectural character of the building, structure, or appurtenance. In considering historic and architectural character, the commission shall consider, among other things, the following:
- (1) Purposes of this title;
  - (2) Historical and architectural value and significance of the building, structure, or appurtenance;
  - (3) Compatibility and significance of additions, alterations, details, materials, or other non-original elements which may be of a different style and construction date than the original;
  - (4) The texture, material, color, style, and detailing of the building, structure or appurtenance;

- (5) The continued preservation and protection of original or otherwise significant structure, material, and ornamentation;
- (6) The relationship of buildings, structures, appurtenances, or architectural features similar to ones within the same historic district, including for primary areas, visual compatibility as defined in Section 8.08.040(b); and
- (7) The position of the building or structure in relation to the street, public right-of-way and to other buildings and structures.

(Ord. 95-20 § 1 (part), 1995).

(Ord. No. 13-21, §§ 12, 13, 11-6-2013)

#### **8.08.025 - Staff approvals.**

- (a) The commission may authorize the staff of the commission, on behalf of the commission, to grant or deny an application for a certificate of appropriateness.
- (b) The commission must specify the types of applications for minor classifications of work that the staff of the commission is authorized to grant or deny. The staff shall not be authorized to grant or deny an application for a certificate of appropriateness for the following:
  - (1) The demolition of a building, structure, or site.
  - (2) The moving of a building or site.
  - (3) The construction of an addition to a building or structure.
  - (4) The construction of a new building or structure.

(Ord. 98-43 § 2, 1998).

#### **8.08.030 - Maintenance standards.**

- (a) **Conformance to Statutory Requirements of Buildings.** Historic buildings, structures, and sites shall be maintained to meet the applicable requirements established under state statute for buildings generally so as to prevent the loss of historic material and the deterioration of important character defining details and features. Historic buildings shall be maintained to meet all applicable requirements established under statute and ordinance for buildings generally, including but not limited to Title 16 (Residential Rental Unit and Lodging Establishment Inspection Program) of the Bloomington Municipal Code where applicable.
- (b) **Ordinary Repairs and Maintenance.** Nothing in this section shall be construed so as to prevent the ordinary repairs and maintenance of any building, structure, or site, provided that such repairs or maintenance do not result in a conspicuous change in the design, form, proportion, mass, configuration, building material, texture, color, location, or external visual appearance of any structure, or part thereof.
- (c) A certificate of appropriateness is not required for the following:



- (1) Ordinary repairs and maintenance as defined in subsection (b) of this section;
- (2) Repairs and maintenance designated by the commission under its rules;
- (3) Special exceptions granted by the commission.

(Ord. 98-43 § 3, 1998; Ord. 97-06 § 18, 1997; Ord. 95-20 § 1 (part), 1995).

(Ord. No. 13-21, § 14, 11-6-2013)

#### **8.08.040 - Development standards.**

- (a) For new construction, contemporary design, and nonhistoric buildings: The purpose of this section is to preserve and encourage the integrity of historic buildings, structures, sites, monuments, streetscapes, and neighborhoods and to ensure their compatibility with any new work. The construction of a new building or structure, and the moving, reconstruction, alteration, color change, major maintenance, or repair conspicuously affecting the external appearance of any nonhistoric building, structure, or appurtenance within the primary area must be generally of a design, form, proportion, mass configuration, building material, texture, color, and location on a lot compatible with other buildings in the historic district and with places to which it is visually related.
- (b) Criteria for considering visual compatibility within historic primary areas or conservation districts: Changes in the primary areas of historic and conservation districts, which are subject to review by staff or the commission, must be visually compatible with buildings, squares, and places to which they are visually related generally in terms of the following visual compatibility factors:
  - (1) Height: The height of proposed buildings must be visually compatible with adjacent buildings.
  - (2) Proportion of building's front facade: The relationship of the width of a building to the height of the front elevation must be visually compatible with buildings, squares, and places to which it is visually related.
  - (3) Proportion of openings within the facade: The relationship of the width of the windows to the height of windows in a building must be visually compatible with buildings, squares, and places to which it is visually related.
  - (4) Relationship of solids to voids in front facades: The relationship of solids to voids in the front facade of a building must be visually compatible with buildings, squares, and places to which it is visually related.
  - (5) Rhythm of spacing of buildings on streets: The relationship of a building to the open space between it and adjoining buildings must be visually compatible to the buildings, squares, and places to which it is visually related.
  - (6) Rhythm of entrances and porch projections: The relationship of entrances and porch projections of a building to sidewalks must be visually compatible with the buildings, squares, and places to which it is visually related.

- (7) Relationship of materials, texture, and color: The relationship of the materials, texture, and color of the facade of a building must be visually compatible with the predominant materials used in the buildings to which it is visually related.
- (8) Roof shapes: The roof shape of a building must be visually compatible with the buildings to which it is visually related.
- (9) Walls of continuity: Appurtenances of a building, such as walls, wrought iron fences, evergreen landscape masses, and building facades, must form cohesive walls of enclosure along the street, if necessary to ensure visual compatibility of the building to the buildings, squares, and places to which it is visually related.
- (10) Scale of the building: The size of a building, and the building mass of a building in relation to open spaces, windows, door openings, porches, and balconies must be visually compatible with the buildings, squares, and places to which it is visually related.
- (11) Directional expression of front elevation: A building must be visually compatible with the buildings, squares, and places to which it is visually related in its directional character, including vertical character, horizontal character, or nondirectional character.

(Ord. 95-20 § 1 (part), 1995).

(Ord. No. 13-21, §§ 15, 16, 11-6-2013)

#### **8.08.050 - Preservation of historical and architectural character upon alteration or relocation mandated.**

- (a) An historical building or structure or any part of or appurtenance to such a building or structure, including stone walls, fences, light fixtures, steps, paving, and signs may be moved, reconstructed, altered, or maintained only in a manner that will preserve the historical and architectural character of the building, structure, or appurtenance.
- (b) An historic building may be relocated to another site only if it is shown that preservation on its current site is inconsistent with subsection (a) of this section.

(Ord. 95-20 § 1 (part), 1995).

#### **8.08.060 - Survey adopted.**

The commission's official survey, entitled Indiana Historic Sites and Structures Survey: 2001 City of Bloomington Interim Report, adopted by the commission on October 17, 2002, as the same may be hereafter amended or replaced, is hereby adopted and made a part of this title. The survey identifies properties that may be proposed for historic designation under this chapter, and further serves as the basis for mandatory delay of proposed demolition as set forth in Title 20 "Unified Development Ordinance" of the Bloomington Municipal Code. Two copies of said survey are available for inspection and

copying in the office of the city clerk and in the office of the housing and neighborhood development department, city of Bloomington.

(Ord. 07-03 § 4, 2007).

#### **8.08.070 - Removing the designation of a historic district.**

This section provides the exclusive method for removing the designation of a historic district.

- (a) The owner or owners of a building, structure, or site designated as a single sit historic district may sign and file a petition with the city common council requesting removal of the designation of the building, structure, or site as a historic district. In the case of a historic district containing two or more parcels, at least sixty percent of the owners of the real property of the historic district may sign and file a petition with the city common council requesting removal of the designation of a historic district.
- (b) The city common council shall submit a petition filed under subsection (a) to the commission. The commission shall conduct a public hearing on the petition not later than sixty days after receiving the petition. The commission shall provide notice of the hearing:
  - (1) By publication under Indiana Code 5-3-1-2(b);
  - (2) In the case of a historic district comprised of real property owned by fewer than fifty property owners, by certified mail, at least ten days before the hearing, to each owner of real estate within the historic district; and
  - (3) In the case of a single building, structure, or site designated as a historic district, by certified mail, at least ten days before the hearing, to each owner of the real estate abutting the building, structure, or site designated as a historic district that is the subject of the petition.
- (c) The commission shall make the following findings after the public hearing:
  - (1) Whether a building, structure, or site within the historic district continues to meet the criteria for inclusion in a historic district as set forth in this chapter. The determination must state specifically the criteria that are applicable to the buildings, structures, or sites within the district.
  - (2) Whether failure to remove the designation of the historic district would deny an owner of a building, structure, or site within the historic district reasonable use of the owner's property or prevent reasonable economic return. Evidence provided by the petitioner may include information on:
    - (A) Costs to comply with regulations;
    - (B) Income generation;
    - (C) Availability of contractors to perform work;
    - (D) Real estate values;



- (E) Assessed values and taxes;
  - (F) Revenue projections;
  - (G) Current level of return;
  - (H) Operating expenses;
  - (I) Vacancy rates;
  - (J) Financing issues;
  - (K) Efforts to explore alternative uses of the property;
  - (L) Availability of economic incentives; and
  - (M) Recent efforts to sell or rent the property.
- (3) Whether removal of the designation of a historic district would have an adverse economic impact on the owners of real estate abutting the historic district, based on testimony and evidence provided by the owners of the real estate and licensed real estate appraisers or brokers.
  - (4) Whether failure to remove the designation of the historic district would have an adverse impact on the unit's historic resources, and specifically whether it would result in the loss of a building, structure, or site classified as historic by the commission's survey.
- (d) Not later than ten days after the commission's public hearing, the commission shall submit to the city common council the following:
    - (1) Its findings on the petition; and
    - (2) A recommendation to grant or deny the petition.
  - (e) Not later than forty-five days after receiving the commission's findings the city common council shall do one of the following:
    - (1) Deny the petition;
    - (2) Grant the petition by adopting an ordinance that removes the designation of the historic district by:
      - (A) A majority vote, if the recommendation of the commission is to grant the petition; or
      - (B) A two-thirds vote, if the recommendation of the commission is to deny the petition.

The city common council shall record an ordinance adopted under subsection (2) with the county recorder not later than ten days after the city common council adopts the ordinance. The historic district designation is considered removed on the date the ordinance is recorded with the county recorder.

- (f) If the city common council does not grant or deny the petition within forty-five days after receiving the commission's findings:

- (1) The petition is considered granted or denied in accordance with the recommendation of the commission; and
- (2) If the petition is considered granted, the city common council shall, not later than fifty-five days after receiving the commission findings:
  - (A) Adopt an ordinance that removes the designation of the historic district; and
  - (B) Record the ordinance with the county recorder.

The historic district designation is considered removed on the date the ordinance is recorded with the county recorder.

(Ord. No. 13-21, § 17, 11-6-2013)

## Chapter 8.12 - DEMOLITION AND PUBLIC SAFETY

### 8.12.010 - Generally.

- (a) Purpose. The purpose of this section is to preserve historic buildings and structures that are important to the education, culture, traditions, and economic value of the community by affording the city, preservation organizations, and interested persons the opportunity to acquire or arrange for the preservation of these buildings.
- (b) Certificate of Appropriateness Required. A certificate of appropriateness must be issued by the commission before a demolition permit is issued by other agencies of the city and work is begun on the demolition of any building or structure in any area of an historic district or conservation district. Pursuant to Section 8.02.020 of this title, demolition of a building or structure in a conservation district excludes partial demolition as defined herein.
- (c) Criteria for the commission to consider in the case of a proposed demolition include the following:
  - (1) Effect of the demolition on the character of the historic district;
  - (2) State of deterioration, disrepair, and structural stability of the structure. The condition of the building resulting from neglect shall not be considered grounds for demolition;
  - (3) Balance of the public interest in preserving the structure or the integrity of the district with the interest of the owner of the building or structure in the use and utilization of the property; and
  - (4) Possible alternatives to demolition.
- (d) Factors for Allowing Demolition without Certificate of Appropriateness. If the commission denies the issuance of a certificate of appropriateness for the demolition of a building or structure, a demolition permit may be issued by other agencies and a building may be demolished, but only after the property owner has established all of the following:

- (1) The property owner must demonstrate to the commission that an historic building or structure is incapable of earning a reasonable return on its value.
- (2) The property owner shall file with the administrator documented evidence that an appraisal of the property's fair market value by a licensed real estate appraiser has occurred.
- (3) Notice of the proposed demolition must be given for a period fixed by the commission, based on the commission classification on the approved map, but not less than sixty days nor more than one year. Notice must be posted on the premises of the building or structure proposed for demolition in a location clearly visible from the street. In addition, notice must be published in a newspaper of general local circulation at least three times before demolition, with the first publication not more than fifteen days after the application for a permit to demolish is filed, and the final publication at least fifteen days before the date of the permit issuance.
  - (A) The period of time that notice of the proposed demolition must be given is herein fixed by the commission and subsequently codified as follows, i.e.:

Outstanding	12 months
Notable	12 months
Contributing	6 months
Non-contributing	3 months

- (B) The commission may approve a certificate of appropriateness at any time during the notice period described in the preceding paragraph. If the certificate is approved, a demolition permit shall be issued without further delay, and demolition may proceed.

(Ord. 07-03 § 5, 2007; Ord. 95-20 § 1 (part), 1995).

(Ord. No. 13-21, §§ 18, 19, 11-6-2013)

### **8.12.020 - Public safety.**

Nothing in this section shall be construed to prevent the construction, reconstruction, alteration, or demolition of a structure, building, or any part thereof within an historic district when so ordered by an agency of government having jurisdiction thereof provided that the following actions occur first:



- (a) The agency having jurisdiction shall determine that a structure or building or any part thereof is immediately hazardous or dangerous to the health and safety of persons or to property;
- (b) The agency issuing such an order shall notify the commission administrator of intent to issue a demolition permit order; the commission administrator in turn shall notify the commission;
- (c) If demolition is ordered, the agency issuing such an order shall make every reasonable effort to secure the property or otherwise delay demolition until the commission can act as designated in this section. Demolition so ordered may occur prior to commission action only when an immediate hazard or danger to the health and safety of persons or property exists and no reasonable steps can be taken to afford protection to persons or properly affected;
- (d) The commission, on its own initiative, may file a petition with the public safety and housing officer requesting that said officer proceed under the public safety and housing ordinance to require correction of defects or repairs to any structure covered by this section so that such structure be preserved and protected in consonance with this chapter and the public safety and housing ordinance. This section requires that the owner make necessary structural repairs to remain in compliance with minimum building standards and the intent of this chapter. If the owner is unwilling to repair then the city may repair the building and place a lien for said repairs upon the property;
- (e) The city has determined it will not undertake such repairs that will remove the threat to health and safety of persons or property and place a lien for said repairs on the property.

(Ord. 95-20 § 1 (part), 1995).

## Chapter 8.16 - ADMINISTRATION AND ENFORCEMENT

### 8.16.010 - Conflicts with zoning districts.

Zoning districts lying within the boundaries of the historic district are subject to regulations for both the zoning district and the historic district. If there is conflict between the requirements of the zoning district and the requirements of the historic district, the more restrictive requirements apply.

(Ord. 95-20 § 1 (part), 1995).

### 8.16.020 - Enforcement, penalties, and judicial review.

- (a) Enforcement. This section shall be enforced using personnel and policies designated by the director of housing and neighborhood development.
- (b) Penalties and Remedies.
  - (1) Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer, or otherwise, who violates any provision of this title

shall pay a fine, as follows, for each offense. Each day any violation of this title continues without correction shall be a separate offense for purposes of the penalties and remedies specified in this chapter. Correction shall include but not be limited to:

- (A) Cessation of an unlawful practice;
  - (B) Removal of a building, structure, or other improvement;
  - (C) Faithful or otherwise-approved restoration or replacement of a building, structure, site or other feature; and/or
  - (D) Other remedy acceptable to the city.
- (2) Any person, whether as principal agent, owner, lessee, tenant, contractor, builder, architect, engineer, or otherwise, who demolishes or removes a structure subject to regulation under this Title shall pay a fine of two thousand five hundred dollars for the first offense, five thousand dollars for the second offense and seven thousand five hundred dollars for the third offense, in addition to any and all other remedies provide for by law. Correction of the demolition or removal of a structure subjected to regulation under this title shall not occur until an acceptable application for a certificate of appropriateness has been filed with the historic preservation commission.
- (3) Each violation of this chapter, except for the violation described in Section 8.16.020(b)(2), shall be subject to a fine of not more than two thousand five hundred dollars for the first offense, and not more than seven thousand five hundred dollars for the second and subsequent offenses, in addition to any and all other remedies provided for by law. A second or subsequent offense means a violation of any provision of this title within three years of the first violation of any provision of this title.
- (4) The erection, construction, enlargement, alteration, repair, demolition, color change, moving, or maintenance of any building, structure, or appurtenance which is begun, continued, or maintained contrary to any provision of this title is declared to be in violation of this title and unlawful. The city may institute a suit for injunction in circuit court to restrain any person or governmental unit from violating a provision of this title or an ordinance adopted under this title and to cause such violation to be prevented, abated, corrected and/or removed or any other remedy available in law or equity. Such action may also be instituted by any interested party who is adversely affected by the violation of any provision of this title.
- (5) If a property which is subject to regulation under Section 20.09.30 of the city's Municipal Code is demolished in violation of said Section, the penalties provided for in Section 20.10.020(f) of the city's Municipal Code may also apply.
- (c) Every interested party has a private right of action to enforce and prevent violation of a provision of this title or an ordinance adopted under this title, and with respect to any building, structure, or site within a historic or conservation district, has the right to restrain, enjoin, or enforce by restraining order or injunction, temporarily or

permanently, any person from violating a provision of this title or an ordinance adopted under this title.

- (1) The interested party does not have to allege or prove irreparable harm or injury to any person or property to obtain relief under this title;
  - (2) The interested party bringing an action under this title is not liable to any person for damages resulting from bringing or prosecuting the action unless the action was brought without good faith or without a reasonable belief that a provision of this title, or an ordinance adopted under this title, had been, or was about to be violated or breached;
  - (3) The interested party does not have to post a bond unless the court, after a hearing, determines that a bond should be required in the interest of justice;
  - (4) An interested party who obtains a favorable judgment in an action under this title may recover reasonable attorney fees and court costs from the person against whom judgment was rendered;
  - (5) An action arising under this title must be brought in the circuit court of Monroe County. No change of venue from the county shall be allowed in this action;
  - (6) The remedies provided in this title are in addition to other remedies that may be available at law or in equity.
- (d) In accordance with Indiana Code § 36-7-11-4(h), a final decision of the commission is subject to judicial review under Indiana Code § 36-7-4 as if it were a final decision of a board of zoning appeals.

(Ord. 07-03 § 6, 2007; Ord. 97-06 § 19, 1997; Ord. 95-20 § 1 (part), 1995).

(Ord. No. 13-21, §§ 20—26, 11-6-2013)

#### **8.16.030 - Recording the fact of historic district designation.**

The boundaries of any historic district or conservation district shall be available in the office of the city of Bloomington planning department.

(Ord. 95-20 § 1 (part), 1995).

#### **8.16.040 - Listing of designated historic districts.**

Preexisting historic districts: The following historic districts established under previous ordinances shall be subject to this title but in all other respects shall remain unchanged. All areas within existing districts shall be considered primary areas as defined in this title.

(Ord. 95-20 § 1 (part), 1995).



## Chapter 8.20 - LIST OF DESIGNATED HISTORIC AND CONSERVATION DISTRICTS

The Old Library	202 East Sixth Street
Elias Abel House	317 North Fairview Street
Seminary Park	West Second Street between College Avenue and Walnut Street
Paris Dunning House	608 West Third Street
Cochran House	405 North Rogers Street
Morgan House	532 North Walnut Street
The Depot	7th Street and Morton Street
Wylie House	307 East Second Street
Princess Theater	204 North Walnut Street
J.L. Nichols House and Studio	820 North College Avenue
Showers Bridwell House	409 North Washington Street
Farmer House	529 North Washington Street
Second Baptist Church	321 North Rogers Street
Lamp Posts	Hawthorne Street
Fieldstone Sidewalk	East side of Dunn Street between 3rd Street and 4th Street
Showers-Teter-Barrett House	508 North Washington Street

Showers-Smith Matthews-House	514 North Washington Street
Showers-Freese House	522 North Washington Street
George Henley House	512 East Eighth Street
George Wylie House	321 North Indiana Avenue
Hicks-Sperry House	625 North Walnut Street
Henley House	322 West Second Street
Elisha Ballentine House	315 East Seventh Street
Washington Street Apartments	316 North Washington Street
	503 East Smith
Tri-Delta House	812 East Third Street
Hudgins-Fagan House	323 East Sixth Street
Hudgins House	303 East Sixth Street
Parker Hawkins House	514 West Kirkwood Avenue
Prospect Hill Historic District	(28 properties)
Smallwood Pike Buildings	414—424 North Morton Street
The property at 209 South Dunn Street	209 South Dunn Street

The building at 514 North Fess Avenue	514 North Fess Avenue
The building located at 324 East Second Street	324 East Second Street
Buskirk-Chumley Theater	112—114 East Kirkwood Avenue
Breaking Away House	756 South Lincoln Street
Parks Home	821 West Sixth Street
Fairview Historic District	(10 properties)
Victoria Towers	221 East Kirkwood Avenue
The Von Lee Theater Building	517 East Kirkwood Avenue
Brummett House	312 South Euclid Avenue
The duplex located at 315—317 North Fess Avenue	315—317 North Fess Avenue
McDoel Historic District	(271 properties)
Limestone Hitching Posts	416 East Fourth Street and 615 West Sixth Street
The Garton Farmstead	2820—2920 East 10th Street
The Fleener Building	112 East 3rd Street



The brick streets in University Courts	The brick streets located in the public right-of-way bounded by 10th Street on the north, 7th Street on the south, Indiana Avenue on the west, and Woodlawn Avenue on the east, including Fess Avenue, Park Avenue, 8th Street and 9th Street
The Home Laundry Building	300 East 3rd Street
Apartment Row	314—316, 318—320 and 322—324 North College Avenue
1115 North College Avenue	1115 North College Avenue
2102 West Vernal Pike	2102 West Vernal Pike
430 North Washington, 209—211 East 8th Street	A part of Out Lot Number 31
Greater Prospect Hill Historic District	(355 properties)
The Elks Lodge #446	400 North Walnut Street
Garden Hill Historic District	(97 properties)
700 North Walnut Street	700 North Walnut Street
Elm Heights Historic District	(263 properties)
Showers Brothers Furniture Complex Historic Districts	(6 properties)
Courthouse Square Historic District	(57 properties)

Greater Restaurant Row Historic District	(21 properties)
Kirkwood Manor	322 East Kirkwood Avenue
The property at 304 East Melrose Avenue	304 East Melrose Avenue
The property at 306 East Melrose Avenue	306 East Melrose Avenue
The property at 2233 East Moores Pike	2233 East Moores Pike
Nathan Silverstein House	1033 South Ballantine Road
Willow Terrace Apartments	605 S. Fess Avenue
Ralph Rogers House	506 S. High Street
Batman House	403 W. Kirkwood
Harvey-Nelson House	1175 S. Smith Road
Maple Heights Conservation District	119 properties
Near West Side Conservation District	324 properties
Kohr Hospital Building	Corner of 1st and Rogers
The Thomas Smith House	1326 S Pickwick Place
The Rev. James Faris House	

(Ord. 08-04 § 3, 2008; Ord. 07-15 § 3, 2007; Ord. 05-30 § 3, 2005; Ord. 05-16 § 3, 2005; Ord. 05-13 § 3, 2005; Ord. 05-09 § 3, 2005; Ord. 05-07 § 3, 2005; Ord. 05-06 § 3, 2005; Ord. 04-33 § 3, 2004; Ord. 01-11 § 3, 2001; Ord. 01-04 § 3, 2001; Ord. 00-37 § 3, 2000; Ord. 00-27 § 3, 2000; Ord. 00-10 § 3, 2000; Ord. 00-03 § 3, 2000; Ord. 99-37 § 2, 1999; Ord. 99-36 § 2, 1999; Ord. 99-35 § 2, 1999; Ord. 99-15 § 3, 1999; Ord. 98-15 § 3, 1998; Ord. 98-12 § 3, 1998; Ord. 96-28 § 3, 1996; Ord. 95-20 § 1 (part), 1995).

(Ord. No. 09-21, § 3, 11-4-2009; Ord. No. 11-05, § 3, 6-1-2011; Ord. No. 12-05, § 3, 3-1-2012; Ord. No. 12-16, § 3, 7-18-2012; Ord. No. 13-21, § 27, 11-7-2013; Ord. No. 14-01, § 3, 2-19-2014; Ord. No. 14-02, § 3, 3-12-2014; Ord. No. 14-15, § 7, 9-3-2014; Ord. 15-11, § 3, 5-20-2015; Ord. 15-25, § 3, 12-2-2015; Ord. No. 16-02, § 3, 3-29-2016; Ord. No. 16-03, § 3, 3-29-2016; Ord. No. 16-07, § 3, 6-1-2016; Ord. No. 16-13, § 1, 6-22-2016; Ord. No. 16-23, § 3, 10-19-2016; Ord. 17-05, § 3, 3-1-2017; Ord. No. 18-03, § 3, 2-21-2018; Ord. No. 18-07, § 3, 5-30-2018; Ord. No. 18-08, § 3, 5-30-2018; Ord. No. 19-03, § 3, 1-16-2019; Ord. No. 19-04, § 3, 1-16-2019; Ord. No. 19-25, § 3, 12-4-2019; Ord. No. 21-04, § 3, 2-3-2021; Ord. No. 21-32, § 3, 9-1-2021)

## **LOCALLY DESIGNATED HISTORIC DISTRICTS**

### **Bloomington, Indiana**

1. Courthouse Square Historic District
2. Elm Heights Historic District
3. Fairview Historic District Historic District
4. Garden Hill Historic District
5. Greater Prospect Hill Historic District
6. Matlock Heights Historic District
7. McDoel Gardens Historic District
8. Prospect Hill Historic District
9. Restaurant Row Historic District
10. Showers Brothers Furniture Factory Historic District
11. University Courts Historic District
12. Maple Heights Historic District
13. Near West Side Conservation District

Guidelines for locally designated Historic Districts are available on the city website at:

Guidelines: look under each specific historic/conservation district at <https://bloomington.in.gov/historic-bloomington/districts>





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## Additional and Incredibly Useful Resources

- Historic District (locally and federally designated sites) Bloomington City Interactive Map:  
<https://bloomington.in.gov/arcgis/apps/webappviewer/index.html?id=bb30c30825284a9d800e88e3b266b0b0>
- Bloomington Sites and Structures Survey List:  
<https://bloomington.in.gov/sites/default/files/2020-05/historicsitesandstructuressurvey2018tablepdf.pdf>
- State Historic Architectural and Archaeological Research Database and Structures Map (SHAARD):  
<https://indnr.maps.arcgis.com/apps/webappviewer/index.html?id=1593429c17c34942a0d1d3fac03c4a80>
- “My Bloomington” page with quick information about historic ratings and districts by address: <https://bloomington.in.gov/mybloomington/>
- Bloomington Historic Preservation Commission webpage with links to the meeting documents, calendar, and videos:  
<https://bloomington.in.gov/boards/historic-preservation>
- Demolition Delay Process: <https://bloomington.in.gov/historic-bloomington/demolition-delay>
- Certificate of Appropriateness Process:  
<https://bloomington.in.gov/neighborhoods/preservation/certificate-of-appropriateness>
- Historic Designation Process:  
<https://bloomington.in.gov/neighborhoods/preservation>
- Additional information including Façade Grant and BHPC Grant:  
<https://bloomington.in.gov/historic-bloomington/info>